THE LAND REGISTRY

County of Limerick Folio 10003 (part of)

THOMAS BULFIN AND BULFIN

To

CLAUDIA REIDY

DEED OF TRANSFER

JOHN COOKE
Solicitor
12 Glentworth Street
Limerick

JOHN COOKE
SOLICITOR

AN BORD PLEANÁLA
22 AUG 2019
LTR DATED _____ FROM _____
LDG- _____
ABP- _____

THE LAND REGISTRY

County of Limerick

Folio 10003 (part of)

Transfer dated the 29th day of November 2009

THOMAS BULFIN AND JOHN BULFIN as Legal Personal Representatives of Breda Bulfin deceased the beneficial owner and person entitled to be registered owner in consideration of the sum of €1,000.00 (one thousand euro) (the receipt of which is hereby acknowledged) hereby transfers that part of the property described in Folio 10003 of the Register County Limerick specified in the Schedule hereto to CLAUDIA REIDY.

The address of Claudia Reidy in the State for the service of notices and her description are:

Ardyoul, Kilmallock, Co. Limerick
Researcher

IT IS HEREBY CERTIFIED that Section 29 (conveyance on sale combined with Building Agreement for dwellinghouse/apartment) of the Stamp Duties Consolidation Act 1999 does not apply to this instrument .

IT IS HEREBY CERTIFIED that the consideration (other than rent) for the sale is wholly attributable to property which is not residential property and that the transaction effected by this instrument does not form part of a larger transaction or of a series of transactions in respect of which the amount or value, or the aggregate amount or value, of the consideration (other than rent) which is attributable to the property which is not residential property exceeds €40,000.

09009083395
18/11/09-PDEUR30 *C30

Deed of transfer.

SCHEDULE

ALL THAT AND THOSE that part of the lands situate in the townland of Grange, the Barony of Small County and the electoral division of Grange and being that part of the lands referred to at Entry No. 1 part 1 (a) of Folio 10003 of the Register County Limerick shown coloured red as Plan 32 on the Registry map.

Signed Sealed and Delivered
by the said **THOMAS BULFIN and JOHN BULFIN**
in the presence of:

Mary Rye
Solicitor Limerick

Thomas Bulfin

Signed and Sealed
by the said **CLAUDIA REIDY**
in the presence of:

Solicitor
Limerick

C. Reidy

AN BORD PLEANÁLA
22 AUG 2019
LTR DATED _____ FROM _____
LDG- _____
ABP- _____

Comhairle Cathrach
& Contae Luimnigh

Limerick City
& County Council

Seirbhísí Pleanála agus Comhshaoil,
Comhairle Cathrach agus Contae Luimnigh,
Tuar an Daill,
Luimneach

Planning and Environmental Services,
Limerick City and County Council,
Dooradoyle,
Limerick

EIRCODE V94 WV78

t: +353 (0) 61 556 000
f: +353 (0) 61 556 001

PLANNING & DEVELOPMENT ACTS 2000 (as amended)

PLANNING & DEVELOPMENT REGULATIONS, 2001 (as amended)

SECTION 5 – DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

DECLARATION NO. **EC22/19**

Name and Address of Applicant: Claudia Reidy, Ardyoul, Kilmallock, Co. Limerick.

Agent:

Whether the erection of a 1.2m high boundary wall at Grange, Kilmallock, Co. Limerick is or is not Development or is or is not Exempted Development. The works as described on the plans submitted with the application on the 02nd May and 05th July 2019.

AND WHEREAS the Planning Authority has concluded that the erection of a 1.2m high boundary wall at Grange, Kilmallock, Co. Limerick ***does not come within the scope of exempted development by virtue of Article 9(1)(a)(iii)(x)(xi) of the Planning and Development Regulations 01 (as amended). Also the said works would result in a material change of use of the said property.***

NOW THEREFORE the Planning Authority in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act 2000 (as amended) hereby decides that the said development as described above is **Development and is NOT Exempt Development.**

AN BORD PLEANÁLA
22 AUG 2019
LTR DATED _____ FROM _____
LDG- _____
ABP- _____

Signed on behalf of the said Council _____

Date: 26th July 2019

NOTE: A Declaration on Development or Exemption issued by Limerick City & County Council may be referred to An Bord Pleanála on payment of €220 for review within 4 weeks after the issuing of the declaration.

E

LIMERICK CITY & COUNTY COUNCIL

APPROVED OFFICER'S ORDER

SECTION 5 – DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

File Ref No. EC22/19 **No. D.C.** 312/19

SUBJECT: Declaration under Section 5.

Planning and Development Act 2000 as amended
Planning and Development Regulations 2001 as amended

RE: The erection of a 1.2m high boundary wall at Grange, Kilmallock, Co. Limerick.

