

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.)

RENEWAL OF SURFACING TO CAR PARK AREA	
INCLUDING ASSOCIATED WORKS TO PROVIDE	
SURFACE DRAINAGE, INFILTRATION, PATHS	
AND ACCESSIBLE APPROACH TO BUILDING	
ENTRANCES	
Proposed floor area of proposed works/uses:	EXTERNAL WORKS 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
	C. Other	
Where legal interest is 'Other', please expand further on your interest in the land or structure	N/A	
If you are not the legal owner, please state the name and address of the owner	Name: Address: N/A	

PP.
Signature of Applicant(s) Brian Eygle Date: 03/04/2025
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**.

~~Exempt from Fee~~
~~Fee Paid By Club - Direct - NENAM 1/0/127755~~

- (2) This application should be accompanied by **TWO COPIES** of the following documentation

- ☒ OSI Site Location Map with the site outlined clearly – 1:1000 in urban areas and 1:2500 in rural areas
- ☒ Floor Plans & Elevations at a scale of not less than 1:200
- ☒ Site layout plan indicating position of proposed development relative to premises and adjoining properties
- ☒ Other details e.g. brochures, photographs if appropriate.

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

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

This application form and relevant fee should be submitted to:

Planning Section,
Tipperary County Council,
Civic Offices,
Limerick Road,
Nenagh,
Co. Tipperary

OR

Planning Section,
Tipperary County Council,
Civic Offices,
Emmet Street,
Clonmel,
Co. Tipperary

Enquires:

Telephone 0818 06 5000

E-Mail planning@tipperarycoco.ie

FOR OFFICE USE ONLY

DATE STAMP

Fee Recd. € 80.00

Receipt No NENAM 1/0/127755.

Date 7/4/2025.

Received by Maura Lillis

Brian England

**Design and Draughting Services.,
Stoneyacre, Cloughjordan, Co.Tipperary.**

Phone: 0505 42336.

Mobile: 086 8185097.

Email: england.brian20@gmail.com



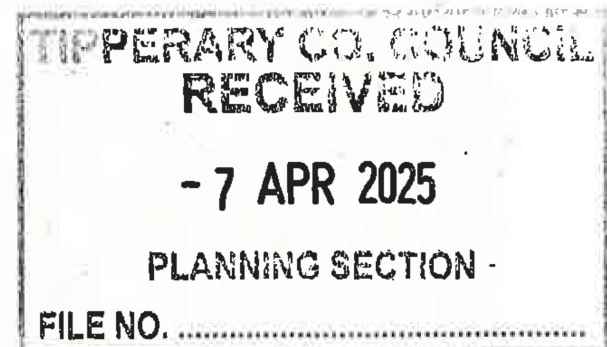
***Planning Section.
Tipperary County Council,
Civic Offices,
Limerick Road,
Nenagh,
Co. Tipperary.***

7th April 2025.

Dear Sir/Madam,

Our Ref.: Kilruane GAA/025/02

Your Ref.:



We hereby submit an application for a Section 5 Declaration on Development / Exempted Development under the Planning & Development Act, 2000 (as amended) in relation not the proposed renewal of the carpark surface and associated works to include surface drainage, infiltration, paths and accessible approach provision to the existing building, Fr. Niall O'Meara / Kilruane Community Hall, Lisgarode, Kilruane, Nnegah, Co. Tipperary.

We enclose ,
Site Location Map at Scale of 1:2500
Site Layout Plan at Scale of 1:500
No Building Structure works proposed.
Photographs to illustrate location, setting ,site conditions.
No Fee enclosed as Kilruane GAA & Camogie Club is a registered voluntary sporting organisation.

*Yours Sincerely,
For and on behalf of the above,*

Brian England

Brian England, BSc(Hons). ICIOB.

Brian England

Design and Draughting Services.
Stoneyacre, Cloughjordan, Co.Tipperary.

Phone: 0505 42336.

Mobile: 086 8185097.

Email: england.brian20@gmail.com



Site Photographs.





TIPPERARY U.T. COUNCIL
RECEIVED
- 7 APR 2025
PLANNING SECTION
FILE NO.

TIPPERARY CO. COUNCIL
RECEIVED
- 7 APR 2025
PLANNING SECTION
FILE NO.



