

PLANNING & DEVELOPMENT ACT, 2000 (as amended)

Application for a Section 5 Declaration
Development / Exempted Development

1. Applicant's address/contact details:

<i>Applicant</i>	<i>Rosendale Property Ltd</i>
<i>Address</i>	<i>Railway House, Cregg rd, Carrick on Suir, Co Tipperary</i>
<i>Telephone No.</i>	
<i>E-mail</i>	

2. Agent's (if any) address:

<i>Agent</i>	
<i>Address</i>	
<i>Telephone No.</i>	
<i>E-mail</i>	

Please advise where all correspondence in relation to this application is to be sent;

Applicant [x] Agent []

3. Location of Proposed Development:

<i>Postal Address <u>or</u> Townland <u>or</u> Location (as may best identify the land or structure in question)</i>	Rosendale Friar st, Thurles, Co Tipperary E41PH88
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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.)

Change of use from a b&b to emergency accommodation
Proposed floor area of proposed works/uses: sqm 280

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 x	B. Occupier
	C. Other	

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) Ben & Bron

Date: 28/1/25

Note: If the proposed development consists of works to a (Proposed) Protected Structure and/or any structure within the curtilage of a (Proposed) Protected Structure, an application for a Section 57 Declaration may be more appropriate.

GUIDANCE NOTES

- (1) All queries on the form must be completed and the form must be accompanied by the relevant fee. The amount of the fee is currently **€80.00**.
- (2) This application should be accompanied by **TWO COPIES** of the following documentation
 - OSI Site Location Map with the site outlined clearly – 1:1000 in urban areas and 1:2500 in rural areas
 - Floor Plans & Elevations at a scale of not less than 1:200
 - Site layout plan indicating position of proposed development relative to premises and adjoining properties
 - Other details e.g. brochures, photographs if appropriate.

(All dimensions must be given in metric scale and drawings should be accompanied by a brief description outlining the use of the proposed development)

- (3) Where a proper and complete application is received, a decision must be conveyed to the applicant within four (4) weeks except where additional necessary information is required.

This application form and relevant fee should be submitted to:

Planning Section, Tipperary County Council, Civic Offices,	<u>OR</u>	Planning Section, Tipperary County Council, Civic Offices,
------------------------------------------------------------------	-----------	------------------------------------------------------------------

Limerick Road,
Nenagh,
Co. Tipperary

Emmet Street,
Clonmel,
Co. Tipperary

Enquires:

Telephone 0818 06 5000

E-Mail planning@tipperarycoco.ie

FOR OFFICE USE ONLY

DATE STAMP

Fee Recd. € 80.00

Receipt No NENAM 1/0/126085

Date 30/1/2025.

Received by Maura Lillis

PATRICK J. DURCAN & CO.
SOLICITORS

JAMES ST.J.P. WARD, B.A., B.L

PATRICK J.M. DURCAN B.C.L., LL.M.

BOGUSLAW MC ARDLE B.A., C.Ag
AILBHE GILL, B.A. LL.B LL.M
NICOLA DALY, B. CORP LAW
CATHERINE LAMBE, BCL LL.M

**JAMES STREET
WESTPORT
COUNTY MAYO
F28 KC52**

Other offices: Spencer Street, Castlebar, County Mayo
F23 KP71

TELEPHONE + 353 98 25100

Email: admin@patrickjdurcan.ie

Our Ref DA0034/0021/BM/M
M (C10221.A5)

**Your
Ref**

Date 28th January 2025

To Whom it May Concern


**Re: Re: Our Clients: Rosendale Property Limited and Purchase of Property at Rosendale,
Friar Street, Thurles, Co. Tipperary**

Dear Sirs

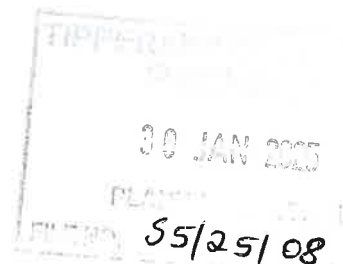
We can confirm that this firm acted for Rosendale Property Limited when it bought the above property.

We can confirm that as per the contractual documentation received by our client when it first sought to buy the property that the property in question had been used as a B & B for many years prior to our client's purchase and it was this use as a B & B that lead our client to purchase as the property was ideally suited to provide emergency accommodation to Ukrainian refugees as requested by the Government of Ireland.

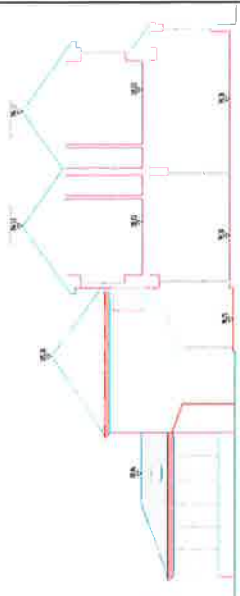
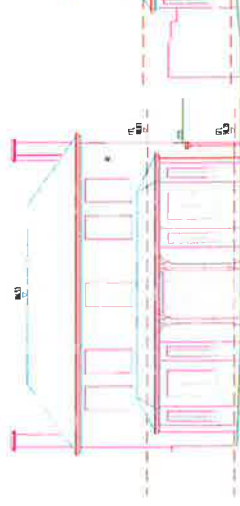
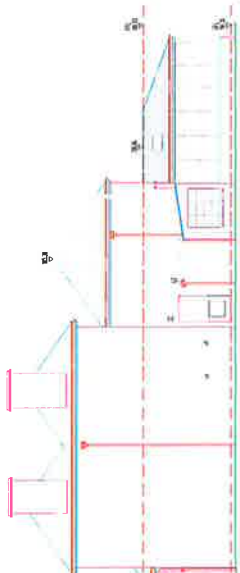
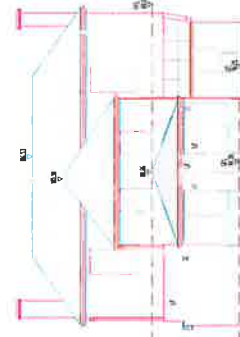
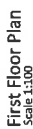
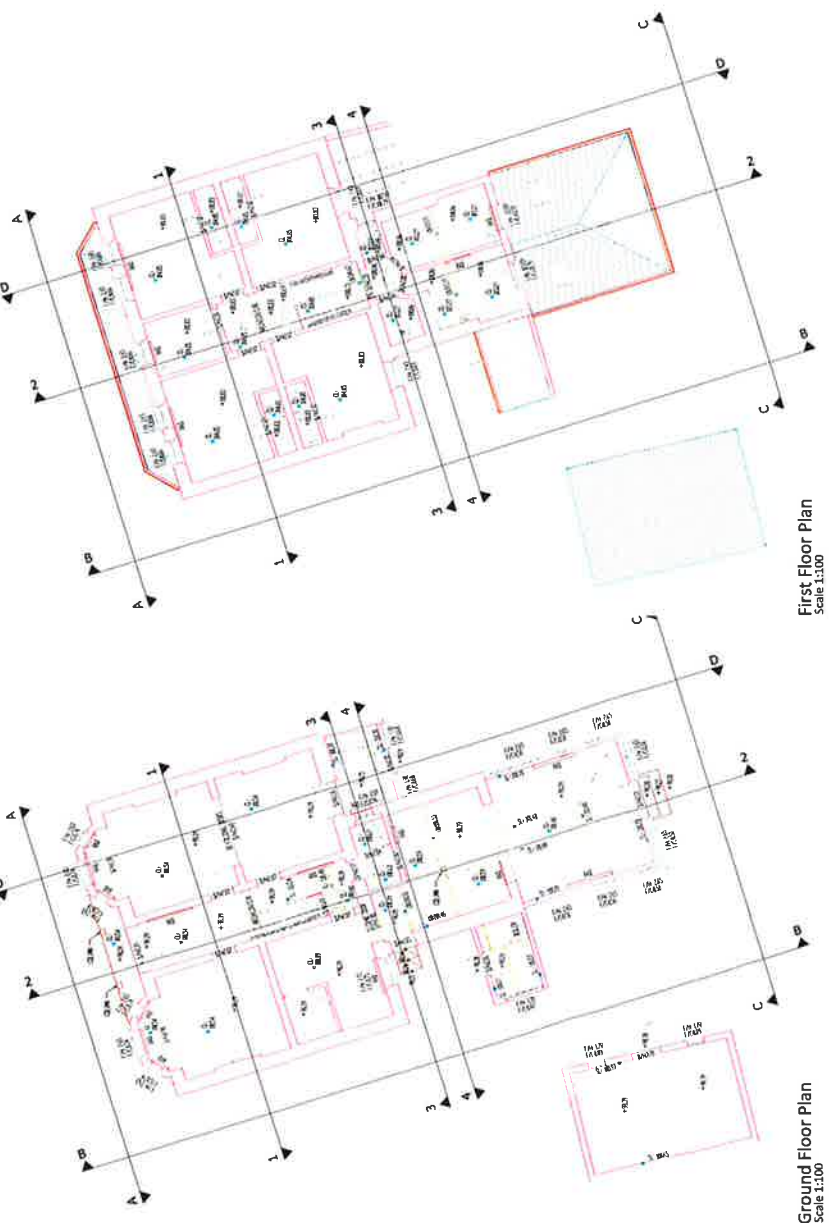
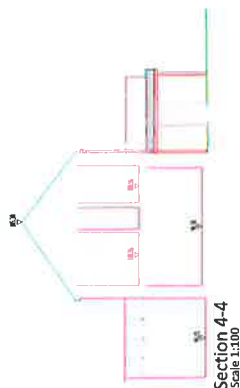
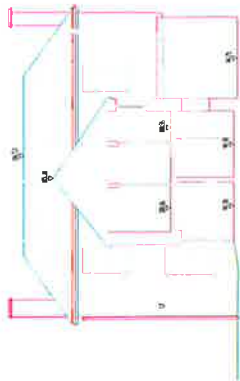
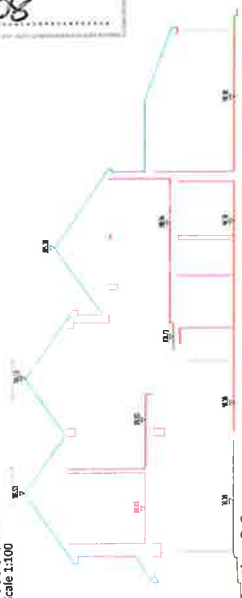
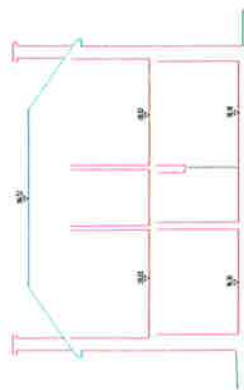
Yours faithfully


