

AN BORD PLEANÁLA
LDG- 065393-23
ABP- _____
31 JUL 2023
Fee: € 220.00 Type: _____
Time: _____ By: Post

26th July 2023

Our Reference: 20-04

An Bord Pleanála,
64 Marlborough Street,
Dublin 1

**Re: Tipperary County Council Ref: S5/23/63
Declaration under Section 5 of the Planning and Development Act
2000**

Dear Sir/Madam,

We have been requested by our client John O'Leary of (Address) to submit the following Referral in respect of the Section 5 Declaration issued by Tipperary County Council on 11th July 2023 which stated as follows:

"I refer to your application for a Section 5 Declaration received on 15th June 2023 in relation to the following proposed works:

whether the completion of the entrance, roads, and services associated with Plan reg. no. 15/600374 us development and if so, does it constitute exempted development at Scarnaglorane, Cahir, Co. Tipperary.

Having considered the information received, the Planning Authority has determined that the works proposed, the completion of the entrance, roads, and services as permitted under Plan Reg. no. 15/600824, constitute development, and are not exempted development".

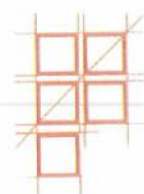
Contrary to the provisions of Section 5 no reasons or considerations were given with the Section 5 Declaration.

Legislative Context:

Section 5 of the Planning and Development Act 2000 as amended states as follows:

"Declaration and referral on development and exempted development.

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.

(2) (a) Subject to F53 [paragraphs (b) and (ba)], a planning authority shall issue the declaration on the question that has arisen and the main reasons and considerations on which its decision is based to the person who made the request under subsection (1), and, where appropriate, the owner and occupier of the land in question, within 4 weeks of the receipt of the request.

(b) A planning authority may require any person who made a request under subsection (1) to submit further information with regard to the request in order to enable the authority to issue the declaration on the question and, where further information is received under this paragraph, the planning authority shall issue the declaration within 3 weeks of the date of the receipt of the further information.

F54[(ba)(i) Subject to subparagraph (ii), a planning authority shall not be required to comply with paragraph (a) within the period referred to in that paragraph where it appears to the planning authority that it would not be possible or appropriate, because of the exceptional circumstances of the development or proposed development (including in relation to the nature, complexity, location or size of such development) identified in the request under subsection (1) to do so.

(ii) Where subparagraph (i) applies, the planning authority shall, by notice in writing served on—

(I) the person who made the request under subsection (1), and

(II) each person to whom a request has been made under paragraph (c), before the expiration of the period referred to in paragraph (a), inform him or her of the reasons why it would not be possible or appropriate to comply with that paragraph within that period and shall specify the date before which the authority intends that the declaration concerned shall be made.]

(c) A planning authority may also request persons in addition to those referred to in paragraph (b) to submit information in order to enable the authority to issue the declaration on the question.

(3) (a) Where a declaration is issued under this section, any person issued with a declaration under subsection (2)(a) may, on payment to the Board of such fee as may be prescribed, refer a declaration for review by the Board within 4 weeks of the date of the issuing of the declaration.

(b) Without prejudice to subsection (2), in the event that no declaration is issued by the planning authority, any person who made a request under subsection (1) may, on payment to the Board of such fee as may be prescribed, refer the question for decision to the Board within 4 weeks of the date that a declaration was due to be issued under subsection (2).

(4) Notwithstanding subsection (1), a planning authority may, on payment to the Board of such fee as may be prescribed, refer any question as to what, in



any particular case, is or is not development or is or is not exempted development to be decided by the Board.

(5) The details of any declaration issued by a planning authority or of a decision by the Board on a referral under this section shall be entered in the register.

(6) (a) The Board shall keep a record of any decision made by it on a referral under this section and the main reasons and considerations on which its decision is based and shall make it available for purchase and inspection.

(b) The Board may charge a specified fee, not exceeding the cost of making the copy, for the purchase of a copy of the record referred to in paragraph (a).

(c) The Board shall, from time to time and at least once a year, forward to each planning authority a copy of the record referred to in paragraph (a).

(d) A copy of the said record shall, at the request of a member of a planning authority, be given to that member by the F55[chief executive] of the planning authority concerned.

(7) A planning authority, before making a declaration under this section, shall consider the record forwarded to it in accordance with subsection (6)(c).

F56[(7A) A planning authority or the Board, as the case may be, shall, in respect of a development or proposed development specified in Part 2 of Schedule 5 to the Planning and Development Regulations 2001, specify in its declaration or decision, as the case may be, whether the development or proposed development identified in the request under subsection (1) or in the referral under subsection (3) or (4), as the case may be, would be likely to have significant effects on the environment by virtue, at the least, of the nature, size or location of such development and require an environmental impact assessment.

(7B)(a) Where the planning authority issues its declaration on a request under subsection (1) or the Board makes its decision on a referral under subsection (3) or (4), as the case may be, the following documents shall, within 3 working days, be placed on the planning authority's or Board's, as the case may be, website for inspection and be made available for inspection and purchase by members of the public during office hours at the offices of the authority or Board, as the case may be, for at least the minimum period referred to in paragraph (b):

(i) a copy of the question arising as to what is or is not development or is or is not exempted development within the meaning of this Act and any information, particulars, evidence, written study or further information received or obtained from any of the following:

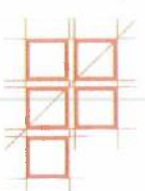
(I) the person making the request or referral, as the case may be;

(II) the owner or occupier of the land in question;

(III) any other person;

(ii) a copy of any submissions or observations in relation to the question arising as to what is or is not development or is or is not exempted development within the meaning of this Act;

(iii) a copy of any report prepared by or for the authority or the Board, as the case may be, in relation to the request or referral;



(iv) a copy of the declaration of the authority or the decision of the Board, as the case may be, in respect of the question identified in the request under subsection (1) or in the referral under subsection (3) or (4), as the case may be.

