

Comhairle Contae Thiobraid Árann
Tipperary County Council

Tipperary County Council
RECEIVED
07 MAR 2025
CASH OFFICE
Civic Offices, Clonmel

PLANNING & DEVELOPMENT ACT, 2000 (as amended)

Application for a Section 5 Declaration
Development / Exempted Development

Tipperary County Council
RECEIVED
07 MAR 2025
CSD
Civic Offices, Clonmel

1. Applicant's address/contact details:

| | |
|---------------|--|
| Applicant | BRIAN MELBOURNE |
| Address | CAPPAUNIA BANSHA CO. TIPPERARY E34 CK15 |
| Telephone No. | |
| E-mail | |

2. Agent's (if any) address:

| | |
|---|--------------------------------|
| Agent | |
| Address | |
| Telephone No. | |
| E-mail | |
| Please advise where all correspondence in relation to this application is to be sent; | |
| Applicant <input checked="" type="checkbox"/> | Agent <input type="checkbox"/> |

3. Location of Proposed Development:

| | |
|---|--|
| Postal Address or Townland or Location (as may best identify the land or structure in question) | CAPPAUNIA BANSHA CO. TIPPERARY E34 CK15 |
|---|--|

TIPPERARY CO. COUNCIL
RECEIVED
07 MAR 2025
PLANNING SECTION
FILE NO.

Receipt No 190 425
Issued 07 03 2025
€ 80.00 Cheque

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.)

| | |
|--|--|
| ADDING 2 WINDOWS (| |
| TO EAST FACING GABLE END OF HOUSE, | |
| THERE IS MORE THAN 11 METERS TO | |
| BOUNDARY. | |
| | |
| Proposed floor area of proposed works/uses: sqm 173 | |

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

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

Signature of Applicant(s) Brian Melbourne

Date: 3-3-25

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

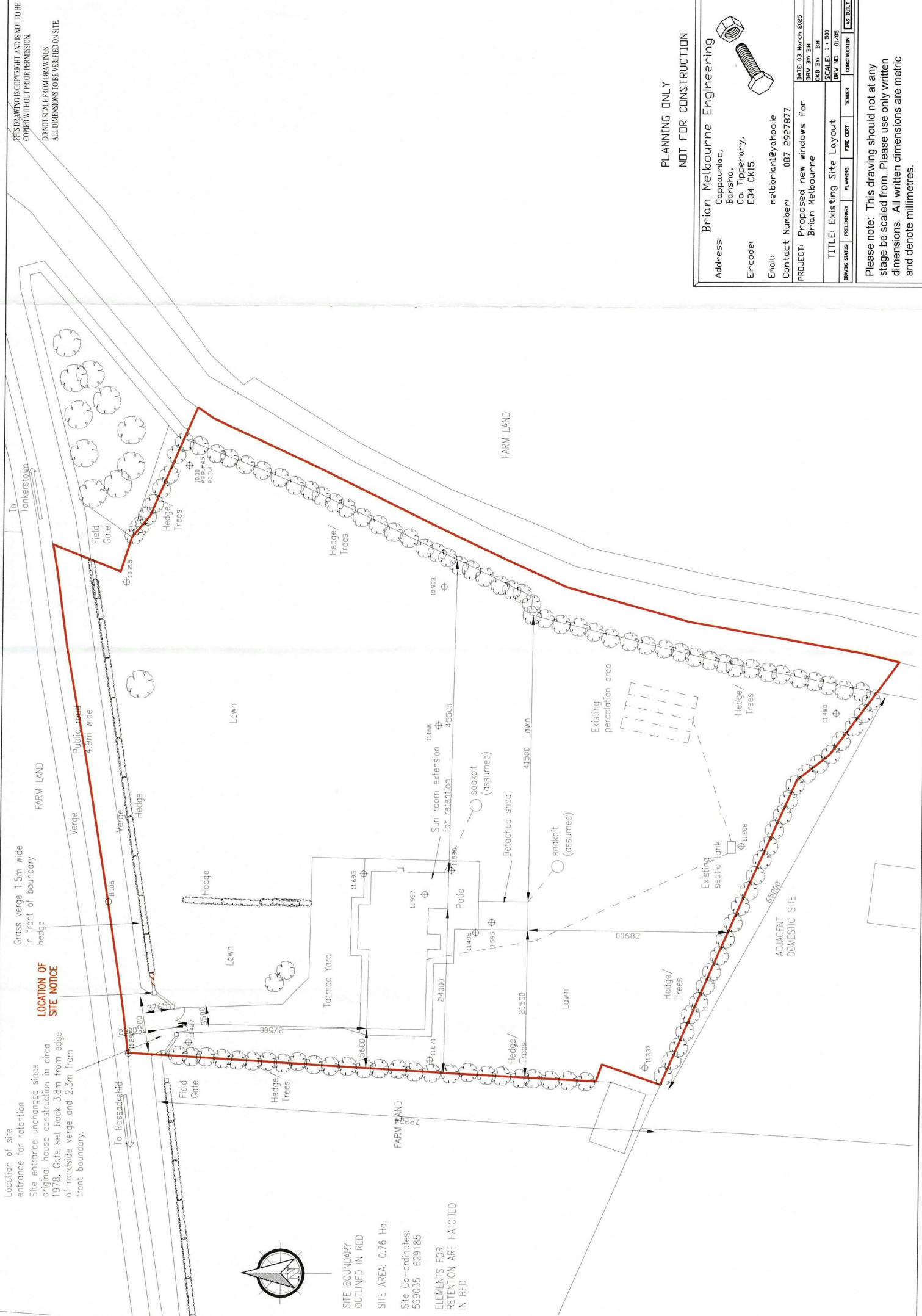
- (1) All queries on the form must be completed and the form must be accompanied by the relevant fee. The amount of the fee is currently **€80.00**.
- (2) This application should be accompanied by **TWO COPIES** of the following documentation
- OSI Site Location Map with the site outlined clearly – 1:1000 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 |
|----------------------------|

| | |
|--|--------------------------|
| Fee Recd. € _____ Receipt No _____ Date _____ Receipted by _____ | <u>DATE STAMP</u> |
|--|--------------------------|



THIS DRAWING IS COPYRIGHT AND IS NOT TO BE
COPIED WITHOUT PRIOR PERMISSION.
DO NOT SCALE FROM DRAWINGS
ALL DIMENSIONS TO BE VERIFIED ON SITE.

Location of site
entrance for retention
Site entrance unchanged since
original house construction in circa
1978. Gate set back 3.8m from edge
of roadside verge and 2.3m from
front boundary.

