

PATRICK O GORMAN. BSc. MBE_{Eng}. MCIOB.
CHARTERED BUILDING ENGINEER / REGISTERED BUILDING SURVEYOR.

BUILDING ENGINEERING, SURVEYING AND PROJECT MANAGEMENT.

TEL: (052) 7466761

POULATAR,
ARDFINNAN,
CLONMEL, Email :
CO. TIPPERARY.

Tipperary County Council,
Planning Department,
Emmet Street,
Clonmel,
Co. Tipperary.

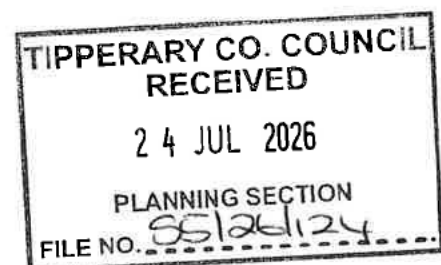
Re: Section 5 application for the construction of a front boundary wall at an existing dwelling / property located at Kilballygorman, Ardfinnan, Clonmel, Co. Tipperary for Tom and Helen Ryan.

Dear Sir / Madam,

The applicants are submitting this Section 5 application is for the construction of a front boundary wall at their dwelling house located at Kilballygorman, Ardfinnan, Clonmel Co. Tipperary.

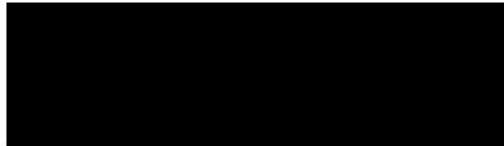
The following is a full list of drawings and documentation submitted with this cover letter.

- Completed Section 5 application form with 80 euro fee.
- Plan of the proposed wall x 2.
- Front elevation of proposed wall x 2. Option 1 (Preferred option).
- Front elevation of proposed wall x 2. Option 2.
- Location map, scale 1:1000 x 2.
- Location map, 1:10560 x 2.
- Site layout map x 2.



The finish on the wall as shown in option 1 is the applicants preferred finish, the applicants would appreciate if the Planning Authority would look favorable on this proposal but if they have any concerns over this proposed finish the applicants would revert back to option 2. We'd appreciate it if the Section 5 could be issued stating what finishes are acceptable.

Yours Sincerely,



Date: 05 / 07 / 2026.



Comhairle Contae Thiobraid Árann
Tipperary County Council

Tipperary County Council
RECEIVED
24 JUL 2026
CASH OFFICE
Civic Offices, Clonmel

PLANNING & DEVELOPMENT ACT, 2000 (as amended)

Application for a Section 5 Declaration
Development / Exempted Development

1. Applicant's address/contact details:

Applicant	TOM & HELEN RYAN
Address	KILBALLY GORMAN, ARDFINNAN CLONMEL, CO. TIPPERARY E91 XV26
Telephone No.	
E-mail	

2. Agent's (if any) address:

Agent	PATRICK O' GORMAN
Address	POULATAR, ARDFINNAN, CLONMEL, CO. TIPPERARY
Telephone No.	
E-mail	
Please advise where all correspondence in relation to this application is to be sent;	
Applicant []	Agent [X]

3. Location of Proposed Development:

Postal Address or Townland or Location (as may best identify the land or structure in question)	KILBALLY GORMAN, ARDFINNAN CLONMEL, CO. TIPPERARY E91 XV26
---	--

Receipt No 205 899
Issued 24 07 2026
€80.00 cheque

TIPPERARY CO. COUNCIL
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FILE NO. 55/26/24

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.

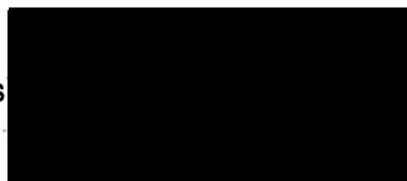
(Note: only works and uses listed and described under this section will be assessed under this Section 5 Application. Use additional sheets if required.)

