



PLANNING & DEVELOPMENT ACT, 2000 (as amended)

Application for a Section 5 Declaration
Development / Exempted Development

1. Applicant's address/contact details:

Applicant	Ross Larkin
Address	Toor, Kilcash, Ballypatrick, Co Tipperary X91 H2X6
Telephone No.	
E-mail	

2. Agent's (if any) address:

Agent	Michael Whelan
Address	Kilcanavee, Kilmacthomas, Co. Waterford.
Telephone No.	
E-mail	
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)	Toor, Kilcash, Ballypatrick, Co. Tipperary.
---	---

Tipperary County Council
RECEIVED
15 MAY 2026
CASH OFFICE
Civic Offices, Clonmel

Receipt No 203 775
Issued 15 05 2026
€80-00 card

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.)

An agricultural store for hay, straw, foodstuffs and equipment.	
Proposed floor area of proposed works/uses:	sqm 287.58m ²

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 <input type="checkbox"/>
	C. Other <input type="checkbox"/>	<input type="checkbox"/>
<i>Where legal interest is 'Other', please expand further on your interest in the land or structure</i>		
<i>If you are not the legal owner, please state the name and address of the owner</i>	Name: Address:	

Signature of Applicant(



Date: 14th May, 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	<u>OR</u>	Planning Section, Tipperary County Council, Civic Offices, Emmet Street, Clonmel, Co. Tipperary
Enquires:		
Telephone 0818 06 5000		
E-Mail planning@tipperarycoco.ie		

FOR OFFICE USE ONLY

Fee Recd. € <u>20.00</u>	DATE STAMP TIPPERARY CO. COUNCIL RECEIVED 15 MAY 2026 PLANNING SECTION FILE NO. <u>9526174</u>
Receipt No <u>203775</u>	
Date <u>15.05.2026</u>	
Received by <u>C. Ahern</u>	

Michael Whelan
Architectural Technician
Kilcanavee, Kilmacthomas, Co. Waterford.
Phone: [REDACTED], email: [REDACTED]

May, 14th 2026

Planning Department, Tipperary Co. Council.

**Re. Section 5 Declaration application in respect of:
Agricultural Store.**

Location: Toor, Kilcash, Ballypatrick, Co. Tipperary.

For: Ross Larkin

A Chara,

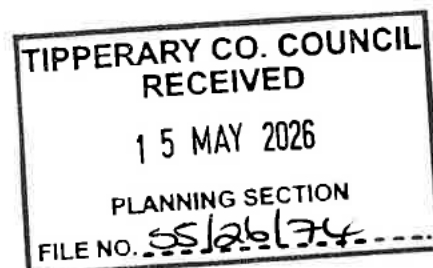
Mr. Larkin owns [REDACTED] and [REDACTED] which graze his property at Toor, Ballypatrick. The applicant wants to use the new building to store hay and straw and he has a small tractor and some other items of equipment that need to be housed, to make tending the animals easier. The building will not be used for the housing of any animals

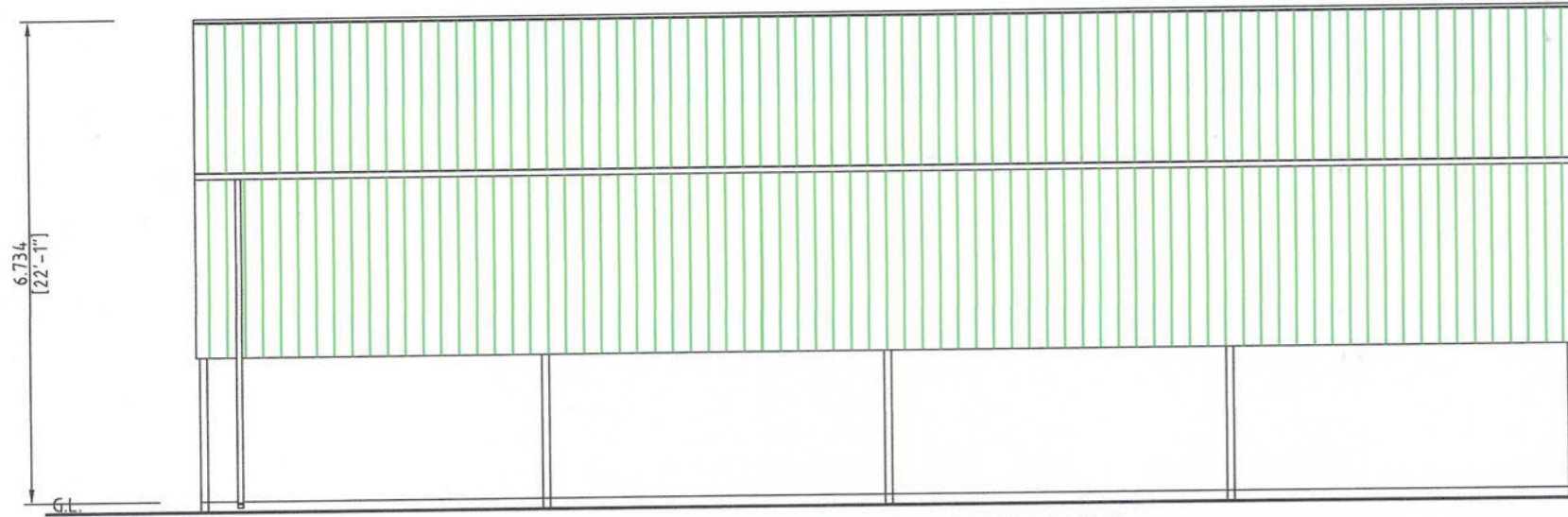
I submit the following documents in relation to the Section 5 Application outline above.

1. Completed application form.
2. Site Location Map 1.
3. Site Location Map 2.
4. Site Layout.
5. Details of the proposed agricultural store/machinery shed.
6. Application fee 80.00 euro

