



PLANNING & DEVELOPMENT ACT, 2000 (as amended)

Application for a Section 5 Declaration  
Development / Exempted Development

1. Applicant's address/contact details:

Applicant	TIM MONAGHAN
Address	KNOCKSHIGOWNA BALLINGARRY, ROSCREA, CO TIPPERARY
Telephone No.	[REDACTED]
E-mail	/

2. Agent's (if any) address:

Agent	GERRY 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 [ <input checked="" type="checkbox"/> ]	

3. Location of Proposed Development:

Postal Address or Townland or Location (as may best identify the land or structure in question)	KNOCKSHIGOWNA, TD
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**4. Development Details:**

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

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

Underground SLATED SWIRRY	
TANK 22.2M X 4.4M X 2.74 deep	
INTERNALLY.	
Proposed floor area of proposed works/uses:	sqm FLOOR AREA 104.34M <sup>2</sup>

**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 <input type="checkbox"/>
	C. Other <input type="checkbox"/>	<input type="checkbox"/>
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: 26-3-26

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

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

This application form and relevant fee should be submitted to:

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

### FOR OFFICE USE ONLY

Fee Recd. € 80  
Receipt No 136260  
Date 31/3/26  
Received by \_\_\_\_\_

**DATE STAMP**  
**TIPPERARY CO. COUNCIL**  
**RECEIVED**  
31 MAR 2026  
**PLANNING SECTION**  
FILE NO. 59/26/42

Tim Mounsey, Knockshigowna, Ballingarry, Co. Tipperary.

### Additional information

This applicant wishes to construct an underground slurry storage tank and install a slatted concrete cover and qualify for grant aid under the Dept. of agriculture TAMS scheme.

To qualify the applicant must have a Section 5 Declaration from the Co. Co. planning section.

The applicant intends to apply for grant aid at a later date to construct a livestock house over the tank for which he will require planning permission and for which he will apply for at this stage.

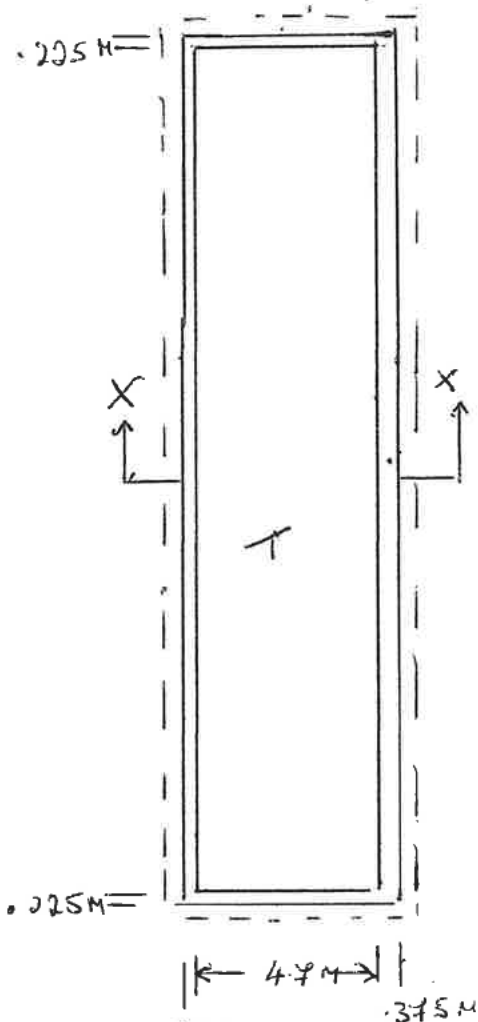
In the meantime he wishes to increase his slurry capacity to comply with environmental regulations.

The tank site is more than 100m from the well and more than 85m from Knockshigowna house which is on the North Tipperary Co.Co. Protected Structures List. Ref S230.

Gerry Byrne (Agent

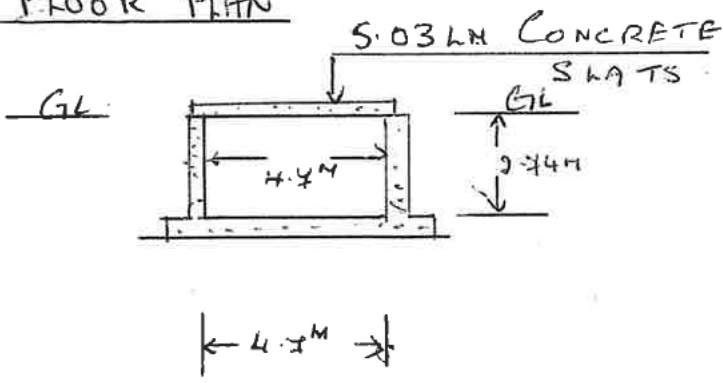
26<sup>th</sup> March 2026





TIM MOUNSEY, KNOCKSHIGOWNA  
FLOOR PLAN & SECTION  
1. PROPOSED SLATTED TANK  
TO COMPLY WITH DEPT. of AGR S123  
DRAINAGE:- GERRY BYRNE  
CURTRAY, PORTUMNA  
SCALE 1:200 DATE 26-3-26

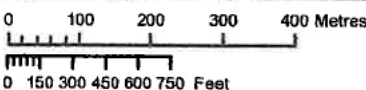
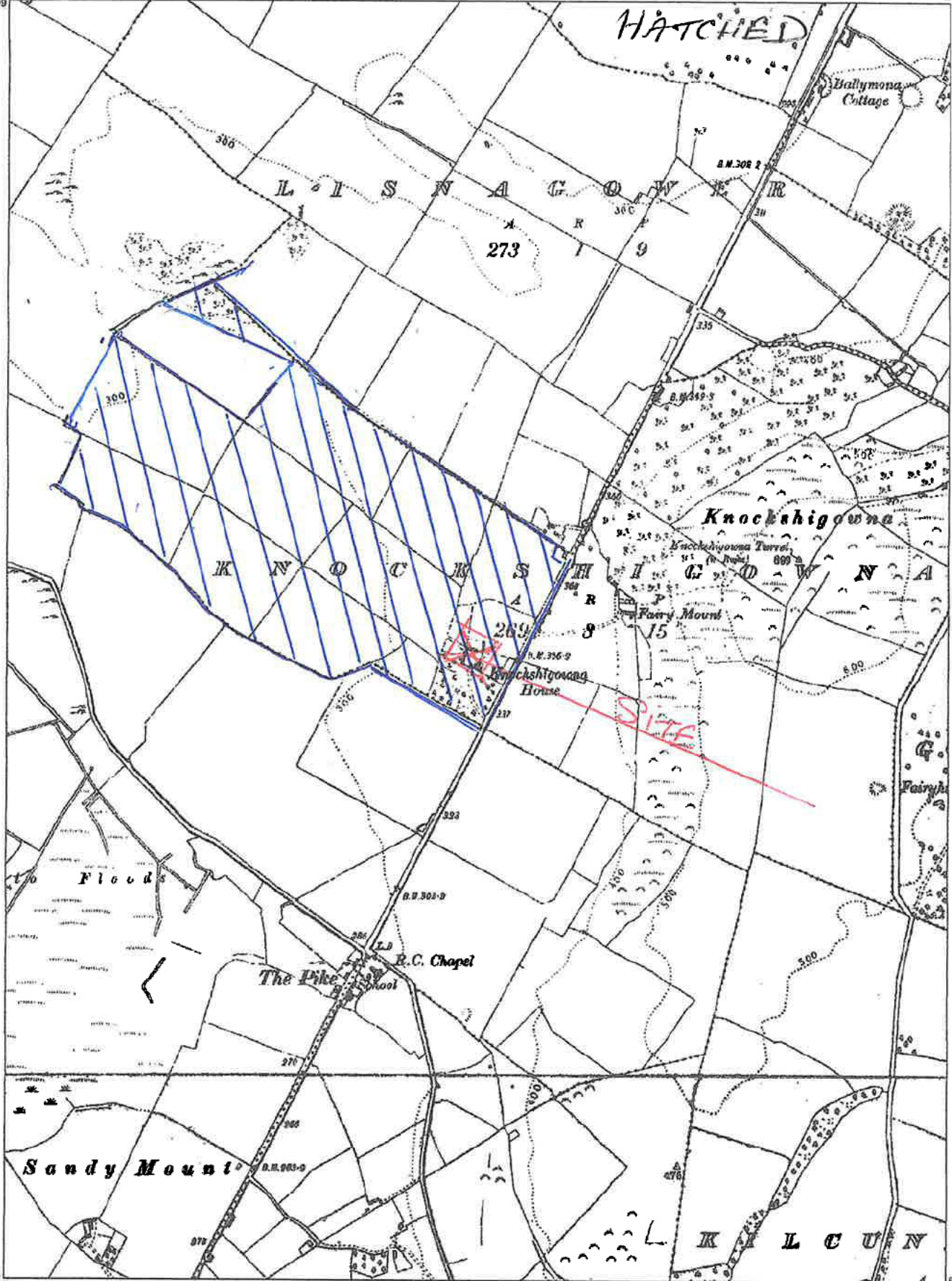
FLOOR PLAN