AN BORD PLEANÁLA
22 AUG 2019
LTR DATED FROM
LDG-
ABP-

ORDER: Whereas by Chief Executive's Order No. CE/2018/102 dated 01st July 2018, Conn Murray, Chief Executive, Limerick City & County Council did, pursuant to the powers conferred on him by Section 154 of the Local Government Act, 2001, delegate unto Donogh O' Donoghue, A/Senior Executive Planner the functions within the meaning of the Local Government Act, 2001 as set out therein.
Now therefore pursuant to the delegation of the functions aforesaid, I, Donogh O' Donoghue, A/Senior Executive Planner, having considered the report and recommendation of Mr. Seamus Martin, Development Inspector dated 25/Jul/2019, hereby order that a Declaration under Section 5 of the Planning and Development Act 2000 as amended be issued to Claudia Reidy, Grange, Kilmallock, Co. Limerick to state that the works as described above **is Development and is NOT Exempt Development.**

Signed _____
A/SENIOR EXECUTIVE PLANNER, PLANNING & ENVIRONMENTAL SERVICES

Date 26/07/19

Certified to be a true copy of Approved Officer's Order, Planning & Development Order No. D.C._____ dated _____, pursuant to Section 151(7) of the Local Government Act 2001

Signed: _____
A/SENIOR EXECUTIVE PLANNER, PLANNING & ENVIRONMENTAL SERVICES

Comhairle Cathrach
& Contae **Luimnigh**

Limerick City
& County Council

PLANNING & ENVIRONMENTAL SERVICES

Seirbhísí Pleanála agus Comhshaoil,
Comhairle Cathrach agus Contae Luimnigh,
Tuar an Daill,
Luimneach

Planning and Environmental Services,
Limerick City and County Council,
Dooradoyle,
Limerick

EIRCODE V94 WV78

t: +353 (0) 61 556 000
f: +353 (0) 61 556 001

EC22/19/SM/CL

25th July 2019

Donogh O' Donoghue
A/Senior Executive Planner

Declaration under Section 5

Attached please find a report in connection with the above and I recommend that a Declaration be issued.

Signed:

Seamus Martin
Development Inspector.

AN BORD PLEANÁLA

22 AUG 2019

LTR DATED _____ FROM _____
LDG- _____
ABP- _____

Report on application under Section 5 of the Planning and Development Act 2000 (as amended)

Reference no.	EC22/19
Name and Address of Applicant:	Claudia Reidy, Ardyoul, Kilmallock, Co. Limerick.
Agent:	N/A

WHEREAS a question has arisen as to whether the erection of a 1.2m high boundary wall at Grange, Kilmallock, Co. Limerick is or is not development and is or is not exempted development.

The site in question is located at a junction off the L8010 with L5075 opposite the Hamlet Bar and abuts both roads and measures circa 9m wide x 14m long.
This site was the subject of previous Enforcement queries in or around November 2018 when a 2m high harris fence was erected around the subject site.
However, the fence was removed shortly after the enquiries and no further action was required.
At the time of this incident, I was made aware of the history to the piece of ground and to ownership issues.

I also met George Quain and Claudia Reidy who erected the harris fencing and owns the adjoining property.
I informed them at the time that in order for any Planning Application to be lodged that they would have to be the owners of the property or have the consent of the owners.

It is my understanding that this piece of ground has been open to the public for the past 70 years or more. There is an existing concrete slab on which there was a public telephone located. I was informed by the local residents back in November 2018 that this area was always used by the public as a car park.

The Google Street map dated April and May of 2009 shows the area in question being used for the parking of vehicles.

The subject site has recently been stoned and a dropped kerb line has been laid around the perimeter of the site.

Under this application, it is proposed to erected a 1.2m high concrete block wall, plastered and capped along the inside of the existing dropped kerbing around the perimeter of the site.

The applicant stated on the Section 5 application form that they were the owners of the site and given the previous history of the site, the Council requested land registry and folio details of the property which would clarify the applicant as the owner.

Only a deed of transfer was submitted by the applicant which is not a legal document and which confirms that the property is not in the ownership of the applicant.

However, irrespective of the title to the subject site, the question before the planning Authority is whether or not the proposed wall is exempt or not exempt.

Under Class 11 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended)
"The construction, erection, lowering, repair or replacement other than within or bounding the curtilage of a house of

(a) Any fence (not being a hoarding or sheet metal fence) or
(b) Any wall of brick, stone blocks with decorative finish, other concrete blocks or mass concrete

Is exempt development subject to the conditions and limitations attached to the said Class in Column 2.
The height of the wall is 1.2m and is to be plastered and capped.
Therefore, the conditions and limitations attached to Class 11 would be complied with.
Article 9(1) Development to which Article 6 relates shall not be exempt development for the purpose of the act

(a) If the carrying out of such development would
(iii) endanger public safety by reason of traffic hazard or obstruction to road users.
(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 of recreational purposes or as a means of access to any sea shore, mountain, lake shore, riverbank or other place of natural beauty or recreational utility.
(xi) obstructs any public right of way.

The construction of a 1.2m high wall at the rear of the existing kerb line around the perimeter of the site would be an obstruction to road users and would endanger public safety. Therefore, the proposed works would not be exempted by Article 9(1)(a)(iii).

The proposed works consist of the fencing of land habitually open to or used by the public during the past 10 years.
Also the works would obstruct a public right of way, which has been established over the land for the past 70 plus years.

The erection of the proposed wall and the enclosure of the site would be a material change to the said site.

