



Comhairle Contae Thiobraid Árann
Tipperary County Council



PLANNING & DEVELOPMENT ACT, 2000 (as amended)

Application for a Section 5 Declaration
Development / Exempted Development

1. Applicant's address/contact details:

Applicant	PATRICIA and MARIE CREIGHTON
Address	TIPPERARY GLENVIEW BALLINGARRY ROSCREA
Telephone No.	
E-mail	

2. Agent's (if any) address:

Agent	none
Address	
Telephone No.	
E-mail	
Please advise where all correspondence in relation to this application is to be sent;	
Applicant <input checked="" type="checkbox"/> Agent <input type="checkbox"/>	

3. Location of Proposed Development:

Postal Address or Townland or Location (as may best identify the land or structure in question)	ES3T020 IM 598062, 697603 Glenview Ballingarry Roscrea Tipperary (Lismacrossy).
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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.)

CLASS 9	Storage only
	Burn for Storage
Proposed floor area of proposed works/uses:	sqm 65

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)

[Redacted Signature]

Date: 10/10/2025

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	<u>OR</u>	Planning Section, Tipperary County Council, Civic Offices, Emmet Street, Clonmel, Co. Tipperary
Enquires: Telephone 0818 06 5000 E-Mail planning@tipperarycoco.ie		

FOR OFFICE USE ONLY

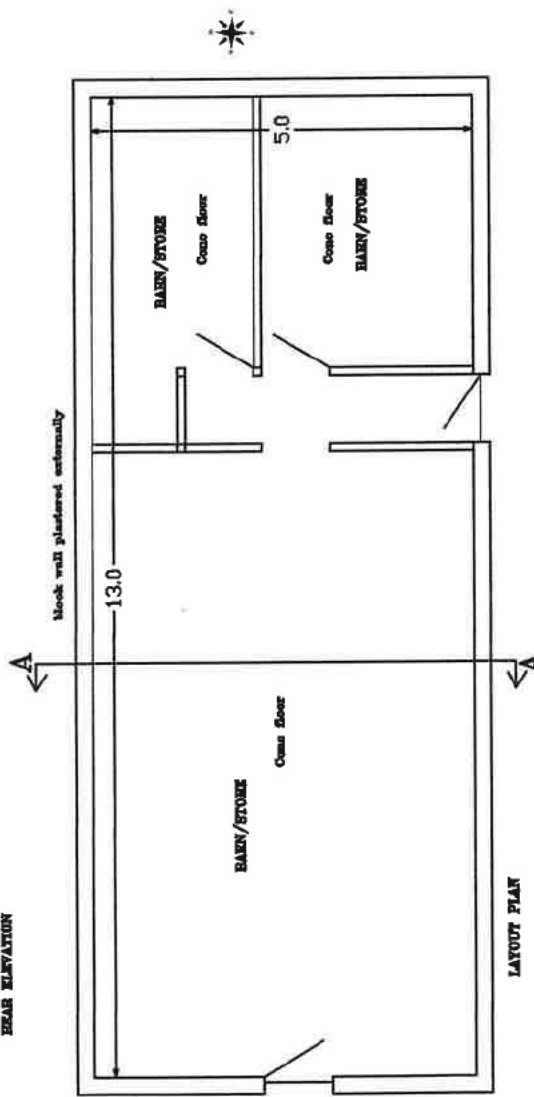
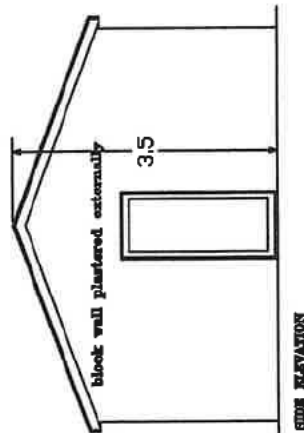
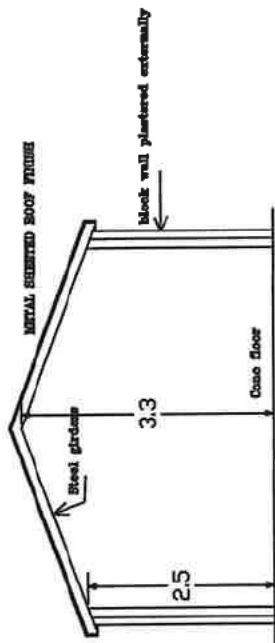
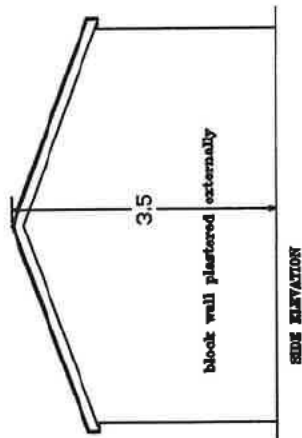
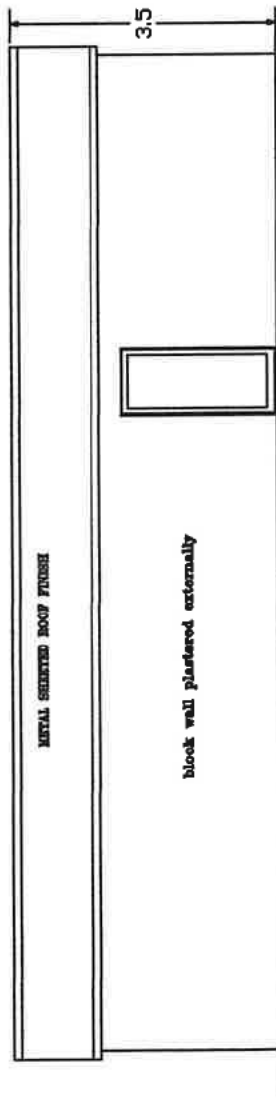
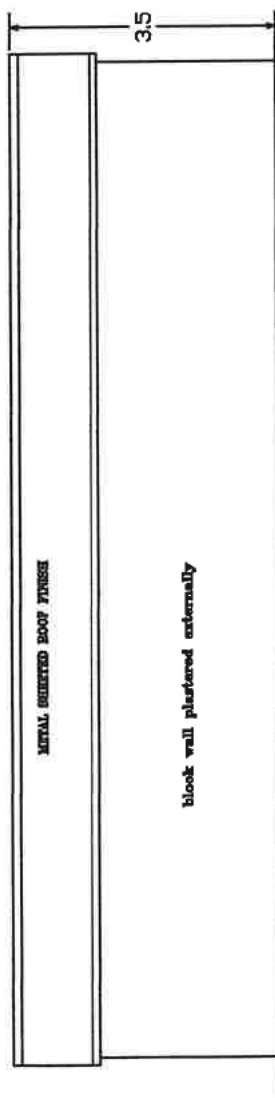
Fee Recd. €80 - Receipt No <u>132320</u> Date <u>10/10/25</u> Received by <u>Deirdre O'Brien</u>	DATE STAMP <div style="border: 1px solid black; padding: 5px; text-align: center; margin-top: 10px;">10.10.25</div> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;">FILE NO:</div>
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55/25/134

10 OCT 2025

PLANNING SECTION

FILE NO.



P. Ryan, Tech. L.L. Dip. Eng.
Survey & Mapping Studios
Carrigal, Carrigrohane,
Meath.

BARN/STORE - CLASS 9
FLOOR AREA = 65M²

Project DEVELOPMENT AT GLENVIEW.

EXISTING BUILDING DETAIL

Scale	1 : 500	Date	1/9/2025	Drawing No.	001
Rev		Rev		Rev	

55/25/134

Land Registry Compliant Map



Tailte
Éireann

CENTRE
COORDINATES:

ITM 598062,697603

PUBLISHED:

13/08/2025

ORDER NO.:

50484127_1

MAP SERIES:

1:5,000

1:2,500

1:2,500

1:2,500

MAP SHEETS:

3930

3930-B

3930-C

3930-D

COMPILED AND PUBLISHED BY:

Tailte Éireann,

Phoenix Park,

Dublin 8,

Ireland.

