



Comhairle Contae Thiobraid Árann
Tipperary County Council

Tipperary County Council
RECEIVED
07 OCT 2024
CASH OFFICE
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Receipt No 185 819
Issued 07 10 2024
€ 80.00 Charge

PLANNING & DEVELOPMENT ACT, 2000 (as amended)

Application for a Section 5 Declaration
Development / Exempted Development

1. Applicant's address/contact details:

<i>Applicant</i>	Bank of Ireland
<i>Address</i>	BOI Group Head Office, Baggott Plaza, 23-33 Upper Baggott Street, Dublin 4, DO4VX58
<i>Telephone No.</i>	01 6615255
<i>E-mail</i>	

2. Agent's (if any) address:

<i>Agent</i>	Deady Gahan Architects Co. Ltd.
<i>Address</i>	Eastgate Village, Little Island, Co.Cork
<i>Telephone No.</i>	021 4355016
<i>E-mail</i>	info@dgarchitects.ie
<i>Please advise where all correspondence in relation to this application is to be sent;</i>	
Applicant [<input type="checkbox"/>] Agent [<input checked="" type="checkbox"/>]	

3. Location of Proposed Development:

<i>Postal Address or Townland or Location (as may best identify the land or structure in question)</i>	Bank Of Ireland, Main Street / Market Place / Mitchell Street, Tipperary Town, Co.Tipperary.
--	--

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.)

See Additional Sheet Attached with Development Details
Proposed floor area of proposed works/uses: 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	B. Occupier
	C. Other X	
<i>Where legal interest is 'Other', please expand further on your interest in the land or structure</i>	Leasehold	
<i>If you are not the legal owner, please state the name and address of the owner</i>	Name: AMERICAN PHAROSH LTD. Address: LEIXLIP CENTRE, LEIXLIP, CO. KILDARE	

Signature of Applicant(s)  / Date: 27.09.2024

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
 - o OSI Site Location Map with the site outlined clearly – 1:1000 in urban areas and 1:2500 in rural areas
 - o Floor Plans & Elevations at a scale of not less than 1:200
 - o Site layout plan indicating position of proposed development relative to premises and adjoining properties
 - o 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.

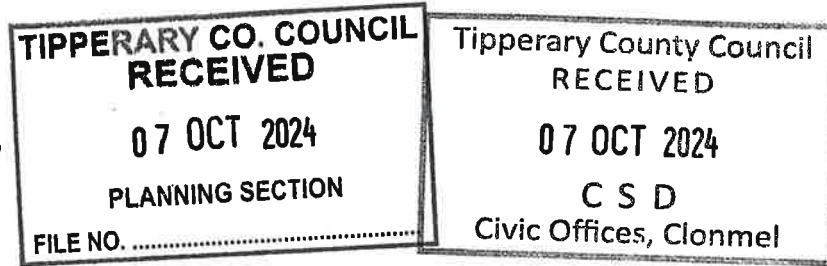
This application form and relevant fee should be submitted to:

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		

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

3rd October 2024

The Sectary,
Planning Section,
Tipperary County Council,
Civic Offices,
Emmet Street,
Clonmel
Co. Tipperary



RE: PERMISSION / DECLARATION OF EXEMPTION FOR A PROPOSED DEFIBRILLATOR UNIT AT BANK OF IRELAND, (a protected structure; Tipperary County Council's Record of Protected Structures (for Towns) Reference 60) AT MAIN STREET / MARKET PLACE / MITCHELL STREET, TIPPERARY TOWN, CO. TIPPERARY.

Dear Sirs,

We would like to take this opportunity to submit a Section 5 Planning Application on behalf of our clients Bank of Ireland for a new defibrillator on the external wall of the bank of Ireland in Tipperary Town.

Bank of Ireland want to roll out a serious of life saving defibrillators throughout the country to give back something to each town they reside in. As part of this roll out they want to request permission / declaration of exemption to install the defibrillator on the external façade of their protected building..

We hope you will look favourable on this application as it would be a big benefit to the community / town without too much disruption to the protected structure.

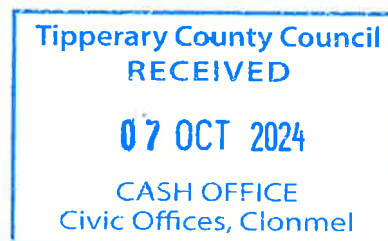
Please find enclosed the following drawings / documentation as part of our application.

1. 2 no. copies of Application Form duly completed with additional description details.
2. 2 no. copies of Architects' Drawings – as listed on our Drawing Issue Sheet.
3. 2 no. copies of John Cronin and Associates Declaration of Exemption Assessment.
4. Application fee of €80.00
5. Details of the proposed Defibrillator
6. Copy of Letter of consent from Building Owner

I hope all of the enclosed are to your satisfaction and should deem this a valid application. Should you have any queries please call me at 021 4355016.

Yours faithfully,

David Deady MRIAI
Deady Gahan Architects



AMERICAN PHAROH LIMITED

The Planning Department
Tipperary County Council
Civic Offices
Clonmel
Co. Tipperary

3rd October 2024

Re: Proposed Erection of a wall-mounted defibrillator on the street elevation to Market Place of Bank of Ireland Bank (a protected structure; Tipperary County Council's Record of Protected Structures (for Towns) Reference 60) Tipperary Town Co. Tipperary

FAO: The Planning Department,

Dear Sir/Madam,

We, American Pharaoh Limited, confirm that we are the owner of the above premises, which is leased by Bank of Ireland. We provide our consent to Bank of Ireland to carry out the works and for the lodging of a planning application in respect of the proposed works described above.

Yours sincerely,



Barry Comer
For American Pharaoh Limited

CRO: 624978

Registered Address: Leixlip Centre, Leixlip, Co Kildare

JOHN CRONIN & ASSOCIATES

ARCHAEOLOGY | CONSERVATION | HERITAGE | PLANNING

Wall-mounted defibrillator, Bank of Ireland, Main Street and Market Place, County Tipperary Declaration of Exemption Assessment

Prepared by

John Cronin BA MRUP MUBC
John Cronin & Associates
3a Westpoint Trade Centre
Ballincollig
County Cork

On behalf of:

Bank of Ireland Group plc
Baggot Plaza
27-33 Upper Baggot Street Upper
Dublin

September 2024

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1. Introduction

Bank of Ireland Group plc are to submit a Declaration of Exemption Application to Tipperary County Council under Section 5 of the Planning and Development Act 2000. It is proposed to install a wall-mounted defibrillator unit to the façade of their branch at Main Street and Market Place, Tipperary, County Tipperary. The bank is a protected structure listed on Tipperary County Council's Record of Protected Structures (RPS) (for Towns) (**RPS Reference 60**).

The defibrillator will be affixed by two screws to a section of modern walling that presents to Market Place and will be powered by a single electrical cable (three small holes will be formed in the elevation). The section of walling to which the unit is to be affixed is a rear extension to the historic bank building; the wall is of concrete construction.

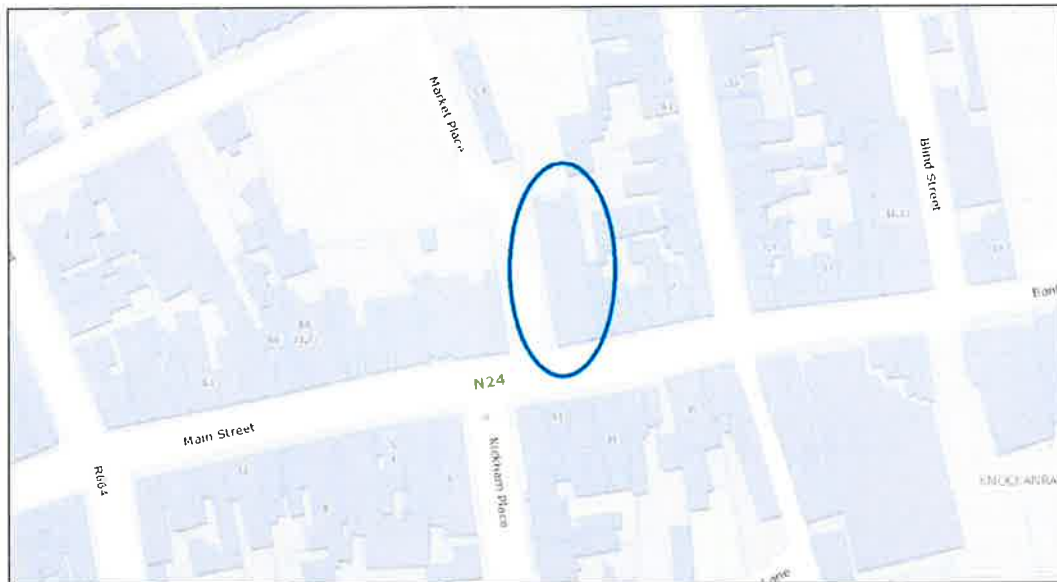


Figure 1: Subject site – Bank of Ireland bank at Main Street, Tipperary - circled in blue. The building, which also presents to Market Place, is a protected structure (Tipperary County Council's Record of Protected Structures (RPS) (for Towns) **RPS Reference 60**).

Particular care has been taken in choosing the location of the defibrillator unit which will be available to be used in emergency situation by members of the general public.

This report, prepared by John Cronin BA MRUP MUBC, should be read in conjunction with drawings prepared by Deady Gahan Architects and submitted with this application.

2. Context

The subject site is located on the corner Main Street with Market Place in the centre of Tipperary town. The bank is a protected structure, and it is located within Tipperary Town's Architectural Conservation Area (ACA).

Legal context

The Planning and Development Act, 2000 (as amended) defines 'Protected Structures' as structures, or parts of structures, which form part of the architectural heritage, and which are of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest. The Planning and Development Act, 2000 (as amended) requires each planning authority to compile and maintain a Record of Protected Structures (RPS). This record is a mechanism for the statutory protection of the architectural heritage and forms part of each planning authority's development plan. The purpose of protection is to manage and control future changes to these structures so that they retain their significant historic character. Works which would materially affect the character of the protected structure require planning permission. In addition, local authorities must provide for the preservation of townscapes etc. through designation of Architectural Conservation Areas (ACAs). Any changes that materially affect the character of a protected structure require planning permission. The bank lies wholly within the Architectural Conservation Area (ACA) designated for the central Main Street area of Tipperary. (see **Figure 2** below).

