

PLANNING & DEVELOPMENT ACT, 2000 (as amended)

Application for a Section 5 Declaration
Development / Exempted Development

1. Applicant's address/contact details:

<i>Applicant</i>	<i>Rosendale Property Ltd</i>
<i>Address</i>	<i>Railway House, Cregg Rd, Carrick on Suir, Co Tipperary</i>
<i>Telephone No.</i>	[REDACTED]
<i>E-mail</i>	Office.rosendale@gmail.com

2. Agent's (if any) address:

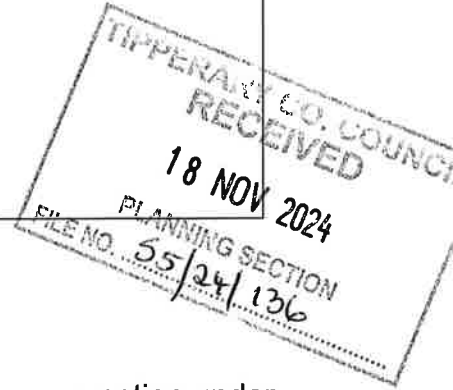
<i>Agent</i>	
<i>Address</i>	
<i>Telephone No.</i>	
<i>E-mail</i>	

Please advise where all correspondence in relation to this application is to be sent;

Applicant [x] Agent []

3. Location of Proposed Development:

<i>Postal Address or Townland or Location (as may best identify the land or structure in question)</i>	Former Ryans B&B Rosendale, Friar st, Thurles, Co Tipperary E41PD88
--	--



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.)

We hold a contract with the department of children, Equality Disability, Integration and Youth housing Ukraine applicants under the BOTPs
Proposed floor area of proposed works/uses: 286 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 X	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) Ben O Brien Date: 14-11-2024

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,	<u>OR</u>	Planning Section, Tipperary County Council, Civic Offices,
---	-----------	---

Limerick Road,
Nenagh,
Co. Tipperary

Emmet Street,
Clonmel,
Co. Tipperary

Enquires:

Telephone 0818 06 5000

E-Mail planning@tipperarycoco.ie

FOR OFFICE USE ONLY

DATE STAMP

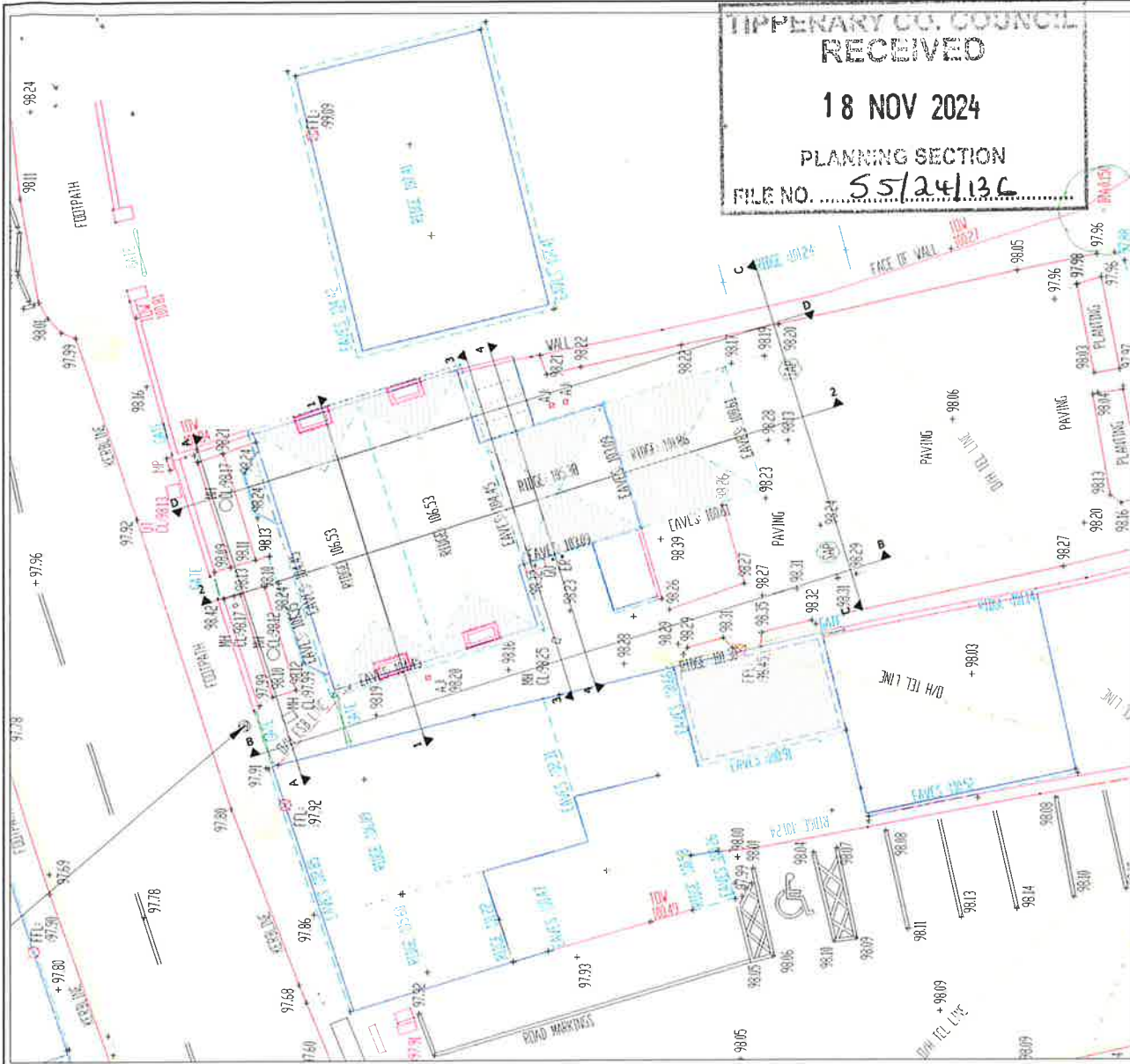
Fee Recd. € 80.00

Receipt No NENAM1/0/124507.

Date 18/11/2024.

Received by Maura Kilts





TIPPERARY CO. COUNCIL
RECEIVED
 18 NOV 2024
 PLANNING SECTION
 FILE NO. 55/24/13C



Topographical Survey
 Scale 1:250

Roof Plan
 Scale 1:100

KEY PLAN

ABBREVIATIONS

KEY PLAN

STAKE NOTES

1. All measurements are in meters unless otherwise stated.
 2. All bearings are given as true bearings unless otherwise stated.
 3. All distances are given in meters unless otherwise stated.
 4. Shaded areas on this plan indicate the proposed site.
 5. Shaded areas on this plan indicate the proposed site.

