



COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

Registered Post

Niall & Assumpta Nelson
Frances Street
Kilrush
Co.Clare

31st July 2024

Section 5 referral Reference R24-51 – Niall & Assumpta Nelson

The single glazed original sash windows are to be replaced on this home. Are these windows planning exempt or protected?

A Chara,

I refer to your application received on 20th June 2024 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 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: 83961

Reference Number: R24-51

Date Referral Received: 20th June 2024

Date Further Information Received: 18th July 2024

Date Additional Information Received: 23rd July 2024

Name of Applicant: Niall & Assumpta Nelson

Location of works in question: Frances Street, Kilrush, Co. Clare

Section 5 referral Reference R24-51 – Niall & Assumpta Nelson

The single glazed original sash windows are to be replaced on this home. Are these windows planning exempt or protected?

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

- (a) Sections 2, 3, 4(1)(h) and 82 (1) of the Planning and Development Act 2000, as amended.
- (b) Article 6 and 9 of the Planning and Development Regulations 2001, as amended,
- (c) The design and external appearance of the existing structure.
- (d) The nature and extent of the works and
- (e) The character of the existing neighbouring structures.

AND WHEREAS Clare County Council has concluded:

- (a) The said replacement of the existing single glazed original sliding sash windows with PVC framed windows to the front and rear elevations at Frances Street, Kilrush, constitutes both 'works' and 'development'.
- (b) The said replacement of timber frame sash windows with PVC framed windows to the front elevation at Frances Street, Kilrush renders the appearance inconsistent with the character of the structure itself and of neighbouring structures and would materially affect the character of the Kilrush Architectural Conservation Area, and therefore constitutes development which is not exempted development.
- (c) The said replacement of timber frame sash windows with PVC framed windows of similar height, width and openings to the rear elevation at Frances Street, Kilrush would 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 and therefore constitutes development which is exempted development.

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 said replacement of timber frame sash windows with PVC framed windows to the front elevation at Frances Street, Kilrush renders the appearance inconsistent with the character of the structure itself and of neighbouring structures and would materially affect the character of the Kilrush Architectural Conservation Area and is **considered development** which is **not exempted development**.

The said replacement of timber frame sash windows with PVC framed windows of similar height, width and openings to the rear elevation at Frances Street, Kilrush would 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 and is **considered development** which is **exempted development**.

Signed: 
GARETH RUANE
SENIOR EXECUTIVE PLANNER 

Date: 31st July 2024

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

Reference No.: R24-51



Comhairle Contae an Chláir
Clare County Council

Section 5 referral Reference R24-51

The single glazed original sash windows are to be replaced on this home. Are these windows planning exempt or protected?

AND WHEREAS, Niall & Assumpta Nelson 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(1)(h) and 82 (1) of the Planning and Development Act 2000, as amended.
- (b) Article 6 and 9 of the Planning and Development Regulations 2001, as amended,
- (c) The design and external appearance of the existing structure.
- (d) The nature and extent of the works and
- (e) The character of the existing neighbouring structures.

And whereas Clare County Council has concluded:

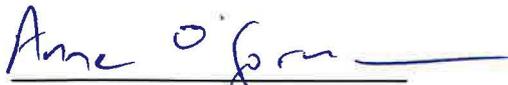
- (a) The said replacement of the existing single glazed original sliding sash windows with PVC framed windows to the front and rear elevations at Frances Street, Kilrush, constitutes both 'works' and 'development'.
- (b) The said replacement of timber frame sash windows with PVC framed windows to the front elevation at Frances Street, Kilrush renders the appearance inconsistent with the character of the structure itself and of neighbouring structures and would materially affect the character of the Kilrush Architectural Conservation Area, and therefore constitutes development which is not exempted development.
- (c) The said replacement of timber frame sash windows with PVC framed windows of similar height, width and openings to the rear elevation at Frances Street, Kilrush would 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 and therefore constitutes development which is exempted development.

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

The proposed development consisting of the replacement of timber frame sash windows with PVC framed windows to the front elevation at Frances Street, Kilrush renders the appearance inconsistent with the character of the structure itself and of neighbouring structures and would

materially affect the character of the Kilrush Architectural Conservation Area and constitutes development which is not exempted development as defined within the Planning & Development Acts, 2000 (as amended) and associated regulations.

The said replacement of timber frame sash windows with PVC framed windows of similar height, width and openings to the rear elevation at Frances Street, Kilrush would 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 and is constitutes development which is exempted development.



Anne O'Gorman
Staff Officer
Planning Department
Economic Development Directorate

31st July 2024

CLARE COUNTY COUNCIL
SECTION 5 DECLARATION OF EXEMPTION APPLICATION
PLANNERS REPORT 2

FILE REF:	R24-51
APPLICANT(S):	Niall & Assumpta Nelson
REFERENCE:	Whether the replacement of the existing single glazed original sliding sash windows with new windows is or is not development and is or is not exempted development.
LOCATION:	Frances Street, Kilrush, County Clare
DUE DATE:	07 th August 2024

Site Location

The site is located on the southern side of Frances Street in Kilrush. The existing dwelling is a 2-storey mid-terrace dwelling with a 2-storey rear extension. It is zoned for Mixed Use Development and is within the Kilrush Architectural Conservation Area as per the Clare County Development Plan 2023-2029.

Recent Onsite Planning History

None recent.

Background to Referral

This Referral under Section 5(3)(a) of the Planning and Development Act 2000 (as amended) has been made by Niall & Assumpta Nelson who state that they are the owners of the site. The applicants are seeking a Section 5 Declaration as to whether the replacement of the existing single glazed original sliding sash windows with new windows is or is not development and is or is not exempted development.

Statutory Provisions

Planning and Development Act, 2000 (as amended)

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

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

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

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

Planning and Development Act 2000 (as amended) Section 4(1)(h)

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

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 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.

Planning & Development Regulations, 2001, as amended, Article 9(1)

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,

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

(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.

