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Registered Post

**Dom St Properties (Galway) Ltd
C/o Mark Tubridy
Atlantic Building Consultants Ltd
Unit 1 Digital Hub
Merchants Quay Business Quarter
Francis St, Kilrush
Co. Clare**

23rd December 2024

Section 5 referral Reference R24-91 – Dom St Properties (Galway) Ltd

Is the regularisation of the current use of the existing Abbey Hostel and Guest Accommodation for use as emergency accommodation for persons seeking International Protection applicable under Section 5(1) of the Planning and Development Act, 2000, as amended and specifically Part 1, Schedule 2, Class 14h of the Planning and Development (Exempted Development) (No. 4) Regulations, 2015?

A Chara,

I refer to your application received on 29th November 2024 under Section 5 of the Planning & Development Act 2000 (as amended) in relation to the above.

The Planning Authority has considered the matter and I attach herewith the Council's findings in this matter.

Where a declaration is issued by the Planning Authority, any person issued with a declaration, may on payment to an Bord Pleanála of the required fee, refer a declaration for review by An Bord Pleanála within 4 weeks of the date of the issuing of the declaration. Details on making such appeal are available on the Board's website at www.pleanala.ie.

Mise, le meas


Anne O'Gorman
Staff Officer
Planning Department
Economic Development Directorate

**An Roinn Pleanála
An Stiúrthóireacht 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



CLARE COUNTY COUNCIL

SECTION 5 OF THE PLANNING AND DEVELOPMENT ACT 2000 AS AMENDED

DECLARATION ON DEVELOPMENT AND/OR EXEMPTED DEVELOPMENT

Chief Executive's Order No:

84719

Reference Number:

R24-91

Date Referral Received:

29th November 2024

Name of Applicant:

Dom St Properties (Galway) Ltd

Location of works in question:

Abbey Hostel and Guest Accommodation,
Harmony Row, Ennis, Co. Clare

Section 5 referral Reference R24-91 – Dom St Properties (Galway) Ltd

Is the regularisation of the current use of the existing Abbey Hostel and Guest Accommodation for use as emergency accommodation for persons seeking International Protection applicable under Section 5(1) of the Planning and Development Act, 2000, as amended and specifically Part 1, Schedule 2, Class 14h of the Planning and Development (Exempted Development) (No. 4) Regulations, 2015?

AND WHEREAS Clare County Council, in considering this referral, had regard in particular to –

- (a) Sections 2 and 3 of the Planning and Development Act, 2000, as amended,
- (b) Articles 6, and 9 of the Planning and Development Regulations, 2001, as amended,
- (c) Class 14 (h) of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, as amended.
- (d) The planning history of the site.

AND WHEREAS Clare County Council has concluded:

- (a) The use of the main building of Abbey Hostel for the housing of protected persons is considered development which is exempted under Class 14 (h) of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, as amended,
- (b) The use of units 1-4 Harmony Row for the housing of protected persons is considered development which is **not** exempted under Class 14 (h) of Part 1 of Schedule 2 and Article 9(a)(i) and (viii) of the Planning and Development Regulations, 2001, as amended.

ORDER: Whereas by Chief Executive's Order No. HR 152 dated 9th April 2021, Pat Dowling, Chief Executive for Clare County Council, did, pursuant to the powers conferred on him by Section 154 of the Local Government Act 2001, delegate to Gareth Ruane, Senior Executive Planner, the powers, functions and duties as set out herein,

NOW THEREFORE pursuant to the delegation of the said powers, functions and duties and under Section 5(2)(a) of the Planning & Development Act 2000 (as amended) and having considered the various submissions and reports in connection with the referral described above, I, Gareth Ruane, Senior Executive Planner, hereby declare that the use of the main building of the Abbey Hostel for the housing of protected persons at Abbey Hostel & Guest Accommodation, Harmony Row, Ennis, Co. Clare is considered development which is exempted development. The use of units 1-4 Harmony Row for the housing of protected persons is considered development which is not exempted development.

Signed:


GARETH RUANE
SENIOR EXECUTIVE PLANNER 

Date:

23rd December 2024

**DECLARATION ISSUED UNDER SECTION 5 OF THE
PLANNING & DEVELOPMENT ACT 2000 (AS AMENDED)**

Reference No.: R24-91



Section 5 referral Reference R24-91

Is the regularisation of the current use of the existing Abbey Hostel and Guest Accommodation for use as emergency accommodation for persons seeking International Protection applicable under Section 5(1) of the Planning and Development Act, 2000, as amended and specifically Part 1, Schedule 2, Class 14h of the Planning and Development (Exempted Development) (No. 4) Regulations, 2015?

AND WHEREAS, Dom St Properties (Galway) Ltd has requested a declaration from Clare County Council on the said question.

AND WHEREAS Clare County Council, in considering this referral, had regard in particular to –

- (a) Sections 2 and 3 of the Planning and Development Act, 2000, as amended,
- (b) Articles 6, and 9 of the Planning and Development Regulations, 2001, as amended,
- (c) Class 14 (h) of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, as amended.
- (d) The planning history of the site.

And whereas Clare County Council has concluded:

- (a) The use of the main building of Abbey Hostel for the housing of protected persons is considered development which is exempted under Class 14 (h) of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, as amended,
- (b) The use of units 1-4 Harmony Row for the housing of protected persons is considered development which is **not** exempted under Class 14 (h) of Part 1 of Schedule 2 and Article 9(a)(i) and (viii) of the Planning and Development Regulations, 2001, as amended.

THEREFORE: The Planning Authority in exercise of the powers conferred on it by Section 5 of the Planning and Development Act, 2000 (as amended), hereby decides that:

The proposed development consisting of the use of the main building of the Abbey Hostel for the housing of protected persons at Abbey Hostel & Guest Accommodation, Harmony Row, Ennis, Co. Clare **constitutes development** which is **exempted development** as defined within the Planning & Development Acts, 2000 (as amended) and associated regulations.

The use of units 1-4 Harmony Row for the housing of protected persons **constitutes development** which is **not exempted development**.



Anne O'Gorman
Staff Officer
Planning Department
Economic Development Directorate

23rd December 2024

CLARE COUNTY COUNCIL
SECTION 5 DECLARATION OF EXEMPTION APPLICATION
PLANNERS REPORT 1

FILE REF:	R24-91
APPLICANT(S):	Dom St Properties (Galway) Ltd
REFERENCE:	Whether the regularisation of the current use of the Abbey Hostel and Guest Accommodation for use as emergency accommodation for persons seeking International Protection is applicable under Section 5(1) of the Planning and Development Act 2000 (as amended) and specifically Part 1, Schedule 2, Class 14(h) of the Planning and Development (Exempted Development (No. 4) Regulations, 2015 is or is not development and is or is not exempted development.
LOCATION:	Abbey Hostel and Guest Accommodation, Harmony Row, Ennis, County Clare
DUE DATE:	03/01/2025

Site Context


The subject site comprises a former hostel and guest accommodation, located on Harmony Row in Ennis Town Centre. It is an existing part 3 and part 2 storey building and associated 2/2.5 storey dwellings which were converted to ancillary self-contained guest accommodation on Harmony Row.

It is located within the town centre and is zoned 'Mixed Use' in County Development Plan 2023-2029. Part of the site is within a Recorded Monument Zone of Notification for Ennis Town Centre and an Archaeological Complex, and the full site is within the Ennis Architectural Conservation Area. The site is within flood zone A, however, is on lands which benefit from flood defences in Ennis Town, and is adjacent to the River Fergus and the Lower River Shannon SAC.

The main building was previously used as a hostel and café, however, it is stated that it has been used to provide emergency accommodation for persons seeking international protection between May 2022 and January 2023 for emergency accommodation for displaced persons from Ukrainian Conflict, and has been used for Emergency Accommodation for persons seeking international protection from February 2023 to present.

The houses associated were vacant and no.'s 1 and 2 received planning permission to change the use of the houses to self-contained guest accommodation (Pl. Ref: 08/21124), which does not appear to ever have been enacted, and to restore them as houses in 2022 (Pl. Ref: 22/197). However, no details on the history of units 3 and 4 have been provided by the referrer and it appears that they are not part of the historic guest accommodation. From a site inspection carried out on 20/12/2024, it was noted that these units have all been refurbished and are occupied.

The main hostel building is a protected structure (729) – The Rowan Tree (NIAH No.: 2000050):

RPS No.: 729	Name: The Rowan Tree	NGR: 133843 ; 177660	
NIAH No.: 2000050	Area: Ennis	Map: Volume 2	
Structure: House	Townland: Clonroad Beg	Map reference: 17	
Date: 1780-1900	Summary description: Detached multi-bay three-and-two-storey irregular building of three periods, with wings at right angles to main elevation and large mid-nineteenth century bow-ended extension to river. Elaborate ballroom, staircase and windows. Some with internal shutters raised from under the floor. Restored 2008.		
In use as: Hostel and Restaurant	Categories of special interest: Architectural, Interior, Design, Rarity, Setting		
Additional Use: N/A			
Historical Use: Gentlemen's Clubhouse			
Rating: Regional			

Site Inspection Photos:





The site also comprises part of Opportunity Site OP 9, which is part of Transformational Site TS2, in the Clare County Development Plan 2023-2029.

TS2:

TS2 – Abbey Riverside
Including:
OP9 Riverside site, Harmony Row and Bank Place

The Abbey Riverside strategy comprises a number of elements which when combined will support greater economic activity in the town centre, a more diverse employment base and improved amenity. The showcasing of the River Fergus will improve and upgrade the public realm offer in the town centre and enhance green infrastructure. The provision of much needed residential accommodation in the town centre alongside potential for a community centre and public plaza would help support the creation of a new community in the area. The revitalised area will link through to Harmony Row.

This Abbey Riverside Transformational site is spread over both banks of the River Fergus and is a key component of the overall approach to showcasing the river. The proposal includes the creation of an improved riparian walk on the west side of the river, complemented by an open space area on the east side of the bank. Buildings will be orientated to maximise views to the river from the surrounding area. Key features of the project are as follows:

- Residential development with public open spaces overlooking the River Fergus;
- Residential heights to fall from up to 4 storeys down to 2 storeys adjacent to the river;
- Feature balconies / communal open roof space to provide amenity and overlooking of the riverside park;
- Extended riverside walkway to provide pedestrian links to the town centre;
- Commercial/retail mixed use centre to the south east of the river, with some provision for parking;
- Mixed use residential development with retail/cafe uses on ground floor; and
- Design of the community centre (2-3 storeys in height) to be provided to the southwest of the open space to be carefully considered as it will help to define and frame the space.

TS2 sets the overall long term strategy for these lands which includes OP9 Opportunity Site. Greater detail is provided on the opportunity site below.

