



PLANNING & DEVELOPMENT ACT, 2000 (as amended)

Application for a Section 5 Declaration
Development / Exempted Development

1. Applicant's address/contact details:

Applicant	STEPHEN SEYMOUR.
Address	ANNAGHBEG, DROMINEER MENAGH, CO-TIPPERARY
Telephone No.	[REDACTED]
E-mail	/

2. Agent's (if any) address:

Agent	GERRY BYRNE
Address	GURTRAY, PORTIUNNA 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)	ANNAGHBEG TD DROMINEER MENAGH.
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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 Slurry tank with	
a slotted cover. and all	
associated site works.	
* See additional information	
enclosed.	
Proposed floor area of proposed works/uses:	sqm 432M ²

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

Please tick appropriate box to show applicant's legal interest in the land or structure	A. Owner <input checked="" type="checkbox"/>	B. Occupier <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)

[Redacted Signature]

AGENT

Date: 30-4-20

Note: If the proposed development consists of works to a (Proposed) Protected Structure and/or any structure within the curtilage of a (Proposed) Protected Structure, an application for a Section 57 Declaration may be more appropriate.

GUIDANCE NOTES

- (1) All queries on the form must be completed and the form must be accompanied by the relevant fee. The amount of the fee is currently **€80.00**.
- (2) This application should be accompanied by **TWO COPIES** of the following documentation
 - o OSI Site Location Map with the site outlined clearly – 1:1000 in urban areas and 1:2500 in rural areas
 - o Floor Plans & Elevations at a scale of not less than 1:200
 - o Site layout plan indicating position of proposed development relative to premises and adjoining properties
 - o Other details e.g. brochures, photographs if appropriate.

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

This application form and relevant fee should be submitted to:

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

FOR OFFICE USE ONLY

DATE STAMP

Fee Recd. € 80.00
Receipt No NENAM1/0/137038
Date 30/4/2026
Received by Maria O'Connell

Additional information

Stephen Seymour Arraghbeg, Dromineer, Nenagh

Planning Section

This applicant wishes to construct a slurry tank and qualify for an environment grant under the Dept. of agriculture TAMS Scheme and apply at a later date for planning permission to construct a cubicle house over the tank.

He houses [redacted] on straw beds and has a slurry capacity of 1003 cu.m.at present. He proposes to construct another 1131 cu.m. of slurry accommodation which will give him 25 weeks slurry storage which will also allow for an increase in stock numbers.

All the land is suitable for slurry spreading and recommended distances from any watercourse and well will be observed.

Applicant is to contact the ESB regarding adjacent overhead cables before construction commences.

Gerry Byrne (Agent)

