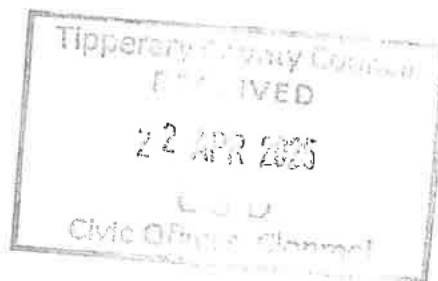




Comhairle Contae Thiobraid Árann  
Tipperary County Council



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

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

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

Applicant	TOM TOBIN
Address	CASTLEKEALE, ARDFINNAN CLONMEL, CO-TIPPERARY
Telephone No.	
E-mail	

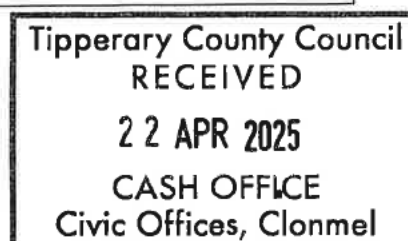
**2. Agent's (if any) address:**

Agent	
Address	
Telephone No.	
E-mail	
Please advise where all correspondence in relation to this application is to be sent;	
Applicant [ <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)	MARLHILL, ARDFINNAN, CLONMEL.
---	-------------------------------

Receipt No 191 803  
Issued 22 04 2025  
€80.00 Cheque



**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.

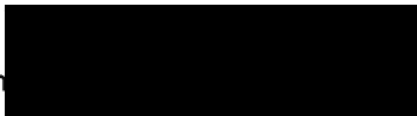
(Note: only works and uses listed and described under this section will be assessed under this Section 5 Application. Use additional sheets if required.)

OPEN FRONTED LEAN-TO TYPE SHED FOR
MACHINERY / STRAW STORAGE. OF STEELE CONSTRUCTION
WITH GREEN FINISH CLADDING ROOF AND SIDES
SHEETED TO GROUND LEVEL ON THREE SIDES.
Proposed floor area of proposed works/uses: 162 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



Date: 16/4/25

**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:**

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

### FOR OFFICE USE ONLY

#### DATE STAMP

**Fee Recd. €** \_\_\_\_\_  
**Receipt No** \_\_\_\_\_  
**Date** \_\_\_\_\_  
**Receipted by** \_\_\_\_\_

#### **Additional Detail to Section 4 - Development Details**

The proposed structure shall be constructed on the tree-lined site which formerly contained derelict pig houses. These were of block wall and metal roof construction. Roofing materials, e.g. metal, timber, etc., were removed to a recycling facility and concrete material was crushed to form a hard core yard.

Please also find enclosed letters of consent from owners of dwellings which are within one hundred metres of the proposed structure.





Dear Sir/Madam,

I, Maurice Murphy, owner of property at Ballyneety, Ardfinnan, give my consent to Tom Tobin for the construction of an agricultural building on his farmyard at Marlhill, Ardfinnan.

Signed,

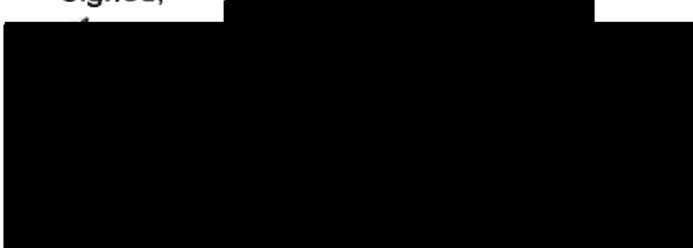
[Redacted Signature]



Dear Sir/Madam,

We, Bernard and Mary Coughlan, owners of property at Ballyneety, Ardfinnan, give our consent to Tom Tobin for the construction of an agricultural building on his farmyard at Marlhill, Ardfinnan.

Signed,

A large black rectangular redaction box covering the signature and any text below it.

Dear Sir/Madam,

I, Robyn Keogh, owner of property at Ballyneety, Ardfinnan, give my consent to Tom Tobin for the construction of an agricultural building on his farmyard at Marlhill, Ardfinnan.

Signed



## Planning Pack Map



**Tailte Éireann**

**CENTRE**  
**COORDINATES:**  
ITM 609914,618709

**PUBLISHED:**  
24/11/2024

**ORDER NO.:**  
50435928\_1

**MAP SERIES:**  
1:5,000  
1:2,500  
1:2,500

MAP SHEETS:  
5488  
5488-C  
5488-D

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

[www.taitte.ie](http://www.taitte.ie)

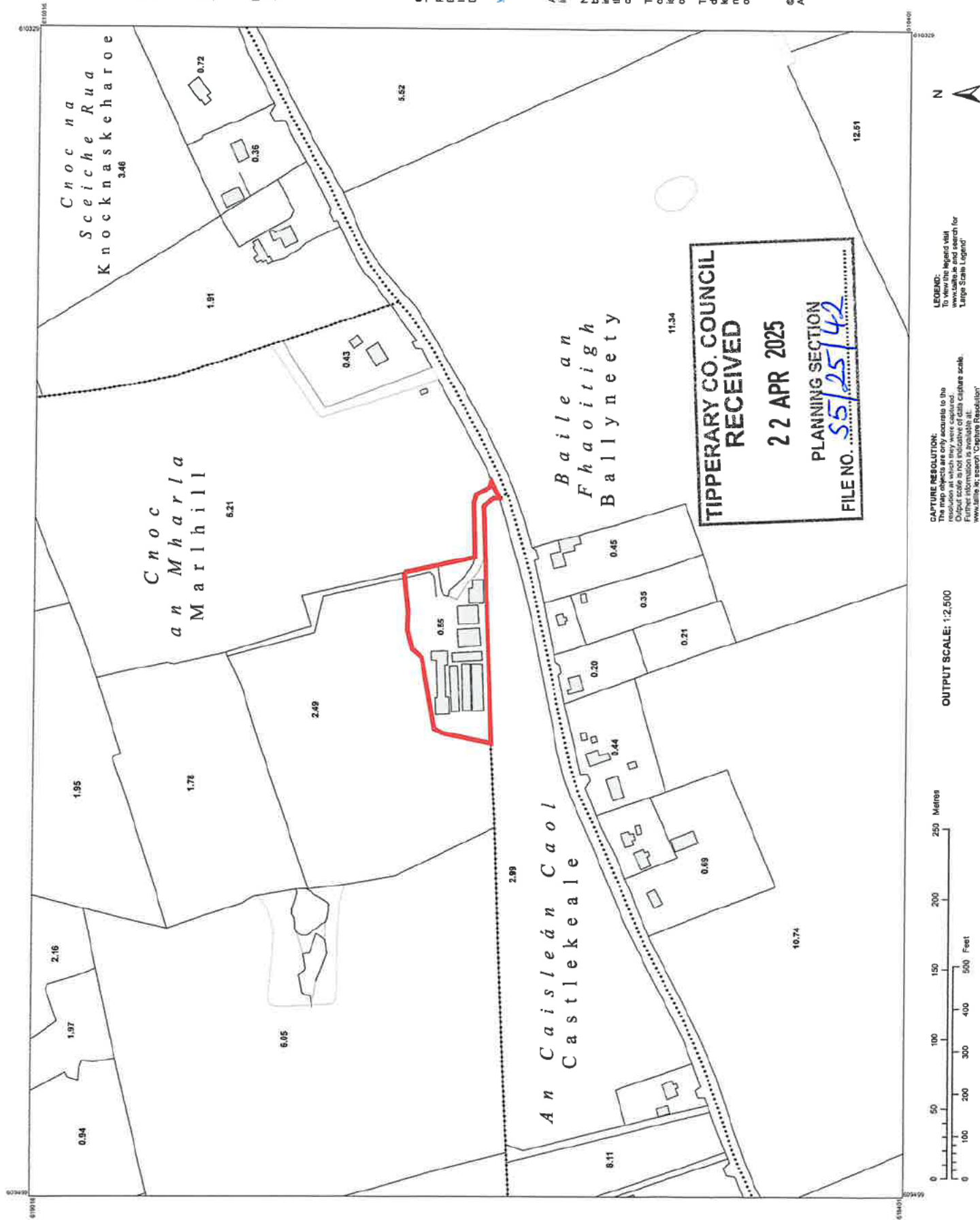
Any unauthorised reproduction infringes Tailto Éireann copyright.

No part of this publication may be copied, reproduced or transmitted in any form or by any means without the prior written permission of the copyright owner.

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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All rights reserved.



# Site Layout Map

Area in red is the former location of derelict pig houses which have been demolished to form and open yard area.

Existing Machinery Shed

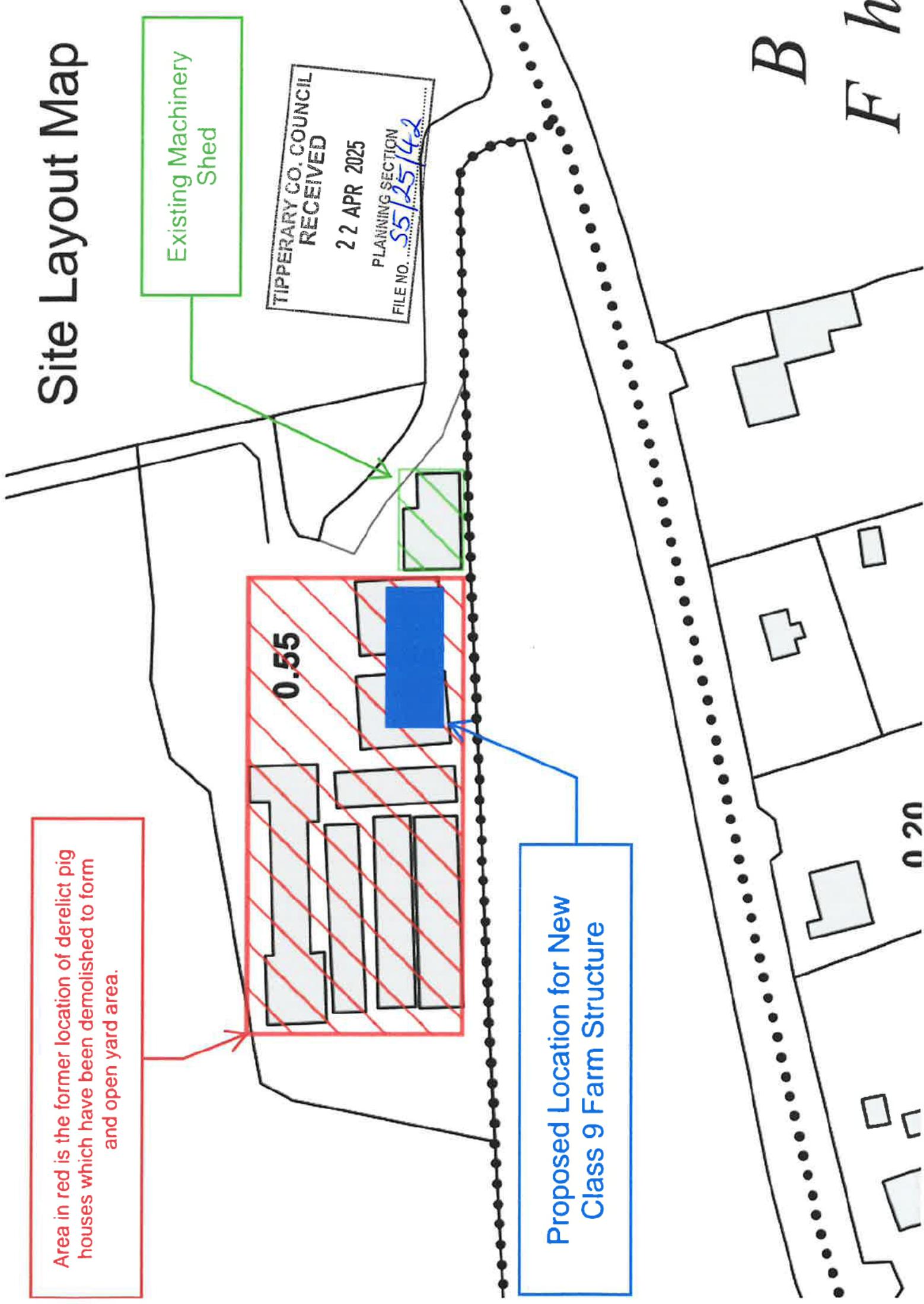
TIPPERARY CO. COUNCIL  
RECEIVED  
22 APR 2025  
PLANNING SECTION  
FILE NO. 55/25/42

