



PLANNING & DEVELOPMENT ACT, 2000 (as amended) RY CO. COUNCIL RECEIVED

| | | PLANNING SECTION |
|-------------------------------|--|---------------------------|
| Applicant's addr | ress/contact details: | FILE NO. |
| Applicant | JIM RYAN | 2.50 |
| Address | KNOCKERA VOOLA UPPERCHURCH THURLES | |
| Telephone No. | | |
| E-mail | | |
| Agent's (if any) a | address: | |
| Agent | | |
| Address | | |
| Telephone No. | | |
| E-mail | | |
| Please advise wh sent; | here all correspondence in relation to t | this application is to be |
| Applicant [] | Agent [] | |
| | posed Development: | 1 |
| Postal Address or Townland or | KAZHEEN MOKE | |
| Location (as may bes | BORRISOLEIGH | |
| identify the land of | 1 1 0 1 / 1 1 2 | |

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.

| PROPOSED | SLATTED | SHED | 106 m ² | Class | 6. |
|------------------|-----------------|------------|--------------------|-------|----|
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| Proposed floor a | rea of proposed | works/uses | : 106 sqm | | |

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

| A. Owner B. Occupier | |
|----------------------|--|
| C. Other | |
| SON OF OWNER | |
| | 4N |
| UPPERCHURCH THALLES | |
| | C. Other SON OF OWNER Name: MAUREEN RYA Address: GLOWN UPPERCHURCH |

Signature of Applic

Date: 12/03/2025

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
 - 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