D08F6E4

www.tailte.ie

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LEGEND:
To view the legend visit
www.tailte.ie and search for
'Large Scale Legend'

CAPTURE RESOLUTION:
The map objects are only accurate to the
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Output scale is not indicative of data capture scale.
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OUTPUT SCALE: 1:2,500

55/25/134



Comhairle Contae Thiobraid Árann
Tipperary County Council

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

Comhairle Contae
Thiobraid Árann,
Oifigí Cathartha,
An tAonach,
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tipperarycoco.ie

Date: 16th October 2025 Our Ref: S5/25/134 Civic Offices, Nenagh

**Patricia and Maria Creighton
Glenview
Ballingarry
Roscrea
Co. Tipperary**

**Re: Application for a Section 5 Declaration – Class 9, Barn for storage
at Glenview, Ballingarry, Roscrea, Co. Tipperary (Lismacrory)
E53T020.**

Dear Madam,

I acknowledge receipt of your application for a Section 5 Declaration received on 10th 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

Planning Ref.: S5/25/134

Applicant: Patricia and Marie Creighton

Development Address: Glenview Ballingarry, Roscrea, Co Tipperary (Lismacrory) E53 T020

Proposed Development: Use of barn for storage (Class 9)

1. GENERAL

On the 10/10/2025, a request was made for a declaration under Section 5 of the Planning and Development Act, 2000 as amended in respect of the following development at Glenview Ballingarry, Roscrea, Co Tipperary (Lismacrory) E53 T020

- Use of barn for storage (Class 9)

2. STATUTORY PROVISIONS

Planning and Development Act 2000, as amended

The following statutory provisions are relevant to this referral case;

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

“use”, in relation to land, does not include the use of the land by the carrying out of any works thereon;

“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 (1) (a) – (l) of the Planning and Development Act, 2000, as amended, sets out what is exempted development for the purposes of this Act and includes

(h) ‘development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures.’

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.

Article 9 – Restrictions on Exemptions

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

(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,

Article 10 – Changes of Use

(1) Development which consists of a change of use within any one of the classes of use specified in Part 4 of Schedule 2, shall be exempted development for the purposes of the Act, provided that the development, if carried out would not—

(a) involve the carrying out of any works other than works which are exempted development,

(b) contravene a condition attached to a permission under the Act,

(c) be inconsistent with any use specified or included in such a permission, or

(d) be a development where the existing use is an unauthorised use, save where such change of use consists of the resumption of a use which is not unauthorised and which has not been abandoned.

3. ASSESSMENT

a. Site Location

The site is approximately 1.4km north of Ballingarry (NR). The site contains an existing dwelling and sheds.

b. Relevant Planning History

On site:

51/15994 – Planning permission granted to erect an extension and provide septic tank

05510303 - Planning permission granted to extension to dwelling to include reception, dining and sitting rooms with all ancillary services thereto

Adjoining Lands: None relevant

Enforcement: None

Pre-Planning: None

c. Assessment

In order for a change of use to be considered development, it must be a material change in the use as per the definition of development provided in Section 3(1)(a) of the Planning and Development Act 2000, as amended.

The application form does not specify the existing use of the building. Floorplans accompany the application. It is not clear if these floorplans are existing or proposed (or both).

It is considered that details relating to the use of the building are required in order to determine whether or not the proposal constitutes a material change of use.

d. Requirement for Appropriate Assessment (AA) and Environmental Impact Assessment (EIA)

Appropriate Assessment (AA)

The proposed development has been screened as to the requirement for AA and it has been determined that the requirement for Stage 2 AA does not arise. See Screening Report attached.

Environmental Impact Assessment (EIA):

The proposed development is not a type of development included for under Schedule 5 of the Planning and Development Regulations 2001, as amended. See screening report attached.

4. RECOMMENDATION

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

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

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

1. The plans and particulars are unclear in relation to the nature of the proposal.

In particular, the application form does not specify the existing use of the building and it is not clear if the floorplans that accompany the application are existing or proposed (or both). The applicants are required to submit:

- a) Existing floorplans;
- b) Proposed floorplans.

The floorplans shall clearly set out physical works, if any, undertaken / to be undertaken associated with the change in use. The works should be clearly illustrated on building plans and elevations.

2. The applicant is requested to submit the following further information:
- (i) Confirmation on whether the space will be permanently used as storage. Where temporary storage is proposed, details of the timeframe should be set out.
 - (ii) Details of items to be stored (agricultural or other).
 - (iii) Details of the date when the building was constructed and its use at that time.
 - (iv) Where the building is an agricultural store details of all other such agricultural stores and their respective floor areas within the same farmyard complex and within 100 metres of the site. Same to be marked on a revised site plan.
 - (v) Where the building is an agricultural store details of the consent obtained from the owners/occupiers of all dwellings within 100 metres of the structure prior to its development.

District Planner:

Olive O'Donnell

Date: 28/10/2025

Senior Executive Planner:

Jonathan Flood

Date: 29/10/2025

HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT

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

(a) File Reference No:	S5/25/134
(b) Brief description of the project or plan:	As per planners report
(c) Brief description of site characteristics:	As per planners report
(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW	None
€ 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 (km)	Connections (Source-Pathway-Receptor)	Considered further in screening Y/N
River Shannon Callows SAC	https://www.npws.ie/protected-sites/spa/000216	Within 15km	None	No
Lough Derg, North East Shore SAC	https://www.npws.ie/protected-sites/spa/002241	Within 15km	None	No
Ballyduff/Clonfinane SAC	https://www.npws.ie/protected-sites/spa/000641	Within 10km	None	No
All Saints Bog and Esker SAC	https://www.npws.ie/protected-sites/sac/000566	Within 10km	None	No
Sharavogue Bog SAC	https://www.npws.ie/protected-sites/sac/000585	Within 10km	None	No
Kilcarren Firville Bog	https://www.npws.ie/protected-sites/spa/000647	Within 10km	None	No
Ridge Road, Sw of Rapemills SAC	https://www.npws.ie/protected-sites/spa/000919	Within 10km	None	No
Liskeenan Fen	https://www.npws.ie/protected-sites/spa/001683	Within 10km	None	No
Lisduff Fen SAC	https://www.npws.ie/protected-sites/spa/002147	Within 10km	None	No
Redwood Bog	https://www.npws.ie/protected-sites/spa/002353	Within 10km	None	No

River Little Brosna Callows SPA	https://www.npws.ie/protected-sites/spa/004103	Within 10km	None	No
All Saints Bog SPA	https://www.npws.ie/protected-sites/spa/004086	Within 10km	None	No
Dovegrove Callows SPA	https://www.npws.ie/protected-sites/spa/004137	Within 10km	None	No
Lough Derg (Shannon) SPA	https://www.npws.ie/protected-sites/sac/002165	Within 15km	None	No
Island Fen SAC	https://www.npws.ie/protected-sites/sac/002236	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.)
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 	None.
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 	None.
In-combination/Other	None.

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

Examples of the type of changes to give consideration to include:	None.
-------------------------------------------------------------------	-------

- Reduction or fragmentation of habitat area
- Disturbance to QI species
- Habitat or species fragmentation
- Reduction or fragmentation in species density
- Changes in key indicators of conservation status value (water or air quality etc.)
- Changes to areas of sensitivity or threats to QI
- Interference with the key relationships that define the structure or ecological function of the site

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

☐ Yes ☒ No

STEP 4. Screening Determination Statement

The assessment of significance of effects:

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

On the basis of the information on file, which is considered adequate to undertake a screening determination and having regard to: the nature and scale of the proposed development, the proposed land use and distance from European sites, the lack of direct connections with regard to the Source-Pathway-Receptor model, it is concluded that the proposed development, individually or in-combination with other plans or projects, would not be likely to have a significant effect on the above listed European sites or any other European site, in view of the said sites' conservation objectives.

The proposed development is not likely to have significant effects.

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:	Olive O'Donnell	<div>Date:</div> <div>28/10/2025</div>

EIA PRE-SCREENING		
Establishing a development is a 'sub-threshold development'		
File Reference:	S5/25/134	
Development Summary:	As per planners report	
Was a Screening Determination carried out under Section 176A-C?	<input type="checkbox"/> Yes, no further action required <input checked="" type="checkbox"/> No, Proceed to Part A	
A. Schedule 5 Part 1 - Does the development comprise a project listed in Schedule 5, Part 1 , of the Planning and Development Regulations 2001 (as amended)? (Tick as appropriate)		
<input type="checkbox"/> Yes, specify class _____		EIA is mandatory No Screening required
<input checked="" type="checkbox"/> No		Proceed to Part B
B. Schedule 5 Part 2 - Does the development comprise a project listed in Schedule 5, Part 2 , of the Planning and Development Regulations 2001 (as amended) and does it meet/exceed the thresholds? (Tick as appropriate)		
<input checked="" type="checkbox"/> No, the development is not a project listed in Schedule 5, Part 2		No Screening required
<input type="checkbox"/> Yes the project is listed in Schedule 5, Part 2 and meets/exceeds the threshold, specify class (including threshold): _____		EIA is mandatory No Screening required
<input type="checkbox"/> Yes the project is of a type listed but is <i>sub-threshold</i> : _____		Proceed to Part C
C. If Yes , has Schedule 7A information/screening report been submitted?		
<input type="checkbox"/> Yes, Schedule 7A information/screening report has been submitted by the applicant		Screening Determination required
<input type="checkbox"/> No, Schedule 7A information/screening report has not been submitted by the applicant		Preliminary Examination required
EIA PRELIMINARY EXAMINATION: 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:

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



Comhairle Contae Thiobraid Árann
Tipperary County Council

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tipperarycoco.ie

Date: 29th October, 2025

Our Ref: S5/25/134

Civic Offices, Nenagh

Patricia and Maria Creighton
Glenview
Ballingarry
Roscrea
Co. Tipperary

Re: Application for a Section 5 Declaration – Use of barn for storage (Class 9) at Glenview Ballingarry, Roscrea, Co Tipperary (Lismacrory) E53 T020.

