



Comhairle Contae Thiobraid Árann  
Tipperary County Council



PLANNING & DEVELOPMENT ACT, 2000 (as amended)

Application for a Section 5 Declaration  
Development / Exempted Development

1. Applicant's address/contact details:

Applicant	KAY KILROY <sup>nee</sup> CREECHY
Address	FRONT GATE LODGE, MIDDETON PARK, CO. WESTMEATH KILHUGH, CASTLETOWN - GEORGEAN, KILHUGH
Telephone No.	
E-mail	

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 [☒] Agent [☐]

3. Location of Proposed Development:

Postal Address or Townland or Location (as may best identify the land or structure in question)	THE CHALET COAHBROOK THURLES Co TIPPERARY. My original home residence where grew up) K41 NT20
---	---

My own address where I live permanently (My residence)  
FRONT GATE LODGE,  
MIDDLETON PARK,  
KILHUGH,  
CASTLETOWN - GEORGEAN  
KILHUGH  
Co. WESTMEATH.

#### 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.)

I wish to place an agricultural
gate at the County Council barrier as noted
in photograph at my site at 'The Cholet'.
I wish to take my own access to the site,
independently. It is just for agricultural access, just to enter field.
Proposed floor area of proposed works/uses: <sup>sqm</sup>
I wish to make an entrance with the gate - agricultural
gate between the area of County Council port and meaning
12 feet in length. (12 feet)

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

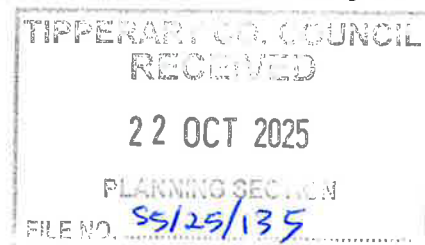
Please tick appropriate box to show applicant's legal interest in the land or structure	A. Owner <input checked="" type="checkbox"/>	B. Occupier
	C. Other	
Where legal interest is 'Other', please expand further on your interest in the land or structure		
If you are not the legal owner, please state the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

(My brother lives at the bottom of the driveway - my site is independent but has no entrance)

Signature of Applicant(s)

Date: October 21<sup>st</sup> 2025

**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>		

<b>FOR OFFICE USE ONLY</b>	
<p><b>Fee Recd. €</b> <u>80 —</u></p> <p>Receipt No <u>132534</u></p> <p>Date <u>22/10/25</u></p> <p>Received by <u>Maria Quinlan</u></p>	<p style="text-align: center;"><b><u>DATE STAMP</u></b></p> <div style="border: 1px solid black; padding: 10px; text-align: center; margin: 10px auto; width: 80%;">TIPPERARY CO. COUNCIL RECEIVED <b>22 OCT 2025</b> PLANNING SECTION <u>55/25/135</u></div>

# Land Registry

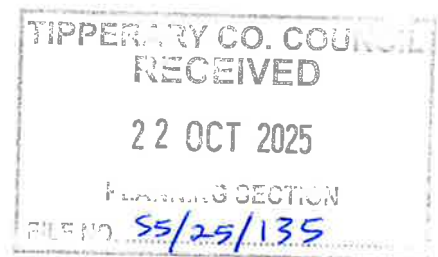
County Tipperary

Folio 34698F

## Part 2 - Ownership

Title ABSOLUTE

No.	The devolution of the property is subject to the provisions of Part II of the Succession Act, 1965		
1	07-NOV-2001 D2001TS009888G	KAY KILROY of The Lodge, Castletowngeoghegan, County Westmeath is full owner.   CERTIFIED TO BE A TRUE COPY <u>M. Hanlon</u> 4/9/03	



# Land Registry

County Tipperary

Folio 34698F

## Register of Ownership of Freehold Land

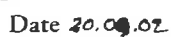
### Part 1(A) - The Property

For parts transferred see Part 1(B)

No.	Description	Official Notes
1	<p>A plot of ground being part of the Townland of LISNAMROCK and Barony of SLIEVARDAGH containing .2100 Hectares shown as Plan(s) A21K4 edged RED on the Registry Map (OS MAP Ref(s) 55/1).</p> <p>The Registration does not extend to the mines and minerals</p>	<p>From Folio 12735</p>



File Plan Issued: Yes  
Land Cert Issued: No  
Collection No.:



5-510

22/10/25



SS/25/135

22/10/25

XY  
628645, 649471  
Scale  
1:1000  
Townland  
Lisnamrock  
Barony  
Sewardagh  
County  
Tipperary

+

-

Gaeige

Property Detail

> Back

Folio Number  
Title Level  
Plan Number  
Property Number  
Area of selected plans  
Number of Plans on  
this folio  
Address

TS54682E  
Freehold  
A21M4  
1  
0.22 hectares  
1  
Not available

View Folio PDF

Request Certified Copy

-Title Erection Registration Boundaries and Plan Areas are not conclusive. See Section 62(2) of Registration of Title Act 2006 and Rule 8(3) of the Land Registration Rules 2012.

Print Current View

Help

LISNAMROCK

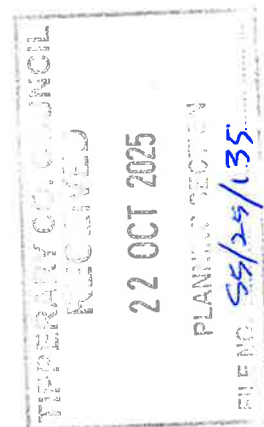
BALLINGARRY LOWER

RECEIVED

22 OCT 2025

PLANNING SECTION

FILE NO. 85/25/135





Comhairle Contae Thiobraid Árann  
Tipperary County Council

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

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

t 0818 06 5000/601  
e customerservice  
@tipperarycoco.ie

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

Date: 22<sup>nd</sup> October 2025

Our Ref: S5/25/135

Civic Offices, Nenagh

Kay Kilroy  
Frontgate Lodge  
Midleton Park  
Kilhugh  
Castletown Geogheean  
Mullingar  
Co Westmeath

**Re: Application for a Section 5 Declaration – a new agricultural entrance at The Chalet, Coalbrook, Thurles, Co Tipperary E41 NT20**


Dear Kay,

I acknowledge receipt of your application for a Section 5 Declaration received on 22<sup>nd</sup> October 2025, in connection with the above.

