



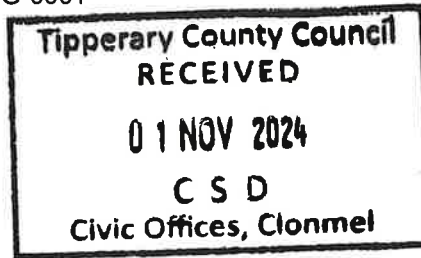
PM Group
 Kearney House
 Belgard Square
 Dublin D24 XFW2
 Ireland

T +353 1 404 0700
 E dublin@pmgroup-global.com
 W www.pmgroup-global.com

Our Reference: IE0313447-48-REG-0001

24/10/2024

Planning Department
 Tipperary County Council,
 Civic Offices,
 Clonmel,
 Co Tipperary



International Office Network

Belgium	Poland
China	Singapore
Germany	Switzerland
India	UK
Ireland	USA

Re: Section 5 / Exempted Development

A Chara,

Please find enclosed a Section 5 in relation to the installation of a permanent generator at the Abbott Ireland site, Cashel Road, Clonmel, Tipperary.

We submit this application to determine if the provision of the proposed generator per the attached drawings is considered exempted development under Section 5 of the Planning and Development Act 2000.

We are of the opinion that the proposed generator and associated site works meet the criteria for exempted development as described under Schedule 2, Class 21 of the Planning and Development Regulations. It is development carried out by an industrial undertaker, comprising the installation of plant or machinery, will not materially alter the external appearance of the premises, and is less than 15m in height.

2 copies of the following documents are enclosed as part of this application.

- Completed Application form.
- IE0313447-48-DR-0001 Site Location Map 1:1000
- IE0313447-48-DR-0002 Site Plan 1:500
- IE0313447-48-DR-0003 Ground Floor Plan, Elevations and Sections 1:100
- Application Fee of €80.00

We would be grateful if you would consider this application under Section 5 and advise formally if the works are exempted from the requirement to seek planning permission.

Please don't hesitate to contact me should you have any queries or require further information to make your assessment.

Yours sincerely,

Barry Macken RIAI RIBA
 PM Group
 Senior Project Architect



Project Management Limited
 /s/ PM Group, is a private company limited
 by shares, registered in Ireland
 Company Registration No. 043789
 Registered Office: Kearney House,
 Belgard Square, Dublin D24 XFW2, Ireland.

Directors B Jennings (Chairperson), A O'Rourke (CEO),
 A Böcker (German), F Barry, R Fennell, J Hampson,
 B Horan, D Kennedy, D Mowlds, A Rayner (British),
 H Ryan, P Ryan, A Schouten (British)

Secretary K Lavelle

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PLANNING & DEVELOPMENT ACT, 2000 (as amended)

Application for a Section 5 Declaration
Development / Exempted Development

1. Applicant's address/contact details:

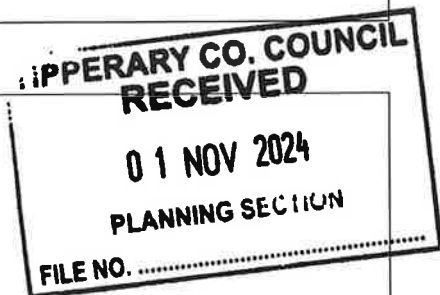
<i>Applicant</i>	Abbott Ireland
<i>Address</i>	Cashel Road, Lawlesstown, Clonmel, Co. Tipperary E91WN82
<i>Telephone No.</i>	(052) 6173000
<i>E-mail</i>	[REDACTED]

2. Agent's (if any) address:

<i>Agent</i>	Barry Macken, Senior Architect, PM Group
<i>Address</i>	Kearney House, Belgard Square, Tallaght, Dublin 24, Ireland
<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 [<input type="checkbox"/>] 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>	Abbott Ireland, Cashel Road, Lawlesstown, Clonmel, Co. Tipperary, E91 WN82
--	---



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 to determine if the provision of the proposed generator per attached drawings below is exempted development under Section 5 of the Planning and Development Act 2000.

Note Based on class 21 exemption the proposed generator is

- Industrial process - plant & machinery installation
- Less than 15m in height
- Is not visible to the public

IE0313447-48-DR-0001 Location Map 1:1000
 IE0313447-48-DR-0002 Site Plan 1:500
 IE0313447-48-DR-0003 Plans & Elevations 1:100
 Fee of €80.00
 Proposed floor area of proposed works/uses: 65.2 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 <input type="checkbox"/>
	C. Other <input type="checkbox"/>	<input type="checkbox"/>
<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) 

Date: 23-10-2024

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

DATE STAMP

Fee Recd. € _____

Receipt No _____

Date _____

Received by _____



Cash Office
Tipperary County Council
Civic Offices
Nenagh
Co Tipperary

=====

24/10/2024 16:24:27

Receipt No : NENAM1/0/123922

PM GROUP
KEARNEY HOUSE
BELGARD SQUARE
TALLAGHT DUBLIN 24

Re: Applicant: Abbots Ireland

SECTION5 EXEMPTION DECLARATION 80
GOODS 80.00
VAT Exempt/Non-vatable

Total . 80.00 EUR

Tendered :
Credit Card 80 00

Change : 0.00

Issued By : MAURA LILLIS
From : TIPP CC NENAGH CASH DESK
Val reg No.3259712MH

TIPPERARY COUNTY COUNCIL
CIVIC OFFICES
LIMERICK ROAD
E45 A099

MERCHANT ID: *****0080
TERMINAL ID: *****8003
DATE: 24/10/2024 TIME: 16:24
BATCH: 000079-021 INVOICE: 019503
RRN: 110005459921 AUTH NO.: 046551
MasterCard SALE
*****0580 *

