

INIS NA MANAGH  
MARLFIELD RD  
CLONMEL  
CO TIPPERARY  
E91WT73

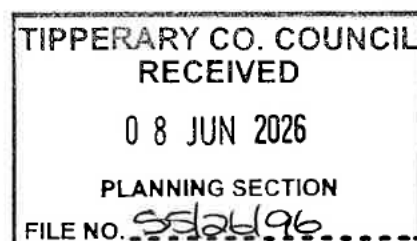
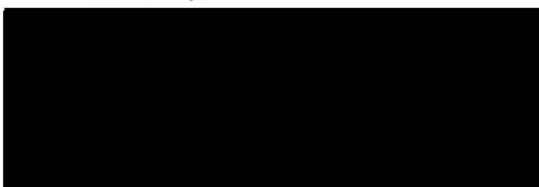
7 JUNE 26

**APPLICATION FOR A SECTION 5 DECLARATION**

To Whom It Concerns,

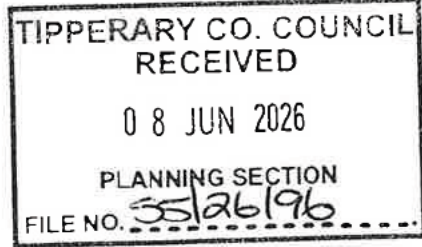
1. In an effort to tidy up our personal affairs we sought advice from Tipp Co Co Planning Office in Clonmel relating to two potential planning issues involving our residence at E91WT73 - INIS NA MANAGH, MARLFIELD RD., CLONMEL:
  - a. The addition of a garden room in 2005/2006 to the REAR WEST of the dwelling.
  - b. The change in design to the front elevation roof line as per plans at that time.
  
2. I was provided with this Application for a Section 5 Declaration and was advised to complete and submit. Herewith enclosed information as requested and I enclose two copies of the following for consideration, in order:
  - a. Eight photographs showing all elevations.
  - b. Original FORM F dated November 1995 with the decision to grant planning permission.
  - c. Original Land Registry Map O.S. 83/5 showing site location.
  - d. Current OS Site Location Map from OSI Planning Pack.
  - e. Current OS Planning Pack Map showing site location 1:1000.
  - f. Overlay of site layout using original O.S 83/5 with a scale of 1:500.
  - g. Overlay of site layout using zoomed version of current OS Planning Pack Map.
  - h. Overlay of ground floor plan using original drawings as submitted with a scale of 1:50.
  - i. Overlay of front elevation (south) using original drawings as submitted with a scale of 1:50.
  - j. Overlay of side elevation (west) using original drawings as submitted with a scale of 1:50.
  - k. Overlay of back elevation (north) using original drawings as submitted with a scale of 1:50.
  
3. The garden room is completed 20 years to date, is under 20sqm and it is our hope to regularise its existence.
  
4. When the house was being built in 1996 a change to the roof line of the front elevation was suggested in order to improve the overall aesthetic. The decision to eliminate the existence of two rain-pipes to the front of the house as per the original plan necessitated not including the left roof apex and right roof apex in the original build in 1996. These were only design features with no practical function. ( see attached front elevation)
  
5. We thank you for your attention in this matter and appreciate your consideration.

Sincerely,





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	ANGELA & IAN BYRNE
Address	INIS NA MANAIGH MARLFIELD RD CLONMEL E91WT73
Telephone No.	
E-mail	

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

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

**3. Location of Proposed Development:**

Postal Address or Townland or Location (as may best identify the land or structure in question)	E91 WT 73 INIS NA MANAIGH MARLFIELD RD CLONMEL CO TIPPERARY.
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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.)

A garden room was added to the west of the residence in 1995/96 and an exemption is sought for its retention.
A change to the original front elevation planning by the non inclusion of the left and right roof apexes.
Proposed floor area of proposed works/uses: 19.23sqm

**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 <input type="checkbox"/>
	C. Other <input type="checkbox"/>	<input type="checkbox"/>
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



Date:

