



TIPPERARY COUNTY COUNCIL
 RECEIVED
 21 NOV 2024
 PLANNING SECTION
 55/24/140
 FILE NO. (as amended)

Tipperary County Council
 RECEIVED
 21 NOV 2024
 CSD
 Civic Offices, Nenagh

PLANNING & DEVELOPMENT ACT, 2000 (as amended)

Application for a Section 5 Declaration
Development / Exempted Development

1. Applicant's address/contact details:

Applicant	Ashbourne Meats
Address	Castleholding, Roscrea, Co. Tipperary, E53 NP23
Telephone No.	0505 21411
E-mail	[REDACTED]

2. Agent's (if any) address:

Agent	DEC Engineering & Commercial Ltd – C/O Andrew Driver
Address	Corville Road, Roscrea, 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)	ARD ERAN, Dublin Road, Roscrea, Co Tipperary. E53YF44
---	---

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.)

Works Proposed:

- Reduce existing masonry boundary wall by circa 900mm.
- Form a new insitu concrete capping 900mm off existing footpath.
- Install new Galvanized Mild Steel, powder coated [black] vertical railings.

NOTE – This works is proposed to improve the safety of the existing site entrance. This entrance has existed at this location since the Ard Eran House was constructed in the early 1920s.

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 [Owner]	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) *ADriver*
(Agent)

Date: *18/11/2024*

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. € 80.00
Receipt No NENAM 1/0/124581
Date 24/11/2024
Received by Maura Lillis

Planning Pack Map

Tailte Éireann



G a b h á l t a s t l e a s a n C h a i s l e á i n C a s t l e o l d i n g

614159

CENTRE COORDINATES:
ITM 614276,689600

PUBLISHED: 18/11/2024
ORDER NO.: 50434869_1

MAP SERIES: 1:1,000
1:2,500
MAP SHEETS: 4109-03
4109-B

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

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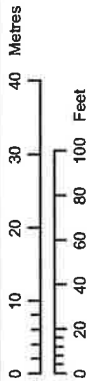
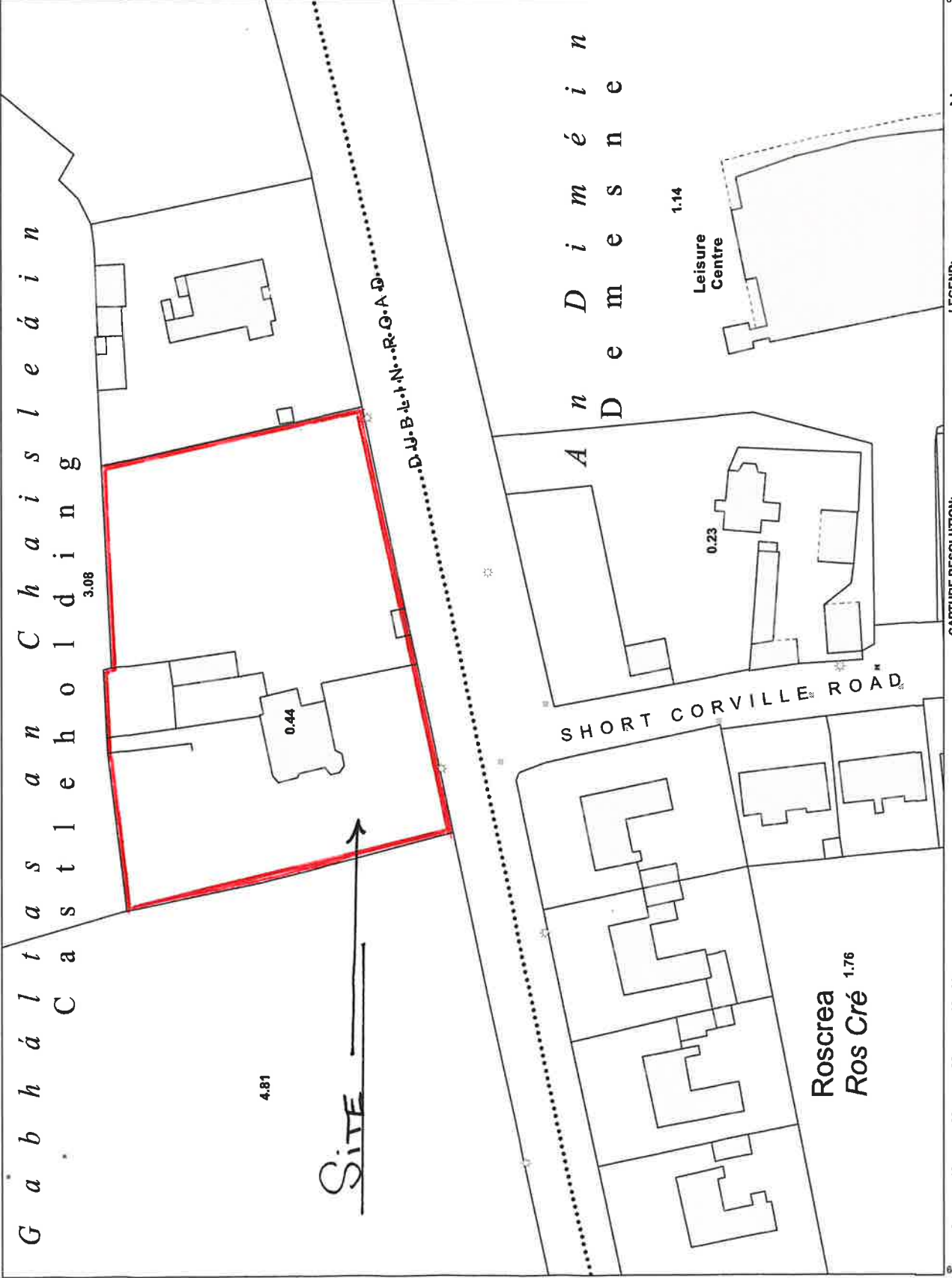
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OUTPUT SCALE: 1:1,000

