



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	ANDREW CAMPBELL
Address	BALLYTHOMAS, ARDCONEY NENAGH, COUNTY TIPPERARY E45 AF54
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 [] Agent []	

3. Location of Proposed Development:

Postal Address or Townland or Location (as may best identify the land or structure in question)	CARNEY Castle, CARNEY BORRISOKANE, COUNTY TIPPERARY
---	--



4. Development Details:

Please provide details of the proposed development for which an exemption under Section 5 of the Planning and Development Act is applied for.

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

NEW ENTRANCE TO THE EXISTING FARMYARD	
COMPLEX ON TO THE EXISTING ADJOINING	
PRIVATE ROADWAY OVER WHICH I HAVE A RIGHT	
OF WAY	
Proposed floor area of proposed works/uses: 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 <input type="checkbox"/>
	C. Other <input type="checkbox"/>	<input type="checkbox"/>
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: 16 AUGUST 2025

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 N/A
 - Site layout plan indicating position of proposed development relative to premises and adjoining properties ✓
 - Other details e.g. brochures, photographs if appropriate. N/A

(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 131057

Date 22/8/25

Received by Cathal Moloney.



NOTE:
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22 AUG 2025

PLANNING SECTION

SS/25/114

AGRICULTURAL
LAND

AGRICULTURAL
LAND

AGRICULTURAL
LAND

ACCESS
ROADWAY

ACCESS
ROADWAY

ACCESS
ROADWAY

- BUILDING FOR DEMOLISH
- CLEAN WATER
- SOILED WATER
- STONE SOAK AWAY
- PROPOSED SLUDGE SLAB
- PROPOSED BUILDING
- EXISTING BUILDING