(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

Particulars of the Development

It is proposed to replace the existing single pane timber sliding sash windows with new windows. The type and design of the new windows are not specified.

Planning and Development Act 2000 (as amended) Section 4(1)(h)

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

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 proposal site is located within the Kilrush ACA. Views towards the site are available from the public road.

Article 9 of the Planning and Development Regulations 2001, as amended

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*

Not applicable.

- (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,*

No alterations to the existing access point are proposed.

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

Not applicable in this instance.

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

The proposal would not endanger public safety by reason of hazardous glint and/or glare for the operation of airports, aerodromes or aircraft.

- (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.*

No elevation drawings were received.

- (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,*

This is 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,

No elevation drawings were received. Impacts on the Kilrush ACA are unclear.

(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,*

This is not applicable in this instance.

- 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.*

This is not applicable in this instance.

Further Information:

Further Information was previously sought as follows:

1. With regard to the application received, in order to allow the Planning Authority to make a determination on the planning status of the proposed development, you are requested to submit details of the design, materials and finishes of the windows as proposed. In this regard you are advised that the site is located within the Kilrush Architectural Conservation Area and for any replacement windows to constitute exempted development they must 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 response the applicants have submitted details of various window sizes and openings.
- It is stated that windows will be double glazed with white PVC frames.
- It is stated that the design is unclear yet as they are not sure as to whether sash windows are required.
- Reference is made to other windows along the street which have various PVC and aluminum windows.

Reports:

Conservation Officer:

- The character of the streetscape in the Kilrush ACA is supported by the protection of the original fabric. In this instance the original timber frames of this mid-terrace dwelling (located on Frances Street) denote the aesthetic in the repetitive nature of the window sash detail.
- The detail is subtle, and the materiality is particular to the craftsmanship at the time of construction. Conservation grants are provided to support the repair and retention of the original fabric which is distinct from the chunkier PVC window frames. The glazing sections are often not original, and these can be replaced with slimline double-glazed units carefully fitted into the

original timber frame. If there are original timber window shutters these could also be repaired to working order.

- I would recommend that the owners apply for the Built Heritage Investment Scheme. The purpose of the scheme is to support privately owned properties in need of repair and conservation with Protected Structures and structures in Architectural Conservation Areas eligible for grant funding.

Assessment:

Replacement of the timber sash windows with PVC windows is carrying out of 'works' and as such constitutes 'development'. Therefore, the question in this case is whether or not such development is 'exempted' development. In this context the provisions of the Section 4(1)(h) and 82 (1) of the Planning and Development Act 2000 apply.

While the building is not a protected structure, it is clearly a period structure with features and materials contributing to its overall visual integrity. In this regard the design of the fenestration on the front elevation in particular contributes significantly to the character of this structure. Material of the window frames play an important part as the materials of the walls in providing the design integrity. Replacement of the timber sash windows with PVC windows would in my view materially alter the external appearance of this structure considerably, and in my view to a degree so as to render it inconsistent with the character of the original structure.

The second test is whether or not such alteration is inconsistent with the character of the neighbouring structures. In this regard I note that both of the structures on either side of the house have retained their timber windows. The subject street is one of the best examples of a vernacular streetscape in the County and whilst I accept that there is a mixture of aluminium and PVC in other houses along this street (though these appear to have been done some years ago) in my view this is not in the interest of the orderly development of the street and to repeat this continually with gradually erode the integrity of the streetscape. I note the report on file from the Co. Conservation officer also.

In my view therefore the replacement of the front timber windows with PVC windows would materially alter the character of the building itself and materially affect the character of the ACA. The windows to the rear are not visible from the streetscape and I would not object to their replacement once of similar height, width and openings.

The following order is recommended:

WHEREAS a question has arisen as to whether the replacement of the existing single glazed original sliding sash windows with new windows is or is not development and is or is not exempted development at Frances Street, Kilrush, Co. Clare

AND WHEREAS Clare County Council in considering this referral had regard particularly to:

- (a) Sections 2, 3, 4(1)(h) and 82 (1) of the Planning and Development Act 2000, as amended.
- (b) Article 6 and 9 of the Planning and Development Regulations 2001, as amended,
- (c) The design and external appearance of the existing structure
- (d) The nature and extent of the works and
- (e) The character of the existing neighbouring structures

AND WHEREAS Clare County Council has concluded that:

- (a) The said replacement of the existing single glazed original sliding sash windows with PVC framed windows to the front and rear elevations at Frances Street, Kilrush, constitutes both 'works' and 'development'.
- (b) The said replacement of timber frame sash windows with PVC framed windows to the front elevation at Frances Street, Kilrush renders the appearance inconsistent with the character of the structure itself and of neighbouring structures and would materially affect the character of the Kilrush Architectural Conservation Area, and therefore constitutes development which is not exempted development.
- (c) The said replacement of timber frame sash windows with PVC framed windows of similar height, width and openings to the rear elevation at Frances Street, Kilrush would not materially effect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures and therefore constitutes development which is exempted development.



