



Comhairle Contae Thiobraid Árann
Tipperary County Council

RN 206/26
€80 P.O.

Tipperary County Council
RECEIVED
31 JUL 2026
CASH OFFICE
County Offices, Clonmel

PLANNING & DEVELOPMENT ACT, 2000 (as amended)

Application for a Section 5 Declaration
Development / Exempted Development

1. **Applicant's address/contact details:**

Applicant	Seamus Meade
Address	21 New Street Carrick-on-Suir.
Telephone No.	
E-mail	

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

Agent	W. H. McGarry
Address	15 Mary St Clonmel
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)	21 New Street, Carrick-on-Suir.
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TIPPERARY CO. COUNCIL
RECEIVED
31 JUL 2026
PLANNING SECTION
FILE NO. 55/26/131

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.

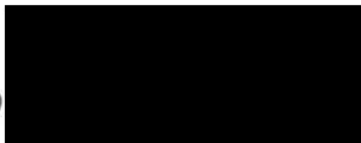
(Note: only works and uses listed and described under this section will be assessed under this Section 5 Application. Use additional sheets if required.)

Is construction of internal	
wall 1.8m high and	
sliding gates (1.8m) an	
exempt development.	
Proposed floor area of proposed works/uses:	sqm n/a

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: 30/07/20

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	<u>OR</u>	Planning Section, Tipperary County Council, Civic Offices, Emmet Street, Clonmel, Co. Tipperary
Enquires: Telephone 0818 06 5000 E-Mail planning@tipperarycoco.ie		

FOR OFFICE USE ONLY	
Fee Recd. € <u>80 P.O.</u> Receipt No <u>206/26</u> Date <u>31/7/26</u> Received by [REDACTED]	DATE STAMP Tipperary County Council RECEIVED 31 JUL 2026 CASH OFFICE Civic Offices, Clonmel

Land Registry Compliant Map



Tailte
Éireann

CENTRE COORDINATES:
ITM 640254.621803

PUBLISHED:
29/07/2026

ORDER NO.:
50550429_1

MAP SERIES:
1:1,000

MAP SHEETS:
5435-16

SITE IN RED

COMPILED AND PUBLISHED BY:
Tailte Éireann,
Phoenix Park,
Dublin 8,
Ireland.
D08F6E4

