



PLANNING & DEVELOPMENT ACT, 2000 (as amended)

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

1. Applicant's address/contact details:

<i>Applicant</i>	Gemma & Divan Kaden
<i>Address</i>	2 Cluain Muilleán, Tyone, Nenagh, Co. Tipperary, E45 DV58
<i>Telephone No.</i>	
<i>E-mail</i>	

2. Agent's (if any) address:

<i>Agent</i>	Yvonne Ryan
<i>Address</i>	Tirol House, Tyone, Nenagh, Co. Tipperary, E45 KR64
<i>Telephone No.</i>	
<i>E-mail</i>	
<i>Please advise where all correspondence in relation to this application is to be sent;</i>	
Applicant [<input type="checkbox"/>]	Agent [<input checked="" type="checkbox"/>]

3. Location of Proposed Development:

<i>Postal Address or Townland or Location (as may best identify the land or structure in question)</i>	2 Cluain Muilleán, Tyone, Nenagh, Co. Tipperary, E45 DV58
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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.)

Flat roof extension to the rear of property.
Proposed floor area of proposed works/uses: 22 sqm

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

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

Signature of Applicant(s) Gemma & Divan Kaden

Date: 23.02.2026

Note: If the proposed development consists of works to a (Proposed) Protected Structure and/or any structure within the curtilage of a (Proposed) Protected Structure, an application for a Section 57 Declaration may be more appropriate.



GUIDANCE NOTES

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

(All dimensions must be given in metric scale and drawings should be accompanied by a brief description outlining the use of the proposed development)

- (3) Where a proper and complete application is received, a decision must be conveyed to the applicant within four (4) weeks except where additional necessary information is required.

This application form and relevant fee should be submitted to:

Planning Section, Tipperary County Council, Civic Offices, Limerick Road, Nenagh, Co. Tipperary	OR	Planning Section, Tipperary County Council, Civic Offices, Emmet Street, Clonmel, Co. Tipperary
Enquires:		
Telephone 0818 06 5000		
E-Mail planning@tipperarycoco.ie		

FOR OFFICE USE ONLY	
Fee Recd. € <u>80 —</u>	DATE STAMP TIPPERARY CO. COUNCIL RECEIVED 25 FEB 2026 PLANNING SECTION FILE NO. 55/26/23
Receipt No <u>135354</u>	
Date <u>25/2/26.</u>	
Received by _____	

Tirol House, Tyone,
Nenagh, Co. Tipperary
E45 KR64
T 067 625 56 / Mob 087 194 5545
info@4designandplanning.ie

Stage Planning

Client Gemma Kaden

Project Extension permission at
2 Cluain Muillean, Tyone,
Nenagh, Co. Tipperary, E45 DV58

File 26022

Revision 00

Drawn by Yvonne Ryan

Scale 1/1000

Date 19-02-2026



Note: All dimensions to be checked on site
No dimensions to be scaled from this drawing
This drawing is to be read in conjunction with relevant consultants drawings.

SITE LOCATION MAP

TOWNSLAND: 2 CLUAIN MUILLEAN, TYONE, NENEGH,
CO. TIPPERARY, E45 DV58

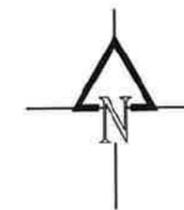
OS. 587151/ 677930 (4335-B)

SITE AREA = 0.028 HECTARES

SCALE 1:1000

SITE BOUNDARY OUTLINED IN RED

(C) ORDNANCE SURVEY IRELAND LICENSE NUMBER V_50412525_1



Tirol House, Tyone,
Nenagh, Co. Tipperary
E45 KR64
T 067 625 56 / Mob 087 194 5545
info@4ddesignandplanning.ie

Stage Planning

Client Gemma Kaden

Project Extension permission at
2 Cluain Muilleán, Tyone,
Nenagh, Co. Tipperary, E45 DV58

File 26022

Revision 00

Drawn by Yvonne Ryan

Scale 1/250

Date 19-02-2026

Note: All dimensions to be checked on site
No dimensions to be scaled from this drawing
This drawing is to be read in conjunction with relevant consultants drawings.

