



*Receipt No 186 097
Issued 17 10 2024
£80.00 Postal order*

PLANNING & DEVELOPMENT ACT, 2000 (as amended)

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

1. Applicant's address/contact details:

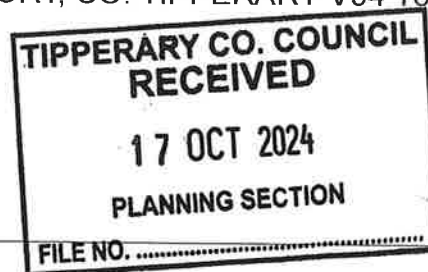
<i>Applicant</i>	NICHOLAS RAFFERTY
<i>Address</i>	DERRYLEIGH, NEWPORT, CO. TIPPERARY, V94 T6D7.
<i>Telephone No.</i>	[REDACTED]
<i>E-mail</i>	[REDACTED]

2. Agent's (if any) address:

<i>Agent</i>	PAUL RAFFERTY
<i>Address</i>	25 CASTLERIADA CRESCENT, LUCAN, CO DUBLIN, K78VX73
<i>Telephone No.</i>	[REDACTED]
<i>E-mail</i>	[REDACTED]
<i>Please advise where all correspondence in relation to this application is to be sent;</i>	
Applicant [<input checked="" type="checkbox"/>] Agent [<input type="checkbox"/>]	

3. Location of Proposed Development:

<i>Postal Address or Townland or Location (as may best identify the land or structure in question)</i>	DERRYLEIGH, NEWPORT, CO. TIPPERARY V94 T6D7.
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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.)

1. EXISTING GARAGE CONVERSION DEVELOPED WITHIN EXEMPTED DEVELOPMENT UNDER SI No. 600/2001, SCHEDULE 2, PART 1 EXEMPTED DEVELOPMENT CLASS 1 (NO CHANGE TO ROOF STRUCTURE AND EXTERIOR FOOTPRINT)
2. DETACHED GARAGE DEVELOPED WITHIN EXEMPTED DEVELOPMENT UNDER SI No. 600/2001, SCHEDULE 2, PART 1 EXEMPTED DEVELOPMENT CLASS 3
The proposed floor area of proposed works/uses: sqm: 1. 18.0 SQM (GARAGE CONVERSION) 2. 23.5 SQM (DETACHED GARAGE)

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>	n/a	
<i>If you are not the legal owner, please state the name and address of the owner</i>	Name: Address: n/a	

Signature of Applicant(s)  (Agent) Date: 13TH Oct 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
 - 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

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

25 Castle Riada Crescent,
Lucan,
Co. Dublin
K78VX73
13th October 2024

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

Subject: Application for Section 5 Declaration

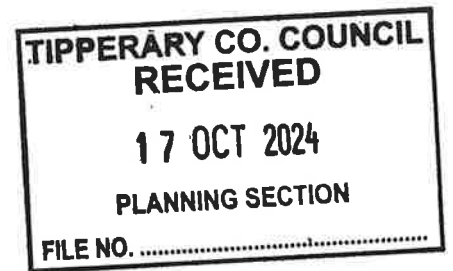
Site Location: Derryleigh, Newport, Co. Tipperary V94 T6D7

Dear Sir or Madam,

Enclosed, please find the documentation and application for the Section 5 declaration for the above site.

The following is a schedule of the documentation for the application:

- Section 5 Application form
- Fee: €80
- Two copies of the following drawings:
 1. PL-1000, OSI Site Location Map Scale 1:2500
 2. PL-1001, Site Layout, Scale 1:200
 3. PL-1002, Floor & Roof Plan, Scale 1:100
 4. PL-1003, Elevation & Section, Scale 1:100



I trust that everything is in order. Please do not hesitate to contact me at parafferty@gmail.com if you need any further information.

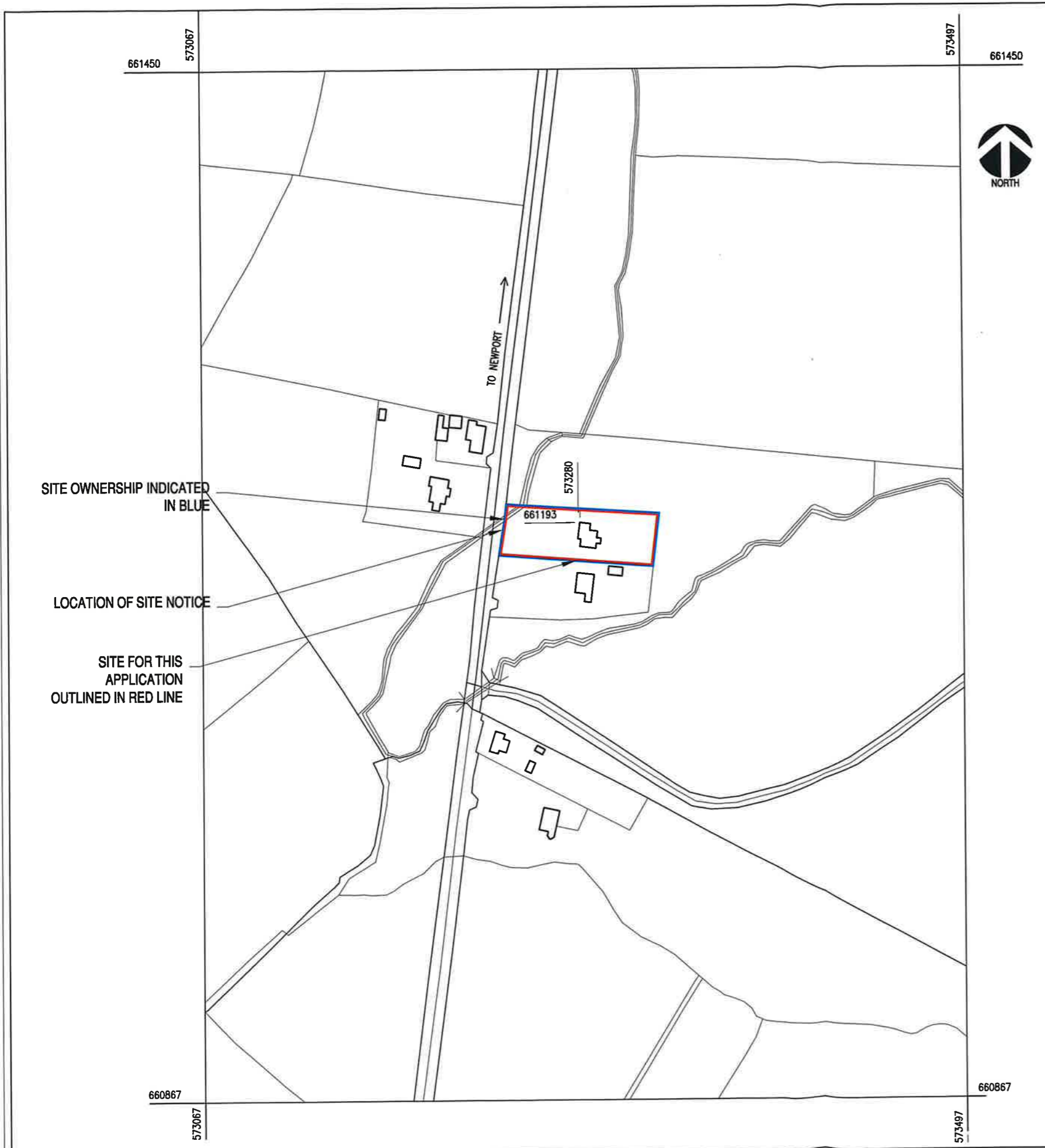
Yours sincerely,

For and on behalf of Nicholas Rafferty (Applicant)

A handwritten signature in blue ink, appearing to read "Paul Rafferty".

