



Comhairle Contae Thiobraid Árann
Tipperary County Council



PLANNING & DEVELOPMENT ACT, 2000 (as amended)

Application for a Section 5 Declaration
Development / Exempted Development

1. Applicant's address/contact details:

Applicant	Harmony Residential Care
Address	Preston House, Main Street, Abbeyleix, Co. Laois
Telephone No.	[REDACTED]
E-mail	[REDACTED]

2. Agent's (if any) address:

Agent	Niall Hegarty - BLDG Chartered Surveyors
Address	Unit 4, 84 Strand Street, Skerries, Co. Dublin
Telephone No.	[REDACTED]
E-mail	[REDACTED]
Please advise where all correspondence in relation to this application is to be sent;	
Applicant [] Agent [X]	

3. Location of Proposed Development:

Postal Address <u>or</u> Townland <u>or</u> Location (as may best identify the land or structure in question)	Newhill, Two Mile Borris, Thurles, Co. Tipperary E41 R7D7
---	---

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.)

Please see additional sheets provided with this application.
Proposed floor area of proposed works/uses: 299 sqm

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

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

Signature of Applicant(s) _____

Date: 26/08/2025

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

GUIDANCE NOTES

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

(All dimensions must be given in metric scale and drawings should be accompanied by a brief description outlining the use of the proposed development)
- (3) Where a proper and complete application is received, a decision must be conveyed to the applicant within four (4) weeks except where additional necessary information is required.

This application form and relevant fee should be submitted to:

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

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 —
Receipt No 131285
Date 1-9-25
Received by Maura Kilbis

Supporting Document – Section 5 Application

RE: CHANGE OF USE - SECTION 5 APPLICATION FOR A DECLARATION OF EXEMPTED DEVELOPMENT UNDER SCHEDULE 2, PART 1, CLASS 14 (f) OF THE PLANNING AND DEVELOPMENT REGULATION 2001.

Address: Newhill, Two Mile Borris, Thurles, Co. Tipperary E41 R7D7

Description of Proposed Development:

The proposed is an application for a declaration of exempted development under Schedule 2, Part 1, Class 14(f) of the Planning and Development Regulation 2001, Regarding the change of use from a home to a residence for persons with an intellectual or physical disability or mental illness and persons providing care for such persons.

In line with Schedule 2, Part 1, Class 14(f) of the Planning and Development Regulation 2001, the number of residents will not exceed 6, and the number of careers will not exceed 2.

All service users of the proposed will have a diagnosis of mental illness or an intellectual disability.

Proposed Works - Fire remediation works including compartmentation of the escape routes and first-floor landing accounting for new fire doors where required. No other major works are required.

26th August 2025
Planning Section,
Tipperary County Council,
Civic Offices,
Nenagh,
Co. Tipperary

Dear Sir/Madam

RE: CHANGE OF USE - SECTION 5 APPLICATION FOR A DECLARATION OF EXEMPTED DEVELOPMENT UNDER SCHEDULE 2, PART 1, CLASS 14 (f) OF THE PLANNING AND DEVELOPMENT REGULATION 2001.

On behalf of Harmony Residential Care, we hereby formally apply for a declaration of Exempt Development under Schedule 2, Part 1, Class 14 (f) of the Planning and Development Regulation 2001 at Newhill, Two Mile Borris, Thiurles, Co. Tipperary E41 R7D7 regarding the Change of Use from residential to provide a residential care facility for persons with an intellectual or physical disability or mental illness and person providing care for such persons.

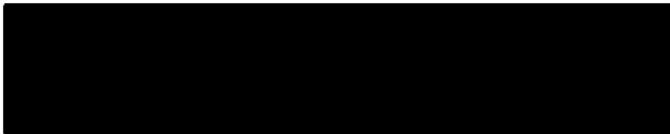
In support of our application, we enclose the following documents:

1. Completed application form (2 copies).
2. OSI Maps (2 copies)
3. A cheque for €80.00 being the appropriate application fee.
4. A drawing register, enclosing 2 no. copies of the following:

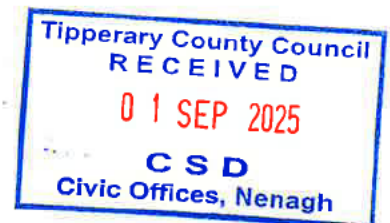
Drawing No. 001 – Site Location Map
Drawing No. 002 – Site layout Plan
Drawing No. 003 – Floor Plans
Drawing No. 004 – Elevations
Drawing No. 005 – Sections

We trust that the above and enclosed are satisfactory, however, should you have any queries or require any further information, please do not hesitate to contact me.

Yours Sincerely,



Niall Hegarty
Building Surveyor
BLDG Chartered Surveyors





Notes:

Figured dimensions only to be taken from this drawing.
Do not scale.
All dimensions to be checked on site.

CENTRE
COORDINATES:
ITM 620005,656113

PUBLISHED:
26/08/2025

ORDER NO.:
50486700_1

MAP SERIES:
1:2,500
1:2,500

MAP SHEETS:
4758-B
4759-A

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

www.tailte.ie

Any unauthorised reproduction
infringes Tailte Éireann copyright.

No part of this publication may
be copied, reproduced or transmitted
in any form or by any means without
the prior written permission of the
copyright owner.

The representation on this map
of a road, track or footpath
is not evidence of the existence
of a right of way.

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

©Tailte Éireann, 2025.
All rights reserved.

REV	DESCRIPTION	BY	DATE
1	Section 5 Application	NH	26.08.25



Unit 4
84 Strand Street
Skerries, Co. Dublin
T: +353 (87) 949 0839
W: +353 (86) 044 4049
www.bldg.ie

CLIENT:
Harmony Social Care Ltd.

OTHER CONSULTANTS:
N/A

SITE:
Newhill, Two Mile Borris,
Co. Tipperary

TITLE:
Site Location Map

SCALE AT A3: As Shown	DATE: 26.08.2025	DRAWN: NH	CHECKED: SM
PROJECT NO: 2025-108-9	DRAWING NO: 001	REVISION:	1

Site Location Map

Scale 1:2500

Key

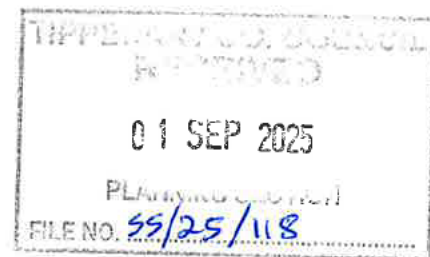
- AREA OF PLANNING APPLICATION
- OVERALL LAND HOLDING

1:1 0 20mm 40mm 60mm 80mm 100mm



0.98

0.56



Site Layout Plan - Existing Layout
Scale 1:500



Key

- AREA OF PLANNING APPLICATION
- OVERALL LAND HOLDING

Notes:

Figured dimensions only to be taken from this drawing.
Do not scale.
All dimensions to be checked on site.

