

**PLANNING & DEVELOPMENT ACT, 2000 (as amended)**

**Application for a Section 5 Declaration**  
**Development / Exempted Development**

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

Applicant	PATRICK WHITE
Address	BEAMORE CLOUGHJORDAN CO. TIPPERARY -
Telephone No.	[REDACTED]
E-mail	[REDACTED]

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

Agent	
Address	
Telephone No.	
E-mail	
Please advise where all correspondence in relation to this application is to be sent;	
Applicant [ ]	Agent [ ]

**3. Location of Proposed Development:**

Postal Address or Townland or Location (as may best identify the land or structure in question)	BEAMORE CLOUGHJORDAN CO. TIPPERARY
---	--

**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.)

Extension of 22.08m <sup>2</sup> To the rear of existing Dwelling, re furbishment of Existing Dwelling To coincide with Croi Conaithe Towns Fund Vacant property Refurbishment grant which I have been Approved for, REF CC-22-423. <sup>SEE ATTACHED</sup> letter.	
Proposed floor area of proposed works/uses:	sqm 22.08.

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

Please tick appropriate box to show applicant's legal interest in the land or structure	A. Owner <input checked="" type="checkbox"/>	B. Occupier
	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) Zalouch White

Date: 15/08/24

**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:**

<b>Planning Section, Tipperary County Council, Civic Offices, Limerick Road, Nenagh, Co. Tipperary</b>	<b><u>OR</u></b>	<b>Planning Section, Tipperary County Council, Civic Offices, Emmet Street, Clonmel, Co. Tipperary</b>
<b>Enquires:</b>		
<b>Telephone 0818 06 5000</b>		
<b>E-Mail <a href="mailto:planning@tipperarycoco.ie">planning@tipperarycoco.ie</a></b>		

<b>FOR OFFICE USE ONLY</b>	
<b><u>DATE STAMP</u></b>	
<b>Fee Recd. €</b> 80.00	
Receipt No <u>NENAM1/0/122309</u>	
Date <u>21/8/2024</u>	
Received by _____	

To whom it may concern,

This is an existing 3 bed dwelling which has water and sewerage services on site, we have changed plans to the extension so that the rear wall is now no longer higher than the rear wall of the existing dwelling, see attached plans. My plan with this dwelling is to renovate it with no material changes to outside and bring the house back to its original character with a small extension to the rear. The existing septic tank is still in use as there is a toilet in an out building adjacent to the dwelling house, this toilet has been in regular use by the farmer using these outbuildings with no issues. We do plan on upgrading and re locating this to the opposite side of the house on the same plot of ground, see attached folio plans with existing location and proposed new location which will be min 7meters from the dwelling. I have been approved for the vacant homes grant since June this year with all works to be completed within 13months of grant approval letter.

Kind regards

Paddy White

Behamore

Cloughjordan

Co Tipperary







Folio: TY42813F

This map should be read in conjunction with the folio.

Tailte Éireann (TÉ) Registration mapping is based on TÉ Surveying mapping. Where TÉ Registration maps are printed at a scale that is larger than the TÉ Surveying scale, accuracy is limited to that of the TÉ Surveying map scale.

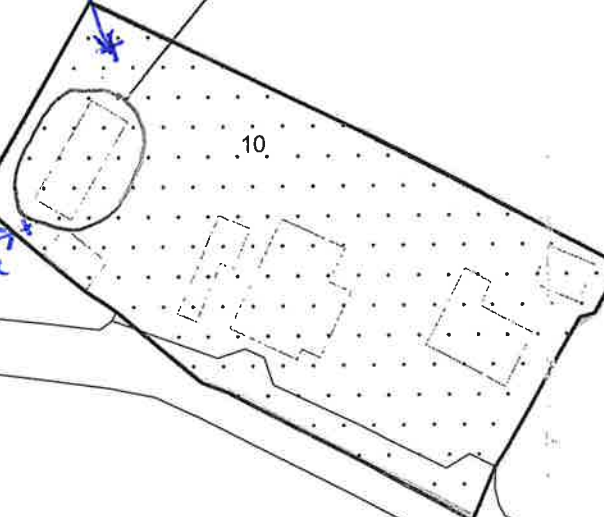
For details of the terms of use and limitations of scale, accuracy and other conditions relating to TÉ Registration maps, see [www.tailte.ie](http://www.tailte.ie).

This map incorporates TÉ Surveying map data under licence from TÉ. Copyright © Tailte Éireann and Government of Ireland.

