



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	Tim McLoughlin
Address	Knockera voola, Upper church Thurles, Co. Tipperary
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 <u>or</u> Townland <u>or</u> Location (as may best identify the land or structure in question)	Knockera voola, Upper church Thurles, Co. Tipperary
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4. Development Details:

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

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

I, Tim McHughlin the owner, intend to retrofit an old derelict dwelling and to build a single story extension to the rear of the existing dwelling of 39 sq metres	
Proposed floor area of proposed works/uses: 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(



Date: 22/12/2025

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:

**Planning Section,
Tipperary County Council,
Civic Offices,
Limerick Road,
Nenagh,
Co. Tipperary**

OR

**Planning Section,
Tipperary County Council,
Civic Offices,
Emmet Street,
Clonmel,
Co. Tipperary**

Enquires:

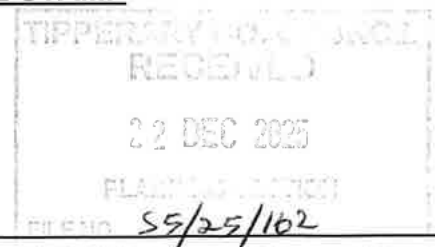
Telephone 0818 06 5000

E-Mail planning@tipperarycoco.ie

FOR OFFICE USE ONLY

Fee Recd. € 80 —
Receipt No 134054
Date 22/12/25
Received by _____

DATE STAMP



Land Registry Compliant Map



Tailte
Éireann

CENTRE COORDINATES:
ITM 595036,660520

