

Arthur O'Dea  
Rossarymore,  
Newport,  
Co. Tipperary  
June 5<sup>th</sup>, 2026

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



Dear Sirs,

Re: Application for a Section 5 Declaration at Tullow, Newport, Co. Tipperary.

I want to combine 2 existing semi-detached houses at above address into 1 structure as per attached application details. Please see enclosed:

Completed Application Form for a Section 5 Declaration

OSI Map / Site Layout Plan – 2 copies

Floor Plans & Elevations at a scale of 1:200 – 2 copies

€80 Fee Cheque enclosed

Yours Faithfully

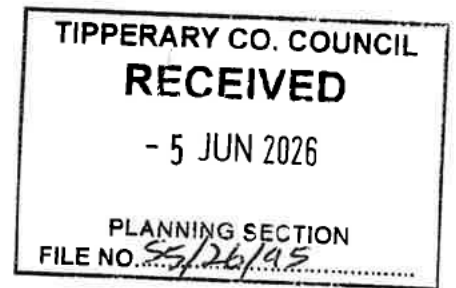
**Arthur O'Dea**

Tel: [REDACTED] Email: [REDACTED]

c.c. Mr. Nevan Phelan



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	ARTHUR O'DEA
Address	ROSSARY MORE, NEWPORT CO. TIPPERARY
Telephone No.	[REDACTED]
E-mail	[REDACTED]

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

Agent	JC ENGINEERING SERVICES
Address	BORNSOLEIGH THURLVIS CO. TIPPERARY
Telephone No.	[REDACTED]
E-mail	[REDACTED]
Please advise where all correspondence in relation to this application is to be sent;	
Applicant <input checked="" type="checkbox"/>	Agent [ ]

**3. Location of Proposed Development:**

Postal Address or Townland or Location (as may best identify the land or structure in question)	BURLYS COTTAGE, TULLOW NEWPORT CO. TIPPERARY V94YR6V
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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.)

COMBINING 2 SEMI-DETACHED HOUSES INTO ONE
DETACHED HOUSE WITHOUT ANY ALTERATION TO
FRONT OF CURRENT STRUCTURES, NO EXTENSIONS,
AND NO CHANGE TO CURRENT SERVICES (WATER,
SEWER CONNECTION, ELECTRICITY) USING CURRENT ENTRANCE.
Proposed floor area of proposed works/uses: 114 sqm (NO EXPANSION PLANNED)

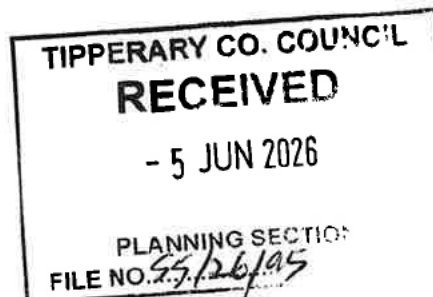
**5. Legal Interest of Applicant in the Land or Structure:**

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

Signature of Applicant(s) 

Date: 5/6/2026

**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:**

<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. €80 —</b>	
Receipt No <u>137934</u>	
Date <u>5/6/26</u>	
Received by _____	<u>SS/26/25</u>







Comhairle Contae Thiobraid Árann  
Tipperary County Council

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

Comhairle Contae  
Thiobraid Árann,  
Oifigi 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](http://tipperarycoco.ie)

Date: 8<sup>th</sup> June 2026      Our Ref: S5/26/95      Civic Offices, Nenagh

**Arthur O Dea**  
**Rossarymore**  
**Newport**  
**Co. Tipperary**

**Re: Application for a Section 5 Declaration** – Combining 2 semi-detached houses into one detached house without any alteration to front of current structure, no extensions and no change to current services (water, sewer connection, electricity) using current entrance at Burly's Cottage, Tullow, Newport, Co. Tipperary.

Dear Arthur,

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

## 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.:** S5/26/95

**Applicant:** Arthur O Dea

**Development Address:** Burleys Cottage, Tullow, Newport, Co. Tipperary, V94 YR6V

**Proposed Development:**  
Combining 2 semi-detached houses into one detached house without any alteration to front of current structure, no extensions and no change to current services (water, sewer connection, electricity) using current entrance

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#### **1. GENERAL**

On 05/06/2026, a request was made for a declaration under Section 5 of the Planning and Development Act, 2000 as amended by Arthur O Dea as to whether or not the following works constitute development and if so, whether same was exempted development:

- Combining 2 semi-detached houses into one detached house without any alteration to front of current structure, no extensions and no change to current services (water, sewer connection, electricity) using current entrance

#### **2. STATUTORY PROVISIONS**

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

The Planning and Development Regulations 2001 (as amended) contain the following exemptions under Schedule 2 Part 1:

*Schedule 2 Part 1 Change of use*

**CLASS 14**

Development consisting of a change of use—

(e) from use as 2 or more dwellings, to use as a single dwelling, of any structure previously used as a single dwelling,

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—

(i) contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act,

(iii) endanger public safety by reason of traffic hazard or obstruction of road users,

(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.

(xi) obstruct any public right of way.

### **3. ASSESSMENT**

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

The application site is located at the southern side of Newport town, and contains a pair of semi-detached dwellings.

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

***On site:***

None identified on site

**Adjoining Lands:**

5123624 – Planning permission granted for a septic tank and percolation area to service an existing dwellinghouse

24/60894 – Planning permission granted to erect a dwelling house, garage, entrance, driveway, connect to public services and all associated site works

**Enforcement:**

None recorded

**Pre-Planning:**

None recorded.

