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**[External] RE: Section 5 Application @ Tombricane, Borrisokane, Tipperary E45 PN79**

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From Niall Hegarty <[REDACTED]>

Date Tue 31 Mar 2026 3:22 PM

To Planning <planning@tipperarycoco.ie>

Cc Sean Mooney <[REDACTED]>

 7 attachments (3 MB)

Complete Signed S5 Application - Tombricane, Tipperary.pdf; 004 - Elevations.pdf; 001 - Site location Map.pdf; 002 - Site Layout Plan.pdf; 003 - Floor Plans.pdf; OSI - Tombricane 50527302\_1\_1.pdf; OSI - Tombricane 50527302\_1\_2.pdf;

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To Tipperary County Council Planning Section,

**RE: CHANGE OF USE - SECTION 5 APPLICATION FOR A DECLARATION OF EXEMPTED DEVELOPMENT UNDER SCHEDULE 2, PART 1, CLASS 14 (f) OF THE PLANNING AND DEVELOPMENT REGULATION 2001.**

On behalf of Harmony Residential Care, we hereby formally apply for a declaration of Exempt Development under Schedule 2, Part 1, Class 14 (f) of the Planning and Development Regulation 2001 at Tombricane, Borrisokane, Tipperary E45 PN79, regarding the Change of Use from residential to provide a residential care facility for persons with an intellectual or physical disability or mental illness and person providing care for such persons.

In support of our application, we have attached the following documents:

1. Completed application form.
2. OSI Maps.
4. A drawing register, enclosing the following:
  - Drawing No. 001 - Site Location Map
  - Drawing No. 002 - Site Layout Plan
  - Drawing No. 003 - Floor Plans
  - Drawing No. 004 - Elevations

**For payment, please call Sean Mooney on [REDACTED]**

We trust that the above and attached are satisfactory, however, should you have any queries or require any further information, please do not hesitate to contact me.

Kind regards,

**Niall Hegarty B.Sc. (Hons)**  
Building Surveyor

M: [REDACTED]

Unit 4, 84 Strand Street, Skerries, Co. Dublin.

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

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

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

<i>Applicant</i>	Harmony Residential Care
<i>Address</i>	Preston House, Main Street, Abbeyleix, Co. Laois
<i>Telephone No.</i>	██████████
<i>E-mail</i>	████████████████████

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

<i>Agent</i>	Niall Hegarty - BLDG Chartered Surveyors
<i>Address</i>	Unit 4, 84 Strand Street, Skerries, Co. Dublin
<i>Telephone No.</i>	██████████
<i>E-mail</i>	████████████████████
<i>Please advise where all correspondence in relation to this application is to be sent;</i>	
Applicant [ <input type="checkbox"/> ]      Agent [ <input checked="" type="checkbox"/> ]	

**3. Location of Proposed Development:**

<i>Postal Address or Townland or Location (as may best identify the land or structure in question)</i>	Tombricane, Borrisokane, Tipperary E45 PN79
--	--

**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.)

Please see additional sheets provided with this application.	
Proposed floor area of proposed works/use	273.8 sqm

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

<i>Please tick appropriate box to show applicant's legal interest in the land or structure</i>	A. Owner <input checked="" type="checkbox"/>	B. Occupier <input type="checkbox"/>
	C. Other <input type="checkbox"/>	<input type="checkbox"/>
<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) 

Date: 31/03/2026

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

## GUIDANCE NOTES

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

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

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

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

**FOR OFFICE USE ONLY**

**DATE STAMP**

**Fee Recd. € 80.00** \_\_\_\_\_  
Receipt No\_138285\_\_\_\_\_

Date\_\_31/3/2026\_\_

Received by \_\_\_\_\_



Supporting Document – Section 5 Application

**RE: CHANGE OF USE - SECTION 5 APPLICATION FOR A DECLARATION OF EXEMPTED DEVELOPMENT UNDER SCHEDULE 2, PART 1, CLASS 14 (f) OF THE PLANNING AND DEVELOPMENT REGULATION 2001.**

**Address:** Tombricane, Borrisokane, Tipperary E45 PN79

***Description of Proposed Development:***

The proposed is an application for a declaration of exempted development under Schedule 2, Part 1, Class 14(f) of the Planning and Development Regulation 2001, Regarding the change of use from a home to a residence for persons with an intellectual or physical disability or mental illness and persons providing care for such persons.

In line with Schedule 2, Part 1, Class 14(f) of the Planning and Development Regulation 2001, the number of residents will not exceed 6, and the number of careers will not exceed 2.

All service users of the proposed will have a diagnosis of mental illness or an intellectual disability.

Proposed Works - Fire remediation works including compartmentation of the escape routes and first-floor landing accounting for new fire doors where required. No other major works are required.



Site Location Map  
Scale 1:2500

1:1 0 20mm 40mm 60mm 80mm 100mm

Key	
	AREA RELATING TO APPLICATION
	OVERALL LAND HOLDING

**Notes:**

Figured dimensions only to be taken from this drawing.  
Do not scale.  
All dimensions to be checked on site.

CENTRE  
COORDINATES:  
ITM 590159,695591

PUBLISHED:  
31/03/2026

ORDER NO.:  
50527302\_1

MAP SERIES:  
1:5,000  
1:2,500

MAP SHEETS:  
3985  
3985-B

COMPILED AND PUBLISHED BY:  
Tailte Éireann,  
Phoenix Park,  
Dublin 8,  
Ireland.  
D08F6E4

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REV	DESCRIPTION	BY	DATE
1	Section 5 Application	NH	31.03.26



Unit 4  
84 Strand Street  
Skerries, Co. Dublin  
T: +353 (87) 949 0839  
W: +353 (86) 044 4049  
www.bldg.ie