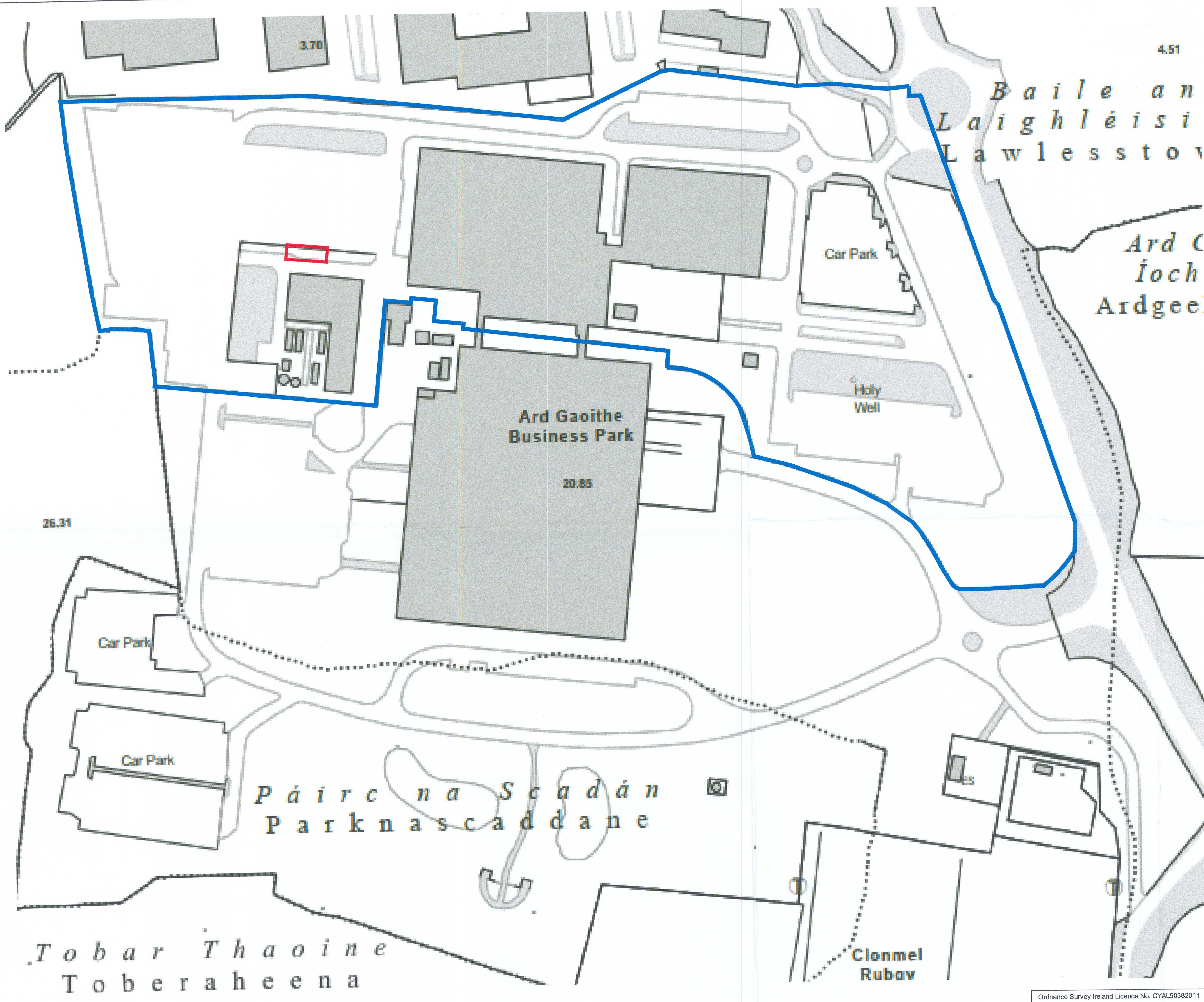
SALE AMOUNT

€80.00

CUSTOMER NOT PRESENT

I agree to pay the above final amount
According to the card/merchants issuer
agreement

CUSTOMER COPY



SITE LOCATION MAP
SCALE 1:1000

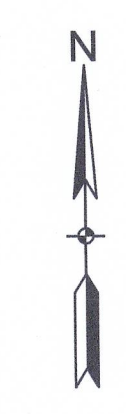
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NOTES

1. ALL DIMENSIONS ARE IN MILLIMETERS.
2. DO NOT SCALE. USE FIGURED DIMENSIONS ONLY.

LEGEND

- DEVELOPMENT AREA BOUNDARY, SUBJECT OF THIS SECTION 5 APPLICATION
- LANDS OWNED OR CONTROLLED BY APPLICANT



FORMAL ISSUE
 20241029.123057 - GRACE.CROTTY

PREPARED BY: PM GROUP
Killakee House, Belgard Square, Tallaght, Dublin 24
ON BEHALF OF: ABBOTT IRELAND

