



Comhairle Contae Thiobraid Árann
Tipperary County Council

Tipperary County Council
RECEIVED
27 SEP 2024
CASH OFFICE
Civic Offices, Clonmel

Receipt No 185534
Issued 27 09 2024
€ 80 - 00 Cheque

PLANNING & DEVELOPMENT ACT, 2000 (as amended)

Application for a Section 5 Declaration
Development / Exempted Development

1. Applicant's address/contact details:

<i>Applicant</i>	HARMONY RESIDENTIAL CARE
<i>Address</i>	CORRIG HOUSE, PORTARLINGTON, CO. LAOIS
<i>Telephone No.</i>	[REDACTED]
<i>E-mail</i>	[REDACTED]

TIPPERARY CO. COUNCIL
RECEIVED
27 SEP 2024
PLANNING SECTION
FILE NO.

2. Agent's (if any) address:

<i>Agent</i>	NIALL HEGARTY - SM BUILDING CONSULTANCY
<i>Address</i>	UNIT 4, 84 STRAND STREET, SKERRIES, CO. DUBLIN - K34 VW93
<i>Telephone No.</i>	[REDACTED]
<i>E-mail</i>	[REDACTED]
<i>Please advise where all correspondence in relation to this application is to be sent;</i>	
Applicant [] Agent [X]	

3. Location of Proposed Development:

<i>Postal Address or Townland or Location (as may best identify the land or structure in question)</i>	KNOCKNAGOW, BALLINTEMPLE, DUNDRUM, CO. TIPPERARY E34 VX34
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4. Development Details:

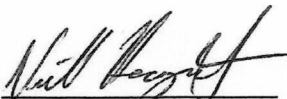
Please provide details of the proposed development for which an exemption under Section 5 of the Planning and Development Act is applied for.

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

APPLICATION FOR A DECLARATION OF EXEMPTED DEVELOPMENT UNDER SCHEDULE 2, PART1, CLASS 14(f) OF THE PLANNING AND DEVELOPMENT REGULATION 2001, REGARDING THE CHANGE OF USE FROM RESIDENTIAL TO PROVIDE A RESIDENTIAL CARE FACILITY FOR CHILDREN AT RISK, INCLUDING THOSE WITH LEARNING DIFFICULTIES.
IN LINE WITH SCHEDULE 2, PART1, SCHEDULE14(f)OF THE PLANNING AND DEVELOPMENT REGULATION 2001,THE NUMBER OF RESIDENTS WILL NOT EXCEED 6 AND THE NUMBER OF CAREERS WILL NOT EXCEED2.
Proposed floor area of proposed works/uses: 294.7 sqm

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

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

Signature of Applicant(s) 
(AGENT)

Date: 25/09/2024

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 _____	

25th September 2024
Planning Section,
Tipperary County Council,
Civic Offices,
Emmet Street,
Clonmel,
Co. Tipperary

Dear Sir/Madam

RE: CHANGE OF USE - SECTION 5 APPLICATION FOR A DECLARATION OF EXEMPTED DEVELOPMENT UNDER SCHEDULE 2, PART 1, CLASS 14 (f) OF THE PLANNING AND DEVELOPMENT REGULATION 2001.

On behalf of Harmony Residential Care, we hereby formally apply for a declaration of Exempt Development under Schedule 2, Part 1, Class 14 (f) of the Planning and Development Regulation 2001 at Knocknagow, Ballintemple, Dundrum, Co. Tipperary E34 VX43, regarding the Change of Use from residential to provide a residential care facility for children at risk, including those with learning difficulties.

In support of our application, we enclose the following documents:

1. Completed application form (2 copies).
2. A cheque for €80.00 being the appropriate application fee.
3. A drawing register, enclosing 2 no. copies of the following:
 - Drawing No. 2024-S53-001 – Site Location Map
 - Drawing No. 2024-S53-002 – Site Layout Plan
 - Drawing No. 2024-S53-003 – Existing Floor Plans
 - Drawing No. 2023-S52-004 – Existing Elevations
 - Drawing No. 2023-S52-005 – Existing Section

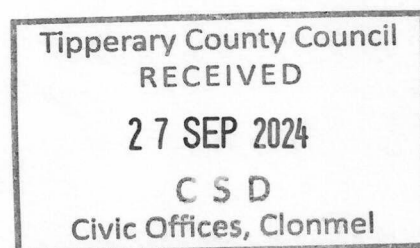
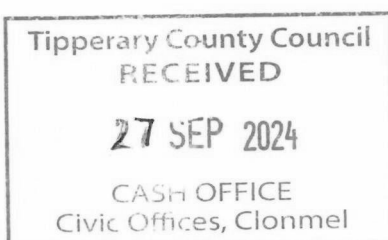


We Trust that the above and enclosed are satisfactory, however, should you have any queries or require any further information, please do not hesitate to contact me.

