



PLANNING & DEVELOPMENT ACT, 2000 (as amended)

Application for a Section 5 Declaration  
Development / Exempted Development

1. Applicant's address/contact details:

Applicant	Lorraine Armer
Address	Ballyvistea Emly Co Tipperary
Telephone No.	[REDACTED]
E-mail	[REDACTED]

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 [ ]	Agent [ ]

3. Location of Proposed Development:

Postal Address or Townland or Location (as may best identify the land or structure in question)	BALLYVISTEA Emly Co. TIPPERARY E34 YV56
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Please charge the €80.00 to my card.

RN 138019

TIPPERARY CO. COUNCIL  
**RECEIVED**  
- 8 JUN 2026  
PLANNING SECTION  
FILE NO.....

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.)

(See plans included)
Build a small extension not exceeding 40sq metres
Included in the plans is what I plan to
Build. Please note this will be all within
the guidelines that does not require Planning
Proposed floor area of proposed works/uses: 40 sqm

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	<input checked="" type="checkbox"/> A. Owner	<input type="checkbox"/> B. Occupier
	<input type="checkbox"/> 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:  Date: 20/07/25

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





Cash Office  
Tipperary County Council  
Civic Offices  
Nenagh  
Co Tipperary

08/06/2026 12:41:01

Receipt No. : NENAM1/0/138019  
\*\*\*\*\* REPRINT \*\*\*\*\*

LORRAINE ALYMER  
BALLYVISTEA  
EMILY  
CO TIPPERARY

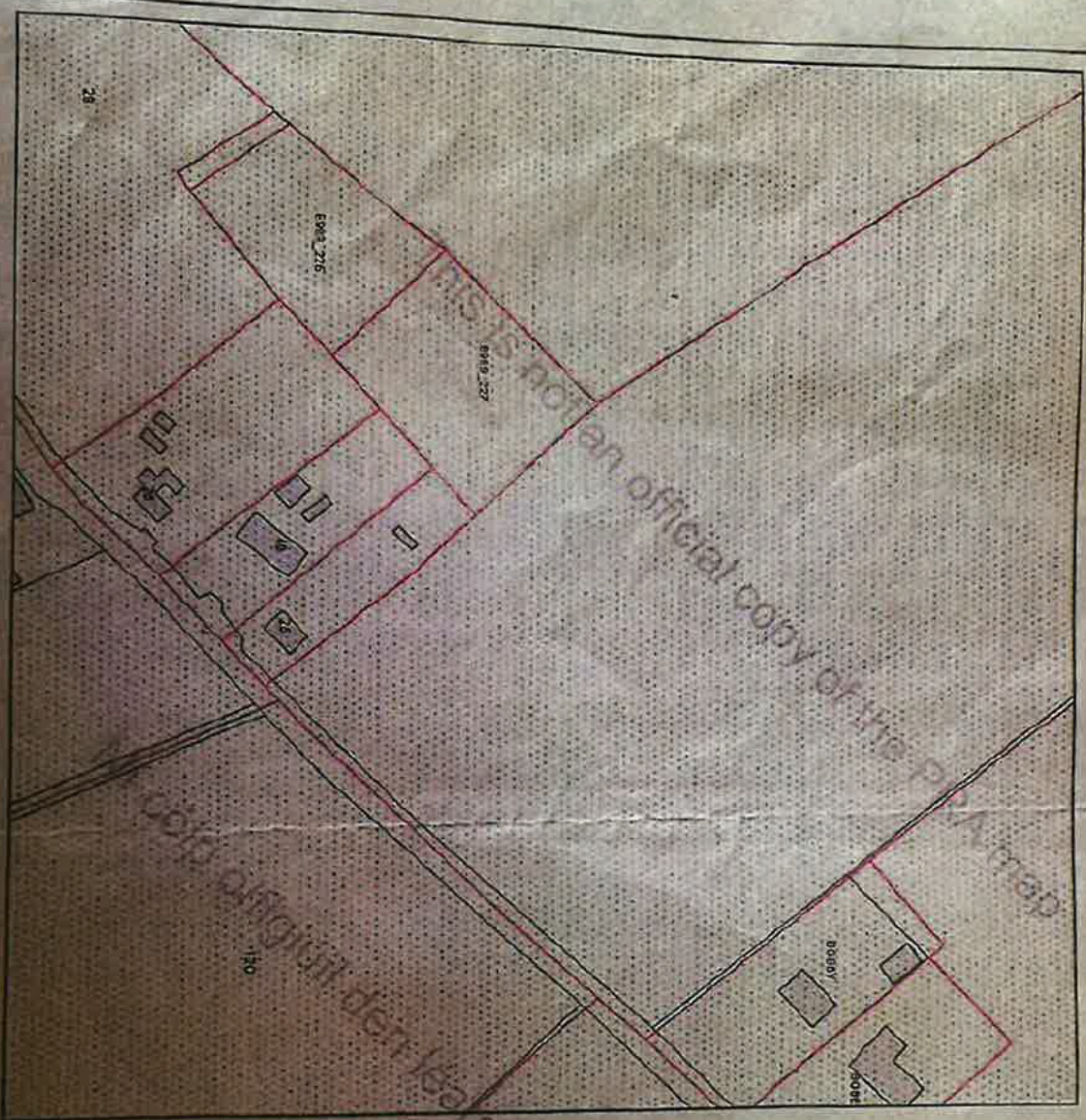
SECTION6 EXEMPTION DECLARATION 80  
GOODS 80.00  
VAT Exempt/Non-vatable