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

**GUIDANCE NOTES**

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

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

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

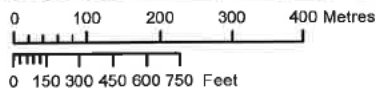
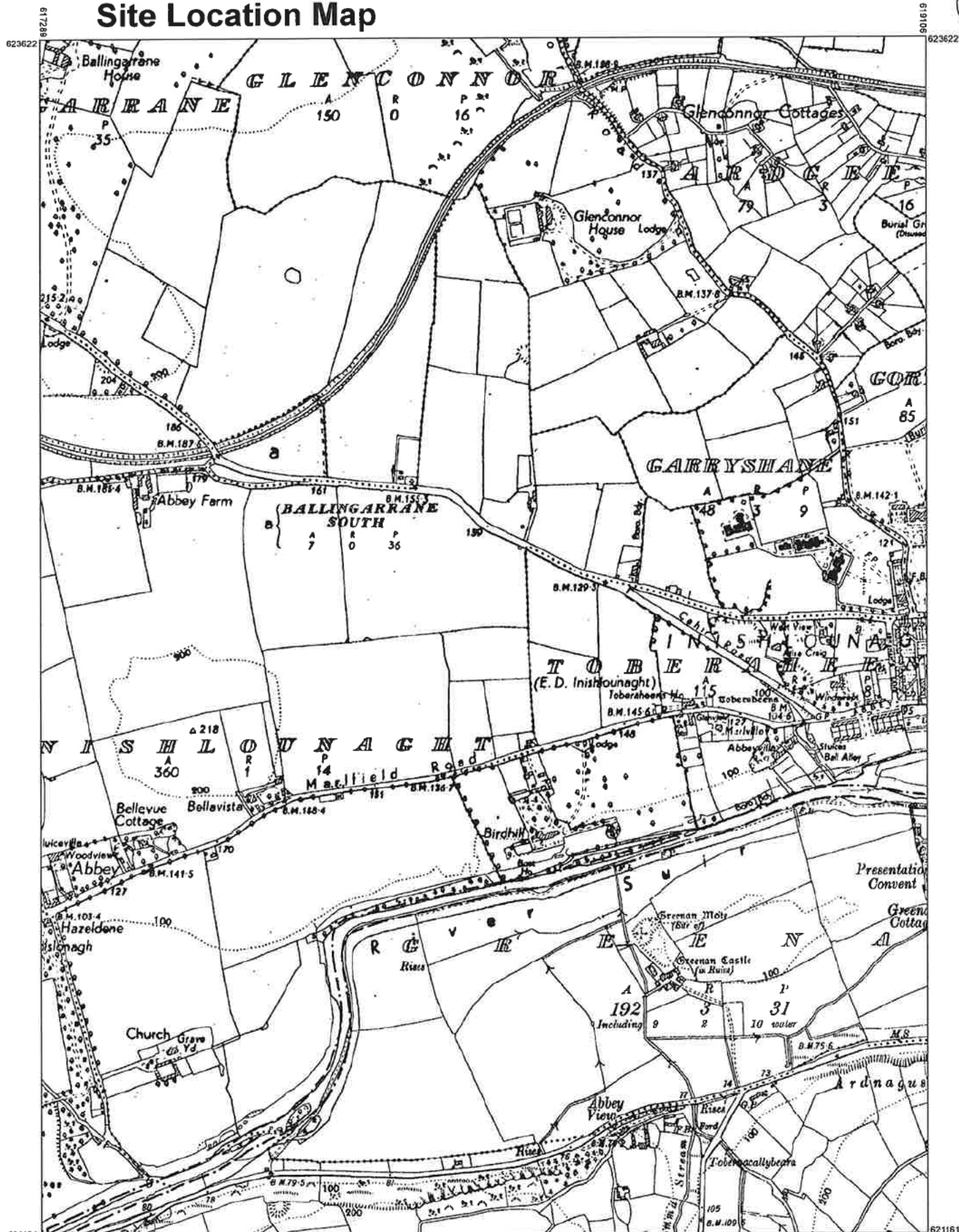
**This application form and relevant fee should be submitted to:**

<b>Planning Section, Tipperary County Council, Civic Offices, Limerick Road, Nenagh, Co. Tipperary</b>	<b><u>OR</u></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>		

**FOR OFFICE USE ONLY**

<b>Fee Recd. €</b> <u>80 -</u>	<b>DATE STAMP</b> Tipperary County Council RECEIVED 08 JUN 2026 CASH OFFICE Civic Offices, Clonmel
Receipt No <u>204494</u>	
Date <u>8/6/26</u>	
Received by <u><i>Ellen</i></u>	

# Site Location Map



OUTPUT SCALE: 1:10,560



CENTRE COORDINATES:  
ITM 618198,622392

PUBLISHED: 03/06/2026  
ORDER NO.: 50539765\_1

**CAPTURE RESOLUTION:**  
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**TIPPERARY MAP SHEETS**  
6 Inch Raster  
6 Inch Vector  
Received

08 JUN 2026

PLANNING SECTION  
FILE NO. 5526196



**Tailte Éireann**

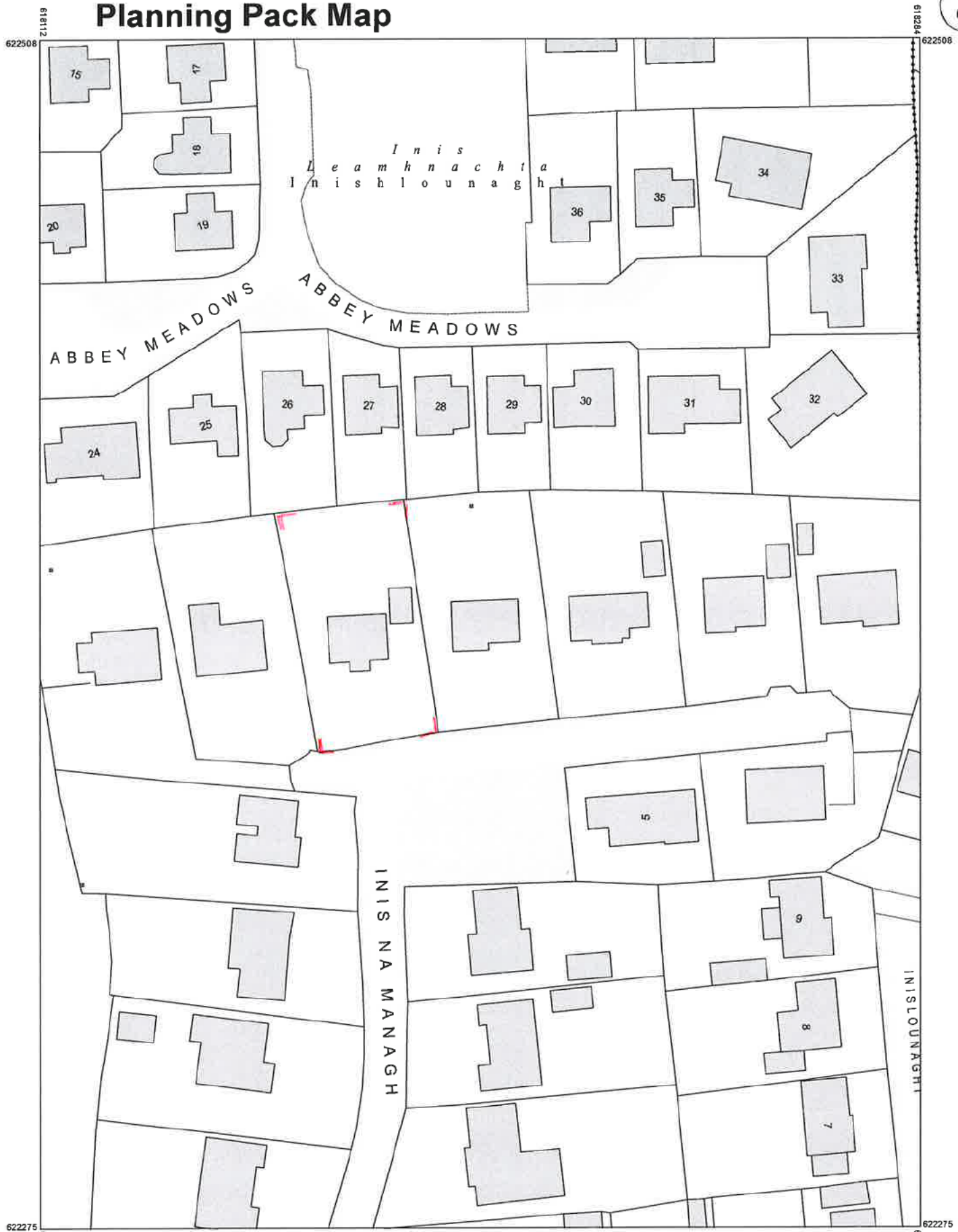
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# Planning Pack Map

