

Tipperary County Council  
Planning Section by email  
Received 09/12/2025  
File ref: S5/25/157



Bridge Street Centre  
Portlaoise, Ireland  
T: +353 57 8665400  
F: +353 57 8665444  
E: info@fingleton.ie  
W: www.fingleton.ie

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

**9<sup>th</sup> December 2025**

**Re: Installation of a 0.87m x 0.5m x 1.62m (LxWxH) above ground enclosure, to house a new natural gas District Regulating Installation (DRI) with a 3.0m vent stack and all ancillary services and associated site works to replace the existing above ground natural gas regulating unit at lands along Ballina Riverside Walk, Ballina, Co. Tipperary.**

To whom it may concern,

Please find enclosed a Section 5 application to install a 0.87m x 0.5m x 1.62m (LxWxH) above ground enclosure, to house a new natural gas District Regulating Installation (DRI) with a 3m vent stack and all ancillary services and associated site works to replace the existing above ground natural gas regulating unit at lands along Ballina Riverside Walk, Ballina, Co. Tipperary.

Fingleton White have been appointed by Gas Networks Ireland as design engineers for the upgrades of a number of natural gas pressure reduction stations around the country. We will be responsible for managing the planning application process on behalf of Gas Networks Ireland. All liaising with the local authority will be through Fingleton White.

The DRI is being upgraded in order to reduce the risk of gas leakage, flooding of the unit and to ensure the security of supply to the customers in the locality who are fed by this regulator. The purpose of the district regulating installation is to reduce the gas pressure from the mains pressure of 4bar to 65mbar for distribution to domestic properties.

Four drawings are included with the Section 5 application, these include:

- 2310-1135367-DG-0001 R0 Site Location Map
- 2310-1135367-DG-0002 R0 Site Layout
- 2310-1135367-DG-0003 R0 Site Elevations
- 2310-1135367-DG-0004 R0 DRI Enclosure and Vent Stack Plan and Elevations

We trust the enclosed documents provide adequate information for you to consider our application, but we shall willingly supply any supplementary information you may require.

If you may have any further queries, please do not hesitate to contact me.



Yours Sincerely,



**Rosa Mangue**

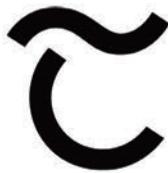
Address: Bridge Street Centre, Bridge Street, Portlaoise, Ireland

Reception: +353 578665400

Mobile:

Email:

Web: [www.fingleton.ie](http://www.fingleton.ie)



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

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

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

<i>Applicant</i>	<b>Gas Networks Ireland</b>
<i>Address</i>	<b>Gas Networks Ireland, PO Box 51, Gasworks Road, Cork, T12 RX96</b>
<i>Telephone No.</i>	<b>1800 464 464</b>
<i>E-mail</i>	<b>networksinfo@gasnetworks.ie</b>

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

<i>Agent</i>	<b>Fingleton White Ltd.</b>
<i>Address</i>	<b>Fingleton White, Bridge St Centre, Portlaoise, Co Laois, R32 W0CC</b>
<i>Telephone No.</i>	<b>D: +353 57 865400   M: +</b> [REDACTED]
<i>E-mail</i>	[REDACTED]
<i>Please advise where all correspondence in relation to this application is to be sent;</i>	
Applicant [ ]      Agent [X]	

**3. Location of Proposed Development:**

<i>Postal Address or Townland or Location (as may best identify the land or structure in question)</i>	<b>Lands along Ballina Riverside Walk, Ballina, Co. Tipperary</b>
--	---

#### 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.

<b>Installation of a 0.87m x 0.5m x 1.62m (LxWxH) above ground enclosure, to</b>
<b>house a new natural gas District Regulating Installation (DRI) with a 3.0m</b>
<b>vent stack and all ancillary services and associated site works to replace the</b>
<b>existing above ground natural gas regulating unit at lands along Ballina</b>
<b>Riverside Walk, Ballina, Co. Tipperary</b>
Proposed floor area of proposed works/uses: <b>16.5</b> 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	B. Occupier
	C. Other	<input checked="" type="checkbox"/> X
<i>Where legal interest is 'Other', please expand further on your interest in the land or structure</i>	<b>Consent request to proceed with gas upgrade works</b>	
<i>If you are not the legal owner, please state the name and address of the owner</i>	Name: <b>Tipperary County Council</b> Address: <b>Civic Offices, Clonmel   Civic Offices, Nenagh, Co. Tipperary</b>	

Signature of Applicant(s) \_\_\_\_\_

Date: **09/12/2025**

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

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

**This application form and relevant fee should be submitted to:**

<b>Planning Section, Tipperary County Council, Civic Offices, Limerick Road, Nenagh, Co. Tipperary</b>	<b>OR</b>	<b>Planning Section, Tipperary County Council, Civic Offices, Emmet Street, Clonmel, Co. Tipperary</b>
<b>Enquires:</b>		
<b>Telephone 0818 06 5000</b>		
<b>E-Mail <a href="mailto:planning@tipperarycoco.ie">planning@tipperarycoco.ie</a></b>		

<b>FOR OFFICE USE ONLY</b>	
<b>DATE STAMP</b>	
<b>Fee Recd. €80</b> _____	Tipperary County Council
Receipt No_198920_____	Planning Section by email
Date_09/12/2025_____	Received 09/12/2025
Receipted by _____	File ref: S5/25/157

NOTES .

