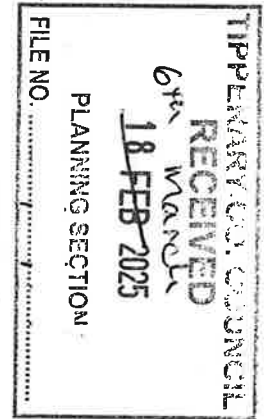


HGD/23/241 - Grant Application No.



**Comhairle Contae Thiobraid Árann**  
Tipperary County Council



**PLANNING & DEVELOPMENT ACT, 2000 (as amended)**

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

**1. Applicant's address/contact details:**

Applicant	Patrick & Catherine Fogarty
Address	26 Croke Gardens Thurles Co Tipperary E41 A9F6
Telephone No.	[REDACTED]
E-mail	[REDACTED]

**2. Agent's (if any) address:**

Agent	N/A
Address	/
Telephone No.	/
E-mail	/

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

Applicant [ ☒ ] Agent [ ☐ ]

**3. Location of Proposed Development:**

Postal Address or Townland or Location (as may best identify the land or structure in question)	26 Croke Gardens Thurles Co Tipperary E41 A9F6
---	---

**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.)

Bedroom
Wetroom
Proposed floor area of proposed works/uses:          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>	N/A	
<i>If you are not the legal owner, please state the name and address of the owner</i>	Name: N/A Address: N/A	

Signature of Applicant(s)

[Redacted Signature]

Date:

18/2/2025

**Note:** If the proposed development consists of works to a (Proposed) Protected Structure and/or any structure within the curtilage of a (Proposed) Protected Structure, an application for a Section 57 Declaration may be more appropriate.

## GUIDANCE NOTES

- (1) All queries on the form must be completed and the form must be accompanied by the relevant fee. The amount of the fee is currently **€80.00**.
- (2) This application should be accompanied by **TWO COPIES** of the following documentation
  - OSI Site Location Map with the site outlined clearly – 1:1000 in urban areas and 1:2500 in rural areas
  - Floor Plans & Elevations at a scale of not less than 1:200
  - Site layout plan indicating position of proposed development relative to premises and adjoining properties
  - Other details e.g. brochures, photographs if appropriate.

(All dimensions must be given in metric scale and drawings should be accompanied by a brief description outlining the use of the proposed development)
- (3) Where a proper and complete application is received, a decision must be conveyed to the applicant within four (4) weeks except where additional necessary information is required.

This application form and relevant fee should be submitted to:

<b>Planning Section, Tipperary County Council, Civic Offices, Limerick Road, Nenagh, Co. Tipperary</b>	<b><u>OR</u></b>	<b>Planning Section, Tipperary County Council, Civic Offices, Emmet Street, Clonmel, Co. Tipperary</b>
<b>Enquires:</b>  <b>Telephone 0818 06 5000</b>  <b>E-Mail <a href="mailto:planning@tipperarycoco.ie">planning@tipperarycoco.ie</a></b>		