CENTRE
COORDINATES:
ITM 620005,856113

PUBLISHED:
25/08/2025

ORDER NO.:
50486700_1

MAP SERIES:
1:2,500
1:2,500

MAP SHEETS:
4758-B
4759-A

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

www.tailte.ie

Any unauthorised reproduction
infringes Tailte Éireann copyright.

No part of this publication may
be copied, reproduced or transmitted
in any form or by any means without
the prior written permission of the
copyright owner.

The representation on this map
of a road, track or footpath
is not evidence of the existence
of a right of way.

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

©Tailte Éireann, 2025.
All rights reserved.

REV	DESCRIPTION	BY	DATE
1	Section 5 Application	NH	26.08.25



Unit 4
84 Strand Street
Skerries, Co. Dublin
T: +353 (87) 949 0839
W: +353 (86) 044 4049
www.bldg.ie

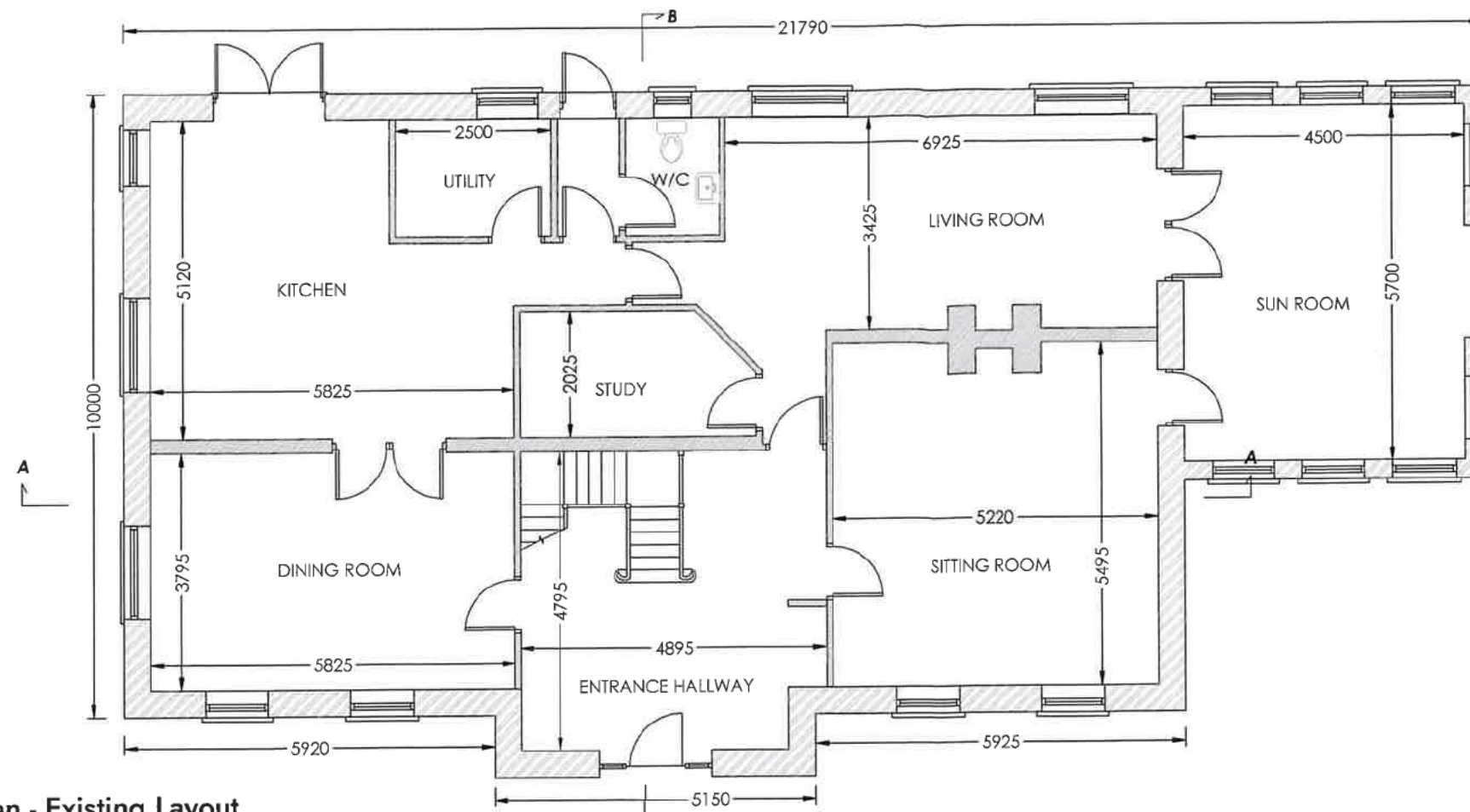
CLIENT:
Harmony Social Care Ltd.