OP 9:

This site presents a major opportunity to provide a flagship waterfront development of outstanding design and quality to diversify and strengthen the mix of activities in the town centre. The site is located in the heart of the town with excellent links to the prime shopping streets. It is zoned for mixed use and open space uses. The site extends from Harmony Row southwards along the River Fergus to Bank Place and incorporates the site currently occupied by the library. OP9 provides an opportunity to create pedestrian links from Harmony Row to Bank Place and also presents an opportunity to create a riverside amenity space in the town centre. Due to the visually prominent location of the site, a design statement in accordance with Chapter 18 of Volume 1 of this plan shall be required as part of any future planning application.

This site can accommodate mixed use, civic, commercial and business/office developments in addition to riverside amenity space and flood defence uses. The former Presbyterian Church, now a library, (RPS 728) is a Protected Structure, and the site is located in an Architectural Conservation Area. The Protected Structure must be carefully integrated into future development proposals and any new development taking place on the site must complement the built heritage of the area.

There is potential to provide additional car parking to serve traffic accessing the town from the north and west on this site. Car parking provision on OP9 must be accessible from Harmony Row.

The site is located adjacent to the Lower River Shannon cSAC and future developments must be in compliance with the requirements of the Habitats Directive and demonstrate enhancement of ecological corridors. An otter use survey will be required to confirm the presence/absence of otter holts in the riparian vegetation along the riverbank, and a 10m habitat buffer zone along the riverbank should be included as part of any future development proposals. Development proposals must be accompanied by a landscaping plan that ensures the retention of riparian vegetation and riparian trees. A detailed tree survey will be required to demonstrate that only unsafe trees are removed.

A full bat survey of any buildings proposed for demolition will also be required, particularly in relation to Lesser Horseshoe bats. Due to the proximity of the site to the river corridor, future development proposals must demonstrate, through a light spill modelling study, that there will be no negative impacts on bat habitats or commuting corridors.

Due to the location of the site adjacent to the River Fergus and in Flood Zones A and B, a site specific flood risk assessment will be required as part of any planning application made on OP9, having regard to the information set out in Volume 10c of this plan. A construction method statement will also be required detailing how surface water run-off, especially in relation to the release of silt to the River Fergus, will be controlled during construction. Furthermore, drainage plans for surface water run-off during operation must also be submitted, ensuring run-off is treated via appropriate SuDS (petrol interceptor, silt trap, grease trap etc.) prior to discharge to any surface water features.

Recent Planning History

Onsite

07/21144 - Briarlane Developments Ltd – for a material alteration of Abbey Hostel, Harmony Row, Ennis, Co. Clare. The development to this protected structure will consist of a new glass roof enclosure to the courtyard and change of use of the single storey link building fronting Harmony Row, from Hostel administration office and stair lobby to retail unit with new roof structure and shop front. Granted Permission subject to 8 no. conditions.

07/21176 – Briarlane Developments Ltd – to extend the protected structure of the Abbey Hostel with related works to comprise: (i) The demolition of existing outbuilding; rear eastern and southern garden walls of no.s 1 & 2 Harmony Row; and the yard gates and piers fronting Harmony Row. (ii) Partial change of use of the ground floor of the existing protected structure (where identified on plan) from hostel to wine bar. (iii) Construction of new extension on three and floor floors comprising coffee shop/restaurant, Internet café and wine bar/restaurant extension on ground floor; 120 no. bunk-bed extension to the existing hostel on the first, second and third floors, complete with all ancillary services (iv) Construction of a new

pedestrian foot bridge across the River Fergus connecting the Abbey Street carpark to the western end of the proposed extension. Granted Permission.

08/21124 – Briar Lane Developments Ltd – for change of use of 2 existing three storey dwellings, no. 1 and No. 2 Harmony Row Ennis to four one bedroom hostel suites, with related works to comprise: (i) the demolition of existing two storey extension to no. 2 Harmony Row, (ii) construction of a ground floor extension to the rear of No. 1 Harmony Row to include roof garden for first/second floor hostel suite at No. 1 Harmony Row, (iii) construction of flat roof to No. 2 Harmony Row for roof garden accessible to first/second floor hostel suite at no. 2 Harmony Row. Granted Permission subject to 11 no. conditions.

22/197 – Briarlane Developments Ltd – to restore two existing, three storey terraced houses, nos 1 & 2. Granted Permission subject to 6 no. conditions.

North

16/8003 – Clare County Council – for the following proposed development: Ennis - R458 Active Travel Town (Clareabbey to Ballymaley) Works to encourage walking and cycling are proposed on parts of the R458 at 11 junctions on the R458, Club Bridge junction and Kelly's Corner as follows: 1. Improve the provision of cyclist infrastructure at junctions ie. traffic signals and roundabouts. 2. Provide on road cycle lanes/advisory cycle lanes where possible, 3. Enhance connectivity for cyclists into and through Ennis Town along the R458, part of the R352 and the R871 taking in access to schools along the route. 4. Enhance safety at junctions for cyclists and other road users. 5. Provide new cycle parking. 6. Provide directional, informational and distance signage along the route. 7. Enhance pedestrian facilities eg dropped kerbs at uncontrolled crossings. 8. Connect to R458 route to West Clare Railway Greenway at Mill Road and at Woodquay. 9. Provide an Active Travel Amenity Hub. Decision Made.

South

08/21144 – Briar Lane Developments Ltd. – for an E.S.B. Sub Station and Switch Rooms with ancillary services adjacent to the Abbey Hostel extension. Granted Permission.

18/8012 – Clare County Council – to carry out proposed works at the following Laneway locations: River Lane; Enright's Bow; Halloran's Lane; Brady's Lane; Barrett's Lane; Salthouse Lane; Brewery Lane; Howley's Lane; Fahy's Lane; Cabey's Lane; Curtin's Lane; Merchant's Square; Chapel Lane; Murry's Lane; Lysaght's Lane; Thompson's Lane; Arthur's Row; Scabby Lane; Shank's Lane; Post Office Lane; McDonnell's Row; McNamara Lane; Quin's Bow; Cooke's Lane; Westby's Lane; Bindon Lane; Old Friary Lane and Lane to Harmony Row. The development will consist of 1. Up-grading of the public realm of Parnell Street, from High Street in the east to Carmody Street in the west, including re-surfacing in natural stone materials; street furniture; replacement street lighting; replacement signage, new signage and signage restoration and all ancillary site works. 2. Up-grading of the public realm of the Laneways, including where appropriate re-surfacing in mostly natural stone materials; replacement street lighting; provision of bin stores and barrel plinths; replacement signage, new signage and

signage restoration and all ancillary site works. In accordance with the Habitats Directive, Appropriate Assessment Screening has been carried out on these projects. An environmental Impact Assessment (EIA) screening determination has been made and concludes that there is no real likelihood of significant effects on the environment arising from the proposed development. . Ennis is a recorded monument and place (RMP) and is classified as a historic town by the Archaeological Survey of Ireland. These works are located within the Ennis Architectural Conservation Area (ACA) and would materially affect the character of the ACA. There are a number of Protected Structures within the vicinity. An Archaeological Impact Assessment has been carried out on the projects. Decision Made.

08/21138 – Briar Lane Developments Ltd – for the demolition of an existing dwelling with ancillary services. Granted Permission.

09/21018 – Briar Lane Developments Ltd – for a car park with 57 spaces, the demolition of a derelict dwelling, No. 7 Harmony Row and an existing shed and amendments to the public road and footpath to facilitate an acceptable access to the proposed car park. Granted Permission.

Drawings Received

- Site location map, site layout plan, as existing floor plans & elevations.

Background

Planning and Development Act, 2000 (as amended)

Section 2

'Works' are defined in Section 2 of the *Planning and Development Act 2000, as amended* as follows:

"works" includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.

Section 3

In order to assess this proposal, regard has to be had to the Planning and Development Act 2000, as amended.

S.3.(1) In this Act, "*development*" means, except where the context otherwise requires, the carrying out of any 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(1)(H)

Section 4 (1)(H) states that the following shall be exempted development for the purpose of the Act.-

'development consisting for the carrying out of works for maintenance, improvement or other alterations of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or neighbouring structures'.

Planning & Development Regulations, 2001, as amended

Part 2 Exempted Development

Article 6 (1) states

'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'.

Article 9 - Restrictions on Exemptions states

'Under Article 9 (1) of the same Regulations, development to which Article 10 relates shall not be exempted development for the purposes of the Act:

- (a) if the carrying out of such development would –
 - (i) contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act
 - (ii) consist of or compromise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width,
 - (iii) endanger public safety by reason of traffic hazard or obstruction of road users,
 - (iii)(a) endanger public safety by reason of hazardous glint and/or glare for the operation of airports, aerodromes or aircraft,
 - (iv) interfere with the character of a landscape, or a view or prospect of special amenity value or special interest, the preservation of which is an objective of a development plan for the area in which the development is proposed or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan.
 - (vii) consist of or comprise the excavation, alteration or demolition (other than peat extraction) of places, caves, sites, features or other objects of archaeological, geological, historical, scientific or ecological interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan for the area in which the

development is proposed or, pending the variation of a development plan or local area plan, or the making of a new development plan or local area plan, in the draft variation of the development plan or the local area plan or the draft development plan or draft local area plan,

(viiA) consist of or comprise the excavation, alteration or demolition of any archaeological monument included in the Record of Monuments and Places, pursuant to section 12(1) of the National Monuments (Amendment) Act 1994, save that this provision shall not apply to any excavation or any works, pursuant to and in accordance with a consent granted under section 14 or a licence granted under section 26 of the National Monuments Act 1930 (No. 2 of 1930) as amended,

(viiB) comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site,

(viiC) consist of or comprise development which would be likely to have an adverse impact on an area designated as a natural heritage area by order made under section 18 of the Wildlife (Amendment) Act 2000."

(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,

(ix) consist of the demolition or such alteration of a building or other structure as would preclude or restrict the continuance of an existing use of a building or other structure where it is an objective of the planning authority to ensure that the building or other structure would remain available for such use and such objective has been specified in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,

(x) consist of the fencing or enclosure of any land habitually open to or used by the public during the 10 years preceding such fencing or enclosure for recreational purposes or as a means of access to any seashore, mountain, lakeshore, riverbank or other place of natural beauty or recreational utility,

(xi) obstruct any public right of way,

(xii) further to the provisions of section 82 of the Act, consist of or comprise the carrying out of works to the exterior of a structure, where the structure concerned is located within an architectural conservation area or an area specified as an architectural conservation area in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan and the development would materially affect the character of the area.

Planning & Development Regulations, Schedule 2, Part 1, Class 14(h)

Development consisting of a change of use—

(h) from use as a hotel, motel, **hostel**, guesthouse, holiday accommodation, convent, monastery, Defence Forces barracks or other premises or residential institution providing overnight accommodation, or part thereof, or from the change of use specified in paragraph (i) of the said premises or institution, or part thereof, **to use as accommodation for protected persons**

Conditions and Limitations for 14(h):

The number of persons with an intellectual or physical disability or a mental illness living in any such residence shall not exceed 6 and the number of resident carers shall not exceed 2.

