



Comhairle Contae Thiobraid Árann
Tipperary County Council

TIPPERARY CO. COUNCIL
RECEIVED

01 SEP 2025

PLANNING SECTION

FILE NO. 55/25/120

PLANNING & DEVELOPMENT ACT, 2000 (as amended)

Application for a Section 5 Declaration
Development / Exempted Development

1. Applicant's address/contact details:

Applicant	Ms. BETTY BYRNE
Address	12 DAVIS TERRACE, CLONMEL, Co. TIPPERARY E91 HH 02
Telephone No.	
E-mail	

2. Agent's (if any) address:

Agent	DEAN CROWLEY civil eng. tech.
Address	60 FAIRFIELDS, CLONMEL, Co. TIPPERARY E91 XY 61
Telephone No.	
E-mail	
Please advise where all correspondence in relation to this application is to be sent;	
Applicant []	Agent [<input checked="" type="checkbox"/>]

3. Location of Proposed Development:

Postal Address or Townland or Location (as may best identify the land or structure in question)	12 DAVIS TERRACE, CLONMEL, Co. TIPPERARY E91 HH 02.
--	--

Receipt No 195 938
Issued 01 09 2025
€80.00 Cash

Tipperary County Council
RECEIVED
01 SEP 2025
CASH OFFICE
Civic Offices, Clonmel

4. Development Details:

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

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

BEDROOM WITH SPECIAL BATHROOM
EXTENSION @ REAR OF EX.
DWELLINGHOUSE.
Proposed floor area of proposed works/uses: 17.5 sqm

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 <input checked="" type="checkbox"/>	B. Occupier
	C. Other	
Where legal interest is 'Other', please expand further on your interest in the land or structure		
If you are not the legal owner, please state the name and address of the owner	Name: Address:	

Signature of Applicant(s) _____

Date: _____

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

FOR OFFICE USE ONLY

DATE STAMP

Fee Recd. € _____

Receipt No _____

Date _____

Receipted by _____

For attention of:
Planning section, Tipperary Co. Council,
Re:
Application for Section 5 Declaration / Exempted development
AND
Housing section, Tipperary Co. Council,
Re:

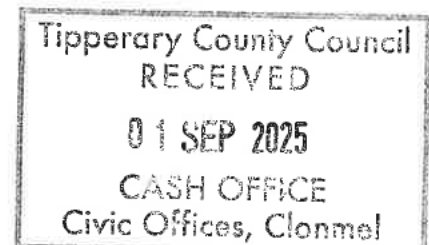
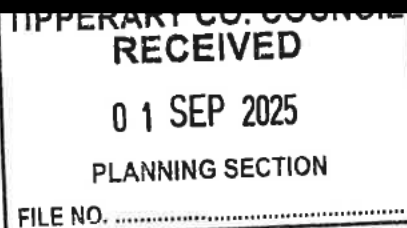
[REDACTED] Bedroom with Special bathroom at
12, Davis Terrace, Clonmel, Co. Tipperary E91HH02
For Ms Betty Byrne

Dear Sir,

Enclosed please find 2no. Sets of detailed drawings re: the above.

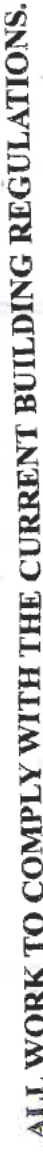
This is an unusually designed house at ground floor level and has a rear area with an acutely angled boundary which inhibits this proposed development slightly.

The floor plan shows the proposed layout giving the applicant a new bedroom with a bathroom and kitchenette, all within the proposed works. The existing kitchenette was barely adequate and very confined, but by slightly enlarging it much can be achieved and a kitchen / dining area created to the rear of the existing living room, leaving enough space for a living space on completion. The finished floor levels will be maintained through the proposed new build. A 1.5 sq m lobby is proposed at the rear exit to allow for a wheelchair turning area accessed by a new ramp and footpaths as required [REDACTED]



Prepared by: Brian Crowley, Civil eng. Tech.,
60 Fairfields, Clonmel,
Co. Tipperary. E91XY61

CONSTRUCTION DRAWING



flat roof @ doorway:

Paralon roof membrane to be torched onto new torch-on underlay.
Paralon drip feeds to be created along sides,
Similar drip feed along gutter line at roof end torched onto underlay with main roof
membrane coming to finish on top of drip feed near roof edge
with feathered finish.
175 x 75 timber joists at 400 c/crs ; 12mm marine ply over
Foil backed plaster slabs to ceiling with plaster finish.

All surface roof membrane to be feathered where meeting main roof sheets

Under roof insulation: Use Kingspan ECTOTHERM rigid insulation
or similar between roof joists.

Ex gutter to be reversed in direction.
New uPVC downpipe here.

The roof wate draining to this gulley to
be channelled into the guttering of the new extension
and to the new drainage system.

Overall height 3.8

Pitch roof at 26 degrees

Plinth 210

Plain cement finish. Price for painting to owners specification.

Rear Elevation

NOTE :

The ex SVP which connects to the main sewer coming from the adjacent house is to be retained as is and not interfered
with in any way. Where the pipe crosses the new foundations care to be taken to bridge the ex. pipe at these points to
ensure no pressure from the new extension bears down on this ex. system,

Slate effect tiles. Dark brown to match ex
or grey/black to owners specification.

NOTE:

The roof of this extension will be a bespoke roof to suit the existing rear
portion of the building and the unavoidable jut out at the kitchenette.
The apex of the roof will hug the side of the jut and the roof will slope
from this point in both directions.

Velux rooflight

FFL in extension as in main dwelling

RIDGE 103.8

EAVES 102.5

Windows 102.2

GL 100.0

Plain cement finish. Price for painting to owners specification. White uPVC windows and door.
White uPVC fascia, soffit, gutters and downpipes

Side Elevation

SIDE ELEVATION

Proposed extension to rear and internal alterations to existing kitchenette, along with new
drainage layout for Ms. Betty Byrne, 12 Davis Terrace, Clonmel, Co. Tipperary.

ELEVATIONS 1.100

Proposed extension to rear and internal alterations to existing kitchenette, along with new drainage layout for Ms. Betty Byrne, 12 Davis Terrace, Clonmel, Co. Tipperary.

Prepared by : Brian Crowley, Civil Eng. Tech.,
60 Fairfields, Clonmel,
Co. Tipperary. E91XY61

SPECIFICATION OF MATERIALS

NOTE:

The roof of this extension will be a bespoke roof to suit the existing rear portion of the building and the unavoidable jut out at the kitchenette. The apex of the roof will hug the side of the jut and the roof will slope from this point in both directions.

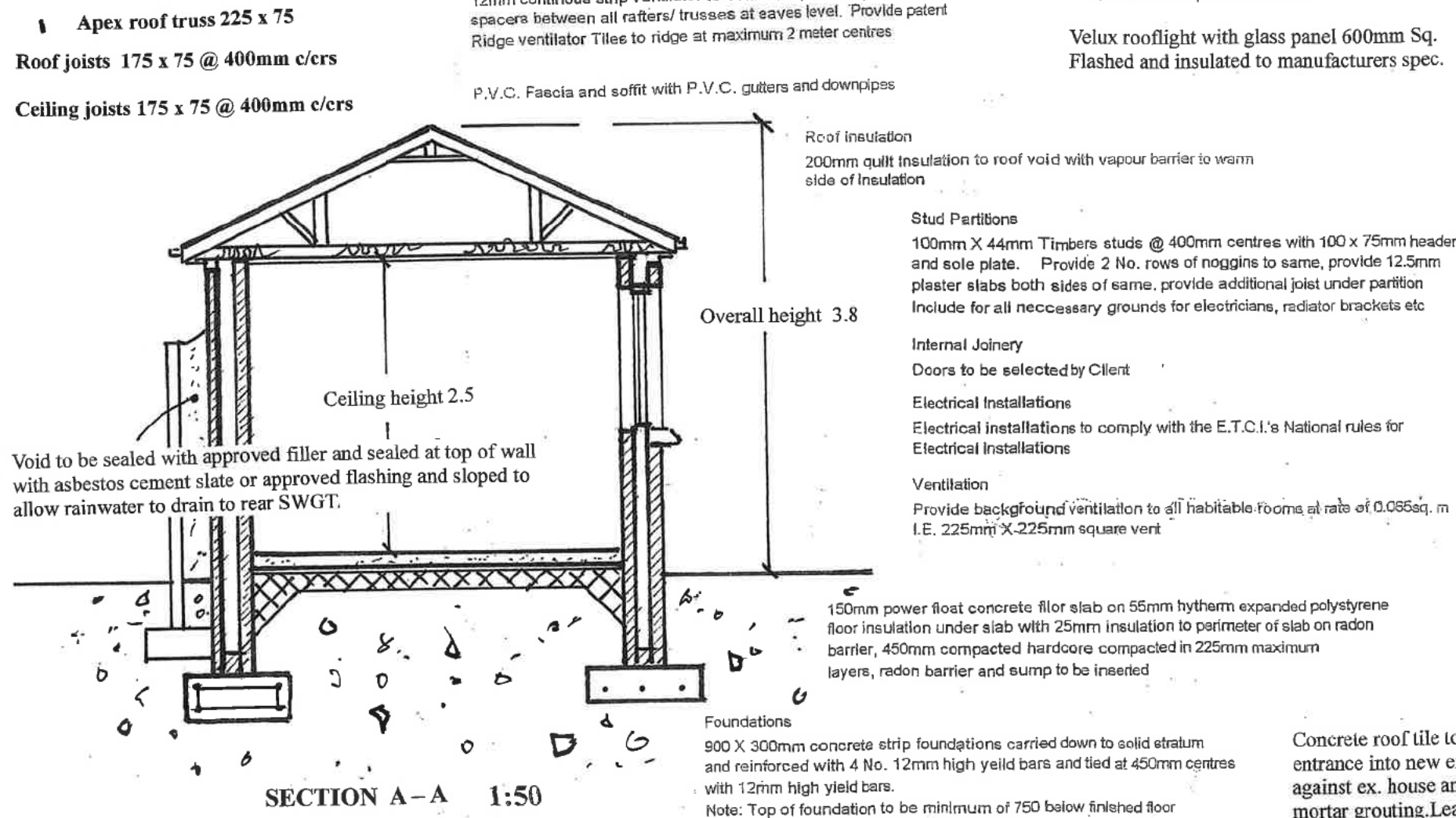
Slate effect tiles. Dark brown to match ex or grey/black to owners specification. on 50x25mm treated timber battens on Tyvek breather membrane or equal

125mm Xtratherm Thin-R

XT/PR between rafters and 40mm Xtratherm Thin-R XT/PR below rafters - or equal and approved to achieve max. 0.16 U-value. Plasterboard on airtight membrane to underside, painted to selected colour. All ceilings to be insulated and finished with foil-backed plasterboard.

Velux rooflight with glass panel 600mm Sq. Flashed and insulated to manufacturers spec.