LOCATION OF
SITE NOTICE



SITE BOUNDARY
OUTLINED IN RED

SITE AREA: 0.76 Ha.

Site Co-ordinates:
599035 629185

ELEMENTS FOR
RETENTION ARE HATCHED
IN RED

PLANNING ONLY
NOT FOR CONSTRUCTION


Brian Melbourne Engineering
Address: Cappaninac,
Bansha,
Co. Tipperary,
E34 CK15.
Email: melbrian@yahoo.ie
Contact Number: 087 2927877

PROJECT: Proposed new windows for
Brian Melbourne

TITLE: Existing Site Layout

| | | | | |
|-----------------|---------------|----------|-------------|--------|
| DRAWING STATUS: | PRELIMINARY | PLANNING | PERM. CERT. | TENDER |
| DATE: | 03 March 2023 | | | |
| REV BY: | BM | | | |
| SCALE: | 1:1,500 | | | |
| REV NO. | 01/05 | | | |
| CONSTRUCTION | | | | |

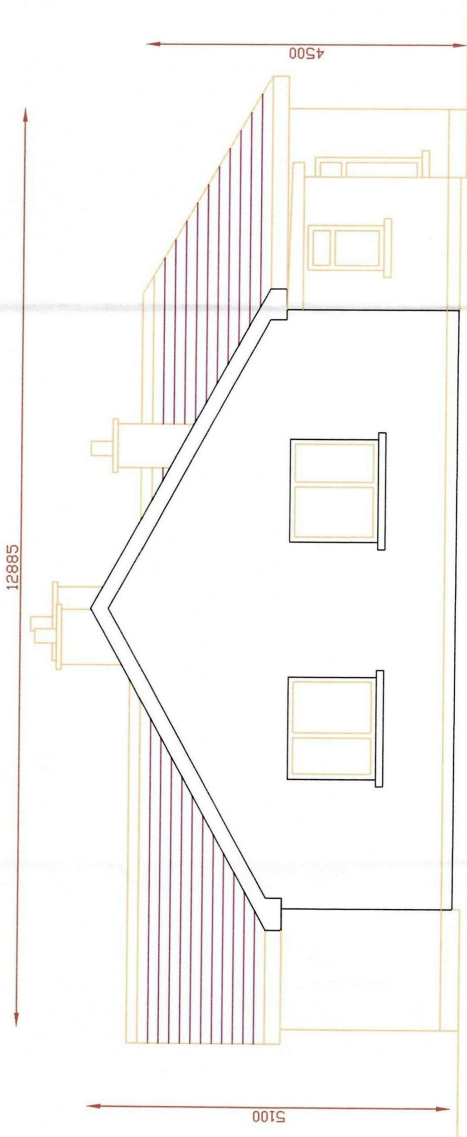
AS BUILT



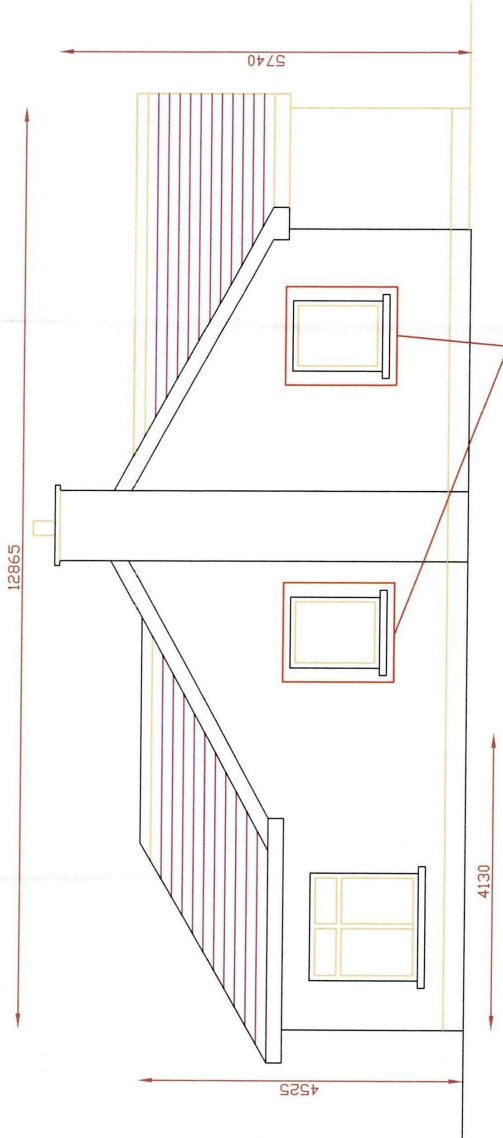
Please note: This drawing should not at any
stage be scaled from. Please use only written
dimensions. All written dimensions are metric
and denote millimetres.

Notes:

- Ground floor original, 1978, GIA
planning grant P.3.4687 = 120 sq.m
- Rear lobby extension, 1993, GIA
previous exempted development = 3.5 sq.m
- Living room extension, 1998, GIA
planning grant 95/750 = 31 sq.m
- Sum room extension
for Retention under current application = 18.5 sq.m.
- Ground floor, GIA, Total = 173 sq.m



Existing
WEST ELEVATION
Scale 1:75



Existing
EAST ELEVATION
Scale 1:75

Brion Melbourn Engineering
Address: Cappouniac,
Bansha,
Co. Tipperary,
E34 CK15.
Eircode: melbriant@yahoo.ie
Email: melbriant@yahoo.ie
Contact Number: 087 2927877

PROJECT: Proposed new windows for
Brion Melbourn

TITLE: Proposed Side Elevation
DRAWING STATUS: PRELIMINARY
PLANNING
FIRE CERT
TENDER
CONSTRUCTION
AS BUILT

Please note: This drawing should not at any stage be scaled from. Please use only written dimensions. All written dimensions are metric and denote millimetres.

