



**PLANNING & DEVELOPMENT ACT, 2000 (as amended)**

**Application for a Section 5 Declaration**  
**Development / Exempted Development**

**1. Applicant's address/contact details:**

<i>Applicant</i>	Omexom Ltd
<i>Address</i>	Unit 1A, Cashel Retail Park, Cahir Road, Aashwell's-Lot, Cashel, Co. Tipperary.
<i>Telephone No.</i>	[REDACTED]
<i>E-mail</i>	[REDACTED]

**2. Agent's (if any) address:**

<i>Agent</i>	Sean Ryan - Ryan Architectural Solutions Ltd.
<i>Address</i>	Parkstown, Horse and Jockey, Thurles, Co. Tipperary.
<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 [ <input checked="" type="checkbox"/> ]	

**3. Location of Proposed Development:**

<i>Postal Address or Townland or Location (as may best identify the land or structure in question)</i>	Unit 1A, Cashel Retail Park, Cahir Road, Ashwell's-Lot, Cashel, Co. Tipperary.
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**4. Development Details:**


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

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

Requesting that the use of this building as a sales & service office for Omexom Ltd, with ancillary offices.
The building was previously used as a sales and display for car sales. Omexom Ltd are a company that provides a sales and services for Hi-Voltage installation for substations and solar panel farms etc. The proposal is to use this building to display the various products and services, (substation parts, solar panels, battery storage units to name a few, this building will allow them to display all this in the display areas and internal ancillary offices to support this works. No extension is required and all operations will be within the existing footprint of the building.
Proposed floor area of proposed works/uses: 1292 sqm

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

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

Signature of Applicant(s)   
On Behalf Of Client

Date: 29/10/2024

**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:**

<b>Planning Section, Tipperary County Council, Civic Offices, Limerick Road, Nenagh, Co. Tipperary</b>	<b><u>OR</u></b>	<b>Planning Section, Tipperary County Council, Civic Offices, Emmet Street, Clonmel, Co. Tipperary</b>
<b>Enquires:</b>		
<b>Telephone 0761 06 5000</b>		
<b>E-Mail <a href="mailto:planning@tipperarycoco.ie">planning@tipperarycoco.ie</a></b>		

<b>FOR OFFICE USE ONLY</b>	
<b><u>DATE STAMP</u></b>	
<b>Fee Recd. € <u>80.00</u></b>	
<b>Receipt No <u>Clonmel 10/186452</u></b>	
<b>Date <u>29/10/2024</u></b>	
<b>Received by <u>Catherine Aherne</u></b>	

## Ryan, Siobhan Anne

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**From:** Sean Ryan <sean@ras.ie>  
**Sent:** 30 October 2024 15:25  
**To:** Planning Group  
**Subject:** [External] Section 5 Applicaton  
**Attachments:** siteplan-Section 5-PP-102.pdf; Sean Ryan - € 80.00 payment - 29.10.2024.pdf; Omexom.pdf; Section 5 Exemption Application Form-1.pdf; Secion 5 plans-SV-01.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.

HI

I submit the above Section 5 application for premises in Cashel, Tipperary for Omexom, please find the following

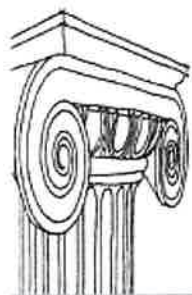
- Existing plans and proposed plans
- Section 5 application
- Letter from applicant describing there business
- Payment of €80 fee
- Site Location plans

If you require any further information please contact me

Regards

Sean.

Sean A. Ryan  
(Dip.Arch.Tech,B.Eng(fire), ICIOB, PGCert DEAR)



# Ryan Architectural Solutions Ltd.

*Architectural & Planning Consultants*

[www.ras.ie](http://www.ras.ie)

Ryan Architectural Solutions Ltd.

*Architectural and Planning consultants*

**Parkstown, Horse and Jockey,**

**Thurles, Co. Tipperary.**

**Tel. 0504-90244 .email: [info@ras.ie](mailto:info@ras.ie)**





Tipperary County Council  
Civic Offices  
Clonmel  
Co Tipperary

29/10/2024 16:19:35

Receipt No. : CLONMEL/0/186452

SEÁN RYAN  
PARKSTOWN  
HORSE & JOCKEY  
THURLES  
CO TIPPERARY

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

Total : 80.00 EUR

Tendered :  
Credit Card 80.00

Change : 0.00

Issued By : CATHERINE AHERN  
From : CLONMEL TOWN RECEIPTS DESK  
Vat reg No.3259712MH

TIPPERARY COUNTY COUN  
Emmet Street  
E91 N512

MERCHANT ID: \*\*\*\*\*3546  
TERMINAL ID: \*\*\*\*\*4603  
DATE: 29/10/2024 TIME: 16:18  
BATCH: 060943-014 INVOICE: 004714  
RRN: 020015505438 AUTH NO.: 058334  
MasterCard SALE  
\*\*\*\*\*9478 \*

SALE AMOUNT €80.00

CUSTOMER NOT PRESENT  
I agree to pay the final amount according  
to the card/merchant issuer agreement



Friday 25th October 2024

## **Omexom**

Unit 1A, Cashel Retail Park,  
Cahir Rd, Ashwell's-Lot,  
Cashel, Co. Tipperary,  
E25 YT51, Ireland

**Omexom Ireland** provides services in safety, design, procurement, construction, and commissioning for Public and Private infrastructure construction projects. Omexom provides turnkey services to the Distribution Network Operators (DSOs) and Transmission System Operators (TSOs), Private Developers and Renewables Developers (Wind, Solar and BESS) within Ireland. We are a market leading provider to the customers in these sectors, offering innovative, value adding Engineering services and a vast range of expertise with the objective of fostering long term partnerships and relationships with our Clients, Business partners and local communities.

### **Our Mission**

Omexom Ireland is committed to providing high Safety standards, excellent quality solutions and experience workmanship which consistently meets or exceeds the expectations of all our Clients. We are here to serve our customers, keeping all parties profitable and sustainable whilst ensuring the development and maintenance of vital infrastructure. With Safety, Environment and Sustainability as our top priorities we conscientiously plan all operations to eliminate harm to our own people and others, and to keep environmental impacts to an absolute minimum.

Omexom is working with its clients to achieve the energy transition and our new facility at Cashel will be central to our presence in Ireland it will support local employment and national resource development for the country.

Omexom's solution targets those who produce, transform and transport electricity, including local authorities. Omexom thus helps energy producers, grid operators and territories fulfill their missions whilst simultaneously navigating the evolving landscape. Omexom's expertise in the field of electrical grids allows us to anticipate the impact of renewable energies. We then work to develop storage solutions, make more sustainable infrastructures and meet new consumption trends. As a system integrator, we assess individual needs of every customer, before selecting the best solution specifically for them. Omexom remains totally independent when it comes to integrating technological options.

### **Training Centre, (Institute)**

Our institute as part of the regional office will cover a wide range of training topics relevant to the electricity market, including Photovoltaic projects, Distribution, Public Lighting, Safety in Substations, Self-Consumption, Overhead Lines inspection and infrastructure for electric mobility. The training provided complements our expertise in energy infrastructures. Omexom Institute adopts a hands-on, practical approach to learning in keeping with the values of VINCI Energies which is our parent company.

### **Products & Services**

- Electrical Balance of Plant
- Engineering Procurement and Commissioning
- Electrical and Civil Design
- Grid connection services HV&MV (OHL and UG)
- AIS & GIS HV&MV switchgear installation services
- Testing & Commissioning
- Operation & Maintenance services









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](http://tipperarycoco.ie)

Date: 30<sup>th</sup> October, 2024

Our Ref: S5/24/128

Civic Offices, Nenagh

**Omexom Ltd  
C/O Sean Ryan  
Ryan Architectural Solutions Ltd  
Parkstown  
Horse and Jockey  
Thurles  
Co. Tipperary**

**Re: Application for a Section 5 Declaration – Change of use, to be used as a Sales & Service Office. No extension is required and all operations with work within the existing footprint of the building at Unit 1A, Cashel Retail park, Cahir Rd., Ashwell's-Lot, Cashel, Co. Tipperary.**

Dear Mr Ryan,

I acknowledge receipt of your application for a Section 5 Declaration received on 30<sup>th</sup> October, 2024, in connection with the above.

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

Yours sincerely

  
for **Director of Services**

# TIPPERARY COUNTY COUNCIL

## Application for Declaration under Section 5

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

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<b>Planning Reference:</b>	S5/24/128
<b>Applicant:</b>	Omexom Ltd C/O Sean Ryan
<b>Development Address:</b>	Unit 1A, Cashel Retail Park, Cahir Road, Cashel, Co. Tipperary
<b>Proposed Development:</b>	Requesting that the use of this building as a sales & service office for Omexom Ltd, with ancillary offices. The building was previously used as a sales and display for car sales. Omexom Ltd are a company that provided a sales and services for Hi-Voltage installation for substations and solar panels farm etc. The proposal is to use this building to display the various products and services, (substation parts solar panels, battery storage units), this building will allow then to display all this and internal ancillary offices to support this works.  No extension is required and all operations with work within the existing footprint of the building.

