



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

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

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


<i>Applicant</i>	Des Thorpe
<i>Address</i>	19 Haddington Park, Glenageary, Co.Dublin
<i>Telephone No.</i>	
<i>E-mail</i>	

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

<i>Agent</i>	JAD Design Consultants
<i>Address</i>	56A Ramleh Park, Milltown, Dublin 6
<i>Telephone No.</i>	
<i>E-mail</i>	
<i>Please advise where all correspondence in relation to this application is to be sent;</i>	
Applicant [ ]      Agent [ <input checked="" type="checkbox"/> ]	

**3. Location of Proposed Development:**

<i>Postal Address or Townland or Location (as may best identify the land or structure in question)</i>	2 OLD COURT COTTAGES TERRYGLASS NENAGH CO. TIPPERARY E45 K339
--	---



#### 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.)

No. 2 Old Court Cottages is used a Holiday Home and it is proposed to use the
the premises as a Residential Use for rental purpose. Mid-terrace property has
3 bedrooms, 2 bathrooms and a rear garden. Dwelling is connected to an existing
treatment plant.
Pl. Ref.No.5124921, Granted on 22.05.2007, Approval under PLC/24921
Proposed floor area of proposed works/uses: 110 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 <input type="checkbox"/>
	C. Other <input type="checkbox"/>	<input type="checkbox"/>
<i>Where legal interest is 'Other', please expand further on your interest in the land or structure</i>		
<i>If you are not the legal owner, please state the name and address of the owner</i>	Name: Address:	

Signature of Applicant(s)

Date: 01.10.2025

**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**

**Enquires:**

**Telephone 0818 06 5000**

**E-Mail [planning@tipperarycoco.ie](mailto:planning@tipperarycoco.ie)**

### **FOR OFFICE USE ONLY**

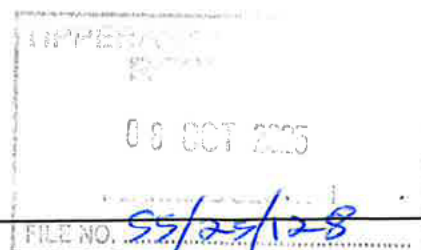
### **DATE STAMP**

**Fee Recd. €** 80 -

**Receipt No** 132196

**Date** 8/10/25

**Received by** Maura Hillis.





Cash Office  
Tipperary County Council  
Civic Offices  
Nenagh  
Co Tipperary

=====

08/10/2025 11:27:42

Receipt No. : NENAM1/0/132196

KATIE JAKKULLA  
56A RAMLEH PARK,  
MILLTOWN,  
DUBLIN, D06 HY92

SECTION5 EXEMPTION DECLARATION 80  
GOODS 80.00  
VAT Exempt/Non-vatable

Total : 80.00 EUR

Tendered :  
Credit Card 80.00

Change : 0.00

Issued By : MAURA LILLIS  
From : TIPP CC NENAGH CASH DESK  
Vat reg No.3259712MH