PUBLISHED: 09/12/2025

ORDER NO.: 50507402_1

MAP SERIES: 1:5,000

MAP SHEETS: 4631

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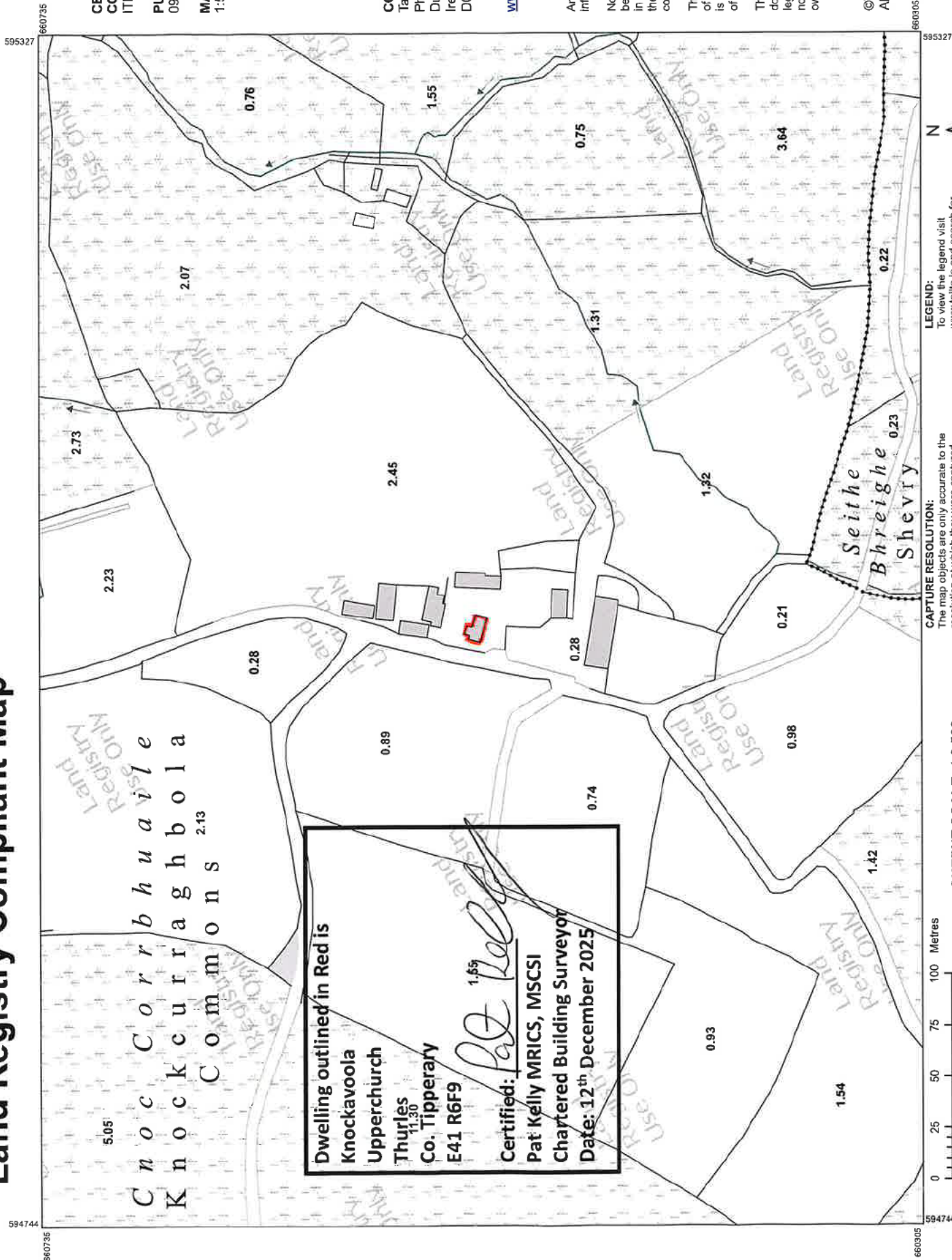
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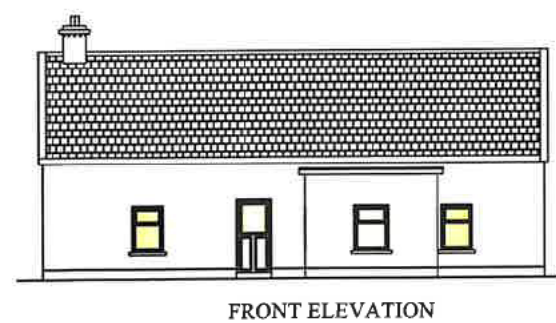
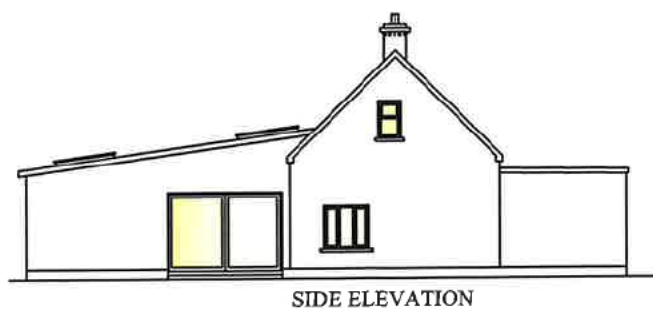
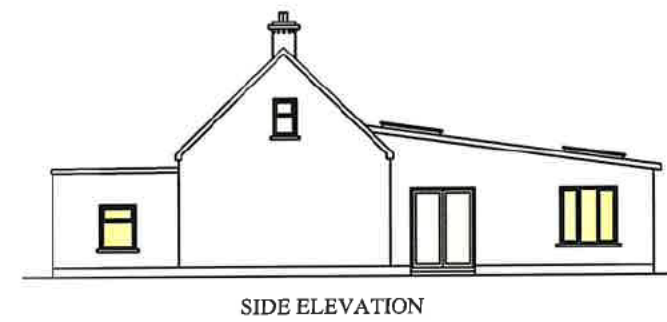
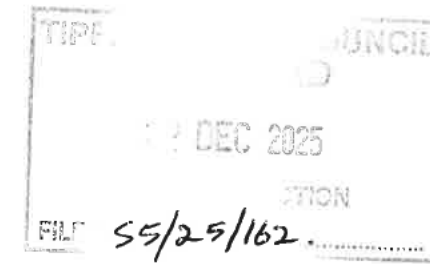
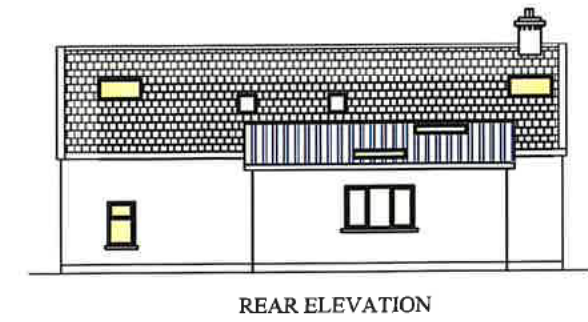
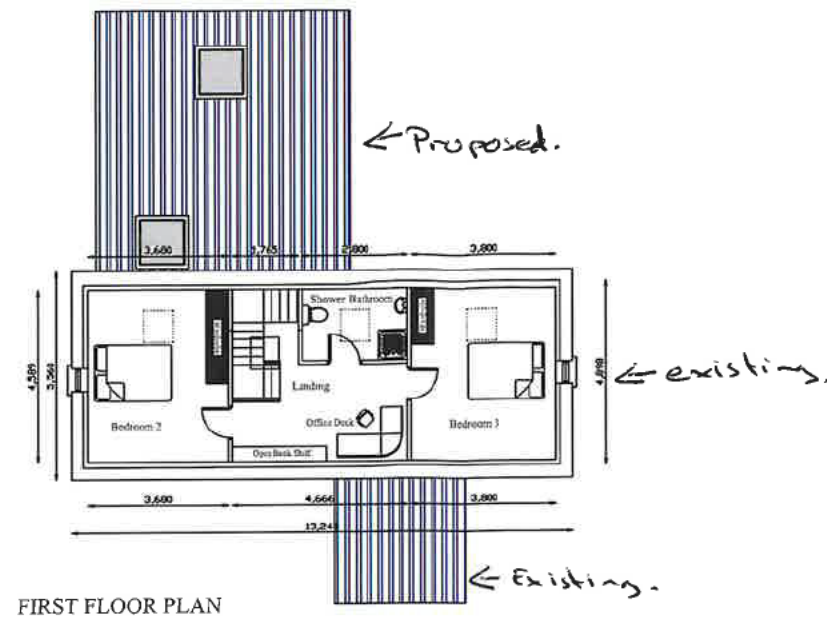
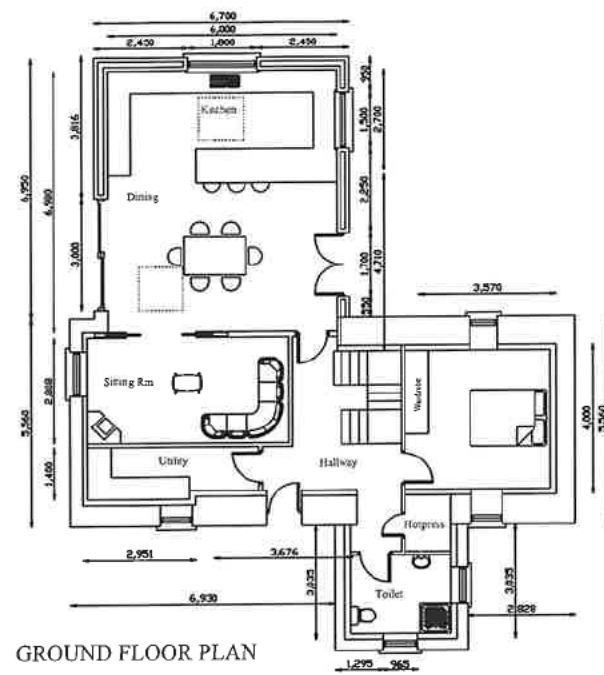
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The representation on this map of a road, track or footpath is not evidence of the existence of a right of way.

