



PLANNING & DEVELOPMENT ACT, 2000 (as amended)

Application for a Section 5 Declaration
Development / Exempted Development

1. Applicant's address/contact details:

Applicant	Patrick King
Address	Carney Commons Carney Nenagh Co. Tipperary E45 T070
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)	Carney Commons Carney, Nenagh 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.

40sq metre extension to the rear of the property. Also,
25sq metre shed; to the side of the property
Proposed floor area of proposed works/uses: sqm 40sq metre house extension 25sq metre shed

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

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

Signature of Applicant(s) 

Date: 29/4/24

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:

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		

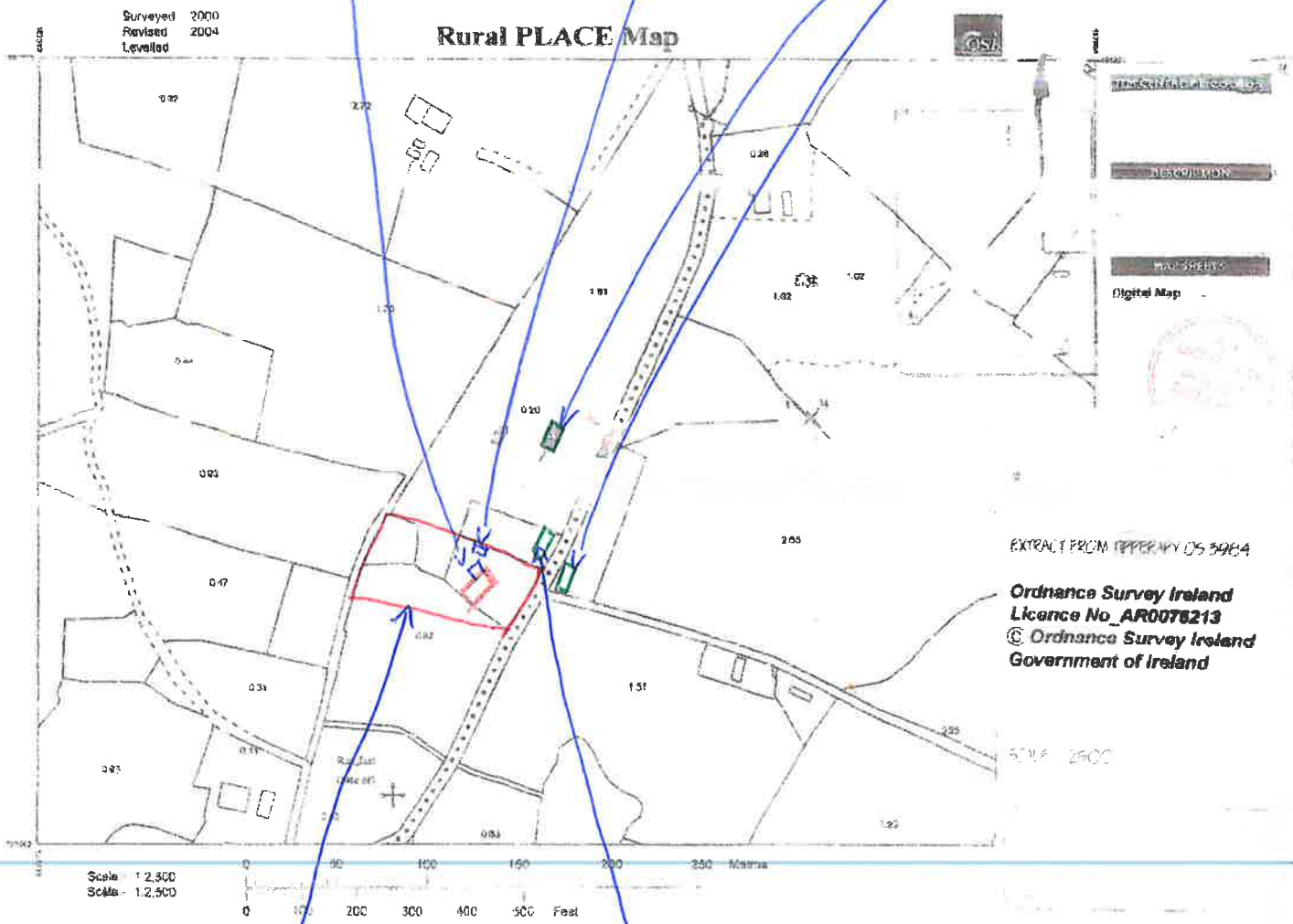
FOR OFFICE USE ONLY

DATE STAMP

Fee Recd. € 80.00
Receipt No NENAM1/0/119557
Date 30/04/2024
Received by _____

Address -> E45 TD70

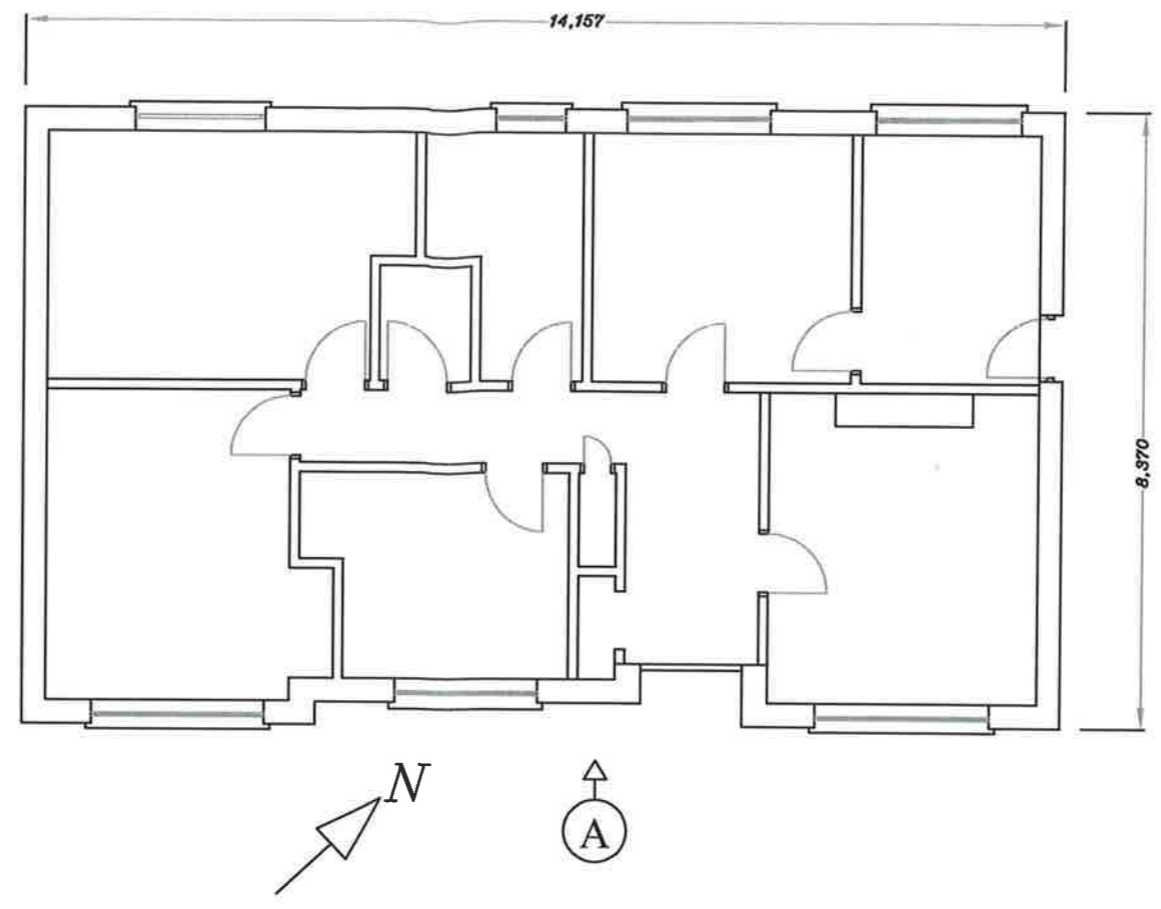
Proposed 40sqm Extension
Proposed 25sqm shed
Closest Properties