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### 1. GENERAL

On the 30<sup>th</sup> August 2024, a request was made for a declaration under Section 5 of the Planning and Development Act, 2000 as amended, Omexom Ltd C/O Sean Ryan as to whether or not the following constitutes development and if so, whether same constitutes exempted development at Unit 1A, Cashel Retail Park, Cahir Road, Cashel, Co. Tipperary;

***Requesting that the use of this building as a sales & service office for Omexom Ltd, with ancillary offices. The building was previously used as a sales and display for car sales. Omexom Ltd are a company that provided a sales and services for Hi-Voltage installation for substations and solar panels farm etc. The proposal is to use this building to display the various products and services, (substation parts solar panels, battery storage units), this building will allow then to display all this and internal ancillary offices to support this works.***

***No extension is required and all operations with work within the existing footprint of the building.***

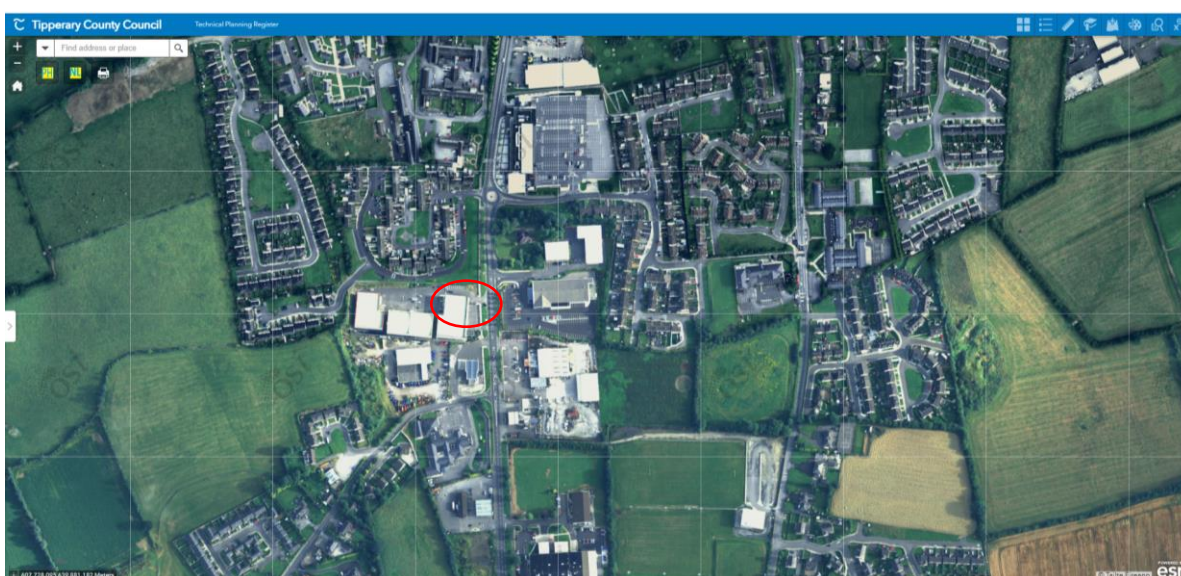


Figure 1 Site Location

The Section 5 application is accompanied by;

- Section 5 Declaration Application Form
- Site Location Map,
- Site Layout Plan,
- Elevation and plan drawings,
- Cover letter from Omexom Ltd outlining the nature of the business.



Figure 2 Subject Site (Google Street View 2019)

## 2. STATUTORY PROVISIONS

The following statutory provisions are relevant to this referral case;

### Planning and Development Act 2000, as amended

#### ***Interpretation.***

2.— (1) *In this Act, except where the context otherwise requires—*

***“development”*** has the meaning assigned to it by Section 3 and development shall be construed accordingly.”

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

***“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.

***“structure”*** means any building, structure, excavation, or other thing constructed or made on, in or under any land, or any 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, and

(b) in relation to a protected structure or proposed protected structure, includes—

(i) the interior of the structure,

(ii) the land lying within the curtilage of the structure,

(iii) any other structures lying within that curtilage and their interiors, and

(iv) all fixtures and features which form part of the interior or exterior of any structure or structures referred to in subparagraph (i) or (iii);

Section 3 (1) of the Planning and Development Act 2000, as amended, defined “development” 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 4 of the Planning and Development Act 2000, as amended, states as follows:-

**Exempted development.**

**4.—(1)** *The following shall be exempted developments for the purposes of this Act—*

*(h) development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures;*

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.*

**Planning and Development Regulations 2001, as amended**

Article 5(1) of the Planning and Development Regulations 2001, as amended sets out various definitions including the definition of a ‘shop’ as follows:

*‘shop’ means a structure used for any or all of the following purposes, where the sale, display or service is principally to visiting members of the public –*

*(a) for the retail sale of goods,*

*(b) as a post office,*

*(c) for the sale of tickets or as a travel agency,*

*(d) for the sale of sandwiches or other food or of wine for consumption off the premises, where the sale of such food or wine is subsidiary to the main retail use, and “wine” is defined as any intoxicating liquor which may be sold under a wine retailer's off-licence (within the meaning of the Finance (1909-1910) Act, 1910), 10 Edw. 7. & 1 Geo. 5, c.8,*

*(e) for hairdressing,*

*(f) for the display of goods for sale,*

*(g) for the hiring out of domestic or personal goods or articles,*

*(h) as a launderette or dry cleaners,*

*(i) for the reception of goods to be washed, cleaned or repaired,*

*but does not include any use associated with the provision of funeral services or as a funeral home, or as a hotel, a restaurant or a public house, or for the sale of hot food or intoxicating liquor for*

consumption off the premises except under paragraph (d), or any use to which class 2 or 3 of Part 4 of Schedule 2 applies;

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

**Exempted Development.**

6. (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.

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

9. (1) Development to which article 6 relates shall not be exempted development for the purposes of the Act—
- (a) if the carrying out of such development would—
- (i) contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act,
  - (viiB) comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site.
  - (viii) consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use,

Article 10 of the Planning and Development Regulations 2001, as amended sets out changes of use and states:

**Changes of use.**

- (1) Development which consists of a change of use within any one of the classes of use specified in Part 4 of Schedule 2, shall be exempted development for the purposes of the Act, provided that the development, if carried out would not—
- (a) involve the carrying out of any works other than works which are exempted development,
  - (b) contravene a condition attached to a permission under the Act,
  - (c) be inconsistent with any use specified or included in such a permission, or
  - (d) be a development where the existing use is an unauthorised use, save where such change of use consists of the resumption of a use which is not unauthorised and which has not been abandoned.
- (2) (a) A use which is ordinarily incidental to any use specified in Part 4 of Schedule 2 is not excluded from that use as an incident thereto merely by reason of its being specified in the said Part of the said Schedule as a separate use.
- (b) Nothing in any class in Part 4 of the Schedule 2 shall include any use—
- (i) as an amusement arcade,
  - (ii) as a motor service station,
  - (iii) for the sale or leasing, or display for sale or leasing, of motor vehicles,**
  - (iv) for a taxi or hackney business or for the hire of motor vehicles,
  - (v) as a scrap yard, or a yard for the breaking of motor vehicles, (vi) for the storage or distribution of minerals,
  - (vii) as a supermarket, the total net retail sales space of which exceeds 3,500 square metres in the greater Dublin Area and 3,000 square metres in the remainder of the State,
  - (viii) as a retail warehouse, the total gross retail sales space of which exceeds 6,000 square metres (including any ancillary garden centre), or
  - (ix) as a shop, associated with a petrol station, the total net retail sales space of which exceeds 100 square metres

Part 1, Schedule 2, includes the following exemption;

Description of Development	Conditions and Limitations
<p><i>Change of use</i>  <b>CLASS 14</b>  <i>Development consisting of a change of use—</i></p> <p><i>(a) from use for the sale of hot food for consumption off the premises, or for the sale or leasing or display for sale or leasing of motor vehicles, to use as a shop,</i></p> <p><i>(aa) from use for the sale of food for consumption on the premises to use for the sale of food for consumption off the premises.</i></p> <p><i>(b) from use as a public house, to use as a shop,</i></p> <p><i>(c) from use for the direction of funerals, as a funeral home, as an amusement arcade or a restaurant, to use as a shop,</i></p> <p><i>(d) from use to which class 2 of Part 4 of this Schedule applies, to use as a shop,</i></p> <p><i>(e) from use as 2 or more dwellings, to use as a single dwelling, of any structure previously used as a single dwelling,</i></p> <p><i>(f) from use as a house, to use as a residence for persons with an intellectual or physical disability or mental illness and persons providing care for such persons.</i></p> <p><i>(g) from use as a hotel, to use as a hostel (other than a hostel where care is provided),</i></p> <p><i>(h) from use as a hotel, motel, hostel, guesthouse, holiday accommodation, convent, monastery, Defence Forces</i></p>	<p><i>Where a premises is used during the relevant period for the sale of food for consumption off the premises in accordance with Article 3, then, upon the expiration of the relevant period –</i></p> <p><i>(a) the premises may be used for the sale of food for consumption on the premises in accordance with the permission that applied in respect of that premises immediately before the commencement of the relevant period, and</i></p> <p><i>(b) the use of the premises for the sale of food for consumption off the premises shall not be exempted development.</i></p> <p><i>The number of persons with an intellectual or physical disability or a mental illness living in any such residence shall not exceed 6 and the number of resident carers shall not exceed 2.</i></p>

<p>barracks or other premises or residential institution providing overnight accommodation, or part thereof, or from the change of use specified in paragraph (i) of the said premises or institution, or part thereof, to use as accommodation for protected persons,</p> <p>(i) from use as a hotel, motel, hostel, guesthouse, holiday accommodation, convent, monastery, Defence Forces barracks or other premises or residential institution providing overnight accommodation, or part thereof, or from the change of use specified in paragraph (h) of the said premises or institution, or part thereof, to use as an emergency reception and orientation centre for protected persons, and</p> <p>(j) from the change of use specified in paragraph (h) or (i) or both, to the permitted use of the premises immediately prior to the change of use specified in the said paragraph (h) or (i) or both.</p>	<p>Class 14(j) shall not apply after a period of 3 years from the date of the commencement of the change of use specified in Class 14(h) or (i) or both, whichever date is the earliest.</p>
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Class 1 of Part 4 of Schedule 2 refers to; "Use as a shop".

### 3. **ASSESSMENT**

#### **i. Site Location**

The site comprises of a car sales showrooms situated at Cashel Retail Park, Cahir Road, Cashel, Co. Tipperary. The building was last used for Colm Hanley Motors.

#### **ii. Relevant Planning History**

**17/600352** Permission GRANTED for the following: (a) change of use of Unit 1 from warehousing to **retail car sales show rooms with ancillary office** (b) Permission for signage to building and free stand illuminated display sign to entrance of site (c) car display area to the front of the building and all associated siteworks.

There is no condition attached to this grant of permission limiting any available exemptions.

#### Other permission on adjoining buildings:

**19601052** Permission GRANTED for the demolition of stone boundary wall and permission to retain the election of steel bollards and paved plinth in place of the stone wall to the front of our premises with all associated siteworks.

**17600828** Permission GRANTED change of use from industrial building to use as a garage/workshop and tyre centre and Permission for signage to same building with all associated siteworks.

**071812** Permission REFUSED for the change of use of Unit 1 Block A from retail warehousing to comparison retailing and for the change of use of Unit 3 Block B from warehousing to retail warehousing.

**05/1280** Permission GRANTED for two warehouse buildings with offices divided into units, combined area 2540m<sup>2</sup>, and the construction of separate retail warehouse building

2142m<sup>2</sup> with offices divided into units and the construction of site works including levelling of site, carparking and drainage.

**TUD-18-118** Case Closed.

**iii. Precedent cases**

PL84.RL3096: The Board decided (2013) that the change of use from a garage and showrooms to use as a shop at The Fairgreen, Westport, Co. Mayo is development and is exempted development.