1:500
 0m 10m 20m 30m

ITM Grid

Geodata
 Chartered Land Surveyors
 47 O'NEILL ROAD, BANGOR, CO. DUBLIN 15
 Tel: 01 852 2271 | Email: info@geodata.ie

LMEC 116
 01
 24445 100
 Roseville Park Street,
 Thurfer, Co. Tipperary, E41P008
 Topographical Survey
 06-04-24
 A1
 1-1007250

Planning Pack Map

Tailte Éireann



CENTRE
COORDINATES:
ITM 612385,658559

PUBLISHED:
29/08/2024

ORDER NO.:
50419587_1

MAP SERIES:
MAP SHEETS:
1:1,000 4696-11

COMPILED AND PUBLISHED BY:

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

www.tailte.ie

PLANNING GEOGRAPHIC INFORMATION SYSTEM
18 NOV 2024

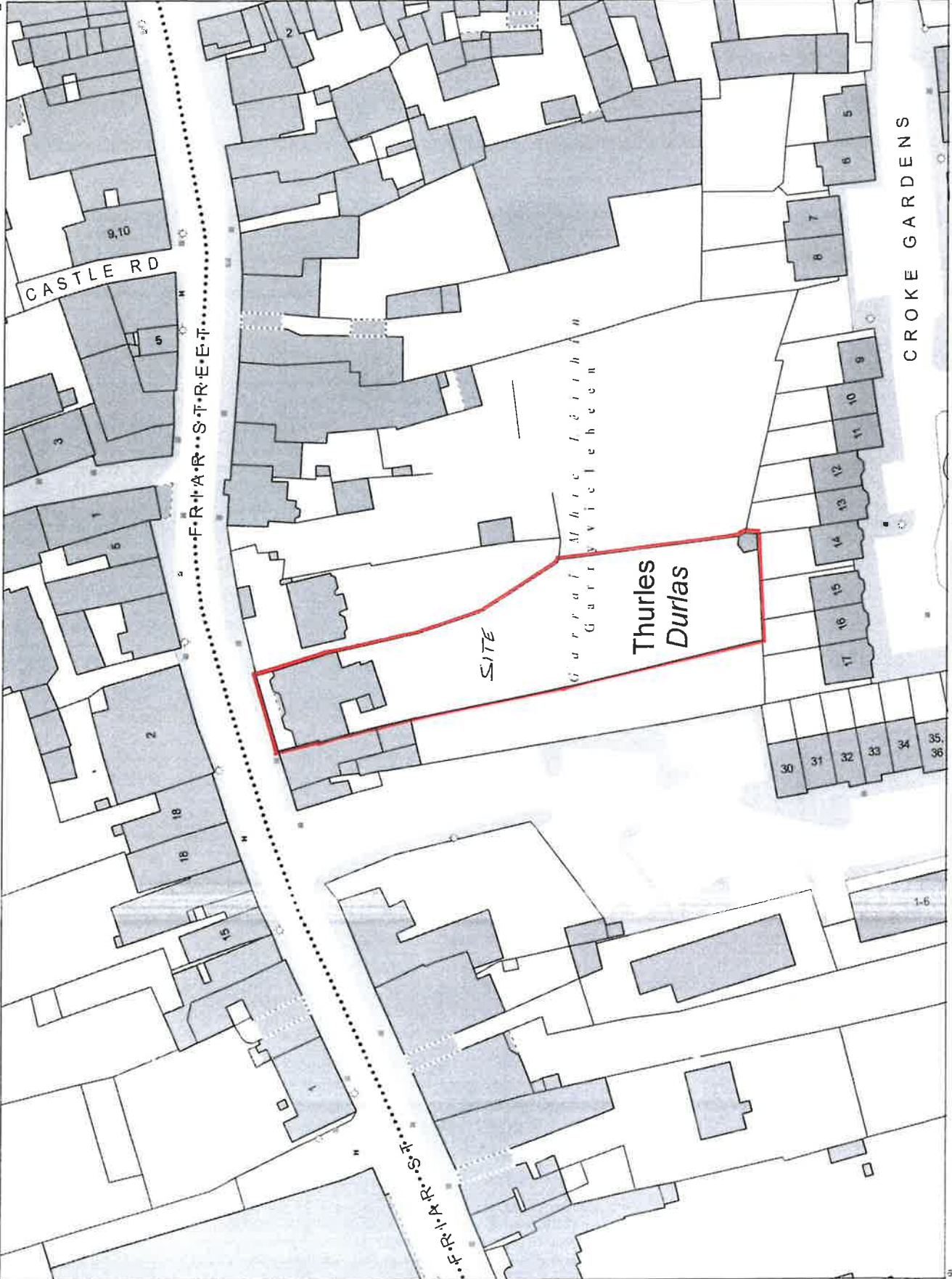
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This topographic map does not show legal property boundaries, nor does it show ownership of physical features.

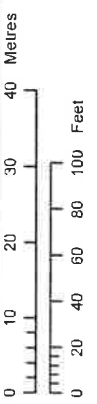
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LEGEND:
To view the legend visit www.tailte.ie and search for 'Large Scale Legend'

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

OUTPUT SCALE: 1:1,000



658473

658473

612501

612501

512258

512258



Tailte Éireann

Site Location Map

CENTRE COORDINATES:
ITM 612385,658559

PUBLISHED: 29/08/2024

ORDER NO.: 50419587_1

MAP SERIES: 6 Inch Raster

MAP SHEETS: TY041

FILE NO. ...

PLANNING SECTION
55/24/136

18 NOV 2024

COMPILED AND PUBLISHED BY:
Tailte Éireann,
Phoenix Park,
Dublin 8,
Ireland
D08F6E7

