



Rec No 181545
€8000
20/5/24

PLANNING & DEVELOPMENT ACT, 2000 (as amended)

Application for a Section 5 Declaration
Development / Exempted Development

1. Applicant's address/contact details:

Applicant	Bansha Preschool
Address	Bansha National School, Bansha, Co Tipperary
Telephone No.	[REDACTED]
[REDACTED]	[REDACTED]

SCANNED

2. Agent's (if any) address:

Agent	Patrick Ryan	TIPPERARY CO. COUNCIL RECEIVED 20 MAY 2024 PLANNING SECTION FILE NO.
Address	Gortavoher, Aherlow, Co. Tipperary	
Telephone No.	[REDACTED]	
E-mail	[REDACTED]	
Please advise where all correspondence in relation to this application is to be sent; Applicant <input checked="" type="checkbox"/> Agent <input checked="" type="checkbox"/>		

3. Location of Proposed Development:

Postal Address or Townland or Location (as may best identify the land or structure in question)	BANSHA COMMUNITY HALL, BALLINLOUGH WEST, BANSHA, CO. TIPPERARY.
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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.)

Change of use from Physio Room to Preschool room. No works involved, just
addition of school furniture.
Proposed floor area of proposed works/uses: Approx. sqm 60

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 X
	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: William Tarrant Address: Knockballynoe, Kilfeacle, Co. Tipperary	

Signature of Applicant(s) Paula Joyce Pyle

Date: 20/05/2024

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:

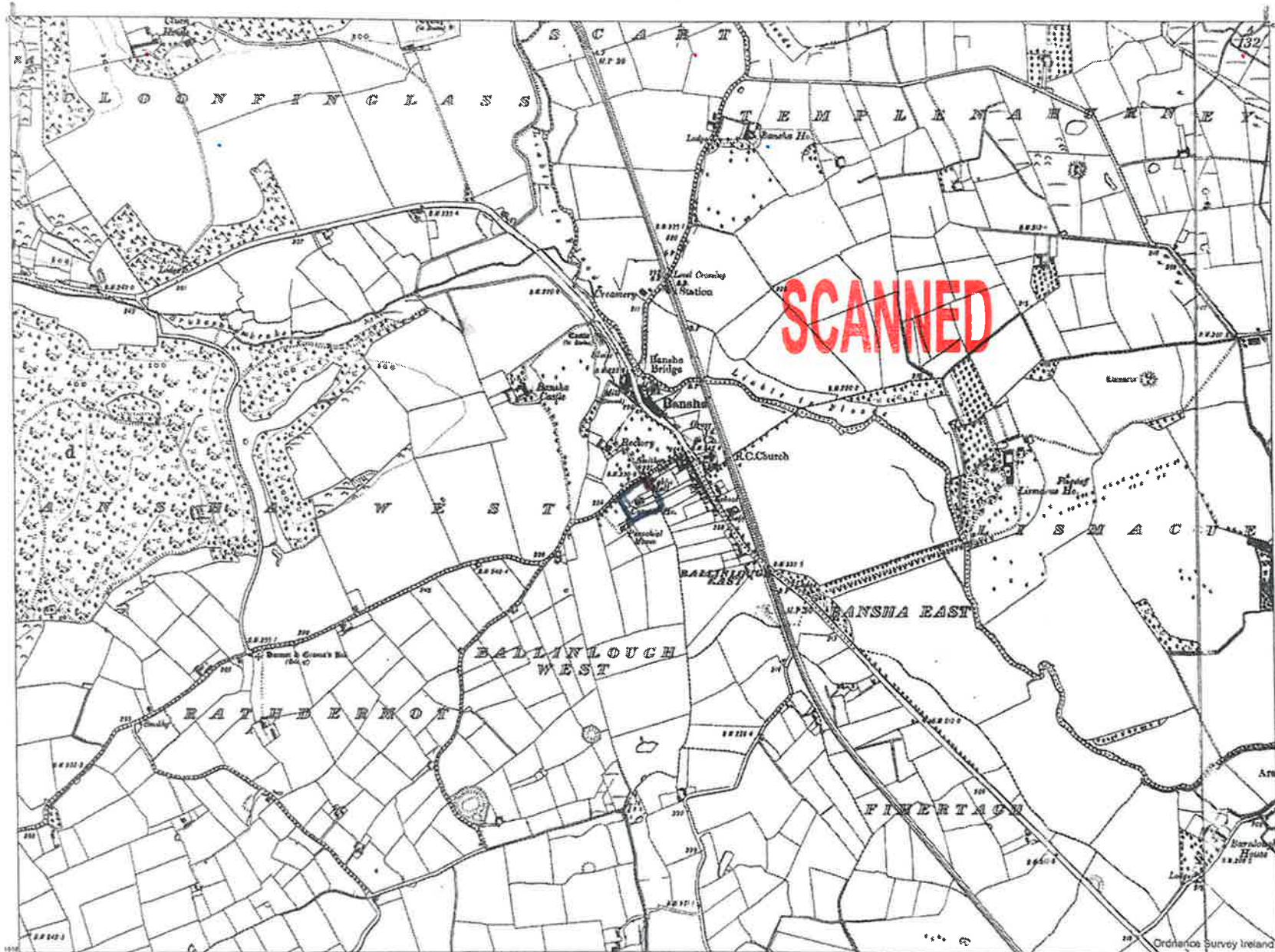
Planning Section, Tipperary County Council, Civic Offices, Limerick Road, Nenagh, Co. Tipperary	<u>OR</u>	Planning Section, Tipperary County Council, Civic Offices, Emmet Street, Clonmel, Co. Tipperary
Enquires:		
Telephone 0818 06 5000		
E-Mail planning@tipperarycoco.ie		