PL83.RL.2856: The Board decided (2011) that the proposed change of use of the premises from use for the sale or leasing, or display for sale or leasing of motor vehicles to use as a shop, all at Capital Cars, Church Road, Tullamore is development and is exempted development

PL28S.RL2020: The Board decided (2003) that the change of use from motor/warehouse showrooms to a shop for the sale of tiles. Units 1 and 1C Concord Industrial Estate, Naas Road, Dublin 12 is development and is exempted development

ABP 304204-18: The Board decided that the change of use from car dealership to retail sale of convenience goods at Pollamore Near, Dublin Road, Cavan is development and is exempted development.

Tipperary County Council determined under Section 5 21/83 that the change of use from the sale or leasing of motor vehicles to use as a shop at Dan Dooley Car Showroom, Limerick Road, Tipperary, is development and is exempted development.

**iv. Assessment**

The question posed under the Section 5 Declaration application form is the following at Unit 1A, Cashel Retail Park, Cahir Road, Cashel, Co. Tipperary as follows;

*Requesting that the use of this building as a **sales & service office** for Omexom Ltd, with ancillary offices. The building was previously used as a sales and display for car sales. Omexom Ltd are a company that provided a sales and services for Hi-Voltage installation for substations and solar panels farm etc. The proposal is to use this building to display the various products and services, (substation parts solar panels, battery storage units), this building will allow then to display all this and internal ancillary offices to support this works.*

*No extension is required and all operations with work within the existing footprint of the building.*

A) “Is or is not Development”

The nature of the intended use is somewhat unclear (whilst the proposal appears to be for a shop) and the applicant will be requested to clarify the quantum of floor area to be used for the sale and display of goods to visiting members of the public, for the reception and repair of goods and for offices.

Section 3(1) of the Planning and Development Act 2000, as amended, defines ‘development’ as ‘the carrying out of any works on, in or under land or the making of any material change in the use of any structures or other land’. Article 5(1) of the Planning and Development Regulations 2001 (as amended) provided for the interpretation of the meaning of a ‘shop’. The sale of or leasing of motor vehicles is not listed in this article.

It is therefore considered the change of use from a premises for use for the sale or leasing, or display for sale or leasing of motor vehicles for use as shop is material and therefore consider the proposed change of use as “development” as understood by the Planning and Development Act 2000, as amended. The carrying out of works to the internal of the shop as identified is also considered to be development.



B) “Is or is not Exempted Development”

The cover letter states that Omexom Ltd is a business that provided engineer sales and services for Hi-Voltage installation for substations. This included an offering of various products and services, such as substation parts, solar panels, battery storage units etc.

I have reviewed the attached cover letter and the company website (<https://www.omexom.com/>). I note it related to ‘a brand specialising in the transmission and transformation of high voltage electricity’. I note from the website that they company appears to be currently operation from this unit and which is the headquarters in Republic of Ireland.

It is clear from the cases determined from An Bord Pleanála that there has been the acceptance of the change of use from motor sales to a shop. The next question then is whether the nature of the proposed use is considered to fall under the definition of a shop. As set out above the applicant will be requested to clarify the quantum of floor area to be used for the sale and display of goods to visiting members of the public, for the reception and repair of goods and for offices. The applicant will be requested to confirm the extent of repair/service which takes place and if any manufacturing occurs on site.

Assuming that the applicant can demonstrate that the proposal is for a “shop” the exemption under Class 14(a) *for the sale or leasing or display for sale or leasing of motor vehicles, to use as a shop*, is relevant. The proposal will not result in a use referred to under Article 10(2)(b)(vii)-(ix).

I note that this exemption provides for use only and does not extend to works. I am satisfied that the internal works referred to on the floor plans i.e. internal partitions avail of an exemption under Section 4(1)h of the Act.

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

**AA**

The proposal has been screened as to the requirements for Appropriate Assessment under the EU Habitats Directive. See also Appropriate Assessment screening report attached.

**EIA**

The proposed development is not a type of development included for under Schedule 5 of the Planning and Development Regulations 2001, as amended. EIA is not required in respect of the development. See all EIA Pre-Screening report attached.

D) Is the exemption restricted under Article 9 of the Regulations

I have reviewed the restrictions on exemption set out under Article 9 and Article 10 and I note no restrictions that would apply.

The proposed use is not restricted under a condition under the 2017 permission.

There is sufficient car parking on site and the change of use would not create a traffic hazard.

#### 4. **RECOMMENDATION**

It is recommended that FURTHER INFORMATION is requested under Section 5(2) of the Planning and Development Act 2000, as amended, as follows;

1. The applicant is advised that insufficient details have been submitted in relation to the intended use of the building and the services provided and whether same will fall under the definition of a shop as set out under Article 5(1) of the Planning and Development Regulations 2001, as amended.

The applicant is requested to submit further details on the nature of the intended use of the building and confirm the services to be provided as follows;

- The quantum of floor area to be used for the sale and display of goods to **visiting members of the public**,
- The quantum of floor area to be used for the reception and repair of goods,
- Floor area to be dedicated to offices.
- Confirm the extent of repair/service which is to take place
- If any manufacturing occurs on site.

The response to this item shall include colour coded floor plans clearly detailing where the above mentioned uses are to take place. Any uses not referred to above, and which it is intended to carry out should be included for.

District Planner:



Date: 21/11/2024

Senior Executive Planner:



Date: 22.11.2024

## HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT

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

<b>(a) File Reference No:</b>	S5/24/128
<b>(b) Brief description of the project or plan:</b>	<p>Requesting that the use of this building as a sales &amp; service office for Omexom Ltd, with ancillary offices. The building was previously used as a sales and display for car sales. Omexom Ltd are a company that provided a sales and services for Hi-Voltage installation for substations and solar panels farm etc. The proposal is to use this building to display the various products and services, (substation parts solar panels, battery storage units), this building will allow then to display all this and internal ancillary offices to support this works.</p> <p>No extension is required and all operations with work within the existing footprint of the building.</p>
<b>(c) Brief description of site characteristics:</b>	Former hotel function room within urban centre
<b>(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW</b>	None
<b>(e) Response to consultation:</b>	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 <sup>1</sup>	Distance from proposed development <sup>2</sup> (km)	Connections (Source-Pathway-Receptor)	Considered further in screening Y/N
002137 Lower River Suir	<a href="https://www.npws.ie/protected-sites/sac/002137">https://www.npws.ie/protected-sites/sac/002137</a>	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.)
<p>Construction phase e.g.</p> <ul style="list-style-type: none"> <li>• Vegetation clearance</li> <li>• Demolition</li> <li>• Surface water runoff from soil excavation/infill/landscaping (including borrow pits)</li> <li>• Dust, noise, vibration</li> <li>• Lighting disturbance</li> </ul>	No potential impacts

<ul style="list-style-type: none"> <li>• Impact on groundwater/dewatering</li> <li>• Storage of excavated/construction materials</li> <li>• Access to site</li> <li>• Pests</li> </ul>	
<b>Operational phase e.g.</b> <ul style="list-style-type: none"> <li>• Direct emission to air and water</li> <li>• Surface water runoff containing contaminant or sediment</li> <li>• Lighting disturbance</li> <li>• Noise/vibration</li> <li>• Changes to water/groundwater due to drainage or abstraction</li> <li>• Presence of people, vehicles and activities</li> <li>• Physical presence of structures (e.g. collision risks)</li> <li>• Potential for accidents or incidents</li> </ul>	No potential impacts
<b>In-combination/Other</b>	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"> <li>• Reduction or fragmentation of habitat area</li> <li>• Disturbance to QI species</li> <li>• Habitat or species fragmentation</li> <li>• Reduction or fragmentation in species density</li> <li>• Changes in key indicators of conservation status value (water or air quality etc.)</li> <li>• Changes to areas of sensitivity or threats to QI</li> <li>• Interference with the key relationships that define the structure or ecological function of the site</li> </ul>	No potential impacts
---	----------------------

**(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.

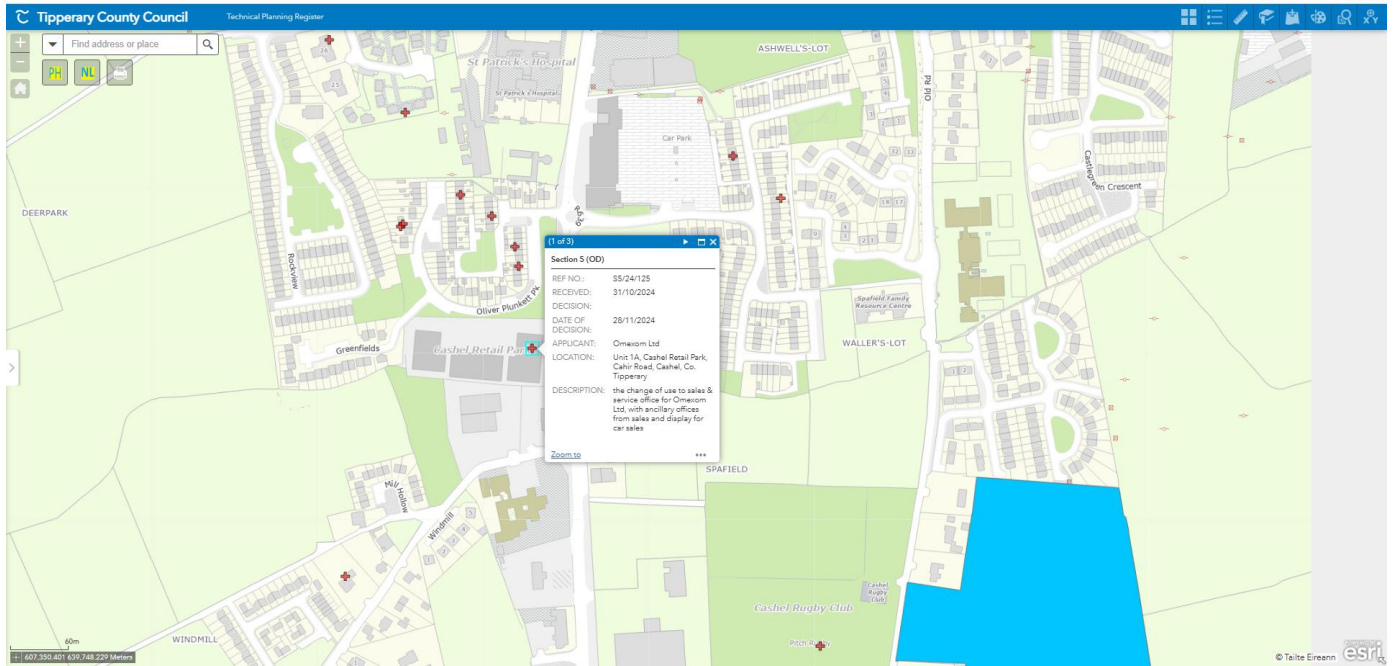
The proposed development is not likely to have significant effects.