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'



614392

614392

689606

689614

Site Location Map



CENTRE COORDINATES:
ITM 614276,689600

PUBLISHED: 18/11/2024
ORDER NO.: 50434869_1

MAP SERIES: LS015
6 Inch Raster LS021
6 Inch Raster OY043
6 Inch Raster TY012+012A

COMPILED AND PUBLISHED BY:
Tailte Éireann,
Phoenix Park,
Dublin 8,
Ireland.
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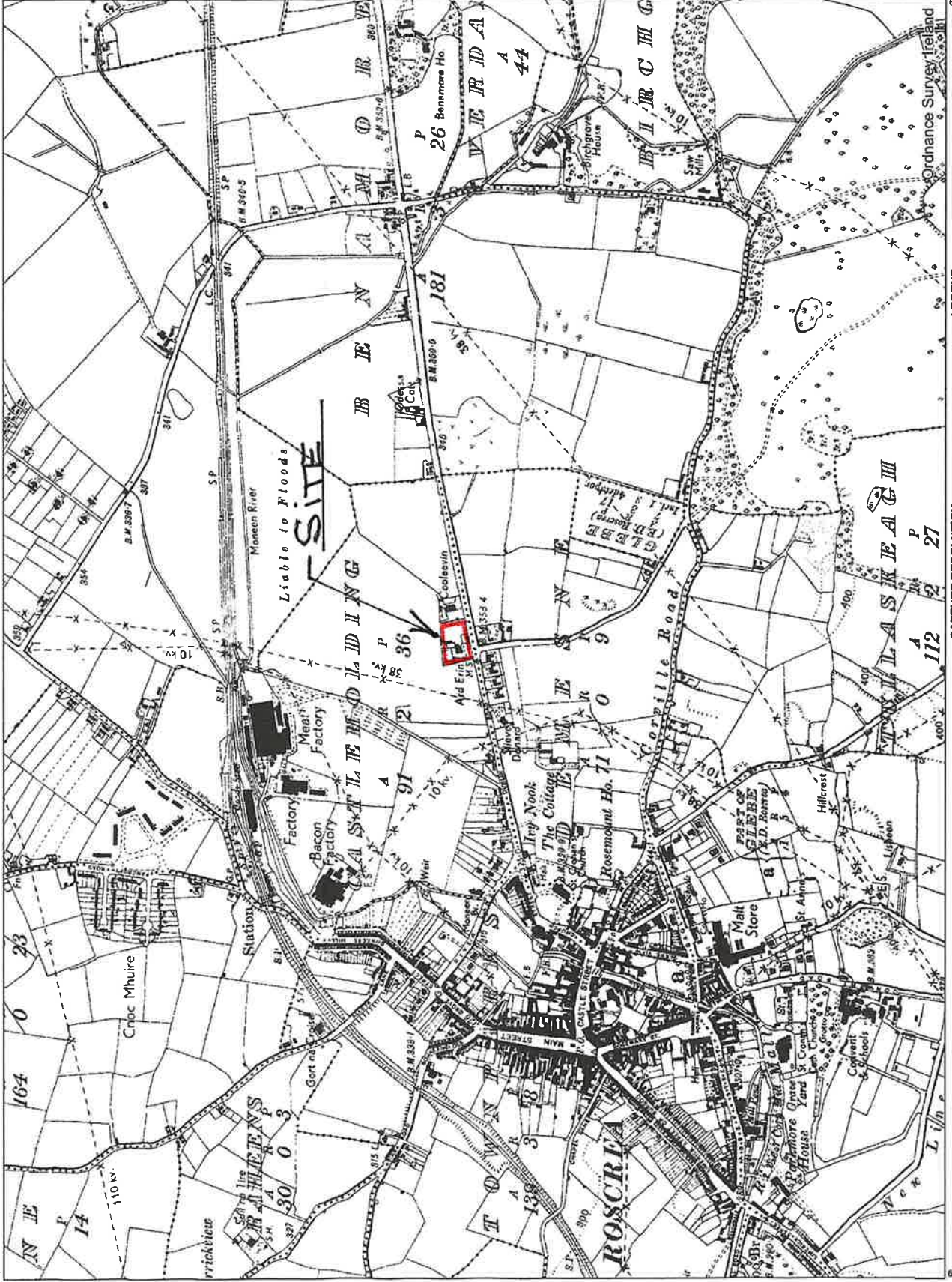
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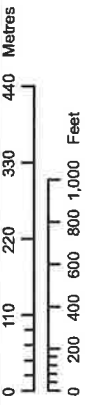
613045



LEGEND:
To view the legend visit www.tailte.ie and search for 'Large Scale Legend'

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OUTPUT SCALE: 1:10,560





Existing Entrance Wall & Pillars

RECEIVED
 21 NOV 2024
 PLANNING SECTION
 FILE NO. S5/24/140



Dimensions should always be checked on site

DEC Engineering & Commercial Ltd
 Corville Road, Roscrea, Co Tipperary.
 Website: decengcom.ie
 Email: adriver@decengcom.ie
 Tel: +353505 24365 or +353 86 3835804

