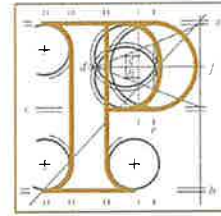


Our Case Number: ABP-317685-23

Planning Authority Reference Number: S5/23/63



**An
Bord
Pleanála**

Tipperary County Council
Civic Offices
Nenagh
Co. Tipperary



Date: 21 OCT 2024

Re: Whether the completion of the entrance, roads and services associated with Pla reg no. 15/600374 is or is not development or is or is not exempted development.
Scartnaglorane, Cahir, Co. Tipperary.

Board Direction Attached

Dear Sir / Madam,

An order has been made by An Bord Pleanála determining the above-mentioned referral under the Planning and Development Acts 2000 to 2022. A copy of the order is enclosed.

In accordance with section 146(5) of the Planning and Development Act 2000, as amended, the Board will make available for inspection and purchase at its offices the documents relating to any matter falling to be determined by it, within 3 days following the making of its decision. The documents referred to shall be made available for a period of 5 years, beginning on the day that they are required to be made available. In addition, the Board will also make available the Inspector's Report, the Board Direction and Board Order in respect of the matter on the Board's website (www.pleanala.ie). This information is normally made available on the list of decided cases on the website on the Wednesday following the week in which the decision is made.

The Public Access Service for the purpose of inspection/purchase of file documentation is available on weekdays from 9.15am to 5.30pm (including lunchtime) except on public holidays and other days on which the office of the Board is closed.

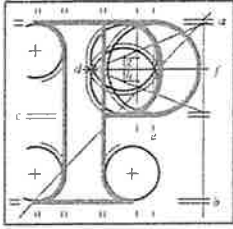
Yours faithfully,

Miriam Baxter
Executive Officer

RL100n

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|--------------------|---------|--|
| Teil | Tel | (01) 858 8100 |
| Glaio Áitiúil | LoCall | 1800 275 175 |
| Facs | Fax | (01) 872 2684 |
| Láithreán Gréasáin | Website | www.pleanala.ie |
| Ríomhphost | Email | bord@pleanala.ie |

| | |
|----------------------|-----------------------|
| 64 Sráid Maoilbhríde | 64 Marlborough Street |
| Baile Átha Cliath 1 | Dublin 1 |
| D01 V902 | D01 V902 |



An
Bord
Pleanála

Board Order
ABP-317685-23

Planning and Development Acts 2000 to 2022

Planning Authority: Tipperary County Council

Planning Register Reference Number: S5/23/63

WHEREAS a question has arisen as to whether the completion of the entrance, roads and services associated with the works already commenced under planning permission granted under planning register reference number 15/600374 at Scarnaglorane, Cahir, County Tipperary is or is not development or is or is not exempted development:

AND WHEREAS John O'Leary care of Furey Consulting Engineers of Olde World Cottage, Rathasker Road, Naas, County Kildare requested a declaration on this question from Tipperary County Council and the Council issued a declaration on the 11th day of July, 2023 stating that the matter was development and was not exempted development:

AND WHEREAS John O'Leary referred this declaration for review to An Bord Pleanála, on the 31st day of July, 2023:

AND WHEREAS An Bord Pleanála, in considering this referral, had regard particularly to –

- (a) sections 2, 3, and 4 of the Planning and Development Act, 2000, as amended,
- (b) Articles 6 and 9 of the Planning and Development Regulations, 2001, as amended,
- (c) Class 9 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- (d) the planning history of the site,
- (e) the documentation on file, including submissions on behalf of the referrer and Tipperary County Council,
- (f) and the report of the Inspector:

AND WHEREAS An Bord Pleanála has concluded that -

- (a) the completion of the entrance, roads and services associated with planning register reference number 15/600374 is development as defined in Section 3 of the Planning and Development Act, 2000, as amended, and
- (b) the proposed access onto the R639 would not be exempt by virtue of Article 9 (1) (a) (ii) of the Planning and Development Regulations, 2001, as amended, as the R639 exceeds four metres in width:

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5 (3) (a) of the 2000 Act, hereby decides that the completion of the entrance, roads and services associated with the works already commenced under planning permission granted under planning register reference number 15/600374 at Scarnaglorane, Cahir, County Tipperary is development and is not exempted development.

The referrer has made reference to Section 40 of the Planning and Development Act 2000, as amended. However, Section 40 is a separate process to a Section 5 declaration. An application to extend or further extend the appropriate period of a planning application is made to the planning authority, and the Board consider this is not a matter to determine in this instance. Section 40 of the Planning Act does not relate to exempted development.

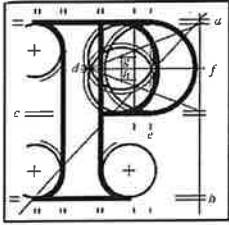


Mary Henchy

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this *18th* day of *October* 2024.



An
Bord
Pleanála

Board Direction
ABP-317685-23

The submissions on this file and the Inspector's report were considered at a Board meeting held on 08/10/2024.

The Board decided, as set out in the following Order, that

Board Order as follows:-

WHEREAS a question has arisen as to whether the completion of the entrance, roads and services associated with the works already commenced under planning permission granted under planning register reference number 15/600374 at Scarnaglorane, Cahir, County Tipperary is or is not development or is or is not exempted development:

AND WHEREAS John O'Leary care of Furey Consulting Engineers of Olde World Cottage, Rathsker Road, Naas, County Kildare requested a declaration on this question from Tipperary County Council and the Council issued a declaration on the 11th day of July stating that the matter was development and was not exempted development:

AND WHEREAS John O'Leary referred this declaration for review to An Bord Pleanála, on the 31th day of July, 2023:

AND WHEREAS An Bord Pleanála, in considering this referral, had regard particularly to

- (a) sections 2, 3, 4 of the Planning and Development Act, 2000, as amended,
- (b) Articles 6 and 9 of the Planning and Development Regulations, 2001, as amended,
- (c) Class 9 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- (d) the planning history of the site,
- (e) the documentation on file, including submissions on behalf of the referrer and Tipperary County Council,
- (f) and the report of the Inspector:

AND WHEREAS An Bord Pleanála has concluded that:

- (a) the completion of the entrance, roads and services associated with planning register reference number 15/600374 is development as defined in Section 3 of the Planning and Development Act 2000, as amended,
- (b) The proposed access onto the R639 would not be exempt by virtue of Article 9 (1) (a) ii of the Planning and Development Regulations as the R639 exceeds 4metres in width.

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by Section 5(3)(a) of the Planning and Development Act, 2000, as amended, hereby

decides that whether the completion of the entrance, roads and services associated with the works already commenced under planning permission granted under planning register reference number 15/600374 at Scarnaglorane, Cahir, County Tipperary is development and is not exempted development.

Note: The referrer has made reference to Section 40 of the Planning and Development Act 2000 as amended. However, Section 40 is a separate process to a Section 5 declaration. An application to extend or further extend the appropriate period of a planning application is made to the planning authority, and I consider this is not a matter for the Board to determine in this instance. Section 40 of the Planning Act does not relate to exempted development.

Board Member:



Mary Henchy

Date: 10/10/2024