A	SECTION 5	GC	BM	DB	DM	25/10/24
ISSUE	DESCRIPTION	DRN	ORIG	AUTH CHK	APP	DATE



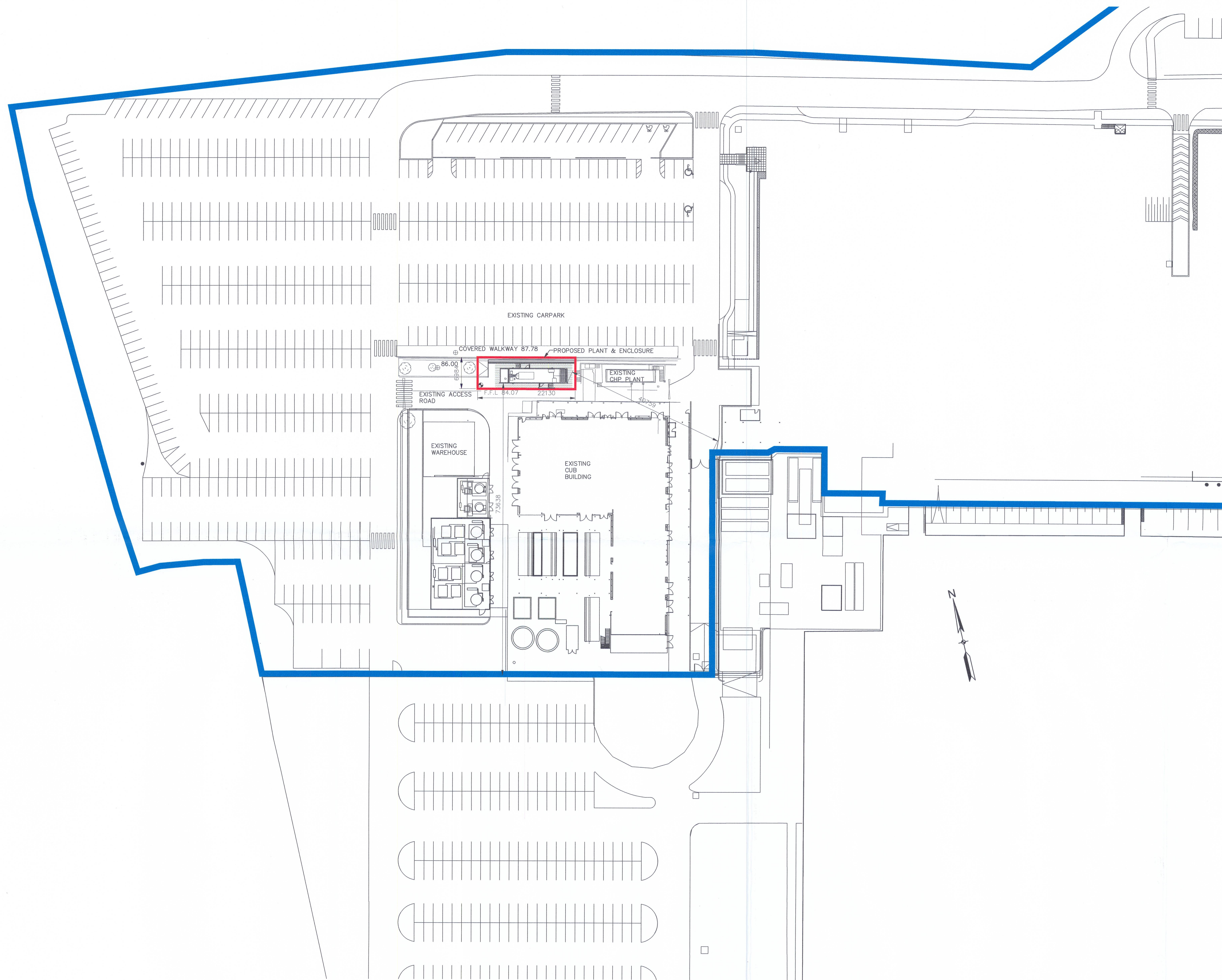
CLIENT ABBOTT



PROJECT BUSINESS CONTINUITY GENERATOR PROJECT

TITLE SITE LOCATION MAP

CLIENT REF.	CLIENT DRG No.
PROJECT No. IE0313447	DRG No. IE0313447-48-DR-0001
A1 SCALE 1:1000	



NOTES

1. ALL DIMENSIONS ARE IN MILLIMETERS.
2. DO NOT SCALE. USE FIGURED DIMENSIONS ONLY.

LEGEND

- DEVELOPMENT AREA BOUNDARY, SUBJECT OF THIS SECTION 5 APPLICATION
- LANDS OWNED OR CONTROLLED BY APPLICANT

FORMAL ISSUE
20241029.123207 - GRACE.GROTTY

PREPARED BY: PM GROUP
Killakee House, Belgard Square, Tallaght, Dublin 24
ON BEHALF OF: ABBOTT IRELAND

