



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	WILLIAM O'DONNELL
Address	NO. 2 COOLNANAVE MITCHELSTOWN CO CORK
Telephone No.	[REDACTED]
E-mail	[REDACTED]

2. Agent's (if any) address:

Agent	KEVIN T FINN,
Address	POTTER & FINN CHARTERED CONSULTING ENGINEERS KINGSTON CLOSE MITCHELSTOWN CO CORK P67 EY97
Telephone No.	[REDACTED]
E-mail	[REDACTED]
Please advise where all correspondence in relation to this application is to be sent:	
Applicant [<input type="checkbox"/>]	Agent <input checked="" type="checkbox"/> YES

3. Location of Proposed Development:

Postal Address or Townland or Location (as may best identify the land or structure in question)	COOLAGARRANROE, BURNCOURT CO TIPPERARY
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4. Development Details:

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

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

Land reclamation and drainage works comprising the recontouring of an area of agricultural land by: The stripping of topsoil to a depth of 0 - 50mm or thereabouts, and placing drainage stone on the area of land to a depth of 0 - 20cm or thereabouts, and replacement of the topsoil on the area of land, all carried out within the farm holding.
Proposed floor area of proposed works/uses: 0.25 hectares

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

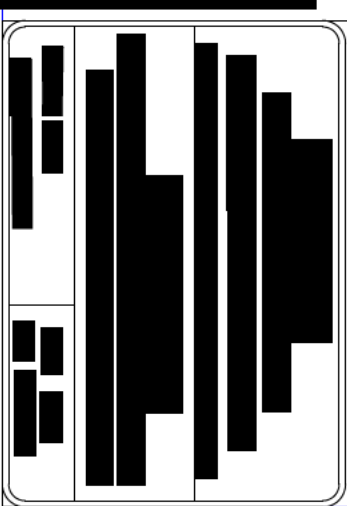
Please tick appropriate box to show applicant's legal interest in the land or structure	A. Owner <input checked="" type="checkbox"/>	B. Occupier
	C. Other	
Where legal interest is 'Other', please expand further on your interest in the land or structure		
If you are not the legal owner, please state the name and address of the owner	Name: Address:	

Agent
Signature of Applicant(s)

[Redacted Signature]

Date: 09th October 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.



POTTER & FINN
Chartered Consulting Engineers
Architects, Surveyors & Loss Assessors

Kevin T. Finn B.E., C.Eng., MBA., BCL

Kingston Close
Mitchelstown

Our Ref: ODW 23-06
Your Ref:

Date: 10th October 2025

Planning Department Tipperary County Council (TCC) Civic Offices Emmet Street Clonmel Co. Tipperary Planning@TipperaryCoCo.ie ; customerservices@tipperarycoco.ie		Cc: William O'Donnell No 2, Coolnanave Mitchelstown Co. Cork
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Re: Alleged unauthorised development at site at Coolagarranroe Burncourt Cahir Co. Tipperary.

My Client: William O'Donnell - site at Coolagarranroe Burncourt Cahir Co Tipperary

Dear Sirs

I act for the above client in this matter and enclose herewith a Section 5 application to exempt development works on the land at **Coolagarranroe Burncourt Cahir Co Tipperary**.

In making this referral, it is accepted that the works constitute development. However it is Clients position that the works carried out comprise exempted development under Section 8B and 8C of the Planning & Development Regulations 2001-2024 as amended.

Land reclamation and drainage works comprising the recontouring of an area of agricultural land by: The stripping of topsoil to a depth of 0-50mm or thereabouts, and placing drainage stone on the area of land to a depth of 0 - 20cm or thereabouts, and replacement of the topsoil on the area of land, all carried out within the farm holding. The area of the land/farm holding in question is 0.46 hectares. The are of land over which the land reclamation works took place is a strip of land variously 5 - 10m wide adjacent to a drainage ditch along the boundary, having an area of 0.15 hectares or thereabouts.

I understand also that a representative of TCC met with Mr O'Donnell on site at Mr O'Donnell's request at or about the time of the initial warning letter, that Mr O'Donnell explained the nature and extent of the drainage/reclamation works being carried out and that TCC's representative indicated

general satisfaction that the works comprised drainage/reclamation works to overcome wet conditions and drainage problems evident on the land adjacent to the southern boundary at the time.

I enclose the following:

Site Layout Map - Scale 1:500.

Site Location map taken from Google Maps (Not to any scale)

