



Tipperary County Council  
**RECEIVED**  
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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Receipt No 204 285  
Issued 02 06 2026  
€80-00 Cash

TIPPERARY CO. COUNCIL  
**RECEIVED**  
02 JUN 2026  
PLANNING SECTION  
FILE NO. 55/26/91.....

**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.)

<p>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 conservtion objectives of the Lower River Suir SAC. As part of our funding claim from IFI we need written documentation of exemption.</p>
<p>Proposed floor area of proposed works/uses: N/A sqm</p>

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

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

Signature of Applicant(



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.

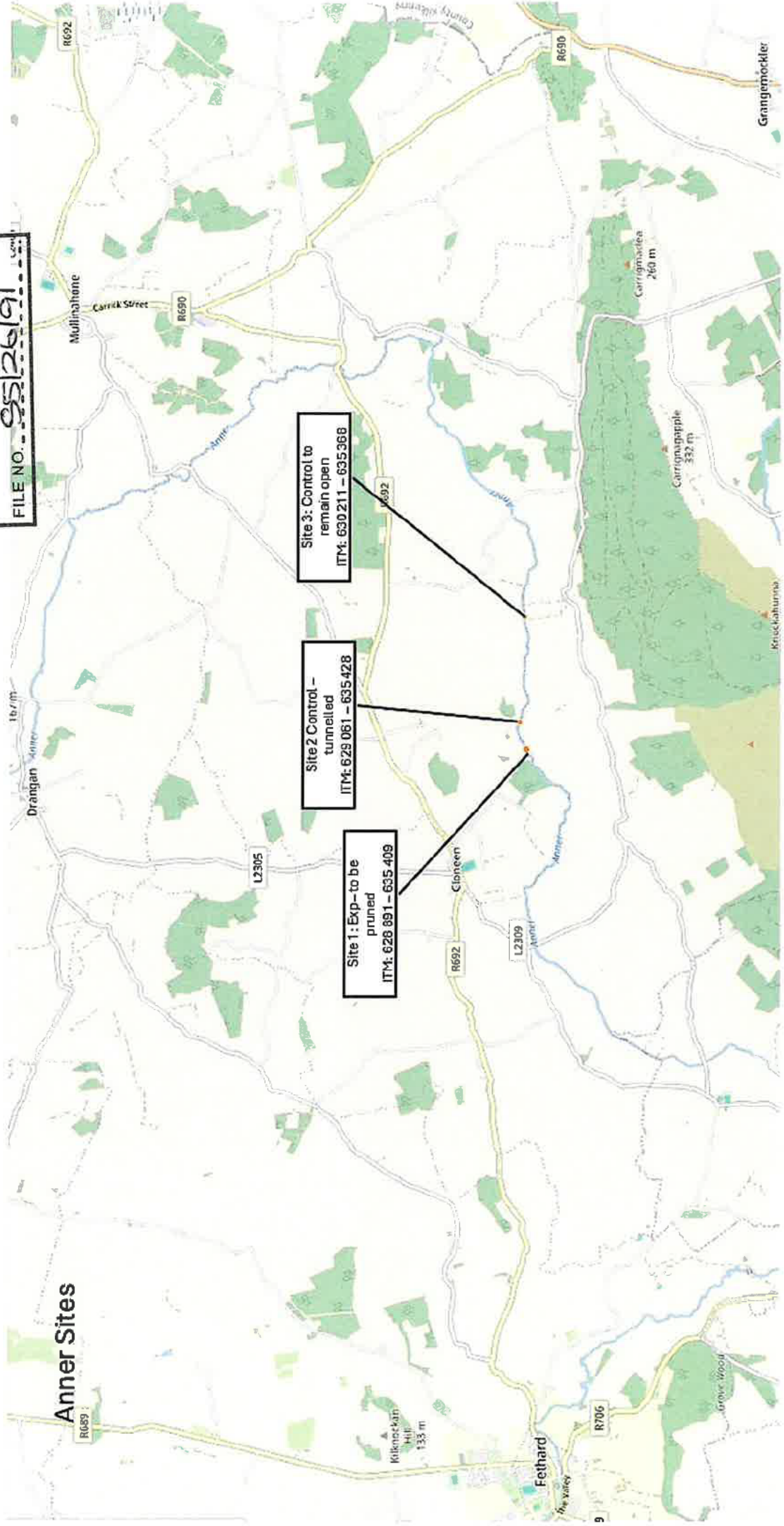
**This application form and relevant fee should be submitted to:**

