



Tipperary County Council
 RECEIVED
 29 JAN 2026
 CSD
 Civic Offices, Nenagh

PLANNING & DEVELOPMENT ACT, 2000 (as amended)

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

1. Applicant's address/contact details:

<i>Applicant</i>	Laurence Doran
<i>Address</i>	68 Wilton road, Belvoir Cork Co Cork T12-NF8H
<i>Telephone No.</i>	[REDACTED]
<i>E-mail</i>	[REDACTED]

2. Agent's (if any) address:

<i>Agent</i>	Hugh Ryan
<i>Address</i>	DH Ryan Architects 1 Liberty Square Thurles Co, Tipperary
<i>Telephone No.</i>	[REDACTED]
<i>E-mail</i>	[REDACTED]
<i>Please advise where all correspondence in relation to this application is to be sent;</i>	
Applicant [<input type="checkbox"/>] Agent <input checked="" type="checkbox"/> []	

3. Location of Proposed Development:

<i>Postal Address or Townland or Location (as may best identify the land or structure in question)</i>	Fields at Garrenroe, Thurles Co. Tipperary
--	--

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 29 JAN 2026
 PLANNING SECTION
 FILE NO. 52/26/4

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.

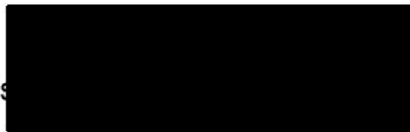
(Note: only works and uses listed and described under this section will be assessed under this Section 5 Application. Use additional sheets if required.)

Laurence is the owner of the lands outlined in red on the map attached.
He presently has no farm entrance or any type of entrance.
It is my understanding that he can create an exepcted farm entrance under section, 6(1) to article 9, Class 9
A farm entrance only for access of agricultural equipment.
Proposed floor area of proposed works/uses: sqm NA

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

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

Signature of Applicant(s)



Date: 23/01/2026

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	OR	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	TIPPERARY CO. COUNCIL RECEIVED 29 JAN 2026 PLANNING SECTION FILE NO. 23/26/14
Receipt No <u>134708</u>	
Date <u>29/1/26</u>	
Received by _____	

Planning Pack Map



Tailte Éireann

CENTRE COORDINATES:
ITM 617401,661714

PUBLISHED:
23/01/2026

ORDER NO.:
50513799_1

MAP SERIES:
1:5,000

MAP SHEETS:
4637

**TIPPERARY CO. COUNCIL
RECEIVED**

29 JAN 2026

PLANNING SECTION

NO. 23/2024

COMPILED AND PUBLISHED BY:

