

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.)

AGRICULTURAL SHED 15m LONG X 8m WIDE
X 4.5m HIGH TO BE USED IN ASSOCIATION
WITH PROPOSED NATIVE WOODLAND PLANTING
SCHEME AT STONEPARK, BALLINDERRY
CO. TIPPERARY
Proposed floor area of proposed works/uses: 120 sqm

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

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

Signature of Applicant(s) _____

Date: 6th Dec 2023

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
 - o OSI Site Location Map with the site outlined clearly – 1:1000 in urban areas and 1:2500 in rural areas
 - o Floor Plans & Elevations at a scale of not less than 1:200
 - o Site layout plan indicating position of proposed development relative to premises and adjoining properties
 - o 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.

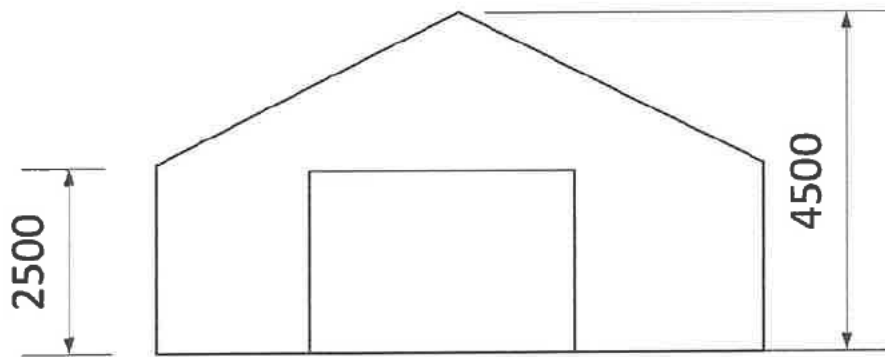
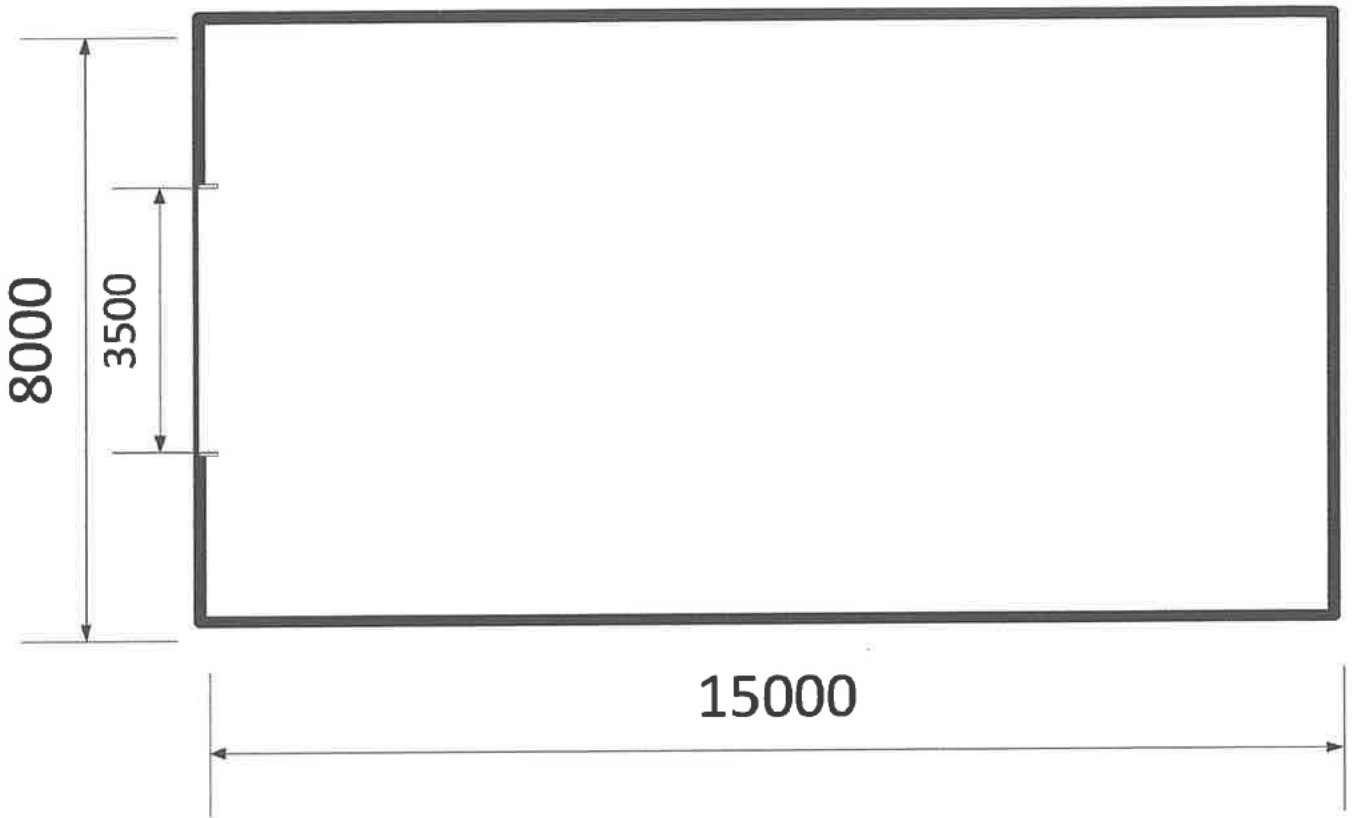
This application form and relevant fee should be submitted to:

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		

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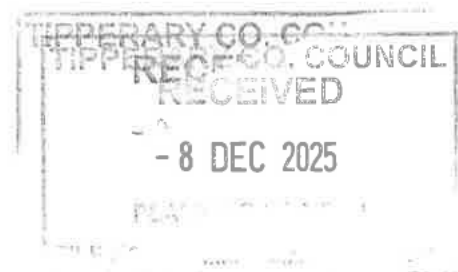
DATE STAMP

Fee Recd. € 80—
Receipt No 133704
Date 8/12/25
Received by _____



15m x 8m shed, single skin steel clad, non-drip roof
steel pedestrian door 90cm, 3.5m roller shutter door,
all necessary gutters and downpipes,

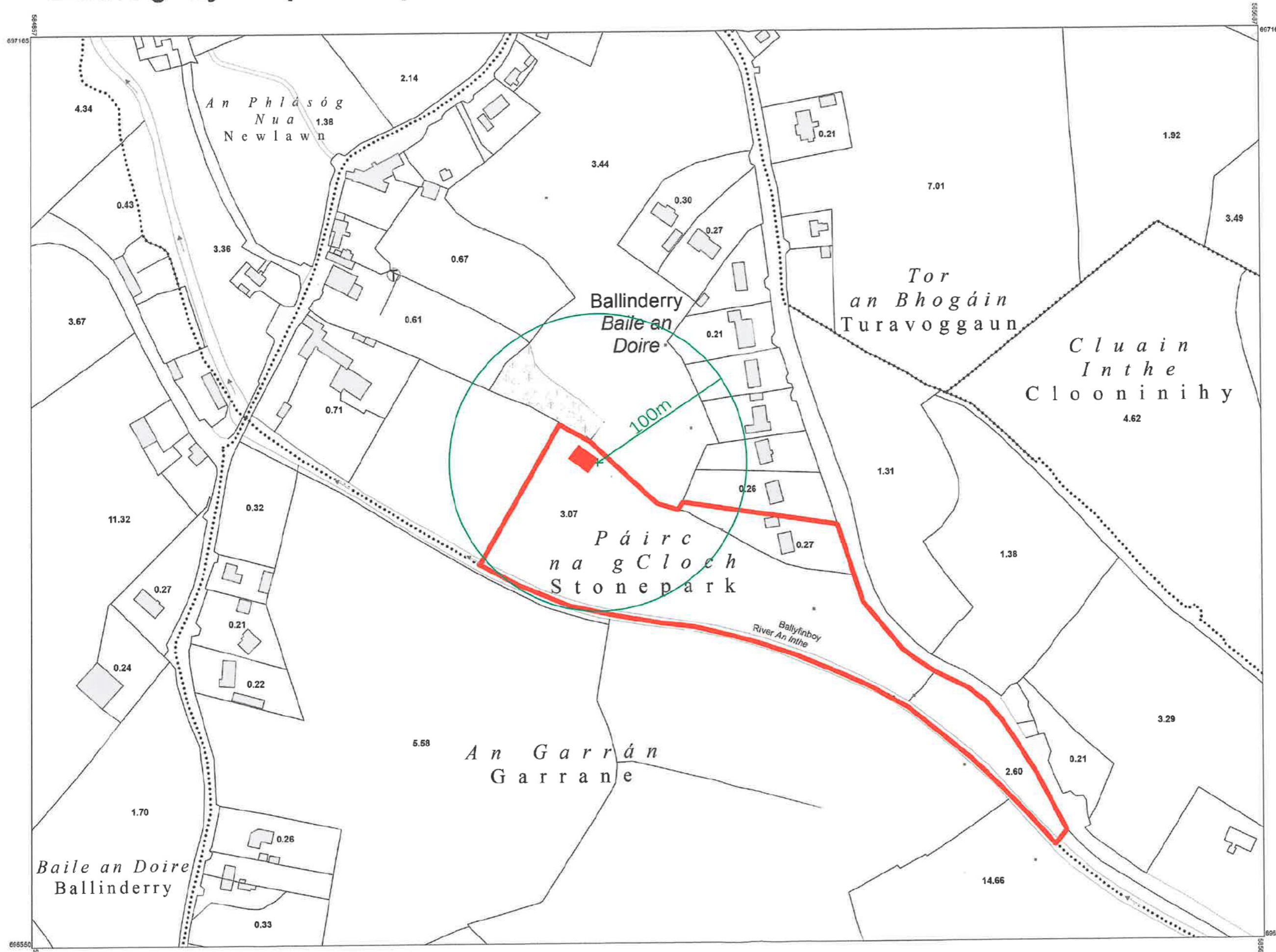
Brendan Keogh – [REDACTED]
Location: Ballinderry North Tipperary E45FD82
Scale 1:100 Dimensions in mm
Drawn December 2025