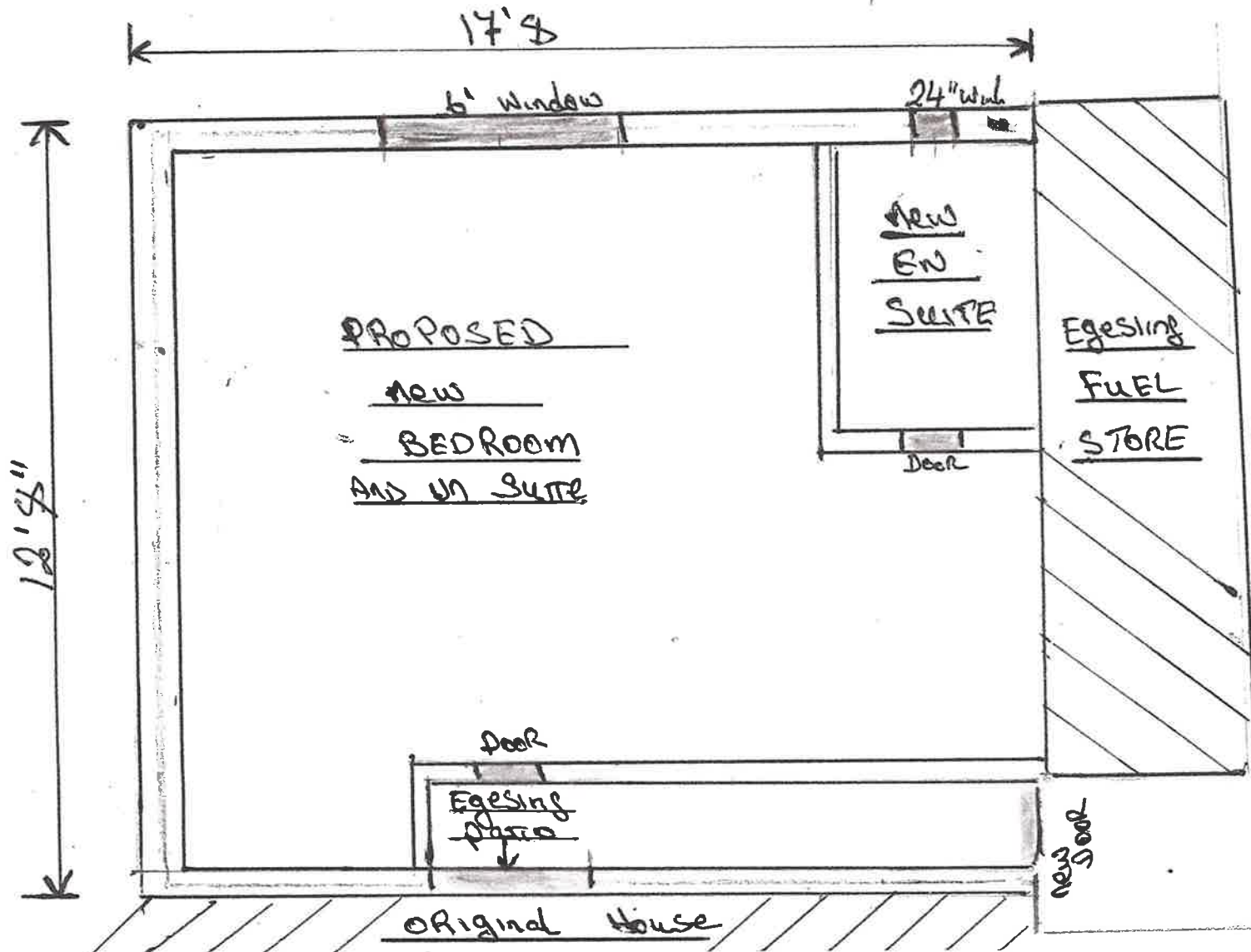
### FOR OFFICE USE ONLY

#### DATE STAMP

**Fee Recd. €** 80.00  
**Receipt No** NEN AM 1/0/126501  
**Date** 18/2/2025.  
**Received by** Maura Lillis

Grant Application Ref - HGB/23/241

Catherine & Paddy Jorgarty  
26 Croke Gardens  
Thurles  
E41 A9F6



TIPPERARY CO. COUNCIL  
RECEIVED  
18 FEB 2025  
PLANNING SECTION  
FILE NO. ....



# Planning Pack Map

**Ordnance Survey**  
Ireland  
National Mapping Agency

**CENTRE COORDINATES:**  
ITM 612458,658467

**PUBLISHED:** 30/08/2022  
**ORDER NO.:** 50288391\_1

**MAP SERIES:** 1:1,000  
**MAP SHEETS:** 4696-11

**COMPILED AND PUBLISHED BY:**  
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Dublin 8,  
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**LEGEND:**  
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**Pierce Butler**  
Planning & Design  
Moyne, Thurles, Co. Tipperary  
T 087 6796776  
E [pierce\\_butler@hotmail.com](mailto:pierce_butler@hotmail.com)



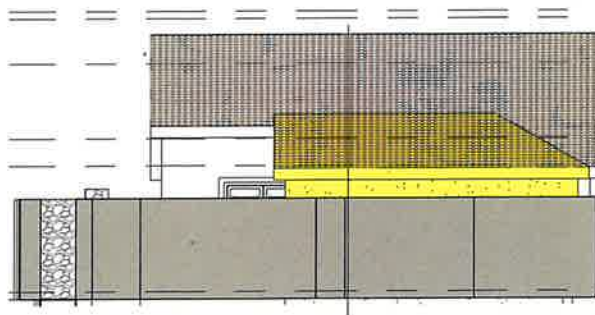
**OUTPUT SCALE:** 1:1,000

**CAPTURE RESOLUTION:**  
The map objects are only accurate to the  
resolution at which they were captured.  
Output scale is not indicative of data capture scale.  
Further information is available at:

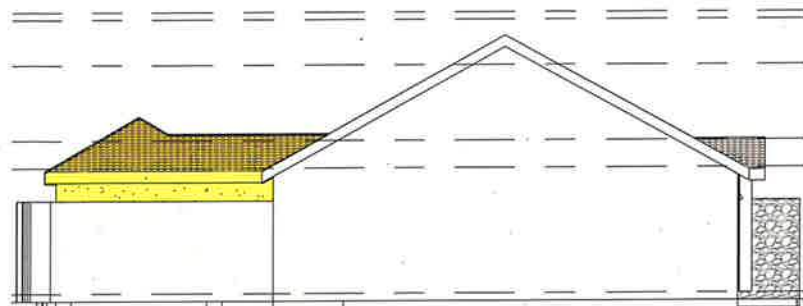




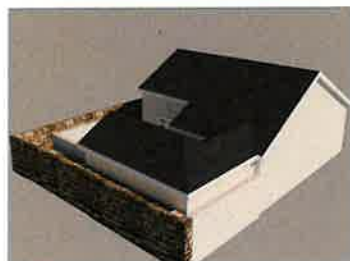
2 Front Elevation  
1 : 100



3 Rear Elevation  
1 : 100



4 Side Elevation 1  
1 : 100



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

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

THE CONTRACTOR MUST ENSURE THAT  
ALL WORK PRACTICES ON SITE COMPLY  
WITH B.S. 5000.

Minimum Requirements  
**FLOOR INSULATION**  
Kingspan Thermalfloor FT70 (100mm  
thick)  
to achieve a U Value of 0.18  
100mm Kingspan insulation (25mm  
thick)  
at edge of floor slabs

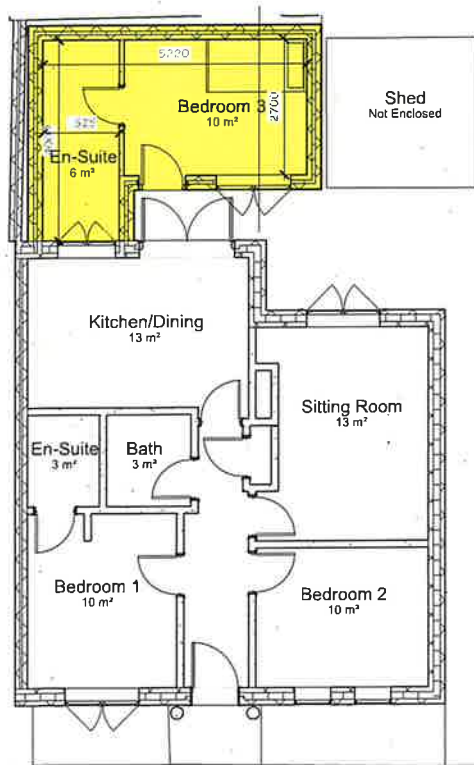
**CAVITY WALLS**  
150mm mineral wool  
insulation / 150mm Kingspan  
insulation or equivalent

**PITCHED ROOF** (flat ceiling line)  
300mm glass fibre insulation or vapour  
barrier between joists with  
Kingspan Thermalfloor FT70 (12.5mm  
thick)  
to underside of joist to achieve a U  
Value of 0.18

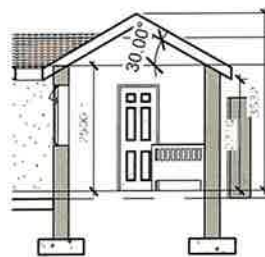
**PITCHED ROOF** (sloped ceiling line)  
Kingspan Thermalfloor FT70 (12.5mm  
thick) on vapour barrier  
between rafters.  
12.5mm glass board to underside of  
rafters with a surface finish

