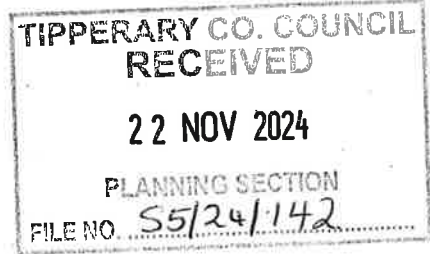




**Comhairle Contae Thiobraid Árann**  
Tipperary County Council



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

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

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

<i>Applicant</i>	Ormond Hotel Nenagh Ltd.
<i>Address</i>	51 Kenyon Street, Nenagh.
<i>Telephone No.</i>	[REDACTED]
<i>E-mail</i>	[REDACTED]

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

<i>Agent</i>	
<i>Address</i>	
<i>Telephone No.</i>	
<i>E-mail</i>	
<i>Please advise where all correspondence in relation to this application is to be sent;</i>	
Applicant [ X ]                      Agent [   ]	

**3. Location of Proposed Development:**

<i>Postal Address or Townland or Location (as may best identify the land or structure in question)</i>	Ormond Hotel, 51 Kenyon Street, Nenagh.
--	---

**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.)

Ormond Hotel has been hosting Ukrainian families since April 2022.	
We have been asked by the IPPS (DCEDIY) to apply for a section 5 application for their files.	
Proposed floor area of proposed works/uses:	400 sqm

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

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

Signature of Applicant(s) D. Kinane

Date: 21.11.2024

**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:**

<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 0818 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. €</b> _____
Receipt No _____
Date _____
Received by _____

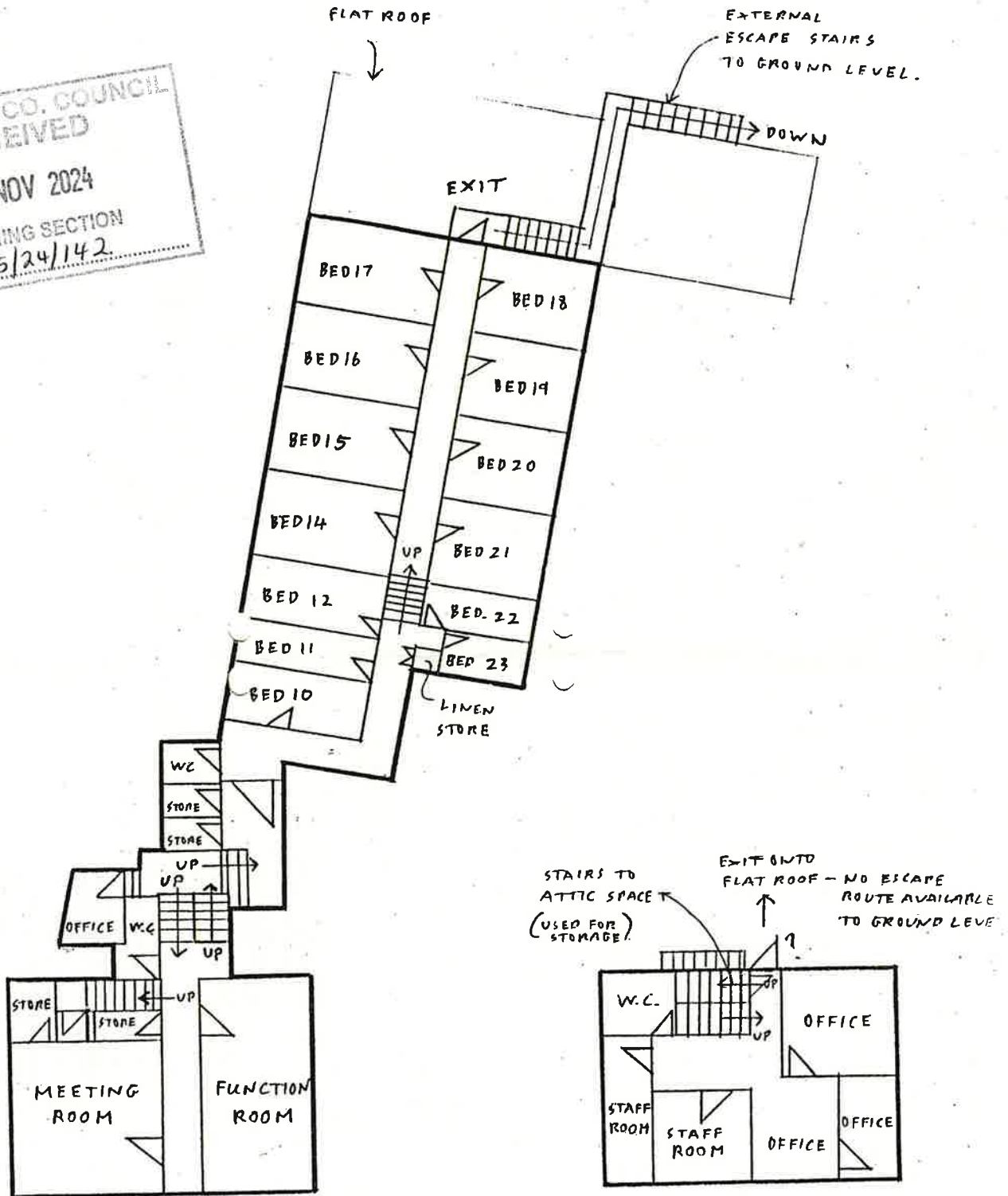


# ORMOND HOTEL - NENAGH

## FIRST/SECOND FLOORS

W. Ray Nolan 5/94

TIPPERARY CO. COUNCIL  
RECEIVED  
22 NOV 2024  
PLANNING SECTION  
FILE NO. 55/24/142



FIRST

SECOND





KIPPENARY DISTRICT COUNCIL  
RECEIVED  
22 NOV 2024  
PLANNING SECTION  
FILE NO. 55/24/142



**Ormond Hotel**  
**Nenagh**  
**External Pictures**





**Ormond Hotel  
Nenagh**

**Bedrooms**





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22 NOV 2024  
PLANNING SECTION  
FILE NO. .... 35/24/142



**Ormond Hotel  
Nenagh  
Bedrooms**





**Ormond Hotel  
Nenagh**

**Living Room - 36m2**





**Ormond Hotel  
Nenagh**

**Hallways**







# Tailte Éireann

Clárúcháin, Luacháil,  
Suirbhéireacht  
Registration, Valuation,  
Surveying

## Official Tailte Éireann Registration Map

This map should be read in conjunction with the folio.