CLIENT:  
Harmony Residential Care

OTHER CONSULTANTS:  
N/A

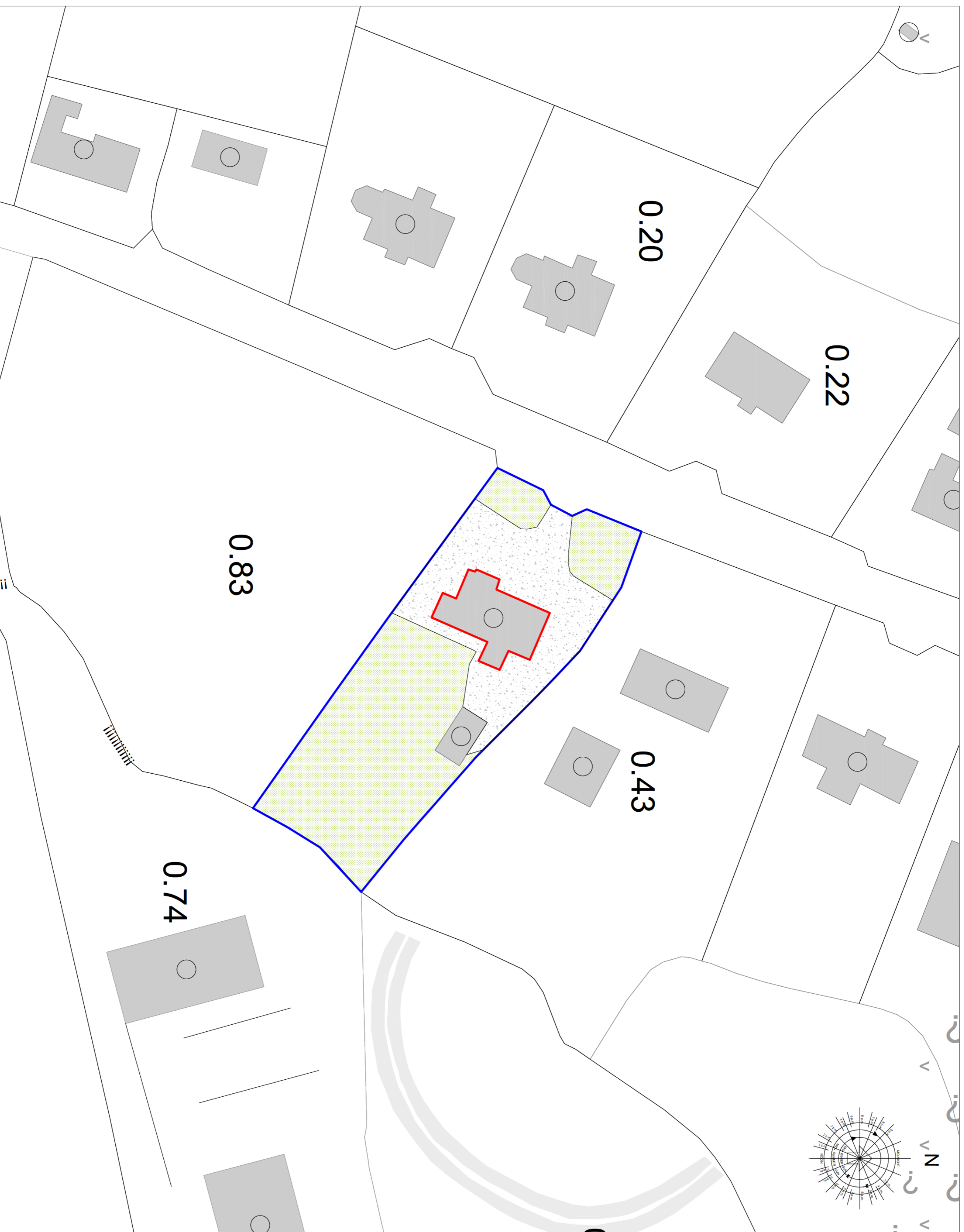
SITE:  
Tombrickane, Borrisokane,  
Tipperary E45 PN79

TITLE:  
Site Location Map

SCALE AT A3:	DATE:	DRAWN:	CHECKED:
As Shown	31.03.2026	PL	NH
PROJECT NO:	DRAWING NO:	REVISION:	
2026-516-1	001	1	

**Notes:**

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**Site Layout Plan**  
Scale 1:500



**Key**

<span style="color: red;">—</span>	AREA RELATING TO APPLICATION
<span style="color: blue;">—</span>	OVERALL LAND HOLDING

REV	DESCRIPTION	BY	DATE
1	Section 5 Application	NH	31-03-26

**BIDG**  
CHARTERED SURVEYORS

Unit 4  
84, Strand Street  
Skerries, Co. Dublin W: [www.bidg.ie](http://www.bidg.ie)  
T: +353 (87) 949 0839  
+353 (86) 044 4049