www.tailte.ie

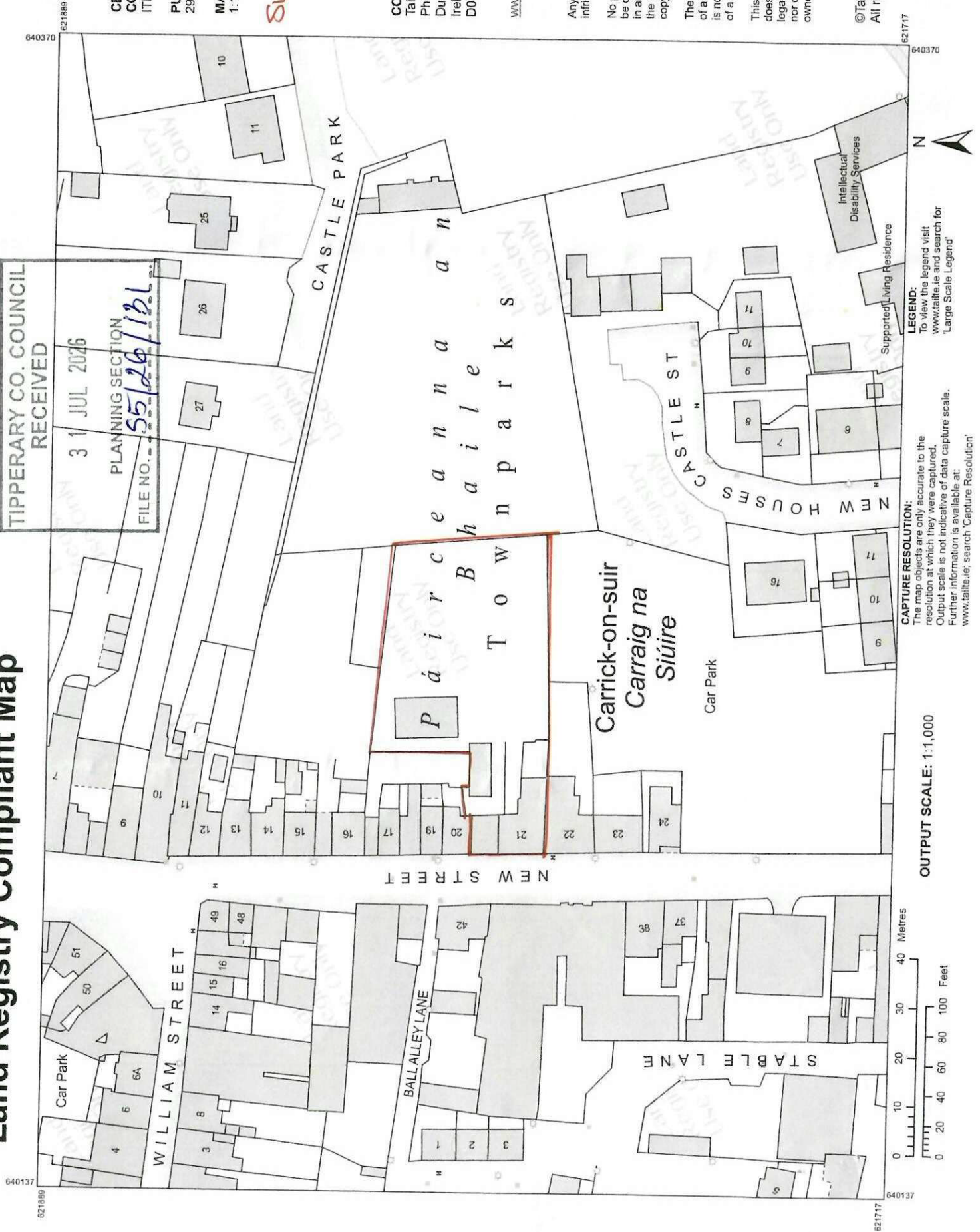
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does not show
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NEW STREET

SKETCH OUTLINING
PROPOSED WORKS

TIPPERARY CO. COUNCIL
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PLANNING SECTION
FILE NO. 55/26/131

P á i r c e a n n
B h a i l
T o w n p a l

Carrick-on-suir
Carraig na
Siúire

Car Park

— 1.8m HIGH BLOCKWORK
WALL
— 1.8m HIGH TIMBER
PANEL SLIDING GATE

SCALE 1/500

NEW HOUSES CASTLE

OUTPUT SCALE: 1:1,000

CAPTURE RESOLUTION:

The map objects are only accurate to the resolution at which they were captured. Output scale is not indicative of data capture scale. Further information is available at: www.tai.ie search 'Capture Resolution'



Comhairle Contae Thiobraid Árann
Tipperary County Council

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

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

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

Our Ref: S5/26/131

31st July 2026

Seamus Meade
C/O Will McGarry
15 Mary Street,
Clonmel,
Co. Tipperary.

**Re: Application for a Section 5 Declaration – Construction of an
internal wall 1.8m high and sliding gates (1.8m) at
21 New Street, Carrick on Suir, Co. Tipperary**

Dear Mr. Meade,

I wish to acknowledge receipt of your application for a Section 5 Declaration received on 31st 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.: S5/26/131
Applicant: Seamus Meade
Development Address: 21 New Street, Carrick on Suir, Co. Tipperary
Proposed Development: Construction of an internal wall 1.8m high and sliding gates (1.8m).

1. GENERAL

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 exempted development:

Construction of an internal wall 1.8m high and sliding gates (1.8m).

The wall is to be located to the rear of 21 New Street, Carrick on Suir, Co. Tipperary.
This is a Protected Structure.

2. STATUTORY PROVISIONS

The following statutory provisions are relevant to this referral case;

Planning and Development Act 2000 (as amended)

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

“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.

