

PLANNING & DEVELOPMENT ACT, 2000 (as amended)

Application for a Section 5 Declaration
Development / Exempted Development

1. Applicant's address/contact details:

Applicant	Pat Kehoe
Address	Toor, Ballypatrick, Clonmel, Co. Tipperary
Telephone No.	[REDACTED]
E-mail	

2. Agent's (if any) address:

Agent	Aidan Kelly
Address	Molough, Newcastle, Clonmel, Co Tipperary
Telephone No.	[REDACTED]
E-mail	[REDACTED]
Please advise where all correspondence in relation to this application is to be sent;	
Applicant [] Agent [X]	

3. Location of Proposed Development:

Postal Address <u>or</u> Townland <u>or</u> Location (as may best identify the land or structure in question)	Toor, Ballypatrick, Clonmel, Co. Tipperary
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4. Development Details:

Please provide details of the proposed development for which an exemption under Section 5 of the Planning and Development Act is applied for.

(Note: only works and uses listed and described under this section will be assessed under this Section 5 Application. Use additional sheets if required.)

1. TO BUILD a loose shed with underground effluent tank and all associated site works (class 6) 180m ² with out canopy and 156m ² with canopy
2. To build a crush class 8 exemption 94m ²
Proposed floor area of proposed works/uses: 156 & 94 sqm see above

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

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

Signature of Applicant(s)



Date: 31-7-2028

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

GUIDANCE NOTES

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

This application form and relevant fee should be submitted to:

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

OR

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

Enquires:

Telephone 0761 06 5000

E-Mail planning@tipperarycoco.ie

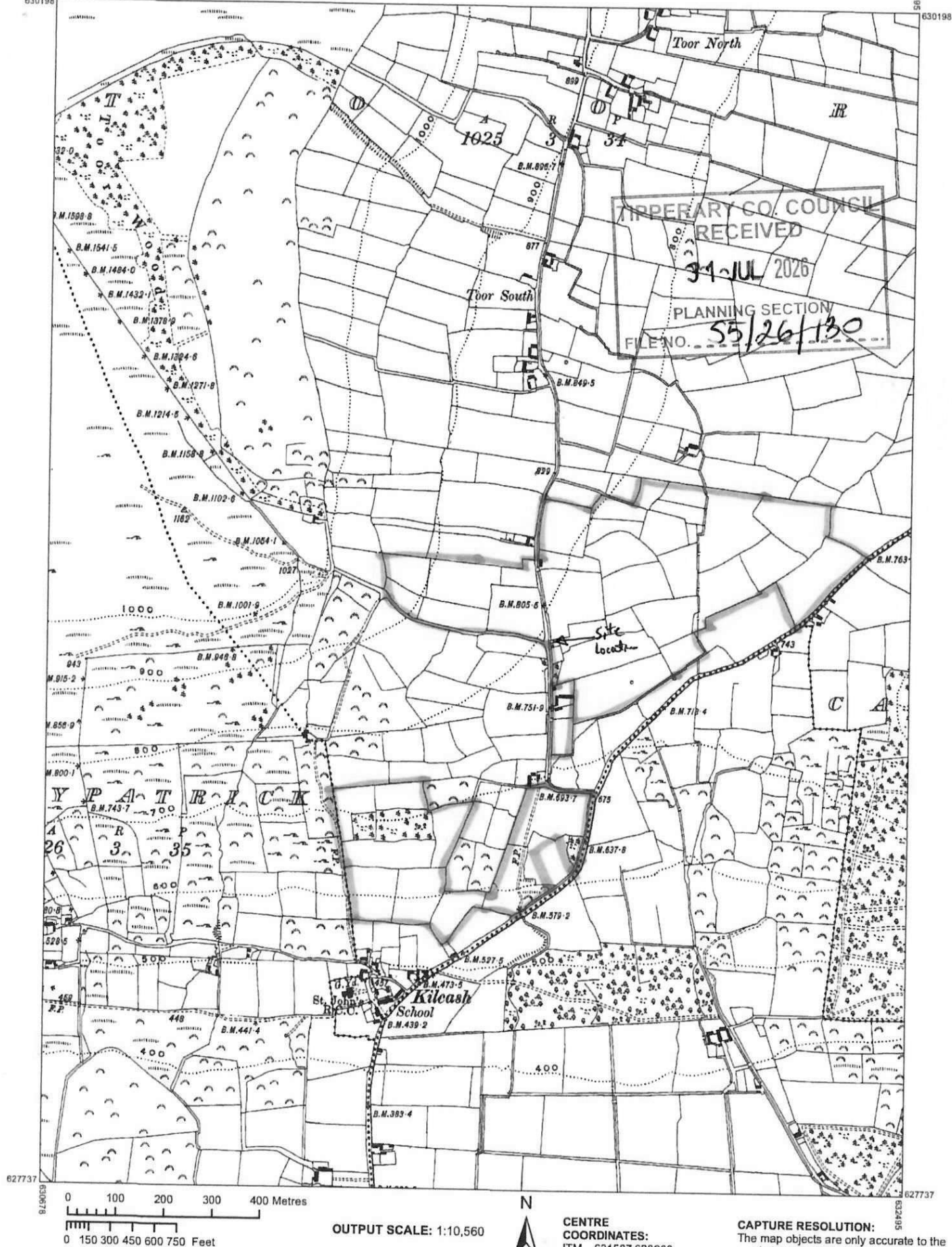
FOR OFFICE USE ONLY

Fee Recd. € 80
Receipt No 206104
Date 31/7/26
Receipted by Heb Pratt

DATE STAMP

Tipperary County Council
RECEIVED
31 JUL 2026
CASH OFFICE
Civic Offices, Clonmel

Site Location Map



COMPILED AND PUBLISHED BY:

Tailte Éireann,
Phoenix Park,
Dublin 8,
Ireland.
D08F6E4

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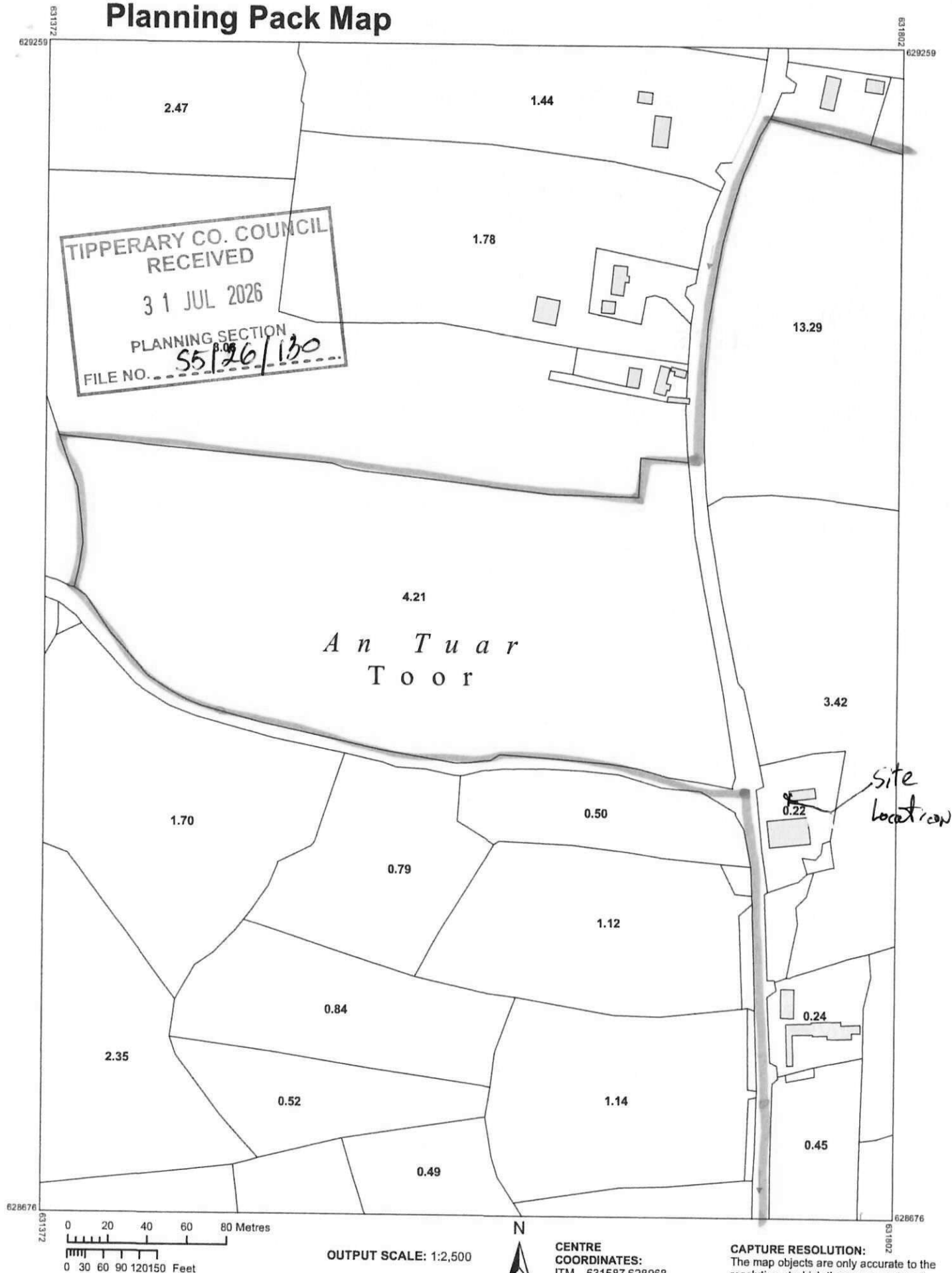
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**Tailte
Éireann**

Planning Pack Map



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TIPPERARY CO. COUNCIL
RECEIVED
31 JUL 2026
PLANNING SECTION
FILE NO. S5/26/130

AGRICULTURAL
LAND

AGRICULTURAL
LAND

Site Notice To Be Located on
The Main Farm Entrance

PUBLIC
WALKWAY

PUBLIC
ROAD

AGRICULTURAL
LAND

STORAGE
SHED
01

STORAGE
SHED
02

PUBLIC
ROAD

AGRICULTURAL
LAND



PREVAILING
WIND

----- CLEAN WATER
----- SOILED WATER



STONE SOAK AWAY



PROPOSED BUILDING



EXISTING BUILDING

Proposed Site Layout Plan
Scale 1:500

--- BUILDING FOR DEMOLISH
--- LAND HOLDING BOUNDARY
--- PROPOSED DEVELOPMENT (AREA 0.00 Ha)