Garreth Ruane
Senior Executive Planner
30/07/2024



(TC LIM 2) KELLY WINDOWS & DOORS

Customer Ref:

Our Ref

Job Type

Quotation Created

Frame View

Print Date

ASSUMPTA & NIALL

NELSON

K00049-01389

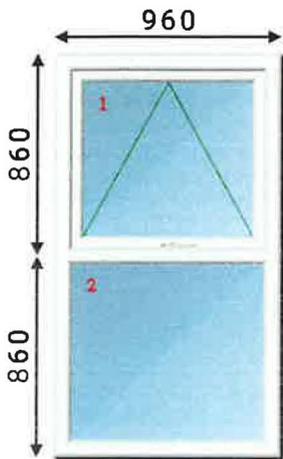
Frames with Glass fitted

23/07/2024 14:32

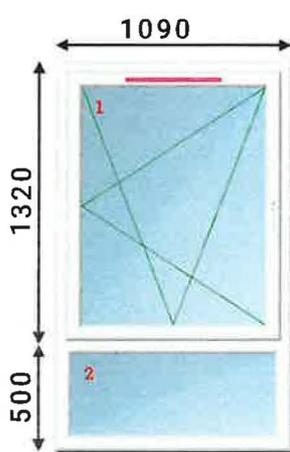
Inside

Tue Jul 23 2024

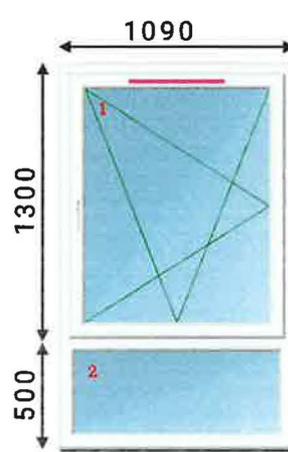
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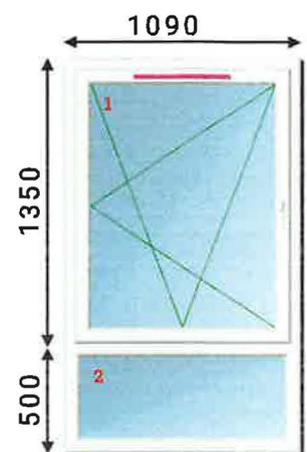
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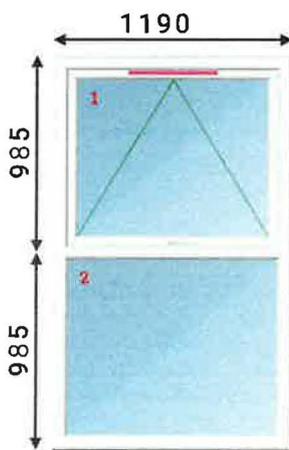
Frame 3
SITTING ROOM
1090 x 1800



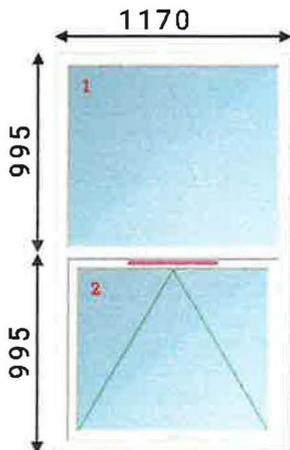
Frame 4
REAR BEDROOM
1090 x 1850



Frame 5
FRONT LIVING ROO
1190 x 1970



Frame 6
LIVING ROOM
1170 x 1990



Brian Fahy

From: Brian Fahy
Sent: Thursday 18 July 2024 14:34
To: Sean Hurley
Subject: RE: Section 5 Declaration Further Information Request

Hi Sean,

Thank you for your email and I note its contents.

I have forwarded it onto the area planner for review.

Regards,

Brian Fahy
Clerical Officer
Planning Department
Clare County Council, Áras Contae an Chláir, New Road, Ennis, Co. Clare, V95 DXP2
T: 065 6846382 | E: bfahy@clarecoco.ie | W: www.clarecoco.ie

LOCAL AUTHORITY OF THE YEAR 2022



COMHAIRLE CONTAE AN CHLÁIR
CLARE COUNTY COUNCIL



From: Sean Hurley <sean.hurley@tli.ie>
Sent: Thursday, July 18, 2024 12:34 PM

To: Brian Fahy <bfahy@clarecoco.ie>

Subject: FW: Section 5 Declaration Further Information Request

Hi,

Just following up on this request on behalf of my client. Further information is required.

- Windows will be double glazed with white PVC frames.
- Design has not yet been completed as it is unclear if they will need to be sashed windows or not. If sash windows are required due to the fact the building is located within the Kilrush Architectural Conservation area, then they will be sashed windows.
- Some of the neighbouring and adjacent structures have had window replacements that are standard pvc and aluminium window frames and not sashed.

The purpose of submitting this section 5 is basically to ascertain whether we will be required to replace the existing sash windows with new PVC sash windows. And if so, would this apply to the front and rear of the home or just the front façade only?

Feel free to contact me on the number below. Thanks

Kind Regards,

Seán Hurley

Installation Manager



TLI Group

Tralee, Co. Kerry, Ireland, V92 YE97

t: + 353 66 71 35710

m: + 353 86 066 6105

e: sean.hurley@tli.ie

www.tli.ie

A footer banner for TLI Group. On the left is the 'tli GROUP' logo. In the center, under the heading 'Our Values', are six circular icons representing Safety, Customer, Delivery, Flexibility, People, and Teamwork. On the right, under the heading 'Follow our socials', are icons for LinkedIn, Facebook, and Instagram. The website address 'www.tli.ie' is in the bottom left corner.

Our Values

Safety Customer Delivery Flexibility People Teamwork

Follow our socials

www.tli.ie



COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

Niall & Assumpta Nelson
C/o Sean Hurley
Beenreigh
Abbeydorney
Tralee
Co. Kerry

12/07/2024

Section 5 referral Reference R24-51 – Niall & Assumpta Nelson

The single glazed original sash windows are to be replaced on this home. Are these windows planning exempt or protected?

A Chara,

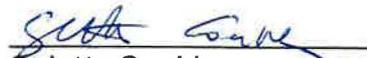
I refer to your application received on 20th June 2024 under Section 5 of the Planning & Development Act 2000 (as amended) in relation to the above.

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:

Having regard to the details as submitted with this Section 5 Referral application, the following further information is required to allow for a full assessment of this referral:

1. With regard to the application received, in order to allow the Planning Authority to make a determination on the planning status of the proposed development, you are requested to submit details of the design, materials and finishes of the windows as proposed. In this regard you are advised that the site is located with the Kilrush Architectural Conservation area and for any replacement windows to constitute exempted development they must 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.