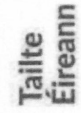
Yours Sincerely,



Niall Hegarty
Building Surveyor
SM Building Consultancy



Planning Pack Map



CENTRE COORDINATES:
ITN 196230, 642747

PUBLISHED:
1/2024

MAP SHEETS:
15,000 487
12,500 487-D
12,500 488
12,500 488-C

COMPILED AND PUBLISHED BY:
SM Building Consultancy
Phonís Park,
Cush B,
Drogheda,
Co. DU

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The representation on this map
is not evidence of the existence
of a right of way.
This topographic map
does not show
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boundaries or physical features.

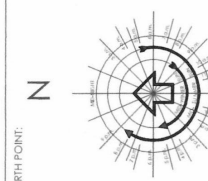
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All rights reserved.



LEGEND:
To view the legend and
to view the legend and
to view the legend and

OUTPUT SCALE: 1:2,500

Scale:
0 100 200 300 400 500 Feet
0 100 200 300 400 500 Metres



NET: _____
SITE AREA

CLIENT:
HARMONY RESIDENTIAL CARE

PROJECT:
KNOCKNAGOW,
BALLINTEMPLE,
DUNDROM,
CO. TIPPERARY
E34 YX43

SM BUILDING CONSULTANCY SCS1
Complete Building Solutions

Title: SITE LOCATION MAP
Unit 4: 84 Strand Street, Slieve, Co. Dublin
T: +353 (0)1 749 0839
F: +353 (0)1 044 4049
W: www.smbc.ie

Drawing No: #001-1552-2024
Date: SEP 2024
Rev: 01

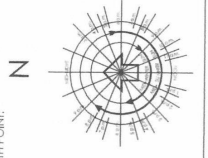
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Drawn By: INF
Checked: SM

SITE LAYOUT PLAN

SCALE 1 : 1000



NORTH POINT:




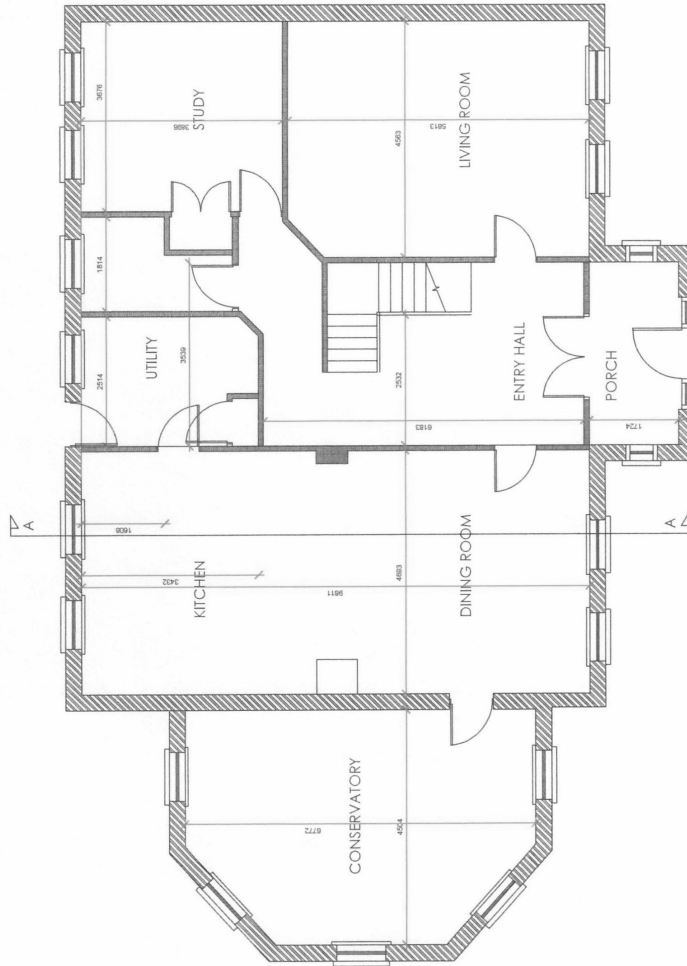
KEY:

— SITE AREA

CLIENT: HARMONY RESIDENTIAL CARE

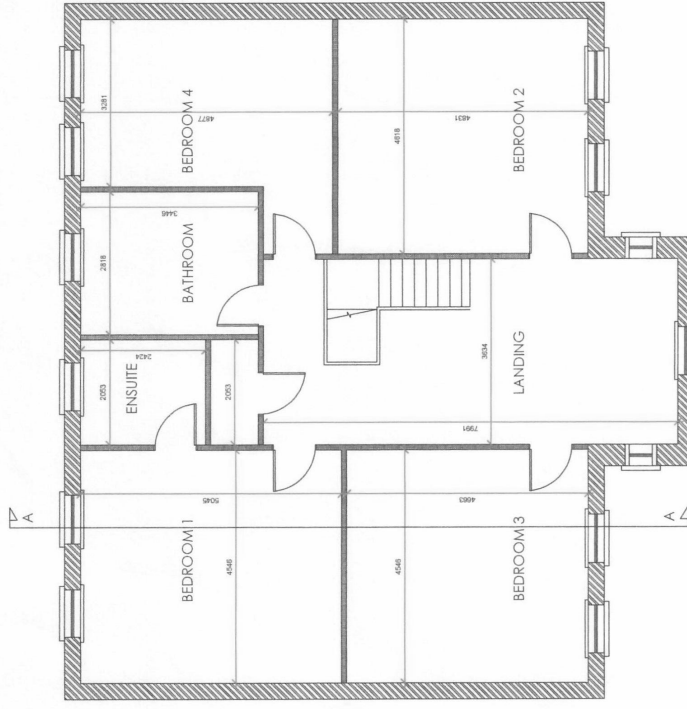
PROJECT:
KNOCKNAOW,
BALLINTEMPIE,
DUNDURUM,
CO. TIPPERARY
E34 V443

	SM BUILDING CONSULTANCY SCSi Complete Building Solutions	Unit 4 84 Strand Street Sterris, Co. Dublin	
		T: +353 (0)71 949 0839 F: +353 (0)6 044 4049 W: www.umbc.ie	Rev: 01
Title: SITE LAYOUT PLAN		Date: SEP 2024	Rev: 01
Drawing No: #002-S52-2024		Drawn By: NH	Checked: SM
Scale: 1:1000			



EXISTING GROUND FLOOR PLAN

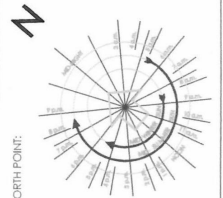
S C A L E 1 : 100



EXISTING FIRST FLOOR PLAN

S C A L E 1 : 100

KEY:



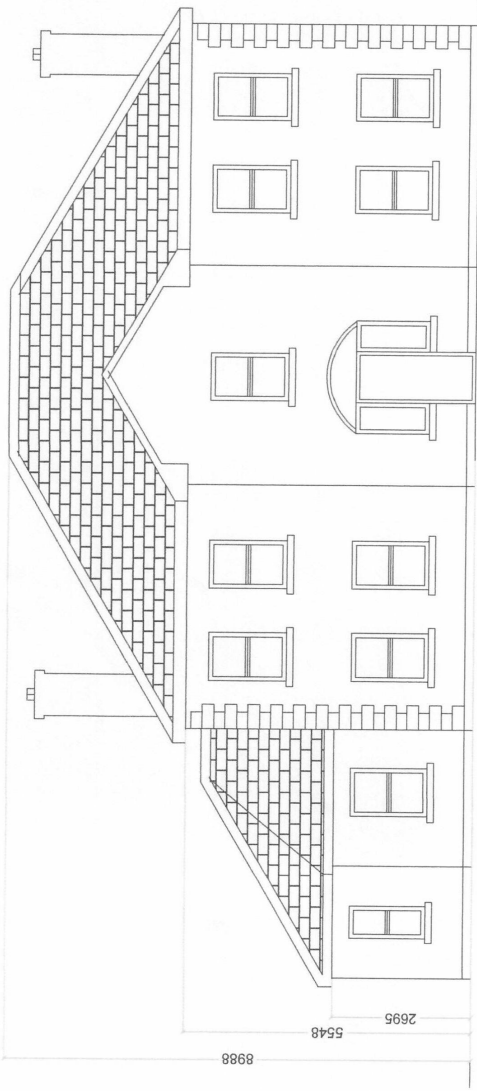
CLIENT: HARMONY RESIDENTIAL CARE

PROJECT:
KNOCKNAAGOW,
BALLINTEMPEL,
DUNDURM,
CO. TIPPERARY
E34 VY43

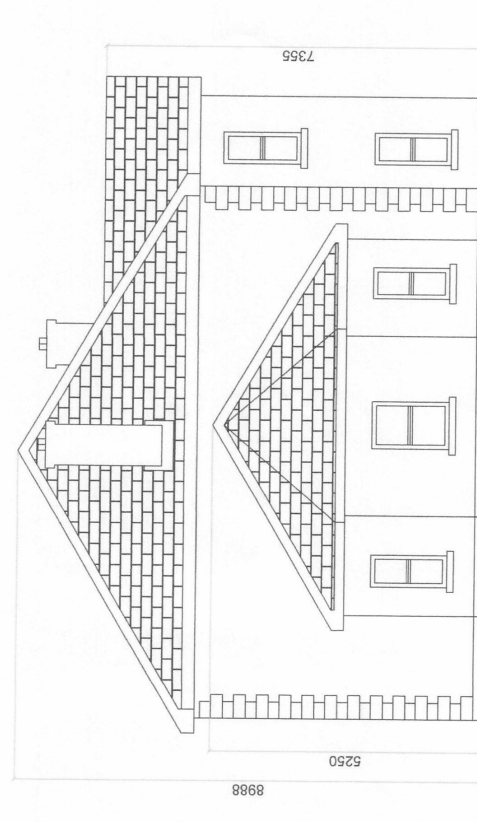
SM BUILDING CONSULTANCY SCSi
Complete Building Solutions