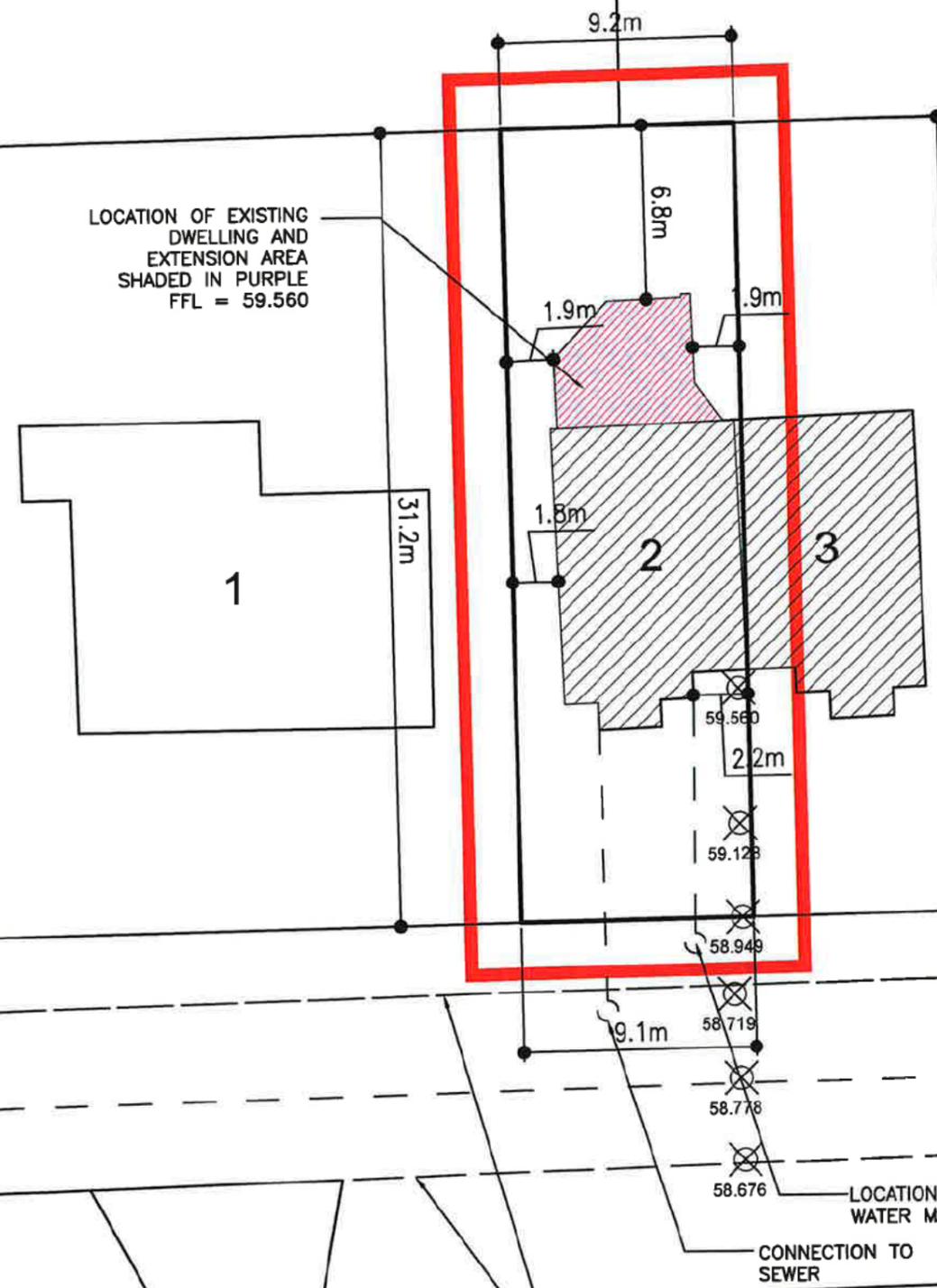
**TIPPERARY CO. COUNCIL
RECEIVED**

25 FEB 2026

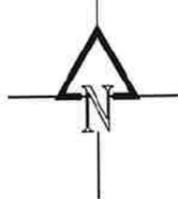
Sy/26/23

PLANNING SECTION
FILE NO.....