CLIENT:  
Harmony Residential Care

OTHER CONSULTANTS:  
N/A

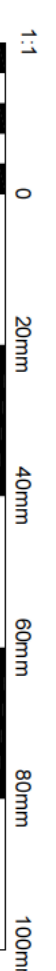
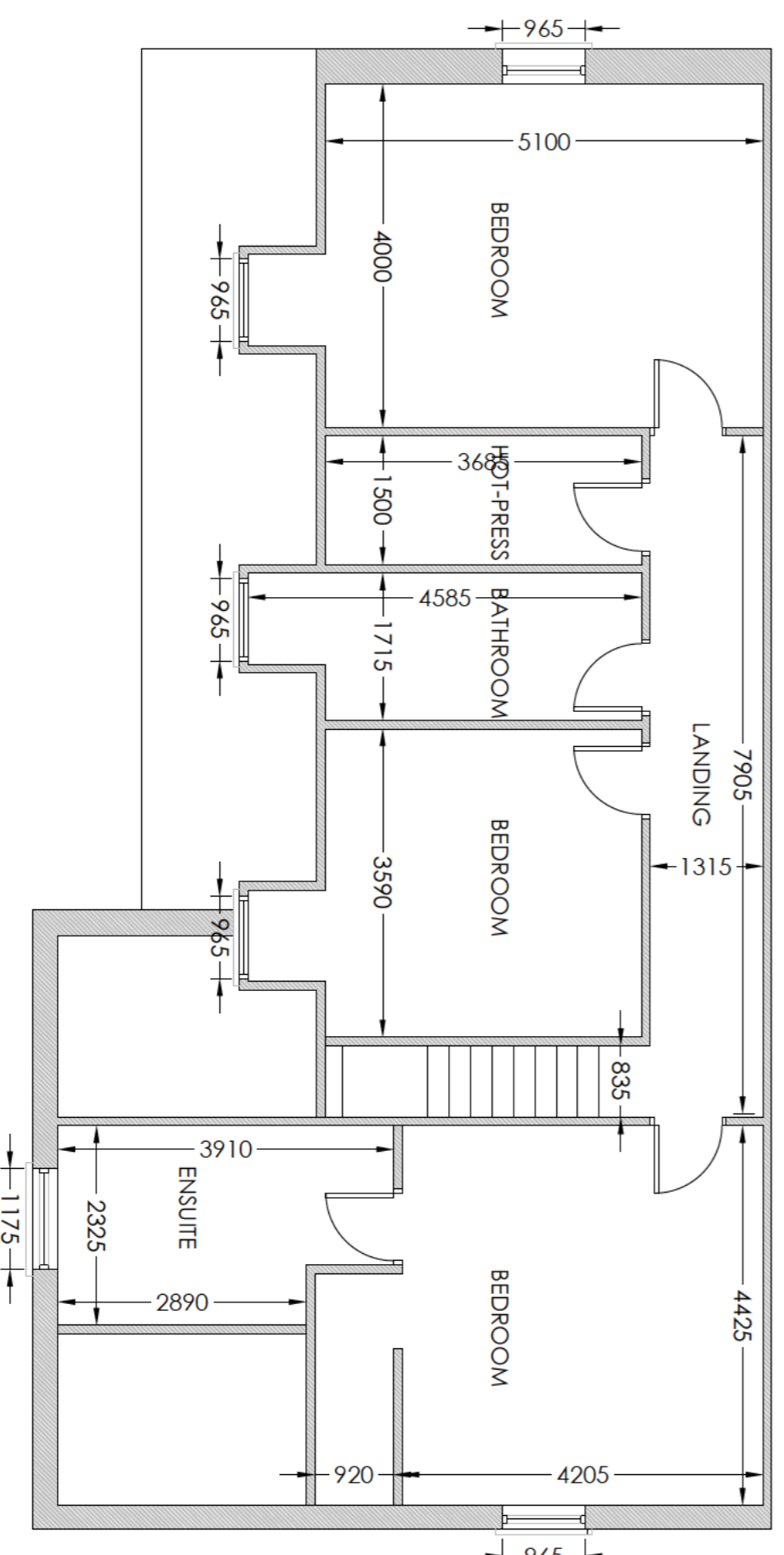
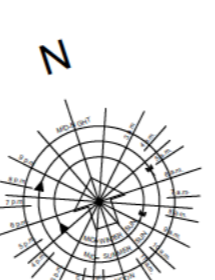
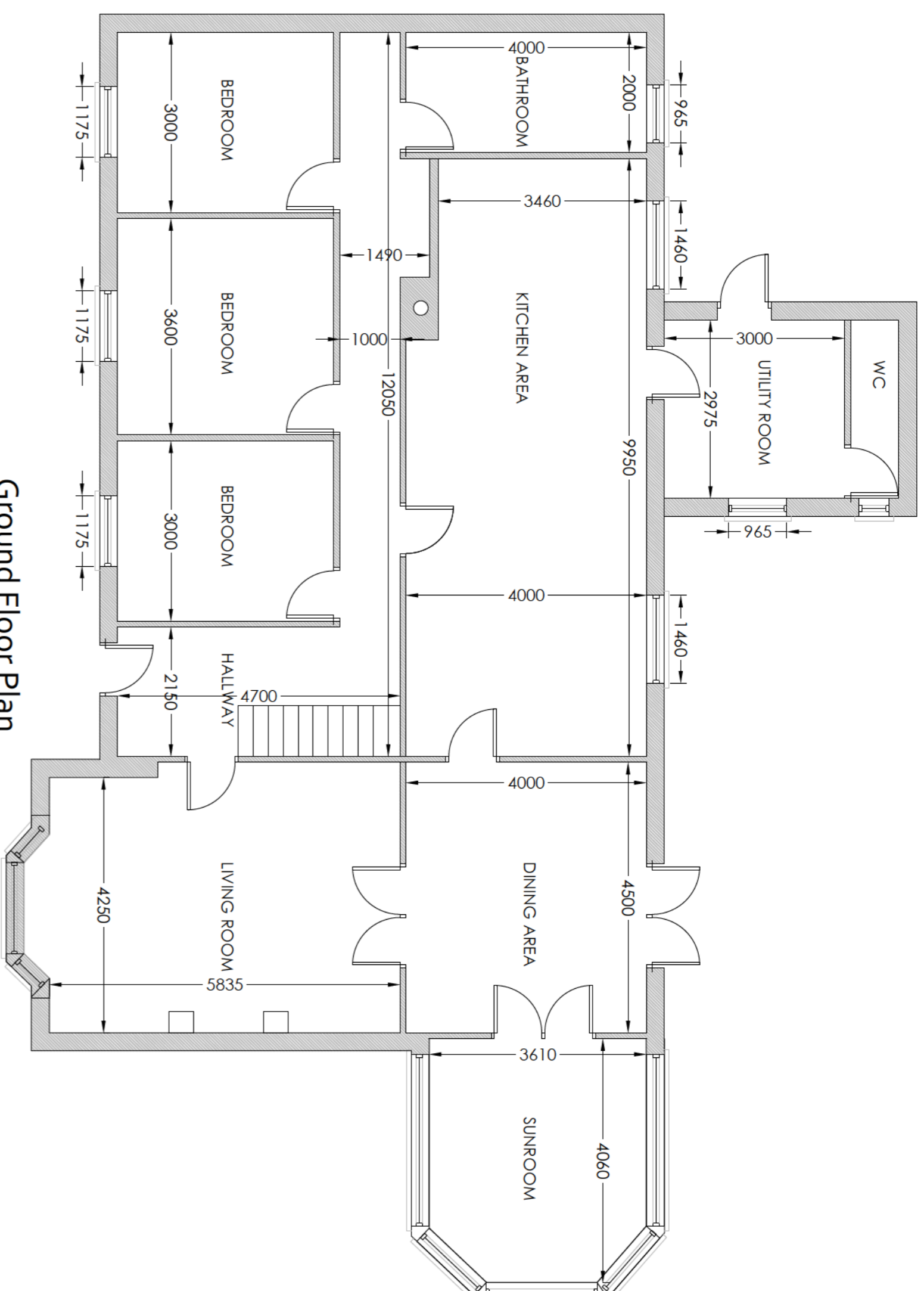
SITE:  
Tombricane, Borrisokane,  
Tipperary E45 PN79

TITLE:  
Site layout Plan

SCALE AT A2:	DATE:	DRAWN:	CHECKED:
As Shown	31.03.2026	PL	NH
PROJECT NO:	DRAWING NO:	REVISION:	
# 002		1	

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REV	DESCRIPTION	BY	DATE
1	Section 5 Application	NH	31-03-26

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Unit 4  
84, Strand Street  
Skerries, Co. Dublin W:  
www.blgdg.ie

