



TIPPERARY CO. COUNCIL  
RECEIVED  
27 NOV 2025  
PLANNING SECTION  
FILE NO. S5-25-148

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

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

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

Applicant	REBECCA LYONS
Address	7 PEARSE PARK CLOONMEAL
Telephone No.	
E-mail	

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

Agent	N/A
Address	
Telephone No.	
E-mail	
Please advise where all correspondence in relation to this application is to be sent; Applicant <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)	7 PEARSE PARK, CLOONMEAL CO. TIPPERARY
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Tipperary County Council  
RECEIVED  
27 NOV 2025  
CASH OFFICE  
Civic Offices, Clonmel

Receipt No 198 SII  
Issued 27/11/2025  
£80-00 Card

#### 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.

THAT THE PLACING OF A PITCHED ROOF OVER THE EXISTING FLAT ROOF IS IN EXEMPT DEVELOPMENT—SEE ATTACHED DRAWINGS PRECEDENT CASE WITH AN BORD PLEÁLA REFERENCE NUMBER 61.RL.3210
Proposed floor area of proposed works/uses: <u>N/A</u> sqm

#### 5. Legal Interest of Applicant in the Land or Structure:

<i>Please tick appropriate box to show applicant's legal interest in the land or structure</i>	A. Owner <input checked="" type="checkbox"/>	B. Occupier
	C. Other	
<i>Where legal interest is 'Other', please expand further on your interest in the land or structure</i>		
<i>If you are not the legal owner, please state the name and address of the owner</i>	Name: Address:	

Signature of Applicant(s):

Date: 25-11-25

**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**

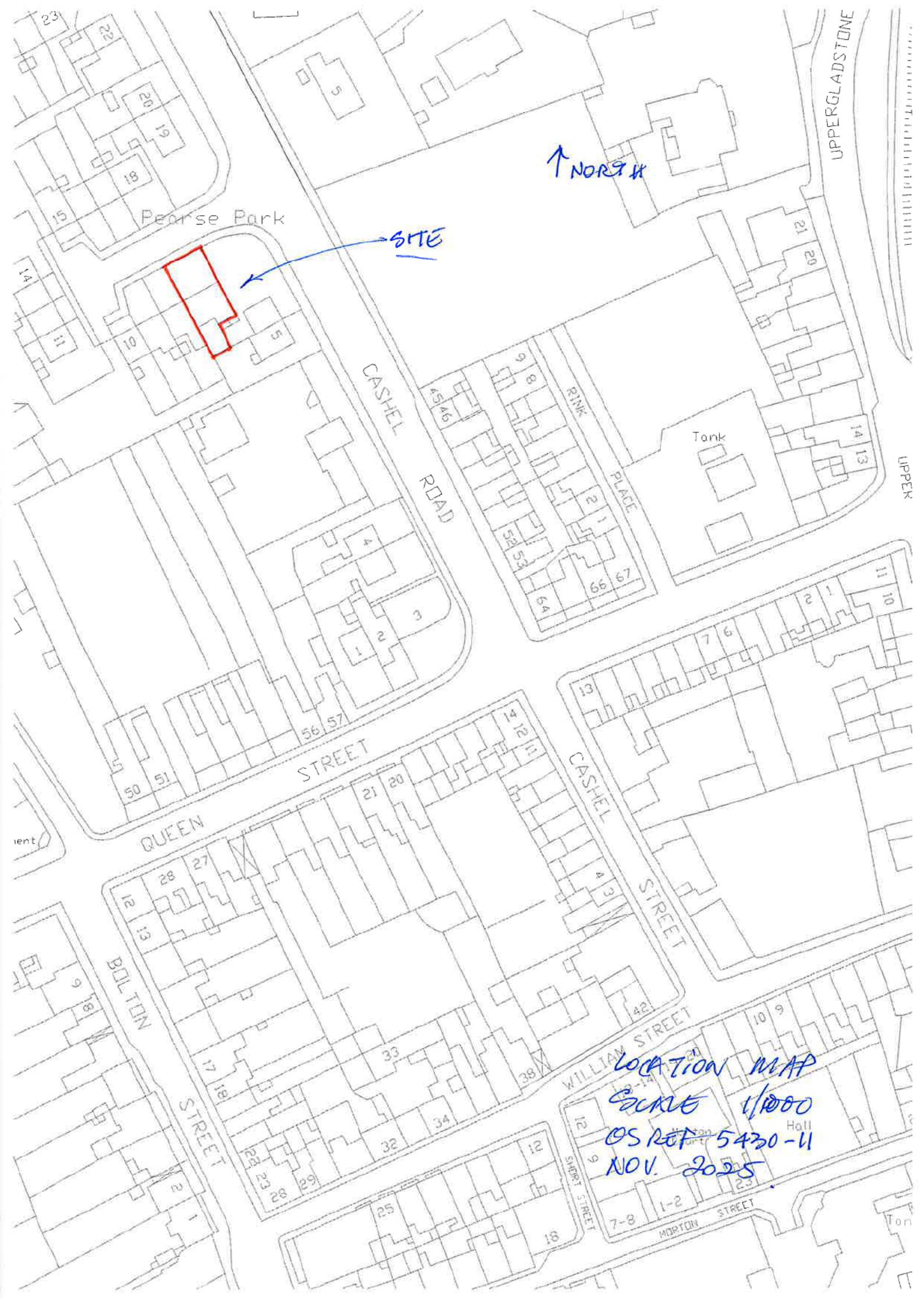
- (1) All queries on the form must be completed and the form must be accompanied by the relevant fee. The amount of the fee is currently **€80.00**.
- (2) This application should be accompanied by **TWO COPIES** of the following documentation
  - o OSI Site Location Map with the site outlined clearly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