REFER TO COVER LETTER
ATTACHED
Proposed floor area of proposed works/uses: <i>140</i> 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	A. Owner ☒	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:

23/7/2026

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

GUIDANCE NOTES

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

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

This application form and relevant fee should be submitted to:

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

OR

**Planning Section,
Tipperary County Council,
Civic Offices,
Emmet Street,
Clonmel,
Co. Tipperary**

Enquires:

Telephone 0818 065000

E-Mail planning@tipperarycoco.ie

FOR OFFICE USE ONLY

Fee Recd. € 80.00
Receipt No 205899
Date 24.07.2026
Receipted by C. Anen

DATE STAMP

TIPPERARY CO. COUNCIL
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24 JUL 2026
PLANNING SECTION
FILE NO.

Surveyed 1840-1841
Revised 1900
Levelled

Record PLACE Map



ITH CENTRE PT. COORDS

607500 617352

DESCRIPTION

MAP SHEETS

6 inch
TY081 TY082

TIPPERARY CO. COUNCIL
RECEIVED

24 JUL 2026

PLANNING SECTION

FILE NO. SP/26/124



Produced by The Map Centre
Bathurst House, Parnell Square, Auckland
On behalf of the Planning Department
Auckland Council

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DWG NO 1

EXTENT OF SITE
OUTLINED IN RED

ORIGINAL PLANNING REFERENCE
NUMBER = 15600.147

Scale: 1:10,560
Scale: 1:10,560

0 200 400 600 800 1,000 Metres
0 500 1,000 1,500 2,000 2,500 Feet

Plot Ref. No. 25208709_1
Plot Date 15-OCT-2014

Surveyed 1997
Revised 2012
Levelled

Rural PLACE Map



1794 CENTRE PT. COORDS

607979.677352

DESCRIPTION

MAP SHEETS

TIPPERARY CO. COUNCIL
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PLANNING SECTION

FILE NO. 55/26/24



Approved by The Map Commission
Bundled Notes: Planning Section, Approved
City of Cork Planning Section, Approved
Planning Section, Approved

