



PLANNING & DEVELOPMENT ACT, 2000 (as amended)

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

1. Applicant's address/contact details:

Applicant	DECLAN RYAN
Address	MOYACIFFE BALLYCAHILL THURLES CO TIPPERARY E41P9P4
Telephone No.	[REDACTED]
E-mail	[REDACTED]

2. Agent's (if any) address:

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

3. Location of Proposed Development:

Postal Address or Townland or Location (as may best identify the land or structure in question)	AS ABOVE
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TIPPERARY CO. COUNCIL
RECEIVED
23 FEB 2026
PLANNING SECTION
FILE NO. 55/26/20

Tipperary County Council
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CSD
Civic Offices, Nenagh

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 PUT AND RECEIVE VIRGIN TOP SOIL,	
SUB SOIL AND STONE ON MY LAND TO	
RAISE IT BY 0.6 METER ON AREA	
OUTLINED IN RED ON MAP ATTACHED.	
Proposed floor area of proposed works/uses:	sqm 33728 sqm ²

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

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

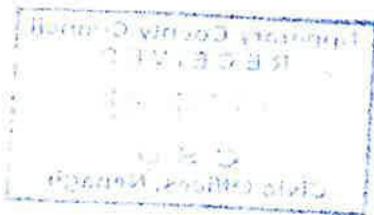
Signature of Applicant(s)



Date:

17/2/26

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	<u>OR</u>	Planning Section, Tipperary County Council, Civic Offices, Emmet Street, Clonmel, Co. Tipperary
Enquires:		
Telephone 0818 06 5000		
E-Mail planning@tipperarycoco.ie		

FOR OFFICE USE ONLY

DATE STAMP

Fee Recd. € 80-
Receipt No 135274
Date 23/2/26
Received by _____

Planning Pack Map

PROPOSED WORKS ON LAND OUTLINED IN RED.



Tailte Éireann

CENTRE COORDINATES:
ITM 605339,655299

PUBLISHED:
16/02/2026

ORDER NO.:
50518605_1

MAP SERIES:
1:2,500
1:2,500

MAP SHEETS:
4755-A
4755-C

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PLANNING SECTION
FILE NO.....

COMPILED AND PUBLISHED BY:
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Phoenix Park,
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www.tailte.ie

