



Comhairle Cathrach & Contae Phort Láirge  
Waterford City & County Council

**Application for Declaration under Section 5**

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

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<b>Planning Ref.:</b>	<b>2019/15 (Section 5)</b>
<b>Applicant:</b>	<b>Dick Lincoln, 'Mullarkeys', Cliff Road, Ardmore, Co. Waterford.</b>
<b>Development Address:</b>	<b>Cliff Road, Ardmore, Co. Waterford.</b>
<b>Subject Development:</b>	<b>Proposed extension of chalet to the rear of the structure by 9sqm. Finishes to match existing structure. New entrance door to eastern elevation.</b>

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**1. GENERAL**

A request was received for a declaration under Section 5 of the Planning and Development Act 2000, as amended, by Dick Lincoln, 'Mullarkeys', Cliff Road, Ardmore, Co. Waterford as to whether or not the following works would constitute development and if so, whether same is exempted development:

**Proposed extension of chalet to the rear of the structure by 9sqm. Finishes to match existing structure. New entrance door to eastern elevation.**

**2. PLANNING & DEVELOPMENT ACT 2000, as amended, / PLANNING & DEVELOPMENT REGULATIONS 2001, as amended, - STATUTORY PROVISIONS**

Section 2 (1) of the Planning and Development Act 2000, as amended, states as follows:-

*"works" includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal....'*

Section 3 (1) of the Planning and Development Act 2000, as amended, states as follows:-

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

Section 4 of the Planning and Development Act 2000, as amended, provides for Exempted Development and Section 4(1) sets out works which shall be exempted development for the purposes of this act. Section 4(2) (a) of the same Act states that 'the Minister may by regulations provide for any class of development to be exempted development for the purposes of this Act.

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Section 4(4) of the Planning and Development Act 2000, as amended, states -

*'Notwithstanding paragraphs (a), (i), (ia) and (l) of subsection (1) and any regulations under subsection (2), development shall not be exempted development if an environmental impact assessment or an appropriate assessment of the development is required.'*

Class 1 of Part 1 of Schedule 2 Planning & Development Regulations 2001, as amended, provides an exemption for

*"The extension of a house, by the construction or erection of an extension (including a conservatory) to the rear of the house or by the conversion for use as part of the house of any garage, store, shed or other similar structure attached to the rear or to the side of the house."*

Subject to complying with conditions and limitations.

Article 6(1) of the Regulations states as follows:

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

### **3. ASSESSMENT**

#### ***a. Site Location***

The current Declaration request relates to a proposed extension to the rear, north, of an existing chalet and associated elevational changes on Cliff Road, Ardmore, Co. Waterford.

#### ***b. Planning History***

Relevant Planning History:

There is no known planning history, while it appears historically there has been a structure at this location the existing structure is quite modern in terms of construction materials and appearance and it appears same is not a pre 1963 structure – i.e. planning permission would have been required for the placement of this structure on site.

#### ***c. Assessment***

Pursuant to Section 5 of the Planning & Development Acts this report will examine whether the proposal constitutes a) development and b) exempted development.

Article 6 of the Regulations provides subject to Article 9 that the classes of development set out in Column 1 of Part 1 of Schedule 2 of the Regulations are exempt development. Class 1 of Part 1 of Schedule 2 provides for;

*"The extension of a house, by the construction or erection of an extension (including a conservatory) to the rear of the house or by the conversion for use as part of the*

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*house of any garage, store, shed or other similar structure attached to the rear or to the side of the house."*

It is stated that the extension will be 9sqm in area and that the existing chalet is 23sqm. The drawings provided do not appear to give detail for the proposed extension other than stating that same will be to the rear and that the materials and finished will match the existing structure. It is further stated that an existing window will be changed to a door.

The following assesses the proposal under the conditions and limitations specified in column 2 for the class of development (Class 1) in column 1.

*"1(a) Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres."*

The dwelling has not been extended previously and the proposed extension is less than 40 square metres – the detail of the extension is unclear in the submitted drawings however.

*"1(b) Subject to paragraph (a), where the house is terraced or semi-detached, the floor area of any extension above ground level shall not exceed 12 square metres."*

The proposal relates to a detached chalet, it is assumed extension is single storey only - the detail of the extension is unclear in the submitted drawings however.

