



Tipperary County Council  
RECEIVED  
29 MAY 2026  
CSD  
Civic Offices, Clonmel

**PLANNING & DEVELOPMENT ACT, 2000 (as amended)**

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

**1. Applicant's address/contact details:**

<i>Applicant</i>	John & Pat Dunne
<i>Address</i>	Kilnacarriga , Newcastle, Clonmel Co Tipperary
<i>Telephone No.</i>	[REDACTED]
<i>E-mail</i>	

**2. Agent's (if any) address:**

<i>Agent</i>	Aidan Kelly
<i>Address</i>	Molough, Newcastle, Clonmel, Co Tipperary
<i>Telephone No.</i>	[REDACTED]
<i>E-mail</i>	[REDACTED]
<i>Please advise where all correspondence in relation to this application is to be sent;</i>	
Applicant [ <input type="checkbox"/> ]      Agent [ <input checked="" type="checkbox"/> ]	

**3. Location of Proposed Development:**

<i>Postal Address or Townland or Location (as may best identify the land or structure in question)</i>	Kilnacarriga , Newcastle, Clonmel Co Tipperary
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FILE NO. SS/26/29

**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.)

1. To build slatted tank of 358m <sup>3</sup> under Class 6A for slurry storage exemption 2. To build shed over slatted tank under class 6 exemption 160m <sup>2</sup>
Existing slurry storage in farmyard is 200m <sup>2</sup>
Proposed floor area of proposed works/uses: 160 sqm see above

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

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

Signature of Applicant(s)



Date: 25-5-2026

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

## GUIDANCE NOTES

- (1) All queries on the form must be completed and the form must be accompanied by the relevant fee. The amount of the fee is currently **€80.00**.
- (2) This application should be accompanied by **TWO COPIES** of the following documentation
- OSI Site Location Map with the site outlined clearly – 1:1000 in urban areas and 1:2500 in rural areas
  - Floor Plans & Elevations at a scale of not less than 1:200
  - Site layout plan indicating position of proposed development relative to premises and adjoining properties
  - Other details e.g. brochures, photographs if appropriate.
- (All dimensions must be given in metric scale and drawings should be accompanied by a brief description outlining the use of the proposed development)
- (3) Where a proper and complete application is received, a decision must be conveyed to the applicant within four (4) weeks except where additional necessary information is required.

**This application form and relevant fee should be submitted to:**

**Planning Section,  
Tipperary County Council,  
Civic Offices,  
Limerick Road,  
Nenagh,  
Co. Tipperary**

**OR**

**Planning Section,  
Tipperary County Council,  
Civic Offices,  
Emmet Street,  
Clonmel,  
Co. Tipperary**

**Enquires:**

**Telephone 0761 06 5000**

**E-Mail [planning@tipperarycoco.ie](mailto:planning@tipperarycoco.ie)**

### FOR OFFICE USE ONLY

Fee Recd. € 80

Receipt No 137785

Date 28-5-2026

Received by \_\_\_\_\_

**DATE STAMP**

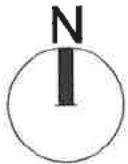
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**29 MAY 2026**

**PLANNING SECTION**

**FILE NO. SS/26/29**

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Class 6 = Total 282 m2 of total aggregate 450m2  
 Class 6a = Total 153m2 m2 of total aggregate 1500m3  
 Class 8 = Total 40 m2 of total aggregate 300m2  
 Class 9 = Total 101 m2 of total aggregate 900m2

Proposed  
 Class 6 = Total 160 m2 of total area 442m2  
 Class 8 = Total 136 m2 of total area 176m2

- CLEAN WATER
- STONE SOAK AWAY
- PROPOSED BUILDING
- EXISTING BUILDING

**Proposed Site Layout Plan**  
Scale 1:500

- LAND HOLDING BOUNDARY
- PROPOSED DEVELOPMENT (AREA .3Ha)

## Proposed

PLANNING				
<b>AIDAN KELLY</b>		B.Arch. B.sc Arch Tech		
ARCHITECTURE & AGRICULTURAL DESIGN SERVICES				
MOLOUGH, NEWCASTLE, CLONMEL, CO. TIPPERARY.		TEL: 052 7462844 MOB: 085 7466211		
EMAIL: AIDANKELLY2000@YAHOO.IE				
WEBSITE : WWW.ADPS.IE				
PROJECT: Proposed building John & Pat Dunne at Kilnacarriga , Newcastle, Clonmel Co Tipperary				
DRAWING TITLE: Proposed Site Layout				
DRAWN BY	DATE	SCALE	DWG NO.	JOB NO.
A KELLY	May 2026	1:500	02.1	48



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Class 6 = Total 282 m2 of total aggregate 450m2  
 Class 8 = Total 40 m2 of total aggregate 300m2  
 Class 9 = Total 101 m2 of total aggregate 900m2