**Conclusion:**

	<b>Tick as Appropriate:</b>	<b>Recommendation:</b>
(i) It is clear that there is <b>no likelihood</b> of significant effects on a European site.	<input checked="" type="checkbox"/>	The proposal can be screened out: Appropriate assessment not required.

(ii) It is <b>uncertain</b> 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) <b>Significant effects</b> are likely.	<input type="checkbox"/>	<input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
<b>Signature and Date of Recommending Officer:</b>	<i>L. Butler-Lyan</i>	<b>Date:</b> 21/11/2024

EIA Pre-Screening Establishing a development is a 'sub-threshold development'	
<b>File Reference:</b>	S5/24/128
<b>Development Summary:</b>	<p>Requesting that the use of this building as a sales &amp; service office for Omexom Ltd, with ancillary offices. The building was previously used as a sales and display for car sales. Omexom Ltd are a company that provided a sales and services for Hi-Voltage installation for substations and solar panels farm etc. The proposal is to use this building to display the various products and services, (substation parts solar panels, battery storage units), this building will allow then to display all this and internal ancillary offices to support this works.</p> <p>No extension is required and all operations with work within the existing footprint of the building.</p>
<b>Was a Screening Determination carried out under Section 176A-C?</b>	<input type="checkbox"/> Yes, no further action required  <input checked="" type="checkbox"/> No, Proceed to <b>Part A</b>
<b>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)?</b> (Tick as appropriate)	
<input type="checkbox"/> Yes, specify class _____	<b>EIA is mandatory</b>
<input checked="" type="checkbox"/> No	No Screening required
<input checked="" type="checkbox"/> No	Proceed to <b>Part B</b>
<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?</b> (Tick as appropriate)	
<input checked="" type="checkbox"/> No, the development is not a project listed in Schedule 5, Part 2	<b>No Screening required</b>
<input type="checkbox"/> Yes the project is listed in Schedule 5, Part 2 and meets/exceeds the threshold, specify class (including threshold): _____	<b>EIA is mandatory</b>
<input type="checkbox"/> Yes the project is of a type listed but is <i>sub-threshold</i> : _____	No Screening required
<input type="checkbox"/> Yes the project is of a type listed but is <i>sub-threshold</i> : _____	Proceed to <b>Part C</b>
<b>C. If Yes, has Schedule 7A information/screening report been submitted?</b>	
<input type="checkbox"/> Yes, Schedule 7A information/screening report has been submitted by the applicant	<b>Screening Determination required</b>
<input type="checkbox"/> No, Schedule 7A information/screening report has not been submitted by the applicant	<b>Preliminary Examination required</b>









Comhairle Contae Thiobraid Árann  
Tipperary County Council

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Oifigí Cathartha,  
Cluain Meala,  
Co. Thiobraid Árann

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Date: 25<sup>th</sup> November, 2024

Our Ref: S5/24/128

Civic Offices, Nenagh

**Omexom Ltd  
C/O Sean Ryan  
Ryan Archtectural Solutions Ltd  
Parkstown  
Horse & Jockey  
Thurles  
Co. Tipperary**

**Re: Application for a Section 5 Declaration – Requesting that the use of this building as a sales & service office for Omexom Ltd, with ancillary offices. The building was previously used as a sales and display for car sales. Omexom Ltd are a company that provided a sales and services for Hi-Voltage installation for substations and solar panels farm etc. The proposal is to use this building to display the various products and services, (substation parts solar panels, battery storage units), this building will allow then to display all this and internal ancillary offices to support this works. No extension is required and all operations with work within the existing footprint of the building at Unit 1A, Cashel Retail Park, Cahir Road, Cashel, Co. Tipperary**

Dear Mr Ryan,

I refer to an application received from you on 30<sup>th</sup> October, 2024 requesting a Declaration from this Planning Authority as to whether or not certain works constitute development within the meaning of the Planning and Development Act 2000, as amended.

Further information is requested as follows;

It is recommended to request the following further information pursuant to Section 5 (2) (b) of the Planning and Development Act 2000, as amended

1. The applicant is advised that insufficient details have been submitted in relation to the intended use of the building and the services provided and whether same will fall under the definition of a shop as set out under Article 5(1) of the Planning and Development Regulations 2001, as amended.

The applicant is requested to submit further details on the nature of the intended use of the building and confirm the services to be provided as follows;

- The quantum of floor area to be used for the sale and display of goods to **visiting members of the public**,
- The quantum of floor area to be used for the reception and repair of goods,
- Floor area to be dedicated to offices.
- Confirm the extent of repair/service which is to take place
- If any manufacturing occurs on site.

The response to this item shall include colour coded floor plans clearly detailing where the above mentioned uses are to take place. Any uses not referred to above, and which it is intended to carry out should be included for.

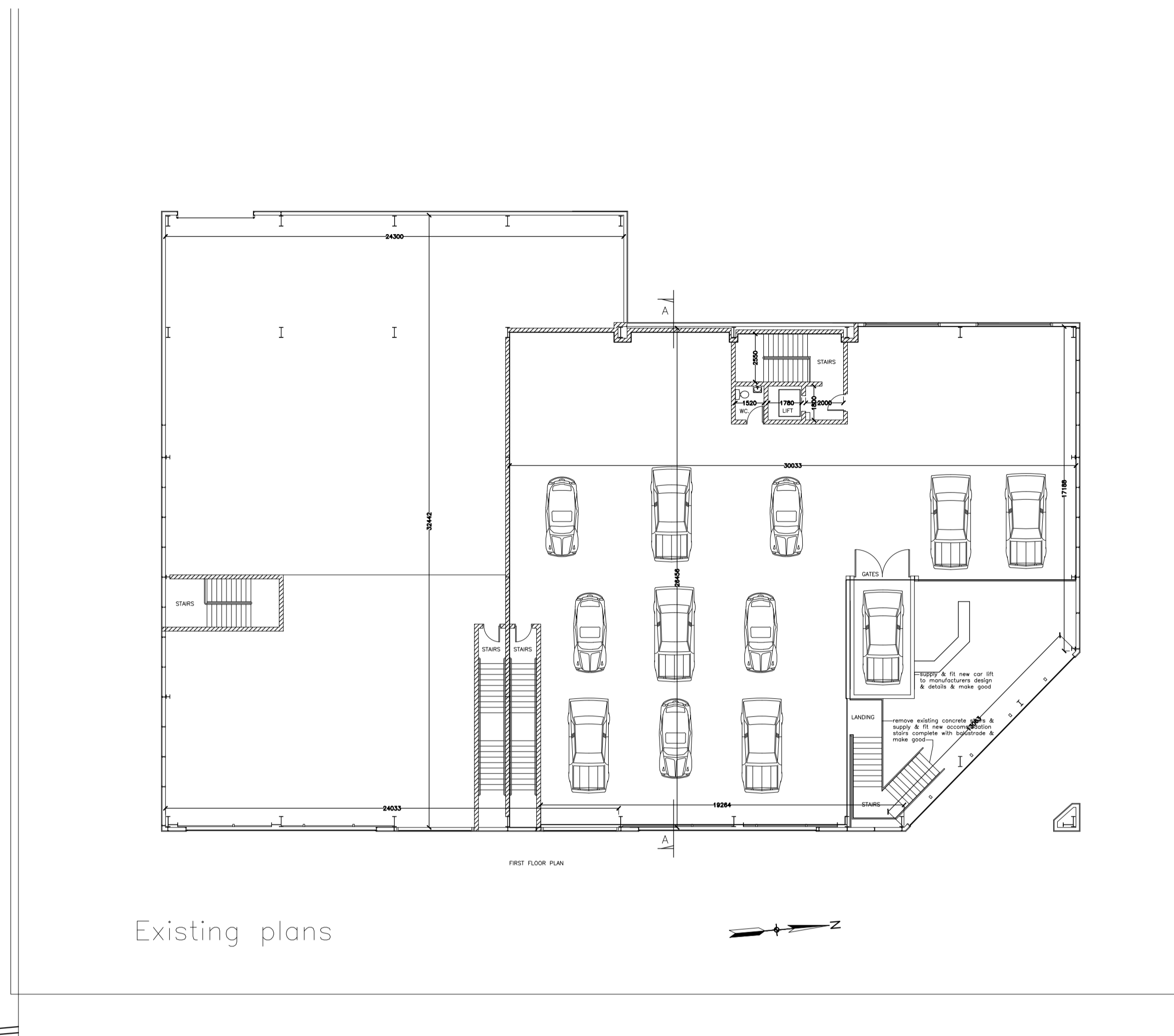
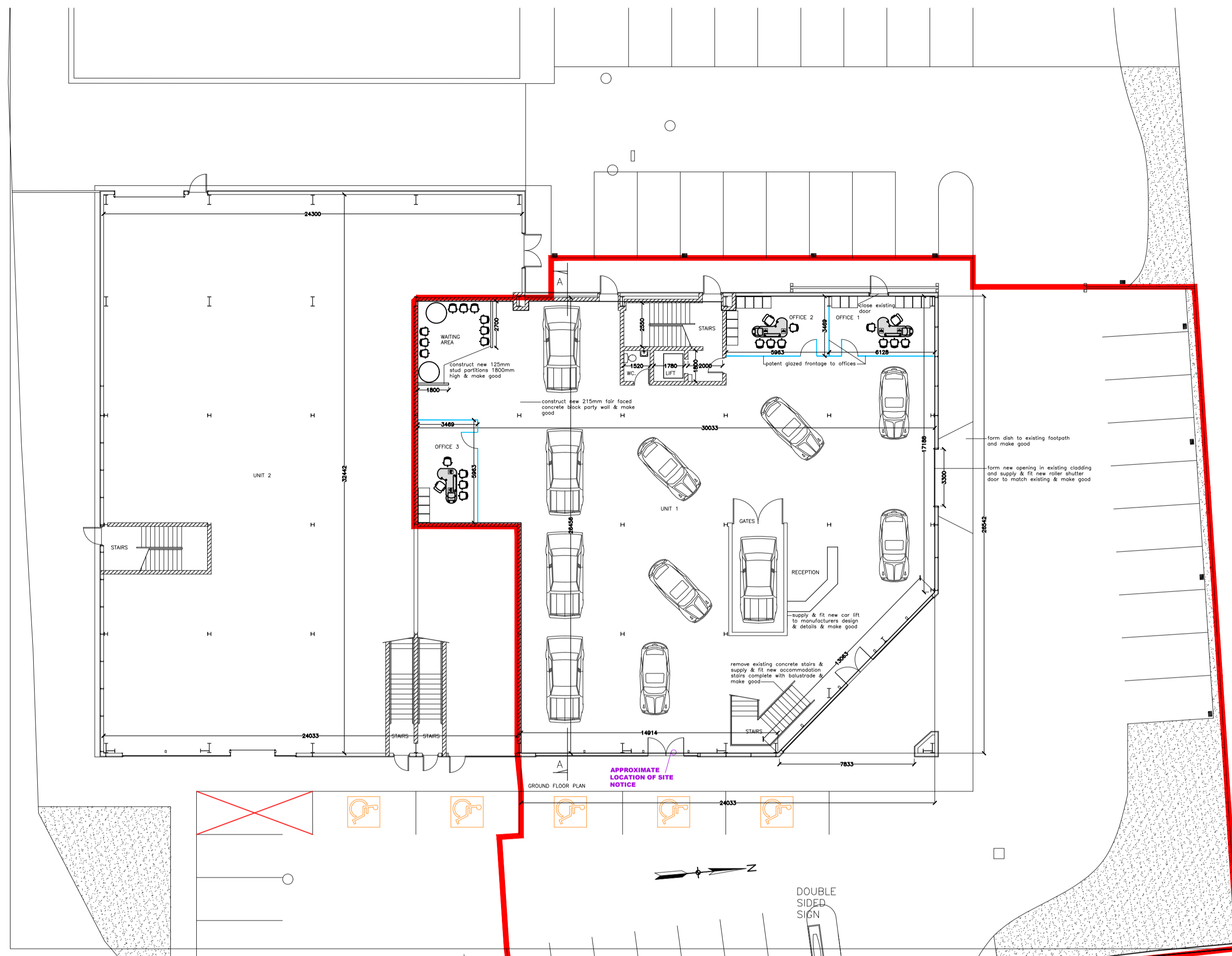
**Further consideration of your request for a declaration cannot be considered until the above information is received.**

