



PLANNING & DEVELOPMENT ACT, 2000 (as amended)

Application for a Section 5 Declaration
Development / Exempted Development

1. Applicant's address/contact details:

Applicant	PATRICK COSTELLO / ANNA SCHWARTZ
Address	BALLINARD FETHARD TIPPERARY, E91FE00
Telephone No.	[REDACTED]
E-mail	[REDACTED]

2. Agent's (if any) address:

Agent	N/A
Address	-
Telephone No.	-
E-mail	-
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)	BALLINARD FETHARD TIPPERARY E91FE00
---	--

4. Development Details:

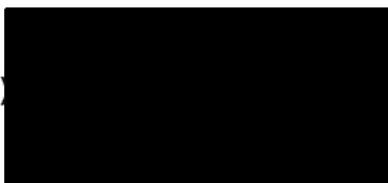
Please provide details of the proposed development for which an exemption under Section 5 of the Planning and Development Act is applied for.

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

Animal (Equine) shelter/stable ≈ 110sqm
wash area ≈ 18sqm
extension of foundation around stable ≈ the rest.
Proposed floor area of proposed works/uses: ²⁰⁰ 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: 18/9/2025

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.

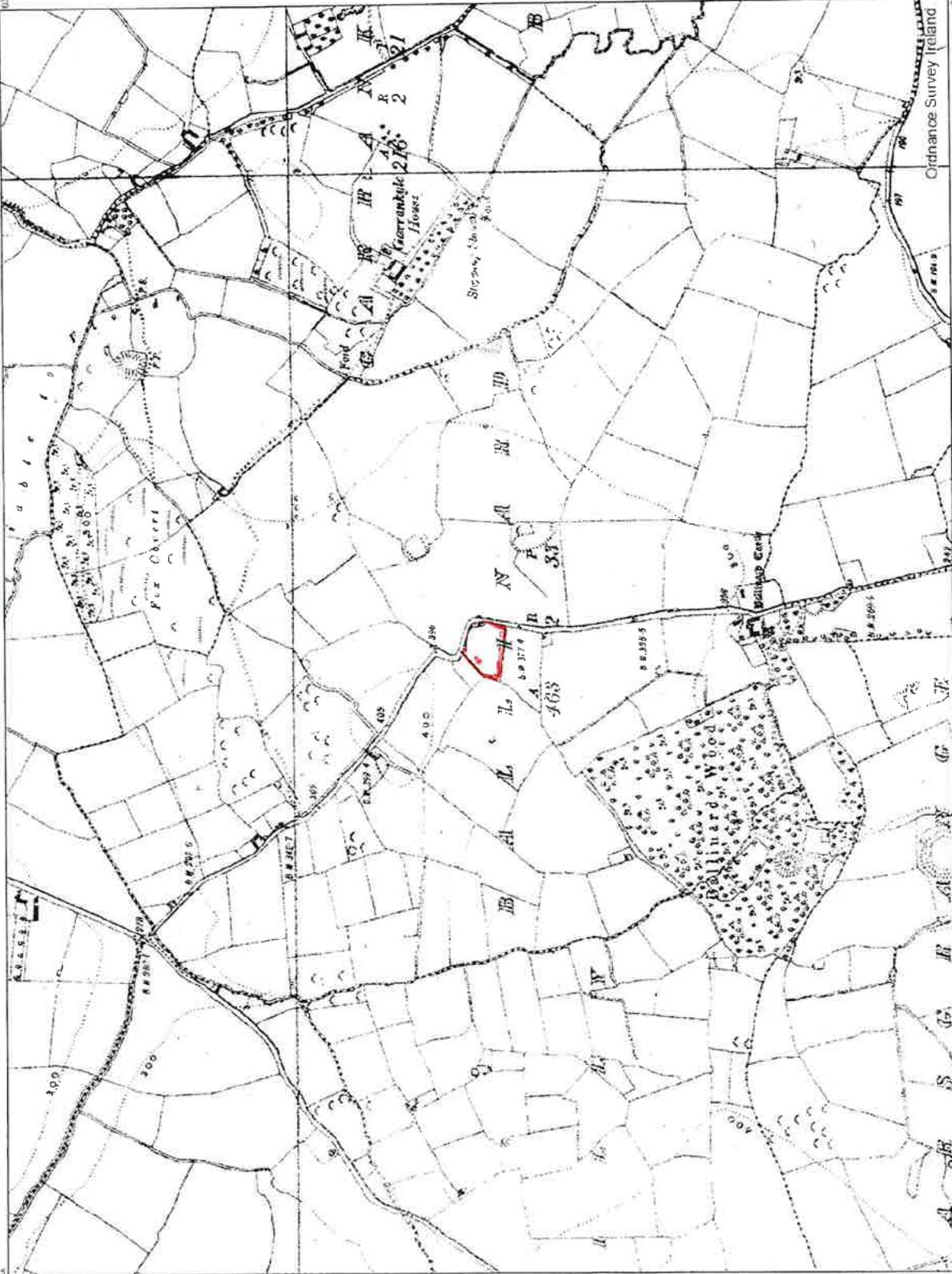
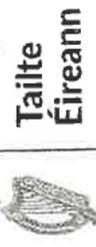
This application form and relevant fee should be submitted to:

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		

FOR OFFICE USE ONLY	
<u>DATE STAMP</u>	
Fee Recd. € _____	
Receipt No _____	
Date _____	
Received by _____	

Animal shelter/stables - Private equine - Patrick Costello
E91FE00
Red dot is proposed location

Site Location Map



CENTRE COORDINATES:
 ITM 625446,636922

PUBLISHED: 03/08/2025
ORDER NO.: 50482522_1

MAP SERIES:
 6 Inch Raster TY062
 6 Inch Raster TY063
 6 Inch Raster TY070
 6 Inch Raster TY071

COMPILED AND PUBLISHED BY:
 Tailte Éireann,
 Phoenix Park,
 Dublin 8,
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 D08F6E4

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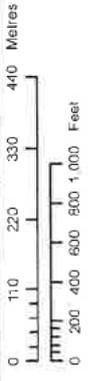
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 Further information is available at www.tailte.ie, search 'Capture Resolution'