PROJECT TITLE:
**Ard Eran
 Modernisation**

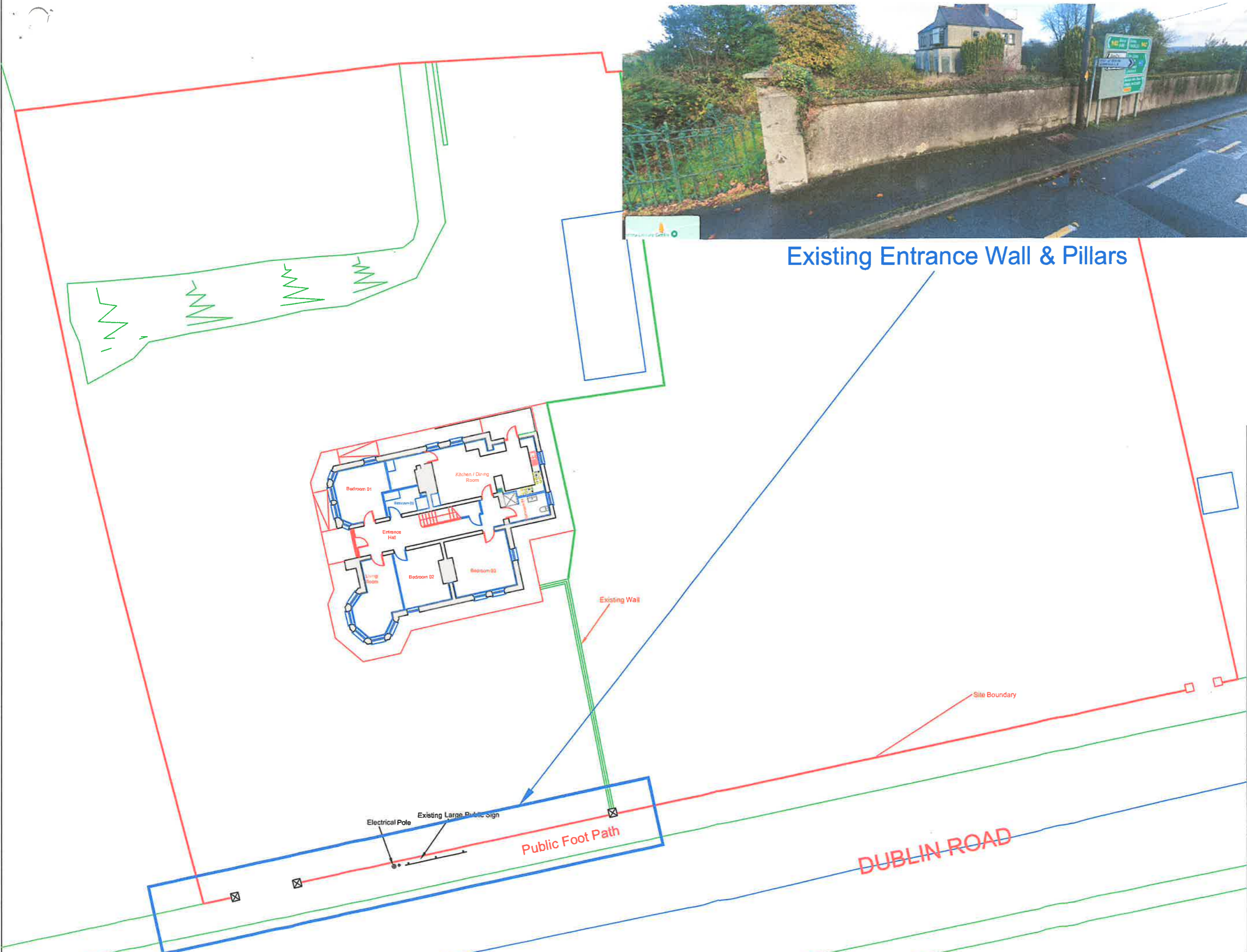
CLIENT:
 Ashbourne Meats

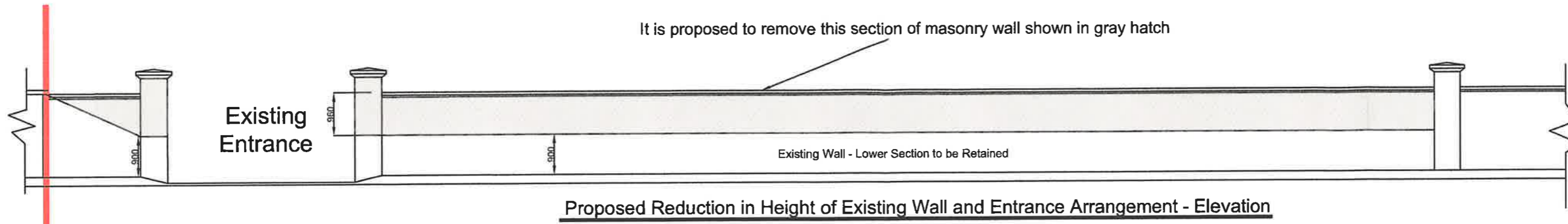
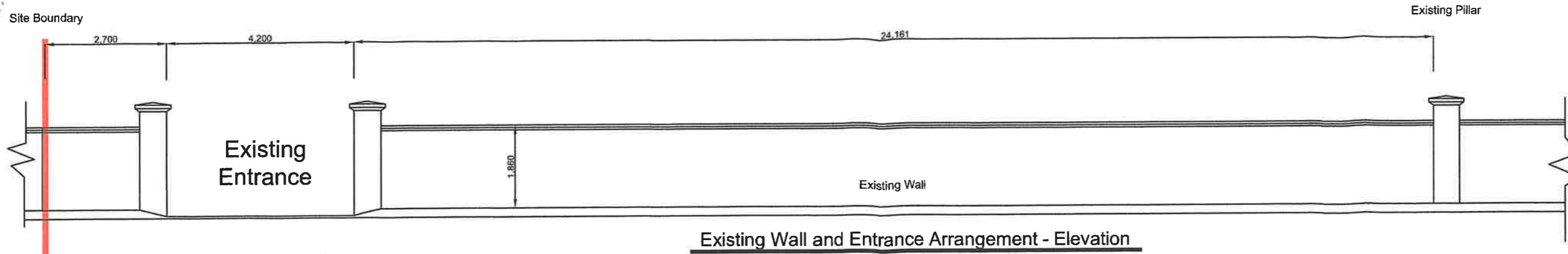
DWG Status:
Issued for Review