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

I have also enclosed your photo of your passport that was submitted with your application as this is not required to process your application. Tipperary County Council have not stored this data in any format.

Yours sincerely

  
for **Director of Services**

KAY KIRBY

Reference ~~The Lakes~~

29 OCT 2025

From Gave Lodge,

Hiddleton Park,

Kilhugh,

Castletown Boghegan,  
Mullingar, Co. Wick.

Dene Sir Madam,

SS/25/135

SS/25/135

(SS/25/135) Civic Officer Nenagh.

Oct. 27th - 2025

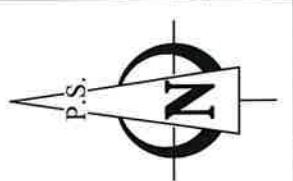
Thank you for your reply. I'm

also forwarding as soon as I receive boundary re-  
survey of disneybrook, Coolbrook, Thurles, the survey of  
the road for entrance location, and digital OS mapping

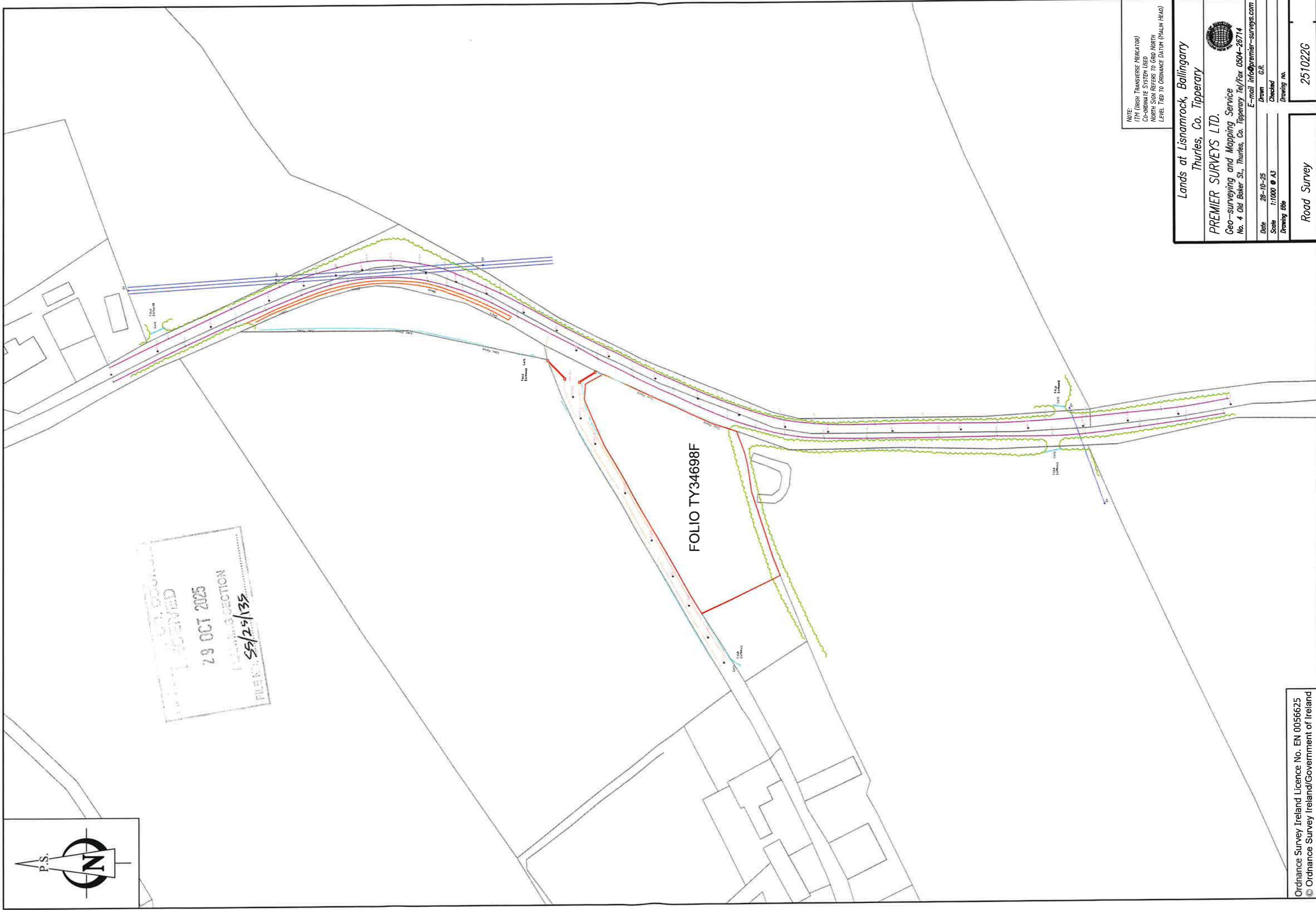
from Gae Rafter @ Premier Surveys Ltd. <sup>N44</sup> Old Boreen St  
Thurles. I decided to do a ~~more~~ updated map of  
boundary, if necessary for the application for  
a Section 5 Declaration. - a new agricultural  
entrance at the Cholet, Coolbrook, Thurles, Co.

