



**Comhairle Contae Thiobraid Árann**  
Tipperary County Council

Tipperary County Council  
**RECEIVED**  
**28 MAR 2024**  
CASH OFFICE  
Civic Offices, Clonmel

*No access to Airfo  
Receipt*

*Receipt No 179 815  
ESS Clerk  
28 03 2024*

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

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

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

Applicant	MICHAEL HICKEY
Address	34 Beechpark Cahir,
Telephone No.	[REDACTED]
E-mail	[REDACTED]

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

Agent	
Address	
Telephone No.	
E-mail	
Please advise where all correspondence in relation to this application is to be sent;	
Applicant [ <input checked="" type="checkbox"/> ]	Agent [ <input type="checkbox"/> ] Cllr. Máirín M. Grath [ <input checked="" type="checkbox"/> ]

**3. Location of Proposed Development:**

Postal Address or Townland or Location (as may best identify the land or structure in question)	34 Beechpark, Cahir, Co. Tipperary E21 RR98	<p><b>TIPPERARY CO. COUNCIL</b> <b>RECEIVED</b> <b>28 MAR 2024</b> <b>PLANNING SECTION</b></p> <p>FILE NO. ....</p>
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**4. Development Details:**

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

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

Extension to rear of home to include
a back bed-room and accessible wetroom
as per Housing Grant <del>22</del> HGD/23/196
Proposed floor area of proposed works/uses: 29 sqm

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

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

Signature of Applicant(s)  Date:

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

**GUIDANCE NOTES**

- (1) All queries on the form must be completed and the form must be accompanied by the relevant fee. The amount of the fee is currently **€80.00**.
  
  - (2) This application should be accompanied by **TWO COPIES** of the following documentation
    - OSI Site Location Map with the site outlined clearly – 1:1000 in urban areas and 1:2500 in rural areas
    - ✓ Floor Plans & Elevations at a scale of not less than 1:200
    - ✓ Site layout plan indicating position of proposed development relative to premises and adjoining properties
    - ~~Other details e.g. brochures, photographs if appropriate.~~
- (All dimensions must be given in metric scale and drawings should be accompanied by a brief description outlining the use of the proposed development)
- (3) Where a proper and complete application is received, a decision must be conveyed to the applicant within four (4) weeks except where additional necessary information is required.

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

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

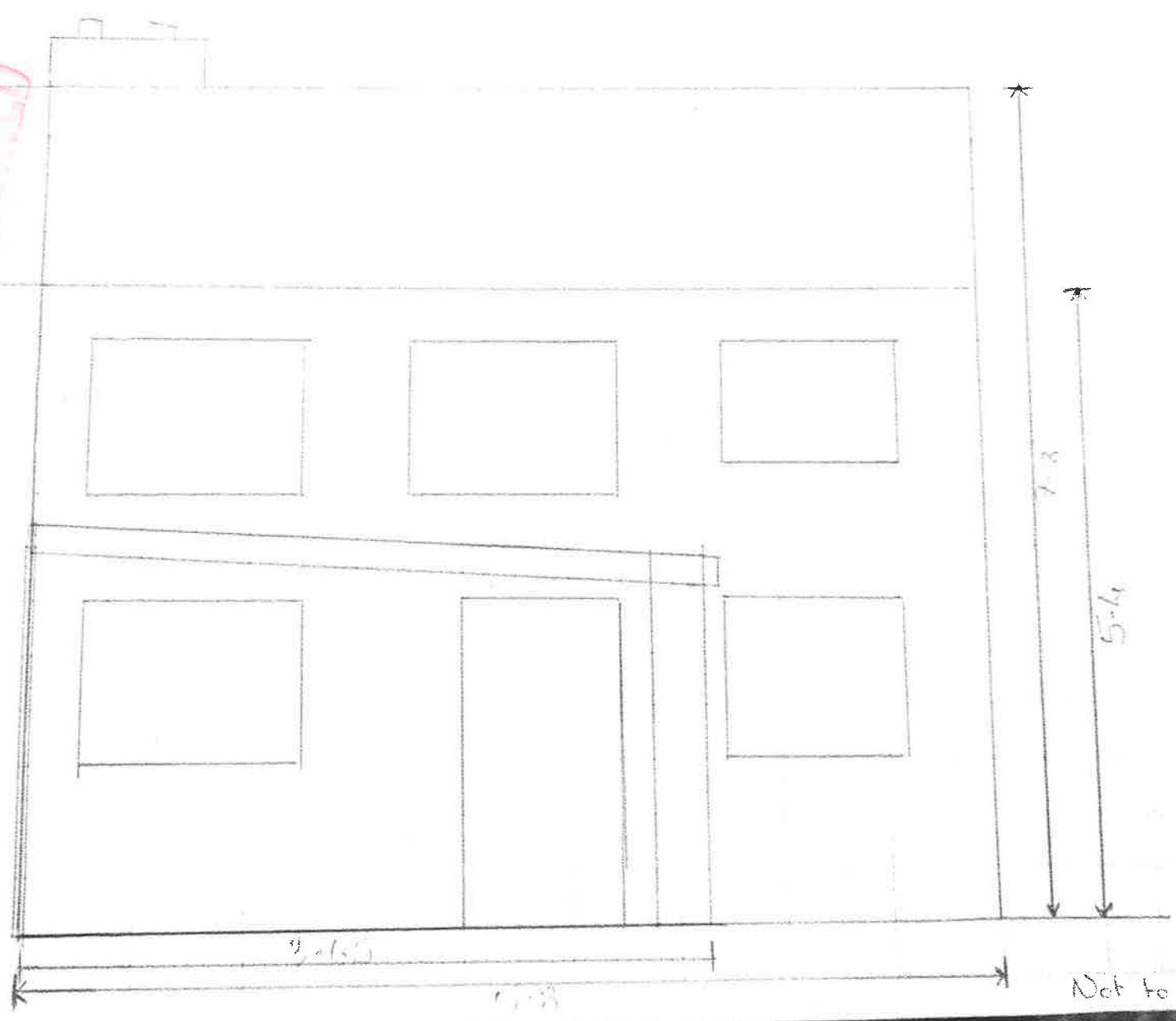
**FOR OFFICE USE ONLY**

<b><i>Fee Recd.</i> € _____</b>	<b><u>DATE STAMP</u></b>
Receipt No _____	
Date _____	
Received by _____	