Yours sincerely

*Geraldine Quinn*

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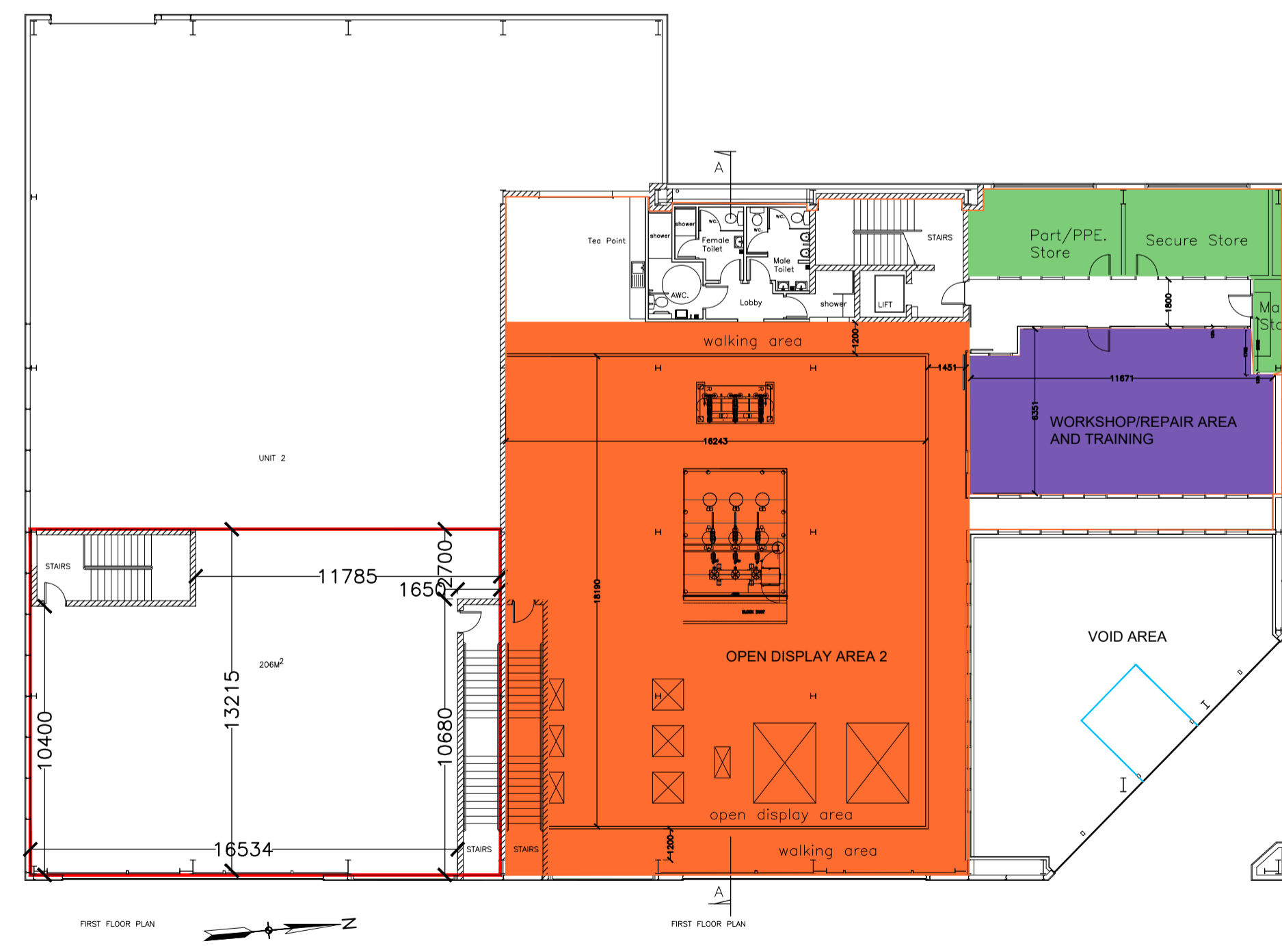
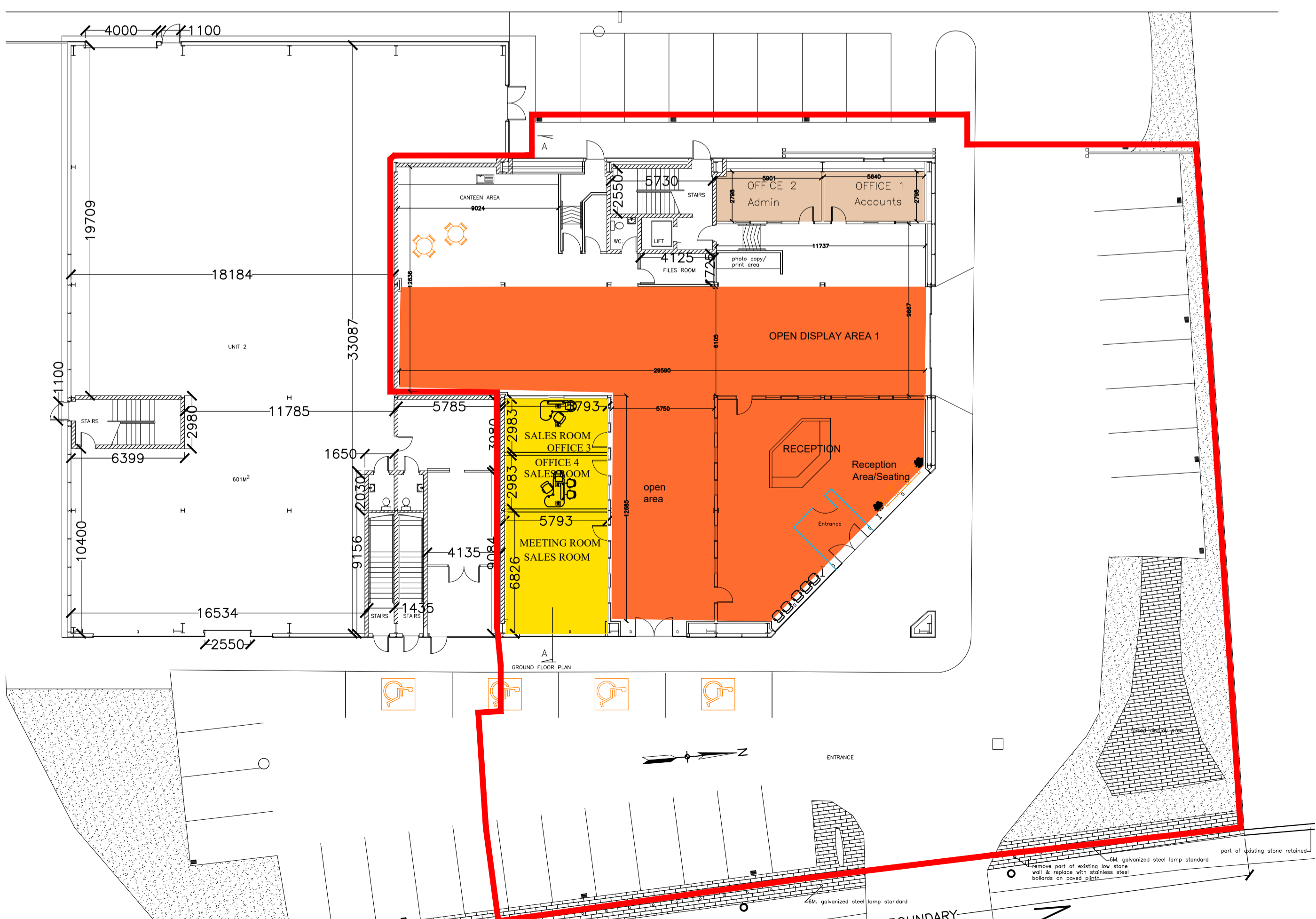
for **Director of Services**



Existing plans

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NOTES:  
ALL DRAWINGS TO BE READ IN CONJUNCTION WITH ACCOMPANYING SPECIFICATIONS. ANY VARIATIONS OR DISCREPANCIES TO BE REPORTED IMMEDIATELY TO THE DESIGNER BEFORE ANY WORKS PROCEED.  
ALL DIMENSIONS TO BE CHECKED ON SITE BEFORE WORK PROCEEDS.  
DO NOT SCALE! USE FIGURED DIMENSIONS ONLY.  
NOT FOR CONSTRUCTION! UNLESS STATED OTHERWISE.



