



PLANNING & DEVELOPMENT ACT, 2000 (as amended)

Application for a Section 5 Declaration
Development / Exempted Development

1. Applicant's address/contact details:

Applicant	Eoin MockLER
Address	Ballyboy Upperchurch Thurles Co Tipperary
Telephone No.	[REDACTED]
E-mail	[REDACTED]

2. Agent's (if any) address:

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

3. Location of Proposed Development:

Postal Address <u>or</u> Townland <u>or</u> Location (as may best identify the land or structure in question)	Drumphilip Drombane Thurles Co Tiffe
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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.)

Lean to, 9.6m ^{long} x 7 meters ^{deep} x 4.375 ^{height} front x 3.37 ^{back height}
Green cladding, RST Structure, Bolted together
high side open.
Proposed floor area of proposed works/uses: 672 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: 17-7-25

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:

**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 016190 (manual)
Date 22/7/25
Received by Maura Lillis





Comhairle Contae Thiobraid Árann
Tipperary County Council

RECEIPT No: 016190

TIPPERARY CO. COUNCIL
RECEIVED
22 JUL 2025
PLANNING SECTION
FILE NO. 55/25/99

Received from: Name: Eoin Mockler

Address: BALLYBOY, UPPERSTOCK, TIPPERARY,

Co. TIPPERARY

on behalf of the above named Local Authority, the sum of (in words)

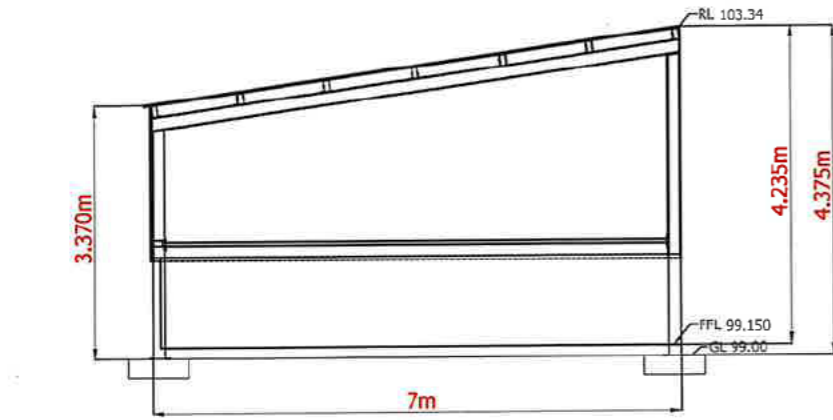
EIGHTY EURO ONLY.

in respect of SECTION 5 PLANNING APPLICATION

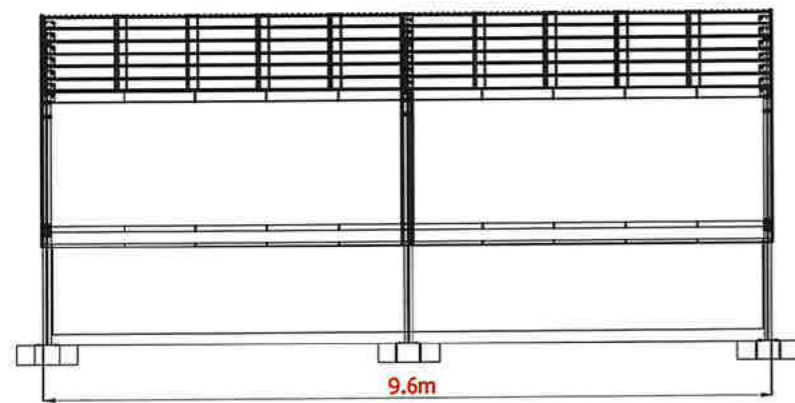
Customer No. PL11040

Signature: M. Kelly Date: 22/7/2025

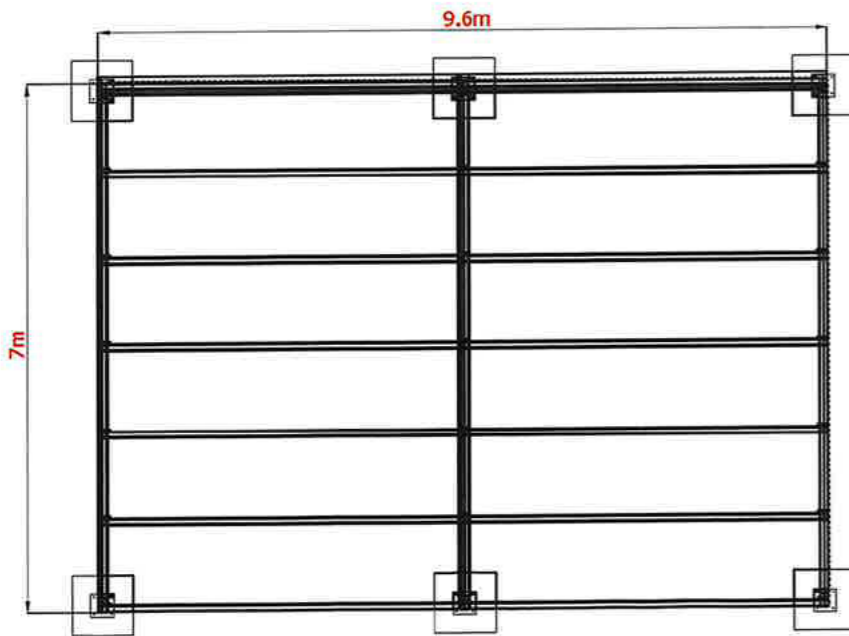
Cash	€		
Cheque	€		
Draft	€		
Postal Order	€		
Other ⁰¹⁶¹⁹⁰	€	80	00
TOTAL	€	80	00



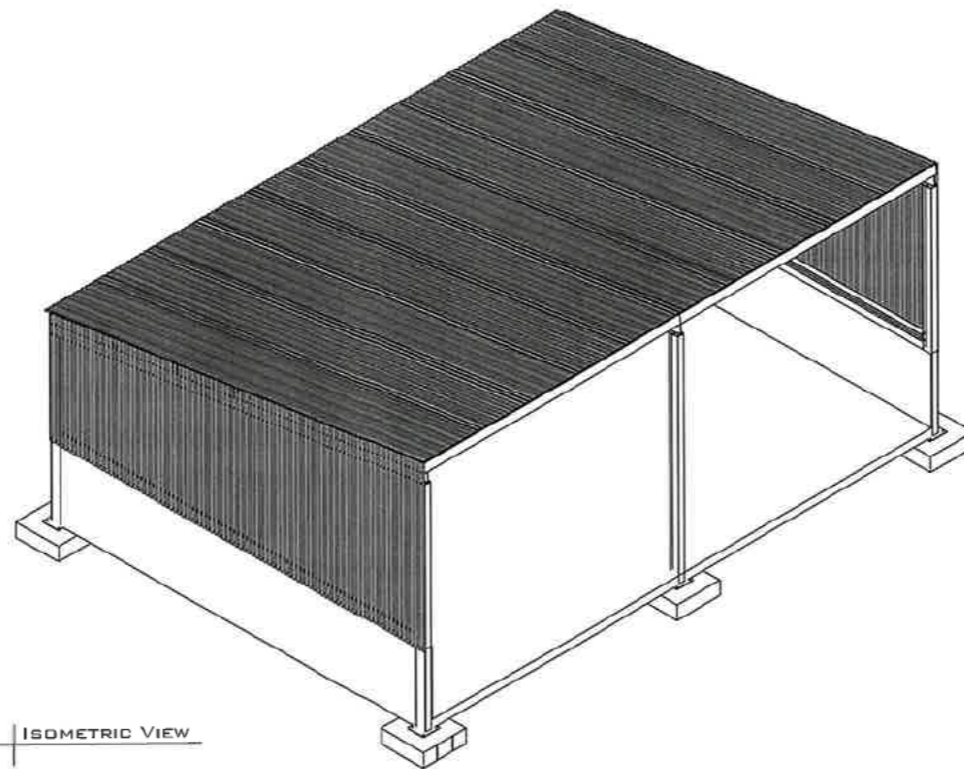
SIDE ELEVATION - SOUTH FACING
SCALE 1:100



FRONT ELEVATION - EAST FACING
SCALE 1:100



PLAN VIEW
SCALE 1:100



ISOMETRIC VIEW

DWELLING WHICH FALLS WITHIN THE 100METER RADIUS OF PROPOSED BUILDING. ACCOMPANYING LETTER OF CONSENT WITHIN APPLICATION. FIG.2