Adjacent  
house

SCANNED

Proposed  
inset



Not to Scale

1/4" TO SCALE

7'-9"

11'-0"

Existing House

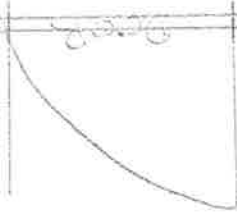
Door



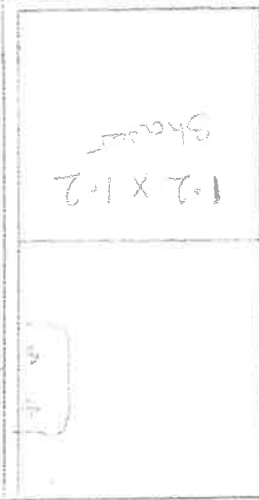
Door



Door



1.2 x 1.2 Shower



Bathroom

SCALING



11 613

3 903

4 574

3 453

3 754

7 815

3 759

3 969

6 371 N

3 809

2 651

12 183

2 868

6 777

2 191

Gravelpit Wood

AIR RIGGE

Lodge Plantation

This is not a registered  
the Land Register

MAP APPLICATOR  
REGISTERED PROPOSALS  
SUBJECT TO A LAST CHECK  
Dated 27<sup>th</sup> October 1957  
CHIEF SUPERVISOR OF THE REGISTER

LAND REGISTRY

SCHEME Book No. 3-5  
MAP 2





Gravelpit Wood

2.868

12.282

2.651

2.190

3.809

6.511

1.998

11.613

Lodge Plantation

Dacypack

ICE

AIR TR

3.969

3.759

3.903

APPENDIX 5365-C

4.574

7.815

This is not a certified copy of the Land Register

CHIEF REGISTRAR GENERAL

1921

DIRECT TO THE CHIEF REGISTRAR

REGISTERED MAPS

MAP FOR THE PLANTATION

LAND REGISTRY

MAR 2

SCHNE Book No. 3

Application Number: P2005PS192809H

Folio Number: TY18688F



THE SURVEYOR GENERAL HAS REVIEWED THIS MAP AND IS SATISFIED THAT IT ACCURATELY REPRESENTS THE LAND AND INTERESTS THEREIN AS SHOWN ON THE ORIGINAL SURVEY MAPS WHICH WILL BE DEPOSITED IN THE OFFICE OF THE SURVEYOR GENERAL.

3.903 - 3.904 - 3.905 - 3.906 - 3.907 - 3.908 - 3.909 - 3.910 - 3.911 - 3.912 - 3.913 - 3.914 - 3.915 - 3.916 - 3.917 - 3.918 - 3.919 - 3.920 - 3.921 - 3.922 - 3.923 - 3.924 - 3.925 - 3.926 - 3.927 - 3.928 - 3.929 - 3.930 - 3.931 - 3.932 - 3.933 - 3.934 - 3.935 - 3.936 - 3.937 - 3.938 - 3.939 - 3.940 - 3.941 - 3.942 - 3.943 - 3.944 - 3.945 - 3.946 - 3.947 - 3.948 - 3.949 - 3.950 - 3.951 - 3.952 - 3.953 - 3.954 - 3.955 - 3.956 - 3.957 - 3.958 - 3.959 - 3.960 - 3.961 - 3.962 - 3.963 - 3.964 - 3.965 - 3.966 - 3.967 - 3.968 - 3.969 - 3.970 - 3.971 - 3.972 - 3.973 - 3.974 - 3.975 - 3.976 - 3.977 - 3.978 - 3.979 - 3.980 - 3.981 - 3.982 - 3.983 - 3.984 - 3.985 - 3.986 - 3.987 - 3.988 - 3.989 - 3.990 - 3.991 - 3.992 - 3.993 - 3.994 - 3.995 - 3.996 - 3.997 - 3.998 - 3.999 - 4.000



**LAND REGISTRY**  
 County, **ILPREKARY** Folio, **186.88F**  
 O. S. No., **81-2** L. Book No. **3** map **2**

Location:  
 This map should be read in conjunction with the Folio (Plan No on 1st page)

This map does not show apparent or servient rights. It is not conclusive evidence as to the boundaries or extent of the land

(See section 85 of the Registration of Title Act 1964)

Where a boundary has been transferred from a smaller scale map, accuracy is limited to that of the smaller scale. This map subject to the provisions of the L.P. Rules, is acceptable for submission purposes **18-5-71**



Folio Number: TY18688F

Application Number: P2005PS192809H



This map was prepared by the Surveyor General of the Province of Ontario  
 in accordance with the provisions of the Survey Act, R.S.O. 1990, c. S. 5  
 and the Survey Regulations, O.R.O. 1990, c. 12, s. 10.



**LAND REGISTRY**  
 County, **TIPPERARY** Folio, **18688 F**  
 O. S. No., **B-1-2** L. Book No., **S. M.P. 2**

Location:  
 This map should be read in conjunction with the Folio  
 (Plan No on 1st page)

