



COMHAIRLE | CLARE  
CONTAE AN CHLÁIR | COUNTY COUNCIL

**REGISTERED POST**

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

<b>AN BORD PLEANÁLA</b>	
LDG- _____	
ABP- _____	
03 NOV 2023	
Fee: € _____	Type: _____
Time: _____	By: <u>Roz Post</u>

2<sup>nd</sup> November 2023

An Bord Pleanála Reference Number: ABP-318275-23

**Section 5 referral Reference R23-76 – Carmel Doherty**

Q1. Whether the partial / incidental use of a room within my dwelling house on the part ground floor for part time art school incidental to the enjoyment of my dwelling house and as such does not come within the scope of Section 4 (1) (j) of the PDA 2000 as amended and the character of my residence has not altered from any intensification of use is development, and if so is it exempted development? Q2. Whether the current warning letter dated 24th February 2023 is a completely new issue that should not be linked to file UD17-056?

Dear Sir/Madam,

I refer to the above and **enclose** herewith all documents as requested in your submission dated 23<sup>rd</sup> October 2023.

1.
  - (i) Planning Permission was granted for the particular site as part of the planning permission (Ennis Town Council) P04/107. Please see attached conditions and final grant for same. I have also included the final grant and conditions for (Ennis Town Council) files P98/112 & P98/254 which also relate to Woodhaven estate.
  - (ii) There has been numerous correspondence between the parties involved as this particular section 5 referral relates to an enforcement issue. Please see attached a copy of the enforcement warning letter. Please note that we can furnish you with aspects of the enforcement file if you require this.
  - (iii) Please see attached Land registry details setting out the ownership. The occupier is Carmel Doherty.
  - (iv) The referral was due to be issued on Friday 20<sup>th</sup> October 2023.

Yours sincerely,

An Roinn Pleanála

An Stiúirthóireacht Forbairt Gheilleagrach

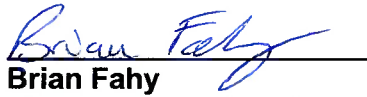
Áras Contae an Chláir, Bóthar Nua, Inis, Co. an Chláir, V95 DXP2

Planning Department

Economic Development Directorate

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



A handwritten signature in blue ink, reading "Brian Fahy", is positioned above a horizontal line.

**Brian Fahy**  
**Planning Department**  
**Economic Development Directorate**  
**Enc.**

**Note:** If you have any queries on the appeal, please contact the Planning Section, Clare County Council on telephone number (065) 6846382.

# Land Registry

County Clare

Folio 43874F

## Register of Ownership of Freehold Land

### Part 1(A) - The Property

Note: Unless a note to the contrary appears, neither the description of land in the register nor its identification by reference to the Registry Map is conclusive as to boundaries or extent.

For parts transferred see Part 1(B)

No.	Description	Official Notes
1	<p>The property shown coloured Red as plan(s) BK2X7 on the Registry Map, in the Parish of DRUMCLIFF , situate in the Townland of CAHIRCALLA MORE , in the Barony of ISLANDS , in the Electoral Division of ENNIS RURAL .</p> <p>The Registration does not extend to the mines and minerals</p>	From Folio CE40971F

# Land Registry

County Clare

Folio 43874F

Part 1(B) - Property  
Parts Transferred

No.	Prop No.	Instrument	Date	Area(Hectares)	Plan	Folio No.

# Land Registry

County Clare

Folio 43874F

## Part 2 - Ownership

Title ABSOLUTE

No.	The devolution of the property is subject to the provisions of Part II of the Succession Act, 1965	
1	23-JUL-2007 D2007WR034759V	CARMEL DOHERTY of 4 Woodhaven Drive, Kilrush Road, Ennis, County Clare and KEVIN O'CONNOR of 4 Woodhaven Drive, Kilrush Road, Ennis, County Clare are full owners.

# Land Registry

County Clare

Folio 43874F

## Part 3 - Burdens and Notices of Burdens

No.	Particulars	
1	23-JUL-2007 D2007WR034759V	The property is subject to rights, covenants and conditions relating to the use and enjoyment of the property.
2	23-JUL-2007 D2007WR034759V	Charge for present and future advances repayable with interest. ULSTER BANK IRELAND LIMITED is owner of this charge. Note: The ownership of this charge has been transferred. See Entry No. 3
3	26-SEP-2023 D2023LR145375U	ALLIED IRISH BANK P. L. C. is the owner of the charge registered at Entry No. 2
4	16-OCT-2023 D2023LR141358X	An order of the South Western Circuit Court County of Clare dated 11 October 2023 in the matter of the Family Law Act, 1995, in the matter of the Family Law (Divorce) Act, 1996, pursuant to Section 14 of the Family Law (Divorce) Act, 1996 in the matter of Carmel Doherty (Applicant) V Kevin O'Connor(Respondent).



