



COMHAIRLE | CLARE  
CONTAE AN CHLÁIR | COUNTY COUNCIL

**REGISTERED POST**

The Secretary  
An Bord Pleanála  
64 Marlborough Street,  
Dublin 1, D01 V902

20<sup>th</sup> October 2021

<b>AN BORD PLEANÁLA</b>	
LDG-	045259-21.
ABP-	
21 OCT 2021	
Fee: €	110
Type:	Plus
Time:	
By:	Reg Post

A Chara,

The Planning Authority has received a Section 5 declaration with respect to the attached works.

I wish to advise that the Planning Authority has not made a declaration in this instance and is now referring the matter to An Bord Pleanála for a determination under Section 5(4) of the Planning and Development Act, 2000, as amended.

I attach relevant details in relation to same along with fee of €110.00 for the referral.

Mise, le meas

**Kieran O'Donnell**  
Administrative 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







COMHAIRLE | CLARE  
CONTAE AN CHLÁIR | COUNTY COUNCIL

### Section 5 referral Reference R21-57 – Maura O’Grady

1. Does a pre-1963 farm dwelling have an implied condition of residential use in respect of section 160(6) (b) of the Planning Development Act 2000 as amended?
2. Is the use of a residential farm as an oil storage and distribution depot development and, if so, is it exempt development?
3. Is the retail sale of petrol, diesel and ancillary products by Burrenside Oil Ltd. at Drumumna, Crusheen, Co. Clare development and/or an intensification of development on this site?
4. Was the installation of an interceptor tank in October 2020 at Burrenside Oil Ltd., Drumumna, Crusheen, Co. Clare development and/or an intensification of development, and if so, is it exempt development?
5. Is the placing of approximately 300m<sup>2</sup> of concrete parking for the overnight parking, loading and unloading of trucks at Burrenside Oil Ltd, Drumumna, Crusheen, Co. Clare development and/or an intensification of development, and if so, is it exempt development?
6. Is the construction of bunding installed in 2020 around oil storage tanks at Burrenside Oil Ltd., Drumumna, Crusheen, Co. Clare development and/or intensification of development and if so is it exempt development?
7. Is an increase in oil storage capacity from a much lower level to approximately 159,000 litres for sale and distribution development and/or an intensification of development, and if so, is it exempt development?
8. Is the construction of offices on a residential farm development and/or an intensification of development, and if so, is it exempt development?
9. Is the provision of wastewater treatment for on-site staff development and/or an intensification of development and if so is it exempt development?

An Roinn Pleanála  
An Stiúirthóireacht Forbairt Gheilleagrach

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Planning Department  
Economic Development Directorate

Áras Contae an Chláir, New Road, Ennis, Co. Clare, V95 DXP2







**SADLEIR LYNCH PIERSE**  
**SOLICITORS LLP**

Olivia Lynch, B. Arts, LL.B, Notary Public  
Cliona Pierse, B. Comm (Intl), Chartered Director

Crow Street, Gort  
County Galway  
H91 DAE0

DX: 77004 Gort  
info@slpsolicitors.ie  
Tel: (091) 631614  
VAT No: IE9678495S

Our Ref: CP/CP/O00762  
Your Ref: UD-20-101

27<sup>th</sup> September 2021

Planning Department  
Economic Development Directorate  
Clare County Council  
Áras Contae an Chláir  
New Road  
Ennis  
County Clare  
V95 DXP2



**Re: Our Client(s): Maura O'Grady**  
**Business: Danny Liddy and Michael Liddy trading as Burrenside Oil**  
**Address: Drumumna, Crusheen, County Clare**

Dear Sirs,

We enclose\*

1. P07 request for a Declaration on Development and Exempted Development together with attached sheets\*2
2. Site Location Map in Duplicate

Our client will phone to pay the fee of €80.00.

We await hearing from you.

Yours faithfully,

  
Sadleir Lynch Pierse  
Solicitors LLP



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](mailto:planoff@clarecoco.ie)  
Website: [www.clarecoco.ie](http://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*

<b>1. CORRESPONDENCE DETAILS.</b>	
(a) Name and Address of person seeking the declaration	<p>Maura O' Grady</p> <hr/> <p>Ballygassane</p> <hr/> <p>Crusheen</p> <hr/> <p>Co Clare</p> <hr/>
(b) Telephone No.:	091 631614 (SLP)
(c) Email Address:	<a href="mailto:cpierse@slpsolicitors.ie">cpierse@slpsolicitors.ie</a> (SLP)
(d) Agent's Name and address:	<p>Sadleir Lynch Pierse Solicitors LLP</p> <hr/> <p>Crow St</p> <hr/> <p>Gort</p> <hr/> <p>Co Galway</p> <hr/>





**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?*

*See attached sheet*

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

*See attached sheet*

(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)*

*Site location map attached with location marked in red.*







**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:	.....		



*SECTION 5 Q2A. 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.*

Specific Questions:

1. Does a pre-1963 farm dwelling have an implied condition of residential use in respect of section 160(6) (b) of the Planning and Development Act 2000 as amended?
2. Is the use of a residential farm as an oil storage and distribution depot development and, if so, is it exempt development?
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9. Is the provision of wastewater treatment for on-site staff development and/or an intensification of development and if so is it exempt development?