OUTPUT SCALE: 1:10,560



SCANNED

Planning Pack Map

Proposed Location Stables/shed. - Patrick Costello
E91FEΦΦ

Tailte Éireann



CENTRE COORDINATES:
ITM 625446.636922

PUBLISHED: 03/08/2025
ORDER NO.: 50482522_1

MAP SERIES: / **MAP SHEETS:**
1:5,000 5125
1:2,500 5125-C

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Dublin 8,
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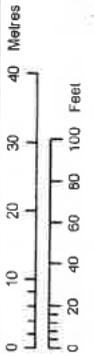
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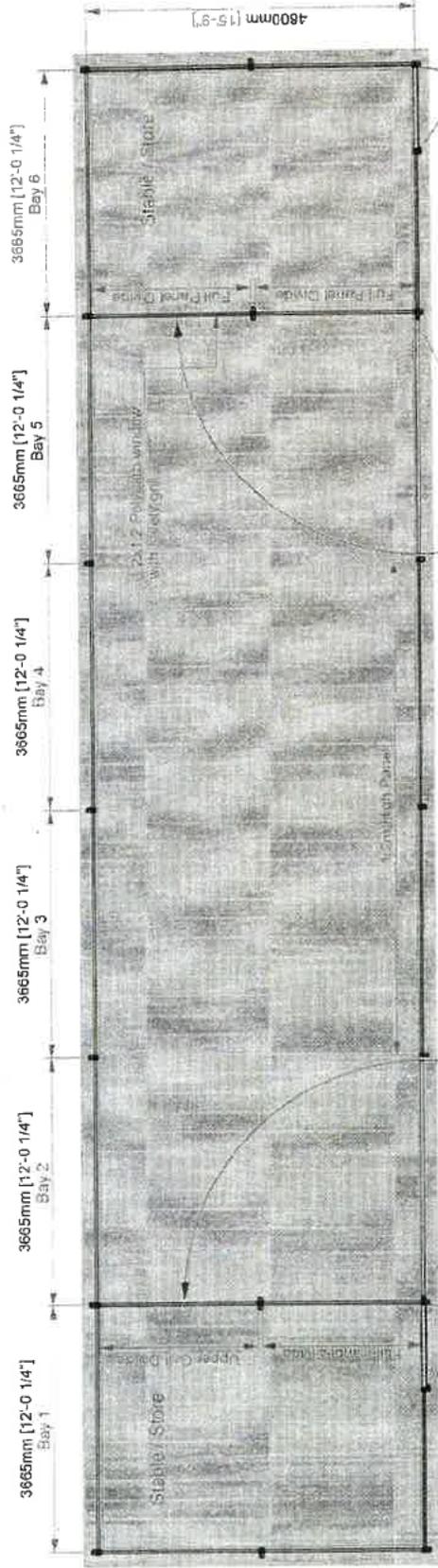
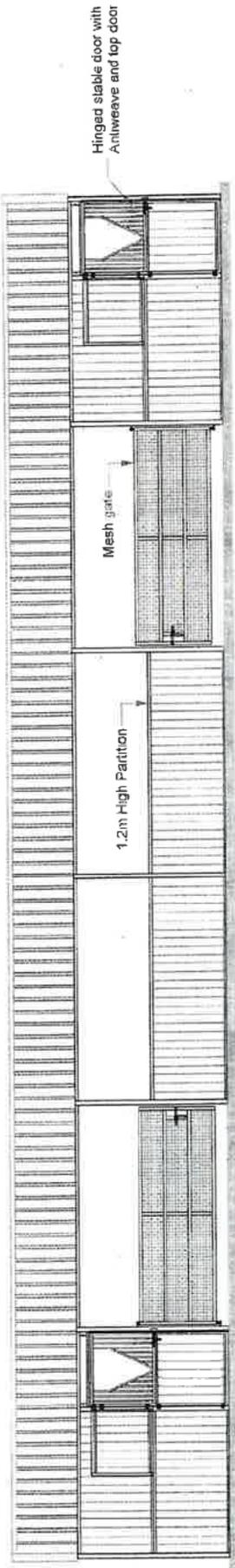
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OUTPUT SCALE: 1:1,000



636922

636922



Extras	
Swivel Feed Bowl	0
Water Bowl	0
Mats	0
Hayrack	0
Infill	0

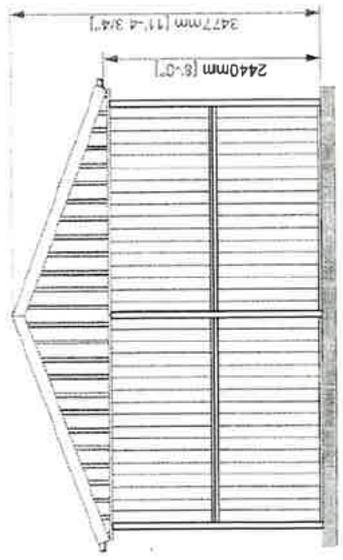
Board Colour: **BROWN**

Project No	02
Client	Outdoor Stables
Contractor	Patrick Costello
Issue	Outline Plan
Date	24/07/25
Version	02
Scale	01 of 01
Information	
Client Ref	
Drawn By	
Checked By	
Approved By	

Ballinard E91FE00
STRUCTURE DIMENSIONS

Notes:

1. All steelwork hot dip galvanised
2. Recycled plastic tongue and groove panelling - Colour Brown
3. Non drip roof sheeting - slate grey colour



SCANNED



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 5000/604
e customerservice
@tipperarycoco.ie
tipperarycoco.ie

Date: 25th September 2025

Our Ref: S5/25/126

Civic Offices, Clonmel

Patrick Costello & Anna Schwartz
Ballinard
Fethard
Co. Tipperary

Re: Application for a Section 5 Declaration – Animal (Equine) shelter/stable 110sqm, wash area 18sqm, extension of foundation around stable at Ballinard, Fethard, Co. Tipperary E91FE00

Dear Patrick & Anna

I acknowledge receipt of your application for a Section 5 Declaration received on 24th September 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: S5/25/126

Applicant: Patrick Costello & Anna Schwartz

Development Address: Ballinard, Fethard, Co. Tipperary E91 FE00

Proposed Development: Construction of Animal (Equine) shelter/stable 110sqm, wash area 18sqm and extension of foundation around stable.

1. GENERAL

On 24th September 2025 a request was made for a declaration under Section 5 of the Planning and Development Act, 2000 as amended by Patrick Costello & Anna Schwartz as to whether or not the following works constituted development and if so, whether same was exempted development:

- Construction of Animal (Equine) shelter/stable 110sqm, wash area 18sqm and extension of foundation around stable.

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 (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.