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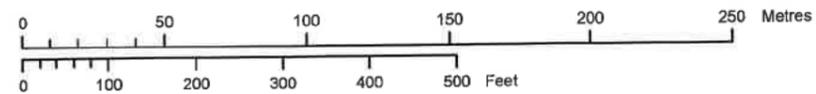
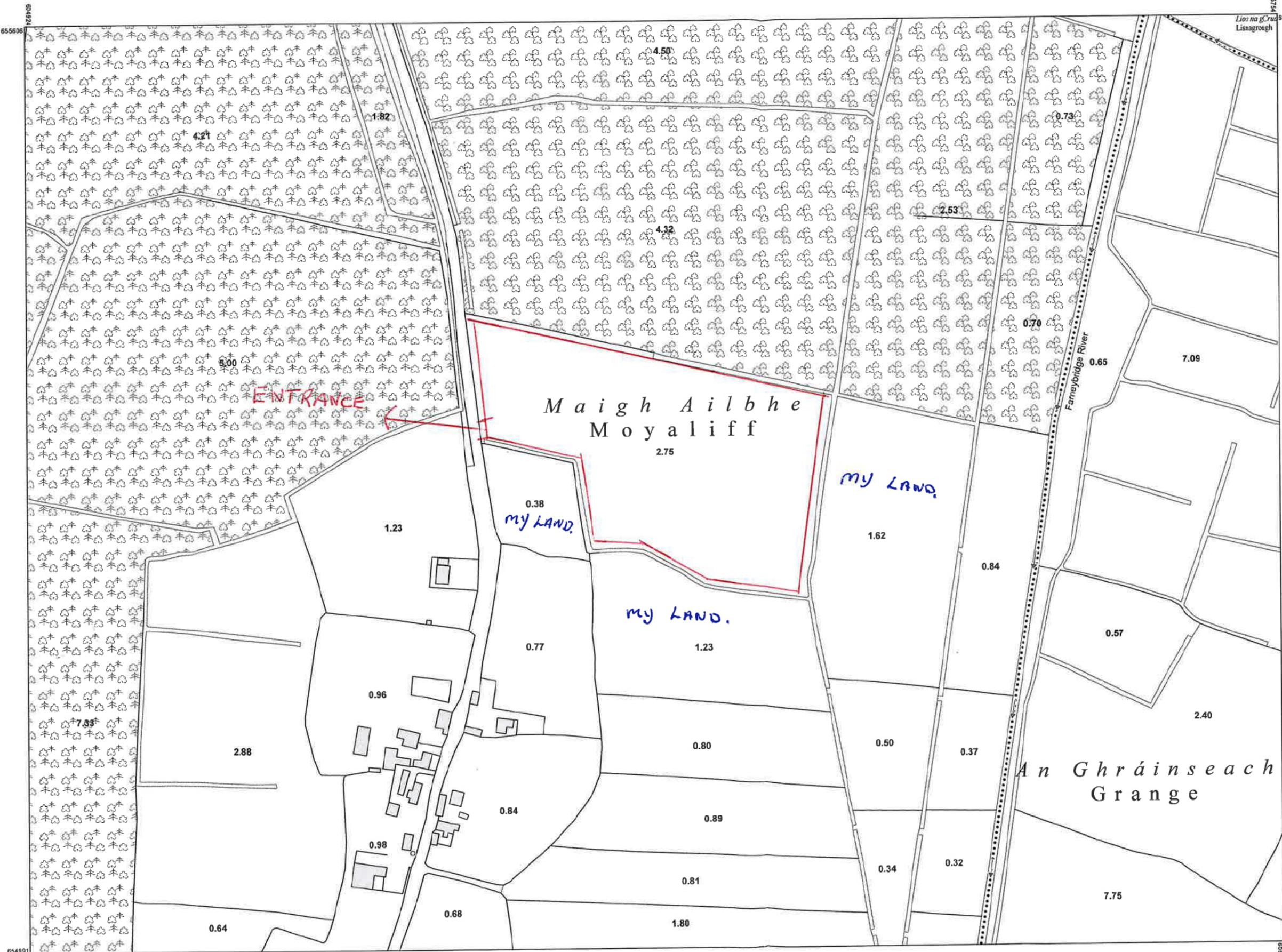
The representation on this map
of a road, track or footpath
is not evidence of the existence
of a right of way.

This topographic map
does not show
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02/02/26