Bob McArdle
Solicitor
PATRICK J. DURCAN & CO.

Tipperary County Council
Housing Department
Civic office
Limerick Rd
Nenagh
Co Tipperary



FILE NO. S5/25/08

Elevation D
Scale 1:100

Elevation C

Elevation B

Elevation A

SURVEY NOTES

-



ITM Grid

KEY PLAN



ABBREVIATIONS

- ARMSTRONG JUNCTION
ASSUMED ROUTE
AIR VALVE
ANTENNA
BACKDROP
BED LEVEL
BONEHOLE
UPPER / CRIST MOUNTAIN
BOUNDARY POINT
BURN STICK

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100	101	102	103	104	105	106	107	108	109	110	111	112	113	114	115	116	117	118	119	120	121	122	123	124	125	126	127	128	129	130	131	132	133	134	135	136	137	138	139	140	141	142	143	144	145	146	147	148	149	150	151	152	153	154	155	156	157	158	159	160	161	162	163	164	165	166	167	168	169	170	171	172	173	174	175	176	177	178	179	180	181	182	183	184	185	186	187	188	189	190	191	192	193	194	195	196	197	198	199	200	201	202	203	204	205	206	207	208	209	210	211	212	213	214	215	216	217	218	219	220	221	222	223	224	225	226	227	228	229	230	231	232	233	234	235	236	237	238	239	240	241	242	243	244	245	246	247	248	249	250	251	252	253	254	255	256	257	258	259	260	261	262	263	264	265	266	267	268	269	270	271	272	273	274	275	276	277	278	279	280	281	282	283	284	285	286	287	288	289	290	291	292	293	294	295	296	297	298	299	300	301	302	303	304	305	306	307	308	309	310	311	312	313	314	315	316	317	318	319	320	321	322	323	324	325	326	327	328	329	330	331	332	333	334	335	336	337	338	339	340	341	342	343	344	345	346	347	348	349	350	351	352	353	354	355	356	357	358	359	360	361	362	363	364	365	366	367	368	369	370	371	372	373	374	375	376	377	378	379	380	381	382	383	384	385	386	387	388	389	390	391	392	393	394	395	396	397	398	399	400	401	402	403	404	405	406	407	408	409	410	411	412	413	414	415	416	417	418	419	420	421	422	423	424	425	426	427	428	429	430	431	432	433	434	435	436	437	438	439	440	441	442	443	444	445	446	447	448	449	450	451	452	453	454	455	456	457	458	459	460	461	462	463	464	465	466
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- | | Materials | Quantity | Unit Price | Total Price |
|-----|------------------|----------|------------|-------------|
| 1. | METAL CLADDING | | | |
| 2. | FLOOR SLATE | | | |
| 3. | ROOF TILES | | | |
| 4. | ASBESTOS | | | |
| 5. | MEW BLANK | | | |
| 6. | REINFORCING | | | |
| 7. | STONE | | | |
| 8. | SILICO | | | |
| 9. | TIMBER | | | |
| 10. | GALVANIZED SHEET | | | |
| 11. | BLOCKING | | | |
| 12. | CONCRETE | | | |

100



Geodata

Chartered Land Surveyors
47 Oliver Plunkett Street, Brandon, Co. Cork, P22 4A4, Ireland
Tel: +353 (0)23 88 52708 | Email: info@goodlandsurveying.ie

PTT JAM

05-06-24

Project	R	T	M	C
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Class				

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Ge
Charles
77 Oliver Plunk
Tel: +353 (0)23

Planning Pack Map



Taithe
Éireann

CENTRE
COORDINATES:
ITM 612385,658559

PUBLISHED:
29/08/2024

ORDER NO.:
50419587_1

MAP SERIES:
1:1,000

MAP SHEETS:
4696-11

PLANNING SECTION
S 5/25/08
30 JAN 2023

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

www.taithe.ie

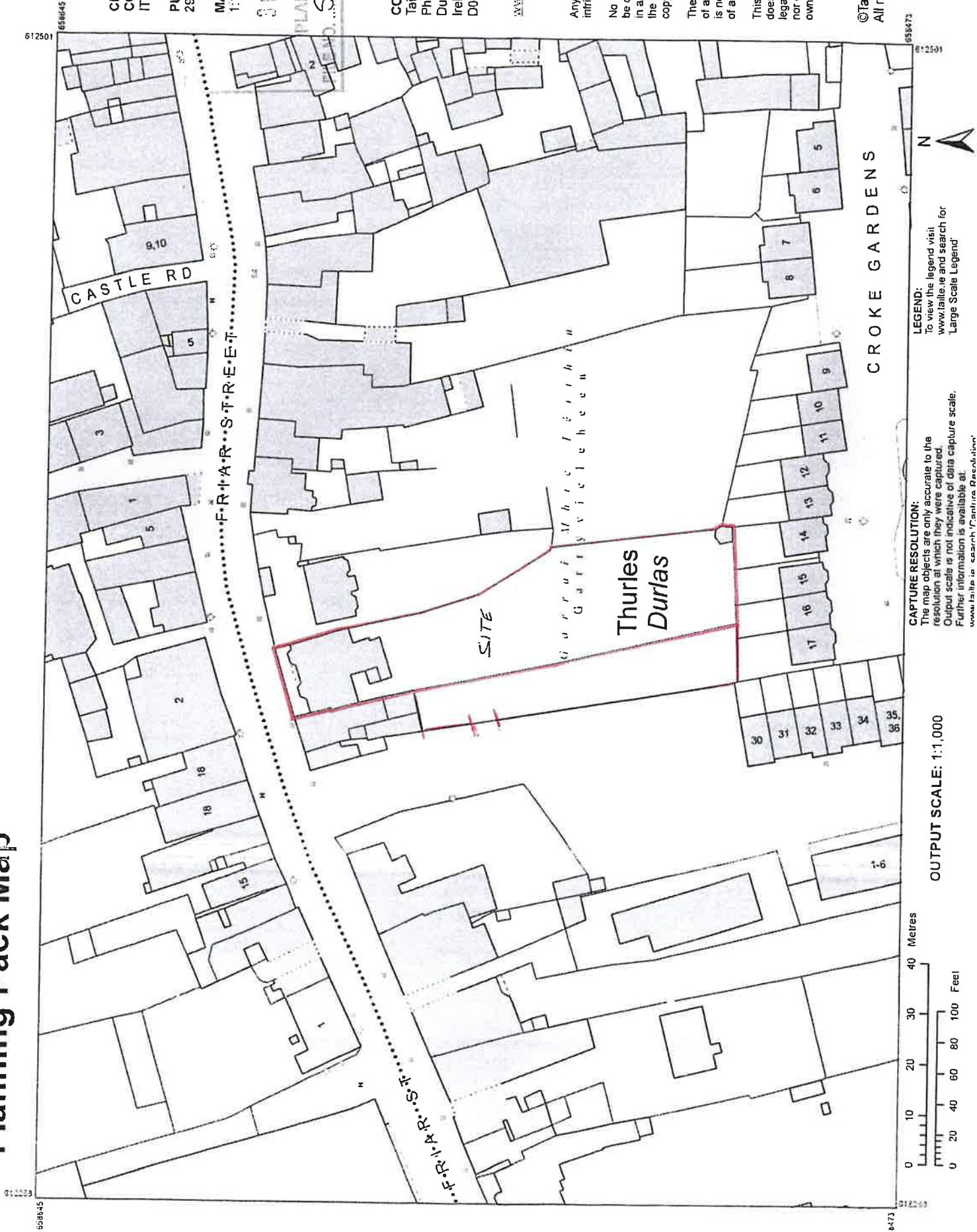
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Rosendale, Friar Street, GARRYVICLEHEEN, Thurles, TIPPERARY NORTH