FOR OFFICE USE ONLY
<u>DATE STAMP</u>
Fee Recd. € _____
Receipt No _____
Date _____
Received by _____

Site Location Map



Tailte
Éireann



CENTRE
COORDINATES:
ITR: 50256.020815

PUBLISHED:
04/00/014

MAP SERIES:
5 Inch: Ramer
6 Inch: Ramer

ORDER NO.:
306406_1

MAP SHEETS:
TY007
TY008

COMPILED AND PUBLISHED BY:

John O'Keefe,
Duclos &
Inland,
DUBLIN 4
www.duclos.ie

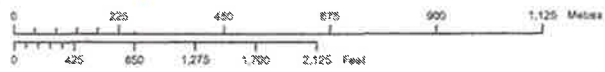
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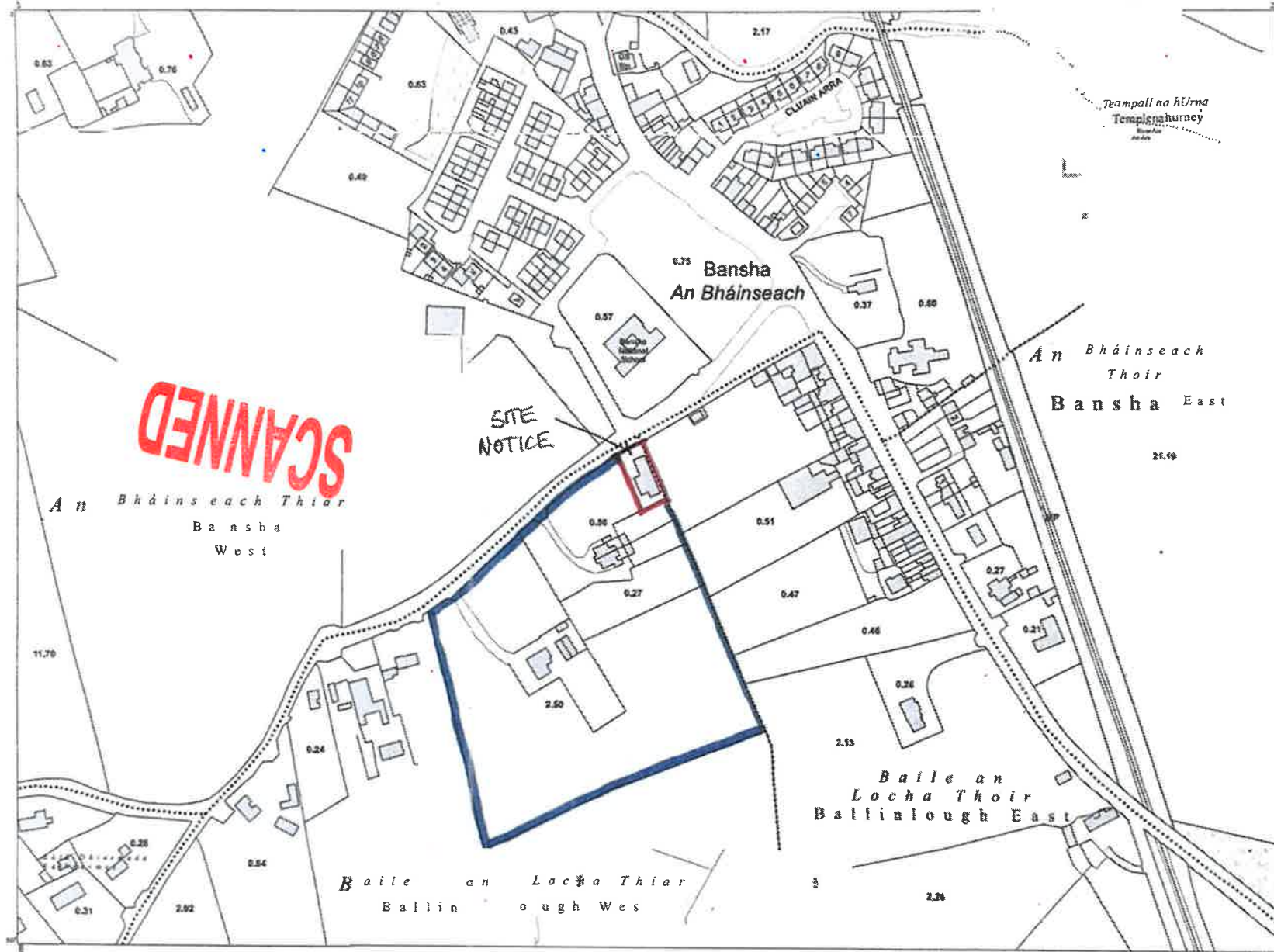
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CAPTURE RESOLUTION:
This map object is only accurate to the
resolution at which it was captured.
Output scale is not indicative of data capture scale.
Further information is available at:
www.tailte.ie/EN/EN/Capture/Resolution/