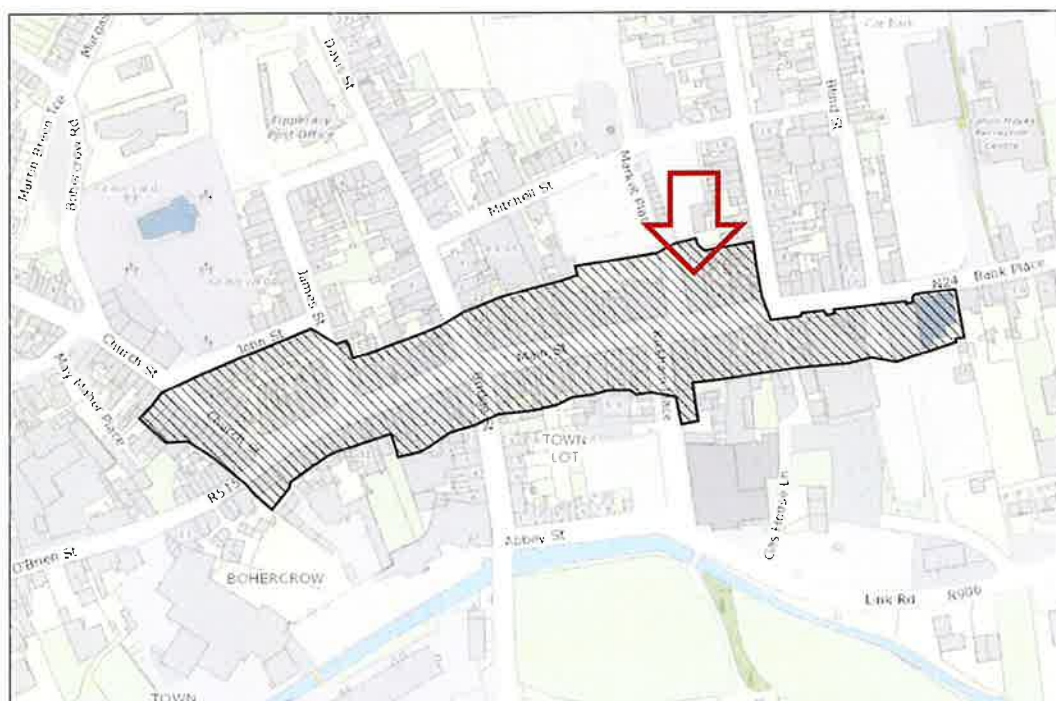


Figure 2: Extent of the Tipperary Town Architectural Conservation Area – the location of the bank is indicated by the red arrow

The bank (formerly National Bank) is also recorded in the National Inventory of Architectural Heritage (NIAH) as being of architectural, artistic and social interest at a *regional* rating (NIAH Reg. No. 22108060).

The NIAH description is as follows:

Corner-sited L-plan four-bay three-storey bank, built c. 1870, with three-storey return and seven-bay single-storey extension to rear. Hipped slate roofs with rendered chimneystacks, moulded eaves course and cast-iron rainwater goods. Arcaded ashlar limestone ground floor with string course acting as continuous sill course to first floor windows and painted rendered walls with dressed limestone quoins to upper floors. Timber sliding sash one-over-one pane windows throughout. Segmental-headed openings to second floor, having bracketed sills to west elevation, and pseudo-three-centered arch openings to first floor. Dressed stone fascia to front elevation. Round-headed openings to ground floor with impost course, recessed window openings and having slightly-projecting dressed limestone doorcases to entrance openings on front and west elevations with canopies, panelled spandrels, carved heads to keystones, and Composite capitals to pilasters. Timber panelled door with timber panel and overlight to front elevation entrance opening, west elevation entrance opening now in use as window with uPVC window and timber apron panel. Coursed channelled rendered west boundary wall with Diocletian windows having wrought-iron window guards and stone sills, and round-headed doorway with pilasters and timber panelled door. Car park to rear.

In appraising the building, the NIAH stated the following:

This imposing structure, on a prominent corner site, is in keeping with its purpose-built function as a branch of the National Bank. Fine craftsmanship is apparent in the high quality stone carving details of the doorcases. The good maintenance and sympathetic extensions all contribute to the retention of this buildings character. Its location, opposite another bank with high quality detailing, is significant.

Historical context

The following description of Tipperary Town (Lewis 1837) provides a general description of the area during the early- to mid-19th century (a number of decades before the bank was built):

The present town is situated on the river Arra, and consists of one principal street, from which several smaller streets branch off at right angles; in 1831 it contained 1042 houses, several of which are well built and of handsome appearance. The inhabitants are supplied with water from a public fountain, erected at the expense of Stafford O'Brien, Esq., who, with the representatives of John Smith Barry, Esq., is joint proprietor of the town; the streets are cleansed under the provisions of the act of the 9th of George IV., under which also it will be watched and lighted. Considerable improvements have been made and are still in progress; many of the old houses have been taken down and new buildings, erected, and the town has a very neat and thriving appearance: a penny post to

Cappaghwhite and Bansha has been established: there are temporary barracks for the accommodation of 100 infantry.

The 1880 survey of Tipperary town (**Figure 3**) shows the subject building as the 'National Bank' on the corner with the gated entrance to the Potato Market. The rear annex of the bank was quite modest at this time.

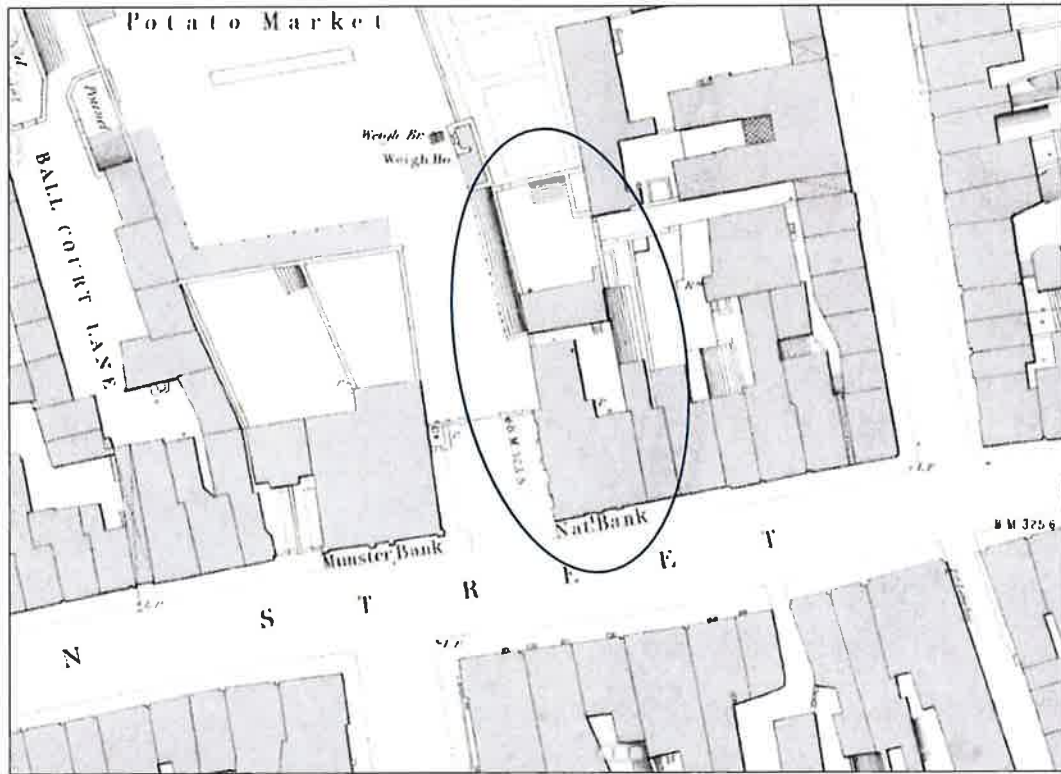


Figure 3: Extract from Ordnance Survey map of 1880 with subject site circled in blue. Rear extension at ground level had a smaller footprint at this time than at present.



Figure 4: Extract from Ordnance Survey 1:2500 (or 25-inch) map surveyed 1904, published 1906

The 2nd Edition Ordnance Survey map of 1906 shown in **Figure 4** (above) also shows a different arrangement of extension to the rear of the building than at present. The rear annex is smaller than the present-day rear banking hall and it appears that a narrow (lean-to?) structure was built up against the rear annex (as it presented to the Market Place).

The present-day single-storey rear annex to Market Place, described by the NIAH as consisting of 'channelled rendered west boundary wall with Diocletian windows having wrought-iron window guards and stone sills' appears to date from the late twentieth-century. Furthermore, as is clear from the photographic survey in the next section, the window guards are painted mild steel, and the sills are cast-concrete (rather than stone).

3. Photographic survey



Plate 1: Principal façade of the protected structure (facing onto Main Street)



Plate 2: Streetscape setting of the protected structure



Plate 3: Market Place (western) elevation of the protected structure



Plate 4: Eight-bay banking hall extension that presents to Market Place. This is a late twentieth-century addition.