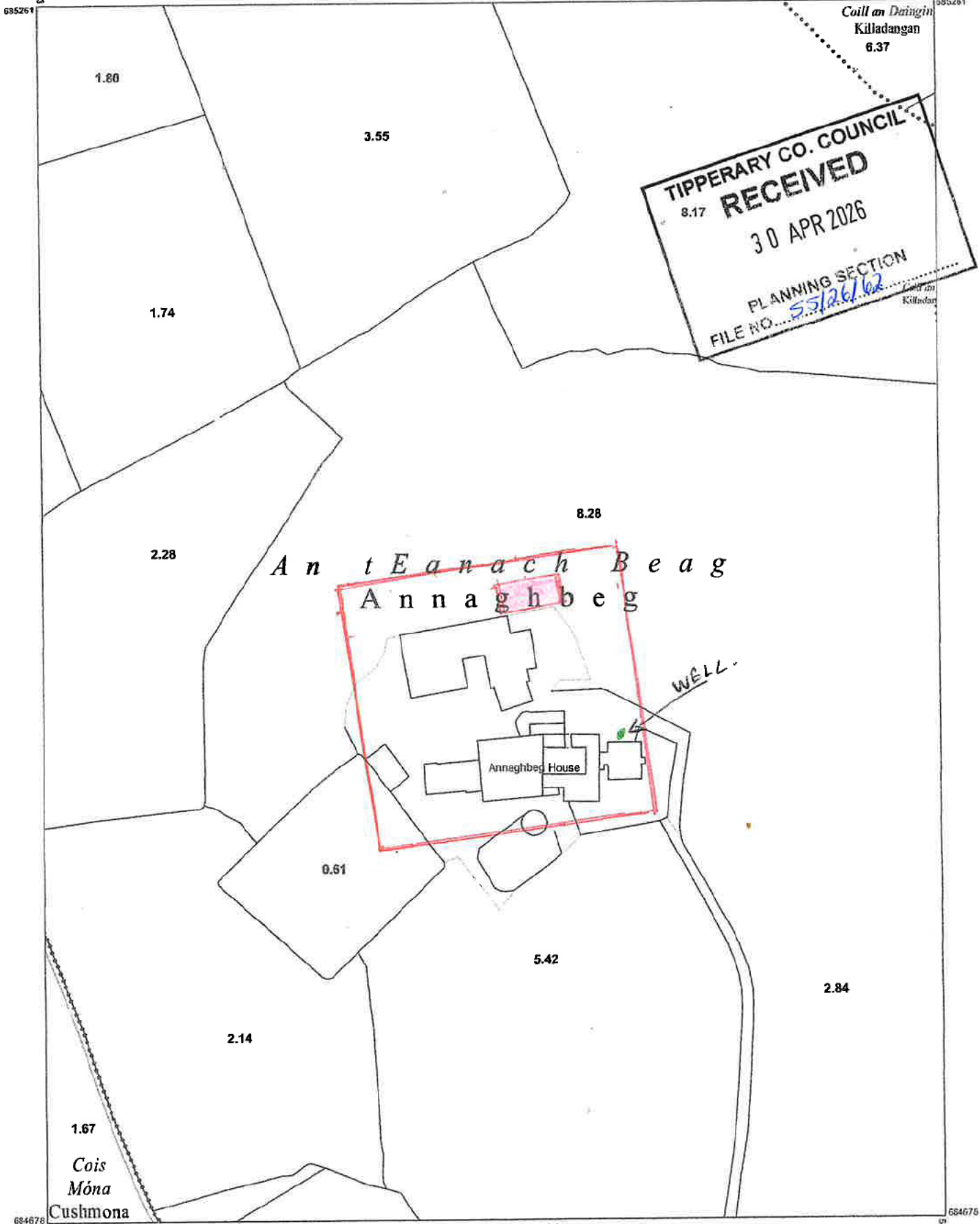
[redacted]