Total 80.00 EUR

Tendered :  
Credit Card 80.00



Creation Date: 25 October 2022, 14:14:51



**The Property  
Registration Authority**  
An tÚdarás  
Clárúcháin Maoinne



Official Property Registration Map

This map should be read in conjunction with the folio.

Registry maps are based on OSI topographic mapping. Where registry maps are printed at a scale that is larger than the OSI published scale accuracy is limited to that of the original OSI Map Scale.

For details of the terms of use, and limitations as to scale, accuracy and other conditions relating to Land Registry Maps, see [www.prl.ie](http://www.prl.ie).

This map incorporates Cúrsaí Survey Ireland (OSI) mapping data (under a licence from OSI. Copyright © OSI and Government of Ireland).

(colour keys of parcels) (ad)

- Freehold
- Leasehold
- Sub-leasehold
- 'S' Registrar

(see Section 4(1)(b) of registration of title Act 1994 and rule 22 of 2010 Land Registration Rules 1972 - 2010).

- Burdens** (may not all be represented on map)
- Right of Way / Watercourse
  - Turbary
  - Pipeline
  - Well
  - Pillar
  - Septic Tank
  - Scale FPI
- A full list of burdens and their abbreviations can be found at [www.prl.ie](http://www.prl.ie)

This registry operates a non-conclusive boundary system. The Registrar also operates a non-conclusive system of registration of title. The Registrar of title is required not to be bound by the Registrar's registration of title. A registry map is correct as to the boundaries of title.

(see Section 85 of the Registration of Title Act, 1984. As amended by Section 82 of the Registration of Deeds and Title Act 2009)



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Land Registry

County Tipperary

Folio 38987

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	The property shown coloured RED as Plan(s) 25 on the Registry Map, situate in the Townland of BALLYVISTEA, in the Barony of CLANWILLIAM, in the Electoral Division of RODUS.	From Folio TY11985

Part Issued: No

Page 1 of 4

ion No.:





**The Property  
Registration Authority  
An údarás  
Clárúcháin Maoinne**



**Official Property Registration Map**

This map should be read in conjunction with the following:

Registry maps are based on Ordnance Survey mapping. Where registry maps are printed at a scale that is larger than the OS published scale, accuracy is limited to that of the original OS Map Scale.

For details of the terms of use, and limitations as to scale, accuracy and other conditions relating to Land Registry Maps, see www.pra.ie.

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**Indications of property rights**