Notes:

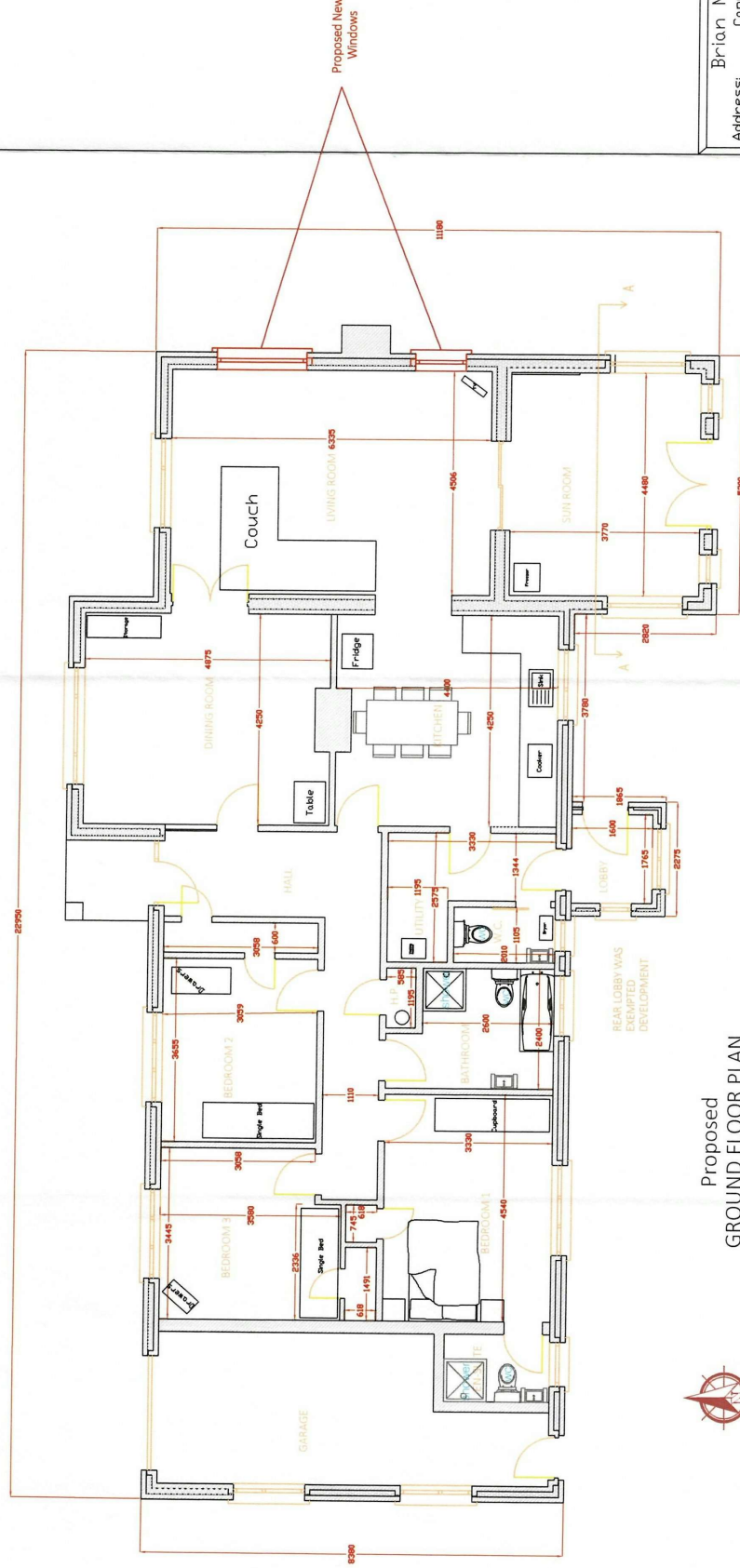
Ground floor original, 1978, GIA
= 120 sq.m
planning grant P 3.4687

Rear lobby extension, 1993, GIA
= 3.5 sq.m
previous exempted development

Living room extension, 1998, GIA
= 31 sq.m
planning grant 95/750

Sum room extension
= 18.5 sq.m.
for Retention under current application

Ground floor, GIA, Total
= 173 sq.m



Proposed
GROUND FLOOR PLAN
Scale 1:100



Brian Melbourn Engineering

Address: Cappanlac,
Bansha,
Co. Tipperary,
E34 CK15.

Elc-code: melbrian@tycho.ie

Contact Number: 087 2927877

PROJECT: Proposed new windows for
Brian Melbourn

TITLE: Proposed Ground Floor Plan

| BRWING STATUS | PRELIMINARY | PLANNING | FIRE CERT | TENDER | CONSTRUCTION | AS BUILT |
|---------------|-------------|----------|-----------|--------|--------------|----------|
| | | | | | | |

DATE: 03 March 2025
REV BY: BM
REV NO: 01/06

Please note: This drawing should not at any stage be scaled from. Please use only written dimensions. All written dimensions are metric and denote millimetres.

Notes:

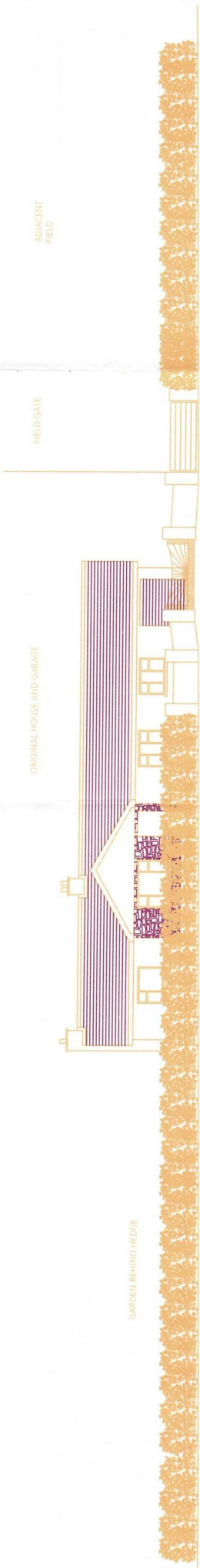
Ground floor original, 1978, GIA
planning grant P.3.4687 = 120 sq.m

Rear lobby extension, 1993, GIA
previous exempted development = 3.5 sq.m

Living room extension, 1998, GIA
planning grant 95/750 = 31 sq.m

Sum room extension
for Retention under current application = 18.5 sq.m.

Ground floor, GIA, Total = 173 sq.m



Existing
CONTIGUOUS ELEVATION
Scale 1:200

Brian Melbourne Engineering
Address: Cappouniac,
Barsha,
Co. Tipperary,
E34 CK15.
Email: melbrian1@yahoo.ie
Contact Number: 087 2927877