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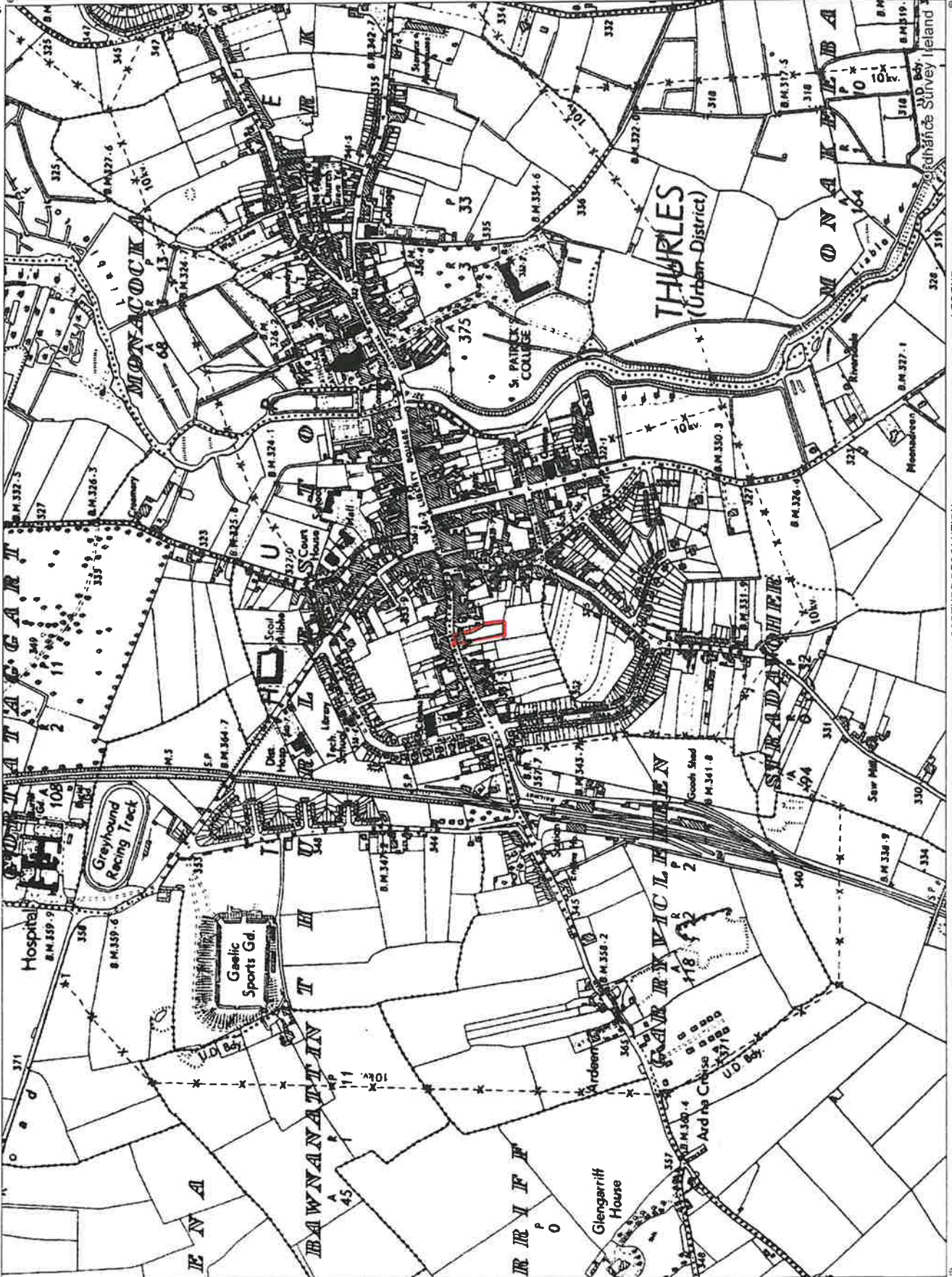
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Output scale is not indicative of data capture scale.
Further information is available at: www.tailte.ie search 'Canine Resolutions'

OUTPUT SCALE: 1:10,560





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Tipperary County Council

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

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An tAonach,
Co. Thiobraid Árann
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Civic Offices, Nenagh,
Co. Tipperary
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e customerservice
@tipperarycoco.ie

tipperarycoco.ie

Date: 18th November, 2024 Our Ref: S5/24/136 Civic Offices, Nenagh

**Rosendale Property Ltd
Railway House
Cregg Rd
Carrick on Suir
Co. Tipperary**

Re: Application for a Section 5 Declaration – Contract with the Department of Children, Equality Disability, Integration and Youth housing Ukraine applicants under the BOTP's at Former Ryans B&B Rosendale, Friar St., Thurles, Co. Tipperary E41 PD88

Dear Mr O' Brien,

I acknowledge receipt of your application for a Section 5 Declaration received on 18th November, 2024, 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 Reference:	S5/24/136
Applicant:	Rosendale Property Ltd.
Development Address:	Former Ryans B&B, Rosendale, Friar Street, Thurles, Co. Tipperary.
Proposed Development:	Details not provided of proposed development. Applicant states that they hold a contract with the Dept. of Children, Equality, Disability, Integration and Youth, hosting Ukraine applicants under the BOTPs.

1. GENERAL

On the 18th November, 2024, an application form was received from Rosendale Property with reference to a property at Friar Street, Thurles, described as a Former Ryans B&B.

The application form did not include development details but stated that the applicant holds a contract with the Dept. of Children, Equality, Disability, Integration and Youth, hosting Ukraine applicants under the BOTPs.

The application form is accompanied by:

- Drawings of the subject property including elevations, floor plans, cross sections etc
- Site layout plan/topographical survey
- Site location map, Scale 1:1000 and 1:10,560

2. STATUTORY PROVISIONS

The following statutory provisions are relevant to this referral case;

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

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

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

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

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

Exempted Development.

- (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.*

Schedule 2, Part 1 ‘Exempted Development - General:

<p>Change of use CLASS 14</p> <p>(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,</p> <p>(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</p> <p>(j) from the change of use specified in paragraph (h) or (i) or both, to the permitted use of the premises immediately prior to the change of use specified in the said paragraph (h) or (i) or both.</p>	<p>Class 14(j) shall not apply after a period of 3 years from the date of the commencement of the change of use specified in Class 14(h) or (i) or both, whichever date is the earliest.</p>
<p>CLASS 20F</p> <p>Temporary use by or on behalf of the Minister for Children, Equality, Disability, Integration and Youth to accommodate or support displaced persons or 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.</p>	<ol style="list-style-type: none"> 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.

	<p>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.</p> <p>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).</p> <p>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.</p>
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Article 9 of the Planning and Development Regulations 2001, as amended sets out restrictions on exemptions and states:

9. (1) *Development to which article 6 relates shall not be exempted development for the purposes of the Act—*
- (a) *if the carrying out of such development would—*
- (i) *contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act,*

3. **ASSESSMENT**

a. **Site Location**

The site comprises of an existing 2 storey dwelling at Friar Street, Thurles.

b. **Relevant Planning History**

There is no planning history traced on site. It is noted however that the structure is listed on the NIAH and the RPS and was built circa 1925. There is no planning history pertaining to the use of the premises as a B&B, nor is there any available evidence on Auctioneers website (noting that the premises was for sale in 2020). There is also no online reference to a B&B at this location.

c. **Assessment**

The application does not provide any detail in relation to the proposed development on site. It is noted that the application form references that the applicants have a contract with the Dept. of Children, Equality, Disability, Integration and Youth, hosting Ukraine applicants under the BOTPs, however the applicant does not explicitly state that the proposed development pertains to the accommodation of IPAS or Ukrainian applicants. The applicant should be requested to clarify the nature of the proposed development on site. The applicant should be further advised that while the property is referred to as Ryans B&B there is not evidence to support the claim that the premises was used as a guest house, with all information available to the Planning Authority pertaining to the use of the building as a residence.