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

### FOR OFFICE USE ONLY

<b>Fee Recd. €</b> <u>20.00</u>	<b>DATE STAMP</b> <b>TIPPERARY CO. COUNCIL</b> <b>RECEIVED</b> <b>02 JUN 2026</b> <b>PLANNING SECTION</b> <b>FILE NO. S5/26/91.....</b>
<b>Receipt No</b> <u>204285</u>	
<b>Date</b> <u>02.06.2026</u>	
<b>Received by</b> <u>C. Arden</u>	

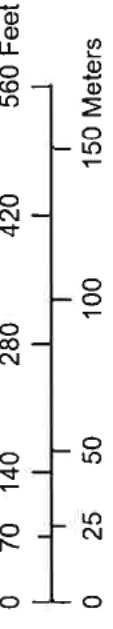
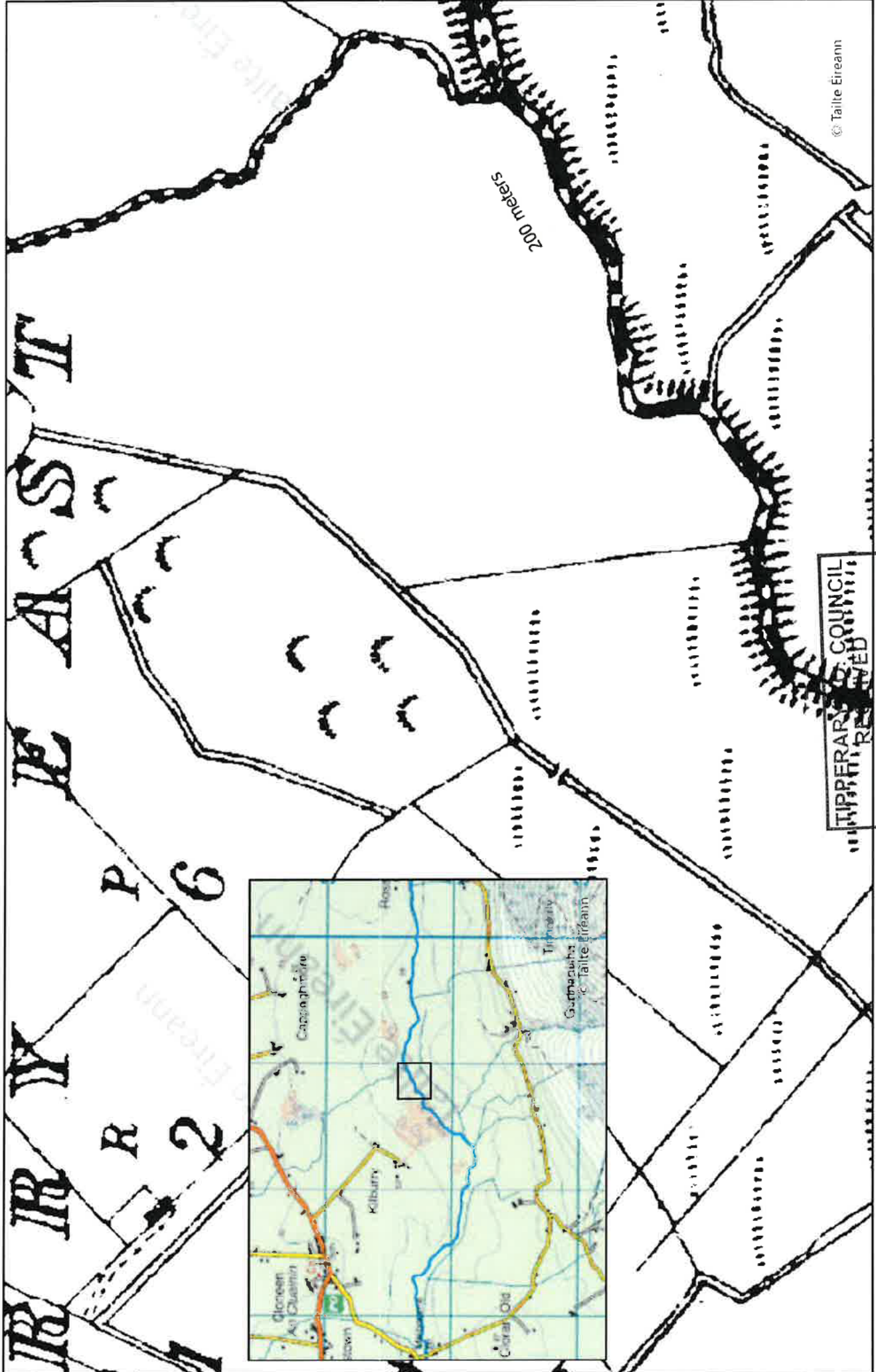
TIPPERARY CO. COUNCIL  
RECEIVED  
02 JUN 2026  
PLANNING SECTION  
FILE NO. 226191