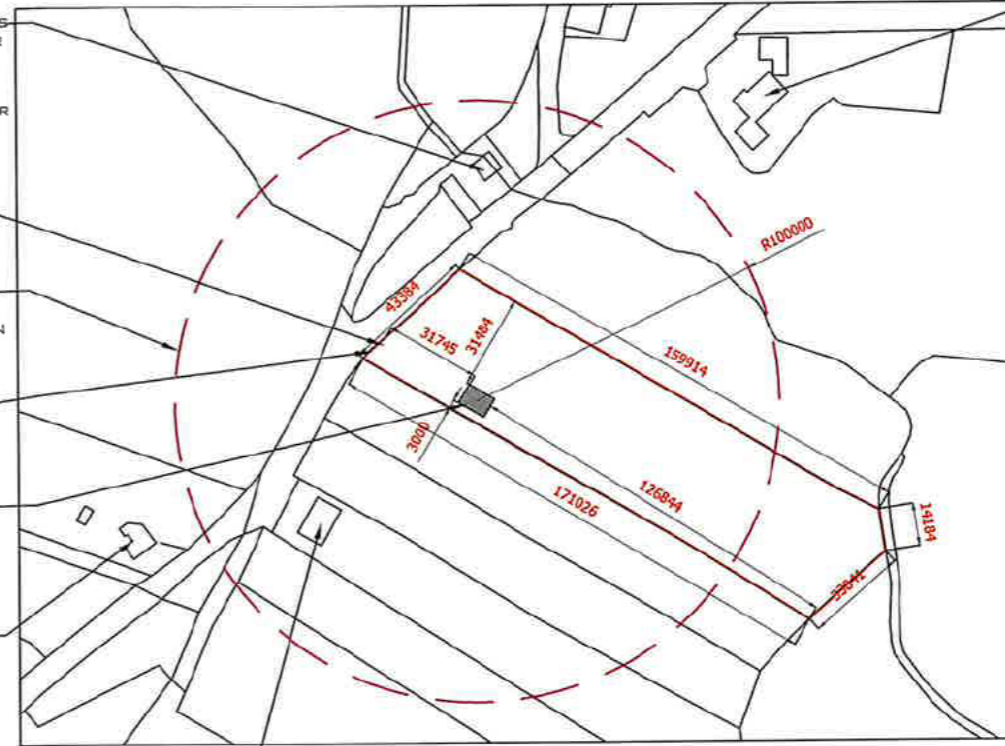
SITE ENTRANCE FIG.3

100METER RADIUS OF PROPOSED BUILDING OUTLINED IN PURPLE

SITE BOUNDARY OUTLINED IN RED

PROPOSED BUILDING LOCATED 3 METERS FROM BOUNDARY AND 31 METERS FROM THE ROAD

DWELLING OUTSIDE THE 100METER RADIUS OF PROPOSED BUILDING.



AGRICULTURAL SHED AS INDICATED IN FIG. 1

SITE LOCATION MAP
SCALE - 1:2500

DWELLING OUTSIDE THE 100METER RADIUS OF PROPOSED BUILDING.



FIG. 1



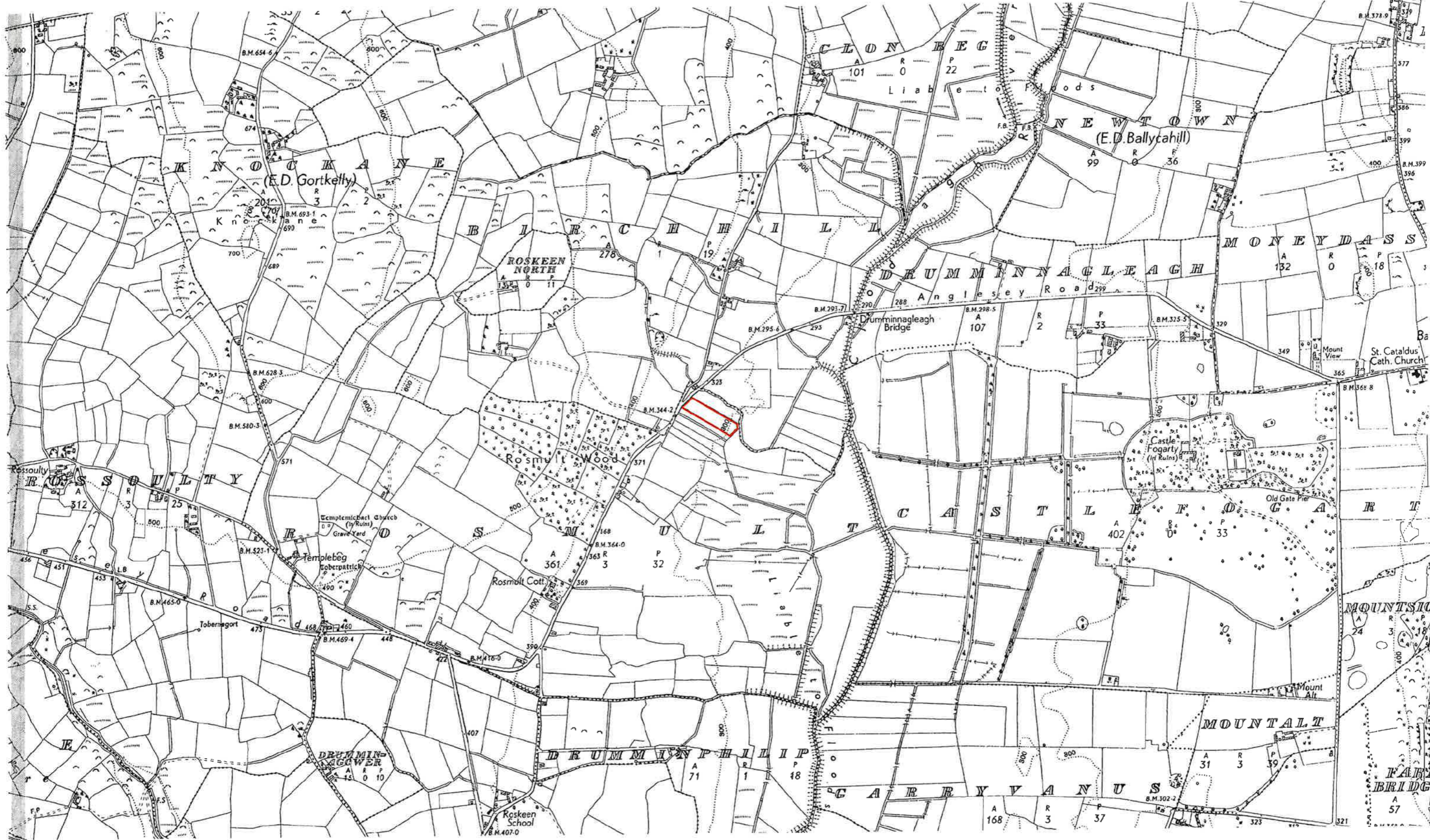
FIG. 2



FIG. 3



TYNAN ARCHITECTURAL DESIGN	
EMAIL: DAN.TYNAN08@GMAIL.COM	PH: 086-0837432
NAME: EGIN MCKLER	PROJECT: PROPOSED AGRICULTURAL SHED
ADDRESS: DRUMPHILIP, DROMBANE CO. TIPPERARY	
DATE: 4TH JUNE 2025	SCALE: AS SPECIFIED



ORDNANCE SURVEY SITE LOCATION MAP
SCALE - 1:10560



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55/25/29

TYNAN ARCHITECTURAL DESIGN	
EMAIL: DAN.TYNAN08@GMAIL.COM	PH: 086-0837432
NAME: EDIN MCKLER	PROJECT: PROPOSED AGRICULTURAL SHED
ADDRESS: DRUMMINPHILIP, DROMBANE CO. TIPPERARY	SCALE: AS SPECIFIED
DATE: 4TH JUNE 2025	

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PLANNING SECTION
FILE NO. 55/25/49

Peter Bourke
Rosmult, Drombane,
Thurles,
Co. Tipperary,
E41 W864

I Peter Bourke of Rosmult, Drombane, Thurles, Co. Tipperary, E41 W864, am aware that Eoin Mockler wishes to construct a field shelter / shed on his lands, folio number: TY8442F. I am aware that I my dwelling is within 100 meters of this construction and of this I have no issue and no objection.

Signed



Date 15-7-25

DWELLING WHICH FALLS WITHIN THE 100METER RADIUS OF PROPOSED BUILDING. ACCOMPANYING LETTER OF CONSENT WITHIN APPLICATION. FIG. 2

DWELLING OUTSIDE THE 100METER RADIUS OF PROPOSED BUILDING.