*"1(c) Subject to paragraph (a), where the house is detached, the floor area of any extension above ground level shall not exceed 20 square metres."*

The proposal relates to a detached chalet, it is assumed extension is single storey only - the detail of the extension is unclear in the submitted drawings however.

*"2(a) Where the house has been extended previously, the floor area of any such extension, taken together with the floor area of any previous extensions constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 40 square metres."*

*2(b) Subject to paragraph (a), where the house is terraced or semi-detached and has been extended previously, the floor area of any extension above ground level taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 12 square metres."*

*2(c) Subject to paragraph (a), where the house is detached and has been extended previously, the floor area of any extension above ground level, taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 20 square metres."*

This is not applicable as the chalet has not been extended previously and the proposal is less than 40 square metres - the detail of the extension is unclear in the submitted drawings however.

*"3. Any above ground floor extension shall be a distance of not less than 2 metres from any party boundary."*

This is not applicable as the proposed extension is ground floor only - the detail of the extension is unclear in the submitted drawings however..

*"4(a) Where the rear wall of the house does not include a gable, the height of the walls of any such extension shall not exceed the height of the rear wall of the house.*

*4(b) Where the rear wall of the house includes a gable, the height of the walls of any such extension shall not exceed the height of the side walls of the house.*

*4(c) The height of the highest part of the roof of any such extension shall not exceed, in the case of a flat roofed extension, the height of the eaves or parapet, as may be appropriate, or, in any other case, shall not exceed the height of the highest part of the roof of the dwelling."*

The proposal relates to a detached chalet, it is assumed extension is single storey only - the detail of the extension is unclear in the submitted drawings however.

*"5. The construction or erection of any such extension to the rear of the house shall not reduce the area of private open space, reserved exclusively for the use of the occupants of the house, to the rear of the house to less than 25 square metres."*

The rear garden of the chalet less the subject extension exceeds 25 square metres in area and the proposal therefore does satisfy this limitation/condition.

*"6(a) Any window proposed at ground level in any such extension shall not be less than 1 metre from the boundary it faces.*

*6(b) Any window proposed above ground level in any such extension shall not be less than 11 metres from the boundary it faces.*

*6(c) Where the house is detached and the floor area of the extension above ground level exceeds 12 square metres, any window proposed at above ground level shall not be less than 11 metres from the boundary it faces."*

It appears the proposal satisfies the above conditions/limitations, the ground floor windows facing the party boundary are in excess of 1m from the boundary they face - the detail of the extension is unclear in the submitted drawings however.

*"7. The roof of any extension shall not be used as a balcony or roof garden."*

The proposal complies with the above condition/limitation - the detail of the extension is unclear in the submitted drawings however.

Article 9(1), 9(2) and 9(3) of the Regulations provides for restrictions on exempted development. The restrictions have been considered in relation to the proposal in question and it is considered that no restrictions are applicable in this case.

While it is noted that Article 9 (1) stated 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—

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(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,

The above restriction appears to be applicable in this instance. There is no evidence of the subject structure being subject to a grant of permission and it therefore appears to be unauthorised.

With regard to Environmental Impact Assessment the subject development of a residential extension and the raising of site levels alone or in combination is not a type of development included for under Schedule 5 of the Planning and Development Regulations 2001, as amended. Based on the information submitted with the application, Waterford City and County Council has considered the nature, size and location of the development in the context of the criteria set out in Schedule 7 to the 2001 Regulations and is satisfied that EIA is not required..

An Appropriate Assessment Screening Report is also attached. AA is not required.

**To conclude;**

- **The details of the development itself are unclear in terms of the submitted drawings. Same need to be clarified.**
- **It appears that the existing chalet is unauthorised and save the applicant can provide evidence that the existing chalet has the benefit of planning permission it appears that the proposed extension would not avail of an exemption as same would 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.**

**Section 5(2)(b) of the Planning and Development Act 2000, as amended, states;**

**A planning authority may require any person who made a request under subsection (1) to submit further information with regard to the request in order to enable the authority to issue the declaration on the question and, where further information is received under this paragraph, the planning authority shall issue the declaration within 3 weeks of the date of the receipt of the further information.**