Site outlined in RED

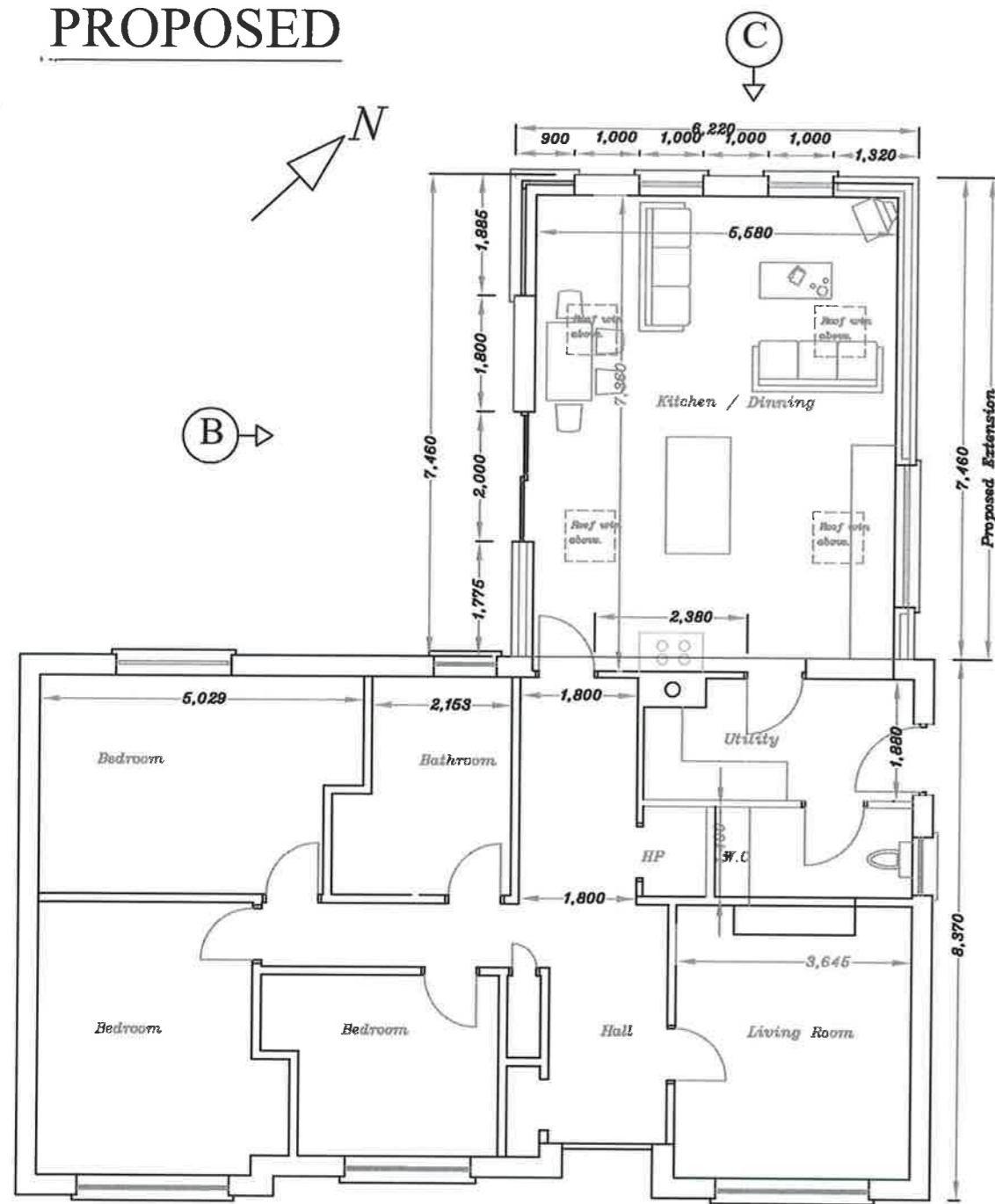
Ruin of Finroe School

ORIGINAL



PROJECT Proposed Extension/ Renovations for Paddy King at Carney Commons, Carney, Nenagh, Co Tipperary E45 TD 70	
SCALE 1:100 (A3)	REVISIONS A
TITLE - ORIGINAL DWELLING	
DATE - FEB 2024	DRG NO PK 1
DRAWN BY D. Cleary Ballyourke Borrisokane. Phone 086 3804656	

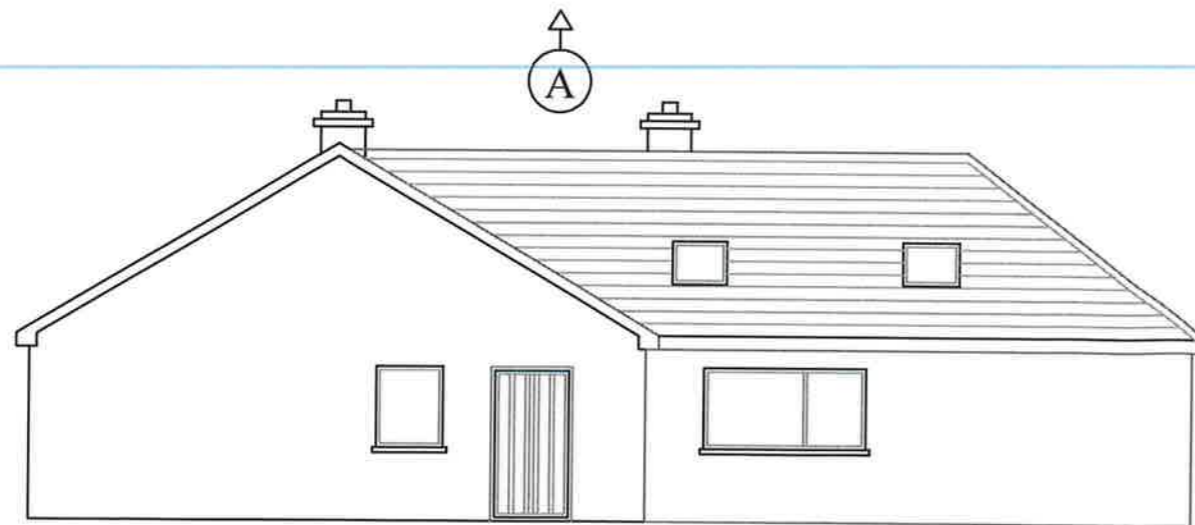
PROPOSED



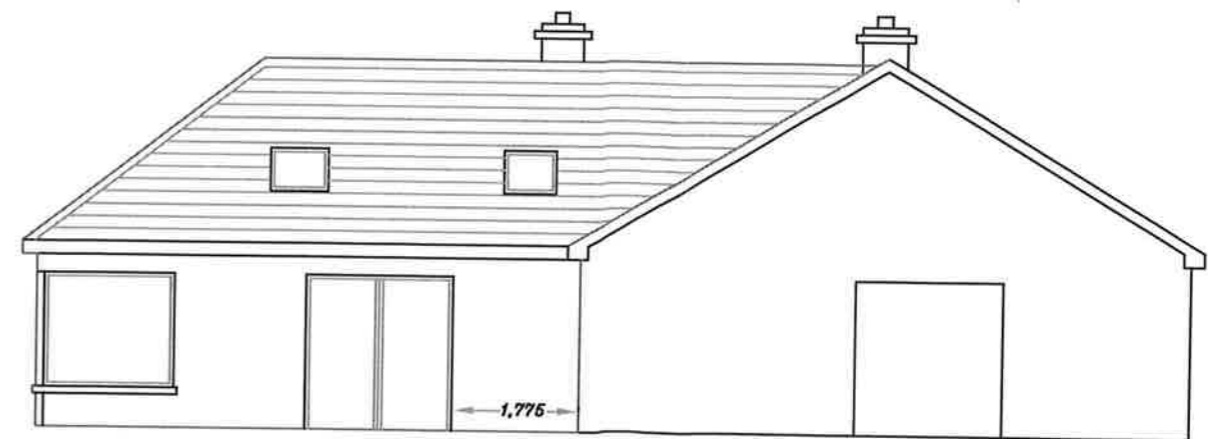
FRONT ELEVATION (A).



BACK ELEVATION (C).



SIDE ELEVATION (D).



SIDE ELEVATION (B).

Ⓢ ALL WORKS TO COMPLY WITH CURRENT BUILDING REGULATIONS

Ⓢ Radon sump and vent pipe to be installed which terminates outside and is capped. Pipe can be extended and fan fitted should subsequent Radon tests require it.

Ⓢ Wall, floor, attic insulation, windows, to comply with current part L Regulations

Ⓢ Ramp approach to new door- gradient 1:12 max. to be constructed as per TGD Part M

Ⓢ All dimensions to be checked on site

Ⓢ All dimensions in millimeters

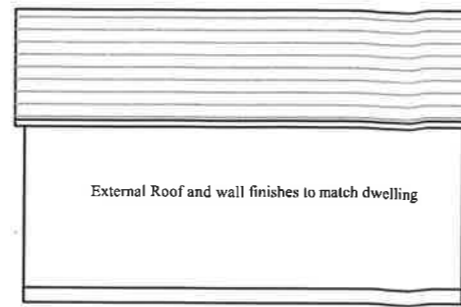
PROJECT
Proposed Extension/ Renovations for
Paddy King
at Carney Commons, Carney,
Nenagh, Co Tipperary E45 TD 70