Class 14(i):

(i) from use as a hotel, motel, **hostel**, guesthouse, holiday accommodation, convent, monastery, Defence Forces barracks or other premises or residential institution providing overnight accommodation, or part thereof, or from the change of use specified in paragraph (h) of the said premises or institution, or part thereof, **to use as an emergency reception and orientation centre for protected persons**,

Class 14(j):

(j) from the change of use specified in paragraph (h) or (i) or both, to the permitted use of the premises immediately prior to the change of use specified in the said paragraph (h) or (i) or both

Conditions and Limitations for 14(j):

Class 14(j) shall not apply after a period of 3 years from the date of the commencement of the change of use specified in Class 14(h) or (i) or both, whichever date is the earliest.

Planning & Development Regulations, Schedule 2, Part 1, Class 20(f):

Temporary use by or on behalf of the Minister for Children, Equality, Disability, Integration and Youth to accommodate or support displaced persons or persons seeking international protection of any structure or part of a structure used as a school, college, university, training centre, social centre, community centre, non-residential club, art gallery, museum, library, reading room, sports club or stadium, gymnasium, hotel, convention centre, conference centre, shop, office, Defence Forces barracks, light industrial building, airport operational building, wholesale warehouse or repository, local authority administrative office, play centre, medical and other health and social care accommodation, event and exhibition space or any structure or part of structure normally used for public worship or religious instruction.

Conditions and Limitations:

1. *The temporary use shall only be for the purposes of accommodating displaced persons or for the purposes of accommodating persons seeking international protection.*
2. *Subject to paragraph 4 of this class, the use for the purposes of accommodating displaced persons shall be discontinued when the temporary protection introduced by the Council Implementing Decision (EU) 2022/382 of 4 March 2022¹ comes to an end in accordance with Article 6 of the Council Directive 2001/55/EC of 20 July 2001².*
3. *The use for the purposes of accommodating persons seeking international protection shall be discontinued not later than 31 December 2028.*
4. *Where the obligation to provide temporary protection is discontinued in accordance with paragraph 2 of this class, on a date that is earlier than 31 December 2028, the temporary use of any structure which has been used for the accommodation of displaced persons shall continue for the purposes of accommodating persons seeking international protection in accordance with paragraph 3 of this class.*
5. *The relevant local authority must be notified of locations where change of use is taking place prior the commencement of development.*
6. *'displaced persons', for the purpose of this class, means persons to whom temporary protection applies in accordance with Article 2 of Council Implementing Decision (EU) 2022/382 of 4 March 2022.*
7. *'international protection', for the purpose of this class, has the meaning given to it in [section 2](#) (1) of the [International Protection Act 2015](#) (No. 66 of 2015).*
8. *'temporary protection', for the purpose of this class, has the meaning given to it in Article 2 of Council Directive 2001/55/EC of 20 July 2001."*

Assessment

The referrer has advised that the premises previously comprised a hostel use for the tourism sector in Ennis town centre and the associated dwellings have operated as self-contained hostel accommodation suits ancillary to the main Abbey Hostel building. It is stated that the properties are currently used to provide emergency accommodation for persons seeking international protection (Feb 2023 – Present), with the previous use of the property being to provide emergency accommodation for persons displaced from the Ukrainian Conflict (May 2022-Jan 2023) and the main building having been used as a hostel and café (the Rowan Tree Café and Hostel) prior to that (up to October 2021).

It is noted that permission was granted in 2008 to refurbish no.s 1 and 2 Harmony Row and create hostel suites, however, permission was subsequently sought and granted in June 2022 to refurbish these 2 dwellings as dwellings for the purpose of letting the units (no.s 1 and 2 Harmony Row). Photographic evidence supplied in the 2022 application illustrates the units were in a state of disrepair and dereliction, lending to the understanding that the 2008

permission may have never been enacted/completed and the units do not have permission for use as part of the hostel.

Further, it is noted that unit no.'s 3 and 4 are also included in this section 5 referral, for which no planning history is noted. These units appear to have been refurbished and do not have any express permissions to be used as part of the hostel/guest house accommodation.

No detail has been provided in respect of whether this is being carried out in association with the Dept of Children Equality, Disability, Integration and Youth.

It is stated that no works are proposed internally or externally in respect of this exemption declaration.

It is stated that it is intended to continue the use as emergency accommodation for persons seeking international protection and therefore, the use is not temporary. As such Class 20(f) does not apply.

Primary Legislation

Planning and Development Act, 2000 (as amended), Section 3(1)

Having regard the details submitted it is considered that the proposal constitutes 'development' having regard to the definition of development which includes for making of any material change in the use of any structures.

Planning & Development Regulations, Schedule 2, Part 1, Class 14 (h)

Class 14 Development consisting of a change of use—

*(h) from use as a hotel, motel, **hostel**, guesthouse, holiday accommodation, convent, monastery, Defence Forces barracks or other premises or residential institution providing overnight accommodation, or part thereof, or from the change of use specified in paragraph(i) of the said premises or institution, or part thereof, **to use as accommodation for protected persons,***

*(i) from use as a hotel, motel, **hostel**, guesthouse, holiday accommodation, convent, monastery, Defence Forces barracks or other premises or residential institution providing overnight accommodation, or part thereof, or from the change of use specified in paragraph(h) of the said premises or institution, **or part thereof, to use as an emergency reception and orientation centre for protected persons, and***

(j) from the change of use specified in paragraph (h) or (i) or both, to the permitted use of the premises immediately prior to the change of use specified in the said paragraph (h) or (i) or both.

Having regard to the information received the development which relates to the change of use of the main Abbey Hostel building complies with the provisions of Class 14 (h) and Class 14 (i).

Having regard to the information received the development which relates to the change of use of no's 1-4 Harmony Row do not comply with the provisions of Class 14 (h) and Class 14 (i) as these buildings do not have a permitted use as a hostel or guesthouse use associated with the Abbey Hostel.

Further, having regard to the Explanatory Note accompanying Statutory Instrument S.I. No. 582/2015 - Planning and Development (Amendment) (No. 4) Regulations 2015, and resultingly Article 5(1) of the Principal Regulations, sets out that premises which are excluded from this exemption include:

*"(b) **any guest house or other premises (not being a hotel or a hostel)** providing overnight guest accommodation, block of flats or apartments, club, or boarding house, or*

*(c) **any structure which was designed for use as one or more dwellings**, except such a structure which was used as business premises immediately before 1 October, 1964 or is so used with permission under the Act;"*

Conditions and Limitations for 14(h) and (j):

(h) The number of persons with an intellectual or physical disability or a mental illness living in any such residence shall not exceed 6 and the number of resident carers shall not exceed 2.

It is noted that this use relates to the accommodation of persons seeking international protection and therefore this condition/limitation does not apply.

(j) Class 14(j) shall not apply after a period of 3 years from the date of the commencement of the change of use specified in Class 14(h) or (i) or both, whichever date is the earliest.

This premises has been used for emergency accommodation of protected persons since 2022. This condition/limitation is noted.

Schedule 2, Part 1, Class 20(f)

Temporary use by or on behalf of the Minister for Children, Equality, Disability, Integration and Youth to accommodate or support displaced persons or persons seeking international protection of any structure or part of a structure used as a school, college, university, training centre, social centre, community centre, non-residential club, art gallery, museum, library, reading room, sports club or stadium, gymnasium, hotel, convention centre, conference centre, shop, office, Defence Forces barracks, light industrial building, airport operational building, wholesale warehouse or repository, local authority administrative office, play centre, medical and other health and social care accommodation, event and exhibition space or any structure or part of structure normally used for public worship or religious instruction

The use is not temporary and as such class 20(f) does not apply.

1. *The temporary use shall only be for the purposes of accommodating displaced persons or for the purposes of accommodating persons seeking international protection.*

The temporary use is for the purposes of accommodating persons seeking international protection.

2. *Subject to paragraph 4 of this class, the use for the purposes of accommodating displaced persons shall be discontinued when the temporary protection introduced by the Council Implementing Decision (EU) 2022/382 of 4 March 2022¹ comes to an end in accordance with Article 6 of the Council Directive 2001/55/EC of 20 July 2001².*

Noted. The applicant is not seeking temporary use

3. *The use for the purposes of accommodating persons seeking international protection shall be discontinued not later than 31 December 2028.*

Noted. The applicant is not seeking temporary use.

Noted. * "international protection" means status in the State either—

- (a) as a refugee, on the basis of a refugee declaration, or
- (b) as a person eligible for subsidiary protection, on the basis of a subsidiary protection declaration;

4. *Where the obligation to provide temporary protection is discontinued in accordance with paragraph 2 of this class, on a date that is earlier than 31 December 2028, the temporary use of any structure which has been used for the accommodation of displaced persons shall continue for the purposes of accommodating persons seeking international protection in accordance with paragraph 3 of this class.*

Noted.

5. *The relevant local authority must be notified of locations where change of use is taking place prior the commencement of development.*

Noted. In this instance the applicant has advised of his intention to accommodate protected persons by making a section 5 query However the query relates only to Class 14 (h).

6. *'displaced persons', for the purpose of this class, means persons to whom temporary protection applies in accordance with Article 2 of Council Implementing Decision (EU) 2022/382 of 4 March 2022.*

Noted.

7. *'international protection', for the purpose of this class, has the meaning given to it in [section 2 \(1\)](#) of the [International Protection Act 2015](#) (No. 66 of 2015).*

Noted.

8. *'temporary protection', for the purpose of this class, has the meaning given to it in Article 2 of Council Directive 2001/55/EC of 20 July 2001."*

Noted.

Article 9 -Restrictions on Exemptions

'Under Article 9 (1) of the same Regulations, development to which Article 10 relates shall not be exempted development for the purposes of the Act:

- (a) if the carrying out of such development would –*
 - (i) contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act.*

The development would not contravene conditions associated with the change of use of the main Abbey Hostel, noting no internal or external works are proposed or relate to the change of use. However, in respect of the permission for Units 1 and 2 Harmony Row, which was granted under Pl. Ref: 22/197, Condition no. 1 states:

1. *"The development shall be carried out and completed in accordance with the drawings and particulars as received by the Planning Authority on the 7th March 2022, except as may otherwise be required in order to comply with the following conditions. Where such conditions require points of detail to be agreed with the Planning Authority, these matters shall be the subject of written agreement and shall be implemented in accordance with the agreed particulars."*

The floor plans associated with this application illustrate the dwellings as two no. separate self-contained dwellings which are stated on the application form to be for private letting use, not associated with the Abbey Hostel.