25/4/27

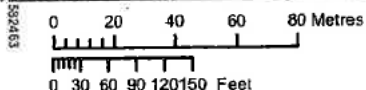


Planning Pack Map

SITE LAYOUT MAP



TIPPERARY CO. COUNCIL
 RECEIVED
 30 APR 2026
 PLANNING SECTION
 FILE NO. 55/26/62



OUTPUT SCALE: 1:2,500



CENTRE COORDINATES:
 ITM 582678,684970

PUBLISHED: 22/04/2026
ORDER NO.: 50531494_1
MAP SERIES: 1:2,500
MAP SHEETS: 4160-D

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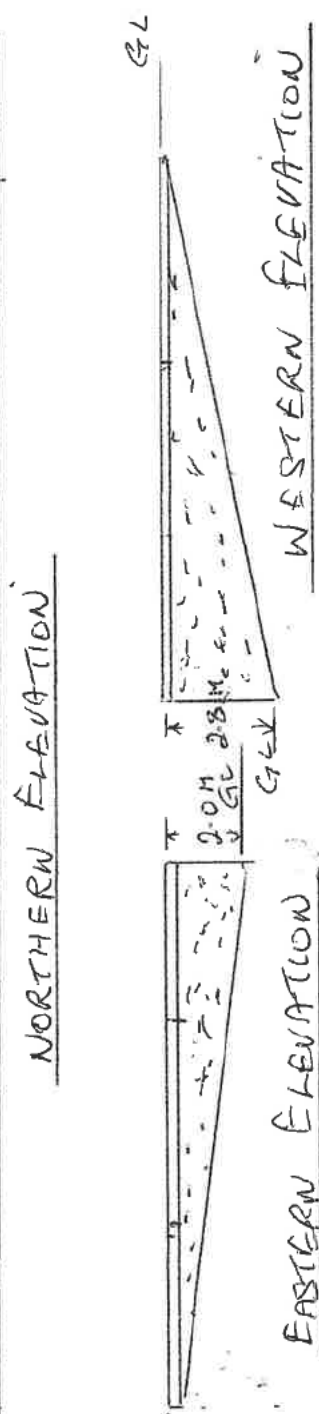
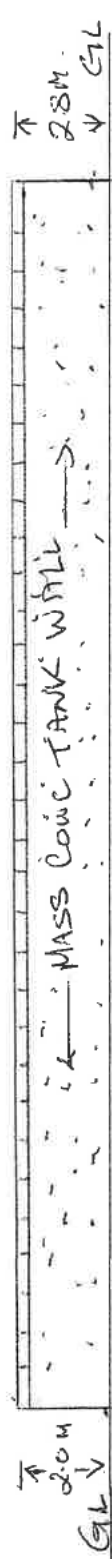
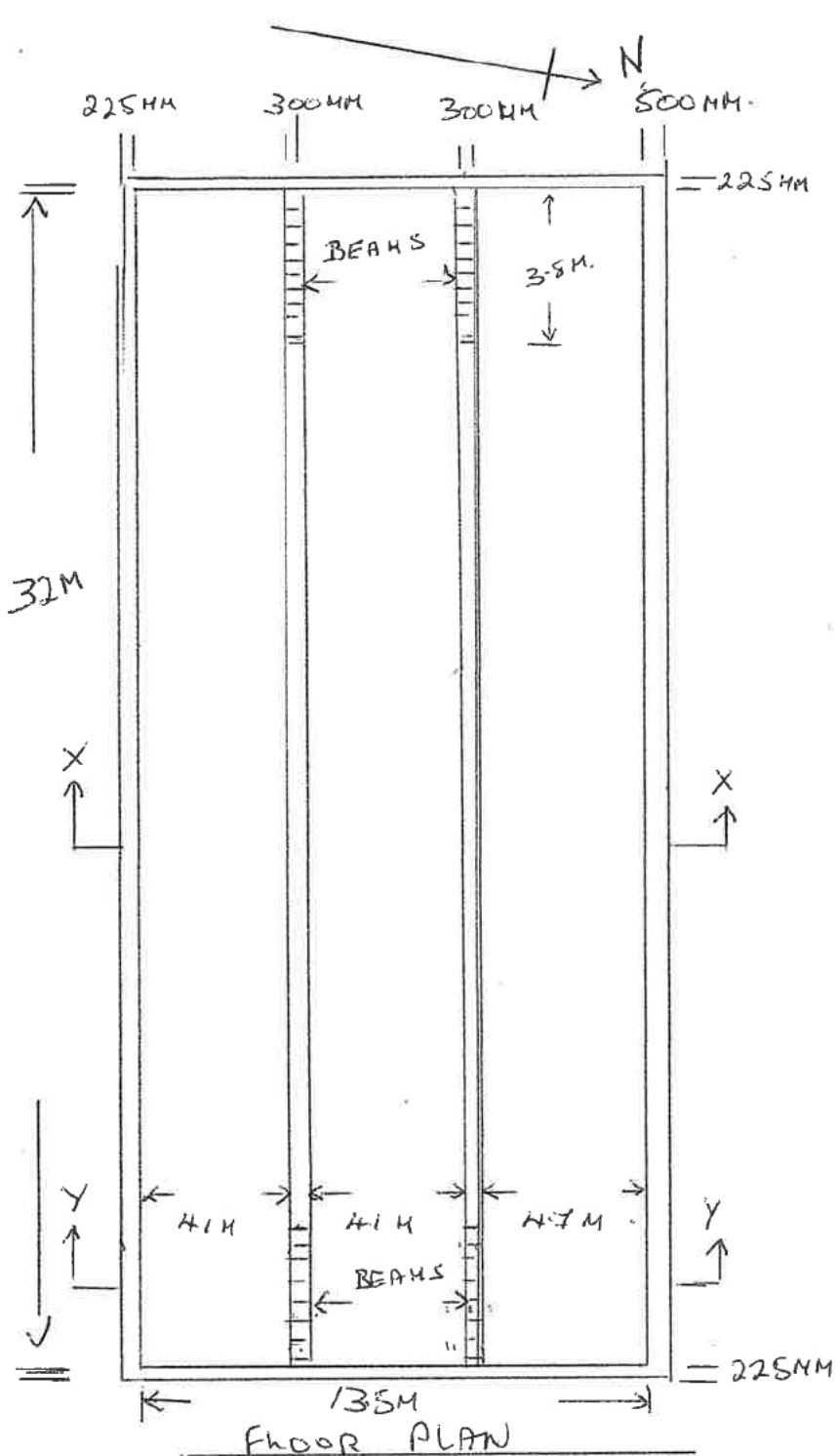
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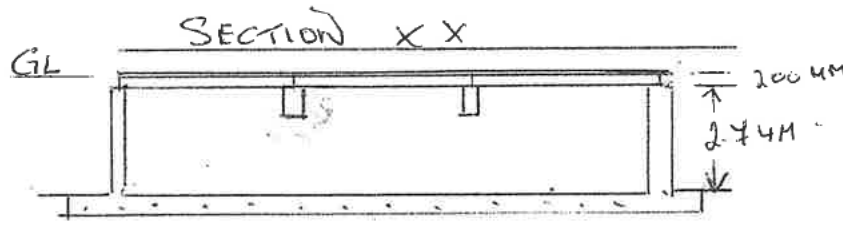
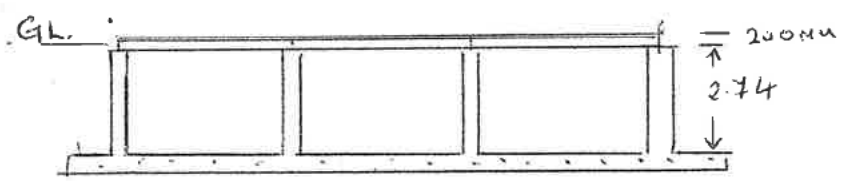
23/4/26