PLANNING CO. COUNCIL RECEIVED
22 JUL 2025
PLANNING SECTION
FILE NO. 55/25/99

SITE ENTRANCE FIG. 3

100METER RADIUS OF PROPOSED BUILDING OUTLINED IN PURPLE

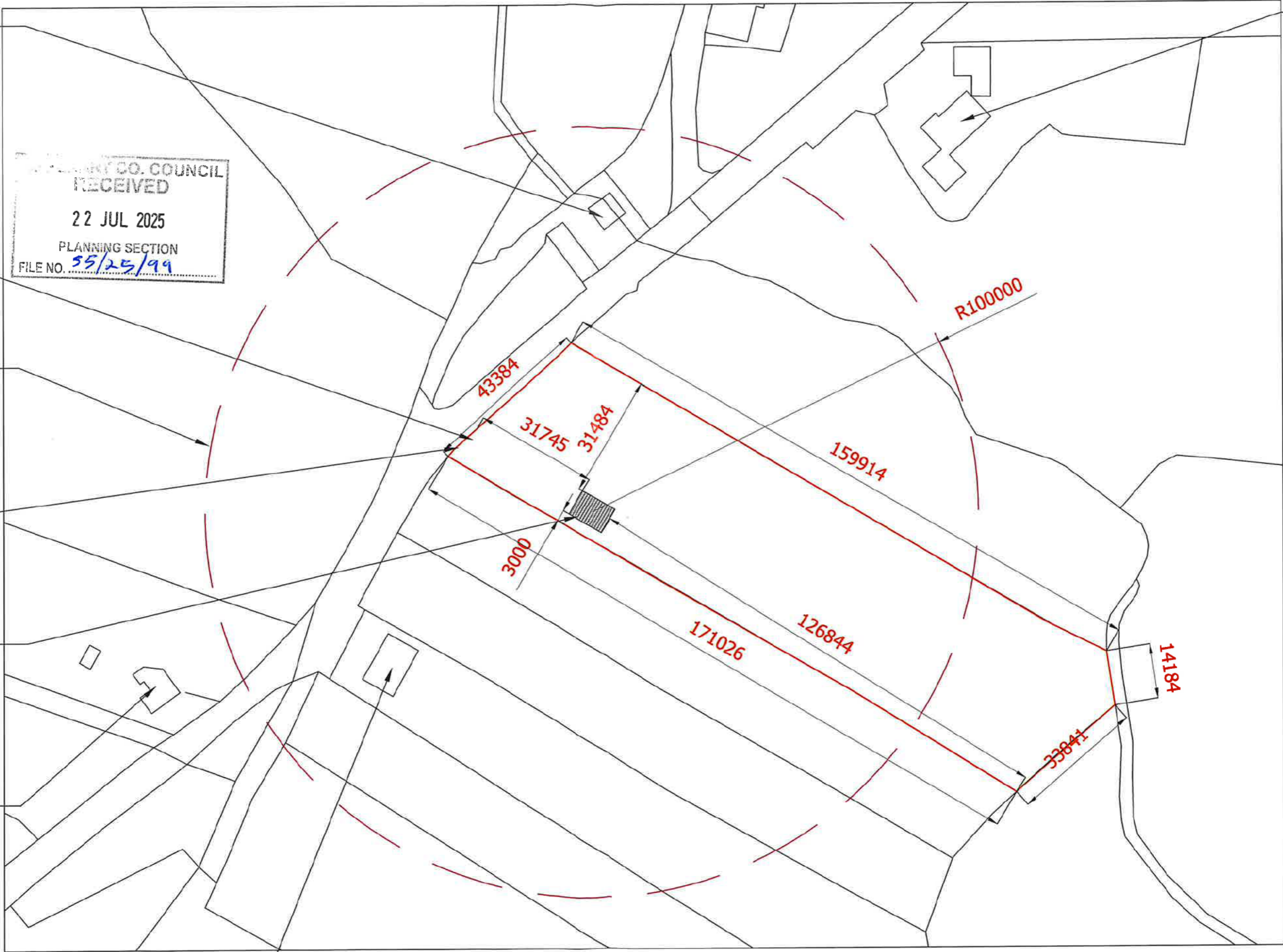
SITE BOUNDARY OUTLINED IN RED

PROPOSED BUILDING LOCATED 3 METERS FROM BOUNDARY AND 31 METERS FROM THE ROAD

DWELLING OUTSIDE THE 100METER RADIUS OF PROPOSED BUILDING.

AGRICULTURAL SHED AS INDICATED IN FIG. 1

PROPOSED SITE MAP
SCALE - 1:1000



TYNAN ARCHITECTURAL DESIGN
EMAIL: DAN.TYNAN08@GMAIL.COM PH: 086-0837432
NAME: EDIN MOCKLER PROJECT: PROPOSED AGRICULTURAL SHED
ADDRESS: DRUMPHILIP, DRUMBANE CO. TIPPERARY
DATE: 4TH JUNE 2025 SCALE: AS SPECIFIED



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 5000/601
e customerservice
@tipperarycoco.ie
tipperarycoco.ie

Date: 22nd July 2025 Our Ref: S5/25/99 Civic Offices, Nenagh

**Eoin Mockler
Ballyboy,
Upperchurch,
Thurles,
Co Tipperary.**

Re: Application for a Section 5 Declaration – Development of a lean to shed, 9.6m long x 7m x 4.375 front height c 3.37 back height. Green Cladding, RSJ structure, Bolted together, high side open at Druminphilip, Drombane, Thurles, Co Tipperary.

Dear Mr Mockler,

I acknowledge receipt of your application for a Section 5 Declaration received on 22nd July 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

Planning Ref.: S5/25/99

Applicant: Eoin Mockler

Development Address: Druminphilip, Drombane, Thurles, Co. Tipperary

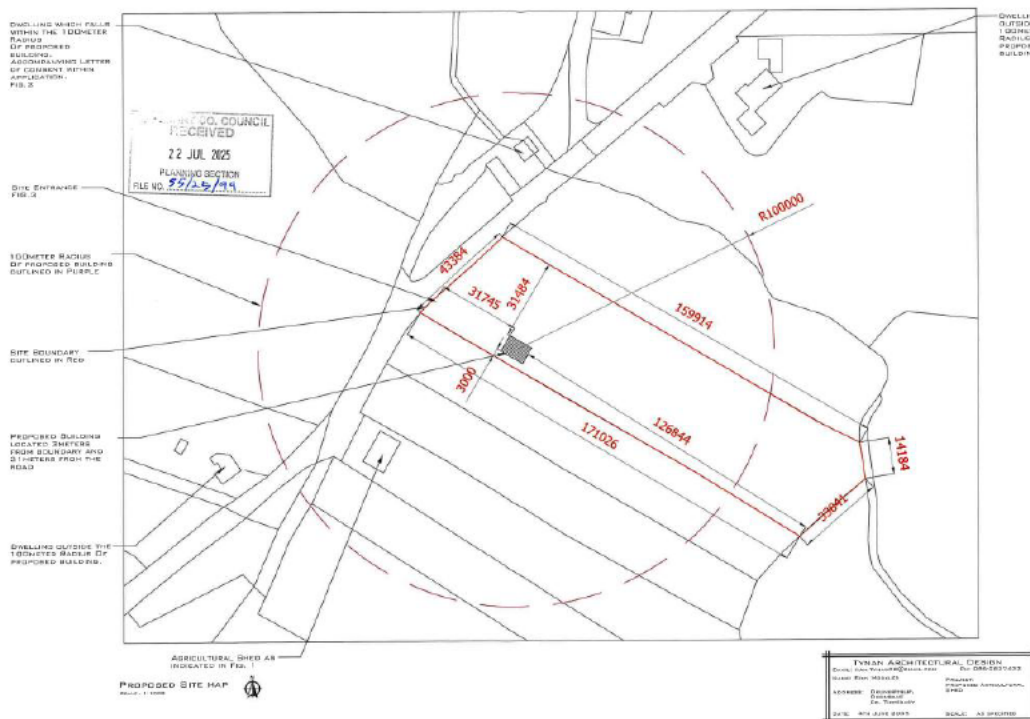
Query: Is the construction of a lean-to, measuring 9.6m x 7m (floor area 67.2sqm) x 4.375 (height at front) x 3.37m (height at back), with green cladding, RSJ structure, bolted together with high side open exempted development under Class 9 of the Planning and Development Regulations 2001, as amended.

1. GENERAL

On the 22.07.2025, a request was made for a declaration under Section 5 of the Planning and Development Act, 2000 (as amended) by Eoin Mockler, as to whether the construction of a lean-to, measuring 67.2 sqms is exempted development under the Planning and Development Regulations 2001, as amended, as set out below.

“Is the construction of a lean-to, measuring 9.6m x 7m (floor area 67.2sqm) x 4.375 (height at front) x 3.37m (height at back), with green cladding, RSJ structure, bolted together with high side open exempted development under Class 9 of the Planning and Development Regulations 2001, as amended”

It is noted that the applicant has not indicated the proposed use of the structure, however same is not within the curtilage of a dwelling and is proposed on existing agricultural land.



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.

Planning and Development Regulations 2001, as amended

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

Exempted Development.

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

Class 6, Schedule 2, Part 3 of the Planning and Development Regulations 2001, as amended sets out an exemption for:

Works consisting of the provision of a roofed structure for the housing of cattle, sheep, goats, donkeys, horses, deer or rabbits, having a gross floor space not exceeding 200 square metres (whether or not by extension of an existing structure) and any ancillary provision for effluent storage.

