



Comhairle Contae Thiobraid Árann
Tipperary County Council

TIPPERARY CO. COUNCIL
RECEIVED
24 MAR 2026
PLANNING SECTION
FILE NO. 55/126/39

PLANNING & DEVELOPMENT ACT, 2000 (as amended)

Application for a Section 5 Declaration
Development / Exempted Development

1. Applicant's address/contact details:

Applicant	THOMAS NEEDHAM
Address	GURTEEN, RATHCARRIN ROSCRAA, CO TIPPERARY
Telephone No.	[REDACTED]
E-mail	/

2. Agent's (if any) address:

Agent	CERRY BYRNE
Address	GURTRAY, PORTUMNA CO GALWAY
Telephone No.	[REDACTED]
E-mail	[REDACTED]
Please advise where all correspondence in relation to this application is to be sent;	
Applicant []	Agent [X]

3. Location of Proposed Development:

Postal Address or Townland or Location (as may best identify the land or structure in question)	GURTEEN, RATHCARRIN
---	---------------------

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.)

UNDERGROUND SLURRY TANK.	
WITH SLATED COVER.	
24M x 4.7M x 2.74M deep internally	
* See additional information ✓	
enclosed.	
Proposed floor area of proposed works/uses:	sqm 11280 M 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)

 (AGENT)

Date:

23-3-26

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
 - 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:

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

Fee Recd. € <u>80-</u>	DATE STAMP TIPPERARY CO. COUNCIL RECEIVED 24 MAR 2026 PLANNING SECTION FILE NO. <u>55/26/24</u>
Receipt No <u>136081</u>	
Date <u>24/3/26</u>	
Received by _____	

Thomas Needham Gurteen Rathcabbin, Roscrea Co Tipperary



Additional Information

This applicant wishes to construct an underground slatted slurry tank and qualify for an environment grant from the Dept. Of Agriculture under the TAMS Scheme.

To qualify the applicant must have a Section 5 Declaration from planning section of the county council.

This applicant intends to apply at a later date for a grant to construct a cattle shed over the tank for which he will require Planning Permission for which he will apply this stage.

In the meantime he wishes to increase his slurry capacity to comply with environmental requirements.

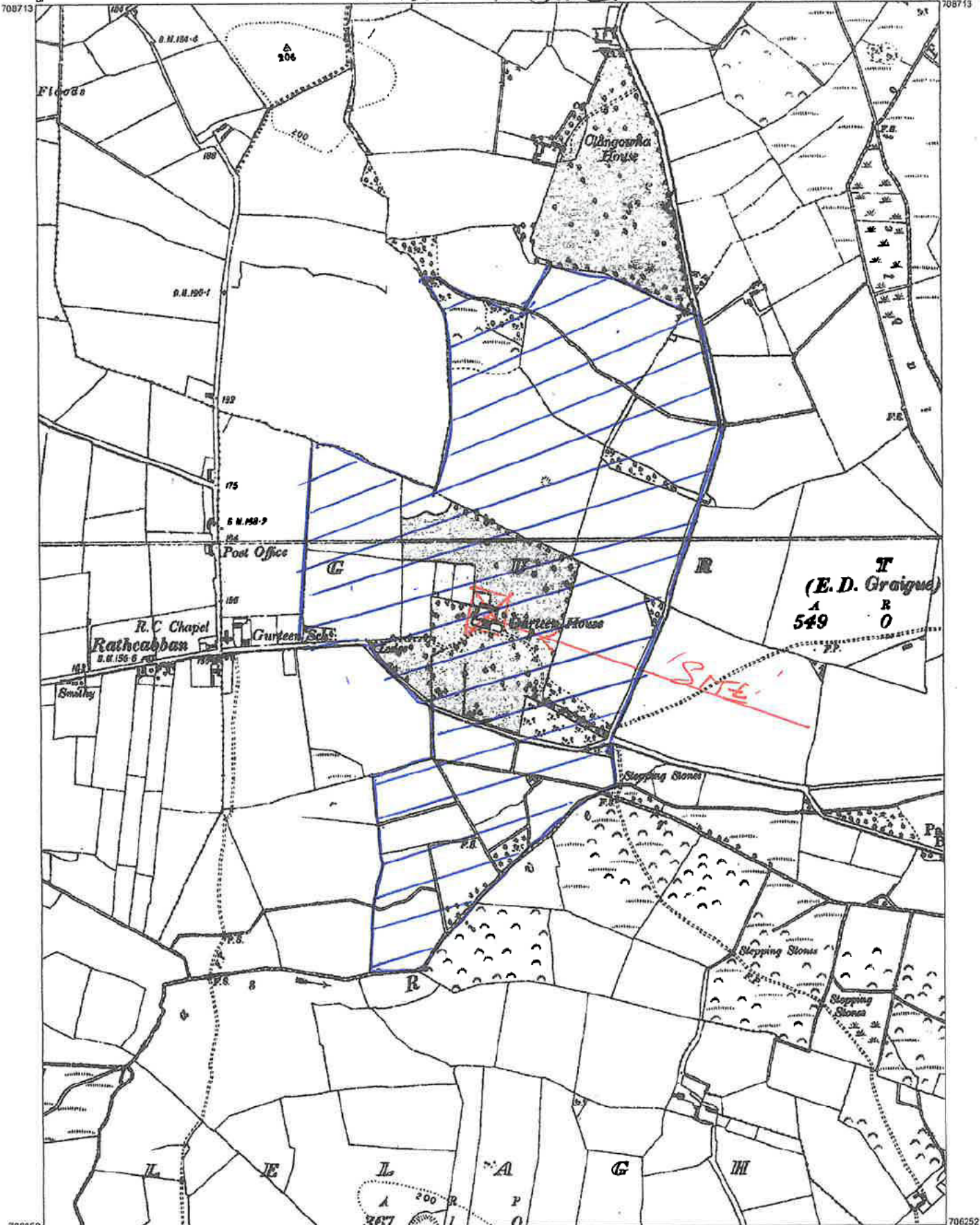
Applicants own dwelling as shown on the 1:500 drawing is Gurteen House which is a listed building Reg No 22400502, the proposed slurry tank will be approx. ~~50~~¹¹⁵m from the house.

Gerry Byrne (Agent)



24/3/26

Site Location Map LAND ADJACENT TO SKE-HATCHED YOLZHA



TIPPERARY CO. COUNCIL

RECEIVED

24 MAR 2026

PLANNING SECTION

FILE NO. 22/26/34

OUTPUT SCALE: 1:10,560



CENTRE COORDINATES:
ITM 598765,707483

PUBLISHED: 19/03/2026
ORDER NO.: 50524850_1

MAP SERIES: 6 Inch Raster
MAP SHEETS: TY002
6 Inch Raster TY005

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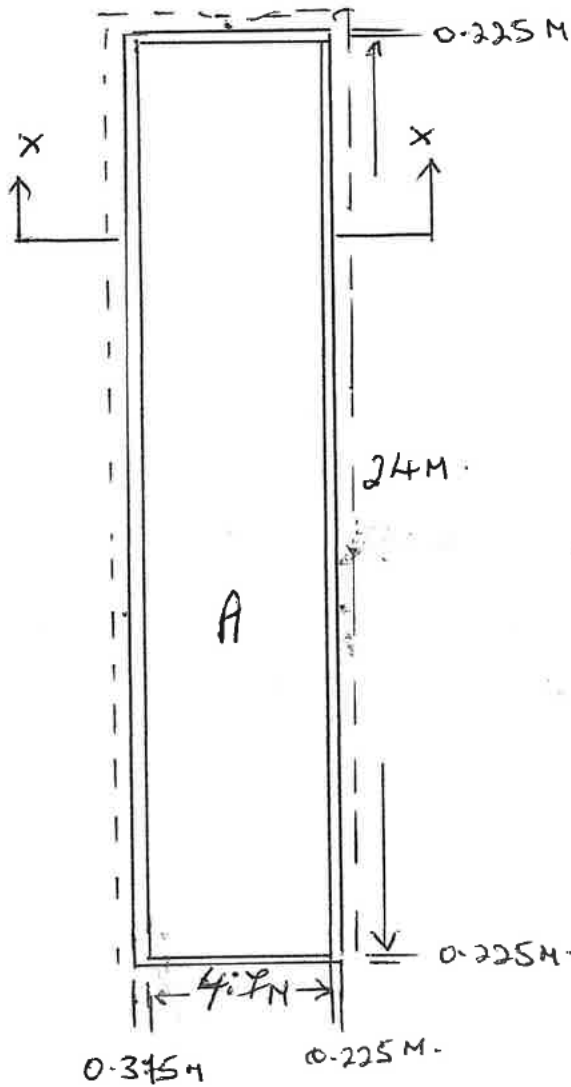
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23/3/26

