RML PLANNING

Rosemarie McLaughlin

3 David Road, Drumcondra, Dublin 9, D09H2V6 00353 876787323 rosie@rmlplanning.ie https://rmlplanning.ie/

My Ref. A202 **Tipperary County Council Ref. S5/22/26**

AN BORD PLEANAL LDG-051519-22 22 APR 2022 Type: Courc Time: 16:09 By: in per 22/04/2022

RE: SECTION 5 REFERRAL

Dear Secretary,

On behalf of my clients Mr Michael Power and Ms Margaret Ryan of Sallypark, Latteragh, Nenagh, Co. Tipperary, E45 WR64, and pursuant to section 5(3)(a) of the Planning and Development Act 2000 as amended, this is a referral of a declaration by a Tipperary County Council dated 4th April 2022, in relation to a question that arises as to what, is or is not development or is or is not exempted development at a site of former public house with residential accommodation and football pitch (on an overall site of c. 1.32 ha) at Seanins, Sallypark, Latteragh, Nenagh, Co Tipperary. The site the subject of the section 5 referral is in the ownership of Tipperary County Council.

The question that was stated to the Planning Authority was "Whether the change of use and works on the site of former public house with residential accommodation and football pitch purchased by Tipperary County Council (on an overall site of c. 1.32 ha) at Seanins, Sallypark, Latteragh, Nenagh, Co Tipperary, E45 EE61, into a Council depot and offices is development and is or is not exempted development? In the interest of clarity and to ensure that all matters were considered, including the cumulative development on the site, the known changes of use and works were itemised, and the details are included in the attached planning report.

Please find the following enclosures.

- 1. Cover letter (this letter)
- 3. Copy of decision letter from Planning Authority
- 4. Planning report with 4 appendices
 - Appendix 1 Email correspondence
 - Appendix 2 Freedom of Information document
 - Appendix 3 Spreadsheet
 - Appendix 4 Planning history document
- 5. USB with three short videos with audio

Yours sincerely,

Rosemarie McLaughlin

Rosemente Maisrighlin

වේ මෙය දියෙක්, දියා කරායන දැයි. මේවා මු පලපටු යන මෙයෙක් මාලයන්මයට යෝමෙනිගත්වැහෙනයේ

Division vid

Toperary Course/ Connect Ref. 13722/26

77.02, 107.52

REPSECTION S REFERENCE

endoused and

The head of my in all the set of the set which the set of the set

I no accession that we have to the Plantons Authority with the charge of a charge of averand works of the sit of former make burks with residential account atoms and for their area on charged to have sit of former make burks with residential account and for their area of the same o

en mante proposition of sufficient specific

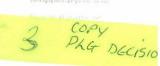
- , was a sud prediction of T
 - 100
- erre al la maria de la maria de maria de la composición de la composición de la composición de la composición
 - Landing records And New Years are arranged.
 - acceptance were to the will be a wide
- - triudatia u ora É mercara Ali III.
 - reamusch versching instrumgt 🗢
 - prince Title 2분하는 기가요는 4분들이 INTER

very district

Shirt is an increase



Combarde Contae Historial Arann, Offigi Cathartha, Chunn Monto. Co. Thiobrand Arann Combairle Contae Thodraid Arann, Origi Cathartha, As (Aonach, Co. Thiobraid Arann



Date: 4 April 2022

Our Ref: S5/22/26

Civic Offices, Nenagh

Mr Michael Power & Ms Margaret Ryan C/O Rosemarie McLaughlin 3 David Road Drumcondra Dublin 9

Dear Mr Power & Ms Ryan

Declaration under Section 5 of the Planning and Development Act 2000

I refer to your application for a Section 5 Declaration received on 8 March 2022 in relation to the following proposed works: -

Change of use and works on site of former public house with residential development and football pitch purchased by Tipperary County Council into a council depot and offices at Sallypark, Latteragh, Co Tipperary

Tipperary County Council, in considering this referral, had regard particularly to -

- Sections 2, 3, 4 and Section 179 of the Planning and Development (a) Act, 2000, as amended.
- Article 6, 9 and 80 of the Planning & Development Regulations 2001, (b) as amended.
- The former use of the site. (c)
- The current use of the site by Tipperary County Council as a depot (d) used by the Nenagh Municipal District.
- The nature and extent of development undertaken by Tipperary (e) County Council.

Tipperary County Council has concluded that:

The change of use and works on the site of former public house with residential



0

Cale 4 April 70.52

Car Ref. ELVEYZE

Me Michael Power S. Ma Darganst Ryan C70 Rosemonie McLaughlic S David Rosa Deamcondea Dublin 9

Does M. Power V. Hage

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

l refer de yetre et blich och for a George Gibration deciment com et et et en a Marco (n. 1823 Brose atton bocker foliableg et et et et en se e

Change of use and works on site of former public house with residential development and football pitch parchased by Tipperary County Council into a council depot and offices at Sallypark, Latteragic. Co Troperary

Takke er Dier Dier Takke in de de detempische in sammer ein de met die stelle in de de geen Garenig

- [6] Redunts 2. J. 4 and Serso I. 9 of the Paramagen of Boundary Aut., 2000, as amended
- Attro- 6. Since SC of the Placems of Deschapt Regularitations 2001, as any origin.
 - the former use of the site
 - 3.9.4 The sum and use of the site by "upperary finding Confiduct a supple upper by use Montgo Material Confede
 - (e) The value is a divident of develop agent unifordoxing or Topiques;
 County County

repriesofound in west in their of their transpers

a prometon archy some to the lateral to the second of the

development and football pitch located at Sallypark, Latteragh, Nenagh, Co. Tipperary into a council depot and offices used by Tipperary County Council is development within the meaning of the Planning and Development Act 2000, as amended and is exempted development pursuant to Section 4 (1) (aa) of the Planning and Development Act 2000, as amended.

NOTE: Any person issued with a Declaration of a Planning Authority may refer the Declaration for review to An Bord Pleanala, 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 faithfully

for Director of Services

development and fostpath citch totaled at Saliypedk, Latteraum, stanagh, Co. Expersity this a council depot and offices used by Enguera y Councy Council is development within the meaning of the Planning and Development Act 2000, as amended and is exempted disvelopment pursuant to Section 4 (1) (aa) of the Planning and Development Act 2000, as amended

NOTE, Any person asuad with a Dedaration of a Planning A dignity may refer the Declaration (at review to An Bord Preanala, on Mariboro in Street: Dublin 1, within four (4, weeks of the date of as in of the Demaration and on payment of the prescribes tee.

git without entre.

particles to set some new

RML PLANNING

Rosemarie McLaughlin 3 David Road, Drumcondra, Dublin 9 D09H2V6 0876787323

REFERRAL OF DECLARATION REPORT

Section 5(3) Planning and Development Act 2000 as amended.
Sallypark, Latteragh, Nenagh, Co. Tipperary
Tipperary County Council Reference S5/22/26

RML PLANNING

Rozemarty Michaugrem 3 David Roed, Ordenempt 4, Duotin 9 009H2V6 0097878 1125

REFERRAL OF DEGLARATION REPORT

Settion 3(3) Planning and Development Act 2005 is amended. Settypark, Lutteragh, Nenoglic Co. Tipperpry
Toberary County Council Returence 55/12/25

DOCUMENT CO	NTROL SHEET						
Project Name	Section 5(3) Rep	Section 5(3) Report. Referral on declaration					
Project Ref.	A202						
Prepared/Date	RML 12/4/202						
		Date	Comment				
Revision	0	12/4/21	Client review				
	1	21/4/21	Final				

Confidentiality Statement

This report has been prepared for the exclusive use of the commissioning party and unless otherwise agreed in writing by the author Rosemarie McLaughlin, no other party may copy, reproduce, distribute, make use of, or rely on the contents of the report. No liability is accepted for any use of this report, other than for the purposes for which it was originally prepared and provided. Opinions and information provided in this report are on the basis of the author using due skill, care and diligence in the preparation of the same, and no explicit warranty is provided as to their accuracy. It should be noted and is expressly stated that no independent verification of any of the documents or information supplied to the author has been made.

team of estimate texts at the fi

and the second processes the contract of the c

TABLE OF CONTENTS

1	INTRO	DUCTION1
	1.1	Summary of decision of Planning authority2
	1.2	Summary of referral on declaration2
2	SITE LO	OCATION AND OPERATIONAL DESCRIPTION 3
	2.1	Site location and context
	2.2	Environmental context
	2.3	Operational description and impact on adjacent property
	2.4	Planning history 8
3	RELEV	ANT PLANNING POLICY9
	3.1	Noise9
	3.2	Lighting10
	3.3	Wastewater10
	3.4	Stormwater
	3.5	Natura 2000 Sites and Protected Species10
	3.6	Tourism
	3.7	Inland waters and riparian zones
	3.8	Water framework11
	3.9	Strategic road network
	3.10	Development management11
	3.11	Natural heritage
4	LEGISL	ATIVE PROVISIONS AND APPLICATION 12
	4.1	Relevant legislation
	4.2	Interpretation and definitions – primary legislation
	4.3	Interpretation and definitions - secondary legislation
5	SECTIO	ON 5 APPLICATION 15
	5.1	Does a question arise?
	5.2	Is or is not development
	5.3	Works
	5.4	Material change in the use of any structures or other land 16
6	CONTR	RAVENTION OF DEVELOPMENT PLAN NOT PERMITTED
	6.1	Nenagh Local Area Plan 2013-2019
7	APPRO	PRIATE ASSESSMENT

EARL OF CONTRACT

8	APPLIC	CATION OF RELEVANT EXEMPTED PROVISIONS / ASSESSMENT OF	
	RESTR	ICTIONS	25
	8.1	Potential Exemptions under PDA2000	. 25
	8.2	Potential exemptions under PRR2001	26
	8.3	Schedule 2 PDR2001	. 30
9	PART 8	3	31
10	ENVIR	ONMENTAL IMPACT ASSESSMENT	32
11	CONCI	USION AND RECOMMENDATION	33

Appendix 1 Email correspondence

Appendix 2 Freedom of Information document

Appendix 3 Spreadsheet on Freedom of Information queries

Appendix 4 Planning history document

	(

The state of the second of the second

I want to the terror of a country of a subgroup of

to prove the second of the control o

and the many accept a manufactor's complete

WHITE SALE SALE

1.4 2.1 (2.40) 1.3 (3.40)

R

1 Introduction

On behalf of my clients Mr Michael Power and Ms Margaret Ryan of Sallypark, Latteragh, Nenagh, Co. Tipperary, E45 WR64, and pursuant to section 5(3)(a) of the Planning and Development Act 2000 as amended, this is a referral of a declaration by a Tipperary County Council dated 4th April 2022, for review by the Board, in relation to a question that arises as to what, is or is not development or is or is not exempted development at a site of former public house with residential accommodation and football pitch (on an overall site of c. 1.32 ha) at Seanins, Sallypark, Latteragh, Nenagh, Co Tipperary.

The question that was stated is as follows.

"Whether the **change of use and works** on the site of former public house with residential accommodation and football pitch purchased by Tipperary County Council (on an overall site of c. 1.32 ha) at Seanins, Sallypark, Latteragh, Nenagh, Co Tipperary, E45 EE61, into a Council depot and offices is development and is or is not exempted development?

In the interest of clarity and to ensure all matters are considered, including the cumulative development on the site, the known changes of use and works are itemised for the assistance of the planning authority in making a determination.

The **change of use** relates to the following.

- (a) Change of use of site of former public house with residential accommodation into site for receipt, storage and distribution/transport of quarrying materials.
- (b) Change of use of site of former public house with residential accommodation for receipt, storage and distribution/transport of waste materials.
- (c) Change of use of site of former public house with residential accommodation to parking of articulated trucks, other heavy and light vehicles and cars.
- (d) Change of use of site of former public house with residential accommodation building to offices and staff facilities.
- (e) Change of use of site of former public house with residential accommodation to a facility for cleaning of vehicles (including those used for tar).
- (f) Change of use of site of former public house with residential accommodation to facility for storage and distribution of various materials used by Tipperary County Council.
- (g) Change of use of formerly open land to enclosed land.

The works relate to the following.

- (h) Erection of steel galvanized fencing c 2.6 m high.
- (i) Creation of new access and set back into site from Local road L6154 (access measures c. 6.5 m).
- (j) Erection of four c. 9 m high floodlights.
- (k) Erection of two connected container structures c. 52 sqm with a c. 4.5 m canopy.
- (I) Erection of concrete slab c. 528 sqm for the purpose of storing materials.
- (m) Works to former public house and residential accommodation.
- (n) Piping of surface water into Nenagh river from subject site that stores and distributes waste materials and quarry content and where site includes the use of fuels, oils, lubricants, etc associated with the use.

noise bontmi di

So think at the districtive Machine Brown and the Margaret Syles of the Second plants of the Second plants of Second Particles of Second P

and the control of the state of

Tet bedom die behangmen dit die deut deutsche der die das die in deut doelde deelgement, oord, oordoorde deutsch de biekelte datied deut faartschijdeling aan bewaal in de personen. De deutschij das de de gevere op de de gev Die biekelte die Sing die de de deutschijde bewaalde die die sproke gewand die de strong de de de de de de de

las de combessad afisión de especiente en entre en femina a se en el most de les afisis en el mentalmente desa Attamente en en en en el está desagon es el mange en el mestre en el mentalmente en en el mentalmente entre en Les minimientes en en en en el mente el terrologie en la compensación de la compensación de la compensación de

and the second of the second of the second of the

and he go of an arms for many prints about a comment and a company of the comments of the comm

April 1985 - Amerika Maria Alemania araba da Amerika Amerika Amerika Amerika Amerika Amerika Amerika Amerika A Amerika Amerika

er falle er en de eigen bestellte en blieber en blieber en blieber en bestelle de gekommen bestelle generale e De bestellt en de de bestellte de de bestellt en blieber en de de bestellt en bestellt en de de bestellt en de

jago mangengara ng kateng ^kates a pila 170 makas a kata ng aka mangen mangangkan katanan na mangengangkan man Attang parti ay itang

and the state of the control of the state of

ng manalang di sebenah sebenah di menangkan berang menangkan berang di sebenah menghin menang di sebenah di se Bang dipanggan penggan menanggan penggan penggan menanggan di sebenah di sebenah di sebenah di sebenah di sebenah di

provide the state of the state

and the second s

e urboo de la companya de la sectión de la contraction de la contraction de la contraction de la contraction de

and the state of the second of the state of

of the part of the same of

yet orthografia in the residence of the transfer of the first of the second of the second of the first of the

igens 이번 1956 - 이번 200**0**(1850 - 1955) - 1955 - 1955 - 1955 - 1955 - 1955 - 1955 - 1955 - 1955 - 1955 - 1955 - 195

ang area sa maran ang mga baran na mangan ang mga baran na mga mga baran na mga baran na mga baran na mga bara

a förbetti flede för av energillövikke við över fræði frekkerni mer skulf verver, í stansvand av evver Arðar færs en er er en vært na medi af ett er vært er mann til heimstygar eit a magna – eg Ardar færs av endet vært na medi af af ett endet er mann til endet ett endet endet er endet e Please note the reference to the former public house also includes the permitted car park to the rear (Planning Ref. 5111625)."

Please note clarification on the question above.

The Planning Authority in the planning report do not consider that any waste is or has been stored on the site and this is disputed by the referrers.

The Planning Authority in the planning report do not consider that a new entrance was created and this is disputed by the referrers.

One high lighting standard has been erected, flood lights have been placed on the rear of the existing building and excavation and wiring has taken place for a second lamp standard.

Since making the section 5 reference, the Council have constructed a new footpath adjacent to the Local Road L6154.

Since making the section 5 reference, the Council have placed some new early planting inside the fencing.

1.1 Summary of decision of Planning authority

The following is the conclusion of the Council decision.

"Tipperary County Council has concluded that:

The **change of use** and **works** on the site of former public house with residential development and football pitch located at Sallypark, Latteragh, Nenagh, Co. Tipperary into a council depot and offices used by Tipperary County Council is development within the meaning of the Planning and Development Act 2000, as amended and <u>is exempted development</u> pursuant to Section 4 (1) (aa) of the Planning and Development Act 2000, as amended."

1.2 Summary of referral on declaration

It is submitted that Tipperary County Council have not correctly interpreted the relevant legislation in making the declaration and the change of use and works that have taken place are development and are not exempted development having regard to the following:

- a) Sections 2, 3, 4, 5, 177U, 178 and 179 of the Planning and Development Act, 2000, as amended including Part XAB;
- b) Articles 5, 6, 9 and 10 of the Planning and Development Regulations 2001, as amended;
- Parts 1 and 4 of the Second Schedule to the Planning and Development Regulations 2001, as amended;
- d) The European Communities (Water Policy) Regulations 2003 as amended:
- e) The provisions of the Tipperary County Development Plan 2010 as amended;
- f) The provisions of the Nenagh Local Area Plan 2013-2019 as varied;
- g) The hydrological pathway of the Nenagh River to a Special Area of Conservation;
- h) The permitted Part 8 development in the vicinity of the site;
- i) The quarry in the vicinity of the site;
- j) The Water Framework Directive and status assigned to adjacent rivers;
- k) The purchase of the site and the monies expended to date;
- 1) The submissions below and the impact on neighbouring property:
- m) The nature of the uses and works previously and currently on site;

Please area the reference, as the forther public areas also includes the permitted car unit to the second correct to the

Production and chart of the question above.

The Hanning Authority to the prancing report do not consider that day westers or but by been a color by the extense.

The Prancing Authority in the pranning report do not consider that a new entrance was created and the six disputed by the reference.

one high lighting standard has been energed, importighted by etcorplaned on the san street with the party of the party to a social and a constitution, and within the caker party to a social information and an information.

Shike malenging section is reference, the Council have constant to been recipied whereast or the malenging which have the been recipied to the property of the been recipied to the control of the been recipied to the control of the been recipied to the control of the control o

Since muking the seaton is noterence the Council had industrial arms ago in a planting incolu the benefit.

Summary of decision in Programmy Sutherity

appropriate the publishment of the contract of the springer of the

and a supplication of a first state of the

The change of use this works to the rice of person audient nouse. It is readent of development in according to the property of the following of the superior of the person of the person of the person of the superior o

on headash un harebrahavan man? 4 1

na ster edus, a napatro sumenno em elved tumedo situato o special est tertamene e la Enguelia nadio en el 1837 est estem las la especial editar monalmentente da sentencia est estada La sume la estada mana en procesa transplavos beternoste todos estados estados estados estados estados estados

- al De Homs 2 ° d & John 176 and 179 dina Promis und Arcelo de Colona de Calo. Arcelo de la Novienda Calo.
 - 59 Andrews S. 18, S. a.n., 18 of the Plane by and Develope entitle seal to the Conservation
- Lice Communication of the Parameter Scheme Edward of the Parameter and Development in Pagastanian Communication Co
 - NAME AND ADDRESS OF THE PARTY O
 - greigerand or, it ikk andt i erfoquischer yatarık yaztıqqili öldi. Et sethayla adform 170
 - ungsay unasopy a taya, sait foresee a cujin samma uligu naukasetti kitakiseesta u obbi (piedatib a tulad buu s
 - and the control of th
 - 아니는 그 이 일 사람이 그는 것이 있는데 그 아니는 그 아니는 아니라는 아니라는 사람들이 아니라 아니라 아니다.
 - are known manners a proportion might trap afformed in specific for the first
 - The second of the control of the second seco
 - Name of the state of the state

- n) The Planning history on the site:
- o) The location of the site and the pattern of development in the area;
- p) The proper planning and sustainable development of the area.