- Freehold
- Leasehold
- Subleasehold
- S' Register

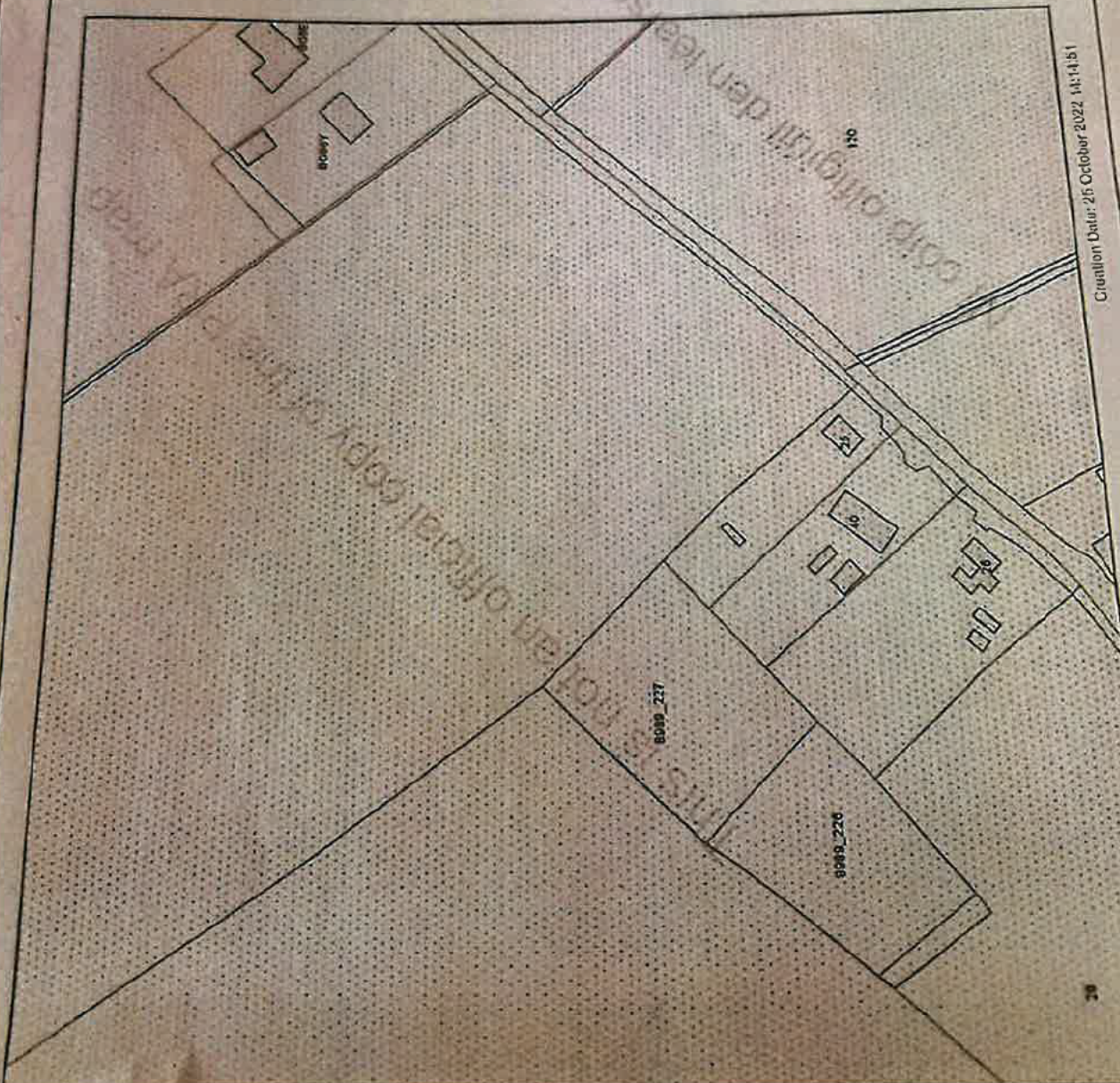
See Section 6(1)(b) of the Registration of Title Act 1984 and Rule 224 of the Land Registration Rules 1977 - 2010.

**Symbols (may not all be represented on map)**

- Right of Way / Right of Easement
  - Trench
  - Pipeline
  - Well
  - POND
  - Septic Tank
  - Sewer (SI)
- ALL symbols and text symbols can be found at: www.pra.ie

The registry operates a cadastral registration system. The Registry Map identifies properties and boundaries according to the construction of land. The registry will be responsible for reference to a registry map is considered as to the applicability of extent.

(see Section 33 of the Registration of Title Act, 1984) As inserted by Section 63 of the Registration of Deeds and Title Act 2006



Creation Date: 25 October 2022 14:14:51

**TIPPERARY CO. COUNCIL**  
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 - 8 JUN 2026  
 PLANNING SECTION  
 FILE NO.....