Unit 4
84, Strand Street
Skerrins, Co. Dublin
T: +353 (0)1 946 0839
F: +353 (0)1 44 4749
W: www.mbc.ie

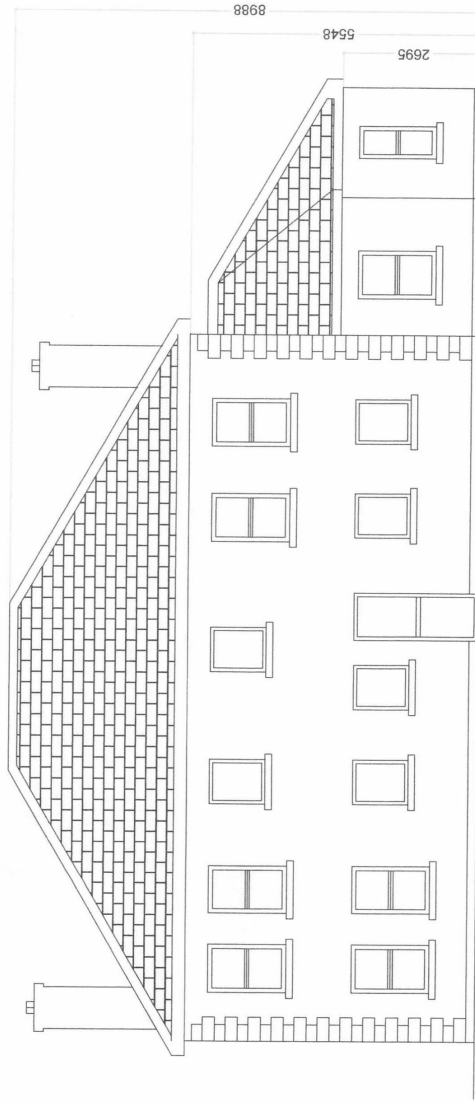
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Drawing No	# 003-352-2024	Rev	01
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		Checked	SM



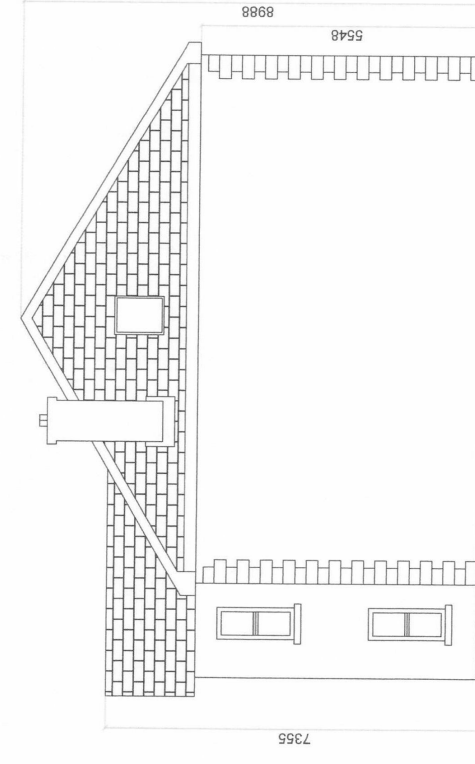
EXISTING FRONT ELEVATION
SCALE 1 : 100



EXISTING SIDE ELEVATION
SCALE 1 : 100



EXISTING REAR ELEVATION
SCALE 1 : 100



EXISTING SIDE ELEVATION
SCALE 1 : 100

NORTH POINTE:

KEY:

CLIENT: HARMONY RESIDENTIAL CARE

PROJECT: KNOCKNA GOW,
BALLINTEMPLE,
DUNDURUM,
CO. TIPPERARY
E34-VX43

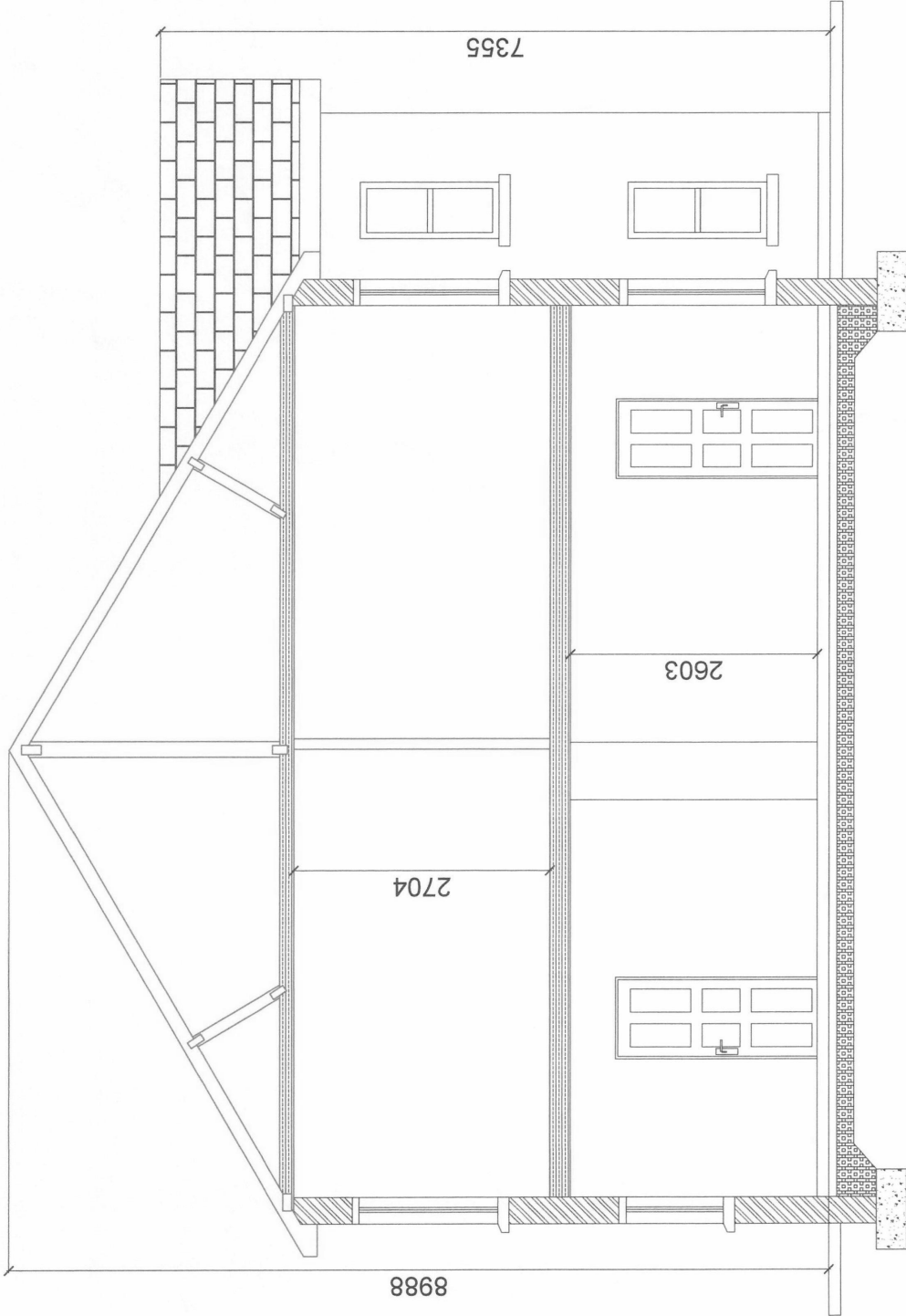


Unit 4
84 Strand Street
Skerries, Co. Dublin W1
T: +353 (0)71 949 0839
+353 (0)6 944 4049
www.smbc.ie

Title	EXISTING ELEVATIONS	Rev	01
Drawing No	#004-SS2-2024	Drawn By	NH
Scale	1:100	Checked	SM

EXISTING SECTION A - A

SCALE 1 : 50



NORTH POINT:	KEY:	CLIENT:	HARMONY RESIDENTIAL CARE						
		PROJECT:	KNOCKNAGOW, BALLINTEMPEL, DUNDRUM, CO. TIPPERARY E34 VY43						
SM BUILDING CONSULTANCY SCSi Complete Building Solutions		Title:	EXISTING SECTION A - A	Unit #:	84 Strand Street, Skerries, Co. Dublin	Tel:	+353 (0)1 842 0839 +353 (0)1 844 4269	W:	www.umbc.ie
		Drawing No:	#005-SS2-2024	Date:	SEP 2024	Rev:	01	Drawn By:	NH
		Scale:	1:50	Checked:	SM				



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: 27-09-2024

Our Ref: S5/24/106

Civic Offices, Clonmel

**Harmony Residential Care
C/o Niall Hegarty
SM Building Consultancy
Unit 4, 84 Strand Street
Skerries
Co. Dublin
K34 VW93**

Re: Application for a Section 5 Declaration – the change of use from residential to provide a residential care facility for children at risk, including those with learning difficulties at Knocknagow, Ballintemple, Dundrum, Co. Tipperary, E34 VX34.

