



PLANNING & DEVELOPMENT ACT, 2000 (as amended)

Application for a Section 5 Declaration
Development / Exempted Development

1. Applicant's address/contact details:

| | |
|----------------------|---|
| <i>Applicant</i> | KEN AND CATHERINE RYAN |
| <i>Address</i> | <i>12 CABRA, THURLES, CO. TIPPERARY</i> |
| <i>Telephone No.</i> | |
| <i>E-mail</i> | |

2. Agent's (if any) address:

| | |
|----------------------|---|
| <i>Agent</i> | <i>EOGHAN FRANKS</i> |
| <i>Address</i> | <i>10 RAILWAY VIEW, TEMPLEMORE, CO. TIPPERARY</i> |
| <i>Telephone No.</i> | ██████████ |
| ██████████ | ████████████████████ |

Please advise where all correspondence in relation to this application is to be sent;

Applicant [] Agent [x]

3. Location of Proposed Development:

| | |
|--|----------------------------------|
| <i>Postal Address <u>or</u> Townland <u>or</u> Location (as may best identify the land or structure in question)</i> | 12 CABRA, THURLES, CO. TIPPERARY |
|--|----------------------------------|

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.)

| |
|--|
| ATTIC CONVERSION |
| REPLACEMENT WINDOWS AT REAR |
| |
| |
| |
| |
| Proposed floor area of proposed works/uses: 40 sqm |

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

| | | |
|--|---------------|-------------|
| <i>Please tick appropriate box to show applicant's legal interest in the land or structure</i> | A. Owner X | B. Occupier |
| | C. Other | |

| | |
|---|-------------------|
| <i>Where legal interest is 'Other', please expand further on your interest in the land or structure</i> | |
| <i>If you are not the legal owner, please state the name and address of the owner</i> | Name: Address: |

Signature of Applicant(s)  Date: 08/02/2026

PP AGENT ON BEHALF OF APPLICANTS

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 | <u>OR</u> | 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

DATE STAMP

Fee Recd. € _____

Receipt No _____

Date _____

Received by _____



Cash Office
Tipperary County Council
Civic Offices
Nenagh
Co Tipperary

=====

11/02/2026 15:07:46

Receipt No. : NENAM1/0/135015

EOGHAN FRANKS,
10 RAILWAY VIEW,
TEMPLEMORE.

REF: CATHERINE & KEN RYAN,

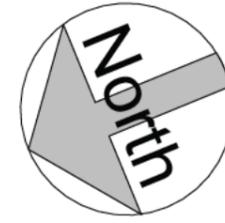
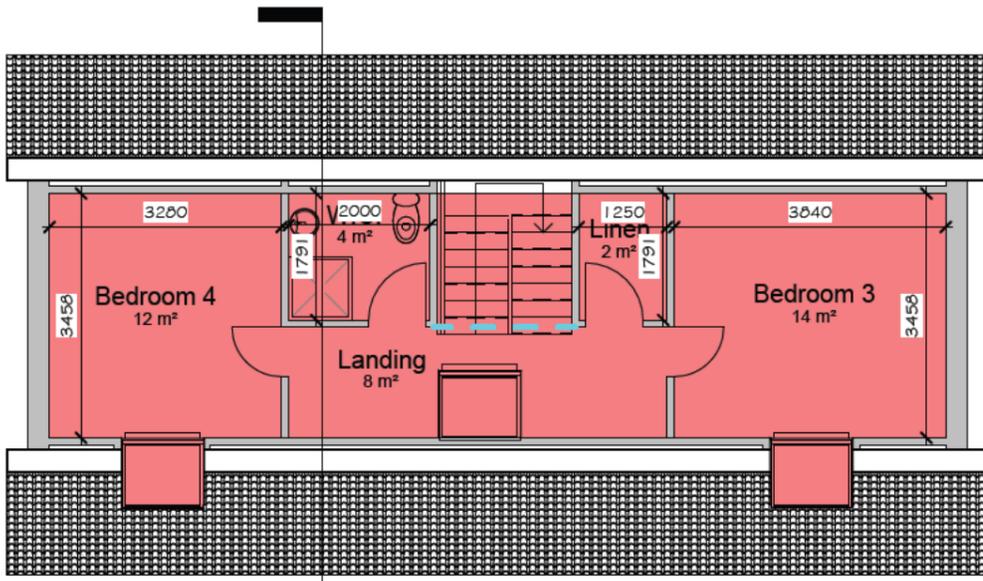
SECTION5 EXEMPTION DECLARATION 80
GOODS 80.00
VAT Exempt/Non-vatable