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

**This application form and relevant fee should be submitted to:**

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

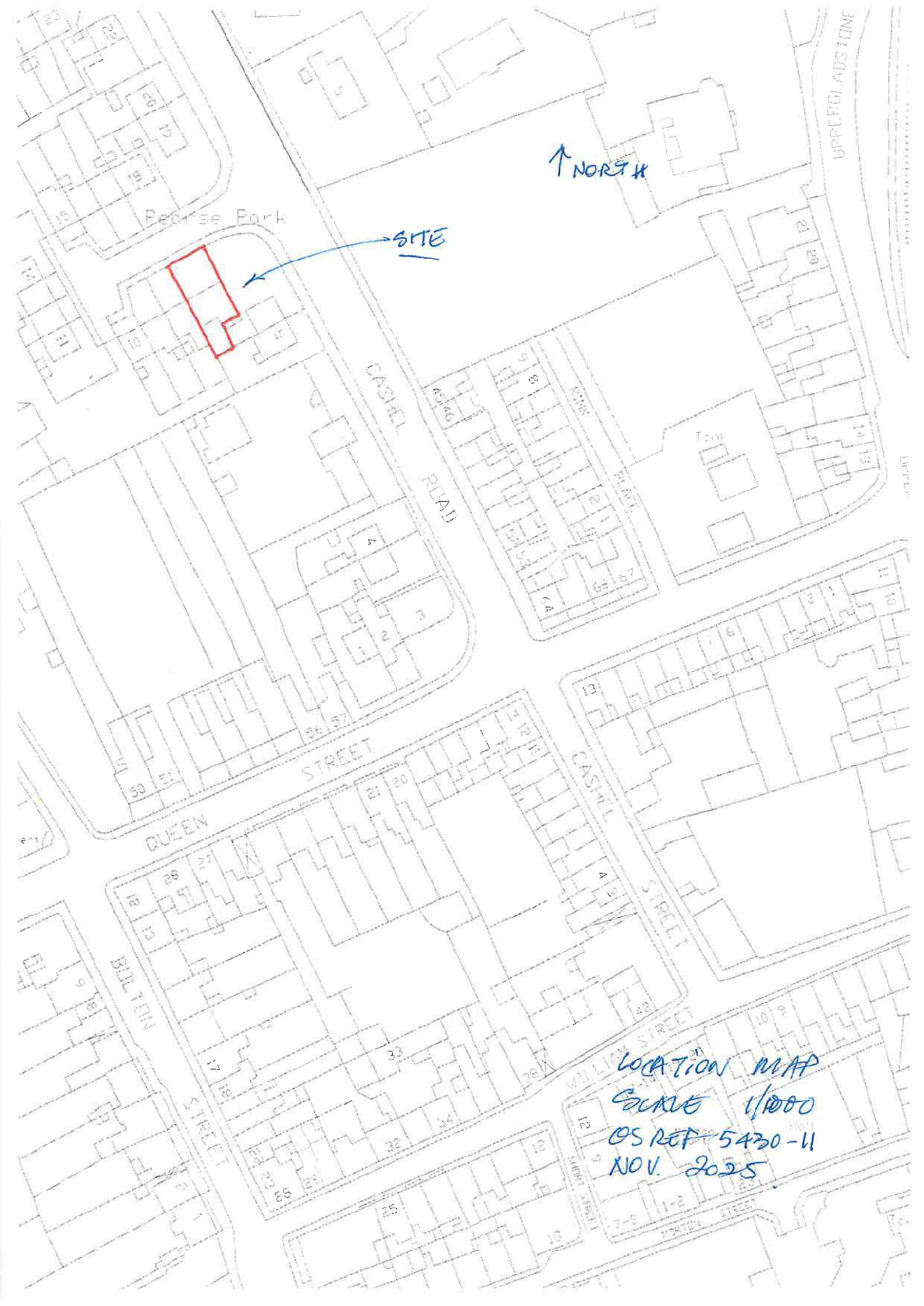
<b>FOR OFFICE USE ONLY</b>	
<b>DATE STAMP</b>	
<b>Fee Recd. € _____</b>	
<b>Receipt No _____</b>	
<b>Date _____</b>	
<b>Received by _____</b>	