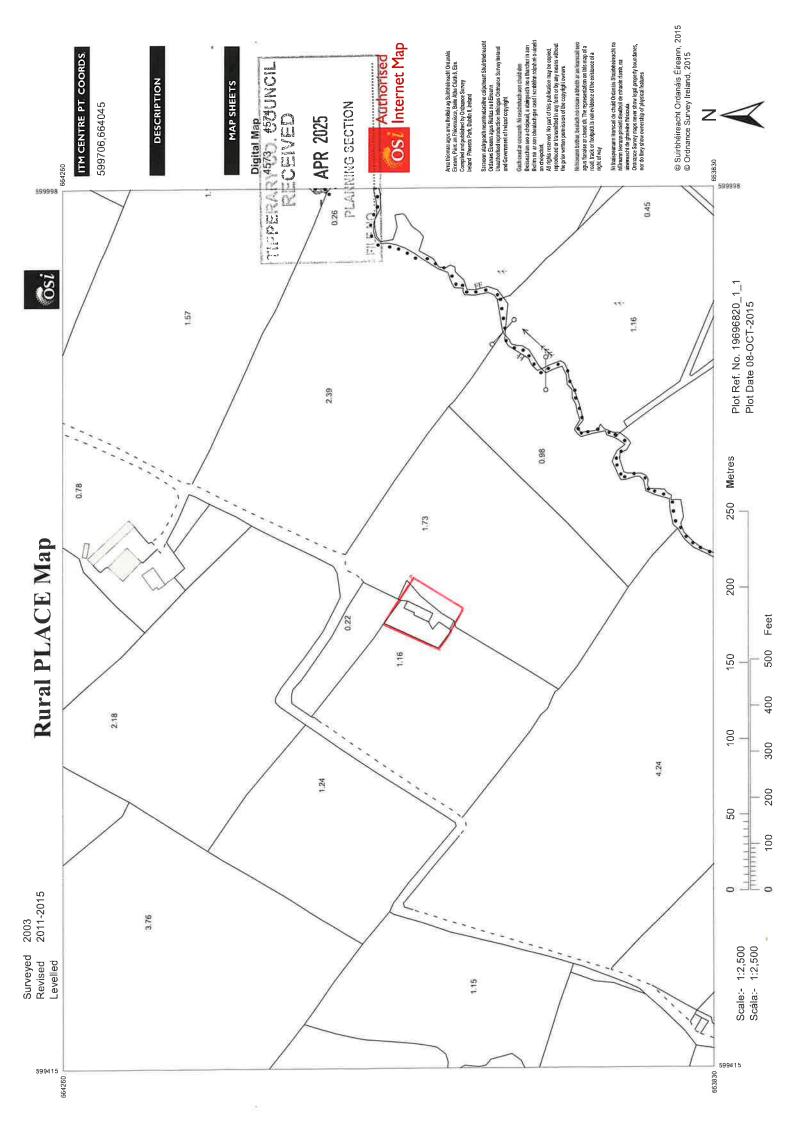
Co. Tipperary

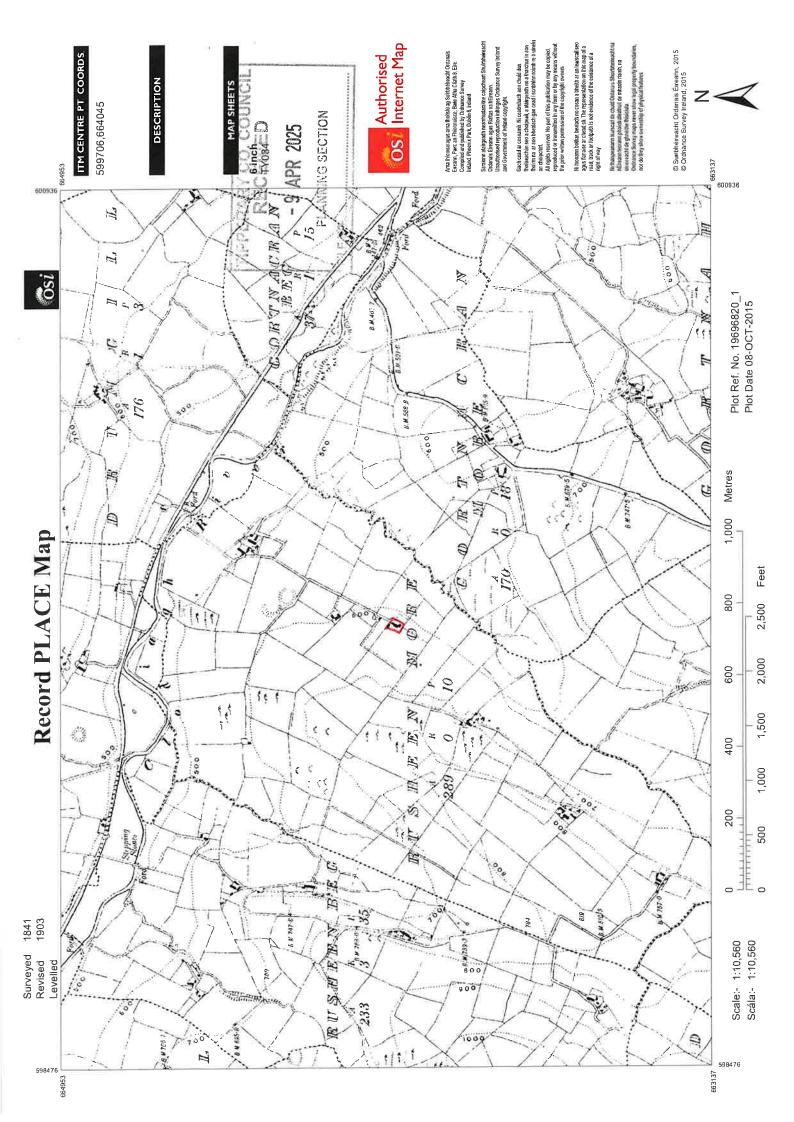
Enquires:

Telephone 0818 06 5000

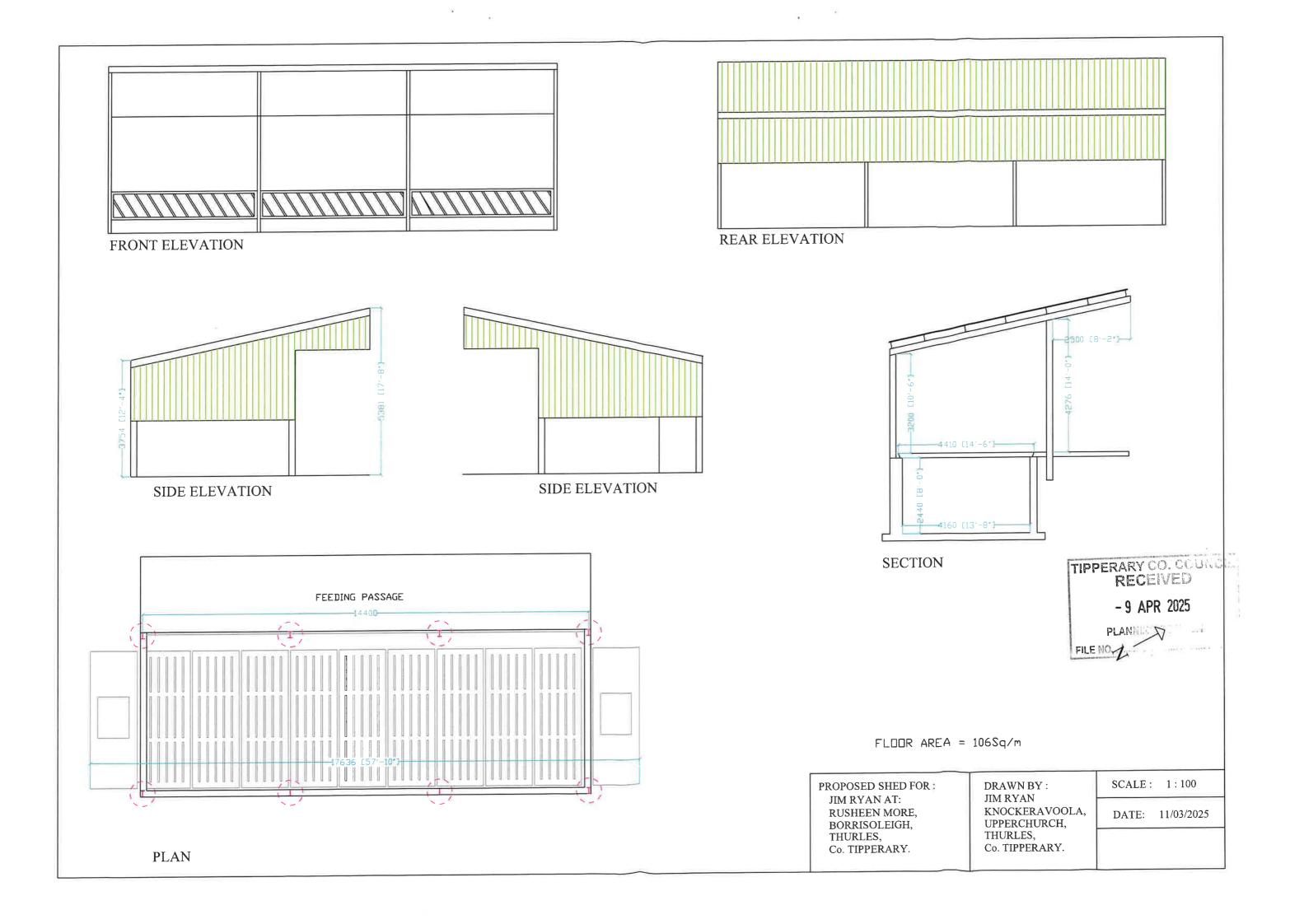
E-Mail planning@tipperarycoco.ie

| FOR OFFICE USE ONLY | | |
|-----------------------------|------------|--|
| | DATE STAMP | |
| Fee Recd. € 80-e0 | | |
| Receipt No_WENAM 1/0/127786 | | |
| Date 9/4/2025 | | |
| Receipted by Maura Lills | | |



























