



PLANNING & DEVELOPMENT ACT, 2000 (as amended)

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

1. Applicant's address/contact details:

<i>Applicant</i>	John Croke
<i>Address</i>	Coleman, Fethard, Co. Tipperary, E91 X583
<i>Telephone No.</i>	[REDACTED]
<i>E-mail</i>	[REDACTED]

2. Agent's (if any) address:

<i>Agent</i>	N/A
<i>Address</i>	
<i>Telephone No.</i>	
<i>E-mail</i>	
<i>Please advise where all correspondence in relation to this application is to be sent;</i>	
Applicant [] Agent []	

3. Location of Proposed Development:

<i>Postal Address or Townland or Location (as may best identify the land or structure in question)</i>	Coleman, Fethard, Co. Tipperary, E91 X583
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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.)

Increase the length of the windows by 300mm on the first floor and 400mm on the ground floor on the front of the property (southern elevation) to accentuate vertical window emphasis.
The window frames will be changed from the current PVC french style to traditional up & down sash windows to revert to the original appearance of the dwelling and to render its appearance consistent with the character of what is a traditional 2-storey farm house.
On the eastern elevation, the ground floor window will be increased to give a more symmetrical visual appearance while maintaining the first floor windows.
Note: The existing ground level around the curtilage of the house will be reduced by ~300mm to achieve a finished level below the internal FFL.
Proposed floor area of proposed works/uses: N/A 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 <input checked="" type="checkbox"/>	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) John Croke

Date: 08/10/2024

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
 - o OSI Site Location Map with the site outlined clearly – 1:1000 in urban areas and 1:2500 in rural areas
 - o Floor Plans & Elevations at a scale of not less than 1:200
 - o Site layout plan indicating position of proposed development relative to premises and adjoining properties
 - o 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)

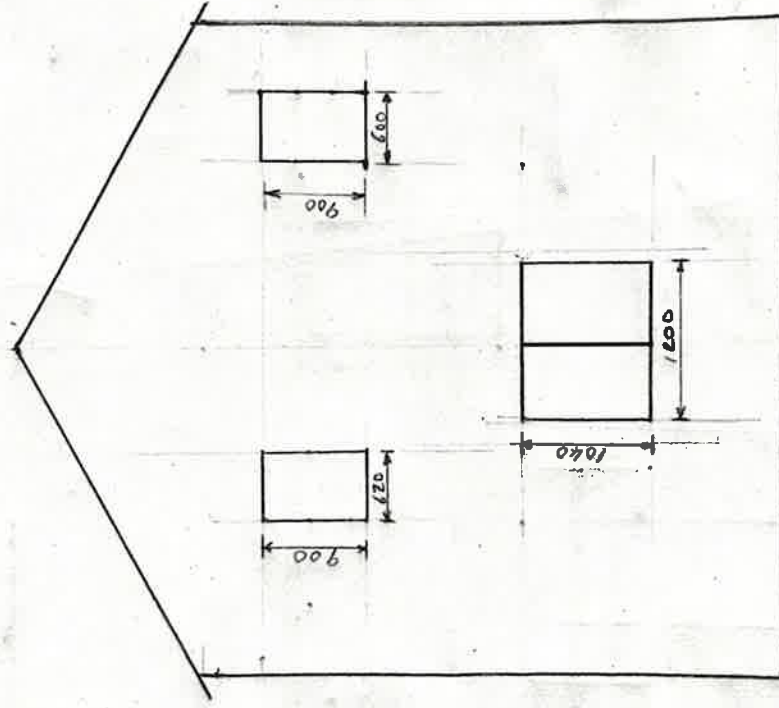
- (3) Where a proper and complete application is received, a decision must be conveyed to the applicant within four (4) weeks except where additional necessary information is required.

