

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

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

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

Applicant	Jack & Euan Lonergan
Address	Knockgraffon Cahir Co Tipperary
Telephone No.	
E-mail	

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

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

**3. Location of Proposed Development:**

Postal Address or Townland or Location (as may best identify the land or structure in question)	Knockgraffon Cahir Co Tipperary E21 TW7 0
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Tipperary County Council  
RECEIVED  
04 DEC 2025  
CASH OFFICE  
Civic Offices, Clonmel

Receipt No  
Issued 04/12/2025  
£80-00 Court

#### 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.

TO erect a 12 tonne Meal Silo/bin at our farmyard in Knockyreffow. The bin will be 7.5m in height and have a capacity of 19.8 cubic meters. The diameter of the bin will be approx 6.5m.

Proposed floor area of proposed works/uses: 6 sqm

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

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

Signature of Applicant(s)

Date: 3<sup>rd</sup> December 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
  - o OSI Site Location Map with the site outlined clearly – 1:1000 in urban areas and 1:2500 in rural areas
  - o Floor Plans & Elevations at a scale of not less than 1:200
  - o Site layout plan indicating position of proposed development relative to premises and adjoining properties
  - o Other details e.g. brochures, photographs if appropriate.

(All dimensions must be given in metric scale and drawings should be accompanied by a brief description outlining the use of the proposed development)
- (3) Where a proper and complete application is received, a decision must be conveyed to the applicant within four (4) weeks except where additional necessary information is required.

**This application form and relevant fee should be submitted to:**

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

<b>FOR OFFICE USE ONLY</b>	
<b>DATE STAMP</b>	
<b>Fee Recd. €</b> _____	
Receipt No _____	
Date _____	
Received by _____	



# Land Registry Compliant Map

**X** = Proposed location of B/w

**Taillte  
Éireann**



Land  
Registry  
Use Only

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Graig na  
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Centre  
Coordinates:  
TM 606552,630530

PUBLISHED:  
01/12/2025

ORDER NO.:  
50505717\_1

MAP SERIES:  
1:2,500

MAP SHEETS:  
5243-D

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

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The representation on this map  
of a road, track or footpath  
is not evidence of the existence  
or a right or way.

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does not show  
legal property boundaries,  
nor does it show  
ownership or physical features.

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Feet

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OUTPUT SCALE: 1:2,500

**CAPTURE RESOLUTION:**  
The map objects are only accurate to the  
resolution at which they were captured.  
Output scale is not indicative of data capture scale.  
Further information is available at:  
[www.taillte.ie](http://www.taillte.ie) search 'Capture Resolution'

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

N

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925

950

975

1000



Typical meal bin / silo



Typical meal bin / silo



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

4<sup>th</sup> December 2025

Our Ref: S5/25/154

Jack & Evan Lonergan  
Knockgraffon  
Cahir  
Co Tipperary

**Re: Application for a Section 5 Declaration – To erect a 12 tonne metal silo/bin at our farmyard at Knockgraffon, Cahir, Co. Tipperary.**

Dear Mr Jack & Evan Lonergan,

I acknowledge receipt of your application for a Section 5 Declaration received on 4<sup>th</sup> December 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,

J. Dowling  
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

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**Planning Reference:** S5/25/154

**Applicant:** Jack & Evan Lonergan

**Development Address:** Knockgraffon, Cahir, Co. Tipperary

**Proposed Development:** To erect a 12 tonne meal silo bin in a farmyard.

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#### **1. GENERAL**

On the 4<sup>th</sup> of December 2025 a request was made for a declaration under Section 5 of the Planning and Development Act, 2000 as amended by Jack and Evan Lonergan in respect of the following development at Knockgraffon, Cahir, Co. Tipperary.

To erect a 12-tonne meal silo bin in a farmyard.

Details of the bin provided on the application form are given as a height of 7.5m, with a capacity of 19.8m<sup>3</sup>. The approximate diameter reading given is unclear.

The proposed floor area is given as 6sqm.

The application is accompanied by the following:

- Application form
- Site Layout Plan
- Photograph of a typical meal bin/silo

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

The following statutory provisions are relevant to this case;

#### **Planning and Development Act 2000, as amended**

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

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

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

*“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 4 of the Planning and Development Act 2000, as amended, provides for Exempted Development and Section 4(1) sets out 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, in areas other than a city, a town or an area specified in section 19(1)(b) of the Act or the excluded areas as defined in section 9 of the Local Government (Reorganisation) Act, 1985 (No. 7 of 1985), development of a class specified in column 1 of Part 3 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 3 opposite the mention of that class in the said column 1."

