

LBR



Comhairle Contae Thiobraid Árann
Tipperary County Council

Tipperary County Council
RECEIVED
28 MAR 2024
CASH OFFICE
Civic Offices, Clonmel

PLANNING & DEVELOPMENT ACT, 2000 (as amended)

Receipt No
E30 2024
28 03 2024

Application for a Section 5 Declaration
Development / Exempted Development

SCANNED

1. Applicant's address/contact details:

Applicant	BASSEM YASSIN
Address	92 Irish town Clonmel CO. Tipperary. E91DK81
Telephone No.	[REDACTED]
E-mail	[REDACTED]

2. Agent's (if any) address:

Agent	
Address	
Telephone No.	
E-mail	
Please advise where all correspondence in relation to this application is to be sent;	
Applicant [] Agent []	

TIPPERARY CO. COUNCIL
RECEIVED
28 MAR 2024
PLANNING SECTION
FILE NO.

3. Location of Proposed Development:

Postal Address or Townland or Location (as may best identify the land or structure in question)	The Glen of Aherlow hotel Aherlow Tipperary E34VF66
---	--

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.)

• Relocation of the ^{Sewage} Tank, was for water
• Painting the hotel from outside
• Build fence front of the hotel
• change the use from hotel ^{to} holiday apartments
• Building extension on the back of the hotel
Proposed floor area of proposed works/uses: sqm

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

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

Signature of Applicant(s) B. V. [Signature]

Date: 27 March 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.

note: for site visit, I'm only available every Thursday & Friday. any other days not available.
Thanks

GUIDANCE NOTES

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

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

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

This application form and relevant fee should be submitted to:

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

FOR OFFICE USE ONLY

DATE STAMP

Fee Recd. € _____

Receipt No _____

Date _____

Received by _____

587240 mE, 630050 mN

The Property
Registration Authority
An tÚdarás
Clárúcháin Maoine



Folio: TY69121F

This map should be read in conjunction with the folio.

Registry maps are based on OSi topographic mapping. Where registry maps are printed at a scale that is larger than the OSi published scale, accuracy is limited to that of the original OSi map scale.








For details of the terms of use and limitations as to scale, accuracy and other conditions relating to Land Registry maps, see www.pral.ie.

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(centre-line of parcel(s) edged)

-  Freehold
-  Leasehold
-  SubLeasehold

Burdens (may not all be represented on map)

-  Right of Way / Wayleave
-  Turbary
-  Pipeline
-  Well
-  Pump
-  Septic Tank
-  Soak Pit

A full list of burdens and their symbology can be found at: www.landdirect.ie



The registry operates a non-conclusive boundary system. The Registry Map identifies properties not boundaries meaning neither the description of land in a register nor its identification by reference to a registry map is conclusive as to the boundaries or extent. (see Section 85 of the Registration of Title Act, 1964). As inserted by Section 62 of the Registration of Deed and Title Act 2006.



440 mE, 629400 mN
Printed: 22/09/2023

Creation Date: 22 September 2023 07:26:52

Application Number: P2023LR117082T

587240 mE, 630050 mN

The Property
Registration Authority
An tÚdarás
Clárúcháin Maoine



Folio: TY69121F

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(centre-line of parcel(s) edged)

Freehold

Leasehold

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587140 mE, 629400 mN
Printed: 22/09/2023

Creation Date: 22 September 2023 07:26:52

Application Number: P2023LR117082T

1:2500 Scale





Comhairle Contae Thiobraid Árann
Tipperary County Council

Comhairle Contae
Thiobraid Árann,
Oifigi Cathartha,
Cluain Meala,
Co. Thiobraid Árann

Tipperary County Council,
Civic Offices, Clonmel,
Co. Tipperary

E91 N512

Comhairle Contae
Thiobraid Árann,
Oifigi Cathartha,
An tAonach,
Co. Thiobraid Árann

Tipperary County Council,
Civic Offices, Nenagh,
Co. Tipperary

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e customerservice
@tipperarycoco.ie

tipperarycoco.ie

Date: 8th April 2024

Our Ref: S5/24/40

Civic Offices, Clonmel

Bassem Yassin
92 Irishtown
Clonmel
Co. Tipperary

SCANNED

Re: Application for a Section 5 Declaration – for 1). Relocation of the sewage tank & waste water 2). Painting the hotel from outside 3). Build fence at front of the hotel 4). Change of use from hotel to holiday apartments 5). Building extension onto the back of the hotel at The Glen of Aherlow, Aherlow, Co. Tipperary.