PLANNING  
DRAWINGS ONLY  
NOT FOR  
CONSTRUCTION

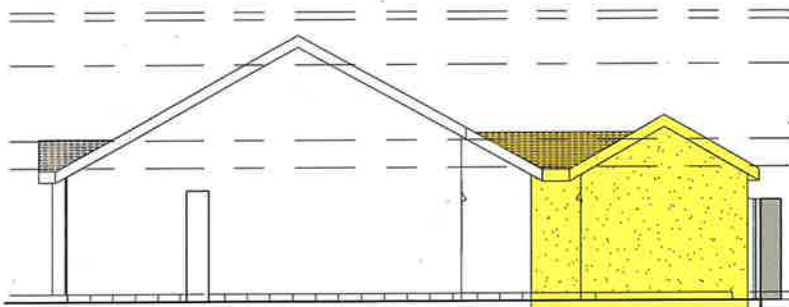
ALL WORKS TO COMPLY  
WITH BUILDING  
REGULATIONS.  
DRAWINGS ARE NOT TO  
BE SCALED AND ALL  
DIMENSIONS SHOULD BE  
CHECKED ON SITE PRIOR  
TO COMMENCEMENT



1 Ground Floor Plan  
1 : 100



6 Section 1  
1 : 100



5 Side Elevation 2  
1 : 100

TIPPERARY CO. COUNCIL  
RECEIVED

6 MAR 2025

C. Cleary  
Croke Gardens  
Thames  
Co. Tipperary



Eoghan Franks  
Design & Planning

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

### Proposed Layout

Project number	25-11
Date	Mar 25
Drawn by	E.F.
Checked by	E.F.
Scale	1 : 100

SK-101





Comhairle Contae Thiobraid Árann  
Tipperary County Council

Comhairle Contae  
Thiobraid Árann,  
Oifigí Cathartha,  
Cluain Meala,  
Co. Thiobraid Árann  
Tipperary County Council,  
Civic Offices, Clonmel,  
Co. Tipperary  
E91 N512

Comhairle Contae  
Thiobraid Árann,  
Oifigí Cathartha,  
An tAonach,  
Co. Thiobraid Árann  
Tipperary County Council,  
Civic Offices, Nenagh,  
Co. Tipperary  
E45 A099

t 0818 06 5000/601  
e customerservice  
@tipperarycoco.ie

[tipperarycoco.ie](http://tipperarycoco.ie)

Date: 6<sup>th</sup> March, 2025

Our Ref: S5/25/19

Civic Offices, Nenagh

**Patrick & Catherine Fogarty**  
**26 Croke Gardens**  
**Thurles**  
**Co. Tipperary**

**Re: Application for a Section 5 Declaration – Construction of a Bedroom and Wet Room, Grant application HGD/23/241 at 26 Croke Gardens, Co. Tipperary.**

Dear Mr & Mrs Fogarty,

I acknowledge receipt of your application for a Section 5 Declaration received on 6<sup>th</sup> 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

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**Planning Ref.:** S5/25/19

**Applicant:** Patrick and Catherine Fogarty

**Development Address:** 26 Croke Gardens, Thurles

**Proposed Development:** Bedroom & Wetroom

---

**1. GENERAL**

On the 18<sup>th</sup> February 2025 a request was made for a declaration under Section 5 of the Planning and Development Act 2000 (as amended) as to whether the following is “development” and “exempt development”:

*Bedroom & Wetroom*

**2. STATUTORY PROVISIONS**

The following statutory provisions are relevant to this referral case;

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

*“In this Act, except where the context otherwise requires, “development” means—*  
*(a) the carrying out of any works in, on, over or under land, or the making of any material change in the use of any land or structures situated on land, or*  
*(b) development within the meaning of Part XXI (inserted by section 171 of the Maritime Area Planning Act 2021).]*

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

*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: -

*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.*

**Planning and Development Regulations 2001 (as amended)**

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

**Exempted Development**

(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.

<b>Schedule 2, Part 1</b>	
<i>Exempted Development – General</i>	
Column 1 Description of Development	Column 2 Conditions and Limitations
<i>Development within the curtilage of a house</i> CLASS 1 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>1. (a) Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres.</p> <p>(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.</p> <p>(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.</p> <p>(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>
--	---

Article 9 (1) (a) of the Planning and Development Regulations 2001, as amended sets out the instances where development, to which Article 6 relates, shall not be exempted development for the purposes of the Act.