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: 9<sup>th</sup> June 2026      Our Ref: S5/26/97      Civic Offices, Nenagh

**Lorraine Alymer  
Ballyvistea  
Emly  
Co. Tipperary**

**Re: Application for a Section 5 Declaration – Build a small extension not exceeding 40sqm at Ballyvistea, Emly, Co. Tipperary, E34 YV56.**

Dear Lorraine,

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

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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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<b>Planning Reference:</b>	S5/26/97
<b>Applicant:</b>	Lorraine Alymer
<b>Development Address:</b>	Ballyvistea, Emly, Co. Tipperary.
<b>Proposed Development:</b>	Build a small extension not exceeding 40sqm

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### 1. GENERAL

On 8<sup>th</sup> June 2026 a request was made for a declaration under Section 5 of the Planning and Development Act, 2000 as amended by Lorraine Alymer as to whether or not the following works constitute development and if so, whether same was exempted development:

***Build a small extension not exceeding 40sq.m***

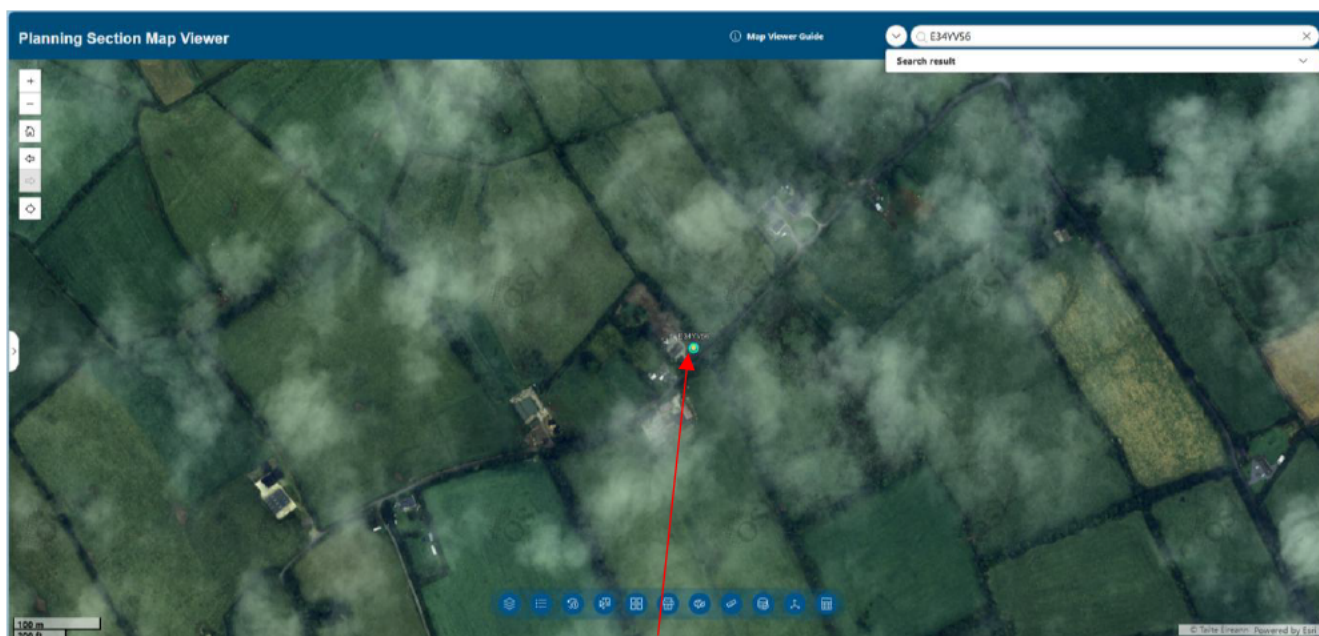


Figure 1 Site Location

### 2. STATUTORY PROVISIONS

The following statutory provisions are relevant to this case;

#### Planning and Development Act 2000, as amended

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

*“In this Act, except where the context otherwise requires – “development” has the meaning assigned to it by Section 3 and development shall be construed accordingly.”*

Section 2(1) of the Act 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 3 (1) of the Planning and Development Act 2000, as amended (hereafter referred to as the Act), states as follows:

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

Section 4 states:

*(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.*

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

*(i) by reason of the size, nature or limited effect on its surroundings, of development belonging to that class, the carrying out of such development would not offend against principles of proper planning and sustainable development, or*