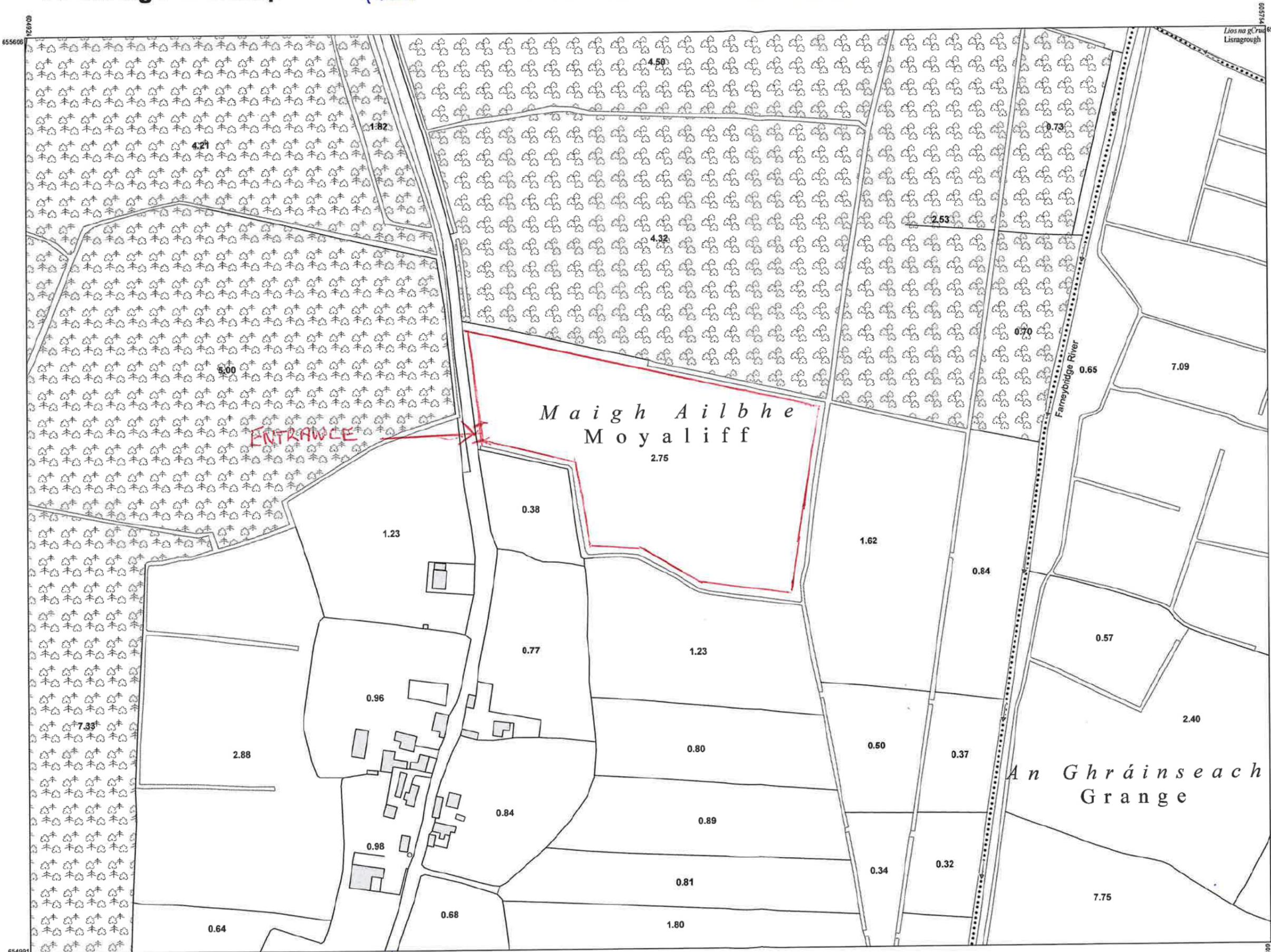


OUTPUT SCALE: 1:2,500

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.tailte.ie; search 'Capture Resolution'

LEGEND:
To view the legend visit
www.tailte.ie and search for
'Large Scale Legend'





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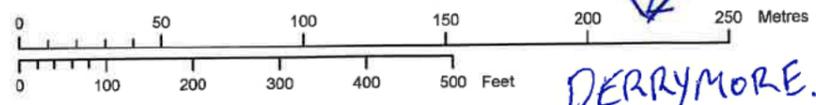
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LEGEND:
To view the legend visit www.tailte.ie and search for 'Large Scale Legend'



OUTPUT SCALE: 1:2,500

DERRYMORE.

55/26/20.



Comhairle Contae Thiobraid Árann
Tipperary County Council

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

Comhairle Contae
Thiobraid Árann,
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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: 24th February 2026

Our Ref: S5/26/20

Civic Offices, Nenagh

Declan Ryan
Moyaliffe
Ballycahill
Thurles
Co Tipperary
E41 P9P4

Re: Application for a Section 5 Declaration – To put and receive virgin top soil, sub soil and stone on land to raise it by 0.6m on area outlined in red on map attached to application at Moyaliffe, Ballycahill, Thurles, Co Tipperary E41 P9P4.

Dear Declan,

I acknowledge receipt of your application for a Section 5 Declaration received on 24th February 2026, in connection with the above.