Enlarge depth of this foundation to 400mm and enclose reinforcing cage along entire length. Use R12 bars horizontally top and bottom and wrap in R6 bars to create cage. Interlock R12 bars with the reinforcing at front and rear.



NOTE:

The ex SVP which connects to the main sewer coming from the adjacent house is to be retained as is and not interfered with in any way. Where the pipe crosses the new foundations care to be taken to bridge the ex. pipe at these points to ensure no pressure from the new extension bears down on this ex. system,

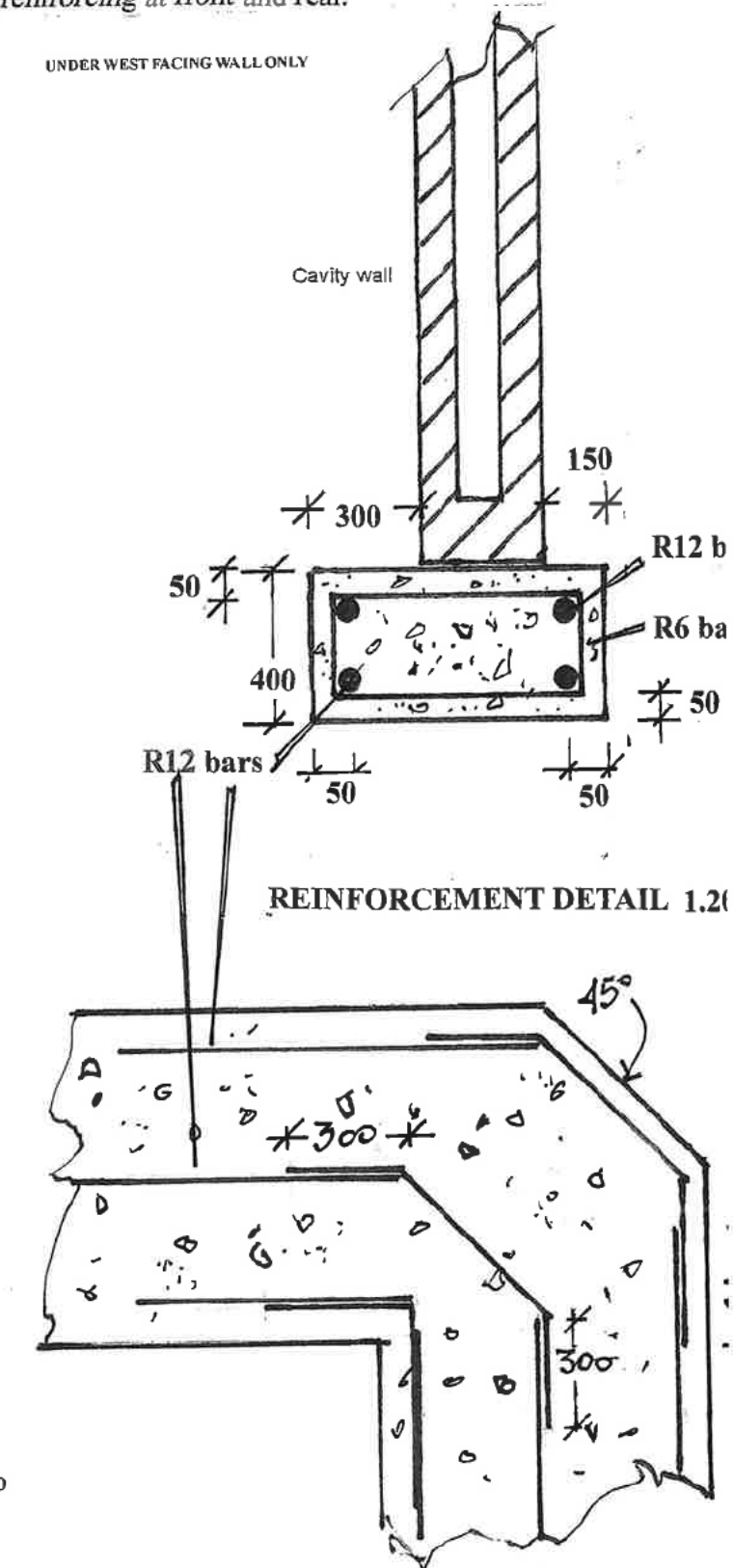
Ex SW gully to be sealed and abandoned.
The roof water draining to this gully to be channelled into the guttering of the new extension and to the new drainage system.

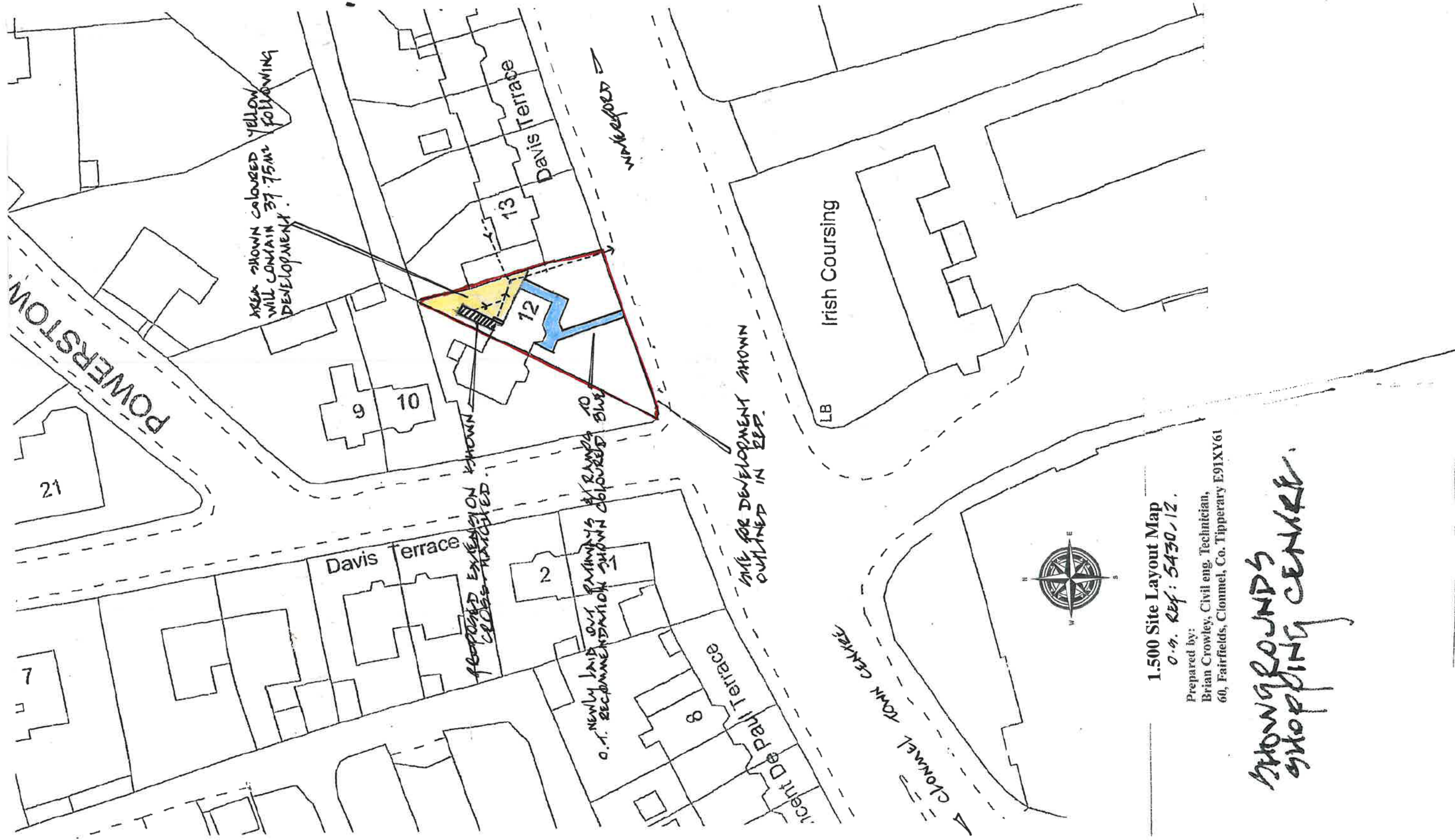
All new wiring to be connected to existing supply.

Location of fittings shown are approximate and final layout will be decided by client and electrician at the time of construction.

ALL WORK TO COMPLY WITH THE CURRENT BUILDING REGULATIONS.

UNDER WEST FACING WALL ONLY





1.500 Site Layout Map

0.4. Ref: 5430-12.

Prepared by:

Brian Crowley, Civil eng. Technician,
60, Fairfields, Clonmel, Co. Tipperary E91XY61

SHOWGROUNDS
SHOPPING CENTRE



Comhairle Contae Thiobraid Árann
Tipperary County Council

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

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

t 0818 06 5000/600
e customerservice
@tipperarycoco.ie
tipperarycoco.ie

Date: 3rd September 2025 Our Ref: S5/25/120 Civic Offices, Clonmel

Betty Byrne
c/o Brian Crowley
60 Fairfields
Clonmel
Co. Tipperary

Re: Application for a Section 5 Declaration – a bedroom with bathroom extension to rear of existing dwelling house at 12 Davis Terrace, Clonmel, Co. Tipperary E91 HH02

Dear Mr Crowley,

I acknowledge receipt of your application for a Section 5 Declaration received on 1st 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.: S5/25/120

Applicant: Betty Byrne

Development Address: 12 Davis terrace, Clonmel, Co. Tipperary

Proposed Development: Construction of a bedroom with a special bathroom extension at rear of dwelling house.

1. GENERAL

On the 1st of September 2025, a request was made for a declaration under Section 5 of the Planning and Development Act, 2000 as amended as to whether the following is “development” and “exempt development”:

- Construction of a bedroom with a special bathroom extension at rear of dwelling house

The site is located at 12 Davis terrace, Clonmel, Co. Tipperary.

While not expressly stated in the development details, the applicant has indicated in the submitted layout that the paths in front of the house will be widened as per the recommendations of an occupational therapist.

2. STATUTORY PROVISION

The following statutory provisions are relevant to this referral case;

Planning and Development Act 2000 (As amended)

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

“In this Act, ‘development’ means, except where the context otherwise requires, the carrying out of works on, in, over or under land or the making of any material change in the use of any structures or other land.”

Section 2(1) of the Planning and Development Act, 2000, as amended, defines “works” as:-

“works” includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.

Section 4(1)(h) of the Act considers 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; to be exempted development.

Planning and Development Regulations 2001 (As amended)

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

Exempted Development.

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

Schedule 2, Part 1 'Exempted Development - General:

Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 considers the following works to be exempted development subject to the conditions and limitations set out below;

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.

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.

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

(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

3. ASSESSMENT

a. Site Location

The site comprises an existing two storey dwelling at 12 Davis terrace, Clonmel, Co. Tipperary.