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



Ordnance Survey Ireland



Teampall na hÚrna
Templeghurney

CENTRE
COORDINATES:
774 60556.63215

MAP REVISIONS:
1:2.00
1:2.00
1:2.00
1:2.00

Mapta Éireann,
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Planning Pack,
2024
DUP/024

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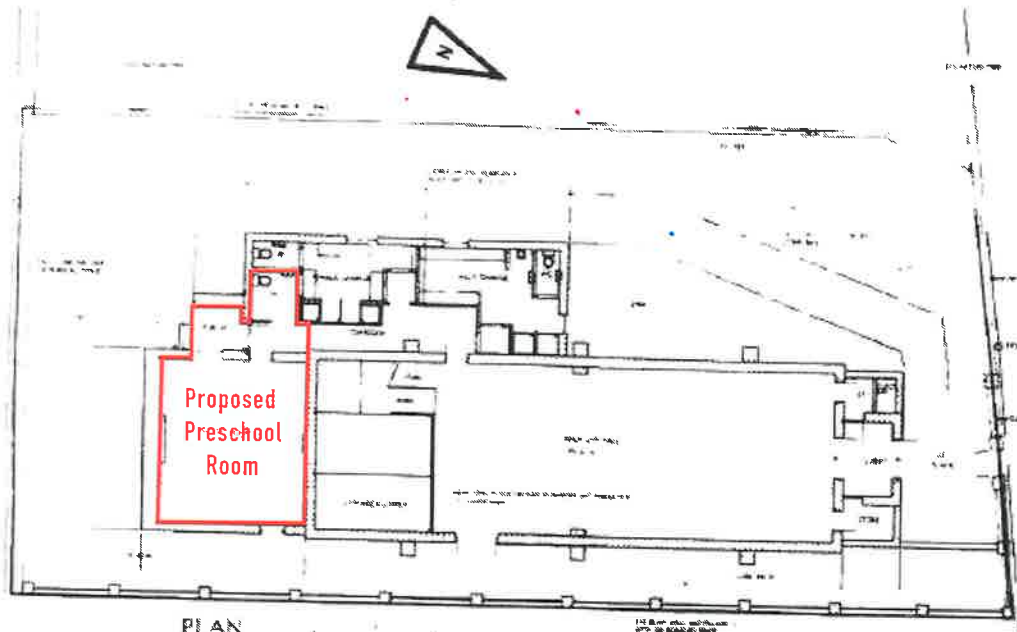
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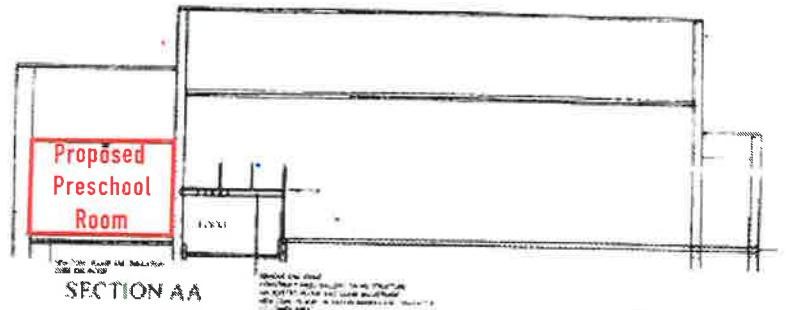
CAPTURE RESOLUTION:
The map objects are only accurate to the
resolution at which they were captured.
Output scale is not indicative of data capture scale.
Further information is available at:
www.tailte.ie, search 'Capture Resolution'