PROJECT: Proposed new windows for
Brian Melbourne

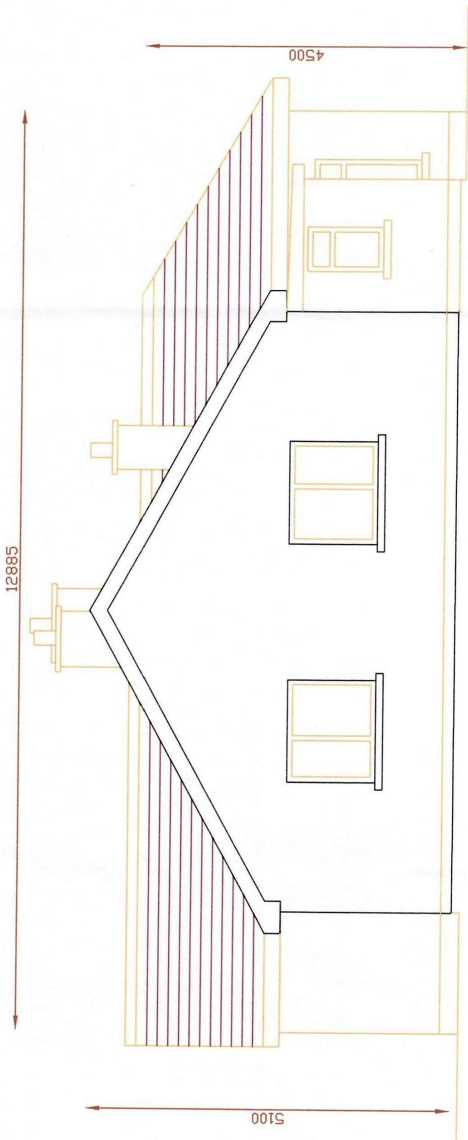
TITLE: Existing Contiguous Elevation
SCALE: 1:200
DATE: 03 March 2025
REV BY: BM
REV NO: 01/04

DATE: 03 March 2025
REV BY: BM
REV NO: 01/04

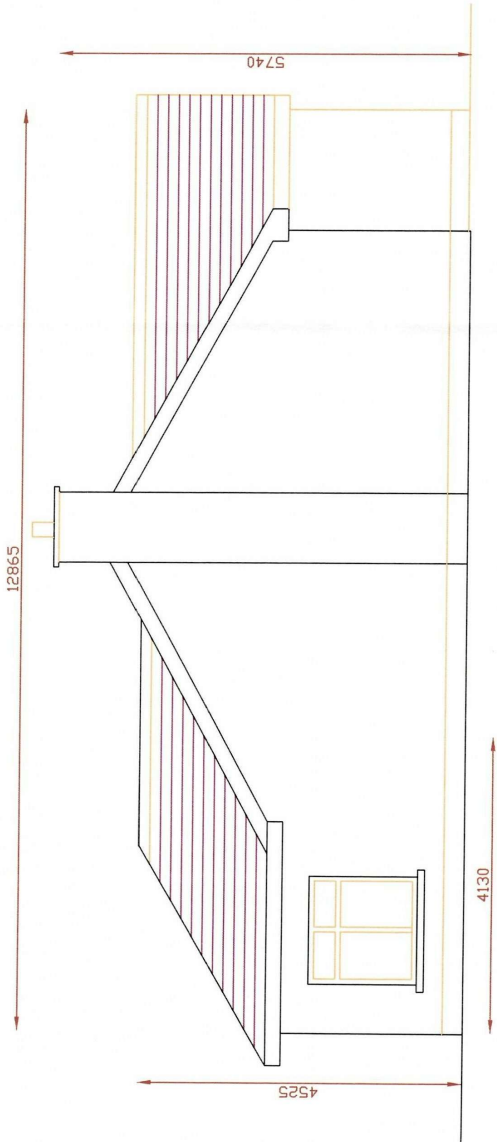
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planning grant P.3.4687 = 120 sq.m
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previous exempted development = 3.5 sq.m
- Living room extension, 1998, GIA
planning grant 95/750 = 31 sq.m
- Sum room extension
for Retention under current application = 18.5 sq.m.
- Ground floor, GIA, Total = 173 sq.m



Existing
WEST ELEVATION
Scale 1:75



Existing
EAST ELEVATION
Scale 1:75

Brian Melbourne Engineering

Address:

Cappaunlac,

Bansha,

Co. Tipperary,

E34 CK15.

Elr-code:

melbrian1@yahoo.ie

Email:

Contact Number: 087 2927877

PROJECT: Proposed new windows for

Brian Melbourne

TITLE: Existing Side Elevation

DRAWING STATUS: PRELIMINARY

PLANNING

FIRE CERT

TENDER

CONSTRUCTION

AS BUILT

DATE: 03 March 2005

DRW BY: BM

CAD BY: BM

SCALE: 1:75

DRW NO: 01/03

CONSTRUCTION

AS BUILT

Please note: This drawing should not at any stage be scaled from. Please use only written dimensions. All written dimensions are metric and denote millimetres.

Notes:

- Ground floor original, 1978, GIA
planning grant P.3.4687
- Rear lobby extension, 1993, GIA
previous exempted development
- Living room extension, 1998, GIA
planning grant 95/750
- Sum room extension
for Retention under current application
- Ground floor, GIA, Total