Figure 1 Site location



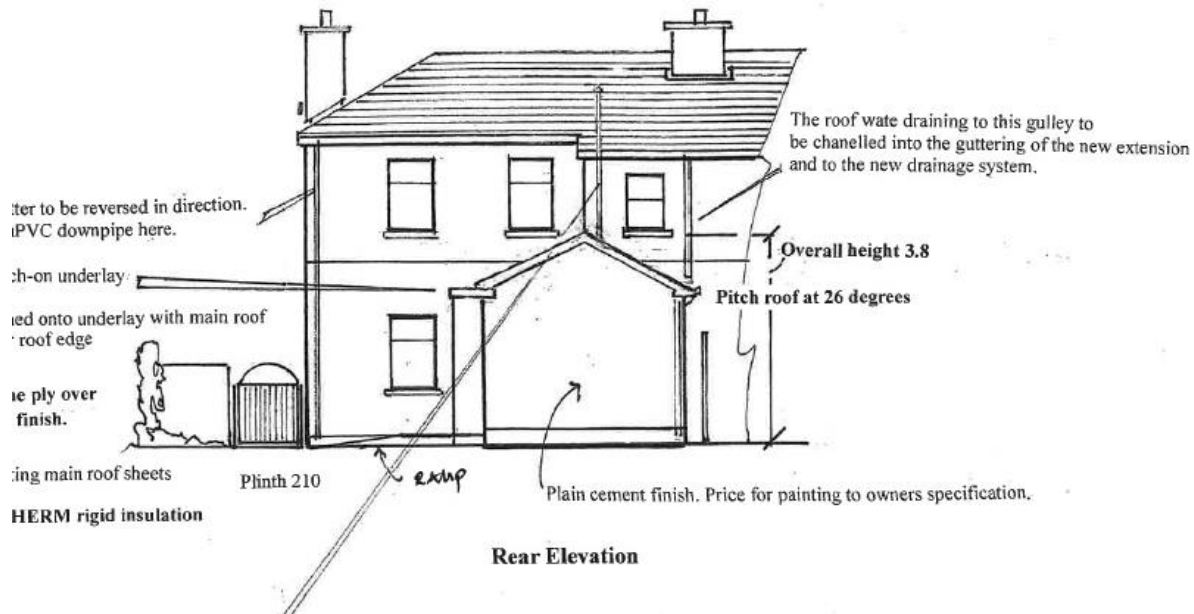
b. Relevant Planning History

There is no recent planning history on site

Figure 2 Planning history



Figure 4 Rear Elevation



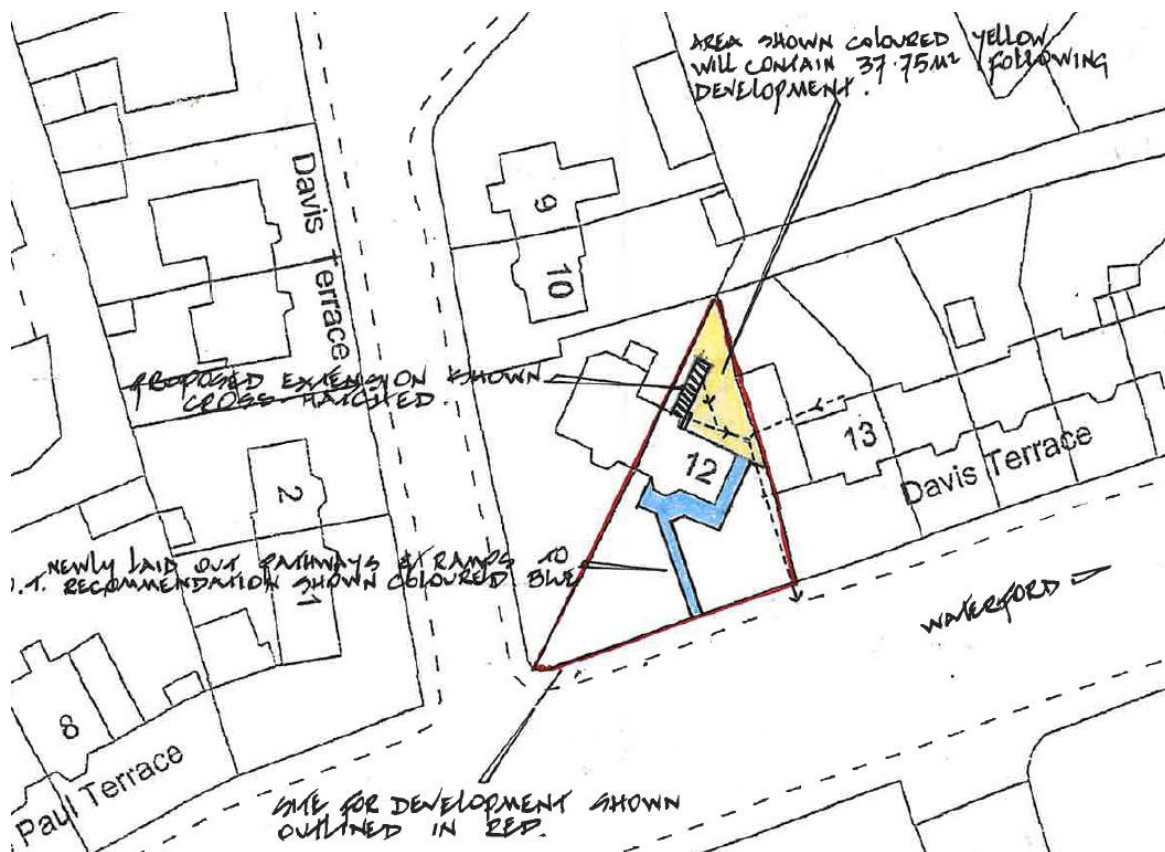
It is considered that construction of a bedroom to the rear can be considered under **Class 1** of Part 1 of Schedule 2.

The proposal (17.5 sqms) does not exceed the 40 sqm threshold. The dwelling was not previously extended. The extension does not exceed the height of the house.

The windows proposed at ground level are not less than 1 metre from the boundary they face.

The applicant has indicated that the area of private open space, reserved exclusively for the use of the occupants of the house, to the rear of the house will not be reduced to less than 25 square metres

Figure 5 Site layout



There is a concern that the submitted site layout does not accurately depict the full footprint of the works proposed. Revised drawings illustrated at a 1:250 or 1:100 scale are required to enable the Planning Authority to determine if the rear amenity space is to be reduced to less than 25 sqms.

C) Restrictions under Article 9

The restrictions set out under Article 9 of the Planning and Development Regulations 2001, as are noted. Of relevance is the restriction set out under Art 9(1)(a)(viiB), which is considered below.

D) Requirement for Appropriate Assessment (AA) and Environmental Impact Assessment (EIA)

The subject site is located c. 300 metres from the Lower River Suir SAC, 8.9 kms from the Nier Valley SAC and 10.3 Kms from the Comeragh mountains SAC.

The proposed development is located within a long established residential area and comprises of minor alterations to the structure on site. The property is connected to the mains waste water infrastructure.

The site is however located in an area at risk of flooding as identified in the Clonmel and Environs Local Area Plan 2025. As such, a Construction and Environmental Management Plan is required to demonstrate that no site specific mitigation measures are required to prevent discharges to the Lower River Suir SAC and that subject to standard best practice construction Appropriate Assessment is not required.

4. RECOMMENDATION

1. The details submitted with the Declaration application are noted. There is a concern that the submitted site layout does not accurately depict the full footprint of the works proposed. Revised drawings illustrated at a 1:250 or 1:100 scale are required to enable the planning Authority to determine if the rear amenity space is to be reduced to less than 25 sqms.
2. The subject site is located in an area at risk of flooding with the potential for a direct hydrological connection between the subject site and the lower River Suir Special Area of Conservation (SAC). You are required to submit a comprehensive Construction and Environmental Management Plan for the works proposed to demonstrate that no site specific mitigation measures are required to prevent discharges to the Lower River Suir SAC.

Signed: Paul Hilleen

Date: 22/09/25

C. Conway

Signed:
Senior Executive Planner

Date: 23.9.2025

Appendix 1

HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT				
STEP 1. Description of the project/proposal and local site characteristics:				
(a) File Reference No:	S5/25/120			
(b) Brief description of the project or plan:	Domestic extension			
(c) Brief description of site characteristics:	12 Davis terrace, Clonmel, Co. Tipperary – existing built up residential area			
(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW	None			
(e) Response to consultation:	n/a			
STEP 2. Identification of relevant Natura 2000 sites using Source-Pathway-Receptor model and compilation of information on Qualifying Interests and conservation objectives.				
European Site (code)	List of Qualifying Interest/Special Conservation Interest ¹	Distance from proposed development ² (km)	Connections (Source-Pathway-Receptor)	Considered further in screening Y/N
Lower River Suir SAC 002137	https://www.npws.ie/protected-sites/sac/002137	300 metres	Surface water collected and discharged to a soakpit	yes
Nier Valley woodlands 000404	https://www.npws.ie/protected-sites/sac/00404	8.9 kms	No due to distance and the lack of any relevant ex-situ factors of significance to these species.	Nier Valley woodlands 000404
Comeragh Mountains SAC 01952	https://www.npws.ie/protected-sites/sac/001952	10.3 kms	No due to distance and the lack of any relevant ex-situ factors of significance	Comeragh Mountains SAC 01952

			to these species.	
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		Further information on construction management is required.		
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		No impacts		
In-combination/Other		No likely in combination effects		
(b)Describe any likely changes to the European site:				
Examples of the type of changes to give consideration to include: <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.)		Further information on construction management is required.		

- Changes to areas of sensitivity or threats to QI
- Interference with the key relationships that define the structure or ecological function of the site

(c) Are '*mitigation*' measures necessary to reach a conclusion that likely significant effects can be ruled out at screening?

☐ Yes ☐ No

STEP 4. Screening Determination Statement

The assessment of significance of effects:

Describe how the proposed development (alone or in-combination) is/is **not likely** to have **significant** effects on European site(s) in view of its conservation objectives.

Further information on construction management is required.