CYAL550322462
© National Mapping Division
of Tailte Eireann

SITE AREA IN RED 0.31HA

Brian England
Stoneyacre, Telephone: (0505) 42336,
CloughJordan, Mobile: (086) 8185097.
Co. Tipperary. Email: england.brian20@gmail.com

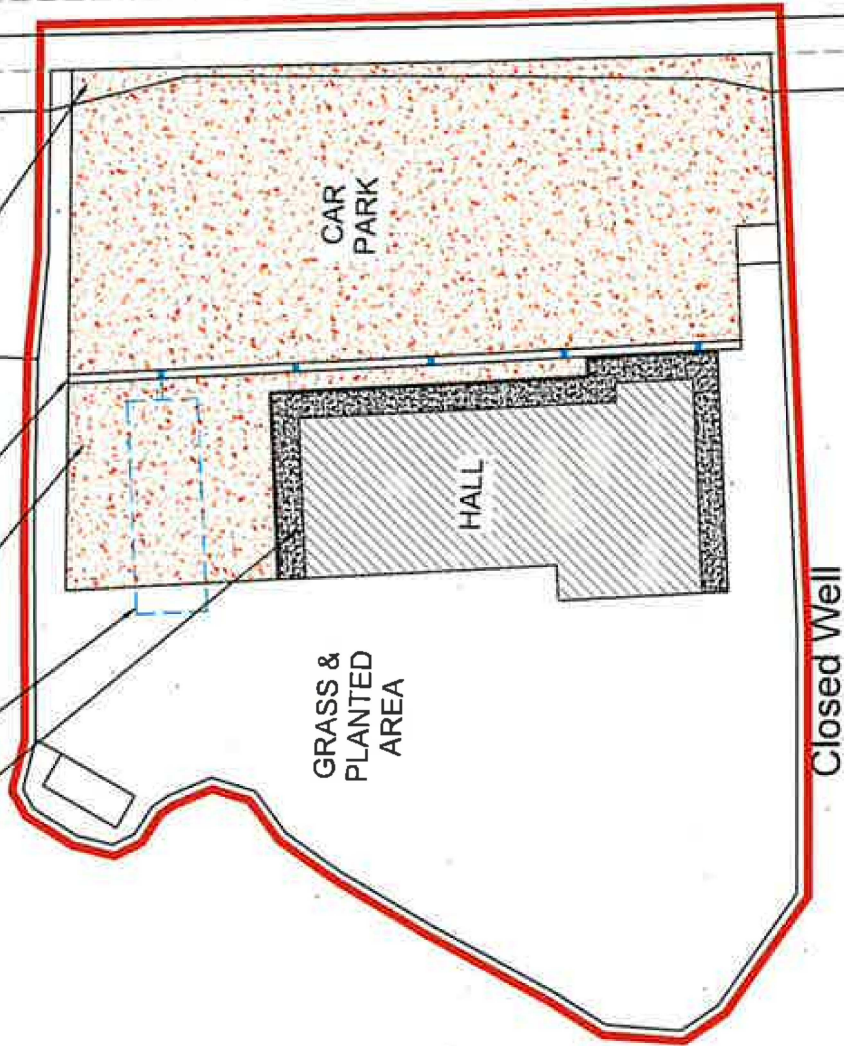
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Project:
PROPOSED DEVELOPMENT OF
KILRUANE HADDONAGHS GAA & CAMOGIE CLUB
FR. IVAL O'MEARA KILRUANE COMMUNITY HALL
@ LISCARONE,
KILRUANE, NENAGH, CO. TIPPERARY

Scale: 1:500	Date: 04/04/25
Drawn by: bEngland,	Checked by:
Revision:	Drawing No: A3_5013

Drawing Title:
SITE LAYOUT PLAN,
EXTRACT FROM O.S. OFFALY 4220-D

- EDGE OF EXISTING CARRIAGEWAY TO BE CUT BACK WITH A ROTARY SAW TO FORM A VERTICAL FACE & PRIMED WITH BITUMEN PAINT
- PROVIDE SURFACE WATER DISHED DRAIN CHANNEL C/W GULLY COLLECTION TO SOAKAWAY DISPOSAL
- RENEWAL OF TARMAC SURFACE TO EXISTING CAR PARK AREA WITH BASECOURSE REPAIR WHERE REQUIRED & TOP SURFACING
- PROPOSED INFILTRATION AREA FOR SURFACE WATER DISPOSAL
- RENEWAL OF PERIMETER PATH TO INCLUDE ACCESSIBLE ACCESS TO BUILDING ENTRANCES



E590783.0155,N682504.6903



E590353.0155, N681921.6903

CENTRE PT. COORDINATES
X,Y=590568.0155,682213.1903
Map Sheets: 4220-D
Map Scale: 1:2500
Data Extraction Date:
04 APR 2025
DRAWN. B.England,
DATE:04/03/2025
SCALE: 1:2500.