**c. Assessment**

The proposal is to combine the pair of semi-detached houses into one detached house. There are no proposals for extensions, alterations to the front of the structure or changes to current services (water, sewer connection, electricity. The proposal is to use the 'current entrance'.

Class 14(e) of Schedule 2, Part 1 of The Planning and Development Regulations 2001 (as amended) contains an exemption for a change of use 'from use as 2 or more dwellings, to use as a single dwelling, of any structure previously used as a single dwelling'.

It is not clear if the structure was previously used as a single dwelling. Furthermore, the submitted drawings do not reflect the structure on site insofar as the outriggers to the rear but are not reflected in the drawings.

In view of the foregoing, it is considered appropriate to seek further information from the applicant.

**4. 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.

**5. RECOMMENDATION**

A question has arisen as to whether the following proposed development at Burleys Cottage, Tullow, Newport, Co. Tipperary, V94 YR6V is or is not exempted development:

- Combining 2 semi-detached houses into one detached house without any alteration to front of current structure, no extensions and no change to current services (water, sewer connection, electricity) using current entrance

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 applicant is advised the purpose of a Section 5 of the Planning and Development Act 2000, as amended, is to establish if a particular development is or is not an exempted development within the meaning of the above-mentioned Act based on the proposed development as outlined on the declaration application form **and** the submitted drawings.

The applicant is advised that there is an exemption available under Class 14(e) of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended, for a change of use 'from use as 2 or more dwellings, to use as a single dwelling, **of any structure previously used as a single dwelling**'.

It is not clear if the structure was previously used as a single dwelling. The applicant is required to clarify this matter. The applicant's response shall be furnished with evidence of same.

2. There are existing outriggers to the rear of the semi-detached dwellings which are not reflected in the submitted drawings. It is not clear when these were constructed or if they comprise original parts of the dwellings or extensions.
  - a) The applicant is required to submit revised drawings that accurately reflect site circumstances.
  - b) The applicant is requested to clarify what planning permission, if any, under which the outriggers were permitted.
  - c) In the event that the outriggers were constructed or erected before 1 October 1964, the applicant's response shall be furnished with evidence of same.

**District Planner:**

*Olive O'Donnell*

**Date:** 18/06/2026

**Senior Executive Planner:**

*Jonathan Flood*

**Date:** 18/6/2026

## HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT

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

(a) File Reference No:	S5 26 95
(b) Brief description of the project or plan:	As per planner's report
(c) Brief description of site characteristics:	As per planner's 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 <sup>1</sup>	Distance from proposed development (km)	Connections (Source-Pathway-Receptor)	Considered further in screening Y/N
Lough Derg (Shannon) SPA	<a href="https://www.npws.ie/protected-sites/sac/002165">https://www.npws.ie/protected-sites/sac/002165</a>	Within 15km	None	No
Lower River Shannon	<a href="https://www.npws.ie/protected-sites/sac/002165">https://www.npws.ie/protected-sites/sac/002165</a>	Within 10km	None	No
Slievefelim to Silvermines Mountains SPA	<a href="https://www.npws.ie/protected-sites/spa/004165">https://www.npws.ie/protected-sites/spa/004165</a>	Within 15km	None	No
River Shannon and River Fergus Estuaries SPA	<a href="https://www.npws.ie/protected-sites/spa/004077">https://www.npws.ie/protected-sites/spa/004077</a>	Within 15km	None	No
Clare Glen SAC	<a href="https://www.npws.ie/protected-sites/sac/000930">https://www.npws.ie/protected-sites/sac/000930</a>	Within 10km	None	No
Glenomra Wood SAC	<a href="https://www.npws.ie/protected-sites/sac/001013">https://www.npws.ie/protected-sites/sac/001013</a>	Within 15km	None	No
Keeper Hill SAC	<a href="https://www.npws.ie/protected-sites/sac/001197">https://www.npws.ie/protected-sites/sac/001197</a>	Within 10km	None	No
Glenstal Wood SAC	<a href="https://www.npws.ie/protected-sites/sac/001432">https://www.npws.ie/protected-sites/sac/001432</a>	Within 10km	None	No
Silvermines Mountains West SAC	<a href="https://www.npws.ie/protected-sites/sac/002258">https://www.npws.ie/protected-sites/sac/002258</a>	Within 15km	None	No
Silvermine Mountains SAC	<a href="https://www.npws.ie/protected-sites/sac/000939">https://www.npws.ie/protected-sites/sac/000939</a>	Within 15km	None	No

Slieve Bog	Bernagh	<a href="https://www.npws.ie/protected-sites/sac/002312">https://www.npws.ie/protected-sites/sac/002312</a>	Within 15km	None	No
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**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:**

<b>Impacts:</b>	<b>Possible Significance of Impacts: (duration/magnitude etc.)</b>
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>	None.
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>	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: <ul style="list-style-type: none"> <li>• Reduction or fragmentation of habitat area</li> <li>• Disturbance to QI species</li> <li>• Habitat or species fragmentation</li> <li>• Reduction or fragmentation in species density</li> <li>• Changes in key indicators of conservation status value (water or air quality etc.)</li> <li>• Changes to areas of sensitivity or threats to QI</li> <li>• Interference with the key relationships that define the structure or ecological function of the site</li> </ul>	None.
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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.