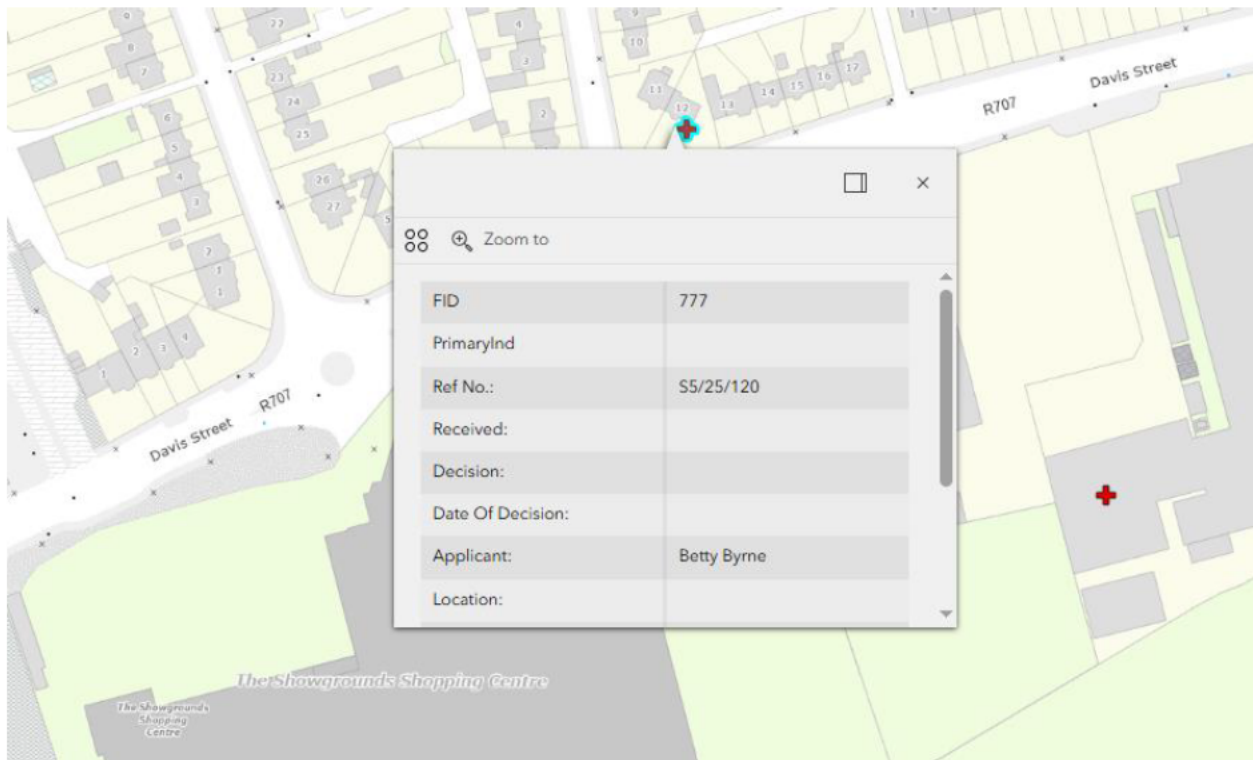
Conclusion:

	Tick as Appropriate:	Recommendation:
(i) It is clear that there is no likelihood of significant effects on a European site.	<input 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 checked="" type="checkbox"/>	<input checked="" type="checkbox"/> Request further information to complete screening <input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
(iii) Significant effects are likely.	<input type="checkbox"/>	<input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
Signature and Date of Recommending Officer:	Paul Killeen	Date: 22/09/25

EIA Pre-Screening	
Establishing a development is a 'sub-threshold development'	
File Reference:	S5/23/120
Development Summary:	Domestic extension
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 Preliminary Examination required

☐ No, Schedule 7A information/screening report has not been submitted by the applicant

Figure 7 Site entered on Planning register





Comhairle Contae Thiobraid Árann
Tipperary County Council

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

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

0818 06 5000/600
customerservice
@tipperarycoco.ie
tipperarycoco.ie

Date: 24th September 2025

Our Ref: S5/25/120

Civic Offices, Nenagh

Betty Byrne
C/O Brian Crowley
60 Fairfields
Clonmel
Co. Tipperary

Re: Application for a Section 5 Declaration – Construction of a bedroom with a special bathroom extension at rear of dwelling house at 12 Davis terrace, Clonmel, Co. Tipperary

Dear Sir/Madam,

I refer to an application received from you on 1st September 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;

Having regard to:

- (a) Sections 2, 3 & 4 of the Planning and Development Act 2000, as amended,
- (b) Part 1 Class 1, of Schedule 2 Planning & Development Regulations 2001, as amended
- (c) Articles 6 and 9 of the Planning & Development Regulations 2001, as amended, and
- (d) The details submitted by the querist with the Declaration

Tipperary County Council has concluded the following further information is required to determine if the works proposed can be considered exempted development.

1. The details submitted with the Declaration application are noted. There is a concern that the submitted site layout does not accurately depict the full footprint of the works proposed. Revised drawings illustrated at a 1:250 or 1:100 scale are required to enable the planning Authority to determine if the rear amenity space is to be reduced to less than 25 sqms.

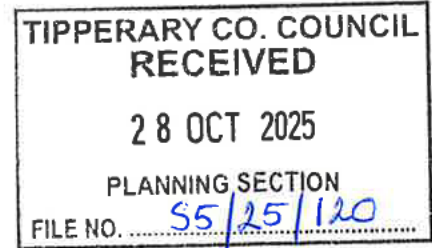
2. The subject site is located in an area at risk of flooding with the potential for a direct hydrological connection between the subject site and the lower River Suir Special Area of Conservation (SAC). You are required to submit a comprehensive Construction and Environmental Management Plan for the works proposed to demonstrate that no site specific mitigation measures are required to prevent discharges to the Lower River Suir SAC.

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

Yours sincerely

Siobhán Ryan
for **Director of Services**

Planning section,
Tipperary County Council,
Civic Offices,
Emmet Street,
Clonmel
and
Civic Offices,
Nenagh,
Co. Tipperary.



Response to request for further information
Your ref: S5/25/120.

Dear Sir,

Thank you for your letter dated 24 September, 2025 in relation to the above.

With reference to point No. 1 please find enclosed revised drawings, scale 1:100, showing the floor plan of the entire ground floor with the proposed works highlighted and the property boundaries shown to assist with your query regarding the overall footprint of the building within the subject site. Also enclosed are the construction details of the proposed works, scale 1:25.

With regard to point no 2: The subject site and the River Suir Special Area of Conservation.

This site is located on the Davis Road in Clonmel, which is a built up area, comprising residential dwellings and commercial outlets spread along the entire length of this roadway.

In the past, Clonmel suffered from fluvial flooding, some areas of the town more so than others. The area of the subject site was always on the periphery of the flooding but nevertheless the road flooded in a sporadic manner along its length.

The houses along this roadway were almost exclusively built during this time but were all elevated above the finished roadway and have never suffered from inundation by flood water.

In 2013, a flood relief scheme was completed in Clonmel by the Office of Public Works, encompassing raised embankments, flood walls and pumping stations along the length of the River Suir as it passes through the town. Flood plains and river overflow points were identified and served as an important aid in the alleviation of pressure points on the river's passage through the town area. It is widely accepted that the flood alleviation scheme was a huge success and subsequent weather events since its completion have proven that this conclusion was correct.

The town no longer has to contend with the aftermath of severe flooding, thanks solely to this flood relief scheme, and upgraded foul water mains to the treatment plant on the downriver side of the town together with surface water collection points and pumping stations.

This is a reality that has been accepted by the townspeople, especially those who previously bore the brunt (and still do insurance wise) of the continuous flooding in the town, but also the institutions responsible for the clean up, such as the old Clonmel Corporation now The Borough Council.

Whereas the scheme has been a resounding success for the O.P.W., their follow up with amending the Flood Hazard Maps has been a notable blip in the overall good news story.

The Davis Road area was always a low risk area with only sporadic, low level flooding in parts of the roadway on the downward flow of the river towards Waterford.

Their maps identified this area as being an area at risk of fluvial flooding, but since 2013 and the completion of the flood relief scheme, this area is no longer at any risk whatsoever of flooding from the River Suir.

I would like to draw your attention to a previous application made to Tipperary County Council for a site approximately 130M from the subject site on the same side of the Davis Road. A composite map showing the two sites is enclosed.


This application was submitted twice, firstly in 2017, **Ref. No. 17/600386** and withdrawn following communication with the Planning Authority. A copy of this is enclosed.

A second application was made in 2023, **Ref. No. 23132** which was granted on 08/09/23 and final permission on 12/10/23. No ammendements were made to the first application before re-submitting in 2023. A copy of this is also enclosed.

The Planning Authority accepted in 2023 that this area is not in danger of fluvial flooding regardless of the inefficient updating of the Flood Hazard Maps by the O.P.W.

I trust that this is also the current position of Tipperary County Council two years after granting permission to the referred to application, the flood barriers having been tested many times in the interim without a single hitch.

Based on the above it is hoped that the local authority would drop entirely, the direction under Condition no. 2, and not require this expensive, time consuming and unnecessary undertaking to submit a Construction and Environmental Management Plan and that there are no site specific mitigation measures required to prevent discharges to the Lower River Suir SAC and grant the Section 5 for the subject site.



ng Pack Map

This map should be read the follo.

Registry maps are based mapping. Where registry a scale that is larger than scale, accuracy is limited. original OSI map scale.

For details of the terms o limitations as to scale, ac conditions relating to lan see www.pral.ie.

This map incorporates O Ireland (OSI) mapping da from OSI. Copyright © O of Ireland.

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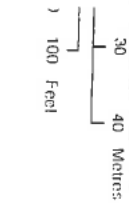
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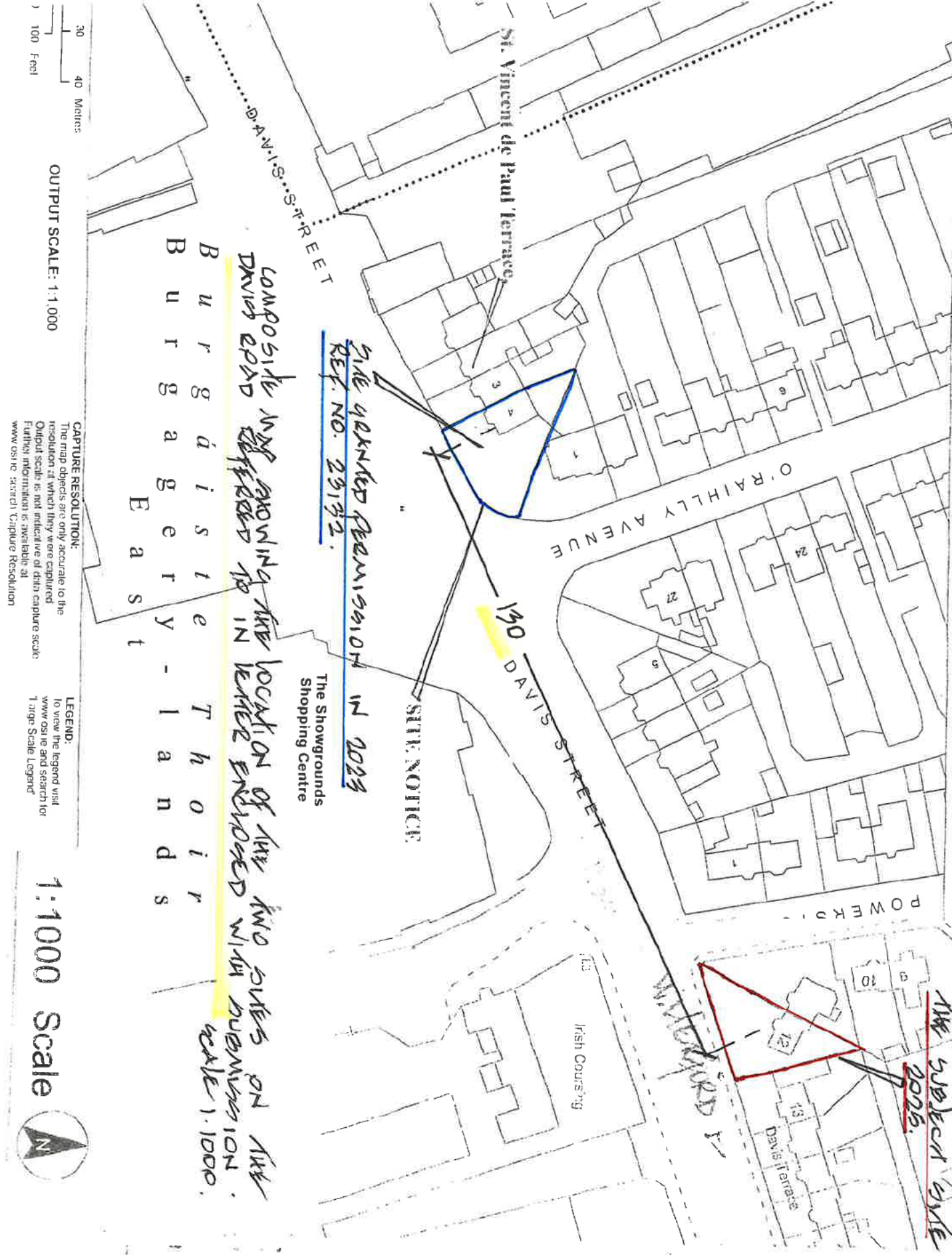
CAPTURE RESOLUTION:
The map objects are only accurate to the resolution at which they were captured. Output scale is not indicative of data capture scale. Further information is available at www.osi.ie Section 1 Capture Resolution