In summary, the development that has occurred is not exempted development for several reasons which are detailed in the following sections of this report. The main reasons for the referral of the declaration are as follows.

- The change of use and works materially contravene the County Development Plan in contravention of section 178 of the Planning and Development Act, 2000 as amended and the Nenagh Local Area Plan.
- The development is not exempted development pursuant to section 4(4) of the Planning and Development Act, 2000 as amended as an appropriate assessment is required owing to the nature of the development and where the specific site conditions result in runoff to the Nenagh River which is a pathway to a Special Area of Protection and where the ground water vulnerability is designated as "extreme" and the river waterbodies risk projection is "at risk".

In addition to the development not being exempted development under the primary legislation, the development fails to be excluded from the Part 8 process under the Planning and Development Regulations 2001, as amended for the following reasons.

- The development exceeds Euro 126,000.
- The development forms a new access onto a public road.
- The development fences and encloses lands habitually opened to the public for recreation purposes.
- The development endangers public safety by reason of traffic hazard or obstruction of road users.
- The development contravenes a previous condition.
- No change of use classes apply in the Planning and Development Regulations 2001 as amended.

2 Site location and operational description

2.1 Site location and context

The site is located on the eastern side of the Regional Road 498 (Nenagh to Thurles) c 12 km south-east of Nenagh and is a rural area. The subject site is broadly rectangular in shape and measures c. 1.32 ha.

The site is bounded to the west by the R498 and to the south by a Local Road L6154. Directly opposite this local road is the family home of Mr Power and Ms Ryan who are making this section 5(3) referral. To the east of the site are adjacent agricultural lands. The site is bounded to the north by Sallypark Stream that flows west into the Nenagh River. The stream and river are part of the EPA Code IE_SH_25N010200, NENAGH_030. The water framework directive status of this watercourse 2013-2018 has fallen to "moderate" in the last monitoring record and the category of river waterbodies risk projection is "at risk". The site slopes gently from east to west. Am open ditch bounds the site on the regional road with the exception of the former public house area.

- mark to the figure of the first and a second of the first of the
- entre en la compressión verte par una transfer la 11 anna pero entre la confecció artific de la
 - enant of the proproaction of enactions of the first sharing contain will also

th supplies the orominated that has accuracled exampled from the parameter that the man energy for the coverable of the cover. The major energy for the coverable of the original of the major energy for the coverable, or the first one control of the coverable.

- The change or are and upolic materially controved the chapty Saudophied Right in Collected State of Section 178 (178) (188) or and Sovetophent & C. State is amended as a transit most fine (A. a. C. ...)
- gomes it est to fight to the rested topus a proservation of the second or established of the gomes is the second of the gomes of the second of the gomes is the second of the gomes of the second of t

ുക്കുന്നു. ഇത് നിന്നു വാധ്യാവായില് അത്രത്ത് വായും വായുന്നു. വായുന്നു വായുന്നു വായുന്നു വായുന്നു. വായുക്കായില് ഇതുക്കുന്നു പ്രസ്ത്രേഷ് വായുക്കുന്നു. ഇതുക്കായില് പ്രസ്ത്രേഷ് പ്രസ്ത്രേഷ് വായുക്കുമായില് വായുക്കുന്നു. ഇത് വായു ഇതുക്കായില് പ്രസ്ത്രേഷ് വായുന്നു. ഇതുക്കുന്നു വായുക്കുന്നു. ഇതുക്കുന്നു വായുക്കുന്നു. ഇതുക്കുന്നു വായുക്കുന്നു

- that Not an increasing married a short
- ang mail a la la manangban ya na hisintati fireniy biliko bistif 🗀 🤛
- e i file Seit European felt i dan e afficia i end. Roma e la file manua ma efectiva e e e e e e e e e e e e e e
 - and a common production of the company of places of large regression of the first section of the company of the
- Post information of secretarizations in reflections of some insertion to the secretarization of the second representation.

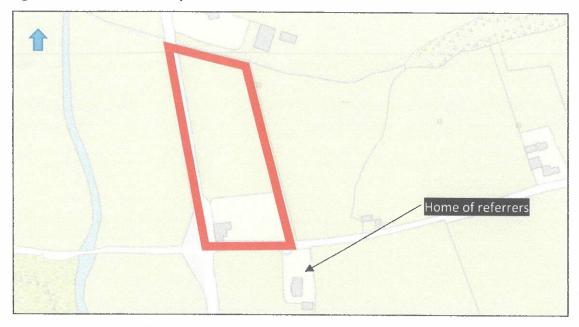
Site received and eparational contribution

regnies one antient ben? - 17

Die bilde beschaftet die eine enderen salle af die deugenacht wiedelich gelopiege die Eigensacht (die 19). 2 in Nobel der scheider der de auf die kolonieren Groot die deugen der Scheider deugsalle deugsanden deugen den Deugender deuegen

general anglet, general pangle pangen mengabit ng beshi ang ini mini dag se bebahan di medi and ang diang meng Tang mengat panggan mengadi pikaman se dinggan dang mini bengan dan dibi se dang mili sebenah kemenda Sengangang mengangan sebenggan panggan danggan pangkang panggan benggapan benggan panggan panggan benggan pang Sengan panggan benggan panggan penggan panggan panggan panggan benggan benggan benggan dibi sebenggan benggan panggan benggan panggan benggan panggan benggan benggan benggan benggan benggan benggan benggan benggan panggan benggan panggan benggan panggan panggan benggan panggan panggan panggan benggan benggan benggan benggan benggan benggan benggan benggan benggan panggan panggan panggan panggan benggan benggan benggan benggan benggan benggan panggan panggan panggan panggan benggan benggan benggan benggan benggan benggan panggan pang A large operational quarry is located c 300 m to the east of the subject site.

Fig. 1 Site location Source: MyPlan



The folio reference is TY24261F and Tipperary County Council of Civic Offices, Clonmel, County Tipperary is registered as the full owner from 20th September 2020.

The last use on the site was residential and prior to that public house with residential above. The site also incorporates a previously used Irish Football Association (IFA) football pitch. Historical maps indicate this was the site of Latteragh Post Office.

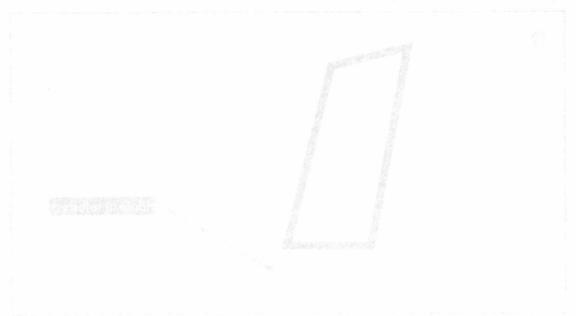
Works have been carried out to the former public house. New fencing and gates have been erected. A new access has been formed with gates onto the local road. Double gates within the fencing have been provided into the former football field. A new footpath has recently been constructed (since the section 5 was made to the Council).

The Local Road bounding the south of the site forms part of the Ormond Way hiking trail which connects from the Latteragh Crossroads to the Nenagh River. This route is way marked and forms part of the Beara-Breifne way.

https://www.sportireland.ie/outdoors/walking/trails/ormond-way

other transport of the orall residence in place of the modifical constant from the self-off the continue of the





line tida reprendensis 1792 od manu Tipareranyo quany Comuliul Govie Office Ponteni, totany Tiparepary is celebratedia dinestati uwake trunk 20 "September 20 at

The lattice count sterical residencial and a compound of labels with as people being the common sterical phase. The control of control and control of the control of control of the control of control of the control of control of control of the control of control of

Weeklichen kinden für bin selt in tilt noch mittelle soos in eur gerong ont joteen werden van europet i Amerikaseen nachteel entreet voor gebrodiste his hinjelingen. Biologie van segmitte om ferengiote om fener alleve frei in receive mitellick former gransaft freid. Amerikasisse is saarnit van engeniis van g omet biologijands trie seltan anvergiete op ter Sporte).

The confident annothing the solute of the line for expansion we because they having rank which carefully from the latteringh Enterpolite in the Markeys Enter This runte is way arrived and for manner of the Basic-Markeysway.

and the second school from the control of the little of the second school from the second department of the second

Fig. 2 Site location context: Source MyPlan

Plate 1 Seanin's pub for sale



Plate 2 Works carried out by Tipperary County Council to struuture and change of use





The second secon



ge. Desembaggina france og de pur og det purplik skilt un regel frikan. Fydl fold et besente klentiff i lætet f



2.2 Environmental context

Subsoils on the site are identified on EPA mapping as Alluvium undifferentiated and Sandstone and shale till (Lower Paleozoic).

The Aquifer Category is PI, Category Description *Poor Aquifer - Bedrock which is Generally Unproductive except for Local Zones*.

Ground water vulnerability is designated as Extreme in GSI mapping.

The site is bounded by what is known as the Sally Park stream (NENAGH_030) on the northern boundary. That flows into the Nenagh river (NENAGH_030) which is less than 100 m to the east of the subject site which is within the catchment of the Lower Shannon. See figure 3.

The ecological status of **NENAGH_030** has been reduced to moderate from good in the last assessment River Waterbody WFD Status 2013-2018IE_SH_25N010200. The WFD projection is AT RISK.

There is a hydrological connection between the subject site (northern boundary) and Lough Derg (Shannon) Special Protection Area (SPA) (Site Code: 004058) and the Lower River Shannon Special Area of Conservation (SAC) (Site Code: 002165) via the Sallypark Stream which is part of the Nenagh River. The salmon population of the SAC are known to spawn in the Nenagh River.

Fig. 3 Site outlined in red (approximate). Source EPA. Watercourse in red.



2.3 Operational description and impact on adjacent property

The site currently operates as a Council depot, offices, staff facilities, vehicle parking, vehicle washing, storage of road sweeping waste collected by Council and distribution thereafter, storage of quarry materials and other materials and distribution thereafter. The site contains a new structure (two new containers connected with a canopy), new boundary fencing, new access off L6154, new lighting, new concrete pad, and ancillary works. The c 528 sqm concrete



narawa ipa namena and dili

budichik-ametra a be a miliametra da EPA erangologias. Pilawaist buditheresse inslussi baratata. In Landscale til til aven etelemente)

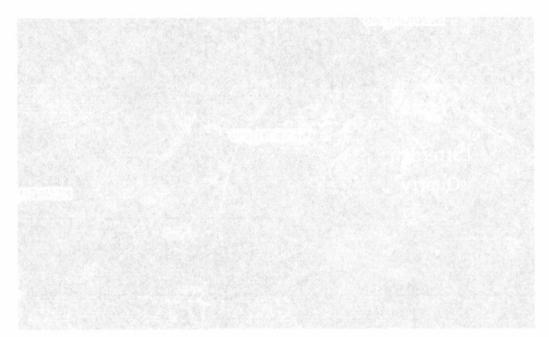
find ikanifar sadegorinde Pt. Editegory Busanphan Form Aquifer – Jodenson wheelt in Jerry Load Augmentus exception southerns.

animia ni. Alban escantidi se sunomintato i gliffiti, ndi ce settino i diche

Energieds goudden for whence for melling had black meand gyethword gard on the entress bounds yn Thereform i brish him aghe was g<mark>illbladd (1</mark>946) which is melling. Die en in the office of the lead bit fylsabirddio i wellt i evalud die eit charant felt i thwich introdo Sne ingele s

che esclugical Austra Mendelle Medical Instances, cuances en mesistante index popules une 1931. Georganies dive. Verselle il avelle Stanta 2014, 2018; EU 2599, 0000, Tea VAD molécis au 1947. De 1915.

agent from greatheath reasonne. The could be odd producted from the following the following of the country of t



ay taga a mangang pageng kanala di mana ana ang kanala kanala manini

slab is c 33 m from the referrers house and c 6 from the boundary of the property. Surface water is discharged into the ground and to the Nenagh River from the site (see gully at entrance).

Correspondence from the Council to the referrers (email dated 6th May 2021) states that the depot may be used at nights and/or weekends in addition to daytimes/weekdays. There are no restrictions on the hours of operation. See appendix 1.

The Planning report that based the declaration includes the following statement as to the current arrangement at the Council Depot.

"Nenagh Municipal District have confirmed the following works were undertaken following the purchase of the lands:

- The site was developed into a works depot for the Nenagh Municipal District South-East Area. There are 7 outdoor staff assigned to the depot.
- The existing building was modified internally to provide showers, changing room and kitchen for the staff. The windows were replaced and heating system improved.
- The compound was secured with fencing and a concrete slab cast for the storage of bulk road making materials.
- The depot is used for the storage and distribution of road making materials and construction materials.
- The depot is used by commercial and private vehicles.
- Occasional cleaning of vehicles occurs.
- The access to the site was improved.
- floodlights were erected for site security and safety
- containers with a canopy were placed on site and used in connection with the site use as a Council depot.

Nenagh Municipal District have confirmed the expenditure on the works undertaken at the site to be €113,968.48 (note this figure includes minor maintenance works). Nenagh Municipal District have confirmed that a new entrance was not developed (existing entrance that previously served the pub was used and improved) and that piping of surface water into the Nenagh river was/is not undertaken."

Please note that the works outlined above in the planning report quoted above are different to the email from the Director of Roads to the referrer on 6 May 2021, please see Appendix 1 where it states "It was purchased so that it could be used as a compound for the contractor constructing the new section (4.3km) of the Nenagh — Thurles road at Latteragh and also in the longer term as a roads depot for Tipperary County Council."

The Director in the email reiterated the intention for the site and went on to state "An Bord Planala confirmed the road scheme and it is anticipated that we will have a contractor on site to work on this badly needed road improvement towards the middle of next year(2022). The works are anticipated to last for about 2.5 to 3 years and there is no doubt that the depot/compound will be busy during this period. We do not anticipate that there will be night works but the contractor is likely to work long hours during the construction period."

The statement above is noted and is further addressed in section 8 below as all the figures for the site have not been provided.

2.3.1 Impact from development on referrers

It is noted the Board is not assessing the development that has taken place in terms of planning merit. The following information is to provide context of the development and the impact on

rote a l'America de la cidad de la companya de la La facilità de la companya del companya de la companya de la companya del companya de la companya

f prinspenden in in in the Coencil to the releasers I and nated ask office ACR satisfies mension depotancy we used an eights energy a scelentism enginem to thy meskylest My . There are no sufficient on the native of powints in the appendix L.

The Bodge alegant (191 benefit the deconstiller vectories are following some thin some for the consequences at the Louise Deposit

To complete montoped distance that we confirmed the produce made in our confirmation policies goldening files successed the loads.

- The president dispositive available about the engine of the engine of the engine of the president of the president of the engine of the engine
- The restaurn neither governmeditied ansemple in provide those sector spins some in a letter scottent that the valuable was equilibried and to start postern unpersect.
- Fut to apply the West to their wife filtering enders to confict state, and for the charge of multi ends to an example.
- The profession and finite starting and the efficient of trade transition of the analysis of a profession.
 - considerable to be building the control of the cont
 - manifold of the state of the state of the
 - When the first the first the second
 - Poughtieux weitzeich zufgehalt, sonn wand er fan,
- e car kiner in seak och mongreenighased on sen ir iki kusta o domest av solk if et ke un avinas. Edplanaklikpat

We can the colour of the colour endiane to the experimental for evidence in a particular of the size of a few size of the colour for the size of the colour forms of t

Pine which the First ware call and allows in large magnetic region of out it. Love an earlier is to give man d Post well than the constance of a love to the constance of the first and instance which a primary frequence of the season of the season of the constance of the season of the first of the constance of t

The business of the confidence and been tention for my and well and years of the confidence of the following the state of the confidence o

The Mulicipa of Masser out of the policy of the part of forest of the property of the factor of the experience Installed and Turk Starton of the

appropriate the professional control of the profession of the control of the cont

anderials, in the let exception from the Prosperings was large province and a decision with the gas of its The province of a little and regarder was and to the arm in the experience of the more arm would need the form neighbouring property and is relevant to the provisions of the application of the County Development Plan.

The operations on the site create ongoing considerable noise levels owing to the tipping of quarried materials and heavy vehicle movements on the site. The noise levels have been measured by Mr Power with a decibel reader as 80DbA. The noise levels are also continuous from articulated vehicles and from reversing alarms. The noise continues into the late evening. The noise is so loud, so continuous, so repeated, and of such duration and pitch that it is unbearable to them and has damaged the residential amenity of both inside and outside of their home. The noise is occurring at such times that is a severe nuisance and annoyance. The noise levels are causing harmful negative effects on the human health of the referrers and their children in that the noise disturbs sleep, study, play and general normal residential activity. The previously quiet area in open country that was undisturbed by noise has been transformed by the activity and processing that is being carried on the subject site.

The operations generate significant dust from the materials dumped on the site from articulated vehicles and in the removal of same from the site.

The operation created a significant nuisance of light spillage into the home and garden from the high-level, lighting and standard. These lights have been on sensors causing ongoing light pollution. After ongoing complaints from the referrers, the sensor lighting is currently turned off but remains on site and can be reactivated. Please see plate 3.

The planning report states that "The lands are not used for the disposal of waste." My clients contend that the operation retain waste materials from road cleaning vehicles stored on the site. The mounds are then removed (presumably but it is unknown to which licensed place of disposal). Please see plate 4.

The site creates a traffic hazard and obstruction of road users owing to the queuing of articulated and other vehicles on the regional and local road. Vehicles arrive when the site is not open and must park on the road or in the layby at the referrer's home. This is exacerbated by the location of a local school bus stop opposite the subject site where parents also park to collect children. Prior to the current development, parents parked at the rear of the premises which was open and not fenced. This surfaced area to the rear of former pub was also used for parking in relation to the football pitch activities. This impact on residential amenity has not been addressed in the planning report.

2.4 Planning history

Tipperary Planning Ref. 5111625.

Permission was granted in 1985 for an extension to the licenced premises and a car park.