(b) The minimum period for the purposes of paragraph (a) is 8 weeks from the date of the issue of the declaration by the planning authority or the date of the decision of the Board, as the case may be.

(7C) For the purposes of subsection (7A), the Minister may, by regulations, provide for additional, consequential or supplementary matters as regards procedures in respect of a request under subsection (1) or a referral under subsection (3) or (4), as the case may be, in relation to—

(a) the submission of information to the planning authority or the Board for those purposes,

(b) time limits within which such information shall be so submitted,

(c) notifications to persons concerned with the declaration or decision, as the case may be, referred to in that subsection,

(d) steps to be taken (including matters which must be regarded) in the course of the making of such declaration or decision, or

(e) the publication of such declaration or decision.]

F57[(8)(a) The Minister for Arts, Heritage and the Gaeltacht may apply to the Board under this subsection, without charge, for a determination as to whether an activity requiring the consent of that Minister—

(i) F58[pursuant to a notification under Regulation 4(2) of the European Communities (Natural Habitats) Regulations 1997 ([S.I. No. 94 of 1997](#)) or pursuant to a direction under Regulation 28(1) or 29(1) of the European Communities (Birds and Natural Habitats) Regulations 2011 ([S.I. No. 477 of 2011](#))] or under regulations made under the [European Communities Act 1972](#) for the purpose of giving further effect to the Birds Directive or the Habitats Directive by designating a site as a special area of conservation or as a special protection area, or

(ii) under [section 19](#) of the [Wildlife \(Amendment\) Act 2000](#),

comprises development which is not exempted development, and the Board shall make such determination as soon as may be and shall inform that Minister of its determination and the reasons for the determination.

(b) An application from the Minister for Arts, Heritage and the Gaeltacht under this subsection shall include the following:

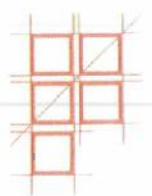
(i) a copy of the application for consent;

(ii) any other relevant information submitted with the application for consent;

(iii) the reasons why that Minister considers that the activity may not be exempted development;

(iv) the opinion of that Minister as to whether an appropriate assessment is required, and the reasons for that opinion;

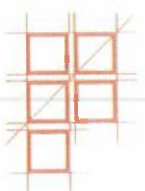
(v) the opinion of that Minister as to whether the development is likely to have significant effects on a European site or an area designated as a Natural Heritage Area under [section 18](#) of the [Wildlife \(Amendment\) Act 2000](#) and the reasons for that opinion, having regard to the purposes for which the site was designated.



(c) The Board may seek additional information from—
 (i) the applicant for consent; or
 (ii) the Minister for Arts, Heritage and the Gaeltacht,
 and where this is not provided within the period specified, or any further period
 as may be specified by the Board, the Board shall not make a determination on
 the matter and the application of that Minister under this subsection shall be
 deemed to be withdrawn and the Board shall inform that Minister accordingly.
 (d) In paragraph (a)(i) "special area of conservation" and "special protection
 area" have the same meaning as they have in section 177R.]

Section 40 of the Planning and Development Act 2000(as amended) states as follows:

"40.—(1) Subject to subsection (2), a permission granted under F438[this Part
 or Part XXI], shall on the expiration of the appropriate period (but
 without prejudice to the validity of anything done pursuant thereto prior to
 the expiration of that period) cease to have effect as regards—
 (a) in case the development to which the permission relates is not commenced
 during that period, the entire development, and
 (b) in case the development is commenced during that period, so much of the
 development as is not completed within that period.
(2) (a) Subsection (1) shall not apply—
 (i) to any permission for the retention on land of any structure,
 (ii) to any permission granted either for a limited period only or subject to a
 condition which is of a kind described in [section 34\(4\)\(n\)](#),
 (iii) in the case of a house, shop, office or other building which itself has been
 completed, in relation to the provision of any structure or works included in the
 relevant permission and which are either necessary for or ancillary or incidental
 to the use of the building in accordance with that permission, or
 (iv) in the case of a development comprising a number of buildings of which
 only some have been completed, in relation to the provision of roads, services
 and open spaces included in the relevant permission and which are necessary
 for or ancillary or incidental to the completed buildings.
 (b) Subsection (1) shall not affect—
 (i) the continuance of any use, in accordance with a permission, of land,
 (ii) where a development has been completed (whether to an extent described
 in paragraph (a) or otherwise), the obligation of any person to comply with any
 condition attached to the relevant permission whereby something is required
 either to be done or not to be done.
 (3) F437[In this section and sections 42 and 42A,], "the appropriate period"
 means—
 (a) in case in relation to the permission a period is specified pursuant to [section
 41](#), that period, and
 (b) in any other case, the period of five years beginning on the date of the
 grant of permission".



Background

The original planning permission grounding the development was originally refused under planning Ref: 10/277 but subsequently granted by ABP planning ref PL 23.237520 on the 13th May 2011. This permission was for the construction of a truck stop and drivers rest area including a restaurant and toilets. An extension of time was later applied for in respect of this permission and granted by Tipperary County Council on the 2nd of July 2015 under planning ref 15/600374.

The original permitted entrance for this application required an agreement with third parties for access to the site and to address this impediment a further application was then lodged for a revised entrance. This was granted permission under planning ref 15/600824 dated.

23th December 2016. It is our opinion that the combination of these two permissions, 15/600374 (extension of time) and 15/600824 (new entrance), represented the legal permissions relating to the overall development.

Details

On the 8th of October 2020 a 7 day commencement notice was lodged to the BCMS on foot of a Fire Safety Certificate FSC20478TT having first been lodged with Tipperary County Council. This commencement notice was validated and the construction of the development to shell and core commenced in accordance with the documents lodged. As there is no process for lodging a commencement notice for an entrance it follows that the commencement notice for the development included the granted entrance 15/600824.