Scale 1:500

- LAND HOLDING BOUNDARY
- PROPOSED DEVELOPMENT (AREA 2.21 Ha)
- WORKS FOR WHICH PERMISSION FOR RETENTION IS SOUGHT

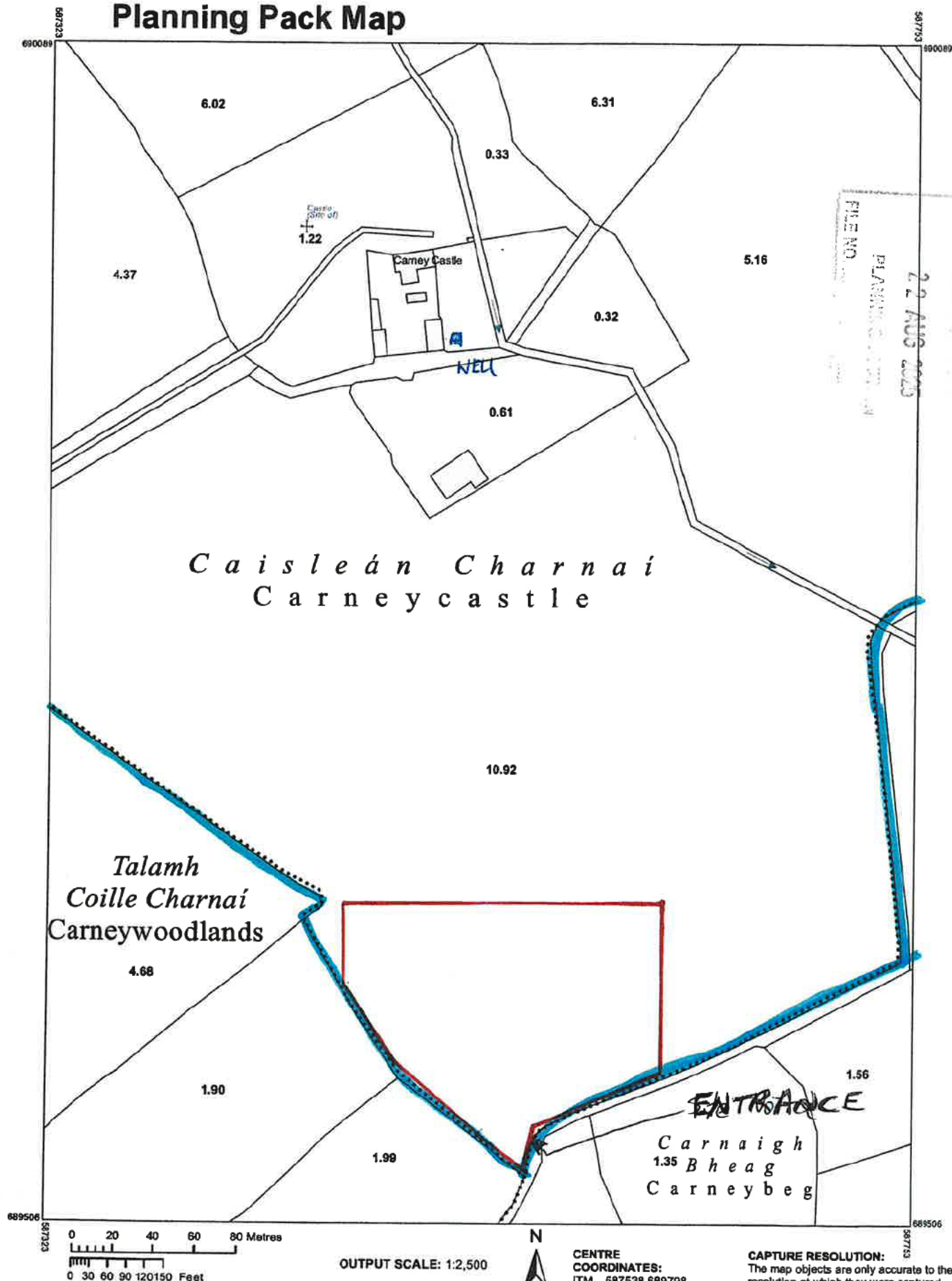
ENTRANCE
LOCATION

LOAD PLACE

2025

PLANNING		Proposed Site Layout	
AIDAN KELLY	ADPS	ADPS	
McLOUGH, NEWCASTLE, CO. TIPPERARY		ADPS	
E-MAIL: ADANKELLY2000@YANCOO.IE		ADPS	
WEBSITE: WWW.ADPS.IE		ADPS	
PROJECT: Proposed building for Andrew Campbell at Carney Castle, Naragh, Co. Tipperary.		ADPS	
8 Ash Bsc Ash Tech B Agri Design & Planning Services		ADPS	
TEL: 032 7462844		ADPS	
MOB: 085 7462811		ADPS	
DRAWING TITLE		DRAWING NO.	
DRAWN BY		DATE	
A KELLY		Aug 2025	
SCALE		1:500	
JOB NO.		119	

Planning Pack Map



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Comhairle Contae Thiobraid Árann
Tipperary County Council

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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

Date: 22nd August 2025

Our Ref: S5/25/114

Civic Offices, Nenagh

Andrew Campbell
Ballythomas
Ardcroney
Nenagh
Co. Tipperary
E45 AF54

Re: Application for a Section 5 Declaration – New entrance to the existing farmyard complex on to the existing adjoining private roadway over which the applicant has a right away at Carney Castle, Carney, Borrisokane, Co Tipperary.

Dear Mr Campbell,

I acknowledge receipt of your application for a Section 5 Declaration received on 22nd 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.: S5/25/114
Applicant: Andrew Campbell
Development Address: Carney Castle, Carney, Borrisokane, Co. Tipperary
Proposed Development: New entrance to the existing farmyard complex onto existing adjoining private roadway

1. GENERAL

On 22/08/2025, a request was made for a declaration under Section 5 of the Planning and Development Act, 2000 as amended by Andrew Campbell as to whether or not the following works constitute development and if so, whether same was exempted development:

- New entrance to the existing farmyard complex onto existing adjoining private roadway

2. STATUTORY PROVISIONS

Planning and Development Act 2000, as amended

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

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

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

4.- (1) The following shall be exempted developments for the purposes of this Act—

- (h) development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures.*

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

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

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

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

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

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

Planning and Development Regulations 2001, as amended

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

Exempted Development.

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

Class 9 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended states:

Description of Development

The construction, erection, renewal or replacement, other than within or bounding the curtilage of a house, of any gate or gateway.

Conditions and Limitations

The height of any such structure shall not exceed 2 metres.

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

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) 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,

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

(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,.

