



27 SEP 2001
PLANNING SECTION
FILE NO. 35/24/107

PLANNING & DEVELOPMENT ACT, 2000 (as amended)

Application for a Section 5 Declaration
Development / Exempted Development

1. Applicant's address/contact details:

Applicant	DR SIOBHAN TIERNAN
Address	10 ARDLUA BALLINA CO. TIPPERARY. V94 Y6F4
Telephone No.	[REDACTED]
E-mail	[REDACTED]

2. Agent's (if any) address:

Agent	n/a.
Address	n/a.
Telephone No.	n/a.
E-mail	
Please advise where all correspondence in relation to this application is to be sent;	
Applicant <input checked="" type="checkbox"/>	Agent <input type="checkbox"/>

3. Location of Proposed Development:

Postal Address or Townland or Location (as may best identify the land or structure in question)	10 ARDLUA BALLINA CO. TIPPERARY. V94 Y6F4.
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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.)

MINOR EXTENSION TO THE REAR OF THE
PROPERTY
SINGLE STOREY ONLY (NO BALCONY)
Proposed floor area of proposed works/uses: 20.3 sqm

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

Please tick appropriate box to show applicant's legal interest in the land or structure	A. Owner <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) S.T. Evrnan

Date:

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

GUIDANCE NOTES

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

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

This application form and relevant fee should be submitted to:

Planning Section, Tipperary County Council, Civic Offices, Limerick Road, Nenagh, Co. Tipperary	OR	Planning Section, Tipperary County Council, Civic Offices, Emmet Street, Clonmel, Co. Tipperary
Enquires:		
Telephone 0818 06 5000		
E-Mail planning@tipperarycoco.ie		

FOR OFFICE USE ONLY

DATE STAMP

Fee Recd. € 80-
Receipt No NENAM 1/0/123239
Date 27/9/24
Received by Maura Lillis



SITE OUTLINED IN RED
 SITE AREA = 0.091 Hectares - 0.224 Acres

200
23.25
 SITE PLAN
 SCALE 1:200 @A3

FOR DISCUSSION

Carr Associates Architects Ltd.

Unit 3, Chapel Court, Cathedral Place, Limerick Tel (061)462018 Fax(061) 609662 e-mail: reception@carrarchitects.ie

Job:	Extension to Dwelling at Ard Lua, Ballina, Co. Tipperary
Drawing:	Site Plan
Client:	Siobhan Tierman
Date:	November 2023
Scale:	1:200 @ A3
Drawn:	K.M
Checked By:	M.M
Drawing No:	23.25.200

CONSENT
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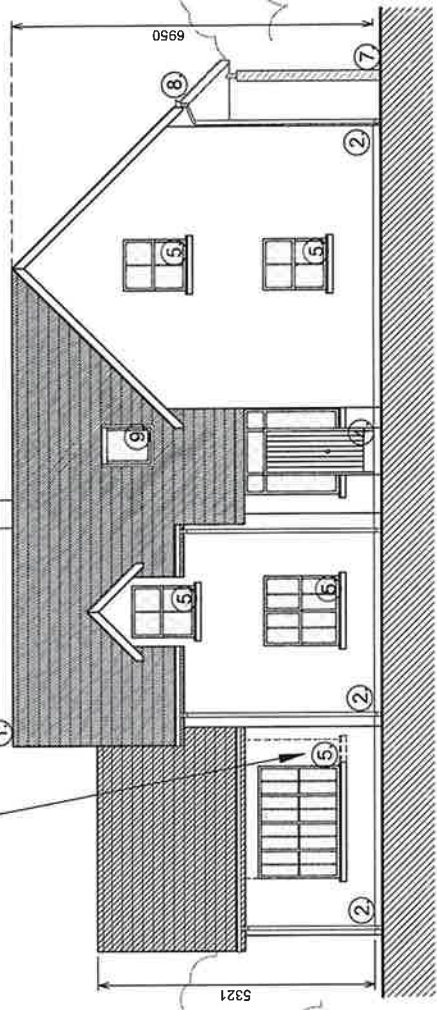
NOTE:
 WRITTEN DIMENSIONS ONLY TAKE PRECEDENCE OVER THIS DRAWING. ALL DIMENSIONS TO BE CHECKED ON SITE. DIMENSIONS TO BE PROVIDED TO ALL CONTRACTORS AND SUPPLIERS FOR THE PROJECT.

