



Tipperary County Council
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02 JUN 2026
CASH OFFICE
Civic Offices, Clonmel

PLANNING & DEVELOPMENT ACT, 2000 (as amended)

Application for a Section 5 Declaration
Development / Exempted Development

1. Applicant's address/contact details:

Applicant	Clonmel Tourism & Inland Fisheries Ireland
Address	25 Gladstone Street, Clonmel, Tipperary
Telephone No.	[REDACTED]
E-mail	[REDACTED]

2. Agent's (if any) address:

Agent	Ken O'Neill, Project Manager IFI
Address	Dock Road, Limerick
Telephone No.	[REDACTED]
E-mail	[REDACTED]
Please advise where all correspondence in relation to this application is to be sent;	
Applicant [<input checked="" type="checkbox"/>]	Agent [<input type="checkbox"/>]

3. Location of Proposed Development:

Postal Address or Townland or Location (as may best identify the land or structure in question)	GPS coordinates will be on enclosed map for both locations. <i>Usna tubrid, Kilmurray - Carrick</i>
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TIPPERARY CO. COUNCIL
RECEIVED
02 JUN 2026
PLANNING SECTION
FILE NO. 55126190

Receipt No 204 285
Issued 02 06 2026
€80-00 Cash

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.)

We have attached our proposed development, which is a pilot study of selective pruning of 100m stretches of riverbank on the Aherlow and Anner river. This is a joint project with IFI and is being funded under the SSTRCPF. We carried out a similiar project in 2018 (Ref: PP5881) and received exemption as removal of fallen trees and debris from river channel and pruning of vegetation is not defined as development under planning legislation. Stage 1 of this project was an appropriate assessment screening which demonstrated no impact on conservation objectives of the Lower River Suir SAC. As part of our funding claim from IFI we need written documentation of exemption.
Proposed floor area of proposed works/uses: N/A sqm

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	B. Occupier
	C. Other <input checked="" type="checkbox"/>	
<i>Where legal interest is 'Other', please expand further on your interest in the land or structure</i>	Carrying out selective pruning of vegetation to prove riverside habitat works increase fish stocks as a pilot to inform future conservation policies.	
<i>If you are not the legal owner, please state the name and address of the owner</i>	Name: Jim Strang Address: Lisnatubbrid, Killurney, Co. Tipperary Name: Shane Donovan Address: Monaboula Lower, Aherlow, Co. Tipperary	

Signature of Applicant(s)



Date:

02/06/2026

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)