Total : 80.00 EUR

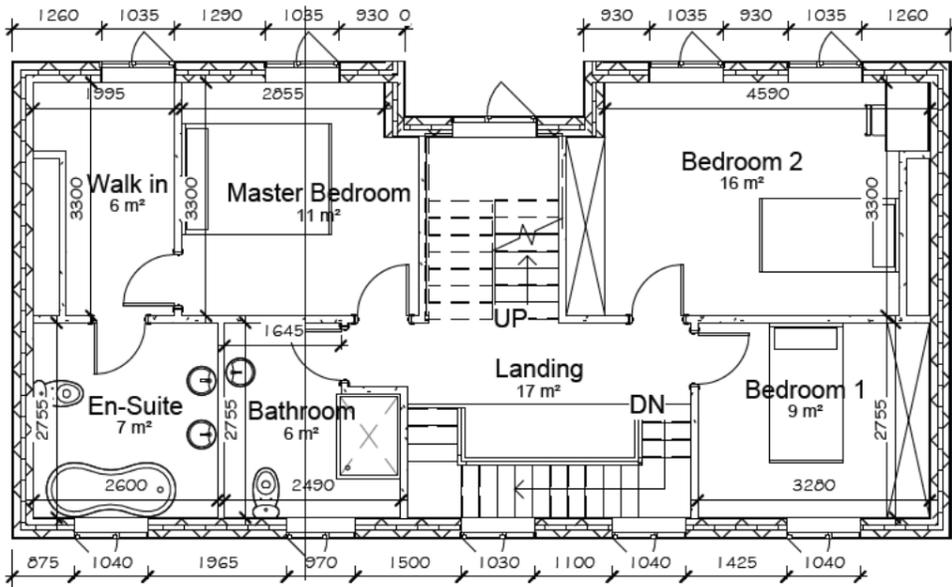
Tendered :
Credit Card 80.00

Change : 0.00

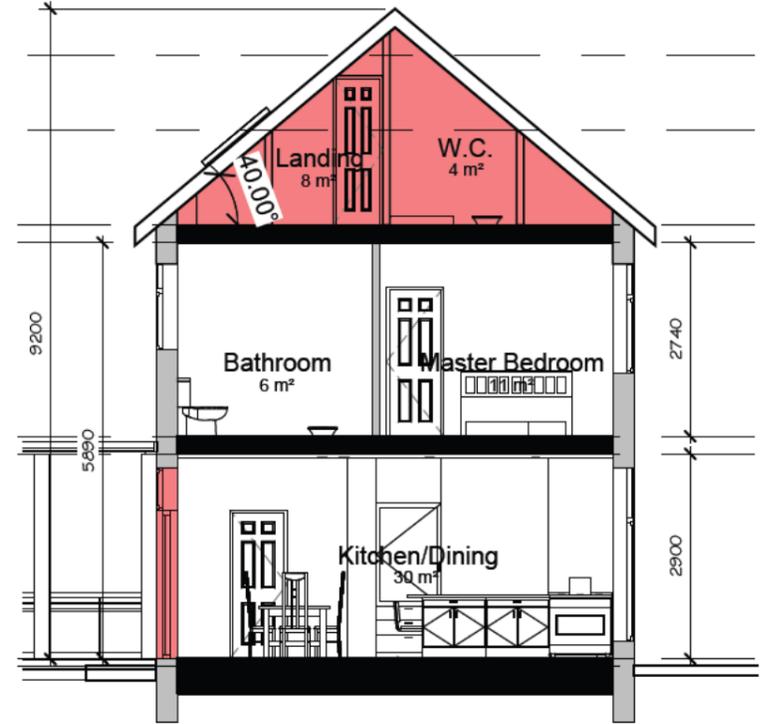
Issued By : DEIRDRE O BRIEN
From : TIPP CC NENAGH CASH DESK
Vat reg No.3259712MH



3 Attic
1 : 100



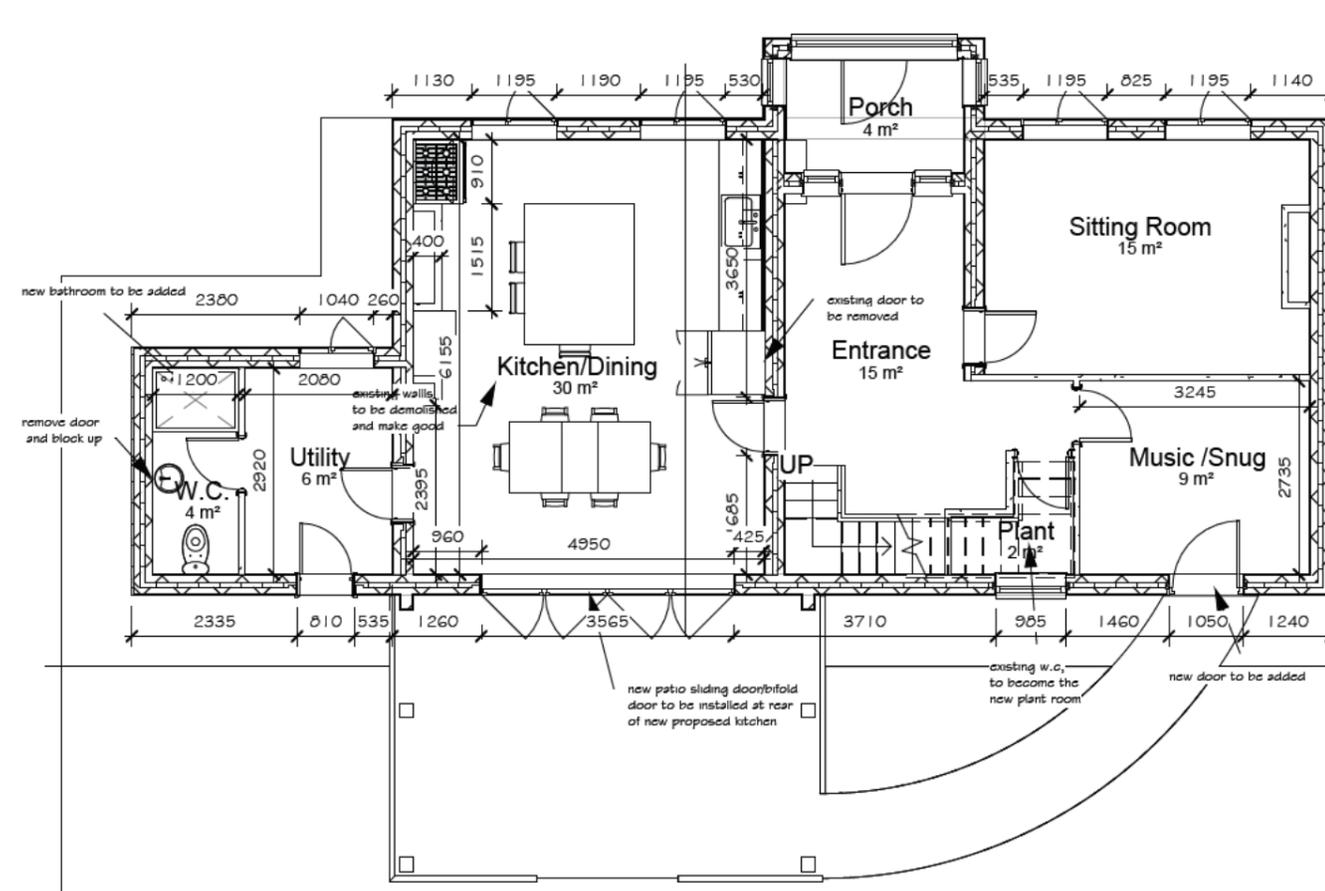
2 First Floor Plan
1 : 100



4 Section 1
1 : 100

PLANNING
DRAWINGS ONLY
NOT FOR
CONSTRUCTION

ALL WORKS TO COMPLY
WITH BUILDING
REGULATIONS.
DRAWINGS ARE NOT TO
BE SCALED AND ALL
DIMENSIONS SHOULD BE
CHECKED ON SITE PRIOR
TO COMMENCEMENT