Dear Patricia and Maria,

I refer to an application received from you on 10th October 2025 requesting a Declaration from this Planning Authority as to whether or not certain works constitute development within the meaning of the Planning and Development Act 2000, as amended.

Further information is requested as follows;

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

1. The plans and particulars are unclear in relation to the nature of the proposal.

In particular, the application form does not specify the existing use of the building and it is not clear if the floorplans that accompany the application are existing or proposed (or both).

The applicants are required to submit:

- a) Existing floorplans;
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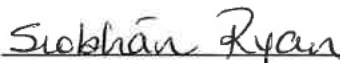
(iii) Details of the date when the building was constructed and its use at that time.

(iv) Where the building is an agricultural store details of all other such agricultural stores and their respective floor areas within the same farmyard complex and within 100 metres of the site. Same to be marked on a revised site plan.

(v) Where the building is an agricultural store details of the consent obtained from the owners/occupiers of all dwellings within 100 metres of the structure prior to its development.

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

Yours sincerely



for **Director of Services**

Very Important

Complaint map Attached to application
is old map they have not updated
and the ^(two) stores behind 0.36 store
one ~~was~~ ^{was} a mobile home at some stage the
old owners of property put this there
and two was and old shed (all movable)
If you notice the shape of the 0.36 store is
different to the drawing from Pat Ryan
and Joe Emery the reason for this
is the previous owners Attached
A mental + wine dog Kennel from the
building or store - This is why the shape
was different - Aerial Picture took
at the time included the dog Kennel
which we took down five years ago
when we moved into the property
The ~~mobile~~ mobile home and shed are gone
from the property also
the drawing that Pat Ryan did are all
of the building or stores within the boundary.

I am outlining what you stated in
your letter to the surveyor Pat Ryan
that the floor plans are clear
enough regarding existing floor plan
or - (proposed or both). My understanding is it
is (existing) - he wrote existing Building

Dear Sir/ma



This message

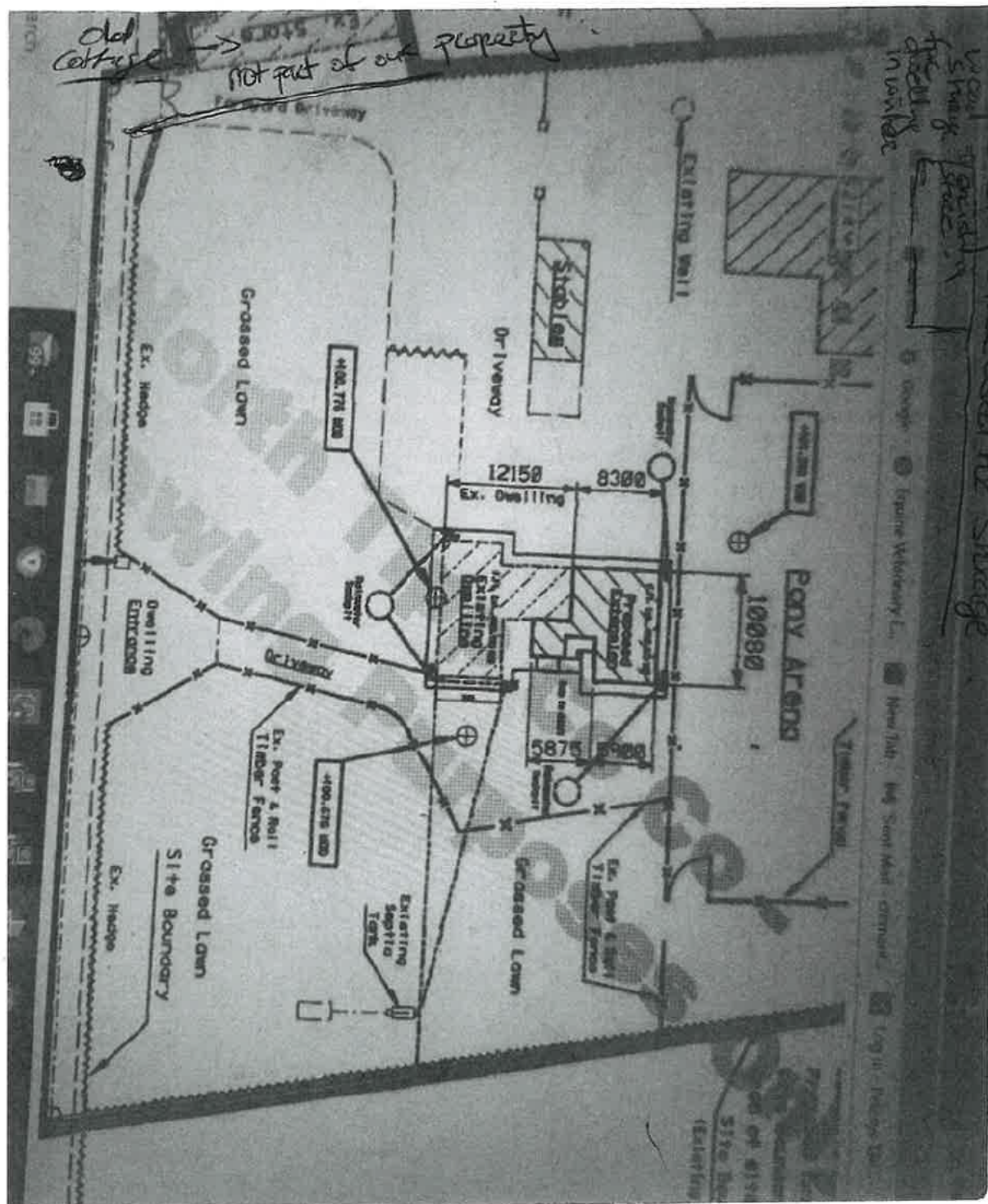
is especially to say

that you are being

thought about today

Ref 55/25/134
29/10/25
Thank you for your letter
Requesting further Information.
Thank you for keeping the Application
open for Section 5 exemption for
existing Building. The Building has
been up over 20 years - so it is just to
clean/Tidy house keeping - I was told to
just put Storage for Bares in description
on Application I am sorry about that
I have Attached
Hand Signed MARIE
Kearney

DATE: 55/25/134





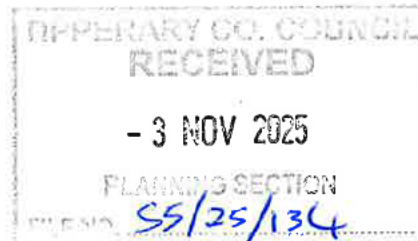
**Non-Principal Private Residence Charge (NPPR)
Certificate of Exemption under Section 8 of the
Local Government (Charges) Act 2009 (as amended)**

Tipperary County Council hereby certifies that, by virtue of subsection (1) of section 4 of the above Act, no non-principal private residence charge was payable in respect of the residential property owned by [REDACTED] at Glenview, Ballingarry, Roscrea, Co. Tipperary, E53 T020 in respect of the liability dates specified below for the reason that the property was the principal residence of the owner.