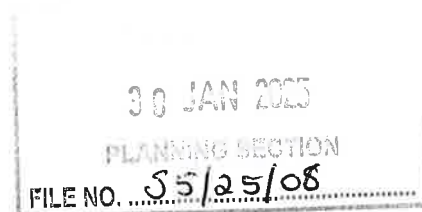
[View on map](#)

Survey Data

Reg No	22312076
Rating	Regional
Categories of Special Interest	Architectural, Artistic
Original Use	House
In Use As	House
Date	1915 - 1935
Coordinates	212427, 158543
Date Recorded	04/08/2004
Date Updated	--/--

Description

Detached three-bay two-storey house, built c.1925, with open porch supported on timber columns and flanked by canted bay windows all under hipped slate roof. Now also in use as guest house. Hipped artificial slate roof with terracotta crestings and rendered chimneystacks. Rendered walls. Square-headed replacement windows paired to first floor end bays. Timber glazed door with sidelights and overlight. Garden with cast-iron gates and railings to site boundary.





NETWORKS

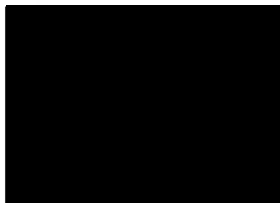
esbnetworks.ie

Gréasáin BSL CGA
Three Gateway, Bóthar An Phoirt Thoir
Baile Átha Cliath 3, D03 R583, Éire
Fón 1800 928 123 nó 01 698 5005

ESB Networks DAC
Three Gateway, East Wall Road
Dublin 3, D03 R583, Ireland
Phone 1800 928 123 or 01 698 5005



39714-1 - 002/0457/1/1



MPRN: 10012137937

Date: 17 FEB 2024

Customer Care:
TLI Group
0818804170

Ref Premises at:

ROSENDALE, FRIAR STREET, THURLES, CO. TIPPERARY, E41 PD88

Dear Customer,

ESB Networks is replacing existing electricity meters across Ireland with next generation smart meters. The meter upgrade is being delivered in co-operation with the Commission for Regulation of Utilities. (Further information can be found in the enclosed leaflet).

Why we are contacting you?

Over the next few months, and at no additional cost to you, the electricity meter at the above address will be replaced. This will be carried out by ESB Networks or an electrical contractor working on our behalf as named above.

Please note:

The installation of a smart meter will not alter the price plan you have in place with your electricity supplier.

The new meter will allow you to take more control of your electricity consumption and enable you to view your electricity usage once you set up your ESB Networks Online Account at esbnetworks.ie.

What's next?

ESB Networks or an electrical contractor working on our behalf will be contacting you with more information in the coming weeks.

To improve our service, we will be conducting customer surveys regarding the Smart Metering Programme which you may be asked to take part in.

To find out more visit esbnetworks.ie/smartmeter

We thank you in advance for your co-operation.

Carmel O'Connor

Carmel O'Connor
Manager, Smart Metering Programme
ESB Networks DAC



1 of 1 - 002/0457/1/1



M

10012137937

DG

MCC

Profile

DG1

MCC02

02

ROSENDALE PROPERTY LTD
Rosendale
Friar Street
Thurles
Tipperary, Ireland
E41PD88

Commercial Customer Contact:**041 214 9500**

MON – FRI 9:00am – 5:30pm

EMERGENCY CONTACT:

For emergencies, power outages or
to report dangerous situations
please contact ESB NETWORKS:

1800 37 29 99**Billing Period****08/10/24 - 05/12/24****Supply Address**

Rosendale
Friar Street
Thurles
Tipperary, Ireland
E41PD88

Account Information

Account Number	50119883
Date of issue	16/12/24
Invoice Number	4615903
MIC	12

Tariff Category:

DG1 NSAV New Business Energy Rate
Card 3

Current Bill due Date: 30/12/24**Payment Method:** Direct Debit**Bill Summary****Amount**

Your last bill	-482.95
Payment Received Thank You	0.00
Balance brought forward	-482.95
Net Bill for this period	985.61
Total VAT	88.70
Current Bill	1,074.31

Total Due**591.36**

Your fuel mix is presented on the back of this bill. For further information
on your fuel mix, please contact customer service on 0412149500

Payment Slip

Knockbrack House
Matthews Lane
Donore Road, Drogheda,
Co. Louth, Ireland
A92 T803

Account No:

50119883

MPRN:

10012137937

Transaction Date:

30/12/24

Total Due €:

591.36

T: 041 214 9500
E: accenergy@flogas.ie
www.flogas.ie



Comhairle Contae Thiobraid Árann
Tipperary County Council

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

Tipperary County Council,
Civic Offices, Clonmel,
Co. Tipperary

E91 N512

Comhairle Contae
Thiobraid Árann,
Oifigí Cathartha,
An tAonach,
Co. Thiobraid Árann

Tipperary County Council,
Civic Offices, Nenagh,
Co. Tipperary

E45 A099

t 0818 06 5000
e customerservice
@tipperarycoco.ie

tipperarycoco.ie

Date: 30th January, 2025

Our Ref: S5/25/08

Civic Offices, Nenagh

Rosendale Property Ltd
Railway House
Cregg Road
Carrick-on-Suir
Co. Tipperary

Re: Application for a Section 5 Declaration – Change of use from a B&B to emergency accommodation at Rosendale, Friar St., Thurles, Co. Tipperary.

Dear Sir/Madam,

I acknowledge receipt of your application for a Section 5 Declaration received on 30th 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**

Ryan, Siobhan Anne

From: Planning Group
Sent: 26 February 2025 09:31
To: Ryan, Siobhan Anne
Subject: FW: [External] Fwd: S5-25-08

From: Planning Group
Sent: 26 February 2025 09:30
To: [REDACTED]
Subject: RE: [External] Fwd: S5-25-08

Dear [REDACTED]

I wish to acknowledge receipt of your email and advise that I have forwarded it to the relevant section.

Kind Regards

Claire Cooney,
A/Assistant Staff Officer, Planning
Civic Offices, Clonmel, Co. Tipperary.
Telephone: 0818 06 5000
E-mail: planning@tipperarycoco.ie
Website: www.tipperarycoco.ie



From: [REDACTED]
Sent: 25 February 2025 18:32
To: Planning Group <planning@tipperarycoco.ie>; [REDACTED]
Subject: [External] Fwd: S5-25-08

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.

Ref S5-25-28

To Whom it may concern

I can confirm Rosendale was last used as a B&B prior to our purchase with four bedrooms available to guests. I have not made any changes to the building or have any requirements to do so. I am applying for a change of use from a B&B to emergency accommodation to use as accommodation for protected persons.