Comhairle Contae Thiobraid Árann, Oifigí Cathartha, Cluain Meala, Co. Thiobraid Árann Tipperary County Council, Civic Offices, Clonmel, Co. Tipperary Comhairle Contae Thiobraid Árann, Oifigí Cathartha, An tAonach, Co. Thiobraid Árann Tipperary County Council, Civic Offices, Nenagh, Co. Tipperary E45 A099 t 0818 06 5000/600 e customerservice @tipperarycoco.ie

tipperarycoco.ie

Date: 9th April, 2025

Our Ref: S5/25/39

E91 N512

Civic Offices, Nenagh

Jim Ryan Knockeravoola Upperchurch Thurles Co. Tipperary

Re: Application for a Section 5 Declaration – Construction of Slatted Shed 106 msq, Class 6 at Rusheen More, Borrisoleigh, Thurles, Co. Tipperary.

Dear Mr Ryan,

I acknowledge receipt of your application for a Section 5 Declaration received on 9^{th} April, 2025, in connection with the above.

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

Yours sincerely

r 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.: S5/25/39

Applicant: Jim Ryan

Development Address: Rusheen More, Borrioleigh, Thurles

Proposed Development: Slatted shed (Class 6) sized 106 sq m.

1. Summary

On 9/4/2025 a request was made for a declaration under Section 5 of the Planning and Development Act, 2000, as amended, by Jim Ryan as to whether or not the following constituted development and if so, whether same was exempted development:

• Slatted shed (Class 6) sized 106 sq m.



Pic 1: Existing slatted shed. Note section at left hand side is an additional element not shown on the drawings under S5/15/82



Pic 2: Loose house. Used as a store.

2. Legislation

Section 2 (1) of the Planning and Development Act 2000, as amended, states as follows:"works" includes any act or operation of construction, excavation, demolition, extension,
alteration, repair or renewal....'

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 of the Planning and Development Act 2000, as amended, provides for Exempted Development and Section 4(1) sets outs works which shall be exempted development for the purposes of this act. Section 4(2) (a) of the same Act states that 'the Minister may by regulations provide for any class of development to be exempted development for the purposes of this Act.

Article 6 (1) of the Regulations states the following:

"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."

Schedule 2

PART 3

Exempted Development — Rural

Column 1

Column 2

CLASS 6

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.

- 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.

3. ASSESSMENT

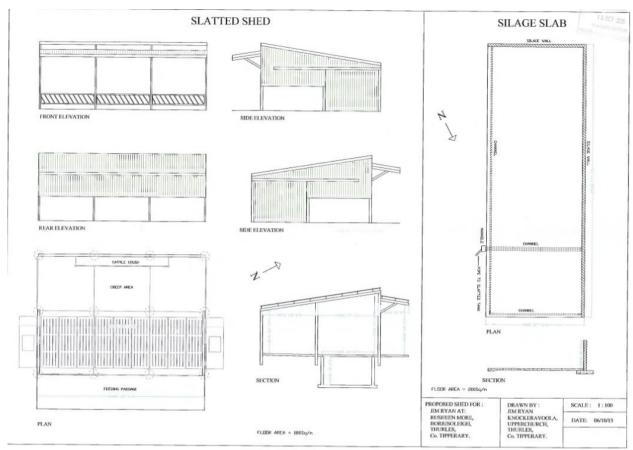
a. Site Location

The site is located abutting the local road, c.3.5km southwest of Borrisoleigh. The site is greenfield site (no existing agricultural buildings on site) and nearest dwelling is 150m to the north of the site.

b. Planning History

S5/15/82- Construction of slatted shed (Class 6, 188sq.m) and silage slab with silage walls at Rusheen More, Borrisoleigh, Thurles deemed development and exempted development.

Page 3



Shed to which S5/15/82 relates.

S5/16/91-Development of a loose shed (122 sq m) deemed development and exempted development.

c. Assessment

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 erection of a slatted shed (Class 6) 106sq.m would constitute "development" within the meaning of Section 3 of the Act.

B) "Is or is not Exempted Development"

Class 6 of Part 3 of Schedule 2 provides 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.

The proposed slatted shed (Class 6) is 106sq.m.

The following assesses the proposal under the conditions and limitations specified in column 2 for the class of development (Class 1) in column 1.

1. No such structure shall be used for any purpose other than the purpose of agriculture.

The slatted shed is to be used for cattle.

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.

The gross floor area of the proposed shed is 106sq.m. The planning history shows the following declarations relate to the site:

- S5/15/82- Construction of slatted shed (Class 6, 188sq.m).
- S5/16/91-Development of a loose shed (122 sq m).

The photographs taken of the site show the loose shed in use as a store. Confirmation is required on whether same is to be used to house cattle or any other animals.

The site plan drawing submitted shows the proposed shed only. It does not show the existing sheds within the site. A revised site plan drawing is required that accurately shows the as-built sheds and confirms the use of same. Further information is required on this matter. It appears the existing slatted shed has been extended, this is evident when comparing the drawings under S5/15/82 to the photographs taken on site.