*(ii) the development is authorised, or is required to be authorised, by or under any enactment (whether the authorisation takes the form of the grant of a licence, consent, approval or any other type of authorisation) where the enactment concerned requires there to be consultation (howsoever described) with members of the public in relation to the proposed development prior to the granting of the authorisation (howsoever described).*

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

### **Planning and Development Regulations 2001, as amended**

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

#### ***Exempted Development.***

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

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

<i>Column 1 Description of Development</i>	<i>Column 2 Conditions and Limitations</i>
--	--

**CLASS 1**

*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.*

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,*

	<p><i>reserved exclusively for the use of the occupants of the house, to the rear of the house to less than 25 square metres.</i></p> <p>6.</p> <p>(a) <i>Any window proposed at ground level in any such extension shall not be less than 1 metre from the boundary it faces.</i></p> <p>(b) <i>Any window proposed above ground level in any such extension shall not be less than 11 metres from the boundary it faces.</i></p> <p>(c) <i>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.</i></p> <p>7. <i>The roof of any extension shall not be used as a balcony or roof garden</i></p>
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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—*

- (vii) *consist of or comprise the excavation, alteration or demolition (other than peat extraction) of places, caves, sites, features or other objects of archaeological, geological, historical, scientific or ecological interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan for the area in which the development is proposed or, pending the variation of a development plan or local area plan, or the making of a new development plan or local area plan, in the draft variation of the development plan or the local area plan or the draft development plan or draft local area plan,*
- (viiA) *consist of or comprise the excavation, alteration or demolition of any archaeological monument included in the Record of Monuments and Places, pursuant to section 12 (1) of the National Monuments (Amendment) Act 1994, save that this provision shall not apply to any excavation or any works, pursuant to and in accordance with a consent granted under section 14 or a licence granted under section 26 of the National Monuments Act 1930 (No. 2 of 1930) as amended,*
- (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.*
- (viiC) *consist of or comprise development which would be likely to have an adverse impact on an area designated as a natural heritage area by order made under section 18 of the Wildlife (Amendment) Act 2000.*
- (viii) *consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use,*

### 3. ASSESSMENT

#### a. Site Location

The site comprises of an existing residential property at Ballytvistea, Emly, Co. Tipperary. The dwelling on the site is not protected and is partially located within a zone of archaeological potential.



Figure 2 Google Street View 2011

#### b. Relevant Planning History

**P3/15007** Permission GRANTED bathroom and septic tank (1993).

**P3/4623** Permission GRANTED for septic tank and bungalow (1977) (Adjoining house).

**S5/23/26** Section 5 Declaration issued to state that *“On the basis on the limited information submitted with the Section 5 Declaration application received on 7<sup>th</sup> March 2023, as amended by the further information response received 26<sup>th</sup> April 2023, the Planning Authority cannot make a determination on the proposal as the applicant has not provided sufficient plans and particulars as requested as part of the application”*

#### c. Assessment

##### A) “Is or is not Development”

Having considered all of the details and documentation on file with regards the question posed and the description of the proposal, the Planning Authority is satisfied that the proposal would involve “works” and such works would constitute “development” within the meaning of Section 3 of the Planning and Development Act 2000, as amended. The question arises as to whether or not these works constitute exempted development.

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

The proposal subject to the current application is required to be assessed relative to Class 1 of Part 1 of Schedule 2 of the Regulations below. The drawings submitted are unclear as to the full nature and extent of the proposal and do not allow for an informed assessment of the application.

##### C) Restrictions under Article 9

Note that the lands to the rear of the dwelling are within a Zone of Archaeology Potential of which is c.6m to the rear wall of the dwelling. I note that the proposed extension would encroach into Zone of Archaeology for RMPS Ref TS057-013- and TS057-013001-therefore the restriction set out under Article 9(1)(a)(vii) applies.