COMHAIRLE CLARE  
CONTAE AN CHLÁIR COUNTY COUNCIL

**WARNING LETTER  
PURSUANT TO  
SECTION 152(1) OF THE PLANNING AND DEVELOPMENT ACT  
2000, (AS AMENDED)**

*Carmel Doherty  
4 Woodhaven Drive  
Kilrush Road  
Ennis  
Co. Clare*

Date: 24<sup>th</sup> February 2023

**Our Ref: UD17-056**

**RE: Lands at 4 Woodhaven Drive, Kilrush Road, Ennis, Co. Clare**

A Chara,

I am informing you that it has come to the attention of the Planning Authority, Clare County Council, that unauthorised development may have been, is being or may be carried out, namely:

- **The intensification of the use of part of the existing dwelling house as an art school without the benefit of planning permission.**

**On lands at 4 Woodhaven Drive, Kilrush Road, Ennis, Co. Clare**

Accordingly, this Warning Letter, pursuant to the provisions of Section 152(1) of the Planning and Development Act, 2000, as amended, is hereby issued to

**Carmel Doherty, the owner of the lands.**

Any person served with this Warning Letter may make submissions or observations in writing to the planning authority, Clare County Council, regarding the alleged unauthorised development not later than four weeks from the date of the service of this Warning Letter.

When the Planning Authority considers that unauthorised development has been, is being or may be carried out, an Enforcement Notice may be issued requiring its recipient to cease or not to commence unauthorised development, or to proceed with development in accordance with the related permission.

An Roinn Pleanála  
An Stiúrthóireacht Forbairt Gheilleagrach  
Aras Contae an Chláir, Bothar Nua, Inis, Co. an Chláir, V95 DXP2

Planning Department  
Economic Development Directorate  
Aras Contae an Chláir, New Road, Ennis, Co. Clare, V95 DXP2



Officials of the Planning Authority may at all reasonable times enter on the land for the purposes of inspection.

Any person who has carried out or is carrying out unauthorised development shall be guilty of an offence pursuant to Section 151 of the Planning and Development Act, 2000, as amended. I am obliged to inform you that the possible penalties involved where there is a conviction for such an offence are that a person shall be liable:

1. on summary conviction to a fine not exceeding €5,000 or to imprisonment for a term not exceeding 6 months, or to both.
- or
2. on conviction on indictment to a fine not exceeding €12,697,380.78 or to imprisonment for a term not exceeding 2 years, or to both.

Where an unauthorised development involves the construction of an unauthorised structure, the minimum fine is:

- 1 on summary conviction, the estimated cost of the construction of the structure or €2,500, whichever is less:
  - or
  - 2 on conviction on indictment, the estimated cost of the construction of the structure or €12,697.38 for each day, whichever is less,
- except where the person convicted can show to the court's satisfaction that he, she, or it, does not have the necessary financial means to pay the minimum fine.

Failure to comply with an Enforcement Notice is an offence contrary to Section 154(8) of the Planning and Development Act, 2000, as amended.


The penalties upon conviction for an offence contrary to Section 154(8) are the same as for Section 151, set out above.

In addition, any costs reasonably incurred by the Planning Authority in relation to enforcement proceedings may be recovered from a person on whom an Enforcement Notice is served or where Court action is taken.

If you have any queries in relation to the above, please contact the **Planning Enforcement Section** on (065) 6821616.

I await any written submissions or observations you may have regarding the alleged unauthorised development, not later than four weeks from the date of the service of this Warning Letter.

Mise le meas,



**Kieran O'Donnell**  
**Administrative Officer**  
**Planning Department**



**ENNIS TOWN COUNCIL**  
**LOCAL GOVERNMENT (PLANNING & DEVELOPMENT) ACTS, 1963 TO 2000**  
**NOTIFICATION OF A GRANT OF APPROVAL (SUBJECT TO CONDITIONS)**  
**UNDER SECTION 26 OF THE ACT OF 1963, AS AMENDED**

**TO:** M. Fitzgibbon (Builders) Ltd  
c/o Cyril O'Reilly  
Parting Glass  
Quin  
Co Clare

**Planning Register No.** 04/107

**APPLICATION BY:** M. Fitzgibbon (Builders) Ltd

**OF:** c/o Cyril O'Reilly, Parting Glass, Quin, Co Clare

**ON:** 2<sup>nd</sup> July 2004

**FOR:** *APPROVAL for development which will consist of the construction of 5 no. detached dormer type dwellings, site development works and connection to public services (outline permission ref: (01/13) at Woodhaven, Cahercalla, Ennis in accordance with plans and particulars submitted on the 2<sup>nd</sup> July 2004.*

A Permission has been granted for the development described above for the Reason set out in the First Schedule hereto, and subject to the Condition(s) and Reason(s) set out in the Second Schedule hereto:

**FIRST SCHEDULE – CONDITIONS AND REASONS**

1. The development shall be in accordance with plans and particulars submitted on the 2<sup>nd</sup> July 2004 except where conditions hereunder specify otherwise.

**Reason:** In the interest of proper planning and development

2. All roads, footpaths, sewers, surface water drains and all associated fixtures, services and site development works shall be completed in accordance with the 1998 Dept. of Environment & Local Government 'Recommendations for Site Development Works for Housing Areas', except that the minimum longitudinal gradient shall be 1/150.