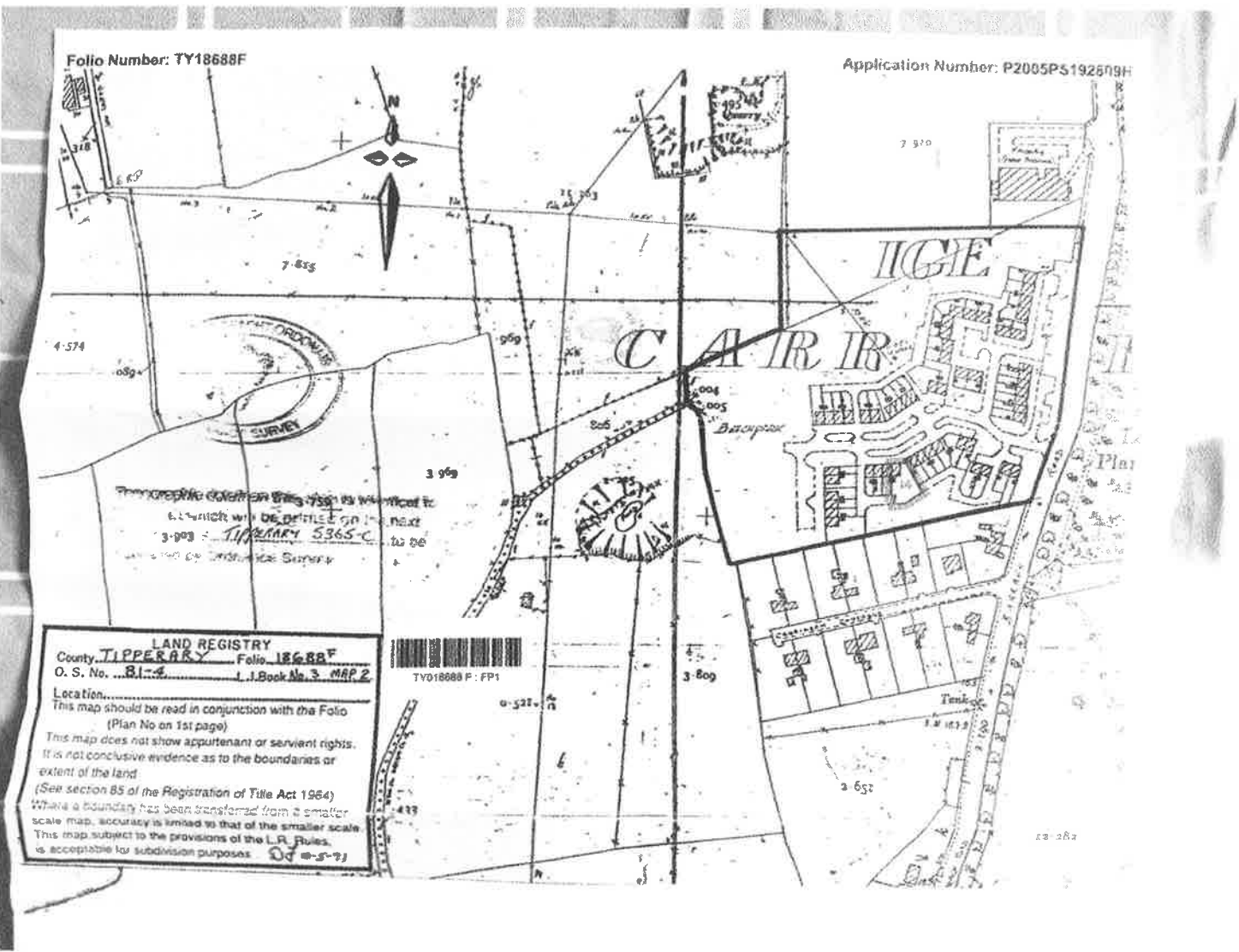
This map does not show appurtenant or servient rights.  
 It is not conclusive evidence as to the boundaries or  
 extent of the land.

(See section 85 of the Registration of Title Act 1964)  
 Where a boundary has been transferred from a similar  
 scale map, accuracy is limited to that of the smaller scale.  
 This map, subject to the provisions of the L.R. Rules,  
 is acceptable for subdivision purposes.

SCANNED

Folio Number: TY18688F

Application Number: P2005PS192519H



From graphic column 536-539 it is intended to  
 be printed on the next  
 3-903 - TIPPERARY 5365-C to be  
 a plan of the same Survey

**LAND REGISTRY**  
 County TIPPERARY Folio 18688F  
 O. S. No. B1-2 L. 1. Book No. 3, MAP 2

Location.....  
 This map should be read in conjunction with the Folio  
 (Plan No on 1st page)

This map does not show appurtenant or servient rights.  
 It is not conclusive evidence as to the boundaries or  
 extent of the land

(See section 85 of the Registration of Title Act 1964)  
 Where a boundary has been transferred from a smaller  
 scale map, accuracy is limited to that of the smaller scale  
 This map, subject to the provisions of the L.R. Rules,  
 is acceptable for subdivision purposes. Q 0-5-73