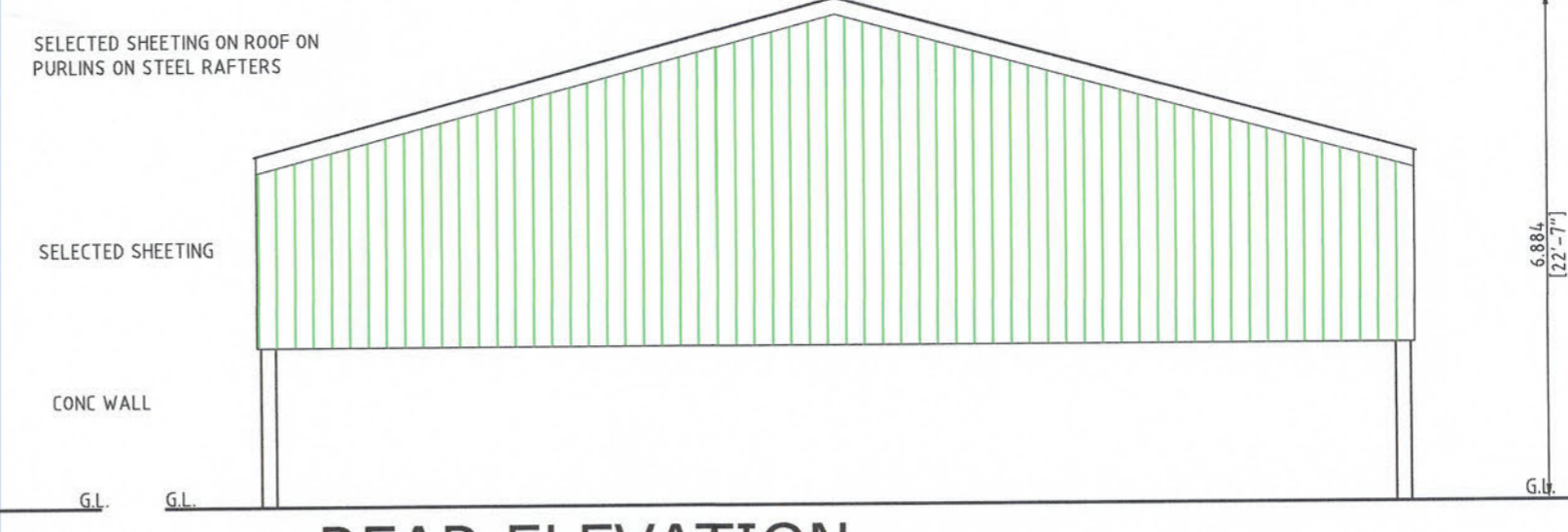
Yours sincerely,

[REDACTED]
MICHAEL WHELAN

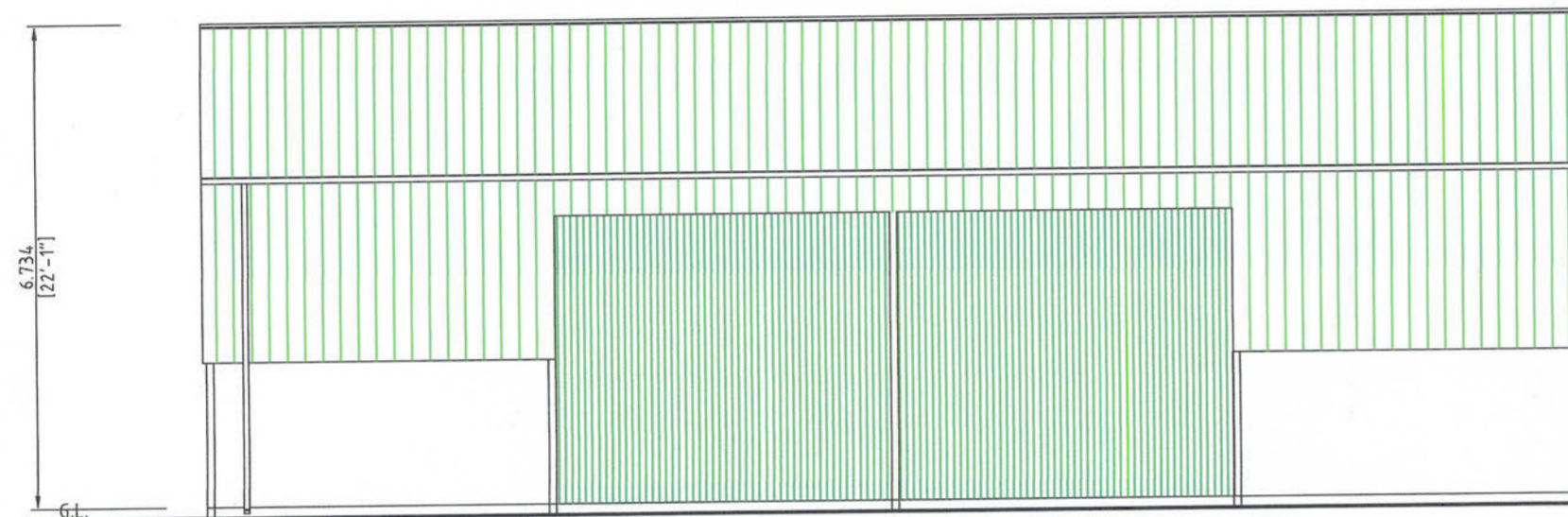




REAR ELEVATION



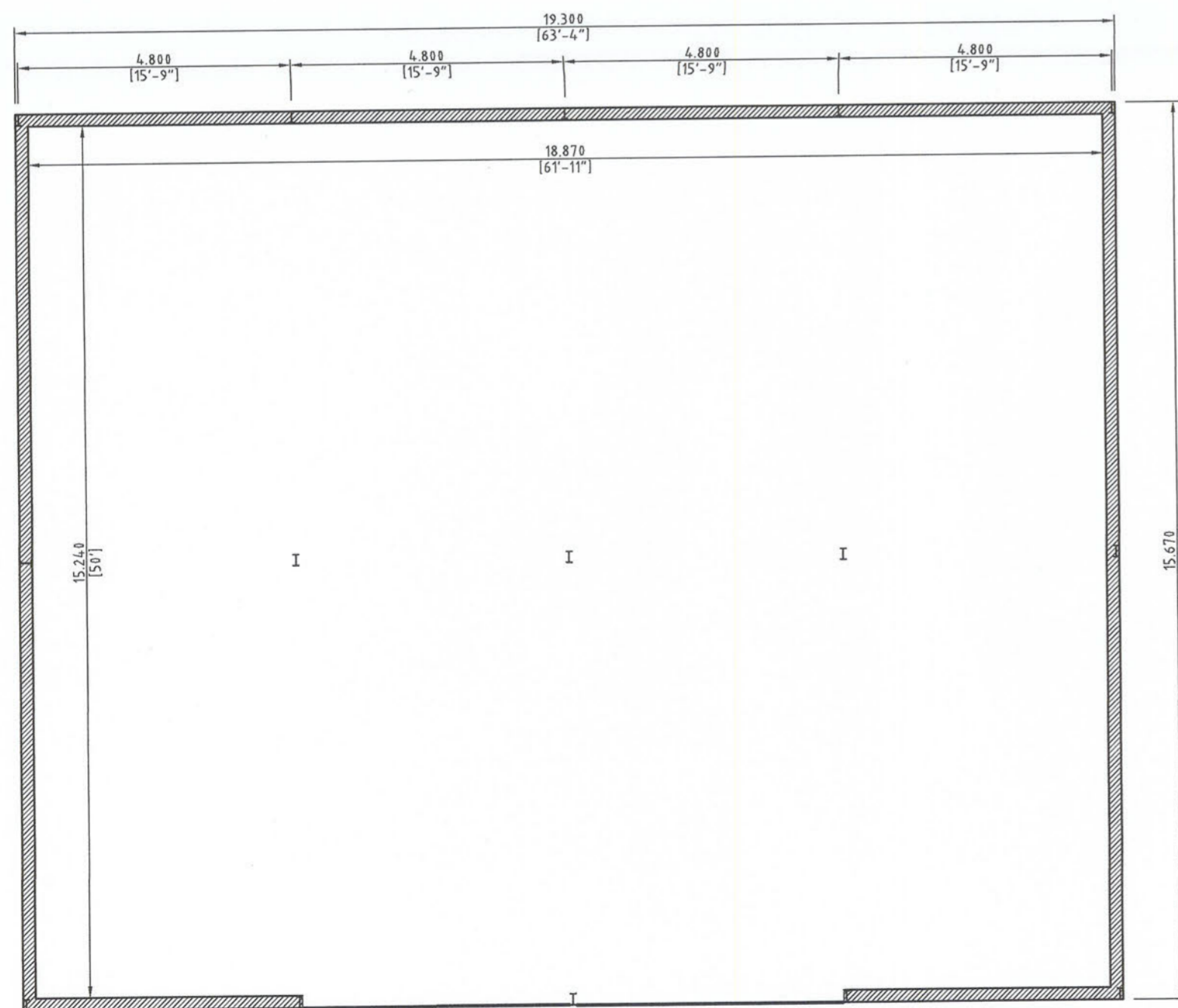
REAR ELEVATION



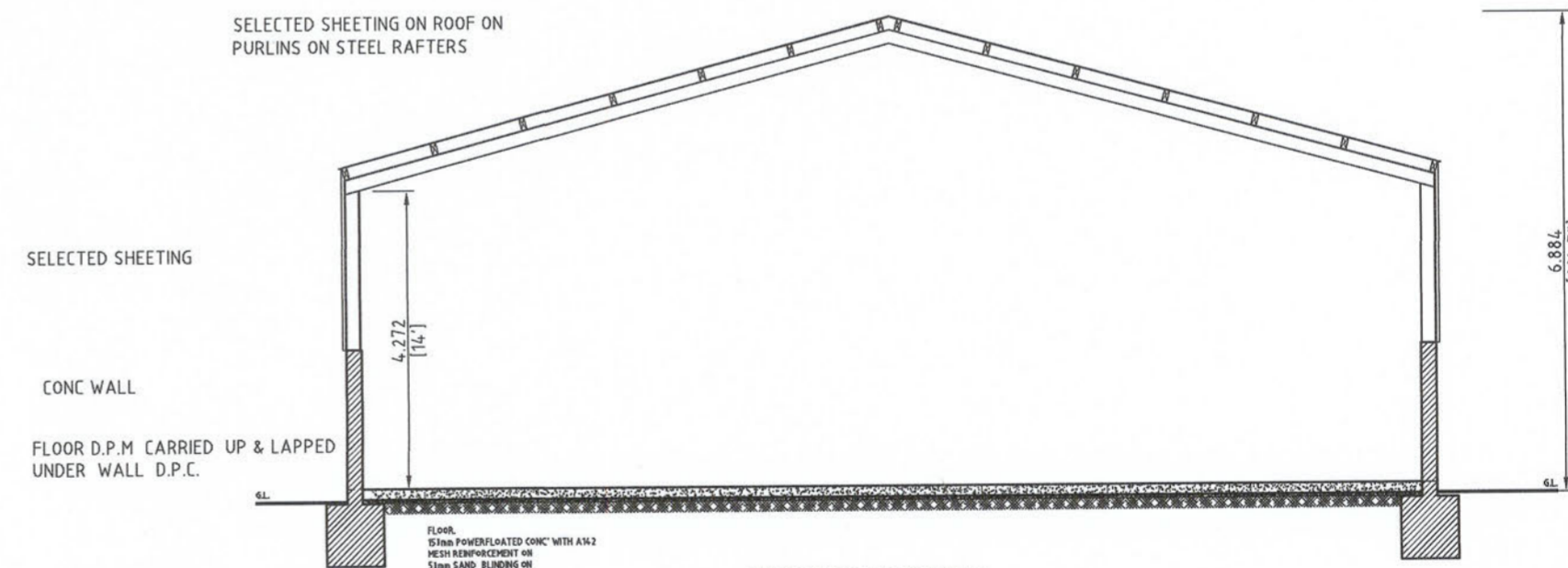
FRONT ELEVATION



SIDE ELEVATION



FLOOR PLAN
FLOOR AREA = 287.58m²



CROSS SECTION

NOTES:-

ALL PROPOSED WORK TO BE CARRIED OUT IN ACCORDANCE WITH THE DEPARTMENT OF AGRICULTURE AND FOOD
 PROPOSED CALF HOUSE TO COMPLY WITH DEPT' OF AGRI' SPEC' S100, S101, S102, S104 AND S105

NOTE
 THESE DRAWINGS WERE PREPARED FOR PLANNING PERMISSION PURPOSES ONLY AND SHOULD NOT BE USED AS WORKING DRAWINGS

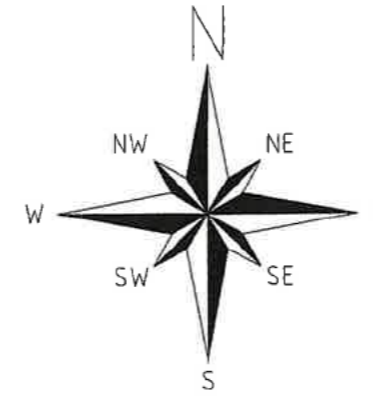
TIPPERARY CO. COUNCIL
 RECEIVED
 15 MAY 2026
 PLANNING SECTION
 FILE NO. 85126174

Michael Whelan Architectural Technician,
 Kilcanavee, Kilmacthomas, Co. Waterford.
 Tel: 0876520168 email: mdwdesigns@gmail.com

Client: Ross Larkin
 Project: Proposed Development at
 Toor, Kilcash, Kilsheelan, Co. Tipperary.

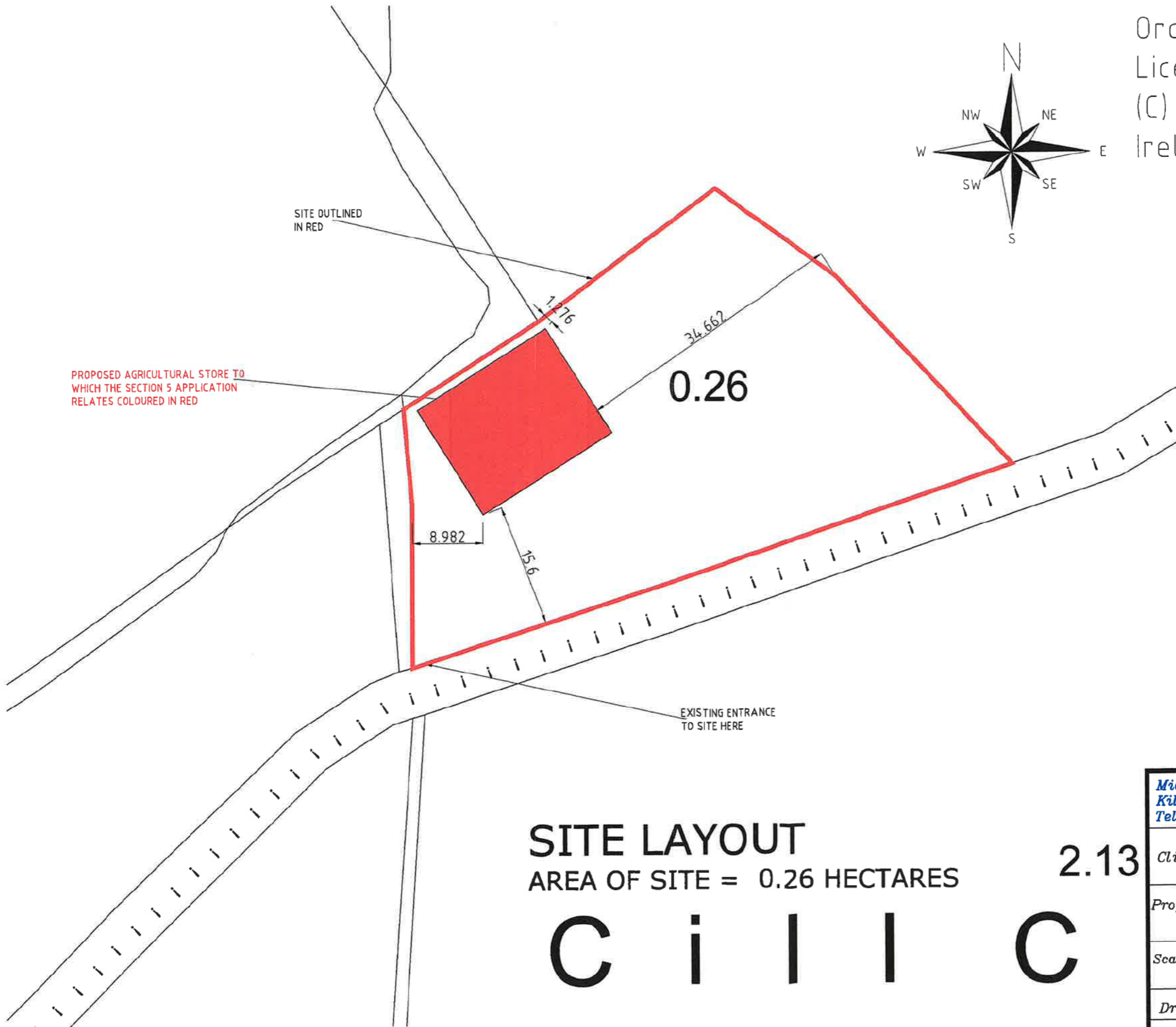
Scale: 1:100 on A2	Date: 12/05/2026