**Reason:** In the interest of proper planning, site development layout and construction.

3. All roads shall be completed to meet the requirements of the Department of the Environment "Specification for Road Works" and flexible road surfaces shall be finished in 2 layers (40mm each) of dense bituminous macadam surface dressed once. Concrete roads shall have a minimum concrete dept of 200 mm.

**Reason:** In the interest of proper development and construction.



4. Street lighting shall be provided and made operational and it shall be in accordance with the standards laid down in the current E.S.B. Publication "Public Lighting in Residential Estates". Lanterns shall be of S.O.N. type. The lighting columns for the public lighting system shall be constructed of 3.2mm minimum steel hot dip galvanised. Before the development is commenced the public lighting design shall be submitted to the Planning Authority for agreement.

**Reason:** In the interest of public lighting and public safety.

5. Cul-de-sacs shall be provided with rectangular turning bays adequate to cater for refuse and service vehicles to comply with R.T. 181.

**Reasons:** In the interest of orderly development.

6. The developer shall provide and lay underground all telephone, electricity, piped television cables and natural gas mains infrastructure at the time of construction. Details of which shall be agreed with the relevant service providers.

**Reason:** In the interest of orderly development and visual amenity.

7. Prior to the commencement of development, proposals for house numbering scheme and associated signage shall be submitted to the Planning Authority for agreement.

**Reason:** In the interest of orderly development and to assist residents and the postal authorities

8. All footpaths shall be concrete bayed, slabbed or tiled. They shall be dished at all road junctions and at all entrances and shall be level with the carriageway at such points.

**Reason:** To facilitate pedestrian access particularly to those pushing prams, the elderly, and the handicapped.

9. Details of all screen, rear garden and front boundary walls to be provided between sites and between sites and public places shall be submitted to the Planning Authority for agreement prior to commencement of development.

**Reason:** In the interest of privacy and residential amenity.

10. Existing hedgerows and trees shall be retained except where the removal of such features is agreed in writing with the Council.

**Reason:** In the interest of visual amenity and to preserve the existing environment.

11. All buildings shall be a minimum 23m from existing or proposed E.S.B lines, cables and pylons. Pylon bases shall be adequately sealed to prevent access and in addition thorn bushes and/or suitable shrub or undercover species shall be planted.

**Reason:** In the interest of public safety and proper development.



12. No development exempted or otherwise shall be erected over the public sewer, drain or watermain.

**Reason:** In the interest of public health.

13. All the main foul, surface water sewers and public water mains shall be laid in roads or public open spaces and no sewers or watermains other than individual house connections shall be laid in any private property other than with the prior written consent of the Planning Authority.

Sewers, watermains and surface water drainage shall be provided in accordance with the "Recommendations for Site Development Works in Housing Areas" of Dept. of Environment (1998) subject to the following amendment to table 3:1.

TABLE Pipe sizes and Gradients for Drains and Sewers carrying small flows of Foul Sewage.

No. of dwellings Contributing	Minimum Pipe Diameter (mm)	Desirable Minimum Gradient	Absolute Minimum Gradient
1 (House connection only)	100	1 in 40	1 in 60
2 or more	150	1 in 100	1 in 130*
	225	1 in 140	1 in 180*
	300	1 in 200	1 in 250*

\*Lower gradients may be permitted where the applicant can demonstrate that the volume discharged ensures a self-cleansing velocity of at least 0.8 m/sec. Such considerations only arise when a large number of houses are contributing to the sewer.

NOTE: The minimum gradients for storm water drains shall be as approved by Clare County Council. Hydraulic considerations will be taken into account by the Council.

**Reason:** In the interest of proper planning and development.

14. Adequate temporary car parking accommodation shall be provided on the site for the use of employees engaged in construction work on the site.

**Reason:** In the interest of traffic safety and orderly development.



15. A proper water distribution system shall be provided with minimum m.m. class C watermain on major roads throughout the development. Each T. junction shall be provided with 3 sluice valves and each cross-junction shall be provided with 4 sluice valves. Hydrants at 70m in intervals and at end points shall be provided. They shall be BSS type 750 and shall have 75m.m. inlet, round thread outlet and square spindle. All hydrants and sluice valves shall be marked with proper markers. Hydrants and valve covers shall be painted yellow. Hydrant outlets shall be not more than 300m.m below ground level.

**Reason:** In the interest of public health.

16. After completion of the development, the developer shall lodge full plans, drawings and details of the entire development as completed and these shall be certified by a suitable professionally qualified individual. Said drawings and plans shall be in digital format and be compatible with AUTOCAD Release 12 or later.

**Reason:** In the interest of future maintenance of the development.

17. Prior to commencement of development the developer shall pay a contribution of €55,040.00 to Ennis Town Council (Planning Authority) in respect of public infrastructure and facilities benefiting the development.