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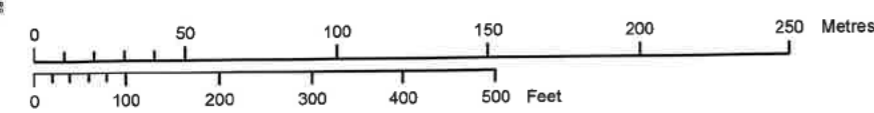
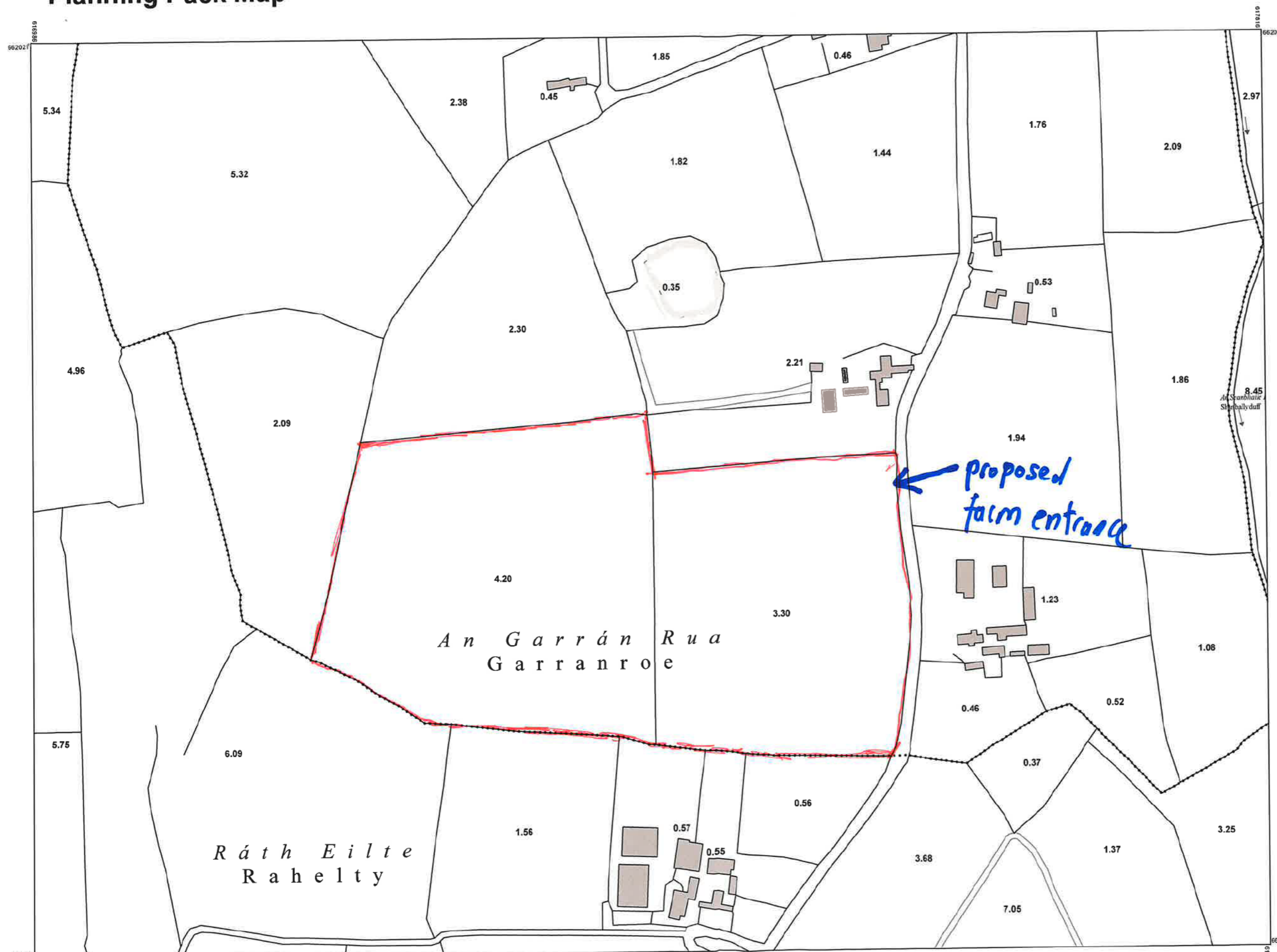
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DH RYAN ARCHITECTS
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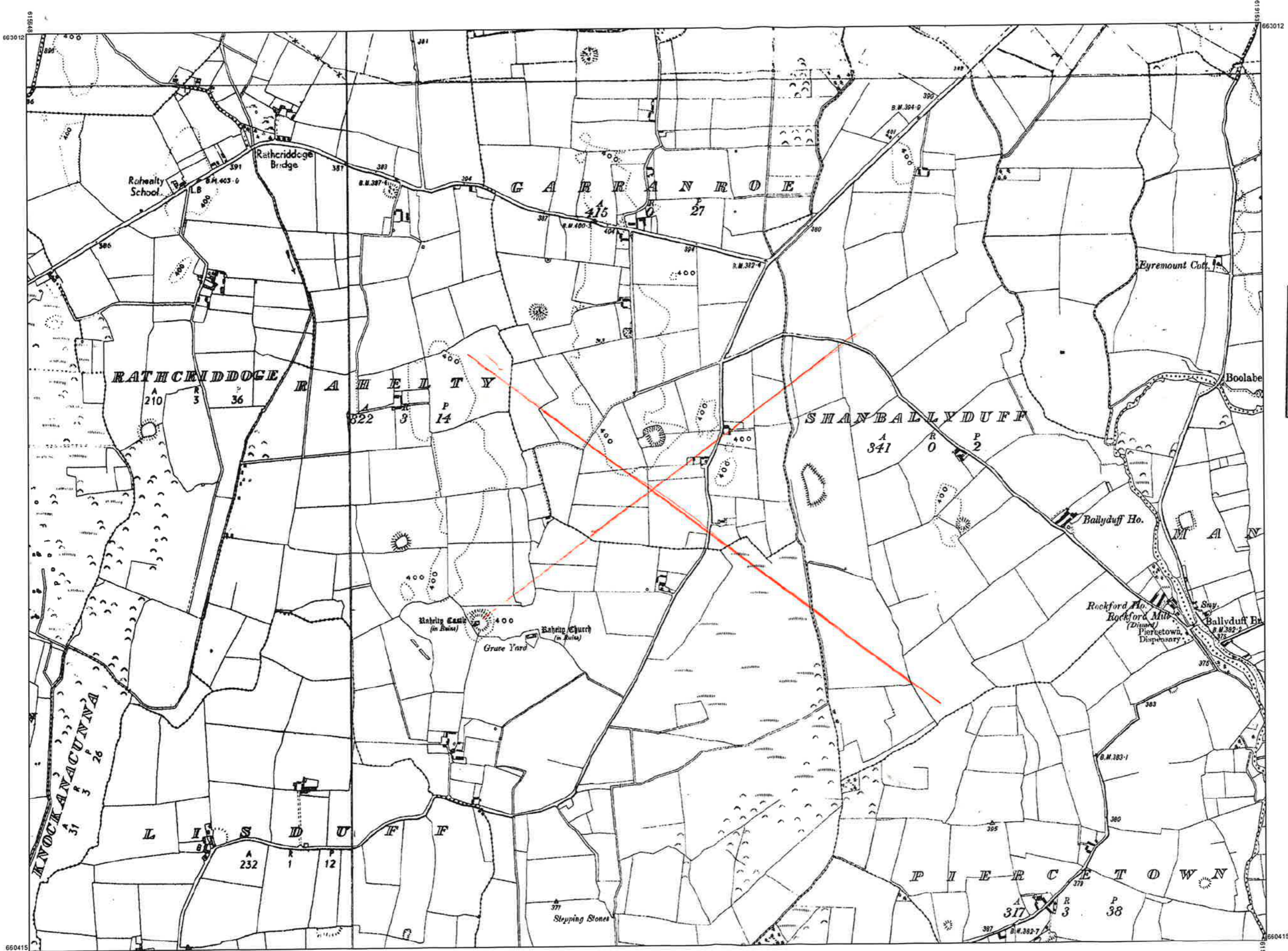
LEGEND:
To view the legend visit
www.tailte.ie and search for
'Large Scale Legend'