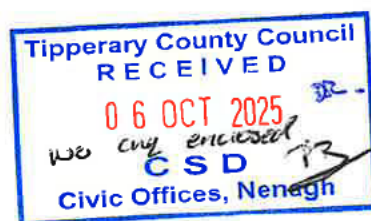




JAD

56A Ramleh Park, Milltown, Dublin 6 - D06HY92

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



02<sup>nd</sup> October 2025



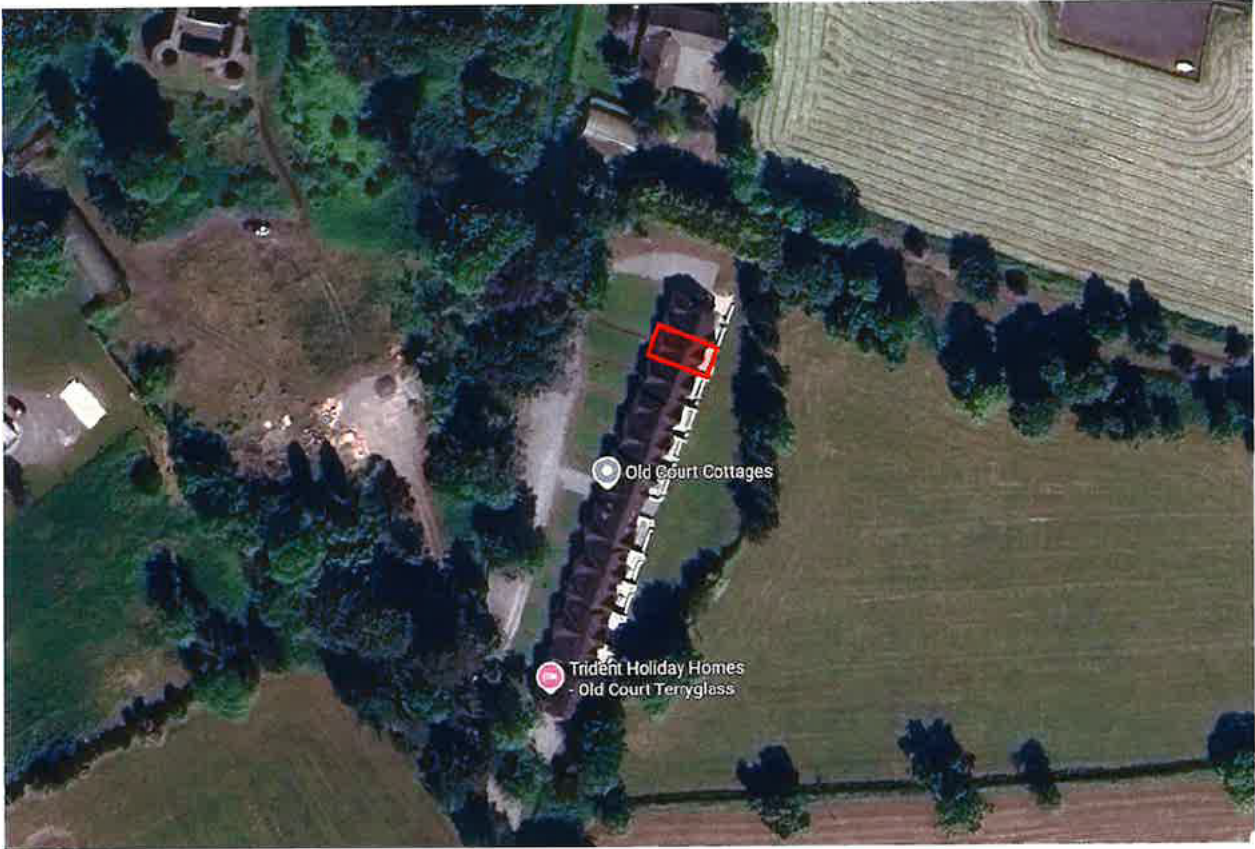
Dear Sir / Madam,

**RE: 2 OLD COURT COTTAGES, TERRYGLASS, NENAGH, CO. TIPPERARY - E45 K339**

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

On behalf of Des Thorpe, please find enclosed following documents:

- Completed Section 5 Application Form
- Application Fee = **€80**
- The following 2 copies of Architectural Drawings prepared by JAD Design Consultants:
  - 2025-123\_3.0\_100 Site Location Map Scale 1:2500
  - 2025-123\_3.0\_101 Site Location Map Scale 1:1000
  - 2025-123\_3.0\_102 Site Plan Scale 1:200
  - 2025-123\_3.0\_103 Photos of Front and Rear Elevations Scale NTS.



Source: Google Map

### Site / Existing Building

The Old Court Cottages are situated in the heart of Terryglass Village. No. 2 Old Court is one of 12 terraced units collectively known as Old Court Cottages, nestled within a mature landscaped setting. Built approximately 17 years ago as holiday homes, these units are serviced by a private treatment plant under Tipperary County Council Planning Reference No. 5124921.

### Section 5 Declaration – Development / Exempted Development?

No. 2 Old Court is a terraced unit with an area of 110m<sup>2</sup>, featuring 3 bedrooms, 2 bathrooms, and a rear garden. This holiday home is connected to an existing treatment plant. While some units, including No. 2 Old Court, are rented out as holiday homes, others are rented on a more permanent basis. Given the increasing demand for housing in the area, the applicant intends to rent No. 2 on a permanent basis.

We kindly request the planning authority to clarify if this constitutes an Exempted Development.





Front Elevation



Rear Elevation





We trust the Planning Authority will have regard to the accompanying documentation and drawings when determining this application. Should the Authority require any further information please do not hesitate to contact us.

We look forward to receiving a favourable decision in due course.

Yours sincerely,



**Katie Jakkulla**  
**JAD Design Consultants**





Description:  
=====

Digital Landscape Model (DLM)

Publisher / Source:  
=====

Tailte Éireann

Data Source / Reference:  
=====

PRIME2

File Format:  
=====

Autodesk AutoCAD (DWG\_R2013)

File Name:  
=====

v\_50493559\_1.dwg

Clip Extent / Area of Interest (AOI):  
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LRX,LRX= 586299.2736,700585.7923  
ULX,ULY= 585716.2736,701015.7923  
URX,URY= 586299.2736,701015.7923

Projection / Spatial Reference:  
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Projection= IREN95\_Irish\_Transverse\_Mercator

Centre Point Coordinates:  
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X,Y= 586007.7736,700800.7923

Reference Index:  
=====

Map Series | Map Sheets  
1:2,500 | 3870-B  
1:2,500 | 3870-A

Data Extraction Date:  
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Date= 30-Sep-2025

Source Data Release:  
=====

DCMLS Release V1.191.121

Product Version:  
=====

Version= 1.4

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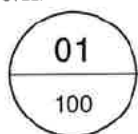
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The representation on this map of a road, track or footpath is not evidence of the existence of a right of way.

This topographic map does not show legal property boundaries, nor does it show ownership of physical features.