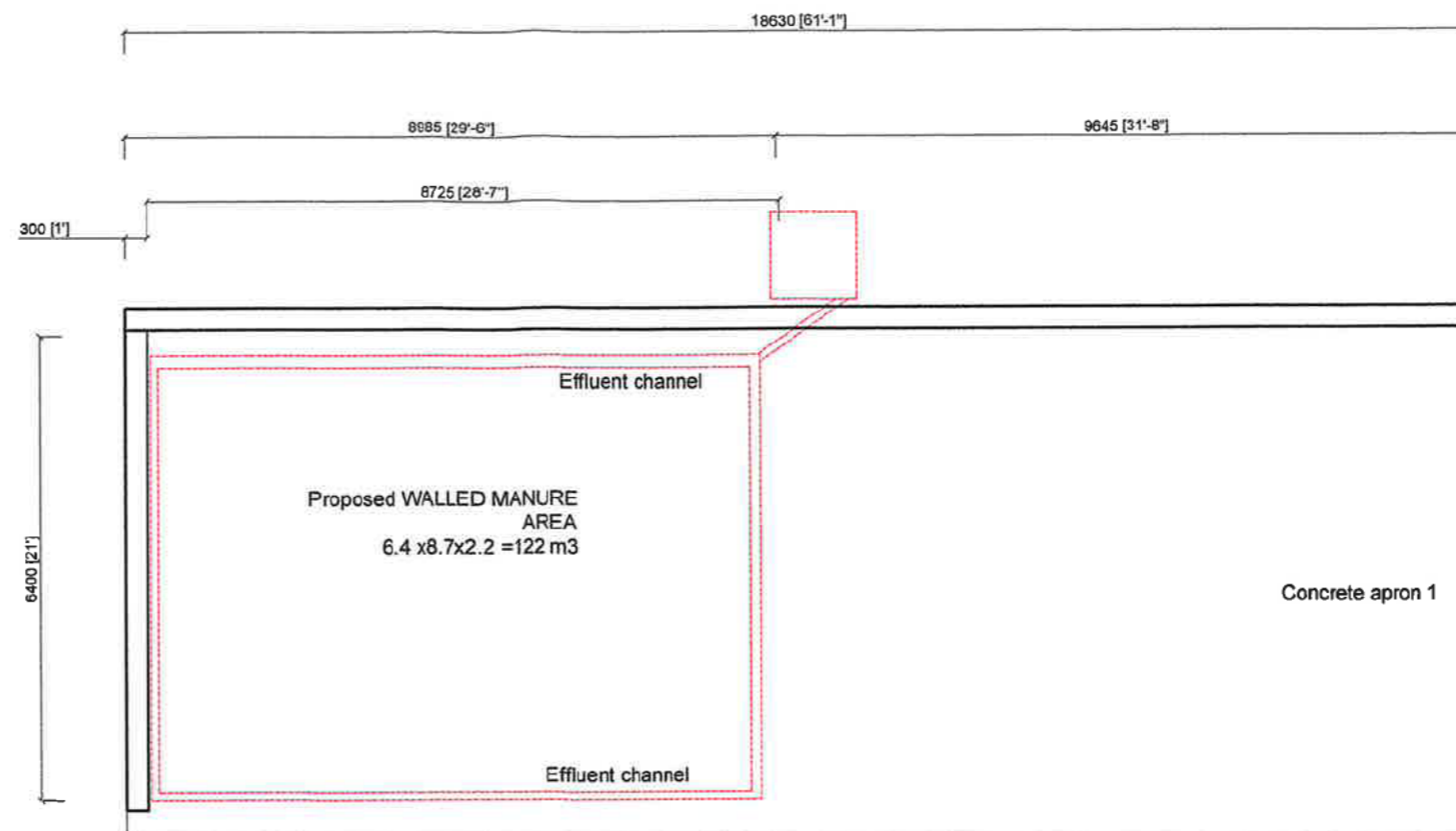
### Existing

PLANNING				
<b>AIDAN KELLY</b>		B.Arch, B.sc Arch Tech		
ARCHITECTURE & AGRICULTURAL DESIGN SERVICES				
MOLOUGH, NEWCASTLE, CLONMEL, CO. TIPPERARY.		TEL: 052 7462844 MOB: 085 7466211		
EMAIL: AIDANKELLY2000@YAHOO.IE		A		
WEBSITE: WWW.ADPS.IE				
PROJECT: Proposed building John & Pat Dunne at Kilnacarriga, Newcastle, Clonmel Co Tipperary				
DRAWING TITLE: Proposed Site Layout				
DRAWN BY A KELLY	DATE May 2026	SCALE 1:500	DWG NO. 02.1	JOB NO. 48

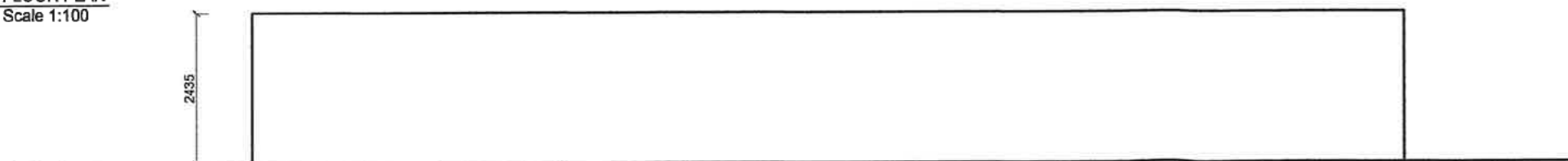
Proposed Site Layout Plan  
 Scale 1:500