EXISTING

CLASS 9 EXEMPTION STRUCTURE
Total 320m2 which is under the 900m2
total allowed

CLASS 8 EXEMPTION STRUCTURE
Total 0m2 which is under the 300m2
total allowed

CLASS 6 EXEMPTION STRUCTURE
Total 0m2 which is under the 300m2
total allowed

Proposed

PLANNING

AIDAN KELLY

B.Arch. B.sc Arch Tech

ARCHITECTURE & AGRICULTURAL DESIGN SERVICES

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

TEL: 052 7462844
MOB: 085 7466211

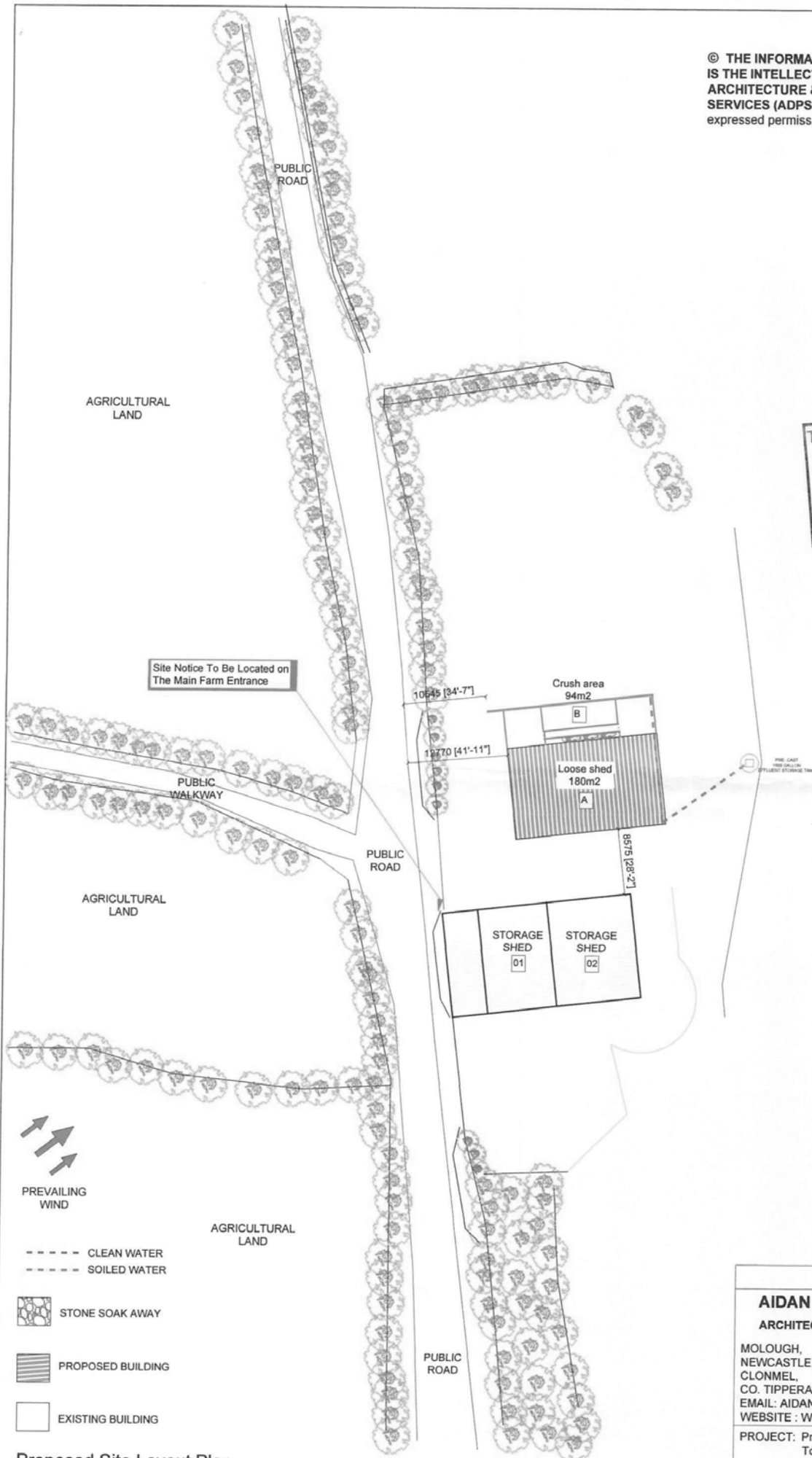


PROJECT: Proposed building for Pat Kehoe at
Toor, Ballypatrick, Clonmel, Co. Tipperary

DRAWING TITLE:

Proposed Site Layout

DRAWN BY A KELLY	DATE Mar 2026	SCALE 1:500	DWG NO. 02	JOB NO. 022
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AGRICULTURAL
LAND

TIPPERARY CO. COUNCIL
RECEIVED
31 JUL 2026
PLANNING SECTION
FILE NO. 55/26/130

Proposed

CLASS 9 EXEMPTION STRUCTURE
Total 320m2 which is under the 900m2
total allowed

CLASS 8 EXEMPTION STRUCTURE
Total 94m2 which is under the 300m2
total allowed

CLASS 6 EXEMPTION STRUCTURE
Total 180m2 which is under the 450m2
total allowed

Proposed

PLANNING

AIDAN KELLY

B.Arch. B.sc Arch Tech

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PROJECT: Proposed building for Pat Kehoe at
Toor, Ballypatrick, Clonmel, Co. Tipperary

DRAWING TITLE:

Proposed Site Layout

DRAWN BY	DATE	SCALE	DWG NO.	JOB NO.
A KELLY	Mar 2026	1:500	02	022

Proposed Site Layout Plan
Scale 1:500

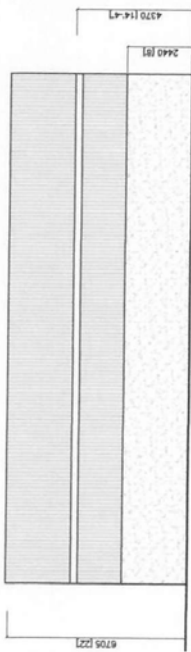
— BUILDING FOR DEMOLISH
— LAND HOLDING BOUNDARY
— PROPOSED DEVELOPMENT (AREA 0.00 Ha)

TIPPERARY CO. COUNCIL
RECEIVED
31 JUL 2026
PLANNING SECTION
FILE NO. 55/26/130

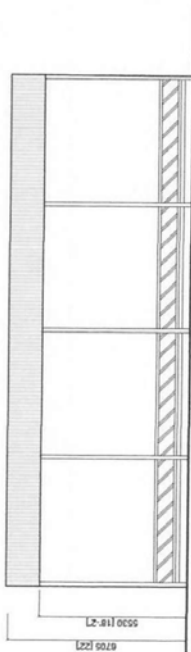
Tank Section
Scale 1:200



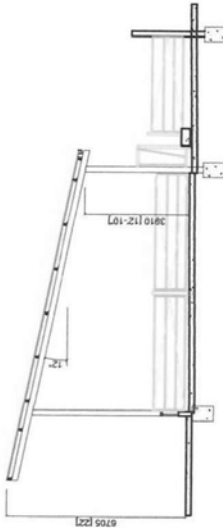
Floor Plan
Scale 1:200



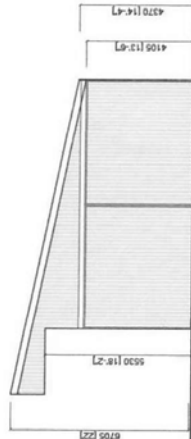
North Elevation
Scale 1:200



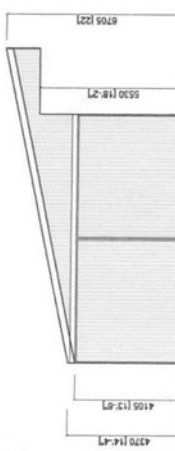
North Elevation
Scale 1:200



Section A-A
Scale 1:200



East Elevation
Scale 1:200



West Elevation
Scale 1:200

PROPOSED roofed area : 180m²
PROPOSED roofed area with canopy : 224m²
Crush area area : 94m²

PLANNING

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PROJECT: Proposed building for Pat Kehoe at
Toor, Ballypatrick, Clonmel, Co. Tipperary

DRAWING TITLE:
Plan, section and elevations

DRAWN BY	DATE	SCALE	DWG NO.	JOB NO.
A KELLY	July 2026	03		022



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

Our Ref: S5/26/130

31st July 2026

Pat Kehoe
C/O Aidan Kelly,
Molough,
Newcastle,
Clonmel,
Co. Tipperary.

Re: Application for a Section 5 Declaration – Construction of a loose shed with underground effluent tank 180m² without canopy and 156m² with canopy; and a crush 94m² at Toor, Ballypatrick, Clonmel, Co. Tipperary

Dear Mr. Kehoe,

I wish to acknowledge receipt of your application for a Section 5 Declaration received on 31st July 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: S5/26/130

Applicant: Pat Kehoe

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

Proposed Development: Construction of a loose shed with underground effluent tank (180m²) without canopy and 156m² with canopy; and a crush (94m²)

1. GENERAL

On the 31st of July 2026 a request was made for a declaration under Section 5 of the Planning and Development Act, 2000 as amended, by Pat Kehoe c/o Aidan Kelly as to whether or not the following (as per application form) constitutes development and if so, whether same constitutes exempted development at Toor, Ballypatrick, Clonmel, Co. Tipperary.

- 1. To build a loose shed with underground effluent tank (180m²) without canopy and 156m² with canopy; and a crush (94m²).***

Figure 1 Site Location



Figure 2 Google Street View 2025



2. STATUTORY PROVISIONS

The following statutory provisions are relevant to this referral case;

Planning and Development Act 2000 (as amended)

Section 2(1) of the Planning and Development Act, 2000, as amended, defines “works” as:-

“works” includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.

Section 2(1) of the Planning and Development Act, 2000, as amended, defines “Agriculture” as:-

*“agriculture” includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), **the training of horses and the rearing of bloodstock**, the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and “agricultural” shall be construed accordingly;*

Section 3 (1) of the Planning and Development Act 2000, as amended, defined “development” as follows:-

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

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

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

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

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

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

Planning and Development Regulations 2001 (as amended)

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

Exempted Development.