The conditions are relevant to the assessment by the Board as Art 9. (1)(a)(i) of the PDR2001 provides development to which article 6 relates shall not be exempted development where such would contravene a condition attached to a permission. In this case there are clear conditions regarding the boundary wall and the access to the site which are at significant variance to the recent works carried out. See appendix 4.

aal Milding Gastette Aartal oli Wat in San gaare on Schille appropriation of San San San San San San San San S Permanentiise

The appropriate on the fifth consider and the considerable cause involving the signal place appropriated materials and makes website above and the captures and the considerable and the captures are signal and massured by his forces and make a south a south of the captured by his forces and man a south a south as the captured provided and the captured provided and the captured provided as a force and the captured provided and the captured provided and the captured provided and the captured and the captured provided and the captured and the captu

l he type short generally medican pusite of the maker in turned of the St. Benerally on the second of the second o

Ad a abido en caccera o digenticado en la acembra da que en casa, esta en casa en casa en esta de se casa dos Engle saval defentas en el charaldente Tiento depento acembro en como en como en como especial justición de sa Lenas en Entre conspotiga en esta bacado frace en como en como una como o que conjusta en entreparaciones par non cantentes acembros especial en encontrator de como ser el lacion.

unga, terming gang pengguan penggapan dipance berang ang penggapan pengguan penggapan berang penggapan berang Balang penggapan penggapan penggapan penggapan berang penggapan penggapan penggapan penggapan penggapan pengga Balang penggapan penggapan penggapan penggapan berang penggapan penggapan penggapan penggapan penggapan penggap

The control of the control of the same and the same and the control of the contro

viewin speciel 4.

Classical red garage and maps of

our agreem with a country or programment and our new zero to into the William Forther year with the first the

t de la teléfonia de la filosofia de la filoso Estado de filosofia de la filos Fig .4 Extract from Planning Ref. 5111625

CONDITIONS	REASONS
(1) A 1.0 m. high post and chain fence to be provided along the line A $-$ B as shown on the attached 1:2500 map.	(1) In the interest of traffi
(2) The existing high ditch shown B $-$ C on the attached 1:2500 map to be cut and maintained to a maximum height of 1.0 m.	(2) In the interest of trefficesefety.
(3) The existing boundary wall abutting the minor road, as shown X - Y on the attached 1:2500 map, shall be removed. A new wall maximum height 1.0 m. shall be erected and recessed 3 m. from the line of the existing wall.	(3) In the interest of traffic safety.
(4) The entrance to the car park to be recesser 5 with wing walls splayed at 45 degrees. The maximum height of said walls to be 1.0 m.	(4) In the interest of traffic safety.
李二年前共和国市政治	

3 Relevant planning Policy

The North Tipperary County Development Plan 2010 as varied applies at the time of writing this report and at the time of the planning authority decision on the question. The North Tipperary County Development Plan 2010 as varied applied at the time of change of use and works that took place and therefore is the applicable plan for assessment purposes unlike a section 34 planning application or strategic development assessment. This is analogous to assessing exempted development against the Act and Regulations that were in place at the time the project was carried out.

The draft plan is currently in public consultation on proposed material amendments (until May 22nd 2022, stage 3).

3.1 Noise

The County Plan 2010 as varied provides the following.

"Noise pollution not addressed in the Noise Action Plan may arise as a result of development including quarries, industrial facilities and wind turbines etc. The Council will manage noise emissions that may arise from such developments through the planning process and in line with the relevant guidelines and standards for such developments. A noise impact assessment may be required in support of such developments.



Selevant planning Policy

The North Ripperary Johnsty Development Fibr. 2016 on Valved applies of the Martin of surface him epon and at the time of the planning authority objects and the question. The Martin Dipperary Country Development Plant 2016 as varied updition of the nine of an ingent of the eard works that look place and according to the application of the experience of properties under a special standard of application of strategic development according to assessing exempted development against the Act and Regulations that were in place at the time of the proportion was coming out.

The metrolon is correctly to public consultation on proposed material americans is fund May. 22th 2022, praga 3y.

1.1 Noise

School 1894 April 1994 (Sept. 1994) Sept. 1995 (Sept. 1995) Sept. 1995 (Sept.

'Arose publiche et addes sed in the Notice Arose sed in each entre of development in locality of development in localities, industrial for this configuration is at a 15g Countrice will manage make confission that the transmission for the entre confission for the entre confission for the entre sed on the entre sed on the entre selected in the entre sed on the entre of the entre

Policy Ti12: Noise Emissions. It is the policy of the Council to ensure that new development does not result in significant noise disturbance and to ensure that all new developments are designed and constructed to minimise noise disturbance in accordance with the provisions of the Noise Action Plan 2013, the Development Management Standards set out in Chapter 10 and relevant standards and guidance that refer to noise management."

The Noise Action plan has been updated (2018) and includes the following statement "Tipperary County Council will seek to address environmental noise from major roads in the county, will endeavour to maintain satisfactory noise environments where they exist and will have regard to acoustical planning in the planning process (within the confines of the Planning and Development Act, 2000 as amended) to endeavour to ensure that future developments include provisions to protect the population from the effects of environmental noise in the interests of residential amenity and public health."

3.2 Lighting

"The Council recognises the need for artificial lighting as a means to contribute to a safe and secure night-time environment; however, the Council also recognises the impacts of light pollution, glare and light spillage and its impact on the visual, environmental and residential amenities of surrounding areas.

Policy TI13: Light Pollution. It is the policy of the Council to ensure that new development does not result in significant disturbance as a result of light pollution and to ensure that all new developments are designed and constructed to minimise the impact of light pollution on the visual, environmental and residential amenities of surrounding areas in accordance with the provisions of the Development Management Standards set out in Chapter 10."

3.3 Wastewater

"Policy TI7: Wastewater Treatment and Disposal in Settlement Centres

[.....]

The Council may consider, on a site specific basis, on-site waste water treatment proposals in cases where a connection to a municipal treatment plant has been demonstrated to be unfeasible or in settlements which are not served by treatment plants. Developments shall be subject to the criteria set out below: (a) Small Business, Community and Public Developments: the development shall be served by an on-site treatment system which demonstrates compliance with the Waste Water Treatment Manual: Treatment System for Small Communities, Business, Leisure Centres and Hotels, EPA, 1999 (or any amendment thereof)"

3.4 Stormwater

"Policy TI9: Storm Water Disposal. It is the policy of the Council to require the implementation of Sustainable Drainage Systems (SuDS) as an integral part of the design of new developments to reduce the generation of storm water run-off, and to ensure that all storm water generated is disposed of on-site or is attenuated and treated prior to discharge to an approved storm water system."

3.5 Natura 2000 Sites and Protected Species

"Policy LH6: Natura 2000 Sites and Protected Species. It is the policy of the Council to ensure the protection, integrity and conservation of existing and candidate Natura 2000 sites and Annex I



Padicy 1112. Noise Emissions it is the agrey of the Granulia enter that new development does but take the supplication is supplicated as a substitute and to sussure that all new developments are designed and constructed to minimise noise disturbance in accordance with the provisions of the Noise Action Plan 3013, the Development than agreement Standards set out in Chapter 10 and relevant standards and addance that refer to noise marginement.

The Noise Action plan has been updated (2018) and includes the roll owing statement. Tipperary County County will seek to address environmental noise from major stads in the county, will enter to maintain satisfactory noise environments where they exist and will have regard to accusticul pictining in the planning process (within the confines of the Francian and Development Act, 2000 as umended) to endeavour to county that future developments include provisions to provide the appaint of the interests of environmental noise in the interests of esidential and public feelch.

3.2 Ughting

"The Countil recognises the next for artificial of any as areas to constant to displic and activation for the Countil of any alone elements of the Countil also recognises the impacts of the Land polytion glave and light spillage and its import on the countil environmental and residential another as areasands a constant

Paticy THE light Patherson, it is the policy of the Colinc. Its ensure that him development goes not exalted another another and its ensure region of new designed and the remarks and constructed to morphism who ensures it again sufferior and another and environmental and exalted and amendies of surrensing areas or an accordance with this provisions of the Development Manugement Standards set when Company (Company Company and Company (Company Company Company

TUTEWESTAS WIT E.E.

The first of the second se

V ... 3

the Council may cens are an a size survifor bank, on site source was transment je ajvorus in a second may cens constitute to a municipal breakment plant for a second constitute to a second source of manual plant for a second for a second for a second for a second for the constitute of the plant for the second form of the second for a second for a second for the second for a second for the second for the second for a second for a second for a second for a second for the second for the second for a second for

in the secretary of the

"Pellay TIBs Storm Witter (Aspasal, It is the action of the extent to sequity the implemental of factorism interests of the extent to sequity the horizon developments of factorism for each effect of the extent of values wells and of militaring that extent which are extent water as a strongilled and the stronger of the extention and the stronger of the extention and the stronger of the extention of the extention and the stronger of the extention of the extention

का कार्य वायान करते । वायान वायान

i i saling 1. Milakanan darik Starsand Brardered Species pula tra pula neggi eti esteri etg. 1. 1. 1. 1. 1. 1. Protes enn estaper bedi tarbare et rock ekstera and or respus i Venera 2000 er all land synnasti. and II species listed in EU Directives. Where it is determined that a development may independently, or cumulatively, impact on the conservation values of Natura 2000 sites, the Council will require planning applications to be accompanied by a Natura Impact Statement in accordance with 'Appropriate Assessment of Plans and Projects, Guidelines for Planning Authorities', (DEHLG 2009) or any amendment thereof".

3.6 Tourism

"Policy LH4: Public Rights of Way and Way-Marked Ways It is the policy of the Council to preserve and protect existing public rights-of-way and waymarked ways which give access to lakeshores, mountains, riverbanks or other places of natural beauty or recreational, tourism or heritage amenity, and to create new formal public rights-of-way as appropriate."

3.7 Inland waters and riparian zones

"Policy LH8: Inland Waters and Riparian Zones. It is the policy of the Council to protect the ecological status and quality of watercourses. In order to maintain the natural function of existing ecosystems associated with water courses and their riparian zones and to encourage sustainable public access to waterbodies, the Council will require an undisturbed edge or buffer zone to be maintained, where appropriate, between new developments and riparian zones of water bodies.

Having consideration to the above, new development that requires access to ecologically sensitive waters will be directed to locations where access is already available. Any development in a watercourse and/or its riparian zone will be required to take appropriate measures to ensure the protection and conservation of habitats that may be impacted on by development proposals."

3.8 Water framework

"Policy LH12: Water Framework Directive and River Basin Management Plans It is the policy of the Council to protect and improve the county's water resources and support an integrated and collaborative approach to local catchment management in order to ensure the successful implementation of the River Basin Management Plans (or any review thereof)."

3.9 Strategic road network

The R498 is identified as a strategic route in figure 9.2 of the County plan. No exceptional circumstances arise.

3.10 Development management

"Policy DM1: Development Standards It is the policy of the Council to require proposed development to comply with the relevant standards identified in Chapter 10 Development Management Standards."

and It species listed in EU Directures. Where is a Sciencipula Stute a divergencet may independently, or cumulatively, impact on the conservation scales of Natura 2000 suits, the Council will require planning applications to be accumpated by a Natura limited Standine that capabors with Asprophists Assessment of Plans and Projects, Science for Plansing Authorities, Science 2008 or any aniensiment thency.

3.6 Tourism

"Policy LHA: Public Rights of Way and Way-Marked Ways II is the policy of the Council to preserve and protect existing public rights of way and waymaked ways which give buces to "exeshbres, annual tims, such and so under of notion of boath or rainational Lingism or heatone amengs on to creare results and public rights of sea is annual attentioned.

3.7 Inland waters and riparien range

"Pearly LHB. Interior Writers and Repartient Zanes. It is the policy of the Council to protect the ecological states and irrelate of womens are needed to economic to and atoms the natural journant of the first and economics are according economics and the council to entraining make match make according to water appearance of the Council will regime an undestudent early an entire committee to an according when appearance is perwient and make and required frames of well-in the foother.

From the sum denotion to the above the eleganest that, the course excess in the people of the service products which are sufficient to the eleganest sufficient and the structure of the eleganest sufficient and the sufficient of the sufficient of the sufficient and the sufficient of the sufficient and conservation of now all now all the sufficient are sufficient and conservation of now all the sufficient and conservation of now all the sufficient are sufficient and conservation.

Presument sate W 8.5

"Policy UKLZ" is at reference word Titlective and Title, do you also it can easi that a princy of the princy of the Council to the Council to

Anomotion become lighted the

"Policy 113. Strategic Nadd Network It is the policy of his Connect to avoid the secution of gay edicational access section from new development on the perionation of increased entitle from existing accesses to 5 rategic Router, subject to the following training and attacks:

If the four enablasies.

The RASE is direct for it as a stock for death in higher u.v. in the county plan. No recognization of excellences on some

1.13 Divelopment or an amendation

Profice Detail Burestopment Standords In is the profit of the States to require programment devices of the States of the States

"10.9.2 Traffic and Transport Assessments

The Council in accordance with the Traffic and Transport Assessment Guidelines, NRA, 2014, and any amendment thereof, will require the submission of a Traffic and Transport, Impact Assessment (TTIA) for large scale developments or developments that may impact on the carrying capacity or public safety of the road network. TTIAs will also be required where there is a 10% increase in traffic"

3.11 Natural heritage

Listed View 11: 'Views north and south of the R498 from Bouladuff through Borrisoleigh to Latteragh'.

The R498 is situated between 'Secondary Amenity Areas' Slievephelim Complex to the east and Devils Bit Mountain to the west.

4 Legislative provisions and application

4.1 Relevant legislation

The Planning and Development Act 2000, as amended (PDA2000) and the Planning and Development Regulations 2001 (PDR2001) apply in seeking a whether a question is development and is or is not exempted development.

4.2 Interpretation and definitions – primary legislation

Section 2 of the PDA2000 provides statutory interpretations relevant to a section 5 referral as follows:

"alteration" includes-

- (a) plastering or painting or the removal of plaster or stucco, or
- (b) the replacement of a door, window or roof,

that materially alters the external appearance of a structure so as to render the appearance inconsistent with the character of the structure or neighbouring structures;

"exempted development" has the meaning specified in section 4;

"industrial building" means a structure (not being a shop, or a structure in or adjacent to and belonging to a quarry or mine) used for the carrying on of any industrial process;

"industrial process" means any process which is carried on in the course of trade or business, other than agriculture, and which is-

- (a) for or incidental to the making of any article or part of an article, or
- (b) for or incidental to the altering, repairing, ornamenting, finishing, cleaning, washing, packing, canning, adapting for sale, breaking up or demolition of any article, including the getting, dressing or treatment of minerals, and for the purposes of this paragraph,

[.....]

"structure" means any building, structure, excavation, or other thing constructed or made on, in or under any land, or any part of a structure so defined, and—

(a) where the context so admits, includes the land on, in or under which the structure is situate...



The Council in accordance with the Traific and Transport Assessament sindelines, NRA, 2014, and any amendment thereoft will require the submission of a Traffic and Transport. Impact Assessment (TTIA) for large scale devolutionants or developments that may respect on the correlation connects or public safety of the road network. TTDs will also be required where there is a 10% increase in traffic.

3.1.1 Matural heritage

Usted View 11: Views north and south of the 6492 from Bouladuff through Bornissieigh to Enturash.

The R498 is situated between "Scronding Amenity Areas" Singuphalin: Complex to the east and Davids Bit Mountain to the west

4 Legislative provisions and application

4.1 Relevant legislation

The Planning and Development act 2000, as amended (PLA2000) and the Planning and Development Development 2012 (PDR2001) and the exing as harbers now took payalogment and is unit to accomplete development.

4.2 Interpretation and definitions - primary legislation

Section 2 of the PDA2000 provides statutory interpretations relevant to a section 3 referrer as

- retails of "notice orle"

lat place on a an painting or the control of paster or states, or

lità tre sestacement of a avec, so censor as rauf,

that cantability their the external corrections of a structure of as to review the appearance. It is appearance

can be a series of the contract of the manual series of the manual series of the contract of t

"Industrial building" meens a structure frot aging a slipe, or a structure of an adiacent to and beforeign to a quest of a quest of a quest of a quest of a quest.

"*industrial process*" meant any process which is corried on in the course of trade or business, other than agriculture, and which is-

far for all insidental to the professe of dry arts in an part of an article, as

bi for as maisterest ta the diserbig sepa con organizating, finishing, depuncie, work our postring, carning, independ for sale, brodises on a sendition of any whole including the genome. We since as readment of mineral control the suicopes of the poweron.

...

"structure" medits any la adisg, sepecture, ny anatica, ao istre perigaan tractist or mide sa, mi or un ferany lan a, ao any sant of a sinu sure or definer, and -

where the common was the release of the section of

"unauthorised use" means, in relation to land, use commenced on or after 1 October 1964, being a use which is a material change in use of any structure or other land and being development other than—

- (a) exempted development (within the meaning of section 4 of the Act of 1963 or section 4 of this Act), or
- (b) development which is the subject of a permission granted [.....]

"unauthorised works" means any works on, in, over or under land commenced on or after 1 October 1964, being development other than—

(a) exempted development (within the meaning of section 4 of the Act of 1963 or section 4 of this Act), or

(b) [.....]

"use", in relation to land, does not include the use of the land by the carrying out of any works thereon;

"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. (Bold my emphasis).

Section 3 of the PDA2000 defines development as follows:

3.—(1) In this Act, "development" means, except where the context otherwise requires, the carrying out of any 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 PDA2000 relates to the exempt development categories and those that may be relevant to this referral are as follows:

4.—(1) The following shall be exempted developments for the purposes of this Act $-$
[]
(aa) development by a local authority in its functional area;

[.....]

- (e) development consisting of the carrying out by a local authority of any works required for the construction of a new road or the maintenance or improvement of a road;
- (f) development carried out on behalf of, or jointly or in partnership with, a local authority, pursuant to a contract entered into by the local authority concerned, whether in its capacity as a planning authority or in any other capacity;

[.....]

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

[......]

ganger and angeleg of the entering of the enter The entering of the entering of

lika unamitat da diferentan likethar da araban eti eriketua da galar da araba da da karaban liketan da karaban Kata kariban

... The hours have making to training and to train the following the

and the second of the second section is a substitution of the second second second second second second second The second se

. 17

1969). Be designed to condection of the line of the line of the content of the content of growing species.

"Mended" - Complex (1971) between the control of the property of the control of the property o

payed a common transport and could be a second to be a considered

i de se de de despertador de la companya de la comp El companya de la companya de la companya de la companya de de la companya de la companya de la companya de la La companya de la companya della compa

केर विकास से स्वर्ती केर्स के प्राप्त के प्राप्त कर प्राप्त के स्वर्तान के अन्य के कार्य के स्वर्तात के अनुभाव सम्बद्धित के अपनिवास के स्वरूप के सम्बद्धा

- Sun and the control of the state of the st

Ž,

the commence of the property of the commence of

4

e se mestroprim e estre de al ci^ete - se p<mark>ior esta l</mark>a ciencia de la ciencia de la ciencia de la ciencia de la Contra com et la coma de la completa de membrana, e la response de la completa de la completa.

yd edinor i enter heddinoll. Do biz bede fa eligidiy en en gorteentige suite, yd to old yn en gor Pentrenti on en old enterna enterna by en bost bladd basky gentrentest, whethair you ou osperivous A chemist bost op de sit med blad og en en egy

1

A STATE FOR THE STATE OF THE ST

. . . .