Dear Sir/Madam,

I acknowledge receipt of your application for a Section 5 Declaration received on 27th September, 2024, in connection with the above.

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

Yours sincerely

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 Reference: S5/24/106

Applicant: Harmony Residential Care

Development Address: Knocknagow, Ballintemple, Dundrum, Co. Tipperary.

Proposed Development: Change of use from residential to provide a residential care facility for children at risk, including those with learning difficulties.

1. GENERAL

On the 27th September 2024, a request was made by Harmony Residential Care C/o Niall Hegarty - SM Building Consultancy for a declaration under Section 5 of the Planning and Development Act, 2000 as amended for change of use from residential to provide a residential care facility for children at risk, including those with learning difficulties in respect of the following development at Knocknagow, Ballintemple, Dundrum, Co. Tipperary.

The application is accompanied by:

- Section 5 Declaration Application form
- Maps of site
- Elevation, floor plan and section drawings



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 Planning and Development Act, 2000, as amended, 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.

Section 4(1) of the Planning and Development Act, 2000, as amended states:

The following shall be exempted developments for the purposes of this Act—

(h) development consisting of the carrying out of works for the maintenance, improvement or other alteration 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 of neighbouring structures.

Section 4(2)(a) of the Planning and Development Act 2000, as amended, states as follows:-

The Minister may by regulations provide for any class of development to be exempted development for the purposes of this Act where he or she is of the opinion that—

(i) by reason of the size, nature or limited effect on its surroundings, of development belonging to that class, the carrying out of such development would not offend against principles of proper planning and sustainable development, or

(ii) the development is authorised, or is required to be authorised, by or under any enactment (whether the authorisation takes the form of the grant of a licence, consent, approval or any other type of authorisation) where the enactment concerned requires there to be consultation (howsoever described) with members of the public in relation to the proposed development prior to the granting of the authorisation (howsoever described).

Section 4 (4) of the Planning and Development Act 2000, as amended, states as follows:-

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.

Article 6 of the Planning and Development Regulations 2001, as amended states:

Exempted Development.

(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.

Schedule 2, Part 1 ‘Exempted Development - General:

Class 14 (f) of Part 1 of Schedule 2 Planning & Development Regulations 2001, as amended, provides an exemption for
Development consisting of a change of use—

(f) from use as a house, to use as a residence for persons with an intellectual or physical disability or mental illness and persons providing care for such persons.

This exemption is subject to the following limitation:

The number of persons with an intellectual or physical disability or a mental illness living in any such residence shall not exceed 6 and the number of resident carers shall not exceed 2.

Article 9 of the Planning and Development Regulations 2001, as amended sets out restrictions on exemptions and states:

9. (1) *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—*

(i) *contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act,*

3. ASSESSMENT

a. Site Location

The site comprises of an existing dwelling (4 bedroom) at Knocknagow, Ballintemple, Dundrum, Co. Tipperary

b. Relevant Planning History

03/1055 Permission GRANTED to erect a dwelling, entrance and effluent treatment system.

06/548 Permission GRANTED modifications to as constructed 2 storey dwelling as previous planning ref. 03/1055; the modifications include (a) increase in floor area by 106.6m (b) revised elevations (c) construction of detached garage (d) removal of roadside boundary.

c. Assessment

The question posed under the Section 5 Declaration application form is whether the change of use from residential to provide a residential care facility for children at risk, including those with learning difficulties is development and is or is not exempted development.

i. “Is or is not Development”

It is considered that the above listed proposal constitutes a material change of use and “development” as understood by the Planning and Development Act 2000, as amended.

ii. “Is or is not Exempted Development”

There is an exemption under Class 14(f) of Part 1 of Schedule 2 Planning & Development Regulations 2001, as amended for development consisting of a change of use:

from use as a house, to use as a residence for persons with an intellectual or physical disability or mental illness and persons providing care for such persons.

This exemption is subject to the following limitation:

The number of persons with an intellectual or physical disability or a mental illness living in any such residence shall not exceed 6 and the number of resident carers shall not exceed 2.

The details provided with the declaration application states:

- The dwelling will be used as a residence for persons with physical, intellectual mental and other disabilities. The number of persons for such residence and carers been outlined in the application – 6 persons and 2 carers.

On the basis of the above I am satisfied that the proposed change of use of the dwelling falls under the exemption provided under Class 14 (f) of Part 1 of Schedule 2 Planning & Development Regulations 2001, as amended.

iii. Restrictions under Article 9 and Article 10

I note no restriction that would apply under Article 9.

iv. Requirement for Appropriate Assessment (AA) and Environmental Impact Assessment (EIA)

AA

The proposal has been assessed having regard to the requirements of the EU Habitats Directive. The proposal has been screened as to the requirements for AA and the screening assessment considers that the proposal does not impact on any Natura 2000 site. See also Appropriate Assessment (AA) screening report attached as Appendix 1.