#### **4. RECOMMENDATION**

**Therefore the following further information should be sought;**

- 1. The details of the development / extension itself submitted are unclear. It is stated that the existing chalet is 23sqm and a 9sqm extension is proposed to the rear, this does not seem to be detailed on the submitted drawings, please address.**
- 2. Having reviewed the planning history of the subject site it appears that the existing chalet is unauthorised and does not have the benefit of planning permission. The applicant is requested to provide evidence that the existing chalet has the benefit of planning permission, in the absence of same the proposed extension would not avail of an exemption as same would 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 and the restrictions under Article 9 of the Planning and Development Regulations 2001, as amended, would apply.**

Signed: Aidan Walsh  
Aidan Walsh  
Executive Planner

Date: 6/12/19

Signed: H. O'Meara  
Hazel O'Sullivan  
Acting Senior Planner

Date: 10/12/19

## Habitats Directive Project Screening Assessment

**Table 1: Project Details**

Application	Details
Development	Section 5 Declaration
Consent Type	
Development Location	'Mullarkeys', Cliff Road, Ardmore, Co. Waterford
File Ref	2019/15
Description of combined project	Proposed extension of chalet to the rear of the structure by 9sqm. Finishes to match existing structure. New entrance door to eastern elevation.

**Table 2: Identification of Natura 2000 Sites (SACs and SPAs) which may be impacted by the proposed development**

Please answer the following five questions in order to determine whether there are any Natura 2000 sites which could potentially be impacted by the proposed development.

Question Number	Question	Response
1	Impacts On Freshwater Habitats Is the development within a Special Area of Conservation whose qualifying interests include freshwater habitats, or in the catchment of same? Sites to consider: Blackwater River, Lower River Suir Habitats to consider: Rivers, Lakes and Lagoons.	No
2	Impacts On Wetland Habitats Is the development within a Special Area of Conservation whose qualifying interests include wetland habitats, or within 1 km of same? Sites to consider: Comeragh Mountains Habitats to consider: Bogs, Fens, Marshes and Wet Heaths.	No
3	Impacts on Intertidal and Marine Habitats Is the development located within a Special Area of Conservation whose qualifying interests include intertidal and/or marine habitats and species, or within the catchment of same. Sites to consider: Tramore Dunes and Backstrand, River Suir (Tidal Section as far as Carrick on Suir ), River Blackwater (Tidal Section as far as Cappoquin), Waterford Estuary Habitats to consider: Mudflats, Sandflats, Saltmarsh, Estuary; Shingle, Reefs, Sea Cliffs.	No
4	Impacts On Woodlands , Grasslands and Dry Heaths Is the development within a Special Area of Conservation whose qualifying habitats include woodlands or grasslands habitats, or within 200m of same. Sites to consider: Glendine Wood Nire Valley Woods, Ardmore Head, Helvick Head Habitats to consider: Woodlands, Grasslands or Dunes.	No
5	Impacts On Birds Is the development within a Special Protection Area, or within 1 km of same. Sites to consider: Tramore Backstrand, Dungarvan Bay, Blackwater Callows, Blackwater Estuary, Helvick Head –Ballyquin Coast, Mid Waterford Coast	No

**Conclusion Table 2:**

If the answer to all of these questions is No, significant impacts can be ruled out for Natura 2000 sites. No further assessment is required, proceed to the Habitats Directive Conclusion Statement. If the answer to any of these questions is Yes please refer to tables 3 and 4 below.



**Table 3: Determination of Possible Impacts On Natura 2000 Sites.**

Where it has been identified that there is a Natura 2000 site within the potential impact zone of the proposed development, it is necessary to try to determine the nature of the possible impacts. Please answer the following questions as appropriate.