Revision:	Description:	Date:

MATERIALS -	
1.	Existing slate roof
2.	Existing plaster finish
3.	Selected plaster finish
4.	Existing timber entrance door
5.	Selected triple/double glazed windows
6.	Selected triple/double glazed doors
7.	Selected timber posts
8.	Existing fascia and soffit
9.	Existing triple/ double glazed rooflights

EXISTING WINDOWS SHOWN IN DASHED LINE

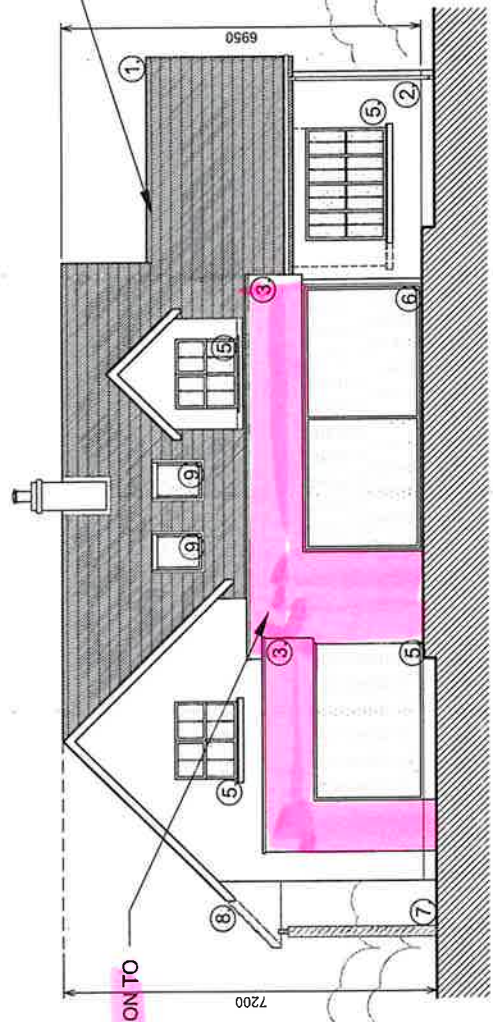
FRONT OF HOUSE
= NO CHANGES.



202
23.25
Front Elevation
SCALE 1:100 @A3

EXISTING DWELLING ON SITE AS PART OF HOUSING DEVELOPMENT. PLANNING REFERENCE 5116971

PROPOSED EXTENSION TO EXISTING HOUSE.



202
23.25
Back Elevation
SCALE 1:100 @A3

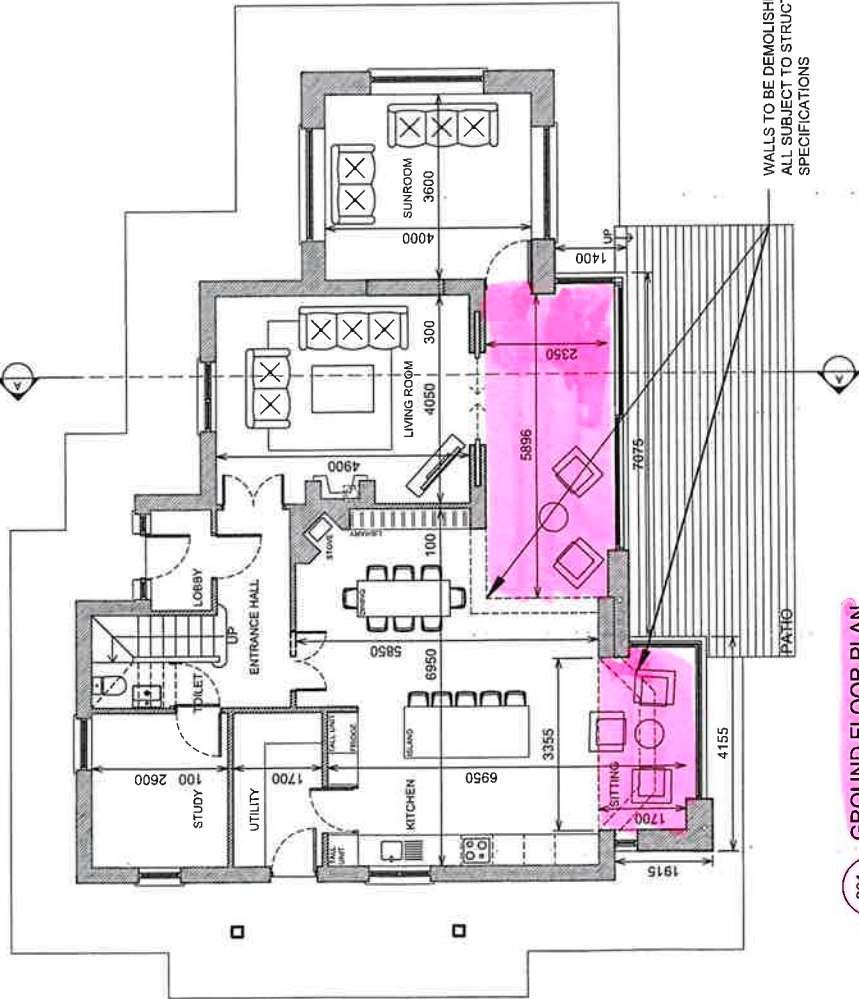
Carr Associates Architects Ltd.