This topographic map does not show legal property boundaries, nor does it show ownership of physical features.

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Any discrepancies on the drawings to be immediately brought to the attention of the Client prior to proceeding with any works.

All works completed in compliance with current Building Regulations and Technical Guidance Documents.

CDS

088 6910591
ocarr2011@gmail.com
Knockmaroe
Milestone
Thurles
Co Tipperary

Drwg by:- Oliver Carr

Client:- Timmy McLoughlin

Site Address:-
Knockcurraghbola,
Upperchurch,
Thurles,
Co Tipperary.

TITLE: FLOOR PLANS

SCALE: 1:200

DATE: 15 - 12 - 2025

AREA: 157.25 m2

STAGE: Layout Drawing

REVISION: A

DRAWING NO.: 25 - 03 - 01

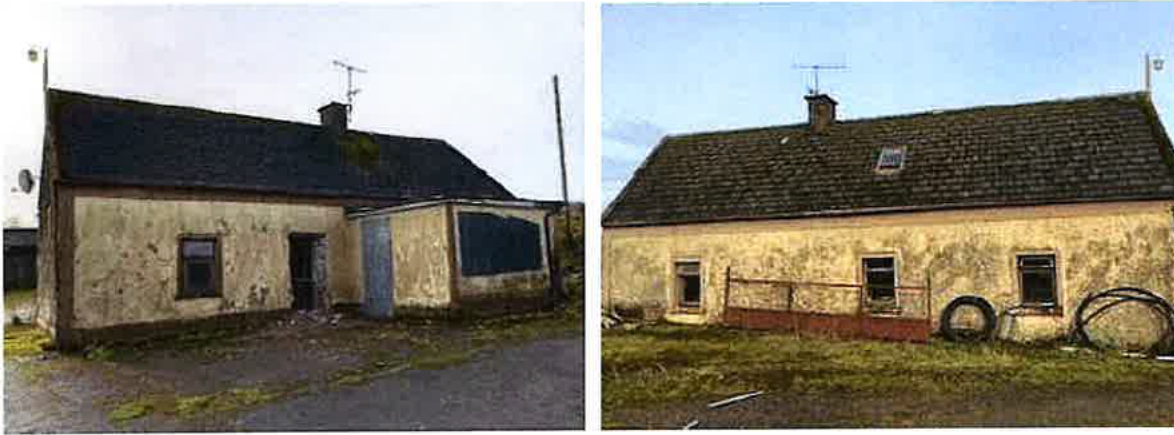


REPORT
ON
BUILDING INSPECTION
OF
Derelict Cottage
At
Knock^{er}avoola
Upperchurch
Thurles
Co. Tipperary
E41 R6F9
On the Instructions
Of
Timmy McLoughlin

DATE: 18th December 2025

INTRODUCTION

The subject property comprises of an original four roomed cottage that would have been constructed in the 1800's or thereabouts. An extension consisting of a back kitchen was constructed in the 1950's/1960's or thereabouts. This house appears to be lying vacant for the last 50/60 years or thereabouts and is in need of substantial refurbishment and upgrading.



The purpose of our inspection was to report on the general condition of the house and to report on structural issues in relation to the refurbishment and upgrading of the property.

SCOPE OF INSPECTION

The inspection took the form of a superficial survey of the main structure, including roof, walls and finishes both internally and externally. Where parts of the structure were unexposed or inaccessible no opinion can be given as their condition. No opening up works was carried out during our inspection nor were carpets or floor coverings lifted. It must be appreciated therefore that defects such as woodworm and dry rot may be present without our knowledge.

No tests were carried out on the electrical, plumbing, heating or drainage installations and we would therefore recommend that you have an Electrician and Plumber carry out these tests.

Minor items of routine maintenance and replacements are disregarded in this report.

No test was carried out to establish the presence of Radon, Radon Barrier, Sumps and the presence of any form of Asbestos.

The Mid-West Region has a growing detection rate of deleterious material (pyrite/mica) present in the blockwork and foundations of dwellings. No testing or intrusive examination was carried out to determine the presence or not of pyrite in the structure of the house.

No comment was made with regard to the presence of Japanese Knotweed.

USE OF REPORT

This report is for the sole use of Timmy McLoughlin. No responsibility is accepted to any third party or in the event that this report is used for any other purpose.

ROOF

The main roof of the original cottage was viewed from ground level and comprises of pitched slate roof on pitched timber construction with one chimneystack at the centre of the roof. It is noted that Asbestos slates used here and all will have to be removed. On inspection of the roof timbers internally, clear evidence of wet

rot and dry rot also. Allowance will have to be made for take-off of entire roof and replacement with new including all roof timbers.



Part of the roof is supported by light timber posts. Complete new roof is required. Dry rot evident on roof timbers.



Also, noted that the chimneystack at centre of roof is in poor condition with substantial water ingress. Allowance will have to be made for demolition of the entire chimneystack from ground level and replacement with new.



Flat felt roof to the rear extension is showing clear evidence of water ingress and replacement of new roof to the rear extension also.

WALLS

All walls to the original dwelling are circa 500mm thick stone walls with render finish externally. High levels of dampness showing throughout.