Tipperary for my own site folio 34698F  
GREG undertook the mapping on. ~~(Tuesday)~~ Wednesday 22nd October  
I wish to use my site for

biodiversity purposes. I will also contact  
Biodiversity officer @ Tipperary County Council  
to help with planning for biodiversity at  
the site. This hopefully if agricultural gate  
is granted, will help with planting.  
Sincerely



FILED  
29 OCT 2025  
SECTION  
SS/25/135



NOTE:  
ITM (IRISH TRANSVERSE MERCATOR)  
CO-ORDINATE SYSTEM USED  
NORTH SIGN REFERS TO GRID NORTH  
LEVEL TIED TO ORDNANCE DATUM (MALIN HEAD)

Lands at Lisnamrock, Ballygarry  
Thurles, Co. Tipperary

**PREMIER SURVEYS LTD.**  
Geo-surveying and Mapping Service  
No. 4 Old Baker St., Thurles, Co. Tipperary Tel/Fax 0504-26714  
E-mail [info@premier-surveys.com](mailto:info@premier-surveys.com)

Date	28-10-25	Drawn	G.R.
Scale	1:1000 @ A3	Checked	
Drawing title		Drawing no.	
Road Survey		251022G	



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TIPPERARY CO. COUNCIL  
55/25/154  
29 OCT 2025



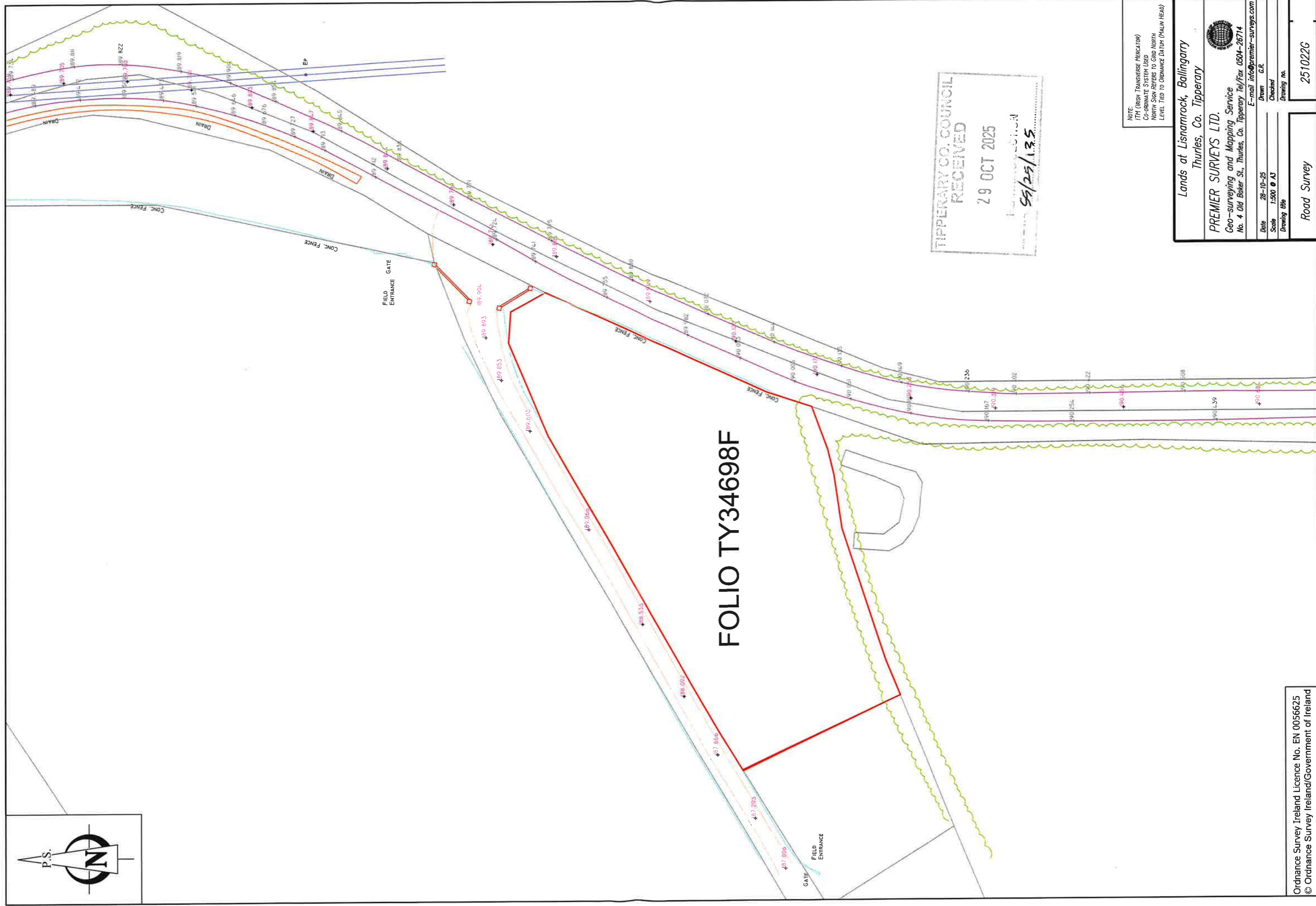
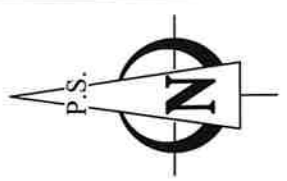
NOTE:  
ITM (IRISH TRANSVERSE MERCATOR)  
CO-ORDINATE SYSTEM USED  
NORTH SIGHT REFERS TO GRID NORTH  
LEVEL TIED TO ORDNANCE DATUM (MALIN HEAD)

Lands at Lisnamrock, Ballygarry  
Thurles, Co. Tipperary

PREMIER SURVEYS LTD.  
Geo-surveying and Mapping Service  
No. 4 Old Baker St., Thurles, Co. Tipperary Tel/Fax 0504-26714  
E-mail info@premier-surveys.com

Date	28-10-25	Drawn	G.R.
Scale	Not To Scale @ A3	Checked	
Drawing title		Drawing no.	

Road Survey  
251022G



TIPPERARY CO. COUNCIL  
RECEIVED  
29 OCT 2025  
59/25/13.5

NOTE:  
ITM (IRISH TRANSVERSE MERCATOR)  
CO-ORDINATE SYSTEM USED  
NORTH SIGN REFERS TO GRID NORTH  
LEVEL TIED TO ORDNANCE DATUM (MALIN HEAD)

Lands at Lisnamrock, Ballingary  
Thurles, Co. Tipperary

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E-mail [info@premier-surveys.com](mailto:info@premier-surveys.com)

Date	28-10-25
Scale	1:500 @ A3
Drawing title	
Drawn	G.R.
Checked	
Drawing no.	