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

Current Gable End – Eastern Elevation

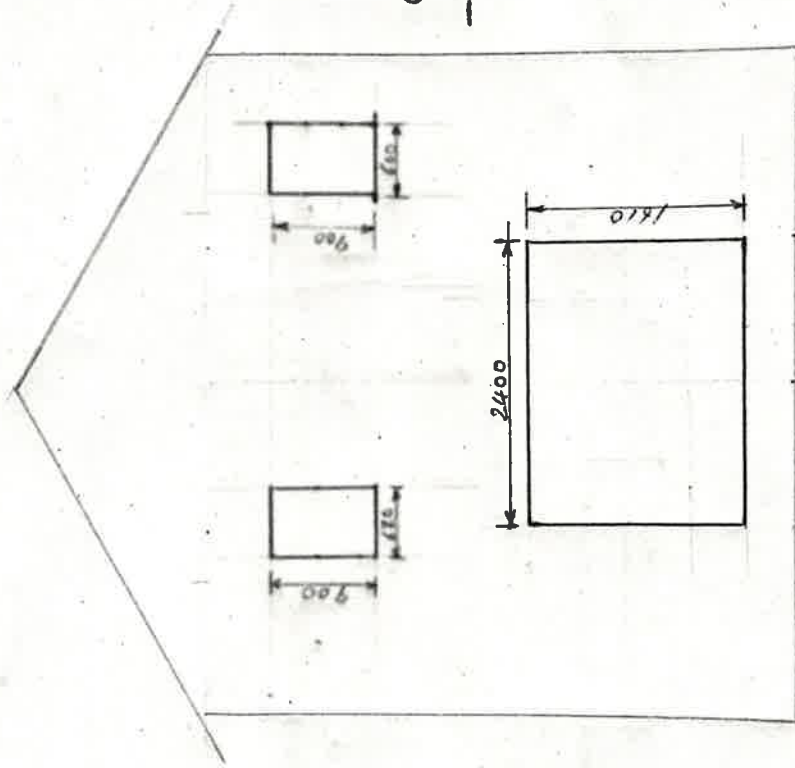


Current
GABLE END
- EASTERN ELEVATION

Current Gable End – Eastern Elevation



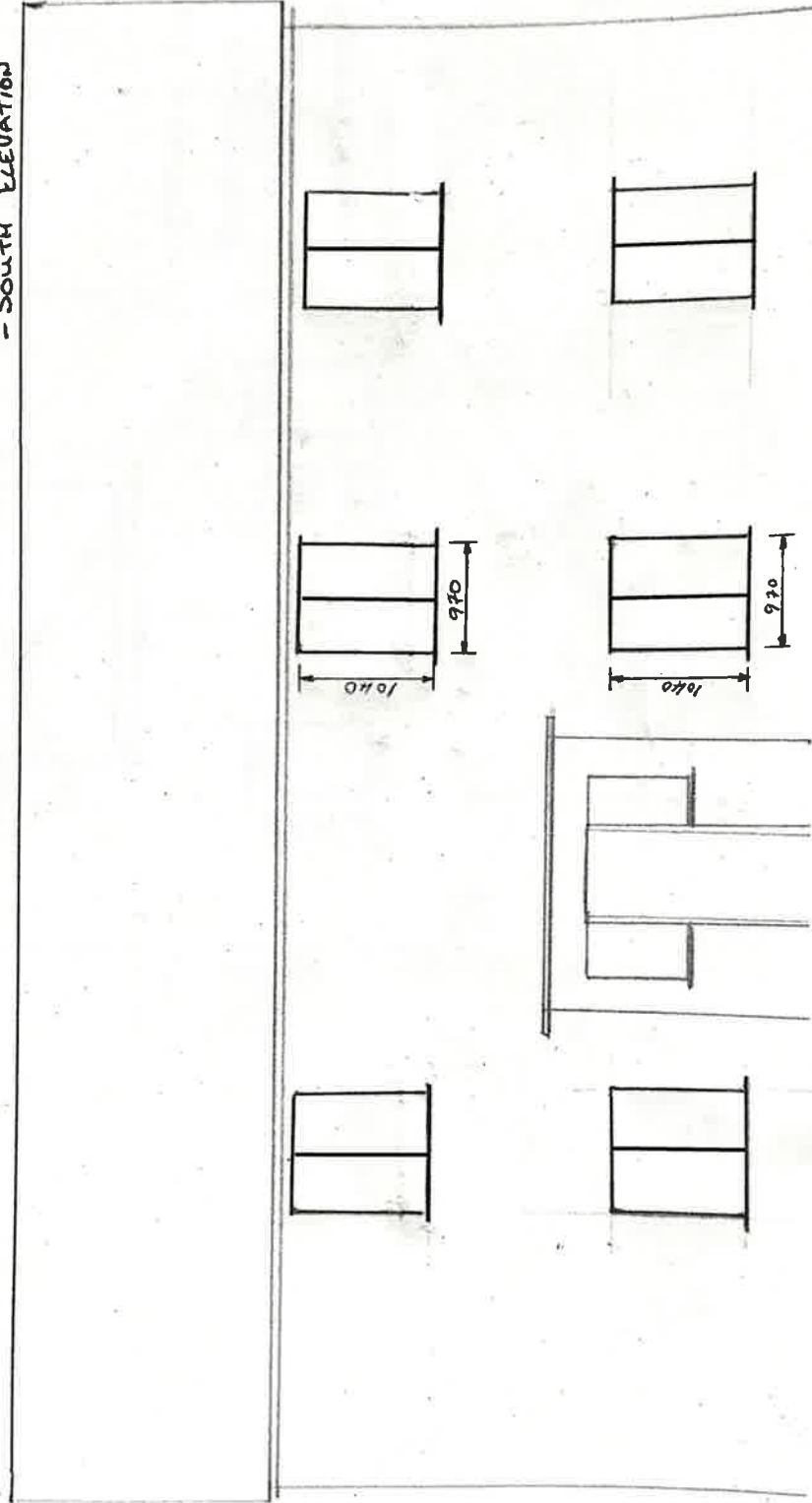
Proposed Gable End – Eastern Elevation



PROPOSED
CHANGES
GABLE END
— EASTERN ELEVATION

Current Front of House - Southern Elevation (Road Facing) Existing French Style Windows