SCALE: 1:100 (A3) REVISIONS: A

TITLE - Plan / Elevations

DATE - May 2024 DRG NO PK 1

DRAWN BY D. Cleary
Ballyourke
Borrisokane,
Phone 086 3804656

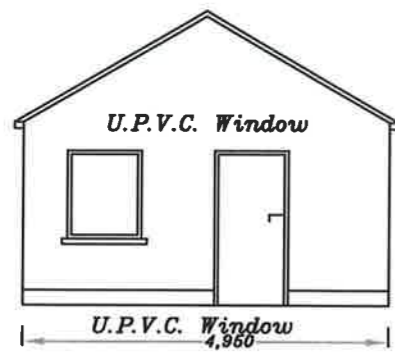


BACK ELEVATION C

GENERAL NOTES

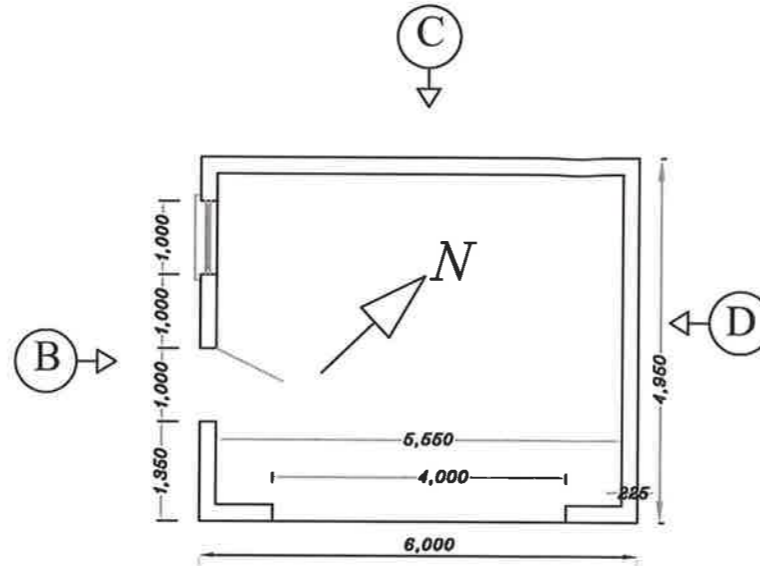
- (1) All Dimensions in millimeters.
- (2) All works by qualified trades men
and to comply with building regulations.
- (3) All Dimensions to be checked on site.

External Roof and wall finishes to match dwelling.

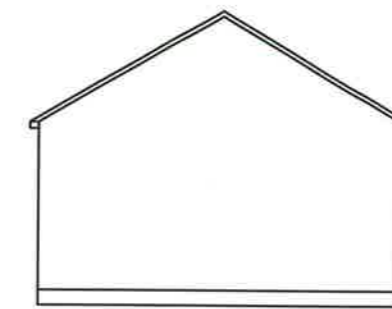


SIDE ELEVATION B

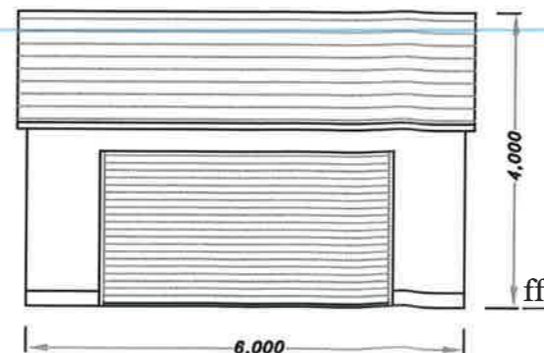
FFL



PLAN for elevation reference



SIDE ELEVATION B



FRONT ELEVATION A

PROJECT

PROPOSED DOMESTIC GARAGE / FUEL SHED
PADDY KING
AT CARNEY COMMONS, NENAGH, CO TIPPERARY.

SCALE. 1 : 100.	DRG No. Garage / fuel shed 1	PREPARED BY D. CLEARY
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TITLE - DOMESTIC GARAGE..
DATE -APRIL 2024



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
e customerservice
@tipperarycoco.ie
tipperarycoco.ie

Date: 16TH May, 2024

Our Ref: S5/24/54

Civic Offices, Nenagh

**Patrick King
Carney Commons
Carney
Nenagh
Co. Tipperary
E45 TD70**

Re: Application for a Section 5 Declaration – 40sqm extension to the rear of the property, also 25sqm shed, to the side of the property at Carney Commons, Carney, Nenagh, Co Tipperary, E45 TD70

Dear Sir/Madam

I acknowledge receipt of your application for a Section 5 Declaration received on 30th April, 2024, in connection with the above.

I wish to advise that you will be notified of a decision on your application in due course.

Yours faithfully


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.: S5/24/54

Applicant: Patrick King

Development Address: Carney Commons, Carney, Nenagh, Co. Tipperary

Proposed Development: (i) 40sq.m single storey extension to the rear of the existing house; and (ii) 25sq.m shed, to the side of the house.

1. GENERAL

On the 30/04/2024, a request was made for a declaration under Section 5 of the Planning and Development Act, 2000 as amended in respect of the following development at Carney Commons, Carney, Nenagh, Co. Tipperary, E45 TD70:

- i. 40sq.m single storey extension to the rear of the existing house; and
- ii. 25sq.m shed, to the side of the house.

2. STATUTORY PROVISIONS

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.

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.

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 if the carrying out of works would-

(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 - General:

Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations reads as follows:

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.

Class 3 of Part 1 of Schedule 2 of the Planning and Development Regulations reads as follows:

The construction, erection or placing within the curtilage of a house of any tent, awning, shade or other object, greenhouse, garage, store, shed or other similar structure.

Conditions and Limitations

- 1. No such structure shall be constructed, erected or placed forward of the front wall of a house.*
- 2. The total area of such structures constructed, erected or placed within the curtilage of a house shall not, taken together with any other such structures previously constructed, erected or placed within the said curtilage, exceed 25 square metres.*
- 3. The construction, erection or placing within the curtilage of a house of any such structure shall not reduce the amount of private open space reserved exclusively for the use of the occupants of the house to the rear or to the side of the house to less than 25 square metres.*
- 4. The external finishes of any garage or other structure constructed, erected or placed to the side of a house, and the roof covering where any such structure has a tiled or slated roof, shall conform with those of the house.*
- 5. The height of any such structure shall not exceed, in the case of a building with a tiled or slated pitched roof, 4 metres or, in any other case, 3 metres.*
- 6. The structure shall not be used for human habitation or for the keeping of pigs, poultry, pigeons, ponies or horses, or for any other purpose other than a purpose incidental to the enjoyment of the house as such.*

3. ASSESSMENT

a. Site Location

The site comprises an existing single storey house in the rural area. It is noted that the house is not included on the Record of Protected Structures.



Figure 1.0 Front view of the existing dwelling (photo taken 27/03/2024)



Figure 2.0 Rear view of the existing dwelling (photo taken 27/03/2024)

b. Relevant Planning History

S5/24/35 Declaration of Exemption refused on 05/04/2024 in respect of a rear extension.

515720

Permission granted on 09/09/1977 for a house and septic tank.

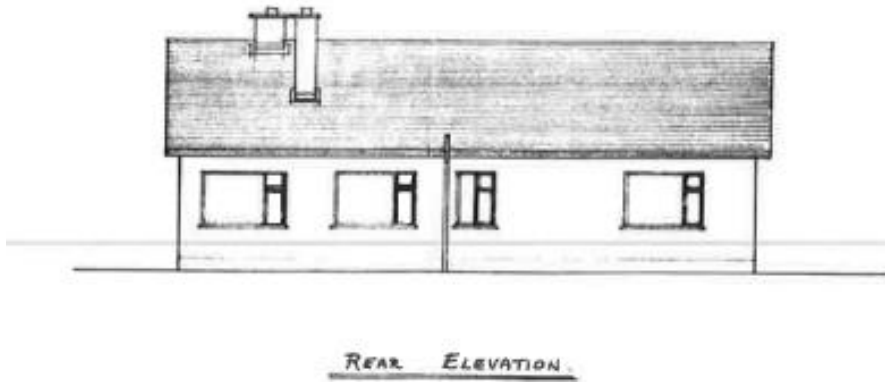
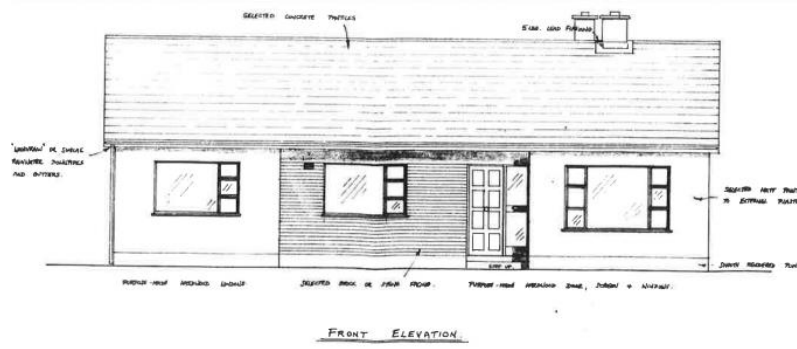