Site Location Map



Tailte Éireann



CENTRE COORDINATES:
ITM 617401,661714

PUBLISHED:
23/01/2026

ORDER NO.:
50513799_1

MAP SERIES:
6 Inch Raster
6 Inch Raster
6 Inch Raster
6 Inch Raster

MAP SHEETS:
TY035
TY036
TY041
TY042

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29 JAN 2026
PLANNING SECTION
FILE NO. 591-2614
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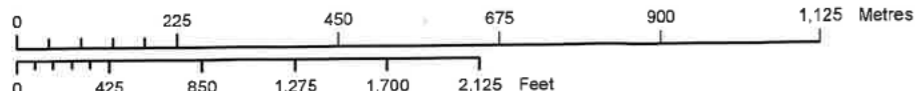
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LEGEND:
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Comhairle Contae Thiobraid Árann
Tipperary County Council

Comhairle Contae
Thiobraid Árann,
Oifigí Cathartha,
Cluain Meala,
Co. Thiobraid Árann
Tipperary County Council,
Civic Offices, Clonmel,
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e customerservice
@tipperarycoco.ie
tipperarycoco.ie

Date: 30th January 2026

Our Ref: S5/26/4

Civic Offices, Nenagh

**Laurence Doran
C/O Hugh Ryan
DH Ryan Architects
1 Liberty Square
Thurles
Co Tipperary**

Re: Application for a Section 5 Declaration – Creation of an exempted farm entrance under section ,6(1) to article 9, Class 9. A farm entrance only for access of agricultural equipment at fields at Garrenroe, Thurles, Co Tipperary.

Dear Hugh,

I acknowledge receipt of your application for a Section 5 Declaration received on 29th January 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: S5.26.4

Applicant: Laurence Doran

Development Address: Garranroe, Thurles, Co. Tipperary

Proposed Development: A farm entrance for access of agricultural equipment

1. GENERAL

On 29.01.2026 a request was made for a declaration under Section 5 of the Planning and Development Act, 2000 as amended by Laurence Doran as to whether or not the following works constituted development and if so, whether same was exempted development:

- A farm entrance for access of agricultural equipment.

2. STATUTORY PROVISIONS

Planning and Development Act 2000, as amended

Section 2(1) of the Planning and Development Act, 2000, as amended, includes the following definitions;

“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 2(1) of the Act also states that “public road” and “road” has the same meaning as in the Roads Act, 1993.

Section 2(l) of the Roads Act, 1993 defines a public road as
“public road” means a road over which a public right of way exists and the responsibility for the maintenance of which lies on a road authority.