Dear Sir/Madam,

I acknowledge receipt of your application for a Section 5 Declaration received on 28th March, 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 faithfully

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: S5/24/40

Applicant: Bassem Yassin

Development Address: The Glen of Aherlow, Co. Tipperary

Proposed Development: 1).Relocation of the sewage tank & waste water 2). Painting the hotel from outside 3). Build fence at front of the hotel 4). Change of use from hotel to holiday apartments 5). Building extension onto the back of the hotel.

1. GENERAL

On the 8th April 2024 a request was made for a declaration under Section 5 of the Planning and Development Act, 2000 as amended, by Bassem Yassin in respect of the following development at the Glen of Aherlow Hotel;

- 1). Relocation of the sewage tank & waste water
- 2). Painting the hotel from outside
- 3). Build fence at front of the hotel
- 4). Change of use from hotel to holiday apartments
- 5). Building extension onto the back of the hotel.

The application was accompanied by the following;

- Application Form
- Site Location Map

2. RELEVANT LEGISLATION

PLANNING AND DEVELOPMENT ACT 2000, AS AMENDED

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.

Section 4 of the Planning and Development Act, 2000, as amended states:

(1) The following shall be exempted developments for the purposes of this Act—

(h) development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures.

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

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

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

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

PLANNING AND DEVELOPMENT REGULATIONS 2001, AS AMENDED

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

Exempted Development.

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

Class 11 & 12 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended states:

Description of Development	Conditions and Limitations
<p>CLASS 11 <i>The construction, erection, lowering, repair or replacement, other than within or bounding the curtilage of a house, of—</i></p> <p>(a) <i>any fence (not being a hoarding or sheet metal fence), or</i> (b) <i>any wall of brick, stone, blocks with decorative finish, other concrete blocks or mass concrete.</i></p>	<p>1. <i>The height of any new structure shall not exceed 1.2 metres or the height of the structure being replaced, whichever is the greater, and in any event shall not exceed 2 metres.</i></p> <p>2. <i>Every wall, other than a dry or natural stone wall, constructed or erected bounding a road shall be capped and the face of any wall of concrete or concrete blocks (other than blocks of a decorative finish) which will be visible from any road, path or public area, including a public open space, shall be rendered or plastered.</i></p>

Description of Development	Conditions and Limitations
CLASS 12 <i>The painting of any external part of any building or other structure</i>	<i>Such painting may not, except in the case of a hoarding or other temporary structure bounding land on which development consisting of works is being or will be carried out in pursuance of a permission granted under Part III of the Act or as exempted development, be for the purposes of creating a mural.</i>

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—*

(viiB) *comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site.*

(viii) *consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use.*

3. **ASSESSMENT**

a. **Site Location**

The site comprises of an existing hotel (The Glen Hotel) in the rural townland of Ballynacourty, Glen of Aherlow, Co. Tipperary

b. **Relevant Planning History**

PL ref: 01/64 - 21 dormer type dwellings, effluent treatment plant and all ancillary works

PL ref: P313721 - Installation of new septic tanks and puraflo percolating filter

PL ref: P32668 - Renovate and extend former Aherlow Hotel

PL ref: P37032 - 10 bedroomed extension to hotel

PL ref: P34121 - Extension of functions room

TUD-22-101 Case Closed

TUD-23-050 Warning letter issued 02/06/2023 and 17/04/2024 for the following;

- *The formation of an entrance onto public roadway number R-663-1*
- *The conversion of the Glen Hotel from commercial to residential use resulting in a material change of use of the premises.*

c. **Assessment**

The question posed under the Section 5 Declaration application is whether the following

- 1) Relocation of the sewage tank & waste water
- 2) Painting the hotel from outside
- 3) Build fence at front of the hotel
- 4) Change of use from hotel to holiday apartments
- 5) Building extension onto the back of the hotel.

is development and is or is not exempted development.

i) "Is or is not Development"

It is considered that the above listed proposal constitutes "works" as understood by the Planning and Development Act 2000, as amended. The above listed proposal therefore constitutes "development" within the meaning of the Planning and Development Act 2000, as amended.

ii) "Is or is not Exempted Development"

1). Relocation of the sewage tank & waste water

I note there is no exemption set out in the above cited Act or the Regulations to be availed of for the relocation of a sewage tank and wastewater system.

2). Painting the hotel from outside

The painting of the hotel meets the parameters of Class 12 of Part 1 of Schedule 2 of the above cited Regulations. The building is not a Protected Structure and is not located within an ACA.