Section 5 of the PDA2000 provides the details of the process of a declaration and referral on development and exempted development and facilitates a review by An Bord Pleanála of the determination.

"5.—(1) If any question arises as to what, in any particular case, is or is not development or is or is not exempted development within the meaning of this Act, any person may, on payment of the prescribed fee, request in writing from the relevant planning authority a declaration on that question, and that person shall provide to the planning authority any information necessary to enable the authority to make its decision on the matter."

The declaration may be referred to the Board under section 5(3) of the PDA2000 as in this case.

Restrictions on development by local authorities is provided in the Act.

Section 178 (1) (a) of PDA2000 states, "The council of a county **shall not affect any development** in its functional area which **contravenes materially the development plan.**"

Section 179 (1)(a) provides for regulations where the "The Minister may prescribe a development or a class of development for the purposes of this section where he or she is of the opinion that by reason of the likely size, nature or effect on the surroundings of such development or class of development there should, in relation to any such development or development belonging to such class of development, be compliance with the provisions of this section and regulations under this section." (Bold my emphasis).

Section 4(4) of the PDA2000 provides that development shall not be exempted from development if an EIA or an AA of the development is required.

(bold my emphasis)

4.3 Interpretation and definitions - secondary legislation

Pursuant to **Article 80** of the PDR2001 as amended provide a number of prescribed classes of development, referred to as "proposed development", for the purposes of section 179 of the Act and the relevant subsections include:

[.....]

- (h) the use of land, or the construction or erection of any installation or facility, for the disposal of waste, not being—
 - (i) development which comprises or is for the purposes of an activity in relation to which a waste licence is required or
 - (ii) development consisting of the provision of a bring facility which comprises not more than 5 receptables

[.....]

(k) any development **other than those specified in paragraphs** (a) to (j), the estimated cost of which exceeds €126,000, not being development consisting of the laying underground of sewers, mains, pipes or other apparatus.

(Bold my emphasis).

Any development by a Local Authority where an EIA or an AA is required, follows a Part X process to An Bord Pleanála. Local Authority own development where an EIA or AA is not required and comes within the classes in Article 80 follows the Part 8 process of public consultation.

Section 5 of the PDACECT Bravides the details of the profess of a distinction and reformation development and facilities a newsky by AS band Steanally of the determination.

'S = rdf if any question arises as to when, in any porticular case, is or is not development or is is not exempted development within the meaning of this Act, any person may, an payment of the prescribed fee, request in writing provide televois often the celevois of an arise authority of declaration and that question, and that person shall provide to the planning and restriction, and that person shall provide to the matter.

The declaration may be referred to the Board under section 5(3) of the MAAXOO us as this case.

. IDA suit in holescorg in Lieuria aux track parting nephris de la constitut selle

Section 178 (1): abot PDA Jourstanes. The count of recently shall not affect any development in its functioned area which contravenes materially the development plan."

Section 179 (1)(a) interides the septimbers where the control of the may prescribe a disvelopment of a class of development for the numbers of this service where I are shown to plus appropriate that he reason of the fikely size, nature of effect and the surroundings of such development of development of the complete or a control of class of development there are not a complete with the process of development the control of the control of

Section 440 of the FBARRED provides that development to 1 and or formplept form development and factors of the driving content of the provided to the section of the sectio

(bord my emphoss)

weithing at conhagons - anathrillah has notating stati . E.A.

in belen i de **Article 80** di 11 - 11. 2 febrer anemikst preside e imerber et gressibed dis sed middentet developmentet developmentet in the the purceises of section (178 of the Article Messard Messard distributions and the section of the content and the science of the science of the science of the content and the science of the science of

. I the use or land, of the constant for or election of acceptabilities at locally, for the disposal of washing

fit development which we takes on is fer "To process of an intuition negation to which a world license is made to do

subdivision nicettes buq of the finnism of a bring fund to a 10-5 compiler morning show 5. The entire

. . .

A Leng særeleanne it <mark>other than those stætified 'n p</mark>aragripps, for pe 14, the estimatica cast of offithe scoolar L. 2000 and being development kansetlag er mede, na skelegionels og skuleng maket pines er ocher apparatus.

the second of the second of the second

A tradition (different By saltin), and independent in terral for the property information of the Course (see a The Board Mountain Law of the Indiana for the Superior Advance of the second salting of the property and the Course Advance of the Superior Advance of the Superior Advance of the Superior Advance Advance of the Superior October of

4.3.1 Restrictions on exemptions

In addition to the restrictions on the exemption in the PDA2000, namely Section 178 (1) where the council of a county shall not affect any development in its functional area which contravenes materially the development plan, a number of other restrictions on exemptions apply.

Section 4(4) provides an exemption does not apply if an Appropriate Assessment is required.

Article 6 of the PDR2001 provides that subject to the restrictions on exemptions in Article 9, development of a class specified in column 1 of Part 1 of Schedule 2 shall be exempted development, provided that such development complies with the conditions and limitations specified in column 2. Article 9 of the PDR2001 provides restrictions on exemptions and Article 10 provides development that 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 subject to a list of restrictions.

Article 9(1) includes the following relevant criteria where if the carrying out of such development would— (bold my emphasis)

- (i) **contravene a condition** attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act,
- (ii) consist of or comprise the **formation, laying out or material widening of a means of access to a public road** the surfaced carriageway of which exceeds 4 metres in width,
- (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,

[....]

(x) consist of the **fencing or enclosure of any land habitually open to or used by the public during the 10 years** preceding such fencing or enclosure for **recreational purposes** or as a means of access to any seashore, mountain, lakeshore, riverbank or other place of natural beauty or recreational utility,

5 Section 5 application

5.1 Does a question arise?

Applying section 5 of the PDA2000, in this case, it is submitted that a question has arisen. The Planning Authority have responded to the question. The referrer considers that the change of use and works that have taken place on the site is development, is not exempted development for the reasons outlined below (and is a material contravention of development plan policies.)

5.2 Is or is not development

Section 3 of the PDA2000 provides that "development" means, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land. This referral is considered development pursuant to the definition in relation to works and change of use as below. It is considered new development that has taken place without any planning process. (Bold my emphasis)

\$3.7 Residences on electrons

In addition to the restrictions on the exemption in the PDARDO trainers Section 138 (1) where the course Pol a country shall not affect any development to as functional area why it contrivenes materially the development plan, a number of other restrictions on exemptions $A_{\rm PO}$ y.

section 4(4) provides an excimption ables not apply it an Appropriate Assessment is required.

Article 6 of the PDR2001 provides that subject to the restrictions on exemptions in Article 9, development of a class specified in column 1 of Part 1 of Schedule 2 shall be exempted development, provided that such development complies with the conditions and finitetions specified in column 2. Article 9 of the PPP2001 provides restrictions on exemptions and Article 10 provides exempted to the specified of the classes of use specified and one Schedule 2, that be exempted development subject to a list of sections.

wolds 9(1) includes the following releasers consta where it despite site of such the grephents would expendent

- (i) containing a constitue at the destination of making a fact that the bill to provide a range on a supplied to a permission of the constituent of the constituen
- (ii) consist or at Compale the formation, laying our or material widening of a means of acress to a public most the surjected connegeway of sunch exceed as a resum width.
 - in it is a decreased to the color of the object of the obj

fundfille-martse developmann. It is but en is han bis marts hy in threify ar hin disself "erhald", is ex component authority in relation in experiorate arises about and the developm describe runs and his specialistic a cress neutific ophers why left be given to have a very last officer and the formular of a formular.

enter the state of the fencing or ancionne apare traditionity make to one ed on the public down to one to one of on the public during this 13 years from educations are considered to the state of the s

Section 5 application

5.1 Deep agestor arise?

Applying section 5 of the PDA2000, or this lawn, in audition that a question for aniser. The Planning section 5 of the PDA2000, or this satisfies The section of the stange of Planning section of the stange of the understanded to the satisfies the section of the

Standard Commission (1994)

Security is a lane forecasting an order meat in evel percent in every limit to the contract of any extractive an art of the security of the percent of the security of the sec

5.3 Works

The relevant interpretation of "works", "alteration" and "use" are outlined above in section 4.2 above.

"Works" includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal." The Council purchased the site and constructed the following:

- Fencing and gates
- Lighting
- Concrete slab
- Two containers with a canopy
- New entrance and gates
- · Alterations to building

There can be no doubt that **development has been carried out** pursuant to section 3 of the PDA2000. If the internal works to the existing structure may or may not be considered alterations that are consistent with the character of the structure but this does not include the change of use, see section below.

5.4 Material change in the use of any structures or other land

The changes of use are outlined in section 1.

In summary, a change of use from public house including car park/residential use and football pitch has occurred to the following:

- Office and staff facility
- Storage and distribution of quarry material
- Storage and distribution of waste material (the Council denies any waste is stored on site)
- Storage and distribution of other materials relating to Council works
- Vehicle parking and vehicle cleaning
- Enclosures from open lands to enclosed lands

There can be no doubt that **development has been carried out** pursuant to section 3 of the PDA2000.

6 Contravention of development plan not permitted

In the submission to the Planning Authority, the reference specifically raised this issue that a local authority shall not materially contravene the development plan. The planning report does not respond to the legislative imperative that the "The council of a county shall not affect any development in its functional area which contravenes materially the development plan." The planning report quotes section 179 of the Planning and Development act 2000 as amended but fails to quote the preceding section 178.

A single sentence in the planning report states "I have reviewed the policies and objectives of the North Tipperary County Development Plan 2010, as varied and I am satisfied the development does not materially contravene the North Tipperary County Development Plan 2010, as varied."

RML PLANNING



S.3 World

The relevant inferrestation of "works", "afteration, and "ove" are outlined above in section 4.2 above.

"Works" includes any arr or operation or construction, excession, detection, extension of excessor. Since the construction of the following:

- Fending and patients
 - gniddail
 - data el monoù le
- rounted a office is a rist to a case to a
 - antig bus once due work w
 - en blace va ancide with 🕟 🔾

There can be no doubt that destaid ment has here canned out pursuant in service 3 of the service 3 of the services. If the other at most a cine existing of output they or may not be employed extraorded in the service and include the count of the service and include the coone of the service but include the coone of the service beautiful but on.

S.6 Material change in the use of any structures or coner land

I have the basedone is made areas of all

Phiercas tensor a deprenencia de la composition agant de manta de sub en egendo y y un montre de l' Carolina en manta de la Mayalla de la Mayalla de la carolina de la carolina de la carolina de la carolina de l

- VIEW STREET, WAS ASSESSED.
- Torrest arriver saucinem utana salma abilitara programa 💌 💌
- em benerg a et. W. m.s. enhads ibsendü sold la rese a décou la écifical écit bas agarolés. « Estis
 - term more firm a compression as a record of the firm of the firm of
 - time said a higher in a vin face, the said -

There can be no soubtible; if velopment has been carries on a series until the corner to a the trace on

6 Contravention of development plan not permitted

In the subministrative to the elements Authority, the robin ence specifically folded this issue that a local authority is the uniterally real evene if a development process plantage a per does not respond to the logistage imparative interaction. The court of the logistage in the forest and the elements in the forest and the elements in the forest plantage and the elements are the development plant. The plantage appear quotes we than 120 of the Plantage and Development are effect as amended in a plantage area direction.

for existence and consider and mentalization man "" reach company grammant with a constant adjace A state of the Constant and Constant

The overarching principle of local authority own development is that the local authority may never contravene materially the development plan. This is emphasised by the mandatory requirement of "shall not".

In Carman's Hall Community Interest Group & Ors V Dublin City Council [2017] IEHC 544, the High Court noted in its ruling, that even where works constitute exempt development, and even if an emergency situation for the purposes of Section 179(6)(b) of the Act occurs, that does not entitle the local authority to undertake development in contravention of its own development plan. The Court considered that there is an obligation on the local authority to consider whether or not a proposed development contravenes the Plan. This has not been considered in the planning report or in the reasons for the decision. The duty to give reasons is long established.

Recent jurisprudence that has evolved over the strategic housing developments has illustrated a light trigger for the material contravention of the Development plan. This position has been adopted by An Bord Pleanála who regularly have refused development on the grounds that development materially contravenes a development plan and such has not been advertised in accordance with the regulations. This has been informed by the numerous judicial review proceedings on the issue of material contraventions of development and local plans. The Courts and the Board have taken strict interpretations of matters materially contravening a Development Plan.

The relevant development plan provisions are outlined in detail above in section 3.

It is submitted that the change of use and works that have occurred on the site materially contravene the development plan. A summary table is provided below which assesses the relevant policy against the developments carried out.

In ABP-308540-20 Reference, the Inspector albeit in a different set of circumstances to the instant case stated, "Therefore Section 4(1)(f) is limited by the operation of Section 178 of the Act." In the instant case, the planning authority conclude that development "is exempted development pursuant to Section 4 (1) (aa) of the Planning and Development Act 2000, as amended" yet they failed to address in the planning report the operation and applicability of Section 178 of the Act and the relevant specific polices therein.

Table 1 Application of County Development Plan policy to subject site.

Policy	Application to the subject site
TI12 Noise	See section 3.1. In summary, the noise is so loud, so continuous, so repeated, and of such duration and pitch that is unbearable to the referrers and their family and has damaged the residential amenity of both inside and outside of their home. The referrers have made submissions to the local authority about the impacts from noise. It is considered that a material contravention has occurred.
TI13 Light pollution	See section 3.2. In summary, the operation creates a nuisance of light spillage into the home and garden from the high-level, lighting. These lights have been on sensors causing ongoing light pollution. The refers have made repeated attempts with the Council to have this matter resolved and presently while the sensor lighting is not on, the light standards and lighting have not been removed and the neighbouring properties have no protection from the lighting be re-activated. Please see plate 3 below. It is considered that a material contravention has occurred.

The overarching principle of local authority own development is that the local authority or synches continuene diaterially the deve<mark>lopme</mark>nt plan. This is emplicated by the mandatory capturement of "snall not".

In Count noted in its ruling, that even where works constitute exempt development, and even if an consignance situation for the purposes of Section 179(6)(b) of the Act occurs, that does not entitle managency situation for the purposes of Section 179(6)(b) of the Act occurs, that does not entitle not usual authority to undertake development in contravention of its riwn development plan. The Court considered that there is an obligation on the rocal authority to consider whother or not a proposed development contravency the Plan. This has not been considered in the planning report or in the reasons for the decrease. The planting give masons is long established.

Recent jours prudence that has everyed over the strategic housing developments has illustrated a light ungger for the material contravantion of the Development plan. This position has been adopted by An Bord Freehald who regulady have refused development on the grounds that development materially contravence a development plan and such has not need advertised in accordance with the regulations. This has been informed by the numerical judicial review proceedings on the issue of material of the Courtes and the Shart have taken during the contravency and the Shart have taken during interpretations of maters materially contravency and Development Firm.

The retevant development plan provisions are utilized in cetall above in section 3.

it is submitted it it the change of used no works that have or other on the city materially contravens the development plan. A submitted is provided below which assesses the celevant pulley against the developments corred out.

In ABP-308540-70 Referent, the inspector albeit in a different set of accumstances to the mitant cash status. "Intrefer Section 4(1)(i) is limited by the operation of Section 1.88 of the 4.7.7 in the instant case, are planning authority conclude that Jevelophiem is exempted levelophiem in exempted for 2000, as are eleganged case, when they half of the planning report the overallon and applicability of Section 178 of the Adr and the referent specific policies therein.

Eate La jdazer vailag nal i memantavat ymnoð to neutsnega á alabbil

Senseurion 1.1. In sun mary, the noise is culoud, an continuous so reneated and of such duration and pitch that is unbearable to the referrers and their family and has discrete the residential amenity of noting and outside of their none. The referrers have made submissions to the local authority	

TI17 Wastewater disposal	The site is not served by a treatment plant and therefore TI17(a) applies to "Public Developments". The refers have sought information about what development has taken place on the site but there does not appear to be any
uisposai	improvement in the old septic tank arrangement that served the site has not been upgraded.
	If this was a private development, would the Council seek any changes in accordance with this objective? If so, has that standard been applied in the instant case? As it has not been applied, a material contravention has occurred.
TI19 Stormwater disposal	New development has occurred on the site. Surface water which is now significantly different in composition to the situation before the council developed the site is discharged from the site to ground upslope of the Nenagh river and and via a gully at the entrance on the road where the trucks idle while waiting to enter the site into the Nenagh river. No SUDs have been developed on the site. The Planning report states "The District Engineer has confirmed the surface is unbound and water drains freely into the subgrade. It is noted there is one road gully on the public road outside the entrance which drains water from the road to the nearby River Nenagh. No drainage works have been carried out on the site to date." A drain bounds the regional road and the Sally Park stream the northern boundary.
	The site is used for heavy machinery and vehicles that use tar have been cleaned on the site. This is confirmed in the planning report. The site stores and distributes quarry and other materials in an open format. (The Planning report states no waste is on site). A new large concrete stand has been placed on the site. The change of use on the site is significant and has significant environmental impacts. The policy to ensure that all storm water generated is disposed of on-site or is attenuated and treated prior to discharge to an approved storm water system has not been implemented despite the nature and use of the site. Surface runoff from the car park and new concrete slab/ footpath with significant intensification of use and type of use will wash into the watercourse. A Guide to the Protection of Watercourses through the use of Buffer Zones, Sustainable Drainage Systems, Instream Rehabilitation, Climate / Flood Risk and Recreational Planning A Guideline Developed by Inland Fisheries Ireland 2021 has not been incorporated into the Draft Development Plan. It is considered that a material contravention has occurred.
LH6: Natura 2000 Sites and Protected Species	It is the policy of the Council to ensure the protection, integrity and conservation of candidate Natura 2000 sites. The policy requires a determination that if the development "independently, or cumulatively, impact" on the conservation values of Natura 2000 sites, the Council will require planning applications to be accompanied by a NIS. This issue is dealt with in detail in section 7. The proposed development owing to its location and pathway to a Natura 2000 site requires an NIS. The Council as the CA did not assess the development correctly and a material contravention has occurred.
LH12 Water framework	It is the policy of the Council to protect and improve the county's water resources. The AA screening in the planning report states twice "Potential for development to impact on water quality in Nenagh River and SAC is limited".

developed the site is also harged from the site to great studies of the

	The Planning report does not address, dust, groundwater contamination, runoff etc.
	The new development in the absence of mitigation does not protect and improve the water resources. Article 4(1) of Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishes a framework for Community action in the field of water policy – the Water Framework Directive ("WFD") i.e. to ensure non-deterioration and the achievement of good surface water status when granting approval for a development affecting a surface water body.
	Article 4 (1)(a) of the WFD provides, inter alia, that for surface waters: "(i) Member States shall implement the necessary measures to prevent deterioration of the status of all bodies of surface water (ii) Member States shall protect, enhance and restore all bodies of surface water with the aim of achieving good surface water status at the latest 15 years after the date of entry into force of this Directive, in accordance with the provisions laid down in Annex V"
	The obligations under the WFD have not been taken into account. The duty is on the local authority to carry out the assessment under the WFD. The nature of the change of use and works that have taken place, the absence of SUDs and impact on the 2 arms of the rivers have not been addressed. The Council confirmed in the planning report that no drainage works have taken place.
į	The planning report states It is noted there is one road gully on the public road outside the entrance which drains water from the road to the nearby River Nenagh. An examination of the folio shows this gully within the boundary of the site.
	The change of use of the site to one with ongoing use by heavy vehicles, cleaning of vehicles, increased hard surfacing (new concrete slab/ new footpath), the nature of the materials openly stored causes polluted surface water to be discharged from the site and the road into the watercourses. The WFD established a legal obligation to protect and restore the quality of European water bodies. It is considered that a material contravention has occurred and a breach of
T13 Strategic road	the WFD. The new development generates considerably increased traffic to a designated strategic route. No exceptional circumstances arise. Further this is a designated way marked walking route (Ormond Way).
network Policy DM1 / section 10.9.2	It is considered that a material contravention has occurred. This new large-scale development requires a TTIA. It is considered that a material contravention has occurred.
LH4: Public Rights of Way Way-	The Ormond Way which is a marked way, is located on the part of the site that has been fenced and a new access was created to the development. The walking route was previously a lightly trafficked rural road. It is considered that a material contravention has occurred.

ress Pranting report doc ear address dest prodetimenter contivieration

The new development in the absence of mitigation does not protect and improve the water resources. Article 6[1] at Thecave 2000/60/LC of the sumplean Padiament and of the Council of 23 October 4000 estabilishes a cone with for Community attion in the field of vister pair visiter water framewhite Directive 1"WEIT") her to a suite non-determination and the achievement of good surface water status when granting approval for a development altermination authority between the development affections auriage water tooks.

