



COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

Registered Post

**ITW Performance Polymers
C/o Patrick Coleman & Associates Ltd
5 Bank Place
Ennis
Co. Clare
V95 HW27**

10th June 2025

Section 5 referral Reference R25-40 – ITW Performance Polymers

Is the proposed installation of an underground fire water holding tank at ITW Performance Polymers, Bay 150, Shannon Industrial Estate, Shannon, Co. Clare for the purpose of complying with a condition of the EPA Industrial Emissions License development and if so, is it exempted development?

A Chara,

I refer to your application received on 14th May 2025 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 Stiúirthóireacht Forbairt Gheilleagrach**
Áras Contae an Chláir, Bóthar Nua, Inis, Co. an Chláir, V95 DXP2

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





COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

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

Reference No.: R25-40



Comhairle Contae an Chláir
Clare County Council

Section 5 referral Reference R25-40

Is the proposed installation of an underground fire water holding tank at ITW Performance Polymers, Bay 150, Shannon Industrial Estate, Shannon, Co. Clare for the purpose of complying with a condition of the EPA Industrial Emissions License development and if so, is it exempted development?

AND WHEREAS, ITW Performance Polymers 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, 4 and 5 of the Planning and Development Act, 2000, as amended,
- (b) The provisions of Article 7(1) of the Planning and development Regulations 2001 (as amended)
- (c) The works as indicated in submitted documents from the referrer and received by the Planning Authority on 14th May 2025.

And whereas Clare County Council has concluded:

The development consisting of the proposed installation of an underground firewater holding tank at ITW performance polymers , Bay 150 , Shannon Industrial Estate Co Clare, for the purpose of complying with a condition of the EPA Industrial Emissions Licence (Ref P0072-04) is development and is exempted development in accordance with Article 7(1) of the Planning and Development Regulations 2001 (as amended)

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



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 installation of an underground fire water holding tank at ITW Performance Polymers, Bay 150 Shannon Industrial Estate, Shannon, Co. Clare constitutes development which is 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

10th June 2025

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:

85645

Reference Number:

R25-40

Date Referral Received:

14th May 2025

Name of Applicant:

ITW Performance Polymers

Location of works in question:

**ITW Performance Polymers, Bay 150
Shannon Industrial Estate, Shannon,
Co. Clare**

Section 5 referral Reference R25-40 – ITW Performance Polymers

is the proposed installation of an underground fire water holding tank at ITW Performance Polymers, Bay 150, Shannon Industrial Estate, Shannon, Co. Clare for the purpose of complying with a condition of the EPA Industrial Emissions Licence 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, 4 and 5 of the Planning and Development Act, 2000, as amended,
- (b) The provisions of Article 7(1) of the Planning and development Regulations 2001 (as amended)
- (c) The works as indicated in submitted documents from the referrer and received by the Planning Authority on 14th May 2025.

AND WHEREAS Clare County Council has concluded:

The development consisting of the proposed installation of an underground firewater holding tank at ITW performance polymers, Bay 150, Shannon Industrial Estate Co Clare, for the purpose of complying with a condition of the EPA Industrial Emissions Licence (Ref P0072-04) is development and is exempted development in accordance with Article 7(1) of the Planning and Development Regulations 2001 (as amended)

ORDER: Whereas by Chief Executive's Order No. HR 343 dated 19th May 2025, Gordon Daly, 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 Garreth 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, Garreth Ruane, Senior Executive Planner, hereby declare that the proposed installation of an underground fire water holding tank at ITW Performance Polymers, Bay 150 Shannon Industrial Estate, Shannon, Co. Clare is considered development which is exempted development.

Signed:



GARRETH RUANE
SENIOR EXECUTIVE PLANNER



Date:

10th June 2025

CLARE COUNTY COUNCIL
SECTION 5 DECLARATION OF EXEMPTION APPLICATION
PLANNERS REPORT

APPLICANT(S): ITW Performance Polymers
REFERENCE: R 25- 40
LOCATION: ITW performance Polymers, Bay 150, Shannon Industrial Estate, Shannon.
Referral Question; Is the proposed installation of an underground firewater holding tank at ITW performance polymers , Bay 150 , Shannon Industrial Estate Co Clare, for the purpose of complying with a condition of the EPA Industrial Emissions Licence development ? and, if so, is it exempted development?
DUE DATE: 11 May 2025

Site Location

The subject site is located within the Westpark Industrial Estate at Ballymurtagh, Shannon. The site consists of an industrial unit with office, parking and service yard. Shannon Town Centre is located approximately 1.0km. to the east of the subject site. The site is bound by industrial units to the east and south. Shannon Airport is located approximately 3.5km. to the south-west of the proposed site. The existing ITW Performance Polymers facility is on this site.



Figure 1& 2 : Location and photo of premises

Referral Question:

This referral is made by Coleman Engineers on behalf of ITW Polymers of Shannon County Clare. The question asked is:

"Is the proposed installation of an underground firewater holding tank at ITW performance polymers , Bay 150 , Shannon Industrial Estate Co Clare, for the purpose of complying with a condition of the EPA Industrial Emissions Licence development ? and, if so, is it exempted development"

In the additional information as submitted the agent for the referrer states as follows;

- Background details are provided in terms of ITW Polymers.
- The proposed underground water tank is described as a water holding tank for firefighting purposes measuring approx. 18.3m by 36.3m with a capacity of 1,548 cubic meters.
- The tank is to be located at the rear of the existing service yard in a green field area.
- The following drawings are submitted- location map, site layout plan, sections through site, storm water long sections, sections through proposed holding tank.
- The agent states that the works are proposed to comply with condition 3.10 of Industrial emissions license P 0072-04 (I have researched this license number and found it to be relating to an EPA License granted to ITW Ireland and relating to their plant at bay 150 Shannon Industrial Estate) .
- The agent has referenced the relevant condition of the EPA License.

Recent Planning History

Clare County Council Ref. No.	Date	Description
P8/21488	20/08/1984	The construction of factory and offices at Ballymurtagh, Shannon Industrial Estate, Shannon in accordance with the plans submitted.
P90/715	13/05/1991	Permission to construct a store room at rear of existing premises at Site No. 6 Shannon Industrial Estate.
P05/1643	01/09/2005	To construct a bunded area to house 2 No. storage tanks and retain 2 number storage sheds at Bay 150, Shannon Industrial Estate, Shannon, Co. Clare.
Section 5 Referral No. R14-4	11/04/2014	Whether a new formulation area as constructed and a stainless steel flue stack with extraction fans within the existing ITW Polymers Europe Building at 150 Bay, Shannon Industrial Estate, Shannon, Co. Clare is development and is/is not exempted development.

Background to Referral

This Referral under Section 5(3)(a) of the Planning and Development Act 2000 (as amended) has been made by Coleman Engineers on behalf of ITW Polymers Shannon/

The applicant is seeking a Section 5 Declaration to determine if the following constitute works or if so, are these works exempted development or not:

“Whether the proposed installation of an underground fire water holding tank at ITW Performance Polymers, Bay 150, Shannon Industrial Estate, Shannon, Co. Clare for the purpose of complying with a condition of the EPA Industrial Emissions Licence is development and if so, is it exempted development”.

Statutory Provisions Considered

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

To assess this proposal, regard must 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.

Having regard to the nature of the proposed works, the proposed water tank is considered to be ‘Development’ and to be ‘Works’ as defined by the Planning and Development Act 2000 (as amended).