CURRENT
FRONT OF HOUSE
- SOUTH ELEVATION



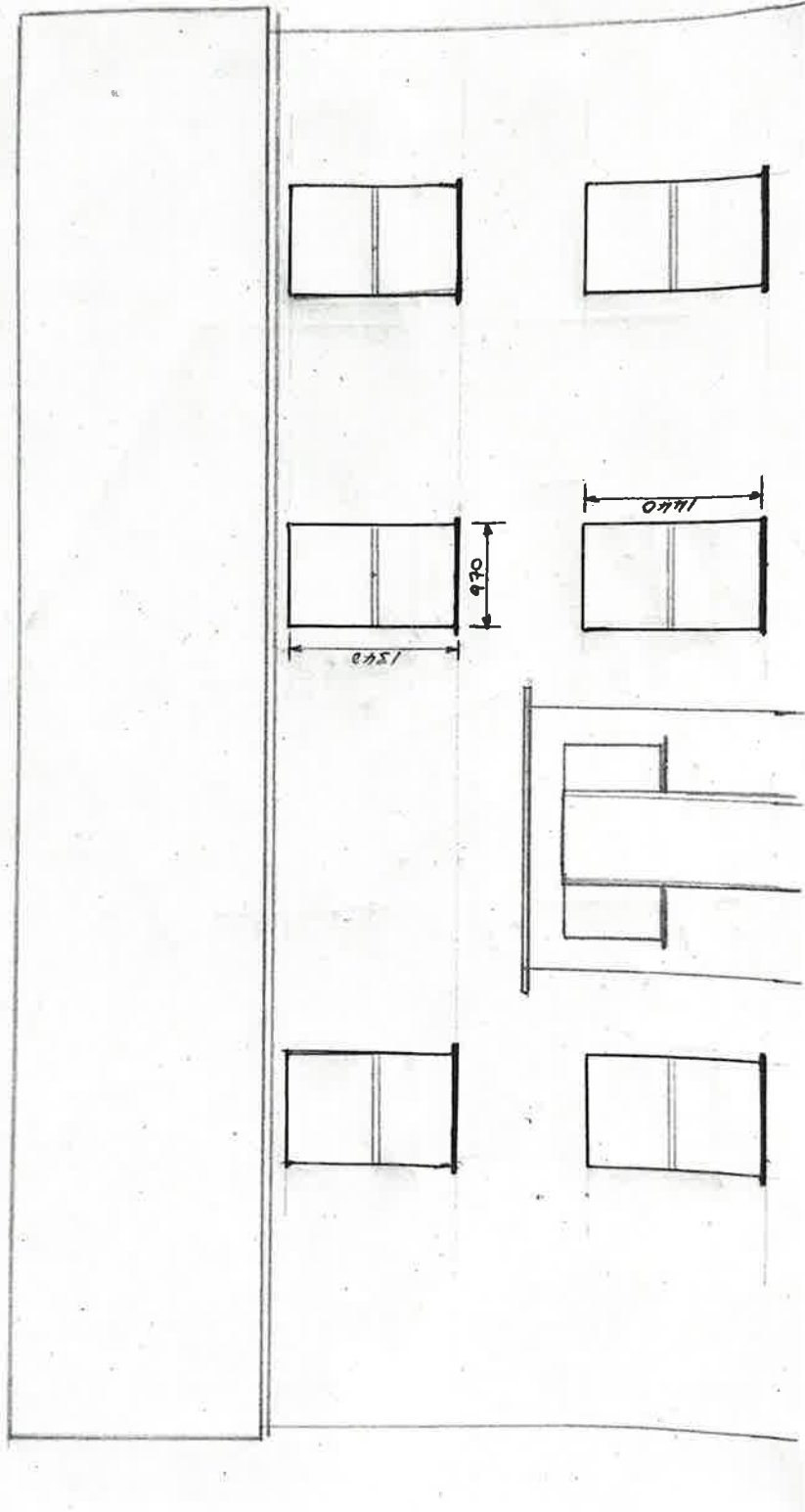
Current Front of House - Southern Elevation (Existing French Style Windows)