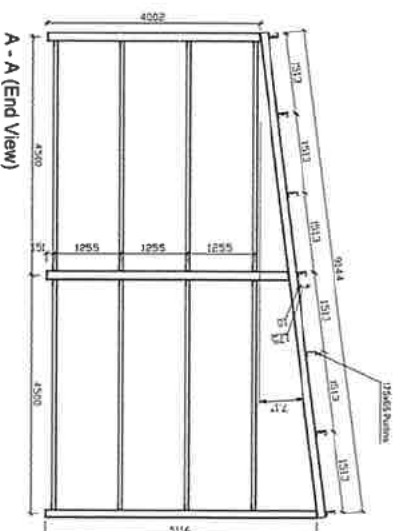
0.55

Proposed Location for New  
Class 9 Farm Structure

B  
F h

0.20





### B - B (Plan)



## Translating To Concrete Counts

FILE NO

## PLANNING SECTION

22 APR 2025

RECEIVED

TIPPERARY CO. COUNCIL  
RECEIVED



**M. HEPPERMAN  
ENGINEERING LTD.**

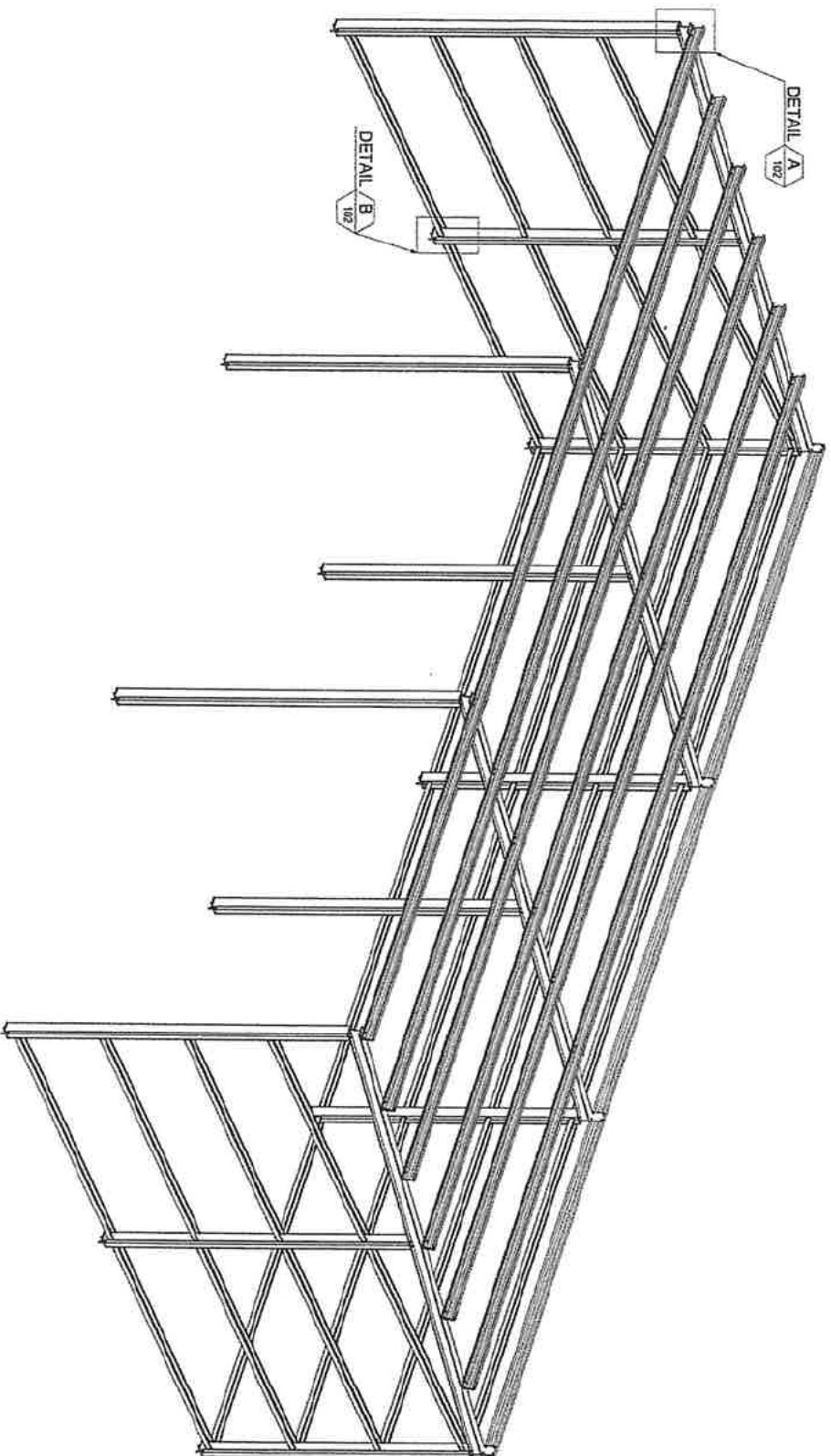
## Shed Layout Drawing

**THE ANSWER**

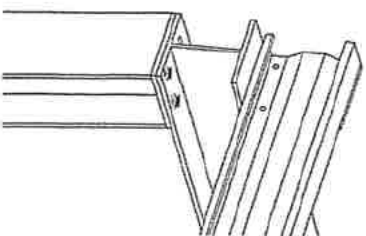
DATE	OFFICER	TIME	LOCATION
AP		07:00:00	At Home

PROJECT No.	1537
CHASSIS No.	21 - 100
REV	Rev'd

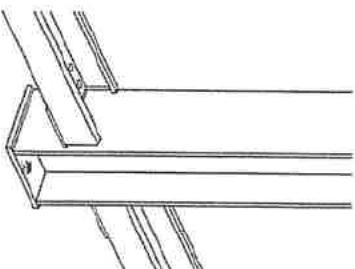




Isometric View (Rollable Steel Structure Only)



DETAIL A  
Scale: 1:5



DETAIL B  
Scale: 1:5

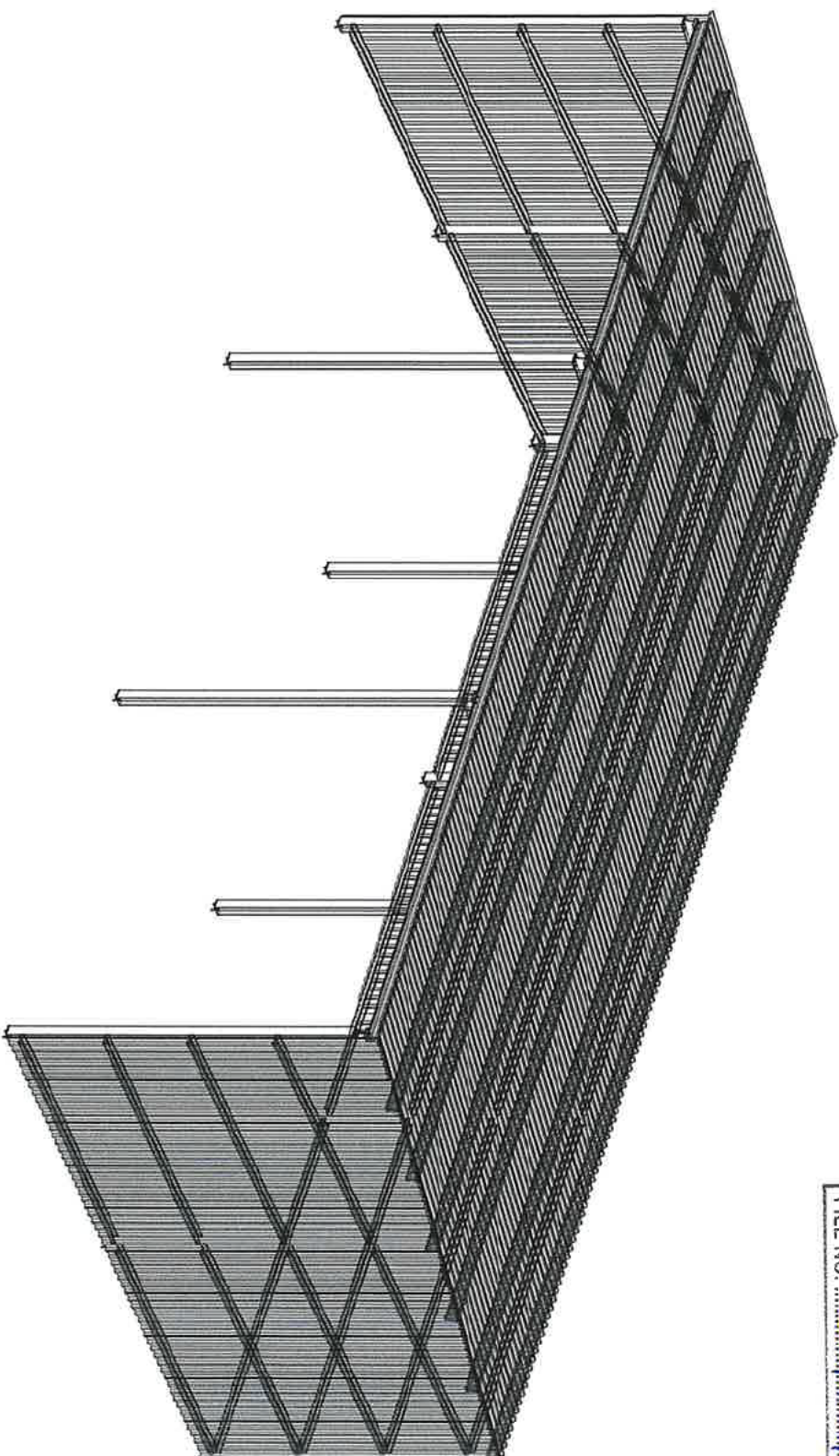
TIPPERARY CO. COUNCIL  
RECEIVED  
22 APR 2025  
PLANNING SECTION  
FILE NO. 55/25/42

REVISIONS			
NO.	DATE	DESCRIPTION	AUTHOR
M. HEPPERNAN ENGINEERING LTD.			
Client: Tipperary Co. Council			
Project: Steel Lined Channel			
Drawing Title: Steel Lined Channel			
Drawn by: AP	Checked by: JH	Scale: 1:50	Sheet: 1 of 1
Author: AP	Checker: JH	Scale: 1:50	Sheet: 1 of 1

TIPPERARY CO. COUNCIL  
RECEIVED

22 APR 2025

PLANNING SECTION  
FILE NO. 55/25/42



**Iso View (Cladding & Hidden Lines Shown)**

Index	Date	Description	Author
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## REVISIONS