And,

“road” includes

- a) any street, lane, footpath, square, court, alley or passage,
- b) any bridge, viaduct, underpass, subway, tunnel, overpass, overbridge, flyover, carriageway (whether single or multiple), pavement or footway,
- c) any weighbridge or other facility for the weighing or inspection of vehicles, toll plaza or other facility for the collection of tolls, service area, emergency telephone, first aid post, culvert, arch, gully, railing, fence, wall, barrier, guardrail, margin, kerb, lay-by, hard shoulder, island, pedestrian refuge, median, central reserve, channelliser, roundabout, gantry, pole, ramp, bollard, pipe, wire, cable, sign, signal or lighting forming part of the road, and
- d) any other structure or thing forming part of the road and-
 - i. necessary for the safety, convenience or amenity of road users or for the construction, maintenance, operation or management of the road or for the protection of the environment,
 - or
 - ii. prescribed by the Minister.

Section 3 (1) of the Planning and Development Act 2000, as amended, states as follows:
"In this Act, 'development' means, except where the context otherwise requires, the carrying out of works on, in, over or under land or the making of any material change in the use of any structures or other land."

Section 4(1) of the Planning and Development Act, 2000, as amended states:

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

(2)(a) 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:

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

Planning and Development Regulations 2001, as amended

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

Exempted Development.

6. (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.

Class 9 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended states:

Description of Development	Conditions and Limitations
<i>Sundry Works CLASS 9 The construction, erection, renewal or replacement, other than within or bounding the curtilage of a house, of any gate or gateway.</i>	<i>The height of any such structure shall not exceed 2 metres.</i>

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—

(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

(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.

(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**

a. Site Location

The site is located at Garranroe, Thurles. The site is part of a larger agricultural field and is served by the L-8015-18 Local Primary Road.

b. Relevant Planning History

None relevant.

c. Assessment

i) "Is or is not Development"

Section 3 of the Planning and Development Act, 2000, as amended, defines "development" as *the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land.*

The construction of a new entrance onto the L8015-18 would involve the undertaking of works and thereby constitute development having regard to Section 2 and 3 of the Act.

ii) "Is or is not Exempted Development"

New Entrance

Class 9 of Part 1 of Schedule 2 of the Planning and Development Regulations provides an exemption for *the construction, erection, renewal or replacement, other than within or bounding the curtilage of a house, of any gate or gateway.*

There is one limitation under this class "*The height of any such structure shall not exceed 2 metres*".

The applicant has not provided any detail in relation to the height, width etc of the proposed entrance. It is also not clear whether the new entrance will include a splay with fencing,

Further information should be requested on the entrance layout, design and height of gate and fencing.

iii) Is the exemption restricted under Article 9

Article 9(1) of the Planning and Development Regulations 2001, as amended sets out restrictions on exemptions including

(a) if the carrying out of such development would

(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,

The road is 3.1 metres wide and the exemption is not restricted under Article 9 (1) (1) (ii).

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

The foregoing restriction can be examined on receipt of the further information.

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

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

EIA

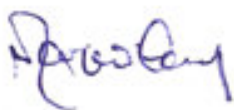
EIA is not required in respect of the proposals.

4. RECOMMENDATION

It is recommended that FURTHER INFORMATION is requested under Section 5(2) of the Planning and Development Act 2000, as amended, as follows;

1. In order to enable the Planning Authority to determine if the proposal avails of an exemption the applicant is requested to submit the following;
 - a. A site layout plan to a scale of not less than 1:500 showing the entrance layout and indicating clearly:
 - i) The proposed gate and any adjoining fencing.
 - ii) Existing fencing and boundaries that will be altered.
 - iii) Adjoining boundaries.
 - iv) The public road carriageway
 - v) The existing road margin, utility poles and existing roadside hedgerow.
 - vi) Available sightlines from the new entrance taken from a 4.5 metre set back at the centre of the entrance to the nearside of the road carriageway in either direction. Where sightlines are impaired by existing roadside boundaries/hedgerow this is to be clearly shown.
 - b. Elevation drawings to a scale of not less than 1:200 showing the proposed entrance gate, piers and any new fencing.

Signed:



Date: 18.02.2026

Senior Executive Planner: _

Jonathan Flood

_____ Date: 23/2/2026

HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT

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

(a) File Reference No:	S5/26/4
(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:	N/a. No referrals made.

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 screening in Y/N
002137 Lower River Suir	https://www.npws.ie/protected-sites/sac/002137	Within 15km	None	No
000407 The Loughlans	https://www.npws.ie/protected-sites/sac/000407	Within 15km	None	No

STEP 3. Assessment of Likely Significant Effects

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

Impacts:	Possible Significance of Impacts: (duration/magnitude etc.)
Construction phase e.g. <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 	No impacts
Operational phase e.g. <ul style="list-style-type: none"> • Direct emission to air and water 	No impacts

<ul style="list-style-type: none"> • Surface water runoff containing contaminant or sediment • Lighting disturbance • Noise/vibration • Changes to water/groundwater due to drainage or abstraction • Presence of people, vehicles and activities • Physical presence of structures (e.g. collision risks) • Potential for accidents or incidents 	
In-combination/Other	No 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 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.