ISSUE	DESCRIPTION	DRN	ORIG	AUTH CHK	APP	DATE
A	SECTION 5					25/10/24



CLIENT ABBOTT



PROJECT BUSINESS CONTINUITY GENERATOR PROJECT

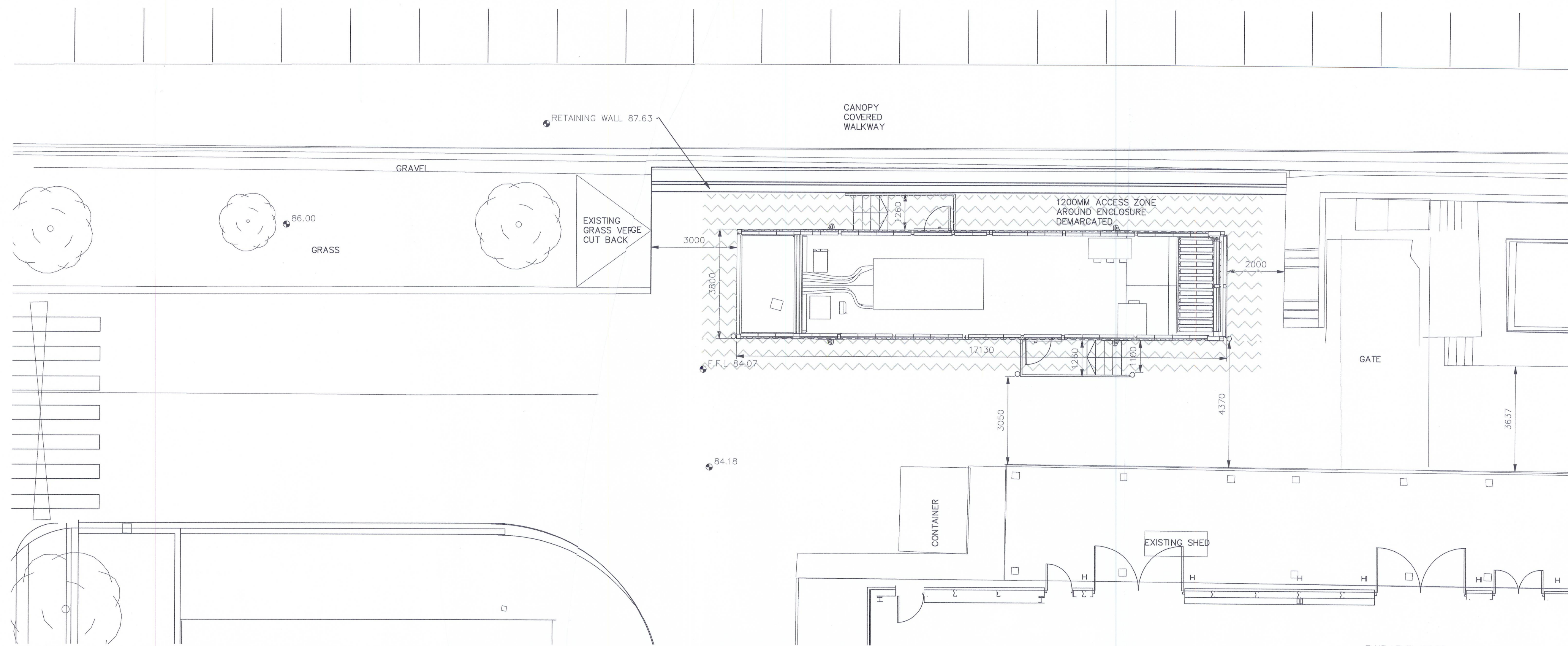
TITLE SITE LAYOUT PLAN

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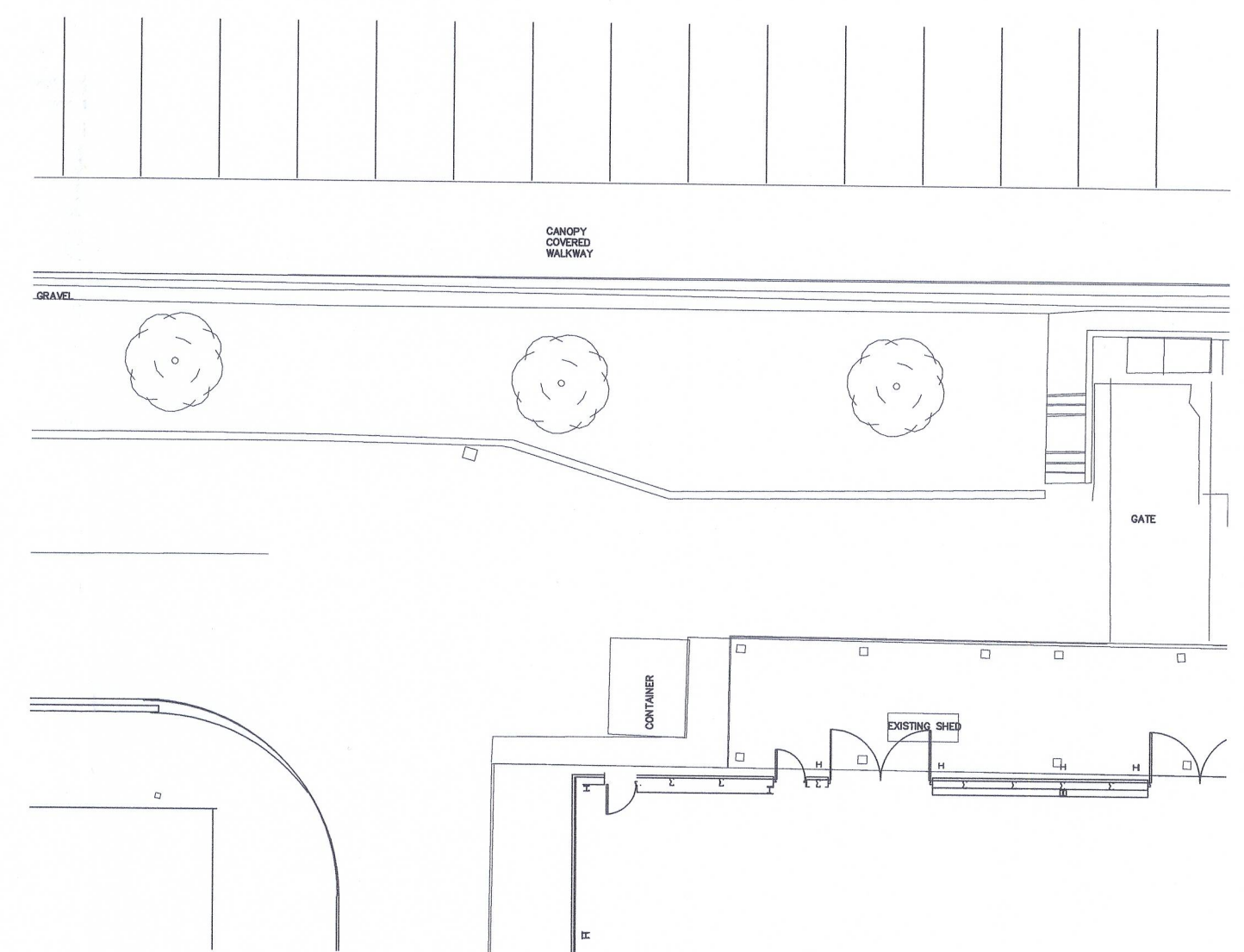


SITE LAYOUT PLAN
SCALE 1:500

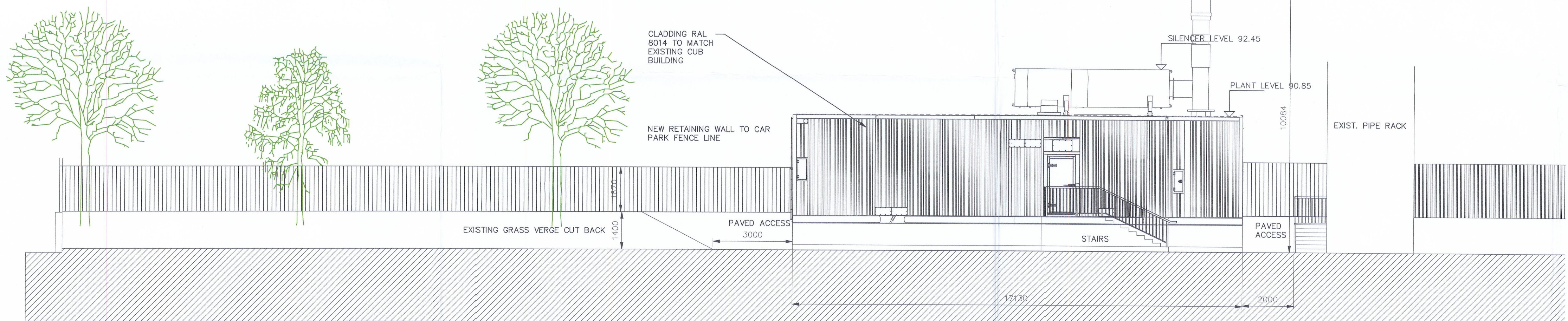
CLIENT REF.	CLIENT DRG No.
PROJECT No. IE0313447	DRG No. IE0313447-48-DR-0002
A1 SCALE 1:500	