Schedule 2

PART 3

*Exempted Development — Rural*

Column 1 Description of Development <i>Agricultural Structures</i>	Column 2 Conditions and Limitations
<b>CLASS 8</b>  Works consisting of the provision of roofless cubicles, open loose yards, self- feed silo or silage areas, feeding aprons, assembly yards, milking parlours or structures for the making or storage of silage or any other structures of a similar character or description, having an aggregate gross floor space not exceeding 200 square metres, and any ancillary provision for effluent storage.	<ol style="list-style-type: none"><li>1. No such structure shall be used for any purpose other than the purpose of agriculture.</li><li>2. The gross floor space of such structures together with any other such structures situated within the same farmyard complex or within 100 metres of that complex shall not exceed 300 square metres gross floor space in aggregate.</li><li>3. Effluent storage facilities adequate to serve the structure having regard to its size, use and location shall be constructed in line with Department of Agriculture, Food and Rural Development and the Department of the Environment and Local Government requirements and shall have regard to the need to avoid water pollution.</li><li>4. No such structure shall be situated, and no effluent from such structure shall be stored, within 10 metres of any public road.</li><li>5. No such structure within 100 metres of any public road shall exceed 8 metres in height.</li><li>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.</li><li>7. No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.</li></ol>
<b>Class 9</b>  Works consisting of the provision of any store, barn, shed, glass-house or other structure, not being of a type specified in class 6, 7 or 8 of this Part of this Schedule, and having a gross floor space not exceeding 300 square metres.	<ol style="list-style-type: none"><li>1. No such structure shall be used for any purpose other than the purpose of agriculture or forestry, but excluding the housing of animals or the storing of effluent.</li><li>2. The gross floor space of such structures together with any other such structures situated within the same farmyard complex or complex of such structures or within 100 metres of that complex shall not exceed 900 square metres gross floor space in aggregate.</li><li>3. No such structure shall be situated within 10 metres of any public road.</li><li>4. No such structure within 100 metres of any public road shall exceed 8 metres in height.</li><li>5. No such structure shall be situated within 100 metres of any house (other than the house of the person providing the structure) or other residential building or school, hospital, church or building used for public assembly, save with the consent in writing of the owner and, as may be appropriate, the occupier or person in charge thereof.</li><li>6. No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.</li></ol>

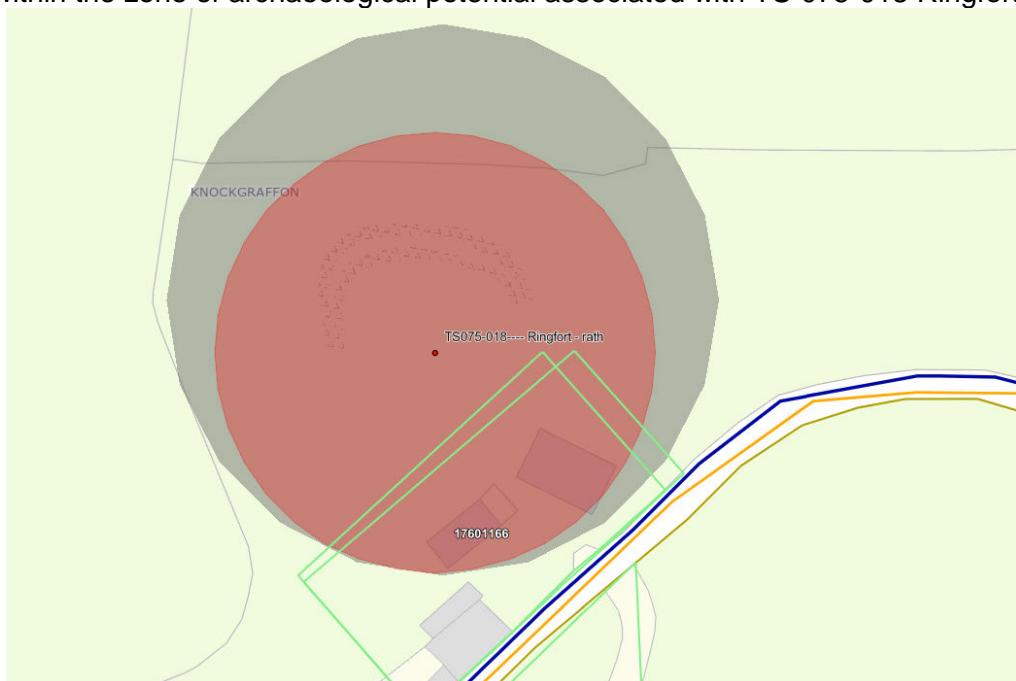
Article 9 (Restrictions on Exemptions) states;