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 <b>no likelihood</b> of significant effects on a European site.	<input checked="" type="checkbox"/>	The proposal can be screened out: Appropriate assessment not required.
(ii) It is <b>uncertain</b> whether the proposal will have a significant effect on a European site.	<input type="checkbox"/>	<input type="checkbox"/> Request further information to complete screening <input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
(iii) <b>Significant effects</b> are likely.	<input type="checkbox"/>	<input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
<b>Signature and Date of Recommending Officer:</b>	Olive O'Donnell	<b>Date:</b> 18/06/2026

**EIA PRE-SCREENING**  
**Establishing a development is a 'sub-threshold development'**

<b>File Reference:</b>	S5 26 95
<b>Development Summary:</b>	As per planners report
<b>Was a Screening Determination carried out under Section 176A-C?</b>	<input type="checkbox"/> Yes, no further action required <input checked="" type="checkbox"/> No, Proceed to <b>Part A</b>
<b>A. Schedule 5 Part 1 - Does the development comprise a project listed in Schedule 5, Part 1, of the Planning and Development Regulations 2001 (as amended)? (Tick as appropriate)</b>	
<input type="checkbox"/> Yes, specify class _____	<b>EIA is mandatory</b> No Screening required
<input checked="" type="checkbox"/> No	Proceed to <b>Part B</b>
<b>B. Schedule 5 Part 2 - Does the development comprise a project listed in Schedule 5, Part 2, of the Planning and Development Regulations 2001 (as amended) and does it meet/exceed the thresholds? (Tick as appropriate)</b>	
<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 and 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 but is <i>sub-threshold</i> : _____	Proceed to <b>Part C</b>
<b>C. If Yes, has Schedule 7A information/screening report been submitted?</b>	
<input type="checkbox"/> Yes, Schedule 7A information/screening report has been submitted by the applicant	<b>Screening Determination required</b>
<input type="checkbox"/> No, Schedule 7A information/screening report has not been submitted by the applicant	<b>Preliminary Examination required</b>



Date: 19<sup>th</sup> June 2026

Our Ref: S5/26/95

Civic Offices, Nenagh

**Arthur O'Dea  
Rossarymore  
Newport  
Co. Tipperary**

**Re: Application for a Section 5 Declaration – Combining 2 semi detached houses into one detached house without any alteration to front of current structure, no extensions and no change to current services (water, sewer connection, electricity) using current entrance at Burleys Cottage, Tullow, Newport, Co. Tipperary, V94 YR6V**

Dear Mr O'Dea,

I refer to an application received from you on 5<sup>th</sup> June 2026 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 that further information is requested under Section 5(2) of the Act as follows:

1. The applicant is advised the purpose of a Section 5 of the Planning and Development Act 2000, as amended, is to establish if a particular development is or is not an exempted development within the meaning of the above-mentioned Act based on the proposed development as outlined on the declaration application form **and** the submitted drawings.

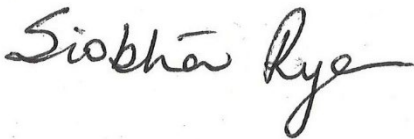
The applicant is advised that there is an exemption available under Class 14(e) of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended, for a change of use 'from use as 2 or more dwellings, to use as a single dwelling, **of any structure previously used as a single dwelling**'.

It is not clear if the structure was previously used as a single dwelling. The applicant is required to clarify this matter. The applicant's response shall be furnished with evidence of same.

2. There are existing outriggers to the rear of the semi-detached dwellings which are not reflected in the submitted drawings. It is not clear when these were constructed or if they comprise original parts of the dwellings or extensions.
  - a) The applicant is required to submit revised drawings that accurately reflect site circumstances.
  - b) The applicant is requested to clarify what planning permission, if any, under which the outriggers were permitted.
  - c) In the event that the outriggers were constructed or erected before 1 October 1964, the applicant's response shall be furnished with evidence of same.

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

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'.

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for **Director of Services**

Rossarymore,  
Newport,  
Co. Tipperary  
June 23, 2026

**Your Ref: S5/26/95**

Ms. Siobhan Ryan (for Director of Services),  
Tipperary County Council,  
Civic Offices, Nenagh, Co. Tipperary

Dear Siobhan,

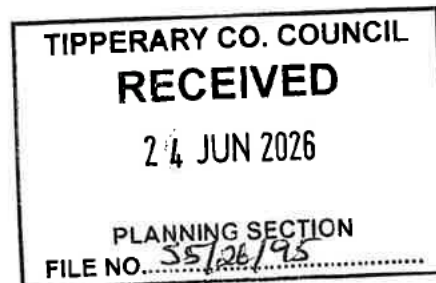
**Re: Application for a Section 5 Declaration at Burly's Cottage, Tullow,  
Newport, Co. Tipperary, V94 YR6V**

I refer to your request for further information, and I hereby furnish you with information requested, as follows:

- 1 The proposed structure was previously used as '2 dwellings', owned and occupied by 2 family names, O' Leary and Moloney. I attach the Land Registry confirmation of same.
- 2 The 'outriggers' to the rear of the semi-detached dwellings were, I believe, both bathrooms added as main structures didn't have any such facilities in that era. I plan to demolish these 'add-on's' and restore the building to its original state. This is the reason that this portion of current existing buildings is not included in drawings submitted – marked in attached map by 'To be Demolished'.

Yours Sincerely,

  
ARTHUR O'DEA



# Land Registry

County Tipperary

Folio 36252

## Register of Ownership of Freehold Land

### Part 1(A) - The Property

Note: Unless a note to the contrary appears, neither the description of land in the register nor its identification by reference to the Registry Map is conclusive as to boundaries or extent.