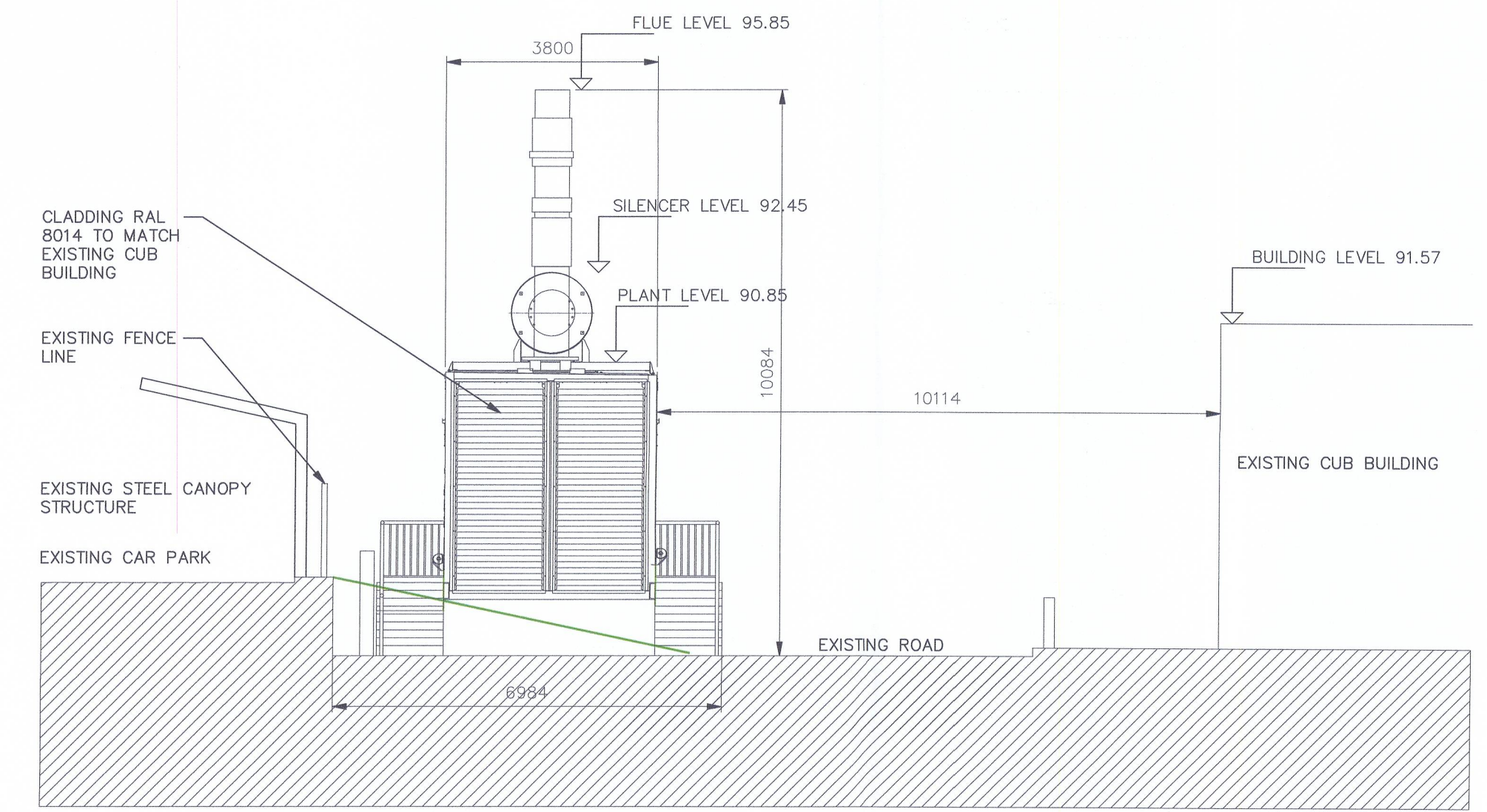
GROUND FLOOR PLAN - PROPOSED PLANT & ENCLOSURE
SCALE 1:100



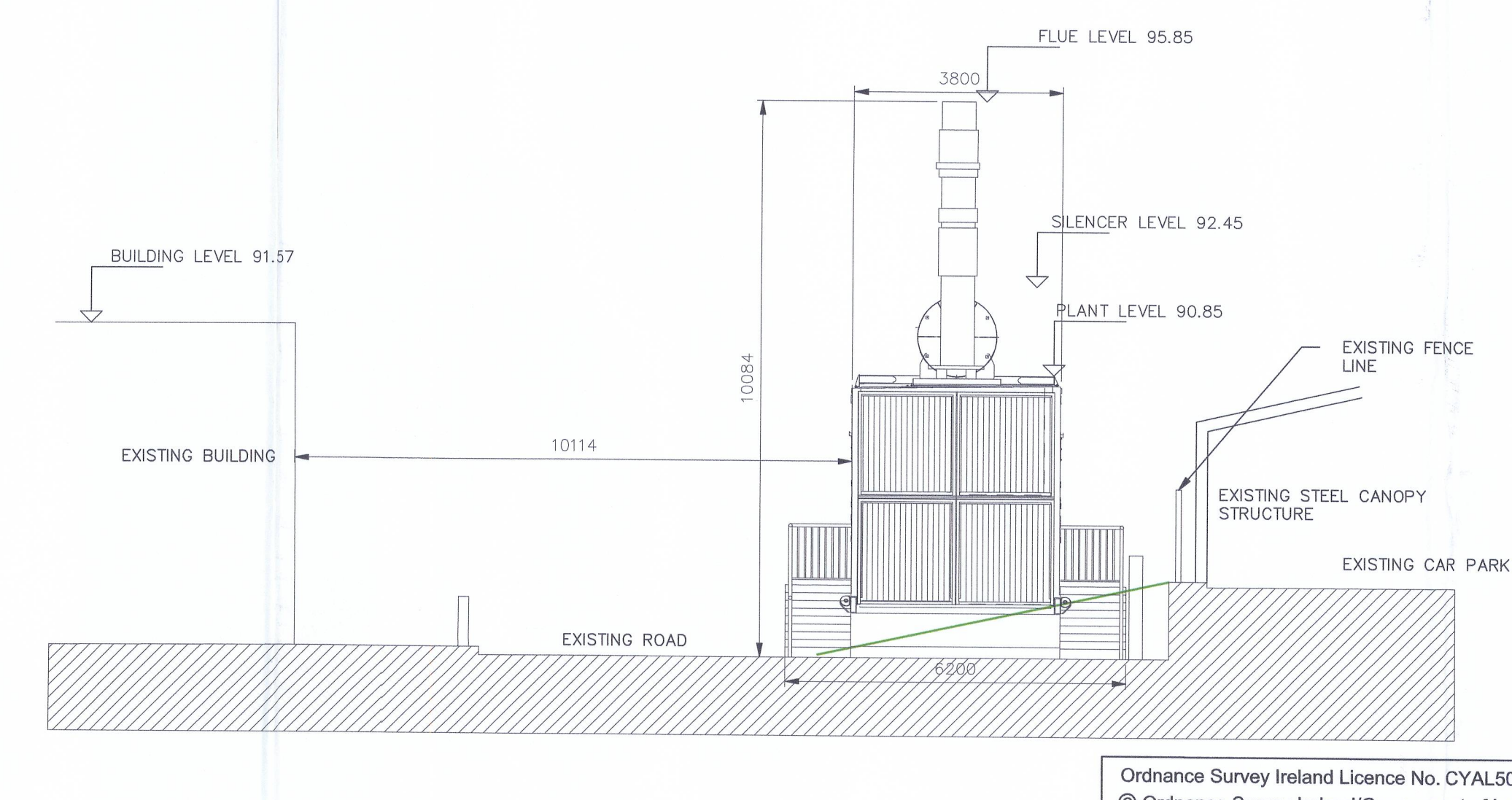
GROUND FLOOR PLAN - EXISTING CONDITION
SCALE 1:200



NORTH ELEVATION - PROPOSED PLANT & ENCLOSURE
SCALE 1:100



WEST ELEVATION - PROPOSED PLANT & ENCLOSURE
SCALE 1:100



EAST ELEVATION - PROPOSED PLANT & ENCLOSURE
SCALE 1:100

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NOTES

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LEGEND



FORMAL ISSUE
20241029.094858 - GRACE.CROTTY

PREPARED BY: PM GROUP
Killakee House, Belgard Square, Tallaght, Dublin 24
ON BEHALF OF: ABBOTT IRELAND

A	SECTION 5	GC	BM	DB	DM	25/10/24
ISSUE	DESCRIPTION	DRN	ORIG	AUTH CHK	APP	DATE

CLIENT
Abbott
A Promise for Life

CLIENT
PM GROUP

PROJECT
BUSINESS CONTINUITY GENERATOR PROJECT

TITLE
PLANS & ELEVATIONS

CLIENT REF.	CLIENT DRG No.
PROJECT No. IE0313447	DRG No. IE0313447-48-DR-0003
A1 SCALE AS SHOWN	



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: 5th November, 2024 Our Ref: S5/24/130 Civic Offices, Clonmel

**Abbott Ireland
C/O Barry Macken
PM Group
Kearney House
Belgard Square
Tallaght
Dublin**

Re: Application for a Section 5 Declaration – Proposed generator that is industrial process, plant & machinery installation, less than 15m in height and is not visible to public.