(2) Planning & Development Regulations, 2001, as amended

The Planning and Development Regulations and in particular Article 7, which provides for a specific category of exempted development related to EPA-licensed facilities have been considered.

Article 7(1) of the Planning & Development Regulations 2001 (as amended) states that:

“Works consisting of or incidental to the carrying out of development referred to in section 86(8) of the Environmental Protection Agency Act 1992 (No. 7 of 1992), as amended, for the purpose of giving effect to a condition attached to a licence or revised licence granted by the Environmental Protection Agency under Part IV of the said Act shall be exempted development”.

This exemption is relevant in the context of the proposed firewater tank, which is intended to comply with a specific condition of the facility's Industrial Emissions Licence.

(1) Article 9 -Restrictions on Exemptions states

Article 9 (1) of the Planning Regulations sets out Restrictions on the exempted developments to which Article 6 relates and these restrictions do not apply in this case. .

As per the planning statement submitted, the agent for the referrer states that

“It is our understanding that Article 7 is a standalone exemption and is not subject to the limitations outlined in Article 9 of the Regulations, which restrict exemptions in certain circumstances. However, a further restriction exists under Section 4(4) of the Act, which overrides any exemptions provided under the Regulations or Section 4(1) of the Act, where an Environmental Impact Assessment (EIA) or Appropriate Assessment (AA) is required.

Section 4(4) provides: “Notwithstanding paragraphs (a), (i), (ia) and (l) of subsection (1) and any regulations under subsection (2), development shall not be exempted development if an environmental impact assessment or an appropriate assessment of the development is required.”

I am in agreement with the agents for the referrer in this regard and I note the provisions of Section 4(4) of the Planning Act.

Environmental Impact Assessment

In assessing this application I have had regard to the provisions of EU Directive 2014/52/EU (which amends EU Directive 2011/92/EU), and which has been transposed into Irish legislation by the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018 (SI No. 296 of 2018). The subject development does not fall within the mandatory requirements for EIA as set out in Schedule 7 of the Planning and Development Regulations 2001, as amended. I therefore consider that the proposal constitutes a sub-threshold development and note the requirements of Article 103 (1)(a) and (b) of the Planning and Development Regulations 2001, as amended. As such having regard to the nature and scale of the proposed development and the nature of the receiving environment I consider that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

Appropriate Assessment

The agents for the applicants have submitted the following details in terms of AA:

"The subject site is located within the Shannon Industrial Estate, which is a long-established industrial area. While there are European sites in the wider vicinity, including the Shannon Estuary SAC and the River Fergus Estuary SPA, the proposed works are confined to a previously developed site, with no known hydrological or ecological connectivity to any designated site. The development comprises the underground installation of a fire water holding tank designed to contain firewater runoff in the event of an emergency. It is not connected to any surface water system or discharge point, and its purpose is protective in nature. The requirement for the tank arises from the site's Industrial Emissions Licence, which is regulated and monitored by the EPA, including consideration of environmental and ecological safeguards. It is our opinion that there is no potential for significant effects on any Natura 2000 site arising from the proposed development. Given the nature, scale and location of the works, and the absence of any ecological or hydrological connectivity to designated sites, it is considered that the proposal can be eliminated from further assessment because there is no conceivable risk to any European Site. It is our opinion that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Likely significant effects can be excluded and Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) would not be required".

Having regard to the nature and scale of the proposed development on lands already in industrial uses and surrounded by industrial uses and served by the existing surface water drainage system at Shannon and the absence of proximity or connectivity to a European Site, no Appropriate Assessment issues arise and I do not consider that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects, on a European Site and accordingly I deem that AA is not required in this case.

Assessment

Particulars of the works proposed.

The applicant is seeking a Section 5 Declaration in relation to the following to determine if the following constitute works are if so, are these works exempted development or not. The following are proposed (as stated on the application form submitted):

"Is the proposed installation of an underground firewater holding tank at ITW performance polymers , Bay 150 , Shannon Industrial Estate Co Clare, for the purpose of complying with a condition of the EPA Industrial Emissions Licence development ? and, if so, is it exempted development

Considerations

(1) Planning and Development Act 2000 (as amended)

Having regard to the nature of the stated alterations, this is determined to be 'Development' and to be 'Works' as defined by the Planning and Development Act 2000 (as amended).

(2) Planning and Development Regulations 2001 (as amended)

I have considered the proposed development in the context of the exempted development provision under Article 7(1) of the Planning and Development Regulations 2001 (as amended), as the installation is being undertaken solely to comply with Condition 3.10 of EPA Industrial Emissions Licence Ref: P0072-04.

Article 7(1) of the Planning & Development Regulations 2001 (as amended) states that:

"Works consisting of or incidental to the carrying out of development referred to in section 86(8) of the Environmental Protection Agency Act 1992 (No. 7 of 1992), as amended, for the purpose of giving effect to a condition attached to a licence or revised licence granted by the Environmental Protection Agency under Part IV of the said Act shall be exempted development".

Having consider the provisions of Article 7(1) and the nature of the works proposed I am satisfied that the proposed development is exempted development in accordance with Article 7(1).

The works are therefore considered exempt from the requirement for planning permission.

I have also considered whether any restrictions under Section 4(4) of the Planning Act might apply. In this case neither EIA or AA is required and hence the restriction on exempted development as per Section 4(4) of the Planning Act does not apply.

Accordingly, it is my view that the proposed development is exempted development in keeping with the provisions of Article 7(1) of the Planning Regulations 2001 (as amended) and no restriction on exempted development applies in this case.

Conclusion

Having regard to the above, I consider that stated works, being

The proposed installation of an underground firewater holding tank at ITW performance polymers , Bay 150 , Shannon Industrial Estate Co Clare, for the purpose of complying with a condition of the EPA Industrial Emissions Licence.

Constitutes development in accordance with the Planning and Development Act 2000 (as amended) and constitutes exempted development in accordance with Article 7(1) of the Planning and Development Regulations 2001(as amended).

Recommendation

The following question has been referred to the Planning Authority:

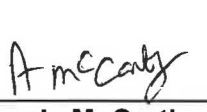
"Is the proposed installation of an underground firewater holding tank at ITW performance polymers , Bay 150 , Shannon Industrial Estate Co Clare, for the purpose of complying with a condition of the EPA Industrial Emissions Licence development ? and, if so, is it exempted development


The Planning Authority in considering this referral had regard to:

- (a) Sections 2, 3, 4 and 5 of the Planning and Development Act, 2000, as amended,
- (b) The provisions of ~~Schedule~~ ^{Article} 7(1) of the Planning and development Regulations 2001 (as amended)
- (c) The works as indicated in submitted documents from the referrer and received by the Planning Authority on 14th May 2025.

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

The development consisting of the proposed installation of an underground firewater holding tank at ITW performance polymers , Bay 150 , Shannon Industrial Estate Co Clare, for the purpose of complying with a condition of the EPA Industrial Emissions Licence (Ref P0072-04) is development and is exempted development in accordance with Article 7(1) of the Planning and Development Regulations 2001 (as amended).

 10/06/25
Annemarie McCarthy
Executive Planner
Date: 10/06/25


Garreth Ruane
Senior Executive Planner
Date 10/06/25.