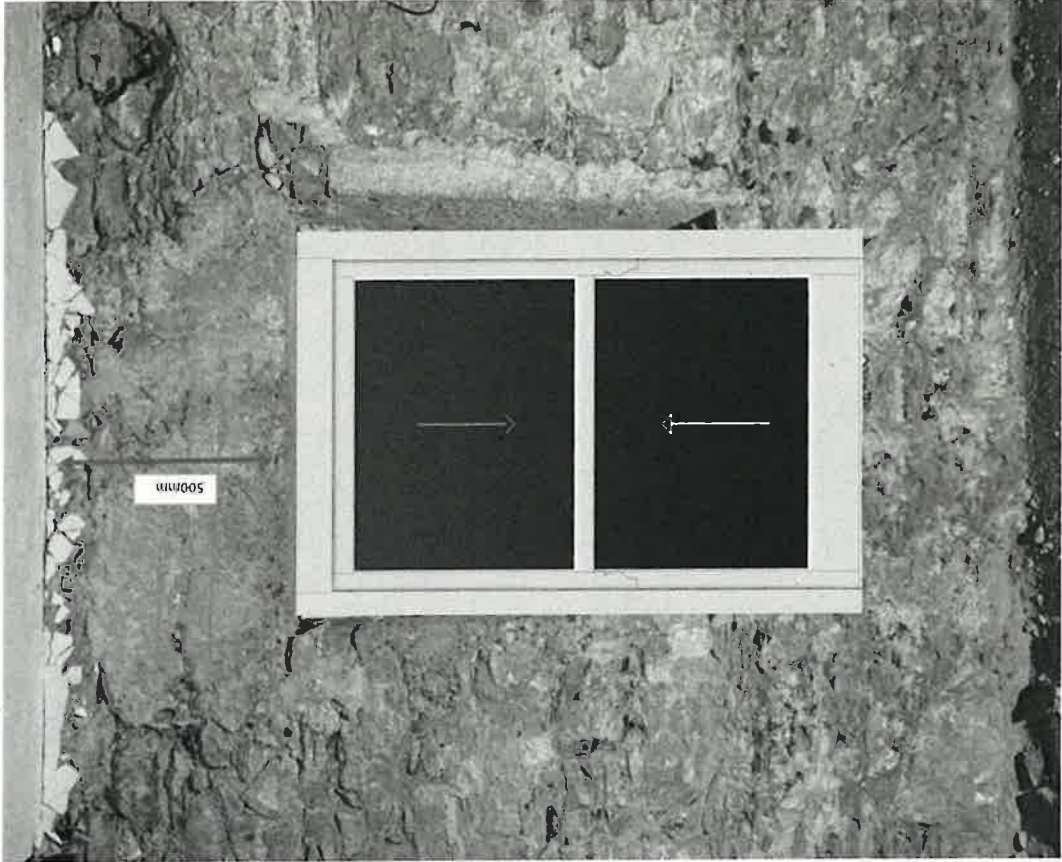
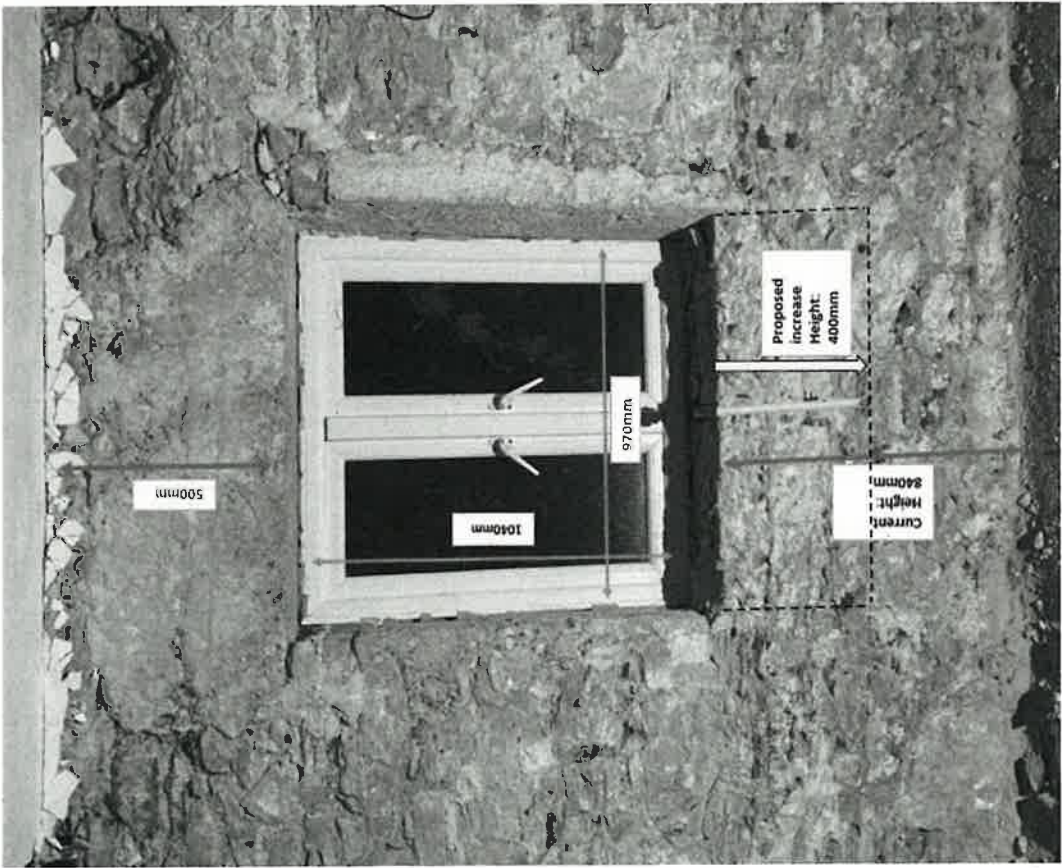
Proposed Front of House - Southern Elevation (Proposed up & down sash style windows)