LEGEND:
To view the legend visit
www.tailte.ie and search for
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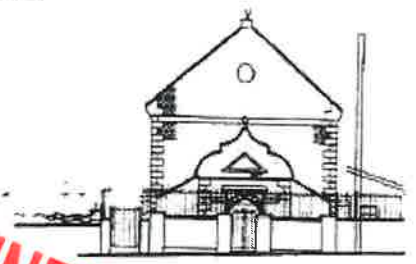
PLAN



SECTION AA

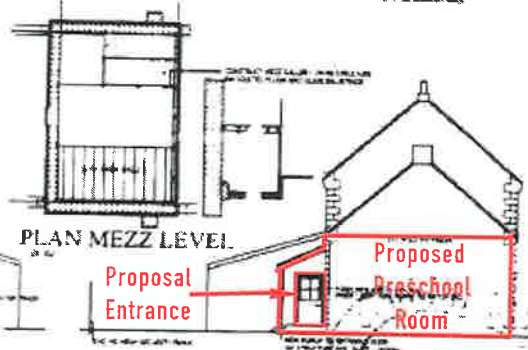


SECTION BB



ELEVATION TO ROAD

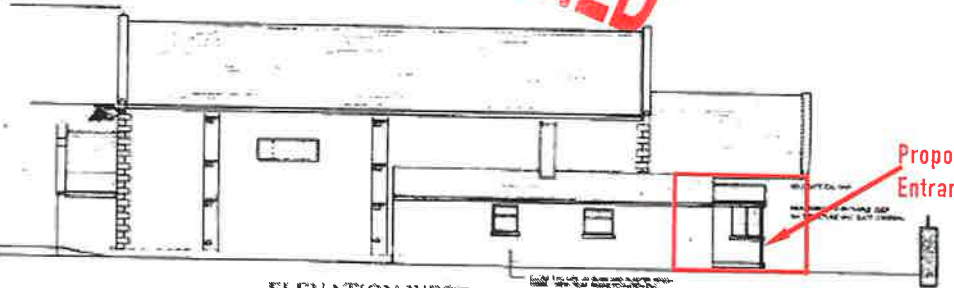
SCANNED



PLAN MEZZ LEVEL

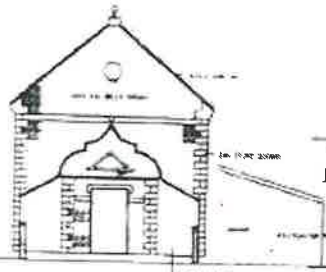
Proposal Entrance

Proposed Preschool Room



ELEVATION WEST

Proposal Entrance







ELEVATION NORTH

ELEVATION SOUTH



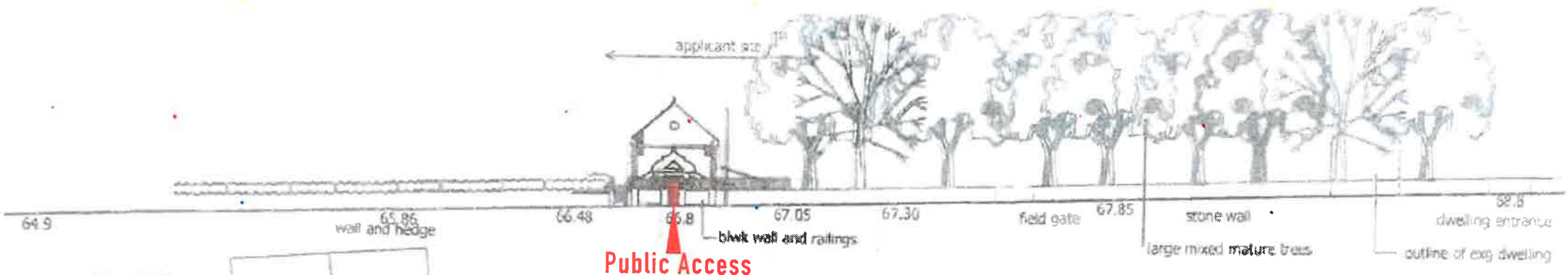
ELEVATION EAST

TOTAL FLOOR AREA 283 M2

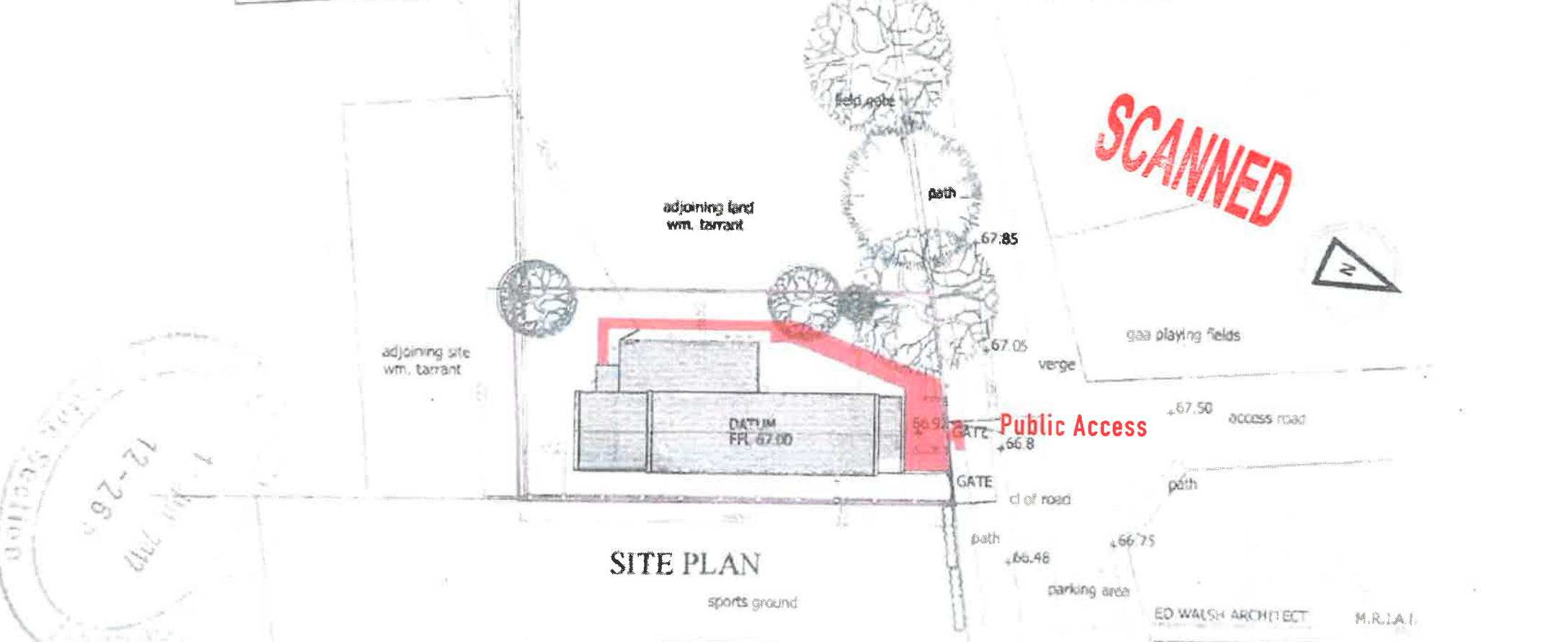
-  EXISTING WALLS SHOWN
-  PROPOSED WALLS SHOWN
-  PROPOSED AREAS SHOWN
-  SITE SHOWN

ED WALSH ARCHITECT N.R.E.A.I.

NO. 1087 PARKWAY
 CHICAGO, ILL. 60607
 PLANNING 010 2144



ELEVATION TO ROAD CONTIGUOUS ELEVATION



SCANNED

SITE PLAN

SITE AREA 0.075 HA
 SITE SHOWN

ED WALSH ARCHITECT M.R.I.A.I.
 WILLIAM TARRANT
 PLANNING DEPT SITE PLAN
 2144

12-26
 1:100
 1:100
 1:100



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
E45 A099

t 0818 06 5000
e customerservice
@tipperarycoco.ie

tipperarycoco.ie

Date: 20th May 2024

Our Ref: S5/24/62

Civic Offices, Clonmel

**Bansha PreSchool
Bansha National School
Bansha
Co. Tipperary**

SCANNED

Re: Application for a Section 5 Declaration – Change of use of physio room to a preschool room at Bansha Community Hall, Ballinlough West, Bansha, Co. Tipperary.

Dear Sir/Madam,

I acknowledge receipt of your application for a Section 5 Declaration received on 20th May, 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

467TIPPERARY COUNTY COUNCIL

Application for Declaration under Section 5
Report No. 2

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

Planning Reference: S5/24/62
Applicant: Bansha Pre-School
Development Address: Bansha Community Hall, Ballinlough West, Bansha, Co. Tipperary.
Proposed Development: Change of use from Physio Room to Pre-School.

1. **GENERAL**

On the 20th May 2024, a request was made for a declaration under Section 5 of the Planning and Development Act 2000, as amended, by Bansha Pre- School as to whether or not the following constitutes development and if so, whether same constitutes exempted development at Bansha Community Hall, Bansha, Co. Tipperary.

Change of use from physio room to Pre-School

The application is accompanied by:

- Section 5 Declaration Application Form
- Site Location Maps
- Site location, plans, section and elevations drawings (The drawings submitted included the layout of the building under 13/17 and does not show the extension permitted under the 2015 file).