2. ALL DIMENSIONS IN MILLIMETERS UNLESS OTHERWISE STATED.  
 3. DO NOT SCALE FROM THIS DRAWING.

LEGEND :	SITE BOUNDARY	EXISTING DRI LOCATION

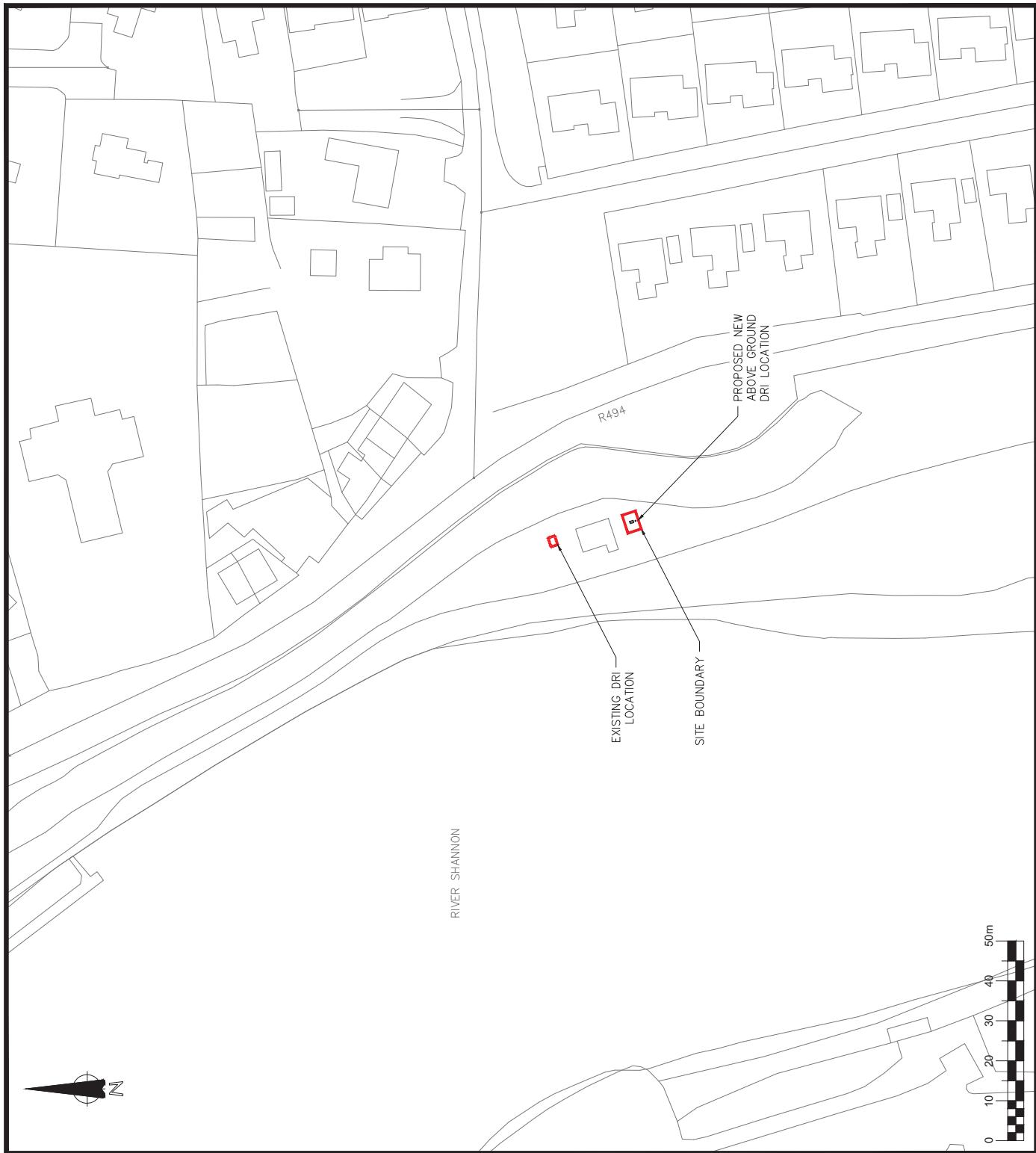
Site Area  
0.0016 ha

TALTE EIREANN  
IRISH TRANSVERSE MERCATOR  
(ITM) CO-ORDINATES:  
**E: 570614, N: 672931**  
O.S. MAP No: 4389-11

Tipperary County Council  
Planning Section by email  
Received 09/12/2025  
File ref: S525/1157

CYAL50415938  
© Tailte Éireann - Surveying

## SECTION 5 ISSUE



SITE LOCATION MAP : (1:1000)

Tipperary County Council  
Planning Section by email  
Received 09/12/2025  
File ref: S5/25/157

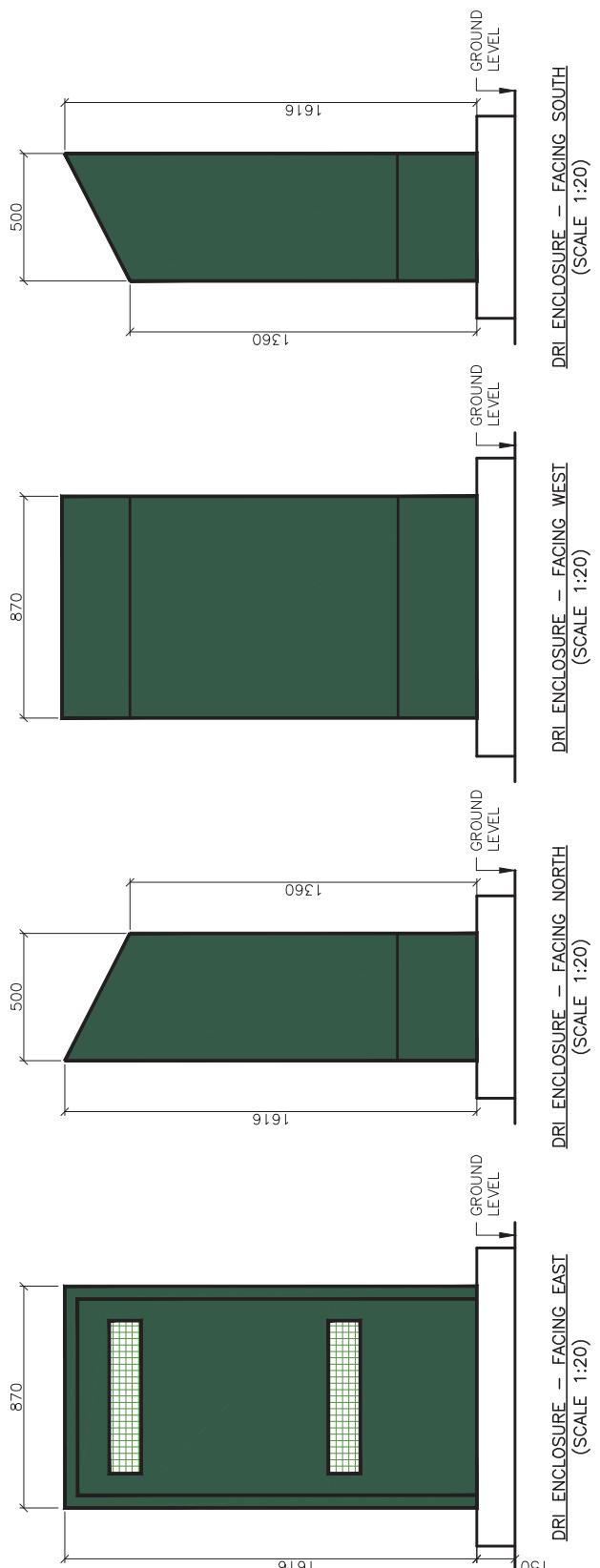
NOTES :  
1. THIS DRAWING IS FOR SECTION 5 ISSUE PURPOSES ONLY  
2. ALL DIMENSIONS IN MILLIMETERS UNLESS OTHERWISE STATED.  
3. DO NOT SCALE FROM THIS DRAWING.  
LEGEND :  
0.00 LEVELS (INDICATED THUS)