T: +353 (87) 949 0839  
+353 (86) 044 4049

CLIENT:  
Harmony Residential Care

OTHER CONSULTANTS:  
N/A

SITE:  
Tombricane, Borrisokane,  
Tipperary E45 PN79

TITLE:  
Floor Plans

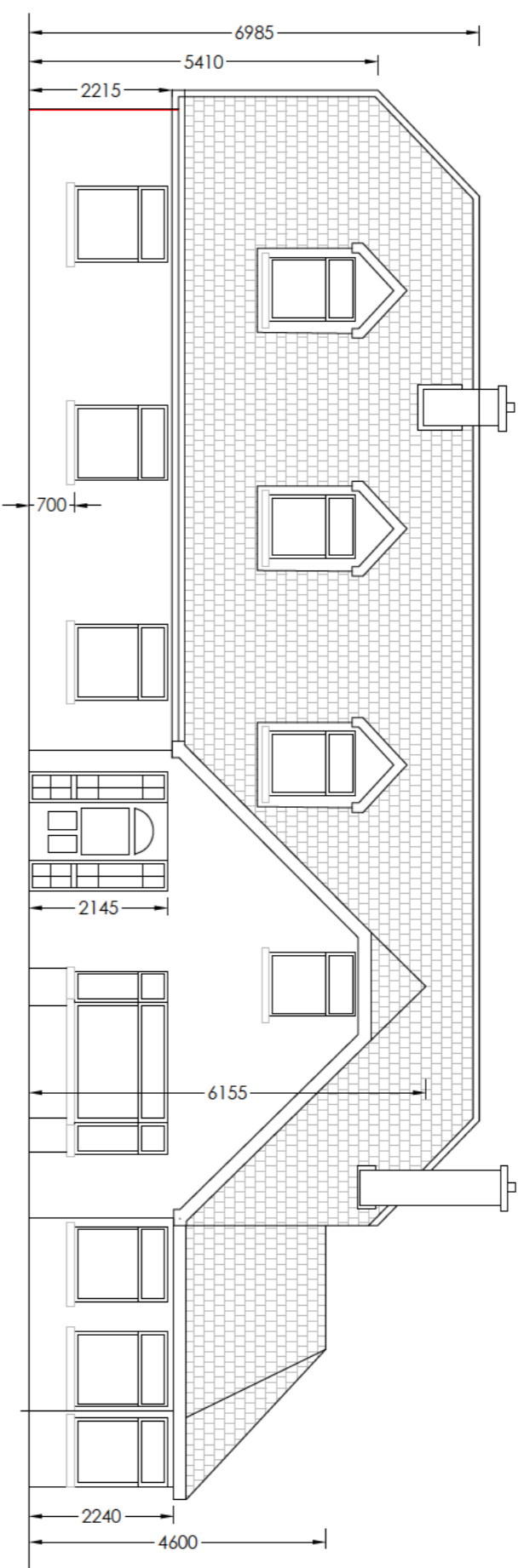
SCALE AT A2:	DATE:	DRAWN:	CHECKED:
As Shown	31.03.2026	PL	NH
PROJECT NO:	DRAWING NO:	REVISION:	
#	003	1	

**Notes:**

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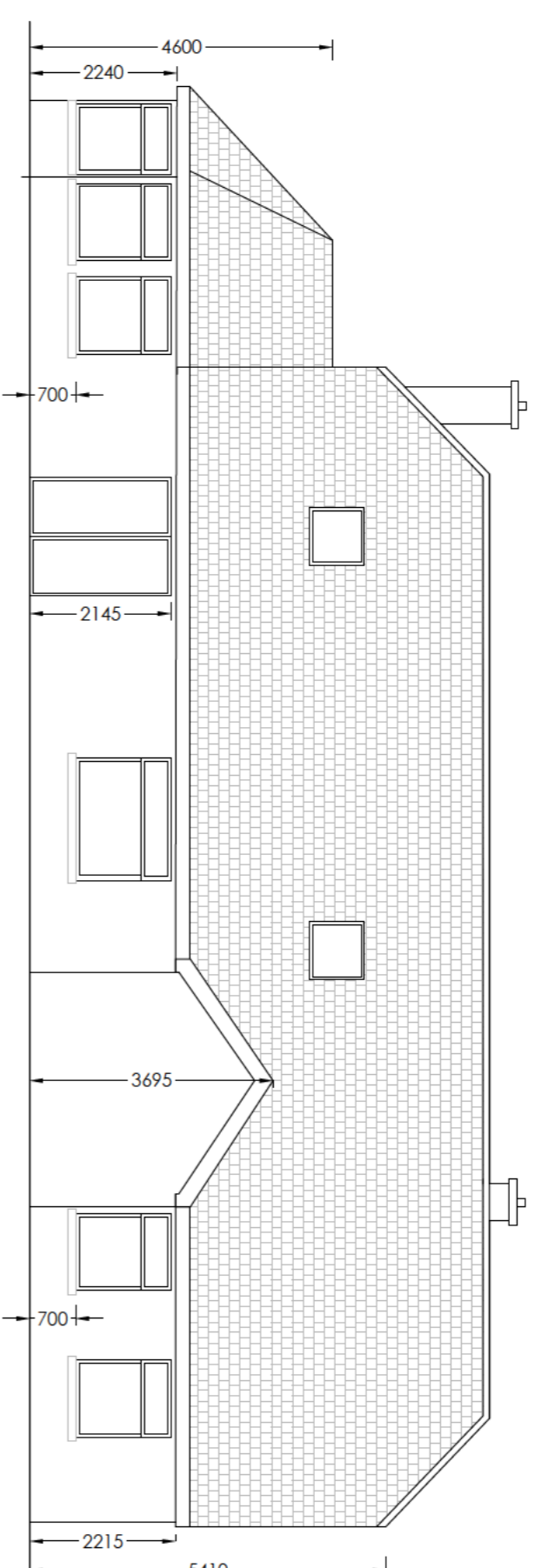
**Front Elevation**