*New location  
7m from house + 4 meters from boundary.*

*Dwelling.*

*Existing  
Septic tank*



(centre-line of parcel(s) edged)

- Freehold
- Leasehold
- SubLeasehold

Burdens (may not all be represented on map)

- Right of Way / Wayleave
- Turbary
- Pipeline
- Well
- Pump
- Septic Tank
- ▽ Soak Pit



A full list of burdens and their symbology can be found at: [www.landdirect.ie](http://www.landdirect.ie)

**Tailte Éireann Registration operates a non-conclusive boundary system. The TÉ Registration map identifies properties not boundaries meaning neither the description of land in a folio nor its identification by reference to a TÉ Registration map is conclusive as to the boundaries or extent.** (see Section 85 of the Registration of Title Act, 1964). As inserted by Section 62 of the Registration of Deed and Title Act 2006.







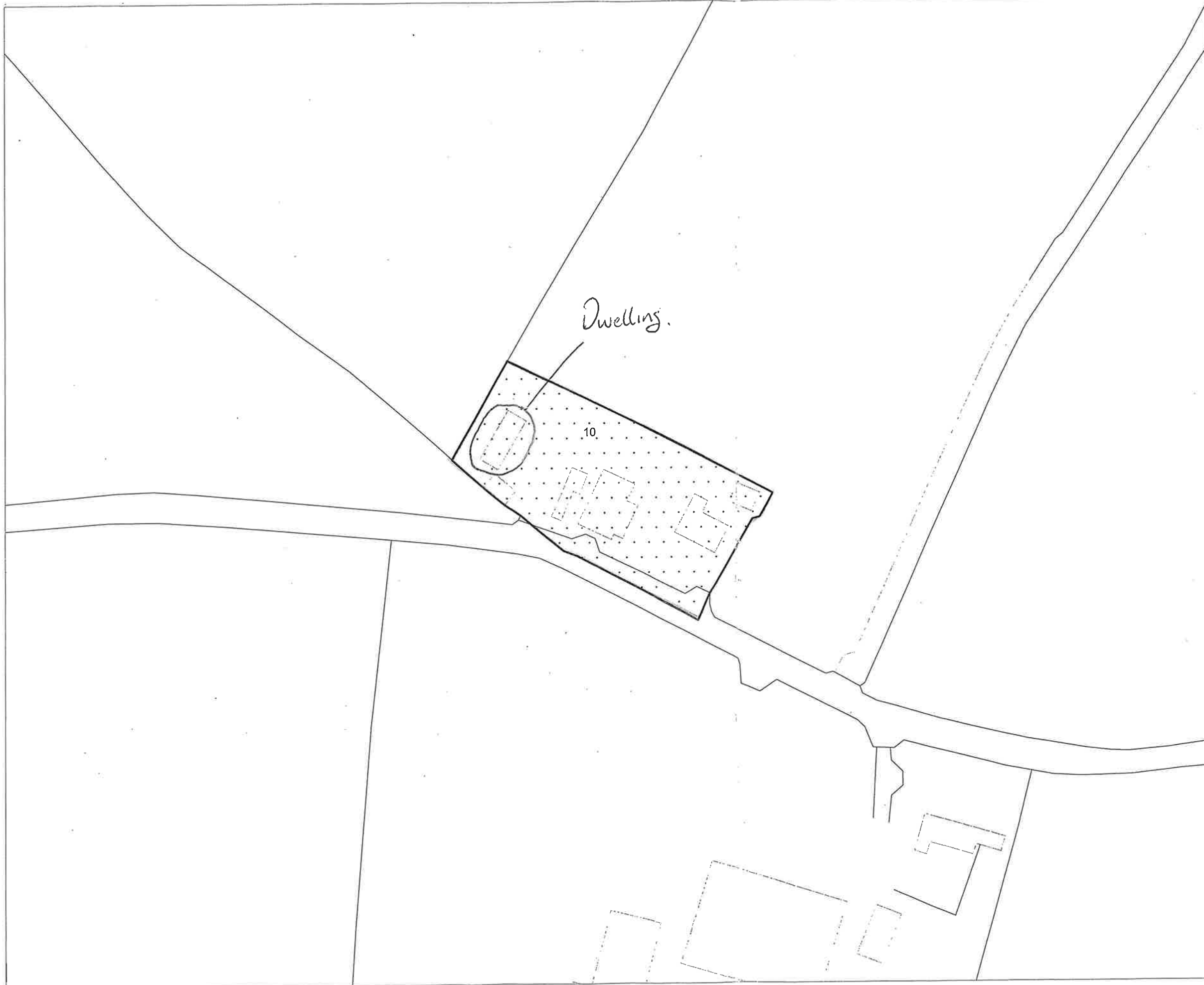
Folio: TY42813F

This map should be read in conjunction with the folio.