- CLEAN WATER
- STONE SOAK AWAY
- PROPOSED BUILDING
- EXISTING BUILDING
- LAND HOLDING BOUNDARY
- PROPOSED DEVELOPMENT (AREA .3Ha)

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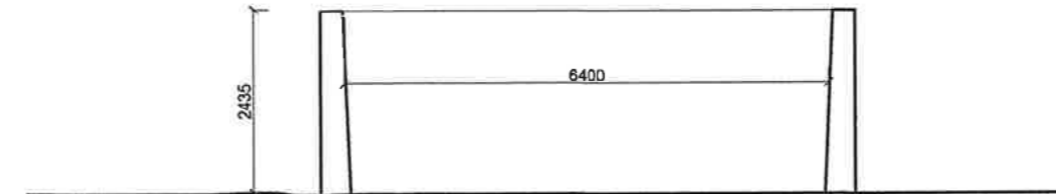
FLOOR PLAN  
 Scale 1:100



WEST/ EAST Elevation  
 Scale 1:100



South Elevation  
 Scale 1:100



North Elevation  
 Scale 1:100

AREA OF PROPOSED Mnure area = 136m2

**PLANNING**

**AIDAN KELLY** B.Arch. B.sc Arch Tech  
**ARCHITECTURE & AGRICULTURAL DESIGN SERVICES**

MOLOUGH, NEWCASTLE, CLONMEL, CO. TIPPERARY.  
 EMAIL: AIDANKELLY2000@YAHOO.IE  
 WEBSITE: WWW.ADPS.IE

TEL: 052 7462844  
 MOB: 085 7466211



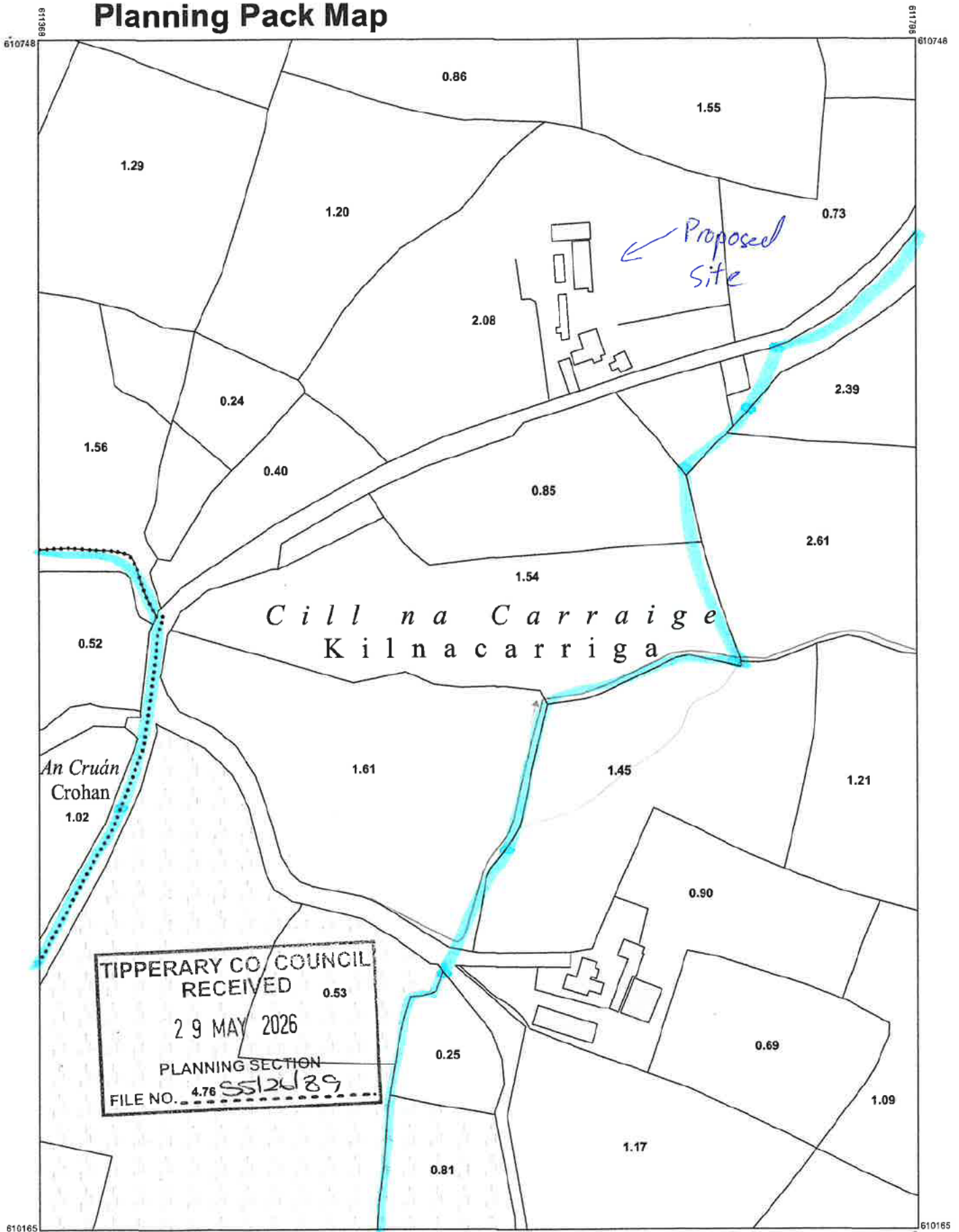
PROJECT:  
 Proposed building John & Pat Dunne at Kilnacarriga,  
 Newcastle, Clonmel Co Tipperary