18-267



SCANNED

Beechpark

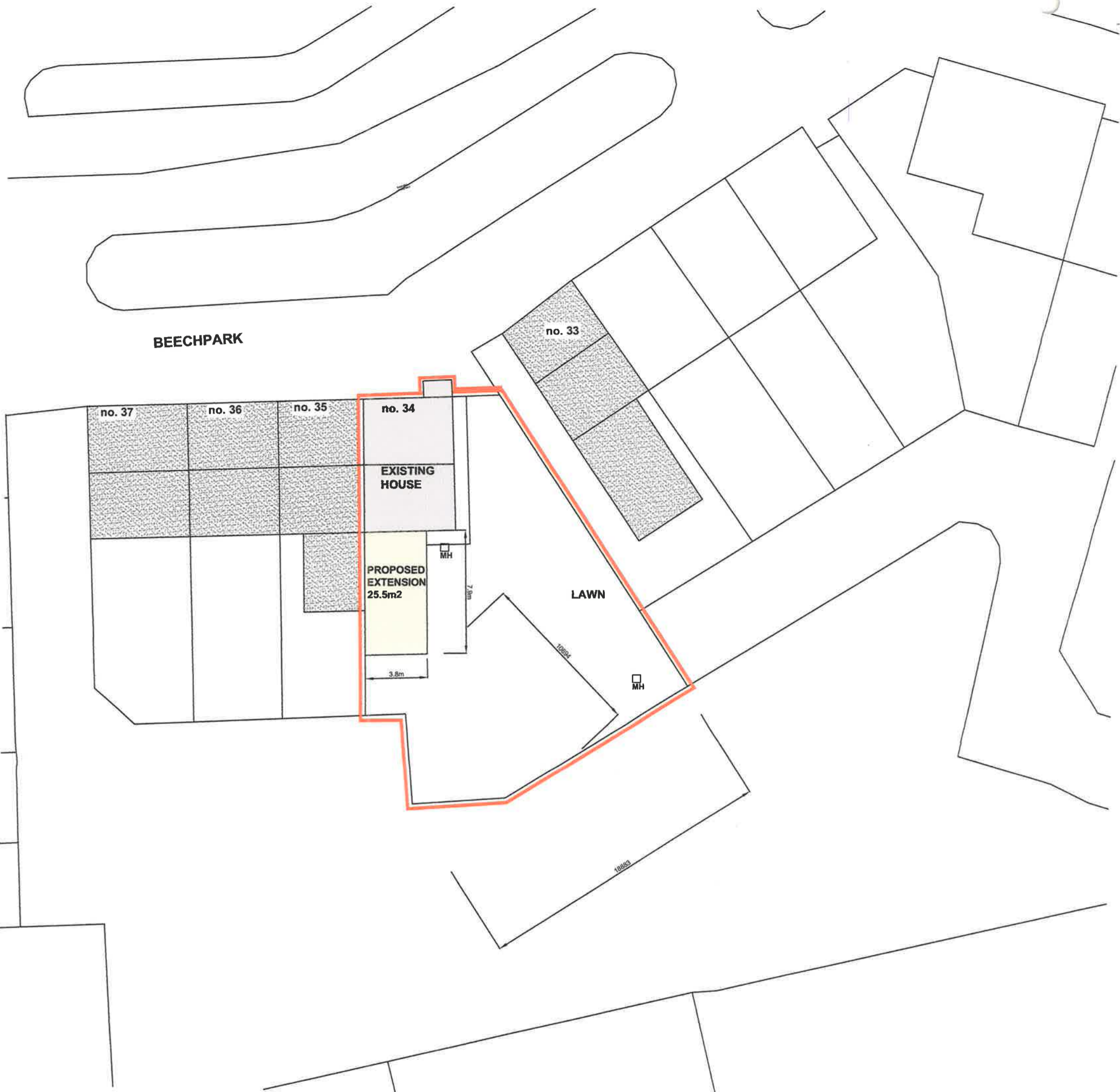
**SITE AREA 0.036h**

Carrigeen Cottages

**OS 5365-C**

**SITE LOCATION 1-000**





BEECHPARK

no. 37

no. 36

no. 35

no. 34

no. 33

EXISTING HOUSE

PROPOSED EXTENSION 25.5m2

LAWN

MH

7.8m

3.8m

MH

10.8m

10.8m

**Proposed Site Plan 1-250**

DRAWING FOR SECTION 5 APPLICATION

**SITE AREA 0.036 H**



086-8327819  
PAUL NUGENT DIP ARCH TECH

PROJECT: PROPOSED EXTENSION TO EXISTING DWELLING

CLIENT: MICHAEL HICKEY

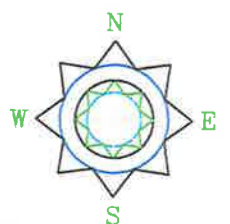
LOCATION:  
34 BEECHPARK, CAHIR

DRG. NO.1  