Should you require any additional information please let me know.

Kind Regards

[Redacted Signature]

[Redacted Stamp]

TIPPERARY COUNTY COUNCIL

Application for Declaration under Section 5

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

Planning Reference: S5/25/08

Applicant: Rosendale Property Ltd.

Development Address: Rosendale, Friar Street, Thurles, Co. Tipperary.

Proposed Development: Change of use from a B&B to emergency accommodation.

1. GENERAL

On the 30th January, 2025, 2024, an application form was received from Rosendale Property with reference to a property at Friar Street, Thurles as to whether or not the following works constituted development and if so, whether same was exempted development:

" Change of use from a B&B to emergency accommodation"

The application as submitted includes;

- Section 5 application form
- Letter from Solicitor confirming the last use of the structure as a B&B as per documentation when the property was purchased
- Excerpt from NIAH which references the use of the premises as a guesthouse
- Site Layout Plan
- Elevations and Floor Plans

The application is further expanded on by an email from the applicant Ben O'Brien, received on 25.02.2025 which confirms that proposed change of use is from a B&B to emergency accommodation for protected persons. The letter also confirms that the proposal relates to a change of use only and that no alterations are proposed to the building.

3. STATUTORY PROVISIONS

The following statutory provisions are relevant to this referral case;

Section 2(1) of the Planning and Development Act, 2000, as amended, defines "works" as:-

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

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

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

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

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>Change of use CLASS 14</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>
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

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

Article 9 states - Restrictions on exemption

Article 9. (1) Development to which article 6 relates shall not be exempted development for the purposes of the Act—

(a) if the carrying out of such development would—

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

The proposal does not contravene any permission associated with the development.

(ii) consist of or comprise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width,

There is no proposal to open an access

(iii) endanger public safety by reason of traffic hazard or obstruction of road users,

There is no proposal to alter access etc so the proposal does not endanger public safety

(vi) interfere with the character of a landscape, or a view or prospect of special amenity value or special interest, the preservation of which is an objective of a development plan for the area in which the development is proposed 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,

N/a

(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,

The applicant has advised that the premises was used as a guesthouse with 4 rooms rented out for B&B purposes. The Planning Authority are satisfied that the use of the premises as a B&B would have been considered exempted development under Article 10 – Change of use (4) which states that

“Development consisting of the use of not more than 4 bedrooms in a house, where each bedroom is used for the accommodation of not more than 4 persons as overnight guest accommodation, shall be exempted development for the purposes of the Act, provided that such development would not contravene a condition attached to a permission under the Act or be inconsistent with any use specified or included in such a permission”.

(ix) consist of the demolition or such alteration of a building or other structure as would preclude or restrict the continuance of an existing use of a building or other structure where it is an objective of the planning authority to ensure that the building or other structure would remain available for such use and such objective has been specified 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,

There is no objective in the Development Plan in relation to the continuance of the building for use as a

S.I. No. 306 of 2022 EUROPEAN UNION (PLANNING AND DEVELOPMENT) (DISPLACED PERSONS FROM UKRAINE TEMPORARY PROTECTION) REGULATIONS 2022

Section 391) of said regulations states:

3. (1) The Act of 2000 (other than sections 181A to 181C) shall not apply to the classes of development specified in the Schedule carried out by, or on behalf of, a State authority during the relevant period for the purposes of providing temporary protection to displaced persons

The schedule under said regulations are as follows:

1. Reception and integration facilities.
2. Residential accommodation, including ancillary recreational and sporting facilities.
3. Medical and other health and social care accommodation.
4. Education and childcare facilities, including ancillary recreational and sporting facilities.

5. *Emergency management coordination facilities.*
6. *Structures or facilities ancillary to development referred to in paragraphs 1 to 5, including administration and storage facilities.*
7. *Infrastructure and other works ancillary to development referred to in paragraphs 1 to 6.*

4. ASSESSMENT

a. *Site Location*

The site comprises of an existing 2 storey dwelling at Friar Street, Thurles.

b. *Relevant Planning History*

There is no planning history traced on site. It is noted however that the structure is listed on the NIAH and the RPS and was built circa 1925. The NIAH record refers to the structure being in use as a guest house.

c. *Assessment*

The information provided with the application and the subsequent information submitted contends that the premises was used as a B&B. The Planning Authority consider that the applicant has demonstrated that the last use of the structure was as a B&B in part (4 bedrooms within overall building with remainder used as a house). Further information needed on rooms used as a B & B.

A) "Is or is not Development"

The proposal would result in the material change of use from a B&B to use as accommodation for protected persons and thereby constitute "development" in accordance with the definition of same under Section 3 of the Act.

B) "Is or is not Exempted Development"

The following further information is required:

1. The development description in the Section 5 application form references a change of use from B&B to emergency accommodation. Further information is required on the nature and extent of the proposal with further details of the emergency accommodation type that will be provided and who will be accommodated in the property.
2. Clarification is required on the change of use proposed to the existing building with confirmation of whether all of this building or part of same will be used to provide emergency accommodation.
3. Clarification is required on the numbers of persons requiring emergency accommodation that will be accommodated.

C) "Is the exemption limited under Article 9."

In respect of the change of use proposed, it is not considered that the restrictions on exempted development as set out under Article 9 apply.

AA

The proposal has been assessed having regard to the requirements of the EU Habitats Directive. The proposal has been screened as to the requirements for AA and the screening assessment considers that the proposal does not impact on any Natura 2000 site. See also Appropriate Assessment (AA) screening report attached as Appendix 1.

EIA


The proposed development has been subject to a preliminary examination to determine the requirement for EIA. EIA is not required in respect of the development. See also for Environmental Impact Assessment (EIA) preliminary examination screening report attached as Appendix 2.

5. RECOMMENDATION

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

4. The development description in the Section 5 application form references a change of use from & B to emergency accommodation. Further information is required on the nature and extent of the proposal with further details of the emergency accommodation type that will be provided and who will be accommodated in the property.
5. The Planning Authority note that the premises is referred to as Ryans B&B and note the information submitted in support of this use. The applicant is requested to submit a set of building floor plans marked to show the rooms in the building that were used as a Bed and Breakfast and those used as a house.
6. Clarification is required on the change of use proposed to the existing building with confirmation of whether all of this building or part of same will be used to provide emergency accommodation to Ukrainian refugees.
7. Clarification is required on the numbers of persons requiring emergency accommodation that will be accommodated.

Signed: _



Date: 26/2/2025

A/Senior Executive Planner:



Date: 26/2/2025

HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT

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

(a) File Reference No:	S5.25.08
(b) Brief description of the project or plan:	Change of use from B&B to emergency accommodation
(c) Brief description of site characteristics:	2 storey dwelling – included on RPS and NIAH
(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW	None
I Response to consultation:	None

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

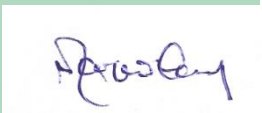
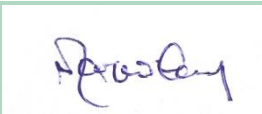
European Site (code)	List of Qualifying Interest/Special Conservation Interest ¹	Distance from proposed development ² (km)	Connections (Source-Pathway-Receptor)	Considered further in screening Y/N
002137 Lower River Suir SAC	https://www.npws.ie/protected-sites/sac/002137	Within 0.5km	None	No