Number	Question	Response
<b>1</b>	Impacts on designated freshwater habitats (rivers, lakes streams and lagoons). Sites to consider: Blackwater River, Lower River Suir. Please answer the following if the answer to question 1 in table 2 was yes. Does the development involve any of the following: Works inside the boundary of designated site	
<b>1.1</b>	All works within the boundary of any SAC whose qualifying features include freshwater habitats/species, excluding small extensions/alterations to existing buildings. Works outside the boundary of designated site	N/a
<b>1.2</b>	Discharge to surfacewater or groundwater within the boundary of an SAC whose qualifying features include freshwater habitats/species.	N/a
<b>1.3</b>	Abstraction from surfacewater or groundwater within 1km of the boundary of an SAC whose qualifying features include freshwater habitats or species.	N/a
<b>1.4</b>	Removal of topsoil within 100m of the boundary of an SAC, whose qualifying features include freshwater habitats/species.	N/a
<b>1.5</b>	Infilling or raising of ground levels within 100m the boundary of any SAC whose qualifying features include freshwater habitats/species.	N/a
<b>1.6</b>	Construction of drainage ditches within 1km of the boundary of an SAC whose qualifying features include freshwater habitats/species.	N/a
<b>1.7</b>	Installation of waste water treatment systems; percolation areas; septic tanks within 100 m of the boundary of an SAC site whose qualifying features include freshwater habitats/species.	N/a
<b>1.8</b>	Construction within a floodplain of EU designated watercourse whose qualifying features include freshwater habitats/species.	N/a
<b>1.9</b>	Crossing or culverting of rivers or streams within 1km of the boundary of any SAC whose qualifying features include freshwater habitats.	N/a
<b>1.1</b>	Storage of chemicals hydrocarbons or organic wastes within 100 m of the boundary of an SAC whose qualifying features include freshwater habitats/species.	N/a
<b>1.11</b>	Development of a large scale, within catchment of an EU designated watercourse or waterbody, which involves the production of an EIS.	N/a
<b>1.12</b>	Development or expansion of quarries within catchment of an EU designated watercourse or waterbody..	N/a
<b>1.13</b>	Development or expansion of windfarms within catchment of an EU designated watercourse or waterbody.	N/a
<b>1.14</b>	Development of pumped hydro electric stations within catchment of an EU designated watercourse or waterbody.	N/a
<b>2</b>	Impacts On Wetland Habitats - Is the development within a Special Area of Conservation whose qualifying interests include wetland habitats, or within 1 km of same? Sites to consider: Comeragh Mountains. Habitats to consider: Bogs, Fens, Marshes and Wet Heaths. Please answer the following if the answer to question 2 in table 2 was yes. Works inside the boundary of designated site	
<b>2.1</b>	All works within the boundary of an SAC whose qualifying features include heath, marsh, fen or bog, excluding small extensions/alterations to existing buildings.	N/a



	<b>Works outside the boundary of designated site</b>	
2.2	Construction of roads or other infrastructure on peat habitats within 1km of any SAC whose qualifying features include heath, marsh, fen or bog.	N/a
2.3	Development of a large scale within 1km of any SAC, whose qualifying features include heath, marsh, fen or bog, which involves the production of an EIS.	N/a
3	<p>Impacts on Intertidal and Marine Habitats -Is the development located within a Special Area of Conservation whose qualifying interests include intertidal and/or marine habitats and species, or within the catchment of same.Sites to consider: Tramore Dunes and Backstrand, River Suir (Tidal Section), River Blackwater (Tidal Section), Waterford Estuary.</p> <p>Please answer the following if the answer to question 1 in table 3 was yes.</p>	
	<b>Works inside the boundary of designated site</b>	
3.1	All works within the boundary of any SAC whose qualifying features include intertidal or marine habitats, excluding small extensions/alterations to existing buildings.	N/a
	<b>Works outside the boundary of designated site</b>	
3.2	Coastal protection works within 5km of any SAC whose qualifying features include intertidal or marine habitats.	N/a
3.3	Development of piers, slipways, marinas, pontoons or any other infrastructure within 5km of any SAC whose qualifying features include intertidal or marine habitats.	N/a
3.4	Dredging within 5km of any SAC whose qualifying features include intertidal or marine habitats.	N/a
3.5	Works within 1km of any SAC whose qualifying features include intertidal or marine habitats, which will result in discharges to rivers or streams directly connected to the designated site.	N/a
3.6	Infilling of coastal habitats within 500m of any SAC whose qualifying features include intertidal or marine habitats.	N/a
3.7	Removal of topsoil or infilling of terrestrial habitats within 100m of any SAC whose qualifying features include intertidal or marine habitats.	N/a
3.8	Development of a large scale within 1km of any SAC whose qualifying features include intertidal or marine habitats, which involves the production of an EIS.	N/a
4	<p>Impacts on other designated woodlands and grasslands - (woodland, upland grassland, lowland grassland, coastal grassland including dunes). Sites to consider: Glendine Wood Nire Valley Woods, Ardmore Head, Helvick Head</p> <p>Please answer the following if the answer to question 4 in table 2 was yes. Does the development involve any of the following:</p>	
	<b>Works inside the boundary of designated site</b>	
4.1	All works within the boundary of any SAC whose qualifying interests include woodland or grassland habitat types excluding small extensions/alterations to existing buildings.	N/a
	<b>Works outside the boundary of designated site</b>	
4.2	Development within 200m of any SAC whose qualifying interests include woodland or grassland habitat types.	N/a
4.3	Development of a large scale within 1km of any SAC, whose qualifying interests include woodland or grassland habitat types, which involves the production of an EIS.	N/a
4.3	Development of a large scale within 1km of any SAC, whose qualifying	N/a