Road Survey

251022G



Comhairle Contae Thiobraid Árann  
Tipperary County Council

Comhairle Contae  
Thiobraid Árann,  
Oifigí Cathartha,  
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E45 A099

t 0818 06 5000/600  
e customerservice  
@tipperarycoco.ie  
tipperarycoco.ie

Date: 29<sup>th</sup> October 2025

Our Ref: S5/25/135

Civic Offices, Nenagh

Kay Kilroy  
Frontgate Lodge  
Midleton Park  
Kilhugh  
Castletown Geogheean  
Mullingar  
Co Westmeath

**Re: Application for a Section 5 Declaration – a new agricultural entrance at The Chalet, Coalbrook, Thurles, Co Tipperary E41 NT20**

Dear Kay

I acknowledge receipt of unsolicited Further Information received on 29<sup>th</sup> October 2025 in connection with the above.

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

Yours sincerely

  
for **Director of Services**

## TIPPERARY COUNTY COUNCIL

### Application for Declaration under Section 5

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

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**Planning Reference:** S5.25.135  
**Applicant:** Kay Kilroy  
**Development Address:** The Chalet, Coalbrook, Thurles, Co Tipperary E41NT20  
**Proposed Development:** A new agricultural entrance

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#### 1. GENERAL

On 22/10/2025 a request was made for a declaration under Section 5 of the Planning and Development Act, 2000 as amended by Kay Kilroy as to whether or not the following works constituted development and if so, whether same was exempted development:

- A new agricultural entrance.

#### 2. STATUTORY PROVISIONS

The following statutory provisions are relevant to this referral case;

Section 2(1) of the Planning and Development Act, 2000, as amended, states as follows;

*"In this Act, except where the context otherwise requires – "development" has the meaning assigned to it by Section 3 and development shall be construed accordingly."*

And,

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

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

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

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

Section 4 (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) states that notwithstanding paragraphs 9a0, (i), (ia) and (l) of subsection (1) and any regulations under subsection (2), development shall not be exempted development if an environmental impact assessment or an appropriate assessment of the development is required.

Section 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.

(3) Subject to article 9, in areas other than a city, a town or an area specified in section 19(1)(b) of the Act or the excluded areas as defined in section 9 of the Local Government (Reorganisation) Act, 1985 (No. 7 of 1985), development of a class specified in column 1 of Part 3 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 3 opposite the mention of that class in the said column 1.

Class 9 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended states:

##### **Sundry Works**

##### **Class 9**

The construction, erection, renewal or replacement, other than within or bounding the curtilage of a house, of any gate or gateway.

##### **Conditions and Limitations**

1.

The height of any such structure shall not exceed 2 metres.

Class 11 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended states:

##### **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.

#### Conditions and Limitations

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.

2.

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 (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.

#### **Class 13**

The repair or improvement of any private street, road or way, being works carried out on land within the boundary of the street, road or way, and the construction of any private footpath or paving.

#### Conditions and Limitations

1.

The width of any such private footpath or paving shall not exceed 3 metres.

### **3. ASSESSMENT**

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

The site is located at The Chalet, Coalbrook, Thurles Co. Tipperary E41NT20. The site is part of a larger agricultural field and is served by the L-2110-2 Local Primary Road.

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

None relevant.

Planning Reference: 00612. Permission Granted for a dwelling house, entrance and septic tank system on 29/01/2001. -Relates to adjoining site to east.

#### **c. *Assessment***

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

Having considered all of the details and documentation on file with regards the question asked the Planning Authority is satisfied that the proposal would involve "works" and such works would constitute "development" within the meaning of Section 3 of the Act.

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

In order to assess the proposal against planning exemptions further information should be sought regarding the location, height and dimensions of the proposed entrance and the materials/finishes of the entrance.

##### **C) Restrictions under Article 9**

Will be examined should an exemption under Article 6 be confirmed.

##### **D) Requirement for Appropriate Assessment and Environmental Impact Assessment**

###### **AA**

An Appropriate Assessment Screening has been undertaken that determines AA is not required.

###### **EIA**

The proposal is not a category of development that requires EIA.

#### 4. RECOMMENDATION

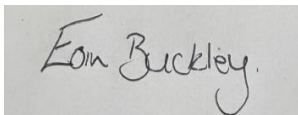
'A planning authority may require any person who made a request under subsection (1) to submit further information with regard to the request in order to enable the authority to issue the declaration on the question and, where further information is received under this paragraph, the planning authority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

Therefore, it is recommended that the following further information is sought from the applicant:

1. The applicant is requested to submit, for the consideration of the Planning Authority a Site Layout Plan (scale 1:500) showing the proposed location of the agricultural entrance. The Site Layout Plan shall include dimensions of the site entrance width and shall specify clearly where the entrance gate posts are to be located and any entrance fencing or walls. In addition the site layout plan shall indicate the public road width at the entrance location
2. The applicant is required to submit, for the consideration of the Planning Authority, plans and elevations of the proposed agricultural entrance drawn to a scale of not less than 1:200. The drawings shall indicate the height and proposed finishes of the agricultural entrance.

**Advice Note: Where the public roadway width onto which the entrance opens is wider than 4 metres a planning exemption cannot be availed of.**

Signed:



Date: 10/11/2025

Signed:



Date: 10/11/2025

## HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT

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

(a) File Reference No:	S5/25/135
(b) Brief description of the project or plan:	As per planners report.
(c) Brief description of site characteristics:	As per planners report.
(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW	None
(e) Response to consultation:	N/a. No referrals made.