Tailte Éireann (TE) Registration mapping is based on TE Surveying mapping. Where TE Registration maps are printed at a scale that is larger than the TE Surveying scale, accuracy is limited to that of the TE Surveying map scale.

For details of the terms of use and limitations of scale, accuracy and other conditions relating to TE Registration maps, see [www.tailte.ie](http://www.tailte.ie).

This map incorporates TE Surveying map data under a licence from TE. Copyright © Tailte Éireann and Government of Ireland.

(centre-line of parcel(s) edged)

- Freehold
- Leasehold
- Subleasehold
- 'S' Register

(see Section 8(b)(ii) of Registration of Title Act 1964 and Rule 224 & 225 Land Registration Rules 1972 - 2010).

- Burdens (may not all be represented on map)
- Right of Way / Wayleave
- Turbary
- Pipeline
- Well
- Pump
- Septic Tank
- Soak Pit

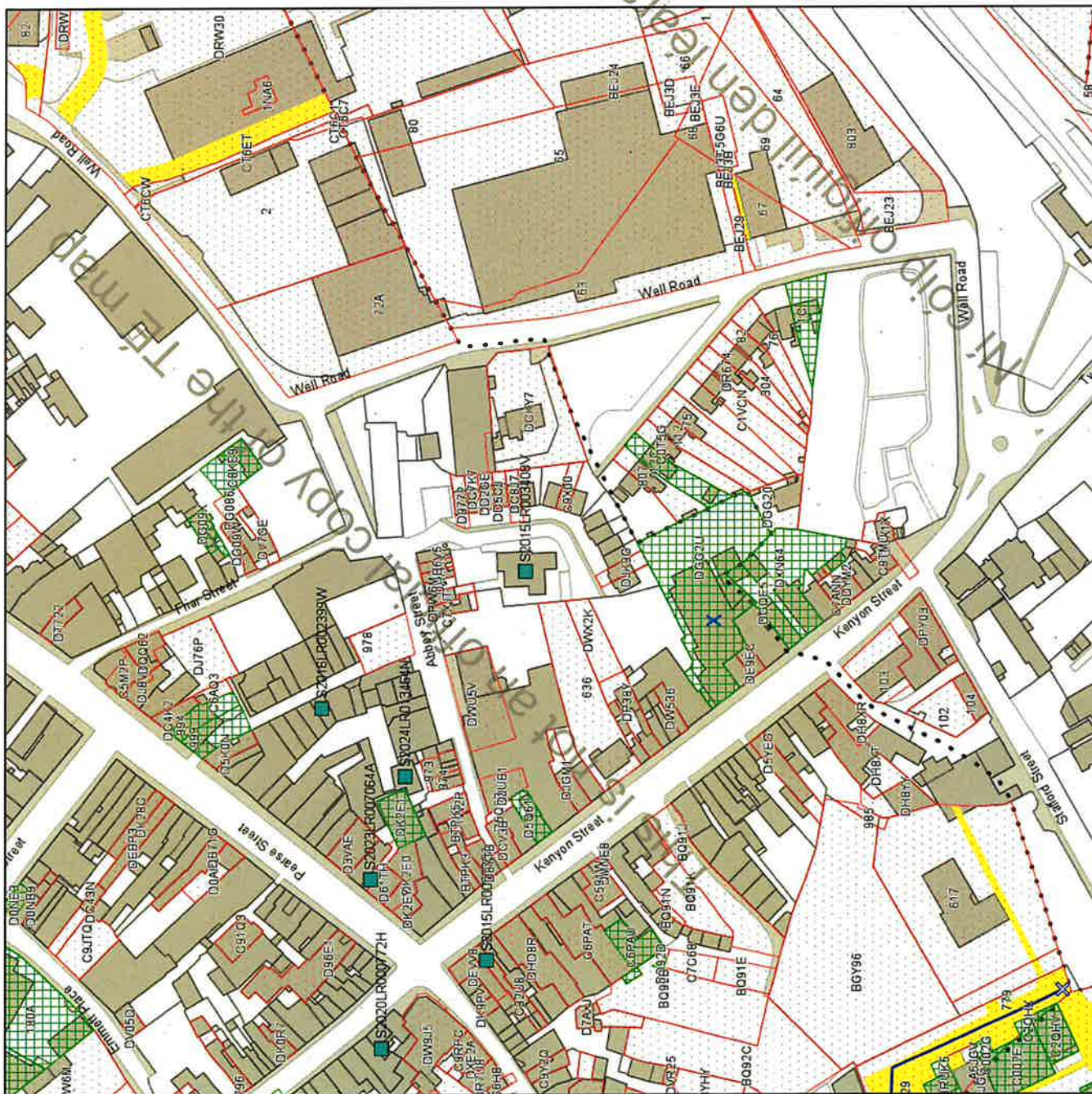
A full list of burdens and their symbology can be found at: [www.landdirect.ie](http://www.landdirect.ie)

**Tailte Éireann Registration operates a non-conclusive boundary system. The TE Registration map identifies properties not boundaries meaning neither the description of land in a folio nor its identification by reference to a TE Registration map is conclusive as to the boundaries or extent.**

(see Section 85 of the Registration of Title Act, 1964). As inserted by Section 62 of the Registration of Deed and Title Act 2006.



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PLANNING SECTION  
FILE NO. 55/24/142



x = ormond hotel

Creation Date: Thursday, November 21, 2024 3:33:30 PM



**Ryan, Siobhan Anne**

**From:** Dermot Kinane [REDACTED]  
**Sent:** 22 November 2024 11:08  
**To:** Ryan, Siobhan Anne  
**Cc:** Dermot Kinane  
**Subject:** [External] FW: Ormond Hotel Section 5 Application  
**Attachments:** ORMOND HOTEL PLANS.pdf; Ormond Hotel Plans2.pdf; Ormond Hotel Photos.pdf; generatePDF\_LD\_PUBLIC.aspx.pdf; Application for a Section 5 Declaration.pdf

TIPPERARY CO. COUNCIL  
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22 NOV 2024  
PLANNING SECTION  
FILE NO. 55/24/142

**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.

Siobhan,  
With application form attached.  
Apologies,  
Dermot.