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DWG NO 2

EXTENT OF LANDOWNERS
LAND OUTLINED IN BLUE

EXTENT OF SITE
OUTLINED IN RED

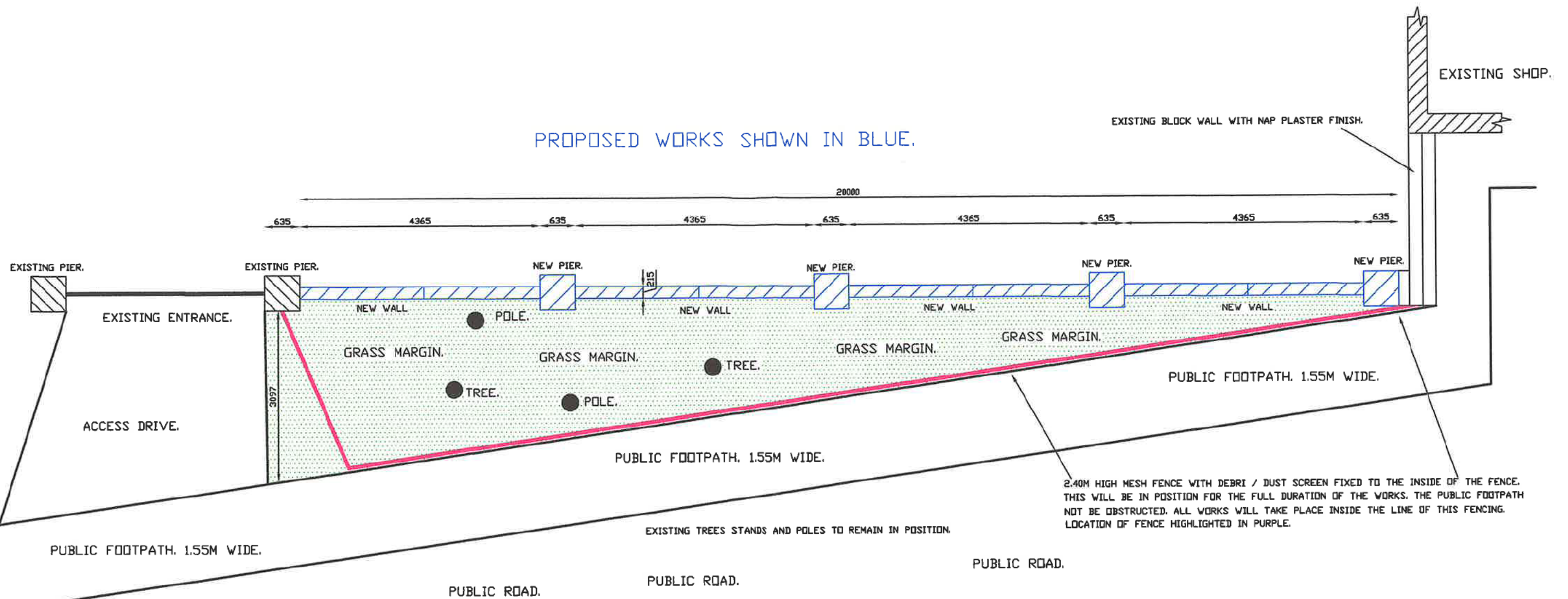
LOCATION OF PROPOSED
FRONT BOUNDARY WALL
SHOWN IN ORANGE

Scale: 1:1,000
Scale: 1:1,000

0 20 40 60 80 100 Metres
0 50 100 150 200 250 Feet

Plot Ref. No. 25208795_1_2
Plot Date 15-OCT-2014

PROPOSED WORKS SHOWN IN BLUE.



PLAN VIEW.

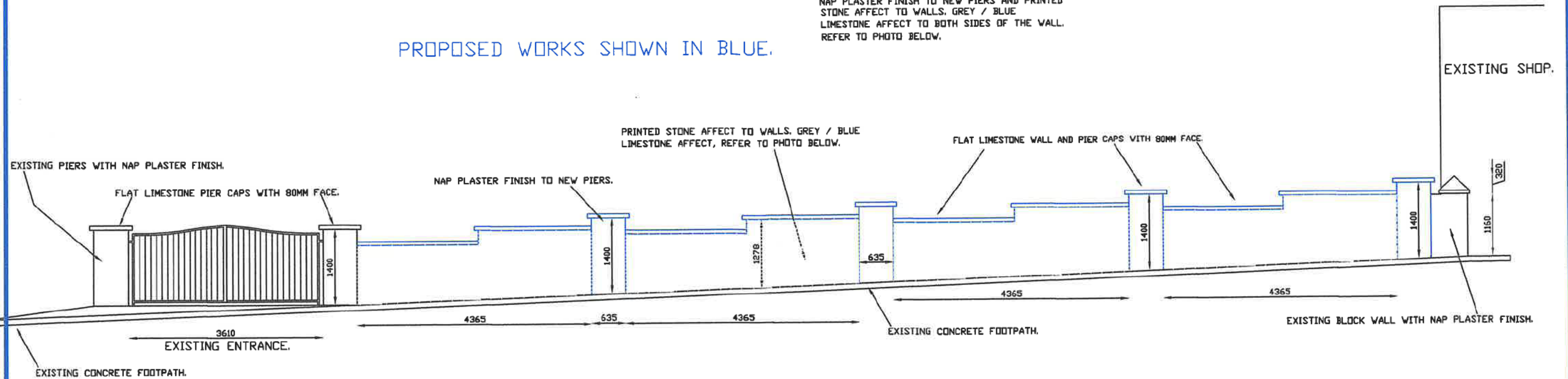
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RECEIVED
24 JUL 2026
PLANNING SECTION
FILE NO. 35/26/24

PATRICK D GORMAN BSc. MBEEng. MCIOB. CHARTERED BUILDING ENGINEER / REGISTERED BUILDING SURVEYOR. BUILDING ENGINEERING, SURVEYING AND PROJECT MANAGEMENT.	
CLIENTS:	TOM AND HELEN RYAN.
SITE LOCATION:	KILBALLYGORMAN, ARDFINNAN, CLONMEL, CO. TIPPERARY.
TITLE:	PLAN VIEW OF PROPOSED FRONT BOUNDARY WALL.
SCALE:	1 : 75 PLANNING STAGE.
DRAWN BY:	Patrick D Gorman, BSc. MBEEng. MCIOB. Poulatar, Ardfinnan, Clonmel, Co. Tipperary.
SHEET NO.	TH. 01. ALL DIMENSIONS AND LEVELS TO BE CHECKED ON SITE.
ISSUE DATE:	05 / 07 / 2026.

OPTION 1. (Preferred Option).

PROPOSED WORKS SHOWN IN BLUE.