Mise, le meas


Colette Coakley
Assistant 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 DECLARATION OF EXEMPTION APPLICATION
PLANNERS REPORT 1

FILE REF:	R24-51
APPLICANT(S):	Niall & Assumpta Nelson
REFERENCE:	Whether the replacement of the existing single glazed original sliding sash windows with new windows is or is not development and is or is not exempted development.
LOCATION:	Frances Street, Kilrush, County Clare
DUE DATE:	17 th July 2024

Site Location

The site is located on the southern side of Frances Street in Kilrush. The existing dwelling is a 2-storey mid-terrace dwelling with a 2-storey rear extension. It is zoned for Mixed Use Development and is within the Kilrush Architectural Conservation Area as per the Clare County Development Plan 2023-2029.

Recent Onsite Planning History

None recent.

Background to Referral

This Referral under Section 5(3)(a) of the Planning and Development Act 2000 (as amended) has been made by Niall & Assumpta Nelson who state that they are the owners of the site. The applicants are seeking a Section 5 Declaration as to whether the replacement of the existing single glazed original sliding sash windows with new windows is or is not development and is or is not exempted development.

Statutory Provisions

Planning and Development Act, 2000 (as amended)

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

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

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

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

Planning and Development Act 2000 (as amended) Section 4(1)(h)

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

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 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.

Planning & Development Regulations, 2001, as amended, Article 9(1)

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,*
 - (iii)(a) endanger public safety by reason of hazardous glint and/or glare for the operation of airports, aerodromes or aircraft,*
 - (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.*
 - (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

Particulars of the Development

It is proposed to replace the existing single pane timber sliding sash windows with new windows. The type and design of the new windows are not specified.

Planning and Development Act 2000 (as amended) Section 4(1)(h)

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

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 proposal site is located within the Kilrush ACA. Views towards the site are available from the public road. It is unclear as to what the replacement windows would be. Further information is required on this issue.

Article 9 of the Planning and Development Regulations 2001, as amended

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*

Not applicable.

- (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,*

No alterations to the existing access point are proposed.

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

Not applicable in this instance.

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

The proposal would not endanger public safety by reason of hazardous glint and/or glare for the operation of airports, aerodromes or aircraft.

- (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.*

No elevation drawings were received.

- (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,*

This is 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,*

No elevation drawings were received. Impacts on the Kilrush ACA are unclear.

- (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,*

This is not applicable in this instance.

- 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.*

This is not applicable in this instance.

Recommendation

I recommend that the following FURTHER INFORMATION be requested by the Planning Authority:

1. With regard to the application received, in order to allow the Planning Authority to make a determination on the planning status of the proposed development, you are requested to submit details of the design, materials and finishes of the windows as proposed. In this regard you are advised that the site is located within the Kilrush Architectural Conservation Area and for any replacement windows to constitute exempted development they must 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.



Executive Planner
Date: 11th July 2024



Senior Executive Planner
Date: 11/07/24.

Clare County Council Screening for Appropriate Assessment & Determination

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

Table 1: Project Details

Planning File Reference	R24-51
Applicant Name	Nelson
Development Location	Kilrush
Application accompanied by an EIS	No
Application accompanied by an NIS	No
Description of the project (To include a site location map):	

Alteration of windows on dwelling

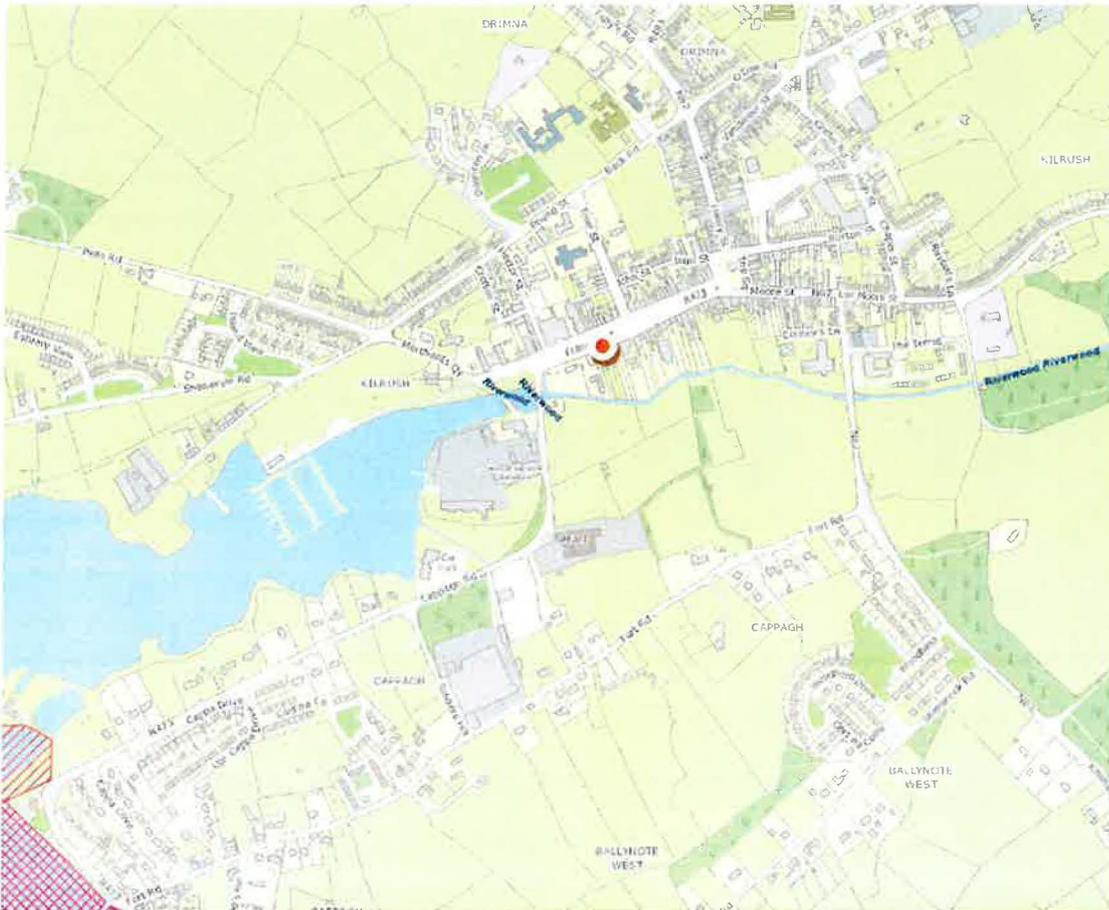


Table 2: Identification of European sites which may be impacted by the proposed development.

