

PLANNING & DEVELOPMENT ACT, 2000 (as amended)

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

1. Applicant's address/contact details:

Applicant	Naomi Morrissey
Address	Boulabeha, Moyne, Thurles, Co. Tipperary E41V660
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 []

3. Location of Proposed Development:

Postal Address <u>or</u> Townland <u>or</u> Location (as may best identify the land or structure in question)	Boulabeha, Moyne. E41V660 ITM 620047,663865
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4. Development Details:

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

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

Type 1: A roofed structure housing horses, its floor area does not exceed 200 square metres and that the total floor area of all Type 1 structures within the farmyard complex (or within 100 metres of the complex) does not exceed 300 square metres floor space.
The building is 192Sqm. Its greater than 100m from any house (other than my own), It greater than 100m from the public road and less than 5m high
Proposed floor area of proposed works/uses: 192 sqm

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

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

Signature of Applicant(s) *Laura Harris*

Date: 27/02/2024

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.

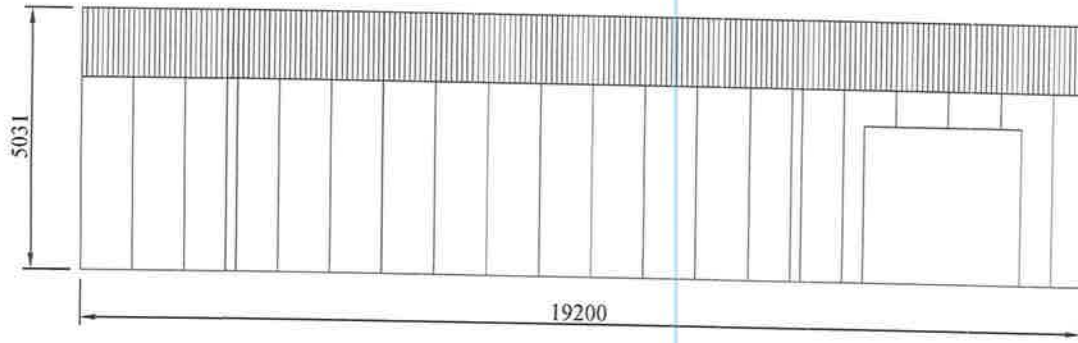
This application form and relevant fee should be submitted to:

Planning Section, Tipperary County Council, Civic Offices, 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		

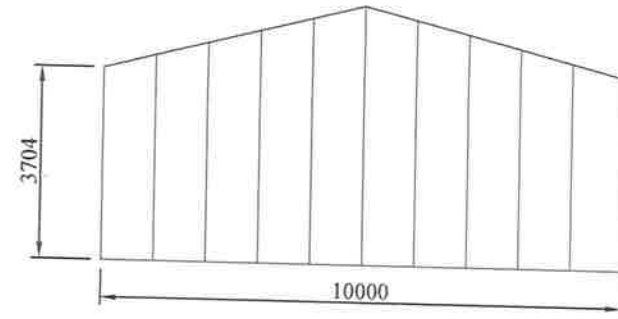
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DATE STAMP

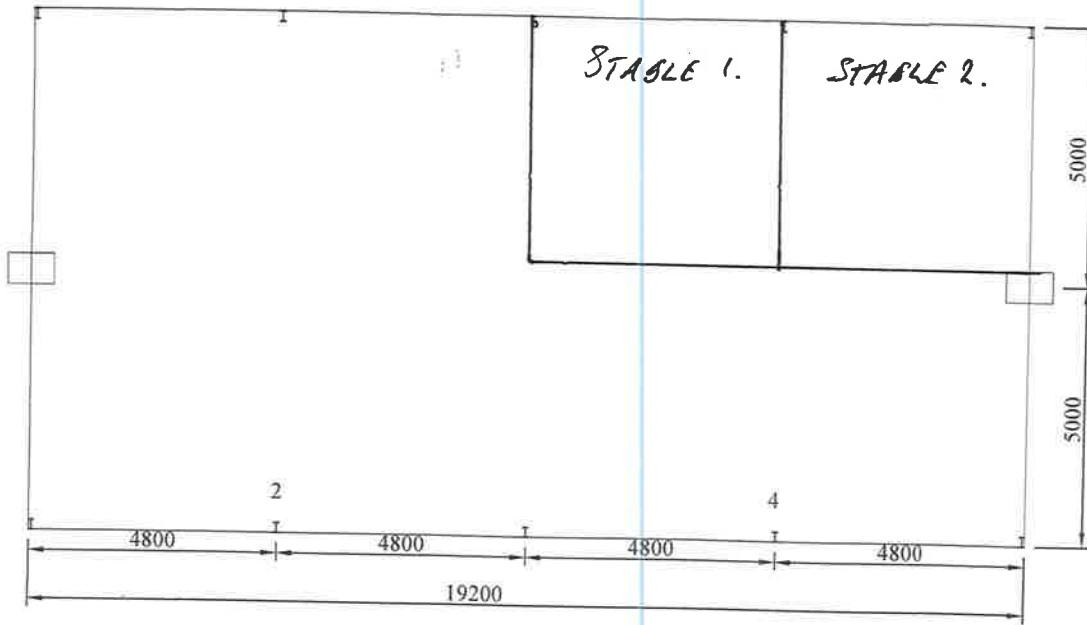
Fee Recd. € 80.00
Receipt No NENAMI/0/118143
Date 4/03/24
Received by M.L