STEP 3. Assessment of Likely Significant Effects

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

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

Operational phase e.g. <ul style="list-style-type: none"> • Direct emission to air and water • Surface water runoff containing contaminant or sediment • Lighting disturbance • Noise/vibration • Changes to water/groundwater due to drainage or abstraction • Presence of people, vehicles and activities • Physical presence of structures (e.g. collision risks) • Potential for accidents or incidents 	No potential for impacts												
In-combination/Other	No potential for impacts												
(b) Describe any likely changes to the European site:													
Examples of the type of changes to give consideration to include: <ul style="list-style-type: none"> • Reduction or fragmentation of habitat area • Disturbance to QI species • Habitat or species fragmentation • Reduction or fragmentation in species density • Changes in key indicators of conservation status value (water or air quality etc.) • Changes to areas of sensitivity or threats to QI • Interference with the key relationships that define the structure or ecological function of the site 	No potential for impacts												
I Are 'mitigation' measures necessary to reach a conclusion that likely significant effects can be ruled out at screening?													
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No													
STEP 4. Screening Determination Statement													
The assessment of significance of effects: Describe how the proposed development (alone or in-combination) is/is not likely to have significant effects on European site(s) in view of its conservation objectives.													
The proposed development is not likely to have significant effects.													
Conclusion:													
	<table border="1"> <thead> <tr> <th></th> <th>Tick as Appropriate:</th> <th>Recommendation:</th> </tr> </thead> <tbody> <tr> <td>(i) It is clear that there is no likelihood of significant effects on a European site.</td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td>The proposal can be screened out: Appropriate assessment not required.</td> </tr> <tr> <td>(ii) It is uncertain whether the proposal will have a significant effect on a European site.</td> <td style="text-align: center;"><input type="checkbox"/></td> <td> <input type="checkbox"/> Request further information to complete screening <input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission </td> </tr> <tr> <td>(iii) Significant effects are likely.</td> <td style="text-align: center;"><input type="checkbox"/></td> <td> <input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission </td> </tr> </tbody> </table>		Tick as Appropriate:	Recommendation:	(i) It is clear that there is no likelihood of significant effects on a European site.	<input checked="" type="checkbox"/>	The proposal can be screened out: Appropriate assessment not required.	(ii) It is uncertain whether the proposal will have a significant effect on a European site.	<input type="checkbox"/>	<input type="checkbox"/> Request further information to complete screening <input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission	(iii) Significant effects are likely.	<input type="checkbox"/>	<input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
	Tick as Appropriate:	Recommendation:											
(i) It is clear that there is no likelihood of significant effects on a European site.	<input checked="" type="checkbox"/>	The proposal can be screened out: Appropriate assessment not required.											
(ii) It is uncertain whether the proposal will have a significant effect on a European site.	<input type="checkbox"/>	<input type="checkbox"/> Request further information to complete screening <input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission											
(iii) Significant effects are likely.	<input type="checkbox"/>	<input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission											

Signed:		Date:	26.02.2025
EIA Pre-Screening Establishing a development is a 'sub-threshold development'			
File Reference:	S5.25.08		
Development Summary:	Details not provided		
Was a Screening Determination carried out under Section 176A-C?	<input type="checkbox"/> Yes, no further action required <input checked="" type="checkbox"/> No, Proceed to Part A		
A. Schedule 5 Part 1 - Does the development comprise a project listed in Schedule 5, Part 1 , of the Planning and Development Regulations 2001 (as amended)? (Tick as appropriate)			
<input type="checkbox"/> Yes, specify class _____ Further information is required.		EIA is mandatory	
<input type="checkbox"/> No		No Screening required	
		Proceed to Part B	
B. Schedule 5 Part 2 - Does the development comprise a project listed in Schedule 5, Part 2 , of the Planning and Development Regulations 2001 (as amended) and does it meet/exceed the thresholds? (Tick as appropriate)			
<input type="checkbox"/> No, the development is not a project listed in Schedule 5, Part 2		No Screening required	
<input type="checkbox"/> Yes the project is listed in Schedule 5, Part 2 and meets/exceeds the threshold, specify class (including threshold): _____		EIA is mandatory	
<input type="checkbox"/> Yes the project is of a type listed but is <i>sub-threshold</i> : _____		No Screening required	
		Proceed to Part C	
C. If Yes , has Schedule 7A information/screening report been submitted?			
<input type="checkbox"/> Yes, Schedule 7A information/screening report has been submitted by the applicant		Screening required	
<input type="checkbox"/> No, Schedule 7A information/screening report has not been submitted by the applicant		Determination required	
		Preliminary Examination required	
Signed:		Date:	25.02.2025



Date: 26th February, 2025

Our Ref: S5/25/08

Civic Offices, Nenagh

**Rosendale Property Ltd
Railway House
Cregg Road
Carrick-on-Suir
Co. Tipperary**

Re: Application for a Section 5 Declaration – Change of use from a B&B to emergency accommodation at Rosendale, Friar St., Thurles, Co. Tipperary

Dear Sir/Madam,

I refer to an application received from you on 30th January, 2025 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;

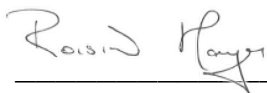
It is recommended to request the following further information pursuant to Section 5 (2) (b) of the Planning and Development Act 2000, as amended

1. The development description in the Section 5 application form references a change of use from B & B to emergency accommodation. Further information is required on the nature and extent of the proposal with further details of the emergency accommodation type that will be provided and who will be accommodated in the property.
2. The Planning Authority note that the premises is referred to as Ryans B&B and note the information submitted in support of this use. The applicant is requested to submit a set of building floor plans marked to show the rooms in the building that were used as a Bed and Breakfast and those used as a house.

3. Clarification is required on the change of use proposed to the existing building with confirmation of whether all of this building or part of same will be used to provide emergency accommodation to Ukranian refugees.
4. Clarification is required on the numbers of persons requiring emergency accommodation that will be accommodated.

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 "Robin Hayler", written in black ink.

for **Director of 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

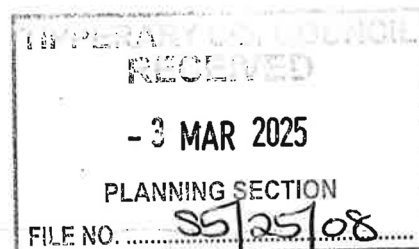
t 0818 06 5000/6000
e customerservice
@tipperarycoco.ie
tipperarycoco.ie

Date: 26th February, 2025

Our Ref: S5/25/08

Civic Offices, Nenagh

**Rosendale Property Ltd
Railway House
Cregg Road
Carrick-on-Suir
Co. Tipperary**



Re: Application for a Section 5 Declaration – Change of use from a B&B to emergency accommodation at Rosendale, Friar St., Thurles, Co. Tipperary

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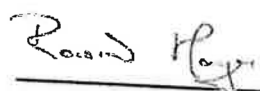
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3: Clarification is required on the change of use proposed to the existing building with confirmation of whether all of this building or part of same will be used to provide emergency accommodation to Ukranian refugees.

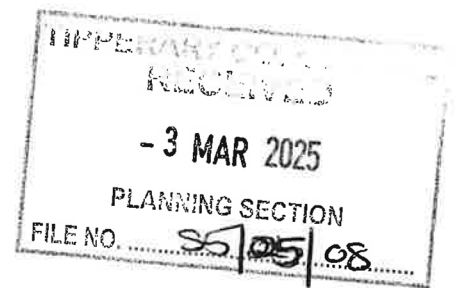
4. Clarification is required on the numbers of persons requiring emergency accommodation that will be accommodated.

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

Yours sincerely

A handwritten signature in dark ink, appearing to read "Ross Hay", is written over a horizontal line.

for Director of Services



To whom it may concern.

REF S5/25/08 further information as discussed with Jonathan Flood via phone call.

1. Email attached sent on the 25th of February confirming Protected persons
2. Floor plans attached and market
3. Subject to the departments / Tipperary Co Co needs,
4. Final confirmation of numbers cannot be confirmed until we finalise our agreement we
Tipperary Co Co / Department of Children.

