



PLANNING & DEVELOPMENT ACT, 2000 (as amended)

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

1. Applicant's address/contact details:

Applicant	Nicola Hartley
Address	Ballynennan Mullinahone Co. Tipperary
Telephone No.	[REDACTED]
E-mail	[REDACTED]

2. Agent's (if any) address:

Agent	mark Roberts
Address	green street CALLAN Co. Kilkenny
Telephone No.	[REDACTED]
E-mail	[REDACTED]
Please advise where all correspondence in relation to this application is to be sent;	
Applicant [] Agent [<input checked="" type="checkbox"/>]	

3. Location of Proposed Development:

Postal Address or Townland or Location (as may best identify the land or structure in question)	Ballynennan mullinahone Co. Tipperary E41 E4 H7
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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.

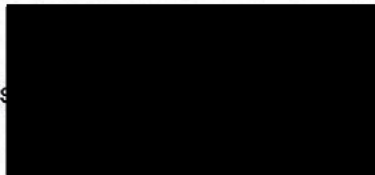
(Note: only works and uses listed and described under this section will be assessed under this Section 5 Application. Use additional sheets if required.)

To retain the existing caravan on site to
Provide temporary accommodation till the
restoration and renovation of the existing
in habitual dwelling is complete
Proposed floor area of proposed works/uses: 90 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)



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
 - 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**

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 137320

Date 12/5/2026

Received by _____



Cash Office
Tipperary County Council
Civic Offices
Nenagh
Co Tipperary

12/05/2026 12:10:28

Receipt No. : NENAM1/0/137320

NICOLA HARTLEY
BALLYNENNAN
MULLINAHONE
CO. TIPPERARY

SECTION5 EXEMPTION DECLARATION 80
GOODS 80.00
VAT Exempt/Non-vatable

Total : 80.00 EUR

Tendered :
Credit Card 80.00

Change : 0.00

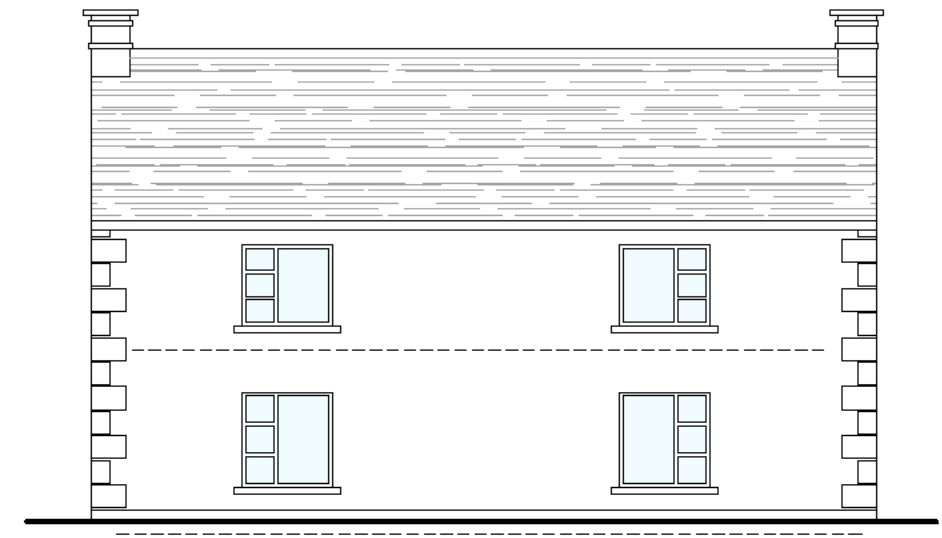
Issued By : DEIRDRE O BRIEN
From : TIPP CC NENAGH CASH DESK
Vat reg No.3259712MH



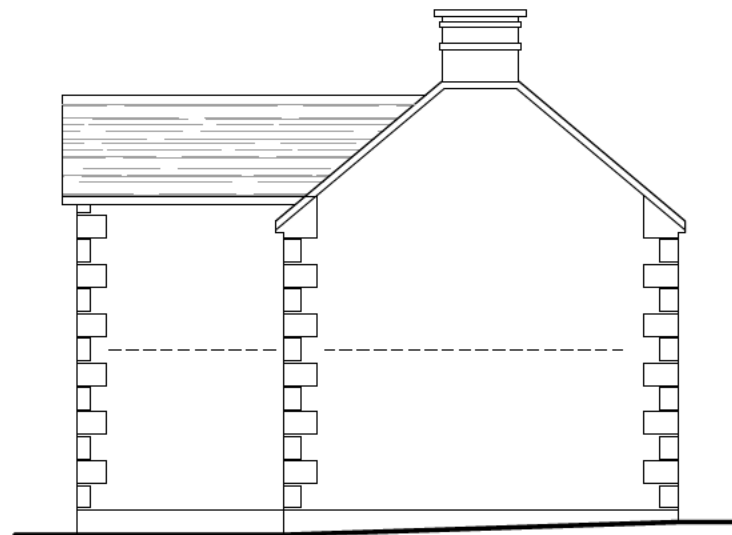
SOUTH ELEVATION



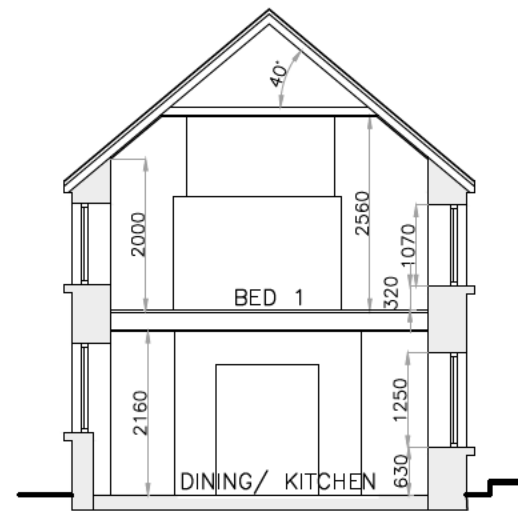
WEST ELEVATION



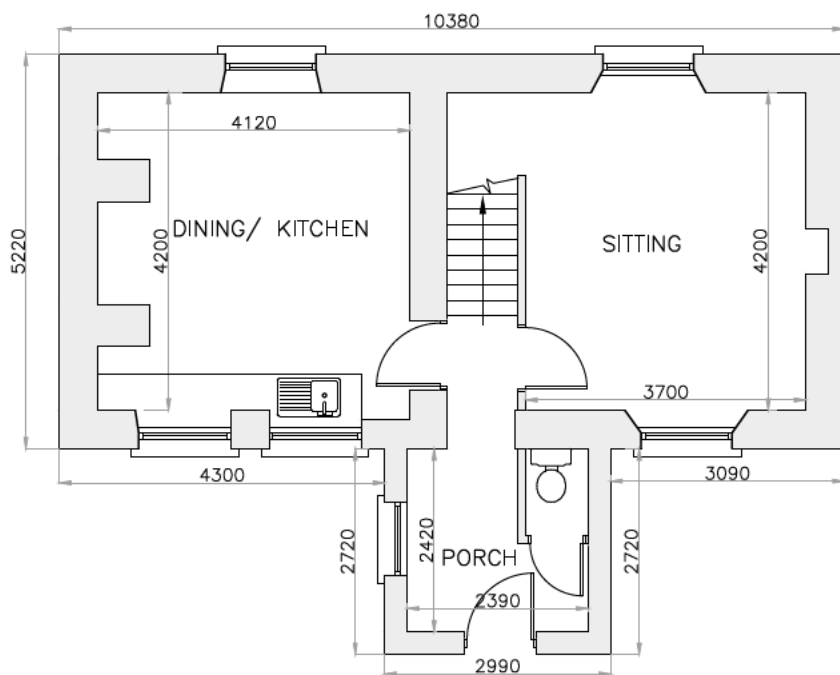
NORTH ELEVATION (Road)