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 6 and Class 8 of Part 3 of Schedule 2 of the Planning and Development Regulations 2001, as amended states:

Agricultural Structures

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 200 square meters (whether or not by extension of an existing structure), and any ancillary provision for effluent storage.

Conditions and Limitations

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

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.

Conditions and Limitations

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 sets out the restrictions on exemptions.

3. **ASSESSMENT**

a. Site Location

The site is located at Ballinard, Fethard, Co. Tipperary E91 FE00

b. Relevant Planning History

PL. Ref. No. 2560279 – permission granted for retention of the extension to the side of the dwelling with all associated siteworks.

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 roofed structure for the housing of horses falls under Class 6 and the yard area falls under Class 8. Details of the wash bay are not clearly identified and it is unclear which class this falls under. The assessment of each element is set out in red below.

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 200 square meters (whether or not by extension of an existing structure), and any ancillary provision for effluent storage. **The floor area of the proposed shed is less than 200 sq m.**

Conditions and Limitations

1. No such structure shall be used for any purpose other than the purpose of agriculture. **The structure is stated to be for the purposes of housing horses.**
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 300 square metres gross floor space in aggregate. **There are no other such structures within 100m of this site.**
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. **No details of the effluent storage facilities have been set out.**
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 not within 10m of the public road.**
5. No such structure within 100 metres of any public road shall exceed 8 metres in height. **The structure is 3.47m 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 structure is to be located within 100m of three third party dwellings and letters of consent have not been provided.**
7. No unpainted metal sheeting shall be used for roofing or on the external finish of the structure. **Galvanise stated to be slate grey in colour.**

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. **The area of the yard proposed is not stated or outlined on the site layout plan.**

Conditions and Limitations

1. No such structure shall be used for any purpose other than the purpose of agriculture. **The yard is for 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. **The area of the yard proposed is not stated or outlined on the site layout plan.**
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. **N/A yard only**
4. No such structure shall be situated, and no effluent from such structure shall be stored, within 10 metres of any public road. **Structure not shown on site layout plan so location relative to the public road cannot be confirmed.**
5. No such structure within 100 metres of any public road shall exceed 8 metres in height. **NA**
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 structure is to be located within 100m of three third party dwellings and letters of consent have not been provided.**
7. No unpainted metal sheeting shall be used for roofing or on the external finish of the structure. **NA**

Wash Bay

The way bay is not shown on the site layout plan and plans and particulars of same have not been submitted.

Further Information is required in order to determine if the proposal is exempt.

C) Restrictions under Article 9

The restrictions under Article 9 do not apply.

D) Requirement for Appropriate Assessment and Environmental Impact Assessment

AA

The proposal has been screened as to the requirement for AA and same is not required in respect of the proposal (see Screening Report attached).

EIA

The proposal has been screened as to the requirement for EIA and same is not required in respect of the proposal (see Screening Report attached).

4. RECOMMENDATION

A question has arisen as to whether the construction of Animal (Equine) shelter/stable 110sqm, wash area 18sqm and extension of foundation around stable is development and is or is not exempted development. The information on the file is not sufficient for the Planning Authority to make an informed determination.

It is duly recommended that the following further information be requested under Section 5(2)(b) of the Planning and Development Act 2000, as amended;

1. The applicant is requested to submit a revised Site Layout Plan (scale 1:500) showing the proposed shelter, wash bay and extended foundations/yard. The Site Layout Plan shall include dimensions to the site boundaries and the dimensions/area of the yard.
2. The applicant is requested to submit plans and elevations of the wash bay.

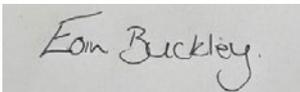
3. The applicant is advised that condition and limitation No. 6 attached to Class 6 and Class 8 of Part 3 of Schedule 2 of the Planning and Development Regulations 2001, as amended, require as follows;

“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 structure subject to this Section 5 is to be located within 100m of three third party dwellings. The applicant is requested to submit letters of consent from the subject dwellings.

4. The applicant is requested to;
- (a) Submit details of the effluent storage facilities to serve the development, and,
 - (b) Demonstrate that the facilities are adequate to serve the structure and are in line with Department of Agriculture, Food and Rural Development and the Department of the Environment and Local Government requirements.

Signed:



Date: 08/10/2025

Signed:



Date: 13.10.2025

HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT

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

(a) File Reference No:	S5/25/126
(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	No
(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
002137 Lower River Suir	https://www.npws.ie/protected-sites/sac/002137	Within 15km	None	No
002162 River Barrow and River Nore	https://www.npws.ie/protected-sites/sac/002162	Within 15km	None	No

STEP 3. Assessment of Likely Significant Effects

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

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

<ul style="list-style-type: none"> • 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 		
In-combination/Other	No impacts	
(b) Describe any likely changes to the European site:		
<p>Examples of the type of changes to give consideration to include:</p> <ul style="list-style-type: none"> • Reduction or fragmentation of habitat area • Disturbance to QI species • Habitat or species fragmentation • Reduction or fragmentation in species density • Changes in key indicators of conservation status value (water or air quality etc.) • Changes to areas of sensitivity or threats to QI • Interference with the key relationships that define the structure or ecological function of the site 	No impacts	
(c) Are 'mitigation' measures necessary to reach a conclusion that likely significant effects can be ruled out at screening?		
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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 proposals presents no impacts on any Natura 2000 site.		
Conclusion:		
	Tick as Appropriate:	Recommendation:
(i) It is clear that there is no likelihood of significant effects on a European site.	<input checked="" type="checkbox"/>	The proposal can be screened out: Appropriate assessment not required.

(ii) It is uncertain whether the proposal will have a significant effect on a European site.	<input type="checkbox"/>	<input type="checkbox"/> Request further information to complete screening <input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission	
(iii) Significant effects are likely.	<input type="checkbox"/>	<input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission	
Signature and Date of Recommending Officer:	Eoin Buckley, Graduate Planner	Date:	08/10/2025

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

File Reference:	S5/25/126
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



Date: 14th October, 2025

Our Ref: S5/25/126

Civic Offices, Nenagh

Patrick Costello & Anna Schwartz
Ballinard
Fethard
Co. Tipperary

Re: Application for a Section 5 Declaration – Construction of Animal (Equine) shelter/stable 110sqm, wash area 18sqm and extension of foundation around stable at Ballinard, Fethard, Co. Tipperary E91 FE00

Dear Patrick & Anna,,

I refer to an application received from you on 24th September, 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;

It is recommended to request the following further information pursuant to Section 5 (2) (b) of the Planning and Development Act 2000, as amended

1. The applicant is requested to submit a revised Site Layout Plan (scale 1:500) showing the proposed shelter, wash bay and extended foundations/yard. The Site Layout Plan shall include dimensions to the site boundaries and the dimensions/area of the yard.
2. The applicant is requested to submit plans and elevations of the wash bay.
3. The applicant is advised that condition and limitation No. 6 attached to Class 6 and Class 8 of Part 3 of Schedule 2 of the Planning and Development Regulations 2001, as amended, require as follows;

"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 structure subject to this Section 5 is to be located within 100m of three third party dwellings. The applicant is requested to submit letters of consent from the subject dwellings.