The floor plans provided by the referrer do not match those granted under application Pl Ref: 22/197, and illustrate the units as subdivided apartments, with the ground floor containing no kitchen/living dining and the upper storey unit on floors 1 and 2 containing a kitchen/living dining room on the top floor of the units.

Therefore, it is considered that the development at 1 and 2 Harmony Row contravene a condition attached to the permission.

Further, it is noted that units 3 and 4 contain a similar layout to that noted for units 1 and 2, which appears to have self-contained units within each dwelling, with the kitchen/living/dining room on the 3rd floor of the building. There is no extant permission existing for the changing of these dwellings into self contained apartment units and no permission associated with connecting these units to the Abbey Hostel. Therefore, these units are considered to be inconsistent with a permitted use under the Act.

- (ii) *consist of or compromise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width,*

Not applicable.

- (iii) *endanger public safety by reason of traffic hazard or obstruction of road users,*

Not applicable.

- (iii)(a) *endanger public safety by reason of hazardous glint and/or glare for the operation of airports, aerodromes or aircraft,*

Not applicable.

- (iv) *interfere with the character of a landscape, or a view or prospect of special amenity value or special interest, the preservation of which is an objective of a development plan for the area in which the development is proposed or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan.*

Noted. No external works have been carried out or are proposed to be carried out and therefore there will be no interference with the character of the landscape, view or prospect of special amenity value or special interest.

- (vii) *consist of or comprise the excavation, alteration or demolition (other than peat extraction) of places, caves, sites, features or other objects of archaeological, geological, historical, scientific or ecological interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan for the area in which the development is proposed or, pending the variation of a development plan or local area plan, or the making of a new development plan or local area plan, in the draft variation of the development plan or the local area plan or the draft development plan or draft local area plan,*

Not applicable.

(viiA) consist of or comprise the excavation, alteration or demolition of any archaeological monument included in the Record of Monuments and Places, pursuant to section 12(1) of the National Monuments (Amendment) Act 1994, save that this provision shall not apply to any excavation or any works, pursuant to and in accordance with a consent granted under section 14 or a licence granted under section 26 of the National Monuments Act 1930 (No. 2 of 1930) as amended,

Not applicable.

(viiB) comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site,

The site is located adjacent to the Lower River Shannon SAC, with built development existing between the premises and the SAC and no external works proposed. There is no likely significant effects on the integrity of a European Site.

(viiC) consist of or comprise development which would be likely to have an adverse impact on an area designated as a natural heritage area by order made under section 18 of the Wildlife (Amendment) Act 2000."

Not applicable.

(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,

As set out in part 9(a)(i) above, there is no permission for the use of units 1-4 for self-contained units and a short-term letting use relating to the hostel. Therefore, the use of these units as such would result in unauthorised development.

(ix) consist of the demolition or such alteration of a building or other structure as would preclude or restrict the continuance of an existing use of a building or other structure where it is an objective of the planning authority to ensure that the building or other structure would remain available for such use and such objective has been specified in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,

Not applicable.

(x) consist of the fencing or enclosure of any land habitually open to or used by the public during the 10 years preceding such fencing or enclosure for recreational purposes or as a means of access to any seashore, mountain, lakeshore, riverbank or other place of natural beauty or recreational utility,

Not applicable.

(xi) obstruct any public right of way,

Not applicable.

(xii) further to the provisions of section 82 of the Act, consist of or comprise the carrying out of works to the exterior of a structure, where the structure concerned is located within an architectural conservation area or an area specified as an architectural conservation area in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan and the development would materially affect the character of the area.

N/A, no external works are noted to have been proposed to the protected structure.

Article 9 has been considered and there are no provisions within same that restrict the availability of the above exemption regarding the use of the Abbey Hostel building.

However, units 1-4 Harmony Row have been considered in respect of Article 9 and it is determined that the subject works are not exempted under part 9(a)(i) and 9(a)(viii).

Assessment

The applicant has specifically questioned whether the use of the Abbey Hostel and dwellings at no. 1-4 Harmony Row for emergency accommodation for persons seeking international protection is considered development and, if so, it is exempted development, having regard to Class 14 (h) of the Planning and Development Regulations 2001 as amended (Schedule 2, Part 1). Noting the definition of protected persons in S.I. No. 582/2015 - Planning and Development (Amendment) (No. 4) Regulations 2015, sets out that protected persons include persons seeking international protection. I consider this proposed use to encompass persons seeking shelter under these provisions.

Having regard to the details submitted, the development which relates specifically to the Abbey Hostel complies with the provisions of Class 14 (h) and Article 9.

However, the development which relates specifically to units 1-4 Harmony Row does not comply with the provisions of Article 9(a)(i) and (viii).

In this instance, the provisions of Class 20 (f) do not apply because this particular relates to temporary use only and the applicant has not advised that the occupation will be temporary. It is therefore understood that the applicant is not relying on the provisions of Class 20 (f) but instead on Class 14 (h).

Conclusion

With reference to the above assessment, and the stated restrictions on exempted development, and Article 9 of the Planning and Development Regulations (as amended) that only the element of the proposed development relating to the use of the Abbey Hostel main building can be considered exempted development as per Section 5.

With reference to the above assessment, and the stated restrictions on exempted development, and Article 9 of the Planning and Development Regulations (as amended), the element of the proposed development relating to the use of units 1-4 Harmony Row are not considered exempted development as per Section 5.

Recommendation

Having regard to Articles 6, and 9 of the Planning and Development Regulations (as amended) and Class 14(h) of Part 1 of Schedule 2 of the Planning and Development Regulations, as amended

and WHEREAS a question has arisen as to whether the use of the Abbey Hostel and units 1-4 Harmony Row for the emergency housing of persons seeking international protection, which in this case, ^{is} consider^{ed} to be persons seeking refuge as defined in S.I. No. 582/2015 - Planning and Development (Amendment) (No. 4) Regulations 2015, is considered development and, if so, is it exempted development having regard to Class 14 (h) of the Planning and Development Regulations 2001 as amended (Schedule 2 Article 6 Part 1)

AND WHEREAS Clare County Council in considering this referral, had regard particularly to –

- (a) Sections 2 and 3 of the Planning and Development Act, 2000, as amended
- (b) Articles 6, and 9 of the Planning and Development Regulations, 2001-2011
- (c) Class 14 (h) of Part 1 of Schedule 2 of the Planning and Development Regulations, as amended;
- (d) *The planning history of the site*

AND WHEREAS Clare County Council has concluded that –

The use of the main building of Abbey Hostel for the housing of protected persons is considered development which is exempted under Class 14 (h) of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001 as amended,

AND

The use of units 1-4 Harmony Row for the housing of protected persons is considered development which is **not** exempted under Class 14 (h) of Part 1 of Schedule 2 and Article 9(a)(i) and (viii) of the Planning and Development Regulations, 2001 as amended.

NOW THEREFORE Clare County Council, in exercise of the powers conferred on it by section 5(2) (a) of the 2000 Act, hereby decides:

The use of the main building of the Abbey Hostel for the housing of protected persons is considered development which is exempted development.

AND

The use of units 1-4 Harmony Row for the housing of protected persons is considered development which is not exempted development.

Signed



Áine Bourke
Executive Planner
Date: 20/12/2024



Garreth Ruane
Senior Executive Planner
Date: 23/12/24

Appropriate Assessment & Determination

STEP 1. Description of the project/proposal and local site characteristics:	
(a) File Reference No:	R24/91
(b) Brief description of the project or plan:	Change of hostel and use of for the housing of asylum seekers
(c) Brief description of site characteristics:	Buildings and artificial surface in town centre
(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW	None
(e) Response to consultation:	None

STEP 2. Identification of relevant Natura 2000 sites using Source-Pathway-Receptor model and compilation of information on Qualifying Interests and conservation objectives.				
European Site (code)	List of Qualifying Interest/Special Conservation Interest ¹	Distance from proposed development ² (km)	Connections (Source-Pathway-Receptor)	Considered further in screening Y/N
Lower River Shannon SAC (002165)	<u>Annex I habitats:</u> <ul style="list-style-type: none"> • Sandbanks which are slightly covered by sea water all the time [1110] • Estuaries [1130] • Mudflats and sandflats not covered by seawater at low tide [1140] • *Coastal lagoons [1150] • Large shallow inlets and bays [1160] • Reefs [1170] • Perennial vegetation of stony banks [1220] • Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] • <i>Salicornia</i> and other annuals colonizing mud and sand [1310] • Atlantic salt meadows (<i>Glaucopuccinellietalia maritimae</i>) [1330] • Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410] • Water courses of plain to montane 	Adjacent to the River Fergus and SAC	None	No

levels with the *Ranunculus fluitantis* and *Callitriche-Batrachion* vegetation [3260]

- *Molinia* meadows on calcareous, peaty or clayey-silt-laden soils (*Molinion caeruleae*) [6410]
- *Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (*Alno-Padion*, *Alnion incanae*, *Salicion albae*) [91E0]

Annex II species:

- Freshwater Pearl Mussel *Margaritifera margaritifera* [1029]
- Sea Lamprey *Petromyzon marinus* [1095]
- Brook Lamprey *Lampetra planeri* [1096]
- River Lamprey *Lampetra fluviatilis* [1099]
- Atlantic Salmon *Salmo salar* (only in fresh water) [1106]
- Bottlenose Dolphin *Tursiops truncatus* [1349]
- Otter *Lutra lutra* [1355]

¹ Short paraphrasing and/or cross reference to NPWS is acceptable – it is not necessary to reproduce the full text on the QI/SCI.

² If the site or part thereof is within the European site or adjacent to the European site, state here.

STEP 3. Assessment of Likely Significant Effects

(a) Identify all potential direct and indirect impacts that may have an effect on the conservation objectives of a European site, taking into account the size and scale of the project under the following headings:

Impacts:

- Construction phase e.g.
- Vegetation clearance
 - Demolition
 - Surface water runoff from soil excavation/infill/landscaping (including borrow pits)
 - Dust, noise, vibration
 - Lighting disturbance

Possible Significance of Impacts: (duration/magnitude etc.)

None – no works stated to be proposed internally or externally.

<ul style="list-style-type: none"> • Impact on groundwater/dewatering • Storage of excavated/construction materials • Access to site • Pests 	
<p>Operational phase e.g.</p> <ul style="list-style-type: none"> • Direct emission to air and water • Surface water runoff containing contaminant or sediment • Lighting disturbance • Noise/vibration • Changes to water/groundwater due to drainage or abstraction • Presence of people, vehicles and activities • Physical presence of structures (e.g. collision risks) • Potential for accidents or incidents 	None
In-combination/Other	None

(b) Describe any likely changes to the European site:	
<p>Examples of the type of changes to give consideration to include:</p> <ul style="list-style-type: none"> • Reduction or fragmentation of habitat area • Disturbance to QI species • Habitat or species fragmentation • Reduction or fragmentation in species density • Changes in key indicators of conservation status value (water or air quality etc.) • Changes to areas of sensitivity or threats to QI 	None

- Interference with the key relationships that define the structure or ecological function of the site

(c) Are '*mitigation*' measures necessary to reach a conclusion that likely significant effects can be ruled out at screening?