Figure 3 Planning history

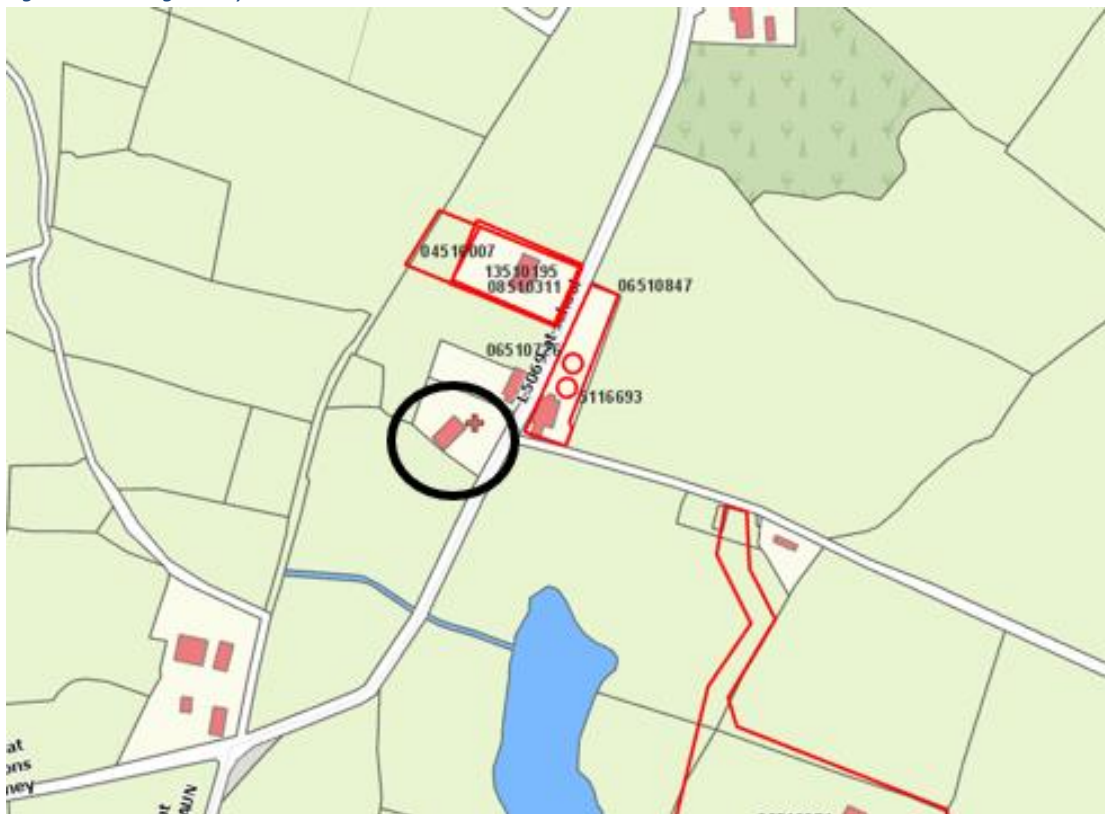
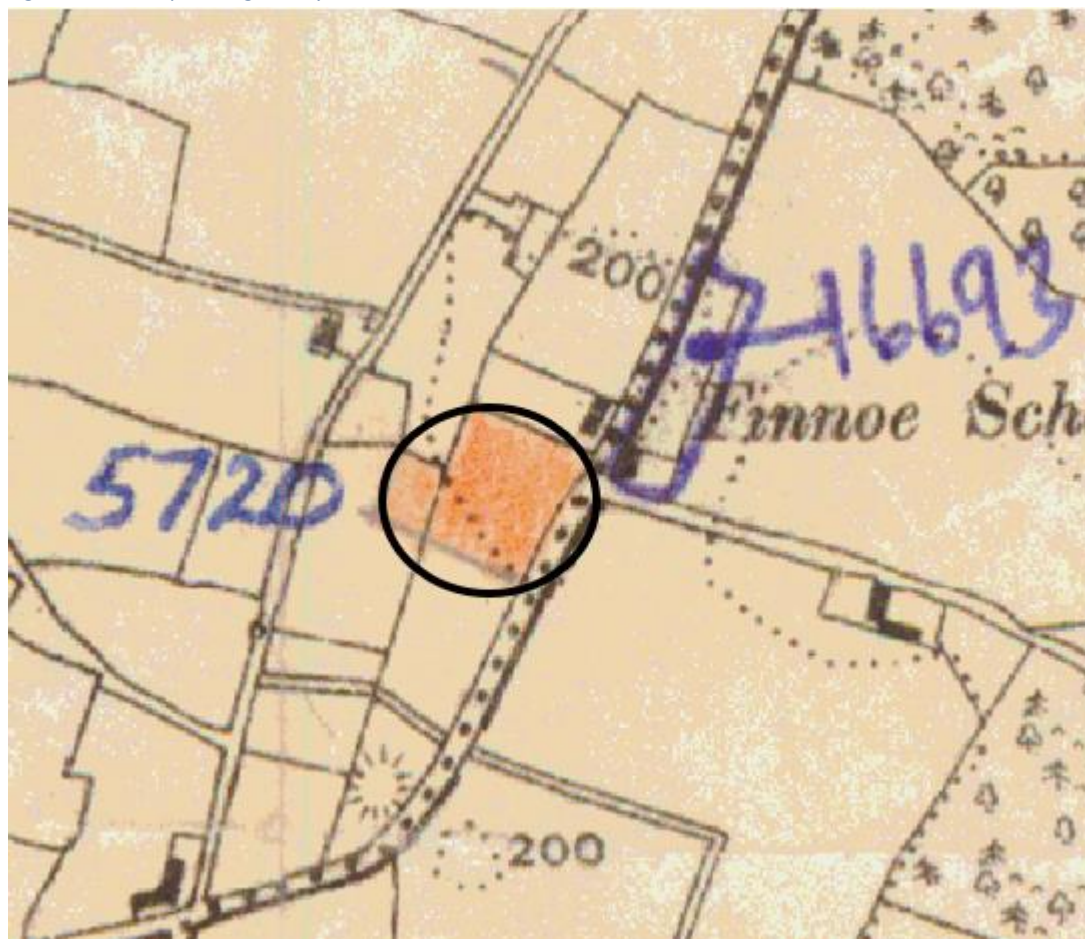


Figure 4 Historic planning history



c. Assessment

A) “Is or is not Development”

I consider the above listed proposals constitute “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”

Assessment against the conditions / limitations of Class 1:

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.

Referring to the drawings under permission ref. 515720 I am satisfied that the house has not been previously extended.

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.

N/a. The house has not been previously extended.

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

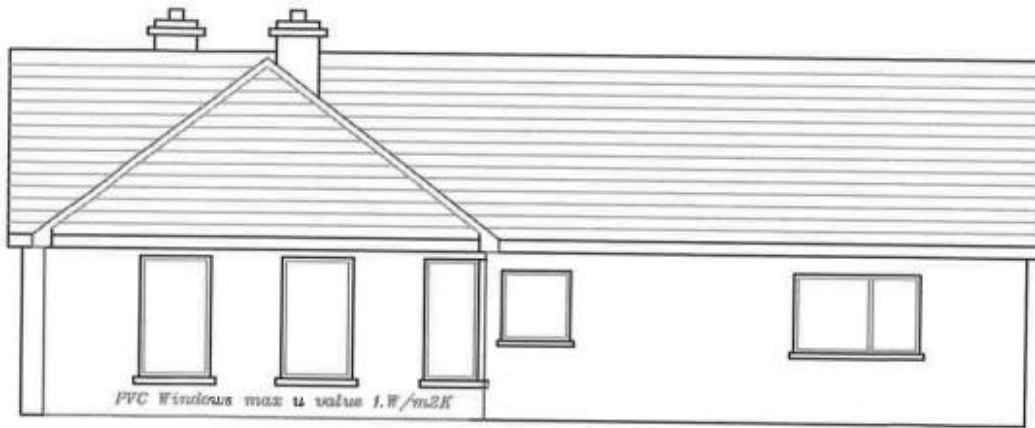
N/a. The proposed extension is single storey.

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.

The rear wall of the house does not include a gable. The height of the walls of the proposed extension do not exceed the height of the rear wall of the house. As such, the proposal complies with Condition/Limitation 4(a). The extension would have a pitched / hipped roof, the height of which would not exceed the height of the roof of the existing house.



BACK ELEVATION (C).

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.

Rural site with large grounds to the rear and sides of the house.

**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.**

Rural site with large grounds to the rear and sides of the house.

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

Single storey extension with pitched / hipped roof.

Assessment against the conditions / limitations of Class 3:

I note that the drawing submitted refers to the structure as a 'domestic garage', which satisfies the principle basis of qualifying for the exemption.

1. No such structure shall be constructed, erected or placed forward of the front wall of a house.

A hand drawn site plan has been submitted, which indicates that the proposed shed would be located to the rear of the existing house. The proposal in this regard meets the requirement of Condition 1.

2. The total area of such structures constructed, erected or placed within the curtilage of a house shall not, taken together with any other such structures previously constructed, erected or placed within the said curtilage, exceed 25 square metres.

During my site inspection on the 27/03/2024, I observed that there is already a domestic shed located to the northern side of the house. Given that the applicant is

proposing a 25sq.m garage, the proposal may not comply with Condition 2 under the Class 3 exemption. Further information can be requested on this issue.

- 3. The construction, erection or placing within the curtilage of a house of any such structure shall not reduce the amount of private open space reserved exclusively for the use of the occupants of the house to the rear or to the side of the house to less than 25 square metres.**

Rural site with large grounds to the rear and sides of the house. The proposal in this regard meets the requirement of Condition 3.

- 4. The external finishes of any garage or other structure constructed, erected or placed to the side of a house, and the roof covering where any such structure has a tiled or slated roof, shall conform with those of the house.**

Elevations note that the external roof and wall finishes would match those of the house. The proposal in this regard meets the requirement of Condition 4.

