



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:

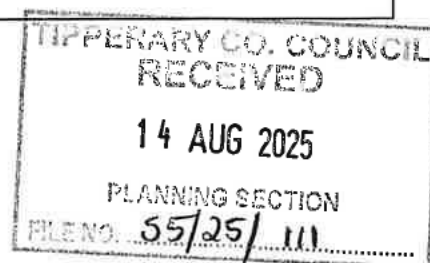
<i>Applicant</i>	Sean Lynch
<i>Address</i>	Ballymorris, Cratloe, Clare
<i>Telephone No.</i>	
<i>E-mail</i>	

2. Agent's (if any) address:

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

3. Location of Proposed Development:

<i>Postal Address or Townland or Location (as may best identify the land or structure in question)</i>	V94YA8D Scraggeen, Newport, Tipperary
--	--



4. **Development Details:**

Please provide details of the proposed development for which an exemption under Section 5 of the Planning and Development Act is applied for.

(Note: only works and uses listed and described under this section will be assessed under this Section 5 Application. Use additional sheets if required.

The proposed construction of an extension containing a living area, bedroom and bathroom. The total floor area of proposed construction is 37.9m ²	
Proposed floor area of proposed works/uses: sqm 37.9m ²	

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 X	B. Occupier
	C. Other	
Where legal interest is 'Other', please expand further on your interest in the land or structure	N/A	
If you are not the legal owner, please state the name and address of the owner	Name: Address: N/A	

Signature of Applicant(s)



Date: 12th August 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:

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

OR

Planning Section,
Tipperary County Council,
Civic Offices,
Emmet Street,
Clonmel,
Co. Tipperary

*Postal order in
envelope*

Enquires:

Telephone 0818 06 5000

E-Mail planning@tipperarycoco.ie

FOR OFFICE USE ONLY

DATE STAMP

Fee Recd. € 80.00

Receipt No NENA

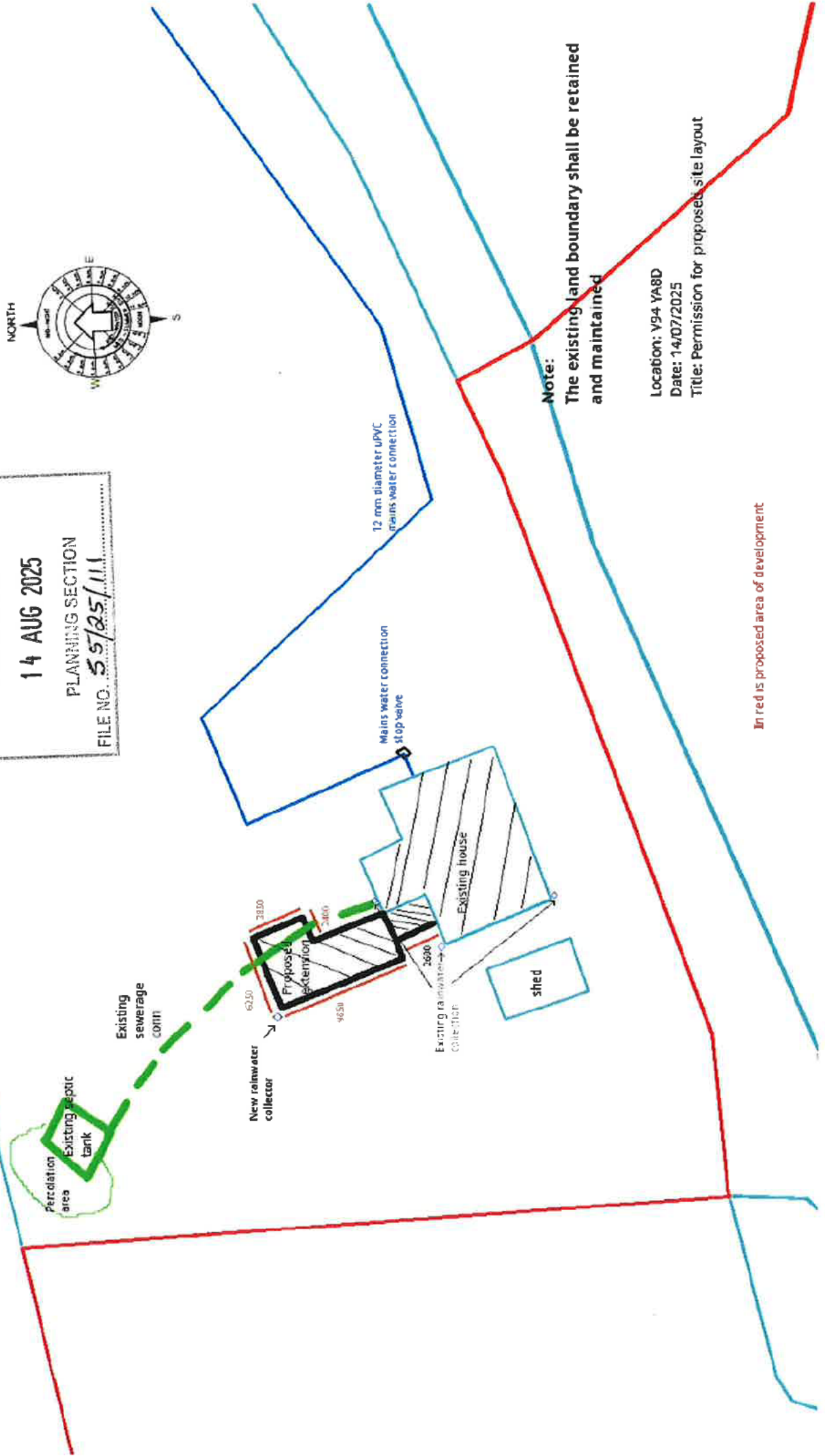
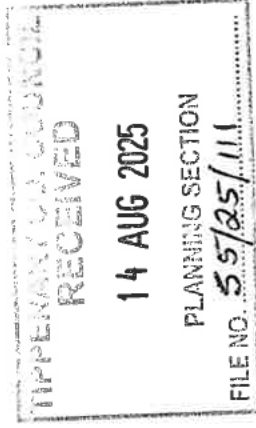
Date 14/8/2025