Land Registry Compliant Map



Tailte
Éireann



CENTRE
COORDINATES:
ITM 585272.696858

PUBLISHED:
24/10/2025

ORDER NO.:
50498362_1

MAP SERIES:
1:2,500

MAP SHEETS:
3927-C

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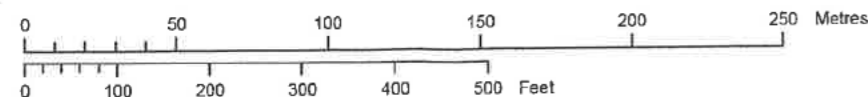
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Date: 9th December 2025 Our Ref: S5/25/156 Civic Offices, Nenagh

**Brendan Keogh
Stonepark
Ballinderry
Nenagh
Co. Tipperary**

Re: Application for a Section 5 Declaration – Agricultural shed 15m long x 8m wide x 4.5m high to be used in association with proposed nature woodland planting scheme at Stonepark, Ballinderry, Co. Tipperary.

Dear Brendan,

I acknowledge receipt of your application for a Section 5 Declaration received on 8th December 2025, 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: S5.25.156

Applicant: Brendan Keogh

Development Address: Stonepark, Ballinderry, Nenagh Co. Tipperary E45FD82

Proposed Development: Agricultural shed 15m long x 8m wide x 4.5m high to be used in association with proposed nature woodland planting scheme.

1. GENERAL

On 8th December 2025 a request was made for a declaration under Section 5 of the Planning and Development Act, 2000 as amended by Brendan Keogh as to whether or not the following works constituted development and if so, whether same was exempted development:

- Agricultural shed 15m long x 8m wide x 4.5m high to be used in association with proposed nature woodland planting scheme

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) states that notwithstanding paragraphs 9a0, (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.

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 metres.

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.

Article 9(1) of the Planning and Development Regulations 2001, as amended sets out restrictions on exemptions and states:

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,

(vi) interfere with the character of a landscape, or a view or prospect of special amenity value or special interest, the preservation of which is an objective of a development plan for the area in which the development is proposed or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan

3. **ASSESSMENT**

a. Site Location

The site is located at Stonepark, Ballinderry, Nenagh, 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”

The application form advises that the shed is for agricultural use in association with a proposed native woodland planting scheme. Further information is required on the nature of the use proposed, this is in order to determine whether the proposed shed meets the planning exemptions under Class 9 of Part 3, Schedule 2 of the Planning and Development Regulations 2001, as amended.

C) Restrictions under Article 9

The site is 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.

The access arrangement to the site require confirmation as does the traffic movements associated with the proposed development. This is in order to determine whether the restrictions under Article 9 (1) (a) (iii) applies.

D) Requirement for Appropriate Assessment and Environmental Impact Assessment

AA

An Appropriate Assessment Screening has been undertaken that determines AA is not required.

EIA

The proposal is not a category of development that requires EIA.

4. RECOMMENDATION

In accordance with Section 5(2) of the Planning and Development Act 2000, as amended the following further information is required:

1. The applicant is requested to provide further information regarding the use of the proposed development. This is in order to determine whether the proposed shed meets the planning exemptions under Class 9 of Part 3, Schedule 2 of the Planning and Development Regulations 2001, as amended.
2. The applicant is requested to indicate the means of access to the proposed development. Where the means of access differs during construction and operation all proposed accesses to be confirmed and identified on a 1:2500 OS Map.

Eoin Buckley

Signed: _____
Graduate Planner

Date: 06/01/2026

Signed: *Jonathan Flood*

Date: 9/01/2026

Senior Executive Planner

HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT

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

(a) File Reference No:	S5/25/156
(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:	N/a. No referrals made.

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 Y/N
002241 Lough Derg, North East Shore	https://www.npws.ie/protected-sites/sac/002241	Within 10km	None	No
001313 Rosturra Wood	https://www.npws.ie/protected-sites/sac/001313	Within 10km	None	No
000647 Kilcarren- Firville Bog	https://www.npws.ie/protected-sites/sac/000647	Within 10km	None	No
000248 Cloonmoylan Bog	https://www.npws.ie/protected-sites/sac/000248	Within 10km	None	No
000231 Barroughter Bog	https://www.npws.ie/protected-sites/sac/000231	Within 10km	None	No
000216 River Shannon Callows	https://www.npws.ie/protected-sites/sac/000216	Within 10km	None	No

001683 Liskeenan Fen	https://www.npws.ie/protected-sites/sac/001683	Within 15km	None	No
000641 Ballyduff/Clonfinane Bog	https://www.npws.ie/protected-sites/sac/000641	Within 15km	None	No
000319 Pollnacknauan Wood Nature Reserve	https://www.npws.ie/protected-sites/sac/000319	Within 15km	None	No
000308 Loughatorick South Bog	https://www.npws.ie/protected-sites/sac/000308	Within 15km	None	No
000261 Derrycrag Wood Nature Reserve	https://www.npws.ie/protected-sites/sac/000261	Within 15km	None	No
004168 Slieve Aughty Mountains SPA	https://www.npws.ie/protected-sites/sac/004168	Within 10km	None	No
004096 Middle Shannon Callows SPA	https://www.npws.ie/protected-sites/sac/004096	Within 10km	None	No
004058 Lough Derg (Shannon) SPA	https://www.npws.ie/protected-sites/sac/004058	Within 10km	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.)
<p>Construction phase e.g.</p> <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 • Pests 	No impacts.