The amount of this contribution is calculated in accordance with the Council's prevailing Development Contribution Scheme and will be increased from January 1<sup>st</sup> next and annually thereafter (unless previously discharged) in line with the Wholesale Price Index-Building and Construction (published by the Central Statistics Office) unless the scheme is superseded by a further Development Contribution Scheme adopted by the Council.

**Reason:** It is considered appropriate that the developer should contribute towards the cost of public infrastructure and facilities benefiting the development, as provided for in the Council's prevailing Development Contribution Scheme, made in accordance with Section 48 of the Planning and Development Act 2000, and that the level of contribution payable should increase at a rate in the manner specified in that scheme.

18. The developer shall submit a list of names and addresses of each occupant of every house within 3 months of the house being occupied.

**Reason:** In the interest of proper planning and development.

19. No sign/symbol, name plate or advertising shall be erected without the prior written approval of the Planning Authority whether or not such development would otherwise constitute exempted development.

**Reason:** In the interest of visual amenity.



20. Water supply shall be via public watermain only. A clearly identifiable and properly constructed stop-cock on the water supply shall be provided for each home. This stop-cock shall be located outside the curtilage of the house, on the public roadway or footpath.

**Reason:** In the interest of orderly development.

21. The developer shall ensure that the finished floor level of all dwellings are above flood levels and that all low points are filled to ensure that such flooding does not occur.

**Reason:** In the interest of amenity and public health.

22. All drains within or bounding the proposed site shall be piped in pipes of a diameter to be agreed with the council and in a manner to permit the continued free flow of water and shall then be backfilled.

**Reason:** In the interest of amenity and public health

23. Full details of pertaining to foul and surface water disposal and public water supply shall be submitted to the Planning Authority for agreement prior to commencement of development.

**Reason:** In the interest of orderly development and public health.

24. Full details of all external finishes and colour schemes shall be submitted to the Planning Authority for agreement.

**Reason:** In the interests of amenity.

25. No house in the development shall be used for commercial overnight guest accommodation without the prior approval of the Planning Authority, notwithstanding that any such use might be considered exempted development but for the provisions of this condition.

**Reason:** In the interest of amenity and traffic safety/convenience

26. Compliance with conditions set out under 98/ 253, 98/ 254, 98/ 255 (P.L. 55.122849) and 98/ 256 (P.L 58116543) in so far as they relate to the proposed development.

**Reason:** In the interest of orderly development.



27. Prior to commencement of development the developer shall submit to the Planning Authority for agreement full details of any alterations to the development, if required by the Chief Fire Officer.

**Reason:** In the interest of public safety and the safety of the occupants of the development.

Signed on behalf of Ennis Town Council: Marion Keane

**Marion Keane,  
Staff Officer,  
Waterpark House,  
Drumbiggle, Ennis.**

**Date:**

**20<sup>th</sup> September 2004**



**ENNIS URBAN DISTRICT COUNCIL**  
**LOCAL GOVERNMENT (PLANNING & DEVELOPMENT) ACTS, 1963 TO 2000**  
**NOTIFICATION OF A GRANT OF PERMISSION, (SUBJECT TO CONDITIONS)**

**M. Fitzgibbon (Builders) Ltd.,**  
**c/o Dermot & Sean Merry,**  
Fergus Lodge,  
Clonroad Bridge,  
Clonroadmore,  
ENNIS.

**Ref. No. in**  
**Planning Register: 98/254**

**APPLICATION BY:** M. Fitzgibbon (Builders) Ltd.,

**OF:** c/o Dermot & Sean Merry,  
Fergus Lodge,  
Clonroad Bridge,  
Clonroadmore,  
Ennis.

**ON:** 23<sup>rd</sup> December, 1998.

**FOR:** Permission to construct 12 No. detached bungalows and site development works at Cahercallamore, Ennis, in accordance with plans and particulars received on 23<sup>rd</sup> December, 1998, 9<sup>th</sup> February, 1999, 7<sup>th</sup> April, 2000, and 8<sup>th</sup> June, 2000.

A permission has been granted for the development described above subject to the following conditions.

1. The development shall be carried out in accordance with the drawings and details submitted to the Planning Authority on 23<sup>rd</sup> December, 1998, 9<sup>th</sup> February, 1999, 7<sup>th</sup> April, 2000, and 8<sup>th</sup> June, 2000, except where altered or amended by conditions of this permission.
2. This permission relates only to House No's 117 – 128 inclusive and ancillary site development works.
3.
  - (a) A 1.8 metre high solid block wall, capped, shall be erected along the rear intersite garden boundaries of each house site.
  - (b) The proposed external finishes of all boundary walls facing onto public areas shall be submitted to and agreed with the Planning Authority prior to commencement of development, in accordance with finishes approved under Planning Ref. 98/256.
  - (c) Full details of all front garden boundary treatments shall be submitted to and agreed with the Planning Authority prior to commencement of

