

Our Ref: PC/2469

21st October 2025

RE: Hearn's Hotel, Bianconi House, 33-36 Parnell Street Clonmel, Co. Tipperary

Dear Sir/Madam

Attached find the following documents and drawings for the Section 5 Declaration for Hearn's Hotel.

- Application form
 - Proof of payment of the €80 fee
 - A copy of the following drawings.
-
- 2426-P01-OS Map
 - 2426 – P02- Existing Ground Floor Plan
 - 2426 – P03 – Existing first Floor Plan
 - 2426- P04 - Existing Second Floor Plan
 - 2426 – P05- Existing Elevations

Yours Sincerely

Pat Carey

Director PMCG Engineers

BEng, CEng, MIEI



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	Hamid Butt
Address	Millbank House Kinsale, Co Cork.
Telephone No.	
E-mail	

2. Agent's (if any) address:

Agent	Pat Carey, PMCG Consulting Engineers
Address	77 Main Street Macroom Co. Cork
Telephone No.	026 24123
E-mail	
Please advise where all correspondence in relation to this application is to be sent;	
Applicant []	Agent [✓]

3. Location of Proposed Development:

Postal Address or Townland or Location (as may best identify the land or structure in question)	Hearns Hotel Parnell Street Clonmel, Co Tipperary.
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4. Development Details:

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

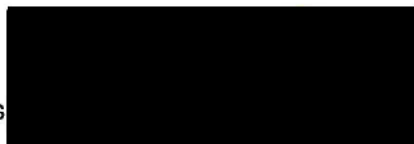
(Note: only works and uses listed and described under this section will be assessed under this Section 5 Application. Use additional sheets if required.)

The hotel is currently being used to provide accommodation for International Protection Applicants, the applicant wants to continue providing this service, and we therefore would like confirmation that the change of use is exempted development.	
Proposed floor area of proposed works/uses:	sqm 2364m ²

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		
If you are not the legal owner, please state the name and address of the owner	Name: Address:	

Signature of Applicant(s)



Date:

20/10/2025

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	<u>OR</u>	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

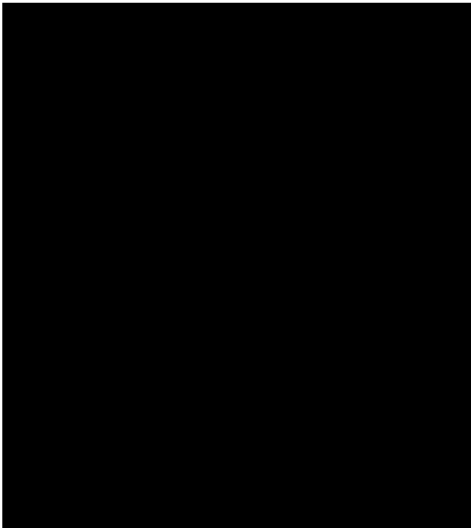
DATE STAMP

Fee Recd. € _____

Receipt No _____

Date _____

Received by _____



Tipperary County Council
Civic Offices
Clonmel
Co Tipperary

21/10/2025 14:45:39

Receipt No. : CLONMEL/0/197455

PMCG CONSULTING ENGINEERS
77 MAIN STREET
MACROOM
CO CORK

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

Total : 80.00 EUR

Tendered :
Credit Card 80.00

Change : 0.00

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



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: 23/10/2025 Our Ref: S5/25/137 Civic Offices, Clonmel

Hamid Butt
Pat Carey
PMCG Consulting Engineers
77 Main Street
Macroom
Co. Cork

Re: Application for a Section 5 Declaration – continued use of property to accommodate international protection applicants at Hearn's Hotel, Parnell Street, Clonmel, Co. Tipperary

Dear Sir,

I acknowledge receipt of your application for a Section 5 Declaration received on 21st October 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.: S5/25/137

Applicant: Hamid Butt

Development Address: Hearn's Hotel, Clonmel, Co. Tipperary.

Proposed Development: Whether the continued use of Hearn's Hotel, to provide residential accommodation for International Protection Applicants, is or is not development and if so is it exempted development.

1. GENERAL

On the 21st of October 2025, a request was made for a declaration under Section 5 of the Planning and Development Act, 2000 as amended as to whether the following is "exempted development";

- the continued use of Hearn's Hotel, to provide residential accommodation for International Protection Applicants.

2. STATUTORY PROVISION

The following statutory provisions are relevant to this referral case;

Planning and Development Act 2000, as amended

Section 2(1)

'development' has the meaning assigned to it by Section 3.

"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)

"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(2) of the Act provides that the Minister may, by regulations, provide for any class of development to be exempted development. The main regulations made under this provision are the Planning and Development Regulations 2001-2020.

Section 57 (Works affecting character of protected structures or proposed protected structures) is not considered relevant as the Section 5 relates to a change of use only.

Planning and Development Regulations 2001, as amended

Article 5 defines a “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;

Article 6(1) of the aforementioned Regulations provide that ‘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 10 (1) Changes of Use

(1) Development which consists of a change of use within any one of the classes of use specified in Part 4 of Schedule 2, shall be exempted to development for the purposes of the Act, provided that the development, if carried out would not –

- (a) involve the carrying out of any works other than works which are exempted development,
- (b) contravene a condition attached to a permission under the act,
- (c) be inconsistent with any use specified or included in such a permission, or
- (d) be a development where the existing use is an unauthorized use, save where such change of use consists of the resumption of a use which is not unauthorized and which has not been abandoned.

Part 1 of Schedule 2 of the Regulations set out the classes of exempted development, including ‘Class 14’ allowing for ‘development consisting of a change of use’: -

‘(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,

(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

Class 20F of the same Part exempts the following:

Temporary use by or on behalf of the Minister for Children, Equality, Disability, Integration and Youth to accommodate or support persons seeking international protection of any structure or part of a structure used as a school, college, university, training centre, social centre, community centre, non-residential club, art gallery, museum, library, reading room, sports club or stadium, gymnasium, hotel, convention centre, conference centre, shop, office, Defence Forces barracks, light industrial building, airport operational building, wholesale warehouse or repository, local authority administrative office, play centre, medical and other health and social care accommodation, event and exhibition space or any structure or part of structure normally used for public worship or religious instruction.

This is subject to the following conditions and limitations

1. The temporary use shall only be for the purposes of accommodating displaced persons or for the purposes of accommodating persons seeking international protection.
2. Subject to paragraph 4 of this class, the use for the purposes of accommodating displaced persons shall be discontinued when the temporary protection introduced by the Council Implementing Decision (EU) 2022/382 of 4 March 2022¹ comes to an end in accordance with Article 6 of the Council Directive 2001/55/EC of 20 July 2001².
3. The use for the purposes of accommodating persons seeking international protection shall be discontinued not later than 31 December 2028.
4. Where the obligation to provide temporary protection is discontinued in accordance with paragraph 2 of this class, on a date that is earlier than 31 December 2028, the temporary use of any structure which has been used for the accommodation of displaced persons shall continue for the purposes of accommodating persons seeking international protection in accordance with paragraph 3 of this class.
5. The relevant local authority must be notified of locations where change of use is taking place prior the commencement of development.
6. 'displaced persons', for the purpose of this class, means persons to whom temporary protection applies in accordance with Article 2 of Council Implementing Decision (EU) 2022/382 of 4 March 2022.
7. 'international protection', for the purpose of this class, has the meaning given to it in section 2(1) of the International Protection Act 2015 (No. 66 of 2015).
8. 'temporary protection', for the purpose of this class, has the meaning given to it in Article 2 of Council Directive 2001/55/EC of 20 July 2001.

Part 4 of Schedule 2

"Exempted Development – Classes of Use"

Class 6 – Use as a residential club, guest house or a hostel (other than a hostel where care is provided).

Class 9(a) – Use for the provision of residential accommodation and care to people in need of care (but not the use of a house for that purpose).

Article 9 (1) (a) of the Planning and Development Regulations 2001, as amended sets out the instances where development, to which Article 6 relates, shall not be exempted development for the purposes of the Act.