SITE LOCATION MAP,
KILRUANE MACDONAGHS GAA
& CAMOGIE CLUB.
FR. NIAL O'MEARA / KILRUANE
COMMUNITY HALL
@ LISGARODE,
KILRUANE, NENAGH,
CO. TIPPERARY.

CYAL50393658
© Tailte Eireann -
Surveying

Brian England

Stoneyacre,
Cloughjordan, Telephone:(0505) 42336.
Co.Tipperary. england.brian20@gmail.com

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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,
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e customerservice
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tipperarycoco.ie

Date: 9th April, 2025 Our Ref: S5/25/37 Civic Offices, Nenagh

Kilruane MacDonaghs GAA & Camogie Club
C/O Brian England
Stoneyacre
Cloughjordan
Co. Tipperary

Re: Application for a Section 5 Declaration Renewal of surfacing to car park area including associated works to provide surface drainage, infiltration, paths and accessible approach to building entrances at Kilruane Community Hall, Lisgarode, Kilruane, Nenagh, Co. Tipperary.

Dear Sir/Madam,

I acknowledge receipt of your application for a Section 5 Declaration received on 7th April, 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

Planning Ref.: S5/25/37

Applicant: Kilruane MacDonaghs GAA & Camogie Club

Development Address: Fr. Niall O'Meara / Kilruane Community Hall,
Lisgarode, Kilruane, Nenagh, Co. Tipperary,
E45 X727

Proposed Development: Renewal of surfacing to carpark area including associated works to provide surface drainage, infiltration, paths and accessible approach to building entrances

1. GENERAL

On 07/04/2025, a request was made for a declaration under Section 5 of the Planning and Development Act, 2000 as amended by Kilruane MacDonaghs GAA & Camogie Club as to whether or not the following works constitute development and if so, whether same was exempted development:

- Renewal of surfacing to carpark area including associated works to provide surface drainage, infiltration, paths and accessible approach to building entrances

2. STATUTORY PROVISIONS

The following statutory provisions are relevant to this referral case;

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

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

Section 2(1) of the 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 2(1) of the Planning and Development Act, 2000, as amended, defines “structure” as

“any building, structure, excavation, or other thing constructed or made on, in or under any land, or any part of a structure so defined, and—

- (a) where the context so admits, includes the land on, in or under which the structure is situate, and
- (b) in relation to a protected structure or proposed protected structure, includes—
 - (i) the interior of the structure,
 - (ii) the land lying within the curtilage of the structure,
 - (iii) any other structures lying within that curtilage and their interiors, and
 - (iv) all fixtures and features which form part of the interior or exterior of any structure or structures referred to in subparagraph (i) or (iii)”

Section 4 (1)(h) of the Planning and Development Act 2000, as amended states (h) development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures;

Section 4 (4) of the Planning and Development Act 2000, as amended states: Notwithstanding paragraphs (a), (i), (ia) and (l) of subsection (1) and any regulations under subsection (2), development shall not be exempted development if an environmental impact assessment or an appropriate assessment of the development is required.

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

Exempted Development.

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

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

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

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

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

(viiB) comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site.

(viii) consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use.

3. ASSESSMENT

a. *Site Location*

The Fr. Niall O'Meara / Kilruane Community Hall building is a detached building with a community use. It has a frontage onto the R491.

b. *Relevant Planning History*

No recent relevant planning history noted

c. *Assessment*

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

A) *"Is or is not Development"*

The proposal is for the renewal of surfacing to the carpark area at the Fr. Niall O'Meara / Kilruane Community Hall (including associated works to provide surface drainage, infiltration, paths and accessible approach to building entrances). As per the submitted site layout plan, the proposal includes:

- Edge of existing carriageway to be cut back with a rotary saw to form a vertical face and primed with bitumen paint;
- Provide surface water dished drain channel c/w gully collection to soakaway disposal;
- Renewal of tarmac surface to existing carpark area with basecourse repair where required and top surfacing;
- Proposal infiltration area for surface water disposal;
- Renewal of perimeter path to include accessible access to building entrances.

