



COMHAIRLE
CONTAE AN CHLÁIR | CLARE
COUNTY COUNCIL

Registered Post

Jacques Brennan
23 Parkroe Heights,
Ardnacrusha,
Co. Clare.

6/8/2021

Section 5 referral Reference R21-35 – Jacques Brennan

Whether the clearing to resume production and upgrading in order to meet modern Health Board standards in the old supermarket/deli premises Main Street O Briensbridge Co. Clare considered development and if so, is it exempted development.

A Chara,

I refer to your application received on 16th July, 2021 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

065 6846232 / 065 6821616

065 6828233

planoff@clarecoco.ie

www.clarecoco.ie



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:

Reference Number:

R21-35

Date Referral Received:

16th July, 2021

Name of Applicant:

Jacques Brennan

Location of works in question:

Section 5 referral Reference R21-35 – Jacques Brennan

Whether the clearing to resume production and upgrading in order to meet modern Health Board standards in the old supermarket/deli premises Main Street O Briensbridge Co. Clare considered development and if so, is it exempted development.

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

- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended;
- (b) Article 10(1) of the Planning and Development Regulations 2001, as amended
- (c) Classes 1, 4 and 5 of Schedule 2, Part 4 of the Planning and Development Regulations 2001, as amended;
- (d) The works as indicated in submitted documents from the referrer.

AND WHEREAS Clare County Council has concluded:

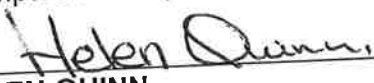
- (a) The clearing to resume production and upgrading in order to meet modern Health Board standards constitutes "works" which come within the scope of section 2(1) of the Planning and Development Act 2000, as amended;
- (b) The said works constitute "development" which comes within the scope of section 3(1) of the Planning and Development Act 2000, as amended;
- (c) the said clearing to resume production and upgrading in order to meet modern Health Board standards is not exempted development having regard to Section 2(1) of the Planning and Development Act, 2000 (as amended), Article 10(1) of the Planning and Development Regulations 2001 (as amended) and Classes 1, 4 and 5 of Schedule 2, Part 4 of the Planning and Development Regulations 2001, as amended.

The clearing to resume production and upgrading in order to meet modern Health Board standards in the old supermarket/deli premises Main Street O Briensbridge Co. Clare is considered development which is exempted development having regard to the provisions of Article 10 of 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 Helen Quinn A/Senior 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, Helen Quinn, A/Senior Planner, hereby declare that the clearing to resume production and upgrading in order to meet modern Health Board standards in the old supermarket/deli premises Main Street O Briensbridge Co. Clare is considered development which is not exempted development

Signed:


HELEN QUINN
A/SENIOR PLANNER

Date:

6/8/2021

AS ✓

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

Reference No.: R21-35



Section 5 referral Reference R21-35

Whether the clearing to resume production and upgrading in order to meet modern Health Board standards in the old supermarket/deli premises Main Street O Briensbridge Co. Clare considered development and if so, is it exempted development.

AND WHEREAS, Jacques Brennan 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, 3 and 4 of the Planning and Development Act, 2000, as amended;
- (b) Article 10(1) of the Planning and Development Regulations 2001, as amended
- (c) Classes 1, 4 and 5 of Schedule 2, Part 4 of the Planning and Development Regulations 2001, as amended;
- (d) The works as indicated in submitted documents from the referrer.

And whereas Clare County Council has concluded:

- (a) The clearing to resume production and upgrading in order to meet modern Health Board standards constitutes "works" which come within the scope of section 2(1) of the Planning and Development Act 2000, as amended;
- (b) The said works constitute "development" which comes within the scope of section 3(1) of the Planning and Development Act 2000, as amended;
- (c) the said clearing to resume production and upgrading in order to meet modern Health Board standards is not exempted development having regard to Section 2(1) of the Planning and Development Act, 2000 (as amended), Article 10(1) of the Planning and Development Regulations 2001 (as amended) and Classes 1, 4 and 5 of Schedule 2, Part 4 of the Planning and Development Regulations 2001, as amended.