Client	Techn
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Shed Library Drawing

Turn Over

Donor(s)	Charitable	CA#	PCAT
AP		07/01/2009	As Above

1537	163 - 10
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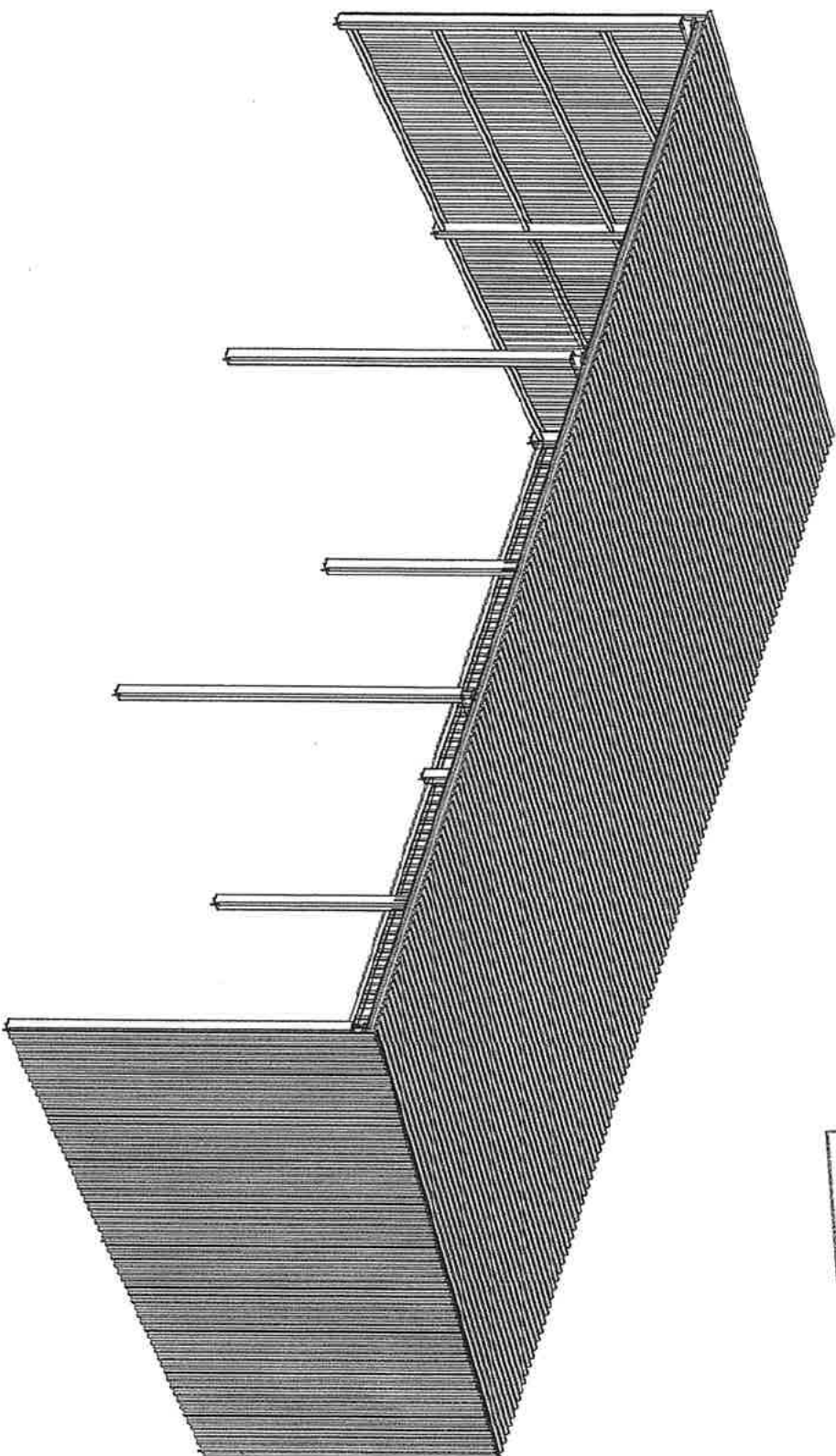
**General Notes**

TIPPERARY CO. COUNCIL  
RECEIVED

22 APR 2025

PLANNING SECTION

FILE NO. 25/2015



**Iso View (Cladding Shown)**

REVISIONS			
Issue	Date	Description	Author

## REVIEWS


Number	0
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### Contributors

### Authors



**M. HEFFERMAN  
ENGINEERING LTD.**



**M. HEFFERMAN  
ENGINEERING LTD.**

Technique

Shed Loyal Drinking

**Winged**

UNION NAME	CITY/COUNTRY	DATE	SCALE
------------	--------------	------	-------

AP	03/2025	M
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PROJECT no.	CHARGING by	REV
1537	101 - 101	Rev0



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](http://tipperarycoco.ie)

**Date: 22<sup>nd</sup> April, 2025**

**Our Ref: S5/25/42 Civic Offices, Clonmel**

Tom Tobin  
Castlekeale  
Ardfinnan  
Clonmel  
Co. Tipperary


**Re: Application for a Section 5 Declaration – Open fronted lean-to type shed for machinery/straw storage at Marlhill, Ardfinnan, Clonmel, Co. Tipperary**

Dear Mr. Tobin,

I acknowledge receipt of your application for a Section 5 Declaration received on 22<sup>nd</sup> April, 2025, 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

---

<b>Planning Ref.:</b>	S5/25/42
<b>Applicant:</b>	Tom Tobin
<b>Development Address:</b>	Marlhill, Ardfinnan, Clonmel, Co. Tipperary
<b>Query:</b>	Is the construction of an open fronted lean-to type shed for machinery/straw storage exempted development under Class 9 of the Planning and Development Regulations 2001, as amended.

---

#### 1. GENERAL

On the 22<sup>nd</sup> of April 2025, a request was made for a declaration under Section 5 of the Planning and Development Act, 2000 (as amended) by Tom Tobin, as to whether or not the construction of an open fronted lean-to type shed for machinery/straw storage is exempted development under Class 9 of the Planning and Development Regulations 2001, as amended.

It is noted that the structure proposed is located on the site of a derelict pig farm. The querist has indicated that all the original structures on site have been demolished.

#### 2. STATUTORY PROVISIONS

The following statutory provisions are relevant to this referral case;

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

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

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

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

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

##### **Exempted Development.**

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

Article 9 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—
- (ii) endanger public safety by reason of traffic hazard or obstruction of road users,
- (viii) consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use,

### **Schedule 2 Part 3 CLASS 9 Planning and Development Regulations 2001**

Works consisting of the provision of any store, barn, shed, glass-house or other structure, not being of a type specified in class 6, 7 or 8 of this Part of this Schedule, and having a gross floor space not exceeding 300 square metres.

1. No such structure shall be used for any purpose other than the purpose of agriculture or forestry, but excluding the housing of animals or the storing of effluent.
2. The gross floor space of such structures together with any other such structures situated within the same farmyard complex or complex of such structures or within 100 metres of that complex shall not exceed 900 square metres gross floor space in aggregate.
3. No such structure shall be situated within 10 metres of any public road.
4. No such structure within 100 metres of any public road shall exceed 8 metres in height.
5. No such structure shall be situated within 100 metres of any house (other than the house of the person providing the structure) or other residential building or school, hospital, church or building used for public assembly, save with the consent in writing of the owner and, as may be appropriate, the occupier or person in charge thereof.
6. No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.

### **3. ASSESSMENT**

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

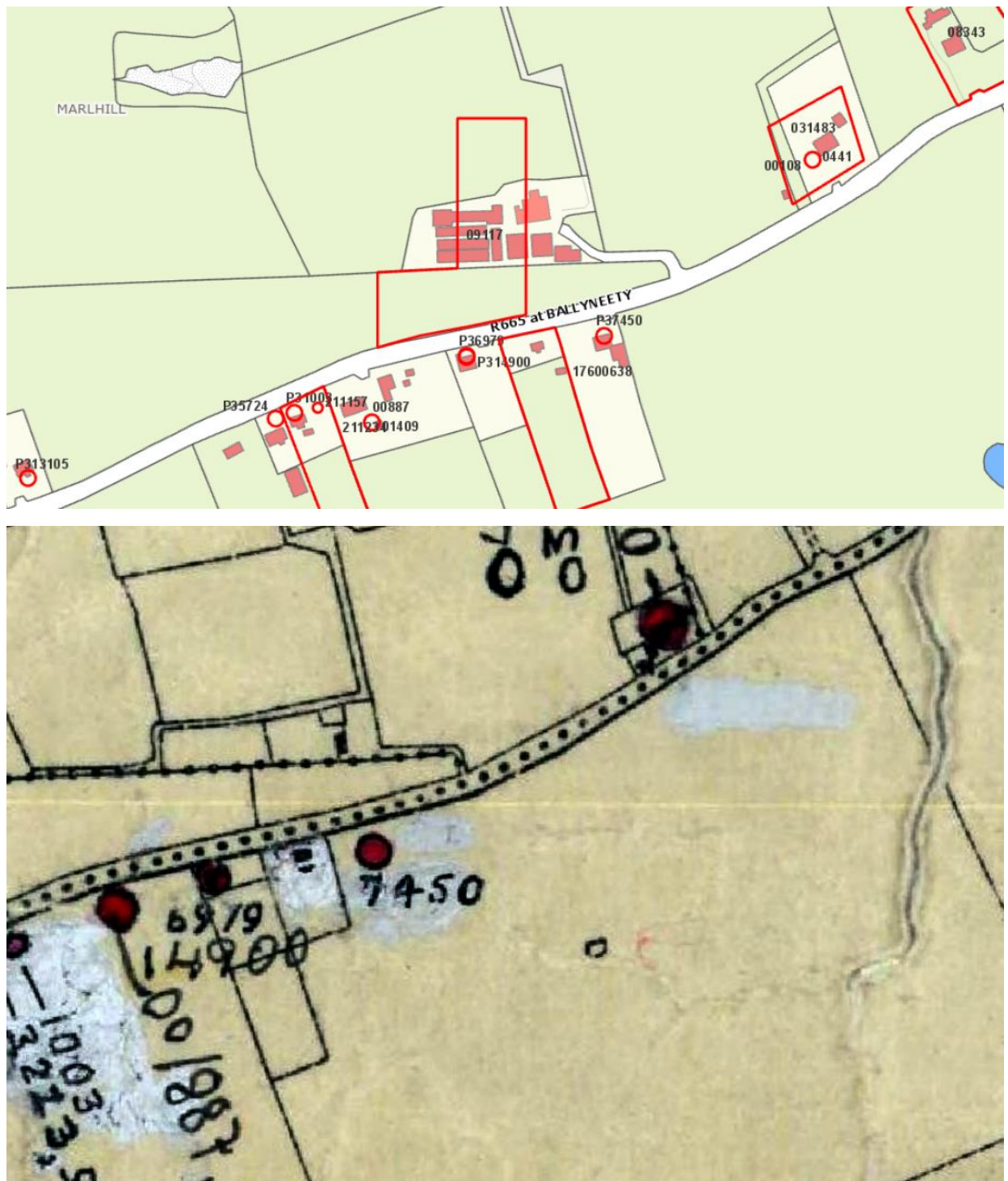
The site is located c. 1.4 kms to the north east of the village of Ardfinnan, Co. Tipperary. It comprises of a former piggery that is set back c.30 metres from the R665 to the south of the site. The site is access from a private road off the R665.

There are a number of third party properties in the immediate vicinity of the site, which are less than 100 ms from the location of the structure proposed.