*SECTION 5 Q2(b) Full Description*

1. The subject site was traditionally a residential farm with a pre-1963 dwelling. In or about 2001 Burrenside Oil Ltd. commenced an oil storage and distribution depot from this location on a relatively small scale. Over the years there have been several intensifications to the current situation whereby four rigid distribution trucks and several articulated oil tankers use this depot on a daily basis. Members of the public also visit on a daily basis the site to purchase fuel for cars, vans, jeeps and tractors. In 2015 additional large tanks were installed which significantly increased the storage capacity.
2. Following a complaint of unauthorised development and environmental pollution to Clare County Council I was informed that enforcement was statute barred because the development was more than 7 years in existence. I had advice that a change of use is not statute barred. Burrenside Oil Ltd. became aware of my complaint and on whatever basis decided to mitigate its position by putting in a concrete base and an oil interceptor trap.
3. These most recent works involved the installation of the Interceptor Tank and as with all the other development did not have planning permission. The site forms part of the Slieve Aughty Mountains Specially Protected Area 004168 and no consideration of environmental impacts has ever been applied to any of the development on the site. There are significant concerns that the operation of this depot is discharging petroleum hydrocarbons spillages into the ground, adjacent stream, groundwater and other surfacewater features locally.



# Land Registry Compliant Map



**CENTRE COORDINATES:**  
 ITM 541213.688504  
**PUBLISHED:** 07/08/2021  
**ORDER NO.:** 50218346\_1  
**MAP SERIES:** 4091  
**MAP SHEETS:** 1:5,000

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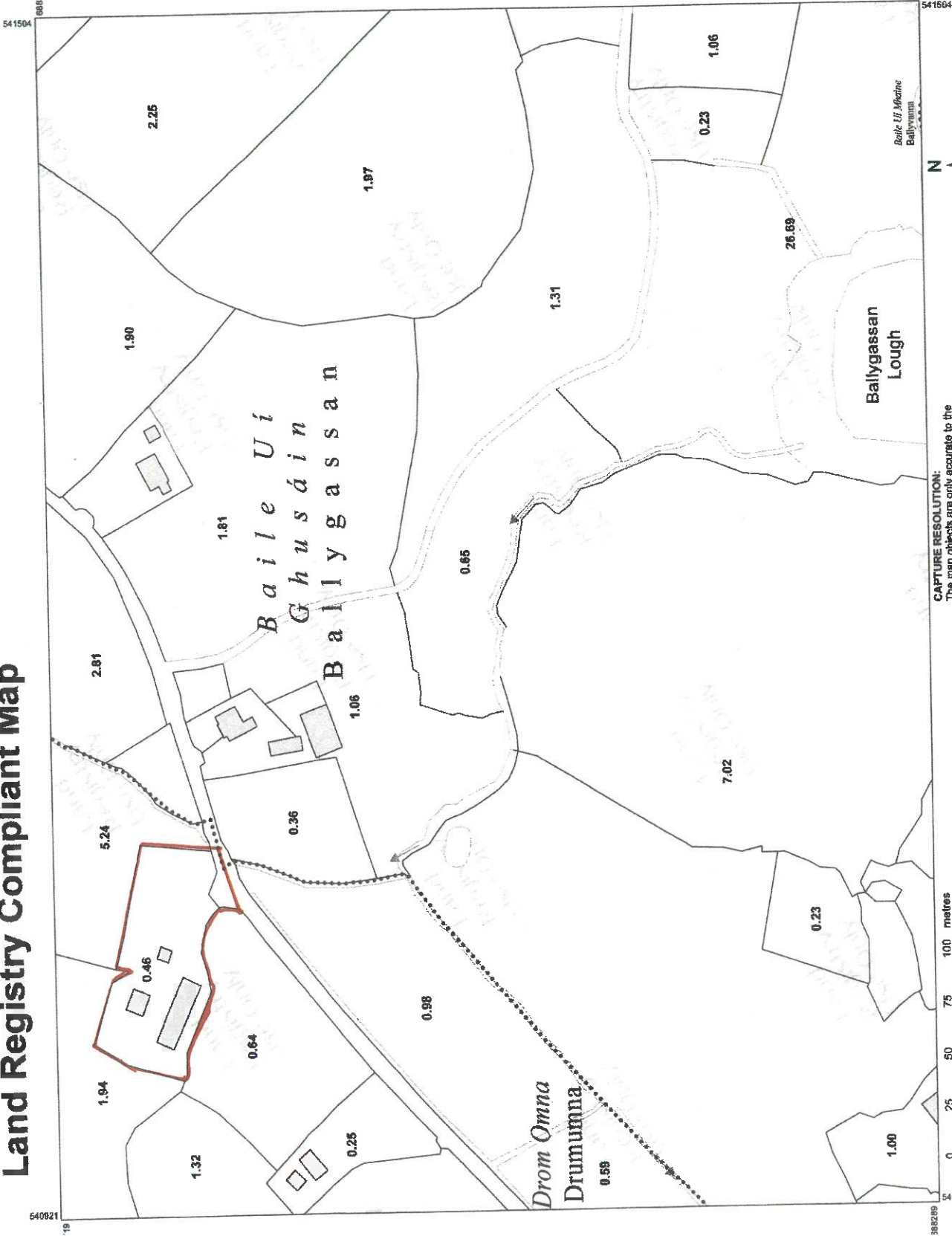
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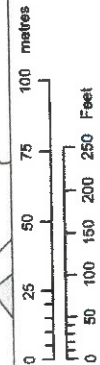
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<http://www.osi.ie>;  
 search 'Large Scale Legend'