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

Yours sincerely



for **Director of Services**

TIPPERARY COUNTY COUNCIL

Application for Declaration under Section 5

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

Planning Ref.: S5.26.20

Applicant: Declan Ryan

Development Address: Moyliffe, Ballycahill, Thurles, Co. Tipperary

Proposed Development: To put and receive virgin topsoil, subsoil and stone onto (my) land to raise it by 0.6m on area outlined in red on map attached

1. GENERAL

On 23.02.2026 a request was made for a declaration under Section 5 of the Planning and Development Act, 2000 as amended by Declan Ryan as to whether or not the following works constituted development and if so, whether same was exempted development:

Import soil of a similar nature to the existing soil on site. The purpose of this is to alter the existing ground level by no more than 1 metre to rectify a low lying area of this agricultural land

The application gives the area of this works as 33728sqm (3.37ha)

2. STATUTORY PROVISIONS

The following statutory provisions are relevant to this referral case;

Section 2(1) of the Planning and Development Act, 2000, as amended, states as follows;

"In this Act, except where the context otherwise requires – "development" has the meaning assigned to it by Section 3 and development shall be construed accordingly."

And,

"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".

"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.

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.”

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

Subject to article 9...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.

Article 8(C) of the Planning and Development Regulations 2001, as amended states:

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, shall be exempted development.

Article 8(E) of the Planning and Development Regulations 2001, as amended states that Articles 8B to 8D shall not apply in an area to which a special amenity area order relates

Article 9 of the Planning and Development Regulations 2001, as amended states:

Restrictions on exemption.

Article 9. (1) Development to which article 6 relates shall not be exempted development for the purposes of the Act— (a) if the carrying out of such development would—

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

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

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

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

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

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

development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,

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

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

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

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

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

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

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

(xi) obstruct any public right of way,

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

Schedule 2, Part 3. Exempted Development – Rural

Class 11 - Land Reclamation

Development consisting of the carrying out of drainage and/or reclamation of wetlands (column 1) – subject to the following restrictions (set out in column 2)-

1. The area to be affected shall not exceed 0.1ha.
2. Where development has been carried out within a farm holding under this class, the total area of any such development taken together with the area of any previous such development within the farm holding shall not exceed the limits set out in 1. above.

3. ASSESSMENT

a. *Site Location*

The site is located at Moyliffe and is in an area of agricultural land measuring 3.37ha (as per Section 4 of the application form).

b. *Relevant Planning History*

None recorded

c. *Assessment*

The applicant has proposed to Import soil (topsoil and subsoil) and stone and to raise the level of the land by 0.6m. The applicant has not provided any justification (other than to state the area is low lying) for the raising of the level of the land so it is not clear if same is for the purposes of reclamation.

The applicant has not set out where the imported material originates from and therefore it is not possible to confirm if the proposals comply with the requirements of Article 8(C) above.

A) “Is or is not Development”

Having considered all of the details and documentation on file with regards the question asked the Planning Authority is satisfied that the proposal would involve “works” and such works would constitute “development” within the meaning of Section 3 of the Act.

B) “Is or is not Exempted Development”

The proposed development has been assessed against the planning exemptions under Article 8 of the planning and development regulations 2001, as amended.

I note the provisions of Article 8C of the Planning and Development Regulations 2001, as amended. Article 8C of the Regulations provides an exemption for land reclamation works, other than (a) the reclamation of wetlands and (b) infilling with waste material. An Bord Pleanála has held that the exemption provided by Article 8C is confined to land reclamation works where soil is sourced from within the landholding (RL3540, RL3304 and RL3116).

It is not possible to ascertain whether the proposed development avails of the exemptions set down under Article 8(c) as it is not known if the imported soil and stone are coming from within the applicant’s landholding .

Article 9(1)(a) of the Planning and Development Regulations places restrictions on development to which Article 6 relates, and effectively de-exempts development for various reasons. Article 9 only refers to article 6, and is entirely silent in relation to Article 8. Article 8 would seem to be outside the restrictions under Article 9(1)(a). This view was held by An Bord Pleanála under RL3034.

