



Comhairle Contae Thiobraid Árann
Tipperary County Council

Tipperary County Council
RECEIVED
08 NOV 2024
CASH OFFICE
Civic Offices, Clonmel

Receipt No 186 840
issued 08 11 2024
€50 - 00 Caud

TIPPERARY COUNTY COUNCIL
RECEIVED
08 NOV 2024
PLANNING SECTION
FILE NO.

PLANNING & DEVELOPMENT ACT, 2000 (as amended)

Application for a Section 5 Declaration
Development / Exempted Development

1. Applicant's address/contact details:

Applicant	FETHARD CREDIT UNION LIMITED
Address	MAIN STREET FETHARD CO. TIPPERARY E91 DN84
Telephone No.	[REDACTED]
E-mail	[REDACTED]

2. Agent's (if any) address:

Agent	Walsh + Walsh Architects
Address	The Square, Cahir, Co. Tipperary.
Telephone No.	[REDACTED]
E-mail	[REDACTED]
Please advise where all correspondence in relation to this application is to be sent;	
Applicant [] Agent [X]	

3. Location of Proposed Development:

Postal Address or Townland or Location (as may best identify the land or structure in question)	FETHARD CREDIT UNION LIMITED MAIN STREET FETHARD E91 DN84
---	--

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.)

Emergency Repair to two brick chimney stacks and repair to gutters.	
Proposed floor area of proposed works/uses: sqm N/A	

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

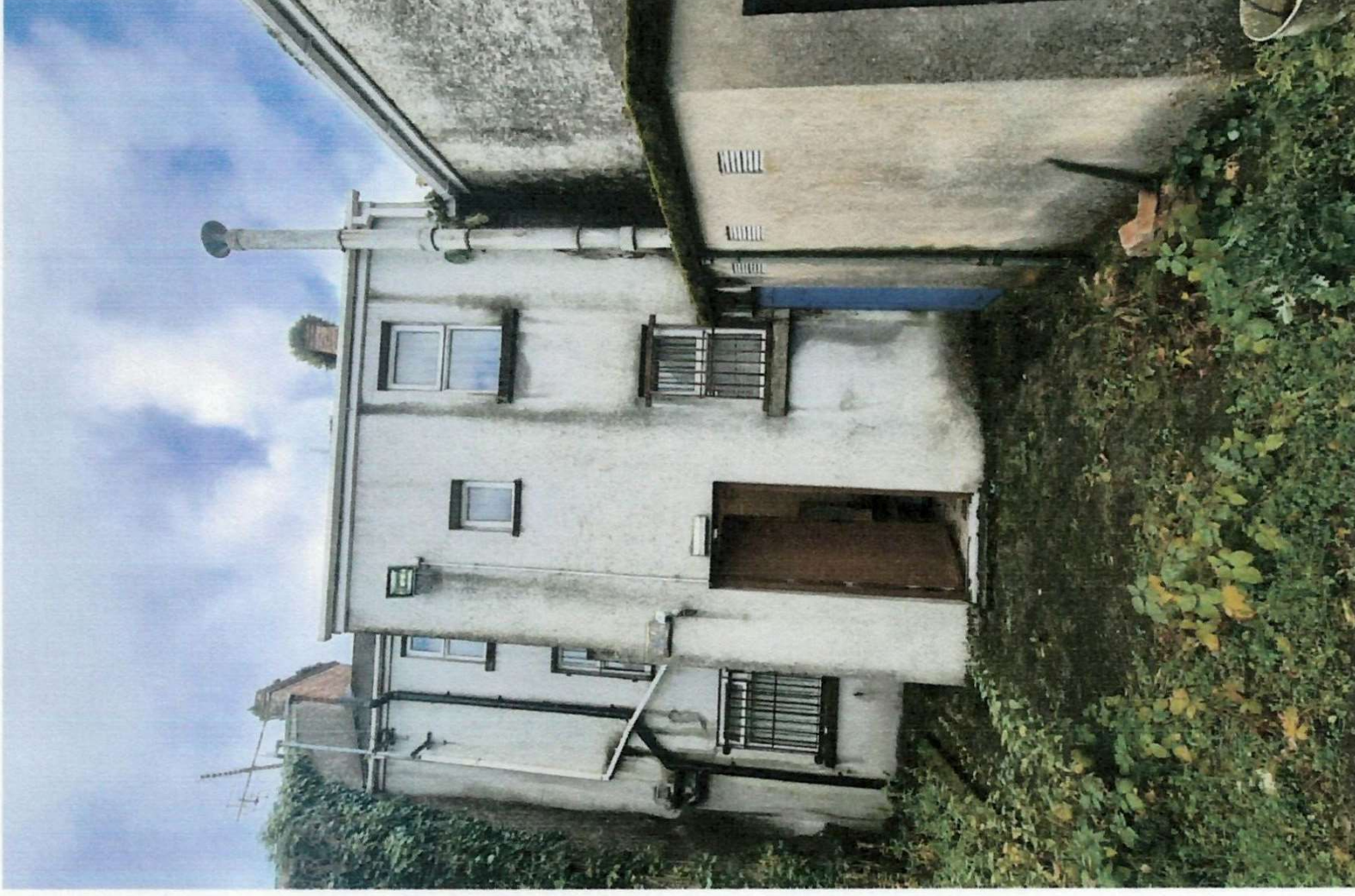
<i>Please tick appropriate box to show applicant's legal interest in the land or structure</i>	A. Owner <input checked="" type="checkbox"/>	B. Occupier
	C. Other	
<i>Where legal interest is 'Other', please expand further on your interest in the land or structure</i>		
<i>If you are not the legal owner,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

Signature of Applicant(s)  Date: 5/11/24

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.



FRONT ELEVATION



REAR ELEVATION



APPROXIMATE ELEVATION



APPROXIMATE ELEVATION
W. AHEAD

Paul Killeen
Planning Office
Tipperary County Council
Emmet St, Clonmel

5th. November 2024

RE FETHARD CREDIT UNION LIMITED
MAIN STREET, FETHARD CO. TIPPERARY E91 DN84

SECTION 5 DECLARATION APPLICATION

Dear Paul,

I refer to your recent conversation with Noel Carroll in relation to the above.