SCALE : 1:250
 DATE : 10/09/2024
 DRAWN : AD

JOB TITLE:
 Site Layout

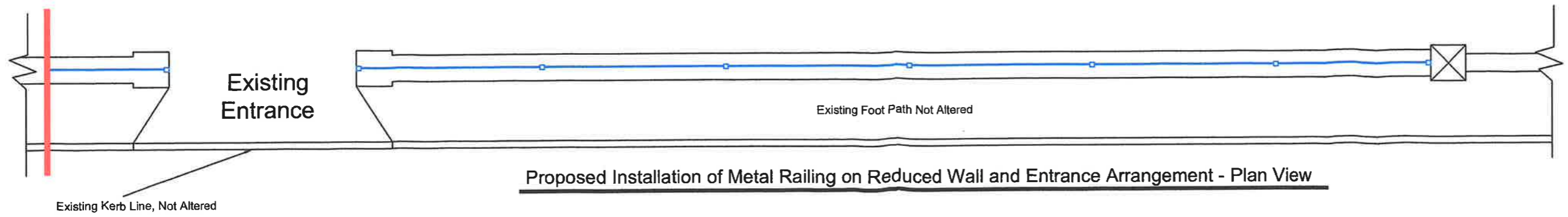
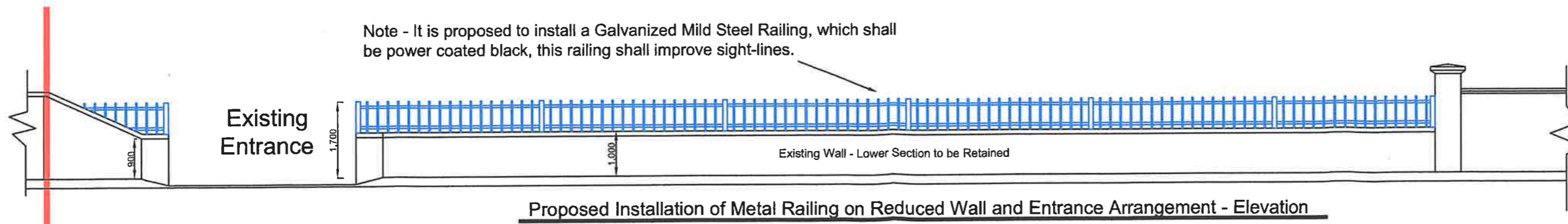
DWG Nr.	Rev
120	





Note - It is proposed that a new 100mm deep cast insitu concrete capping shall be formed on top of the original cut down wall.

Note - It is proposed to install a Galvanized Mild Steel Railing, which shall be power coated black, this railing shall improve sight-lines.



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DEC Engineering & Commercial Ltd
Corville Road, Roscrea, Co Tipperary.
Website: decengcom.ie
Email: adriver@decengcom.ie
Tel: +353505 24365 or +353 86 3835804

PROJECT TITLE:
**Ard Eran
Modernisation**

CLIENT:
Ashbourne Meats

DWG Status:
Issue for Review

SCALE : 1:100
DATE : 15/11/2024
DRAWN : AD

JOB TITLE:
**Proposal Entrance
Improvement**

DWG Nr.	Rev
14A	



WATER SUPPLY
METER
METER
METER
METER

WATER SUPPLY
METER
METER
METER
METER



SITE SAFETY NOTICE
Please do not enter the site without the permission of the site manager.
Safety equipment must be worn at all times.
No smoking, drinking or eating on site.
No mobile phone use while driving.
No parking on the site.



Cor a' Bhile
CORVILLE





Comhairle Contae Thiobraid Árann
Tipperary County Council

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Cluain Meala,
Co. Thiobraid Árann
Tipperary County Council,
Civic Offices, Clonmel,
Co. Tipperary
E91 N512

Comhairle Contae
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Co. Thiobraid Árann
Tipperary County Council,
Civic Offices, Nenagh,
Co. Tipperary
E45 A099

t 0818 06 5000
e customerservice
@tipperarycoco.ie
tipperarycoco.ie

Date: 25th November, 2024 Our Ref: S5/24/140 Civic Offices, Nenagh

**Ashbourne Meats
C/O DEC Engineering & Commercial Ltd
Andrew Driver
Corville Rd
Roscrea
Co. Tipperary**

Re: Application for a Section 5 Declaration – Reduce existing masonry boundary wall by 900mm. Form a new insitu concrete capping 900mm off existing footpath. Install new galvanized Mild Steel, powder coated (black) vertical railings at Ard Eran, Dublin Rd., Roscrea, Co. Tipperary.