### 3. **ASSESSMENT**

#### a. **Site Location**

The subject site is located at 26 Croke Gardens and is zoned for Existing Residential use in the Thurles Local Area Plan, 2024

#### b. **Relevant Planning History**

22562 – Permission granted to Paddy and Catherine Fogarty for a new window on the gable end wall of the house

(It is noted that this window was to serve an attic space which was not to be used as a habitable space).

#### **Adjacent:**

None recent relevant

### 4. **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 above listed proposals therefore constitute “development” within the meaning of the Planning and Development Act 2000 (as amended).

#### B) “Is or is not Exempted Development”

[\\tcc-file-02\Shared\Groups\Planning\Tipperary\Development Management\Section 5 Exemption Certs\2025\S5.25.19\Planners Report EXEMPT.docx](#)

The works proposed comprise of the construction of an extension measuring 16sqm to the rear of an existing authorised dwelling.

Having reviewed the conditions and limitations associated with Class 1, it is not considered that any apply in this instance as set out below:

*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.*

**The dwelling has not been extended previously. The drawings of the existing dwelling submitted show an existing single storey dwelling with the proposed single storey extension to the rear of the dwelling, with a floor area of 16sqm. The proposals satisfy the condition and limitation under Class 1 a).**

**The house is a semi-detached dwelling however no above ground flood extension is proposed. The proposal is not limited under Class 1 c).**

*2. (a) Where the house has been extended previously, the floor area of any such extension, taken together with the floor area of any previous extension or extensions constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 40 square metres. (b) Subject to paragraph (a), where the house is terraced or semi-detached and has been extended previously, the floor area of any extension above ground level taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 12 square metres.*

*(c) Subject to paragraph (a), where the house is detached and has been extended previously, the floor area of any extension above ground level, taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 20 square metres.*

**The dwelling has not been extended previously. This condition/limitations is therefore not applicable.**

*3. Any above ground floor extension shall be a distance of not less than 2 metres from any party boundary.*

**The proposed extension will be at ground floor level only. This condition/limitations is therefore not applicable.**

*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.*

**The rear wall of the house does not include a gable. The height of the extension do not exceed the height of the rear wall of the house.**

*(b) Where the rear wall of the house includes a gable, the height of the walls of any such extension shall not exceed the height of the side walls of the house.*

**The rear wall of the house does not include a gable. This condition/limitations is therefore not applicable.**

*(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.*

The roof height of the proposed extension does not exceed the height of the highest part of the roof of the dwelling.

5. The construction or erection of any such extension to the rear of the house shall not reduce the area of private open space, reserved exclusively for the use of the occupants of the house, to the rear of the house to less than 25 square metres.

The private open space to the rear of the front boundary will measure approximately 50sqm once the extension has been constructed. See below layout showing existing private open space at 66sqm (excluding the existing building), with the proposed extension measuring 16sqm.

When measuring the private open space to the rear of the rear building line, same measures 48sqm (excluding the existing building), with the proposed extension measuring 16sqm, will leave private open space to the rear of the rear building line at 32sqm.

The open space to the rear of the house will not be reduced to less than 25sqm.



6. (a) Any window proposed at ground level in any such extension shall not be less than 1 metre from the boundary it faces.

The proposed window/double doors at ground level are in excess of 1 metre from the boundary they face.

(b) Any window proposed above ground level in any such extension shall not be less than 11 metres from the boundary it faces

The proposed extension is at ground floor level only. This condition/limitations is therefore not applicable.

(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.

The proposed extension is at ground floor level only. This condition/limitations is therefore not applicable.

7. The roof of any extension shall not be used as a balcony or roof garden.

The proposal does not include for the use of the roof as a balcony.

## C) Restrictions under Article 9

Restrictions on exemption.