“structure” as

‘any building, structure, excavation or other thing constructed or made on, in or under any land, a part of any structure so defined and (a) where the context so admits, includes the land on, in or under which the structure is situate and (b) in relation to a protected structure or proposed protected structure includes (i) the interior of the structure, (ii) the land lying within the curtilage of the structure, (iii) any other structures lying within that curtilage and their interiors and (iv) all fixtures and features which form part of the interior or exterior of any structure or structures referred to in subparagraphs (i) or (iii)’

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 4 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.

Section 57 states as follows

(1) Notwithstanding section 4 (1)(h), the carrying out of works to a protected structure, or a proposed protected structure, shall be exempted development only if those works would not materially affect the character of—

(a) the structure, or

(b) any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest.

Planning and development Regulations 2001 (as amended).

Article 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—

- contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act,
- endanger public safety by reason of traffic hazard or obstruction of road users,
- (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
- (viiB) comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site,
- (viii) consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use

Schedule 2 Part 1 – Exempted Development – Advertisements

Description of Development

Class 5

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..

Conditions and Limitations

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 blocks with 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 structure shall be a metal palisade or other security fence..

3. ASSESSMENT

a. *Site Location*

The application site is at 21 New Street, Carrick on Suir, Co. Tipperary. This is a protected structure in the designated urban core of Carrick on Suir.

The querist is proposing to erect a wall in the rear garden. It should be noted that No. 21 New Street comprised of a large rear garden. In effect, the subject proposal relates to the subdivision of the garden and the creation of a secondary yard that is served by a permitted entrance onto New Street.

It is noted that there is a small bungalow in a portion of the rear garden that is enclosed by a timber fence.

Figure 1 Entrance onto New Street



Figure 2 Location of proposed wall



Figure 3 Rear elevation



Figure 4 Bungalow in rear garden.



b. Relevant Planning History

05/560041 to construct an entrance to serve rear garden at 21 New Street, Carrick on Suir – Incomplete

05/460047 to construct an entrance to serve rear garden - refused

06/560023 To construct an entrance to serve his rear garden - incomplete

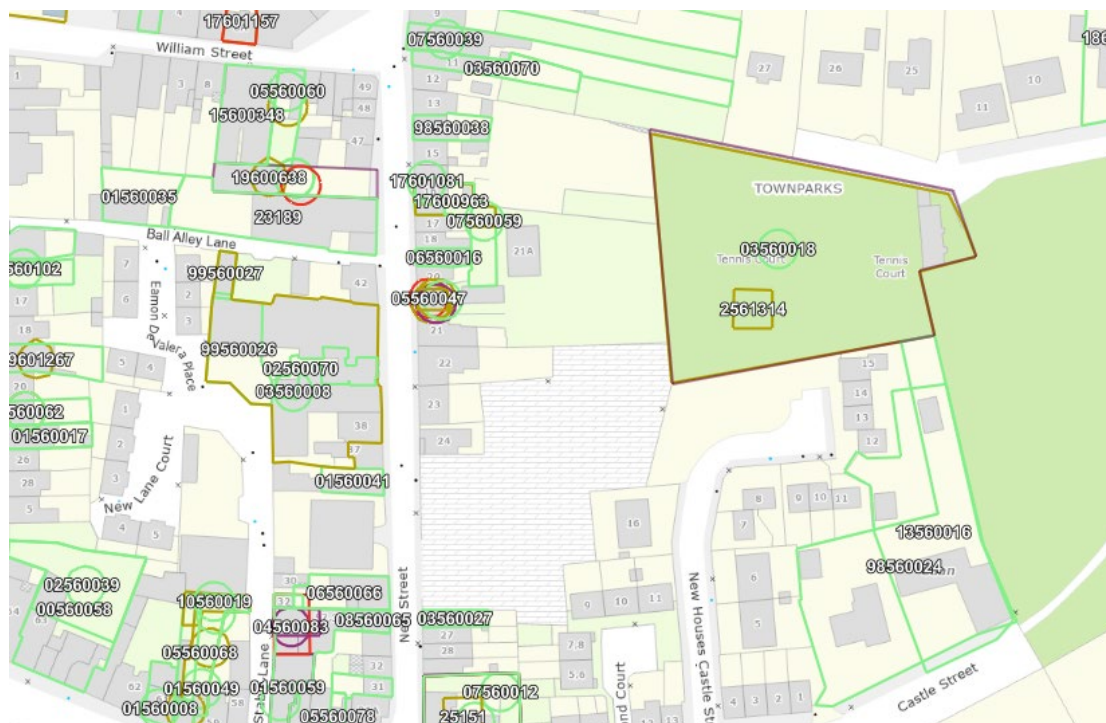
06/560042 To construct an entrance to serve his rear garden - incomplete