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

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

European Sites ²	Qualifying Interests (QIs)/Special Conservation Interests (SCIs) and conservation objectives (either generic or detailed) (available on www.npws.ie/protectedsites) or through Intranet.	Distance to Applicant Site (km)
Lower River Shannon SAC	Sandbanks which are slightly covered by sea water all the time [1110] Estuaries [1130] Mudflats and sandflats not covered by seawater at low tide [1140] Coastal lagoons [1150] Large shallow inlets and bays [1160] Reefs [1170] Perennial vegetation of stony banks [1220] Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) [1330] Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410] Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation [3260] Molinia meadows on calcareous, peaty or clayey-	1.1

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

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

European Sites ²	Qualifying Interests (QIs)/Special Conservation Interests (SCIs) and conservation objectives (either generic or detailed) (available on www.npws.ie/protectedsites) or through Intranet.	Distance to Applicant Site (km)
	silt-laden soils (<i>Molinion caeruleae</i>) [6410] Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i> , <i>Alnion incanae</i> , <i>Salicion albae</i>) [91E0] <i>Margaritifera margaritifera</i> (Freshwater Pearl Mussel) [1029] <i>Petromyzon marinus</i> (Sea Lamprey) [1095] <i>Lampetra planeri</i> (Brook Lamprey) [1096] <i>Lampetra fluviatilis</i> (River Lamprey) [1099] <i>Salmo salar</i> (Salmon) [1106] <i>Tursiops truncatus</i> (Common Bottlenose Dolphin) [1349] <i>Lutra lutra</i> (Otter) [1355]	
River Shannon and River Fergus Estuaries SPA	Cormorant (<i>Phalacrocorax carbo</i>) [A017] Whooper Swan (<i>Cygnus cygnus</i>) [A038] Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] Shelduck (<i>Tadorna tadorna</i>) [A048] Wigeon (<i>Anas penelope</i>) [A050] Teal (<i>Anas crecca</i>) [A052] Pintail (<i>Anas acuta</i>) [A054] Shoveler (<i>Anas clypeata</i>) [A056] Scaup (<i>Aythya marila</i>) [A062] Ringed Plover (<i>Charadrius hiaticula</i>) [A137] Golden Plover (<i>Pluvialis apricaria</i>) [A140] Grey Plover (<i>Pluvialis squatarola</i>) [A141] Lapwing (<i>Vanellus vanellus</i>) [A142] Knot (<i>Calidris canutus</i>) [A143] Dunlin (<i>Calidris alpina</i>) [A149] Black-tailed Godwit (<i>Limosa limosa</i>) [A156] Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] Curlew (<i>Numenius arquata</i>) [A160] Redshank (<i>Tringa totanus</i>) [A162] Greenshank (<i>Tringa nebularia</i>) [A164] Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] Wetland and Waterbirds [A999]	1.1

1	Impacts on designated rivers, streams, lakes and fresh water dependant habitats and species.	<i>Is the development in the catchment of or immediately upstream of a watercourse that has been designated as a European site?</i>	No
2	Impacts on terrestrial habitats and species.	<i>Is the development within 1km of a European site with terrestrial based habitats or species?</i>	No
3	Impacts on designated marine habitats and species.	<i>Is the development located within marine or intertidal areas and within 5 km of a European site whose qualifying habitats or species include the following: Mudflats, sandflats, saltmarsh, shingle, reefs, sea cliffs</i>	No
4	Impacts on birds in SPAs	<i>Is the development within 1km of a Special Protection Area</i>	No
5	Indirect effects	<i>Is the development, in combination with other existing or proposed developments likely to impact on an adjacent European site? Is any emission from the development (including noise) likely to impact on an adjacent habitat or species?</i>	No – minor nature of works, distance from designations and no direct hydrological links

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

Appropriate Assessment Screening Determination	
Planning File Reference	R24-51
Proposed Development	domestic alterations
Development Location	Kilrush
European sites within impact zone	As per report
Description of the project	
Windows replacement	
Qualifying Interests (QIs)/Special Conservation Interests (SCIs) of European site	
As per report	
Describe how the project or plan (alone or in combination) is likely to affect the European site(s).	
No impacts envisaged.	
If there are potential negative impacts, explain whether you consider if these are likely to be significant, and if not, why not?	
minor nature of works, distance from designations and no direct hydrological link	
Documentation reviewed for making this statement	
NPWS website Plans and particulars received GIS mapping database	
Conclusion of assessment (a, b, c or d)	
(a) The proposed development is directly connected with or necessary to the nature conservation management of a European Site(s) ³	
(b) There is no potential for significant effects to European Sites ³	Yes
(c) The potential for significant effects to European Site(s) cannot be ruled out ⁴	
(d) Significant effects to European sites are certain or likely or	

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

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

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

<p>where potential for significant effects to European sites remains following receipt of Further Information requested under S177U of the Planning and Development (Amendment) Act 2010⁵</p>	
<p>Completed By</p>	<p>John O'Sullivan</p>
<p>Date</p>	<p>11th July 2024</p>

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

Site Picture



*Extract from Google Streetview



COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

Niall & Assumpta Nelson
Frances Street
Kilrush
Co.Clare

20/06/2024

Section 5 referral Reference R24-51 – Niall & Assumpta Nelson
The single glazed original sash windows are to be replaced on this home. Are these windows planning exempt or protected?