Scale 1:100



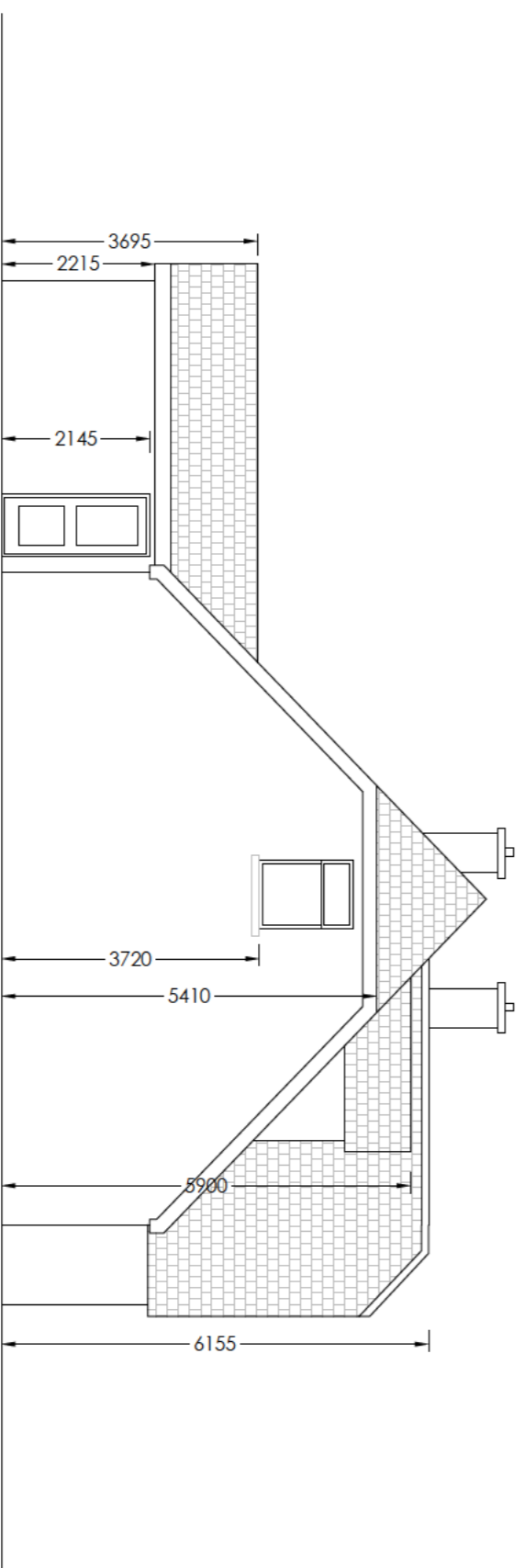
**Rear Elevation**

Scale 1:100



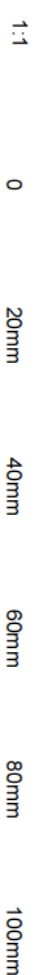
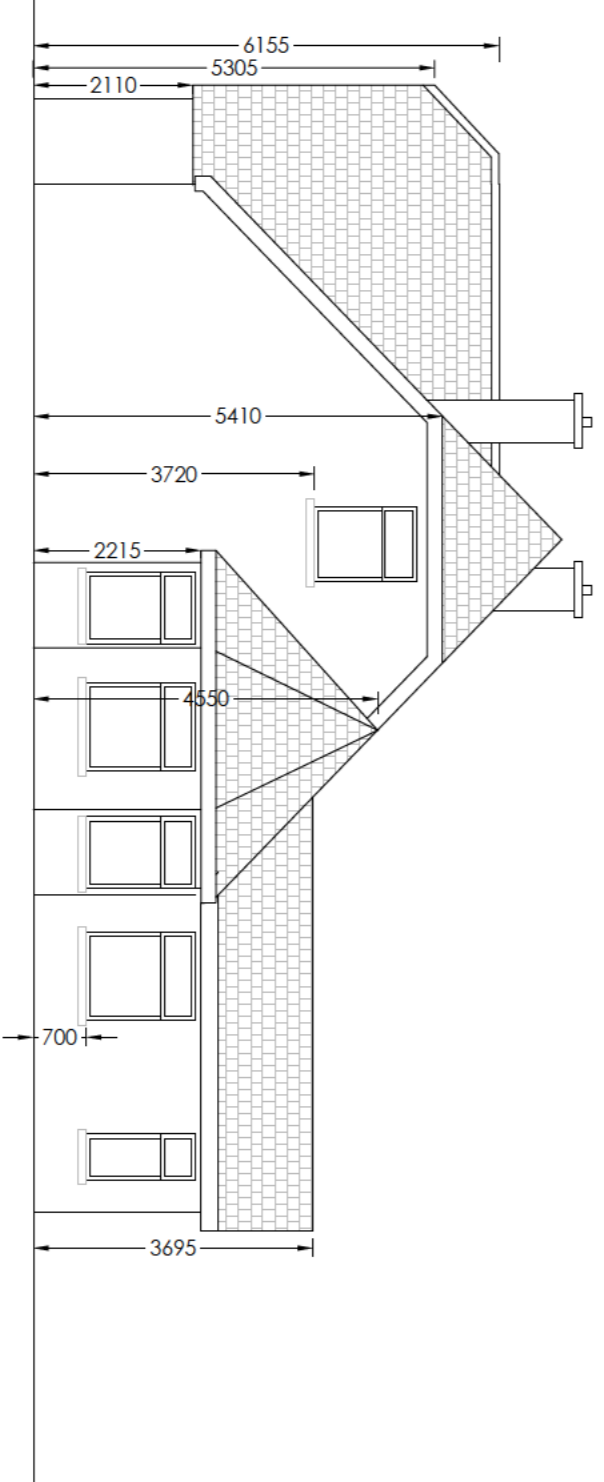
**Side Elevation (North)**

Scale 1:100



**Side Elevation (South)**

Scale 1:100



REV	DESCRIPTION	BY	DATE
1	Section 5 Application	NH	31-03-26

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Skerries, Co. Dublin W: www.blbg.ie  
T: +353 (87) 949 0839  
+353 (86) 044 4049