	interests include woodland or grassland habitat types, which involves the production of an EIS.	
5	Impacts on birds in SPAs - Sites to consider: Tramore Backstrand, Dungarvan Bay, Blackwater Callows, Blackwater Estuary, Helvick Head -Ballyquin Coast, Mid Waterford Coast. Please answer the following if the answer to question 5 in table 2 was yes. Does the development involve any of the following:	
	Works inside the boundary of designated site	
5.1	All works within the boundary of any SPA excluding small extensions/alterations to existing buildings.	N/a
	Works outside the boundary of designated site	
5.2	Erection of wind turbines within 1km of any SPA.	N/a
5.2	Erection of wind turbines within 1km of any SPA.	N/a
5.3	All construction works within 100m of any SPA.	N/a
5.4	Infilling of coastal habitats within 500m of intertidal SPA.	N/a
5.5	Works within 1km of coastal/wetland SPAs which will result in discharges to rivers or streams that are directly connected to designated sites.	N/a
5.6	Development of cycleways or walking routes within 100m of SPAs.	N/a
5.7	Construction works on feeding areas adjacent to SPAs	N/a

#### Conclusion Table 3:

If the answer to all of the above is no or n/a, significant impacts on Natura 2000 sites can be ruled out. No further assessment is required, proceed to the Screening Conclusion Statement. If the answer to any question in table 3 is yes, you may require further information, unless you are satisfied that the project proponents have incorporated adequate mitigation into their design to avoid impacts on the Natura 2000 site (eg water pollution protection measures). Such information should be provided in the form of a Natura Impact Statement which should address the particular issues of concern as identified through the above.

#### Table 4: Consideration of Potential Impacts on Protected Species

Many of our Special Areas of Conservation are designated for species as well as for habitats. These are listed below, alongside the sites for which they are designated. Included is a short list of the types of activities which could have an impact on these species. Please tick if you are concerned that the proposed development could have an impact on these species.

Number	Question	Response
1	Species: Otter. Relevant Sites: Lower River Suir, River Blackwater, Waterford Estuary. Activities which could have impacts on species: Activities that interfere with river banks..	No
2	Species: Bats (all species outside designated sites). Relevant Sites: Blackwater River, Lower River Suir, Waterford Estuary, Glendine Wood, Lismore Woods Nire Valley Woods. Along with above, in general all sites with any of the following; woods, mature treelines and hedgerows, old buildings and bridges. Activities which could have impacts on species: Activities that result in loss of woodland or hedgerow habitat or causes disturbance to roost sites. Renovations of old buildings; Repointing of old bridges..	No
3	Species: Salmon. Relevant Sites: Lower River Suir, River Blackwater, Waterford Estuary. Activities which could have impacts on species: Activities that interfere with water quality, levels or the river bed;.	No
4	Species: River Lamprey. Relevant Sites: Lower River Suir, River Blackwater, Waterford Estuary. Activities which could have impacts on	No