☐ Yes ☒ No

Step 4. Screening Determination Statement

The assessment of significance of effects:

Describe how the proposed development (alone or in-combination) is/is **not likely** to have **significant** effects on European site(s) in view of its conservation objectives.

The query relates to the change of use of existing buildings for the housing of asylum seekers. No new development is proposed. No significant effects are envisaged on the European sites in view of their conservation objectives.

Conclusion: The change of use is not likely to have significant effects on European site(s) in view of its conservation objectives.

	Tick as Appropriate:	Recommendation:
(i) It is clear that there is no likelihood of significant effects on a European site.	<input checked="" type="checkbox"/>	The proposal can be screened out: Appropriate assessment not required.

(ii) It is **uncertain** whether the proposal will have a significant effect on a European site.

☐

☐ Request further information to complete screening

☐ Request NIS

☐ Refuse planning permission

(iii) **Significant effects** are likely.

☐

☐ Request NIS

☐ Refuse planning permission

Signature and Date of
Recommending Officer:

Aine Zouke

20/12/24

Signature and Date of the
Decision Maker:



COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

Dom St Properties (Galway) Ltd
C/o Mark Tubridy
Atlantic Building Consultants Ltd
Unit 1 Digital Hub
Merchants Quay Business Quarter
Francis St, Kilrush
Co. Clare

29/11/2024

Section 5 referral Reference R24-91 – Dom St Properties (Galway) Ltd

Is the regularisation of the current use of the existing Abbey Hostel and Guest Accommodation for use as emergency accommodation for persons seeking International protection applicable under Section 5(1) of the Planning and Development Act, 2000, as amended and specifically Part 1, Schedule 2, Class 14h of the Planning and Development (Exempted Development) (No. 4) Regulations, 2015?

A Chara,

I refer to your application received on 29th November 2024 under Section 5 of the Planning & Development Act 2000 (as amended) in relation to the above.

Please note that the Planning Authority is considering the matter and a reply will issue to you in due course.

Mise, le meas

Brian Fahy
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



Clare County Council
Aras Contae an Chlair
New Road
Ennis
Co Clare

29/11/2024 12:45:59

Receipt No. : L1CASH/0/372519

***** REPRINT *****

DOM ST PROPERTIES (GALWAY) LTD
C/O MARK TUBRIDY
ATLANTIC BUILDING CONSULTANTS LTD
UNIT 1 DIGITAL HUB
MERCHANTS QUAY BUSINESS QUARTER
FRANCIS ST
KILRUSH, CO. CLARE R24-91

SECTION 5 REFERENCES	80.00	80.00
GOODS	80.00	
VAT Exempt/Non-vatable		

Total : 80.00 EUR

Tendered :
MONEY ORDER 80.00

Change : 0.00

Issued By : L1CASH - DEIRDRE FRENCH
From : MAIN CASH OFFICE LODGEMENT AF
Vat reg No.0033043E

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
Website: www.clarecoco.ie



R24-91

**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

1. CORRESPONDENCE DETAILS.	
(a) Name and Address of person seeking the declaration	DOM ST PROPERTIES (GALWAY) LTD <hr/> ORANMORE HOUSE <hr/> MAIN STREET, ORANMORE <hr/> GALWAY <hr/>
(b) Telephone No.:	
(c) Email Address:	
(d) Agent's Name and address:	Mark Tubridy <hr/> Atlantic Building Consultants Ltd <hr/> Unit 1 Digital Hub, Merchants Quay Business Quarter <hr/> Francis St <hr/> Kilrush, Co Clare <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?*

Is the regularisation of the current use of the existing Abbey Hostel and Guest Accommodation for use as emergency accommodation for persons seeking international protection applicable under Section 5(1) of the Planning and Development Act, 2000, as amended and specifically Part 1, Schedule 2, Class 14h of the Planning and Development (Exempted Development) (No. 4) Regulations, 2015

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

The existing premises comprises the following

- a) Hostel type Accommodation and Common Areas
- b) Self-Contained Hostel Accommodation Suites ancillary to the Main Abbey Hostel building

The property is currently used to provide emergency accommodation for persons seeking international protection

The previous use of the property was to provide emergency accommodation for persons displaced from the Ukrainian conflict and was used as a hostel (Formerly known as The Rowan Tree Café and Hostel) prior to that.

This exemption declaration request for change of use is made under Part 1, Schedule 2, Class 14h of the Planning and Development (Exempted Development) (No. 4) Regulations, 2015 to regularise the current use of the premises as emergency accommodation for persons seeking international protection

- (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)

Cover Letter
Site Location Map
Site Layout Map
Floor Plans
Elevations
Section

3. DETAILS RE: PROPERTY/SITE/BUILDING FOR WHICH DECLARATION IS SOUGHT	
(a) Postal Address of the Property/Site/Building for which the declaration sought:	Abbey Hostel Harmony Row Ennis Co Clare
(b) Do the works in question affect a Protected Structure or are within the curtilage of a Protected Structure? If yes, has a Declaration under Section 57 of the Planning & Development Act 2000 (as amended) been requested or issued for the property by the Planning Authority?	There are no works proposed to the existing property either internally or externally. A section 57 declaration has not been sought as the change of use does not affect the protected structure. This exemption declaration is submitted to regularise its current use as emergency accommodation for persons seeking international protection only.
(c) Legal interest in the land or structure in question of the person requesting the declaration (Give Details):	<u>DOM ST PROPERTIES (GALWAY) LTD – Full Owner</u> _____ _____
(d) If the person in (c) above is not the owner and/or occupier, state the name and address of the owner of the property in question: <i>Note: Observations in relation to a referral may be requested from the owner/occupier where appropriate.</i>	<u>N/A</u> _____ _____ _____
(e) Is the owner aware of the current request for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended)?:	YES
(f) Are you aware of any enforcement proceedings connected to this site? <i>If so please supply details:</i>	NO
(g) Were there previous planning application/s on this site? <i>If so please supply details:</i>	YES
(h) Date on which 'works' in question were completed/are likely to take place:	Not applicable. No alteration works proposed

SIGNED:  _____DATE: 27-11-24

GUIDANCE NOTES

The 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:.....			

Atlantic Building Consultants

Incorporating PND Building Consultancy & Tubridy Engineering
Unit 1 Digital Hub, Merchants Quay Business Quarter, Frances Street, Kilrush
Co. Clare, Ireland V15 FN53 & Main St Cooraclare Co Clare

e:mark.tubridy@atlanticbc.ie m: 083 4167097



27/11/2024

Planning Dept
Clare County Council
Ennis
Co Clare

Applicant: Dom St Properties (Galway) Ltd
Our Reference: P_24_300_01
Address: Abbey Hostel, Harmony Row, Ennis, Co Clare
Re: Request for a declaration on development and exempted development

Dear Sirs/Madam

1. Introduction

1.1. Section 5 Declaration

Dom St Properties (Galway) Ltd, has retained Atlantic Building Consultants of Kilrush, Co Clare to seek a Section 5 Declaration from Clare County Council in respect of a proposed change of use at the Abbey Hostel in Harmony Row, Ennis Co Clare.

This Declaration is made in accordance with the provisions of Section 5(1) of the Planning and Development Act, 2000, as amended and specifically Part 1, Schedule 2, Class 14h of the Planning and Development (Exempted Development) (No. 4) Regulations, 2015.

The Declaration seeks to establish whether the proposed 'change of use' of the building from Hostel Accommodation to use of the building for temporary accommodation for the support of persons seeking international protection is or is not 'exempted development' within the meaning of the Planning and Development Acts, 2000 2021.

1.2. Use of the Premises

The following outlines the current and previous use of the premises

Period	Description
Up to October 2021	Hostel & Cafe
May 2022 – Jan 2023	Emergency Accommodation for displaced persons from Ukrainian Conflict
Feb 2023 - Present	Emergency Accommodation for persons seeking international protection

Atlantic Building Consultants

Incorporating PND Building Consultancy & Tubridy Engineering
Unit 1 Digital Hub, Merchants Quay Business Quarter, Frances Street, Kilrush,
Co. Clare, Ireland V15 FN53 & Main St Cooraclare Co Clare

e:mark.tubridy@atlanticbc.ie m: 083 4167097

2. Planning History

Planning Reference	Description	Material Change of Use Application Made to Clare County Council	Approved Use
0721144	for a material alteration of Abbey Hostel, Harmony Row, Ennis, Co. Clare. The development to this protected structure will consist of a new glass roof enclosure to the courtyard and change of use of the single storey link building fronting Harmony Row, from Hostel administration office and stair lobby to retail unit with new roof structure and shop front	No	Hostel
0821124	for change of use of 2 existing three storey dwellings, no.1 and No. 2 Harmony Row Ennis to four one bedroom hostel suites, with related works to comprise: (i) the demolition of existing two storey extension to no. 2 Harmony Row, (ii) construction of a ground floor extension to the rear of No. 1 Harmony Row to include roof garden for first/second floor hostel suite at No. 1 Harmony Row, (iii) construction of flat roof to No. 2 Harmony Row for roof garden accessible to first/second floor hostel suite at no. 2 Harmony Row.	Yes: The three storey dwellings changed into four one bedroom suites	Hostel Suites
22197	to restore two existing, three storey terraced houses, no's 1 & 2	No: Refer to section 15 of the Planning Application Form	Hostel Suites

Atlantic Building Consultants

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Co. Clare, Ireland V15 FN53 & Main St Cooraclare Co Clare

e:mark.tubridy@atlanticbc.ie m: 083 4167097

3. Exempted Development.

It is our professional planning opinion that the change of use to accommodation for protected persons is 'exempted development' in accordance with Part 1, Schedule 2, Class 14 (h) of the Planning and Development (Exempted Development) (No. 4) Regulations, 2015

"Class 14(h)" classifies the change of use from use as a hotel, motel, **hostel**, guesthouse, **holiday accommodation**, convent, monastery, Defence Forces barracks or other premises or residential institution providing overnight accommodation, or part thereof to use as accommodation for protected persons as Exempted Development.

4. Supporting Documentation

Reference	Description	Quantity
Application Form	Completed Section 5 Declaration of Exemption Form	1
Postal Order payment	€80 Postal order for fee payment	1
Location Map	Ordinance Survey Map	2
Site Layout Plans	Site Layout Plan	2
Floor Plans and Elevations	Existing Floor Plans & Elevations	2

For all queries or clarifications in relation to the information provided in this letter, please contact the undersigned.