The clearing to resume production and upgrading in order to meet modern Health Board standards in the old supermarket/deli premises Main Street O Briensbridge Co. Clare is considered development which is exempted development having regard to the provisions of Article 10 of 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 clearing to resume production and upgrading in order to meet modern Health Board standards in the old supermarket/deli premises Main Street O Briensbridge Co. Clare constitutes development which is not exempted development as defined within the Planning & Development Acts, 2000 (as amended) and associated regulations.



Anne O'Gorman
Staff Officer
Planning Department
Economic Development Directorate

6/8/2021

CLARE COUNTY COUNCIL
SECTION 5 DECLARATION OF EXEMPTION APPLICATION
REPORT 2

FILE REF:	R21-35
APPLICANT(S):	Jacques Brennan
REFERENCE:	Whether the clearing to resume production and upgrading in order to meet modern Health Board standards in the old supermarket / deli premises is considered development and if so, is it exempted development.
LOCATION:	Main Street, O' Brien's Bridge, Co. Clare
DUE DATE:	N/A

Site Location

The site is located on the north side of Main Street in O' Brien's Bridge, County Clare on lands zoned Mixed Use. The site comprises a single storey building which forms part of wider terrace of buildings in the village centre. The subject building is adjoined by a single storey unit to east. The remainder of the buildings in the terrace are two-storey structures.

Planning History

No recent planning applications on the proposal site

To the East

04/1953 – GRANTED - for the change of use of a ground floor retail unit (recently used as 'The Village Salon') to use as a sessional childcare facility

Background to Referral

This Referral under Section 5(3)(a) of the Planning and Development Act 2000 (as amended) has been made by Jacques Brennan. Mr. Brennan is not the owner of the building but ownership details have been provided and he has indicated that the owner is aware of the referral.

The applicant is seeking a Section 5 Declaration as to whether the clearing to resume production and upgrading in order to meet modern Health Board standards in the old supermarket / deli premises is considered development and if so, is it exempted development

Further Information Request

In the original assessment of this referral, the Planning Authority noted the following:

Having reviewed the information provided in the referral and having inspected the site, it is not possible to determine if the works proposed by Mr. Brennan can avail of any of the exemptions provided under the relevant legislation.

The last known use of the premises was for retail activity (Class 1). A supermarket and deli formerly operated on the site. There is no record of permission being granted for any change of use. The applicant has stated that he intends to "resume production". No information is provided regarding what he produces on the site and the premises appeared unoccupied at the time of the site inspection. It is not therefore possible to determine if a

change of use has occurred / will occur and whether any such change can be categorized as exempt development.

Accordingly, on 25th June 2021, further information was sought from the application. A response was received on 13th July 2021. The applicant has submitted details of the current / proposed use of the premises as follows:

- The production activity on the site related to the preparation of food, primarily fermented / cultured vegan food that will be produced and aged on site before distribution.
- The initial use will be as a production facility, but it will also become a sales point / retail outlet for the food produced on premises in due course.

I am satisfied that the applicant has provided sufficient information to facilitate the assessment of this referral

Statutory Provisions

Planning and Development Act, 2000 (as amended)

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.

'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.

"alteration" includes—

(a) plastering or painting or the removal of plaster or stucco, or

(b) the replacement of a door, window or roof, that materially alters the external appearance of a structure so as to render the appearance inconsistent with the character of the structure or neighbouring structures;

Article 10(1) of the Planning and Development Regulations, 2001, as amended

Development which consists of a change of use within any one of the classes of use specified in Part 4 of Schedule 2, shall be exempted development for the purposes of the Act, provided that the development, if carried out would not—

- (a) involve the carrying out of any works other than works which are exempted development,
- (b) contravene a condition attached to a permission under the Act,
- (c) be inconsistent with any use specified or included in such a permission, or
- (d) be a development where the existing use is an unauthorised use, save where such change of use consists of the resumption of a use which is not unauthorised and which has not been abandoned.

Planning and Development Regulations, 2001, as amended – Schedule 2, Part 4

CLASS 1

Use as a shop.

CLASS 4

Use as a light industrial building.

CLASS 5

Use as a wholesale warehouse or as a repository

Assessment

Basis of Referral

The applicant is seeking a Section 5 Declaration as to whether the clearing to resume production and upgrading in order to meet modern Health Board standards in the old supermarket / deli premises at Main Street, O' Brien's Bridge is considered development and if so, is it exempted development.