CLIENT:  
Harmony Residential Care

OTHER CONSULTANTS:  
N/A

SITE:  
Tombricane, Borrisokane,  
Tipperary E45 PN79

TITLE:  
Elevations

SCALE AT A2:	DATE:	DRAWN:	CHECKED:
As Shown	31.03.2026	PL	NH
PROJECT NO:	DRAWING NO:	REVISION:	#
002	002	1	1

# Planning Pack Map



Tailte  
Éireann

**CENTRE  
COORDINATES:**  
ITM 590159,695591

**PUBLISHED:**  
31/03/2026

**ORDER NO.:**  
50527302\_1

**MAP SERIES:**  
1:5,000  
1:2,500

**MAP SHEETS:**  
3985  
3985-B

**COMPILED AND PUBLISHED BY:**  
Tailte Éireann,  
Phoenix Park,  
Dublin 8,  
Ireland.  
D08F6E4

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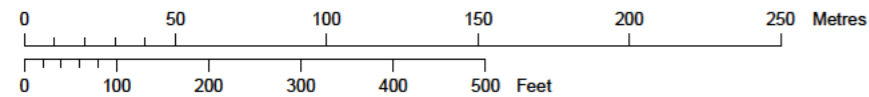
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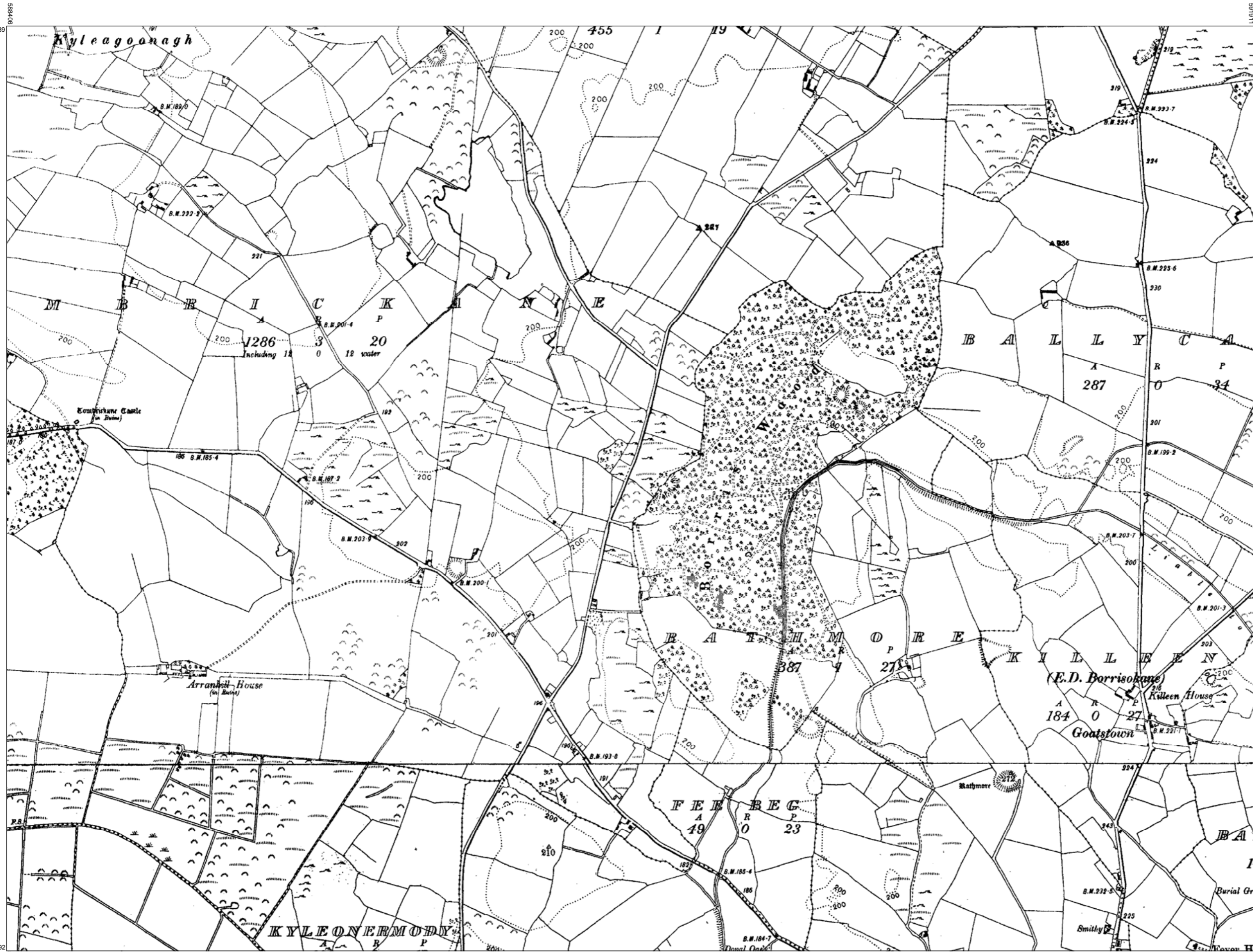
**LEGEND:**  
To view the legend visit  
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'Large Scale Legend'



# Site Location Map



**Tailte  
Éireann**



**CENTRE  
COORDINATES:**  
ITM 590159,695591

**PUBLISHED:**  
31/03/2026

**ORDER NO.:**  
50527302\_1

**MAP SERIES:**  
6 Inch Raster  
6 Inch Raster

**MAP SHEETS:**  
TY007  
TY010

**COMPILED AND PUBLISHED BY:**  
Tailte Éireann,  
Phoenix Park,  
Dublin 8,  
Ireland.  
D08F6E4

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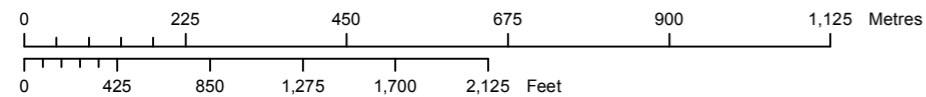
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Comhairle Contae Thiobraid Árann  
Tipperary County Council

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,  
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Tipperary County Council,  
Civic Offices, Nenagh,  
Co. Tipperary  
E45 A099

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e customerservice  
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[tipperarycoco.ie](http://tipperarycoco.ie)

Date: 1<sup>st</sup> April 2026      Our Ref: S5/26/44      Civic Offices, Nenagh

**Harmony Residential Care  
C/O Niall Hegarty  
BLDG Chartered Surveyors  
Unit 4  
84 Strand Street  
Skerries  
Co Dublin**

**Re: Application for a Section 5 Declaration** – Change of use from residential to provide a residential care facility for persons with an intellectual or physical disability or mental illness and person providing care for such persons at Tombricane, Borrisokane, Co. Tipperary.

Dear Niall,

I acknowledge receipt of your application for a Section 5 Declaration received on 31<sup>st</sup> March 2026, in connection with the above.

I wish to advise that you will be notified of a decision on your application in due course.

Yours sincerely

  
\_\_\_\_\_  
for **Director of Services**

**TIPPERARY COUNTY COUNCIL**  
**Application for Declaration under Section 5**

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

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**Planning Ref.:** S5/26/44

**Applicant:** Harmony Residential Healthcare

**Development Address:** Tombricane, Borrisokane, Co. Tipperary, E45PN79

**Proposed Development:** Change of use from residential to provide a residential care facility for persons with an intellectual or physical disability or mental illness and person providing care for such persons

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**1. SUMMARY**

A request was made for a declaration under Section 5 of the Planning and Development Act, 2000, as amended as to whether or not the following constituted development and if so, whether same was exempted development:

- Change of use from residential to provide a residential care facility for persons with an intellectual or physical disability or mental illness and person providing care for such persons

**2. LEGISLATION**

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 of the Planning and Development Act 2000, as amended, provides for Exempted Development and Section 4(1) sets out works which shall be exempted development for the purposes of this act. Section 4(2) (a) of the same Act states that ‘the Minister may by regulations provide for any class of development to be exempted development for the purposes of this Act.

Section 4(1) (h) states:

4.—(1) 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*

The Planning and Development Regulations 2001 (as amended) contain the following exemptions under Schedule 2 Part 1:

*Schedule 2 Part 1 Change of use*  
CLASS 14  
Development consisting of a change of use—

(f) from use as a house, to use as a residence for persons with an intellectual or physical disability or mental illness and persons providing care for such persons.

The number of persons with an intellectual or physical disability or a mental illness living in any such residence shall not exceed 6 and the number of resident carers shall not exceed 2.

### **3. ASSESSMENT**

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

Site is located at Tombricane, Borrisokane, Co. Tipperary, E45PN79

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

##### On Site:

25/256 Grant of retention permission for relocation of septic tank onsite and construction of garage to the rear of the property.