Moisture meter readings taken show high levels of dampness on all walls. All walls will have to receive 100mm external wrap insulation plus allowance will also have to be made for fitting Isover metal stud wall system on the internal face of all external walls and fitting 100mm insulation also.

Walls the rear extension are 200mm mass concrete walls with high levels of dampness. Again, external wrap insulation required here.

Noted that walls to the rear corner of the cottage are showing signs of subsidence. Refer to photographs below where trial holes have been dug. Allowance will have to be made for underpinning at the rear corner of the cottage.



Also, noted that walls to the extension are merely laid directly onto the concrete yard and no foundation laid. Underpinning of the rear extension also required.



INTERNALLY

FLOORS

Concrete floors to ground floor that are showing high levels of rising dampness. Take up of all floors will be required and laying 150mm insulation using dampproof membrane.

Suspended timber floors to first floor are sagging when pounced upon. Replacement of all first-floor joists required. Dry rot evident on first floor timbers.

CEILINGS

All ceilings throughout will have to be replaced with new.

WINDOWS & EXTERNAL DOORS

Replacement of all windows and doors throughout. Noted timber lintels used over front hall door and over windows. Replacement of all timber lintels will be required.



SERVICES

The services installations were not tested; however, the following observations were made:

Complete rewiring of the entire house is required.

Property is connected to private well which currently serves farmyard also.

Allowance will have to be made for new air-to-water heating scheme, plus reconstruction of chimneystack as referred to earlier.

Allowance will have to be made for upgrading of the existing septic tank to a Tricel System. Estimated costs here would be in the region of €20,000.

CONCLUSION & GENERAL RECOMMENDATIONS

Whilst the original cottage of circa 68 sq. mts. is in need of complete refurbishment/upgrading, it is proposed to construct a 39 sq. mt. extension to the rear consisting of a dining room.

This dwelling is in a derelict state with numerous structural issues that are in need of immediate attention. The property falls within the meaning of Section 3 of the Derelicts Sites Act 1990 which states as follows:

In this section "derelict site" means any land (in this section referred to as "the land in question") which detracts, or is likely to detract, to a material degree from the amenity, character or appearance of land in the neighborhood of the land in question because of—

(a) the existence on the land in question of structures which are in a ruinous, derelict or dangerous condition, or

(b) the neglected, unsightly or objectionable condition of the land or any structures on the land in question, or

(c) the presence, deposit or collection on the land in question of any litter, rubbish, debris or waste, except where the presence, deposit or collection of such litter, rubbish, debris or waste results from the exercise of a right conferred by statute or by common law.

The following is a summary of issues that are structurally unsound and dangerous.

1. Replacement of complete roof including all roof timbers and asbestos slates to the original cottage.
2. Reconstruction of chimneystack to the main dwelling.
3. Dry rot evident on all first-floor joists. Replacement of all first-floor joists required.
4. Take up of all floors due to severe rising dampness and replacement with modern concrete floor with a dpc and 150mm insulation.
5. Structural cracking evident on the external walls of the original cottage where underpinning will be required. Also noted that there are no foundations underneath the rear extension which are merely laid onto concrete yard. Underpinning of this rear extension is also required.

These issues listed fall within the category of meaning of Section 3 of the Derelicts Sites Act 1990 and should therefore qualify for the Derelict Homes Grant.

Should you have any queries with regard to any of the points raised please do not hesitate to contact the undersigned.



**Pat Kelly MRICS, MSCSI, Dip. Bldg. Surv.
Chartered Building Surveyor**

18th December 2025



Comhairle Contae Thiobraid Árann
Tipperary County Council

Comhairle Contae
Thiobraid Árann,
Oifigí Cathartha,
Clusín Meala,
Co. Thiobraid Árann
Tipperary County Council,
Civic Offices, Clonmel,
Co. Tipperary
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Co. Tipperary
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t 0818 06 5000/600
e customerservice
@tipperarycoco.ie
tipperarycoco.ie

Date: 22nd December 2025 Our Ref: S5/25/162 Civic Offices, Nenagh

Tim McLoughlin
Knockeravoola
Upperchurch
Thurles
Co Tipperary

Re: Application for a Section 5 Declaration – To retrofit an old derelict dwelling and to build a single storey extension to the rear of the existing dwelling at Knockeravoola, Upperchurch, Thurles, Co. Tipperary.