DRAWING TITLE:  
 Plan,

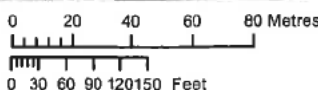
DRAWN BY	DATE	SCALE	DWG NO.	JOB NO.
A KELLY	May 2026	1:100	03	48



# Planning Pack Map



TIPPERARY CO COUNCIL  
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 29 MAY 2026  
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 FILE NO. 4.76 5512689



OUTPUT SCALE: 1:2,500



CENTRE COORDINATES:  
 ITM 611583,610457

PUBLISHED: 28/05/2026 ORDER NO.: 50538819\_1  
 MAP SERIES: 1:5,000 MAP SHEETS: 5669

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 The map objects are only accurate to the resolution at which they were captured. Output scale is not indicative of data capture scale. Further information is available at: [www.tailte.ie](http://www.tailte.ie); search 'Capture Resolution'  
**LEGEND:** To view the legend visit [www.tailte.ie](http://www.tailte.ie) and search for 'Large Scale Legend'

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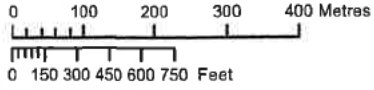
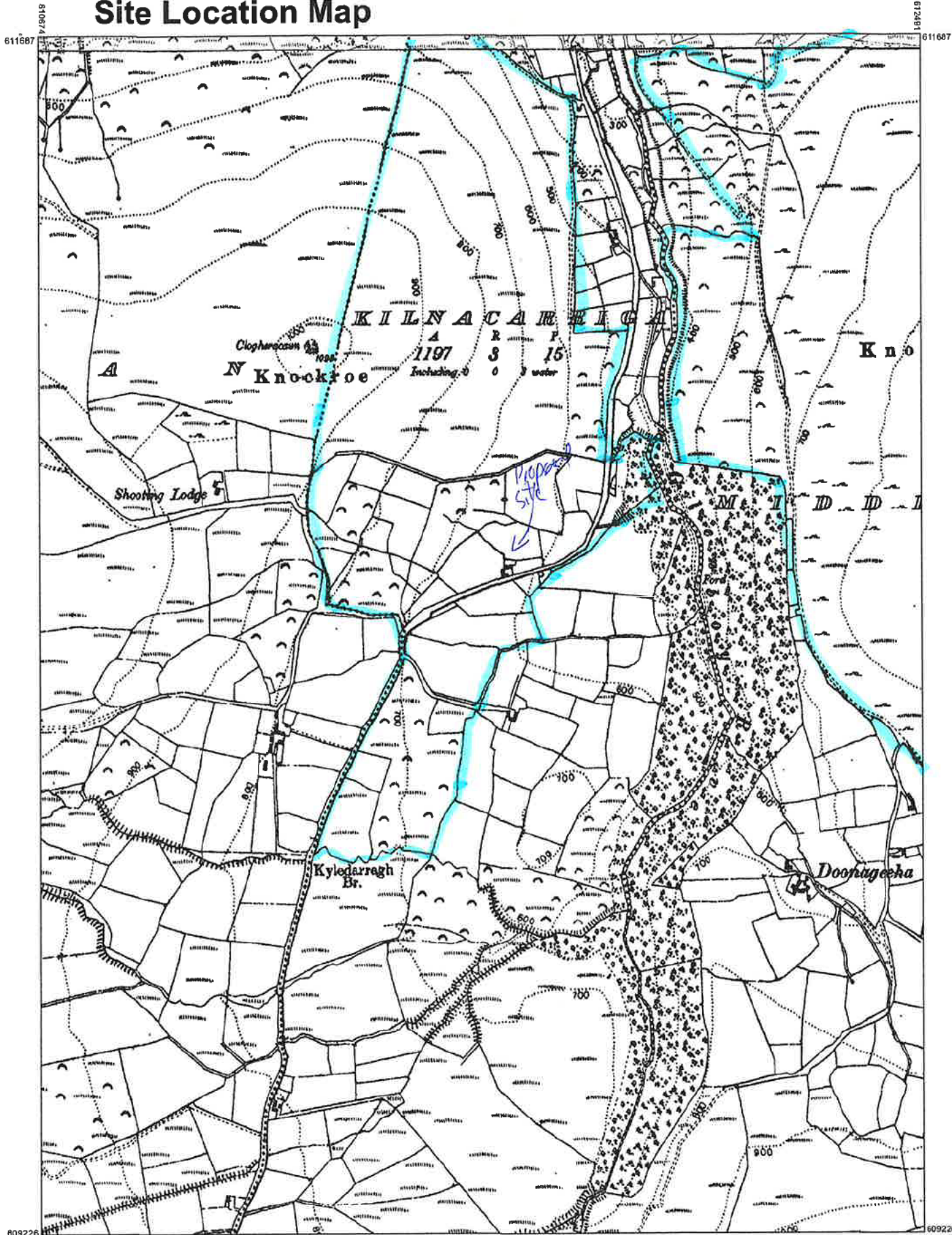
The representation on this map of a road, track or footpath is not evidence of the existence of a right of way.