Paul Rafferty (Agent)





Description:
 Digital Landscape Model (DLM)
 Publisher / Source:
 Ordnance Survey Ireland (OSi)
 Data Source / Reference:
 PRIME2
 File Format:
 Autodesk AutoCAD (DWG_R2013)
 File Name:
 v_50323126_1.dwg
 Clip Extent / Area of Interest (AOI):
 LLX,LLY= 573066.9102,660866.9173
 LRX,LRX= 573496.9102,660866.9173
 ULX,ULY= 573066.9102,661449.9173
 URX,URY= 573496.9102,661449.9173
 Projection / Spatial Reference:
 Projection= IREN95_Irish_Transverse_Mercator
 Centre Point Coordinates:
 X,Y= 573281.9102,661158.4173
 Reference Index:
 Map Series | Map Sheets
 1:2,500 | 4626-C
 Data Extraction Date:
 Date= 14-Mar-2023
 Source Data Release:
 DCMLS Release V1.161.114
 Product Version:
 Version= 1.4
 License / Copyright:

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 Arna thionsú agus arna fhoilsiú ag Suirbhéireacht Ordánais Éireann, Páirc an Fhionnuisce, Baile Átha Cliath 8, Éire.
 Sáraitonn atáirgeadh neamhúdaraithe cóipcheart Shuirbhéireacht Ordánais Éireann agus Rialtas na hÉireann.
 Gach cead ar cosnamh. Ní ceadmhach aon chuid den fhoilseachán seo a chóipeáil, a atáirgeadh nó a tharchur in aon fhoirm ná ar aon bhealach gan cead i scríbhinn roimh ré ó úinéirí an chóipchirt.
 Ní hionann bóthar, bealach nó cosán a bheith ar an léarscáil seo agus fianaise ar chead sí.
 Ní thaispeánann léarscáil de chuid Ordánais Shuirbhéireacht na hÉireann teorann phointí cleathúil de mhaoin riamh, ná úinéireacht de ghnéithe fhisiciúla.

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 Order#: 50323126
 Order Date: 14 Mar 2023

B	05.OCT.24	ISSUED FOR SECTION 5 APPLICATION	PR	PR	PR	PR
A	01.JUN.24	ISSUED FOR RETENTION PLANNING	PR	PR	PR	PR
REV	DATE	DESCRIPTION	DRN.	DES.	CHKD.	APPR.
STATUS			PLANNING			