On a recent safety inspection of the building, it was noted that the two brickwork stacks were severely compromised and considered a danger to the public. It was therefore decided to make these stacks safe by reducing their height and rendering the remaining stacks in Lime render finish. Repairs to the roof gutters is also required.

The stacks also service original flues from the adjoining properties, but are no longer required. These properties are Fethard Veterinary Clinic and Marie Ahearn dwelling. The adjoining neighbours have been made aware of the problem and the proposed works and have consented to the repairs. I enclose copies of their emails in this regard.

I enclose Section 5 Declaration application form completed and recent photographs of the roof and stacks and the required location map and drawings marked with the proposed interventions. I have transferred the required fee of 80 euro to your Accounts Dept.

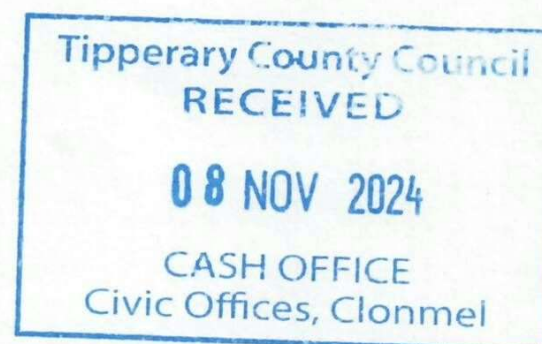
The proposed repairs will not detract from the general appearance of the structure or the street scape. The building is in an ACA and ZAP.

This work is of some urgency and I would appreciate your early reply and please contact this office if you have any question in relation to the above

Regards



Ed Walsh,
Director
B Arch F.R.I.A.I.



Ed Walsh

From: Ed Walsh
Sent: 08 November 2024 10:24
To: Alan Walsh
Subject: FW: FETHARD CREDIT UNION

[REDACTED]

Hi Ed

I spoke with Noel Carroll a few mins ago.

I can confirm I have no objection to the section 5 application by Fethard credit union to repair the shared chimney stack.

I trust it will be carried out by a reputable builder with all relevant insurance.

If you need me call me on [REDACTED]

Kind regards

John Hennessy

Alan Walsh

Subject: FW: CREDIT UNION FETHARD

[REDACTED]

Hi Ed,

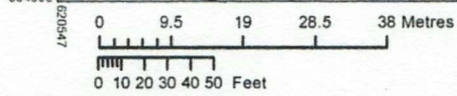
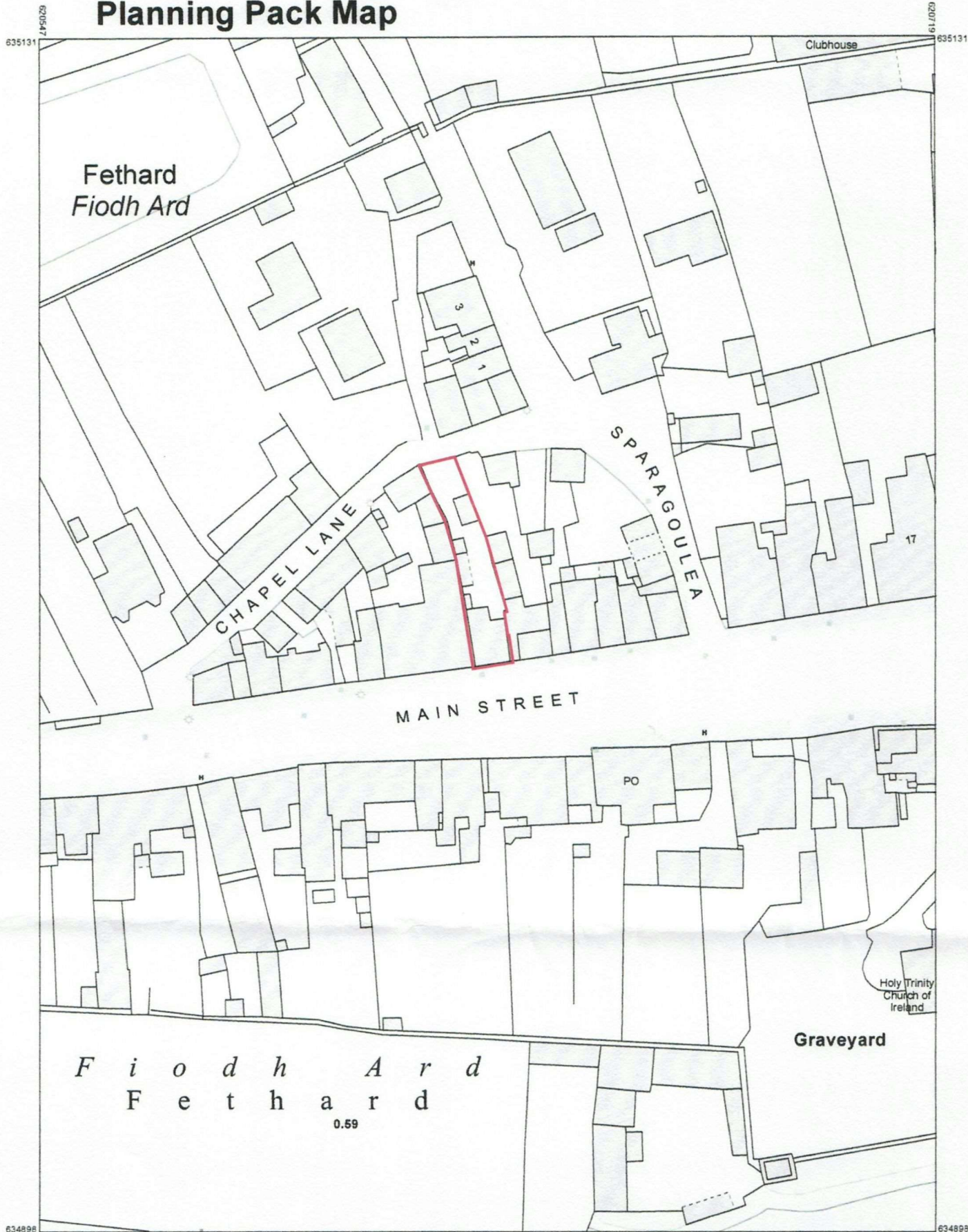
Further to our earlier conversation I can confirm that I have no objection to the Section 5 Application by Fethard Credit Union to repair the shared chimney stack. If you require any other assistance please don't hesitate to contact me.