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SOUTHERN ELEVATION NOT VISIBLE (UNDERGROUND)



SECTION YY

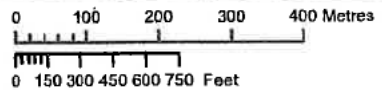
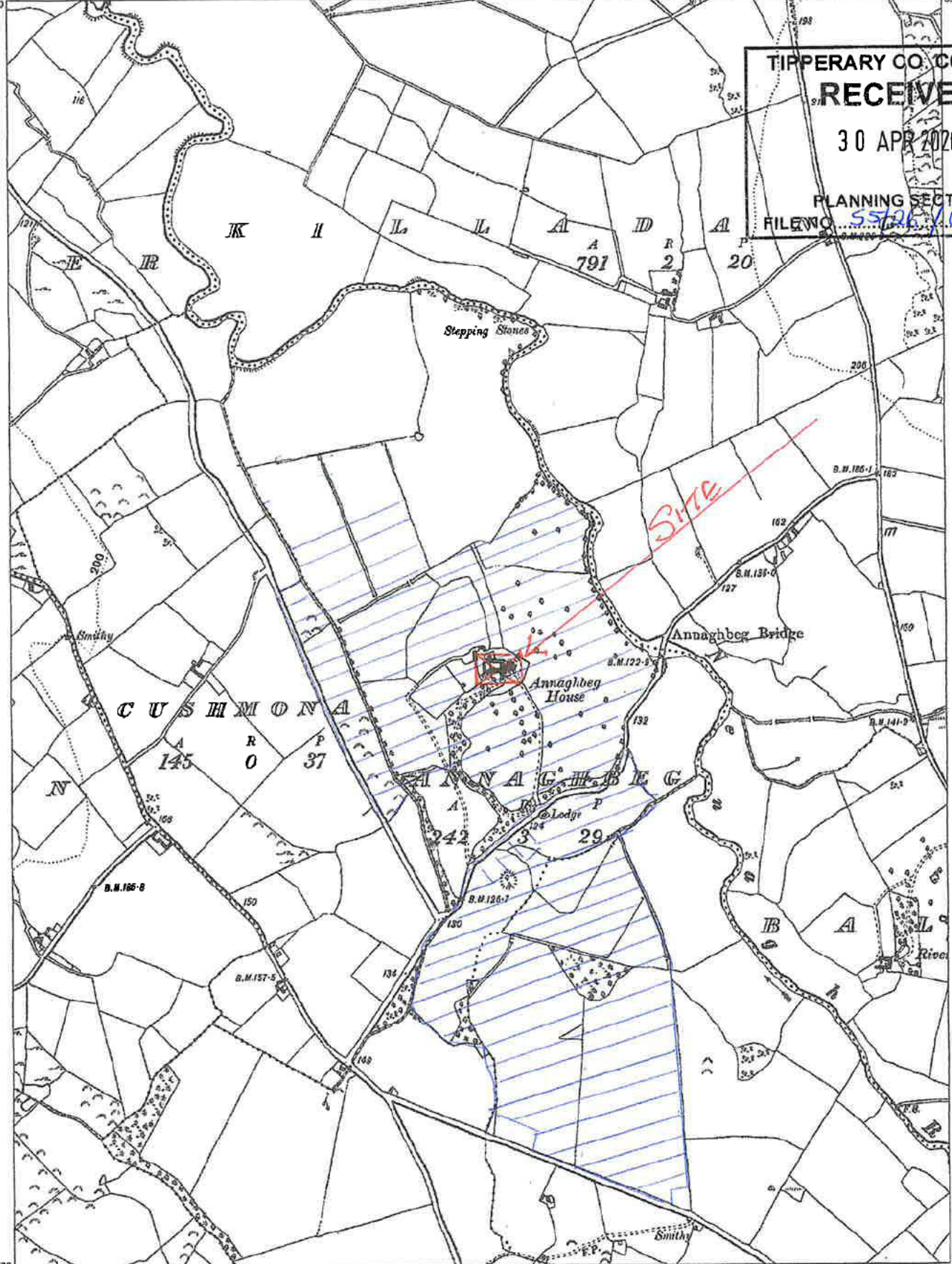
13.5M