Dear Tim,

I acknowledge receipt of your application for a Section 5 Declaration received on 22nd December 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 Ref.: S5/25/162

Applicant: Tim McLoughlin

Development Address: Knockeravoola, Upperchurch

Proposed Development: To retrofit an old derelict dwelling and to build a single storey extension to the rear of the existing dwelling of 39sqm

1. GENERAL

On 22.12.2025 a request was received for a declaration under Section 5 of the Planning and Development Act 2000, as amended, as to whether or not the following works constituted development and if so, whether same was exempted development:

To retrofit an old derelict dwelling and to build a single storey extension to the rear of the existing dwelling of 39sqm

The floor area of the existing cottage is stated as 68sqm. The application is accompanied by a structural engineering report which describes the dwelling as derelict and states that same is vacant for 50-60 year. The report further details a number of issues with the building and recommended works including:

- Replacement of roof
- Reconstruction of chimneystack
- Replacement of first floor joists (due to dry rot)
- Take up all floors due to rising damp and replace with modern insulated concrete floors
- Underpinning of external walls and underpinning of rear extension due to absence of foundation

The Planning Authority notes extensive renovation and repair works are required however it is considered that the dwelling would still be considered to be a habitable dwelling.

2. SITE LOCATION

The site is located in the townland Knockcurraghbola Commons. The structure is located in close proximity to an existing agricultural complex, with no defined boundaries separating the uses.

It is noted that the existing derelict and vacant dwelling is within 100 of the permitted substation to serve the Upperchurch Windfarm, however same does not appear to be within close proximity to any proposed turbine.



3. PLANNING HISTORY

None

4. STATUTORY PROVISIONS:

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

“works” includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal....’

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 of the Planning and Development Act 2000, as amended, provides for Exempted Development and Section 4(1) sets out works which shall be exempted development for the purposes of this act. 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(4) of the Planning and Development Act 2000, as amended, states -

‘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.’

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, Schedule 2, Part 1 of the Planning and Development Regulations 2001, as amended sets out an exemption for:

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

This exemption is subject to the following conditions/limitations:

1. (a) Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres.

(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.

(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.

2. (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.

(b) Subject to paragraph (a), where the house is terraced or semi-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 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

Section 6(1) of the Regulations states as follows:

“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.”

5. ENVIRONMENTAL IMPACT ASSESSMENT (EIA) & APPROPRIATE ASSESSMENT (AA):

EIA:

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

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.

The proposed development is an for an extension to a dwelling and is not a type of development included for under Schedule 5 of the Planning and Development Regulations 2001, as amended.

AA

The proposed development has been screened as to the requirement for AA and it has been determined that AA is not required. See Screening Report attached.

6. ASSESSMENT

At the time of the site visit it was noted that the existing cottage is not inhabited and while it is described as derelict it is still substantially intact, including windows and doors, therefore the residential use is not considered abandoned.

It is noted that the existing dwelling has been previously extended. An approximate measurement of the existing and proposed extensions, using the stated scale of 1:200, shows that the existing extension measures approximately 11sqm, with the proposed extension measuring 49sqm. It is noted however that the planning application documentation details the extension to measure 39sqm.

Furthermore, it is noted that the drawings submitted do not clearly define the curtilage of the dwelling, including the private open space. Noting the location of the dwelling in proximity to an agricultural complex, without defined boundary treatments of the curtilage.

a. Assessment

A) “Is or is not Development”

I consider the proposals constitute “works” as understood by the Planning and Development Act 2000, as amended. The above listed proposals therefore constitute “development” within the meaning of the Planning and Development Act 2000, as amended.

B) “Is or is not Exempted Development”

The proposed extension does not satisfy condition 4a) of Class 1 as the height of the rear walls of the extension exceed the height of the rear wall of the house. The rear walls of the house does not include a gable.

In the absence of a site layout plan, it is not possible to ascertain whether conditions 5 and 6 of the class 1 exemption are met.

C) Is the exemption restricted under Article 9

I note no provisions under Article 9 which relate to the proposed development. There is no planning history attached to this site. The site is not within a zone of archaeological potential and will not impact on any recorded monument. The development has been assessed with regard to the requirement of AA and EIA and it is deemed that neither are required. The dwelling is not within an ACA and the existing building is not a protected structure. The proposed development will not endanger public safety by reason of a traffic hazard etc.