#### **b. *Relevant Planning History***

09/117 – outline permission dwelling – Granted

Figure 1 Planning history



c. **Assessment**

The query relates to the construction of an open fronted lean-to type shed for machinery/straw storage, measuring a 162sqms. The shed has a width of 9 metres (including canopy), a length of 12 metres and a height of 5.1 ms.



Figure 2 Site Layout

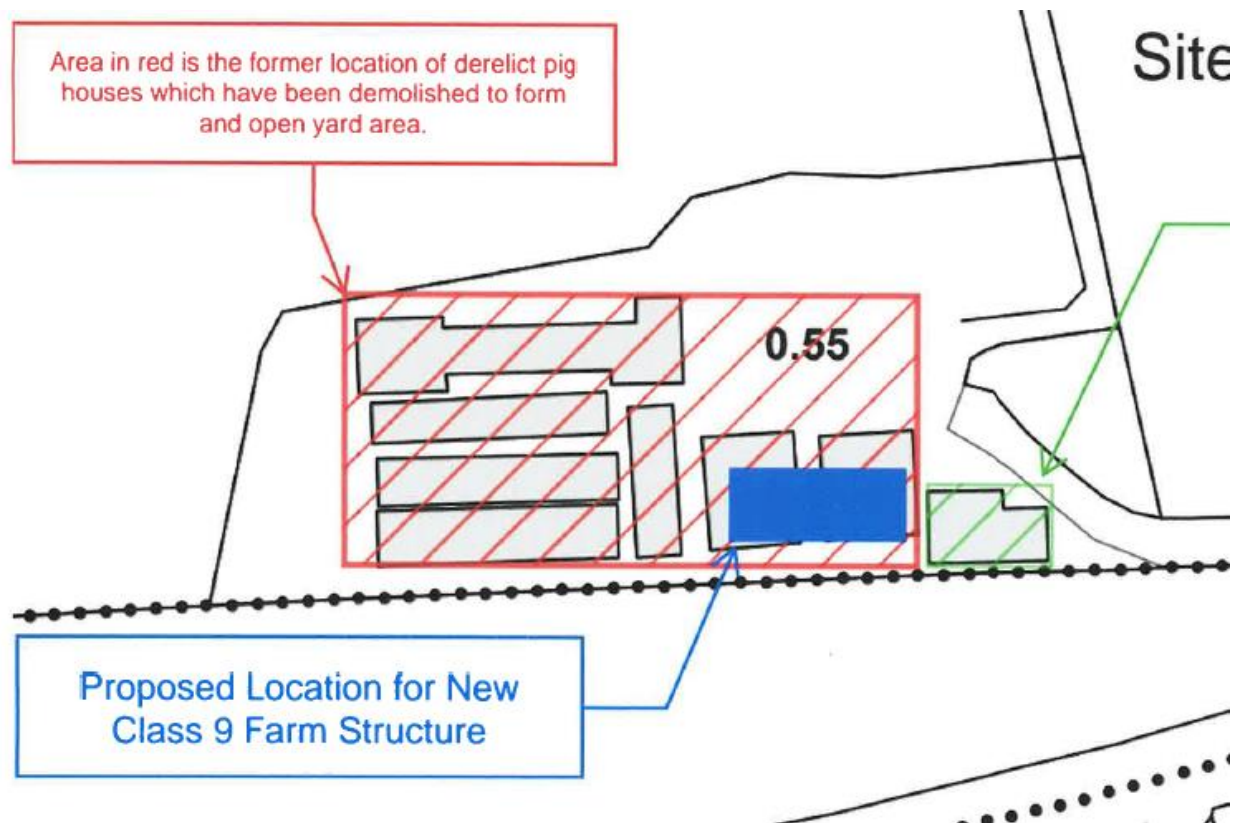
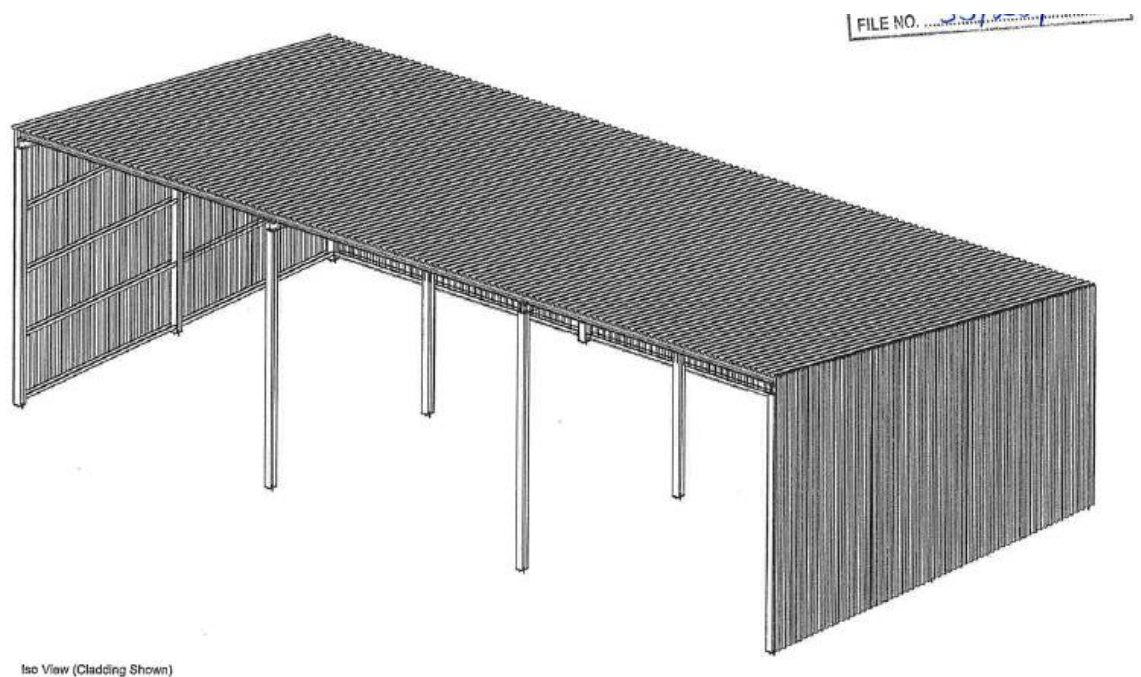


Figure 3 3d view of shed



A) “Is or is not Development”

Having considered all of the details and documentation on file with regards the question asked the Planning Authority is satisfied that the proposals involve “works” and such works would constitute “development” within the meaning of Section 3 of the 2000 Act.

B) “Is or is not Exempted Development”

Having regard to the conditions and limitations associate with Class 9, the following is noted;

- The applicant has indicated that structure will be used for agricultural purposes (storage of Machinery and straw). It is noted that the applicant has not quantified the size of the farm holding. It is unclear how the structure can be used for agricultural purposes if the querist does not appear to own a farm.
- The querist has indicated that there is one other storage shed at this location. The querist will need to clarify if the subject landholding represents the full extent of his landholding and if not, he will need to clarify what other Class 9 structures are located on that landholding.
- The structure is not within 10 metres of any public road (set c 30 ms from road).
- The structure does not exceed 8 ms in height.
- The structure is within 100ms of four third party properties. Three signed letters of consent have been submitted – an Eircode from the corresponding properties is not detailed. The querist is to be advised of this issue.

*Figure 4 Residential properties within 100 ms of proposed structure*



- The nature of the proposed material finish is unclear.

C) Is the exemption restricted under Article 9

The farm complex is served by an existing entrance onto the R-665. As set out above, there was a former piggery on site. There is no record of planning consent for same. The querist has indicated that the existing structures on site have been demolished. It is noted that the shed proposed is to be located at a point where the former piggery buildings were located.

The landholding is served by a farm entrance at a poorly aligned stretch of the R665. Details of the sightlines from this entrance ought to be provided to demonstrate that the entrance is safe and that the works will not give rise to a traffic concern.

## **Environmental Restrictions**

### **Environmental Impact Assessment**

Proposal has been screened as required for EIA and it has been determined that same is not required (See screening report attached).

### **Appropriate Assessment**

Proposal has been screened as required for AA and it has been determined that same is not required (See screening report attached).

## **4. RECOMMENDATION**

A question has arisen as to whether the following;

an open fronted lean-to type shed for machinery/straw storage exempted development under Class 9 of the Planning and Development Regulations 2001,

constitutes development and if so does it constitutes exempted development. The works are located on an landholding in Ardfinnan, Clonmel, Co. Tipperary.

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 9, Schedule 2 Part 3 of the Planning and Development Regulations, 2001,
- the details pertaining to the development as set out by the querist.

### **Determination**

Accordingly, having considered the information received, the Planning Authority has determined that insufficient details has been provided to enable the Planning Authority determine this Declaration.

The following further information is required;

1. It is indicated on the drawing submitted with the declaration that a number of derelict pig houses were demolished and removed from the subject site. There is no record of a planning consent for either the piggery or the removal of these structures. Please clarify the planning status of the works undertaken on site as they are not covered by the subject declaration.
2. In order to avail of an exemption for an agricultural structure under Schedule 2 Part 3 Class 9, the Planning Authority needs to be satisfied that the subject structure will be used for agricultural purposes. Having reviewed the details submitted, there is a lack of clarity pertaining to the extent of the agricultural landholding at this location. Please clarify same and the nature of the agricultural activities undertaken on site.

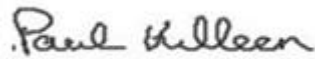


3. Condition 5 of Class 9 notes that no structure shall be situated within 100 metres of any house (other than the house of the person providing the structure) or other residential building or school, hospital, church or building used for public assembly, save with the consent in writing of the owner and, as may be appropriate, the occupier or person in charge thereof. A review of Geodirectory shows that there are 4 residential properties within 100 ms of the structure proposed. Three letters of consent were submitted. Letters of consent are required from all property owners within 100 ms of the site. The applicant is requested to clarify the Eircode pertaining to each letter of consent.
4. Having regard to the restrictions on exempted development as set out under Article 9 of the Planning and Development Regulations 2001, as amended, the Planning Authority require additional information in respect of the sightlines available at the entrance to the landholding so as to be satisfied that the intensification of the use of the entrance will not endanger public safety by reason of traffic hazard or obstruction of road users.

Please submit a site layout drawing clearly indicating the sightlines available at the entrance from a 4.5m setback at the centre of the entrance.

5. Please clarify the intended finish of the shed proposed noting that as per Condition 6 of Class 9, no unpainted metal sheeting shall be used for roofing or on the external finish of the structure.