SECTION X X

TIPPERARY CO. COUNCIL  
**RECEIVED**  
31 MAR 2026  
PLANNING SECTION  
FILE NO. 25/26/42

# Site Location Map LAND ADJACENT TO SITE 35.4 HA.



OUTPUT SCALE: 1:10,560



CENTRE COORDINATES:  
ITM 599675,695669

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

PUBLISHED: 25/03/2026  
ORDER NO.: 50526180\_1

COMPILED AND PUBLISHED BY:  
The Ordnance Survey Authority  
Ordnance Survey, 100 Brook Hill Drive, Broomfield, Essex, SS16 5QU, UK

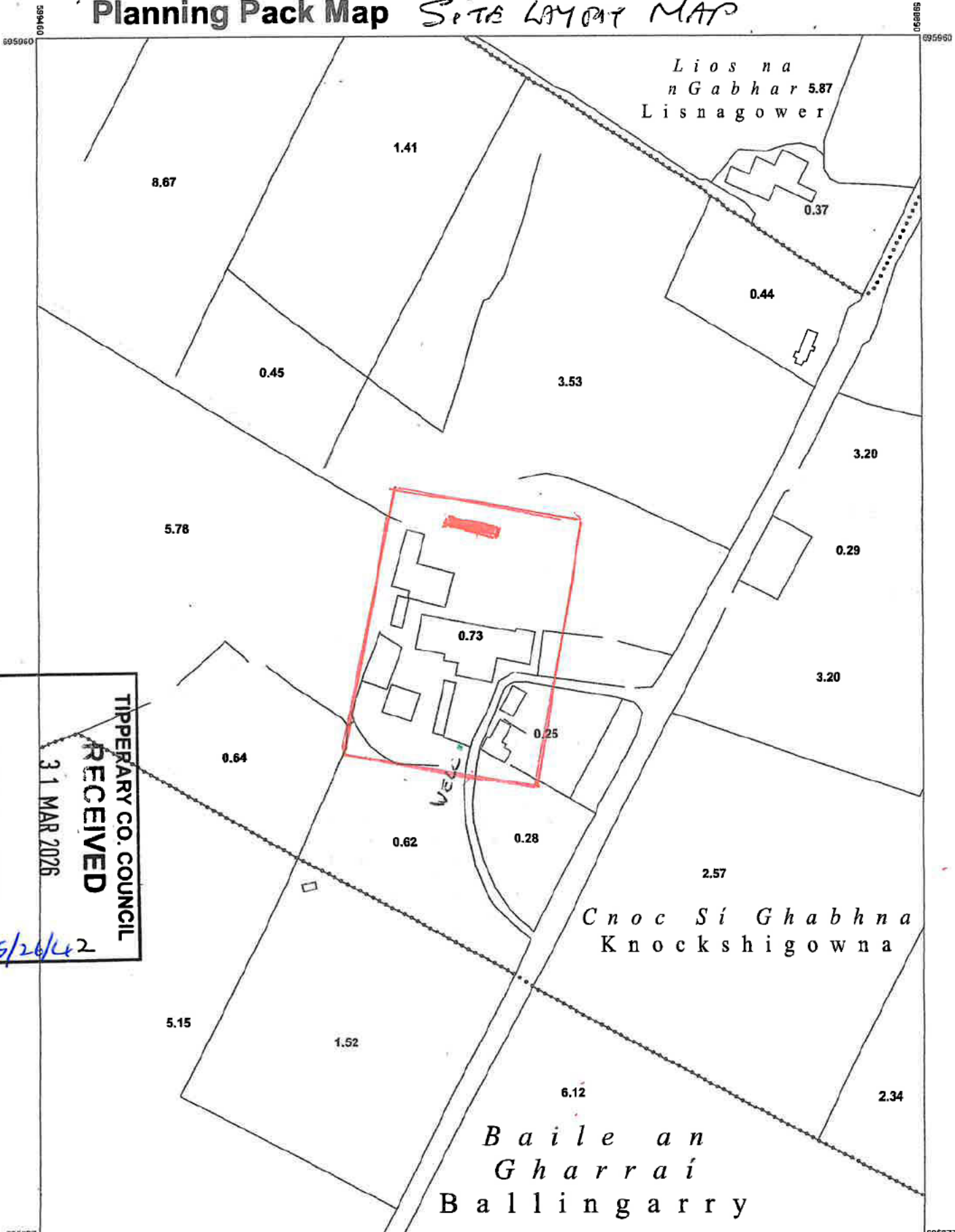
**TIPPERARY CO. COUNCIL**  
**RECEIVED**  
**31 MAR 2026**  
PLANNING SECTION  
FILE NO. 59/26/42