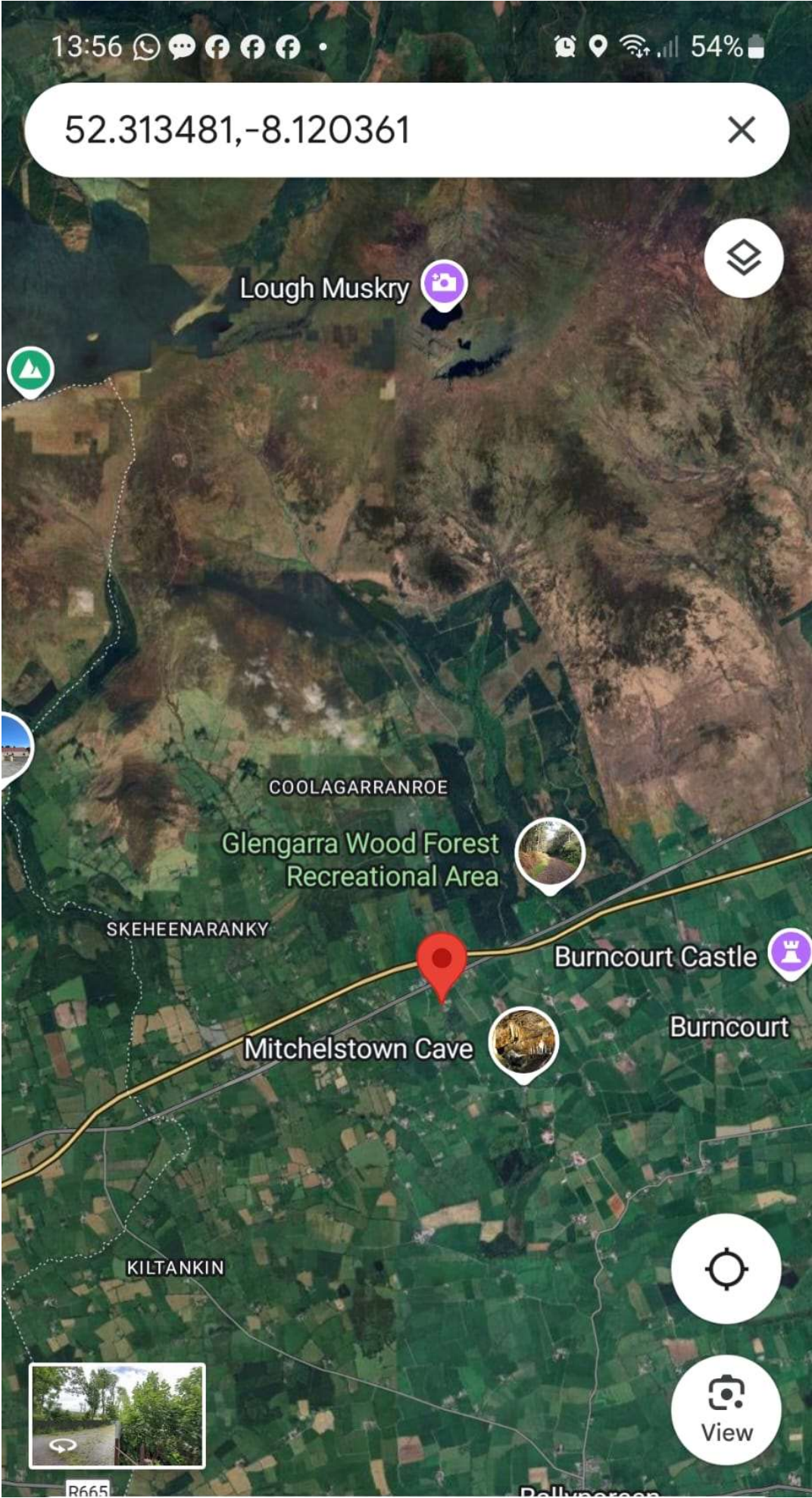
Receipt for fee of €80.00

Please acknowledge receipt.

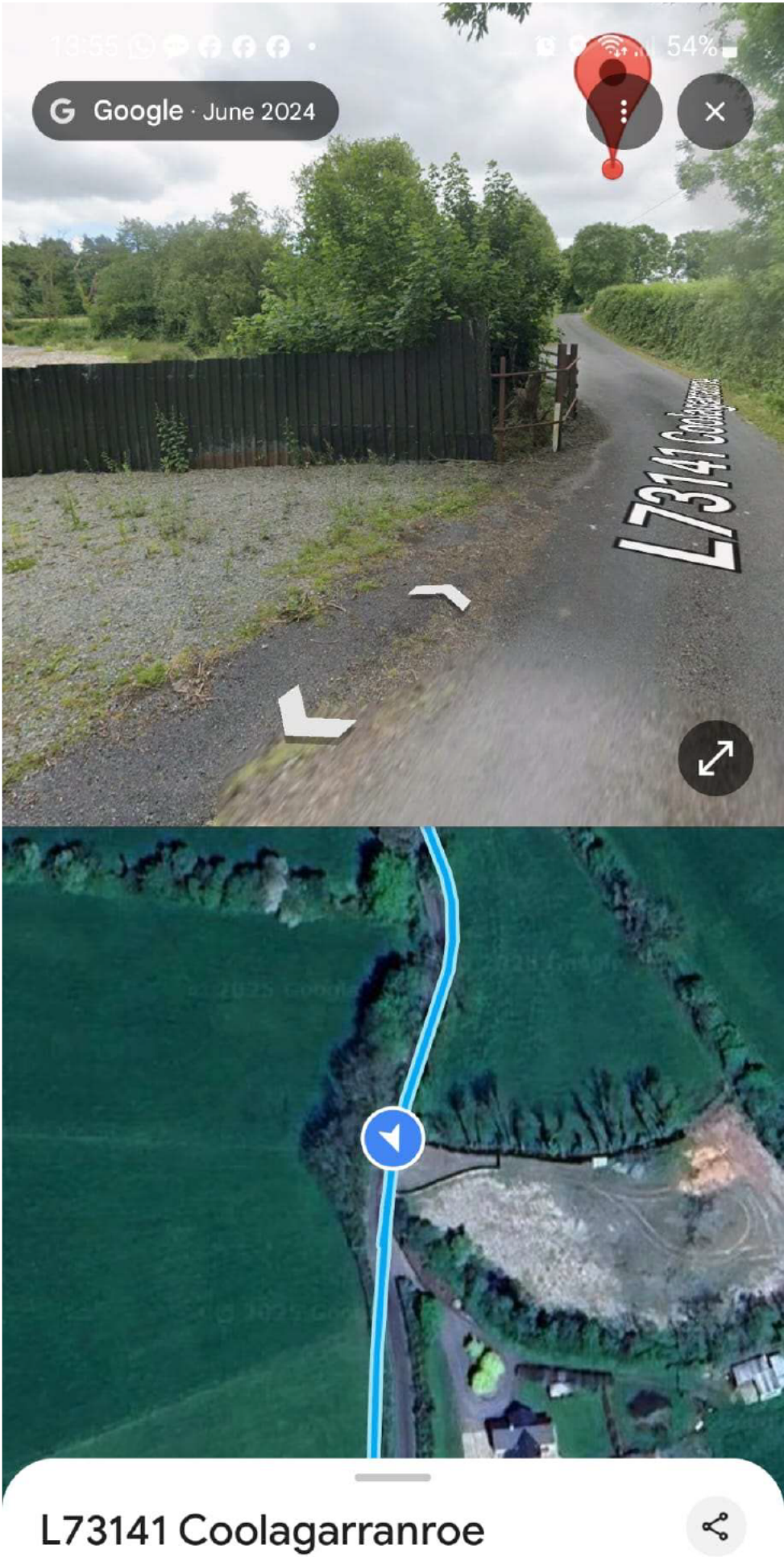
[REDACTED]

Kevin T. Finn.

Site Location
Map



Site Location
Map





Cash Office
Tipperary County Council
Civic Offices
Nenagh
Co Tipperary

08/10/2025 11:46:15

Receipt No. : NENAM1/0/132197

KEVIN FINN,
CHARTERED CONSULTANT ENGINEER,
KINGSTON CLOSE,
MITCHELSTOWN, CO. CORK.