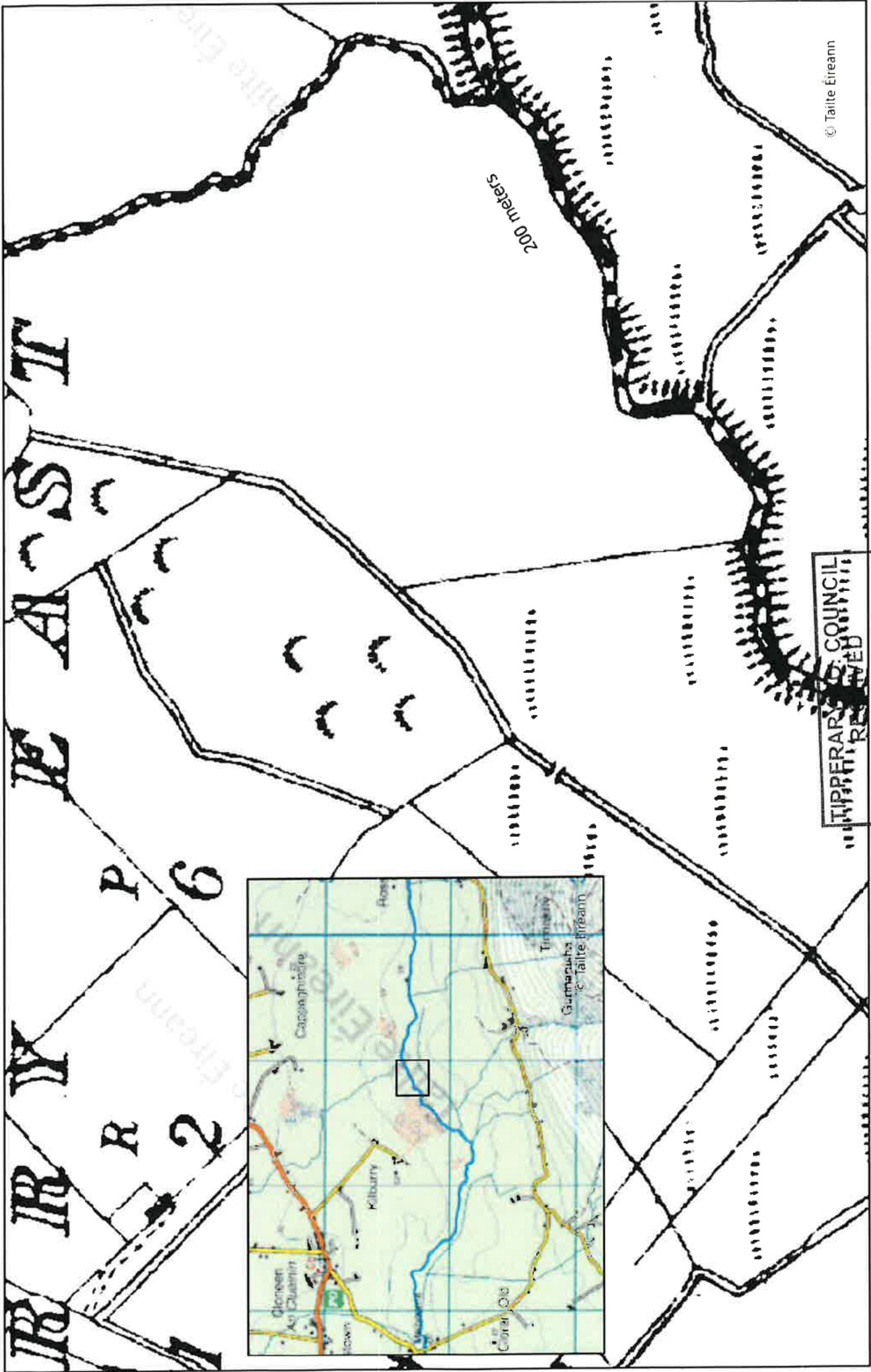
- (3) Where a proper and complete application is received, a decision must be conveyed to the applicant within four (4) weeks except where additional necessary information is required.

This application form and relevant fee should be submitted to:

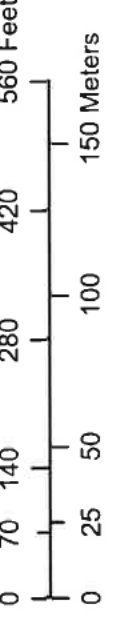
Planning Section, Tipperary County Council, Civic Offices, Limerick Road, Nenagh, Co. Tipperary	OR	Planning Section, Tipperary County Council, Civic Offices, Emmet Street, Clonmel, Co. Tipperary
Enquires:		
Telephone 0818 06 5000		
E-Mail planning@tipperarycoco.ie		

FOR OFFICE USE ONLY

Fee Recd. € <u>20.00</u>	DATE STAMP TIPPERARY CO. COUNCIL RECEIVED 02 JUN 2026 PLANNING SECTION FILE NO. S512619D
Receipt No <u>204285</u>	
Date <u>02.06.2026</u>	
Received by <u>C. Ahern</u>	



TIPPERARY COUNCIL
 RECEIVED
 02 JUN 2026
 PLANNING SECTION
 FILE NO. S5126190



Scale 1:2,500 Rural Area
 Site 1 - Anner River - Pruning work in river for 200 meters.



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: 3rd June 2026

Our Ref: S5/26/90

Civic Offices, Clonmel

**Clonmel Tourism & Inland Fisheries Ireland,
25 Gladstone Street,
Clonmel,
Co. Tipperary.**

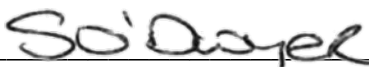
**Re: Application for a Section 5 Declaration - Pilot study for
selective pruning of 100m stretches of riverbank on the Anner
river at Lisnatubrid, Killurney, Co. Tipperary.**

Dear Mr. O'Neill,

I acknowledge receipt of your application for a Section 5 Declaration received on 2nd 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**

Application for Declaration on Exempted Development under Section 5 of the Planning and Development Act 2000

Declaration Reference No.: S5/26/90

Query : Whether the following works, pruning of 100m stretches of riverbank on the Anner River is development and if so, does it constitute exempted development.