**4D
DESIGN &
PLANNING**



SITE LAYOUT PLAN
TOWNSLAND: 2 CLUAIN MUILLEAN, TYONE, NENEGH,
CO. TIPPERARY, E45 DV58
OS. 587151/ 677930 (4335-B)
SITE AREA = 0.028 HECTARES
SCALE 1:250
SITE BOUNDARY OUTLINED IN RED 
(C) ORDNANCE SURVEY IRELAND LICENSE NUMBER V_50412525_1



CONNECTION TO SEWER

LOCATION OF WATER MAIN

DOTTED LINE DENOTE THE ROAD

LOCATION OF EXISTING DWELLING AND EXTENSION AREA SHADED IN PURPLE FFL = 59.560

Ground Floor Plan

Tirol House, Tyone,
Nenagh, Co. Tipperary
E45 KR64
T 067 625 56 / Mob 087 194 5545
info@4ddesignandplanning.ie

Stage Planning

Client Gemma Kaden

Project Extension permission at
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Nenagh, Co. Tipperary, E45 DV58

File 26022

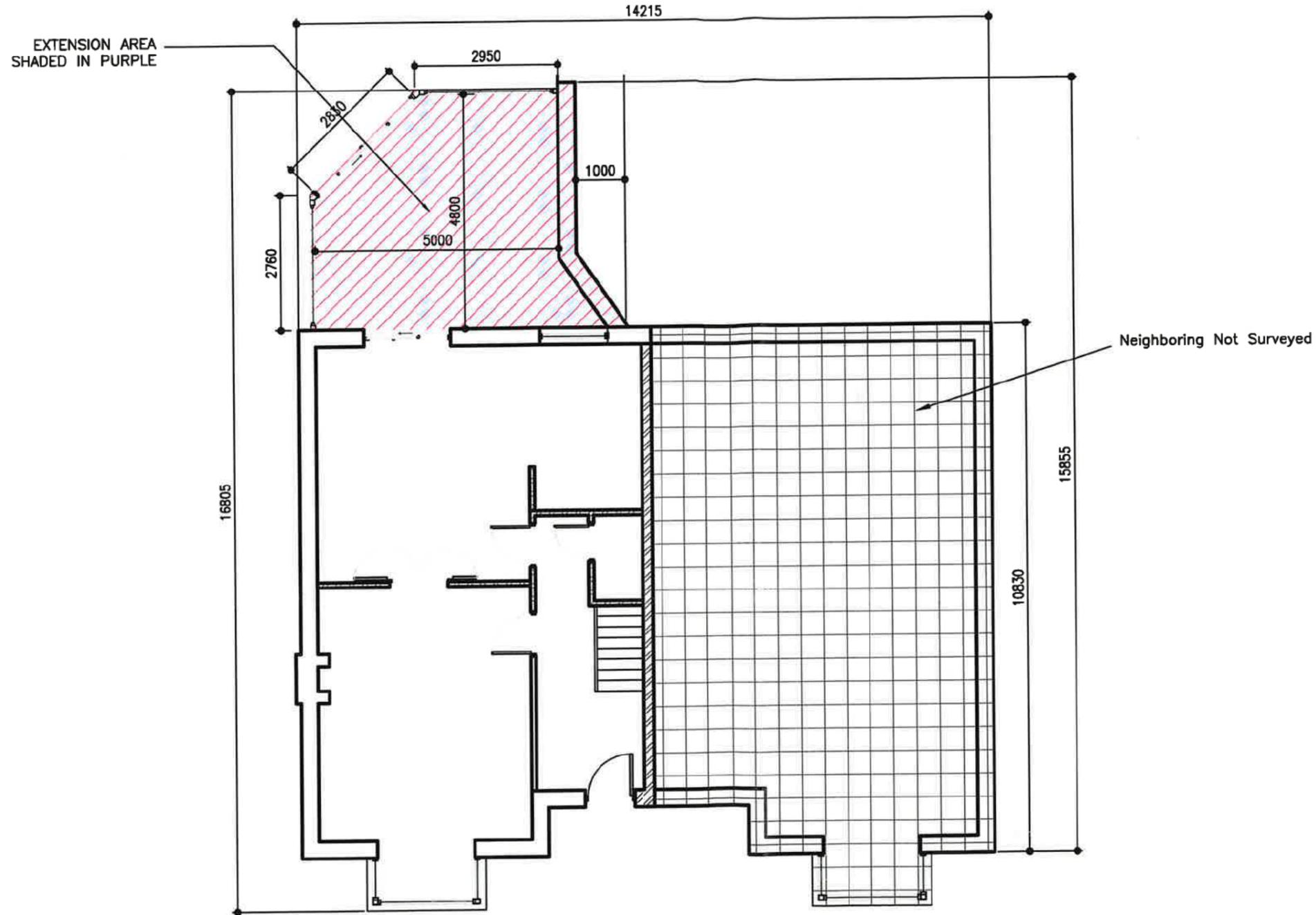
Revision 00

Drawn by Yvonne Ryan

Scale 1/100

Date 19-02-2026

Note: All dimensions to be checked on site
No dimensions to be scaled from this drawing
This drawing is to be read in conjunction with relevant consultants drawings.



Ground Floor Plan
SCALE 1:100 (A3)



Existing Floor Area = 65 Sq.m
Extension area shaded in purple = 22 Sq.m
Total Floor Area = 87 Sq.m

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25 FEB 2026
SS/26/23
PLANNING SECTION
FILE NO.....

4D
DESIGN &
PLANNING

Tirol House, Tyone,
Nenagh, Co. Tipperary
E45 KR64

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Stage Planning

Client Gemma Kaden

Project Extension permission at
2 Cluain Muilleen, Tyone,
Nenagh, Co. Tipperary, E45 DV58