It is considered that the proposal constitutes works and development as provided for under Sections 2 and 3 of the Act.

B) *“Is or is not Exempted Development”*

It is considered that the development comes within the criteria as set under Section 4(h) of the Planning and Development Act 2000 (as amended). The works proposed for the renewal of surfacing to a carpark would not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures on adjoining sites.

4. REQUIREMENT FOR APPROPRIATE ASSESSMENT (AA) AND ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

Appropriate Assessment (AA)

The proposed development has been screened as to the requirement for AA and it has been determined that the requirement for Stage 2 AA does not arise. See Screening Report attached.

Environmental Impact Assessment (EIA):

The proposed development is not a type of development included for under Schedule 5 of the Planning and Development Regulations 2001, as amended. See screening report attached.

5. RECOMMENDATION

WHEREAS a question has arisen as to whether or not the following constitutes development and if so, whether same constitutes exempted development:

- Renewal of surfacing to carpark area including associated works to provide surface drainage, infiltration, paths and accessible approach to building entrances

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 9 of the Planning and Development Regulations 2001 (as amended)

It is concluded that the:

- Renewal of surfacing to carpark area including associated works to provide surface drainage, infiltration, paths and accessible approach to building entrances at the Fr. Niall O'Meara / Kilruane Community Hall

is development and is exempted development as it falls under the exempted development provisions as set out under Section 4 of the Planning and Development Act 2000, as amended.

District Planner: *Olive O'Donnell*

Date: 24/04/2025

Senior Executive Planner: *Jonathan Flood*

Date: 24/4/2025

HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT

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

(a) File Reference No:	S5/25/37
(b) Brief description of the project or plan:	As per planner's report
(c) Brief description of site characteristics:	As per planner's report
(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW	None
(e) Response to consultation:	No

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 Interest¹	Distance from proposed development² (km)	Connections (Source-Pathway-Receptor)	Considered further in screening Y/N
004058 Lough Derg (Shannon) SPA	https://www.npws.ie/protected-sites/sapa/004058	10Km	None	No
004165 Slievefelim to Silvermines Mountains SPA	https://www.npws.ie/protected-sites/sapa/004165	15Km	None	No

000939 Silvermine Mountains SAC	https://www.npws.ie/protected-sites/sac/000939	15Km	None	No
002258 Silvermines Mountains West SAC	https://www.npws.ie/protected-sites/sac/002258	15Km	None	No
002124 Bollingbrook Hill SAC	https://www.npws.ie/protected-sites/sac/002124	15Km	None	No
002241 Lough Derg, North-East Shore SAC	https://www.npws.ie/protected-sites/sac/002241	15Km	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 direct impacts as dwellings have already been constructed
Operational phase e.g.	No direct impacts

<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 	
In-combination/Other	No

(b) Describe any likely changes to the European site:

<p>Examples of the type of changes to give consideration to include:</p> <ul style="list-style-type: none"> • Reduction or fragmentation of habitat area • Disturbance to QI species • Habitat or species fragmentation • Reduction or fragmentation in species density • Changes in key indicators of conservation status value (water or air quality etc.) • Changes to areas of sensitivity or threats to QI • Interference with the key relationships that define the structure or ecological function of the site 	None
---	------

(c) Are ‘mitigation’ measures necessary to reach a conclusion that likely significant effects can be ruled out at screening?

<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
---	--

STEP 4. Screening Determination Statement

The assessment of significance of effects:

Describe how the proposed development (alone or in-combination) is/is **not likely** to have **significant** effects on European site(s) in view of its conservation objectives.