This exemption is subject to the following conditions/limitations:

- 1. No such structure shall be used for any purpose other than the purpose of agriculture.*
- 2. The gross floor space of such structure together with any other such structures situated within the same farmyard complex or within 100 metres of that complex shall not exceed 300 square metres gross floor space in aggregate.*
- 3. Effluent storage facilities adequate to serve the structure having regard to its size, use and location shall be constructed in line with Department of Agriculture, Food and Rural Development and Department of the Environment and Local Government requirements and shall have regard to the need to avoid water pollution.*
- 4. No such structure shall be situated, and no effluent from such structure shall be stored, within 10 metres of any public road.*
- 5. No such structure within 100 metres of any public road shall exceed 8 metres in height.*
- 6. No such structure shall be situated, and no effluent from such structure shall be stored, 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.

7. No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.

Class 7, Schedule 2, Part 3 of the Planning and Development Regulations 2001, as amended sets out an exemption for:

Works consisting of the provision of a roofed structure for the housing of pigs, mink or poultry, having a gross floor space not exceeding 75sqm (whether or not by extension of an existing structure), and any ancillary provision for effluent storage.

This exemption is subject to the following conditions/limitations:

- 1. No such structure shall be used for any purpose other than the purpose of agriculture.*
- 2. The gross floor space of such structure together with any other such structures situated within the same farmyard complex or within 100 metres of that complex shall not exceed 100 square metres gross floor space in aggregate.*
- 3. Effluent storage facilities adequate to serve the structure having regard to its size, use and location shall be constructed in line with Department of Agriculture, Food and Rural Development and Department of the Environment and Local Government requirements and shall have regard to the need to avoid water pollution.*
- 4. No such structure shall be situated, and no effluent from such structure shall be stored, within 10 metres of any public road.*
- 5. No such structure within 100 metres of any public road shall exceed 8 metres in height.*
- 6. No such structure shall be situated, and no effluent from such structure shall be stored, 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.*
- 7. No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.*
- 8. Boundary fencing on any mink holding must be escape-proof for mink*

Class 8, Schedule 2, Part 3 of the Planning and Development Regulations 2001, as amended sets out an exemption for:

Works consisting of the provision of roofless cubicles, open loose yards, selffeed silo or silage areas, feeding aprons assembly yards, milking parlours or structures for the making or storage of silage or any other structures of a similar character or description, having an aggregate gross floor space not exceeding 200 square metres, and any ancillary provision for effluent storage.

This exemption is subject to the following conditions/limitations:

- 1. No such structure shall be used for any purpose other than the purpose of agriculture.*
- 2. The gross floor space of such structures together with any other such structures situated within the same farmyard complex or within 100 metres of that complex shall not exceed 300 square metres gross floor space in aggregate.*
- 3. Effluent storage facilities adequate to serve the structure having regard to its size, use and location shall be constructed in line with Department of Agriculture, Food and Rural Development and the Department of the Environment and Local Government requirements and shall have regard to the need to avoid water pollution.*
- 4. No such structure shall be situated, and no effluent from such structure shall be stored, within 10 metres of any public road.*
- 5. No such structure within*

100 metres of any public road shall exceed 8 metres in height. 6. No such structure shall be situated, and no effluent from such structure shall be stored, 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. 7. No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.

Class 9, Schedule 2, Part 3 of the Planning and Development Regulations 2001, as amended sets out an exemption for:

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.

This exemption is subject to the following conditions/limitations:

- 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*

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—

(i) contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act,

There is no planning history attached to this site

(ii) consist of or comprise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width,

The applicant has not proposed to open an access onto the public road, however it is considered likely that the proposed development will result in such an opening in order to allow access of construction traffic, deliveries etc to the site. It is noted that the site is adjacent to a Strategic Regional Road, R503, at a location close to a junction with the local road, L8037, and also close to a bend in the road. The applicant should be requested to provide clarification in this regard.



(iii) endanger public safety by reason of traffic hazard or obstruction of road users,

The applicant has not proposed to open an access onto the public road, however it is considered likely that the proposed development will result in such an opening in order to allow access of construction traffic, deliveries etc to the site. It is noted that the site is adjacent to a Strategic Regional Road, R503, at a location close to a junction with the local road, L8037, and also close to a bend in the road. The applicant should be requested to provide clarification in this regard.

(iv) except in the case of a porch to which class 7 specified in column 1 of Part 1 of Schedule 2 applies and which 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, comprise the construction, erection, extension or renewal of a building on any street so as to bring forward the building, or any part of the building, beyond the front wall of the building on either side thereof or beyond a line determined as the building line in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,

N/A

(v) consist of or comprise the carrying out under a public road of works other than a connection to a wired broadcast relay service, sewer, water main, gas main or electricity supply line or cable, or any works to which class 25, 26 or 31 (a) specified in column 1 of Part 1 of Schedule 2 applies,

N/A

(vi) interfere with the character of a landscape, or a view or prospect of special amenity value or special interest, the preservation of which is an objective of a development plan for the area in which the development is proposed or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,

N/A

(vii) consist of or comprise the excavation, alteration or demolition (other than peat extraction) of places, caves, sites, features or other objects of archaeological, geological, historical, scientific or ecological interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan for the area in which the development is proposed or, pending the variation of a development plan or local area plan, or the making of a new development plan or local area plan, in the draft variation of the development plan or the local area plan or the draft development plan or draft local area plan,

N/A

(viiA) consist of or comprise the excavation, alteration or demolition of any archaeological monument included in the Record of Monuments and Places, pursuant to section 12 (1) of the National Monuments (Amendment) Act 1994, save that this provision shall not apply to any excavation or any works, pursuant to and in accordance with a consent granted under section 14 or a licence granted under section 26 of the National Monuments Act 1930 (No. 2 of 1930) as amended,

N/A

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

It is noted that the proposed development is to be situated within 300m from the Lower River Suir SAC. It is not possible to ascertain whether the proposed development will impact on the SAC in the absence of further information regarding the proposed use of the shed. Further information should be requested in relation to the use of the proposed structure.

(viiC) consist of or comprise development which would be likely to have an adverse impact on an area designated as a natural heritage area by order made under section 18 of the Wildlife (Amendment) Act 2000.

N/A

(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,

N/A

(ix) consist of the demolition or such alteration of a building or other structure as would preclude or restrict the continuance of an existing use of a building or other structure where it is an objective of the planning authority to ensure that the building or other structure would remain available for such use and such objective has been specified in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,

N/A

(x) consist of the fencing or enclosure of any land habitually open to or used by the public during the 10 years preceding such fencing or enclosure for recreational purposes or as a means of access to any seashore, mountain, lakeshore, riverbank or other place of natural beauty or recreational utility,

N/A

(xi) obstruct any public right of way,

N/A

(xii) further to the provisions of section 82 of the Act, consist of or comprise the carrying out of works to the exterior of a structure, where the structure concerned is located within an architectural conservation area or an area specified as an architectural conservation area in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan and the development would materially affect the character of the area,

N/A

3. ASSESSMENT

a) Relevant Planning History

None

b) Assessment

The proposal comprises the construction of a lean-to, measuring 9.6m x 7m (floor area 67.2sqm) x 4.375 (height at front) x 3.37m (height at back), with green cladding, RSJ structure, bolted together with high side open.

As set out above, the applicant has not provided any detail in relation to the proposed use of the shed, therefore it is not possible to ascertain if same would fall within the exempted development classes as set out under Schedule 2, Part 3 of the Planning and Development Regulations, 2001. Further information should be requested in this regard.

Furthermore, the applicant has not indicated whether the proposed development will result in the construction of a new entrance, or the intensification of use of an existing entrance onto the Regional Road, R509. Further information should be requested in this regard.

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 Act.

B) “Is or is not Exempted Development”

The applicant is proposing to construct a lean-to structure, however details in relation to the proposed use have not been provided. Furthermore, it is not clear from the information provided whether the construction of the structure, or its future use will result in the opening of a new access, or the intensification of use of an existing access, therefore it is not possible to ascertain whether such development would be limited under Article 9. Further information should be requested as set out below.

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

EIA

The proposed use of the development has not been stated, therefore it is not possible to ascertain if EIA would be required. Further information should be requested as set out below.

AA

The proposed use of the development has not been stated, therefore it is not possible to ascertain if the proposal is likely to impact on any European Designated Natura 2000 Sites. Further information should be requested as set out below.

4. RECOMMENDATION

It is recommended that further information be requested as set out below.

1. (a) The applicant is requested to provide details of the proposed use of the structure, whether same is for agricultural, commercial, industrial etc uses.
(b) Should the proposed structure be proposed for agricultural uses, the applicant is requested to clarify under which Class of Exemption under Schedule 2, Part 3 of the Planning and Development Regulations, 2001 the declaration is being sought.
2. The applicant is requested to clarify whether the proposed structure, whether by its construction or future use will result in the development of a new field access or the alteration of an existing access. The applicant is also requested to clarify if the proposed

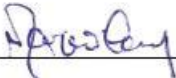
construction works or future uses will result in the intensification of use of any existing access. The submission should be supported by details of anticipated vehicular access to the site.