Article 10 legislates for a change of use and article 10(1) states the following:

"Development which consists of a change of use within any one of the classes of use specified in Part 4 of Schedule 2, shall be exempted development for the purposes of the Act, provided that the development, if carried out would not-

- (a) involve the carrying out of any works other than works which are exempted development,
- (b) contravene a condition attached to a permission under the Act,
- (c) be inconsistent with any use specified or included in such a permission, or

(d) be a development where the existing use is an unauthorised use, save where such change of use consists of the resumption of a use which is not unauthorised and which has not been abandoned.”

A hotel is not listed under any class set out under Part 4.

3. ASSESSMENT

a. Site Location

The site comprises a terraced five-bay three-storey hotel with half-basement, with carriage entrance to east end, decorative wrought-iron balcony to first floor of front elevation, and having recent extensions to rear. The structure is listed on the Record of Protected Structures (TRPS2156) and is included on the National Inventory of Architectural Heritage (Ref 22117046). The site is located in the designated urban core of Clonmel and is within a Zone of Archaeological Potential.

b. Relevant Planning History

On site

PA5199 extension to function room - granted

PA6799 change of use from office, shop and store to bar/nightclub facilities to form an extension to hotel. including alterations to elevations and construction of first floor toilets and appropriate signage - granted

05/550060 For retention of the shopfront and associated signage (No. 31 Parnell Street is a protected structure) - granted.

05/550066 For the retention and alterations to the beer garden at the rear – granted

Adjacent

PA6601 alterations to existing shop – front - granted

PA14098 additional storage at rear of existing premises, 8 apartments and change of shop frontage - Withdrawn

16/600913 (a) change of use from Betting Shop to Café/Restaurant (b) amalgamation of two existing units into a single Café/Restaurant unit (c) installation of mechanical extract ductwork to rear (d) alterations to south elevation including signage and canopies - granted

22/60425 (i) existing awning to front of existing building (ii) the use under the awning as a seating area for use by the associated café and all associated site works - granted

TUD-24-025 Unauthorised windows – current file. Enforcement Notice issued. Same has been part complied with.

[illegible]

A) "Is or is not Development"

B) "Is or is not Exempted Development"

As set out above, it is a condition of this exemption that the relevant local authority be notified of locations where change of use is taking place prior the commencement of development.

The Local Authority was advised by way of a Briefing Note from the Department of Children, Equality, Integration and Youth on the 24th June 2024 that 87 beds were to be provided in 31 rooms in Hearn's Hotel. The accommodation was for couples and families. The contract was signed for a period of 1 year at that time.

The current application does not specify the number of residents to be accommodated and the number of bedrooms to be used for accommodating persons seeking international protection. It is therefore unclear what works, if any, are required to accommodate the proposed material change of use. This information is necessary in order to ascertain any arising impact on the Protected Structure. Additional details will be requested by way of Further Information.

It is noted that a Section 57 Declaration has not issued in respect of the subject site. Same may be required in the event that works are necessary to facilitate the proposed material change of use.

C) Restrictions under Article 9

The restrictions on exempted development as set out under Article 9 are noted.

The previous applications on site are noted. The proposal does not contravene a condition associated with these permissions.

The subject site lies outside of the designated Architectural conservation area.

The subject site lies within a designated Zone of Archaeological Potential. Having regard to the nature of the proposal, which relates to the change of use of the building only, the proposal does not comprise of the excavation, alteration or demolition (other than peat extraction) of places, caves, sites, features or other objects of archaeological interest.

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

Screening

The site comprises of a former hotel in the centre of Clonmel, Co. Tipperary. The surrounding area is urban in context.

There are three European sites within 15kms of the site, Lower River Suir, Nier Valley Woodlands SAC and Comeragh Mountains SAC.

Given the separation distance, the Planning Authority considers that there will be no impact from the works proposed on either the Nier Valley or the Comeragh Mountains SAC's

The site is located in Flood Zone A. This part of the town is defended. Given the separation distance to the Lower River Suir (166 ms), it is reasonable to determine that, having regard to the nature of the proposal, which relates only to the change of use of the building and not to any specific works, the proposal would not 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.

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 attached.

4. RECOMMENDATION

A question has arisen as to whether the continued use of Hearn's Hotel, in Clonmel, Co. Tipperary to provide residential accommodation for International Protection Applicants, is or is not development and if so is it exempted development.

In considering this declaration, the Planning Authority had regard to:

- (a) Sections 2, 3 & 4 of the Planning and Development Act 2000 (as amended)
- (b) Articles 5, 6, 9, and 10 of the Planning and Development Regulations, 2001, as amended;
- (c) Class 14 (h) and (i) and Class 20F, Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended;
- (d) Relevant case law;
- (e) the planning history of the site and
- (f) the submissions of the referrer.

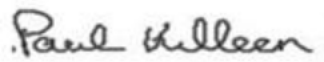
The Planning Authority has determined that further information is required in respect of the following;

1. The Planning Authority notes that the subject structure is a Protected Structure as identified in the Tipperary County Development Plan 2022. It is noted that a Section 57 Declaration has not issued in respect of the subject site. Furthermore it is unclear if works are necessary in order to facilitate the proposed material change of use.

In order to address this concern the applicant is requested to;

- Clarify the number of guests which the pre-existing hotel would have accommodated,
- Clarify the number of international protection applicants which the IPAS centre is to accommodate,
- Submit floor plans clearly showing the areas of the structure to be used for the IPAS centre and the numbers of residents to be accommodated in the various rooms,
- Clearly set out any works required to facilitate the material change of use.

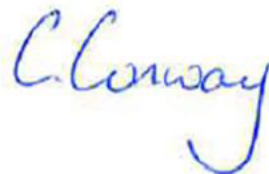
Signed:



District planner

Date: 04/11/25

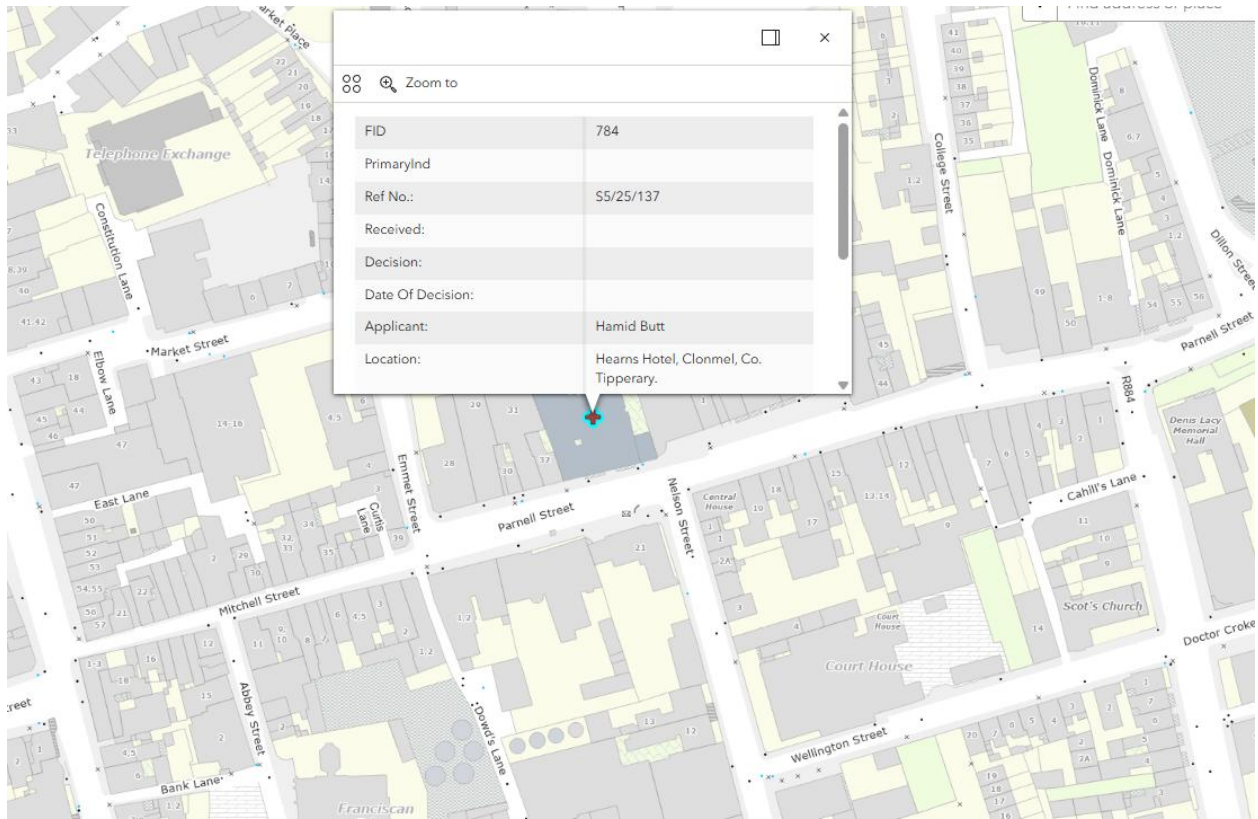
Signed:



Senior Executive Planner

Date: 12.11.2025

Figure 2 Site entered on Planning register



Appendix 1

HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT

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

(a) File Reference No:	S5/25/137
(b) Brief description of the project or plan:	Whether the continued use of Hearn's Hotel, to provide residential accommodation for International Protection Applicants, is or is not development and if so is it exempted development
(c) Brief description of site characteristics:	Hearn's Hotel, Clonmel, Co. Tipperary
(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW	No prescribed bodies consulted
(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
Lower River Suir SAC 002137	https://www.npws.ie/protected-sites/sac/002137	c.167 metres	Surface water collected and discharged to public drain Wastewater from the site passes	Yes See step 3

			through Clonmel WWTP which also discharges to the River Suir SAC	
Nier Valley SAC 000668	https://www.npws.ie/protected-sites/sac/000668	Within 15 kms	No due to distance and the lack of any relevant ex-situ factors of significance to these species.	No
Comeragh Mountains SAC 01952	https://www.npws.ie/protected-sites/sac/001952	Within 15kms	No due to distance and the lack of any relevant ex-situ factors of significance to these species.	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 	No impacts

<ul style="list-style-type: none"> • 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 	
<p>Operational phase e.g.</p> <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 impacts
In-combination/Other	No impacts
(b)Describe any likely changes to the European site:	
<p>Examples of the type of changes to give consideration to include:</p> <ul style="list-style-type: none"> • Reduction or fragmentation of habitat area • Disturbance to QI species • Habitat or species fragmentation 	<p>None.</p> <p>The application site is not located within a European site, therefore there is no risk of habitat loss or fragmentation or any effects on QI species directly or ex-situ.</p>

<ul style="list-style-type: none"> • 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 	<p>The existing WWTP is operating within the terms of its license.</p> <p>Surface water is managed through the existing urban drainage systems.</p>				
<p>(c) Are 'mitigation' measures necessary to reach a conclusion that likely significant effects can be ruled out at screening?</p>					
<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>					
<p>STEP 4. Screening Determination Statement</p>					
<p>The assessment of significance of effects:</p> <p>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.</p>					
<p>On the basis of the information on file, which is considered adequate to undertake a screening determination and having regard to:</p> <p>the nature and scale of the development,</p> <p>it is concluded that the development, individually or in-combination with other plans or projects, would not be likely to have a significant effect on the above listed European sites or any other European site, in view of the said sites' conservation objectives.</p> <p>An appropriate assessment is not, therefore, required.</p>					
<p>Conclusion:</p>					
	<table border="1"> <tr> <th data-bbox="574 1671 777 1829">Tick as Appropriate:</th> <th data-bbox="777 1671 1446 1829">Recommendation:</th> </tr> <tr> <td data-bbox="574 1829 777 1921">(i) It is clear that there is</td> <td data-bbox="777 1829 1446 1921">The proposal can be screened out: Appropriate</td> </tr> </table>	Tick as Appropriate:	Recommendation:	(i) It is clear that there is	The proposal can be screened out: Appropriate
Tick as Appropriate:	Recommendation:				
(i) It is clear that there is	The proposal can be screened out: Appropriate				

no likelihood of significant effects on a European site.		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:	Paul Killeen	Date:	10/11/25

EIA Pre-Screening	
Establishing if the proposal is a 'sub-threshold development':	
Planning Register Reference:	S5/25/137
Development Summary:	Whether the continued use of Hearn's Hotel, to provide residential accommodation for International Protection Applicants, is or is not development and if so is it exempted development
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 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
Yes the project is of a type listed but is sub-threshold : 10(b)(iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a	Proceed to Part C

built-up area and 20 hectares elsewhere.	
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 <input checked="" type="checkbox"/> No, Schedule 7A information/screening report has not been submitted by the applicant	Screening Determination required Preliminary Examination required

EIA PRELIMINARY EXAMINATION: The Planning Authority shall carry out a preliminary examination of, at the least, the nature, size or location of the development.		
	Comment:	Yes/No/ Uncertain:
Nature of the development: <i>Is the nature of the proposed development exceptional in the context of the existing environment?</i> <i>Will the development result in the production of any significant waste, or result in significant emissions or pollutants?</i>		No.
Size of the development: <i>Is the size of the proposed development exceptional in the context of the existing environment?</i> <i>Are there cumulative considerations having regard to other existing and/or permitted projects?</i>		No.
Location: <i>Is the proposed development located on, in, adjoining or does it have the potential to impact on an ecologically sensitive site or location?</i> <i>Does the proposed development have the potential to affect other significant environmental sensitivities in the area?</i>		No.
Preliminary Examination Conclusion:		

Based on a preliminary examination of the nature, size or location of the development.
(Tick as appropriate)

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<p>There is no real likelihood of significant effects on the environment.</p> <p>EIA is not required.</p>	<p>There is real likelihood of significant effects on the environment.</p> <p>An EIAR is required.</p>	<p>There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</p> <p>Request the applicant to submit the Information specified in Schedule 7A for the purposes of a screening determination.</p> <p>Proceed to Screening Determination.</p>	
<p>Signature and Date of Recommending Officer:</p>		<p>Paul Killeen</p>	<p>Date: 10/11/25</p>



Date: 13th November, 2025

Our Ref: S5/25/137

Civic Offices, Nenagh

**Hamid Butt
C/O Pat Carey,
PMCG Consulting Engineers
77 Main Street
Macroom
Co. Cork**

Re: Application for a Section 5 Declaration – Whether the continued use of Hearn's Hotel, to provide residential accommodation for International Protection Applicants, is or is not development and if so is it exempted development at Hearn's Hotel, Clonmel, Co. Tipperary

Dear Sir,

I refer to an application received from you on 21st October, 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 Planning Authority notes that the subject structure is a Protected Structure as identified in the Tipperary County Development Plan 2022. It is noted that a Section 57 Declaration has not issued in respect of the subject site. Furthermore it is unclear if works are necessary in order to facilitate the proposed material change of use.

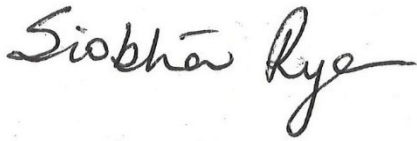
In order to address this concern the applicant is requested to;

- Clarity the number of guests which the pre-existing hotel would have accommodated,

- Clarify the number of international protection applicants which the IPAS centre is to accommodate,
- Submit floor plans clearly showing the areas of the structure to be used for the IPAS centre and the numbers of residents to be accommodated in the various rooms,
- Clearly set out any works required to facilitate the material change of use

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

Yours sincerely

A handwritten signature in black ink, reading "Siobhán Rye". The signature is written in a cursive style with a long, sweeping tail on the letter 'y'.

for **Director of Services**

Our Ref: PC/2469

25th November 2025

RE: Hearn's Hotel, Bianconi House, 33-36 Parnell Street Clonmel, Co. Tipperary **Ref S5/25/137**

Dear Sir/Madam

Further to your correspondence dated 13th November, we would like to reply as follows.

1. "Clarify the number of guests which the preexisting hotel would have accommodated".

Based on the drawings we previously submitted there are 25 bedrooms in the hotel, and it can be assumed that each bedroom was sized to accommodate 2 adults and a child at minimum, therefore the total guest occupancy in the hotel would be 50 adults and 25 children.

2. "Clarify the number of international protection applicants which the IPAS centre is to accommodate".

There are currently 30 adults and 28 children accommodated with the centre, based on the floor area requirement per person of 4.65m² the maximum occupancy will be 75.

3. "Submit floor Plans clearly showing the areas of the structure to be used for the IPAS centre and the numbers of residents to be accommodated in the various rooms"

The attached drawings clarify the areas to be used for the IPAS Centre. (shaded yellow) the other rooms/areas within the centre are unoccupied and not used as part of the IPAS Centre.

