



COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

Registered Post

**Niall Gilligan
c/o Sean Corey (Midwest Consultant Engineers)
Ballygriffey South
Ruan
Ennis
Co. Clare**

15th December 2022

Section 5 referral Reference R22-77 – Niall Gilligan

Is the change of use from a hostel to apartments at the Jamaica Inn, Mount levers, Sixmilebridge, Co. Clare considered development, and if so, is it exempted development?

A Chara,

I refer to your application received on 21st November 2022 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:

80978

Reference Number:

R22-77

Date Referral Received:

21st November 2022

Name of Applicant:

Niall Gilligan

**Location of works in question:
Co. Clare**

Jamaica Inn, Mount levers, Sixmilebridge,

Section 5 referral Reference R22-77 – Niall Gilligan

Is the change of use from a hostel to apartments at the Jamaica Inn, Mount levers, Sixmilebridge, 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(1)(h) of the Planning and Development Act, 2000, as amended.
- b) Articles 6, 9 and 10 of the Planning and Development Regulations, 2001 as amended and in particular Appendix 1 Planning and Development (Amendment)(No. 2) Regulations 2018 (S.I. No. 30 of 2018).
- c) The Sustainable Urban Housing: Design Standards for New Apartments -Guidelines for Planning Authorities', March 2018 (as amended 2020).
- d) The information and documentation submitted with the referral.

AND WHEREAS Clare County Council has concluded:

- (a) The change of use from a hostel to apartments at the Jamaica Inn, Mount levers, Sixmilebridge, County Clare 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) Having regard to Class 6 of Schedule 2, Part 4 of the Planning and Development Regulations 2001, as amended, the change of use of the existing hostel building to facilitate 7no. apartments only at the Jamaica Inn, Mount levers, Sixmilebridge, County Clare is exempted development.
- (d) The change of use of the existing storage shed to an apartment at the Jamaica Inn, Mount levers, Sixmilebridge, County Clare is not exempted development since the existing storage shed has not been used as one of the qualifying classes of use (Class 1, 2, 3, 6 or 12) of Schedule 2, Part 4 of the Planning and Development Regulations 2001, as amended.

(e) The external works to the hostel building, to facilitate additional windows do not materially change the character of the structure to render it inconsistent with itself or neighbouring structures, and therefore constitute exempted development.

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 change of use from a hostel to apartments at the Jamaica Inn, Mount levers, Sixmilebridge, Co. Clare is considered development which is exempted development as it relates to the main hostel building, and that the change of use of the storage shed to an apartment is development and is not exempted development.

Signed:



GARETH RUANE
SENIOR EXECUTIVE PLANNER 

Date:

15th December 2022

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

Reference No.: R22-77



Section 5 referral Reference R22-77

Is the change of use from a hostel to apartments at the Jamaica Inn, Mount levers, Sixmilebridge, Co. Clare considered development, and if so, is it exempted development?

AND WHEREAS, Niall Gilligan 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 –

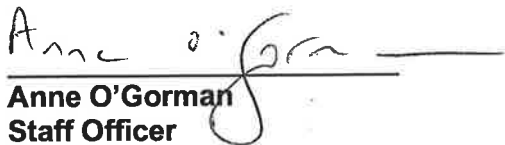
- (a) Sections 2, 3 and 4(1)(h) of the Planning and Development Act, 2000, as amended.
- (b) Articles 6, 9 and 10 of the Planning and Development Regulations, 2001 as amended and in particular Appendix 1 Planning and Development (Amendment)(No. 2) Regulations 2018 (S.I. No. 30 of 2018).
- (c) The Sustainable Urban Housing: Design Standards for New Apartments -Guidelines for Planning Authorities', March 2018 (as amended 2020).
- (d) The information and documentation submitted with the referral.

And whereas Clare County Council has concluded:

- (a) The change of use from a hostel to apartments at the Jamaica Inn, Mount levers, Sixmilebridge, County Clare 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) Having regard to Class 6 of Schedule 2, Part 4 of the Planning and Development Regulations 2001, as amended, the change of use of the existing hostel building to facilitate 7no. apartments only at the Jamaica Inn, Mount levers, Sixmilebridge, County Clare is exempted development.
- (d) The change of use of the existing storage shed to an apartment at the Jamaica Inn, Mount levers, Sixmilebridge, County Clare is not exempted development since the existing storage shed has not been used as one of the qualifying classes of use (Class 1, 2, 3, 6 or 12) of Schedule 2, Part 4 of the Planning and Development Regulations 2001, as amended.
- (e) The external works to the hostel building, to facilitate additional windows do not materially change the character of the structure to render it inconsistent with itself or neighbouring structures, and therefore constitute exempted development.

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 change of use from a hostel to apartments at the Jamaica Inn, Mount levers, Sixmilebridge, Co. Clare constitutes development which is exempted development as it relates to the main hostel building, and that the change of use of the storage shed to an apartment 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

15th December 2022

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

FILE REF:	R22-77
APPLICANT(S):	Niall Gilligan
REFERENCE:	Is the change of use from a hostel to apartments at the Jamaica Inn, Mount levers, Sixmilebridge, Co. Clare considered development, and if so, is it exempted development?
LOCATION:	Jamaica Inn, Mount levers, Sixmilebridge, County Clare
DUE DATE:	15.12.2022

Site Location

The site is located within the Settlement Boundary of Sixmilebridge. The site is zoned Existing Residential and is currently occupied by a vacant hostel. The site is located to the north of the town centre on a large site that is bound to the west and southwest by the R462, to the south and southeast by a local road, to the north and northeast by housing developments.

Planning History

On subject site;

96-834

Applicant Name: Michael McNamara & Nuala Harman
Development Description: construct a 50 bed holiday hostel with associated facilities, and a 4 bedroom domestic residence in tow storey and single storey construction
Development Address: Mount levers, Sixmilebridge, Co. Clare.

Permission was granted subject to conditions.

93-1119

Applicant Name: Alan & Christina Cooney & Loughnane
Development Description: Permission to construct a bungalow and entrance
Development Address: Mount levers, Sixmilebridge, Co. Clare.

Permission was granted subject to conditions.

Nearby:

22-934

Applicant Name: Michael & Eilis Rogan

Development Description: Extension of duration - to construct a house and site works

Development Address: 20 Beechwood Grove, Sixmilebridge, Co. Clare.

Permission was granted subject to conditions.

02-173

Applicant Name: Bothar Homes Ltd.

Development Description: for change of house types on sites 1 to 5 and replacement of detached house on site no. 15 with 2 no. 3 bed semi-detached houses

Development Address: Millcourt, Sixmilebridge, Co. Clare.

Permission was granted subject to conditions.

Background to Referral

This Referral under Section 5(3)(a) of the Planning and Development Act 2000 (as amended) has been made by Niall Gilligan, who is the stated owner of the site. The applicant is seeking a Section 5 Declaration as to whether the change of use from a hostel to apartments at the Jamaica Inn, Mountievers, Sixmilebridge, Co. Clare is considered development, and if so, if it is exempted development.

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*.

'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.

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) 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

'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, (iiia)endanger public safety by reason of hazardous glint and/or glare for the operation of airports, aerodromes or aircraft*
- iv. except in the case of a porch to which class 7 specified in column 1 of Part 1 of Schedule 2 applies and which 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, comprise the construction, erection, extension or renewal of a building on any street so as to bring forward the building, or any part of the building, beyond the front wall of the building on either side thereof or beyond a line determined as the building line 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,
- v. consist of or comprise the carrying out under a public road of works other than a connection to a wired broadcast relay service, sewer, water main, gas main or electricity supply line or cable, or any works to which class 25, 26 or 31 (a) specified in column 1 of Part 1 of Schedule 2 applies,
 - vi. 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. (a) 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,
 - vii. (b) 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,
 - vii. (c) 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’.*

Article 10 of the Planning and Development Regulations relates to Exempted Development and states:

Article 10.(1)

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.

Article 10(6) of the Planning and Development Regulations states:

(a) In this sub-article—

“habitable room” means a room used for living or sleeping purposes but does not include a kitchen that has a floor area of less than 6.5 square metres;

“relevant period” means the period from the making of these Regulations until 31 December 2021.

(b) This sub-article relates to a proposed development, during the relevant period, that consists of a change of use to residential use from Class 1, 2, 3, 6 or 12 of Part 4 to Schedule 1.

(c) Notwithstanding sub-article (1), where in respect of a proposed development referred to in paragraph (b)—

- (i) the structure concerned was completed prior to the making of the Planning and Development (Amendment) (No. 2) Regulations 2018,
- (ii) the structure concerned has at some time been used for the purpose of its current use class, being Class 1, 2, 3, 6 or 12, and
- (iii) the structure concerned, or so much of it that is the subject of the proposed development, has been vacant for a period of 2 years or more immediately prior to the commencement of the proposed development,

then the proposed development for residential use, and any related works, shall be exempted development for the purposes of the Act, subject to the conditions and limitations set out in paragraph (d).

- (d) (i) The development is commenced and completed during the relevant period.
- (ii) Subject to sub-paragraph (iii), any related works, including works as may be required to comply with sub-paragraph (vii), shall
- (I) Primarily affect only the interior of the structure
 - (II) Retain 50 percent or more of the existing external fabric of the building
 - (III) Not materially affect the external appearance of the structure so as to render its appearance inconsistent with the character of the structure or of neighbouring structures.
- (iii) Any related works for the alteration of existing ground floor shop fronts shall be consistent with the fenestration details and architectural and streetscape character of the remainder of the structure or of neighbouring structures.
- (iv) No development shall consist of or comprise the carrying out of works to the ground floor area of any structure which conflicts with any objective of the relevant local authority development plan or local area plan, pursuant to the Part 1 of the First Schedule to the Act, for such to remain in retail use, with the exception of any works the purpose of which is to solely provide on street access to the upper floors of the structure concerned.
- (v) No development shall consist of or comprise the carrying out of works which exceeds the provision of more than 9 residential units in any structure.
- (vi) Dwelling floor areas and storage spaces shall comply with the minimum floor area requirements and minimum storage space requirements of the “Sustainable Urban Housing: Design Standards for New Apartments —Guidelines for Planning Authorities” issued under section 28 of the Act or any subsequent updated or replacement guidelines.
- (vii) Rooms for use, or intended for use, as habitable rooms shall have adequate natural lighting.
- (viii) No development shall consist of or comprise the carrying out of works to a protected structure, as defined in section 2 of the Act, save where the relevant planning authority has issued a declaration under section 57 of the Act to the effect that the proposed works would not materially affect the character of the structure or any element, referred to in section 57(1)(b) of the Act, of the structure.
- (ix) No development shall contravene a condition attached to a permission under the Act or be inconsistent with any use specified or included in such a permission.
- (x) No development shall relate to any structure in any of the following areas:
- (I) an area to which a special amenity area order relates;
 - (II) an area of special planning control;
 - (III) within the relevant perimeter distance area, as set out in Table 2 of Schedule 8, of any type of establishment to which the Major Accident Regulations apply.
- (xi) No development shall relate to matters in respect of which any of the restrictions set out in subparagraph (iv), (vii), (viiA), (viiB), (viiC), (viii) or (ix) of article 9(1)(a), or paragraph (c) or (d) of article (9)(1), would apply.
- (xii) No development shall consist of or comprise the carrying out of works for the provision of an onsite wastewater treatment and disposal system to which the code of

practice made by the Environmental Protection Agency pursuant to section 76 of the Environmental Protection Agency Act 1992 relates and entitled Code of Practice — Wastewater Treatment and Disposal Systems Serving Single Houses together with any amendment to that Code or any replacement for it.

(e) (i) Where a person proposes to undertake development to which paragraph (b) relates, then he or she shall in the case of development relating to Class 1, 2, 3, 6 or 12 of Part 4 to Schedule 2, notify in writing the planning authority in whose functional area that the change of use will occur not less than 14 days prior to the commencement of the works related to the proposed change of use and any related works;

(ii) Details of each notification under subparagraph (i), which shall include information on—

(I) the location of the structure,

(II) the number of residential units involved, including the unit sizes and number of bedrooms in each unit, and

(III) the Eircode for the relevant property,

shall be entered in a record by the planning authority maintained for this purpose and the record shall be available for inspection at the offices of the planning authority during office hours and on the planning authority's website.

(iii) During the years 2019, 2020, 2021, 2022, 2023, 2024, 2025 and 2026 each planning authority shall provide information to the Minister on the number of notifications received by it under this paragraph during the preceding calendar year, including details of the information so received for the purposes of subparagraph (ii).".

Schedule 2, Part 4, Classes 1, 2, 3, 6 and 12 of the Planning and Development Regulations

CLASS 1

Use as a shop.

CLASS 2

Use for the provision of—

(a) financial services,

(b) professional services (other than health or medical services),

(c) any other services (including use as a betting office),

where the services are provided principally to visiting members of the public

CLASS 3

Use as an office, other than a use to which class 2 of this Part of this Schedule applies.