Particulars of Proposal

Last known use of the premises: supermarket

Current use: food production and distribution

No structural alterations to the premises are proposed.

Assessment

Having regard to Section 2 and 3 of the Planning and Development Act, 2000 (as amended) and having considered the details of the proposal as described in the submitted documentation, I am satisfied that the proposal involves the 'repair' and 'renewal' of the building and therefore constitutes 'works' as defined under Section 2 of the Planning and Development Act and constitutes 'development' as defined under Section 3(1) of the Planning and Development Act.

Based on the information submitted with the referral, the established use of the site is 'retail' which can be categorised as *Class 1* under the Planning and Development Regulations, 2001, as amended – Schedule 2, Part 4.

The proposed use of the site will be for food production and distribution which most closely aligns to Classes 4 and 5 of the Schedule 2, Part 4 respectively

Article 10(1) of the Planning and Development Regulations 2001 (as amended) addresses the issue of 'change of use'. There are no exemptions available for a change of use from Class 1 to Classes 4 or 5.

Recommendation

The following questions have been referred to the Planning Authority:

Whether the clearing to resume production and upgrading in order to meeting modern Health Board standards in the old supermarket/deli premises on Main Street, O' Briens Bridge, Co. Clare is considered development and if so, is it exempted development.

The Planning Authority in considering this referral had regard to:

- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended;
- (b) Article 10(1) of the Planning and Development Regulations 2001, as amended
- (c) Classes 1, 4 and 5 of Schedule 2, Part 4 of the Planning and Development Regulations 2001, as amended;

(d) The works as indicated in submitted documents from the referrer.

And whereas Clare County Council (Planning Authority) has concluded:

- (a) The clearing to resume production and upgrading in order to meet modern Health Board standards constitutes "works" which come within the scope of section 2(1) of the Planning and Development Act 2000, as amended;
- (b) The said works constitute "development" which comes within the scope of section 3(1) of the Planning and Development Act 2000, as amended;
- (c) the said clearing to resume production and upgrading in order to meet modern Health Board standards is not exempted development having regard to Section 2(1) of the Planning and Development Act, 2000 (as amended), Article 10(1) of the Planning and Development Regulations 2001 (as amended) and Classes 1, 4 and 5 of Schedule 2, Part 4 of the Planning and Development Regulations 2001, as amended.

Now therefore Clare County Council (Planning Authority) hereby decides that clearing to resume production and upgrading in order to meet modern Health Board standards at Main Street, O' Brien's Bridge, Co. Clare is development and is not exempted development.



Caroline Balfe
Executive Planner

Date: 29/07/2021



Garreth Ruane
Senior Executive Planner

Date: 29/07/21

Clare County Council

Screening for Appropriate Assessment & Determination

1. Table 1 to be filled in for all development applications.
2. Where proposed development is within a European site(s) site, go directly to table 3.
3. For all other development proposals, fill in table 2, and if required, table 3.
4. A Habitats Directive Screening Statement should be sought for all developments regardless of location which require an EIS

Table 1: Project Details

Planning File Reference	R21-35
Applicant Name	Jacques Brennan
Development Location	at Main Street. O' Brien's Bridge, Co. Clare
Application accompanied by an EIS	No
Application accompanied by an NIS	No

Description of the project (To include a site location map):

Whether the clearing to resume production and upgrading to meet modern health board standards in the old supermarket/deli premises is development and if so, is it exempted development



Table 2: Identification of European sites which may be impacted by the proposed development.

This section identifies the European Sites within the likely zone of impact of the plan or project. For plans an initial 15km zone of influence (NPWS-DAHG)¹ is recommended. For projects, the distance could be much less than 15km, and in some cases less than 100m, but this must be evaluated on a case-by-case basis.

Having regard to the nature, scale and location of the proposed development, which relates to alterations to an existing premises on zoned lands within an existing village, I consider the likely zone of impact of the project to be no greater than 0.5km.