Received by Maura Liles

Site Layout Plan

Site outlined in red

Scale 1:250



Note:
The existing land boundary shall be retained and maintained

Location: V94 YA8D
Date: 14/07/2025
Title: Permission for proposed site layout

In red is proposed area of development

Site Location Map



**Tailte
Éireann**

CENTRE COORDINATES:
ITM 575117.660637

ORDER NO.:
50475943_1

PUBLISHED:
30/06/2025

MAP SERIES:
6 inch Raster: CE054
6 inch Raster: LK007
6 inch Raster: TX037

RECEIVED

14 AUG 2025

COMPILED AND PUBLISHED BY:
Tailte Éireann, 5725/111

FILE: Phoenix Park

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D08F6E4

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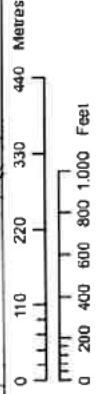
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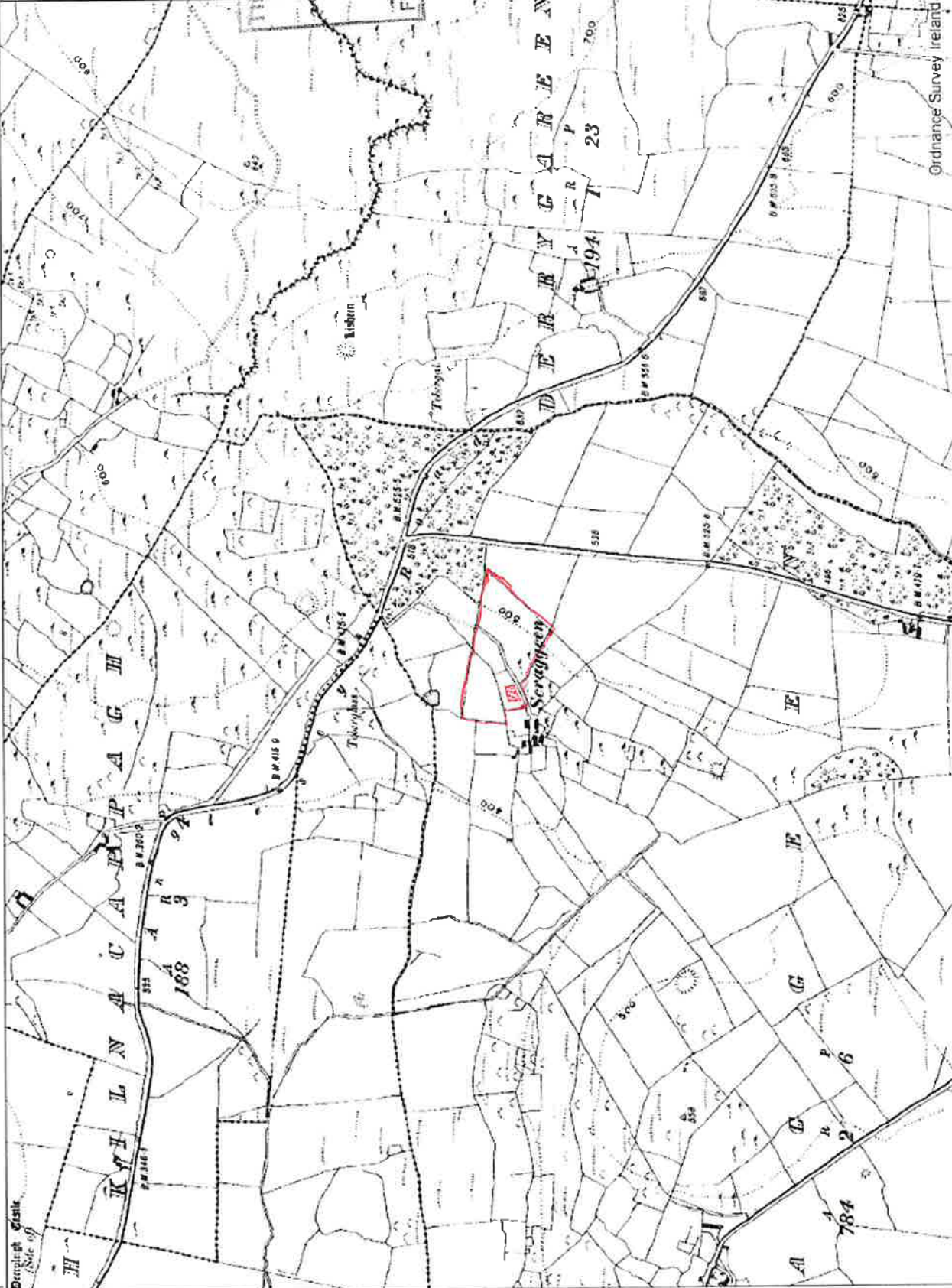
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Output scale is not indicative of data capture scale.
Further information is available at
www.tailte.ie; search 'Capture Resolution'