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.
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In-combination/Other	No impacts
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(b) Describe any likely changes to the European site:

Examples of the type of changes to give consideration to include: <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	<input checked="" type="checkbox"/>	The proposal can be screened out: Appropriate assessment not required.

site.		
(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, Planner	Date: 08/01/2026

EIA Pre-Screening Establishing a development is a 'sub-threshold development'	
File Reference:	S5/25/156
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?	

- Yes, Schedule 7A information/screening report has been submitted by the applicant
- No, Schedule 7A information/screening report has not been submitted by the applicant

Screening Determination required

Preliminary Examination required



Date: 12th January 2026 Our Ref: S5/25/156 Civic Offices, Nenagh

Brendan Keogh
Stonepark
Ballinderry
Nenagh
Co. Tipperary

Re: Application for a Section 5 Declaration – Agricultural shed 15m long x 8m wide x 4.5m high to be used in association with proposed nature woodland planting scheme at Stonepark, Ballinderry, Nenagh Co. Tipperary E45FD82.

Dear Brendan,

I refer to an application received from you on 8th December 2025 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;

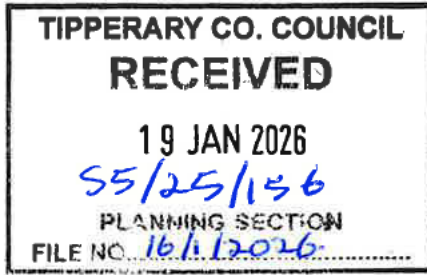
In accordance with Section 5(2) of the Planning and Development Act 2000, as amended the following further information is required:

1. The applicant is requested to provide further information regarding the use of the proposed development. This is in order to determine whether the proposed shed meets the planning exemptions under Class 9 of Part 3, Schedule 2 of the Planning and Development Regulations 2001, as amended.
2. The applicant is requested to indicate the means of access to the proposed development. Where the means of access differs during construction and operation all proposed accesses to be confirmed and identified on a 1:2500 OS Map.

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

Yours sincerely

for **Director of Services**



Journey's End

Stonepark, Ballinderry

Nenagh, Co. Tipperary

E45FD82

Mobile: [REDACTED]

eMail: [REDACTED]

19th January 2025

Your Reference S5/25/156

Siobhan,

In response to your letter received 16th January, please find enclosed an updated map showing the proposed access to the Shed, the access will be via the existing entrance to the house at E45FD82.

The shed would be used in conjunction with a proposed native forestry scheme.

The woodland would be actively managed to promote ecological health, biodiversity, and public benefit. The proposed shed would be used solely for the storage of machinery, hand tools, safety equipment, and materials necessary for woodland management activities such as coppicing, invasive species control, path maintenance, and habitat improvement. It would also provide a sheltered space for the safe handling and maintenance of equipment.

The proposed structure will be sensitively sited, minimising visual impact on the landscape through the use of berms and planting and designed to blend with the surrounding environment (per attached sketches). Its use would reduce the need for repeated vehicle access to the site, thereby minimising disturbance to the woodland and surrounding area.

The shed would not be used for residential, commercial, or industrial purposes and would support the long-term sustainable management of the woodland in line with good forestry and environmental practice.