Regards

Ben

28/2/25
Rosendale
Friar Street,
Thurles,
Co Tipperary.
office.rosendale@gmail.com

[REDACTED] <office.rosendale@gmail.com>

Feb 25, 2025,
6:30 PM (3
days ago)

to planning, Marion

Ref S5-25-28

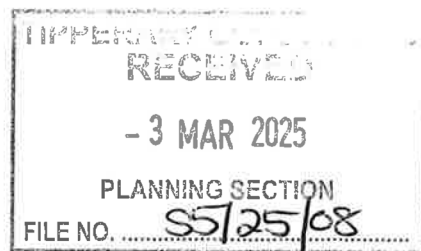
To whom it may concern

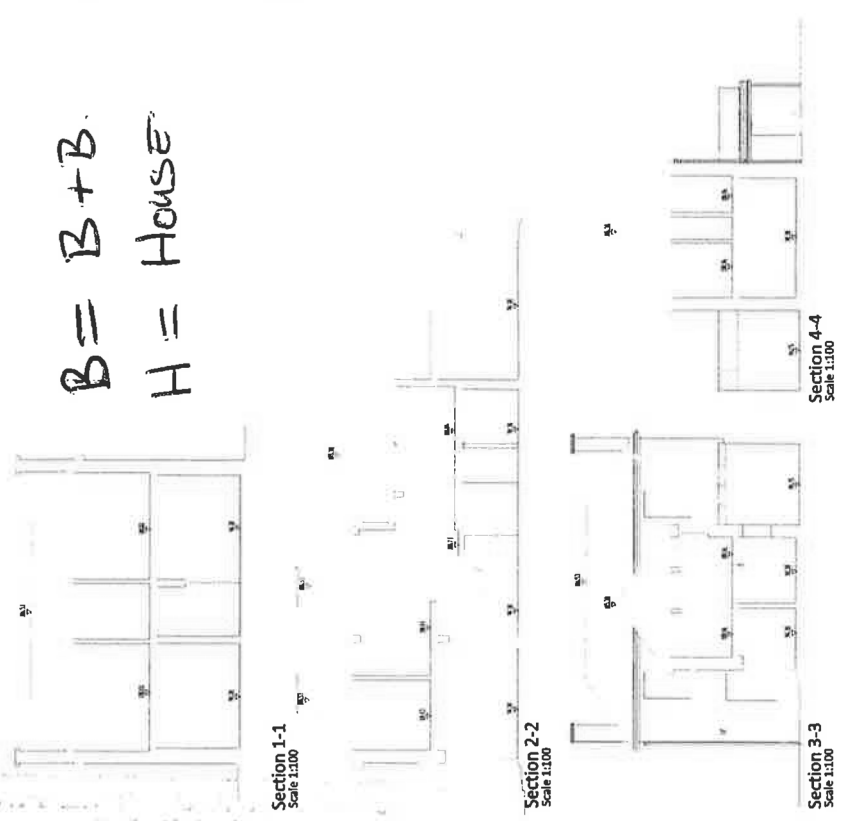
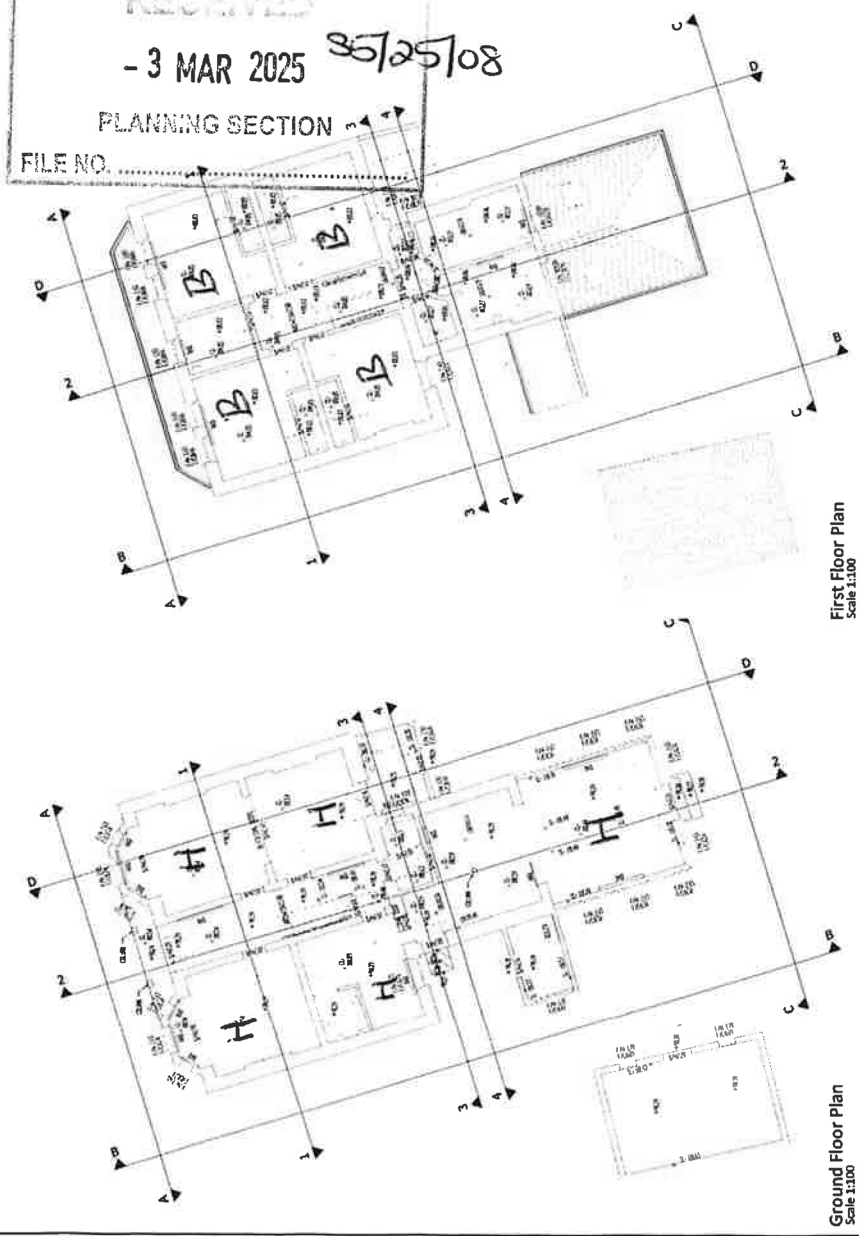
I can confirm Rosendale was last used as a B&B prior to our purchase with four bedrooms available to guests. I have not made any changes to the building or have any requirements to do so. I am applying for a change of use from a B&B to emergency accommodation to use as accommodation for protected persons.

Should you require any additional information please let me know?

Kind Regards

[REDACTED]



$$B = B + B$$


Elevation D
Scale 1:100

Elevation C
Scale 1:100

Elevation B
Scale 1:100

Elevation A
Scale 1:100

Geodata
Chartered Land Surveyors

Rosebank Friar Street,
Thurston, Colchester, Essex, CO1 2PQ
Tel: 0206 254000 Fax: 0206 254001
Email: info@geodata.co.uk Website: www.geodata.co.uk

Geodata is a member of the Chartered Institution of Surveyors (CIS)



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

t 0818 06 5000/600
e customerservice
@tipperarycoco.ie
tipperarycoco.ie

Date: 12th March, 2025

Our Ref: S5/25/08

Civic Offices, Nenagh

**Rosendale Property Ltd.,
Railway House,
Cregg Road,
Carrick on Suir,
Co. Tipperary.**

Re: Application for a Section 5 Declaration re: change of use from B&B to emergency accommodation at Rosendale, Friary Street, Thurles, Co. Tipperary.

Dear sir/madam,

I acknowledge receipt of Further Information received on 3rd March, 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**

placed

TIPPERARY COUNTY COUNCIL

Application for Declaration under Section 5

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

Planning Reference: S5/25/08

Applicant: Rosendale Property Ltd.

Development Address: Rosendale, Friar Street, Thurles, Co. Tipperary.

Proposed Development: Change of use from a B&B to emergency accommodation.

1. GENERAL

On the 30th January, 2025 an application form was received from Rosendale Property with reference to a property at Friar Street, Thurles as to whether or not the following constitute development and if so, whether same was exempted development:

Change of use from a B&B to emergency accommodation

The application as submitted includes;

- Section 5 application form
- Letter from Solicitor confirming the last use of the structure as a B&B as per documentation when the property was purchased
- Excerpt from NIAH which references the use of the premises as a guesthouse
- Site Layout Plan
- Elevations and Floor Plans

The application is further expanded on by an email from the applicant Ben O'Brien, received on 25.02.2025 which confirms that proposed change of use is from a B&B to emergency accommodation for protected persons. The letter also confirms that the proposal relates to a change of use only and that no alterations are proposed to the building.

3. STATUTORY PROVISIONS

The following statutory provisions are relevant to this referral case;

Section 2(1) of the Planning and Development Act, 2000, as amended, defines "works" as:-

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

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

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

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

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>Change of use CLASS 14</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>
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

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

Article 9 states - Restrictions on exemption

Article 9. (1) Development to which article 6 relates shall not be exempted development for the purposes of the Act—

(a) if the carrying out of such development would—

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

The proposal does not contravene any permission associated with the development.