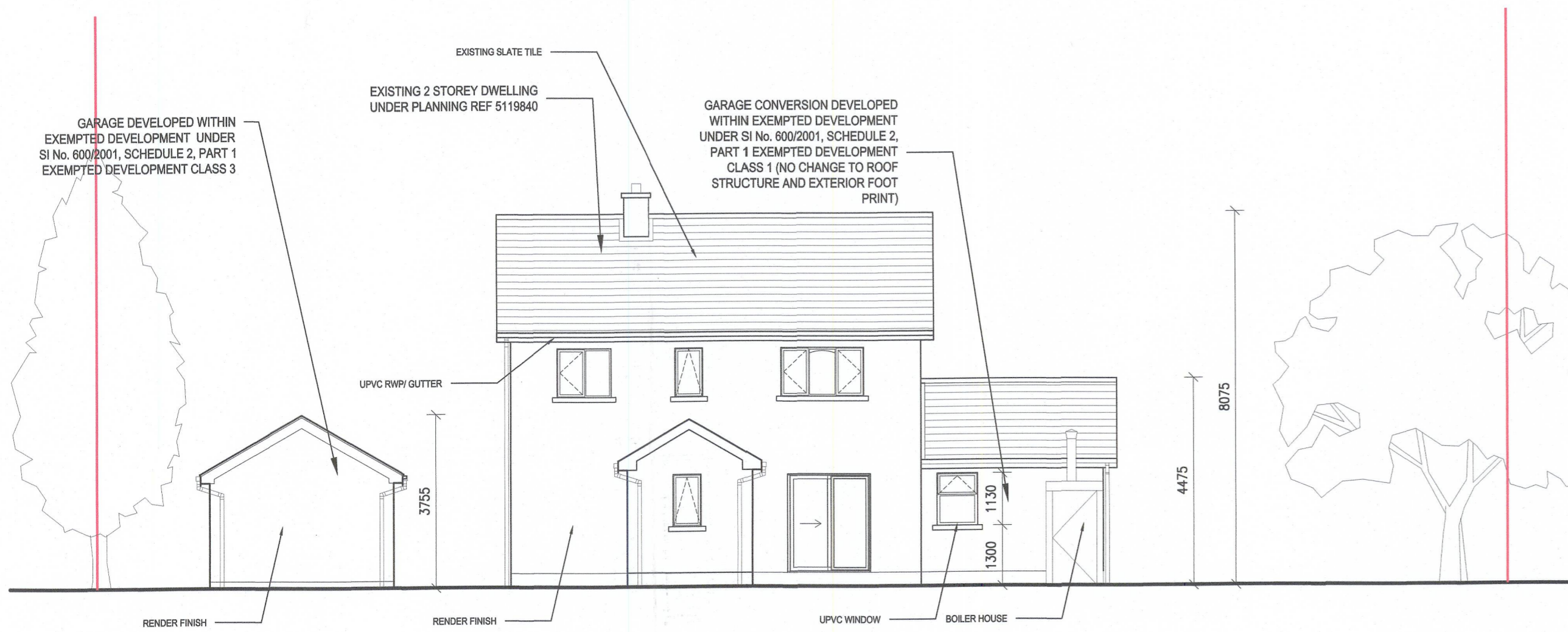
CLIENT
 NICHOLAS RAFFERTY
 DERRYLEIGH,
 NEWPORT,
 CO. TIPPERARY

DRAWING PREPARED BY:
 PAUL RAFFERTY
 RIAI ARCH TECH

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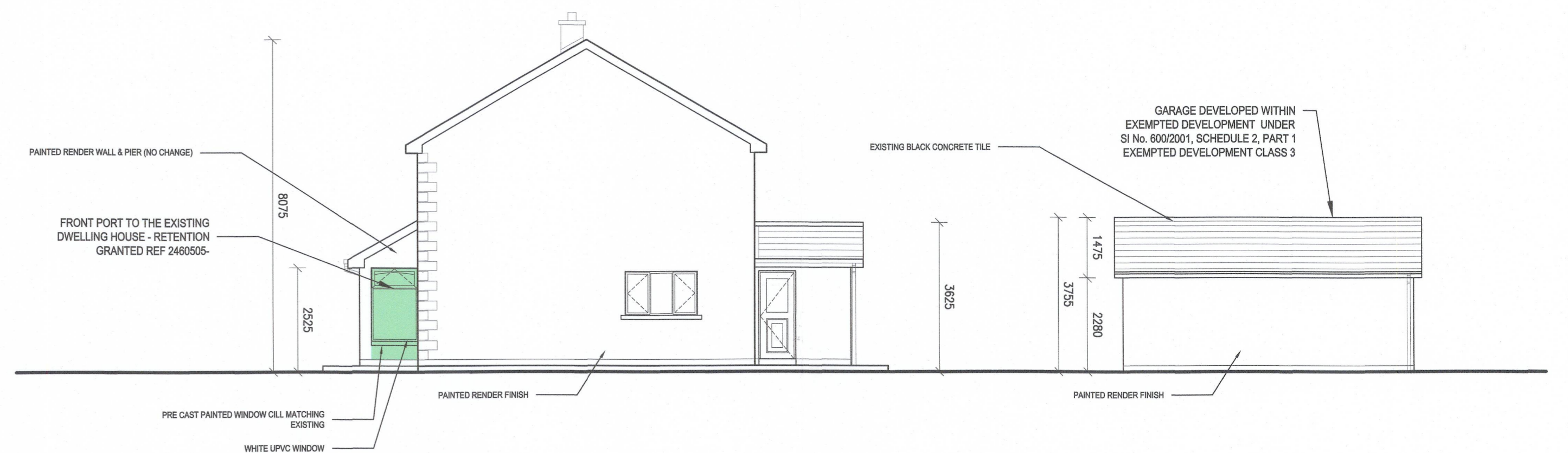
PROJECT
PLANNING - SECTION 5
 TITLE
 ARCHITECTURAL LAYOUT
 OSI SITE LOCATION MAP

PROJECT No.	A1 SCALE	DISCIPLINE	SHT	REV
2024	1:2500	ARCHITECTURAL	1/1	B
CLIENT DRAWING NO.	DRAWING NO.			
N/A	2024-PL-1000			