Article 4.51 (a) of the Veff, previews, inter-alls, that for a tisk venters:

(i) Member States shall implement the necessary on osums to product development of the necessary on osums to product development of the color of the following the state of th

fill Mixmber States shall probect cohanne and cetting oil hodins of cetting with the average of the control water. When the aim of in the control surface water the control of the control that "absoluce in a condensa will the consistence the control of the America.

The subgriture ander the Well have the real result of more accountable with the culty on the best properties of the subgraph o

The manning report states if a worse there is due too little on the public word wishes the read with the public word wishes the read to the the except Silver birrargh. An example the file following the report that with the read of the silver the same of the silver the silver

That I array of the united the true to pose with consuming use by heavy possible of a contract of perceives, requested mand surfacing them to protect of any other contracts. Succeeding the annual of the instruction of a positive state of any estimates the written ourses. The Will askablished a regulabilities on protect and represented out of other duality of the annual angles.

it is considente that a material confravention has obtained and a brether the WFD.

Marked Ways		
Ways		

Plate 3 Illustration of high-level lighting on site from sitting room window of referrers



Nenagh Local Area Plan 2013-2019 6.1

The Nenagh LAP is not indicated on the Council website as being extended but the planning authority and the Board are currently assessing development against it and therefore it is assumed to apply. While the subject site is outside the boundary, objectives extend to the Nenagh river and tributaries as below.

Strategic Objective 7: To ensure that the water quality of the Nenagh River and its tributaries, groundwater and public sources of drinking water are improved and protected from pollution.

The development that has occurred does not secure the WFD status of the Nenagh river as assigned and increases the risk of pollution. A material contravention of the LAP has occurred.

Appropriate Assessment

Section 4(4) of the PDA2000 provides that development shall not be exempted from development if an EIA or an AA of the development is required.

The correspondence to the referrers indicates that no planning processes were carried out in relation to this project in advance of the development. No AA screening has been carried out by the Planning Authority as Competent Authority (CA) in advance of the project being carried out. The AA screening on the section 5 reference is not the same as the requirement for an AA screening in advance of a project. Further, the AA screening on the section 5 only relates to the question asked, not the entire project as envisioned by the Council on the entire site as that is



unknown the referrer but is loosely described in the correspondence. It may be noted that the Council are selling three existing depots and it is reasonable to assume those uses will transfer to this site.

The High Court decision in *Carville and Ors -v-Dublin City Council [2021] IEHC 544* has set the standard for local authority own development that if development is to proceed, the requirements of the EIA Directive and the Habitats Directive must be addressed and complied with.

The Habitats Directive (92/43/EEC and the associated Birds Directive (2009/147/EC) are transposed into Irish legislation by Part XAB of the PDA2000 and the Birds and Natural Habitats Regulations 2011. The legislative provisions for appropriate assessment screening for planning applications are set out in Section 177U of the PDA2000.

The European Communities (Birds and Natural Habitats) Regulations 2011 as amended, Regulation 42(1) requires that the competent authority must carry out a screening for appropriate assessment of a plan or project, for which a public authority wishes to undertake or adopt. Further, a public authority shall carry out a screening for Appropriate Assessment before consent for a plan or project is given, or a decision to undertake or adopt a plan or project is taken. Section 177U of the PDA2000, 'A screening for appropriate assessment shall be carried out by the competent authority to assess, in view of best scientific knowledge, if that Land use plan or proposed development, individually or in combination with another plan or project is likely to have a significant effect on the European site'. If significant effects cannot be excluded based on objective information by the CA, without extensive investigation or the application of mitigation, a project should be considered to have a likely significant effect and appropriate assessment should be carried out.

An AA screening should take into account the direct, indirect and in-combination impacts. The Board should be aware that there is a large quarry c. 400m to the northeast of site and a consented part 8 road development including a permitted compound.

The new development that has taken place on the site has changed the nature of the site and has intensified the use of the site. The operations that are carried on include use by heavy vehicles, open storage of materials (including salt see Appendix 1) and cleaning of heavy vehicles that use tar. A question has also arisen around the use of the site for the storage of waste from street cleaning. Dust prevention measures for the tipping of quarried materials and storage of same has not been carried out.

No drainage systems have been put in place and no bunding for oil/fuel. No petrol interceptor has been put in place to protect the river or subsoils. Despite being surfaced, the planning report states the surface is unbound and "water drains freely into the subgrade. It is noted there is one road gully on the public road outside the entrance which drains water from the road to the nearby River Nenagh. No drainage works have been carried out on the site to date."

No dust minimization measures are on site.

The site is upslope from the Nenagh River a distance of less than 100 m to the east and is bounded but the Sallypark stream on the site to the north and an open ditch to the west.

The risk of contamination of groundwater depends on three elements:

- the source afforded by a potentially polluting activity;
- the vulnerability of groundwater to contamination;
- the potential consequences of a contamination event.

unishes yn the referres but is lonsely this tood in het come purposes it sely be noted that the Council are selling three earting depois and it is somewhat to secure in the uses will manifer to this site.

The High Court Accision in Carville and Cirs -v-Dublin Ciry Cource (2021) shirt Salams set the standard for four) authority own development that if hevelopment is to proceed, the reconstructs of the EIA Directive and the habitals precise must be addressed and complied with

the Habitals Directive (35/44/LEC and the attocked 8444 Directive (3009/147/HC) are proceed into Hsh begistation by fast XAB of the PDA.1006 and the Strat and Natural Habitals Regulations 20.11 The legislative provisions for appropriate accessors at a medicy, for planning approximations are used to the PDA.2000.

ing berepean Communities (Birds and Natural Mahatta) Repulsions 2011 as amended, Regulation 23(1) in milities that the Competent inthictly is the rate but a screening for expension assessment of a plan of project, for the infinite attack wither to be a confirmable of adoption that, a public amboutly shall care you a streaming to. Augmentative here is not understood consent for a plan or general to given, or a derivative to consent or adopt and an original terminal tarken. Section 1770 of the PRAZODO, A consent of consent is a stream shall be conserved by the competent authority to a sess, in slew of both section 3. Authority if that bend also plan or original or anyther is also be a supplement individually or its northern as with another of the consent is destructed factor or opening the intermediate of the formers with the consent of the formers as a likely to represent a should be considered to the a bloody significant effect and appropriate.

An AA streeming chould take into integers the direct, indirect and instantination impacts. For search by that the investment of size and a search beautiful to the most back of size and a search has said as a chart to said a search had been searched by the said and a search back of the said and a search back.

the new severapment had her telech place on the size but circular the outers of the arc and the new chief the arc size and the case of the size and the case of the size of the size of the size of the case of th

Eig drawege systems ha in been par in place and no bunning for othfor in a curius intercestor basa boen profingling to grutect the river or subscals. Despite being suffaced, the patching report of states the suptime of explored and "lyge ridgains for the rehips described in a noted there wave rand gally on the us fair rand author that contains schick draws water from the sead to the combot their wenters. He command work where they are not all out on the contract of the river of the contract.

The many and another than the second of the court of

den sett i streslege vereit lite Mendige Tever is distaliere til 1900-1900 mille file vert och fis Som med sere ett bli Statt i se skream om dre stre for have til til sett for bestrikt til 1904 mend.

where the entitle of the entitle interesting to the analysis also be sufficient.

- radio ata jijamudda y letak beta jugung kital nijiba in Mijiba nijib in
 - and the first that are not build and an area of the supplier or the same
- Trepositive true to the control of t

In this regard, the source is the Nenagh river which is a tributary of the Lower River Shannon SAC. The potential polluting activity is the new development on site. The vulnerability of the groundwater is *extreme* and the potential consequences are contamination of the groundwater and the pollution of the Nenagh River which is a direct hydrological pathway to the SAC and a river requiring protection under the WFD. The site is large and has only been partially to developed to date. Any further development to the north of the site on the pitch will result in further development which is not a clean process to come even closer to the river. The river is categorised under the WFD at projected *at risk* and has been downgraded from good to moderate in the last assessment. Further, the site is defined as a *Poor Aquifer*.

'Suspended sediments' i.e. silt, mud or other fine sediment that becomes dissolved in water can contaminate either from rainfall or groundwater seepage from rainfall on soil/sediment stockpiles, or from the tyres / tracks of construction vehicles. Concrete and cement products are highly toxic to fauna, particularly fish and a large concrete slab has been constructed without mitigation in place.

The planning report AA screening includes the statement "Potential for development to impact on water quality in Nenagh River and SAC is limited." Contrary to this, it is contended that he potential for development to impact on water quality in Nenagh River is very high given the location and nature of development, the lack of SUDs measures and the lack of bunding etc. The lack of assessment of the status of the river and the potential run off is a critical error in the AA screening. The report goes on to state that "the site surface is permeable (in the main) and the majority of infiltration from site is to ground" yet failed to address that the ground water vulnerability as designated. The fact that the site is considered permeable and upslope (and adjoining) the river which leads to the SAC should be a red flag in an AA screening.

The OPR Practice Note PN01 Appropriate Assessment Screening for Development Management 2021 advises that the zone of influence of a proposed development is the geographical area over which it could affect the receiving environment in a way that could have significant effects on the Qualifying Interests of a European site. This should be established on a case-by-case basis using the Source-Pathway-Receptor framework and not by arbitrary distances (such as 15 km).

In any other development of this nature that the planning authority would assess, it submitted that best practice would require an AA. There is considerable case law on the light trigger where significant effects are certain, unlikely or uncertain. The OPR has stated in the guidance on AA screening (2021) "The test for appropriate assessment are based on a 'likelihood' (read as 'possibility') of a potential significant effect occurring and not on certainty. This test is based on the precautionary principle." The Board is requested to take the precautionary principle in this referral and determine that an AA is required.

The planning authority have completed a screening exercise that is at variance with the OPR recommended template. While it is open to the planning authority to create their own template, it is not open to the planning authority to omit a key element of an AA screening which is the incombination effects based on the legislative requirements. The in-combination effects must examine plans or projects that are completed, approved but not started or uncompleted, projects proposed, i.e. for which an application for approval or consent has been made, proposals in adopted plans, and in finalised draft plans formally published or submitted for consultation or adoption. The in-combination effects at the minimum should include, the consented Part 8 new road, the quarry and the Draft Development Plan.

In this regard, the source is the Narrigh right which is a for my of the bower diver should SAC. The potential pollutine activity is the new development on sits. The varietability of he group dwater is extreme and the potential consequences are contamination of the guardwater and the obligion of the denagh River which is a direct hydrological pathway to are SAC or a diver requiring profection under the WFD. The site is large and has only been political developed to have, Asy further development to the site on the pirch will result in further development which is not a creen process to come even closer to the river. The river is steptoned under the WFD at projected or risk and has been downgraded from good to attend on the last assessment. Further, the stept defined as a Poor Aquiver.

'Suspended addressis' i.e. sits mud or ether the ediment that becomes datasesed in water can contaminate comes from rainful or selections sequence from rainful on self-sedimul respectives or from the times for that the forest or the contract of contract or the sequence of the sequence

The planning report. AA scheening includes the standment "ket with your exclosioner trollmant of water quality in Vengar River and EAC is limited." Contrary to this, or is controlled that he percent at for unvengament to impact on avater quality in Newager River in early high given the "ocation and named of the vengament, the lack of SVDs measures and the form of business of the standard run of its control each wither when the current and the control run of its control each wither when the standard run standard run of the appearance of the most provided by the standard run of the

The OFR Practice Note:PNot Appropriate Assertance Serventing for Development formacement of 2021 advises their fire code of policient and proposed development of telegraphics area over where a created structures of the contract of a contract of the contr

In any other developme to all the nature that the planning outhout y would all also as in white the any other best protected which the conditions are considered which the state of the sta

Ineplanting authority have completed a streaming eventure that is at variance with the OPE responsemented template. While his open tooke plans inglandrativity conventues then own template the bottomers to the almost or the logistation of an AA to even while is the organization of the logistation of an AA to even himselve to the combination of the logistation of an authority of the variance of the organization of the logistation of the logistation of the organization of the combination of the combinatio



Plate 4 Gully at entrance to site (please note oil leaks on surface)

In Eoin Kelly v. An Bord Pleanála [2019] IEHC 84, the findings of the High Court were:

"68. It seems to me that for present purposes, the following principles applicable to the screening stage for appropriate assessment (stage 1 screening) can be derived from Article 6(3) of the Habitats Directive, as interpreted and applied by the CJEU, and from s.177U of the 2000 Act, as interpreted and applied by the Irish courts:

(1) The threshold test in Article 6(3) of the Habitats Directive and s.177U (1) of the 2000 Act is that an appropriate assessment will be required if the proposed development is "likely to have a significant effect" on the protected site (i.e. a "European site" under part XAB of the 2000 Act), either individually or in combination with other plans or protects. That this is the threshold test is clear from the decision of the High Court (Finlay Geoghegan J.) in Kelly (at para. 40), as approved by the Supreme Court in Connelly (at para. 8.14).

(2) It is not necessary, in order to trigger the requirement to proceed to stage 2 appropriate assessment, that the proposed development will "definitely" have significant effects on the protected site but such a requirement will arise if it is a "mere probability" that such an effect exists (Waddenzee, para.41). This was developed by the CIEU in Waddenzee (at para.43) where the court stated that the requirement to carry out an appropriate assessment will be satisfied if there is a "probability or a risk" that the development will have "significant effects" on the protected site."

Bold my emphasis.





Positive tid returning additional disease a construction to the classical residence.

ta ekon keda ya karebardifina waka 120 131 Ji na 184, tan finangasar taranghi uluu ya wal

inde it scent to me didector provid parposes. The fallowing anti-pare replaceble to the sovereagesous, anappe parts experience (daged), other england in desire situation. Signification and the reaction of the confidence of the parts of the States.

(i.e. the threshold has inverted to be of the Horizon Directive and sufficiently of an 2006 of the transport of the property of the combination with a the property of the combination of the property of the combination with a the property of the combination of the property of the combination of the property of the combination of the combina

(4) is not accessing a content of large encourage with the process to large 2 are published as seen as a content of the process of the proces

remign a montre.



Plate 5 Discharge pipe into Nenagh river from gully at site entrance

The in-combination effects raise at least the likelihood and more than a mere probability that effects exist from the nature of the development that has taken place without any proper AA or planning processes applied in advance of the development.

Furthermore, rather than conducting an assessment of *Likely Significant Effects*, the planning authority have only assessed the *possible impacts* arising from the project. The planning authority template has not distinguished between the 'impact' which is the source (ie Source-Pathway-Receptor) and the 'effect' which is how it relates to the conservation objectives.

Table 2- Example of OPR screening not adhered to

	PA assessment
Direct emission to air and water	Not addressed in screening by PA despite submission
Surface water runoff containing contaminant or sediment	Not addressed in screening by PA despite submission
Lighting disturbance	Not addressed in screening by PA despite submission
Noise/vibration	Not addressed in screening by PA despite submission
Changes to water/groundwater due to drainage or abstraction	Not addressed in screening by PA despite submission
Presence of people, vehicles and activities	Not addressed in screening by PA despite submission
Physical presence of structures (e.g. collision risks)	Not addressed in screening by PA despite submission
Potential for accidents or incidents	Not addressed in screening by PA despite submissio
In-combination/Other	Not addressed in screening by PA despite submissio

The subject site may also be considered an indirect hydrological link to the Slievefelim to Silvermines Mountains SPA c 5.2 km to the east.

Where it cannot be excluded beyond reasonable scientific doubt at the Screening stage, that a proposed plan or project, individually or in combination with other plans and projects, would have a significant effect on the conservation objectives of a European site, an Appropriate Assessment is required. It is submitted that the Planning Authority have not demonstrated the "beyond reasonable scientific doubt" at the Screening stage and an AA is required.





(i) Fileconds calcon effects of for at real crims identific observance of a crims parameter parameter of the confidence of file of current file observance of the confidence of the confidenc

Fatthermoth, cather than antiducting an assets ment of crisely digniprount efficies due prendrugenthantly have anny assessmit the passible impulses arising from the project. The ritingueses authority carrylates that not discognished between the largest which is the many content of the con

and the public free improvement White a prompt it is about

The subject site may aist the considered we is fixed availableat field to site targetetic to conserve a committee size is a time of the conserve.

A service of country agents of any any analysis of the experient continues the service of agent of the country of the country

The Waddenzee case C-127/02 held the precautionary principle means that where the most reliable information available leaves obvious doubt as to the absence of significant effects, the project cannot be screened out and an appropriate assessment must be carried out. The Board will carry out an AA screening as the CA on the section 5 question.

The Board is also requested to consider that only a portion of the site that has been purchased by the Council is currently being used to date yet the entire purchased site may be utilised under the Council's interpretation of the section 5 questions. Gates have been placed on the northern fencing bounding the former football field for access to that section of the site and there is a direct hydrological link from this section of the site to the SAC.

8 Application of relevant exempted provisions / assessment of restrictions

In the interest of providing all information to the Board, the following detail is provided.