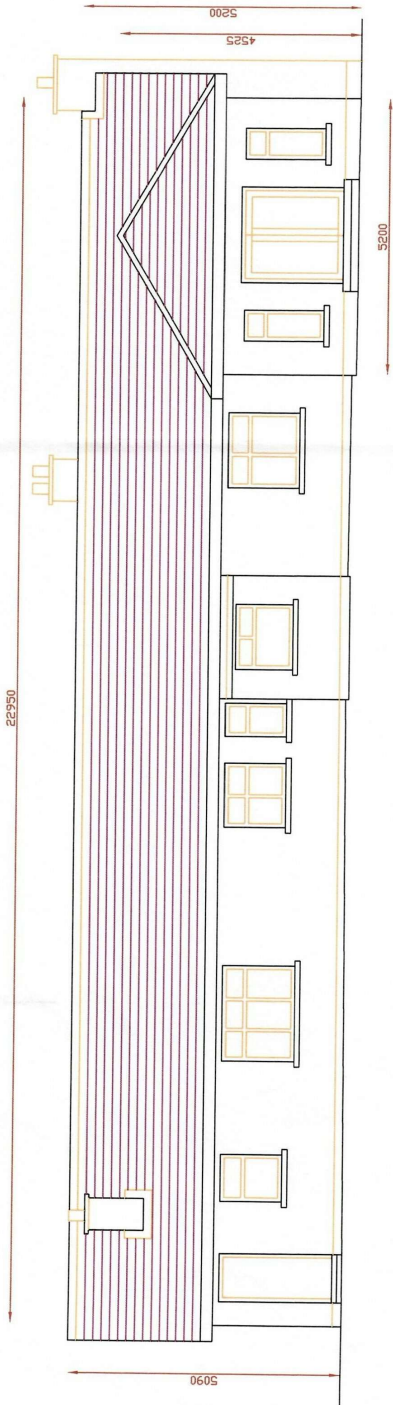
= 120 sq.m

= 3.5 sq.m

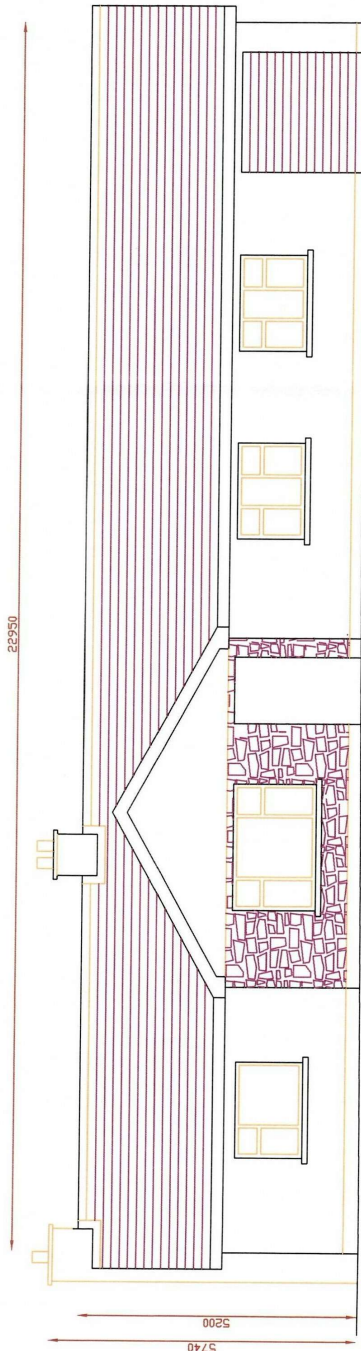
= 31 sq.m

= 18.5 sq.m.

= 173 sq.m



Existing
SOUTH ELEVATION
Scale 1:100



Existing
NORTH ELEVATION
Scale 1:100

Brian Melbourne Engineering
Address: Cappanilac,
Bansha,
Co. Tipperary,
E34 CK15.
Email: melbrian1@yahoo.ie
Contact Number: 087 2927877

PROJECT: Proposed new windows for
Brian Melbourne
DATE: 02 March 2025
REV BY: BM
REV NO: 01/02
SCALE: 1 : 100
DRAWING STATUS: PRELIMINARY
PLANNING
FIRE CERT
TENDER
CONSTRUCTION
AS BUILT

Please note: This drawing should not at any stage be scaled from. Please use only written dimensions. All written dimensions are metric and denote millimetres.

Notes:

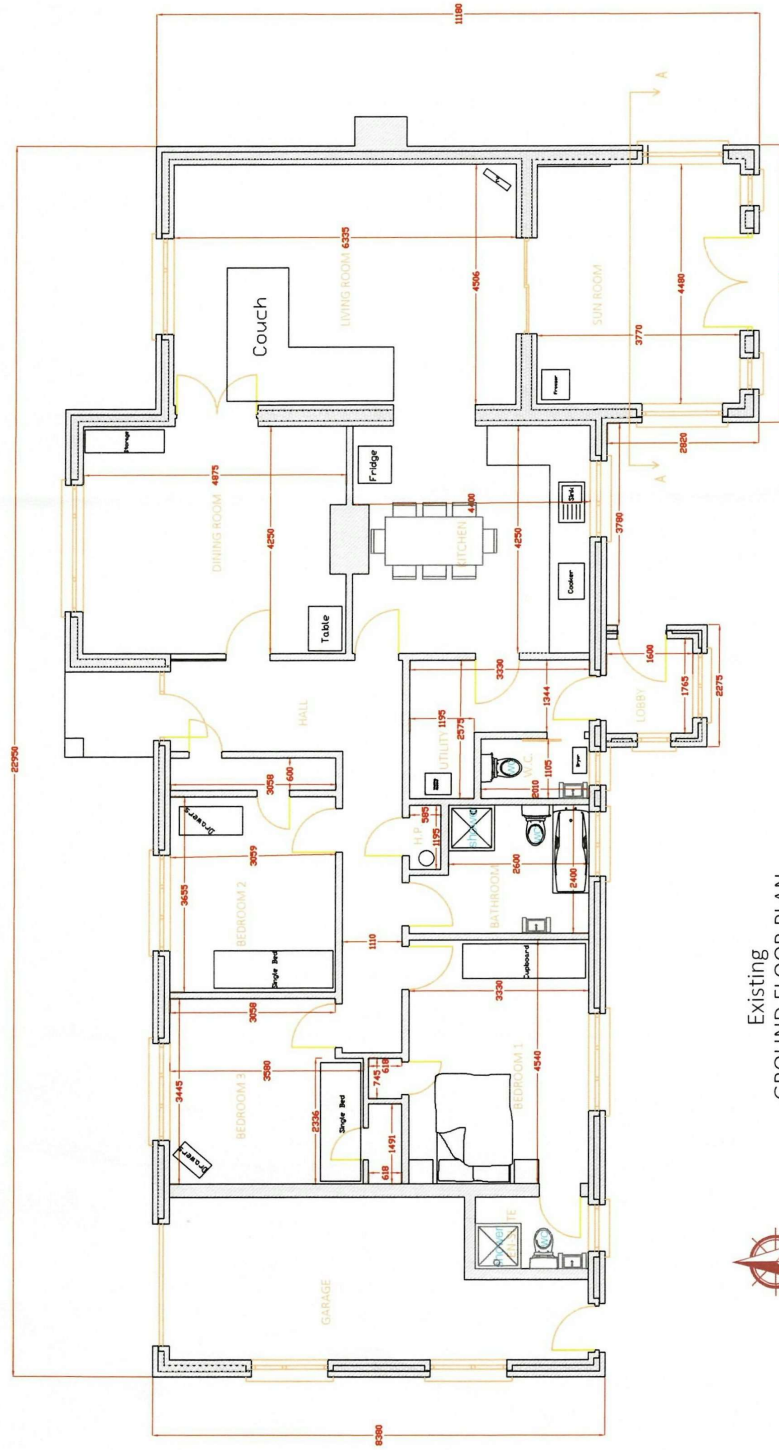
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planning grant P:3,4687

Rear lobby extension, 1993, GIA
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previous exempted development