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1:1000 Scale



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THE SUBJECT SITE 2023.



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Tipperary County Council

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Cluain Meala,
Co. Thiobraid Árann

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

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TO: Anne Madigan Quinn
Mr. Brian Crowley,
60 Fairfields,
Clonmel,
Co. Tipperary.

REF NO: 23132

PLANNING & DEVELOPMENT ACT 2000 (as amended)
PLANNING & DEVELOPMENT REGULATIONS 2001 (as amended)
NOTIFICATION OF A GRANT OF PERMISSION
SUBJECT TO CONDITIONS

DEVELOPMENT: the construction of a single storey extension to side of existing dwelling house along with all ancillary site works

LOCATION: 4 St Vincent De Paul Terrace Clonmel Co. Tipperary

PERMISSION was granted on **12/10/2023** for the development described above subject to the Notification of Decision to grant PERMISSION made on 08/09/2023.

You are hereby advised that unless the development described is carried out within five (5) years from the date of the Grant of Planning Permission, this permission will cease to have effect.

**SIGNED ON BEHALF OF
DIRECTOR OF SERVICES**



PLEASE RETAIN THIS DOCUMENT CAREFULLY AS COPIES COST A FEE OF €5.00



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Tipperary County Council

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Ref. No. 23132

TO: Anne Madigan Quinn
C/o Mr. Brian Crowley,
60 Fairfields,
Clonmel,
Co. Tipperary.

Application Received: 12/05/2023 & 18/08/2023

Re: Notification of decision to grant PERMISSION with conditions under
Planning & Development Act 2000 (as amended)

A Chara,

In pursuance of the powers conferred upon them by the above mentioned Acts, Tipperary County Council has by Order dated **08/09/2023** decided to grant you PERMISSION for development of land namely:-the construction of a single storey extension to side of existing dwelling house along with all ancillary site works at 4 St Vincent De Paul Terrace, Clonmel, Co. Tipperary.

For the reason(s) stated in schedule 1 and subject to the condition(s) stated on schedule 2 (1 to 5, pages 1 to 1).

If there is no appeal against the said decision, a Grant of PERMISSION in accordance with the Decision shall be issued as soon as maybe, but not earlier than 3 working days after the expiration of the period within which an appeal may be made to An Bord Pleanála. (See Footnote at end of document). It should be noted that until a Grant of a Permission has been issued the development in question is not authorised. The applicant is advised that unless the development described above is carried out within five (5) years from the date of Grant of PERMISSION, planning permission will cease to have effect. See Section 40 of the Planning and Development Act, 2000.

Signed on behalf of
Director of Services

Date: 8th September, 2023

Tipperary County Council Schedule of conditions 23132

Schedule One

It is considered that the development complies with the policies and objectives of the Clonmel and Environs Town Development Plan 2013, as varied, and that the development does not have an adverse impact upon the character of the area or the amenities of adjoining properties.

Schedule Two

1. Save where modified by the following conditions, the development shall be retained in accordance with the drawings and documentation submitted with the planning application on the 12/05/2023 as amended by the Further Information submitted on the 18/08/2023 in response to a Further Information Request issued on the 29/06/2023.

REASON: To clarify the terms of the permission.

2. The extension shall be used solely for purposes incidental to the enjoyment of the dwelling house as such. The ancillary residential accommodation shall not be used as a separate dwelling unit and shall be occupied by a member of the immediate family of the occupier of the main dwelling. In the event of the accommodation no longer being required by an immediate family member of the occupier of the main dwelling, the accommodation shall be integrated as part of the main dwelling.

REASON: To protect the amenities of the area and to control the intensity of use on site.

3. Surface water shall not be permitted to flow onto the public road from the site.

REASON: In the interest of efficient drainage and public health and traffic safety.

4.

- a) The developer shall ensure that all demolition/construction works on site are carried out in a manner such that noise and dust emissions do not result in significant impairment of, or significant interference with, amenities or the environment beyond the site boundary.
- b) The developer shall ensure that material from the site is not spread or deposited on the public roadway and shall maintain the roadway in a clean, tidy and safe condition. Any damage to or interference with the roadside drainage shall be made good without delay at the developer's expense, to the satisfaction of the Local Authority.
- c) No construction or demolition activity giving rise to noise audible from the nearest habitable dwelling shall be carried out on Sundays, Bank Holidays or Public Holidays.
- d) From Monday to Friday, all construction and demolition activity giving rise to noise audible from the nearest habitable dwelling shall be restricted to the hours between 8.00a.m. and 6.00p.m. (inclusive) and to the hours between 8.00a.m. and 2.00pm (inclusive) on Saturdays (excluding Bank/Public Holidays).

REASON: To prevent a noise nuisance or traffic hazard arising from the implementation of the permission.

5. The applicant shall during foundation construction take due care, in regard to any existing public services or other services and shall if encountered cease all works and inform the County Council or service provider so that an agreed provision for re-routing or protection of same can be made.

REASON: In the interests of the proper planning and sustainable development.



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17/600386

Ann Quinn
C/o Brian Crowley
60 Fairfields
Fethard Road
Clonmel
Co. Tipperary

24/05/2017
*Please note:
condition no. 1.*

**RE: PERMISSION for construction of a single storey extension to the side of existing dwelling comprising of living/dining area, bedroom and ensuite bathroom along with all ancillary site works at
4 St. Vincent de Paul Terrace, Clonmel, Co. Tipperary**

A Chara,

With reference to the above application I am to inform you that the information submitted is not adequate to enable a decision to be made.

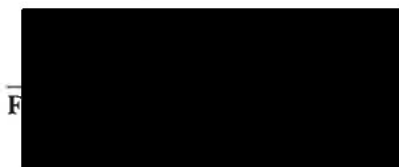
In accordance with the provisions of Article 33 of the Planning and Development Regulations, 2001, as amended, you are hereby required to submit the additional information as set out on the attached Schedule.

Your application will not be further processed until confirmation of the above is received. Please note where Maps, Drawings, Plans or Documents are required, six copies have to be submitted, and where new newspaper notice is required, full page of newspaper should be submitted within 14 days of date of publication of same.

As a result of this Request the appropriate period for making a decision on your application is now the period of 4 weeks from the date upon which you comply with this Request. Should you fail to comply with this Request your planning application shall be declared withdrawn after a period of six months from date of this Request.

Please note that in accordance with the provisions of Article 35 of the Planning & Development Regulations 2001, as amended you may be required to give notice in an approved newspaper and erect a new site notice following the submission of the further information or revised plans if it is considered that the information, evidence, revised drawings, plans or particulars received, as appropriate, contain significant additional data, including information in relation to effects on the environment. You will be informed of any requirements regarding publication of a newspaper notice following inspection of the information submitted. Your response in this regard will be required within a very short timeframe. The period for determining the application will run from the date of receipt by the Planning Authority of the revised notices.

Mise le meas,



F

TIPPERARY COUNTY COUNCIL

REF: 17/600386

SCHEDULE OF FURTHER INFORMATION REQUIRED

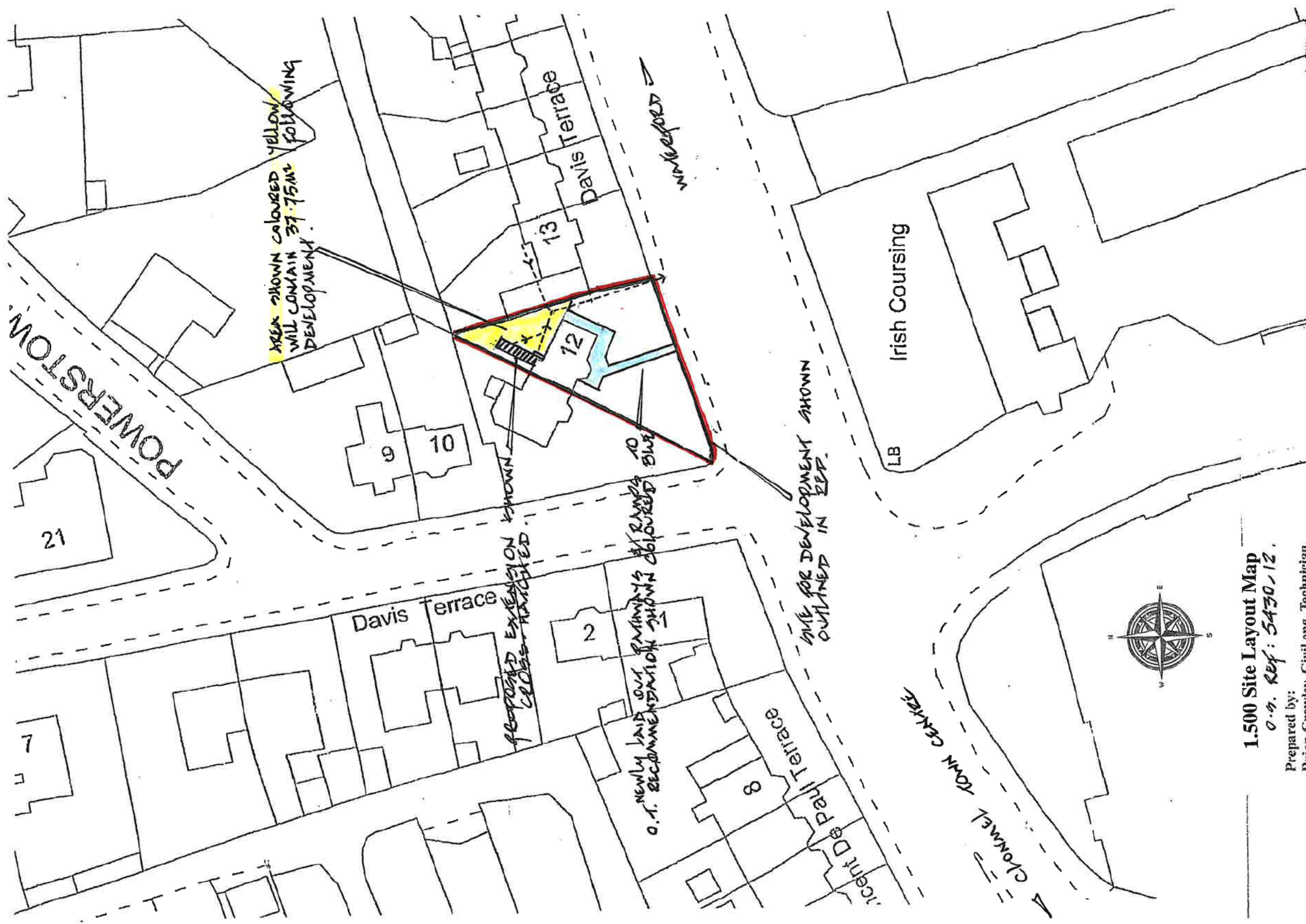
1. The application site is located within an area at risk of fluvial flooding as identified by the PFRA Flood Hazard Maps provided by the Office of Public Works.