8.1 Potential Exemptions under PDA2000.

The relevant potential exemptions and an assessment against the restrictions are set out below. The Board will be aware that only one of the criteria in the restrictions to exemptions needs to apply in order for development not to be exempted development.

8.1.1 Development by a local authority in its functional area

Section 4(1)(aa) of the PDA2000 exempts development by a local authority in its functional area;

Assessment

The exemption under 4(1)(aa) does not apply because of the following.

- The development materially contravenes the several development plan policies as set out in section 3 and Table 1. The Planning Authority failed to address section 178 of PDA2000.
- The project requires Appropriate Assessment as detailed in section 7 above.

8.1.2 Local authority works required for a new road or maintenance/repair of a road

Section 4(1)(e) PDA2000 exempts development consisting of the carrying out by a local authority of any works required for the construction of a new road or the maintenance or improvement of a road. This item is included owing to the conflicting statements from the Council as to the purpose of the site.

Assessment

The exemption does not apply because of the following.

- The development materially contravenes the several development plan policies as set out in section 3 and Table 1.
- The project requires Appropriate Assessment.

The exemption also does not apply because-

• This exemption specifically applies to "works" only and not "change of use". Had the legislature intended a change of use to be included, it simply would have said "development" as a catch-all definition in accordance with sections 2 and 3 of the PDA2000. The proposed use was stated in writing by email dated 6th May 2021 to the referrers that the site "was purchased so that it could be used as a compound for the contractor constructing the new section (4.3km) of the Nenagh -Thurles road at Latteragh

The Wanterbord Last C 127/02 herd the prevaluationary principes injects that or equines in a security of the control of inferior configurations at the control of the security of the security

The Board is also expensed to consider that early a parties of the pare that has been quiched by the Council is currently being used to asta you the entire parchased up a may be attlissed and or the Council is the presented on the porthern time council is the presented on the porthern force or the council is the former football field for arress to that section of the nitound there is a deep love or this section of the site to the Sac

8 Application of relevant exempted provisions / assessment of restrictions

la the intre it of provide call information in the frame. The delivation dec. I is not which

37.1 Patiential Exempt on Charlet PRAZORI.

l he relevant normos scenteusche en han assetsmant agem in the result for each of each the result has each the result in Board will be calculated and a lateral formation as a lateral for the calculated as a lateral formation as a

2 i.l. Deschowent by a foral well-city in its freedout on it

um um minutaura. 2001. gastieranda en la calcia agateza la terma babalido ed Mellaga de monaro

TO STATE OF STATE AN

berevamprion on se. All "possifor sont ipply because of the resigning.

- The development and salppoint basicos like powerst association and permit pointies as also confirm taken is and facult. The dealing arthority is need to surface in a depending the 2000.
 - 💌 Alterarrijen bestijn selektrapinete in sekratori medat, interala kan kaponen Volkasie.

S. L. S. Litter authority of the contract for a real contract are remaining from the contract and the contra

harion kylling officialfitte exemple nevestronant i unstang at the teakying gun by eine spellightly of engl<mark>evories regional for the confunction of a new rode of the mentercade on mor regional</mark> of enough this cent is included to sing to the confluence teakonemis train and founded at to the teak outbook of the oute.

1987

. The properties of the company becomes at the properties.

- Idea de verbournat prantier de contraventation even d'évolutionne de passe passence à la rédition de la communité des la communité des la communité des la communité des la communité de la communité des la communité de la communité des la communité de la communité des la communité de la communité des la communité des la communité des la communité des la communité de la communité de la communité des la communité de la communité de la communité de la communité des la communité de la communité de la communité des la communité de la communité de la communité de la communité des la communité des la communité de la communité des la communité de la communité de la communité des la communité des la communité de la communité des la communité de la communité de la communité de la communité de la communité des la communité de la communité de la communité des la commun

ay what a committee or conductable of

and the figure in hypothesis will begin the "extract and reimpervilled being influences and a contract of the contract of the

and also in the longer term as a roads depot for Tipperary County Council". See Appendix 1. This use is not exempted development and the Council have not carried out a proper planning process.

• A part 8 adopted by Councillors in 2017 identified a compound for the new road in a different location on Fig.3.4. See section 9 below for details on the Part 8. That compound site clearly did not have residential uses adjacent. It was stated that the lands would be acquired by a temporary CPO. Had the subject site been identified as a compound for Part 8, it would have been included in the documentation and the appropriate AA and EIA screening on the use and impact on the neighbouring property would have been carried out. Public consultation would have taken place. This did not occur. The assessments never included the subject site and referred to the football pitch as in situ. The loss of an amenity would be an issue for screening. The Part 8 did not refer to a change of use of existing lands.

8.1.3 Works to interior or external appearance

Section 4(1)(h) exempts 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;

Assessment

The exemption does not apply because of the following.

- The development materially contravenes the several development plan policies as set out in section 3 and Table 1.
- The project requires Appropriate Assessment as detailed in section 7 above.

The exemption also does not apply because:

- This exemption specifically applies to "works" and not "change of use". Should the Board consider the works to the public house and residential accommodation under 4(1)(h), the change of use cannot fall under this exemption. The use of the structure is unauthorised. The previous use of the structure is the established structure.
- The change of use and works render the appearance inconsistent with the character of the structure. While not a protected structure, the former public house is a period property and the home of the former Latteragh Post office, located on a prominent crossroads. The hipped roof building was a landmark attractive property. The local authority has inserted pvc windows and a most incongruous front door to the property. Inexplicably, rather than curtains, the local authority have placed back sheeting on the bay window which lights a tearoom for staff.

8.2 Potential exemptions under PRR2001

Article 80 of the PDR2001 prescribes "proposed development", for the purposes of section 179 of the Act where such development must utilise the Part 8 planning process. The relevant articles are assessed below in the order of relevance rather than sequential order.

und essentific forget democratices algorithm in parenglisation following following in the Appendix.

J. This disc is not exemption developing of and the Cothical have not canadocut a proper planning process.

A part 8 adopted by Councilints in 2017 Identifierd a compound for the new road in a different location on Fig.3.4 sea section 5 below for decides on the Pert 3. That comprised site clearly and not below residented in as adjacent. It was stated that the land would be acquired by a temporary GPO, in different object on the was stated that an alphabation fix Pert 5, it would have been included in the documentation and the appropriate AA and EIA streaming on the use and impact on the neighbouring property would have been carried out. Public consultation would have taken place. This old not occur. The assessments now included the subject set and referring in the tootball pet, a sen titu. The loss of an error included the subject set and referring in the tootball pet, a sen titu. The loss of among amenty would be an issue for set energy I he Rut 8 did not refer to a change of the existing Londy.

F. J. - Works to interior or external appearance

Section 4.73(a) manuscus divelopment unisisting of the corying out of violation in section in a section of the contract of the argent of the contract of the argent of the argent of the contract of the contract of the argent of the argent of the argent of the contract of the argent of the contract of t

granuliet are rosamillar vigulation vacco de l'ignave acti

- The development manufacture with a research that revenue to very part of a program is a same or the development and table is
 - 💌 Teksteroppisk i skriften Approximation karen markett us kistorie fra Grand i Fakuleen

war and regard but reconsors due needs to be

- She sharedon use "fally 'qui' se' a 's urba" shad set charge mure" in out the sourth
 consider the armoster the public neuse and estdential economic or en-engine actifully
 the rooting of discussion that under this examples. The use of me a contour is
 the charge of the previous use of the capetiers of the roll distinctive orders.
- The Hotego of an and works regidently larger and information, with the discretive of the solution of the solut

1.08 Schreiben and stamps of the SCHOOL

Article Sit of the EDRACTA plack rings in angolygical equation for the language of rection 1.15 of the Sit of section 1.15 of the section section 2.15 of the section sections of the Sit of the section of the section

8.2.1 Other works which exceed €126,000

Art 80(1)(k) provides any "development other thanthe estimated cost of which exceeds €126,000, not being development consisting of the laying underground of sewers, mains, pipes or other apparatus."

Assessment

The exemption does not apply because:

- As section 178(1) of PDA states "The council of a county shall not affect any development in its
 functional area which contravenes materially the development plan", the exemption does not
 apply, because the development materially contravenes the policies of the plan as set out in
 table 1 and section 3 above in this report.
- 2. The project requires Appropriate Assessment contrary to section 4(4) of the PDA2000 and Art. 9 (1)(a)(viiB) PDR2001.
- 3. The works consist of the carrying out of development which would contravene a condition attached to a previous permission Ref. 5111652 where there are clear conditions regarding the boundary wall and the access to the site which are at significant variance to the recent works carried out and to the overall boundary and ditch treatments. This is contrary Art. 9 (1)(a)(i) PDR2001. See appendix 4.
- 4. The development includes the formation of a new access fronting the Local road L6154 and therefore is not exempted development contrary to Art 4(1)(a)(ii) PDR2001.

The planning report states that "Nenagh Municipal District have confirmed that a new entrance was not developed (existing entrance that previously served the pub was used and improved" ... In this regard, the wording of the restriction on exemption includes where it would "consist of or comprise the formation", "laying out" or "material widening of a means of access" to a public road the surfaced carriageway of which exceeds 4 metres in width. The carriageway exceeds 4 m. An access has been formed by railings, gates and a new lay-by. Previously the site was open and was not an access. The three elements of the wording are independent of each other so the forming and/or laying out of an access is not dependent on the widening of an access if there was one in the first place.

Plate 6 Historical imagery from google earth of site





8.2.1 Other works writch exceed t 5.5, uits

Fat 80(1)(K) provides any "develounce" other than The estimated cost of said respects Eliza 900, not being development consisting of the laying underground of sewers, rights, pipes are the provides.

Transfer to A

the exemption does not apply because:

- 1. As section 178(11.5) PDN states "The council of a country that in affect only development to the functional area which contravents materially that the the plant, the exemption does not analy, because the development a steriodly contravened. We addize at the para as set out in table 3 and section 4 above in this secret.
- The project requires appropriate Assessment contrary to section 4(4) of the PDA 2000 and Art. E (1)(a)(cite) EDA 2001.
- 3 The works orasis to this care, ag not or psychomosts which would conserve as a construction attached to appropriate permission det. 1211662 where there are clear conditions to regarding the boundary wall and the element of the strong theorem which are also proved care door and to the overally bound by and dust measure of this is control, by 1.7 A 17(a)(i) A(10) A(1
- Ine development are loss the formation of a new seces, full for that the least rear light frame therefore is not exempted development contains to M. M. M. M. P. P. P. P. P. P. P. P. P. M.

The planning report states that "Novagin Nonrelpad Distriction exculpations that a second continuous of the velocity of the velocity entering last previously who at the publishment of the velocity of the velocity of the restriction on every as a states where we will "a partitle of the restriction "solving out" by "necessal in defining of a means of actions self-that are unacted to "ungraway of which are easily and the whole which where it appears to the other or and the continuous last the second of the state of the second of the s

Place 6 Historica inappers to a grapherenth or site



Plate 7 Current access arrangement



5. The development is causing a traffic hazard and / or obstruction of road users and therefore is not exempted development contrary to Art 4(1)(a)(iii) PDR2001.

This has not been addressed by the planning authority. The site creates a traffic hazard and obstruction of road users owing to the queuing of articulated and other vehicles on the regional and local road. Vehicles arrive when the site is not open and must park on the road or in the layby at the referrer's home. This obstructs road users. This is exacerbated by the location of a local school bus stop opposite the subject site where parents also park to collect children.

Please note this de-exemption applies to either/or traffic hazard or obstruction of road users.

Latteragh Hill
Lackakera

Latteragh
Bridge

Latteragh

Latteragh

Bigpark

Glenmore

the company constitution of stalls



 The development is saving a traffic Learnt and proceedings of each users and thoratom or contextod procedure of a traffic content of the first of the content of the content

the national new addresses to the place and intended for the terminates a neith that it is not seen as the required of the sum of the sum of the required and because the road of the required for the source of the road of the land by the requirement of the relation of the sum of the requirement of the relation of the

างเคราะ และ เพียง เมือง ครามที่ เมือง ครามที่ เป็นสามารถสามารถสมาชานสมาชานสมาชานสมาชานสมาชานสมาชานสมาชานสมาชาน

The subject site bounds the Ormond Way walking trail which has not been addressed by the Planning Authority. The parking that occurs in the layby of the referrer and while queuing obstructs road users including pedestrians.

6. The former FIA football ground was not enclosed and was open to the public habitually for over 10 years prior to being enclosed and is therefore not exempted development. This contrary to Art. 4(1)(a)(x) PDR2001.

This has not been addressed by the Planning Authority.

The historical imagery clearly shows that access to the football pitch was open via the car park to the rear of the public house. The parking area to the rear of the former public house provided access to the football field and was not enclosed as there was an open section in the low perimeter fence of the pitch which was open to the public for recreational use. No right of way is required for this de-exemption it apply.

- 7. The works and change of use are inconsistent with the approved Part 8 and were not included in that consent process contrary to section 179 of the PDA2000 and Art.80(1) of the PDR2001.
- 8. The cost of the development exceeds €126,000 contrary to Art.80(1)(k) PDR2001.

It may be noted the guide price for the site was €150,000 and a Council Freedom of Information (FOI) document Appendix 2 states the land purchase and stamp duty paid €147,934.66. The FOI document of costs provided a list of costs and a figure at the bottom of €104,429.66. A spread sheet highlighting the anomalies of the FOI is attached in Appendix 3.

The FOI does not include the high-level lighting as can be seen in the spreadsheet columns (note fencing is included). It may also be noted additional costs such as legal fees, and IT are not available on the spread sheet. The FOI does not include the new concrete footpath that has been constructed since the section 5 reference was made to the Planning Authority or the new planting that has been placed.

The maintenance fee is not designated as how often it is paid.

The Planning report states that "Nenagh Municipal District have confirmed the expenditure on the works undertaken at the site to be €113,968.48". This figure is at variance with the FOI figure. The Planning Authority have omitted to refence the cost of the site as near €147,934,66.

The substantial works on the site in addition to the costs of the site considerably exceed €126,000. The site cost is integral to the development as the development could not take place if the Council had not bought the site. Several costs have been omitted.

8.2.2 Disposal of waste

Art.80(1)(h) provides the use of land, for the disposal of waste, not being an activity in relation to which a waste licence is required or the provision of a bring facility which comprises not more than 5 receptables.

The position of the referrers is that waste material is stored on the site, that this should be subject to a licence.



The Judgett site bookeds are Dimoria leavinescript and whale his also been addressed by the Planning Authoria, This batters that occurs in the layby of the lawer and well squaring obstances and used school school addressed and

6. In a function PA football control was not enforced and serving the public translate, for over 10 years prior to be expression to be expressed and influences prior translated as a forest prior and care to Art. All shall complete the contract of the serving of the contract of the serving control of the contract of the serving control of the cont

This I as not been add it sked by the Place og Authority.

The historical heage is deadly shows that a cess to the hootball disclosing open districtioning place to the next of the public house, the populages to the reand the femore or an anchor house provided and recess to the motion. Teld and was not endown to these type an one a section in the law personness near more mane after a section a case. We again of may is required for this democration is to accomplish the companies of a copy.

- ter de sons and charge et uit internétion de l'imperènce du la specie du la son apparence de la comme de l'imp La franceixant process, company lorgent on 122 de lors 2002, de la 1918 de l'imperènce de l'IND 2003, de l'IND 2
 - \$ 100 cest of the development encepts (121,000 certical in all \$01) (2,100; 200; 200; as the asset of the period of the control of the center of the center

• may be in the male canded to be for the size we will accome a former of reads may an overwhere (PO), does need Acqueed A states the face purchase and scarrenary part \$100 yethers. The courtaged for local provided to be affected a right in a time be formed to the A29.68. A specie much brother the whomether an une PO, restricted or a superficiel.

The Hill Hope can endone to be a placewell grains, at and a men make more entropied and entermine frame training in the place of the control of the control

busines to extraorung as hatmagards ferre, and extremation addition

The Pending responsives that "Congress halo sat Wilher twee preferred the Leaenment of the work underroted at the situation of the CTLL Defice" of the figure in his variance, with it is fittle Saure. Inchieve the title a vitage control or device here out of the life is near this CDL off.

Fire substantial tranks on the site is addition to the locks of one this capelinessiful earned Ex2<mark>0.000. T</mark>he site relative integral to one development in the development carde not take place. If the Council had not council the late late beyen a contribute near limited.

8.2.2 Disposal of worth

ARD English puck firs it e upe as but", "or the likepesel-sleuteric our e migrat as avide in telupini revelich a sectoral elicies require dan til seconder et c terrig finder vold, is compeler dan dan mosse titan 5 on est buter

i i de la composita del la composita de la composita della com

Assessment

As section 178(1) of PDA states "The council of a county shall not affect any development in its functional area which contravenes materially the development plan", the exemption does not apply, because the development materially contravenes the policies of the plan as set out in table 1 and section 3 above in this report.

Plate 8 Example of material stored openly on the subject site



The exemption under Article 80(1) (h) does not apply because the development is contrary to certain criteria in Article 9(1)(a) for reasons 1-5 set out as above in section 8.4. It is noted the Council dispute that waste is kept on the site. Please note the refers have observed piles of road sweepings on the site which is waste material. Piles of mixed material including soil, broken pipes, etc are also stored openly on site. It may be noted that storage of materials varies from day to day on the site.

8.3 Schedule 2 PDR2001

The Board may also wish to consider Article 6 Schedule 2 Part 1 of the PDR2001 for certain works that have taken place on the site. In the interest of providing all relevant information to assist the assessment by the Board, the following information is provided.

Class 11 The construction, erection, lowering, repair or replacement, other than within or bounding the curtilage of a **house**, of a) any fence (not being a hoarding or sheet metal fence), or (b) any wall of brick, stone, blocks with decorative finish, other concrete blocks or mass concrete.

However, the restrictions provide that -1. The height of any new structure shall not exceed 1.2 metres or the height of the structure being replaced, whichever is the greater and in any event, shall not exceed 2 metres and every wall, other than a dry or natural stone wall, constructed or erected bounding a road shall be capped and the face of any wall of concrete or concrete blocks



record community

As section 178(1) of 204 states "The coupeir of a county scall not affect any devengment on its functional area which contravents it are notly the development plant. The eventplan does not apply, because the development materially contravenue the coupless of the pion as set and above account to econe.

Place & Learning of the chief stated appeals on the subject are



SECTION CAMPAGES SIX

The Fourier may also white the excellent telephone was value of the PDM 2000 Concentant works that Tool Growth place on the size in this problem of the control of the size of

ed property for the state of the complete of the state of t Complete of the complete of the state of the stat

iku in samun sym fizite edulu su seper graf i miguar sid kuli sustimbles zaje sidentiku. Uni perumbe Jainere graliti migute in poje bila di mere 1904. Jih sulgen gisueli esateka jiheral i se spasi sustimble en s Jainera perme degra samon iz pojek suden pusat su per i smobo i kun geneg megama est. Jaineram kun sud Palaka i temaki suden graf suden kun samu ki sukulimit sere majah badik kun est. Jainera di inagaka in kun kun (other than blocks of a decorative finish) which will be visible from any road, path or public area, including a public open space, shall be rendered or plastered.