Liability dates in respect of which this certificate applies: 31st July 2009, 31st March 2010, 31st March 2011, 31st March 2012 and 31st March 2013.


for Tipperary County Council

Dated: 03/07/2019



**CERTIFICATE OF COMPLIANCE
WITH PLANNING PERMISSION AND BUILDING REGULATIONS.**

I, JOSEPH ERRITY, Architectural and Planning Consultant, Dip. Civ. Eng., of
Lisheen, Birr in the County of Offaly aged eighteen years and upwards do
HEREBY CERTIFY as follows:-

1. I am the Engineer retained by Martin O'Brien, to inspect extension to existing dwelling house at Ballingarry, Roscrea, Co. Tipperary, such building or works being hereinafter referred to as the "Relevant Works".
2. I visited the site of the development and I inspected the plans, layout plans, specifications and other drawings/ documents, supplied by Martin O'Brien, copies of which were submitted to the planning authority as those on foot of which the permission mentioned at paragraph number 4 hereunder was granted.
3. I hold a National Diploma in Engineering in Construction and Civil Works and qualified at The Regional Technical College, Athlone in 1992. I have been in independent practice on my own account since the year 1998 or thereabouts.
4. Planning permission relating to the Relevant Works are as follows:

Ref No:	Title	Date of Grant
PLC/15,994	Erect Extension with septic tank	26/10/93
05510303	Permission for the extension of Dwelling house and all ancillary site Works for Martin O'Brien.	10/06/05
5. I did not supervise the construction of the Relevant Works and this report is based solely on documentation received and submitted to Tipperary County Council and visual inspection of the Relevant Works.
I further certify that in my opinion the construction complies substantially with all the said Building Regulations applicable thereto at the time of construction..
6. Commencement Notice of the intention to undertake the Relevant Works as specified in Building Control Regulations, 1991, are as follows:

PLC/15,994	No record of Commencement Notice being submitted.
05510303	Received by North Tipperary County Council on the 15/06/05
7. The position of the relevant works, and the works themselves are in substantial compliance with the house plans, specifications and other drawings and documents presented to the planning authority, except where mention elsewhere in this Certificate. In the event that the Relevant Works and the site works pertaining thereto have not been built and/or laid out exactly in accordance with the said permission any disparity is unlikely to affect the planning and development of the area as envisaged by the Planning Authority and expressed through such permission.

NORTH TIPPERARY COUNTY COUNCIL

PLANNING AND DEVELOPMENT ACTS, 2000 - 2002

**NOTIFICATION OF DECISION TO GRANT PERMISSION
WITH CONDITIONS**

TO: Martin O'Brien
c/o James Noonan
Ballingarry
Roscrea
Co Tipperary

Ref No. 05510303

Application Received: 21/03/2005

In pursuance of the powers conferred upon them by the above mentioned Acts, North Tipperary County Council has by Order dated 06/05/2005 decided to grant you PERMISSION for development of land namely:- **extension to dwelling to include reception, dining and sitting rooms with all ancillary services thereto at Ballingarry Roscrea.**

FOR THE REASON(S) STATED IN SCHEDULE 1 AND SUBJECT TO THE CONDITION(S) STATED ON SCHEDULE 2 (1 TO 8, PAGES 1 TO 2)

If there is no appeal against the said decision, a Grant of PERMISSION in accordance with the Decision will be issued after the expiration of the period within which an appeal may be made to An Bord Pleanala. (See Footnote).

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.

FOOTNOTE: An appeal against a decision of a Planning Authority under the Planning and Development Acts 2000 - 2002 may be made to An Bord Pleanala, 64 Marlborough Street, Dublin 1 (Tel. (01) 8588100). All Appeals either by the applicant or a third party must be received by An Bord Pleanala within four weeks beginning on the date of the making of the Decision by the Planning Authority. Appeals posted within the permitted period but received after the latest date will be invalid. (Note: Where the latest date for receipt of an Appeal falls on a day when the offices of the Board are closed (Week-Ends, Public Holidays, etc.), the latest date for receipt will be the next day on which the offices are open).

An appeal must be made in writing and be accompanied by (a) the name and address of the applicant, (b) the subject matter of the Appeal, (c) the full grounds of appeal and the reasons, considerations and arguments on which they are based, (d) the appropriate fee as set out on attached schedule, and (e) in the case of a third party appeal, the acknowledgement from this Planning Authority of receipt of submissions/observations made by the third party. Any appeal which does not meet all the legal requirements will be invalid and cannot be considered by the Board. Further details are available on the Board's Website www.pleanala.ie

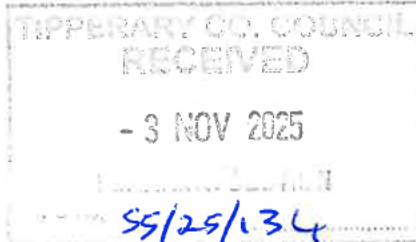
A commercial development means development for the purposes of any professional, commercial or industrial undertaking, development in connection with the provision for reward of services to persons or undertakings, or development consisting of the provision of two or more dwellings, but does not include development for the purposes of agriculture.

N.B. An appellant is not entitled to elaborate upon or make further submissions in writing in relation to the grounds of Appeal unless requested to do so by the Board.

Signed on behalf of the said Council

Date: 06/05/2005

**for Director of Services
Planning and Community & Enterprise**



8. No Planning Permission other than those referred to at paragraph 4 aforesaid is pertinent to the Relevant Works. Please note that the original haybarn was a pre 1963 development.
9. There was no requirement to obtain a fire safety certificate as the Relevant Works are extensions to existing Dwelling house.
10. I say and declare that the Relevant Works and septic tank are contained entirely within the site as indicated on Folio TY26169F.
11. The conditions of the Permission referred to at paragraph 4 relating to the Relevant Works have been substantially complied with, except where mentioned elsewhere in this certificate, BUT this paragraph is not to be taken as extending to conditions for the payment of financial contributions or the giving of security for satisfactory completion, compliance with which is not in my competence to certify.
12. There are no other works outstanding except where mentioned elsewhere in this certificate.
13. TAKE NOTE that this Certificate is issued solely with a view to providing evidence for title purposes of the compliance of the Relevant Works with the Requirements of Planning Legislation and of the Building Control Act, 1990 and the Regulations hereunder. Except insofar as it relates to compliance with the said requirements and Regulations it is not a report or survey on the physical condition or on the structure of the Relevant Works NOR does it warrant, represent or take into account any of the following matters-
 - (a) the accuracy of dimensions in general, save where arising out of the conditions of the Permission or the Building Regulations aforesaid;
 - (b) the following conditions, compliance with which cannot be established –

PLC/15,994	Condition No 1	I did not supervise the installation Of the septic tank and percolation Area.
05510303	Condition No.2	The septic tank was installed under Planning Permission PLC/15,994.
	Condition No.8	see (d) below.
 - (c) matters in respect of private rights or obligations.
 - (d) matters of financial contributions and bonds.
 - (e) development of the Relevant Works which may occur after the date of issue of this Certificate.

Dated the 1st day of July, 2019

Signed: *Joe Errity*
Joe Errity (Dip Civ. Eng.)

Land Registry Compliant Map



Tailte
Éireann

CENTRE
COORDINATES:
ITM 598062,697603

PUBLISHED:
13/08/2025
ORDER NO.:
50484127_1

MAP SERIES:
1:5,000
1:2,500
1:2,500
1:2,500
MAP SHEETS:
3930
3930-B
3930-C
3930-D

COMPILED AND PUBLISHED BY:

Tailte Éireann,
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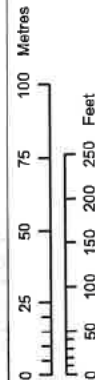
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resolution at which they were captured.
Output scale is not indicative of data capture scale.
Further information is available at:
www.tailte.ie, search 'Capture Resolution'