This topographic map does not show

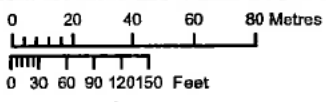


25/3/26

# Planning Pack Map *SITE LAYOUT MAP*



**TIPPERARY CO. COUNCIL**  
**RECEIVED**  
 31 MAR 2026  
 PLANNING SECTION  
 FILE NO. *SS/26/42*



OUTPUT SCALE: 1:2,500



**CENTRE COORDINATES:**  
ITM 599675,695669

**PUBLISHED:** 25/03/2026  
**ORDER NO.:** 50526180\_1  
**MAP SERIES:** 1:5,000  
**MAP SHEETS:** 3987

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

**COMPILED AND PUBLISHED BY:**  
Tailte Éireann,  
Kenix Park,  
Ballylinch,  
Dublin 8,  
Ireland.  
01-876664

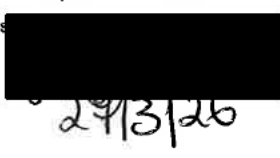
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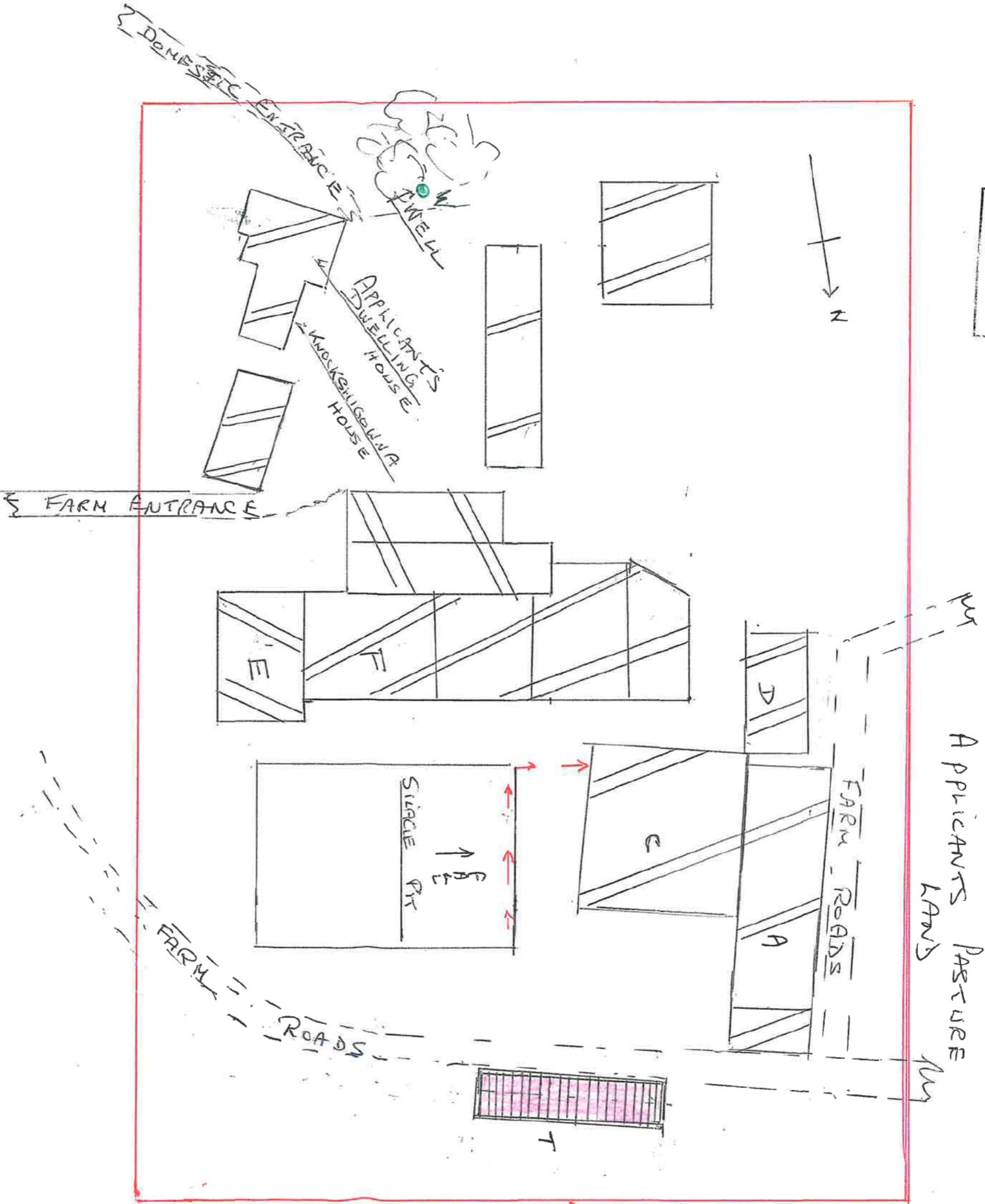
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TIPPERARY CO. COUNCIL  
 RECEIVED  
 31 MAR 2026  
 PLANNING SECTION  
 FILE NO. 55/26/42



Site LAYOUT PLAN FOR:-  
 TIM MOWSEY KNOKSHEGOWNA BALLINGARRA  
 PROPOSED UNDERGROUND SLATED TANK  
 AND EXISTING SLATED TANK  
 WELL → EFFLUENT CHANNELS  
 SCALE 1:500 DATE 26-3-26  
 DRAWN BY G. BYRNE SURVEY PERSONAL & SKETCHY.



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,  
Co. Thiobraid Árann  
Tipperary County Council,  
Civic Offices, Nenagh,  
Co. Tipperary  
E45 A099

t 0818 06 5000/601  
e customerservice  
@tipperarycoco.ie  
[tipperarycoco.ie](http://tipperarycoco.ie)

Date: 1<sup>st</sup> April 2026      Our Ref: S5/26/42      Civic Offices, Nenagh

**Tim Mounsey**  
**C/O Gerry Byrne**  
**Gurtray**  
**Portumna**  
**Co Galway**

**Re: Application for a Section 5 Declaration** – Underground slatted slurry tank 22.2m x 4.7m x 2.74 deep internally. Floor area 104.34M2 at Knockshigowna, Ballingarry, Roscrea, Co. Tipperary.

Dear Gerry,

I acknowledge receipt of your application for a Section 5 Declaration received on 31<sup>st</sup> 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**

## TIPPERARY COUNTY COUNCIL

### Application for Declaration under Section 5

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

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<b>Planning Reference:</b>	S5/26/42
<b>Applicant:</b>	Tim Mounsey
<b>Development Address:</b>	Knockshigowna, Co. Tipperary
<b>Proposed Development:</b>	To construct an underground slatted slurry tank 22.2m x 4.7m x 2.74m deep internally

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#### 1. GENERAL

On the 31/03/2026 a request was made for a declaration under Section 5 of the Planning and Development Act, 2000 as amended, by Tim Mounsey as to whether or not the following (as per application form) constitutes development and if so, whether same constitutes exempted development at Knockshigowna, Co. Tipperary

- To construct an underground slatted slurry tank 22.2m x 4.7m x 2.74m deep internally

#### 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

<i>Column 1 Description of Development</i>	<i>Column 2 Conditions and Limitations</i>
<p><b>CLASS 6A</b>  <b>Works consisting of</b>  a structure for the storage of slurry, effluent or soiled water collected from agricultural buildings, agricultural farmyards and <b>any ancillary provision to aid in the handling of the slurry, effluent or soiled water.</b></p>	<ol style="list-style-type: none"> <li>1. No such structure shall be used for any purpose other than the purpose of agriculture.</li> <li>2. The maximum storage capacity of any such storage facility shall not exceed 1000 cubic metres.</li> <li>3. The aggregate capacity of tanks, situated within the same farmyard complex, shall not exceed 1,500 cubic metres</li> <li>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.</li> <li>5. No such structure shall be situated, and no effluent from such structure shall be stored, within 10 metres of any public road.</li> <li>6. No such structure within 100 metres of any public road shall exceed 8 metres in height.</li> <li>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,</li> </ol>

	<p>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.</p> <p>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.</p> <p>9. No such structure shall be within 60 metres of a public or private water source.</p> <p>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.</p> <p>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> <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 Clashalager, Tipperary, Co. Tipperary. The site is c. 2.5km south-west of Tipperary Town and is served by the L-8108 Local Road.