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

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

3. ASSESSMENT

a) Site Location

The site is located at Carney Castle, approximately 6km south west of Borrisokane.

b) Relevant Planning History

24/60728 Permission granted for retention of (i) collecting yard extension with slatted tank (ii) Manure slab (iii) Meal Bin and all associated site works and permission for (i) Loose calving shed (ii) Cubicle shed with slatted tanks (ii) Meal bin (iv) Silage slabs (v) Waste water treatment system with percolation area (vi) Upstairs Office, canteen, Kitchen, additional windows, stairs and downstairs toilet within existing milking parlour building and all associated site works. Demolition of Silage slab also required

21/48 - Permission granted for construction of (i) milking parlour building incorporating holding yard with crush/drafting yard, meal bin, office, water tank underground effluent tank, flow channel, storage rooms and plant rooms (ii) cubicle shed with underground effluent tanks (iii) silage pit and all associated site works

c) Assessment

Pursuant to Section 5 of the Planning & Development Acts this report will examine whether the proposal constitutes a) development and b) exempted development.

A) "Is or is not Development"

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

B) *"Is or is not Exempted Development"*

It is considered that the development of a new entrance could be considered to come under the planning exemption under Class 9 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended.

In order to confirm the exemption, the height of the entrance gate and associated piers need to be confirmed.

C) *Restrictions under Article 9*

The road serving the site is less than 4 metres and the exemption is not restricted under Article 9 (1) (a) (ii). However, details of the entrance design are needed to confirm whether the restrictions under article 9 (i) (a) (iii) apply.

4. REQUIREMENT FOR APPROPRIATE ASSESSMENT (AA) AND ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

Appropriate Assessment (AA)

The proposed development has been screened as to the requirement for AA and it has been determined that the requirement for Stage 2 AA does not arise. See Screening Report attached.

Environmental Impact Assessment (EIA):

The proposed development is not a type of development included for under Schedule 5 of the Planning and Development Regulations 2001, as amended. See screening report attached.

5. RECOMMENDATION

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

- New entrance to the existing farmyard complex onto existing adjoining private roadway

Section 5(2)(b) of the Planning and Development Act 2000, as amended states that:

'A planning authority may require any person who made a request under subsection (1) to submit further information with regard to the request in order to enable the authority to issue the declaration on the question and, where further information is received under this paragraph, the planning authority shall issue the declaration within 3 weeks of the date of the receipt of the further information'.

Therefore, it is recommended that the following further information is sought from the applicant:

1. The applicant is required to submit, for the consideration of the Planning Authority, a site layout plan to a scale of 1:500 showing the entrance design and available visibility from same. The drawing should show the entrance splay and set back distance of the gate from the roadway.
2. The applicant is required to submit, for the consideration of the Planning Authority details of the height of the entrance pier(s) and gate(s).

District Planner:

Olive O'Donnell

Date: 10/09/2025

Senior Executive Planner:

Jonathan Flood

Date: 11/9/2025

HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT

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

(a) File Reference No:	S5/25/114
(b) Brief description of the project or plan:	As per Planner's Report
(c) Brief description of site characteristics:	As per Planner's Report
(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW	No
(e) Response to consultation:	N/a

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

European Site (code)	List of Qualifying Interest/Special Conservation Interest ¹	Distance from proposed development (km)	Connections (Source-Pathway-Receptor)	Considered further in screening Y/N
002241 Lough Derg, North East Shore SAC	https://www.npws.ie/protected-sites/sac/002241	Within 10km	None	No
000216 River Shannon Callows SAC	https://www.npws.ie/protected-sites/sac/000216	Within 15km	None	No
000231 Barroughter Bog SAC	https://www.npws.ie/protected-sites/sac/000231	Within 15km	None	No
000248 Cloonmoylan Bog SAC	https://www.npws.ie/protected-sites/sac/000248	Within 15km	None	No
000647 Kilcarren-Firville Bog SAC	https://www.npws.ie/protected-sites/sac/000647	Within 15km	None	No
001683 Liskeen Fen SAC	https://www.npws.ie/protected-sites/sac/001683	Within 15km	None	No
004096 Middle Shannon Callows SPA	https://www.npws.ie/protected-sites/spa/004096	Within 15km	None	No
004168 Slieve Aughty Mountains SPA	https://www.npws.ie/protected-sites/spa/004168	Within 15km	None	No
004058 Lough Derg (Shannon) SPA	https://www.npws.ie/protected-sites/spa/004058	Within 10km	None	No