Living room extension, 1998, GIA
= 31 sq.m
planning grant 95/750

Sum room extension
= 18.5 sq.m.
for Retention under current application

Ground floor, GIA, Total
= 173 sq.m



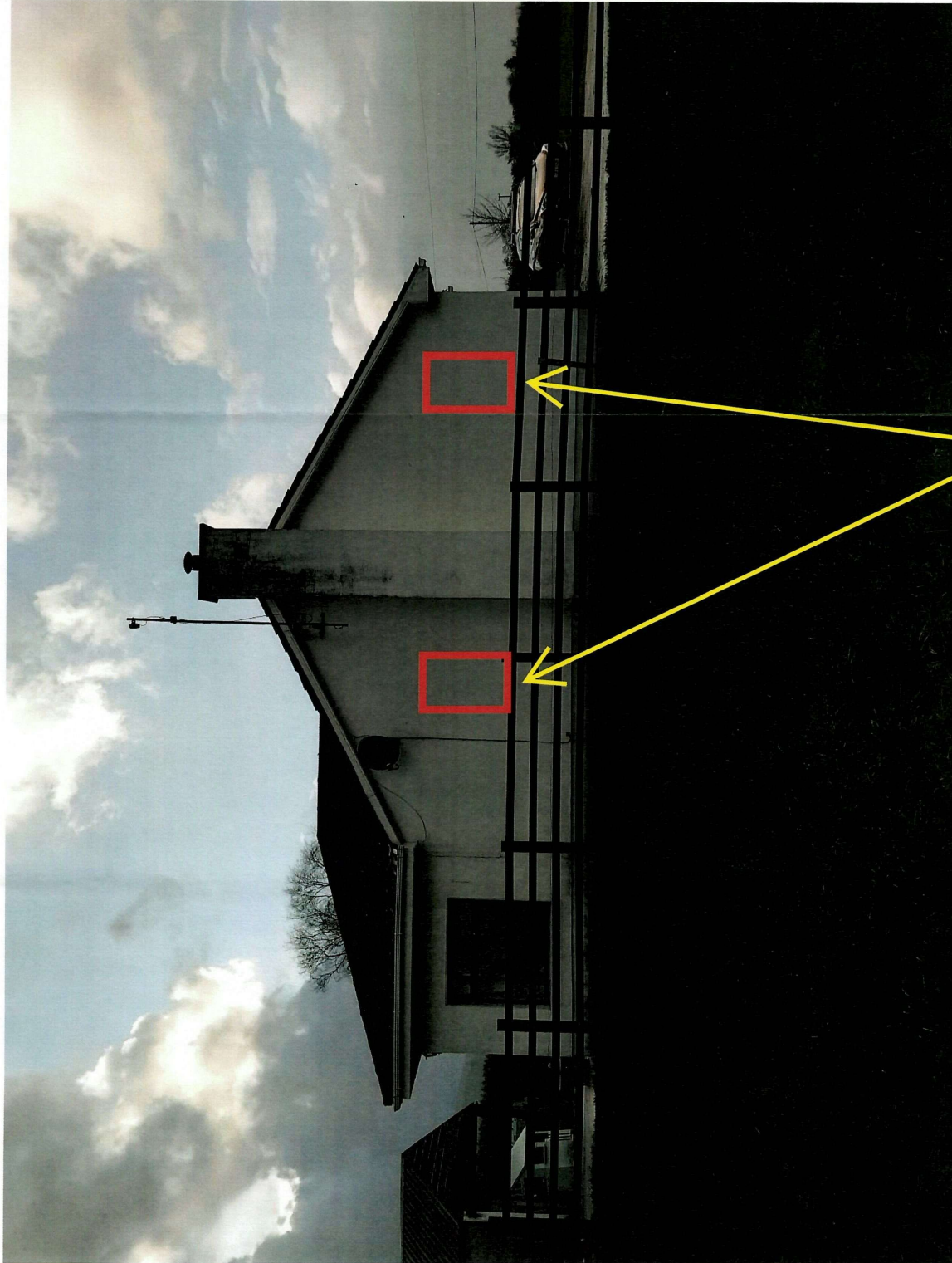
Existing
GROUND FLOOR PLAN
Scale 1:100



Brian Melbourne Engineering
Address: Cappanlac,
Bansha,
Co. Tipperary,
E34 CK15.
Email: melbrian@yahoo.ie
Contact Number: 087 2927877

| | |
|--|--|
| DATE: 03 March 2025 | DATE: 03 March 2025 |
| REV: 01: 01 | REV: 01: 01 |
| REV: 02: 01 | REV: 02: 01 |
| SCALE: 1:100 | SCALE: 1:100 |
| DATE: 03 March 2025 | DATE: 03 March 2025 |
| PROJECT: Proposed new windows for Brian Melbourne | PROJECT: Proposed new windows for Brian Melbourne |
| TITLE: Existing Ground Floor Plan | TITLE: Existing Ground Floor Plan |
| DRAWING STATUS: PRELIMINARY | DRAWING STATUS: PRELIMINARY |
| PLANNING: PLANNING | PLANNING: PLANNING |
| FIRE CERT: FIRE CERT | FIRE CERT: FIRE CERT |
| TENDER: TENDER | TENDER: TENDER |
| CONSTRUCTION: CONSTRUCTION | CONSTRUCTION: CONSTRUCTION |

Please note: This drawing should not at any stage be scaled from. Please use only written dimensions. All written dimensions are metric and denote millimetres.



Outlined Proposed New Windows

Proposed New Windows
Side Elevation

Notes:

Layers:

Outline of Windows:



Brian Melbourne Engineering

Address:

Cappaunlac,
Barsila,
Co. Tipperary,
E34 CK15.

Eircode:

Email: melbrian1@yahoo.ie
Contact Number: 087 2927877

PROJECT: Cappa House

DATE: 25 February 2025

DRW BY: B.M.

CHK BY: B.M.

SCALE: No Scale

DRW NO: 21758

CONSTRUCTION

AS BUILT

TITLE: Proposed New Windows

DRAWING STATUS: PRELIMINARY

PLANNING

FIRE CERT

TENDER

CONSTRUCTION

AS BUILT

Please note: This drawing should not at any stage be scaled from. Please use only written dimensions. All written dimensions are metric and denote millimetres.



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: 7th March 2025

Our Ref: S5/25/21

Civic Offices, Clonmel

**Brian Melbourne,
Cappaunaic,
Bansha,
Co. Tipperary
E34CK15**

**Re: Application for a Section 5 Declaration –to add 2 windows to the
east facing gable end of the house at Cappaunaic, Bansha, Co.
Tipperary, E34CK15**

Dear Sir/Madam,

I acknowledge receipt of your application for a Section 5 Declaration received
on 7th March 2025 in connection with the above.

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

Yours sincerely,

For Director of Services

TIPPERARY COUNTY COUNCIL

Application for Declaration under Section 5

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

Planning Reference: S5/25/21
Applicant: Brian Melbourne
Development Address: Cappauniac, Bansha, Co. Tipperary
Proposed Development: Adding 2 windows to the east facing gable end of the house.

1. GENERAL

On the 7th March 2025 a request was made for a declaration under Section 5 of the Planning and Development Act, 2000 as amended, by Brian Melbourne in respect of the following development;

Adding 2 windows to the east facing gable end of the house.