OUTPUT SCALE: 1:2,500





PUBLIC ROAD

EXISTING
DWELLING

EXISTING
BARN 70M²
STORE

PRE-PLANNING

EXISTING
BARN
STORE
178M²

EXISTING
BARN
STORE
65M²

TIPPERARY CO. COUNCIL
RECEIVED
- 3 NOV 2025
55/25/134

P. Ryan, Tech. L.E.I. Dip. Eng.
Survey & Mapping Studios
Carrigal, Carrigatoher,
Newagh.

BARN/STORE SUBJECT TO SECTION 5
SHOWN SHADED GREEN - CLASS 9

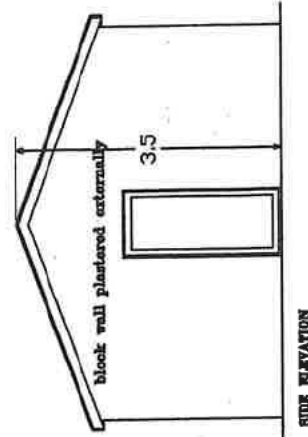
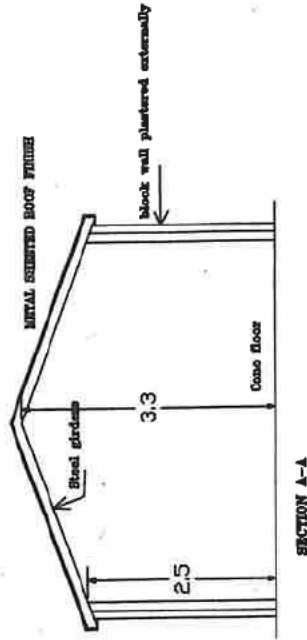
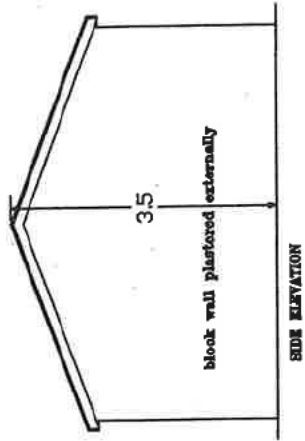
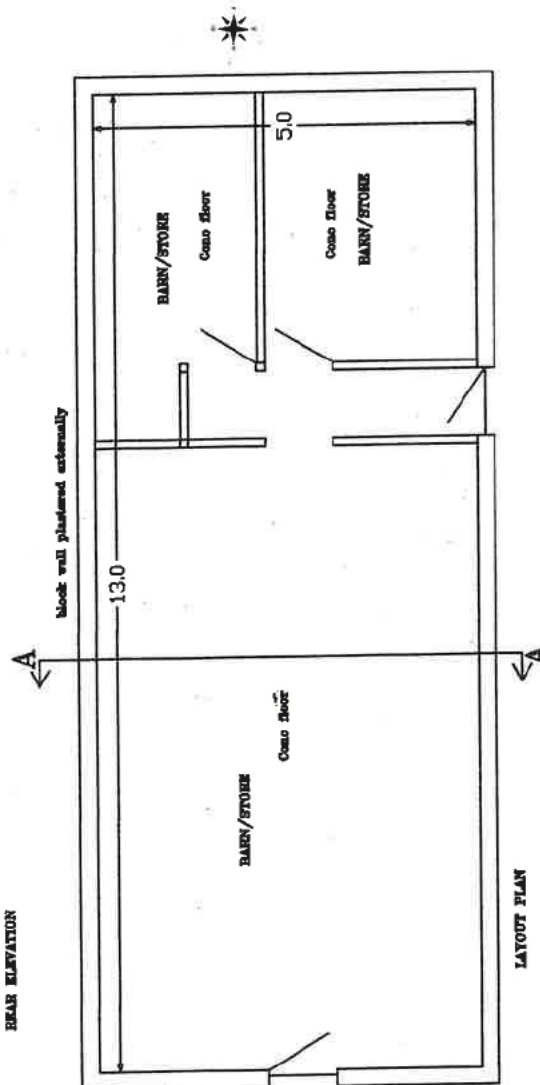
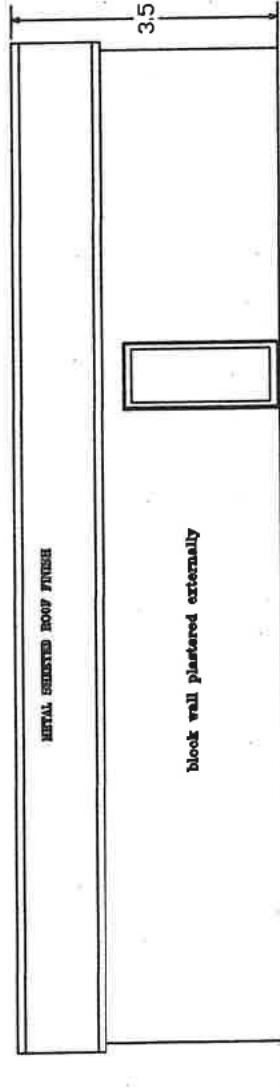
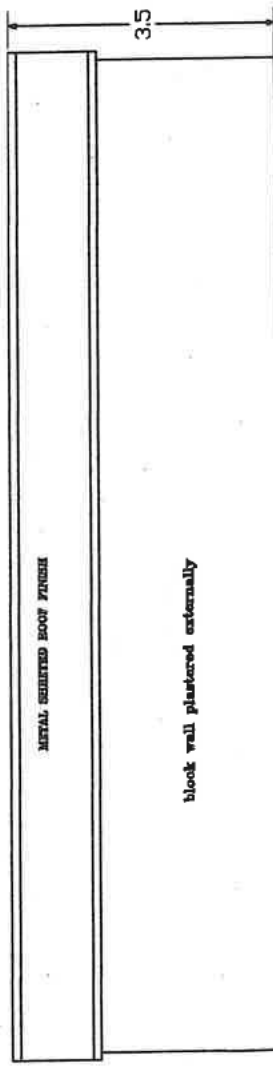
Project				DEVELOPMENT AT GLENVIEW.	
Title				SITE LAYOUT MAP	
Scale 1 : 500	Date	1/9/2025	Designed by	Drawing No.	
File Name			Drawn by	DWG/GV/Planning/01	

RECEIVED

- 3 NOV 2025

PLANNING SECTION

55/25/134



P. Ryan, Tech. L.L.L. Dip. Eng.
Survey & Mapping Studios
Carrigal, Carrigrohane,
Mounagh.

BARN/STORE - CLASS 9
FLOOR AREA = 65M²

DEVELOPMENT AT GLENVIEW.

EXISTING BUILDING DETAIL

Project	1/9/2025	1/9/2025	1/9/2025
Scale	1 : 500	1 : 500	1 : 500
Drawn by			
Checked by			
Approved by			
Project No.			
Sheet No.			
Revision			

Date 03/ October, 2025 one ref SS/25/134 civic office Nenagh.

Application for Section 5 Declaration - use of Bonus for storage class (9/1 Glenview Ballingarry Teschen Tipperary E33020.

- 3 NOV 2025
SS/25/134

further Information for Section 5 Declaration

Question: Specify the existing use of the Building
Answer: ① The existing use of Building = Storage wood
Nature of proposal would be to get exemption for existing storage building and keep its use as storage store
② Floorplans that Accompany the Application (existing or proposed or Both)
Answer: I am awaiting reply from survey Pat Ryan.

Question: ③ The floorplan shall clearly set out physical works, if any, undertaken/ to be undertaken + Associated with the change of use - The work should be clearly illustrated on Building plan and elevations.

Answer: - NO change of use - The building is use for storage ^(used for dwelling) since 2021, when we moved to the property - The property was not lived in for our understanding was for 10 years - The last owners left and went to England, but still owned the property - The building was built 20 years ago.

④ Question - Confirmation on whether the space will be permanently used as storage -

Answer - The Building will be permanently use for storage mainly - wood for dwelling/house on property.

⑤ details of Items to be stored - Agricultural - wood

⑥ Question/ details of Date Building was built?

Answer 2007/2008 Building was constructed - It was used to house breaching pups for a period of time before it was then use for the one father small wedding jobs around the farm/property.

⑦ Where the building is Agricultural store
detail of all other such Agricultural stores
and their respective floor areas within the
same farmyard complex and within 100 metres
of site - Same to be Marked on revised site plan?

Answer → Ref to site layout map / Pat Ryan Tech.
Clearly marked existing Bunn store 65M² in green which
was attached to the Application that I submitted on
the 10/October 2025 ~~Map~~ - with development plan

drawing of the existing building floor area 65M²
This includes ^{All} Elevations and layout plan.

The Land Registry Compliant Map which is up to
date is marked in (Red) the (existing store) -
(pictures take years ago - not updated)

The Compliant Map is not correct - There is

Two stores on the map which are not there which
do not exist at all - one mobile home - 0.36 store shape is
different to the drawing from
one was shed (Tech) → mobile dog kennel attach
to store
so this is gone

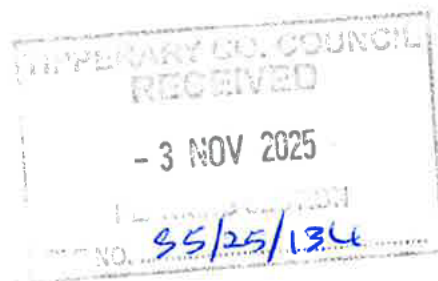
Pat Ryan will mark these building/stores
there is no confusing regarding how many stores
are on the property
on the site layout map the two stores on that
are pre 1963 development.

I will include A Certificate of Compliance with planning
permission and Building Regulations from Joseph Errity
dated 2019/1st July.

