



**Comhairle Contae Thiobraid Árann**  
Tipperary County Council

Tipperary County Council  
RECEIVED  
**28 APR 2026**  
CSD  
Civic Offices, Clonmel

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

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

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

<i>Applicant</i>	John Healy
<i>Address</i>	Dunguib, Killenaule, Co. Tipperary
<i>Telephone No.</i>	[REDACTED]
<i>E-mail</i>	[REDACTED]

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

<i>Agent</i>	Sean A. Ryan - Ryan Architectural Solutions Ltd
<i>Address</i>	Parkstown, Horse and Jockey, Thurles, Co. Tipperary
<i>Telephone No.</i>	[REDACTED]
<i>E-mail</i>	[REDACTED]
<i>Please advise where all correspondence in relation to this application is to be sent;</i>	
Applicant [ <input type="checkbox"/> ]      Agent [ <input checked="" type="checkbox"/> ]	

**3. Location of Proposed Development:**

<i>Postal Address or Townland or Location (as may best identify the land or structure in question)</i>	Springhill, Killenaule, Co. Tipperary. E41TD72
--	---

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**28 APR 2026**  
PLANNING SECTION  
FILE NO. 35/26/53.....

Receipt No 203 201  
Issued 28 04 2026  
€80-00 charge

**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.

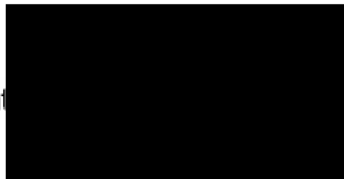
(Note: only works and uses listed and described under this section will be assessed under this Section 5 Application. Use additional sheets if required.)

Application relates to the following - Change of use from domestic residential dwelling to provide residential care for a max of 6 residents and 2 carers at above address. in accordance with (a) Section 2,3, & 4 of the planning and development Act 2000 (as Amended), (b) Article 6 & 9 of the planning nad Development Regulation 2001, (as Amended), (c) Class 14 (f) of Part 1 of Schedule 2 of the planning and Development Regulation 2001 (as amended)
The building is proposed to be used by people with ID's People with intellectual disabilities, Mental Health Issue, Restricted Mobility, or person's constrained to a Wheelchair.
Building is proposed to be use by HSE for Residential Care or similar type use.
Proposed floor area of proposed works/uses: 222 sqm

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

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

Signature of Applicant



Date: 20/04/2026

**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.

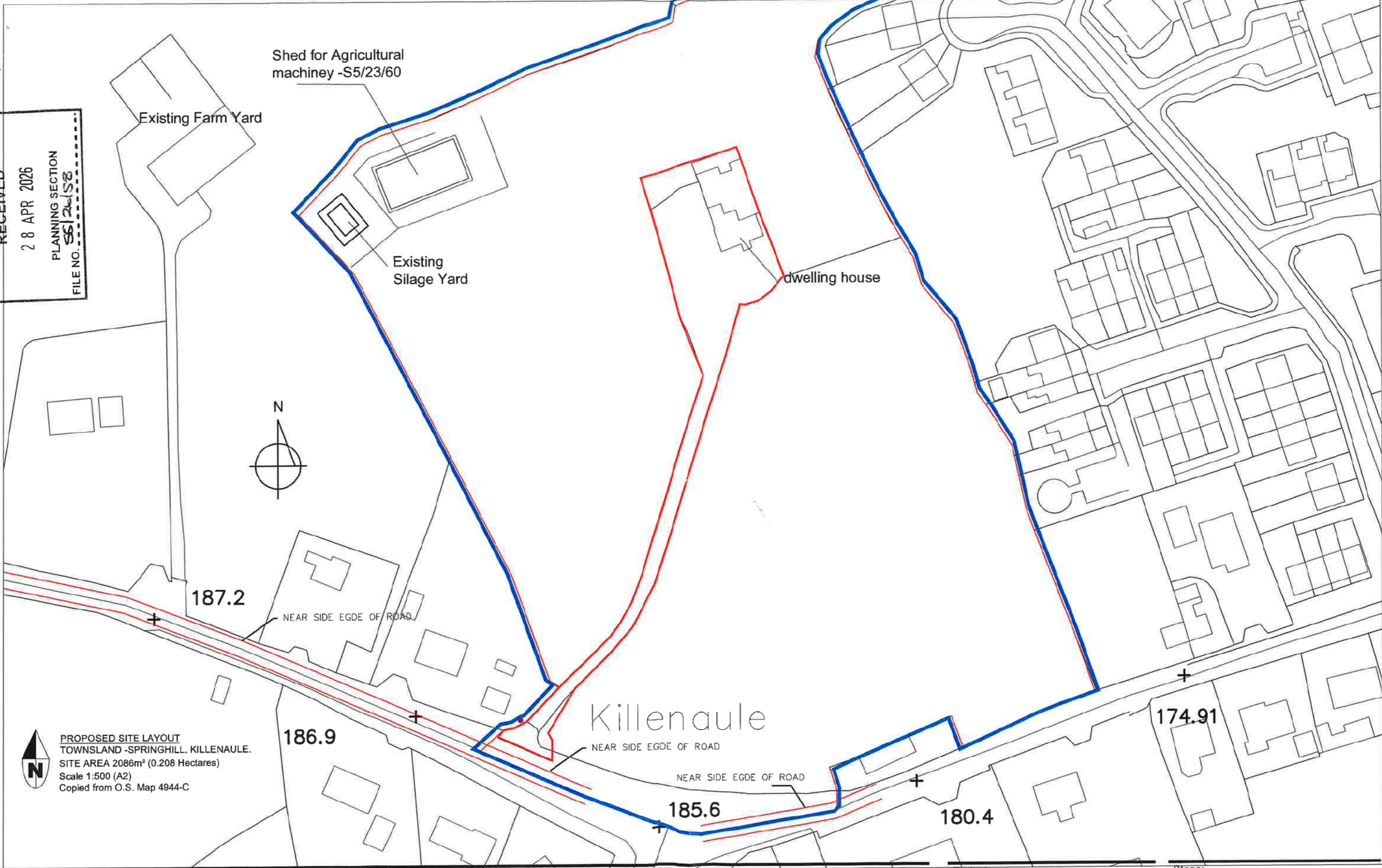
(All dimensions must be given in metric scale and drawings should be accompanied by a brief description outlining the use of the proposed development)
- (3) Where a proper and complete application is received, a decision must be conveyed to the applicant within four (4) weeks except where additional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