On the basis of the information on file, which is considered adequate to undertake a screening determination and having regard to:

- the nature and scale of the proposed development,
- the proposed land use and distance from European sites,
- the lack of direct connections with regard to the Source-Pathway-Receptor model,

it is concluded that the proposed development, individually or in-combination with other plans or projects is not likely to have significant effects on the above listed European sites or any other European site, in view of the said sites' conservation objectives.

An appropriate assessment is not, therefore, required.

Conclusion:			
	Tick as Appropriate:	Recommendation:	
(i) It is clear that there is no likelihood of significant effects on a European site.	<input checked="" type="checkbox"/>	The proposal can be screened out: Appropriate assessment not required.	
(ii) It is uncertain whether the proposal will have a significant effect on a European site.	<input type="checkbox"/>	<input type="checkbox"/> Request further information to complete screening <input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission	
(iii) Significant effects are likely.	<input type="checkbox"/>	<input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission	
Signature and Date of Recommending Officer:	Marion Carey, District Planner	Date:	18.02.2026

EIA Pre-Screening Establishing a development is a 'sub-threshold development'	
File Reference:	S5/26/4
Development Summary:	As per planners report
Was a Screening Determination carried out under Section 176A-C?	<input type="checkbox"/> Yes, no further action required <input checked="" type="checkbox"/> No, Proceed to Part A
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> : <hr/>	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 <input type="checkbox"/> No, Schedule 7A information/screening report has not been submitted by the applicant	Screening Determination required Preliminary Examination required		
Signature and Date of Recommending Officer:	Marion Carey, District Planner	Date:	18.02.2026



Date: 24th February 2026

Our Ref: S5/26/4

Civic Offices, Nenagh

**Laurence Doran
C/O Hugh Ryan
DH Ryan Architects
1 Liberty Square
Thurles
Co Tipperary**

Re: Application for a Section 5 Declaration – A farm entrance for access of agricultural equipment at Garranroe, Thurles, Co. Tipperary.

Dear Sir,

I refer to an application received from you on 29th January 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) of the Planning and Development Act 2000, as amended

1. In order to enable the Planning Authority to determine if the proposal avails of an exemption the applicant is requested to submit the following;
 - a. A site layout plan to a scale of not less than 1:500 showing the entrance layout and indicating clearly:
 - i) The proposed gate and any adjoining fencing.
 - ii) Existing fencing and boundaries that will be altered.
 - iii) Adjoining boundaries.
 - iv) The public road carriageway
 - v) The existing road margin, utility poles and existing roadside hedgerow.
 - vi) Available sightlines from the new entrance taken from a 4.5 metre set back at the centre of the entrance to the nearside of the road carriageway in either direction. Where sightlines are impaired by existing roadside boundaries/hedgerow this is to be clearly shown.

b. Elevation drawings to a scale of not less than 1:200 showing the proposed entrance gate, piers and any new fencing.

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

Yours sincerely


for **Director of Services**

Marion Carey,
The Planning Department
Tipperary County Council,
Civic Offices,
Limerick Road,
Nenagh,
Co. Tipperary
E45 A099



Re: Section 5 Declaration – Ref. S5/26/4
Applicant: Mr. Laurence Doran
Address: Garranroe, Thurles, Co. Tipperary

Dear Marion,

I am writing in response to your request for further information pursuant to Section 5(2) of the Planning and Development Act 2000 (as amended). In order to assist the planning authority in determining if the proposal avails of exemption, I have prepared and enclosed the required drawings.

Enclosed, please find two copies of these two A1 drawings:

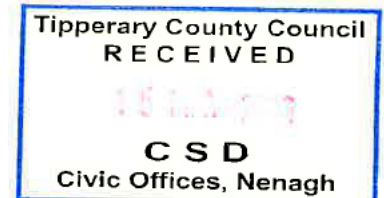
1. Drawing 1 – Site layout at scales 1:500 and 1:200, clearly indicating the proposed entrance, gate, fencing, boundaries, and the amount of hedgerow to be removed on the north (6.48 meters), south (21.698 meters), and middle (12.5 meters) sections.
2. Drawing 2 – Elevation drawings at scales 1:200 and 1:100, showing the entrance piers, gates, fencing, along with photographs of the sightline views and the road width (2.9 meters).