I have included drawing from Joe Errity when the
extension for the cottage was granted planning permission
(2005).
I have marked in blue the new boundary line as we don't own
the store to the left of the blue line or any land to the left.
You can clearly see the drawing Joe Errity did and the drawing
Pat Ryan did match up... nothing was changed since 2005
where the planning permission was granted for the extension to
the cottage -

⑧ Consent to obtained from owners/occupiers of dwellings within 100 metres
of structure? There is no owners/occupiers within 100 metres of structure
now or prior to its development.

③ We will require an undertaking from yourselves to assist with PRAI queries in relation to same should any arise





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 5000/600
e customerservice
@tipperarycoco.ie
tipperarycoco.ie

Date: 3rd November 2025 Our Ref: S5/25/134 Civic Offices, Nenagh

**Patricia and Maria Creighton
Glenview
Ballingarry
Roscrea
Co. Tipperary**

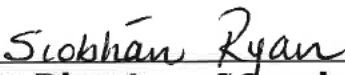
**Re: Application for a Section 5 Declaration – Use of barn for storage
(Class 9) at Glenview Ballingarry, Roscrea, Co Tipperary (Lismacrorry) E53
T020.**

Dear Patricia and Maria,

I acknowledge receipt of Further Information received on 3rd November 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**


18/11/2025

Eincode
ES3RX86

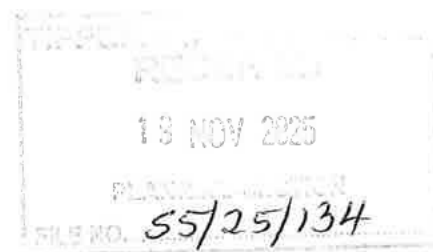
Letter of Consent (B)

I Bertie Hough have no objection
and give my consent for the Agrarian Mutual store
at Glenview Ballinacorney Roscrea Tipperary
at Marie and Patricia Creighton's property.
that is seeking a Seehin S Declaration
use of Barn storage at Glenview
Ballinacorney Roscrea Tipperary.

Sign



Witness



18/11/2025

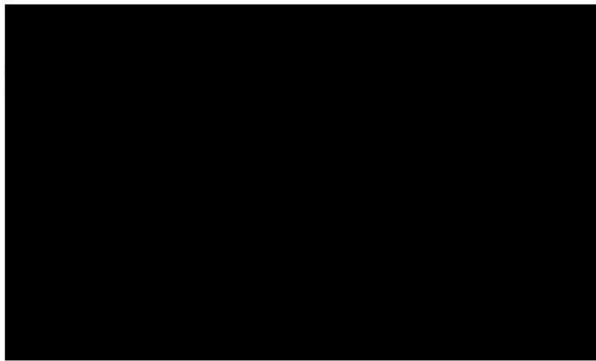
Code = E53 H F 89

Letter of Consent

I Pauline Hogan of Lismacree
Ballingarry
ROSCREA CO. T. PP
have no objection and give my
consent for the Agricultural store
at Glenview Ballingarry, Roscrea CO. Tipperary
(Lismacree) ES3T020 at Marie and Patricia
Creightons property that is seeing
a seeing & dedication use of barn
for storage at Glenview Ballingarry
Roscrea, Tipperary.

Sign

Witness



18/11/2025

Excode ES3KAO7

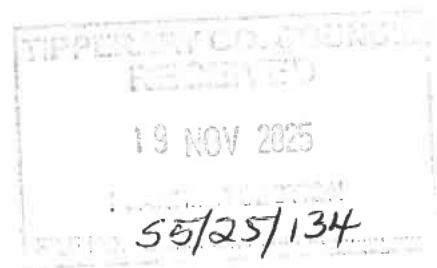
Letter of Consent

I P.J. Ryan have no objection
and give my consent for the Agricultural
Store at Glenview Ballinacorney owned
Marie & Patricia Creighton. They seek
an Section 5 Declaration use of barn storage
at Glenview Ballinacorney Roscrea Tipperary
Excode ES31020.

Signed

ATION TO RETENTION of STAFF

Witness



18/11/2025

Pincode ~~ES3D372~~
ES37767

Letter of Consent (D)

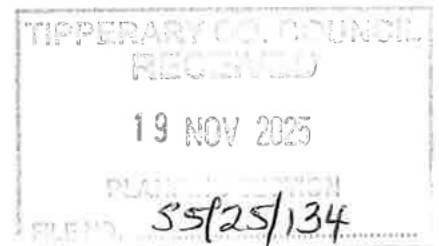
I J. B. have no objection
and give my consent for the
Agricultural building/shed at Glenview
Ballygunny owners Marie and Patrick
Cleight that seek a Section 5
declaration use of barn storage (class 9)
at Glenview Ballygunny Rosera.
Tipperary.

Sign

[Redacted Signature]

Witness

[Redacted Witness Signature]



Land Registry Compliant Map

Tailte Éireann

CENTRE
COORDINATES:
ITM 598056,697739

PUBLISHED:
19/09/2024
ORDER NO.:
50423504_1

MAP SERIES:
1:5,000 3930
1:2,500 3930-B
1:2,500 3930-C
1:2,500 3930-D

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35725/134

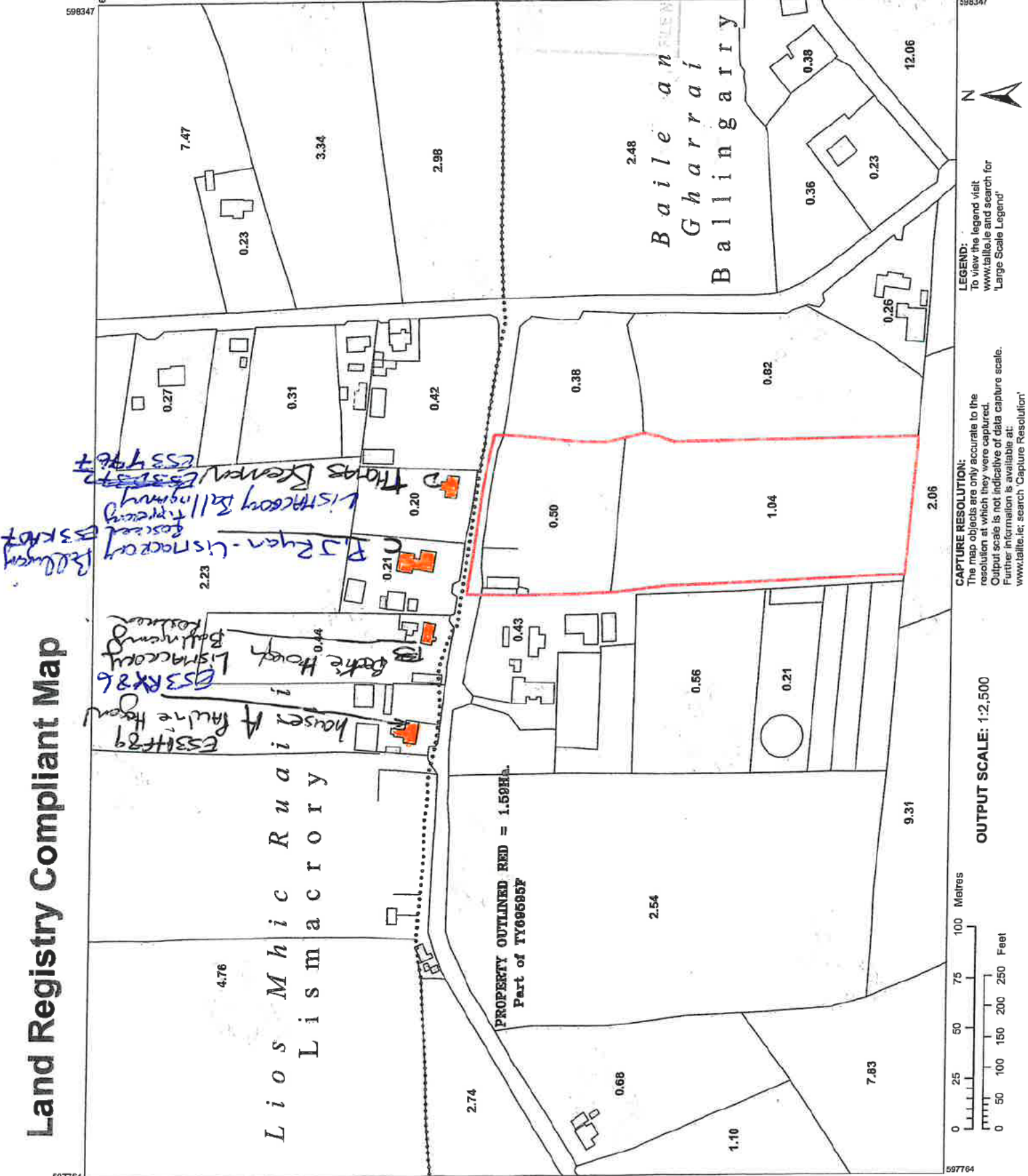
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OUTPUT SCALE: 1:2,500