OUTPUT SCALE: 1:10,560



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Planning Pack Map



Tailte
Éireann

Doire
Liath
Derryleigh

An Scraigin
Scraggeen

Site

CENTRE
COORDINATES:
ITM 575117,660637

PUBLISHED: 30/06/2025
ORDER NO.: 50475943_1

MAP SERIES: 1:2,500
MAP SHEETS: 4626-D

14 AUG 2025

PLANNING SECTION

FILE NO. 55725/III

COMPILED AND PUBLISHED BY:

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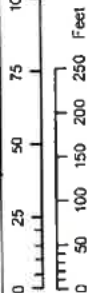
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OUTPUT SCALE: 1:2,500

Metres



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OPERARY ON
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14 AUG 2025
PLANNING SECTION
E NO. 55/25/111

Photographs of current dwelling





Comhairle Contae Thiobraid Árann
Tipperary County Council

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

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

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

Date: 15th August, 2025

Our Ref: S5/25/111

Civic Offices, Nenagh

**Sean Lynch
Ballymorris
Cratloe
Co. Clare**

Re: Application for a Section 5 Declaration – Construction of an extension to rear of dwelling 37.9sqm, Living Room, Bedroom and Bathroom at Scrageen, Newport, Co. Tipperary.

Dear Mr Lynch,

I acknowledge receipt of your application for a Section 5 Declaration received on 14th August, 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 Ref.: S5/25/111

Applicant: Sean Lynch

Development Address: Scraggeen, Newport, Co. Tipperary, V94YA8D

Proposed Development: Extension containing a living area, bedroom and bathroom. The total floorarea of the proposed construction is 37.9sqm

1. GENERAL

On 14/08/2025, a request was made for a declaration under Section 5 of the Planning and Development Act, 2000 as amended by Sean Lynch as to whether or not the following works constitute development and if so, whether same was exempted development:

- Extension containing a living area, bedroom and bathroom. The total floor area of the proposed construction is 37.9sqm

2. STATUTORY PROVISIONS

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.

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.

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

Description of Development

The extension of a house, by the construction or erection of an extension (including a conservatory) to the rear of the house or by the conversion for use as part of the house of any garage, store, shed or other similar structure attached to the rear or to the side of the house.

Conditions and Limitations

1.
 - (a) *Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres.*
 - (b) *Subject to paragraph (a), where the house is terraced or semi-detached, the floor area of any extension above ground level shall not exceed 12 square metres.*
 - (c) *Subject to paragraph (a), where the house is detached, the floor area of any extension above ground level shall not exceed 20 square metres.*

2.

(a) Where the house has been extended previously, the floor area of any such extension, taken together with the floor area of any previous extension or extensions constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 40 square metres.

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

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

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

4.

(a) Where the rear wall of the house does not include a gable, the height of the walls of any such extension shall not exceed the height of the rear wall of the house.

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

(c) The height of the highest part of the roof of any such extension shall not exceed, **in the case of a flat roofed extension, the height of the eaves or parapet**, as may be appropriate, or, in any other case, shall not exceed the height of the highest part of the roof of the dwelling.

4. The construction or erection of any such extension to the rear of the house shall not reduce the area of private open space, reserved

exclusively for the use of the occupants of the house, to the rear of the house to less than 25 square metres.

6.

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

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

(c) Where the house is detached and the floor area of the extension above ground level exceeds 12 square metres, any window proposed at above ground level shall not be less than 11 metres from the boundary it faces.

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

Article 9 of the Planning and Development Regulations 2001, as amended sets out restrictions on exemptions and states:

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—

(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.

(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.

5. ASSESSMENT

a) Site Location

The site is located at Scraggeen, approximately 3km south east of Newport.

b) Relevant Planning History

None identified

c) Assessment

Pursuant to Section 5 of the Planning & Development Acts this report will examine whether the proposal constitutes a) development and b) exempted development.

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”*

The proposal is for an extension to an existing dwelling. The proposed extension would extend beyond the rear wall of the existing dwelling and beyond the western flank wall of an existing outrigger of the dwelling.

A review of the Classes of exempted development has been carried out.

The following exemption, which pertains specifically to Development within the curtilage of a house, is noted:

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

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.

In the first instance, it is noted that there is no planning history pertaining to the existing dwelling on site and it is not clear when this dwelling would have been constructed. Further information is required from the applicant in relation to this matter.

The following is an assessment against the conditions / limitations of Class 1:

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.

As per the development description, the proposal is for an extension with a floor area of 37.9sqm.

As above, there is no planning history pertaining to the existing dwelling on site and it is not clear when this dwelling would have been constructed. Furthermore, there is an existing outrigger to the rear of the dwelling. It is not clear when this was constructed or if it comprises an original part of the dwelling or an extension. Further information is required from the applicant in relation to this matter.

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.

As above, there is an existing outrigger to the rear of the dwelling. It is not clear when this was constructed or if it comprises an original part of the dwelling or an extension. Further information is required from the applicant in relation to this matter.

(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.

Not applicable as the proposal relates to a detached house.

(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.

Not applicable as the proposal relates to a ground floor extension only.

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

Not applicable as the proposal relates to a ground floor extension only.

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 and the height of the walls of the proposed extension would 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.

(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 proposed extension would have a part flat roof and a part pitched roof.