**Subject: Ormond Hotel Section 5 Application**

Hi Siobhan,  
See my Section 5 application attached.  
Let me know if you need any more info or if you need me to drop in 2 x hard copies.  
Thanks,  
Dermot Kinane.



**Ormond  
Hotel**

Keryon Street, Nenagh, Co. Tipperary Tel. 087 44404 Fax. 067 44406 E-mail [info@ormondhotel.ie](mailto:info@ormondhotel.ie)





Comhairle Contae Thiobraid Árann  
Tipperary County Council

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

E91 N512

Comhairle Contae  
Thiobraid Árann,  
Oifigi Cathartha,  
An tAonach,  
Co. Thiobraid Árann  
Tipperary County Council,  
Civic Offices, Nenagh,  
Co. Tipperary

E45 A099

t 0818 06 5000  
e customerservice  
@tipperarycoco.ie

tipperarycoco.ie

Date: 26<sup>th</sup> November, 2024 Our Ref: S5/24/142 Civic Offices, Nenagh

**Ormond Hotel Nenagh Ltd  
C/O Dermot Kinnane  
51 Kenyon Street  
Nenagh  
Co. Tipperary**


**Re: Application for a Section 5 Declaration – Re: Ormond Hotel has been hosting Ukrainain families, requested by IPPS (DCEDIY) to apply for Section 5 at 51 Kenyon Street, Nenagh, Co. Tipperary.**

Dear Mr Kinnane,

I acknowledge receipt of your application for a Section 5 Declaration received on 26<sup>th</sup> 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**

## 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>	S5/24/142
<b>Applicant:</b>	Ormond Hotel Nenagh Ltd
<b>Development Address:</b>	51 Kenyon Street, Nenagh, Co. Tipperary
<b>Proposed Development:</b>	Details not provided of proposed development. Applicant states that they have been asked by IPPS Dept. of Children, Equality, Disability, Integration and Youth to apply for a section 5. The building has been hosting Ukrainian families since April 2022

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### **1. GENERAL**

On the 22<sup>nd</sup> November 2024 an application form was received from Ormond Hotel Nenagh Ltd with reference to a property at 51 Kenyon Street, Nenagh.

The application form did not include development details but is stated the applicant has been requested by IPPS Dept. of Children, Equality, Disability, Integration and Youth to apply for a section 5. The application form also states the building has been hosting Ukrainian families since April 2022.

The application form is accompanied by:

- Drawings of the subject property including elevations, floor plans, cross sections etc
- Site layout plan/topographical survey
- Site location map

### **2. STATUTORY PROVISIONS**

The following statutory provisions are relevant to this referral case;

#### ***Planning and Development Act 2000 (as amended)***

#### **Section 2**

#### Interpretation

**"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 3

#### Development

(1) In this Act, except where the context otherwise requires, "development" means—

(a) the carrying out of any works in, on, over or under land, or the making of any material change in the use of any land or structures situated on land, or

(b) development within the meaning of Part XXI (inserted by section 171 of the Maritime Area Planning Act 2021).

### ***Planning and Development Regulations 2001 (as amended)***

#### **Article 6**

##### Exempted Development

(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.

#### Schedule 2, Part 1 '*Exempted Development – General*':

<p><i>Change of use</i> CLASS 14</p> <p>Development consisting of a change of use—</p> <p>(h) 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 (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>
<p>CLASS 20F</p> <p>Temporary use by or on behalf of the Minister for Children, Equality, Disability, Integration and Youth to accommodate or support displaced persons or persons seeking international protection of any structure or part of a structure used as a school, college,</p>	<p>1. The temporary use shall only be for the purposes of accommodating displaced persons or for the purposes of accommodating persons seeking international protection.</p>

<p>university, training centre, social centre, community centre, non-residential club, art gallery, museum, library, reading room, sports club or stadium, gymnasium, hotel, convention centre, conference centre, shop, office, Defence Forces barracks, light industrial building, airport operational building, wholesale warehouse or repository, local authority administrative office, play centre, medical and other health and social care accommodation, event and exhibition space or any structure or part of structure normally used for public worship or religious instruction.</p>	<p>2. Subject to paragraph 4 of this class, the use for the purposes of accommodating displaced persons shall be discontinued when the temporary protection introduced by the Council Implementing Decision (EU) 2022/382 of 4 March 2022<sup>1</sup> comes to an end in accordance with Article 6 of the Council Directive 2001/55/EC of 20 July 2001<sup>2</sup>.</p> <p>3. The use for the purposes of accommodating persons seeking international protection shall be discontinued not later than 31 December 2028.</p> <p>4. Where the obligation to provide temporary protection is discontinued in accordance with paragraph 2 of this class, on a date that is earlier than 31 December 2028, the temporary use of any structure which has been used for the accommodation of displaced persons shall continue for the purposes of accommodating persons seeking international protection in accordance with paragraph 3 of this class.</p> <p>5. The relevant local authority must be notified of locations where change of use is taking place prior the commencement of development.</p> <p>6. 'displaced persons', for the purpose of this class, means persons to whom temporary protection applies in accordance with Article 2 of Council Implementing Decision (EU) 2022/382 of 4 March 2022.</p> <p>7. 'international protection', for the purpose of this class, has the meaning given to it in section 2(1) of the International Protection Act 2015 (No. 66 of 2015).</p> <p>8. 'temporary protection', for the purpose of this class, has the meaning given to it in Article 2 of Council Directive 2001/55/EC of 20 July 2001.</p>
---	--

## Article 9

### Restrictions on Exemptions

(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,
  - (ii) further to the provisions of section 82 of the Act, consist of or comprise the carrying out of works to the exterior of a structure, where the structure concerned is located within an architectural conservation area or an area specified as an architectural conservation area in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or

the draft development plan and the development would materially affect the character of the area,

### **3. ASSESSMENT**

#### **a. Site Location**

The site comprises of an existing 3 storey building at Kenyon Street, Nenagh a former hotel known as The Ormonde.

#### **b. Relevant Planning History**

##### On Site:

<b>04524228</b>	elevational alterations to the front facade (facing South West) of the Ormond Hotel including the demolition of existing external timber canopy and construction of a new steel/glass canopy in its place, removal of existing external plaster finish at high level to expose cut limestone underneath and removal of existing aluminium windows and reinstatement of up and down sliding timber sash windows at first and second floor level. This application also seeks to re-slate the existing roof, to construct a new ramp and new stone entrance steps to the main entrance door and to carry out any additional works required for upgrading of existing building fabric for compliance with D.O.E. Building Regulations 2002	Permission Granted
-----------------	---	--------------------

It is noted that the structure is listed on the NIAH (Ref. 22305095) and the RPS (Ref. 23) and was build circa 1750. The site is also located within Nenagh ACA. The building has an established use as a hotel.