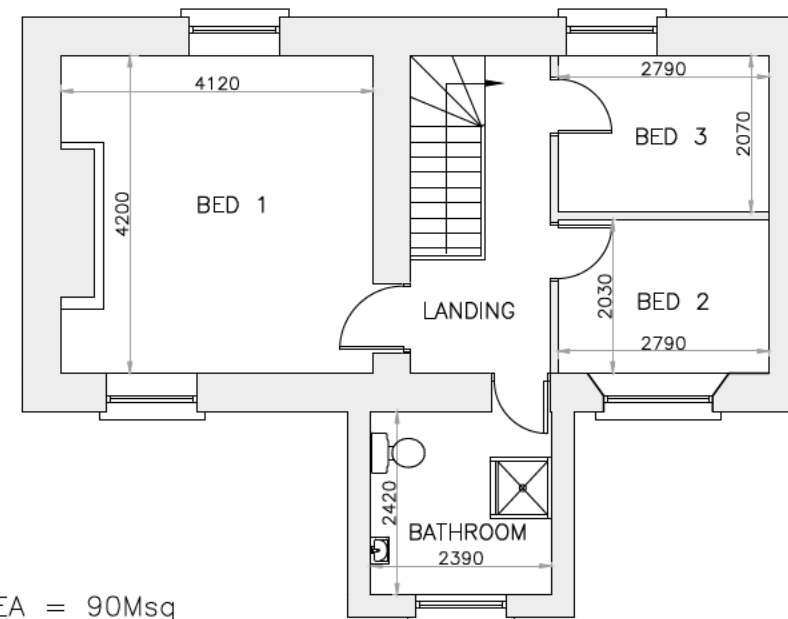
EAST ELEVATION



SECTION



GROUND FLOOR PLAN



FLOOR AREA = 90Msq

FIRST FLOOR PLAN

Mark Roberts Architecture



Green Street, Callan, Co. Kilkenny
Tel/Fax 056 7706777 E-Mail markarchitect@eircom.net

Project:
Restoration Renovation to Dwelling at
Ballynennan Mullinahone Co. Tipperary

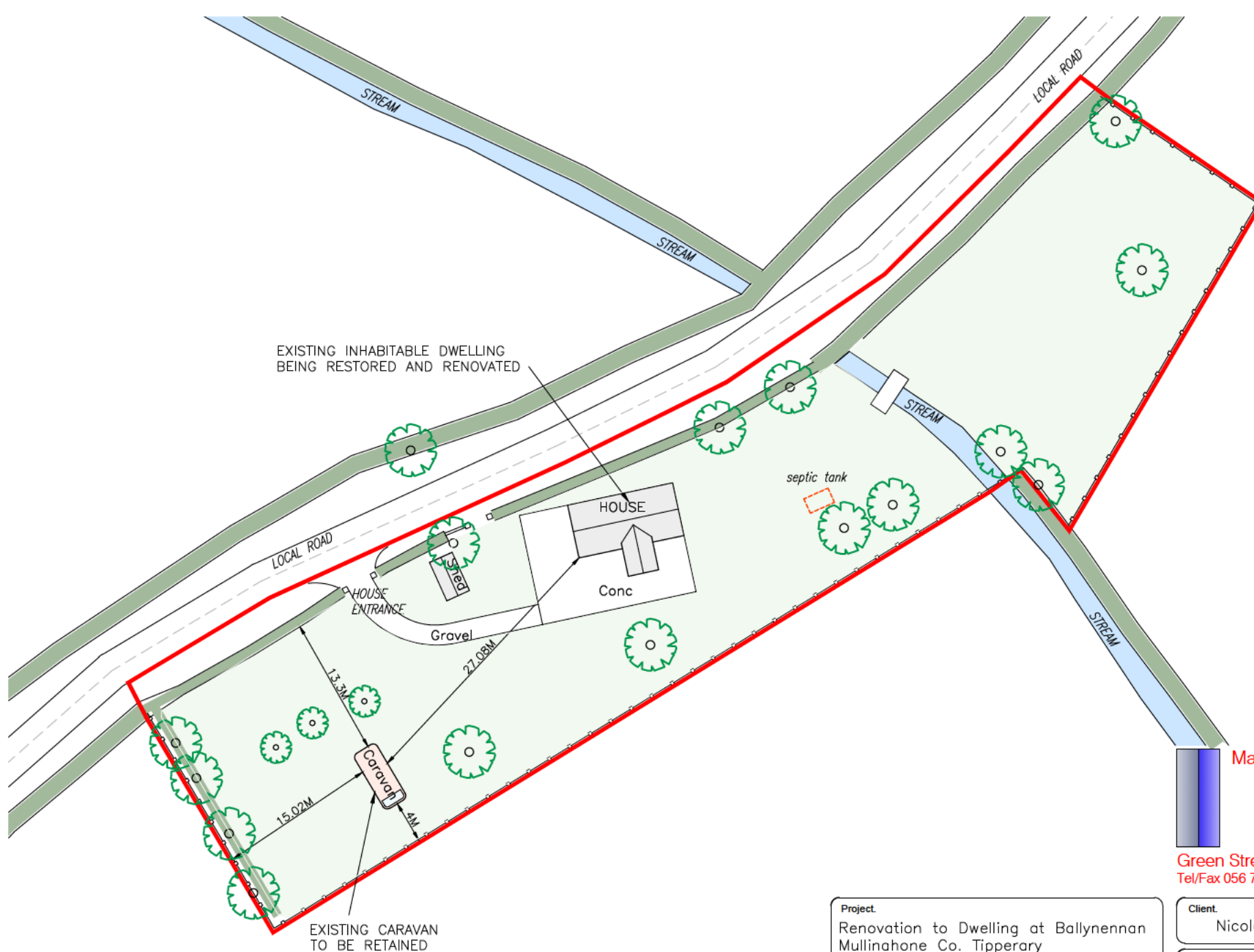
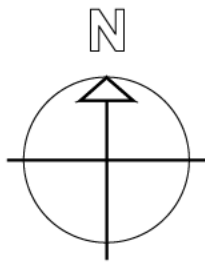
Drawing:
Plans Elevations and Section
of Existing Dwelling

Client:
Nicola Hartley

Drawing No. 490-Pr-01 Rev.

Scale. 1:100
Printed on A3 Date.
May 2026

THIS DRAWING IS FOR PLANNING PURPOSES ONLY



EXISTING INHABITABLE DWELLING
BEING RESTORED AND RENOVATED

LOCAL ROAD

HOUSE ENTRANCE

Gravel

27.08M

13.3M

15.02M

Caravan

4M

EXISTING CARAVAN
TO BE RETAINED

HOUSE

Conc

septic tank

STREAM

LOCAL ROAD

STREAM

Mark Roberts Architecture



Green Street, Callan, Co. Kilkenny
Tel/Fax 056 7706777 E-Mail markarchitect@eircom.net

Project.
Renovation to Dwelling at Ballynennan
Mullinahone Co. Tipperary

Client.
Nicola Hartley

Drawing No. 490-Pr-02 Rev.

Drawing.
Site Layout

Scale. 1:500
Printed on A4 Date.
May 2026

SITE AREA = 0.288 HECTARES

THIS DRAWING IS FOR PLANNING PURPOSES ONLY

Planning Pack Map



Tailte Éireann

CENTRE COORDINATES:
ITM 630079,641934

PUBLISHED: 11/05/2026
ORDER NO.: 50535018_1

MAP SERIES: 1:5,000
MAP SHEETS: 5066

Renovation to Dwelling at Ballynennan Mullinchone Co. Tipperary
Nicola Hartley
Mark Roberts B. Arch
Green Street Collan