- (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—
    - (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,

### **3. ASSESSMENT**

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

The site is located at Knockgraffon, Cahir, Co. Tipperary. The location of the proposed silo is located within the zone of archaeological potential associated with TS-075-018 Ringfort.



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

**21236:** Permission granted for construction of an extension to slatted loose shed incorporating additional loose area (ii) wall manure area and all associated site works.

**17601166:** Permission and Permission for Retention granted to construct (I) slatted shed with loose straw lie back (II) Walled manure area and all associated site works. Retention is also required for (I) slatted beef shed and (II) loose shed.

#### **c. Assessment**

The question posed under the Section 5 Declaration application is whether the erection of a 12-tonne meal silo bin in a farmyard is development and is exempted development.

##### **i) 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 12 tonne meal silo bin in a farmyard would constitute “works” and “development” within the meaning of Section 3 of the Act.

##### **ii) Is or is not Exempted Development**

Having reviewed the planning register I note that similar proposals were considered by Tipperary County Council under Section 5 ref's 16/60, 19/59, 23/74 and 24/95. With the exception of 23/74 the proposals were considered to be Class 8 Structures. Under 23/74 the proposal was

considered under Class 8 of Part 3 of Schedule 2 of the Planning and Development Regulations 2001, as amended.

On balance I consider that the proposal falls under Class 8. Having reviewed the planning history on the site and google maps I consider that condition and limitation attached to this exemption would not be satisfied as the cumulative floor area of the Class 8 structures on the site already exceeds 300 sq m.

iii) Restrictions under Article 9

The restriction set out under Article 9(1)(a)(viiA) applies as the proposal is located within a Zone of Archaeological Potential associated with the Ringfort to the north.

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

**AA**

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

**EIA**

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

#### **4. RECOMMENDATION**

**WHEREAS** a question has arisen as to whether the erection of a 12-tonne meal silo bin in a farmyard at Knockgraffon, Cahir, Co. Tipperary is “development” and is or is not “exempted development”,

**AND WHERE AS** Tipperary County Council in considering this referral had regard particularly to -

- (a) Section 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 8 of Part 3 of Schedule 2 of the Planning and Development Regulations 2001, as amended,
- (d) The declaration application and supporting information,
- (e) The Planning history of the site.

**AND WHEREAS** Tipperary County Council has concluded that the erection a 12-tonne meal silo bin in a farmyard at Knockgraffon, Cahir, Co. Tipperary constitutes “development” within the meaning of the Planning and Development Act 2000, as amended and **IS NOT** “exempted development”.

The proposal fails to satisfy Condition No. 2 attached to Class 8 of Part 3 of Schedule 2 of the Planning and Development Regulations 2001, as amended. The proposal is also restricted by Article 9(1)(a)(viiA) of the Planning and Development Regulations 2001, as amended, as the proposal is located within a Zone of Archaeological Potential associated with the Ringfort to the north.

Assistant Planner:

Aisfe Martin

Date: 11/12/2025

Senior Executive Planner:

C. Conway

Date: 6.1.2026

HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT				
STEP 1. Description of the project/proposal and local site characteristics:				
(a) File Reference No:	S5/25/154			
(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	None			
(e) Response to consultation:	None			
STEP 2. Identification of relevant Natura 2000 sites using Source-Pathway-Receptor model and compilation of information on Qualifying Interests and conservation objectives.				
European Site (code)	List of Qualifying Interest/Special Conservation Interest <sup>1</sup>	Distance from proposed development <sup>2</sup> (km)	Connections (Source-Pathway-Receptor)	Considered further in screening Y/N
Lower River Suir	<a href="https://www.npws.ie/protected-sites/sac/002137">https://www.npws.ie/protected-sites/sac/002137</a>	Within 10km	None	No
Galtee Mountains	<a href="https://www.npws.ie/protected-sites/sac/000646">https://www.npws.ie/protected-sites/sac/000646</a>	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.)		
Construction phase e.g.		No potential impacts.		
<ul style="list-style-type: none"> <li>Vegetation clearance</li> <li>Demolition</li> <li>Surface water runoff from soil excavation/infill/landscaping (including borrow pits)</li> <li>Dust, noise, vibration</li> <li>Lighting disturbance</li> <li>Impact on groundwater/dewatering</li> <li>Storage of excavated/construction materials</li> <li>Access to site</li> <li>Pests</li> </ul>				
Operational phase e.g.		No potential impacts.		
<ul style="list-style-type: none"> <li>Direct emission to air and water</li> <li>Surface water runoff containing contaminant or sediment</li> <li>Lighting disturbance</li> <li>Noise/vibration</li> <li>Changes to water/groundwater due to drainage or abstraction</li> <li>Presence of people, vehicles and activities</li> <li>Physical presence of structures (e.g. collision risks)</li> <li>Potential for accidents or incidents</li> </ul>				
In-combination/Other		No potential impacts		

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

Examples of the type of changes to give consideration to include: <ul style="list-style-type: none"><li>• Reduction or fragmentation of habitat area</li><li>• Disturbance to QI species</li><li>• Habitat or species fragmentation</li><li>• Reduction or fragmentation in species density</li><li>• Changes in key indicators of conservation status value (water or air quality etc.)</li><li>• Changes to areas of sensitivity or threats to QI</li><li>• Interference with the key relationships that define the structure or ecological function of the site</li></ul>	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. 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:**

	<b>Tick as Appropriate:</b>	<b>Recommendation:</b>
(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

EIA Pre-Screening Establishing a development is a 'sub-threshold development'	
File Reference:	S5/25/154
Development Summary:	As per planners 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
<b>A. Schedule 5 Part 1</b> - 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 _____	<b>EIA is mandatory</b>  No Screening required
<input checked="" type="checkbox"/> No	Proceed to Part B
<b>B. Schedule 5 Part 2</b> - Does the development comprise a project listed in Schedule 5, Part 2, of the Planning and Development Regulations 2001 (as amended) <b>and</b> does it meet/exceed the thresholds? (Tick as appropriate)	
<input checked="" type="checkbox"/> No, the development is not a project listed in Schedule 5, Part 2	<b>No Screening required</b>
<input type="checkbox"/> Yes the project is listed in Schedule 5, Part 2 <b>and</b> meets/exceeds the threshold, specify class (including threshold): _____	<b>EIA is mandatory</b>  No Screening required
<input type="checkbox"/> Yes the project is of a type listed <b>but</b> is <i>sub-threshold</i> : _____	Proceed to Part C
<b>C. If Yes</b> , has Schedule 7A information/screening report been submitted?	
<input type="checkbox"/> Yes, Schedule 7A information/screening report has been submitted by the applicant	<b>Screening Determination required</b>
<input type="checkbox"/> No, Schedule 7A information/screening report has not been submitted by the applicant	<b>Preliminary Examination required</b>