Section 5.28 of the Planning System and Flood Risk Management Guidelines 2009 (as amended by Circular PL 2/2014) states:

5.28 Applications for minor development, such as small scale infill, small extensions to houses or the rebuilding of houses, and most changes of use of existing buildings and or extensions and additions to existing commercial and industrial enterprises, are unlikely to raise significant flooding issues, unless they obstruct important flow paths, introduce a significant additional number of people into flood risk areas or entail the storage of hazardous substances. Since such applications concern existing buildings or developed areas, the sequential approach cannot be used to locate them in lower-risk areas and the Justification Test will not apply. However, a commensurate assessment of the risks of flooding should accompany such applications to demonstrate that they would not have adverse impacts or impede access to a watercourse, floodplain or flood protection and management facilities. These proposals should follow best practice in the management of health and safety for users and residents of the proposal.

Accordingly please arrange to submit, for the consideration of the Planning Authority, a commensurate assessment of the risks of flooding that addresses the requirements of Section 5.28 of the Planning System and Flood Risk Management Guidelines 2009 as outlined above.

2. The Planning Authority consider the proposal is for development to which Part V of the Planning and Development Act 2000 as amended, applies. If you consider the development to be exempt by virtue of Section 97 of the Planning and Development Act 2000, as amended a copy of a Certificate of Exemption under section 97 must be submitted in response to this request.



1.500 Site Layout Map

O.S. Ref: 5430.12.

Prepared by:
 Brian Crowley, Civil eng. Technician,
 60, Fairfields, Clonmel, Co. Tipperary E91XY61

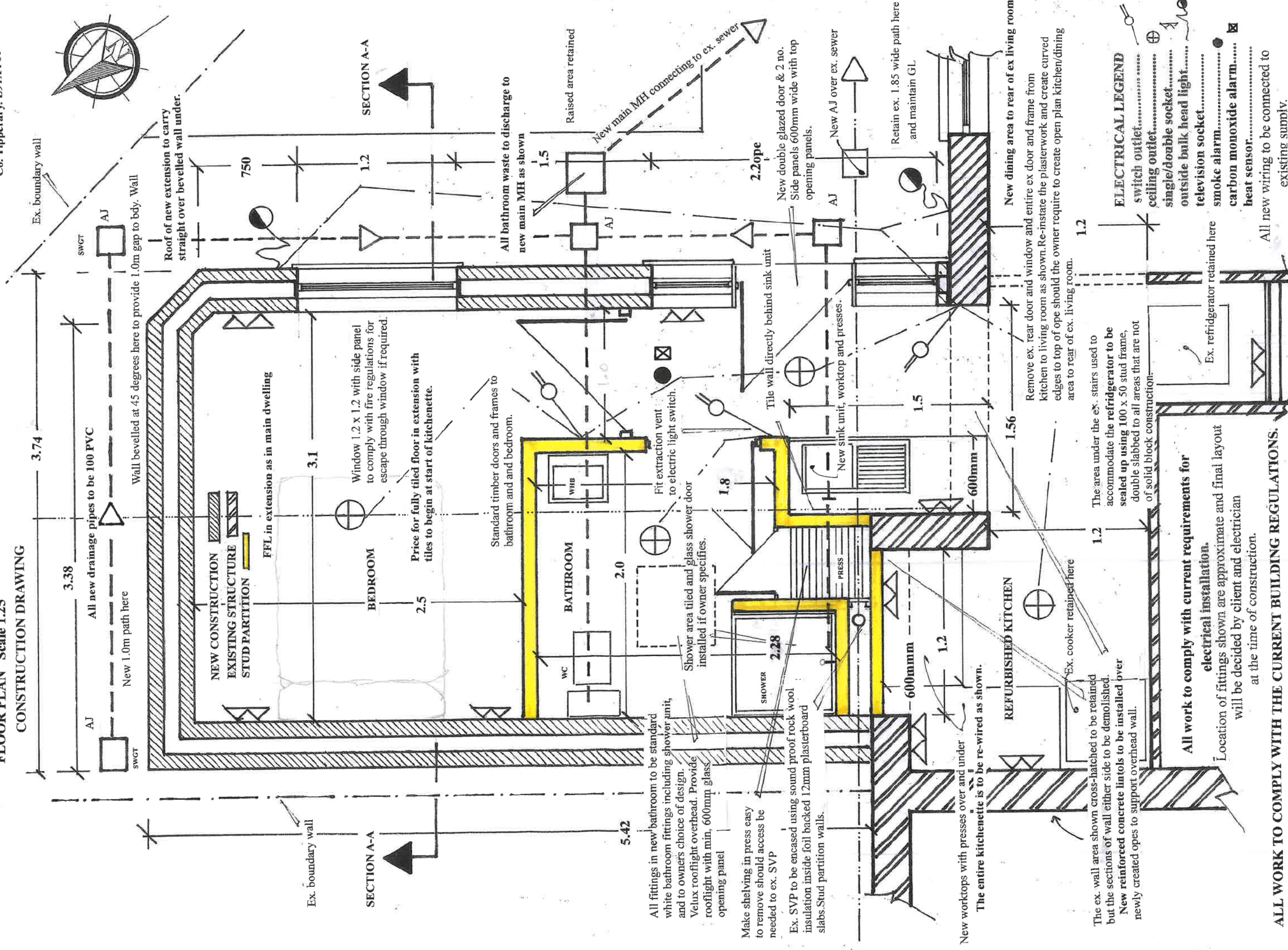
Howgrounds shopping centre

Proposed extension to rear and internal alterations to existing kitchenette, along with new drainage layout for Ms. Bettev Byrne, 12 Davis Terrace, Clonmel, Co. Tipperary.

**Prepared by: Brian Crowley, Civil eng. Tech.,
60 Fairfields, Clonmel,
Co. Tipperary. E91XY61**

**PROPOSED EXTENSION SHOWING ALTERATIONS TO KITCHENETTE
FLOOR PLAN Scale 1:25**

CONSTRUCTION DRAWING



ALL WORK TO COMPLY WITH THE CURRENT BUILDING REGULATIONS.



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Tipperary County Council

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Date: 29th September 2025 Our Ref: S5/25/120 Civic Offices, Clonmel

Betty Byrne
C/O Brian Crowley
60 Fairfields
Clonmel
Co. Tipperary

Re: Application for a Section 5 Declaration – Construction of a bedroom with a special bathroom extension at rear of dwelling house at 12 Davis terrace, Clonmel, Co. Tipperary

Dear Mr Crowley

I acknowledge receipt of further information received on 28th 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

C. Cooney

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.: S5/25/120

Applicant: Betty Byrne

Development Address: 12 Davis terrace, Clonmel, Co. Tipperary

Proposed Development: Construction of a bedroom with a special bathroom extension at rear of dwelling house.

1. GENERAL

On the 1st of September 2025, a request was made for a declaration under Section 5 of the Planning and Development Act, 2000 as amended as to whether the following is “development” and “exempt development”:

- Construction of a bedroom with a special bathroom extension at rear of dwelling house

The site is located at 12 Davis terrace, Clonmel, Co. Tipperary.

While not expressly stated in the development details, the applicant has indicated in the submitted layout that the paths in front of the house will be widened as per the recommendations of an occupational therapist.

2. STATUTORY PROVISION

The following statutory provisions are relevant to this referral case;

Planning and Development Act 2000 (As amended)

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

“In this Act, ‘development’ means, except where the context otherwise requires, the carrying out of works on, in, over or under land or the making of any material change in the use of any structures or other land.”

Section 2(1) of the Planning and Development Act, 2000, as amended, defines “works” as:-

“works” includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.

Section 4(1)(h) of the Act considers 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; to be exempted development.

Planning and Development Regulations 2001 (As amended)

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

Exempted Development.

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

Schedule 2, Part 1 'Exempted Development - General:

Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 considers the following works to be exempted development subject to the conditions and limitations set out below;

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.

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.