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NOTES:



LOCATION PLAN

Oldcourt Holiday Cottages Land Holding Outlined in Blue  
Pl. Ref.No.5124921,  
Granted on 22.05.2007,  
Approval under PLC/24921



NORTH

56A RAMLEH PARK  
MILLTOWN  
DUBLIN 6

m: + 353 (0)87 7982356  
e: katie.jakkulla@gmail.com

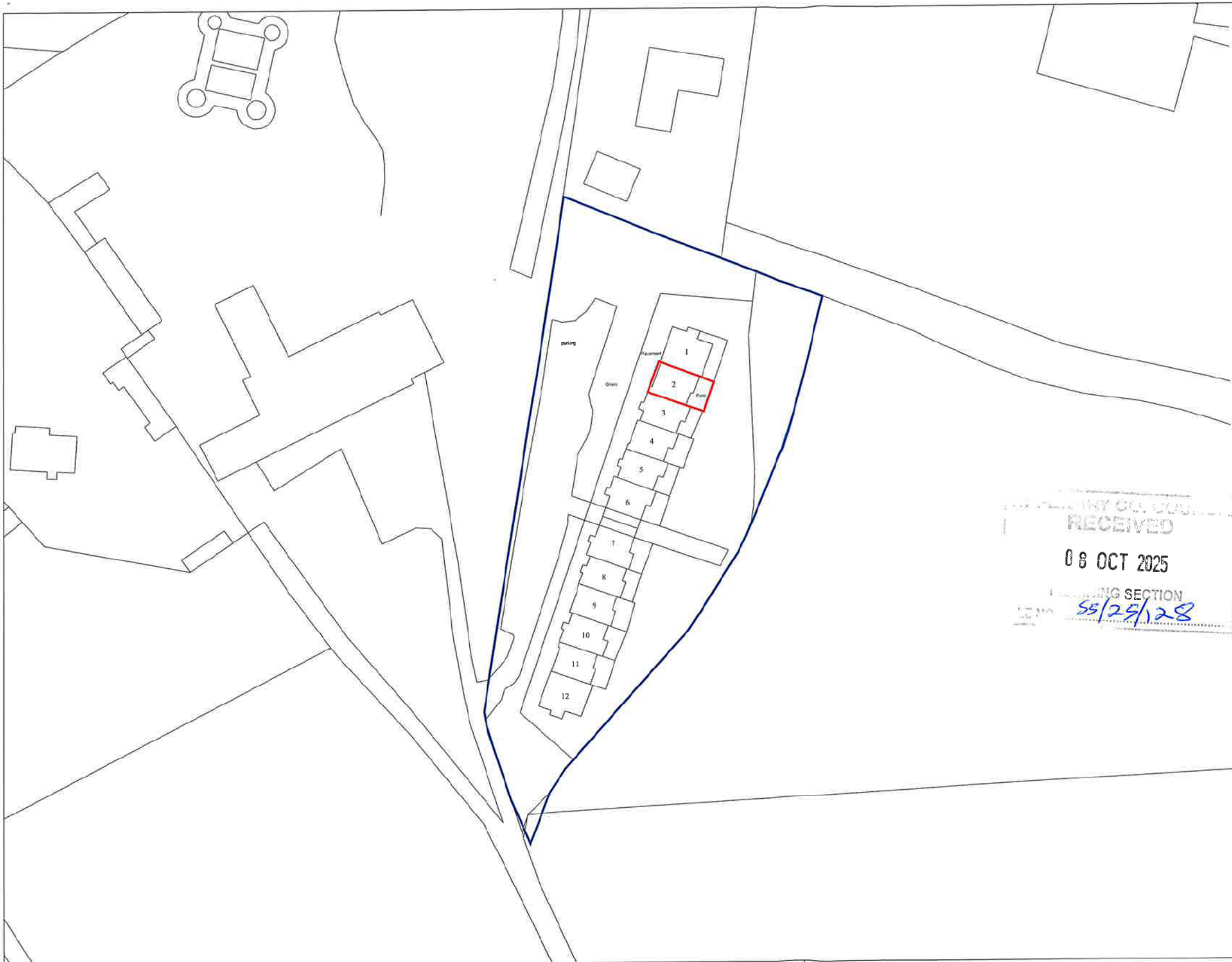
CLIENT NAME DES THORPE

PROJECT NAME 2 OLD COURT COTTAGES, TERRYGLASS, NENAGH - E45 K339

DRAWING TITLE SITE LOCATION MAP

PROJECT NO.	DRAWING NO.	REV.	SCALE(S)	STATUS	DATE DRAWN	DRAWN BY	CHECKED BY
2025-123	3.0_100		1:2500	SECTION 5 - APPLICATION	OCT' 25	KJ	

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Description:  
Digital Landscape Model (DLM)

Publisher / Source:  
Tailte Éireann

Data Source / Reference:  
PRIME2

File Format:  
Autodesk AutoCAD (DWG\_R2013)