02/510652 Grant of permission for dormer style dwellinghouse, septic tank and entrance. Outline Permission No. 02/51/0017.

#### **c. Assessment**

##### A) "Is or is not Development"

Having considered all of the details and documentation on file with regards the question asked the Planning Authority is satisfied that the change of use would involve "development" within the meaning of Section 3 of the Act as it would result in a material change of use of the premises.

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

It is considered that the proposed change of use comes within the criteria as set under Class 14 (f) Schedule 2 Part 1 of the Planning & Development Regulations 2001, as amended, which relates to 'Exempted Development - Change of Use'.

Works are proposed to the dwelling comprising fire remediation works involving compartmentation of the escape routes and first floor landing. These works are internal and come within the planning exemption under Section 4(1)(h) of the Planning and Development Act 2000, as amended.

##### C) "Restrictions on Exemption"

*Article 9 of the Regulations sets out Restrictions on Exemptions and states:*

Development to which Article 6 relates shall not be exempted development for the purposes of the Act—

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

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

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

(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.

I have examined the planning history for the site and confirm that the development does not contravene any condition attached to planning permissions 02/510652 or 25/256.

The exemption is not restricted under Article 9 (a) (i).

The site is served by an existing access off the local road, L1093-14 that offers clear visibility along the serving local roadway. Having regard to the use proposed, which is unlikely to generate significant additional traffic movements to and from the site and would be similar to that of a dwelling, I am satisfied that the development would not endanger public safety by reason of traffic hazard or obstruction of road users. The exemption is not restricted under Article 9 (a) (ii).

I have undertaken an Appropriate Assessment Screening Assessment of the project which concludes that the project would not give rise to significant impacts on a Natura 2000 (European) and that appropriate assessment would not be required. The exemption is not restricted under Article 9 (a) (viiB).

The proposed development is for change of use of existing dwelling to Class 14 (f) and therefore is not a class of development for which EIA is required. See EIA Screening Assessment attached.

Article 9 places a restriction on the Class 14 exemption if the carrying out of such development would—

(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.

The structure on site is not considered to be unauthorised. It is noted that retention permission was granted under planning reference 25256 for retention of relocated septic tank and garage to the rear of the property.

I note no restrictions under Article 6 and 9 which apply to the proposed development

D “Environmental Assessments”

The development proposed has been screened for AA and it has been determined that an AA is not required.

The development to be retained is not a type of development included for under Schedule 5 of the Planning and Development Regulations 2001, as amended. See also Environmental Impact Assessment (EIA) pre-screening report attached as Appendix 2 of this planning report.

#### **4. RECOMMENDATION**

A question has arisen as to whether the following proposed development at Tombricane, Borrisokane, Co. Tipperary, E45PN79 is or is not exempted development

- Change of use from residential to provide a residential care facility for persons with an intellectual or physical disability or mental illness and person providing care for such persons

Tipperary County Council, in considering this proposal had regard particularly to –

- Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended)
- Article 6 & 9 of the Planning and Development Regulations 20001, as amended,
- Class 14 (f) of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended)
- The declaration application and supporting information.
- The Planning history of the site.

**AND WHEREAS** Tipperary County Council has concluded that –

The proposed development, as presented on the drawings and details provided with the Declaration application, constitutes “development” within the meaning of the Planning and Development Act 2000 as amended and is “**exempted development**”.

**District Planner:**

*Olive O'Donnell*

**Date:** 22/04/2026

**Senior Executive Planner**

*Jonathan Flood*

**Date:** 22/4/2026

## AA Screening Form

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

<b>(a) File Reference No:</b>	S5/26/44
<b>(b) Brief description of the project or plan:</b>	As per planners report
<b>(c) Brief description of site characteristics:</b>	As per planners report
<b>(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW</b>	None
<b>(e) Response to consultation:</b>	N/A

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

European Site (code)	List of Qualifying Interest/Special Conservation Interest <sup>1</sup>	Distance from proposed development <sup>2</sup> (km)	Connections (Source-Pathway-Receptor)	Considered further in screening Y/N
Liskeenan Fen SAC (001683)	<a href="https://www.npws.ie/protected-sites/sac/001683">https://www.npws.ie/protected-sites/sac/001683</a>	Within 10km	None	No
River Little Brosna SPA (004086)	<a href="https://www.npws.ie/protected-sites/spa/004086">https://www.npws.ie/protected-sites/spa/004086</a>	Within 15km	None	No
River Shannon Callows SAC (000216)	<a href="https://www.npws.ie/protected-sites/sac/000216">https://www.npws.ie/protected-sites/sac/000216</a>	Within 15km	None	No
Kilcarren-Firville Bog SAC (000647)	<a href="https://www.npws.ie/protected-sites/sac/000647">https://www.npws.ie/protected-sites/sac/000647</a>	Within 10km	None	No
Lough Derg, North-East Shore SAC (002241)	<a href="https://www.npws.ie/protected-sites/sac/002241">https://www.npws.ie/protected-sites/sac/002241</a>	Within 10km	None	No
Lough Derg (Shannon) SPA (004058)	<a href="https://www.npws.ie/protected-sites/spa/004058">https://www.npws.ie/protected-sites/spa/004058</a>	Within 10km	None	No
Middle Shannon Callows SPA (004096)	<a href="https://www.npws.ie/protected-sites/spa/004096">https://www.npws.ie/protected-sites/spa/004096</a>	Within 15km	None	No
Sharavogue Bog SAC (000585)	<a href="https://www.npws.ie/protected-sites/sac/000585">https://www.npws.ie/protected-sites/sac/000585</a>	Within 15km	None	No
Ballyduff/Clonfinane Bog SAC (000641)	<a href="https://www.npws.ie/protected-sites/sac/000641">https://www.npws.ie/protected-sites/sac/000641</a>	Within 10km	None	No
Lisduff Fen SAC (002147)	<a href="https://www.npws.ie/protected-sites/sac/002147">https://www.npws.ie/protected-sites/sac/002147</a>	Within 15km	None	No

Redwood Bog SAC (002353)	<a href="https://www.npws.ie/protected-sites/sac/002353">https://www.npws.ie/protected-sites/sac/002353</a>	Within 15km	None	No
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**STEP 3. Assessment of Likely Significant Effects**