4. The applicant is requested to;
 - a) Submit details of the effluent storage facilities to serve the development, and,
 - b) Demonstrate that the facilities are adequate to serve the structure and are in line with Department of Agriculture, Food and Rural Development and the Department of the Environment and Local Government requirements.

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

Yours sincerely



for **Director of Services**

Re: [External] Preplanning request - Patrick Costello - Animal shelter/stable

From Patrick Costello
Date Sun 22 Feb 2026
To Planning <plann

6 attachments (2 MB)

Site Plan-2-PP-101 Ballinard E91FE00 Costello.pdf; Letter of consent D McGrath 22.12.2025_20251017_0001.pdf; Letter of consent Paul Carew. 2025_20251017_0001.pdf;

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Dear Siobhan, Planning group Tipp Co.Co

In follow up to the request for information letter dated 14th October 2025 I submit some additionally requested supporting information for section 5 application animal shelter please find additional information.

A drawing with a refined/detailed drawing of stable/shelter location/ layout and written consent of our surrounding direct neighbours (x3).

Please could you add them to our application file for review. Our apologies for the length of time between your letter /correspondence and our response but we have been busy also refurbishing our home and finding a supplier/engineer available to create the requested drawings before the end of last years holiday period.

- Attached some site drawings requested with detail references.

1. "Site Plan-2-PP-101 Ballinard E91FE00 Costello"
2. "Site Plan-2-PP-102 Ballinard E91FE00 Costello"

- Direct adjacent dwelling neighbours consent -

1. a) Letter of consent D McGrath,
2. b) Letter of consent M O'Gorman and
3. c) Letter of consent P. Carew.

- Tipp CoCo response reference letter from our original application.

If there are any queries, questions or comments then please let me know.

Best regards,

Patrick Costello
Ballinard, E91FE00

On Fri, 19 Sept 2025 at 14:40, Planning Group <planning@tipperarycoco.ie> wrote:

Dear Patrick,

I wish to acknowledge receipt of your email and advise that I have forwarded same to the relevant section.

Kind Regards,
Siobhan

Siobhan Ryan,
Staff Officer, Planning
Civic Offices, Limerick Road, Nenagh, Co. Tipperary.
Telephone: 0818 06 5000
E-mail: planning@tipperarycoco.ie
Website: www.tipperarycoco.ie



THE PLACE, THE TIME



From: Patrick Costello <patrick.costello@tipperarycoco.ie>
Sent: Friday 19 September 2025 at 14:40
To: Planning Group <planning@tipperarycoco.ie>
Subject: [External] Preparation of request for exemption for animal shelter/stable

Some people who receive this email from [Tipperary County Council](#), [Learn why this is important](#)

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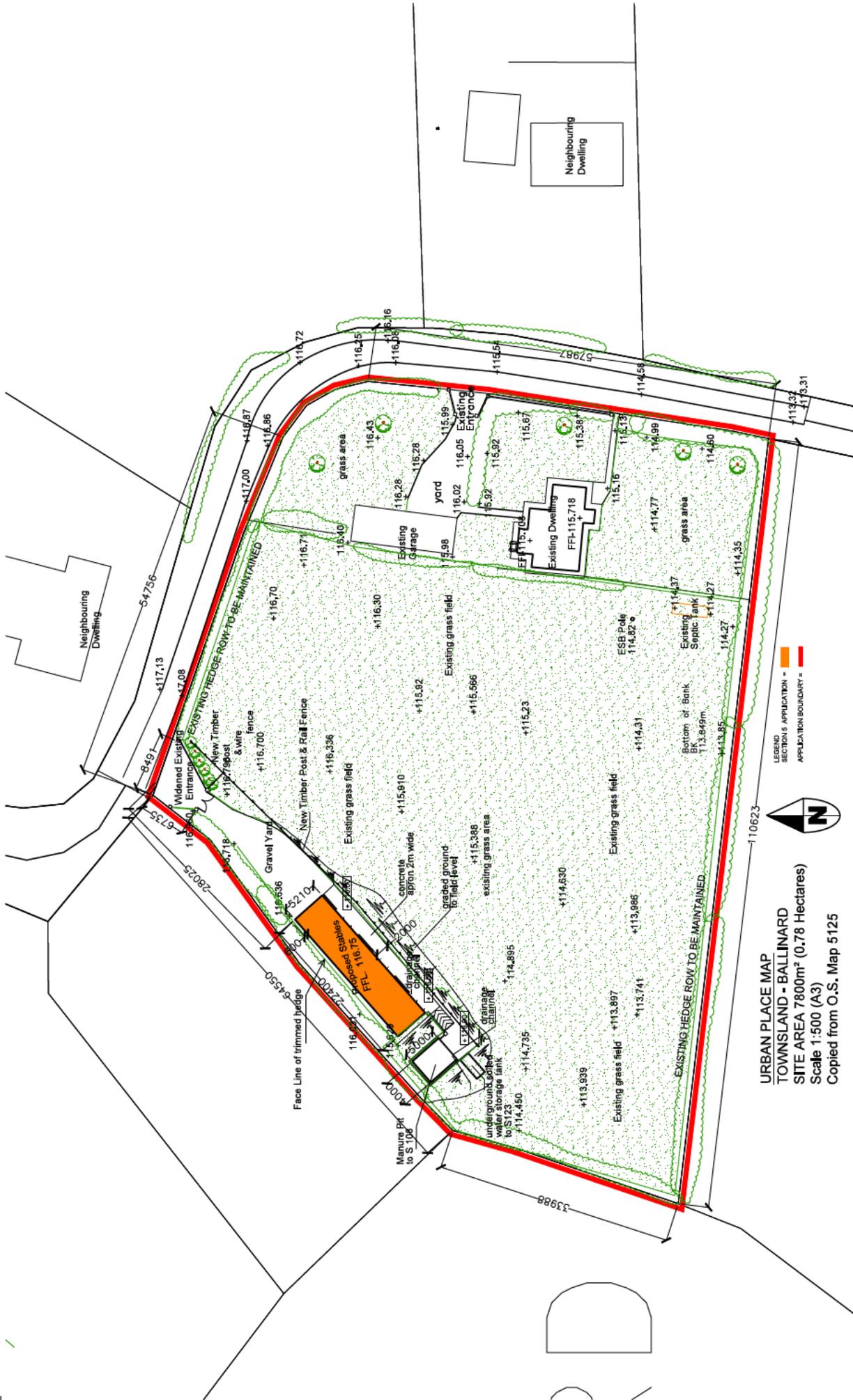
Dear Sir/ madam,