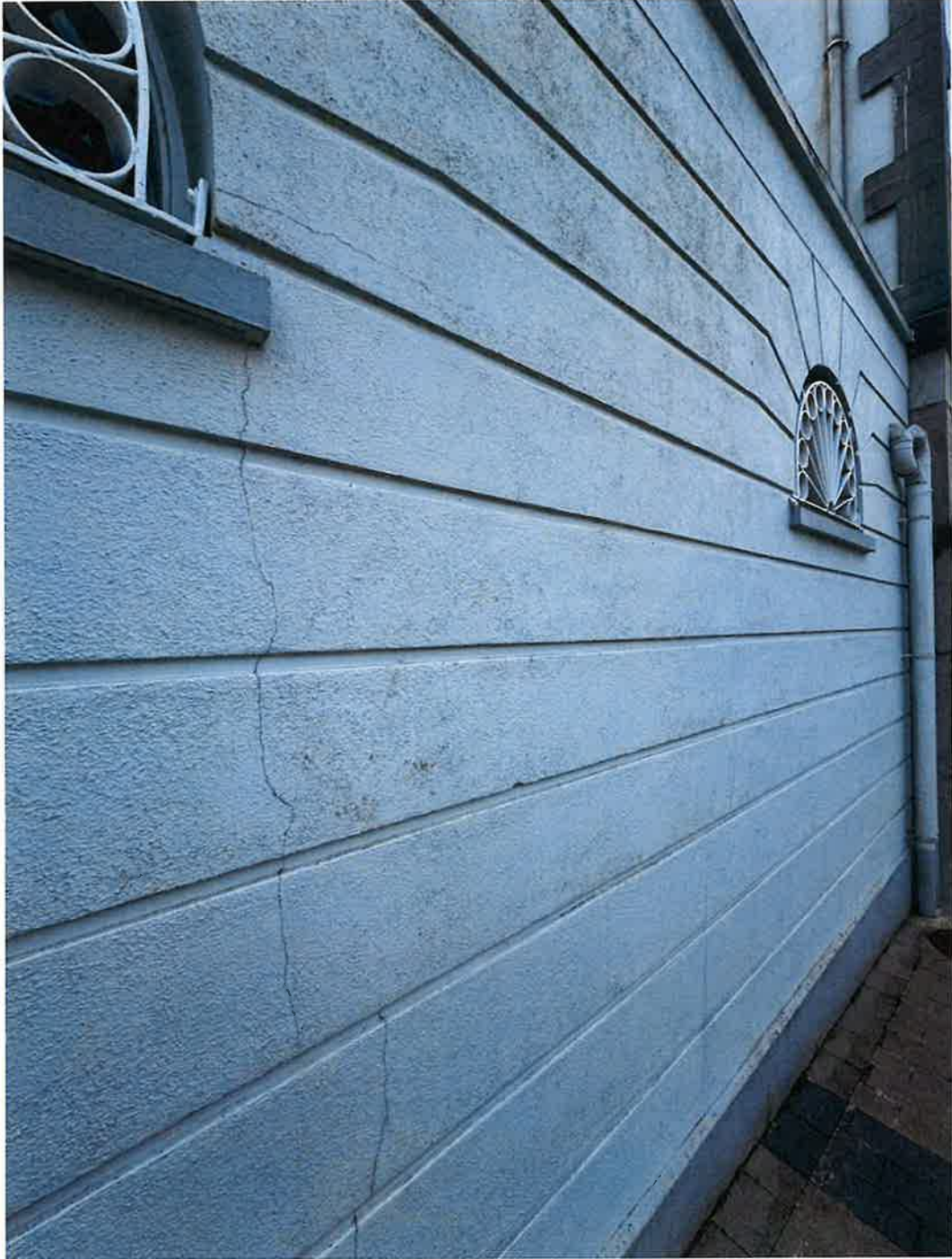


Plate 5: Section of modern walling onto which the defibrillator unit will be installed. The wall is of concrete construction and the horizontal-channels are formed in cement-render. Note the window guards are painted mild steel (rather than 'wrought-iron' as incorrectly described by the NIAH).



Plate 6: Face-on view of the section of walling to which the defibrillator is to be affixed.



Plate 7: View of interior of the rear return of the banking hall – the area is entirely modern and is devoid of fabric of architectural heritage significance.



Plate 8: View of the internal face of wall onto which the defibrillator unit will be affixed.

4. Outline of proposed works

It is proposed to install a wall-mounted defibrillator unit on the side Market Place façade of the rear return of the bank (see **Plates 4, 5 and 6** above). The defibrillator is a small metal box (see example of the proposed defibrillator in **Plate 9** below) that will be affixed by two screws to a section of modern walling that presents to Market Place and will be powered by a single electrical cable (three small holes will be formed in the elevation). The installed unit will cover the drill holes.



Plate 9: Example of the defibrillator to be installed

The section of walling to which the unit is to be affixed is a rear extension to the historic bank building; the wall is of concrete construction and appears to have been constructed in the late twentieth century. The wiring connection within the banking hall will be accommodated within a modern surface finish (see **Plate 8** in preceding chapter).

5. Conclusions

John Cronin and Associates considers the installation of the wall-mounted defibrillator unit will not give rise to negative impacts on the protected structure and the architectural conservation area. The installation of the unit is of community benefit and the location has been chosen to balance (a) a prominent/accessible location and (b) the least significant public elevation of the protected structure. The unit will not disfigure the architectural expression of the protected structure; it will not degrade the streetscape character of the architectural conservation area.

The proposal does not interfere with fabric of heritage significance; the rear extension to the banking hall is quite modern and is devoid of authentic fabric. The alterations to the concrete blockwork wall only consists of three drill holes (two to affix mounting screws and the third to accommodate an electrical cable (to power the unit). The alterations are entirely reversible.

6. References/sources

Lewis, S. (1837) *Topographical Dictionary of Ireland*. 2 Volumes, Lewis & Company, London
Tipperary County Council (2022) *Tipperary County Development Plan 2022- 2028*

Websites

<http://maps.osi.ie/publicviewer/>
www.archaeology.ie
www.tipperarycoco.ie
www.buildingsofireland.ie
<http://catalogue.nli.ie>

Drawing Issue Register: 01



Architects and Planning Consultants
 EastGate Village
 Little Island
 Co.Cork
 Tel:- 021-4355016
 Fax:- 021-4355330
 Email:- info@dgarchitects.ie

Project:
 PROPOSED INSTALLATION OF 1 NO. EXTERNAL
 DEFIBRILLATOR
 AT BANK OF IRELAND MARKET PLACE / MAIN ST.
 TIPPERARY TOWN, CO. TIPPERARY,

Project No.: 14530	Sheet No.: 1 of 1	Scale:	Issued by:	DD						
			Issue Status:	P1						
Drawing Title: PLANNING "P1"			Day	27						
			Month	09						
			Year	26						
			Drg. No.							
SITE LOCATION MAP	10560 @ A3	24140/P/001	P1							
SITE LOCATION MAP	1000 @ A3	24140/P/002	P1							
SITE PLAN	1:500 @ A3	24140/P/003	P1							
PROPOSED FLOOR PLANS	1:150 @ A3	24140/P/004	P1							
PROPOSED ELEVATIONS	1:100, 1:150 @ A3	24140/P/005	P1							
PROPOSED SECTIONS	1:100, 1:150 @ A3	24140/P/006	P1							
APPLICATION FORM			X							
APPLICATION FEE = €80.00			X							
JOHN CRONIN ASSESSMENT REPORT			X							
Proposed Defibrillator Details			X							
Distribution			Number of Copies							
CLIENT – BANK OF IRELAND				E						
TIPPERARY PLANNING DEPT.				2 H						
Email										
CD * or Disk ~										
Hardcopy										

P:- Pricing, PL:- Planning, I:- Information, T:- Tender, O:- Others, C:- Construction, E:- Email

27th September 2024

The Sectary,
Planning Section,
Tipperary County Council,
Civic Offices,
Emmet Street,
Clonmel
Co. Tipperary

RE: PERMISSION / DECLARATION OF EXEMPTION FOR A PROPOSED DEFIBRILLATOR UNIT AT BANK OF IRELAND, (a protected structure; Tipperary County Council's Record of Protected Structures (for Towns) Reference 60) AT MAIN STREET / MARKET PLACE / MITCHELL STREET, TIPPERARY TOWN, CO. TIPPERARY.

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We hope you will look favourable on this application as it would be a big benefit to the community / town without too much disruption to the protected structure.

Please find enclosed the following drawings / documentation as part of our application.

1. 2 no. copies of Application Form duly completed with additional description details.
2. 2 no. copies of Architects' Drawings – as listed on our Drawing Issue Sheet.
3. 2 no. copies of John Cronin and Associates Declaration of Exemption Assessment.
4. Application fee of €80.00
5. Details of the proposed Defibrillator

I hope all of the enclosed are to your satisfaction and should deem this a valid application. Should you have any queries please call me at 021 4355016.

Yours faithfully,

David Deady MRIAI
Deady Gahan Architects

MAP DETAILS

Output Format:
DWG_3D_LEVEL
Output File:
V_02_261772_0000001.DWG
Map Scale:
1:1000

5177-02
REVISION DATE = 14-Feb-2013
ISSUE DATE = 14-Feb-2013
LEVELLED DATE = 31-Dec-1982

Clip Extent:
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LTX,LTY = 58204.635606
URX,URY = 58248.635678

Projection:
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ITM Curve Syst. Co.ord. Info:
XY = 58112,63562

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Area (square feet) approx. 0.000000
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DEADY GAHAN ARCHITECTS
51 ST. PATRICK'S HILL, DUBLIN 8, CO. DUBLIN
TEL: 01 452 4525 FAX: 01 452 4533
info@dadygahan.com

Project Name and Address	Proposed Estimated Date/Stage
At Bank Of Ireland, Tipperary Town, Co. Tipperary	
Issue for Section 5 Planning	17.09.2024
Drawn	DD
Scale	1:1000 @ A4



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GOVERNMENT OF IRELAND

SITE LOCATION MAP
SCALE 1:1000 @ A4

Description of proposed work at Bank of Ireland, Tipperary Town:

RPS Ref. No. 60.

Proposed Erection of a wall-mounted defibrillator on the street elevation to Market Place of Bank of Ireland Bank, Tipperary Town, Co. Tipperary (a protected structure; Tipperary County Council's Record of Protected Structures (for Towns) Reference 60). The defibrillator will be affixed by two screws and powered by a single electrical cable (three small holes will be formed in the elevation). The section of walling to which the unit is to be affixed is a rear extension to the historic bank building; the wall is of concrete construction.