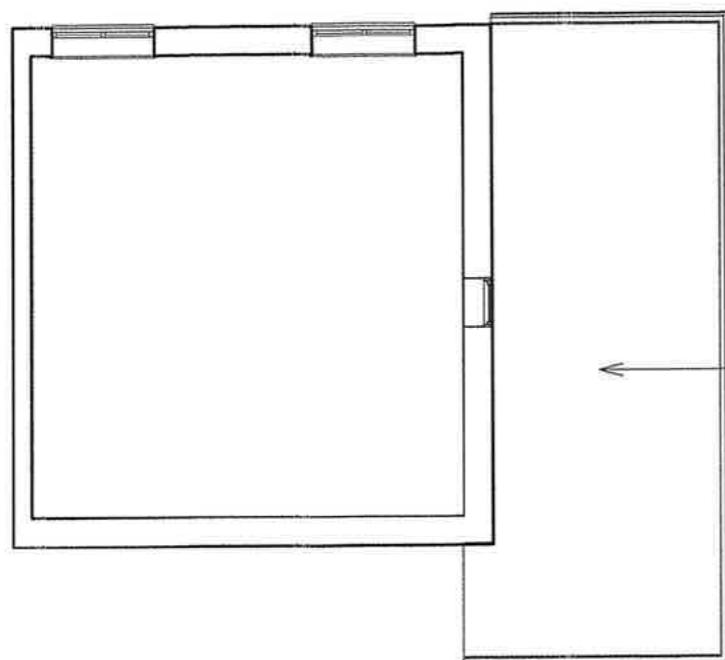
↑ NOR94

Park  SITE

LOCATION MAP  
SCALE 1/1000  
OS REF 5430-11  
HALL  
NOV 2025

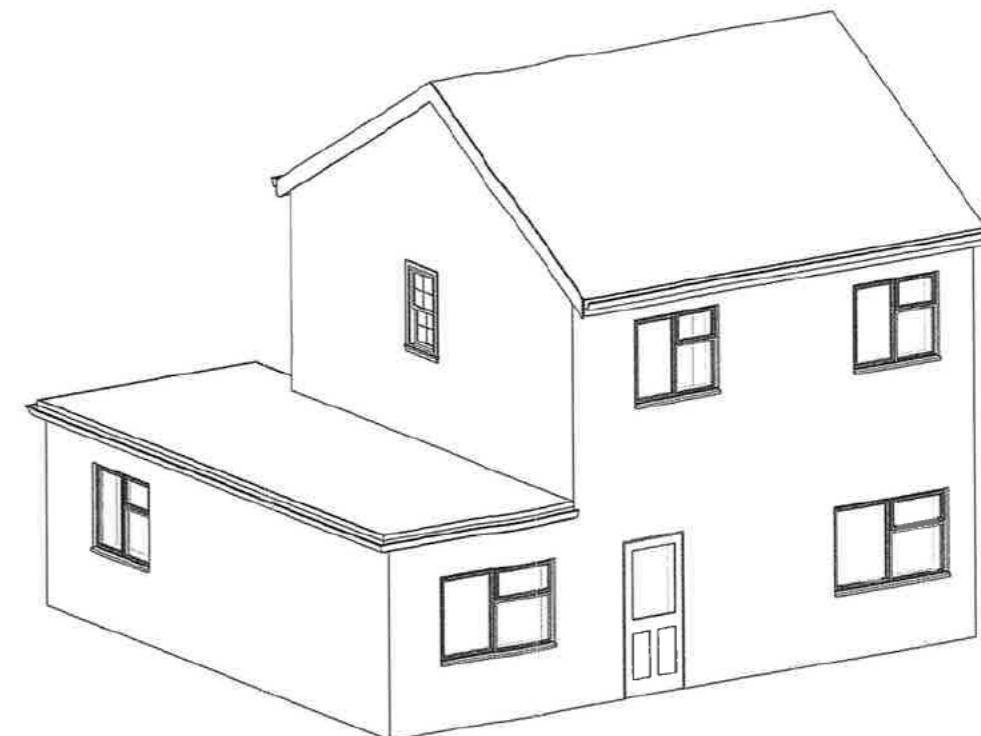


LOCATION MAP  
SCALE 1/1000  
OS REF 5430-11  
NOV. 2025

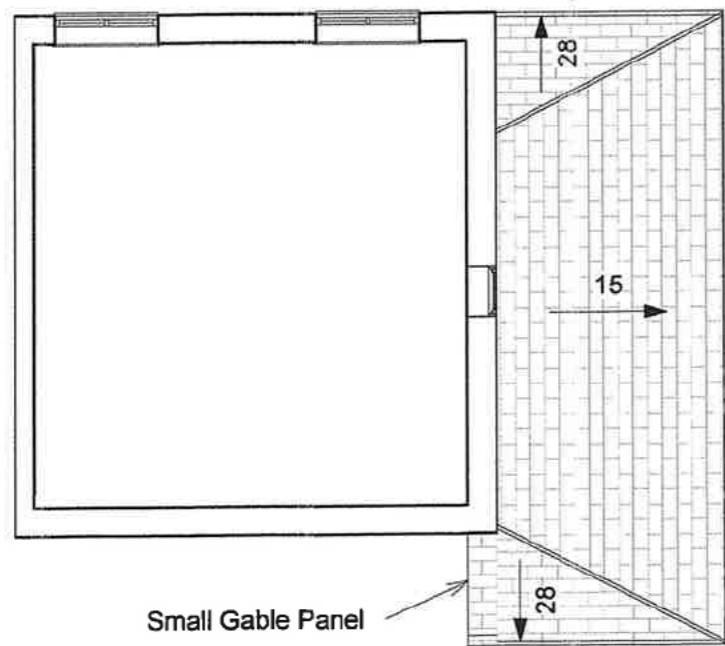


EXISTING ROOF

Existing Flat Roof



EXISTING BUILDING



NEW ROOF

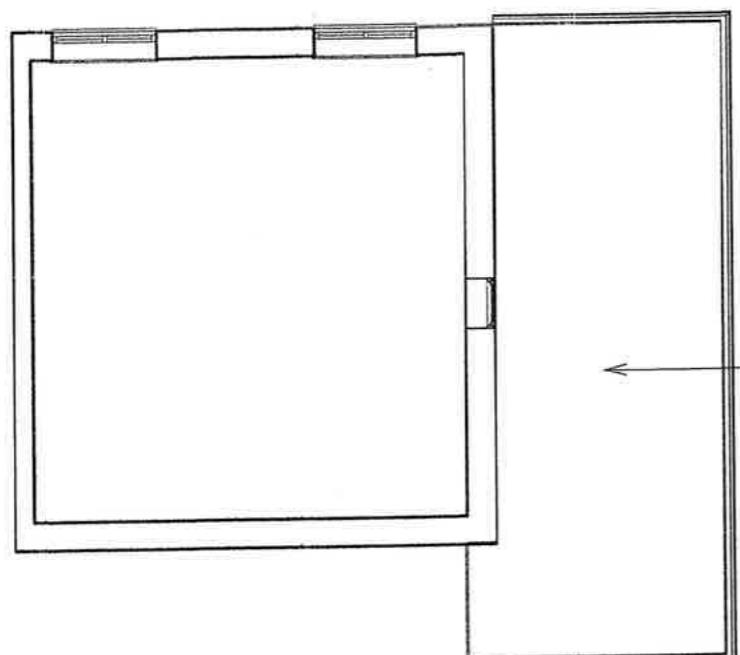
Small Gable Panel

28

15



PROPOSED BUILDING

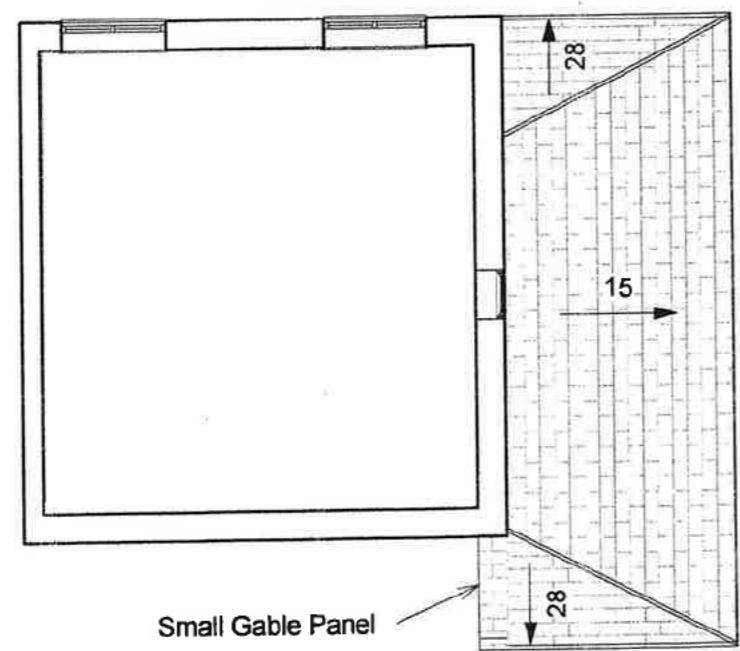


EXISTING ROOF

Existing Flat Roof



EXISTING BUILDING



NEW ROOF



PROPOSED BUILDING



**Our Ref: S5/25/148**

**27<sup>th</sup> November 2025**

Rebecca Lyons  
7 Pearse Park  
Clonmel  
Co Tipperary

**Re: Application for a Section 5 Declaration – That the placing of a pitched roof over the existing play roof is an exempt development at 7 Pearse Park, Clonmel, Co. Tipperary.**

Dear Ms. Lyons,