Drawn By M Whelan	Checked By M Whelan
Drawing No.RL-0526	Sheet No. 2

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 Licence No. CYAL50385926
 (C) Ordnance Survey
 Ireland/Government of Ireland



SITE OUTLINED
 IN RED

PROPOSED AGRICULTURAL STORE TO
 WHICH THE SECTION 5 APPLICATION
 RELATES COLOURED IN RED



0.26

EXISTING ENTRANCE
 TO SITE HERE

TIPPERARY CO. COUNCIL
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 PLANNING SECTION
 FILE NO. SS126174

SITE LAYOUT
 AREA OF SITE = 0.26 HECTARES

2.13

C i l l l C

*Michael Whelan Architectural Technician.
 Kilcanavee, Kilmacthomas, Co. Waterford.
 Tel: 0876520168 email: mdwdesigns@gmail.com*

Client: Ross Larkin

*Project: Proposed Development at
 Toor, Kilcash, Kilsheelan, Co. Tipperary.*

Scale: 1:500 on A3

*Date: 12/05/2026
 Revised:*

Drawn By M Whelan

Checked By M Whelan

Drawing No. RL-0526

Sheet No. 1

Planning Pack Map

TIPPERARY CO. COUNCIL
RECEIVED
15 MAY 2026
SSlaibh
PLANNING SECTION
FILE NO. 631641
GEOGRAPHICAL INFORMATION SERVICES
ITEM 631933.628739