(e.)



OUTPUT SCALE: 1:1,000

CENTRE COORDINATES:  
ITM 618198,622392

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 FILE NO. SS126/96

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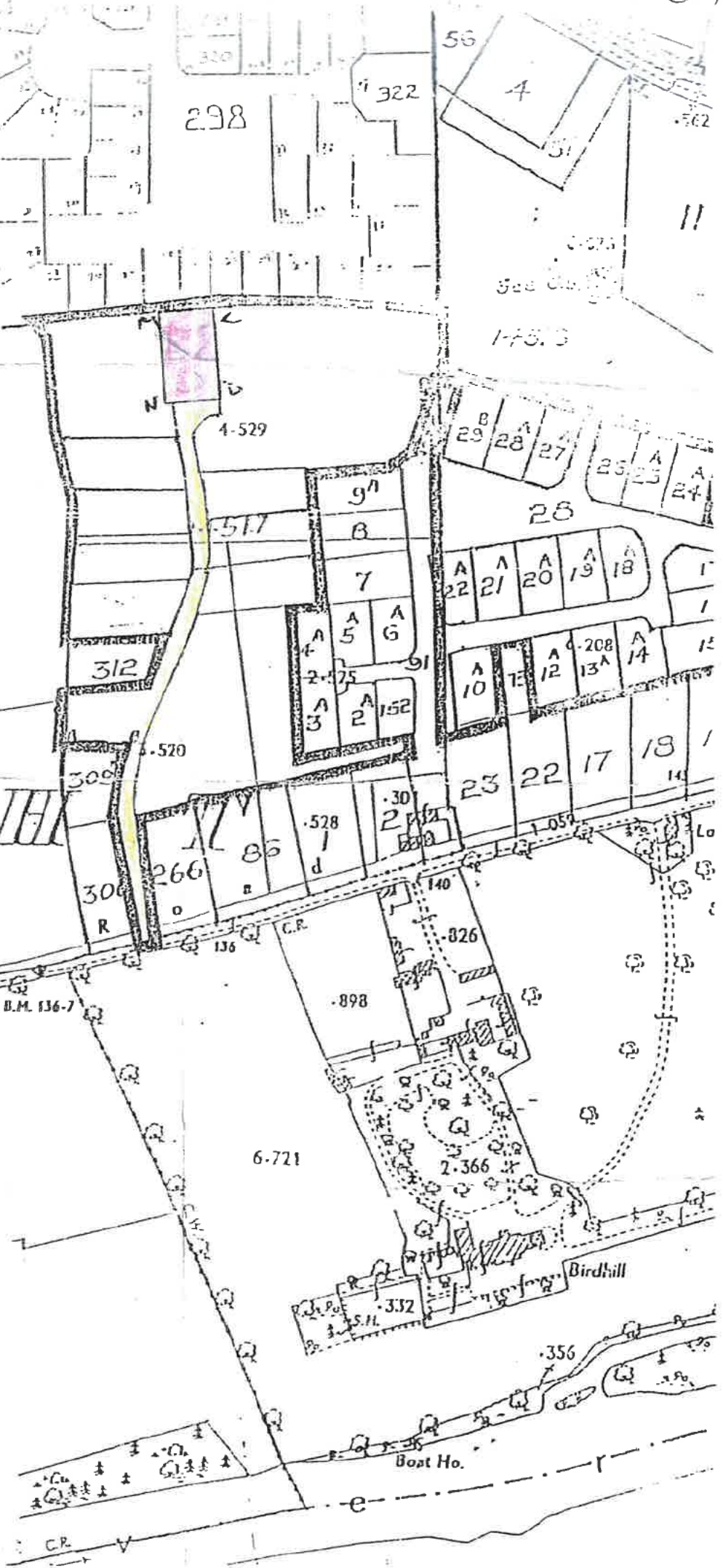
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307 III

01 24 100 89 90  
 150 10  
 LAND REGISTRY

Tipperary  
 14517 O.S. 83/5  
 map should be read in conjunction with the folio.  
 (Plan No. on 1st page)  
 map does not show appurtenant or servient rights.  
 conclusive evidence as to the boundaries or extent  
 and. (See Section 85 of the Registration of Title Act 1964.)  
 a boundary has been transferred from a smaller  
 map. accuracy is limited to that of the smaller scale.  
 map. subject to the provisions of the L.R. Rules,  
 is acceptable for subdivision purposes.