Side Elevation



End View



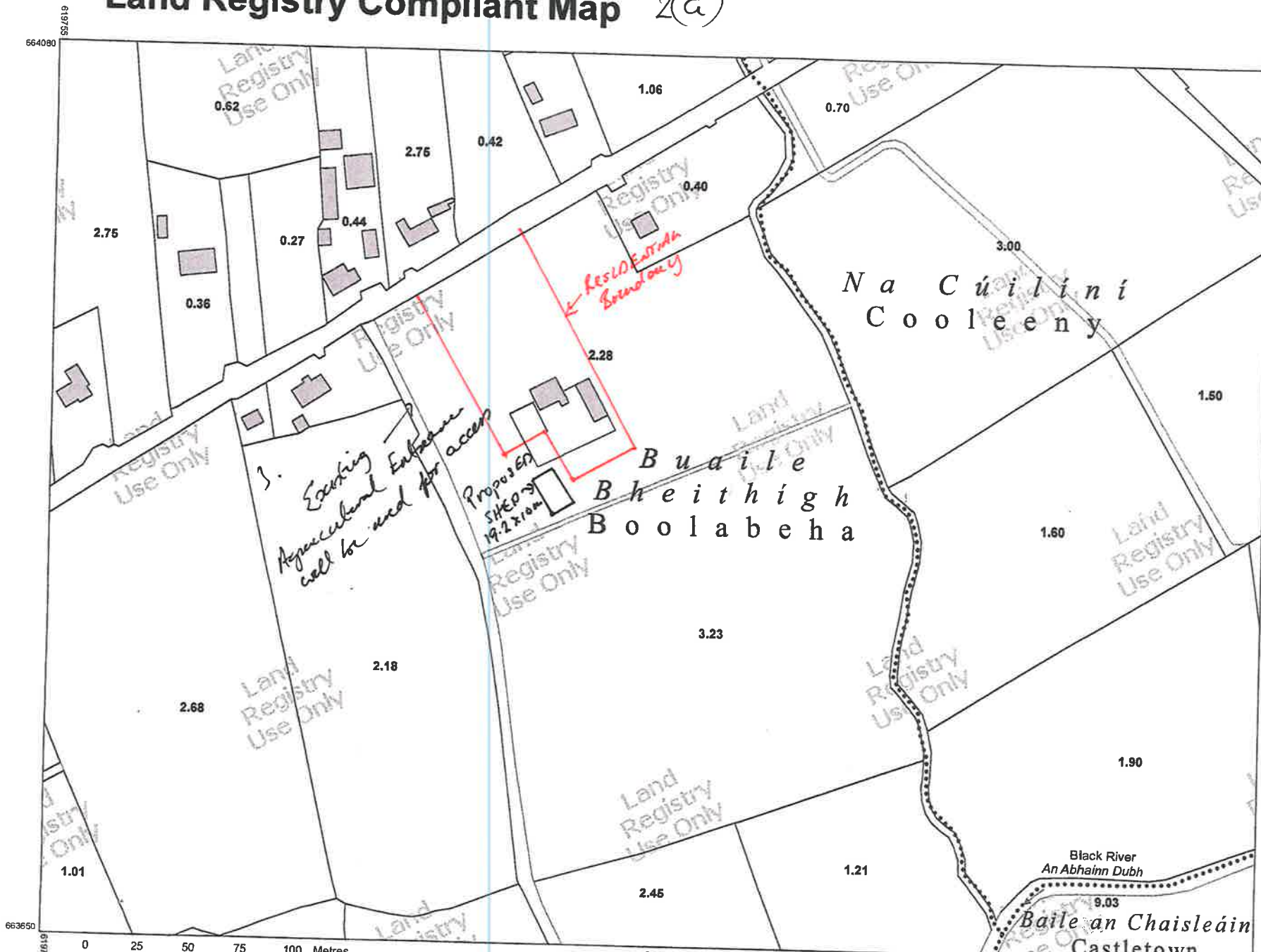
Section Plan

Rev. No.	Date	Issd.
<p>NOTE ALL BUILDING CONSTRUCTION, MATERIALS AND SPECIFICATIONS TO COMPLY WITH THE 1997 BUILDING REGULATIONS AND THE DEPARTMENT OF THE ENVIRONMENT RECOMMENDATIONS</p>		
<p>BUILDER MUST BE REGISTERED WITH THE NATIONAL HOUSE BUILDING GUARANTEE SCHEME (N.H.B.G.S. HGG GUARANTEE CERTIFICATE) TO BE ISSUED TO CLIENT UPON COMPLETION. ALL WORK TO BE SUPERVISED AND PASSED BY SITE ENGINEER APPOINTED BY CLIENT</p>		
<p>TITLE Sections & Plans AGRI STORE</p>		
<p>PROJECT NAOMI MORESSEY MOYNE Co. Tipperary</p>		