- 2426 – P02-Rev B Existing Ground Floor Plan
- 2426 – P03 – Rev B Existing First Floor Plan
- 2426- P04 -Rev B Existing Second Floor Plan

First Floor

Room No.	Maximum No. Of occupants
100	3
101	3
102	3
103	3
104	3
105	3
106	3
107	3
108	3
109	3
110	3
111	3
112	3
113	3
114	3
115	3
116	3
117	3
118	3
200	3
201	3
Second Floor	
202	3
203	3
204	3
207	3
Total	
25	75

4. “Clearly set out any works required to facilitate the material change of use”

There are no works required to facilitate the change of use.

Trusting that this is the information that you require.

Yours Sincerely

Pat Carey

Director PMCG Engineers


BEng, CEng, MIEI

NOTES

IPAS occupied Areas

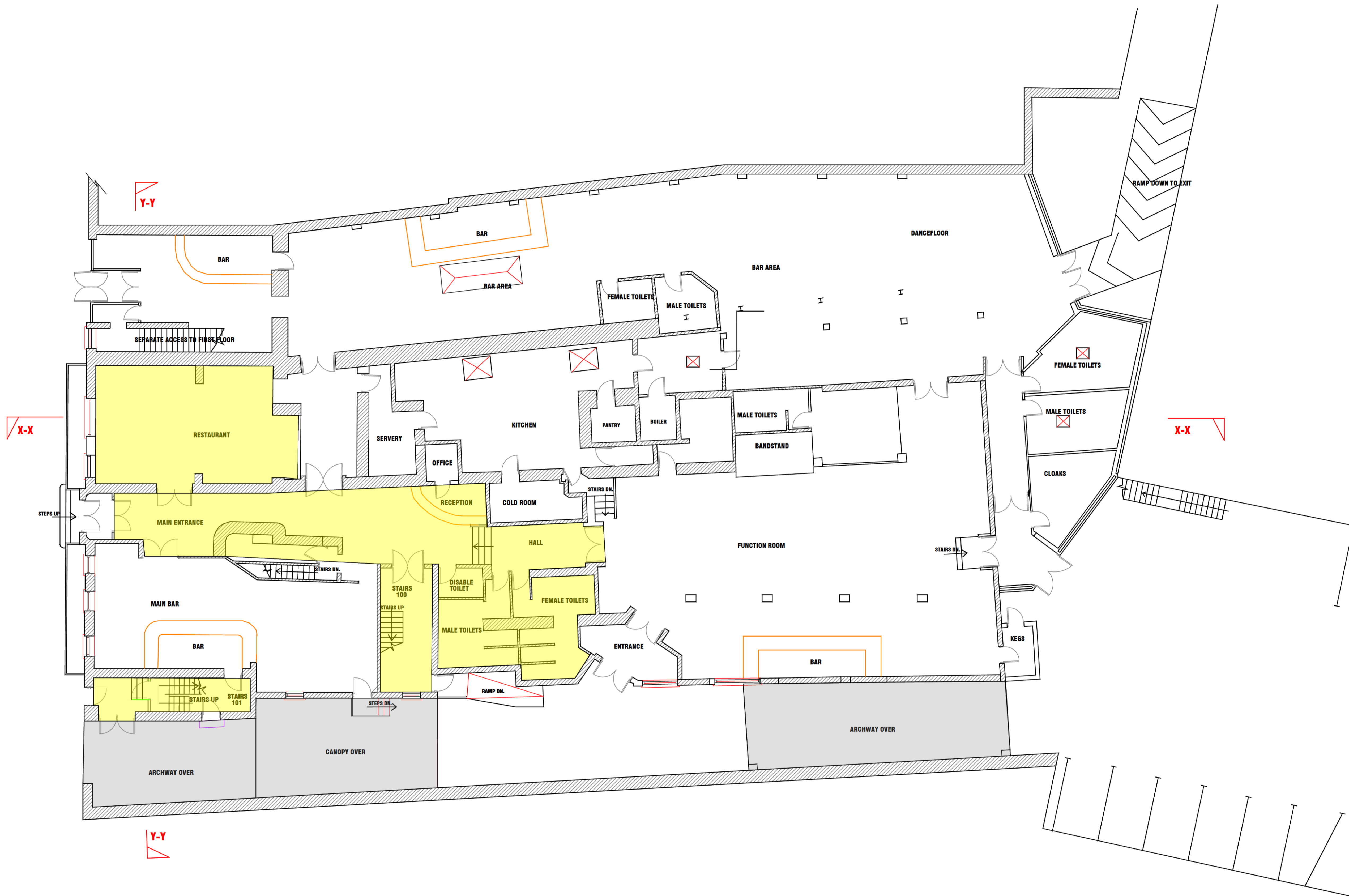


EXISTING FIRST FLOOR PLAN
SCALE 1:100


A	For SECTION 5	PC	25.11.25
A	For SECTION 5	PC	18.10.25
Rev.	Description	By	Date
The copyright of this drawing is vested in the Engineers and it must not be copied or reproduced without their written consent. Figured dimensions only should be taken from this drawing. All Contractors must visit the site and must be responsible for taking and checking all dimensions that relate to this work.			
			
77 Main Street Macroom, Co. Cork		026 24123 pat@pmcgork.ie	
Client			
HAMID BUTT			
Project			
HEARNS HOTEL, CLONMEL			
Drawing			
EXISTING FIRST FLOOR PLAN			
Scale	Drawn By	Checked By	
SHOWN @ A1	SP	PC	
Job No.	Drawing No.	Issue	
2469	P03	B	