06/560056 to construct an entrance to serve rear garden - withdrawn

07/560060 to demolish an existing semi-derelict structure comprising of a carriage arch, gates, loft and side passage and to replace it with a new vehicular standard entrance arrangement comprising an arch, gates, dropped kerb, repairs to adjoining gables and structure as well as all associated site works. A Protected Structure. – Granted

S57/26/25 – current request.

Figure 5 Planning history



c. Assessment

The applicant has sought a declaration from the Planning Authority as to whether the Construction of an internal wall 1.8m high and sliding gates (1.8m) at 21 New Street, Carrick on Suir, can be considered exempted development.

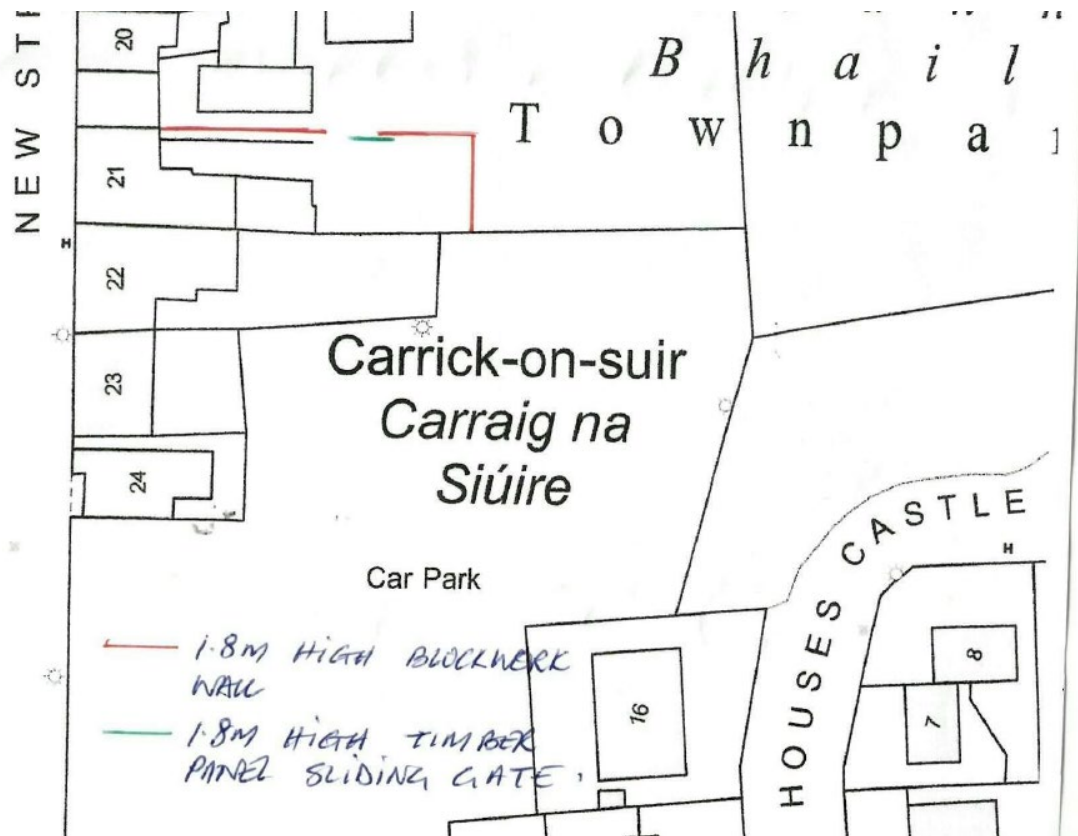
i) Is or is not Development

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.

ii) Is or is not Exempted Development

The works proposed comprise of the construction of a 1.8 m wall in the rear amenity space of No. 21 New Street, Carrick on Suir.