29/3/89

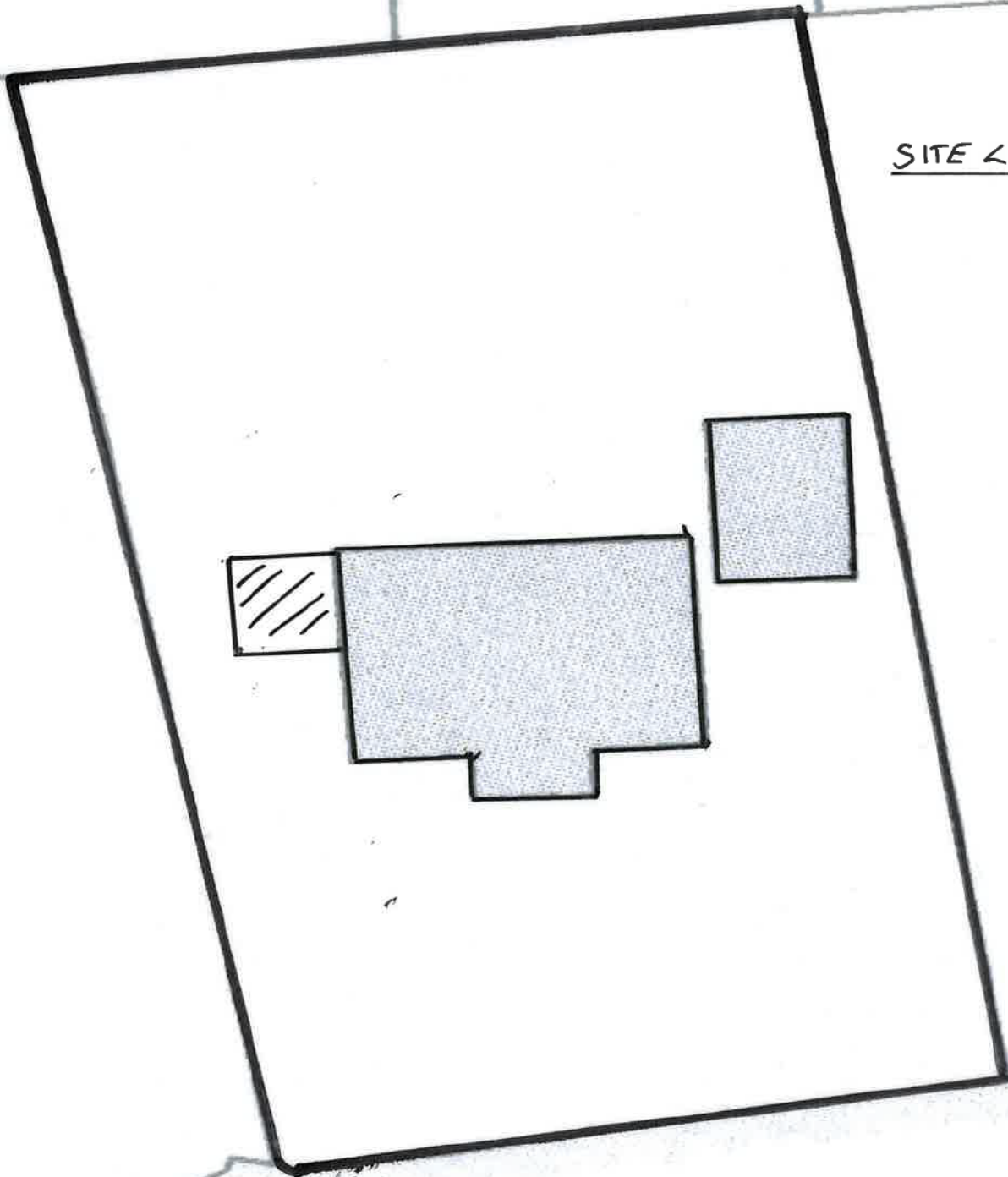


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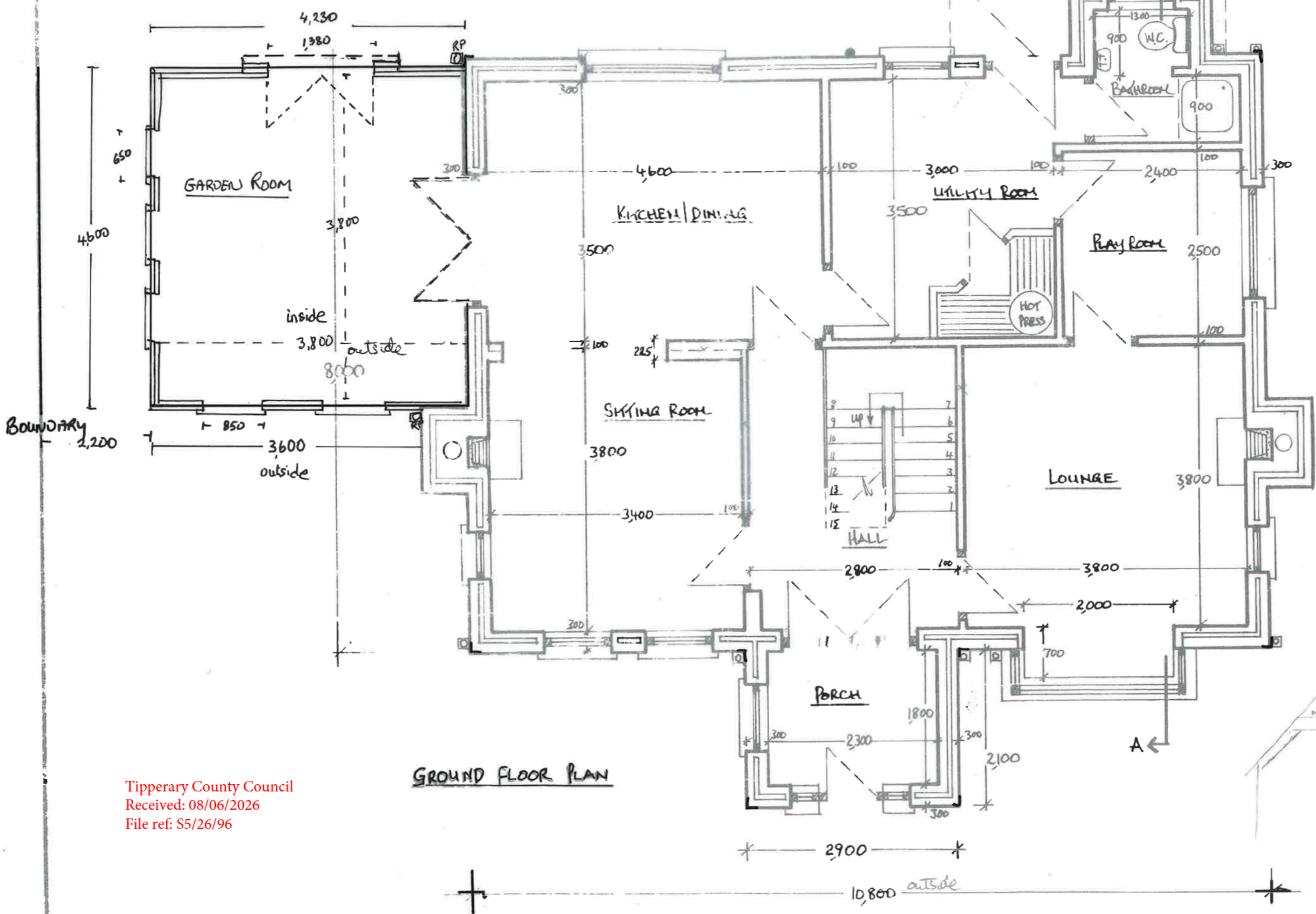


ANGELA & IAN BYRNE (9.1)  
INIS NA MANAGTU  
MARLFIELD RD  
CLONMEL

SITE LAYOUT



TIPPERARY CO. COUNCIL  
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08 JUN 2026  
PLANNING SECTION  
FILE NO. 55126196



ANGELA &  
IAN BYRNE  
INIS NA MANAGH  
MARLFIELD RD  
CLONMEL  
SCALE: 1-50

Tipperary County Council  
Received: 08/06/2026  
File ref: S5/26/96

GROUND FLOOR PLAN

ANGELA &  
IAN BYRNE  
INIS NA MURNAGH  
MARLFIELD RD  
CLONMEL  
SCALE: 1-50

Tipperary County Council  
Received: 08/06/2026  
File ref: S5/26/96



FRONT ELEVATION (SOUTH)





TIPPERARY CO. COUNCIL  
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PLANNING SECTION  
FILE NO. 5512d96















LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACTS, 1963 to 1993

Notification of a Decision to Grant a Permission / ~~an Approval~~  
(Subject to Conditions) under Section 26/27 of the 1963 Act

CLONMEL CORPORATION

To: Ian Byrne,  
21 Mitchel Street,  
Clonmel.

Reference No. in PDA/2/ 88/95  
Planning Register .....

Application  
Received on: 22nd September, 1995.

In pursuance of powers conferred upon them by the above-mentioned Act, the Clonmel Corporation have  
by order dated November, 1995.

decided to grant a Permission / ~~an Approval~~ for the Development of Land namely:  
~~for the Erection of an Unauthorised Structure~~

For erection of Two Storey House and Garage at Inishlounaght, Clonmel.

TIPPERARY CO. COUNCIL  
RECEIVED  
08 JUN 2026  
PLANNING SECTION  
FILE NO. ....

Subject to the conditions No's 1 to 6 (inclusive) set out in Column 1 of the Schedule overleaf. The reasons for the imposition of the said conditions are set out in column 2 of the Schedule.

If there is no appeal against the said decision, a grant of Permission / ~~Approval~~ in accordance with the decision will be issued after the expiration of the period within which an appeal may be made to An Bord Pleanala (see footnote).

It should be noted that until a grant of Permission / ~~Approval~~ has been issued the Development / ~~Retention~~ in question is not authorised.

Signed on behalf of [Signature]  
Clonmel Corporation Town Clerk

Date 17 November, 1995.