NOTES

IPAS occupied Areas

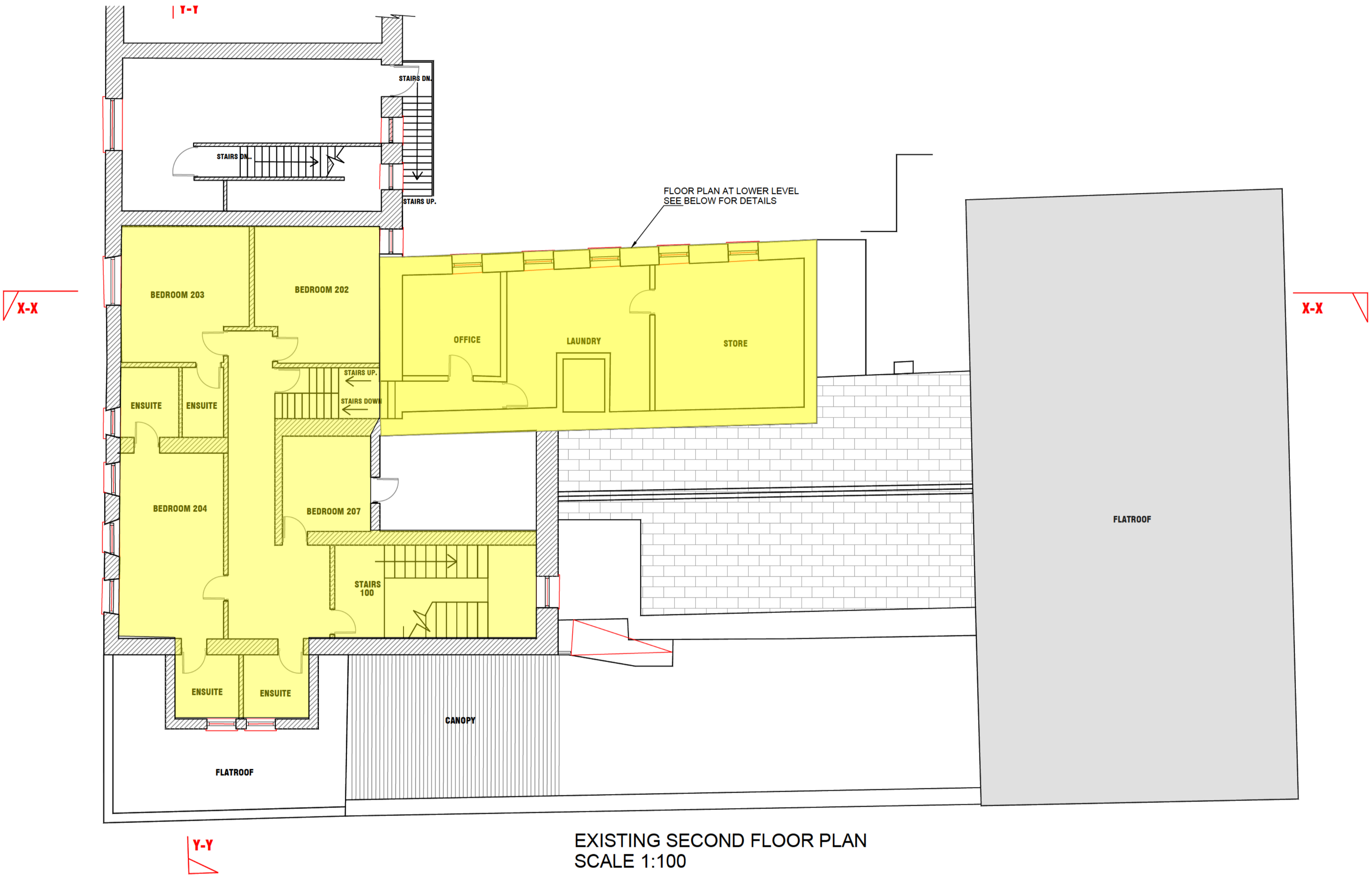


EXISTING GROUND FLOOR PLAN
SCALE 1:100

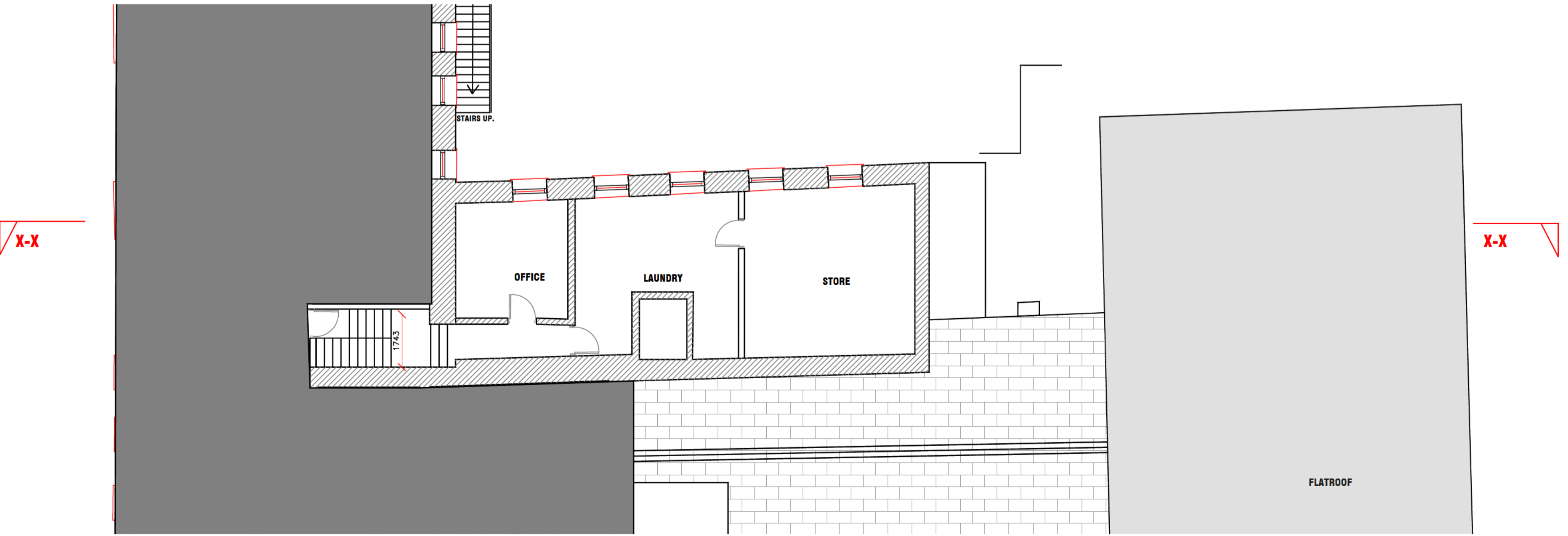
A	For Section 5	PC	25.11.25
A	For Section 5	PC	18.10.25
Rev.	Description	By	Date
The copyright of this drawing is vested in the Engineers and it must not be copied or reproduced without their written consent. Figured dimensions only should be taken from this drawing. All Contractors must visit the site and must be responsible for taking and checking all dimensions that relate to this work.			
			
77 Main Street Macroom, Co. Cork		026 24123 pat@pmcgork.ie	
Client HAMID BUTT			
Project HEARNS HOTEL, CLONMEL			
Drawing EXISTING GROUND FLOOR PLAN			
Scale SHOWN @ A1	Drawn By SP	Checked By PC	
Job No. 2469	Drawing No. P02	Issue B	

NOTES


IPAS occupied Areas



EXISTING SECOND FLOOR PLAN
SCALE 1:100



EXISTING FLOOR PLAN FOR THE FLOOR BETWEEN THE FLOORS
SCALE 1:100

B	For SECTION 5	PC	25.11.25
A	For SECTION 5	PC	18.10.25
Rev.	Description	By	Date
The copyright of this drawing is vested in the Engineers and it must not be copied or reproduced without their written consent. Figured dimensions only should be taken from this drawing. All Contractors must visit the site and must be responsible for taking and checking all dimensions that relate to this work.			
			
77 Main Street Macroom, Co. Cork		026 24123 pat@pmcgork.ie	
Client HAMID BUTT			
Project HEARNS HOTEL, CLONMEL			
Drawing EXISTING SECOND FLOOR PLAN			
Scale SHOWN @ A1	Drawn By SP	Checked By PC	
Job No. 2469	Drawing No. P04	Issue B	



Comhairle Contae Thiobraid Árann
Tipperary County Council

Comhairle Contae
Thiobraid Árann,
Oifigí Cathartha,
Cluain Meala,
Co. Thiobraid Árann
Tipperary County Council,
Civic Offices, Clonmel,
Co. Tipperary
E91 N512

Comhairle Contae
Thiobraid Árann,
Oifigí Cathartha,
An tAonach,
Co. Thiobraid Árann
Tipperary County Council,
Civic Offices, Nenagh,
Co. Tipperary
E45 A099

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

Date: 25th November 2025 Our Ref: S5/25/137 Civic Offices, Nenagh

Hamid Butt
C/O Pat Carey
PMCG Consulting Engineers
77 Main Street
Macroon
Co. Cork

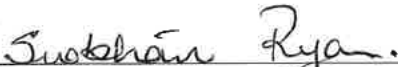
Re: Application for a Section 5 Declaration – Whether the continued use of Hearn's Hotel, to provide residential accommodation for International Protection Applicants, is or is not development and if so is it exempted development at Hearn's Hotel, Clonmel, Co. Tipperary

Dear Mr Carey

I acknowledge receipt of Further Information received on 25th November 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**



77 Main Street Macroom Co. Cork
Tel 026 24123

Our Ref: PC/2469

25th November 2025

RE: Hearn's Hotel, Bianconi House, 33-36 Parnell Street Clonmel, Co. Tipperary Ref S5/25/137

Dear Sir/Madam

Further to your correspondence dated 13th November, we would like to reply as follows.

1. ***"Clarify the number of guests which the preexisting hotel would have accommodated".***

Based on the drawings we previously submitted there are 24 bedrooms in the hotel, and it can be assumed that each bedroom was sized to accommodate 2 adults and a child at minimum, therefore the total guest occupancy in the hotel would be 48 adults and 24 children.

2. ***"Clarify the number of international protection applicants which the IPAS centre is to accommodate".***

There are currently 30 adults and 28 children accommodated with the centre, based on the floor area requirement per person of 4.65m² the maximum occupancy will be 72.

3. ***"Submit floor Plans clearly showing the areas of the structure to be used for the IPAS centre and the numbers of residents to be accommodated in the various rooms"***

The attached drawings clarify the areas to be used for the IPAS Centre. (shaded yellow) the other rooms/areas within the centre are unoccupied and not used as part of the IPAS Centre.