CLASS 6

Use as a residential club, a guest house or a hostel (other than a hostel where care is provided).

CLASS 12

Use as a Public House, meaning a premises which has been licensed for the sale and consumption of intoxicating liquor on the premises under the Licensing Acts 1833 to 2018

Amendment of Part 4 of Schedule 2 of Principal Regulations

4. The Principal Regulations are amended in Part 4 of Schedule 2 by the insertion after CLASS 6 of the following CLASS:

“CLASS 6- use a residential club, a guest house or a hostel (other than a hostel where care is provided”.

Appendix 1 Planning and Development (Amendment)(No. 2) Regulations 2018 (S.I. No. 30 of 2018)

Minimum Requirements for Residential Units

The Regulations set out some minimum standards that apply to any residential units being provided, including minimum floor areas, storage space and the provision of natural light.

- A maximum of 9 residential units can be provided in any structure.
- The minimum floor area and minimum storage space requirements of the *‘Sustainable Urban Housing: Design Standards for New Apartments -Guidelines for Planning Authorities’*, 2017 must be complied with. This ensures that apartments will be of adequate size and will include adequate storage.

‘Sustainable Urban Housing: Design Standards for New Apartments -Guidelines for Planning Authorities’, March 2018* and Appendix 1 Planning and Development (Amendment)(No. 2) Regulations 2018(S.I. No. 30 of 2018)

***Revised in December 2020**

Required minimum floor areas and standards are set out in appendix 1 of these guidelines. Same are set out below:

Minimum overall apartment floor areas

- Studio apartment 37 sq.m
- 1-bedroom apartment 45 sq.m
- 2-bedroom apartment (3 person) 63sq.m
- 2-bedroom apartment (4 persons) 73 sq.m
- 3-bedroom apartment 90 sq.m

Minimum aggregate floor areas for living/dining/kitchen rooms, and minimum widths for the main living/dining rooms

- Studio apartment 30 sq.m
- 1-bedroom apartment 23 sq.m
- 2-bedroom apartment (3 person) 28 sq.m
- 2-bedroom apartment (4 persons) 30 sq.m
- 3-bedroom apartment 34 sq.m

Minimum bedroom floor areas

- Studio 30sqm
- Single bedroom 7.1 sq.m
- Double bedroom 11.4 sq.m
- Twin bedroom 13 sq.m

Minimum aggregate bedroom floor areas

- 1-bedroom apartment 11.4 sq.m
- 2-bedroom apartment (3 person) 20.1 sq.m
- 2-bedroom apartment (4 persons) 24.4 sq.m
- 3-bedroom apartment 31.5 sq.m

Minimum storage space requirements

- Studio apartment 3 sq.m
- 1-bedroom apartment 3 sq.m
- 2-bedroom apartment (3 person) 5 sq.m
- 2-bedroom apartment (4 person) 6 sq.m
- 3-bedroom apartment 9 sq.m

Assessment

Primary legislation

Having regard the details submitted, it is considered that the proposal constitutes 'works' as defined by section 2 of the Act. It is also 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. In respect of Section 4 (1)(H) it is noted that while the section makes provision for 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' to be considered exempted development, it does not expressly clarify that the internal alterations can result in a change of use and that this new use is exempted development.

The Regulations

The buildings which are the subject of this referral are currently comprised of:

- An existing hostel which is included under Class 6 of Schedule 2, Part 4 of the Regulations.
- Existing associated storage shed, which is not a use that is included in Class 1, 2, 3, 6 or 12 of Schedule 2, Part 4 of the Regulations.

“(6)

(a) In this sub-article—‘*habitable room*’ means a room used for living or sleeping purposes but does not include a kitchen that has a floor area of less than 6.5 square metres; ‘relevant period’ means the period from the making of these Regulations until 31 December 2025.

(b) This sub-article relates to a proposed development, during the relevant period, that consists of a change of use to residential use from Class 1, 2, 3, 6 or 12 Part 4 of Schedule 2.

(c) Notwithstanding sub-article (1), where in respect of a proposed development referred to in paragraph (b)—

(i) the structure concerned was completed prior to the making of the Planning and Development (Amendment) (No. 2) Regulations 2018. Notice of the making of this Statutory Instrument was published in “*Iris Oifigiúil*” of 13th February 2018.[30].

The structure has been in existence prior to the coming into effect of the amendment.

(ii) the structure concerned has at some time been used for the purpose of its current use class, being Class 1, 2, 3, 6 or 12

The main hostel building can be categorised as Class 6. However, the existing storage shed is not one of the qualifying classes of use.

(iii) the structure concerned, or so much of it that is the subject of the proposed development, has been vacant for a period of 2 years or more immediately prior to the commencement of the proposed development, then the proposed development for residential use, and any related works, shall be exempted development for the purposes of the Act, subject to the conditions and limitations set out in paragraph (d).

The applicant has submitted statement indicating that the hostel has been closed since 2017.

(d) (i) The development is commenced and completed during the relevant period.

The owner advised that it is intended to commence works in January 2023.

(ii) Subject to sub-paragraph (iii), any related works, including works as may be required to comply with subparagraph (vii), shall –

- (I) primarily affect the interior of the structure,
- (II) retain 50 per cent or more of the existing external fabric of the building, and
- (III) not materially affect the external appearance of the structure so as to render its appearance inconsistent with the character of the structure or of neighbouring structures.

The proposed development is primarily within the interior of the hostel. In relation to internal works, the applicant is proposing the remodelling of the interior space of the existing vacant hostel to create 7 no. apartments, and 1no. apartment in place of the storage shed. The apartments include a mix of 1 bedroom (2no.), 2 bedroom (2no.) and 3 bedroom (2no.) units, and a 1 bedroom unit in the storage shed.

More than 50% of the existing external fabric of the building would be retained.

The drawings submitted indicate that the owner intends to make a number of alternations to the exterior of the hostel building, including the addition of 2 no. windows to the front elevation, the conversion of a door to a window and the addition of a new window on the NE side elevation, the blocking up of a window , the addition of three windows, the enlargement of a window and the raising of a cill on the NW back elevation, and the blocking up of a door on the SW side elevation. It is considered that the proposed alterations to the exterior of the existing hotel would not materially affect the external appearance of the structure so as to render its appearance inconsistent with the character of the structure or of neighbouring structures.

The owner also intends to carry out changes to the exterior of the existing storage shed, including the addition of windows and the conversion of doors to windows. As highlight above, the storage shed does not constitute one of the qualifying classes of use for consideration of an exemption.

(iii) Any related works for the alteration of existing ground floor shop fronts shall be consistent with the fenestration details and architectural and streetscape character of the remainder of the structure or of neighbouring structures.

The existing hostel does not include a shop front.

(iv) No development shall consist of or comprise the carrying out of works to the ground floor area of any structure which conflicts with any objective of the relevant local authority development plan or local area plan, pursuant to the Part 1 of the First Schedule to the Act, for such to remain in retail use, with the exception of any works the purpose of which is to solely provide on street access to the upper floors of the structure concerned..

There is no objective in the County Development Plan requiring the use of these buildings to remain unchanged.

(v) No development shall consist of or comprise the carrying out of works which exceeds the provision of more than 9 residential units in any structure.

7 residential units are proposed for the main hostel building and 1 unit is proposed for the existing storage shed.

(vi) Dwelling floor areas and storage spaces shall comply with the minimum floor area requirements and minimum storage space requirements of the "Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities" issued under section 28 of the Act or any subsequent updated or replacement guidelines.

The applicant has provided detailed floor space measurements for the proposed apartments. Appendix A has been attached to this report comparing the proposal with the minimum floor area requirements and minimum storage space requirements as set out in the "Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities".

As highlighted in Appendix A, almost all proposed floor layouts meet the requirements of the standards, and where they don't meet the standard, the measurements are marginally under requirements. Having regard to the retrofit nature of the proposal, and given that the development largely meets the standards, and that discrepancies in measurements are minimal, I consider that in this instance it would be appropriate and practical to apply a degree of flexibility, as per section 6.9 of the "Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities", where Planning Authorities are requested to be flexible in relation to *refurbishment schemes, particularly in historic buildings, some urban townscapes and 'over the shop' type or other existing building conversion projects, where property owners must work with existing building fabric and dimensions.*

(vii) Rooms for use, or intended for use, as habitable rooms shall have adequate natural lighting

The drawings submitted indicate that all habitable rooms would have adequate natural light.

(viii) No development shall consist of or comprise the carrying out of works to a protected structure, as defined in section 2 of the Act, save where the relevant planning authority has issued a declaration under section 57 of the Act to the effect that the proposed works would not materially affect the character of the structure or any element, referred to in section 57(1)(b) of the Act, of the structure.

The structure is not a protected structure.

(ix) No development shall contravene a condition attached to a permission under the Act or be inconsistent with any use specified or included in such a permission.

Having reviewed the conditions associated with the grant of permission P96-834, I am satisfied that the proposed change of use does not contravene any of the conditions attached to those permissions nor would it be inconsistent with any use specified or included in that permission.

(x) No development shall relate to any structure in any of the following areas:

(I) an area to which a special amenity area order relates;

Not applicable.

(II) an area of special planning control;

Not applicable

(III) within the relevant perimeter distance area, as set out in Table 2 of Schedule 8, of any type of establishment to which the Major Accident Regulations apply.

Not applicable.

(xi) No development shall relate to matters in respect of which any of the restrictions set out in subparagraph (iv), (vii), (viiA), (viiB), (viiC), (viii) or (ix) of article 9(1)(a), or paragraph (c) or (d) of article (9)(1), would apply.

The proposal complies with the above requirements.

(xii) No development shall consist of or comprise the carrying out of works for the provision of an onsite wastewater treatment and disposal system to which the code of practice made by the Environmental Protection Agency pursuant to section 76 of the Environmental Protection Agency Act 1992 relates and entitled Code of Practice — Wastewater Treatment and Disposal Systems Serving Single Houses together with any amendment to that Code or any replacement for it.

Not applicable – the building is connected to the public wastewater network in the town

(e) (i) Where a person proposes to undertake development to which sub-paragraph (b) relates, then he or she shall accordingly notify the planning authority in whose functional area that the change of use concerned will occur in writing at least 2 weeks prior to the commencement of the proposed change of use and any related works.

(ii) Details of each notification under subparagraph (i), which shall include information on—
(I) the location of the structure, and

(II) the number of residential units involved, including the unit sizes and number of bedrooms in each unit, shall be entered in a record by the planning authority maintained for this purpose and the record shall be available for inspection at the offices of the planning authority during office hours and on the planning authority's website.

Notification received on the 21st November, 2022.

(iii) During the years 2019, 2020, 2021 and 2022, each planning authority shall provide information to the Minister on the number of notifications received by it under this paragraph during the preceding calendar year, including details of the information so received for the purposes of subparagraph(ii)."

Noted.

Article 9

Under Article 9 (1) of the same Regulations, *development to which Article 6 relates shall not be exempted development for the purposes of the Act:*

(a) if the carrying out of such development would –

(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.

Not applicable

(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. The proposal site is located within the Settlement Boundary of Sixmilebridge, and no new groundworks are proposed.

(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,

Not applicable. Appropriate Assessment Screening Report and determination attached

(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,

No unauthorized activity noted on the site.

(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.

c) if it is development to which Part 10 applies, unless the development is required by or under any statutory provision (other than the Act or these Regulations) to comply with procedures for the purpose of giving effect to the Council Directive,

Not applicable

(d) if it consists of the provision of, or modifications to, an establishment, and could have significant repercussions on major accident hazards.

Not applicable

Recommendation

The following question has been referred to the Planning Authority:

Whether the change of use from a hostel to apartments at the Jamaica Inn, Mount levers, Sixmilebridge, is development, and if so, is it exempted development?

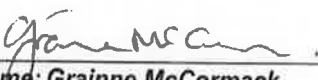
The Planning Authority in considering this referral had regard to:

- a) Sections 2, 3 and 4(1)(h) of the Planning and Development Act, 2000, as amended.
- b) Articles 6, 9 and 10 of the Planning and Development Regulations, 2001 as amended and in particular Appendix 1 Planning and Development (Amendment)(No. 2) Regulations 2018 (S.I. No. 30 of 2018).
- c) The Sustainable Urban Housing: Design Standards for New Apartments -Guidelines for Planning Authorities', March 2018 (as amended 2020).
- d) The information and documentation submitted with the referral.