3. Further to (2) above, in the event that the proposed development will result in the creation of a new access or the alteration and/or intensification of an existing access, the applicant is requested to submit a site layout plan, to a suitable scale, demonstrating sightlines in line with Section 6.1 and Tables 6.1 and 6.2 of the Tipperary County Development Plan 2022.

The response should include a **1:500** Site Layout Plan, accurately illustrating:

- i. the existing public road carriageway,
- ii. the existing public carriageway-verge,
- iii. the existing roadside boundary,
- iv. Unobstructed sightlines of 120 metres to the nearside road edge in both directions from a setback of 2.4 metres at the centre of the entrance.
- v. Proposals for a replacement boundary treatment where applicable
- vi. Consent of any third parties affected

District Planner:



Date: 08.08.2025

Senior Executive Planner:



Date: 12/8/2025

Appendix 1
HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT

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

(a) File Reference No:	S5/25/99
(b) Brief description of the project or plan:	Construction of Lean-to store
(c) Brief description of site characteristics:	
(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	https://www.npws.ie/protected-sites/sac/002137	300m	None	Y
Lower River Shannon	https://www.npws.ie/protected-sites/sac/002165	300m	None	Y
Anglesey Road	https://www.npws.ie/protected-sites/sac/002125	300m	None	Y
Kilduff Devilsbit Mountain	https://www.npws.ie/protected-sites/sac/000934	300m	None	Y
Slievefelim to Silvermines Mountains	https://www.npws.ie/protected-sites/spa/004165	300m	None	Y

STEP 3. Assessment of Likely Significant Effects

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

Impacts:	Possible Significance of Impacts: (duration/magnitude etc.)
-----------------	---

<p>Construction phase e.g.</p> <ul style="list-style-type: none"> • Vegetation clearance • Demolition • Surface water runoff from soil excavation/infill/landscaping (including borrow pits) • Dust, noise, vibration • Lighting disturbance • Impact on groundwater/dewatering • Storage of excavated/construction materials • Access to site • Pests 	<p>Further information is required</p>
<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 	<p>Further information is required</p>
<p>In-combination/Other</p>	<p>Further information is required.</p>
<p>(b) Describe any likely changes to the European site:</p>	
<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.</p>

(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 no likelihood of significant effects on a European site.	<input 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 checked="" type="checkbox"/>	<input checked="" 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:	Marion Carey	Date: 08.08.2025

APPENDIX 2

EIA Pre-Screening Establishing a development is a 'sub-threshold development'			
File Reference:	S5.25.99		
Development Summary:	Construction of a proposed storage shed		
Was a Screening Determination carried out under Section 176A-C?	<input type="checkbox"/> Yes, no further action required <input checked="" type="checkbox"/> No, Proceed to Part A		
A. Schedule 5 Part 1 - Does the development comprise a project listed in Schedule 5, Part 1, of the Planning and Development Regulations 2001 (as amended)? (Tick as appropriate)			
<input type="checkbox"/> Yes, specify class _____		EIA is mandatory	
		No Screening required	
<input checked="" type="checkbox"/> No		Proceed to Part B	
B. Schedule 5 Part 2 - Does the development comprise a project listed in Schedule 5, Part 2, of the Planning and Development Regulations 2001 (as amended) and does it meet/exceed the thresholds? (Tick as appropriate)			
<input checked="" type="checkbox"/> No, the development is not a project listed in Schedule 5, Part 2		No Screening required	
<input type="checkbox"/> Yes the project is listed in Schedule 5, Part 2 and meets/exceeds the threshold, specify class (including threshold): _____		EIA is mandatory	
		No Screening required	
<input type="checkbox"/> Yes the project is of a type listed but is <i>sub-threshold</i> : _____		Proceed to Part C	
C. If Yes, has Schedule 7A information/screening report been submitted?			
<input type="checkbox"/> Yes, Schedule 7A information/screening report has been submitted by the applicant		Screening Determination required	
<input type="checkbox"/> No, Schedule 7A information/screening report has not been submitted by the applicant		Preliminary Examination required	
Signature and Date of Recommending Officer:	Marion Carey	Date:	08.08.2025



Date: 14th, August, 2025

Our Ref: S5/25/99

Civic Offices, Nenagh

**Eoin Mockler
Ballyboy
Upperchurch
Thurles
Co. Tipperary**

Re: Application for a Section 5 Declaration – Is the construction of a lean-to, measuring 9.6m x 7m (floor area 67.2sqm) x 4.375 (height at front) x 3.37m (height at back), with green cladding, RSJ structure, bolted together with high side open exempted development under Class 9 of the Planning and Development Regulations 2001, as amended at Druminphilip, Drombane, Thurles, Co. Tipperary

Dear Mr Mockler,

I refer to an application received from you on 22nd July, 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. a). The applicant is requested to provide details of the proposed use of the structure, whether same is for agricultural, commercial, industrial etc uses.
b). Should the proposed structure be proposed for agricultural uses, the applicant is requested to clarify under which Class of Exemption under Schedule 2, Part 3 of the Planning and Development Regulations, 2001 the declaration is being sought.
2. The applicant is requested to clarify whether the proposed structure, whether by its construction or future use will result in the development of a new field access or the alteration of an existing access. The

applicant is also requested to clarify if the proposed construction works or future uses will result in the intensification of use of any existing access. The submission should be supported by details of anticipated vehicular access to the site.

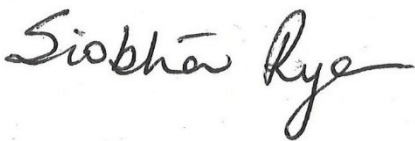
3. Further to (2) above, in the event that the proposed development will result in the creation of a new access or the alteration and/or intensification of an existing access, the applicant is requested to submit a site layout plan, to a suitable scale, demonstrating sightlines in line with Section 6.1 and Tables 6.1 and 6.2 of the Tipperary County Development Plan 2022.

The response should include a **1:500** Site Layout Plan, accurately illustrating:

- i. the existing public road carriageway,
- ii. the existing public carriageway-verge,
- iii. the existing roadside boundary,
- iv. Unobstructed sightlines of 120 metres to the nearside road edge in both directions from a setback of 2.4 metres at the centre of the entrance.
- v. Proposals for a replacement boundary treatment where applicable
- vi. Consent of any third parties affected

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

Yours sincerely



for **Director of Services**

Siobhan / Johathan

Many thanks for taking my call on Monday the 18th of August. Referring our discussion and to the information requested in your letter Ref: S5/25/99 please find the requested information as follows.

1. It is intended to construct a lean -to, to provide winter shelter for horses. Bales of hay will also be stored for winter feeding.
2. There is already an existing entrance and stoned area just inside the gate, the intended construction will not impact or require alteration to this. Referring to the picture below which was taken from google maps (June 2024) prior to my purchase. The boundary and road facing hedging has now been cut back and maintained in accordance with department of agriculture recommendations adding to the view in both directions.
3. As a result of the proposed construction the level of vehicular access will be reduced to the field as winter feed will now be stored on site.



If you have any questions on the above or require any further information, please don't hesitate to contact me.

Kind Regards

Eoin Mockler





Comhairle Contae Thiobraid Árann
Tipperary County Council

Comhairle Contae
Thiobraid Árann,
Oifigi Cathartha,
Cluain Meala,
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Date: 14th, August, 2025

Our Ref: S5/25/99

Civic Offices, Nenagh

Eoin Mockler
Ballyboy
Upperchurch
Thurles
Co. Tipperary



Re: Application for a Section 5 Declaration – Is the construction of a lean-to, measuring 9.6m x 7m (floor area 67.2sqm) x 4.375 (height at front) x 3.37m (height at back), with green cladding, RSJ structure, bolted together with high side open exempted development under Class 9 of the Planning and Development Regulations 2001, as amended at Druminphilip, Drombane, Thurles, Co. Tipperary

Dear Mr Mockler,

I refer to an application received from you on 22nd July, 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. a). The applicant is requested to provide details of the proposed use of the structure, whether same is for agricultural, commercial, industrial etc uses.
b). Should the proposed structure be proposed for agricultural uses, the applicant is requested to clarify under which Class of Exemption under Schedule 2, Part 3 of the Planning and Development Regulations, 2001 the declaration is being sought.
2. The applicant is requested to clarify whether the proposed structure, whether by its construction or future use will result in the development of a new field access or the alteration of an existing access. The

applicant is also requested to clarify if the proposed construction works or future uses will result in the intensification of use of any existing access. The submission should be supported by details of anticipated vehicular access to the site.