PROPOSED
CHANGES

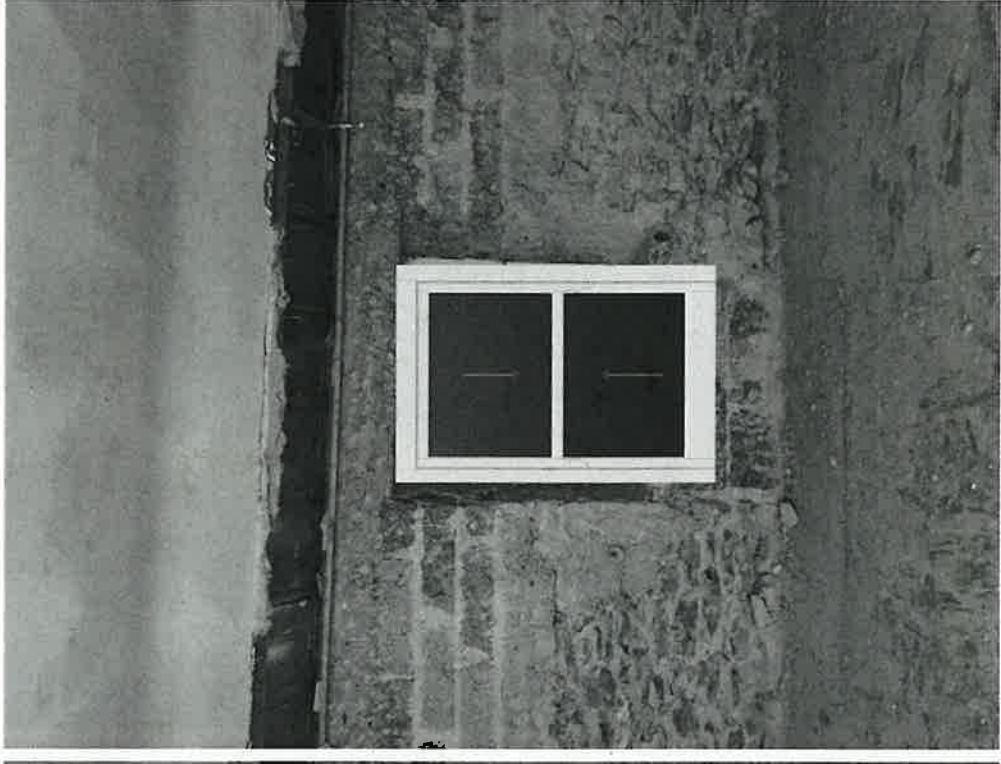
FRONT - SOUTHERN ELEVATION



Current Internal Front of House Downstairs Window vs Proposed Internal Downstairs up & down sash Window



Current Internal Front of House Upstairs Window vs Proposed Internal Upstairs up & down sash Window



OSI Site Location Map with the site outlined



Official Tailte Éireann Registration Map

This map should be read in conjunction with the folio.
 Tailte Éireann (TE) Registration mapping is based on TE Surveying mapping. Where TE Registration maps are printed at a scale that is larger than the TE Surveying scale, accuracy is limited to that of the TE Surveying map scale.

For details of the terms of use and limitations of scale, accuracy and other conditions relating to TE Registration maps, see www.tailte.ie.

This map incorporates TE Surveying map data under a licence from TE Copyright © Tailte Éireann and Government of Ireland