4. **RECOMMENDATION**

I recommend that the applicant should be requested to submit the following:

1. A completed application form, including a detailed description of the proposed development. The application form should be accompanied by relevant drawings/ details as appropriate to describe the development proposed.

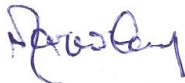
In this regard clarity should be provided on the change of use proposed to the existing Bed and Breakfast building with confirmation of whether all this building or part of same will be used to provide accommodation for Beneficiaries of Temporary Protection.

In addition the details should clearly set out all physical works to be undertaken associated with the change in use. The works should be clearly illustrated on building plans and elevations to show works proposed to be undertaken.

Where works to the site (outside the buildings) is proposed this shall be clearly illustrated on a revised site layout plan and accompanying drawings shall be provided to clearly illustrate the works proposed.

2. The Planning Authority note that the premises is referred to as Ryans B&B at Rosendale. The applicant is advised that the planning history on site, and all information available in relation to the property indicate that the building on site was used for private residential purposes and not as a guesthouse/B&B. The applicant is invited to respond noting the planning exemption under Class 14, Schedule 2, part 1 of the Planning and Development Regulations 201, as amended.
3. In the event that the applicant intends to avail of an exemption under Article 14 (h) or (i) of the Planning and Development Regulations, 2001 (as amended) in relation to the change of use of a guesthouse to use as accommodation for protected persons, the applicant is requested to submit evidence of use of the building as a B&B.

Signed: _



Date: 11.12.2024

A/Senior Executive Planner:



Date: 12/12/2024

HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT

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

(a) File Reference No:	S5/24/136
(b) Brief description of the project or plan:	Details not provided
(c) Brief description of site characteristics:	2 storey dwelling – included on RPS and NIAH
(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW	None
I 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 ¹	Distance from proposed development ² (km)	Connections (Source-Pathway-Receptor)	Considered further in screening Y/N
002137 Lower River Suir SAC	https://www.npws.ie/protected-sites/sac/002137	Within 0.5km	None	No

STEP 3. Assessment of Likely Significant Effects

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

Impacts:	Possible Significance of Impacts: (duration/magnitude etc.)
Construction phase e.g. <ul style="list-style-type: none"> • Vegetation clearance • Demolition • Surface water runoff from soil excavation/infill/landscaping (including borrow pits) • Dust, noise, vibration • Lighting disturbance • Impact on groundwater/dewatering • Storage of excavated/construction materials • Access to site • Pests 	No potential for impacts
Operational phase e.g. <ul style="list-style-type: none"> • Direct emission to air and water • Surface water runoff containing contaminant or sediment • Lighting disturbance • Noise/vibration • Changes to water/groundwater due to drainage or abstraction • Presence of people, vehicles and activities 	No potential for impacts

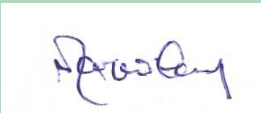
<ul style="list-style-type: none"> Physical presence of structures (e.g. collision risks) Potential for accidents or incidents 	
In-combination/Other	No potential for impacts
(b) Describe any likely changes to the European site:	
<p>Examples of the type of changes to give consideration to include:</p> <ul style="list-style-type: none"> Reduction or fragmentation of habitat area Disturbance to QI species Habitat or species fragmentation 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 	No potential for impacts
I Are 'mitigation' measures necessary to reach a conclusion that likely significant effects can be ruled out at screening?	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

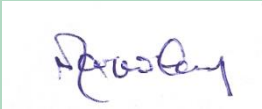
STEP 4. Screening Determination Statement

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

The proposed development is not likely to have significant effects.

Conclusion:

	Tick as Appropriate:	Recommendation:
(i) It is clear that there is no likelihood of significant effects on a European site.	<input checked="" type="checkbox"/>	The proposal can be screened out: Appropriate assessment not required.
(ii) It is uncertain whether the proposal will have a significant effect on a European site.	<input type="checkbox"/>	<input type="checkbox"/> Request further information to complete screening <input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
(iii) Significant effects are likely.	<input type="checkbox"/>	<input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
Signed: 	Date:	11.12.2024

EIA Pre-Screening Establishing a development is a 'sub-threshold development'	
File Reference:	S5/24/136
Development Summary:	Details not provided
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 _____ Further information is required.	EIA is mandatory No Screening required
<input 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): _____	EIA is mandatory No Screening required
<input type="checkbox"/> Yes the project is of a type listed but is <i>sub-threshold</i> : _____	Proceed to Part C
C. If Yes, has Schedule 7A information/screening report been submitted?	
<input type="checkbox"/> Yes, Schedule 7A information/screening report has been submitted by the applicant	Screening Determination required
<input type="checkbox"/> No, Schedule 7A information/screening report has not been submitted by the applicant	Preliminary Examination required
Signed: 	Date: 11.12.2024



Comhairle Contae Thiobraid Árann
Tipperary County Council

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Co. Thiobraid Árann

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t 0818 06 5000
e customerservice
@tipperarycoco.ie

tipperarycoco.ie

Date: 12th December, 2024

Our Ref: S5/24/136

Civic Offices, Nenagh

**Rosendale Property Ltd
Railway House
Cregg Rd
Carrick-on-Suir
Co. Tipperary**

Re: Application for a Section 5 Declaration – Contract with the Department of Children, Equality disability, Integration and Youth Housing Ukraine applicants under the BOTP's at Former Ryan's B&B, Rosendale, Friar St., Thurles, Co. Tipperary, E41 PD88

Dear Sir/Madam,

I refer to an application received from you on 18th November, 2024 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. A completed application form, including a detailed description of the proposed development. The application form should be accompanied by relevant drawings/ details as appropriate to describe the development proposed.

In this regard clarity should be provided on the change of use proposed to the existing Bed and Breakfast building with confirmation of whether all this building or part of same will be used to provide accommodation for Beneficiaries of Temporary Protection.

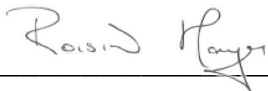
In addition the details should clearly set out all physical works to be undertaken associated with the change in use. The works should be clearly illustrated on building plans and elevations to show works proposed to be undertaken.

Where works to the site (outside the buildings) is proposed this shall be clearly illustrated on a revised site layout plan and accompanying drawings shall be provided to clearly illustrate the works proposed.

2. The Planning Authority note that the premises is referred to as Ryans B&B at Rosendale. The applicant is advised that the planning history on site, and all information available in relation to the property indicate that the building on site was used for private residential purposes and not as a guesthouse/B&B. The applicant is invited to respond noting the planning exemption under Class 14, Schedule 2, part 1 of the Planning and Development Regulations 2011, as amended.
3. In the event that the applicant intends to avail of an exemption under Article 14 (h) or (i) of the Planning and Development Regulations, 2001 (as amended) in relation to the change of use of a guesthouse to use as accommodation for protected persons, the applicant is requested to submit evidence of use of the building as a B&B.