Tailte Éireann (TÉ) Registration mapping is based on TÉ Surveying mapping. Where TÉ Registration maps are printed at a scale that is larger than the TÉ Surveying scale, accuracy is limited to that of the TÉ Surveying map scale.

For details of the terms of use and limitations of scale, accuracy and other conditions relating to TÉ Registration maps, see [www.tailte.ie](http://www.tailte.ie).

This map incorporates TÉ Surveying map data under licence from TÉ. Copyright © Tailte Éireann and Government of Ireland.

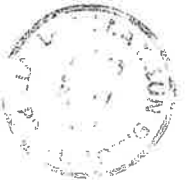


(centre-line of parcel(s) edged)

- Freehold
- Leasehold
- SubLeasehold

Burdens (may not all be represented on map)

- Right of Way / Wayleave
- Turbary
- Pipeline
- Well
- Pump
- Septic Tank
- Soak Pit



A full list of burdens and their symbology can be found at: [www.landdirect.ie](http://www.landdirect.ie)

**Tailte Éireann Registration operates a non-conclusive boundary system. The TÉ Registration map identifies properties not boundaries meaning neither the description of land in a folio nor its identification by reference to a TÉ Registration map is conclusive as to the boundaries or extent.** (see Section 85 of the Registration of Title Act, 1964). As inserted by Section 62 of the Registration of Deed and Title Act 2006.



**TIPPERARY COUNTY COUNCIL**  
**Application for Declaration under Section 5**

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

---

**Planning Ref.:** S5/24/96

**Applicant:** Patrick White

**Development Address:** Behamore, Cloughjordan, Co. Tipperary

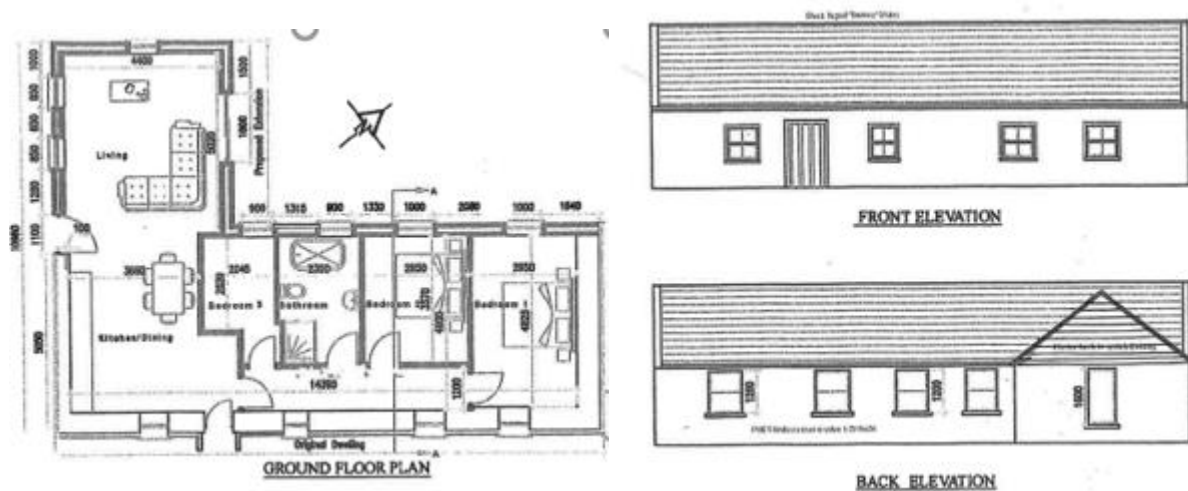
**Proposed Development:** Single storey rear extension of 22.08sq.m and refurbishment of existing dwelling to coincide with the Croi Conaithe towns Fund which has been approved under CC-24-423.

---

**1. GENERAL**

On 21<sup>st</sup> August 2024 a request was made for a declaration under Section 5 of the Planning and Development Act, 2000 as amended as to whether the following is “development” and “exempt development”:

1. Single storey rear extension of 22.08sq.m and refurbishment of existing dwelling to coincide with the Croi Conaithe towns Fund which has been approved under CC-24-423.



Proposed floor plans submitted with the Section 5 application

The dwelling on site is in poor condition and will require extensive re-development. The works would comprise the replacement of the roof structure and covering and the removal and replacement of rear walls and internal walls. The details included with the Declaration show that a new septic tank system is to be installed.