NAP PLASTER FINISH TO NEW PIERS AND PRINTED STONE AFFECT TO WALLS. GREY / BLUE LIMESTONE AFFECT TO BOTH SIDES OF THE WALL. REFER TO PHOTO BELOW.



TREES AND POLES OMITTED FOR ILLUSTRATION PURPOSES.
EXISTING TREES AND POLES TO REMAIN IN POSITION. REFER TO PHOTO BELOW.



WALLCRETE FROM ALLCRETE.

WALLCRETE APPLICATION.

Preparation:
Application:
Imprinting:
Coloring:
Sealing:

The surface of the wall is cleaned and prepared to ensure good adhesion of the Wallcrete material. The Wallcrete material is applied to the wall using a trowel or spray gun. Special tools and techniques are used to create the desired pattern or texture. Wallcrete can be colored to match your existing decor or to create a unique look. Once the Wallcrete has cured, it is sealed to protect it from moisture and stains.

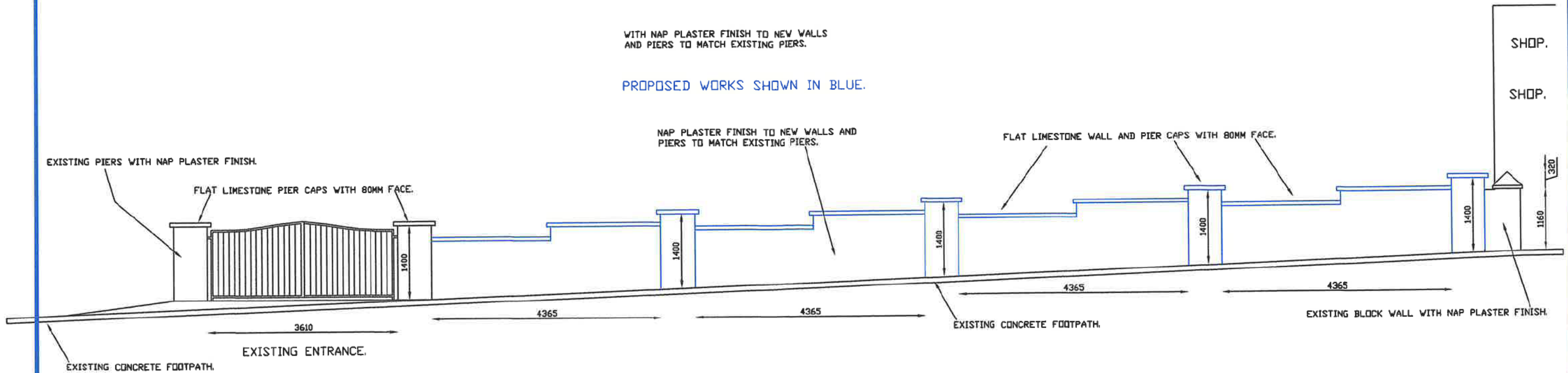
TIPPERARY CO. COUNCIL
RECEIVED
24 JUL 2026
PLANNING SECTION
FILE NO. 5526/24

PATRICK D GORMAN BSc. MBEng. MCIOB. CHARTERED BUILDING ENGINEER / REGISTERED BUILDING SURVEYOR. BUILDING ENGINEERING, SURVEYING AND PROJECT MANAGEMENT.		
CLIENTS:	TOM AND HELEN RYAN.	
SITE LOCATION:	KILBALLYGORMAN, ARDFINNAN, CLONMEL, CO. TIPPERARY.	
TITLE:	FRONT ELEVATION OF PROPOSED FRONT BOUNDARY WALL. Option 1.	
SCALE:	1 : 75	PLANNING STAGE.
DRAWN BY:	Patrick D Gorman, BSc. MBEng. MCIOB. Poulatur, Ardfinnan, Clonmel, Co. Tipperary.	
SHEET NO.	TH. 02.	ALL DIMENSIONS AND LEVELS TO BE CHECKED ON SITE.
ISSUE DATE:	05 / 07 / 2026.	

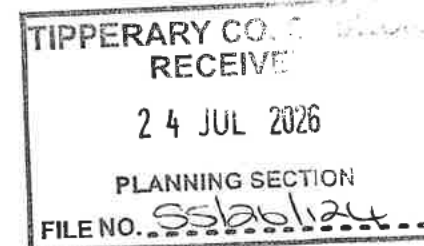
OPTION 2.