I trust these drawings address all the points raised. Please do not hesitate to contact me if you require further clarification or additional information.

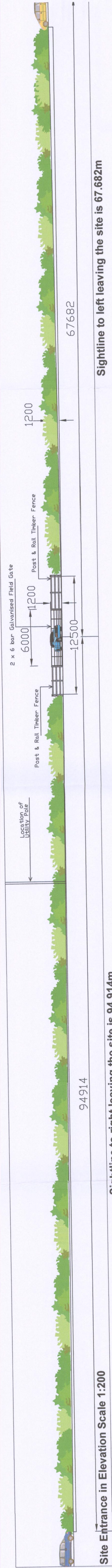
Yours sincerely,



Donal Ryan
Registered Architect
BA Arch(Hons) Pg Dip Arch MRIAI RIBA
Accredited in Conservation G3
Accredited Planning Supervisor Design Process
Certified Passive House Designer
M. 086 8354336
E. donal@dhryan.ie



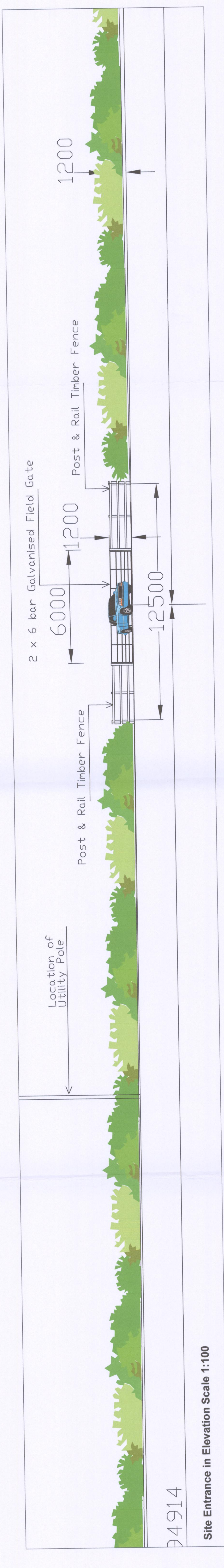
Hugh Ryan
Registered Architect
BA Arch(Hons) Pg Dip Arch MRIAI RIBA ARB
Accredited Planning Supervisor Design Process
M. 087 2958144
E. hugh@dhryan.ie



Site Entrance in Elevation Scale 1:200

Sightline to right leaving the site is 94.914m

Sightline to left leaving the site is 67.682m



Site Entrance in Elevation Scale 1:100



View to left as going out Gate



Width of Road 2.9m



View to right as going out Gate



Width of Road 2.9m

Planning Only

R	E	V	I	S	I	O	N	S
P	R	O	J	E	C	T		
Entrance								
C	L	I	E	N	T			
Laurence Doran								
TITLE								
Agricultural Entrance								
Elevations								
DRAWING NO								REV
1439/W/20(e)								0
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Date								
24/04/2026								

TIPPERARY CO. COUNCIL
RECEIVED
15 MAY 2026
PLANNING SECTION
FILE NO.....

DHRYAN ARCHITECTS
1 Liberty Square
Thurles County Tipperary
TEL: (0504) 26850 FAX: (0504) 26850



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
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Tipperary County Council,
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Co. Tipperary
E45 A099

t 0818 06 5000/600
e customerservice
@tipperarycoco.ie
tipperarycoco.ie

Date: 18th May 2026

Our Ref: S5/26/4

Civic Offices, Nenagh

**Laurence Doran
C/O Hugh Ryan
DH Ryan Architects
1 Liberty Square
Thurles
Co Tipperary**

Re: Application for a Section 5 Declaration – A farm entrance for access of agricultural equipment at Garranroe, Thurles, Co. Tipperary.

Dear Sir

I acknowledge receipt of Further Information received on 15th May 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: S5.26.4

Applicant: Laurence Doran

Development Address: Garranroe, Thurles, Co. Tipperary

Proposed Development: A farm entrance for access of agricultural equipment

1. GENERAL

On 29.01.2026 a request was made for a declaration under Section 5 of the Planning and Development Act, 2000 as amended by Laurence Doran as to whether or not the following works constituted development and if so, whether same was exempted development:

- A farm entrance for access of agricultural equipment.

Further information in relation to the application was received on 15/5/2026.

2. STATUTORY PROVISIONS

Planning and Development Act 2000, as amended

Section 2(1) of the Planning and Development Act, 2000, as amended, includes the following definitions;

“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 2(1) of the Act also states that “public road” and “road” has the same meaning as in the Roads Act, 1993.