### 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 screening in Y/N
002162 River Barrow and River Nore	<a href="https://www.npws.ie/protected-sites/sac/002162">https://www.npws.ie/protected-sites/sac/002162</a>	Within 10km	None	No
002137 Lower River Suir	<a href="https://www.npws.ie/protected-sites/sac/002137">https://www.npws.ie/protected-sites/sac/002137</a>	Within 15km	None	No
000407 The Loughlans	<a href="https://www.npws.ie/protected-sites/sac/000407">https://www.npws.ie/protected-sites/sac/000407</a>	Within 15km	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> </ul>	No impacts

<ul style="list-style-type: none"> <li>• Impact on groundwater/dewatering</li> <li>• Storage of excavated/construction materials</li> <li>• Access to site</li> <li>• Pests</li> </ul>	
<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> <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>	No impacts
<b>In-combination/Other</b>	No impacts
<b>(b) Describe any likely changes to the European site:</b>	
Examples of the type of changes to give consideration to include: <ul style="list-style-type: none"> <li>• Reduction or fragmentation of habitat area</li> <li>• Disturbance to QI species</li> <li>• Habitat or species fragmentation</li> <li>• Reduction or fragmentation in species density</li> <li>• Changes in key indicators of conservation status value (water or air quality etc.)</li> <li>• Changes to areas of sensitivity or threats to QI</li> <li>• Interference with the key relationships that define the structure or ecological function of the site</li> </ul>	No impacts
<b>(c) Are 'mitigation' measures necessary to reach a conclusion that likely significant effects can be ruled out at screening?</b>	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<b>STEP 4. Screening Determination Statement</b>	
<b>The assessment of significance of effects:</b> Describe how the proposed development (alone or in-combination) is/is <b>not likely</b> to have <b>significant</b> effects on European site(s) in view of its conservation objectives.	
On the basis of the information on file, which is considered adequate to undertake a screening determination and having regard to: <ul style="list-style-type: none"> <li>• the nature and scale of the proposed development,</li> <li>• the proposed land use and distance from European sites,</li> <li>• the lack of direct connections with regard to the Source-Pathway-Receptor model,</li> </ul> it is concluded that the proposed development, individually or in-combination with other plans or projects is not likely to have significant effects on the above listed European sites or any other European site, in view of the said sites' conservation objectives.	

An appropriate assessment is not, therefore, required.

**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
<b>Signature and Date of Recommending Officer:</b>	Eoin Buckley, Planner	<b>Date:</b> 04/11/2025

<b>File Reference:</b>	S5/25/135	
<b>Development Summary:</b>	As per planners report	
<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>	
<b>A. Schedule 5 Part 1 - Does the development comprise a project listed in Schedule 5, Part 1, of the Planning and Development Regulations 2001 (as amended)?</b> (Tick as appropriate)		
<input type="checkbox"/> Yes, specify class _____		<b>EIA is mandatory</b>  No Screening required
<input checked="" type="checkbox"/> No		Proceed to <b>Part B</b>
<b>B. Schedule 5 Part 2 - Does the development comprise a project listed in Schedule 5, Part 2, of the Planning and Development Regulations 2001 (as amended) and does it meet/exceed the thresholds?</b> (Tick as appropriate)		
<input checked="" type="checkbox"/> No, the development is not a project listed in Schedule 5, Part 2		<b>No Screening required</b>
<input type="checkbox"/> Yes the project is listed in Schedule 5, Part 2 and meets/exceeds the threshold, specify class (including threshold): _____		<b>EIA is mandatory</b>  No Screening required
<input type="checkbox"/> Yes the project is of a type listed but is <i>sub-threshold</i> : _____		Proceed to <b>Part C</b>
<b>C. If Yes, has Schedule 7A information/screening report been submitted?</b>		
<input type="checkbox"/> Yes, Schedule 7A information/screening report has been submitted by the applicant		<b>Screening Determination required</b>
<input type="checkbox"/> No, Schedule 7A information/screening report has not been submitted by the applicant		<b>Preliminary Examination required</b>



Comhairle Contae Thiobraid Árann  
Tipperary County Council

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E45 A099

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e customerservice  
@tipperarycoco.ie  
tipperarycoco.ie

Date: 11<sup>th</sup> November, 2025

Our Ref: S5/25/135

Civic Offices, Nenagh

**Kay Kilroy  
Front Gate Lodge  
Middleton Park  
Kilhugh  
Castletown Geogheean  
Millingar  
Co. Westmeath**

**Re: Application for a Section 5 Declaration – A new agricultural entrance at The Chalet, Coalbrook, Thurles, Co Tipperary E41NT20**

Dear Ms Kilroy,

I refer to an application received from you on 22<sup>nd</sup> October, 2025 requesting a Declaration from this Planning Authority as to whether or not certain works constitute development within the meaning of the Planning and Development Act 2000, as amended.

Further information is requested as follows;

It is recommended to request the following further information pursuant to Section 5 (2) (b) of the Planning and Development Act 2000, as amended

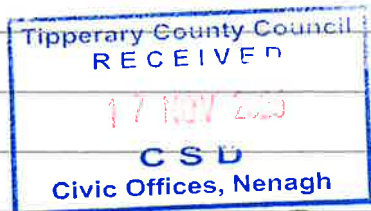
1. The applicant is requested to submit, for the consideration of the Planning Authority a Site Layout Plan (scale 1:500) showing the proposed location of the agricultural entrance. The Site Layout Plan shall include dimensions of the site entrance width and shall specify clearly where the entrance gate posts are to be located and any entrance fencing or walls. In addition the site layout plan shall indicate the public road width at the entrance location
2. The applicant is required to submit, for the consideration of the Planning Authority, plans and elevations of the proposed agricultural entrance drawn to a scale of not less than 1:200. The drawings shall indicate the height and proposed finishes of the agricultural entrance.

**Advice Note: Where the public roadway width onto which the entrance opens is wider than 4 metres a planning exemption cannot be availed of.**

**Further consideration of your request for a declaration cannot be considered until the above information is received.**

Yours sincerely

Siobhán Ryan  
for **Director of Services**

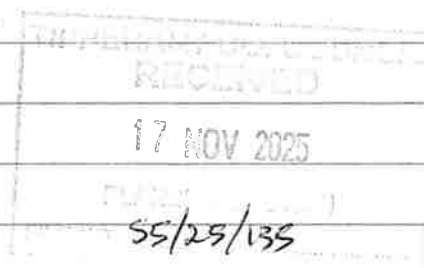


S 5/25/135

Ronnie Gle Lodge,  
Middleton Park,  
Kilhugh,  
Carnarvon - Co  
Hullingar.  
NOV. 14<sup>th</sup>  
2025

Agricultural Entrance

at The Chalet, Coalbrook,  
E41 NT20  
Folio: Ty 3469BF



Dear Siobhán  
(for Director of Services)

I enclose the following information  
of you requested, in letter dated  
11<sup>th</sup> Nov. 2025 re Application for  
Section 5 Declaration of new agricultural  
Entrance at The Chalet, Coalbrook  
Enclosed Site layout Plan showing  
proposed location of agricultural entrance.  
Also dimension of entrance width  
and position to be located.