NOTE

AN APPEAL against a decision of a Planning Authority under Section 26 or Section 28 of the Act of 1963 as amended by the Acts of 1976 & 1992 may be made to An Bord Pleanala. The applicant and any other person may appeal within ONE MONTH beginning on the date of the making of the decision by the Planning Authority. An appeal should include the following:-

- (a) The name and address of the appellant - where an agent makes an appeal he/she must give the name and address of the person on whose behalf he/she is appealing.
- (b) The subject matter of the appeal which should include the nature and site of the proposed development, the name of the Planning Authority, the Planning Register Number (shown on the decision you are appealing).
- (c) The FULL GROUNDS OF APPEAL and supporting material and arguments. N.B.: The Board CANNOT take into consideration any grounds of appeal or information submitted after the appeal is lodged and it cannot consider non planning issues; grounds of appeal should not, therefore, include such issues.
- (d) The Correct Fee. At present the normal fee is £100 but for an appeal relating to a commercial development...



Comhairle Contae Thiobraid Árann  
Tipperary County Council

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

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

t 0818 06 5000/6000  
e customerservice  
@tipperarycoco.ie  
[tipperarycoco.ie](http://tipperarycoco.ie)

Date: 8<sup>th</sup> June 2026      Our Ref: S5/26/96      Civic Offices, Clonmel

**Ian & Angela Byrne,  
Inis Na Managh,  
Marlfield,  
Clonmel,  
Co. Tipperary,  
E91 WT73.**


**Re: Application for a Section 5 Declaration – Retention for a garden room to the west of the residence and a change to the original front elevation planning by the non-inclusion of the left and right roof apexes at Inis Na Managh, Marlfield Road, Clonmel, Co. Tipperary, E91 WT73.**

Dear Mr. Byrne,

I acknowledge receipt of your application for a Section 5 Declaration received on 8<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.:** S5/26/96

**Applicant:** Ian & Angela Byrne

**Development Address:** Inis Na Managh, Marlfield, Clonmel, Co. Tipperary, E91 WT73.

**Proposed Development:** A garden room to the west of the residence and a change to the original front elevation planning by the non-inclusion of the left and right roof apexes.

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#### **1. GENERAL**

On the 8<sup>th</sup> of June 2026, a request was made for a declaration under Section 5 of the Planning and Development Act, 2000 as amended as to whether the following is “development” and “exempt development”:

- A garden room to the west of the residence and a change to the original front elevation planning by the non-inclusion of the left and right roof apexes.

The works are located at Inis Na Managh, Marlfield, Clonmel, Co. Tipperary. The change in the front elevation was implemented at the time the dwelling was constructed in circa 1996. The side extension was constructed in 2005/2006.

#### **2. STATUTORY PROVISION**

The following statutory provisions are relevant to this referral case;

Section 4(1)(g) of the Planning and Development Act 1963, as amended, included the following exemption;

*(g) 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 such appearance inconsistent with the character of the structure or of neighbouring structures;*

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

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

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

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

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

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

Exempted Development.

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

Schedule 2, Part 1 ‘Exempted Development - General:

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

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

### **Conditions and Limitations**

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

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

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

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

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

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

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

5. The construction or erection of any such extension to the rear of the house shall not reduce the area of private open space, reserved exclusively for the use of the occupants of the house, to the rear of the house to less than 25 square metres.

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

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

(c) Where the house is detached and the floor area of the extension above ground level exceeds 12 square metres, any window proposed at above ground level shall not be less than 11 metres from the boundary it faces.

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

Article 9 (1) (a) of the Planning and Development Regulations 2001, as amended sets out the instances where development, to which Article 6 relates, shall not be exempted development for the purposes of the Act.

### **3. ASSESSMENT**

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

The site comprises a detached two storey dwelling at Inis Na Managh, Marlfield, Clonmel, Co. Tipperary. This is a predominately residential area on the western side of Clonmel.

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

##### **On site**

PA8895 – erection of two storey house and garage - Granted

##### **Adjacent**

None relevant

Figure 1 Planning history



**c. Assessment**

**A) “Is or is not Development”**

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

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

The works undertaken comprise of the construction of a garden room to the west of the residence and a change to the front elevation as originally permitted by the omission of the left and right roof apexes.





Measured internally, the extension provides 19.23 sqms of floor space. Notwithstanding the size, the extension was constructed to the side of the house. As such, it does not benefit from the exemption provided for under Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended.

With respect to the modifications to the front elevation undertaken during the construction phase of development, it is not permissible to allow the exemption provided for under Section 4(1)(g) if the changes are undertaken during the construction phase of development. They may be considered as non material amendments to the permitted plans, but that question cannot be considered as part of the assessment of this Declaration.

### C) Restrictions under Article 9

As the works do not constitute exempted development, the restrictions set out under Article 9 are not relevant.

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

The subject site is located c. 480m from the Lower River Suir SAC and within 15 Kms of the Comeragh mountains SAC and the Nier Valley Woodlands SAC.

The proposed development is located within a long established residential area and comprises of modifications to the dwelling. The property is connected to the mains waste water infrastructure.

Having regard to:

- the small scale nature of the development,
- the location of the site is a serviced urban centre,
- the location of the development relevant to the closest European site (lower River Suir,
- The intervening land uses between the subject site and the SAC and
- the consequent absence of a direct pathway to these European sites,

it is considered that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on the Natura 2000 network and appropriate assessment is not therefore required.

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

#### **4. RECOMMENDATION**

A question has arisen as to whether the construction of a side a garden room to the west of the residence and a change to the front elevation as permitted (implemented at the time the dwelling was constructed) by the non-inclusion of the left and right roof apexes or is not development and is or is not exempted development. The subject site is located at Inis Na Managh, Marfield, Clonmel, Co. Tipperary.