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

This application is for the construction of a slatted shed. The slatted tank will provide storage. The tank should to be to Department and Teagasc specifications.

5. No such structure shall be situated, and no effluent from such structure shall be stored, within 10 metres of any public road.

On the drawing submitted, the proposed shed is greater than 10m from the local road.

6. No such structure within 100 metres of any public road shall exceed 8 metres in height.

As per the drawing submitted, the proposed shed is c.5.3m in height.

7. 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.

As per the drawing submitted, the proposed shed is located greater 100m from the nearest dwelling.

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

As per the drawing submitted, the proposed shed is to be finished with Agri Cladding.

C) Is the exemption restricted

None applicable.

4. APPROPRIATE ASSESSMENT (AA)/ ENVIRONMENTAL IMPACT ASSESSMENT

The development has been screened as to the requirement for AA (see attached) and it has been determined that same is not required.

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 attached.

5. RECOMMENDATION

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

- 1. The applicant is requested to submit, for the consideration of the Planning Authority, a revised site layout plan to a scale of 1:500 showing all buildings and structures within the site. The plan is to be marked clearly to show:
 - The existing agricultural buildings. The floor area of same to be provided together with the use of said buildings (Cattle housing, Agricultural storage etc).
 - The existing yard areas and silage slab areas.
- 2. The applicant is advised that the existing slatted shed to which S5/15/82 relates appears to have been altered/extended. The site layout drawing required under Item 1 shall be marked to show this alteration/extension and the use of same to be outlined.

Signed: Date: 28.04.2025

Signed: Date: 28.04.2025

Senior Executive Planner

HABITATS DIRECTIVE APPROPERIATE ASSESSMENT (AA) SCREENING REPORT STEP 1. Description of the project/proposal and local site characteristics: (a) File Reference No: \$5.25.39 (b) Brief description of the project Demolition of internal walls and chimney, installation of roof lights, or plan: upgrade of windows and door (c) Brief description of site Rosemary Street, Roscrea characteristics: (d) Relevant prescribed bodies None consulted: e.g. DHLGH (NPWS), EPA, OPW None (e) Response to consultation: STEP 2. Identification of relevant Natura 2000 sites using Source-Pathway-Receptor model and compilation of information on Qualifying Interests and conservation objectives. Distance from **Connections Considered further in European Site List of Qualifying** (code) Interest/Special proposed (Sourcescreening Conservation Interest¹ development² Pathway-Y/N (km) Receptor) 002137 https://www.npws.ie/protec Within 15km None No ted-sites/sac/002137 Lower River Suir **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. 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 | No potential impacts |
| Operational phase e.g. • Direct emission to air and water | No potential impacts |

| 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 | | | |
|---|-------------------------|--|--|
| In-combination/Other | | No potential impacts | |
| (b) Describe any likely changes to the Eu | ıropean site: | | |
| Examples of the type of changes to give of include: Reduction or fragmentation of habitation disturbance to QI species Habitat or species fragmentation Reduction or fragmentation in specie Changes in key indicators of conservativater or air quality etc.) Changes to areas of sensitivity or three Interference with the key relationship structure or ecological function of the | No potential impacts | | |
| (c) Are 'mitigation' measures necessary to reach a conclusion that likely significant effects can be ruled out at screening? | | | |
| ☐ Yes ⊠ No | | | |
| STEP 4. S | 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. | | 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. | | Request further information to complete screening Request NIS Refuse planning permission | |
| | | | |

| (iii) Significant effects are likely. | | Request NIS Refuse planning permission |
|---|----------|--|
| Signature and Date of Recommending Officer: | Peroslay | Date: 28.04.2025 |

| EIA Pre-Screening Establishing a development is a 'sub-threshold development' | | | | |
|--|---|--|-----------------------|--|
| File Reference: | S5/25/39 | | | |
| Development Summary: | Alterations to windows, demolition of extension and construction of new extension | | | |
| Was a Screening Determination carried out under Section 176A-C? | ☐Yes, no further action required ☐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) | | | | |
| | | mandatory eening required | | |
| ⊠No | Procee | | eed 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) | | | | |
| No, the development is not a project listed in Schedule 5, Part 2 No Screening required | | | No Screening required | |
| 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 | | |
| 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? | | | | |
| Yes, Schedule 7A information/screening report has been submitted by the applicant No, Schedule 7A information/screening report has not been submitted by the applicant | | Screening Determination required Preliminary Examination required | | |
| Signature and Date of Recommending Officer: | Aprostay | Da | te: 28.04.2025 | |



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

Tipperary County Council, Civic Offices, Clonmel, Co. Tipperary

E91 N512

Comhairle Contae Thiobraid Árann, Oifigí Cathartha, An tAonach, Co. Thiobraid Árann

E45 A099

Tipperary County Council, Civic Offices, Nenagh, Co. Tipperary t 0818 06 5000/6000 e customerservice @tipperarycoco.ie

tipperarycoco.ie

Date: 29th April, 2025 Our Ref: S5/25/39 Civic Offices, Nenagh

Jim Ryan, Knockeravoola, Upperchurch, Thurles, Co. Tipperary.

Re: Application for a Section 5 Declaration –Construction of Slatted Shed 106m² Class 6 at Rusheen More, Borrisoleigh, Thurles, Co. Tipperary

Dear Mr. Ryan,

I refer to an application received from you on 9th April, 2025 requesting a Declaration from this Planning Authority as to whether or not certain works constitute development within the meaning of the Planning and Development Act 2000, as amended.