Yours sincerely



Mark Tubridy C.Eng MIEI, B.Eng.
Atlantic Building Consultants Ltd

Land Registry Compliant Map



Tailte
Éireann

**CENTRE
COORDINATES:**
ITM 533806,677697

PUBLISHED: 15/11/2024
ORDER NO.: 50434520_1

MAP SERIES: 1:1,000
MAP SHEETS: 4322.03



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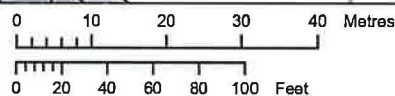
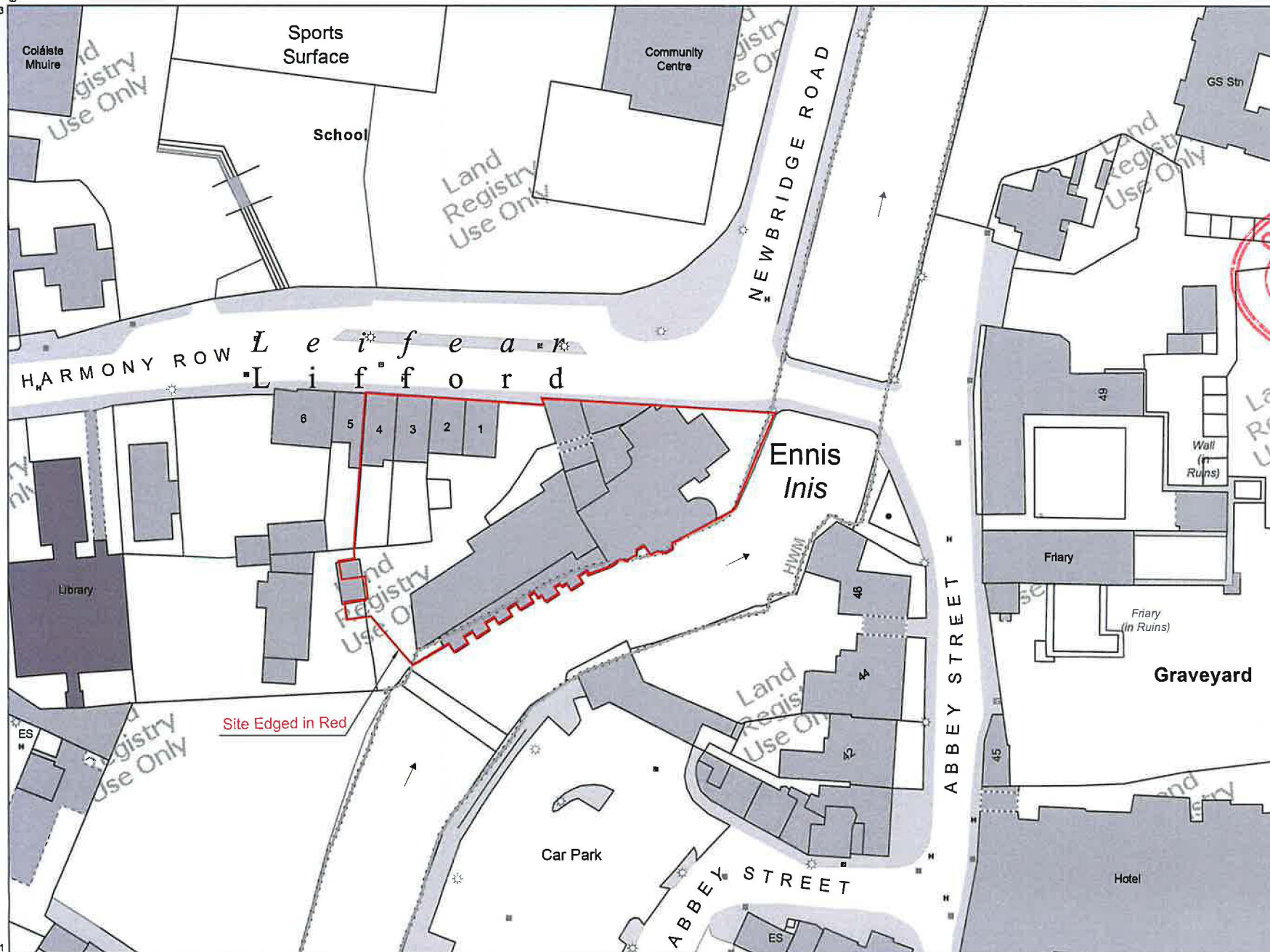
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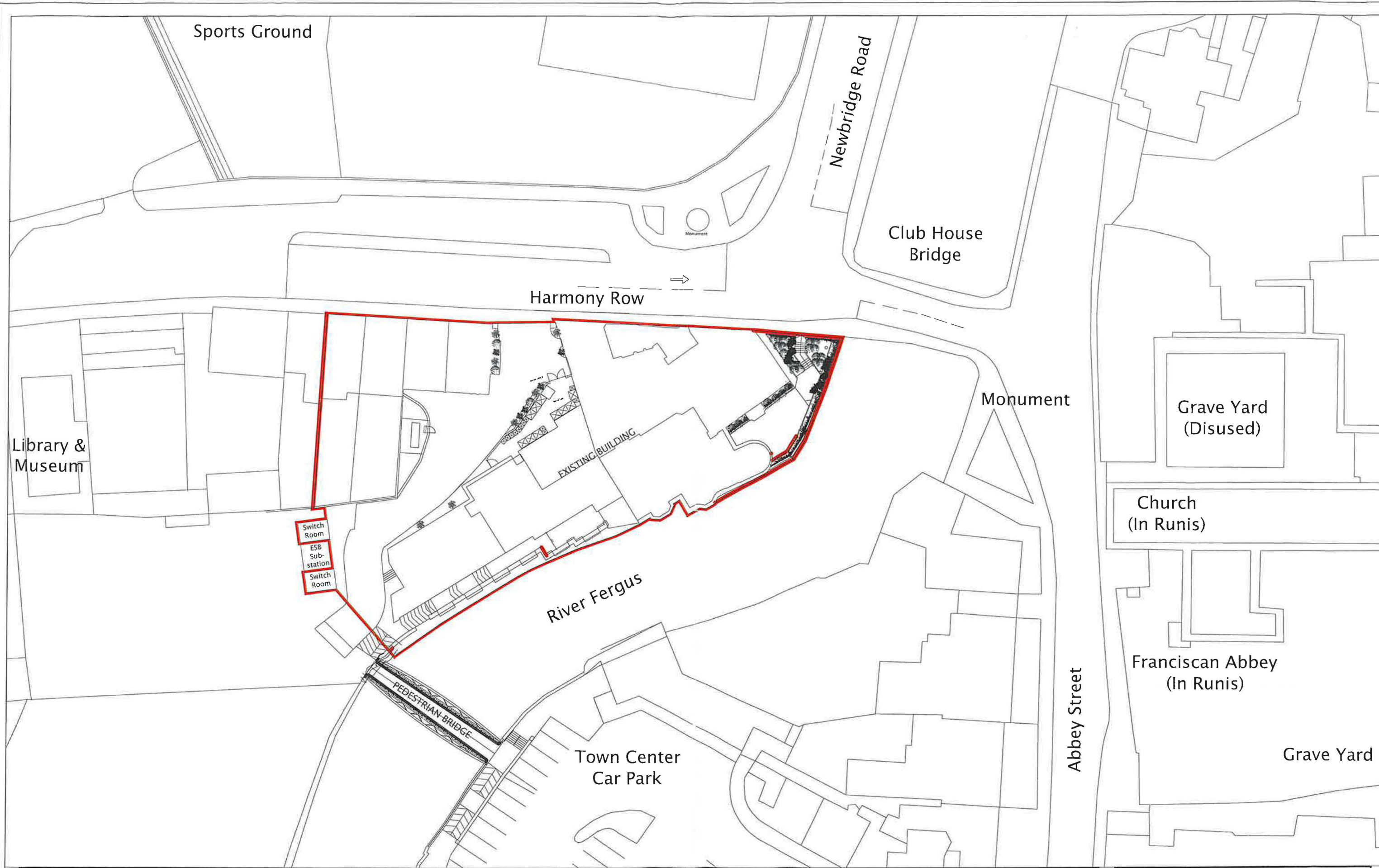


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www.tailte.ie; search 'Capture Resolution'

LEGEND:
To view the legend visit
www.tailte.ie and search for
'Large Scale Legend'





Title - Site Layout Plan
Project - Section 5 Application

Client - Abbey Hostel Ennis
Address - Harmony Row, Ennis Co.clare

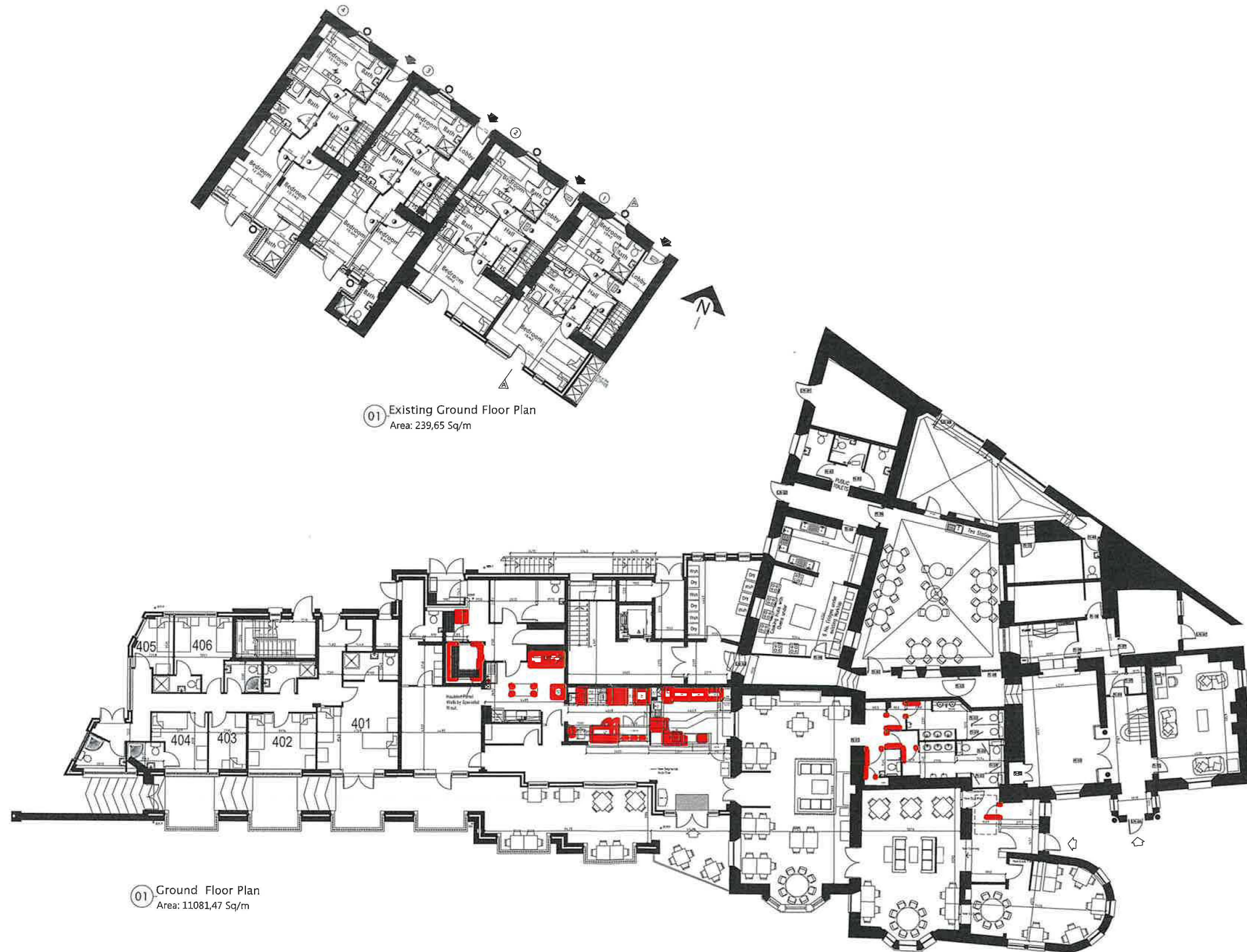
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Title - Ground Floor Plans