- Freehold
- Leasehold
- SubLeasehold
- 'S' Register

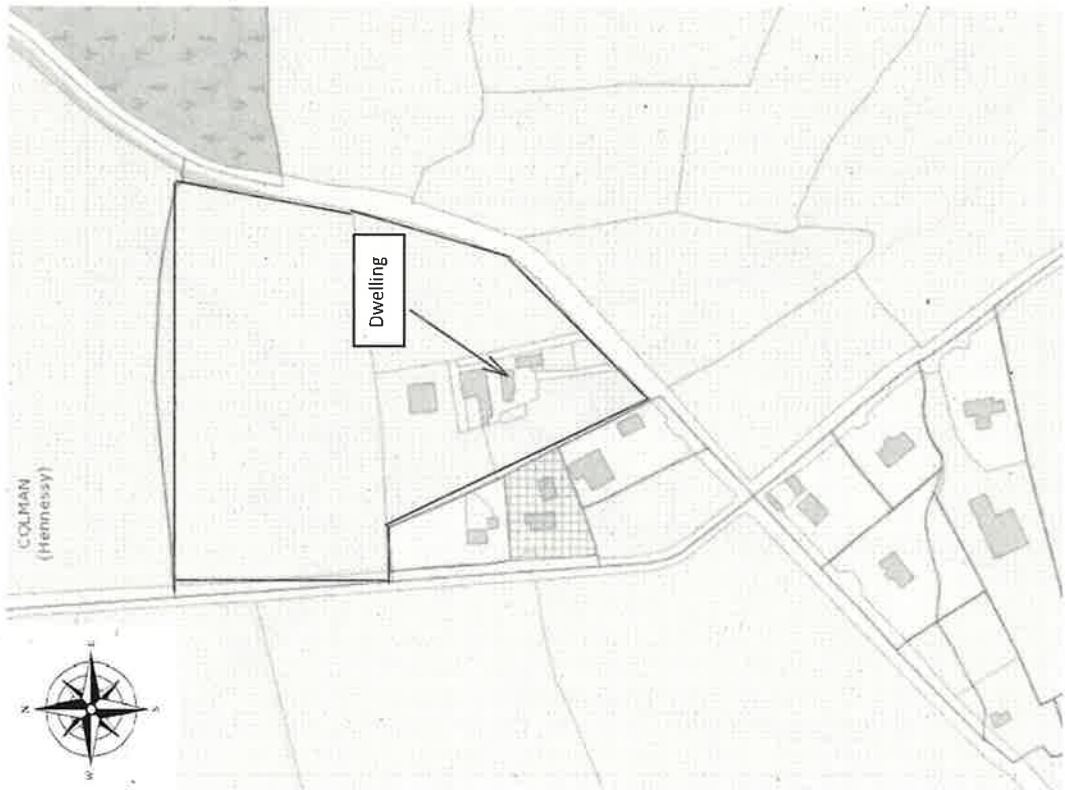
(See Section 8(1)(b) of Registration of Title Act 1964 and Section 13 of Land Registration Rules 1972 - 2013).

Burdens (may not all be represented on map)

- Right of Way / Wayleave
 - Turbary
 - Pipeline
 - Well
 - Pump
 - Septic Tank
 - ▽ Soak Pit
- A full list of burdens and their symbology can be found at: www.landirect.ie

Tailte Éireann Registration operates a non-conclusive boundary system. The TE Registration map identifies properties not boundaries meaning neither the description of land in a folio nor its identification by reference to a TE Registration map is conclusive as to the boundaries or extent (see Section 85 of the Registration of Title Act, 1964). As inserted by Section 62 of the Registration of Deed and Title Act 2006









Tipperary County Council
Civic Offices
Clonmel
Co Tipperary

08/10/2024 12:12:25

Receipt No. : CLONMEL/0/185859

JOHN CROKE
COLEMAN
FETHARD
CO TIPPERARY
E91 X583

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

Total : 80.00 EUR

Tendered :
Credit Card 80.00

Change : 0.00

Issued By : CATHERINE AHERN
From : CLONMEL TOWN RECEIPTS DESK
Vat reg No.3259712MH

TIPPERARY COUNTY COUN
Emmet Street
E91 N512

MERCHANT ID: *****3546
TERMINAL ID: *****4603
DATE: 08/10/2024 TIME: 12:12
BATCH: 000929-008 INVOICE: 004436
RRN: 428211453322 AUTH NO.: 060338
Visa SALE
*****1475

SALE AMOUNT €80.00

CUSTOMER NOT PRESENT

I agree to pay the final amount according
to the card/merchant issuer agreement



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
e customerservice
@tipperarycoco.ie
tipperarycoco.ie

Date: 8th October, 2024

Our Ref: S5/24/114

Civic Offices, Nenagh

**John Croke
Coleman
Fethard
Co. Tipperary**

Re: Application for a Section 5 Declaration to change the windows on the ground & 1st floor on the south elevation. On the eastern elevation the ground floor window to be increased in size. The window frames changed from the current PVC to sash windows. at Coleman, Fethard, Co. Tipperary.

Dear Mr Croke,

I acknowledge receipt of your application for a Section 5 Declaration received on 8th October, 2024, in connection with the above.

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

Yours 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:	S5/24/114
Applicant:	John Croke
Development Address:	Coleman, Fethard, Co. Tipperary.
Proposed Development:	Increase the length of the windows by 300mm on the first floor and 400mm on the ground floor of the front of the property (southern elevation) On the eastern elevation, the ground floor window to be increased in size. The window frames changed from the current PVC to sash windows.

1. GENERAL

On the 8th October 2024 a request was made John Croke for a declaration under Section 5 of the Planning and Development Act, 2000 as amended for the following;

Increase the length of the windows by 300mm on the first floor and 400mm on the ground floor of the front of the property (southern elevation)

On the eastern elevation, the ground floor window to be increased in size. The window frames changed from the current PVC to sash windows.

The existing ground level around the curtilage of the dwelling is to be reduced by 300mm.