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**Tailte Éireann**

# Site Location Map



OUTPUT SCALE: 1:10,560



CENTRE COORDINATES:  
ITM 611583,610457

**CAPTURE RESOLUTION:**  
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 MAP SERIES: 6 Inch Raster  
 MAP SHEETS: TY091  
 ORDER NO.: 5038819  
 MAP SHEETS: 1008+091A  
 W0012

PLANNING SECTION  
 FILE NO. SS126189

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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 5000/6000  
e customerservice  
@tipperarycoco.ie  
tipperarycoco.ie

Date: 29<sup>th</sup> May 2026

Our Ref: S5/26/89

Civic Offices, Clonmel

**John & Pat Dunne,  
C/O Aidan Kelly,  
Molough,  
Newcastle,  
Clonmel,  
Co. Tipperary.**

**Re: Application for a Section 5 Declaration – 1. To build slatted tank 358m<sup>3</sup> under class 6A for slurry storage exemption. 2. To build shed over slatted tank under class 6 exemption 160m<sup>2</sup> at Kilnacarriga, Newcastle, Clonmel, Co. Tipperary.**

Dear Mr. Kelly,

I acknowledge receipt of your application for a Section 5 Declaration received on 29<sup>th</sup> May 2026, in connection with the above.

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

Yours sincerely

for **Director of Services**

## TIPPERARY COUNTY COUNCIL

### Application for Declaration under Section 5

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

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**Planning Reference:** S5/26/89

**Applicant:** John and Pat Dunne

**Development Address:** Kilnacarriga, Newcastle, Clonmel, Co. Tipperary

**Proposed Development:** Construction of a slatted tank (358m<sup>3</sup>) under class 6A for slurry storage exemption and the construction of shed over slatted tank under class 6 exemption (160m<sup>2</sup>) at Kilnacarriga, Newcastle, Clonmel, Co. Tipperary.

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#### 1. GENERAL

On the 29<sup>th</sup> May 2026 a request was made for a declaration under Section 5 of the Planning and Development Act 2000, as amended, by John and Pat Dunne c/o Aidan Kelly as to whether or not the following (as per application form) constitutes development and if so, whether same constitutes exempted development at Kilnacarriga, Newcastle, Clonmel, Co. Tipperary.

1. ***To build slatted tank 358m<sup>3</sup> under class 6A for slurry storage exemption.***
2. ***To build shed over slatted tank under class 6 exemption 160m<sup>2</sup>.***

- Section 5 Declaration Application Form,
- Site Location Maps,
- Site Layout Plan,
- Elevation and plan drawings,
- Floor plans and section drawings

In a telephone conversation with the querist on the 22<sup>nd</sup> of June 2026, he advised that a **dung stead**, as indicated on the submitted drawings was to be considered also as part of the assessment.



Figure 1 Site Location



Figure 2 Google Street View 2025

## 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 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 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 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 6 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>
<b>CLASS 6</b> <i>Works consisting of the provision of a roofed</i>	<i>1. No such structure shall be used for any purpose other than the purpose of agriculture.</i>

<p><i>structure for the housing of <b>cattle</b>, sheep, goats, donkeys, horses, deer or rabbits, having a gross floor space not exceeding 300 square metres (whether or not by extension of an existing structure), and any ancillary provision for effluent storage.</i></p>	<ol style="list-style-type: none"> <li>2. <i>The gross floor space of such structure together with any other such structures situated within the same farmyard complex or within 100 metres of that complex shall not exceed 450 square metres gross floor space in aggregate.</i></li> <li>3. <i>Effluent storage facilities adequate to serve the structure having regard to its size, use and location shall be constructed in line with Department of Agriculture, Food and Rural Development and Department of the Environment and Local Government requirements and shall have regard to the need to avoid water pollution.</i></li> <li>4. <i>No such structure shall be situated, and no effluent from such structure shall be stored, within 10 metres of any public road.</i></li> <li>5. <i>No such structure within 100 metres of any public road shall exceed 8 metres in height</i></li> <li>6. <i>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.</i></li> <li>7. <i>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.</i></li> <li>8. <i>No such structure shall be within 60 metres of a public or private water source.</i></li> <li>9. <i>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.</i></li> <li>10. <i>No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.</i></li> <li>11. <i>The use of this Class of exemption requires a declaration from the relevant Planning authority under section 5 of the Principal Act, declaring the exemption is applicable prior to commencement of construction.</i></li> <li>12. <i>Ancillary provision shall include as appropriate the installation of any signage, fencing or other safety infrastructure as recommended by the Health and Safety Authority regarding Slurry Safety.</i></li> </ol>
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**Class 6A is inserted by article 4 of S.I. No. 649/2025 Planning and Development (Exempted Development (Act of 2000)) (No. 2) Regulations 2025**