24/11/102

DATE:  
04-04-2024

SCALE:  
1:250

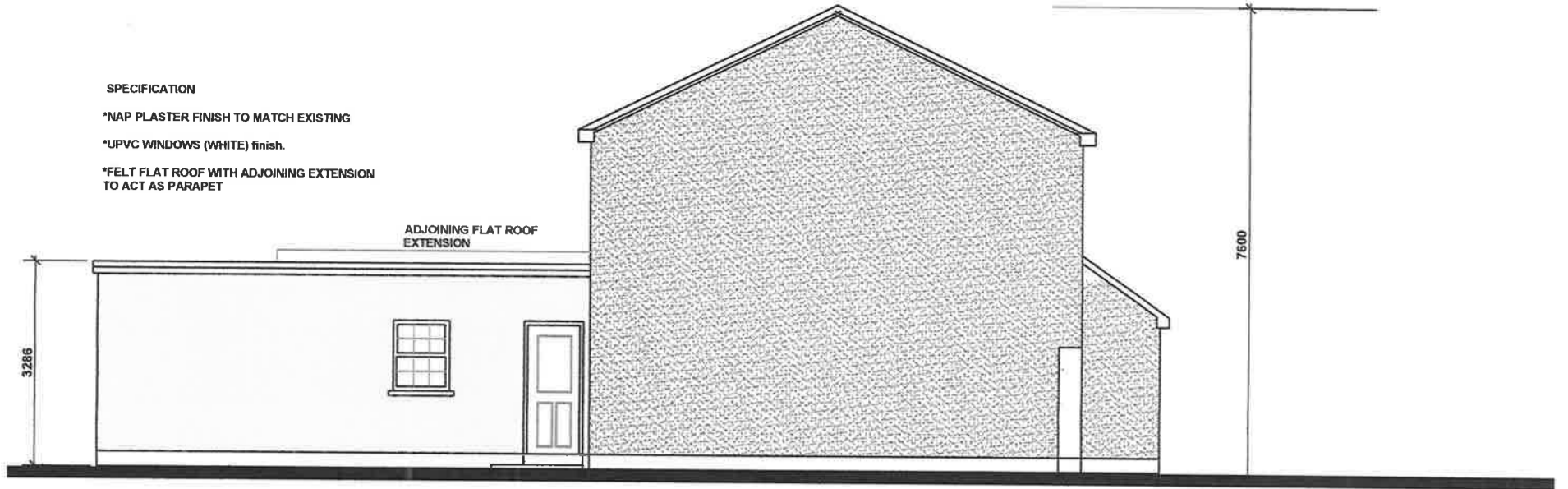
TITLE:  
PROPOSED SITE PLAN 1-250



DRAWINGS FOR SECTION 5 APPLICATION ONLY

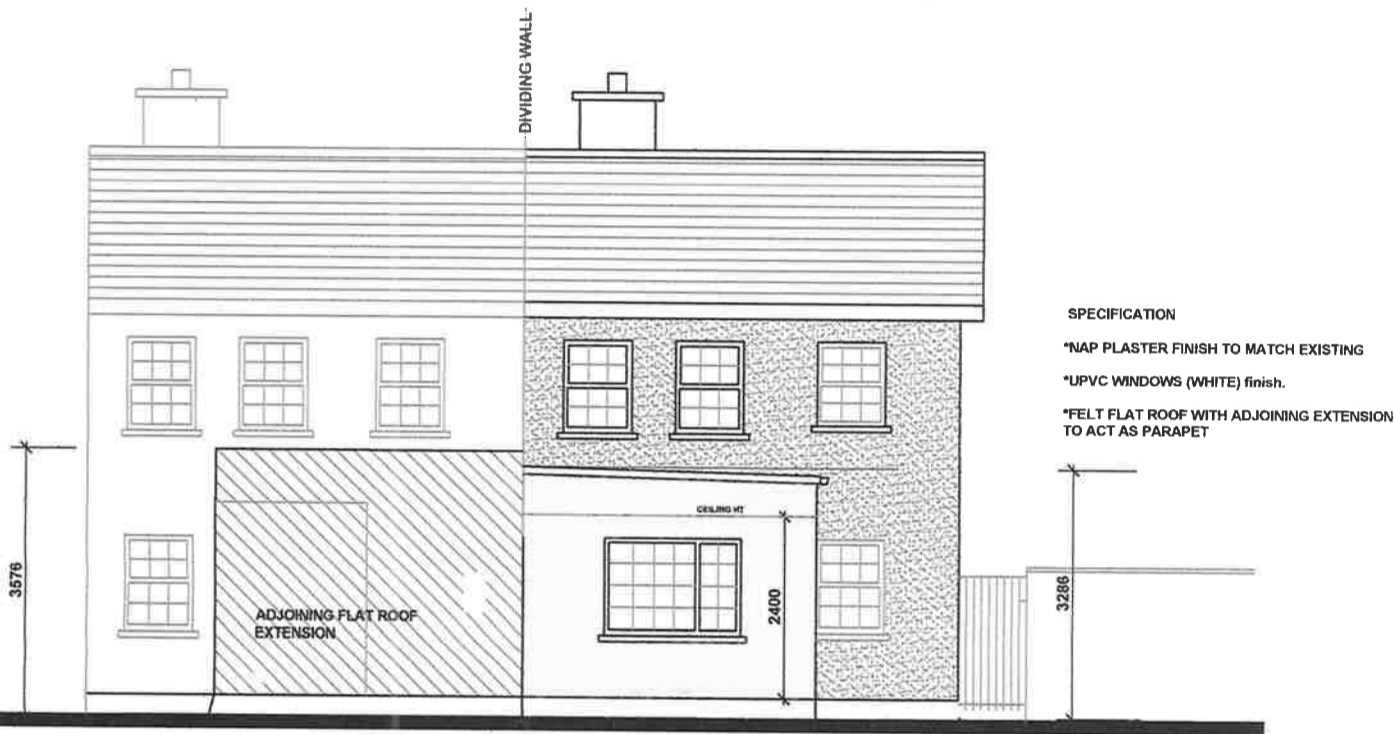
**SPECIFICATION**

- \*NAP PLASTER FINISH TO MATCH EXISTING
- \*UPVC WINDOWS (WHITE) finish.
- \*FELT FLAT ROOF WITH ADJOINING EXTENSION TO ACT AS PARAPET



**PROPOSED SIDE ELEVATION 1-100 EAST FACING**

**EXTENSION SHOWN**



**SPECIFICATION**

- \*NAP PLASTER FINISH TO MATCH EXISTING
- \*UPVC WINDOWS (WHITE) finish.
- \*FELT FLAT ROOF WITH ADJOINING EXTENSION TO ACT AS PARAPET