I have considered this question and I have had regard particularly to –

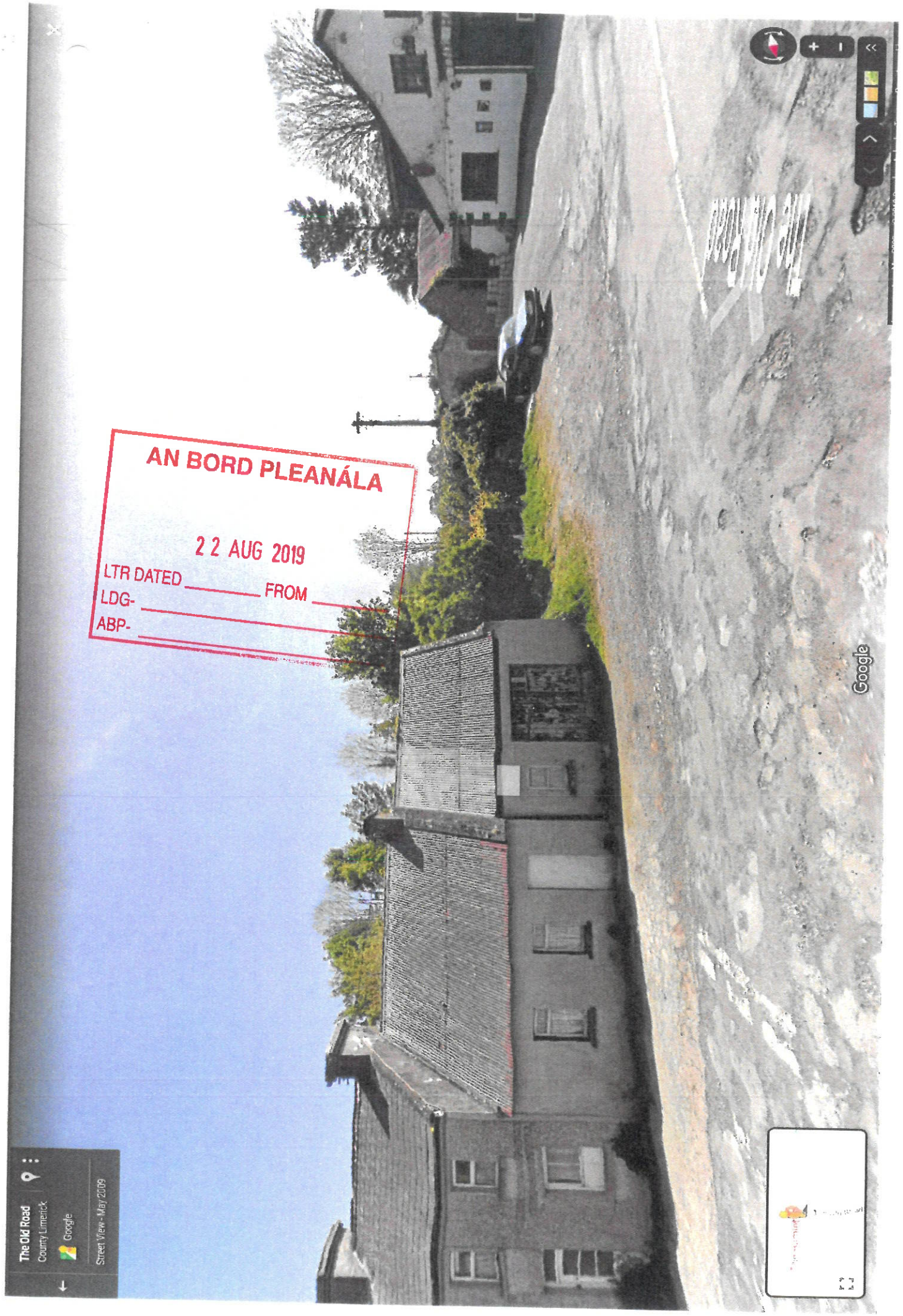
(a) Section 2 & 3 of the Planning and Development Act 2000 (as amended)
(b) Class 11 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended)
(c) Article 6 and 9 of the Planning and Development Regulations 2001 (as amended)
(d) Previous enforcement history of the site.
(e) Plans and particulars submitted with the application on 02nd may and 03rd July 2019

RECOMMENDATIONS:

I therefore consider the said works to be development and not exempt development by virtue of Article 9(1)(a)(iii)(x)(xi) of the Planning and Development Regulations 2001 (as amended) as well as the said works would result in a material change of use of the said property.

Signed: _____
Seamus Martin
Development Inspector.