Column 1 <i>Description of Development</i>	Column 2 <i>Conditions and Limitations</i>
<p><b>CLASS 6A</b> <b>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.</b></p>	<ol style="list-style-type: none"> <li>1. <i>No such structure shall be used for any purpose other than the purpose of agriculture.</i></li> <li>2. <i>The maximum storage capacity of any such storage facility shall not exceed 1000 cubic metres.</i></li> <li>3. <i>The aggregate capacity of tanks, situated within the same farmyard complex, shall not exceed 1,500 cubic metres</i></li> <li>4. <i>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</i></li> </ol>

	<p>avoid water pollution. The structure shall not be an earth lined Slurry/Effluent Store.</p> <p>5. No such structure shall be situated, and no effluent from such structure shall be stored, within 10 metres of any public road.</p> <p>6. No such structure within 100 metres of any public road shall exceed 8 metres in height.</p> <p>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.</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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Column 1 Description of Development	Column 2 Conditions and Limitations
<p><b>CLASS 8</b> Works consisting of the provision of roofless cubicles, open loose yards, self-feed silo or silage areas, feeding aprons, assembly yards, milking parlours or structures for the making or storage of silage or any other structures of a similar character or</p>	<p>1. No such structure shall be used for any purpose other than the purpose of agriculture.</p> <p>2. The gross floor space of such structures together with any other such structures situated within the same farmyard complex or within 100 metres of that complex shall not exceed 300 square metres gross floor space in aggregate.</p> <p>3. Effluent storage facilities adequate to serve the structure having regard to its size, use and location shall be constructed in line with Department of Agriculture, Food and Rural Development and the</p>

<p><i>description, having an aggregate gross floor space not exceeding 200 square metres, and any ancillary provision for effluent storage.</i></p>	<p><i>Department of the Environment and Local Government requirements and shall have regard to the need to avoid water pollution.</i></p> <p><i>4. No such structure shall be situated, and no effluent from such structure shall be stored, within 10 metres of any public road.</i></p> <p><i>5. No such structure within 100 metres of any public road shall exceed 8 metres in height.</i></p> <p><i>6. 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.</i></p> <p><i>7. No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.</i></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 agricultural lands at Kilnacarriga, Newcastle, Clonmel, Co. Tipperary. There are existing agricultural structures on site.

**ii. Relevant Planning History**

None traced.

**iii. Assessment**

The question posed under the Section 5 Declaration application form is whether the construction of a slatted tank (358m<sup>3</sup>) under class 6A, a shed over slatted tank under class 6 exemption (160m<sup>2</sup>) and a dung stead (176 sqms) under Class 8 is development and is or is not exempted development.

Figure 3 Site layout



The area of the new shed is 160m<sup>2</sup> and the area of the existing sheds, under class 6, is 282m<sup>2</sup> making the total combined area 442m<sup>2</sup> which is under the 450m<sup>2</sup> threshold.

The proposed tank has a capacity of 153 m<sup>3</sup>. The agent advised on the 23 June 2026 that the slurry tanks serving the existing slatted sheds was very limited and was circa 200 m<sup>3</sup>.

A dung stead of 176 sqms is proposed.

**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"**

The slatted shed and an underground slatted slurry tank are assessed relative to Class 6 of Part 3 of Schedule 2 subject to 12 no. limitations of the Regulations below.

With respect to same I note as follows;

**CLASS 6**

**Works consisting of the provision of a roofed structure for the housing of cattle, sheep, goats, donkeys, horses, deer or rabbits, having a gross floor space not exceeding 300**

**square metres (whether or not by extension of an existing structure), and any ancillary provision for effluent storage.**

The proposal can be considered under this class.

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

The proposed structure is intended to be used for agriculture purposed as defined under Section 2(1) of the Planning and Development Act, 2000, as amended.

**2. The gross floor space of such structure together with any other such structures situated within the same farmyard complex or within 100 metres of that complex shall not exceed 450 square metres gross floor space in aggregate.**

The proposed slatted shed is given as 160sq.m. Following a review of the maps and available image, it appears that the combined floor area does not exceed 450sq.m within 100m. The existing sheds are 282sq.m.

**3. Effluent storage facilities adequate to serve the structure having regard to its size, use and location shall be constructed in line with Department of Agriculture, Food and Rural Development and Department of the Environment and Local Government requirements and shall have regard to the need to avoid water pollution.**

Effluent to be stored in underground slatted tank.

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

The structure is in excess of 10m from the public road.

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

The proposed structure is less than 8m in height.