COLOUR REFERENCE: DRI & VENT STACK  
BS 4800: Holly Green 14 C 39  
(RAL 160 40 15)

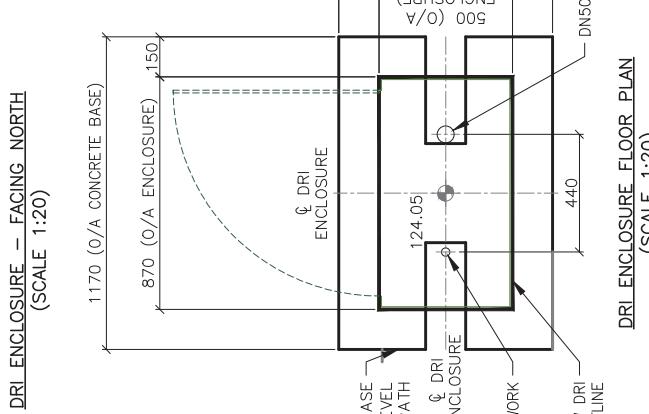
$\varnothing 200$

$\varnothing 80$

300g Min



DRI ENCLOSURE – FACING SOUTH (SCALE 1:20)



## SECTION 5 ISSUE

CONSULTANT		Fingleton		Drawing Office	
				E. O'Sullivan	
				D. O'Farrell	
				R. A. Mangue	
				G. Morey	
				A. O'Leary	
				B. O'Leary	
				C. O'Leary	
				D. O'Leary	
				E. O'Leary	
				F. O'Leary	
				G. O'Leary	
				H. O'Leary	
				I. O'Leary	
				J. O'Leary	
				K. O'Leary	
				L. O'Leary	
				M. O'Leary	
				N. O'Leary	
				O. O'Leary	
				P. O'Leary	
				Q. O'Leary	
				R. O'Leary	
				S. O'Leary	
				T. O'Leary	
				U. O'Leary	
				V. O'Leary	
				W. O'Leary	
				X. O'Leary	
				Y. O'Leary	
				Z. O'Leary	
				A. O'Leary	
				B. O'Leary	
				C. O'Leary	
				D. O'Leary	
				E. O'Leary	
				F. O'Leary	
				G. O'Leary	
				H. O'Leary	
				I. O'Leary	
				J. O'Leary	
				K. O'Leary	
				L. O'Leary	
				M. O'Leary	
				N. O'Leary	
				O. O'Leary	
				P. O'Leary	
				Q. O'Leary	
				R. O'Leary	
				S. O'Leary	
				T. O'Leary	
				U. O'Leary	
				V. O'Leary	
				W. O'Leary	
				X. O'Leary	
				Y. O'Leary	
				Z. O'Leary	
				A. O'Leary	
				B. O'Leary	
				C. O'Leary	
				D. O'Leary	
				E. O'Leary	
				F. O'Leary	
				G. O'Leary	
				H. O'Leary	
				I. O'Leary	
				J. O'Leary	
				K. O'Leary	
				L. O'Leary	
				M. O'Leary	
				N. O'Leary	
				O. O'Leary	
				P. O'Leary	
				Q. O'Leary	
				R. O'Leary	
				S. O'Leary	
				T. O'Leary	
				U. O'Leary	
				V. O'Leary	
				W. O'Leary	
				X. O'Leary	
				Y. O'Leary	
				Z. O'Leary	
				A. O'Leary	
				B. O'Leary	
				C. O'Leary	
				D. O'Leary	
				E. O'Leary	
				F. O'Leary	
				G. O'Leary	
				H. O'Leary	
				I. O'Leary	
				J. O'Leary	
				K. O'Leary	
				L. O'Leary	
				M. O'Leary	
				N. O'Leary	
				O. O'Leary	
				P. O'Leary	
				Q. O'Leary	
				R. O'Leary	
				S. O'Leary	
				T. O'Leary	
				U. O'Leary	
				V. O'Leary	
				W. O'Leary	
				X. O'Leary	
				Y. O'Leary	
				Z. O'Leary	
				A. O'Leary	
				B. O'Leary	
				C. O'Leary	
				D. O'Leary	
				E. O'Leary	
				F. O'Leary	
				G. O'Leary	
				H. O'Leary	
				I. O'Leary	
				J. O'Leary	
				K. O'Leary	
				L. O'Leary	
				M. O'Leary	
				N. O'Leary	
				O. O'Leary	
				P. O'Leary	
				Q. O'Leary	
				R. O'Leary	
				S. O'Leary	
				T. O'Leary	
				U. O'Leary	
				V. O'Leary	
				W. O'Leary	
				X. O'Leary	
				Y. O'Leary	
				Z. O'Leary	
				A. O'Leary	
				B. O'Leary	
				C. O'Leary	
				D. O'Leary	
				E. O'Leary	
				F. O'Leary	
				G. O'Leary	
				H. O'Leary	
				I. O'Leary	
				J. O'Leary	
				K. O'Leary	
				L. O'Leary	
				M. O'Leary	
				N. O'Leary	
				O. O'Leary	
				P. O'Leary	
				Q. O'Leary	
				R. O'Leary	
				S. O'Leary	
				T. O'Leary	
				U. O'Leary	
				V. O'Leary	
				W. O'Leary	
				X. O'Leary	
				Y. O'Leary	
				Z. O'Leary	
				A. O'Leary	
				B. O'Leary	
				C. O'Leary	
				D. O'Leary	
				E. O'Leary	
				F. O'Leary	
				G. O'Leary	
				H. O'Leary	
				I. O'Leary	
				J. O'Leary	
				K. O'Leary	
				L. O'Leary	
				M. O'Leary	
				N. O'Leary	
				O. O'Leary	
				P. O'Leary	
				Q. O'Leary	
				R. O'Leary	
				S. O'Leary	
				T. O'Leary	
				U. O'Leary	
				V. O'Leary	
				W. O'Leary	
				X. O'Leary	
				Y. O'Leary	
				Z. O'Leary	
				A. O'Leary	
				B. O'Leary	
				C. O'Leary	
				D. O'Leary	
				E. O'Leary	
				F. O'Leary	
				G. O'Leary	
				H. O'Leary	
				I. O'Leary	
				J. O'Leary	
				K. O'Leary	
				L. O'Leary	
				M. O'Leary	
				N. O'Leary	
				O. O'Leary	
				P. O'Leary	
				Q. O'Leary	
				R. O'Leary	
				S. O'Leary	
				T. O'Leary	
				U. O'Leary	
				V. O'Leary	
				W. O'Leary	
				X. O'Leary	
				Y. O'Leary	
				Z. O'Leary	
				A. O'Leary	
				B. O'Leary	
				C. O'Leary	
				D. O'Leary	
				E. O'Leary	
				F. O'Leary	
				G. O'Leary	
				H. O'Leary	
				I. O'Leary	
				J. O'Leary	
				K. O'Leary	
				L. O'Leary	
				M. O'Leary	
				N. O'Leary	
				O. O'Leary	
				P. O'Leary	
				Q. O'Leary	
				R. O'Leary	
				S. O'Leary	
				T. O'Leary	
				U. O'Leary	
				V. O'Leary	
				W. O'Leary	
				X. O'Leary	
				Y. O'Leary	
				Z. O'Leary	
				A. O'Leary	
				B. O'Leary	
				C. O'Leary	
				D. O'Leary	
				E. O'Leary	
				F. O'Leary	
				G. O'Leary	
				H. O'Leary	
				I. O'Leary	
				J. O'Leary	
				K. O'Leary	
				L. O'Leary	
				M. O'Leary	
				N. O'Leary	
				O. O'Leary	
				P. O'Leary	
				Q. O'Leary	
				R. O'Leary	
				S. O'Leary	
				T. O'Leary	
				U. O'Leary	
				V. O'Leary	
				W. O'Leary	
				X. O'Leary	
				Y. O'Leary	
				Z. O'Leary	
				A. O'Leary	
				B. O'Leary	
				C. O'Leary	
				D. O'Leary	
				E. O'Leary	
				F. O'Leary	
				G. O'Leary	
				H. O'Leary	
				I. O'Leary	
				J. O'Leary	
				K. O'Leary	
				L. O'Leary	
				M. O'Leary	
				N. O'Leary	
				O. O'Leary	
				P. O'Leary	
				Q. O'Leary	
				R. O'Leary	
				S. O'Leary	
				T. O'Leary	
				U. O'Leary	
				V. O'Leary	
				W. O'Leary	
				X. O'Leary	
				Y. O'Leary	
				Z. O'Leary	
				A. O'Leary	
				B. O'Leary	
				C. O'Leary	
				D. O'Leary	
				E. O'Leary	
				F. O'Leary	
				G. O'Leary	
				H. O'Leary	
				I. O'Leary	
				J. O'Leary	
				K. O'Leary	
				L. O'Leary	
				M. O'Leary	
				N. O'Leary	
				O. O'Leary	
				P. O'Leary	
				Q. O'Leary	
				R. O'Leary	
				S. O'Leary	