Figure 6 Site Layout.



The wall will subdivide the amenity space of the unit creating in effect, two independent spaces. The applicant was discussed with the Architectural Conservation Officer. As set out in the planning history section above, there is a Section 57 declaration being considered in relation to this property (s57/26/25).

As is required under Section 57 of the Planning And development Act 2000, as amended, would can only be deemed exempt if those works would not materially affect the character of (a) the structure, or(b) any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest.

There is a concern, in the absence of a Section 57 declaration, that the construction of the wall and the subdivision of the rear amenity space of No.21 New Street, House, would have a material impact on the setting of the Protected Structure.

In terms of the wall itself, it is less than 2 metres in height.

iii) Is the exemption restricted under Article 9

The subject site falls within a defined Zone of Archaeological Potential. The restriction set out under Art 9(1)(a)(vii) is noted. As the works proposed consist of the excavation, alteration or demolition (other than peat extraction) of places, caves, sites, features or other objects of archaeological, interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan for the area, the exempted development provisions allowed for under Class 5 are restricted.

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

The subject site is located c. 250 ms from the Lower River Suir SAC, and within 15 kms of Hugginstown Fen SAC (000404) and the Comeragh Mountains SAC (001952).

The proposed development is located within an urban area and comprises of the construction of a wall.

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

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. See attached.

4. RECOMMENDATION

A question has arisen as to whether the Construction of an internal wall 1.8m high and sliding gates to the rear of 21 New Street, Carrick on Suir, Co. Tipperary(a Protected Structure) is development and if so, is it or is it not exempted development.

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

- (a) Sections 2, 3 and 57 of the Planning and Development Act, 2000, as amended
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended),
- (c) Class 5 of Part 1 of Schedule 2 of the said Regulations 2001;
- (d) The location of the site within a Zone of Archaeological potential,
- (e) the planning history of the site
- (f) and documentation submitted to the Planning Authority.

The Planning Authority has determined that the construction of an internal wall 1.8m high and sliding gates (1.8m) at 21 New Street, Carrick on Suir, constitutes development and is **not** exempted development. Any planning exemption for the works are restricted by Article 9(1)(a)(vii) as they consist of the excavation, alteration or demolition (other than peat extraction) of places, caves, sites, features or other objects of archaeological, interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan for the area.

Advice Note:

It is noted that the subject structure is listed on the record of Protected Structures as set out in the Tipperary County Development Plan 2022. A Section 57 Declaration has not been issued in respect of this property. Such a Declaration would be required to satisfy the Planning Authority that the works proposed will not materially affect the character of the structure or any element, referred to in section 57(1)(b) of the Act.