Section 2(1) of the Roads Act, 1993 defines a public road as
“public road” means a road over which a public right of way exists and the responsibility for the maintenance of which lies on a road authority.

And,

“road” includes

- a) any street, lane, footpath, square, court, alley or passage,*
- b) any bridge, viaduct, underpass, subway, tunnel, overpass, overbridge, flyover, carriageway (whether single or multiple), pavement or footway,*
- c) any weighbridge or other facility for the weighing or inspection of vehicles, toll plaza or other facility for the collection of tolls, service area, emergency telephone, first aid*

post, culvert, arch, gully, railing, fence, wall, barrier, guardrail, margin, kerb, lay-by, hard shoulder, island, pedestrian refuge, median, central reserve, channelliser, roundabout, gantry, pole, ramp, bollard, pipe, wire, cable, sign, signal or lighting forming part of the road, and

d) any other structure or thing forming part of the road and-

i. necessary for the safety, convenience or amenity of road users or for the construction, maintenance, operation or management of the road or for the protection of the environment,

or

ii. prescribed by the Minister.

Section 3 (1) of the Planning and Development Act 2000, as amended, states as follows: "In this Act, 'development' means, except where the context otherwise requires, the carrying out of works on, in, over or under land or the making of any material change in the use of any structures or other land."

Section 4(1) of the Planning and Development Act, 2000, as amended states:

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

(2)(a) 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: 4 (4) Notwithstanding paragraphs (a), (i), (ia) and (l) of subsection (1) and any regulations under subsection (2), development shall not be exempted development if an environmental impact assessment or an appropriate assessment of the development is required.

Planning and Development Regulations 2001, as amended

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

Exempted Development.

6. (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.

Class 9 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended states:

Description of Development	Conditions and Limitations
Sundry Works CLASS 9	

The construction, erection, renewal or replacement, other than within or bounding the curtilage of a house, of any gate or gateway.

The height of any such structure shall not exceed 2 metres.

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—*

(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*

(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.*

(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**

a. Site Location

The site is located at Garranroe, Thurles. The site is part of a larger agricultural field and is served by the L-8015-18 Local Primary Road.

b. Relevant Planning History

None relevant.

c. Assessment

i) “Is or is not Development”

Section 3 of the Planning and Development Act, 2000, as amended, defines “development” as *the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land.*

The construction of a new entrance onto the L8015-18 would involve the undertaking of works and thereby constitute development having regard to Section 2 and 3 of the Act.

ii) “Is or is not Exempted Development”

Class 9 of Part 1 of Schedule 2 of the Planning and Development Regulations provides an exemption for *the construction, erection, renewal or replacement, other than within or bounding the curtilage of a house, of any gate or gateway.*

There is one limitation under this class “*The height of any such structure shall not exceed 2 metres*”.

Class 11 of Part 1 of Schedule 2 of the Planning and Development Regulations provides an exemption for *the construction, erection, lowering, repair or replacement, other than within or bounding the*

curtilage of a house, of –

(a) any fence (not being a hoarding or sheet metal fence), or

(b) any wall of brick, stone, blocks with decorative finish, other concrete blocks or mass concrete.

There are 2 limitations under this class:

1. The height of any new structure shall not exceed 1.2 metres or the height of the structure being replaced, whichever is the greater, and in any event shall not exceed 2 metres.

2. Every wall, other than a dry or natural stone wall, constructed or erected bounding a road shall be capped and the face of any wall of concrete or concrete blocks (other than blocks of a decorative finish) which will be visible from any road, path or public area, including a public open space, shall be rendered or plastered.

The details provided via further information would show the gate and piers to meet the exemption under Class 9 and the fencing that forms the entrance splay to meet the exemptions under Class 11.

iii) Is the exemption restricted under Article 9

Article 9(1) of the Planning and Development Regulations 2001, as amended sets out restrictions on exemptions including

(a) if the carrying out of such development would

(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,

The road is 3.1 metres wide and the exemption is not restricted under Article 9 (1) (1) (ii).

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

The development would not endanger public safety by reason of traffic hazard or obstruction of road users..

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

AA

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

EIA

EIA is not required in respect of the proposals.

4. RECOMMENDATION

A question has arisen as to whether the development of a farm entrance (onto the L8015) for access of agricultural equipment on lands at Garranroe, Thurles, Co. Tipperary is development and exempted development.