File Name:  
v\_50493559\_1.dwg

Clip Extent / Area of Interest (AOI):  
LLX,LLY= 585716.2736,700585.7923  
LRX,LRY= 586299.2736,700585.7923  
ULX,ULY= 585716.2736,701015.7923  
URX,URY= 586299.2736,701015.7923

Projection / Spatial Reference:  
Projection= IREN95\_Irish\_Transverse\_Mercator

Centre Point Coordinates:  
X,Y= 586007.7736,700800.7923

Reference Index:  
Map Series | Map Sheets  
1:2,500 | 3870-B  
1:2,500 | 3870-A

Data Extraction Date:  
Date= 30-Sep-2025

Source Data Release:  
DCMLS Release V1.191.121

Product Version:  
Version= 1.4

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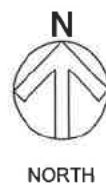
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NOTES:  
01 LOCATION PLAN  
101

Oldcourt Holiday Cottages Land Holding Outlined in Blue  
Pl. Ref.No.5124921,  
Granted on 22.05.2007,  
Approval under PLC/24921



56A RAMLEH PARK  
MILLTOWN  
DUBLIN 6  
m: + 353 (0)87 7982356  
e: katie.jakkulla@gmail.com

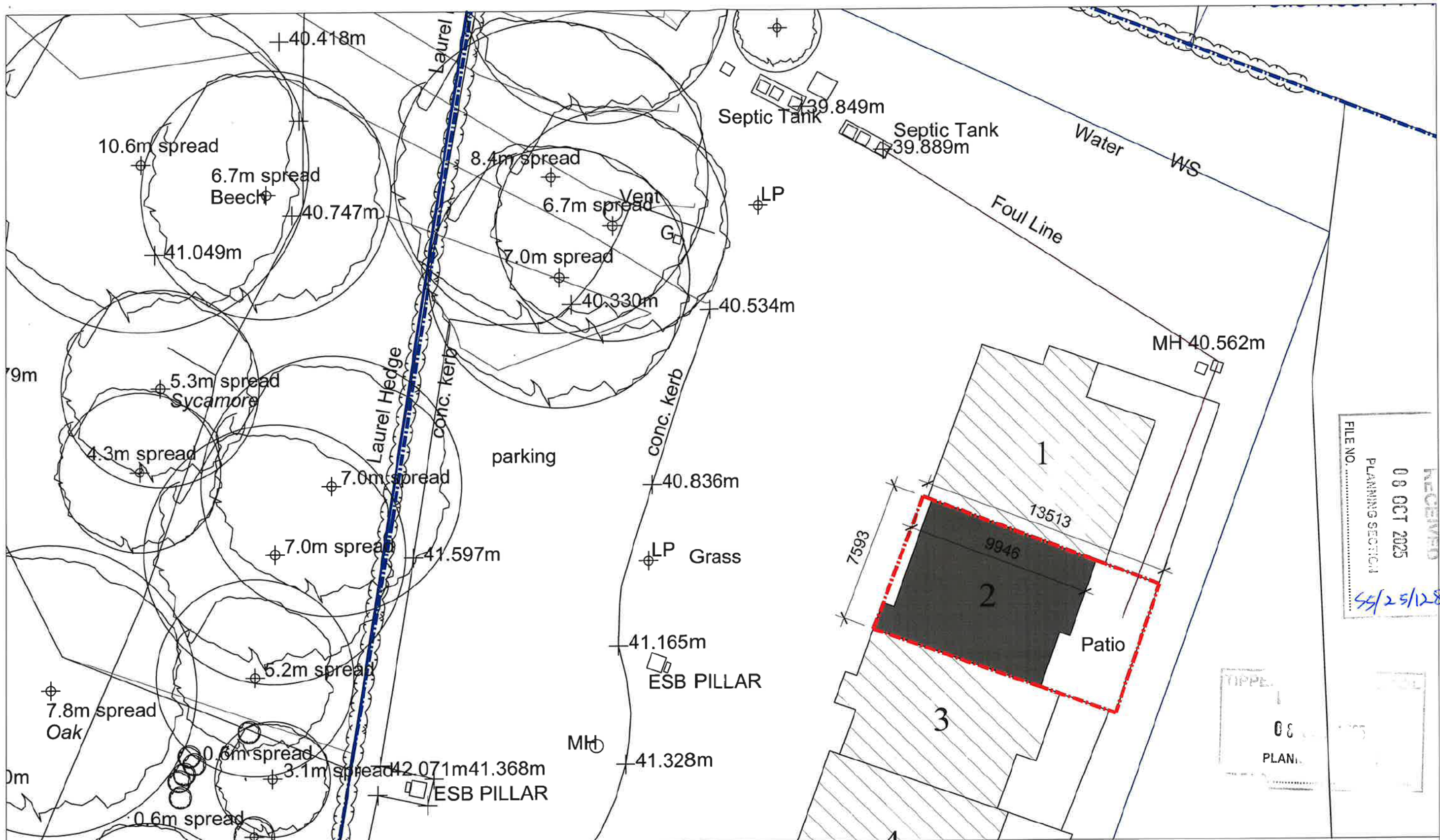
**JAD**  
ARCHITECTURE & DESIGN CONSULTANCY