Appropriate Assessment & Determination

STEP 1. Description of the project/proposal and local site characteristics:	
(a) File Reference No:	R 25-40
(b) Brief description of the project or plan:	Is the proposed installation of an underground firewater holding tank at ITW performance polymers , Bay 150 , Shannon Industrial Estate Co Clare, for the purpose of complying with a condition of the EPA Industrial Emissions Licence development ? and, if so, is it exempted development?
(c) Brief description of site characteristics:	The locations of the proposed works are within the industrial areas
(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW	None
(e) Response to consultation:	None.

STEP 2. Identification of relevant Natura 2000 sites using Source-Pathway-Receptor model and compilation of information on Qualifying Interests and conservation objectives.				
European Site (code)	List of Qualifying Interest/Special Conservation Interest ¹	Distance from proposed development ² (km)	Connections (Source-Pathway-Receptor)	Considered further in screening Y/N
Lower river Shannon Sac 002165	Code Qualifying Habitats 1150 Coastal Lagoons* (* denotes priority habitat) 6410 Molinia Meadows on Chalk and Clay (Eu-Molinion) 1130 Estuaries 1140 Mudflats and Sandflats not	Within 5k	No	Yes

	<p>covered by water at low tide 1330</p> <p>Atlantic Salt Meadows (Glaucopuccinellietalia) 1410</p> <p>Mediterranean Salt Meadows (Juncetalia maritima) 1310</p> <p>Salicornia and other annuals colonizing mud and sand 1110</p> <p>Sandbanks which are slightly covered by seawater at all times 1220</p> <p>Perennial vegetation of stony banks 1230</p> <p>Vegetated seacliffs of the Atlantic and Baltic coasts 1170</p> <p>Reefs 1160</p> <p>Large Shallow inlets and bays 3260</p> <p>Water courses of plain to montane levels with the Ranunculus fluitans and Callitriche Batrachion 91E0</p> <p>Alluvial forests with Alnus glutinosa and Fraxinus excelsior AlnoPadion, Alnion incanae, Salicion albae) *</p>			
River Shannon and river Fergus estuaries SAC	<p>Code Species Name (Common Name) Status</p> <p>A017 Cormorant</p>	Within 5k	No	No

site code 004077	(Phalacrocorax carbo) Breeding + Wintering A046 Light-bellied Brent Goose (Branta bernicla hrota) Wintering A048 Shelduck (Tadorna tadorna) Wintering A050 Wigeon (Anas Penelope) Wintering A052 Teal (Anas crecca) Wintering A054 Pintail (Anas acuta) Wintering A056 Shoveler (Anas clypeata) Wintering A062 Scaup (Aythya marila) Wintering A137 Ringer Plover (Charadrius hiaticula) Wintering A140 Golden Plover (Pluvialis apricaria) Wintering A141 Grey Plover (Pluvialis squatarola) Wintering A142 Lapwing (Vanellus vanellus) Wintering A143 Knot (Calidris canutus) Wintering A149 Dunlin (Calidris alpina) Wintering A156 Black-tailed Godwit (Limosa limosa) Wintering A157 Bar-tailed Godwit (Limosa			
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	lapponica) Wintering A160 Curlew (Numenius arquata) Wintering A162 Redshank (Tringa totanus) Wintering A164 Greenshank (Tringa nebularia) Wintering A179 Black-headed Gull (Chroicocephalus ridibundus) Wintering A999 Wetlands and Water Birds Table 10: River Shannon and River Fergus Estuaries SPA Special Conservation Interest			
Lough Gash Turlough SAC 000051	Turloughs [3180] Rivers with muddy banks with Chenopodion rubri p.p. and Bidenton p.p. vegetation [3270]	Within 10k	No	No
Sac of Curraghchase Woods site code 000174	Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0] Taxus baccata woods of the British Isles [91J0]	Within 10k	No	No

Vertigo moulinsiana (Desmoulin's Whorl Snail) [1016]				
Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303]				

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

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

STEP 3. Assessment of Likely Significant Effects	
(a) Identify all potential direct and indirect impacts that may have an effect on the conservation objectives of a European site, taking into account the size and scale of the project under the following headings:	
Impacts:	Possible Significance of Impacts: (duration/magnitude etc.)
Construction phase e.g. <ul style="list-style-type: none"> • Vegetation clearance • Demolition • Surface water runoff from soil excavation/infill/landscaping (including borrow pits) • Dust, noise, vibration • Lighting disturbance • Impact on groundwater/dewatering • Storage of excavated/construction materials • Access to site • Pests 	No impacts envisaged the subject lands are within an industrial estate and development for industrial uses.

Operational phase e.g. <ul style="list-style-type: none"> • Direct emission to air and water • Surface water runoff containing contaminant or sediment • Lighting disturbance • Noise/vibration • Changes to water/groundwater due to drainage or abstraction • Presence of people, vehicles, and activities • Physical presence of structures (e.g. collision risks) • Potential for accidents or incidents 	No impacts envisaged.
In-combination/Other	None

(b) Describe any likely changes to the European site:

Examples of the type of changes to give consideration to include: <ul style="list-style-type: none"> • Reduction or fragmentation of habitat area • Disturbance to QI species • Habitat or species fragmentation • Reduction or fragmentation in species density • Changes in key indicators of conservation status value (water or air quality etc.) • Changes to areas of sensitivity or threats to QI • Interference with the key relationships that define the structure or ecological function of the site 	No impacts envisaged
--	----------------------

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

<input type="checkbox"/> Yes <input type="checkbox"/> No	No
--	----

Step 4. Screening Determination Statement

The assessment of significance of effects:

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

No Impacts envisaged

	Tick as Appropriate:	Recommendation:
Impacts on any Natura 2000 site are not likely due to distance from any natura 200 site the developed nature of the lands being surrounded by industrial uses and the connection to the public surface water drainage system.	<input type="checkbox"/>	The proposal can be screened out at this site and it is considered that AA is not required
Signature and Date of Recommending Officer:	Anne Marie McCarthy 10/06/25 A McCarthy	10/06/25
Signature and Date of the Decision Maker:		



COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

ITW Performance Polymers
C/o Patrick Coleman & Associates Ltd
5 Bank Place
Ennis
Co. Clare
V95 HW27

14/05/2025

Section 5 referral Reference R25-40 – ITW Performance Polymers

Is the proposed installation of an underground fire water holding tank at ITW Performance Polymers, Bay 150, Shannon Industrial Estate, Shannon, Co. Clare for the purpose of complying with a condition of the EPA Industrial Emissions License development and if so, is it exempted development?

A Chara,

I refer to your application received on 14th May 2025 under Section 5 of the Planning & Development Act 2000 (as amended) in relation to the above.