Shop By Category

Home / Shop / Defibrillator / AED/Defibrillator Cabinets / EcoFib Outdoor Heated AED Cabinet with Keypad



o

EcoFib Outdoor Heated AED Cabinet With Keypad

€449.00 (€449.00 inc. vat)

The EcoFib Outdoor Heated defibrillator cabinet with lock is a secure robust outdoor defibrillator storage solution manufactured from Polycarbonate.

For more information [contact us](#)



Next Working Day Delivery on orders placed before 12 noon

- 1 + Add To Cart

[ADD TO WISHLIST](#)

EAN: 2000000704371

SKU: ECOFIB-WLOCK

Categories: [AED/Defibrillator Cabinets](#), [Defibrillator Storage](#)

Tags: [AED Cabinet](#), [Defibrillator Cabinet](#), [EcoFib](#), [Heated AED Cabinet](#), [Heated Defibrillator](#), [Unlocked AED Cabinet](#)



Description

The EcoFib Outdoor Heated defibrillator cabinet with keypad lock is a secure, robust outdoor defibrillator storage solution. The EcoFib is manufactured from Polycarbonate & Polyethylene (the same material as riot shields) and is virtually indestructible. This cabinet is vandal resistant against the majority of implements and it's hi visibility appearance raises its profile in the area, making persons more aware of the existence of your AED.

Technical Features

- Double Insulated Flex, 3 Pin UK Plug, Fused
- Internal Residual Circuit Device (RCD)
- Internal Blue LED Light – 4 Watt
- Digital Temperature Display – 1 Watt
- Heated – 50 Watt (when in use) Below 5 Degrees
- 2 x Internal USB Ports
- 2 x Internal USB Ports Type C
- Door Contact Alarm – Sounds when the Door is Opened (can be deactivated)
- Maximum Power Consumption 55 Watts
- Standby Power Consumption 5 Watts

Superior Strength

Manufactured from Polycarbonate & Polyethylene which is both corrosion and impact resistant.



10 Year Warranty

10 Year Structural Warranty under normal outdoor conditions.

No bolts or screws are used. Internal Door Hinge. Slopped Roof to ensure that rainwater does not pool on top of the cabinet.



Increased Protection

IP66 Certified. This gives superior protection to protect the defibrillator inside



Highly Durable

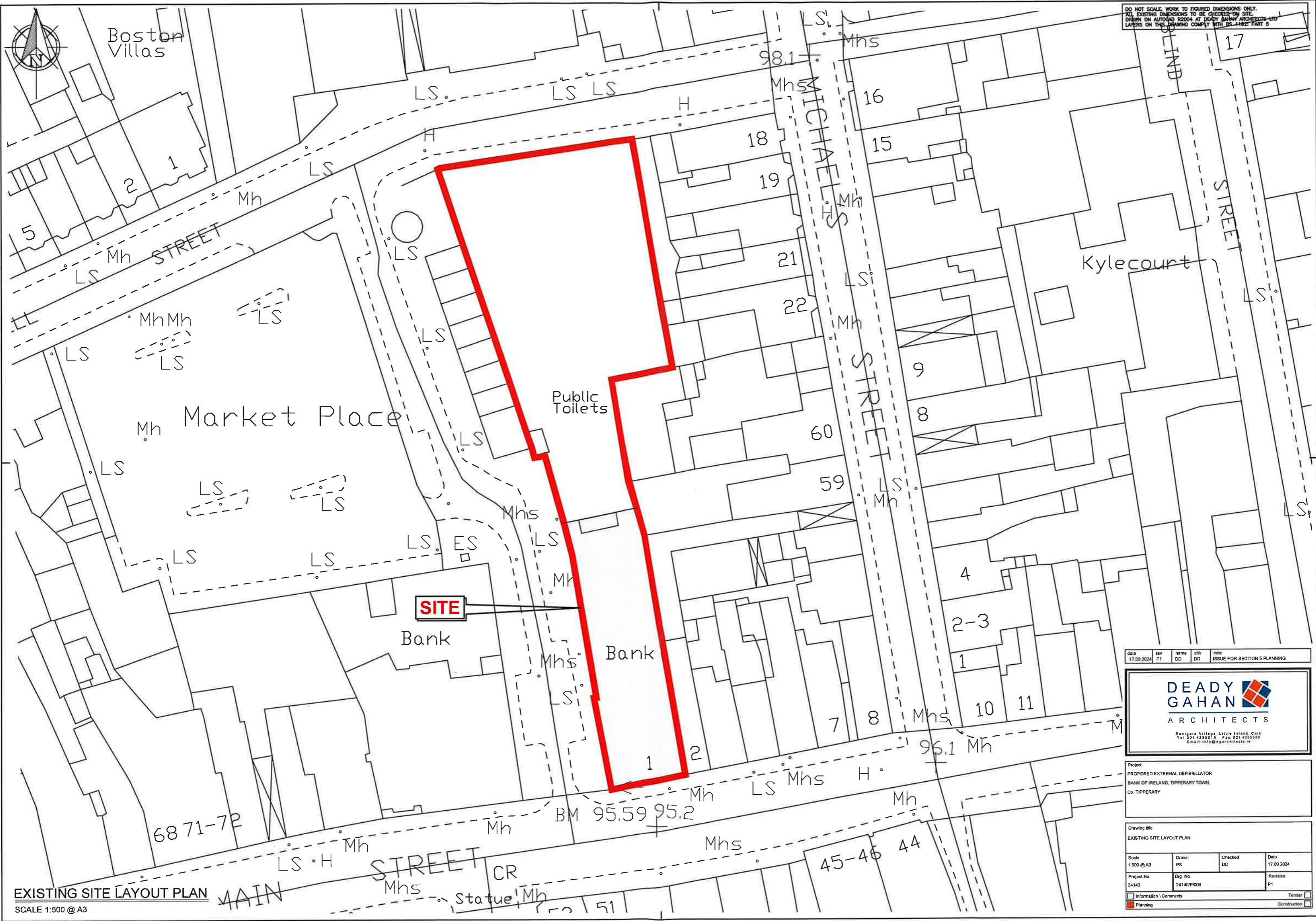
Durable and weatherproof construction giving excellent protection for the defibrillator stored safely inside.



Thermostatically controlled frost protection & full insulation

Highly insulated construction. The heater will not allow the internal temperature to drop below 5 degrees.

DO NOT SCALE. WORK TO FIGURED DIMENSIONS ONLY.
 ALL EXISTING DIMENSIONS TO BE CHECKED ON SITE.
 DRAWN ON AUTOCAD R2004 AT DEADY GAHAN ARCHITECTS LTD
 LAYERS ON THIS DRAWING COMPLY WITH BS-1192 PART 5



EXISTING SITE LAYOUT PLAN
 SCALE 1:500 @ A3

date	rev	name	chk	note
17.09.2024	P1	DD	DD	ISSUE FOR SECTION 5 PLANNING

DEADY GAHAN ARCHITECTS

Enniscorthy Village, Little Island, Cork
 Tel: 021 4355019 Fax: 021 4355330
 Email: info@deadygahan.ie

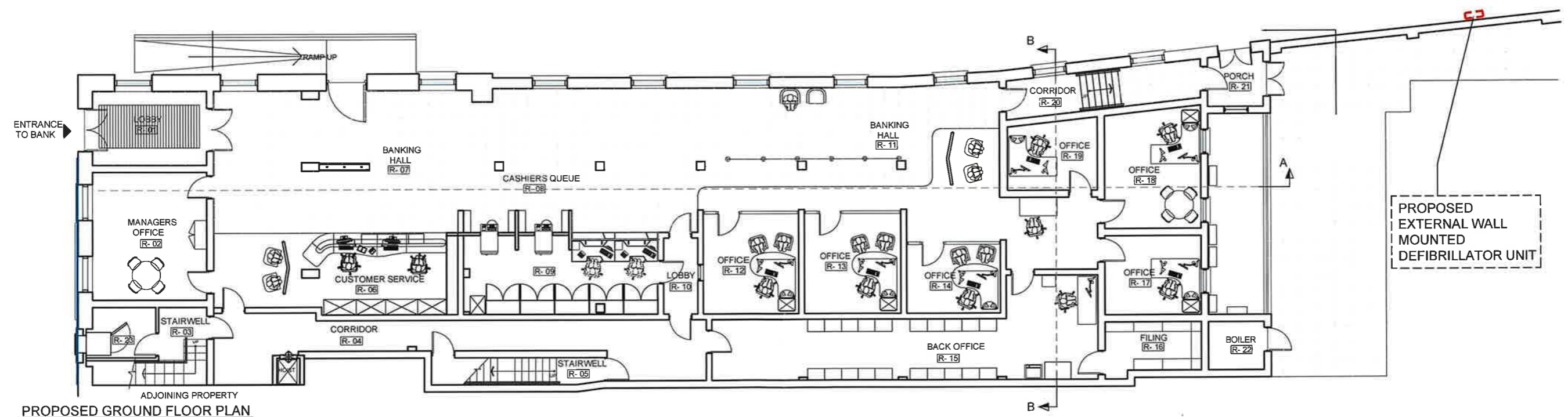
Project
 PROPOSED EXTERNAL DEFIBRILLATOR
 BANK OF IRELAND, TIPPERARY TOWN,
 Co. TIPPERARY

Drawing title
 EXISTING SITE LAYOUT PLAN

Scale	Drawn	Checked	Date
1:500 @ A3	PS	DD	17.09.2024
Project No.	Dwg. No.	Revision	
24140	24140/P003	P1	

Information / Comments
 Planning Tender
 Construction

DO NOT SCALE. WORK TO FIGURED DIMENSIONS ONLY.
 ALL EXISTING DIMENSIONS TO BE CHECKED ON SITE.
 DRAWN ON AUTOCAD R2004 AT DEADY GAHAN ARCHITECTS LTD
 LAYERS ON THIS DRAWING COMPLY WITH BS 1192: PART 5