I acknowledge receipt of your application for a Section 5 Declaration received on 27<sup>th</sup> 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

## TIPPERARY COUNTY COUNCIL

### Application for Declaration under Section 5

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

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**Planning Ref.:** S5/25/148

**Applicant:** Rebecca Lyons

**Development Address:** 7 Pearce Park, Clonmel, Co. Tipperary

**Proposed Development:** The placing of a pitched roof over the existing flat roof.

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#### **1. GENERAL**

On the 27<sup>th</sup> of November 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”:

- the placing of a pitched roof over the existing flat roof.

The site is located at 7 Pearce Park, Clonmel, Co. Tipperary.

#### **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.

### **3. ASSESSMENT**

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

The site comprises an existing two storey end of terrace dwelling at 7 Pearce Park, Clonmel, Co. Tipperary.

*Figure 1 Site location*



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

There is no recent planning history on site

Figure 2 Planning history



### c. Assessment

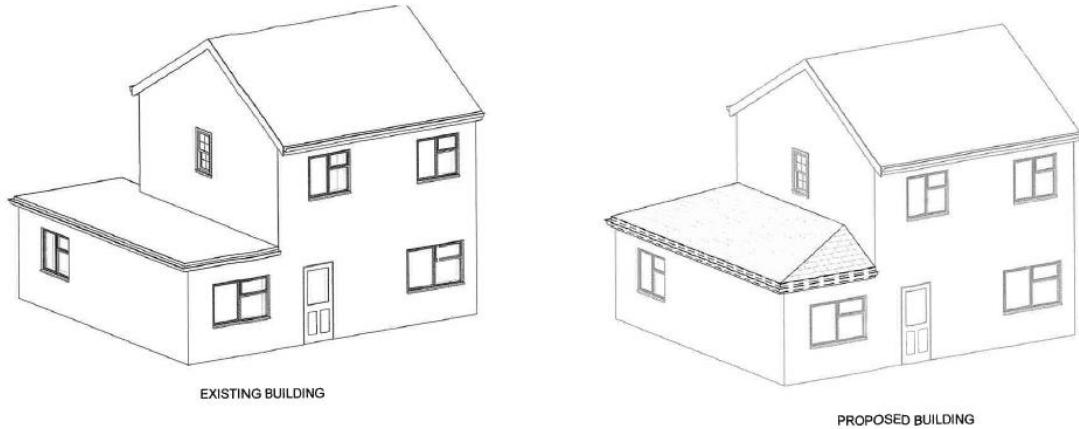
#### A) “Is or is not Development”

It is considered that the above listed proposals constitute “works” as understood by the Planning and Development Act 2000, as amended. The above listed proposals therefore constitute “development” within the meaning of the Planning and Development Act 2000, as amended.