- 2426 - P02-Rev B Existing Ground Floor Plan
- 2426 - P03 - Rev B Existing First Floor Plan
- 2426- P04 -Rev B Existing Second Floor Plan





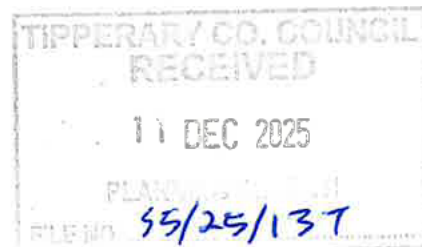
77 Main Street Macroom Co. Cork
Tel 026 24123

First Floor

Room No.	Maximum No. Of occupants
100	3
101	3
102	3
103	3
104	3
105	3
106	3
107	3
108	3
109	3
110	3
111	3
112	3
114	3
115	3
116	3
117	3
118	3
200	3
201	3
Second Floor	
202	3
203	3
204	3
207	3
Total	
24	72

4. "Clearly set out any works required to facilitate the material change of use"

There are no works required to facilitate the change of use.





77 Main Street Macroom Co. Cork
Tel 026 24123

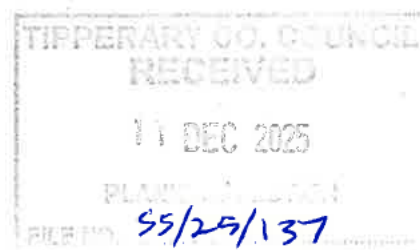
Trusting that this is the information that you require.

Yours Sincerely

Pat Carey

Director PMCG Engineers

BEng, CEng, MIEI



Fw: [External] 2469 Hearn's Hotel, Updated Schedule of Accommodation

 1 attachment (568 KB)

revised schedule of accommodation 11.12.2025.pdf;

For scanning to Section 5 25/137 pls

Subject: [External] 2469 Hearn's Hotel, Updated Schedule of Accommodation

You don't often get email from megan@pmcgco.ie. [Learn why this is important](#)

CAUTION FROM TIPPERARY COUNTY COUNCIL IT SECTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Caroline,

Thanks for your earlier call. Please see attached updated Schedule of Accommodation.

Let me know if there is anything else you require.

Kind Regards,

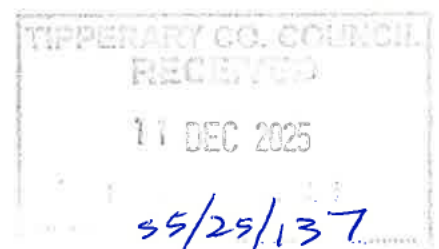
Megan O'Flynn
BSc. Arch Tech



PMCG Consulting Engineers & Project Management.

P: 026 24123

A: 77 Main Street, Macroom, Co. Cork



TIPPERARY COUNTY COUNCIL

Application for Declaration under Section 5

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

Planning Ref.: S5/25/137

Applicant: Hamid Butt

Development Address: Hearn's Hotel, Clonmel, Co. Tipperary.

Proposed Development: Whether the continued use of Hearn's Hotel, to provide residential accommodation for International Protection Applicants, is or is not development and if so is it exempted development.

1. GENERAL

On the 21st of October 2025, a request was made for a declaration under Section 5 of the Planning and Development Act, 2000 as amended as to whether the following is "exempted development";

- the continued use of Hearn's Hotel, to provide residential accommodation for International Protection Applicants.

2. STATUTORY PROVISION

The following statutory provisions are relevant to this referral case;

Planning and Development Act 2000, as amended

Section 2(1)

'development' has the meaning assigned to it by Section 3.

"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)

"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(2) of the Act provides that the Minister may, by regulations, provide for any class of development to be exempted development. The main regulations made under this provision are the Planning and Development Regulations 2001, as amended.

Section 57 (Works affecting character of protected structures or proposed protected structures) is not considered relevant as the Section 5 relates to a change of use only.

Planning and Development Regulations 2001, as amended

Article 5 defines a “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;

Article 6(1) of the aforementioned Regulations provide that ‘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 10 (1) Changes of Use

(1) Development which consists of a change of use within any one of the classes of use specified in Part 4 of Schedule 2, shall be exempted to development for the purposes of the Act, provided that the development, if carried out would not –

- (a) involve the carrying out of any works other than works which are exempted development,
- (b) contravene a condition attached to a permission under the act,
- (c) be inconsistent with any use specified or included in such a permission, or
- (d) be a development where the existing use is an unauthorized use, save where such change of use consists of the resumption of a use which is not unauthorized and which has not been abandoned.

Part 1 of Schedule 2 of the Regulations set out the classes of exempted development, including ‘Class 14’ allowing for ‘development consisting of a change of use’: -

‘(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,

(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

Class 20F of the same Part exempts the following:

Temporary use by or on behalf of the Minister for Children, Equality, Disability, Integration and Youth to accommodate or support persons seeking international protection of any structure or part of a structure used as a school, college, university, training centre, social centre, community centre, non-residential club, art gallery, museum, library, reading room, sports club or stadium, gymnasium, hotel, convention centre, conference centre, shop, office, Defence Forces barracks, light industrial building, airport operational building, wholesale warehouse or repository, local authority administrative office, play centre, medical and other health and social care accommodation, event and exhibition space or any structure or part of structure normally used for public worship or religious instruction.

This is subject to the following conditions and limitations

1. The temporary use shall only be for the purposes of accommodating displaced persons or for the purposes of accommodating persons seeking international protection.
2. Subject to paragraph 4 of this class, the use for the purposes of accommodating displaced persons shall be discontinued when the temporary protection introduced by the Council Implementing Decision (EU) 2022/382 of 4 March 2022¹ comes to an end in accordance with Article 6 of the Council Directive 2001/55/EC of 20 July 2001².
3. The use for the purposes of accommodating persons seeking international protection shall be discontinued not later than 31 December 2028.
4. Where the obligation to provide temporary protection is discontinued in accordance with paragraph 2 of this class, on a date that is earlier than 31 December 2028, the temporary use of any structure which has been used for the accommodation of displaced persons shall continue for the purposes of accommodating persons seeking international protection in accordance with paragraph 3 of this class.
5. The relevant local authority must be notified of locations where change of use is taking place prior the commencement of development.
6. 'displaced persons', for the purpose of this class, means persons to whom temporary protection applies in accordance with Article 2 of Council Implementing Decision (EU) 2022/382 of 4 March 2022.
7. 'international protection', for the purpose of this class, has the meaning given to it in section 2(1) of the International Protection Act 2015 (No. 66 of 2015).
8. 'temporary protection', for the purpose of this class, has the meaning given to it in Article 2 of Council Directive 2001/55/EC of 20 July 2001.

Part 4 of Schedule 2

"Exempted Development – Classes of Use"

Class 6 – Use as a residential club, guest house or a hostel (other than a hostel where care is provided).

Class 9(a) – Use for the provision of residential accommodation and care to people in need of care (but not the use of a house for that purpose).

Article 9 (1) (a) of the Planning and Development Regulations 2001, as amended sets out the instances where development, to which Article 6 relates, shall not be exempted development for the purposes of the Act.

Article 10 legislates for a change of use and article 10(1) states the following:

"Development which consists of a change of use within any one of the classes of use specified in Part 4 of Schedule 2, shall be exempted development for the purposes of the Act, provided that the development, if carried out would not-

- (a) involve the carrying out of any works other than works which are exempted development,
- (b) contravene a condition attached to a permission under the Act,
- (c) be inconsistent with any use specified or included in such a permission, or

(d) be a development where the existing use is an unauthorised use, save where such change of use consists of the resumption of a use which is not unauthorised and which has not been abandoned.”

A hotel is not listed under any class set out under Part 4.

3. ASSESSMENT

a. Site Location

The site comprises a terraced five-bay three-storey hotel with half-basement, with carriage entrance to east end, decorative wrought-iron balcony to first floor of front elevation, and having recent extensions to rear. The structure is listed on the Record of Protected Structures (TRPS2156) and is included on the National Inventory of Architectural Heritage (Ref 22117046). The site is located in the designated urban core of Clonmel and is within a Zone of Archaeological Potential.

b. Relevant Planning History

On site

PA5199 extension to function room - granted

PA6799 change of use from office, shop and store to bar/nightclub facilities to form an extension to hotel. including alterations to elevations and construction of first floor toilets and appropriate signage - granted

05/550060 For retention of the shopfront and associated signage (No. 31 Parnell Street is a protected structure) - granted.