Signed: Paul Killeen

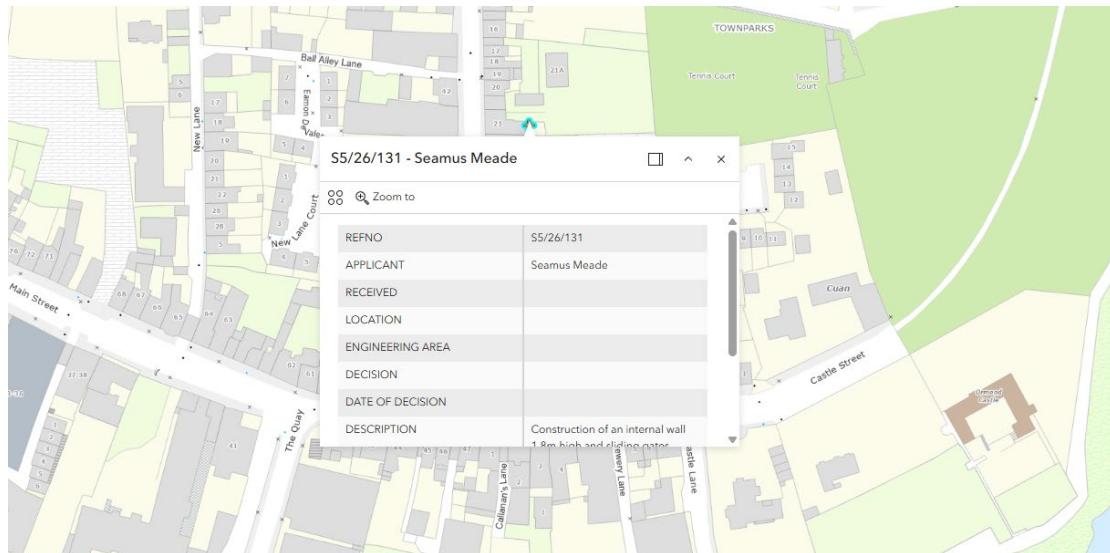
Paul Killeen District Planner

Date: 21/08/26

Senior Executive Planner: Jonathan Flood

Date: 24/8/2026

Figure 4: S5/26/131 digitised



EIA Pre-Screening Establishing if the proposal is a 'sub-threshold development':	
Planning Register Reference:	S5/26/131
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): <u>[specify class & threshold here]</u>	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

Original

TIPPERARY COUNTY COUNCIL

DELEGATED EMPLOYEE'S ORDER

File Ref: **S5/26/131** **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 Seamus Meade C/O Will McGarry, 15 Mary Street, Clonmel, Co. Tipperary, RE: Construction of an internal wall 1.8m high and sliding gates (1.8m) at 21 New Street, Carrick on Suir, Co. Tipperary is development and is not exempted development, as recommended in the report dated 24/08/2026 which I have considered and to the extent which I have indicated on said report.

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

- a) Sections 2, 3 and 57 of the Planning and Development Act, 2000, as amended
- b) Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended),
- c) Class 5 of Part 1 of Schedule 2 of the said Regulations 2001;
- d) The location of the site within a Zone of Archaeological potential,
- e) the planning history of the site
- f) and documentation submitted to the Planning Authority.

The Planning Authority has determined that the construction of an internal wall 1.8m high and sliding gates (1.8m) at 21 New Street, Carrick on Suir, constitutes development and is **not** exempted development. Any planning exemption for the works are restricted by Article 9(1)(a)(vii) as they consist of the excavation, alteration or demolition (other than peat extraction) of places, caves, sites, features or other objects of archaeological, interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan for the area.

Signed: 
Jonathan Flood
Senior Executive Planner

Date: 25/08/2026



Date: 25th August 2026

Our Ref: S5/26/131

Civic Offices, Nenagh

Seamus Meade
C/O Will McGarry
15 Mary Street
Clonmel
Co. Tipperary

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

Dear Sir,

I refer to your application for a Section 5 Declaration received on 31st July 2026 in relation to the following proposed works:

Construction of an internal wall 1.8m high and sliding gates (1.8m) at 21 New Street, Carrick on Suir, 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 57 of the Planning and Development Act, 2000, as amended
- b) Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended),
- c) Class 5 of Part 1 of Schedule 2 of the said Regulations 2001;
- d) The location of the site within a Zone of Archaeological potential,
- e) the planning history of the site
- f) and documentation submitted to the Planning Authority.

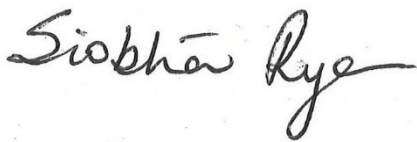
The Planning Authority has determined that the construction of an internal wall 1.8m high and sliding gates (1.8m) at 21 New Street, Carrick on Suir, constitutes development and is **not** exempted development. Any planning exemption for the works are restricted by Article 9(1)(a)(vii) as they consist of the excavation, alteration or demolition (other than peat extraction) of places, caves, sites, features or other objects of archaeological, interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan for the area.

Advice Note:

It is noted that the subject structure is listed on the record of Protected Structures as set out in the Tipperary County Development Plan 2022. A Section 57 Declaration has not been issued in respect of this property. Such a Declaration would be required to satisfy the Planning Authority that the works proposed will not materially affect the character of the structure or any element, referred to in section 57(1)(b) of the Act.

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 fluid and cursive, with the first name "Siobhán" and the surname "Rye" clearly legible.

for **Director of Services**