- 5. The height of any such structure shall not exceed, in the case of a building with a tiled or slated pitched roof, 4 metres or, in any other case, 3 metres.**

Elevation drawing indicates that the shed would be 4m to the ridge. The proposal in this regard meets the requirement of Condition 5.

- 6. The structure shall not be used for human habitation or for the keeping of pigs, poultry, pigeons, ponies or horses, or for any other purpose other than a purpose incidental to the enjoyment of the house as such.**

I note that the drawing submitted refers to the structure as a 'domestic garage', which satisfies Condition 6.

C) Restrictions under Article 9

I note no restrictions on exemptions under Article 9 of the Planning and Development Regulations 2001, as amended that would apply.

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

Appropriate Assessment (AA)

The proposed development has been screened as to the requirement for AA and it has been determined that the requirement for Stage 2 AA does not arise. See Screening Report attached.

Environmental Impact Assessment (EIA):

The proposed development is not a type of development included for under Schedule 5 of the Planning and Development Regulations 2001, as amended. See screening report attached.

4. RECOMMENDATION

I recommend the following further information is sought pursuant to Section 5(2)(b) of the Planning and Development Act 2000, as amended:

1. The applicant is advised that Condition/Limitation 2 of Class 3, Part 1 of Schedule 2 of the Planning and Development Regulations 2001-2023 reads as follows:

The total area of such structures constructed, erected or placed within the curtilage of a house shall not, taken together with any other such structures previously constructed, erected or placed within the said curtilage, exceed 25 square metres.

The applicant is requested to submit

- i. a site layout plan, drawn at a scale no greater than 1:500, to show the location of **all domestic sheds and structures** within the curtilage of the existing house.
- ii. Plans and elevations of all such structures to confirm the size and height of same.

During a site inspection, the Planning Authority observed an existing timber shed / storage structure located on the northern side of the house. See photo below.

The applicant is requested to confirm if this structure is to be removed prior to construction of the proposed 25sq.m domestic shed. The applicant is advised that pursuant to Class 50 of the Planning and Development Regulations 2001-2023, planning permission is not required to demolish a building of no greater of 40sq.m located within the curtilage of a house.



District Planner:

Jim Egan

Date: 16/05/2024

A/Senior Executive Planner:

Jonathan Flood

Date: 17/5/2024

5. FURTHER INFORMATION

The following further information was requested on the 21/05/2024:

1. *The applicant is advised that Condition/Limitation 2 of Class 3, Part 1 of Schedule 2 of the Planning and Development Regulations 2001-2023 reads as follows:*

The total area of such structures constructed, erected or placed within the curtilage of a house shall not, taken together with any other such structures previously constructed, erected or placed within the said curtilage, exceed 25 square metres.

The applicant is requested to submit

- i. a site layout plan, drawn at a scale no greater than 1:500, to show the location of all domestic sheds and structures within the curtilage of the existing house.*
- ii. Plans and elevations of all such structures to confirm the size and height of same.*

During a site inspection, the Planning Authority observed an existing timber shed / storage structure located on the northern side of the house. See photo below.

The applicant is requested to confirm if this structure is to be removed prior to construction of the proposed 25sq.m domestic shed. The applicant is advised that pursuant to Class 50 of the Planning and Development Regulations 2001-2023, planning permission is not required to demolish a building of no greater of 40sq.m located within the curtilage of a house.

Appraisal

Referring to the FI request above, the following assessment is made in respect of further information received on the 04/06/2024:

1. The applicant has provided a Site Layout Plan showing the location of all structures on the site, and has confirmed that the existing timber shed / storage structure located on the northern side of the house has been removed.

I visited the site on the 10/06/2024 and observed that the timber shed / storage structure has been removed. See photograph below. I am satisfied that based on documentation submitted, the construction of a 25sq.m domestic store comes within the scope of Class 3, Part 1 of Schedule 2 of the Planning and Development Regulations 2001-2023,



Photograph taken on the 10/06/2024

5. RECOMMENDATION

WHEREAS a question has arisen as to whether the following proposal to be undertaken at Carney Commons, Nenagh, Co. Tipperary is development and is or is not exempted development:

- (i) 40sq.m single storey extension to the rear of the existing house; and (ii) 25sq.m shed, to the side of the house.*

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) Class 1 and Class 3, Part 1 of Schedule 2, Planning & Development Regulations 2001, as amended.
- (c) Articles 6 and 9 of the Planning & Development Regulations 2001, as amended.
- (d) The plans and documentation submitted, including further information.

AND WHEREAS Tipperary County Council has concluded that –

The proposed development, as presented on the drawings and details provided with the Declaration application, as amended by Further Information received on 04/06/2024, constitutes “development” within the meaning of the Planning and Development Act 2000 as amended and is “**exempted development**”.

District Planner: *Jim Egan*

Date: 17/06/2024

A/Senior Executive Planner: *Jonathan Flood*

Date: 17/06/2024

HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT

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

(a) File Reference No:	S5/24/54
(b) Brief description of the project or plan:	(i) 40sq.m single storey extension to the rear of the existing house; and (ii) 25sq.m shed, to the side of the house.
(c) Brief description of site characteristics:	Existing dwelling in rural area
(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 (km)	Connections (Source-Pathway-Receptor)	Considered further in screening Y/N
Slieve Aughty Mountains SPA	https://www.npws.ie/protected-sites/spa/004168	Within 15km	None	No
Lough Derg (Shannon) SPA	https://www.npws.ie/protected-sites/spa/004058	Within 15km	None	No
Lough Derg, North-east Shore SAC	https://www.npws.ie/protected-sites/sac/002241	Within 15km	None	No
Kilcarren-Firville Bog SAC	https://www.npws.ie/protected-sites/sac/000647	Within 15km	None	No
Liskeenan Fen SAC	https://www.npws.ie/protected-sites/sac/001683	Within 15km	None	No
Scohaboy (Sopwell) Bog SAC	https://www.npws.ie/protected-sites/sac/002206	Within 15km	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.)
<p>Construction phase e.g.</p> <ul style="list-style-type: none"> • 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 	None.
<p>Operational phase e.g.</p> <ul style="list-style-type: none"> • 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 	None.
In-combination/Other	None.
(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"> • 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 • Interference with the key relationships that define the structure or ecological function of the site 	None.
(c) Are ‘mitigation’ measures necessary to reach a conclusion that likely significant effects can be ruled out at screening?	
<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.

On the basis of the information on file, which is considered adequate to undertake a screening determination and having regard to: the nature and scale of the proposed development, the proposed land use and distance from European sites, the lack of direct connections with regard to the Source-Pathway-Receptor model, it is concluded that the proposed development, individually or in-combination with other plans or projects, would not be likely to have a significant effect on the above listed European sites or any other European site, in view of the said sites' conservation objectives.

The proposed development is not likely to have significant effects.

Conclusion:

	Tick as Appropriate:	Recommendation:		
(i) It is clear that there is 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:	Jim Egan	<table border="1"> <tr> <td>Date:</td> <td>16/05/2024</td> </tr> </table>	Date:	16/05/2024
Date:	16/05/2024			

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

File Reference:	S5/24/54
Development Summary:	(i) 40sq.m single storey extension to the rear of the existing house; and (ii) 25sq.m shed, to the side of the house.
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 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 _____	EIA is mandatory No Screening required
<input checked="" type="checkbox"/> 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)

<input checked="" type="checkbox"/> No, the development is not a project listed in Schedule 5, Part 2	No Screening required
<input type="checkbox"/> 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
<input type="checkbox"/> 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?

<input type="checkbox"/> Yes, Schedule 7A information/screening report has been submitted by the applicant	Screening Determination required
<input type="checkbox"/> No, Schedule 7A information/screening report has not been submitted by the applicant	Preliminary Examination required



Comhairle Contae Thiobraid Árann
Tipperary County Council

Comhairle Contae
Thiobraid Árann,
Oifigi Cathartha,
Cluain Meala,
Co. Thiobraid Árann
Tipperary County Council,
Civic Offices, Clonmel,
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Co. Tipperary
E45 A099

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

Date: 21st May, 2024

Our Ref: S5/24/54

Civic Offices, Nenagh

**Patrick King
Carney Commons
Carney
Nenagh
Co. Tipperary
E45 TD70**

Re: Application for a Section 5 Declaration 40sq.m single storey extension to the rear of the existing house; and 25sq.m shed, to the side of the house – **at Carney Commons, Carney, Co. Tipperary, E34 WR28.**

Dear Mr King

I refer to an application received from you on 30th April, 2024 requesting a Declaration from this Planning Authority as to whether or not certain works constitute development within the meaning of the Planning and Development Act 2000, as amended.

Further information is requested as follows;

Recommendation

I recommend the following further information is sought pursuant to Section 5(2)(b) of the Planning and Development Act 2000, as amended:

1. The applicant is advised that Condition/Limitation 2 of Class 3, Part 1 of Schedule 2 of the Planning and Development Regulations 2001-2023 reads as follows:

The total area of such structures constructed, erected or placed within the curtilage of a house shall not, taken together with any other such structures previously constructed, erected or placed within the said curtilage, exceed 25 square metres.

The applicant is requested to submit

- i. a site layout plan, drawn at a scale no greater than 1:500, to show the location of **all domestic sheds and structures** within the curtilage of the existing house.
- ii. Plans and elevations of all such structures to confirm the size and height of same.