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 FILE NO. 55/26/62

STEPHEN SEYMOUR
 ANNAGHBEG. DROMINEER
 FLOOR PLAN SECTIONS & ELEVATIONS
 TO COMPLY WITH DEPT OF AGR SPECS 123
 DRAWN BY GERRY BYRNE
 GURTRAY, PORTUMNA
 SCALE 1:200
 DATE 24-4-26

Site Location Map ADJACENT LAND HATCHED IN BLUE S1/S6 HA

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 FILE NO. S5726/162



OUTPUT SCALE: 1:10,560



CENTRE COORDINATES:
 ITM 582678,684970

PUBLISHED: 22/04/2026

MAP SERIES: 6 Inch Raster
MAP SHEETS: CE029A
 TY014

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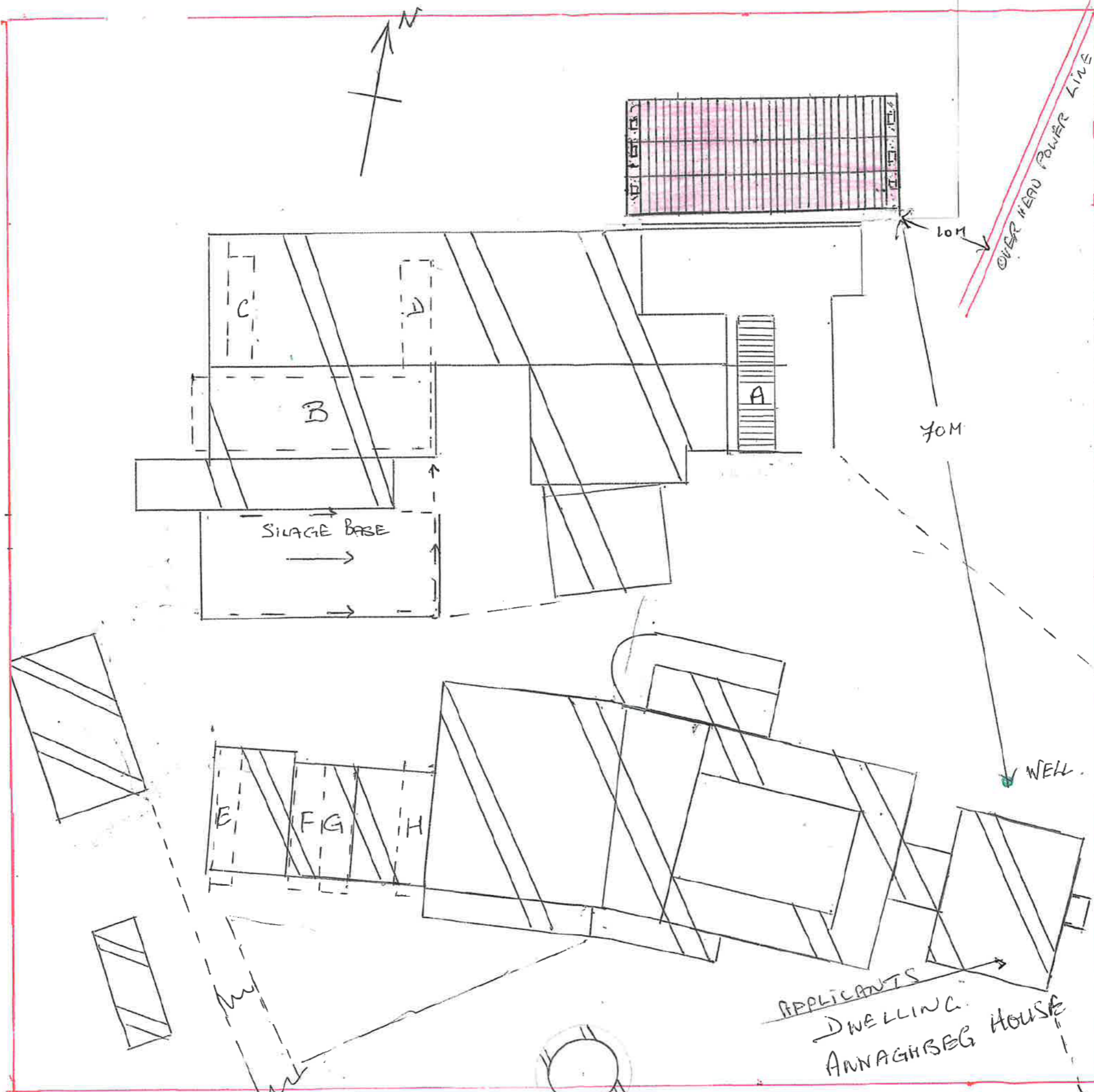
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20/4/26

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APPLICANTS HAND



SITE LAYOUT PLAN
STEPHEN SEYMOUR
ANNAGHBEG, DROMINER
WENAGH, CO. TIPPERARY
ALL WORK TO COMPLY WITH:
DEPT. OF AGR. SPEC. S123
SCALE 1:500
DATE 23-4-26
DRAWN BY G. BYRNE
GURTRAY, PORTUMNA
CO GALWAY
LEGEND - TANKS
A - 16.3M x 4.3M x 2.4M
B - 25.5M x 6.2M x 2.1M
C - 19.6M x 3.0M x 2.1M
D - 19.6M x 3.0M x 2.1M
E - 16.2M x 3.0M x 2.4M
F - 15.2M x 3.0M x 2.1M
G - 15.2M x 3.0M x 2.1M
H - 16.2M x 3.0M x 2.4M

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 30 APR 2026
 PLANNING SECTION
 FILE NO. 55/26/62



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

Date: 1st May 2026

Our Ref: S5/26/62

Civic Offices, Nenagh

Stephen Seymour
C/O Gerry Byrne
Gurtray
Portumna
Co. Galway

Re: Application for a Section 5 Declaration – Construction of underground slurry tank with a slatted cover and all associated site works at Annaghbeg, Dromineer, Co. Tipperary.

Dear Mr Byrne,

I acknowledge receipt of your application for a Section 5 Declaration received on 30th April 2026, in connection with the above.

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

Yours sincerely



for **Director of Services**

TIPPERARY COUNTY COUNCIL

Application for Declaration under Section 5

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

Planning Reference: S5/26/62

Applicant: Stephen Seymour

Development Address: Annaghbeg, Dromineer, Nenagh

Proposed Development: Underground slurry tank with a slatted cover and all associated site works

1. GENERAL

On the 30/04/2026 a request was made for a declaration under Section 5 of the Planning and Development Act, 2000 as amended, by Stephen Seymour as to whether or not the following (as per application form) constitutes development and if so, whether same constitutes exempted development at Annaghbeg, Dromineer, Nenagh

- Underground slurry tank with a slatted cover and all associated site works

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

ii. Relevant Planning History

14600010 – Planning permission granted for milking parlour, dairy and associated works. (This is within the curtilage of a protected structure)

05510189 – Planning permission granted for extension to agricultural shed, effluent holding tank and all associated site works this development is within the curtilage of a protected structure)

S57.17.10 – Relating to ruined gate lodge

iii. Assessment

The question posed under the Section 5 Declaration application form relates to an underground slurry tank with a slatted cover and all associated site works.