#### **c. Assessment**

The application does not provide any detail in relation to the proposed development on site. It is noted that the application form states the landowner has been asked by the IPPS (Dept. of Children, Equality, Disability, Integration and Youth) to apply for a section 5. It is also stated the building has been hosting Ukrainian families since April 2022. The parameters of the question to which the Declaration relates need to be confirmed e.g. whether same relates to use of the building or the undertaking of works.

### **4. RECOMMENDATION**

I recommend that the applicant should be requested to submit the following further information:

1. A completed application form, including a detailed description of the proposed development to which the Section 5 Declaration request relates. The application form should be accompanied by relevant drawings/ details as appropriate to describe the development proposed.

In this regard clarity should be provided on the change of use proposed to the existing former hotel building with confirmation of whether all this building or part of same will be used to provide accommodation for Beneficiaries of Temporary Protection.





## HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT

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

<b>(a) File Reference No:</b>	S5/24/142
<b>(b) Brief description of the project or plan:</b>	Details not provided
<b>(c) Brief description of site characteristics:</b>	3 storey former hotel – included on RPS
<b>(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW</b>	None
<b>I 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
000939	Silvermine Mountains SAC <a href="https://www.npws.ie/protected-sites/sac/000939">https://www.npws.ie/protected-sites/sac/000939</a>	<15km	None	N
002124	Bolingbrook Hill SAC <a href="https://www.npws.ie/protected-sites/sac/002124">https://www.npws.ie/protected-sites/sac/002124</a>	<15km	None	N
002258	Silvermines Mountains West SAC <a href="https://www.npws.ie/protected-sites/sac/002258">https://www.npws.ie/protected-sites/sac/002258</a>	<15km	None	N
001197	Keeper Hill SAC <a href="https://www.npws.ie/protected-sites/sac/001197">https://www.npws.ie/protected-sites/sac/001197</a>	<15km	None	N
002165	Lower River Shannon SAC <a href="https://www.npws.ie/protected-sites/sac/002165">https://www.npws.ie/protected-sites/sac/002165</a>	<15km	None	N
002241	Lough Derg N-E Shore SAC <a href="https://www.npws.ie/protected-sites/sac/002241">https://www.npws.ie/protected-sites/sac/002241</a>	<15km	None	N
004058	Lough Derg (Shannon) SPA <a href="https://www.npws.ie/protected-sites/spa/004058">https://www.npws.ie/protected-sites/spa/004058</a>	<15km	None	N
004165	Slievefelim to Silvermines Mountains SPA <a href="https://www.npws.ie/protected-sites/spa/004165">https://www.npws.ie/protected-sites/spa/004165</a>	<15km	None	N

### 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> <li>• Impact on groundwater/dewatering</li> <li>• Storage of excavated/construction materials</li> <li>• Access to site</li> <li>• Pests</li> </ul>	No potential for impacts
<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 for impacts
In-combination/Other	No potential for impacts
<b>(b) Describe any likely changes to the European site:</b>	
<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 for impacts

**I 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
Signed:  Naomi Scully	Date:	17.12.2024

EIA Pre-Screening Establishing a development is a 'sub-threshold development'	
<b>File Reference:</b>	S5/24/142
<b>Development Summary:</b>	Details not provided
<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 _____ Further information is required.	<b>EIA is mandatory</b> No Screening required
<input 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 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 <b>and</b> meets/exceeds the threshold, specify class (including threshold): _____	<b>EIA is mandatory</b> No Screening required

<input type="checkbox"/> Yes the project is of a type listed <b>but</b> is <i>sub-threshold</i> : <hr/>		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>
Signed: Naomi Scully	Date:	17.12.2024





Comhairle Contae Thiobraid Árann  
Tipperary County Council

Comhairle Contae  
Thiobraid Árann,  
Oifigí Cathartha,  
Cluain Meala,  
Co. Thiobraid Árann

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An tAonach,  
Co. Thiobraid Árann

Tipperary County Council,  
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E45 A099

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e customerservice  
@tipperarycoco.ie

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

Date: 19<sup>th</sup> December, 2024

Our Ref: S5/24/142

Civic Offices, Nenagh

**Ormond Hotel Nenagh Ltd.,  
C/o Dermot Kinane,  
51 Kenyon Street,  
Nenagh,  
Co. Tipperary.**

**Re: Application for a Section 5 Declaration – use of hotel to host  
Ukrainian families in Ormond Hotel, 51 Kenyon Street, Nenagh,  
Co. Tipperary.**

Dear Mr. Kinane,

I refer to an application received from you on 26<sup>th</sup> November, 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;

1. A completed application form, including a detailed description of the proposed development to which the Section 5 Declaration request relates. The application form should be accompanied by relevant drawings/ details as appropriate to describe the development proposed.

In this regard clarity should be provided on the change of use proposed to the existing former hotel building with confirmation of whether all this building or part of same will be used to provide accommodation for Beneficiaries of Temporary Protection.

In addition the details should clearly set out all physical works undertaken / to be undertaken associated with the change in use. The works should be clearly illustrated on building plans and elevations to show works proposed to be undertaken.

Where works to the site (outside the buildings) is proposed this shall be clearly illustrated on a revised site layout plan and accompanying drawings shall be provided to clearly illustrate the works proposed.

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

Yours sincerely

A handwritten signature in cursive script, appearing to read "Rosind Haynes".

---

for **Director of Services**



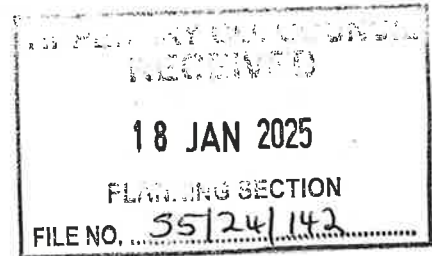
## *Limford Building Surveyors Ltd*

Limford House, 21 The Orchard, Millersbrook, Nenagh, Co. Tipperary

Assigned/Design Certifiers

• Fire Safety Consultancy • Disability • Inspections • PSDP • Mapping

Director of Services  
Planning Section  
Tipperary County Council  
Civic Offices  
Limerick Road  
Nenagh  
Co. Tipperary



18/02/2025

**Re: File ref: S5/24/142**

**Section 5 Declaration Application for Dermot Kinnane on behalf of the Ormond Hotel Nenagh Ltd**

**Site Location: Former Ormond Hotel, 51 Kenyon Street, Nenagh, Co. Tipperary**

**Subject: Change of use of the first floor of the hotel to host Ukrainian Families**

Dear Director

On behalf of the applicant Dermot Kinnane, I wish to respond as follows to your further information request letter of 19/12/2024 regarding the above Section 5 application – file ref: S5/24/142.