1 Ground Floor Plan
1 : 100

GENERAL NOTES:
WORK TO FIGURED DIMENSIONS ONLY. DO NOT SCALE
PRINT.
ANY VARIATIONS TO BE BROUGHT TO THE ATTENTION OF
THE
DESIGNER. DESIGN SCHEME FOR PROPOSED
DEVELOPMENT IS
COPYRIGHT.
THESE DRAWINGS HAVE BEEN PREPARED FOR THE
PURPOSES
OF PLANNING PERMISSION ONLY .
NOTE: THAT BEFORE ANY WORK COMMENCES ON SITE
GROUND CONDITIONS MUST FIRST BE DETERMINED BY A
NOMINATED ENGINEER.
THESE DRAWINGS ARE NOT WORKING DRAWINGS.

CONSTRUCTION TO BE IN ACCORDANCE WITH ALL IRISH
BUILDING REGULATIONS AND CODES OF PRACTICE AT
THE TIME OF CONSTRUCTION.

THE CONTRACTOR MUST ENSURE THAT ALL WORK
PRACTICES ON SITE COMPLY WITH B.S. 8000.



Eoghan Franks
Design & Planning

Cobbs, Templemore, Co. Tipperary
E: eoghanfranks@gmail.com M: 087 7103781

Proposed Layout

| | | |
|----------------|---------|--------|
| Project number | 25-33 | PP-107 |
| Date | Jan 26 | |
| Drawn by | E.F. | |
| Checked by | E.F. | |
| Scale | 1 : 100 | |

C & K Ryan

12 Cabra
Thurles
Co. Tipperary

GENERAL NOTES:
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 NOTE: THAT BEFORE ANY WORK COMMENCES ON SITE GROUND CONDITIONS MUST FIRST BE DETERMINED BY A NOMINATED ENGINEER.
 THESE DRAWINGS ARE NOT WORKING DRAWINGS.

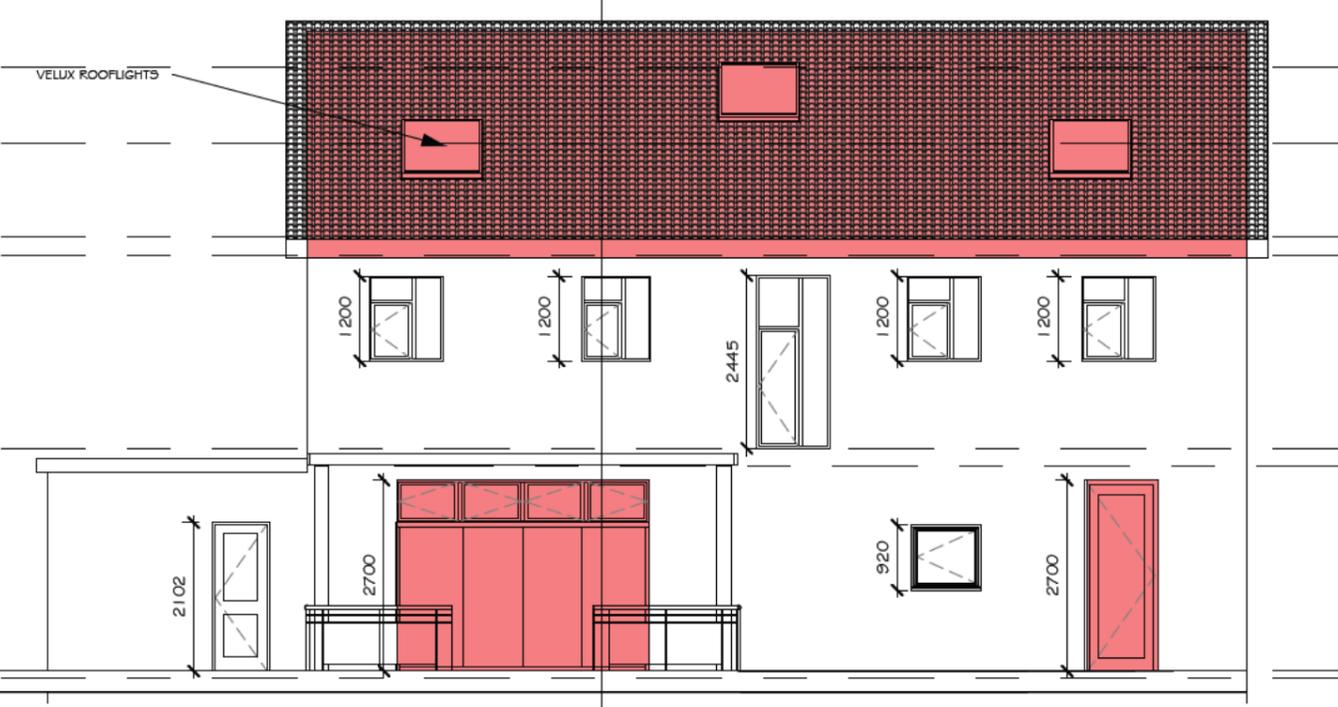
CONSTRUCTION TO BE IN ACCORDANCE WITH ALL IRISH BUILDING REGULATIONS AND CODES OF PRACTICE AT THE TIME OF CONSTRUCTION.