RE: WILLIAM O'DONNELL

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

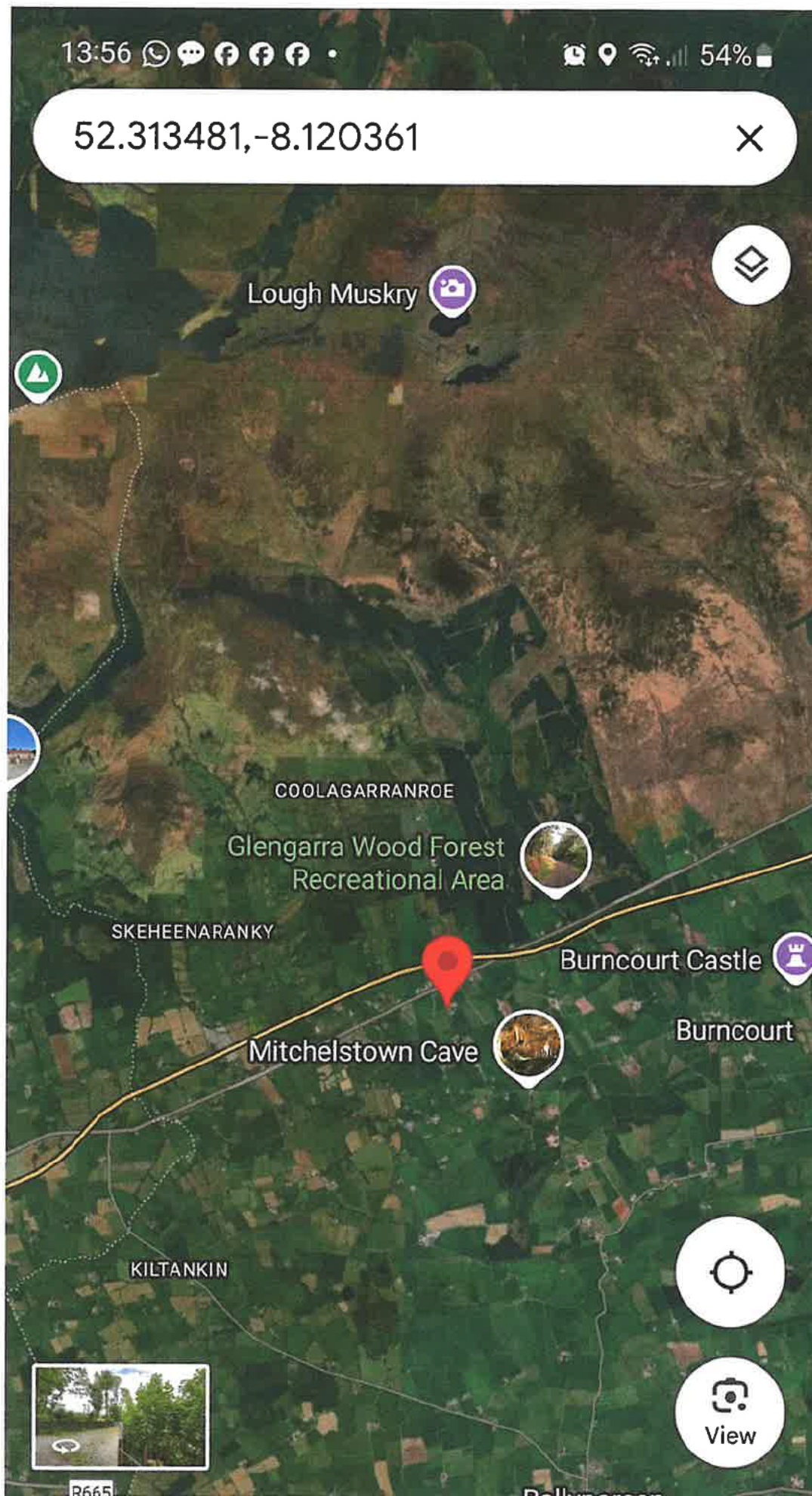
Total : 80.00 EUR

Tendered :
Credit Card 80.00

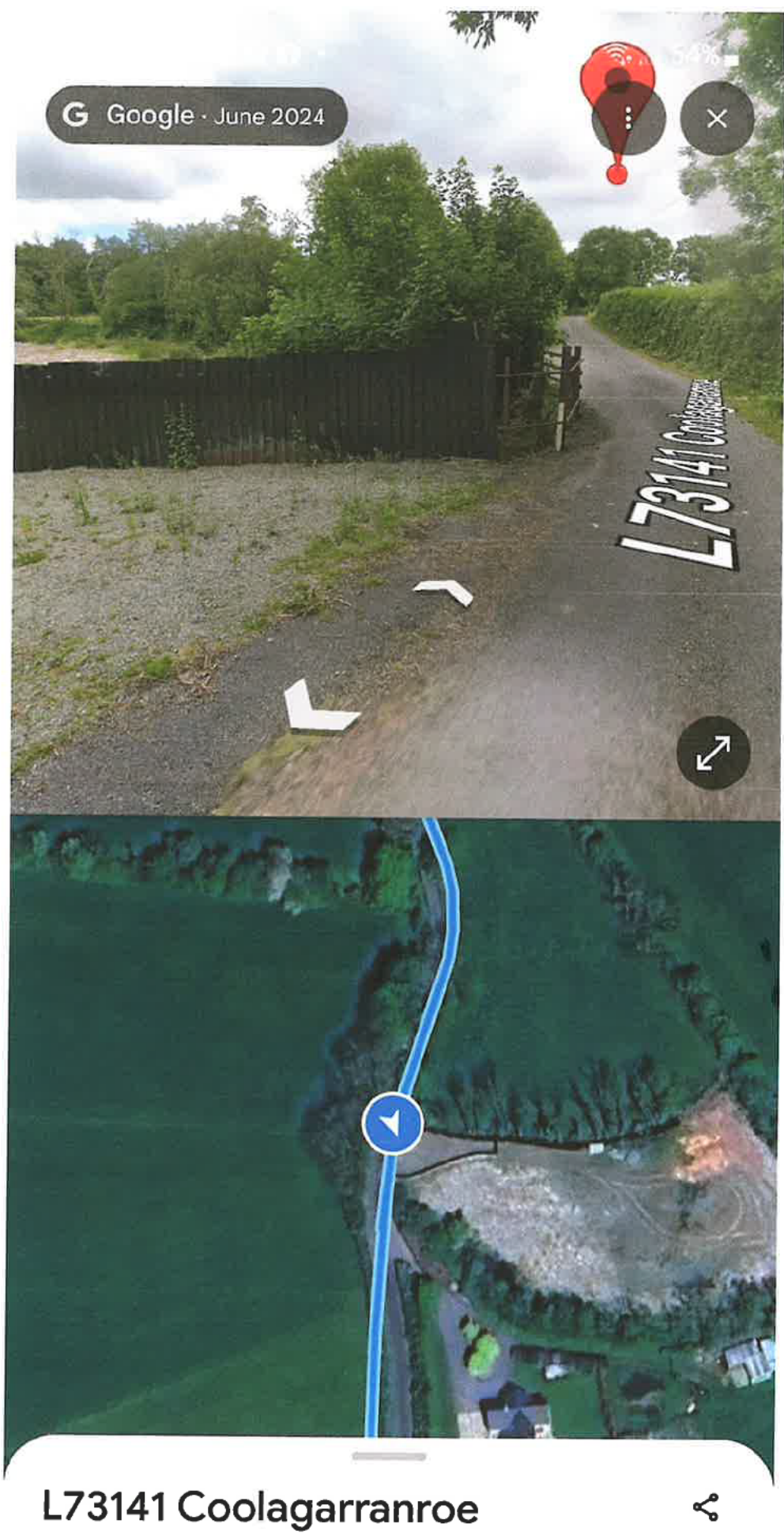
Change : 0.00

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

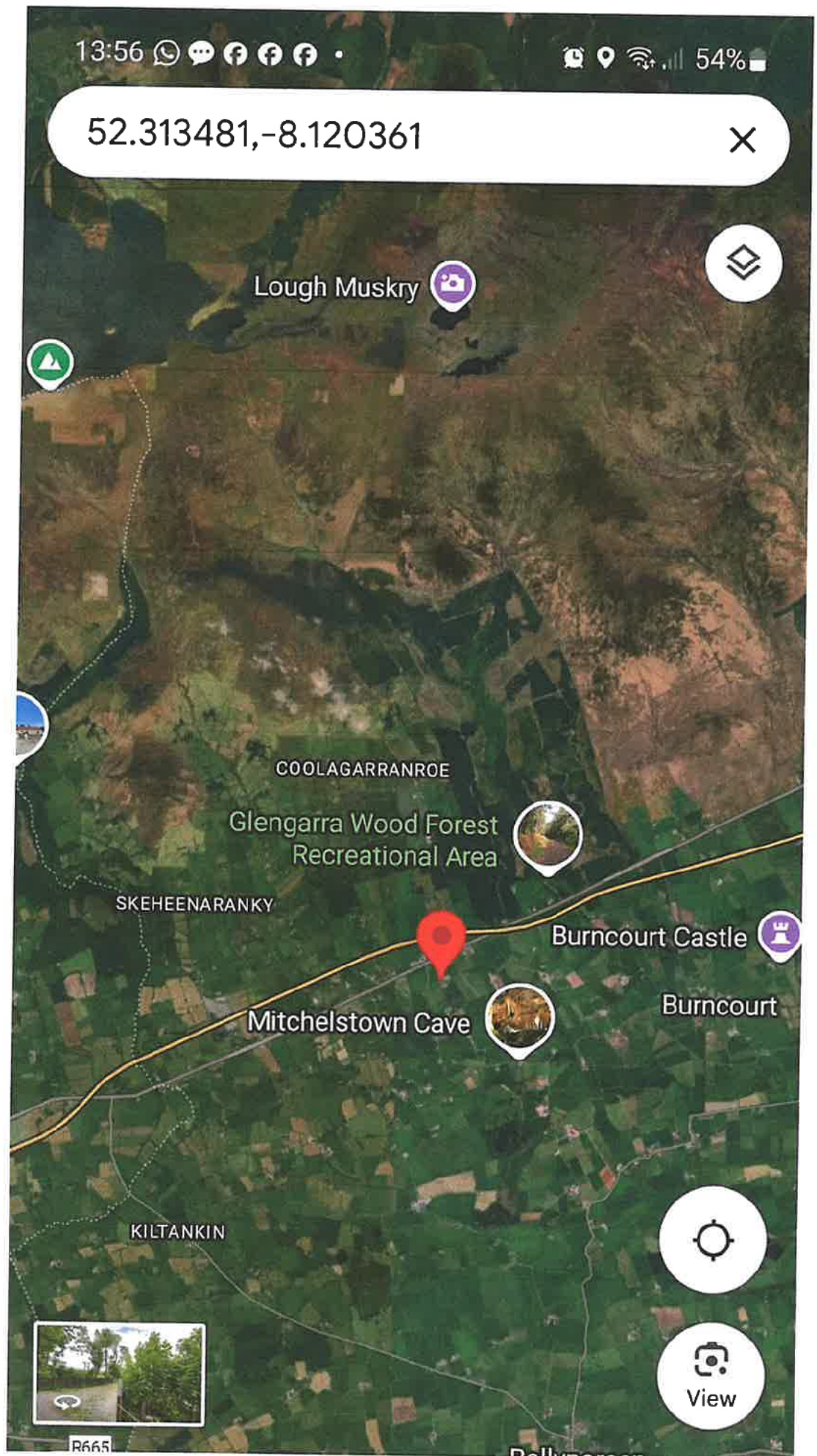
Site Location
Map



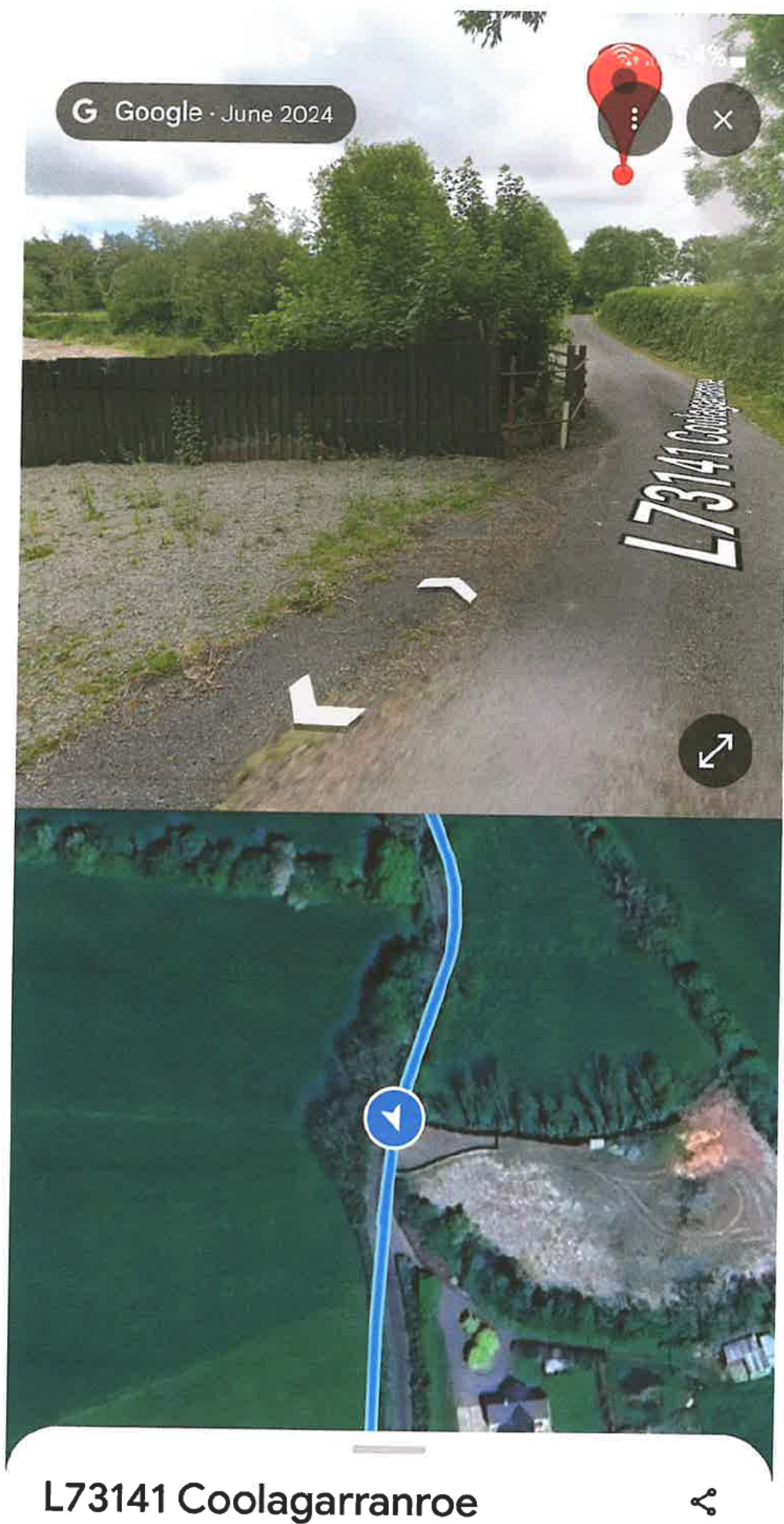
Site Location
Map



Site Location
Map



Site Location
Map





Comhairle Contae Thiobraid Árann
Tipperary County Council

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

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

t 0818 06 5000/601
e customerservice
@tipperarycoco.ie
tipperarycoco.ie

Date: 14th October 2025 Our Ref: S5/25/131 Civic Offices, Clonmel

William O'Donnell
c/o Kevin Finn
Potter & Finn
Kingston Close
Mitchelstown
Co. Cork

Re: Application for a Section 5 Declaration – Land reclamation and drainage works comprising the recontouring of an area of agricultural lan by: the stripping of topsoil to a depth of 0-50mm or thereabouts, and placing drainage stone on the area of land to a depth of 0-20cm or thereabouts, and replacement of the topsoil on the area of land, all carried out within the farm holding at Coolagarranroe, Burncourt, Cahir, Co. Tipperary

Dear Sir/Madam

I acknowledge receipt of your application for a Section 5 Declaration received on 10th October 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 on Exempted Development under Section 5 of the Planning and Development Act 2000

Declaration Reference No.: S5/25/131

