

## Karen Hickey

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**From:** Karen Hickey  
**Sent:** Friday 15 December 2023 17:09  
**To:** Bronwyn Byrne  
**Subject:** FW: ABP-318275-23 / R23-76  
**Attachments:** Final Grant for Woodhaven.pdf

Hi Bronwyn

I was just deleting emails and I came across this when I was out.

~~This is the response regarding the final grant for unauthorized development of~~

Kind regards

Karen

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**From:** Appeals2 <[appeals@pleanala.ie](mailto:appeals@pleanala.ie)>  
**Sent:** Wednesday, December 6, 2023 3:20 PM  
**To:** Karen Hickey <[k.hickey@pleanala.ie](mailto:k.hickey@pleanala.ie)>  
**Subject:** FW: ABP-318275-23 / R23-76

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**From:** Bord <[bord@pleanala.ie](mailto:bord@pleanala.ie)>  
**Sent:** Wednesday, December 6, 2023 3:00 PM  
**To:** Appeals2 <[appeals@pleanala.ie](mailto:appeals@pleanala.ie)>  
**Subject:** FW: ABP-318275-23 / R23-76

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**From:** enforcements <[enforcements@clarecoco.ie](mailto:enforcements@clarecoco.ie)>  
**Sent:** Wednesday, December 6, 2023 2:52 PM  
**To:** Bord <[bord@pleanala.ie](mailto:bord@pleanala.ie)>  
**Cc:** enforcements <[enforcements@clarecoco.ie](mailto:enforcements@clarecoco.ie)>  
**Subject:** ABP-318275-23 / R23-76

*Sent by email to [bord@pleanala.ie](mailto:bord@pleanala.ie)*

**Your Ref: ABP-318275-23**

**Our Ref: R23-76**

A Chara,

I wish to refer to your correspondence received by the Planning Authority on the 1<sup>st</sup> of December 2023 regarding the above referenced matter.

As Enforcement files are not publicly available documents and as this file contains significant personal and sensitive data, could you confirm for our own records under what legislation An Bord Pleanála is requesting the copy of the enforcement file? Can you also confirm that if this file is given to An Bord Pleanála, any personal information contained in the file will not be released or put into the public domain without prior approval of all parties involved.

This is also a fairly substantial file so you might clarify if there are particular records that you require e.g. correspondence between Clare County Council and the property owner etc, rather than the entire file.

I have enclosed the copy of the final grant as requested.

Mise le meas,

**Marie Dillon**

**Asistant Staff Officer**

Planning Department

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

T: 065 6821616 | E: [madillon@clareco.ie](mailto:madillon@clareco.ie) | W: [www.clareco.ie](http://www.clareco.ie)

#### LOCAL AUTHORITY OF THE YEAR 2022



C OMMHAIRLE CONTAE AN CHLÁIR  
CLARE COUNTY COUNCIL



Tá an t-eolas atá sa ríomhphost seo, agus in aon cheangaltán leis, rúnda, agus is d'aird agus d'úsáid an fhaighteora nó na bhfaighteoirí amháin nó eintiteas ainmrithe thu asatá sé. Murar tusa faighteoir beartaithe an ríomhphoist seo nó aon chuid de, níor chóir duit an teachtaireacht seo a úsáid, a nochtadh, a chóipeáil, a dháileadh nó a choinneáil. Más rud é gur trí bhotún a fuair tú an ríomhphost seo cuir sin in iúl don tseoltóir gan mhoill.

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**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                      **Planning Register No.**      04/107  
c/o Cyril O'Reilly  
Parting Glass  
Quin  
Co Clare

**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.

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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.

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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