Location: Lisnatubrid, Killurney, Carrick, Co. Tipperary.

Querist: Clonmel Tourism and Inland Fisheries Ireland.

Owner/Occupier: N/A.

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1 Introduction

1.1 Query

1.1.1 A question has arisen pursuant of Section 5 of the Planning and Development Act 2000 (as amended) as to whether or not the following works

pruning of 100m stretches of riverbank on the Anner River

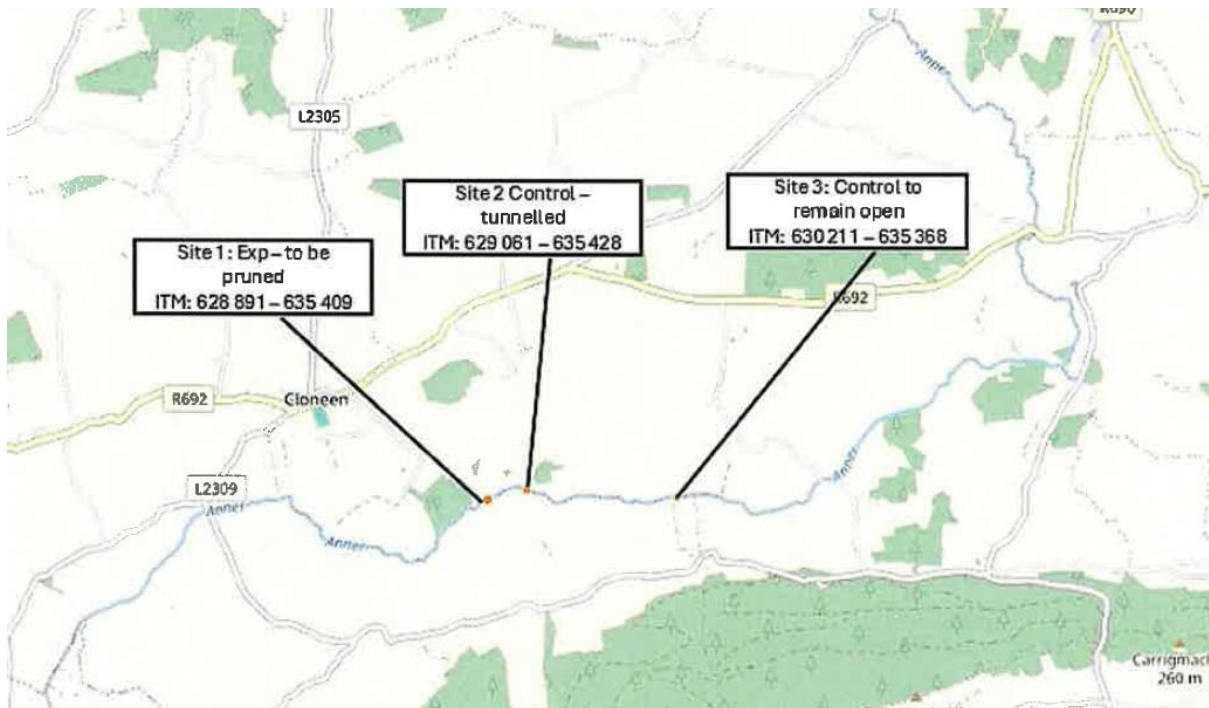
is development and if so, does it constitute exempted development. The site comprises three separate locations on the Anner River in Lisnatubrid, Killurney, Carrick, Co. Tipperary.

2 Site Location and History

2.1 Site location

2.1.1 The sites are located on stretches of the Anner River to the south east of the village of Cloneen Co. Tipperary.

Figure 1 Site location



2.2 Planning History

2.2.1 None recorded

Figure 2 Planning history



3 Legislative Context

3.1 Planning and Development Act 2000 (as amended)

- 3.1.1 According to **Section 2(1)** of the **Planning and Development Act (as amended)**, the definition of “Works” includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal.
- 3.1.2 According to **Section 3(1)** of the **Planning and Development Act (as amended)**, “development” means, save where the context otherwise requires, the carrying out of works on, in or under land or the making of any material change in the use of any structures or other land.
- 3.1.3 Section 4 of the same Act lists works that would be considered exempted development. Of particular relevance is section 4(1)(a) of the Act considers development consisting of the use of any land for the purpose of agriculture and development consisting of the use for that purpose of any building occupied together with land so used to be exempted development.
- 3.1.4 Section 4(1)(i) considers development consisting of the thinning, felling or replanting of trees, forests or woodlands or works ancillary to that development, but not including the replacement of broadleaf high forest by conifer species to be exempted development.