THE CONTRACTOR MUST ENSURE THAT ALL WORK PRACTICES ON SITE COMPLY WITH B.S. 8000.



1 Front Elevation

1 : 100

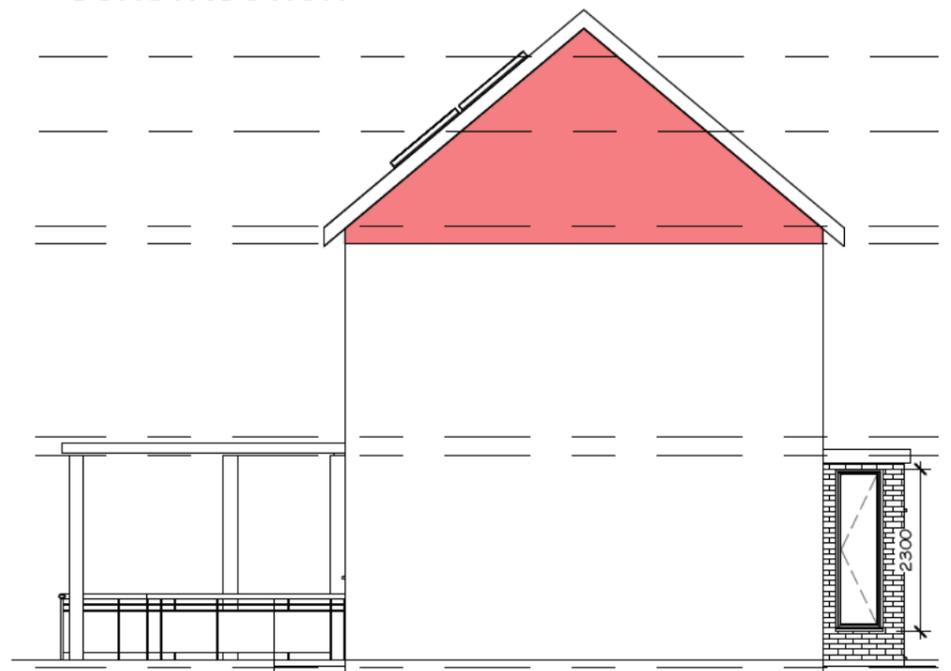
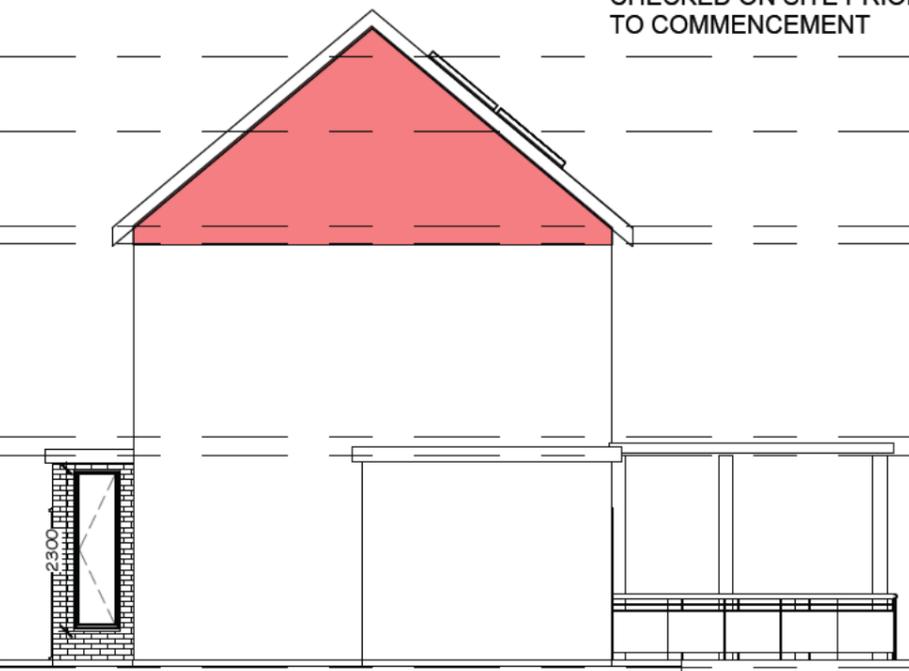


2 Rear Elevation

1 : 100

ALL WORKS TO COMPLY WITH BUILDING REGULATIONS. DRAWINGS ARE NOT TO BE SCALED AND ALL DIMENSIONS SHOULD BE CHECKED ON SITE PRIOR TO COMMENCEMENT

PLANNING DRAWINGS ONLY NOT FOR CONSTRUCTION



3 Side Elevation 1

1 : 100

4 Side Elevation 2

1 : 100



Eoghan Franks
 Design & Planning

Cobbs, Templemore, Co. Tipperary
 E: eoghanfranks@gmail.com M: 087 7103781

Elevations

| | | |
|----------------|---------|--------|
| Project number | 25-33 | PP-108 |
| Date | Jan 26 | |
| Drawn by | Author | |
| Checked by | Checker | |
| Scale | 1 : 100 | |

C & K Ryan

12 Cabra
 Thurles
 Co. Tipperary

Description: Digital Landscape Model (DLM)
 Publisher / Source: Taitte Éireann
 Data Source / Reference: PRIME2
 File Format: Autodesk AutoCAD (DWG_R2013)
 File Name: v_50517089_1.dwg

Clip Extent / Area of Interest (AOI):
 LXL,LYL= 611399.9856,656666.9247
 LRX,LYR= 611632.9856,656666.9247
 ULX,ULY= 611399.9856,6566838.9247
 URX,URY= 611632.9856,6566838.9247

Projection / Spatial Reference:
 Projection= IRENET95_Irish_Transverse_Mercator
 Centre Point Coordinates:
 X,Y= 611516.4856,656752.9247