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

<b>Planning Section, Tipperary County Council, Civic Offices, Limerick Road, Nenagh, Co. Tipperary</b>	<b><u>OR</u></b>	<b>Planning Section, Tipperary County Council, Civic Offices, Emmet Street, Clonmel, Co. Tipperary</b>
<b>Enquires:</b>		
<b>Telephone 0761 06 5000</b>		
<b>E-Mail <a href="mailto:planning@tipperarycoco.ie">planning@tipperarycoco.ie</a></b>		

<b>FOR OFFICE USE ONLY</b>	
<b>Fee Recd. €</b> <u>80.00</u>	<b>DATE STAMP</b> TIPPERARY CO. COUNCIL RECEIVED 28 APR 2026 PLANNING SECTION FILE NO. <u>SS/26/58</u>
Receipt No <u>203201</u>	
Date <u>28/04/2026</u>	
Received by <u>C. Aheren</u>	

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28 APR 2026  
PLANNING SECTION  
FILE NO. S6/26/S8



**PROPOSED SITE LAYOUT**  
TOWNSLAND -SPRINGHILL, KILLENAULE.  
SITE AREA 2086m<sup>2</sup> (0.208 Hectares)  
Scale 1:500 (A2)  
Copied from O.S. Map 4944-C

NOTES:  
ALL DRAWINGS SHALL BE READ IN CONJUNCTION WITH SPECIFICATIONS. ANY VARIATIONS OR DISCREPANCIES TO BE REPORTED IMMEDIATELY TO THE DESIGNER BEFORE ANY WORKS PROCEED.

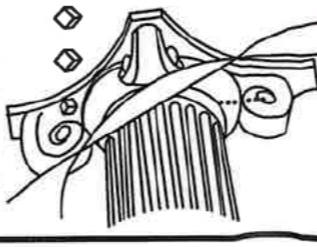
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**Ryan Architectural Solutions Ltd.**  
~ Architectural Technologist & Planning Consultants ~

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Thurles, County Tipperary  
Tel: +353 504 90244 Fax: +353 504 90245  
Email: info@ras.ie www.ras.ie