3.2 Planning and Development Regulations

- 3.2.1 **Article 6** of the **Planning and Development Regulations 2001 (as amended)** refers to “Exempted Development”. 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.
- 3.2.2 **Article 8** of said Regulations, 8B, considers works consisting of field drainage for agriculture, other than drainage and/or reclamation of wetlands, to be exempted development.
- 3.2.3 **Article 8D** considers works consisting of the removal for the purposes of agriculture of field boundaries including stone walls, clay banks or wire or post fences to be exempted development.
- 3.2.4 **Article 9** of said Regulations lists a series of restrictions on exemptions. Of note are the provisions of 9(1)(a)(viiiB) which de exempts developments that require an appropriate assessment because it would likely have an effect on the integrity of a European designated site.

4 Assessment

4.1 Works Proposed

4.1.1 For the purpose of this declaration, the query relates, to the following activities

1) the pruning of 100m stretches of riverbank on the Anner River.

4.2 Is it development?

4.2.1 Having regard to Sections 2(1) and 3(1) of the Planning and Development Act 2000 (as amended), it is considered that works proposed do not constitute development.

4.2.2 With respect to exemption set out under Section 4(1)(i), it is noted that the felling is not to take place in forestry. It is not considered that the cutting back of trees on the bank of a river constitutes development.

4.3 Is it exempted development?

4.3.1 As the proposal does not constitute development, the question as to whether or not it constitutes exempted development does not arise.

4.4 Is the exemption restricted under Article 9

4.4.1 As the proposal does not constitute development, the question as to whether or not the exemption is restricted under Article 9 does not arise.

5 Recommendation

5.1 Query

A question has arisen as to whether the following;

1) pruning of 100m stretches of riverbank on the Anner River,

constitutes development and if so does it constitute exempted development. The works are located in Lisnatubrid, Killurney, Carrick, Co. Tipperary.

5.1.1 Part 5 of the Planning and Development Act 2000 (as amended) requires a Planning Authority to make a declaration on any question that arises as to what is or is not development. In determining this query, the Planning Authority had regard to;

- Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended),
- the details pertaining to the development as set out by the querist.

5.2 Conclusions

5.2.1 Having regard to the above assessment, the Planning Authority has concluded that;

- the cutting back/pruning of trees on the river bank does not constitute works or development.

5.3 Determination

5.3.1 Accordingly, having considered the information received, the Planning Authority has determined that

- The cutting back/pruning of 100m stretches of riverbank on the Anner River at Lisnatubrid, Killurney, Carrick, Co. Tipperary does not constitute development.