4. RECOMMENDATION

In considering this Declaration, Tipperary County Council has had regard to:

- (a) Sections 2, 3 & 4 of the Planning and Development Act 2000, as amended,
- (b) Class 1, of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended,
- (c) The details submitted by the applicant with the Declaration

It has concluded that – The proposed development 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 NOT “exempted development” as it does comply with the conditions and limitations attached to Schedule 2, Part 1, Class 1, Planning and Development Regulations 2001, as amended.

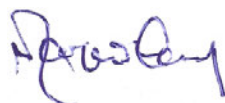
In particular the proposal does not satisfy condition/limitation 4 a) of Class 1.

ADVICE NOTE:

(1) In the absence of site layout plan, it is not possible to ascertain if the proposed extension would comply with other relevant conditions and limitation attached to the Class 1 exemption i.e. conditions 5 and 6.

(2) The provision of effluent treatment facilities does not form part of this Section 5 Declaration application and as such have not been included in the decision of the Planning Authority. The applicant is advised that the provision of such facilities would not comply with planning exemptions and will require planning permission.

Executive Planner:



Date: 22.01.2026

Senior Executive Planner:



Date: 22/1/2026







HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT

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

(a) File Reference No:	S5/25/162
(b) Brief description of the project or plan:	Extension at rear of dwelling.
(c) Brief description of site characteristics:	Existing dwelling
(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW	None
(e) Response to consultation:	None

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

European Site (code)	List of Qualifying Interest/Special Conservation Interest ¹	Distance from proposed development ² (km)	Connections (Source-Pathway-Receptor)	Considered further in screening Y/N
002137 Lower River Suir SAC	https://www.npws.ie/protected-sites/sac/002137	Within 5km	None	No
002165 Lower River Shannon SAC	https://www.npws.ie/protected-sites/sac/002165	Within 5km	None	No
000939 Silvermines Mountains SAC	https://www.npws.ie/protected-sites/sac/000939	Within 15km	None	No
004165 Slievefelim to Silvermines Mountains SPA	https://www.npws.ie/protected-sites/spa/004165	Within 15km	None	No
001197 Keeper Hill SAC	https://www.npws.ie/protected-sites/sac/001197	Within 15km	None	No
002124 Bolingbrook Hill SAC	https://www.npws.ie/protected-sites/sac/002124	Within 15km	None	No
002125 Anglesey Road SAC	https://www.npws.ie/protected-sites/sac/002125	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.)
Construction phase e.g. <ul style="list-style-type: none"> Vegetation clearance Demolition 	No potential impacts.

<ul style="list-style-type: none"> • Surface water runoff from soil excavation/infill/landscaping (including borrow pits) • Dust, noise, vibration • Lighting disturbance • Impact on groundwater/dewatering • Storage of excavated/construction materials • Access to site • Pests 	
--	--

<p>Operational phase e.g.</p> <ul style="list-style-type: none"> • Direct emission to air and water • Surface water runoff containing contaminant or sediment • Lighting disturbance • Noise/vibration • Changes to water/groundwater due to drainage or abstraction • Presence of people, vehicles and activities • Physical presence of structures (e.g. collision risks) • Potential for accidents or incidents 	No potential impacts.
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In-combination/Other	No potential impacts
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(b) Describe any likely changes to the European site:

<p>Examples of the type of changes to give consideration to include:</p> <ul style="list-style-type: none"> • Reduction or fragmentation of habitat area • Disturbance to QI species • Habitat or species fragmentation • Reduction or fragmentation in species density • Changes in key indicators of conservation status value (water or air quality etc.) • Changes to areas of sensitivity or threats to QI • Interference with the key relationships that define the structure or ecological function of the site 	No potential impacts
---	----------------------