The proposed flat roof would not exceed the height of the eaves of the dwelling. The proposed pitched roof would 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 extension would not reduce the area of private open space to the rear of the house to less than 25 sq m.

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

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

The proposed extension would not contain a window less than 1 metre from the boundary it faces.

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

Not stated

6. 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.

7. RECOMMENDATION

A question has arisen as to whether the following proposed development at Scraggeen, Newport, Co. Tipperary, V94YA8D is or is not exempted development:

- Extension containing a living area, bedroom and bathroom. The total floorarea of the proposed construction is 37.9sqm

Section 5(2)(b) of the Planning and Development Act 2000, as amended states that:

‘A planning authority may require any person who made a request under subsection (1) to submit further information with regard to the request in order to enable the authority to issue the declaration on the question and, where further information is received under this paragraph, the planning authority shall issue the declaration within 3 weeks of the date of the receipt of the further information’.

Therefore, it is recommended that the following further information is sought from the applicant:

1.

- a) It appears from Council records that there is no planning history pertaining to the existing structures on site, including the dwelling. The applicant is required

to clarify what planning permission, if any, under which the dwelling was permitted.

- b) In the event the that dwelling was constructed or erected before 1 October 1964, the applicant's response shall be furnished with evidence of same.
2. There is an existing outrigger to the rear of the dwelling. It is not clear when this was constructed or if it comprises an original part of the dwelling or an extension.
- a) The applicant is requested to clarify what planning permission, if any, under which the outrigger was permitted.
 - b) In the event the that outrigger was constructed or erected before 1 October 1964, the applicant's response shall be furnished with evidence of same.

District Planner:

Olive O'Donnell

Date: 02/09/2025

C. Conway

Senior Executive Planner:

Date: 3.9.2025

AA Screening

STEP 1. Description of the project/proposal and local site characteristics:	
(a) File Reference No:	S5/25/111
(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:	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
Bolingbrook Hill SAC 002124	<u>Bolingbrook Hill SAC National Parks & Wildlife Service (npws.ie)</u>	Within 15km	No due to distance and the lack of any relevant ex-situ factors of significance to these species	N
Clare Glens SAC 000930	<u>Clare Glen SAC National Parks & Wildlife Service (npws.ie)</u>	Within 10km	No due to distance and the lack of any relevant ex-situ factors of significance to these species	N

Keeper Hill SAC 001197	<u>Keeper Hill SAC National Parks & Wildlife Service (npws.ie)</u>	Within 10km	No due to distance and the lack of any relevant ex-situ factors of significance to these species	N
Glenstal Woods SAC 001432	<u>Glenstal Wood SAC National Parks & Wildlife Service (npws.ie)</u>	Within 10km	No due to distance and the lack of any relevant ex-situ factors of significance to these species	N
Lower River Shannon SAC 002165	<u>Lower River Shannon SAC National Parks & Wildlife Service (npws.ie)</u>	Within 10km	No due to distance and the lack of any relevant ex-situ factors of significance to these species	N
Silvermines Mountains West SAC 002258	<u>Silvermines Mountains West SAC National Parks & Wildlife Service (npws.ie)</u>	Within 10km	No due to distance and the lack of any relevant ex-situ factors of significance to these species	N
Slievefelim to Silvermines Mountains SPA 004165	<u>Slievefelim to Silvermines Mountains SPA National Parks & Wildlife Service (npws.ie)</u>	500m	No due to distance and the lack of any relevant ex-situ factors of significance to these species	N

Silvermines Mountains SAC 000939	<u>Silvermines Mountains SAC National Parks & Wildlife Service (npws.ie)</u>	15km	No due to distance and the lack of any relevant ex-situ factors of significance to these species	N
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¹ Short paraphrasing and/or cross reference to NPWS is acceptable – it is not necessary to reproduce the full text on the QI/SCI.

² If the site or part thereof is within the European site or adjacent to the European site, state here.

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 	During the construction phase, the site will be cleared and topsoil removed. The construction phase will not result in significant environmental impacts that could affect European Sites within the wider catchment area
Operational phase e.g. <ul style="list-style-type: none"> • Direct emission to air and water • Surface water runoff containing contaminant or sediment • Lighting disturbance • Noise/vibration • Changes to water/groundwater due to drainage or abstraction • Presence of people, vehicles and activities • Physical presence of structures (e.g. collision risks) • Potential for accidents or incidents 	Given the nature and scale of the development, there is no real likelihood of any significant effects on European Sites in the wider catchment area.
In-combination/Other	No likely significant in-combination effects are identified

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

Examples of the type of changes to give consideration to include:

- 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

None.

The application site is not located within a European site, therefore there is no risk of habitat loss or fragmentation or any effects on QI species directly or ex-situ.

Given the scale of the proposed development and the significant distance between the proposed development site and any European Sites is such that the proposal will not result in any likely changes to the European sites that comprise part of the Natura 2000 network.

(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.