Current Situation

The development was completed to shell and core and our client is now in a financial position to finalise the development in accordance with the planning permissions and in this regard will by necessity be required to complete the entrance as envisaged by the granted permission. The completion of these works represents essential infrastructure relating to the development. On this basis we are of the opinion that as the development is substantially complete the balance of works to be carried out to the entrance constitute exempted development in accordance with the provisions of Section 40 of the Planning and Development Act.

The development was completed to shell and core and our client is now in a financial position to finalise the development in accordance with the planning permissions and in this regard will by necessity be required to complete the entrance as envisaged by the granted permission. The completion of these works represents essential infrastructure relating to the development and we now are asking your authority if any further planning permission is required to complete this development.



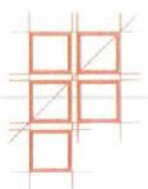
Request for Section 5 Referral.

Having regard to the provisions of Section 40 of the Planning and Development Act 2000 we would submit the structures as constructed are fully authorised by way of the existing planning permissions and the provision of the entrance, road access and services can be completed in accordance with the provisions of Section 40 and would not require the making of a fresh planning application.

On behalf of our client, we made a request for a Section 5 Declaration that the development of the roads and services would constitute development in accordance with Section 40 of the Act (2000). Tipperary County Council made a declaration that the works constituted development however they failed to provide any reason or consideration with the Declaration contrary to the provisions of the legislation.

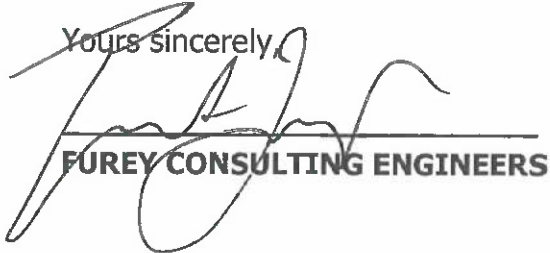
No consideration appears to have been given to the fact that the works outlined in the request were already permitted under the planning permission and the Section 5 Declaration was merely seeking clarification from the Planning Authority that the works could be completed under Section 40 of the Act.

The photograph below shows that the permitted building is completed. The only works to be carried out are works which can be completed under Section 40 without the need for a new application for permission. The planning system was not designed to be so inflexible that it would allow a development to be permitted and constructed and then not be accommodated to complete the works to the site, car parking and entrance to enable the development to be accessed.

Photo showing completed building.

Therefore having regard to the grant of planning permission under Ref: 15/600824 and having regard to the provisions of Section 40 of the Planning and Development Act we request An Bord Pleanala in exercise of its powers conferred on it by Section 5 (4) of the Planning and Development Act 2000 (as amended) confirm that the works to complete this development constitute development and are exempted development under Section 40 in order to enable the development to be completed in accordance with the terms of the conditions of the permission.

Yours sincerely,



FUREY CONSULTING ENGINEERS





Comhairle Contae Thiobraid Árann
Tipperary County Council

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

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

Comhairle Contae
Thiobraid Árann,
Oifigí Cathartha,
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PLANNING & DEVELOPMENT ACT 2000 (as amended)
PLANNING & DEVELOPMENT REGULATIONS 2001 (as amended)
NOTIFICATION OF A GRANT OF PERMISSION
SUBJECT TO CONDITIONS

TO: John O'Leary
C/o Michael Reilly & Associates
Consulting Engineers
'Radhare na Coille'
Mullinahone
Co. Tipperary

REF NO: 15/600824

DEVELOPMENT: the construction of a new entrance and a revised site layout for the previously permitted (Planning Ref 10/277) truck stop and driver rest area with associated restaurant and toilet facilities & all associated site development works

LOCATION: Scartnaglorane Cahir Co. Tipperary

PERMISSION was granted on 23/12/2016 for the development described above subject to the Notification of Decision to grant PERMISSION made on 18/11/2016

You are hereby advised that unless the development described is carried out within five (5) years from the date of the Grant of Planning Permission, this permission will cease to have effect.

**SIGNED ON BEHALF OF
DIRECTOR OF SERVICES**

PLEASE RETAIN THIS DOCUMENT CAREFULLY AS COPIES COST A FEE OF €5.00

TIPPERARY COUNTY COUNCIL

PLANNING AND DEVELOPMENT ACT 2000, (as amended)

**NOTIFICATION OF DECISION TO GRANT PERMISSION
WITH CONDITIONS**

TO: John O'Leary
C/o Michael Reilly & Associates
Consulting Engineers
'Radharc na Coille'
Mullinahone
Co. Tipperary

Ref No. 15600824

Application Received: 23/09/2015, 20/06/2016 & 19/08/2016

In pursuance of the powers conferred upon them by the above mentioned Acts, Tipperary County Council has by Order dated 18/11/2016 decided to grant you PERMISSION for development of land namely:- **the construction of a new entrance and a revised site layout for the previously permitted (Planning Ref 10/277) truck stop and driver rest area with associated restaurant and toilet facilities & all associated site development works at Scartnaglorane, Cahir, Co. Tipperary.**

FOR THE REASON(S) STATED IN SCHEDULE 1 AND SUBJECT TO THE CONDITION(S) STATED ON SCHEDULE 2 (1 TO 6, PAGES 1 TO 2)

If there is no appeal against the said decision, a Grant of PERMISSION in accordance with the Decision will be issued after the expiration of the period within which an appeal may be made to An Bord Pleanala. (See Footnote).

It should be noted that until a Grant of a Permission has been issued the development in question is NOT AUTHORISED.

The applicant is advised that unless the development described above is carried out within five (5) years from the date of Grant of PERMISSION, planning permission will cease to have effect. See Section 40 of the Planning and Development Act, 2000.