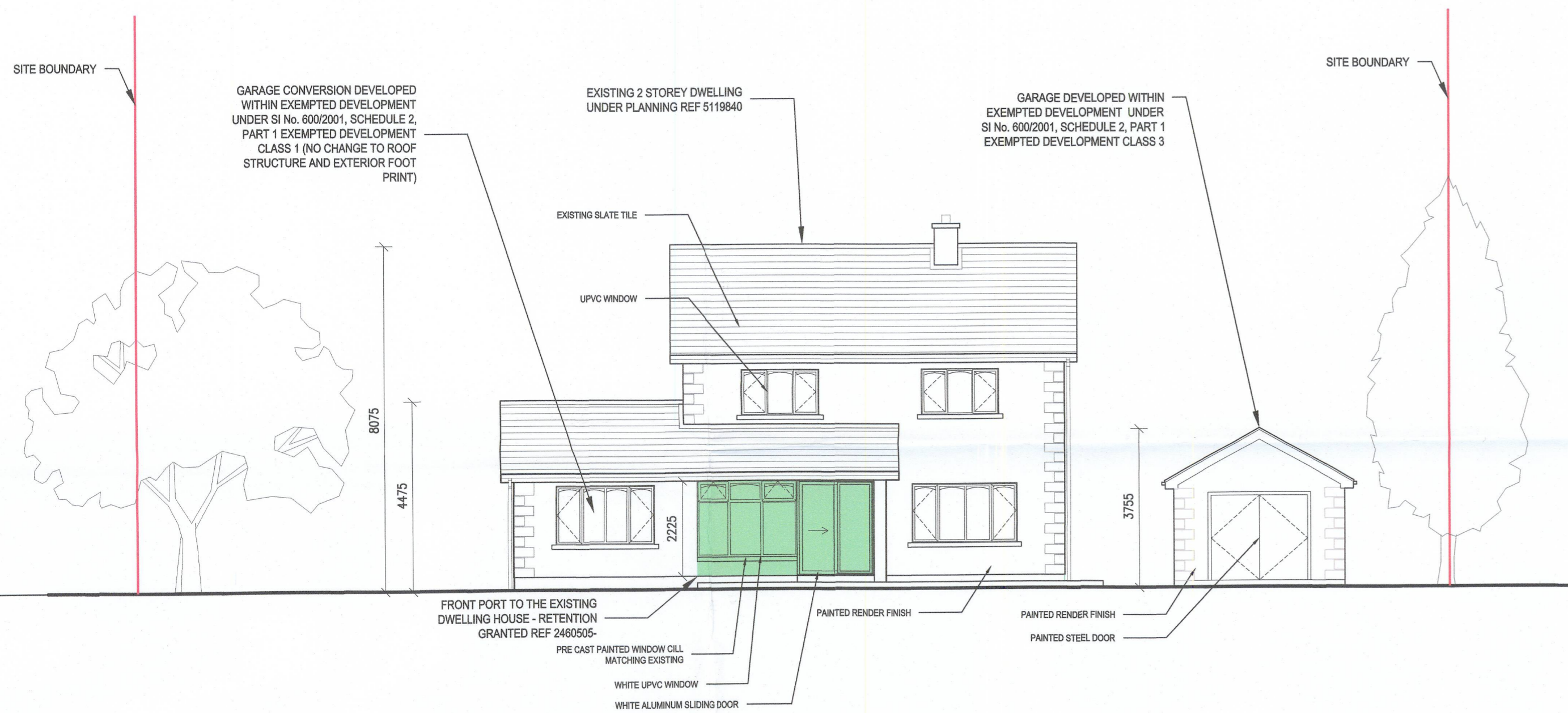
REAR (EAST FACING) ELEVATION

SCALE 1:100



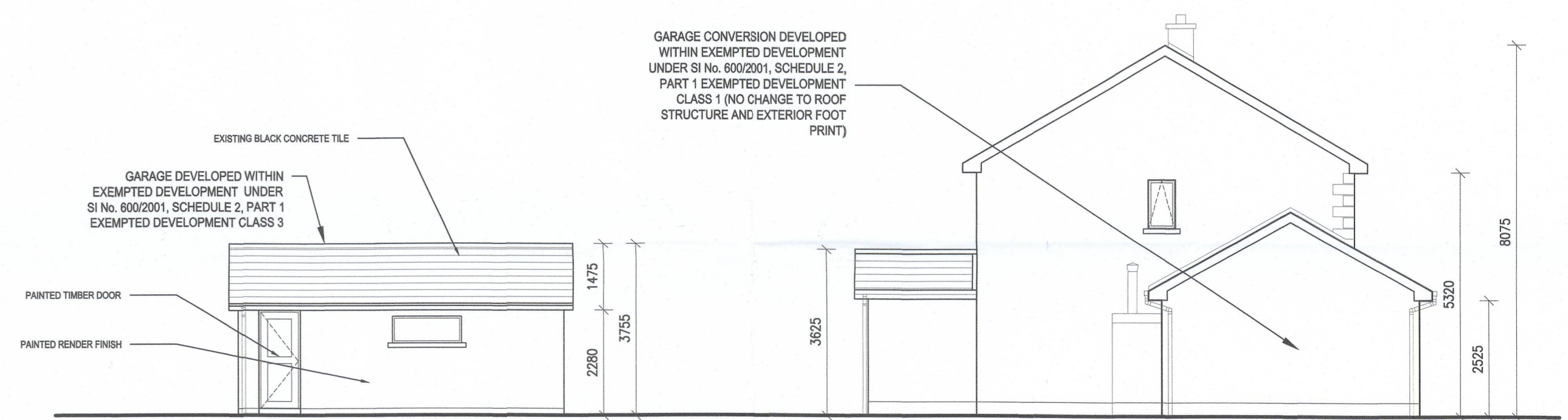
SIDE (SOUTH FACING) ELEVATION

SCALE 1:100



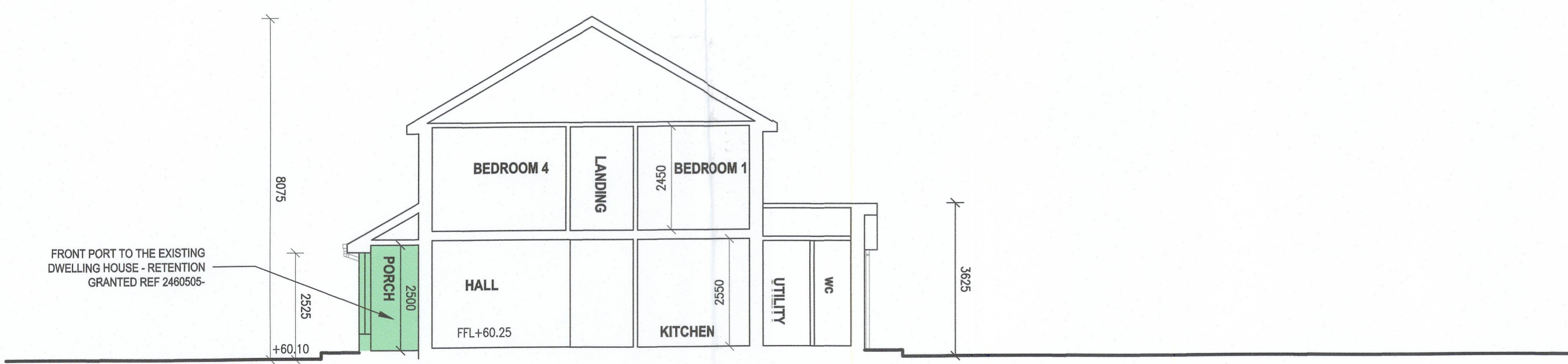
FRONT (WEST FACING) ELEVATION

SCALE 1:100



SIDE (NORTH FACING) ELEVATION

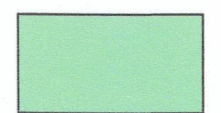
SCALE 1:100



BUILDING SECTION

SCALE 1:100

LEGEND

 DENOTES FRONT PORT TO THE EXISTING DWELLING HOUSE - RETENTION GRANTED REF 2460505-

B	05.OCT.24	ISSUED FOR SECTION 5 APPLICATION	PR	PR	PR	PR
A	28.FEB.24	ISSUED FOR RETENTION PLANNING	PR	PR	PR	PR
REV	DATE	DESCRIPTION	DRN.	DES.	CHKD.	APPR.
STATUS			PLANNING			