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

- (a) The change of use from a hostel to apartments at the Jamaica Inn, Mount levers, Sixmilebridge, County Clare 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) Having regard to Class 6 of Schedule 2, Part 4 of the Planning and Development Regulations 2001, as amended, the change of use of the existing hostel building to facilitate 7no. apartments only at the Jamaica Inn, Mount levers, Sixmilebridge, County Clare is exempted development.
- (d) The change of use of the existing storage shed to an apartment at the Jamaica Inn, Mount levers, Sixmilebridge, County Clare is not exempted development since the existing storage shed has not been used as one of the qualifying classes of use (Class 1, 2, 3, 6 or 12) of Schedule 2, Part 4 of the Planning and Development Regulations 2001, as amended.
- (e) The external works to the hostel building, to facilitate additional windows do not materially change the character of the structure to render it inconsistent with itself or neighbouring structures, and therefore constitute exempted development.

Now therefore Clare County Council (Planning Authority), hereby decides that the change of use from a hostel to apartments at the Jamaica Inn, Mount levers, Sixmilebridge, County Clare is development and is exempted development as it relates to the main hostel building, and that the change of use of the storage shed to an apartment is development and is not exempted development.


Name: Grainne McCormack
Assistant Planner

Date: 14/12/2022


Name: Garreth Ruane
Senior Executive Planner
Date 14/12/22

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	R22-77
Applicant Name	Niall Gilligan
Development Location	Jamaica Inn, Mount Ievers, Sixmilebridge, County Clare
Application accompanied by an EIS	No
Application accompanied by an NIS	No
Description of the project (To include a site location map):	
Change of use from a vacant hostel to apartments	

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 with reference to the nature, size and location of the project, and the sensitivities of the ecological receptors, and the potential for in combination effects. Qualifying Interests/Special conservation Interests for each site and the distance relevant to the proposal are listed (Table 2 (a)).

Table 2 (a): European Sites within 15km 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>Sandbanks which are slightly covered by sea water all the time [1110]</p> <p>Estuaries [1130]</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Coastal lagoons [1150]</p> <p>Large shallow inlets and bays [1160]</p> <p>Reefs [1170]</p> <p>Perennial vegetation of stony banks [1220]</p> <p>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Water courses of plain to montane levels with the <i>Ranunculus fluitans</i> and <i>Callitriche-Batrachion</i> vegetation [3260]</p> <p>Molinia meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinia caerulea</i>) [6410]</p> <p>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> <p><i>Margaritifera margaritifera</i> (Freshwater Pearl Mussel) [1029]</p> <p><i>Petromyzon marinus</i> (Sea Lamprey) [1095]</p> <p><i>Lampetra planeri</i> (Brook Lamprey) [1096]</p> <p><i>Lampetra fluviatilis</i> (River Lamprey) [1099]</p> <p><i>Salmo salar</i> (Salmon) [1106]</p> <p><i>Tursiops truncatus</i> (Common Bottlenose Dolphin) [1349]</p> <p><i>Lutra lutra</i> (Otter) [1355]</p>	5.2
Ratty River Cave SAC	Annex I habitats:	2.08

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)
002316	Caves not open to the public [8310] Annex II species Lesser Horseshoe Bat <i>Rhinolophus hipposideros</i> [1303]	
River Shannon and River Fergus Estuaries SPA	Cormorant (<i>Phalacrocorax carbo</i>) [A017] Whooper Swan (<i>Cygnus cygnus</i>) [A038] Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] Shelduck (<i>Tadorna tadorna</i>) [A048] Wigeon (<i>Anas penelope</i>) [A050] Teal (<i>Anas crecca</i>) [A052] Pintail (<i>Anas acuta</i>) [A054] Shoveler (<i>Anas clypeata</i>) [A056] Scaup (<i>Aythya marila</i>) [A062] Ringed Plover (<i>Charadrius hiaticula</i>) [A137] Golden Plover (<i>Pluvialis apricaria</i>) [A140] Grey Plover (<i>Pluvialis squatarola</i>) [A141] Lapwing (<i>Vanellus vanellus</i>) [A142] Knot (<i>Calidris canutus</i>) [A143] Dunlin (<i>Calidris alpina</i>) [A149] Black-tailed Godwit (<i>Limosa limosa</i>) [A156] Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] Curlew (<i>Numenius arquata</i>) [A160] Redshank (<i>Tringa totanus</i>) [A162] Greenshank (<i>Tringa nebularia</i>) [A164] Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] Wetland and Waterbirds [A999]	6

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 and species.	<i>Is the development within 1km of a European site with terrestrial based habitats or species?</i>	No
3	Impacts on designated marine habitats and 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</i>	No

		<i>of a Special Protection Area</i>	
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 – minor nature of works

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.

Appropriate Assessment Screening Determination	
Planning File Reference	R22-77
Proposed Development	Change of use hostel to apts
Development Location	Jamaica Inn, Mount levers, Sixmilebridge, Co. Clare
European sites within impact zone	Lower River Shannon SAC River Shannon and River Fergus Estuaries SPA Ratty River Cave SAC
Description of the project	
Change of use hostel to apts	
Qualifying Interests (QIs)/Special Conservation Interests (SCIs) of European site	
As per report	
Describe how the project or plan (alone or in combination) is likely to affect the European site(s).	
No impacts envisaged.	
If there are potential negative impacts, explain whether you consider if these are likely to be significant, and if not, why not?	
minor nature of works	
Documentation reviewed for making this statement	
NPWS website Plans and particulars received GIS mapping database	
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 Sites ³	Yes
(c) The potential for significant effects to European Site(s) cannot be ruled out ⁴	

³ Appropriate Assessment is not required and therefore Planning permission may be granted at this stage subject to all other planning considerations. However, no 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.

(d) Significant effects to European sites are certain or likely or where potential 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	Grainne McCormack
Date	14.12.2022

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.

R22-77 Appendix A

Apartment 1 – 3 Bed			
Ground Floor			
	Sustainable Urban Housing: Design Standards for New Apartments	Provided	Compliant
Min. Overall Area	90m ²	107.9m ²	√
Min. Aggregate area of Living/Dining/Kitchen	34m ²	35.7m ²	√
Min. Floor area of:			√
Main Bedroom	11.4m ²	11.4m ²	√
Aggregate Bedroom floor areas	31.5m ²	29.12m ²	X
Min. Storage	9m ²	9.01m ²	√

Apartment 2 - 2 Bed (3 persons)			
Ground Floor			
	Sustainable Urban Housing: Design Standards for New Apartments	Provided	Compliant
Min. Overall Area	63m ²	81.8m ²	√
Min. Aggregate area of Living/Dining/Kitchen	28m ²	34.7m ²	√
Min. Floor area of:			
Main Bedroom	11.4m ²	12.01m ²	√
Aggregate Bedroom floor areas	20.1m ²	19.81m ²	X
Min. Storage	5m ²	6.21m ²	√

Apartment 3 - 3 Bed			
Ground Floor			
	Sustainable Urban Housing: Design Standards for New Apartments	Provided	Compliant
Min. Overall Area	90m ²	99.4m ²	√
Min. Aggregate area of Living/Dining/Kitchen	34m ²	43.2m ²	√
Min. Floor area of:			
Main Bedroom	11.4m ²	11.86m ²	√
Aggregate Bedroom floor areas	31.5m ²	26.66m ²	X
Min. Storage	9m ²	8.84m ²	X

Apartment 4 - 2 Bed (3 persons)			
Ground Floor			
	Sustainable Urban Housing: Design Standards for New Apartments	Provided	Compliant
Min. Overall Area	63m ²	76.9m ²	✓
Min. Aggregate area of Living/Dining/Kitchen	28m ²	36.8m ²	✓
Min. Floor area of:			✓
Main Bedroom	11.4m ²	14.4m ²	✓
Aggregate Bedroom floor areas	20.1m ²	22.6m ²	✓
Min. Storage	5m ²	7.19m ²	✓

Apartment 5 - 1 Bed			
Ground Floor			
	Sustainable Urban Housing: Design Standards for New Apartments	Provided	Compliant
Min. Overall Area	45m ²	50.8m ²	✓
Aggregate area of Living/Dining/Kitchen	23m ²	23m ²	✓
Min. Floor area of:			
Main Bedroom	11.4m ²	12.13m ²	✓
Aggregate Bedroom floor areas	11.4m ²	12.13m ²	✓
Min. Storage	3m ²	4.64m ²	✓

Apartment 6 - 1 Bed			
First Floor			
	Sustainable Urban Housing: Design Standards for New Apartments	Provided	Compliant
Min. Overall Area	45m ²	48m ²	✓
Aggregate area of Living/Dining/Kitchen	23m ²	23m ²	✓
			✓
Min. Floor area of:			✓
Main Bedroom	11.4m ²	14.5m ²	✓
Aggregate Bedroom floor areas	11.4m ²	14.5m ²	✓
Min. Storage	3m ²	4.2m ²	✓

Apartment 7 - 2 Bed (3 persons)			
First Floor			
	Sustainable Urban Housing: Design Standards for New Apartments	Provided	Compliant
Min. Overall Area	63m ²	78.6m ²	✓
Aggregate area of Living/Dining/Kitchen	28m ²	36.94m ²	✓
			✓
Min. Floor area of:			✓
Main Bedroom	11.4m ²	12.14m ²	✓
Aggregate Bedroom floor areas	20.1m ²	20.83m ²	✓
Min. Storage	5m ²	7.36m ²	✓

Apartment 8 - 1 Bed			
Ground Floor (shed)			
	Sustainable Urban Housing: Design Standards for New Apartments	Provided	Compliant
Min. Overall Area	45m ²	45.6m ²	✓
Aggregate area of Living/Dining/Kitchen	23m ²	24.53m ²	✓
			✓
Min. Floor area of:			✓
Main Bedroom	11.4m ²	11.56m ²	✓
Aggregate Bedroom floor areas	11.4m ²	11.56m ²	✓
Min. Storage	3m ²	2.82m ²	X

It is noted that no private amenity space is provided. However this is not required having regard to conversion of the existing building. I also note that there is significant outdoor communal amenity space.

CONTAE

AN CHLÁIR

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

21/11/2022 14:42:02

Receipt No. L1CASH/0/341508
***** REPRINT *****

NIALL GILLIGAN
C/O SEAN COREY
MID WEST CONSULTANT ENGINEER
BALLYGRIFFEY SOUTH
RUAN, ENNIS
CO CLARE



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

Total : 80.00 EUR

COMHAIRLE

Tendered :
CHEQUES 80.00

CONTAE

Change : 0.00

AN CHLÁIR

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

R22-77

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: planning@clarecoco.ie
Website: www.clarecoco.ie



Comhairle Contae an Chláir
Clare County Council



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	NIALL GILLIGAN MAIN STREET SIXMILEBRIDGE CO. CLARE
(b) Telephone No.:	087-631 7463.
(c) Email Address:	NIALL@gilliganauctioneers.com
(d) Agent's Name and address:	SEAN COREY (MIDWEST CONSULTANT ENGINEER) BALLYGRIFFEY SOUTH RUAN, ENNIS CO. CLARE. 087-2637797.

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 CHANGE OF USE FROM A HOSTEL
 TO APARTMENTS AT THE JAMAICA INN,
 MOUNTIEVERS, SIXMILEBRIDGE, CO. CLARE

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

IS THE CHANGE OF USE OF AN EXISTING
 HOSTEL (50M² BED) WHICH HAS NOT BEEN IN
 OPERATION SINCE 2017 AND A DETACHED
 STORAGE SHED TO 8 NO APARTMENTS
 THE INTERNAL WORKS WILL COMPRISE OF
 THE ADDITION AND REMOVAL OF WALLS TO
 FACILITATE THE APARTMENTS AND COMPLIANCE
 WITH THE APPROPRIATE DESIGN STANDARDS.
 EXTERNAL WORKS WILL BE CONFINED TO
 THE ADDITION OF WINDOWS AS INDICATED
 ON THE ATTACHED DRAWINGS ONLY. EXISTING
 CONNECTIONS TO SERVICES ARE TO BE UTILISED
 NO WORKS ARE TO BE CARRIED OUT TO THE
 EXISTING HOUSE.

- (c) List of plans, drawings etc. submitted with this request for a declaration:

(Note: Please provide a site location map to a scale of not less than 1:2500 based on Ordnance Survey map for the areas, to identify the lands in question)

SITE LOCATION MAP, 102-EXISTING SITE LAYOUT, 103-EXISTING G.F. PLAN 1
 104-EXISTING G.F. PLAN 2, 105-EXISTING F.F. PLAN, 106-EXISTING FRONT+SIDE ELEVATIONS
 107-EXISTING BACK+SIDE ELEVATIONS, 108+104-EXISTING SECTIONS, 110-EXISTING
 STORAGE SHED, 111-PROPOSED LAYOUT PLAN, 112,113-PROPOSED G.F. PLAN
 114-PROPOSED FIRST FLOOR PLAN, 115+116-PROPOSED ELEVATIONS
 117-PROPOSED-PLAN+ELEVATIONS-STORAGE SHED

3. DETAILS RE: PROPERTY/SITE/BUILDING FOR WHICH DECLARATION IS SOUGHT

(a) Postal Address of the Property/Site/Building for which the declaration sought:	THE JAMAICA INN MOUNT IEVERS SIXMILEBRIDGE CO. CLARE CV45 EV24)
(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?	No.
(c) Legal interest in the land or structure in question of the person requesting the declaration (Give Details):	FULL OWNER.
(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>	N/A.
(e) Is the owner aware of the current request for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended)?:	No
(f) Are you aware of any enforcement proceedings connected to this site? If so please supply details:	No
(g) Were there previous planning application/s on this site? If so please supply details:	P 96-834.
(h) Date on which 'works' in question were completed/are likely to take place:	JAN 2023.