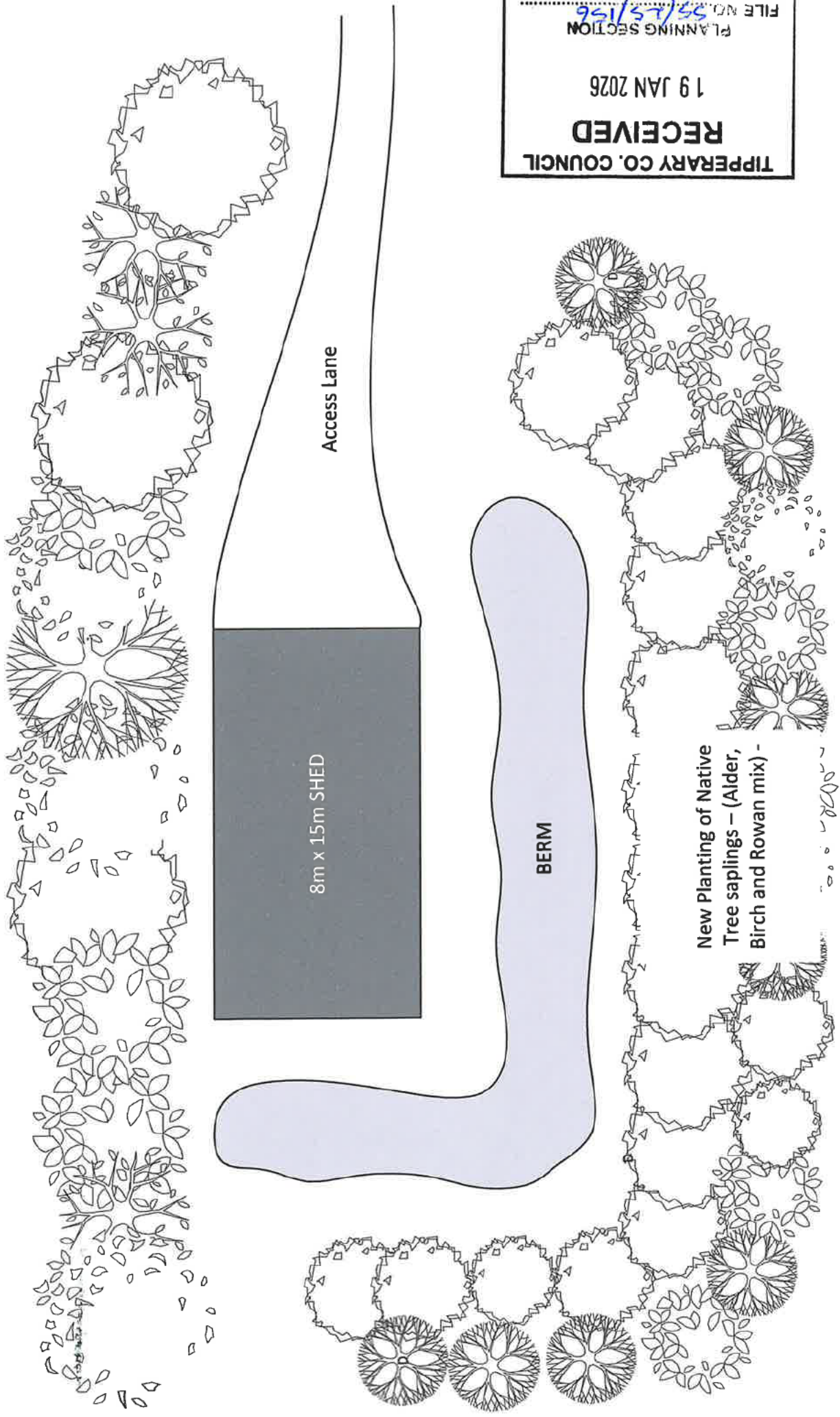
I trust this proposal demonstrates that the shed is a practical and necessary addition that will contribute positively to the responsible stewardship of the proposed woodland.