STEP 3. Assessment of Likely Significant Effects

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

Impacts:	Possible Significance of Impacts: (duration/magnitude etc.)
Construction phase e.g. <ul style="list-style-type: none"> • Vegetation clearance • Demolition • Surface water runoff from soil excavation/infill/landscaping (including borrow pits) • Dust, noise, vibration • Lighting disturbance • Impact on groundwater/dewatering • Storage of excavated/construction materials • Access to site • Pests 	None.
Operational phase e.g. <ul style="list-style-type: none"> • Direct emission to air and water • Surface water runoff containing contaminant or sediment • Lighting disturbance • Noise/vibration • Changes to water/groundwater due to drainage or abstraction • Presence of people, vehicles and activities • Physical presence of structures (e.g. collision risks) • Potential for accidents or incidents 	None.
In-combination/Other	None.

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

Examples of the type of changes to consider 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 checked="" type="checkbox"/>	The proposal can be screened out: Appropriate assessment not required.
(ii) It is uncertain whether the proposal will have a significant effect on a European site.	<input type="checkbox"/>	<input type="checkbox"/> Request further information to complete screening <input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
(iii) Significant effects are likely.	<input type="checkbox"/>	<input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
Signature and Date of Recommending Officer:	Olive O'Donnell	Date: 10/09/2025

EIA Pre-Screening Establishing a development is a 'sub-threshold development'			
File Reference:	S5/25/114		
Development Summary:	As per Planner's Report		
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"/> 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"/> 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:	Olive O'Donnell	Date:	10/09/2025



Date: 11th September, 2025

Our Ref: S5/25/114

Civic Offices, Nenagh

Andrew Campbell
Ballythomas
Ardcroney
Nenagh
Co. Tipperary
E45 AF54

Re: Application for a Section 5 Declaration – New entrance to the existing farmyard complex onto existing adjoining private roadway at Carney Castle, Carney, Borrisokane, Co. Tipperary.

Dear Mr Campbell,

I refer to an application received from you on 22nd August 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;

Section 5(2)(b) of the Planning and Development Act 2000, as amended states that: 'A planning authority may require any person who made a request under subsection (1) to submit further information with regard to the request in order to enable the authority to issue the declaration on the question and, where further information is received under this paragraph, the planning authority shall issue the declaration within 3 weeks of the date of the receipt of the further information'.

Therefore, it is recommended that the following further information is sought from the applicant:

1. The applicant is required to submit, for the consideration of the Planning Authority, a site layout plan to a scale of 1:500 showing the entrance design and available visibility from same. The drawing should show the entrance splay and set back distance of the gate from the roadway.
2. The applicant is required to submit, for the consideration of the Planning Authority details of the height of the entrance pier(s) and gate(s).

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

Yours sincerely


for **Director of Services**

Tipperary County Council
Civic Offices
Nenagh
Co Tipperary
E45 AO99

30 SEP 2025

S5/25/114



Ballythomas

Ardcroney

Nenagh

County Tipperary

E45 AF54

26th September 2025

Ref: S5/25/114

Dear Ms Quinn,

Please find enclosed the 1:500 scale site layout plan including the entrance and showing the visibility and incorporating the entrance design and the height of the piers.

Your attention is drawn to the following - the laneway on to which the access is to be made is not a public roadway, it is a private laneway which, while technically designated as a Local Tertiary Road, is not signposted as such and it is not included on the County Council road schedule; the available visibility at the access gateway upon completion is as shown on the 1:500 site layout plan and is in line with other existing agricultural accesses to the laneway, some of which were approved by the Council in recent years upon the basis that such a development "does not have an adverse impact upon the character of the area or the amenities of adjoining properties and would therefore be in accordance with the proper planning and sustainable development of the area".