Please find attached a copy of the application or a pre planning application for animal (equine) shelter/stable development planning exemption.

ATTACHED:

- PDF containing Application for consultation meeting including shelter/stable structure design, site location map and planning pack map.
- photos of actual location.
- section 5 request for exempted development.

NOTE:



URBAN PLACE MAP
 TOWNSLAND - BALLINARD
 SITE AREA 7800m² (0.78 Hectares)
 Scale 1:500 (A3)
 Copied from O.S. Map 5125

REVISIONS

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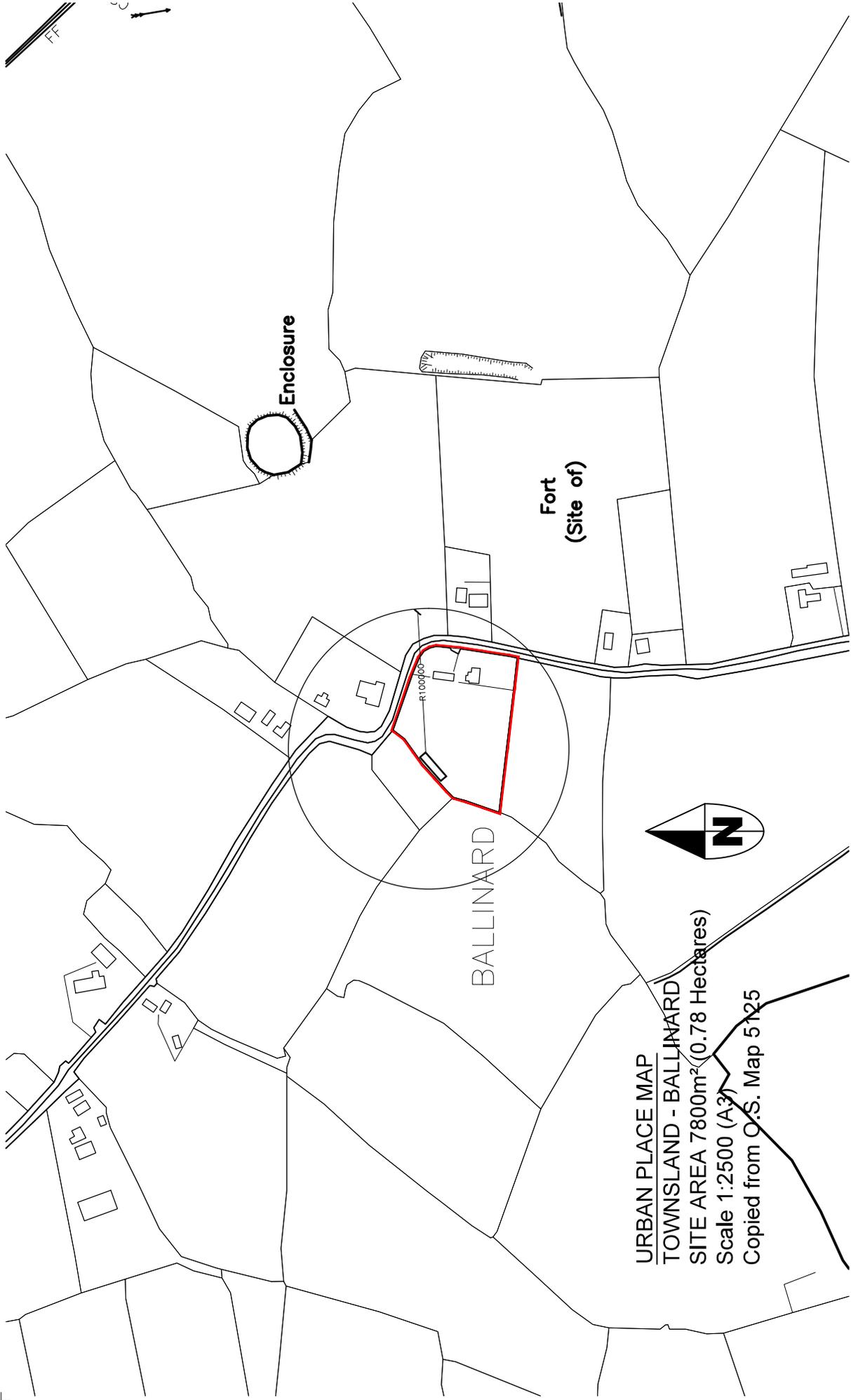
ORDNANCE SURVEY LICENCE NO AR00067

Ryan Architectural Solutions Ltd.
 ~ Architectural Technologist
 & Planning Consultants ~
 Parktown, Horse and Jockey,
 Thurles, County Tipperary
 Tel: +353 504 80244 Fax: +353 504 80245
 Email: info@ra.ie www.ra.ie

Project:
 Proposed Section 5 for
 Stables at Ballinard,
 Felhard, Co. Tipperary
 for Patrick & Ann Costello

Drawn By: SAR
 Scale: 1/500
 Date: Jan 2026

Stage: Section 5
 Title: SITE PLAN
 Job No: 25-0110
 Drg. No: PP-102
 Issue

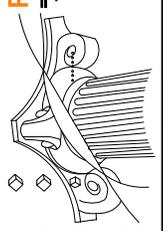


URBAN PLACE MAP
TOWNSLAND - BALLINARD
SITE AREA 7800m² (0.78 Hectares)
Scale 1:2500 (A3)
Copied from O.S. Map 5125

NOTES: DRAWINGS SHALL BE READ IN CONJUNCTION WITH SPECIFICATIONS AND NOTED ON DISCREPANCIES TO BE REPORTED IMMEDIATELY TO THE DESIGNER BEFORE ANY WORKS PROCEED.
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ORDNANCE SURVEY LICENCE NO AR00067

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 ~ Architectural Technologist & Planning Consultants ~
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 Thurles, County Tipperary Fax: +353 504 90245
 Tel: +353 504 90244 www.rias.ie
 Email: info@rias.ie

Project:
 Proposed Section 5 for
 Stables at Ballinard,
 Felthard, Co. Tipperary
 for Patrick & Ann Costello

Drawn By: SAR
Scale: 1/2500
Date: Jan 2026

Stage: SECTION 5
Title: SITE LOCATION MAP
Job No.: 25-0110
Drg. No.: PP-101
Issue:

Date: 22/12/2025

Letter of consent:

Re: Equine Stables/ shelter to be built at location at Ballinard, Fethard, Tipperary. E91FE00.