Kind regards Marie

Marie Ahearne

[REDACTED]

Planning Pack Map



OUTPUT SCALE: 1:1,000



CENTRE COORDINATES:
ITM 620633.635015

PUBLISHED: 04/11/2024
MAP SERIES: 1:1,000

ORDER NO.: 50431767_1
MAP SHEETS: 5185-06

CAPTURE RESOLUTION:
The map objects are only accurate to the resolution at which they were captured. Output scale is not indicative of data capture scale. Further information is available at: www.tailte.ie; search 'Capture Resolution'
LEGEND: To view the legend visit www.tailte.ie and search for 'Large Scale Legend'

COMPILED AND PUBLISHED BY:
Tailte Éireann,
Phoenix Park,
Dublin 8,
Ireland.
D08F6E4

No part of this publication may be copied, reproduced or transmitted in any form or by any means without the prior written permission of the copyright owner.

This topographic map does not show legal property boundaries, nor does it show ownership of physical features.

www.tailte.ie

Any unauthorised reproduction infringes Tailte Éireann copyright.

The representation on this map of a road, track or footpath is not evidence of the existence of a right of way.


© Tailte Éireann, 2024
All rights reserved



Tailte Éireann

LOCATION MAP @ 1:1000

LEGEND:

 SITE BOUNDARY

WALSH + WALSH
ARCHITECTS

The Square Cahir 052 7442210 087 2512624

FETHARD CREDIT UNION LTD
MAIN ST, FETHARD, TIPPERARY E91 DN84

2431


SECTION 5 APPLICATION

Scale 1:1000 @ A3 Date NOV 2024 DwgNo/Rev

SECT 5-01



SITE PLAN @ 1:200

LEGEND:
 SITE BOUNDARY

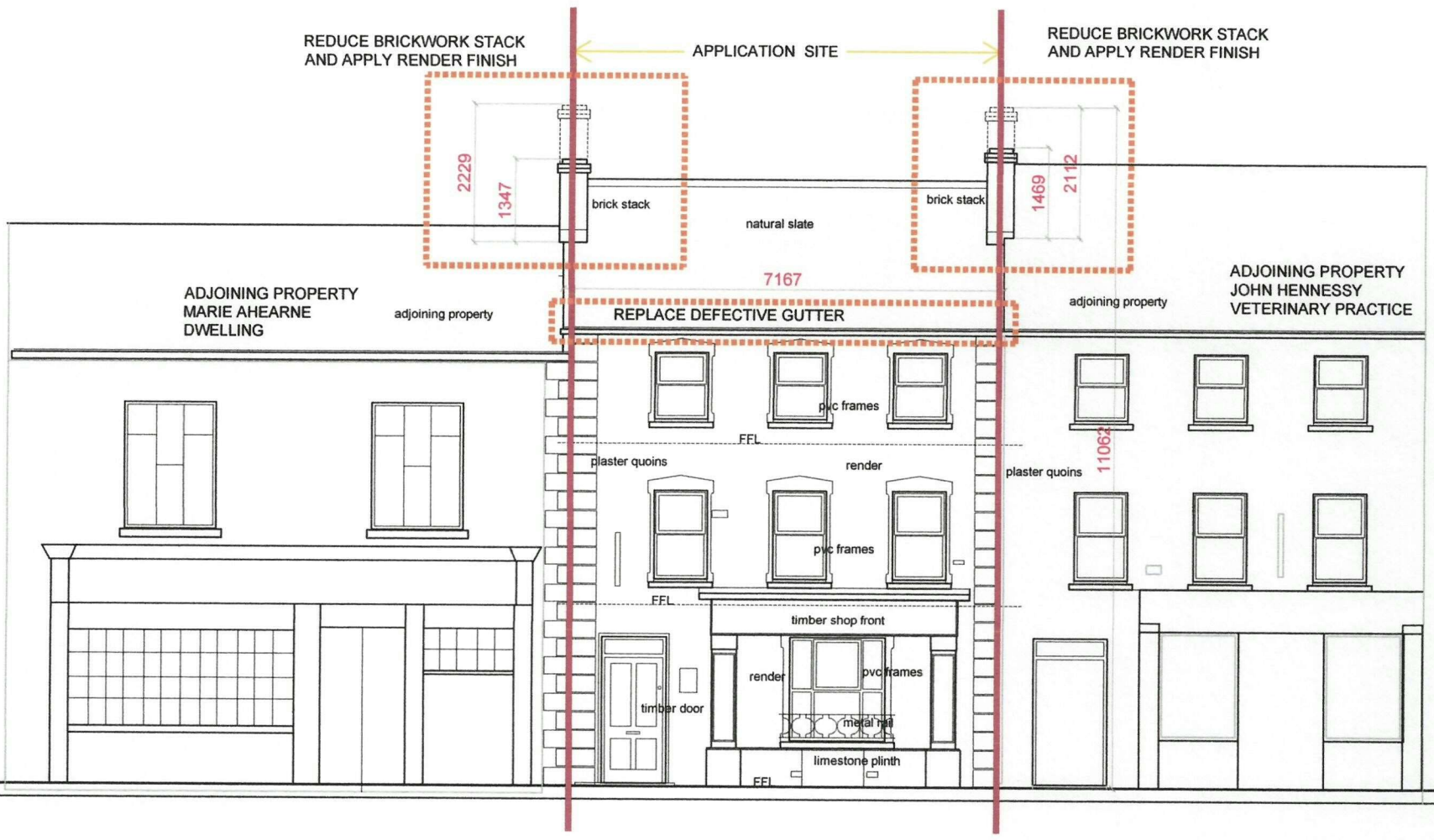
WALSH + WALSH
 ARCHITECTS

The Square Cahir 052 7442210 087 2512624

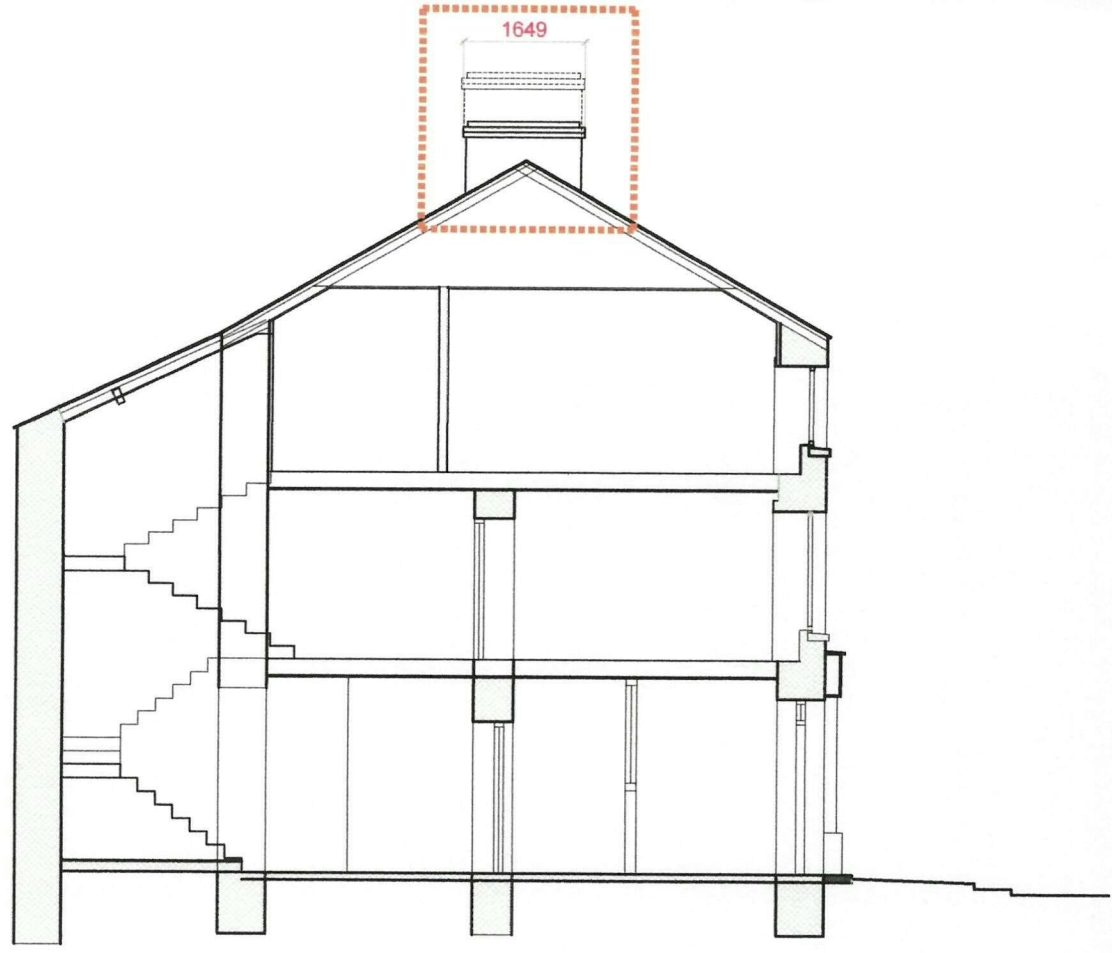
FETHARD CREDIT UNION LTD
 MAIN ST, FETHARD, TIPPERARY E91 DN84 2431

SECTION 5 APPLICATION
 Scale 1:200 @ A3 Date NOV 2024 DwgNo/Rev

SECT 5-02


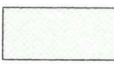



FRONT ELEVATION @ 1:100



SECTION A/A @ 1:100

LEGEND:

	PROPOSED		EXISTING
	SITE BOUNDARY		

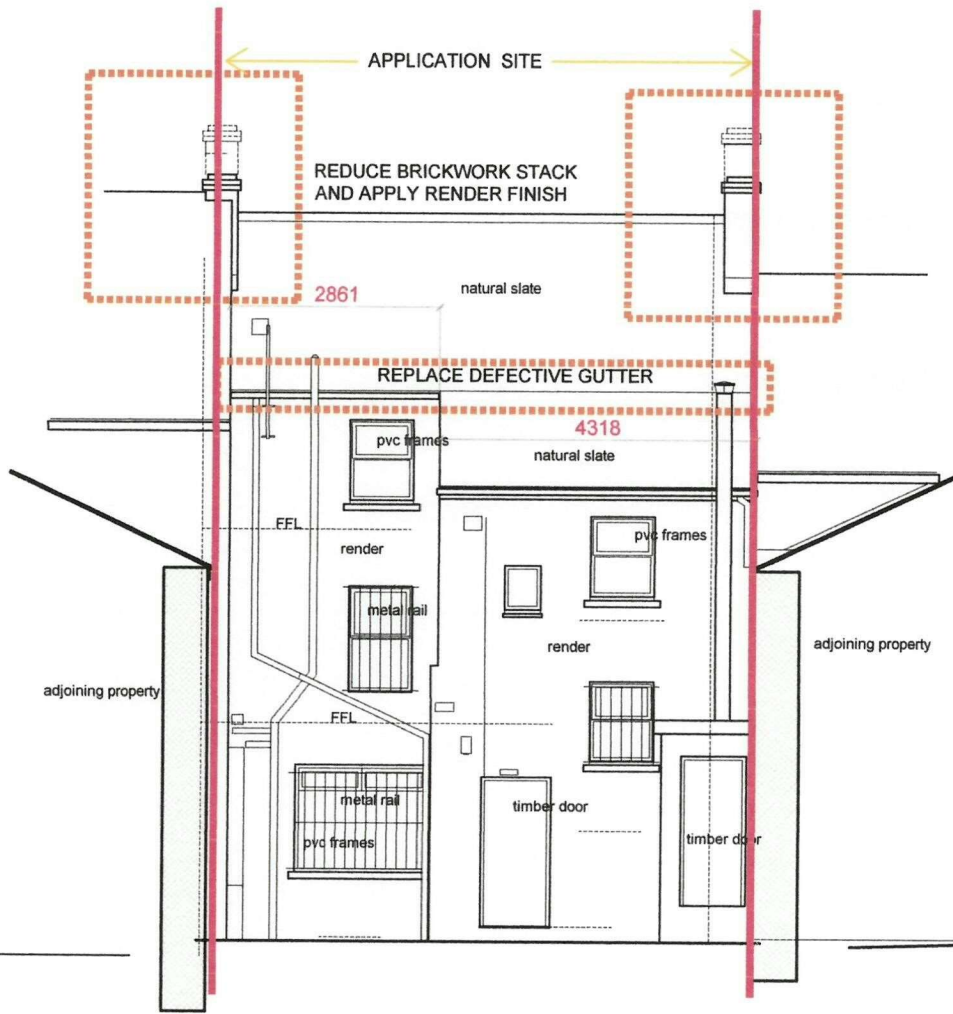
SECTION 5 APP

WALSH + WALSH
ARCHITECTS
The Square Cahir 052 7442210 087 2512624

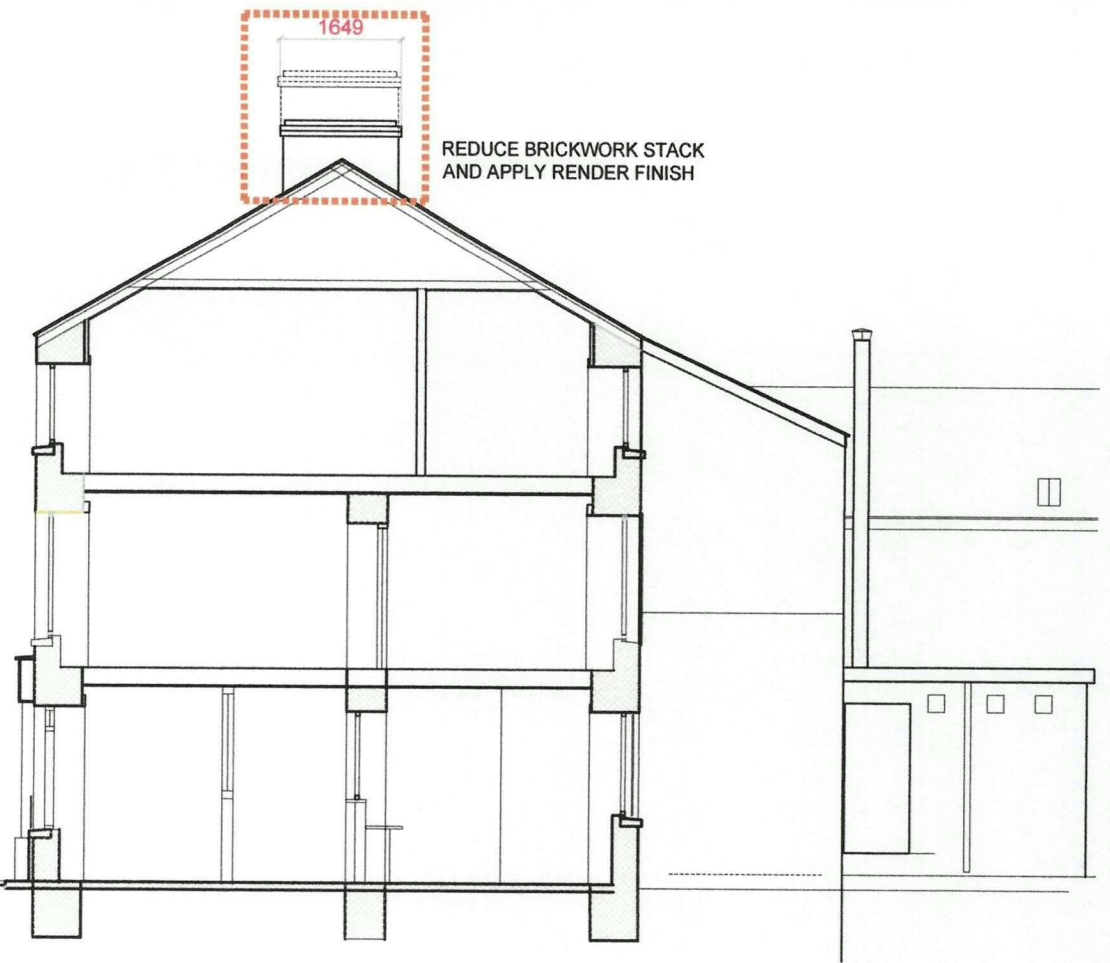
FETHARD CREDIT UNION LTD
MAIN ST, FETHARD, TIPPERARY E91 DN84 2431

SECTION 5 APPLICATION
Scale 1:100 @ A3 Date NOV 2024 DwgNo/Rev

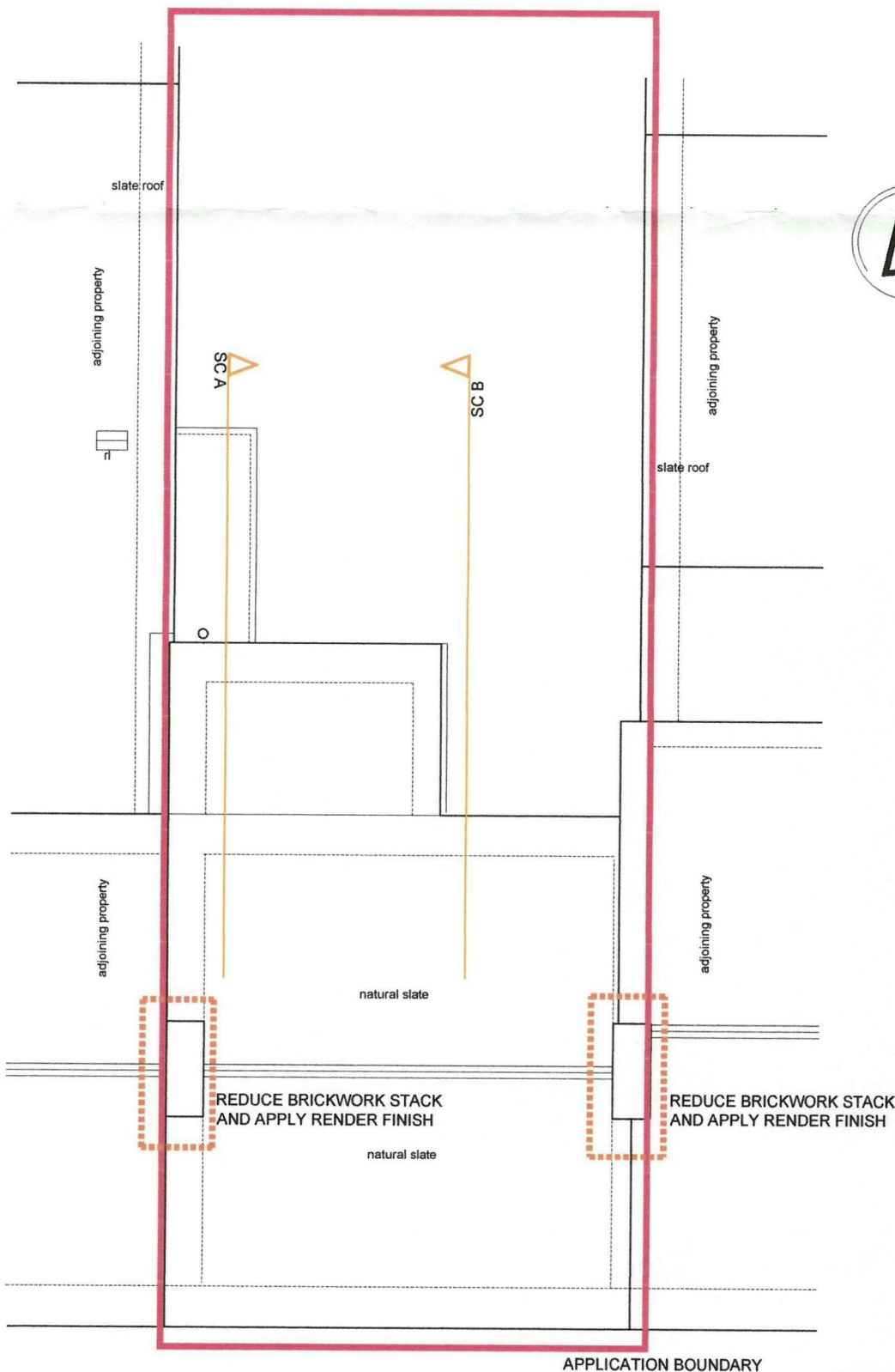
SECT 5-03



REAR ELEVATION @ 1:100



SECTION B/B @ 1:100



ROOF PLAN @ 1:100

SECTION 5 APP

LEGEND:

- PROPOSED
- SITE BOUNDARY
- █ EXISTING

WALSH + WALSH
ARCHITECTS

The Square Cahir 052 7442210 087 2512624

FETHARD CREDIT UNION LTD
MAIN ST, FETHARD, TIPPERARY E91 DN84

2431

SECTION 5 APPLICATION

Scale 1:100 @ A3 Date NOV 2024 DwgNo/Rev

SECT 5-04



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: 8th November, 2024 Our Ref: S5/24/133 Civic Offices, Clonmel

Fethard Credit Union Limited
C/O Walsh & Walsh Architects
The Square
Cahir
Co. Tipperary

Re: Application for a Section 5 Declaration – Emergency Repair to two brick chimney stacks and repair to gutters.

Dear Mr Walsh,

I acknowledge receipt of your application for a Section 5 Declaration received on 8th 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 Reference: S5/24/133

Applicant: Fethard Credit Union Limited

Development Address: Main Street, Fethard, Co. Tipperary

Proposed Development: Emergency repair works to two brick chimney stacks and repair to gutters.

1. **GENERAL**

On 8th November 2024 a request was made for a declaration under Section 5 of the Planning and Development Act, 2000 as amended by Fethard Credit Union Limited c/o Walsh + Walsh Architects in respect of the following development at Main Street, Fethard, Co. Tipperary.

Emergency repair works to two brick chimney stacks and repair to gutters.

The development details listed in the application are as follows;

- Section 5 Declaration Application Form
- Site Location Maps
- Site layout plans
- Elevations
- Section
- Letters of consent from adjoining property owners

The building is within the Architectural Conservation Area (ACA) as contained within the Tipperary County Development Plan 2022-2028. The structure is not protected and is not included on the National Inventory of Architectural Heritage (NIAH).



Figure 1 Google Street View 2022

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 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 the proposed works.

3. ASSESSMENT

a. Site Location

The site comprises of 3 bay 3 storey building operating as Fethard Credit Union within the settlement of Fethard.

b. Planning History

11/22 Permission GRANTED for construct a traditional style shop front to front elevation of existing office.