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 Further information is available at:  
<http://www.osi.ie>; search 'Capture Resolution'

**OUTPUT SCALE: 1:2,500**



540921

540821



# Land Registry Compliant Map



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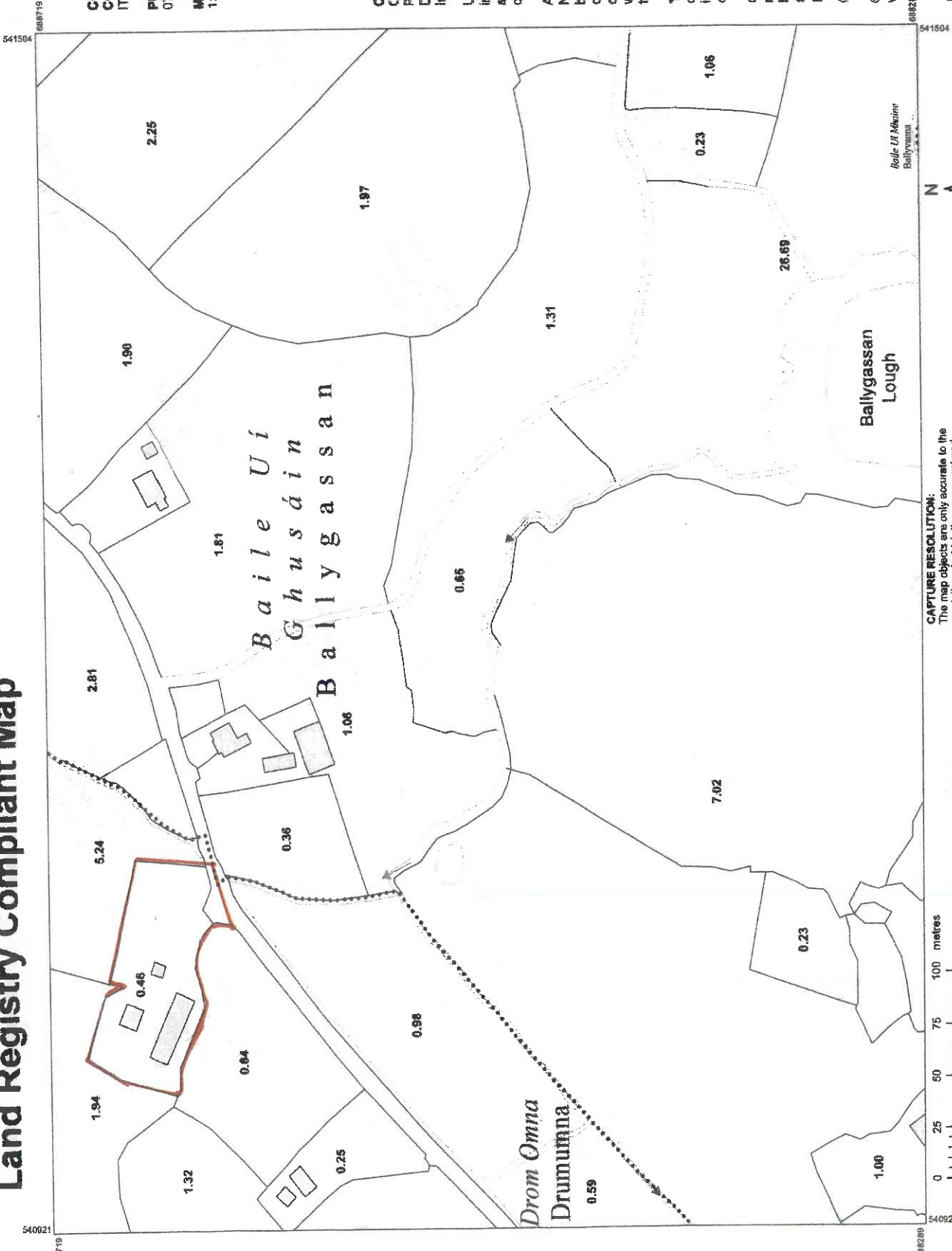
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**OUTPUT SCALE: 1:2,500**

688299

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