- (1) *Subject to article 9, development of a class specified in column 1 of Part 1 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1.*
- (3) *Subject to article 9, in areas other than a city, a town or an area specified in section 19(1)(b) of the Act or the excluded areas as defined in section 9 of the Local Government (Reorganisation) Act, 1985 (No. 7 of 1985), development of a class specified in column 1 of Part 3 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 3 opposite the mention of that class in the said column 1.*

Schedule 2, Part 3 'Exempted Development - Rural:

Class 6 is inserted by article 4 of S.I. No. 649/2025 Planning and Development (Exempted Development (Act of 2000)) (No. 2) Regulations 2025

<i>Column 1 Description of Development</i>	<i>Column 2 Conditions and Limitations</i>
CLASS 6 <i>Works consisting of the provision of a roofed structure for the housing of cattle, sheep, goats, donkeys, horses, deer or rabbits, having a gross floor space not exceeding 300 square metres (whether or not by extension of an existing structure), and any ancillary provision for effluent storage.</i>	<i>1. No such structure shall be used for any purpose other than the purpose of agriculture.</i> <i>2. The gross floor space of such structure together with any other such structures situated within the same farmyard complex or within 100 metres of that complex shall not exceed 450 square metres gross floor space in aggregate.</i> <i>3. Effluent storage facilities adequate to serve the structure having regard to its size, use and location shall be constructed in line with Department of Agriculture, Food and Rural Development and Department of the Environment and Local Government requirements and shall have regard to the need to avoid water pollution.</i> <i>4. No such structure shall be situated, and no effluent from such structure shall be stored, within 10 metres of any public road.</i> <i>5. No such structure within 100 metres of any public road shall exceed 8 metres in height</i> <i>6. No such structure shall be situated, and no effluent from such structure shall be stored, within 100 metres of any house (other than the house of the person providing the structure) or other residential building or school, hospital, church or building used for public assembly, save with the consent in writing of the owner and, as may be appropriate, the occupier or person in charge thereof.</i> <i>7. No such structure shall be constructed within a flood zone identified in statutory land use plans as Flood Zone A or Flood Zone B or where the probability of flooding is moderate to high or erosion control zone.</i> <i>8. No such structure shall be within 60 metres of a public or private water source.</i>

	9. No such structure shall be situated, at the closest point, less than 50 metres from a water course or water body in the case of new farmyards, and not less than 10m in the case of extensions/modifications to an existing facility. 10. No unpainted metal sheeting shall be used for roofing or on the external finish of the structure. 11. The use of this Class of exemption requires a declaration from the relevant Planning authority under section 5 of the Principal Act, declaring the exemption is applicable prior to commencement of construction. 12. Ancillary provision shall include as appropriate the installation of any signage, fencing or other safety infrastructure as recommended by the Health and Safety Authority regarding Slurry Safety.
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Column 1 Description of Development	Column 2 Conditions and Limitations
CLASS 8 Works consisting of the provision of roofless cubicles, open loose yards, self-feed silo or silage areas, feeding aprons, assembly yards, milking parlours or structures for the making or storage of silage or any other structures of a similar character or description, having an aggregate gross floor space not exceeding 200 square metres, and any ancillary provision for effluent storage.	1. No such structure shall be used for any purpose other than the purpose of agriculture. 2. The gross floor space of such structures together with any other such structures situated within the same farmyard complex or within 100 metres of that complex shall not exceed 300 square metres gross floor space in aggregate. 3. Effluent storage facilities adequate to serve the structure having regard to its size, use and location shall be constructed in line with Department of Agriculture, Food and Rural Development and the Department of the Environment and Local Government requirements and shall have regard to the need to avoid water pollution. 4. No such structure shall be situated, and no effluent from such structure shall be stored, within 10 metres of any public road. 5. No such structure within 100 metres of any public road shall exceed 8 metres in height. 6. No such structure shall be situated, and no effluent from such structure shall be stored, within 100 metres of any house (other than the house of the person providing the structure) or other residential building or school, hospital, church or building used for public assembly, save with the consent in writing of the owner and, as may be appropriate, the occupier or person in charge thereof. 7. No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.

Article 9 of the Planning and Development Regulations 2001, as amended sets out restrictions on exemptions and states:

9. (1) Development to which article 6 relates shall not be exempted development for the purposes of the Act—

(a) if the carrying out of such development would—

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

- (vii) consist of or comprise the excavation, alteration or demolition (other than peat extraction) of places, caves, sites, features or other objects of archaeological, geological, historical, scientific or ecological interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan for the area in which the development is proposed or, pending the variation of a development plan or local area plan, or the making of a new development plan or local area plan, in the draft variation of the development plan or the local area plan or the draft development plan or draft local area plan,*
- (viiA) consist of or comprise the excavation, alteration or demolition of any archaeological monument included in the Record of Monuments and Places, pursuant to section 12 (1) of the National Monuments (Amendment) Act 1994, save that this provision shall not apply to any excavation or any works, pursuant to and in accordance with a consent granted under section 14 or a licence granted under section 26 of the National Monuments Act 1930 (No. 2 of 1930) as amended,*
- (viiB) comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site,*
- (viiC) consist of or comprise development which would be likely to have an adverse impact on an area designated as a natural heritage area by order made under section 18 of the Wildlife (Amendment) Act 2000.*
- (viii) consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use,*

3. ASSESSMENT

i. Site Location

The site is occupied by agricultural lands at Toor, Kilcash, Clonmel, Co. Tipperary. There are existing agricultural structures on site.

ii. Relevant Planning History

P3/11496 silage base, concrete yard - Granted.

iii. Assessment

The question posed under the Section 5 Declaration application form is whether the construction of a shed (156 with canopy) over a slatted tank (180 sqms) under class 6 exemption and a crush (94 sqms) under Class 8 is development and is or is not exempted development.

Figure 3 Site layout



A) "Is or is not Development"

It is considered the above listed proposals constitute "works" as understood by the Planning and Development Act 2000, as amended. The above listed proposals therefore constitute "development" within the meaning of the Planning and Development Act 2000, as amended.