## NOTES :

1. THIS DRAWING IS FOR SECTION 5 ISSUE PURPOSES ONLY
2. ALL DIMENSIONS IN MILLIMETERS UNLESS OTHERWISE STATED.
3. DO NOT SCALE FROM THIS DRAWING.



Tipperary County Council  
Planning Section by email  
Received 09/12/2025  
File ref: S5/25/157

CYAL50415938  
© Tailte Éireann - Surveying

## SECTION 5 ISSUE

APPROVALS					
A	DRAWING OFFICE	DRAWN BY	E. O'SULLIVAN	REVIEWED	
B	CONSULTANT	DESIGNED			
C	DESIGN	WITNESSED	R. A. MANGUE	APPROVED	
D	PROJECT PLANNING		G. MORRE		
E	ASSET OPERATIONS				
F	ASSET MANAGEMENT				

CONSULTANT: Fingleton White Bridge Street Office, Carrick-on-Suir, Tipperary, Ireland. Tel: +353 51 453400. www.fingletonwhite.ie

PROJECT: PC5 OUDX PROGRAMME

TITLE: SECTION 5 ISSUE

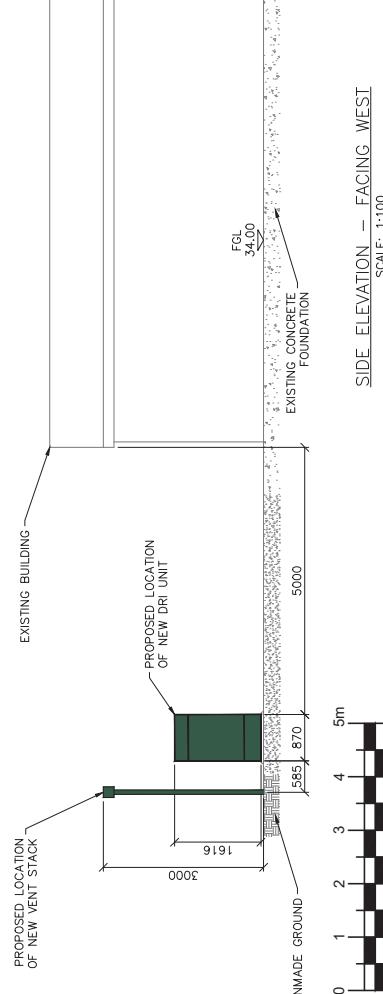
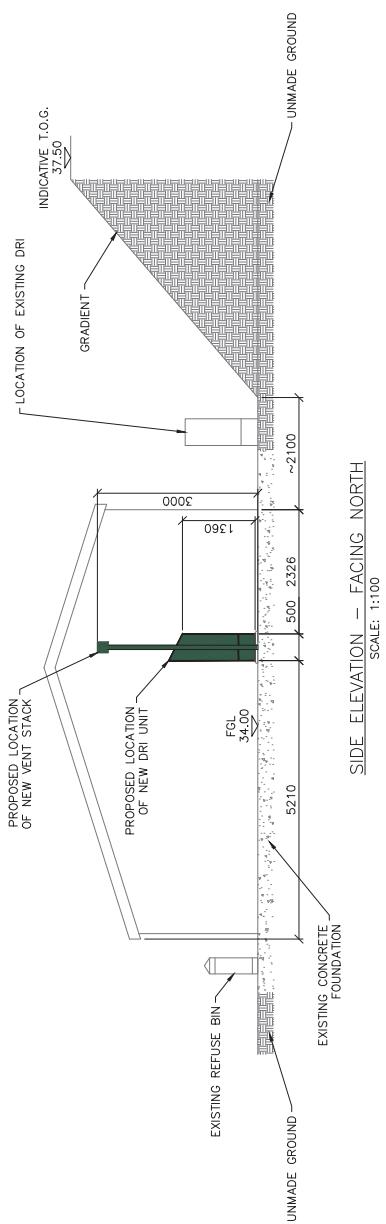
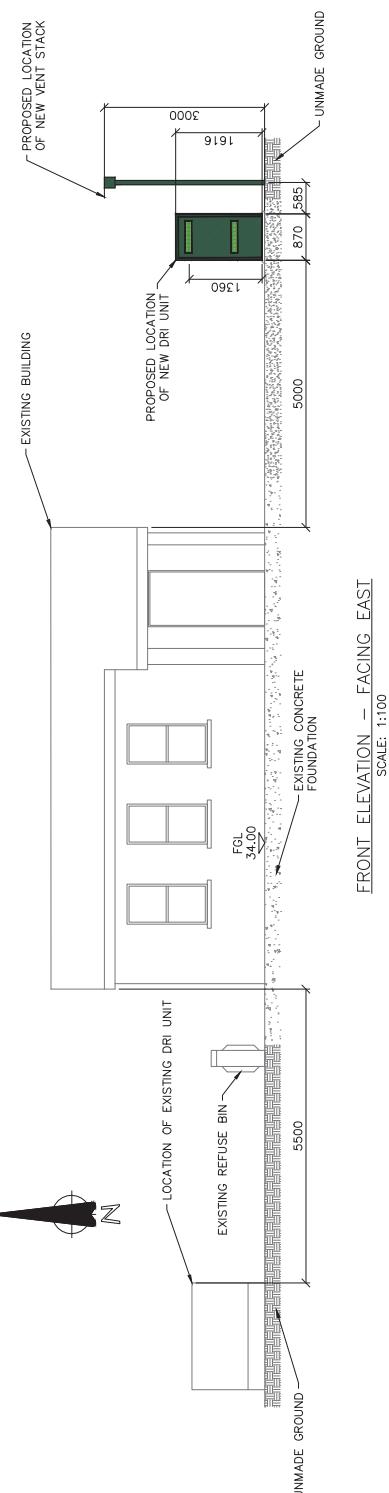
BALLINA RIVERSIDE WALK, BALLINA, CO. TIPPERARY (SITE ELEVATIONS)

SCALE: 1:100

DRAWING NUMBER: 2310-1135367-DG-0003

Sheet 1 of 1

DRAWN BY: P. O'Brien (Printed Out, Reg. No. 2145341/001 - 25/2/2025)



NOTES :  
1. THIS DRAWING IS FOR SECTION 5 ISSUE PURPOSES ONLY  
2. ALL DIMENSIONS IN MILLIMETERS UNLESS OTHERWISE STATED  
3. DO NOT SCALE FROM THIS DRAWING.

LEGEND :

■ SITE BOUNDARY  
 ■ EXISTING DRI LOCATION  
 0.00 LEVELS (INDICATED THUS)