**EXTENSION SHOWN**

**PROPOSED REAR ELEVATION 1-100 SOUTH FACING**



**EXISTING FRONT ELEVATION 1-100 NO. 34 BEECHPARK**

**NO. 35 BEECHPARK**



086-8327819  
PAUL NUGENT DIP ARCH TECH

PROJECT: *PROPOSED EXTENSION TO EXISTING DWELLING*

CLIENT: *MICHAEL HICKEY*

LOCATION: *34 BEECHPARK, CAHIR*

DRG. NO.: *24/11/104*

DATE: *04-04-2024*

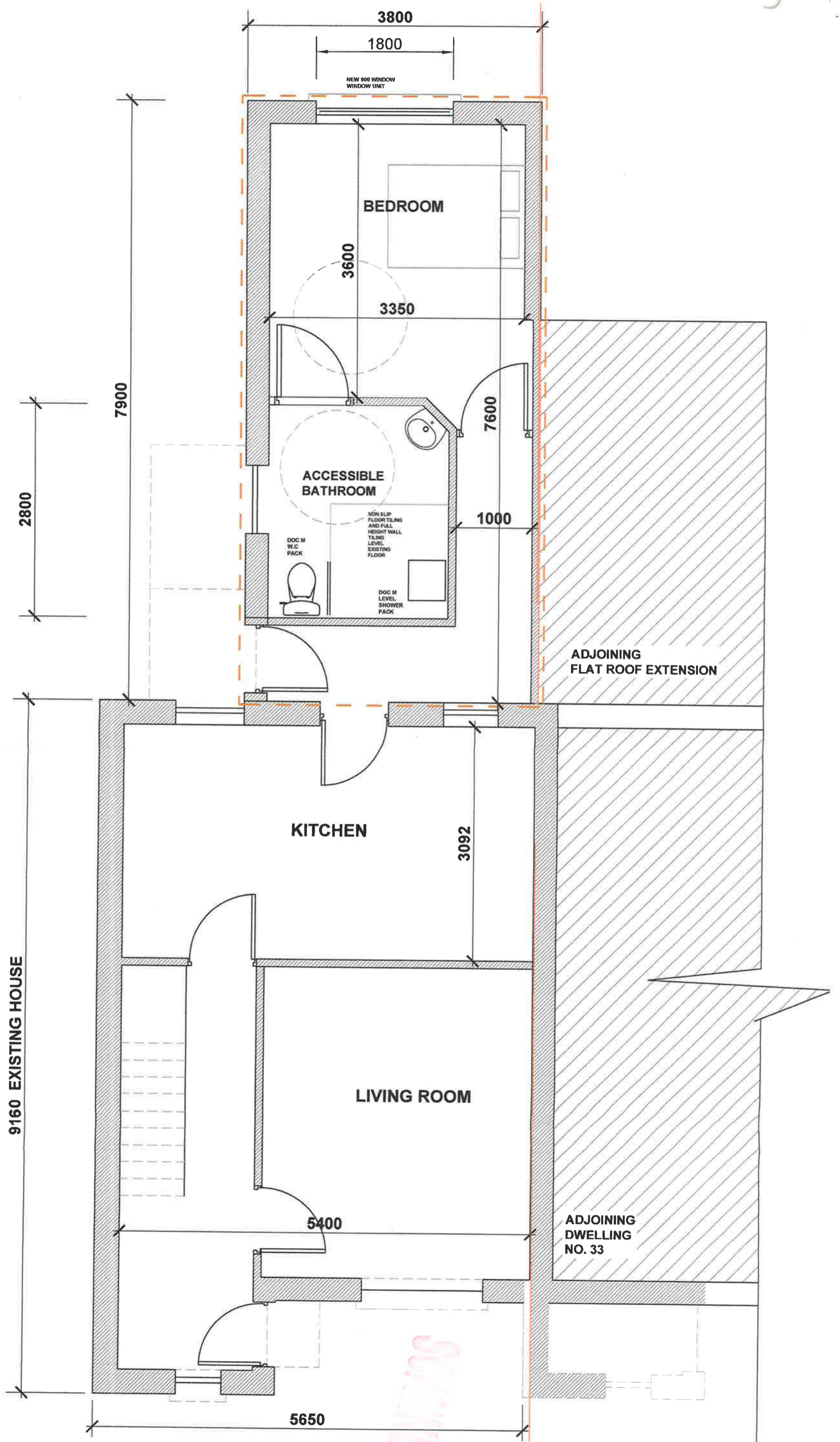
SCALE: *1:200*

TITLE: *PROPOSED ELEVATIONS*

**Proposed Elevations**

DRAWING FOR SECTION 5 APPLICATION





**Proposed Plan 1-50  
EXTENSION  
OUTLINED RED  
25.5m<sup>2</sup>**

OUTLINE DRAWING FOR SECTION 5 APPLICATION

 <p>086-8327819 PAUL NUGENT DIP ARCH TECH</p>	
PROJECT: PROPOSED EXTENSION TO EXISTING DWELLING	
CLIENT: MICHAEL HICKEY	
LOCATION: 34 BEECHPARK, CAHIR	
DRG. NO.:	TITLE:
24/11/103	PROPOSED PLAN 1-50
DATE: 04-04-2024	
SCALE: 1:50	

SEAL



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: 8<sup>th</sup> April 2024

Our Ref: S5/24/39

Civic Offices, Clonmel

**Michael Hickey**  
**34 Beechpark**  
**Cahir**  
**Co. Tipperary**

SCANNED

**Re: Application for a Section 5 Declaration – Extension to the rear of home to include a back bedroom and accessible wet room at 34 Beechpark, Cahir, Co. Tipperary.**

Dear Sir/Madam,

I acknowledge receipt of your application for a Section 5 Declaration received on 28<sup>th</sup> March, 2024, in connection with the above.

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

Yours faithfully

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

**TIPPERARY COUNTY COUNCIL**

**Application for Declaration under Section 5**

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

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**Planning Reference:** S5/24/39

**Applicant:** Michael Hickey

**Development Address:** 34 Beechpark, Cahir, Co. Tipperary

**Proposed Development:** Extension to the rear of home to include a back bedroom and accessible wet room.

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On the 28<sup>th</sup> of March 2024, a request was made for a declaration under Section 5 of the Planning and Development Act, 2000 as amended, by Michael Hickey in respect of the following development;

*Extension (25.5 sqm) to the rear of home to include a back bedroom and accessible wet room.*

**1. STATUTORY PROVISIONS**

The following statutory provisions are relevant to this case;

**Planning and Development Act 2000, as amended**

Section 3 (1) of the Planning and Development Act 2000, as amended, states as follows:-

*"In this Act, 'development' means, except where the context otherwise requires, the carrying out of works on, in, over or under land or the making of any material change in the use of any structures or other land."*

Section 2(1) of the Planning and Development Act, 2000, as amended, defines "works" as:-

*"works" includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.*

Section 4(1) of the Planning and Development Act, 2000, as amended states:

4.— (1) The following shall be exempted developments for the purposes of this Act—

*(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.*

Section 4 (2) (a) of the Planning and Development Act 2000, as amended, states as follows:-

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

- (i) by reason of the size, nature or limited effect on its surroundings, of development belonging to that class, the carrying out of such development would not offend against principles of proper planning and sustainable development, or
- (ii) the development is authorised, or is required to be authorised, by or under any enactment (whether the authorisation takes the form of the grant of a licence, consent, approval or any other type of authorisation) where the enactment concerned requires there to be consultation (howsoever described) with members of the public in relation to the proposed development prior to the granting of the authorisation (howsoever described).

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

4 (4) Notwithstanding paragraphs (a), (i), (ia) and (l) of subsection (1) and any regulations under subsection (2), development shall not be exempted development if an environmental impact assessment or an appropriate assessment of the development is required.

**Planning and Development Regulations 2001, as amended**

Article 6 of the Planning and Development Regulations 2001, as amended states:

Exempted Development.

- 6. (1) Subject to article 9, development of a class specified in column 1 of Part 1 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1.

Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended states:

<b>Description of Development</b>	<b>Conditions and Limitations</b>
<p>The extension of a house, by the construction or erection of an extension (including a conservatory) to the rear of the house or by the conversion for use as part of the house of any garage, store, shed or other similar structure attached to the rear or to the side of the house.</p>	<ul style="list-style-type: none"> <li>1.               <ul style="list-style-type: none"> <li>(a) Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres.</li> <li>(b) Subject to paragraph (a), where the house is terraced or semi-detached, the floor area of any extension above ground level shall not exceed 12 square metres.</li> <li>(c) Subject to paragraph (a), where the house is detached, the floor area of any extension above ground level shall not exceed 20 square metres.</li> </ul> </li> <li>2.               <ul style="list-style-type: none"> <li>(a) Where the house has been extended previously, the floor area of any such extension, taken together with the floor area of any previous extension or extensions constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 40 square metres.</li> <li>(b) Subject to paragraph (a), where the house is terraced or semi-detached and has been extended</li> </ul> </li> </ul>

*previously, the floor area of any extension above ground level taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 12 square metres.*

*(c) Subject to paragraph (a), where the house is detached and has been extended previously, the floor area of any extension above ground level, taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 20 square metres.*

*3. Any above ground floor extension shall be a distance of not less than 2 metres from any party boundary.*

*4.*

*(a) Where the rear wall of the house does not include a gable, the height of the walls of any such extension shall not exceed the height of the rear wall of the house.*

*(b) Where the rear wall of the house includes a gable, the height of the walls of any such extension shall not exceed the height of the side walls of the house.*

*(c) The height of the highest part of the roof of any such extension shall not exceed, in the case of a flat roofed extension, the height of the eaves or parapet, as may be appropriate, or, in any other case, shall not exceed the height of the highest part of the roof of the dwelling.*

*5. The construction or erection of any such extension to the rear of the house shall not reduce the area of private open space, reserved exclusively for the use of the occupants of the house, to the rear of the house to less than 25 square metres.*

*6.*

*(a) Any window proposed at ground level in any such extension shall not be less than 1 metre from the boundary it faces.*

*(b) Any window proposed above ground level in any such extension shall not be less than 11 metres from the boundary it faces.*

*(c) Where the house is detached and the floor area of the extension above ground level exceeds 12 square metres, any window proposed at above ground level shall not be less than 11 metres from the boundary it faces.*



7. *The roof of any extension shall not be used as a balcony or roof garden.*

Article 9 of the Planning and Development Regulations 2001, as amended sets out restrictions on exemptions and states:

9. (1) *Development to which article 6 relates shall not be exempted development for the purposes of the Act—*

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

(viiB) *comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site.*

(viii) *consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use.*

### **3. ASSESSMENT**

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

The site comprises of an existing residential property at 34 Beechpark, Cahir, Co. Tipperary.

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

None traced.

#### **c. Assessment**

The question posed under the Section 5 Declaration application is whether an extension to the rear of an existing dwelling to include a back bedroom and accessible wet room is development and is exempted development.

##### **i) "Is or is not Development"**

It is considered that the above listed proposal constitutes "works" as understood by the Planning and Development Act 2000, as amended. The above listed proposal therefore constitutes "development" within the meaning of the Planning and Development Act 2000, as amended.

##### **ii) "Is or is not Exempted Development"**

The floor area of the proposed single storey extension is under 40sq.m. The proposed rear extension is flat/lean to roofed and satisfied the requirements of Condition No.4. The existing dwelling is an end of terrace two storey house and has not been extended previously. The private open space remaining to the rear of the dwelling exceeds 25 sq m. Therefore, the proposed extension meets the planning exemption parameters under Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended.

##### **iii) Restrictions under Article 9**

I note no restrictions under Article 9 that would apply.

##### **iv) Requirement for Appropriate Assessment (AA) and Environmental Impact Assessment (EIA)**

###### **AA**

The proposal has been assessed having regard to the requirements of the EU Habitats Directive. The proposal has been screened as to the requirements for AA and the screening assessment considers that the proposal does not impact on any Natura 2000 site. See also Appropriate Assessment (AA) screening report attached as Appendix 1.

###### **EIA**

The proposed development has been subject to a preliminary examination to determine the requirement for EIA. EIA is not required in respect of the development. See also for

Environmental Impact Assessment (EIA) preliminary examination screening report attached as Appendix 2.

#### **4. RECOMMENDATION**

**WHEREAS** a question has arisen as to whether a development consisting of an extension to the rear of existing dwelling, to include a back bedroom and accessible wet room at 34 Beechpark, Cahir, Co. Tipperary constitutes "development" and "exempted development"

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

- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended
- (b) Article 6 and 9 of the Planning and Development Regulations 2001, as amended
- (c) Class 1 of Schedule 2, Part 1 of the Planning and Development Regulations 2001, as amended
- (d) The drawings prepared by Paul Nugent and dated 4<sup>th</sup> April 2024 on which this Declaration is based

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

The proposal constitutes "development" within the meaning of the Planning and Development Act 2000, as amended, and is "exempted development" as the proposal satisfies the planning exemption available under Class 1 of Schedule 2, Part 1 of the Planning and Development Regulations 2001 (as amended).

Assistant Planner:

Aife Martin

Date: 18/04/2024

Senior Executive Planner:

C. Conway

Date: 22.04.2024

## HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT

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

<b>(a) File Reference No:</b>	S5/24/39
<b>(b) Brief description of the project or plan:</b>	Extension to the rear of home to include a back bedroom and accessible wet room.
<b>(c) Brief description of site characteristics:</b>	Existing dwelling urban area
<b>(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW</b>	None
<b>(e) Response to consultation:</b>	None

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

European Site (code)	List of Qualifying Interest/Special Conservation Interest <sup>1</sup>	Distance from proposed development <sup>2</sup> (km)	Connections (Source-Pathway-Receptor)	Considered further in screening Y/N
002137 Lower River Suir	<a href="https://www.npws.ie/protected-sites/sac/002137">https://www.npws.ie/protected-sites/sac/002137</a>	Within 500m	None	No
000646 Galtee Mountains	<a href="https://www.npws.ie/protected-sites/sac/000646">https://www.npws.ie/protected-sites/sac/000646</a>	Within 10km	None	No

### STEP 3. Assessment of Likely Significant Effects

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

Impacts:	Possible Significance of Impacts: (duration/magnitude etc.)
<b>Construction phase e.g.</b> <ul style="list-style-type: none"> <li>• Vegetation clearance</li> <li>• Demolition</li> <li>• Surface water runoff from soil excavation/infill/landscaping (including borrow pits)</li> <li>• Dust, noise, vibration</li> <li>• Lighting disturbance</li> <li>• Impact on groundwater/dewatering</li> <li>• Storage of excavated/construction materials</li> <li>• Access to site</li> <li>• Pests</li> </ul>	No potential impacts
<b>Operational phase e.g.</b> <ul style="list-style-type: none"> <li>• Direct emission to air and water</li> <li>• Surface water runoff containing contaminant or sediment</li> <li>• Lighting disturbance</li> </ul>	No potential impacts