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

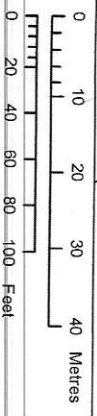
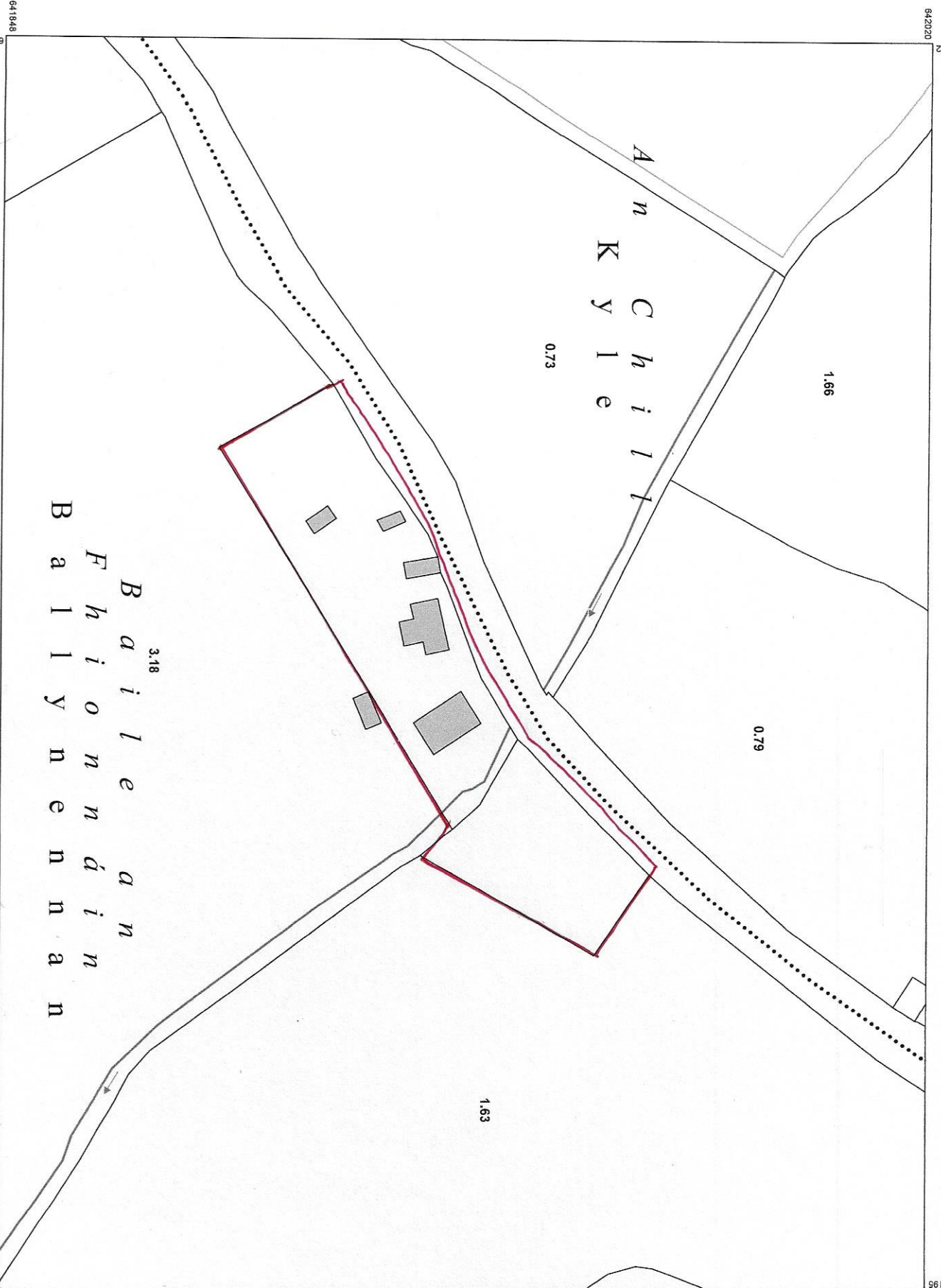
www.tailte.ie

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The representation on this map of a road, track or footpath is not evidence of the existence of a right of way.

This topographic map does not show legal property boundaries, nor does it show ownership of physical features.

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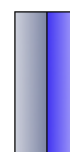
OUTPUT SCALE: 1:1,000

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

LEGEND:
To view the legend visit
www.tailte.ie and search for 'Large Scale Legend'



View of the 6.2M x 2.4M Caravan on site



Mark Roberts Architecture



Green Street, Callan, Co. Kilkenny
Tel/Fax 056 7706777 E-Mail markarchitect@eircom.net

Project.
Restoration Renovation to Dwelling at
Ballynennan Mullinahone Co. Tipperary

Client.
Nicola Hartley

Drawing No. 490-Pr-03 Rev.

Drawing.
Photos of Caravan on site

Scale. not to scale Date. May 2026

THIS DRAWING IS FOR PLANNING PURPOSES ONLY



Comhairle Contae Thiobraid Árann
Tipperary County Council

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

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

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

Date: 12th May 2026 Our Ref: S5/26/70 Civic Offices, Nenagh

Nicola Hartley
C/O Mark Roberts
Green Street
Callan
Co. Kilkenny

Re: Application for a Section 5 Declaration – to retain the existing caravan on site to provide temporary accommodation till the restoration and renovation of the existing in habitual dwelling is complete at Ballynennan, Mullinahone, Co. Tipperary, E41 E4H7.

Dear Sir/Madam,

I acknowledge receipt of your application for a Section 5 Declaration received on 12th May 2026, in connection with the above.

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

Yours sincerely

for **Director of Services**

Application for Declaration on Exempted Development under Section 5 of the Planning and Development Act 2000

Ref No.: S5/26/70

Query : Whether the provision of temporary accommodation (caravan) for the use of the applicant during the period in which works are being carried out to the existing dwelling on site is development and if so, does it constitute exempted development.

Location: Ballynennan, Mullinahone, Co. Tipperary

Querist: Nicola Hartley.

Owner/Occupier: Nicola Hartley.

1 Introduction

1.1 Query

1.1.1 A question has arisen pursuant of Section 5 of the Planning and Development Act 2000 (as amended) as to whether or not the following works

- Provision of temporary accommodation (caravan) for the use of the applicant during the period in which works are being carried out to the existing dwelling on site, constitutes development and if so, does it constitute exempted development. The site is located in Ballynennan, Mullinahone, Co. Tipperary.

1.1.2 The subject query does not explicitly seek confirmation that the works to the dwelling on site constitute exempted development. Instead it asks if temporary onsite accommodation can be provided to facilitate these works. It is this question that will be the focus of this declaration.

2 Site Location and History

2.1 Site location

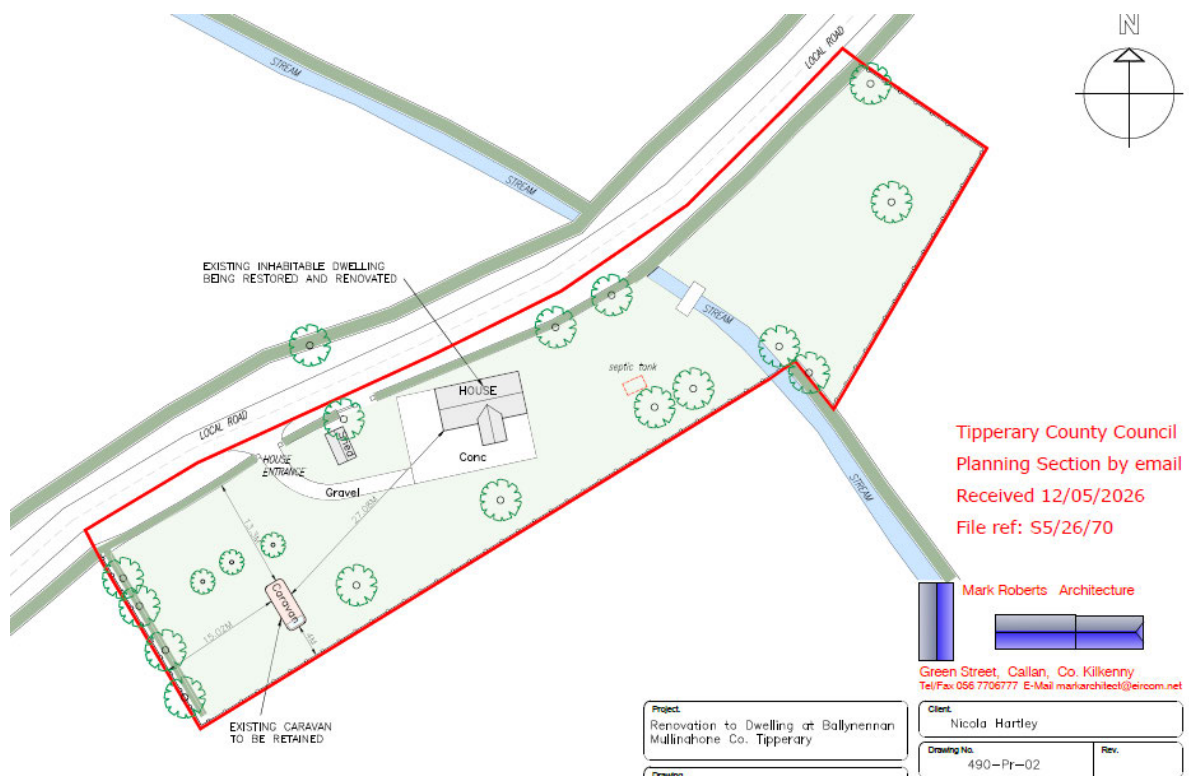
2.1.1 The site is located the rural townlands of Ballynennan, Mullinahone, Co. Tipperary. The site is located c. 3.9 kms to the north west of the village of Mullinahone. The site comprises of an existing two storey dwelling set at the roadside.