DRAWN BY G Maher	CHECKED --	DATE 01/12/23
SCALE 1:100		W/O No.
DIMENSIONS IN MM		VIEWS
DRAWING No. 43297-01		
		1st Angle Projection
A	3	Sheet 1/2

Land Registry Compliant Map 2(a)



Tailte Éireann



CENTRE COORDINATES:
ITM 620047,663865

PUBLISHED: 20/10/2023
ORDER NO.: 50363900_1

MAP SERIES: 1:5,000
MAP SHEETS: 4578, 4579

COMPILED AND PUBLISHED BY:
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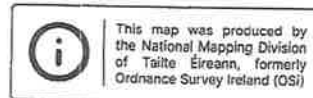
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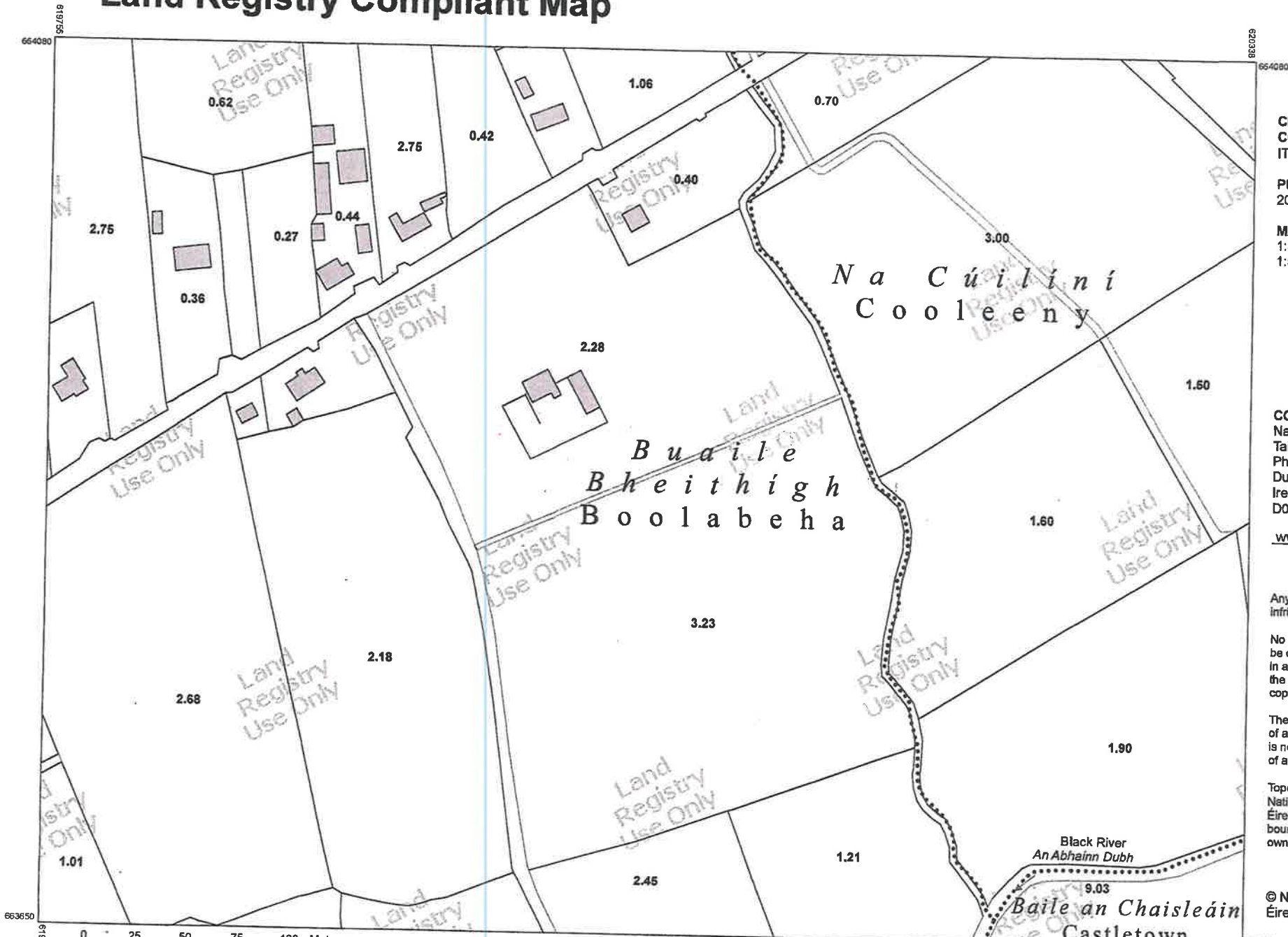
LEGEND:
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Land Registry Compliant Map