Project:  
PROPOSED SECTION 5 APPLICATION TO DWELLING HOUSE AT SPRINGHILL, KILLENAULE FOR JOHN HEALY

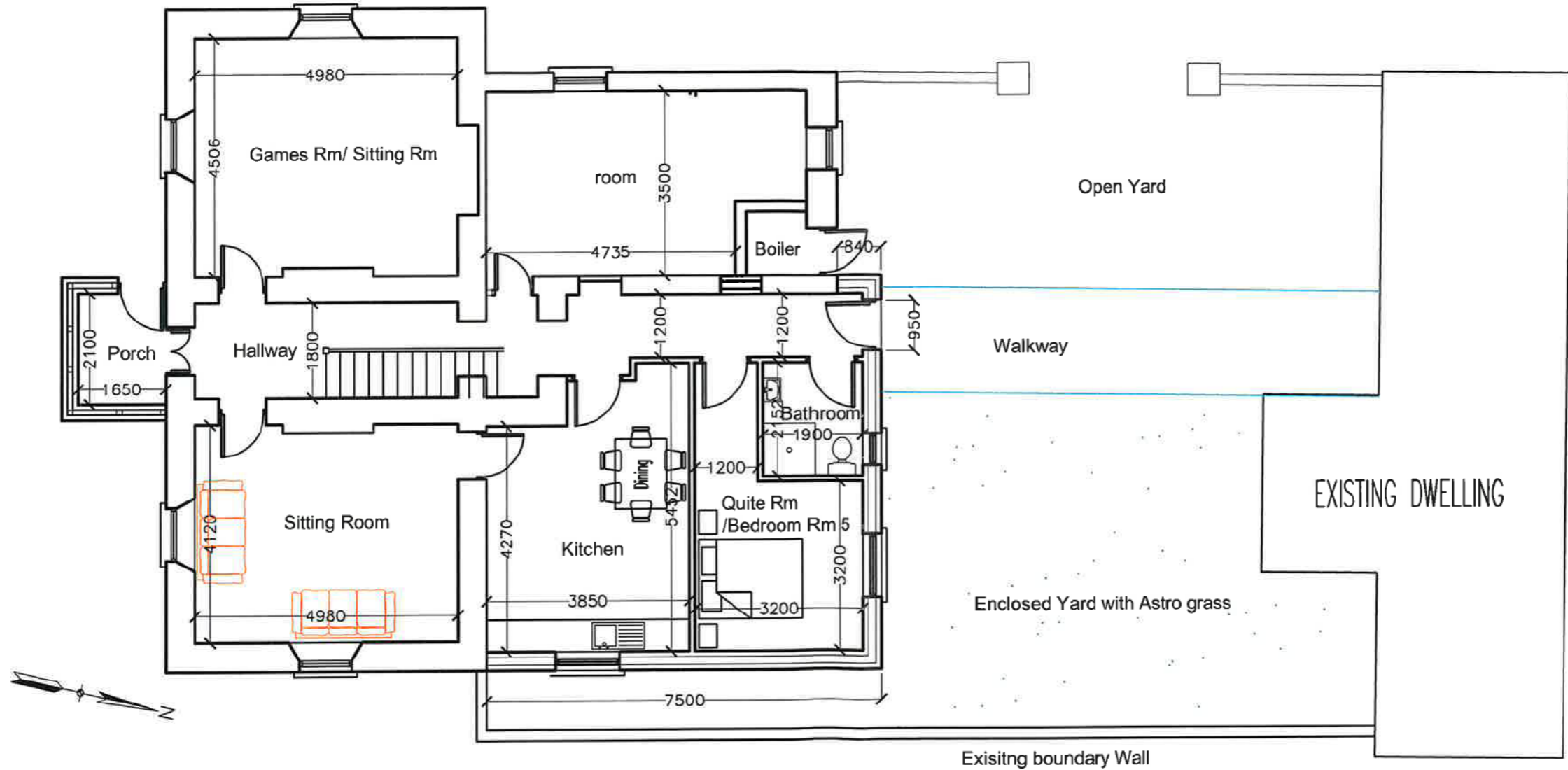
Drawn By:	Scale:	Date:
SAR	1/1000	April 26