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	<input type="checkbox"/>	<input type="checkbox"/> Request further information to complete screening <input type="checkbox"/> Request NIS

European site.		<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:	Olive O'Donnell	02/09/2025
Signature and Date of the Decision Maker:		

EIA PRE-SCREENING	
Establishing a development is a 'sub-threshold development'	
File Reference:	S5/25/111
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
<input type="checkbox"/> Yes the project is of a type listed but is <i>sub-threshold</i> : _____	Proceed to Part C
C. If Yes , has Schedule 7A information/screening report been submitted?	
<input type="checkbox"/> Yes, Schedule 7A information/screening report has been submitted by the applicant	Screening Determination required
<input type="checkbox"/> No, Schedule 7A information/screening report has not been submitted by the applicant	Preliminary Examination required



Date: 4th September, 2025

Our Ref: S5/25/111

Civic Offices, Nenagh

Sean Lynch
Ballymorris
Cratloe
Co. Clare

Re: Application for a Section 5 Declaration – Extension containing a living area, bedroom and bathroom. The total floor area of the proposed construction is 37.9sqm at Scraggeen, Newport, Co. Tipperary, V94YA8D

Dear Mr Lynch,

I refer to an application received from you on 14th August 2025 requesting a Declaration from this Planning Authority as to whether or not certain works constitute development within the meaning of the Planning and Development Act 2000, as amended.

Further information is requested as follows;

It is recommended to request the following further information pursuant to Section 5 (2) (b) of the Planning and Development Act 2000, as amended

1.

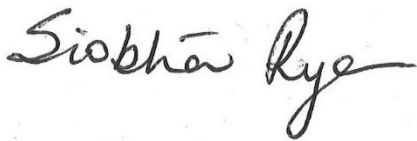
- a) It appears from Council records that there is no planning history pertaining to the existing structures on site, including the dwelling. The applicant is required to clarify what planning permission, if any, under which the dwelling was permitted.
- b) In the event the that dwelling was constructed or erected before 1 October 1964, the applicant's response shall be furnished with evidence of same.

2. There is an existing outrigger to the rear of the dwelling. It is not clear when this was constructed or if it comprises an original part of the dwelling or an extension.

- a) The applicant is requested to clarify what planning permission, if any, under which the outrigger was permitted.
- b) In the event the that outrigger was constructed or erected before 1 October 1964, the applicant's response shall be furnished with evidence of same.

Further consideration of your request for a declaration cannot be considered until the above information is received.

Yours sincerely

A handwritten signature in black ink, reading "Siobhán Rye". The signature is written in a cursive style with a long, sweeping tail on the letter "y".

for **Director of Services**

55/25/111

Civic offices, Nenagh



<https://www.arcgis.com/apps/webappviewer/index.html?id=3ae19cc156bf4706a929304bf8fcc4f6>

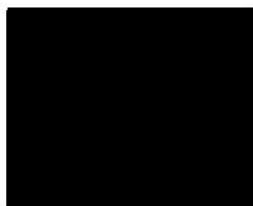
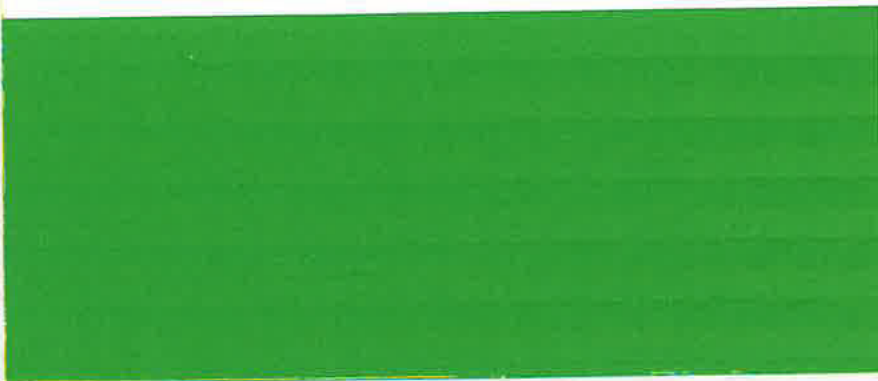
1995 aerial photography of the house from
tailte eireann



I swear that to the best of my knowledge ~~no extension of~~
all construction took place pre-1964, attached are
photos of my mother, grandparent, great-grandparents in front of
the house



please call me at [redacted] with
any questions



RECEIVED
11 SEP 2025
PLANNING SECTION
FILE NO. 88/25/111



same year as above





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
E91 N512

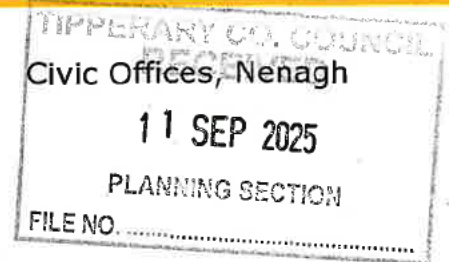
Comhairle Contae
Thiobraid Árann,
Oifigi Cathartha,
An tAonach,
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E45 A099

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@tipperarycoco.ie
tipperarycoco.ie

Date: 4th September, 2025

Our Ref: S5/25/111

Sean Lynch
Ballymorris
Cratloe
Co. Clare



Re: Application for a Section 5 Declaration – Extension containing a living area, bedroom and bathroom. The total floor area of the proposed construction is 37.9sqm at Scraggeen, Newport, Co. Tipperary, V94YA8D

Dear Mr Lynch,

I refer to an application received from you on 14th August 2025 requesting a Declaration from this Planning Authority as to whether or not certain works constitute development within the meaning of the Planning and Development Act 2000, as amended.

Further information is requested as follows;

It is recommended to request the following further information pursuant to Section 5 (2) (b) of the Planning and Development Act 2000, as amended

1.

a) It appears from Council records that there is no planning history pertaining to the existing structures on site, including the dwelling. The applicant is required to clarify what planning permission, if any, under which the dwelling was permitted.

b) In the event the that dwelling was constructed or erected before 1 October 1964, the applicant's response shall be furnished with evidence of same.