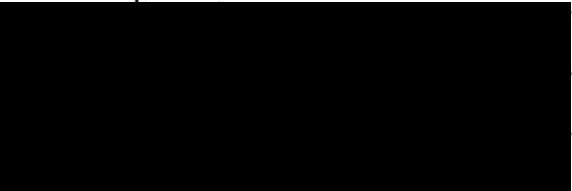
2  
Also enclosed the public  
Road width or the entrance location.

The height and finish of  
agricultural entrance also are

enclosed. Will use wooden posts to  
hold the gate (or Railway sleeper type)  
& recently sent more

maps from Premier Survey of  
the state. Thank you for  
acknowledgment of receipt of  
them.

Thank you for request of  
the above information detailed on  
Survey of Folio TY346 98 F  
and along side Road

Sincerely,  


17 NOV 2025

55/25/135

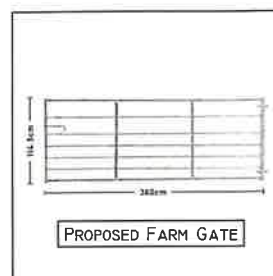


UPPERMAY CO. COUNCIL  
RECEIVED  
17 NOV 2025  
PLANNING  
55/25/135

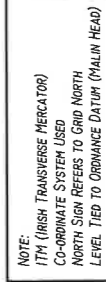
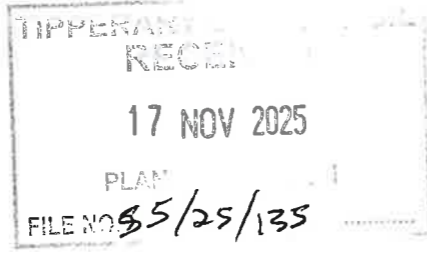
FOLIO TY34698F

PROPOSE NEW FARM GATE  
DIMS: 3.0M / 12FT

FIELD ENTRANCE GATE



NOTE  
ITM (Irish TRANSVERSE MERCATOR)  
CO-ORDINATE SYSTEM USED  
NORTH SIGN REFERS TO GRID NORTH  
LEVEL TIED TO ORDNANCE DATUM (MALIN HEAD)



PREMIER SURVEYS LTD.



E-mail [info@premier-surveys.com](mailto:info@premier-surveys.com)

Date	28-10-25	Drawn	G.R.
Scale	1:500 @ A3	Checked	
Drawing title		Drawing no.	

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## Road Survey

251022G



Comhairle Contae Thiobraid Árann  
Tipperary County Council

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

Date: 17<sup>th</sup> November 2025      Our Ref: S5/25/135      Civic Offices, Nenagh

**Kay Kilroy  
Front Gate Lodge  
Middleton Park  
Kilhugh  
Castletown Geogheean  
Mullingar  
Co. Westmeath**

**Re: Application for a Section 5 Declaration – A new agricultural  
entrance at The Chalet, Coalbrook, Thurles, Co Tipperary E41NT20**

Dear Kay

I acknowledge receipt of Further Information received on 17<sup>th</sup> November 2025  
in connection with the above.

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

Yours sincerely

  
for **Director of Services**

## TIPPERARY COUNTY COUNCIL

### Application for Declaration under Section 5

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

---

**Planning Reference:** S5.25.135  
**Applicant:** Kay Kilroy  
**Development Address:** The Chalet, Coalbrook, Thurles, Co Tipperary E41NT20  
**Proposed Development:** A new agricultural entrance

---

#### 1. GENERAL

On 22/10/2025 a request was made for a declaration under Section 5 of the Planning and Development Act, 2000 as amended by Kay Kilroy as to whether or not the following works constituted development and if so, whether same was exempted development:

- A new agricultural entrance.

#### 2. STATUTORY PROVISIONS

The following statutory provisions are relevant to this referral case;

Section 2(1) of the Planning and Development Act, 2000, as amended, states as follows;

*"In this Act, except where the context otherwise requires – "development" has the meaning assigned to it by Section 3 and development shall be construed accordingly."*

And,

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

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

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

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

Section 4 (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) states that notwithstanding paragraphs 9a0, (i), (ia) and (l) of subsection (1) and any regulations under subsection (2), development shall not be exempted development if an environmental impact assessment or an appropriate assessment of the development is required.

Section 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.

(3) Subject to article 9, in areas other than a city, a town or an area specified in section 19(1)(b) of the Act or the excluded areas as defined in section 9 of the Local Government (Reorganisation) Act, 1985 (No. 7 of 1985), development of a class specified in column 1 of Part 3 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 3 opposite the mention of that class in the said column 1.

Class 9 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended states:

Sundry Works

#### **Class 9**

The construction, erection, renewal or replacement, other than within or bounding the curtilage of a house, of any gate or gateway.

Conditions and Limitations

1.

The height of any such structure shall not exceed 2 metres.

Class 11 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended states:

#### **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.

#### Conditions and Limitations

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.

2.

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 (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.

#### **Class 13**

The repair or improvement of any private street, road or way, being works carried out on land within the boundary of the street, road or way, and the construction of any private footpath or paving.

#### Conditions and Limitations

1.

The width of any such private footpath or paving shall not exceed 3 metres.

### **3. ASSESSMENT**

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

The site is located at The Chalet, Coalbrook, Thurles Co. Tipperary E41NT20. The site is part of a larger agricultural field and is served by the L-2110-2 Local Primary Road.

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

None relevant.

Planning Reference: 00612. Permission Granted for a dwelling house, entrance and septic tank system on 29/01/2001. -Relates to adjoining site to east.

#### **c. *Assessment***

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

Having considered all of the details and documentation on file with regards the question asked the Planning Authority is satisfied that the proposal would involve "works" and such works would constitute "development" within the meaning of Section 3 of the Act.