SIGNED:


 T.P. NIALL GILLIGAN.

DATE: 18-11-22.

GUIDANCE NOTES

This following are non-statutory advice notes prepared by Clare County Council for the purpose of advising people what information is required for a decision to be made under Section 5 by the Planning Authority

- (i) The request for a declaration under Section 5 must be accompanied by 2 copies of site location map based on the Ordnance Survey map for the area of a scale not less than 1:1000 in urban areas and 1:2500 in rural areas and should clearly identify the site in question.
- (ii) The request for a declaration under Section 5 must be accompanied by the required fee of €80.00.
- (iii) If submitting any additional plans/reports etc. as part of the request for a declaration, please submit 2 copies.
- (iv) The request for a declaration should be sent to the following address:

Planning Department,
Economic Development Directorate,
Clare County Council
Aras Contae an Chlair,
New Road,
Ennis,
Co. Clare
V95DXP2

- (v) Notwithstanding the completion of the above form, the Planning Authority may require the submission of further information with regard to the request in order to enable the Authority to issue a declaration on the question.
- (vi) The Planning Authority may also request other persons to submit information on the question which has arisen and on which the declaration is sought

FOR OFFICE USE ONLY

Date Received:	Fee Paid:
Date Acknowledged:	Reference No.:
Date Declaration made:	CEO No.:
Decision:	

OSi PLACE Map

CENTRE COORDINATES:
ITM 547842, 666274

PUBLISHED: 21/11/2022 **ORDER NO.:** 50303584_1

MAP SERIES: 1:2,500 **MAP SHEETS:** 4500-D

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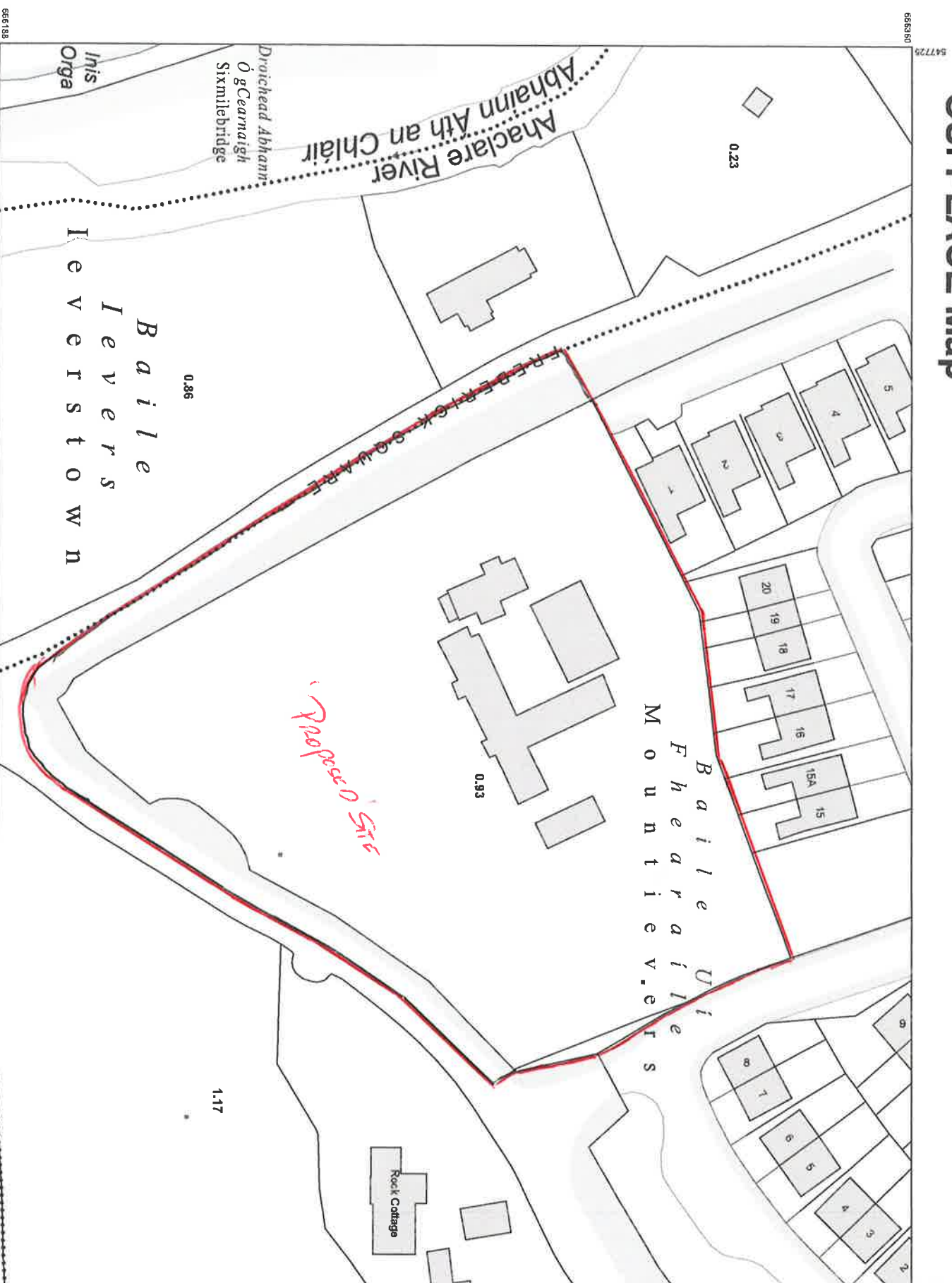
The representation on this map
of a road, track or footpath
is not evidence of the existence
of a right of way.

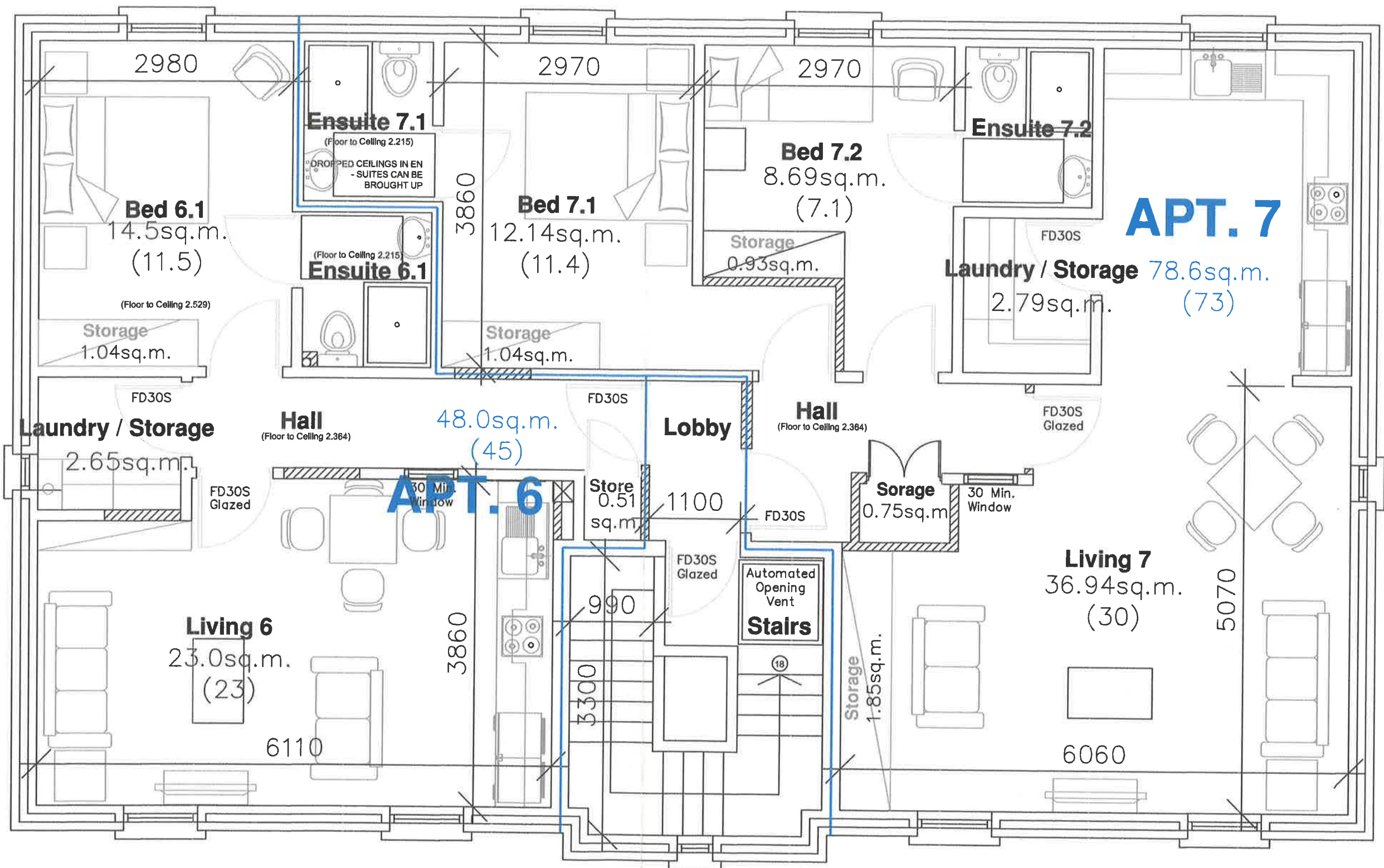
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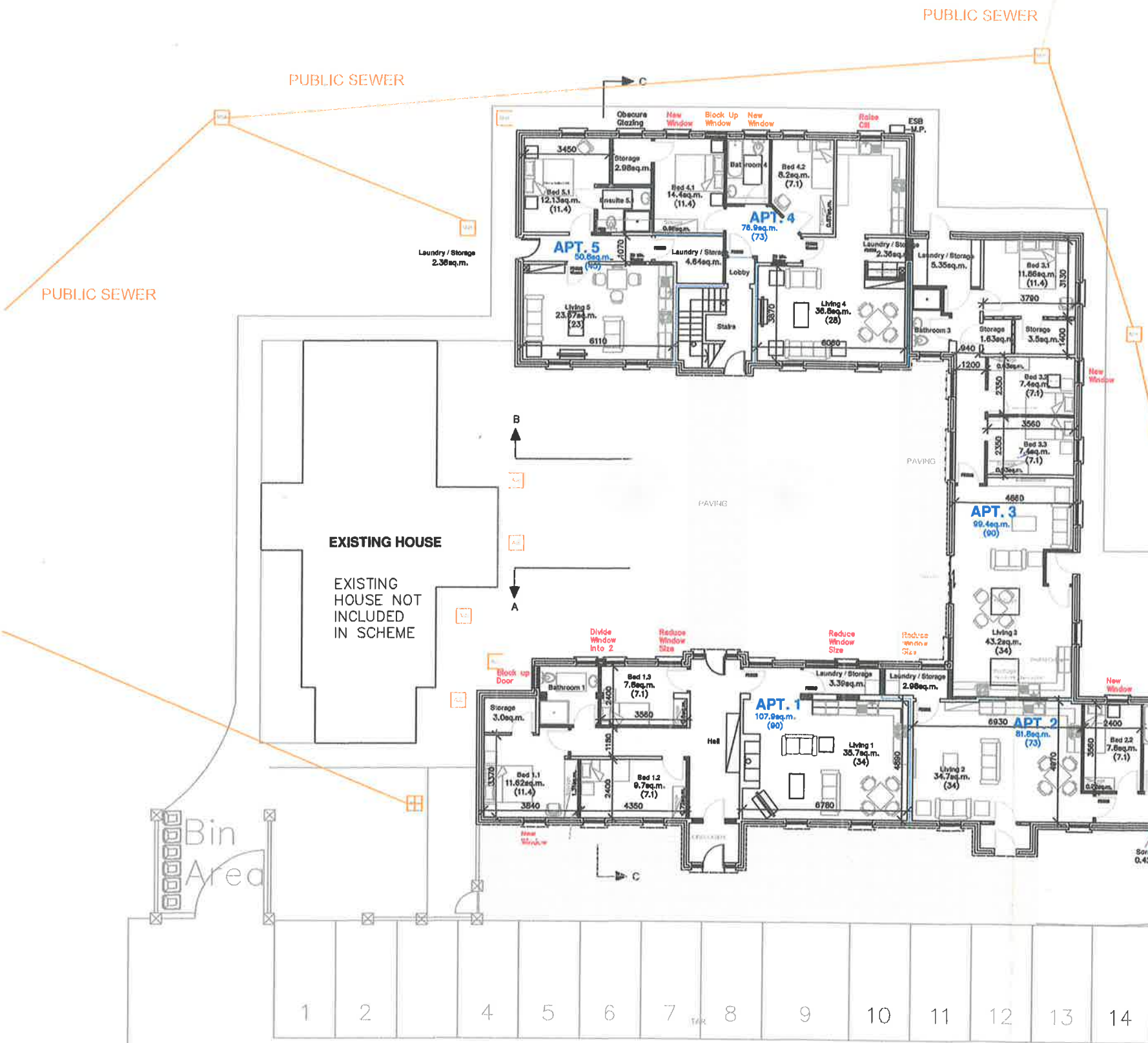
FIRST FLOOR PLAN

1:50

142.18 sq.m.