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PUBLISHED: ORDER NO.:
22/02/2024 50384688_1

MAP SERIES: MAP SHEETS:
1:5,000 5311
1:2,500 5311-B
1:2,500 5311-D
1:5,000 5312
1:2,500 5312-A
1:2,500 5312-C



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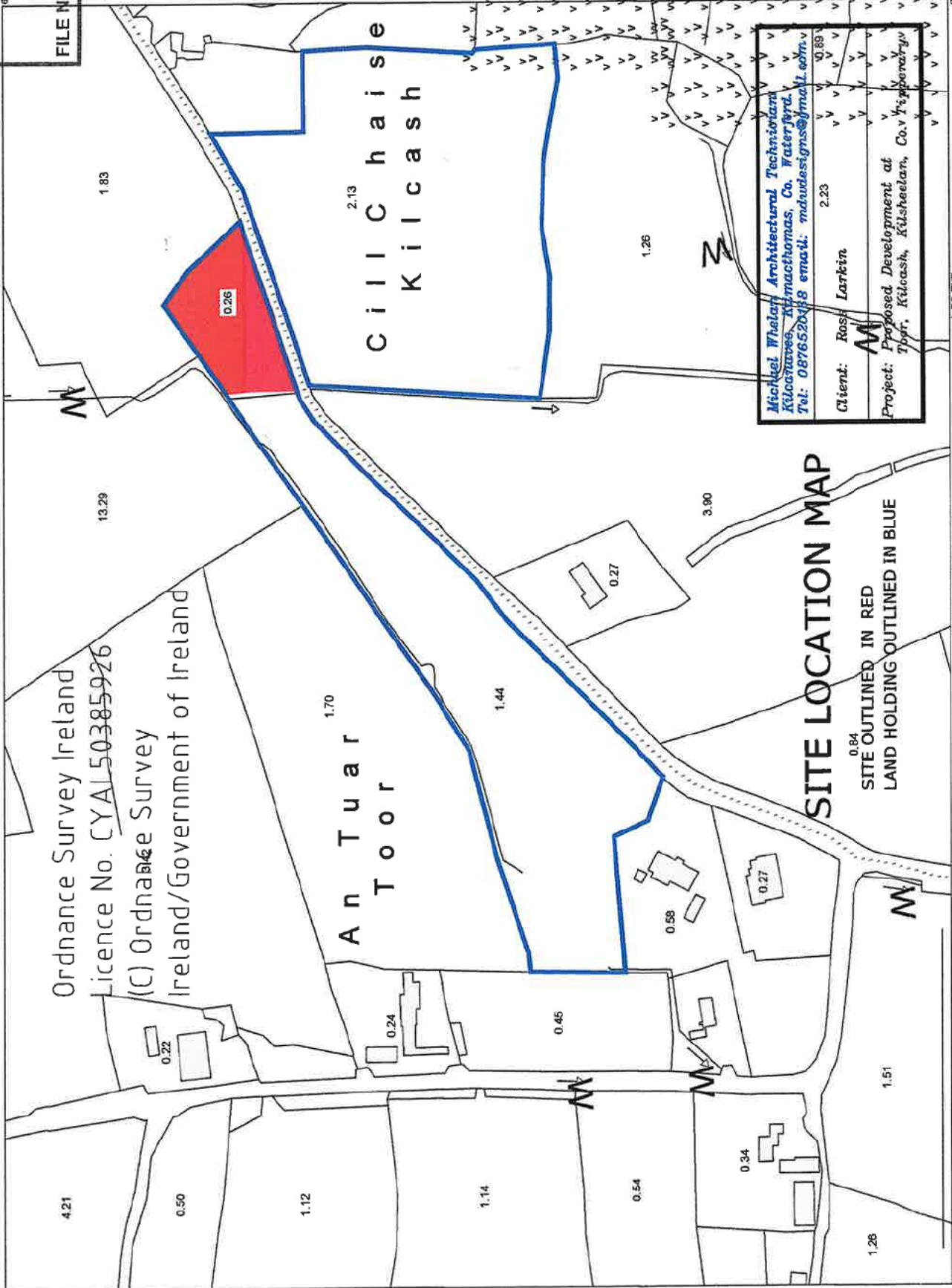
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Michael Whelan Architectural Technicians
Kilcasha, Kilmactomas, Co. Waterford.
Tel: 0876520488 email: mwhelan@mta.ie

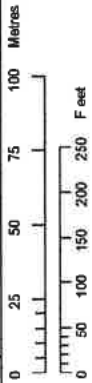
Client: Ross Larbin

Project: Proposed Development at
The Cill Chaise, Kilmactomas, Co. Waterford

SITE LOCATION MAP
SITE OUTLINED IN RED
LAND HOLDING OUTLINED IN BLUE

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.taitte.ie; search 'Capture Resolution'

OUTPUT SCALE: 1:2,500



LEGEND:

To view the legend visit
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Planning Pack Map

TIPPERARY CO. COUNCIL
RECEIVED

5 MAY 2026
PLANNING SECTION
CENTRE

FILE NO. COORDINATES:
HM 53163 6E4

PUBLISHED: ORDER NO.:
22/02/2024 50384688_1

MAPS SERIES: MAP SHEETS:
1:5,000 5311
1:2,500 5311-B
1:2,500 5311-D
1:5,000 5312
1:2,500 5312-A
1:2,500 5312-C



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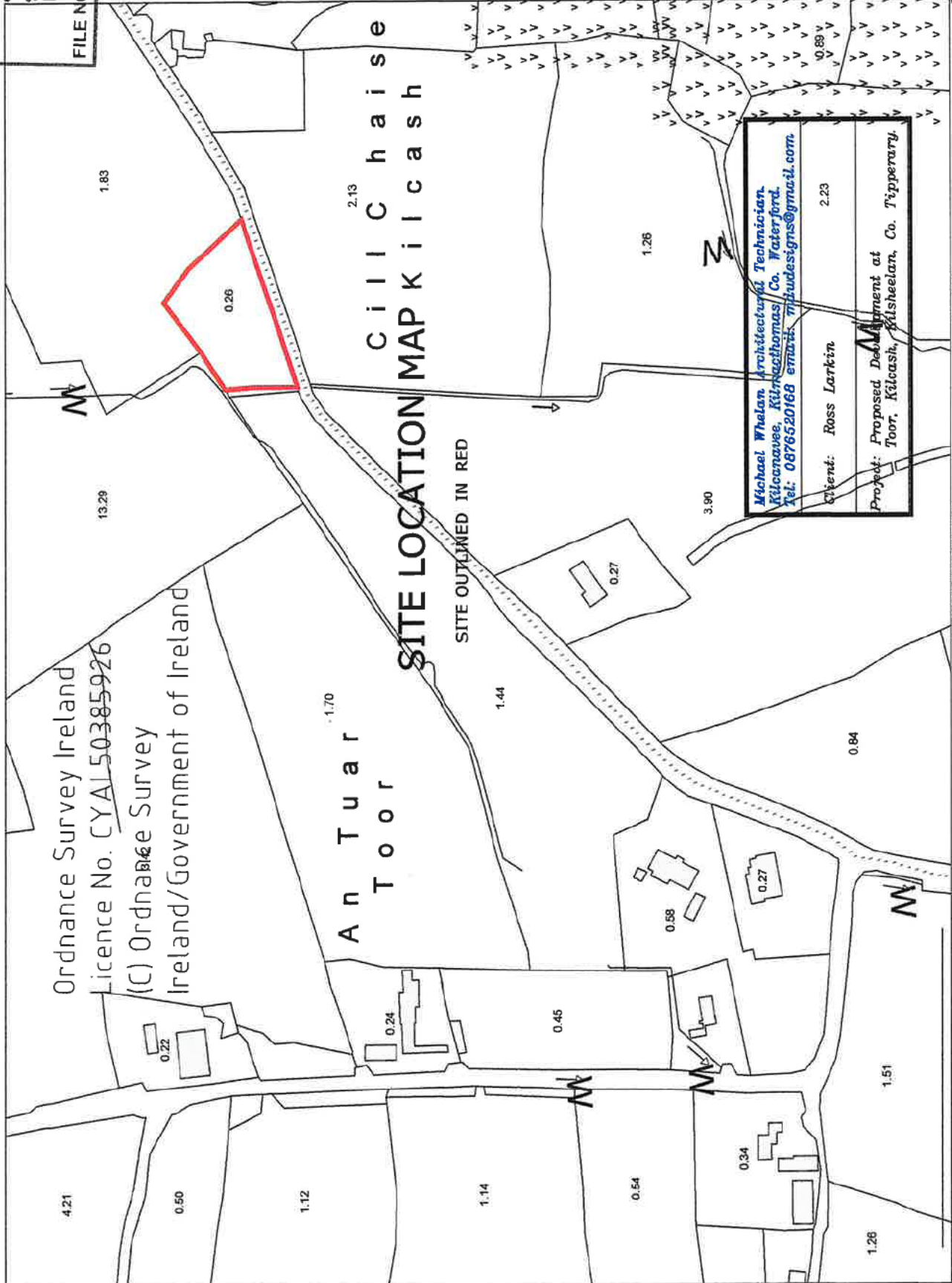
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**Michael Whelan, Architectural Technician,
Kilcass, Kilkeshomas Co. Waterford.
Tel: 0876520168 email: mhwhelan@gnm.ie**