Unit 3, Chapel Court, Cathedral Place, Limerick Tel (061)462018 Fax(061) 609562 e-mail: reception@carrarchitects.ie

Job:	Extension to Dwelling in Existing Housing Development at Ballina, Co. Tipperary
Drawing:	Front and Back Elevation
Scale:	1:100 @A3
Client:	Slobhan Tiernan
Drawn:	K.M
Date:	November 2023
Checked By:	M.M
Drawing No:	23.25.202

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Revision:	Description:	Date:

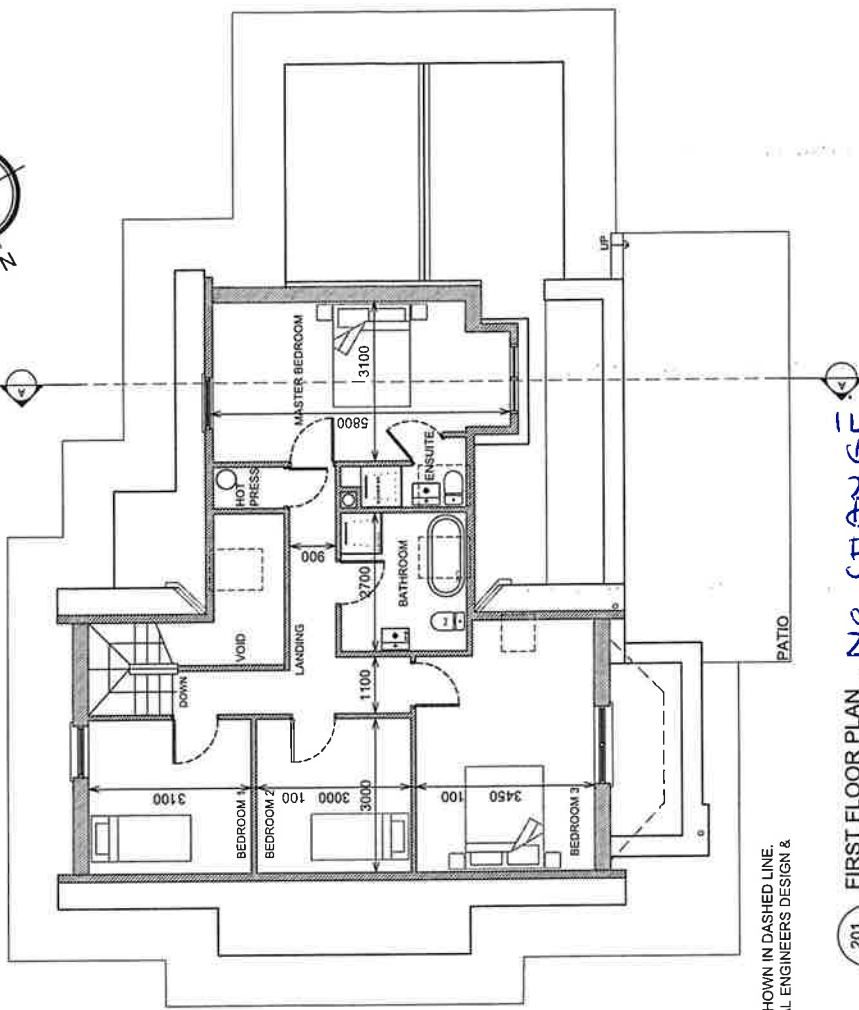


201
23.25
GROUND FLOOR PLAN
SCALE 1:100 @A3

EXISTING GROUND FLOOR AREA= 97.9 sqm
EXTENSION GROUND FLOOR AREA= 20.3sqm

Extension

WALLS TO BE DEMOLISHED SHOWN IN DASHED LINE.
ALL SUBJECT TO STRUCTURAL ENGINEERS DESIGN & SPECIFICATIONS



201
23.25
FIRST FLOOR PLAN
SCALE 1:100 @A3

EXISTING FIRST FLOOR AREA= 79.7 sqm

FOR DISCUSSION
Carr Associates Architects Ltd.
Unit 3, Chapel Court, Cathedral Place, Limerick Tel (061)462018 Fax(061) 509662 e-mail: reception@carrarchitects.ie