Stage:  
**SECTION 5**

Title:  
**SITE LOCATION MAP**

Job No.	Drg. No:	Issue
26-0502	S-04	

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 FILE NO. SS/26/23

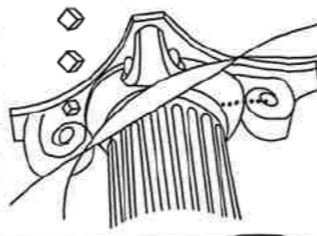


**GROUND FLOOR PLAN - Proposal**  
 area -138m.sq

NOTES:  
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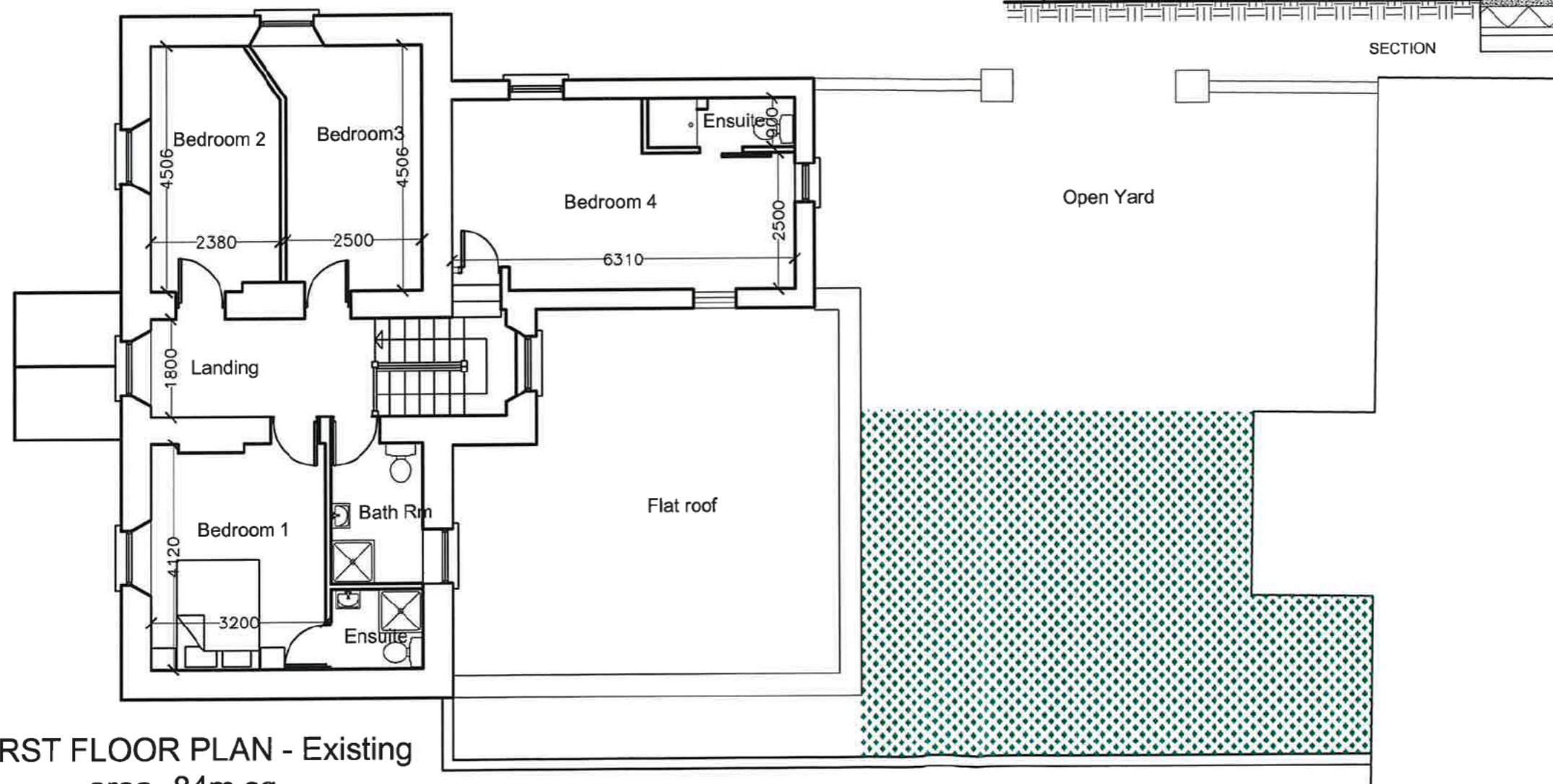
**Ryan Architectural Solutions Ltd.**  
 ~ Architectural Technologist & Planning Consultants ~  
 Parkstown, Horse and Jockey,  
 Thurles, County Tipperary  
 Tel: +353 504 90244 Fax: +353 504 90245  
 Email: info@ras.ie www.ras.ie

Project: PROPOSED SECTION 5 APPLICATION TO DWELLING HOUSE AT SPRINGHILL, KILLENAULE FOR JOHN HEALY		
Drawn By: SAR	Scale: 1/100	Date: April 26

Stage: <b>SECTION 5</b>		
Title: <b>GROUND FLOOR PLAN</b>		
Job No. 26-0502	Drg. No. S-01	Issue



SECTION



FIRST FLOOR PLAN - Existing area -84m.sq

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PLANNING SECTION  
FILE NO. *SS/26/52*

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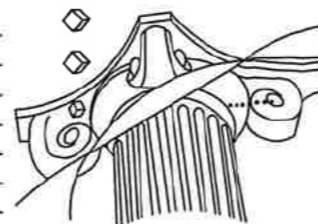
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**Ryan Architectural Solutions Ltd.**

**~ Architectural Technologist & Planning Consultants ~**

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Tel: +353 504 90244 Fax: +353 504 90245  
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Project:

PROPOSED SECTION 5 APPLICATION TO DWELLING HOUSE AT SPRINGHILL, KILLENAULE FOR JOHN HEALY

Drawn By:  
SAR

Scale:  
1/100

Date:  
April 26

Stage:

SECTION 5

Title:

FIRST FLOOR PLAN & SECTION

Job No.  
26-0502

Drg. No:  
S-02

Issue



FRONT ELEVATION - SOUTH FACING



BACK ELEVATION - North facing

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PLANNING SECTION  
FILE NO. SSI/26/158



SIDE ELEVATION - EAST FACING



SIDE ELEVATION - WEST FACING

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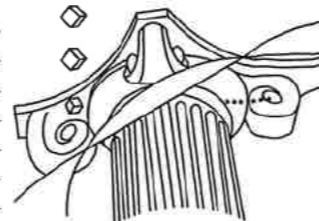
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**Ryan Architectural Solutions Ltd.**