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 presents potential for impacts on the Lower River Suir SAC. The significance of the impacts are uncertain.

Noting the provisions of Section 4(4) of the Planning and Development Act 2000, as amended the proposal is not exempted development.

EIA

Mandatory EIA is required under Class 1 (a) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended for re-contouring of agricultural land above 5 hectares. Mandatory EIA is required under Class 1 (c) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended for development consisting of the carrying out of drainage and/or reclamation of wetlands where more than 2 hectares of wetlands would be affected. The proposed development is not a wetland and mandatory EIA is not required under this class.

Mandatory EIA is required under Class 11 (b) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended for Installations for the disposal of waste with an annual intake greater than 25,000 tonnes not included in Part 1 of this Schedule.

It is not possible to confirm if EIA is required under this Class as the volume of material to be imported has not been quantified and whether the material constitutes a waste has not been confirmed.

4. RECOMMENDATION

Having regard to:

- (a) Sections 2, 3 and 4 of the Planning and Development Act 2000, as amended.
- (b) Article 8 of the Planning & Development Regulations 2001, as amended.
- (c) The details submitted as part of the Declaration application.

Tipperary County Council has concluded that the proposal presented on the maps and details provided with the Declaration application, constitutes “development” within the meaning of the Planning and Development Act 2000, and is NOT “exempted development”.

Reasons:

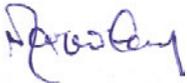
1. The proposal has been assessed having regard to the requirements of the EU Habitats Directive. The proposal has been screened as to the requirements for Appropriate Assessment(AA) as required under this Directive and the screening assessment considers that the proposal presents potential for

impacts on the Lower River Suir SAC. The significance of the impacts are uncertain. Appropriate Assessment of the project is therefore required.

Section 4(4) of the Planning and Development Act states:

- *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.*

2. It is not possible to confirm that a planning exemption applies given the limitations in information submitted with the Declaration application regarding the origin of the material that will be used for infilling or whether same is classified as a by-product or waste.

Signed: 
Executive Planner

Date: 13.03.2026

Signed: 
Senior Executive Planner

Date: 16/3/2026

HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT

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

(a) File Reference No:	S5.26.20
(b) Brief description of the project or plan:	As per Planners report
(c) Brief description of site characteristics:	As per Planners 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 ¹	Distance from proposed development ² (km)	Connections (Source-Pathway-Receptor)	Considered further in screening Y/N
Lower River Suir SAC (002137)	https://www.npws.ie/protected-sites/sac/002137	Within 15km	Yes through land drains	Yes
Slievefelim to Silvermine Mountains SPA (004165)	https://www.npws.ie/protected-sites/spa/004165	Within 15km	None	N
Anglesey Road SAC (002125)	https://www.npws.ie/protected-sites/sac/002125	Within 15km	None	N

STEP 3. Assessment of Likely Significant Effects

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

Impacts:	Possible Significance of Impacts: (duration/magnitude etc.)
Construction phase e.g. <ul style="list-style-type: none"> • Vegetation clearance • Demolition • Surface water runoff from soil excavation/infill/landscaping (including borrow pits) 	Potential for silty waters arising from infilling to escape into the drains that surround the site. These drains drain onto a tributary of the Clodiagh River which is designated

<ul style="list-style-type: none"> • Dust, noise, vibration • Lighting disturbance • Impact on groundwater/dewatering • Storage of excavated/construction materials • Access to site • Pests 	as part of the Lower River Suir SAC.
<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 	As per construction phase. Unclear how long it would take for works to be completed and how long for field to be seeded and returned to agricultural use.
In-combination/Other	No likely significant in-combination effects are identified.