TIPPERARY COUNTY COUNCIL

Application for Declaration under Section 5

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

Planning Ref.: S5/25/134

Applicant: Patricia and Marie Creighton

Development Address: Glenview Ballingarry, Roscrea, Co Tipperary (Lismacrory) E53 T020

Proposed Development: Use of barn for storage (Class 9)

1. GENERAL

On the 10/10/2025, a request was made for a declaration under Section 5 of the Planning and Development Act, 2000 as amended in respect of the following development at Glenview Ballingarry, Roscrea, Co Tipperary (Lismacrory) E53 T020

- Use of barn for storage (**Class 9**)

2. STATUTORY PROVISIONS

Planning and Development Act 2000, as amended

The following statutory provisions are relevant to this referral case;

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

“agriculture” includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the training of horses and the rearing of bloodstock, the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and “agricultural” shall be construed accordingly.

“use”, in relation to land, does not include the use of the land by the carrying out of any works thereon;

“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 (1) (a) – (l) of the Planning and Development Act, 2000, as amended, sets out what is exempted development for the purposes of this Act and includes

(h) *'development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures.'*

Planning and Development Regulations 2001, as amended

Article 6 (Exempted Development) of the Planning and Development Regulations 2001, as amended state

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.

(3) Subject to article 9, in areas other than a city, a town or an area specified in section 19(1)(b) of the Act or the excluded areas as defined in section 9 of the Local Government (Reorganisation) Act, 1985 (No. 7 of 1985), development of a class specified in column 1 of Part 3 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 3 opposite the mention of that class in the said column 1.

Article 9 (Restrictions on Exemptions) states;

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

(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,

Article 10 – Changes of Use

(1) Development which consists of a change of use within any one of the classes of use specified in Part 4 of Schedule 2, shall be exempted development for the purposes of the Act, provided that the development, if carried out would not—

- (a) involve the carrying out of any works other than works which are exempted development,
- (b) contravene a condition attached to a permission under the Act,
- (c) be inconsistent with any use specified or included in such a permission, or
- (d) be a development where the existing use is an unauthorised use, save where such change of use consists of the resumption of a use which is not unauthorised and which has not been abandoned.

Part 3 of Schedule 2 includes the following exemption;

Class 9

Works consisting of the provision of any store, barn, shed, glass-house or other structure, not being of a type specified in class 6, 7 or 8 of this Part of this Schedule, and having a gross floor space not exceeding 300 square metres.

Subject to the following conditions and limitations;

1. No such structure shall be used for any purpose other than the purpose of **agriculture or forestry**, but excluding the housing of animals or the storing of effluent.
2. The gross floor space of such structures together with any other such structures situated within the same farmyard complex or complex of such structures or within 100 metres of that complex shall not exceed 900 square metres gross floor space in aggregate.
3. No such structure shall be situated within 10 metres of any public road.
4. No such structure within 100 metres of any public road shall exceed 8 metres in height.
5. No such structure shall be situated within 100 metres of any house (other than the house of the person providing the structure) or other residential building or school, hospital, church or building used for public assembly, save with the consent in writing of the owner and, as may be appropriate, the occupier or person in charge thereof.
6. No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.

3. ASSESSMENT

a. Site Location

The site is approximately 1.4km north of Ballingarry (NR). The site contains an existing dwelling and sheds.

b. Relevant Planning History

On site:

51/15994 – Planning permission granted to erect an extension and provide septic tank

05510303 - Planning permission granted to extension to dwelling to include reception, dining and sitting rooms with all ancillary services thereto

Adjoining Lands: None relevant

Enforcement: UD-05-072 related to unauthorised structures on the site. There was an Enforcement Notice issued in relation to same in 2005. This file was closed in September 2011. Whilst this file was not available to view at the time of writing this report I note that the structure subject to this Section was developed in 2007/2008 and was not on site at the time the subject notice was issued.

Pre-Planning: None

c. Assessment

The Section 5 application does not refer to any works and refers to use only. In order for a change of use to be considered development, it must be a material change in the use as per the definition of development provided in Section 3(1)(a) of the Planning and Development Act 2000, as amended.

The application form does not specify the existing use of the building. Floorplans accompany the application. It is not clear if these floorplans are existing or proposed (or both).

It is considered that details relating to the planning status and use of the existing building are required in order to determine whether or not the proposal constitutes a material change of use. Further Information is to be requested.

d. Requirement for Appropriate Assessment (AA) and Environmental Impact Assessment (EIA)

Appropriate Assessment (AA)

The proposed development has been screened as to the requirement for AA and it has been determined that the requirement for Stage 2 AA does not arise. See Screening Report attached.

Environmental Impact Assessment (EIA):

The proposed development is not a type of development included for under Schedule 5 of the Planning and Development Regulations 2001, as amended. See screening report attached.

4. RECOMMENDATION

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

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

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

1. The plans and particulars are unclear in relation to the nature of the proposal.

In particular, the application form does not specify the existing use of the building and it is not clear if the floorplans that accompany the application are existing or proposed (or both). The applicants are required to submit:

- a) Existing floorplans;
- b) Proposed floorplans.

The floorplans shall clearly set out physical works, if any, undertaken / to be undertaken associated with the change in use. The works should be clearly illustrated on building plans and elevations.

2. The applicant is requested to submit the following further information:

- (i) Confirmation on whether the space will be permanently used as storage. Where temporary storage is proposed, details of the timeframe should be set out.
- (ii) Details of items to be stored (agricultural or other).
- (iii) Details of the date when the building was constructed and its use at that time.
- (iv) Where the building is an agricultural store details of all other such agricultural stores and their respective floor areas within the same farmyard complex and within 100 metres of the site. Same to be marked on a revised site plan.
- (v) Where the building is an agricultural store details of the consent obtained from the owners/occupiers of all dwellings within 100 metres of the structure prior to its development.

District Planner:

Olive O'Donnell

Date: 28/10/2025

Senior Executive Planner:

Jonathan Flood

Date: 29/10/2025

5. FURTHER INFORMATION

Two points of further information (FI) were requested from the applicant in a letter dated 29/10/2025. The FI request is outlined below in italics with assessment under same in bold.

1. The plans and particulars are unclear in relation to the nature of the proposal.

In particular, the application form does not specify the existing use of the building and it is not clear if the floorplans that accompany the application are existing or proposed (or both). The applicants are required to submit:

- a) Existing floorplans;*
- b) Proposed floorplans.*

The floorplans shall clearly set out physical works, if any, undertaken / to be undertaken associated with the change in use. The works should be clearly illustrated on building plans and elevations.

2. The applicant is requested to submit the following further information:

- i. Confirmation on whether the space will be permanently used as storage. Where temporary storage is proposed, details of the timeframe should be set out.*
- ii. Details of items to be stored (agricultural or other).*
- iii. Details of the date when the building was constructed and its use at that time.*
- iv. Where the building is an agricultural store details of all other such agricultural stores and their respective floor areas within the same farmyard complex and within 100 metres of the site. Same to be marked on a revised site plan.*
- v. Where the building is an agricultural store details of the consent obtained from the owners/occupiers of all dwellings within 100 metres of the structure prior to its development.*

In response to the above items no. 1 and 2, the applicant has submitted two cover letters and a number of plans. It is noted therein that:

- There are no proposals for physical works to the building;**
- The building will be permanently used for storage (mainly wood);**
- The building was constructed in 2007 / 2008 and was first used to breed pups, and then used for small welding jobs;**
- The revised site layout plan identifies two other buildings on site (a barn storey 70sqm and a barn / store 178sqm);**
- There are 4 dwellings within 100m of the building. Four signed letters have been submitted through unsolicited further information consenting in writing to the erection of the structure within 100 metres of their dwelling.**

Further to the above, it is noted that the building:

- Is not within 10 metres of any public road,
- Is within 100 metres of the public road but does not exceed 8 metres in height.

It is considered that the existing structure and its use as a barn/shed would have availed of an exemption under Class 9 of Part 3 of Schedule 2 of the Regulations at the time of its construction. The use for the breeding of pups would not have complied with the exemption but this unauthorised use ceased some time ago. From the details submitted the more recent use appears to be for carrying out tasks associated with the maintenance of the landholding at this location.