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

Yours faithfully,



for **Director of Services**



PLANNING & DEVELOPMENT ACT, 2000 (as amended)

Application for a Section 5 Declaration
Development / Exempted Development

1. Applicant's address/contact details:

<i>Applicant</i>	<i>Rosendale Property Ltd</i>
<i>Address</i>	<i>Railway House, Cregg rd, Carrick on Suir, Co Tipperary</i>
<i>Telephone No.</i>	[REDACTED]
<i>E-mail</i>	<i>Oiffice.rosendale@gmail.com</i>

2. Agent's (if any) address:

<i>Agent</i>	
<i>Address</i>	
<i>Telephone No.</i>	
<i>E-mail</i>	

Please advise where all correspondence in relation to this application is to be sent;

Applicant [x] Agent []

3. Location of Proposed Development:

<i>Postal Address or Townland or Location (as may best identify the land or structure in question)</i>	Rosendale, Friar st, Thurles Co Tipperary E41PD88
--	---

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.)

This was Ryans B@B. As the building is pre 1963 there is no planning on file but I have attached a copy of the proof given to the department to a quire the present contract. We hold a contract with the Department of Children, Equality, Disability, Integration and Youth for emergency accommodation	
No work has been carried out on this building	
Proposed floor area of proposed works/uses:	sqm 460

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

	A. Owner x	B. Occupier
--	------------	-------------

Please tick appropriate box to show applicant's legal interest in the land or structure	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) Ben O'Sneil

Date: 20/12/24

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

GUIDANCE NOTES

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

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

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

This application form and relevant fee should be submitted to:

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

OR

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

Enquires:

Telephone 0818 06 5000

E-Mail planning@tipperarycoco.ie

FOR OFFICE USE ONLY

DATE STAMP

Fee Recd. € _____

Receipt No _____

Date _____

Received by _____



NETWORKS

esbnetworks.ie

BSL CGA
Three An Pi-voû-t Thoir
Atha Cliath 3, R583, Éire
Fán 123 01

ESB
Three East Road
3, R5S3, Ireland
Phone 1800 928 123 or 01 5005

39714-1-002/0457/1/1

MR ANN RYAN

ROSENDALE
FRIAR STREET
THURLES
CO. TIPPERARY

E41 PD88

MPRN:
10012137937

Date: 17 FEB
2024

Customer
Care:
TLI Group
0818804170

Ref Premises at:

ROSENDALE, FRIAR STREET, THURLES, CO. TIPPERARY, E41
PD88

Dear Customer,

ESB Networks is replacing existing electricity meters across Ireland with next generation smart meters. The meter upgrade is being delivered in co-operation with the Commission for Regulation of Utilities. (Further information can be found in the enclosed leaflet).

Why we are contacting you?

Over the next few months, and at no additional cost to you, the electricity meter at the above address will be replaced. This will be carried out by ESB Networks or an electrical contractor working on our behalf as named above.

Please note:

The installation of a smart meter will not alter the price plan you have in place with your electricity supplier.

The new meter will allow you to take more control of your electricity consumption and enable you to view your electricity usage once you set up your ESB Networks Online Account at esbnetworks.ie.

What's next?

15/05/2024, 20:42

ROSENDALE PROPERTY
LTD
Rosendale
Friar Street
Thurles
Tipperary,
Ireland
E41PD88



DGI MCC02 02

Commercial Customer

Contact:

041 214 9500

MON - FRI 9:00am - 5:30pm

EMERGENCY CONTACT:

For emergencies, power outages
or to report dangerous
situations please contact ESB
NETWORKS:

1800 37 29 99

Supply Address

Rosendale
Friar
Street
Thurles
Tipperary, Ireland
E41 PD88.

Account Information

Account Number 50119883
Date of issue 09/02/24
Invoice Number 3835389
MIC 12

Tariff Category:

DGI NSAV New Business
Energy Rate

Current Bill due Date: 23/02/24

Payment Method: Direct Debit

11/01/24 -
06/02/24

Bill Summary	Amount
Your last bill	45.44
Payment Received Thank You	45.44
Balance brought f0Nard	0.00
Net Bill for this period	2,875.55
Total VAT	258.80
Current Bill	3,134.35
Total Due	3,134.35
Billing Period	

Your fuel mix is presented on the back of this bill. For further information on your fuel mix, please contact customer service on 0412149500



Card 3

Payment Slip

E: Knockbrack House

Matthews Lane
Donore Road, Drogheda,
Co. Louth, Ireland
A92 T803

T: 041 214 9500

Account No: 50119883

MPRN:

10012137937

Transaction

Date:

23/02/24

Total Due €:

3,134.35

accenergy@flogas.ie www.flogas.ie

Death Notice of Ann Ryan (née Fitzgibbon) (Thurles, Tipperary) I
rip.ie

The death has occurred of

Ann Ryan

(née Fitzgibbon)

Rosendale, Friar Street, Thurles, Tipperary

Suddenly. Predeceased by her husband Jerry (the Yank), infant—Deeply regretted by her daughters and ~~Wz (Kelly)~~ son—, grandchildren, brothers— sisters— anc—, sons-in-law—, and—I nieces, nephews, brother-in-law sister-in-law relatives, neighbours and friends.

May She Rest In Peace.

Reposing in Hugh Ryan's Funeral Home, Slievenamon Road, Thurles on Wednesday 2nd January, from 5pm to 7pm. Arriving at the Cathedral of the Assumption, Thurles on Thursday 3rd at 10.30am for Requiem Mass at 1 lam. Burial afterwards in St Patrick's Cemetery, Thurles.

Familyflowers only, donations, if desired, to Suir Haven, Thurles.

Date Published:

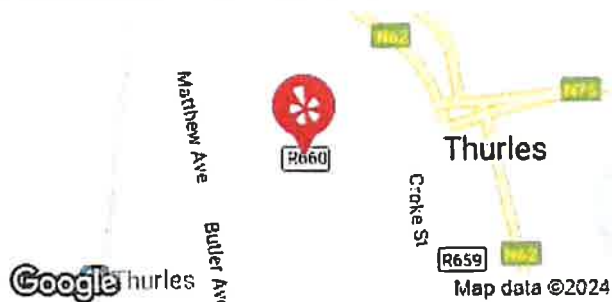
Monday 31 st December 2018

Date of Death:

Sunday 30th December 2018

Location & Hours

[Suggest an edit](#)



Friar Street
 Thurles, Co. Tipperary
 Republic of Ireland

Recommended Reviews

0 Your trust is our top concern, so businesses can't pay to alter or remove their reviews. Learn more about reviews.

Username

Select your rating

Location

Hey there trendsetter! You could be the first review @ 0 ★ 0 for Ryans B & B.