Patrick Costello and Anna Schwartz would like to build equine stables/shelter for private use in their own meadow Located at E91FE00 which neighbours our own property.

The related drawings and proposed location have been shown to us and I/we don't have objection to the construction of the stables on their own land.

Signature: 

Printed name: DARREN M^CGRATH

Address: Ballinard
Fethard
Co. Tipperary

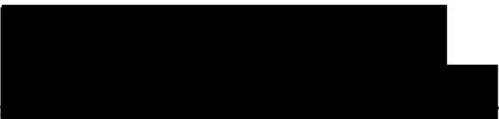
Date: 15/11/25.

Letter of consent:

Re: Equine Stables/ shelter to be built at location at Ballinard, Fethard, Tipperary.
E91FE00.

Patrick Costello and Anna Schwartz would like to build equine stables/shelter for private use in their own meadow Located at E91FE00 which neighbours our own property.

The related drawings and proposed location have been shown to us and I/we don't have objection to the construction of the stables on their own land.

Signature: 

Printed name: MICHAEL O'GORMAN

Address: BALLINARD FETHARD
Co. Tipp

Date: 4th November 2025

Letter of consent:

Re: Equine Stables/ shelter to be built at location at Ballinard, Fethard, Tipperary. E91FE00.

Patrick Costello and Anna Schwartz would like to build equine stables/shelter for private use in their own meadow Located at E91FE00 which neighbours our own property.

The related drawings and proposed location have been shown to us and I/we don't have objection to the construction of the stables on their own land.

Signature: 

Printed name: ANTHONY JOHN PAUL CAREW

Address: BALLINARD
CLONBEE
CO. TIPP.



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 5000/600
e customerservice
@tipperarycoco.ie
tipperarycoco.ie

Date: 23rd February 2026

Our Ref: S5/25/126 Civic Offices, Nenagh

Patrick Costello & Anna Schwartz
Ballinard
Fethard
Co. Tipperary

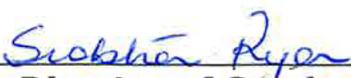
Re: Application for a Section 5 Declaration – Construction of Animal (Equine) shelter/stable 110sqm, wash area 18sqm and extension of foundation around stable at Ballinard, Fethard, Co. Tipperary E91 FE00

Dear Patrick and Anna

I acknowledge receipt of Further Information received on 23rd February 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: S5/25/126

Applicant: Patrick Costello & Anna Schwartz

Development Address: Ballinard, Fethard, Co. Tipperary E91 FE00

Proposed Development: Construction of Animal (Equine) shelter/stable 110sqm, wash area 18sqm and extension of foundation around stable.

1. GENERAL

On 24th September 2025 a request was made for a declaration under Section 5 of the Planning and Development Act, 2000 as amended by Patrick Costello & Anna Schwartz as to whether or not the following works constituted development and if so, whether same was exempted development:

- Construction of Animal (Equine) shelter/stable 110sqm, wash area 18sqm and extension of foundation around stable.

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 (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.

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 6 and Class 8 of Part 3 of Schedule 2 of the Planning and Development Regulations 2001, as amended states:

Agricultural Structures

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 200 square meters (whether or not by extension of an existing structure), and any ancillary provision for effluent storage.

Conditions and Limitations

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

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.

Conditions and Limitations

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 sets out the restrictions on exemptions.

3. **ASSESSMENT**

a. Site Location

The site is located at Ballinard, Fethard, Co. Tipperary E91 FE00

b. Relevant Planning History

PL. Ref. No. 2560279 – permission granted for retention of the extension to the side of the dwelling with all associated siteworks.

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 roofed structure for the housing of horses falls under Class 6 and the yard area falls under Class 8. Details of the wash bay are not clearly identified and it is unclear which class this falls under. The assessment of each element is set out in red below.

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 200 square meters (whether or not by extension of an existing structure), and any ancillary provision for effluent storage. **The floor area of the proposed shed is less than 200 sq m.**

Conditions and Limitations

1. No such structure shall be used for any purpose other than the purpose of agriculture. **The structure is stated to be for the purposes of housing horses.**
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 300 square metres gross floor space in aggregate. **There are no other such structures within 100m of this site.**
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. **No details of the effluent storage facilities have been set out.**
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 not within 10m of the public road.**
5. No such structure within 100 metres of any public road shall exceed 8 metres in height. **The structure is 3.47m 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 structure is to be located within 100m of three third party dwellings and letters of consent have not been provided.**
7. No unpainted metal sheeting shall be used for roofing or on the external finish of the structure. **Galvanise stated to be slate grey in colour.**

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. **The area of the yard proposed is not stated or outlined on the site layout plan.**

Conditions and Limitations

1. No such structure shall be used for any purpose other than the purpose of agriculture. **The yard is for 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. **The area of the yard proposed is not stated or outlined on the site layout plan.**
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. **N/A yard only**
4. No such structure shall be situated, and no effluent from such structure shall be stored, within 10 metres of any public road. **Structure not shown on site layout plan so location relative to the public road cannot be confirmed.**
5. No such structure within 100 metres of any public road shall exceed 8 metres in height. **NA**
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 structure is to be located within 100m of three third party dwellings and letters of consent have not been provided.**
7. No unpainted metal sheeting shall be used for roofing or on the external finish of the structure. **NA**

Wash Bay

The way bay is not shown on the site layout plan and plans and particulars of same have not been submitted.

Further Information is required in order to determine if the proposal is exempt.

C) Restrictions under Article 9

The restrictions under Article 9 do not apply.