PROPOSED GROUND FLOOR PLAN
 SCALE 1:150 @ A3

date	rev	name	chk	note
17.09.24	P1	dd	DD	ISSUE FOR SECTION 5 PLANNING

DEADY GAHAN ARCHITECTS

Eastgate Village Little Island, Cork
 Tel: 021 4355514 Fax: 021 4355330
 Email: info@dgaarchitects.ie

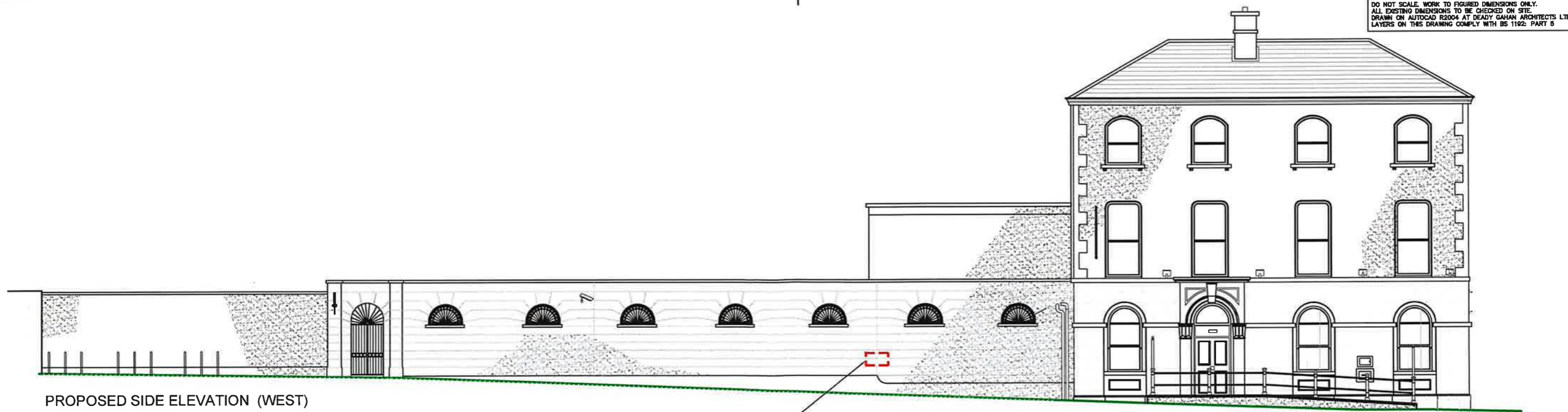
Project
 PROPOSED EXTERNAL DEFIBRILLATOR
 AT BANK OF IRELAND, TIPPERARY TOWN,
 Co. TIPPERARY

Drawing title
 PROPOSED GROUND FLOOR PLAN

Scale 1:150 @ A3	Drawn DD	Checked DD	Date 17.09.2024
Project No. 24140	Dwg No. 24140/P004	Revision P1	

<input type="checkbox"/> Information / Comments	Tender
<input checked="" type="checkbox"/> Planning	Construction

DO NOT SCALE. WORK TO FIGURED DIMENSIONS ONLY.
 ALL EXISTING DIMENSIONS TO BE CHECKED ON SITE.
 DRAWN ON AUTOCAD R2004 AT DEADY GAHAN ARCHITECTS LTD
 LAYERS ON THIS DRAWING COMPLY WITH BS 1192: PART 5



PROPOSED SIDE ELEVATION (WEST)
 TO MARKET PLACE
 SCALE 1:150 @ A3

PROPOSED
 LOCATION OF THE
 EXTERNAL WALL
 MOUNTED
 DEFIBRILLATOR



PROPOSED REAR ELEVATION (NORTH)
 SCALE 1:100 @ A3

PROPOSED
 LOCATION OF THE
 EXTERNAL WALL
 MOUNTED
 DEFIBRILLATOR

PROPOSED FRONT ELEVATION
 (SOUTH) TO MAIN STREET
 SCALE 1:100 @ A3



PICTURE OF PROPOSED DEFIBRILLATOR
 NOT TO SCALE

date	rev	name	chk	note
17.09.24	P1	DD	DD	ISSUE FOR SECTION 5 PLANNING

DEADY GAHAN ARCHITECTS

Eastgate Village, Little Island, Cork
 Tel: 021 4355018 Fax: 021 4355330
 E-mail: info@sgarchitects.ie

Project
 PROPOSED EXTERNAL DEFIBRILLATOR
 AT BANK OF IRELAND, TIPPERARY TOWN,
 Co. TIPPERARY

Drawing title
 PROPOSED ELEVATIONS

Scale	Drawn	Checked	Date
1:100, 1:150 @ A3	DD	DD	17.09.2024
Project No.	Dwg No.	Revision	
24140	24140/P1005	P1	

Information / Comments Tender
 Planning Construction



Comhairle Contae Thiobraid Árann
Tipperary County Council

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

Comhairle Contae
Thiobraid Árann,
Oifigi 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: 8th October 2024 Our Ref: S5/24/113 Civic Offices, Clonmel

**David Deady,
Deady Gahan Architects & Co Ltd.,
Eastgate Village,
Little Island,
Co. Cork.**

Re: Application for a Section 5 Declaration – Proposed defibrillator unit at Bank of Ireland on Main Street/Market Place/Mitchell Street, Tipperary Town, Co. Tipperary.

Dear Mr. Deady,

I acknowledge receipt of your application for a Section 5 Declaration received on the 7th October 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

From: [Butler-Ryan, Lauren](#)
To: [Ryan, Siobhan Anne](#)
Subject: S5/24/113 Section 5 Application Bank of Ireland Tipperary Town
Date: 23 October 2024 13:56:32
Attachments: [image005.png](#)
[24140 P-FI 004.pdf](#)
Importance: High

Hi Siobhan,

Can you upload with email & attachment to S5/24/113 please.

Kind Regards,
Lauren

Lauren Butler-Ryan | District Planner | Planning Section

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

☎ 0818 06 5000 | ✉ [\[Redacted\]](#)



[Redacted]
[Redacted]
[Redacted].ie>
[Redacted]

Subject: [External] FW: S5/24/113 Section 5 Application Bank of Ireland Tipperary Town

Importance: High

CAUTION FROM TIPPERARY COUNTY COUNCIL IT SECTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Lauren,

Thank you for the email and opportunity of making the alteration to the Site Plan error.

Attached please find drawing no. 24140-P-FI-004 Rev F1 Site Plan with the location of the proposed wall mounted defibrillator relocated to the proposed location on the external wall of the building.

I can confirm Bank of Ireland have not made any other Section 5 applications in Ireland to date.

As outlined they want to role these out to all their branches as an acknowledgment of their presents in the towns they service.

If you have any further questions or clarifications please feel free to give me a call.

Regards,

DAVID DEADY MRAI
[Deady Gahan Architects Co Ltd](#)
Eastgate Village,
Little Island,
Co Cork.
Tel 021 4355016
[Redacted]
[www.dgarchitects.ie](#)

Registered in Ireland No -379841
Registered Office - as above
Directors: D.Deady, E. Gahan



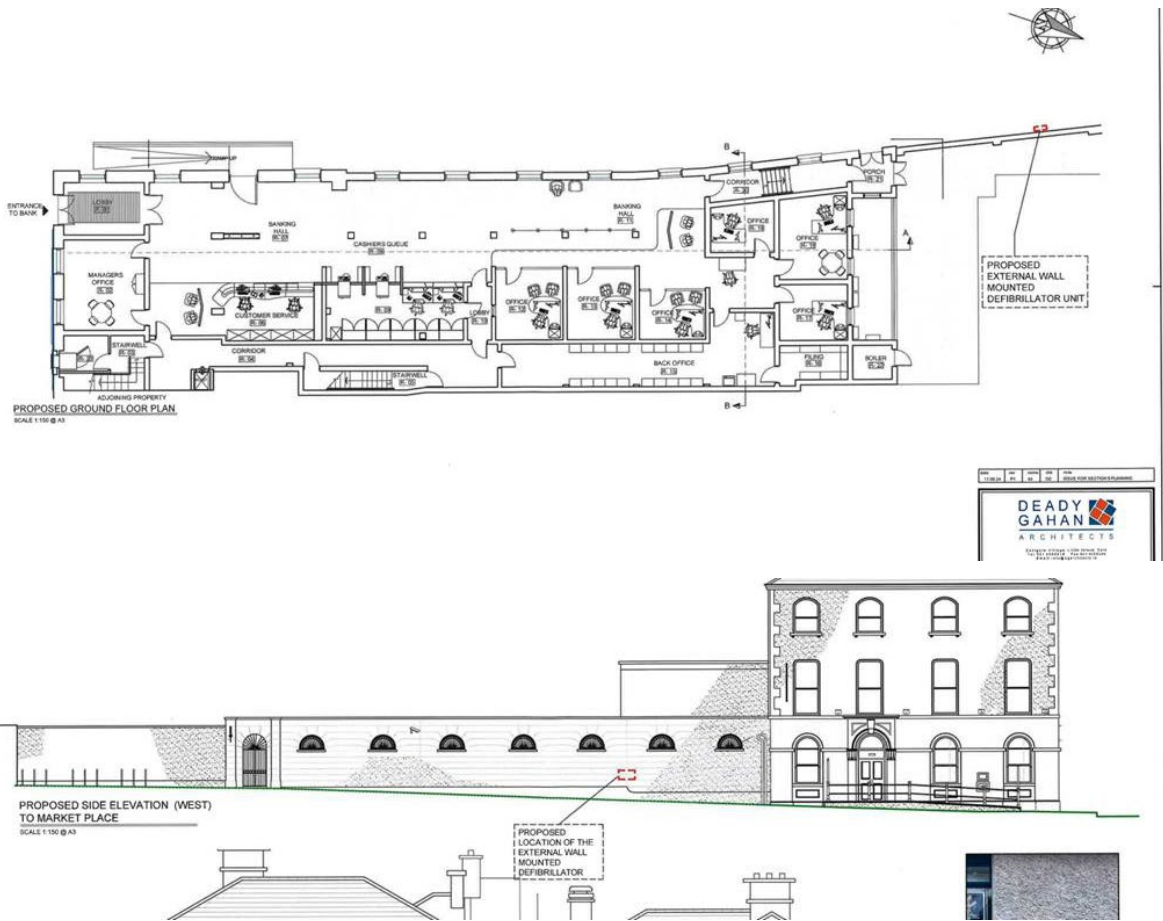
From: Butler-Ryan, Lauren [Redacted]
Sent: Wednesday 23 October 2024 13:29
To: Reception DGA <[\[Redacted\]](#)>
Subject: S5/24/113 Section 5 Application Bank of Ireland Tipperary Town
Importance: High

Dear David,

I hope you are keeping well.