The poor condition of the dwelling and need for extensive redevelopment was noted under S5/24/63 where the following advise note was attached:

**Note to applicant:**

The Section 5 Declaration has been issued on the question relating to the single storey rear extension only. Notwithstanding the declaration issued, the Planning Authority notes the submitted drawings indicating an intention to refurbish the existing structure for use as a dwelling. Whilst the works required to reinstate a dwelling / habitable use did not form part of the Section 5 declaration request, the applicant is advised that the Planning Authority is not satisfied that the house is structurally intact / in a habitable condition, therefore, in principle, cannot benefit from the exemptions, Class 1 or otherwise, of Part 1, Schedule 2 of the Planning and Development Regulations 2001 (as amended), or be subject to renovation works to reinstate the use as a dwelling without a prior grant of planning permission.

## **2. STATUTORY PROVISION**

The following statutory provisions are relevant to this referral case;

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

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

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

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

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.*

### **3. ASSESSMENT**

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

The site comprises a derelict single storey dwelling and outhouse in the townland of Behamore, Cloughjordan, Co. Tipperary, and is accessed from an existing entrance onto the L5021 local road.











***b. Relevant Planning History***

S5/24/63- Proposal for rear extension deemed development and not exempted development.

**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”

I do not consider the extensive re-development and extension proposals meet planning exemptions set down under the Planning and Development Act 2000, as amended or Planning and Development Regulations 2001, as amended.

The rear extension in itself is in line with the planning exemption parameters under Class 1, Schedule 2, Part 1 of the Planning and Development Regulations 2001, as amended however same is facilitated and extends from a significantly redeveloped dwelling. The redevelopment works are extensive and would not meet planning exemptions. The extension cannot therefore meet planning exemptions.

The installation of a new septic tank system does not meet planning exemptions.

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

The proposal has been screened as to the requirements for AA and the screening assessment (attached) considers that the proposal does not impact on any Natura 2000 site.

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**

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

- a) Single storey rear extension

**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, 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.

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

The proposed development, as presented on the drawings and details provided with the Declaration application, constitutes “development” within the meaning of the Planning and Development Act 2000 as amended and is “ **NOT exempted development**”.

The applicant is advised that the extensive re-development and extension proposals to this derelict dwelling (including installation of a new wastewater system) do not meet planning



exemptions set down under the Planning and Development Act 2000, as amended or Planning and Development Regulations 2001, as amended

**District Planner:** *Sara Jane Condon*

**Date:** 30th August 2024

**A/Senior Executive Planner:** *Jonathan Flood*

**Date:** 16/9/2024

**EIA Preliminary Examination:**  
 The planning authority shall carry out a preliminary examination of, at the **least, the nature, size or location of the development.**

Planning Register Reference:	S5/24/96	
	<b>Comment:</b>	<b>Yes/No/ Uncertain:</b>
<b>Nature of the development:</b> Is the nature of the proposed development exceptional in the context of the existing environment? Will the development result in the production of any significant waste, or result in significant emissions or pollutants?	Single-storey extension (22.08 sq.m) to existing dwelling.	No  No
<b>Size of the development:</b> Is the size of the proposed development exceptional in the context of the existing environment? Are there cumulative considerations having regard to other existing and/or permitted projects?	Existing derelict dwelling and outhouse	No  No
<b>Location:</b> Is the proposed development located on, in, adjoining or does it have the potential to impact on an ecologically sensitive site or location? Does the proposed development have the potential to affect other significant environmental sensitivities in the area?	Behamore, Cloughjordan, Co. Tipperary	No  No

**Preliminary Examination Conclusion:**

Based on a preliminary examination of the **nature, size or location** of the development. (Tick as appropriate)

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
There is <b>no real likelihood</b> of significant effects on the environment.  EIA is not required.	There is <b>real likelihood of</b> significant effects on the environment.  An <b>EIAR is required.</b>	There is <b>significant and realistic doubt</b> regarding the likelihood of significant effects on the environment.  Request the applicant to submit the <b>Information specified in Schedule 7A</b> for the purposes of a screening determination.  Proceed to Screening Determination.