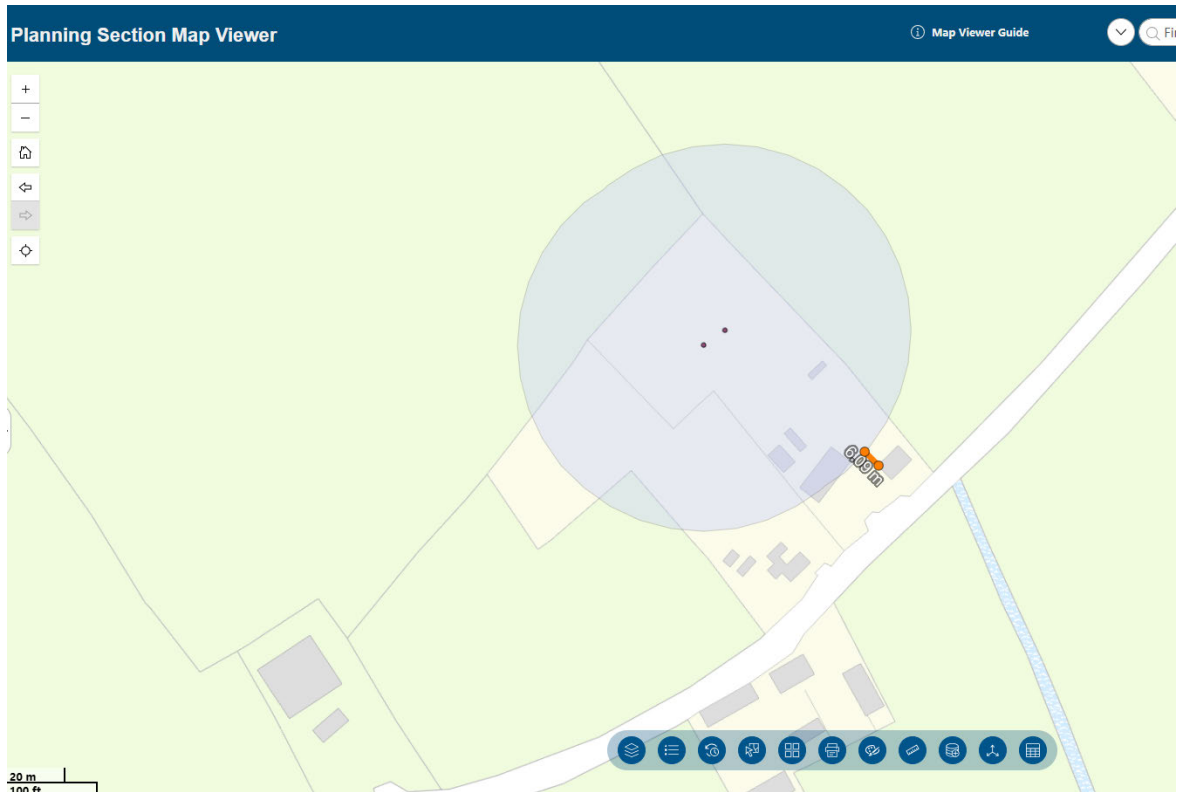


Figure 3 Zone of Archaeology relative to dwelling and proposed extension

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

**AA**

AA is not required in respect of the proposal. Screening Report attached.

**EIA**

Screening for EIA is not required in respect of the proposal. Screening Report attached.

4. **RECOMMENDATION**

**WHEREAS** a question has arisen as to whether to build a small extension not exceeding 40sqm at Ballyvistea, Emly, Co. Tipperary E34YV56 constitutes “development” and is or is not “exempted development”.

**AND WHERE AS** Tipperary County Council in considering this referral had regard particularly to -

- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000 as amended,
- (b) Article 6 and Article 9 of the Planning and Development Regulations, 2001, as amended,
- (c) Schedule 2, Part 1, Class 1 of the Planning and Development Regulations, 2001, as amended
- (d) The application and details submitted by the applicant

**AND WHEREAS** Tipperary County Council has concluded to build a small extension not exceeding 40sqm at Ballyvistea, Emly, Co. Tipperary E34YV56 constitutes “development” within the meaning of the Planning and Development Act 2000, as amended and is NOT “exempted development”.

The development is not exempted development as same is restricted by Article 9(1)(a)(vii) of the Planning and Development Regulations 2001 (as amended). The proposed extension would be located within on the Zone of Archaeology for RMPS Ref TS057-013- and TS057-013001-

The development has been screened as to the requirement for Appropriate Assessment and Environmental Impact Assessment, and it has been determined that same are not required.

Advice Note – the applicant is advised that in addition to the above the drawings submitted were not sufficient to determine if the proposal satisfied all of the conditions and limitations attached to Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended.