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

In order to assess the proposal against planning exemptions further information should be sought regarding the location, height and dimensions of the proposed entrance and the materials/finishes of the entrance.

##### **C) Restrictions under Article 9**

Will be examined should an exemption under Article 6 be confirmed.

##### **D) Requirement for Appropriate Assessment and Environmental Impact Assessment**

###### **AA**

An Appropriate Assessment Screening has been undertaken that determines AA is not required.

###### **EIA**

The proposal is not a category of development that requires EIA.

#### 4. RECOMMENDATION

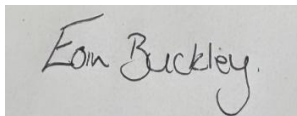
'A planning authority may require any person who made a request under subsection (1) to submit further information with regard to the request in order to enable the authority to issue the declaration on the question and, where further information is received under this paragraph, the planning authority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

Therefore, it is recommended that the following further information is sought from the applicant:

1. The applicant is requested to submit, for the consideration of the Planning Authority a Site Layout Plan (scale 1:500) showing the proposed location of the agricultural entrance. The Site Layout Plan shall include dimensions of the site entrance width and shall specify clearly where the entrance gate posts are to be located and any entrance fencing or walls. In addition, the site layout plan shall indicate the public road width at the entrance location
2. The applicant is required to submit, for the consideration of the Planning Authority, plans and elevations of the proposed agricultural entrance drawn to a scale of not less than 1:200. The drawings shall indicate the height and proposed finishes of the agricultural entrance.

**Advice Note: Where the public roadway width onto which the entrance opens is wider than 4 metres a planning exemption cannot be availed of.**

Signed:



Date: 10/11/2025

Signed:



Date: 10/11/2025

## 5. FURTHER INFORMATION

Two points of further information were requested from the applicant in a letter dated 11/11/2025. The FI request is outlined below in italics with assessment under same in bold.

1. *The applicant is requested to submit, for the consideration of the Planning Authority a Site Layout Plan (scale 1:500) showing the proposed location of the agricultural entrance. The Site Layout Plan shall include dimensions of the site entrance width and shall specify clearly where the entrance gate posts are to be located and any entrance fencing or walls. In addition, the site layout plan shall indicate the public road width at the entrance location.*

**A site layout plan has been submitted that shows the new entrance location. The entrance is to open onto the L-2110 The block title on the drawing states same is to a scale of 1:500. The drawings indicate road width of 4 metres at the location of the proposed entrance**

**The site was inspected on 3/12/2025 by Eoin Buckley-Graduate Planner to confirm the road width. Measurements taken of the road width show same to be 4.35 metres.**

2. *The applicant is required to submit, for the consideration of the Planning Authority, plans and elevations of the proposed agricultural entrance drawn to a scale of not less than 1:200. The drawings shall indicate the height and proposed finishes of the agricultural entrance.*

**A drawing of the proposed farm gate plans and elevations has been submitted. The gate and gate post height are shown to be 1.5 metres.**

**The proposed gate can be considered to come within the planning exemption under Class 9 of the Planning and Regulations 2001, as amended. Class 9 provides an exemption for *the construction, erection, renewal or replacement, other than within or bounding the curtilage of a house, of any gate or gateway.***

**The gate height is less than 2 metres and therefore meets condition/limitation 1 of Class 9.**

**Article 9 (1) (a) of the of the Planning and Regulations 2001, as amended sets out restrictions on exemptions and states development to which Article 6 relates shall not be exempted development for the purposes of the Act if the carrying out of such development would**

**(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,**

**As the proposal consists of the formation of a means of access to a public road the surface carriageway of which exceeds 4 metres the exemption under Class 9 is restricted.**

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

***(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***

**See attached AA Screening and EIA pre screening. Neither AA or EIA are required.**

## 6. RECOMMENDATION

A question has arisen as to whether the following proposal to be undertaken at The Chalet, Coalbrook, Thurles Co. Tipperary E41NT20 is development and is or is not exempted development:

*A new agricultural entrance*

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

- (a) Sections 2, 3 and 4 of the Planning & Development Act, 2000, as amended,
- (b) Articles 6 and 9 of the Planning & Development Act, 2000, as amended,
- (c) Class 9 of Part 1 of Schedule 2 of the Planning & Development Regulations 2001, as amended,
- (d) The declaration application and supporting information, including further information,

Tipperary County Council has concluded that the formation of a new agricultural entrance onto the L 2110 constitutes “development” within the meaning of the Planning and Development Act 2000 as amended and is **NOT exempted development**.

Reasons: The proposal involves the formation of a new entrance to a public road. the surfaced carriageway of this road measures 4.3 metres in width. Article 9 (1) (a) of the of the Planning and Regulations 2001, as amended sets out restrictions on exemptions and states development to which Article 6 relates shall not be exempted development for the purposes of the Act if the carrying out of such development would

- (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

Accordingly the proposal is not exempted development

Planner:

*Eoin Buckley*

Date: 3/12/2025

Senior Executive Planner:

*Jonathan Flood*

Date: 03/12/2025

## HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT

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

(a) File Reference No:	S5/25/135
(b) Brief description of the project or plan:	As per planners report.
(c) Brief description of site characteristics:	As per planners report.
(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW	None
(e) Response to consultation:	N/a. No referrals made.