Further information is requested as follows;

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

- 1. The applicant is requested to submit, for the consideration of the Planning Authority, a revised site layout plan to a scale of 1:500 showing all buildings and structures within the site. The plan is to be marked clearly to show:
 - The existing agricultural buildings. The floor area of same to be provided together with the use of said buildings (Cattle housing, Agricultural storage etc).
 - The existing yard areas and silage slab areas.
- 2. The applicant is advised that the existing slatted shed to which S5/15/82 relates appears to have been altered/extended. The site layout drawing required under Item 1 shall be marked to show this alteration/extension and the use of same to be outlined.

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

Yours sincerely, *Geraldine Quinn*for **Director of Services**

Planning Department
Tipperary County Council
Civic Offices,
Limerick Road,
Nenagh,
Co. Tipperary.

Tipperary County Council
RECEIVED
2 2 SEP 2025
CS D
Civic Offices, Nenagh

19/09/2025

RE: Further Information - Section 5 Application at Rusheen More, Borrisoleigh, Thurles Ref: S5/25/39

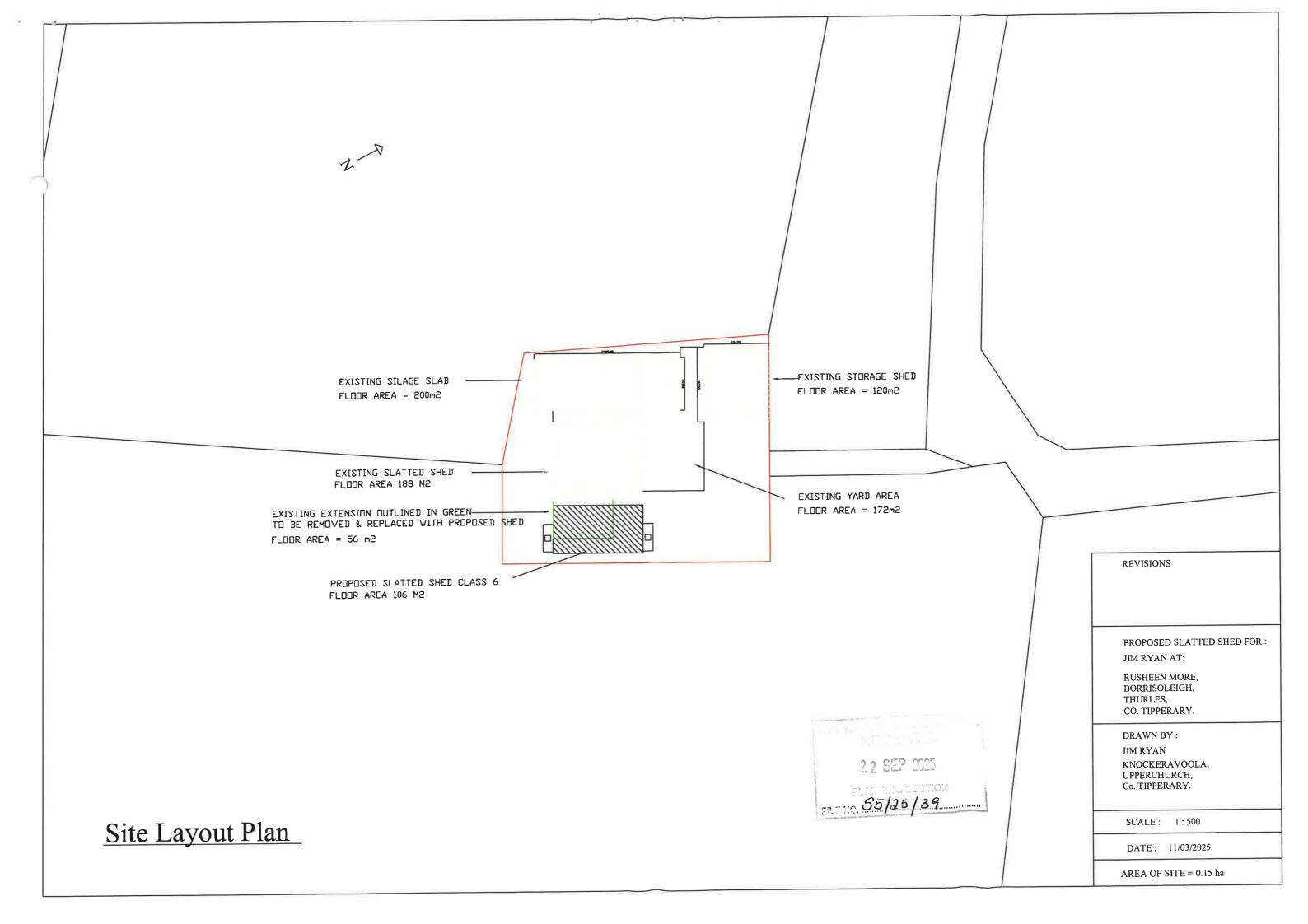
Dear sir/madam

Please see attached revised site layout plan for the above mentioned development.

The existing extension outlined in Green is used as a covered feeding passage for the adjoining slatted shed. This extension will be removed and replaced with the proposed slatted shed.