File 26022

Revision 00

Drawn by Yvonne Ryan

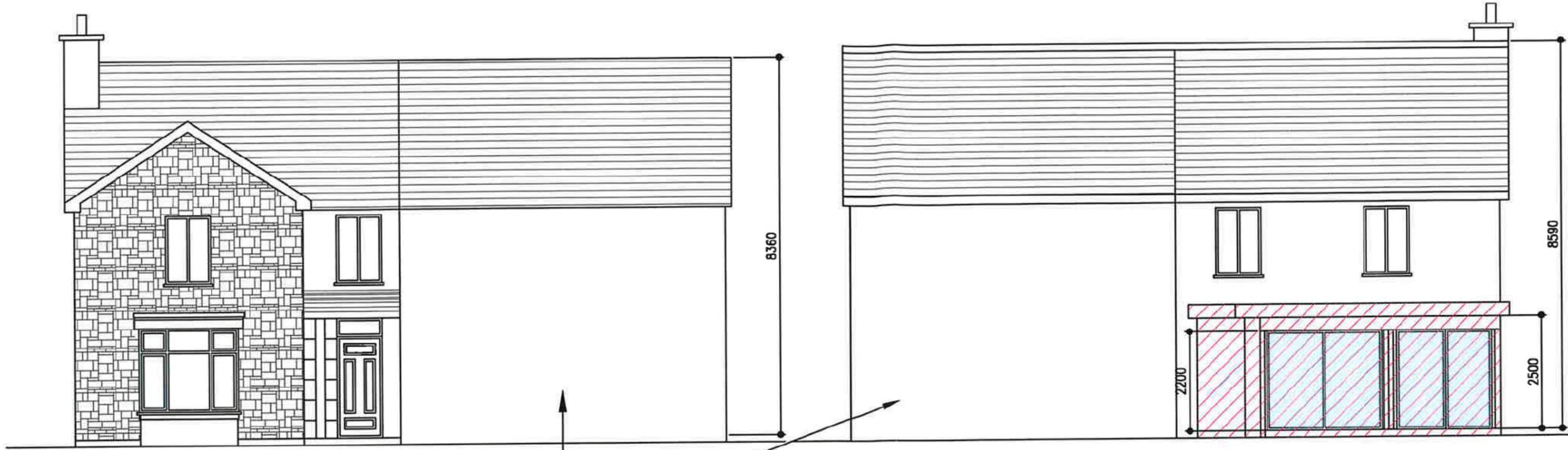
Scale 1/100

Date 19-02-2026

Note: All dimensions to be checked on site
No dimensions to be scaled from this drawing
This drawing is to be read in conjunction with relevant consultants drawings.