Reference Index:
 Map Series | Map Sheets
 1:2,500 | 4756-B

Data Extraction Date:
 Date= 09-Feb-2026

Source Data Release:
 DCMLS Release V1.195.121

Product Version:
 Version= 1.4

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 Taitte Éireann,
 Phoenix Park,
 Dublin 8,
 Ireland.
 D08F6E4

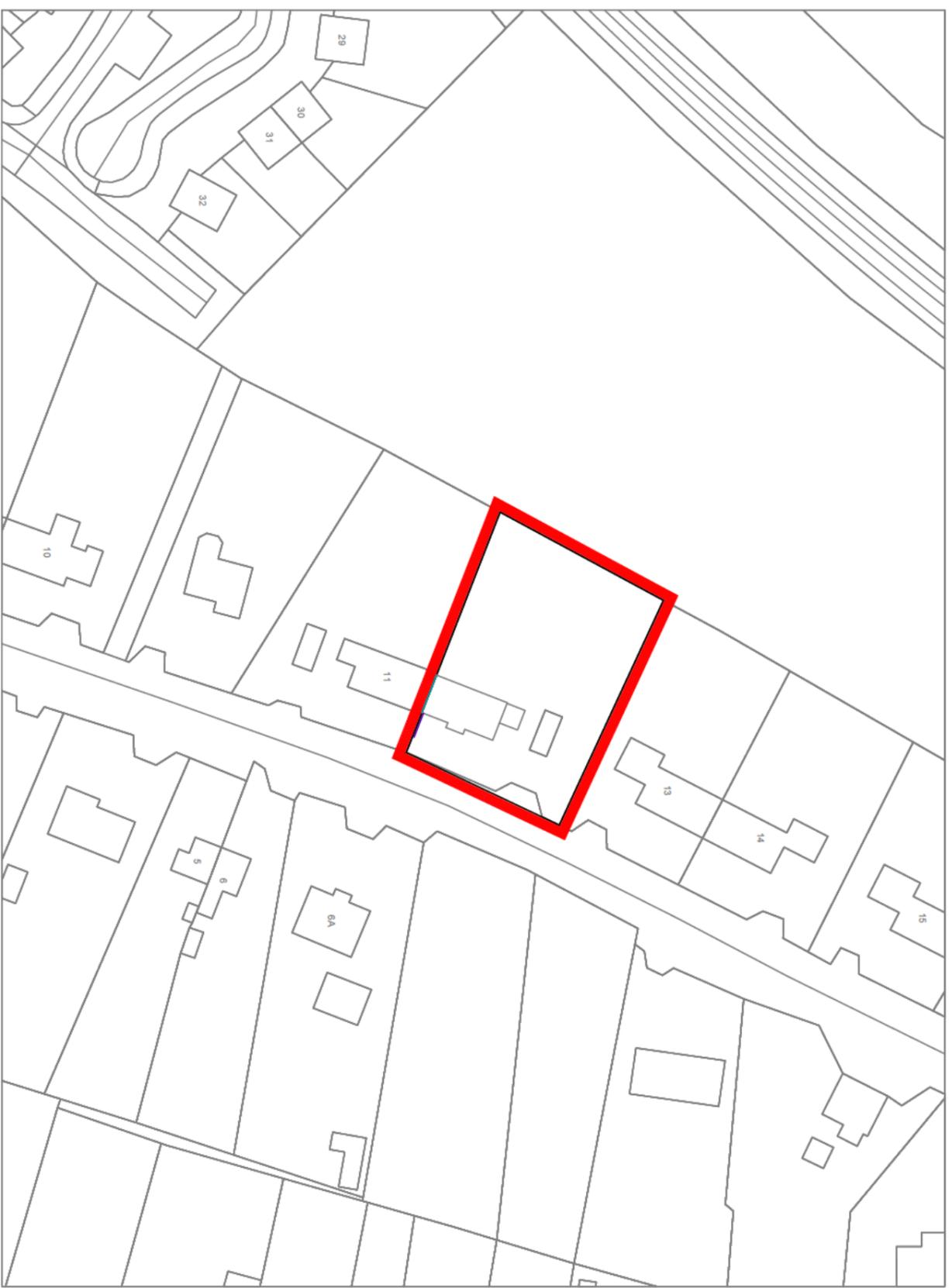
www.taitte.ie

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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.

LOCATION MAP
 SITE AREA: 0.15HA
 SCALE: 1:1000
 12 Cabra Road Thurles, Co. Tipperary

APPLICATION BOUNDARY
 LANDOWNERS LAND
 PERMISSION RETENTION



Eoghan Franks
 Design & Planning

Cobbs, Templemore, Co. Tipperary
 E: eoghanfranks@gmail.com M: 087 713781

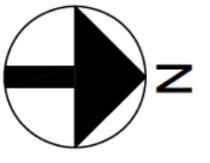
Location Map

| | | |
|----------------|----------|--------|
| Project number | 25-33 | PP-102 |
| Date | Jan 26 | |
| Drawn by | DRW | |
| Checked by | CHK | |
| Scale | 1 : 1000 | |