Anner Sites

Fethard

Grangemockler



TIPPERARY COUNCIL  
 PLANNING SECTION  
 FILE NO. S5120261

02 JUN 2026

Scale 1:2,500 Rural Area  
 Site 1 - Annery 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](http://tipperarycoco.ie)

Date: 3<sup>rd</sup> June 2026

Our Ref: S5/26/91

Civic Offices, Clonmel

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

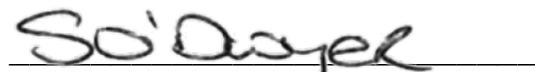
**Re: Application for a Section 5 Declaration - Pilot study of selective pruning of 100m stretches of riverbank on the Aherlow river at Monaboula Lower, Aherlow, Co. Tipperary**

Dear Mr. O'Neill,

I acknowledge receipt of your application for a Section 5 Declaration received on 2<sup>nd</sup> 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

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**Planning Reference:** S5/26/91

**Applicant:** Clonmel Tourism & Inland Fisheries Ireland.

**Development Address:** Moneynaboola Lower and Corderry, Aherlow, Co. Tipperary

**Proposed Development:** Pilot study of selective pruning of 100m stretches of riverbank on the Aherlow River.

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### 1. GENERAL

On 2<sup>nd</sup> June 2026 a request was made for a declaration under Section 5 of the Planning and Development Act, 2000 as amended by Clonmel Tourism & Inland Fisheries Ireland (IFI) c/o IFI as to whether or not the following works constituted development and if so, whether same was exempted development:

Pilot study of selective pruning of 100m stretches of riverbank on the Aherlow River.