Dear Mr Macken,

I acknowledge receipt of your application for a Section 5 Declaration received on 1st November, 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**

SCANNED

TIPPERARY COUNTY COUNCIL

Application for Declaration under Section 5

Planning & Development Act 2000, as amended

Planning & Development Regulations 2001, as amended

Planning Ref.: S5/24/130

Applicant: Abbott Ireland

Development Address: Cashel Road, Clonmel, Co. Tipperary

Query: whether the installation of a generator within the facility is development and, if so, is or is not exempt development.

1. GENERAL

On the 1st of November 2024, a request was made for a declaration under Section 5 of the Planning and Development Act, 2000 (as amended) by David Moore, agent, on behalf of Abbott Ireland, as to whether or not the installation of a new generator at Abbott Irelands facility on the Cashel Road, Clonmel, Co. Tipperary, is development and, if so, is or is not exempt development.

2. STATUTORY PROVISIONS

Planning and Development Act, 2000 as amended

According to Section 2(1) of the Planning and Development Act (as amended), the definition of “works” includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal.

“use” in relation to land, does not include the use of the land by the carrying out of any works thereon.

“land” includes any structure and any land covered with water (whether inland or coastal). “structure” as any building, structure, excavation or other thing constructed or made on, in or under any land, or part of a structure so defined, and-

(a) where the context so admits, includes the land on, in or under which the structure is situate.

According to Section 3(1) of the Planning and Development Act (as amended), “development” means, save where the context otherwise requires, the carrying out of works on, in or under land or the making of any material change in the use of any structures or other land.

Section 4 of the same Act lists works that would be considered exempted development. Section 4 also conveys power on the Minister to make regulations to provide for any class of development to be exempted development for the purposes of the Act

Section 5(1) states that:

“If any question arises as to what, in any particular case, is or is not development or is or is not exempted development within the meaning of this Act, any person may, on payment of the prescribed fee, request in writing from the relevant planning authority a declaration on that question, and that

person shall provide to the planning authority any information necessary to enable the authority to make its decision on the matter.”

Planning and Development Regulations, 2001, as amended:

Article 5 of the Regulations includes the following definitions:

“industrial building” means a structure (not being a shop, or a structure in or adjacent to and belonging to a quarry or mine) used for the carrying on of any industrial process;

"industrial process" means any process which is carried on in the course of trade or business, other than agriculture, and which is-

- a) for or incidental to the making of any article or part of an article, or
- b) for or incidental to the altering, repairing, ornamenting, finishing, cleaning, washing, packing, canning, adapting for sale, breaking up or demolition of any article, including the getting, dressing or treatment of minerals,

and for the purposes of this paragraph, "article" includes-

- (i) a vehicle, aircraft, ship or vessel, or
- (ii) a sound recording, film, broadcast, cable programme, publication and computer program or other original database;

"industrial undertaker" is defined as “a person by whom an industrial process is carried on and “industrial undertaking” shall be construed accordingly

Article 6(1) states that 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 conditions and limitations specified in Column 2 of said Part 1 opposite the mention of that class in said Column 1.

Article 9 of said Regulations lists a series of restrictions on exemptions. Of particular note are the provisions of Article 9(1)(a)(viiiB) which de exempts developments that require an appropriate assessment because it would likely have an effect on the integrity of a European designated site

Schedule 2, Part 1 ‘Exempted Development - General:

Class 21

a) Development of the following descriptions, carried out by an industrial undertaker on land occupied and used by such undertaker for the carrying on, and for the purposes of, any industrial process, or on land used as a dock, harbour or quay for the purposes of any industrial undertaking—

- (i) the provision, rearrangement, replacement or maintenance of private ways or private railways, sidings or conveyors,
- (ii) the provision, rearrangement, replacement or maintenance of sewers, mains, pipes, cables or other apparatus,

(iii) the installation or erection by way of addition or replacement of plant or machinery, or structures of the nature of plant or machinery.

(b) Any works for the provision within the curtilage of an industrial building of a hard surface to be used for the purposes of or in connection with the industrial process carried on in the building.

Conditions and Limitations

1. Any such development shall not materially alter the external appearance of the premises of the undertaking.
2. The height of any plant or machinery, or any structure in the nature of plant or machinery, shall not exceed 15 metres above ground level or the height of the plant, machinery or structure replaced, whichever is the greater.

There is no definition of “plant” in the Planning and Development Act, 2000 (as amended) or in the Planning and Development Regulations, 2001 (as amended). The Oxford English Dictionary defines “plant” and “machinery”, respectively, as follows:

“Machinery used in an industrial or manufacturing process.”

“The components of a machine.”

3. ASSESSMENT

a. Site Location

The subject site is located at Abbott Irelands manufacturing facility on the Cashel Road, Clonmel, Co. Tipperary.

b. Relevant Planning History

PA ref 18/601342 Grant of permission for a New 2 storey R & D laboratory facility extension and link to existing vascular device facility and all associated site works. This application relates to a development which comprises or is for the purposes of an activity requiring an integrated pollution prevention and control license

PA Ref 07/1561 Grant of permission for ancillary warehousing and process buildings with associated additions to pipebridge services, plant rooms and related external plant installations with an underpass connection to the existing warehouse; the building comprises a single storey building having an area of 751.80m² with screened yard areas of 387.31m²; the proposed development has a total additional gross floor area of 1139.11m².

PA Ref 06/575 Grant of permission to Guidant Ireland for one new office and warehouse facility, alterations and additions to the Central Utilities Building and associated services, plant-room services, alterations and additions to internal roads, revisions to car parking spaces with associated external site works, landscaping, additional connection to public services.

PA Ref 05/706 Grant of permission to Guidant Ireland for a 38kV - ESB Substation comprising of a 63m² switchroom and associated transformers, power lines, roads, fence and bunds

PA Ref 04/918 Grant of permission to Guidant Ireland for 3 new buildings, alterations and additions to internal roads, 685 additional car parking spaces with associated external site works, landscaping, facade signage, connection to public services.

PA Ref 03/14 Conditional grant of permission to Guidant Ireland to open a new entrance onto the Cashel Road, provide turning lane, internal access road, roundabout, car-park and road signage.

PA Ref 01/1038 Grant of permission to Guidant Corporation. for a single storey, 2400m2 extension to the rear of the existing facility.