WITH NAP PLASTER FINISH TO NEW WALLS
AND PIERS TO MATCH EXISTING PIERS.

PROPOSED WORKS SHOWN IN BLUE.



TREES AND POLES OMITTED FOR ILLUSTRATION PURPOSES.



PATRICK D GORMAN BSc. MEng. MCIOB. CHARTERED BUILDING ENGINEER / REGISTERED BUILDING SURVEYOR. BUILDING ENGINEERING, SURVEYING AND PROJECT MANAGEMENT.		
CLIENTS:	TOM AND HELEN RYAN.	
SITE LOCATION:	KILBALLYGORMAN, ARDFINNAN, CLONMEL, CO. TIPPERARY.	
TITLE:	PROPOSED FRONT BOUNDARY WALL. Option 2.	
SCALE:	1 : 75	PLANNING STAGE.
DRAWN BY:	Patrick D Gorman, BSc. MEng. MCIOB. Poulatar, Ardfinnan, Clonmel, Co. Tipperary.	
SHEET NO.	TH. 03.	ALL DIMENSIONS AND LEVELS TO BE CHECKED ON SITE.
ISSUE DATE.	05 / 07 / 2026.	



Comhairle Contae Thiobraid Árann
Tipperary County Council

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

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

t 0818 06 5000/6000
e customerservice
@tipperarycoco.ie
tipperarycoco.ie

Our Ref: S5/26/124

24th July 2026

Tom & Helen Ryan,
C/O Patrick O Gorman,
Poulatar,
Ardfinnan,
Clonmel,
Co. Tipperary.

Re: Application for a Section 5 Declaration – Construction of a front boundary wall at Kilballygorman, Ardfinnan, Clonmel, Co. Tipperary, E91 XV26.

Dear Mr. O’Gorman,

I wish to acknowledge receipt of your application for a Section 5 Declaration received on 24th July 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.: S5/26/124

Applicant: Tom & Helen Ryan

Development Address: Kilballygorman, Ardfinnan, Clonmel, Co. Tipperary, E91 XV26.

Proposed Development: Construction of a front boundary wall.

1. GENERAL

On the 24th of July 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”:

- Construction of a front boundary wall.

The site is located at Kilballygorman, Ardfinnan, Clonmel, Co. Tipperary, E91 XV26.

2. STATUTORY PROVISION

The following statutory provisions are relevant to this referral case;

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 of the same Act lists works that would be considered exempted development. The Act also conveys power on the Minister to make regulations to provide for any class of development to be exempted development for the purposes of the Act..

Planning and Development Regulations 2001,

Article 6 of the **Planning and Development Regulations (2001 – 2013)** refers to “Exempted Development”. 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.

Article 9 of said Regulations lists a series of restrictions on exemptions. Of particular note are the provisions of 9(1)(a)(i), which considers works could not be considered exempted development if they would contravene a condition attached to a permission under the Act, 9(1)(a)(ii) and 9(1)(a)(iii), which relate to the widening of a means of access to a public road and 9(1)(a)(viii B) which de exempts developments that require an appropriate assessment because it would likely have an effect on the integrity of a European designated site.

Of particular relevance to this case is **Schedule 2 Part 1 of the Planning and Development Regulations (as amended)**. Class 5 of said Schedule considers the construction, erection or alteration, within or bounding the curtilage of a house, of a gate, gateway, railing or wooden fence or a wall of brick, stone, blocks with decorative finish, other concrete blocks or mass concrete. The following conditions should be noted;

1. The height of any such structure shall not exceed 2 metres or, in the case of a wall or fence within or bounding any garden or other space in front of a house, 1.2 metres.
2. Every wall other than a dry or natural stone wall bounding any garden or other space shall be capped and the face of any wall of concrete or concrete block (other than block with a decorative finish) which will be visible from any road, path or public area including public open space, shall be rendered or plastered.
3. No such structures shall be metal palisade or security fencing

3. ASSESSMENT

a. Site Location

The site comprises a detached dwelling at Kilballygorman, Ardfinnan, Clonmel, Co. Tipperary, E91 XV26.