2.1.2 The site is located in the area under urban influence. It is not within a designated amenity area.

Figure 1 Dwelling on site



Figure 2 Site location



2.2 Planning History

2.2.1 None recorded

2.3 An Coimisiún Pleanála/Planning Authority precedent

- 2.3.1 An Bord Pleanála Case reference: RL27.316125- This case relates to erection of temporary living accommodation on construction site at Ballinatone Lower, Greenan, County Wicklow. It was deemed development but not exempted development. The erection of the structure pre dated the grant of planning permission.
- 2.3.2 An Bord Pleanála Reference Number: 22.RL.2848- This case relates to the temporary placement of a mobile home on site and its habitable use while a house is being constructed at Graffin, Clonmore, County Tipperary. It was deemed development but not exempted development. The long established placement of the mobile home on the site, and the absence of commencement works for the permitted dwelling house were cited as reasons for the proposal not satisfying Class 17.
- 2.3.3 An Bord Pleanála Reference Number: 92.RL.3343 (Council Ref S5/15/1)-This case relates to a temporary mobile home at Ballytarsna Castle, Cashel, County Tipperary. It was deemed development but not exempted development. An Bord Pleanala considered that Class 17 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, **is not operative as no permission was in place.**
- 2.3.4 Under Section 5 25/106 currently on an appeal to ACP (323586-25) the Planning Authority determined that the provision of temporary accommodation (small log cabin) for the use of the applicant during the period in which exempted development works are being carried out was development and was not exempted development. It was considered that the on site accommodation provided is not temporary in nature as it has been in place since late 2023. Furthermore the works being undertaken on site are not of a sufficient scale or duration to require the provision of dedicated on site accommodation to deliver same

3 Legislative Context

3.1 Planning and Development Act 2000 (as amended)

- 3.1.1 According to **Section 2(1)** of the **Planning and Development Act (as amended)**, the definition of “Works” includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal.
- 3.1.2 According to **Section 3(1)** of the **Planning and Development Act (as amended)**, “development” means, save where the context otherwise requires, the carrying out of works on, in or under land or the making of any material change in the use of any structures or other land.
- 3.1.3 Section 4 of the same Act lists works that would be considered exempted development.
- 3.1.4 Section 4(2)(a) of the same Act states that ‘the Minister may by regulations provide for any class of development to be exempted development for the purposes of this Act.
- 3.1.5 Section 4(4) states that notwithstanding paragraphs (9a), (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.

3.2 **Planning and Development Regulations**

- 3.2.1 **Article 6** of the **Planning and Development Regulations 2001 (as amended)** refers to “Exempted Development”. Subject to Article 9, development of a class specified in column 1 of Part 1 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1.
- 3.2.2 **Article 9** of said Regulations lists a series of restrictions on exemptions. Of note are the provisions of 9(1)(a)(viiiB) which de exempts developments that require an appropriate assessment because it would likely have an effect on the integrity of a European designated site.
- 3.2.3 **Class 17 of Schedule 2 part 1** considers the erection, construction or placing on land on, in, over or under which, or on land adjoining which, development (other than mining) is being, or is about to be carried out, pursuant to any permission, consent, approval or confirmation granted under the Act or any other enactment **or as exempted development**, of temporary on-site accommodation for persons employed, or otherwise engaged, in connection with the carrying out of the development, during the period in which it is being carried out to be exempted development.
- 3.2.4 It is a condition of this exemption that such accommodation shall be removed at the expiration of the period and the land shall be reinstated save to such extent as may be authorised or required by the permission, consent, approval or confirmation granted under the Act or any other enactment.

4 Assessment

4.1 Works Proposed

4.1.1 For the purpose of this declaration, the query relates to the following,

- Provision of temporary accommodation (caravan) for the use of the applicant during the period in which works are being carried out to the existing dwelling on site

4.2 Is it development?

4.2.1 Having regard to Sections 2(1) and 3(1) of the Planning and Development Act 2000 (as amended), it is considered that the work as set out in paragraph 4.1.1 above, constitutes development.

4.2.2 It is further noted that the proposed development is for human habitation and the placing of the on site accommodation on the subject lands would result in a material change of use of the lands that would also constitute “development” within the meaning of Section 3 of the Act

4.3 Is it exempted development?

4.3.1 When considering this declaration, regard was given the provisions of Class 17 of Schedule 2 Part 1 of the Planning and Development Regulations 2001 (as amended). As per the drawings submitted, the temporary on site accommodation is 2.4 ms in width and 6.2 ms in length. An internal area of 14.88 sqms is provided.

4.3.2 There are two issues to consider in respect of this declaration, the nature of the structure and its use to facilitate exempted development.

4.3.3 With respect to the first issue, Class 17 allows for the erection, construction or placing on land of **temporary** on-site accommodation for persons employed, or otherwise engaged, in connection with the carrying out of a development. It is clear that the accommodation is be temporary in nature and should not be for long term use.

4.3.4 With respect to the second issue, the querist has stated the works are currently underway renovating the dwelling on site. As set out in the planning history section, there is no consent, be it a permission or a Section 5 Declaration in place for these works.

4.3.5 The applicant is to be afforded an opportunity to clarify same.

4.4 Environmental assessment

Environmental Impact Assessment

4.4.1 The provisions of Sections 4(4) and 4 (4A) of the Act states the following:

(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.

(4A) Notwithstanding subsection (4), the Minister may make regulations prescribing development or any class of development that is—

(a) authorised, or required to be authorised by or under any statute (other than this Act) whether by means of a licence, consent, approval or otherwise, and

(b) as respects which an environmental impact assessment or an appropriate assessment is required,

to be exempted development.

4.4.2 Having regard to the contents of Article 103 of Schedule 7 of the Planning and Development Regulations 2001, as amended it is considered that the proposed development by reason of the nature, scale and location would not be likely to have a significant effect on the environment. Accordingly, an EIA is not required (see screening attached).

4.5 Appropriate Assessment

4.5.1 The provisions of Section 177U(9) of the Act state the following:

(9) In deciding upon a declaration or a referral under section 5 of this Act a planning authority or the Board, as the case may be, shall where appropriate, conduct a screening for appropriate assessment in accordance with the provisions of this section.

4.5.2 The River Suir SAC is located c. 5.4 kms from the subject site. The River Barrow and River Nore SAC is located c. 4.8 kms east of the subject site. The River Nore SPA SAC is within 15 kms of the subject site.

4.5.3 Based on the details as submitted and the information available relating to Natura 2000 sites, the Planning Authority is satisfied that given the nature of the development and the location of the development relevant to the closest European site, the development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on the Natura 2000 network and appropriate assessment is not therefore required.

4.5.4 Having regards to the above, it is determined that the proposal screens out from the requirement to carry out a Stage 2 Appropriate Assessment (see screening attached).

5 Recommendation

5.1 Query

5.1.1 A question has arisen as to whether the following;

- Provision of temporary accommodation ((caravan) for the use of the applicant during the period in which works are being carried out to the existing dwelling on site, constitutes development and if so, does it constitute exempted development.

5.1.2 The site is located in Ballynennan, Mullinahone, Co. Tipperary.

5.1.3 Part 5 of the Planning and Development Act 2000 (as amended) requires a Planning Authority to make a declaration on any question that arises as to what is or is not development. In determining this query, the Planning Authority had regard to;

- Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended),
- Article 9 of the Planning and Development Regulations 2001 (as amended)
- Class 17 of Schedule 2 Part 1 of the Planning and Development Regulations 2001 (as amended and
- the details pertaining to the development as set out by the querist.

5.2 Conclusions

5.2.1 Having regard to the above assessment, the Planning Authority has insufficient information to determine this declaration. The querist is to be advised as follows;

The details submitted with the Declaration application on the 12th of May 2026 are noted. In order to avail of the exemption allowed for under Class 17 of Schedule 2 part 1 of the Planning and Development Regulations 2001 (as amended) the Planning Authority must be satisfied that the temporary on-site accommodation is for persons employed, or otherwise engaged, in connection with the carrying out of the development that is being carried out, **pursuant to any permission, consent, approval or confirmation granted under the Act or any other enactment.**

A review of the planning history on site show no record of a permission or alternate consent in place for the works being undertaken on site. In the absence of a consent in place, it may be considered that Class 17 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, is not applicable.

Please clarify the consent in place allowing for the works that are being undertaken on site, to enable you avail of the exemption allowed for under Class 17.