During a site inspection, the Planning Authority observed an existing timber shed / storage structure located on the northern side of the house. See photo below.



The applicant is requested to confirm if this structure is to be removed prior to construction of the proposed 25sq.m domestic shed. The applicant is advised that pursuant to Class 50 of the Planning and Development Regulations 2001-2023, planning permission is not required to demolish a building of no greater of 40sq.m located within the curtilage of a house.

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

Yours faithfully



for **Director of Services**

Patrick King

04/06/2024

Tipperary County Council
Planning Department

Your Ref S5/24/54

Re – Planning Exemption at Carney Commons, Carney, Nenagh , Co Tipperary E45 TD70

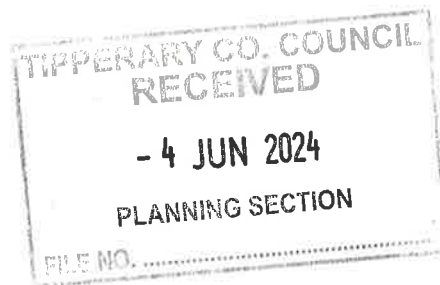
Dear Sir/ Madam,

With reference to your letter for Further information dated 21 May 2024 please find the attached site layout as requested. (Site location map also included)

I also confirm that the existing timber shed/storage structure that the planning authority viewed at their site inspection has been removed.



Yours sincerely
Patrick King



EXTRACTION DATE = 27 May 2024
May Ref TY009 TY010

Rural Place Map

DESCRIPTION

Planning Exemption
For Paddy King
at Carney Commons, Carney, Nenagh, Co. Tipperary

ITM CENTRE POINT CO- ORDINATE.
X, Y = 587510, 691616



DATE 01/06/2024
SCALE 1- 2500



Prepared by Donal Cleary
Ballyrourke
Borrisokane

SITE PLAN

PRIMARY OFFICE
RECEIVED
- 4 JUN 2024
PLANNING
NO.



PROJECT
Patrick King
Planning Exemption
at Carney Commons, Carney, Nenagh,
Co. Tipperary

Septic Tank / Percolation area



Proposed Shed

Proposed Extension

Existing Dwelling

Gravel Driveway

Entrance

DATE 01-06-2024

SCALE 1- 500

Drawing No. PK 02

Prepared by Donal Cleary
Ballyrouke
Borrisokane

TIPPERARY COUNTY COUNCIL

Application for Declaration under Section 5

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

Planning Ref.: S5/24/54

Applicant: Patrick King

Development Address: Carney Commons, Carney, Nenagh, Co. Tipperary

Proposed Development: (i) 40sq.m single storey extension to the rear of the existing house; and (ii) 25sq.m shed, to the side of the house.

1. GENERAL

On the 30/04/2024, a request was made for a declaration under Section 5 of the Planning and Development Act, 2000 as amended in respect of the following development at Carney Commons, Carney, Nenagh, Co. Tipperary, E45 TD70:

- i. 40sq.m single storey extension to the rear of the existing house; and
- ii. 25sq.m shed, to the side of the house.

2. STATUTORY PROVISIONS

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.

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.

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 if the carrying out of works would-

(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 - General:

Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations reads as follows:

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.

Class 3 of Part 1 of Schedule 2 of the Planning and Development Regulations reads as follows:

The construction, erection or placing within the curtilage of a house of any tent, awning, shade or other object, greenhouse, garage, store, shed or other similar structure.

Conditions and Limitations

- 1. No such structure shall be constructed, erected or placed forward of the front wall of a house.*
- 2. The total area of such structures constructed, erected or placed within the curtilage of a house shall not, taken together with any other such structures previously constructed, erected or placed within the said curtilage, exceed 25 square metres.*
- 3. The construction, erection or placing within the curtilage of a house of any such structure shall not reduce the amount of private open space reserved exclusively for the use of the occupants of the house to the rear or to the side of the house to less than 25 square metres.*
- 4. The external finishes of any garage or other structure constructed, erected or placed to the side of a house, and the roof covering where any such structure has a tiled or slated roof, shall conform with those of the house.*
- 5. The height of any such structure shall not exceed, in the case of a building with a tiled or slated pitched roof, 4 metres or, in any other case, 3 metres.*
- 6. The structure shall not be used for human habitation or for the keeping of pigs, poultry, pigeons, ponies or horses, or for any other purpose other than a purpose incidental to the enjoyment of the house as such.*

3. ASSESSMENT

a. Site Location

The site comprises an existing single storey house in the rural area. It is noted that the house is not included on the Record of Protected Structures.



Figure 1.0 Front view of the existing dwelling (photo taken 27/03/2024)



Figure 2.0 Rear view of the existing dwelling (photo taken 27/03/2024)

b. Relevant Planning History

S5/24/35 Declaration of Exemption refused on 05/04/2024 in respect of a rear extension.

515720

Permission granted on 09/09/1977 for a house and septic tank.

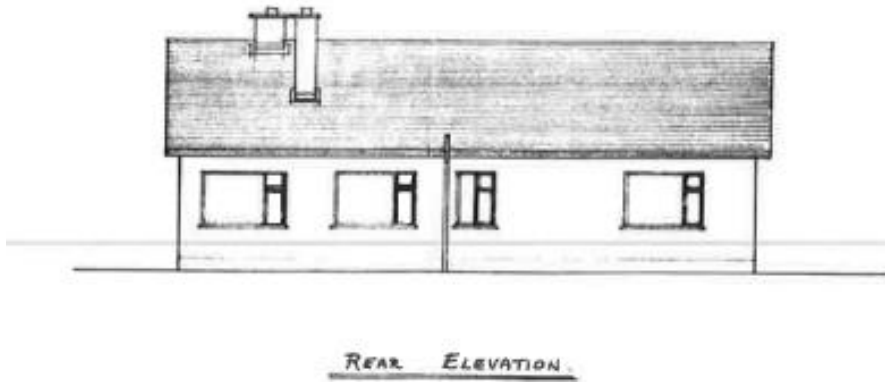
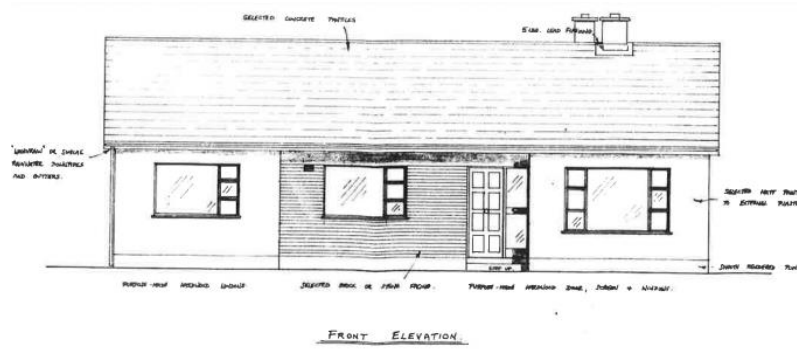