Client: Ross Larkin

**Project: Proposed Development at
Toor, Kilcass, Kilkeshomas, Co. Tipperary.**

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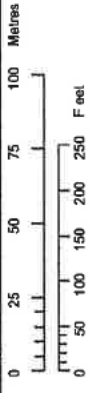
SITE LOCATION MAP KILCASS

SITE OUTLINED IN RED

LEGEND:
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CAPTURE RESOLUTION:
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resolution at which they were captured.
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Further information is available at:
www.taithe.ie; search 'Capture Resolution'

OUTPUT SCALE: 1:2,500



63161

63224



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

Date: 18th May 2026

Our Ref: S5/26/74

Civic Offices, Clonmel

**Ross Larkin,
C/O Michael Whelan,
Kilcanavee,
Kilmacthomas,
Co. Waterford.**

**Re: Application for a Section 5 Declaration – An agricultural store for
hay, straw, feedstuffs and equipment at Toor, Kilcash,
Ballypatrick, Co. Tipperary.**

Dear Mr. Whelan,

I acknowledge receipt of your application for a Section 5 Declaration received on 15th May 2026, in connection with the above.

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

Yours sincerely



for **Director of Services**

TIPPERARY COUNTY COUNCIL

Application for Declaration under Section 5

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

Planning Reference: S5/26/74

Applicant: Ross Larkin C/O Michael Whelan

Development Address: Toor, Kilcash, Ballypatrick, Co. Tipperary

Proposed Development: An agricultural store for hay, straw, feedstuff and equipment.

1. GENERAL

On 15th May 2026 a request was made for a declaration under Section 5 of the Planning and Development Act, 2000 as amended by Ross Larkin C/O Michael Whelan as to whether or not the following works constituted development and if so, whether same was exempted development:

- An agricultural store for hay, straw, feedstuff and equipment at Toor, Kilcash, Ballypatrick, Co. Tipperary.

2. STATUTORY PROVISIONS

The following statutory provisions are relevant to this referral case;

Section 2(1) of the Planning and Development Act, 2000, as amended, states as follows;

“In this Act, except where the context otherwise requires – “development” has the meaning assigned to it by Section 3 and development shall be construed accordingly.”

And,

“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, states as follows:-

“In this Act, ‘development’ means, except where the context otherwise requires, the carrying out of works on, in, over or under land or the making of any material change in the use of any structures or other land.”

Section 4 provides for Exempted Development and Section 4(1) sets out works which shall be exempted development for the purposes of the Planning and Development Act 2000, as amended. Section 4(2)(a) of the same Act states that ‘the Minister may by regulations provide for any class of development to be exempted development for the purposes of this Act.

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

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

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

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

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

Planning and Development Regulations 2001, as amended

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

Exempted Development

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

(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.

Class 9 of Part 3 of Schedule 2 of the Planning and Development Regulations 2001, as amended states:

Agricultural Structures

Class 9

Works consisting of the provision of any store, barn, shed, glass-house or other structure, not being of a type specified in class 6, 7 or 8 of this Part of this Schedule, and having a gross floor space not exceeding 300 square meters.

Conditions and Limitations

1. No such structure shall be used for any purpose other than the purpose of agriculture or forestry, but excluding the housing of animals or the storing of effluent.
2. The gross floor space of such structures together with any other such structures situated within the same farmyard complex or complex of such structures or within 100 metres of that complex shall not exceed 900 square metres gross floor space in aggregate.
3. No such structure shall be situated within 10 metres of any public road.
4. No such structure within 100 metres of any public road shall exceed 8 metres in height.
5. No such structure shall be situated 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.

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

3. ASSESSMENT

a. Site Location

The site is located at Toor, Kilcash, Ballypatrick, Co. Tipperary

b. Relevant Planning History

None relevant.

c. Assessment

A) "Is or is not Development"

Having considered all of the details and documentation on file with regards the question asked the Planning Authority is satisfied that the proposal would involve "works" and such works would constitute "development" within the meaning of Section 3 of the Act.

B) "Is or is not Exempted Development"

I consider the construction of a 287.58m² agricultural shed for the storage of hay, straw, feedstuff and equipment comes within the Planning Exemption under Class 9 of Schedule 2, Part 3 of the Planning and Development Regulations 2001, as amended.

With regard to the Planning Exemption under Class 9, it is noted that the details submitted with the application including drawings, location maps and a cover letter demonstrate that the proposed agricultural shed satisfies Conditions and Limitations 1-4 and 6 of Class 9. It is unclear if condition and limitation No. 5 is satisfied. The dwelling permitted under 2560449 appears to be under construction and the shed appears to be within 100m of same. No letter of consent has been provided.

C) Restrictions under Article 9

The site is located within a Primary Amenity Area as designated under the Tipperary County Development Plan 2022. I note the restriction on exemption under Article 9 (1)(a)(vi) however I do not consider same applies. Having regard to the landscape character of the area and noting the location, scale and design of the proposed shed I do not consider same will interfere with the character of the Primary Amenity Area landscape.

D) Requirement for Appropriate Assessment and Environmental Impact Assessment

AA

The proposed development has been screened as to the requirements for AA, and it has been determined that AA is not required. See Screening Report attached.

EIA

EIA is not required in respect of this proposal.

4. RECOMMENDATION

The following Further Information is requested;

The applicant is advised that condition and limitation No. 5 attached to the exemption set out under Class 9 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended, states "No such structure shall be situated 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 applicant is advised that it is not clear from the application as submitted if the proposed shed is within 100m of the dwelling permitted under PI. Ref. No. 2560449 and which

appears to be under construction. The applicant is requested to submit a revised site layout plan detailing the distance from the shed to this dwelling. Where the shed is within 100m of the dwelling a letter of consent from the owner is required to be submitted.

Signed: *Eoin Buckley*
Graduate Planner

Date: 26/05/2026

C. Conway

Signed:

Date: 5.06.2026

HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT

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

(a) File Reference No:	S5/26/74
(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 screening in Y/N
002137 Lower River Suir	https://www.npws.ie/protected-sites/sac/002137	Within 10km	None	No
002162 River Barrow and River Nore	https://www.npws.ie/protected-sites/sac/002162	Within 15km	None	No
001952 Comeragh Mountains	https://www.npws.ie/protected-sites/sac/001952	Within 15km	None	No

STEP 3. Assessment of Likely Significant Effects

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

Impacts:	Possible Significance of Impacts: (duration/magnitude etc.)
Construction phase e.g. <ul style="list-style-type: none"> ● Vegetation clearance ● Demolition ● Surface water runoff from soil excavation/infill/landscaping (including borrow pits) ● Dust, noise, vibration ● Lighting disturbance ● Impact on groundwater/dewatering ● Storage of excavated/construction materials ● Access to site 	No impacts.

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

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

<p>Examples of the type of changes to give consideration to include:</p> <ul style="list-style-type: none"> • Reduction or fragmentation of habitat area • Disturbance to QI species • Habitat or species fragmentation • Reduction or fragmentation in species density • Changes in key indicators of conservation status value (water or air quality etc.) • Changes to areas of sensitivity or threats to QI • Interference with the key relationships that define the structure or ecological function of the site 	No impacts.
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(c) Are 'mitigation' measures necessary to reach a conclusion that likely significant effects can be ruled out at screening?