Paul Killeen

Paul Killeen

Executive Planner

24/06/26

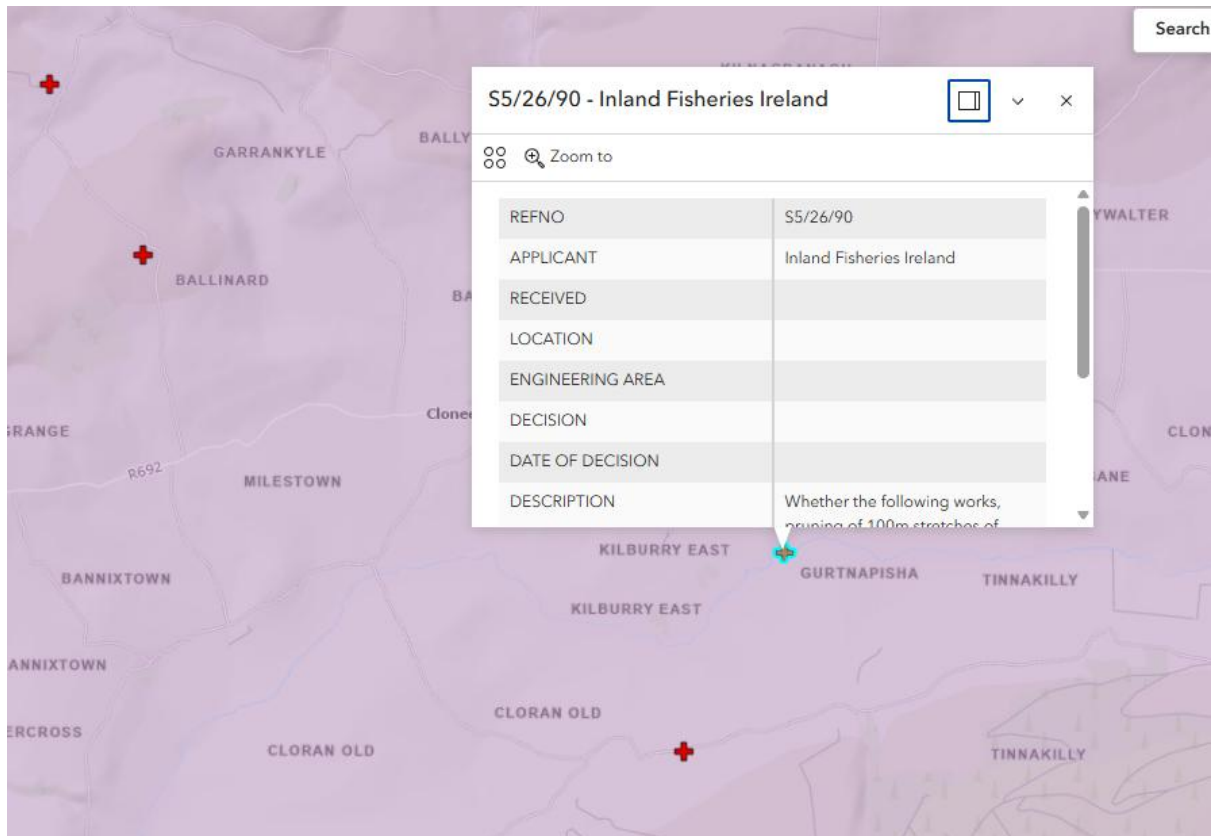
C. Conway

Caroline Conway

Senior Executive Planner

26.6.2026

Figure 3 Site entered on Planning register



Original

TIPPERARY COUNTY COUNCIL

DELEGATED EMPLOYEE'S ORDER

File Ref: **S5/26/90** **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 Clonmel Tourism & Inland Fisheries Ireland, 25 Gladstone Street, Clonmel, Co. Tipperary, whether the following works, pruning of 100m stretches of riverbank on the Anner River is development at Lisnatubrid, Killurney, Carrick, 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) the details pertaining to the development as set out by the querist.

AND WHEREAS Tipperary County Council has concluded that –

The cutting back/pruning of 100m stretches of riverbank on the Anner River at Lisnatubrid, Killurney, Carrick, Co. Tipperary **does not constitute development.**

Signed: 
Brian Beck
Director of Services

Date: 26/06/2026



Date: 26 June 2026

Our Ref: S5/26/90

Civic Offices, Nenagh

Clonmel Tourism & Inland Fisheries Ireland
25 Gladstone Street
Clonmel
Co. Tipperary

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

A Chara,

I refer to your application for a Section 5 Declaration received on 2nd June 2026 in relation to the following proposed works:

Whether the following works, pruning of 100m stretches of riverbank on the Anner River is development and if so, does it constitute exempted development at Lisnatubrid, Killurney, Carrick, Co. Tipperary

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

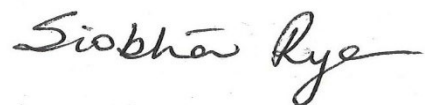
AND WHEREAS Tipperary County Council, in considering this referral, had regard particularly to –

- a) Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended),
- b) the details pertaining to the development as set out by the querist.

Accordingly, having considered the information received, the Planning Authority has determined that the cutting back/pruning of 100m stretches of riverbank on the Anner River at Lisnatubrid, Killurney, Carrick, Co. Tipperary does not constitute 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**

cc: Jim Strang, Lisnatubbrid, Killurney, Co. Tipperary