2. There is an existing outrigger to the rear of the dwelling. It is not clear when this was constructed or if it comprises an original part of the dwelling or an extension.



Comhairle Contae Thiobraid Árann
Tipperary County Council

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Date: 11th September 2025 Our Ref: S5/25/111 Civic Offices, Nenagh

Sean Lynch
Ballymorris
Cratloe
Co. Clare

Re: Application for a Section 5 Declaration – Extension containing a living area, bedroom and bathroom. The total floor area of the proposed construction is 37.9sqm at Scraggeen, Newport, Co. Tipperary, V94YA8D

Dear Mr Lynch

I acknowledge receipt of Further Information received on 11th September 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 Ref.: S5/25/111

Applicant: Sean Lynch

Development Address: Scraggeen, Newport, Co. Tipperary, V94YA8D

Proposed Development: Extension containing a living area, bedroom and bathroom. The total floorarea of the proposed construction is 37.9sqm

1. GENERAL

On 14/08/2025, a request was made for a declaration under Section 5 of the Planning and Development Act, 2000 as amended by Sean Lynch as to whether or not the following works constitute development and if so, whether same was exempted development:

- Extension containing a living area, bedroom and bathroom. The total floor area of the proposed construction is 37.9sqm

2. STATUTORY PROVISIONS

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.

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.

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

Description of Development

The extension of a house, by the construction or erection of an extension (including a conservatory) to the rear of the house or by the conversion for use as part of the house of any garage, store, shed or other similar structure attached to the rear or to the side of the house.

Conditions and Limitations

1.
 - (a) *Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres.*
 - (b) *Subject to paragraph (a), where the house is terraced or semi-detached, the floor area of any extension above ground level shall not exceed 12 square metres.*
 - (c) *Subject to paragraph (a), where the house is detached, the floor area of any extension above ground level shall not exceed 20 square metres.*

2.

(a) Where the house has been extended previously, the floor area of any such extension, taken together with the floor area of any previous extension or extensions constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 40 square metres.

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

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

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

4.

(a) Where the rear wall of the house does not include a gable, the height of the walls of any such extension shall not exceed the height of the rear wall of the house.

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

(c) The height of the highest part of the roof of any such extension shall not exceed, **in the case of a flat roofed extension, the height of the eaves or parapet**, as may be appropriate, or, in any other case, shall not exceed the height of the highest part of the roof of the dwelling.

4. The construction or erection of any such extension to the rear of the house shall not reduce the area of private open space, reserved

exclusively for the use of the occupants of the house, to the rear of the house to less than 25 square metres.

6.

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

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

(c) Where the house is detached and the floor area of the extension above ground level exceeds 12 square metres, any window proposed at above ground level shall not be less than 11 metres from the boundary it faces.

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

Article 9 of the Planning and Development Regulations 2001, as amended sets out restrictions on exemptions and states:

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—

(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.

(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.

5. ASSESSMENT

a) Site Location

The site is located at Scraggeen, approximately 3km south east of Newport.

b) Relevant Planning History

None identified

c) Assessment

Pursuant to Section 5 of the Planning & Development Acts this report will examine whether the proposal constitutes a) development and b) exempted development.

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”*

The proposal is for an extension to an existing dwelling. The proposed extension would extend beyond the rear wall of the existing dwelling and beyond the western flank wall of an existing outrigger of the dwelling.

A review of the Classes of exempted development has been carried out.

The following exemption, which pertains specifically to Development within the curtilage of a house, is noted:

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

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.

In the first instance, it is noted that there is no planning history pertaining to the existing dwelling on site and it is not clear when this dwelling would have been constructed. Further information is required from the applicant in relation to this matter.

The following is an assessment against the conditions / limitations of Class 1:

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.

As per the development description, the proposal is for an extension with a floor area of 37.9sqm.

As above, there is no planning history pertaining to the existing dwelling on site and it is not clear when this dwelling would have been constructed. Furthermore, there is an existing outrigger to the rear of the dwelling. It is not clear when this was constructed or if it comprises an original part of the dwelling or an extension. Further information is required from the applicant in relation to this matter.

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.

As above, there is an existing outrigger to the rear of the dwelling. It is not clear when this was constructed or if it comprises an original part of the dwelling or an extension. Further information is required from the applicant in relation to this matter.

(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.

Not applicable as the proposal relates to a detached house.

(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.

Not applicable as the proposal relates to a ground floor extension only.

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

Not applicable as the proposal relates to a ground floor extension only.

***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 and the height of the walls of the proposed extension would 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.

(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 proposed extension would have a part flat roof and a part pitched roof.

The proposed flat roof would not exceed the height of the eaves of the dwelling. The proposed pitched roof would 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 extension would not reduce the area of private open space to the rear of the house to less than 25 sq m.

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

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

The proposed extension would not contain a window less than 1 metre from the boundary it faces.

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

Not stated

6. 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.

7. RECOMMENDATION

A question has arisen as to whether the following proposed development at Scraggeen, Newport, Co. Tipperary, V94YA8D is or is not exempted development:

- Extension containing a living area, bedroom and bathroom. The total floorarea of the proposed construction is 37.9sqm

Section 5(2)(b) of the Planning and Development Act 2000, as amended states that:

‘A planning authority may require any person who made a request under subsection (1) to submit further information with regard to the request in order to enable the authority to issue the declaration on the question and, where further information is received under this paragraph, the planning authority shall issue the declaration within 3 weeks of the date of the receipt of the further information’.

