

4. Development Details:

Please provide details of the proposed development for which an exemption under Section 5 of the Planning and Development Act is applied for.

(Note: only works and uses listed and described under this section will be assessed under this Section 5 Application. Use additional sheets if required.)

Original plans for 2 football pitches, we wish to install a perimeter gravel standing area around the pitches. 804 gravel finish to prevent spectators standing on grass areas. No lighting proposed yet.	
Proposed floor area of proposed works/uses:	sqm

5. Legal Interest of Applicant in the Land or Structure:

Please tick appropriate box to show applicant's legal interest in the land or structure	A. Owner <input checked="" type="checkbox"/>	B. Occupier <input type="checkbox"/>
	C. Other <input type="checkbox"/>	
Where legal interest is 'Other', please expand further on your interest in the land or structure		
If you are not the legal owner, please state the name and address of the owner	Name: Address:	

Signature of Applicant(s) Eam Allackey

Date: 27/6/23

Note: If the proposed development consists of works to a (Proposed) Protected Structure and/or any structure within the curtilage of a (Proposed) Protected Structure, an application for a Section 57 Declaration may be more appropriate.

GUIDANCE NOTES

- (1) All queries on the form must be completed and the form must be accompanied by the relevant fee. The amount of the fee is currently **€80.00**.
- (2) This application should be accompanied by **TWO COPIES** of the following documentation
 - OSI Site Location Map with the site outlined clearly – 1:1000 in urban areas and 1:2500 in rural areas
 - Floor Plans & Elevations at a scale of not less than 1:200
 - Site layout plan indicating position of proposed development relative to premises and adjoining properties
 - Other details e.g. brochures, photographs if appropriate.

(All dimensions must be given in metric scale and drawings should be accompanied by a brief description outlining the use of the proposed development)
- (3) Where a proper and complete application is received, a decision must be conveyed to the applicant within four (4) weeks except where additional necessary information is required.

This application form and relevant fee should be submitted to:

Planning Section, Tipperary County Council, Civic Offices, Limerick Road, Nenagh, Co. Tipperary	<u>OR</u>	Planning Section, Tipperary County Council, Civic Offices, Emmet Street, Clonmel, Co. Tipperary
Enquires:		
Telephone 0818 06 5000		
E-Mail planning@tipperarycoco.ie		

FOR OFFICE USE ONLY	
	<u>DATE STAMP</u>
Fee Recd. € _____	
Receipt No _____	
Date _____	
Received by _____	

Section 5 Application
 GFC 30/6/23.

FILE NO.
 PLANNING SECTION
 30 JUN 2023
 TIPPERRARY CO. COUNCIL
 RECEIVED

St. Michaels & Johns
 Church & Graveyard

Gravel
 finish

Brian England

© COPYRIGHT BRIAN ENGLAND

PROPOSED DEVELOPMENT OF
 CLOUGHJORDAN FC.
 @ TOWNFIELDS,
 CLOUGHJORDAN,
 CO. TIPPERARY.

CLOUGHJORDAN FC,
 C/O SEAN O'SHEA, CHAIRMAN
 BALLYHASTY, CLOUGHJORDAN,
 CO. TIPPERARY.

1:500 25/05/20

B.England.

A:10/03/2021 A3_2946_C

REVISION HISTORY.

Revision A: 10/03/2021 B.England.
 Additional Bus Parking added.
 Junior Pitch - Astorturf Proposed
 Landscaping - Screening Planting to
 Northern Side of Pitch area.
 Revision B: 30/05/2022 B.England.
 Proposed internal site service connections
 to public sewer & water mains.
 Revision C: 26/10/2022 B.England
 Revised site boundary & way leave added

SITE LAYOUT PLAN.
 EXTRACT FROM O.S. TIPPERARY
 4105-C

Ordnance Survey Ireland
 Licence No. AR0076221
 © Ordnance Survey Ireland
 Government of Ireland

SITE BOUNDARY OUTLINED IN RED
 SITE AREA: 2.50 HA

- Planning Site Boundary Area = 2.50Ha
- Revised Site Boundary Area = 2.50Ha

PROVIDE SCREENING PLANTING
 PROPOSED 2M HIGH WELDED MESH FENCE
 IN GREEN FINISH TO NEW WESTERN BOUNDARY
 222 LINEAR METERS