3). Build fence at front of the hotel.

No details have been provided with regard the fence to the front of the hotel. I note the enforcement history on the site, however, same cannot be ascertained without the submission of scaled drawings. I note there is the opening of an entrance to the east of the hotel which is Restricted under Article 9 of the regulations.

4). Change of use from hotel to holiday apartments

I note there is no exemption to be availed of in the above cited Act or the Regulations for the change of use from hotel to holiday apartments. I consider this proposal would be considered material change of use.

5). Building extension onto the back of the hotel.

I note no drawings of the proposed extension have been provided. In any event I note there is no exemption to be availed of in the above cited Act or the Regulations for extension onto the back of the hotel.

iii) Restrictions under Article 9

The opening of the entrance does not appear to avail of an exemption onto the public road would be therefore be restricted under Article 9 (viii).

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

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 based on the information presented it is unclear of the overall proposal impacts on a Natura 2000 noting the proximity to a connection to the Lower River Suir SAC. See also Appropriate Assessment (AA) screening report attached.

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.

4. RECOMMENDATION

WHEREAS a question has arisen as to whether the 1). Relocation of the sewage tank & waste water 2). Painting the hotel from outside 3). Build fence at front of the hotel 4). Change of use from hotel to holiday apartments 5). Building extension onto the back of the hotel at The Glen Hotel, Glen of Aherlow, Co. Tipperary constitutes "development" and "exempted development"

AND WHERE AS Tipperary County Council in considering this referral had regard particularly to -

- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000 as amended,
- (b) Articles 6 and 9 of the Planning and Development Regulations, 2001, as amended,
- (c) Schedule 2, Part 1, Class 11 and 12 of the Planning and Development Regulations, 2001, as amended
- (d) The application and details submitted by the applicant and the planning history on the site.

AND WHEREAS Tipperary County Council has concluded that

- The relocation of the sewage tank & waste water

- Change of use from hotel to holiday apartments
- Building extension onto the back of the hotel

constitutes "development" within the meaning of the Planning and Development Act 2000, as amended and is **NOT** "exempted development".

AND;

The painting of the hotel is development and IS exempted development as same satisfies the planning exemption under Class 12, Schedule 2, Part 3 of the Planning and Development Regulations 2001 (as amended).

AND;

In the absence of suitable scaled drawings, the Planning Authority cannot determine if the proposed fence to the front of the hotel meets the parameters of Schedule 2, Part 1, Class 11 of the Planning and Development Regulations, 2001, as amended. It has therefore not been possible to determine if this element is or is not exempted development.

The development has been screened as to the requirement for Appropriate Assessment and Environmental Impact Assessment and it has been determined that same are not required with respect to the painting of the hotel. It has been determined that insufficient information has been provided on the balance of the development to enable the Planning Authority to complete the screening exercise.

District Planner:



Date: 19/04/2024

Senior Executive Planner:



Date: 22.04.2024

HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT

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

(a) File Reference No:	S5/24/40
(b) Brief description of the project or plan:	Section 5 Exemption Declaration 1).Relocation of the sewage tank & waste water 2). Painting the hotel from outside 3). Build fence at front of the hotel 4). Change of use from hotel to holiday apartments 5). Building extension onto the back of the hotel.
(c) Brief description of site characteristics:	Existing hotel site in rural area
(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW	None
(e) Response to consultation:	None

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

European Site (code)	List of Qualifying Interest/Special Conservation Interest ¹	Distance from proposed development ² (km)	Connections (Source-Pathway-Receptor)	Considered further in screening Y/N
002137 Lower River Suir	https://www.npws.ie/protected-sites/sac/002137	Within 0.5km	Yes	Yes
000646 Galtee Mountains SAC	https://www.npws.ie/protected-sites/sac/000646	Within 15km	None	No
002257 Moanour Mountains SAC	https://www.npws.ie/protected-sites/sac/002257	Within 15km	None	No

STEP 3. Assessment of Likely Significant Effects

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

Impacts:	Possible Significance of Impacts: (duration/magnitude etc.)
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 	Uncertain based on level of information received with application.

Operational phase e.g.

- 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

Uncertain based on level of information received with application.

In-combination/Other

Uncertain based on level of information received with application.

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

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

- Reduction or fragmentation of habitat area
- Disturbance to QI species
- Habitat or species fragmentation
- Reduction or fragmentation in species density
- Changes in key indicators of conservation status value (water or air quality etc.)
- Changes to areas of sensitivity or threats to QI
- Interference with the key relationships that define the structure or ecological function of the site

Uncertain based on level of information received with application.