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

(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

3. ASSESSMENT

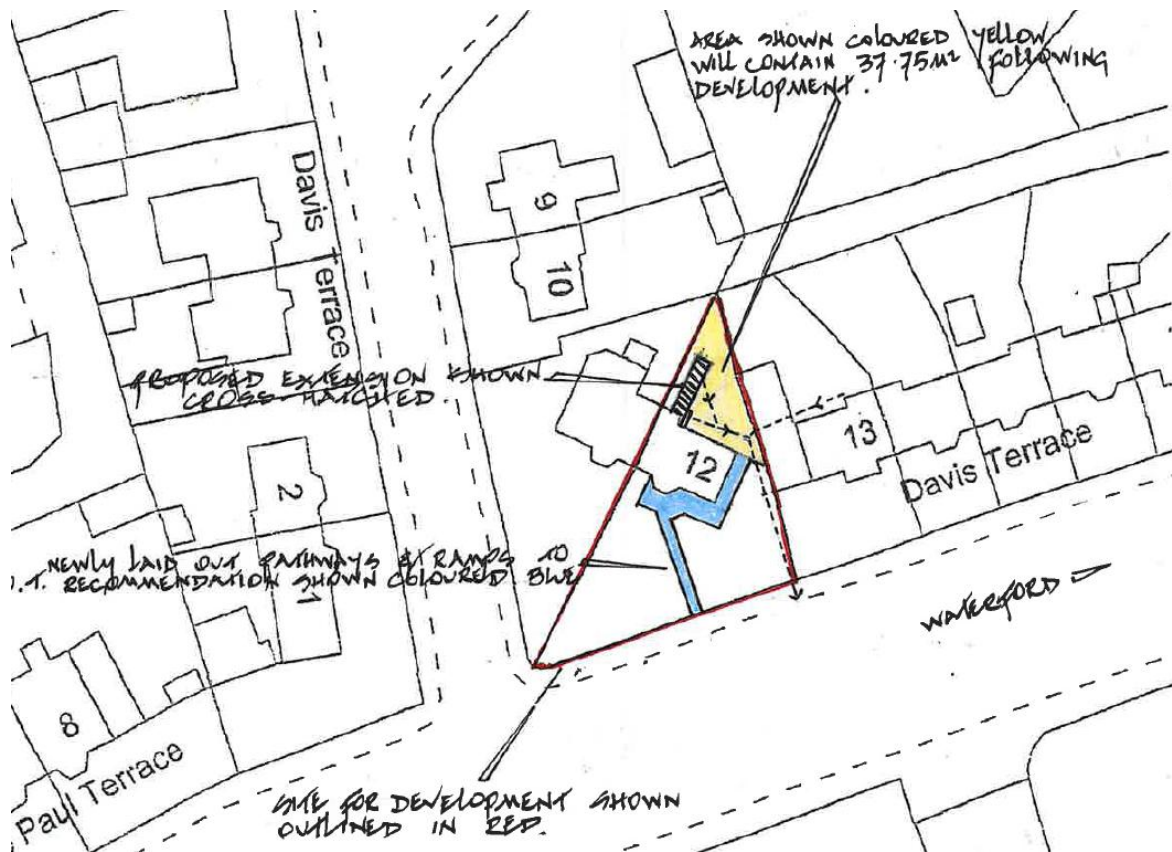
a. Site Location

The site comprises an existing two storey dwelling at 12 Davis terrace, Clonmel, Co. Tipperary.

A street view of two-story houses in a residential area. The houses are light-colored with dark roofs and chimneys. A black mailbox stands on the sidewalk in the foreground. A green fence separates the houses from the road. The sky is overcast.

There is no recent planning history on site

Figure 5 Site layout



There is a concern that the submitted site layout does not accurately depict the full footprint of the works proposed. Revised drawings illustrated at a 1:250 or 1:100 scale are required to enable the Planning Authority to determine if the rear amenity space is to be reduced to less than 25 sqms.

C) Restrictions under Article 9

The restrictions set out under Article 9 of the Planning and Development Regulations 2001, as are noted. Of relevance is the restriction set out under Art 9(1)(a)(viiB), which is considered below.

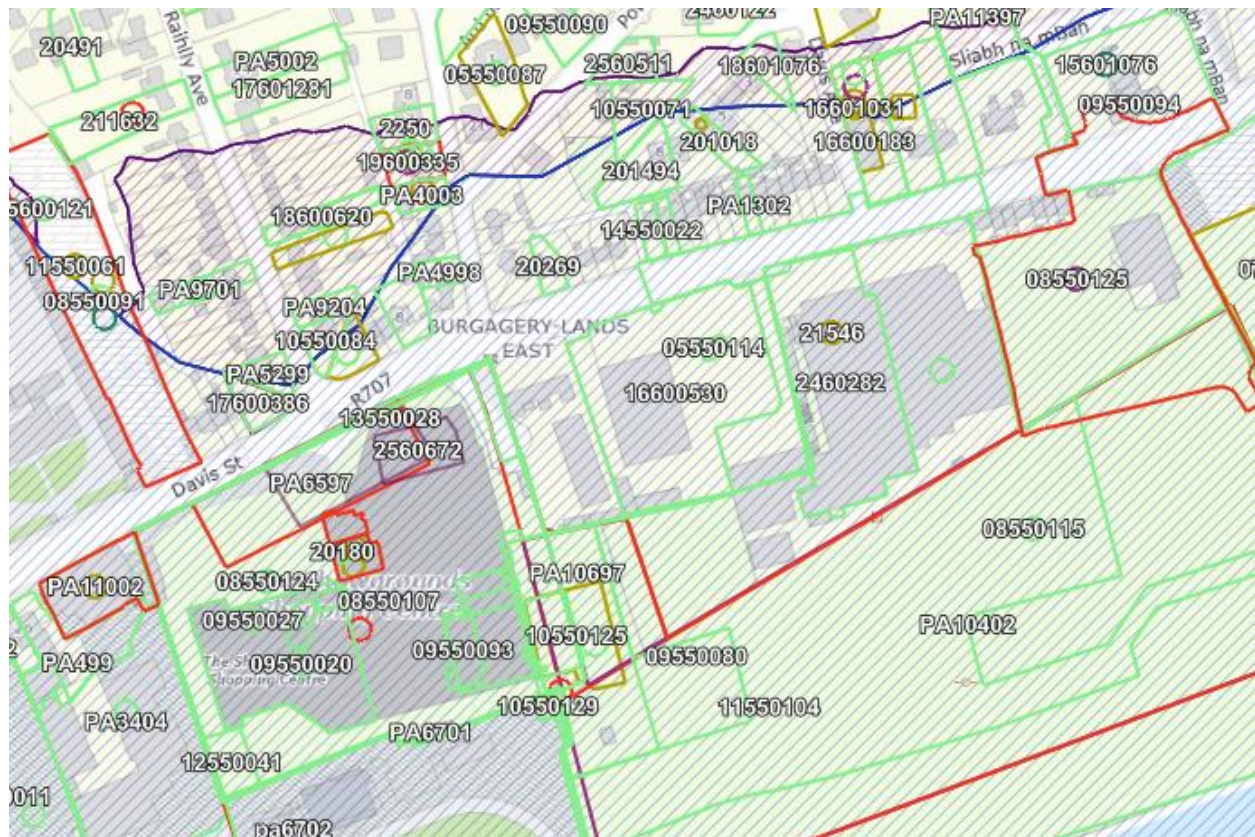
D) Requirement for Appropriate Assessment (AA) and Environmental Impact Assessment (EIA)

The subject site is located c. 300 metres from the Lower River Suir SAC, 8.9 kms from the Nier Valley SAC and 10.3 Kms from the Comeragh mountains SAC.

The proposed development is located within a long established residential area and comprises of minor alterations to the structure on site. The property is connected to the mains waste water infrastructure.

The site is however located in an area at risk of flooding as identified in the Clonmel and Environs Local Area Plan 2025. As such, a Construction and Environmental Management Plan is required to demonstrate that no site specific mitigation measures are required to prevent discharges to the Lower River Suir SAC and that subject to standard best practice construction Appropriate Assessment is not required.

Figure 6 Flood Zone



The proposed development has been subject to a preliminary examination to determine the requirement for EIA. EIA is not required in respect of the development. See attached.

4. FURTHER INFORMATION

The following further information was requested on the 24th of September 2025;

1. The details submitted with the Declaration application are noted. There is a concern that the submitted site layout does not accurately depict the full footprint of the works proposed. Revised drawings illustrated at a 1:250 or 1:100 scale are required to enable the planning Authority to determine if the rear amenity space is to be reduced to less than 25 sqms.
2. The subject site is located in an area at risk of flooding with the potential for a direct hydrological connection between the subject site and the lower River Suir Special Area of Conservation (SAC). You are required to submit a comprehensive Construction and Environmental Management Plan for the works proposed to demonstrate that no site specific mitigation measures are required to prevent discharges to the Lower River Suir SAC.

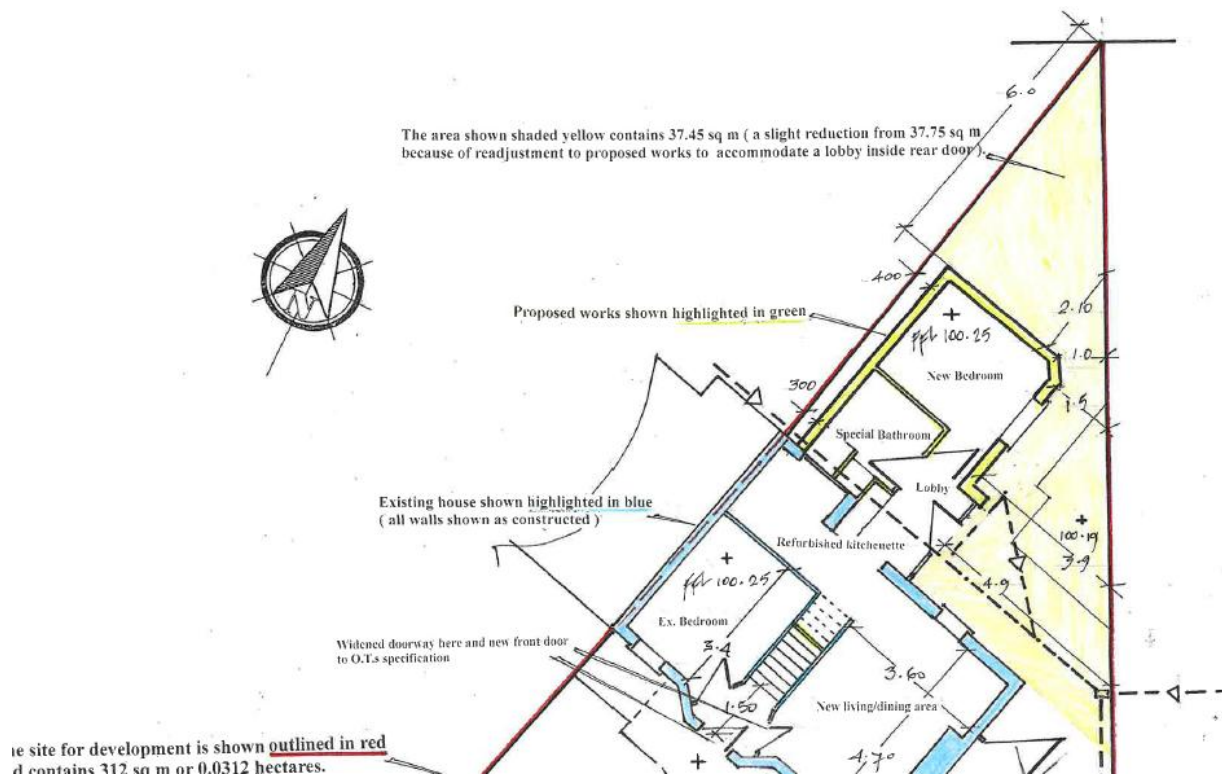
The querist replied on the 28th of October 2025.

APPRAISAL

Point 1

The applicant has submitted revised drawings confirming that the rear amenity space has an area of 37.45 sqms.