<ul style="list-style-type: none"> <li>Noise/vibration</li> <li>Changes to water/groundwater due to drainage or abstraction</li> <li>Presence of people, vehicles and activities</li> <li>Physical presence of structures (e.g. collision risks)</li> <li>Potential for accidents or incidents</li> </ul>	
In-combination/Other	No potential impacts

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

<p>Examples of the type of changes to give consideration to include:</p> <ul style="list-style-type: none"> <li>Reduction or fragmentation of habitat area</li> <li>Disturbance to QI species</li> <li>Habitat or species fragmentation</li> <li>Reduction or fragmentation in species density</li> <li>Changes in key indicators of conservation status value (water or air quality etc.)</li> <li>Changes to areas of sensitivity or threats to QI</li> <li>Interference with the key relationships that define the structure or ecological function of the site</li> </ul>	No potential impacts
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**(c) Are 'mitigation' measures necessary to reach a conclusion that likely significant effects can be ruled out at screening?**

Yes  No

**STEP 4. Screening Determination Statement**

**The assessment of significance of effects:**

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

The proposed development is not likely to have significant effects.

**Conclusion:**

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

**Signature and Date of Recommending Officer:** Aoife Martin **Date:** 18/04/2024



**EIA Pre-Screening**  
**Establishing a development is a 'sub-threshold development'**

<b>File Reference:</b>	S5/24/39
<b>Development Summary:</b>	Extension to the rear of home to include a back bedroom and accessible wet room.
<b>Was a Screening Determination carried out under Section 176A-C?</b>	<input type="checkbox"/> Yes, no further action required  <input checked="" type="checkbox"/> No, Proceed to <b>Part A</b>

**A. Schedule 5 Part 1 - Does the development comprise a project listed in Schedule 5, Part 1, of the Planning and Development Regulations 2001 (as amended)?**  
(Tick as appropriate)

<input type="checkbox"/> Yes, specify class _____	<b>EIA is mandatory</b>
	No Screening required
<input checked="" type="checkbox"/> No	Proceed to <b>Part B</b>

**B. Schedule 5 Part 2 - Does the development comprise a project listed in Schedule 5, Part 2, of the Planning and Development Regulations 2001 (as amended) and does it meet/exceed the thresholds?**  
(Tick as appropriate)

<input checked="" type="checkbox"/> No, the development is not a project listed in Schedule 5, Part 2	<b>No Screening required</b>
<input type="checkbox"/> Yes the project is listed in Schedule 5, Part 2 and meets/exceeds the threshold, specify class (including threshold): _____	<b>EIA is mandatory</b>
	No Screening required
<input type="checkbox"/> Yes the project is of a type listed <b>but</b> is <i>sub-threshold</i> : _____	Proceed to <b>Part C</b>

**C. If Yes, has Schedule 7A information/screening report been submitted?**

<input type="checkbox"/> Yes, Schedule 7A information/screening report has been submitted by the applicant	<b>Screening required</b>	<b>Determination</b>
<input type="checkbox"/> No, Schedule 7A information/screening report has not been submitted by the applicant	<b>Preliminary Examination required</b>	







Comhairle Contae Thiobraid Árann  
Tipperary County Council

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

Comhairle Contae  
Thiobraid Árann,  
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Date: 23<sup>rd</sup> April 2024

Our Ref: S5/24/39

Civic Offices, Nenagh

**Michael Hickey**  
**34 Beechpark**  
**Cahir**  
**Co. Tipperary**

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

Dear Mr Hickey,

I refer to your application for a Section 5 Declaration received on 28<sup>th</sup> March, 2024, in relation to the following proposed works:

**Extension to the rear of home to include a back bedroom and accessible wet room at 34 Beechpark, Cahir, Co. Tipperary.**

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

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

- a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended
- b) Article 6 and 9 of the Planning and Development Regulations 2001, as amended
- c) Class 1 of Schedule 2, Part 1 of the Planning and Development Regulations 2001, as
- d) amended
- e) The drawings prepared by Paul Nugent and dated 4th April 2024 on which this Declaration is based

Tipperary County Council has concluded that the proposal to construct an **Extension to the rear of home to include a back bedroom and accessible wet room** at 34 Beechpark, Cahir, Co. Tipperary as presented on the drawings and details provided with the Declaration application, constitutes "development" within the meaning of the Planning and Development Act 2000, and is **"exempted development"**.

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

Yours sincerely



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for **Director of Services**

Original

**TIPPERARY COUNTY COUNCIL**  
**DELEGATED EMPLOYEE'S ORDER**

File Ref: **S5/24/39**      **Delegated Employee's Order No:** \_\_\_\_\_

**SUBJECT: Section 5 Declaration**

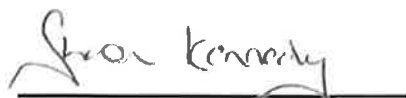
I, Sharon Kennedy, Director of Services, Tipperary County Council, by virtue of the powers delegated to me in accordance with the provisions of Section 154 of the Local Government Act 2001, as amended by Schedule 1, Part 1 of the Local Government Reform Act 2014 under Chief Executive's Order No. 37256 dated 4<sup>th</sup> March, 2024, hereby order that pursuant to the provisions of the Planning and Development Act 2000, as amended, that an application under Section 5 from Micheal Hickey, 34 Beechpark, Cahir, Co. Tipperary re: Construction of an extension to the rear of home to include a back bedroom and accessible wet room at 34 Beechpark, Cahir, Co. Tipperary is development and is exempted development.

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

- a. Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended
- b. Article 6 and 9 of the Planning and Development Regulations 2001, as amended
- c. Class 1 of Schedule 2, Part 1 of the Planning and Development Regulations 2001, as amended
- d. The drawings prepared by Paul Nugent and dated 4th April 2024 on which this Declaration is based

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

**Signed:**



**Date: 23/4/2024**

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