**District Planner:**



**Date:** 01/07/2026

**Senior Executive Planner:**



**Date:** 1/7/2026

## HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT

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

(a) File Reference No:	S5/26/97
(b) Brief description of the project or plan:	As per development description
(c) Brief description of site characteristics:	Existing dwelling in rural unserviced area
(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW	None
(e) Response to consultation:	None

### 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
002137 Lower River Suir SAC	<a href="https://www.npws.ie/protected-sites/sac/002137">https://www.npws.ie/protected-sites/sac/002137</a>	Within 10km	None	No

### STEP 3. Assessment of Likely Significant Effects

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

Impacts:	Possible Significance of Impacts: (duration/magnitude etc.)
<b>Construction phase e.g.</b> <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 potential impacts.
<b>Operational phase e.g.</b> <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> </ul>	No potential impacts.

<ul style="list-style-type: none"> <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>	
In-combination/Other	No potential impacts
<b>(b) Describe any likely changes to the European site:</b>	
<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 potential impacts
<b>(c) Are 'mitigation' measures necessary to reach a conclusion that likely significant effects can be ruled out at screening?</b>	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

### STEP 4. Screening Determination Statement

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

The proposed development is not likely to have significant effects.

**Conclusion:**

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

EIA Pre-Screening	
Establishing a development is a 'sub-threshold development'	
File Reference:	S5/26/97
Development Summary:	As per development description
Was a Screening Determination carried out under Section 176A-C?	<input type="checkbox"/> Yes, no further action required  <input checked="" type="checkbox"/> No, Proceed to <b>Part A</b>
<b>A. Schedule 5 Part 1</b> - Does the development comprise a project listed in Schedule 5, <b>Part 1</b> , of the Planning and Development Regulations 2001 (as amended)? (Tick as appropriate)	
<input type="checkbox"/> Yes, specify class _____	<b>EIA is mandatory</b>  No Screening required
<input checked="" type="checkbox"/> No	Proceed to <b>Part B</b>
<b>B. Schedule 5 Part 2</b> - Does the development comprise a project listed in Schedule 5, <b>Part 2</b> , of the Planning and Development Regulations 2001 (as amended) <b>and</b> does it meet/exceed the thresholds? (Tick as appropriate)	
<input checked="" type="checkbox"/> No, the development is not a project listed in Schedule 5, Part 2	<b>No Screening required</b>
<input type="checkbox"/> Yes the project is listed in Schedule 5, Part 2 <b>and</b> meets/exceeds the threshold, specify class (including threshold): _____	<b>EIA is mandatory</b>  No Screening required
<input type="checkbox"/> Yes the project is of a type listed <b>but is sub-threshold</b> : _____	Proceed to <b>Part C</b>
<b>C. If Yes</b> , has Schedule 7A information/screening report been submitted?	
<input type="checkbox"/> Yes, Schedule 7A information/screening report has been submitted by the applicant	<b>Screening required</b> <b>Determination required</b>
<input type="checkbox"/> No, Schedule 7A information/screening report has not been submitted by the applicant	<b>Preliminary Examination required</b>