A Chara,

I refer to your application received on 20th June 2024 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

Caroline Fahy
Planning Department
Economic Development Directorate

An Roinn Pleanála
An Stiúrtóireacht 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

20/06/2024 10:21:08

Receipt No. L1CASH/0/365750
***** REPRINT *****

NIALL & ASSUMPTA NELSON
FRANCES STREET
KILRUSH
CO. CLARE

R24-51

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 - DEIRDRE FRENCH
From : MAIN CASH OFFICE LODGEMENT AF
Vat reg No.0033043E

R 24 - 51

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@clarecoco.ie
Website: www.clarecoco.ie



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

FEE: €80

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

1. CORRESPONDENCE DETAILS.

(a) Name and Address of person seeking the declaration	NIALL NELSON | ASSUMPTA NELSON FRANCES STREET KILRUSH CO. CLARE V15 TF67
(b) Telephone No.:	
(c) Email Address:	
(d) Agent's Name and address:	Sean Hurley BEENREIGH ABBAYDORNEY TRALEE CO. KERRY

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?

THE SINGLE GLAZED ORIGINAL SASH WINDOWS ARE TO BE REPLACED ON THIS HOME. ARE THESE WINDOWS PLANNING EXEMPT OR PROTECTED?

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

The single glazed sash windows on the original building are being replaced with new windows. Is there any reason why these windows cannot be replaced with standard windows, i.e. are we obliged to install sash windows or replace like with like? Is the replacement of these windows planning exempt or are we required to comply with any rules/regulations in regard to the style of windows?

(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:	FRANCES STREET KILRUSH CO. CLARE V15 TF67
(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):	NIALL and ASSUMPTA NELSON OWNERS
(d) If the person in (c) above is not the owner and/or occupier, state the name and address of the owner of the property in question: <i>Note: Observations in relation to a referral may be requested from the owner/occupier where appropriate.</i>	N/A
(e) Is the owner aware of the current request for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended)?:	YES
(f) Are you aware of any enforcement proceedings connected to this site? <i>If so please supply details:</i>	NO
(g) Were there previous planning application/s on this site? <i>If so please supply details:</i>	NO
(h) Date on which 'works' in question were completed/are likely to take place:	July 2024

SIGNED:

Niall Nelson
Assumpta Nelson

DATE:

19/6/24

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

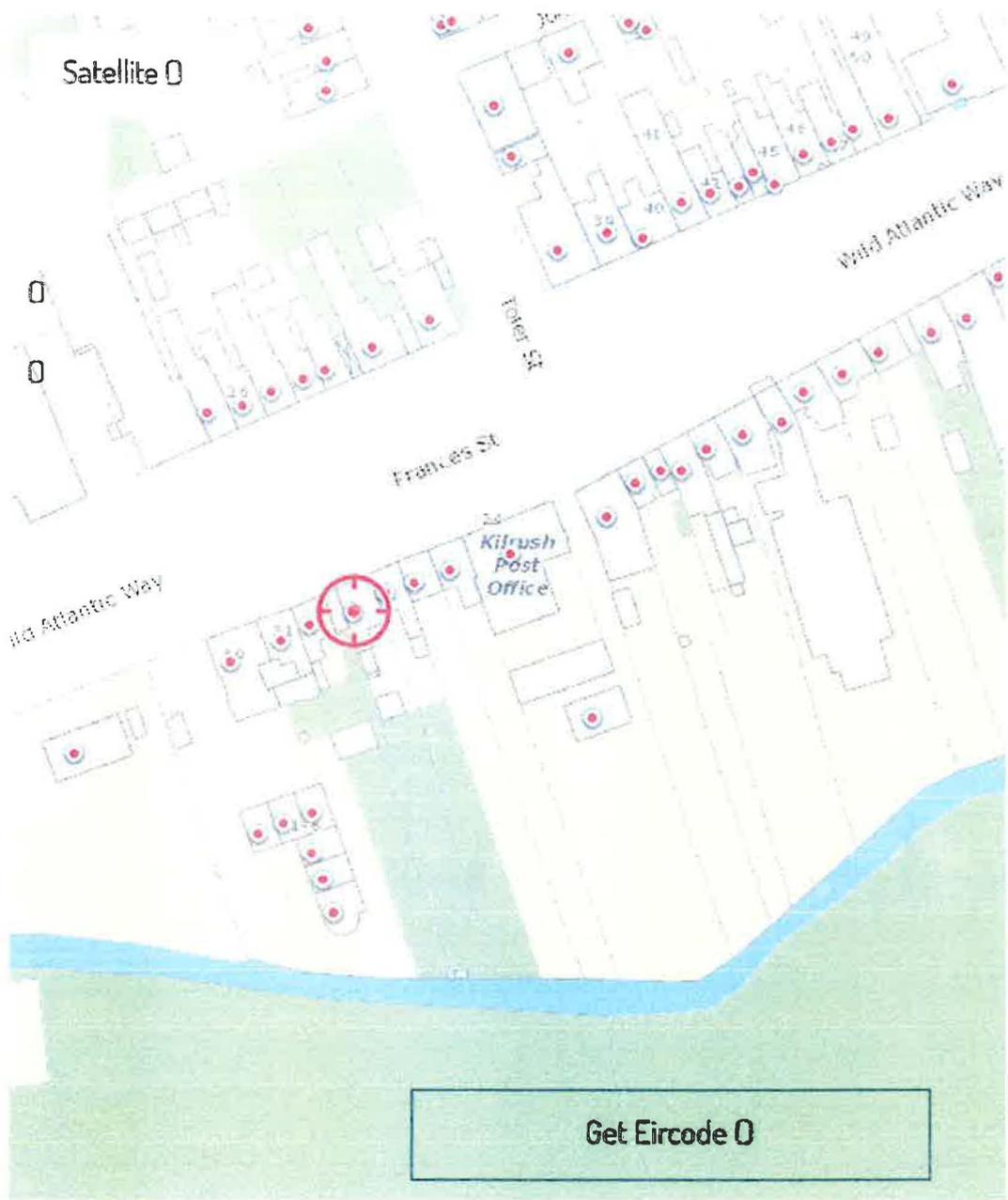
- (v) Notwithstanding the completion of the above form, the Planning Authority may require the submission of further information with regard to the request in order to enable the Authority to issue a declaration on the question.
- (vi) The Planning Authority may also request other persons to submit information 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:	.....	