Therefore, it is recommended that the following further information is sought from the applicant:

1.

- a) It appears from Council records that there is no planning history pertaining to the existing structures on site, including the dwelling. The applicant is required

to clarify what planning permission, if any, under which the dwelling was permitted.

- b) In the event the that dwelling was constructed or erected before 1 October 1964, the applicant's response shall be furnished with evidence of same.
2. There is an existing outrigger to the rear of the dwelling. It is not clear when this was constructed or if it comprises an original part of the dwelling or an extension.
- a) The applicant is requested to clarify what planning permission, if any, under which the outrigger was permitted.
 - b) In the event the that outrigger was constructed or erected before 1 October 1964, the applicant's response shall be furnished with evidence of same.

District Planner:

Olive O'Donnell

Date: 02/09/2025

C. Conway

Senior Executive Planner:

Date: 3.9.2025

5. FURTHER INFORMATION

Two points of further information were requested from the applicant in a letter dated 04/09/2025. The FI request is outlined below in italics with assessment under same in bold.

1.

- c) It appears from Council records that there is no planning history pertaining to the existing structures on site, including the dwelling. The applicant is required to clarify what planning permission, if any, under which the dwelling was permitted.*
- d) In the event the that dwelling was constructed or erected before 1 October 1964, the applicant's response shall be furnished with evidence of same.*

In response, the applicant has submitted four photographs. It is stated that one of these photographs was taken circa 1957 and one of these photographs was taken in 1967. There is no date on the other two photographs. The applicant's response states that the applicant's mother, grand-parent and great grand-parents are in the photographs. An aerial map, stated to be taken in 1995, has also been submitted.

The content of the applicant's response is noted. It is clear that the fenestration and associated openings shown in the photographs that were submitted in response to the request for further information differ from the fenestration and associated openings shown in the photographs that were submitted as part of the original application documents.

Overall, based on the applicant's response, it cannot be concluded that the property in the photographs relates to the site in question, nor can it be concluded that the dwelling on site was constructed before 1 October 1964.

2.

There is an existing outrigger to the rear of the dwelling. It is not clear when this was constructed or if it comprises an original part of the dwelling or an extension.

- c) The applicant is requested to clarify what planning permission, if any, under which the outrigger was permitted.*
- d) In the event the that outrigger was constructed or erected before 1 October 1964, the applicant's response shall be furnished with evidence of same.*

The applicant has not addressed the matter of the outrigger in the response. Given that it contains a bathroom, it is possible that it does not comprise an original part of the dwelling.

6. SCREENING

AA

I have undertaken an Appropriate Assessment Screening which concludes that significant effects of the development on the Any Natura 2000 sites can be excluded. See AA Screening below.

EIA

The proposed change of use does not come within the definition of a 'project' for the purposes of EIA, that is, it does not comprise construction works, demolition or intervention in the natural surroundings. See Screening Report attached.

7. RECOMMENDATION

WHEREAS a question has arisen as to whether an 'Extension containing a living area, bedroom and bathroom. The total floor area of the proposed construction is 37.9sqm' at Scraggeen, Newport, Co. Tipperary, V94YA8D is development and is or is not exempted development.

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

- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended
- (b) Article 6 and 9 of the Planning and Development Regulations 2001, as amended,
- (c) Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended,
- (d) The declaration application and supporting information.
- (e) The Planning history of the site.

AND WHEREAS Tipperary County Council has concluded that –

the 'Extension containing a living area, bedroom and bathroom. The total floor area of the proposed construction is 37.9sqm' at Scraggeen, Newport, Co. Tipperary, V94YA8D is development and is **not exempted development** as:

- It cannot be concluded, on the basis of the information that accompanies the Section 5 Declaration, that the dwelling on site including the outrigger was constructed before 1st October 1964.

District Planner:

Olive O'Donnell

Date: 25/09/2025

Senior Executive Planner:

Jonathan Flood

Date: 25/9/2025

AA Screening

STEP 1. Description of the project/proposal and local site characteristics:	
(a) File Reference No:	S5/25/111
(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:	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
Bolingbrook Hill SAC 002124	<u>Bolingbrook Hill SAC National Parks & Wildlife Service (npws.ie)</u>	Within 15km	No due to distance and the lack of any relevant ex-situ factors of significance to these species	N
Clare Glens SAC 000930	<u>Clare Glen SAC National Parks & Wildlife Service (npws.ie)</u>	Within 10km	No due to distance and the lack of any relevant ex-situ factors of significance to these species	N
Keeper Hill SAC 001197	<u>Keeper Hill SAC National Parks & Wildlife Service (npws.ie)</u>	Within 10km	No due to distance and the lack of	N

	<u>Service (npws.ie)</u>		any relevant ex-situ factors of significance to these species	
Glenstal Woods SAC 001432	<u>Glenstal Wood SAC National Parks & Wildlife Service (npws.ie)</u>	Within 10km	No due to distance and the lack of any relevant ex-situ factors of significance to these species	N
Lower River Shannon SAC 002165	<u>Lower River Shannon SAC National Parks & Wildlife Service (npws.ie)</u>	Within 10km	No due to distance and the lack of any relevant ex-situ factors of significance to these species	N
Silvermines Mountains West SAC 002258	<u>Silvermines Mountains West SAC National Parks & Wildlife Service (npws.ie)</u>	Within 10km	No due to distance and the lack of any relevant ex-situ factors of significance to these species	N
Slievefelim to Silvermines Mountains SPA 004165	<u>Slievefelim to Silvermines Mountains SPA National Parks & Wildlife Service (npws.ie)</u>	500m	No due to distance and the lack of any relevant ex-situ factors of significance to these species	N
Silvermines Mountains SAC 000939	<u>Silvermines Mountains SAC National Parks & Wildlife</u>	15km	No due to distance and the lack of any relevant	N

	<u>Service</u> <u>(npws.ie)</u>		ex-situ factors of significance to these species	
--	------------------------------------	--	--	--

¹ Short paraphrasing and/or cross reference to NPWS is acceptable – it is not necessary to reproduce the full text on the QI/SCI.