EXISTING HEDGEROW
 TO BE REMOVED TO
 FACILITATE DEVELOPMENT

PRIVATE GRAVITY FLOW OUTFALL
 SEWER DRAIN TO CONNECT TO
 300 PRECAST CONCRETE SEWER
 IN PUBLIC ROAD

PROVIDE 3000L RECEPTION
 STILLING CHAMBER FOR
 PUMPED EFFLUENT

PRIVATE PUMPED FLOW OUTFALL
 SEWER DRAIN TO RECEPTION/
 STILLING CHAMBER

AREA TO BE
 UN-DEVELOPED

LOCATION OF
 SITE NOTICE

NATURAL TURF GRASS
 BASED SENIOR PITCH

SUB-SURFACE PITCH DRAINAGE
 CONSISTING OF STONE FILLED
 LATERAL FRENCH DRAINS, DISCHARGING
 TO LONGITUDINAL COLLECTION DRAIN
 OUTFALL TO MAIN SURFACE WATER
 DRAIN, DISCHARGING TO WATERCOURSE

3G ASTORTURF GRASS
 BASED JUNIOR PITCH
 C/V PERIMETER BALL STOP
 FENCE

LANDOWNER WAYLEAVE AGREEMENT
 FOR STORM WATER DISCHARGE DRAIN
 TO WATERCOURSE IN BLUE

EXISTING HEDGEROW
 TO BE RETAINED TO
 SOUTH BOUNDARY

PROVIDE BUS/COACH PARALLEL
 PARKING BAY & SET DOWN AREA
 TO T11 DN-GE0-03028 - 2017

EXISTING
 TOWNFIELDS
 WWTS PLANT

EXISTING VEHICLE GATES
 TO ROAD ENTRANCE
 & PROPOSED PEDESTRIAN
 GATE TO PATH

ELECTRICAL CABINET & MANHOLE
 TO BE RELOCATED TO BOUNDARY
 WALL & FINISHED AT PAVEMENT
 SURFACE LEVEL

EXISTING SEWER LOCATION
 SERVICES LAID WITHIN
 EXISTING SERVICE ROAD

EXISTING HEDGEROW
 TO BE RETAINED TO
 EAST BOUNDARY

PRIVATE 50mm WATER SUPPLY
 PIPE PROVIDED FROM EXISTING
 PUBLIC MAINS IN PUBLIC ROAD
 TO SERVICE SITE

CLUB HOUSE
 BUILDING
 PROVIDE MODULAR UNIT
 CLUBHOUSE, FFL 91.768
 C/V SERVICES

PROVIDE SOAKAWAY FOR BUILDING AREA
 SURFACE WATER COLLECTION DISPOSAL
 AREA TO BE EXCAVATED & FILLED
 TO FORM PERMEABLE GRAVEL
 SURFACE PARKING AREA
 HARD SURFACED PARKING
 40 VEHICLE SPACES +
 2 BUS PARKING/SET DOWNS