Proposed plans

Floor Area For Building	Provided Floor Area
GROUND FLOOR	645m <sup>2</sup>
Open display area 1	360m <sup>2</sup>
SALES OFFICES	75m <sup>2</sup>
CANTEEN AREA	75m <sup>2</sup>
ADMIN/ACC OFFICE	32m <sup>2</sup>
FIRST FLOOR	605m <sup>2</sup>
Workshop area	72.00m <sup>2</sup>
Open display area 2	382m <sup>2</sup>
Stores	44m <sup>2</sup>
Male & female WCs.	34m <sup>2</sup>

DATE:	REVISIONS:
	K
	J
	H
	G
	F
	E
	D
	C
	B
	A

**Ryan Architectural Solutions Ltd.**  
Architectural Technologists & Planning Consultants  
Parkstown, Horse & Jockey, Thurles, County Tipperary, Rep. of Ireland  
Tel: +353 504 90244 Fax: +353 504 90245  
Email: info@ras.ie www.ras.ie

STAGE:  
**Section 5**  
CLIENT: Omexom JOB NO: 24-0200

PROJECT:  
Proposed Survey of premises (Unit 1) at Ashwell's Lot Cahir Road, Cashel, Co. Tipperary

TITLE:  
**Existing & Proposed plans**  
DWG NO: SV-01 REVISION: 1st  
SCALE: 1/200 DRAWN BY: POG/SAR  
DATE: Oct 24 CHECK: SAR



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Tipperary County Council

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Date: 13<sup>th</sup> January, 2025

Our Ref: S5/24/128

Civic Offices, Nenagh

**Omexom Ltd  
C/O Sean Ryan  
Ryan Architectural Solutions Ltd  
Parkstown  
Horse & Jockey  
Thurles  
Co. Tipperary**

**Re: Application for a Section 5 Declaration re Change of use, to be used as a Sales & Service Office. No extension is required and all operations with work within the existing footprint of the building at Unit 1A, Cashel Retail park, Cahir Rd., Ashwell's-Lot, Cashel, Co. Tipperary.**

Dear Mr Ryan,

I acknowledge receipt of Further Information received on 8<sup>th</sup> January, 2025 in connection with the above.

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

Yours sincerely

for **Director of Services**

## TIPPERARY COUNTY COUNCIL

### Application for Declaration under Section 5

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

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<b>Planning Reference:</b>	S5/24/128
<b>Applicant:</b>	Omexom Ltd C/O Sean Ryan
<b>Development Address:</b>	Unit 1A, Cashel Retail Park, Cahir Road, Cashel, Co. Tipperary
<b>Proposed Development:</b>	Requesting that the use of this building as a sales & service office for Omexom Ltd, with ancillary offices. The building was previously used as a sales and display for car sales. Omexom Ltd are a company that provided a sales and services for Hi-Voltage installation for substations and solar panels farm etc. The proposal is to use this building to display the various products and services, (substation parts solar panels, battery storage units), this building will allow then to display all this and internal ancillary offices to support this works.  No extension is required and all operations with work within the existing footprint of the building.

---

#### 1. **GENERAL**

On the 30<sup>th</sup> August 2024, a request was made for a declaration under Section 5 of the Planning and Development Act, 2000 as amended, by Omexom Ltd C/O Sean Ryan as to whether or not the following constitutes development and if so, whether same constitutes exempted development at Unit 1A, Cashel Retail Park, Cahir Road, Cashel, Co. Tipperary;

***Requesting that the use of this building as a sales & service office for Omexom Ltd, with ancillary offices. The building was previously used as a sales and display for car sales. Omexom Ltd are a company that provided a sales and services for Hi-Voltage installation for substations and solar panels farm etc. The proposal is to use this building to display the various products and services, (substation parts solar panels, battery storage units), this building will allow then to display all this and internal ancillary offices to support this works.***

***No extension is required and all operations with work within the existing footprint of the building.***



Figure 1 Site Location

The Section 5 application is accompanied by;

- Section 5 Declaration Application Form
- Site Location Map,
- Site Layout Plan,
- Elevation and plan drawings,
- Cover letter from Omexom Ltd outlining the nature of the business.



Figure 2 Subject Site (Google Street View 2019)

## 2. STATUTORY PROVISIONS

The following statutory provisions are relevant to this referral case;

### Planning and Development Act 2000, as amended

#### ***Interpretation.***

2.— (1) *In this Act, except where the context otherwise requires—*

***“development”*** has the meaning assigned to it by Section 3 and development shall be construed accordingly.”

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

***“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.

***“structure”*** means any building, structure, excavation, or other thing constructed or made on, in or under any land, or any 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, and

(b) in relation to a protected structure or proposed protected structure, includes—

(i) the interior of the structure,

(ii) the land lying within the curtilage of the structure,

(iii) any other structures lying within that curtilage and their interiors, and

(iv) all fixtures and features which form part of the interior or exterior of any structure or structures referred to in subparagraph (i) or (iii);

Section 3 (1) of the Planning and Development Act 2000, as amended, defined “development” 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 4 of the Planning and Development Act 2000, as amended, states as follows:-

**Exempted development.**

**4.—(1)** *The following shall be exempted developments for the purposes of this Act—*

*(h) development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures;*

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.*

**Planning and Development Regulations 2001, as amended**

Article 5(1) of the Planning and Development Regulations 2001, as amended sets out various definitions including the definition of a ‘shop’ as follows:

*‘shop’ means a structure used for any or all of the following purposes, where the sale, display or service is principally to visiting members of the public –*

*(a) for the retail sale of goods,*

*(b) as a post office,*

*(c) for the sale of tickets or as a travel agency,*

*(d) for the sale of sandwiches or other food or of wine for consumption off the premises, where the sale of such food or wine is subsidiary to the main retail use, and “wine” is defined as any intoxicating liquor which may be sold under a wine retailer's off-licence (within the meaning of the Finance (1909-1910) Act, 1910), 10 Edw. 7. & 1 Geo. 5, c.8,*

*(e) for hairdressing,*

*(f) for the display of goods for sale,*

*(g) for the hiring out of domestic or personal goods or articles,*

*(h) as a launderette or dry cleaners,*

*(i) for the reception of goods to be washed, cleaned or repaired,*

*but does not include any use associated with the provision of funeral services or as a funeral home, or as a hotel, a restaurant or a public house, or for the sale of hot food or intoxicating liquor for*

consumption off the premises except under paragraph (d), or any use to which class 2 or 3 of Part 4 of Schedule 2 applies;

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

**Exempted Development.**

6. (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.

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

9. (1) Development to which article 6 relates shall not be exempted development for the purposes of the Act—
- (a) if the carrying out of such development would—
- (i) contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act,
  - (viiB) comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site.
  - (viii) consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use,

Article 10 of the Planning and Development Regulations 2001, as amended sets out changes of use and states:

**Changes of use.**

- (1) Development which consists of a change of use within any one of the classes of use specified in Part 4 of Schedule 2, shall be exempted development for the purposes of the Act, provided that the development, if carried out would not—
- (a) involve the carrying out of any works other than works which are exempted development,
  - (b) contravene a condition attached to a permission under the Act,
  - (c) be inconsistent with any use specified or included in such a permission, or
  - (d) be a development where the existing use is an unauthorised use, save where such change of use consists of the resumption of a use which is not unauthorised and which has not been abandoned.
- (2) (a) A use which is ordinarily incidental to any use specified in Part 4 of Schedule 2 is not excluded from that use as an incident thereto merely by reason of its being specified in the said Part of the said Schedule as a separate use.
- (b) Nothing in any class in Part 4 of the Schedule 2 shall include any use—
- (i) as an amusement arcade,
  - (ii) as a motor service station,
  - (iii) for the sale or leasing, or display for sale or leasing, of motor vehicles,**
  - (iv) for a taxi or hackney business or for the hire of motor vehicles,
  - (v) as a scrap yard, or a yard for the breaking of motor vehicles, (vi) for the storage or distribution of minerals,
  - (vii) as a supermarket, the total net retail sales space of which exceeds 3,500 square metres in the greater Dublin Area and 3,000 square metres in the remainder of the State,
  - (viii) as a retail warehouse, the total gross retail sales space of which exceeds 6,000 square metres (including any ancillary garden centre), or
  - (ix) as a shop, associated with a petrol station, the total net retail sales space of which exceeds 100 square metres



Part 1, Schedule 2, includes the following exemption;

<i>Description of Development</i>	<i>Conditions and Limitations</i>
<p><i>Change of use</i>  <b>CLASS 14</b>  <i>Development consisting of a change of use—</i>  <i>(a) from use for the sale of hot food for consumption off the premises, or for the sale or leasing or display for sale or leasing of motor vehicles, to use as a shop,</i></p> <p><i>(aa) from use for the sale of food for consumption on the premises to use for the sale of food for consumption off the premises.</i></p> <p><i>(b) from use as a public house, to use as a shop,</i></p> <p><i>(c) from use for the direction of funerals, as a funeral home, as an amusement arcade or a restaurant, to use as a shop,</i></p> <p><i>(d) from use to which class 2 of Part 4 of this Schedule applies, to use as a shop,</i></p> <p><i>(e) from use as 2 or more dwellings, to use as a single dwelling, of any structure previously used as a single dwelling,</i></p> <p><i>(f) from use as a house, to use as a residence for persons with an intellectual or physical disability or mental illness and persons providing care for such persons.</i></p> <p><i>(g) from use as a hotel, to use as a hostel (other than a hostel where care is provided),</i></p> <p><i>(h) from use as a hotel, motel, hostel, guesthouse, holiday accommodation, convent, monastery, Defence Forces</i></p>	<p><i>Where a premises is used during the relevant period for the sale of food for consumption off the premises in accordance with Article 3, then, upon the expiration of the relevant period –</i></p> <p><i>(a) the premises may be used for the sale of food for consumption on the premises in accordance with the permission that applied in respect of that premises immediately before the commencement of the relevant period, and</i></p> <p><i>(b) the use of the premises for the sale of food for consumption off the premises shall not be exempted development.</i></p> <p><i>The number of persons with an intellectual or physical disability or a mental illness living in any such residence shall not exceed 6 and the number of resident carers shall not exceed 2.</i></p>

<p>barracks or other premises or residential institution providing overnight accommodation, or part thereof, or from the change of use specified in paragraph (i) of the said premises or institution, or part thereof, to use as accommodation for protected persons,</p> <p>(i) from use as a hotel, motel, hostel, guesthouse, holiday accommodation, convent, monastery, Defence Forces barracks or other premises or residential institution providing overnight accommodation, or part thereof, or from the change of use specified in paragraph (h) of the said premises or institution, or part thereof, to use as an emergency reception and orientation centre for protected persons, and</p> <p>(j) from the change of use specified in paragraph (h) or (i) or both, to the permitted use of the premises immediately prior to the change of use specified in the said paragraph (h) or (i) or both.</p>	<p>Class 14(j) shall not apply after a period of 3 years from the date of the commencement of the change of use specified in Class 14(h) or (i) or both, whichever date is the earliest.</p>
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Class 1 of Part 4 of Schedule 2 refers to; "Use as a shop".