Dear Mr. Driver,

I acknowledge receipt of your application for a Section 5 Declaration received on 21st 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**

Ryan, Siobhan Anne

From: Andrew Driver [REDACTED]
Sent: 13 December 2024 11:03
To: Planning Group
Subject: [External] Revised Section 5 - Ard Eran, Roscrea [Ashbourne Meats]
Attachments: 01 - Cover Letter - Ashbourne Meats - Section 5.pdf; 14B - Proposed Entrance Change_Ard Eran_Roscrea.pdf

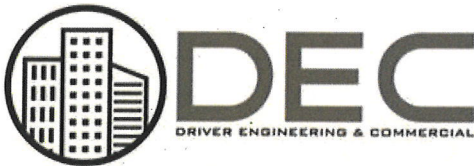
CAUTION FROM TIPPERARY COUNTY COUNCIL IT SECTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Planning,

Please find attached a cover letter and revised drawing relating to a Section 5 application dated the 18th of November 2024.

Kind Regards,

Andrew Driver BSc (Hons) LLM CEng MIEI MCIQB MCInstCES
Chartered Engineer



DEC Engineering & Commercial Ltd
Corville Road, Roscrea, Co Tipperary.
Website: decengcom.ie
Email: adriver@decengcom.ie
Tel: +353505 24365 or +353 86 3835804

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DEC Engineering & Commercial Ltd.

Corville Road, Roscrea, Co Tipperary. Website: decengcom.ie

Email: adriver@decengcom.ie Tel: +353 86 3835804 or +353 505 24365

For the Attention of: Tipperary Planning Authority

Date - 12/12/2024

Client – Ashbourne Meats, Castleholding, Roscrea, Co. Tipperary, E53 NP23

Project Address - ÁRD ERAN, Dublin Road, Roscrea, Co Tipperary. E53YF44

Letter Reference – Article 10 [6](a) – Exempted Conversion of Shop

Dear Sir or Madam,

Further our Section 5 submission made on the 18th of November 2024, we would request that the description of the proposed works included in section 4 of the application form be amended to read as follows:

“Works Proposed:

- *Reduce existing masonry boundary wall by circa 900mm.*
- *Form a new insitu concrete capping 900mm off existing footpath.*

NOTE – This works is proposed to improve the safety of the existing site entrance. This entrance has existed at this location since the Ard Eran House was constructed in the early 1920s.”

Accordingly, we have included a revised drawing which now fits within the terms of the above description.

Included Below

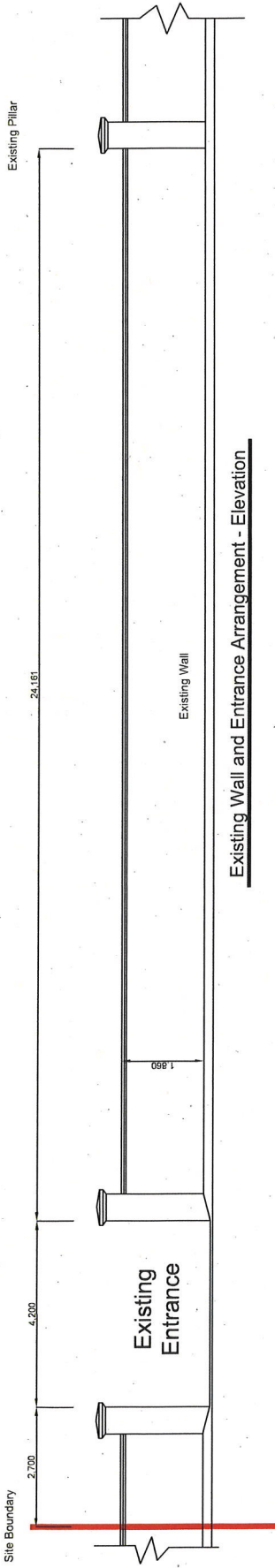
Appendix 01 – Entrance Wall Drawing [14B – Proposed Entrance Change]

Kind Regards,

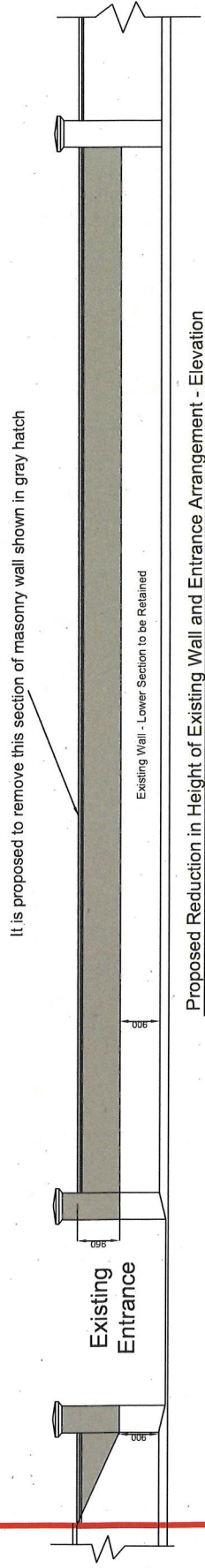
Andrew Driver BSc (Hons) LLM CEng MIEI MCIQB MCIInstCES

Chartered Engineer

For and on behalf of DEC Ltd.