C & K Ryan

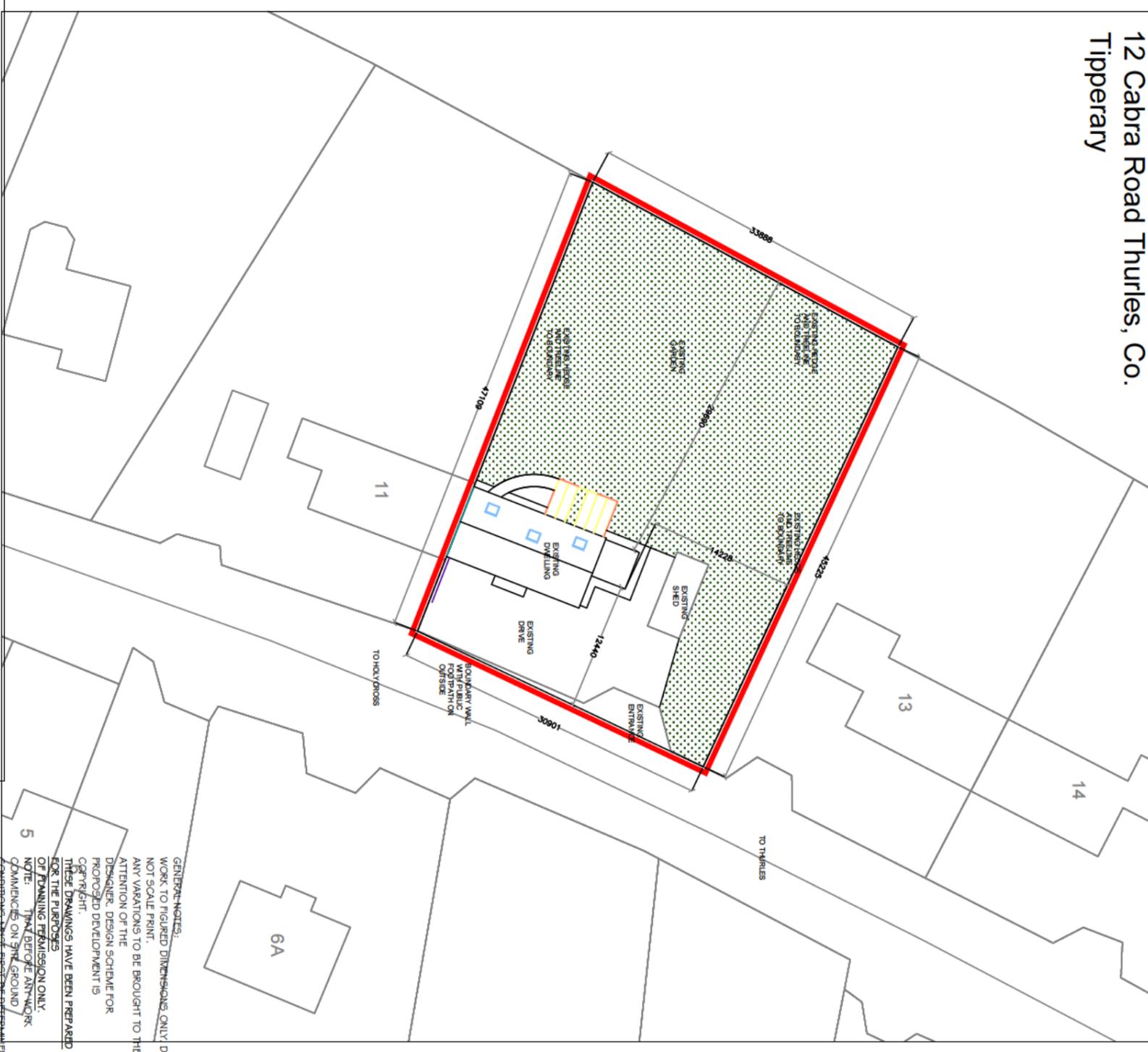
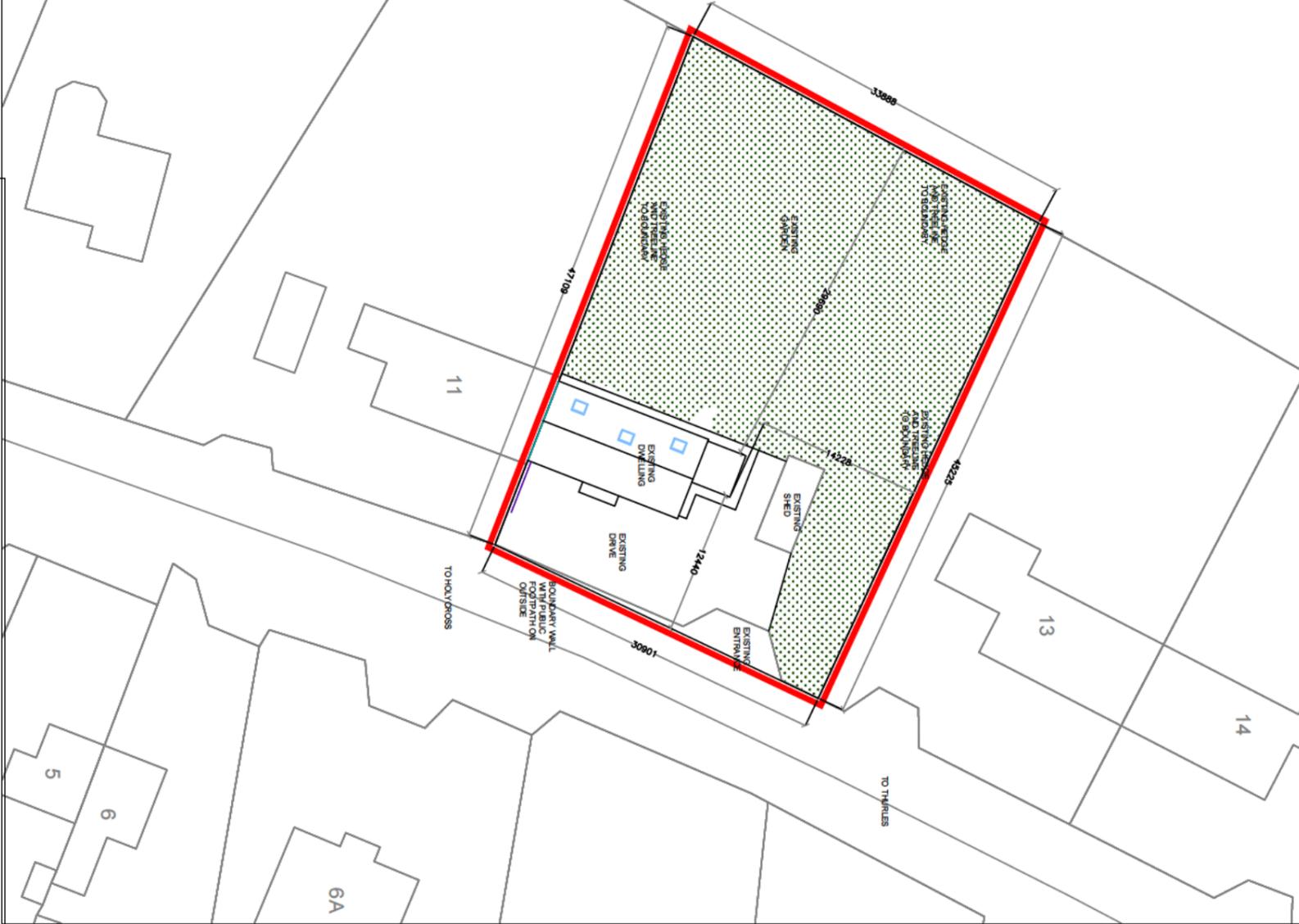
12 Cabra
 Thurles
 Co. Tipperary