Owing to the fact that this is no longer a dwelling, the height of the fencing and that no fence was present at the site on the local road, class 11 does not apply.

Article 10(1) of the PDR2001 states that development, which **consists of a change of use within one of the classes** of use specified in Part 4 of Schedule 2, shall be exempted development for the purposes of the Act. Therefore, the change from one use to another within the same use class does not require planning permission. In terms of any potential change of use exemption, none apply to the instant case.

Class 14 (b) provides development consisting of a change of use from public house may not occur to any other use except a shop.

Class 22 provides storage within the curtilage of an industrial building, in connection with the industrial process carried on in the building, of raw materials, products, packing materials or fuel, or the deposit of waste arising from the industrial process.

This class does not apply for several reasons. The previously used public house now an office /staff building was not and is not an industrial building. Further, the restriction in column 2 applies as the raw materials, products, and waste stored are visible from the public road contiguous or adjacent to the curtilage of the non-industrial building.

A determination as to "whether the storage of raw material, by-products and waste is or is not development or is or is not exempted development" was determined by An Bord Pleanála Ref. PL.17.RL3084 as development and not exempted development.

8.4 Temporary uses

The Board will be aware that pursuant to the decision of the High court last year in relation to local authority own development that in order consider a matter temporary, it must have a start date and an end date, Carvill and Ros -v- Dublin City Council [2021] IEHC 544.

The email correspondence to the referrer indicates a long-term permanent development.

9 Part 8

On 24th August 2017 Councillors adopted a Part 8 subject to conditions.

 $\frac{https://www.tipperarycoco.ie/sites/default/files/Adopted \%20 Minutes \%20 of \%20 Special \%20 Minutes \%20 Of \%20 Minutes \%20 Minutes \%20 Of \%20 Minutes M20 Minutes M2$

No documentation indicated a depot at the subject site. A proposed temporary site was proposed in the publicly advertised suite of documents on the west side of the regional road in Fig 3.4 of that documentation. Any development to that consent beyond the adopted part 8 requires an amendment to the part 8 process. There is no exemption to amend a Part 8 beyond de minimis works. There is no provision for a change of use of a building or a site within the adopted part 8.

In relation to the Compulsory purchase order (An Bord Pleanála ref. 307931-20), the submitted maps and details include temporary acquisition recommendations where temporary land takes are required to facilitate construction for the proposed realignment and will be returned to the landowner on completion of the scheme.



comerchan absett of a mean-way-training watch will be used southware, each page or such area. The adding a public or a speke and a colline a public or as public or as the containing of the containing or a speke and a colline as public or as the colline as the colline as public or as the colline as public or as the colline as the colline as public or as the colline as the colline

Owing to the fact that this is no longer a dwelling, the benict of the fercing and that no tenue was present at the city on the countries down the days 11 does not apply

Article 10(1) of the HoR2001 states that development, which consists of a change of use within mu. of the devises of use specified in Pain 4 of Schemille 2, shall be exempted development for one map sex at the ACC Therender, the "Lange from one use to another within the same use class does not require planting permission in terms of any potential change of use chemiques, none activity to the instant case.

Elass LA (b) province development van eeng af a change of ase. Brun public no iso may not in our liceary other use except a chan

Class 22 persides streamwithin the contage of an industrial nations; in compensor with the industrial process control on to the building of an industrials, conducts, conducts, restling restausts on call the process are given the middle of a miles.

This class dose not apply for texture material for immedialy used makes to other new an left of straff building this not and in the straff building this not and an applied of the familiar that restriction in taken. I applies as the naw materials, products, and where stored are visible more use public read continuous or adjacent to the curtilists of for non-industrial building.

i i eta salloutazo asta "arnes! erunerstan <mark>ge es</mark> kast motereta 14, prestagis and wuste 25 tislogo. Sissel<mark>apor</mark> entiko 15 km (17) escribinis describinis (17) akti decimantaliby Ko IKu o Presida Kro PLESTRUZOS4 as development and indichen develument

SASD VIGIOGING F 4 R

The Board limit by state that, so vising the one is elegan of the High count to it was involution to confunctioning own revelopment. It is made in the amplitus transport by it, not to aversum a date and so emitted Chrolifand by a confunction of \$200. In SCC 18 SCC 548.

to a rest was a read one of a respect of a personal of a restrict of the Fermi can be restricted and

Kirthey P

Chi 24 2 Carrett 2017 Louis Selera addit sed at fact of subjects of conditionals

bit et de la vasi bensembla ne de la lace et et la collesta de angel i la Magazins, et politica son et en dist Collegas de la collegas

No Joceniemation indicated a depoir to the subject size. A proposed temporary site was to observe the regional made of countries of the regional made of countries the material of the regional made of the observe that observe the conserve that designed part 8 requires as an entirely that designed process is one observe the exemption to amend a Part & payand or differ an interest works. These is one of the coloring at the coloring to a solution of a state within the countries part 3.

to relation to the function payment pulse butter for Berg Sien and Stiffa Lab and approved may read details, and at the approved support of the second sup

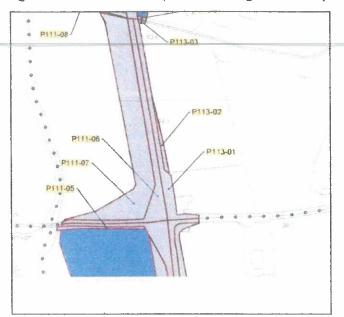


Fig. 4 Extract from CPO map dated and signed 19th July 2020

It can be seen from above, these areas do not coincide with the subject depot site. The subject site was not subject to either a temporary or permanent CPO. The Councillors did not address the potential of the site being used as a depot. This is a critical failure in the local authority adopted process. Please also note the contents of Appendix 1 which indicates that the Director of Roads intends the site to be used as a compound associated with the Part 8. Further as a temporary compound is approved in the vicinity of the subject site, the in combination and cumulative impacts of two compounds has not been assessed.

The development that took place on the subject site should have been subject to a Part X to the Board. It may be noted that the AA screening on the Road realignment in 2017 was prior to the suite of judicial reviews relating to mitigation measures in AA and the statement in the Part 8 AA screening as follows would not be appropriate at this time. "During the construction phase, mitigation measures will be put in place to protect nearby surface water bodies and the underlying aquifer and to maintain, or improve, the water quality. This mitigation will be developed and reported in the Project Description and prescribed for implementation in the outline CEMP which will form part of the Contract Documents for the delivery of the proposal." The conclusion would also not be suitable today. There is no criticism intended of the 2017 AA screening as it was carried out prior to the judicial reviews on this issue but it should be noted that best practice has developed significantly in this area.

10 Environmental Impact Assessment

The Board as the competent authority shall carry out Environmental Impact Assessment (EIA) screening for all plans and projects. If the proposed project is of a class set out in Schedule 5, Part 2 of the Planning and Development Regulations 2001 (PRD2001) but does not meet or exceed the relevant threshold, it is a 'sub-threshold development' and will be screened for EIA. This applies to all development including exempted development, part 8 development and Part X development.

The Planning Authority have made a determination that the project of Council depot including all the works and change if use described above is not a project under European Union

Fig. 4 Estados a un estado en estado benta percenta e concesso de Estados en estados en estados en estados en e

If you we seen from above, move arose do not considerable the subject depot to. The subject of was not subject to the particular of particular to the Constant of the Constant of the subject of the content of Appendix 1 which and to the fact of the Constant of Appendix 1 which and to the Constant of Sharles are of Sharles the subject of the constant of the notice as a constant of the subject of the subject of the constant of the subject of the subject of the constant of the subject of the subject

The development that Lock idage on the polyech are should have been sushed to a feature best development in 2017 was promotive boated it may be noted that from An accounts on the stock in many ment in the Parts white of paints) several sevens relating to make promotive some in the state ment in the Parts. An society of follows would not be appropriate at this arms. "Carlog the continue one trust on above mittigetion areasures with the put in place to profest weathy surjust works worker and to maintain, or improve the woter quality. In a surjust on the developed and reported on the Project Trest higher and account will be active to the profess bed for implementation in the account of the proposal." There is no in adam intention of the 2017 An screening is it was corner out prior to the judicial reviews on this issue has a smooth be another that best practice has developed significantly in this issue has a substitute that developed significantly in this income.

li Environmental impact Assersaneni

The Board service expenses authority shall as a part invisors could expect to esameta (Linguist Authority during the Board of the Country of the Country of the Plant and Development Deprisors as 2000 (Filte 2001) but allers are not exceeded in the Plant of the Country of the

grabulacide as a format for an element of male material and element at a contract the Arganisms of F mouth research tradent suggests for a second incidence in the Arganisms Arganisms. legislation. Using the OPR guidance, at preliminary examination, they have concluded the development is not a project subject to any screening or assessment of environmental impact.

The development may be considered under a number of sub threshold categories including 11 (b) of Schedule 5 Part 2. Installations for the disposal of waste with an annual intake greater than 25,000 tonnes not included in Part 1 of Schedule 5 of the PDR2001. It is noted that the Council deny any waste stored on site but the referrers hold the position that road sweeping materials are stored on the site.

Despite the project not being screened by the Council in advance of the project the planning authority has screened the section 5 referral for EIA as is reported in the planning report.

It may be noted in the Part 8 carried out for the new road in the vicinity, the subject site was not included in the EIA or AA screenings.

11 Conclusion and recommendation

Having regard to the stated question that has arisen whether the same is or is not development or is or is not exempted development and having regard to the request for a review from the Board of the declaration of Tipperary County Council and particularly to -

- a) Sections 2, 3, 4, 5, 177U, 178 and 179 of the Planning and Development Act, 2000, as amended including Part XAB;
- b) Articles 5, 6, 9 and 10 of the Planning and Development Regulations 2001, as amended;
- Parts 1 and 4 of the Second Schedule to the Planning and Development Regulations 2001, as amended;
- d) The European Communities (Water Policy) Regulations 2003 as amended:
- e) The provisions of the Tipperary County Development Plan 2010 as amended;
- f) The provisions of the Nenagh Local Area Plan 2013-2019 as varied;
- g) The hydrological pathway of the Nenagh River to a Special Area of Conservation;
- h) The permitted Part 8 development in the vicinity of the site;
- i) The quarry in the vicinity of the site;
- i) The Water Framework Directive and status assigned to adjacent rivers;
- k) The purchase of the site and the monies expended to date;
- 1) The submissions below and the impact on neighbouring property;
- m) The nature of the uses and works previously and currently on site;
- n) The Planning history on the site:
- o) The location of the site and the pattern of development in the area; and
- p) The proper planning and sustainable development of the area.

It is respectfully requested that An Bord Pleanála concur with the position set out in this report and agree that the change of use and works that have taken place are development and are not exempted development.

sair destati et evad ye u talementada yishrenleng da. 40 olang 296 edi gart et nema esset Tibi deliki sundah sini indinenkesen negjanjaban yak di behilik indopen dan ne pagangal surang

The development may be remidered unual a number of such investigate categories including the characters of the court of the contract of varies with an arrival increasing the court of varies of the 2082-001. It is necessary the counting the counting of the 2082-001. It is necessary the counting of the counting of the counting that may sweeping make also are the counting that may sweeping make also are the testers of the counting that may sweeping make also are the counting that may sweeping make also are the testers.

Dispose the process can being screened by the Council in advance of the project the alterning authority has so certon the alterning authority has so certon the section I refer it for DA as is reported in the planning research

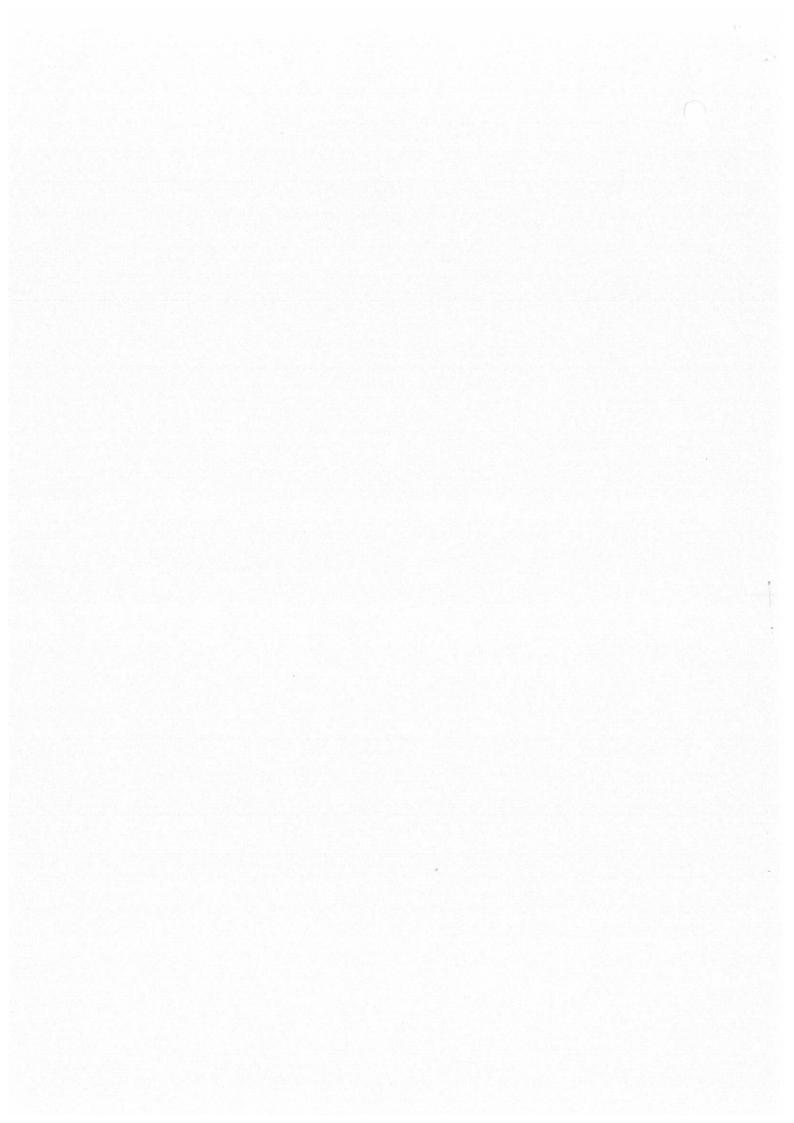
a cray on agent le marant **3 c**ar deux culturation en caetos are valuits der subject sa el was not actualed de dividir de AS **screau n**go

I.C. Conclusion and recommendation

eaving regard to the stated quasings that has after a whether we came is murned development as is all not executed development and having tops of to the hope wifer a seview trom. In Board of the decisioned Tippresayrion in y Journ Came what, to

- Suggested V. S. A. S. 1990, a Scand CS) or the effect of or and decay process on a Subsection or commended for large Paint SNA.
 - and the second of the second o
- 2) For the first fermal foundable to the Practice and Development Pepulations 2007, as a managed
 - ej Tue Burguere i ameundes (Moter Rube) Bee di tans d'Ade en cert
 - distribution of files. The remarks will provide grain for the properties of the contracting and the contracting are in the contracting and the contracting are in the contracting and the contracting are in the contracting and the contracting are contracted as the contracted are contracted are contracted as the contracted ar
 - Processor of the PAR AND AND STATE of the second bear and the second of the second of
 - The bud defined in the Comment of th
 - - into addite vincewarts de divinstra self. (c.
 - and the work of the street Dieneral Department street, and the control of the work of the control of
 - is the purely and the cite and the records undered in door
 - ELECTION DE L'ANNO DE LA TRE L'ANNO DE L
 - and Time nature at the uses and works are vicencle and our matter of site.
 - and write the most side of the Control of
 - or. The icomise of the site and tire natternal development and in the east and
 - as the second of the second of the second second second of the second of the second of the second of

t engal ditt in die der met en trop sich bisveriem de med Nime in trop die stein der properties is si Itan han har de gregoria in de kan de kommen in de Helder place die sich in de gregoria dit in de sich des men The state desweigen de sich de kommen de sich de



APPENDIX 1

COPY OF RELEVANT EMAIL

From: O'Connor, Marcus < marcus.oconnor@tipperarycoco.ie>

Date: Thu, 6 May 2021, 17:21 Subject: SEANINS LATTERAGH

To: Margaret Patricia Ryan < mpryan@tcd.ie >

Cc: Jackie Cahill < jackie.cahill@oireachtas.ie > , McGrath, Philip

<philip.mcgrath@tipperarycoco.ie>, Joyce, Rosemary

<<u>rosemary.joyce@tipperarycoco.ie</u>>, Murphy, Barry <<u>barry.murphy@tipperarycoco.ie</u>>

Hi Margaret,

Thank you for your Email. As you mentioned Deputy Cahill has raised this with me on a number of occasions. I would respond as follows:

- The derelict pub and associated site at Seanins was purchased by Tipperary County having been derelict and on the market for some time. It was purchased so that it could be used as a compound for the contractor constructing the new section (4.3km) of the Nenagh

 Thurles road at Latteragh and also in the longer term as a roads depot for Tipperary County Council.
- 2. As you are aware, An Bord Planala confirmed the road scheme and it is anticipated that we will have a contractor on site to work on this badly needed road improvement towards the middle of next year(2022). The works are anticipated to last for about 2.5 to 3 years and there is no doubt that the depot/compound will be busy during this period. We do not anticipate that there will be night works but the contractor is likely to work long hours during the construction period.
- 3. In the long term, Tipperary County Council will operate the building and compound as a roads depot. This would generally operate between the hours of 7.30am to around 6 pm Monday to Friday and possibly some Saturdays. We do not intend to use this as a salt depot although small quantities of salt could be stored there from time to time.
- 4. By its nature, a roads depot has to store chips, pipes, gullies and the like. There will be occasions when our crews will be called out to emergencies such as flooding, freeze ups, roads traffic accidents and the like and these can occur at weekends and at night. Hopefully, these will not be very common but you will appreciate

COPY OF SELEVANT SMAR

From O'Cannor Marcus - negressous augmentarion and

Date: This year a part test

Subject LLANGES LATERAGE

For Margaret Pamera leyer single-sacing deliver

in larker Carub. Licker rambition are may be McGrath Philip

vasamezoù payer unel e a cupagnat je leure in quele,

- Personal Control of the Control of

,18150 1611 lh

Phank you for your detail. As you resubtined Depley Carry day raised this with mo on a sumber of occasions, I would respect us reflevs ;

- The december out and associated site at Server's was cultivased by dispersity doubles having been dennied in that the line line that a some time. It was sumbased so that a could be eath at a compound for the out that will constituted the some religion of a side of some benegling of the level at the some that the constitution of the country that the constitution of the country and the country of the country that the constitution of the country that the countr
- As you are arrang An Bord Planala equitioning the map sengine are so, and the captioning to a context or anti-pated that we will have a context or all or work or this badly meeded road languageoment towards the middle of out out out out years and those is no doubt that the deposit orape no wet be hasy deems this period. We do not sobulpate that the compact or will be hasy works but the contracts its fixely to work for a local order the contracts.
- In the long test, Those thy Callany Double, with out of the printing of compound as a food of the configuration of a supposed of the configuration of the sound of the configuration of the configuration.
- Hitterye religio esta y le la productione en les Télebres déles en les internets que le en les productions de la completation de la la completation de la la completation de la complet

- that we are not in a position to give written guarantees about hours of operation.
- 5. Having said all that , we would like to think that we would be very good neighbours. If there are any matters that we could assist you with on the ground , please feel free to contact the district Engineer, Philip McGrath(087/625 8068) or the Overseer Sean Ryan

Regards

Marcus

Marcus O' Connor

Director of Roads, Transportation and Nenagh Municipal District

Tipperary County Council,

Civic Offices,

Limerick Road,

Nenagh,

Co. Tipperary

From: Margaret Patricia Ryan <mpryan@tcd.ie>

Sent: 27 April 2021 15:44

To: O'Connor, Marcus < marcus.oconnor@tipperarycoco.ie >

Subject: [External] Fwd: SEANINS LATTERAGH

----- Forwarded message -----

From: Margaret Patricia Ryan <mpryan@tcd.ie>

Date: Monday, 26 April 2021
Subject: SEANINS LATTERAGH
To: marcus.oconnor@tippcoco.ie

Cc: Michael Power < michaelpower131@gmail.com >, jackie.cahill@oir.ie

Dear Marcus,

I am aware Jackie Cahill has liaised with you with regards to our concerns. Over the last couple of weeks there has been a significant increase in activity in seanins including out of hours work

that we she date to be because of the god westeen just dust to retail use to appear them.