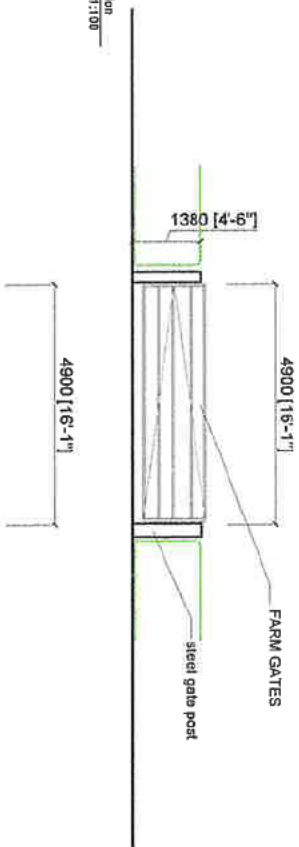
Yours sincerely,

[Redacted signature]

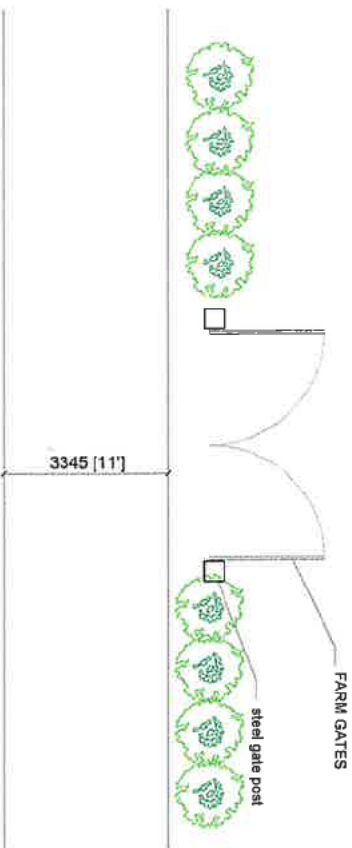
Andrew Campbell



Elevation
Scale 1:100



PLAN
Scale 1:100



NOTE
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AIDAN KELLY

B.Arch, B.Sc Arch Tech B.Agr

ARCHITECTURE & AGRICULTURAL DESIGN SERVICES

MOLOUGH, NEWCASTLE, TEL: 052 7462844

CLONMEL, CO. TIPPERARY, MOB: 085 7466211

CO. TIPPERARY, EMAIL: AIDANKELLY2000@YAHOO.IE

WEBSITE: WWW.ADPS.IE

PROJECT: New entrance to existing farmyard for Andrew

Campbell at Carney Castle, Nenagh, Co. Tipperary.

DRAWING TITLE: Plan and elevations

DRAWN BY: A KELLY

DATE: Sep 2025

SCALE: 02

DWG NO.: 118

JOB NO.: 118



2025

AIDAN KELLY					
ADPSE					
MOSCOW, MISSOURI CLONNE, CO. TIFERRARY, EMAIL: ADK@ADPSE.IE WEBSITE: WWW.ADPSE.IE					
PROJECT: New entrance & seating designed for Andrew Campbell at Campy Castle, Keshigo Co Tipperary.					
DRAWING TITLE:					
Site layout					
DRAWN BY	DATE	SCALE	DWG NO.	JOB NO.	
A KELLY	Aug 2005	1:500	92	119	

Sir, We are very happy to
Agri Design & Planning Services

TEL: 082 742844
MOB: 087 7428271





Comhairle Contae Thiobraid Árann
Tipperary County Council

Comhairle Contae
Thiobraid Árann,
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Comhairle Contae
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t 0818 06 5000/600
e customerservice
@tipperarycoco.ie
tipperarycoco.ie

Date: 30th September 2025 Our Ref: S5/25/114 Civic Offices, Nenagh

Andrew Campbell
Ballythomas
Ardcroney
Nenagh
Co. Tipperary
E45 AF54

Re: Application for a Section 5 Declaration re New entrance to the existing farmyard complex onto existing adjoining private roadway at Carney Castle, Carney, Borrisokane, Co. Tipperary.