GENERAL NOTES:
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 CONSTRUCTION TO BE IN ACCORDANCE WITH ALL IRISH BUILDING REGULATIONS AND CODES OF PRACTICE AT THE TIME OF CONSTRUCTION.
 THE CONTRACTOR MUST ENSURE THAT ALL WORK PRACTICES ON SITE COMPLY WITH B.S. 8000.



SITE LAYOUT PLANS
SITE AREA: 0.15HA
SCALE: 1:500
12 Cabra Road Thurles, Co. Tipperary

- █ APPLICATION BOUNDARY
- █ LANDOWNERS LAND PERMISSION
- █ RETENTION



Site Layout Plan

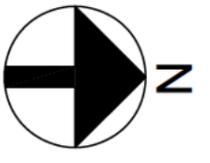
| | |
|----------------|----------|
| Project number | 25-33 |
| Date | Jan 26 |
| Drawn by | DRW |
| Checked by | CHK |
| Scale | 1 : 1000 |

C & K Ryan

12 Cabra
 Thurles
 Co. Tipperary

Eoghan Franks
 Design & Planning

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 NOTE: THAT BEFORE ANY WORK COMMENCES ON THE GROUND / CONSTRUCTION THE PERMISSION IS TO BE OBTAINED BY A NOMINATED ENGINEER. THESE DRAWINGS ARE NOT WORKING DRAWINGS.
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 THE CONTRACTOR MUST ENSURE THAT ALL WORK PRACTICES ON SITE COMPLY WITH B.S. 8000.



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

Date: 12th February 2026

Our Ref: S5/26/13

Civic Offices, Nenagh

**Catherine and Ken Ryan
C/O Eoghan Franks
10 Railway View
Templemore
Co Tipperary**

Re: Application for a Section 5 Declaration – Attic conversion and replacement of windows at rear at 12 Cabra, Thurles, Co Tipperary.

Dear Eoghan,

I acknowledge receipt of your application for a Section 5 Declaration received on 11th February 2026, 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: S5/26/13
Applicant: Ken and Catherine Ryan
Development Address: 12 Cabra, Thurles, Co. Tipperary
Proposed Development: Attic conversion and replacement windows at rear

1. GENERAL

On the 11th February, 2026 a request was made for a declaration under Section 5 of the Planning and Development Act, 2000 as amended by Ken and Catherine Ryan as to whether or not the following constitutes development and if so, whether same constitutes exempted development at 12 Cabra, Thurles, Co. Tipperary.

Attic conversion and replacement windows at rear

The application is accompanied by:

- Section 5 Declaration Application Form,
- Elevations and Floor Plan drawings,
- Site location map
- Site layout plan

2. STATUTORY PROVISIONS

The following statutory provisions are relevant to this referral case;

Planning and Development Act 2000, as amended

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

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

Section 3 (1) of the Planning and Development Act 2000, as amended, defined “development” 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 (1) of the Planning and Development Act, 2000, as amended states:

Exempted Development

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

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

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

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

(i) by reason of the size, nature or limited effect on its surroundings, of development belonging to that class, the carrying out of such development would not offend against principles of proper planning and sustainable development, or

(ii) the development is authorised, or is required to be authorised, by or under any enactment (whether the authorisation takes the form of the grant of a licence, consent, approval or any other type of authorisation) where the enactment concerned requires there to be consultation (howsoever described) with members of the public in relation to the proposed development prior to the granting of the authorisation (howsoever described).

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

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

Schedule 2, Part 1 'Exempted Development - General: Class 1 of Part 1 of Schedule 2

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

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.

Conditions and 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.

Article 6(1) of the **Planning and Development Regulations** states that 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 conditions and limitations specified in Column 2 of said Part 1 opposite the mention of that class in said Column 1.

Article 9, Restrictions on Exemption:

3. ASSESSMENT

a. *Site Location*

The site comprises an existing residential site at 12 Cabra, Thurles, Co. Tipperary.

The proposal is to convert the attic to habitable space and to replace a rear window with a sliding/bi-folding door at ground floor level.

b. *Relevant Planning History*

No planning history traced.

c. *Assessment*

The question posed under the Section 5 Declaration application is whether the conversion of an attic and the replacement of windows at the rear is exempted development.

While it is not stated in the application form, it is noted from the drawings submitted with the application that the attic conversion is for 2 no. bedrooms and a bathroom.

A) "Is or is not Development"

Having regard to Sections 2(1) and 3(1) of the Planning and Development Act 2000 (as amended), it is considered that the proposals constitute *development* as same involve the carrying out of works on the subject land.

Section 3(1) of the Planning and Development Act 2000-2024 provides that; In this Act “development” means, except where the context otherwise requires, the carrying out of any works on, in over or under land or the making of any material change in the use of any structures or other land.