Figure 3 Planning history

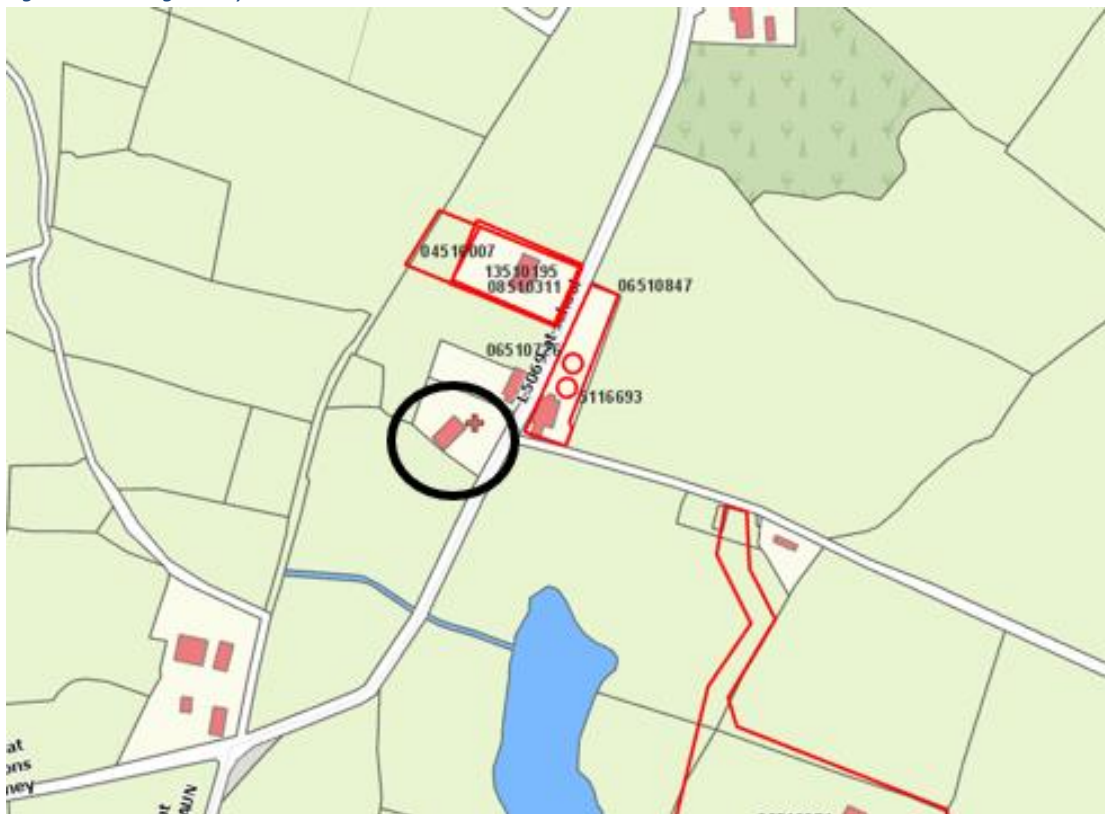
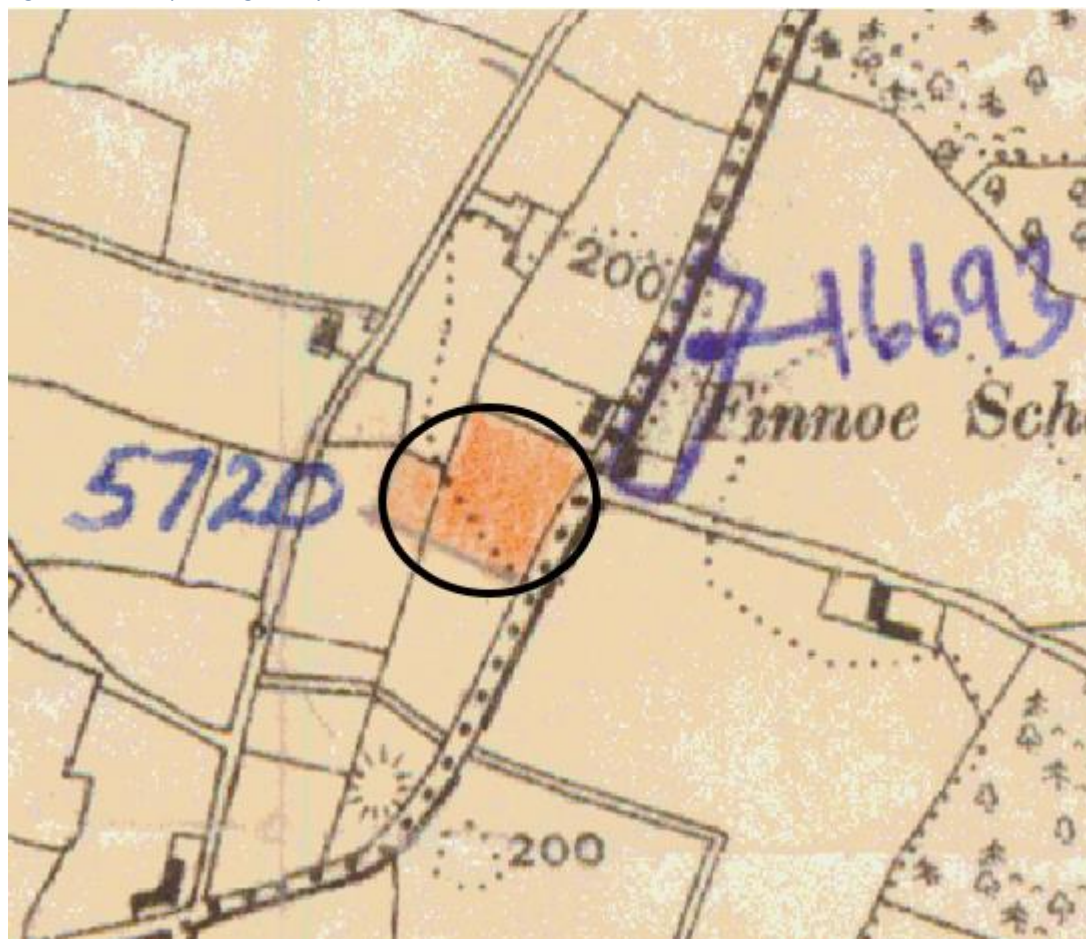


Figure 4 Historic planning history



c. Assessment

A) “Is or is not Development”

I consider the above listed proposals constitute “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”

Assessment against the conditions / limitations of Class 1:

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.

Referring to the drawings under permission ref. 515720 I am satisfied that the house has not been previously extended.

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.

N/a. The house has not been previously extended.

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

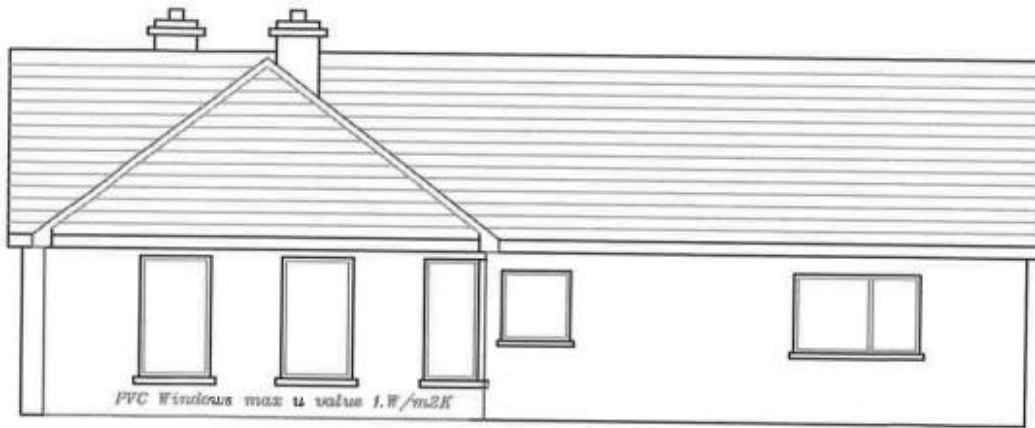
N/a. The proposed extension is single storey.

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.

The rear wall of the house does not include a gable. The height of the walls of the proposed extension do not exceed the height of the rear wall of the house. As such, the proposal complies with Condition/Limitation 4(a). The extension would have a pitched / hipped roof, the height of which would not exceed the height of the roof of the existing house.



BACK ELEVATION (C).

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.

Rural site with large grounds to the rear and sides of the house.

**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.**

Rural site with large grounds to the rear and sides of the house.

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

Single storey extension with pitched / hipped roof.

Assessment against the conditions / limitations of Class 3:

I note that the drawing submitted refers to the structure as a 'domestic garage', which satisfies the principle basis of qualifying for the exemption.

1. No such structure shall be constructed, erected or placed forward of the front wall of a house.

A hand drawn site plan has been submitted, which indicates that the proposed shed would be located to the rear of the existing house. The proposal in this regard meets the requirement of Condition 1.

2. The total area of such structures constructed, erected or placed within the curtilage of a house shall not, taken together with any other such structures previously constructed, erected or placed within the said curtilage, exceed 25 square metres.

During my site inspection on the 27/03/2024, I observed that there is already a domestic shed located to the northern side of the house. Given that the applicant is

proposing a 25sq.m garage, the proposal may not comply with Condition 2 under the Class 3 exemption. Further information can be requested on this issue.

- 3. The construction, erection or placing within the curtilage of a house of any such structure shall not reduce the amount of private open space reserved exclusively for the use of the occupants of the house to the rear or to the side of the house to less than 25 square metres.**

Rural site with large grounds to the rear and sides of the house. The proposal in this regard meets the requirement of Condition 3.

- 4. The external finishes of any garage or other structure constructed, erected or placed to the side of a house, and the roof covering where any such structure has a tiled or slated roof, shall conform with those of the house.**

Elevations note that the external roof and wall finishes would match those of the house. The proposal in this regard meets the requirement of Condition 4.

- 5. The height of any such structure shall not exceed, in the case of a building with a tiled or slated pitched roof, 4 metres or, in any other case, 3 metres.**

Elevation drawing indicates that the shed would be 4m to the ridge. The proposal in this regard meets the requirement of Condition 5.

- 6. The structure shall not be used for human habitation or for the keeping of pigs, poultry, pigeons, ponies or horses, or for any other purpose other than a purpose incidental to the enjoyment of the house as such.**

I note that the drawing submitted refers to the structure as a 'domestic garage', which satisfies Condition 6.

C) Restrictions under Article 9

I note no restrictions on exemptions under Article 9 of the Planning and Development Regulations 2001, as amended that would apply.

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

Appropriate Assessment (AA)

The proposed development has been screened as to the requirement for AA and it has been determined that the requirement for Stage 2 AA does not arise. See Screening Report attached.

Environmental Impact Assessment (EIA):

The proposed development is not a type of development included for under Schedule 5 of the Planning and Development Regulations 2001, as amended. See screening report attached.

4. RECOMMENDATION

I recommend the following further information is sought pursuant to Section 5(2)(b) of the Planning and Development Act 2000, as amended:

1. The applicant is advised that Condition/Limitation 2 of Class 3, Part 1 of Schedule 2 of the Planning and Development Regulations 2001-2023 reads as follows:

The total area of such structures constructed, erected or placed within the curtilage of a house shall not, taken together with any other such structures previously constructed, erected or placed within the said curtilage, exceed 25 square metres.