Query : Whether land reclamation and drainage works comprising of the recontouring an area of agricultural land by the stripping of topsoil to a depth of 50mm, placing drainage stone to a depth of 20 cm and the replacement of topsoil on the area of land, all carried out within the farm holding is development and if so, does it constitute exempted development.

Location: Coolagarranroe, Burncourt, Co. Tipperary.

Querist: Kevin T Finn.

Owner/Occupier: William O'Donnell.

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1 Introduction

1.1 Query

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

land reclamation and drainage works comprising of the recontouring an area of agricultural land by the stripping of topsoil to a depth of 50mm, placing drainage stone to a depth of 20 cm and the replacement of topsoil on the area of land, all carried out within the farm holding

is development and if so, does it constitute exempted development. The site comprises of an 0.46 hectare landholding in Coolagarranroe, Burncourt, Co. Tipperary.

2 Site Location and History

2.1 Site location

- 2.1.1 The site is located the rural townlands of Coolagarranroe, Burncourt, Co. Tipperary. It has an area of 0.46 hectares. It is c5.1 kms north of the village of Ballyporeen.
- 2.1.2 The site has been cleared and stone imported to raise levels. It is accessed from an entrance from the L-73141-0, which runs parallel to the western site boundary. There is a water body (stream) on the southern site boundary.

Figure 1 Site location



2.2 Planning History

PI ref: 061948

- 2.2.1 On 29th November 2006 a valid application was submitted on behalf of Barry Kelly, Ballyvinter, Mallow Co. Cork of permission for one and a half storey style dormer dwelling, new Vehicular entrance, biotech treatment unit, domestic garage & associated works.