FOOTNOTE: An appeal against a decision of a Planning Authority under the Planning and Development Acts 2000 - 2010 may be made to An Bord Pleanala, 64 Marlborough Street, Dublin 1 (Tel. (01) 8588100). All Appeals either by the applicant or a third party must be received by An Bord Pleanala within four weeks beginning on the date of the making of the Decision by the Planning Authority. Appeals posted within the permitted period but received after the latest date will be invalid. (Note: Where the latest date for receipt of an Appeal falls on a day when the offices of the Board are closed (Week-Ends, Public Holidays, etc.), the latest date for receipt will be the next day on which the offices are open).

An appeal must be made in writing and be accompanied by (a) the name and address of the applicant, (b) the subject matter of the Appeal, (c) the full grounds of appeal and the reasons, considerations and arguments on which they are based, (d) the appropriate fee as set out on attached schedule, and (e) in the case of a third party appeal, the acknowledgement from this Planning Authority of receipt of submissions/observations made by the third party. Any appeal which does not meet all the legal requirements will be invalid and cannot be considered by the Board. Further details are available on the Board's Website www.pleanala.ie

A commercial development means development for the purposes of any professional, commercial or industrial undertaking, development in connection with the provision for reward of services to persons or undertakings, or development consisting of the provision of two or more dwellings, but does not include development for the purposes of agriculture.

N.B. An appellant is not entitled to elaborate upon or make further submissions in writing in relation to the grounds of Appeal unless requested to do so by the Board.

Signed on behalf of the said Council


for Director of Services

Date: 18th November, 2016

Tipperary County Council

Schedule of Conditions – File Reference Number 15600824

SCHEDULE ONE

It is considered that the development complies with the policies and objectives of the South Tipperary County Development Plan 2009, as varied, and that the development does not have an adverse impact upon the character of the area or the amenities of adjoining properties.

SCHEDULE TWO

1. (a) Save where modified by the following conditions, the proposed development shall be carried out and completed in accordance with the drawings and documentation submitted with the planning application on the 23/09/2015, & 27/04/2016 as amended by the plans and particulars received on 20/06/2016 as further information, and 19/08/2016 as clarification of further information in response to Further Information Requests issued on 13/11/2015 & 13/07/2016.

(b) Apart from any departures specifically authorised by this permission, the development shall be carried out and completed in accordance with the terms and conditions of the permission granted on 13/05/2011 under An Bord Pleanála appeal reference number PL 23.237520 (Planning Authority Register Reference No. 10/277), and any agreements entered into thereunder.

REASON: In the interest of clarity, and to ensure that the overall development is carried out in accordance with the previous permission.

2. (a) The entrance shall be located as per the details submitted on the 19/8/2016. The road access and roadside boundary hedgerow either side of same shall be altered to achieve sightlines at the site access junction with the public road R639. The required sight lines are as per details received.

(b) The roadside boundary hedgerow, road signage and the crash barrier either side of the entrance shall be set back and maintained such that clear and unobstructed sight lines are available. The sight lines shall be as per details received. Prior to development commencing details showing the revised location for the road signage and details of the location of the existing crash barrier and all other features / boundaries within the sight line triangle shall be submitted for the written agreement of the Planning Authority. The development shall be undertaken in accordance with the agreed details.

(c) The entrance shall be so constructed that surface water is not allowed flow onto the public road. The necessary intercepting drain (gridded drain) shall be constructed between the entrance piers and drained to soakaways on the site.

The area between the roadside boundary and the edge of the public road shall be grassed and maintained indefinitely in a tidy condition. No feature in excess of 1.05 metres in height shall be located in the sight triangle of the site access

REASON: To ensure the safety and convenience of road users.

3. (a) The development shall include all necessary junction signs, stop signs and road markings road within and at the entrance to the development details of which shall be agreed in writing with the Planning Authority, prior to development commencing. The development shall be undertaken in accordance with agreed details.

(b) The development shall include all necessary alterations to the public road carriageway and road markings and alterations to the public roadway details of which shall be agreed in writing with the Planning Authority, prior to development commencing. The development shall be undertaken in accordance with agreed details to the technical satisfaction of Tipperary County Council and all costs shall be borne by the developer.

REASON: In the interest of orderly development and traffic safety.

Tipperary County Council

Schedule of Conditions – File Reference Number 15600824

4. The proposed parking spaces shall be clearly delineated in thermoplastic markings on the ground prior to the opening of the development for operation and reserved solely for the parking of vehicles and shall not be used for the storage of materials, goods or other matter associated with the proposed development. Circulation aisles shall be kept clear at all times.

REASON: In the interest of orderly development and the proper planning and sustainable development of the area.

5. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. This scheme shall include the following:

- (a) A plan to scale of not less than 1:500 showing –
- (i) Retention of all existing rear and side boundary hedgerows and trees,
 - (ii) The species, variety, number, size and locations of all proposed trees and shrubs,
 - (iii) Details of screen planting, which shall not include cupressocyparis x leylandii,
 - (iv) Details of roadside planting, which shall not include prunus species,
 - (v) Hard landscaping works, specifying surfacing materials, furniture and finished levels,
 - (vi) Proposals for planting to compensate the planted area lost by the development of the entrance over Local Authority owned lands.

- (b) A timescale for implementation, including details of phasing.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of 5 years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the Planning Authority.

REASON: In the interest of residential and visual amenity.

6. Details of site boundary treatment shall be submitted for the written agreement of the Planning Authority prior to the commencement of development.

REASON: In the interest of the amenities of adjoining properties.