OTHER CONSULTANTS:
N/A

SITE:
Newhill, Two Mile Borris,
Co. Tipperary

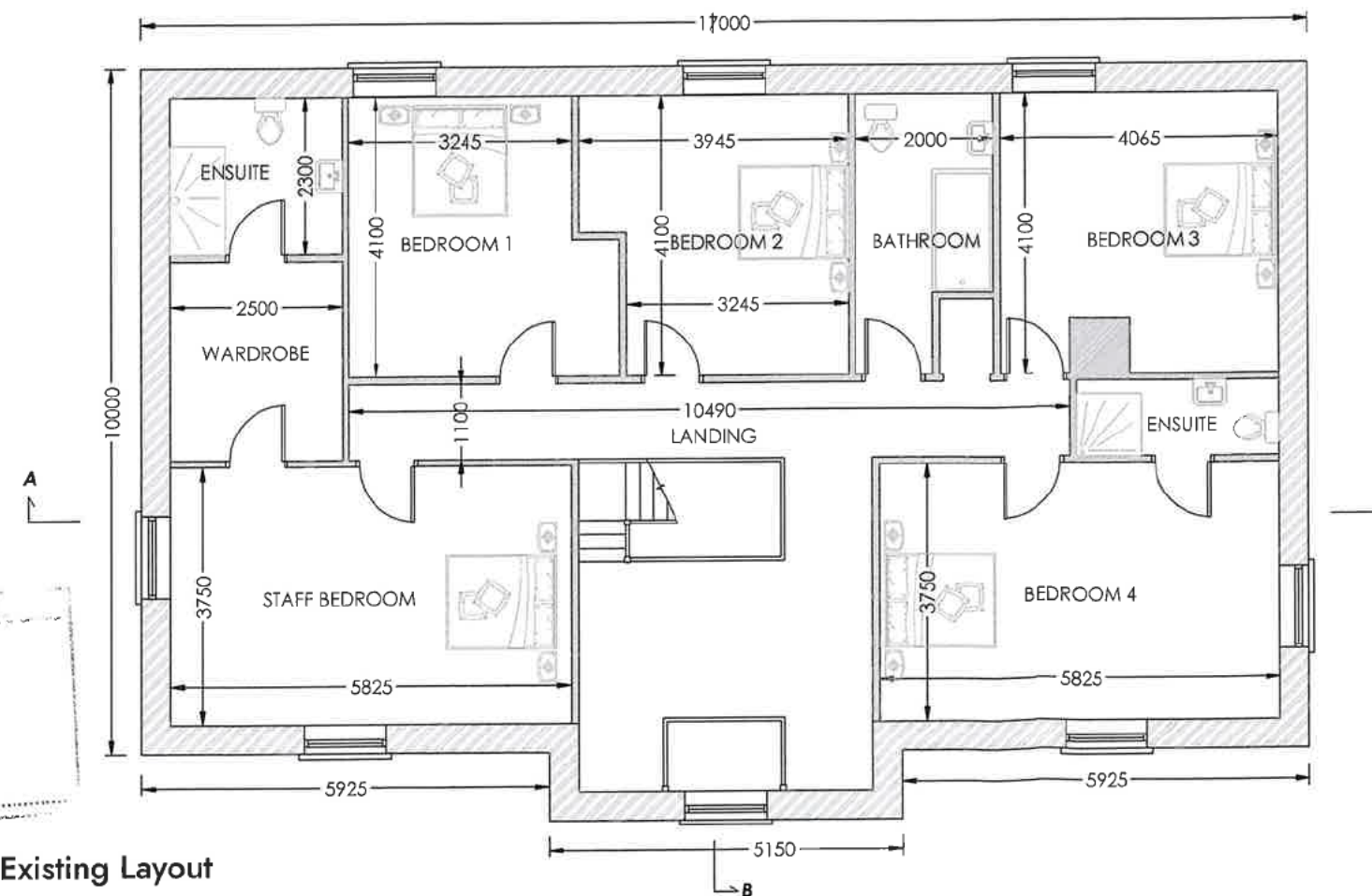
TITLE:
Site Layout Plan

SCALE AT A3: As Shown	DATE: 26.08.2025	DRAWN: NH	CHECKED: SM
PROJECT NO: 2025-108-9	DRAWING NO: 002	REVISION: 1	



Ground Floor Plan - Existing Layout

Scale 1:100

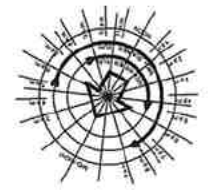


First Floor Plan - Existing Layout

Scale 1:100

Notes:

Figured dimensions only to be taken from this drawing.
Do not scale.
All dimensions to be checked on site.



N

REV	DESCRIPTION	BY	DATE
1	Section 5 Application	NH	26.08.25



Unit 4
84 Strand Street
Skerries, Co. Dublin

T: +353 (87) 949 0839
+353 (86) 044 4049
W: www.bldg.ie

CLIENT:
Harmony Social Care Ltd.