	species: Activities that interfere with water quality, levels or the river bed;.	
5	Species: Brook Lamprey. Relevant Sites: Lower River Suir, River Blackwater, Waterford Estuary. Activities which could have impacts on species: Activities that interfere with water quality, levels or the river bed;.	No
6	Species: Sea Lamprey. Relevant Sites: Lower River Suir, River Blackwater, Waterford Estuary. Activities which could have impacts on species: Activities that interfere with water quality or the river bed – estuarine areas;.	No
7	Species: Twaite Shad, Allis Shad. Relevant Sites: Lower River Suir, River Blackwater, Waterford Estuary. Activities which could have impacts on species: Activities that interfere with water quality or the river bed – estuarine areas;.	No
8	Species: White-clawed Crayfish. Relevant Sites: Lower River Suir, River Blackwater, Waterford Estuary. Activities which could have impacts on species: Activities that interfere with water quality or the river bed;.	No
9	Species: Freshwater Pearl Mussel. Relevant Sites: Lower River Suir, River Clodiagh, River Lickey, River Blackwater. Activities which could have impacts on species: Activities that interfere with water quality, levels or the river bed ;.	No
10	Species: Whorled Snail, Vertigo moulinsiana. Relevant Sites: River Blackwater. Activities which could have impacts on species: Activities that result in loss of fen, marsh or wet grassland habitat within or close to the SAC..	No
11	Species: Killarney Fern. Relevant Sites: Glendine Wood, Lismore Woods (River Blackwater). Activities which could have impacts on species: Woodland clearance or other activities resulting in loss or disturbance to woodland habitat within the relevant SACs..	No

#### Conclusion Table 4:

If the answer to all of the above is no, significant impacts on species can be ruled out. If the answer to any of the above is yes, then further information is likely to be required in relation to potential for impact on that particular species. Where potential impacts on the above listed species are within designated sites, then further information should be sought in the form of a Natura Impact Statement. Where impacts are outside designated sites, then a species specific survey should be requested.

#### Habitats Directive Screening Conclusion Statement

Question	Answer
Development Type	Section 5
Development Location	'Mullarkeys', Cliff Road, Ardmore, Co. Waterford
Natura 2000 sites within impact zone	Ardmore Head SAC – 0.2km Helvic to Ballyquin SPA - 3.4km Blackwater River SAC – 6.5km Blackwater Estuary SPA – 6.5km Ballymocoda SPA - 10.5km Ballymocoda Bay SAC – 11.6km Helvic Head SAC – 13.5km Dungarvan Harbour SPA – 13.5km
Planning File Ref	2019/15 (Section 5)
Description of the combined project	Proposed extension of chalet to the rear of the structure by 9sqm. Finishes to match existing structure. New entrance door to eastern elevation

<b>Describe how the project or plan (alone or in combination) could affect Natura 2000 site(s).</b>	The subject development alone or in combination does not negatively impact on any Natura 2000 sites
<b>If there are potential negative impacts, explain whether you consider if these are likely to be significant, and if not, why not.</b>	N/a
<b>Conclusion of assessment</b>	Having regard to the location of the subject site and to the nature of the proposed development, and the intervening distance with the identified Natura 2000 Sites, I consider that no appropriate assessment issues arise in this case. In my opinion the proposed development either individually or in combination with other plans or projects, would not be likely to have a significant effect on a Natura 2000 Site.
<b>Documentation reviewed for making of this statement.</b>	Watmaps and NPWS website and MyPlan
<b>Completed By</b>	Aidan Walsh, Executive Planner
<b>Date</b>	06/12/19



Bro O'Kennedy

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**From..** Aidan Walsh  
**Sent:** 06 December 2019 11:24  
**To:** planning  
**Subject:** FW: from MFD-PLAN2  
**Attachments:** doc16186020191206113528.pdf

See attached 2019/15 Section 5 - I originally prepared this back in September but I can't find a record of previously forwarding it for approval. I am now sending same with an updated date

Aidan

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-----Original Message-----

**From:** [mfd@waterfordcity.ie](mailto:mfd@waterfordcity.ie) [<mailto:mfd@waterfordcity.ie>]  
**Sent:** 06 December 2019 11:36  
**To:** Aidan Walsh  
**Subject:** from MFD-PLAN2

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TASKalfa 3051ci  
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Star Cottage ,  
Ardmore,  
Via Youghal,  
Co Waterford,  
P36 A028

Thurs. Nov 28<sup>th</sup> 2019

Att'n Director of Services Planning,

Planning Dept.,

Waterford City & County Council,

Menapia Building,

The Mall,

Waterford City.