On the basis of the information on file and having regard to the proximity of the proposed development, the provision of an on-site waste water treatment system and the short distance from a European site, it is concluded that the proposed development, individually or in-combination with other plans or projects, will not have an impact on the above listed European sites

Conclusion:			
	Tick as Appropriate:	Recommendation:	
(i) It is clear that there is no likelihood of significant effects on a European site.	<input checked="" type="checkbox"/>	The proposal can be screened out: Appropriate assessment not required.	
(ii) It is uncertain whether the proposal will have a significant effect on a European site.	<input type="checkbox"/>	<input type="checkbox"/> Request further information to complete screening <input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission	
(iii) Significant effects are likely.	<input type="checkbox"/>	<input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission	
Signature and Date of Recommending Officer:	Olive O'Donnell	Date:	24/04/2025

EIA Pre-Screening	
Establishing if the proposal is a ' <i>sub-threshold development</i> ':	
Planning Register Reference:	S5/25/37
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 <u> [insert here] </u>	EIA is mandatory No Screening required
<input checked="" type="checkbox"/> No	Proceed to Part B

B. Schedule 5 Part 2 - Does the development comprise a project listed in Schedule 5, Part 2 , of the Planning and Development Regulations 2001 (as amended) and does it meet/exceed the thresholds? (Tick as appropriate)	
<input checked="" type="checkbox"/> No, the development is not a project listed in Schedule 5, Part 2	No Screening required
<input type="checkbox"/> Yes the project is listed in Schedule 5, Part 2 and meets/exceeds the threshold, specify class (including threshold): <u> [specify class & threshold here] </u>	EIA is mandatory No Screening required
<input type="checkbox"/> Yes the project is of a type listed but is <i>sub-threshold</i> :	Proceed to Part C
C. If Yes , has Schedule 7A information/screening report been submitted?	
<input type="checkbox"/> Yes, Schedule 7A information/screening report has been submitted by the applicant	Screening Determination required
<input type="checkbox"/> No, Schedule 7A information/screening report has not been submitted by the applicant	Preliminary Examination required
Signature and Date of Recommending Officer:	Olive O'Donnell 24/04/2025

Original

TIPPERARY COUNTY COUNCIL

DELEGATED EMPLOYEE'S ORDER

File Ref: **S5/25/37** **Delegated Employee's Order No:** _____

SUBJECT: Section 5 Declaration

I, Sinead Carr, Chief Executive, Tipperary County Council, pursuant to the powers conferred on me by Section 154 of the Local Government Act, 2001, as amended by Schedule 1, Part 1 of the Local Government Reform Act 2014, hereby order that: pursuant to the provisions of the Planning and Development Act 2000, as amended, that an application under Section 5 from Kilruane MacDonaghs GAA & Camogie Club, C/o Brian England, Stoneyacre, Cloughjordan, Co. Tipperary for renewal of surfacing to car park area including associated works to provide surface drainage, infiltration, paths and accessible approach to building entrances at Kilruane Community Hall, Lisgarode, Kilruane, Nenagh 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 9 of the Planning and Development Regulations 2001 (as amended)

Tipperary County Council has concluded that renewal of surfacing to car park area including associated works to provide surface drainage, infiltration, paths and accessible approach to building entrances at Kilruane Community Hall, Lisgarode, Kilruane, Nenagh, is development and is exempted development. The proposals meet the exempted development provisions as it falls under the exempted development provisions as set out under Section 4 of the Planning and Development Act 2000, as amended.

Signed: _____
Sinead Carr
Chief Executive

Date: 25/04/2025



Comhairle Contae Thiobraid Árann
Tipperary County Council

Comhairle Contae
Thiobraid Árann,
Oifigí Cathartha,
Cluain Meala,
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tipperarycoco.ie

Date: 25th April, 2025

Our Ref: S5/25/37

Civic Offices, Nenagh

Kilruane MacDonaghs GAA & Camogie Club

C/O Brian England

Stoneyacre

Cloughjordan

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 7th April, 2025 in relation to the following proposed works:

Renewal of surfacing to car park area including associated works to provide surface drainage, infiltration, paths and accessible approach to building entrances at Kilruane Community Hall, Lisgarode, Kilruane, Nenagh

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 9 of the Planning and Development Regulations 2001 (as amended)
- (c) The details as submitted with the application on 7th April, 2025

Tipperary County Council has concluded that renewal of surfacing to car park area including associated works to provide surface drainage, infiltration, paths and accessible approach to building entrances at Kilruane Community Hall, Lisgarode, Kilruane, Nenagh is development and is exempted development as it falls under the exempted development provisions as set out under Section 4 of the Planning and Development Act 2000, as amended

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**