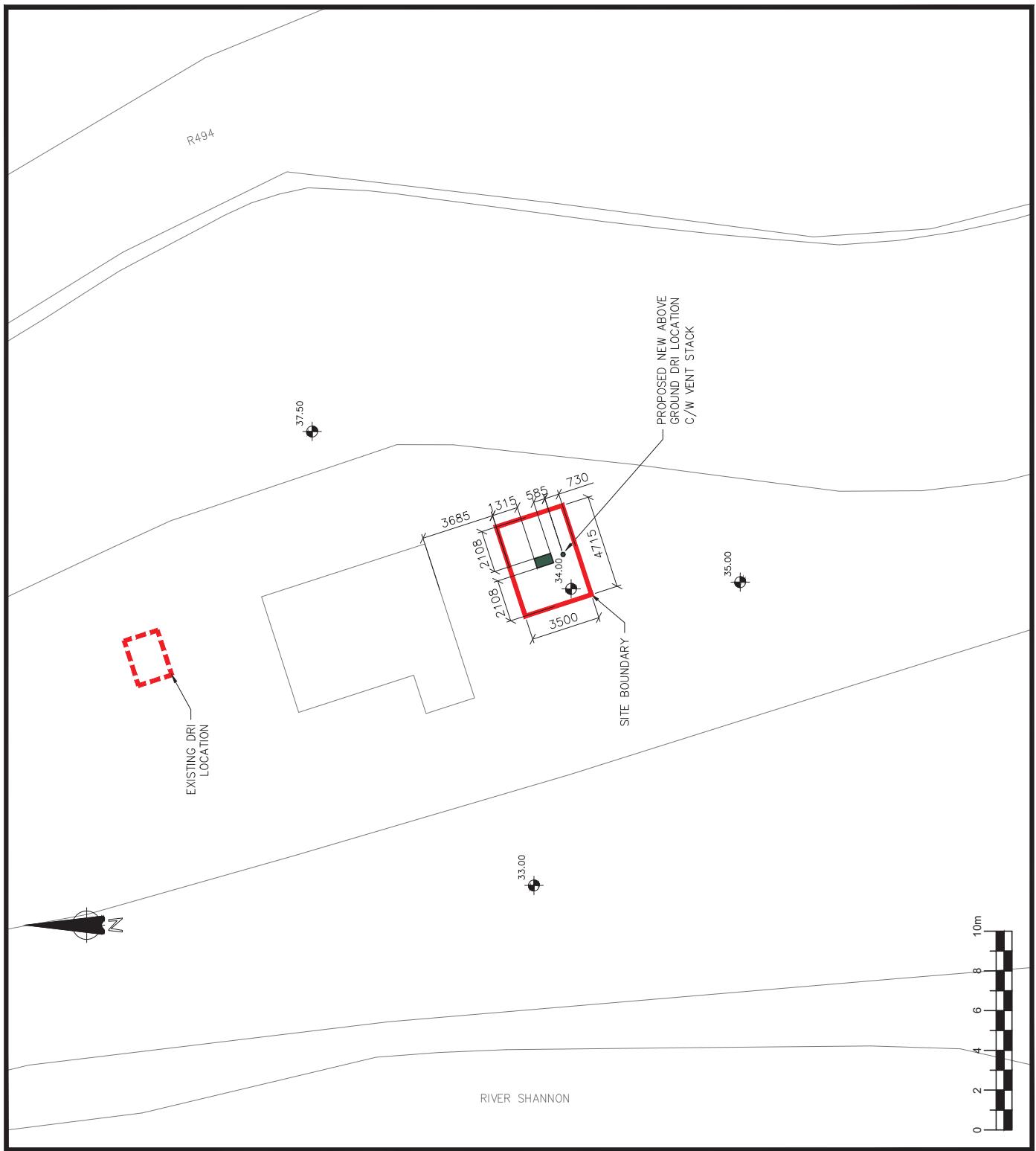
Site Area  
0.0016 ha

TAITTE EIREANN  
IRISH TRANSVERSE MERCATOR  
(ITM) CO-ORDINATES:  
**E: 570614, N: 67293**  
O.S. MAP No: 4389-19

Tipperary County Council  
Planning Section by email  
Received 09/12/2025  
File ref: S5/25/157

CYAL50415938  
© Tailte Éireann - Surveying

## SECTION 5 ISSUE





Comhairle Contae Thiobraid Árann  
Tipperary County Council

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

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

t 0818 06 5000/60  
e customerservice  
@tipperarycoco.ie  
tipperarycoco.ie

Date: 9<sup>th</sup> December 2025      Our Ref: S5/25/157      Civic Offices, Nenagh

**Gas Networks Ireland**  
**C/O Fingleton White Ltd**  
**Fingleton White**  
**Bridge St Centre**  
**Poerlaoise**  
**Co Laois**  
**R53 W0CC**

**Re: Application for a Section 5 Declaration – Installation of ground enclosure to house a new natural gas district regulating installation with a vent stack and ancillary services and associated site works to replace the existing above ground natural gas regulating unit at lands along Ballina Riverside Walk, Ballina, Co. Tipperary.**

Dear Sir/Madam,

I acknowledge receipt of your application for a Section 5 Declaration received on 9<sup>th</sup> December 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

Síobhán Ryan  
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 Reference:** S5.25.157

**Applicant:** Gas Networks Ireland C/O Fingleton White Ltd, Fingleton White, Bridge St Centre, Portlaoise Co. Laois R53 W0CC

**Development Address:** Lands along Ballina Riverside Walk, Ballina, Co. Tipperary

**Proposed Development:** Installation of above ground enclosure to house a new natural gas regulating installation with a vent stack and ancillary services and associated site works to replace the existing above ground natural gas regulating unit at lands along Ballina Riverside Walk, Ballina, Co. Tipperary.

---

#### **1. GENERAL**

On 9<sup>th</sup> December 2025 a request was made for a declaration under Section 5 of the Planning and Development Act, 2000 as amended by Gas Networks Ireland C/O Fingleton White Ltd as to whether or not the following works constituted development and if so, whether same was exempted development:

- Installation of above ground enclosure to house a new natural gas district regulating installation with a vent stack and ancillary services and associated site works to replace the existing above ground natural gas regulating unit.

#### **2. STATUTORY PROVISIONS**

The following statutory provisions are relevant to this referral case;

Section 2(1) of the Planning and Development Act, 2000, as amended, states as follows;

*"In this Act, except where the context otherwise requires – "development" has the meaning assigned to it by Section 3 and development shall be construed accordingly."*

And,

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

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

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

Section 4 provides for Exempted Development and Section 4(1) sets out works which shall be exempted development for the purposes of the Planning and Development Act 2000, as amended.

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 (2)(a) of the Planning and Development Act 2000, as amended, states as follows:-