**District Planner:**



**Date:** 12/05/25

**Paul Killeen**



**Senior Executive Planner:**

**Date:** 12.5.2025

## Appendix 1

### HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT

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

(a) File Reference No:	S5/25/42
(b) Brief description of the project or plan:	Construction of proposed agricultural shed
(c) Brief description of site characteristics:	Rural location east of the village of Ardfinnan
(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 <sup>1</sup>	Distance from proposed development <sup>2</sup> (km)	Connections (Source-Pathway-Receptor)	Considered further in screening Y/N
Lower River Suir SAC 002137	<a href="https://www.npws.ie/protected-sites/sac/002137">https://www.npws.ie/protected-sites/sac/002137</a>	c. 1.3 kms	Weak as surface water is discharged to ground.	yes
Blackwater River (Cork/Waterford) SAC 002170	<a href="https://www.npws.ie/protected-sites/sac/002170">https://www.npws.ie/protected-sites/sac/002170</a>	12.4 kms	No due to distance and the lack of any relevant ex-situ factors of significance to these species.	No
Nier Valley Woodlands	<a href="https://www.npws.ie/protected-sites/sac/000668">https://www.npws.ie/protected-sites/sac/000668</a>	14.5kms	No due to distance and	No

SAC 000668			the lack of any relevant ex-situ factors of significance to these species.	
Galtee Mountains SAC 000646	<a href="https://www.npws.ie/protected-sites/sac/000646">https://www.npws.ie/protected-sites/sac/000646</a>	13.8 kms	No due to distance and the lack of any relevant ex-situ factors of significance to these species.	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"> <li>• Vegetation clearance</li> <li>• Demolition</li> <li>• Surface water runoff from soil excavation/infill/landscaping (including borrow pits)</li> <li>• Dust, noise, vibration</li> <li>• Lighting disturbance</li> <li>• Impact on groundwater/dewatering</li> <li>• Storage of excavated/construction materials</li> <li>• Access to site</li> <li>• Pests</li> </ul>	<p>During the construction phase, the site will be cleared and topsoil removed.</p>
<p>Operational phase e.g.</p> <ul style="list-style-type: none"> <li>• Direct emission to air and water</li> <li>• Surface water runoff containing contaminant or sediment</li> <li>• Lighting disturbance</li> <li>• Noise/vibration</li> <li>• Changes to water/groundwater due to drainage or abstraction</li> <li>• Presence of people, vehicles and activities</li> <li>• Physical presence of structures (e.g. collision risks)</li> <li>• Potential for accidents or incidents</li> </ul>	<p>there is no likelihood of any significant effects on European Sites in the wider catchment area</p>
In-combination/Other	No significant in-combination effects are identified.

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

Examples of the type of changes to give consideration to include:

- Reduction or fragmentation of habitat area
- Disturbance to QI species
- Habitat or species fragmentation
- Reduction or fragmentation in species density
- Changes in key indicators of conservation status value (water or air quality etc.)
- Changes to areas of sensitivity or threats to QI
- Interference with the key relationships that define the structure or ecological function of the site

None.

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

☐ 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.

The proposed development is not likely to have significant effects.

**Conclusion:**

	Tick as Appropriate:	Recommendation:
(i) It is clear that there is <b>no likelihood</b> of significant effects on a European site.	<input checked="" type="checkbox"/>	The proposal can be screened out: Appropriate assessment not required.
(ii) It is <b>uncertain</b> 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) <b>Significant effects</b> are likely.	<input type="checkbox"/>	<input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
<b>Signature and Date of Recommending Officer:</b>	Paul Killeen	<b>Date:</b> 12/05/25

## APPENDIX 2

EIA Pre-Screening	
Establishing a development is a 'sub-threshold development'	
<b>File Reference:</b>	S5/25/42
<b>Development Summary:</b>	Construction of an agricultural shed
<b>Was a Screening Determination carried out under Section 176A-C?</b>	<input type="checkbox"/> Yes, no further action required  <input checked="" type="checkbox"/> No, Proceed to <b>Part A</b>
<b>A. Schedule 5 Part 1</b> - Does the development comprise a project listed in Schedule 5, <b>Part 1</b> , of the Planning and Development Regulations 2001 (as amended)? (Tick as appropriate)	
<input type="checkbox"/> Yes, specify class _____	<b>EIA is mandatory</b>   No Screening required
<input checked="" type="checkbox"/> No	Proceed to <b>Part B</b>
<b>B. Schedule 5 Part 2</b> - Does the development comprise a project listed in Schedule 5, <b>Part 2</b> , of the Planning and Development Regulations 2001 (as amended) <b>and</b> 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	<b>No Screening required</b>
<input type="checkbox"/> Yes the project is listed in Schedule 5, Part 2 <b>and</b> meets/exceeds the threshold, specify class (including threshold): _____	<b>EIA is mandatory</b>   No Screening required
<input type="checkbox"/> Yes the project is of a type listed <b>but</b> is <i>sub-threshold</i> : _____	Proceed to <b>Part C</b>
<b>C. If Yes, has Schedule 7A information/screening report been submitted?</b>	
<input type="checkbox"/> Yes, Schedule 7A information/screening report has been submitted by the applicant	<b>Screening Determination required</b>
<input type="checkbox"/> No, Schedule 7A information/screening report has not been submitted by the applicant	

		<b>Preliminary Examination required</b>	
<b>Signature and Date of Recommending Officer:</b>	Paul Killeen	<b>Date:</b>	12/05/25





Date: 12<sup>th</sup> May, 2025

Our Ref: S5/25/42

Civic Offices, Nenagh

**Tom Tobin  
Marlhill  
Ardfinnan  
Clonmel  
Co. Tipperary**

**Re: Application for a Section 5 Declaration – Is the construction of an open fronted lean-to type shed for machinery/straw storage exempted development under Class 9 of the Planning and Development Regulations 2001, as amended at Marlhill, Ardfinnan, Clonmel, Co. Tipperary**

Dear Mr Tobin,

I refer to an application received from you on 22<sup>nd</sup> April, 2025 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;

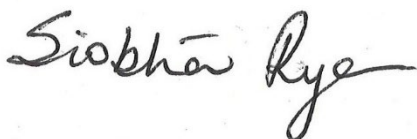
It is recommended to request the following further information pursuant to Section 5 (2) (b) of the Planning and Development Act 2000, as amended

1. It is indicated on the drawing submitted with the declaration that a number of derelict pig houses were demolished and removed from the subject site. There is no record of a planning consent for either the piggery or the removal of these structures. Please clarify the planning status of the works undertaken on site as they are not covered by the subject declaration.

2. In order to avail of an exemption for an agricultural structure under Schedule 2 Part 3 Class 9, the Planning Authority needs to be satisfied that the subject structure will be used for agricultural purposes. Having reviewed the details submitted, there is a lack of clarity pertaining to the extent of the agricultural landholding at this location. Please clarify same and the nature of the agricultural activities undertaken on site.
3. Condition 5 of Class 9 notes that no structure shall be situated within 100 metres of any house (other than the house of the person providing the structure) or other residential building or school, hospital, church or building used for public assembly, save with the consent in writing of the owner and, as may be appropriate, the occupier or person in charge thereof. A review of Geodirectory shows that there are 4 residential properties within 100 ms of the structure proposed. Three letters of consent were submitted. Letters of consent are required from all property owners within 100 ms of the site. The applicant is requested to clarify the Eircode pertaining to each letter of consent.
4. Having regard to the restrictions on exempted development as set out under Article 9 of the Planning and Development Regulations 2001, as amended, the Planning Authority require additional information in respect of the sightlines available at the entrance to the landholding so as to be satisfied that the intensification of the use of the entrance will not endanger public safety by reason of traffic hazard or obstruction of road users.  
  
Please submit a site layout drawing clearly indicating the sightlines available at the entrance from a 4.5m setback at the centre of the entrance.
5. Please clarify the intended finish of the shed proposed noting that as per Condition 6 of Class 9, no unpainted metal sheeting shall be used for roofing or on the external finish of the structure.

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

Yours sincerely



---

for **Director of Services**



# Site Location Map

No. 1



Tailte Éireann

CENTRE  
COORDINATES:  
ITM 609914,618709

PUBLISHED:  
24/11/2024

ORDER NO.:  
50435928\_1

MAP SERIES:  
6 Inch Raster  
6 Inch Raster

MAP SHEETS:  
TY082  
TY088+091A

SCANNED

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

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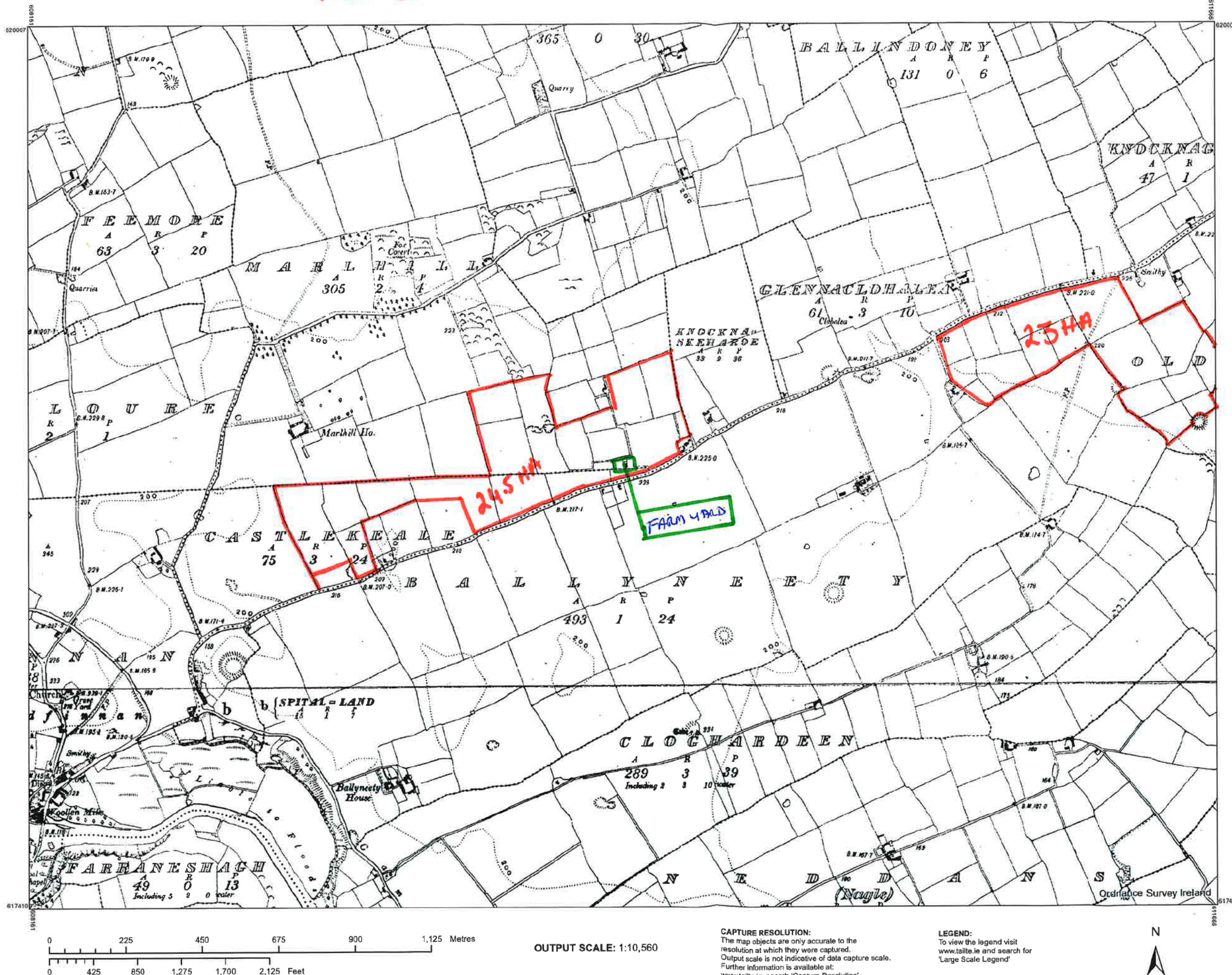
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TIPPERARY CO. COUNCIL  
RECEIVED  
10 SEP 2025  
PLANNING SECTION  
FILE NO.