English | Gaeilge
FRANCES STREET
KILRUSH
CO. CLARE
V15 TF67





Get Eircode D

MAP REFERRED TO IN DEED



SCALE ONE INCH = 88 FEET

J. Dubridy
14/7/30

Please find enclosed completed

- ① Section 5 form
- ② Two Eircode Maps showing and outlining location of property (VIS TF67)
One map, original with deeds, showing property outlined
- ③ Photographs of house.

Please note an Ordnance Survey was unavailable as system has been down for the past two weeks and nobody knows when it will be back

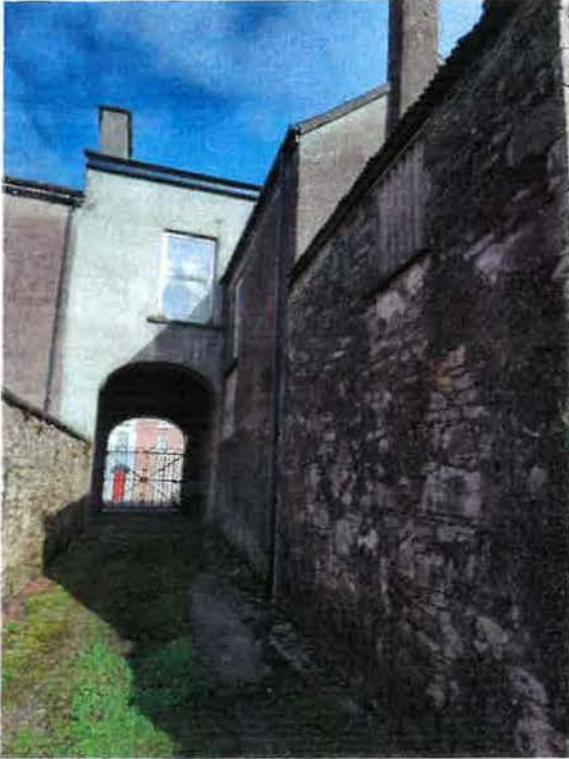
For payment of €80 when Section 5 is received) processed please call Niall OR Assumpta at [redacted] and we will pay over the phone.