Job:	Extension to Dwelling at Ard Lua, Ballina, Co. Tipperary	Scale:	1:100 @A3
Drawing:	Ground and First Floor Plan	Drawn:	K.M
Client:	Siobhan Tiernan	Checked By:	M.M
Date:	November 2023		
Drawing No:	23.25.201		

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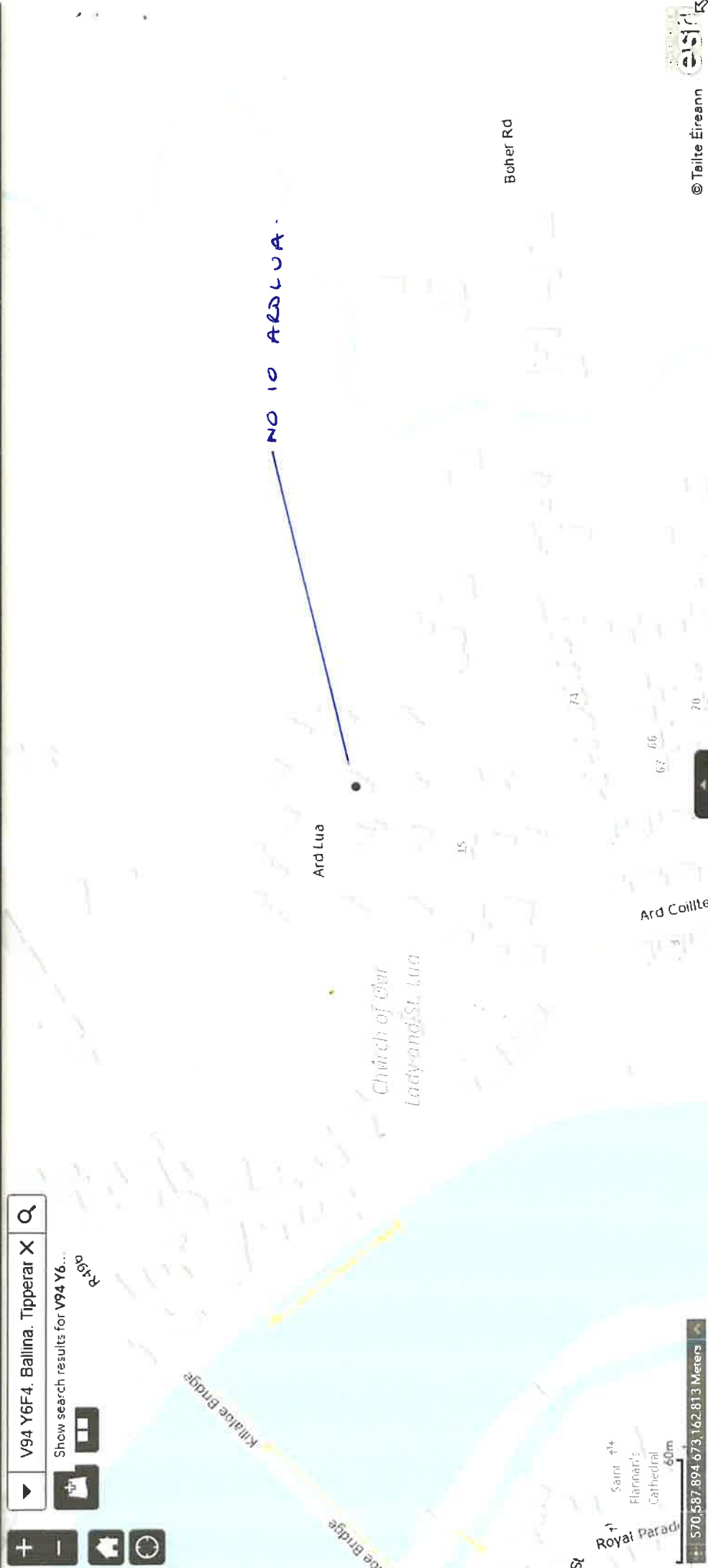
Revision:	Description:	Date:

ZOOMED IN MAP.

<https://www.arcgis.com/apps/webappviewer/index.html?id=3ae19cc156bf4706a929304bf8fcc4f6>



V94 Y6F4, Ballina, Tipperar X
Show search results for V94 Y6...



NO 10 ARDLUA.

UP CLOSE MAP.

▼ V94 Y6F4, Ballina, Tipperar X 🔍

Show search results for V94 Y6...

🏠 🔄



NO 10 ARDLUA
V94 Y6F4.