OUTPUT SCALE: 1:10,560

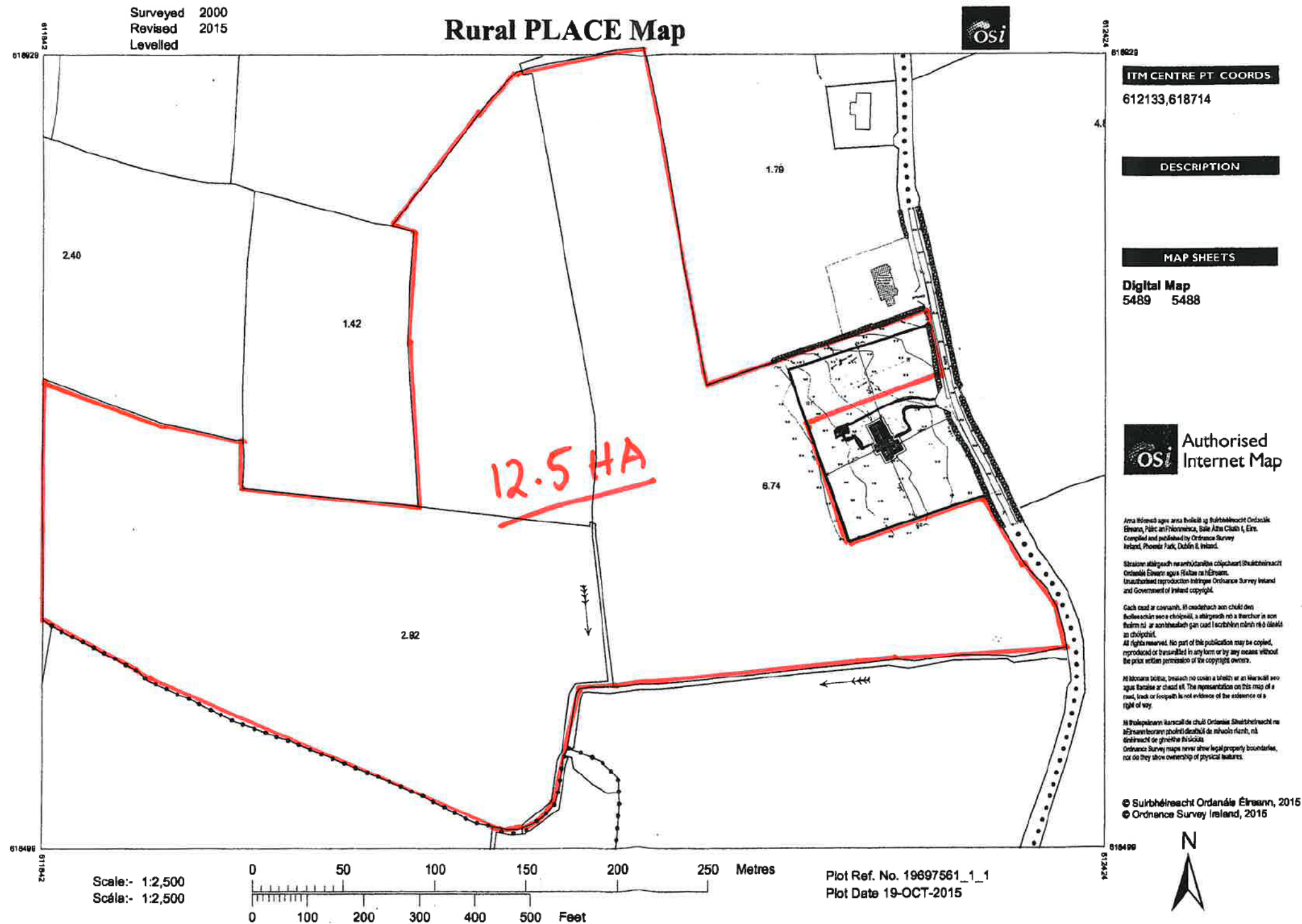
CAPTURE RESOLUTION:  
The map objects are only accurate to the  
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[www.tailte.ie](http://www.tailte.ie); search 'Capture Resolution'

LEGEND:  
To view the legend visit  
[www.tailte.ie](http://www.tailte.ie) and search for  
'Large Scale Legend'



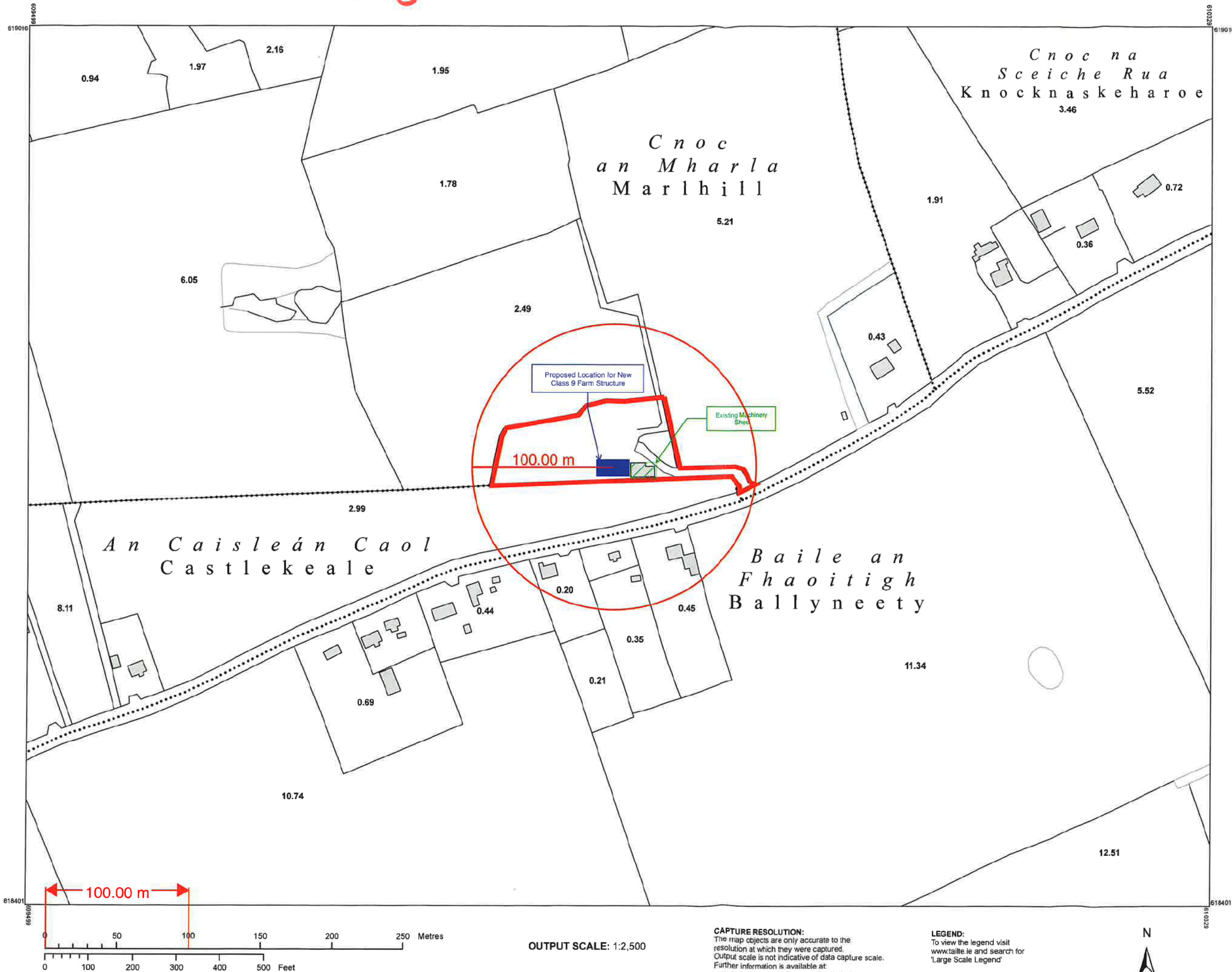


No. 2



SCANNED

TIPPERARY CO. COUNCIL  
RECEIVED  
10 SEP 2025  
PLANNING SECTION  
FILE NO.



**CENTRE COORDINATES:**  
ITM 609914,618709

**PUBLISHED:**  
24/11/2024

**ORDER NO.:**  
50435928\_1

**MAP SERIES:**  
1:5,000  
1:2,500  
1:2,500

**MAP SHEETS:**  
5488  
5488-C  
5488-D

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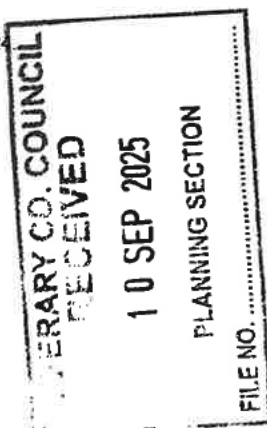
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**LEGEND:**  
To view the legend visit [www.tailte.ie](http://www.tailte.ie) and search for 'Large Scale Legend'



Tom Tobin  
Castlekeale,  
Ardfinnan,  
Clonmel,  
Co. Tipperary,  
E91 Y2R6

5th September 2025

Dear Sir/Madam,

Please find enclosed information as requested for Class 9 Exempted Development at Marlhill Ardfinnan Clonmel Co. Tipperary (Ref: S5/25/42). I trust all is in order.

Yours sincerely,  
Tom Tobin.



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1. The derelict pig houses that were demolished were built pre-1963 and covered an area of approximately 95m<sup>2</sup>.
2. This is a family tillage farm of approximately 60 hectares. It is a mix of organic and conventional tillage. We supply organic oats to Flahavan's and organic beans to local organic farmers. We also supply conventional grain to Brett Brothers. We carry out all of our own tillage work e.g. ploughing, sowing, harvesting, etc.  
The proposed development is intended to be used for the storage of this machinery/equipment.  
Please see attached maps (no. 1 & no. 2) with land farmed by us outlined in red.
3. Please see attached map (no. 3) showing proposed development and 100 metre radius, which encircles three houses as referenced.  
The Eircodes are:
  - Robyn Keogh: E91 KT04
  - Mary & Bernard Coughlan - E91 E283
  - Maurice Murphy - E91 XE13
4. This has always been a working farmyard consisting of pig production and tillage. The pig production finished in 2004 and we have continued since with tillage farming. Therefore there has been no intensification of the use of the entrance.
5. The intended finish of the proposed structure will be green painted metal cladding on the roof and sides.





Comhairle Contae Thiobraid Árann  
Tipperary County Council

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

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

t 0818 06 5000/600  
e customerservice  
@tipperarycoco.ie  
[tipperarycoco.ie](http://tipperarycoco.ie)

Date: 12<sup>th</sup> September, 2025

Our Ref: S5/25/42

Civic Offices, Clonmel

**Tom Tobin**  
**Marlhill**  
**Ardfinnan**  
**Clonmel**  
**Co. Tipperary**

**Re: Application for a Section 5 Declaration – Is the construction of an open fronted lean-to type shed for machinery/straw storage exempted development under Class 9 of the Planning and Development Regulations 2001, as amended at Marlhill, Ardfinnan, Clonmel, Co. Tipperary**

Dear Mr Tobin,

I acknowledge receipt of Further Information received on 10<sup>th</sup> September, 2025 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**

SCANNED



## TIPPERARY COUNTY COUNCIL

### Application for Declaration under Section 5

Planning & Development Act 2000, as amended

Planning & Development Regulations 2001, as amended

---

<b>Planning Ref.:</b>	S5/25/42
<b>Applicant:</b>	Tom Tobin
<b>Development Address:</b>	Marlhill, Ardfinnan, Clonmel, Co. Tipperary
<b>Query:</b>	Is the construction of an open fronted lean-to type shed for machinery/straw storage exempted development under Class 9 of the Planning and Development Regulations 2001, as amended.