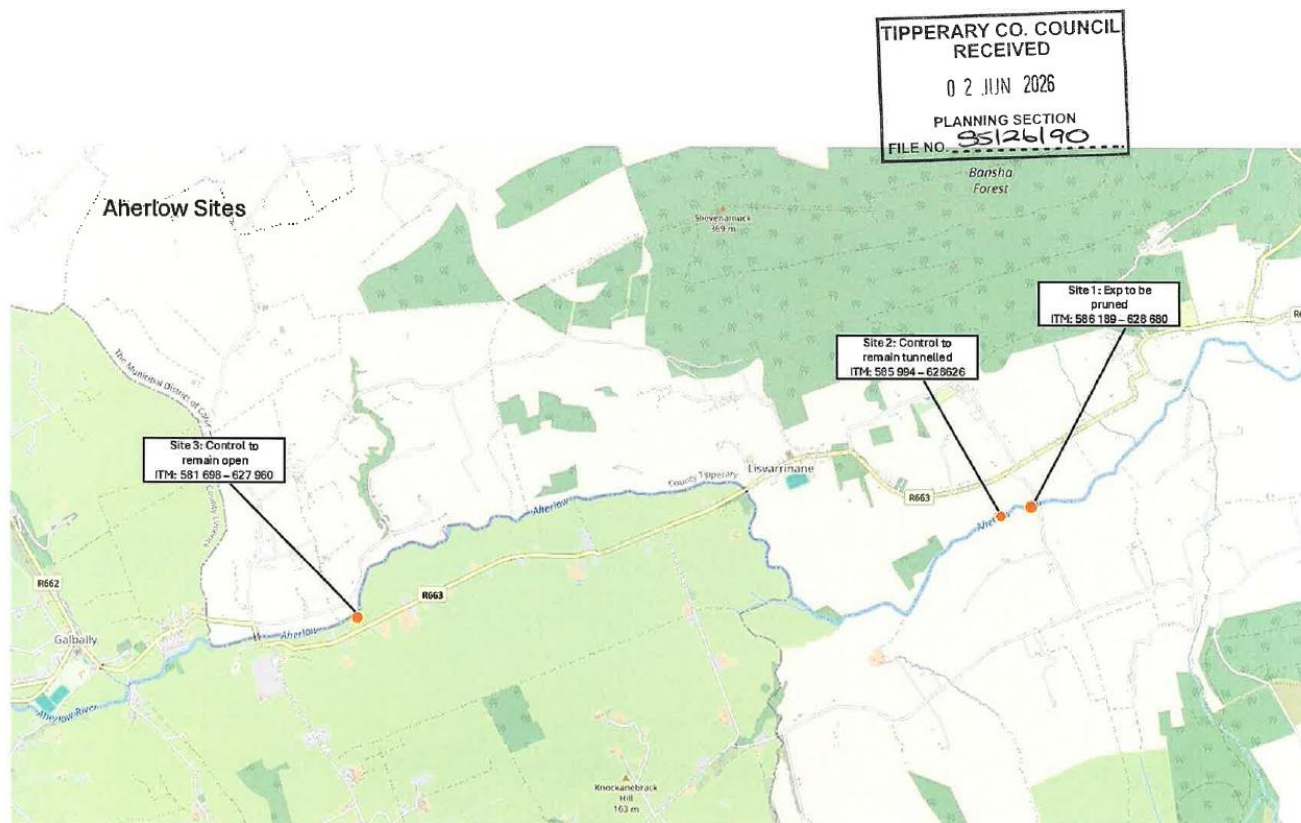


Figure 1 Site Location

## 2. **STATUTORY PROVISIONS**

The following statutory provisions are relevant to this case;

### **Planning and Development Act 2000, as amended**

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.”*

Section 2(1) of the Act defines the follows:-

*“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 (hereafter referred to as the Act), 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 states:

*(1) The following shall be exempted developments for the purposes of this Act—*

*(i) 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.*

*(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).*

*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 8B** considers works consisting of field drainage for agriculture, other than drainage and/or reclamation of wetlands, to be exempted development.

**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.

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—*

(i) *contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act,*

(iii) *endanger public safety by reason of traffic hazard or obstruction of road users,*

(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**

#### **a. Site Location**

The subject site is in 3 stretches located along of the Aherlow River to the south-east (Moneynaboola) and to the west (Corderry) of the settlement of Lisvarrinane.

#### **b. Relevant Planning History**

None traced.

#### **c. Assessment**

##### **A) "Is or is not Development"**

Having considered all of the details and documentation on file with regards the question posed and the description of the proposal, 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. With respect to exemption set out under Section 4(1)(i), it is noted that the felling is not to take place in a forestry. It is not considered that the cutting back of trees on the bank of a river constitutes development.

##### **B) "Is or is not Exempted Development"**

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

C) Restrictions under Article 9

The restrictions set out under Article 9 are not relevant in this instance.

D) Requirement for Appropriate Assessment and Environmental Impact Assessment

**AA**

Screening for AA is not required in respect of the proposal which is not considered to constitute development.

**EIA**

Screening for EIA is not required in respect of the proposal which is not considered to constitute development.

4. **RECOMMENDATION**

**WHEREAS** A question has arisen as to whether selective pruning of 100m stretches of riverbank on the Aherlow River at Moneynaboola Lower and Corderry, Aherlow, Co. Tipperary is development and if so, is it or is it 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) Documentation submitted to the Planning Authority.

The Planning Authority has determined selective pruning of 100m stretches of riverbank on the Aherlow River at Moneynaboola Lower and Corderry, Aherlow, Co. Tipperary does not constitute 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:



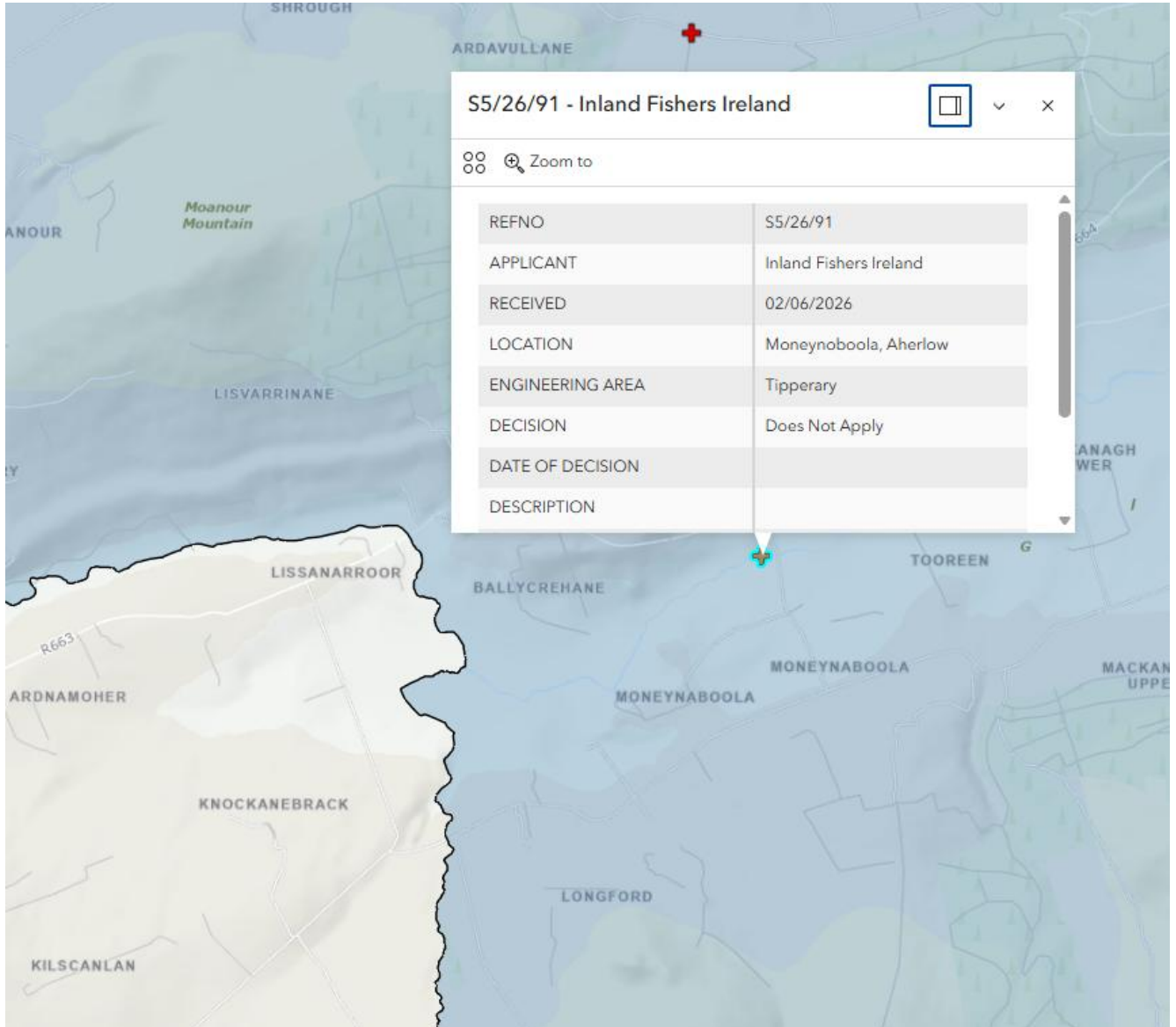
Date: 24/06/2026

Senior Executive Planner:



Date: 26.6.2026

Figure 2 Planning Register



**Original**

**TIPPERARY COUNTY COUNCIL**

**DELEGATED EMPLOYEE'S ORDER**

File Ref: **S5/26/91**      **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 Clonmel Tourism & Inland Fisheries Ireland, 25 Gladstone Street, Clonmel, Co. Tipperary, the Pilot study of selective pruning of 100m stretches of riverbank on the Aherlow River. 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) Documentation submitted to the Planning Authority.

The Planning Authority has determined selective pruning of 100m stretches of riverbank on the Aherlow River at Moneynaboola Lower and Corderry, Aherlow, Co. Tipperary does not constitute 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: 26/06/2026**



Date: 26 June 2026

Our Ref: S5/26/91

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 2 June 2026, in relation to the following proposed works:

**Pilot study of selective pruning of 100m stretches of riverbank on the Aherlow River, at Moneynaboola Lower and Corderry, Aherlow, 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 –

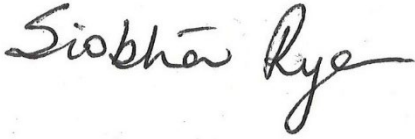
- a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended
- b) Documentation submitted to the Planning Authority.

The Planning Authority has determined selective pruning of 100m stretches of riverbank on the Aherlow River at Moneynaboola Lower and Corderry, Aherlow, Co. Tipperary **does not constitute 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**

**cc: Shane Donovan, Monaboula Lower, Aherlow, Co. Tipperary**