Ard Lua

Church of Our
Lady and St. Luc

30m

570,343.815 673,232.266 Meters

MAP OF BALLINA - KILLALOE

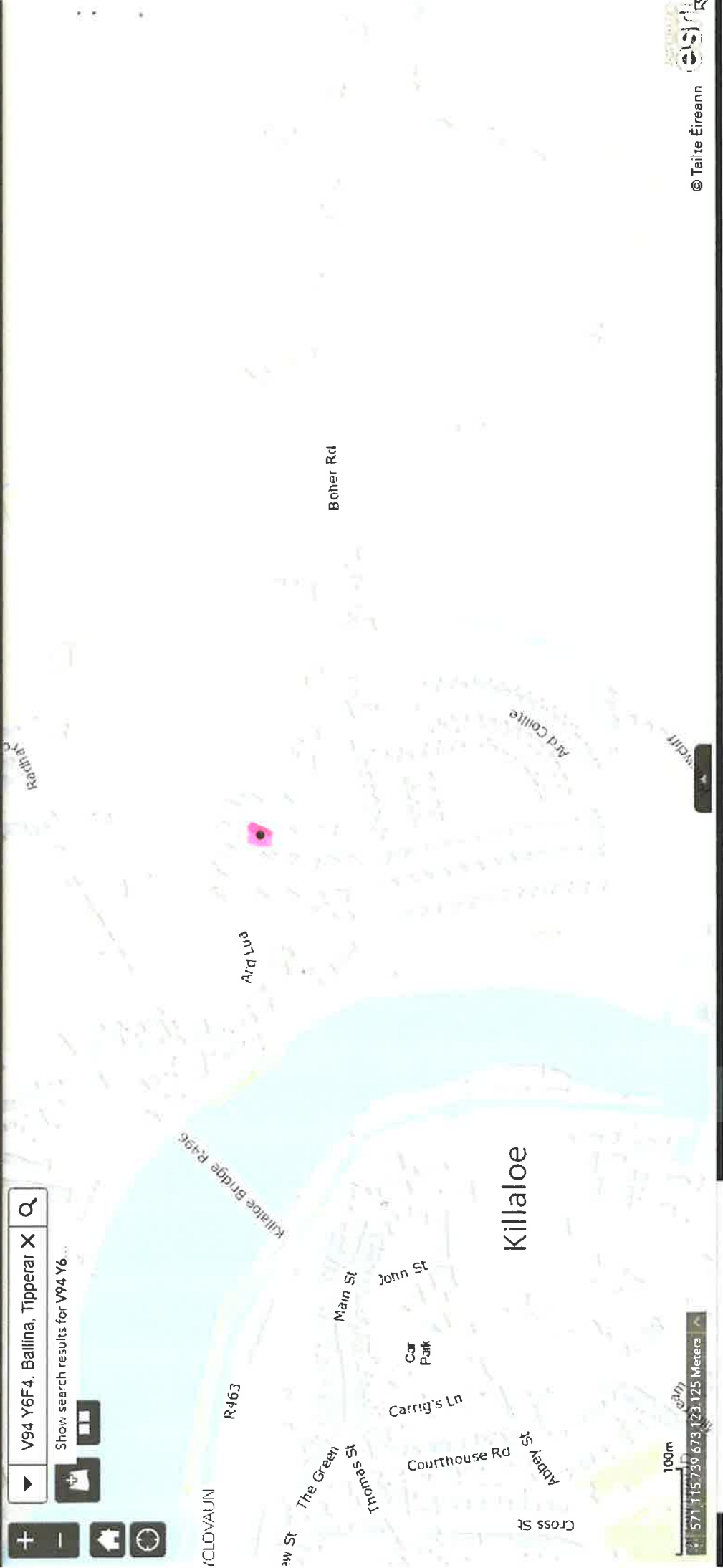
<https://www.arcgis.com/apps/webappviewer/index.html?id=3ae19cc156bf4706a929304bf8fcc4f6>



GeoHive Map Viewer

V94 Y6F4, Ballina, Tipperar X

Show search results for V94 Y6...



100m
571,115,739,673,123,125 Meters



© Tailte Éireann



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: 27th September, 2024 Our Ref: S5/24/107 Civic Offices, Nenagh

Dr. Siobhán Tiernan
10 Ard Lua
Ballina
Co. Tipperary
V94 Y6F4

Re: Application for a Section 5 Declaration – Construction of a single storey extension to rear of house at 10 Ard Lua, Ballina, Co. Tipperary.

Dear Ms. Tiernan,

I acknowledge receipt of your application for a Section 5 Declaration received on 27th September, 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 sincerely


for **Director of Services**

TIPPERARY COUNTY COUNCIL

Application for Declaration under Section 5

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

Planning Ref.: S5/24/107
Applicant: Dr. Siobhan Tiernan
Development Address: No. 10 Ardlua, Ballina, Co. Tipperary, V94 Y6F4
Proposed Development: Single storey extension to rear of the property

1. GENERAL

On the 27/09/2024, 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 No. 10 Ardlua, Ballina, Co. Tipperary, V94 Y6F4.