CLIENT NAME		DES THORPE			
PROJECT NAME		2 OLD COURT COTTAGES, TERRYGLASS, NENAGH - E45 K339			
DRAWING TITLE		SITE LOCATION PLAN			
PROJECT NO.	DRAWING NO.	REV.	SCALE(S)	STATUS	DATE DRAWN
2025-123	3.0_101		1:1000	SECTION 5 - APPLICATION	OCT' 25
				DRAWN BY	CHECKED BY
				KJ	

REV.	DATE	DESCRIPTION
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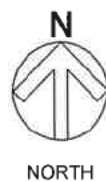
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NOTES:

01 SITE PLAN  
102



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e: katie.jakkulla@gmail.com

**JAD**

ARCHITECTURE & DESIGN CONSULTANCY

CLIENT NAME DES THORPE  
PROJECT NAME 2 OLD COURT COTTAGES, TERRYGLASS, NENAGH - E45 K339  
DRAWING TITLE SITE PLAN

PROJECT NO. 2025-123	DRAWING NO. 3.0_102	REV.	SCALE(S) 1:200	STATUS SECTION 5 - APPLICATION	DATE DRAWN OCT' 25	DRAWN BY KJ	CHECKED BY
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REV.	DATE	DESCRIPTION
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No.2



No.2



NOTES:

NORTH

REV.	DATE	DESCRIPTION

56A RAMLEH PARK  
MILLTOWN  
DUBLIN 6

m: + 353 (0)87 798 2356  
e: katie.jakkulla@gmail.com

JAD

ARCHITECTURE & DESIGN CONSULTANCY

CLIENT NAME

DES THORPE

PROJECT NAME

2 OLD COURT COTTAGES, TERRYGLASS, NENAGH - E45 K339

DRAWING TITLE

NO.2 OLD COURT - FRONT AND REAR ELEVATION PHOTOS

PROJECT NO.	DRAWING NO.	REV.	SCALE(S)	STATUS	DATE DRAWN	DRAWN BY	CHECKED BY
2025-123	3.0_103		1:200	SECTION 5 - APPLICATION	OCT' 25	KJ	

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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: 8<sup>th</sup> October 2025

Our Ref: S5/25/128

Civic Offices, Nenagh

**Des Thorpe  
C/O JAD Design Consultants  
56A Ramleh Park  
Milltown  
Dublin 6**


**Re: Application for a Section 5 Declaration – Change of use from holiday home to residential use for rental purpose at 2 the Old court Cottages, Terryglass, Nenagh, Co Tipperary.**

Dear Sir/Madam,

I acknowledge receipt of your application for a Section 5 Declaration received on 8<sup>th</sup> October 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**

---

[External] Ref. No. S5/25/128 No.2 Old Court Cottages, Nenagh, Co.Tipp

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From Jakkulla Architecture & Design <[REDACTED]>

Date Mon 20 Oct 2025 10:39 AM

To Hendy, Pauline <[REDACTED]>

 1 attachment (570 KB)

Cover Letter\_251002\_A.pdf;

**CAUTION FROM TIPPERARY COUNTY COUNCIL IT SECTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Pauline,

Further to our telephone conversation this morning please find attached revised cover letter.

Please let us know if this is acceptable to you.

Regards Katie  
[REDACTED]



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

02<sup>nd</sup> October 2025

Dear Sir / Madam,

**RE: 2 OLD COURT COTTAGES, TERRYGLASS, NENAGH, CO. TIPPERARY - E45 K339**

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

On behalf of Des Thorpe, please find enclosed following documents:

- Completed Section 5 Application Form
  - Application Fee = **€80**
  - The following 2 copies of Architectural Drawings prepared by JAD Design Consultants:
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    - 2025-123\_3.0\_101 Site Location Map Scale 1:1000
    - 2025-123\_3.0\_102 Site Plan Scale 1:200
    - 2025-123\_3.0\_103 Photos of Front and Rear Elevations Scale NTS.
-



Source: Google Map

### **Site / Existing Building**

The Old Court Cottages are situated in the heart of Terryglass Village. No. 2 Old Court is one of 12 terraced units collectively known as Old Court Cottages, nestled within a mature landscaped setting. Built approximately 17 years ago as holiday homes, these units are serviced by a private treatment plant under Tipperary County Council Planning Reference No. 5124921. Foul lines for these units are now in the process of being connected to the public system.

### **Section 5 Declaration – Development / Exempted Development?**

No. 2 Old Court is a terraced unit with an area of 110m<sup>2</sup>, featuring 3 bedrooms, 2 bathrooms, and a rear garden. This holiday home is connected to an existing treatment plant. While some units, including No. 2 Old Court, are rented out as holiday homes, others are rented on a more permanent basis. Given the increasing demand for housing in the area, the applicant intends to use the property as a residential use.

We kindly request the planning authority to clarify if this constitutes an Exempted Development.