Dear Mr Campbell

I acknowledge receipt of Further Information received on 30th 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

Siobhán Ryan
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.:	S5/25/114
Applicant:	Andrew Campbell
Development Address:	Carney Castle, Carney, Borrisokane, Co. Tipperary
Proposed Development:	New entrance to the existing farmyard complex onto existing adjoining private roadway

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2. STATUTORY PROVISIONS

Planning and Development Act 2000, as amended

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

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

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

- 4.- (2) (a) of the Planning and Development Act 2000, as amended, states as follows:
(2)(a) The Minister may by regulations provide for any class of development to be exempted development for the purposes of this Act where he or she is of the opinion that—

- (i) *by reason of the size, nature or limited effect on its surroundings, of development belonging to that class, the carrying out of such development would not offend against principles of proper planning and sustainable development, or*
- (ii) *the development is authorised, or is required to be authorised, by or under any enactment (whether the authorisation takes the form of the grant of a licence, consent, approval or any other type of authorisation) where the enactment concerned requires there to be consultation (howsoever described) with members of the public in relation to the proposed development prior to the granting of the authorisation (howsoever described).*

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

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

Planning and Development Regulations 2001, as amended

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

Exempted Development.

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

Class 9 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended states:

Description of Development

The construction, erection, renewal or replacement, other than within or bounding the curtilage of a house, of any gate or gateway.

Conditions and Limitations

The height of any such structure shall not exceed 2 metres.

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

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) 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,

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

(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,.

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

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

3. ASSESSMENT

a) *Site Location*

The site is located at Carney Castle, approximately 6km south west of Borrisokane.

b) *Relevant Planning History*

24/60728 Permission granted for retention of (i) collecting yard extension with slatted tank (ii) Manure slab (iii) Meal Bin and all associated site works and permission for (i) Loose calving shed (ii) Cubicle shed with slatted tanks (ii) Meal bin (iv) Silage slabs (v) Waste water treatment system with percolation area (vi) Upstairs Office, canteen, Kitchen, additional windows, stairs and downstairs toilet within existing milking parlour building and all associated site works. Demolition of Silage slab also required

21/48 - Permission granted for construction of (i) milking parlour building incorporating holding yard with crush/drafting yard, meal bin, office, water tank underground effluent tank, flow channel, storage rooms and plant rooms (ii) cubicle shed with underground effluent tanks (iii) silage pit and all associated site works

c) *Assessment*

Pursuant to Section 5 of the Planning & Development Acts this report will examine whether the proposal constitutes a) development and b) exempted development.

A) *“Is or is not Development”*

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

B) *“Is or is not Exempted Development”*

It is considered that the development of a new entrance could be considered to come under the planning exemption under Class 9 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended.

In order to confirm the exemption, the height of the entrance gate and associated piers need to be confirmed.

C) *Restrictions under Article 9*

The road serving the site is less than 4 metres and the exemption is not restricted under Article 9 (1) (a) (ii). However, details of the entrance design are needed to confirm whether the restrictions under article 9 (i) (a) (iii) apply.

4. REQUIREMENT FOR APPROPRIATE ASSESSMENT (AA) AND ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

Appropriate Assessment (AA)

The proposed development has been screened as to the requirement for AA and it has been determined that the requirement for Stage 2 AA does not arise. See Screening Report attached.

Environmental Impact Assessment (EIA):

The proposed development is not a type of development included for under Schedule 5 of the Planning and Development Regulations 2001, as amended. See screening report attached.

5. RECOMMENDATION

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

- New entrance to the existing farmyard complex onto existing adjoining private roadway

Section 5(2)(b) of the Planning and Development Act 2000, as amended states that:

‘A planning authority may require any person who made a request under subsection (1) to submit further information with regard to the request in order to enable the authority to issue the declaration on the question and, where further information is received under this paragraph, the planning authority shall issue the declaration within 3 weeks of the date of the receipt of the further information’.

Therefore, it is recommended that the following further information is sought from the applicant:

1. The applicant is required to submit, for the consideration of the Planning Authority, a site layout plan to a scale of 1:500 showing the entrance design and available visibility from same. The drawing should show the entrance splay and set back distance of the gate from the roadway.
2. The applicant is required to submit, for the consideration of the Planning Authority details of the height of the entrance pier(s) and gate(s).

District Planner:

Olive O'Donnell

Date: 10/09/2025

Senior Executive Planner:

Jonathan Flood

Date:

11/9/2025

6. FURTHER INFORMATION

Two points of further information were requested from the applicant in a letter dated 11/09/2025.

The FI request is outlined below in italics with assessment under same in bold.