OTHER CONSULTANTS:
N/A

SITE:
Newhill, Two Mile Borris,
Co. Tipperary

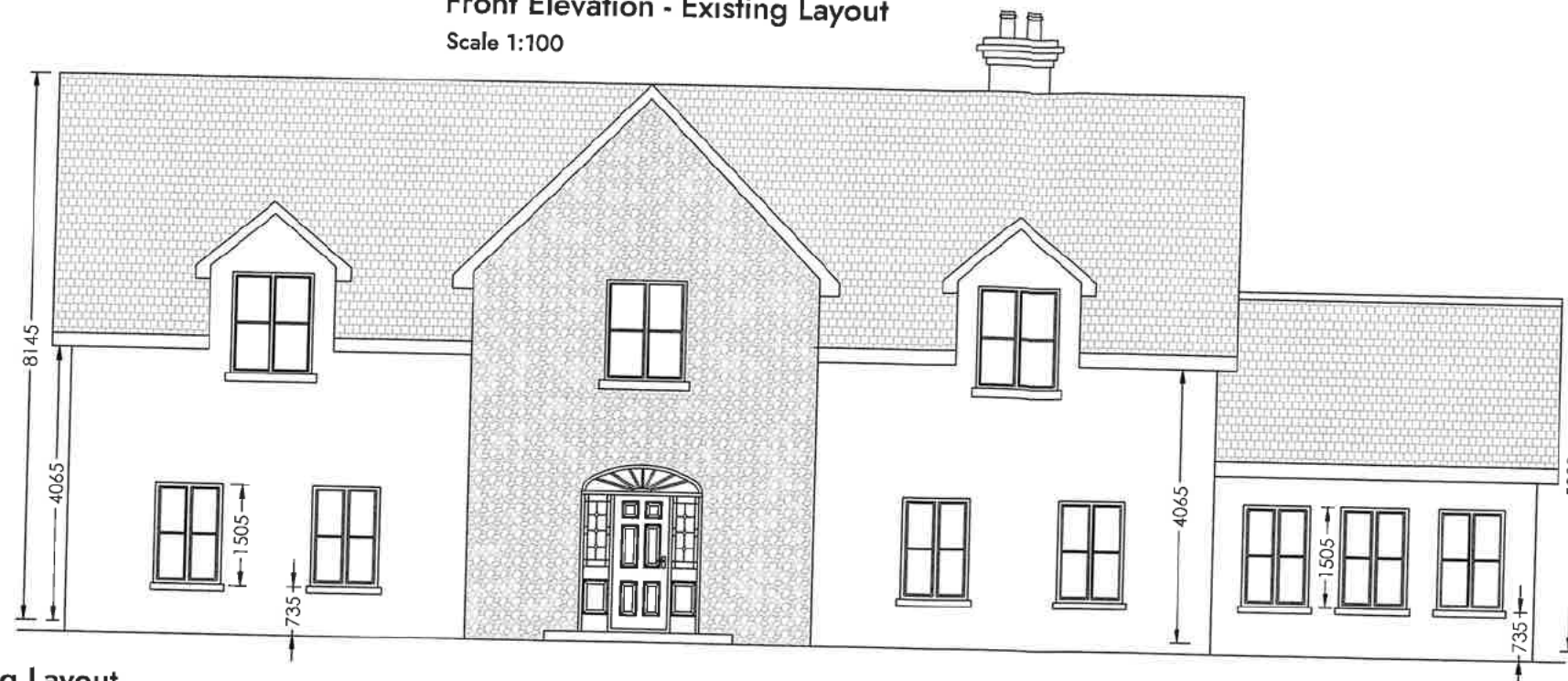
TITLE:
Existing Floor Plans

SCALE AT A3: As Shown	DATE: 26.08.2025	DRAWN: NH	CHECKED: SM
PROJECT NO: 2025-108-9	DRAWING NO: 003	REVISION:	1

1:1 0 20mm 40mm 60mm 80mm 100mm



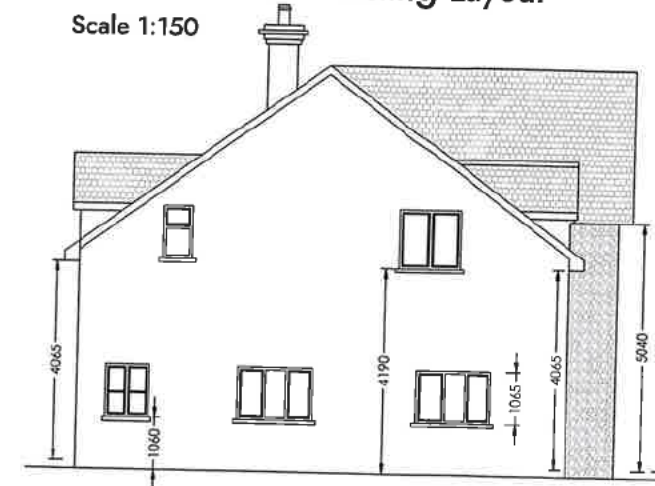
Front Elevation - Existing Layout
Scale 1:100



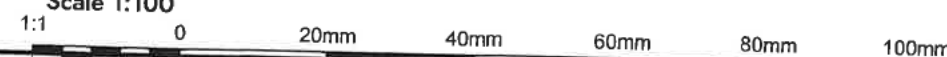
Side Elevation - Existing Layout
Scale 1:150



Side Elevation - Existing Layout
Scale 1:150



Rear Elevation - Existing Layout
Scale 1:100



Notes:

Figured dimensions only to be taken from this drawing.
Do not scale.
All dimensions to be checked on site.

REV	DESCRIPTION	BY	DATE
1	Section 5 Application	NH	26.08.25



Unit 4
84 Strand Street
Skerries, Co. Dublin
T: +353 (87) 949 0839
+353 (86) 044 4049
W: www.bldg.ie

CLIENT:
Harmony Social Care Ltd.

OTHER CONSULTANTS:
N/A

SITE:
Newhill, Two Mile Borris,
Co. Tipperary

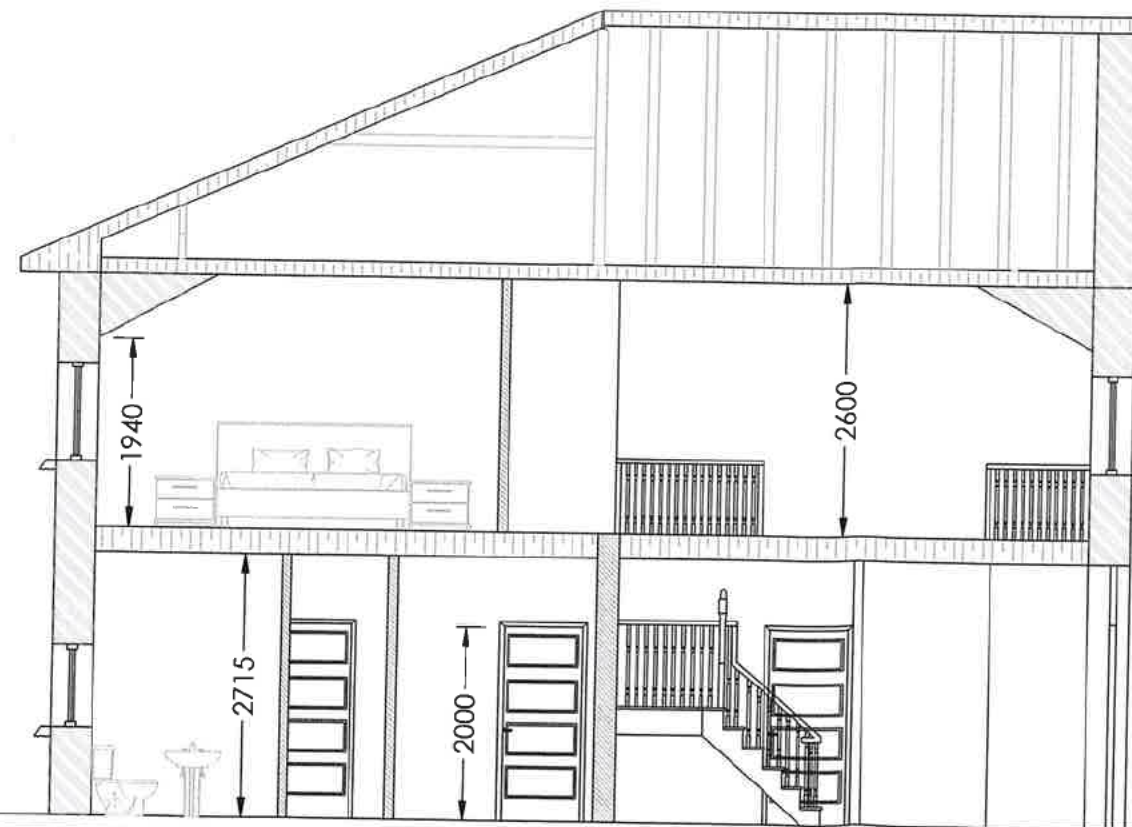
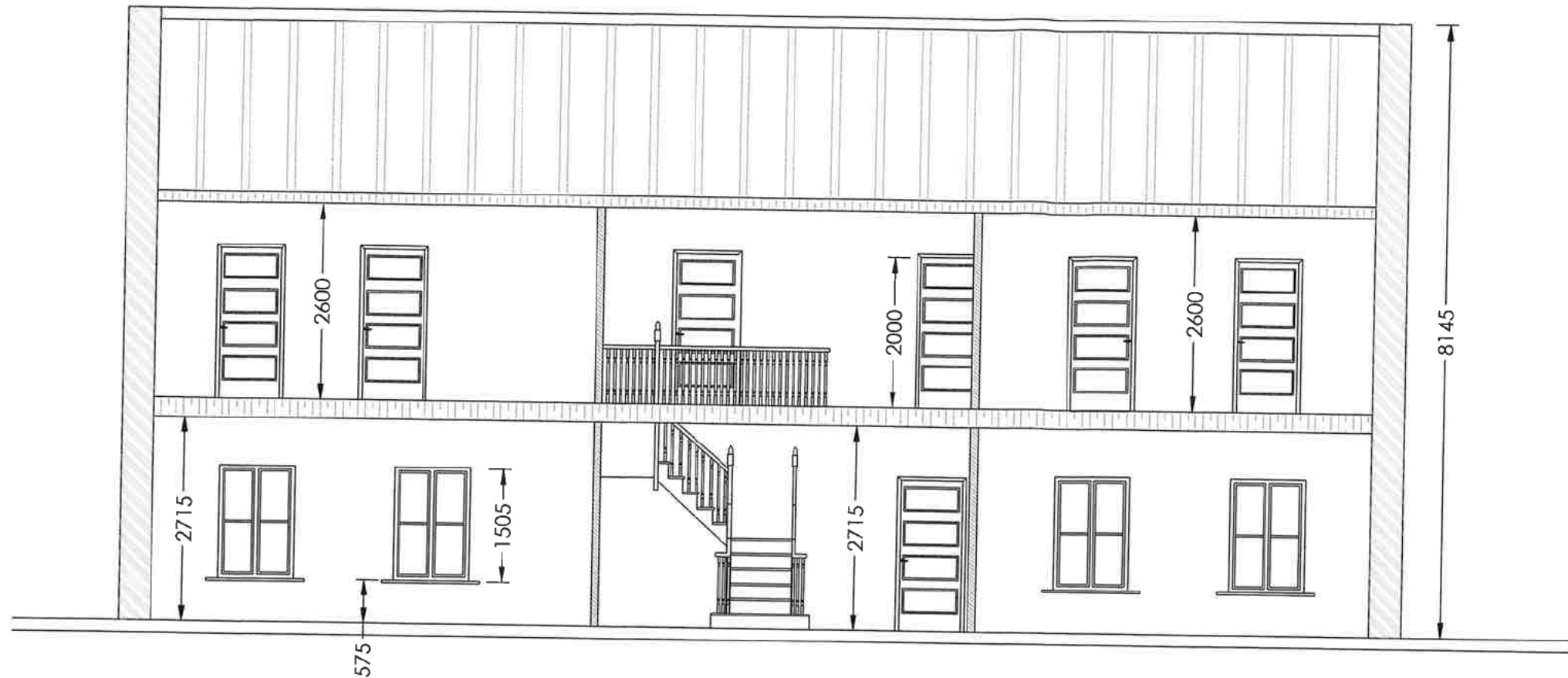
TITLE:
Existing Floor Plans