#### **ii. Relevant Planning History**

5114333 – Planning permission granted for the erection of shed over existing slatted tank & loose house also

5112499 – Planning permission granted for the provision of silage slab & effluent tank

513942 - Planning permission granted for the erection of septic tank & pumphouse

#### **iii. Assessment**

The question posed under the Section 5 Declaration application form is whether to construct underground slatted slurry tank 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.*

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

The structure will be used for agricultural purposes.

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

The maximum storage capacity of the tank is 285.89m<sup>3</sup>.

**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 earth lined Slurry/Effluent Store.***

The application states the structure would be constructed to qualify for grant aid by the Department. 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 other structure as listed above.

***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 application states the structure would be constructed to qualify for grant aid by the Department. 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 S5/26/42.

***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 proposal.

**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.

**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

It is considered that no restrictions on exemptions under Article 9 of the Planning and Development Regulations 2001, as amended would apply.

**4. RECOMMENDATION**

A question has arisen as to whether the following proposed development at Knockshigowna, Co. Tipperary constitutes development and if so, whether same constitutes exempted development

- To construct an underground slatted slurry tank 22.2m x 4.7m x 2.74m deep internally

Section 5(2)(b) of the Planning and Development Act 2000, as amended states that:

*'A planning authority may require any person who made a request under subsection (1) to submit further information with regard to the request in order to enable the authority to issue the declaration on the question and, where further information is received under this paragraph, the planning authority shall issue the declaration within 3 weeks of the date of the receipt of the further information.'*

Therefore, it is recommended that the following further information is sought from the applicant:

1. The applicant is requested to submit a revised site layout plan (scale 1:500) which identifies the location of all slurry tanks / soiled water storage tanks within the farmyard. The applicant's response shall also clearly state the capacity of each tank.
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.

**District Planner:**

*Olive O'Donnell*

**Date:** 20/04/2026

**Senior Executive Planner:**

*Jonathan Flood*

**Date:** 20/4/2026



**Appendix 1  
HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT**

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

(a) File Reference No:	S5 26 42
(b) Brief description of the project or plan:	See Planners report
(c) Brief description of site characteristics:	See Planners report
(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW	N/A
(e) Response to consultation:	N/A

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

European Site (code)	List of Qualifying Interest/Special Conservation Interest <sup>1</sup>	Distance from proposed development <sup>2</sup> (km)	Connections (Source-Pathway-Receptor)	Considered further in screening Y/N
Glenstal Wood SAC	<a href="https://www.npws.ie/protected-sites/sac/001432">https://www.npws.ie/protected-sites/sac/001432</a>	Within 15km	None	No
Keeper Hill SAC	<a href="https://www.npws.ie/protected-sites/sac/001197">https://www.npws.ie/protected-sites/sac/001197</a>	Within 15km	None	No
Clare Glen SAC	<a href="https://www.npws.ie/protected-sites/sac/000930">https://www.npws.ie/protected-sites/sac/000930</a>	Within 15km	None	No
Lower River Shannon SAC	<a href="https://www.npws.ie/protected-sites/sac/002165">https://www.npws.ie/protected-sites/sac/002165</a>	Within 0.5km	None	No
Slievefelim/Silvermines SPA	<a href="https://www.npws.ie/protected-sites/spa/004165">https://www.npws.ie/protected-sites/spa/004165</a>	Within 15km	None	No

**STEP 3. Assessment of Likely Significant Effects**

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

Impacts:	Possible Significance of Impacts: (duration/magnitude etc.)
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<b>Construction phase e.g.</b> <ul style="list-style-type: none"> <li>• Vegetation clearance</li> <li>• Demolition</li> <li>• Surface water runoff from soil excavation/infill/landscaping (including borrow pits)</li> <li>• Dust, noise, vibration</li> <li>• Lighting disturbance</li> <li>• Impact on groundwater/dewatering</li> <li>• Storage of excavated/construction materials</li> <li>• Access to site</li> <li>• Pests</li> </ul>	None
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<b>Operational phase e.g.</b> <ul style="list-style-type: none"> <li>• Direct emission to air and water</li> <li>• Surface water runoff containing contaminant or sediment</li> <li>• Lighting disturbance</li> <li>• Noise/vibration</li> <li>• Changes to water/groundwater due to drainage or abstraction</li> <li>• Presence of people, vehicles and activities</li> <li>• Physical presence of structures (e.g. collision risks)</li> <li>• Potential for accidents or incidents</li> </ul>	None
--	------

<b>In-combination/Other</b>	None
-----------------------------	------

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

**(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 provision of an existing infrastructure the intervening land uses 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, would not be likely to have a significant effect 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:	Olive O'Donnell	20/04/2026

## APPENDIX 2

### EIA Pre-Screening

#### Establishing a development is a 'sub-threshold development'

<b>File Reference:</b>	S5 26 42
<b>Development Summary:</b>	See Planners report
<b>Was a Screening Determination carried out under Section 176A-C?</b>	<input type="checkbox"/> Yes, no further action required <input checked="" type="checkbox"/> No, Proceed to <b>Part A</b>
<b>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)?</b> (Tick as appropriate)	
<input type="checkbox"/> Yes, specify class _____	<b>EIA is mandatory</b> No Screening required
<input checked="" type="checkbox"/> No	Proceed to <b>Part B</b>
<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?</b> (Tick as appropriate)	
No, the development is not a project listed in Schedule 5, Part 2	<b>No Screening required</b>
<input checked="" type="checkbox"/> Yes the project is listed in Schedule 5, Part 2 and meets/exceeds the threshold, specify class (including threshold):	<b>EIA is mandatory</b> No Screening required

<hr/>			
<input type="checkbox"/> Yes the project is of a type listed <b>but</b> is <i>sub-threshold</i> :		Proceed to <b>Part C</b>	
<hr/>			
<b>C. If Yes, has Schedule 7A information/screening report been submitted?</b>			
<input type="checkbox"/> Yes, Schedule 7A information/screening report has been submitted by the applicant		<b>Screening Determination required</b>	
<input checked="" type="checkbox"/> No, Schedule 7A information/screening report has not been submitted by the applicant		<b>Preliminary Examination required</b>	
Signature and Date of Recommending Officer:	Olive O'Donnell	Date:	20/04/2026



Date: 21<sup>st</sup> April 2026      Our Ref: S5/26/42      Civic Offices, Nenagh

**Tim Mounsey**  
**C/O Gerry Byrne**  
**Gurtray**  
**Portumna**  
**Co Galway**

**Re: Application for a Section 5 Declaration – To construct an underground slatted slurry tank 22.2m x 4.7m x 2.74m deep internally at Knockshigowna, Co. Tipperary.**

Dear Sir,

I refer to an application received from you on 31<sup>st</sup> 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 a revised site layout plan (scale 1:500) which identifies the location of all slurry tanks / soiled water storage tanks within the farmyard. The applicant's response shall also clearly state the capacity of each tank.
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**

Ref. No. S5/26/42

Request for further information reply

Tim Mounsey, Knockshigowna, Ballingarry.