Article 9. (1) Development to which article 6 relates shall not be exempted development for the purposes of the Act— (a) if the carrying out of such development would—

(i) contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act,

**The proposed development is not restricted by an condition on planning permission 50-1826.**

(ii) consist of or comprise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width,

**There is no proposal to open an access**

(iii) endanger public safety by reason of traffic hazard or obstruction of road users,

**The proposed development does not give rise to traffic hazard or obstruction of road users.**

(iv) except in the case of a porch to which class 7 specified in column 1 of Part 1 of Schedule 2 applies and which 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, comprise the construction, erection, extension or renewal of a building on any street so as to bring forward the building, or any part of the building, beyond the front wall of the building on either side thereof or beyond a line determined as the building line in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,

**The proposed development is to the rear of the property.**

(v) consist of or comprise the carrying out under a public road of works other than a connection to a wired broadcast relay service, sewer, water main, gas main or electricity supply line or cable, or any works to which class 25, 26 or 31 (a) specified in column 1 of Part 1 of Schedule 2 applies,

**N/a**

(vi) interfere with the character of a landscape, or a view or prospect of special amenity value or special interest, the preservation of which is an objective of a development plan for the area in which the development is proposed or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,

**N/a**

(vii) consist of or comprise the excavation, alteration or demolition (other than peat extraction) of places, caves, sites, features or other objects of archaeological, geological, historical, scientific or ecological interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan for the area in which the development is proposed or, pending the variation of a development plan or local area plan, or the making of a new development plan or local area plan, in the draft variation of the development plan or the local area plan or the draft development plan or draft local area plan,

**N/a**

(viiA) consist of or comprise the excavation, alteration or demolition of any archaeological monument included in the Record of Monuments and Places, pursuant to section 12 (1) of the National Monuments (Amendment) Act 1994, save that this provision shall not apply to any excavation or any works, pursuant to and in accordance with a consent granted under section 14 or a licence granted under section 26 of the National Monuments Act 1930 (No. 2 of 1930) as amended,

(viiB) comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development

*would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site,*

*(viiC) consist of or comprise development which would be likely to have an adverse impact on an area designated as a natural heritage area by order made under section 18 of the Wildlife (Amendment) Act 2000.*

*(viii) consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use,*

*(ix) consist of the demolition or such alteration of a building or other structure as would preclude or restrict the continuance of an existing use of a building or other structure where it is an objective of the planning authority to ensure that the building or other structure would remain available for such use and such objective has been specified in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,*

**N/a**

*(x) consist of the fencing or enclosure of any land habitually open to or used by the public during the 10 years preceding such fencing or enclosure for recreational purposes or as a means of access to any seashore, mountain, lakeshore, riverbank or other place of natural beauty or recreational utility,*

**N/a**

*(xi) obstruct any public right of way,*

**N/a**

*(xii) further to the provisions of section 82 of the Act, consist of or comprise the carrying out of works to the exterior of a structure, where the structure concerned is located within an architectural conservation area or an area specified as an architectural conservation area in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan and the development would materially affect the character of the area,*

**N/a**

**It is noted that no restrictions on exemptions under Article 9 of the Planning and Development Regulations 2001 (as amended) that would apply.**

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

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

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

The proposed development is not a type of development included for under Schedule 5 of the Planning and Development Regulations 2001 (as amended). EIA is therefore not required.

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

## **6. RECOMMENDATION**

In considering this declaration the Planning Authority had regard to:

<\\tcc-file-02\Shared\Groups\Planning\Tipperary\Development Management\Section 5 Exemption Certs\2025\S5.25.19\Planners Report EXEMPT.docx>

- Sections 2, 3 & 4 of the Planning and Development Act 2000 (as amended)
- Part 1 Class 1 of Schedule 2 Planning & Development Regulations 2001, as amended.
- Articles 6 and 9 of the Planning & Development Regulations 2001, as amended

Tipperary County Council has concluded that the proposed extension to rear of 26 Croke Street, Thurles as per the drawings prepared by Eoghan Franks, Design and Planning **is development within the meaning of the Planning and Development Act 2000, as amended and is Exempted Development.**

Executive Planner:



Date: 31.03.2025

A/Senior Executive Planner:



Date: 31/3/2025

## HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT

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

<b>(a) File Reference No:</b>	S5.25.19
<b>(b) Brief description of the project or plan:</b>	As per Planners Report
<b>(c) Brief description of site characteristics:</b>	As per Planners Report
<b>(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW</b>	None
<b>(e) Response to consultation:</b>	None