SCALE AT A3: As Shown	DATE: 26.08.2025	DRAWN: NH	CHECKED: SM
PROJECT NO: 2025-108-9	DRAWING NO: 004	REVISION: 1	

RECEIVED
01 SEP 2025
PLANNING SECTION
35/25/118

Section A - A - Existing Layout

Scale 1:75



Section B - B - Existing Layout

Scale 1:75



Notes:

Figured dimensions only to be taken from this drawing.
Do not scale.
All dimensions to be checked on site.

REV	DESCRIPTION	BY	DATE
1	Section 5 Application	NH	26.08.25



Unit 4
84 Strand Street
Skerries, Co. Dublin
T: +353 (87) 949 0839
W: +353 (86) 044 4049
www.bldg.ie

CLIENT:
Harmony Social Care Ltd.

OTHER CONSULTANTS:
N/A

SITE:
Newhill, Two Mile Borris,
Co. Tipperary

TITLE:
Existing Sections A - A / B - B

SCALE AT A3: As Shown	DATE: 26.08.2025	DRAWN: NH	CHECKED: SM
PROJECT NO: 2025-108-9	DRAWING NO: 005	REVISION:	1

RECEIVED
01 SEP 2025
PLANNING SECTION
55/25/118

Planning Pack Map



Tailte
Éireann

CENTRE
COORDINATES:
ITM 620005,656113

PUBLISHED:
28/09/2025

ORDER NO.:
50466700_1

MAP SERIES:
1:2,500
1:2,500

MAP SHEETS:
4756-B
4756-A

COMPILED AND PUBLISHED BY:
Tailte Éireann,
Phoenix Park,
Dublin 8,
Ireland.
D08F5E4

www.tailte.ie

Any unauthorised reproduction
infringes Tailte Éireann copyright.

No part of this publication may
be copied, reproduced or transmitted
in any form or by any means without
the prior written permission of the
copyright owner.

The representation on this map
of a road, track or footpath
is not evidence of the existence
of a right of way.