**6. 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 proposed structure is not proximate to any listed buildings.

**7. 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 site is not located within any flood zone.

**8. 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. The public water mains runs through the public road adjoining the site to the south

**9. 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.**

The proposed shed is not less than 50m from a watercourse.

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

No unpainted metal sheeting has been identified.

**11. 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 by submitting this application S5/26/89.

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

There is no signage proposed under this declaration.

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

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

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

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

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

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

The maximum storage capacity of the tank is 358m<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 existing tanks within the yard is circa 558 cubic meters as referred to above. The aggregate capacity if the subject proposal is developed will be less than 1,500 cubic meters.

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

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

**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 proposed structure is more than 100m from the above listed structures.

**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 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 S5/26/71.

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

There is no signage proposed under this declaration.

**Class 8**

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

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

**2. The gross floor space of such structures together with any other such structures situated within the same farmyard complex or within 100 metres of that complex shall not exceed 300 square metres gross floor space in aggregate.**

The total floor area of the dung stead is 176 sqms

**3. Effluent storage facilities adequate to serve the structure having regard to its size, use and location shall be constructed in line with Department of Agriculture, Food and Rural Development and the Department of the Environment and Local Government requirements and shall have regard to the need to avoid water pollution.**

The effluent storage will be in accordance with the Department standards.

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

The proposed structure is more than 10m from the above listed structures.

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

The proposed structure does not exceed 8 ms in height.

**6. 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 proposed structure is more than 100m from the above listed structures.

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

There is no unpainted metal sheeting proposed

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

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

The lands are served by existing entrance onto a private road. I am satisfied that the shed will not endanger public safety by reason of traffic hazard or obstruction of road users.

4. **RECOMMENDATION**

**WHEREAS** a question has arisen as to whether the construction of a slatted tank (358m<sup>3</sup>) under class 6A, a shed over slatted tank under class 6 exemption (160m<sup>2</sup>) and a dung stead (176 sqms) under Class 8 at Kilnacarriga, Newcastle, Clonmel, Co. Tipperary is or is not “development” and is or is not “exempted development”.

**AND WHERE AS** Tipperary County Council in considering this referral had regard particularly to-

- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000 as amended,
- (b) Article 6 and Article 9 of the Planning and Development Regulations, 2001, as amended,
- (c) Class 6, 6A and 8 of Part 3 of Schedule 2 of the Planning and Development Regulations, 2001, as amended
- (d) The details as submitted with the application on 29<sup>th</sup> of May 2026.

**AND WHEREAS** Tipperary County Council has concluded that the construction of a slatted tank (358m<sup>3</sup>) under class 6A, a shed over slatted tank under class 6 exemption (160m<sup>2</sup>) and a dung stead (176 sqms) under Class 8 is development at Kilnacarriga, Newcastle, Clonmel, Co. Tipperary constitutes “development” within the meaning of the Planning and Development Act 2000, as amended and **IS** “exempted development”.

The development has been screened as to the requirement for Appropriate Assessment and Environmental Impact Assessment, and it has been determined that same are not required.

District Planner: 

Date:22/06/2026



Senior Executive Planner:

Date:23.6.2026

## HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT

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

(a) File Reference No:	S5/26/89
(b) Brief description of the project or plan:	the construction of a slatted tank (358m <sup>3</sup> ) under class 6A, a shed over slatted tank under class 6 exemption (160m <sup>2</sup> ) and a dung stead (176 sqms) under Class 8.
(c) Brief description of site characteristics:	Agricultural lands
(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 <sup>1</sup>	Distance from proposed development <sup>2</sup> (km)	Connections (Source-Pathway-Receptor)	Considered further in screening Y/N
002170 Lower Blackwater River SAC	<a href="https://www.npws.ie/protected-sites/sac/002170">https://www.npws.ie/protected-sites/sac/002170</a>	Within 10km	None	No
002137 Lower River Suir SAC	<a href="https://www.npws.ie/protected-sites/sac/002137">https://www.npws.ie/protected-sites/sac/002137</a>	Within 3 km	None	No
001952 Comeragh Mountains SAC	<a href="https://www.npws.ie/protected-sites/sac/002137">https://www.npws.ie/protected-sites/sac/002137</a>	Within 15 kms	None	No
000668 Nier Valley Woodlands	<a href="https://www.npws.ie/protected-sites/sac/000668">https://www.npws.ie/protected-sites/sac/000668</a>	Within 10km	None	No
004094 Blackwater Callows SPA	<a href="https://www.npws.ie/protected-sites/spa/004094">https://www.npws.ie/protected-sites/spa/004094</a>	Within 15 kms	None	No

### STEP 3. Assessment of Likely Significant Effects

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

Impacts:	Possible Significance of Impacts: (duration/magnitude etc.)
Construction phase e.g. <ul style="list-style-type: none"> <li>• Vegetation clearance</li> <li>• Demolition</li> <li>• Surface water runoff from soil</li> </ul>	No potential impacts

excavation/infill/landscaping (including borrow pits) <ul style="list-style-type: none"> <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>		
<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>	No potential impacts	
In-combination/Other	No potential impacts	
<b>(b) Describe any likely changes to the European site:</b>		
Examples of the type of changes to give consideration to include: <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>	No potential impacts	
<b>(c) Are 'mitigation' measures necessary to reach a conclusion that likely significant effects can be ruled out at screening?</b>		
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
<b>STEP 4. Screening Determination Statement</b>		
<b>The assessment of significance of effects:</b> Describe how the proposed development (alone or in-combination) is/is <b>not likely</b> to have <b>significant</b> effects on European site(s) in view of its conservation objectives.		
The proposed development is not likely to have significant effects.		
<b>Conclusion:</b>		
	<b>Tick as Appropriate:</b>	<b>Recommendation:</b>