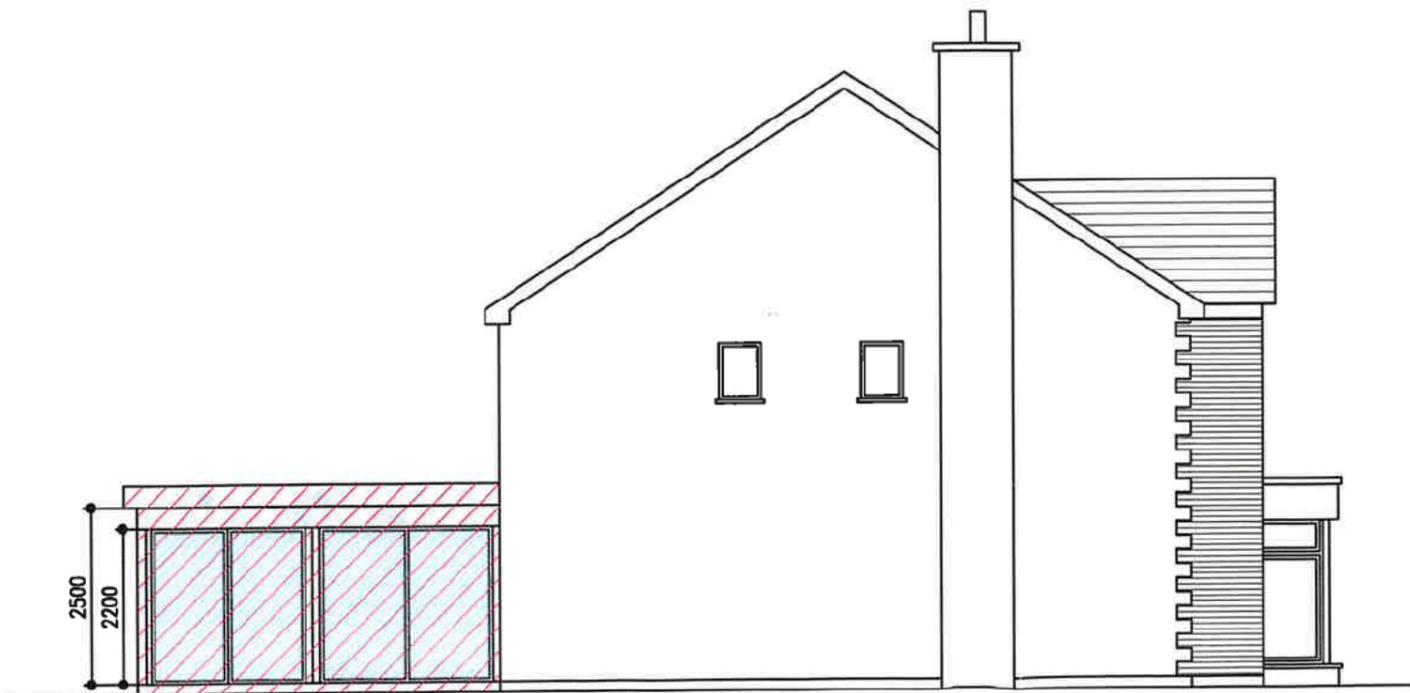
TIPPERARY CO. COUNCIL
RECEIVED
25 FEB 2026
PLANNING SECTION
FILE NO. *58/pb/23*

4D
DESIGN &
PLANNING



Front Elevation
SCALE 1:100 (A3)
5m

Rear Elevation
SCALE 1:100 (A3)
5m



Side Elevation
SCALE 1:100 (A3)
5m



Comhairle Contae Thiobraid Árann
Tipperary County Council

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

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

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

Date: 26th February 2026

Our Ref: S5/26/23

Civic Offices, Nenagh

**Gemma and Divan Kaden
C/O Yvonne Ryan
Tirol house
Tyone
Nenagh
Co Tipperary**

Re: Application for a Section 5 Declaration – Flat roof extension to the rear of property 22sqm at 2 Cluain Muilleán, Tyone, Nenagh Co Tipperary E45 DV58.

Dear Yvonne,

I acknowledge receipt of your application for a Section 5 Declaration received on 25th February 2026, 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**

E45dv58
TIPPERARY COUNTY COUNCIL

Application for Declaration under Section 5

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

Planning Ref.: S5/26/23

Applicant: Gemma and Divan Kaden

Development Address: 2 Cluain Muilleán, Tyone, Nenagh, Co. Tipperary, E45 DV58

Proposed Development: Flat roof extension to rear of property

1. GENERAL

On the 25/02/2026, 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 2 Cluain Muilleán, Tyone, Nenagh, Co. Tipperary, E45 DV58:

- Flat roof extension to rear of property

2. STATUTORY PROVISIONS

Planning and Development Act 2000, as amended

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

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

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

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

Section 4(1) of the Planning and Development Act, 2000, as amended states:

4.- (1) The following shall be exempted developments for the purposes of this Act—
(h) development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures.

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

(2)(a) The Minister may by regulations provide for any class of development to be exempted development for the purposes of this Act where he or she is of the opinion that—

- (i) *by reason of the size, nature or limited effect on its surroundings, of development belonging to that class, the carrying out of such development would not offend against principles of proper planning and sustainable development, or*
- (ii) *the development is authorised, or is required to be authorised, by or under any enactment (whether the authorisation takes the form of the grant of a licence, consent, approval or any other type of authorisation) where the enactment concerned requires there to be consultation (howsoever described) with members of the public in relation to the proposed development prior to the granting of the authorisation (howsoever described).*

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

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

Planning and Development Regulations 2001, as amended

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

Exempted Development.

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

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

Description of Development

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

Conditions and Limitations

1.
 - (a) *Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres.*
 - (b) *Subject to paragraph (a), where the house is terraced or semi-detached, the floor area of any extension above ground level shall not exceed 12 square metres.*
 - (c) *Subject to paragraph (a), where the house is detached, the floor area of any extension above ground level shall not exceed 20 square metres.*
2.
 - (a) *Where the house has been extended previously, the floor area of any such extension, taken together with the floor area of any previous extension or extensions constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 40 square metres.*
 - (b) *Subject to paragraph (a), where the house is terraced or semi-detached and has been extended previously, the floor area of any extension above ground level taken together with the floor area of any previous extension or extensions*

above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 12 square metres.