Kind Regards

Brendan

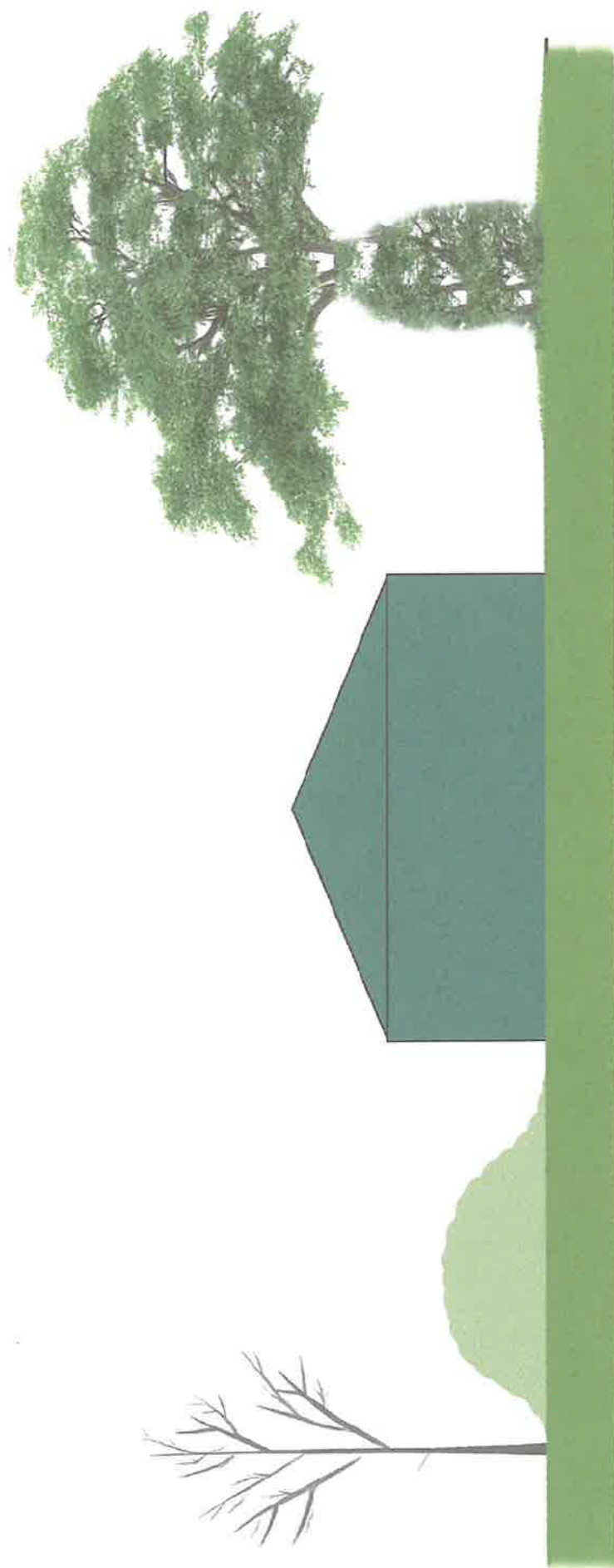


EXISTING MATURE TREES AND HEDGEROW (Site Boundary)



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FILE NO. 25/25/156

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PLANNING SECTION
FILE NO. S5/25/156



Proposed Berm
and new planting

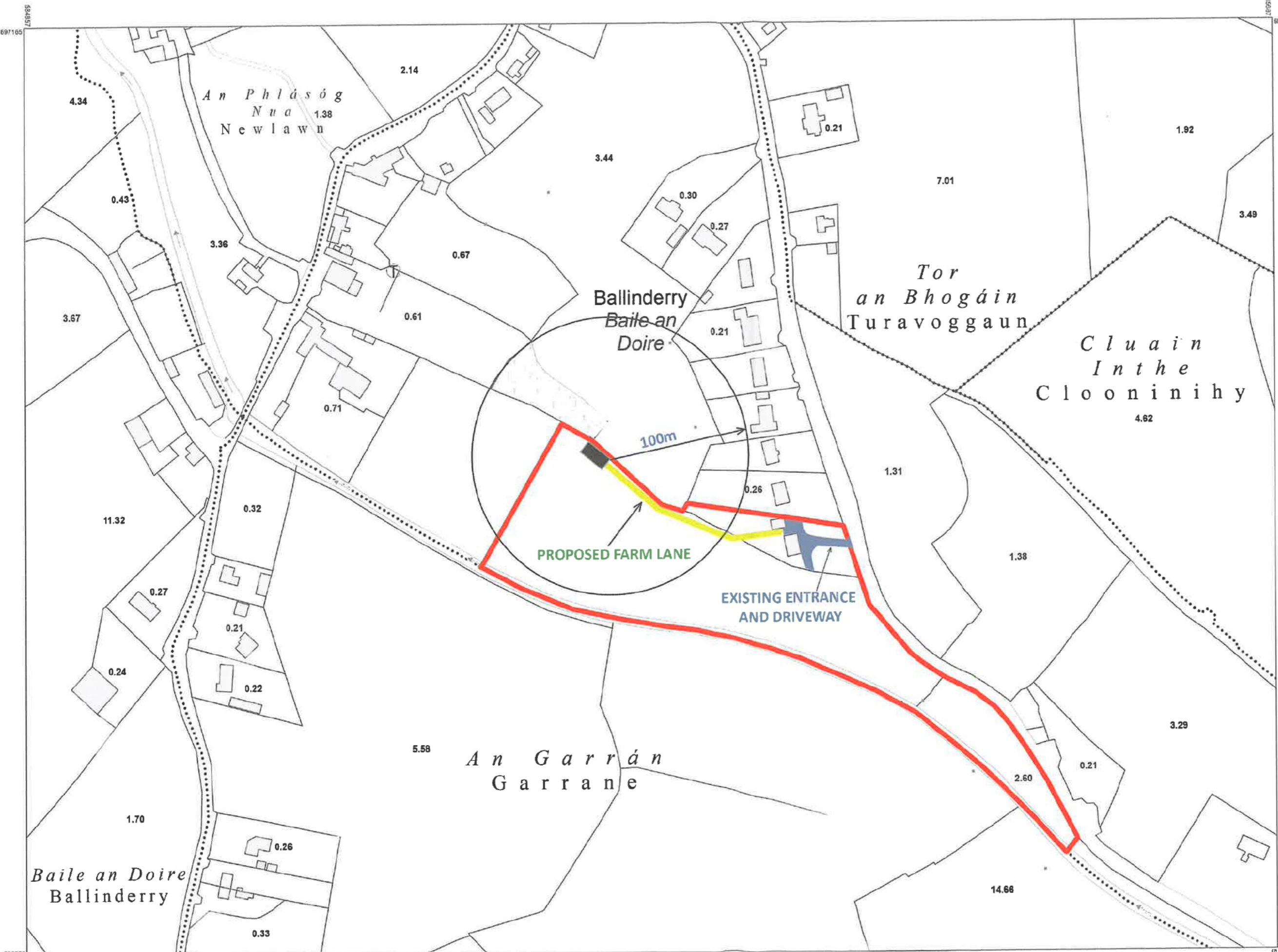
Proposed Shed

Existing Hedge
and mature trees

Land Registry Compliant Map



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CENTRE COORDINATES:
ITM 585272,696858