- 1. The applicant is required to submit, for the consideration of the Planning Authority, a site layout plan to a scale of 1:500 showing the entrance design and available visibility from same. The drawing should show the entrance splay and set back distance of the gate from the roadway.*

In response, the applicant has submitted revised plans (scale 1:100 and 1:500) showing the location of the proposed entrance. It is noted that a setback distance of the gate from the roadway and visibility splays have not been identified on the submitted plans.

- 2. The applicant is required to submit, for the consideration of the Planning Authority details of the height of the entrance pier(s) and gate(s).*

In response, the applicant has submitted details of the height of the entrance pier(s) and gate, the height of which would not exceed 1.38m

"Is or is not Exempted Development"

Having regard to the applicant's response, it is necessary to revisit the question - "Is or is not Exempted Development".

Given that the height of the entrance pier(s) and gate is less than 2 metres, the main considerations relate to restrictions under Article 9. The road serving the site is less than 4 metres and the exemption is not therefore restricted under Article 9 (1) (a) (ii).

It is noted that a setback distance from the roadway and visibility splays are not proposed. Notwithstanding this, it is considered that the proposal would not endanger public safety by reason of traffic hazard or obstruction of road users. This is due to the agricultural nature of the cul-de-sac, which is particularly lightly trafficked and along which there are no dwellings. In addition to this, the proposed new entrance would be located towards the end of the cul-de-sac.

It is considered that the proposed development is development and is exempted development.

7. SCREENING

AA

I have undertaken an Appropriate Assessment Screening which concludes that significant effects of the development on the Any Natura 2000 sites can be excluded. See AA Screening below.

EIA

The proposed change of use does not come within the definition of a 'project' for the purposes of EIA, that is, it does not comprise construction works, demolition or intervention in the natural surroundings. See Screening Report attached.

8. **RECOMMENDATION**

WHEREAS a question has arisen as to whether a new entrance to the existing farmyard complex onto existing adjoining private roadway at Carney Castle, Carney, Borrisokane, Co. Tipperary is development and is or is not exempted development.

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

- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended
- (b) Article 6 and 9 of the Planning and Development Regulations 2001, as amended,
- (c) Class 9 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended,

AND WHEREAS Tipperary County Council has concluded that –

A new entrance to the existing farmyard complex onto existing adjoining private roadway at Carney Castle, Carney, Borrisokane, Co. Tipperary is development and is exempted development. The proposals meets the exempted development provisions as set out under Class 9 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001.

District Planner:

Olive O'Donnell

Date: 14/10/2025

Senior Executive Planner:

Jonathan Flood

Date: 14/10/2025

HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT

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

(a) File Reference No:	S5/25/114
(b) Brief description of the project or plan:	As per Planner's Report
(c) Brief description of site characteristics:	As per Planner's Report
(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW	No
(e) Response to consultation:	N/a

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

European Site (code)	List of Qualifying Interest/Special Conservation Interest ¹	Distance from proposed development (km)	Connections (Source-Pathway-Receptor)	Considered further in screening Y/N
002241 Lough Derg, North East Shore SAC	https://www.npws.ie/protected-sites/sac/002241	Within 10km	None	No
000216 River Shannon Callows SAC	https://www.npws.ie/protected-sites/sac/000216	Within 15km	None	No
000231 Barroughter Bog SAC	https://www.npws.ie/protected-sites/sac/000231	Within 15km	None	No
000248 Cloonmoylan Bog SAC	https://www.npws.ie/protected-sites/sac/000248	Within 15km	None	No
000647 Kilcarren-Firville Bog SAC	https://www.npws.ie/protected-sites/sac/000647	Within 15km	None	No
001683 Liskeenan Fen SAC	https://www.npws.ie/protected-sites/sac/001683	Within 15km	None	No
004096 Middle Shannon Callows SPA	https://www.npws.ie/protected-sites/spa/004096	Within 15km	None	No

004168 Slieve Aughty Mountains SPA	https://www.npws.ie/protected-sites/spa/004168	Within 15km	None	No
004058 Lough Derg (Shannon) SPA	https://www.npws.ie/protected-sites/spa/004058	Within 10km	None	No