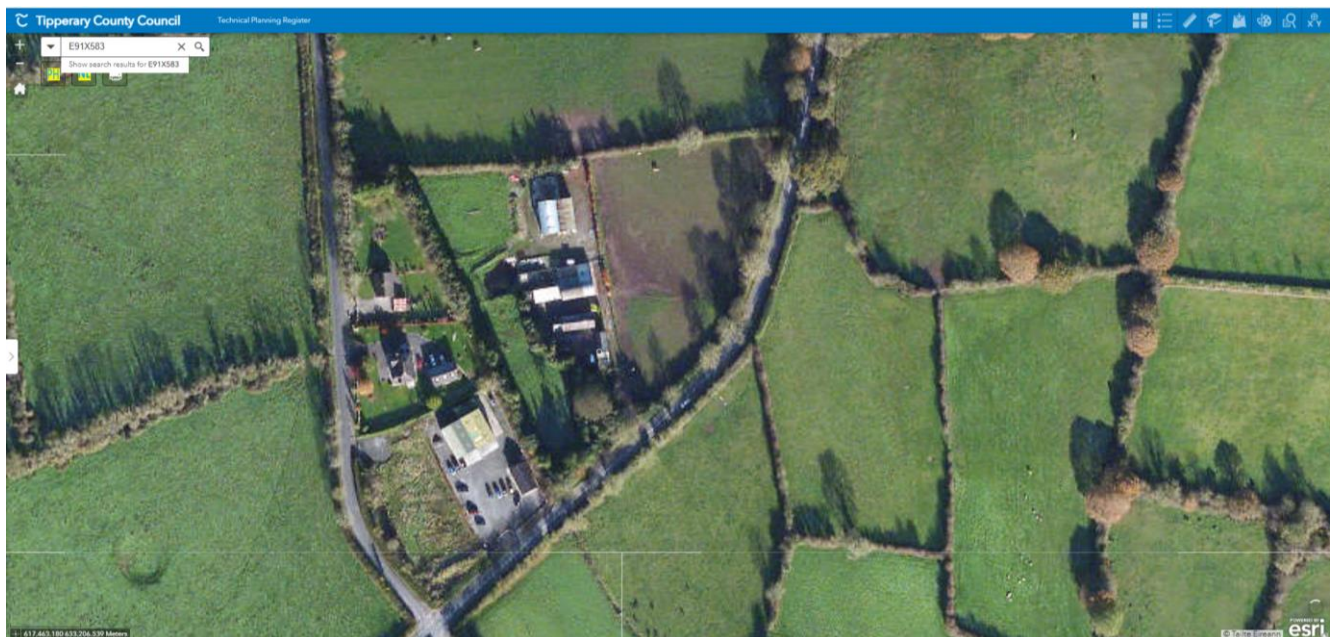


Figure 1 Site Location



Figure 2

2. **STATUTORY PROVISIONS**

The following statutory provisions are relevant to this case;

Planning and Development Act 2000, as amended

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

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

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

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

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

- 4.- (1) The following shall be exempted developments for the purposes of this Act—
- (h) *development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures.*

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 unauthorised structure or a structure the use of which is an unauthorised use.

Planning and Development Regulations 2001, as amended

Article 6 (Exempted Development)

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.

Schedule 2, Part 1 includes the following exemption;

CLASS 6

(a) The construction of any path, drain or pond or the carrying out of any landscaping works within the curtilage of a house.

Conditions and Limitations

The level of the ground shall not be altered by more than 1 metre above or below the level of the adjoining ground.

I note no relevant restrictions under Article 9.

3. ASSESSMENT

a. *Site Location*

The site comprises of an existing residential property at Coleman, Fethard, Co. Tipperary.

b. *Relevant Planning History*

None traced.

c. *Assessment*

The question posed under the Section 5 Declaration application is whether a proposed bathroom extension to rear of property is development and is exempted development.

i) "Is or is not Development"

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

ii) "Is or is not Exempted Development"

The changes to the window opens and finishes is considered to constitute the carrying out of works for the maintenance and improvement of the dwelling and is works 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. I am therefore satisfied that the proposal satisfies the exemption available under Section 4(1)(h) of the Planning and Development Act 2000, as amended and does not render the appearance inconsistent with the character of the structure.

I am satisfied that the reduction in ground level (300mm) avails of an exemption under Class 6 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended.

iii) Restrictions under Article 9

I note no restrictions under Article 9 that would apply.

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

AA

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

EIA

The proposed development has been subject to a preliminary examination to determine the requirement for EIA. EIA is not required in respect of the development. See also for Environmental Impact Assessment (EIA) preliminary examination screening report attached.

4. RECOMMENDATION

WHEREAS a question has arisen as to whether the;

- Increase in length of the windows by 300mm on the first floor and 400mm on the ground floor of the front of the property (southern elevation)
- On the eastern elevation, the ground floor window to be increased in size.
- The window frames changed from the current PVC to sash windows
- Reduction in ground level around the dwelling by 300mm

At Coleman, Fethard, Co. Tipperary, is development and is or is not exempted development:

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

- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended
- (b) Article 6 and 9 of the Planning and Development Regulations 2001, as amended
- (c) Class 6 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended

AND WHEREAS Tipperary County Council has concluded the proposal as presented constitutes "works" and "development" within the meaning of the Planning and Development Act 2000, as amended and is "exempted development". The development is exempted development as same satisfies the exemptions available under Section 4(1)h of the Planning and Development Act 2000, as amended, and Class 6 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended.