Having and all dost, we require inco to thing that we would be viry good neighbours. If there are any matters that we require assist you with ap the ground subject feet free to contact the desirable ingineer Philip McGratt(887/623 a068) or the Overser Seas Evan

ebine pa 9

BURNEY.

Marcus D Campar

Director of Acade, That eports the pind we rest in Junions British

sam ka u samban) sa sasagili

Letter (Control

Recent Conservation

.1 3.111

VISIS IN A NO

From Margana School Sch

Forwarder Farricky Formation (Margaret Marricky Farricky Formation Formation

Frankline Power

Land Trace Co

n samen sestande d'adiable de la compagne de la proposición de la compagne de la compagne de la compagne de la Sestando bestra bas com como estando de d'amente com activa de la compagne de la compagne de la distribuer de l ...g. work didn't not finish until after 10pm one of the nights last week (one of many examples... most of which I have noted). My young children (4 yr,2 yr and10 months) were awoken from their sleep with the level of noise.

Again, Sat April 24th there was work going on all day (which didn't finish until 9pm). This was lovely sunny day, a day we were trying to enjoy as a family in our garden.

We want written confirmation that seanins will not be used outside of normal working hours which I presume is mon to fri 8.30 until 5.30.

We are very disappointed with the lack of communication with regard to forewarning us of possible disturbances and excessive noise disruption.

I am available to discuss this further if required on 0860722984.

Many Thanks,

Mgt Power

Comhairle Contae Thiobraid Árann Tipperary County Council

www.tipperarycoco.ie

Tipperary County Council Disclaimer

Social didn't per filled to be after 10pm per of the nights for tweeter the ormany complex or except which is near to a set fill Alvy young shildren (4 yr.2 yr and 10 a onthis) were aworen from the statement of the except of this set.

ng i'n, kar Aprel 24th the e was work going on all day (which tiidsh tintsh tint 19gm). This was lovely we ng lav setsy we were trans, to eajoy as a family in our garden

We want welsten confirmation that seamins will not be used outstou of normal worlding hours which I presume is monitoral St. 20 metri - 20

tive a severy distance in led with the lack of Lorentzetion with a gard to forewarding us of possible distance and conversive noise discustion.

our gestight to thoose this further it recaired on 080,0722384.

and the second

news I to be

Combards Control Probable Arann Departur, County Founds

PERIOD ACC EL	ACC ELEMENT	(L)gor	PRODUCT/EE	PRODUCT/EE(T)	SUBANALYSIS	SUBANALYSIS TRANS DATE	EURO
Purchase Cost.							
202007 LAND PURCHASE/COMPENSATION 202009 LAND PURCHASE/COMPENSATION	HON	LATTERAGH DEPOT LATTERAGH DEPOT	FIN47	STAMPDUTY PURCHASE INVESTMENT LAND	TAXSTAMP	07/07/2020 25/08/2020	144,809,66 3,125.00 147,934.66
Cost of refurbishment works							
202103 MINOR CONTRACTS- TRADE SERVICES & OTHER WORKS	ERVICES & OTHER WORKS	LATTERAGH DEPOT	FEN120	FENCING-SUPPLY & ERECT/REPAIR	FENCING	15/03/2021	23,440.02
202104 MINOR CONTRACTS- TRADE SERVICES & OTHER WORKS	ERVICES & OTHER WORKS	LATTERAGH DEPOT	ENVSR138	TRANSPORT & DISPOSAL RESIDUAL WASTE	WASTEDISPOSE	31/03/2021	352.08
202106 MINOR CONTRACTS- TRADE SERVICES & OTHER WORKS	ERVICES & OTHER WORKS	LATTERAGH DEPOT	ENVSR138	TRANSPORT & DISPOSAL RESIDUAL WASTE	WASTEDISPOSE	30/04/2021	558.08
202106 MINOR CONTRACTS- TRADE SERVICES & OTHER WORKS	ERVICES & OTHER WORKS	LATTERAGH DEPOT	NRG13	ELECTRICITY- MINOR CONTRACT WORK	ELEC	17/06/2021	9,647.50
202107 MINOR CONTRACTS- TRADE SERVICES & OTHER WORKS	ERVICES & OTHER WORKS	LATTERAGH DEPOT	WATSR83	WATER SERVICES-MINOR CONTRACT WORKS	PLUMBER	28/06/2021	5,675,00
202109 MINOR CONTRACTS- TRADE SERVICES & OTHER WORKS	ERVICES & OTHER WORKS	LATTERAGH DEPOT	ENVSR138	TRANSPORT & DISPOSAL RESIDUAL WASTE	WASTEDISPOSE	31/07/2021	71.16
202109 MINOR CONTRACTS- TRADE SERVICES & OTHER WORKS	ERVICES & OTHER WORKS	LATTERAGH DEPOT	NRG13	ELECTRICITY- MINOR CONTRACT WORK	ELEC	09/09/2021	136.20
202110 MINOR CONTRACTS- TRADE SERVICES & OTHER WORKS	ERVICES & OTHER WORKS	LATTERAGH DEPOT	NRG13	ELECTRICITY- MINOR CONTRACT WORK	ELEC	07/10/2021	340.50
MINOR CONTRACTS- TRADE SERVICES & OTHER WORKS	RVICES & OTHER WORKS	LATTERAGH DEPOT					40,220.54
202201 NON-CAPITAL EQUIP PURCHASE - OFFICE EQUIP/FURN	SE - OFFICE EQUIP/FURN	LATTERAGH DEPOT	OFF05	OFFICE FURNITURE UNDER #5000 EA	FURN	31/12/2023	720.63
NON-CAPITAL EQUIP PURCHASE - OFFICE EQUIP/FURN	E - OFFICE EQUIP/FURN	LATTERAGH DEPOT					720.63
202104 NON-CAPITAL EQUIP PURCHASE - OTHER	SE - OTHER	LATTERAGH DEPOT	EQP101	ROADS EQUIP PURC UNDER 65000 EACH	ROAD	12/04/2021	8,093,40
202104 NON-CAPITAL EQUIP PURCHASE - OTHER	SE - OTHER	LATTERAGH DEPOT	EQP101	ROADS EQUIP PURC UNDER 65000 EACH	ROAD	23/04/2021	4,182,00
202109 NON-CAPITAL EQUIP PURCHASE - OTHER	SE - OTHER	LATTERAGH DEPOT	EQP101	ROADS EQUIP PURC UNDER 65000 EACH	ROAD	27/08/2021	2,803.69
NON-CAPITAL EQUIP PURCHASE - OTHER	E-OTHER	LATTERAGH DEPOT					15,079.09
202012 REPAIRS & MAINT - BUILDINGS (EXCL. LA HOUSING)	(EXCL. LA HOUSING)	LATTERAGH DEPOT	SERV24	BUILDINGS MAINT CONTRACT-NON LA HSE		17/12/2020	7,888.25
REPAIRS & MAINT - BUILDINGS (EXCL. LA HOUSING)	EXCL. LA HOUSING)	LATTERAGH DEPOT					7,888.25
202104 CAPITAL CONTRACTS EXPENDITURE	TURE	LATTERAGH DEPOT	CAP01	CONTRACT PAYMENTS	LABMAT	27/04/2021	30,478.16
202110 CAPITAL CONTRACTS EXPENDITURE	TURE	LATTERAGH DEPOT	CAP01	CONTRACT PAYMENTS	LABMAT	27/09/2021	2,133,80
CAPITAL CONTRACTS EXPENDITURE	NIRE	LATTERAGH DEPOT					32,811.96
202109 MATERIALS		LATTERAGH DEPOT	HSMAT42	HOUSE MAINTENANCE MATERIALS	GENERAL	09/08/2021	104.96
202109 MATERIALS		LATTERAGH DEPOT	RDMAT26	ROAD MAINTENANCE MATERIALS-SMALL ITEMS	GENERAL	06/09/2021	2,633.20
202111 MATERIALS		LATTERAGH DEPOT	HSMAT42	HOUSE MAINTENANCE MATERIALS	HSEKITCHEN	08/09/2021	118.19
202111 MATERIALS		LATTERAGH DEPOT	HSMAT42	HOUSE MAINTENANCE MATERIALS	HSEKITCHEN	08/09/2021	217.32
202111 MATERIALS		LATTERAGH DEPOT	HSMAT42	HOUSE MAINTENANCE MATERIALS	HSEKITCHEN	08/09/2021	185.99
202111 MATERIALS		LATTERAGH DEPOT	HSMAT42	HOUSE MAINTENANCE MATERIALS	HSEKITCHEN	08/09/2021	366.81
202111 MATERIALS		LATTERAGH DEPOT	HSMAT42	HOUSE MAINTENANCE MATERIALS	HSEKITCHEN	08/09/2021	1,547.62
202111 MATERIALS		LATTERAGH DEPOT	HSMAT42	HOUSE MAINTENANCE MATERIALS	HSEKITCHEN	08/09/2021	697.82
202111 MATERIALS		LATTERAGH DEPOT	HSMAT42	HOUSE MAINTENANCE MATERIALS	HSEKITCHEN	08/09/2021	449.54
202111 MATERIALS		LATTERAGH DEPOT	HSMAT42	HOUSE MAINTENANCE MATERIALS	GENERAL	14/10/2021	176.44
202111 MATERIALS		LATTERAGH DEPOT	HSMAT42	HOUSE MAINTENANCE MATERIALS	GENERAL	14/10/2021	264.00
202112 MATERIALS		LATTERAGH DEPOT	HSMAT42	HOUSE MAINTENANCE MATERIALS	GENERAL	22/12/2021	118.80
202101 CONSULTANCY/PROFESSIONAL FEES AND EXPENSES	FEES AND EXPENSES	LATTERAGH DEPOT	FEE02	CONSULTANTS PROF FEES & EXPENSES		07/01/2021	1,028,50
CONSULTANCY/PROFESSIONAL FEES AND EXPENSES	FEES AND EXPENSES						1,028.50
							104,429.68

	queries
	and
eet	0
dsh	S
prea	gure
CS - CS	ig fi
dix	htin
ben	ghlig
A	Ī

202007 LAND PURCHASE/COMPENSATION 202007 LAND PURCHASE/COMPENSATION

71.16 5675.00 136.20 558.08 9647.50 340.50 10220.54 720.63 720.63 352,08 8093.40 4182.00 MINOR CONTRACTS- TRADE SERVICES & OTHER WORKS NON-CAPITAL EQUIP PURCHASE - OFFICE EQUIP/FURN 202104 MINOR CONTRACTS- TRADE SERVICES & OTHER WORKS 202106 MINOR CONTRACTS- TRADE SERVICES & OTHER WORKS 202107 MINOR CONTRACTS- TRADE SERVICES & OTHER WORKS 202110 MINOR CONTRACTS- TRADE SERVICES & OTHER WORKS 202109 MINOR CONTRACTS- TRADE SERVICES & OTHER WORKS 202109 MINOR CONTRACTS- TRADE SERVICES & OTHER WORKS 202106 MINOR CONTRACTS- TRADE SERVICES & OTHER WORKS 202201 NON-CAPITAL EQUIP PURCHASE - OFFICE EQUIP/FURN 202104 NON-CAPITAL EQUIP PURCHASE - OTHER 202104 NON-CAPITAL EQUIP PURCHASE - OTHER

query does not sum above

NON-CAPITAL EQUIP PURCHASE - OTHER

202109 NON-CAPITAL EQUIP PURCHASE - OTHER

query does not sum above

15079.09

7888.25 7888.25

30478.16 2133.80

2803.69

REPAIRS & MAINT - BUILDINGS (EXCL. LA HOUSING) 202012 REPAIRS & MAINT - BUILDINGS (EXCL. LA HOUSING) 202104 CAPITAL CONTRACTS EXPENDITURE 202110 CAPITAL CONTRACTS EXPENDITURE

CAPITAL CONTRACTS EXPENDITURE

32611.96 is the sum of above rounded

217.32

185,99 366.81

118,19

104.96 2633,20

MATERIALS 2021 1 1 WATERIALS 20211 1 MATERIALS 2021 11 MATERIALS 202111 MATERIALS 202111 MATERIALS 202111 MATERIALS 202111 MATERIALS 202111 MATERIALS 202111 MATERIALS 202112 MATERIALS 202109 MATERIALS 202109 MATERIALS

1547.62

697,82 449.54

6880.69 is sum of above 118.80 1 028.50 1028,50 202101 CONSULTANCY/PROFESSIONAL FEES AND EXPENSES

CONSULTANCY/PROFESSIONAL FEES AND EXPENSES

264.00

176.44

144809.66 147934.66

07/07/2020 25/08/2020

Query?

Fig. in FO

TIPTERARY (NORTH RIDING) COUNTY COUNCIL

LCCAI, GOVERNMENT (PLANNING AND DEVELOPMENT) ACTS, 1963 TO 1982

	REF: PLC/11,625
AFPLICANT: Mrs. Kathleen Dunlea, Ballinecloug	h, Nenagh.
Fig. Reconstruction & extension to Licer	nsed Premises by way of internal
AT: Sallyperk (Letteragh Cross), Nenagh	T.
Having considered the above application are recommend that PERMISSION be CRAMSubject to the following conditions and/or	Web Printers L. A.
CONDITIONS	REASONS
(1) A 1.0 m. high post and chain fence to be provided along the line A - B as shown on the attached 1:2500 map.	(1) In the interest of traffic safety.
(2) The existing high ditch shown 8 - C on the attached 1:2500 map to be cut and maintained to a maximum height of 1.0 m.	(2) In the interest of traffic safety.
(3) The existing boundary wall abutting the minor road, as shown X - Y on the attached 1:2500 map, shall be removed. A new wall maximum height 1.0 m. shall be erected and recessed 3 m. from the line of the existing wall.	(3) In the interest of traffic safety.
(4) The ertrance to the car park to be recesser 5 with wing walls splayed at 45 degrees. The meximum height of said walls to be 1.0 m.	(4) In the interest of traffic safety.

A 153 C - 535

the company of the company that the second of the company that the company that the company is the company of the company that the company is the company in the com

The second secon

in a series of the series of t

CONTRACTOR OF THE CONTRACTOR OF A CONTRACTOR OF A CONTRACTOR OF THE CONTRACTOR OF TH

AND THE STATE OF T

AND THE RESERVE OF THE PROPERTY OF THE PROPERT

Constructed that there was the last the last term of the

and the state of the second control of the s

1		CONDITIONS	RI	SASONS	
-					
}					ĺ
1					
1					
		· ·			
į		- Land Control of the			
-		Therefore			
1		a de la companya de			
		The state of the s			-
		And the second s			
-					
4					
1					}
		j			1
1		}			
					1
4		į			
1		** Among			
		the state of the s			
1		And the second s			
1		# 11	and the second second second		1
	SIONED:	SENIOR EXBOUTURE ENGINEER	DATE:	10/10/85	
		SENIOR EXECUTIVE ENGINEER, (Planning Section)			
	SIGNED:	kmaln		10/10/85.	
	STRWER:	COOUNTY ENGINEER	DATE:	183	
		A. 1.0			
	SIGNED:	Meliney	PATE:	14/10/85	
	e S (\$145) €	OOUNTY MINGER	arr & mind di g	11700	

TIPPERARY (NIMTH AIDING) COUNTY COUNTY.

Planning Section, Courthouse, Nenagh.

19th November 1985

Local Government (Flanning end Development) Acts, 1963 to 1983.

NETIFICATION OF GRANT OF A PERMISSION

TO/	REFERENCE NO. in Planning Register: noon.63
and the second s	Application received on: 22nd August 1085
Development:	Deconstruction and extension to licensed promises
At;	by way of internal elterations and additional flo
	Sallypark (Leteragh Gross) Honagh.
for the development described al	ove subject to the conditions set out in a permission dated 16th Cotober 1985

Copy/ Area Engineer, Roseres.

The aboliment is advised that unless the development described above is carried out within five (5) years from the date of grant of permission, planning permission may mease to have effect at the expiration of said 5 years. See Sections 2, 3 and 4 of the Local Government (Planning and Development) Act, 1982.

SIGNED: TOP COUNTY SECRETARY.

3

1. 人名英格兰 医克里克氏 医克里克氏 医克里克氏

January All Springer for the College Springer Springer for the College January Springer for the College for th

Phys. guidau volt at 1900

그렇게 되면서 100 그리고 그리고 있는 것이 되었다. 그리고 그리고 그리고 그리고 그리고 그리고 그리고 있다.

로 CMMM 호텔 La - 로 프로젝트, 레트로 프로토트 리디트

Altered to the recognition of the same

| であり|| 4 位 年 | 14 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 | 1 日 |

The second of th

entre light from the state of the last of the contraction of the state of the state

the many and Aries and Artemeter favor, and authorities I for

will past (lastered breed branch

The section of the se

The application is accepted tract tolers a complication demonstrate every search accepts the application of the complete tractions of the complete tractions of the complete tractions are considered to the complete traction at the contract of the complete tractions are contracted to the contraction of the contraction

contract care forther bear a light