PA Ref 98/816 Conditional grant of permission to Guidant BV new external sign and stone boundary wall and soft landscaping

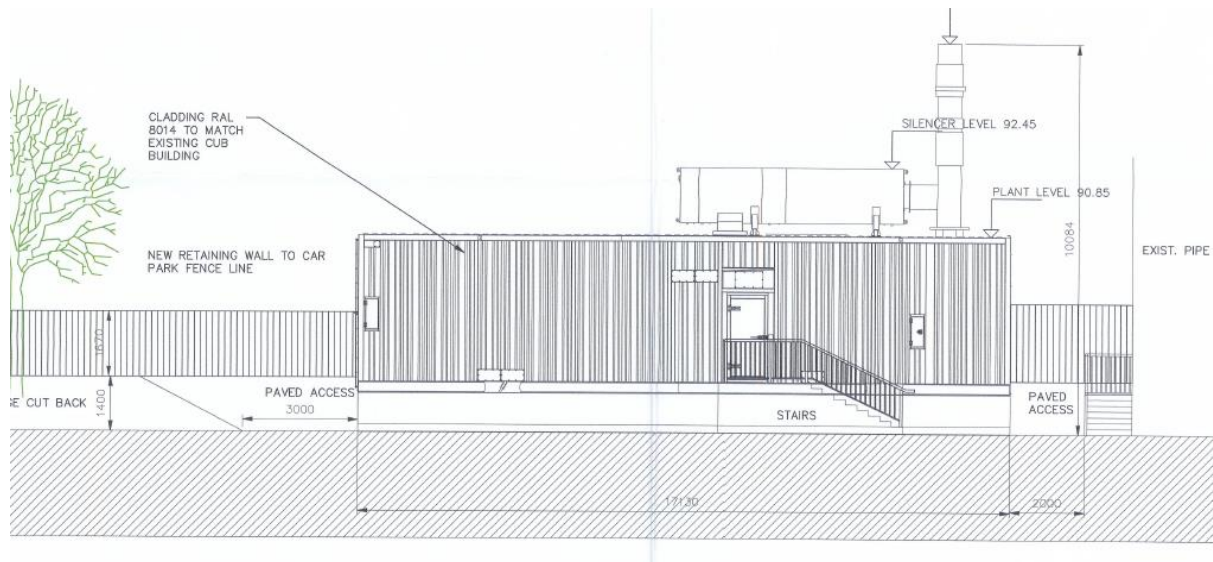
Figure 1 Planning History



c. Assessment

The query relates to the installation of a new generator at Abbott Irelands manufacturing facility in Clonmel, Co. Tipperary.

Figure 2 Proposed generator



A) "Is or is not Development"

It is considered that the above listed proposals constitute "works" as understood by the Planning and Development Act 2000, as amended, as it involves the placing of a structure on the site. The above listed proposals therefore constitute "development" within the meaning of the Planning and Development Act 2000, as amended

B) “Is or is not Exempted Development”

The works proposed involve the placement of new plant (generator) by an industrial undertaker within the curtilage of an existing manufacturing facility.

I am satisfied that, having regard to the provisions of Article 5(1) of the Planning and Development Regulations, 2001 (as amended), and the descriptions contained therein; to the activities which are carried out at the subject site; and to the nature and appearance of the site and structures within it; that the facility can be considered to be an “industrial undertaking”.

Class 21 subsection (a)(iii) specifically refers to ‘the installation or erection by way of addition or replacement of plant or machinery, or structures of the nature of plant or machinery’. Having regard to the mechanical components featuring in the context of the generator and its nature, I am satisfied that the generator can be considered to be in the nature of plant or machinery.

As such, it can be considered under the provisions of Class 21 of Schedule 2 Part 1 of the planning and development regulations. The works proposed are not restricted by the associated conditions and limitations.

C) Is the exemption restricted under Article 9

It is not considered that the restrictions as set out in Article 9 apply in this instance (See sections below on EIA and AA).

D) Requirement for Appropriate Assessment (AA)

Screening

The site comprises primarily of a hard standing area within the curtilage of a long established biomedical device manufacturing facility. The surrounding area is industrial and commercial in Character.

There are three European sites within 15kms of the site, Lower River Suir 002170 (2.5 kms from site), Nier Valley Woodlands SAC 000668 (12 kms from site) and Comeragh Mountains SAC 001952 (13.5 kms from site). There is no direct pathway between the subject site and the.

Screening conclusion

It is reasonable therefore to determine that, having regard to

- the small scale nature of the works proposed within the context of the wider complex, and
- the absence of any direct pathway between the site and the aforementioned SAC’s by reason of the clear separation,

the proposal would not have a significant effect individually, or in-combination with other plans and projects, on the Natura 2000 network and appropriate assessment is not therefore required.

E) Requirement for EIA

A generator is not a class of development to which EIA directive applies.

4. RECOMMENDATION

A question has arisen as to whether the installation of a generator within the existing Abbott Ireland Facility on the Cashel Road, Clonmel, Co. Tipperary is development and, if so, is or is not exempt development.

In determining this query, the Planning Authority had regard to;

- Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended),
- Articles 6(1) and 9(1) of the Planning and Development Regulations, 2001 (as amended),
- Schedule 2 Part 1 Class 21 of the Planning and Development Regulations 2001, as amended
- The planning history on site,
- the details pertaining to the development as set out by the querist.

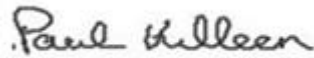
Based on the assessment set out above, the Planning Authority has concluded that works proposed constitute development. Having regard to the provisions of Class 21 of Schedule 2 Part 1 of the Planning and Development Regulations 2001, as amended, the works proposed constitute exempted development.

Determination

Accordingly, having considered the information received, the Planning Authority has determined that the provision of a new generator at the Abbott Ireland Site on the Cashel, Road, Clonmel, constitutes development and is considered to be “exempted development”.

The development would not be likely to have significant effects on the environment and would not require either a Stage 2 Appropriate Assessment or the submission of an EIA.

District Planner:



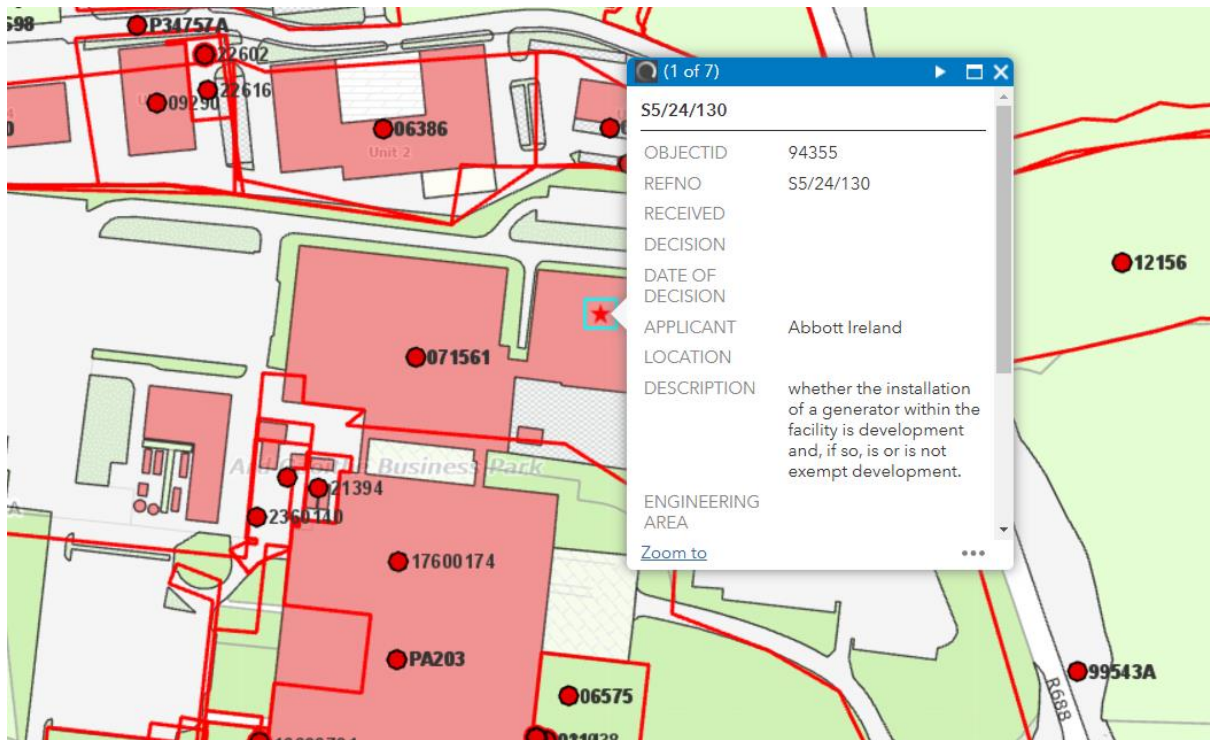
Date: 22/11/24

Senior Executive Planner:



Date: 22.11.2024

Figure 3 Site entered on Planning Register



HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT

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

(a) File Reference No:	S5/24/130
(b) Brief description of the project or plan:	Installation of a generator
(c) Brief description of site characteristics:	Within curtilage of existing manufacturing facility
(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW	N/a
(e) Response to consultation:	n/a

STEP 2. Identification of relevant Natura 2000 sites using Source-Pathway-Receptor model and compilation of information on Qualifying Interests and conservation objectives.

European Site (code)	List of Qualifying Interest/Special Conservation Interest ¹	Distance from proposed development ² (km)	Connections (Source-Pathway-Receptor)	Considered further in screening Y/N
Lower River Suir SAC 002137	https://www.npws.ie/protected-sites/sac/002137	2.5	No due to distance and the lack of any relevant ex-situ factors of significance to these species.	no
Nier Valley SAC 000668	https://www.npws.ie/protected-sites/sac/000668	12.0	No due to distance and the lack of any relevant ex-situ factors of significance to these species.	No
Comeragh	https://www.npws.ie/protected-sites/sac/001952	13.5 kms	No due to distance and	No

Mountains SAC 01952			the lack of any relevant ex-situ factors of significance to these species.	
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STEP 3. Assessment of Likely Significant Effects

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

Impacts:	Possible Significance of Impacts: (duration/magnitude etc.)
Construction phase e.g. <ul style="list-style-type: none"> • Vegetation clearance • Demolition • Surface water runoff from soil excavation/infill/landscaping (including borrow pits) • Dust, noise, vibration • Lighting disturbance • Impact on groundwater/dewatering • Storage of excavated/construction materials • Access to site • Pests 	No impacts given minor nature of the proposal
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 impact given minor nature of the proposal
In-combination/Other	No 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 	none
---	------

- 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

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

Yes No

STEP 4. Screening Determination Statement

The assessment of significance of effects:

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

The proposed development is not likely to have significant effects.

Conclusion:

	Tick as Appropriate:	Recommendation:
(i) It is clear that there is no likelihood of significant effects on a European site.	<input checked="" type="checkbox"/>	The proposal can be screened out: Appropriate assessment not required.
(ii) It is uncertain whether the proposal will have a significant effect on a European site.	<input type="checkbox"/>	<input type="checkbox"/> Request further information to complete screening <input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
(iii) Significant effects are likely.	<input type="checkbox"/>	<input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
Signature and Date of Recommending Officer:	Paul Killeen	Date: 22/11/24

Appendix 1 EIA SCREENING

Establishing a development is a 'sub-threshold development'

File Reference:

S5/24/130

Development Summary:	the installation of a new generator	
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 required	Determination
<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: 25th November, 2024

Our Ref: S5/24/130

Civic Offices, Nenagh

**Abbott Ireland,
C/O Barry Macken
PM Group
Kearney House
Belgard Square
Tallaght
Dublin**

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

Dear Mr Macken,

I refer to your application for a Section 5 Declaration received on 1st November, 2024, in relation to the following proposed works:

Whether the installation of a generator within the facility is development and, if so, is or is not exempt development at Cashel Road, Clonmel, 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 –

- Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended),
- Articles 6(1) and 9(1) of the Planning and Development Regulations, 2001 (as amended),
- Schedule 2 Part 1 Class 21 of the Planning and Development Regulations 2001, as amended
- The planning history on site,
- the details pertaining to the development as set out by the querist.

Based on the assessment set out above, the Planning Authority has concluded that works proposed constitute development. Having regard to the provisions of Class 21 of Schedule 2 Part 1 of the Planning and Development Regulations 2001, as amended, the works proposed constitute exempted development.

Determination

Accordingly, having considered the information received, the Planning Authority has determined that the provision of a new generator at the Abbott Ireland Site on the Cashel, Road, Clonmel, constitutes development and is considered to be "**exempted development**".

The development would not be likely to have significant effects on the environment and would not require either a Stage 2 Appropriate Assessment or the submission of an EIA.

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: **S5/24/130** **Delegated Employee's Order No:** _____

SUBJECT: Section 5 Declaration

I, Dave Carroll, A/Director of Services, Tipperary County Council, by virtue of the powers delegated to me in accordance with the provisions of Section 154 of the Local Government Act 2001, as amended by Schedule 1, Part 1 of the Local Government Reform Act 2014 under Chief Executive's Order No. 37256 dated 4th March, 2024, hereby order that pursuant to the provisions of the Planning and Abbott Ireland, C/O Barry Macken, PM Group, Kearney House, Belgard Square, Tallaght, re: whether the installation of a generator within the facility is development and, if so, is or is not exempt development at Cashel Road, Clonmel, Co. Tipperary.

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

- Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended),
- Articles 6(1) and 9(1) of the Planning and Development Regulations, 2001 (as amended),
- Schedule 2 Part 1 Class 21 of the Planning and Development Regulations 2001, as amended
- The planning history on site,
- the details pertaining to the development as set out by the querist.

Based on the assessment set out above, the Planning Authority has concluded that works proposed constitute development. Having regard to the provisions of Class 21 of Schedule 2 Part 1 of the Planning and Development Regulations 2001, as amended, the works proposed constitute exempted development.

Accordingly, having considered the information received, the Planning Authority has determined that the provision of a new generator at the Abbott Ireland Site on the Cashel, Road, Clonmel, constitutes development and is considered to be "**exempted development**".

Signed:



Date: 25/11/2024

Dave Carroll

A/Director of Services

Planning and Development (including Town Centre First),

Emergency Services and Emergency Planning and

Tipperary/Cahir/Cashel Municipal District