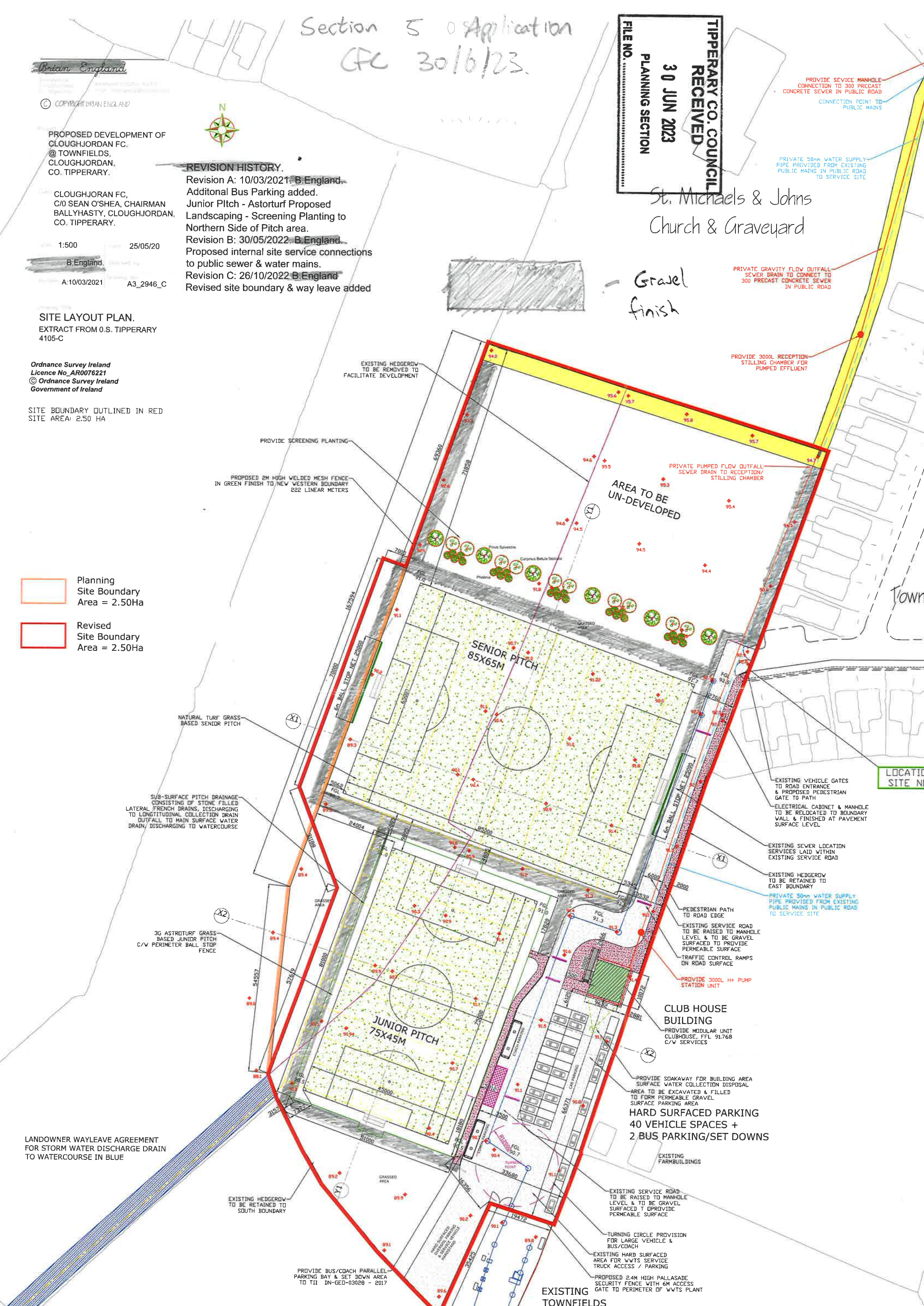
EXISTING
 FARMBUILDINGS

EXISTING SERVICE ROAD
 TO BE RAISED TO MANHOLE
 LEVEL & TO BE GRAVEL
 SURFACED TO PROVIDE
 PERMEABLE SURFACE

TURNING CIRCLE PROVISION
 FOR LARGE VEHICLE &
 BUS/COACH

EXISTING HARD SURFACED
 AREA FOR VVTS SERVICE
 TRUCK ACCESS / PARKING

PROPOSED 2.4M HIGH PALLASADE
 SECURITY FENCE WITH 6M ACCESS
 GATE TO PERIMETER OF VVTS PLANT





Comhairle Contae Thiobraid Árann
Tipperary County Council

Comhairle Contae
Thiobraid Árann,
Oifigí Cathartha,
Cluain Meala,
Co. Thiobraid Árann
Tipperary County Council,
Civic Offices, Clonmel,
Co. Tipperary
E91 N512

Comhairle Contae
Thiobraid Árann,
Oifigí Cathartha,
An tAonach,
Co. Thiobraid Árann
Tipperary County Council,
Civic Offices, Nenagh,
Co. Tipperary
E45 A099

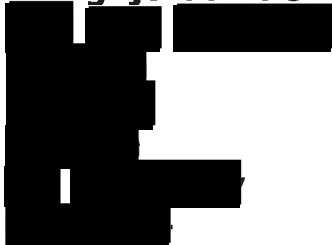
t 0818 06 5000
e customerservice
@tipperarycoco.ie
tipperarycoco.ie

Our Ref: S5/23/66

Date: 30 June 2023

Civic Offices, Nenagh

Cloughjordan FC



Re: Application for a Section 5 Declaration – To install a perimeter gravel standing area around the pitches at rear of St Michaels and Johns Church, Cloughjordan and rear of Townsfield Estate, Cloughjordan, Co Tipperary.