Rev: x	client: Niall Gilligan	drawing title: PROPOSED FIRST FLOOR PLAN - Apt 6 and 7	date: 08 / 06 / 2022	drawing: 114
	job: Convert The Jamica Inn Hostel, Sixmilebridge, Co. Clare into Apartments	drawing ref: DESIGN CHANGES	checked: S.C.	job no.: 22/25
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				scale: A3
				1:50
				drawn: SC
				MidWest Consultant Engineers Ltd
				BALLYGRIFFEY SOUTH RUAN, ENNIS CO. CLARE
				TELEPHONE: 087 2637797 E-MAIL: info@midwestconsultantengineers.ie



GROUND FLOOR PLAN

1:200 435.12 sq.m.



FIRST FLOOR PLAN

1:200 142.18 sq.m.

Note:
Change of Use to convert the Building from a Hostel to Apartments is been carried out under Planning & Development (Amendment) Regulations 2018 (S.I. No. 30 of 2018), Circular Letter PL 01 / 2018 (Dept. of Housing, Planning and Local Government)

Note:
Storage areas highlighted within the Bedrooms are not included in the overall Bedroom area as indicated under each Bedroom ID.

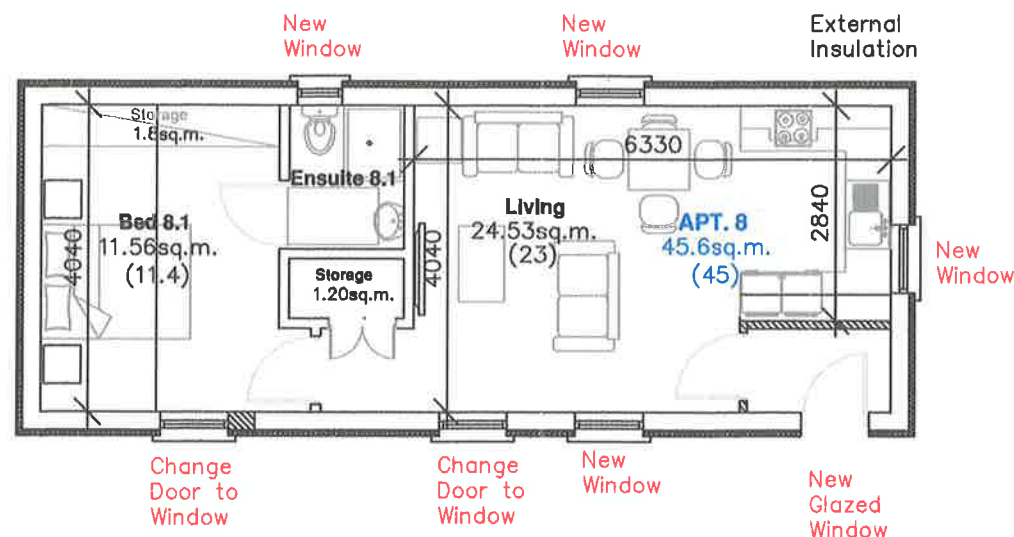
Rev: x	client: Niall Gilligan	drawing title: PROPOSED LAYOUT PLAN	date: 08 / 06 / 2022
	job: Convert The Jamica Inn Hostel, Sixmilebridge, Co, Clare into Apartments	drawing ref: DESIGN CHANGES	checked: S.C.
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drawing: 111
job no.: 22/25
scale: A3
1:100
drawn: SC

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E-MAIL: info@mldwestconsultantengineers.ie

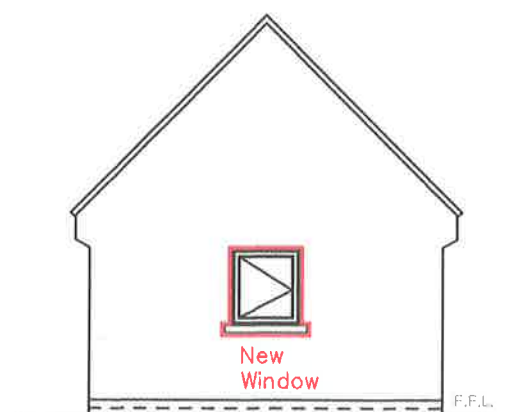


GROUND FLOOR PLAN

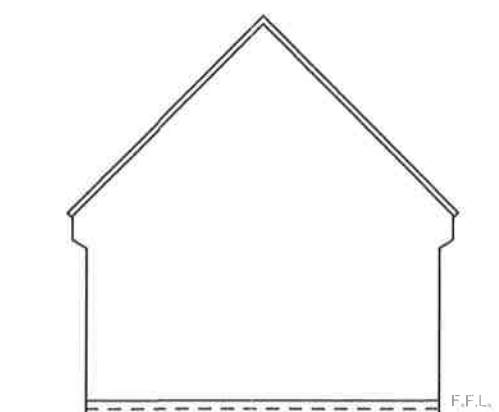
1:50

Note:
Storage areas highlighted within the Bedrooms are not included in the overall Bedroom area as indicated under each Bedroom ID.

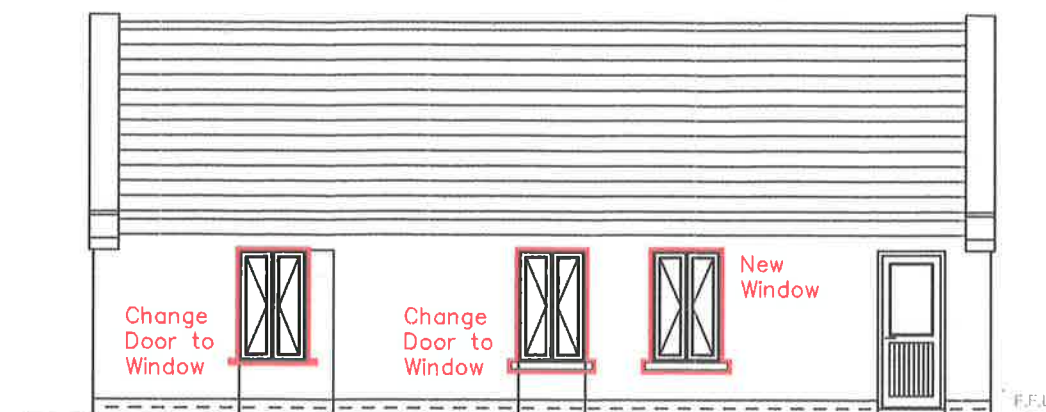
Storage Building to be Converted into Apartment



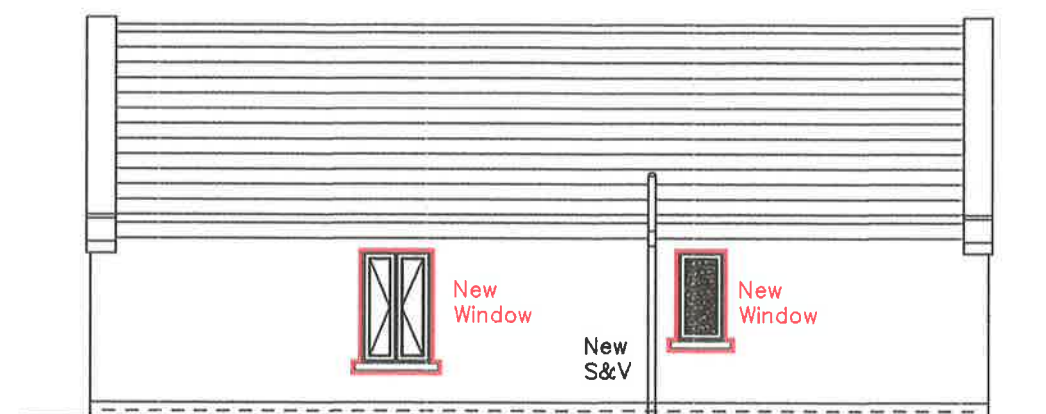
FRONT ELEVATION (SE)



BACK ELEVATION (NW)



SIDE ELEVATION (SW)

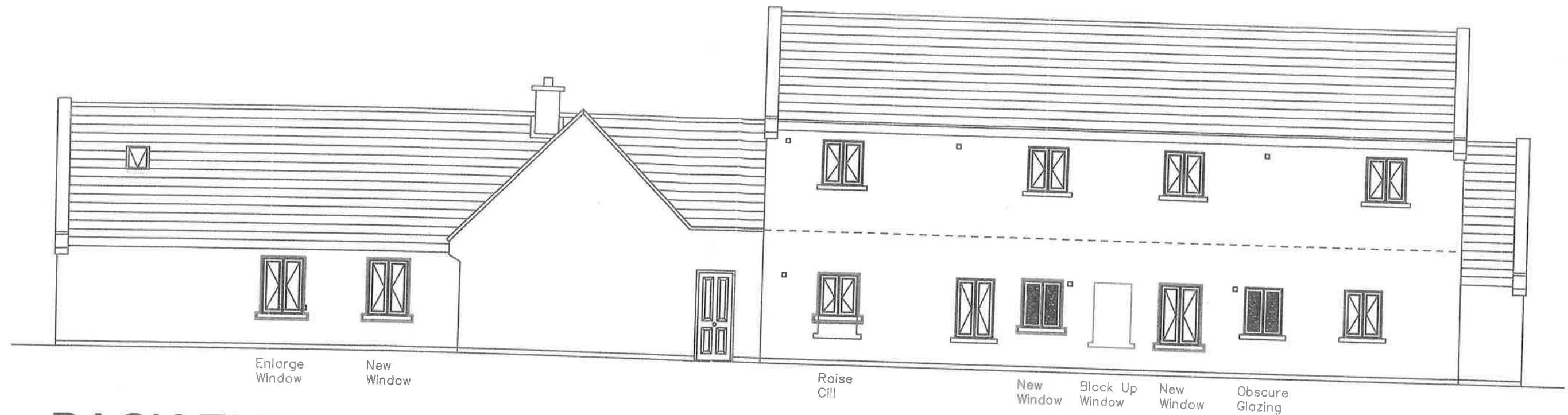


SIDE ELEVATION (NE)

Note:
Changes to Elevations outlined in Red

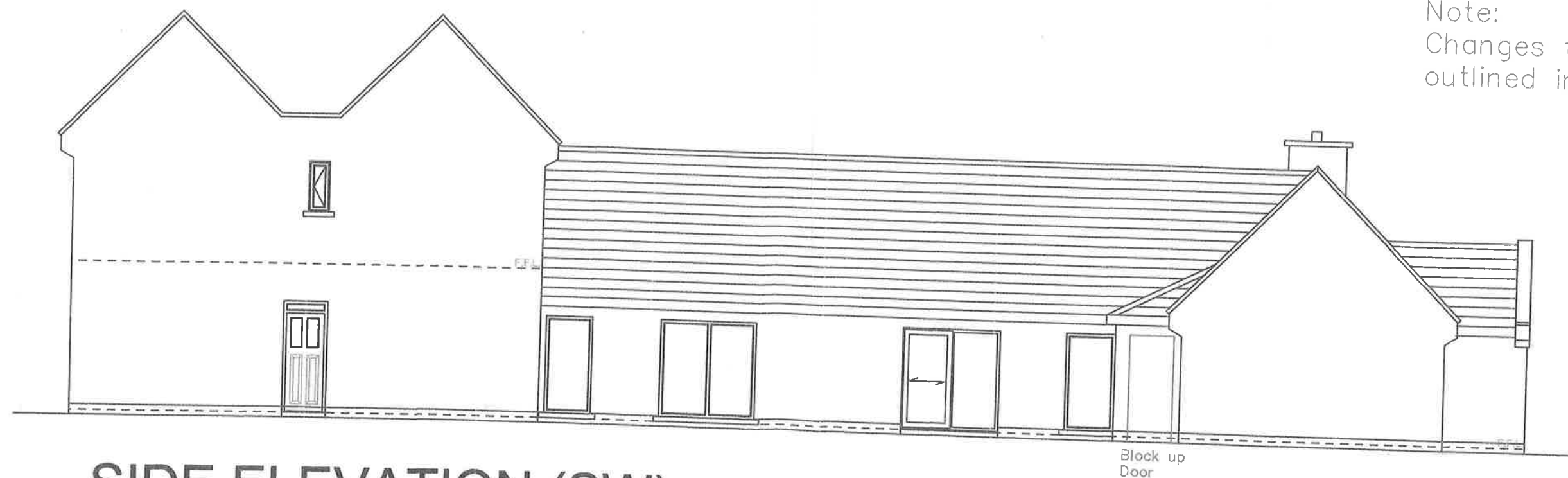
Note:
Change of Use to convert the Building from a Hostel to Apartments is been carried out under Planning & Development (Amendment) Regulations 2018 (S.I. No. 30 of 2018), Circular Letter PL 01 / 2018 (Dept. of Housing, Planning and Local Government)