---

#### **1. GENERAL**

On the 22<sup>nd</sup> of April 2025, a request was made for a declaration under Section 5 of the Planning and Development Act, 2000 (as amended) by Tom Tobin, as to whether or not the construction of an open fronted lean-to type shed for machinery/straw storage is exempted development under Class 9 of the Planning and Development Regulations 2001, as amended.

It is noted that the structure proposed is located on the site of a derelict pig farm. The querist has indicated that all the original structures on site have been demolished.

#### **2. STATUTORY PROVISIONS**

The following statutory provisions are relevant to this referral case;

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

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

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

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

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

#### **Exempted Development.**

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

Article 9 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—
- (ii) endanger public safety by reason of traffic hazard or obstruction of road users,
- (viii) consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use,

### **Schedule 2 Part 3 CLASS 9 Planning and Development Regulations 2001**

Works consisting of the provision of any store, barn, shed, glass-house or other structure, not being of a type specified in class 6, 7 or 8 of this Part of this Schedule, and having a gross floor space not exceeding 300 square metres.

1. No such structure shall be used for any purpose other than the purpose of agriculture or forestry, but excluding the housing of animals or the storing of effluent.
2. The gross floor space of such structures together with any other such structures situated within the same farmyard complex or complex of such structures or within 100 metres of that complex shall not exceed 900 square metres gross floor space in aggregate.
3. No such structure shall be situated within 10 metres of any public road.
4. No such structure within 100 metres of any public road shall exceed 8 metres in height.
5. No such structure shall be situated within 100 metres of any house (other than the house of the person providing the structure) or other residential building or school, hospital, church or building used for public assembly, save with the consent in writing of the owner and, as may be appropriate, the occupier or person in charge thereof.
6. No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.

### **3. ASSESSMENT**

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

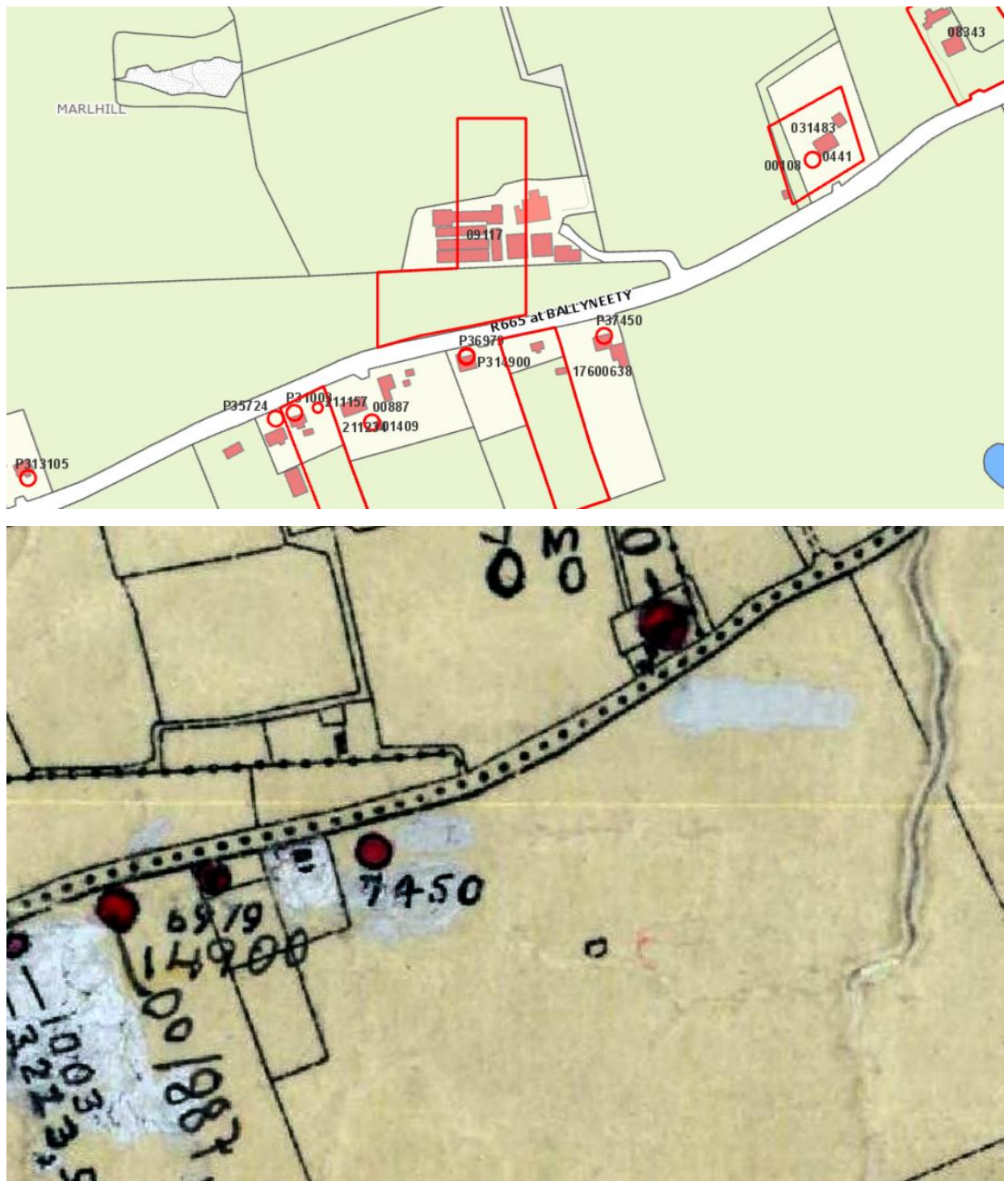
The site is located c. 1.4 kms to the north east of the village of Ardfinnan, Co. Tipperary. It comprises of a former piggery that is set back c.30 metres from the R665 to the south of the site. The site is access from a private road off the R665.

There are a number of third party properties in the immediate vicinity of the site, which are less than 100 ms from the location of the structure proposed.

#### **b. *Relevant Planning History***

09/117 – outline permission dwelling – Granted

Figure 1 Planning history



c. **Assessment**

The query relates to the construction of an open fronted lean-to type shed for machinery/straw storage, measuring a 162sqms. The shed has a width of 9 metres (including canopy), a length of 12 metres and a height of 5.1 ms.

Area in red is the former location of derelict pig houses which have been demolished to form an open yard area.

0.55

Proposed Location for New Class 9 Farm Structure

Site

[illegible]

Having considered all of the details and documentation on file with regards the question asked the Planning Authority is satisfied that the proposals involve “works” and such works would constitute “development” within the meaning of Section 3 of the 2000 Act.

B) “Is or is not Exempted Development”

Having regard to the conditions and limitations associate with Class 9, the following is noted;

- The applicant has indicated that structure will be used for agricultural purposes (storage of Machinery and straw). It is noted that the applicant has not quantified the size of the farm holding. It is unclear how the structure can be used for agricultural purposes if the querist does not appear to own a farm.
- The querist has indicated that there is one other storage shed at this location. The querist will need to clarify if the subject landholding represents the full extent of his landholding and if not, he will need to clarify what other Class 9 structures are located on that landholding.
- The structure is not within 10 metres of any public road (set c 30 ms from road).
- The structure does not exceed 8 ms in height.
- The structure is within 100ms of four third party properties. Three signed letters of consent have been submitted – an Eircode from the corresponding properties is not detailed. The querist is to be advised of this issue.

*Figure 4 Residential properties within 100 ms of proposed structure*



- The nature of the proposed material finish is unclear.

C) Is the exemption restricted under Article 9

The farm complex is served by an existing entrance onto the R-665. As set out above, there was a former piggery on site. There is no record of planning consent for same. The querist has indicated that the existing structures on site have been demolished. It is noted that the shed proposed is to be located at a point where the former piggery buildings were located.

The landholding is served by a farm entrance at a poorly aligned stretch of the R665. Details of the sightlines from this entrance ought to be provided to demonstrate that the entrance is safe and that the works will not give rise to a traffic concern.



## **Environmental Restrictions**

### **Environmental Impact Assessment**

Proposal has been screened as required for EIA and it has been determined that same is not required (See screening report attached).

### **Appropriate Assessment**

Proposal has been screened as required for AA and it has been determined that same is not required (See screening report attached).

## **4. FURTHER INFORMATION**

The following further information was requested on the 12<sup>th</sup> of May 2025.

1. It is indicated on the drawing submitted with the declaration that a number of derelict pig houses were demolished and removed from the subject site. There is no record of a planning consent for either the piggery or the removal of these structures. Please clarify the planning status of the works undertaken on site as they are not covered by the subject declaration.
2. In order to avail of an exemption for an agricultural structure under Schedule 2 Part 3 Class 9, the Planning Authority needs to be satisfied that the subject structure will be used for agricultural purposes. Having reviewed the details submitted, there is a lack of clarity pertaining to the extent of the agricultural landholding at this location. Please clarify same and the nature of the agricultural activities undertaken on site.
3. Condition 5 of Class 9 notes that no structure shall be situated within 100 metres of any house (other than the house of the person providing the structure) or other residential building or school, hospital, church or building used for public assembly, save with the consent in writing of the owner and, as may be appropriate, the occupier or person in charge thereof. A review of Geodirectory shows that there are 4 residential properties within 100 ms of the structure proposed. Three letters of consent were submitted. Letters of consent are required from all property owners within 100 ms of the site. The applicant is requested to clarify the Eircode pertaining to each letter of consent.
4. Please clarify the intended finish of the shed proposed noting that as per Condition 6 of Class 9, no unpainted metal sheeting shall be used for roofing or on the external finish of the structure.
5. Please clarify the intended finish of the shed proposed noting that as per Condition 6 of Class 9, no unpainted metal sheeting shall be used for roofing or on the external finish of the structure

The applicant replied on the 10<sup>th</sup> of September 2025.

## **Appraisal**

### **Point 1**

The applicant has indicated that the existing structure on site were small scale pre 1963 structures. There is no record of the structures on the Planning enquiry system.

The applicant has indicated that these structures had a floor area of 95 sqms. A review of aerial photography would suggest that this is a reasonable assumption.



As set out under Class 50 of Schedule 2 Part 1 of the Planning and Development Regulations 2001, as amended, the demolition of a building, or buildings, within the curtilage of (iv) a farmyard complex is exempt provided it does not exceed 100 sqms. The works undertaken on site therefore do not constitute unauthorized development.