CLIENT
 NICHOLAS RAFFERTY
 DERRYLEIGH,
 NEWPORT,
 CO. TIPPERARY

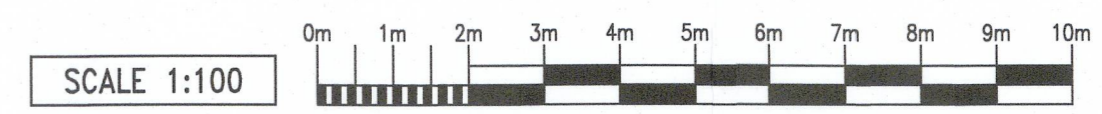
DRAWING PREPARED BY:
 PAUL RAFFERTY
 RIAI ARCH TECH

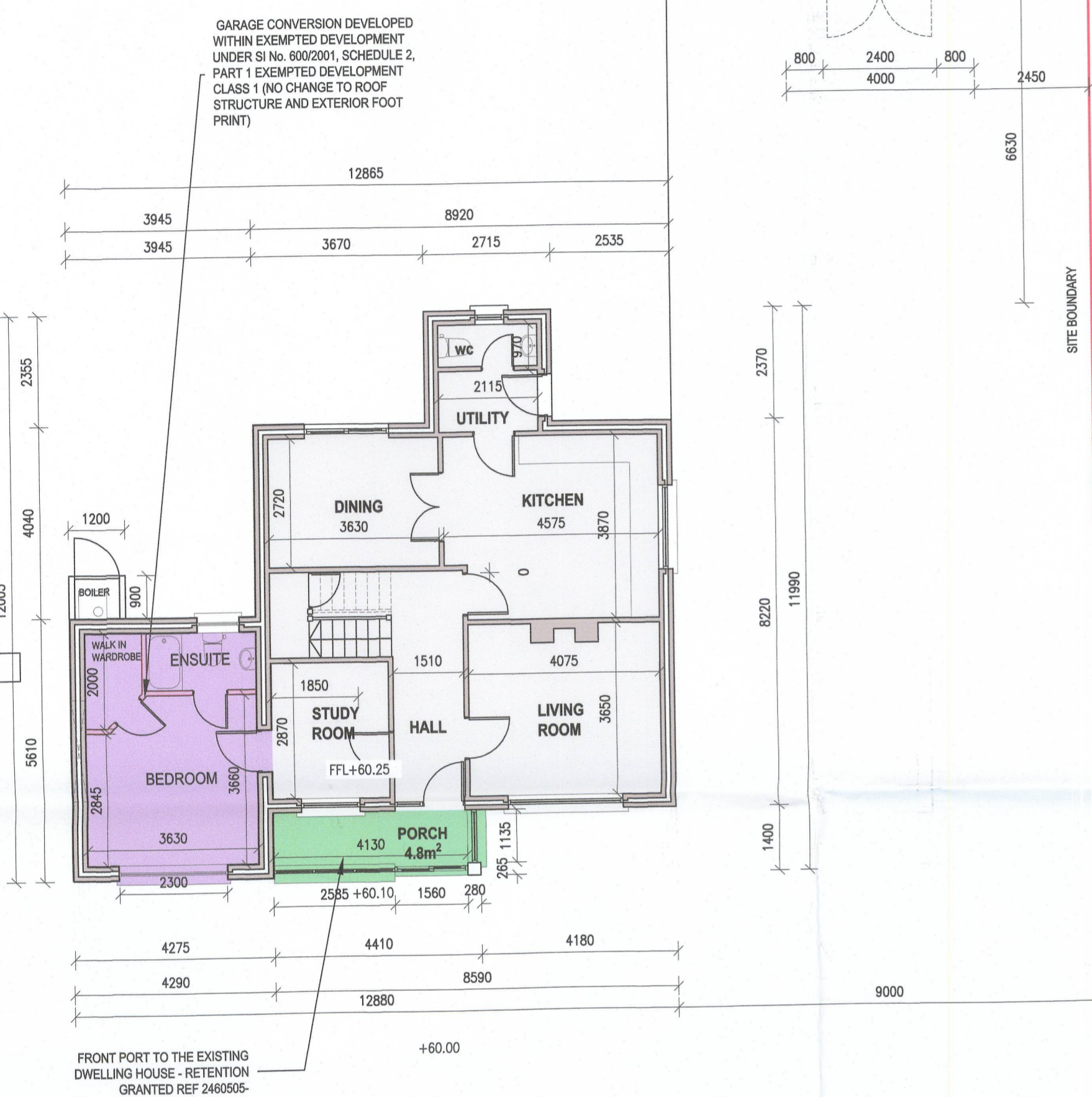
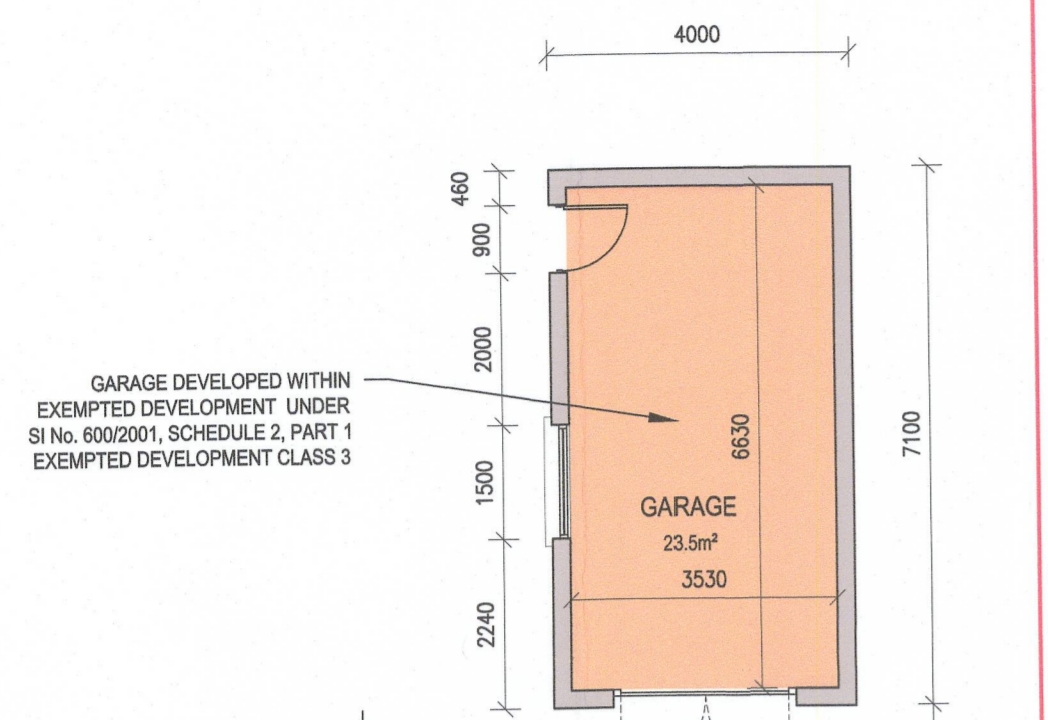
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PROJECT
PLANNING - SECTION 5

TITLE
 ARCHITECTURAL LAYOUT
 ELEVATIONS & SECTION
 SUBJECT OF THIS RETENTION APPLICATION

PROJECT No.	A1 SCALE	DISCIPLINE
2024	1:100	ARCHITECTURAL
CLIENT DRAWING NO.	DRAWING NO.	SHT
N/A	2024-PL-1003	1/1
		REV
		B