Rev: x	client: Niall Gilligan	drawing title: PROPOSED FLOOR PLAN AND ELEVATIONS - Apt 8	date: 08 / 06 / 2022	drawing: 117	MidWest Consultant Engineers Ltd BALLYGRIFFEY SOUTH RUAN, ENNIS CO. CLARE TELEPHONE: 087 2637797 E-MAIL: Info@midwestconsultantengineers.ie
	job: Convert The Jamaica Inn Hostel, Sixmilebridge, Co, Clare into Apartments	drawing ref: DESIGN CHANGES	checked: S.C.	job no.: 22/25	
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				1:50	
				drawn: SC	



BACK ELEVATION (NW)

Note:
Changes to Elevations
outlined in Red



SIDE ELEVATION (SW)

Rev: x

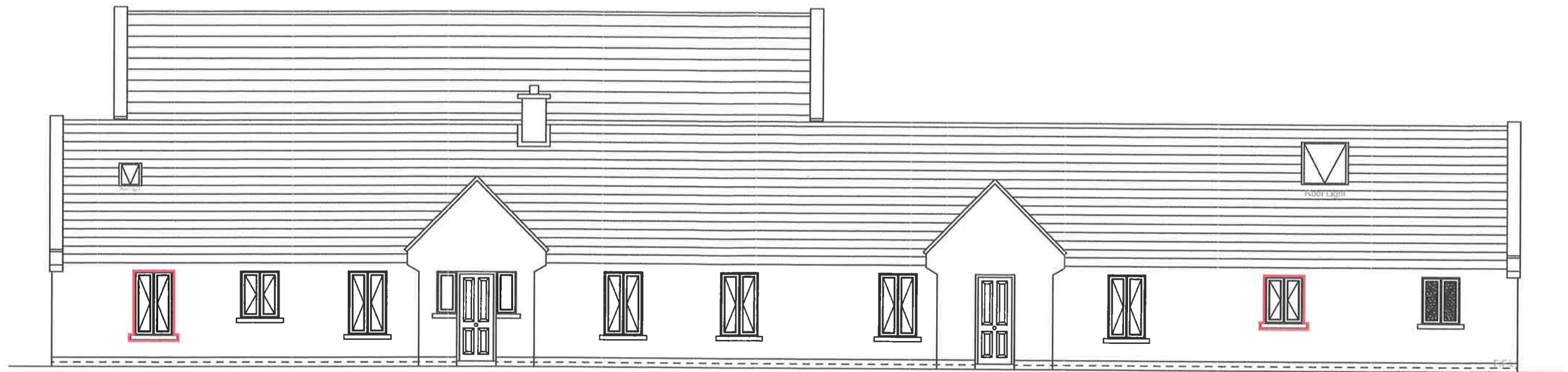
client:	Niall Gilligan	drawing title:	PROPOSED BACK AND SIDE ELEVATION	date:	08 / 06 / 2022
Job:	Convert The Jamaica Inn Hostel, Sixmilebridge, Co, Clare into Apartments	drawing ref:	DESIGN CHANGES	checked:	S.C.
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drawing:	116
job no.:	22/25
scale:	A3
1:100	
drawn:	SC

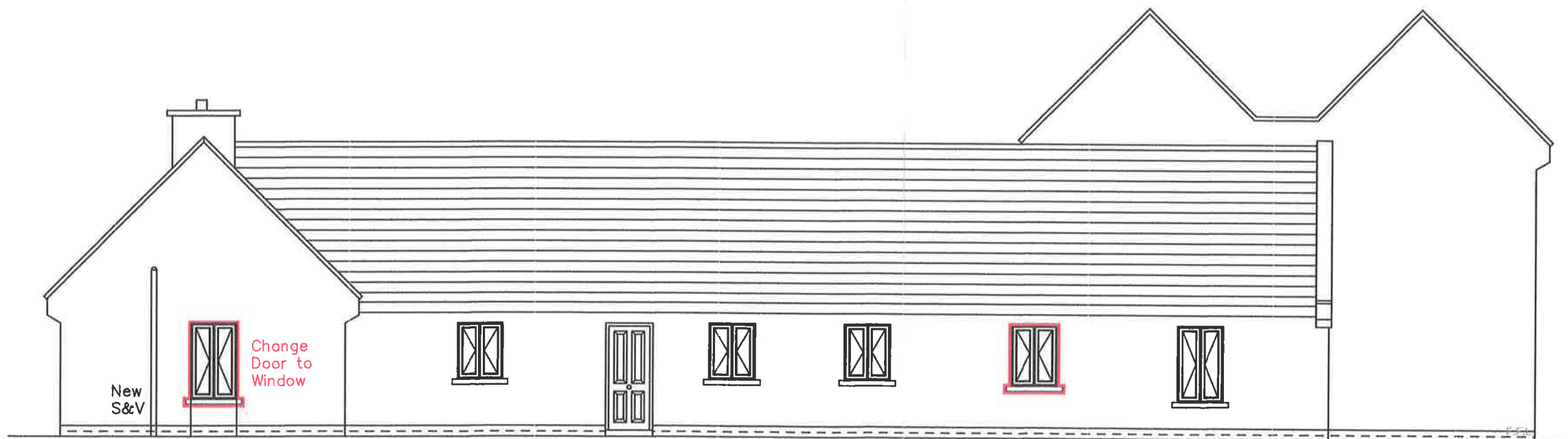
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FRONT ELEVATION (SE)



SIDE ELEVATION (NE)

Rev: x

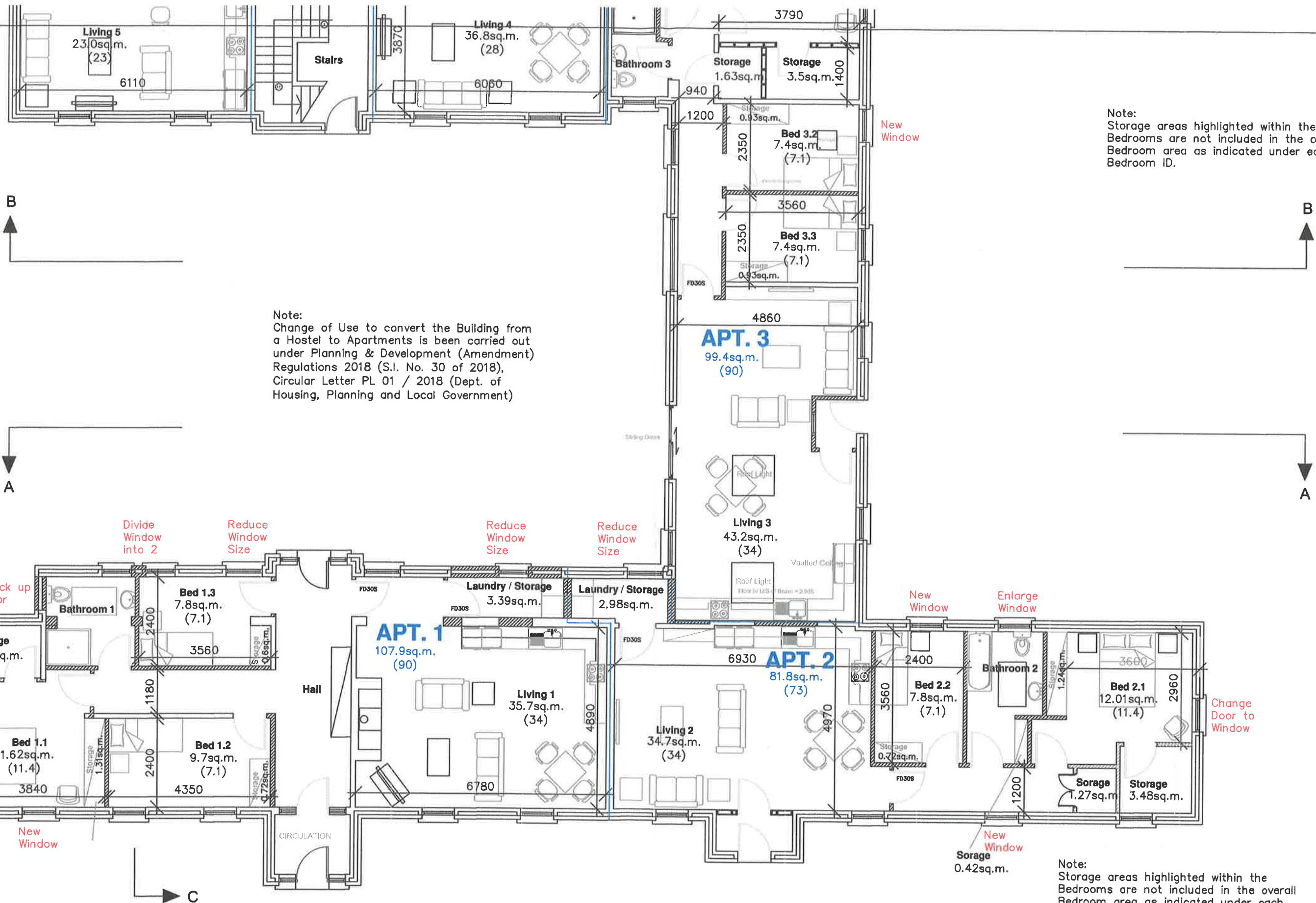
client:	Niall Gilligan	drawing title:	PROPOSED FRONT AND SIDE ELEVATION	date:	08 / 06 / 2022
job:	Convert The Jamaica Inn Hostel, Sixmilebridge, Co, Clare into Apartments	drawing ref:	DESIGN CHANGES	checked:	S.C.
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drawing:	115
job no.:	22/25
scale:	A3
1:100	
drawn:	SC

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Note:
Storage areas highlighted within the Bedrooms are not included in the overall Bedroom area as indicated under each Bedroom ID.

Note:
Change of Use to convert the Building from a Hostel to Apartments is been carried out under Planning & Development (Amendment) Regulations 2018 (S.I. No. 30 of 2018), Circular Letter PL 01 / 2018 (Dept. of Housing, Planning and Local Government)

Note:
Storage areas highlighted within the Bedrooms are not included in the overall Bedroom area as indicated under each Bedroom ID.

GROUND FLOOR PLAN
1:100 435.12 sq.m.



Rev: x	

client:	Niall Gilligan
job:	Convert The Jamica Inn Hostel, Sixmilebridge, Co. Clare into Apartments

drawing title:	PROPOSED GROUND FLOOR PLAN - Apt 1 and 2
drawing ref	DESIGN CHANGES

date:	08 / 06 / 2022
checked:	S.C.