Yes No

STEP 4. Screening Determination Statement

The assessment of significance of effects:

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

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

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

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

An appropriate assessment is not, therefore, required.

Conclusion:

	Tick as Appropriate:	Recommendation:
(i) It is clear that there is no likelihood of significant effects on a European site.	<input checked="" type="checkbox"/>	The proposal can be screened out: Appropriate assessment not required.
(ii) It is uncertain whether the proposal will have a significant effect on a European site.	<input type="checkbox"/>	<input type="checkbox"/> Request further information to complete screening <input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
(iii) Significant effects are likely.	<input type="checkbox"/>	<input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
Signature and Date of Recommending Officer:	Eoin Buckley, Graduate Planner	Date: 26/05/2026

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

File Reference:	S5/26.74
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

Include screening shot of digitised map of section 5 point

The screenshot shows a web-based map viewer interface. The title bar reads "Planning Section Map Viewer" and includes a "Map Viewer Guide" link and a search bar with the text "Find address or place". The map area displays a digitized map with a green crosshair. A metadata table is visible on the right side of the map, providing details for a specific planning section.

S5/26/74 - Ross Larkin C/O Michael Whelan	
REFNO	S5/26/74
APPLICANT	Ross Larkin C/O Michael Whelan
RECEIVED	15/05/2026
LOCATION	
ENGINEERING AREA	
DECISION	
DATE OF DECISION	
DESCRIPTION	Agricultural store for hay, straw, feedstuff and equipment.
YEAR	
COMMENTS	

Additional interface elements include a scale bar (0m / 500 ft) in the bottom left, a toolbar with various map controls at the bottom center, and a copyright notice "© Talte Eireann Powered by Esri" in the bottom right.



Date: 8th June 2026

Our Ref: S5/26/74

Civic Offices, Nenagh

**Ross Larkin
C/O Michael Whelan
Kilcanavee
Kilmacthomas
Co. Waterford**

Re: Application for a Section 5 Declaration – An agricultural store for hay, straw, feedstuff and equipment at Toor, Kilcash, Ballypatrick, Co. Tipperary

Dear Sir,

I refer to an application received from you on 15th May 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.

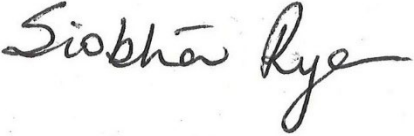
Further information is requested as follows;

It is recommended that further information is requested under Section 5(2) of the Act as follows:

The applicant is advised that condition and limitation No. 5 attached to the exemption set out under Class 9 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended, states "No such structure shall be situated 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 applicant is advised that it is not clear from the application as submitted if the proposed shed is within 100m of the dwelling permitted under Pl. Ref. No. 2560449 and which appears to be under construction. The applicant is requested to submit a revised site layout plan detailing the distance from the shed to this dwelling. Where the shed is within 100m of the dwelling a letter of consent from the owner is required to be submitted.

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

Yours sincerely

A handwritten signature in black ink that reads "Siobhán Rye". The signature is written in a cursive style with a long, sweeping tail on the letter 'y'.

for **Director of Services**

Michael Whelan
Architectural Technician
Kilcanavee, Kilmacthomas, Co. Waterford.

Phone: [REDACTED] email: [REDACTED]

June, 11th 2026

Planning Department, Tipperary Co. Council.

Re. S5/26/74
Section 5 Declaration application in respect of:
Agricultural Store.

Location: Toor, Kilcash, Ballypatrick, Co. Tipperary.

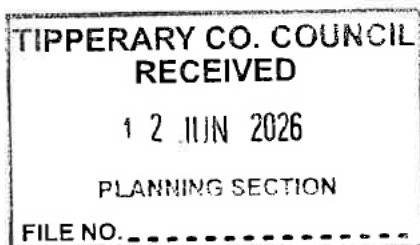
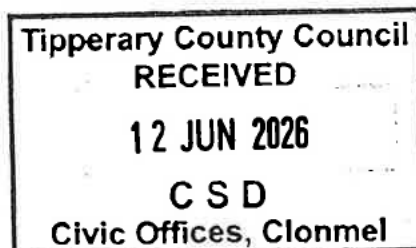
For: Ross Larkin

A Chara,

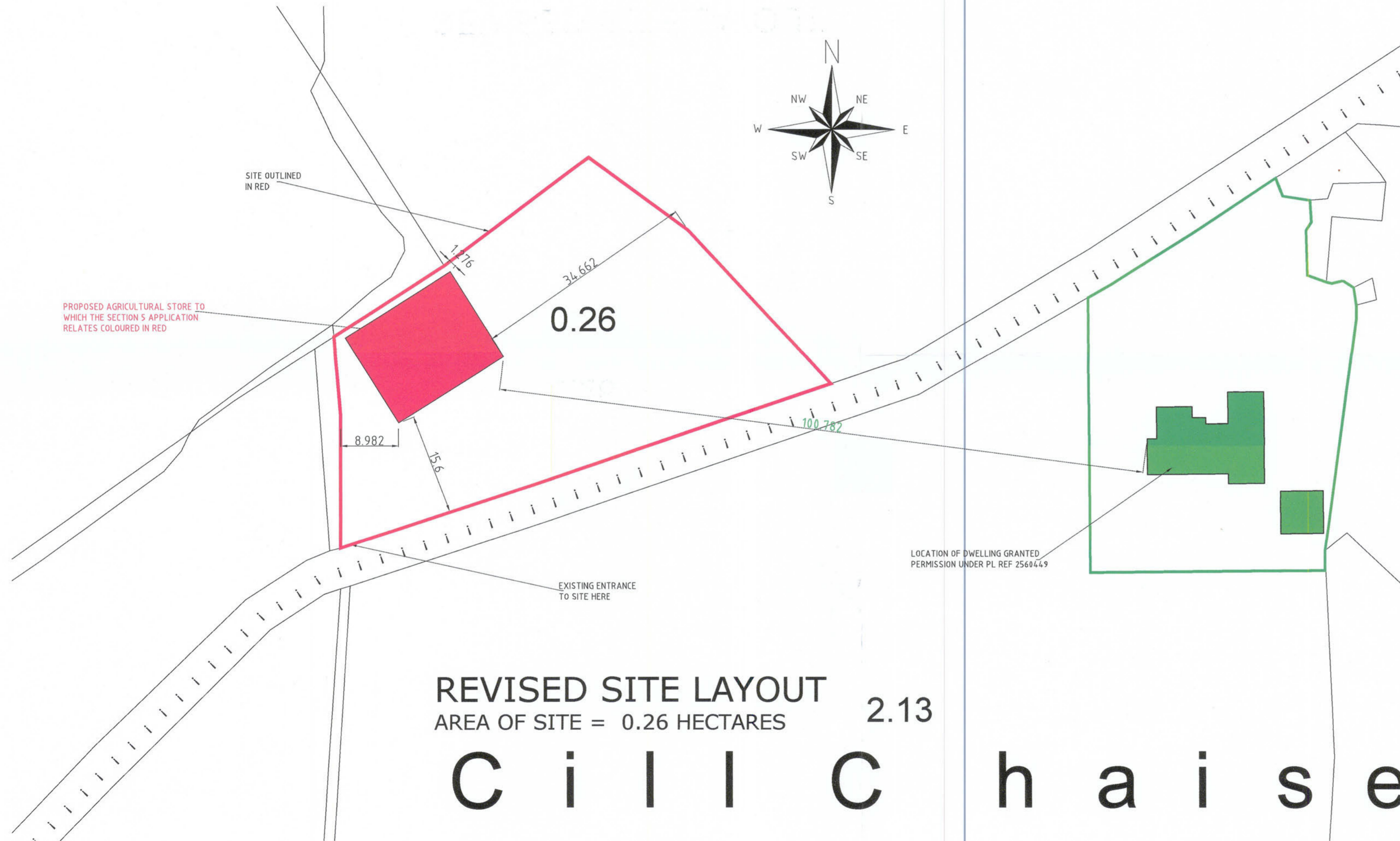
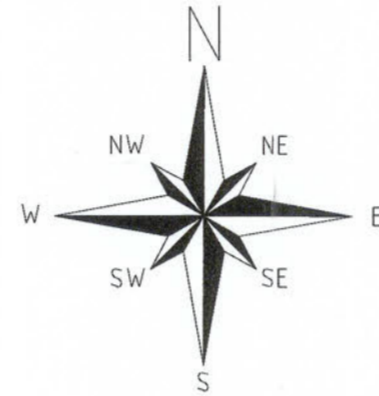
I refer to your letter dated 8th June 2026, and I now submit the following.