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

Mise, le meas

Brian Fahy
Planning Department
Economic Development Directorate

An Roinn Pleanála
An 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
Aras Contae an Chlair
New Road
Ennis
Co Clare

14/05/2025 10:37:25

Receipt No. : L1CASH/0/378915
***** REPRINT *****

ITW PERFORMANCE POLYMERS
C/O PATRICK COLEMAN ENGINEERS LTD
5 BANK PLACE,
ENNIS, CO. CLARE
REF: R25/40

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

Total : 80.00 EUR

Tendered :
CREDIT CARDS 80.00

Change : 0.00

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

P07

**CLARE COUNTY COUNCIL
COMHAIRLE CONTAE AN CHLÁIR**

Planning Department,
Economic Development Directorate,
Clare County Council,
New Road, Ennis,
Co. Clare.
V95DXP2

Telephone No. (065) 6821616
Fax No. (065) 6892071
Email: planoff@clarecoco.ie
Website: www.clarecoco.ie



R25-40

**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	ITW Performance Polymers, Bay 150 Shannon Industrial Estate, Shannon <hr/> <hr/> <hr/> <div style="text-align: right;">V14 DF82</div> <div style="text-align: right;">Eircode: <hr/></div>
(b) Telephone No.:	<hr/>
(c) Email Address:	<hr/>
(d) Agent's Name and address:	Patrick Coleman Engineers Ltd., 5 Bank Place, Ennis, Co. Clare. <hr/> <hr/> <hr/> <div style="text-align: right;">V95 HW27</div> <div style="text-align: right;">EIRCODE: <hr/></div>



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?*

Whether the proposed installation of an underground fire water holding tank at ITW Performance Polymers, Bay 150, Shannon Industrial Estate, Shannon, Co. Clare for the purpose of complying with a condition of the EPA Industrial Emissions Licence is development and if so is it exempted development?

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

See Planning Submission included with this application.

- (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 Drg 7592-03-100

PROPOSED SITE LAYOUT PLAN Drg 22T22101/SK/500

SECTIONS X-X AND Y-Y THROUGH SITE Drg 22T22101/SK/501

EXISTING STORM LONG SECTION SHOWING NEW HOLDING TANK Drg 22T22101/SK/502

PROPOSED PLAN AND SECTION X-X THRO' NEW HOLDING TANK Drg 22T22101/SK/503

SECTION THRO' NEW HOLDING TANK @ PUMP CHAMBER AREA Drg 22T22101/SK/504

SECTION THRO' NEW HOLDING TANK @ PIPE INLET AREA Drg 22T22101/SK/505

3. DETAILS RE: PROPERTY/SITE/BUILDING FOR WHICH DECLARATION IS SOUGHT	
(a) Postal Address of the Property/Site/Building for which the declaration sought:	ITW Performance Polymers Europe <hr/> Bay 150 <hr/> Shannon Free Zone <hr/> Shannon, Co. Clare <hr/> V14 DF82
(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 <hr/> <hr/>
(c) Legal interest in the land or structure in question of the person requesting the declaration (Give Details):	Leased from Shannon Commercial Properties <hr/>
(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>	Shannon Commercial Properties, 2 nd . Floor, Arrivals Building, Shannon Airport, Shannon, Co. Clare. <hr/>
(e) Is the owner aware of the current request for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended)?:	Not that we are aware of.
(f) Are you aware of any enforcement proceedings connected to this site? <i>If so please supply details:</i>	No
(g) Were there previous planning application/s on this site? <i>If so please supply details:</i>	P8/21488; P90/715; P05/1643
(h) Date on which 'works' in question were completed/are likely to take place:	Within the next 3 months.

Mandy Coleman

SIGNED: _____

DATE: 14th. May, 2025

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:.....			

Planning Submission for Section 5 Referral Application

ITW Performance Polymers

Issue: A

Customer Project Number: 7492

Customer Document Number:

mary @ rj colm



Document Sign Off

Planning Submission for Section 5 Referral Application

ITW Performance Polymers
Issue A

File No: 7492

CURRENT ISSUE					
Issue No: A	Date: 14.05.25	Reason for issue: Section 5 Referral Application			
Sign Off	Originator	Checker	Reviewer	Approver	Customer Approval (if required)
Print Name	Mandy Coleman	Mandy Coleman		Mandy Coleman	
Signature	Authorised Electronically				
Date	14.05.25	14.05.25		14.05.25	

PREVIOUS ISSUES							
Issue No	Date	Originator	Checker	Reviewer	Approver	Customer	Reason for issue



1.0 INTRODUCTION

On behalf of our Client, ITW Performance Polymers, Bay 150 Shannon Industrial Estate, Shannon, we wish to submit a Section 5 Referral Application for the following: -

Whether the proposed installation of an underground fire water holding tank at ITW Performance Polymers, Bay 150, Shannon Industrial Estate, Shannon, Co. Clare for the purpose of complying with a condition of the EPA Industrial Emissions Licence is development and if so, is it exempted development?

2.0 PROPOSED DEVELOPMENT

ITW Performance Polymers is a world leader in the research, development and manufacture of structural and semi-structural adhesives, grouting and chocking compounds, sprayable syntactic materials and wear-resistant coatings and repair compounds. ITW Performance Polymers currently lease the property from Shannon Commercial Properties.

The proposed development comprises the construction of an underground fire water holding tank measuring approximately 18.3 metres by 36.3 metres, with a total capacity of 1,548 cubic metres. The tank is to be located to the rear of the existing service yard, on a currently undeveloped, greenfield portion of the site. The following drawings are included with this Section 5 Referral application

- SITE LOCATION MAP Drg 7592-03-100
- PROPOSED SITE LAYOUT PLAN Drg 22T22101/SK/500
- SECTIONS X-X AND Y-Y THROUGH SITE Drg 22T22101/SK/501
- EXISTING STORM LONG SECTION SHOWING NEW HOLDING TANK Drg 22T22101/SK/502
- PROPOSED PLAN AND SECTION X-X THRO' NEW HOLDING TANK Drg 22T22101/SK/503
- SECTION THRO' NEW HOLDING TANK @ PUMP CHAMBER AREA Drg 22T22101/SK/504
- SECTION THRO' NEW HOLDING TANK @ PIPE INLET AREA Drg 22T22101/SK/505

The works are proposed in order to comply with Condition No. 3.10 of Industrial Emissions Licence Ref: P0072-04. This condition requires specific firewater retention capacity to be provided on-site. A copy of the relevant condition is attached below for reference.



3.10 Fire-water Retention

- 3.10.1 The licensee shall review the risk assessment on firewater retention to take account of the impact of any changes on the site. The licensee shall submit a report to the Agency for approval on the findings and implement the recommendations of the assessment within six months of the date of notification by the Agency.
- 3.10.2 In the event that a significant risk exists for the release of contaminated fire-water, the licensee shall, based on the findings of the risk assessment, prepare and implement, with the agreement of the Agency, a suitable risk management programme. The risk management programme shall be fully implemented within three months of date of notification by the Agency.
- 3.10.3 In the event of a fire or a spillage to storm water, the site storm water shall be diverted for collection in accordance with guidelines issued by the Agency with regard to firewater retention.
- 3.10.4 The licensee shall have regard to the Environmental Protection Agency Draft Guidance Note to Industry on the Requirements for Fire-Water Retention Facilities.

3.0 SITE LOCATION/DESCRIPTION

The subject site is located within the Westpark Industrial Estate at Ballymurtagh, Shannon. The site consists of an industrial unit with office, parking and service yard.

Shannon Town Centre is located approximately 1.0km. to the east of the subject site. The site is bound by industrial units to the east and south. Shannon Airport is located approximately 3.5km. to the south-west of the proposed site.

4.0 PLANNING CONTEXT

4.1 Designation/Zoning

As per the Clare County Development Plan 2023–2029 and the Shannon Town and Environs Local Area Plan, this site is designated as being within the settlement boundary of Shannon and is zoned as 'Light Industry'.

The land use zoning objective for lands zoned as 'Light Industry' is as follows:

"The use of land for light industry shall be taken to include uses where the primary activity is the manufacture of a physical product. The use for industry/manufacturing, incubator-units, distribution, open storage, transport operating centers and the treatment/recovery of waste material is acceptable.