Regards







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

Tipperary County Council, Civic Offices, Clonmel, Co. Tipperary

E91 N512

Comhairle Contae Thiobraid Árann, Oifigi Cathartha, An tAonach, Co. Thiobraid Árann

E45 A099

Tipperary County Council, Civic Offices, Nenagh, Co. Tipperary

e customerservice @tipperarycoco.ie

t 0818 06 5000/600

tipperarycoco.ie

Date: 23rd September, 2025

Our Ref: S5/25/39

Civic Offices, Nenagh

Jim Ryan Knockeravoola **Upperchurch Thurles** Co. Tipperary

Re: Application for a Section 5 Declaration re Slatted shed (Class 6) sized 106 sq m.at Rusheen More, Borrioleigh, Thurles

Dear Mr Ryan,

I acknowledge receipt of Further Information received on 22nd 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

TIPPERARY COUNTY COUNCIL

Application for Declaration under Section 5

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

Planning Ref.: S5/25/39

Applicant: Jim Ryan

Development Address: Rusheen More, Borrioleigh, Thurles

Proposed Development: Slatted shed (Class 6) sized 106 sq m.

1. Summary

On 9/4/2025 a request was made for a declaration under Section 5 of the Planning and Development Act, 2000, as amended, by Jim Ryan as to whether or not the following constituted development and if so, whether same was exempted development:

• Slatted shed (Class 6) sized 106 sq m.



Pic 1: Existing slatted shed. Note section at left hand side is an additional element not shown on the drawings under S5/15/82



Pic 2: Loose house. Used as a store.

2. Legislation

Section 2 (1) of the Planning and Development Act 2000, as amended, states as follows:"works" includes any act or operation of construction, excavation, demolition, extension,
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"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."

Schedule 2

PART 3

Exempted Development — Rural

Column 1

Column 2

CLASS 6

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.

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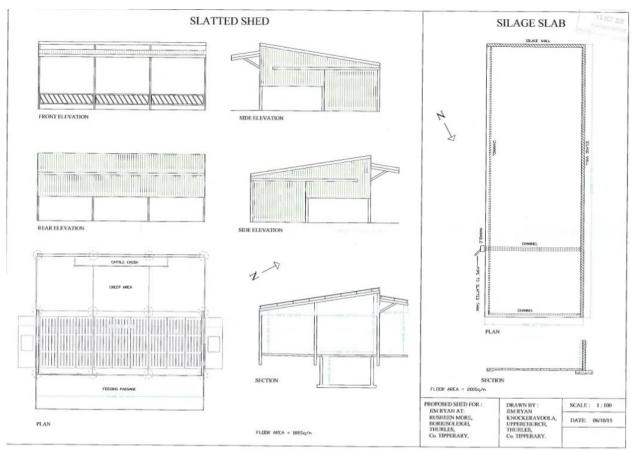
a. Site Location

The site is located abutting the local road, c.3.5km southwest of Borrisoleigh. The site is greenfield site (no existing agricultural buildings on site) and nearest dwelling is 150m to the north of the site.

b. Planning History

S5/15/82- Construction of slatted shed (Class 6, 188sq.m) and silage slab with silage walls at Rusheen More, Borrisoleigh, Thurles deemed development and exempted development.

Page 3



Shed to which S5/15/82 relates.

S5/16/91-Development of a loose shed (122 sq m) deemed development and exempted development.

c. Assessment

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 erection of a slatted shed (Class 6) 106sq.m would constitute "development" within the meaning of Section 3 of the Act.

B) "Is or is not Exempted Development"

Class 6 of Part 3 of Schedule 2 provides for;

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The proposed slatted shed (Class 6) is 106sq.m.

The following assesses the proposal under the conditions and limitations specified in column 2 for the class of development (Class 1) in column 1.

1. No such structure shall be used for any purpose other than the purpose of agriculture.

The slatted shed is to be used for cattle.

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.

The gross floor area of the proposed shed is 106sq.m. The planning history shows the following declarations relate to the site:

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This application is for the construction of a slatted shed. The slatted tank will provide storage. The tank should to be to Department and Teagasc specifications.

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On the drawing submitted, the proposed shed is greater than 10m from the local road.

6. No such structure within 100 metres of any public road shall exceed 8 metres in height.

As per the drawing submitted, the proposed shed is c.5.3m in height.

7. 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.

As per the drawing submitted, the proposed shed is located greater 100m from the nearest dwelling.

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

As per the drawing submitted, the proposed shed is to be finished with Agri Cladding.

C) Is the exemption restricted

None applicable.

4. APPROPRIATE ASSESSMENT (AA)/ ENVIRONMENTAL IMPACT ASSESSMENT

The development has been screened as to the requirement for AA (see attached) and it has been determined that same is not required.

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 attached.

5. RECOMMENDATION

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

- 1. The applicant is requested to submit, for the consideration of the Planning Authority, a revised site layout plan to a scale of 1:500 showing all buildings and structures within the site. The plan is to be marked clearly to show:
 - The existing agricultural buildings. The floor area of same to be provided together with the use of said buildings (Cattle housing, Agricultural storage etc).
 - The existing yard areas and silage slab areas.

| 2. | The applicant is advised that the existing slatted shed to which S5/15/82 relates appears |
|----|---|
| | to have been altered/extended. The site layout drawing required under Item 1 shall be |
| | marked to show this alteration/extension and the use of same to be outlined. |

Signed: Date: 28.04.2025

Signed: Date: 28.04.2025

Senior Executive Planner

1. **FURTHER INFORMATION**:

Further information was requested on this Declaration on 29/4/2025. A reply was received on 22/9/2025. The further information includes a revised site layout plan identifying the other buildings in the farm yard and indicating their respective floor areas.

The Site plan is marked in green to show an existing extension to the slatted shed to which S5/15/82 relates. This extension is to be removed and replaced with the proposed shed to which the subject Declaration relates.