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

<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 	Potential for impacts on water quality and dependent species in SAC
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(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

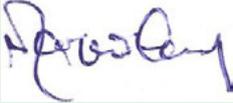
The assessment of significance of effects:

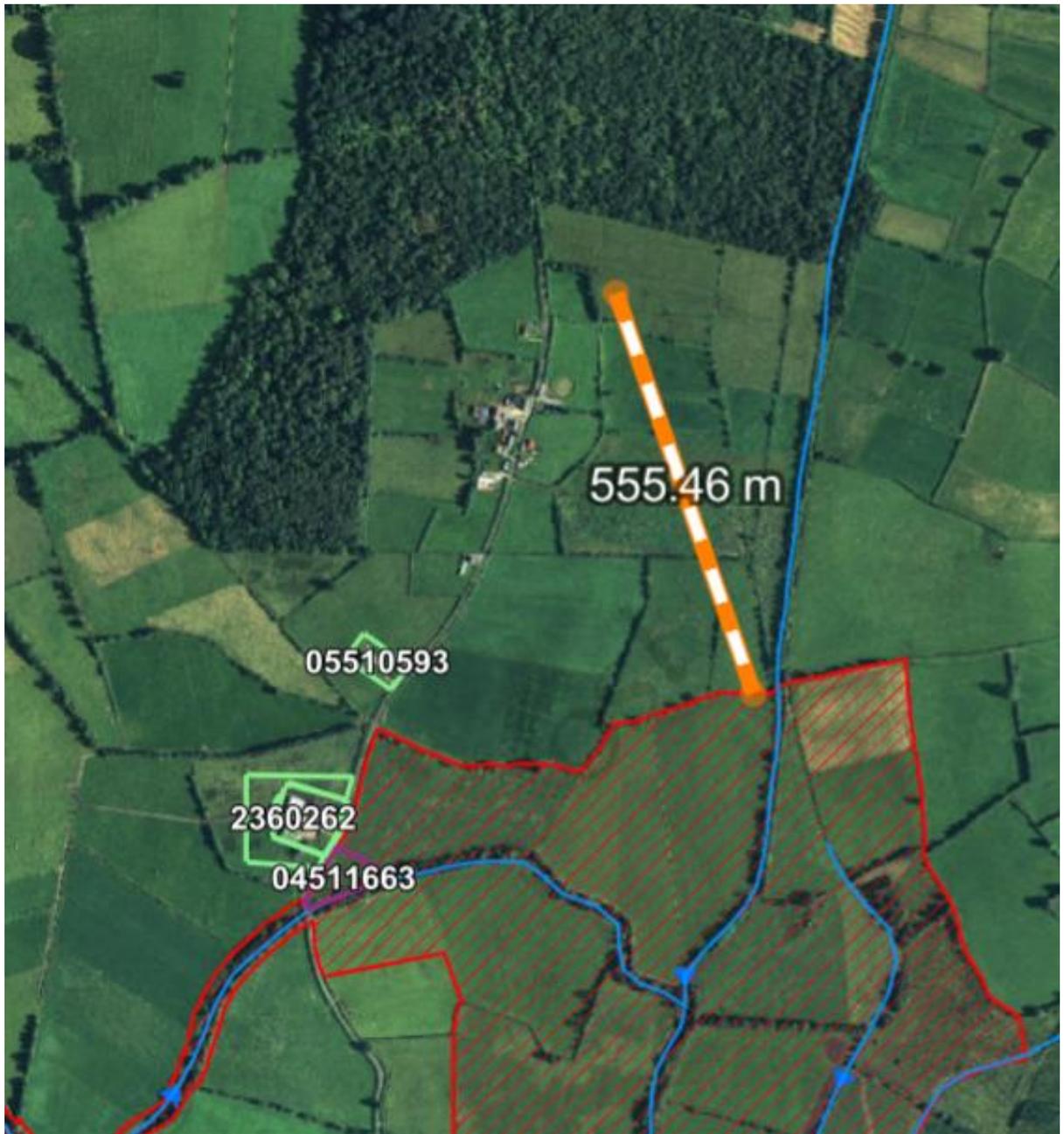
Describe how the proposed development (alone or in-combination) is/is **not likely** to have **significant** effects on European site(s) in view of its conservation objectives.