Figure 7 Area of rear amenity space



This exceeds the 25 sqm requirement.

Point 2

The querist has drawn the Planning Authorities attention to a permitted application in the vicinity of the site (23/132), an application for a domestic extension. A stage two Appropriate Assessment was not required in relation to this application.

Both the subject site and the site relating to 23/132 are located in the same flood risk area. The querist noted that there was no requirement for the submission of a Construction and Environment Management Plan.

The subject query relates to the construction of a minor rear extension in an urban location, c 300 metres from the Lower River Suir SAC. It is separated from same by built up area and is defended from flooding.

Having regard to minor nature of the proposed works (minor alterations to an existing dwelling), and the physical separation of the site from the SAC, the Planning Authority is satisfied that subject to normal construction practices, the development will not have a significant effect individually, or in-combination with other plans and projects, on the Natura 2000 network and appropriate assessment is not therefore required.

5. RECOMMENDATION

Having regard to:

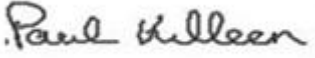
- (a) Sections 2, 3 & 4 of the Planning and Development Act 2000, as amended,
- (b) Part 1 Class 1, of Schedule 2 Planning & Development Regulations 2001, as amended
- (c) Articles 6 and 9 of the Planning & Development Regulations 2001, as amended, and

- (d) The details submitted by the querist with the Declaration and by way of further information on the 28th of October 2025,

Tipperary County Council has concluded that the

Construction of a bedroom with a special bathroom extension at rear of 12 Davis terrace,
Clonmel, Co. Tipperary,

constitutes development and is considered to be “exempted development”.

Signed: 
Paul Killeen
District Planner

Date: 10/11/25


Signed: C. Conway
Senior Executive Planner

Date: 12.11.2025

Appendix 1

HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT				
STEP 1. Description of the project/proposal and local site characteristics:				
(a) File Reference No:		S5/25/120		
(b) Brief description of the project or plan:		Domestic extension		
(c) Brief description of site characteristics:		12 Davis terrace, Clonmel, Co. Tipperary – existing built up residential area		
(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW		None		
(e) Response to consultation:		n/a		
STEP 2. Identification of relevant Natura 2000 sites using Source-Pathway-Receptor model and compilation of information on Qualifying Interests and conservation objectives.				
European Site (code)	List of Qualifying Interest/Special Conservation Interest ¹	Distance from proposed development ² (km)	Connections (Source-Pathway-Receptor)	Considered further in screening Y/N
Lower River Suir SAC 002137	https://www.npws.ie/protected-sites/sac/002137	300 metres	Surface water collected and discharged to a soakpit	yes
Nier Valley woodlands 000404	https://www.npws.ie/protected-sites/sac/00404	8.9 kms	No due to distance and the lack of any relevant ex-situ factors of significance to these species.	Nier Valley woodlands 000404
Comeragh Mountains SAC 01952	https://www.npws.ie/protected-sites/sac/001952	10.3 kms	No due to distance and the lack of any relevant ex-situ factors of significance	Comeragh Mountains SAC 01952

			to these species.	
STEP 3. Assessment of Likely Significant Effects				
(a) Identify all potential direct and indirect impacts that may have an effect on the conservation objectives of a European site, taking into account the size and scale of the project under the following headings:				
Impacts:		Possible Significance of Impacts: (duration/magnitude etc.)		
Construction phase e.g. <ul style="list-style-type: none">• Vegetation clearance• Demolition• Surface water runoff from soil excavation/infill/landscaping (including borrow pits)• Dust, noise, vibration• Lighting disturbance• Impact on groundwater/dewatering• Storage of excavated/construction materials• Access to site• Pests		No impacts		
Operational phase e.g. <ul style="list-style-type: none">• Direct emission to air and water• Surface water runoff containing contaminant or sediment• Lighting disturbance• Noise/vibration• Changes to water/groundwater due to drainage or abstraction• Presence of people, vehicles and activities• Physical presence of structures (e.g. collision risks)• Potential for accidents or incidents		No impacts		
In-combination/Other		No likely in combination effects		
(b)Describe any likely changes to the European site:				
Examples of the type of changes to give consideration to include: <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.)		No impacts		

- Changes to areas of sensitivity or threats to QI
- Interference with the key relationships that define the structure or ecological function of the site

(c) Are '*mitigation*' measures necessary to reach a conclusion that likely significant effects can be ruled out at screening?

☐ Yes ☒ No

STEP 4. Screening Determination Statement

The assessment of significance of effects:

Describe how the proposed development (alone or in-combination) is/is **not likely** to have **significant** effects on European site(s) in view of its conservation objectives.

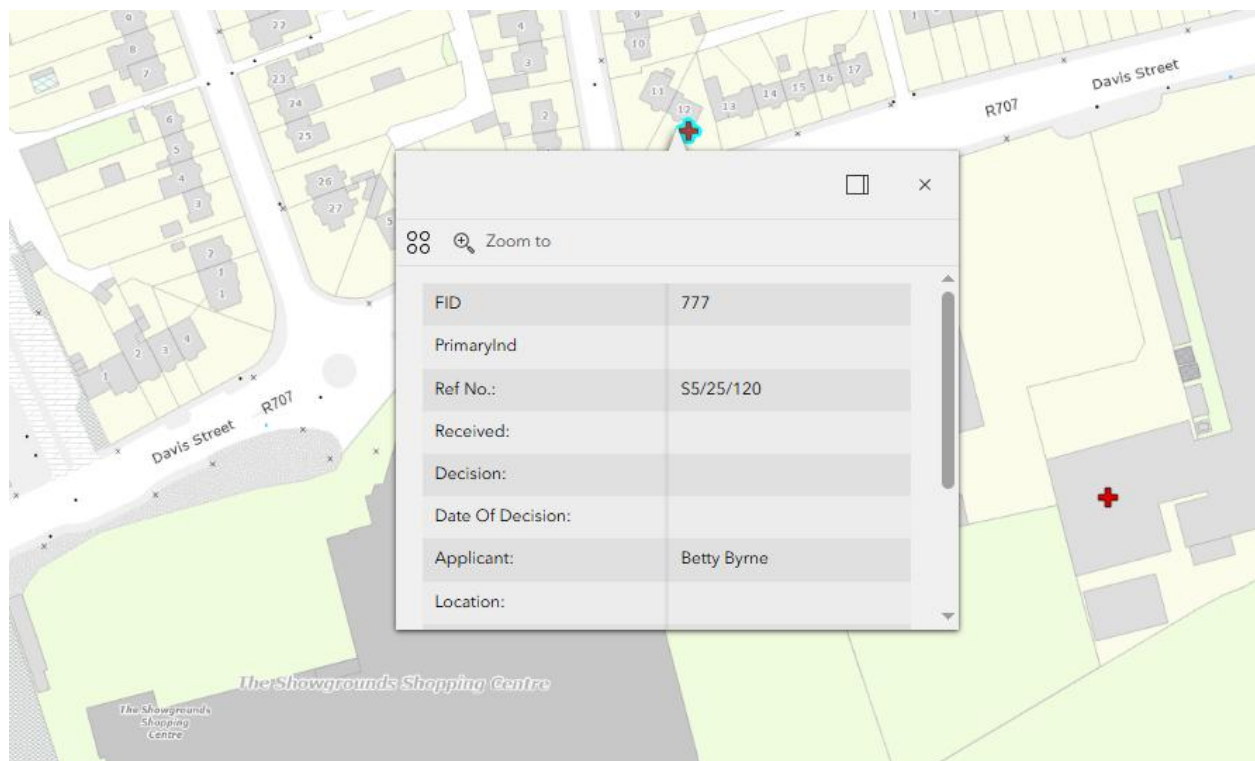
No impacts

Conclusion:

	Tick as Appropriate:	Recommendation:
(i) It is clear that there is no likelihood of significant effects on a European site.	<input checked="" type="checkbox"/>	The proposal can be screened out: Appropriate assessment not required.
(ii) It is uncertain whether the proposal will have a significant effect on a European site.	<input type="checkbox"/>	<input type="checkbox"/> Request further information to complete screening <input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
(iii) Significant effects are likely.	<input type="checkbox"/>	<input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
Signature and Date of Recommending Officer:	Paul Killeen	Date: 10/11/25

EIA Pre-Screening	
Establishing a development is a 'sub-threshold development'	
File Reference:	S5/23/120
Development Summary:	Domestic extension
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

Figure 8 Site entered on Planning register





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 5000/6000
e customerservice
@tipperarycoco.ie
tipperarycoco.ie

Date: 13th November, 2025

Our Ref: S5/25/120

Civic Offices, Nenagh

Betty Byrne
C/O Brian Crowley
60 Fairfields
Clonmel
Co. Tipperary

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

Dear Ms Byrne,

I refer to your application for a Section 5 Declaration received on 1st September, 2025, and Further Information received on 28th October, 2025 in relation to the following proposed works:

Construction of a bedroom with a special bathroom extension at rear of dwelling house at 12 Davis terrace, Clonmel, Co. Tipperary

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

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

- (a) Sections 2, 3 & 4 of the Planning and Development Act 2000, as amended,
- (b) Part 1 Class 1, of Schedule 2 Planning & Development Regulations 2001, as amended
- (c) Articles 6 and 9 of the Planning & Development Regulations 2001, as amended, and
- (d) The details submitted by the querist with the Declaration and by way of further information on the 28th of October 2025,

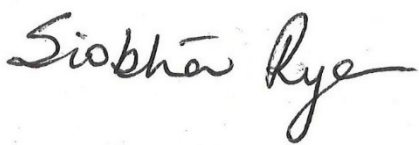
Tipperary County Council has concluded that the

Construction of a bedroom with a special bathroom extension at rear of
12 Davis terrace, Clonmel, Co. Tipperary,

constitutes development and is considered to be "**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 long, sweeping tail on the letter 'y'.

for **Director of Services**

Original

TIPPERARY COUNTY COUNCIL

DELEGATED EMPLOYEE'S ORDER

File Ref: **S5/25/120**

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 3rd 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 Betty Byrne, C/O Brian Crowley, 60 Fairfields, Clonmel, Co. Tipperary re: Construction of a bedroom with a special bathroom extension at rear of dwelling house at 12 Davis terrace, Clonmel, Co. Tipperary is development and is exempted development.

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

- (a) Sections 2, 3 & 4 of the Planning and Development Act 2000, as amended,
- (b) Part 1 Class 1, of Schedule 2 Planning & Development Regulations 2001, as amended
- (c) Articles 6 and 9 of the Planning & Development Regulations 2001, as amended, and
- (d) The details submitted by the querist with the Declaration and by way of further information on the 28th of October 2025,

Tipperary County Council has concluded that the

Construction of a bedroom with a special bathroom extension at rear of 12 Davis terrace, Clonmel, Co. Tipperary,

constitutes development and is considered to be "exempted development".

Signed:



Brian Beck
Director of Services

Date: 13/11/2025