Planning Section

In reply to your request for further information please see a revised site map and the following existing tank capacities.

A 250 cu.m. C 458 cu.m. D 55 cu.m. E 78 cu.m. G 33cu.m.

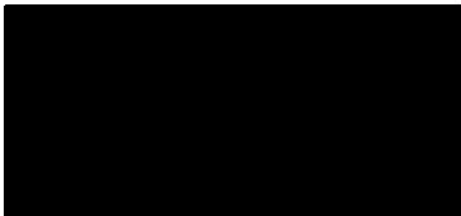
F 51 cu.m.

Proposed tank T will be 22.2m x 4.7m x 2.74m deep ( 286 cu.m.)

This applicant rears 110 calves each year and finishes them to beef.

He has adequate storage for a 16 week winter but he requires a longer storage period due to the wet weather in February and March when the land is too wet for spreading of slurry and also to allow for further increase in cattle numbers.

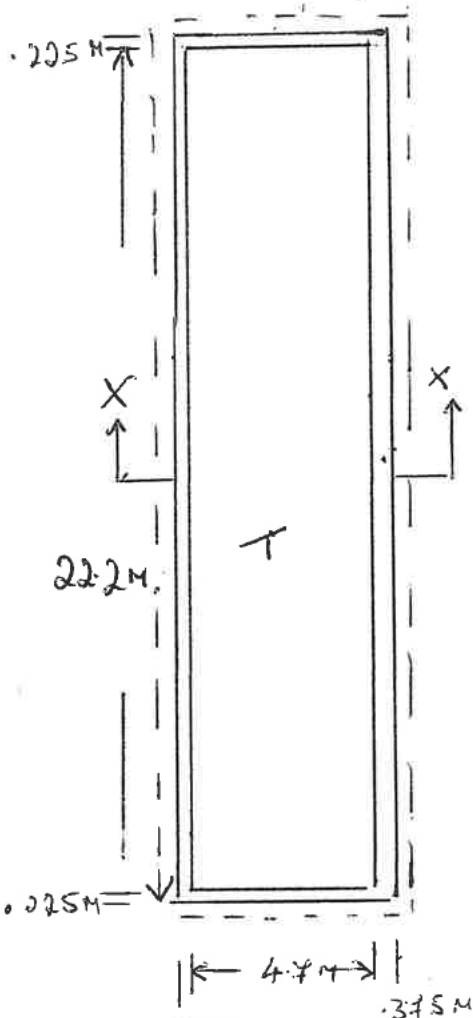
Gerry Byrne (Agent)



22/4/26

TIPPERARY CO. COUNCIL  
**RECEIVED**  
23 APR 2026  
PLANNING SECTION  
FILE NO. S5/26/42

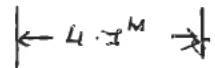
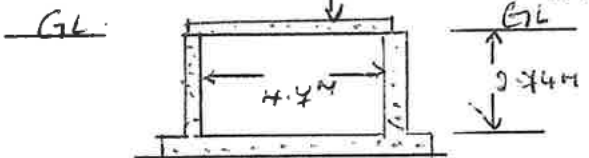
~~TIPPERARY CO. COUNCIL  
**RECEIVED**  
25 APR 2026  
PLANNING SECTION  
FILE NO.~~



TIM MOUNSEY, KNOCKSHIGOWNA
FLOOR PLAN & SECTION
T. PROPOSED SLATTED TANK
TO COMPLY WITH DEPT. OF AGR S123
DRAWN:- GERRY BYRNE
CURTBRAY, PORTSMNA
SCALE 1:200 DATE 26-3-26

FLOOR PLAN

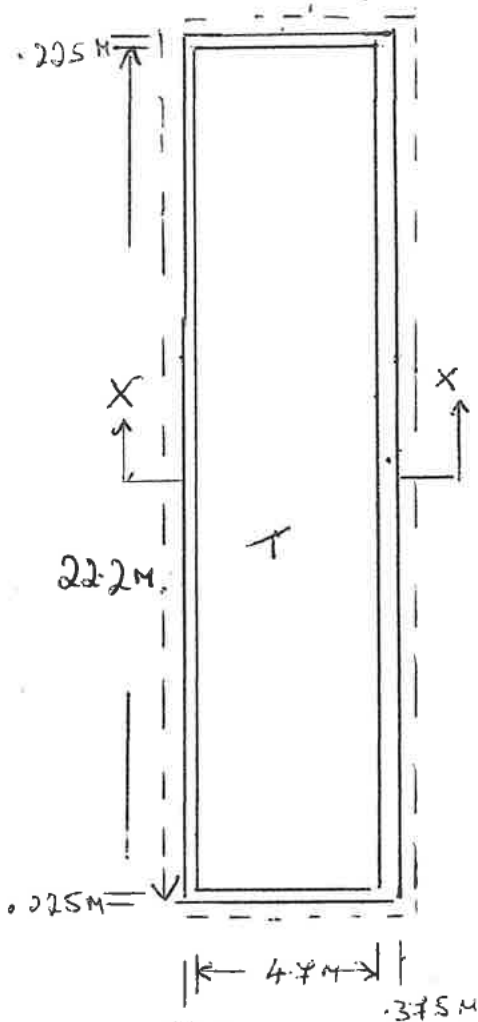
5.03LN CONCRETE SLATS



SECTION X X

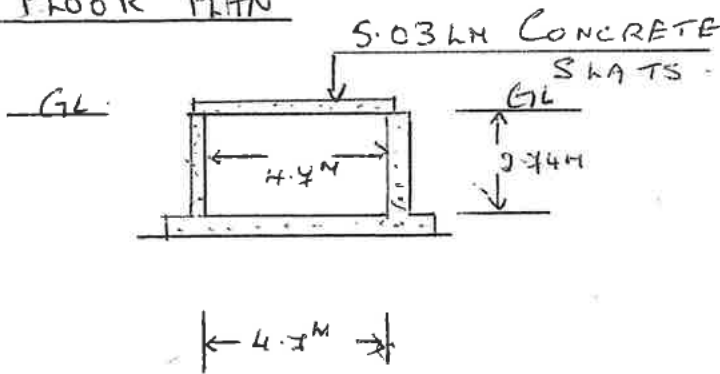
TIPPERARY CO. COUNCIL
<b>RECEIVED</b>
23 APR 2026
PLANNING SECTION
FILE NO. 55/24/K2

TIPPERARY CO. COUNCIL
<b>RECEIVED</b>
25 APR 2026
PLANNING SECTION
FILE NO. ....