(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 no likelihood of significant effects on a European site.	<input checked="" type="checkbox"/>	The proposal can be screened out: Appropriate assessment not required.
(ii) It is uncertain whether the proposal will have a significant effect on a European site.	<input type="checkbox"/>	<input type="checkbox"/> Request further information to complete screening <input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
(iii) Significant effects are likely.	<input type="checkbox"/>	<input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
EIA Pre-Screening Establishing a development is a 'sub-threshold development'		
File Reference:	S5/25/150	
Development Summary:	As per planners report	
Was a Screening Determination carried out under Section 176A-C?	<input type="checkbox"/> Yes, no further action required <input checked="" type="checkbox"/> No, Proceed to Part A	
A. Schedule 5 Part 1 - Does the development comprise a project listed in Schedule 5, Part 1 , of the Planning and Development Regulations 2001 (as amended)? (Tick as appropriate)		
<input type="checkbox"/> Yes, specify class _____		EIA is mandatory No Screening required
<input checked="" type="checkbox"/> No		Proceed to Part B
B. Schedule 5 Part 2 - Does the development comprise a project listed in Schedule 5, Part 2 , of the Planning and Development Regulations 2001 (as amended) and does it meet/exceed the thresholds? (Tick as appropriate)		
<input checked="" type="checkbox"/> No, the development is not a project listed in Schedule 5, Part 2		No Screening required
<input type="checkbox"/> Yes the project is listed in Schedule 5, Part 2 and meets/exceeds the threshold, specify class (including threshold): _____		EIA is mandatory No Screening required
<input type="checkbox"/> Yes the project is of a type listed but is <i>sub-threshold</i> : _____		Proceed to Part C
C. If Yes, has Schedule 7A information/screening report been submitted?		
<input type="checkbox"/> Yes, Schedule 7A information/screening report has been submitted by the applicant		Screening Determination required
<input type="checkbox"/> No, Schedule 7A information/screening report has not been submitted by the applicant		Preliminary Examination required

Signed:



Executive Planner:

Date: 22.01.2026

Original

TIPPERARY COUNTY COUNCIL

DELEGATED EMPLOYEE'S ORDER

File Ref: **S5/25/162**

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 3rd 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 Tim McLoughlin, Knockeraavoola, Upperchurch, Thurles, Co. Tipperary, re: to retrofit an old derelict dwelling and to build a single storey extension to the rear of the existing dwelling of 39sqm at Knockeraavoola, Upperchurch is development and is exempted development.

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

- a) Sections 2, 3 & 4 of the Planning and Development Act 2000, as amended,
- b) Class 1, of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended,
- c) The details submitted by the applicant with the Declaration

It has concluded that – The proposed development 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 **NOT "exempted development"** as it does comply with the conditions and limitations attached to Schedule 2, Part 1, Class 1, Planning and Development Regulations 2001, as amended.

In particular the proposal does not satisfy condition/limitation 4 a) of Class 1.

Signed:



Brian Beck
Director of Services

Date: 23/01/2026



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: 23rd January, 2026

Our Ref: S5/25/162

Civic Offices, Nenagh

Tim McLoughlin
Knockeravoola
Upperchurch
Thurles
Co. Tipperary

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

Dear Mr McLoughlin,

I refer to your application for a Section 5 Declaration received on 22nd December, 2025, in relation to the following proposed works:

To retrofit an old derelict dwelling and to build a single storey extension to the rear of the existing dwelling of 39sqm at Knockeravoola, Upperchurch

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 & 4 of the Planning and Development Act 2000, as amended,
- b) Class 1, of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended,
- c) The details submitted by the applicant with the Declaration

It has concluded that – The proposed development 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 NOT “exempted development” as it does comply with the conditions and limitations attached to Schedule 2, Part 1, Class 1, Planning and Development Regulations 2001, as amended.

In particular the proposal does not satisfy condition/limitation 4 a) of Class 1.

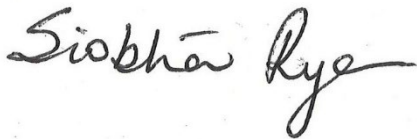
ADVICE NOTE:

(1) In the absence of site layout plan, it is not possible to ascertain if the proposed extension would comply with other relevant conditions and limitation attached to the Class 1 exemption i.e. conditions 5 and 6.

(2) The provision of effluent treatment facilities does not form part of this Section 5 Declaration application and as such have not been included in the decision of the Planning Authority. The applicant is advised that the provision of such facilities would not comply with planning exemptions and will require planning permission.

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 large, flowing 'S' and a distinct 'R'.

for **Director of Services**