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

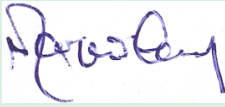
European Site (code)	List of Qualifying Interest/Special Conservation Interest <sup>1</sup>	Distance from proposed development <sup>2</sup> (km)	Connections (Source-Pathway-Receptor)	Considered further in screening Y/N
000934 Kilduff Devilsbit Mountains SAC	<a href="https://www.npws.ie/protected-sites/sac/000934">https://www.npws.ie/protected-sites/sac/000934</a>	Within 15km	None	No
002124 Bolingbrook Hill SAC	<a href="https://www.npws.ie/protected-sites/sac/002124">https://www.npws.ie/protected-sites/sac/002124</a>	Within 15km	None	No
002125 Anglesey Road SAC	<a href="https://www.npws.ie/protected-sites/sac/002124">https://www.npws.ie/protected-sites/sac/002124</a>	Within 15km	None	No
002137 Lower River Suir SAC	<a href="https://www.npws.ie/protected-sites/sac/002137">https://www.npws.ie/protected-sites/sac/002137</a>	Within 15km	None	No
002165 Lower River Shannon SAC	<a href="https://www.npws.ie/protected-sites/sac/002165">https://www.npws.ie/protected-sites/sac/002165</a>	Within 15km	None	No
004165 Slievefelim to Silvermines Mountains SPA	<a href="https://www.npws.ie/protected-sites/spa/004165">https://www.npws.ie/protected-sites/spa/004165</a>	Within 15km	None	No

### STEP 3. Assessment of Likely Significant Effects

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



Impacts:	Possible Significance of Impacts: (duration/magnitude etc.)
<b>Construction phase e.g.</b> <ul style="list-style-type: none"> <li>• Vegetation clearance</li> <li>• Demolition</li> <li>• Surface water runoff from soil excavation/infill/landscaping (including borrow pits)</li> <li>• Dust, noise, vibration</li> <li>• Lighting disturbance</li> <li>• Impact on groundwater/dewatering</li> <li>• Storage of excavated/construction materials</li> <li>• Access to site</li> <li>• Pests</li> </ul>	No potential impacts
<b>Operational phase e.g.</b> <ul style="list-style-type: none"> <li>• Direct emission to air and water</li> <li>• Surface water runoff containing contaminant or sediment</li> <li>• Lighting disturbance</li> <li>• Noise/vibration</li> <li>• Changes to water/groundwater due to drainage or abstraction</li> <li>• Presence of people, vehicles and activities</li> <li>• Physical presence of structures (e.g. collision risks)</li> <li>• Potential for accidents or incidents</li> </ul>	No potential impacts
<b>In-combination/Other</b>	No potential impacts
<b>(b) Describe any likely changes to the European site:</b>	
Examples of the type of changes to give consideration to include: <ul style="list-style-type: none"> <li>• Reduction or fragmentation of habitat area</li> <li>• Disturbance to QI species</li> <li>• Habitat or species fragmentation</li> <li>• Reduction or fragmentation in species density</li> <li>• Changes in key indicators of conservation status value (water or air quality etc.)</li> <li>• Changes to areas of sensitivity or threats to QI</li> <li>• Interference with the key relationships that define the structure or ecological function of the site</li> </ul>	No potential impacts
<b>(c) Are 'mitigation' measures necessary to reach a conclusion that likely significant effects can be ruled out at screening?</b>	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<b>STEP 4. Screening Determination Statement</b>	
<b>The assessment of significance of effects:</b>	
Describe how the proposed development (alone or in-combination) is/is <b>not likely</b> to have <b>significant</b> effects on European site(s) in view of its conservation objectives.	
The proposed development is not likely to have significant effects.	
<b>Conclusion:</b>	

	Tick as Appropriate:	Recommendation:	
(i) It is clear that there is <b>no likelihood</b> of significant effects on a European site.	<input checked="" type="checkbox"/>	The proposal can be screened out: Appropriate assessment not required.	
(ii) It is <b>uncertain</b> 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) <b>Significant effects</b> are likely.	<input type="checkbox"/>	<input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission	
<b>Signature and Date of Recommending Officer:</b>		<b>Date:</b>	31.03.2025