- 2.2.2 Application was withdrawn on 29th January 2007

Enforcement History

- 2.2.3 **ENF 149/09** A warning letter was issued to Noel Bradley 23 Primrose Street, Waterside, Londonderry, BT472AW, Northern Ireland in December 2009 for alleged Un-Authorised Development consisting of 'Development works consisting of the construction of a hard standing area measuring approximately of 560 square meters without prior Grant of Planning Permission'
- 2.2.4 An Enforcement Notice was issued to Noel Bradley 23 Primrose Street, Waterside, Derry, BT472AW, Northern Ireland in October 2009 for alleged Un-Authorised Development consisting of 'Development works consisting of the construction of a hard standing area meters without prior Grant of Planning Permission'
- 2.2.5 The file was closed in January 2011.
- 2.2.6 **TUD-22-076** A warning letter was issued to William O' Donnell, 2 Coolnanave, Mitchelstown, Co. Cork on the 1st June 2022 for the removal of trees and infilling of the lands within folio TY47177F with crushed stone to provide vehicular access with turning area and parking area.
The file was closed in April 2023
- 2.2.7 **TUD23-195:** Legal proceedings have been initiated in relation to non-compliance with an enforcement notice pertaining to the hard coring of land (court date 20th of November 2025).

Figure 2 Planning history



3 Legislative Context

3.1 Planning and Development Act 2000 (as amended)

- 3.1.1 According to **Section 2(1)** of the **Planning and Development Act (as amended)**, the definition of

“Works” includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal.