PUBLISHED: 24/10/2025 **ORDER NO.:** 50498362_1

MAP SERIES: 1:2,500 **MAP SHEETS:** 3927-C

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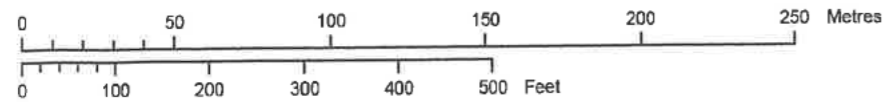
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TIPPERARY CO. COUNCIL RECEIVED
19 JAN 2026
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FILE NO. 16/1/2026



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Date: 20th January 2026

Our Ref: S5/25/156 Civic Offices, Nenagh

**Brendan Keogh
Stonepark
Ballinderry
Nenagh
Co. Tipperary**


Re: Application for a Section 5 Declaration – Agricultural shed 15m long x 8m wide x 4.5m high to be used in association with proposed nature woodland planting scheme at Stonepark, Ballinderry, Nenagh Co. Tipperary E45FD82.

Dear Brendan

I acknowledge receipt of Further Information received on 19th January 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: S5.25.156

Applicant: Brendan Keogh

Development Address: Stonepark, Ballinderry, Nenagh Co. Tipperary E45FD82

Proposed Development: Agricultural shed 15m long x 8m wide x 4.5m high to be used in association with proposed nature woodland planting scheme.

1. GENERAL

On 8th December 2025 a request was made for a declaration under Section 5 of the Planning and Development Act, 2000 as amended by Brendan Keogh as to whether or not the following works constituted development and if so, whether same was exempted development:

- Agricultural shed 15m long x 8m wide x 4.5m high to be used in association with proposed nature woodland planting scheme

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) states that notwithstanding paragraphs 9a0, (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.

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 metres.

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.

Article 9(1) of the Planning and Development Regulations 2001, as amended sets out restrictions on exemptions and states:

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,

(vi) interfere with the character of a landscape, or a view or prospect of special amenity value or special interest, the preservation of which is an objective of a development plan for the area in which the development is proposed or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan

3. **ASSESSMENT**

a. Site Location

The site is located at Stonepark, Ballinderry, Nenagh, 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”

The application form advises that the shed is for agricultural use in association with a proposed native woodland planting scheme. Further information is required on the nature of the use proposed, this is in order to determine whether the proposed shed meets the planning exemptions under Class 9 of Part 3, Schedule 2 of the Planning and Development Regulations 2001, as amended.

C) Restrictions under Article 9

The site is 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.

The access arrangement to the site require confirmation as does the traffic movements associated with the proposed development. This is in order to determine whether the restrictions under Article 9 (1) (a) (iii) applies.

D) Requirement for Appropriate Assessment and Environmental Impact Assessment

AA

An Appropriate Assessment Screening has been undertaken that determines AA is not required.

EIA

The proposal is not a category of development that requires EIA.

4. RECOMMENDATION

In accordance with Section 5(2) of the Planning and Development Act 2000, as amended the following further information is required:

1. The applicant is requested to provide further information regarding the use of the proposed development. This is in order to determine whether the proposed shed meets the planning exemptions under Class 9 of Part 3, Schedule 2 of the Planning and Development Regulations 2001, as amended.
2. The applicant is requested to indicate the means of access to the proposed development. Where the means of access differs during construction and operation all proposed accesses to be confirmed and identified on a 1:2500 OS Map.

Eoin Buckley

Signed: _____
Graduate Planner

Date: 06/01/2026

Signed: *Jonathan Flood*

Date: 9/01/2026

Senior Executive Planner

5. FURTHER INFORMATION

Two points of further information were requested from the applicant in a letter dated 12/01/2026. The FI request is outlined below in italics, with assessment under same in bold.

1. *The applicant is requested to provide further information regarding the use of the proposed development. This is in order to determine whether the proposed shed meets the planning exemptions under Class 9 of Part 3, Schedule 2 of the Planning and Development Regulations 2001, as amended.*

A letter and drawings detailing the proposed use of the development were submitted by the applicant.

The proposed development can be considered to come within the planning exemption under Class 9 of the Planning and Development Regulations 2001, as amended. Class 9 provides an exemption for the provision of any store, barn, shed, glass-house or other structure having a gross floor space not exceeding 300 square metres.

The applicant states that the shed would be used in conjunction with a proposed native forestry scheme and would only be used solely for the storage of machinery, hand tools, safety equipment and materials necessary for woodland management. The shed would also provide a sheltered space for the safe handling and maintenance of equipment.

This use satisfies condition and limitation 1 of Class 9. The remaining conditions and limitations under Class 9 relating to gross floor space, distance from public roads and existing structures and the painting of external finishes of the structure are all satisfied by the information submitted by the applicant.

2. *The applicant is requested to indicate the means of access to the proposed development. Where the means of access differs during construction and operation all proposed accesses to be confirmed and identified on a 1:2500 OS Map.*

A site layout map has been submitted by the applicant that identifies the access route to the proposed development is through an existing entrance that serves the dwelling within the site via a new farm lane. I do not consider the access arrangements present a traffic hazard.