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

The works proposed comprise of the placing of a pitched roof over the existing flat roof.

Figure 3 Floor plans



The subject site is not a protected structure nor is it located within a designated Architectural Conservation Area.

It is considered that the proposed development would not come within the criteria as set under Section 4(1)(h) of the Planning and Development Act 2000 (as amended) as the proposal would 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 on adjoining sites. This approach is consistent with previous declarations issued by the Planning Authority, the most recent having issued under Section 5 25/100. I was unable to locate the An Coimisiún Pleanála (ACP) precedent case referred to in the application form on the ACP website.

**C) Restrictions under Article 9**

Not applicable as extension is not exempt. Section 4(1)(h) is not limited by Article 9 in any event.

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

The subject site is located c. 540 metres from the Lower River Suir SAC, 9.1 kms from the Nier Valley SAC and 10.5 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.

It is not considered that Appropriate Assessment issues arise.

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.

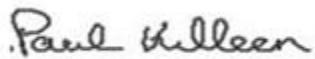
**4. RECOMMENDATION**

In considering this Declaration, Tipperary County Council has had regard to:

- (a) Sections 2, 3 & 4 of the Planning and Development Act 2000, as amended,
- (b) The details submitted by the querist with the Declaration

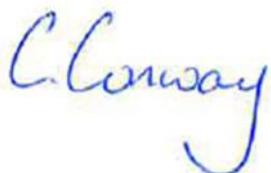
It has concluded that –

The proposed development as presented on the drawings and details provided with the Declaration application, constitutes “development” within the meaning of the Planning and Development Act 2000, and is NOT “exempted development” as it does not avail of an exemption under Section 4(1)(h) of the Planning and Development Act 2000, as amended.



Signed: \_\_\_\_\_

Date: 17/12/25



Signed:  
Senior Executive Planner

Date: 18.12.2025

## Appendix 1

<b>HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT</b>				
<b>STEP 1. Description of the project/proposal and local site characteristics:</b>				
<b>(a) File Reference No:</b>		S5/25/148		
<b>(b) Brief description of the project or plan:</b>		Modification to roof		
<b>(c) Brief description of site characteristics:</b>		7 Pearce park, Clonmel, Co. Tipperary – existing built up residential area		
<b>(d) Relevant prescribed bodies consulted:</b> e.g. DHLGH (NPWS), EPA, OPW		None		
<b>(e) Response to consultation:</b>		n/a		
<b>STEP 2. Identification of relevant Natura 2000 sites using Source-Pathway-Receptor model and compilation of information on Qualifying Interests and conservation objectives.</b>				
European Site (code)	List of Qualifying Interest/Special Conservation Interest <sup>1</sup>	Distance from proposed development <sup>2</sup> (km)	Connections (Source-Pathway-Receptor)	Considered further in screening Y/N
Lower River Suir SAC 002137	<a href="https://www.npws.ie/protected-sites/sac/002137">https://www.npws.ie/protected-sites/sac/002137</a>	540 metres	Surface water collected and discharged to public sewer	yes
Nier Valley woodlands 000404	<a href="https://www.npws.ie/protected-sites/sac/00404">https://www.npws.ie/protected-sites/sac/00404</a>	9.1 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	<a href="https://www.npws.ie/protected-sites/sac/001952">https://www.npws.ie/protected-sites/sac/001952</a>	10.5 kms	No due to distance and the lack of any relevant ex-situ factors of significance	Comeragh Mountains SAC 01952

			to these species.
<b>STEP 3. Assessment of Likely Significant Effects</b>			
(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:			
<b>Impacts:</b>		<b>Possible Significance of Impacts:</b> (duration/magnitude etc.)	
Construction phase e.g.	<ul style="list-style-type: none"> <li>• Vegetation clearance</li> <li>• Demolition</li> <li>• Surface water runoff from soil excavation/infill/landscaping (including borrow pits)</li> <li>• Dust, noise, vibration</li> <li>• Lighting disturbance</li> <li>• Impact on groundwater/dewatering</li> <li>• Storage of excavated/construction materials</li> <li>• Access to site</li> <li>• Pests</li> </ul>	No impacts	
Operational phase e.g.	<ul style="list-style-type: none"> <li>• Direct emission to air and water</li> <li>• Surface water runoff containing contaminant or sediment</li> <li>• Lighting disturbance</li> <li>• Noise/vibration</li> <li>• Changes to water/groundwater due to drainage or abstraction</li> <li>• Presence of people, vehicles and activities</li> <li>• Physical presence of structures (e.g. collision risks)</li> <li>• Potential for accidents or incidents</li> </ul>	No impacts	
In-combination/Other		No likely in combination effects	
<b>(b) Describe any likely changes to the European site:</b>			
Examples of the type of changes to give consideration to include:	<ul style="list-style-type: none"> <li>• Reduction or fragmentation of habitat area</li> <li>• Disturbance to QI species</li> <li>• Habitat or species fragmentation</li> <li>• Reduction or fragmentation in species density</li> <li>• Changes in key indicators of conservation status value (water or air quality etc.)</li> </ul>	No impacts	