NOW THEREFORE Tipperary County Council, in exercise of the powers conferred on it by Section 5 (2) (a) of the 2000 Act, as amended, hereby decides that the above proposal is development and is exempted development.

The development has been screened as to the requirement for Appropriate Assessment and Environmental Impact Assessment and it has been determined that same are not required.

District Planner:

L. Bittel-Lynn

Date: 09/08/2024

Senior Executive Planner:

C. Conway

Date: 04.11.2024

HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT

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

(a) File Reference No:	S5/24/1147
(b) Brief description of the project or plan:	Increase the length of the windows by 300mm on the first floor and 400mm on the ground floor of the front of the property (southern elevation) On the eastern elevation, the ground floor window to be increased in size. The window frames changed from the current PVC to sash windows. Reduction in ground levels by 300mm
(c) Brief description of site characteristics:	Existing dwelling in rural area
(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 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 	No potential impacts.

<ul style="list-style-type: none"> • 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 	
In-combination/Other	No potential impacts
(b) Describe any likely changes to the European site:	
<p>Examples of the type of changes to give consideration to include:</p> <ul style="list-style-type: none"> • 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?	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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:	S5/24/114
Development Summary:	Increase the length of the windows by 300mm on the first floor and 400mm on the ground floor of the front of the property (southern elevation) On the eastern elevation, the ground floor window to be increased in size. The window frames changed from the current PVC to sash windows.
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
<input checked="" type="checkbox"/> No	No Screening required
<input type="checkbox"/> Yes, specify class _____	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
<input type="checkbox"/> Yes the project is of a type listed but is <i>sub-threshold</i> : _____	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 required Determination required
<input type="checkbox"/> No, Schedule 7A information/screening report has not been submitted by the applicant	Preliminary Examination required



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
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Oifigí Cathartha,
An tAonach,
Co. Thiobraid Árann

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

E45 A099

t 0818 06 5000
e customerservice
@tipperarycoco.ie

tipperarycoco.ie

Date: 4th November, 2024

Our Ref: S5/24/114

Civic Offices, Nenagh

**John Croke
Coleman
Fethard
Co. Tipperary**

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

Dear Mr Croke,

I refer to your application for a Section 5 Declaration received on 8th October, 2024, in relation to the following proposed works:

Increase the length of the windows by 300mm on the first floor and 400mm on the ground floor of the front of the property (southern elevation) On the eastern elevation, the ground floor window to be increased in size. The window frames changed from the current PVC to sash windows at Coleman, Fethard, Co. Tipperary

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

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

- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended
- (b) Article 6 and 9 of the Planning and Development Regulations 2001, as amended
- (c) Class 6 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended

AND WHEREAS Tipperary County Council has concluded the proposal as presented constitutes “works” and “development” within the meaning of the Planning and Development Act 2000, as amended and is “exempted development”. The development is exempted development as same satisfies the exemptions available under Section 4(1)h of the Planning and Development Act

2000, as amended, and Class 6 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended.

NOW THEREFORE Tipperary County Council, in exercise of the powers conferred on it by Section 5 (2) (a) of the 2000 Act, as amended, hereby decides that the above proposal is development and is **exempted development**.

The development has been screened as to the requirement for Appropriate Assessment and Environmental Impact Assessment and it has been determined that same are not required

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

Yours sincerely

Geraldine Quinn

for **Director of Services**

Original

TIPPERARY COUNTY COUNCIL

DELEGATED EMPLOYEE'S ORDER

File Ref: **S5/24/114** **Delegated Employee's Order No:** _____

SUBJECT: Section 5 Declaration

I, Dave Carroll, A/Director of Services, Tipperary County Council, by virtue of the powers delegated to me in accordance with the provisions of Section 154 of the Local Government Act 2001, as amended by Schedule 1, Part 1 of the Local Government Reform Act 2014 under Chief Executive's Order No. 37256 dated 4th March, 2024, hereby order that pursuant to the provisions of the Planning and Development Act 2000, as amended, that an application under Section 5 from John Croke, Coleman, Fethard, Co. Tipperary, re: Increase the length of the windows by 300mm on the first floor and 400mm on the ground floor of the front of the property (southern elevation) On the eastern elevation, the ground floor window to be increased in size. The window frames changed from the current PVC to sash windows at Coleman, Fethard, Co. Tipperary is development and is exempted development.

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

- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended
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The development has been screened as to the requirement for Appropriate Assessment and Environmental Impact Assessment and it has been determined that same are not required.

Signed:



Date: 04/11/2024

Dave Carroll
A/Director of Services
Planning and Development (including Town Centre First),
Emergency Services and Emergency Planning and
Tipperary/Cahir/Cashel Municipal District