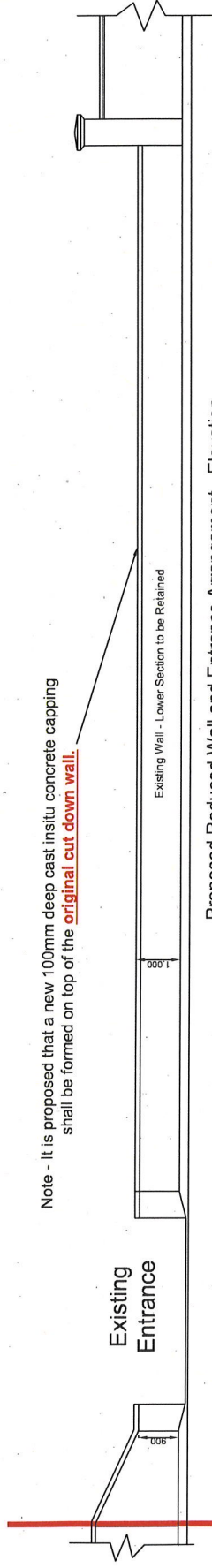


Existing Wall and Entrance Arrangement - Elevation

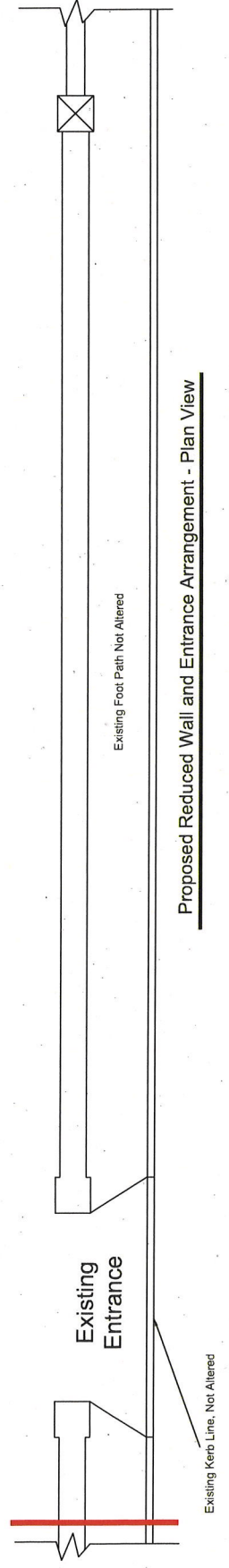


It is proposed to remove this section of masonry wall shown in gray hatch

Proposed Reduction in Height of Existing Wall and Entrance Arrangement - Elevation



Proposed Reduced Wall and Entrance Arrangement - Elevation



Proposed Reduced Wall and Entrance Arrangement - Plan View

Dimensions should always be checked on site	<p>DEC Engineering & Commercial Ltd Corville Road, Roscrea, Co Tipperary. Website: decengcom.ie Email: info@decengcom.ie Tel: +353505 24365 or +33 86 3835604</p>	<p>PROJECT TITLE: Ard Eran Modernisation</p>	<p>CLIENT: Ashbourne Meats</p>	<p>DWG STATUS: Issue for Review</p>	<p>SCALE : 1:100 DATE : 12/12/2024 DRAWN : AD</p>	<p>JOB TITLE: Proposal Entrance Improvement</p>	<table border="1"> <tr> <td>DWG No:</td> <td>Rev</td> </tr> <tr> <td>14B</td> <td></td> </tr> </table>	DWG No:	Rev	14B	
DWG No:	Rev										
14B											



Comhairle Contae Thiobraid Árann
Tipperary County Council

Comhairle Contae
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Co. Thiobraid Árann
Tipperary County Council,
Civic Offices, Nenagh,
Co. Tipperary
E45 A099

t 0818 06 5000
e customerservice
@tipperarycoco.ie
tipperarycoco.ie

Date: 16th December, 2024 Our Ref: S5/24/140 Civic Offices, Nenagh

**Ashbourne Meats
C/O DEC Engineering & Commercial Ltd
Andrew Driver
Corville Rd
Roscrea
Co. Tipperary**

Re: Application for a Section 5 Declaration – Reduce existing masonry boundary wall by 900mm. Form a new insitu concrete capping 900mm off existing footpath. Install new galvanized Mild Steel, powder coated (black) vertical railings at Ard Eran, Dublin Rd., Roscrea, Co. Tipperary.

Dear Mr Driver,

I acknowledge receipt of your Unsolicited Information for a Section 5 Declaration received 13th December, 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

Geraldine Quinn

for **Director of Services**

TIPPERARY COUNTY COUNCIL
APPLICATION FOR DECLARATION UNDER SECTION 5

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

Planning Ref.: S5/24/140

Applicant: Ashbourne Meats

Development Address: Dublin Road, Roscrea

Proposed Development: “Reduce existing masonry boundary wall by circa 900mm and form a new insitu concrete capping 900mm off existing footpath”.

1. GENERAL

On 21.11.2024, as amended by submission on 13.12.2024 a request was made for a declaration under Section 5 of the Planning and Development Act 2000 (as amended) by Ryan Fogarty as to whether or not the following constitutes development and if so, whether same constitutes exempted development:

“Reduce existing masonry boundary wall by circa 900mm
Form a new insitu concrete capping 900mm off existing footpath”.

2. STATUTORY PROVISIONS

The following statutory provisions are relevant to this referral case;

Section 3 (1) of the Planning and Development Act 2000, as amended, states as follows:-

“In this Act, ‘development’ means, except where the context otherwise requires, the carrying out of works on, in, over or under land or the making of any material change in the use of any structures or other land.”