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drawing:	112
job no.:	22/25
scale:	A3 1:100
drawn:	SC

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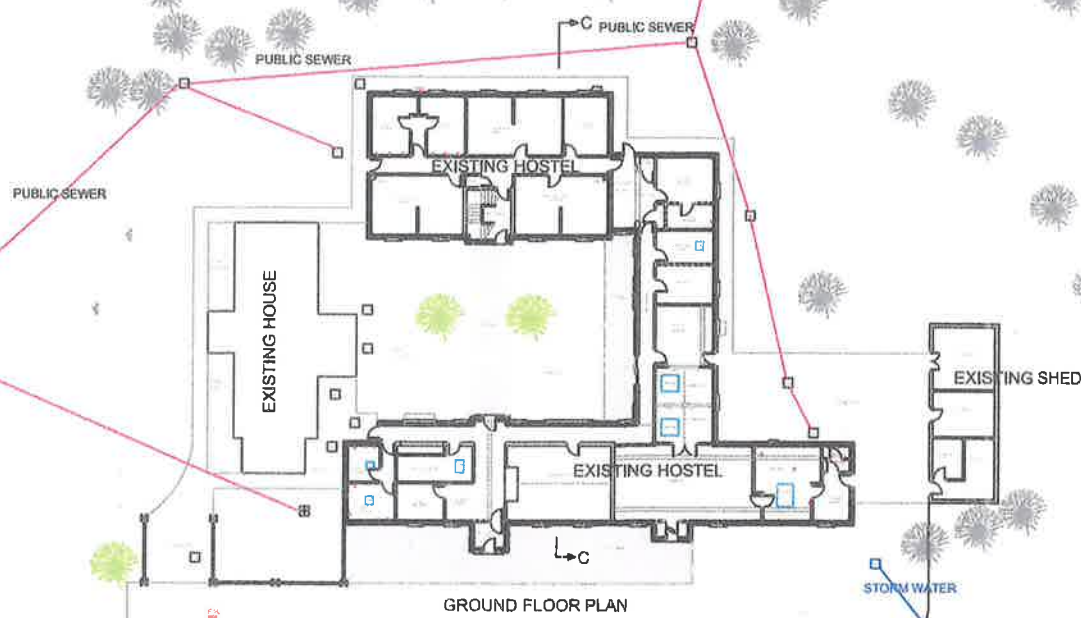
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MILLCOURT DEVELOPMENT

R462

CLUAIN DROICHEAD
DEVELOPMENT



GROUND FLOOR PLAN

GROUND FLOOR PLAN

1:500



Rev:	

client:	Niall Gilligan	drawing title:	EXISTING SITE LAYOUT PLAN	date:	08 / 06 / 2022
job:	Convert The Jamica Inn Hostel, Sixmilebridge, Co. Clare into Apartments	drawing ref:	DESIGN CHANGES	checked:	S.C.
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drawing:	102
job no.:	22/25
scale:	A3
	1:500
drawn:	SC

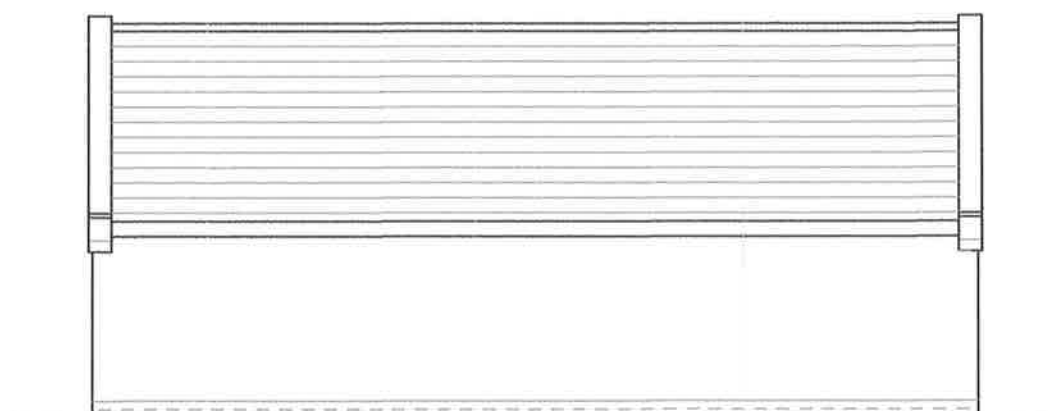
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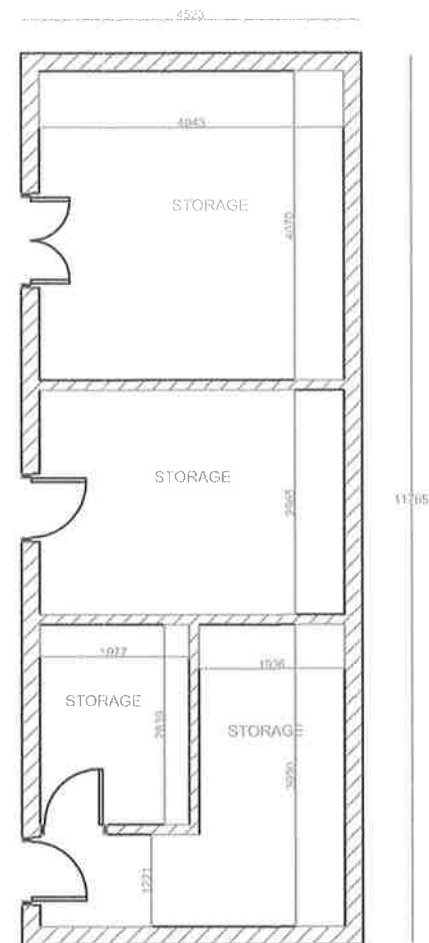
TELEPHONE: 087 2637797
E-MAIL: info@midwestconsultantengineers.ie



SIDE ELEVATION (SW)

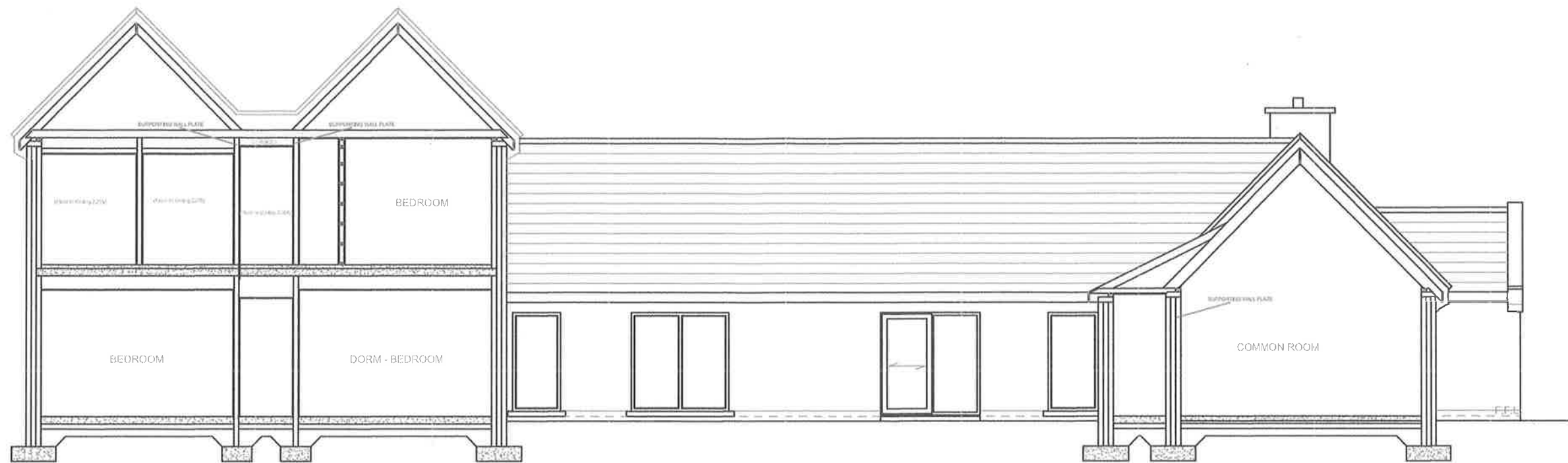


SIDE ELEVATION (NE)



GROUND FLOOR PLAN

Rev: x	client: Niall Gilligan	drawing title: EXISTING STORAGE SHED	date: 08 / 06 / 2022	drawing: 110 job no.: 22/25 scale: A3 1:100 drawn: SC	MidWest Consultant Engineers Ltd BALLYGRIFFEY SOUTH RUAN, ENNIS CO. CLARE TELEPHONE: 087 2637797 E-MAIL: info@midwestconsultantengineers.ie
	job: Convert The Jamica Inn Hostel, Sixmilebridge, Co, Clare into Apartments	drawing ref: DESIGN CHANGES	checked: S.C.		
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SECTION 'CC'

Rev: x

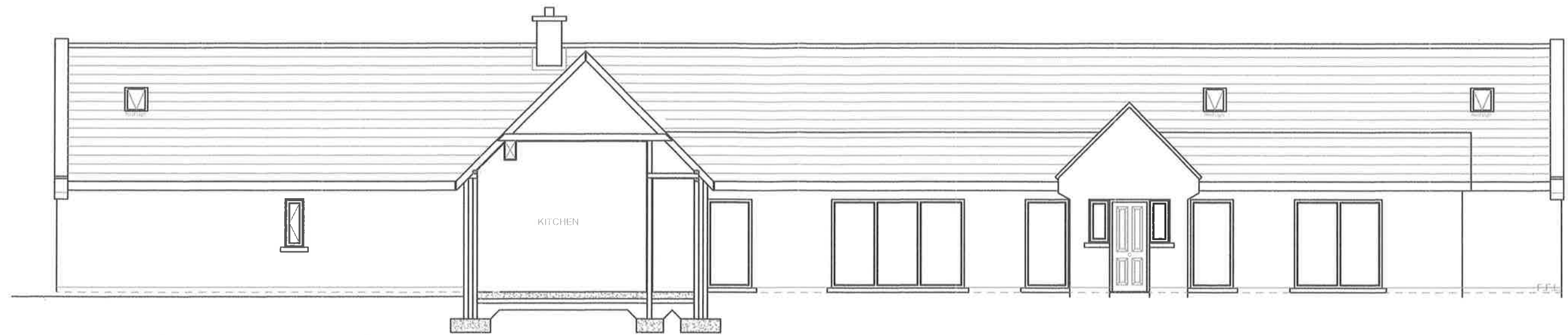
client:	Niall Gilligan	drawing title:	EXISTING SECTION 'CC'	date:	08 / 06 / 2022
job:	Convert The Jamica Inn Hostel, Sixmilebridge, Co, Clare into Apartments	drawing ref:	DESIGN CHANGES	checked:	S.C.
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drawing:	109
job no.:	22/25
scale:	A3
1:100	
drawn:	SC

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SECTION 'AA'



SECTION 'BB'

Rev: x

client:	Niall Gilligan	drawing title:	EXISTING SECTION 'AA' AND 'BB'	date:	08 / 06 / 2022
job:	Convert The Jamaica Inn Hostel, Sixmilebridge, Co, Clare into Apartments	drawing ref:	DESIGN CHANGES	checked:	S.C.
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drawing:	108
job no.:	22/25
scale:	A3
1:100	
drawn:	SC

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CO. CLARE
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BACK ELEVATION (NW)



SIDE ELEVATION (SW)

Rev: x

client:	Niall Gilligan	drawing title:	EXISTING BACK AND SIDE ELEVATION	date:	08 / 06 / 2022
job:	Convert The Jamaica Inn Hostel, Sixmilebridge, Co. Clare into Apartments	drawing ref:	DESIGN CHANGES	checked:	S.C.
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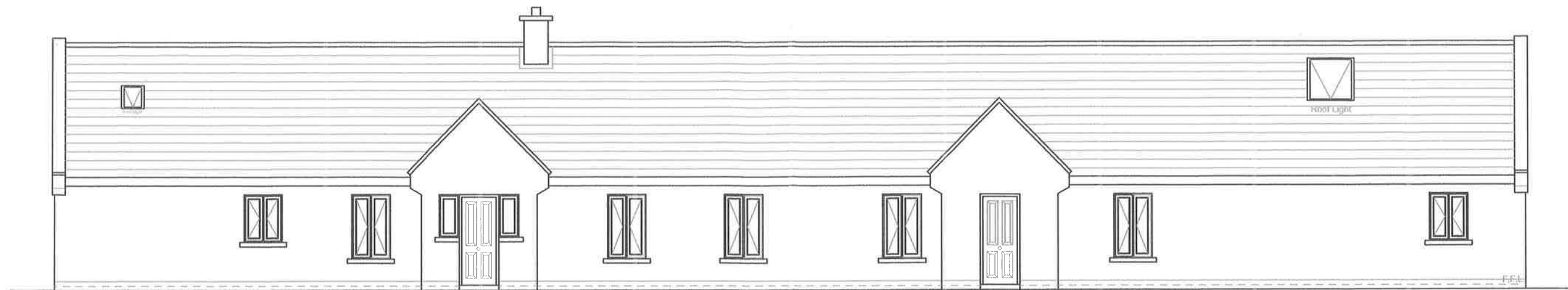
drawing:	107
job no.:	22/25
scale:	A3
1:100	
drawn:	SC

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FRONT ELEVATION (SE)



SIDE ELEVATION (NE)