The proposed use referred in the application is unclear as the application form and the FI submitted by the applicant refers to a Class 9 use. Condition and Limitation No. 1 attached to this exemption limits the use of any such structure to agricultural and forestry. The applicant also refers to the use of the structure for the storage of wood for use in the domestic property. I would consider that the use of part of stores and barns on agricultural holdings for the storage of wood is a commonplace occurrence and would be ancillary to the primary use of the agricultural structure and would not result in a material change of use. Notwithstanding an advice note should be attached making the applicant aware of the condition and limitation on the class 9 exemption in relation to use.

Overall, it is considered that the use of the structure as an agricultural store does not result in a material change of use of the structure and is not development.

6. RECOMMENDATION

WHEREAS a question has arisen as to whether the following proposal to be undertaken at Glenview Ballingarry, Roscrea, Co Tipperary (Lismacrory) E53 T020 is development and is or is not exempted development:

- Use of barn for storage (Class 9)

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

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

AND WHEREAS Tipperary County Council has concluded that –

The proposed development, as presented on the drawings and details provided with the Declaration application on 10/10/2025, as amended by Further Information received on 03/11/2024 and unsolicited Further Information received on 19/11/2025, does not constitute works or a material change of use and is therefore not development.

Advice Note: As per Condition and Limitation No. 1 attached to the exemption available under Class 9 of Part 3 of Schedule 2 of the Planning and Development Regulations 2001, as amended, the use of the subject structure is required to be restricted to use for agricultural storage purposes only.

District Planner:

Olive O'Donnell

Date: 17/11/2025

C. Conway

Senior Executive Planner:

Date: 20.11.2025

HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT

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

(a) File Reference No:	S5/25/134
(b) Brief description of the project or plan:	As per planners report
(c) Brief description of site characteristics:	As per planners report
(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW	None
€ 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 (km)	Connections (Source-Pathway-Receptor)	Considered further in screening Y/N
River Shannon Callows SAC	https://www.npws.ie/protected-sites/spa/000216	Within 15km	None	No
Lough Derg, North East Shore SAC	https://www.npws.ie/protected-sites/spa/002241	Within 15km	None	No
Ballyduff/Clonfinane SAC	https://www.npws.ie/protected-sites/spa/000641	Within 10km	None	No
All Saints Bog and Esker SAC	https://www.npws.ie/protected-sites/sac/000566	Within 10km	None	No
Sharavogue Bog SAC	https://www.npws.ie/protected-sites/sac/000585	Within 10km	None	No
Kilcarren Firville Bog	https://www.npws.ie/protected-sites/spa/000647	Within 10km	None	No
Ridge Road, Sw of Rapemills SAC	https://www.npws.ie/protected-sites/spa/000919	Within 10km	None	No
Liskeenan Fen	https://www.npws.ie/protected-sites/spa/001683	Within 10km	None	No
Lisduff Fen SAC	https://www.npws.ie/protected-sites/spa/002147	Within 10km	None	No
Redwood Bog	https://www.npws.ie/protected-sites/spa/002353	Within 10km	None	No

River Little Brosna Callows SPA	https://www.npws.ie/protected-sites/spa/004103	Within 10km	None	No
All Saints Bog SPA	https://www.npws.ie/protected-sites/spa/004086	Within 10km	None	No
Dovegrove Callows SPA	https://www.npws.ie/protected-sites/spa/004137	Within 10km	None	No
Lough Derg (Shannon) SPA	https://www.npws.ie/protected-sites/sac/002165	Within 15km	None	No
Island Fen SAC	https://www.npws.ie/protected-sites/sac/002236	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.)
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 	None.
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 	None.
In-combination/Other	None.
(b) Describe any likely changes to the European site:	
Examples of the type of changes to give consideration to	None.

include:

- Reduction or fragmentation of habitat area
- Disturbance to QI species
- Habitat or species fragmentation
- Reduction or fragmentation in species density
- Changes in key indicators of conservation status value (water or air quality etc.)
- Changes to areas of sensitivity or threats to QI
- Interference with the key relationships that define the structure or ecological function of the site

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

☐ Yes ☒ No

STEP 4. Screening Determination Statement

The assessment of significance of effects:

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

On the basis of the information on file, which is considered adequate to undertake a screening determination and having regard to: the nature and scale of the proposed development, the proposed land use and distance from European sites, the lack of direct connections with regard to the Source-Pathway-Receptor model, it is concluded that the proposed development, individually or in-combination with other plans or projects, would not be likely to have a significant effect on the above listed European sites or any other European site, in view of the said sites' conservation objectives.

The proposed development is not likely to have significant effects.

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:	Olive O'Donnell	Date: 28/10/2025

EIA PRE-SCREENING		
Establishing a development is a 'sub-threshold development'		
File Reference:	S5/25/134	
Development Summary:	As per planners report	
Was a Screening Determination carried out under Section 176A-C?	<input type="checkbox"/> Yes, no further action required <input checked="" type="checkbox"/> No, Proceed to Part A	
A. Schedule 5 Part 1 - Does the development comprise a project listed in Schedule 5, Part 1 , of the Planning and Development Regulations 2001 (as amended)? (Tick as appropriate)		
<input type="checkbox"/> Yes, specify class _____		EIA is mandatory No Screening required
<input checked="" type="checkbox"/> No		Proceed to Part B
B. Schedule 5 Part 2 - Does the development comprise a project listed in Schedule 5, Part 2 , of the Planning and Development Regulations 2001 (as amended) and does it meet/exceed the thresholds? (Tick as appropriate)		
<input checked="" type="checkbox"/> No, the development is not a project listed in Schedule 5, Part 2		No Screening required
<input type="checkbox"/> Yes the project is listed in Schedule 5, Part 2 and meets/exceeds the threshold, specify class (including threshold): _____		EIA is mandatory No Screening required
<input type="checkbox"/> Yes the project is of a type listed but is <i>sub-threshold</i> : _____		Proceed to Part C
C. If Yes, has Schedule 7A information/screening report been submitted?		
<input type="checkbox"/> Yes, Schedule 7A information/screening report has been submitted by the applicant		Screening Determination required
<input type="checkbox"/> No, Schedule 7A information/screening report has not been submitted by the applicant		Preliminary Examination required
EIA PRELIMINARY EXAMINATION: 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:

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



Date: 20th November 2025

Our Ref: S5/25/134

Civic Offices, Nenagh

Patricia and Maria Creighton
Glenview
Ballingarry
Roscrea
Co. Tipperary

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

Dear Patricia and Maria,

I refer to your application for a Section 5 Declaration received on 10th October, 2025, and Further Information received on 3rd November, 2025 and unsolicited further information on 19/11/2025 in relation to the following proposed works:

Use of barn for storage (Class 9) at Glenview Ballingarry, Roscrea, Co Tipperary (Lismacrory) E53 T020.

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

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

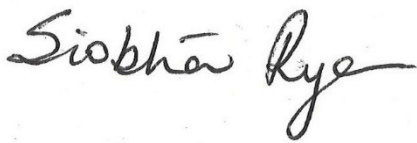
- a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended,
- b) Articles 6 and 9 of the Planning & Development Regulations 2001, as amended,
- c) Class 9 of Part 3 of Schedule 2 of the Planning and Development Regulations 2001, as amended,
- d) The declaration application and supporting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

Tipperary County Council has concluded that the proposed development, as presented on the drawings and details provided with the Declaration application on 10/10/2025, as amended by Further Information received on 03/11/2024 and unsolicited Further Information received on 19/11/2025, does not constitute works or a material change of use and is therefore not development.

Advice Note: As per Condition and Limitation No. 1 attached to the exemption available under Class 9 of Part 3 of Schedule 2 of the Planning and Development Regulations 2001, as amended, the use of the subject structure is required to be restricted to use for agricultural storage purposes only.

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: **S5/25/134** **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 Patricia and Maria Creighton, Glenview, Ballingarry, Roscrea, Co. Tipperary, re: Use of barn for storage (Class 9) at Glenview Ballingarry, Roscrea, Co Tipperary (Lismacrory) E53 T020 is development and is exempted development.

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

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

Tipperary County Council has concluded that the proposed development, as presented on the drawings and details provided with the Declaration application on 10/10/2025, as amended by Further Information received on 03/11/2024 and unsolicited Further Information received on 19/11/2025, does not constitute works or a material change of use and is therefore **not development**.

Signed:



Brian Beck
Director of Services

Date: 20/11/2025