TIM MOUNSEY, KNOCKSHIGOWNA
FLOOR PLAN & SECTION
T. PROPOSED SLATTED TANK
TO COMPLY WITH DEPT. OF AGR S123
DRAWN: - GERRY BYRNE
GHURTRAY, PORTLIMNA
SCALE 1:200 DATE 26-3-'76

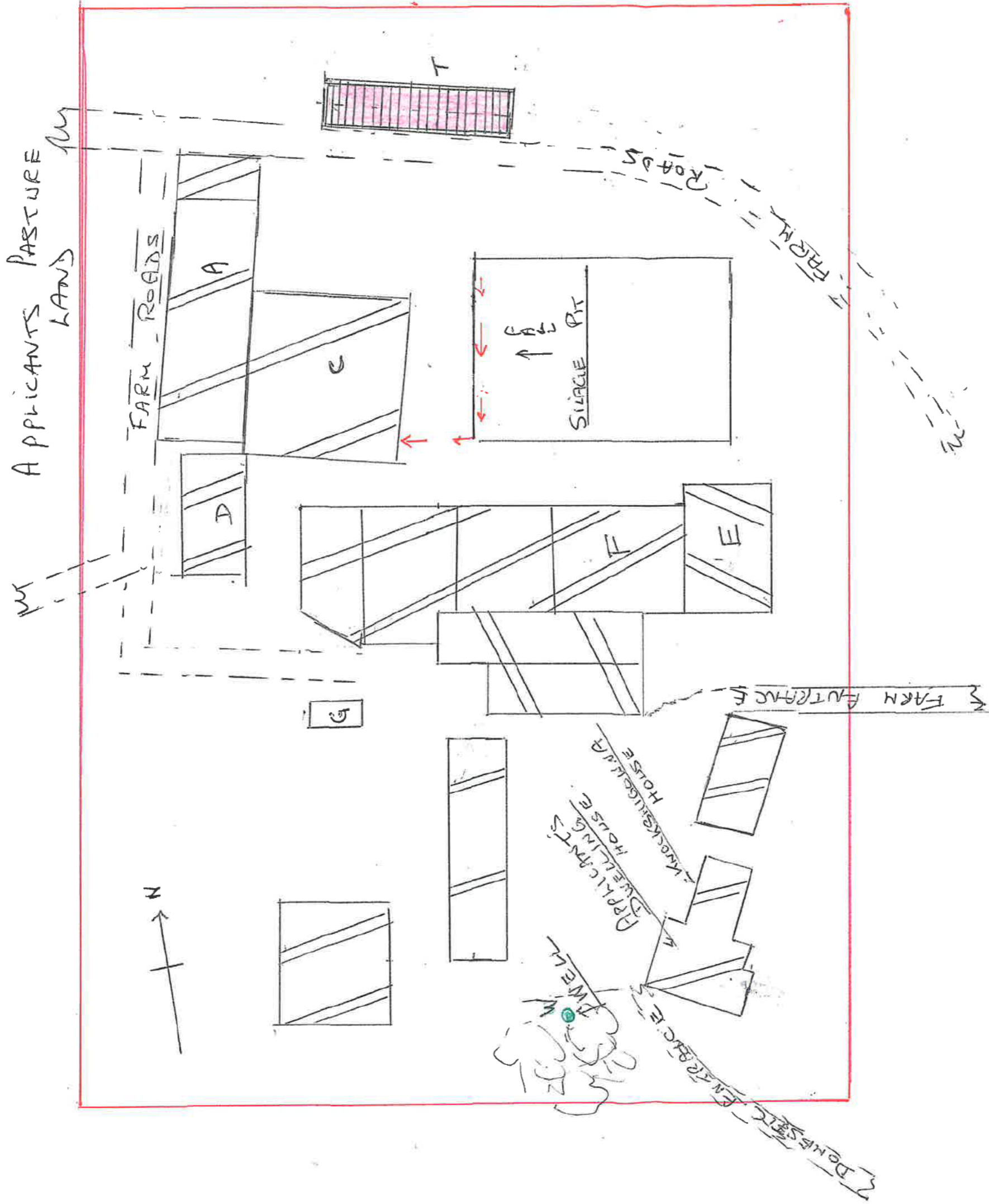
FLOOR PLAN



SECTION X X

TIPPERARY CO. COUNCIL  
RECEIVED  
23 APR 2026  
PLANNING SECTION  
FILE NO. 55/20/42

# REVISED SITE LAYOUT PLAN

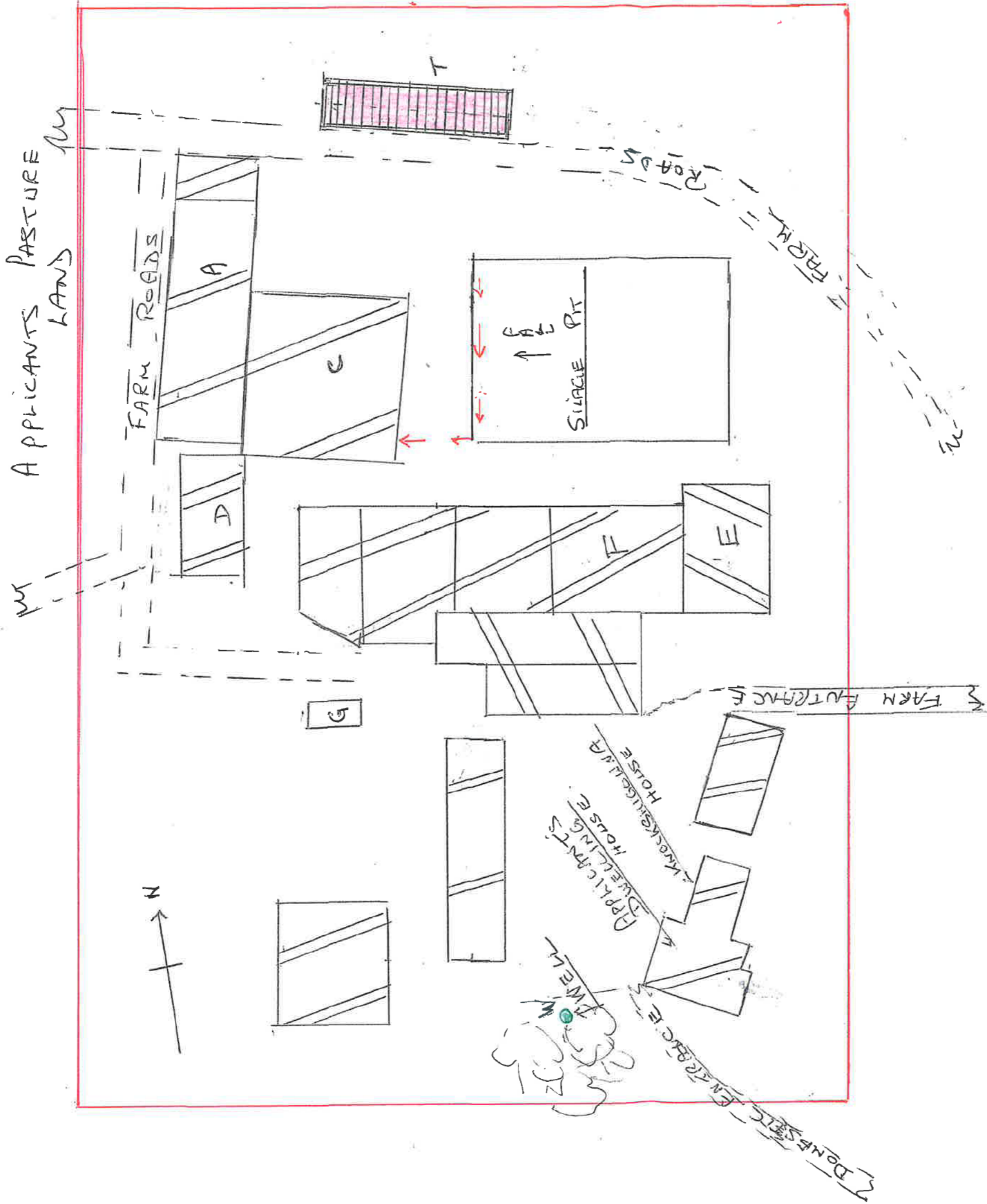


Site LAYOUT PLAN for :-  
 TIM MOUNSEY KNOCKSHEGOWNA BALLINGARRY  
 T. PROPOSED UNDERGROUND SLATTEN TANK  
 A, D, E, G, F EXISTING SLATTEN TANKS  
 W WELL -> EFFLUENT CHANNELS  
 SCALE 1:500 DATE 26-3-26  
 DRAWN BY G. BYRNE GURRAY PORTUNACOG GALWAY  
 EXISTING TANKS (FURTHER INFORMATION REQUEST)