### 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 screening in Y/N
002162 River Barrow and River Nore	<a href="https://www.npws.ie/protected-sites/sac/002162">https://www.npws.ie/protected-sites/sac/002162</a>	Within 10km	None	No
002137 Lower River Suir	<a href="https://www.npws.ie/protected-sites/sac/002137">https://www.npws.ie/protected-sites/sac/002137</a>	Within 15km	None	No
000407 The Loughlans	<a href="https://www.npws.ie/protected-sites/sac/000407">https://www.npws.ie/protected-sites/sac/000407</a>	Within 15km	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> </ul>	No impacts

<ul style="list-style-type: none"> <li>Storage of excavated/construction materials</li> <li>Access to site</li> <li>Pests</li> </ul>	
<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> <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>	No impacts
<b>In-combination/Other</b>	No impacts
<b>(b) Describe any likely changes to the European site:</b>	
Examples of the type of changes to give consideration to include: <ul style="list-style-type: none"> <li>Reduction or fragmentation of habitat area</li> <li>Disturbance to QI species</li> <li>Habitat or species fragmentation</li> <li>Reduction or fragmentation in species density</li> <li>Changes in key indicators of conservation status value (water or air quality etc.)</li> <li>Changes to areas of sensitivity or threats to QI</li> <li>Interference with the key relationships that define the structure or ecological function of the site</li> </ul>	No impacts
<b>(c) Are 'mitigation' measures necessary to reach a conclusion that likely significant effects can be ruled out at screening?</b>	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<b>STEP 4. Screening Determination Statement</b>	
<b>The assessment of significance of effects:</b> Describe how the proposed development (alone or in-combination) is/is <b>not likely</b> to have <b>significant</b> effects on European site(s) in view of its conservation objectives.	
On the basis of the information on file, which is considered adequate to undertake a screening determination and having regard to: <ul style="list-style-type: none"> <li>the nature and scale of the proposed development,</li> <li>the proposed land use and distance from European sites,</li> <li>the lack of direct connections with regard to the Source-Pathway-Receptor model,</li> </ul> it is concluded that the proposed development, individually or in-combination with other plans or projects is not likely to have significant effects on the above listed European sites or any other European site, in view of the said sites' conservation objectives.	
An appropriate assessment is not, therefore, required.	

<b>Conclusion:</b>			
	<b>Tick as Appropriate:</b>	<b>Recommendation:</b>	
(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	
<b>Signature and Date of Recommending Officer:</b>	Eoin Buckley, Planner	<b>Date:</b>	3/12/2025

EIA Pre-Screening Establishing a development is a 'sub-threshold development'	
<b>File Reference:</b>	S5/25/135
<b>Development Summary:</b>	As per planners report
<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>
<b>A. Schedule 5 Part 1</b> - Does the development comprise a project listed in Schedule 5, <b>Part 1</b> , 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>B. Schedule 5 Part 2</b> - Does the development comprise a project listed in Schedule 5, <b>Part 2</b> , of the Planning and Development Regulations 2001 (as amended) <b>and</b> 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 <b>and</b> 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>
<b>C. If Yes</b> , 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 Determination required</b>
<input type="checkbox"/> No, Schedule 7A information/screening report has not been submitted by the applicant	<b>Preliminary Examination required</b>



Date: 4<sup>th</sup> December, 2025

Our Ref: S5/25/135

Civic Offices, Nenagh

Kay Kilroy  
Front Gate Lodge  
Middleton Park  
Kilhugh  
Castletown Geogheean  
Mullingar  
Co. Westmeath

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

Dear Ms Kilroy,

I refer to your application for a Section 5 Declaration received on 22<sup>nd</sup> October, 2025, and Further Information received on 17<sup>th</sup> November, 2025 in relation to the following proposed works:

**A new agricultural entrance at The Chalet, Coalbrook, Thurles, Co Tipperary E41NT20**

**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 & Development Act, 2000, as amended,
- b) Articles 6 and 9 of the Planning & Development Act, 2000, as amended,
- c) Class 9 of Part 1 of Schedule 2 of the Planning & Development Regulations 2001, as amended,
- d) The declaration application and supporting information, including further information,

Tipperary County Council has concluded that the formation of a new agricultural entrance onto the L 2110 constitutes “development” within the meaning of the Planning and Development Act 2000 as amended and is **NOT exempted development**.

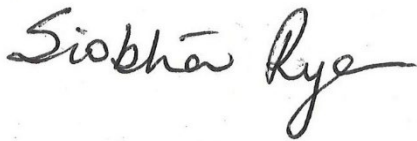
Reasons: The proposal involves the formation of a new entrance to a public road. the surfaced carriageway of this road measures 4.3 metres in width. Article 9 (1) (a) of the of the Planning and Regulations 2001, as amended sets out restrictions on exemptions and states development to which Article 6 relates shall not be exempted development for the purposes of the Act if the carrying out of such development would

(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

Accordingly the proposal is **not exempted development**

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

Yours sincerely

A handwritten signature in black ink, reading 'Siobhán Rye'. The signature is written in a cursive style with a long, sweeping tail on the 'y'.

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for **Director of Services**

**Original**

**TIPPERARY COUNTY COUNCIL**

**DELEGATED EMPLOYEE'S ORDER**

File Ref: **S5/25/135**      **Delegated Employee's Order No:** \_\_\_\_\_

**SUBJECT:    Section 5 Declaration**

I, Brian Beck, Director of Services, Tipperary County Council, by virtue of the powers delegated to me in accordance with the provisions of Section 154 of the Local Government Act 2001, as amended by Schedule 1, Part 1 of the Local Government Reform Act 2014 under Chief Executive's Order No. 44188 dated 3<sup>rd</sup> October, 2025, hereby order that pursuant to the provisions of the Planning and Development Act 2000, as amended, that an application under Section 5 from Kay Kilroy, Front Gate Lodge, Middleton Park, Kilhugh, Castletown Geogheean, Mullingar, Co. Westmeath re: A new agricultural entrancell at The Chalet, Coalbrook, Thurles, Co Tipperary E41NT20 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 & Development Act, 2000, as amended,
- b) Articles 6 and 9 of the Planning & Development Act, 2000, as amended,
- c) Class 9 of Part 1 of Schedule 2 of the Planning & Development Regulations 2001, as amended,
- d) The declaration application and supporting information, including further information,

Tipperary County Council has concluded that the formation of a new agricultural entrance onto the L 2110 constitutes "development" within the meaning of the Planning and Development Act 2000 as amended and is **NOT exempted development**.

Reasons: The proposal involves the formation of a new entrance to a public road. the surfaced carriageway of this road measures 4.3 metres in width. Article 9 (1) (a) of the of the Planning and Regulations 2001, as amended sets out restrictions on exemptions and states development to which Article 6 relates shall not be exempted development for the purposes of the Act if the carrying out of such development would

- (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

Accordingly the proposal is not exempted development

**Signed:**   
\_\_\_\_\_  
**Brian Beck**  
**Director of Services**

**Date: 04/12/2025**