(2)(a) *The Minister may by regulations provide for any class of development to be exempted development for the purposes of this Act where he or she is of the opinion that—*

- (i) *by reason of the size, nature or limited effect on its surroundings, of development belonging to that class, the carrying out of such development would not offend against principles of proper planning and sustainable development, or*
- (ii) *the development is authorised, or is required to be authorised, by or under any enactment (whether the authorisation takes the form of the grant of a licence, consent, approval or any other type of authorisation) where the enactment concerned requires there to be consultation (howsoever described) with members of the public in relation to the proposed development prior to the granting of the authorisation (howsoever described).*

Section 4(4) states that notwithstanding paragraphs 9a0, (i), (ia) and (l) of subsection (1) and any regulations under subsection (2), development shall not be exempted development if an environmental impact assessment or an appropriate assessment of the development is required.

Section 4 (4) of the Planning and Development Act 2000, as amended, states as follows:-

4. (4) *Notwithstanding paragraphs (a), (i), (ia) and (l) of subsection (1) and any regulations under subsection (2), development shall not be exempted development if an environmental impact assessment or an appropriate assessment of the development is required.*

### **Planning and Development Regulations 2001, as amended**

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

Exempted Development.

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

(3) Subject to article 9, in areas other than a city, a town or an area specified in section 19(1)(b) of the Act or the excluded areas as defined in section 9 of the Local Government (Reorganisation) Act, 1985 (No. 7 of 1985), development of a class specified in column 1 of Part 3 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 3 opposite the mention of that class in the said column 1.

Class 29C Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended states:

*The carrying out by a statutory undertaker authorised to provide a gas service of development consisting of the construction or erection of a gas pressure regulating station and associated ancillary equipment or a gas vent stack for the supply of gas.*

Conditions/limitations:

- 1. *The volume above ground level of any gas pressure regulating station, and ancillary equipment, shall not exceed 9 cubic metres, measured externally.*
- 2. *A gas vent stack shall not exceed 3 metres in height.*

3. No such development shall be constructed or erected within 5 metres of the curtilage of any house or other residential building.

### **3. ASSESSMENT**

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

The site is located at lands along Ballina Riverside Walk, Ballina, Co. Tipperary.

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

PI Ref 17601290 permission granted on 26/01/2018 at Ballina Riverside Walk, Ballina, Co. Tipperary for the installation of a 3m high 'lamp post' style relief vent stack servicing the existing above ground natural gas pressure reduction unit with all ancillary services and associated site works.

#### ***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 proposal would involve "works" and such works would constitute "development" within the meaning of Section 3 of the Act.