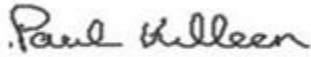
In considering this declaration, the Planning Authority had regard to:

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

Having considered the information received, the Planning Authority has determined that the works proposed constitute development and are **NOT** “exempted development” as the garden room is to the side and not to the rear of the house as required under Part 1 Class 1 of Schedule 2 of the Planning & Development Regulations 2001, as amended.

#### **ADVICE NOTE**

With respect to the modifications to the front elevation undertaken during the construction phase of development, it is not permissible to allow the exemption provided for under Section 4(1)(g) of the Local Government (Planning and Development) Act, 1963, as amended (which was in effect at the time the dwelling was constructed) if the changes are undertaken during the construction phase of development. **They may be considered as non-material amendments to the permitted plans, but that question cannot be considered as part of the assessment of this Declaration.**

Signed:   
District Planner

Date: 26/06/26

Signed:   
Senior Executive Planner

Date: 29.6.2026

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

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

(a)	File Reference No:	S5/26/96
(b)	Brief description of the project or plan:	Domestic extension
(c)	Brief description of site characteristics:	Existing mid terrace residential property at 62 Oliver Plunkett Terrace, Clonmel, Co. Tipperary
(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 <sup>1</sup>	Distance from proposed development <sup>2</sup> (km)	Connections (Source-Pathway-Receptor)	Considered further in screening Y/N
Lower River Suir SAC 002137	<a href="https://www.npws.ie/protected-sites/sac/002137">https://www.npws.ie/protected-sites/sac/002137</a>	480 ms	No due to distance and the lack of any relevant ex-situ factors of significance to these species.	No
Nier Valley SAC 000668	<a href="https://www.npws.ie/protected-sites/sac/000668">https://www.npws.ie/protected-sites/sac/000668</a>	Within 15 kms	No due to distance and the lack of any relevant ex-situ factors of significance to these species.	No
Comeragh Mountains SAC 01952	<a href="https://www.npws.ie/protected-sites/sac/001952">https://www.npws.ie/protected-sites/sac/001952</a>	Within 15 kms	No due to distance and the lack of any relevant ex-situ factors of significance to these species.	No

**STEP 3. Assessment of Likely Significant Effects**

(a) Identify all potential direct and indirect impacts that may have an effect on the conservation objectives of a European site, taking into account the size and scale of the project under the following headings:

Impacts:	Possible Significance of Impacts: (duration/magnitude etc.)
<p>Construction phase e.g.</p> <ul style="list-style-type: none"> <li>• Vegetation clearance</li> <li>• Demolition</li> <li>• Surface water runoff from soil excavation/infill/landscaping (including borrow pits)</li> <li>• Dust, noise, vibration</li> <li>• Lighting disturbance</li> <li>• Impact on groundwater/dewatering</li> <li>• Storage of excavated/construction materials</li> <li>• Access to site</li> <li>• Pests</li> </ul>	No impacts
<p>Operational phase e.g.</p> <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>	The wastewater discharges to Clonmel WWTP, which ultimately discharges, under licence to the River Suir. the last available Annual Environmental Report issued by the EPA for the facility raised no concerns with the operation of the municipal Waste water treatment plant in Clonmel.
In-combination/Other	No likely in combination effects

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

<p>Examples of the type of changes to give consideration to include:</p> <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>	No impacts
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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

No

#### STEP 4. Screening Determination Statement

The assessment of significance of effects:

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

No impacts

Conclusion:

	Tick as Appropriate:	Recommendation:
(i) It is clear that there is no likelihood of significant effects on a European site.	<input checked="" type="checkbox"/>	The proposal can be screened out: Appropriate assessment not required.
(ii) It is uncertain whether the proposal will have a significant effect on a European site.	<input type="checkbox"/>	<input type="checkbox"/> Request further information to complete screening <input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
(iii) Significant effects are likely.	<input type="checkbox"/>	<input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
Signature and Date of Recommending Officer:	Paul Killeen	Date: 29/06/26

#### EIA Pre-Screening

Establishing a development is a 'sub-threshold development'

File Reference:

S5/2696

Development Summary:

Domestic extension

Was a Screening Determination carried out under Section 176A-C?