**The Proposed Development for Exemption:**

The Exemption from Planning Permission is sought under Class 14, Schedule 2, Part 1 of the Planning and Development Regulations 2001, as amended to allow to change a hotel and other residential institution to an accommodation centre for 'protected persons' on a temporary basis.

This exemption is sought for the use of the first floor of the Ormond Hotel, 51, Kenyon Street, Nenagh to provide temporary residential accommodation for protected persons.

The first floor of the hotel will be used as residential accommodation for Ukrainian War refugees and other protected persons.

**Confirmations:**

On 4 March 2022, the Council of the European Union enacted the Temporary Protection Directive (Council Implementing Decision (EU) 2022/382) in response to refugees arriving in the EU from Ukraine.

The enactment of the Directive means persons fleeing the armed conflict in Ukraine will have access to 'temporary protection' in EU Member States. The Directive, which establishes minimum standards for temporary protection, seeks to balance the distribution of persons between EU Member States.

The implementing decision applies to the following categories of persons displaced from Ukraine on or after 24 February 2022:

- “(a) Ukrainian nationals residing in Ukraine before 24 February 2022;
- (b) stateless persons, and nationals of third countries other than Ukraine, who benefited from international protection or equivalent national protection in Ukraine before 24 February 2022;
- and,
- (c) family members of the persons referred to in points (a) and (b).”

Ukrainians War Refugees are deemed temporary protected persons under the EU Directive.

To implement the Directive and facilitate the speedy housing of Ukrainian War Refugees the Government has provide facility for Exemption from Planning Permission under Emergency Legislation.

The Emergency Legislation by the Irish Government to comply with the EU Directive takes precedence on a temporary basis over previous legislation.

**Condition/limitation**

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.

The owner can seek a Section 5 declaration from the Local Authority with regard to the applicability of this exemption to the specific property.

In addition to the above, the European Union (Planning and Development) (Displaced Person from Ukraine Temporary Protection) Regulation 2022 provides that the provision of the Planning Act (other than the Environmental considerations in Section 181A to 181C) will not apply to certain classes of development on behalf of a State Authority i.e. Minister of the Government or the Commissioner of Public Works in Ireland, for the purpose of providing temporary protection to displaced persons. This is also a temporary provision and only applicable to a Minister or OPW.

Ukrainian War Refugees are classed as protected persons under the EU Directive and under Irish Government Emergency Legislation.

Please note that the site is presently occupied by Ukrainian War Refugees under contract with the Minister for Children, Equality, Disability, Integration and Youth.

The proposed development causes no contravention to the existing external and internal layout of the building. No building works were required for the change of use. No physical construction work was required for the change of use. No site works were required or undertaken for the change of use.

The development is wholly contained on the first floor of the hotel.

The accommodation consists of;

- 10 Ensuite Bedrooms
- Linen Store
- Laundry Room
- Shared Kitchen, Living and Dining Rooms

Access to the first-floor accommodation is via the existing main entrance of the hotel from Kenyon Street.

There is secondary means of escape from the first floor via an existing external escape stairway that discharges to the large open yard to the rear of the building and to the side entrance of the hotel leading back onto Kenyon Street.

The gross floor area in use by the Ukrainian Families is 400sq.m.

In support of this Section 5 application and in response to your Further Information request attached find;

- Completed Application Form
- Drawings:
  - Location Map, Site Plan, Floor Plans and Elevations

If further information is required on the Section 5 application, please contact the undersigned.

Trusting that the response adequately addresses your further information request.

Yours sincerely

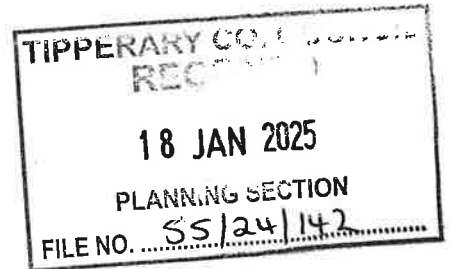
*Margaret Kirwan*

(Agent for the applicant)

Margaret Kirwan C.Build E FCABE; MIBCI  
Registered Building Surveyor B0156  
Chartered Building Engineer



Comhairle Contae Thiobraid Árann  
Tipperary County Council



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

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

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

Applicant	DERMOT KINANE ON BEHALF OF ORMOND HOTEL NENAGH LTD
Address	ORMOND HOTEL 51, KENYON STREET NENAGH, CO. TIPPERARY E45 WFS3
Telephone No.	[REDACTED]
E-mail	[REDACTED]

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

Agent	MARGARET KIRWAN
Address	LIMFORD BUILDING SURVEYORS LTD 21 THE ORCHARD, MILLERSBROOK, NENAGH, CO. TIPPERARY E45 HE06
Telephone No.	[REDACTED]
E-mail	[REDACTED]
Please advise where all correspondence in relation to this application is to be sent;	
Applicant [ ]	Agent [ <input checked="" type="checkbox"/> ]

**3. Location of Proposed Development:**

Postal Address or Townland or Location (as may best identify the land or structure in question)	THE ORMOND HOTEL 51, KENYON STREET, NENAGH, CO. TIPPERARY E45 WFS3
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4. **Development Details:** Refer also to attached cover letter.

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.)

The development is wholly contained on the first floor of the hotel.

The accommodation consists of;

- 10 Ensuite Bedrooms
- Linen Store
- Laundry Room
- Shared Kitchen, Living and Dining Rooms

Access to the first-floor accommodation is via the existing main entrance to the hotel from Kenyon Street.

There is secondary means of escape from the first floor via an existing external escape stairway that discharges to the large open yard to the rear of the building and to the side entrance of the hotel leading back to Kenyon Street.

The proposed development causes no contravention to the existing external and internal layout of the building.

No building works were required for the change of use. No physical construction work was required for the change of use. No site works were required or undertaken for the change of use.