development, in accordance with finishes approved under Planning Ref. 98/256

- (d) Prior to commencement of development details of boundary to rear of sites 117 – 128 inclusive shall be agreed with the Planning Authority.
4. 150mm diameter foul sewer pipes shall be increased to 225mm diameter to enable compliance with the requirement that no 150mm foul sewer shall service more than 15 housing units.
  5. All foul and storm sewer lines above 150mm diameter shall be of concrete socket and spigot type.
  6. All gulley connections shall be 150mm diameter.
  7. No storm sewer shall be less than 225mm diameter.
  8. The watermain along the main distributor road through the scheme shall be 150mm diameter. All other mains shall be 100mm diameter. All watermains shall be Class C.
  9. A 300mm wide precast concrete channel shall be provided between the roadside kerbs and the road carriageway surface throughout the development.
  10. Prior to commencement of any house construction works, the entrance to the development shall be fully completed with the exception of the final DBM wearing course road surface, i.e. the area bounded by the Kilrush Road and for a depth of 30 metres into the site. To satisfy this requirement, all footpaths, amenity space, drainage channels, sanitary and other services shall be fully constructed and a basecourse DBM surface shall be applied to road.
  11. The minimum road longitudinal gradient within the development shall be 1/120. Cambers and crossfalls shall be 1/40.
  12. The sewer lines to be laid in the Kilrush Road as part of this proposal shall be dedicated to the Council for public use on satisfactory completion of same. These sewers shall be laid from the proposed scheme entrance to Cahercalla Cross as proposed. The design of these sewers shall be approved by the Council in advance of works.
  13. Kerblines at junction shall be 6 metres.
  14. The soakpit shall be constructed in accordance with precise design details to be agreed with the Council prior to commencement of development.



15. The roads and footpaths shall be constructed to the satisfaction of the Planning Authority in accordance with the "Recommendation for Site Development Works in Housing Areas" of Department of Environment & Local Government, 1998.
16.
  - (a) Dwellinghouses shall comply with Section 1.5 of Technical Guidance Document "B" "Fire Safety" to the Building Regulations 1997, e.g. escape windows providing an opening of not less than 850mm and 500mm shall be provided in all bedrooms. A mains powered fire detection and alarm system shall be provided in accordance with BS 5839 Part 6 1995.
  - (b) Hydrants shall be provided in accordance with Technical Guidance Document B to the Building Regulations 1991. The hydrant system shall comply with the requirements of BS 5306; Part 1; 1976. Hydrants shall be underground fire hydrants, screw – down type as per BS 750; 1989 and shall be conspicuously marked in accordance with BS 3251; 1976.
17. A sufficient number of suitably spaced and located road gullies shall be provided on the roads. The gullies shall be connected to the surface water disposal system. The "Recommendations for Site Development Works for Housing Areas" of Department of Environment and Local Government 1998, shall be taken into account in the design of this system.
18. All surface water from roofs and paved areas shall be discharged to the surface water disposal system and no surface water shall be discharged to a foul sewer or be permitted to flow onto the public roadway or adjoining property.
19. Public lighting shall be provided to facilitate each dwellinghouse when occupied and the developer shall switch on the public lighting as dwellinghouses are occupied and shall maintain the public lighting until taken in charge by the Council.
20. The public lighting shall be provided in accordance with a public lighting design to be agreed. Before the development is commenced the public lighting design shall be submitted to the Planning Authority for agreement.
21. The lighting columns for the public lighting system shall be constructed of 3.2mm minimum steel hot dip galvanised.
22. Electricity and telephone services shall be laid underground. Provision shall be made for the underground installation of cable television service. This work shall be carried out prior to road surfacing and junction boxes shall be provided by the developer.
23. All the main foul and surface water sewers shall be laid in roads or public

open areas and no sewers other than individual building connections shall be laid in any private property other than with the prior written consent of the Planning Authority.

24. Sewers, watermains and surface water drainage shall be provided in accordance with "Recommendations for Site Development Works in Housing Areas" of Department of the Environment and Local Government, 1998.

A SUS 25 survey of all mains and service sewers shall be carried out in accordance with the manual sewer classification in "WRC/WAA 1988) and submitted to the Council in digital format which is compatible with the examiners software.

25. Adequate temporary car parking accommodation shall be provided on the site for the use of employees engaged in construction work on the site.
26. A minimum of 2 car parking spaces suitably surfaced in durable dust-free material shall be provided to service each dwellinghouse.
27. The footpath shall be dished at each vehicular entrance and entrance gates shall open inwards.
28. Before development commences on the site, a comprehensive landscaping scheme for the open space area fronting sites 117 and 118 shall be submitted for the agreement of the Planning Authority. The scheme shall include:
- (i) Details of all existing trees, scrub and hedgerows specifying those proposed for removal and those proposed for retention together with reasons for their protection during the course of construction;
  - (ii) Details of proposals for the carrying out of mitigation measures recommended by Ecological Consultants, details of which were submitted to the Planning Authority on 8<sup>th</sup> June, 2000;
  - (iii) The scheme shall also include details of -
    - (a) Mounding and seeding,
    - (b) Plant and tree varieties,
    - (c) Height and girth of trees proposed,
    - (d) The size and location of all open space areas provided to service the development.
    - (e) Maintenance and replacement planting, and
    - (f) Phasing and timing of implementation.
29. Before development commences a comprehensive scheme for the provision of recreational amenities and public open space shall be submitted for the agreement of the Planning Authority.