For parts transferred see Part 1(B)

No.	Description	Official Notes
1	<p>A plot of ground with the cottage thereon being part of the Townland of TULLOW and Barony of OWNEY AND ARRA shown as Plan(s) 3 edged RED on the Registry Map (OS MAP Ref(s) 37/2).</p> <div data-bbox="624 1323 1098 1666" style="border: 2px solid black; padding: 5px; transform: rotate(-2deg); text-align: center;"><p>TIPPERARY CO. COUNCIL <b>RECEIVED</b> 24 JUN 2026 PLANNING SECTION FILE NO. 55126795</p></div>	From Folio TY16946


# Land Registry

County Tipperary

Folio 36252

## Part 1(B) - Property Parts Transferred

No.	Prop No.	Instrument	Date	Area(Hectares)	Plan	Folio No.
1	1	D2025LR145602G	18-JUL-2025		EMN5Y	TY73214F



# Land Registry

County Tipperary

Folio 36252

## Part 2 - Ownership

Title ABSOLUTE

No.	The devolution of the property is subject to the provisions of Part II of the Succession Act, 1965	
1	<del>01-JUL-1958</del> <del>1994/12/63</del>	PAUL MOLONEY of TULLOW, NEWPORT, COUNTY TIPPERARY is full owner.  Cancelled D2001TS009951H 07-NOV-2001
2	<del>07-NOV-2001</del> <del>D2001TS009951H</del>	MATTHEW O'LEARY of Foxhall, Newport, County Tipperary and MARIAN O'LEARY of Foxhall, Newport, County Tipperary are full owners.  Cancelled D2017LR154372Y 10-NOV-2017
3	<del>10-NOV-2017</del> <del>D2001TS009951H</del> <del>D2017LR154372Y</del>	MATTHEW O'LEARY of Foxhall, Newport, County Tipperary is full owner.  Note: The previous joint ownership entry has been altered. See Instrument No. D2017LR154372Y. 10th November 2017.  Cancelled D2021LR123539B 09-SEP-2021
4	09-SEP-2021 D2021LR123539B	ARTHUR O'DEA of Rossarymore, Newport, County Tipperary is full owner.

**TIPPERARY CO. COUNCIL**  
**RECEIVED**  
 24 JUN 2026  
 PLANNING SECTION  
 FILE NO. 55/26/95.....

# Land Registry

County Tipperary

Folio 36252

## Part 3 - Burdens and Notices of Burdens

No.	Particulars
1	<p>The property is subject to the statutory conditions in section 17(2) of the Labourers Act, 1936, and to the restrictions against mortgaging or charging in Section 21 of that Act as amended by the Housing Act, 1966, until that annuity at Entry no.2 has been determined.</p> <p>Cancelled D2007PS035736E 12-NOV-2007</p>
2	<p><del>01-JUL-1958</del> <del>1994/12/63</del></p> <p>A cottage purchase annuity of £3 : 8 : 3 for 32 years payable to the County Council of the County of Tipperary (North Riding) by monthly installments of £ : 5 : 8¼.</p> <p>Cancelled D2007PS035736E 12-NOV-2007</p>
3	<p><del>07-NOV-2001</del> <del>D2001T5009951H</del></p> <p>Charge for present and future advances repayable with interest. FIRST ACTIVE plc is owner of this charge.</p> <p>Cancelled D2007PS015178H 15-MAY-2007</p>
4	<p><del>12-APR-2007</del> <del>D2007PS011606M</del></p> <p>Charge for present and future advances repayable with interest. FIRST ACTIVE plc is owner of this charge.</p> <p>Cancelled D2007PS035736E 12-NOV-2007</p>
5	<p><del>04-DEC-2008</del> <del>D2008PS034607B</del></p> <p>Charge for present and future advances repayable with interest. FIRST ACTIVE plc is owner of this charge.</p> <p>Cancelled E2018LR004966N 12-FEB-2018</p>
6	<p><del>04-DEC-2008</del> <del>D2008PS034607B</del></p> <p>Charge for present and future advances repayable with interest. FIRST ACTIVE plc is owner of this charge.</p> <p>Cancelled E2018LR004966N 12-FEB-2018</p>

# Land Registry

County Tipperary

Folio 27380

## Register of Ownership of Freehold Land

### Part 1(A) - The Property

Note: Unless a note to the contrary appears, neither the description of land in the register nor its identification by reference to the Registry Map is conclusive as to boundaries or extent

No.	For parts transferred see Part 1(B) Description	Official Notes
1	A plot of ground with the cottage thereon being part of the Townland of TULLOW and Barony of OWNEY AND ARRA containing 0.2149 Hectares shown as Plan(s) 20 edged RED on the Registry Map (OS MAP Ref(s) 37/2).	From Folio TY16946



Land Cert Issued: No

Collection No.:

Land Registry

County Tipperary

Folio 27380

Part 1(B) - Property  
Parts Transferred

No.	Prop No:	Instrument:	Date:	Area (Hectares):	Plan:	Folio No:

# Land Registry

County Tipperary

Folio 27380

## Part 2 - Ownership

Title ABSOLUTE

No.	The devolution of the property is subject to the provisions of Part II of the Succession Act, 1965			
1	<del>10 MAR 1997</del> T6320/92 <del>T2205/97</del>	<del>MARY O'LEARY of TULLOW, NEWPORT, COUNTY TIPPERARY is full owner.</del>	Cancelled	D2005PS017143G 27-JUL-2005
2	<del>27 JUL 2005</del> D2005PS017143G	<del>MATTHEW O'LEARY of, Foxhall, Newport, County Tipperary is full owner.</del>	Cancelled	D2021LR123518V 09-SEP-2021
3	09-SEP-2021 D2021LR123518V	ARTHUR O'DEA of Rossarymore, Newport, County Tipperary is full owner.		