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

Yes No

STEP 4. Screening Determination Statement

The assessment of significance of effects:

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

On the basis of the information on file, which is considered adequate to undertake a screening determination and having regard to: the nature and scale of the proposed development, it is concluded that the proposed development, (**LISTED AS EXEMPTED**) is not likely to have significant effects on the above listed European sites or any other European site, in view of the said sites' conservation objectives.

It is unclear if the remaining proposal would have an significant impact on the SAC notwithstanding same there is no exemption to be availed of for items listed 1,4 &5.

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 checked="" type="checkbox"/>	<input checked="" type="checkbox"/> Request further information to complete screening <input type="checkbox"/> Refuse Exemption
(iii) Significant effects are likely.	<input type="checkbox"/>	<input type="checkbox"/> Refuse Exemption

EIA PRE-SCREENING
Establishing a development is a 'sub-threshold development'

File Reference:	S5/24/40
Development Summary:	Section 5 Exemption Declaration 1).Relocation of the sewage tank & waste water 2). Painting the hotel from outside 3). Build fence at front of the hotel 4). Change of use from hotel to holiday apartments 5). Building extension onto the back of the hotel.
Was a Screening Determination carried out under Section 176A-C?	<input type="checkbox"/> Yes, no further action required <input checked="" type="checkbox"/> No, Proceed to Part A

A. Schedule 5 Part 1 - Does the development comprise a project listed in Schedule 5, Part 1, of the Planning and Development Regulations 2001 (as amended)? (Tick as appropriate)

<input type="checkbox"/> Yes, specify class	EIA is mandatory
<input checked="" type="checkbox"/> No	No Screening required Proceed to Part B

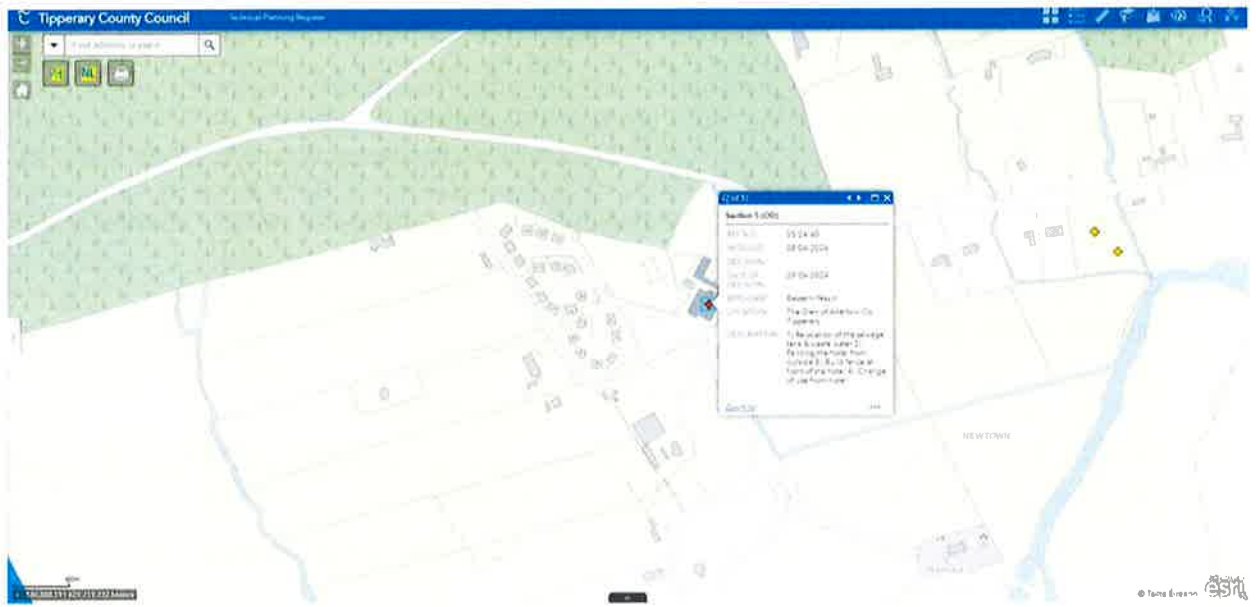
B. Schedule 5 Part 2 - Does the development comprise a project listed in Schedule 5, Part 2, of the Planning and Development Regulations 2001 (as amended) and does it meet/exceed the thresholds?