Dear Sir/Madam

I acknowledge receipt of your application for a Section 5 Declaration received on 28th June, 2023 in connection with the above.

I wish to advise that you will be notified of a decision on your application in due course.

Yours faithfully

For Director of Services

TIPPERARY COUNTY COUNCIL

Application for Declaration under Section 5

Planning & Development Act 2000, as amended
Planning & Development Regulations 2001, as amended

Planning Ref.: S5/23/66
Applicant: Cloughjordan FC
Development Address: Cloughjordan, Co. Tipperary
Proposed Development: A gravel path around permitted pitch

1. GENERAL

On 28th June 2023 a request was made for a declaration under Section 5 of the Planning and Development Act 2000 (as amended) by Cloughjordan FC as to whether or not the following constitutes development and if so, whether same constitutes exempted development:

- A gravel path around permitted pitch

2. STATUTORY PROVISIONS

The following statutory provisions are relevant to this referral case;

Section 3 (1) of the Planning and Development Act 2000, as amended, states as follows:-

“In this Act, ‘development’ means, except where the context otherwise requires, the carrying out of works on, in, over or under land or the making of any material change in the use of any structures or other land.”

Section 2(1) of the Act defines “works” as:-

“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.

Article 6 (Exempted Development) of the Planning and Development Regulations 2001, as amended, states that;

- (1) 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.

Class 33 of the Planning and Development Regulations 2001, as amended sets out

Development consisting of the laying out and use of land –

(a) as a park, private open space or ornamental garden,

(b) as a roadside shrine

(c) for athletics or sports (other than golf or pitch and putt or sports involving the use of motor vehicles, aircraft or firearms), where no charge is made for admission of the public to the land.

This exemption is subject to the following conditions/limitations:

The area of any such shrine shall not exceed 2 square metres, the height shall not exceed 2 metres over the centre of the road opposite the structure and it shall not be illuminated.

Article 9 has been considered in the assessment of the proposed exemption and is not applicable in this instance.

I have reviewed Article 9 and note the restrictions do not apply.

3. ASSESSMENT

a. Site Location

The site is located within the settlement boundary of Cloughjordan on lands zoned for social and public and open countryside.

Relevant Planning History

20/787 Permission granted for 1 no. Senior pitch with ball stop nets, 1 no. Junior pitch, car parking area, modular temporary accommodation structure, boundary fencing including associated site works

07510678 Permission refused for 24 no. houses, comprising of 4 no. terraced two storey houses with attic conversion, 6 no. semi-detached two storey houses with attic conversion, 9 no. detached two storey houses with attic conversion, 5 no. detached two storey houses, access via right of way over existing entrance and roadway granted under Pl. Ref. 03/51/1053, roadways, footpaths, green areas, connection to temporary sewage treatment plant (granted under 03/51/1053) and all ancillary works

Assessment

Pursuant to Section 5 of the Planning & Development Acts this report will examine whether the proposal constitutes a) development and b) exempted development.

a) Is or is not Development

It is considered that the;

- A gravel path around permitted pitch

constitutes works and development as provided for under Sections 2 and 3 of the Act.

b) Is or is not Exempted Development

I have reviewed the planning exemptions and note that Class 33 (c) of the Planning and Development (P&D) Regulations 2001 as amended is relevant with respect to development and laying out of a walkway. The applicant has submitted a site layout plan indicating the location of the proposed gravel pathway, I am satisfied same is exempt under Class 33 (c). The applicant has indicated there will be no charge to the public for the use of same and I am satisfied same is acceptable.

c) Is the exemptions restricted under Article 9

The exemption is not restricted under Article 9.

4. APPROPRIATE ASSESSMENT (AA)

The development has been screened as to the requirement for AA (see attached) and it has been determined that same is not required.