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

**EIA Pre-Screening**  
**Establishing a development is a 'sub-threshold development'**

<b>File Reference:</b>	S5/26/89
<b>Development Summary:</b>	the construction of a slatted tank (358m3) under class 6A, a shed over slatted tank under class 6 exemption (160m2) and a dung stead (176 sqms) under Class 8.
<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 <hr/>	<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)	
<input checked="" type="checkbox"/> No, the development is not a project listed in Schedule 5, Part 2	<b>No Screening required</b>
<input type="checkbox"/> Yes the project is listed in Schedule 5, Part 2 <b>and</b> meets/exceeds the threshold, specify class (including threshold): <hr/>	<b>EIA is mandatory</b>  No Screening required
<input type="checkbox"/> Yes the project is of a type listed <b>but</b> is <i>sub-threshold</i> : <hr/>	Proceed to <b>Part C</b>
<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  <input type="checkbox"/> No, Schedule 7A information/screening report has not been submitted by the applicant	<b>Screening Determination required</b>  <b>Preliminary Examination required</b>

Figure 4 Planning Register



**Original**

**TIPPERARY COUNTY COUNCIL**

**DELEGATED EMPLOYEE'S ORDER**

File Ref: **S5/26/89**      **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 John & Pat Dune, C/O Aidan Kelly, Molough, Newcastle, Clonmel, Co. Tipperary, the construction of a slatted tank (358m<sup>3</sup>) under class 6A for slurry storage exemption and the construction of shed over slatted tank under class 6 exemption (160m<sup>2</sup>) at Kilnacarriga, Newcastle, Clonmel, Co. Tipperary is development and is exempted development.

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

- a) Sections 2, 3 and 4 of the Planning and Development Act, 2000 as amended,
- b) Article 6 and Article 9 of the Planning and Development Regulations, 2001, as amended,
- c) Class 6, 6A and 8 of Part 3 of Schedule 2 of the Planning and Development Regulations, 2001, as amended
- d) The details as submitted with the application on 29th of May 2026.

**AND WHEREAS** Tipperary County Council has concluded that the construction of a slatted tank (358m<sup>3</sup>) under class 6A, a shed over slatted tank under class 6 exemption (160m<sup>2</sup>) and a dung stead (176 sqms) under Class 8 is development at Kilnacarriga, Newcastle, Clonmel, Co. Tipperary constitutes "development" within the meaning of the Planning and Development Act 2000, as amended and **IS "exempted development"**.

The development has been screened as to the requirement for Appropriate Assessment and Environmental Impact Assessment, and it has been determined that same are not required.

**Signed:**   
**Brian Beck**  
**Director of Services**

**Date: 24/06/2026**



Date: 24<sup>th</sup> June 2026

Our Ref: S5/26/89

Civic Offices, Nenagh

John & Pat Dunne  
C/O Aidan Kelly  
Molough  
Newcastle  
Clonmel  
Co. Tipperary

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

Dear Sir/Madam,

I refer to your application for a Section 5 Declaration received on 29<sup>th</sup> May 2026, in relation to the following proposed works:

**Construction of a slatted tank (358m<sup>3</sup>) under class 6A for slurry storage exemption and the construction of shed over slatted tank under class 6 exemption (160m<sup>2</sup>) at Kilnacarriga, Newcastle, Clonmel, Co. Tipperary.**

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

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

- a) Sections 2, 3 and 4 of the Planning and Development Act, 2000 as amended,
- b) Article 6 and Article 9 of the Planning and Development Regulations, 2001, as amended,
- c) Class 6, 6A and 8 of Part 3 of Schedule 2 of the Planning and Development Regulations, 2001, as amended
- d) The details as submitted with the application on 29<sup>th</sup> of May 2026.

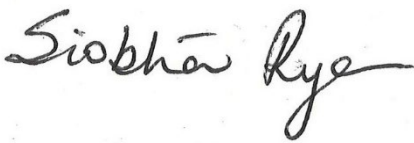
**AND WHEREAS** Tipperary County Council has concluded that the construction of a slatted tank (358m<sup>3</sup>) under class 6A, a shed over slatted tank under class 6 exemption (160m<sup>2</sup>) and a dung stead (176 sqms) under Class 8 is development at Kilnacarriga, Newcastle, Clonmel, Co. Tipperary constitutes

"development" within the meaning of the Planning and Development Act 2000, as amended and **IS** "exempted development".

The development has been screened as to the requirement for Appropriate Assessment and Environmental Impact Assessment, and it has been determined that same are not required.

**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**