Paul Killeen

Paul Killeen

Executive Planner

15/05/26

C. Conway

Caroline Conway

Senior Executive Planner

22.5.2026

HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT

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

(a) File Reference No:	S5/26/70
(b) Brief description of the project or plan:	Temporary on site accommodation
(c) Brief description of site characteristics:	The site is located the rural townlands of Ballynennan, Mullinahone, Co. Tipperary. The site is located c. 3.9 kms to the north west of the village of Mullinahone. The site comprises of an existing two storey dwelling set at the roadside.
(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW	n/a
(e) Response to consultation:	n/a

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

European Site (code)	List of Qualifying Interest/Special Conservation Interest ¹	Distance from proposed development ² (km)	Connections (Source-Pathway-Receptor)	Considered further in screening Y/N
Lower River Suir SAC	https://www.npws.ie/protected-sites/sac/002137	c. 5.4km	None	No
River Barrow And River Nore SAC	https://www.npws.ie/protected-sites/sac/002162	c.4.8km	None	No
River Nore SPA	https://www.npws.ie/protected-sites/spa/004233	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) 	It is not considered that the works undertaken on site, which are minor in nature, have impacts that could affect European Sites within the wider catchment area.

<ul style="list-style-type: none"> • Dust, noise, vibration • Lighting disturbance • Impact on groundwater/dewatering • Storage of excavated/construction materials • Access to site • Pests 	
<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 	No impacts anticipated
In-combination/Other	No likely 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"> • 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 	<p>None. The application site is not located within a European site, therefore there is no risk of habitat loss or fragmentation or any effects on QI species directly or ex-situ.</p>
(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,

it is concluded that the 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:	Paul Killeen	Date: 15/05/26

EIA PRE-SCREENING

Establishing a development is a 'sub-threshold development'

File Reference:	S5/25/6/70	
Development Summary:	Temporary on site accommodation	
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 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 checked="" type="checkbox"/> Yes the project is of a type listed but is <i>sub-threshold</i> : Class 10B(1)	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
---	---

EIA PRELIMINARY EXAMINATION:
The Planning Authority shall carry out a preliminary examination of, at the least, the nature, size or location of the development.

	Comment:	Yes/No/ Uncertain:
<p>Nature of the development: <i>Is the nature of the proposed development exceptional in the context of the existing environment?</i></p> <p><i>Will the development result in the production of any significant waste, or result in significant emissions or pollutants?</i></p>		No.
<p>Size of the development: <i>Is the size of the proposed development exceptional in the context of the existing environment?</i> <i>Are there cumulative considerations having regard to other existing and/or permitted projects?</i></p>		No.
<p>Location: <i>Is the proposed development located on, in, adjoining or does it have the potential to impact on an ecologically sensitive site or location?</i> <i>Does the proposed development have the potential to affect other significant environmental sensitivities in the area?</i></p>		No.

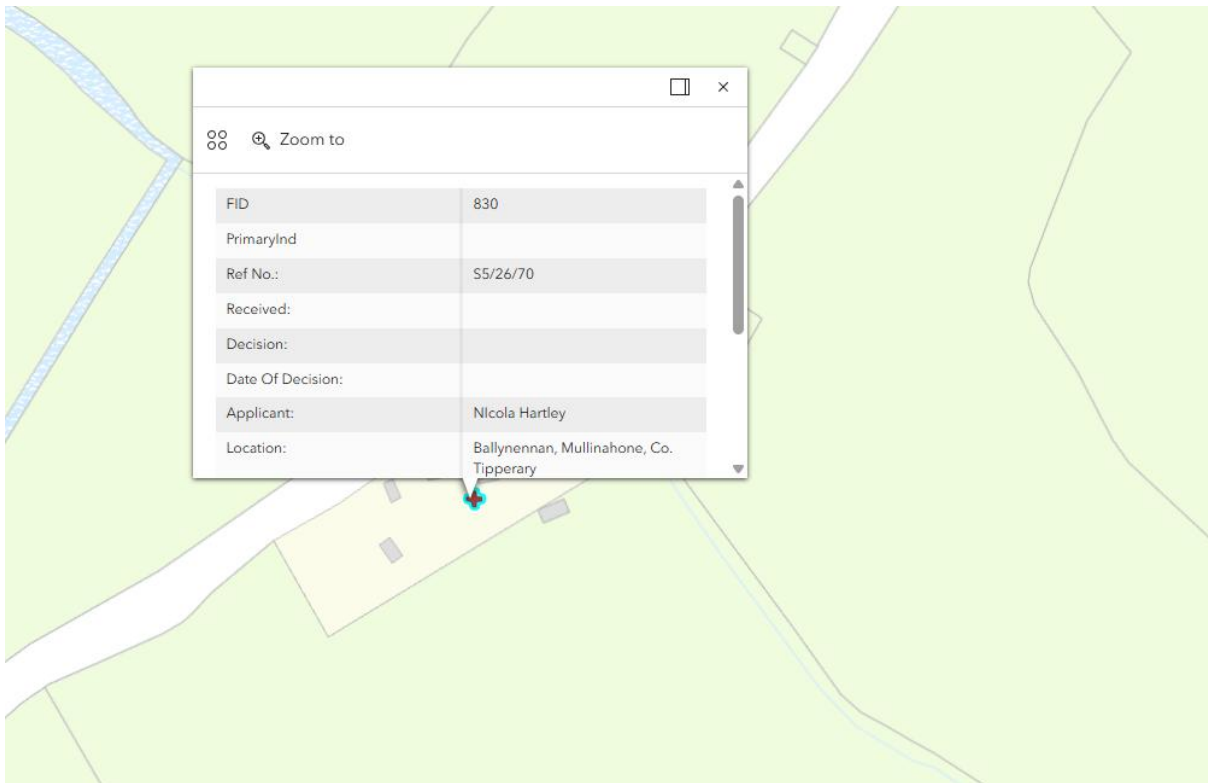
Preliminary Examination Conclusion:

Based on a preliminary examination of the nature, size or location of the development.

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

Signature and Date of Recommending Officer:	Paul Killeen	Date:	15/05/26
--	--------------	--------------	----------

Figure 3 Site entered on planning register





Date: 25th May 2026

Our Ref: S5/26/70

Civic Offices, Nenagh

**Nicola Hartley
C/O Mark Roberts
Green Street
Callan
Co. Kilkenny**

Re: Application for a Section 5 Declaration – Whether the provision of temporary accommodation (caravan) for the use of the applicant during the period in which works are being carried out to the existing dwelling on site is development and if so, does it constitute exempted development at Ballynennan, Mullinahone, Co. Tipperary.

Dear Sir/Madam,

I refer to an application received from you on 12th May 2026 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;

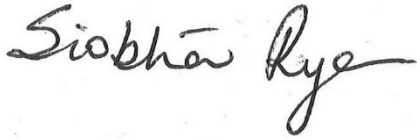
The details submitted with the Declaration application on the 12th of May 2026 are noted. In order to avail of the exemption allowed for under Class 17 of Schedule 2 part 1 of the Planning and Development Regulations 2001 (as amended) the Planning Authority must be satisfied that the temporary on-site accommodation is for persons employed, or otherwise engaged, in connection with the carrying out of the development that is being carried out, pursuant to any permission, consent, approval or confirmation granted under the Act or any other enactment.

A review of the planning history on site shows no record of a permission or alternate consent in place for the works being undertaken on site. In the absence of a consent in place, it may be considered that Class 17 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, is not applicable.

Please clarify the consent in place allowing for the works that are being undertaken on site, to enable you avail of the exemption allowed for under Class 17.

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

Yours sincerely

A handwritten signature in black ink that reads "Siobhán Rye". The signature is written in a cursive style with a long, sweeping tail on the letter 'e'.

for **Director of Services**

26th May 2026

Your Ref S5/26/70

Application for a Section 5 Declaration

Dear Siobhàn Rye

Thank you for your response to my application.

I, myself will be living on site, in the tourer caravan, whilst undertaking aspects of the renovation, there are no extensions, or aspects of the renovations that require planning permission.

Attached are the details of the application for the property grant, the further information on this letter have been submitted and an assessor has been out to the property on Friday the 22nd of May.

I hope this is sufficient information.
Please let me know if you require any further information.

Many thanks
Nicola Hartley





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
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Co. Tipperary
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e customerservice
@tipperarycoco.ie
tipperarycoco.ie

Nicola Hartley & Craig Jones
Ballynennan,
Mullinahone,
Co. Tipperary,
E41 E4H7



RE:- YOUR APPLICATION REF:- CC-22-889, for property at Ballynennan, Mullinahone, Co. Tipperary, E41 E4H7.

Dear Nicola & Craig,

The following information is required by 11/05/2026 to progress your application.