- (c) Subject to paragraph (a), where the house is detached and has been extended previously, the floor area of any extension above ground level, taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 20 square metres.*
- 3. Any above ground floor extension shall be a distance of not less than 2 metres from any party boundary.*
- 4.*

 - (a) Where the rear wall of the house does not include a gable, the height of the walls of any such extension shall not exceed the height of the rear wall of the house.*
 - (b) Where the rear wall of the house includes a gable, the height of the walls of any such extension shall not exceed the height of the side walls of the house.*
 - (c) The height of the highest part of the roof of any such extension shall not exceed, in the case of a flat roofed extension, the height of the eaves or parapet, as may be appropriate, or, in any other case, shall not exceed the height of the highest part of the roof of the dwelling.*
- 4. The construction or erection of any such extension to the rear of the house shall not reduce the area of private open space, reserved exclusively for the use of the occupants of the house, to the rear of the house to less than 25 square metres.*
- 6.*

 - (a) Any window proposed at ground level in any such extension shall not be less than 1 metre from the boundary it faces.*
 - (b) Any window proposed above ground level in any such extension shall not be less than 11 metres from the boundary it faces.*
 - (c) Where the house is detached and the floor area of the extension above ground level exceeds 12 square metres, any window proposed at above ground level shall not be less than 11 metres from the boundary it faces.*
- 7. The roof of any extension shall not be used as a balcony or roof garden.*

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

9. (1) Development to which article 6 relates shall not be exempted development for the purposes of the Act—

(a) if the carrying out of such development would—

(viiB) comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site.

(viii) consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use.

3. ASSESSMENT

a. Site Location

The site is located within the Cluain Muilleán housing development on the south eastern side of Nenagh. It contains a semi-detached dwelling.

b. Relevant Planning History

01522993 – Planning permission granted for 51 no. two storey houses, including 25 no. detached- (8no. 5 bedroom, 16 no. 4 bedroom, each with garage and 1 no. 3 bedroom) and 26 semi-detached houses -(14 no. 4 bedroom, 12 no. 3 bedroom houses) with vehicular access and ancillary site works to all houses. Granted on appeal PL74.125968.

03/524136 – Planning permission granted to omit 17 no. dwelling houses based on previous planning permission granted ref. no. N.32/2993 and permission to construct 32 no. dwelling houses, comprising of 2 no. 5 bed detached, 22 no. 3 semi-detached and all associated site works at tyone, Nenagh.

c. Assessment

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

A) “Is or is not Development”

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

B) “Is or is not Exempted Development”

Assessment against the conditions / limitations of Class 1:

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

The house has not been previously extended. The proposed extension to the semi-detached dwelling would have a floorarea of 22sqm and would be of single storey construction.

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

The house has not been previously extended.

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

The semi-detached house has not been previously extended, and the proposed is for a single storey rear extension.

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

Not applicable as the proposal relates to a semi-detached dwelling.

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

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

4.

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

The rear wall of the house does not include a gable and the height of the walls of the proposed extension would not exceed the height of the rear wall of the house.

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

Not applicable as the rear wall of the house does not include a gable.

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

The proposed extension would have a flat roof, and the height of the roof of the proposed extension would not exceed the height of the eaves or parapet or the height of the highest part of the roof of the dwelling.

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

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

The extension would not reduce the area of private open space to the rear of the house to less than 25 sq m.

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

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

The proposed extension would feature windows on the western elevation. These would not be less than 1 metre from the boundary it faces.

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

There is no proposal to utilise the roof as a balcony

C) Restrictions under Article 9

It is considered that no restrictions on exemptions under Article 9 of the Planning and Development Regulations 2001, as amended would apply.

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

A question has arisen as to whether the following proposed development at 2 Cluain Muilleán, Tyone, Nenagh, Co. Tipperary, E45 DV58 is or is not exempted development:

- Flat roof extension to rear of property

Tipperary County Council, in considering this proposal has had regard to:

- Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended,
- Articles, 6 and 9 of the Planning and Development Regulations 2001, as amended,
- Schedule 2, Part 1 Class 1 of the Planning and Development Regulations 2001 as amended.

- The declaration application and supporting information.
- 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, constitutes “development” within the meaning of the Planning and Development Act 2000 as amended and is “**exempted development**”.