AN BORD PLEANÁLA
22 AUG 2019
LTR DATED _____ FROM _____
LDG- _____
ABP- _____




STOP
AN BORD PLEANÁLA
FOR DATED 22 AUG 2019
LSO
ABP.
FROM
05/07/2019 07:48


05/07/2019 07:48
AN BORD PLEANÁLA
LTR DATED FROM
22 AUG 2019
LDG.
ABP

H

A1

C1

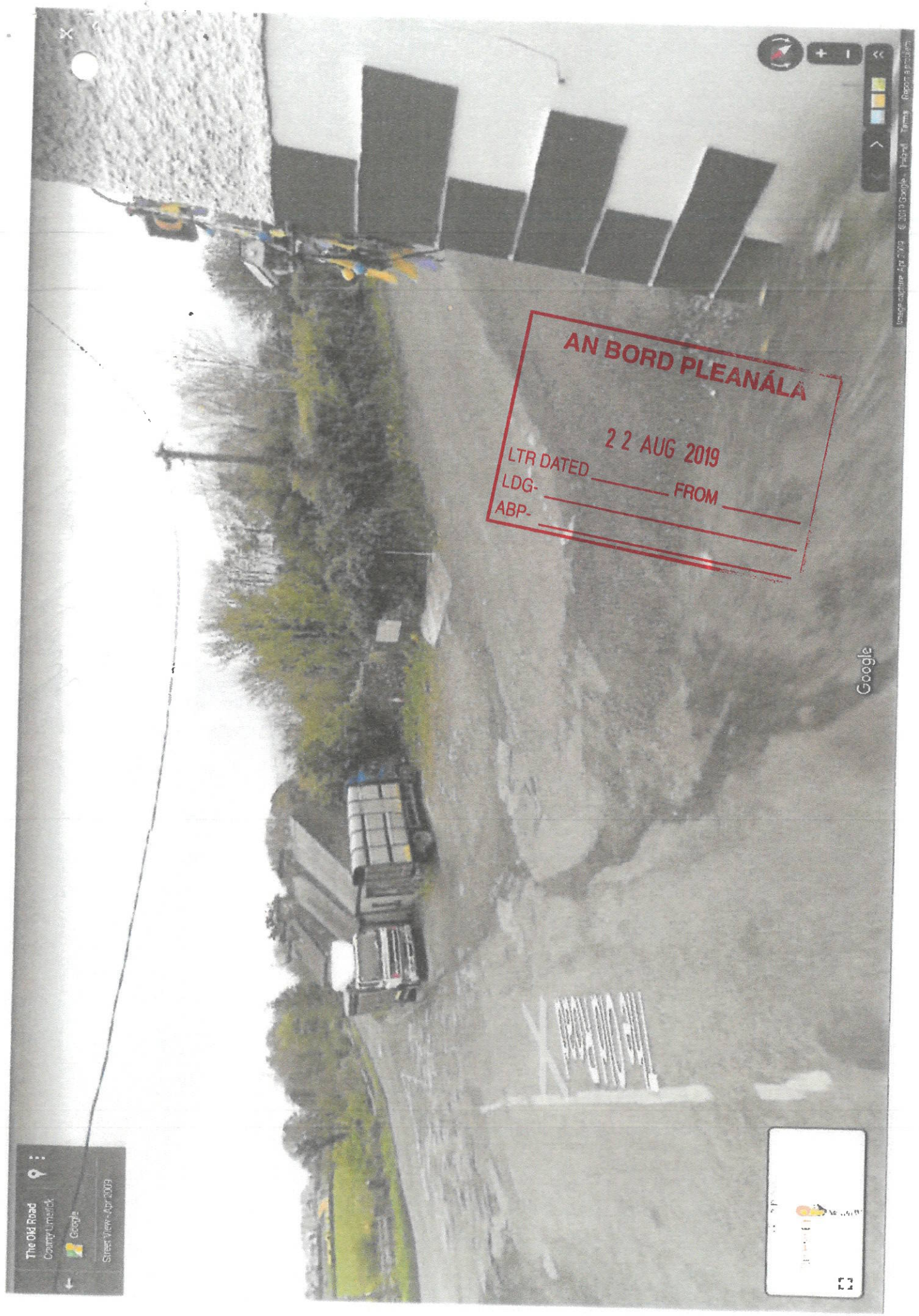
BRUFEA
GRANGE,
KILMALLOCK
CO. LIMERICK.

(I)

TO WHOM IT MAY CONCERN.

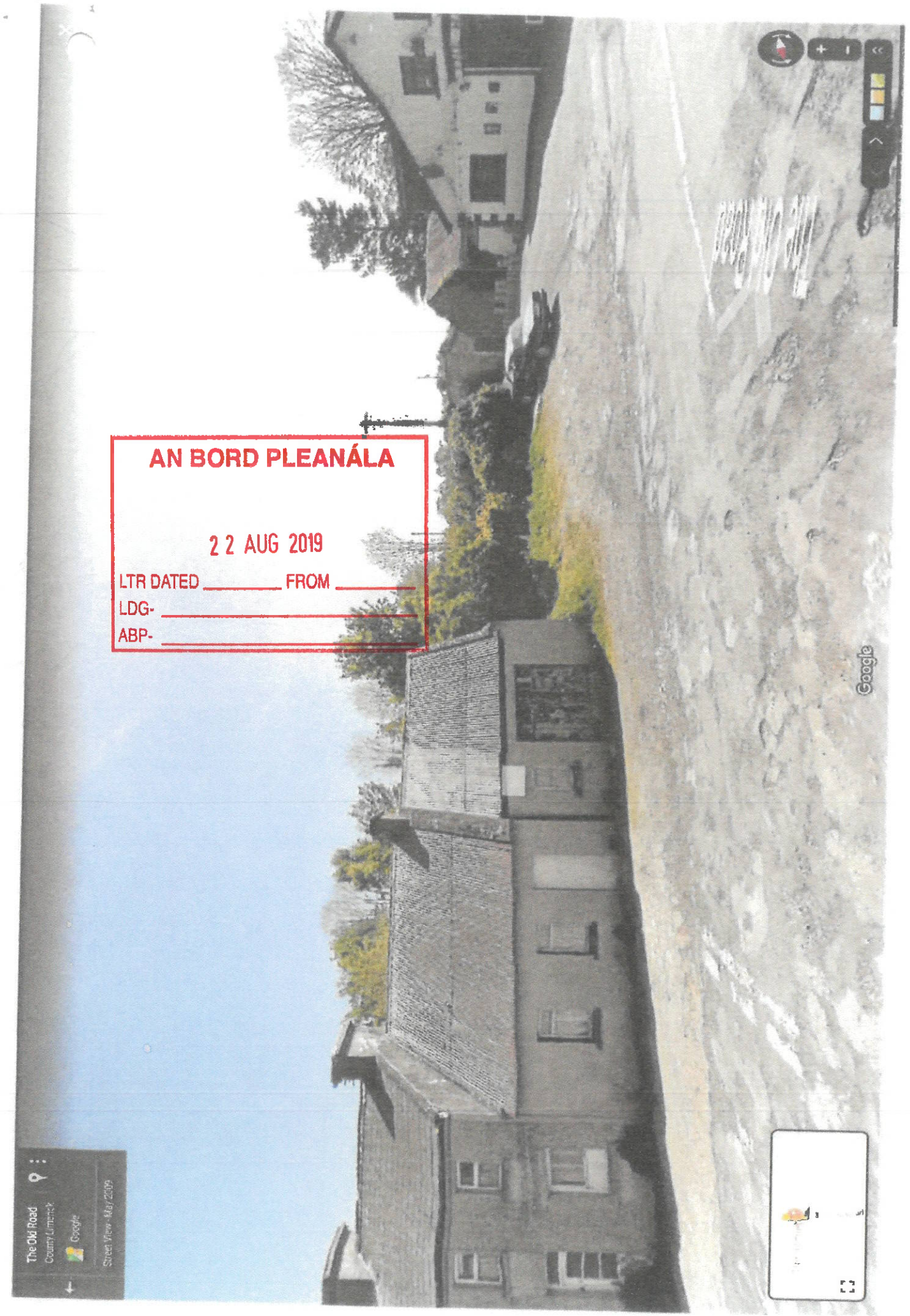
IN 2001 I RENTED A RESIDENTIAL PREMISES AT GRANGE, KILMALLOCK AND AS A CATTLE HAULIER I HAD LORRIES. THERE WAS NO PARKING AT THIS PREMISES AND MY LANDLORD SUGGESTED THAT I APPROCH THE BULFINS ABOUT PARKING MY VEHICLES. THE BULFINS ALLOWED ME TO PARK ON THEIR PREMISES. THE BULFINS SOLD OUT TO CLAUDIA REDDY IN 2008 AND I THEN APPROCHED HER ABOUT CONTINUING THE STANDING ARRANGEMENTS. AT THE TIME I WAS TOLD THAT WORK WOULD BE TAKING PLACE TO THE FRONT OF THE HOUSE BUT THAT DEPENDED OF AGREEMENT WITH THE C.C. SAME WORKS DID TAKE PLACE AND I PARKED IN AN ADJOINING FIELD. THIS ARRANGEMENT WAS IN PLACE UNTILL I LEFT GRANGE IN 2015.