CONOR FUREY & ASSOCIATES LTD
Consulting Engineers and Project Managers

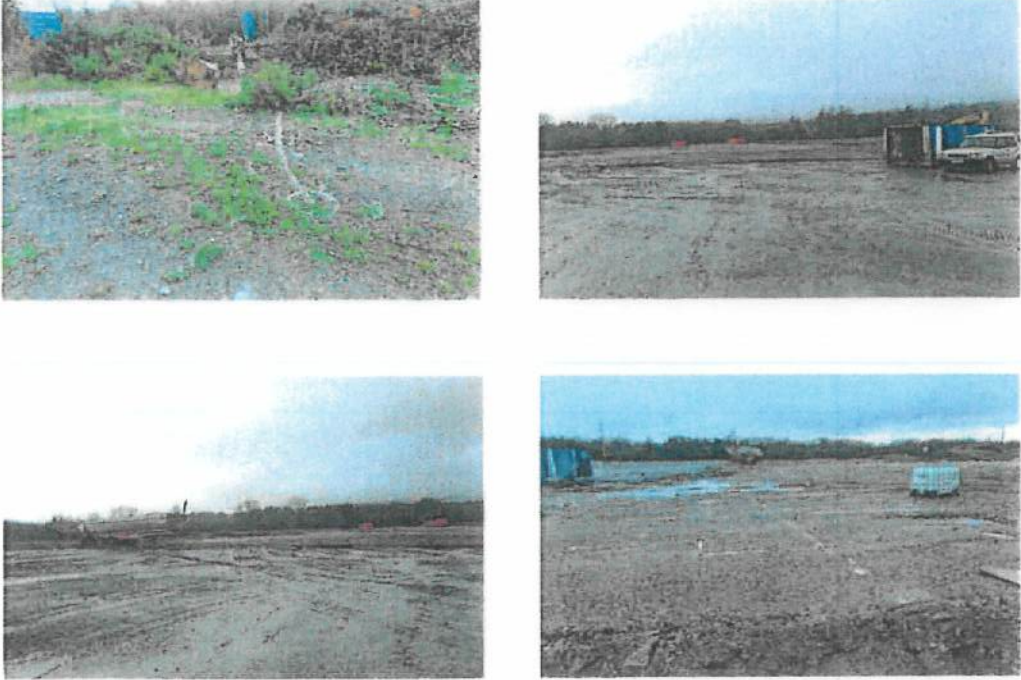
Office: 100, The Square, Carrigrohane, Co. Cork
Tel: 023 8624000 Fax: 023 8624001
Email: info@cf.ie Website: www.cf.ie

Final Inspection Report

| | |
|---------|---|
| Project | Shell & Core Truck Stop- Scartnaglorane, Cahir, Co. Tipperary-SN0005628TT |
| Client | John O'Leary |
| Ref | 20-04 |
| Builder | John O'Leary |







CONOR FUREY & ASSOCIATES LTD
Consulting Engineers and Project Managers

| | | | |
|--|---|-----------------------|------------------|
| Project | Shell & Core Truck Stop- Scartnaglorane, Cahir, Co. Tipperary-SN0005628TT | | |
| Client | John O'Leary | | |
| Ref | 21-D1 | | |
| Builder | John O'Leary | | |
| | | Inspection No. | 1 |
| Date: | 09/11/2020 | Comment: | Open foundations |
| By: | CF | | |
| Status | Item Checked | Comment | |
| ✓ | TRIAL HOLE INSPECTION | | |
| ✓ | INSPECT OPEN FOUNDATION | | |
| ✓ | FOUNDATION TYPE | | |
| ✓ | FOUNDATION WIDTH | | |
| ✓ | FOUNDATION DEPTH | | |
| ✓ | FOUNDATION SOIL TYPE | | |
| ✓ | IS REBAR REQUIRED TO FOUNDATIONS | | |
| ✓ | IS REBAR PRESENT IN FOUNDATIONS | | |
| ✓ | ARE FOUNDATIONS ADEQUATE | | |
| Notes: | | | |
| Photographs | | | |
|  | | | |



CONOR FUREY & ASSOCIATES LTD
Consulting Engineers and Project Managers

| | | |
|---|---------------------------------------|----------------|
| Project Shell & Core Truck Stop- Scartnaglorane, Cahir, Co. Tipperary-SN0005628TT | | |
| Client John O'Leary | | |
| Ref 21-D1 | | |
| Builder John O'Leary | | |
| Inspection No. 2 | | |
| Date: 09/12/2020 | Comment: Sub-floor | |
| By: CF | | |
| Status | Item Checked | Comment |
| ✓ | CHECK RISING WALL | |
| ✓ | CHECK GROUNDWORKS PLUMBING/DRAINAGE | |
| ✓ | CHECK DAMP PROOF MEMBRANE IS IN PLACE | |
| ✓ | FLOOR PERIMETER INSULATION | |
| ✓ | FLOOR INSULATION TYPE | |
| ✓ | FLOOR INSULATION THICKNESS | |
| ✓ | GROUND BEARING SLAB IS ADEQUATE | |
| Notes: | | |
| Photographs | | |
|     | | |