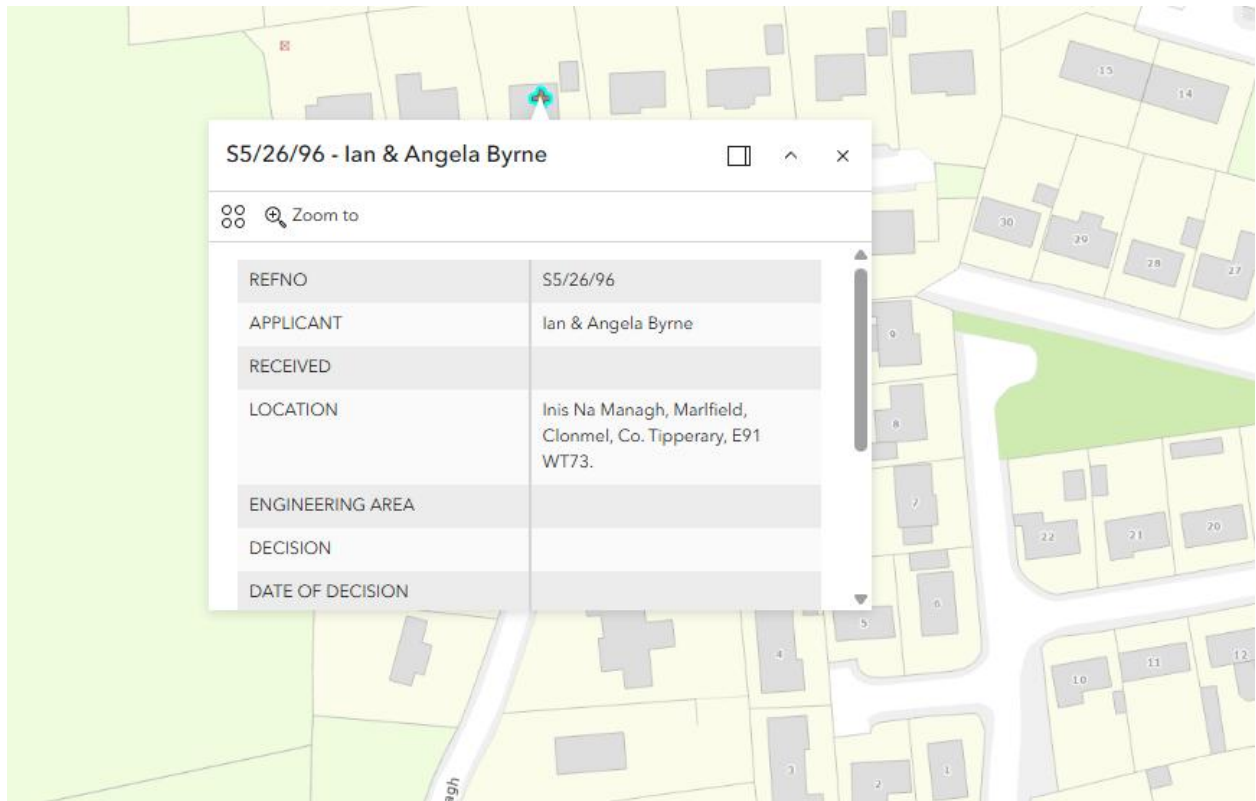
Yes, no further action required

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 _____	<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?</b> (Tick as appropriate)	
<input checked="" type="checkbox"/> No, the development is not a project listed in Schedule 5, Part 2	<b>No Screening required</b>
<input type="checkbox"/> Yes the project is listed in Schedule 5, Part 2 <b>and</b> meets/exceeds the threshold, specify class (including threshold): _____	<b>EIA is mandatory</b> No Screening required
<input type="checkbox"/> Yes the project is of a type listed <b>but</b> is <i>sub-threshold</i> : _____	Proceed to <b>Part C</b>
<b>C. If Yes, 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> <b>Preliminary Examination required</b>
<input type="checkbox"/> No, Schedule 7A information/screening report has not been submitted by the applicant	

Figure 5 Site entered on Planning register



Original

**TIPPERARY COUNTY COUNCIL**

**DELEGATED EMPLOYEE'S ORDER**

File Ref: **S5/26/96**      **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 Ian & Angela Byrne, Inis Na Managh, Marfield, Clonmel, Co. Tipperary, A garden room to the west of the residence and a change to the original front elevation planning by the non-inclusion of the left and right roof apexes. 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) Part 1 Class 1 of Schedule 2 Planning & Development Regulations 2001, as amended.
- c) Articles 6 and 9 of the Planning & Development Regulations 2001, as amended

Having considered the information received, the Planning Authority has determined that the works proposed constitute development and are **NOT** "exempted development" as the garden room is to the side and not to the the rear of the house as required under Part 1 Class 1 of Schedule 2 of the Planning & Development Regulations 2001, as amended.

**ADVICE NOTE**

With respect to the modifications to the front elevation undertaken during the construction phase of development, it is not permissible to allow the exemption provided for under Section 4(1)(g) of the Local Government (Planning and Development) Act, 1963, as amended (which was in effect at the time the dwelling was constructed) if the changes are undertaken during the construction phase of development. **They may be considered as non-material amendments to the permitted plans, but that question cannot be considered as part of the assessment of this Declaration.**

**Signed:**

  
\_\_\_\_\_

**Brian Beck**  
**Director of Services**

**Date: 30/06/2026**



Date: 30 June 2026

Our Ref: S5/26/96

Civic Offices, Nenagh

Ian & Angela Byrne  
Inis Na Managh  
Marlfield  
Clonmel  
Co. Tipperary  
E91 WT73

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

Dear Mr & Mrs Bryne,

I refer to your application for a Section 5 Declaration received on 8<sup>th</sup> June 2026, in relation to the following proposed works:

**A garden room to the west of the residence and a change to the original front elevation planning by the non-inclusion of the left and right roof apexes. at the Inis Na Managh, Marlfield, Clonmel, Co. Tipperary, E91 WT73.**

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

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

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

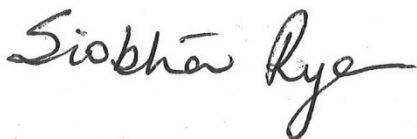
Having considered the information received, the Planning Authority has determined that the works proposed constitute development and are **NOT** “exempted development” as the garden room is to the side and not to the rear of the house as required under Part 1 Class 1 of Schedule 2 of the Planning & Development Regulations 2001, as amended.

## **ADVICE NOTE**

With respect to the modifications to the front elevation undertaken during the construction phase of development, it is not permissible to allow the exemption provided for under Section 4(1)(g) of the Local Government (Planning and Development) Act, 1963, as amended (which was in effect at the time the dwelling was constructed) if the changes are undertaken during the construction phase of development. **They may be considered as non-material amendments to the permitted plans, but that question cannot be considered as part of the assessment of this Declaration.**

**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**