(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
<input checked="" type="checkbox"/> Yes the project is of a type listed but is <i>sub-threshold</i> : <u>Class 10 (b) (i)</u>	No Screening required 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 checked="" type="checkbox"/> No, Schedule 7A information/screening report has not been submitted by the applicant	Preliminary Examination required





Comhairle Contae Thiobraid Árann
Tipperary County Council

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Tipperary County Council,
Civic Offices, Nenagh,
Co. Tipperary

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tipperarycoco.ie

Date: 23rd April 2024

Our Ref: S5/24/40

Civic Offices, Nenagh

Bassem Yassin
92 Irishtown
Clonmel
Co. Tipperary

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

Dear Mr Yassin,

I refer to your application for a Section 5 Declaration received on 28th March, 2024, in relation to the following proposed works:

1).Relocation of the sewage tank & waste water 2). Painting the hotel from outside 3). Build fence at front of the hotel 4). Change of use from hotel to holiday apartments 5). Building extension onto the back of the hotel at the Glen of Aherlow, Aherlow, Co. Tipperary

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

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

- a) Sections 2, 3 and 4 of the Planning and Development Act, 2000 as amended,
- b) Articles 6 and 9 of the Planning and Development Regulations, 2001, as amended,
- c) Schedule 2, Part 1, Class 11 and 12 of the Planning and Development Regulations, 2001, as amended
- d) The application and details submitted by the applicant and the planning history on the site.

AND WHEREAS Tipperary County Council has concluded that

- The relocation of the sewage tank & waste water
- Change of use from hotel to holiday apartments
- Building extension onto the back of the hotel

constitutes "development" within the meaning of the Planning and Development Act 2000, as amended and is **NOT "exempted development"**.

AND;

The painting of the hotel is development and **IS exempted development** as same satisfies the planning exemption under Class 12, Schedule 2, Part 3 of the Planning and Development Regulations 2001 (as amended).

AND;

In the absence of suitable scaled drawings, the Planning Authority cannot determine if the proposed fence to the front of the hotel meets the parameters of Schedule 2, Part 1, Class 11 of the Planning and Development Regulations, 2001, as amended. It has therefore not been possible to determine if this element is or is not exempted development.

The development has been screened as to the requirement for Appropriate Assessment and Environmental Impact Assessment and it has been determined that same are not required with respect to the painting of the hotel. It has been determined that insufficient information has been provided on the balance of the development to enable the Planning Authority to complete the screening exercise.

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: **S5/24/40** **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. 37256 dated 4th March, 2024, hereby order that pursuant to the provisions of the Planning and Development Act 2000, as amended, that an application under Section 5 from Bassem Yassin, 92 Irishtown, Clonmel, Co. Tipperary, re:

1).Relocation of the sewage tank & waste water 2). Painting the hotel from outside 3). Build fence at front of the hotel 4). Change of use from hotel to holiday apartments 5). Building extension onto the back of the hotel at the Glen of Aherlow, co. Tipperary.

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

- a) Sections 2, 3 and 4 of the Planning and Development Act, 2000 as amended,
- b) Articles 6 and 9 of the Planning and Development Regulations, 2001, as amended,
- c) Schedule 2, Part 1, Class 11 and 12 of the Planning and Development Regulations, 2001, as amended
- d) The application and details submitted by the applicant and the planning history on the site.

AND WHEREAS Tipperary County Council has concluded that

- The relocation of the sewage tank & waste water
- Change of use from hotel to holiday apartments
- Building extension onto the back of the hotel

constitutes "development" within the meaning of the Planning and Development Act 2000, as amended and is **NOT "exempted development"**.

AND;

The painting of the hotel is development and **IS exempted development** as same satisfies the planning exemption under Class 12, Schedule 2, Part 3 of the Planning and Development Regulations 2001 (as amended).

AND;

In the absence of suitable scaled drawings, the Planning Authority cannot determine if the proposed fence to the front of the hotel meets the parameters of Schedule 2, Part 1, Class 11 of the Planning and Development Regulations, 2001, as amended. It has therefore not been possible to determine if this element is or is not exempted development.

The development has been screened as to the requirement for Appropriate Assessment and Environmental Impact Assessment and it has been determined that same are not required with respect to the painting of the hotel. It has been determined that insufficient information has been provided on the balance of the development to enable the Planning Authority to complete the screening exercise.

Signed:



Date: 23/04/2024

Sharon Kennedy
Director of Services
Planning and Development (including Town Centre First),
Emergency Services and Emergency Planning and
Tipperary/Cahir/Cashel Municipal District