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 stated storage capacity of the proposed tank is 1,131m³ which exceeds the above-mentioned limitation.

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

The stated storage capacity of existing tanks is 1,003m³. The stated storage capacity of the proposed tank is 1,131m³ The aggregate capacity of existing and proposed tanks therefore exceeds the above-mentioned limitation.

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 dwelling on site is noted. However, the proposal 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.

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.

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

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

4. RECOMMENDATION

WHEREAS a question has arisen as to whether the following proposed development at Annaghbeg, Dromineer, Nenagh constitutes development and if so, whether same constitutes exempted development

- Underground slurry tank with a slatted cover and all associated site works

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 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.

AND WHEREAS Tipperary County Council has concluded that –

The proposed development, as presented on the drawings and details provided with the Declaration application on 30/04/2026, constitutes “development” within the meaning of the Planning and Development Act 2000 as amended and is **NOT exempted development** as:

1. The proposal has a stated storage capacity of 1,131m³ and therefore fails to satisfy condition / limitation 2 of Class 6(a) of Part 3 of Schedule 2 of the Planning and Development Regulations 2025 which stipulates that *The maximum storage capacity of any such storage facility shall not exceed 1000 cubic metres.*
2. The stated storage capacity of existing tanks on site is 1,003m³. The stated storage capacity of the proposed tank is 1,131m³. The aggregate capacity of existing and proposed tanks therefore fails to satisfy condition / limitation 3 of Class 6(a) of Part 3 of Schedule 2 of the Planning and Development Regulations 2025 which stipulates

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

District Planner: *Olive O'Donnell*

Date: 21/05/2026

Senior Executive Planner: *Jonathan Flood*

Date: 21/05/2026

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

(a) File Reference No:	S5 26 62
(b) Brief description of the project or plan:	As per planners report
(c) Brief description of site characteristics:	As per planners report
(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW	None
(e) Response to consultation:	None

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

European Site (code)	List of Qualifying Interest/Special Conservation Interest ¹	Distance from proposed development ² (km)	Connections (Source-Pathway-Receptor)	Considered further in screening Y/N
Lough Derg NE Shore SAC	https://www.npws.ie/protected-sites/sac/002241	Within 15km	N	N
Lower River Shannon SAC	https://www.npws.ie/protected-sites/sac/002165	Within 15km	N	N
Lough Derg SPA	https://www.npws.ie/protected-sites/spa/004058	Within 15km	N	N
River Shannon Callows SAC	https://www.npws.ie/protected-sites/sac/000216	Within 15km	N	N
Barroughter Bog SAC	https://www.npws.ie/protected-sites/sac/000231	Within 15km	N	N
Cloonmoylan Bog SAC	https://www.npws.ie/protected-sites/sac/000248	Within 15km	N	N
Derrycrag Wood Nature Reserve	https://www.npws.ie/protected-sites/sac/000261	Within 15km	N	N
Pollnaknockau Wood Nature Reserve	https://www.npws.ie/protected-sites/sac/000319	Within 15km	N	N
Rosturra Wood	https://www.npws.ie/protected-sites/sac/001313	Within 15km	N	N
Loughatorick South Bog	https://www.npws.ie/protected-sites/sac/000308	Within 15km	N	N
Kilcarren-Firville Bog	https://www.npws.ie/protected-sites/sac/000647	Within 15km	N	N

Lough Derg (Shannon) SPA	https://www.npws.ie/protected-sites/spa/004058	Within 15km	N	N
Middle Shannon Callows SPA	https://www.npws.ie/protected-sites/spa/004096	Within 15km	N	N
Slieve Aughty Mountains SPA	https://www.npws.ie/protected-sites/spa/004168	Within 15km	N	N

¹ Short paraphrasing and/or cross reference to NPWS is acceptable – it is not necessary to reproduce the full text on the QI/SCI.