Processes carried out or the machinery/plant installed on land zoned for Light Industry must be such that they could be carried out or installed in a residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.



Uses such as retail development or small/medium office-based developments are not considered appropriate in areas zoned for light industry, save where it is ancillary to the operation of the development. Large-scale office type development (>1000m²) such as call centres are open to consideration subject to compatibility with surrounding land uses."

4.2 Planning History

Clare Council Ref. No.	County	Date	Description
P8/21488		20/08/1984	The construction of factory and offices at Ballymurtagh, Shannon Industrial Estate, Shannon in accordance with the plans submitted.
P90/715		13/05/1991	Permission to construct a store room at rear of existing premises at Site No. 6 Shannon Industrial Estate.
P05/1643		01/09/2005	To construct a bunded area to house 2 No. storage tanks and retain 2 number storage sheds at Bay 150, Shannon Industrial Estate, Shannon, Co. Clare.
Section 5 Referral No. R14-4		11/04/2014	Whether a new formulation area as constructed and a stainless steel flue stack with extraction fans within the existing ITW Polymers Europe Building at 150 Bay, Shannon Industrial Estate, Shannon, Co. Clare is development and is/is not exempted development.

3.0 Legislation

3.1 Planning and Development Act 2000 (as amended)

Section 2 of the Act defines the terms "structure" and "works" as follows:

"structure" means any building, structure, excavation, or other thing constructed or made on, in or under any land, or any part of a structure so defined, and— (a) where the context so admits, includes the land on, in or under which the structure is situate,

"works" includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal.

Section 3(1) of the Act defines "development" as follows:



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.

3.2 Planning & Development Regulations 2001 (as amended)

The Planning and Development Regulations and in particular Article 7, which provides for a specific category of exempted development related to EPA-licensed facilities.

Article 7(1) of the Planning & Development Regulations 2001 (as amended) states-

Works consisting of or incidental to the carrying out of development referred to in section 86(8) of the Environmental Protection Agency Act 1992 (No. 7 of 1992), as amended, for the purpose of giving effect to a condition attached to a licence or revised licence granted by the Environmental Protection Agency under Part IV of the said Act shall be exempted development.

This exemption is relevant in the context of the proposed firewater tank, which is intended to comply with a specific condition of the facility’s Industrial Emissions Licence.

4.0 SUBMISSION

4.1 Is or is not Development?

We are of the opinion that the construction of the underground tank constitutes “*development*” under the Planning and Development Act 2000 (as amended).

4.2 Is or is not Exempted Development?

We consider that the development falls within the scope of *exempted development* as set out in Article 7(1) of the Planning and Development Regulations 2001 (as amended), being works provided to specifically comply with Condition 3.10 of EPA Licence Ref: P0072-04.

4.3 Restrictions on Exempted Development

It is our understanding that Article 7 is a standalone exemption and is not subject to the limitations outlined in Article 9 of the Regulations, which restrict exemptions in certain circumstances.

However, a further restriction exists under Section 4(4) of the Act, which overrides any exemptions provided under the Regulations or Section 4(1) of the Act, where an Environmental Impact Assessment (EIA) or Appropriate Assessment (AA) is required.



Section 4(4) provides:

“Notwithstanding paragraphs (a), (i), (ia) and (l) of subsection (1) and any regulations under subsection (2), development shall not be exempted development if an environmental impact assessment or an appropriate assessment of the development is required.”

4.3.1 Environmental Impact Assessment (EIA)

We refer to Schedule 5 of the Planning and Development Regulations 2001 (as amended), which outlines the classes of development for which EIA is mandatory.

The proposed tank is a containment measure required to comply with an existing Industrial Emissions Licence issued by the Environmental Protection Agency (EPA), and is intended to mitigate environmental risk in the event of a fire. It does not involve emissions, discharges, or other significant environmental effects in its normal operation. The location is within a developed industrial estate, and the works are localised and small in scale.

The proposed works do not meet the criteria for mandatory EIA and do not, in the context of their nature, scale or location, require sub-threshold EIA. Therefore, it is our opinion that an EIA is not required.

4.3.2 Appropriate Assessment (AA)

In accordance with Section 177U of the Planning and Development Act 2000 (as amended), a screening for Appropriate Assessment must be undertaken where a project has the potential to affect a European Site (Natura 2000 site).

The subject site is located within the Shannon Industrial Estate, which is a long-established industrial area. While there are European sites in the wider vicinity, including the Shannon Estuary SAC and the River Fergus Estuary SPA, the proposed works are confined to a previously developed site, with no known hydrological or ecological connectivity to any designated site.

The development comprises the underground installation of a fire water holding tank designed to contain firewater runoff in the event of an emergency. It is not connected to any surface water system or discharge point, and its purpose is protective in nature. The requirement for the tank arises from the site's Industrial Emissions Licence, which is regulated and monitored by the EPA, including consideration of environmental and ecological safeguards.

It is our opinion that there is no potential for significant effects on any Natura 2000 site arising from the proposed development. Given the nature, scale and location of the works, and the absence of any ecological or hydrological connectivity to designated sites, it is considered that the proposal can be eliminated from further assessment because there is no conceivable risk to any European Site. It is our opinion that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Likely significant effects can be excluded and Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) would not be required.



5.0 CONCLUSION

Having regard to the definition of “*development*” under Section 3 of the Planning and Development Act 2000 (as amended), it is accepted that the proposed works—namely the construction of an underground fire water holding tank—constitute development.

We are firmly of the opinion that the works fall within the scope of exempted development under Article 7(1) of the Planning and Development Regulations 2001 (as amended), as the installation is being undertaken solely to comply with Condition 3.10 of EPA Industrial Emissions Licence Ref: P0072-04. The works are therefore considered exempt from the requirement for planning permission.

We have further examined whether any restrictions under Section 4(4) of the Act might apply. Based on the scale, location and environmental context of the proposed tank—within a long-established industrial estate, on a site with no hydrological or ecological connectivity to any Natura 2000 sites—and noting that the purpose of the tank is to mitigate rather than introduce environmental risk, we conclude that:

- An EIA is not required, as the development is well below any applicable thresholds and presents no significant environmental effects.
- An AA is not required, as there is no likelihood of significant effects on any European Site.

Accordingly, it is our considered opinion that the proposed development is exempted development under Article 7(1) and is not precluded from exemption in Section 4(4) of the Planning and Development Act 2000 (as amended).

We respectfully request that the Planning Authority confirms this position under Section 5 of the Planning and Development Act 2000 (as amended).

Project
PROPOSED FIRE WATER HOLDING TANK
WORKS AT ITW PERFORMANCE
POLYMERS, SHANNON INDUSTRIAL
ESTATE, SHANNON,
CO. CLARE.