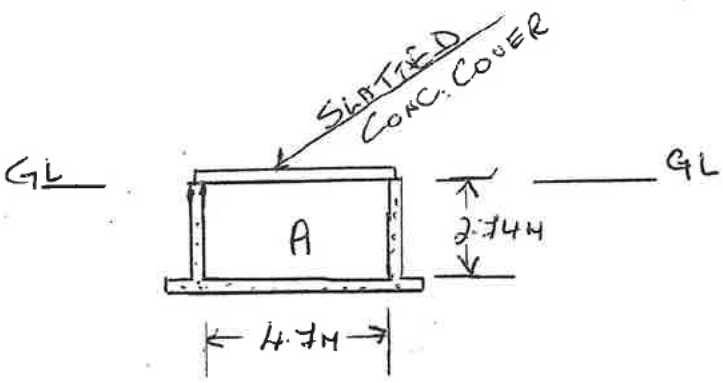
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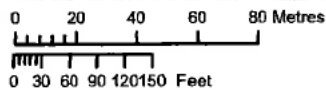
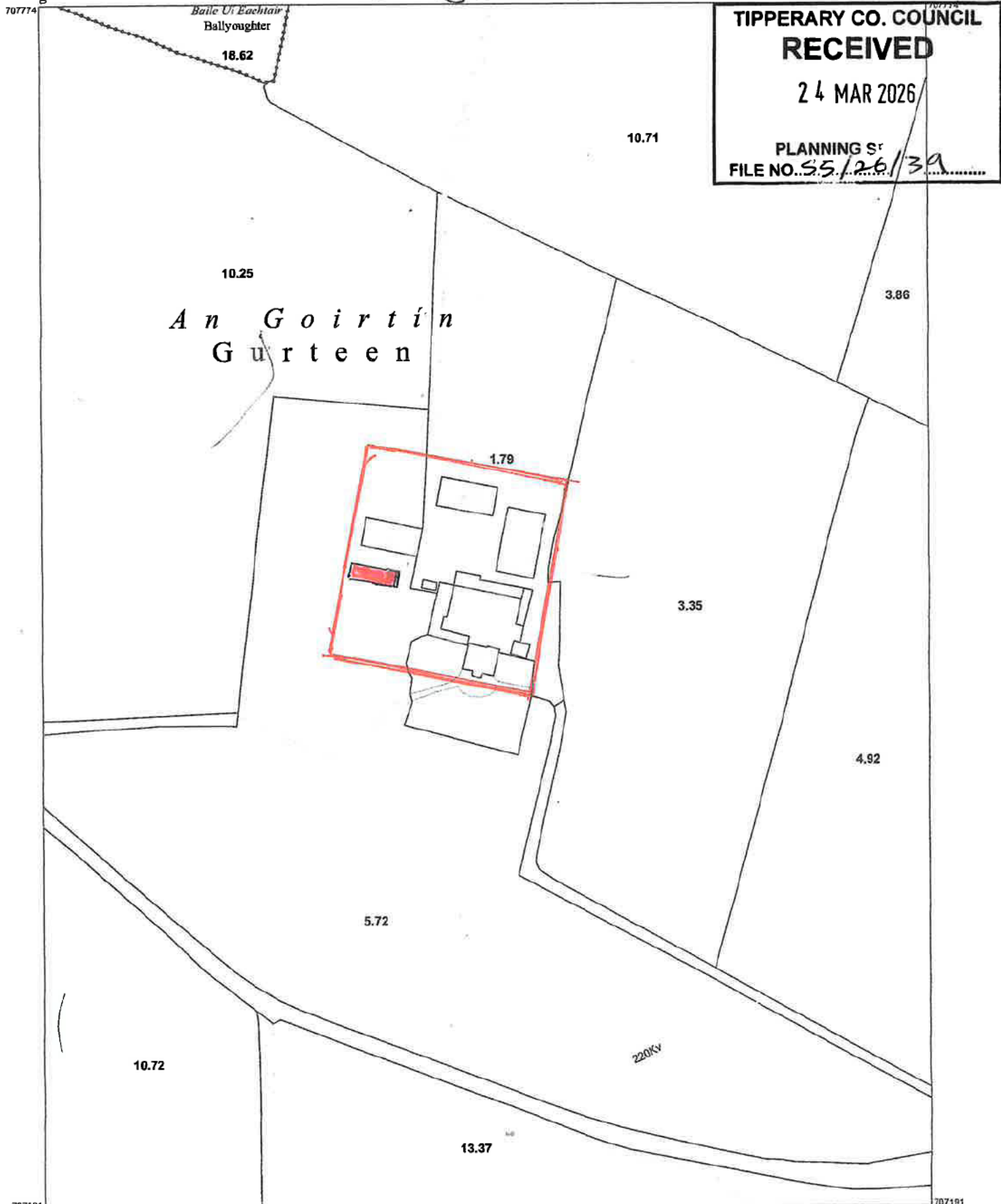
THOMAS NEEDHAM GURTEEN
 FLOOR PLAN & SECTION
 A PROPOSED SLATED TANK
 TO COMPLY WITH DEPT. OF AGR. S123
 DRAWN BY GERRY BYRNE
 GURTRAY, PORTUMNA,
 SCALE 1:200 DATE 23-3-26

FLOOR PLAN



SECTION X X

TIPPERARY CO. COUNCIL
RECEIVED
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 FILE NO. 55/26/39



OUTPUT SCALE: 1:2,500



CENTRE COORDINATES:
 ITM 598765,707483

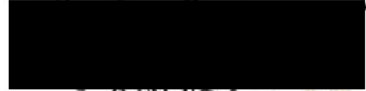
PUBLISHED: 19/03/2026
ORDER NO.: 50524850_1
MAP SERIES: 1:2,500
MAP SHEETS: 3757-B

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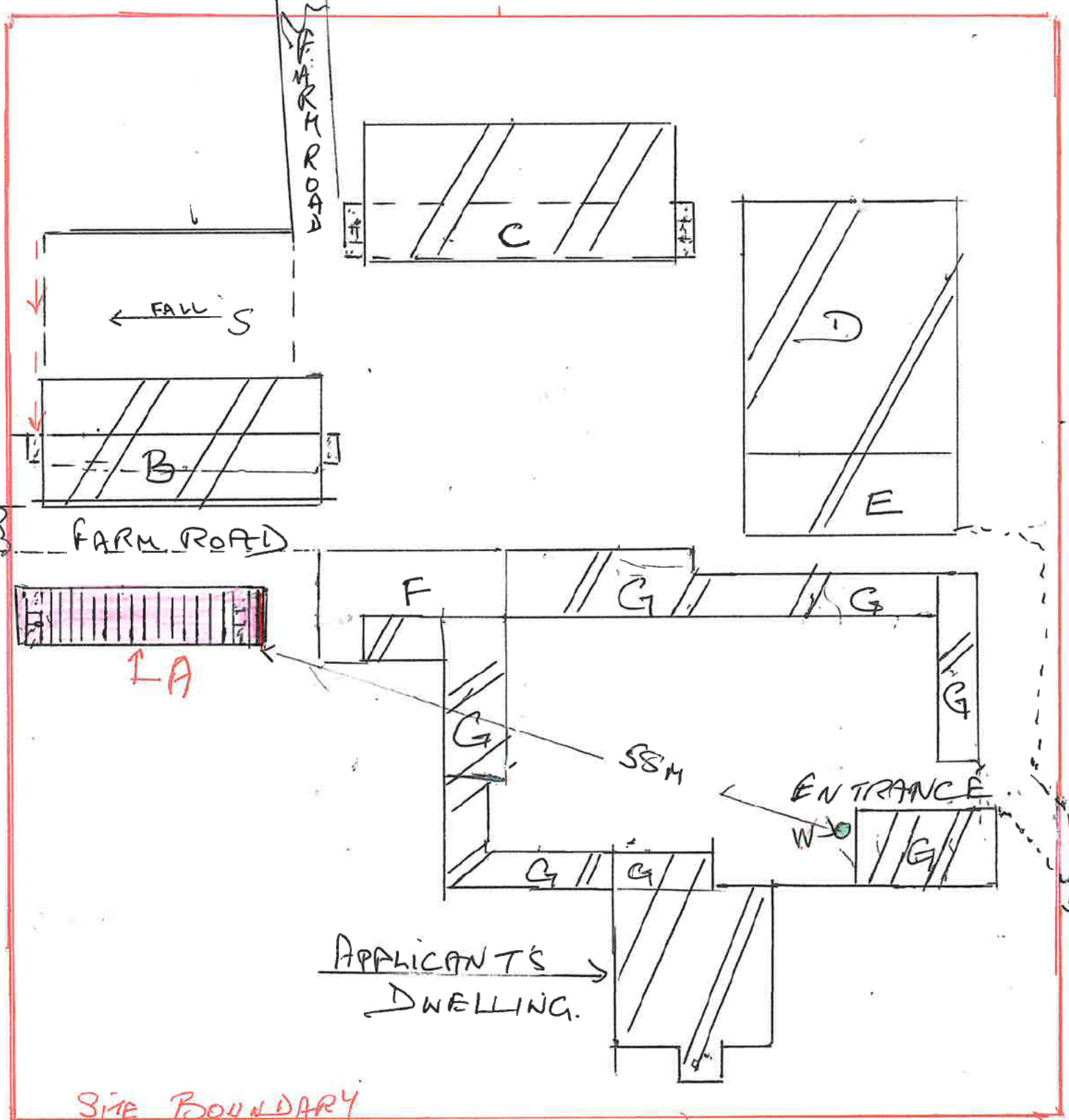
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23/3/26



THOMAS NEEDHAM	LEGEND
CURTEEN RATHLABBIN	A PROPOSED SLURRY TANK.
CO. TIPPERARY	B. EXISTING SLATTED HOUSES
SCALE 1:500	D SHEEP HOUSING
DRAWN BY CERRY BYRNE	E HAY & STRAW STORE
CURTROY PERTUMNA	F SHEEP HANDLING UNIT
CO. GALWAY.	G.G. OLD STONE STORES.
	S SILAGE PIT
	W. WELL.