I HAVE SIGNED TWO PHOTOGRAPHS INDICATING THAT THE VEHICLES SHOWN WERE OWNED BY ME, THE TWO LORRIES I HAVE DISPOSED OF OVER THE YEARS, THE CAR SHOWN IS STILL IN MY POSSESSION. I HAVE SIGNED BOTH PHOTOGRAPHS INDICATING THAT ALL THESE VEHICLES WERE OWNED BY ME.



AN BORD PLEANÁLA
22 AUG 2019
LTR DATED _____ FROM _____
LDG- _____
ABP- _____

John Hardy



J

Pay Lise O'Connor

12 x units (fence)

for grange corner.

€750-00 Date 23/11/18.

Cheque No.

AN BORD PLEANALA

22 AUG 2019

LTR DATED _____ FROM _____

LDG- _____

ABP- _____

001006

J

Grafton Merchanting ROI

Heiton Buckley BUILDERS MERCHANTS

CHADWICKS "The Home of Building Materials"

The Panelling Centre kitchens appliances wardrobes

HEITON BUCKLEY Tipperary Road Ballysimon Limerick.
061 430100 e-Mail : credittean34@heitons.ie

COLLECTED CASH SALE

Docket No. : BY 16633
Docket Date : 6/12/18 12:10 PM

Page No. : 1 of 1
Salesperson : M.O'MALLEY

Customer Name :
Address 1 :
2 :
3 :

Order No. :

Goods Collected

Item Number	Description	Unit	Qty		Unit Price	Price Excl. VAT	Pri Incl. V
68054	OSC TEMPORARY FENCING COUPLER	EACH	8		1.59	12.72	15.

John T. Garrett & Associates
- 9 AUG 2019
Received

AN BORD PLEANÁLA
LTR DATED FROM
LDG-
ABP-
22 AUG 2019

PAID
-6 DEC 2018

VAT CODE&RATE :	1 :	23%
VALUE EX. VAT :		12.72
VAT AMOUNT :		2.93
TOTAL :		15.65

Total : 15.65

THE FOLLOWING WILL NOT BE ACCEPTED BACK FOR CREDIT:- SLATES, PLASTER ,CEMENT & SLABS.
PLEASE CHECK YOUR QUANTITIES BEFORE ORDERING.

Grafton Merchanting ROI

Heiton Buckley BUILDERS MERCHANTS

CHADWICKS "The Home of Building Materials"

The Panelling Centre kitchens appliances wardrobes

HEITON BUCKLEY Tipperary Road Ballysimon Limerick.
061 430100 e-Mail : creditteam34@heitons.ie

COLLECTED CASH SALE

Docket No. : BY 16748
Docket Date : 7/12/18 09:30 AM

Page No. : 1 of 1
Salesperson : G.COONEY

Customer Name :
Address 1 :
2 :
3 :

Order No. :

Goods Collected

Item Number	Description	Unit	Qty		Unit Price	Price Excl. VAT	Pri Incl. V
68054	OSC TEMPORARY FENCING COUPLER	EACH	8		1.59	12.72	15.
47051	HEX FULL NUT ZINC PLATED M8 8MM	EACH	8		0.33	2.64	3.

AN BORD PLEANÁLA
22 AUG 2019
LTR DATED _____ FROM _____
LDG- _____
ABP- _____

John T. Garrett & Associates
- 9 AUG 2019
Received

AN BORD PLEANÁLA
22 AUG 2019
LTR DATED _____ FROM _____
LDG- _____
ABP- _____

PAID
-7 DEC 2018

VAT CODE&RATE :	1 :	23%
VALUE EX. VAT :		15.36
VAT AMOUNT :		3.54
TOTAL :		18.90

Total : 18.90

THE FOLLOWING WILL NOT BE ACCEPTED BACK FOR CREDIT:- SLATES, PLASTER ,CEMENT & SLABS.
PLEASE CHECK YOUR QUANTITIES BEFORE ORDERING.