1. A revised site layout indicating the dwelling granted permission under PI. Ref. No. 2560449, which is 100.78m away from the proposed shed.

[REDACTED]
MICHAEL WHELAN



Ordnance Survey Ireland
 Licence No. CYAL50385926
 (C) Ordnance Survey
 Ireland/Government of Ireland



REVISED SITE LAYOUT
 AREA OF SITE = 0.26 HECTARES 2.13

C i l l C h a i s e

Michael Whelan Architectural Technician
 Kilcanavee, Kilmacthomas, Co. Waterford.
 Tel: 0876520168 email: mdwdesigns@gmail.com

Client: Ross Larkin

Project: Proposed Development at
 Toor, Kilcash, Kilsheelan, Co. Tipperary.

Scale: 1:500 on A2 Date: ~~12/05/2020~~
 Revised: 11/06/2026

Drawn By M Whelan Checked By M Whelan

Drawing No.RL-0526 Sheet No. 1

TIPPERARY CO. COUNCIL
 RECEIVED
 17 JUN 2026
 PLANNING SECTION
 FILE NO.



Comhairle Contae Thiobraid Árann
Tipperary County Council

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

Comhairle Contae
Thiobraid Árann,
Oifigí Cathartha,
An tAonach,
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: 16th June 2026

Our Ref: S5/26/74

Civic Offices, Clonmel

**Ross Larkin,
C/O Michael Whelan,
Kilcanavee,
Kilmacthomas,
Co. Waterford.**

**Re: Application for a Section 5 Declaration – An agricultural store
for hay, straw, feedstuffs and equipment at Toor, Kilcash,
Ballypatrick, Co. Tipperary.**

Dear Mr. Whelan,

I wish to acknowledge receipt of your further information received on 12th June 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: S5/26/74

Applicant: Ross Larkin C/O Michael Whelan

Development Address: Toor, Kilcash, Ballypatrick, Co. Tipperary

Proposed Development: An agricultural store for hay, straw, feedstuff and equipment.

1. GENERAL

On 15th May 2026 a request was made for a declaration under Section 5 of the Planning and Development Act, 2000 as amended by Ross Larkin C/O Michael Whelan as to whether or not the following works constituted development and if so, whether same was exempted development:

- An agricultural store for hay, straw, feedstuff and equipment at Toor, Kilcash, Ballypatrick, Co. Tipperary.

2. STATUTORY PROVISIONS

The following statutory provisions are relevant to this referral case;

Section 2(1) of the Planning and Development Act, 2000, as amended, states as follows;

“In this Act, except where the context otherwise requires – “development” has the meaning assigned to it by Section 3 and development shall be construed accordingly.”

And,

“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, states as follows:-

“In this Act, ‘development’ means, except where the context otherwise requires, the carrying out of works on, in, over or under land or the making of any material change in the use of any structures or other land.”

Section 4 provides for Exempted Development and Section 4(1) sets out works which shall be exempted development for the purposes of the Planning and Development Act 2000, as amended. Section 4(2)(a) of the same Act states that ‘the Minister may by regulations provide for any class of development to be exempted development for the purposes of this Act.

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

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

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

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

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

Planning and Development Regulations 2001, as amended

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

Exempted Development

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

(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.

Class 9 of Part 3 of Schedule 2 of the Planning and Development Regulations 2001, as amended states:

Agricultural Structures

Class 9

Works consisting of the provision of any store, barn, shed, glass-house or other structure, not being of a type specified in class 6, 7 or 8 of this Part of this Schedule, and having a gross floor space not exceeding 300 square meters.

Conditions and Limitations

1. No such structure shall be used for any purpose other than the purpose of agriculture or forestry, but excluding the housing of animals or the storing of effluent.
2. The gross floor space of such structures together with any other such structures situated within the same farmyard complex or complex of such structures or within 100 metres of that complex shall not exceed 900 square metres gross floor space in aggregate.
3. No such structure shall be situated within 10 metres of any public road.
4. No such structure within 100 metres of any public road shall exceed 8 metres in height.
5. No such structure shall be situated 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.

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

3. **ASSESSMENT**

a. Site Location

The site is located at Toor, Kilcash, Ballypatrick, Co. Tipperary

b. Relevant Planning History

None relevant.

c. Assessment

A) "Is or is not Development"

Having considered all of the details and documentation on file with regards the question asked the Planning Authority is satisfied that the proposal would involve "works" and such works would constitute "development" within the meaning of Section 3 of the Act.

B) "Is or is not Exempted Development"

I consider the construction of a 287.58m² agricultural shed for the storage of hay, straw, feedstuff and equipment comes within the Planning Exemption under Class 9 of Schedule 2, Part 3 of the Planning and Development Regulations 2001, as amended.

With regard to the Planning Exemption under Class 9, it is noted that the details submitted with the application including drawings, location maps and a cover letter demonstrate that the proposed agricultural shed satisfies Conditions and Limitations 1-4 and 6 of Class 9. It is unclear if condition and limitation No. 5 is satisfied. The dwelling permitted under 2560449 appears to be under construction and the shed appears to be within 100m of same. No letter of consent has been provided.

C) Restrictions under Article 9

The site is located within a Primary Amenity Area as designated under the Tipperary County Development Plan 2022. I note the restriction on exemption under Article 9 (1)(a)(vi) however I do not consider same applies. Having regard to the landscape character of the area and noting the location, scale and design of the proposed shed I do not consider same will interfere with the character of the Primary Amenity Area landscape.

D) Requirement for Appropriate Assessment and Environmental Impact Assessment

AA

The proposed development has been screened as to the requirements for AA, and it has been determined that AA is not required. See Screening Report attached.

EIA

EIA is not required in respect of this proposal.

4. **RECOMMENDATION**

The following Further Information is requested;

The applicant is advised that condition and limitation No. 5 attached to the exemption set out under Class 9 of Part 3 of Schedule 2 of the Planning and Development Regulations 2001, as amended, states "No such structure shall be situated 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 applicant is advised that it is not clear from the application as submitted if the proposed shed is within 100m of the dwelling permitted under PI. Ref. No. 2560449

and which appears to be under construction. The applicant is requested to submit a revised site layout plan detailing the distance from the shed to this dwelling. Where the shed is within 100m of the dwelling a letter of consent from the owner is required to be submitted.

5. **FURTHER INFORMATION**

Further information was requested from the applicant in a letter dated 08/06/2026. The Further Information request is outlined below in italics with assessment under same in bold.

1. *The applicant is advised that condition and limitation No. 5 attached to the exemption set out under Class 9 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended, states "No such structure shall be situated 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 applicant is advised that it is not clear from the application as submitted if the proposed shed is within 100m of the dwelling permitted under Pl. Ref. No. 2560449 and which appears to be under construction. The applicant is requested to submit a revised site layout plan detailing the distance from the shed to this dwelling. Where the shed is within 100m of the dwelling a letter of consent from the owner is required to be submitted.*

The applicant has submitted a cover letter and a revised site layout drawing at a scale of 1:500. The revised site layout clearly demonstrates that the proposed shed is located 100.78 metres from the dwelling permitted under Planning Ref. No. 2560449. As this distance exceeds the 100-metre requirement set out under Condition and Limitation No. 5 of Class 9, Part 3, Schedule 2 of the Planning and Development Regulations 2001 (as amended), no letter of consent is required, and it is considered that this information fully addresses the Further Information request.

6. **RECOMMENDATION**

A question has arisen as to whether the following proposal to be undertaken at Toor, Kilcash, Ballypatrick, Co. Tipperary is development and is or is not exempted development:

An agricultural store for hay, straw, feedstuff and equipment

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

- (a) Sections 2, 3 and 4 of the Planning & Development Act, 2000, as amended,
- (b) Articles 6 and 9 of the Planning & Development Act, 2000, as amended,
- (c) Class 9 of Part 3 of Schedule 2 of the Planning & Development Regulations 2001, as amended,
- (d) The declaration application and supporting information, including further information,

Tipperary County Council has concluded that –

The development consisting of the construction of an agricultural store for hay, straw, feedstuff and equipment is development and is exempted development as it falls under the exempted development provisions as set out under Section 4 of the Planning and Development Act 2000, as amended.