5. RECOMMENDATION

WHEREAS a question has arisen as to whether a gravel path/walkway at Cloughjodan FC, Cloughjordan is development and is or is not exempted development:

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

- (a) Sections 2, 3 & 4 of the Planning and Development Act 2000 (as amended)
- (b) Article 6 & 9 of the Planning and Development Regulations 20001, as amended,
- (c) Class 33 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended)

AND WHEREAS Tipperary County Council has concluded that –

The development consisting of the construction of a gravel pathway is development and is exempted development as it DOES fall under the exempted development provisions as set out under Class 33 of Schedule 2, Part 1 of the Planning and Development Regulations 2001, as amended

NOW WHEREAS Tipperary County Council, in exercise of the powers conferred on it by section 5(2)(a) of the Planning and Development Act 2000 as amended, it is hereby decided that the construction of a gravel pathway is **development and IS exempted development.**

District Planner:



Carmel Daly

Date: 14/07/23

Senior Executive Planner:



Date: 18/07/2023

HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT

STEP 1. Description of the project/proposal and local site characteristics:

(a) File Reference No:	S5/23/66
(b) Brief description of the project or plan:	Gravel pathway
(c) Brief description of site characteristics:	Football pitch under construction
(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 (km)	Connections (Source-Pathway-Receptor)	Considered further in screening Y/N
Sharavogue Bog SAC	https://www.npws.ie/protected-sites/sac	Within 15km	None	No
Liskeenan Fen SAC	https://www.npws.ie/protected-sites/sac/001683	Within 15km	None	No
Kilcarren Firville Bog SAC	https://www.npws.ie/protected-sites/sac/000647	Within 15km	None	No
Lough Derg SPA	https://www.npws.ie/protected-sites/spa/004058	Within 15km	None	No
Lough Derg NE Shore SAC	https://www.npws.ie/protected-sites/sac/002241	Within 15km	None	No

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 	None.

<ul style="list-style-type: none"> • Access to site • Pests 	
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 	None.
In-combination/Other	None.

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

<p>Examples of the type of changes to give consideration to include:</p> <ul style="list-style-type: none"> • Reduction or fragmentation of habitat area • Disturbance to QI species • Habitat or species fragmentation • Reduction or fragmentation in species density • Changes in key indicators of conservation status value (water or air quality etc.) • Changes to areas of sensitivity or threats to QI • Interference with the key relationships that define the structure or ecological function of the site 	None.
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(c) Are 'mitigation' measures necessary to reach a conclusion that likely significant effects can be ruled out at screening?

Yes No

STEP 4. Screening Determination Statement

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

The proposed development is not likely to have significant effects.

Conclusion:

	Tick as Appropriate:	Recommendation:
(i) It is clear that there is no likelihood of significant effects on a European site.	<input checked="" type="checkbox"/>	The proposal can be screened out: Appropriate assessment not required.
(ii) It is uncertain whether the proposal will have a significant effect on a European site.	<input type="checkbox"/>	<input type="checkbox"/> Request further information to complete screening <input type="checkbox"/> Request NIS

		<input type="checkbox"/> Refuse planning permission
(iii) Significant effects are likely.	<input type="checkbox"/>	<input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
Signature and Date of Recommending Officer:	Carmel Daly	Date: 14/07/23

EIA Pre-Screening Establishing a development is a 'sub-threshold development'			
File Reference:	S5/23/66		
Development Summary:	Gravel pathway around pitches		
Was a Screening Determination carried out under Section 176A-C?	<input type="checkbox"/> Yes, no further action required <input checked="" type="checkbox"/> No, Proceed to Part A		
A. Schedule 5 Part 1 - Does the development comprise a project listed in Schedule 5, Part 1 , of the Planning and Development Regulations 2001 (as amended)? (Tick as appropriate)			
<input type="checkbox"/> Yes, specify class _____	EIA is mandatory No Screening required		
<input checked="" type="checkbox"/> No	Proceed to Part B		
B. Schedule 5 Part 2 - Does the development comprise a project listed in Schedule 5, Part 2 , of the Planning and Development Regulations 2001 (as amended) and does it meet/exceed the thresholds? (Tick as appropriate)			
<input checked="" type="checkbox"/> No, the development is not a project listed in Schedule 5, Part 2	No Screening required		
<input type="checkbox"/> Yes the project is listed in Schedule 5, Part 2 and meets/exceeds the threshold, specify class (including threshold): _____	EIA is mandatory No Screening required		
Yes the project is of a type listed but is <i>sub-threshold</i> : _____	Proceed to Part C		
C. If Yes , has Schedule 7A information/screening report been submitted?			
<input type="checkbox"/> Yes, Schedule 7A information/screening report has been submitted by the applicant	Screening Determination required		
<input checked="" type="checkbox"/> No, Schedule 7A information/screening report has not been submitted by the applicant	Preliminary Examination required		
Signature and Date of Recommending Officer:	Carmel Daly	Date:	14/07/23