P3/11497 Permission GRANTED change of use from dwelling to offices (1998).

c. Precedent cases

None relevant.

d. Assessment

The question posed under the Section 5 Declaration application is whether emergency repairs works to two brick chimney stacks and repair to gutters 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 works.

Section 4(1)h of the Act is relevant. I consider that the principle repair works to the two brick chimney stacks and gutters is for the maintenance or improvement of the structure. Similarly, having regard to the definition of "alteration" as set out under the Act, I consider that the plastering is accepted as alteration and noting the similarity of many neighbouring chimney stacks, however considered has to be given to the location within the ACA discussed below.

Restriction on any exemption by virtue of ACA.

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.

The Section 5 has been referred to the Councils Architectural Conservation officer (ACO) who has stated on 02/12/2024 that;

"...Street View from July 2022 shows two relatively sound-looking, brick chimney stacks apparently dating to the mid to late-nineteenth-century which contribute positively to the historic character and architectural rhythm of the terraced Main Street.



Figure 2 Google Street View 2022

*In the absence of a detailed structural assessment accompanying the Section 5 application by an **engineer with accredited conservation expertise and experience** to demonstrate that the chimney stacks are irreparable and not possible to retain in situ, I would consider that the only works to these chimney stacks within the ACA which could be considered exempted would be:*

- *Removal of damaging vegetation (apparently bedded between the uppermost course of brickwork or capping and the distinctive oversailing courses of the chimney stacks) and making good of brick detail to the chimney stack;*
- *Consolidation of the top of the chimney stacks including reinstatement of a suitable domed flaunching, re-bedding of any chimney pots where relevant and provision of ventilated caps to each flue that is proposed to be unused*
- *Raking out of inappropriate cement mortar joints and re-pointing with suitable lime mortar where necessary*
- *Renewal of stepped lead cover flashing in accordance with Lead Sheet Training Academy best practice if considered necessary*
- *Application of suitable lime render to chimney stacks if considered necessary*

Repair to front and rear elevations can be considered exempted but existing cast-iron gutters and downpipes should be retained and repaired where necessary. Sections damaged beyond repair should be replaced with painted cast-iron or cast-aluminium of matching dimensions and profile. Eaves gutters should be supported by metal eaves brackets fixed into the masonry wall as at present with no introduction of a fascia board or other alteration of the eaves detail permitted.

The proposal has been assessed by the Council's Conservation Officer and it is considered that the existing chimneys at their current height contribute positively to the historic character and architectural rhythm of the terraced Main Street and the ACA.

Therefore, the proposal to reduce the chimneys in height and render same is not exempted development. I do not consider that there is merit in seeking the detailed structural assessed referred to above as whilst same may justify the requirement to lower the chimneys the fact that proposal would materially impact the character of the area remains. The proposal is therefore not exempt by virtue of Section 82 of the Act.

The proposal contains insufficient information in relation to the works proposed to the gutters (replace defective gutter) with particular reference to the front elevation i.e. composition of existing and proposed gutters, existing and proposed dimensions and profile, existing and proposed supports etc. It is not possible to make a determine on this element.

iii) Restrictions under Article 9
Not relevant.

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 emergency repair works to two brick chimney stacks and repair to gutters at the Credit Union, Main Street, Fethard, Co. Tipperary is development and is or is not exempted development:

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

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

AND WHEREAS Tipperary County Council has concluded that –

- The development consisting of the emergency repair works to two brick chimney stacks at the Credit Union, Main Street, Fethard, Co. Tipperary is development and is not exempted development as it DOES NOT fall under the exempted development provisions as set out under Section 4 of the Planning and Development Act 2000, as amended. The Planning Authority consider that the existing chimneys at their current height contribute positively to the historic character and architectural rhythm of the terraced Main Street and the Architectural Conservation Area (ACA). Therefore, the proposal to reduce the chimneys in height and render same is not exempted development as same would be contrary to Section 82 of the Planning and Development Act 2000, as amended.
- The application contains insufficient information in relation to the works proposed to the gutters (replace defective gutter noted on drawings and repairs referred to on application form) with particular reference to the front elevation i.e. composition of existing and proposed gutters, existing and proposed dimensions and profile, existing and proposed supports etc. Accordingly it is not possible to make a determine on this element.

NOW WHEREAS Tipperary County Council, in exercise of the powers conferred on it by section 5(2)(a) of the Planning and Development Act 2000 as amended, it is hereby decided that the emergency repair works to two brick chimney stacks at the Credit Union, Main Street, Fethard, Co. Tipperary is **development and IS NOT exempted development.** The information submitted with the application in respect of the works proposed to the gutters in not sufficient to make a determination in this regard.

District Planner:

L. Butler-Lyon

Date: 02/12/2024

Senior Executive Planner:

C. Conway

Date: 2.12.2024

HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT

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

(a) File Reference No:	S5/24/133
(b) Brief description of the project or plan:	Emergency repair works to two brick chimney stacks and repair to gutters.
(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:	02/12/2024
--	--------------------	--------------	------------

EIA Pre-Screening
Establishing a development is a 'sub-threshold development'

File Reference: S5/24/133

Development Summary: Emergency repair works to two brick chimney stacks and repair to gutters.