(ii) consist of or comprise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width,

There is no proposal to open an access

(iii) endanger public safety by reason of traffic hazard or obstruction of road users,

There is no proposal to alter access etc so the proposal does not endanger public safety

(vi) interfere with the character of a landscape, or a view or prospect of special amenity value or special interest, the preservation of which is an objective of a development plan for the area in which the development is proposed 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,

N/a

(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,

The applicant has advised that the premises was used as a guesthouse with 4 rooms rented out for B&B purposes. The Planning Authority are satisfied that the use of the premises as a B&B would have been considered exempted development under Article 10 – Change of use (4) which states that

“Development consisting of the use of not more than 4 bedrooms in a house, where each bedroom is used for the accommodation of not more than 4 persons as overnight guest accommodation, shall be exempted development for the purposes of the Act, provided that such development would not contravene a condition attached to a permission under the Act or be inconsistent with any use specified or included in such a permission”.

(ix) consist of the demolition or such alteration of a building or other structure as would preclude or restrict the continuance of an existing use of a building or other structure where it is an objective of the planning authority to ensure that the building or other structure would remain available for such use and such objective has been specified 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,

There is no objective in the Development Plan in relation to the continuance of the building for use as a

S.I. No. 306 of 2022 EUROPEAN UNION (PLANNING AND DEVELOPMENT) (DISPLACED PERSONS FROM UKRAINE TEMPORARY PROTECTION) REGULATIONS 2022

Section 39(1) of said regulations states:

3. (1) The Act of 2000 (other than sections 181A to 181C) shall not apply to the classes of development specified in the Schedule carried out by, or on behalf of, a State authority during the relevant period for the purposes of providing temporary protection to displaced persons

The schedule under said regulations are as follows:

- 1. Reception and integration facilities.*
- 2. Residential accommodation, including ancillary recreational and sporting facilities.*
- 3. Medical and other health and social care accommodation.*

4. Education and childcare facilities, including ancillary recreational and sporting facilities.
5. Emergency management coordination facilities.
6. Structures or facilities ancillary to development referred to in paragraphs 1 to 5, including administration and storage facilities.
7. Infrastructure and other works ancillary to development referred to in paragraphs 1 to 6.

4. ASSESSMENT

a. Site Location

The site comprises of an existing property located at Friar Street, Thurles.

b. Relevant Planning History

There is no planning history traced on site. It is noted however that the structure is listed on the NIAH and the RPS and was built circa 1925. The NIAH record refers to the structure being in use as a guest house.

c. Assessment

The information provided with the application and the subsequent information submitted contends that the premises was used as a B&B. The Planning Authority consider that the applicant has demonstrated that the last use of the structure was as a B&B in part (4 bedrooms within overall building with remainder used as a house). Further information needed on rooms used as a B & B.

A) "Is or is not Development"

The proposal would result in the material change of use from a B&B to use as accommodation for protected persons and thereby constitute "development" in accordance with the definition of same under Section 3 of the Act.

B) "Is or is not Exempted Development"

The following further information is required:

1. The development description in the Section 5 application form references a change of use from B&B to emergency accommodation. Further information is required on the nature and extent of the proposal with further details of the emergency accommodation type that will be provided and who will be accommodated in the property.
2. Clarification is required on the change of use proposed to the existing building with confirmation of whether all of this building or part of same will be used to provide emergency accommodation.
3. Clarification is required on the numbers of persons requiring emergency accommodation that will be accommodated.

C) "Is the exemption limited under Article 9."

In respect of the change of use proposed, it is not considered that the restrictions on exempted development as set out under Article 9 apply.

AA

The proposal has been assessed having regard to the requirements of the EU Habitats Directive. The proposal has been screened as to the requirements for AA and the screening assessment considers that the proposal does not impact on any Natura 2000 site. See also Appropriate Assessment (AA) screening report attached as Appendix 1.

EIA

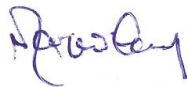
The proposed development has been subject to a preliminary examination to determine the requirement for EIA. EIA is not required in respect of the development. See also for Environmental Impact Assessment (EIA) preliminary examination screening report attached as Appendix 2.

5. RECOMMENDATION

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

1. The development description in the Section 5 application form references a change of use from & B to emergency accommodation. Further information is required on the nature and extent of the proposal with further details of the emergency accommodation type that will be provided and who will be accommodated in the property.
2. The Planning Authority note that the premises is referred to as Ryans B&B and note the information submitted in support of this use. The applicant is requested to submit a set of building floor plans marked to show the rooms in the building that were used as a Bed and Breakfast and those used as a house.
3. Clarification is required on the change of use proposed to the existing building with confirmation of whether all of this building or part of same will be used to provide emergency accommodation to Ukrainian refugees.
4. Clarification is required on the numbers of persons requiring emergency accommodation that will be accommodated.

Signed: _



Date: 26/2/2025

A/Senior Executive Planner:



Date: 26/2/2025

1. FURTHER INFORMATION

The following further information (*italics below*) was requested on 26.02.2025 and the applicant responded on 03.03.2025 (assessment in bold).

- 1) *The development description in the Section 5 application form references a change of use from B & B to emergency accommodation. Further information is required on the nature and extent of the proposal with further details of the emergency accommodation type that will be provided and who will be accommodated in the property.*

The applicant confirmed that the change of use relates to the provision of emergency accommodation for 'Protected Persons'. No works are proposed and the Declaration relates to a change of use only.

"protected person", for the purposes of Schedule 2, means—

(a) a person who has made an application to the Minister for Justice and Equality under the Refugee Act of 1996 or the Subsidiary Protection Regulations 2013 (S.I. No. 426 of 2013),

(b) a person who falls to be considered or has been considered under section 3 of the Immigration Act of 1999, or

(c) a programme refugee within the meaning of section 24 of the Refugee Act of 1996;

- 2) *The Planning Authority note that the premises is referred to as Ryans B&B and note the information submitted in support of this use. The applicant is requested to submit a set of building floor plans marked to show the rooms in the building that were used as a Bed and Breakfast and those used as a house.*

The applicant submitted a set of floor plans which shows 4 bedrooms at first floor level that were used as B&B.

- 3) *Clarification is required on the change of use proposed to the existing building with confirmation of whether all of this building or part of same will be used to provide emergency accommodation to Ukrainian refugees.*

The applicant has not confirmed whether all or part of the building will be used for emergency accommodation. The FI reply states this will be subject to the Departments/ Tipperary County Council's needs.

- 4) *Clarification is required on the numbers of persons requiring emergency accommodation that will be accommodated.*

The applicant stated that final numbers cannot be confirmed until agreements are finalised with Tipperary County Council or Dept of Children.

2. APPRAISAL OF FURTHER INFORMATION

A) "Is or is not Development"

The information received demonstrates the property was used as a Bed and Breakfast. The proposal would result in the material change of use from a B&B to use as accommodation

for protected persons and thereby constitute “development” in accordance with the definition of same under Section 3 of the Act.

B) “Is or is not Exempted Development”

It is considered that the use of a B&B for the purposes of accommodating ‘protected persons’, avails of an exemption under Class 14(h) of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended.

C) “Is the exemption limited under Article 9.

In respect of the change of use proposed, it is not considered that any restrictions on exempted development as set out under Article 9 apply.

D) “Appropriate Assessment (AA) and Environmental impact Assessment (EIA)”

AA

The proposal has been assessed having regard to the requirements of the EU Habitats Directive. The proposal has been screened as to the requirements for AA and the screening assessment considers that the proposal does not impact on any Natura 2000 site. See also Appropriate Assessment (AA) screening report attached as Appendix 1.

EIA

The proposed development has been subject to a preliminary examination to determine the requirement for EIA. EIA is not required in respect of the development. See also for Environmental Impact Assessment (EIA) preliminary examination screening report attached as Appendix 2.

3. RECOMMENDATION

A question has arisen as to whether the change of use from a Bed & Breakfast (B&B) to emergency accommodation for protected persons is/is not development and is/is not exempted development

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

- (a) Sections 2 and 3 of the Planning and Development Act 2000 (as amended)
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended)
- (c) Class 14(h) of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended)
- (d) S.I. No. 306 of 2022 EUROPEAN UNION (PLANNING AND DEVELOPMENT) (DISPLACED PERSONS FROM UKRAINE TEMPORARY PROTECTION) REGULATIONS 2022

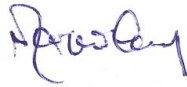
AND WHEREAS Tipperary County Council has concluded that –

The change of use from a Bed & Breakfast (B&B) to emergency accommodation for protected persons is development within the meaning of the Planning and Development Act 2000, as amended and is exempted development.