**Signature of Recommending Officer:** *Sara Jane Condon*

**Date:** 30th August 2024

## HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT

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

(a) File Reference No:	S5/24/96
(b) Brief description of the project or plan:	Single-storey extension (22.08sq.m) to existing dwelling.
(c) Brief description of site characteristics:	Existing derelict dwelling and outhouse
(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 <sup>1</sup>	Distance from proposed development <sup>2</sup> (km)	Connections (Source-Pathway-Receptor)	Considered further in screening Y/N
001683 Liskeenan Fen SAC	<a href="https://www.npws.ie/protected-sites/sac/001683">https://www.npws.ie/protected-sites/sac/001683</a>	Within 10km	None	N
000585 Sharavogue Bog SAC	<a href="https://www.npws.ie/protected-sites/sac/000585">https://www.npws.ie/protected-sites/sac/000585</a>	Within 10km	None	N
0006457 Kilcarren-Firville Bog SAC	<a href="https://www.npws.ie/protected-sites/sac/006457">https://www.npws.ie/protected-sites/sac/006457</a>	Within 10km	None	N
004058 Lough Derg (Shannon) SPA	<a href="https://www.npws.ie/protected-sites/sac/006457">https://www.npws.ie/protected-sites/sac/006457</a>	Within 10km	None	N
000641 Ballyduff/Clonfinane Bog SAC	<a href="https://www.npws.ie/protected-sites/sac/000641">https://www.npws.ie/protected-sites/sac/000641</a>	Within 15km	None	N
002147 Lisduff Fen SAC	<a href="https://www.npws.ie/protected-sites/sac/0002147">https://www.npws.ie/protected-sites/sac/0002147</a>	Within 15km	None	N
002241 Lough Derg, North-East Shore SAC	<a href="https://www.npws.ie/protected-sites/sac/002241">https://www.npws.ie/protected-sites/sac/002241</a>	Within 15km	None	N

### 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><b>Construction phase e.g.</b></p> <ul style="list-style-type: none"> <li>• Vegetation clearance</li> <li>• Demolition</li> <li>• Surface water runoff from soil excavation/infill/landscaping (including borrow pits)</li> <li>• Dust, noise, vibration</li> <li>• Lighting disturbance</li> <li>• Impact on groundwater/dewatering</li> <li>• Storage of excavated/construction materials</li> <li>• Access to site</li> <li>• Pests</li> </ul>	No impact
<p><b>Operational phase e.g.</b></p> <ul style="list-style-type: none"> <li>• Direct emission to air and water</li> <li>• Surface water runoff containing contaminant or sediment</li> <li>• Lighting disturbance</li> <li>• Noise/vibration</li> <li>• Changes to water/groundwater due to drainage or abstraction</li> <li>• Presence of people, vehicles and activities</li> <li>• Physical presence of structures (e.g. collision risks)</li> <li>• Potential for accidents or incidents</li> </ul>	It is considered that there is no real likelihood of any significant effects on European Sites in the immediate or wider catchment area.
<b>In-combination/Other</b>	No likely significant in-combination effects

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

<p>Examples of the type of changes to give consideration to include:</p> <ul style="list-style-type: none"> <li>• Reduction or fragmentation of habitat area</li> <li>• Disturbance to QI species</li> <li>• Habitat or species fragmentation</li> <li>• Reduction or fragmentation in species density</li> <li>• Changes in key indicators of conservation status value (water or air quality etc.)</li> <li>• Changes to areas of sensitivity or threats to QI</li> <li>• Interference with the key relationships that define the structure or ecological function of the site</li> </ul>	None.
---	-------

(c) Are '*mitigation*' measures necessary to reach a conclusion that likely significant effects can be ruled out at screening?

Yes  No

#### Step 4. Screening Determination Statement

The assessment of significance of effects:

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

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 intervening land uses 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.

An appropriate assessment is not, therefore, required.

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:	<i>Sara Jane Condon</i>	30 <sup>th</sup> August 2024



Comhairle Contae Thiobraid Árann  
Tipperary County Council

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

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

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

Date: 16<sup>th</sup> September, 2024

Our Ref: S5/24/96

Civic Offices, Nenagh

Patrick White,  
Behamore,  
Cloughjordan,  
Co. Tipperary.

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

Dear Mr. White,

I refer to your application for a Section 5 Declaration received on 21<sup>st</sup> August, 2024, in relation to the following proposed works:

**Single storey rear extension at Behamore, Cloughjordan, 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, 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.

Tipperary County Council has concluded that the proposed development, as presented on the drawings and details provided with the Declaration application, constitutes "development" within the meaning of the Planning and Development Act 2000 as amended and is "**NOT 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: **S5/24/96**      **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 4<sup>th</sup> 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 White, Behamore, Cloughjordan, Co. Tipperary, re: single storey rear extension at Behamore, Cloughjordan, Co. Tipperary is development and 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, 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.

Tipperary County Council has concluded that the proposed development, as presented on the drawings and details provided with the Declaration application, constitutes "development" within the meaning of the Planning and Development Act 2000 as amended and is "**NOT 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: 16/09/2024**