Table 2 (a): European Sites within 0.5km of Applicant Site

European Sites ²	Qualifying Interests (QIs)/Special Conservation Interests (SCIs) and conservation objectives (either generic or detailed) (available on www.npws.ie/protectedsites) or through Intranet.	Distance to Applicant Site (km)
Lower River Shannon SAC	<p><u>Annex I habitats:</u></p> <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>Glauco-Puccinellietalia maritima</i>) [1330] • Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410] • Water courses of plain to montane levels with the <i>Ranunculum fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation [3260] • <i>Molinia</i> meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinion caeruleae</i>) [6410] • *Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>) [91E0] <p><u>Annex II species:</u></p> <ul style="list-style-type: none"> • Freshwater Pearl Mussel <i>Margaritifera margaritifera</i> [1029] • Sea Lamprey <i>Petromyzon marinus</i> [1095] • Brook Lamprey <i>Lampetra planeri</i> [1096] • River Lamprey <i>Lampetra fluviatilis</i> [1099] • Atlantic Salmon <i>Salmo salar</i> (only in fresh water) [1106] • Bottlenose Dolphin <i>Tursiops truncatus</i> [1349] 	0.05km

¹ European Sites that are more than 15km from the proposal may have to be considered. For example in the case of sites with water dependent habitats or species and where a proposal could affect water quality or quantity it may be necessary to consider the full extent of the upstream and/or downstream catchment.

² European Site details are available on <http://webgis.npws.ie/npwsviewer/> or maybe obtained from internal mapping systems.

European Sites ²	Qualifying Interests (QIs)/Special Conservation Interests (SCIs) and conservation objectives (either generic or detailed) (available on www.npws.ie/protectedsites) or through Intranet.	Distance to Applicant Site (km)
	<ul style="list-style-type: none"> • Otter <i>Lutra lutra</i> [1355] 	

1	Impacts on designated rivers, streams, lakes and fresh water dependant habitats and species.	<i>Is the development in the catchment of or immediately upstream of a watercourse that has been designated as a European site?</i>	Yes
2	Impacts on terrestrial habitats & species.	<i>Is the development within 1km of a European site with terrestrial based habitats or species?</i>	Yes
3	Impacts on designated marine habitats & species.	<i>Is the development located within marine or intertidal areas and within 5 km of a European site whose qualifying habitats or species include the following: Mudflats, sandflats, saltmarsh, shingle, reefs, sea cliffs</i>	No
4	Impacts on birds in SPAs	<i>Is the development within 1km of a Special Protection Area</i>	No
5	Indirect effects	<i>Is the development, in combination with other existing or proposed developments likely to impact on an adjacent European site?</i> <i>Is any emission from the development (including noise) likely to impact on an adjacent habitat or species?</i>	No in-combination effects likely No emissions likely

Conclusion:

- If the answer to all of the above is *no*, significant impacts on European sites are unlikely. No further assessment is required; go directly to the conclusion statement.
- If the answer is *unknown* or *yes* proceed to Table 3 and refer to the relevant sections of Table 3.

Table 3: Identification of potential impacts.

1	<p>Impacts on designated rivers, streams, lakes and fresh water dependant habitats and species.</p> <p><i>Please answer the following if the answer to question 1 in table 2 was “yes” or “unknown”.</i></p> <p><i>Does the development involve any of the following:</i></p>	
1.1	Removal of or interference with habitat within a European site. This may include any element of a project liable to interfere with breeding, nesting or roosting sites of birds, bats, water based species	No – brownfield site on Main Street in the village
1.2	Discharges either directly (via pipe from the development) or indirectly (via sewer) to surfacewater or groundwater What is the likely volume of the discharge?	Septic tank system on site.
1.3	Abstraction from surfacewater or groundwater in or adjacent to a European site, where hydrology is a critical element in the protection of habitat and species at the site? What is the likely volume of the abstraction?	No – site serviced by public water main
1.4	Is removal of topsoil proposed within 500m of watercourses? What transportation requirements are provided? Does the removal involve reduction in area, population density or fragmentation of area of any habitat or species?	No
1.5	Infilling or raising of ground levels within 500m of watercourses? What transportation requirements are provided? Does the infilling or raising involve interference with area, population density or fragmentation of area of any habitat or species?	No
1.6	Construction of drainage ditches - (scale?) Where the run off is directed to? Is the drainage run off directed to a European site where species are identified and whose conservation status may be impacted by this drainage?	No
1.7	Installation of waste water treatment systems; percolation areas; septic tanks within 500m of watercourses?	No
1.8	Construction within a floodplain or within an area liable to flood (See www.floodmaps.ie , internal flood risk maps, County Development Plan SFRA and www.cframes.ie)	No
1.9	Crossing or culverting of rivers or streams, installation of weirs, temporary watercourse crossings or any interference with a watercourse.	No