~ Architectural Technologist & Planning Consultants ~

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Tel: +353 504 90244 Fax: +353 504 90245  
Email: info@ras.ie www.ras.ie

Project:  
PROPOSED SECTION 5 APPLICATION  
TO DWELLING HOUSE AT  
SPRINGHILL, KILLENAULE  
FOR JOHN HEALY

Drawn By: SAR	Scale: 1/100	Date: April 26
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Stage:  
**SECTION 5**  
Title:  
**ELEVATIONS**

Job No. 26-0502	Drg. No. S-03	Issue
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Comhairle Contae Thiobraid Árann  
Tipperary County Council

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

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

t 0818 06 5000/6000  
e customerservice  
@tipperarycoco.ie  
[tipperarycoco.ie](http://tipperarycoco.ie)

Date: 28<sup>th</sup> April 2026

Our Ref: S5/26/58

Civic Offices, Clonmel

John Healy,  
C/O Sean A. Ryan Architectural Solutions Ltd,  
Parkstown,  
Horse and Jockey,  
Thurles,  
Co. Tipperary.

**Re: Application for a Section 5 Declaration - Change of use from domestic residential dwelling to residential care dwelling for max 6 residents and 2 carers. The building is proposed to be used by people with intellectual disabilities, mental health issues, restricted mobility or persons constrained to a wheelchair. The building is proposed to be used by HSE for Residential care or similar type use at Springhill, Dunguib, Killenaule, Co. Tipperary, E41 TD72.**

Dear Mr. Ryan,

I acknowledge receipt of your application for a Section 5 Declaration received on 28<sup>th</sup> April 2026 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.**

**Declaration on Exempted Development under Section 5 of the Planning and Development Act 2000**

---

**Declaration Reference No.:** S5/26/58

**Query :** Whether the change of use from domestic residential dwelling to residential care dwelling for max 6 residents and 2 carers is exempted development. The building is proposed to be used by people with intellectual disabilities, mental health issues, restricted mobility or persons constrained to a wheelchair.

**Location:** Springhill, Dinguib, Killenaule, Co. Tipperary.

**Querist:** Sean A. Ryan Architectural Solutions Ltd

**Owner/Occupier:** John Healy

---

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## 1 Introduction

### 1.1 Query

- 1.1.1 A question has arisen pursuant of Section 5 of the Planning and Development Act 2000 (as amended) as to whether the change of use of an existing dwelling at Springhill, Dinguib, Killenaule, Co. Tipperary from residential to a residential care facility for people with intellectual disabilities, mental health issues, restricted mobility or persons constrained to a wheelchair.

## 2 Site Location and History

### 2.1 Site location

- 2.1.1 The site is located at Springhill, Dinguib, Killenaule, Co. Tipperary.
- 2.1.2 The site is occupied by an existing two storey dwelling. It is located to the west of the village. The site is set at the roadside (L-2210), with the dwelling set back c. 155metres from the road. The dwelling is in an elevated position relative to the site.
- 2.1.3 The site is located on lands zoned for amenity use in the Tipperary County Development Plan 2022.
- 2.1.4 The structure on site is not listed on the Record of Protected Structures as set out in the Tipperary County Development plan 2022.