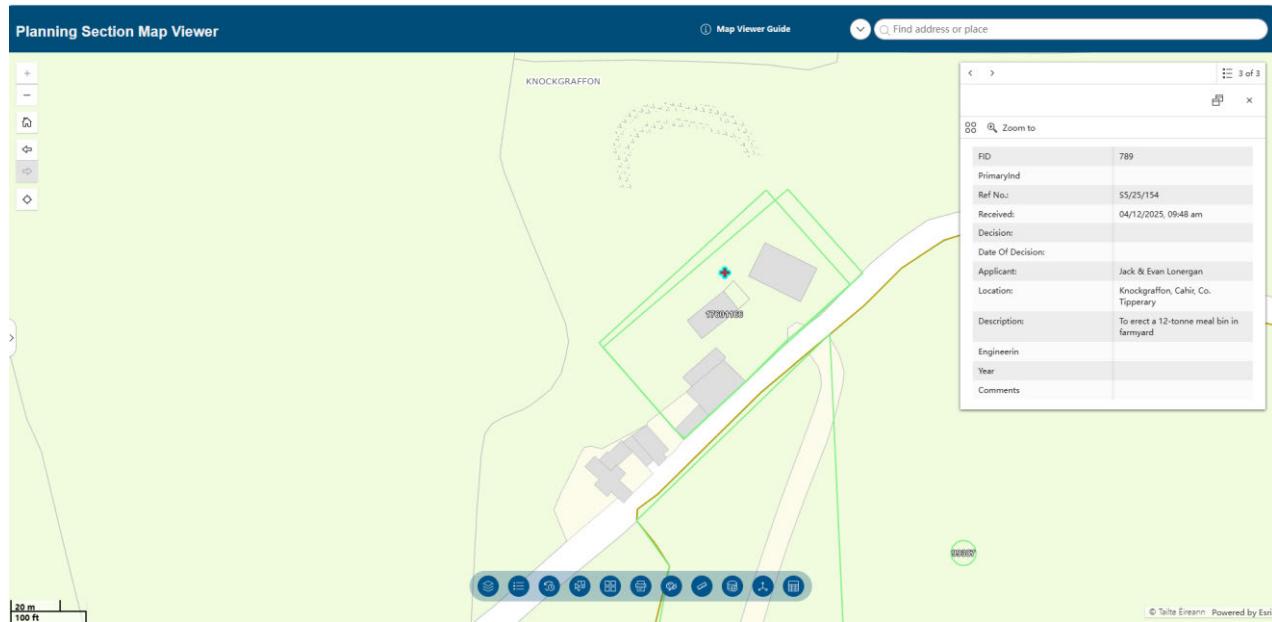


Figure 1 Planning Register

Original

**TIPPERARY COUNTY COUNCIL**

**DELEGATED EMPLOYEE'S ORDER**

File Ref: **S5/25/154**      **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 3<sup>rd</sup> 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 Jack and Evan Lonergan, Knockgraffon, Cahir, Co Tipperary , re: To erect a 12 tonne meal silo bin in a farmyard at Knockgraffon, Cahir, Co. Tipperary. is development and is exempted development.

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

- (a) Section 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 8 of Part 3 of Schedule 2 of the Planning and Development Regulations 2001, as amended,
- (d) The declaration application and supporting information,
- (e) The Planning history of the site.

**AND WHEREAS** Tipperary County Council has concluded that the erection a 12-tonne meal silo bin in a farmyard at Knockgraffon, Cahir, Co. Tipperary constitutes "development" within the meaning of the Planning and Development Act 2000, as amended and **IS NOT** "exempted development".

The proposal fails to satisfy Condition No. 2 attached to Class 8 of Part 3 of Schedule 2 of the Planning and Development Regulations 2001, as amended. The proposal is also restricted by Article 9(1)(a)(viiA) of the Planning and Development Regulations 2001, as amended, as the proposal is located within a Zone of Archaeological Potential associated with the Ringfort to the north.

**Signed:**



**Brian Beck**  
**Director of Services**

**Date: 07/01/2026**



Date: 7<sup>th</sup> January 2026

Our Ref: S5/25/154

Civic Offices, Nenagh

Jack and Evan Lonergan  
Knockgraffon  
Cahir  
Co Tipperary

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

Dear Jack and Evan

I refer to your application for a Section 5 Declaration received on 4<sup>th</sup> December 2025 in relation to the following proposed works:

To erect a 12 tonne meal silo bin in a farmyard at Knockgraffon, Cahir, 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 –

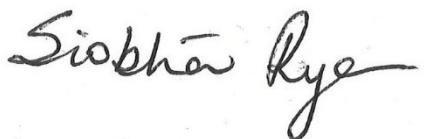
- (a) Section 2, 3 and 4 of the Planning and Development Act, 2000, as amended,
- (b) Articles 6 and 9 of the Planning and Development Regulations, 2001, as amended,
- (c) Class 8 of Part 3 of Schedule 2 of the Planning and Development Regulations 2001, as amended,
- (d) The declaration application and supporting information,
- (e) The Planning history of the site.

**AND WHEREAS** Tipperary County Council has concluded that the erection a 12-tonne meal silo bin in a farmyard at Knockgraffon, Cahir, Co. Tipperary constitutes “development” within the meaning of the Planning and Development Act 2000, as amended and **IS NOT** “exempted development”.

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**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, appearing to read "Siobhan Rye".

---

for **Director of Services**