JERRY RYAN'S BED & BREAKFAST, FRIAR STREET, THURLES

Title

Jerry Ryan's Bed & Breakfast, Friar Street, Thurles

Subject

View of Ryan's Bed & Breakfast, Grant's public house and
Michael Moran Menswear on Friar Street, Thurles, Co.
Tipperary

Description

Colour image of old shop fronts on Friar Street, Thurles,
Co. Tipperary

Creator

Ned
O'Shea

Source Ned O'Shea Collection

Publisher

Digitised by Tipperary Studies

Date

1980s

Rights

15/05/2024, 20:42

<https://www.yelp.com/biz/ryans-b-and-b-thurles>



Comhairle Contae Thibraid Árann
Tipperary County Council

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

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

NOTICE OF DECISION

23 DEC 2024

0818 065000
customer service
@tipperarycoco.ie
tipperarycoco.ie

Date: 12th December, 2024

Our Ref: S5/24/136

Civic Offices, Nenagh

**Rosendale Property Ltd
Railway House
Cregg Rd
Carrick-on-Suir
Co. Tipperary**

Re: Application for a Section 5 Declaration – Contract with the Department of Children, Equality disability, Integration and Youth Housing Ukraine applicants under the BOTP's at Former Ryan's B&B, Rosendale, Friar St., Thurles, Co. Tipperary, E41 PD88

Dear Sir/Madam,

I refer to an application received from you on 18th November, 2024 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. A completed application form, including a detailed description of the proposed development. The application form should be accompanied by relevant drawings/ details as appropriate to describe the development proposed.

In this regard clarity should be provided on the change of use proposed to the existing Bed and Breakfast building with confirmation of whether all this building or part of same will be used to provide accommodation for Beneficiaries of Temporary Protection.

In addition the details should clearly set out all physical works to be undertaken associated with the change in use. The works should be clearly illustrated on building plans and elevations to show works proposed to be undertaken.

Where works to the site (outside the buildings) is proposed this shall be clearly illustrated on a revised site layout plan and accompanying drawings shall be provided to clearly illustrate the works proposed.

2. The Planning Authority note that the premises is referred to as Ryans B&B at Rosendale. The applicant is advised that the planning history on site, and all information available in relation to the property indicate that the building on site was used for private residential purposes and not as a guesthouse/B&B. The applicant is invited to respond noting the planning exemption under Class 14, Schedule 2, part 1 of the Planning and Development Regulations 201, as amended.
3. In the event that the applicant intends to avail of an exemption under Article 14 (h) or (i) of the Planning and Development Regulations, 2001 (as amended) in relation to the change of use of a guesthouse to use as accommodation for protected persons, the applicant is requested to submit evidence of use of the building as a B&B.

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

Yours faithfully,



for **Director of Services**



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
e customerservice
@tipperarycoco.ie

tipperarycoco.ie

Date: 31st December, 2024

Our Ref: S5/24/136

Civic Offices, Nenagh

**Rosendale Property Ltd
Railway House
Cregg Rd
Carrick-on-Suir
Co. Tipperary**

Re: Application for a Section 5 Declaration re Contract with the Department of Children, Equality Disability, Integration and Youth housing Ukraine applicants under the BOTP's at Former Ryans B&B Rosendale, Friar St., Thurles, Co. Tipperary E41 PD88 xxxxx

Dear Mr O'Brien

I acknowledge receipt of Further Information received on 23rd December, 2024 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 Reference:	S5/24/136
Applicant:	Rosendale Property Ltd.
Development Address:	Former Ryans B&B, Rosendale, Friar Street, Thurles, Co. Tipperary.
Proposed Development:	Details not provided of proposed development. Applicant states that they hold a contract with the Dept. of Children, Equality, Disability, Integration and Youth, hosting Ukraine applicants under the BOTPs.

1. GENERAL

On the 18th November, 2024, an application form was received from Rosendale Property with reference to a property at Friar Street, Thurles, described as a Former Ryans B&B. The application form did not include development details but stated that the applicant holds a contract with the Dept. of Children, Equality, Disability, Integration and Youth, hosting Ukraine applicants under the BOTPs.

The application form was accompanied by:

- Drawings of the subject property including elevations, floor plans, cross sections etc
- Site layout plan/topographical survey
- Site location map, Scale 1:1000 and 1:10,560

Further information was requested on 12.12.2024 (set out in grey italics) and a response received on 30.12.2024 as set out below

1. A completed application form, including a detailed description of the proposed development. The application form should be accompanied by relevant drawings/ details as appropriate to describe the development proposed.

In this regard clarity should be provided on the change of use proposed to the existing Bed and Breakfast building with confirmation of whether all this building or part of same will be used to provide accommodation for Beneficiaries of Temporary Protection.

In addition the details should clearly set out all physical works to be undertaken associated with the change in use. The works should be clearly illustrated on building plans and elevations to show works proposed to be undertaken. Where works to the site (outside the buildings) is proposed this shall be clearly illustrated on a revised site layout plan and accompanying drawings shall be provided to clearly illustrate the works proposed.

The applicant submitted a revised application form. In response to Q4 of the application form, which requests the applicant to provide details of the proposed development, the applicant responded as set out below.

"This was Ryans B&B. As the building is pre-1963 there is no planning on file but I have attached a copy of the proof given to the Department to acquire the present contract. We hold a contract with the Department of Children, Equality, Disability, Integration and Youth for emergency accommodation.

The Planning Authority notes that the applicant has not clearly set out the proposed development, but has provided details of a contract with the Dept in relation to the provision of emergency accommodation. The applicant further confirms that no work has been carried out on this building.

The proposed floor area of the proposed use is 460sqm.

While not stated in the application form, it appears that the applicant wishes to avail of an exemption under Article 14(h) in relation to the provision of emergency accommodation, and so the application will be assessed on this basis.

- 2. The Planning Authority note that the premises is referred to as Ryans B&B at Rosendale. The applicant is advised that the planning history on site, and all information available in relation to the property indicate that the building on site was used for private residential purposes and not as a guesthouse/B&B. The applicant is invited to respond noting the planning exemption under Class 14, Schedule 2, part 1 of the Planning and Development Regulations 201, as amended.*
- 3. In the event that the applicant intends to avail of an exemption under Article 14 (h) or (i) of the Planning and Development Regulations, 2001 (as amended) in relation to the change of use of a guesthouse to use as accommodation for protected persons, the applicant is requested to submit evidence of use of the building as a B&B.*

The applicant has submitted utility bills in relation to the property in the name of the previous owner together with a death notice relating to Ann Ryan. The documentation submitted include an extract from Tipperary archive which references Jerry Ryan's Bed and Breakfast on Friar Street.