² If the site or part thereof is within the European site or adjacent to the European site, state here.

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 	None
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 	None
In-combination/Other	None

(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 	None
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- 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

(c) Are *'mitigation'* measures necessary to reach a conclusion that likely significant effects can be ruled out at screening?

Yes No

Step 4. Screening Determination Statement

The assessment of significance of effects:

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

The proposed development is not likely to have significant effects.

Conclusion:

	Tick as Appropriate:	Recommendation:
(i) It is clear that there is no likelihood of significant effects on a European site.	√	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	21/05/2026

EIA PRE-SCREENING**Establishing a development is a 'sub-threshold development'**

File Reference:	S5/26/62
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



Date: 21st May 2026

Our Ref: S5/26/62

Civic Offices, Nenagh

**Stephen Seymour
C/O Gerry Bryne
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 30th April 2026 in relation to the following proposed works:

Underground slurry tank with a slatted cover and all associated site works at Annaghbeg, Dromineer, Nenagh, 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 –

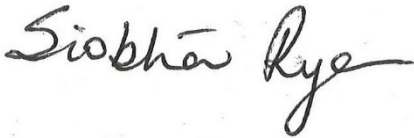
- a) Sections 2, 3 & 4 of the Planning and Development Act 2000 (as amended)
- b) Article 6 & 9 of the Planning and Development Regulations 20001, as amended,
- c) Class 6A of Schedule 2, Part 3 of the Planning and Development Regulations 2001 (as amended)
- d) The plans and documentation submitted.

Tipperary County Council has concluded that the proposed development, as presented on the drawings and details provided with the Declaration application on 30/04/2026, constitutes "development" within the meaning of the Planning and Development Act 2000 as amended and is **NOT exempted development** as:

1. The proposal has a stated storage capacity of 1,131m³ and therefore fails to satisfy condition / limitation 2 of Class 6(a) of Part 3 of Schedule 2 of the Planning and Development Regulations 2025 which stipulates that *The maximum storage capacity of any such storage facility shall not exceed 1000 cubic metres.*
2. The stated storage capacity of existing tanks on site is 1,003m³. The stated storage capacity of the proposed tank is 1,131m³ The aggregate capacity of existing and proposed tanks therefore fails to satisfy condition / limitation 3 of Class 6(a) of Part 3 of Schedule 2 of the Planning and Development Regulations 2025 which stipulates that *the aggregate capacity of tanks, situated within the same farmyard complex, shall not exceed 1,500 cubic metres*

NOTE: Any person issued with a Declaration of a Planning Authority may refer the Declaration for review to An Coimisiún Pleanála, 64 Marlborough Street, Dublin 1, within four (4) weeks of the date of issue of the Declaration and on payment of the prescribed fee.

Yours sincerely



for **Director of Services**

Original

TIPPERARY COUNTY COUNCIL

DELEGATED EMPLOYEE'S ORDER

File Ref: **S5/26/62** **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 Stephen Seymour, C/O Gerry Bryne, Gurtray, Portumna, Co. Galway, RE: Underground slurry tank with a slatted cover and all associated site works at Annaghbeg, Dromineer, Nenagh, 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 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.

Tipperary County Council has concluded that the proposed development, as presented on the drawings and details provided with the Declaration application on 30/04/2026, constitutes "development" within the meaning of the Planning and Development Act 2000 as amended and is **NOT exempted development** as:

1. The proposal has a stated storage capacity of 1,131m³ and therefore fails to satisfy condition / limitation 2 of Class 6(a) of Part 3 of Schedule 2 of the Planning and Development Regulations 2025 which stipulates that *The maximum storage capacity of any such storage facility shall not exceed 1000 cubic metres.*
2. The stated storage capacity of existing tanks on site is 1,003m³. The stated storage capacity of the proposed tank is 1,131m³ The aggregate capacity of existing and proposed tanks therefore fails to satisfy condition / limitation 3 of Class 6(a) of Part 3 of Schedule 2 of the Planning and Development Regulations 2025 which stipulates

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

Signed: Brian Beck
Brian Beck
Director of Services

Date: 21/05/2026