Land Registry

County Tipperary

Folio 27380

Part 3 - Burdens and Notices of Burdens

No.	Particulars

RECEIVED  
17 JUN 2014  
LAND REGISTRY  
COUNTY TIPPERARY

Folio Number: ~~TY 36252~~ TY 27380

572800 mE, 661580 mN

Application Number: P2026LR014376T

**Tailte  
Eireann**

Chartered Land  
Surveyors  
Registration, Valuation,  
Surveying

Folio: ~~TY 36252~~ TY 27380

This map should be read in conjunction with the folio.

Tailte Eireann (TE) Registration mapping is based on TE Surveying mapping. Where TE Registration maps are printed at a scale that is larger than the TE Surveying scale, accuracy is limited to that of the TE Surveying map scale.

For details of the terms of use and limitations of scale, accuracy and other conditions relating to TE Registration maps, see [www.tailte.ie](http://www.tailte.ie).

This map incorporates TE Surveying map data under licence from TE. Copyright © Tailte Eireann and Government of Ireland.

(centre-line of parcel(s) edged)

Freehold

Leasehold

Subleasehold

Burdens (may not all be represented on map)

Right of Way / Wayleave

Turbary

Pipeline

Well

Pump

Septic Tank

Soak Pit



A full list of burdens and their symbology can be found at [www.landdirect.ie](http://www.landdirect.ie)

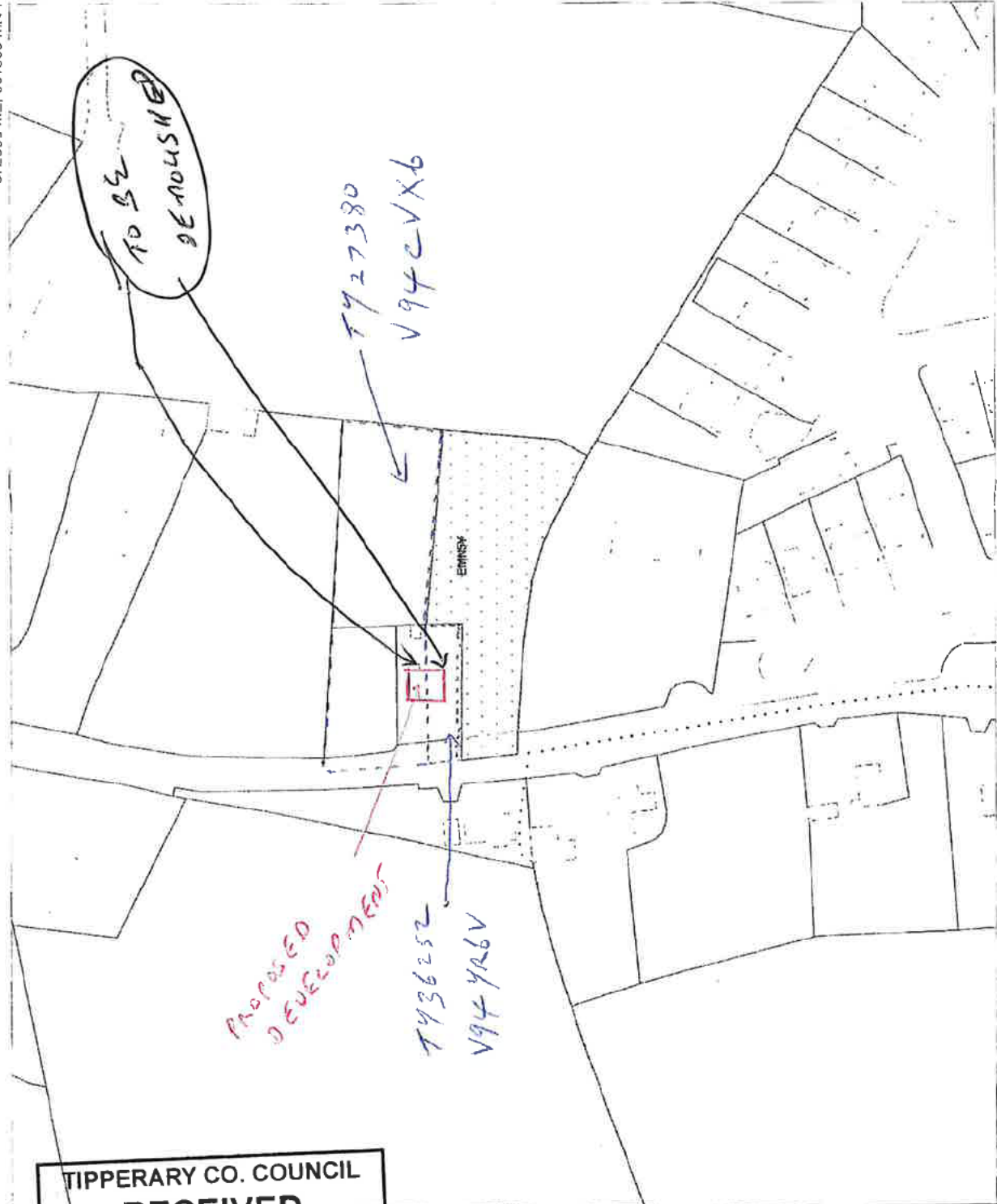
Tailte Eireann Registration operates a non-conclusive boundary system.