**Front Elevation**



**Rear Elevation**

We trust the Planning Authority will have regard to the accompanying documentation and drawings when determining this application. Should the Authority require any further information please do not to hesitate to contact us.

We look forward to receiving a favourable decision in due course.

Yours sincerely,



**Katie Jakkulla**  
**JAD Design Consultants**



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,  
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Tipperary County Council,  
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Co. Tipperary  
E45 A099

t 0818 06 5000/600  
e customerservice  
@tipperarycoco.ie  
[tipperarycoco.ie](http://tipperarycoco.ie)

Date: 20<sup>th</sup> October 2025

Our Ref: S5/25/128

Civic Offices, Nenagh

**Des Thorpe**  
**C/O JAD Design Consultants**  
**56A Ramleh Park**  
**Milltown**  
**Dublin 6**


**Re: Application for a Section 5 Declaration – Change of use from holiday home to residential use for rental purpose at 2 the Old court Cottages, Terryglass, Nenagh, Co Tipperary.**

Dear Sir/Madam

I acknowledge receipt of unsolicited Further Information received on 20<sup>th</sup> October 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 Reference:** S5/25/128

**Applicant:** Des Thorpe

**Development Address:** 2 Old Court Cottages, Terryglass, Nenagh, Co. Tipperary E45 K339

**Proposed Development:** Change of use of cottage from holiday home to residential use for rental purpose.

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#### 1. GENERAL

On 8<sup>th</sup> October 2025 a request was made for a declaration under Section 5 of the Planning and Development Act, 2000 as amended by Des Thorpe as to whether or not the following works constituted development and if so, whether same was exempted development:

- Change of use of cottage from holiday home to residential use for rental purpose.

On 20/10/2025 an amended cover letter and details were received as unsolicited FI.

#### 2. STATUTORY PROVISIONS

The following statutory provisions are relevant to this referral case;

Section 2(1) of the Planning and Development Act, 2000, as amended, states as follows;

*“In this Act, except where the context otherwise requires – “development” has the meaning assigned to it by Section 3 and development shall be construed accordingly.”*

And,

*“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 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 4 provides for Exempted Development and Section 4(1) sets out works which shall be exempted development for the purposes of the Planning and Development Act 2000, as amended. Section 4(2)(a) of the same Act states that ‘the Minister may by regulations provide for any class of development to be exempted development for the purposes of this Act.

Section 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) states that notwithstanding paragraphs 9a0, (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.

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

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

### **3. ASSESSMENT**

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

The site is located at 2 Old Court Cottages, Terryglass, Nenagh, Co. Tipperary E45 K339.

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

PI Ref 5123970 Outline permission granted for 12 holiday homes, treatment plant and ancillary works.

PL. Ref No: 5124921 Approval on Outline Granted for 12 no. holiday houses, treatment plant and ancillary works on 22/05/2007.

Precedent Case- An Bord Pleanála RL2192

Under Referral case RL2192 An Bord Pleanála determined that the change of use of holiday apartments to that of townhouses for use as permanent residential accommodation at the Dolmen Hotel, Kilkenny Rd., Carlow was development and was not exempted development. In considering the case the Board Inspector noted no planning conditions on the governing permissions regarding use or duration of stay but considered the holiday home use was established by the details on the planning file (development description, notices etc.). In determining the case An Bord Pleanála considered the change of use from holiday homes to permanent residential accommodation as material having regard to its character and impact on the proper planning and sustainable development of the area and noted no planning exemptions for this material change of use.

### **c. Assessment**

#### **A) "Is or is not Development"**

Having considered all of the details and documentation on file with regards the question asked and the relevant planning history the Planning Authority is satisfied that the proposal would constitute "development" within the meaning of the Planning and Development Act 2000, as amended for reason that the proposed use of the property as a residence (not a holiday home) is a material change of use from its permitted use as a holiday home.

#### **B) "Is or is not Exempted Development"**

I note no exemption under the Planning Acts or Regulations that allows for a change of use of a holiday home to a dwelling.

#### **C) Restrictions under Article 9**

The restrictions under Article 9 do not apply as no exemption under Article 6 of the Planning and Development Regulations 2001, is confirmed.

#### **D) Requirement for Appropriate Assessment and Environmental Impact Assessment**

##### **AA**

The proposal has been screened as to the requirement for AA and same is not required in respect of the proposal (see Screening Report attached).

##### **EIA**

The proposal has been screened as to the requirement for EIA and same is not required in respect of the proposal (see Screening Report attached).

## **4. RECOMMENDATION**

A question has arisen as to whether the change of use of cottage from holiday home to residential use for rental purpose is development and is or is not exempted development:

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

- **Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended.**
- **The Planning and Development Regulations 2001, as amended.**
- **The planning history of the site.**
- **The details submitted with the Declaration application.**

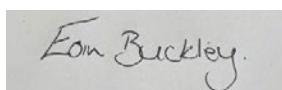
Tipperary County Council has concluded that –

The development consisting of the change of use of cottage from holiday home to residential use for rental purpose is development and is **not exempted development** as it does not fall under the exempted development provisions as set out under the Planning and Development Act 2000, as amended or Planning and Development Regulations 2001, as amended.