Figure 1 Site Location



b. Relevant Planning History

On site

98/46 - construction of dwelling and entrance – granted

15/600147 - to build a two storey dwelling, detached garage, new entrance, boundary treatments, connection to existing mains sewage and all associated site works - granted

Condition 4 of 15/600147

4. (a) No tree or hedgerow shown to be retained on the submitted layout plans shall be cut down, uprooted or destroyed. The existing hedgerow along the eastern boundary of the site shall be supplemented with additional planting details of which shall be submitted for the written agreement of the Planning Authority prior to development commencing.

(b) More detailed proposals shall be submitted providing for a planted buffer between the dwelling and shop building. The buffer shall be designed to allow for access to the shop building for future maintenance. Details of the planted buffer shall be submitted for the written agreement of the Planning Authority prior to development commencing.

REASON: In order to ensure the retention of trees and hedgerows identified for retention in the submitted plans and in the interests of proper planning and sustainable development.

[illegible]

Adjacent
None relevant

Figure 3 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 proposed comprise of the replacement of the existing hedgerow on the roadside boundary with a wall. The wall proposed is a staggered wall, 1.27 metres in height with piers up to 1.4 metres in height. The height of the structure exceeds the height allowed for under Class 5.

C) Restrictions under Article 9

The provisions of Article 9(1)(a)(i) are noted. As per this provision, works cannot be considered exempted development if they would contravene a condition attached to a permission under the Act.

As set out above, condition 4 of 15/600147 is clear, no hedgerow shown to be retained on the site layout shall be cut down. As illustrated in fig. 2 above, the hedge at the roadside was to be retained. As such the cutting of down of the hedge and its replacement with a wall would contravene Condition 4 of 15/600147.

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

It is considered that the proposed development would not 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. See attached.

4. RECOMMENDATION

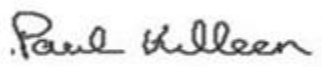
Having regard to:

- (a) Sections 2, 3 & 4 of the Planning and Development Act 2000 (as amended)
- (b) Part 1 Class 5, of Schedule 2 Planning & Development Regulations 2001, as amended.
- (c) Articles 6 and 9 of the Planning & Development Regulations 2001, as amended and
- (d) The details submitted with the application.

Tipperary County Council has concluded that the proposal presented on the drawings and details provided with the Declaration application, constitutes “development” within the meaning of the Planning and Development Act 2000, and is **NOT** “exempted development.

- The proposed wall bounds the garden space in front of the dwelling and exceeds 1.2 metres in height. The proposal does not meet the requirements of condition /limitation 1 of Part 1 Class 5, of Schedule 2 Planning & Development Regulations 2001, as amended.
- The proposal would contravene Condition 4 of Plan reg No 15/600147 which states that no hedgerow shown to be retained on the site layout shall be cut down. The existing hedge at the roadside was shown to be retained in the submitted site layout. The exemption under Class 5 is therefore restricted by Article 9(1)(a)(i) of the Planning & Development Regulations 2001, as amended.

Signed:



District planner

Date: 11/08/26

Signed:



Senior Executive Planner

Date: 14/8/2026

HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT

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

(a)	File Reference No:	S5/26/124
(b)	Brief description of the project or plan:	Construct boundary wall
(c)	Brief description of site characteristics:	The application site is in Ardfinnan Co. Tipperary. On site there is an exiting two storey dwelling that is adjacent to a small convenience store.
(d)	Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW	None
(e)	Response to consultation:	n/a

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

European Site (code)	List of Qualifying Interest/Special Conservation Interest ¹	Distance from proposed development ² (km)	Connections (Source-Pathway-Receptor)	Considered further in screening Y/N
Lower River Suir SAC 002137	https://www.npws.ie/protected-sites/sac/002137	202 metres	Surface water collected and discharged to a soakpit	yes
Blackwater River (Cork/Waterford) SAC 002170		11.4	No due to distance and the lack of any relevant ex-situ factors of significance to these species.	No
Galtee mountains SAC 000646	https://www.npws.ie/protected-sites/sac/000646	12.5	No due to distance and the lack of any relevant ex-situ factors of significance to these species.	No