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

<b>Impacts:</b>	<b>Possible Significance of Impacts: (duration/magnitude etc.)</b>
Construction phase e.g. <ul style="list-style-type: none"> <li>• Vegetation clearance</li> <li>• Demolition</li> <li>• Surface water runoff from soil excavation/infill/landscaping (including borrow pits)</li> <li>• Dust, noise, vibration</li> <li>• Lighting disturbance</li> <li>• Impact on groundwater/dewatering</li> <li>• Storage of excavated/construction materials</li> <li>• Access to site</li> <li>• Pests</li> </ul>	No loss of vegetation – previously developed site
Operational phase e.g. <ul style="list-style-type: none"> <li>• Direct emission to air and water</li> <li>• Surface water runoff containing contaminant or sediment</li> <li>• Lighting disturbance</li> <li>• Noise/vibration</li> <li>• Changes to water/groundwater due to drainage or abstraction</li> <li>• Presence of people, vehicles and activities</li> <li>• Physical presence of structures (e.g. collision risks)</li> <li>• Potential for accidents or incidents</li> </ul>	It is considered that there is no real likelihood of any significant effects on European Sites in the wider catchment area
In-combination/Other	

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

Examples of the type of changes to give consideration to include: <ul style="list-style-type: none"> <li>• Reduction or fragmentation of habitat area</li> <li>• Disturbance to QI species</li> <li>• Habitat or species fragmentation</li> <li>• Reduction or fragmentation in species density</li> <li>• Changes in key indicators of conservation status value (water or air quality etc.)</li> <li>• Changes to areas of sensitivity or threats to QI</li> </ul>	<p>The application site is not located adjacent or within a European site, therefore there is no risk of habitat loss or fragmentation or any effects on QI species directly or ex-situ.</p> <p>The significant distance between the proposed development site and any European Sites, and the very weak and indirect ecological pathway is such 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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- Interference with the key relationships that define the structure or ecological function of the site

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

Yes  No

#### Step 4. Screening Determination Statement

**The assessment of significance of effects:**

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

**Conclusion:**

Having regard to:

- the small scale nature of the development (change of use of an existing dwelling),
- the location of the development at a significant remove from nearby European sites and,
- the consequent absence of a direct pathway to these European sites,

it is considered that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on the Natura 2000 network and appropriate assessment is not therefore required.

	Tick as Appropriate:	Recommendation:
(i) It is clear that there is <b>no likelihood</b> of significant effects on a European site.	X	The proposal can be screened out: Appropriate assessment not required.
(ii) It is <b>uncertain</b> whether the proposal will have a significant effect on a European site.	<input type="checkbox"/>	<input type="checkbox"/> Request further information to complete screening <input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
(iii) <b>Significant effects</b> are likely.	<input type="checkbox"/>	<input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
<b>Signature and Date of Recommending Officer:</b>	Olive O'Donnell 22/04/2026	

EIA Pre-Screening Establishing a development is a 'sub-threshold development'	
File Reference:	S5/26/44
Development Summary:	Change of use from residential to residential care facility
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 <b>Part A</b>
<b>A. Schedule 5 Part 1 - Does the development comprise a project listed in Schedule 5, Part 1, of the Planning and Development Regulations 2001 (as amended)?</b> (Tick as appropriate)	
<input type="checkbox"/> Yes, specify class _____	<b>EIA is mandatory</b>  No Screening required
<input checked="" type="checkbox"/> No	Proceed to <b>Part B</b>
<b>B. Schedule 5 Part 2 - Does the development comprise a project listed in Schedule 5, Part 2, of the Planning and Development Regulations 2001 (as amended) and does it meet/exceed the thresholds?</b> (Tick as appropriate)	
<input checked="" type="checkbox"/> No, the development is not a project listed in Schedule 5, Part 2	<b>No Screening required</b>
<input type="checkbox"/> Yes the project is listed in Schedule 5, Part 2 and meets/exceeds the threshold, specify class (including threshold): _____	<b>EIA is mandatory</b>  No Screening required
<input type="checkbox"/> Yes the project is of a type listed but is <i>sub-threshold</i> : _____	Proceed to <b>Part C</b>
<b>C. If Yes, has Schedule 7A information/screening report been submitted?</b>	
<input type="checkbox"/> Yes, Schedule 7A information/screening report has been submitted by the applicant	<b>Screening Determination required</b>
<input type="checkbox"/> No, Schedule 7A information/screening report has not been submitted by the applicant	<b>Preliminary Examination required</b>
Signature and Date of Recommending Officer:	Olive O'Donnell
	Date: 22/04/2026

**Original**

**TIPPERARY COUNTY COUNCIL**

**DELEGATED EMPLOYEE'S ORDER**

File Ref: **S5/26/44**      **Delegated Employee's Order No:** \_\_\_\_\_

**SUBJECT: Section 5 Declaration**

I, Brian Beck, Director of Services, Tipperary County Council, by virtue of the powers delegated to me in accordance with the provisions of Section 154 of the Local Government Act 2001, as amended by Schedule 1, Part 1 of the Local Government Reform Act 2014 under Chief Executive's Order No. 44188 dated 3<sup>rd</sup> October, 2025, hereby order that pursuant to the provisions of the Planning and Development Act 2000, as amended, that an application under Section 5 from Harmony Residential Care C/O Niall Hegarty, BLDG Chartered Surveyors, Unit 4 , 84 Strand Street, Skerries, Co Dublin, RE: Change of use from residential to provide a residential care facility for persons with an intellectual or physical disability or mental illness and person providing care for such persons at Tombricane, Borrisokane, Co. Tipperary, E45PN79 is development and is exempted development.

QMK

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

- Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended)
- Article 6 & 9 of the Planning and Development Regulations 2001, as amended,
- Class 14 (f) of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended)
- The declaration application and supporting information.
- The Planning history of the site.

Tipperary County Council has concluded that the proposed development, as presented on the drawings and details provided with the Declaration application, constitutes "development" within the meaning of the Planning and Development Act 2000 as amended and is "**exempted development**".

**Signed:**

  
\_\_\_\_\_

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

**Date: 23/04/2026**



Date: 23<sup>rd</sup> April 2026

Our Ref: S5/26/44

Civic Offices, Nenagh

**Harmony Residential Care  
C/O Niall Hegarty  
BLDG Chartered Surveyors  
Unit 4  
84 Strand Street  
Skerries  
Co Dublin**

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

Dear Sir/Madam,

I refer to your application for a Section 5 Declaration received on 31<sup>st</sup> March 2026 in relation to the following proposed works:

**Change of use from residential to provide a residential care facility for persons with an intellectual or physical disability or mental illness and person providing care for such persons at Tombricane, Borrisokane, Co. Tipperary, E45PN79.**

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

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

- Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended)
- Article 6 & 9 of the Planning and Development Regulations 2001, as amended,
- Class 14 (f) of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended)
- The declaration application and supporting information.
- The Planning history of the site.

Tipperary County Council has concluded that the proposed development, as presented on the drawings and details provided with the Declaration application, 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 Coimisiún Pleanála, 64 Marlborough Street, Dublin 1, within four (4) weeks of the date of issue of the Declaration and on payment of the prescribed fee.

Yours sincerely

A M Keaveney  
for **Director of Services**