TIPPERARY CO. COUNCIL
RECEIVED
 24 MAR 2026
 55/26/3A
 PLANNING SECTION
 FILE NO.



Comhairle Contae Thiobraid Árann
Tipperary County Council

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

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

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

Date: 24th March 2026

Our Ref: S5/26/39

Civic Offices, Nenagh

**Thomas Needham
C/O Gerry Byrne
Gurtray
Portumna
Co Galway**

Re: Application for a Section 5 Declaration – Underground slurry tank with slatted cover, 24m x 4.7m x 2.74m deep internally at Gurteen, Rathcabbin, Co. Tipperary.

Dear Gerry,

I acknowledge receipt of your application for a Section 5 Declaration received on 24th March 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**

Thomas Needham Gurteen Rathcabbin, Roscrea Co Tipperary

Additional Information

This applicant wishes to construct an underground slatted slurry tank and qualify for an environment grant from the Dept. Of Agriculture under the TAMS Scheme.

To qualify the applicant must have a Section 5 Declaration from planning section of the county council.

This applicant intends to apply at a later date for a grant to construct a cattle shed over the tank for which he will require Planning Permission for which he will apply this stage.

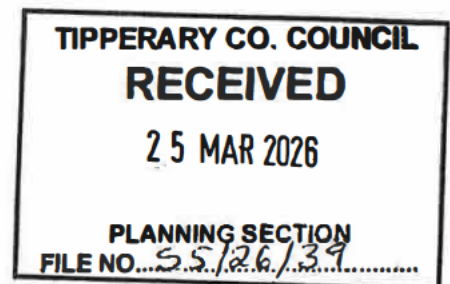
In the meantime he wishes to increase his slurry capacity to comply with environmental requirements.

Applicants own dwelling as shown on the 1:500 drawing is Gurteen House which is a listed building Reg No 22400502, the proposed slurry tank will be approx. 40m from the house, and 58m from the well.

Gerry Byrne (Agent)



23/3/26



TIPPERARY COUNTY COUNCIL

Application for Declaration under Section 5

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

Planning Reference: S5/26/39

Applicant: Thomas Needham

Development Address: Gurteen, Rathcabbin, Co. Tipperary

Proposed Development: To build a slatted tank

1. GENERAL

A request was made for a declaration under Section 5 of the Planning and Development Act, 2000 as amended as to whether or not the following (as per application form) constitutes development and if so, whether same constitutes exempted development

To build a slatted tank

The tank has an area of 24 metres x 4.7 metres x 2.7 metres deep. It is located within an existing farmyard located at Gurteen, Rathcabbin.



2. STATUTORY PROVISIONS

The following statutory provisions are relevant to this referral case;

Planning and Development Act 2000, as amended

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

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

Section 3 (1) of the Planning and Development Act 2000, as amended, defined “development” 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 “Agriculture” as:-

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

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

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

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

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

Planning and Development Regulations 2001 (as amended)

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

Exempted Development.

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

(3) 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:

Class 6A is inserted by article 4 of S.I. No. 649/2025 Planning and Development (Exempted Development (Act of 2000)) (No. 2) Regulations 2025

Column 1 Description of Development	Column 2 Conditions and Limitations
<p>CLASS 6A Works consisting of a structure for the storage of slurry, effluent or soiled water collected from agricultural buildings, agricultural farmyards and any ancillary provision to aid in the handling of the slurry, effluent or soiled water.</p>	<ol style="list-style-type: none"> 1. No such structure shall be used for any purpose other than the purpose of agriculture. 2. The maximum storage capacity of any such storage facility shall not exceed 1000 cubic metres. 3. The aggregate capacity of tanks, situated within the same farmyard complex, shall not exceed 1,500 cubic metres 4. The structure having regard to its size, use and location shall be constructed in accordance with Department of Agriculture, Food and the Marine and Department of Housing, Local Government and Heritage requirements and shall have regard to the need to avoid water pollution. The structure shall not be an earth lined Slurry/Effluent Store. 5. No such structure shall be situated, and no effluent from such structure shall be stored, within 10 metres of any public road. 6. No such structure within 100 metres of any public road shall exceed 8 metres in height. 7. No such structure shall be situated, and no effluent from such structure shall be stored, within 100 metres of any house (other than the house of the person providing the structure) or other residential building or school, hospital, church or building used for public assembly, save with the consent in writing of the owner and, as may be appropriate, the occupier or person in charge thereof. 8. No such structure shall be constructed within a flood zone identified in statutory land use plans as Flood Zone A or Flood Zone B or where the probability of flooding is moderate to high or erosion control zone. 9. No such structure shall be within 60 metres of a public or private water source. 10. No such structure shall be situated, at the closest point, less than 50 metres from a water course or water body in the case of new farmyards, and not less than 10m in the case of extensions/modifications to an existing facility. 11. All such tanks shall be constructed in accordance with the relevant specification published by the Department of Agriculture, Food and the Marine in force at the time of construction of the tank.

	<p>12. No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.</p> <p>13. The use of this Class of exemption requires a declaration from the relevant Planning authority under section 5 of the Principal Act, declaring the exemption is applicable prior to commencement of construction.</p> <p>14. Ancillary provision shall include as appropriate the installation of any signage, fencing or other safety infrastructure as recommended by the Health and Safety Authority regarding Slurry Safety.</p>
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Article 9 of the Planning and Development Regulations 2001, as amended sets out restrictions on exemptions and states:

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—*

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

3. ASSESSMENT

i. Site Location

The site is occupied by an existing farm holding on lands at Gurteen, Rathcabbin, Co. Tipperary. The site is c. 3/4km east of Rathcabbin and is accessed from the L5046. The farm yard is located to the rear of Gurteen House (Protected Structure).

ii. Relevant Planning History

5114866 Permission GRANTED for a sheep shed.

iii. Assessment

The question posed under the Section 5 Declaration application form is whether to build a slatted tank of 304.56³ (cubic metres) is development and is or is not exempted development.

A) "Is or is not Development"

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

B) "Is or is not Exempted Development"

Class 6A of Part 3 of Schedule 2 of the above cited Regulations is the relevant class subject to 14 limitations assessed below:

Works consisting of a structure for the storage of slurry, effluent or soiled water collected from agricultural buildings, agricultural farmyards and any ancillary provision to aid in the handling of the slurry, effluent or soiled water.

The proposed tank is to be used for the purposes of collecting slurry.

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

The structure will be used for agricultural purposes as defined under Section 2 of the Act.

2. The maximum storage capacity of any such storage facility shall not exceed 1000 cubic metres.

The maximum storage capacity of the tank is 492m³.

3. The aggregate capacity of tanks, situated within the same farmyard complex, shall not exceed 1,500 cubic metres

The aggregate capacity of tanks within the yard is unknown. This requires confirmation.

4. The structure having regard to its size, use and location shall be constructed in accordance with Department of Agriculture, Food and the Marine and Department of Housing, Local Government and Heritage requirements and shall have regard to the need to avoid water pollution. The structure shall not be an earth lined Slurry/Effluent Store.

The structure could be constructed in accordance with the Department standards. The structure is not an earth lined Slurry/Effluent Store.

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

The tank is not within 10m of any public road.

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

The structure is at ground level and therefore does not exceed 8m in height.

7. No such structure shall be situated, and no effluent from such structure shall be stored, within 100 metres of any house (other than the house of the person providing the structure) or other residential building or school, hospital, church or building used for public assembly, save with the consent in writing of the owner and, as may be appropriate, the occupier or person in charge thereof.