² If the site or part thereof is within the European site or adjacent to the European site, state here.

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 	During the construction phase, the site will be cleared and topsoil removed. The construction phase will not result in significant environmental impacts that could affect European Sites within the wider catchment area
Operational phase e.g. <ul style="list-style-type: none"> • Direct emission to air and water • Surface water runoff containing contaminant or sediment • Lighting disturbance • Noise/vibration • Changes to water/groundwater due to drainage or abstraction • Presence of people, vehicles and activities • Physical presence of structures (e.g. collision risks) • Potential for accidents or incidents 	Given the nature and scale of the development, there is no real likelihood of any significant effects on European Sites in the wider catchment area.
In-combination/Other	No likely significant in-combination effects are identified
(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 	<p>None.</p> <p>The application site is not located within a European site, therefore there is no risk of habitat loss or fragmentation or any effects on QI species directly or ex-situ.</p> <p>Given the scale of the proposed development and the significant distance between the proposed development site and any European Sites is such that the proposal will not result in any likely changes to the European sites that comprise part of the Natura 2000 network.</p>
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(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.

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	<input type="checkbox"/>	<input type="checkbox"/> Request NIS

likely.		<input type="checkbox"/> Refuse planning permission
Signature and Date of Recommending Officer:	Olive O'Donnell	02/09/2025
Signature and Date of the Decision Maker:		

EIA PRE-SCREENING	
Establishing a development is a 'sub-threshold development'	
File Reference:	S5/25/111
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
<input type="checkbox"/> Yes the project is of a type listed but is <i>sub-threshold</i> : _____	Proceed to Part C
C. If Yes , has Schedule 7A information/screening report been submitted?	
<input type="checkbox"/> Yes, Schedule 7A information/screening report has been submitted by the applicant	Screening Determination required
<input type="checkbox"/> No, Schedule 7A information/screening report has not been submitted by the applicant	Preliminary Examination required



Comhairle Contae Thiobraid Árann
Tipperary County Council

Comhairle Contae
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Oifigí Cathartha,
Cluain Meala,
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Date: 25th September, 2025

Our Ref: S5/25/111

Civic Offices, Nenagh

Sean Lynch
Ballymorris
Cratloe
Co. Clare

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

Dear Mr Lynch,

I refer to your application for a Section 5 Declaration received on 14th August, 2025, and Further Information received on 11th September, 2025 in relation to the following proposed works:

Extension containing a living area, bedroom and bathroom. The total floorarea of the proposed construction is 37.9sqm **at** Scraggeen, Newport, Co. Tipperary, V94YA8D

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

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

- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended
- (b) Article 6 and 9 of the Planning and Development Regulations 2001, as amended,
- (c) Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended,
- (d) The declaration application and supporting information.
- (e) The Planning history of the site

AND WHEREAS Tipperary County Council has concluded that –

the 'Extension containing a living area, bedroom and bathroom. The total floor area of the proposed construction is 37.9sqm' at Scraggeen, Newport, Co. Tipperary, V94YA8D is development and is **not exempted development** as:

- It cannot be concluded, on the basis of the information that accompanies the Section 5 Declaration, that the dwelling on site including the outrigger was constructed before 1st October 1964.

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

Yours sincerely

A handwritten signature in black ink, reading "Siobhán Rye". The signature is written in a cursive style with a long, sweeping underline.

for **Director of Services**

Original

TIPPERARY COUNTY COUNCIL

DELEGATED EMPLOYEE'S ORDER

File Ref: **S5/25/111**

Delegated Employee's Order No: _____

SUBJECT: Section 5 Declaration

I, Dave Carroll, A/Director of Services, Tipperary County Council, by virtue of the powers delegated to me in accordance with the provisions of Section 154 of the Local Government Act 2001, as amended by Schedule 1, Part 1 of the Local Government Reform Act 2014 under Chief Executive's Order No. 41983 dated 17th April, 2025, hereby order that pursuant to the provisions of the Planning and Development Act 2000, as amended, that an application under Section 5 from Sean Lynch, Ballymorris, Cratloe, Co. Clare re: Extension containing a living area, bedroom and bathroom. The total floorarea of the proposed construction is 37.9sqm at Scraggeen, Newport, Co. Tipperary, V94YA8D 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) Article 6 and 9 of the Planning and Development Regulations 2001, as amended,
- (c) Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended,
- (d) The declaration application and supporting information.
- (e) The Planning history of the site.

AND WHEREAS Tipperary County Council has concluded that –

the 'Extension containing a living area, bedroom and bathroom. The total floor area of the proposed construction is 37.9sqm' at Scraggeen, Newport, Co. Tipperary, V94YA8D is development and is **not exempted development** as:

- It cannot be concluded, on the basis of the information that accompanies the Section 5 Declaration, that the dwelling on site including the outrigger was constructed before 1st October 1964.

Signed:



Dave Carroll

A/Director of Services

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

Date: 25/09/2025