~~Proposed~~ floor area of proposed ~~works~~/uses: 400 sqm

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

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

Signature of Applicant(s) Margaret Stinson Date: 18.2.2025  
(Agent)

**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 0818 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. €</b> _____
Receipt No _____
Date _____
Received by _____









# PLACE Map



SECTION 5: Ref: S5/24/142



**CENTRE COORDINATES:**  
ITM 586675.678991  
**ORDER NO.:**  
50447005\_1  
**PUBLISHED:**  
05/02/2025  
**MAP SERIES:**  
1:1,000  
**MAP SHEETS:**  
4277-19

**TIPPERARY CO. COUNCIL RECEIVED**  
**18 JAN 2025**  
S5/24/142  
**PLANNING SECTION**  
**COMPILED AND PUBLISHED BY:**  
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The representation on this map of a road, track or footpath is not evidence of the existence of a right of way.

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

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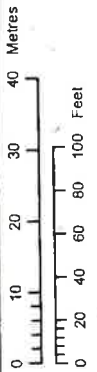
678005



**LEGEND:**  
To view the legend visit [www.tailte.ie](http://www.tailte.ie) and search for 'Large Scale Legend'

**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](http://www.tailte.ie), search 'Capture Resolution'

**OUTPUT SCALE: 1:1,000**



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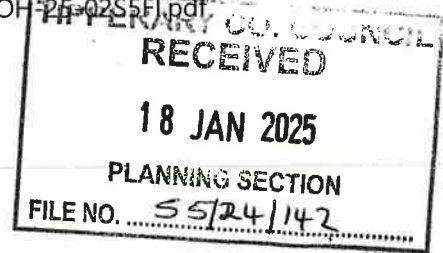
586558



**Ryan, Siobhan Anne**

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**From:** Clifford, Kathleen  
**Sent:** 18 February 2025 08:43  
**To:** Ryan, Siobhan Anne  
**Subject:** FW: [External] Submission of FI on Section 5 File Ref: S5/24/142 - Ormond Hotel  
**Attachments:** LOCATION MAP OH-25-01S5FI.pdf; Section 5 Amended Form.pdf; FRONT ELEVATION OH-25-04S5FI.pdf; FI Response Cover Letter.pdf; FIRST FLOOR PLAN OH-25-03S5FI.pdf; SITE LAYOUT PLAN OH-25-02S5FI.pdf



**From:** [REDACTED]  
**Sent:** 17 February 2025 20:50  
**To:** Clifford, Kathleen [REDACTED]  
**Subject:** [External] Submission of FI on Section 5 File Ref: S5/24/142 - Ormond Hotel

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.

**Re: Submission FI Response on Section 5 File Ref: S5/24/142 - Ormond Hotel**

Dear Kathleen

Can the attached FI response be submitted online - Section 5 File Ref: S5/24/142 - Ormond Hotel?

Regards

**Margaret**

Margaret Kirwan FCABE, MIBCI  
Registered Building Surveyor B0156  
Chartered Building Engineer  
Limford Building Surveyors Ltd  
Limford House  
21 The Orchard  
Millersbrook  
Nenagh  
Co. Tipperary  
Post Code: E45 HE06  
067 41944  
[REDACTED]

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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  
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: 18<sup>th</sup> February, 2025

Our Ref: S5/24/142

Civic Offices, Nenagh

**Ormond Hotel Nenagh Ltd  
C/O Margaret Kirwan  
Limford Building Surveyors Ltd  
21 The Orchard  
Millersbrook  
Nenagh  
Co. Tipperary**


**Re: Application for a Section 5 Declaration re – use of hotel to host  
Ukrainian families in Ormond Hotel at 51 Kenyon Street, Nenagh, Co.  
Tipperary**

Dear Ms Kirwan,

I acknowledge receipt of Further Information received on 18<sup>th</sup> February, 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>	S5/24/142
<b>Applicant:</b>	Ormond Hotel Nenagh Ltd
<b>Development Address:</b>	51 Kenyon Street, Nenagh, Co. Tipperary
<b>Proposed Development:</b>	Details not provided of proposed development. Applicant states that they have been asked by IPPS Dept. of Children, Equality, Disability, Integration and Youth to apply for a section 5. The building has been hosting Ukrainian families since April 2022

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#### 1. GENERAL

On the 22<sup>nd</sup> November 2024 an application form was received from Ormond Hotel Nenagh Ltd with reference to a property at 51 Kenyon Street, Nenagh.

The application form did not include development details but is stated the applicant has been requested by IPPS Dept. of Children, Equality, Disability, Integration and Youth to apply for a section 5. The application form also states the building has been hosting Ukrainian families since April 2022.

The application form is accompanied by:

- Drawings of the subject property including elevations, floor plans, cross sections etc
- Site layout plan/topographical survey
- Site location map

#### 2. STATUTORY PROVISIONS

The following statutory provisions are relevant to this referral case;

##### ***Planning and Development Act 2000 (as amended)***

##### **Section 2**

##### Interpretation

“**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 3**

##### Development

(1) In this Act, except where the context otherwise requires, "development" means—

(a) the carrying out of any works in, on, over or under land, or the making of any material change in the use of any land or structures situated on land, or

(b) development within the meaning of Part XXI (inserted by section 171 of the Maritime Area Planning Act 2021).

***Planning and Development Regulations 2001 (as amended)***

**Article 6**

**Exempted Development**

(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.

Schedule 2, Part 1 *'Exempted Development – General'*:

<p><i>Change of use</i> CLASS 14</p> <p>Development consisting of a change of use—</p> <p>(h) 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 (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>
<p>CLASS 20F</p> <p>Temporary use by or on behalf of the Minister for Children, Equality, Disability, Integration and Youth to accommodate or support displaced persons or persons seeking international protection of any structure or part of a structure used as a school, college, university, training centre,</p>	<p>1. The temporary use shall only be for the purposes of accommodating displaced persons or for the purposes of accommodating persons seeking international protection.</p>