Original

TIPPERARY COUNTY COUNCIL

DELEGATED EMPLOYEE'S ORDER

File Ref: **S5/23/66**

Delegated Employee's Order No: _____

SUBJECT: Section 5 Declaration

I, Dave Carroll, A/Director of Services, Tipperary County Council, by virtue of the powers delegated to me in accordance with the provisions of Section 154 of the Local Government Act 2001, as amended by Schedule 1, Part 1 of the Local Government Reform Act 2014 under Chief Executive's Order No. 33738 dated 5th May, 2023, hereby order that pursuant to the provisions of the Planning and Development Act 2000, as amended, that an application under Section 5 from Cloughjordan FC, C/O Eoin Killackey, Moanfin, Kilruane, Nenagh, Co. Tipperary, re: a gravel path around permitted pitch at rear of St Michaels and Johns Church, Cloughjordan and rear of Townsfield Estate, Cloughjordan, Co Tipperary, is development and is exempted development.

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

- a) Sections 2, 3 & 4 of the Planning and Development Act 2000 (as amended)
- b) Article 6 & 9 of the Planning and Development Regulations 2001, as amended,
- c) Class 33 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended)

AND WHEREAS Tipperary County Council has concluded that –

The development consisting of the construction of a gravel pathway is development and is exempted development as it DOES fall under the exempted development provisions as set out under Class 33 of Schedule 2, Part 1 of the Planning and Development Regulations 2001, as amended

NOW WHEREAS Tipperary County Council, in exercise of the powers conferred on it by section 5(2)(a) of the Planning and Development Act 2000 as amended, it is hereby decided that the construction of a gravel pathway **is development and is exempted development.**

Signed:



Date: 19/07/2023

Dave Carroll

A/Director of Services

**Planning and Development (including Town Centre First and
Just Transition), Emergency Services and Emergency
Planning and Tipperary/Cahir/Cashel Municipal District**



Comhairle Contae Thiobraid Árann
Tipperary County Council

Comhairle Contae
Thiobraid Árann,
Oifigí Cathartha,
Cluain Meala,
Co. Thiobraid Árann

Tipperary County Council,
Civic Offices, Clonmel,
Co. Tipperary

E91 N512

Comhairle Contae
Thiobraid Árann,
Oifigí Cathartha,
An tAonach,
Co. Thiobraid Árann

Tipperary County Council,
Civic Offices, Nenagh,
Co. Tipperary

E45 A099

t 0818 06 5000
e customerservice
@tipperarycoco.ie

tipperarycoco.ie

Date: 19 July 2023

Our Ref: S5/23/66

Civic Offices, Nenagh

Cloughjordan FC

[REDACTED]

Re: Declaration under Section 5 of the Planning and Development Act 2000

Dear Sir/Madam,

I refer to your application for a Section 5 Declaration received on 28 June 2023, in relation to the following proposed works:

A gravel path around permitted pitch at rear of St Michaels and Johns Church, Cloughjordan and rear of Townsfield Estate, Cloughjordan, Co. Tipperary

WHEREAS a question has arisen as to whether a gravel path/walkway at Cloughjordan FC, Cloughjordan is development and is or is not exempted development:

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

- a) Sections 2, 3 & 4 of the Planning and Development Act 2000 (as amended)
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NOW WHEREAS Tipperary County Council, in exercise of the powers conferred on it by section 5(2)(a) of the Planning and Development Act 2000 as amended, it is hereby decided that the construction of a gravel pathway **is development and is exempted development.**

NOTE: Any person issued with a Declaration of a Planning Authority may refer the Declaration for review to An Bord Pleanála, 64 Marlborough Street, Dublin 1, within four (4) weeks of the date of issue of the Declaration and on payment of the prescribed fee.

Yours sincerely



for **Director of Services**