A	250 M <sup>3</sup>	E	78 M <sup>3</sup>
C	458 M <sup>3</sup>	G	33 M <sup>3</sup>
D	55 M <sup>3</sup>	F	51 M <sup>3</sup>

TIPPERARY CO. COUNCIL  
**RECEIVED**  
 23 APR 2026  
 PLANNING SECTION  
 FILE NO. 2719/26/55

# REVISED SITE LAYOUT PLAN



Site LAYOUT PLAN FOR:-  
 TIM MOUNSEY KROCKSHEGOWNA BALLINGARRY  
 T. PROPOSED UNDERGROUND SLATTEN TANK  
 A, D, E, G, F EXISTING SLATTEN TANKS  
 W WELL → EFFLUENT CHANNELS  
 SCALE 1:500 DATE 26-3-26  
 DRAWN BY G. BYRNE GURRAY PORTUNACOGARWAY  
 EXISTING TANKS (FURTHER INFORMATION REQUEST)

A	250 M <sup>3</sup>	E	48 M <sup>3</sup>
C	458 M <sup>3</sup>	G	33 M <sup>3</sup>
D	55 M <sup>3</sup>	F	51 M <sup>3</sup>

TIPPERARY CO. COUNCIL  
**RECEIVED**  
 23 APR 2026  
 PLANNING SECTION  
 FILE NO. 95/20/42



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,  
Co. Thiobraid Árann  
Tipperary County Council,  
Civic Offices, Nenagh,  
Co. Tipperary  
E45 A099

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

Date: 27<sup>th</sup> April 2026

Our Ref: S5/26/42

Civic Offices, Nenagh

**Tim Mounsey  
C/O Gerry Byrne  
Gurtray  
Portumna  
Co Galway**

**Application for a Section 5 Declaration – To construct an underground slatted slurry tank 22.2m x 4.7m x 2.74m deep internally at Knockshigowna, Co. Tipperary.**

Dear Gerry

I acknowledge receipt of Further Information received on 23<sup>rd</sup> 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

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<b>Planning Reference:</b>	S5/26/42
<b>Applicant:</b>	Tim Mounsey
<b>Development Address:</b>	Knockshigowna, Co. Tipperary
<b>Proposed Development:</b>	To construct an underground slatted slurry tank 22.2m x 4.7m x 2.74m deep internally

---

#### 1. GENERAL

On the 31/03/2026 a request was made for a declaration under Section 5 of the Planning and Development Act, 2000 as amended, by Tim Mounsey as to whether or not the following (as per application form) constitutes development and if so, whether same constitutes exempted development at Knockshigowna, Co. Tipperary

- To construct an underground slatted slurry tank 22.2m x 4.7m x 2.74m deep internally

#### 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

<i>Column 1 Description of Development</i>	<i>Column 2 Conditions and Limitations</i>
<p><b>CLASS 6A</b>  <b>Works consisting of</b>  a structure for the storage of slurry, effluent or soiled water collected from agricultural buildings, agricultural farmyards and <b>any ancillary provision to aid in the handling of the slurry, effluent or soiled water.</b></p>	<ol style="list-style-type: none"> <li>1. No such structure shall be used for any purpose other than the purpose of agriculture.</li> <li>2. The maximum storage capacity of any such storage facility shall not exceed 1000 cubic metres.</li> <li>3. The aggregate capacity of tanks, situated within the same farmyard complex, shall not exceed 1,500 cubic metres</li> <li>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.</li> <li>5. No such structure shall be situated, and no effluent from such structure shall be stored, within 10 metres of any public road.</li> <li>6. No such structure within 100 metres of any public road shall exceed 8 metres in height.</li> <li>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,</li> </ol>

	<p>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.</p> <p>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.</p> <p>9. No such structure shall be within 60 metres of a public or private water source.</p> <p>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.</p> <p>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> <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>
--	---

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 Knockshigowna, Co. Tipperary .

#### **ii. Relevant Planning History**

5114333 – Planning permission granted for the erection of shed over existing slatted tank & loose house also

5112499 – Planning permission granted for the provision of silage slab & effluent tank

513942 - Planning permission granted for the erection of septic tank & pumphouse

#### **iii. Assessment**

The question posed under the Section 5 Declaration application form is whether to construct underground slatted slurry tank 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.*

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

The structure will be used for agricultural purposes.

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

The maximum storage capacity of the tank is 285.89m<sup>3</sup> .

**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 earth lined Slurry/Effluent Store.**

The application states the structure would be constructed to qualify for grant aid by the Department. 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 other structure as listed above.

**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 application states the structure would be constructed to qualify for grant aid by the Department. 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 S5/26/42.

**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 proposal.

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.

#### **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**

It is considered that no restrictions on exemptions under Article 9 of the Planning and Development Regulations 2001, as amended would apply.

#### **4. RECOMMENDATION**

A question has arisen as to whether the following proposed development at Knockshigowna, Co. Tipperary constitutes development and if so, whether same constitutes exempted development

- To construct an underground slatted slurry tank 22.2m x 4.7m x 2.74m deep internally

Section 5(2)(b) of the Planning and Development Act 2000, as amended states that:

*'A planning authority may require any person who made a request under subsection (1) to submit further information with regard to the request in order to enable the authority to issue the declaration on the question and, where further information is received under this paragraph, the planning authority shall issue the declaration within 3 weeks of the date of the receipt of the further information.'*

Therefore, it is recommended that the following further information is sought from the applicant:

1. The applicant is requested to submit a revised site layout plan (scale 1:500) which identifies the location of all slurry tanks / soiled water storage tanks within the farmyard. The applicant's response shall also clearly state the capacity of each tank.
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.

**District Planner:**

*Olive O'Donnell*

**Date:** 20/04/2026

**Senior Executive Planner:**

*Jonathan Flood*

**Date:** 20/4/2026

## 5. FURTHER INFORMATION

Two points of further information were requested from the applicant in a letter dated 21/04/2026. The FI request is outlined below in italics with assessment under same in bold.

1. The applicant is requested to submit a revised site layout plan (scale 1:500) which identifies the location of all slurry tanks / soiled water storage tanks within the farmyard. The applicant's response shall also clearly state the capacity of each tank.