Nier Valley Woodlands SAC 000668	https://www.npws.ie/protected-sites/sac/000668	15.2	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.)
Construction phase e.g. - Vegetation clearance - Demolition - Surface water runoff from soil excavation/infill/landscaping (including borrow pits) - Dust, noise, vibration - Lighting disturbance - Impact on groundwater/dewatering - Storage of excavated/construction materials - Access to site - Pests	It is not considered that the works proposed, which are minor in nature, will have impacts that could affect European Sites within the wider catchment area.
Operational phase e.g. - Direct emission to air and water - Surface water runoff containing contaminant or sediment - Lighting disturbance - Noise/vibration - Changes to water/groundwater due to drainage or abstraction - Presence of people, vehicles and activities - Physical presence of structures (e.g. collision risks) - Potential for accidents or incidents	No impacts
In-combination/Other	No likely in combination effects

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

Examples of the type of changes to give consideration to include: - Reduction or fragmentation of habitat area - Disturbance to QI species - Habitat or species fragmentation - Reduction or fragmentation in species density - Changes in key indicators of conservation status value (water or air quality etc.) - Changes to areas of sensitivity or threats to QI	None. The application site is not located adjacent or within a European site, therefore there is no risk of habitat loss or fragmentation or any effects on QI species directly or ex-situ.
---	--

Interference with the key relationships that define the structure or ecological function of the site			
(c) Are 'mitigation' measures necessary to reach a conclusion that likely significant effects can be ruled out at screening?			
☐ Yes ☒ No			
STEP 4. Screening Determination Statement			
The assessment of significance of effects: Describe how the proposed development (alone or in-combination) is/is not likely to have significant effects on European site(s) in view of its conservation objectives.			
The proposed development is not likely to have significant effects.			
Conclusion:			
	Tick as Appropriate:	Recommendation:	
(i) It is clear that there is no likelihood of significant effects on a European site.	☒	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.	☐	☐ Request further information to complete screening ☐ Request NIS ☐ Refuse planning permission	
(iii) Significant effects are likely.	☐	☐ Request NIS ☐ Refuse planning permission	
Signature and Date of Recommending Officer:	Paul Killeen	Date:	11/08/26

EIA Pre-Screening Establishing a development is a 'sub-threshold development'	
File Reference:	S5/26/124
Development Summary:	Boundary wall
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)

☐ Yes, specify class _____	EIA is mandatory
	No Screening required
☒ No	Proceed to Part B

B. Schedule 5 Part 2 - Does the development comprise a project listed in Schedule 5, **Part 2**, of the Planning and Development Regulations 2001 (as amended) **and** does it meet/exceed the thresholds?

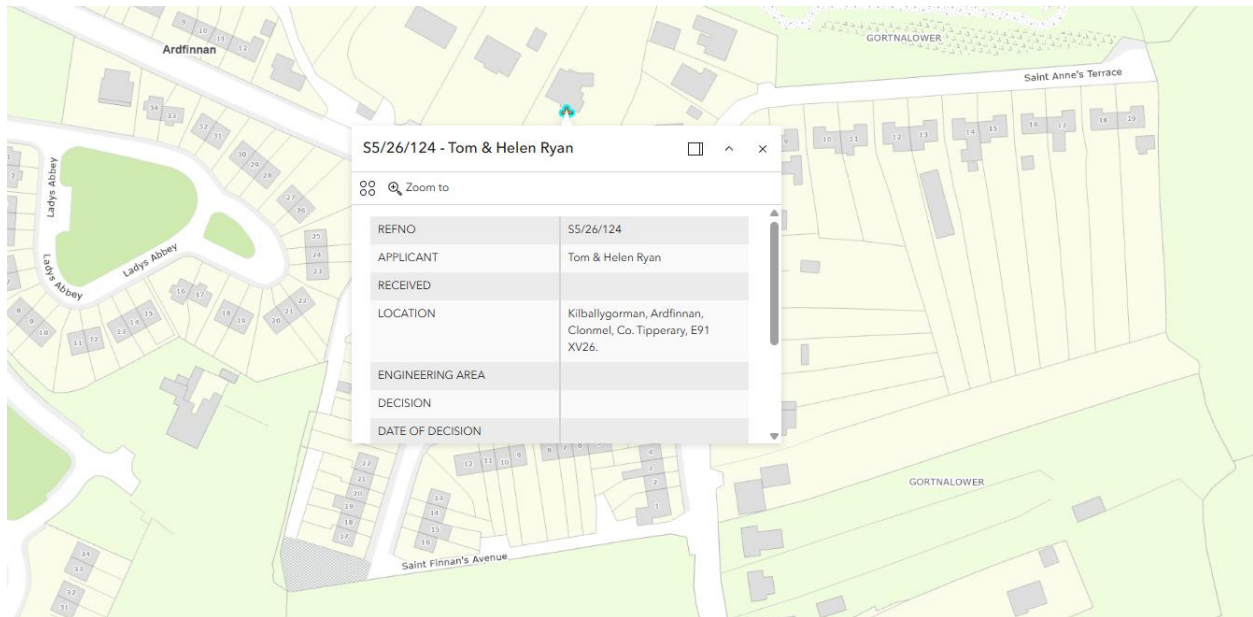
(Tick as appropriate)