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

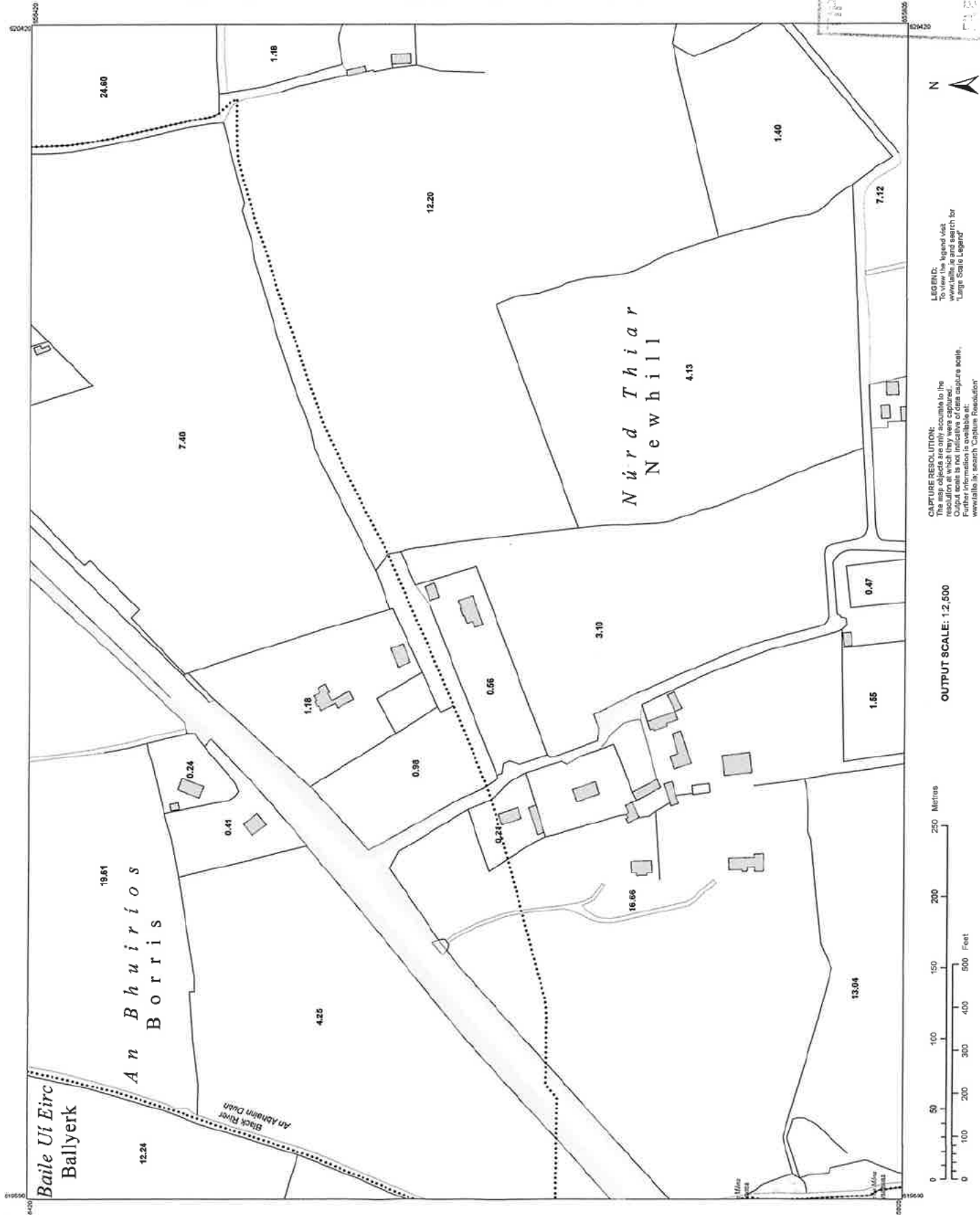
©Tailte Éireann, 2025.
All rights reserved.

TEMPORARY CLOSURE
NOTICE

01 SEP 2025

PLANNING SECTION

PLAN NO. 95/25/118



LEGEND:
To view the legend data
please refer to the
'Large Scale Legend'

CAPTURE RESOLUTION:
The map data are only accurate to the
resolution at which they were captured.
Output scale is not indicative of data capture scale.
Further information is available at:
www.tailte.ie, section 'Capture Resolution'

OUTPUT SCALE: 1:2,500



CENTRE
COORDINATES:
ITM 620005 656113

PUBLISHED:
26/06/2025

ORDER NO.:
50486700_1

MAP SERIES:
6 Inch Raster
6 Inch Raster

MAP SHEETS:
TY042
TY048

COMPILED AND PUBLISHED BY:

Tailte Éireann,
Phoenix Park,
Dublin 8,
Ireland.
D08F6E4

www.tailte.ie

Any unauthorised reproduction
infringes Tailte Éireann copyright.

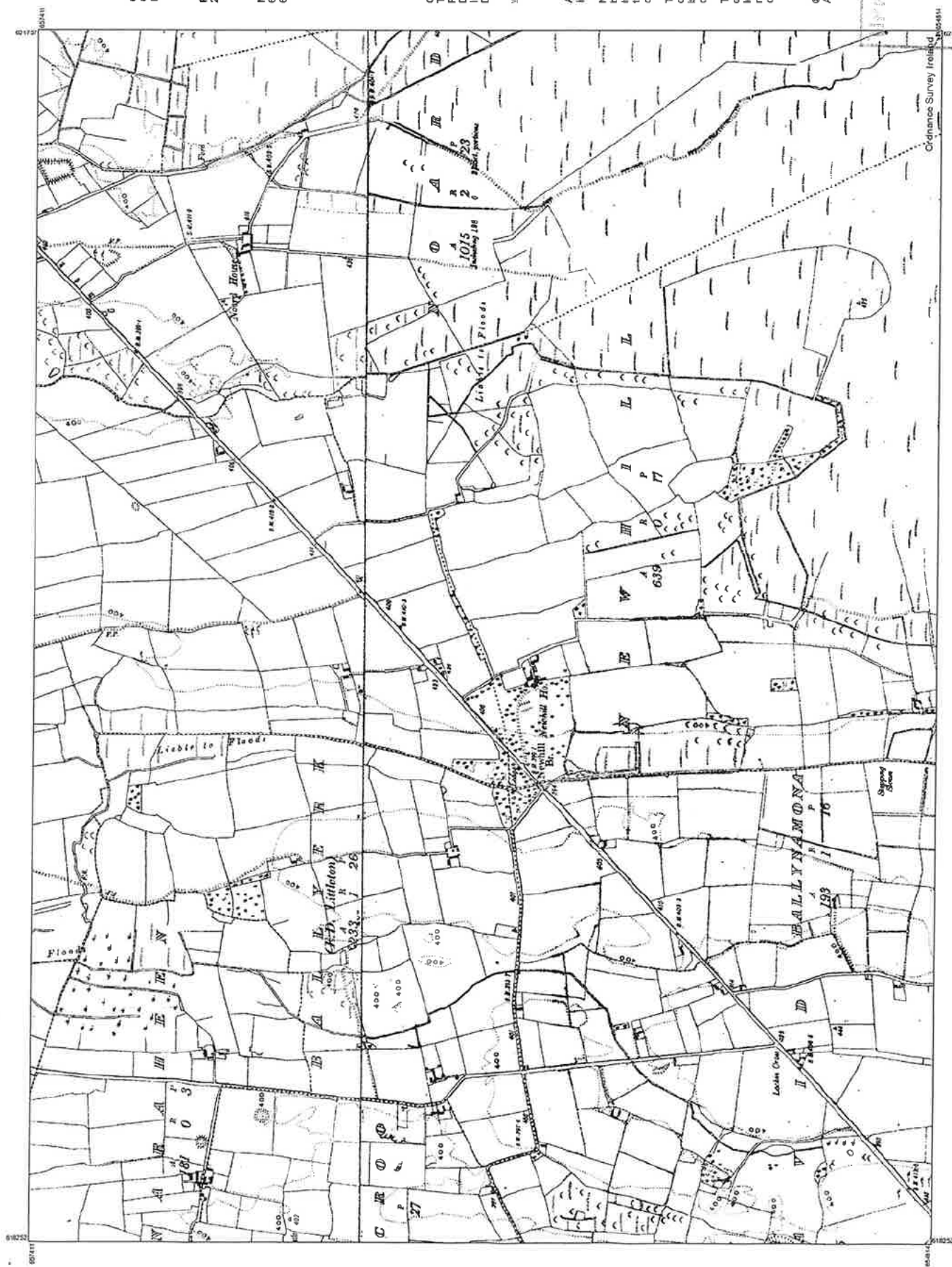
No part of this publication may
be copied, reproduced or transmitted
in any form or by any means without
the prior written permission of the
copyright owner.