1. **Proof of vacancy** - The guidelines of the scheme state that vacancy for a period of 2 years immediately prior to the application needs to be verified. This can be done by either or a combination of the following -

- Utility bills (electricity bills) which can determine vacancy due to low usage or disconnection. Or, Correspondence from ESB affirming a pattern of low usage for the required period. (esbnetworks@esb.ie)
- Sworn stamped solicitor's affidavit from the owners for the relevant period stating that the property has not been inhabited as a principal residence, rental or otherwise; and giving narrative to why this is the case.

— The provided proof of vacancy does not cover the required period of two years immediately prior to application. We need confirmation of vacancy for the period March 2024 to March 2026 at minimum.

2. As the property is in the **joint names** of yourself and Craig, the application will need to be in both names; with **both signatures**. Please be advised that block type signatures are not accepted.

Full name of applicant(s) (BLOCK LETTERS):

NICOLA HARTLEY

Signature of applicant(s): NICOLA HARTLEY

Date: 23/03/2026

[External] Application for Section 5 Further information Response

From Mark Roberts [REDACTED]
Date Tue 26 May 2026 4:23 PM
To Planning <planning@tipperarycoco.ie>

2 attachments (365 KB)
Applicant Cover Letter.pdf; Vacancy Grant Application Form.pdf;



You don't often get email from [REDACTED]. Learn why this is important.

CAUTION FROM TIPPERARY COUNTY COUNCIL IT SECTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Sir / Madam

Your Ref S5 / 26 / 70

Re Application for a Section 5 for an existing Caravan for Nicola Hartley at Ballynennan Mullinahone

Attached
Applicant cover Letter
Vacant House Grant form

Can you Please confirm receipt

Kind Regards
Mark

Mark Roberts Architecture
Green Street
Callan
Co.Kilkenny
R95 T9NH
056 7706777
[REDACTED]



Comhairle Contae Thiobraid Árann
Tipperary County Council

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

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Co. Tipperary

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e customerservice
@tipperarycoco.ie

tipperarycoco.ie

Date: 27th May 2026

Our Ref: S5/26/70

Civic Offices, Nenagh

Nicola Hartley
C/O Mark Roberts
Green Street
Callan
Co. Kilkenny

Re: Application for a Section 5 Declaration – Whether the provision of temporary accommodation (caravan) for the use of the applicant during the period in which works are being carried out to the existing dwelling on site is development and if so, does it constitute exempted development at 3 Ballynennan, Mullinahone, Co. Tipperary

Dear Ms Hartley

I acknowledge receipt of Further Information received on 26th May, 2026 in connection with the above.

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

Yours sincerely

for **Director of Services**

Application for Declaration on Exempted Development under Section 5 of the Planning and Development Act 2000

Ref No.: S5/26/70

Query : Whether the provision of temporary accommodation (caravan) for the use of the applicant during the period in which works are being carried out to the existing dwelling on site is development and if so, does it constitute exempted development.

Location: Ballynennan, Mullinahone, Co. Tipperary

Querist: Nicola Hartley.

Owner/Occupier: Nicola Hartley.

1 Introduction

1.1 Query

1.1.1 A question has arisen pursuant of Section 5 of the Planning and Development Act 2000 (as amended) as to whether or not the following works

- Provision of temporary accommodation (caravan) for the use of the applicant during the period in which works are being carried out to the existing dwelling on site, constitutes development and if so, does it constitute exempted development. The site is located in Ballynennan, Mullinahone, Co. Tipperary.

1.1.2 The subject query does not explicitly seek confirmation that the works to the dwelling on site constitute exempted development. Instead it asks if temporary onsite accommodation can be provided to facilitate these works. It is this question that will be the focus of this declaration.

2 Site Location and History

2.1 Site location

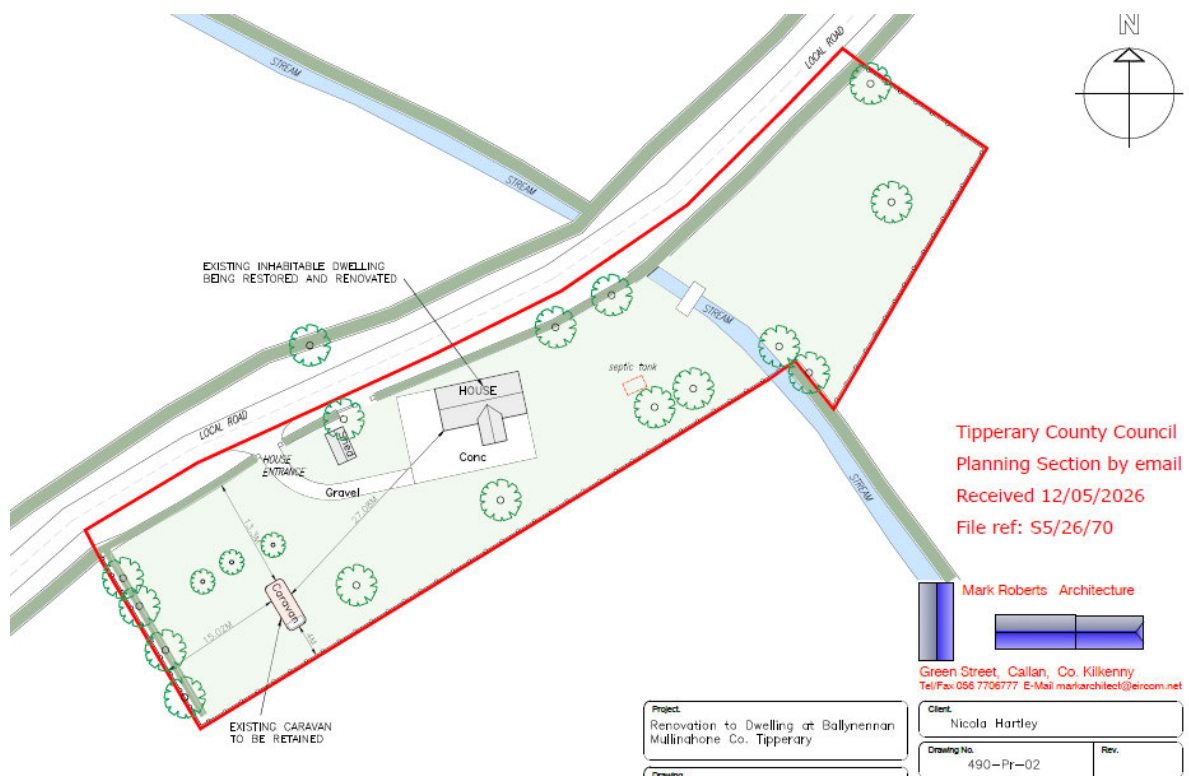
2.1.1 The site is located the rural townlands of Ballynennan, Mullinahone, Co. Tipperary. The site is located c. 3.9 kms to the north west of the village of Mullinahone. The site comprises of an existing two storey dwelling set at the roadside.

2.1.2 The site is located in the area under urban influence. It is not within a designated amenity area.

Figure 1 Dwelling on site



Figure 2 Site location



2.2 Planning History

2.2.1 None recorded

2.3 An Coimisiún Pleanála/Planning Authority precedent

- 2.3.1 An Bord Pleanála Case reference: RL27.316125- This case relates to erection of temporary living accommodation on construction site at Ballinatone Lower, Greenan, County Wicklow. It was deemed development but not exempted development. The erection of the structure pre dated the grant of planning permission.
- 2.3.2 An Bord Pleanála Reference Number: 22.RL.2848- This case relates to the temporary placement of a mobile home on site and its habitable use while a house is being constructed at Graffin, Clonmore, County Tipperary. It was deemed development but not exempted development. The long established placement of the mobile home on the site, and the absence of commencement works for the permitted dwelling house were cited as reasons for the proposal not satisfying Class 17.
- 2.3.3 An Bord Pleanála Reference Number: 92.RL.3343 (Council Ref S5/15/1)-This case relates to a temporary mobile home at Ballytarsna Castle, Cashel, County Tipperary. It was deemed development but not exempted development. An Bord Pleanala considered that Class 17 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, **is not operative as no permission was in place.**
- 2.3.4 Under Section 5 25/106 currently on an appeal to ACP (323586-25) the Planning Authority determined that the provision of temporary accommodation (small log cabin) for the use of the applicant during the period in which exempted development works are being carried out was development and was not exempted development. It was considered that the on site accommodation provided is not temporary in nature as it has been in place since late 2023. Furthermore the works being undertaken on site are not of a sufficient scale or duration to require the provision of dedicated on site accommodation to deliver same

3 Legislative Context

3.1 Planning and Development Act 2000 (as amended)

- 3.1.1 According to **Section 2(1)** of the **Planning and Development Act (as amended)**, the definition of “Works” includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal.
- 3.1.2 According to **Section 3(1)** of the **Planning and Development Act (as amended)**, “development” means, save where the context otherwise requires, the carrying out of works on, in or under land or the making of any material change in the use of any structures or other land.
- 3.1.3 Section 4 of the same Act lists works that would be considered exempted development.
- 3.1.4 Section 4(2)(a) of the same Act states that ‘the Minister may by regulations provide for any class of development to be exempted development for the purposes of this Act.
- 3.1.5 Section 4(4) states that notwithstanding paragraphs (9a), (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.