EIA

The proposed development has been subject to a pre-screening (Appendix 2) to determine the requirement for EIA. EIA is not required in respect of the development.

4. RECOMMENDATION

WHEREAS a question has arisen as to whether the change of use from residential to provide a residential care facility for children at risk, including those with learning difficulties at Knocknagow, Ballintemple, Dundrum, Co. Tipperary constitutes “development” and “exempted development”

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

- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended
- (b) Article 6 and 9 of the Planning and Development Regulations 2001, as amended.
- (c) Class 14(f) of Schedule 2, Part 1 of the Planning and Development Regulations 2001, as amended.

AND WHEREAS Tipperary County Council has concluded that –

The change of use from residential to provide a residential care facility for children at risk, including those with learning difficulties at Knocknagow, Ballintemple, Dundrum, Co. Tipperary is development as defined under the Planning and Development Act 2000, as amended, and does satisfy the planning exemption under Class 14(f), 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 change of use from residential to provide a residential care facility for children at risk, including those with learning difficulties at Knocknagow, Ballintemple, Dundrum, Co. Tipperary constitutes “development” within the meaning of the Planning and Development Act 2000, as amended and is “exempted development”.

District Planner:



Date: 16/10/2024

Senior Executive Planner:



Date: 18.10.2024

HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT

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

(a) File Reference No:	S5/24/106
(b) Brief description of the project or plan:	Change of use from residential to provide a residential care facility for children at risk, including those with learning difficulties.
(c) Brief description of site characteristics:	Existing dwelling rural
(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
002137 Lower River Suir SAC	https://www.npws.ie/protected-sites/sac/002137	Within 0.5km	None	No
001847 Philipston Marsh SAC	https://www.npws.ie/protected-sites/sac/001847	Within 10km	None	No
004165 Slievefelim To Silvermines Mountains SPA	https://www.npws.ie/protected-sites/spa/004165	Within 15km	None	No

STEP 3. Assessment of Likely Significant Effects

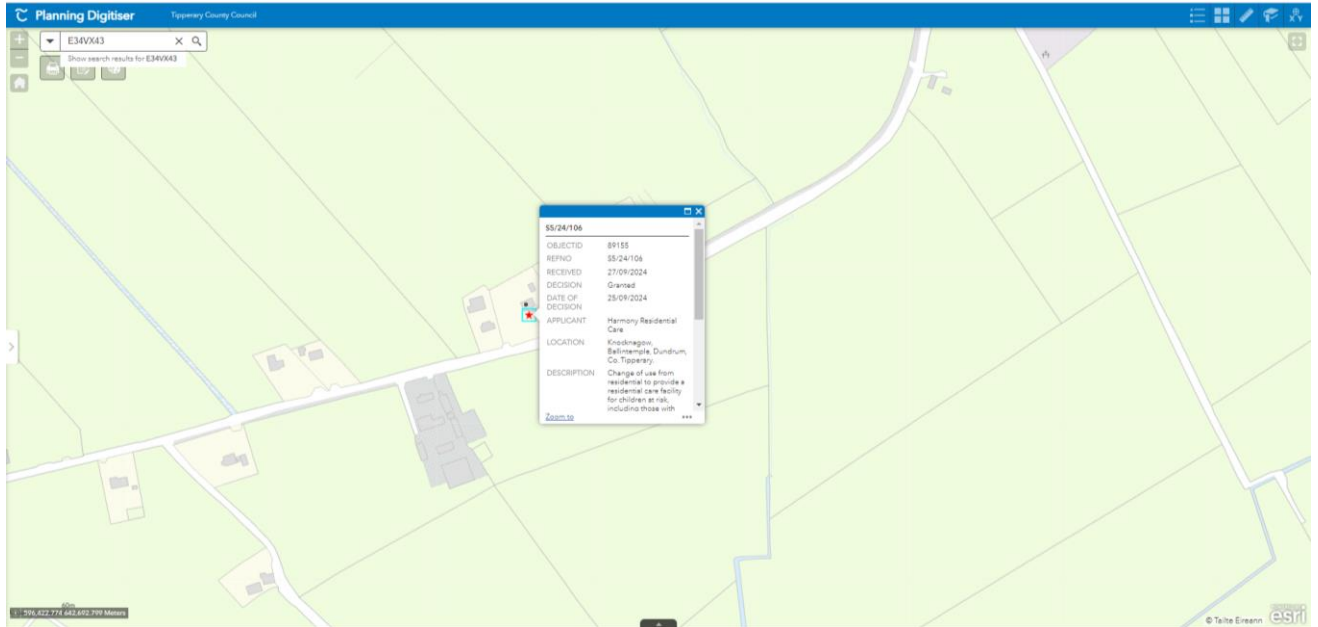
(a) Identify all potential direct and indirect impacts that may have an effect on the conservation objectives of a European site, taking into account the size and scale of the project under the following headings:

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 	No potential for impacts

<ul style="list-style-type: none"> • Lighting disturbance • Impact on groundwater/dewatering • Storage of excavated/construction materials • 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 	No potential for impacts									
In-combination/Other	No potential for impacts									
(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 potential for impacts									
(c) Are 'mitigation' measures necessary to reach a conclusion that likely significant effects can be ruled out at screening?										
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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:										
	<table border="1"> <thead> <tr> <th></th> <th>Tick as Appropriate:</th> <th>Recommendation:</th> </tr> </thead> <tbody> <tr> <td>(i) It is clear that there is no likelihood of significant effects on a European site.</td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td>The proposal can be screened out: Appropriate assessment not required.</td> </tr> <tr> <td>(ii) It is uncertain whether the proposal will have a significant effect on a European site.</td> <td style="text-align: center;"><input type="checkbox"/></td> <td> <input type="checkbox"/> Request further information to complete screening <input type="checkbox"/> Request NIS </td> </tr> </tbody> </table>		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
	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

EIA Pre-Screening	
Establishing a development is a 'sub-threshold development'	
File Reference:	S5/24/106
Development Summary:	Change of use from residential to provide a residential care facility for children at risk, including those with learning difficulties.
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
<input type="checkbox"/> 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 type="checkbox"/> No, Schedule 7A information/screening report has not been submitted by the applicant	Preliminary Examination required





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

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Date: 21st October, 2024

Our Ref: S5/24/106

Civic Offices, Nenagh

**Harmony Residential Care
C/O Niall Hegarty
SM Building Consultancy
Unit 4, 84 Strant Street
Skerries
Co. Dublin
K34 VW93**

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 27th September, 2024, in relation to the following proposed works:

Change of use from residential to provide a residential care facility for children at risk, including those with learning difficulties.

WHEREAS a question has arisen as to whether the proposed development is or is not exempted development:

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

- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended
- (b) Article 6 and 9 of the Planning and Development Regulations 2001, as amended.
- (c) Class 14(f) of Schedule 2, Part 1 of the Planning and Development Regulations 2001, as amended.

AND WHEREAS Tipperary County Council has concluded that –

The change of use from residential to provide a residential care facility for children at risk, including those with learning difficulties at Knocknagow, Ballintemple, Dundrum, Co. Tipperary is development as defined under the Planning and Development Act 2000, as amended, and does satisfy the planning exemption under Class 14(f), 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 change of use from residential to provide a residential care facility for children at risk, including those with learning difficulties at Knocknagow, Ballintemple, Dundrum, Co. Tipperary constitutes “development” within the meaning of the Planning and Development Act 2000, as amended 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 faithfully,

Geraldine Quinn

for **Director of Services**

Original

TIPPERARY COUNTY COUNCIL

DELEGATED EMPLOYEE'S ORDER

File Ref: **S5/24/106**

Delegated Employee's Order No: _____

SUBJECT: Section 5 Declaration

I, Sharon Kennedy, 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. 37256 dated 4th March, 2024, hereby order that pursuant to the provisions of the Planning and Development Act 2000, as amended, that an application under Section 5 from Harmony Residential Care, C/O Niall Hegarty, SM Building Consultancy, Unit 4, 84 Strand Street, Skerries, Co. Dublin, re: Change of use from residential to provide a residential care facility for children at risk, including those with learning difficulties at Knocknagow, Ballintemple, Dundrum, 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 and 4 of the Planning and Development Act, 2000, as amended
- (b) Article 6 and 9 of the Planning and Development Regulations 2001, as amended.
- (c) Class 14(f) of Schedule 2, Part 1 of the Planning and Development Regulations 2001, as amended.

AND WHEREAS Tipperary County Council has concluded that –

The change of use from residential to provide a residential care facility for children at risk, including those with learning difficulties at Knocknagow, Ballintemple, Dundrum, Co. Tipperary is development as defined under the Planning and Development Act 2000, as amended, and does satisfy the planning exemption under Class 14(f), 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 change of use from residential to provide a residential care facility for children at risk, including those with learning difficulties at Knocknagow, Ballintemple, Dundrum, Co. Tipperary constitutes "development" within the meaning of the Planning and Development Act 2000, as amended and is "**exempted development**".

Signed:



Date: 21st October, 2024

Sharon Kennedy

Director of Services

Planning and Development (including Town Centre First),

Emergency Services and Emergency Planning and

Tipperary/Cahir/Cashel Municipal District