The proposals meet the planning exemption set out under Class 14(h) of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended.

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

Signed:



Date: 18.03.2025

A/Senior Executive Planner:



Date: 21/3/2025

HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT

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

(a) File Reference No:	S5.25.08
(b) Brief description of the project or plan:	Change of use from B&B to emergency accommodation
(c) Brief description of site characteristics:	2 storey dwelling – included on RPS and NIAH
(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW	None
I Response to consultation:	None

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

European Site (code)	List of Qualifying Interest/Special Conservation Interest ¹	Distance from proposed development ² (km)	Connections (Source-Pathway-Receptor)	Considered further in screening Y/N
002137 Lower River Suir SAC	https://www.npws.ie/protected-sites/sac/002137	Within 0.5km	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"> • Vegetation clearance • Demolition • Surface water runoff from soil excavation/infill/landscaping (including borrow pits) • Dust, noise, vibration • Lighting disturbance • Impact on groundwater/dewatering 	No potential for impacts

<ul style="list-style-type: none"> Storage of excavated/construction materials Access to site Pests 										
Operational phase e.g. <ul style="list-style-type: none"> Direct emission to air and water Surface water runoff containing contaminant or sediment Lighting disturbance Noise/vibration Changes to water/groundwater due to drainage or abstraction Presence of people, vehicles and activities Physical presence of structures (e.g. collision risks) Potential for accidents or incidents 	No potential for impacts									
In-combination/Other	No potential for impacts									
(b) Describe any likely changes to the European site:										
Examples of the type of changes to give consideration to include: <ul style="list-style-type: none"> Reduction or fragmentation of habitat area Disturbance to QI species Habitat or species fragmentation Reduction or fragmentation in species density Changes in key indicators of conservation status value (water or air quality etc.) Changes to areas of sensitivity or threats to QI Interference with the key relationships that define the structure or ecological function of the site 	No potential for impacts									
I Are 'mitigation' measures necessary to reach a conclusion that likely significant effects can be ruled out at screening?										
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No										
STEP 4. Screening Determination Statement										
The assessment of significance of effects: Describe how the proposed development (alone or in-combination) is/is not likely to have significant effects on European site(s) in view of its conservation objectives.										
The proposed development is not likely to have significant effects.										
Conclusion:										
	<table border="1"> <thead> <tr> <th></th> <th>Tick as Appropriate:</th> <th>Recommendation:</th> </tr> </thead> <tbody> <tr> <td>(i) It is clear that there is no likelihood of significant effects on a European site.</td> <td><input checked="" type="checkbox"/></td> <td>The proposal can be screened out: Appropriate assessment not required.</td> </tr> <tr> <td>(ii) It is uncertain whether the proposal will have a significant effect on a European site.</td> <td><input type="checkbox"/></td> <td> <input type="checkbox"/> Request further information to complete screening <input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission </td> </tr> </tbody> </table>		Tick as Appropriate:	Recommendation:	(i) It is clear that there is no likelihood of significant effects on a European site.	<input checked="" type="checkbox"/>	The proposal can be screened out: Appropriate assessment not required.	(ii) It is uncertain whether the proposal will have a significant effect on a European site.	<input type="checkbox"/>	<input type="checkbox"/> Request further information to complete screening <input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
	Tick as Appropriate:	Recommendation:								
(i) It is clear that there is no likelihood of significant effects on a European site.	<input checked="" type="checkbox"/>	The proposal can be screened out: Appropriate assessment not required.								
(ii) It is uncertain whether the proposal will have a significant effect on a European site.	<input type="checkbox"/>	<input type="checkbox"/> Request further information to complete screening <input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission								

(iii) Significant effects are likely.	<input type="checkbox"/>	<input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
Signed:		Date: 18/3/2025

EIA Pre-Screening		
Establishing a development is a 'sub-threshold development'		
File Reference:	S5.25.08	
Development Summary:	As per Planners Report	
Was a Screening Determination carried out under Section 176A-C?	<input type="checkbox"/> Yes, no further action required <input checked="" type="checkbox"/> No, Proceed to Part A	
A. Schedule 5 Part 1 - Does the development comprise a project listed in Schedule 5, Part 1 , of the Planning and Development Regulations 2001 (as amended)? (Tick as appropriate)		
<input type="checkbox"/> Yes, specify class _____ Further information is required.	EIA is mandatory No Screening required	
<input type="checkbox"/> No	Proceed to Part B	
B. Schedule 5 Part 2 - Does the development comprise a project listed in Schedule 5, Part 2 , of the Planning and Development Regulations 2001 (as amended) and does it meet/exceed the thresholds? (Tick as appropriate)		
<input type="checkbox"/> No, the development is not a project listed in Schedule 5, Part 2	No Screening required	
<input type="checkbox"/> Yes the project is listed in Schedule 5, Part 2 and meets/exceeds the threshold, specify class (including threshold): _____	EIA is mandatory No Screening required	
<input type="checkbox"/> Yes the project is of a type listed but is <i>sub-threshold</i> : _____	Proceed to Part C	
C. If Yes , has Schedule 7A information/screening report been submitted?		
<input type="checkbox"/> Yes, Schedule 7A information/screening report has been submitted by the applicant	Screening required Determination	
<input type="checkbox"/> No, Schedule 7A information/screening report has not been submitted by the applicant	Preliminary Examination required	
Signed:		Date: 18/3/2025



Comhairle Contae Thiobraid Árann
Tipperary County Council

Comhairle Contae
Thiobraid Árann,
Oifigí Cathartha,
Cluain Meala,
Co. Thiobraid Árann
Tipperary County Council,
Civic Offices, Clonmel,
Co. Tipperary
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Comhairle Contae
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e customerservice
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tipperarycoco.ie

Date: 21st March, 2025

Our Ref: S5/25/08

Civic Offices, Nenagh

Rosendale Property Ltd
Railway House
Cregg Rd
Carrick on Suir
Co. Tipperary

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

Dear Sir/Madam,

I refer to your application for a Section 5 Declaration received on 30th January, 2025, and Further Information received on 3rd March, 2025 in relation to the following proposed works:

Change of use from a B&B to emergency accommodation at Rosendale, Friar Street, Thurles, 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 and 3 of the Planning and Development Act 2000 (as amended)
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended)
- (c) Class 14(h) of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended)
- (d) S.I. No. 306 of 2022 EUROPEAN UNION (PLANNING AND DEVELOPMENT) (DISPLACED PERSONS FROM UKRAINE TEMPORARY PROTECTION) REGULATIONS 2022

AND WHEREAS Tipperary County Council has concluded that –

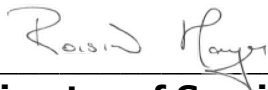
The change of use from a Bed & Breakfast (B&B) to emergency accommodation for protected persons is development within the meaning of the Planning and Development Act 2000, as amended and is exempted development.

The proposals meet the planning exemption set out under Class 14(h) of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended.

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

A handwritten signature in cursive script, appearing to read 'Pauline Hynes', written over a horizontal line.

for **Director of Services**

Original

TIPPERARY COUNTY COUNCIL

DELEGATED EMPLOYEE'S ORDER

File Ref: **S5/25/08** **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 2nd 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 Rosendale Property Ltd., Railway House, Cregg Road, Carrick on Suir, Co. Tipperary re: Change of use from a B&B to emergency accommodation at Rosendale, Friar Street, Thurles, Co. Tipperary is development and is exempted development.

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

- (a) Sections 2 and 3 of the Planning and Development Act 2000 (as amended)
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended)
- (c) Class 14(h) of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended)
- (d) S.I. No. 306 of 2022 EUROPEAN UNION (PLANNING AND DEVELOPMENT) (DISPLACED PERSONS FROM UKRAINE TEMPORARY PROTECTION) REGULATIONS 2022

AND WHEREAS Tipperary County Council has concluded that –

The change of use from a Bed & Breakfast (B&B) to emergency accommodation for protected persons is development within the meaning of the Planning and Development Act 2000, as amended and is **exempted development**.

The proposals meet the planning exemption set out under Class 14(h) of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended.

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: 21/03/2025