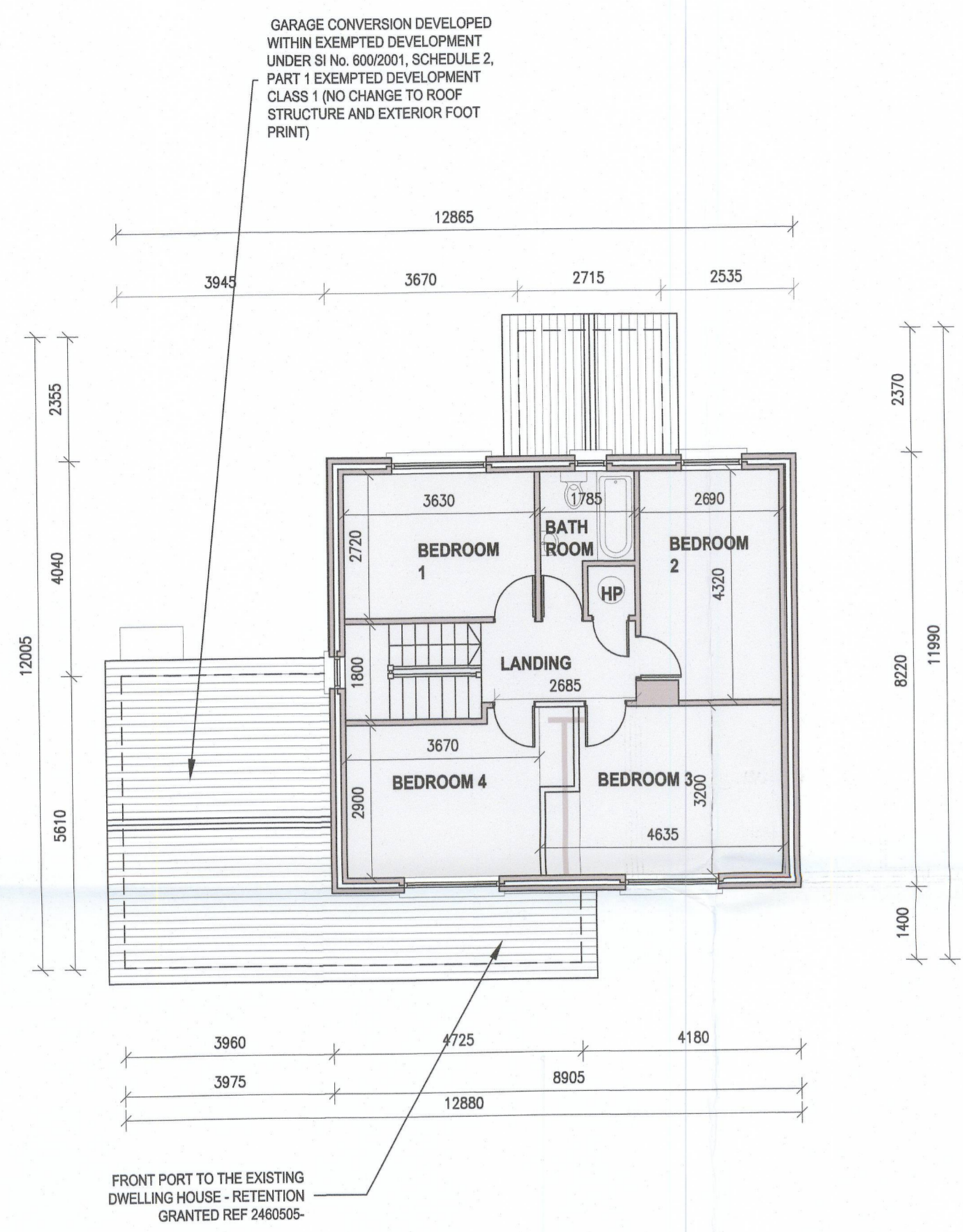




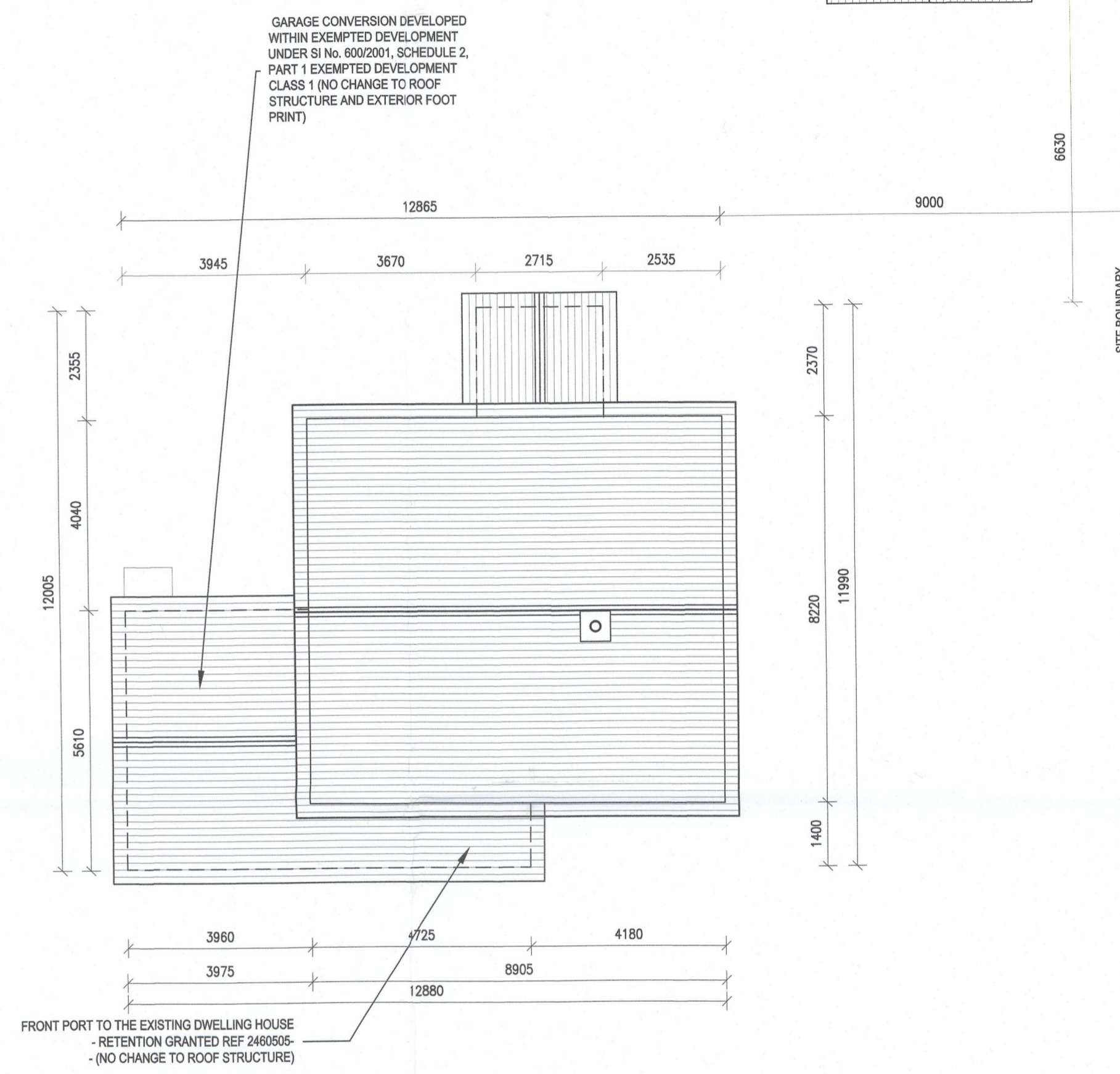
GROUND FLOOR PLAN
SCALE 1:100

LEGEND	
	DENOTES EXISTING DEVELOPMENT PLANNING REF 5119840
	DENOTES GARAGE CONVERSION DEVELOPED WITHIN EXEMPTED DEVELOPMENT UNDER SI No. 600/2001, SCHEDULE 2, PART 1 EXEMPTED DEVELOPMENT CLASS 1
	DENOTES GARAGE DEVELOPED WITHIN EXEMPTED DEVELOPMENT UNDER SI No. 600/2001, SCHEDULE 2, PART 1 EXEMPTED DEVELOPMENT CLASS 3
	DENOTES FRONT PORT TO THE EXISTING DWELLING HOUSE - RETENTION GRANTED REF 2460505-