Project - Section 5 Application

Client - Abbey Hostel Ennis

Address - Harmony Row, Ennis Co.clare

Scale - 1:250

Size - A3

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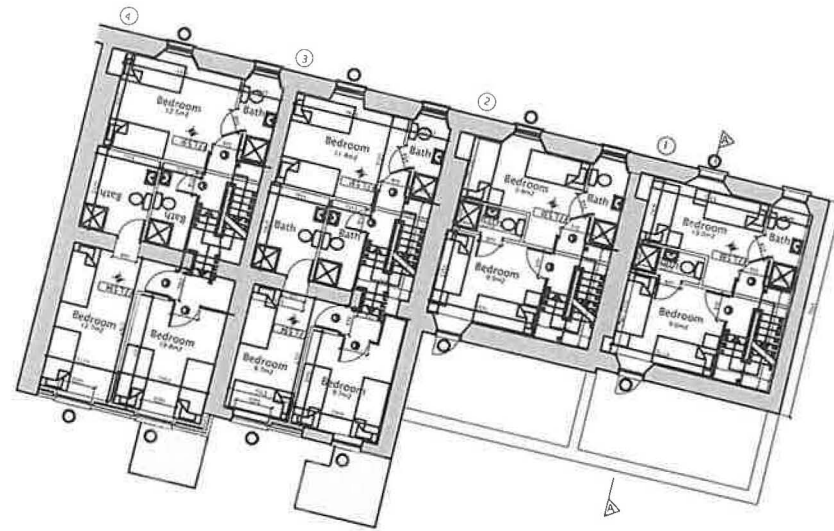
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P-01

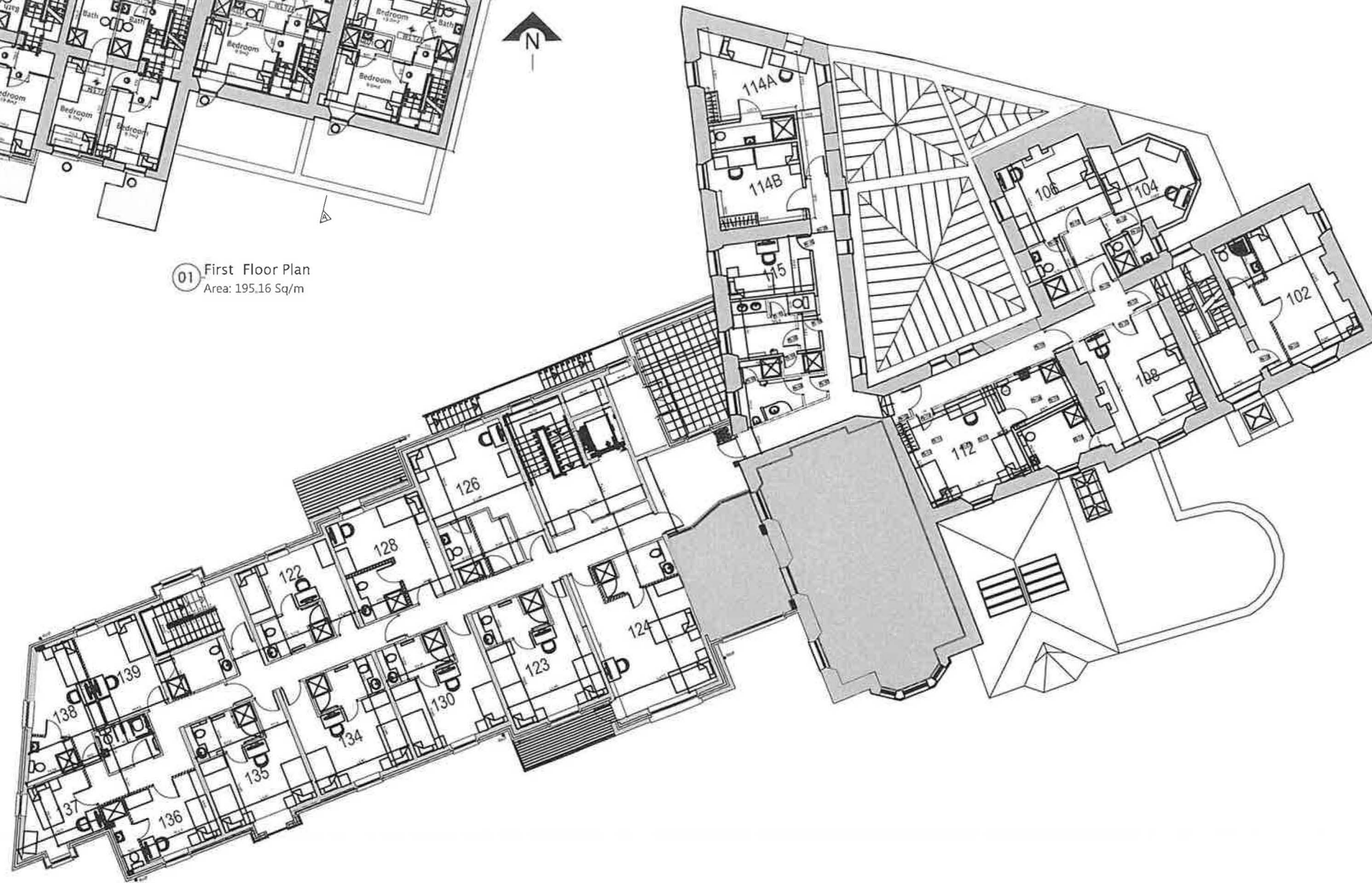
25.11.24

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01 First Floor Plan
Area: 195.16 Sq/m



01 First Floor Plan
Area: 663.19 Sq/m

Title - Floor Plans

Project - Section 5 Application

Client - Abbey Hostel Ennis

Address - Harmony Row, Ennis Co.clare

Scale - 1:250

Size - A3

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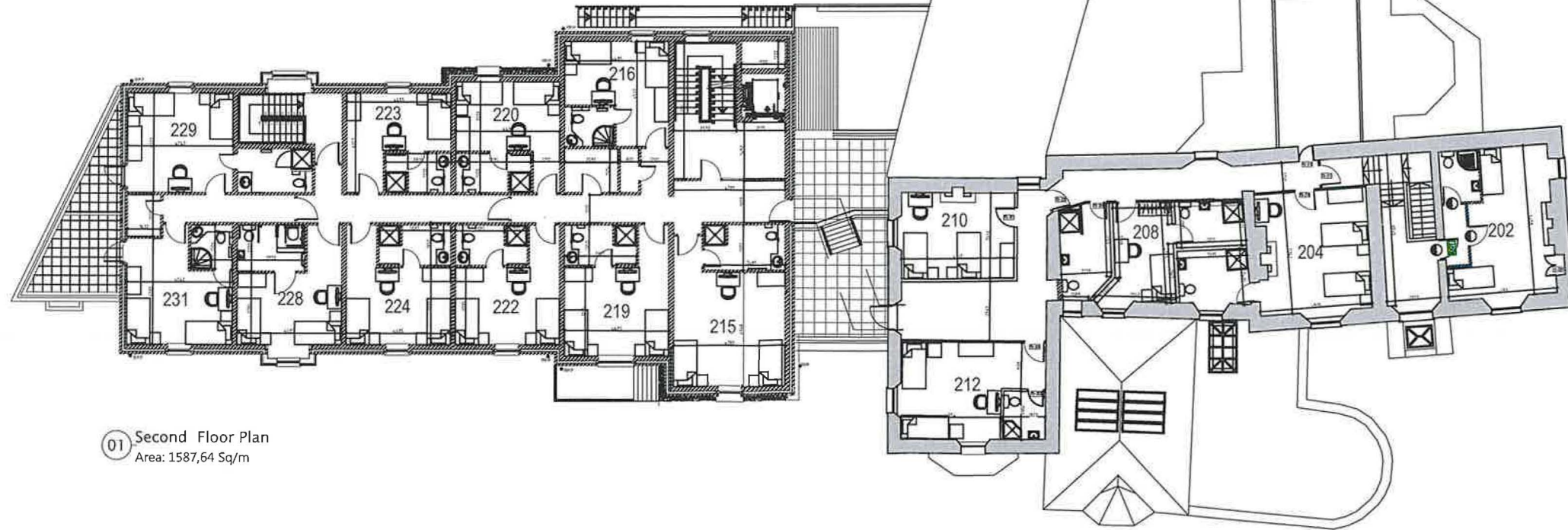
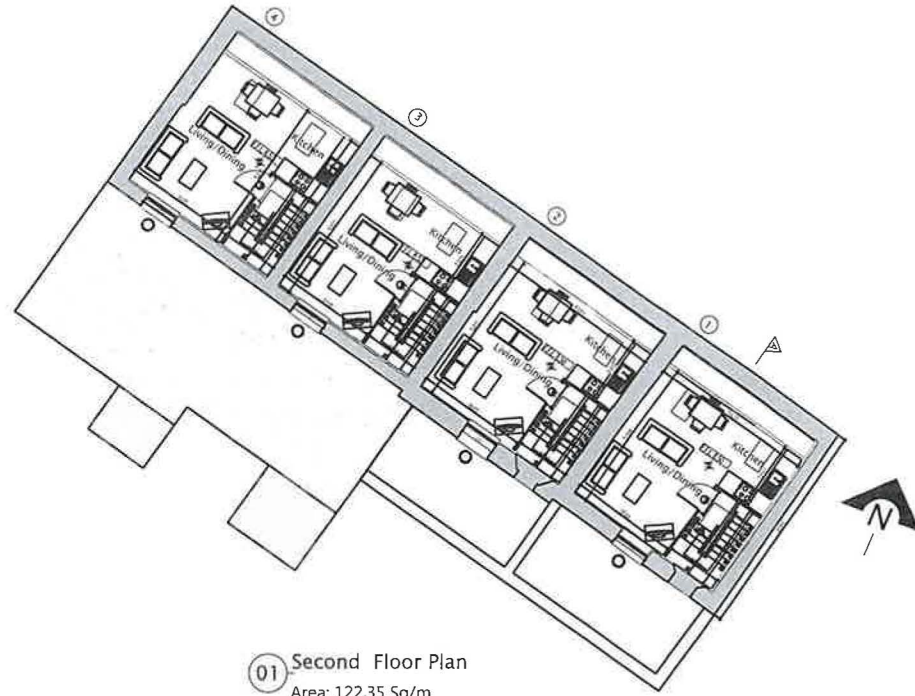
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P-01