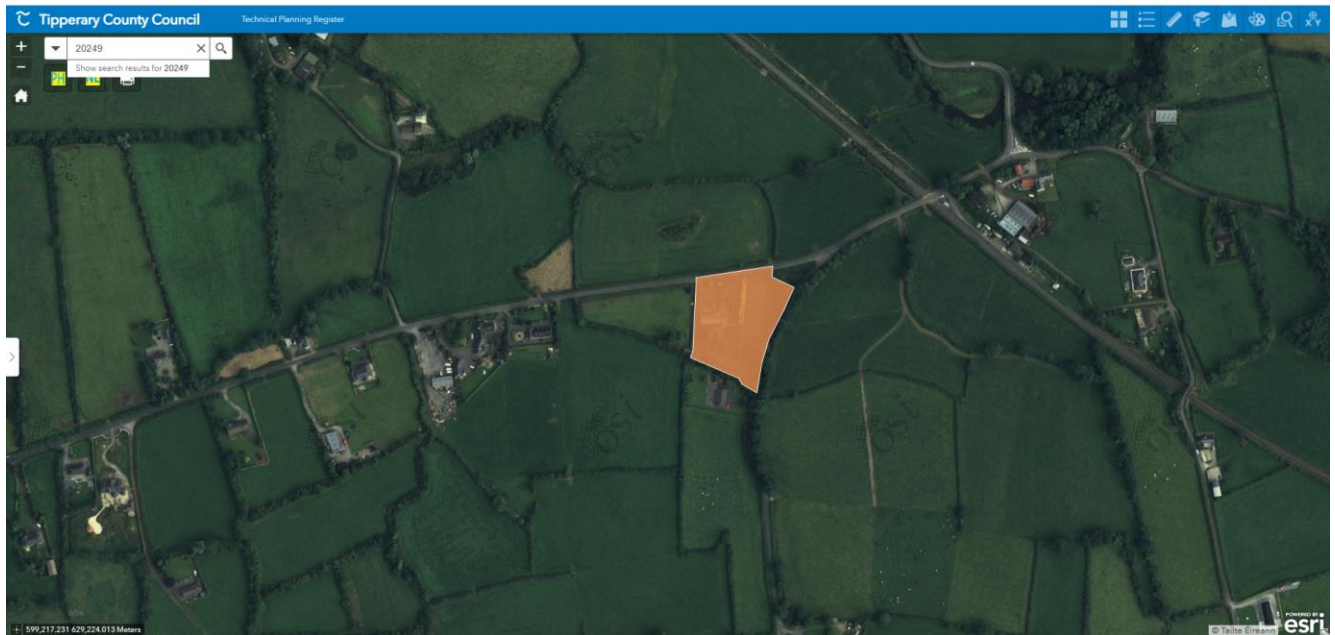


Figure 1 Site Location



Figure 2 Google Street View of site

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.

3. ASSESSMENT

a. Site Location

The site comprises of an existing residential property within the rural townland of Cappauniac, Bansha.

b. Relevant Planning History

20/249 Retention Permission GRANTED sunroom extension at rear of house, detached shed behind house, location of site entrance and all associated site and ancillary works

c. Assessment

The question posed under the Section 5 Declaration application is whether adding 2 windows to the east facing gable end of the house 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 proposal includes for 2 no. windrows at ground floor level at the side (gable) of the existing dwelling. I am satisfied that the proposal comes within the scope of Section 4(1)h of the Act and does not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure.

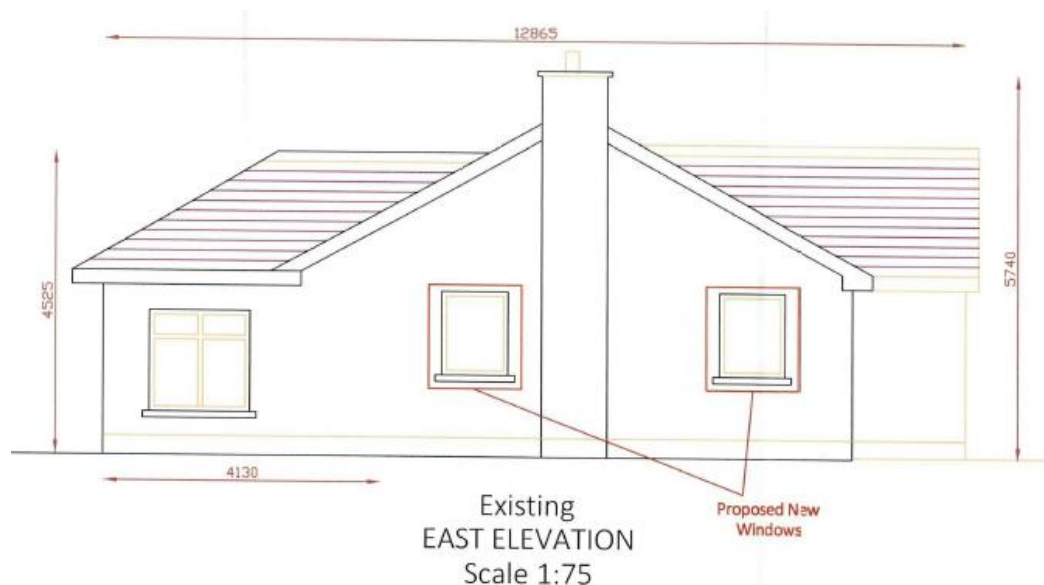


Figure 3 Proposed Windows

iii) Restrictions under Article 9

None

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 adding 2 windows to the east facing gable end of the house at Cappauniac, Bansha, Co. Tipperary constitutes “development” and is or is not “exempted development”.

AND WHERE AS 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,
- (d) The application and details submitted by the applicant

AND WHEREAS Tipperary County Council has concluded that;

- Adding 2 windows to the east facing gable end of the house at Cappauniac, Bansha, Co. Tipperary constitutes “works” and “development” within the meaning of the Planning and Development Act 2000, as amended, and is “exempted development” as same avails of the exemption set out under Section 4(1)h of the Planning and Development Act 2000, as amended.