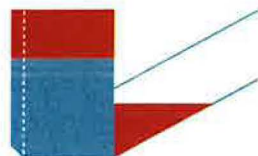
Client
ITW PERFORMANCE POLYMERS

PROPOSED FIRE WATER HOLDING TANK OPTION 5

OPTION 5

- PROPOSED SITE LAYOUT PLAN.....Drg 22T22101/SK/500
- SECTIONS X-X AND Y-Y THROUGH SITE.....Drg 22T22101/SK/501
- EXISTING STORM LONG SECTION SHOWING NEW HOLDING TANK.....Drg 22T22101/SK/502
- PROPOSED PLAN AND SECTION X-X THRO' NEW HOLDING TANK.....Drg 22T22101/SK/503
- SECTION THRO' NEW HOLDING TANK @ PUMP CHAMBER AREA.....Drg 22T22101/SK/504
- SECTION THRO' NEW HOLDING TANK @ PIPE INLET AREA.....Drg 22T22101/SK/505

Consultant



Con O'Regan Associates
Consulting Civil & Structural Engineers
& Project Managers

Maidstown House, Dromin,
Kilmallock, Co. Limerick,
Tel: (053) 90648, Mobile: (087) 2756183.
E-mail: conoreganassociates@eircom.net

REV. 0 ISSUED FOR INFORMATION 07/06/2024

REINFORCED CONCRETE CAST INSITU TANK



Project
PROPOSED NEW EXTENSION
AT I.T.W. PERFORMANCE
POLYMERS EUROPE, BAY 150,
SHANNON FREE ZONE,
SHANNON, CO. CLARE,
V14 DF82

Client
ITW PERFORMANCE POLYMERS

REINFORCED CONCRETE CAST INSITU TANK



SECTION X-X THRO' PROPOSED REIN. HOLDING TANK

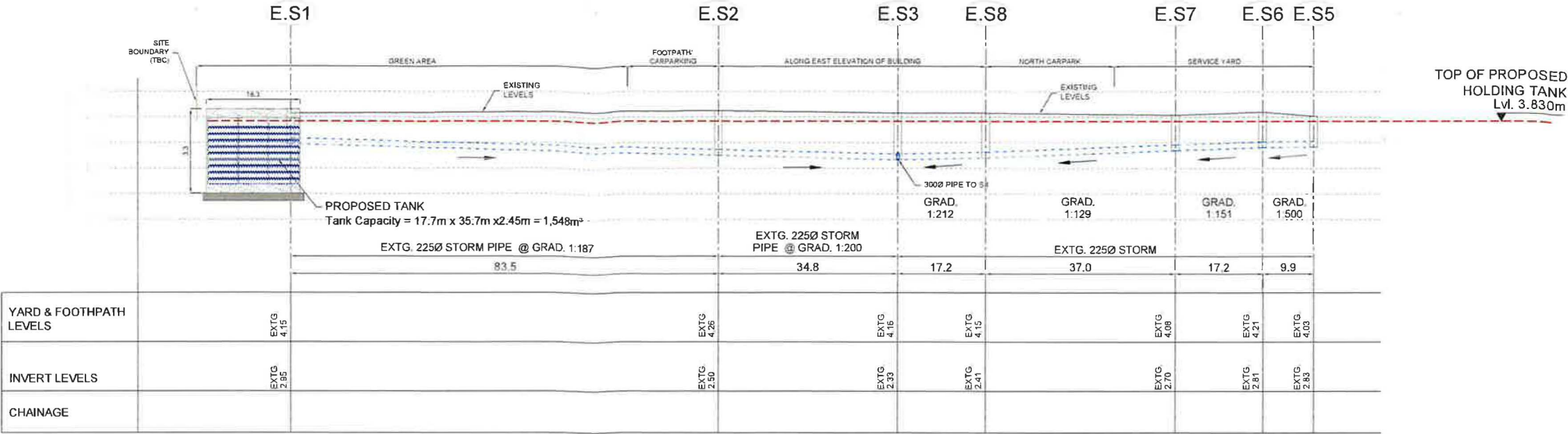


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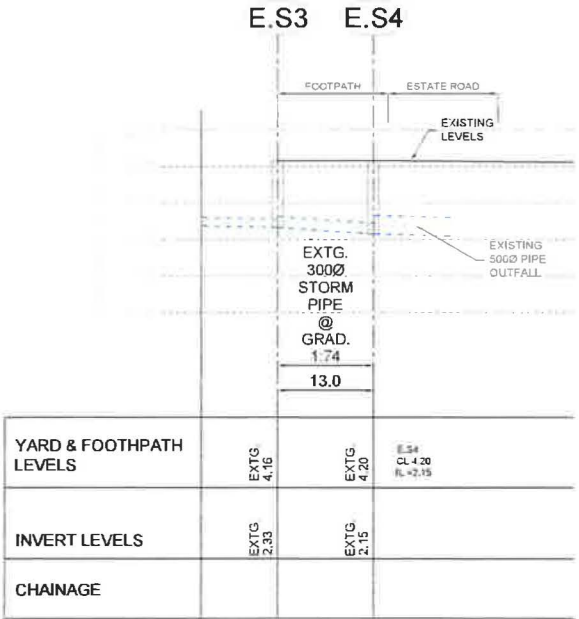


Client
ITW PERFORMANCE POLYMERS

OPTION 5



LONGITUDINAL SECTION THRO' EXISTING STORM SEWER THRO SITE



LONGITUDINAL SECTION THRO' EXISTING STORM SEWER S3 TO S4 (Outfall)

SITE SURVEY- EXISTING STORM DRAINAGE LONG SECTIONS

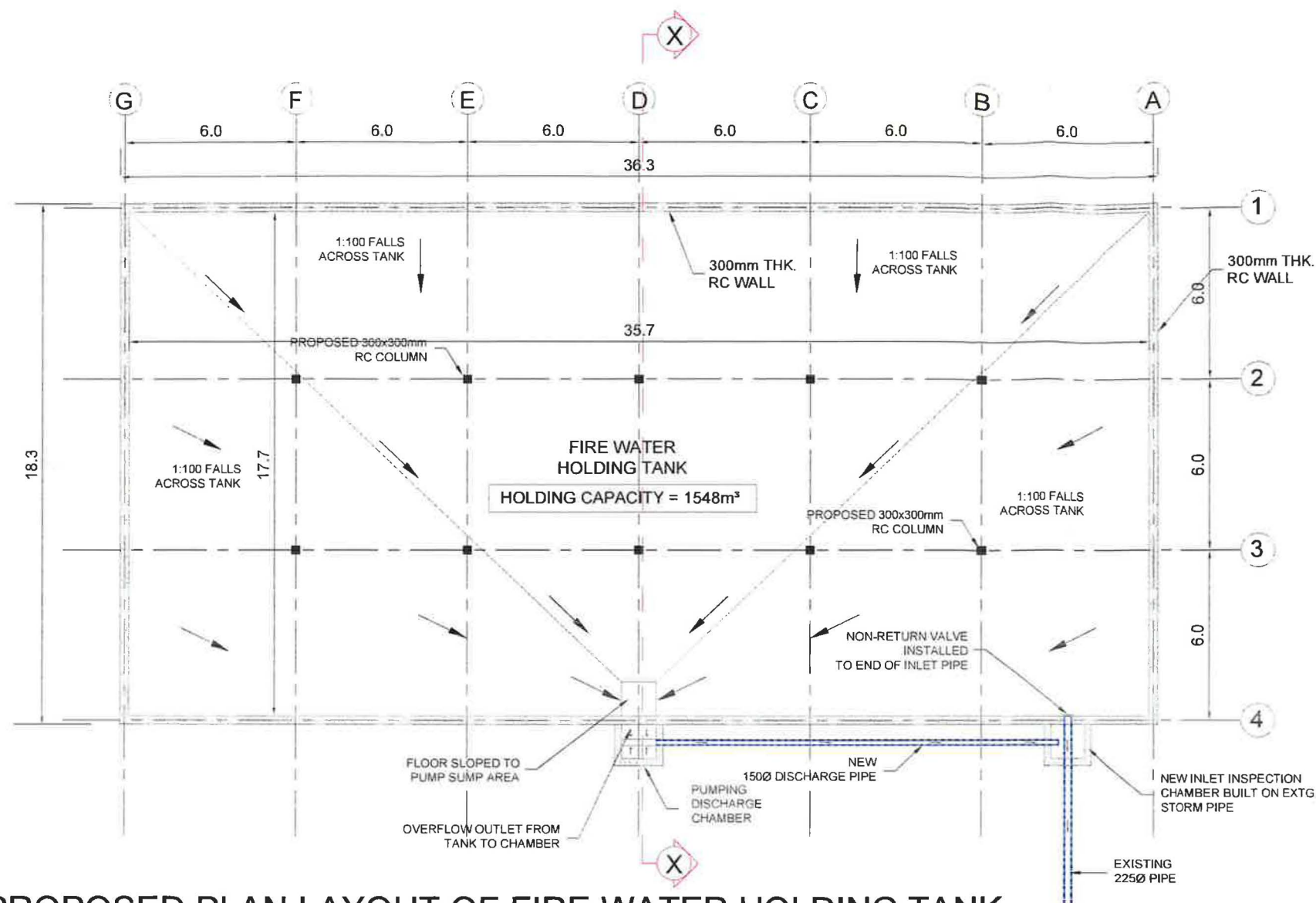
REV. 0 ISSUED FOR INFORMATION 25-03-2024