B) "Is or is not Exempted Development"

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

With respect to same I note as follows;

CLASS 6

Works consisting of the provision of a roofed structure for the housing of cattle, sheep, goats, donkeys, horses, deer or rabbits, having a gross floor space not exceeding 300 square metres (whether or not by extension of an existing structure), and any ancillary provision for effluent storage.

The proposed loose shed can be considered under this class.

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

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

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

The proposed slatted shed and tank is given as 180sq.m. The applicant has indicated that there are no existing class 6 structures on site. Having inspected the site, it is noted that the structures indicated as being used for storage purposes are being used for storage purposes.

Figure 4 Storage shed



Figure 5 Storage shed



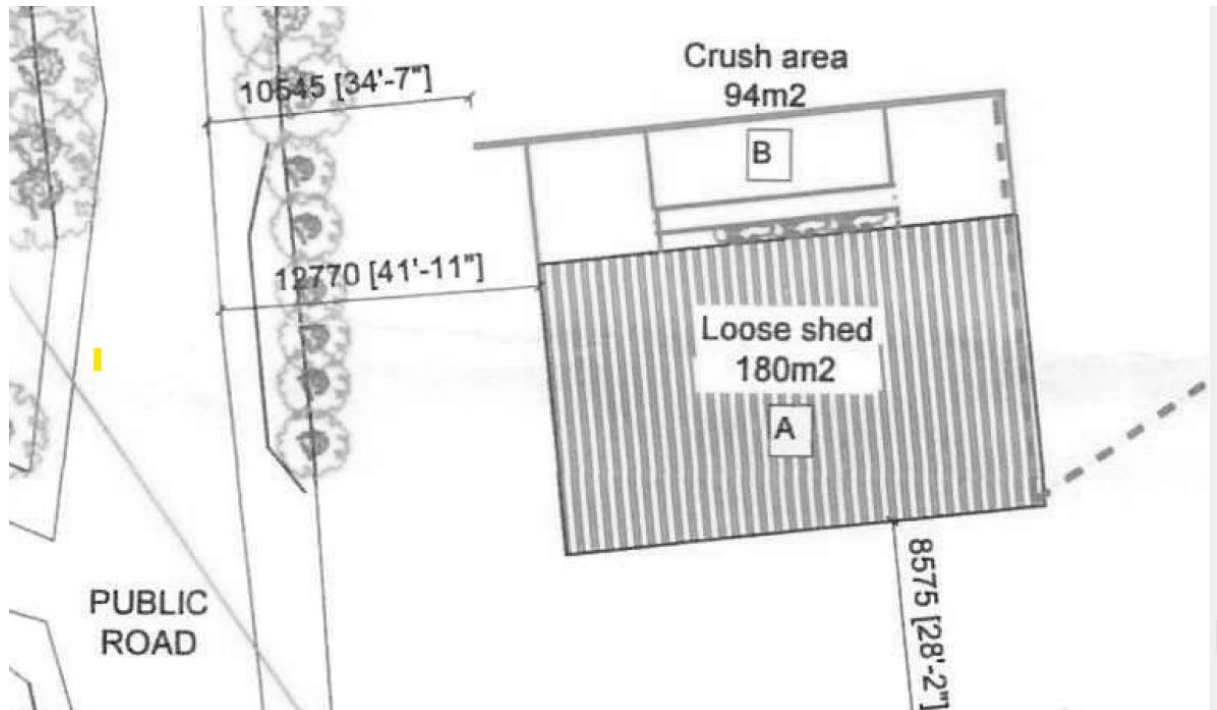
3. Effluent storage facilities adequate to serve the structure having regard to its size, use and location shall be constructed in line with Department of Agriculture, Food

and Rural Development and Department of the Environment and Local Government requirements and shall have regard to the need to avoid water pollution.

Effluent to be stored in underground slatted tank.

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

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



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

The proposed structure (6.7 ms in height) is less than 8m in height.

- 6. No such structure shall be situated, and no effluent from such structure shall be stored, within 100 metres of any house (other than the house of the person providing the structure) or other residential building or school, hospital, church or building used for public assembly, save with the consent in writing of the owner and, as may be appropriate, the occupier or person in charge thereof.**

The proposed structure is not proximate to any listed buildings and is not within 100 metres of any house.

- 7. No such structure shall be constructed within a flood zone identified in statutory land use plans as Flood Zone A or Flood Zone B or where the probability of flooding is moderate to high or erosion control zone.**

The site is not located within any flood zone.

- 8. No such structure shall be within 60 metres of a public or private water source.**

There is no public or private water source identified within 60m. The public water mains runs through the public road adjoining the site to the south

- 9. No such structure shall be situated, at the closest point, less than 50 metres from a water course or water body in the case of new farmyards, and not less than 10m in the case of extensions/modifications to an existing facility.**

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

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

No unpainted metal sheeting has been identified.

- 11. The use of this Class of exemption requires a declaration from the relevant Planning authority under section 5 of the Principal Act, declaring the exemption is applicable prior to commencement of construction.**

The applicant has satisfied this condition by submitting this application S5/26/130.

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

There is no signage proposed under this declaration.

Class 8

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

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

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

The total floor area of the crush is 94 sqms. No other Class 8 structures are identified on site. Upon inspecting the site, it was noted that the storage sheds are used for storage purposes.

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

No effluent storage is provided with the crush.

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

The proposed structure is more than 10m from the public road.

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

The proposed structure does not exceed 8 ms in height.