I note you have lodged a Section 5 application on Behalf of BOI in Tipperary Town.

I note that the site layout and elevation do not fully correspond with the proposed location. The site plan shows the box located further north. Can you illustrate the correct location and submit a revised site plan via email.



Can you also confirm if BOI have submitted applications for a similar proposal in other local authorities and if so where?

Kind Regards,
Lauren

[Redacted]

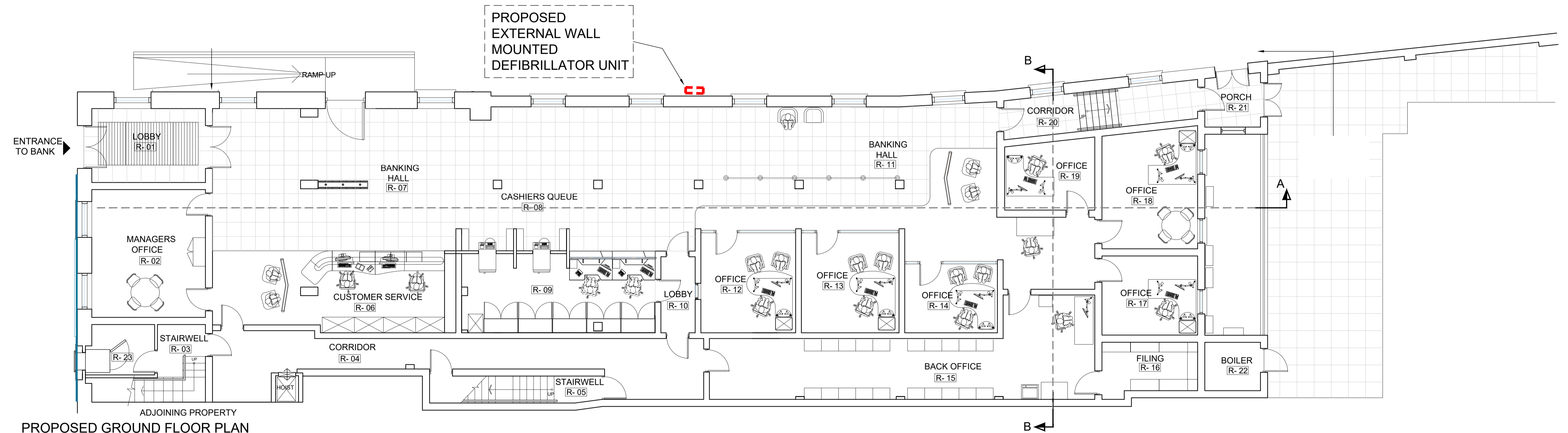
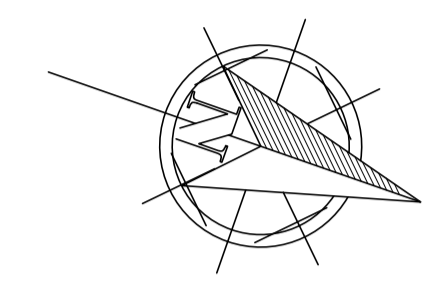
Ryan | District Planner | Planning Section

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

0818 06 5000 | [Redacted] www.tipperarycoco.ie



Tipperary County Council Disclaimer www.tipperarycoco.ie<<http://www.tipperarycoco.ie><<https://scanner.topsec.com/?t=d5c75198641d697569dd0711945be7e022b0bfa&u=http%3A%2F%2Fwww.tipperarycoco.ie&r=show&d=1464>



PROPOSED GROUND FLOOR PLAN
 SCALE 1:150 @ A3

date	rev	name	chk	note
23.10.24	F1	DD	DD	Location of Unit Altered
17.09.24	P1	dd	DD	ISSUE FOR SECTION 5 PLANNING

DEADY GAHAN ARCHITECTS

Eastgate Village, Little Island, Cork
 Tel: 021 4355016 Fax: 021 4355330
 Email: info@dgarchitects.ie

Project
 PROPOSED EXTERNAL DEFIBRILLATOR
 AT BANK OF IRELAND, TIPPERARY TOWN,
 Co. TIPPERARY

Drawing title
 PROPOSED GROUND FLOOR PLAN

Scale 1:150 @ A3	Drawn DD	Checked DD	Date 17.09.2024
Project No. 24140	Dwg. No. 24140/P/004	Revision F1	

Information | Comments Tender
 Planning Construction

Comhairle Chontae Atha Cliath Theas

PR/0542/15

Record of Executive Business and Chief Executive's Order

Register Reference:	ED15/0019
Correspondence Name & Address:	Ciaran Carr Foundation 51, St. John's Park West, Clondalkin, Dublin 22
Development:	Erect an AED (defibrillator) machine in a cabinet on the wall outside the premises of Barnado's.
Location:	Barnardos Shop, Main Street, Clondalkin, Dublin 22.
Applicant:	Ciaran Carr Foundation

Description of Site and Surroundings

The application site comprises a ground floor unit within a two storey parade of shops located on the northern side of Main Street in Clondalkin Town Centre. The unit is currently used as a shop occupied by Barnardos.

Proposal

▪ This is an application requesting a Section 5 Declaration on whether the erection of an AED defibrillator machine (contained within a cabinet) on the front elevation of Barnardos Shop, Main Street Clondalkin is or is not development, and is or is not exempted development.

Relevant Planning History

None found.

Relevant Enforcement History

No relevant enforcement history found.

Pre-Planning Consultation

None found.

Assessment

Consideration as to whether a development constitutes exempted development or not is governed by Sections 4 and 5 of the Planning and Development Act 2000 (as amended)

Is the proposal development?

Section 3(1) of the Planning and Development Act 2000. defines 'development' as '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'. The term 'works' is defined in Section 2(1) of the 2000 Act as '*any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal*'.

The proposed defibrillator machine would be within a cabinet attached to the wall outside of the Barnardo's premises in Main Street Clondalkin, with dimensions 43cm (h). 40cm (w) and 22cm (h). Having regard to the location of the premises within

Comhairle Chontae Atha Cliath Theas

Record of Executive Business and Chief Executive's Order

Clondalkin Village Architectural Conservation Area, it is considered that the proposal would constitute the carrying out of works, and therefore would comprise 'development', as defined in Section 3(1) of the Planning and Development Act 2000.

Is the proposal exempted development?

Consideration as to whether a development constitutes exempted development or not is governed by Sections 4 and 5 of the Planning and Development Act 2000 (as amended) and Article 9 of the Planning and Development Regulations 2001 (as amended).

Planning and Development Act 2000 (As amended)

Section 4 1 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;

Assessment

It is noted that on the application form, the applicant ticked the box to state that the subject property is a Protected Structure. This is in fact not the case – there are no Protected Structures on Main Street, Clondalkin. However, the property is within an Architectural Conservation Area (ACA) and as such, the Conservation Officer was consulted and gave a verbal report indicating that the proposal would not detract from the character of the ACA. This factor, along with the small size and removable nature of the proposed defibrillator machine and cabinet, combine to render the likely visual impact negligible and reversible.

It is therefore considered that the erection of the AED defibrillator machine (contained within a cabinet) on the front elevation of Barnardos Shop, Main Street Clondalkin would not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or neighbouring structures, and as such that it would fall into the category of exempted development under Section 4 1 (h) of the Planning and Development Act, 2000 (as amended), as set out above.

Conclusion

Having regard to the provisions of Section 4 of the Planning and Development Act 2000 (as amended), and Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended), it is considered that the proposed AED defibrillator machine (contained within a cabinet) on the front elevation of Barnardos Shop, Main Street Clondalkin, as detailed in the documentation submitted, is considered to constitute exempted development.

Recommendation

Comhairle Chontae Atha Cliath Theas

Record of Executive Business and Chief Executive's Order

I recommend that the applicant be notified that the proposed development as detailed in the documentation submitted is considered to constitute exempted development.

Siobhan Duff,
Senior Executive Planner

Endorsed: 

 **Breda Fogarty,**
Administrative Officer

ORDER: That the applicant be informed that the proposed development of:

**Erect an AED (defibrillator) machine in a cabinet on the wall
outside the premises of Barnado's at Barnardos Shop, Main Street,
Clondalkin, Dublin 22**

is considered to be exempted development under the Planning and
Development Act 2000 (as amended) and the Planning and
Development Regulations, 2001 (as amended) and therefore **does not**
require planning permission.

Date: 15/6/15


Neil O'Byrne
Senior Planner

Comhairle Chontae Atha Cliath Theas

PR/0542/15

Record of Executive Business and Chief Executive's Order

Register Reference:	ED15/0019
Correspondence Name & Address:	Ciaran Carr Foundation 51, St. John's Park West, Clondalkin, Dublin 22
Development:	Erect an AED (defibrillator) machine in a cabinet on the wall outside the premises of Barnado's.
Location:	Barnardos Shop, Main Street, Clondalkin, Dublin 22.
Applicant:	Ciaran Carr Foundation

Description of Site and Surroundings

The application site comprises a ground floor unit within a two storey parade of shops located on the northern side of Main Street in Clondalkin Town Centre. The unit is currently used as a shop occupied by Barnardos.