Tipperary County Council, in exercise of the powers conferred on it by section 5(2)(a) of the Planning and Development Act 2000 as amended, it is hereby decided that the change of use of cottage from holiday home to residential use for rental purpose is **development and IS NOT exempted development.**



Signed:

A rectangular box containing a handwritten signature in black ink that reads "Eoin Buckley".

Date: 15/10/2025

Signed:

A handwritten signature in black ink that reads "Jonathan Flood".

Date: 20/10/2025

## HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT

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

(a) File Reference No:	S5/25/128
(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	No
(e) Response to consultation:	N/a no referrals made.

### 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 screening Y/N
002241 Lough Derg, North-East Shore	<a href="https://www.npws.ie/protected-sites/sac/002241">https://www.npws.ie/protected-sites/sac/002241</a>	Within 10km	None	No
001313 Rosturra Wood	<a href="https://www.npws.ie/protected-sites/sac/001313">https://www.npws.ie/protected-sites/sac/001313</a>	Within 10km	None	No
000248 Cloonmoylan Bog	<a href="https://www.npws.ie/protected-sites/sac/000248">https://www.npws.ie/protected-sites/sac/000248</a>	Within 10km	None	No
000647 Kilcarren-Firville Bog	<a href="https://www.npws.ie/protected-sites/sac/000647">https://www.npws.ie/protected-sites/sac/000647</a>	Within 10km	None	No
000216 River Shannon Callows	<a href="https://www.npws.ie/protected-sites/sac/000216">https://www.npws.ie/protected-sites/sac/000216</a>	Within 10km	None	No
002356 Ardgraique Bog	<a href="https://www.npws.ie/protected-sites/sac/002356">https://www.npws.ie/protected-sites/sac/002356</a>	Within 15km	None	No
002353 Redwood Bog	<a href="https://www.npws.ie/protected-sites/sac/002353">https://www.npws.ie/protected-sites/sac/002353</a>	Within 15km	None	No

001683 Liskeen Fen	<a href="https://www.npws.ie/protected-sites/sac/001683">https://www.npws.ie/protected-sites/sac/001683</a>	Within 15km	None	No
000641 Ballyduff/Clonfinane Bog	<a href="https://www.npws.ie/protected-sites/sac/000641">https://www.npws.ie/protected-sites/sac/000641</a>	Within 15km	None	No
000319 Pollnacknau Wood Nature Reserve	<a href="https://www.npws.ie/protected-sites/sac/000319">https://www.npws.ie/protected-sites/sac/000319</a>	Within 15km	None	No
000261 Derrycrag Wood Nature Reserve	<a href="https://www.npws.ie/protected-sites/sac/000261">https://www.npws.ie/protected-sites/sac/000261</a>	Within 15km	None	No
000231 Barrougher Bog	<a href="https://www.npws.ie/protected-sites/sac/000231">https://www.npws.ie/protected-sites/sac/000231</a>	Within 15km	None	No
004168 Slieve Aughty Mountains SPA	<a href="https://www.npws.ie/protected-sites/spa/004168">https://www.npws.ie/protected-sites/spa/004168</a>	Within 10km	None	No
004096 Middle Shannon Callows SPA	<a href="https://www.npws.ie/protected-sites/spa/004096">https://www.npws.ie/protected-sites/spa/004096</a>	Within 10km	None	No
004058 Lough Derg (Shannon) SPA	<a href="https://www.npws.ie/protected-sites/spa/004058">https://www.npws.ie/protected-sites/spa/004058</a>	Within 10km	None	No
004086 River Little Brosna Callows SPA	<a href="https://www.npws.ie/protected-sites/spa/004086">https://www.npws.ie/protected-sites/spa/004086</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> </ul>	No impacts

<ul style="list-style-type: none"> <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>	
<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 impacts
In-combination/Other	
<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 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.	
<p>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, The proposed development is not likely to have significant effects on the above listed European sites or any other European site, in view of the said sites' conservation objectives.</p> <p>An appropriate assessment is not, therefore, required.</p>	

<b>Conclusion:</b>			
	<b>Tick as Appropriate:</b>	<b>Recommendation:</b>	
(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>	Eoin Buckley, Graduate Planner	<b>Date:</b>	15/10/2025

EIA Pre-Screening Establishing a development is a 'sub-threshold development'	
<b>File Reference:</b>	S5/25/128
<b>Development Summary:</b>	As per planners report
<b>Was a Screening Determination carried out under Section 176A-C?</b>	<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 - Does the development comprise a project listed in Schedule 5, Part 1, of the Planning and Development Regulations 2001 (as amended)?</b> (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 - 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?</b> (Tick as appropriate)	
<input 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 and meets/exceeds the threshold, specify class (including threshold): _____	<b>EIA is mandatory</b>  No Screening required
<input checked="" type="checkbox"/> Yes the project is of a type listed but is <i>sub-threshold</i> : _____ Class 10 (b) (i)	Proceed to <b>Part C</b>
<b>C. If Yes, has Schedule 7A information/screening report been submitted?</b>	
<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>
<b>EIA PRELIMINARY EXAMINATION:</b> The Planning Authority shall carry out a preliminary examination of, at the least, the nature, size or location of the development.	