Section 2(1) of the Act defines “works” as:-

“works” includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.

Section 4 (1)(h) of the Act states as follows:-

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

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;

Article 6 (Exempted Development) of the Planning and Development Regulations 2001, as amended, states that;

- (1) Subject to article 9, development of a class specified in column 1 of Part 1 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1.

Class 5, Schedule 2, Part 1 of the Planning and Development Regulations 2001, as amended provides an exemption for:

The construction, erection or alteration, within or bounding the curtilage of a house, of a gate, gateway, railing or wooden fence or a wall of brick, stone, blocks with decorative finish, other concrete blocks or mass concrete.

Conditions/Limitations

1. *The height of any such structure shall not exceed 2 metres or, in the case of a wall or fence within or bounding any garden or other space in front of a house, 1.2 metres.*
2. *Every wall other than a dry or natural stone wall bounding any garden or other space shall be capped and the face of any wall of concrete or concrete block (other than blocks with decorative finish) which will be visible from any road, path or public area, including public open space, shall be rendered or plastered.*
3. *No such structure shall be a metal palisade or other security fence.*

Article 9 has been considered in the assessment of the proposed exemption. This is further considered at section 3 (C) below.

3. ASSESSMENT

a. Site Location

The site is situated at the Dublin Road, Roscrea, and is accessible from the N62, opposite the junction with the Short Corville Road, L3106 x N62

b. Relevant Planning History

PI Ref 08/510702- Permission sought for development consisting of (a) restaurant / drive-thru (400sq.m), (b) motor sales outlet (989 sq.) (c) neighbourhood centre (6336 sq.m), (d) retail warehouse/garden centre (9064 sq.m), (e) retail warehouse (1611 sq.m), (f) cash & carry wholesale unit (5460 sq.m), and (g) demolition of existing house. Application withdrawn.

c. Assessment

Pursuant to Section 5 of the Planning & Development Acts this report will examine whether the proposal constitutes a) development and b) exempted development.

A) Is or is not Development

As noted above, the Planning and Development Act defines development as, except where the context otherwise requires, the carrying out of works on, in over or under land, or the making of any material change of use of any structures or other land.”.

It is considered that alterations to the front boundary wall comprising the reduction of existing masonry boundary wall by circa 900mm and formation of a new insitu concrete capping 900mm off existing footpath is development

B) Is or is not Exempted Development

The exemption under Class 5, Schedule 2, Part 1 of the Planning and Development Regulations 2001, as amended provides an exemption for:

The construction, erection or alteration, within or bounding the curtilage of a house, of a gate, gateway, railing or wooden fence or a wall of brick, stone, blocks with decorative finish, other concrete blocks or mass concrete.

This exemption is subject to the following conditions/limitations:

Conditions/Limitations

- 1. The height of any such structure shall not exceed 2 metres or, in the case of a wall or fence within or bounding any garden or other space in front of a house, 1.2 metres.*
- 2. Every wall other than a dry or natural stone wall bounding any garden or other space shall be capped and the face of any wall of concrete or concrete block (other than blocks with decorative finish) which will be visible from any road, path or public area, including public open space, shall be rendered or plastered.*
- 3. No such structure shall be a metal palisade or other security fence.*

The proposed alteration to the wall will reduce the height of the wall to circa 900mm as set out in cover letter submitted on 13.12.2024 and as depicted on the revised wall elevation submitted on that date. Class 5 allows for the alteration to a wall within or bounding the curtilage of a house, to a height of 1.2m to the front of the house. It is noted that the proposed wall is a concrete wall with a proposal to cap same with concrete. It is considered that the proposed alteration adheres to the exemption and conditions and limitations attached to class 5.

C) Is the exemption restricted under Article 9

Restrictions on exemption.

Article 9. (1) Development to which article 6 relates shall not be exempted development for the purposes of the Act— (a) if the carrying out of such development would—

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

There is no planning history associated with the dwelling. The exemption is therefore not limited by this restriction.

(ii) consist of or comprise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width,
There is no proposal to alter or widen the existing access

(iii) endanger public safety by reason of traffic hazard or obstruction of road users,
The proposed development does not constitute a traffic hazard and is being undertaken to improve sightlines at the entrance as stated by the applicant.

I note no restrictions under Article 9 (1) a) that would apply.

4. APPROPRIATE ASSESSMENT (AA) and ENVIRONMENTAL IMPACT ASSESSMENT

The development has been screened as to the requirement for AA (see attached) and it has been determined that same is not required. The development is not a category of project that requires EIA.

4. RECOMMENDATION

A question has arisen as to whether the following is development and is or is not exempted development;

“Reduce existing masonry boundary wall by circa 900mm
Form a new insitu concrete capping 900mm off existing footpath”.

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

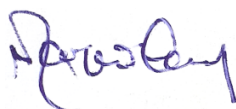
- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended
- (b) Class 5, Part 1 of Schedule 2 Planning & Development Regulations 2001, as amended.
- (c) Article 9 of the Planning & Development Regulations 2001, as amended.

Tipperary County Council has concluded that –

The reduction of the existing masonry boundary wall by circa 900mm and formation of a new insitu concrete capping 900mm off existing footpath” *in accordance with the drawings and documentation received on 13.12.2024* constitutes “development” within the meaning of the Planning and Development Act 2000, as amended and is “exempted development”.