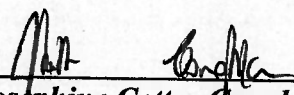
30. Prior to commencement of development the ground floor levels for all dwellings, road levels, and open space levels, shall be agreed with the Council.
31. Before the development commences a contribution of £12,000 shall be paid to Ennis Urban District Council towards the expenditure incurred by the Council in the provision of public water supply, public sewerage system, public amenities, public open space and other infrastructural developments in the area which will facilitate the proposed development.
32. Before the development commences, the developer shall lodge with the Planning Authority, cash deposit, a bond of an Insurance Company or such other security as may be acceptable to the Planning Authority to secure the provision, satisfactory completion and maintenance until taken in charge of roads, footpaths, sewers, watermains, drains, public open space, public lighting, and other services required in connection with the development, coupled with an agreement empowering the said Planning Authority to apply such security or part thereof for the satisfactory completion or maintenance as aforesaid of any part of the development. The amount of the security shall be £1,600.
33. Existing trees and hedgerows shall be retained save where their removal is required by other conditions of this permission.
34. Until finally discharged at no time shall the period of validity of any bond or other security lodged with the Planning Authority in accordance with the conditions of this permission be less than two years.
35. No garage, shed, awning or similar structure shall be provided without the prior consent of the Planning Authority whether or not such provision would otherwise constitute exempted development.
36. A road naming-scheme shall be submitted for Council's agreement and suitable name-plates shall be erected.
37. Footpaths shall be ramped at road junctions at gradients suitable to facilitate those with restricted physical mobility.
38. The Planning Authority shall be informed in writing as each stage of the development takes place, namely -
  - (a) marking out of site,
  - (b) provision of road base,
  - (c) provision of pipework and ducting.
  - (d) marking out of dwellings.
  - (e) surfacing of road and footpath

in order that inspection of the work in question may be carried out.



39. No dwelling shall be occupied until watermains, sewers and roadways are provided to serve that dwelling in accordance with the specifications prescribed by this permission.
40. All drains within or bounding the proposed site shall be piped in pipes of a diameter to be agreed with the Council and in a manner to permit the continued free flow of water and shall then be backfilled.
41. Means of connecting to public water and sewerage systems shall be agreed with the Planning Authority before development commences.
42. All external finishes and colour schemes shall be agreed with the Planning Authority before development commences.
43. No house in the development shall be used for commercial overnight guest accommodation without the prior approval of the Planning Authority, notwithstanding that any such use might be considered exempted development but for the provisions of this condition.

*Signed on behalf of Ennis U.D.C.*

  
\_\_\_\_\_  
*Josephine Cotter-Coughlan,*  
*Administrative Officer.*

**Date:**

**16<sup>th</sup> January, 2001.**

**ENNIS URBAN DISTRICT COUNCIL.**  
**LOCAL GOVERNMENT (PLANNING & DEVELOPMENT) ACTS, 1963 TO 1993**  
**NOTIFICATION OF A GRANT OF PERMISSION, (SUBJECT TO CONDITIONS)**

**TO:** M. Fitzgibbon (Builders) Ltd.,  
c/o Fergus Lodge,  
Clonroad Bridge,  
Clonroadmore,  
Ennis.

**Reference No. in**  
**Planning Register:** 98/112

**Application by:** M. Fitzgibbon (Builders) Ltd.  
**Of:** c/o Fergus Lodge, Clonroadmore, Ennis.  
**On:** 29th May, 1998  
**For:** permission for 52 dwelling houses only and site development works at Cahercallamore, Ennis.

A permission has been granted for the development described above subject to the following conditions:

1. The development shall be carried out in accordance with the drawings and details submitted to the Planning Authority on 29th May, 1998, 10th June, 1998, 22nd July, 1998, 26th August, 1998 and 7th October, 1998 except where altered or amended by conditions of this permission.
2. This permission relates only to house nos. 1 to 52 and ancillary site development works. Houses No. 53 to 58 shall be omitted from the proposed development. No permission is granted for the remainder of the layout submitted including the proposed access onto Cahercalla Road. These shall be the subject of a separate planning application.
3. No trees located with Areas D and E on the tree survey drawing submitted to the Planning Authority on 26th August, 1998 shall be lopped, topped or removed without the prior written agreement of the Planning Authority.
4.
  - (a) A 1.8 metre high solid block wall, capped, shall be erected around the rear garden boundaries of each house site.
  - (b) The proposed external finishes of all boundary walls facing onto public areas shall be submitted to and agreed with the Planning Authority prior to commencement of development.
  - (c) Full details of all front garden boundary treatments shall be submitted to and agreed with the Planning Authority prior to commencement of the development.
  - (d) Full details of all site boundary walls shall be submitted to and agreed with the Planning Authority prior to commencement of the development.