And;

“agriculture” includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the training of horses and the rearing of bloodstock, the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and “agricultural” shall be construed accordingly;

- 3.1.2 According to **Section 3(1)** of the **Planning and Development Act (as amended)**, “development” means, save where the context otherwise requires, the carrying out of works on, in or under land or the making of any material change in the use of any structures or other land.
- 3.1.3 Section 4 of the same Act lists works that would be considered exempted development. Of particular relevance is section 4(1)(a) of the Act considers development consisting of the use of any land for the purpose of agriculture and development consisting of the use for that purpose of any building occupied together with land so used to be exempted development.
- 3.1.4 Section 4(1)(i) considers development consisting of development consisting of the thinning, felling or replanting of trees, forests or woodlands or works ancillary to that development, but not including the replacement of broadleaf high forest by conifer species to be exempted development.

3.2 Planning and Development Regulations 2001, as amended,

- 3.2.1 **Article 8** of said Regulations, 8C considers land reclamation works (other than reclamation of wetlands) consisting of re-contouring of land, including infilling of soil (but not waste material) within a farm holding, to be exempted development.
- 3.2.2 **Article 9** of said Regulations lists a series of restrictions on exemptions. These restrictions only apply to exemptions relating to Article 6 and do not relate to exemptions set out under Article 8.

4 Assessment

4.1 Works Proposed

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

1) Whether land reclamation and drainage work comprising of the recontouring an area of agricultural land by the stripping of topsoil to a depth of 50mm, placing drainage stone to a depth of 20 cm and the replacement of topsoil within a farm holding is development and if so, does it constitute exempted development

4.2 Is it development?

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

4.3 Is it exempted development?

4.3.1 In the details submitted by the applicant, it is opined that the proposal involves drainage/reclamation works to overcome wet conditions and drainage problems evident on the land adjacent to the southern boundary.

4.3.2 As set out in Section 3 above, Article 8C of the Planning and Development Regulations considers land reclamation works (other than reclamation of wetlands) consisting of re-contouring of land, including infilling of soil (but not waste material) within a farm holding, to be exempted development.

4.3.3 There are a number of aspects to the exemption provided for under Article 8C, which must be considered. The Planning Authority is satisfied that the works undertaken constitute reclamation. The site is not considered to be a wetland.

4.3.4 The second aspect relates to the question of the landholding and whether or not it constitutes a farm holding. As noted above, it is small parcel of land (0.46 hectares), that was previously covered in trees prior to being cleared. In its current state, evidence of hardcore and lack of any agricultural structures, the subject site does not appear capable of being used for agricultural purposes as defined under the Act.

4.3.5 When considering the question of whether or not the site constitutes a farm holding, regard was given to the definition of farming provided by Revenue in Notes for Guidance - Taxes Consolidation Act 1997 Finance Act 2024 edition (Dec 2024). In this note, “farming” is defined to mean farming farm land, that is, land in the State which is wholly or mainly occupied for husbandry, other than market garden land. Husbandry refers to the care, cultivation, and breeding of crops and animals.

Figure 3 Drone photo of site (June 2025)



- 4.3.6 It is clear from the photographic evidence above that the site is not used for the care, cultivation, and breeding of crops and animals.
- 4.3.7 It is further noted that in the Small Farms Report 2022 prepared by Teagasc, a small farm is defined as a farm with a standard output of €8,000. The output must be derived from farm related activities rather than non farm related commercial activities.
- 4.3.8 Given that the subject site appears to be the applicants only landholding, given its current condition and its size, the Planning Authority does not consider the site to constitute a farm holding.
- 4.3.9 The final issue to consider in respect of Article 8C is the genesis of the infill material. In the documentation submitted by the applicant, no indication is given as to the source location of the drainage stones. The exemption provided for under Article 8C allow for the re-contouring of land, including infilling of soil (but not waste material) within a farm holding. This implies that any material used for the purposes of recontouring land must be derived from within the landholding and not imported into the site.
- 4.3.10 Having regard to the size of the site, it is not possible to derive such a quantum of fill material from within the site boundaries. As such, inert stone, which is a waste material, must have been imported onto the site for the recontouring purpose. There is no exemption allowing for the importation of waste onto a landholding for the purposes of recontouring land levels.

4.4 Environmental assessment

Environmental Impact Assessment

- 4.4.1 The provisions of Sections 4(4) and 4 (4A) of the Act which states the following:
- (4) Notwithstanding paragraphs (a), (i), (ia) and (l) of subsection (1) and any regulations under subsection (2), development shall not be exempted development if an environmental impact assessment or an appropriate assessment of the development is required.
- (4A) Notwithstanding subsection (4), the Minister may make regulations prescribing development or any class of development that is—

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

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

to be exempted development.

- 4.4.2 The subject proposal is considered having regard to Class 11 (b) Installations for the disposal of waste with an annual intake greater than 25,000 tonnes as included in Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended). While the quantum of material deposited on site is not quantified, the Planning Authority is satisfied that it is significantly below the 25,000 tonne threshold. Accordingly, an EIA is not required (see screening attached).

Appropriate Assessment

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

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

- 4.4.4 There are three SAC's within 15 kms of the subject site, the lower River Suir SAC, the Galtee mountains SAC and the Blackwater River SAC.

- 4.4.5 There is a stream on the southern site boundary. This stream likely discharges to the Glengarra River, c. 480 metres east of the site, which discharges to the Shanbally River, which forms part of the Lower River Suir SAC at a point c 7.8 kilometres downstream. No details were provided by the querist in respect of AA screening.

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

- 4.4.7 The Planning Authority is satisfied that given the significant separation distance between the site and the Lower River Suir SAC, significant negative impacts are unlikely. There are no ecological or hydrological connections between other EU sites and subject site. It is therefore determined that a Stage 2 Appropriate Assessment is not required.

5 Recommendation

5.1 Query

A question has arisen as to whether the following;

land reclamation and drainage works comprising of the recontouring an area of agricultural land by the stripping of topsoil to a depth of 50mm, placing drainage stone to a depth of 20 cm and the replacement of topsoil within a farm holding,

constitutes development and if so does it constitute exempted development. The works are located on an existing agricultural landholding in Coolagarranroe, Burncourt, Co. Tipperary.

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

- Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended),
- Article 8 of the Planning and Development Regulations 2001 (as amended)
- the details pertaining to the development as set out by the querist.