Single storey extension to rear of the property

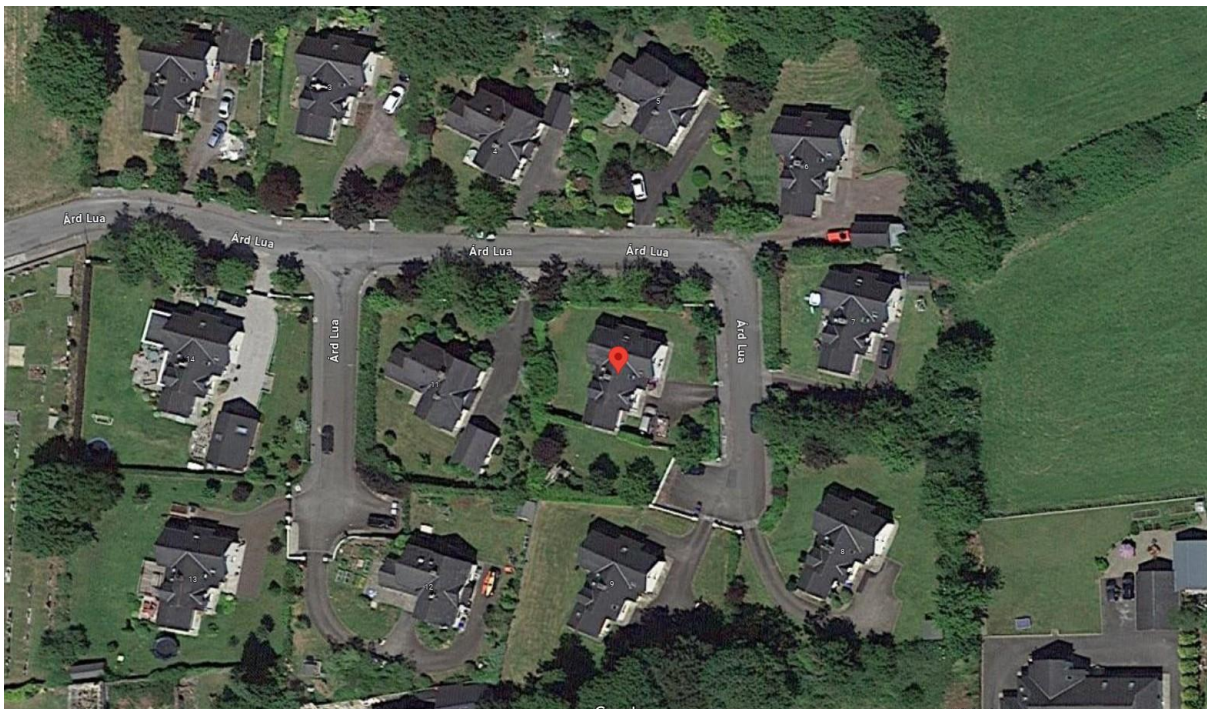


Figure 1: Location of site

2. STATUTORY PROVISIONS

Planning and Development Act 2000, as amended

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

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

Section 2(1) of the Planning and Development Act, 2000, as amended, defines “works” as:
“works” includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.

Section 4(1) of the Planning and Development Act, 2000, as amended states:

4.- (1) *The following shall be exempted developments for the purposes of this Act—*
(h) development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures.

4.- (2) (a) of the Planning and Development Act 2000, as amended, states as follows:

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

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

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

Section 4 (4) of the Planning and Development Act 2000, as amended, states as follows:

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

Planning and Development Regulations 2001, as amended

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

Exempted Development.

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

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

Description of Development

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.*

Article 9 of the Planning and Development Regulations 2001, as amended sets out restrictions on exemptions and states:

9. (1) Development to which article 6 relates shall not be exempted development for the purposes of the Act—

(a) if the carrying out of such development would—

(viiB) comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site.

(viii) consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use.

3. ASSESSMENT

a. Site Location

The site is located at No. 10 Ardlua, Ballina, Co. Tipperary, V94 Y6F4. It contains a detached dwelling.

b. Relevant Planning History

5116971 – Planning permission granted on 12/09/1995 for 27 houses

c. Assessment

A) “Is or is not Development”

It is considered that the above listed proposal constitutes “works” as understood by the Planning and Development Act 2000, as amended. The above listed proposals therefore constitute “development” within the meaning of the Planning and Development Act 2000, as amended.

B) “Is or is not Exempted Development”

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.

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.

The house has not been previously extended. The proposal is for a ground floor extension to a detached house. The extension would have a floor area of 20.3 sqm, which is below the 40 sq.m allowance.