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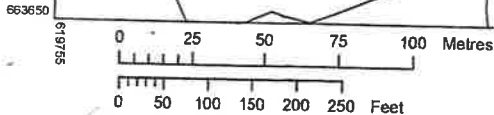
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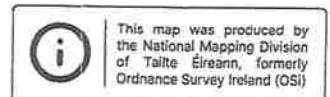
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LEGEND:
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Director of Services,
Planning Department
Tipperary County Council

Naomi Morrissey
Boulabeha, Moyne
Thurles, E41V660

Date 27/02/2024

Re: Construction of Section 5 Declaration Type 1 Structure (192sqm) at Boulabeha, Moyne, Co. Tipperary.

Dear Director of Service.

In relation to my Application for Section 5 Declaration

1. The proposed use of the structure is to house horses and is exempt from planning permission as is compliant with **Type 1 condition**: A roofed structure housing horses with a floor area does not exceeding 200 square meters.
- 2 (a). Please find attached a Site Layout plan with details of any ancillary/associated works and boundaries of subject site.
- 2 (b). Floor plan of the proposed structure attached
- 3 Details of access arrangement – The proposed entrance is via the existing agricultural entrance out lined on the plans attached. The projected extra flow of traffic will be less than one movement per week, therefore having no impact on the existing traffic level.
- 4 Any Unauthorised temporary structures on the land such as a polytunnel and hen shed will be removed.

I hope you find the above to your satisfaction

Kind Regards

Naomi Morrissey





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

E45 A099

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e customerservice
@tipperarycoco.ie

tipperarycoco.ie

Date: 5 March 2024

Our Ref: S5/24/30

Civic Offices, Nenagh

**Naomi Morrissey,
Boulabeha,
Moyne,
Thurles,
Co. Tipperary, E41 V660.**

Re: Application for a Section 5 Declaration – Roofed structure housing horses at Boulabeha, Moyne, Thurles, Co. Tipperary, E41 V660.

Dear Sir/Madam,

I acknowledge receipt of your application for a Section 5 Declaration received on 4th 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**

SCANNED

TIPPERARY COUNTY COUNCIL

Application for Declaration under Section 5

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

Planning Ref.: S5/24/30
Applicant: Naomi Morrissey
Development Address: Boulabeha, Moyne, Thurles, Co. Tipperary E41V660
Proposed Development: Roofed structure to house horses sized 192 sq m

1. GENERAL

On the 4th March 2024, a request was made for a declaration under Section 5 of the Planning and Development Act, 2000 as amended by Naomi Morrissey in respect of the following development at Boulabeha, Moyne, Thurles, Co. Tipperary E41V660:

Roofed structure to house horses sized 192 sq m

2. STATUTORY PROVISIONS

Section 2 (1) of the **Planning and Development Act 2000**, as amended, states as follows:- "works" includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal...."