1.10	Storage of chemicals or hydrocarbons (including oils and fuels) within 500m of a watercourse	No
1.11	Development within catchment of a European site of a scale or type which involves the production of an EIS	No
1.12	Consideration of effects in combination with existing development?	No likely in-combination effects

2	<p align="center">Impacts on terrestrial habitats and species.</p> <p align="center"><i>Please answer the following if the answer to question 2 in table 2 was yes.</i></p> <p align="center"><i>Does the development involve any of the following:</i></p>	
2a	Removal of or interference with habitat within the European site. This includes reduction in habitat area or fragmentation of habitat. Is the timing of this interference liable to impact on the nesting or breeding period of any protected species?	No
2b	Construction of roads or other infrastructure on peat habitats within 1km of bog, marsh, fen or heath habitat within a European site	No
2c	Is the development liable to impact on water quality in the European site, or liable to give rise to any change in a key indicator of water quality, including salinity. If yes, is the site designated for any bird species or other plant species whose feeding ground or life cycle may be affected by changes in water quality?	No
2d	Development within 1km of terrestrial European site of a scale or type which involves the production of an EIS.	No

Conclusion:

- If the answer to all of the above is *no*, significant impacts on European sites are unlikely. No further assessment is required; go directly to the conclusion statement.
- If the answer to any of the above is *yes*, or *unknown* effects on the European sites need to be assessed and a Natura Impact Statement will be required.

Appropriate Assessment Screening Determination	
Planning File Reference	R21-35
Proposed Development	Whether the clearing to resume production and upgrading in order to meet modern Health Board standards is exempted development
Development Location	At Main Street, O' Brien's Bridge, Co. Clare
European sites within impact zone	Lower River Shannon SAC
Description of the project:	
The clearing to resume production and upgrading in order to meet modern Health Board standards	
Qualifying Interests (QIs)/Special Conservation Interests (SCIs) of European site	
<p>Lower River Shannon SAC</p> <p><u>Annex I habitats:</u></p> <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>Glauco-Puccinellietalia maritima</i>) [1330] • Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410] • Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation [3260] • <i>Molinia</i> meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinion caeruleae</i>) [6410] • *Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>) [91E0] <p><u>Annex II species:</u></p> <ul style="list-style-type: none"> • Freshwater Pearl Mussel <i>Margaritifera margaritifera</i> [1029] • Sea Lamprey <i>Petromyzon marinus</i> [1095] • Brook Lamprey <i>Lampetra planeri</i> [1096] • River Lamprey <i>Lampetra fluviatilis</i> [1099] • Atlantic Salmon <i>Salmo salar</i> (only in fresh water) [1106] • Bottlenose Dolphin <i>Tursiops truncatus</i> [1349] 	

• Otter <i>Lutra lutra</i> [1355]	
Describe how the project or plan (alone or in combination) is likely to affect the European site(s).	
No likely effects due to the nature, scale and location of the proposed development	
If there are potential negative impacts, explain whether you consider if these are likely to be significant, and if not, why not?	
N/A – no likely effects	
Documentation reviewed for making this statement	
<ul style="list-style-type: none"> - County Development Plan (including Flood Maps, SEA & AA) - NPWS website - Documents received as part of the Section 5 declaration application 	
Conclusion of assessment (a, b, c or d)	
(a) The proposed development is directly connected with or necessary to the nature conservation management of a European Site(s)³	
(b) There is no potential for significant effects to European Sites³	Yes
(c) The potential for significant effects to European Site(s) cannot be ruled out⁴	
(d) Significant effects to European sites are certain or likely or where potential	

³ Appropriate Assessment is not required and therefore Planning permission may be granted at this stage subject to all other planning considerations. However, no material changes may be made to the proposed development after this conclusion has been reached as this would invalidate the findings of the screening exercise.