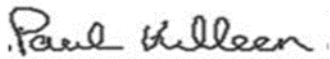
5.2 Conclusions

5.2.1 Having regard to the above assessment, the Planning Authority has concluded that;

- The subject site does not constitute a farm holding,
- Inert stone, a waste material was imported onto the site for the purposes of land reclamation,
- the development does not fall under article 8C or any other exempted development provision under the Regulations or Act.
- The development would not be likely to have a significant effect on the Lower River Suir SAC or any other European site.

5.3 Determination

5.3.1 Accordingly, having considered the information received, the Planning Authority has determined that the development as presented in the details provided with the Declaration application constitutes “development” within the meaning of the Planning and Development Act 2000 but “does not constitute exempted development”.



Paul Killeen

Executive Planner

30/10/25



Caroline Conway

Senior Executive Planner

3/11/25

HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT

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

(a) File Reference No:	S5/25/131
(b) Brief description of the project or plan:	land reclamation and drainage works comprising of the recontouring an area of agricultural land by the stripping of topsoil to a depth of 50mm, placing drainage stone to a depth of 20 cm and the replacement of topsoil within a farm holding,
(c) Brief description of site characteristics:	Existing site in rural area
(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW	n/a
(e) Response to consultation:	n/a

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

European Site (code)	List of Qualifying Interest/Special Conservation Interest ¹	Distance from proposed development ² (km)	Connections (Source-Pathway-Receptor)	Considered further in screening Y/N
002137 Lower River Suir	https://www.npws.ie/protected-sites/sac/002137	Within 15km	yes	Yes
002170 Blackwater River (Cork/Waterford) SAC	https://www.npws.ie/protected-sites/sac/002170	Within 15km	None	No
000646 Galtee Mountains SAC	https://www.npws.ie/protected-sites/sac/000646	Within 15km	None	No

STEP 3. Assessment of Likely Significant Effects

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

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

<p>Construction phase e.g.</p> <ul style="list-style-type: none"> • Vegetation clearance • Demolition • Surface water runoff from soil excavation/infill/landscaping (including borrow pits) • Dust, noise, vibration • Lighting disturbance • Impact on groundwater/dewatering • Storage of excavated/construction materials • Access to site • Pests 	<p>given the significant separation distance between the site and the Lower River Suir SAC, significant negative impacts are unlikely</p>
<p>Operational phase e.g.</p> <ul style="list-style-type: none"> • Direct emission to air and water • Surface water runoff containing contaminant or sediment • Lighting disturbance • Noise/vibration • Changes to water/groundwater due to drainage or abstraction • Presence of people, vehicles and activities • Physical presence of structures (e.g. collision risks) • Potential for accidents or incidents 	<p>No potential impacts</p>
<p>In-combination/Other</p>	<p>No potential impacts</p>
<p>(b) Describe any likely changes to the European site:</p>	
<p>Examples of the type of changes to give consideration to include:</p> <ul style="list-style-type: none"> • Reduction or fragmentation of habitat area • Disturbance to QI species • Habitat or species fragmentation • Reduction or fragmentation in species density • Changes in key indicators of conservation status value (water or air quality etc.) • Changes to areas of sensitivity or threats to QI • Interference with the key relationships that define the structure or ecological function of the site 	<p>No potential impacts</p>
<p>(c) Are ‘mitigation’ measures necessary to reach a conclusion that likely significant effects can be ruled out at screening?</p>	
<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	
<p>STEP 4. Screening Determination Statement</p>	
<p>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.</p>	

The proposed development will not 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:	Paul Killeen	Date: 30/10/25

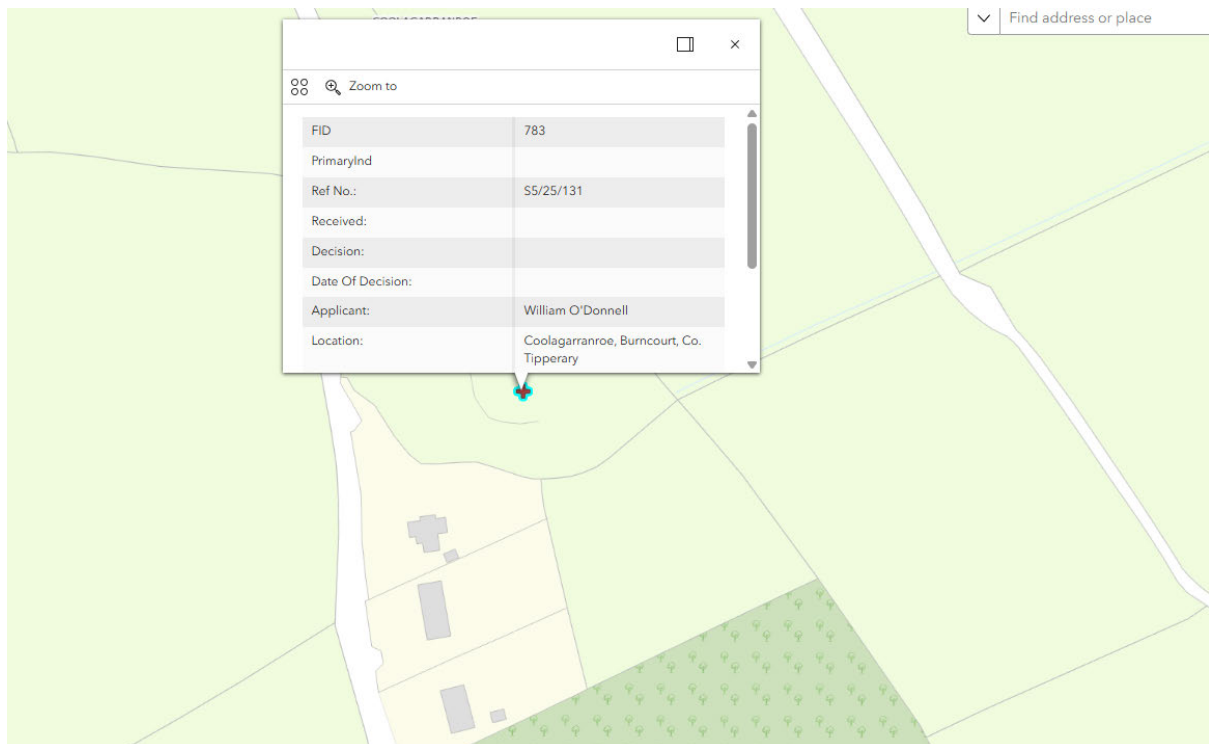
EIA PRE-SCREENING	
Establishing a development is a 'sub-threshold development'	
File Reference:	S5/25/131
Development Summary:	land reclamation and drainage works comprising of the recontouring an area of agricultural land by the stripping of topsoil to a depth of 50mm, placing drainage stone to a depth of 20 cm and the replacement of topsoil within a farm holding,
Was a Screening Determination carried out under Section 176A-C?	<input type="checkbox"/> Yes, no further action required <input checked="" type="checkbox"/> No, Proceed to Part A
A. Schedule 5 Part 1 - Does the development comprise a project listed in Schedule 5, Part 1, of the Planning and Development Regulations 2001 (as amended)? (Tick as appropriate)	
<input type="checkbox"/> Yes, specify class _____	EIA is mandatory No Screening required
<input checked="" type="checkbox"/> No	Proceed to Part B
B. Schedule 5 Part 2 - Does the development comprise a project listed in Schedule 5, Part 2, of the Planning and Development Regulations 2001 (as amended) and does it meet/exceed the thresholds? (Tick as appropriate)	
<input type="checkbox"/> No, the development is not a project listed in Schedule 5, Part 2	No Screening required
<input type="checkbox"/> Yes the project is listed in Schedule 5, Part 2 and meets/exceeds the threshold, specify class (including threshold): _____	EIA is mandatory No Screening required
<input checked="" type="checkbox"/> Yes the project is of a type listed but is <i>sub-threshold</i> : <u>Class 11 (b) Installations for the disposal of waste with an annual intake greater than 25,000 tonnes not included in Part 1 of this Schedule.</u>	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 checked="" type="checkbox"/> No, Schedule 7A information/screening report has not been submitted by the applicant	Preliminary Examination required