The building is a Protected Structure under Reference: TRPS1903



2. STATUTORY PROVISIONS

The following statutory provisions are relevant to this referral case;

Planning and Development Act 2000, as amended

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 3 (1) of the Planning and Development Act 2000, as amended, defined “development” 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 (2)(a) of the Planning and Development Act 2000, as amended, states as follows:-

(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:-

4. (4) 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.

Section 57 of the Planning and Development Act 2000, as amended, states as follows:-

Works affecting character of protected structures or proposed protected structures.

57. (1) Notwithstanding section 4(1)(a), (h), (i), (ia), (j), (k), or (l) and any regulations made under section 4(2), the carrying out of works to a protected structure, or a proposed protected structure, shall be exempted development only if those works would not materially affect the character of—

(a) the structure, or

(b) any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest.

Planning and Development Regulations 2001 (as amended)

Article 5 of the Planning and Development Regulations 2001, as amended, states;

'School' has the meaning assigned to it by the Education Act 1998.

“school” means an establishment which—

- (a) provides primary education to its students and which may also provide early childhood education, or
- (b) provides post-primary education to its students and which may also provide courses in adult, continuing or vocational education or vocational training, but does not include a school or institution established in accordance with the Children Acts, 1908 to 1989, or a school or institution established or maintained by a health board in accordance with the Health Acts, 1947 to 1996, or the Child Care Act, 1991;

Article 6. (1) of the Planning and Development Regulations 2001, as amended, states;

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.

Article 9. (1) of the Planning and Development Regulations 2001, as amended, states;

Restrictions on exemption.

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,

(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.

Article (10) of the Planning and Development Regulations 2001, as amended states:

(1) Development which consists of a change of use within any one of the classes of use specified in Part 4 of Schedule 2, shall be exempted development for the purposes of the Act, provided that the development, if carried out would not –

- (a) involve the carrying out of any works other than works which are exempted development,
- (b) contravene a condition attached to a permission under the Act,
- (c) be inconsistent with any use specified or included in such a permission, or
- (d) be a development where the existing use is an unauthorised use, save where such change of use consists of the resumption of a use which is not unauthorised and which has not been abandoned.

(2) (a) A use which is ordinarily incidental to any use specified in Part 4 of Schedule is not excluded from that use as an incident thereto merely by reason of its being specified in the said Part of the said Schedule as a separate use.

Part 1 of Schedule 2 includes an exemption under Class 20C for;

<i>Exempted Development - General</i>	
Column 1 Description of Development	Column 2 Conditions and Limitations
CLASS 20C Temporary use as a school of any structure formerly used as a school, hall, club, art gallery, museum, library, reading room, gymnasium, or	1. The use shall be discontinued after a period not exceeding 2 years.

<p><i>other public building, or any structure normally used for religious instruction.</i></p>	<p>2. <i>Such structure shall comply with the Department of Education and Science Primary and Post Primary Technical Guidance Documents for the time being in force.</i></p>
--	--

Class 8, of Part 4 Schedule 2, of the Planning and Development Regulations 2001.

Use—

- (a) as a health centre or clinic or for the provision of any medical or health services (but not the use of the house of a consultant or practitioner, or any building attached to the house or within the curtilage thereof, for that purpose),
- (b) as a crèche,
- (c) as a day nursery,
- (d) as a day centre.

3. **ASSESSMENT**

a. *Site Location*

The site comprises of a former Community Hall which currently accommodates a Gym and Physiotherapy room. Bansha Pre-School currently operates from the National School on the opposite side of the public road.

b. *Relevant Planning History*

15/600467 Permission GRANTED an extension to a protected structure complete with minor modifications to existing elevations of the protected structure so as to accommodate the proposed extension and all associated site works

13/86 Permission GRANTED for freestanding and wall mounted signs at Bansha Physiotherapy Clinic & Gym which is a protected structure.

13/17 Permission GRANTED for of works to a protected structure including alterations to existing window and door opes, new boundary fencing and replacing of existing fence, construction of mezzanine floor to interior and subdivision and change of use to physiotherapy treatment rooms.

P3/10050 Permission GRANTED for extension to parochial hall (1985).

c. *Assessment*

The question posed under the Section 5 Declaration application is as to whether change of use from Physio Room to Pre-School and is or is not exempted development.

A) “Is or is not Development”

I note no physical works to the building are proposed. The Declaration relates to use of a permitted physio room within the building as a Preschool only. I would consider the use of a physio room for a school use would constitute a material change of use.

B) “Is or is not Exempted Development”

The development description of the planning history stated the building was formerly used as a Community/ Parish hall and more recently includes permitted Physio Rooms and a gym which was not considered to constitute a material change of use (see assessment under PI. Ref. No. 13/17). I note from a review of PI. Ref. No. 15/600467 that the building is in private ownership since pre-2015. The proposed pre-school is proposed to be located in the physio rooms permitted under PI. Ref. No. 15/600467.