05/550066 For the retention and alterations to the beer garden at the rear – granted

Adjacent

PA6601 alterations to existing shop – front - granted

PA14098 additional storage at rear of existing premises, 8 apartments and change of shop frontage - Withdrawn

16/600913 (a) change of use from Betting Shop to Café/Restaurant (b) amalgamation of two existing units into a single Café/Restaurant unit (c) installation of mechanical extract ductwork to rear (d) alterations to south elevation including signage and canopies - granted

22/60425 (i) existing awning to front of existing building (ii) the use under the awning as a seating area for use by the associated café and all associated site works - granted

TUD-24-025 Unauthorised windows – current file. Enforcement Notice issued. Same has been part complied with.

[illegible]

A) “Is or is not Development”

B) "Is or is not Exempted Development"

As set out above, it is a condition of this exemption that the relevant local authority be notified of locations where change of use is taking place prior the commencement of development.

The Local Authority was advised by way of a Briefing Note from the Department of Children, Equality, Integration and Youth on the 24th June 2024 that 87 beds were to be provided in 31 rooms in Hearn's Hotel. The accommodation was for couples and families. The contract was signed for a period of 1 year at that time.

The current application does not include any evidence that the proposal is for temporary use by or on behalf of the Minister for Children, Equality, Disability, Integration and Youth. Therefore Class 14(h) is the relevant exemption.

The current application does not specify the number of residents to be accommodated and the number of bedrooms to be used for accommodating persons seeking international protection. It is therefore unclear what works, if any, are required to accommodate the proposed material change of use. This information is necessary in order to ascertain any arising impact on the Protected Structure. Additional details will be requested by way of Further Information.

It is noted that a Section 57 Declaration has not issued in respect of the subject site. Same may be required in the event that works are necessary to facilitate the proposed material change of use.

C) Restrictions under Article 9

The restrictions on exempted development as set out under Article 9 are noted.

The previous applications on site are noted. The proposal does not contravene a condition associated with these permissions.

The subject site lies outside of the designated Architectural Conservation Area.

The subject site lies within a designated Zone of Archaeological Potential. Having regard to the nature of the proposal, which relates to the change of use of the building only, the proposal does not comprise of the excavation, alteration or demolition (other than peat extraction) of places, caves, sites, features or other objects of archaeological interest.

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

Screening

The site comprises of a former hotel in the centre of Clonmel, Co. Tipperary. The surrounding area is urban in context.

There are three European sites within 15kms of the site, Lower River Suir, Nier Valley Woodlands SAC and Comeragh Mountains SAC.

Given the separation distance, the Planning Authority considers that there will be no impact from the works proposed on either the Nier Valley or the Comeragh Mountains SAC's

The site is located in Flood Zone A. This part of the town is defended. Given the separation distance to the Lower River Suir (166 ms), it is reasonable to determine that, having regard to the nature of the proposal, which relates only to the change of use of the building and not to any specific works, the proposal would not 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.

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 attached.

4. FURTHER INFORMATION

The following further information was requested on the 13th of November 2025.

1. The Planning Authority notes that the subject structure is a Protected Structure as identified in the Tipperary County Development Plan 2022. It is noted that a Section 57 Declaration has not issued in respect of the subject site. Furthermore it is unclear if works are necessary in order to facilitate the proposed material change of use.

In order to address this concern the applicant is requested to;

- Clarity the number of guests which the pre-existing hotel would have accommodated,
- Clarity the number of international protection applicants which the IPAS centre is to accommodate,
- Submit floor plans clearly showing the areas of the structure to be used for the IPAS centre and the numbers of residents to be accommodated in the various rooms,
- Clearly set out any works required to facilitate the material change of use.

The applicant replied on the 25th of November 2025.

APPRAISAL **POINT 1**

The applicant has stated that there are 25 bedrooms in the hotel with each room having the potential to accommodate two adults and one child (75). The Further Information Response submitted by the applicant included for bedroom no 113 in the submitted table but there is no bedroom 113 on the floor plan and there are only 24 bedrooms in the hotel with a resulting maximum capacity of the hotel at 72. The applicant submitted unsolicited Further Information on the 11 December 2025 confirming that the occupancy of the IPAS centre will not exceed 72 persons.

There are currently 30 adults and 28 children accommodated on site, which is below the maximum capacity of the site as a hotel. As set out above the occupancy of the IPAS centre will not exceed the maximum capacity of the pre-existing hotel.

The applicant has submitted floor plans indicating the extent of the hotel set aside for use as an IPAS centre.

No works are required to facilitate the continued use of the hotel as an IPAS centre.

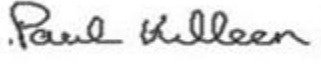
5. RECOMMENDATION

A question has arisen as to whether the continued use of Hearn's Hotel, in Clonmel, Co. Tipperary to provide residential accommodation for International Protection Applicants, is or is not development and if so is it exempted development.

In considering this declaration, the Planning Authority had regard to:

- (a) Sections 2, 3 & 4 of the Planning and Development Act 2000 (as amended)
- (b) Articles 5, 6, 9, and 10 of the Planning and Development Regulations, 2001, as amended;
- (c) Class 14 (h) of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended;
- (d) the planning history of the site,
- (e) the submissions of the referrer and
- (f) the details submitted by way of Further information on the 25th of November and 11th December 2025.

Having considered the information presented, the Planning Authority has determined that the proposal constitutes a material change of use and is development and is considered “exempted development” as provided for under Class 14(h) of Schedule 2 Part 1 of the Planning and Development Regulations 2001 (as amended).

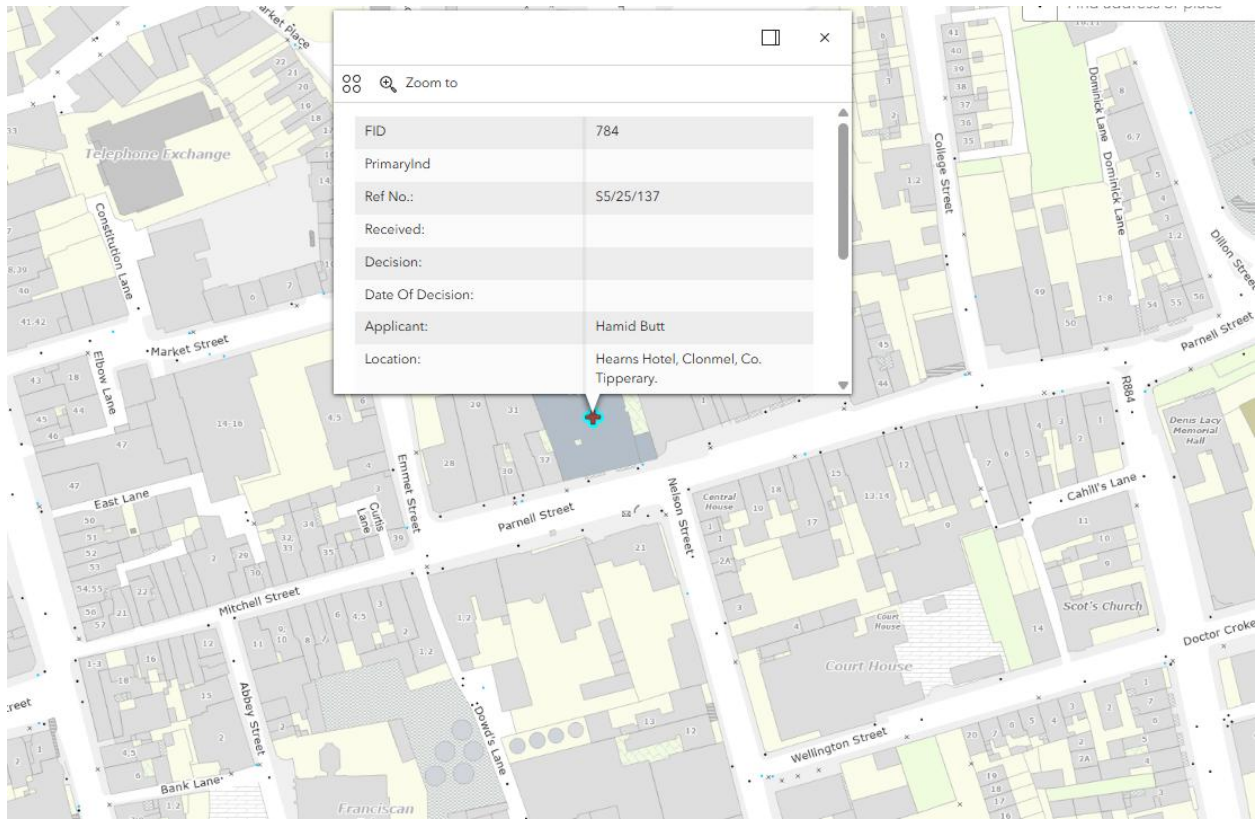
Signed: 
District planner

Date: 08/12/25


Signed: Senior Executive Planner

Date: 11.12.2025

Figure 2 Site entered on Planning register



Appendix 1

HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT

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

(a) File Reference No:	S5/25/137
(b) Brief description of the project or plan:	Whether the continued use of Hearn's Hotel, to provide residential accommodation for International Protection Applicants, is or is not development and if so is it exempted development
(c) Brief description of site characteristics:	Hearn's Hotel, Clonmel, Co. Tipperary
(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW	No prescribed bodies consulted
(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
Lower River Suir SAC 002137	https://www.npws.ie/protected-sites/sac/002137	c.167 metres	Surface water collected and discharged to public drain Wastewater from the site passes	Yes See step 3