EIA Pre-Screening Establishing a development is a 'sub-threshold development'			
File Reference:		S5.25.19	
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 <b>Part A</b>	
<b>A. Schedule 5 Part 1</b> - Does the development comprise a project listed in Schedule 5, <b>Part 1</b> , of the Planning and Development Regulations 2001 (as amended)? (Tick as appropriate)			
<input type="checkbox"/> Yes, specify class _____		<b>EIA is mandatory</b>  No Screening required	
<input checked="" type="checkbox"/> No		Proceed to <b>Part B</b>	
<b>B. Schedule 5 Part 2</b> - Does the development comprise a project listed in Schedule 5, <b>Part 2</b> , of the Planning and Development Regulations 2001 (as amended) <b>and</b> 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		<b>No Screening required</b>	
<input type="checkbox"/> Yes the project is listed in Schedule 5, Part 2 <b>and</b> meets/exceeds the threshold, specify class (including threshold): _____		<b>EIA is mandatory</b>  No Screening required	
<input type="checkbox"/> Yes the project is of a type listed <b>but</b> is <i>sub-threshold</i> . _____		Proceed to <b>Part C</b>	
<b>C. If Yes</b> , has Schedule 7A information/screening report been submitted?			
<input type="checkbox"/> Yes, Schedule 7A information/screening report has been submitted by the applicant		<b>Screening Determination required</b>	
<input type="checkbox"/> No, Schedule 7A information/screening report has not been submitted by the applicant		<b>Preliminary Examination required</b>	
Signature and Date of Recommending Officer:			Date: 31.03.2025



Comhairle Contae Thiobraid Árann  
Tipperary County Council

Comhairle Contae  
Thiobraid Árann,  
Oifigi Cathartha,  
Cluain Meala,  
Co. Thiobraid Árann  
Tipperary County Council,  
Civic Offices, Clonmel,  
Co. Tipperary  
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Date: 1<sup>st</sup> April, 2025

Our Ref: S5/25/19

Civic Offices, Nenagh

**Patrick & Catherine Fogarty**  
**26 Croke Gardens**  
**Thurles**  
**Co. Tipperary**

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

Dear Sir/Madam,

I refer to your application for a Section 5 Declaration received on 6<sup>th</sup> March, 2025, in relation to the following proposed works:

**Construction of a Bedroom and Wet Room, Grant application  
HGD/23/241 at 26 Croke Gardens, 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) Part 1 Class 1 of Schedule 2 Planning & Development Regulations 2001, as amended
- c) Articles 6, and 9 of the Planning and Development Regulations 2001, as amended,
- d) The details as submitted with the application

Tipperary County Council has concluded that the **Construction of a Bedroom and Wet Room, Grant application HGD/23/241 at 26 Croke Gardens, Co. Tipperary**



**is development and is exempted development. The proposal meets the exempted development provisions within the meaning of the Planning and Development Act 2000, as amended.**

**NOTE:** Any person issued with a Declaration of a Planning Authority may refer the Declaration for review to An Bord Pleanala, 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: **S5/25/19**    **Delegated Employee's Order No:** \_\_\_\_\_

**SUBJECT:**   **Section 5 Declaration**

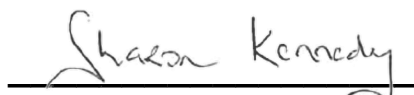
I, Sharon Kennedy, Director of Services, Tipperary County Council, by virtue of the powers delegated to me in accordance with the provisions of Section 154 of the Local Government Act 2001, as amended by Schedule 1, Part 1 of the Local Government Reform Act 2014 under Chief Executive's Order No. 40781 dated 2<sup>nd</sup> 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 Patrick & Catherine Fogarty, 26 Croke Gardens, Thurles, Co. Tipperary re: **Construction of a Bedroom and Wet Room, Grant application HGD/23/241 at 26 Croke Gardens, 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) Part 1 Class 1 of Schedule 2 Planning & Development Regulations 2001, as amended
- c) Articles 6 and 9 of the Planning and Development Regulations 2001, as amended.

Tipperary County Council has concluded that – The proposed extension to rear of 26 Croke Street, Thurles, as per the drawings prepared by Eoghan Franks, Design and Planning **is development within the meaning of the Planning and Development Act 2000, as amended and is "exempted development"**.

**Signed:**



**Sharon Kennedy**

**Director of Services**

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

**Date: 1/04/2025**