The TE Registration map identifies properties not boundaries meaning neither the description of land in a folio nor its identification by reference to a TE Registration map is conclusive as to the boundaries or extent. (See Section 85 of the Registration of Title Act, 1964). As inserted by Section 62 of the Registration of Deed and Title Act 2006.

1:1000 Scale

Page 6 of 6

**TIPPERARY CO. COUNCIL  
RECEIVED**  
24 JUN 2026  
PLANNING SECTION  
FILE NO. 35/26/195



572800 mE, 661300 mN  
Date Printed: 03/02/2026

Creation Date: 3 February 2026 13:58:11

Application Number: P2026LR014376T



Comhairle Contae Thiobraid Árann  
Tipperary County Council

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

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

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

Date: 24<sup>th</sup> June 2026

Our Ref: S5/26/95 Civic Offices, Nenagh

**Arthur O'Dea  
Rossarymore  
Newport  
Co. Tipperary**

**Re: Application for a Section 5 Declaration – Combining 2 semi detached houses into one detached house without any alteration to front of current structure, no extensions and no change to current services (water, sewer connection, electricity) using current entrance at Burleys Cottage, Tullow, Newport, Co. Tipperary, V94 YR6V**

Dear Arthur

I acknowledge receipt of Further Information received on 24<sup>th</sup> June 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**

## TIPPERARY COUNTY COUNCIL

### Application for Declaration under Section 5

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

---

**Planning Ref.:** S5/26/95

**Applicant:** Arthur O Dea

**Development Address:** Burleys Cottage, Tullow, Newport, Co. Tipperary, V94 YR6V

**Proposed Development:**  
Combining 2 semi-detached houses into one detached house without any alteration to front of current structure, no extensions and no change to current services (water, sewer connection, electricity) using current entrance

---

#### **1. GENERAL**

On 05/06/2026, a request was made for a declaration under Section 5 of the Planning and Development Act, 2000 as amended by Arthur O Dea as to whether or not the following works constitute development and if so, whether same was exempted development:

- Combining 2 semi-detached houses into one detached house without any alteration to front of current structure, no extensions and no change to current services (water, sewer connection, electricity) using current entrance

#### **2. STATUTORY PROVISIONS**

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

The Planning and Development Regulations 2001 (as amended) contain the following exemptions under Schedule 2 Part 1:

*Schedule 2 Part 1 Change of use*

**CLASS 14**

Development consisting of a change of use—

(e) from use as 2 or more dwellings, to use as a single dwelling, of any structure previously used as a single dwelling,

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—

(i) contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act,

(iii) endanger public safety by reason of traffic hazard or obstruction of road users,

(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.

(xi) obstruct any public right of way.

### **3. ASSESSMENT**

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

The application site is located at the southern side of Newport town, and contains a pair of semi-detached dwellings.

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

***On site:***

None identified on site

**Adjoining Lands:**

5123624 – Planning permission granted for a septic tank and percolation area to service an existing dwellinghouse

24/60894 – Planning permission granted to erect a dwelling house, garage, entrance, driveway, connect to public services and all associated site works

**Enforcement:**

None recorded

**Pre-Planning:**

None recorded.

**c. Assessment**

The proposal is to combine the pair of semi-detached houses into one detached house. There are no proposals for extensions, alterations to the front of the structure or changes to current services (water, sewer connection, electricity. The proposal is to use the 'current entrance'.

Class 14(e) of Schedule 2, Part 1 of The Planning and Development Regulations 2001 (as amended) contains an exemption for a change of use 'from use as 2 or more dwellings, to use as a single dwelling, of any structure previously used as a single dwelling'.

It is not clear if the structure was previously used as a single dwelling. Furthermore, the submitted drawings do not reflect the structure on site insofar as the outriggers to the rear but are not reflected in the drawings.

In view of the foregoing, it is considered appropriate to seek further information from the applicant.

**4. 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.

**5. RECOMMENDATION**

A question has arisen as to whether the following proposed development at Burleys Cottage, Tullow, Newport, Co. Tipperary, V94 YR6V is or is not exempted development:

- Combining 2 semi-detached houses into one detached house without any alteration to front of current structure, no extensions and no change to current services (water, sewer connection, electricity) using current entrance

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 applicant is advised the purpose of a Section 5 of the Planning and Development Act 2000, as amended, is to establish if a particular development is or is not an exempted development within the meaning of the above-mentioned Act based on the proposed development as outlined on the declaration application form **and** the submitted drawings.

The applicant is advised that there is an exemption available under Class 14(e) of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended, for a change of use 'from use as 2 or more dwellings, to use as a single dwelling, **of any structure previously used as a single dwelling**'.

It is not clear if the structure was previously used as a single dwelling. The applicant is required to clarify this matter. The applicant's response shall be furnished with evidence of same.

2. There are existing outriggers to the rear of the semi-detached dwellings which are not reflected in the submitted drawings. It is not clear when these were constructed or if they comprise original parts of the dwellings or extensions.
  - a) The applicant is required to submit revised drawings that accurately reflect site circumstances.
  - b) The applicant is requested to clarify what planning permission, if any, under which the outriggers were permitted.
  - c) In the event that the outriggers were constructed or erected before 1 October 1964, the applicant's response shall be furnished with evidence of same.