The structure is in excess of 100m of any house other than the house of the applicant.

8. No such structure shall be constructed within a flood zone identified in statutory land use plans as Flood Zone A or Flood Zone B or where the probability of flooding is moderate to high or erosion control zone.

The structure is at a remove from any identified flood risk zone.

9. No such structure shall be within 60 metres of a public or private water source.

There is no public or private water source identified within 60m of the tank. The public water mains runs through the public road adjoining the site. The location of any private wells should be confirmed.

10. No such structure shall be situated, at the closest point, less than 50 metres from a water course or water body in the case of new farmyards, and not less than 10m in the case of extensions/modifications to an existing facility.

There is no watercourse identified within 50m or 10m of the farmyard.

11. All such tanks shall be constructed in accordance with the relevant specification published by the Department of Agriculture, Food and the Marine in force at the time of construction of the tank.

The structure could be constructed in accordance with the Department standards.

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

There is no unpainted metal sheeting proposed as this is a stand-alone tank.

13. The use of this Class of exemption requires a declaration from the relevant Planning authority under section 5 of the Principal Act, declaring the exemption is applicable prior to commencement of construction.

The applicant has satisfied this condition under this application.

14. Ancillary provision shall include as appropriate the installation of any signage, fencing or other safety infrastructure as recommended by the Health and Safety Authority regarding Slurry Safety.

There is no signage proposed under this declaration.

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

AA

The proposal has been screened as to the requirements for Appropriate Assessment under the EU Habitats Directive. See also Appropriate Assessment screening report attached. The tank is located outside of the areas identified as being at risk of flooding on the most up to date flood risk mapping.

EIA

The proposed development is not a type of development included for under Schedule 5 of the Planning and Development Regulations 2001, as amended. EIA is not required in respect of the development. See all EIA Pre-Screening report attached.

D) Is the exemption restricted under Article 9 of the Regulations or Section 57 of the Act

I have reviewed the restrictions on exemption set out under Article 9 and I note no restrictions that would apply.

I do not consider the development will effect the character of protected structure (TRPS 186-Gurteen house) or any element that contributes to its special interes.

4. RECOMMENDATION

It is recommended that the following further information is requested:

1. The applicant is requested to submit details of all slurry tanks / soiled water storage tanks within the farm yard. The capacity of these tanks to be provided.
2. The applicant is requested to submit details of any private wells within the farmyard or within 60 metres of same. The location of any wells to be marked on a suitably scaled map.

Senior Executive Planner:

Jonathan Flood

Date:

14/4/2026

HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT

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

(a) File Reference No:	S5/26/39
(b) Brief description of the project or plan:	To build a slatted tank
(c) Brief description of site characteristics:	Agricultural Farm Complex
(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
Lough Derg, North-east Shore SAC	https://www.npws.ie/protected-sites/sac/002241	Within 15km	None	No
River Shannon Callows SAC	https://www.npws.ie/protected-sites/sac/000216	Within 15km	None	No
Lower River Shannon SAC	https://www.npws.ie/protected-sites/sac/002165	Within 15km	None	No
Lough Derg (Shannon) SPA	https://www.npws.ie/protected-sites/sac/004058	Within 15km	None	No
Silvermines Mountains West SAC	https://www.npws.ie/protected-sites/sac/002258	Within 15km	None	No
Slievefelim to Silvermines Mountains SPA	https://www.npws.ie/protected-sites/sac/004165	Within 15km	None	No
Keeper Hill SAC	https://www.npws.ie/protected-sites/sac/001197	Within 15km	None	No
Bolingbrook Hill SAC	https://www.npws.ie/protected-sites/sac/002124	Within 15km	None	No

Silvermine Mountains SAC	https://www.npws.ie/protected-sites/sac/000949	Within 15km	None	No
Kilcarren-Firville Bog SAC	https://www.npws.ie/protected-sites/sac/000647	Within 15km	None	No
Liskeenan Fen SAC	https://www.npws.ie/protected-sites/sac/001683	Within 15km	None	No
Ballyduff/Clonfinane Bog SAC	https://www.npws.ie/protected-sites/sac/000641	Within 15km	None	No
Ridge Road, SW of Rapemills SAC	https://www.npws.ie/protected-sites/sac/000919	Within 15km	None	No
All Saints Bog and Esker SAC	https://www.npws.ie/protected-sites/sac/000566	Within 15km	None	No
Redwood Bog SAC	https://www.npws.ie/protected-sites/sac/002353	Within 15km	None	No
Ardgraique Bog SAC	https://www.npws.ie/protected-sites/sac/002356	Within 15km	None	No
Sharavogue Bog SAC	https://www.npws.ie/protected-sites/sac/000585	Within 15km	None	No
Scohaboy (Sopwell) Bog SAC	https://www.npws.ie/protected-sites/sac/002206	Within 15km	None	No
Island Fen SAC	https://www.npws.ie/protected-sites/sac/002236	Within 15km	None	No
Lisduff Fen SAC	https://www.npws.ie/protected-sites/sac/002147	Within 15km	None	No
Kilcarren-Firville Bog SAC	https://www.npws.ie/protected-sites/sac/00647	Within 15km	None	No
Barroughter Bog SAC	https://www.npws.ie/protected-sites/sac/000231	Within 15km	None	No
Cloonmoylan Bog SAC	https://www.npws.ie/protected-sites/sac/000248	Within 15km	None	No
Derrycrag Wood Nature Reserve SAC	https://www.npws.ie/protected-sites/sac/000261	Within 15km	None	No
Rosturra Wood SAC	https://www.npws.ie/protected-sites/sac/001313	Within 15km	None	No

Pollnacknockaun Wood Nature Reserve SAC	https://www.npws.ie/protected-sites/sac/000319	Within 15km	None	No
Loughatorick South Bog SAC	https://www.npws.ie/protected-sites/sac/000308	Within 15km	None	No
Slieve Bernagh Bog SAC	https://www.npws.ie/protected-sites/sac/002312	Within 15km	None	No
Glenomra Wood SAC	https://www.npws.ie/protected-sites/sac/001013	Within 15km	None	No
Dovegrove Callows SPA	https://www.npws.ie/protected-sites/sac/004137	Within 15km	None	No
Slieve Bloom Mountains SPA	https://www.npws.ie/protected-sites/sac/004160	Within 15km	None	No
Slieve Aughty Mountains SPA	https://www.npws.ie/protected-sites/sac/004168	Within 15km	None	No
River Shannon and River Fergus Estuaries SPA	https://www.npws.ie/protected-sites/sac/004077	Within 15km	None	No
002137 Lower River Suir	https://www.npws.ie/protected-sites/sac/002137	Within 10km	None	None

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>No potential impacts. Surface water drains to soakpits on the site. Structure located outside of areas identify at risk of flooding</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 	No potential impacts. Surface water drains to soakpits on the site. Structure located outside of areas identify at risk of flooding
--	---

In-combination/Other	No potential impacts
----------------------	----------------------

(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 	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:

	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

EIA Pre-Screening	
Establishing a development is a 'sub-threshold development'	
File Reference:	S5/26/39
Development Summary:	To build a slatted tank
Was a Screening Determination carried out under Section 176A-C?	<input type="checkbox"/> Yes, no further action required <input checked="" type="checkbox"/> No, Proceed to Part A
A. Schedule 5 Part 1 - Does the development comprise a project listed in Schedule 5, Part 1, of the Planning and Development Regulations 2001 (as amended)? (Tick as appropriate)	
<input type="checkbox"/> Yes, specify class _____	EIA is mandatory No Screening required
<input checked="" type="checkbox"/> No	Proceed to Part B
B. Schedule 5 Part 2 - Does the development comprise a project listed in Schedule 5, Part 2, of the Planning and Development Regulations 2001 (as amended) and does it meet/exceed the thresholds? (Tick as appropriate)	
<input checked="" type="checkbox"/> 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 type="checkbox"/> Yes the project is of a type listed but is <i>sub-threshold</i> : _____	Proceed to Part C
C. If Yes, has Schedule 7A information/screening report been submitted?	
<input type="checkbox"/> Yes, Schedule 7A information/screening report has been submitted by the applicant	Screening required Determination required
<input type="checkbox"/> No, Schedule 7A information/screening report has not been submitted by the applicant	Preliminary Examination required



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Tipperary County Council

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Cluain Meala,
Co. Thiobraid Árann
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Date: 14th April 2026

Our Ref: S5/26/39

Civic Offices, Nenagh

**Thomas Needham
C/O Gerry Byrne
Gurtray
Portumna
Co Galway**

Re: Application for a Section 5 Declaration – To build a slatted tank at Gurteen, Rathcabbin, Co. Tipperary.

Dear Sir,

I refer to an application received from you on 24th March 2026 requesting a Declaration from this Planning Authority as to whether or not certain works constitute development within the meaning of the Planning and Development Act 2000, as amended.