2. **LEGISLATION**:

Section 2 (1) of the Planning and Development Act 2000, as amended, states as follows:"works" includes any act or operation of construction, excavation, demolition, extension,
alteration, repair or renewal....'

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 of the Planning and Development Act 2000, as amended, provides for Exempted Development and Section 4(1) sets outs works which shall be exempted development for the purposes of this act. Section 4(2) (a) of the same Act states that 'the Minister may by regulations provide for any class of development to be exempted development for the purposes of this Act.

Article 6 (1) of the Regulations states the following:

"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."

Column 1 Description of Development Agricultural Structures

Column 2 Conditions and Limitations

CLASS 6

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

- 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.

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Column 1 Description of Development

Column 2 Conditions and Limitations

CLASS 50

- (a) The demolition of a building, or buildings, within the curtilage of—
- (i) a house.
- (ii) an industrial building,
- (iii) a business premises, or
- (iv) a farmyard complex...
- 1. No such building or buildings shall abut on another building in separate ownership.
- 2. The cumulative floor area of any such building, or buildings, shall not exceed:
 - (a) in the case of a building, or buildings within the curtilage of a house, 40 square metres, and
 - (b) in all other cases, 100 square metres.
- 3. No such demolition shall be carried out to facilitate development of any class prescribed for the purposes of section 176 of the Act.

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3. ASSESSMENT:

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 erection of a slatted shed (Class 6) 106sq.m would constitute "development" within the meaning of Section 3 of the Act. The demolition of the existing green structure would also constitute "development" within the meaning of Section 3 of the Act.

B) "Is or is not Exempted Development"

Class 6 of Part 3 of Schedule 2 provides 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.

The proposed slatted shed (Class 6) is 106sq.m.

The following assesses the proposal under the conditions and limitations specified in column 2 for the class of development (Class 1) in column 1.

1. No such structure shall be used for any purpose other than the purpose of agriculture.

The slatted shed is to be used for cattle.

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.

The gross floor area of the proposed shed is 106sq.m. The planning history shows the following declarations relate to the site:

- S5/15/82- Construction of slatted shed (Class 6, 188sq.m).
- S5/16/91-Development of a loose shed (122 sq m).

The site plan drawing submitted as further information shows the site contains the following buildings/structures:

- Storage shed-120 sq m (Class 9 Structure)
- Silage Slab -200 sq m (Class 8 structure)
- Slatted shed-188 sq m (Class 6 structure)
- Yard-172 sq m (Class 8 structure)

The floor space of the proposed shed (106 sq m) taken together with the existing slatted shed on the site (188 sq m) amounts to 294 sq m.

It is noted that an unauthorised extension to the slatted shed (56 sq m) is to be removed. The demolition of this shed can reasonably be considered to meet the planning exemption under Class 50 of Schedule 2, Part 1 of the Planning and Development Regulations 2001, as amended.

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.

This application includes for the construction of a slatted shed. The slatted tank will provide storage. The tank should to be to Department and Teagasc specifications.

4. No such structure shall be situated, and no effluent from such structure shall be stored, within 10 metres of any public road.

On the drawing submitted, the proposed shed is greater than 10m from the local road.

5. No such structure within 100 metres of any public road shall exceed 8 metres in height.

As per the drawing submitted, the proposed shed is c.5.3m 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.

As per the drawing submitted, the proposed shed is located greater 100m from the nearest dwelling.

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

As per the drawing submitted, the proposed shed is to be finished with Agri Cladding.

C) Is the exemption restricted

None applicable.

5. APPROPRIATE ASSESSMENT (AA)/ ENVIRONMENTAL IMPACT ASSESSMENT

The development has been screened as to the requirement for AA (see attached) and it has been determined that same is not required.

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 attached.

6. RECOMMENDATION

A question has arisen as to whether the following is development and is or is not exempted development;

Construction of a slatted shed (Class 6) sized 106 sq m. Demolition of an existing shed extension sized 56 sq m.

Tipperary County Council, in considering this proposal, had regard particularly to

- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001, as amended.

- (c) Class 50 of Schedule 2, Part 1 of the Planning and Development Regulations 2001, as amended
- (d) Class 6 of Schedule 2, Part 3 of the Planning and Development Regulations 2001, as amended
- (e) The details submitted with the application and the further information received.

Tipperary County Council has determined that the proposals as presented in the Declaration application constitute "development" as understood by the Planning and Development Act 2000, as amended and are **exempted development**.

Date: 02/10/2025

Signed:

Jonathan Flood
Senior Executive Planner

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| HABITATS DIRECTIVE APPROPERIATE ASSESSMENT (AA) SCREENING REPORT | | | | | | |
|--|---|--|---|---|-------------------------------------|--|
| S | TEP 1. Description c | of the projec | t/proposal and | d local site charac | teristics: | |
| (a) File Reference No: | | S5.25.39 | S5.25.39 | | | |
| (b) Brief description of the project or plan: | | Demolition of internal walls and chimney, installation of roof lights, upgrade of windows and door | | | | |
| (c) Brief description of site characteristics: | | Rosemary Street, Roscrea | | | | |
| (d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW | | None | | | | |
| (e) Response to consultation: None | | None | e | | | |
| 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 | | rest ¹ | Distance from proposed development (km) | (Source- | Considered further in screening Y/N | |
| 002137 Lower River Suir | , | | Within 15km | None | No | |
| | STEP 3. | Assessment | of Likely Signi | ficant Effects | | |
| | tential direct and ir a European site, tak dings: | • | • | | | |
| Impacts: | | | | Possible Significance of Impacts: (duration/magnitude etc.) | | |
| Construction phase e.g. 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 | | No potential imp | pacts | | | |