☒ No, the development is not a project listed in Schedule 5, Part 2	No Screening required
☐ Yes the project is listed in Schedule 5, Part 2 and meets/exceeds the threshold, specify class (including threshold): _____	EIA is mandatory
	No Screening required
☐ Yes the project is of a type listed but is <i>sub-threshold</i> : _____	Proceed to Part C

C. If Yes, has Schedule 7A information/screening report been submitted?

☐ Yes, Schedule 7A information/screening report has been submitted by the applicant	Screening Determination required
☐ No, Schedule 7A information/screening report has not been submitted by the applicant	Preliminary Examination required

Figure 4 Site entered on Planning register



Original

TIPPERARY COUNTY COUNCIL

DELEGATED EMPLOYEE'S ORDER

File Ref: **S5/26/124** **Delegated Employee's Order No:** _____

SUBJECT: Section 5 Declaration

I, Jonathan Flood, Senior Executive Planner, 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. 47880 dated 7th July 2026 hereby order

that pursuant to the provisions of the Planning and Development Act 2000, as amended, that an application under Section 5 from Tom & Helen Ryan, C/O Patrick O'Gorman, Poulatar, Ardfinnan, Clonmel, Co. Tipperary the Construction of a front boundary wall at Kilballygorman, Ardfinnan, Clonmel, Co. Tipperary, E91 XV26 is development and is not exempted development.

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

- a) Sections 2, 3 & 4 of the Planning and Development Act 2000 (as amended)
- b) Part 1 Class 5, of Schedule 2 Planning & Development Regulations 2001, as amended.
- c) Articles 6 and 9 of the Planning & Development Regulations 2001, as amended and
- d) The details submitted with the application.

Tipperary County Council has concluded that the proposal presented on the drawings and details provided with the Declaration application, constitutes "development" within the meaning of the Planning and Development Act 2000, and is **NOT** "exempted development.

- The proposed wall bounds the garden space in front of the dwelling and exceeds 1.2 metres in height. The proposal does not meet the requirements of condition /limitation 1 of Part 1 Class 5, of Schedule 2 Planning & Development Regulations 2001, as amended.
- The proposal would contravene Condition 4 of Plan reg No 15/600147 which states that no hedgerow shown to be retained on the site layout shall be cut down. The existing hedge at the roadside was shown to be retained in the submitted site layout. The exemption under Class 5 is therefore restricted by Article 9(1)(a)(i) of the Planning & Development Regulations 2001, as amended.

Signed: _____
Jonathan Flood
Jonathan Flood
Senior Executive Planner

Date: 17/08/2026



Date: 17th August 2026

Our Ref: S5/26/124

Civic Offices, Nenagh

Tom & Helen Ryan
C/O Patrick O’Gorman
Poulatar
Ardfinnan
Clonmel
Co. Tipperary

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

Dear Mr & Mrs Ryan,

I refer to your application for a Section 5 Declaration received on 24th July 2026 in relation to the following proposed works:

Construction of a front boundary wall at Kilballygorman, Ardfinnan, Clonmel, Co. Tipperary, E91 XV26

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 –

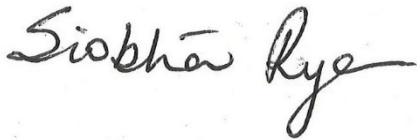
- a) Sections 2, 3 & 4 of the Planning and Development Act 2000 (as amended)
- b) Part 1 Class 5, of Schedule 2 Planning & Development Regulations 2001, as amended.
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NOTE: Any person issued with a Declaration of a Planning Authority may refer the Declaration 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, reading "Siobhán Rye". The signature is written in a cursive style with a long, sweeping tail on the letter 'y'.

for **Director of Services**