<p>social centre, community centre, non-residential club, art gallery, museum, library, reading room, sports club or stadium, gymnasium, hotel, convention centre, conference centre, shop, office, Defence Forces barracks, light industrial building, airport operational building, wholesale warehouse or repository, local authority administrative office, play centre, medical and other health and social care accommodation, event and exhibition space or any structure or part of structure normally used for public worship or religious instruction.</p>	<p>2. Subject to paragraph 4 of this class, the use for the purposes of accommodating displaced persons shall be discontinued when the temporary protection introduced by the Council Implementing Decision (EU) 2022/382 of 4 March 2022<sup>1</sup> comes to an end in accordance with Article 6 of the Council Directive 2001/55/EC of 20 July 2001<sup>2</sup>.</p> <p>3. The use for the purposes of accommodating persons seeking international protection shall be discontinued not later than 31 December 2028.</p> <p>4. Where the obligation to provide temporary protection is discontinued in accordance with paragraph 2 of this class, on a date that is earlier than 31 December 2028, the temporary use of any structure which has been used for the accommodation of displaced persons shall continue for the purposes of accommodating persons seeking international protection in accordance with paragraph 3 of this class.</p> <p>5. The relevant local authority must be notified of locations where change of use is taking place prior the commencement of development.</p> <p>6. 'displaced persons', for the purpose of this class, means persons to whom temporary protection applies in accordance with Article 2 of Council Implementing Decision (EU) 2022/382 of 4 March 2022.</p> <p>7. 'international protection', for the purpose of this class, has the meaning given to it in section 2(1) of the International Protection Act 2015 (No. 66 of 2015).</p> <p>8. 'temporary protection', for the purpose of this class, has the meaning given to it in Article 2 of Council Directive 2001/55/EC of 20 July 2001.</p>
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## Article 9

### Restrictions on Exemptions

(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,
  - (xii) further to the provisions of section 82 of the Act, consist of or comprise the carrying out of works to the exterior of a structure, where the structure concerned is located within an architectural conservation area or an area specified as an

architectural conservation area in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan and the development would materially affect the character of the area,

**3. ASSESSMENT**

**a. *Site Location***

The site comprises of an existing 3 storey building at Kenyon Street, Nenagh a former hotel known as The Ormonde.

**b. *Relevant Planning History***

On Site:

<b>04524228</b>	elevation alterations to the front facade (facing South West) of the Ormond Hotel including the demolition of existing external timber canopy and construction of a new steel/glass canopy in its place, removal of existing external plaster finish at high level to expose cut limestone underneath and removal of existing aluminium windows and reinstatement of up and down sliding timber sash windows at first and second floor level. This application also seeks to re-slate the existing roof, to construct a new ramp and new stone entrance steps to the main entrance door and to carry out any additional works required for upgrading of existing building fabric for compliance with D.O.E. Building Regulations 2002	Permission Granted
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It is noted that the structure is listed on the NIAH (Ref. 22305095) and the RPS (Ref. 23) and was build circa 1750. The site is also located within Nenagh ACA. The building has an established use as a hotel.

**c. *Assessment***

The application does not provide any detail in relation to the proposed development on site. It is noted that the application form states the landowner has been asked by the IPPS (Dept. of Children, Equality, Disability, Integration and Youth) to apply for a section 5. It is also stated the building has been hosting Ukrainian families since April 2022. The parameters of the question to which the Declaration relates need to be confirmed e.g. whether same relates to use of the building or the undertaking of works.

**4. RECOMMENDATION**

I recommend that the applicant should be requested to submit the following further information:

1. A completed application form, including a detailed description of the proposed development to which the Section 5 Declaration request relates. The application form should be accompanied by relevant drawings/ details as appropriate to describe the development proposed.

In this regard clarity should be provided on the change of use proposed to the existing former hotel building with confirmation of whether all this building or part of same will be used to provide accommodation for Beneficiaries of Temporary Protection.

In addition the details should clearly set out all physical works undertaken / to be undertaken associated with the change in use. The works should be clearly illustrated on building plans and elevations to show works proposed to be undertaken.



## **5. FURTHER INFORMATION**

One point of further information was requested from the applicant in a letter dated 19/12/2024. The FI request is outlined below in italics with assessment under same in bold.

*1.A completed application form, including a detailed description of the proposed development to which the Section 5 Declaration request relates. The application form should be accompanied by relevant drawings/ details as appropriate to describe the development proposed.*

*In this regard clarity should be provided on the change of use proposed to the existing former hotel building with confirmation of whether all this building or part of same will be used to provide accommodation for Beneficiaries of Temporary Protection.*

*In addition the details should clearly set out all physical works undertaken / to be undertaken associated with the change in use. The works should be clearly illustrated on building plans and elevations to show works proposed to be undertaken.*

*Where works to the site (outside the buildings) is proposed this shall be clearly illustrated on a revised site layout plan and accompanying drawings shall be provided to clearly illustrate the works proposed.*

**The applicant has advised of the following:**

- **The proposal is for a change of use of the first floor to host Ukrainian families**
- **No building works were required**
- **The development is wholly contained on the first floor of the hotel**
- **Floorplans submitted**

### **Assessment of Further Information**

#### **A) "Is or is not Development"**

As set out under the introduction section above the application for a Section 5 Declaration does not refer to works and is limited to a change of use only. In order for a change of use to be considered development, it must be a material change in the use as per the definition of development provided in Section 3(1)(a) of the Planning and Development Act 2000, as amended.

It is considered that the nature and characteristics of a facility accommodating or supporting displaced persons or persons seeking international protection is materially different to that of a Hotel. It is therefore considered that the change of use from a Hotel to a facility accommodating or supporting displaced persons or persons seeking international protection is a material change of use which constitutes "development" within the meaning of Section 3 of the Act.

#### **B) "Is or is not Exempted Development"**

It is considered that the use of the Hotel for the purposes of a facility accommodating or supporting displaced persons or persons seeking international protection, does avail of the exemptions set out under Class 20(f) of Part 1 of Schedule 2 of the Regulations.

#### **C) Restrictions under Article 9**

It is not considered that the restrictions on exempted development as set out under Article 9 apply.

## **6. SCREENING**

### **AA**

I have undertaken an Appropriate Assessment Screening which concludes that significant effects of the development on the Any Natura 2000 sites can be excluded. See AA Screening below.

**EIA**

The proposed change of use does not come within the definition of a 'project' for the purposes of EIA, that is, it does not comprise construction works, demolition or intervention in the natural surroundings. See Screening Report attached.

**7. RECOMMENDATION**

**WHEREAS** a question has arisen as to whether the use of the first floor of a hotel as accommodation for Ukrainian families at no. 51 Kenyon Street, Nenagh, 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 6, 9 and 10 of the Planning and Development Regulations 2001, as amended,  
(c) Class 20(f) of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended,

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

The development consisting of the change of use of the first floor of a hotel as accommodation for Ukrainian families,

is development and is exempted development. The proposals meets the exempted development provisions as set out under Class 20(f) of Part 1 of Schedule 2 of the Planning and Development Regulations 2001.