The proposed development presents the potential for effects on the Lower River Suir SAC arising from silty waters escaping into the drains that surround the site. These drains feed into a tributary of the river Clodiagh which forms part of the lower River Suir SAC.

The significant of impacts related to the above is uncertain. Mitigation measures would be required to prevent impacts arising.

Conclusion:

	Tick as Appropriate:	Recommendation:
(i) It is clear that there is no likelihood of significant effects on a European site.	<input type="checkbox"/>	The proposal can be screened out: Appropriate assessment not required.
(ii) It is uncertain whether the proposal will have a significant effect on a European site.	<input checked="" type="checkbox"/>	<input type="checkbox"/> Request further information to complete screening <input checked="" 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:		Date: 13.03.2026



Distance from infill area to SAC.

Original

TIPPERARY COUNTY COUNCIL

DELEGATED EMPLOYEE'S ORDER

File Ref: **S5/26/20** **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 **Declan Ryan, Moyaliffe, Ballycahill, Thurles, Co Tipperary, E41 P9P4, RE: To put and receive virgin topsoil, subsoil and stone onto (my) land to raise it by 0.6m on area outlined in red on map attached at Moyaliffe, Ballycahill, 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) Article 8 of the Planning & Development Regulations 2001, as amended.
- (c) The details submitted as part of the Declaration application.

Tipperary County Council has concluded that the proposal presented on the maps and details provided with the Declaration application, constitutes "development" within the meaning of the Planning and Development Act 2000, and is **NOT "exempted development"**.

Reasons:

1. 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 Appropriate Assessment(AA) as required under this Directive and the screening assessment considers that the proposal presents potential for impacts on the Lower River Suir SAC. The significance of the impacts are uncertain. Appropriate Assessment of the project is therefore required.

Section 4(4) of the Planning and Development Act states:

- *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.*
2. It is not possible to confirm that a planning exemption applies given the limitations in information submitted with the Declaration application regarding the origin of the material that will be used for infilling or whether same is classified as a by-product or waste.

Signed:



Brian Beck
Director of Services

Date: 18/03/2026



Comhairle Contae Thiobraid Árann
Tipperary County Council

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An tAonach,
Co. Thiobraid Árann
Tipperary County Council,
Civic Offices, Nenagh,
Co. Tipperary
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Date: 18th March 2026

Our Ref: S5/26/20

Civic Offices, Nenagh

**Declan Ryan
Moyaliffe
Ballycahill
Thurles
Co Tipperary
E41 P9P4**

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

Dear Declan,

I refer to your application for a Section 5 Declaration received on 23rd February 2026 in relation to the following proposed works:

To put and receive virgin topsoil, subsoil and stone onto (my) land to raise it by 0.6m on area outlined in red on map attached at Moyaliffe, Ballycahill, 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) Article 8 of the Planning & Development Regulations 2001, as amended.
- (c) The details submitted as part of the Declaration application.

Tipperary County Council has concluded that the proposal presented on the maps and details provided with the Declaration application, constitutes “development” within the meaning of the Planning and Development Act 2000, and is **NOT “exempted development”**.

Reasons:

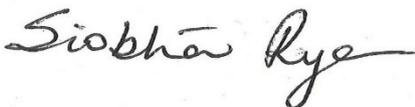
1. The proposal has been assessed having regard to the requirements of the EU Habitats Directive. The proposal has been screened as to the requirements for Appropriate Assessment(AA) as required under this Directive and the screening assessment considers that the proposal presents potential for impacts on the Lower River Suir SAC. The significance of the impacts are uncertain. Appropriate Assessment of the project is therefore required.

Section 4(4) of the Planning and Development Act states:

- *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.*
2. It is not possible to confirm that a planning exemption applies given the limitations in information submitted with the Declaration application regarding the origin of the material that will be used for infilling or whether same is classified as a by-product or waste.

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



for **Director of Services**