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

The proposal will be considered against the planning exemption under Class 29C of the Planning and Development Regulations 2001, as amended.

The proposed development is a new gas District Regulation Installation(DRI), same is to replace an existing gas regulating station at this location. The applicant is Gas Networks Ireland and I consider same are a statutory undertaker authorised to provide a gas service.

I consider the proposal can be considered to meet the planning exemption under Class 29C. Regarding the conditions /limitations attached to Class 29C:

1. The volume of the above ground level of any gas pressure regulating station, and ancillary equipment does not exceed 9 cubic metres.
2. The vent stack does not exceed 3 metres
3. The development is not located within 5 metres of the curtilage of any house/other residential building.

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

Article 9(1) (a) of the Planning and Development Regulations 2001, as amended 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—

*(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*

The proposed development has been screened as to the requirement for AA and the requirement for Stage 2 AA has been screened out. See Screening Report attached. The exemption under Class 29C is not therefore restricted by Article 9 (1) (a) part (viiB). It is noted the development proposed under PI Ref 17601290 was screened out for AA.

##### **D) Requirement for Appropriate Assessment and Environmental Impact Assessment**

**AA**

The proposed development has been screened as to the requirement for AA and the requirement for Stage 2 AA has been screened out. See Screening Report attached. The exemption under Class 29C is not therefore restricted by Article 9 (1) (a) part (viiB)

**EIA**

Screening for EIA is not required in respect of the proposal.

**4. RECOMMENDATION**

A question has arisen as to whether the installation of an above ground enclosure to house a new natural gas district regulating installation with a vent stack and ancillary services and associated site works to replace the existing above ground natural gas regulating unit at lands along Ballina Riverside Walk, Ballina is development and is or is not exempted development:

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

- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended
- (b) Class 29C of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 as amended,
- (c) Articles 6 and 9 of the Planning and Development Regulations 2001 as amended

Tipperary County Council has concluded that –

The development consisting of the installation of an above ground enclosure to house a new natural gas district regulating installation with a vent stack and ancillary services and associated site works to replace the existing above ground natural gas regulating unit at lands along Ballina Riverside Walk, Ballina is *development* within the meaning of the Planning and Development Act 2000, as amended and is exempted development.

Tipperary County Council, in exercise of the powers conferred on it by section 5(2)(a) of the Planning and Development Act 2000 as amended, it is hereby decided that the installation of a ground enclosure to house a new natural gas district regulating installation with a vent stack and ancillary services and associated site works to replace the existing above ground natural gas regulating unit at lands along Ballina Riverside Walk, Ballina is **development and IS exempted development.**



Signed: \_\_\_\_\_  
Graduate Planner

Date: 06/01/2026

  
Signed: \_\_\_\_\_

Senior Executive Planner

Date: 9/01/2026

HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT				
STEP 1. Description of the project/proposal and local site characteristics:				
(a) File Reference No:		S5/25/157		
(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:		None		
STEP 2. Identification of relevant Natura 2000 sites using Source-Pathway-Receptor model and compilation of information on Qualifying Interests and conservation objectives.				
European Site (code)	List of Qualifying Interest/Special Conservation Interest <sup>1</sup>	Distance from proposed development <sup>2</sup> (km)	Connections (Source-Pathway-Receptor)	Considered further in screening Y/N
002165 Lower River Shannon	<a href="https://www.npws.ie/protected-sites/sac/002165">https://www.npws.ie/protected-sites/sac/002165</a>	Within 50m	Yes	Yes
002312 Slieve Bernagh Bog	<a href="https://www.npws.ie/protected-sites/sac/002312">https://www.npws.ie/protected-sites/sac/002312</a>	Within 10km	None	No
002258 Silvermines Mountains West	<a href="https://www.npws.ie/protected-sites/sac/002258">https://www.npws.ie/protected-sites/sac/002258</a>	Within 10km	None	No
004165 Slievefelim to Silvermines Mountains SPA	<a href="https://www.npws.ie/protected-sites/sac/004165">https://www.npws.ie/protected-sites/sac/004165</a>	Within 10km	None	No
004058 Lough Derg (Shannon) SPA	<a href="https://www.npws.ie/protected-sites/sac/004058">https://www.npws.ie/protected-sites/sac/004058</a>	Within 10km	None	No
004168 Slieve Aughy Mountains SPA	<a href="https://www.npws.ie/protected-sites/sac/004168">https://www.npws.ie/protected-sites/sac/004168</a>	Within 15km	None	No

001197 Keeper SAC	Hill	<a href="https://www.npws.ie/protected-sites/sac/001197">https://www.npws.ie/protected-sites/sac/001197</a>	Within 15km	None	No
001013 Glenomra Wood SAC		<a href="https://www.npws.ie/protected-sites/sac/001013">https://www.npws.ie/protected-sites/sac/001013</a>	Within 15km	None	No
000939 Silvermine Mountains SAC		<a href="https://www.npws.ie/protected-sites/sac/000929">https://www.npws.ie/protected-sites/sac/000929</a>	Within 15km	None	No
000930 Clare SAC	Glen	<a href="https://www.npws.ie/protected-sites/sac/000930">https://www.npws.ie/protected-sites/sac/000930</a>	Within 15km	None	No

### STEP 3. Assessment of Likely Significant Effects

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

Impacts:	Possible Significance of Impacts: (duration/magnitude etc.)
<b>Construction phase e.g.</b> <ul style="list-style-type: none"> <li>Vegetation clearance</li> <li>Demolition</li> <li>Surface water runoff from soil excavation/infill/landscaping (including borrow pits)</li> <li>Dust, noise, vibration</li> <li>Lighting disturbance</li> <li>Impact on groundwater/dewatering</li> <li>Storage of excavated/construction materials</li> <li>Access to site</li> <li>Pests</li> </ul>	Site located in close proximity to boundary of Lower River Shannon SAC. Groundworks associated with the development will be limited as will the construction duration. Risk of significant impacts on the SAC arising during construction not likely.
<b>Operational phase e.g.</b> <ul style="list-style-type: none"> <li>Direct emission to air and water</li> <li>Surface water runoff containing contaminant or sediment</li> <li>Lighting disturbance</li> <li>Noise/vibration</li> <li>Changes to water/groundwater due to drainage or abstraction</li> <li>Presence of people, vehicles and activities</li> <li>Physical presence of structures (e.g. collision risks)</li> <li>Potential for accidents or incidents</li> </ul>	No impacts anticipated through operation.
In-combination/Other	No impacts.
<b>(b) Describe any likely changes to the European site:</b>	
Examples of the type of changes to give	No impacts of significance