(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.

Not applicable as the proposal relates to a detached house.

(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.

Not applicable as the proposal relates to a ground floor extension only.

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

Not applicable as the proposal relates to a ground floor extension only.

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.

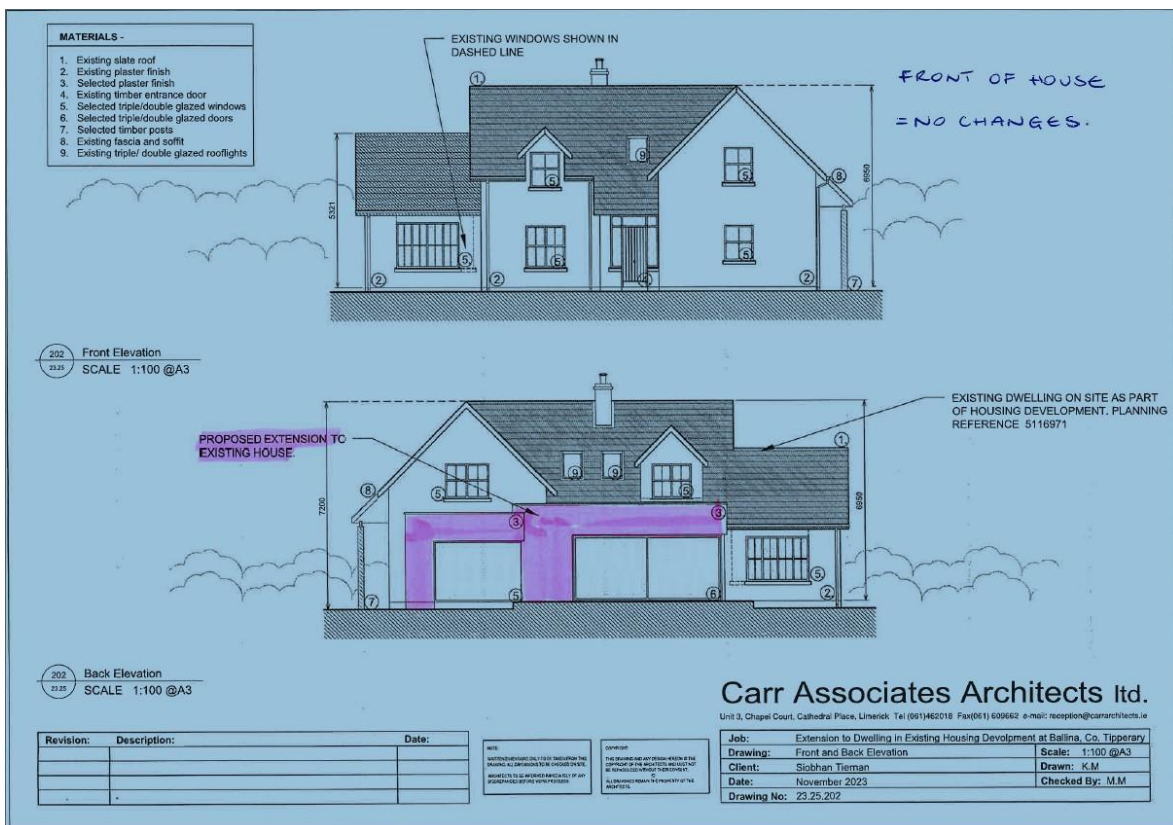
Not applicable as the rear wall of the house includes a gable.

(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.

The rear wall of the house includes a gable and the height of the walls of the proposed extension would 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 existing dwelling has varying eaves heights. The proposed extension would have a flat roof, which would exceed the height of the eaves of the dwelling. As such, the proposal fails to comply with Condition/Limitation 4(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.

The extension would not reduce the area of private open space to the rear of the house to less than 25 sq m.

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.

The proposed extension would not contain a window less than 1 metre from the boundary it faces.

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

It is stated that the roof will not be used as a balcony. This is consistent with the submitted drawings.

C) Restrictions under Article 9

It is considered that no restrictions on exemptions under Article 9 of the Planning and Development Regulations 2001, as amended 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

A question has arisen as to whether the following proposed development at No. 10 Ardlua, Ballina, Co. Tipperary, V94 Y6F4 is or is not exempted development:

Single storey extension to rear of the property

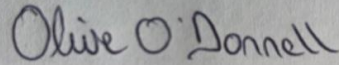
Tipperary County Council, in considering this proposal has had regard to:

- Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended,
- Articles, 6 and 9 of the Planning and Development Regulations 2001, as amended,
- Schedule 2, Part 1 Class 1 of the Planning and Development Regulations 2001 as amended.
- The declaration application and supporting information.
- The Planning history of the site.