6. RECOMMENDATION

A question has arisen as to whether the following proposal to be undertaken at Stonepark, Ballinderry, Nenagh Co. Tipperary E45FD82 is development and is or is not exempted development:

Agricultural shed 15m long x 8m wide x 4.5m high to be used in association with proposed nature woodland planting scheme

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 construction of a new agricultural shed 15m long x 8m wide x 4.5m high to be used in association with proposed nature woodland planting scheme constitutes “development” within the meaning of the Planning and Development Act 2000 as amended and **IS exempted development.**

Eoin Buckley

Signed: _____
Graduate Planner

Date: 30/01/2026

Signed: *Jonathan Flood*
_

Date: 30/01/2026

Senior Executive Planner

HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT

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

(a) File Reference No:	S5/25/156
(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:	N/a. No referrals made.

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
002241 Lough Derg, North East Shore	https://www.npws.ie/protected-sites/sac/002241	Within 10km	None	No
001313 Rosturra Wood	https://www.npws.ie/protected-sites/sac/001313	Within 10km	None	No
000647 Kilcarren-Firville Bog	https://www.npws.ie/protected-sites/sac/000647	Within 10km	None	No
000248 Cloonmoylan Bog	https://www.npws.ie/protected-sites/sac/000248	Within 10km	None	No
000231 Barrougher Bog	https://www.npws.ie/protected-sites/sac/000231	Within 10km	None	No
000216 River Shannon Callows	https://www.npws.ie/protected-sites/sac/000216	Within 10km	None	No
001683 Liskeenan Fen	https://www.npws.ie/protected-sites/sac/001683	Within 15km	None	No

000641 Ballyduff/Clonfinane Bog	https://www.npws.ie/protected-sites/sac/000641	Within 15km	None	No
000319 Pollnackoun Wood Nature Reserve	https://www.npws.ie/protected-sites/sac/000319	Within 15km	None	No
000308 Loughatorick South Bog	https://www.npws.ie/protected-sites/sac/000308	Within 15km	None	No
000261 Derrycrag Wood Nature Reserve	https://www.npws.ie/protected-sites/sac/000261	Within 15km	None	No
004168 Slieve Aughty Mountains SPA	https://www.npws.ie/protected-sites/sac/004168	Within 10km	None	No
004096 Middle Shannon Callows SPA	https://www.npws.ie/protected-sites/sac/004096	Within 10km	None	No
004058 Lough Derg (Shannon) SPA	https://www.npws.ie/protected-sites/sac/004058	Within 10km	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 • Pests 	No impacts.
Operational phase e.g. <ul style="list-style-type: none"> • Direct emission to air and water • Surface water runoff containing contaminant or 	No impacts.

sediment <ul style="list-style-type: none"> • 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 	
In-combination/Other	No impacts

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

Examples of the type of changes to give consideration to include: <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, Planner	Date: 08/01/2026

EIA Pre-Screening Establishing a development is a 'sub-threshold development'	
File Reference:	S5/25/156
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

Original

TIPPERARY COUNTY COUNCIL

DELEGATED EMPLOYEE'S ORDER

File Ref: **S5/25/156** **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 Brendan Keogh, Stonepark, Ballinderry, Nenagh, Co. Tipperary, re: Agricultural shed 15m long x 8m wide x 4.5m high to be used in association with proposed nature woodland planting scheme at Stonepark, Ballinderry, Nenagh Co. Tipperary E45FD82 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

Tipperary County Council has concluded that the construction of a new agricultural shed 15m long x 8m wide x 4.5m high to be used in association with proposed nature woodland planting scheme constitutes "development" within the meaning of the Planning and Development Act 2000 as amended and **IS exempted development.**

Signed: 

Brian Beck
Director of Services

Date: 03/02/2026



Comhairle Contae Thiobraid Árann
Tipperary County Council

Comhairle Contae
Thiobraid Árann,
Oifigí Cathartha,
Cluain Meala,
Co. Thiobraid Árann
Tipperary County Council,
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Date: 3rd February 2026

Our Ref: S5/25/156

Civic Offices, Nenagh

Brendan Keogh
Stonepark
Ballinderry
Nenagh
Co. Tipperary

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

Dear Brendan,

I refer to your application for a Section 5 Declaration received on 8th December, 2025, and Further Information received on 19th January 2026 in relation to the following proposed works:

Agricultural shed 15m long x 8m wide x 4.5m high to be used in association with proposed nature woodland planting scheme at Stonepark, Ballinderry, Nenagh Co. Tipperary E45FD82.

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

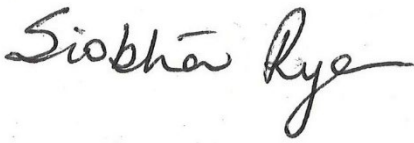
AND WHEREAS Tipperary County Council, in considering this referral, had regard particularly to –

- (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 construction of a new agricultural shed 15m long x 8m wide x 4.5m high to be used in association with proposed nature woodland planting scheme constitutes "development" within the meaning of the Planning and Development Act 2000 as amended 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**