STEP 3. Assessment of Likely Significant Effects

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

Impacts:	Possible Significance of Impacts: (duration/magnitude etc.)
Construction phase e.g. <ul style="list-style-type: none"> • Vegetation clearance • Demolition • Surface water runoff from soil excavation/infill/landscaping (including borrow pits) • Dust, noise, vibration • Lighting disturbance • Impact on groundwater/dewatering • Storage of excavated/construction materials • Access to site • Pests 	None.
Operational phase e.g. <ul style="list-style-type: none"> • Direct emission to air and water • Surface water runoff containing contaminant or sediment • Lighting disturbance • Noise/vibration • Changes to water/groundwater due to drainage or abstraction • Presence of people, vehicles and activities • Physical presence of structures (e.g. collision risks) • Potential for accidents or incidents 	None.
In-combination/Other	None.

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

Examples of the type of changes to consider 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 	None.
--	-------

- 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

(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 checked="" type="checkbox"/>	The proposal can be screened out: Appropriate assessment not required.
(ii) It is uncertain whether the proposal will have a significant effect on a European site.	<input type="checkbox"/>	<input type="checkbox"/> Request further information to complete screening <input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
(iii) Significant effects are likely.	<input type="checkbox"/>	<input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
Signature and Date of Recommending Officer:	Olive O'Donnell	Date: 10/09/2025

EIA Pre-Screening Establishing a development is a 'sub-threshold development'			
File Reference:	S5/25/114		
Development Summary:	As per Planner's Report		
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"/> , 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"/> 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:	Olive O'Donnell	Date:	10/09/2025



Date: 16th October, 2025

Our Ref: S5/25/114

Civic Offices, Nenagh

Andrew Campbell
Ballythomas
Ardcroney
Nenagh
Co. Tipperary
E45 AF54

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

Dear Mr Campbell,

I refer to your application for a Section 5 Declaration received on 22nd August, 2025, and Further Information received on 30th September, 2025 in relation to the following proposed works:

New entrance to the existing farmyard complex onto existing adjoining private roadway at Carney Castle, Carney, Borrisokane, Co. Tipperary

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

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

- a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended
- b) Article 6 and 9 of the Planning and Development Regulations 2001, as amended,
- c) Class 9 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended,

AND WHEREAS Tipperary County Council has concluded that –

A new entrance to the existing farmyard complex onto existing adjoining private roadway at Carney Castle, Carney, Borrisokane, Co. Tipperary is development and is exempted development.

The proposals meets the **exempted development**, provisions as set out under Class 9 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001.

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 fluid and cursive, with the first name "Siobhán" and the surname "Rye" clearly distinguishable.

for **Director of Services**

Original

TIPPERARY COUNTY COUNCIL

DELEGATED EMPLOYEE'S ORDER

File Ref: **S5/25/114** **Delegated Employee's Order No:** _____

SUBJECT: Section 5 Declaration

I, Brian Beck, Director of Services, Tipperary County Council, by virtue of the powers delegated to me in accordance with the provisions of Section 154 of the Local Government Act 2001, as amended by Schedule 1, Part 1 of the Local Government Reform Act 2014 under Chief Executive's Order No. 44188 dated 3rd October, 2025, hereby order that pursuant to the provisions of the Planning and Development Act 2000, as amended, that an application under Section 5 from Andrew Campbell, Ballythomas, Ardcroney Nenagh, Co. Tipperary, re: New entrance to the existing farmyard complex onto existing adjoining private roadway at Carney Castle, Carney, Borrisokane, Co. Tipperary is development and is exempted development.

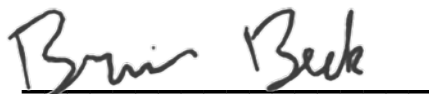
AND WHEREAS Tipperary County Council, in considering this referral, had regard particularly to –

- a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended
- b) Article 6 and 9 of the Planning and Development Regulations 2001, as amended,
- c) Class 9 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended,

AND WHEREAS Tipperary County Council has concluded that –

A new entrance to the existing farmyard complex onto existing adjoining private roadway at Carney Castle, Carney, Borrisokane, Co. Tipperary is development and is exempted development. The proposals meets the **exempted development** provisions as set out under Class 9 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001

Signed:



Brian Beck
Director of Services

Date: 16/10/2025