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

**(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 proposed development,
- the proposed land use and proximity to the Lower River Shannon SAC
- the available connections with regard to the Source-Pathway-Receptor model,

the proposed development is not likely to have significant effects 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:**

	<b>Tick as Appropriate:</b>	<b>Recommendation:</b>
(i) It is clear that there is <b>no likelihood</b> of significant effects on a European site.	<input checked="" type="checkbox"/>	The proposal can be screened out: Appropriate assessment not required.
(ii) It is <b>uncertain</b> whether the proposal will have a significant effect on a European site.	<input type="checkbox"/>	<input type="checkbox"/> Request further information to complete screening <input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
(iii) <b>Significant effects</b> are likely.	<input type="checkbox"/>	<input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
<b>Signature and Date of Recommending Officer:</b>	Eoin Buckley, Planner	<b>Date:</b> 06/01/2025

EIA Pre-Screening Establishing a development is a 'sub-threshold development'	
<b>File Reference:</b>	S5/25/157
<b>Development Summary:</b>	As per planners report.
<b>Was a Screening Determination carried out under Section 176A-C?</b>	<input type="checkbox"/> Yes, no further action required <input checked="" type="checkbox"/> No, Proceed to <b>Part A</b>
<b>A. Schedule 5 Part 1</b> - Does the development comprise a project listed in Schedule 5, <b>Part 1</b> , of the Planning and Development Regulations 2001 (as amended)? (Tick as appropriate)	
<input type="checkbox"/> Yes, specify class _____	<b>EIA is mandatory</b>  No Screening required
<input checked="" type="checkbox"/> No	Proceed to <b>Part B</b>
<b>B. Schedule 5 Part 2</b> - Does the development comprise a project listed in Schedule 5, <b>Part 2</b> , of the Planning and Development Regulations 2001 (as amended) <b>and</b> does it meet/exceed the thresholds? (Tick as appropriate)	
<input checked="" type="checkbox"/> No, the development is not a project listed in Schedule 5, Part 2	<b>No Screening required</b>
<input type="checkbox"/> Yes the project is listed in Schedule 5, Part 2 <b>and</b> meets/exceeds the threshold, specify class (including threshold):  _____	<b>EIA is mandatory</b>  No Screening required
<input type="checkbox"/> Yes the project is of a type listed <b>but</b> is <i>sub-threshold</i> :  _____	Proceed to <b>Part C</b>
<b>C. If Yes</b> , has Schedule 7A information/screening report been submitted?	
<input type="checkbox"/> Yes, Schedule 7A information/screening report has been submitted by the applicant	<b>Screening Determination required</b>
<input type="checkbox"/> No, Schedule 7A information/screening report has not been submitted by the applicant	<b>Preliminary Examination required</b>

Original

**TIPPERARY COUNTY COUNCIL**

**DELEGATED EMPLOYEE'S ORDER**

File Ref: **S5/25/157**      **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 3<sup>rd</sup> 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 Gas Networks Ireland, C/O Fingleton White Ltd, Fingleton White, Bridge St Centre, Portlaoise, Co Laois, R53 W0CC, re: Installation of above ground enclosure to house a new natural gas district regulating installation with a vent stack and ancillary services and associated site works to replace the existing above ground natural gas regulating unit at lands along Ballina Riverside Walk, Ballina, Co. Tipperary is development and is exempted development.

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

- a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended
- b) Class 29C of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 as amended,
- c) Articles 6 and 9 of the Planning and Development Regulations 2001 as amended

**Tipperary County Council has concluded that –**

The development consisting of the installation of an above ground enclosure to house a new natural gas district regulating installation with a vent stack and ancillary services and associated site works to replace the existing above ground natural gas regulating unit at lands along Ballina Riverside Walk, Ballina is *development* within the meaning of the Planning and Development Act 2000, as amended and is exempted development.

Tipperary County Council, in exercise of the powers conferred on it by section 5(2)(a) of the Planning and Development Act 2000 as amended, it is hereby decided that the installation of a ground enclosure to house a new natural gas district regulating installation with a vent stack and ancillary services and associated site works to replace the existing above ground natural gas regulating unit at lands along Ballina Riverside Walk, Ballina is **development and IS exempted development**.

**Signed:**

  
Brian Beck

**Brian Beck**  
**Director of Services**

**Date: 13/01/2026**



Date: 13<sup>th</sup> January 2026

Our Ref: S5/25/157

Civic Offices, Nenagh

**Gas Networks Ireland**  
**C/O Fingleton White Ltd**  
**Fingleton White**  
**Bridge St Centre**  
**Portlaoise**  
**Co Laois**  
**R53 W0CC**

**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 9<sup>th</sup> December 2025 in relation to the following proposed works:

Installation of above ground enclosure to house a new natural gas district regulating installation with a vent stack and ancillary services and associated site works to replace the existing above ground natural gas regulating unit at lands along Ballina Riverside Walk, Ballina, Co. Tipperary.

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

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

- a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended
- b) Class 29C of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 as amended,
- c) Articles 6 and 9 of the Planning and Development Regulations 2001 as amended

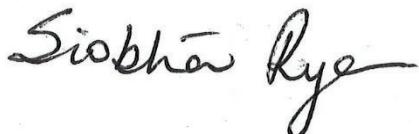
**Tipperary County Council has concluded that –**

The development consisting of the installation of an above ground enclosure to house a new natural gas district regulating installation with a vent stack and ancillary services and associated site works to replace the existing above ground natural gas regulating unit at lands along Ballina Riverside Walk, Ballina is *development* within the meaning of the Planning and Development Act 2000, as amended and is exempted development.

Tipperary County Council, in exercise of the powers conferred on it by section 5(2)(a) of the Planning and Development Act 2000 as amended, it is hereby decided that the installation of a ground enclosure to house a new natural gas district regulating installation with a vent stack and ancillary services and associated site works to replace the existing above ground natural gas regulating unit at lands along Ballina Riverside Walk, Ballina is **development 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 sincerely



for **Director of Services**

CC: Rosemary Joyce, District Administrator Nenagh Muicipal District, Tipperary County Council, Civic Offices, Limerick Rd, Nenagh, Co Tipperary.

CC: Paul Morris, Property Asset Management, Tipperary County Council, Civic Offices, Emmet St, Clonmel, Co. Tipperary.