COPY

K

Pre-Planning Ref: 10668

Limerick City & County Council

Limerick
CITY & COUNTY
COUNCIL

Pre-Planning Meeting Request Form

A pre-planning meeting is a preliminary meeting to discuss policy issues relating to a proposed development before submitting a planning application to the Planning Authority – This meeting will take place in the Limerick City & County Council Offices, Dooradoyle Road, Limerick.

To request a pre-planning meeting please complete the following details:

Name/s: Claudia Reidy Agent: —

Correspondence Address:
Ardyoul, Kilmallock, Co. Limerick.

Address of Street, site or townland (as appropriate):
Grange, Kilmallock, Co. Limerick.

Size of Site: circa 0.02 ha. Ownership of the Site: Claudia Reidy.

Do you or your spouse/partner own any dwelling/land or have you or your spouse/partner ever owned one or more dwellings or land? Yes ☑ No ☐

If yes, please give details: (1) PREMISES IN KILMALLOCK TOWN 1980-90s.
(2) SEMI-DERELICT BUILDINGS & GROUNDS AT GRANGE.

Have you or your spouse/partner sold any dwelling house(s) / sites in the last 5 years? If yes please give details and reason for sale:
No sale in last five years.

Development Proposal:

To construct wall around corner site.

You may include a list of your planning queries on a separate page.

Signature: C. Reidy Date: 21/1/2019.

AN BORD PLEANÁLA
22 AUG 2019
LTR DATED _____ FROM _____
LDG- _____
ABP- _____

Please ensure the following details have been submitted:

- Site location map outlining the site in question in ***red***
- Your name, address and phone number
- Street name, site address or townland and approximate size of site
- Details of the ownership of the site
- Description of the proposed development

Contact phone no: 063-98078

Mobile No: 086 2285009

E-mail address: claudiareidy05@eircom.net

PLEASE NOTE ALL APPLICATIONS SHOULD BE FULLY COMPLETED AND RETURNED TO: LIMERICK CITY & COUNTY COUNCIL, PLANNING & ENVIRONMENTAL SERVICES DEPARTMENT, CITY & COUNTY COUNCIL OFFICES, DOORADOYLE ROAD, LIMERICK OR EMAIL TO planning@limerick.ie

NOTE:-
To be contacted by Darragh Ryan in relation to this.

fengal.odonnell@limerick.ie

AN BORD PLEANÁLA
22 AUG 2019
LTR DATED _____ FROM _____
LDG- _____
ABP- _____

Zimbra **claudiareidy05@eircom.net**

Pre planning ref 10668 Claudia Reidy.

From : Mulcahy, Kevin <kevin.mulcahy@limerick.ie> Thu, 24 Jan, 2019 10:08
Subject : Pre planning ref 10668 Claudia Reidy.
To : 'claudiareidy05@eircom.net' <claudiareidy05@eircom.net>

Dear Madam,

Please find your pre planning reference above. Please be advised that the Area Planner will be in touch with you as soon as possible with a date & time for your pre planning meeting.

Kind regards,

Kevin Mulcahy,
Clerical Officer,
Planning & Environmental Services,
Limerick City & County Council,
Floor 1,
County Hall, Dooradoyle,
Limerick.

Tel: 061-556556

AN BORD PLEANÁLA
22 AUG 2019
LTR DATED _____ FROM _____
LDG- _____
ABP- _____

John T. Garrett & Associates

Zimbra **claudiareidy05@eircom.net**

Automatic reply: Pre planning ref 10668 Claudia Reidy.

From : Mulcahy, Kevin <kevin.mulcahy@limerick.ie> Mon, 25 Feb, 2019 15:31
Subject : Automatic reply: Pre planning ref 10668 Claudia Reidy.
To : Claudia Reidy <claudiareidy05@eircom.net>

Thank you for your email. I am out of the office and will return on Tuesday 26th February 2019. For urgent queries, please contact the Planning Section on 061 556556 or email planning@limerick.ie

AN BORD PLEANÁLA
22 AUG 2019
LTR DATED _____ FROM _____
LDG- _____
ABP- _____

Kind regards,

Kevin Mulcahy,
Clerical Officer,
Planning & Environmental Services,
Service Operations Directorate,
Limerick City & County Council,
County Hall,
Dooradoyle,
Limerick.

Tel 061 556556

Zimbra **claudiareidy05@eircom.net**

RE: Pre planning ref 10668 Claudia Reidy.

From : Mulcahy, Kevin <kevin.mulcahy@limerick.ie> Tue, 26 Feb, 2019 10:16
Subject : RE: Pre planning ref 10668 Claudia Reidy.
To : 'Claudia Reidy' <claudiareidy05@eircom.net>

Dear Ms. Reidy,

I do not organise pre planning meetings, I just process the requests and they are then passed to the Area Planner. I will forward your email to the Area Planner Darragh Ryan, that is the best I can do for you.

Kind regards,

Kevin Mulcahy,
Clerical Officer,
Planning & Environmental Services,
Limerick City & County Council,
Floor 1,
County Hall, Dooradoyle,
Limerick.