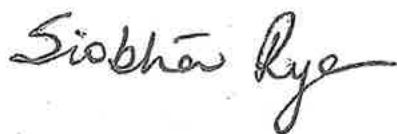
3. Further to (2) above, in the event that the proposed development will result in the creation of a new access or the alteration and/or intensification of an existing access, the applicant is requested to submit a site layout plan, to a suitable scale, demonstrating sightlines in line with Section 6.1 and Tables 6.1 and 6.2 of the Tipperary County Development Plan 2022.

The response should include a **1:500** Site Layout Plan, accurately illustrating:

- i. the existing public road carriageway,
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- v. Proposals for a replacement boundary treatment where applicable
- vi. Consent of any third parties affected

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

Yours sincerely



for **Director of Services**



Comhairle Contae Thiobraid Árann
Tipperary County Council

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Date: 26th August 2025

Our Ref: S5/25/99

Civic Offices, Nenagh

**Eoin Mockler
Ballyboy
Upperchurch
Thurles
Co. Tipperary**

Re: Application for a Section 5 Declaration – Is the construction of a lean-to, measuring 9.6m x 7m (floor area 67.2sqm) x 4.375 (height at front) x 3.37m (height at back), with green cladding, RSJ structure, bolted together with high side open exempted development under Class 9 of the Planning and Development Regulations 2001, as amended at Druminphilip, Drombane, Thurles, Co. Tipperary

Dear Mr Mockler

I acknowledge receipt of Further Information received on 25th August 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

Planning Ref.: S5/25/99

Applicant: Eoin Mockler

Development Address: Druminphilip, Drombane, Thurles, Co. Tipperary

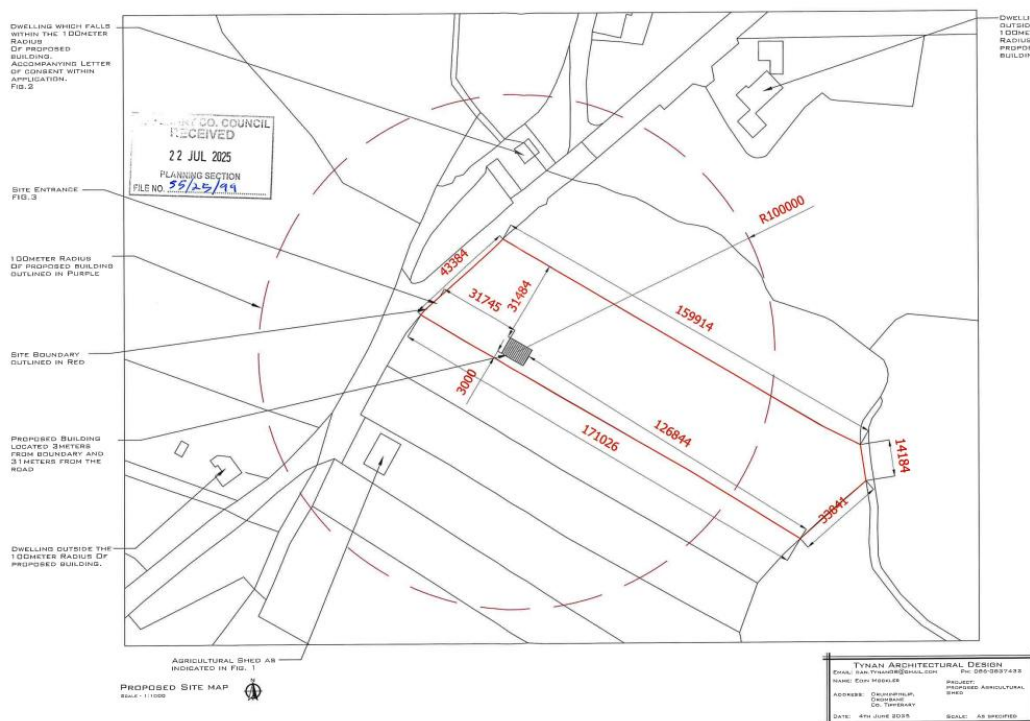
Query: Is the construction of a lean-to, measuring 9.6m x 7m (floor area 67.2sqm) x 4.375 (height at front) x 3.37m (height at back), with green cladding, RSJ structure, bolted together with high side open exempted development under Class 9 of the Planning and Development Regulations 2001, as amended.

1. GENERAL

On the 22.07.2025, a request was made for a declaration under Section 5 of the Planning and Development Act, 2000 (as amended) by Eoin Mockler, as to whether the construction of a lean-to, measuring 67.2 sqms is exempted development under the Planning and Development Regulations 2001, as amended, as set out below.

“Is the construction of a lean-to, measuring 9.6m x 7m (floor area 67.2sqm) x 4.375 (height at front) x 3.37m (height at back), with green cladding, RSJ structure, bolted together with high side open exempted development under Class 9 of the Planning and Development Regulations 2001, as amended”

It is noted that the applicant has not indicated the proposed use of the structure, however same is not within the curtilage of a dwelling and is proposed on existing agricultural land.



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.

Planning and Development Regulations 2001, as amended

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

Exempted Development.

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

Class 6, Schedule 2, Part 3 of the Planning and Development Regulations 2001, as amended sets out an exemption for:

Works consisting of the provision of a roofed structure for the housing of cattle, sheep, goats, donkeys, horses, deer or rabbits, having a gross floor space not exceeding 200 square metres (whether or not by extension of an existing structure) and any ancillary provision for effluent storage.

This exemption is subject to the following conditions/limitations:

1. *No such structure shall be used for any purpose other than the purpose of agriculture.*
2. *The gross floor space of such structure together with any other such structures situated within the same farmyard complex or within 100 metres of that complex shall not exceed 300 square metres gross floor space in aggregate.*
3. *Effluent storage facilities adequate to serve the structure having regard to its size, use and location shall be constructed in line with Department of Agriculture, Food and Rural Development and Department of the Environment and Local Government requirements and shall have regard to the need to avoid water pollution.*
4. *No such structure shall be situated, and no effluent from such structure shall be stored, within 10 metres of any public road.*
5. *No such structure within 100 metres of any public road shall exceed 8 metres in height.*
6. *No such structure shall be situated, and no effluent from such structure shall be stored, 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.*

7. No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.

Class 7, Schedule 2, Part 3 of the Planning and Development Regulations 2001, as amended sets out an exemption for:

Works consisting of the provision of a roofed structure for the housing of pigs, mink or poultry, having a gross floor space not exceeding 75sqm (whether or not by extension of an existing structure), and any ancillary provision for effluent storage.

This exemption is subject to the following conditions/limitations:

- 1. No such structure shall be used for any purpose other than the purpose of agriculture.*
- 2. The gross floor space of such structure together with any other such structures situated within the same farmyard complex or within 100 metres of that complex shall not exceed 100 square metres gross floor space in aggregate.*
- 3. Effluent storage facilities adequate to serve the structure having regard to its size, use and location shall be constructed in line with Department of Agriculture, Food and Rural Development and Department of the Environment and Local Government requirements and shall have regard to the need to avoid water pollution.*
- 4. No such structure shall be situated, and no effluent from such structure shall be stored, within 10 metres of any public road.*
- 5. No such structure within 100 metres of any public road shall exceed 8 metres in height.*
- 6. No such structure shall be situated, and no effluent from such structure shall be stored, 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.*
- 7. No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.*
- 8. Boundary fencing on any mink holding must be escape-proof for mink*

Class 8, Schedule 2, Part 3 of the Planning and Development Regulations 2001, as amended sets out an exemption for:

Works consisting of the provision of roofless cubicles, open loose yards, selffeed silo or silage areas, feeding aprons assembly yards, milking parlours or structures for the making or storage of silage or any other structures of a similar character or description, having an aggregate gross floor space not exceeding 200 square metres, and any ancillary provision for effluent storage.

This exemption is subject to the following conditions/limitations:

- 1. No such structure shall be used for any purpose other than the purpose of agriculture.*
- 2. The gross floor space of such structures together with any other such structures situated within the same farmyard complex or within 100 metres of that complex shall not exceed 300 square metres gross floor space in aggregate.*
- 3. Effluent storage facilities adequate to serve the structure having regard to its size, use and location shall be constructed in line with Department of Agriculture, Food and Rural Development and the Department of the Environment and Local Government requirements and shall have regard to the need to avoid water pollution.*
- 4. No such structure shall be situated, and no effluent from such structure shall be stored, within 10 metres of any public road.*
- 5. No such structure within 100 metres of any public road shall exceed 8 metres in height.*
- 6. No such structure shall be situated, and no effluent from such structure shall be stored, 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. 7. No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.

Class 9, Schedule 2, Part 3 of the Planning and Development Regulations 2001, as amended sets out an exemption for:

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.