3.2 **Planning and Development Regulations**

- 3.2.1 **Article 6** of the **Planning and Development Regulations 2001 (as amended)** refers to “Exempted Development”. Subject to Article 9, development of a class specified in column 1 of Part 1 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1.
- 3.2.2 **Article 9** of said Regulations lists a series of restrictions on exemptions. Of note are the provisions of 9(1)(a)(viiiB) which de exempts developments that require an appropriate assessment because it would likely have an effect on the integrity of a European designated site.
- 3.2.3 **Class 17 of Schedule 2 part 1** considers the erection, construction or placing on land on, in, over or under which, or on land adjoining which, development (other than mining) is being, or is about to be carried out, pursuant to any permission, consent, approval or confirmation granted under the Act or any other enactment **or as exempted development**, of temporary on-site accommodation for persons employed, or otherwise engaged, in connection with the carrying out of the development, during the period in which it is being carried out to be exempted development.
- 3.2.4 It is a condition of this exemption that such accommodation shall be removed at the expiration of the period and the land shall be reinstated save to such extent as may be authorised or required by the permission, consent, approval or confirmation granted under the Act or any other enactment.

4 Assessment

4.1 Works Proposed

4.1.1 For the purpose of this declaration, the query relates to the following,

- Provision of temporary accommodation (caravan) for the use of the applicant during the period in which works are being carried out to the existing dwelling on site

4.2 Is it development?

4.2.1 Having regard to Sections 2(1) and 3(1) of the Planning and Development Act 2000 (as amended), it is considered that the work as set out in paragraph 4.1.1 above, constitutes development.

4.2.2 It is further noted that the proposed development is for human habitation and the placing of the on site accommodation on the subject lands would result in a material change of use of the lands that would also constitute “development” within the meaning of Section 3 of the Act

4.3 Is it exempted development?

4.3.1 When considering this declaration, regard was given the provisions of Class 17 of Schedule 2 Part 1 of the Planning and Development Regulations 2001 (as amended). As per the drawings submitted, the temporary on site accommodation is 2.4 ms in width and 6.2 ms in length. An internal area of 14.88 sqms is provided.

4.3.2 There are two issues to consider in respect of this declaration, the nature of the structure and its use to facilitate exempted development.

4.3.3 With respect to the first issue, Class 17 allows for the erection, construction or placing on land of **temporary** on-site accommodation for persons employed, or otherwise engaged, in connection with the carrying out of a development. It is clear that the accommodation is be temporary in nature and should not be for long term use.

4.3.4 With respect to the second issue, the querist has stated the works are currently underway renovating the dwelling on site. As set out in the planning history section, there is no consent, be it a permission or a Section 5 Declaration in place for these works.

4.3.5 The applicant is to be afforded an opportunity to clarify same.

4.4 Environmental assessment

Environmental Impact Assessment

4.4.1 The provisions of Sections 4(4) and 4 (4A) of the Act states the following:

(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.

(4A) Notwithstanding subsection (4), the Minister may make regulations prescribing development or any class of development that is—

(a) authorised, or required to be authorised by or under any statute (other than this Act) whether by means of a licence, consent, approval or otherwise, and

(b) as respects which an environmental impact assessment or an appropriate assessment is required,

to be exempted development.

4.4.2 Having regard to the contents of Article 103 of Schedule 7 of the Planning and Development Regulations 2001, as amended it is considered that the proposed development by reason of the nature, scale and location would not be likely to have a significant effect on the environment. Accordingly, an EIA is not required (see screening attached).

4.5 Appropriate Assessment

4.5.1 The provisions of Section 177U(9) of the Act state the following:

(9) In deciding upon a declaration or a referral under section 5 of this Act a planning authority or the Board, as the case may be, shall where appropriate, conduct a screening for appropriate assessment in accordance with the provisions of this section.

4.5.2 The River Suir SAC is located c. 5.4 kms from the subject site. The River Barrow and River Nore SAC is located c. 4.8 kms east of the subject site. The River Nore SPA SAC is within 15 kms of the subject site.

4.5.3 Based on the details as submitted and the information available relating to Natura 2000 sites, the Planning Authority is satisfied that given the nature of the development and the location of the development relevant to the closest European site, the development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on the Natura 2000 network and appropriate assessment is not therefore required.

4.5.4 Having regards to the above, it is determined that the proposal screens out from the requirement to carry out a Stage 2 Appropriate Assessment (see screening attached).

5 Further Information

5.1 Further information request

5.1.1 The following further information request issued on the 25th of May 2026;

- The details submitted with the Declaration application on the 12th of May 2026 are noted. In order to avail of the exemption allowed for under Class 17 of Schedule 2 part 1 of the Planning and Development Regulations 2001 (as amended) the Planning Authority must be satisfied that the temporary on-site accommodation is for persons employed, or otherwise engaged, in connection with the carrying out of the development that is being carried out, pursuant to any permission, consent, approval or confirmation granted under the Act or any other enactment.

A review of the planning history on site shows no record of a permission or alternate consent in place for the works being undertaken on site. In the absence of a consent in place, it may be considered that Class 17 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, is not applicable.

5.1.2 The querist replied on the 26th of May 2026, which confirmed that the works being undertaken are renovation works which, the querist has opined, do not require a planning consent. The querist has stated that it is her intention to avail of the vacant homes grant to facilitate the renovation works.

5.1.3 The querist is proposing to reside in temporary accommodation while undertaking these works. As set out in the planning history section above, An Coimisiun Pleanala Ref 92.RL.3343 is relevant in this case. Under this case, ACP determined that the provisions of Class 17 of Part 1 Schedule 2 of Planning and Development Regulations are not operative as there was no valid planning consent in place on site.

5.1.4 Likewise in this case, as there is no valid planning consent in place for works to be undertaken on site, the provisions of Class 17 cannot be relied upon to allow for the provision of onsite temporary accommodation during construction works.

6 Recommendation

6.1 Query

6.1.1 A question has arisen as to whether the following;

- Provision of temporary accommodation (caravan) for the use of the applicant during the period in which works are being carried out to the existing dwelling on site, constitutes development and if so, does it constitute exempted development.

6.1.2 The site is located in Ballynennan, Mullinahone, Co. Tipperary.

6.1.3 Part 5 of the Planning and Development Act 2000 (as amended) requires a Planning Authority to make a declaration on any question that arises as to what is or is not development. In determining this query, the Planning Authority had regard to;

- Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended),
- Article 6 and 9 of the Planning and Development Regulations 2001 (as amended)
- Class 17 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended) and
- the details pertaining to the development as set out by the querist.
- The further information received on the 26th of May 2026.

6.2 Determination

6.2.1 Having regard to the above assessment, the Planning Authority has determined that the provision of temporary accommodation for the use of the querist during the period in which renovation works are being carried out constitutes “development” and is not considered to be “exempted development” as there is no valid planning consent in place for the renovation works. As such the provisions of Class 17 of Schedule 2 Part 1 of the Planning and Development Regulations 2001 (as amended) are not applicable in this instance.

6.2.2 The development would not be likely to have significant effects on the environment and would not require an EIA or an AA.

Paul Killeen

Paul Killeen

Executive Planner

10/06/26

C. Conway

Caroline Conway

Senior Executive Planner

10.6.2026

HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT

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

(a) File Reference No:	S5/26/70
(b) Brief description of the project or plan:	Temporary on site accommodation
(c) Brief description of site characteristics:	The site is located the rural townlands of Ballynennan, Mullinahone, Co. Tipperary. The site is located c. 3.9 kms to the north west of the village of Mullinahone. The site comprises of an existing two storey dwelling set at the roadside.
(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW	n/a
(e) Response to consultation:	n/a

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

European Site (code)	List of Qualifying Interest/Special Conservation Interest ¹	Distance from proposed development ² (km)	Connections (Source-Pathway-Receptor)	Considered further in screening Y/N
Lower River Suir SAC	https://www.npws.ie/protected-sites/sac/002137	c. 5.4km	None	No
River Barrow And River Nore SAC	https://www.npws.ie/protected-sites/sac/002162	c.4.8km	None	No
River Nore SPA	https://www.npws.ie/protected-sites/spa/004233	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) 	It is not considered that the works undertaken on site, which are minor in nature, have impacts that could affect European Sites within the wider catchment area.