Section 3 (1) of the **Planning and Development Act 2000, (as amended)** states as follows:- "In this Act, 'development' means, except where the context otherwise requires, the carrying out of works on, in, over or under land or the making of any material change in the use of any structures or other land."

Section 4 (1)(h) of the **Act** states as follows:-

The following shall be exempted developments for the purposes of this Act

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;

Section 4(2)(a) of the Act states as follows: -

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

(i) by reason of the size, nature or limited effect on its surroundings, of development belonging to that class, the carrying out of such development would not offend against principles of proper planning and sustainable development, or

(ii) the development is authorised, or is required to be authorised, by or under any enactment (whether the authorisation takes the form of the grant of a licence, consent, approval or any other type of authorisation) where the enactment concerned requires there to be consultation (howsoever described) with members of the public in relation to the proposed development prior to the granting of the authorisation (howsoever described).

Section 4(4) states that notwithstanding paragraphs (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.

Article 6(3) of the **Planning and Development Regulations** states that subject to Article 9, in areas other than a city, a town or an area specified in section 19(1)(b) of the Act or the excluded areas as defined in section 9 of the Local Government (Reorganisation) Act, 1985 (No. 7 of 1985), development of a class specified in column 1 of Part 3 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 3 opposite the mention of that class in the said column 1.

In relation to this specific case, the following applies:

Description of Development	Conditions and Limitations
<p data-bbox="285 1211 560 1243"><i>Agricultural Structures</i></p> <p data-bbox="285 1274 400 1305">CLASS 6</p> <p data-bbox="285 1308 791 1563">Works consisting of the provision of a roofed structure for the housing of cattle, sheep, goats, donkeys, horses, deer or rabbits, having a gross floor space not exceeding 200 square metres (whether or not by extension of an existing structure), and any ancillary provision for effluent storage.</p>	<ol style="list-style-type: none"> <li data-bbox="807 1205 1394 1272">1. No such structure shall be used for any purpose other than the purpose of agriculture. <li data-bbox="807 1301 1394 1458">2. The gross floor space of such structure together with any other such structures situated within the same farmyard complex or within 100 metres of that complex shall not exceed 300 square metres gross floor space in aggregate. <li data-bbox="807 1491 1394 1749">3. Effluent storage facilities adequate to serve the structure having regard to its size, use and location shall be constructed in line with Department of Agriculture, Food and Rural Development and Department of the Environment and Local Government requirements and shall have regard to the need to avoid water pollution. <li data-bbox="807 1783 1394 1872">4. No such structure shall be situated, and no effluent from such structure shall be stored, within 10 metres of any public road.

	<p>5. No such structure within 100 metres of any public road shall exceed 8 metres in height.</p> <p>6. No such structure shall be situated, and no effluent from such structure shall be stored, within 100 metres of any house (other than the house of the person providing the structure) or other residential building or school, hospital, church or building used for public assembly, save with the consent in writing of the owner and, as may be appropriate, the occupier or person in charge thereof.</p> <p>7. No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.</p>
<p><i>Agricultural Structures</i></p> <p>CLASS 9 Works consisting of the provision of any store, barn, shed, glass-house or other structure, not being of a type specified in class 6, 7 or 8 of this Part of this Schedule, and having a gross floor space not exceeding 300 square metres.</p>	<p>1. No such structure shall be used for any purpose other than the purpose of agriculture or forestry, but excluding the housing of animals or the storing of effluent.</p> <p>2. The gross floor space of such structures together with any other such structures situated within the same farmyard complex or complex of such structures or within 100 metres of that complex shall not exceed 900 square metres gross floor space in aggregate.</p> <p>3. No such structure shall be situated within 10 metres of any public road.</p> <p>4. No such structure within 100 metres of any public road shall exceed 8 metres in height.</p> <p>5. No such structure shall be situated within 100 metres of any house (other than the house of the person providing the structure) or other residential building or school, hospital, church or building used for public assembly, save with the consent in writing of the owner and, as may be appropriate, the occupier or person in charge thereof.</p> <p>6. No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.</p>

3. ASSESSMENT

- a. **Site Location** – The site is located on lands at Boulabehe, Moyne, Thurles, Co. Tipperary E41V660
- b. **Relevant Planning History** –
PI Ref 09/510569- Change of house type, revised layout and agri building.