### 3. ASSESSMENT

#### i. Site Location

The site comprises of a car sales showrooms situated at Cashel Retail Park, Cahir Road, Cashel, Co. Tipperary. The building was last used for Colm Hanley Motors.

#### ii. Relevant Planning History

**17/600352** Permission GRANTED for the following: (a) change of use of Unit 1 from warehousing to retail car sales show rooms with ancillary office (b) Permission for signage to building and free stand illuminated display sign to entrance of site (c) car display area to the front of the building and all associated siteworks.

There is no condition attached to this grant of permission limiting any available exemptions.

#### Other permission on adjoining buildings:

**19601052** Permission GRANTED for the demolition of stone boundary wall and permission to retain the election of steel bollards and paved plinth in place of the stone wall to the front of our premises with all associated siteworks.

**17600828** Permission GRANTED change of use from industrial building to use as a garage/workshop and tyre centre and Permission for signage to same building with all associated siteworks.

**071812** Permission REFUSED for the change of use of Unit 1 Block A from retail warehousing to comparison retailing and for the change of use of Unit 3 Block B from warehousing to retail warehousing.

**05/1280** Permission GRANTED for two warehouse buildings with offices divided into units, combined area 2540m<sup>2</sup>, and the construction of separate retail warehouse building

2142m<sup>2</sup> with offices divided into units and the construction of site works including levelling of site, carparking and drainage.

**TUD-18-118** Case Closed.

**iii. Precedent cases**

PL84.RL3096: The Board decided (2013) that the change of use from a garage and showrooms to use as a shop at The Fairgreen, Westport, Co. Mayo is development and is exempted development.

PL83.RL.2856: The Board decided (2011) that the proposed change of use of the premises from use for the sale or leasing, or display for sale or leasing of motor vehicles to use as a shop, all at Capital Cars, Church Road, Tullamore is development and is exempted development

PL28S.RL2020: The Board decided (2003) that the change of use from motor/warehouse showrooms to a shop for the sale of tiles. Units 1 and 1C Concord Industrial Estate, Naas Road, Dublin 12 is development and is exempted development

ABP 304204-18: The Board decided that the change of use from car dealership to retail sale of convenience goods at Pollamore Near, Dublin Road, Cavan is development and is exempted development.

Tipperary County Council determined under Section 5 21/83 that the change of use from the sale or leasing of motor vehicles to use as a shop at Dan Dooley Car Showroom, Limerick Road, Tipperary, is development and is exempted development.

**iv. Assessment**

The question posed under the Section 5 Declaration application form is the following at Unit 1A, Cashel Retail Park, Cahir Road, Cashel, Co. Tipperary as follows;

*Requesting that the use of this building as a **sales & service office** for Omexom Ltd, with ancillary offices. The building was previously used as a sales and display for car sales. Omexom Ltd are a company that provided a sales and services for Hi-Voltage installation for substations and solar panels farm etc. The proposal is to use this building to display the various products and services, (substation parts solar panels, battery storage units), this building will allow then to display all this and internal ancillary offices to support this works.*

*No extension is required and all operations with work within the existing footprint of the building.*

A) “Is or is not Development”

The nature of the intended use is somewhat unclear (whilst the proposal appears to be for a shop) and the applicant will be requested to clarify the quantum of floor area to be used for the sale and display of goods to visiting members of the public, for the reception and repair of goods and for offices.

Section 3(1) of the Planning and Development Act 2000, as amended, defines ‘development’ as ‘the carrying out of any works on, in or under land or the making of any material change in the use of any structures or other land’. Article 5(1) of the Planning and Development Regulations 2001 (as amended) provided for the interpretation of the meaning of a ‘shop’. The sale of or leasing of motor vehicles is not listed in this article.

It is therefore considered the change of use from a premises for use for the sale or leasing, or display for sale or leasing of motor vehicles for use as shop is material and therefore consider the proposed change of use as “development” as understood by the Planning and Development Act 2000, as amended. The carrying out of works to the internal of the shop as identified is also considered to be development.

B) “Is or is not Exempted Development”

The cover letter states that Omexom Ltd is a business that provided engineer sales and services for Hi-Voltage installation for substations. This included an offering of various products and services, such as substation parts, solar panels, battery storage units etc.

I have reviewed the attached cover letter and the company website (<https://www.omexom.com/>). I note it related to ‘*a brand specialising in the transmission and transformation of high voltage electricity*’. I note from the website that the company appears to be currently operating from this unit and which is the headquarters in Republic of Ireland.

It is clear from the cases determined from An Bord Pleanála that there has been the acceptance of the change of use from motor sales to a shop. The next question then is whether the nature of the proposed use is considered to fall under the definition of a shop. As set out above the applicant will be requested to clarify the quantum of floor area to be used for the sale and display of goods to visiting members of the public, for the reception and repair of goods and for offices. The applicant will be requested to confirm the extent of repair/service which takes place and if any manufacturing occurs on site.

Assuming that the applicant can demonstrate that the proposal is for a “shop” the exemption under Class 14(a) *for the sale or leasing or display for sale or leasing of motor vehicles, to use as a shop*, is relevant. The proposal will not result in a use referred to under Article 10(2)(b)(vii)-(ix).

I note that this exemption provides for use only and does not extend to works. I am satisfied that the internal works referred to on the floor plans i.e. internal partitions avail of an exemption under Section 4(1)h of the Act.

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

**AA**

The proposal has been screened as to the requirements for Appropriate Assessment under the EU Habitats Directive and it is determined that same is not required. See also Appropriate Assessment screening report attached.

**EIA**

The proposed development is not a type of development included for under Schedule 5 of the Planning and Development Regulations 2001, as amended. EIA is not required in respect of the development. See all EIA Pre-Screening report attached.

D) Is the exemption restricted under Article 9 of the Regulations

I have reviewed the restrictions on exemption set out under Article 9 and Article 10 and I note no restrictions that would apply.

The proposed use is not restricted under a condition under the 2017 permission.

There is sufficient car parking on site and the change of use would not create a traffic hazard.

#### 4. **FURTHER INFORMATION**

The following Further Information was requested on the 25<sup>th</sup> November 2024 under Section 5(2) of the Planning and Development Act 2000, as amended;

1. The applicant is advised that insufficient details have been submitted in relation to the intended use of the building and the services provided and whether same will fall under the definition of a shop as set out under Article 5(1) of the Planning and Development Regulations 2001, as amended.

The applicant is requested to submit further details on the nature of the intended use of the building and confirm the services to be provided as follows;

- The quantum of floor area to be used for the sale and display of goods to **visiting members of the public**,
- The quantum of floor area to be used for the reception and repair of goods,
- Floor area to be dedicated to offices.
- Confirm the extent of repair/service which is to take place
- If any manufacturing occurs on site.

The response to this item shall include colour coded floor plans clearly detailing where the above mentioned uses are to take place. Any uses not referred to above, and which it is intended to carry out should be included for.

#### **FURTHER INFORMAITON RESPONSE**

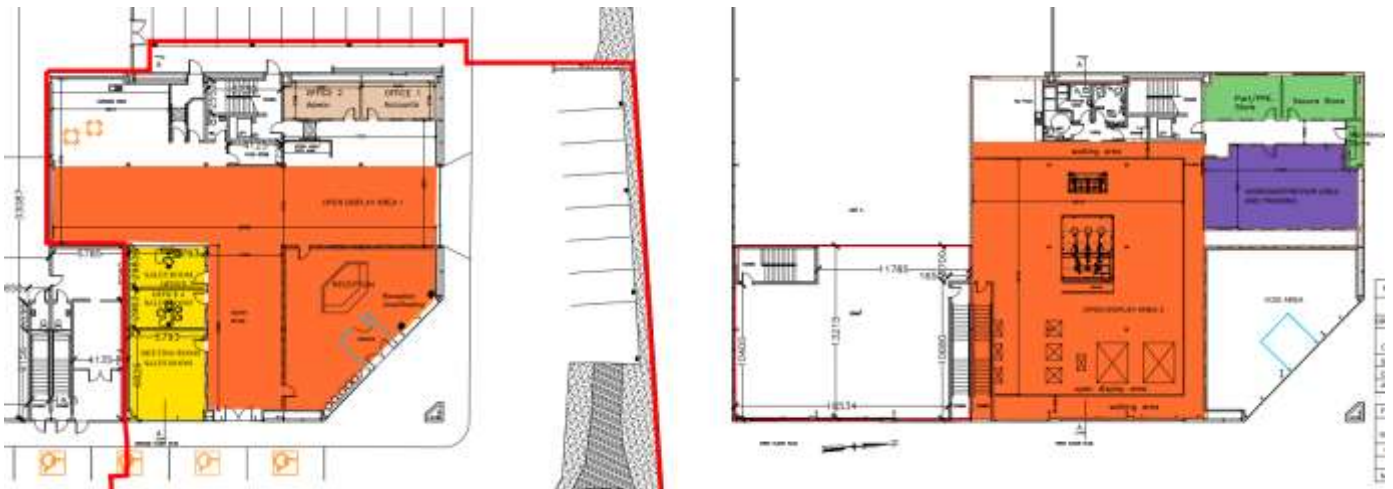
The applicant responded on the 8<sup>th</sup> January 2025 as follows;

#### **The quantum of floor area to be used for the sale and display of goods to visiting members of the public**

*The area identified by the applicant for the sale and display of goods for visiting members of the public is referred to as an open display area and is shown in red on the ground and first floor plans below. The area equates to 742 sq m and is also shown to include a significant reception area.*

*The application states that Display Area No. 1 (Ground Floor) will be utilised mainly for Solar/Battery Storage Technologies Display Area No. 2 (First Floor) will be utilised for Primary Plant Components for the Distribution/Transmission Networks i.e. Sealing Ends, Post Insulators, Circuit Breakers, Instrument Transformers, Disconnects, Surge Arrestors, Bus-Bar and Clamps and associated steelwork*

*At ground floor level I consider that the area identified for the sale and display of goods is in fact reception and circulation space serving offices, sales and meeting rooms. Whilst there is a display area at first floor level I note that access to same is by way of a stairwell accessed externally or by way of a lift and stairs from the staff area at ground floor level. I do not consider that the first floor area is readily accessible to the public and persons viewing the display area are likely accompanied from reception/office areas.*



**The quantum of floor area to be used for the reception and repair of goods**

*Floor area under this heading stated to be 72 sq m and comprises a workshop on the first floor will be utilised for some minor repairs of Solar/Battery Technologies, including demonstrations and in addition to training and development of people*

**Floor area to be dedicated to offices**

*Stated to be 107 sq m.*

**Confirm the extent of repair/service which is to take place**

*Minor repair works only.*

**If any manufacturing occurs on site.**

*No manufacturing will take place on site.*

Having regard to the information submitted I am not satisfied that the proposed use falls within the definition of a shop. I would consider that same is best described as an office as referred to under Class 3 of Part 4 of Schedule 1 of the Planning and Development Regulations 2001, as amended. I consider that the change of use from the sale and display of motor vehicles to use as an office is a material change of use and is therefore development. I note no exemptions for such a change of use.