Further information is requested as follows;

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

1. The applicant is requested to submit details of all slurry tanks / soiled water storage tanks within the farm yard. The capacity of these tanks to be provided.
2. The applicant is requested to submit details of any private wells within the farmyard or within 60 metres of same. The location of any wells to be marked on a suitably scaled map.

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

Yours sincerely


for **Director of Services**

Tipperary County Council
RECEIVED
CSD
Civic Offices, Nenagh

Thomas Needham Gurteen Rathcabbin, Roscrea Co Tipperary

Further information request reply

REF. No. SS/26/39

This applicant wishes to construct an underground slatted slurry tank and qualify for an environment grant from the Dept. Of Agriculture under the TAMS Scheme.

To qualify the applicant must have a Section 5 Declaration from planning section of the county council.

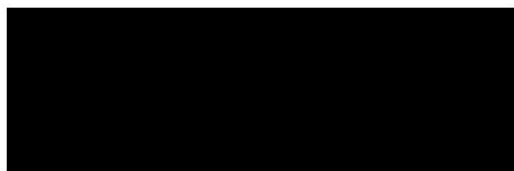
This applicant intends to apply at a later date for a grant to construct a cattle shed over the tank for which he will require Planning Permission for which he will apply this stage.

The proposed slatted tank will be 24m x 4.7m x 2.74m deep. The existing tanks in the farmyard are B - 280 cu.m. and C- 358cu.m.

The applicant at present is housing approx. 150 store cattle for the winter period and has at present approx. the 16 week storage required. He would like to extend his storage period to approx. 20 weeks to cater for a period of wet weather in the Spring and also allow for an increase of number of cattle housed in the future,

Applicants own dwelling as shown on the 1:500 drawing is Gurteen House which is a listed building Reg No 22400502, the proposed slurry tank will be approx. 40m from the house, and 60m from the well.

Please find 2 copies of revised site layout map and site layout plans enclosed.



16/4/26

Gerry Byrne (Agent)

TIPPERARY CO. COUNCIL
RECEIVED
20 APR 2026
PLANNING SECTION
FILE NO. SS/26/39

REVISED LAYOUT MAP

16/4/26^{10.71} G Byrne

Baile Uí Eachtair
Ballyougter

18.62

10.25

An Goirtín
Gurteen

3.86

1.79

3.35

4.92

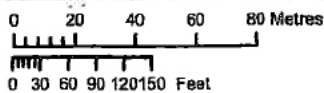
5.72

10.72

220KV

13.37

TIPPERARY CO. COUNCIL
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55/26/39
20 APR 2026
PLANNING SECTION



OUTPUT SCALE: 1:2,500



CENTRE COORDINATES:
ITM 598765,707483

PUBLISHED: 19/03/2028
ORDER NO.: 50524850_1
MAP SERIES: 1:2,500
MAP SHEETS: 3757-B

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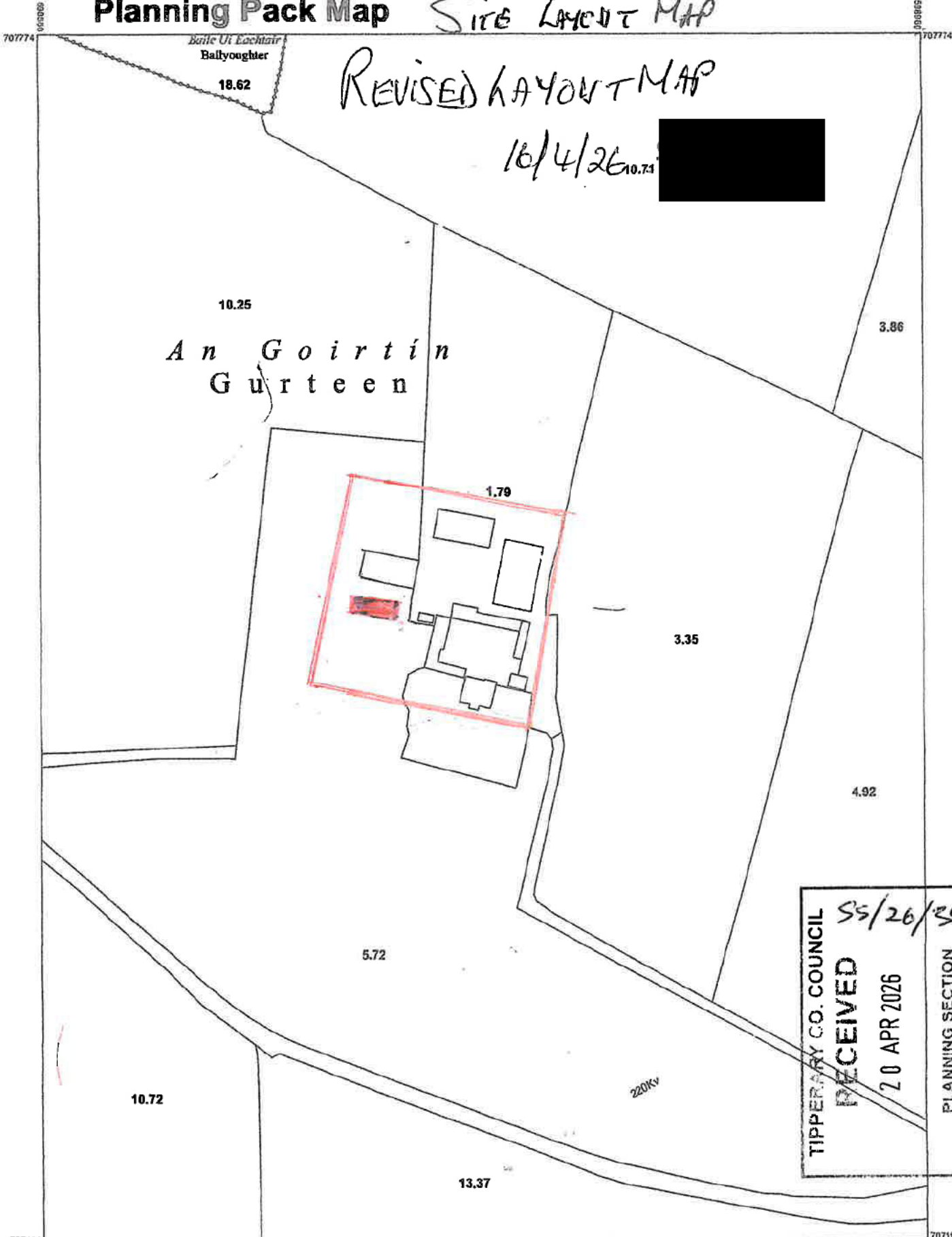
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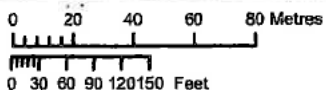
25/3/26

REVISED LAYOUT MAP

18/4/26 10.73



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20 APR 2026
PLANNING SECTION
FILE NO. 55/26/29