PI Ref 13510411- Change house type from that which was granted already under previous planning file reference no. 09/51/0569 and permission for a treatment system including all associated site development works.

PI Ref 14510068- Change house type from that which was granted already under previous planning file reference no. 09/51/0569 and permission for a treatment system including all associated site development works – 13510411.

Assessment

A) "Is or is not Development"

Having regard to Sections 2(1) and 3(1) of the Planning and Development Act 2000 (as amended), it is considered that both proposals constitute development as same involve the carrying out of works on the subject land.

B) "Is or is not Exempted Development"

It is considered that the development can come within the exemptions under Class 6 of the Planning and Development Regulations 2001, as amended.

C) "Restrictions to exemptions under the Planning and Development Act 2000, as amended or Planning and Development Regulations 2001, as amended"

i) Requirement for Appropriate Assessment and Environmental Impact Assessment required

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

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.

Appropriate Assessment (AA):

The proposed development has been screened as to the requirement for AA and it has been determined that AA is not required. See Screening Report attached.

Environmental Impact Assessment (EIA):

_____The proposed development is not a type of development included for under _____ Schedule 5 of the Planning and Development Regulations 2001, as amended. See screening report attached.

ii) Restrictions under Article 9 of the Planning and Development Regulations 2001, as amended

Under Article 9(a) development to which article 6 relates shall not be exempted development for the purposes of the Act if the carrying out of such development would include any of the following;

(iii) endanger public safety by reason of traffic hazard or obstruction of road users.

I discussed the above matter with Jim Ryan, District Engineer on 26/3/2024 who sought information on the available sightlines at the entrance that will serve the development to the public road and details of the traffic movements the development will generate. Further information to be sought.

4. RECOMMENDATION

The following further information to be sought pursuant to Section 5(2) (b) of the Planning and Development Act 2000, as amended.

In order for the proposal to satisfy planning exemptions the Planning Authority must be satisfied that the development would not *endanger public safety by reason of traffic hazard or obstruction of road users*. In this regard the applicant is requested to provide the following further information:

1. *A site layout plan drawn to metric scale of 1:500 showing the available sight lines at the entrance onto the public road that will serve the development. The site layout plan shall clearly show the set back from the road at which sightlines are taken and show all existing roadside boundaries, utility poles and other features.*
2. *Details of the type of vehicles that will use the entrance to access the development and frequency of movement generated by the development*

A/Senior Executive Planner:  Date: 11/3/2024

A/Senior Planner:  Date: 27/3/2024

AA Screening Form

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

(a) File Reference No:	S5/24/30
(b) Brief description of the project or plan:	Building to keep horses
(c) Brief description of site characteristics:	Existing dwelling and domestic garage on site
(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW	n/a
(e) Response to consultation:	n/a

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

European Site (code)	List of Qualifying Interest/Special Conservation Interest ¹	Distance from proposed development ² (km)	Connections (Source-Pathway-Receptor)	Considered further in screening Y/N
Lower River Suir SAC	https://www.npws.ie/protected-sites/sac/002137	Within 15km	No	No
The Loughans	https://www.npws.ie/protected-sites/sac/000407	Within 15km	No	No
Galmoy Fen	https://www.npws.ie/protected-sites/sac/01858	Within 15km	No	No
Spahill And Clomantagh Hill	https://www.npws.ie/protected-sites/sac/000849	Within 15km	No	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.)
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<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 • Pests 	<p>The construction phase will not result in significant environmental impacts that could affect European Sites within the wider catchment area.</p>
<p>Operational phase e.g.</p> <ul style="list-style-type: none"> • Direct emission to air and water • Surface water runoff containing contaminant or sediment • Lighting disturbance • Noise/vibration • Changes to water/groundwater due to drainage or abstraction • Presence of people, vehicles and activities • Physical presence of structures (e.g. collision risks) • Potential for accidents or incidents 	<p>No impact. Given the nature and scale of the development, it is considered that there is no real likelihood of any significant effects on European Sites in the wider catchment area.</p>
<p>In-combination/Other</p>	<p>No impacts</p>

(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 	<p>None. The application site is not located within a European site, therefore there is no risk of habitat loss or fragmentation or any effects on QI species directly or ex-situ. Given the nature and scale of the development and the distance between the proposed development site and any European Sites it is considered that the proposal will not result in any likely changes to the European sites that comprise part of the Natura 2000 network</p>
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(c) Are 'mitigation' measures necessary to reach a conclusion that likely significant effects can be ruled out at screening?