Tel: 061-556556
Direct Line: 061-556324

AN BORD PLEANÁLA
22 AUG 2019
LTR DATED _____ FROM _____
LDG- _____
ABP- _____

-----Original Message-----
From: Claudia Reidy <claudiareidy05@eircom.net>
Sent: Monday, February 25, 2019 3:31 PM
To: Mulcahy, Kevin <kevin.mulcahy@limerick.ie>
Subject: Re: Pre planning ref 10668 Claudia Reidy.

Dear Mr Mulcahy
I refer to your e-mail of 24th January. I have not heard from the Area Planner. While my query is not at all a complicated one it is urgent and I would be grateful if you could inquire as to whether I could have the meeting soon.
Yours sincerely
Claudia Reidy.

----- Original Message -----
From: "Mulcahy, Kevin" <kevin.mulcahy@limerick.ie>
To: "claudiareidy05" <claudiareidy05@eircom.net>
Sent: Thursday, 24 January, 2019 10:08:40
Subject: Pre planning ref 10668 Claudia Reidy.

Dear Madam,

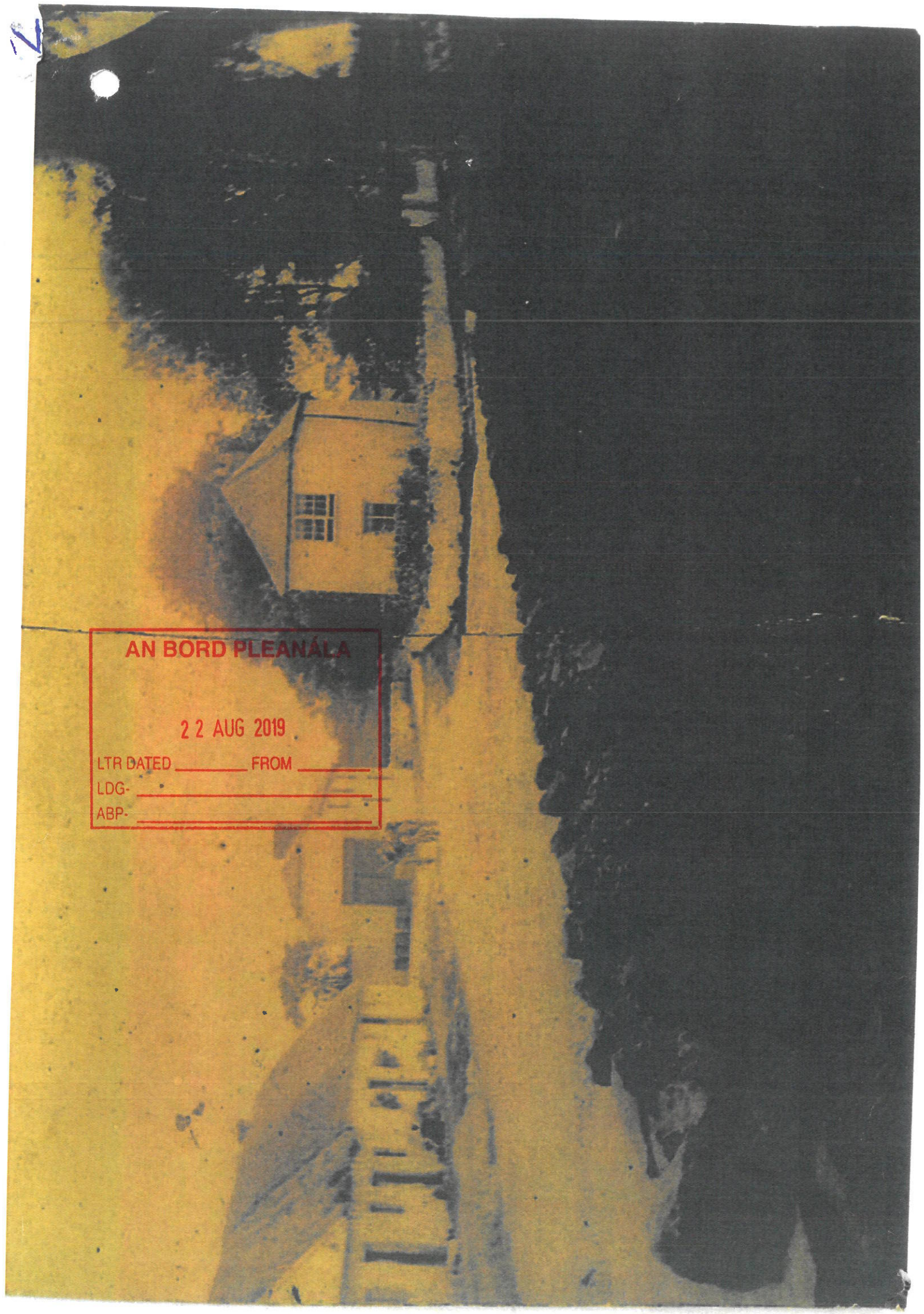
Please find your pre planning reference above. Please be advised that the Area Planner will be in touch with you as soon as possible with a date & time for your pre planning meeting.

Kind regards,

Kevin Mulcahy,
Clerical Officer,
Planning & Environmental Services,
Limerick City & County Council,
Floor 1,
County Hall, Dooradoyle,
Limerick.

Tel: 061-556556

Limerick ....One of the 'TOP 10 PLACES TO INVEST IN EUROPE'- 6th Global Best to Invest Report, Site Selection Magazine Limerick City & County Council Disclaimer: This electronic message contains information (and may contain files), which may be privileged or confidential. The information is intended to be for the sole use of the individual(s) or entity named above. If you are not the intended recipient be aware that any disclosure, copying, distribution or use of



1880s – 1900.