OUTPUT SCALE: 1:2,500



CENTRE COORDINATES:
ITM 598765,707483

PUBLISHED: 19/03/2028 ORDER NO.: 50524850_1

MAP SERIES: 1:2,500 MAP SHEETS: 3757-8

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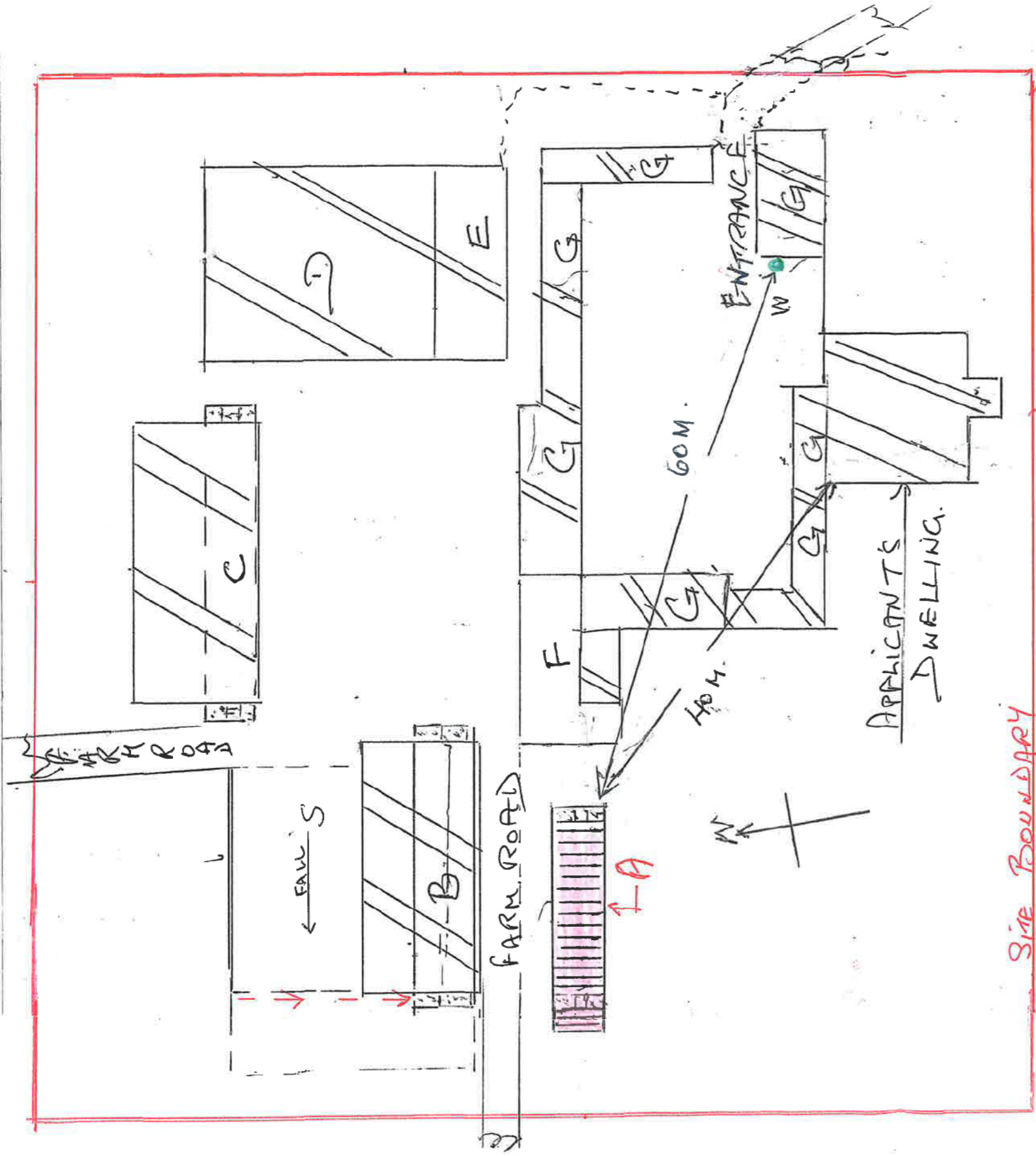
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25/3/26

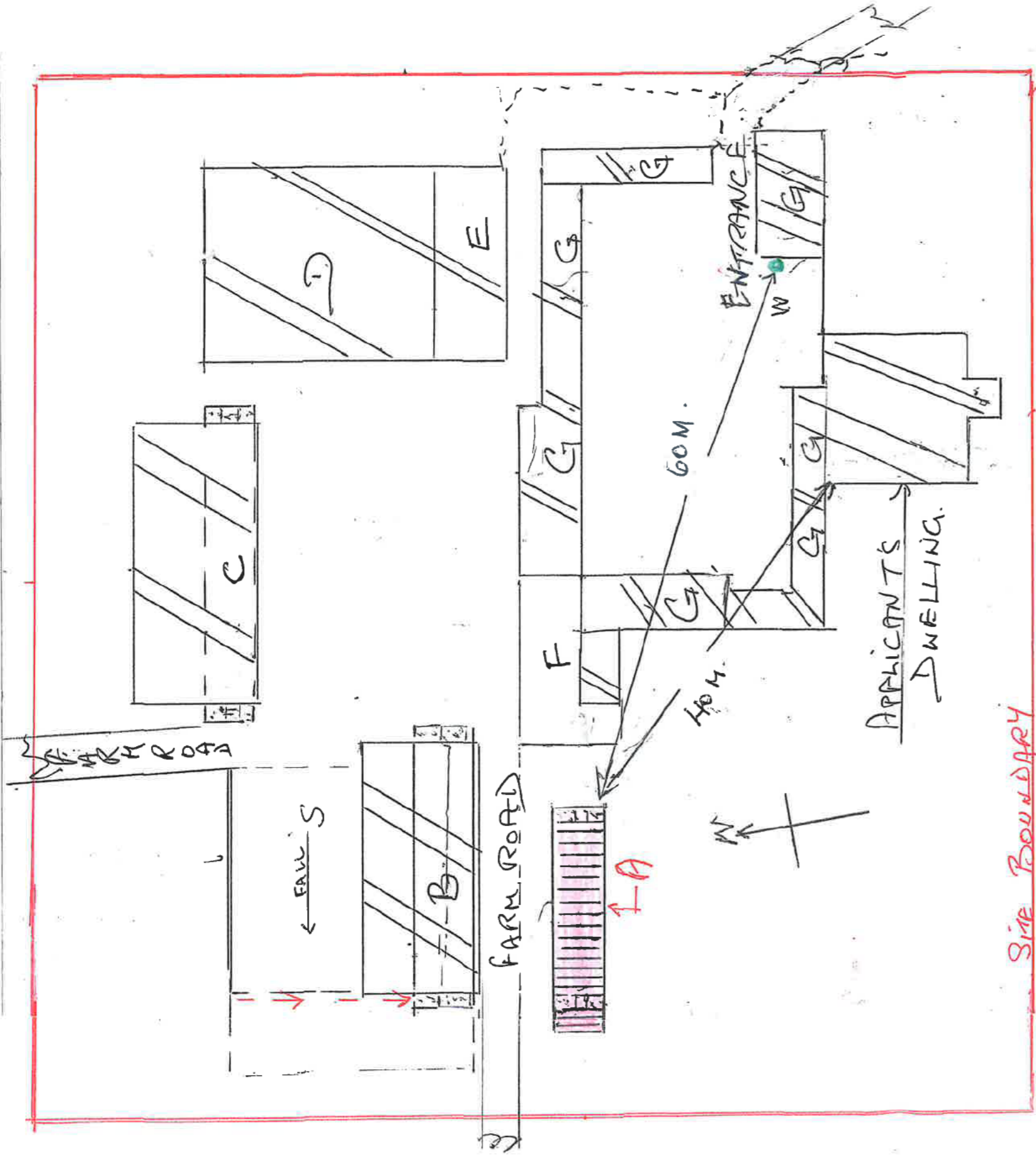
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 PLANNING SECTION
 FILE NO. 24/26/21

REVISED LAYOUT PLAN 16/4/26 G. Byrne	LEGEND
THOMAS NEEDHAM	
GURTEEN RATHGABBIN	A PROPOSED SLURRY TANK.
ROSCREA CO TIPPERARY	B BATTEN HOUSE (280M ² TANK)
SCALE 1:500	C SLATTED HOUSE (358M ² TANK)
DRAWN BY G. BYRNE	D SHEEP HOUSING
GURRAY PORRUMNA	E HAY & STRAW STORE
CO GALWAY.	F SHEEP HANDLING UNIT.
NOTE: PROPOSED TANK TO	G, G OLD STORES.
BE CONSTRUCTED TO	S SILAGE PIT.
COMPLY WITH DEPT OF AGR.	W WELL.
SPEC S123	→ - - → EQUIVALENT CHANNEL



REVISED LAYOUT PLAN 16/4/26 G. BYRNE	
LEGEND	
THOMAS NEED HAM	
GURTEEN RATHGABBIN	A PROPOSED SLURRY TANK.
ROSCREA, CO TIPPERARY	B BATTEN HOUSE (280M ² TANK)
SCALE 1:500	C SLATTED HOUSE (358 M ² TANK)
DRAWN BY G. BYRNE	D SHEEP HOUSING
CURTAY, PORTUMNA	E HAY & STRAW STORE
CO GALWAY.	F SHEEP HANDLING UNIT.
NOTE: PROPOSED TANK TO	G, G OLD STORES.
BE CONSTRUCTED TO	S SILAGE PIT.
COMPLY WITH DEPT OF AGR.	W WELL.
SPEC S123	→ - - → EFFLUENT CHANNEL

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 FILE NO. 28/24/29



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Date: 20th April 2026

Our Ref: S5/26/39

Civic Offices, Nenagh

Thomas Needham
C/O Gerry Byrne
Gurtray
Portumna
Co Galway

Re: Application for a Section 5 Declaration – To build a slatted tank at Gurteen, Rathcabbin, Co. Tipperary.

Dear Gerry

I acknowledge receipt of Further Information received on 20th April 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 Reference: S5/26/39

Applicant: Thomas Needham

Development Address: Gurteen, Rathcabbin, Co. Tipperary

Proposed Development: To build a slatted tank

1. GENERAL

A request was made for a declaration under Section 5 of the Planning and Development Act, 2000 as amended as to whether or not the following (as per application form) constitutes development and if so, whether same constitutes exempted development

To build a slatted tank

The tank has an area of 24 metres x 4.7 metres x 2.7 metres deep. It is located within an existing farmyard located at Gurteen, Rathcabbin.