Tipperary County Council has concluded that the *Single storey extension to rear of the property*, is development and is **not exempted development**. The proposal fails to satisfy

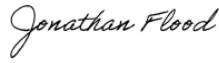
condition / limitation 4(c) of Class 1 which stipulates that *'The height of the highest part of the roof of any such extension shall not exceed, in the case of a flat roofed extension, the height of the eaves or parapet, as may be appropriate, or, in any other case, shall not exceed the height of the highest part of the roof of the dwelling'*.

District Planner:

A rectangular box containing a handwritten signature in cursive script that reads "Olive O'Donnell".

Date: 17/10/2024

A/Senior Executive Planner:

A handwritten signature in cursive script that reads "Jonathan Flood".

Date: 21/10/2024

HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT

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

(a) File Reference No:	S5/24/107
(b) Brief description of the project or plan:	Single storey extension to rear of property
(c) Brief description of site characteristics:	Existing dwelling in the Ardlua housing development in Ballina
(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
Slieve Bernagh Bog SAC	https://www.npws.ie/protected-sites/sac/002312	Within 10km	None	No
Clare Glen SAC	https://www.npws.ie/protected-sites/sac/000930	Within 15km	None	No
Silvermine Mountains SAC	https://www.npws.ie/protected-sites/sac/000939	Within 10km	None	No
Glenomra Wood SAC	https://www.npws.ie/protected-sites/sac/001013	Within 15km	None	No
Keeper Hill SAC	https://www.npws.ie/protected-sites/sac/001197	Within 15km	None	No
Lower River Shannon SAC	https://www.npws.ie/protected-sites/sac/002165	Within 500m	None	No
Silvermines Mountain West	https://www.npws.ie/protected-sites/sac/002258	Within 15km	None	No
Lower River Shannon SAC	https://www.npws.ie/protected-sites/sac/002165	Within 10km	None	No
Lough Derg (Shannon) SPA	https://www.npws.ie/protected-sites/sac/004058	Within 10km	None	No

Slievefelim to Silvermines Mountains SPA	https://www.npws.ie/protected-sites/sac/004165	Within 10km	None	No
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STEP 3. Assessment of Likely Significant Effects

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

Impacts:	Possible Significance of Impacts: (duration/magnitude etc.)
Construction phase e.g. <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.
Operational phase e.g. <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:

Examples of the type of changes to give consideration to include: <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 	None.
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- Interference with the key relationships that define the structure or ecological function of the site

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

Yes No

STEP 4. Screening Determination Statement

The assessment of significance of effects:

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

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:	Olive O'Donnell	Date: 17/10/2024

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

File Reference:	S5/24/107
Development Summary:	Single storey extension to rear of property
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,
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: 22nd October, 2024

Our Ref: S5/24/107

Civic Offices, Nenagh

Dr Siobhán Tiernan

10 Ard Lua

Ballina

Co. Tipperary

V94 Y6F4

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

Dear Dr Tiernan,

I refer to your application for a Section 5 Declaration received on 27th September, 2024, in relation to the following proposed works:

Single storey rear extension at No. 10 Ardlua, Ballina, Co. Tipperary, V94 Y6F4, 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 –

- Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended,
- Articles, 6 and 9 of the Planning and Development Regulations 2001, as amended,
- Schedule 2, Part 1 Class 1 of the Planning and Development Regulations 2001 as amended.
- The declaration application and supporting information.
- The Planning history of the site.

Tipperary County Council has concluded that the *Single storey extension to rear of the property*, is development and is **not exempted development**. The proposal fails to satisfy condition / limitation 4(c) of Class 1 which stipulates that *'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'

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: **S5/24/107**

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 Dr Siobhán Tiernan, 10 Ard Lua, Ballina, Co. Tipperary, V94 Y6F4, re: Construction of a single storey extension to rear of dwelling 10 Ard Lua, Ballina, Co. Tipperary is development and is exempted development.

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

- Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended,
- Articles, 6 and 9 of the Planning and Development Regulations 2001, as amended,
- Schedule 2, Part 1 Class 1 of the Planning and Development Regulations 2001 as amended.
- The declaration application and supporting information.
- The Planning history of the site.

Tipperary County Council has concluded that the *Single storey extension to rear of the property*, is development and is **not exempted development**. The proposal fails to satisfy condition / limitation 4(c) of Class 1 which stipulates that '*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*'.

Signed:



Date: 22/10/2024

Sharon Kennedy

Director of Services

Planning and Development (including Town Centre First),

Emergency Services and Emergency Planning and

Tipperary/Cahir/Cashel Municipal District