<ul style="list-style-type: none"> <li>Changes to areas of sensitivity or threats to QI</li> <li>Interference with the key relationships that define the structure or ecological function of the site</li> </ul>	
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(c) Are '*mitigation*' measures necessary to reach a conclusion that likely significant effects can be ruled out at screening?

Yes  No

#### STEP 4. Screening Determination Statement

##### The assessment of significance of effects:

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

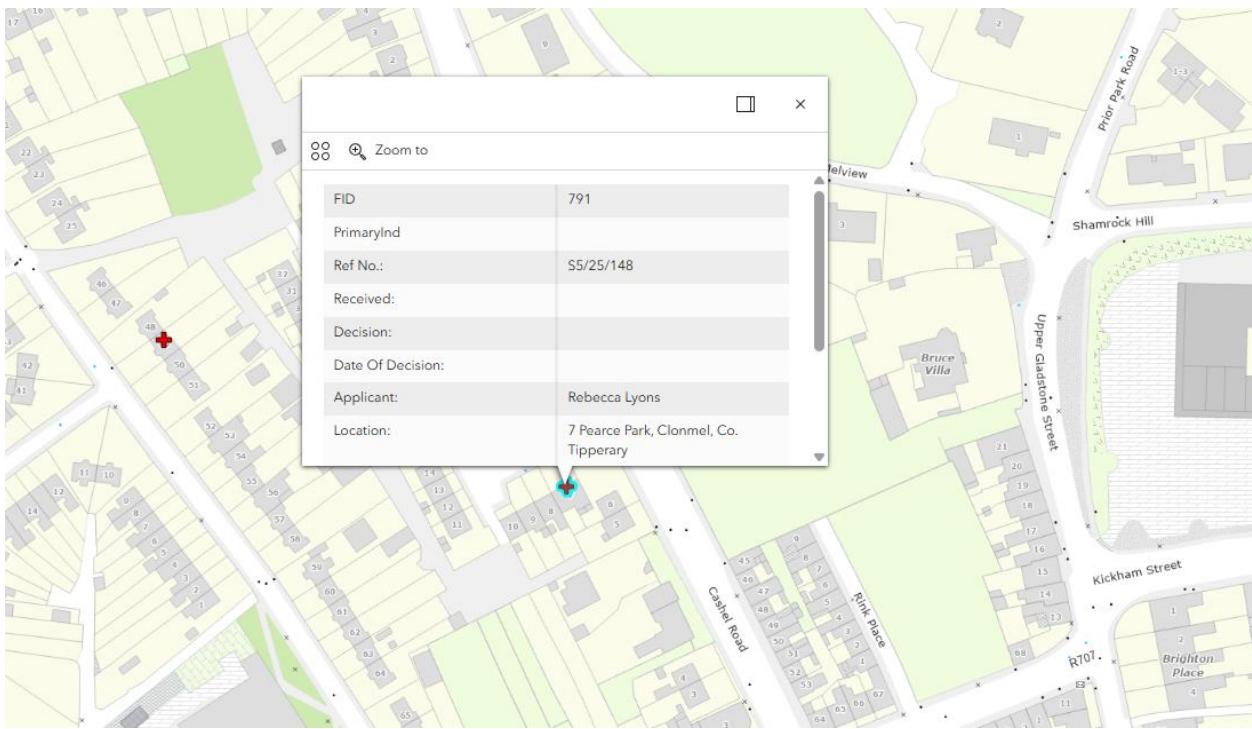
No impacts

##### Conclusion:

	Tick as Appropriate:	Recommendation:
(i) It is clear that there is <b>no likelihood</b> of significant effects on a European site.	<input checked="" type="checkbox"/>	The proposal can be screened out: Appropriate assessment not required.
(ii) It is <b>uncertain</b> whether the proposal will have a significant effect on a European site.	<input type="checkbox"/>	<input type="checkbox"/> Request further information to complete screening <input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
(iii) <b>Significant effects are likely.</b>	<input type="checkbox"/>	<input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
<b>Signature and Date of Recommending Officer:</b>	Paul Killeen	<b>Date:</b> 17/12/25