**District Planner:**

*Olive O'Donnell*

**Date:** 18/06/2026

**Senior Executive Planner:**

*Jonathan Flood*

**Date:** 18/6/2026

## **1. FURTHER INFORMATION AND ASSESSMENT**

Further information (FI) was requested on 19/6/2026 and a reply was received on 24/6/2026. The FI request is outline below in italics with a planning assessment under in bold.

1. *The applicant is advised the purpose of a Section 5 of the Planning and Development Act 2000, as amended, is to establish if a particular development is or is not an exempted development within the meaning of the above-mentioned Act based on the proposed development as outlined on the declaration application form **and** the submitted drawings.*

*The applicant is advised that there is an exemption available under Class 14(e) of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended, for a change of use 'from use as 2 or more dwellings, to use as a single dwelling, **of any structure previously used as a single dwelling**'.*

*It is not clear if the structure was previously used as a single dwelling. The applicant is required to clarify this matter. The applicant's response shall be furnished with evidence of same.*

**The FI reply advises that the structure was previously used as 2 dwellings. Land Registry documentation has been included with the FI reply.**

**In view of the FI reply the proposal does not meet the planning exemption under Class 14e).**

2. *There are existing outriggers to the rear of the semi-detached dwellings which are not reflected in the submitted drawings. It is not clear when these were constructed or if they comprise original parts of the dwellings or extensions.*
  - a) *The applicant is required to submit revised drawings that accurately reflect site circumstances.*
  - b) *The applicant is requested to clarify what planning permission, if any, under which the outriggers were permitted.*
  - c) *In the event the that the outriggers were constructed or erected before 1 October 1964, the applicant's response shall be furnished with evidence of same.*

**The information required under item a), b) and c) has not been provided. The FI reply notes the outriggers were originally developed as bathrooms and are propose for demolition. It cannot be confirmed, on the basis of the information provided, whether the proposed demolition meets planning exemptions under Class 50 of the Planning and Development Regulations 2001, as amended.**

## **2. RECOMMENDATION**

A question has arisen as to whether the following proposed development at Burleys Cottage, Tullow, Newport, Co. Tipperary, V94 YR6V is or is not exempted development:

Combining 2 semi-detached houses into one detached house without any alteration to front of current structure, no extensions and no change to current services (water, sewer connection, electricity) using current entrance

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

- Sections 2, 3 & 4 of the Planning and Development Act 2000 (as amended)
- Article 6 of the Planning and Development Regulations 2001, as amended,
- Class 14e) of Schedule 2, Part 1 of the Planning and Development Regulations 2001 (as amended)
- The plans and documentation submitted with the declaration application on 5/06/2026 and information received as further information on 24/6/2026.

Tipperary County Council has concluded that –

- The proposed development constitutes “development” within the meaning of the Planning and Development Act 2000 as amended and is NOT Exempted Development

**Reason: The proposal does not meet the requirements of Class 14(e) of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended. Insufficient information has been provided to determine if demolition of the outriggers meet planning exemptions.**

Senior Executive Planner: *Jonathan Flood*

**Date:** 26/6/2026

## HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT

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

(a) File Reference No:	S5 26 95
(b) Brief description of the project or plan:	As per planner's report
(c) Brief description of site characteristics:	As per planner's 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 <sup>1</sup>	Distance from proposed development (km)	Connections (Source-Pathway-Receptor)	Considered further in screening Y/N
Lough Derg (Shannon) SPA	<a href="https://www.npws.ie/protected-sites/sac/002165">https://www.npws.ie/protected-sites/sac/002165</a>	Within 15km	None	No
Lower River Shannon	<a href="https://www.npws.ie/protected-sites/sac/002165">https://www.npws.ie/protected-sites/sac/002165</a>	Within 10km	None	No
Slievefelim to Silvermines Mountains SPA	<a href="https://www.npws.ie/protected-sites/spa/004165">https://www.npws.ie/protected-sites/spa/004165</a>	Within 15km	None	No
River Shannon and River Fergus Estuaries SPA	<a href="https://www.npws.ie/protected-sites/spa/004077">https://www.npws.ie/protected-sites/spa/004077</a>	Within 15km	None	No
Clare Glen SAC	<a href="https://www.npws.ie/protected-sites/sac/000930">https://www.npws.ie/protected-sites/sac/000930</a>	Within 10km	None	No
Glenomra Wood SAC	<a href="https://www.npws.ie/protected-sites/sac/001013">https://www.npws.ie/protected-sites/sac/001013</a>	Within 15km	None	No
Keeper Hill SAC	<a href="https://www.npws.ie/protected-sites/sac/001197">https://www.npws.ie/protected-sites/sac/001197</a>	Within 10km	None	No
Glenstal Wood SAC	<a href="https://www.npws.ie/protected-sites/sac/001432">https://www.npws.ie/protected-sites/sac/001432</a>	Within 10km	None	No
Silvermines Mountains West SAC	<a href="https://www.npws.ie/protected-sites/sac/002258">https://www.npws.ie/protected-sites/sac/002258</a>	Within 15km	None	No
Silvermine Mountains SAC	<a href="https://www.npws.ie/protected-sites/sac/000939">https://www.npws.ie/protected-sites/sac/000939</a>	Within 15km	None	No