**In response, the applicant has advised that the existing septic tanks within the farmyard are 250 m<sup>3</sup>, 458 m<sup>3</sup>, 55 m<sup>3</sup>, 78 m<sup>3</sup>, 33 m<sup>3</sup> and 51m<sup>3</sup>. The proposed septic tank would be 285m<sup>3</sup>. The aggregate capacity of the existing and proposed tanks would be 1,210m<sup>3</sup>. The aggregate capacity of the existing and proposed tanks, all situated within the same farmyard complex, would not therefore exceed 1,500m<sup>3</sup>.**

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 identifies the private well, serving the applicants dwelling. It is noted to be in excess of 60 metres from the proposed slatted tank.**

## 6. RECOMMENDATION

**WHEREAS** a question has arisen as to whether an 'underground slatted slurry tank' at Knockshigowna, 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 'underground slatted slurry 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

**Appendix 1  
HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT**

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

(a) File Reference No:	S5 26 42
(b) Brief description of the project or plan:	See Planners report
(c) Brief description of site characteristics:	See Planners report
(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW	N/A
(e) Response to consultation:	N/A

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

European Site (code)	List of Qualifying Interest/Special Conservation Interest <sup>1</sup>	Distance from proposed development <sup>2</sup> (km)	Connections (Source-Pathway-Receptor)	Considered further in screening Y/N
Glenstal Wood SAC	<a href="https://www.npws.ie/protected-sites/sac/001432">https://www.npws.ie/protected-sites/sac/001432</a>	Within 15km	None	No
Keeper Hill SAC	<a href="https://www.npws.ie/protected-sites/sac/001197">https://www.npws.ie/protected-sites/sac/001197</a>	Within 15km	None	No
Clare Glen SAC	<a href="https://www.npws.ie/protected-sites/sac/000930">https://www.npws.ie/protected-sites/sac/000930</a>	Within 15km	None	No
Lower River Shannon SAC	<a href="https://www.npws.ie/protected-sites/sac/002165">https://www.npws.ie/protected-sites/sac/002165</a>	Within 0.5km	None	No
Slievefelim/Silvermines SPA	<a href="https://www.npws.ie/protected-sites/spa/004165">https://www.npws.ie/protected-sites/spa/004165</a>	Within 15km	None	No

**STEP 3. Assessment of Likely Significant Effects**

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

Impacts:	Possible Significance of Impacts: (duration/magnitude etc.)
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<b>Construction phase e.g.</b> <ul style="list-style-type: none"> <li>• Vegetation clearance</li> <li>• Demolition</li> <li>• Surface water runoff from soil excavation/infill/landscaping (including borrow pits)</li> <li>• Dust, noise, vibration</li> <li>• Lighting disturbance</li> <li>• Impact on groundwater/dewatering</li> <li>• Storage of excavated/construction materials</li> <li>• Access to site</li> <li>• Pests</li> </ul>	None
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<b>Operational phase e.g.</b> <ul style="list-style-type: none"> <li>• Direct emission to air and water</li> <li>• Surface water runoff containing contaminant or sediment</li> <li>• Lighting disturbance</li> <li>• Noise/vibration</li> <li>• Changes to water/groundwater due to drainage or abstraction</li> <li>• Presence of people, vehicles and activities</li> <li>• Physical presence of structures (e.g. collision risks)</li> <li>• Potential for accidents or incidents</li> </ul>	None
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<b>In-combination/Other</b>	None
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**(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"> <li>• Reduction or fragmentation of habitat area</li> <li>• Disturbance to QI species</li> <li>• Habitat or species fragmentation</li> <li>• Reduction or fragmentation in species density</li> <li>• Changes in key indicators of conservation status value (water or air quality etc.)</li> <li>• Changes to areas of sensitivity or threats to QI</li> <li>• Interference with the key relationships that define the structure or ecological function of the site</li> </ul>	None.
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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 provision of an existing infrastructure the intervening land uses 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, would not be likely to have a significant effect 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:	Olive O'Donnell	20/04/2026

## APPENDIX 2

### EIA Pre-Screening

#### Establishing a development is a 'sub-threshold development'

<b>File Reference:</b>	S5 26 42
<b>Development Summary:</b>	See Planners report
<b>Was a Screening Determination carried out under Section 176A-C?</b>	<input type="checkbox"/> Yes, no further action required <input checked="" type="checkbox"/> No, Proceed to <b>Part A</b>
<b>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)?</b> (Tick as appropriate)	
<input type="checkbox"/> Yes, specify class _____	<b>EIA is mandatory</b> No Screening required
<input checked="" type="checkbox"/> No	Proceed to <b>Part B</b>
<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?</b> (Tick as appropriate)	
No, the development is not a project listed in Schedule 5, Part 2	<b>No Screening required</b>
<input checked="" type="checkbox"/> Yes the project is listed in Schedule 5, Part 2 and meets/exceeds the threshold, specify class (including threshold):	<b>EIA is mandatory</b> No Screening required

<hr/>			
<input type="checkbox"/> Yes the project is of a type listed <b>but</b> is <i>sub-threshold</i> :		Proceed to <b>Part C</b>	
<hr/>			
<b>C. If Yes, has Schedule 7A information/screening report been submitted?</b>			
<input type="checkbox"/> Yes, Schedule 7A information/screening report has been submitted by the applicant		<b>Screening Determination required</b>	
<input checked="" type="checkbox"/> No, Schedule 7A information/screening report has not been submitted by the applicant		<b>Preliminary Examination required</b>	
Signature and Date of Recommending Officer:	Olive O'Donnell	Date:	20/04/2026

**Original**

**TIPPERARY COUNTY COUNCIL**

**DELEGATED EMPLOYEE'S ORDER**

File Ref: **S5/26/42**      **Delegated Employee's Order No:** \_\_\_\_\_

**SUBJECT: Section 5 Declaration**

I, Brian Beck, Director of Services, Tipperary County Council, by virtue of the powers delegated to me in accordance with the provisions of Section 154 of the Local Government Act 2001, as amended by Schedule 1, Part 1 of the Local Government Reform Act 2014 under Chief Executive's Order No. 44188 dated 3<sup>rd</sup> October, 2025, hereby order that pursuant to the provisions of the Planning and Development Act 2000, as amended, that an application under Section 5 from Tim Mounsey C/O Gerry Byrne, Gurtray, Portumna, Co Galway, RE: To construct an underground slatted slurry tank 22.2m x 4.7m x 2.74m deep internally at Knockshigowna, 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 'underground slatted slurry 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: 7<sup>th</sup> May 2026

Our Ref: S5/26/42

Civic Offices, Nenagh

**Tim Mounsey**  
**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 31<sup>st</sup> March 2026, and Further Information received on 23<sup>rd</sup> April 2026 in relation to the following proposed works:

**To construct an underground slatted slurry tank 22.2m x 4.7m x 2.74m deep internally at Knockshigowna, 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 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.

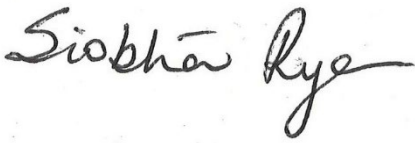
**AND WHEREAS** Tipperary County Council has concluded that –

The development consisting of a 'underground slatted slurry 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 'y'.

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for **Director of Services**