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A B C

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Title - Floor Plans
Project - Section 5 Application

Client - Abbey Hostel Ennis
Address - Harmony Row, Ennis Co.clare

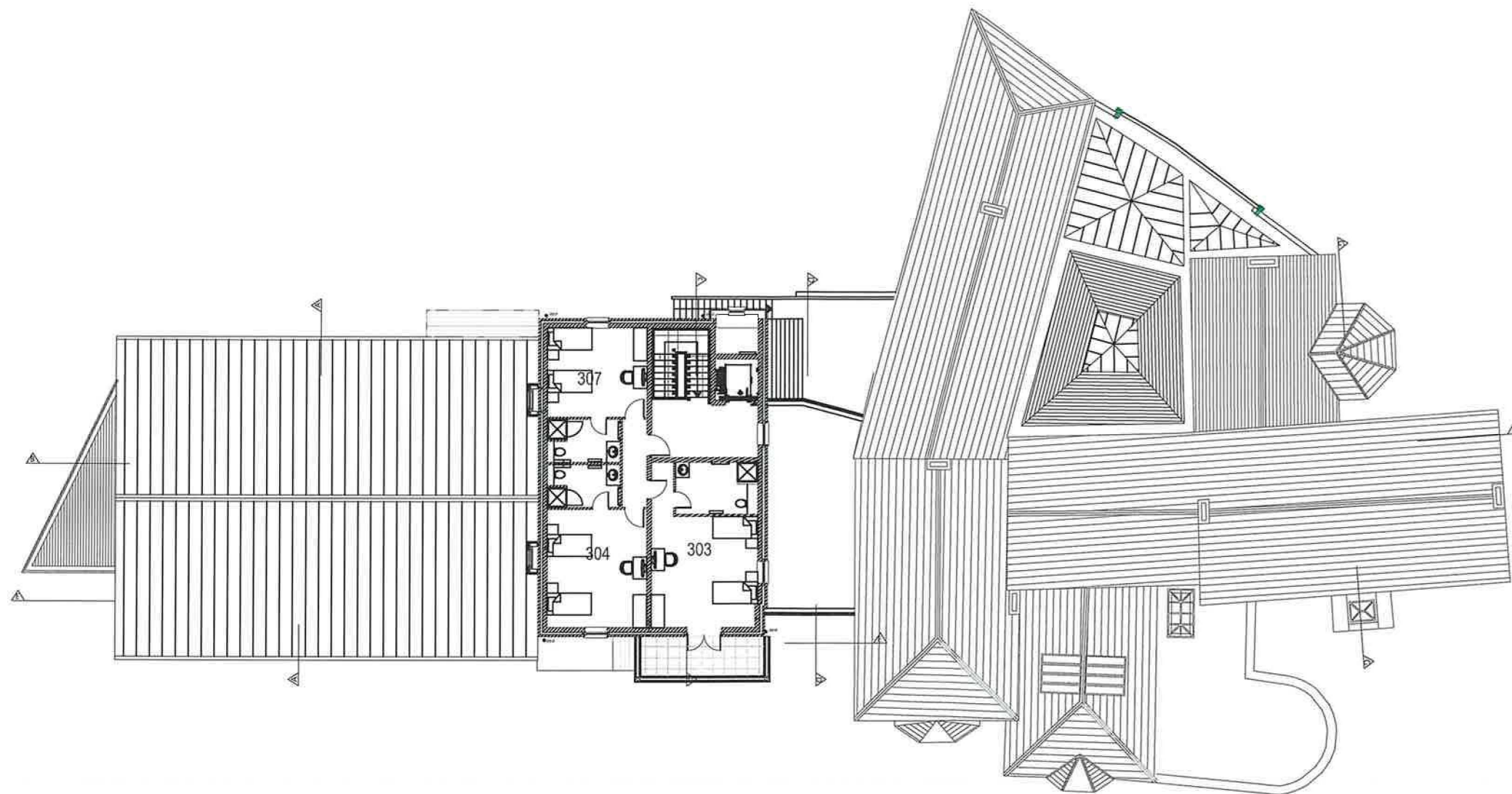
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01 Existing Third Floor Plan
Area: 129.92 Sq/m

Title - Floor Plans
Project - Section 5 Application

Client - Abbey Hostel Ennis
Address - Harmony Row, Ennis Co.clare

Scale - 1:250
Size - A3

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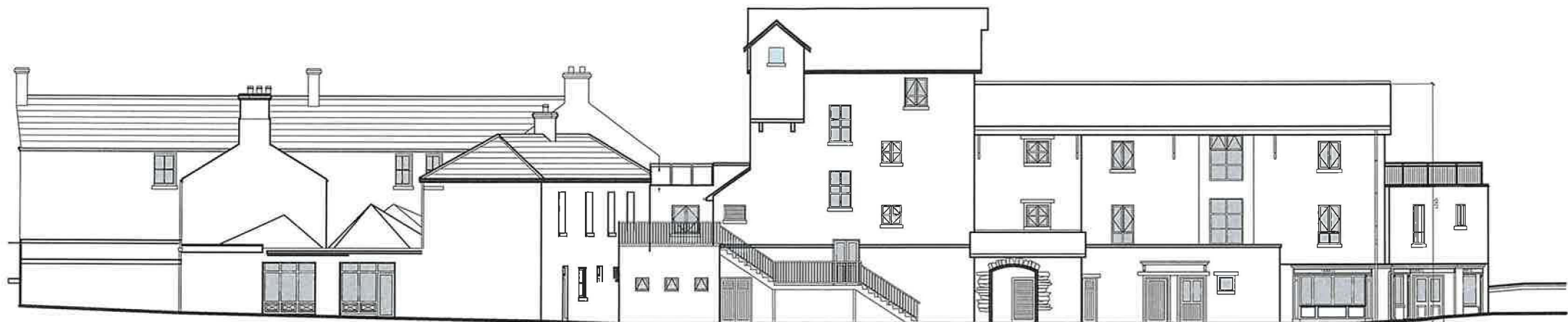
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01 South Elevation



02 North Elevation



03 West Elevation



04 East Elevation

Title - Existing Elevations

Project - Section 5 Application

Client - Abbey Hostel Ennis

Address - Harmony Row, Ennis Co.clare

Scale - 1:250

Size - A3

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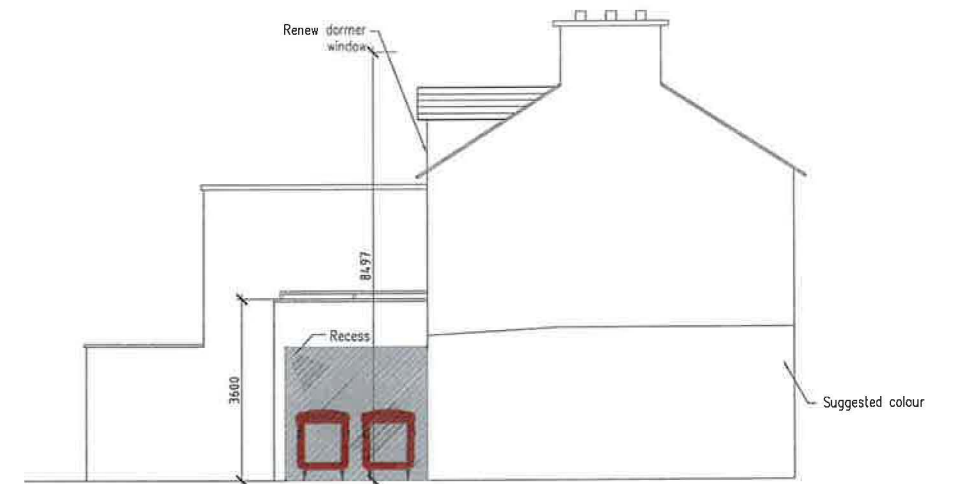


Ground Floor Plan

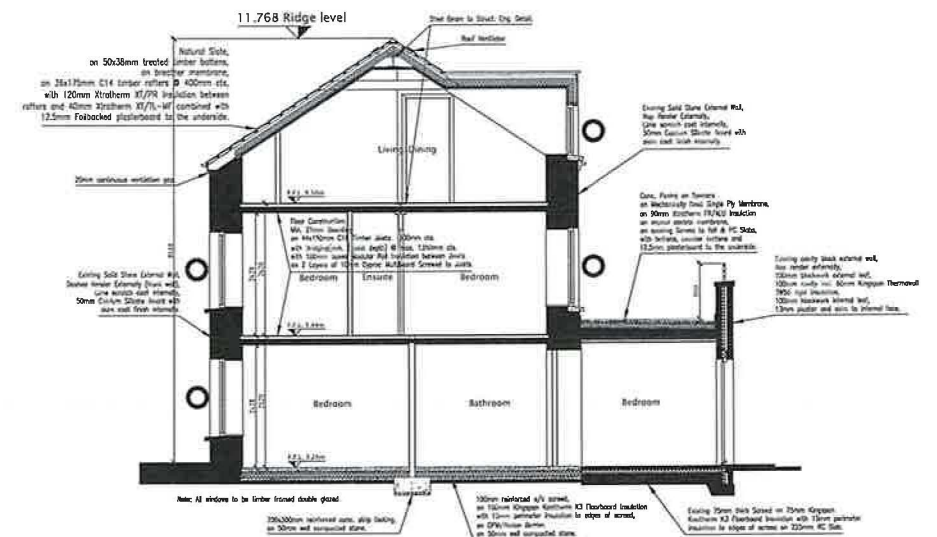


UPVC Doors and Windows to Rear Elevations

Rear Elevation



Side Elevation



Section A-A

Title - Elevations -Section

Project - Section 5 Application

Client - Abbey Hostel Ennis

Address - Harmony Row, Ennis Co.clare

Scale - 1:150

Size - A3

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