5. No structure normally regarded as 'exempted development' shall be erected in the front or rear garden areas of the proposed houses without the prior written agreement of the Planning Authority.
6.
  - (a) All 150mm. diameter foul sewer pipes shall be increased to 225mm. in diameter.
  - (b) All foul and storm sewer lines above 150mm. diameter shall be concrete spigot and socket type.
  - (c) All gully connections shall be 150mm. diameter.
  - (d) No storm water sewer shall be less than 225mm diameter.
  - (e) The watermain along the main distributor road through the scheme shall be 150mm. diameter. All other watermains shall be 100mm. diameter. All watermains shall be Class C.
  - (f) The sewerlines to be laid in the Kilrush Road shall be dedicated to the Council for public use on satisfactory completion of same. The proposed sewers shall be laid from the entrance to the scheme to the western entrance to Cahercalla Estate. The design of these sewers shall be agreed with the Planning Authority prior to commencement of the development.
  - (g) The soakpits shall be constructed in accordance with the precise design details agreed with the Planning Authority prior to commencement of the development.
7.
  - (a) A 250mm. wide precast concrete channel shall be provided between the roadside kerb and the road carriageway surface throughout the development.
  - (b) Prior to house construction commencing, the entrance to the development from the area bounded by the Kilrush Road and for a depth of 30m. into the site shall be fully completed with the exception of the final DBM wearing course road surface. All footpaths, amenity spaces, drainage channels, sanitary and other services shall be fully constructed and a base course DBM surface shall be laid.
  - (c) The minimum road longitudinal gradient within the development shall be 1/120. All cambers and cross falls shall be 1/40.
  - (d) The junction with the Kilrush Road shall be designed such that a clear line of vision is available for a distance of 90 metres in both directions, measured from a point 3.5 metres back from the existing kerblines along the proposed access road centreline and at a height of 1.05 metres above ground level to the existing kerblines along the south side of the Kilrush Road.
  - (e) Kerblines radii at junctions within the development shall be 6 metres.
  - (f) Kerblines radii at the junction with the Kilrush Road shall be 10 metres.
8. The roads and footpaths shall be constructed to the Planning Authority's satisfaction in accordance with the Recommendations for Site Development Works for Housing Areas of An Foras Forbartha (1984).
9. Hydrants shall be provided by the developer as follows -
  - (a) All hydrants shall comply with B.S. No. 750 (1984) for Underground Fire Hydrants and shall be suitably located on a footpath, grass margin, etc. and fitted with a nominal 62.5 mm. male round threaded outlet. Fire hydrants shall be positioned in such a way that -



- (i) Area within 1 metre of hydrants is clear of all obstruction.
- (ii) The parking, loading and unloading of vehicles is unlikely to obstruct them.

Where necessary such double flanged distance pieces shall be provided to locate the isolating spindle of the hydrant within 150mm below the C.I. Surface box cover.

- (b) Outlets shall be not more than 300mm. below finished ground level.
  - (c) Hydrant indicator plates shall conform to B.S. 3251: 1976 and can be made of vitreous enamelled mild steel cast iron aluminium alloy or plastic. The plates are of standard dimensions, yellow in colour with the letter H and the digits in black. The figure appearing on the top aperture denotes the nominal size of the main in millimetres and the lower one the distance in metres between the indicator plate and the hydrant.
  - (d) Shall be so spaced that no building is more than 150 ft. (45.72m.) through free access from one and not more than 100m. apart. The minimum distance between hydrant and building shall be 6m.
  - (e) Pipe sizes and general hydraulics shall be such that a discharge of 250 gallons per minute at 10 pounds per square inch is obtainable at each hydrant. (Confirmation of (e) shall be furnished).
10. Where a number of underground fire hydrants are required in an estate, the mains supplying such hydrants shall be in the form of a ring, to form a complete circuit of the site. Water supply to the ring main shall be from different mains if possible. Isolating valves and non-return valves shall be provided in accordance with the Planning Authority's requirements. Details of same shall be agreed with the Planning Authority before development commences.
11. A sufficient number of suitably spaced and located road gullies shall be provided on the roads. The gullies shall be connected to the surface water disposal system. The Recommendations for Site Development Works for Housing Areas of An Foras Forbartha (1984) shall be taken into account in the design of the system.
12. All surface water from roofs and paved areas shall be discharged to the surface water disposal system and no surface water shall be discharged to a foul sewer or be permitted to flow onto the public roadway or adjoining property.
13. Public lighting shall be provided to facilitate each dwelling house when occupied and the developer shall switch on the public lighting as dwelling houses are occupied and shall maintain the public lighting until taken in charge by the Council.
14. The public lighting shall be provided in accordance with a public lighting design to be agreed. Before development is commenced the public lighting design shall be submitted to the Planning Authority for agreement.
15. The lighting columns for the public lighting system shall be constructed of 3.2mm. minimum steel hot dip galvanised.
16. Electricity and telephone services shall be laid underground. Provision shall be made for the underground installation of cable television service. This work shall be carried out prior to road surfacing and junction boxes shall be provided by the developer.