District Planner: *Olive O'Donnell*

Date: 19/03/2026

Senior Executive Planner: *Jonathan Flood*

Date: 19/3/2026

**Appendix 1
HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT**

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

(a) File Reference No:	S5 26 23
(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	N/A
(e) Response to consultation:	N/A

STEP 2. Identification of relevant Natura 2000 sites using Source-Pathway-Receptor model and compilation of information on Qualifying Interests and conservation objectives.

European Site (code)	List of Qualifying Interest/Special Conservation Interest ¹	Distance from proposed development ² (km)	Connections (Source-Pathway-Receptor)	Considered further in screening Y/N
Lough Derg NE Shore SAC	https://www.npws.ie/protected-sites/sac/002241	15	None	N
Keeper Hill SAC	https://www.npws.ie/protected-sites/sac	15	None	N
Bolingbrook Hill SAC	https://www.npws.ie/protected-sites/sac	15	None	N

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.)
----------	--

<p>Construction phase e.g.</p> <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 	<p>During the construction phase, the site will be roof will be removed – no earth works proposed.</p>
<p>Operational phase e.g.</p> <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 	<p>there is no real likelihood of any significant effects on European Sites in the wider catchment area</p>
<p>In-combination/Other</p>	<p>No likely significant in-combination effects are identified.</p>
<p>(b)Describe any likely changes to the European site:</p>	
<p>Examples of the type of changes to give consideration to include:</p> <ul style="list-style-type: none"> • Reduction or fragmentation of habitat area • Disturbance to QI species • Habitat or species fragmentation • Reduction or fragmentation in species density • Changes in key indicators of conservation status value (water or air quality etc.) • Changes to areas of sensitivity or threats to QI • Interference with the key relationships that define the structure or ecological function of the site 	<p>None.</p>

(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.

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: 19/03/2026

APPENDIX 2

EIA Pre-Screening Establishing a development is a 'sub-threshold development'			
File Reference:	S5 26 23		
Development Summary:	modifications to roof of extension to the rear from flat roof to "A" roof.		
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	
Signature and Date of Recommending Officer:	Olive O'Donnell	Date:	19/03/2026

Original

TIPPERARY COUNTY COUNCIL

DELEGATED EMPLOYEE'S ORDER

File Ref: **S5/26/23** **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 Gemma and Divan Kaden, C/O Yvonne Ryan, Tirol house, Tyone, Nenagh, Co Tipperary Re: Flat roof extension to rear of property at 2 Cluain Muillean, Tyone, Nenagh, Co. Tipperary, E45 DV58 is development and is exempted development.

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

- Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended,
- Articles, 6 and 9 of the Planning and Development Regulations 2001, as amended,
- Schedule 2, Part 1 Class 1 of the Planning and Development Regulations 2001 as amended.
- The declaration application and supporting information.
- 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, constitutes "development" within the meaning of the Planning and Development Act 2000 as amended and is "**exempted development**".

Signed: 

Brian Beck
Director of Services

Date: 20/03/2026



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,
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Tipperary County Council,
Civic Offices, Nenagh,
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Date: 20th March 2026

Our Ref: S5/26/23

Civic Offices, Nenagh

**Gemma and Divan Kaden
C/O Yvonne Ryan
Tirol house
Tyone
Nenagh
Co Tipperary**

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

Dear sir/madam,

I refer to your application for a Section 5 Declaration received on 25th February 2026 in relation to the following proposed works:

Flat roof extension to rear of property at 2 Cluain Muilleán, Tyone, Nenagh, Co. Tipperary, E45 DV58

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

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

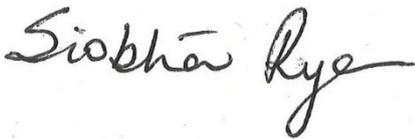
- Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended,
- Articles, 6 and 9 of the Planning and Development Regulations 2001, as amended,
- Schedule 2, Part 1 Class 1 of the Planning and Development Regulations 2001 as amended.
- The declaration application and supporting information.
- 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, constitutes “development” within the meaning of the Planning and Development Act 2000 as amended and is “**exempted development**”.

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

Yours sincerely

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

for **Director of Services**