This exemption is subject to the following conditions/limitations:

- 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*

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—

(i) contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act,

There is no planning history attached to this site

(ii) consist of or comprise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width,

The applicant has not proposed to open an access onto the public road, however it is considered likely that the proposed development will result in such an opening in order to allow access of construction traffic, deliveries etc to the site. It is noted that the site is adjacent to a Strategic Regional Road, R503, at a location close to a junction with the local road, L8037, and also close to a bend in the road. The applicant should be requested to provide clarification in this regard.



(iii) endanger public safety by reason of traffic hazard or obstruction of road users,

The applicant has not proposed to open an access onto the public road, however it is considered likely that the proposed development will result in such an opening in order to allow access of construction traffic, deliveries etc to the site. It is noted that the site is adjacent to a Strategic Regional Road, R503, at a location close to a junction with the local road, L8037, and also close to a bend in the road. The applicant should be requested to provide clarification in this regard.

(iv) except in the case of a porch to which class 7 specified in column 1 of Part 1 of Schedule 2 applies and which 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, comprise the construction, erection, extension or renewal of a building on any street so as to bring forward the building, or any part of the building, beyond the front wall of the building on either side thereof or beyond a line determined as the building line in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,

N/A

(v) consist of or comprise the carrying out under a public road of works other than a connection to a wired broadcast relay service, sewer, water main, gas main or electricity supply line or cable, or any works to which class 25, 26 or 31 (a) specified in column 1 of Part 1 of Schedule 2 applies,

N/A

(vi) interfere with the character of a landscape, or a view or prospect of special amenity value or special interest, the preservation of which is an objective of a development plan for the area in which the development is proposed or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,

N/A

(vii) consist of or comprise the excavation, alteration or demolition (other than peat extraction) of places, caves, sites, features or other objects of archaeological, geological, historical, scientific or ecological interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan for the area in which the development is proposed or, pending the variation of a development plan or local area plan, or the making of a new development plan or local area plan, in the draft variation of the development plan or the local area plan or the draft development plan or draft local area plan,

N/A

(viiA) consist of or comprise the excavation, alteration or demolition of any archaeological monument included in the Record of Monuments and Places, pursuant to section 12 (1) of the National Monuments (Amendment) Act 1994, save that this provision shall not apply to any excavation or any works, pursuant to and in accordance with a consent granted under section 14 or a licence granted under section 26 of the National Monuments Act 1930 (No. 2 of 1930) as amended,

N/A

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

It is noted that the proposed development is to be situated within 300m from the Lower River Suir SAC. It is not possible to ascertain whether the proposed development will impact on the SAC in the absence of further information regarding the proposed use of the shed. Further information should be requested in relation to the use of the proposed structure.

(viiC) consist of or comprise development which would be likely to have an adverse impact on an area designated as a natural heritage area by order made under section 18 of the Wildlife (Amendment) Act 2000.

N/A

(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,

N/A

(ix) consist of the demolition or such alteration of a building or other structure as would preclude or restrict the continuance of an existing use of a building or other structure where it is an objective of the planning authority to ensure that the building or other structure would remain available for such use and such objective has been specified in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,

N/A

(x) consist of the fencing or enclosure of any land habitually open to or used by the public during the 10 years preceding such fencing or enclosure for recreational purposes or as a means of access to any seashore, mountain, lakeshore, riverbank or other place of natural beauty or recreational utility,

N/A

(xi) obstruct any public right of way,

N/A

(xii) further to the provisions of section 82 of the Act, consist of or comprise the carrying out of works to the exterior of a structure, where the structure concerned is located within an architectural conservation area or an area specified as an architectural conservation area in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan and the development would materially affect the character of the area,

N/A

3. ASSESSMENT

a) Relevant Planning History

None

b) Assessment

The proposal comprises the construction of a lean-to, measuring 9.6m x 7m (floor area 67.2sqm) x 4.375 (height at front) x 3.37m (height at back), with green cladding, RSJ structure, bolted together with high side open.

As set out above, the applicant has not provided any detail in relation to the proposed use of the shed, therefore it is not possible to ascertain if same would fall within the exempted development classes as set out under Schedule 2, Part 3 of the Planning and Development Regulations, 2001. Further information should be requested in this regard.

Furthermore, the applicant has not indicated whether the proposed development will result in the construction of a new entrance, or the intensification of use of an existing entrance onto the Regional Road, R509. Further information should be requested in this regard.

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 Act.

B) “Is or is not Exempted Development”

The applicant is proposing to construct a lean-to structure, however details in relation to the proposed use have not been provided. Furthermore, it is not clear from the information provided whether the construction of the structure, or its future use will result in the opening of a new access, or the intensification of use of an existing access, therefore it is not possible to ascertain whether such development would be limited under Article 9. Further information should be requested as set out below.

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

EIA

The proposed use of the development has not been stated, therefore it is not possible to ascertain if EIA would be required. Further information should be requested as set out below.

AA

The proposed use of the development has not been stated, therefore it is not possible to ascertain if the proposal is likely to impact on any European Designated Natura 2000 Sites. Further information should be requested as set out below.

4. RECOMMENDATION

It is recommended that further information be requested as set out below.

1. (a) The applicant is requested to provide details of the proposed use of the structure, whether same is for agricultural, commercial, industrial etc uses.
(b) Should the proposed structure be proposed for agricultural uses, the applicant is requested to clarify under which Class of Exemption under Schedule 2, Part 3 of the Planning and Development Regulations, 2001 the declaration is being sought.
2. The applicant is requested to clarify whether the proposed structure, whether by its construction or future use will result in the development of a new field access or the alteration of an existing access. The applicant is also requested to clarify if the proposed construction works or future uses will result in the intensification of use of any existing

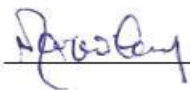
access. The submission should be supported by details of anticipated vehicular access to the site.

3. Further to (2) above, in the event that the proposed development will result in the creation of a new access or the alteration and/or intensification of an existing access, the applicant is requested to submit a site layout plan, to a suitable scale, demonstrating sightlines in line with Section 6.1 and Tables 6.1 and 6.2 of the Tipperary County Development Plan 2022.

The response should include a **1:500** Site Layout Plan, accurately illustrating:

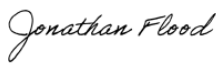
- i. the existing public road carriageway,
- ii. the existing public carriageway-verge,
- iii. the existing roadside boundary,
- iv. Unobstructed sightlines of 120 metres to the nearside road edge in both directions from a setback of 2.4 metres at the centre of the entrance.
- v. Proposals for a replacement boundary treatment where applicable
- vi. Consent of any third parties affected

District Planner:



Date: 08.08.2025

Senior Executive Planner:



Date: 12/8/2025

1. ASSESSMENT OF FURTHER INFORMATION

Further information (FI) was requested from the applicant on 14.08.2025 and a response was received on 25/8/2025. The FI request is outlined below in italics with assessment under same in bold.

1. *(a) The applicant is requested to provide details of the proposed use of the structure, whether same is for agricultural, commercial, industrial etc uses.*
(b) Should the proposed structure be proposed for agricultural uses, the applicant is requested to clarify under which Class of Exemption under Schedule 2, Part 3 of the Planning and Development Regulations, 2001 the declaration is being sought.

The applicant has advised that he intends to construct a lean-to shed to provide winter shelter for horses and store hay for winter feeding. The structure sizes comes within the exemption parameters under Classes 6 and 9 of Schedule 2, Part 3 of the Planning and Development Regulations, 2001

2. *The applicant is requested to clarify whether the proposed structure, whether by its construction or future use will result in the development of a new field access or the alteration of an existing access. The applicant is also requested to clarify if the proposed construction works or future uses will result in the intensification of use of any existing access. The submission should be supported by details of anticipated vehicular access to the site.*

The FI reply advises that there is an existing entrance and stoned area inside the gate and that the intended construction will not impact or require alteration to this. The applicant submitted the below image from google maps and stated that the entrance has now been cut back and maintained in accordance with Dept of Agriculture recommendations.



Figure 1: Google image submitted by applicant

It is noted however that significant works have been carried out to the existing entrance including the material widening of same. It is noted that the road to which the entrance accesses onto is a regional road, in excess of 4m in width. See images below taken on 04.09.2025. It is noted that no planning permission has been granted for such works. The Planning Section are dealing with the widening of the entrance under TUD-25-167.





3. Further to (2) above, in the event that the proposed development will result in the creation of a new access or the alteration and/or intensification of an existing access, the applicant is requested to submit a site layout plan, to a suitable scale, demonstrating sightlines in line with Section 6.1 and Tables 6.1 and 6.2 of the Tipperary County Development Plan 2022.

The response should include a **1:500** Site Layout Plan, accurately illustrating:

- vii. the existing public road carriageway,
- viii. the existing public carriageway-verge,
- ix. the existing roadside boundary,
- x. Unobstructed sightlines of 120 metres to the nearside road edge in both directions from a setback of 2.4 metres at the centre of the entrance.
- xi. Proposals for a replacement boundary treatment where applicable
- xii. Consent of any third parties affected

The applicant has advised that as a result of the proposed construction the incidence of the vehicular traffic to the field will be reduced as winter feed will be stored on site.