I am satisfied that the preschool can be considered as a “school” by providing *early childhood education*, by the meaning assigned to it by the Education Act 1998

The use of part of the building, which has an existing authorised physio room use, as a preschool use constitutes a material change of use however same does not come within Class 20C Part 1 of

Schedule 2 of the above cited Regulations as it is considered that the former use as a hall has been superceded by the existing permitted physio use.

While the existing use can be considered a health centre or clinic under Class 8, of Part 4 Schedule 2, of the Regulations, the proposed use is not a crèche, day nursery or day centre.

Having regard to the above I note no exemption that the proposal can avail of.

C) Restrictions under Articles 9 and 10

I note no restrictions on exemptions which would apply.

D) Requirement for Appropriate Assessment and Environmental Impact Assessment

AA

Proposal does not constitute works and is for a material change if use only. See screening report attached.

EIA

Proposal does not constitute works and is for a material change if use only. See screening report attached.

4. RECOMMENDATION

WHEREAS a question has arisen from Bansha Pre-School as to whether change of use from Physio Room to Pre-School at Bansha Community Hall, Ballinlough West, Bansha, Co. Tipperary is “development” and is or is not “exempted development”,

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

- (a) Section 2, 3 and 4 of the Planning and Development Act, 2000, as amended,
- (b) Articles 5, 6, 9 and 10 of the Planning and Development Regulations, 2001, as amended,
- (c) Class 20(C)Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, as amended
- (d) The meaning ‘School’ as assigned to it by the Educations Act 1998,
- (e) The planning history on the site

AND WHEREAS Tipperary County Council has concluded that a change of use from Physio Room to Pre-School at Bansha Community Hall, Ballinlough West, Bansha, Co. Tipperary constitutes “development” within the meaning of the Planning and Development Act 2000, as amended and **is NOT “exempted development”**.

NOW THEREFORE Tipperary County Council, in exercise of the powers conferred on it by Section 5 (3) (a) of the 2000 Act, as amended hereby decides the change of use from Physio Room to Pre-School at Bansha Community Hall, Ballinlough West, Bansha, Co. Tipperary is development and 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.

District Planner:

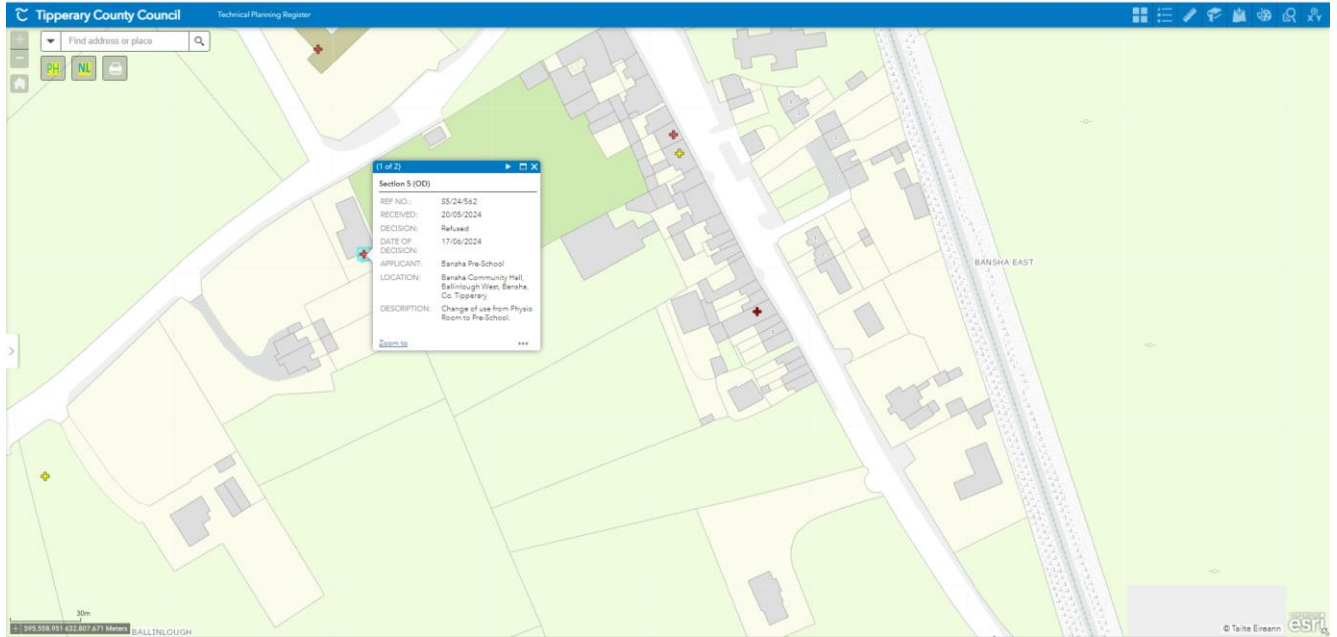
L. Butler-Lyon

Date: 21/05/2024

C. Conway

Senior Executive Planner:

Date: 31.05.2024



EIA Pre-Screening

Establishing a development is a 'sub-threshold development'

File Reference:	S5/24/62	
Development Summary:	Material change of use from physio rooms to pre-school	
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 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): _____		EIA is mandatory No Screening required
<input type="checkbox"/> Yes the project is of a type listed but is <i>sub-threshold</i> : _____		Proceed to Part C
C. If Yes, has Schedule 7A information/screening report been submitted?		
<input type="checkbox"/> Yes, Schedule 7A information/screening report has been submitted by the applicant		Screening Determination required
<input type="checkbox"/> No, Schedule 7A information/screening report has not been submitted by the applicant		Preliminary Examination required

HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT

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

(a) File Reference No:	S5/24/62
(b) Brief description of the project or plan:	Material change of use from physio rooms to pre-school
(c) Brief description of site characteristics:	Former Community Hall within the settlement of Bansha
(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 10km	None	No
Galtee Mountains 000646	https://www.npws.ie/protected-sites/sac/000646	Within 10 km	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 	None. No works proposed. Material change of use only.
Operational phase e.g. <ul style="list-style-type: none"> • Direct emission to air and water • Surface water runoff containing contaminant or sediment • Lighting disturbance 	None. No works proposed. Material change of use only.

- 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

In-combination/Other

(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. No works proposed. Material change of use only.</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.

Proposal does not include for works and relates to a material change of use only.

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:**

A handwritten signature in blue ink that reads "C. Conway". The signature is written in a cursive style with a large initial 'C' and a long, sweeping tail.

Date:

31.05.2024

Original

TIPPERARY COUNTY COUNCIL

DELEGATED EMPLOYEE'S ORDER

File Ref: **S5/24/62** **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 Bansha PreSchool, Bansha National School, Bansha, Co. Tipperary, re: Change of use from Physio Room to Pre-School at Bansha Community Hall, Ballinlough West, Bansha, Co. is development and is **Not exempted development**.

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

- a) Section 2, 3 and 4 of the Planning and Development Act, 2000, as amended,
- b) Articles 5, 6, 9 and 10 of the Planning and Development Regulations, 2001, as amended,
- c) Class 20(C)Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, as amended
- d) The meaning 'School' as assigned to it by the Educations Act 1998,
- e) The planning history on the site

AND WHEREAS Tipperary County Council has concluded that a change of use from Physio Room to Pre-School at Bansha Community Hall, Ballinlough West, Bansha, Co. Tipperary constitutes "development" within the meaning of the Planning and Development Act 2000, as amended and **is NOT "exempted development"**.

Tipperary County Council has concluded that – The proposal as presented in the Declaration application, constitute "development" as understood by the Planning and Development Act 2000, as amended and is considered **"exempted development"**

NOW THEREFORE Tipperary County Council, in exercise of the powers conferred on it by Section 5 (3) (a) of the 2000 Act, as amended hereby decides the change of use from Physio Room to Pre-School at Bansha

Community Hall, Ballinlough West, Bansha, Co. Tipperary is development and 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.



Signed:

Date: 06/06/2024

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



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: 6th June, 2024

Our Ref: S5/24/62

Civic Offices, Nenagh

**Bansha PreSchool
Bansha National School
Bansha
Co. Tipperary**

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

Dear Sir/Madam,

I refer to your application for a Section 5 Declaration received on 20th May, 2024, in relation to the following proposed works:

Change of use from Physio Room to Pre-School

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) Section 2, 3 and 4 of the Planning and Development Act, 2000, as amended,
- b) Articles 5, 6, 9 and 10 of the Planning and Development Regulations, 2001, as amended,
- c) Class 20(C)Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, as amended
- d) The meaning 'School' as assigned to it by the Educations Act 1998,
- e) The planning history on the site

AND WHEREAS Tipperary County Council has concluded that a change of use from Physio Room to Pre-School at Bansha Community Hall, Ballinlough West, Bansha, Co. Tipperary constitutes "development" within the meaning of the Planning and Development Act 2000, as amended and **is NOT "exempted development"**.

NOW THEREFORE Tipperary County Council, in exercise of the powers conferred on it by Section 5 (3) (a) of the 2000 Act, as amended hereby decides the change of use from Physio Room to Pre-School at Bansha Community Hall, Ballinlough West, Bansha, Co. Tipperary is development and 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.

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

Geraldine Quinn

for **Director of Services**