2. **STATUTORY PROVISIONS**

The following statutory provisions are relevant to this referral case;

Planning and Development Act 2000, as amended

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

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

Section 3 (1) of the Planning and Development Act 2000, as amended, defined “development” 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 “Agriculture” as:-

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

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

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

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

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

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

Planning and Development Regulations 2001 (as amended)

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

Exempted Development.

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

(3) 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:

Class 6A is inserted by article 4 of S.I. No. 649/2025 Planning and Development (Exempted Development (Act of 2000)) (No. 2) Regulations 2025

Column 1 Description of Development	Column 2 Conditions and Limitations
<p>CLASS 6A Works consisting of a structure for the storage of slurry, effluent or soiled water collected from agricultural buildings, agricultural farmyards and any ancillary provision to aid in the handling of the slurry, effluent or soiled water.</p>	<ol style="list-style-type: none"> 1. No such structure shall be used for any purpose other than the purpose of agriculture. 2. The maximum storage capacity of any such storage facility shall not exceed 1000 cubic metres. 3. The aggregate capacity of tanks, situated within the same farmyard complex, shall not exceed 1,500 cubic metres 4. The structure having regard to its size, use and location shall be constructed in accordance with Department of Agriculture, Food and the Marine and Department of Housing, Local Government and Heritage requirements and shall have regard to the need to avoid water pollution. The structure shall not be an earth lined Slurry/Effluent Store. 5. No such structure shall be situated, and no effluent from such structure shall be stored, within 10 metres of any public road. 6. No such structure within 100 metres of any public road shall exceed 8 metres in height. 7. No such structure shall be situated, and no effluent from such structure shall be stored, within 100 metres of any house (other than the house of the person providing the structure) or other residential building or school, hospital, church or building used for public assembly, save with the consent in writing of the owner and, as may be appropriate, the occupier or person in charge thereof. 8. No such structure shall be constructed within a flood zone identified in statutory land use plans as Flood Zone A or Flood Zone B or where the probability of flooding is moderate to high or erosion control zone. 9. No such structure shall be within 60 metres of a public or private water source. 10. No such structure shall be situated, at the closest point, less than 50 metres from a water course or water body in the case of new farmyards, and not less than 10m in the case of extensions/modifications to an existing facility. 11. All such tanks shall be constructed in accordance with the relevant specification published by the Department of Agriculture, Food and the Marine in force at the time of construction of the tank. 12. No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.

	<p>13. <i>The use of this Class of exemption requires a declaration from the relevant Planning authority under section 5 of the Principal Act, declaring the exemption is applicable prior to commencement of construction.</i></p> <p>14. <i>Ancillary provision shall include as appropriate the installation of any signage, fencing or other safety infrastructure as recommended by the Health and Safety Authority regarding Slurry Safety.</i></p>
--	---

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

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—

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

3. ASSESSMENT

i. Site Location

The site is occupied by an existing farm holding on lands at Gurteen, Rathcabbin, Co. Tipperary. The site is c. 3/4km east of Rathcabbin and is accessed from the L5046. The farm yard is located to the rear of Gurteen House (Protected Structure).

ii. Relevant Planning History

5114866 Permission GRANTED for a sheep shed.

iii. Assessment

The question posed under the Section 5 Declaration application form is whether to build a slatted tank of 304.56³ (cubic metres) is development and is or is not exempted development.

A) "Is or is not Development"

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

B) "Is or is not Exempted Development" .

Class 6A of Part 3 of Schedule 2 of the above cited Regulations is the relevant class subject to 14 limitations assessed below:

Works consisting of a structure for the storage of slurry, effluent or soiled water collected from agricultural buildings, agricultural farmyards and any ancillary provision to aid in the handling of the slurry, effluent or soiled water.

The proposed tank is to be used for the purposes of collecting slurry.

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

The structure will be used for agricultural purposes as defined under Section 2 of the Act.

2. The maximum storage capacity of any such storage facility shall not exceed 1000 cubic metres.

The maximum storage capacity of the tank is 492m³.

3. The aggregate capacity of tanks, situated within the same farmyard complex, shall not exceed 1,500 cubic metres

The aggregate capacity of tanks within the yard is unknown. This requires confirmation.

4. The structure having regard to its size, use and location shall be constructed in accordance with Department of Agriculture, Food and the Marine and Department of Housing, Local Government and Heritage requirements and shall have regard to the need to avoid water pollution. The structure shall not be an earth lined Slurry/Effluent Store.

The structure could be constructed in accordance with the Department standards. The structure is not an earth lined Slurry/Effluent Store.

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

The tank is not within 10m of any public road.

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

The structure is at ground level and therefore does not exceed 8m in height.

7. No such structure shall be situated, and no effluent from such structure shall be stored, within 100 metres of any house (other than the house of the person providing the structure) or other

residential building or school, hospital, church or building used for public assembly, save with the consent in writing of the owner and, as may be appropriate, the occupier or person in charge thereof.

The structure is in excess of 100m of any house other than the house of the applicant.

8. No such structure shall be constructed within a flood zone identified in statutory land use plans as Flood Zone A or Flood Zone B or where the probability of flooding is moderate to high or erosion control zone.

The structure is at a remove from any identified flood risk zone.

9. No such structure shall be within 60 metres of a public or private water source.

There is no public or private water source identified within 60m of the tank. The public water mains runs through the public road adjoining the site. The location of any private wells should be confirmed.

10. No such structure shall be situated, at the closest point, less than 50 metres from a water course or water body in the case of new farmyards, and not less than 10m in the case of extensions/modifications to an existing facility.

There is no watercourse identified within 50m or 10m of the farmyard.

11. All such tanks shall be constructed in accordance with the relevant specification published by the Department of Agriculture, Food and the Marine in force at the time of construction of the tank.

The structure could be constructed in accordance with the Department standards.

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

There is no unpainted metal sheeting proposed as this is a stand-alone tank.

13. The use of this Class of exemption requires a declaration from the relevant Planning authority under section 5 of the Principal Act, declaring the exemption is applicable prior to commencement of construction.

The applicant has satisfied this condition under this application.

14. Ancillary provision shall include as appropriate the installation of any signage, fencing or other safety infrastructure as recommended by the Health and Safety Authority regarding Slurry Safety.

There is no signage proposed under this declaration.

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

AA

The proposal has been screened as to the requirements for Appropriate Assessment under the EU Habitats Directive. See also Appropriate Assessment screening report attached. The tank is located outside of the areas identified as being at risk of flooding on the most up to date flood risk mapping.

EIA

The proposed development is not a type of development included for under Schedule 5 of the Planning and Development Regulations 2001, as amended. EIA is not required in respect of the development. See all EIA Pre-Screening report attached.

D) Is the exemption restricted under Article 9 of the Regulations or Section 57 of the Act

I have reviewed the restrictions on exemption set out under Article 9 and I note no restrictions that would apply.

I do not consider the development will effect the character of protected structure (TRPS 186-Gurteen house) or any element that contributes to its special interes.

4. RECOMMENDATION

It is recommended that the following further information is requested:

1. The applicant is requested to submit details of all slurry tanks / soiled water storage tanks within the farmyard. The capacity of these tanks to be provided.
2. The applicant is requested to submit details of any private wells within the farmyard or within 60 metres of same. The location of any wells to be marked on a suitably scaled map.

Senior Executive Planner:

Jonathan Flood

Date:

14/4/2026

5. FURTHER INFORMATION

Two points of further information were requested from the applicant in a letter dated 14/04/2026. The FI request is outlined below in italics with assessment under same in bold.

1. *The applicant is requested to submit details of all slurry tanks / soiled water storage tanks within the farmyard. The capacity of these tanks to be provided.*

In response, the applicant has advised that the existing septic tanks within the farmyard are 280m³ and 358m³. It is noted that the proposed septic tank would be 309m³ (24m x 4.7m x 2.74m). The aggregate capacity of the tanks situated within the same farmyard complex would not therefore exceed 1,500m³.

2. *The applicant is requested to submit details of any private wells within the farmyard or within 60 metres of same. The location of any wells to be marked on a suitably scaled map.*

In response, the applicant has submitted a revised site location map which identified that private well, serving the applicants dwelling. It is noted to be 60 metres from the proposed slatted tank.

6. RECOMMENDATION

WHEREAS a question has arisen as to whether a '**slatted tank**' at Gurteen, Rathcabbin, Co. Tipperary is development and is or is not exempted development:

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

- (a) Sections 2, 3 & 4 of the Planning and Development Act 2000 (as amended)
- (b) Article 6 & 9 (1) (vii) of the Planning and Development Regulations 20001, as amended,
- (c) Class 6A of Schedule 2, Part 3 of the Planning and Development Regulations 2001 (as amended)
- (d) The plans and documentation submitted, including further information.