Tipperary County Council, in exercise of the powers conferred on it by section 5(2)(a) of the Planning and Development Act 2000 as amended, it is hereby decided that the construction of an agricultural store for hay, straw, feedstuff and equipment is **development and IS exempted development.**

Signed: Eoin Buckley
Graduate Planner

Date: 24/06/2026

Signed: C. Conway

Date: 30.06.2026

HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT

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

(a) File Reference No:	S5/26/74
(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 screening in Y/N
002137 Lower River Suir	https://www.npws.ie/protected-sites/sac/002137	Within 10km	None	No
002162 River Barrow and River Nore	https://www.npws.ie/protected-sites/sac/002162	Within 15km	None	No
001952 Comeragh Mountains	https://www.npws.ie/protected-sites/sac/001952	Within 15km	None	No

STEP 3. Assessment of Likely Significant Effects

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

Impacts:	Possible Significance of Impacts: (duration/magnitude etc.)
Construction phase e.g. <ul style="list-style-type: none"> ● Vegetation clearance ● Demolition ● Surface water runoff from soil excavation/infill/landscaping (including borrow pits) ● Dust, noise, vibration ● Lighting disturbance ● Impact on groundwater/dewatering ● Storage of excavated/construction materials ● Access to site 	No impacts.

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

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

<p>Examples of the type of changes to give consideration to include:</p> <ul style="list-style-type: none"> • Reduction or fragmentation of habitat area • Disturbance to QI species • Habitat or species fragmentation • Reduction or fragmentation in species density • Changes in key indicators of conservation status value (water or air quality etc.) • Changes to areas of sensitivity or threats to QI • Interference with the key relationships that define the structure or ecological function of the site 	No impacts.
---	-------------

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

Yes No

STEP 4. Screening Determination Statement

The assessment of significance of effects:

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

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

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

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

An appropriate assessment is not, therefore, required.

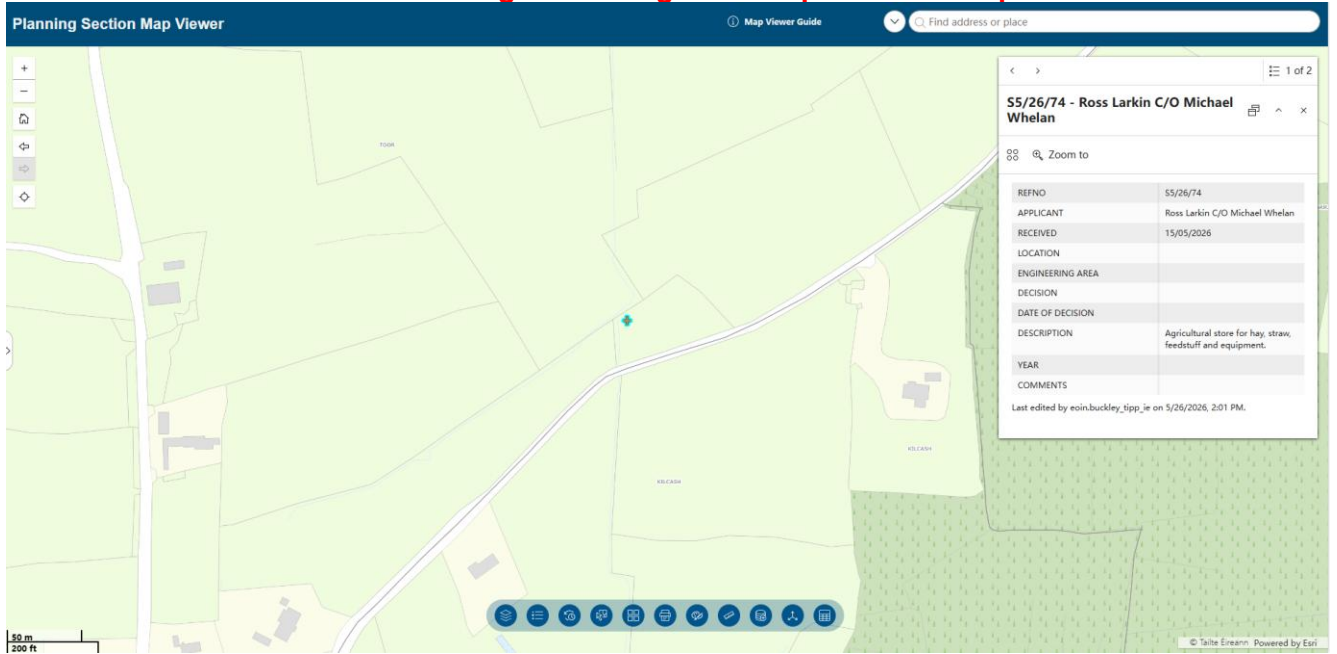
Conclusion:

	Tick as Appropriate:	Recommendation:
(i) It is clear that there is no likelihood of significant effects on a European site.	<input checked="" type="checkbox"/>	The proposal can be screened out: Appropriate assessment not required.
(ii) It is uncertain whether the proposal will have a significant effect on a European site.	<input type="checkbox"/>	<input type="checkbox"/> Request further information to complete screening <input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
(iii) Significant effects are likely.	<input type="checkbox"/>	<input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
Signature and Date of Recommending Officer:	Eoin Buckley, Graduate Planner	Date: 26/05/2026

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

File Reference:	S5/26.74
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

Include screening shot of digitised map of section 5 point



Original

TIPPERARY COUNTY COUNCIL

DELEGATED EMPLOYEE'S ORDER

File Ref: **S5/26/74** **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 Ross Larkin C/O Michael Whelan, Kilcanavee, Kilmacthomas, Co. Waterford, re: An agricultural store for hay, straw, feedstuff and equipment at Toor, Kilcash, Ballypatrick, 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 & Development Act, 2000, as amended,
- (b) Articles 6 and 9 of the Planning & Development Act, 2000, as amended,
- (c) Class 9 of Part 3 of Schedule 2 of the Planning & Development Regulations 2001, as amended,
- (d) The declaration application and supporting information, including further information,

AND WHEREAS Tipperary County Council has concluded that –

The development consisting of the construction of an agricultural store for hay, straw, feedstuff and equipment is development and is exempted development as it falls under the exempted development provisions as set out under Section 4 of the Planning and Development Act 2000, as amended.

Tipperary County Council, in exercise of the powers conferred on it by section 5(2)(a) of the Planning and Development Act 2000 as amended, it is hereby decided that the construction of an agricultural store for hay, straw, feedstuff and equipment is **development and IS exempted development.**

Signed: 

Brian Beck
Director of Services

Date: 01/07/2026



Date: 1st July 2026

Our Ref: S5/26/74

Civic Offices, Nenagh

**Ross Larkin
C/O Michael Whelan
Kilcanavee
Kilmacthomas
Co. Waterford**

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

Dear Mr Larkin,

I refer to your application for a Section 5 Declaration received on 15th May 2026, and Further Information received on 12th June 2026 in relation to the following proposed works:

An agricultural store for hay, straw, feedstuff and equipment at Toor, Kilcash, Ballypatrick, 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 & Development Act, 2000, as amended,
- (b) Articles 6 and 9 of the Planning & Development Act, 2000, as amended,
- (c) Class 9 of Part 3 of Schedule 2 of the Planning & Development Regulations 2001, as amended,
- (d) The declaration application and supporting information, including further information,

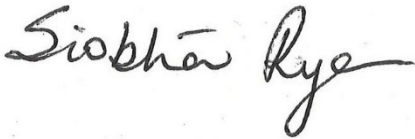
Tipperary County Council has concluded that –

The development consisting of the construction of an agricultural store for hay, straw, feedstuff and equipment is development and is exempted development as it falls under the exempted development provisions as set out under Section 4 of the Planning and Development Act 2000, as amended.

Tipperary County Council, in exercise of the powers conferred on it by section 5(2)(a) of the Planning and Development Act 2000 as amended, it is hereby decided that the construction of an agricultural store for hay, straw, feedstuff and equipment 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'.

for **Director of Services**