- 6. No such structure shall be situated, and no effluent from such structure shall be stored, within 100 metres of any house (other than the house of the person providing the structure) or other residential building or school, hospital, church or building used for public assembly, save with the consent in writing of the owner and, as may be appropriate, the occupier or person in charge thereof.**

The proposed structure is not proximate to any listed buildings and is not within 100 metres of any house.

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

There is no unpainted metal sheeting proposed

C) Requirement for Appropriate Assessment (AA) and Environmental Impact Assessment (EIA)

AA

The proposal has been screened as to the requirements for Appropriate Assessment under the EU Habitats Directive. See also Appropriate Assessment screening report attached.

EIA

The proposed development is not a type of development included for under Schedule 5 of the Planning and Development Regulations 2001, as amended. EIA is not required in respect of the development. See all EIA Pre-Screening report attached.

D) Is the exemption restricted under Article 9 of the Regulations

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

The lands are served by existing entrance onto the L-6511. I am satisfied that the shed will not endanger public safety by reason of traffic hazard or obstruction of road users.

4. RECOMMENDATION

WHEREAS a question has arisen as to whether the construction of a loose shed over slatted tank under class 6 exemption (180m²) and a crush (94sqms) under Class 8 at Toor, Kilcash, Clonmel, Co. Tipperary is or is not “development” and is or is not “exempted development”.

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

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

Tipperary County Council has concluded that the construction of a loose shed with underground effluent tank (180m²) without canopy and 156m² with canopy; and a crush (94m²) at Toor, Ballypatrick, Clonmel, Co. Tipperary, constitutes development and is exempted development.

District Planner:

Paul Killean

Date: 17/08/2026

Senior Executive Planner:

Jonathan Flood

Date: 17/8/2026

HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT

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

(a) File Reference No:	S5/26/130
(b) Brief description of the project or plan:	Construction of a loose shed with underground effluent tank (180m2) without canopy and 156m2 with canopy; and a crush (94m2
(c) Brief description of site characteristics:	Agricultural lands
(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW	None
(e) Response to consultation:	None

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

European Site (code)	List of Qualifying Interest/Special Conservation Interest ¹	Distance from proposed development ² (km)	Connections (Source-Pathway-Receptor)	Considered further in screening Y/N
002162 River barrow and River Nore SAC	https://www.npws.ie/protected-sites/sac/002162	Within 15km	None	No
002137 Lower River Suir SAC	https://www.npws.ie/protected-sites/sac/002137	4kms	None	No
001952 Comeragh Mountains SAC	https://www.npws.ie/protected-sites/sac/002137	Within 15 kms	None	No

STEP 3. Assessment of Likely Significant Effects

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

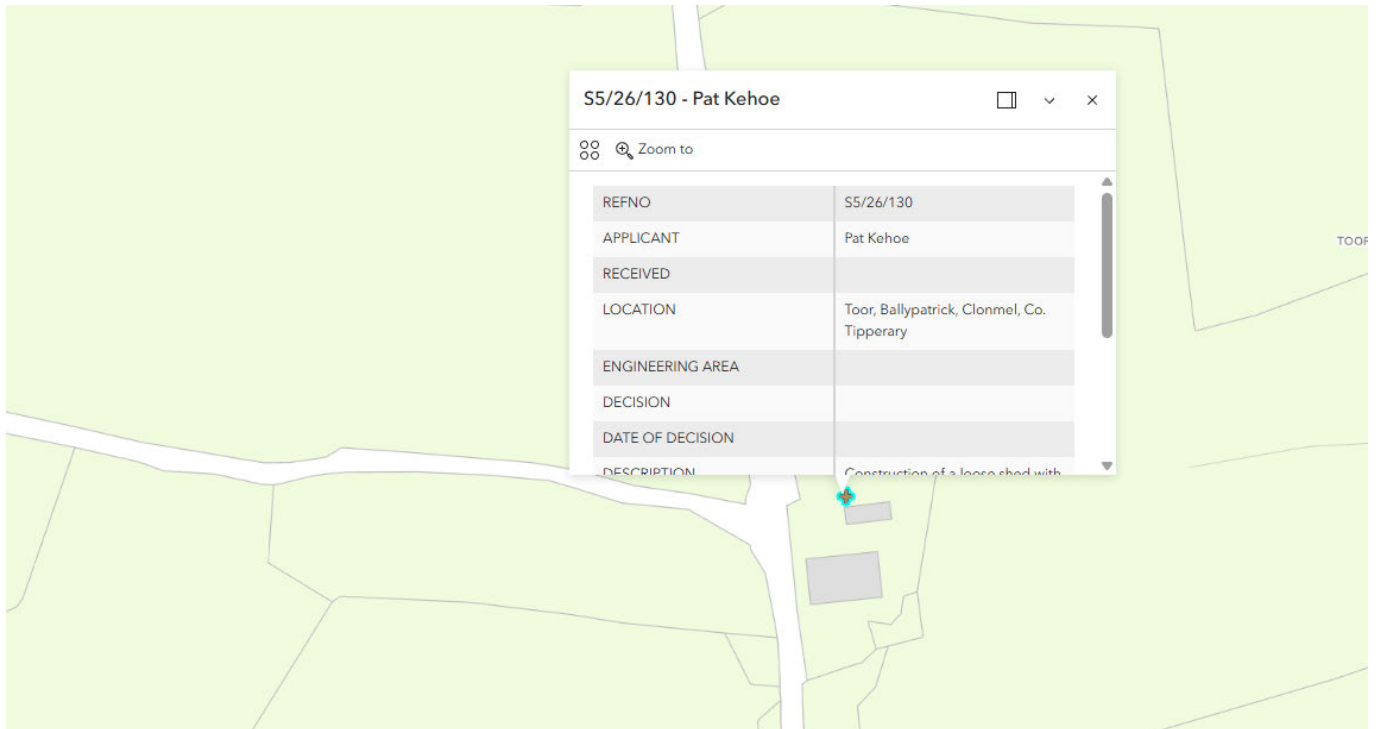
Impacts:	Possible Significance of Impacts: (duration/magnitude etc.)
Construction phase e.g. • Vegetation clearance • Demolition • Surface water runoff from soil excavation/infill/landscaping (including borrow pits) • Dust, noise, vibration • Lighting disturbance • Impact on groundwater/dewatering • Storage of excavated/construction materials • Access to site	No potential impacts