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:



Date: 25/03/2025



Senior Executive Planner:

Date: 26.3.2025

HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT

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

| | |
|--|---|
| (a) File Reference No: | S5/25/21 |
| (b) Brief description of the project or plan: | Adding 2 windows to the east facing gable end of the house. |
| (c) Brief description of site characteristics: | Existing dwelling in rural unserviced 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 Lighting disturbance Noise/vibration Changes to water/groundwater due to drainage or abstraction Presence of people, vehicles and activities | No potential impacts. |

| <ul style="list-style-type: none"> 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: | | | | | | | | | | | | | |
| | <table border="1"> <thead> <tr> <th></th> <th>Tick as Appropriate:</th> <th>Recommendation:</th> </tr> </thead> <tbody> <tr> <td>(i) It is clear that there is no likelihood of significant effects on a European site.</td> <td><input checked="" type="checkbox"/></td> <td>The proposal can be screened out: Appropriate assessment not required.</td> </tr> <tr> <td>(ii) It is uncertain whether the proposal will have a significant effect on a European site.</td> <td><input type="checkbox"/></td> <td> <input type="checkbox"/> Request further information to complete screening <input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission </td> </tr> <tr> <td>(iii) Significant effects are likely.</td> <td><input type="checkbox"/></td> <td> <input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission </td> </tr> </tbody> </table> | | 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 |
| | Tick as Appropriate: | Recommendation: | | | | | | | | | | | |
| (i) It is clear that there is no likelihood of significant effects on a European site. | <input checked="" type="checkbox"/> | The proposal can be screened out: Appropriate assessment not required. | | | | | | | | | | | |
| (ii) It is uncertain whether the proposal will have a significant effect on a European site. | <input type="checkbox"/> | <input type="checkbox"/> Request further information to complete screening <input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission | | | | | | | | | | | |
| (iii) Significant effects are likely. | <input type="checkbox"/> | <input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission | | | | | | | | | | | |

| EIA Pre-Screening Establishing a development is a 'sub-threshold development' | |
|---|--|
| File Reference: | S5/25/21 |
| Development Summary: | Adding 2 windows to the east facing gable end of the house. |
| 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 required Determination |
| <input type="checkbox"/> No, Schedule 7A information/screening report has not been submitted by the applicant | Preliminary Examination required |

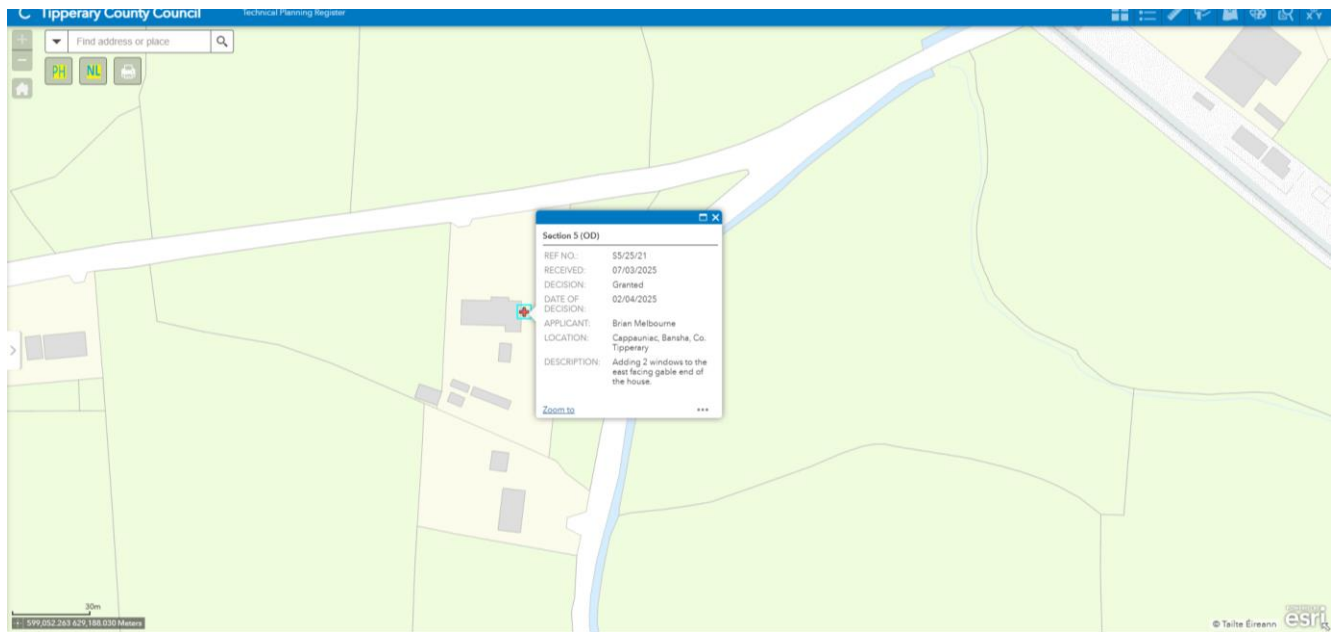


Figure 4 Planning Register



Date: 27th March, 2025

Our Ref: S5/25/21

Civic Offices, Nenagh

Brian Melbourne,
Cappaunaic
Bansha
Co. Tipperary
E34 CK15

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

Dear Mr Melbourne,

I refer to your application for a Section 5 Declaration received on 7th March, 2025, in relation to the following proposed works:

Adding 2 windows to the east facing gable end of the house at Cappauniac, Bansha, 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) The application and details submitted by the applicant

AND WHEREAS Tipperary County Council has concluded that;

Adding 2 windows to the east facing gable end of the house at Cappauniac, Bansha, Co. Tipperary constitutes “works” and “development” within the meaning of the Planning and Development Act 2000, as amended, and is “**exempted development**” as same avails of the exemption set out under Section 4(1)h of the Planning and Development Act 2000, as amended.

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: **S5/25/21** **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. 40781 dated 2nd January, 2025, hereby order that pursuant to the provisions of the Planning and Development Act 2000, as amended, that an application under Section 5 from Brian Melbourne, Cappaunaic, Bansha, Co. Tipperary re: Adding 2 windows to the east facing gable end of the house at Cappauniac, Bansha, Co. Tipperary is development and is exempted development.

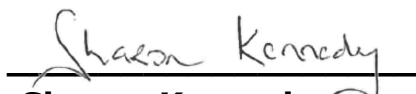
AND WHEREAS Tipperary County Council, in considering this referral, had regard particularly to –

- a) Sections 2, 3 and 4 of the Planning and Development Act, 2000 as amended,
- b) The application and details submitted by the applicant

AND WHEREAS Tipperary County Council has concluded that;

Adding 2 windows to the east facing gable end of the house at Cappauniac, Bansha, Co. Tipperary constitutes "works" and "development" within the meaning of the Planning and Development Act 2000, as amended, and is "**exempted development**" as same avails of the exemption set out under Section 4(1)h of the Planning and Development Act 2000, as amended.

Signed:


Sharon Kennedy

Date: 27/03/2025

Director of Services

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