**Advice Note:** This Section 5 Declaration refers to a material change of use only and does not include for any works.

**District Planner:** *Olive O'Donnell*

**Date:** 04/03/2025

**A/Senior Executive Planner:** *Jonathan Flood*

**Date:** 4/3/2025



## HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT

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

<b>(a) File Reference No:</b>	S5/24/142
<b>(b) Brief description of the project or plan:</b>	Details not provided
<b>(c) Brief description of site characteristics:</b>	3 storey former hotel – included on RPS
<b>(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW</b>	None
<b>I 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
000939	Silvermine Mountains SAC <a href="https://www.npws.ie/protected-sites/sac/000939">https://www.npws.ie/protected-sites/sac/000939</a>	<15km	None	N
002124	Bolingbrook Hill SAC <a href="https://www.npws.ie/protected-sites/sac/002124">https://www.npws.ie/protected-sites/sac/002124</a>	<15km	None	N
002258	Silvermines Mountains West SAC <a href="https://www.npws.ie/protected-sites/sac/002258">https://www.npws.ie/protected-sites/sac/002258</a>	<15km	None	N
001197	Keeper Hill SAC <a href="https://www.npws.ie/protected-sites/sac/001197">https://www.npws.ie/protected-sites/sac/001197</a>	<15km	None	N
002165	Lower River Shannon SAC <a href="https://www.npws.ie/protected-sites/sac/002165">https://www.npws.ie/protected-sites/sac/002165</a>	<15km	None	N
002241	Lough Derg N-E Shore SAC <a href="https://www.npws.ie/protected-sites/sac/002241">https://www.npws.ie/protected-sites/sac/002241</a>	<15km	None	N
004058	Lough Derg (Shannon) SPA <a href="https://www.npws.ie/protected-sites/spa/004058">https://www.npws.ie/protected-sites/spa/004058</a>	<15km	None	N
004165	Slievefelim to Silvermines Mountains SPA	<15km	None	N

**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> <li>• Impact on groundwater/dewatering</li> <li>• Storage of excavated/construction materials</li> <li>• Access to site</li> <li>• Pests</li> </ul>	No potential for impacts
<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 for impacts
In-combination/Other	No potential for 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 for impacts
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**I 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
Signed: Naomi Scully	Date:	17.12.2024

EIA Pre-Screening Establishing a development is a 'sub-threshold development'		
<b>File Reference:</b>	S5/24/142	
<b>Development Summary:</b>	Details not provided	
<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</b> - Does the development comprise a project listed in Schedule 5, <b>Part 1</b> , of the Planning and Development Regulations 2001 (as amended)? (Tick as appropriate)		
<input type="checkbox"/> Yes, specify class _____	<b>EIA is mandatory</b>	
Further information is required.	No Screening required	
<input type="checkbox"/> No	Proceed to <b>Part B</b>	
<b>B. Schedule 5 Part 2</b> - Does the development comprise a project listed in Schedule 5, <b>Part 2</b> , of the Planning and Development Regulations 2001 (as amended) <b>and</b> 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	<b>No Screening required</b>	
<input type="checkbox"/> Yes the project is listed in Schedule 5, Part 2 <b>and</b> meets/exceeds the threshold, specify class (including threshold): _____	<b>EIA is mandatory</b> No Screening required	
<input type="checkbox"/> Yes the project is of a type listed <b>but</b> 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>	
Signed: Naomi Scully	Date:	17.12.2024





Comhairle Contae Thiobraid Árann  
Tipperary County Council

Comhairle Contae  
Thiobraid Árann,  
Oifigí Cathartha,  
Cluain Meala,  
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Date: 5<sup>th</sup> March, 2025

Our Ref: S5/24/142

Civic Offices, Nenagh

**Ormond Hotel Nenagh Ltd  
C/O Margaret Kirwan  
Limford Building Surveyors Ltd  
21 The Orchard  
Millersbrook  
Nenagh  
Co. Tipperary**

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

Dear Ms Kirwan,

I refer to your application for a Section 5 Declaration received on 26<sup>th</sup> November, 2024 and Further Information received on 18<sup>th</sup> February, 2025, in relation to the following proposed works:

**Details not provided of proposed development. Applicant states that they have been asked by IPPS Dept. of Children, Equality, Disability, Integration and Youth to apply for a section 5. The building has been hosting Ukrainian families since April 2022 at 51 Kenyon Street, Nenagh, 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 6, 9 and 10 of the Planning and Development Regulations 2001, as amended,
- (c) Class 20(f) of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended,

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

The development consisting of the change of use of the first floor of a hotel as accommodation for Ukrainian families, is development and is exempted development. The proposals meets the exempted development provisions as set out under Class 20(f) of Part 1 of Schedule 2 of the Planning and Development Regulations 2001.

**Advice Note:** This Section 5 Declaration refers to a material change of use only and does not include for any works.

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

Yours sincerely

*Geraldine Quinn*  
for **Director of Services**



**Original**

**TIPPERARY COUNTY COUNCIL**

**DELEGATED EMPLOYEE'S ORDER**

File Ref: **S5/24/142**      **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 Ormond Hotel Nenagh Ltd., C/O Margaret Kirwan, Limford Building Surveyors Ltd., 21 The Orchard, Millersbrook, Nenagh, Co. Tipperary re: Details not provided of proposed development. Applicant states that they have been asked by IPPS Dept. of Children, Equality, Disability, Integration and Youth to apply for a section 5. The building has been hosting Ukrainian families since April 2022 at 51 Kenyon Street, Nenagh, 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 6, 9 and 10 of the Planning and Development Regulations 2001, as amended,
- (c) Class 20(f) of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended,

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

The development consisting of the change of use of the first floor of a hotel as accommodation for Ukrainian families, is development and is exempted development. The proposals meet the exempted development provisions as set out under Class 20(f) of Part 1 of Schedule 2 of the Planning and Development Regulations 2001.

**Advice Note:** This Section 5 Declaration refers to a material change of use only and does not include for any works.

**Signed:**

  
\_\_\_\_\_

**Sharon Kennedy**

**Director of Services**

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

**Emergency Services and Emergency Planning and**

**Tipperary/Cahir/Cashel Municipal District**

**Date: 05/03/2025**