Preliminary Examination:

The planning authority shall carry out a preliminary examination of, at the least, the nature, size or location of the development.		
	Comment:	Yes/No/ Uncertain:
Nature of the development: <i>Is the nature of the proposed development exceptional in the context of the existing environment?</i> <i>Will the development result in the production of any significant waste, or result in significant emissions or pollutants?</i>	Proposal is on a small site	No
Size of the development: <i>Is the size of the proposed development exceptional in the context of the existing environment?</i> <i>Are there cumulative considerations having regard to other existing and/or permitted projects?</i>	0.46ha	No
Location: <i>Is the proposed development located on, in, adjoining or does it have the potential to impact on an ecologically sensitive site or location?¹</i> <i>Does the proposed development have the potential to affect other significant environmental sensitivities in the area?</i>	Rural area	No
Preliminary Examination Conclusion:		
Based on a preliminary examination of the nature, size or location of the development. (Tick as appropriate)		
<input checked="" type="checkbox"/> There is no real likelihood of significant effects on the environment. EIA is not required.	<input type="checkbox"/> There is real likelihood of significant effects on the environment. An EIAR is required.	<input type="checkbox"/> There is significant and realistic doubt regarding the likelihood of significant effects on the environment. Request the applicant to submit the Information specified in Schedule 7A for the purposes of a screening determination. Proceed to Screening Determination.
Signature and Date of Recommending Officer:		Paul Killeen 30/10/25

¹ Sensitive locations or features includes European sites, NHA/pNHA, Designated Nature Reserves, land designated as a refuge for flora and fauna, and any other ecological site which is the objective of a CDP/LAP (including draft plans).

Figure 4 Site entered on planning register





Comhairle Contae Thiobraid Árann
Tipperary County Council

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

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

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

Date: 4th November 2025

Our Ref: S5/25/131

Civic Offices, Nenagh

William O'Donnell
C/O Kevin Finn
Potter & Finn
Kingston Close
Mitchelstown
Co. Cork

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

Dear Mr Finn,

I refer to your application for a Section 5 Declaration received on 10th October, 2025 in relation to the following proposed works:

Whether land reclamation and drainage works comprising of the recontouring an area of agricultural land by the stripping of topsoil to a depth of 50mm, placing drainage stone to a depth of 20 cm and the replacement of topsoil on the area of land, all carried out within the farm holding is development and if so, does it constitute exempted development at Coolagarranroe, Burncourt, Co. Tipperary.

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

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

- Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended),
- Article 8 of the Planning and Development Regulations 2001 (as amended)
- the details pertaining to the development as set out by the querist.

Tipperary County Council has concluded that

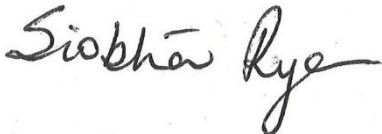
- The subject site does not constitute a farm holding,
- Inert stone, a waste material was imported onto the site for the purposes of land reclamation,
- the development does not fall under article 8C or any other exempted development provision under the Regulations or Act.
- The development would not be likely to have a significant effect on the Lower River Suir SAC or any other European site.

Determination

Accordingly, having considered the information received, the Planning Authority has determined that the development as presented in the details provided with the Declaration application constitutes "development" within the meaning of the Planning and Development Act 2000 but **"does not constitute exempted development"**.

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

Yours sincerely

A handwritten signature in black ink, reading "Siobhán Rye". The signature is fluid and cursive, with the first name "Siobhán" and the surname "Rye" clearly legible.

for **Director of Services**

Original

TIPPERARY COUNTY COUNCIL

DELEGATED EMPLOYEE'S ORDER

File Ref: **S5/25/131** **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 William O'Donnell, C/O Kevin Finn, Potter & Finn, Kingston Close, Mitchelstown, Co. Cork, re: Whether land reclamation and drainage works comprising of the recontouring an area of agricultural land by the stripping of topsoil to a depth of 50mm, placing drainage stone to a depth of 20 cm and the replacement of topsoil on the area of land, all carried out within the farm holding is development and if so, does it constitute exempted development at Coolagarranroe, Burncourt, Co. Tipperary is development and is exempted development.

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

- Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended),
- Article 8 of the Planning and Development Regulations 2001 (as amended)
- the details pertaining to the development as set out by the querist.

Tipperary County Council has concluded that

- The subject site does not constitute a farm holding,
- Inert stone, a waste material was imported onto the site for the purposes of land reclamation,
- the development does not fall under article 8C or any other exempted development provision under the Regulations or Act.
- The development would not be likely to have a significant effect on the Lower River Suir SAC or any other European site.

Determination

Accordingly, having considered the information received, the Planning Authority has determined that the development as presented in the details provided with the Declaration application constitutes "development" within the meaning of the Planning and Development Act 2000 but **"does not constitute exempted development"**.

Signed:



Brian Beck
Director of Services

Date: **04/11/2025**