• Pests										
Operational phase e.g. • 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 potential impacts									
In-combination/Other	No potential impacts									
(b) Describe any likely changes to the European site:										
Examples of the type of changes to give consideration to include: • 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 potential 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.										
The proposed development is not likely to have significant effects.										
Conclusion:										
	<table border="1"> <thead> <tr> <th></th> <th>Tick as Appropriate:</th> <th>Recommendation:</th> </tr> </thead> <tbody> <tr> <td>(i) It is clear that there is no likelihood of significant effects on a European site.</td> <td>☒</td> <td>The proposal can be screened out: Appropriate assessment not required.</td> </tr> <tr> <td>(ii) It is uncertain whether the proposal will have a significant effect on a</td> <td>☐</td> <td>☐ Request further information to complete screening</td> </tr> </tbody> </table>		Tick as Appropriate:	Recommendation:	(i) It is clear that there is no likelihood of significant effects on a European site.	☒	The proposal can be screened out: Appropriate assessment not required.	(ii) It is uncertain whether the proposal will have a significant effect on a	☐	☐ Request further information to complete screening
	Tick as Appropriate:	Recommendation:								
(i) It is clear that there is no likelihood of significant effects on a European site.	☒	The proposal can be screened out: Appropriate assessment not required.								
(ii) It is uncertain whether the proposal will have a significant effect on a	☐	☐ Request further information to complete screening								

European site.		☐ Request NIS ☐ Refuse planning permission	
(iii) Significant effects are likely.	☐	☐ Request NIS ☐ Refuse planning permission	
Signature and Date of Recommending Officer:	Paul Killeen	Date:	12/08/26

EIA Pre-Screening Establishing a development is a 'sub-threshold development'	
File Reference:	S5/26/130
Development Summary:	Construction of a loose shed with underground effluent tank (180m2) without canopy and 156m2 with canopy; and a crush (94m2)
Was a Screening Determination carried out under Section 176A-C?	☐ Yes, no further action required ☒ 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)	
☐ Yes, specify class _____	EIA is mandatory No Screening required
☒ 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)	
☒ No, the development is not a project listed in Schedule 5, Part 2	No Screening required
☐ 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
☐ 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?	
☐ Yes, Schedule 7A information/screening report has been submitted by the applicant	Screening Determination required Preliminary Examination required
☐ No, Schedule 7A information/screening report has not been submitted by the applicant	

Figure 6 Planning Register



Original

TIPPERARY COUNTY COUNCIL

DELEGATED EMPLOYEE'S ORDER

File Ref: **S5/26/130** **Delegated Employee's Order No:** _____

SUBJECT: Section 5 Declaration

I, Jonathan Flood, Senior Executive Planner, 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. 47880 dated 7th July 2026 hereby order that pursuant to the provisions of the Planning and Development Act 2000, as amended, that an application under Section 5 from Pat Kehoe C/O Aidan Kelly, Molough, Newcastle, Clonmel, Co. Tipperary, RE: Construction of a loose shed with underground effluent tank (180m²) without canopy and 156m² with canopy; and a crush (94m²) at Toor, Ballypatrick, Clonmel, Co. Tipperary is development and is exempted development, as recommended in the report dated 17/08/2026 which I have considered and to the extent which I have indicated on said report.

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

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

Tipperary County Council has concluded that the construction of a loose shed with underground effluent tank (180m²) without canopy and 156m² with canopy; and a crush (94m²) at Toor, Ballypatrick, Clonmel, Co. Tipperary, constitutes development and is exempted development.

Signed: Jonathan Flood
Jonathan Flood
Senior Executive Planner

Date: 18/08/2026



Date: 19th August 2026

Our Ref: S5/26/130

Civic Offices, Nenagh

Pat Kehoe
C/O Aidan Kelly
Molough
Newcastle
Clonmel
Co. Tipperary

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

Dear Pat,

I refer to your application for a Section 5 Declaration received on 31st July 2026 in relation to the following proposed works:

Construction of a loose shed with underground effluent tank (180m²) without canopy and 156m² with canopy; and a crush (94m²) at Toor, Ballypatrick, Clonmel, Co. Tipperary

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

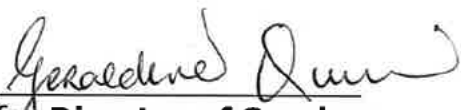
AND WHEREAS Tipperary County Council, in considering this referral, had regard particularly to –

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

Tipperary County Council has concluded that the construction of a loose shed with underground effluent tank (180m²) without canopy and 156m² with canopy; and a crush (94m²) at Toor, Ballypatrick, Clonmel, Co. Tipperary, constitutes 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


for **Director of Services**