**CONCLUSION**

WHEREAS a question has arisen as to whether;

*The use of this building as a sales & service office for Omexom Ltd, with ancillary offices. The building was previously used as a sales and display for car sales. Omexom Ltd are a company that provided a sales and services for Hi-Voltage installation for substations and solar panels farm etc. The proposal is to use this building to display the various products and services, (substation parts solar panels, battery storage units), this building will allow then to display all this and internal ancillary offices to support this works. No extension is required and all operations with work within the existing footprint of the building at Unit 1A, Cashel Retail Park, Cahir Road, Cashel, 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 and 4 of the Planning and Development Act, 2000, as amended,
- (b) Article 5, 6, 9 and 10 of the Planning and Development Regulations 2001, as amended,
- (c) Class 14, Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended,
- (d) Class 1 and Class 3 of Part 4 of Schedule 2 of the Planning and Development Regulations 2001, as amended,
- (e) An Bord Pleanala declarations,
- (f) The information provided by the applicant under this application,

**AND WHEREAS** Tipperary County Council has concluded that –

The proposal as set out above 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.

**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 proposal is **development and IS NOT exempted development.**

*C. Conway*

**Senior Executive Planner:**

**Date:** 27.1.2025

**Senior Planner:** *Andrew Dany*

**Date:** 28/01/2025

## HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT

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

<b>(a) File Reference No:</b>	S5/24/128
<b>(b) Brief description of the project or plan:</b>	<p>Requesting that the use of this building as a sales &amp; service office for Omexom Ltd, with ancillary offices. The building was previously used as a sales and display for car sales. Omexom Ltd are a company that provided a sales and services for Hi-Voltage installation for substations and solar panels farm etc. The proposal is to use this building to display the various products and services, (substation parts solar panels, battery storage units), this building will allow then to display all this and internal ancillary offices to support this works.</p> <p>No extension is required and all operations with work within the existing footprint of the building.</p>
<b>(c) Brief description of site characteristics:</b>	Former hotel function room within urban centre
<b>(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW</b>	None
<b>(e) Response to consultation:</b>	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 <sup>1</sup>	Distance from proposed development <sup>2</sup> (km)	Connections (Source-Pathway-Receptor)	Considered further in screening Y/N
002137 Lower River Suir	<a href="https://www.npws.ie/protected-sites/sac/002137">https://www.npws.ie/protected-sites/sac/002137</a>	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.)
<p>Construction phase e.g.</p> <ul style="list-style-type: none"> <li>• Vegetation clearance</li> <li>• Demolition</li> <li>• Surface water runoff from soil excavation/infill/landscaping (including borrow pits)</li> <li>• Dust, noise, vibration</li> <li>• Lighting disturbance</li> </ul>	No potential impacts



<ul style="list-style-type: none"> <li>• Impact on groundwater/dewatering</li> <li>• Storage of excavated/construction materials</li> <li>• Access to site</li> <li>• Pests</li> </ul>	
<p>Operational phase e.g.</p> <ul style="list-style-type: none"> <li>• Direct emission to air and water</li> <li>• Surface water runoff containing contaminant or sediment</li> <li>• Lighting disturbance</li> <li>• Noise/vibration</li> <li>• Changes to water/groundwater due to drainage or abstraction</li> <li>• Presence of people, vehicles and activities</li> <li>• Physical presence of structures (e.g. collision risks)</li> <li>• Potential for accidents or incidents</li> </ul>	No potential impacts
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"> <li>• Reduction or fragmentation of habitat area</li> <li>• Disturbance to QI species</li> <li>• Habitat or species fragmentation</li> <li>• Reduction or fragmentation in species density</li> <li>• Changes in key indicators of conservation status value (water or air quality etc.)</li> <li>• Changes to areas of sensitivity or threats to QI</li> <li>• Interference with the key relationships that define the structure or ecological function of the site</li> </ul>	No potential impacts
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**(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 <b>no likelihood</b> of significant effects on a European site.	<input checked="" type="checkbox"/>	The proposal can be screened out: Appropriate assessment not required.

(ii) It is <b>uncertain</b> 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) <b>Significant effects</b> are likely.	<input type="checkbox"/>	<input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission	
<b>Signature and Date of Recommending Officer:</b>	<i>L. Butler-Lynn</i>	<b>Date:</b>	21/11/2024

EIA Pre-Screening Establishing a development is a 'sub-threshold development'	
<b>File Reference:</b>	S5/24/128
<b>Development Summary:</b>	<p>Requesting that the use of this building as a sales &amp; service office for Omexom Ltd, with ancillary offices. The building was previously used as a sales and display for car sales. Omexom Ltd are a company that provided a sales and services for Hi-Voltage installation for substations and solar panels farm etc. The proposal is to use this building to display the various products and services, (substation parts solar panels, battery storage units), this building will allow then to display all this and internal ancillary offices to support this works.</p> <p>No extension is required and all operations with work within the existing footprint of the building.</p>
<b>Was a Screening Determination carried out under Section 176A-C?</b>	<input type="checkbox"/> Yes, no further action required  <input checked="" type="checkbox"/> No, Proceed to <b>Part A</b>
<b>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)?</b> (Tick as appropriate)	
<input type="checkbox"/> Yes, specify class _____	<b>EIA is mandatory</b>
<input checked="" type="checkbox"/> No	No Screening required
<input checked="" type="checkbox"/> No	Proceed to <b>Part B</b>
<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?</b> (Tick as appropriate)	
<input checked="" type="checkbox"/> No, the development is not a project listed in Schedule 5, Part 2	<b>No Screening required</b>
<input type="checkbox"/> Yes the project is listed in Schedule 5, Part 2 and meets/exceeds the threshold, specify class (including threshold): _____	<b>EIA is mandatory</b>
<input type="checkbox"/> Yes the project is of a type listed but is <i>sub-threshold</i> : _____	No Screening required
<input type="checkbox"/> Yes the project is of a type listed but is <i>sub-threshold</i> : _____	Proceed to <b>Part C</b>
<b>C. If Yes, has Schedule 7A information/screening report been submitted?</b>	
<input type="checkbox"/> Yes, Schedule 7A information/screening report has been submitted by the applicant	<b>Screening Determination required</b>
<input type="checkbox"/> No, Schedule 7A information/screening report has not been submitted by the applicant	<b>Preliminary Examination required</b>





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,  
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[tipperarycoco.ie](http://tipperarycoco.ie)

Date: 28<sup>th</sup> January, 2025

Our Ref: S5/24/128

Civic Offices, Nenagh

**Omexom Ltd.,  
C/O Sean Ryan  
Ryan Architectural Solutions Ltd  
Parkstown  
Horse & Jockey  
Thurles  
Co. Tipperary**

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

Dear Mr Ryan,

I refer to your application for a Section 5 Declaration received on 30<sup>th</sup> October, 2024 and Further Information received on 8th January, 2025, in relation to the following proposed works:

**Requesting that the use of this building as a sales & service office for Omexom Ltd, with ancillary offices. The building was previously used as a sales and display for car sales. Omexom Ltd are a company that provided a sales and services for Hi-Voltage installation for substations and solar panels farm etc. The proposal is to use this building to display the various products and services, (substation parts solar panels, battery storage units), this building will allow then to display all this and internal ancillary offices to support this works.**

**No extension is required and all operations with work within the existing footprint of the building at Unit 1A, Cashel Retail Park, Cahir road, Cashel, 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) Article 5, 6, 9 and 10 of the Planning and Development Regulations 2001, as amended,
- (c) Class 14, Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended,
- (d) Class 1 and Class 3 of Part 4 of Schedule 2 of the Planning and Development Regulations 2001, as amended,
- (e) An Bord Pleanála declarations,
- (f) The information provided by the applicant under this application,

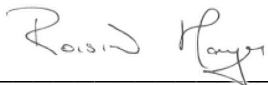
**AND WHEREAS** Tipperary County Council has concluded that –

The proposal as set out above 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.

**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 proposal is **development and IS NOT exempted development.**

**NOTE:** Any person issued with a Declaration of a Planning Authority may refer the Declaration for review to An Bord Pleanála, 64 Marlborough Street, Dublin 1, within four (4) weeks of the date of issue of the Declaration and on payment of the prescribed fee.

Yours sincerely



for **Director of Services**

**Original**

**TIPPERARY COUNTY COUNCIL**

**DELEGATED EMPLOYEE'S ORDER**

File Ref: **S5/24/128**      **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. 40781 dated 2<sup>nd</sup> January, 2025, hereby order that pursuant to the provisions of the Planning and Development Act 2000, as amended, that an application under Section 5 from Omexom Ltd., C/O Sean Ryan, Ryan Architectural Solutions Ltd., Parkstown, Horse & Jockey, Thurles, Co. Tipperary: Requesting that the use of this building as a sales & service office for Omexom Ltd, with ancillary offices. The building was previously used as a sales and display for car sales. Omexom Ltd are a company that provided a sales and services for Hi-Voltage installation for substations and solar panels farm etc. The proposal is to use this building to display the various products and services, (substation parts solar panels, battery storage units), this building will allow then to display all this and internal ancillary offices to support this works. No extension is required and all operations with work within the existing footprint of the building at Unit 1A, Cashel Retail Park, Cahir Road, Cashel Co. Tipperary is development and is exempted development.

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

- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended,
- (b) Article 5, 6, 9 and 10 of the Planning and Development Regulations 2001, as amended,
- (c) Class 14, Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended,
- (d) Class 1 and Class 3 of Part 4 of Schedule 2 of the Planning and Development Regulations 2001, as amended,
- (e) An Bord Pleanala declarations,
- (f) The information provided by the applicant under this application,

**AND WHEREAS** Tipperary County Council has concluded that –  
The proposal as set out above 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.

**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 proposal is **development and IS NOT exempted development.**

Signed:  \_\_\_\_\_

**Date: 28/01/2025**

**Sharon Kennedy**

**Director of Services**

**Planning and Development (including Town Centre First),**

**Emergency Services and Emergency Planning and**

**Tipperary/Cahir/Cashel Municipal District**