			through Clonmel WWTP which also discharges to the River Suir SAC	
Nier Valley SAC 000668	https://www.npws.ie/protected-sites/sac/000668	Within 15 kms	No due to distance and the lack of any relevant ex-situ factors of significance to these species.	No
Comeragh Mountains SAC 01952	https://www.npws.ie/protected-sites/sac/001952	Within 15kms	No due to distance and the lack of any relevant ex-situ factors of significance to these species.	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 	No impacts

<ul style="list-style-type: none"> • 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 	
<p>Operational phase e.g.</p> <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 impacts
In-combination/Other	No impacts
(b)Describe any likely changes to the European site:	
<p>Examples of the type of changes to give consideration to include:</p> <ul style="list-style-type: none"> • Reduction or fragmentation of habitat area • Disturbance to QI species • Habitat or species fragmentation 	<p>None.</p> <p>The application site is not located within a European site, therefore there is no risk of habitat loss or fragmentation or any effects on QI species directly or ex-situ.</p>

- 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 existing WWTP is operating within the terms of its license.

Surface water is managed through the existing urban drainage systems.

(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.

On the basis of the information on file, which is considered adequate to undertake a screening determination and having regard to:

the nature and scale of the development,

it is concluded that the development, individually or in-combination with other plans or projects, would not be likely to have a significant effect on the above listed European sites or any other European site, in view of the said sites' conservation objectives.

An appropriate assessment is not, therefore, required.

Conclusion:

	Tick as Appropriate:	Recommendation:
(i) It is clear that there is	✓	The proposal can be screened out: Appropriate

no likelihood of significant effects on a European site.		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:	Paul Killeen	Date:	10/11/25

EIA Pre-Screening	
Establishing if the proposal is a 'sub-threshold development':	
Planning Register Reference:	S5/25/137
Development Summary:	Whether the continued use of Hearn's Hotel, to provide residential accommodation for International Protection Applicants, is or is not development and if so is it exempted development
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 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
Yes the project is of a type listed but is sub-threshold : 10(b)(iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a	Proceed to Part C

built-up area and 20 hectares elsewhere.	
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 <input checked="" type="checkbox"/> No, Schedule 7A information/screening report has not been submitted by the applicant	Screening Determination required Preliminary Examination required

EIA PRELIMINARY EXAMINATION: The Planning Authority shall carry out a preliminary examination of, at the least, the nature, size or location of the development.		
	Comment:	Yes/No/ Uncertain:
Nature of the development: <i>Is the nature of the proposed development exceptional in the context of the existing environment?</i> <i>Will the development result in the production of any significant waste, or result in significant emissions or pollutants?</i>		No.
Size of the development: <i>Is the size of the proposed development exceptional in the context of the existing environment?</i> <i>Are there cumulative considerations having regard to other existing and/or permitted projects?</i>		No.
Location: <i>Is the proposed development located on, in, adjoining or does it have the potential to impact on an ecologically sensitive site or location?</i> <i>Does the proposed development have the potential to affect other significant environmental sensitivities in the area?</i>		No.
Preliminary Examination Conclusion:		

Based on a preliminary examination of the nature, size or location of the development.
(Tick as appropriate)

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<p>There is no real likelihood of significant effects on the environment.</p> <p>EIA is not required.</p>	<p>There is real likelihood of significant effects on the environment.</p> <p>An EIAR is required.</p>	<p>There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</p> <p>Request the applicant to submit the Information specified in Schedule 7A for the purposes of a screening determination.</p> <p>Proceed to Screening Determination.</p>	
<p>Signature and Date of Recommending Officer:</p>		<p>Paul Killeen</p>	<p>Date: 10/11/25</p>



Comhairle Contae Thiobraid Árann
Tipperary County Council

Comhairle Contae
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Cluain Meala,
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Date: 15th December, 2025

Our Ref: S5/25/137

Civic Offices, Nenagh

Hamid Butt
C/O Pat Carey,
PMCG Consulting Engineers
77 Main Street
Macroom
Co. Cork

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

Dear Pat,

I refer to your application for a Section 5 Declaration received on 21st October, 2025, and Further Information received on 25th November, 2025 and 11th December, 2025 in relation to the following proposed works:

Whether the continued use of Hearn's Hotel, to provide residential accommodation for International Protection Applicants, is or is not development and if so is it exempted development at Hearn's Hotel, Clonmel, Co. Tipperary

WHEREAS a question has arisen as to whether the proposed development is or is not exempted development:

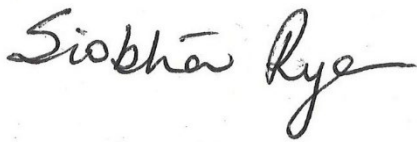
AND WHEREAS Tipperary County Council, in considering this referral, had regard particularly to –

- (a) Sections 2, 3 & 4 of the Planning and Development Act 2000 (as amended)
- (b) Articles 5, 6, 9, and 10 of the Planning and Development Regulations, 2001, as amended;
- (c) Class 14 (h) of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended;
- (d) the planning history of the site,
- (e) the submissions of the referrer and
- (f) the details submitted by way of Further information on the 25th of November and 11th December 2025.

Having considered the information presented, the Planning Authority has determined that the proposal constitutes a material change of use and is development and is considered "**exempted development**" as provided for under Class 14(h) of Schedule 2 Part 1 of the Planning and Development Regulations 2001 (as amended).

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 sincerely

A handwritten signature in black ink, reading "Siobhán Rye". The signature is written in a cursive style with a long, sweeping tail on the letter 'y'.

for **Director of Services**

Original

TIPPERARY COUNTY COUNCIL

DELEGATED EMPLOYEE'S ORDER

File Ref: **S5/25/137**

Delegated Employee's Order No: _____

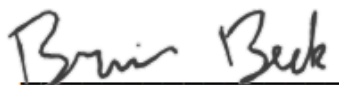
SUBJECT: Section 5 Declaration

I, Brian Beck, 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. 44188 dated 3rd October, 2025, hereby order that pursuant to the provisions of the Planning and Development Act 2000, as amended, that an application under Section 5 from Hamid Butt C/O Pat Carey, PMCG Consulting Engineers 77 Main Street, Macroom, Co. Cork, re: Whether the continued use of Hearn's Hotel, to provide residential accommodation for International Protection Applicants, is or is not development and if so is it exempted development at Hearn's Hotel, Clonmel, Co. Tipperary is development and is exempted development.

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

- (a) Sections 2, 3 & 4 of the Planning and Development Act 2000 (as amended)
- (b) Articles 5, 6, 9, and 10 of the Planning and Development Regulations, 2001, as amended;
- (c) Class 14 (h) of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended;
- (d) the planning history of the site,
- (e) the submissions of the referrer and
- (f) the details submitted by way of Further information on the 25th of November and 11th December 2025.

Having considered the information presented, the Planning Authority has determined that the proposal constitutes a material change of use and is development and is considered "**exempted development**" as provided for under Class 14(h) of Schedule 2 Part 1 of the Planning and Development Regulations 2001 (as amended).



Signed:

Brian Beck
Director of Services

Date: 15/12/2025