CONOR FUREY & ASSOCIATES LTD
Consulting Engineers and Project Managers

Rathasker Road

| | | |
|------------------|---|----------------------------------|
| Project | Shell & Core Truck Stop- Scartnaglorane, Cahir, Co. Tipperary-SN0005628TT | |
| Client | John O'Leary | |
| Ref | 21-D1 | |
| Builder | John O'Leary | |
| Inspection No. 3 | | |
| Date: | 20/05/2021 | Comment: Roof and shell and core |
| By: | CF | |
| Status | Item Checked | Comment |
| ✓ | CHECK WALL CONSTRUCTION | |
| ✓ | WALL HORIZONTAL BONDING | |
| ✓ | WALL VERTICAL BONDING | |
| ✓ | WALL TIES | |
| ✓ | GABLE/INTERNAL WALLS PROPERLY KEYED | |
| ✓ | INTERNAL WALLS TIED TO EXTERNAL | |
| ✓ | WALL INSULATION | |
| ✓ | WALL INSULATION TYPE | |
| ✓ | WALL INSULATION THICKNESS | |
| ✓ | ARE ALL WALL VENTS IN ACCORDANCE TO SPEC | |
| ✓ | IS ALL DPC IN ACCORDANCE TO SPEC | |
| ✓ | ARE ALL WINDOWS OPES AND LINTELS TO SPEC INCLUDING DPC | |
| ✓ | FIRST FLOOR JOISTS ADEQUATE | |
| ✓ | FLOOR JOIST SIZE/SPAN | |
| ✓ | STEEL BEAMS | |
| ✓ | IS WALL PLATE PROPERLY TIED TO WALLS | |
| ✓ | IS ROOF TIMBER PROPERLY STRESS GRADED | |
| ✓ | IS ROOF TO SPECIFICATION | |
| ✓ | RAFTER SIZE | |
| ✓ | RAFTER SPAN | |
| ✓ | PURLIN TYPE AND SPAN | |
| ✓ | IS PURLIN RESTRAINED | |
| ✓ | IS ALL STEEL RESTRAINED | |
| ✓ | IS ROOF TIMBER PROPERLY TREATED | |
| ✓ | IS SUFFICIENT BRACING USED | |
| ✓ | IS NOGGING AND PACKING OK | |
| ✓ | IS ROOF VENTILATION ADEQUATE | |
| ✓ | CEILING JOIST SIZE/SPAN | |
| ✓ | IS WATER TANK SUPPORT ADEQUATE | |
| ✓ | ARE TWO RAFTERS USED AT DORMER WINDOW OPES | |
| ✓ | ARE ALL DORMER WINDOW OPES ADEQUATE | |
| ✓ | ARE DORMER WINDOW OPES SUITABLE FOR FIRE ESCAPE | |



CONOR FUREY & ASSOCIATES LTD
Consulting Engineers and Project Managers

| | | | |
|---|---|-----------------------|-------------------------|
| Project | Shell & Core Truck Stop- Scartnaglorane, Cahir, Co. Tipperary-SN0005628TT | | |
| Client | John O'Leary | | |
| Ref | 21-D1 | | |
| Builder | John O'Leary | | |
| | | Inspection No. | 3 |
| Date: | 20/05/2021 | Comment: | Roof and shell and core |
| By: | CF | | |
| Notes: | | | |
| Photographs | | | |
|  | | | |



Comhairle Contae Thiobraid Árann
Tipperary County Council

Comhairle Contae
Thiobraid Árann,
Oifigi Cathartha,
Cluain Meala,
Co. Thiobraid Árann
Tipperary County Council,
Civic Offices, Clonmel,
Co. Tipperary
E91 N512

Comhairle Contae
Thiobraid Árann,
Oifigi Cathartha,
An tAonach,
Co. Thiobraid Árann
Tipperary County Council,
Civic Offices, Nenagh,
Co. Tipperary
E45 A099

t 0818 06 5000
e customerservice
@tipperarycoco.ie
tipperarycoco.ie

Date: 11 July 2023

Our Ref: S5/23/63

Civic Offices, Nenagh

John O'Leary
C/o Conor Furey
of Furey Consulting Engineers
Olde World Cottage
Rathasker Road
Naas
Co. Kildare

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

Dear Sir/Madam,

I refer to your application for a Section 5 Declaration received on 15 June 2023, in relation to the following proposed works:

whether the completion of the entrance, roads and services associated with Plan reg no. 15/600374 is development and if so, does it constitute exempted development at Scartnaglorane, Cahir, Co. Tipperary.

Having considered the information received, the Planning Authority has determined that the works proposed, the completion of the entrance, roads as services as permitted under Plan Reg no 15/600824, constitute development and are **not** exempted development.

NOTE: Any person issued with a Declaration of a Planning Authority may refer the Declaration for review to An Bord Pleanála, 64 Marlborough Street, Dublin 1, within four (4) weeks of the date of issue of the Declaration and on payment of the prescribed fee.

Yours sincerely


for **Director of Services**

**NOTIFICATION OF ENTRY ONTO REGISTER - CERTIFICATE OF COMPLIANCE
ON COMPLETION**

| | |
|---|---|
| County: | Tipperary County Council |
| To: | JOHN O Leary Conor Furey JOHN O Leary |
| Date of Receipt of Certificate: | 17/11/2022 12:00am |
| Date Entered onto Register: | 21/11/2022 12:00am |
| Completion Certificate Number: | CC00000040908TT |
| Commencement Notice / 7 Day Notice Number: | SN0005628TT |
| Description of Commenced Building or Works: | Construction of a single-storey restaurant and associated site works and services. |
| Description of Completed Building or Works: | Shell and core construction of single-storey truck stop, restaurant, toilet facilities and associated site works and services |
| Addresses: | -- R639 Cahir Tipperary |

Dear Sir / Madam

Tipperary County Council as the Building Control Authority hereby notifies you, in accordance with Article 20F (6) of the Building Control Regulations 1997 - 2015, that the Certificate of Compliance on Completion, submitted on the 17/11/2022 12:00am, has been deemed **Valid**, and particulars relating to same have been entered on the Register maintained pursuant to Part IV of the Building Control Regulations 1997 - 2015 on the 21/11/2022 12:00am.

Yours Faithfully
Tipperary County Council

Please Note:

The Building Control Act 1990 - 2014, Section 6(4) clearly states that "Where a certificate of compliance, or a notice to which subsection (2)(k) relates, is submitted to a building control authority shall not be under a duty to -

(a) Ensure that the building or works to which the certificate or relates will, either during the course of the work or when completed, comply with the requirements of building regulations or be free from any defects

(b) Ensure that the certificate complies with the requirements of the Act or of regulations or orders made under this Act, or



Unique Identifier: 8451942
(for official use only)

BCMS

Building Control Management System

Form of 7 day Notice

Building Control Acts 1990 AND 2007

(Article 20A)

Building Control Authority: Tipperary County Council

1. I hereby give 7 day's notice in accordance with Part IIIA of the Building Control Regulations 1997 to 2014 that it is intended to carry out the development as described below.