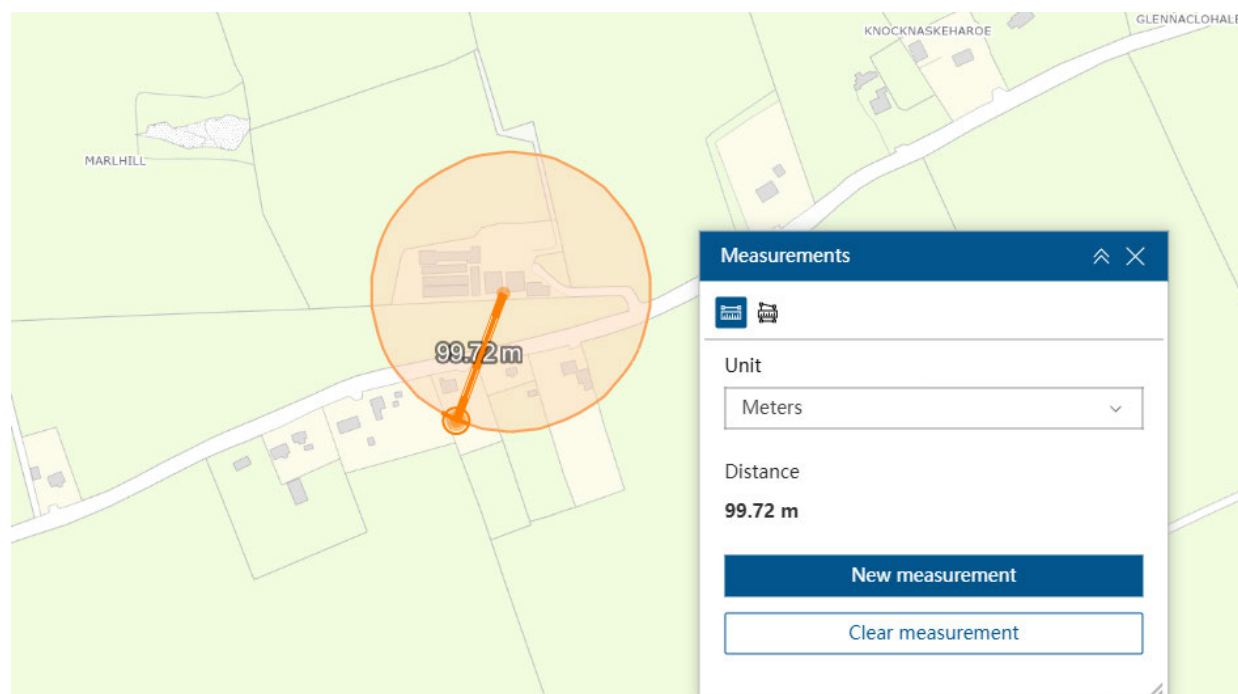
## Point 2

The applicant has clarified that the site forms part of a tillage farm of 60 hectares. Landholding maps were provided. The only farm structures on the landholding are at this location.

## Point 3

When measured from the location of the works proposed, there are three houses within 100 ms of the site.

*Figure 5 Units within 100 ms of site*



Letters of consent from the impacted properties were submitted.

## Point 4

The applicant has not provided details of the sightlines at the entrance. It is noted that the applicant has indicated that there always was a farm at this location. It is reasonable to assume that the previous use as a pig production facility would have likely generated traffic demands above the current tillage use. On the basis that the works proposed are not going to give rise to a material intensification in the use of the existing entrance, the Planning Authority is satisfied that the subject proposal is not restricted by the provisions of Art 9(1)(a)(ii) or (iii) of the Planning and Development Regulations 2001, as amended.

## Point 5

The applicant has indicated that the shed will be finished in green painted metal cladding.

## 5. RECOMMENDATION

A question has arisen as to whether the following;

an open fronted lean-to type shed for machinery/straw storage exempted development under Class 9 of the Planning and Development Regulations 2001,

constitutes development and if so does it constitutes exempted development. The works are located on a landholding in Ardfinnan, Clonmel, Co. Tipperary.

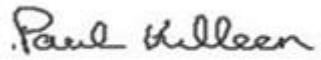
Part 5 of the Planning and Development Act 2000 (as amended) requires a Planning Authority to make a declaration on any question that arises as to what is or is not development. In determining this query, the Planning Authority had regard to;

- 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 9, Schedule 2 Part 3 of the Planning and Development Regulations, 2001,
- the details pertaining to the development as set out by the querist.
- The details submitted by way of further information on the 10<sup>th</sup> of September 2025.

### **Determination**

Accordingly, having considered the information received, the Planning Authority has determined that the construction of an open fronted lean-to type shed for machinery/straw storage at Marlhill, Ardfinnan, Clonmel, Co. Tipperary constitutes development and is considered to be “exempted development.

**District Planner:**



**Paul Killeen**

**Date:** 22/09/25



**Senior Executive Planner:**

**Date:** 23.9.2025

## Appendix 1

### HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT

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

(a) File Reference No:	S5/25/42
(b) Brief description of the project or plan:	Construction of proposed agricultural shed shed
(c) Brief description of site characteristics:	Rural location east of the village of Ardfinnan
(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 <sup>1</sup>	Distance from proposed development <sup>2</sup> (km)	Connections (Source-Pathway-Receptor)	Considered further in screening Y/N
Lower River Suir SAC 002137	<a href="https://www.npws.ie/protected-sites/sac/002137">https://www.npws.ie/protected-sites/sac/002137</a>	c. 1.3 kms	Weak as surface water is discharged to ground.	yes
Blackwater River (Cork/Waterford) SAC 002170	<a href="https://www.npws.ie/protected-sites/sac/002170">https://www.npws.ie/protected-sites/sac/002170</a>	12.4 kms	No due to distance and the lack of any relevant ex-situ factors of significance to these species.	No
Nier Valley Woodlands	<a href="https://www.npws.ie/protected-sites/sac/000668">https://www.npws.ie/protected-sites/sac/000668</a>	14.5kms	No due to distance and	No

SAC 000668			the lack of any relevant ex-situ factors of significance to these species.	
Galtee Mountains SAC 000646	<a href="https://www.npws.ie/protected-sites/sac/000646">https://www.npws.ie/protected-sites/sac/000646</a>	13.8 kms	No due to distance and the lack of any relevant ex-situ factors of significance to these species.	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"> <li>• Vegetation clearance</li> <li>• Demolition</li> <li>• Surface water runoff from soil excavation/infill/landscaping (including borrow pits)</li> <li>• Dust, noise, vibration</li> <li>• Lighting disturbance</li> <li>• Impact on groundwater/dewatering</li> <li>• Storage of excavated/construction materials</li> <li>• Access to site</li> <li>• Pests</li> </ul>	<p>During the construction phase, the site will be cleared and topsoil removed.</p>
<p>Operational phase e.g.</p> <ul style="list-style-type: none"> <li>• Direct emission to air and water</li> <li>• Surface water runoff containing contaminant or sediment</li> <li>• Lighting disturbance</li> <li>• Noise/vibration</li> <li>• Changes to water/groundwater due to drainage or abstraction</li> <li>• Presence of people, vehicles and activities</li> <li>• Physical presence of structures (e.g. collision risks)</li> <li>• Potential for accidents or incidents</li> </ul>	<p>there is no likelihood of any significant effects on European Sites in the wider catchment area</p>
In-combination/Other	No significant in-combination effects are identified.

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

Examples of the type of changes to give consideration to include:

- Reduction or fragmentation of habitat area
- Disturbance to QI species
- Habitat or species fragmentation
- Reduction or fragmentation in species density
- Changes in key indicators of conservation status value (water or air quality etc.)
- Changes to areas of sensitivity or threats to QI
- Interference with the key relationships that define the structure or ecological function of the site

None.



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

☐ 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.

The proposed development is not likely to have significant effects.

**Conclusion:**

	Tick as Appropriate:	Recommendation:
(i) It is clear that there is <b>no likelihood</b> of significant effects on a European site.	<input checked="" type="checkbox"/>	The proposal can be screened out: Appropriate assessment not required.
(ii) It is <b>uncertain</b> 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) <b>Significant effects</b> are likely.	<input type="checkbox"/>	<input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
<b>Signature and Date of Recommending Officer:</b>	Paul Killeen	<b>Date:</b> 12/05/25

#### APPENDIX 2

##### EIA Pre-Screening

Establishing a development is a 'sub-threshold development'

<b>File Reference:</b>	S5/25/42		
<b>Development Summary:</b>	Construction of an agricultural shed		
<b>Was a Screening Determination carried out under Section 176A-C?</b>	<input type="checkbox"/> Yes, no further action required  <input checked="" type="checkbox"/> No, Proceed to <b>Part A</b>		
<b>A. Schedule 5 Part 1</b> - Does the development comprise a project listed in Schedule 5, <b>Part 1</b> , of the Planning and Development Regulations 2001 (as amended)? (Tick as appropriate)			
<input type="checkbox"/> Yes, specify class _____		<b>EIA is mandatory</b>  No Screening required	
<input checked="" type="checkbox"/> No		Proceed to <b>Part B</b>	
<b>B. Schedule 5 Part 2</b> - Does the development comprise a project listed in Schedule 5, <b>Part 2</b> , of the Planning and Development Regulations 2001 (as amended) <b>and</b> 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		<b>No Screening required</b>	
<input type="checkbox"/> Yes the project is listed in Schedule 5, Part 2 <b>and</b> meets/exceeds the threshold, specify class (including threshold): _____		<b>EIA is mandatory</b>  No Screening required	
<input type="checkbox"/> Yes the project is of a type listed <b>but</b> is <i>sub-threshold</i> : _____		Proceed to <b>Part C</b>	
<b>C. If Yes, has Schedule 7A information/screening report been submitted?</b>			
<input type="checkbox"/> Yes, Schedule 7A information/screening report has been submitted by the applicant		<b>Screening Determination required</b>	
<input type="checkbox"/> No, Schedule 7A information/screening report has not been submitted by the applicant		<b>Preliminary Examination required</b>	
<b>Signature and Date of Recommending Officer:</b>	Paul Killeen	<b>Date:</b>	12/05/25



Date: 24<sup>th</sup> September, 2025

Our Ref: S5/25/42

Civic Offices, Nenagh

**Tom Tobin  
Castlekeale  
Ardfinnan  
Clonmel  
Co. Tipperary**

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

Dear Mr Tobin,

I refer to your application for a Section 5 Declaration received on 22<sup>nd</sup> April, 2025, and Further Information received on 10<sup>th</sup> September, 2025 in relation to the following proposed works:

The construction of an open fronted lean-to type shed for machinery/straw storage at Marlhill, Ardfinnan, Clonmel, 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 9, Schedule 2 Part 3 of the Planning and Development Regulations, 2001,
- the details pertaining to the development as set out by the querist.
- The details submitted by way of further information on the 10<sup>th</sup> of September 2025.

**Determination**

Accordingly, having considered the information received, the Planning Authority has determined that the construction of an open fronted lean-to type shed for machinery/straw storage at Marlhill, Ardfinnan, Clonmel, Co. Tipperary constitutes development and is considered to be "**exempted development**".

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

Yours sincerely

A handwritten signature in black ink, reading "Siobhán Rye". The signature is written in a cursive style with a long, sweeping underline.

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for **Director of Services**

**Original**

**TIPPERARY COUNTY COUNCIL**

**DELEGATED EMPLOYEE'S ORDER**

File Ref: **S5/25/42**      **Delegated Employee's Order No:** \_\_\_\_\_

**SUBJECT: Section 5 Declaration**

I, Dave Carroll, A/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. 41983 dated 17<sup>th</sup> April, 2025, hereby order that pursuant to the provisions of the Planning and Development Act 2000, as amended, that an application under Section 5 from Tom Tobin, Castlekeale, Ardfinnan, Clonmel, Co. Tipperary, re: The construction of an open fronted lean-to type shed for machinery/straw storage at Marlhill, Ardfinnan, Clonmel, 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 9, Schedule 2 Part 3 of the Planning and Development Regulations, 2001,
- the details pertaining to the development as set out by the querist.
- The details submitted by way of further information on the 10th of September 2025.

**Determination**

Accordingly, having considered the information received, the Planning Authority has determined that the construction of an open fronted lean-to type shed for machinery/straw storage at Marlhill, Ardfinnan, Clonmel, Co. Tipperary constitutes development and is considered to be "**exempted development**".

**Signed:**



**Dave Carroll**

**A/Director of Services**

**Planning and Development (including Town Centre First),**

**Emergency Services and Emergency Planning and**

**Tipperary/Cahir/Cashel Municipal District**

**Date: 24/09/2025**