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)

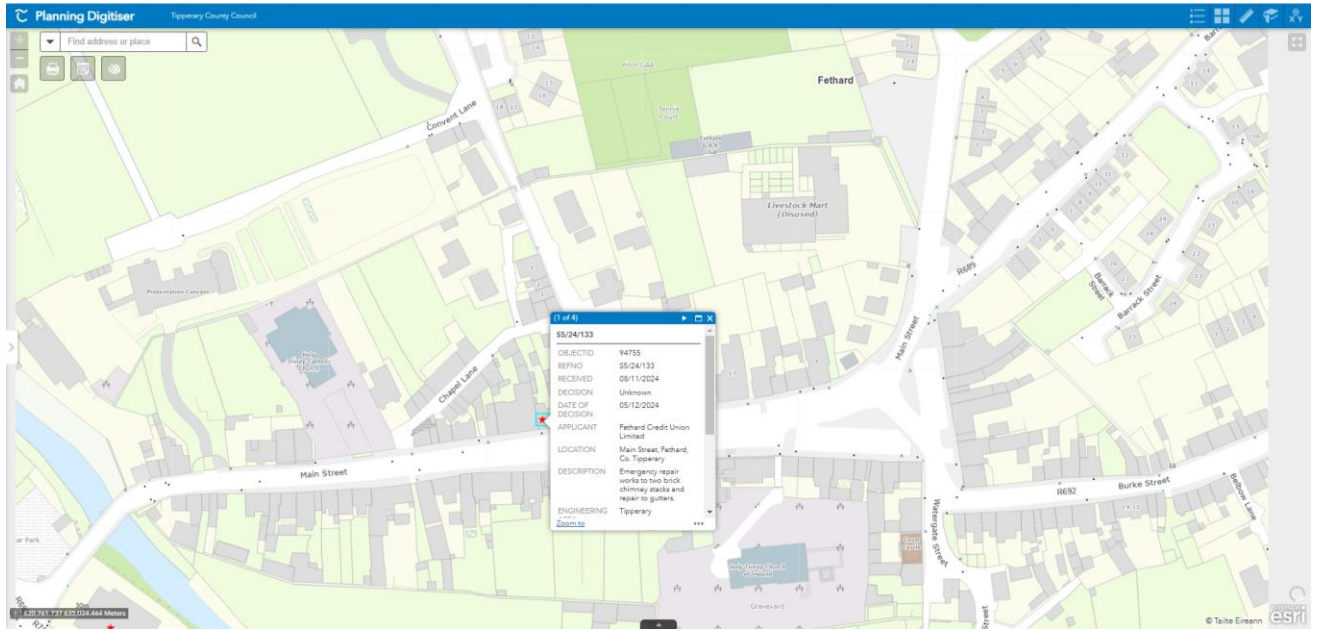
<input type="checkbox"/> Yes, specify class _____	EIA is mandatory
	No Screening required
<input checked="" type="checkbox"/> No	Proceed to Part B

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,
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: 3rd December, 2024

Our Ref: S5/24/133

Civic Offices, Nenagh

Fethard Credit Union Ltd
C/O Walsh & Walsh Architects
The Square
Cahir
Co. Tipperary

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

Dear Sir/Madam,

I refer to your application for a Section 5 Declaration received on 8th November, 2024, in relation to the following proposed works:

Emergency repair to two brick chimney stacks and repair to gutters at Fethard Credit Union Ltd., Main St., Fethard, 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 –

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

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

AND WHEREAS Tipperary County Council has concluded that –

- The development consisting of the emergency repair works to two brick chimney stacks at the Credit Union, Main Street, Fethard, Co. Tipperary is development and is not exempted development as it DOES NOT fall under the exempted development provisions as set out under Section 4 of the Planning and Development Act 2000, as amended. The Planning Authority consider that the existing chimneys at their current height contribute

positively to the historic character and architectural rhythm of the terraced Main Street and the Architectural Conservation Area (ACA). Therefore, the proposal to reduce the chimneys in height and render same is not exempted development as same would be contrary to Section 82 of the Planning and Development Act 2000, as amended.

- The application contains insufficient information in relation to the works proposed to the gutters (replace defective gutter noted on drawings and repairs referred to on application form) with particular reference to the front elevation i.e. composition of existing and proposed gutters, existing and proposed dimensions and profile, existing and proposed supports etc. Accordingly it is not possible to make a determine on this element.

NOW WHEREAS Tipperary County Council, in exercise of the powers conferred on it by section 5(2)(a) of the Planning and Development Act 2000 as amended, it is hereby decided that the emergency repair works to two brick chimney stacks at the Credit Union, Main Street, Fethard, Co. Tipperary is **development and IS NOT exempted development.** The information submitted with the application in respect of the works proposed to the gutters in not sufficient to make a determination in this regard.

NOTE: Any person issued with a Declaration of a Planning Authority may refer the Declaration for review to An Bord Pleanala, 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: **S5/24/133**

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 Development Act 2000, as amended, that an application under Section 5 from Fethard Credit Union Ltd., C/O Walsh & Walsh Architects, The Square, Cahir, Co. Tipperary at Fethard Credit Union Ltd, Main Street, Fethard 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 and 82 of the Planning and Development Act, 2000, as amended

AND WHEREAS Tipperary County Council has concluded that –

- The development consisting of the emergency repair works to two brick chimney stacks at the Credit Union, Main Street, Fethard, Co. Tipperary is development and is not exempted development as it DOES NOT fall under the exempted development provisions as set out under Section 4 of the Planning and Development Act 2000, as amended. The Planning Authority consider that the existing chimneys at their current height contribute positively to the historic character and architectural rhythm of the terraced Main Street and the Architectural Conservation Area (ACA). Therefore, the proposal to reduce the chimneys in height and render same is not exempted development as same would be contrary to Section 82 of the Planning and Development Act 2000, as amended.
- The application contains insufficient information in relation to the works proposed to the gutters (replace defective gutter noted on drawings and repairs referred to on application form) with particular reference to the front elevation i.e. composition of existing and proposed gutters, existing and proposed dimensions and profile, existing and proposed supports etc. Accordingly it is not possible to make a determination on this element.

NOW WHEREAS Tipperary County Council, in exercise of the powers conferred on it by section 5(2)(a) of the Planning and Development Act 2000 as amended, it is hereby decided that the emergency repair works to two brick chimney stacks at the Credit Union, Main Street, Fethard, Co. Tipperary is **development and IS NOT exempted development.** The information submitted with the application in respect of the works proposed to the gutters is not sufficient to make a determination in this regard.

Signed:



Date: 03/12/2024

Dave Carroll

A/Director of Services

Planning and Development (including Town Centre First),

Emergency Services and Emergency Planning and

Tipperary/Cahir/Cashel Municipal District