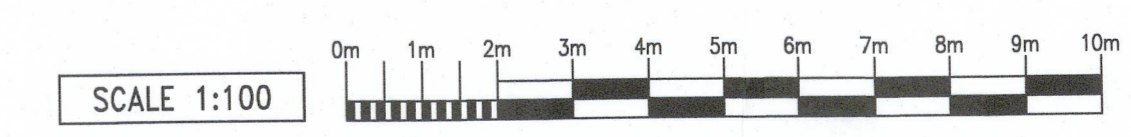
EXISTING BUILDINGS AREA SQM	
GROUND FLOOR DWELLING	68.7 SQM
PORCH RETENTION REF 2460505	4.8 SQM
FIRST FLOOR DWELLING	63.3 SQM
EXISTING DETACHED GARAGE	23.5 SQM
TOTAL GROSS FLOOR OF EXISTING BUILDINGS	160.3 SQM



FIRST FLOOR PLAN
SCALE 1:100



ROOF PLAN
SCALE 1:100



REV	DATE	DESCRIPTION	DRN.	DES.	CHKD.	APPR.
B	05.OCT.24	ISSUED FOR SECTION 5 APPLICATION	PR	PR	PR	PR
A	28.FEB.24	ISSUED FOR RETENTION PLANNING	PR	PR	PR	PR

PLANNING

CLIENT
NICHOLAS RAFFERTY
DERRYLEIGH,
NEWPORT,
CO. TIPPERARY

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PAUL RAFFERTY
RIAI ARCH TECH

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PROJECT			
PLANNING - SECTION 5			
TITLE ARCHITECTURAL LAYOUT FLOOR & ROOF PLANS SUBJECT OF THIS RETENTION APPLICATION			
PROJECT No. 2024	A1 SCALE 1:100	DISCIPLINE ARCHITECTURAL	
CLIENT DRAWING NO. N/A	DRAWING NO. 2024-PL-1002	SHT 1/1	REV B



Comhairle Contae Thiobraid Árann
Tipperary County Council

Comhairle Contae
Thiobraid Árann,
Oifigí Cathartha,
Cluain Meala,
Co. Thiobraid Árann

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

E91 N512

Comhairle Contae
Thiobraid Árann,
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: 22nd October 2024

Our Ref: S5/24/120

Civic Offices, Clonmel

**Nichloas Rafferty,
Derryleigh,
Newport,
Co. Tipperary**

Re: Application for a Section 5 Declaration – A conversion of existing garage and detached garage at Derryleigh, Newport, Co. Tipperary.

Dear Mr. Rafferty,

I acknowledge receipt of your application for a Section 5 Declaration received on 17th 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 Ref.: S5/24/120
Applicant: Nicholas Rafferty
Development Address: Derryleigh, Newport, Co. Tipperary
Proposed Development: Conversion of existing garage and a detached garage

1. GENERAL

On 17.10.2024 a request was made 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:

- *Conversion of existing garage and a detached garage*

2. STATUTORY PROVISIONS

The following statutory provisions are relevant to this referral 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.

Planning and Development Regulations 2001, as amended:

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

Exempted Development.

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

Schedule 2, Part 1 'Exempted Development - General:

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

<i>CLASS 1</i>	Conditions and Limitations
<p>The extension of a house, by the construction or erection of an extension (including a conservatory) to the rear of the house or by the conversion for use as part of the house of any garage, store, shed or other similar structure attached to the rear or to the side of the house.</p>	<p>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.</p> <p>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.</p> <p>(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.</p>

	<p>3. Any above ground floor extension shall be a distance of not less than 2 metres from any party boundary.</p> <p>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.</p> <p>(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.</p> <p>(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.</p> <p>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.</p> <p>6. (a) Any window proposed at ground level in any such extension shall not be less than 1 metre from the boundary it faces.</p> <p>(b) Any window proposed above ground level in any such extension shall not be less than 11 metres from the boundary it faces.</p> <p>(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.</p> <p>7. The roof of any extension shall not be used as a balcony or roof garden.</p>
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Class 3 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended states:

<p>CLASS 3</p> <p><i>The construction, erection or placing within the curtilage of a house of any tent, awning, shade or other object, greenhouse, garage, store, shed or other similar structure</i></p>	<p>Conditions and Limitations</p> <ol style="list-style-type: none"> 1. No such structure shall be constructed, erected or placed forward of the front wall of a house. 2. The total area of such structures constructed, erected or placed within the curtilage of a house shall not, taken together with any other such structures previously constructed, erected or placed within the said curtilage, exceed 25 square metres. 3. The construction, erection or placing within the curtilage of a house of any such structure shall not reduce the amount of private open space reserved exclusively for the use of the occupants of the house to the rear or to the side of the house to less than 25 square metres. 4. The external finishes of any garage or other structure constructed, erected or placed to the side of a house, and the roof covering where any such structure has a tiled or slated roof, shall conform with those of the house. 5. The height of any such structure shall not exceed, in the case of a building with a tiled or slated pitched roof, 4 metres or, in any other case, 3 metres. 6. The structure shall not be used for human habitation or for the keeping of pigs, poultry, pigeons, ponies or horses, or for any other purpose other than a purpose incidental to the enjoyment of the house as such.
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3. ASSESSMENT

a. Site Location

The site is located at Derryleigh, approximately 1.3km from Newport.

b. Relevant Planning History

5119840 – Planning permission granted in 1998, for the construction of a new residential dwelling, septic tank and entrance gates.

2460505 – Retention permission granted for the front porch to the existing dwelling house

c. Assessment

A) “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 proposal therefore constitutes “development” within the meaning of the Planning and Development Act 2000, as amended.

B) “Is or is not Exempted Development”

Garage conversion:

The identified area of garage conversion is at ground floor level and extends beyond the side wall of the existing dwelling. It measures 18sqm (as stated by the applicant) and is therefore less than 40sqm. It is considered that the conversion is within the parameters of Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended.

Detached garage:

The following assessment considers the proposal under the conditions and limitations specified in column 2 for the class of development (Class 3) in column 1.

1. No such structure shall be constructed, erected or placed forward of the front wall of a house.

The proposal complies with the above condition/limitation.

2. The total area of such structures constructed, erected or placed within the curtilage of a house shall not, taken together with any other such structures previously constructed, erected or placed within the said curtilage, exceed 25 square metres.

There are no other structures within the curtilage of the house. The detached garage measures 23.5sqm (as stated by the applicant), thereby complying with the above condition/limitation.

3. The construction, erection or placing within the curtilage of a house of any such structure shall not reduce the amount of private open space reserved exclusively for the use of the occupants of the house to the rear or to the side of the house to less than 25 square metres.