Yes No

Step 4. Screening Determination Statement

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

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

- the nature and scale of the development,
- the land use and distance from European sites,
- the lack of direct connections with regard to the Source-Pathway-Receptor model,

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

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
Signature and Date of Recommending Officer:	Jonathan Flood 26/3/2024	
Signature and Date of the Decision Maker:		

EIA Pre Screening

Establishing if the proposal is a 'sub-threshold development':	
Planning Register Reference:	S5/24/24
Development Summary:	Building to keep horses
Was a Screening Determination carried out under Section 176A-C?	<input type="checkbox"/> Yes, no further action required <input checked="" type="checkbox"/> No, Proceed to Part A
A. Schedule 5 Part 1 - Does the development comprise a project listed in Schedule 5, Part 1 , of the Planning and Development Regulations 2001 (as amended)? (Tick as appropriate)	
<input type="checkbox"/> Yes, specify class <u> [insert here] </u>	EIA is mandatory No Screening required
<input checked="" type="checkbox"/> No	Proceed to Part B
B. Schedule 5 Part 2 - Does the development comprise a project listed in Schedule 5, Part 2 , of the Planning and Development Regulations 2001 (as amended) and does it meet/exceed the thresholds? (Tick as appropriate)	
<input checked="" type="checkbox"/> No, the development is not a project listed in Schedule 5, Part 2	No Screening required
<input type="checkbox"/> Yes the project is listed in Schedule 5, Part 2 and meets/exceeds the threshold, specify class (including threshold): <u> [specify class & threshold here] </u>	EIA is mandatory No Screening required
<input type="checkbox"/> Yes the project is of a type listed but is <i>sub-threshold</i> : <u> [insert here] </u>	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
Signature and Date of Recommending Officer:	Jonathan Flood 26/3/2024



Comhairle Contae Thiobraid Árann
Tipperary County Council

SCANNED

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

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

E91 N512

Comhairle Contae
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An tAonach,
Co. Thiobraid Árann

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tipperarycoco.ie

Date: 27 March 2024

Our Ref: S5/24/30

Civic Offices, Nenagh

**Naomi Morrissey,
Boulabeha,
Moyne,
Thurles,
Co. Tipperary, E41 V660.**

Re: Application for a Section 5 Declaration – Roofed structure to house horses sized 192 sqm at Boulabeha, Moyne, Thurles, Co. Tipperary E41V660

Dear Ms Morrissey,

I refer to an application received from you on 4th March 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.

In order for the proposal to satisfy planning exemptions the Planning Authority must be satisfied that the development would not endanger public safety by reason of traffic hazard or obstruction of road users. In this regard the applicant is requested to provide the following further information:

1. A site layout plan drawn to metric scale of 1:500 showing the available sight lines at the entrance onto the public road that will serve the development. The site layout plan shall clearly show the set back from the road at which sightlines are taken and show all existing roadside boundaries, utility poles and other features.
2. Details of the type of vehicles that will use the entrance to access the development and frequency of movement generated by the development

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

Yours faithfully,

for **Director of Services**



SCANNED

Director of Services,
Planning Department
Tipperary County Council

Naomi Morrissey
Boulabeha, Moyne
Thurles, E41V660

Date 12/04/2024 Ref: S5/24/30

Re: Construction of Section 5 Declaration Type 1 Structure (192sqm) at Boulabeha, Moyne, Co. Tipperary.

Dear Director of Service.

In relation to my Application for Section 5 Declaration and a request for information.

Please find responses:

1. Information Required: A site layout plan 1:500 showing the available site lines at the entrance onto the public road.

Please find plan attached, I am now proposing to use the existing entrance to our private dwelling as the sight lines here exceed 160m.

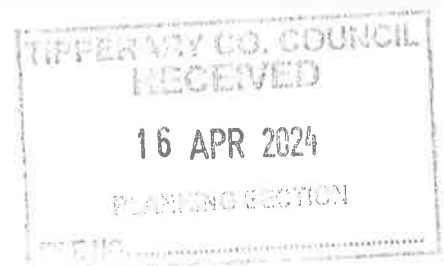
2. Details of the type of vehicle that will use the entrance to access the development and frequency of movements.