Signed:

District Planner

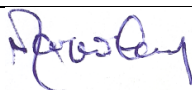


Date: 13.12.2024

A/Senior Executive Planner:



Date: 16/12/2024

Establishing if the proposal is a 'sub-threshold development':	
Planning Register Reference:	S5/24/140
Development Summary:	As per Planners Report
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,	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 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): _____ [specify class & threshold here]	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
Signature of Recommending Officer:	
Date:	13.12.2024

HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT

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

(a) File Reference No:	S5/24/140
(b) Brief description of the project or plan:	As per planners report
(c) Brief description of site characteristics:	As per planners report
(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW	None
(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	
002236 Island Fen	https://www.npws.ie/protected-sites/sac/002236		Within 15km	None	No
000412 Slieve Bloom Mountains SAC	https://www.npws.ie/protected-sites/sac/000412		Within 15km	None	No
000585 Sharavogue Bog SAC	https://www.npws.ie/protected-sites/sac/000585		Within 15km	None	No
000934 Kilduff, Devilsbit Mountain SAC	https://www.npws.ie/protected-sites/sac/000934		Within 15km	None	No
002147 Lisduff Fen SAC	https://www.npws.ie/protected-sites/sac/002147		Within 15km	None	No
002162 River Barrow And River Nore SAC	https://www.npws.ie/protected-sites/sac/002162		Within 15km	None	No
002332 Coolrain Bog SAC	https://www.npws.ie/protected-sites/sac/002332		Within 15km	None	No
004160 Slieve Bloom Mountains SPA	https://www.npws.ie/protected-sites/spa/004160		Within 15km	None	No

004233 River Nore SPA	https://www.npws.ie/protected-sites/spa/004233	Within 15km	None	No
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- ¹ Short paraphrasing and/or cross reference to NPWS is acceptable – it is not necessary to reproduce the full text on the QI/SCI.
² If the site or part thereof is within the European site or adjacent to the European site, state here.

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 likely significant effects
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 	It is considered that there is no real likelihood of any significant effects on European Sites in the wider catchment area.
In-combination/Other	No likely significant in-combination effects
(b) Describe any likely changes to the European site:	
Examples of the type of changes to give consideration to include: <ul style="list-style-type: none"> Reduction or fragmentation of habitat area Disturbance to QI species Habitat or species fragmentation Reduction or fragmentation in species density Changes in key indicators of conservation status value (water or air quality etc.) Changes to areas of sensitivity or threats to QI 	None. The significant distance between the proposed development site and any European Sites, and scale and nature of the development is such that the proposal will not result in any likely changes to the European sites that comprise part of the Natura 2000 network in the Lower river Suir SAC

- 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.


On the basis of the information on file, which is considered adequate to undertake a screening determination and having regard to: the nature and scale of the proposed development, the intervening land uses and distance from European sites, the lack of direct connections with regard to the Source-Pathway-Receptor model, it is concluded that the proposed development, individually or in-combination with other plans or projects, would not be likely to have a significant effect on the above listed European sites or any other European site, in view of the said sites' conservation objectives.

An appropriate assessment is not, therefore, required.

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:


13.12.2024

Signature and Date of the Decision Maker:



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: 17th December, 2024

Our Ref: S5/24/140

Civic Offices, Nenagh

**Ashbourne Meats
C/O DEC Engineering & Commercial Ltd
Andrew Driver
Corville Rd
Roscrea
Co. Tipperary**

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

Dear Mr Driver,

I refer to your application for a Section 5 Declaration received on 21st November, 2024, and unsolicited information received on 13th December, 2024 in relation to the following proposed works:

Reduce existing masonry boundary wall by circa 900mm and form a new insitu concrete capping 900mm off existing footpath **at Dublin Road, Roscrea, 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 and 4 of the Planning and Development Act, 2000, as amended
- b) Class 5, Part 1 of Schedule 2 Planning & Development Regulations 2001, as amended.
- c) Article 9 of the Planning & Development Regulations 2001, as amended.

Tipperary County Council has concluded that –

The reduction of the existing masonry boundary wall by circa 900mm and formation of a new insitu concrete capping 900mm off existing footpath" *in accordance with the drawings and documentation received on 13.12.2024* constitutes "development" within the meaning of the Planning and Development Act 2000, as amended and is "**exempted development**".

NOTE: Any person issued with a Declaration of a Planning Authority may refer the Declaration for review to An Bord 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: **S5/24/140**

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 Ashbourne Meat, C/O DEC Engineering & Commercial Ltd., Andrew Driver, Corville Rd., Roscrea, Co. Tipperary re: "Reduce existing masonry boundary wall by circa 900mm and form a new insitu concrete capping 900mm off existing footpath at Ard Eran, Dublin Rd., Roscrea, Co. Tipperary is development and is exempted development.

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

- a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended
- b) Class 5, Part 1 of Schedule 2 Planning & Development Regulations 2001, as amended.
- c) Article 9 of the Planning & Development Regulations 2001, as amended.

Tipperary County Council has concluded that -

The reduction of the existing masonry boundary wall by circa 900mm and formation of a new insitu concrete capping 900mm off existing footpath" *in accordance with the drawings and documentation received on 13.12.2024* constitutes "development" within the meaning of the Planning and Development Act 2000, as amended and is "exempted development".

Signed:



Sharon Kennedy

Date: 17/12/2024

Director of Services
Planning and Development (including Town Centre First),
Emergency Services and Emergency Planning and
Tipperary/Cahir/Cashel Municipal District