B) “Is or is not Exempted Development”

It has previously been determined by Tipperary County Council that the conversion of an attic to a habitable space within a dwelling does not avail of a planning exemption as same is also not included for under the exemption provided under Class 1 Part 1, Schedule 2 of the above cited Regulations.

In relation to the **replacement of the window at the rear of the dwelling** it is considered that the provisions of Section 4 (1)(h) of the Planning and Development Act 2000 apply. Section 4 of the act sets out that the following shall be exempted developments for the purposes of the Act –

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

The replacement of the window at ground floor level is considered to comprise works for the maintenance, improvement or other alteration of the structure as set out under Section 4(1)(h) of the Planning and Development Act, 2000. It is further considered that these works, to the rear of the dwelling would not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures.

C) Restrictions under Article 9

I note no restriction that would apply as the proposed development does not relate to exempted development to which article 6 relates.

D) Requirement for Appropriate Assessment and Environmental Impact Assessment

AA

The proposal has been screened as to the requirements for Appropriate Assessment under the EU Habitats Directive. The screening assessment considers that the proposal does not impact on any Natura 2000 site. See also Appropriate Assessment screening report attached.

EIA

EIA is not required in respect of the proposed development and does avail of the exemption. See also for Environmental Impact Assessment (EIA) screening report attached.

4. RECOMMENDATION

WHEREAS a question has arisen from Catherine and Ken Ryan as to whether the following proposal at 12 Cabra, Thurles, Co. Tipperary constitutes “development” and “exempted development”

Attic Conversion and replacement windows at rear

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) Article 9 of the Planning and Development Regulations 2001 (as amended)

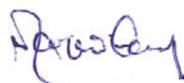
AND WHEREAS Tipperary County Council has concluded that –

The proposals for attic conversion as presented in the declaration application constitute “development” as understood by the Planning and Development act 2000, as amended and is **NOT** “exempted development”.

The replacement of windows at the rear of the dwelling constitutes development within the meaning of the Planning and Development Act 2000, as amended and is Exempted Development. It is considered that this element of the proposal meets the planning exemption under Section 4 (1) (h) of the Planning and development Act 2000, as amended.

”.

District Planner:



District Planner

Date: 04/03/2026

Senior Executive Planner: _



_____ **Date:** 5/3/2026

HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT

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

| | |
|--|---|
| (a) File Reference No: | S5/26/13 |
| (b) Brief description of the project or plan: | Convert attic to bedroom and replace window |
| (c) Brief description of site characteristics: | Existing dwelling site |
| (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 | https://www.npws.ie/protected-sites/sac/002137 | Within 10km | None | No |

STEP 3. Assessment of Likely Significant Effects

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

| Impacts: | Possible Significance of Impacts: (duration/magnitude etc.) |
|--|---|
| Construction phase e.g. <ul style="list-style-type: none"> • Vegetation clearance • Demolition • 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 | No potential impacts |

| | |
|---|----------------------|
| Operational phase e.g. <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 |
|---|----------------------|

| | |
|----------------------|----------------------|
| In-combination/Other | No potential impacts |
|----------------------|----------------------|

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

| | |
|--|----------------------|
| Examples of the type of changes to give consideration to include: <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 |
| Signature and Date of Recommending Officer: | Marion Carey | Date: 04.03.2026 |

| EIA Pre-Screening | |
|--|--|
| Establishing a development is a 'sub-threshold development' | |
| File Reference: | S5/26/13 |
| Development Summary: | Convert attic to bedroom and replace window |
| 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 |

Original

TIPPERARY COUNTY COUNCIL

DELEGATED EMPLOYEE'S ORDER

File Ref: **S5/26/13** **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 Catherine and Ken Ryan, C/O Eoghan Franks, 10 Railway View, Templemore, Co Tipperary re: Attic conversion and replacement windows at rear at 12 Cabra, Thurles, Co. Tipperary is development and is exempted development.

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

- (a) Sections 2, 3, 4 of the Planning and Development Act, 2000 (as amended)
- (b) Article 9 of the Planning and Development Regulations 2001 (as amended)

Tipperary County Council has concluded that the proposals for attic conversion as presented in the declaration application constitute "development" as understood by the Planning and Development act 2000, as amended and is **NOT "exempted development"**.

The replacement of windows at the rear of the dwelling constitutes development within the meaning of the Planning and Development Act 2000, as amended and **is Exempted Development**. It is considered that this element of the proposal meets the planning exemption under Section 4 (1) (h) of the Planning and development Act 2000, as amended.

Signed:



Brian Beck
Director of Services

Date: 5/3/2026



Date: 5th March 2026

Our Ref: S5/26/13

Civic Offices, Nenagh

**Catherine and Ken Ryan
C/O Eoghan Franks
10 Railway View
Templemore
Co Tipperary**

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

Dear sir/madam,

I refer to your application for a Section 5 Declaration received on 11th February 2026 in relation to the following proposed works:

Attic conversion and replacement windows at rear at 12 Cabra, Thurles, Co. Tipperary.

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

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

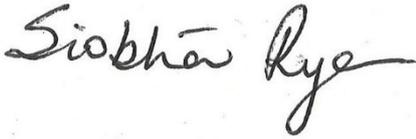
- (a) Sections 2, 3, 4 of the Planning and Development Act, 2000 (as amended)
- (b) Article 9 of the Planning and Development Regulations 2001 (as amended)

Tipperary County Council has concluded that the proposals for attic conversion as presented in the declaration application constitute “development” as understood by the Planning and Development act 2000, as amended and is **NOT “exempted development”**.

The replacement of windows at the rear of the dwelling constitutes development within the meaning of the Planning and Development Act 2000, as amended and **is Exempted Development**. It is considered that this element of the proposal meets the planning exemption under Section 4 (1) (h) of the Planning and development Act 2000, as amended.

NOTE: Any person issued with a Declaration of a Planning Authority may refer the Declaration for review to An 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 that reads "Siobhán Rye". The signature is written in a cursive style with a long, sweeping tail on the letter 'e'.

for **Director of Services**