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 proposal constitutes “works” and such works would constitute “development” within the meaning of Section 3 of the Planning and Development Act 2000, as amended.

B) “Is or is not Exempted Development”

The applicant is proposing to construct a lean-to structure, for the sheltering of horses and storage of hay which it is considered will comply with Classes 6 and 9 of Schedule 2, Part 3 of the Planning and Development Regulations, 2001

C) “Do the restrictions under Article 9 apply”

The applicant has undertaken unauthorised works to the existing entrance onto the Strategic Regional Road, which is in excess of 4m in width. It is further considered that the existing altered access constitutes a traffic hazard as same does not have the benefit of sightlines as required under the Tipperary County Development Plan. This entrance will facilitate construction and operational traffic movements to the development.

It is considered that the construction of the shed on this site will give rise to additional traffic movements, including HGV manoeuvres at a location where deficient sightlines are available and as such will endanger public safety by reason of traffic hazard or obstruction of road users.

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—

(iii) endanger public safety by reason of traffic hazard or obstruction of road users,

Noting the foregoing I consider any exemption under Class 6 and 9 is restricted by article 9(1) (a) (iii).

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

AA

The proposal has been assessed having regard to the requirements of the EU Habitats Directive. The proposal has been screened as to the requirements for AA and the screening assessment considers that the proposal does not impact on any Natura 2000 site. See also Appropriate Assessment (AA) screening report attached as Appendix 1.

EIA

The proposed development has been subject to a preliminary examination to determine the requirement for EIA. EIA is not required in respect of the development. See also for Environmental Impact Assessment (EIA) preliminary examination screening report attached as Appendix 2.

4. RECOMMENDATION

A question has arisen as to whether the following proposed development at Drominphilip, Drombane, Co. Tipperary is or is not exempted development:

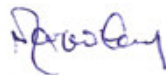
- The construction of a lean-to, measuring 9.6m x 7m (floor area 67.2sqm) x 4.375 (height at front) x 3.37m (height at back), with green cladding, RSJ structure, bolted together with high side open exempted development under Class 9 of the Planning and Development Regulations 2001, as amended

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

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

Tipperary County Council has concluded that the proposed shed is development and is **not exempted development**. The Planning Authority considers any exemption under Class 6 or Class 9 of Part 3, Schedule 2 of the Planning and Development Regulations 2001 as amended. is restricted under Article 9 (1) (a) (iii) of the Planning and Development Regulations 2001, as amended.

District Planner:



Date: 10.09.2025

Senior Executive Planner:



Date: 11/9/2025

Appendix 1
HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT

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

(a) File Reference No:	S5/25/99
(b) Brief description of the project or plan:	Construction of Lean-to store
(c) Brief description of site characteristics:	
(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	https://www.npws.ie/protected-sites/sac/002137	300m	None	Y
Lower River Shannon	https://www.npws.ie/protected-sites/sac/002165	300m	None	Y
Anglesey Road	https://www.npws.ie/protected-sites/sac/002125	300m	None	Y
Kilduff Devilsbit Mountain	https://www.npws.ie/protected-sites/sac/000934	300m	None	Y
Slievefelim to Silvermines Mountains	https://www.npws.ie/protected-sites/spa/004165	300m	None	Y

STEP 3. Assessment of Likely Significant Effects

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

Impacts:	Possible Significance of Impacts: (duration/magnitude etc.)
<p>Construction phase e.g.</p> <ul style="list-style-type: none"> • Vegetation clearance • Demolition • Surface water runoff from soil excavation/infill/landscaping (including borrow pits) • Dust, noise, vibration • Lighting disturbance • Impact on groundwater/dewatering • Storage of excavated/construction materials • Access to site • Pests 	Further information is required

Operational phase e.g. <ul style="list-style-type: none"> • Direct emission to air and water • Surface water runoff containing contaminant or sediment • Lighting disturbance • Noise/vibration • Changes to water/groundwater due to drainage or abstraction • Presence of people, vehicles and activities • Physical presence of structures (e.g. collision risks) • Potential for accidents or incidents 	Further information is required
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In-combination/Other	Further information is required.
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(b) Describe any likely changes to the European site:

Examples of the type of changes to give consideration to include: <ul style="list-style-type: none"> • Reduction or fragmentation of habitat area • Disturbance to QI species • Habitat or species fragmentation • Reduction or fragmentation in species density • Changes in key indicators of conservation status value (water or air quality etc.) • Changes to areas of sensitivity or threats to QI • 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 no likelihood of significant effects on a European site.	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/> Request further information to complete screening <input type="checkbox"/> Request NIS <input checked="" 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:	Marion Carey	Date:	10.09.2025
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APPENDIX 2

EIA Pre-Screening Establishing a development is a 'sub-threshold development'			
File Reference:	S5.25.99		
Development Summary:	Construction of a proposed storage shed		
Was a Screening Determination carried out under Section 176A-C?	<input type="checkbox"/> Yes, no further action required <input checked="" type="checkbox"/> No, Proceed to Part A		
A. Schedule 5 Part 1 - Does the development comprise a project listed in Schedule 5, Part 1, of the Planning and Development Regulations 2001 (as amended)? (Tick as appropriate)			
<input type="checkbox"/> Yes, specify class _____		EIA is mandatory	
		No Screening required	
<input checked="" type="checkbox"/> No		Proceed to Part B	
B. Schedule 5 Part 2 - Does the development comprise a project listed in Schedule 5, Part 2, of the Planning and Development Regulations 2001 (as amended) and does it meet/exceed the thresholds? (Tick as appropriate)			
<input checked="" type="checkbox"/> No, the development is not a project listed in Schedule 5, Part 2		No Screening required	
<input type="checkbox"/> Yes the project is listed in Schedule 5, Part 2 and meets/exceeds the threshold, specify class (including threshold): _____		EIA is mandatory	
		No Screening required	
<input type="checkbox"/> Yes the project is of a type listed but is <i>sub-threshold</i> : _____		Proceed to Part C	
C. If Yes, has Schedule 7A information/screening report been submitted?			
<input type="checkbox"/> Yes, Schedule 7A information/screening report has been submitted by the applicant		Screening Determination required	
<input type="checkbox"/> No, Schedule 7A information/screening report has not been submitted by the applicant		Preliminary Examination required	
Signature and Date of Recommending Officer:	Marion Carey	Date:	10.09.2025



Comhairle Contae Thiobraid Árann
Tipperary County Council

Comhairle Contae
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Oifigí Cathartha,
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Date: 11th September 2025

Our Ref: S5/25/99

Civic Offices, Nenagh

**Eoin Mockler
Ballyboy
Upperchurch
Thurles
Co. Tipperary**

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

Dear Mr Mockler,

I refer to your application for a Section 5 Declaration received on 22nd July, 2025, and Further Information received on 25th August, 2025 in relation to the following proposed works:

Is the construction of a lean-to, measuring 9.6m x 7m (floor area 67.2sqm) x 4.375 (height at front) x 3.37m (height at back), with green cladding, RSJ structure, bolted together with high side open exempted development under Class 9 of the Planning and Development Regulations 2001, as amended at Druminphilip, Drombane, Thurles, Co. Tipperary

WHEREAS a question has arisen as to whether the proposed development is or is not exempted development:

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

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

Tipperary County Council has concluded that the proposed shed is development and is **not exempted development**. The Planning Authority considers any exemption under Class 6 or Class 9 of Part 3, Schedule 2 of the Planning and Development Regulations 2001 as amended. is restricted under Article 9 (1) (a) (iii) of the Planning and Development Regulations 2001, as amended.

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

Geraldine Quinn

for **Director of Services**

Original

TIPPERARY COUNTY COUNCIL

DELEGATED EMPLOYEE'S ORDER

File Ref: **S5/25/99** **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 17th 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 Eoin Mockler, Ballyboy, Upperchurch, Thurles, Co. Tipperary re: the construction of a lean-to, measuring 9.6m x 7m (floor area 67.2sqm) x 4.375 (height at front) x 3.37m (height at back), with green cladding, RSJ structure, bolted together with high side open exempted development under Class 9 of the Planning and Development Regulations 2001, as amended at Druminphilip, Drombane, Thurles, Co. Tipperary is development and is exempted development.

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

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

Tipperary County Council has concluded that the proposed shed is development and is **not exempted development**. The Planning Authority considers any exemption under Class 6 or Class 9 of Part 3, Schedule 2 of the Planning and Development Regulations 2001 as amended. is restricted under Article 9 (1) (a) (iii) of the Planning and Development Regulations 2001, as amended.

Signed:



Date: 11/09/2025

Dave Carroll

A/Director of Services

Planning and Development (including Town Centre First),

Emergency Services and Emergency Planning and

Tipperary/Cahir/Cashel Municipal District