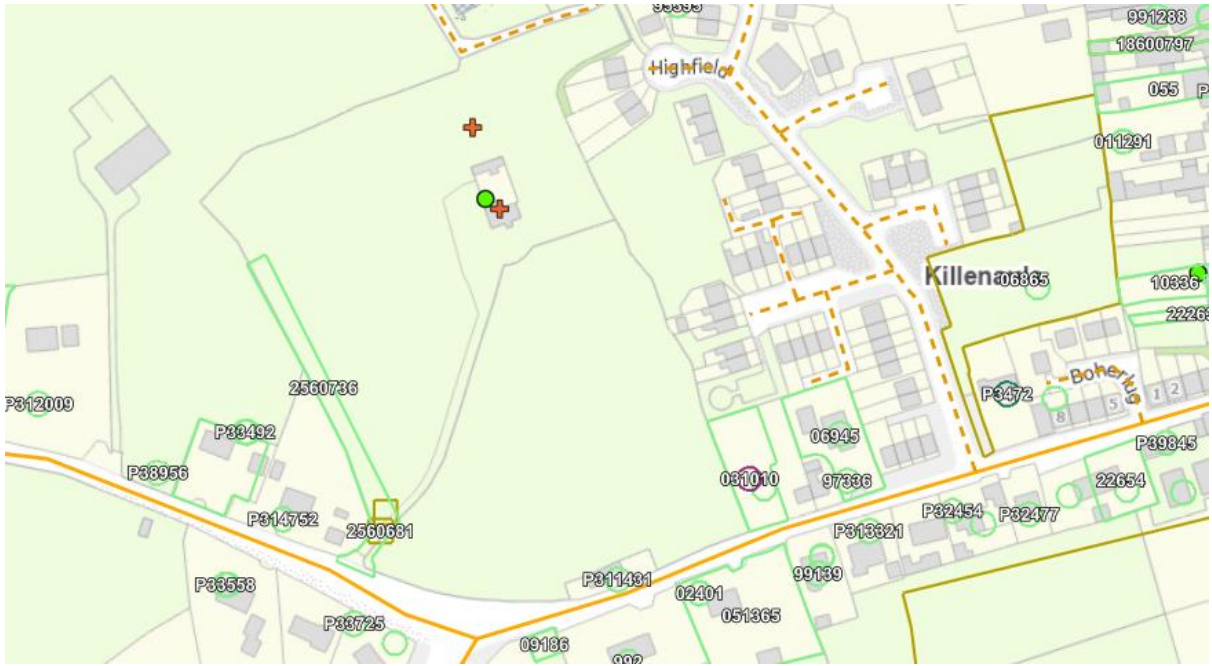
### 2.2 Planning History

- 2.2.1 The planning history on site is summarised in table 1 below.

**Table 1 Planning History**

Planning Reference	Description of Development	Decision
<b>On-Site</b>		
S5/24/19	Domestic Extension	Exempted development
S5/23/60	Agricultural Shed	Exempted development
2560736	as constructed 4m wide agricultural driveway and revised widen entrance and permission to reconstruct widened entrance walls with all associated siteworks	Granted
TUD-25-066	Unauthorised entrance	File closed

**Figure 1 Planning history**



### **3 Legislative Context**

#### **3.1 Planning and Development Act 2000 (as amended)**

- 3.1.1 According to **Section 2(1)** of the **Planning and Development Act (as amended)**, the definition of “Works” includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal.
- 3.1.2 According to **Section 3(1)** of the **Planning and Development Act (as amended)**, “development” means, save where the context otherwise requires, the carrying out of works on, in or under land or the making of any material change in the use of any structures or other land.
- 3.1.3 **Section 4** of the same Act lists works that would be considered exempted development. Section 4 also conveys power on the Minister to make regulations to provide for any class of development to be exempted development for the purposes of the Act.

#### **3.2 Planning and Development Regulations**

- 3.2.1 **Article 6** of the **Planning and Development Regulations 2001, as amended**, refers to “Exempted Development”. 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.
- 3.2.2 **Article 9** of said Regulations lists a series of restrictions on exemptions. Of particular note are the provisions of 9(1)(a)(viiB) and (viii).
- 3.2.3 Of particular relevance to this declaration is **Class 14(f) of Schedule 2 Part 1**, which considers the change of use of a house to use as a residence for persons with an intellectual or physical disability or mental illness and persons providing care for such persons.

## 4 Assessment

### 4.1 Works Proposed

- 4.1.1 For the purpose of this Declaration, the work, to which the query relates, is,
- change of use from domestic residential dwelling to residential care dwelling for max 6 residents and 2 carers is exempted development. The building is proposed to be used by people with intellectual disabilities, mental health issues, restricted mobility or persons constrained to a wheelchair.

### 4.2 Is it development?

- 4.2.1 Having regard to Sections 2(1) and 3(1) of the Planning and Development Act 2000 (as amended), it is considered that the proposal as set out in paragraph 4.1.1 above, constitutes development in that it constitutes the material change of use of the structure on the subject lands.

### 4.3 Is it exempted development?

- 4.3.1 Schedule 2, Part 1, Class 14 (f) of the Planning and Development Regulations 2001, as amended, considers such works to exempted development provided it meets the conditions and limitations set out in table 2 below;

<b>Table 2 Schedule 2 Part 1 Class 14 (f)</b>	
CLASS 14 Development consisting of a change of use—  (f) from use as a house, to use as a residence for persons with an intellectual or physical disability or mental illness and persons providing care for such persons.	The number of persons with an intellectual or physical disability or a mental illness living in any such residence shall not exceed 6 and the number of resident carers shall not exceed 2.

- 4.3.2 Based on the information presented, the querist has indicated that the facility will be used by service users with intellectual or physical disability or a mental illness. The maximum number of service users is 6 with 2 residential care staff. This level of use complies with the conditions and limitations specified in Schedule 2, Part 1, Class 14 (f) of the Planning and Development Regulations
- 4.3.3 Having regard to the restrictions on exempted development as set out under Article 9 of the Planning and Development Regulations 2001, it is not considered that any restriction apply in this instance.
- 4.3.4 An AA screening assessment in respect the development proposed is attached as Appendix 1 and identifies impacts on a Natura 2000 site arising from the development are unlikely. Therefore an Appropriate Assessment of the development is not required (see appendix below).