<ul style="list-style-type: none"> • Dust, noise, vibration • Lighting disturbance • Impact on groundwater/dewatering • Storage of excavated/construction materials • Access to site • Pests 	
<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 	No impacts anticipated
In-combination/Other	No likely 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"> • 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 	<p>None. The application site is not located within a European site, therefore there is no risk of habitat loss or fragmentation or any effects on QI species directly or ex-situ.</p>
(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,

it is concluded that the 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:	Paul Killeen	Date: 15/05/26

EIA PRE-SCREENING

Establishing a development is a 'sub-threshold development'

File Reference:	S5/25/6/70
Development Summary:	Temporary on site accommodation
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 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 checked="" type="checkbox"/> Yes the project is of a type listed but is <i>sub-threshold</i> : Class 10B(1)	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
---	---

EIA PRELIMINARY EXAMINATION:
The Planning Authority shall carry out a preliminary examination of, at the least, the nature, size or location of the development.

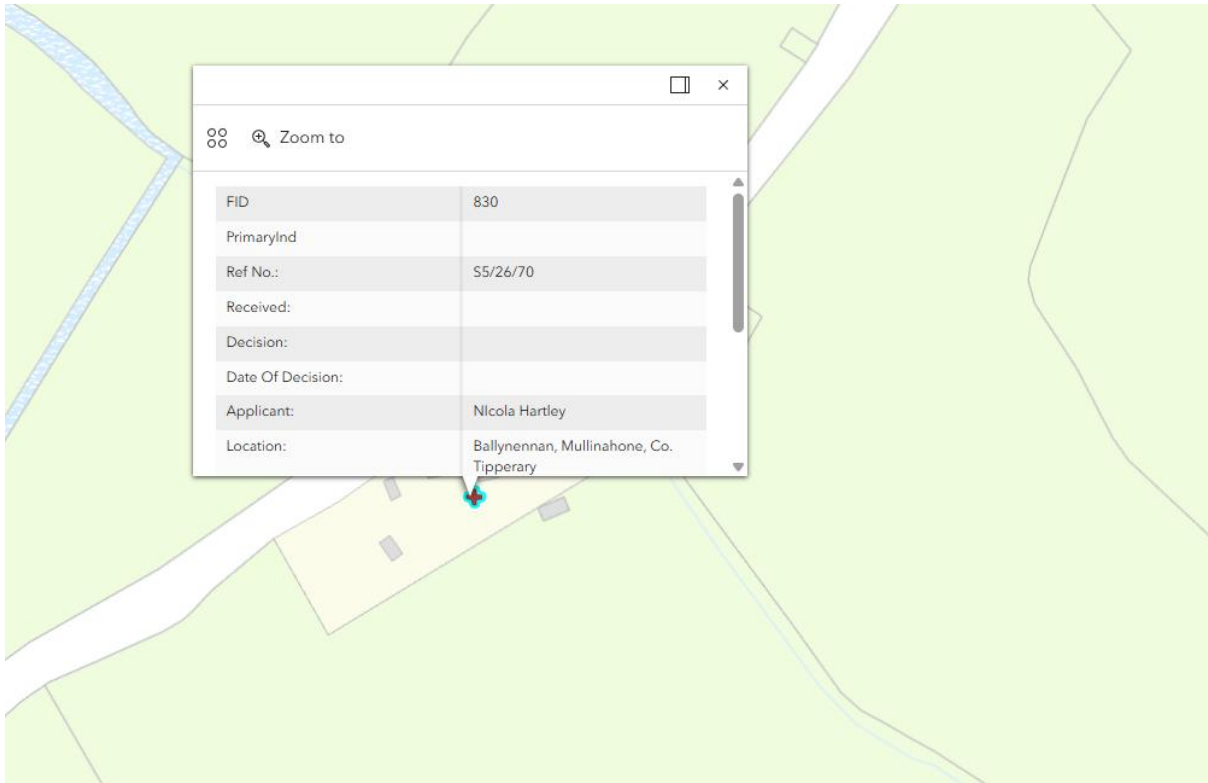
	Comment:	Yes/No/ Uncertain:
<p>Nature of the development: <i>Is the nature of the proposed development exceptional in the context of the existing environment?</i></p> <p><i>Will the development result in the production of any significant waste, or result in significant emissions or pollutants?</i></p>		No.
<p>Size of the development: <i>Is the size of the proposed development exceptional in the context of the existing environment?</i> <i>Are there cumulative considerations having regard to other existing and/or permitted projects?</i></p>		No.
<p>Location: <i>Is the proposed development located on, in, adjoining or does it have the potential to impact on an ecologically sensitive site or location?</i> <i>Does the proposed development have the potential to affect other significant environmental sensitivities in the area?</i></p>		No.

Preliminary Examination Conclusion:

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

Signature and Date of Recommending Officer:	Paul Killeen	Date:	15/05/26
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Figure 3 Site entered on planning register



Original

TIPPERARY COUNTY COUNCIL

DELEGATED EMPLOYEE'S ORDER

File Ref: **S5/26/70** **Delegated Employee's Order No:** _____

SUBJECT: Section 5 Declaration

I, Brian Beck, 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. 44188 dated 3rd October, 2025, hereby order that pursuant to the provisions of the Planning and Development Act 2000, as amended, that an application under Section 5 from Nicola Hartley, C/O Mark Roberts, Green Street, Callan, Co. Kilkenny, re: Whether the provision of temporary accommodation (caravan) for the use of the applicant during the period in which works are being carried out to the existing dwelling on site is development and if so, does it constitute exempted development at Ballynennan, Mullinahone, 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),
- Article 6 and 9 of the Planning and Development Regulations 2001 (as amended)
- Class 17 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended) and
- the details pertaining to the development as set out by the querist.
- The further information received on the 26th of May 2026.

Determination

Having regard to the above assessment, the Planning Authority has determined that the provision of temporary accommodation for the use of the querist during the period in which renovation works are being carried out constitutes "development" and is not considered to be "exempted development" as there is no valid planning consent in place for the renovation works. As such the provisions of Class 17 of Schedule 2 Part 1 of the Planning and Development Regulations 2001 (as amended) are not applicable in this instance.

The development would not be likely to have significant effects on the environment and would not require an EIA or an AA.

Signed: 

Brian Beck
Director of Services

Date: 11/06/2026



Date: 11th June 2026

Our Ref: S5/26/70

Civic Offices, Nenagh

**Nicola Hartley
C/O Mark Roberts
Green Street
Callan
Co. Kilkenny**

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

Dear Ms Hartley,

I refer to your application for a Section 5 Declaration received on 29th April 2026, and Further Information received on 26th May 2026 in relation to the following proposed works:

Whether the provision of temporary accommodation (caravan) for the use of the applicant during the period in which works are being carried out to the existing dwelling on site is development and if so, does it constitute exempted development at Ballynennan, Mullinahone, 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),
- Article 6 and 9 of the Planning and Development Regulations 2001 (as amended)
- Class 17 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended) and
- the details pertaining to the development as set out by the querist.
- The further information received on the 26th of May 2026.

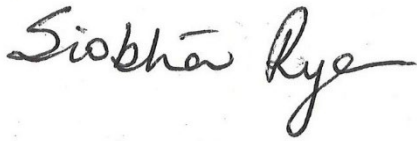
Determination

Having regard to the above assessment, the Planning Authority has determined that the provision of temporary accommodation for the use of the querist during the period in which renovation works are being carried out constitutes "development" and is not considered to be "**exempted development**" as there is no valid planning consent in place for the renovation works. As such the provisions of Class 17 of Schedule 2 Part 1 of the Planning and Development Regulations 2001 (as amended) are not applicable in this instance.

The development would not be likely to have significant effects on the environment and would not require an EIA or an AA.

NOTE: Any person issued with a Declaration of a Planning Authority may refer the Declaration for review to An Coimisiún Pleanála, 64 Marlborough Street, Dublin 1, within four (4) weeks of the date of issue of the Declaration and on payment of the prescribed fee.

Yours sincerely

A handwritten signature in black ink that reads "Siobhán Rye". The signature is written in a cursive style with a long, sweeping tail on the letter 'y'.

for **Director of Services**