The type of vehicles will be the current family cars used. There will be not more than two movement per week generated by the development

I hope you find the above to your satisfaction

Kind Regards

Naomi Morrissey



12/04/2024 -

SITE LINES + Proposed new ENTRANCE

Sightlines 160m each way

EXISTING HEDGEROW AUGMENTED AND RETAINED

SPLAYED ENTRANCE

EXISTING AGRICULTURAL SHED

ALL SURFACE WATER COLLECTED AND DRAINED TO SOAKAWAYS WITHIN THE SITE BOUNDARY

EFFLUENT TREATMENT SYSTEM & PERCOLATION AREA TO COMPLY WITH EPA REPORT

PROPOSED DWELLING (F.F.L.=90.25)

PROPOSED OUTBUILDINGS (F.F.L.=90.10)

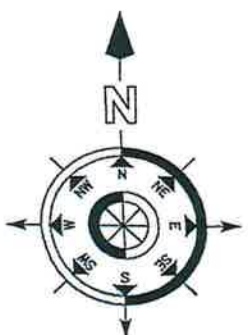
PROPOSED SITE OUTLINED IN RED (Area = 0.56 ha)

SITE BOUNDARY CONSISTING OF TIMBER POST AND BEAM FENCING WITH BEACH HEDGING

Proposed Development

NOTIONAL BOUNDARY

Entrance



PLANNING SECTION
16 APR 2024
RECEIVED
TIPPERARY COUNCIL

REV	DESCRIPTION	DATE
WILL MC GARRY & ASSOCIATES ENGINEERS 15 MARY STREET, CLONMEL. PHONE : 052 81828 MOBILE : 086 2737455 EMAIL : willmcg@eircom.net		
CLIENT		Bill Morrissey
JOB		Boulabeha, Moyne Thurles, Co. Tipperary
TITLE		Proposed Site Layout
SCALE: 1/500	DRAWN: L. Butler	
DATE: Sep '09	CHECKED: WIMCG	
DWG NO.:	FILE NO.: 3808	



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: 16th April, 2024

Our Ref: S5/24/30

Civic Offices, Nenagh

Naomi Morrissey
Boulabeha
Moyne
Co. Tipperary
E41 V660

SCANNED

Re: Application for a Section 5 Declaration re Roofed structure housing horses at Boulabeha, Moyne, Thurles, Co. Tipperary, E41 V660.

Dear Sir/Madam

I acknowledge receipt of Further Information received on 16th April, 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**



Comhairle Contae Thiobraid Árann
Tipperary County Council

Comhairle Contae
Thiobraid Árann,
Oifigi Cathartha,
Cluain Meala,
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e customerservice
@tipperarycoco.ie
tipperarycoco.ie

Date: 2nd May, 2024

Our Ref: S5/24/30

Civic Offices, Nenagh

Naomi Morrissey
Boulabeha
Moyne
Co. Tipperary
E41 V660

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

Dear Ms Morrissey,

I refer to your application for a Section 5 Declaration received on 4TH March 2024 and the further information received on 16th April, 2024, in relation to the following proposed works:

Roofed structure to house horses sized 192 sq m at Boulabeha, Moyne, Thurles, Co. Tipperary E41 V660

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

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

- a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended
- b) Class 6, Part 3 of Schedule 2, Planning & Development Regulations 2001, as amended.
- c) Articles 6 and 9 of the Planning & Development Regulations 2001, as amended.
- d) The plans and documentation submitted with the Declaration application, including the further information submitted.

AND WHEREAS Tipperary County Council has concluded that –

The proposed development, as presented on the drawings and details provided with the Declaration application, as amended by Further Information received on constitutes “development” within the meaning of the Planning and Development Act 2000 as amended and is “**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: **S5/24/30** **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 Naomi Morrissey, Boulabeha, Moyne, Co. Tipperary, re: **Roofed structure to house horses sized 192 sq m at Boulabeha, Moyne, Thurles, Co. Tipperary E41 V660** is development and is exempted development.

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

- a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended
- b) Class 6, Part 3 of Schedule 2, Planning & Development Regulations 2001, as amended.
- c) Articles 6 and 9 of the Planning & Development Regulations 2001, as amended.
- d) The plans and documentation submitted with the Declaration application, including the further information submitted.

AND WHEREAS Tipperary County Council has concluded that –

The proposed development, as presented on the drawings and details provided with the Declaration application, as amended by Further Information received on constitutes "development" within the meaning of the Planning and Development Act 2000 as amended and is **"exempted development"**

Signed:



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

Date: 02/05/2024