DEAR MR MICHAEL QUINN

Re; Section 5 Application no. D5/2019-15, dated 26/4/2019.

I wrote to your Dept. on Wed. Nov 13<sup>th</sup> (two weeks ago), in relation to the above application.

I enclose a copy of the letter, sent via Registered Post.

Can you help me with the following;

- 1 Has your Dept. received my letter ?
- 2 Is it possible for you to confirm that it has been received ?
- 3 Please respond to my query, namely; Should I forward the Sect 5 Application to Bord Pleanala?

Please place a copy of this letter on the planning file.

Yours faithfully,

Richard Lincoln.

Yvonne  
pl. cell + state  
that the correspondence  
has been forwarded to L.M. Green





Star Cottage ,  
Ardmore,  
Via Youghal,  
Co Waterford,  
P36 A028

Wed. Nov 13<sup>th</sup> 2019

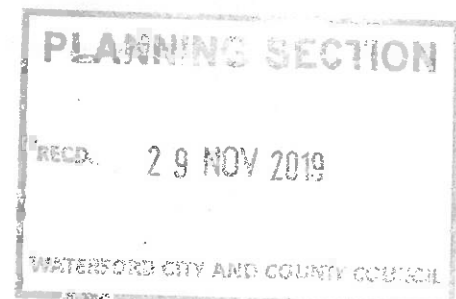
Att'n Yvonne Devereux,  
Planning Dept.,  
Waterford City & County Council,  
Menapia Building,  
The Mall,  
Waterford City.

Re; Section 5 Application no. D5/2019-15, dated 26/4/2019.

I spoke to you on the phone on midday Fri Nov 8<sup>th</sup> in relation to the above application.

It is just over six months since I made this application. Nothing has happened on the file since then, other than WCCC acknowledgement on 7/5/2019. You informed me that there was no further activity on the file. In fact, I later confirmed this, when I called to WCCC Planning office in Waterford City, and received a full copy of its contents from you. I find this lack of activity extraordinary.

My planning request is essentially, seeking a ruling from the planners confirming that the front of the house is the side facing the road. My proposed extension is on the side furthest from the road, the side facing the sea.







You informed me that the planner dealing with the matter (Mr A Walsh) is away for two weeks. You will pass the matter to Ms Hazel O'Shea immediately (a more senior planner in WCCC), who will allocate the file to another planner, with a view to progressing the matter.

I am concerned about the elapse of time, and nothing apparently happening. It is extremely frustrating and stressful.

Am I now to expect an RFI (Request for Further information), followed by another 3 to 6 month further delay, before WCCC move to action the file ?

Perhaps I have been remiss, in not following the clear advice on WCCC web site; that states that I should have sent the matter to Bord Pleanala, should WCCC have not responded within 4 weeks.

#### Extract from WCCC web site

##### **' Establishing a Requirement for Planning Permission**

A formal declaration can be sought from Waterford City & County Council to establish if full planning permission is required for a specific development proposal under Section 5 of the Planning & Development Act 2000 (as amended). A completed [application form](#) accompanied by a Site Location Map, a fee of €80.00, and as much detail as possible outlining your proposal (drawings and photos etc.) should be submitted to the above address. A decision will generally be issued within four weeks. If the Planning Authority fails to issue a declaration within 4 weeks or the applicant is not satisfied with the decision of the Planning Authority, the applicant may refer the matter to [An Bord Pleanála](#).

Please advise, am I to do this (refer the matter to Bord Pleanala).

Please place a copy of this letter on the planning file.

Yours faithfully,

Richard Lincoln.

P.S. Please note that the planning reference no. is incorrectly identified on your acknowledgement letter dated 7/5/2019.







BO'K/LMG/D5/20192-15

7<sup>th</sup> May 19

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Dick Lincoln,  
Cliff Road,  
Ardmore,  
Co. Waterford.

RE: 'Mullarkeys' Cliff Road, Ardmore, Co. Waterford.  
Section 5 Declaration

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Dear Sir or Madam:

I wish to acknowledge receipt of your application for Section 5 Declaration relating to the above mentioned property and enclose receipt herewith.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'B. O'Kennedy', written over a horizontal line.

B. O'Kennedy,  
Staff Officer.