## 5 Conclusion

### 5.1 Query

- 5.1.1 A question has arisen as to whether the change of use of the existing house to use as a residence for persons with intellectual or physical disability or mental illness and persons providing for such persons at Springhill, Dinguib, Killenaule, Co. Tipperary is or is not exempted development.
- 5.1.2 Part 5 of the Planning and Development Act 2000 (as amended) requires a Planning Authority to make a declaration on any question that arises as to what is or is not development. In determining this query, the Planning Authority had regard to;
- Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended),
  - Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended)
  - Class 14 (f) of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended.
  - the nature and scale of the proposed use, as outlined in submissions on file by the owner/occupier, as a residence for persons with an intellectual/physical disability or mental illness

### 5.2 Determination

- 5.2.1 Having considered the information received, the Planning Authority has decided that the proposal at Springhill, Dinguib, Killenaule, Co. Tipperary as presented on the drawings and details provided with the Declaration application, constitutes “development” within the meaning of the Planning and Development Act 2000, and is “exempted development”.

Advice Note: The applicant is advised that this Section 5 Declaration is issued on the basis that the occupants of the residence are persons with an **intellectual or physical disability or mental illness (maximum 6 persons) and persons providing care for such persons (resident carers shall not exceed 2)**.

*Paul Killeen*

---

Paul Killeen

Executive Planner

15<sup>th</sup> of May 2026

*C. Conway*

Caroline Conway

Senior Executive Planner

20 May 2026

## APPENDIX 1

HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT				
STEP 1. Description of the project/proposal and local site characteristics:				
(a) File Reference No:		S5/26/58		
(b) Brief description of the project or plan:		change of use of the existing house to use as a residence for persons with intellectual or physical disability or mental illness and persons providing for such persons		
(c) Brief description of site characteristics:		Springhill, Dunguib, Killenaule, Co. Tipperary		
(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW		n/a		
(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 <sup>1</sup>	Distance from proposed development <sup>2</sup> (km)	Connections (Source-Pathway-Receptor)	Considered further in screening Y/N
Lower River Suir	<a href="https://www.npws.ie/protected-sites/sac/002137">https://www.npws.ie/protected-sites/sac/002137</a>	Within 15km	None	No
River Barrow And River Nore	<a href="https://www.npws.ie/protected-sites/sac/000688">https://www.npws.ie/protected-sites/sac/000688</a>	Within 10km	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:				
<b>Impacts:</b>			<b>Possible Significance of Impacts:</b> (duration/magnitude etc.)	
Construction phase e.g. <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> </ul>			It is not considered that the change of use proposed on site, which is minor in nature, will have impacts that could affect European Sites within the wider catchment area.	



	Tick as Appropriate:	Recommendation:
(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>	Paul Killeen	<b>Date:</b> 15/05/26

## EIA PRE-SCREENING

### Establishing a development is a 'sub-threshold development'

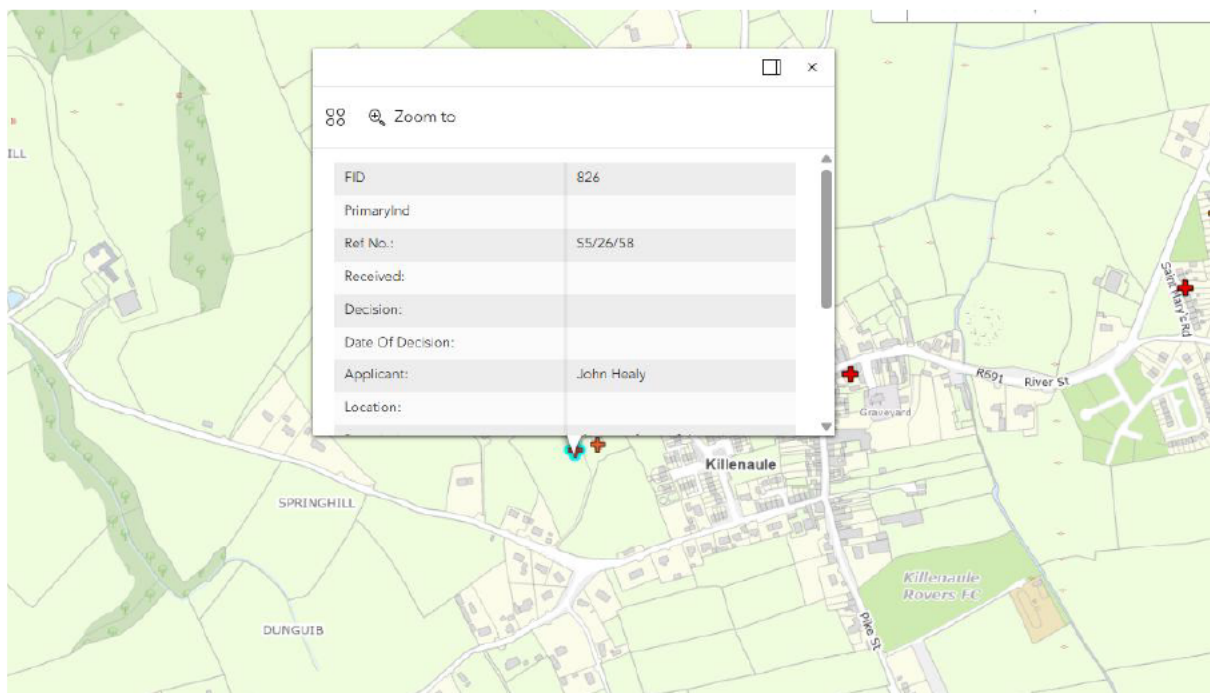
<b>File Reference:</b>	S5/26/58
<b>Development Summary:</b>	change of use of the existing house to use as a residence for persons with intellectual or physical disability or mental illness and persons providing for such persons
<b>Was a Screening Determination carried out under Section 176A-C?</b>	<input type="checkbox"/> Yes, no further action required  <input checked="" type="checkbox"/> No, Proceed to <b>Part A</b>
<b>A. Schedule 5 Part 1 - Does the development comprise a project listed in Schedule 5, Part 1, of the Planning and Development Regulations 2001 (as amended)? (Tick as appropriate)</b>	
<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 - 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?</b>	
(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 and 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 but is <i>sub-threshold</i> :	Proceed to <b>Part C</b>
<b>C. If Yes, has Schedule 7A information/screening report been submitted?</b>	