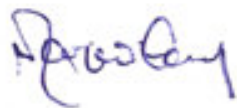
Tipperary County Council, in considering this referral, had regard particularly to -

- a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended
- b) Articles 6 and 9 of the Planning and Development Regulations 2001 as amended.
- c) Class 9 and Class 11 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 as amended
- d) The details submitted with the Declaration application including the further information received on 15/5/2026.

Tipperary County Council has concluded that –

The development as proposed in the Declaration application and as set out on the drawings and details received with the application and further information is development within the meaning of the Planning and Development Act 2000 as amended and is exempted development

Signed:



Date: 19.05.2026

Senior Executive Planner: _____

Jonathan Flood

Date: 19/5/2026

HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT

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

(a) File Reference No:	S5/26/4
(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:	N/a. No referrals made.

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 screening Y/N
002137 Lower River Suir	https://www.npws.ie/protected-sites/sac/002137	Within 15km	None	No
000407 The Loughlans	https://www.npws.ie/protected-sites/sac/000407	Within 15km	None	No

STEP 3. Assessment of Likely Significant Effects

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

Impacts:	Possible Significance of Impacts: (duration/magnitude etc.)
Construction phase e.g. <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 	No impacts

• Pests	
Operational phase e.g. <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 impacts
In-combination/Other	No impacts

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

Examples of the type of changes to give consideration to include: <ul style="list-style-type: none"> • 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 impacts
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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.

On the basis of the information on file, which is considered adequate to undertake a screening determination and having regard to:

- the nature and scale of the proposed development,
- the proposed land use and distance from European sites,
- the lack of direct connections with regard to the Source-Pathway-Receptor model,

it is concluded that the proposed development, individually or in-combination with other plans or projects is not likely to have significant effects on the above listed European sites or any other European site, in view of the said sites' conservation objectives.

An appropriate assessment is not, therefore, required.

Conclusion:

	Tick as Appropriate:	Recommendation:
(i) It is clear that there is no likelihood of significant effects on a European site.	<input checked="" type="checkbox"/>	The proposal can be screened out: Appropriate assessment not required.
(ii) It is uncertain whether the proposal will have a significant effect on a European site.	<input type="checkbox"/>	<input type="checkbox"/> Request further information to complete screening <input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
(iii) Significant effects are likely.	<input type="checkbox"/>	<input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
Signature and Date of Recommending Officer:	Marion Carey,	Date: 19.05.2026

EIA Pre-Screening Establishing a development is a 'sub-threshold development'	
File Reference:	S5/26/4
Development Summary:	As per planners report
Was a Screening Determination carried out under Section 176A-C?	<input type="checkbox"/> Yes, no further action required <input checked="" type="checkbox"/> No, Proceed to Part A
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

Signature and Date of Recommending Officer:	Marion Carey	Date:	19.05.2026
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Original

TIPPERARY COUNTY COUNCIL

DELEGATED EMPLOYEE'S ORDER

File Ref: **S5/26/4** **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 Laurence Doran C/O Hugh Ryan, DH Ryan Architects, 1 Liberty Square, Thurles, Co Tipperary, Re: A farm entrance for access of agricultural equipment at Garranroe, Thurles, Co. Tipperary is development and is exempted development.

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

- a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended
- b) Articles 6 and 9 of the Planning and Development Regulations 2001 as amended.
- c) Class 9 and Class 11 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 as amended
- d) The details submitted with the Declaration application including the further information received on 15/5/2026.

Tipperary County Council has concluded that –

The development as proposed in the Declaration application and as set out on the drawings and details received with the application and further information is development within the meaning of the Planning and Development Act 2000 as amended and **is exempted development**

Signed:



Brian Beck
Director of Services

Date: 20/05/2026



Date: 20th May 2026

Our Ref: S5/26/4

Civic Offices, Nenagh

**Laurence Doran
C/O Hugh Ryan
DH Ryan Architects
1 Liberty Square
Thurles
Co Tipperary**

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 29th January 2026, and Further Information received on 15th May 2026 in relation to the following proposed works:

A farm entrance for access of agricultural equipment at Garranroe, Thurles, Co. Tipperary.

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

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

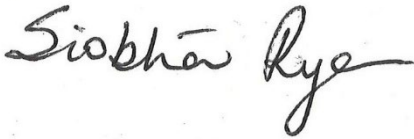
- a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended
- b) Articles 6 and 9 of the Planning and Development Regulations 2001 as amended.
- c) Class 9 and Class 11 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 as amended
- d) The details submitted with the Declaration application including the further information received on 15/5/2026.

Tipperary County Council has concluded that –

The development as proposed in the Declaration application and as set out on the drawings and details received with the application and further information is development within the meaning of the Planning and Development Act 2000 as amended 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 'y'.

for **Director of Services**