The Planning Authority do not consider the foregoing to constitute sufficient evidence of the premises being used as a B & B. It is noted that the applicant has also submitted details of historical records from Tipperary Studies in relation to Jerry Ryans Bed and Breakfast (Ned O'Shea photographic collection).

On accessing this photographic collection however, the Planning Authority notes that the building described as Ryans B&B does not appear to correspond to the building which is the subject of this application.



3. STATUTORY PROVISIONS

The following statutory provisions are relevant to this referral case;

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

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

Section 2(1) of the Planning and Development Act, 2000, as amended, defines "works" as:-

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

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

Exempted Development.

(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.

Schedule 2, Part 1 'Exempted Development - General:

<p>Change of use CLASS 14</p> <p>(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,</p> <p>(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</p> <p>(j) from the change of use specified in paragraph (h) or (i) or both, to the permitted use of the premises immediately prior to the change of use specified in the said paragraph (h) or (i) or both.</p>	<p>Class 14(j) shall not apply after a period of 3 years from the date of the commencement of the change of use specified in Class 14(h) or (i) or both, whichever date is the earliest.</p>
<p>CLASS 20F Temporary use by or on behalf of the Minister for Children, Equality, Disability, Integration and Youth to accommodate or support displaced persons or 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,</p>	<p>1. The temporary use shall only be for the purposes of accommodating displaced persons or for the purposes of accommodating persons seeking international protection.</p> <p>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</p>

<p>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.</p>	<p>comes to an end in accordance with Article 6 of the Council Directive 2001/55/EC of 20 July 2001².</p> <p>3. The use for the purposes of accommodating persons seeking international protection shall be discontinued not later than 31 December 2028.</p> <p>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.</p> <p>5. The relevant local authority must be notified of locations where change of use is taking place prior the commencement of development.</p> <p>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.</p> <p>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).</p> <p>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.</p>
---	---

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

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

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

(i) contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act,

S.I. No. 306 of 2022 EUROPEAN UNION (PLANNING AND DEVELOPMENT) (DISPLACED PERSONS FROM UKRAINE TEMPORARY PROTECTION) REGULATIONS 2022

Section 391) of said regulations states:

3. (1) The Act of 2000 (other than sections 181A to 181C) shall not apply to the classes of development specified in the Schedule carried out by, or on behalf of, a State authority during the relevant period for the purposes of providing temporary protection to displaced persons

The schedule under said regulations are as follows:

1. *Reception and integration facilities.*
2. *Residential accommodation, including ancillary recreational and sporting facilities.*
3. *Medical and other health and social care accommodation.*
4. *Education and childcare facilities, including ancillary recreational and sporting facilities.*
5. *Emergency management coordination facilities.*
6. *Structures or facilities ancillary to development referred to in paragraphs 1 to 5, including administration and storage facilities.*
7. *Infrastructure and other works ancillary to development referred to in paragraphs 1 to 6.*

4. ASSESSMENT

a. Site Location

The site comprises of an existing 2 storey dwelling at Friar Street, Thurles.

b. Relevant Planning History

There is no planning history traced on site. It is noted however that the structure is listed on the NIAH and the RPS and was built circa 1925. There is no planning history pertaining to the use of the premises as a B&B, nor is there any available evidence on Auctioneers website (noting that the premises was for sale in 2020). There is also no online reference to a B&B at this location.

c. Assessment

The information provided with the application and the subsequent response to the further information request contends that the premises was previously used as a B&B, however it is considered that the further information received do not provide adequate evidence to support the claim that the premises was used as a B&B/Guest house, and therefore it is considered that the applicant cannot avail of an exemption under Class

14(h) for the change of use from a guesthouse to use for emergency accommodation. It is noted that the photographic evidence supplied by the applicant in support of the claim of the use of the premises as a B&B does not pertain to the subject site.

The further information has not set out clearly the question to which the Declaration relates. The original application references the holding of a contract with the Dept of Children, Equality, Disability, Integration and Youth (DCEDIY) and does not outline what is proposed (change of use or works). The further information does not provide a description of the development and is not accompanied by drawings or details describing the development.

Noting the limitations with the details submitted the assessment below is based on the information at hand.

A) "Is or is not Development"

The proposal would result in the material change of use from a residential dwelling to use as accommodation for protected persons and thereby constitute "development" in accordance with the definition of same under Section 3 of the Act.

B) "Is or is not Exempted Development"

I am not satisfied the proposals meets the exemptions as set out under Class 14h, Schedule 2 Part 1 of the Planning & Development Regulations 2001 (as amended). The submission includes details of a premises which does not correspond to the subject site.

I cannot confirm that the proposals satisfies the planning exemption under the S.I. No. 306 of 2022 EUROPEAN UNION (PLANNING AND DEVELOPMENT) (DISPLACED PERSONS FROM UKRAINE TEMPORARY PROTECTION) REGULATIONS 2022

C) "Is the exemption limited under Article 9.

In the absence of conclusive information in relation to the historical uses of this building it is not possible to assess whether restrictions under Article 9 would apply.

AA

The proposal has been assessed having regard to the requirements of the EU Habitats Directive. The proposal has been screened as to the requirements for AA and the screening assessment considers that the proposal does not impact on any Natura 2000 site. See also Appropriate Assessment (AA) screening report attached as Appendix 1.

EIA

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 also for Environmental Impact Assessment (EIA) preliminary examination screening report attached as Appendix 2.

4. RECOMMENDATION

WHEREAS a question has arisen as to whether the inferred change of use of a premises from a dwelling/guesthouse to use for emergency accommodation.

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

- (a) Sections 2 and 3 of the Planning and Development Act 2000 (as amended)
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended)
- (c) Class 14(h) of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended)
- (d) S.I. No. 306 of 2022 EUROPEAN UNION (PLANNING AND DEVELOPMENT) (DISPLACED PERSONS FROM UKRAINE TEMPORARY PROTECTION) REGULATIONS 2022

AND WHEREAS Tipperary County Council has concluded that –

i) The proposal would result in the material change of use from a residential dwelling to use as accommodation for protected persons and thereby constitute “development” in accordance with the definition of same under Section 3 of the Planning and Development Act 2000, as amended.

ii) It has not been demonstrated that the proposal meets the exemptions as set out under:

- Class 14h, Schedule 2 Part 1 of the Planning & Development Regulations 2001 (as amended).
- S.I. No. 306 of 2022 EUROPEAN UNION (PLANNING AND DEVELOPMENT) (DISPLACED PERSONS FROM UKRAINE TEMPORARY PROTECTION) REGULATIONS 2022
-

NOW WHEREAS 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 proposed development is *development* and is **not exempted development**.