Slieve Bog	Bernagh	<a href="https://www.npws.ie/protected-sites/sac/002312">https://www.npws.ie/protected-sites/sac/002312</a>	Within 15km	None	No
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**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:**

<b>Impacts:</b>	<b>Possible Significance of Impacts: (duration/magnitude etc.)</b>
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>	None.
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>	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: <ul style="list-style-type: none"> <li>• Reduction or fragmentation of habitat area</li> <li>• Disturbance to QI species</li> <li>• Habitat or species fragmentation</li> <li>• Reduction or fragmentation in species density</li> <li>• Changes in key indicators of conservation status value (water or air quality etc.)</li> <li>• Changes to areas of sensitivity or threats to QI</li> <li>• Interference with the key relationships that define the structure or ecological function of the site</li> </ul>	None.
--	-------

**(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 <b>no likelihood</b> of significant effects on a European site.	<input checked="" type="checkbox"/>	The proposal can be screened out: Appropriate assessment not required.
(ii) It is <b>uncertain</b> whether the proposal will have a significant effect on a European site.	<input type="checkbox"/>	<input type="checkbox"/> Request further information to complete screening <input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
(iii) <b>Significant effects</b> are likely.	<input type="checkbox"/>	<input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
<b>Signature and Date of Recommending Officer:</b>	Olive O'Donnell	<b>Date:</b> 18/06/2026

**EIA PRE-SCREENING**  
**Establishing a development is a 'sub-threshold development'**

<b>File Reference:</b>	S5 26 95
<b>Development Summary:</b>	As per planners report
<b>Was a Screening Determination carried out under Section 176A-C?</b>	<input type="checkbox"/> Yes, no further action required <input checked="" type="checkbox"/> No, Proceed to <b>Part A</b>
<b>A. Schedule 5 Part 1 - Does the development comprise a project listed in Schedule 5, Part 1, of the Planning and Development Regulations 2001 (as amended)? (Tick as appropriate)</b>	
<input type="checkbox"/> Yes, specify class _____	<b>EIA is mandatory</b> No Screening required
<input checked="" type="checkbox"/> No	Proceed to <b>Part B</b>
<b>B. Schedule 5 Part 2 - Does the development comprise a project listed in Schedule 5, Part 2, of the Planning and Development Regulations 2001 (as amended) and does it meet/exceed the thresholds? (Tick as appropriate)</b>	
<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 and 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 but is <i>sub-threshold</i> : _____	Proceed to <b>Part C</b>
<b>C. If Yes, has Schedule 7A information/screening report been submitted?</b>	
<input type="checkbox"/> Yes, Schedule 7A information/screening report has been submitted by the applicant	<b>Screening Determination required</b>
<input type="checkbox"/> No, Schedule 7A information/screening report has not been submitted by the applicant	<b>Preliminary Examination required</b>

**Original**

**TIPPERARY COUNTY COUNCIL**

**DELEGATED EMPLOYEE'S ORDER**

File Ref: **S5/26/95**      **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 Arthur O'Dea, Rossarymore, Newport, Co. Tipperary, combining 2 semi-detached houses into one detached house without any alteration to front of current structure, no extensions and no change to current services (water, sewer connection, electricity) using current entrance at Ballyartella, Nenagh, 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) Article 6 of the Planning and Development Regulations 20001, as amended,
- c) Class 14e) of Schedule 2, Part 1 of the Planning and Development Regulations 2001 (as amended)
- d) The plans and documentation submitted with the declaration application on 5/06/2026 and information received as further information on 24/6/2026.

Tipperary County Council has concluded that –

The proposed development constitutes "development" within the meaning of the Planning and Development Act 2000 as amended and is NOT Exempted Development

**Reason: The proposal does not meet the requirements of Class 14(e) of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended.**

**Insufficient information has been provided to determine if demolition of the outriggers meet planning exemptions.**

**Signed:**   
**Brian Beck**  
**Director of Services**

**Date: 29/06/2026**



Date: 29 June 2026

Our Ref: S5/26/95

Civic Offices, Nenagh

Arthur O'Dea  
Roassarymore  
Newport  
Co. Tipperary

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

Dear Arthur,

I refer to your application for a Section 5 Declaration received on 25<sup>th</sup> June 2026, and Further Information received on 24<sup>th</sup> June 2026 in relation to the following proposed works:

**Combining 2 semi-detached houses into one detached house without any alteration to front of current structure, no extensions and no change to current services (water, sewer connection, electricity) using current entrance at Burleys Cottage, Tullow, Newport, Co. Tipperary, V94 YR6V**

**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 & 4 of the Planning and Development Act 2000 (as amended)
- Article 6 of the Planning and Development Regulations 20001, as amended,
- Class 14e) of Schedule 2, Part 1 of the Planning and Development Regulations 2001 (as amended)
- The plans and documentation submitted with the declaration application on 5/06/2026 and information received as further information on 24/6/2026.

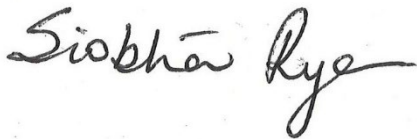
Tipperary County Council has concluded that –

The proposed development constitutes “development” within the meaning of the Planning and Development Act 2000 as amended and is **NOT Exempted Development**.

**Reason: The proposal does not meet the requirements of Class 14(e) of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended. Insufficient information has been provided to determine if demolition of the outriggers meet planning exemptions.**

**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'.

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for **Director of Services**