AND WHEREAS Tipperary County Council has concluded that –

The development consisting of a '**slatted tank**' is development and is exempted development.

NOW WHEREAS Tipperary County Council, in exercise of the powers conferred on it by section 5(2)(a) of the Planning and Development Act, 2000 Act, as amended, it is hereby decided that the '**slatted tank**' **is development and is exempted development.**

District Planner: *Olive O'Donnell*

Date: 06/05/2026

Senior Executive Planner: *Jonathan Flood*

Date: 06/05/2026

HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT

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

(a) File Reference No:	S5/26/39
(b) Brief description of the project or plan:	To build a slatted tank
(c) Brief description of site characteristics:	Agricultural Farm Complex
(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
Lough Derg, North-east Shore SAC	https://www.npws.ie/protected-sites/sac/002241	Within 15km	None	No
River Shannon Callows SAC	https://www.npws.ie/protected-sites/sac/000216	Within 15km	None	No
Lower River Shannon SAC	https://www.npws.ie/protected-sites/sac/002165	Within 15km	None	No
Lough Derg (Shannon) SPA	https://www.npws.ie/protected-sites/sac/004058	Within 15km	None	No
Silvermines Mountains West SAC	https://www.npws.ie/protected-sites/sac/002258	Within 15km	None	No
Slievefelim to Silvermines Mountains SPA	https://www.npws.ie/protected-sites/sac/004165	Within 15km	None	No
Keeper Hill SAC	https://www.npws.ie/protected-sites/sac/001197	Within 15km	None	No
Bolingbrook Hill SAC	https://www.npws.ie/protected-sites/sac/002124	Within 15km	None	No

Silvermine Mountains SAC	https://www.npws.ie/protected-sites/sac/000949	Within 15km	None	No
Kilcarren-Firville Bog SAC	https://www.npws.ie/protected-sites/sac/000647	Within 15km	None	No
Liskeenan Fen SAC	https://www.npws.ie/protected-sites/sac/001683	Within 15km	None	No
Ballyduff/Clonfinane Bog SAC	https://www.npws.ie/protected-sites/sac/000641	Within 15km	None	No
Ridge Road, SW of Rapemills SAC	https://www.npws.ie/protected-sites/sac/000919	Within 15km	None	No
All Saints Bog and Esker SAC	https://www.npws.ie/protected-sites/sac/000566	Within 15km	None	No
Redwood Bog SAC	https://www.npws.ie/protected-sites/sac/002353	Within 15km	None	No
Ardgraique Bog SAC	https://www.npws.ie/protected-sites/sac/002356	Within 15km	None	No
Sharavogue Bog SAC	https://www.npws.ie/protected-sites/sac/000585	Within 15km	None	No
Scohaboy (Sopwell) Bog SAC	https://www.npws.ie/protected-sites/sac/002206	Within 15km	None	No
Island Fen SAC	https://www.npws.ie/protected-sites/sac/002236	Within 15km	None	No
Lisduff Fen SAC	https://www.npws.ie/protected-sites/sac/002147	Within 15km	None	No
Kilcarren-Firville Bog SAC	https://www.npws.ie/protected-sites/sac/00647	Within 15km	None	No
Barroughter Bog SAC	https://www.npws.ie/protected-sites/sac/000231	Within 15km	None	No
Cloonmoylan Bog SAC	https://www.npws.ie/protected-sites/sac/000248	Within 15km	None	No
Derrycrag Wood Nature Reserve SAC	https://www.npws.ie/protected-sites/sac/000261	Within 15km	None	No
Rosturra Wood SAC	https://www.npws.ie/protected-sites/sac/001313	Within 15km	None	No

Pollnacknockaun Wood Nature Reserve SAC	https://www.npws.ie/protected-sites/sac/000319	Within 15km	None	No
Loughatorick South Bog SAC	https://www.npws.ie/protected-sites/sac/000308	Within 15km	None	No
Slieve Bernagh Bog SAC	https://www.npws.ie/protected-sites/sac/002312	Within 15km	None	No
Glennomra Wood SAC	https://www.npws.ie/protected-sites/sac/001013	Within 15km	None	No
Dovegrove Callows SPA	https://www.npws.ie/protected-sites/sac/004137	Within 15km	None	No
Slieve Bloom Mountains SPA	https://www.npws.ie/protected-sites/sac/004160	Within 15km	None	No
Slieve Aughty Mountains SPA	https://www.npws.ie/protected-sites/sac/004168	Within 15km	None	No
River Shannon and River Fergus Estuaries SPA	https://www.npws.ie/protected-sites/sac/004077	Within 15km	None	No
002137 Lower River Suir	https://www.npws.ie/protected-sites/sac/002137	Within 10km	None	None

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>No potential impacts. Surface water drains to soakpits on the site. Structure located outside of areas identify at risk of flooding</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 	No potential impacts. Surface water drains to soakpits on the site. Structure located outside of areas identify at risk of flooding
In-combination/Other	No potential impacts

(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 	No potential impacts

(c) Are 'mitigation' measures necessary to reach a conclusion that likely significant effects can be ruled out at screening?	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

STEP 4. Screening Determination Statement

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

The proposed development is not likely to have significant effects.

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

significant effect on a European site.		<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:	S5/26/39
Development Summary:	To build a slatted tank
Was a Screening Determination carried out under Section 176A-C?	<input type="checkbox"/> Yes, no further action required <input checked="" type="checkbox"/> No, Proceed to Part A
A. Schedule 5 Part 1 - Does the development comprise a project listed in Schedule 5, Part 1 , of the Planning and Development Regulations 2001 (as amended)? (Tick as appropriate)	
<input type="checkbox"/> Yes, specify class _____	EIA is mandatory No Screening required
<input checked="" type="checkbox"/> No	Proceed to Part B
B. Schedule 5 Part 2 - Does the development comprise a project listed in Schedule 5, Part 2 , of the Planning and Development Regulations 2001 (as amended) and does it meet/exceed the thresholds? (Tick as appropriate)	
<input checked="" type="checkbox"/> 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 type="checkbox"/> Yes the project is of a type listed but is <i>sub-threshold</i> : _____	Proceed to Part C
C. If Yes , has Schedule 7A information/screening report been submitted?	
<input type="checkbox"/> Yes, Schedule 7A information/screening report has been submitted by the applicant	Screening Determination required
<input type="checkbox"/> No, Schedule 7A information/screening report has not been submitted by the applicant	Preliminary Examination required

Original

TIPPERARY COUNTY COUNCIL

DELEGATED EMPLOYEE'S ORDER

File Ref: **S5/26/39** **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 Thomas Needham C/O Gerry Byrne, Gurtray, Portumna, Co Galway, re: To build a slatted tank at Gurteen, Rathcabbin, 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 & 4 of the Planning and Development Act 2000 (as amended)
- (b) Article 6 & 9 (1) (vii) of the Planning and Development Regulations 2001, as amended,
- (c) Class 6A of Schedule 2, Part 3 of the Planning and Development Regulations 2001 (as amended)
- (d) The plans and documentation submitted including further information.

AND WHEREAS Tipperary County Council has concluded that –
The development consisting of a '**slatted tank**' is development and is exempted development.

NOW WHEREAS Tipperary County Council, in exercise of the powers conferred on it by section 5(2)(a) of the Planning and Development Act, 2000 Act, as amended, it is hereby decided that the 'slatted tank' **is development and is exempted development.**

Signed: 
Brian Beck
Director of Services

Date: 07/05/2026



Date: 7th May 2026

Our Ref: S5/26/39

Civic Offices, Nenagh

Thomas Needham
C/O Gerry Byrne
Gurtray
Portumna
Co Galway

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

Dear Sir,

I refer to your application for a Section 5 Declaration received on 24th March 2026, and Further Information received on 20th April 2026 in relation to the following proposed works:

To build a slatted tank at Gurteen, Rathcabbin, 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 & 4 of the Planning and Development Act 2000 (as amended)
- (b) Article 6 & 9 (1) (vii) of the Planning and Development Regulations 2001, as amended,
- (c) Class 6A of Schedule 2, Part 3 of the Planning and Development Regulations 2001 (as amended)
- (d) The plans and documentation submitted, including further information.

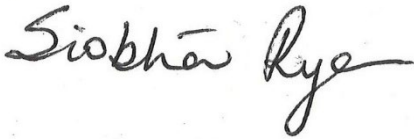
AND WHEREAS Tipperary County Council has concluded that –

The development consisting of a '**slatted tank**' is development and is exempted development.

NOW WHEREAS Tipperary County Council, in exercise of the powers conferred on it by section 5(2)(a) of the Planning and Development Act, 2000 Act, as amended, it is hereby decided that the 'slatted tank' **is development and is 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 that reads "Siobhán Rye". The signature is written in a cursive style with a long, sweeping tail on the letter 'e'.

for **Director of Services**