O'Regan Associates
Consulting Civil & Structural Engineers
& Project Managers

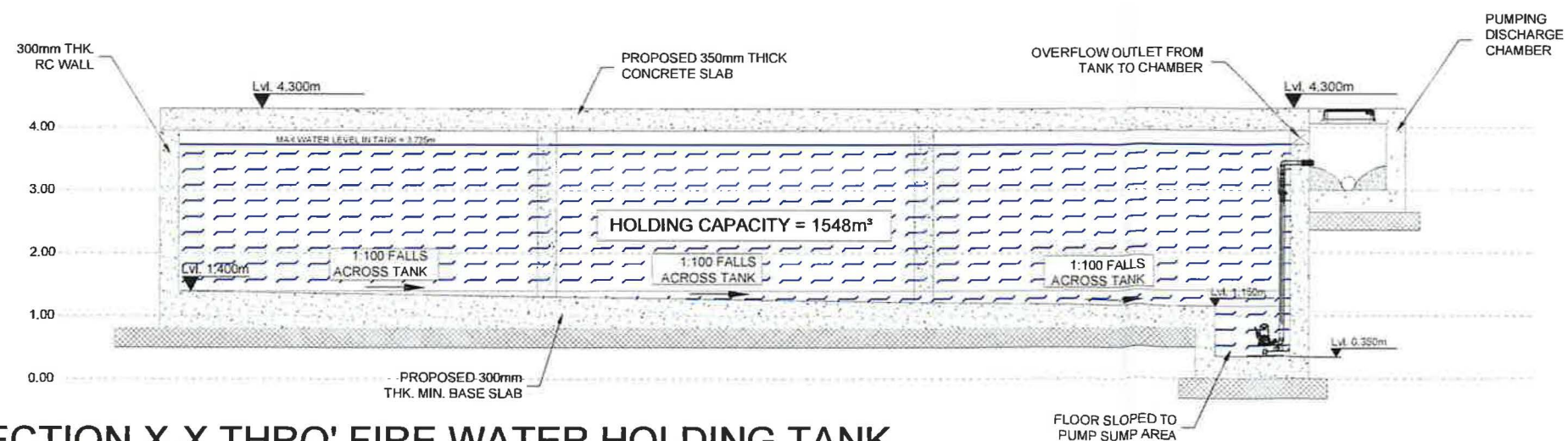
Project
**PROPOSED NEW EXTENSION
AT I.T.W. PERFORMANCE
POLYMERS EUROPE, BAY 150,
SHANNON FREE ZONE,
SHANNON, CO. CLARE,
V14 DF82**

Drawing Title
**SITE SURVEY- EXISTING STORM
LONG SECTIONS**

Drawing No. 22T22101/SK/502	Revision REV 0
Scale A3 = 1:1000	Date 08/11/2022
Computer File No. PROJECTS 22T22101	Project No. 21T22101
Drawn By JOHN HISTON	Checked By
Client ITW PERFORMANCE POLYMERS	



PROPOSED PLAN LAYOUT OF FIRE WATER HOLDING TANK
Scale 1:200



SECTION X-X THRO' FIRE WATER HOLDING TANK
Scale 1:100

OPTION 5 - REINFORCED CONCRETE HOLDING TANK

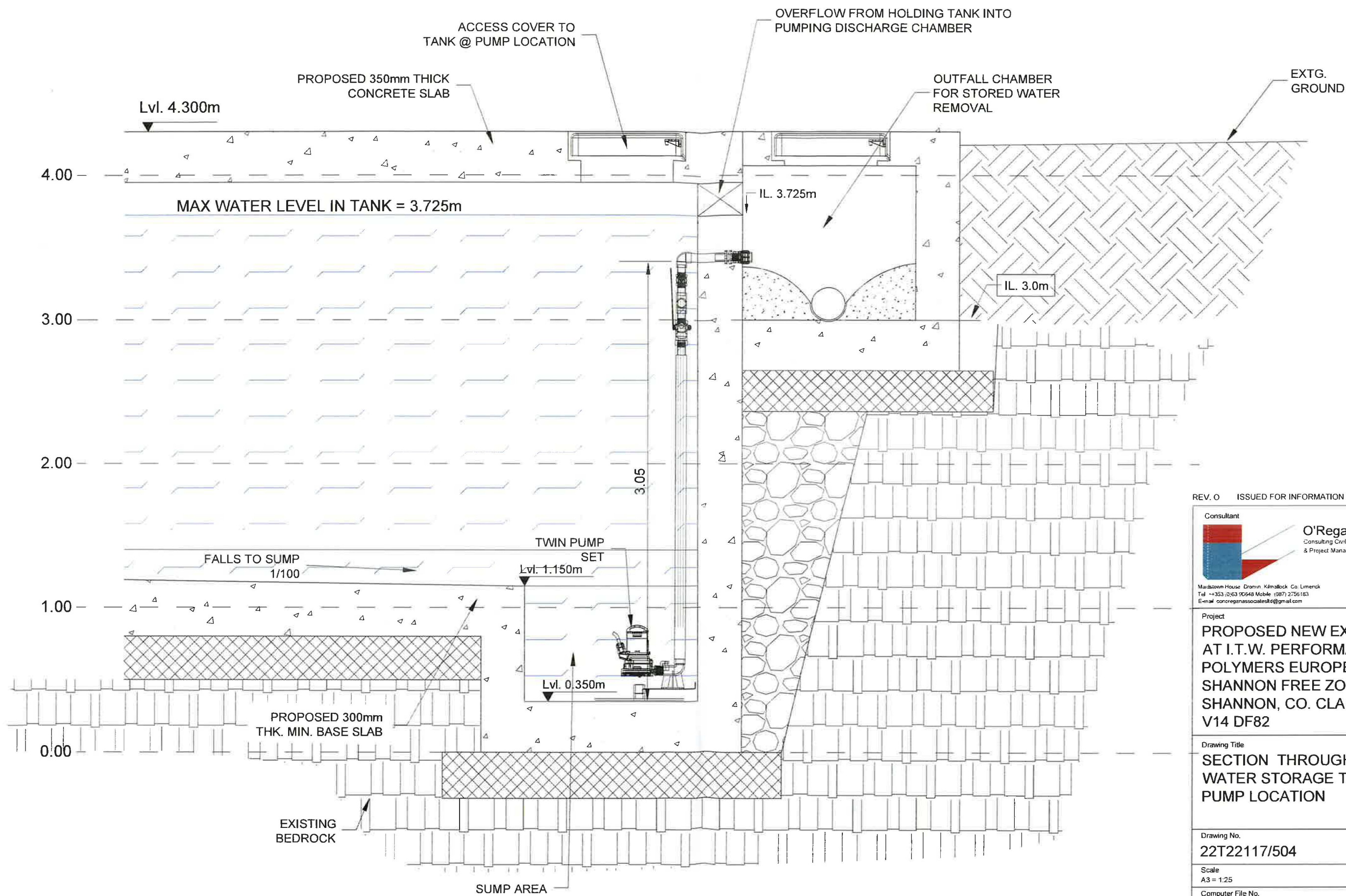
REV. 0 ISSUED FOR INFORMATION 07-05-2024