Proposal

▪ This is an application requesting a Section 5 Declaration on whether the erection of an AED defibrillator machine (contained within a cabinet) on the front elevation of Barnardos Shop, Main Street Clondalkin is or is not development, and is or is not exempted development.

Relevant Planning History

None found.

Relevant Enforcement History

No relevant enforcement history found.

Pre-Planning Consultation

None found.

Assessment

Consideration as to whether a development constitutes exempted development or not is governed by Sections 4 and 5 of the Planning and Development Act 2000 (as amended)

Is the proposal development?

Section 3(1) of the Planning and Development Act 2000. defines 'development' as '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'. The term 'works' is defined in Section 2(1) of the 2000 Act as '*any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal*'.

The proposed defibrillator machine would be within a cabinet attached to the wall outside of the Barnardo's premises in Main Street Clondalkin, with dimensions 43cm (h). 40cm (w) and 22cm (h). Having regard to the location of the premises within

Comhairle Chontae Atha Cliath Theas

Record of Executive Business and Chief Executive's Order

Clondalkin Village Architectural Conservation Area, it is considered that the proposal would constitute the carrying out of works, and therefore would comprise 'development', as defined in Section 3(1) of the Planning and Development Act 2000.

Is the proposal exempted development?

Consideration as to whether a development constitutes exempted development or not is governed by Sections 4 and 5 of the Planning and Development Act 2000 (as amended) and Article 9 of the Planning and Development Regulations 2001 (as amended).

Planning and Development Act 2000 (As amended)

Section 4 1 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;

Assessment

It is noted that on the application form, the applicant ticked the box to state that the subject property is a Protected Structure. This is in fact not the case – there are no Protected Structures on Main Street, Clondalkin. However, the property is within an Architectural Conservation Area (ACA) and as such, the Conservation Officer was consulted and gave a verbal report indicating that the proposal would not detract from the character of the ACA. This factor, along with the small size and removable nature of the proposed defibrillator machine and cabinet, combine to render the likely visual impact negligible and reversible.

It is therefore considered that the erection of the AED defibrillator machine (contained within a cabinet) on the front elevation of Barnardos Shop, Main Street Clondalkin would not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or neighbouring structures, and as such that it would fall into the category of exempted development under Section 4 1 (h) of the Planning and Development Act, 2000 (as amended), as set out above.

Conclusion

Having regard to the provisions of Section 4 of the Planning and Development Act 2000 (as amended), and Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended), it is considered that the proposed AED defibrillator machine (contained within a cabinet) on the front elevation of Barnardos Shop, Main Street Clondalkin, as detailed in the documentation submitted, is considered to constitute exempted development.

Recommendation

Comhairle Chontae Atha Cliath Theas

Record of Executive Business and Chief Executive's Order

I recommend that the applicant be notified that the proposed development as detailed in the documentation submitted is considered to constitute exempted development.

Siobhan Duff,
Senior Executive Planner

Endorsed: 

 **Breda Fogarty,**
Administrative Officer

ORDER: That the applicant be informed that the proposed development of:

**Erect an AED (defibrillator) machine in a cabinet on the wall
outside the premises of Barnado's at Barnardos Shop, Main Street,
Clondalkin, Dublin 22**

is considered to be exempted development under the Planning and
Development Act 2000 (as amended) and the Planning and
Development Regulations, 2001 (as amended) and therefore **does not**
require planning permission.

Date: 15/6/15


Neil O'Byrne
Senior Planner

From: [Conway, Caroline](#)
To: [Planning Group](#)
Subject: FW: [External] S5/24/113 Section 5 Application Bank of Ireland Tipperary Town
Date: 30 October 2024 15:35:10
Attachments: [image006.png](#)
[image007.png](#)

For scanning to Section 5 24/113 pls

Caroline Conway,
Senior Executive Planner,
Planning Section,
Tipperary County Council

☎ 0818 06 5000 | ✉ [REDACTED] | www.tipperarycoco.ie



From: Dave Deady [REDACTED]
Sent: 25 October 2024 15:46
To: Conway, Caroline [REDACTED]
[REDACTED]
Subject: RE: [External] S5/24/113 Section 5 Application Bank of Ireland Tipperary Town

CAUTION FROM TIPPERARY COUNTY COUNCIL IT SECTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Caroline,

I spoke to my planning consultant and he had these comments below to aid our application and your decision.

1. The defibrillator was not actually part of the Section 5 (the question related to change of use of car park to outdoor drinking area).
2. Notwithstanding this, the inspector offered comment on it anyway and confirmed a view that a defibrillator was exempt in this context. It represents a valid independent view on this issue.

I assume ultimately, the single relevant question here is, does the erection of this piece of equipment “materially affect the affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures, In my opinion they don’t negatively affect the character of the adjoining buildings but I will leave this decision to you.

Happy to discuss further and appreciate your responses on this.

Regards,

DAVID DEADY MRIAI
[Deady Gahan Architects Co Ltd](#)
Eastgate Village,
Little Island,
Co Cork.

[REDACTED]
www.dgarchitects.ie

Registered in Ireland No –379841
Registered Office – as above
Directors: D.Deady, E. Gahan



From: Conway, Caroline [REDACTED]
Sent: 25 October 2024 15:10
To: Dave Deady [REDACTED]
[REDACTED]
Subject: RE: [External] S5/24/113 Section 5 Application Bank of Ireland Tipperary Town

Dave I note that this Section 5 referral was dismissed by ABP. Is there any other precedent that your consultant wishes us to consider?

Caroline Conway,
Senior Executive Planner,
Planning Section,
Tipperary County Council

☎ 0818 06 5000 | ✉ [REDACTED] www.tipperarycoco.ie



From: Dave Deady <[REDACTED]>
Sent: 25 October 2024 14:10
To: Conway, Caroline <[REDACTED]>
Subject: [External] S5/24/113 Section 5 Application Bank of Ireland Tipperary Town

CAUTION FROM TIPPERARY COUNTY COUNCIL IT SECTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Caroline,

As per our discussion this afternoon, please find an extract from the inspectors report on An Bord Pleanala Reference: ABP-314088-22 for your consideration in making a decision on this application

- I do consider that the placement of a defibrillator on the external wall of the building would constitute an alteration to the structure and would constitute works and development. However, I also consider that the placement of the defibrillator on the exterior of the Druids Chair pub, that is located in an architectural conservation area would not materially affect the character of the area and would therefore constitute exempted development by reference to Sections 4(1)(h) and 82(1) of the Planning and Development Act 2000 (as amended).

Happy to discuss further.

Regards,

DAVID DEADY MRAI
Deady Gahan Architects Co Ltd
Eastgate Village,

Little Island,
Co Cork.



www.dgarchitects.ie

Registered in Ireland No -379841
Registered Office – as above
Directors: D.Deady, E. Gahan



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TIPPERARY COUNTY COUNCIL

Application for Declaration under Section 5

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

Planning Reference:	S5/24/113
Applicant:	Bank of Ireland
Development Address:	Market Place/ Main Street, Tipperary Town, Co. Tipperary
Proposed Development:	External defibrillator on the external wall of Bank of Ireland

1. GENERAL

On the 7th October 2024 a request was made for a declaration under Section 5 of the Planning and Development Act, 2000 as amended by Bank of Ireland c/o Deady Gahan Architects Co. Ltd in respect of the following development at Main Street Market Place, Tipperary Town, Co. Tipperary

The development details listed in the application are as follows;

- External defibrillator on the external wall of Bank of Ireland
- Copy of Defibrillator brochures
- Reports on historic context of building
- Site Location Maps
- Site layout plans (and as received 23/10/2024)
- Elevations

The agent submitted unsolicited Further Information on the 23rd October (revised site plan showing location of defibrillator) and on the 25th October (reference to ABP-314088-22 which is cited as a precedent).

The building is a Protected Structure (RPS: 60) and within the Architectural Conservation Area as contained within the Tipperary Town and Environs Development Plan 2013 as varied and listed on the National Inventory of Architectural Heritage (NIAH) under reference 22102005.



Figure 1 Google Street View 2019

2. STATUTORY PROVISIONS

The following statutory provisions are relevant to this case;

Planning and Development Act 2000, as amended

The Planning and Development Act 2000, as amended (hereafter referred to as the Act), states as follows:-

Section 3(1)

“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) includes the following definitions:-

“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.

“alteration” includes—

(a) plastering or painting or the removal of plaster or stucco, or

(b) the replacement of a door, window or roof,

that materially alters the external appearance of a structure so as to render the appearance inconsistent with the character of the structure or neighbouring structures;

Section 4(1)(h) states as follows:-

*(4)(1)(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) states as follows:-

(2)(a) 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) states as follows:-

4 (4) 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.

Section 57 states as follows:-

Works affecting character of protected structures or proposed protected structures

57. (1) Notwithstanding section 4(1)(a), (h), (i), (ia), (j), (k), or (l) and any regulations made under section 4(2), the carrying out of works to a protected structure, or a proposed protected structure, shall be exempted development only if those works would not materially affect the character of—

(a) the structure, or

(b) any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest.

Section 82 states as follows:-

Architectural Conservation Areas

82(1) Notwithstanding paragraph (a), (h), (i), (ia), (j), (k) or (l) of section 4(1), or any regulations made under section 4(2), the carrying out of works to the exterior of a structure located in an architectural conservation area shall be exempted development only if those works would not materially affect the character of the area.

Planning and Development Regulations 2001, as amended

I have reviewed the Planning and Development Regulations 2001, as amended, and I note no stated exemptions which refer to defibrillators.

3. ASSESSMENT

a. Site Location

The site comprises of 3 storey Bank of Ireland building within the settlement of Tipperary Town. The building is a Protected Structure (RPS:60) as contained within the Tipperary Town & Environs Development Plan 2013 as varied and listed on the National Inventory of Architectural Heritage (NIAH) under reference 22108060.

b. Relevant Planning History

None relevant.

c. Precedent cases

The applicant has referred to An Bord Pleanála Reference: ABP-314088-22 which includes the following paragraph in the inspectors report;

- I do consider that the placement of a defibrillator on the external wall of the building would constitute an alteration to the structure and would constitute works and development. However, I also consider that the placement of the defibrillator on the exterior of the Druids Chair pub, that is located in an architectural conservation area would not materially affect the character of the area and would therefore constitute exempted development by reference to Sections 4(1)(h) and 82(1) of the Planning and Development Act 2000 (as amended).