Name of Building Owner(s): JOHN O Leary

Address: Scarnagloren Tincurry Cahir, Cahir, Tipperary, Ireland

Tel: [REDACTED] Fax: Email: [REDACTED]

Proposed Commencement Date: 19/10/2020

2. I enclose the fee payable for making this Notice of € 1,351.40

3a. PROJECT PARTICULARS: (In addition, for Residential Developments, please complete Section 3b below)

Description of proposed development:

Construction of a single-storey restaurant and associated site works and services.

Planning Permission No.: 10/277 Date Granted: 13/05/2011 Date of expiry: 13/05/2021

Valid Fire Safety Certificate Applied for (date):

Fire Safety Certificate No.: FSC2000478TT

Location of development: R639, Cahir, Co. Tipperary

Number of buildings: 1 Number of new buildings: 1

Use of buildings: Assembly and Recreation

**Form of 7 day Notice**
Building Control Acts 1990 AND 2007

(Article 20A)

3b. Residential Development Information:Total number of dwelling units (all phases*): 0Total no of phases* 1 of which 0 are multiple unit dwellings.Phase being commenced under this 7 Day Notice: 1No. of units covered by this phase/ 7 Day Notice**: 1Commencement date for this phase: 19/10/2020(Proposed) End-date for this phase: 12/02/2021

(* Where applicable, i.e. phasing not relevant for single houses) (** Include single house figure here also)

4. Builder:Name: JOHN O Leary

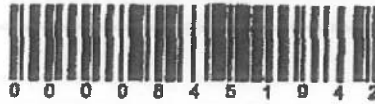
Address:

Scartnagloren Tincurry Cahir, Cahir, Tipperary, Ireland

Construction Industry Register Ireland Registration No. (where applicable): _____

5. Building Designer Details:Name: Conor Furey, Conor Furey & Associates Ltd.Address: Olde World Cottage Rathasker Road, Naas, Kildare, IrelandTelephone: 045 486229, 086 2522663 Fax: 045 486332Email: info@conorfurey.iePractice Registration No. (where relevant): 0730AC (EI Register)

Where required under Part IIIA of the Building Control Regulations 1997 to 2014, the mandatory certificate of Design Compliance signed by the above Designer accompanies this 7 Day Notice.



6. Submission of Documents (where applicable): A Schedule of Documents accompanying this 7 Day Notice is attached in the following format:

Schedule of Documents:

(Plans, Calculations, Specifications, Ancillary Certificates & Particulars)

| <u>Documents</u> | <u>Reference</u> | <u>Description/ Remarks</u> |
|------------------|------------------|-----------------------------|
|------------------|------------------|-----------------------------|

Schedule of Drawings

7. Signature by Building Owner:

Signature: _____

(Building Owner)

Mr. JOHN O Leary

Date: _____

8/10/2020



7 day Notice Statutory Declaration

(Article 20A)

I/we Mr. JOHN O Leary

of Scartnagloren Tincurry Cahir, Cahir, Tipperary, Ireland

do solemnly and sincerely declare that I/we have made an application to the Local Authority for a Fire Safety Certificate in respect of works commencing not less than 7 days from this date.

Description of works:

Construction of a single-storey restaurant and associated site works and services.

Located at: R639, Cahir, Co. Tipperary

Pursuant to Article 12 of the Building Control Regulations 1997 to 2009 and I/we solemnly declare that the application has been completed in full and complies in all respects with the relevant provisions of the Building Control Regulations. I/We further solemnly declare that any works that have commenced before the grant of the Fire Safety Certificate will comply fully with the Building Regulations and I/we will, within such period as may be specified by the Building Control Authority, carry out any modification of such works that is required by or under the Fire Safety Certificate, including any condition(s) attached to the Fire Safety Certificate when granted by the Building Control Authority.

Signed:

Mr. JOHN O Leary

Date:

Signed in the Presence of Commissioner of Oaths:

Name:

Address:

Signature:

Warning: It is an offence for a person to knowingly or recklessly make a Statutory Declaration that is false or misleading in a material respect.

NOTE:

This declaration must be signed by a person with the authority and ability to carry out the declared undertakings. This will, in most cases, be the owner of the building unless legal authority has been delegated and submitted with the declaration.

Unique Identifier: **8451942**
(for official use only)**BCMS**

Building Control Management System

Notice of Assignment of Assigned Certifier (Notice of Assignment of Person to Inspect and Certify Works)

Building Control Acts 1990 AND 2007

(Article 20A)Building Control Authority: Tipperary County Council

1. This notice of assignment relates to the following building or works:

Construction of a single-storey restaurant and associated site works and services.

2. As the building owner, I have assigned the following person as Assigned Certifier, being a person named on a register maintained pursuant to Part 3 or Part 5 of the Building Control Act 2007 or Section 7 of the Institution of Civil Engineers of Ireland (Charter Amendment) Act 1969. I am satisfied having regard to the Code of Practice for Inspecting and Certifying Buildings and Works that the person so assigned is competent to inspect the building or works and to coordinate the inspection work undertaken by others, and to certify the building or works for compliance with the requirements of the Second Schedule to the Building Regulations insofar as they apply to the building or works concerned.

Name: Conor FureyQualification(s): Assigned Certifier Registration No: 0730AC (EI Register)On behalf of: Conor Furey & Associates Ltd. (Company/Practice Name where relevant)Address: Olde World Cottage Rathasker Road, Naas, Kildare, IrelandTelephone: 045 486229, 086 2522663 Fax: 045 486332Email: info@conorfurey.iePractice Registration number (where relevant): 0730AC (EI Register)

3. Any requests under the Building Control Act 1990 for plans, documents specifications and other information, as may be necessary to show that the building or works, if built in accordance with the design proposed, will comply with the requirements of the Building Regulations, may be directed to the person so assigned.

4. I undertake to notify the Building Control Authority in writing of any change in the person assigned to inspect and certify the building or works as notified herein.