Project
PROPOSED NEW EXTENSION
AT I.T.W. PERFORMANCE
POLYMERS EUROPE, BAY 150,
SHANNON FREE ZONE,
SHANNON, CO. CLARE,
V14 DF82

Drawing Title
PROPOSED PLAN LAYOUT &
SECTION X-X THRO' FIRE
WATER HOLDING TANK

Drawing No.	Revision
22T22101/SK/503	REV 0
Scale A3 = 1:100	Date 08/11/2022
Computer File No. PROJECTS_22T22101	Project No. 21T22101
Drawn By JOHN HISTON	Checked By
Client ITW PERFORMANCE POLYMERS	



SECTION THROUGH FIRE WATER STORAGE TANK @ PUMP LOCATION
Scale 1:25

REV. 0 ISSUED FOR INFORMATION 19-03-2024

Consultant



O'Regan Associates
Consulting Civil & Structural Engineers
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E-mail: coreganassociates@gmail.com

Project

**PROPOSED NEW EXTENSION
AT I.T.W. PERFORMANCE
POLYMERS EUROPE, BAY 150,
SHANNON FREE ZONE,
SHANNON, CO. CLARE,
V14 DF82**

Drawing Title

**SECTION THROUGH FIRE
WATER STORAGE TANK @
PUMP LOCATION**

Drawing No.

22T22117/504

Revision

REV 0

Scale
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Date
08/11/2022

Computer File No.
PROJECTS 22T22117

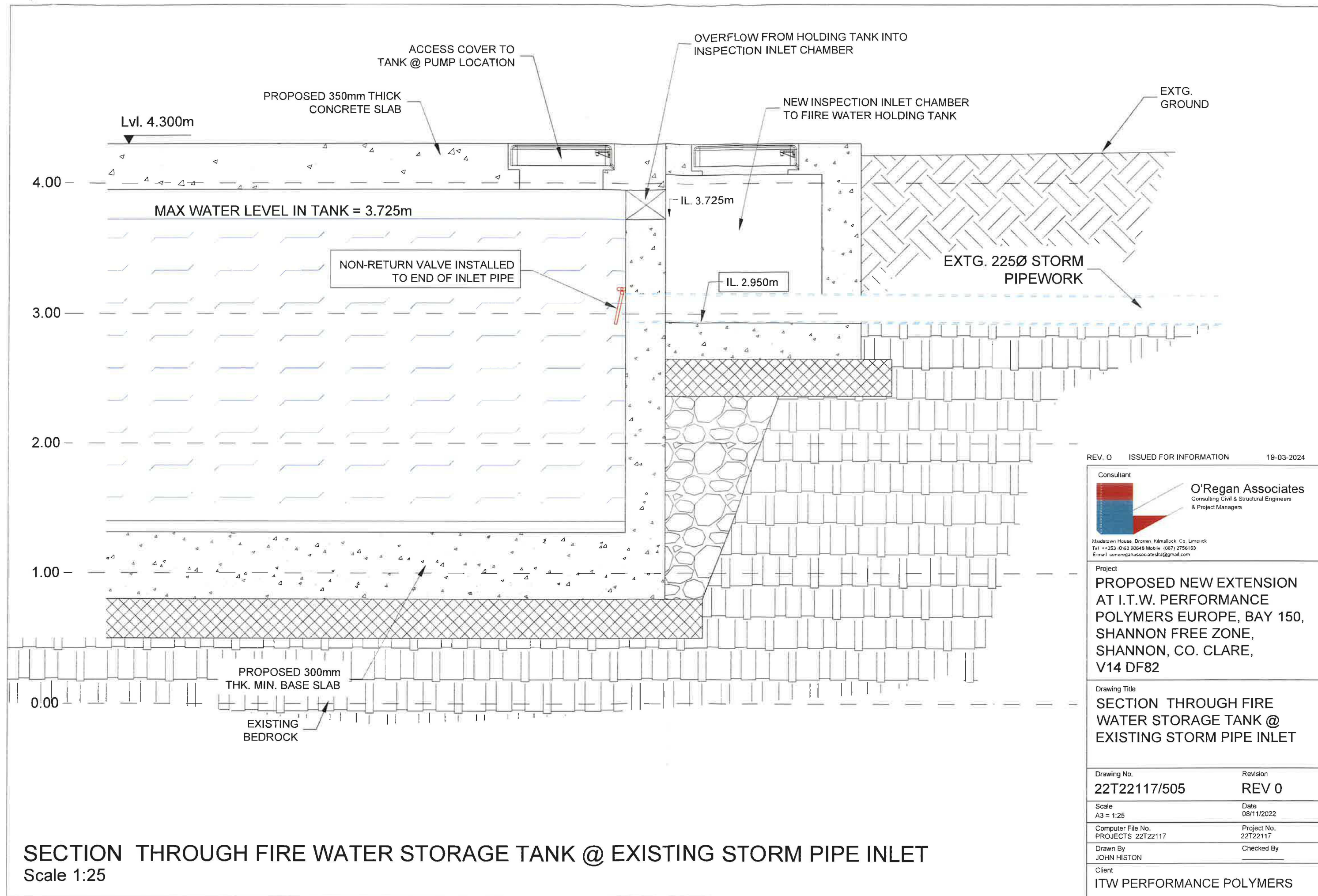
Project No.
22T22117

Drawn By
JOHN HISTON

Checked By

Client

ITW PERFORMANCE POLYMERS





Site Location Map
SCALE 1:1000

County Clare Sheet No. 4517-B: 4517-10 Printed Under Ordnance Survey Ireland Licence No. AR 00110

LEGEND:
SITE BOUNDARY

No.	DESCRIPTION	REVISION	DATE

PROJECT:	HOLDING TANK
ADDRESS:	BAY 150, SHANNON FREE ZONE, CO. CLARE V14DF82
SCALE 1:1000	DATE: 14/05/2025
DRAWN BY:	APPROVED BY:
STAGE PL:	

P. Coleman & Associates

5 Bank Place, Ennis, Co. Clare
Tel: 065-6829731
Web: www.pjcoleman.ie
Email: engineers@pjcoleman.ie

CLIENT: ITW PERFORMANCE POLYMERS

PROJECT NO: 002

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