The proposal complies with the above condition/limitation.

4. The external finishes of any garage or other structure constructed, erected or placed to the side of a house, and the roof covering where any such structure has a tiled or slated roof, shall conform with those of the house.

The external finishes of the garage conform with those of the main house.

5. The height of any such structure shall not exceed, in the case of a building with a tiled or slated pitched roof, 4 metres or, in any other case, 3 metres.

The height of the structure is 3.755m, thereby complying with the above condition/limitation.

6. The structure shall not be used for human habitation or for the keeping of pigs, poultry, pigeons, ponies or horses, or for any other purpose other than a purpose incidental to the enjoyment of the house as such”.

It is stated that a detached garage is proposed but further details in relation to the use of the structure have not been provided.

C) Restrictions under Article 9

There are no restrictions under Article 9 that apply in this instance.

d. Requirement for Appropriate Assessment (AA) and Environmental Impact Assessment (EIA)

Appropriate Assessment (AA)

The proposed development has been screened as to the requirement for AA and it has been determined that the requirement for Stage 2 AA does not arise. See Screening Report attached.

Environmental Impact Assessment (EIA):

The proposed development is not a type of development included for under Schedule 5 of the Planning and Development Regulations 2001, as amended. See screening report attached.

4. RECOMMENDATION

A question has arisen as to whether the following is development and is or is not exempted development;

Conversion of existing garage and a detached garage

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) Classes 1 and 3 of Schedule 2, Part 1 of the Planning and Development Regulations 2001, as amended
- (c) Article 6 and 9 of the Planning and Development Regulations 2001, as amended.

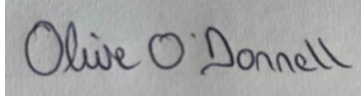
Tipperary County Council has concluded that –

The proposed development as presented on the drawings provided with the Declaration application, constitutes “**development**” within the meaning of the Planning and Development Act 2000, as amended and is “**exempted development**”.

An informative, as follows, shall be attached in relation to the use of the outbuilding:

‘The garage structure shall not be used for human habitation or for the keeping of pigs, poultry, pigeons, ponies or horses, or for any other purpose other than a purpose incidental to the enjoyment of the house as such’.

District Planner:

A rectangular box containing a handwritten signature in cursive script that reads "Olive O'Donnell".

Date: 07/11/2024

A/Senior Executive Planner:

A handwritten signature in cursive script that reads "Jonathan Flood".

Date: 7/11/2024

HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT

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

(a) File Reference No:	S/24/120
(b) Brief description of the project or plan:	As per planners report
(c) Brief description of site characteristics:	As per planners report
(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW	None
(e) Response to consultation:	N/a

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 (km)	Connections (Source-Pathway-Receptor)	Considered further in screening Y/N
004058 Lough Derg (Shannon) SPA	https://www.npws.ie/protected-sites/spa/004058	Within 1km	None	No
002165 Lower River Shannon SAC	https://www.npws.ie/protected-sites/sac/002165	Within 10km	None	No
002258 Silvermines Mountains West SAC	https://www.npws.ie/protected-sites/sac/002258	Within 15km	None	No
002124 Bollingbrook Hill SAC	https://www.npws.ie/protected-sites/sac/002124	Within 15km	None	No
001432 Glenstal Woods SAC	https://www.npws.ie/protected-sites/sac/001432	Within 10km	None	No
000939 Silvermines Mountains SAC	https://www.npws.ie/protected-sites/sac/000939	Within 15km	None	No
001197 Keeper Hill SAC	https://www.npws.ie/protected-sites/sac/001197	Within 10km	None	No
002165 Lower River Shannon SAC	https://www.npws.ie/protected-sites/sac/002165	Within 15km	None	No

000930 Clare Glen SAC	https://www.npws.ie/protected-sites/sac/000930	Within 10km	None	No
001013 Glenomra Woods SAC	https://www.npws.ie/protected-sites/sac/001013	Within 15km	None	No
004165 Slievefelim to Silvermines Mountains SPA	https://www.npws.ie/protected-sites/spa/004165	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.)
<p>Construction phase e.g.</p> <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 	None.
<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 	None.
In-combination/Other	None.
(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 	None.

- 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

(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.

On the basis of the information on file, which is considered adequate to undertake a screening determination and having regard to: the nature and scale of the proposed development, the proposed land use and distance from European sites, the lack of direct connections with regard to the Source-Pathway-Receptor model, it is concluded that the proposed development, individually or in-combination with other plans or projects, would not be likely to have a significant effect on the above listed European sites or any other European site, in view of the said sites' 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:	<i>Olive O'Donnell</i>	Date: 07/11/2024

EIA Pre-Screening Establishing a development is a 'sub-threshold development'			
File Reference:	S5/24/120		
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	
No, the project is not 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	
Signature and Date of Recommending Officer:	<i>Olive O'Donnell</i>	Date:	07/11/2024



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,
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Tipperary County Council,
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Co. Tipperary

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Date: 7th November, 2024

Our Ref: S5/24/120

Civic Offices, Nenagh

Nicholas Rafferty
Derryleigh
Newport
Co. Tipperary

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

Dear Mr Rafferty,

I refer to your application for a Section 5 Declaration received on 17th October, 2024, in relation to the following proposed works:

Conversion of existing garage and a detached garage **at** Derryleigh, Newport, 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) Classes 1 and 3 of Schedule 2, Part 1 of the Planning and Development Regulations 2001, as amended
- (c) Article 6 and 9 of the Planning and Development Regulations 2001, as amended.

Tipperary County Council has concluded that –

The proposed development as presented on the drawings provided with the Declaration application, constitutes "**development**" within the meaning of the Planning and Development Act 2000, as amended and is "**exempted development**".

An informative, as follows, shall be attached in relation to the use of the outbuilding:

'The garage structure shall not be used for human habitation or for the keeping of pigs, poultry, pigeons, ponies or horses, or for any other purpose other than a purpose incidental to the enjoyment of the house as such'

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: **S5/24/120** **Delegated Employee's Order No:** _____

SUBJECT: Section 5 Declaration

I, Sharon Kennedy, Director of Services, Tipperary County Council, by virtue of the powers delegated to me in accordance with the provisions of Section 154 of the Local Government Act 2001, as amended by Schedule 1, Part 1 of the Local Government Reform Act 2014 under Chief Executive's Order No. 37256 dated 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 Nicholas Rafferty, re: Conversion of existing garage and a detached garage at Derryleigh, Newport, Co. Tipperary is development and is exempted development.

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

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

Tipperary County Council has concluded that –

The proposed development as presented on the drawings provided with the Declaration application, constitutes "**development**" within the meaning of the Planning and Development Act 2000, as amended and is "**exempted development**".

Signed: 

Sharon Kennedy

Date: 07/11/2024

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