Kind Regards

Assumpta Nelson







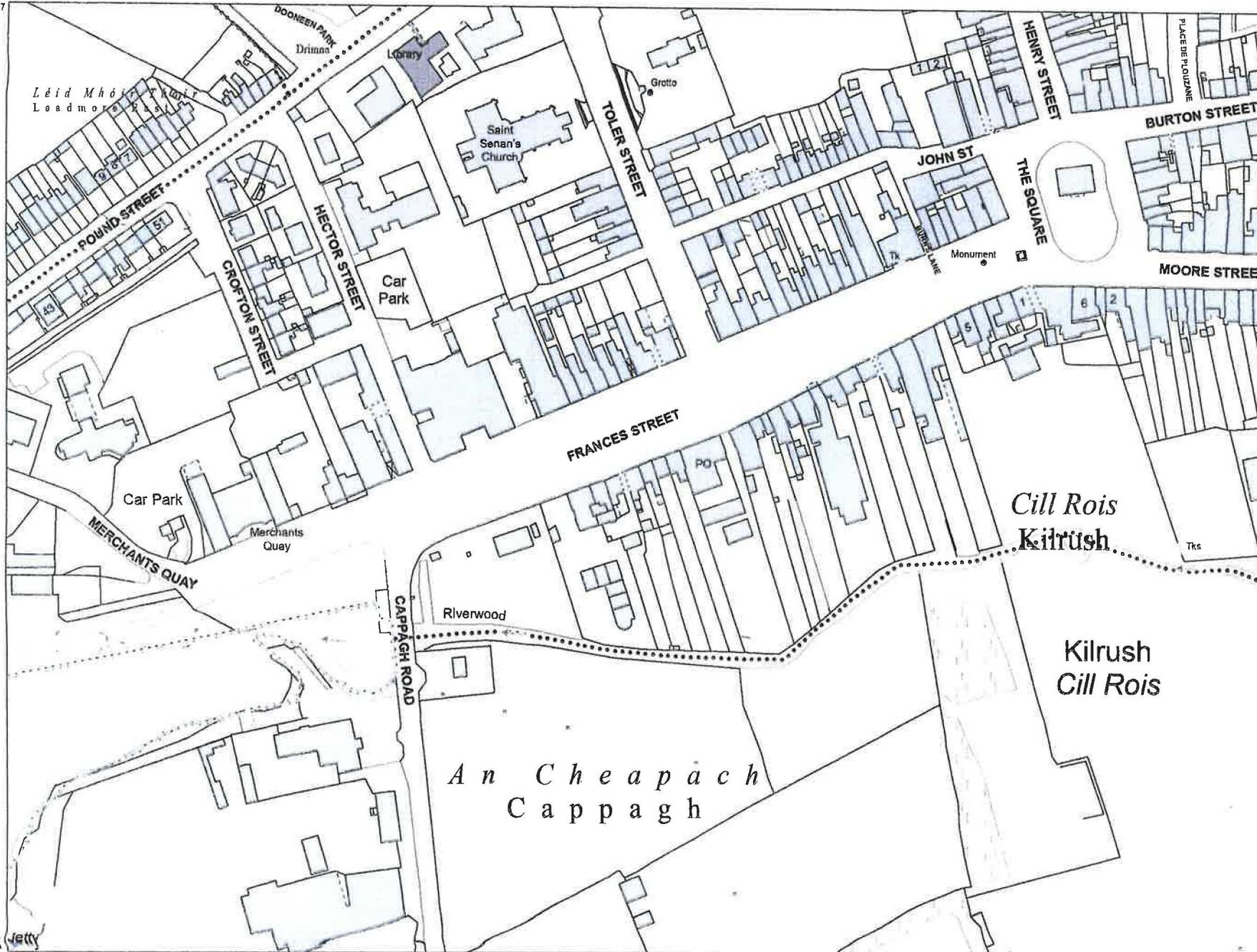
Planning Pack map



Tailte
Éireann

499043
855197

49926
855197



CENTRE COORDINATES:
ITM 499335,654982

PUBLISHED: 25/06/2024
ORDER NO.: 50406304_1

MAP SERIES: 1:1,000
MAP SHEETS: 4728-19
1:1,000 4728-20

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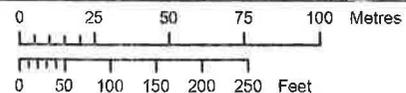
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OUTPUT SCALE: 1:2,500

CAPTURE RESOLUTION:
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LEGEND:
To view the legend visit www.tailte.ie and search for 'Large Scale Legend'



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Site Location Map



Tailte
Éireann

**CENTRE
COORDINATES:**
ITM 499335,654982

PUBLISHED: 25/06/2024
ORDER NO.: 50406304_1

MAP SERIES: 25 Inch Raster
MAP SHEETS: CE067-01
25 Inch Raster CE067-02
25 Inch Raster CE067-05
25 Inch Raster CE067-06

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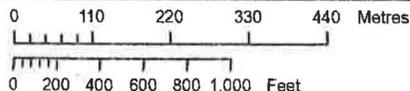
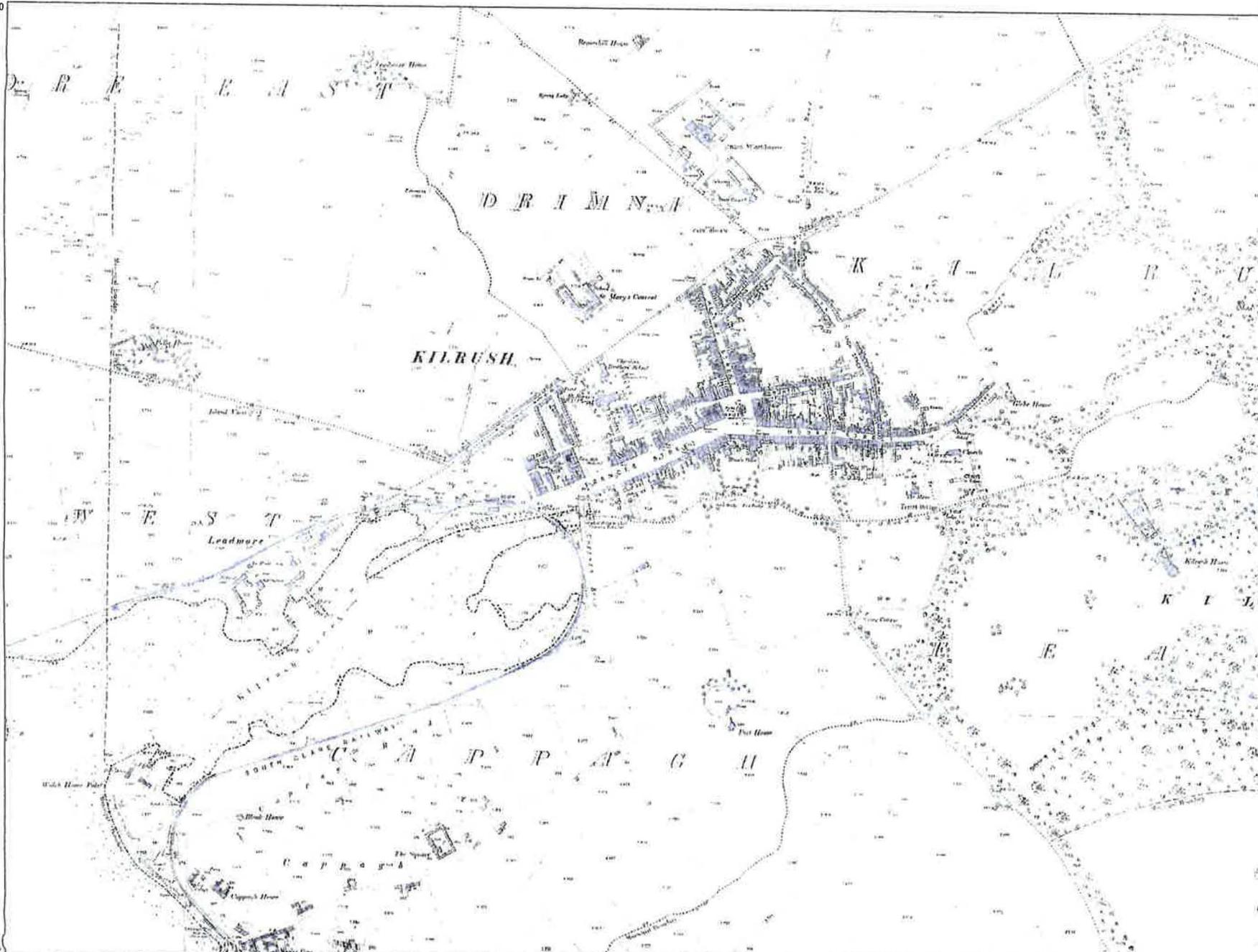
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OUTPUT SCALE: 1:10,560

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