Pests

| Operational phase e.g. Direct emission to air and water Surface water runoff containing contaming Lighting disturbance Noise/vibration Changes to water/groundwater due to dra abstraction Presence of people, vehicles and activities Physical presence of structures (e.g. collist) Potential for accidents or incidents | No potential impacts | | | |
|--|---|---|--|--|
| In-combination/Other | No potential impacts | | | |
| (b) Describe any likely changes to the Europ | ean site: | | | |
| Examples of the type of changes to give consinclude: Reduction or fragmentation of habitat are Disturbance to QI species Habitat or species fragmentation Reduction or fragmentation in species de Changes in key indicators of conservation (water or air quality etc.) Changes to areas of sensitivity or threats Interference with the key relationships the structure or ecological function of the site | ensity n status value to QI nat define the | No potential impacts | | |
| (c) Are 'mitigation' measures necessary to out at screening? | reach a conclusi | on that likely significant effects can be ruled | | |
| ☐ Yes ⊠ No | | | | |
| STEP 4. Screening Determination Statement | | | | |
| The assessment of significance of effects: Describe how the proposed development (a on European site(s) in view of its conservation. The proposed development is not likely to have a significance of effects: The proposed development is not likely to have a significance of effects: | on objectives. | nation) is/is not likely to have significant effects ects. | | |
| Conclusion: | | | | |
| | Tick as Appropriate: | Recommendation: | | |
| (i) It is clear that there is no likelihood of significant effects on a European site. | | 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. | | Request further information to complete screeningRequest NIS | | |

| | | Refuse planning permission |
|---------------------------------------|----------|----------------------------|
| (iii) Significant effects are likely. | | Request NIS |
| | | Refuse planning permission |
| Signature and Date of | Jonathan | Date: 02/10/2025 |
| Recommending Officer: | Flood | |

| EIA Pre-Screening Establishing a development is a 'sub-threshold development' | | | | |
|--|----------------------|---|--|--|
| File Reference: | S5/25/39 | | | |
| Development Summary: | Alterations to windo | Alterations to windows, demolition of extension and construction of new extension | | |
| Was a Screening Determination carried out under Section 176A-C? | | ☐Yes, no further action required☑No, Proceed to Part A | | |
| A. Schedule 5 Part 1 - Does the development Development Regulations 2001 (as amended (Tick as appropriate) | | d in Sch | edule 5, Part 1 , of the Planning and | |
| Yes, specify class | | EIA is r | is mandatory | |
| | | No Screening required | | |
| ⊠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) | | | | |
| No, the development is not a project listed in Schedule 5, Part 2 | | | No Screening required | |
| 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 | |
| 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? | | | | |
| Yes, Schedule 7A information/screening report has been submitted by the applicant No, Schedule 7A information/screening report has not been submitted by the applicant | | | Screening Determination required Preliminary Examination required | |
| Signature and Date of Recommending Officer: | Jonathan Flood | Dat | te: 02/10/2025 | |



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

Tipperary County Council, Civic Offices, Clonmel, Co. Tipperary Oifigí Cathartha, An tAonach, Co. Thiobraid Árann Tipperary County Co

Comhairle Contae

Thiobraid Árann,

Tipperary County Council, Civic Offices, Nenagh,

Co. Tipperary E45 A099 @tipperarycoco.ie tipperarycoco.ie

e customerservice

t 0818 06 5000/6000

Date: 2nd October, 2025 Our Ref: S5/25/39 Civic Offices, Nenagh

E91 N512

Jim Ryan Knockeravoola Upperchurch Thurles Co. Tipperary

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

Dear Mr Ryan

I refer to your application for a Section 5 Declaration received on 9th April, 2025, and Further Information received on 22nd September, 2025 in relation to the following proposed works:

Slatted shed (Class 6) sized 106 sq m.at Rusheen More, Borrioleigh, 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 –

- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001, as amended.
- (c) Class 50 of Schedule 2, Part 1 of the Planning and Development Regulations 2001, as amended
- (d) Class 6 of Schedule 2, Part 3 of the Planning and Development Regulations 2001, as amended
- (e) The details submitted with the application and the further information received.

Tipperary County Council has determined that the proposals as presented in the Declaration application constitute "development" as understood by the Planning and Development Act 2000, as amended and are **exempted development.**

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

Yours sincerely

Geraldine Quinn for Director of Services

<u>Original</u>

TIPPERARY COUNTY COUNCIL

DELEGATED EMPLOYEE'S ORDER

| File Ref: S5/25/39 | Delegated Employee's Order No: | |
|---------------------------|---------------------------------------|--|
| ž ž | . , | |

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 Jim Ryan, Knockeravoola, Upperchurch, Thurles Co. Tipperary, re: Slatted shed (Class 6) sized 106 sq m.at Rusheen More, Borrioleigh, Thurles, 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) Articles 6 and 9 of the Planning and Development Regulations 2001, as amended.
- (c) Class 50 of Schedule 2, Part 1 of the Planning and Development Regulations 2001, as amended
- (d) Class 6 of Schedule 2, Part 3 of the Planning and Development Regulations 2001, as amended
- (e) The details submitted with the application and the further information received.

Tipperary County Council has determined that the proposals as presented in the Declaration application constitute "development" as understood by the Planning and Development Act 2000, as amended and are **exempted development.**

Signed: _____ Date: 02/10/2025

Dave Carroll

A/Director of Services

Planning and Development (including Town Centre First),

Emergency Services and Emergency Planning and

Tipperary/Cahir/Cashel Municipal District