D) Requirement for Appropriate Assessment and Environmental Impact Assessment

AA

The proposal has been screened as to the requirement for AA and same is not required in respect of the proposal (see Screening Report attached).

EIA

The proposal has been screened as to the requirement for EIA and same is not required in respect of the proposal (see Screening Report attached).

4. FURTHER INFORMATION

The following further information be requested under Section 5(2)(b) of the Planning and Development Act 2000, as amended, on the 14th of October 2025.

1. The applicant is requested to submit a revised Site Layout Plan (scale 1:500) showing the proposed shelter, wash bay and extended foundations/yard. The Site Layout Plan shall include dimensions to the site boundaries and the dimensions/area of the yard.
2. The applicant is requested to submit plans and elevations of the wash bay.
3. The applicant is advised that condition and limitation No. 6 attached to Class 6 and Class 8 of Part 3 of Schedule 2 of the Planning and Development Regulations 2001, as amended, require as follows;

The Declaration however, does not extend to the widening of the existing entrance as the question of the widening of the entrance was not asked in the query submitted.

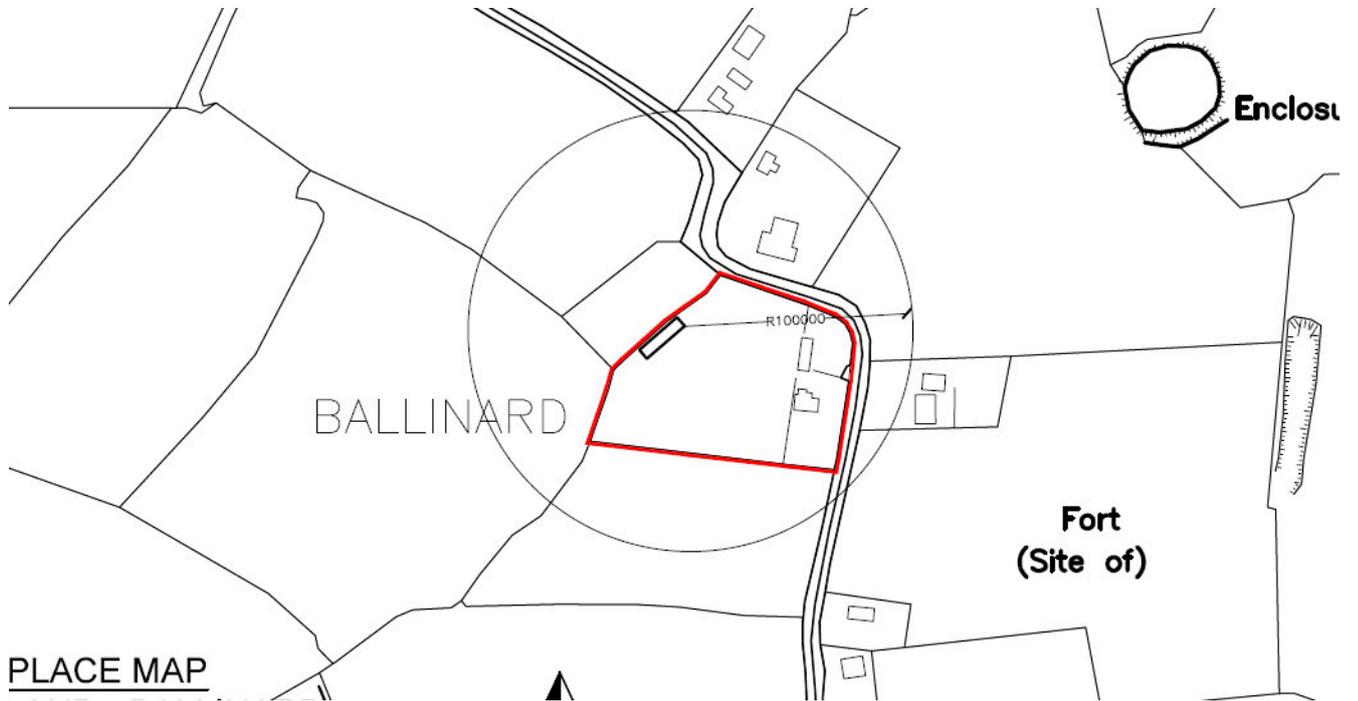
Pont 2

No details of the wash area were provided.

Point 3

The querist has identified the third party properties within 100 ms of the stable block.

Figure 2 Properties within 100 ms of stable block



Letters of consent have been submitted from neighbouring third party property owners.

Point 4

The querist has illustrated in the submitted site layout, that both the Manure pit and the underground soiled water tank will be to Department of Agriculture standards (S108 and S123) respectively.

5. RECOMMENDATION

A question has arisen as to whether the following proposal at Ballinard, Fethard, Co. Tipperary is development and is or is not exempted development:

- a) *Construction of Animal (Equine) shelter/stable 110sqm, wash area 18sqm and extension of foundation around stable.*

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

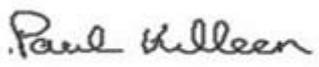
- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended
- (b) Article 6 and 9 of the Planning and Development Regulations 2001, as amended,
- (c) Class 6 and Class 8 of Part 3 of Schedule 2 of the Planning and Development Regulations 2001, as amended,
- (d) The details submitted with the Declaration
- (e) The details submitted by way of further information on the 23rd of February 2026,

Tipperary County Council has concluded that the construction of Animal (Equine) shelter/stable 110sqm, the manure pit, the underground soiled water tank and the extension of a concrete pad around the stable constitutes development and is considered to be “exempted development.

ADVICE NOTE:

Please note; the works deemed exempt by this declaration include shelter/stable 110sqm, the manure pit, the underground soiled water tank and the extension of a concrete pad around the stable only.

This declaration does not cover any external wash area as no details of same were provided nor does it cover the material widening and modification of the entrance onto the public road and the associated gravel path as this part of the proposal was not included under the original query.

Signed: 
Paul Killeen E.P., Planning

Date: 05/03/26

Signed: 
Caroline Conway, SEP Planning

Date: 5.3.2026

HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT

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

(a) File Reference No:	S5/25/126
(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	No
(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
002137 Lower River Suir	https://www.npws.ie/protected-sites/sac/002137	Within 15km	None	No
002162 River Barrow and River Nore	https://www.npws.ie/protected-sites/sac/002162	Within 15km	None	No

STEP 3. Assessment of Likely Significant Effects

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

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

<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 	
--	--

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

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

Yes No

STEP 4. Screening Determination Statement

The assessment of significance of effects:

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

The proposals presents no impacts on any Natura 2000 site.