- Yes, Schedule 7A information/screening report has been submitted by the applicant
- No, Schedule 7A information/screening report has not been submitted by the applicant

**Screening Determination required**

**Preliminary Examination required**

Figure 2 Site entered on Planning Register



Original

**TIPPERARY COUNTY COUNCIL**

**DELEGATED EMPLOYEE'S ORDER**

File Ref: **S5/26/58**      **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 John Healy, C/O Sean A. Ryan Architectural Solutions Ltd, Parkstown, Horse and Jockey, Thurles, Co. Tipperary, RE: Whether the change of use from domestic residential dwelling to residential care dwelling for max 6 residents and 2 carers is exempted development. The building is proposed to be used by people with intellectual disabilities, mental health issues, restricted mobility or persons constrained to a wheelchair at Springhill, Dinguib, Killenaule, Co. Tipperary is development and is exempted development.

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

- Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended),
- Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended)
- Class 14 (f) of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended.
- the nature and scale of the proposed use, as outlined in submissions on file by the owner/occupier, as a residence for persons with an intellectual/physical disability or mental illness

Having considered the information received, the Planning Authority has decided that the proposal at Springhill, Dinguib, Killenaule, Co. Tipperary as presented on the drawings and details provided with the Declaration application, constitutes "development" within the meaning of the Planning and Development Act 2000, and is **"exempted development"**.

Advice Note: The applicant is advised that this Section 5 Declaration is issued on the basis that the occupants of the residence are persons with an **intellectual or physical disability or mental illness (maximum 6 persons) and persons providing care for such persons (resident carers shall not exceed 2)**.

**Signed:**

  
\_\_\_\_\_

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

**Date: 21/05/2026**



Date: 21<sup>st</sup> May 2026

Our Ref: S5/26/58

Civic Offices, Nenagh

John Healy,  
C/O Sean A. Ryan Architectural Solutions Ltd,  
Parkstown,  
Horse and Jockey,  
Thurles,  
Co. Tipperary.

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

Dear Sir,

I refer to your application for a Section 5 Declaration received on 28<sup>th</sup> April 2026 in relation to the following proposed works:

Whether the change of use from domestic residential dwelling to residential care dwelling for max 6 residents and 2 carers is exempted development. The building is proposed to be used by people with intellectual disabilities, mental health issues, restricted mobility or persons constrained to a wheelchair at Springhill, Dunguib, Killenaule, Co. Tipperary.

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

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

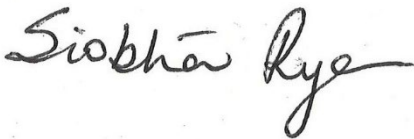
- Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended),
- Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended)
- Class 14 (f) of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended.
- the nature and scale of the proposed use, as outlined in submissions on file by the owner/occupier, as a residence for persons with an intellectual/physical disability or mental illness

Having considered the information received, the Planning Authority has decided that the proposal at Springhill, Dinguib, Killenaule, Co. Tipperary as presented on the drawings and details provided with the Declaration application, constitutes "development" within the meaning of the Planning and Development Act 2000, and is **"exempted development"**.

Advice Note: The applicant is advised that this Section 5 Declaration is issued on the basis that the occupants of the residence are persons with an **intellectual or physical disability or mental illness (maximum 6 persons) and persons providing care for such persons (resident carers shall not exceed 2).**

**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 that reads "Siobhán Rye". The signature is written in a cursive style with a long, sweeping tail on the letter 'y'.

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for **Director of Services**