Rev: x

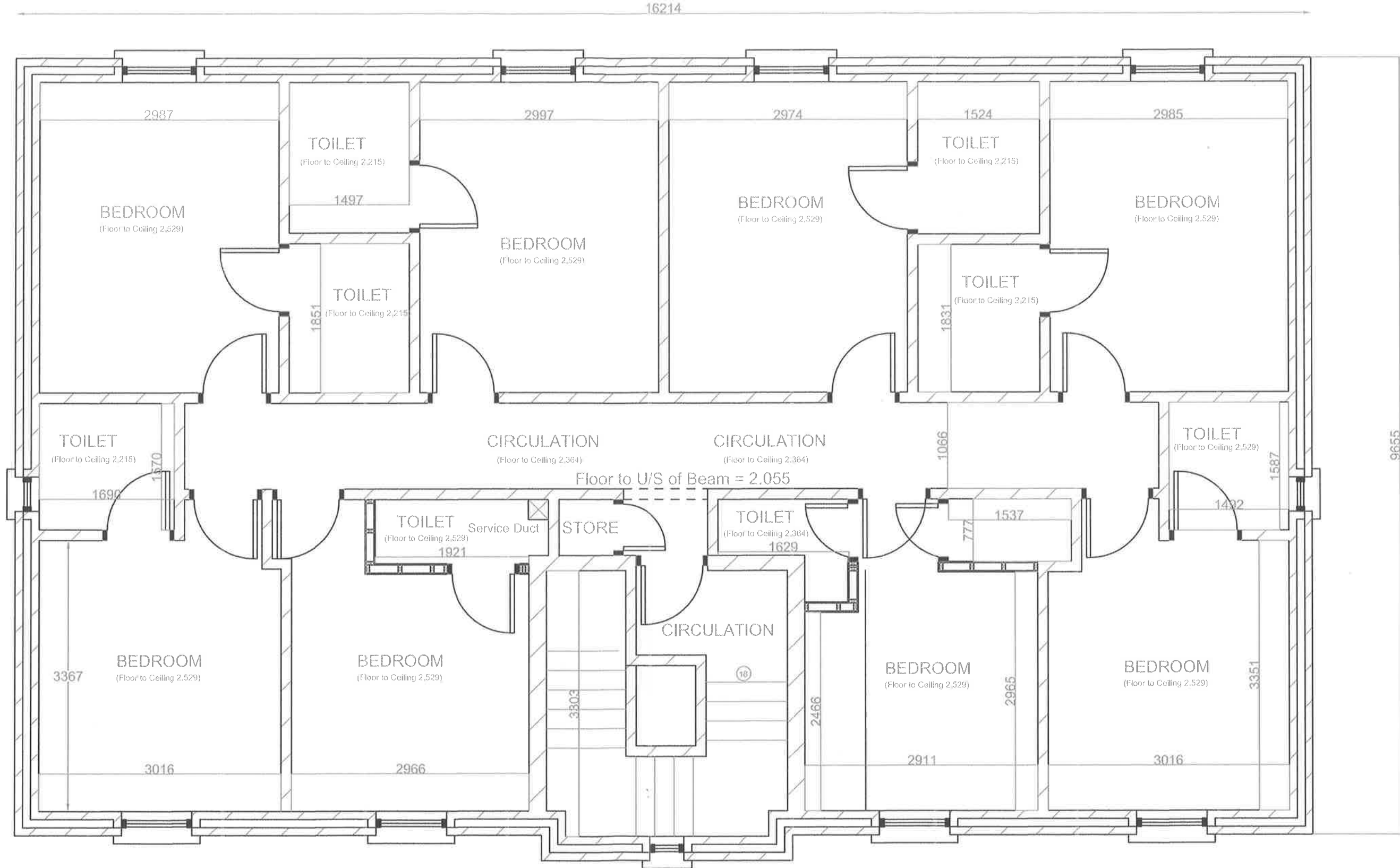
client:	Niall Gilligan	drawing title:	EXISTING FRONT AND SIDE ELEVATION	date:	08 / 06 / 2022
job:	Convert The Jamaica Inn Hostel, Sixmilebridge, Co, Clare into Apartments	drawing ref:	DESIGN CHANGES	checked:	S.C.
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drawing:	106
job no.:	22/25
scale:	A3
1:100	
drawn:	SC

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EXISTING FIRST FLOOR PLAN

1:50 142.18 sq.m.

Rev: x	client: Niall Gilligan	drawing title: FIRST FLOOR PLANS - Apt 6 and 7	date: 08 / 06 / 2022
	job: Convert The Jamaica Inn Hostel, Sixmilebridge, Co, Clare into Apartments	drawing ref: DESIGN CHANGES	checked: S.C.
		This drawing to be used for planning purposes and do not scale. This drawing is protected by copyright and must not be copied or reproduced without the written consent of Midwest Consultant Engineers Ltd. No dimensions to be scaled from this drawing, all dimensions to be checked by the contractor on site, any errors or discrepancies to be reported.	
			drawn: SC

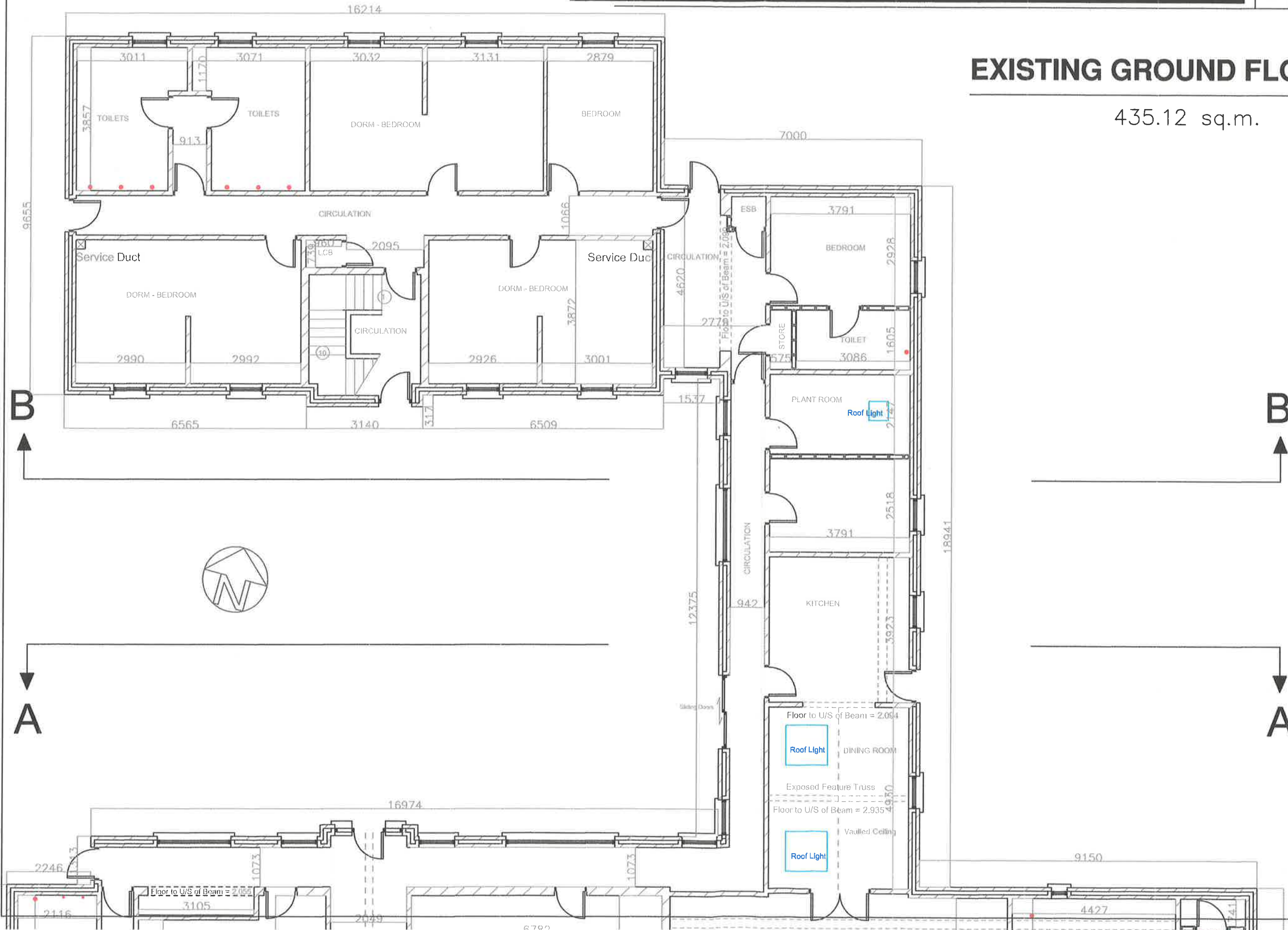
drawing: 105	MidWest Consultant Engineers Ltd BALLYGRIFFEY SOUTH RUAN, ENNIS CO. CLARE TELEPHONE: 087 2637797 E-MAIL: info@midwestconsultantengineers.ie
job no.: 22/25	
scale: A3 1:50	
drawn: SC	

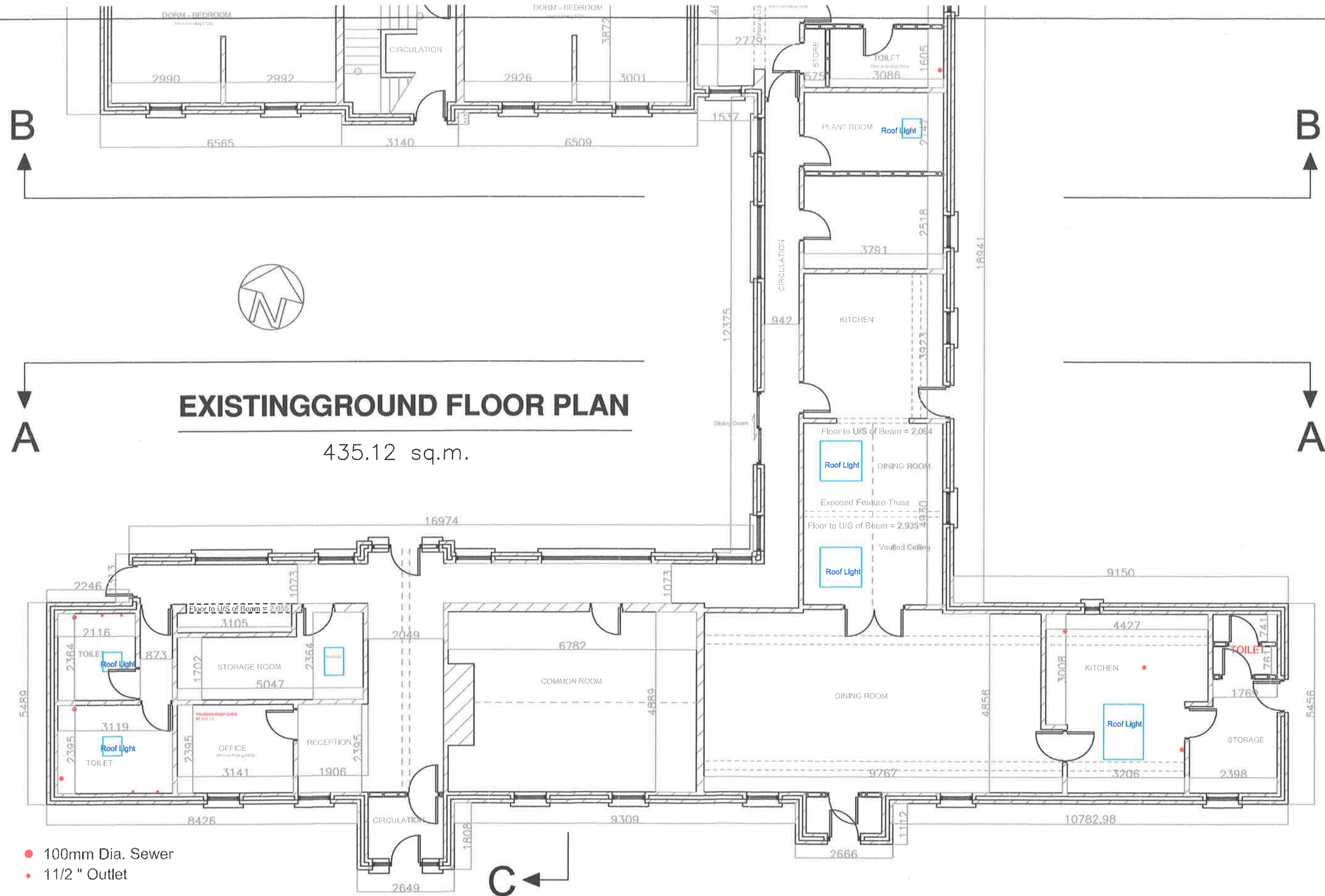
C

client:	Niall Gilligan	drawing title:	EXISTING GROUND FLOOR PLAN - 2	date:	08 / 06 / 2022	drawing:	104	MidWest Consultant Engineers Ltd BALLYGRIFFEY SOUTH RUAN, ENNIS CO. CLARE TELEPHONE: 087 2637797 E-MAIL: info@midwestconsultantengineers.ie
job:	Convert The Jamica Inn Hostel, Sixmilebridge, Co, Clare into Apartments	drawing ref:	DESIGN CHANGES	checked:	S.C.	job no.:	22/25	
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EXISTING GROUND FLOOR PLAN

435.12 sq.m.





Rev: x	

client:	Niall Gilligan	drawing title:	EXISTING GROUND FLOOR PLAN - 1	date:	08 / 06 / 2022
job:	Convert The Jamaica Inn Hostel, Sixmilebridge, Co. Clare into Apartments	drawing ref:	DESIGN CHANGES	checked:	S.C.
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drawing:	103
job no.:	22/25
scale:	A3
1:100	
drawn:	SC

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