Conclusion:

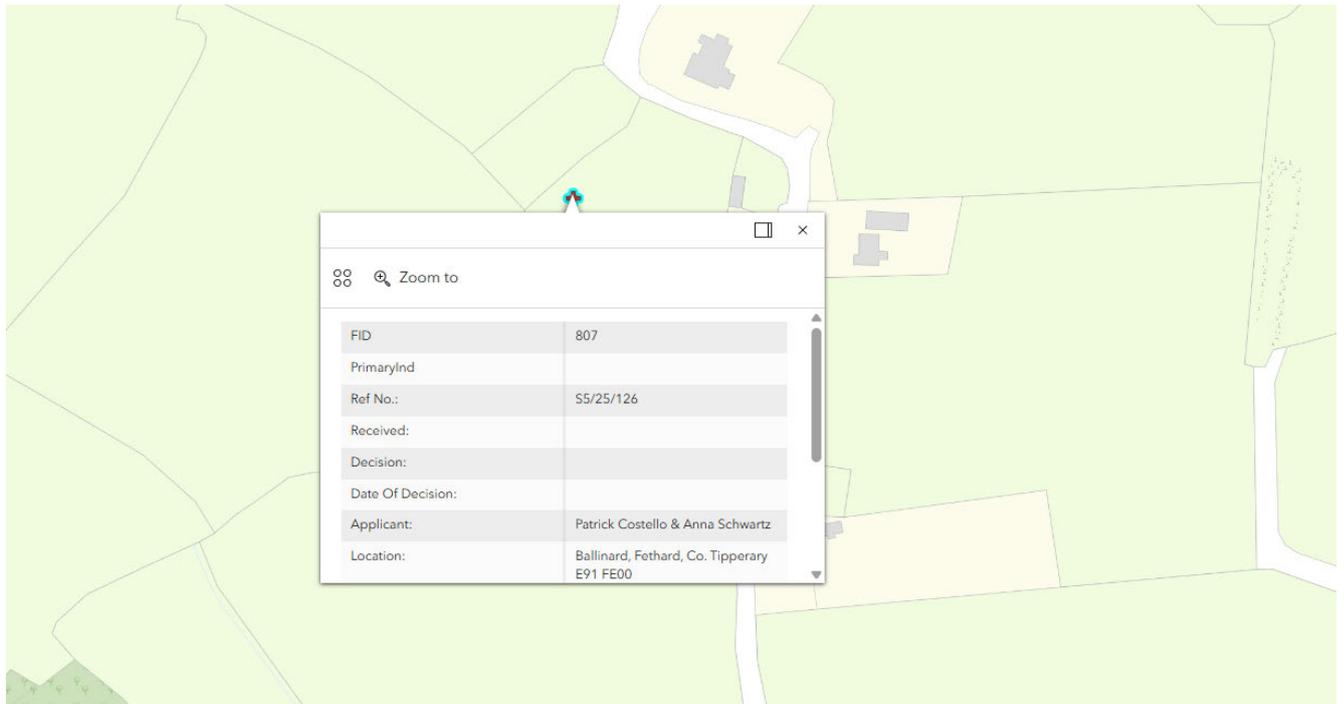
	Tick as Appropriate:	Recommendation:
(i) It is clear that there is no likelihood of significant effects on a European	<input checked="" type="checkbox"/>	The proposal can be screened out: Appropriate assessment not required.

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, Graduate Planner	Date: 08/10/2025

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

File Reference:	S5/25/126
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

Figure 3 Site entered on Planning register



Original

TIPPERARY COUNTY COUNCIL

DELEGATED EMPLOYEE'S ORDER

File Ref: **S5/25/126** **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 Patrick Costello & Anna Schwartz, Ballinard, Fethard, Co. Tipperary RE: Construction of Animal (Equine) shelter/stable 110sqm, wash area 18sqm and extension of foundation around stable at Ballinard, Fethard, Co. Tipperary E91 FE00 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) Article 6 and 9 of the Planning and Development Regulations 2001, as amended,
- (c) Class 6 and Class 8 of Part 3 of Schedule 2 of the Planning and Development Regulations 2001, as amended,
- (d) The details submitted with the Declaration
- (e) The details submitted by way of further information on the 23rd of February 2026,

Tipperary County Council has concluded that the construction of Animal (Equine) shelter/stable 110sqm, the manure pit, the underground soiled water tank and the extension of a concrete pad around the stable constitutes development and is considered to be "**exempted development**."

ADVICE NOTE:

Please note; the works deemed exempt by this declaration include shelter/stable 110sqm, the manure pit, the underground soiled water tank and the extension of a concrete pad around the stable only.

This declaration does not cover any external wash area as no details of same were provided nor does it cover the material widening and modification of the entrance onto the public road and the associated gravel path as this part of the proposal was not included under the original query.

Signed: 
Brian Beck
Director of Services

Date: 9/3/2026



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
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tipperarycoco.ie

Date: 9th March 2026

Our Ref: S5/25/126

Civic Offices, Nenagh

**Patrick Costello & Anna Schwartz
Ballinard
Fethard
Co. Tipperary**

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

Dear sir/madam,

I refer to your application for a Section 5 Declaration received on 24th September 2025, and Further Information received on 23rd February, 2026 in relation to the following proposed works:

Construction of Animal (Equine) shelter/stable 110sqm, wash area 18sqm and extension of foundation around stable at Ballinard, Fethard, Co. Tipperary E91 FE00.

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 9 of the Planning and Development Regulations 2001, as amended,
- (c) Class 6 and Class 8 of Part 3 of Schedule 2 of the Planning and Development Regulations 2001, as amended,
- (d) The details submitted with the Declaration
- (e) The details submitted by way of further information on the 23rd of February 2026,

Tipperary County Council has concluded that the construction of Animal (Equine) shelter/stable 110sqm, the manure pit, the underground soiled water tank and the extension of a concrete pad around the stable constitutes development and is considered to be "exempted development.

ADVICE NOTE:

Please note; the works deemed exempt by this declaration include shelter/stable 110sqm, the manure pit, the underground soiled water tank and the extension of a concrete pad around the stable only.

This declaration does not cover any external wash area as no details of same were provided nor does it cover the material widening and modification of the entrance onto the public road and the associated gravel path as this part of the proposal was not included under the original query.

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

Geraldine Quinn

for **Director of Services**