17. All the main foul, surface water and public water mains shall be laid in roads or public open spaces and no sewers or watermains other than individual house connections shall be laid in any private property other than with the prior written consent of the Planning Authority.
18. Sewers, watermains and surface water drainage shall be provided in accordance with the Recommendations for Site Development Works in Housing Areas of An Foras Forbartha (1984).

A SUS 25 survey of all mains and service sewers shall be carried out in accordance with the manual sewer classification in (WRC/WAA 1988) and submitted to the Council in digital format which is compatible with the examiners software.
19. Adequate temporary car parking accommodation shall be provided on the site for the use of employees engaged in construction work on the site.
20. A minimum of 2 car parking spaces suitably surfaced in durable dust free material shall be provided to service each dwelling house.
21. The footpath shall be dished at each vehicular entrance and entrance gates shall open inwards.
22. Before development commences on the site, a comprehensive landscaping scheme shall be submitted for the agreement of the Planning Authority. The scheme shall include details of -
  - (a) Mounding and seeding.
  - (b) Plant and tree varieties.
  - (c) Height and girth of trees proposed.
  - (d) The size and location of all open space areas provided to service the development.
  - (e) Maintenance and replacement planting, and
  - (f) Phasing and timing of implementation.
23. The proposed development shall be carried out in phases as follows unless otherwise agreed with the Planning Authority before development commences -

Phase 1 - 1 to 22.  
Phase 2 - 23 to 37.  
Phase 3 - 38 to 52.
24. The developer shall ensure that the finished floor level of all dwellings are above flood levels and that all low points are filled to ensure that flooding does not occur.
25. Before the development commences, a contribution of £43,300 shall be paid to Ennis Urban District Council towards the expenditure incurred by the Council in the provision of public water supply, public sewerage system, public amenities and public open space and other infrastructural developments in the area which will facilitate the proposed development.



26. Before development commences on each phase of the development, the developer shall lodge with the Planning Authority, cash deposit, a bond of an insurance company or such other security as may be acceptable to the Planning Authority to secure the provision, satisfactory completion and maintenance until taken in charge of roads, footpaths, sewers, watermains, drains, public open space, public lighting and other services required in connection with the development coupled with an agreement empowering the said Planning Authority to apply such security or part thereof for the satisfactory completion or maintenance as aforesaid of any part of the development. The amount of the security shall be as follows -

Phase 1 - £28,600.

Phase 2 - £19,500.

Phase 3 - £19,500.

The bond for each phase shall be subject to review in the event of the phasing of the scheme being altered as per the terms of condition 23 preceding.

27. Existing trees and hedgerows shall be retained save where their removal is required by other conditions of this permission.
28. Until finally discharged, at no time shall the period of validity of any bond or other security lodged with the Planning Authority in accordance with the conditions of this permission be less than twelve months.
29. No garage, shed, awning or similar structure shall be provided without the prior consent of the Planning Authority whether or not such provision would otherwise constitute exempted development.
30. A bilingual name for the proposed housing development shall be submitted for the agreement of the Council and the proposed development shall not be named until such agreement has been obtained nor shall any publicity material or publicity hoardings be erected containing the name until same has been agreed with the Council.
31. A road naming scheme shall be submitted for the Planning Authority's agreement and suitable name plates shall be erected.
32. Footpaths shall be ramped at road junctions at gradients suitable to facilitate those with restricted physical mobility.
33. The Planning Authority shall be informed in writing as each stage of the development takes place, namely:
- (a) marking out of site,
  - (b) provision of road base,
  - (c) provision of pipework and ducting,
  - (d) marking out of dwellings,
  - (e) surfacing of roads and footpaths,

in order that inspection of the work in question may be carried out.

34. No dwelling shall be occupied until watermains, sewers and roadways are provided to serve that dwelling in accordance with the specifications prescribed by this permission.
35. All drains within or bounding the proposed site shall be piped in pipes of a diameter to be agreed with the Council and in a manner to permit the continued free flow of water and shall then be backfilled.
36. Means of connecting to the public water and sewerage systems shall be agreed with the Planning Authority before development commences.
37. Either a 'Yield Right of Way' sign or a 'Stop' sign together with appropriate road markings shall be provided by the developer at his own expense at the junction between the public road and the main access road to the proposed development. Details of the sign and road markings to be used shall be agreed with the Planning Authority prior to provision.
38. All external finishes and colour schemes shall be agreed with the Planning Authority before development commences.
39. No house in the development shall be used for commercial overnight guest accommodation without the prior approval of the Planning Authority, notwithstanding that any such use might be considered exempted development but for the provisions of this condition.
40. The developer shall provide 13 no. visitor car parking spaces within the development. Details shall be agreed with the Planning Authority prior to commencement of the development.

Signed on behalf of Ennis U.D.C.

  
Patricia Liddy,  
Staff Officer.

DATE:

18th December, 1998