The representation on this map
of a road, track or footpath
is not evidence of the existence
of a right of way.

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

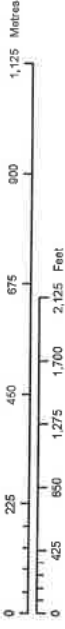
©Tailte Éireann, 2025.
All rights reserved.

RECEIVED
01 SEP 2025
FLANNING SECTION
FILE NO. 55/25/118



CAPTURE RESOLUTION:
The map objects are only accurate to the
resolution at which they were captured.
Output scale is not indicative of data capture scale.
Further information is available at:
www.tailte.ie search 'Capture Resolution'

OUTPUT SCALE: 1:10,560



LEGEND:
To which legend will
be applied to the map for
'Large Scale Legend'

Ordnance Survey Ireland



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 5000/601
e customerservice
@tipperarycoco.ie
tipperarycoco.ie

Date: 2nd September 2025 Our Ref: S5/25/118 Civic Offices, Nenagh

Harmony Residential Care
C/O Niall Hegarty
Unit 4
84 Strand St
Skerries
Co Dublin

Re: Application for a Section 5 Declaration – Change of use from residential to provide a residential care facility for persons with an intellectual or physical disability or mental illness.
Proposed works: fire remediation works including compartmentation of the escape routes and first-floor landing accounting for new fire doors where required at Newhill, Two mile Borris, Thurles Co Tipperary.

Dear Mr Hegarty,

I acknowledge receipt of your application for a Section 5 Declaration received on 1st September 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.: S5/25/118

Applicant: Harmony Residential Healthcare

Development Address: Newhill, Two Mile Borris, Thurles

Proposed Development: Change of use from residential to provide a residential care facility for persons with an intellectual or physical disability or mental illness and person providing care for such persons

1. SUMMARY

A request was made for a declaration under Section 5 of the Planning and Development Act, 2000, as amended as to whether or not the following constituted development and if so, whether same was exempted development:

- Change of use from residential to provide a residential care facility for persons with an intellectual or physical disability or mental illness and person providing care for such persons

2. LEGISLATION

Section 2 (1) of the Planning and Development Act 2000, as amended, states as follows:-
“works” includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal....’

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 4 of the Planning and Development Act 2000, as amended, provides for Exempted Development and Section 4(1) sets out works which shall be exempted development for the purposes of this act. Section 4(2) (a) of the same Act states that ‘the Minister may by regulations provide for any class of development to be exempted development for the purposes of this Act.

Section 4(1) (h) states:

4.—(1) The following shall be exempted developments for the purposes of this Act—
development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures

The Planning and Development Regulations 2001 (as amended) contain the following exemptions under Schedule 2 Part 1:

Schedule 2 Part 1 Change of use
CLASS 14

Development consisting of a change of use—

- | | |
|---|--|
| (f) from use as a house, to use as a residence for persons with an intellectual | The number of persons with an intellectual or physical disability or a mental illness living in any such residence shall not |
|---|--|

or physical disability or mental illness and persons providing care for such persons.

exceed 6 and the number of resident carers shall not exceed 2.

3. ASSESSMENT

a. *Site Location*

Site is located at Newhill, Two Mile Borris, approximately 2.8km north-east of Littleton village. The site is accessed off the local road, L96393-0.

b. *Planning History*

On Site:

2560045 Retention permission granted to Anne Strappe for the as-built height of dwelling together with all associated site works

04510939 Permission granted to Pat and Anne Strappe for a Dwelling house with garage, entrance, effluent treatment system and associated site services

c. *Assessment*

A) “Is or is not Development”

Having considered all of the details and documentation on file with regards the question asked the Planning Authority is satisfied that the change of use would involve “development” within the meaning of Section 3 of the Act as it would result in a material change of use of the premises.

B) “Is or is not Exempted Development”

It is considered that the proposed change of use comes within the criteria as set under Class 14 (f) Schedule 2 Part 1 of the Planning & Development Regulations 2001, as amended, which relates to ‘*Exempted Development - Change of Use*’.

Works are proposed to the dwelling comprising fire remediation works involving compartmentation of the escape routes and first floor landing These works are internal and come within the planning exemption under Section 4(1)(h) of the Planning and Development Act 2000, as amended.

C) “Restrictions on Exemption”

Article 9 of the Regulations sets out Restrictions on Exemptions and states:

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,

(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.

I have examined the planning history for the site and confirm that the development does not contravene any condition attached to planning permissions 04510939 or 2560045

The exemption is not restricted under Article 9 (a) (i).

The site is served by an existing access off the local road, L96393 that offers clear visibility along the serving local roadway. Having regard to the use proposed, which is unlikely to generate significant additional traffic movements to and from the site and would be similar to that of a dwelling, I am satisfied that the development would not endanger public safety by reason of traffic hazard or obstruction of road users. The exemption is not restricted under Article 9 (a) (ii).

I have undertaken an Appropriate Assessment Screening Assessment of the project which concludes that the project would not give rise to significant impacts on a Natura 2000 (European) and that appropriate assessment would not be required. The exemption is not restricted under Article 9 (a) (viiB).

The proposed development is for change of use of existing dwelling to Class 14 (f) and therefore is not a class of development for which EIA is required. See EIA Screening Assessment attached.

Article 9 places a restriction on the Class 14 exemption if the carrying out of such development would—

(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 structure on site is not considered to be unauthorised. It is noted that retention permission was granted under planning reference 2560045 for retention of as built dwelling, specifically in relation to the height of the dwelling.

I note no restrictions under Article 6 and 9 which apply to the proposed development

D “Environmental Assessments”

The development proposed has been screened for AA and it has been determined that an AA is not required.

The development to be retained is not a type of development included for under Schedule 5 of the Planning and Development Regulations 2001, as amended. See also Environmental Impact Assessment (EIA) pre-screening report attached as Appendix 2 of this planning report.