Building Owner's Signature: 

Mr. JOHN O Leary

Date: 08-10-20



Unique Identifier: 8451942
(for official use only)

BCMS

Building Control Management System

Notice of assignment of Builder
Building Control Acts 1990 AND 2007

(Article 20A)

Building Control Authority: Tipperary County Council

1. This notice of assignment relates to the following building or works:

Construction of a single-storey restaurant and associated site works and services.

2. As the building owner, I have assigned the following person as Builder of the building or works and I am satisfied that they are competent to undertake the works so assigned on my behalf.

Builder's Name: JOHN O Leary

Address: Scartnagloren Tincurry Cahir, Cahir, Tipperary, Ireland

Telephone: [REDACTED] Fax: _____

Email: [REDACTED]

Construction Industry Register Ireland Registration Number (where applicable): _____

3. I undertake to notify the Building Control Authority in writing of any change in the person assigned as builder of the building or works as notified herein.

Building Owner's Signature: _____

Mr. JOHN O Leary

Date: 08-10-20



Unique Identifier: 8451942

(for official use only)

BCMS

Building Control Management System

Design Certificate - Form of Certificate of Compliance (Design)

(Article 20A)

Building Control Acts 1990 AND 2007

Building Control Authority: Tipperary County Council

1. This certificate relates to the following building or works:

Construction of a single-storey restaurant and associated site works and services.

2. This certificate has been prepared in accordance with the Code of Practice for Inspecting and Certifying Buildings and Works [as published by the Minister under section 3(7) of the Building Control Act 1990] or equivalent.

3. I confirm that I have been commissioned by the building owner to design, in conjunction with others, the building or works described above and to certify such design. I further confirm that I am a person named on a register maintained pursuant to Part 3 or Part 5 of the Building Control Act 2007 or Section 7 of the Institution of Civil Engineers of Ireland (Charter Amendment) Act 1969 and that I am competent to carry out my design and to coordinate the design of others for the building or works concerned.

4. I confirm that the plans, calculations, specifications, ancillary certificates and particulars included in the schedule to the 7 Day Notice to which this certificate is relevant, and which have been prepared exercising reasonable skill, care and diligence by me, and by other members of the design team and specialist designers whose design activities I have coordinated, have been prepared to demonstrate compliance with the requirements of the Second Schedule to the Building Regulations insofar as they apply to the building or works concerned.

5. I certify, having exercised reasonable skill, care and diligence, that, having regard to the plans, calculations, specifications and particulars which have been prepared by me and others and having relied on ancillary certificates and particulars referred to at 4 above, the proposed design for the building or works is in compliance with the requirements of the Second Schedule to the Building Regulations insofar as they apply to the building or works concerned.

Signature: C. FureyDate: 7TH OCT 2020Person's Name: Conor FureyRegistration No.: 0730AC (EI Register)On behalf of: Conor Furey & Associates Ltd. (company name where relevant)Address: Olde World Cottage Rathasker Road, Naas, Kildare, IrelandTelephone: 045 486229, 086 2522663Fax: 045 486332Email: info@conorfurey.ie

Practice registration number: (where relevant): _____



Unique identifier: 8451942
(for official use only)

BCMS

Building Control Management System

Undertaking By Builder - Form of Certificate of Compliance
Building Control Acts 1990 AND 2007

(Article 20A)

Building Control Authority: Tipperary County Council

1. This certificate relates to the following building or works:

Construction of a single-storey restaurant and associated site works and services.

2. I confirm that I have been commissioned by the building owner to undertake the works described above and that I am competent to undertake the works concerned. I further undertake to ensure that any persons employed or engaged by me to undertake any of the works involved will be competent to undertake such works.

3. I undertake to construct the building or works in accordance with the plans, calculations, specifications, ancillary certificates and particulars listed in the schedule to the 7 Day Notice to which this undertaking refers and certified under the Form of Certificate of Compliance (Design) or as subsequently issued to me and certified and submitted to the Building Control Authority, and such other documents relevant to compliance with the requirements of the Second Schedule to the Building Regulations as shall be retained by me as outlined in the Code of Practice for Inspecting and Certifying Buildings and Works.

4. Having regard to the Code of Practice for Inspecting and Certifying Buildings and Works, or equivalent, I further undertake to cooperate with the inspections set out in the inspection plan prepared by the Assigned Certifier and to take all reasonable steps so as to ensure that I shall certify that the works or building is in compliance with the requirements of the Second Schedule to the Building Regulations insofar as they apply to the building or works concerned.

Signature:  Date: 08-10-20
JOHN O Leary

(where the signatory is an employee) On behalf of _____

Name: JOHN O Leary

Address: Scartnagloren Tincurry Cahir, Cahir, Tipperary, Ireland

Telephone:  Fax: _____

Email: 

Construction Industry Register Ireland Registration No (where applicable): _____

Unique Identifier: 8451942
(for official use only)**BCMS**

Building Control Management System

Undertaking By Assigned Certifier - Form of Certificate of Compliance**(Article 20A)**

Building Control Acts 1990 AND 2007

Building Control Authority: Tipperary County Council

1. This certificate relates to the following building or works:

Construction of a single-storey restaurant and associated site works and services.

2.. In accordance with the Code of Practice for Inspecting and Certifying Buildings and Works, or equivalent, I undertake to use reasonable skill, care and diligence, to inspect the building or works and to coordinate the inspection work of others and to certify, following the implementation of the inspection plan by myself and others, for compliance with the requirements of the Second Schedule to the Building Regulations insofar as they apply to the building or works to which the accompanying 7 Day Notice together with the plans, calculations, specifications, ancillary certificates and particulars listed in the schedule thereto refer.

Signature: Date: 7th OCT 2020Person's name: Conor Furey Registration no: 0730AC (EI Register)On behalf of: Conor Furey & Associates Ltd. (Company name where relevant)Address: Olde World Cottage Rathasker Road, Naas, Kildare, IrelandTelephone: 045 486229, 086 2522663 Fax: 045 486332Email: info@conorfurey.ie

Practice Registration No (where relevant): _____