This Section 5 referral was dismissed by the Board and it is not considered to set a precedent.

d. Assessment

The question posed under the Section 5 Declaration application is whether the erection of an external defibrillator on the external wall of Bank of Ireland (Protected Structure) is development and is exempted development.

i) "Is or is not Development"

It is considered that the above listed proposal constitutes "works" as understood by the Planning and Development Act 2000, as amended. The above listed proposal therefore

constitutes “development” within the meaning of the Planning and Development Act 2000, as amended.

ii) “Is or is not Exempted Development”

There is no specific class of exemption under Part 1, 2 or 3 of the Schedule 2 of the Planning and Development Regulations 2001, as amended, relating to this type of apparatus.

Section 4(1)h of the Act also needs to be considered. I do not consider that the installation of the defibrillator is for the maintenance or improvement of the structure. Similarly, having regard to the definition of “alteration” as set out under the Act I do not consider that the defibrillator can be considered as an alteration. Therefore, the defibrillator cannot avail of an exemption under Section 4(1)(h). I note no other exemption that the proposal can avail of.

Restriction on any exemption by virtue of Protected Structure and ACA

In the interest of completeness, the proposal was assessed by the Architectural Conservation Officer (Mr, Eamonn Hunter) on 23/10/2024 and it was advised that any available exemption would not be limited by Section 57(1) of the Act, as the said works would not materially affect the character of the Protected Structure. The works only require 3 screws and would not have determinantal impact on historical fabric.

Section 82(1) of the Act also requires consideration in respect of the location of the proposal in an ACA. It provides that the carrying out of works to the exterior of a structure located in an ACA shall be exempted development only if these works would not materially affect the character of the area. I am satisfied noting the small scale of the apparatus in an inconspicuous location and away from the front facade of the building will not impact negatively on the building or the wider ACA.

iii) Restrictions under Article 9

Not relevant as the proposal is not exempt.

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

Section 4(4) of the Act sets out that development shall not be exempted development if an environmental impact assessment or an appropriate assessment of the development is required.

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 preliminary examination to determine the requirement for EIA. EIA is not required in respect of the development. See also for Environmental Impact Assessment (EIA) preliminary examination screening report attached as Appendix 2.

4. RECOMMENDATION

WHEREAS a question has arisen as to whether the external defibrillator on the external wall of Bank of Ireland at Market Place/ Main Street, Tipperary Town Co. Tipperary constitutes “development” and “exempted development”

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

-
- (a) Sections 2, 3, 4, 57 and 82 of the Planning and Development Act, 2000, as amended

AND WHEREAS Tipperary County Council has concluded that –

An external defibrillator on the external wall of Bank of Ireland at Market Place/ Main Street, Tipperary Town Co. Tipperary Co. Tipperary is development as defined under the Planning and Development Act 2000, as amended, and is **NOT exempted development** as it does not avail of any stated exemptions under the Planning and Development Act 2000, as amended, or 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 external defibrillator on the external wall of Bank of Ireland at Market Place/ Main Street, Tipperary Town, Co. Tipperary constitutes “development” within the meaning of the Planning and Development Act 2000, as amended and is **NOT “exempted development”**.

District Planner:



Date: 23/10/2024

Senior Executive Planner:



Date: 30.10.2024

HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT

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

(a) File Reference No:	S5/24/113
(b) Brief description of the project or plan:	Market place/ Main Street, Tipperary Town, Co. Tipperary
(c) Brief description of site characteristics:	Existing building in Urban serviced area
(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	https://www.npws.ie/protected-sites/sac/002137	Within 10km	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 • Access to site • Pests 	No potential impacts.
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 	No potential impacts.

<ul style="list-style-type: none"> Physical presence of structures (e.g. collision risks) Potential for accidents or incidents 	
In-combination/Other	No potential impacts.
(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 	No potential 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 .Works relate to the building only.

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:	Lauren Butler-Ryan	Date:	23/10/2024
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EIA Pre-Screening
Establishing a development is a 'sub-threshold development'

File Reference: S5/24/113

Development Summary: Existing building in Urban serviced area

Was a Screening Determination carried out under Section 176A-C?

Yes, no further action required

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)

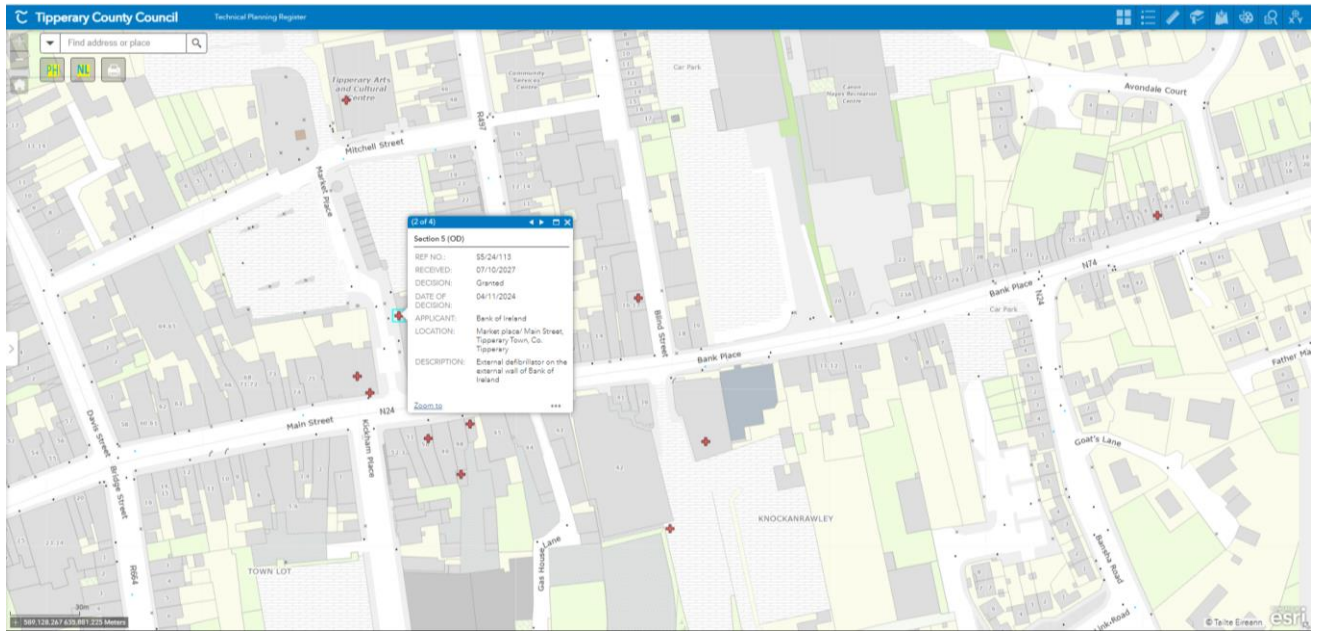
<input type="checkbox"/> Yes, specify class _____	EIA is mandatory
	No Screening required
<input checked="" type="checkbox"/> No	Proceed to Part B

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,
Oifigi Cathartha,
Cluain Meala,
Co. Thiobraid Árann

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

E91 N512

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Date: 31st October, 2024

Our Ref: S5/24/113

Civic Offices, Nenagh

**Bank of Ireland
C/O Deady Gahan Architects Co. Ltd
Eastgate Village
Little Island
Co. Cork**

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

Dear Mr Deady,

I refer to your application for a Section 5 Declaration received on 7th October, 2024, in relation to the following proposed works:

External defibrillator on the external wall of Bank of Ireland at Market Place/ Main Street, Tipperary Town, Co. Tipperary.

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, 4, 57 and 82 of the Planning and Development Act, 2000, as amended

AND WHEREAS Tipperary County Council has concluded that –

An external defibrillator on the external wall of Bank of Ireland at Market Place/ Main Street, Tipperary Town Co. Tipperary Co. Tipperary is development as defined under the Planning and Development Act 2000, as amended, and is **NOT exempted development** as it does not avail of any stated exemptions under the Planning and Development Act 2000, as amended, or 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 external defibrillator on the external wall of Bank of Ireland at Market Place/ Main Street, Tipperary Town, Co. Tipperary constitutes "development" within the meaning of the Planning and Development Act 2000, as amended and is **NOT "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

Geraldine Quinn

for **Director of Services**

Original

TIPPERARY COUNTY COUNCIL

DELEGATED EMPLOYEE'S ORDER

File Ref: **S5/24/113** **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 Bank of Ireland c/o Deady Gahan Architects & Co Ltd., Eastgate Village, Little Island, Co. Cork, re: External defibrillator on the external wall at Bank of Ireland, Market Place/Main Street, Tipperary Town Co. Tipperary is development and is **Not exempted development**.

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

- a) Sections 2, 3, 4, 57 and 82 of the Planning and Development Act, 2000, as amended

AND WHEREAS Tipperary County Council has concluded that –

An external defibrillator on the external wall of Bank of Ireland at Market Place/ Main Street, Tipperary Town Co. Tipperary Co. Tipperary is development as defined under the Planning and Development Act 2000, as amended, and is **NOT exempted development** as it does not avail of any stated exemptions under the Planning and Development Act 2000, as amended, or 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 external defibrillator on the external wall of Bank of Ireland at Market Place/ Main Street, Tipperary Town, Co. Tipperary constitutes "development" within the meaning of the Planning and Development Act 2000, as amended and is **NOT "exempted development"**.

Signed:



Sharon Kennedy

Director of Services

Planning and Development (including Town Centre First),

Emergency Services and Emergency Planning and

Tipperary/Cahir/Cashel Municipal District

Date: 31/10/2024