⁴ In accordance with S177U of the Planning and Development (Amendment) Act 2010, the applicant should be requested to submit an 'Appropriate Assessment Screening Matrix' completed by a suitably qualified ecologist, by way of Further Information. Following receipt of this information a new Appropriate Screening Report should be completed. The requested 'Appropriate Assessment Screening Matrix' should be in accordance with the template outlined in Annex 2, Figure 1 of the EU (2001) guidance document 'Assessment of plans and projects significantly affecting European Sites – Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC. This guidance document is available from http://ec.europa.eu/environment/nature/natura2000/management/docs/art6/natura_2000_assess_en.pdf

Alternatively, where other planning concerns arise the proposal could be refused planning permission.

for significant effects to European sites remains following receipt of Further Information requested under S177U of the Planning and Development (Amendment) Act 2010⁵	
Completed By	Caroline Balfe
Date	29/07/2021

⁵ The proposed development must either by refused planning permission or alternatively an ‘Appropriate Assessment’ (AA) should be carried out by the Planning Authority. In order to facilitate the preparation of an AA the applicant should be requested to submit a Natura Impact Statement (NIS) in accordance with S177 (T) of the Planning and Development (Amendment) Act 2010. However, in the case of an application to retain unauthorised development of land and where the authority decides that an ‘appropriate assessment’ should have been carried out prior to the commencement of development, the application is required to be invalidated by the Planning Authority as per S34 (12) of the Planning and Development (Amendment) Act 2010 and accordingly an NIS should not be requested in such instances.



COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

Jacques Brennan
23 Parkroe Heights,
Ardnacrusha,
Co. Clare.

16th July, 2021

Section 5 referral Reference R21-35 Jacques Brennan

Whether the clearing to resume production and upgrading in order to meet modern Health Board standards in the old supermarket/deli premises Main Street O Briensbridge Co. Clare considered development and if so, is it exempted development.

A Chara,

I refer to your correspondence on 16th July, 2021 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

Siobhan Mungovan
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
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Jacques Brennan
23 Parkroe Heights,
Ardnacrusha,
Co. Clare.

COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

25th June, 2021

Section 5 referral Reference R21-35 – Jacques Brennan

Whether the clearing to resume production and upgrading in order to meet modern Health Board standards in the old supermarket/deli premises Main Street O Briensbridge Co. Clare considered development and if so, is it exempted development.

A Chara,

I refer to your application received on 30th April 2021 under Section 5 of the Planning & Development Act 2000 (as amended) in relation to the above.

In accordance with Section 5 (2) (b) of the Planning and Development Act 2000 as amended, and in order for the Planning Authority to make an assessment on this declaration application you are requested to submit the following information:

The Planning and Development Regulations 2001 (as amended) Schedule 2, Part 3, Class 6 define that the following is exempted development:

1. The Planning Authority notes that the most recent use of the premises which is the subject of this application was as a supermarket / deli. This use is categorized as Class 1 in Part 4, Schedule 2 of the Planning and Development Regulations 2001 (as amended).

The details submitted with the Section 5 referral indicate an intention to "resume production" on the site. No details of the nature of the production taking place on the site have been provided and therefore it has not been possible to establish if a continued retail use is proposed or if a change of use will take place.

In order to facilitate the assessment of this Section 5 referral you are required to submit the following:

- Details of the production activities which will take place on the site
- Details of any retail use, if any, which will take place on the site

Mise, le meas

**Planning Department
Economic Development Directorate**

**An Roinn Pleanála
An Stiúirtheoireacht 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



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



13 July 2021

A Chara,

Section 5 referral reference R21-35

Further to your letter of clarification of future use of the premises in Main Street, O'Briensbridge, Co. Clare.

1. Production activity:

Foreseen use of the premises is to make food - primarily fermented / cultured vegan food that will be produced and aged on site before distribution.

Other similar vegan food may be produced along a similar vain.

2. Retail use:

The initial use will be as a production facility, but it will also become a sales point / retail outlet for the food produced on premises in due course.

I hope this clarifies the proposed use of the facility going forward.


Jacques Brennan
Director
Hungry Soul Ltd.