The applicant is requested to submit

- i. a site layout plan, drawn at a scale no greater than 1:500, to show the location of **all domestic sheds and structures** within the curtilage of the existing house.
- ii. Plans and elevations of all such structures to confirm the size and height of same.

During a site inspection, the Planning Authority observed an existing timber shed / storage structure located on the northern side of the house. See photo below.

The applicant is requested to confirm if this structure is to be removed prior to construction of the proposed 25sq.m domestic shed. The applicant is advised that pursuant to Class 50 of the Planning and Development Regulations 2001-2023, planning permission is not required to demolish a building of no greater of 40sq.m located within the curtilage of a house.



District Planner:

Jim Egan

Date: 16/05/2024

A/Senior Executive Planner:

Jonathan Flood

Date: 17/5/2024

5. FURTHER INFORMATION

The following further information was requested on the 21/05/2024:

1. *The applicant is advised that Condition/Limitation 2 of Class 3, Part 1 of Schedule 2 of the Planning and Development Regulations 2001-2023 reads as follows:*

The total area of such structures constructed, erected or placed within the curtilage of a house shall not, taken together with any other such structures previously constructed, erected or placed within the said curtilage, exceed 25 square metres.

The applicant is requested to submit

- i. a site layout plan, drawn at a scale no greater than 1:500, to show the location of all domestic sheds and structures within the curtilage of the existing house.*
- ii. Plans and elevations of all such structures to confirm the size and height of same.*

During a site inspection, the Planning Authority observed an existing timber shed / storage structure located on the northern side of the house. See photo below.

The applicant is requested to confirm if this structure is to be removed prior to construction of the proposed 25sq.m domestic shed. The applicant is advised that pursuant to Class 50 of the Planning and Development Regulations 2001-2023, planning permission is not required to demolish a building of no greater of 40sq.m located within the curtilage of a house.

Appraisal

Referring to the FI request above, the following assessment is made in respect of further information received on the 04/06/2024:

1. The applicant has provided a Site Layout Plan showing the location of all structures on the site, and has confirmed that the existing timber shed / storage structure located on the northern side of the house has been removed.

I visited the site on the 10/06/2024 and observed that the timber shed / storage structure has been removed. See photograph below. I am satisfied that based on documentation submitted, the construction of a 25sq.m domestic store comes within the scope of Class 3, Part 1 of Schedule 2 of the Planning and Development Regulations 2001-2023,



Photograph taken on the 10/06/2024

5. RECOMMENDATION

WHEREAS a question has arisen as to whether the following proposal to be undertaken at Carney Commons, Nenagh, Co. Tipperary is development and is or is not exempted development:

- (i) 40sq.m single storey extension to the rear of the existing house; and (ii) 25sq.m shed, to the side of the house.*

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) Class 1 and Class 3, Part 1 of Schedule 2, Planning & Development Regulations 2001, as amended.
- (c) Articles 6 and 9 of the Planning & Development Regulations 2001, as amended.
- (d) The plans and documentation submitted, including further information.

AND WHEREAS Tipperary County Council has concluded that –

The proposed development, as presented on the drawings and details provided with the Declaration application, as amended by Further Information received on 04/06/2024, constitutes “development” within the meaning of the Planning and Development Act 2000 as amended and is “**exempted development**”.

District Planner: *Jim Egan*

Date: 17/06/2024

A/Senior Executive Planner: *Jonathan Flood*

Date: 17/06/2024

HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT

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

(a) File Reference No:	S5/24/54
(b) Brief description of the project or plan:	(i) 40sq.m single storey extension to the rear of the existing house; and (ii) 25sq.m shed, to the side of the house.
(c) Brief description of site characteristics:	Existing dwelling in rural area
(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 (km)	Connections (Source-Pathway-Receptor)	Considered further in screening Y/N
Slieve Aughty Mountains SPA	https://www.npws.ie/protected-sites/spa/004168	Within 15km	None	No
Lough Derg (Shannon) SPA	https://www.npws.ie/protected-sites/spa/004058	Within 15km	None	No
Lough Derg, North-east Shore SAC	https://www.npws.ie/protected-sites/sac/002241	Within 15km	None	No
Kilcarren-Firville Bog SAC	https://www.npws.ie/protected-sites/sac/000647	Within 15km	None	No
Liskeenan Fen SAC	https://www.npws.ie/protected-sites/sac/001683	Within 15km	None	No
Scohaboy (Sopwell) Bog SAC	https://www.npws.ie/protected-sites/sac/002206	Within 15km	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.)
<p>Construction phase e.g.</p> <ul style="list-style-type: none"> • 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 	None.
<p>Operational phase e.g.</p> <ul style="list-style-type: none"> • 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 	None.
In-combination/Other	None.
(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"> • 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 • Interference with the key relationships that define the structure or ecological function of the site 	None.
(c) Are ‘mitigation’ measures necessary to reach a conclusion that likely significant effects can be ruled out at screening?	
<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.

On the basis of the information on file, which is considered adequate to undertake a screening determination and having regard to: the nature and scale of the proposed development, the proposed land use and distance from European sites, the lack of direct connections with regard to the Source-Pathway-Receptor model, it is concluded that the proposed development, individually or in-combination with other plans or projects, would not be likely to have a significant effect on the above listed European sites or any other European site, in view of the said sites' conservation objectives.

The proposed development is not likely to have significant effects.

Conclusion:

	Tick as Appropriate:	Recommendation:		
(i) It is clear that there is 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:	Jim Egan	<table border="1"> <tr> <td>Date:</td> <td>16/05/2024</td> </tr> </table>	Date:	16/05/2024
Date:	16/05/2024			

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

File Reference:	S5/24/54
Development Summary:	(i) 40sq.m single storey extension to the rear of the existing house; and (ii) 25sq.m shed, to the side of the house.
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 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 _____	EIA is mandatory No Screening required
<input checked="" type="checkbox"/> 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)

<input checked="" type="checkbox"/> No, the development is not a project listed in Schedule 5, Part 2	No Screening required
<input type="checkbox"/> 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
<input type="checkbox"/> 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?

<input type="checkbox"/> Yes, Schedule 7A information/screening report has been submitted by the applicant	Screening Determination required
<input type="checkbox"/> No, Schedule 7A information/screening report has not been submitted by the applicant	Preliminary Examination required



Comhairle Contae Thiobraid Árann
Tipperary County Council

Comhairle Contae
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Oifigí Cathartha,
Cluain Meala,
Co. Thiobraid Árann

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Date: 19th June, 2024

Our Ref: S5/24/54

Civic Offices, Nenagh

**Patrick King
Carney Commons
Carney
Nenagh
Co. Tipperary
E45 TD70**

Re: Declaration under Section 5 of the Planning and Development Act 2000

Dear Mr King,

I refer to your application for a Section 5 Declaration received on 30th April, 2024 and Further Information received on 4th June, 2024, in relation to the following proposed works:

(i) 40sq.m single storey extension to the rear of the existing house; and (ii) 25sq.m shed, to the side of the house at **Carney Commons, Carney, 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) Class 1 and Class 3, Part 1 of Schedule 2, Planning & Development Regulations 2001, as amended.
- c) Articles 6 and 9 of the Planning & Development Regulations 2001, as amended.
- d) The plans and documentation submitted, including further information.

AND WHEREAS Tipperary County Council has concluded that –

The proposed development, as presented on the drawings and details provided with the Declaration application, as amended by Further Information received on 04/06/2024, constitutes “development” within the meaning of the Planning and Development Act 2000 as amended and is “**exempted development**”.

NOTE: Any person issued with a Declaration of a Planning Authority may refer the Declaration for review to An Bord 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

Geraldine Quinn

for **Director of Services**

Original

TIPPERARY COUNTY COUNCIL

DELEGATED EMPLOYEE'S ORDER

File Ref: **S5/24/54** **Delegated Employee's Order No:** _____

SUBJECT: Section 5 Declaration

I, Sharon Kennedy, 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. 37256 dated 4th March, 2024, hereby order that pursuant to the provisions of the Planning and Development Act 2000, as amended, that an application under Section 5 from Patrick King, Carney Commons, Carney, Nenagh, Co. Tipperary, re: Construction of a 40sq.m single storey extension to the rear of the existing house; and (ii) 25sq.m shed, to the side of the house. at Carney Commons, Carney, 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 and 4 of the Planning and Development Act, 2000, as amended
- b) Class 1 and Class 3, Part 1 of Schedule 2, Planning & Development Regulations 2001, as amended.
- c) Articles 6 and 9 of the Planning & Development Regulations 2001, as amended.
- d) The plans and documentation submitted, including further information.

AND WHEREAS Tipperary County Council has concluded that –

The proposed development, as presented on the drawings and details provided with the Declaration application, as amended by Further Information received on 04/06/2024, constitutes "development" within the meaning of the Planning and Development Act 2000 as amended and is "**exempted development**".

Signed:



Sharon Kennedy
Director of Services
Planning and Development (including Town Centre First),
Emergency Services and Emergency Planning and
Tipperary/Cahir/Cashel Municipal District

Date: 19/06/2024