John Cooke BA, DLS

JOHN COOKE

SOLICITOR
HOSPITAL, CO. LIMERICK
Eircode: V35 XW88

Tel: 061 383388
Fax: 061 383330
e-mail: info@jcookesolicitors.ie
DX 157 003 HOSPITAL

M

OUR REF.: JC/SOM/LK269

YOUR REF.:

DATE: 19/08/2019

AN BORD PLEANÁLA
22 AUG 2019
LTR DATED _____ FROM _____
LDG- _____
ABP- _____

An Bord Pleanala,
64 Marlborough Street,
Dublin 1.
D01 V902

Re: Limerick City & County Council – Approved Officers Order
Section 5 – Declaration on Development and Exempted Development
File Reference Number EC22/19

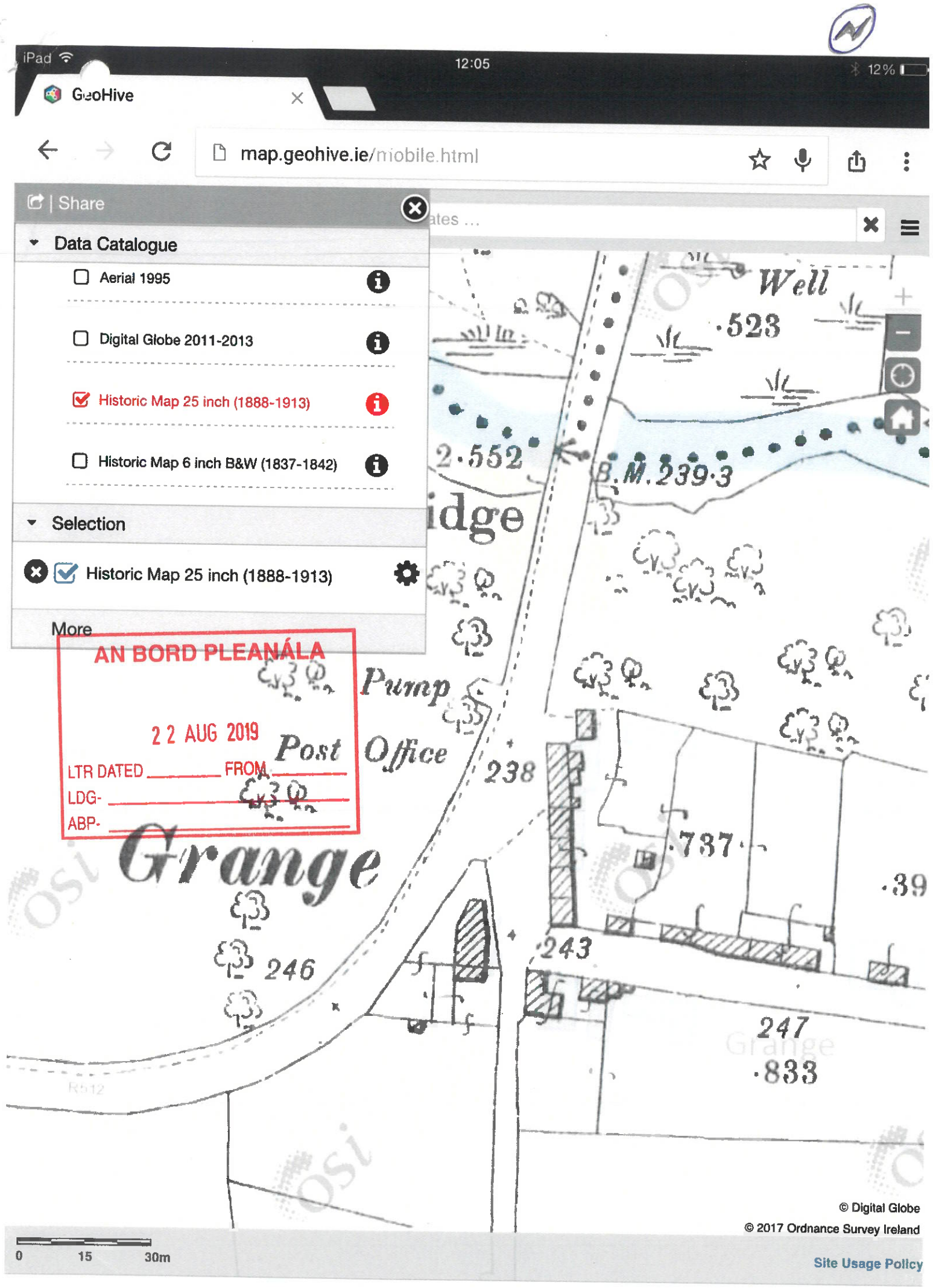
Dear Sirs,

I confirm I act on behalf of Claudia Reidy of Ardyoul, Kilmallock, Co. Limerick the applicant in the above entitled application to Limerick City & County Council. I more particularly beg to refer to the report of Mr. Seamus Martin, Development Inspector who reported on the above application and his comments therein referring to the legal title to the property.

I certify that Claudia Reidy has a good possessory title to that part of the lands at Grange in the Electoral District of Grange in the Barony of Smallcounty shown coloured Red as plan 32 on the Registry Map referred to at entry number 1 part 1(A) of Folio 10003 of the Register County Limerick.

Yours faithfully,

JOHN COOKE



AN BORD PLEANÁLA
22 AUG 2019
LTR DATED _____ FROM _____
LDG- _____
ABP- _____

geohive map

John Lamitte
15th August 2019.

P

CIRCA 1970