4. RECOMMENDATION

A question has arisen as to whether the change of use from an existing dwelling at Newhill, Two Mile Borris, Thurles to use as a residential care facility for persons with an intellectual or physical disability or mental illness and person providing care for such persons constitutes “development” and “exempted development”.

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

- Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended)
- Article 6 & 9 of the Planning and Development Regulations 2000, as amended,
- Class 14 (f) of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended)

In exercise of the powers conferred on it by section 5(2)(a) of the 2000 Act, as amended, it is hereby decided that the change of use from a residential dwelling to a residential care facility for persons with an intellectual or physical disability or mental illness and person providing care for such persons is “*development*” within the meaning of the Planning and Development Act 2000, as amended and is “*exempted development*”.

District Planner:



Date: 22.09.2025

Senior Executive Planner



Date: 23/09/2025

AA Screening Form

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

(a) File Reference No:	S5/25/118
(b) Brief description of the project or plan:	As per planners report
(c) Brief description of site characteristics:	As per planners report
(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW	None
(e) Response to consultation:	N/A

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

European Site (code)	List of Qualifying Interest/Special Conservation Interest ¹	Distance from proposed development ² (km)	Connections (Source-Pathway-Receptor)	Considered further in screening Y/N
002162 River Barrow and River Nore SAC	https://www.npws.ie/protected-sites/sac/002162	Less than 15km	No ecological connection via ground/surface water. No ecological connection via air due to separation distance	N
000407 The Loughans	https://www.npws.ie/protected-sites/sac/000407	Less than 15km	No ecological connection via ground/surface water. No ecological connection via air due to separation distance	N
002137 Lower River Suir SAC	https://www.npws.ie/protected-sites/sac/002137	Less than 15km	No ecological connection via ground/surface water. No ecological connection via air due to separation distance	N

¹ Short paraphrasing and/or cross reference to NPWS is acceptable – it is not necessary to reproduce the full text on the QI/SCI.

² If the site or part thereof is within the European site or adjacent to the European site, state here.

STEP 3. Assessment of Likely Significant Effects

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

Impacts:	Possible Significance of Impacts: (duration/magnitude etc.)
Construction phase e.g. <ul style="list-style-type: none"> • Vegetation clearance • Demolition • Surface water runoff from soil excavation/infill/landscaping (including borrow pits) • Dust, noise, vibration • Lighting disturbance • Impact on groundwater/dewatering • Storage of excavated/construction materials • Access to site • Pests 	No loss of vegetation – previously developed site
Operational phase e.g. <ul style="list-style-type: none"> • Direct emission to air and water • Surface water runoff containing contaminant or sediment • Lighting disturbance • Noise/vibration • Changes to water/groundwater due to drainage or abstraction • Presence of people, vehicles and activities • Physical presence of structures (e.g. collision risks) • Potential for accidents or incidents 	It is considered that there is no real likelihood of any significant effects on European Sites in the wider catchment area
In-combination/Other	

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

Examples of the type of changes to give consideration to include:

- 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

The application site is not located adjacent or within a European site, therefore there is no risk of habitat loss or fragmentation or any effects on QI species directly or ex-situ.

The significant distance between the proposed development site and any European Sites, and the very weak and indirect ecological pathway is such that the proposal will not result in any likely changes to the European sites that comprise part of the Natura 2000 network

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

☐ Yes ☒ No

Step 4. Screening Determination Statement

The assessment of significance of effects:


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

Conclusion:

Having regard to:

- the small scale nature of the development (change of use of an existing dwelling),
- the location of the development at a significant remove from nearby European sites and,
- the consequent absence of a direct pathway to these European sites,

it is considered that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on the Natura 2000 network and appropriate assessment is not therefore required.

	Tick as Appropriate:	Recommendation:
(i) It is clear that there is no likelihood of significant effects on a European site.	X	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:		22.09.2025

EIA Pre-Screening Establishing a development is a 'sub-threshold development'		
File Reference:	S5/25/118	
Development Summary:	Change of use from residential to residential care facility	
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 _____		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): _____		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:	Marion Carey	Date: 22/9/2025



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
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: 23rd September, 2025

Our Ref: S5/25/118

Civic Offices, Nenagh

Harmony Residential Care
C/O Niall Hegarty
Unit 4
84 Strant St
Skerries
Co. Dublin

Re: Declaration under Section 5 of the Planning and Development Act 2000, as amended.

Dear Sir/Madam,

I refer to your application for a Section 5 Declaration received on 1st September, 2025 in relation to the following proposed works:

Change of use from residential to provide a residential care facility for persons with an intellectual or physical disability or mental illness and person providing care for such persons at Newhill, Two Mile Borris, 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 –

- Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended)
- Article 6 & 9 of the Planning and Development Regulations 2000, as amended,
- Class 14 (f) of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended)

In exercise of the powers conferred on it by section 5(2)(a) of the 2000 Act, as amended, it is hereby decided that the change of use from a residential dwelling

to a residential care facility for persons with an intellectual or physical disability or mental illness and person providing care for such persons is "*development*" within the meaning of the Planning and Development Act 2000, as amended and is "*exempted development*".

NOTE: Any person issued with a Declaration of a Planning Authority may refer the Declaration for review to An Coimisiún 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 faithfully,

A handwritten signature in black ink, reading "Siobhán Rye". The signature is fluid and cursive, with a long horizontal stroke at the end.

for **Director of Services**

Original

TIPPERARY COUNTY COUNCIL

DELEGATED EMPLOYEE'S ORDER

File Ref: **S5/25/118**

Delegated Employee's Order No: _____

SUBJECT: Section 5 Declaration

I, Dave Carroll, A/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. 41983 dated 17th April, 2025, hereby order that pursuant to the provisions of the Planning and Development Act 2000, as amended, that an application under Section 5 from Harmony Residential Care, C/O Niall Hegarty, Unit 4, 84 Strand St., Skerries, Co. Dublin at Newhill, Two Mile Borris, Thurles is development and is exempted development.

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

- Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended)
- Article 6 & 9 of the Planning and Development Regulations 20001, as amended,
- Class 14 (f) of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended)

In exercise of the powers conferred on it by section 5(2)(a) of the 2000 Act, as amended, it is hereby decided that the change of use from a residential dwelling to a residential care facility for persons with an intellectual or physical disability or mental illness and person providing care for such persons is "*development*" within the meaning of the Planning and Development Act 2000, as amended and is "**exempted development**".

Signed:



Dave Carroll

A/Director of Services

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

Date: 23/09/2025