	Comment:	Yes/No/ Uncertain:
<b>Nature of the development:</b> <i>Is the nature of the proposed development exceptional in the context of the existing environment?</i>  <i>Will the development result in the production of any significant waste, or result in significant emissions or pollutants?</i>		No.
<b>Size of the development:</b> <i>Is the size of the proposed development exceptional in the context of the existing environment?</i>  <i>Are there cumulative considerations having regard to other existing and/or permitted projects?</i>		No.
<b>Location:</b> <i>Is the proposed development located on, in, adjoining or does it have the potential to impact on an ecologically sensitive site or location?</i>  <i>Does the proposed development have the potential to affect other significant environmental sensitivities in the area?</i>		No.
<b>Preliminary Examination Conclusion:</b>		
Based on a preliminary examination of the <b>nature, size or location</b> of the development. (Tick as appropriate)		
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
There is <b>no real likelihood</b> of significant effects on the environment.  EIA is not required.	There is <b>real likelihood</b> of significant effects on the environment.  An <b>EIAR</b> is required.	There is <b>significant and realistic doubt</b> regarding the likelihood of significant effects on the environment.  Request the applicant to submit the <b>Information specified in Schedule 7A</b> for the purposes of a screening determination.  Proceed to Screening Determination.

**Include screening shot of digitised map of section 5 point**



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

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Date: 22<sup>nd</sup> October 2025

Our Ref: S5/25/128

Civic Offices, Nenagh

**Des Thorpe**  
**C/O JAD Design Consultants**  
**56A Ramleh Park**  
**Milltown**  
**Dublin 6**

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

Dear Sir/Madam,

I refer to your application for a Section 5 Declaration received on 8<sup>th</sup> October, 2025 in relation to the following proposed works:

Change of use of cottage from holiday home to residential use for rental purpose at 2 Old Court Cottages, Terryglass, Nenagh, Co. Tipperary E45 K339.

**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 –

- Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended.
- The Planning and Development Regulations 2001, as amended.
- The planning history of the site.
- The details submitted with the Declaration application.

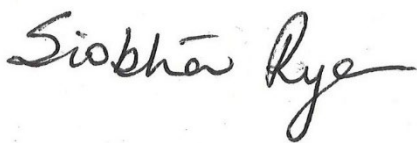
Tipperary County Council has concluded that –

The development consisting of the change of use of cottage from holiday home to residential use for rental purpose is development and is **not exempted development** as it does not fall under the exempted development provisions as set out under the Planning and Development Act 2000, as amended or Planning and Development Regulations 2001, as amended.

Tipperary County Council, in exercise of the powers conferred on it by section 5(2)(a) of the Planning and Development Act 2000 as amended, it is hereby decided that the change of use of cottage from holiday home to residential use for rental purpose is **development and IS NOT exempted development.**

**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 large, flowing 'S' and a distinct 'R'.

---

for **Director of Services**

**Original**

**TIPPERARY COUNTY COUNCIL**

**DELEGATED EMPLOYEE'S ORDER**

File Ref: **S5/25/128**      **Delegated Employee's Order No:** \_\_\_\_\_

**SUBJECT: Section 5 Declaration**

I, Brian Beck, 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. 44188 dated 3<sup>rd</sup> October, 2025, hereby order that pursuant to the provisions of the Planning and Development Act 2000, as amended, that an application under Section 5 from Des Thorpe C/O JAD Design Consultants, 56A Ramleh Park Milltown, Dublin 6 re: Change of use of cottage from holiday home to residential use for rental purpose at 2 Old Court Cottages, Terryglass, Nenagh, Co. Tipperary E45 K339 is development and is exempted development.

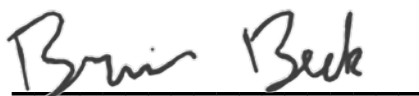
**AND WHEREAS** Tipperary County Council, in considering this referral, had regard particularly to –

- Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended.
- The Planning and Development Regulations 2001, as amended.
- The planning history of the site.
- The details submitted with the Declaration application.

Tipperary County Council has concluded that the development consisting of the change of use of cottage from holiday home to residential use for rental purpose is development and is **not exempted development** as it does not fall under the exempted development provisions as set out under the Planning and Development Act 2000, as amended or Planning and Development Regulations 2001, as amended.

Tipperary County Council, in exercise of the powers conferred on it by section 5(2)(a) of the Planning and Development Act 2000 as amended, it is hereby decided that the change of use of cottage from holiday home to residential use for rental purpose is **development and IS NOT exempted development.**

**Signed:**



**Brian Beck**  
**Director of Services**

**Date: 22/10/2025**