<b>EIA Pre-Screening</b> <b>Establishing a development is a 'sub-threshold development'</b>		
<b>File Reference:</b>	S5/23/148	
<b>Development Summary:</b>	Modify roof	
<b>Was a Screening Determination carried out under Section 176A-C?</b>	<input type="checkbox"/> Yes, no further action required <input checked="" type="checkbox"/> No, Proceed to <b>Part A</b>	
<b>A. Schedule 5 Part 1</b> - Does the development comprise a project listed in Schedule 5, <b>Part 1</b> , of the Planning and Development Regulations 2001 (as amended)? (Tick as appropriate)		
<input type="checkbox"/> Yes, specify _____	class	<b>EIA is mandatory</b> No Screening required
<input checked="" type="checkbox"/> No	Proceed to <b>Part B</b>	
<b>B. Schedule 5 Part 2</b> - Does the development comprise a project listed in Schedule 5, <b>Part 2</b> , of the Planning and Development Regulations 2001 (as amended) <b>and</b> does it meet/exceed the thresholds? (Tick as appropriate)		
<input checked="" type="checkbox"/> No, the development is not a project listed in Schedule 5, Part 2	<b>No Screening required</b>	
<input type="checkbox"/> Yes the project is listed in Schedule 5, Part 2 <b>and</b> meets/exceeds the threshold, specify class (including threshold): _____	<b>EIA is mandatory</b> No Screening required	
<input type="checkbox"/> Yes the project is of a type listed <b>but</b> is <i>sub-threshold</i> : _____	Proceed to <b>Part C</b>	
<b>C. If Yes</b> , has Schedule 7A information/screening report been submitted?		
<input type="checkbox"/> Yes, Schedule 7A information/screening report has been submitted by the applicant	<b>Screening Determination required</b>	
<input type="checkbox"/> No, Schedule 7A information/screening report has not been submitted by the applicant	<b>Preliminary Examination required</b>	

Figure 4 Site entered on Planning register



Original

**TIPPERARY COUNTY COUNCIL**

**DELEGATED EMPLOYEE'S ORDER**

File Ref: **S5/25/148**      **Delegated Employee's Order No:** \_\_\_\_\_

**SUBJECT: Section 5 Declaration**

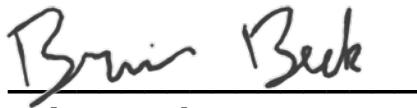
I, Brian Beck, Director of Services, Tipperary County Council, by virtue of the powers delegated to me in accordance with the provisions of Section 154 of the Local Government Act 2001, as amended by Schedule 1, Part 1 of the Local Government Reform Act 2014 under Chief Executive's Order No. 44188 dated 3<sup>rd</sup> October, 2025, hereby order that pursuant to the provisions of the Planning and Development Act 2000, as amended, that an application under Section 5 from Rebecca Lyons, 7 Pearse Park, Clonmel, Co. Tipperary re: the placing of a pitched roof over the existing flat roof at 7 Pearse Park, 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) The details submitted by the querist with the Declaration

Tipperary County Council has concluded that the proposed development as presented on the drawings and details provided with the Declaration application, constitutes "development" within the meaning of the Planning and Development Act 2000, and is **NOT "exempted development"** as it does not avail of an exemption under Section 4(1)(h) of the Planning and Development Act 2000, as amended.

**Signed:**



**Brian Beck**

**Director of Services**

**Date: 19/12/2025**



Date: 19<sup>th</sup> December 2025

Our Ref: S5/25/148

Civic Offices, Nenagh

Rebecca Lyons  
7 Pearse Park  
Clonmel  
Co. Tipperary

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

Dear Rebecca,

I refer to your application for a Section 5 Declaration received on 27<sup>th</sup> November 2025 in relation to the following proposed works:

The placing of a pitched roof over the existing flat roof at 7 Pearse Park, 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) The details submitted by the querist with the Declaration

Tipperary County Council has concluded that the proposed development as presented on the drawings and details provided with the Declaration application, constitutes “development” within the meaning of the Planning and Development Act 2000, and is **NOT “exempted development”** as it does not avail of an exemption under Section 4(1)(h) of the Planning and Development Act 2000, as amended.

**NOTE:** Any person issued with a Declaration of a Planning Authority may refer the Declaration for review to An 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 M Keaveney  
for **Director of Services**