Signed: _



Date: 20.01.2025

A/Senior Executive Planner:



Date: 20/1/2025

HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT

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

(a) File Reference No:	S5/24/136
(b) Brief description of the project or plan:	Details not provided
(c) Brief description of site characteristics:	2 storey dwelling – included on RPS and NIAH
(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW	None
I 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 ¹	Distance from proposed development ² (km)	Connections (Source-Pathway-Receptor)	Considered further in screening Y/N
002137 Lower River Suir SAC	https://www.npws.ie/protected-sites/sac/002137	Within 0.5km	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.)
<p>Construction phase e.g.</p> <ul style="list-style-type: none"> • Vegetation clearance • Demolition • Surface water runoff from soil excavation/infill/landscaping (including borrow pits) • Dust, noise, vibration • Lighting disturbance • Impact on groundwater/dewatering • Storage of excavated/construction materials • Access to site 	No potential for impacts

<ul style="list-style-type: none"> • Pests 	
Operational phase e.g. <ul style="list-style-type: none"> • Direct emission to air and water • Surface water runoff containing contaminant or sediment • Lighting disturbance • Noise/vibration • Changes to water/groundwater due to drainage or abstraction • Presence of people, vehicles and activities • Physical presence of structures (e.g. collision risks) • Potential for accidents or incidents 	No potential for impacts
In-combination/Other	No potential for 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 • 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 	No potential for impacts
---	--------------------------

I 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.

The proposed development is not likely to have significant effects.

Conclusion:

	Tick as Appropriate:	Recommendation:
(i) It is clear that there is no likelihood of significant effects on a European site.	<input checked="" type="checkbox"/>	The proposal can be screened out: Appropriate assessment not required.
(ii) It is uncertain whether the proposal will have a significant effect on a European site.	<input type="checkbox"/>	<input type="checkbox"/> Request further information to complete screening <input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission

(iii) Significant effects are likely.	<input type="checkbox"/>	<input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
Signed:		Date: 20.01.2025

EIA Pre-Screening	
Establishing a development is a 'sub-threshold development'	
File Reference:	S5/24/136
Development Summary:	Details not provided
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 _____ Further information is required.	EIA is mandatory No Screening required
<input 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): _____	EIA is mandatory No Screening required
<input type="checkbox"/> Yes the project is of a type listed but is <i>sub-threshold</i> : _____	Proceed to Part C
C. If Yes, has Schedule 7A information/screening report been submitted?	

- 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**

Signed:



Date:

20.01.2025



Comhairle Contae Thiobraid Árann
Tipperary County Council

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

Comhairle Contae
Thiobraid Árann,
Oifigí Cathartha,
An tAonach,
Co. Thiobraid Árann
Tipperary County Council,
Civic Offices, Nenagh,
Co. Tipperary
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Date: 20th January, 2025

Our Ref: S5/24/136

Civic Offices, Nenagh

Rosendale Property Ltd
Railway House
Cregg Rd
Carrick-on-Suir
Co. Tipperary

Re: Declaration under Section 5 of the Planning and Development Act 2000

Dear Mr Ryan,

I refer to your application for a Section 5 Declaration received on 18th November, 2024 and Further Information received on 23rd December, 2024 in relation to the following proposed works:

Details not provided of proposed development. Applicant states that they hold a contract with the Dept. of Children, Equality, Disability, Integration and Youth, hosting Ukraine applicants under the BOTPs **at Former Ryan's B&B, Rosendale, Friar Street, Thurles, Co. Tipperary.**

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

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

- (a) Sections 2 and 3 of the Planning and Development Act 2000 (as amended)
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended)
- (c) Class 14(h) and Class 20 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended)
- (d) S.I. No. 306 of 2022 EUROPEAN UNION (PLANNING AND DEVELOPMENT) (DISPLACED PERSONS FROM UKRAINE TEMPORARY PROTECTION) REGULATIONS 2022

AND WHEREAS Tipperary County Council has concluded that –

i) The proposal would result in the material change of use from a residential dwelling to use as accommodation for protected persons and thereby constitute "development" in accordance with the definition of same under Section 3 of the Planning and Development Act 2000, as amended.


ii) It has not been demonstrated that the proposal meets the exemptions as set out under:

- Class 14h or Class 20, Schedule 2 Part 1 of the Planning & Development Regulations 2001 (as amended).
- S.I. No. 306 of 2022 EUROPEAN UNION (PLANNING AND DEVELOPMENT) (DISPLACED PERSONS FROM UKRAINE TEMPORARY PROTECTION) REGULATIONS 2022

NOW WHEREAS 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 proposed development is *development* and is **not exempted development**.

NOTE: Any person issued with a Declaration of a Planning Authority may refer the Declaration for review to An Bord Pleanála, 64 Marlborough Street, Dublin 1, within four (4) weeks of the date of issue of the Declaration and on payment of the prescribed fee.

Yours sincerely



for **Director of Services**

Original

TIPPERARY COUNTY COUNCIL

DELEGATED EMPLOYEE'S ORDER

File Ref: **S5/24/136** **Delegated Employee's Order No:** _____

SUBJECT: Section 5 Declaration

I, Sharon Kennedy, 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. 40781 dated 2nd January, 2025, hereby order that pursuant to the provisions of the Planning and Development Act 2000, as amended, that an application under Section 5 from Rosendale Property Ltd., Railway House, Cregg Rd., Carrick-on-Suir, Co. Tipperary re: Details not provided of proposed development. Applicant states that they hold a contract with the Dept. of Children, Equality, Disability, Integration and Youth, hosting Ukraine applicants under the BOTPs at Former Ryans B&B, Rosendale, Friar Street, Thurles, Co. Tipperary is development and is exempted development.

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

- (a) Sections 2 and 3 of the Planning and Development Act 2000 (as amended)
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended)
- (c) Class 14(h) and Class 20 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended)
- (d) S.I. No. 306 of 2022 EUROPEAN UNION (PLANNING AND DEVELOPMENT) (DISPLACED PERSONS FROM UKRAINE TEMPORARY PROTECTION) REGULATIONS 2022

AND WHEREAS Tipperary County Council has concluded that –

i) The proposal would result in the material change of use from a residential dwelling to use as accommodation for protected persons and thereby constitute "development" in accordance with the definition of same under Section 3 of the Planning and Development Act 2000, as amended.

ii) It has not been demonstrated that the proposal meets the exemptions as set out under:

- Class 14h or Class 20, Schedule 2 Part 1 of the Planning & Development Regulations 2001 (as amended).

- S.I. No. 306 of 2022 EUROPEAN UNION (PLANNING AND DEVELOPMENT) (DISPLACED PERSONS FROM UKRAINE TEMPORARY PROTECTION) REGULATIONS 2022

NOW WHEREAS 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 proposed development is *development* and is **not exempted development.**

Signed:  _____

Date: 20/01/2025

Sharon Kennedy

Director of Services

Planning and Development (including Town Centre First),

Emergency Services and Emergency Planning and

Tipperary/Cahir/Cashel Municipal District