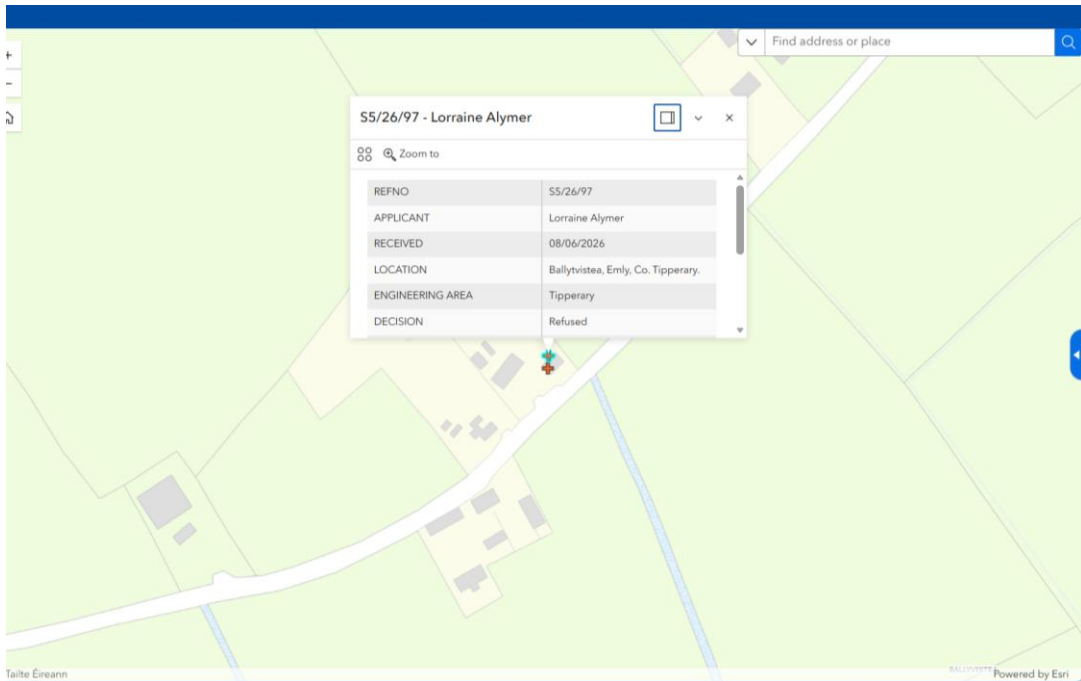


Figure 4 Planning Register

**Original**

**TIPPERARY COUNTY COUNCIL**

**DELEGATED EMPLOYEE'S ORDER**

File Ref: **S5/26/97**      **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 Lorraine Alymer, Ballyviste, Emly, Co. Tipperary, re: Build a small extension not exceeding 40sqm at Ballyviste, Emly, 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 and 4 of the Planning and Development Act, 2000 as amended,
- (b) Article 6 and Article 9 of the Planning and Development Regulations, 2001, as amended,
- (c) Schedule 2, Part 1, Class 1 of the Planning and Development Regulations, 2001, as amended
- (d) The application and details submitted by the applicant

**AND WHEREAS** Tipperary County Council has concluded that –

to build a small extension not exceeding 40sqm at Ballyviste, Emly, Co. Tipperary E34YV56 constitutes "development" within the meaning of the Planning and Development Act 2000, as amended and is **NOT "exempted development"**.

The development is not exempted development as same is restricted by Article 9(1)(a)(vii) of the Planning and Development Regulations 2001 (as amended). The proposed extension would be located within on the Zone of Archaeology for RMPS Ref TS057-013- and TS057-013001-

The development has been screened as to the requirement for Appropriate Assessment and Environmental Impact Assessment, and it has been determined that same are not required.

Advice Note – the applicant is advised that in addition to the above the drawings submitted were not sufficient to determine if the proposal satisfied all of the conditions and limitations attached to Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended.

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

**Date: 02/07/2026**



Date: 2<sup>nd</sup> July 2026

Our Ref: S5/26/97

Civic Offices, Nenagh

**Lorraine Alymer  
Ballyvistea  
Emly  
Co. Tipperary**

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

Dear Lorraine,

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:

**Build a small extension not exceeding 40sqm at Ballyvistea, Emly, Co. Tipperary.**

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

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

- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000 as amended,
- (b) Article 6 and Article 9 of the Planning and Development Regulations, 2001, as amended,
- (c) Schedule 2, Part 1, Class 1 of the Planning and Development Regulations, 2001, as amended
- (d) The application and details submitted by the applicant

Tipperary County Council has concluded to build a small extension not exceeding 40sqm at Ballyvistea, Emly, Co. Tipperary E34YV56 constitutes "development" within the meaning of the Planning and Development Act 2000, as amended and is **NOT "exempted development"**.

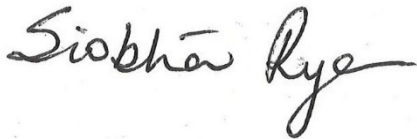
The development is not exempted development as same is restricted by Article 9(1)(a)(vii) of the Planning and Development Regulations 2001 (as amended). The proposed extension would be located within on the Zone of Archaeology for RMPS Ref TS057-013- and TS057-013001-

The development has been screened as to the requirement for Appropriate Assessment and Environmental Impact Assessment, and it has been determined that same are not required.

**Advice Note – the applicant is advised that in addition to the above the drawings submitted were not sufficient to determine if the proposal satisfied all of the conditions and limitations attached to Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended.**

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

Yours sincerely

A 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**