

**Liam Slattery**  
Diploma in Civil Engineering

Mitchelstown,  
Co. Cork



Tipperary County Council,  
Planning Department,  
Emmet Street,  
Clonmel,  
Co. Tipperary

Tipperary County Council  
RECEIVED  
30 JAN 2026  
CSD  
Civic Offices, Clonmel

29<sup>th</sup> January 2026

**Permission to construct and underground effluent tank at Clashalaher, Tipperary, Co. Tipperary for William Donovan.**

Dear Sir/Madam,

William Donovan runs a modern dairy farm on . He's hoping to construct an underground effluent tank adjacent to existing farm building. This tank will be used to collect dairy / soiled water from the milking parlour and dirty yards. The tank will be 36.57 long by 2.745m deep and 4.725m clear width, this is give a capacity of 413m<sup>3</sup>. The tank will be constructed to Department of Agriculture specifications for slatted tanks – S123.

From the above information, we're hoping the Council deems the proposed works as exempt under Section 5 of the Planning and Development Act 2000.

Please find enclosed:

- Payment for €80.00
- Application forms
- ordnance maps – 1:10560, 1:2500
- drawings of proposed development (see below)

TIPPERARY CO. COUNCIL  
RECEIVED  
30 JAN 2026  
PLANNING SECTION  
FILE NO. ....

DRG. No.	DRG. TITLE	SIZE - SCALE	COPIES
01	Site Layout	A3 – 1:500	2
02	Floor Plan & Section	A3 – 1:100	2

Yours sincerely,



Liam Slattery



Tipperary County Council  
RECEIVED  
30 JAN 2026  
CASH OFFICE  
Civic Offices, Clonmel

*Receipt No 200 298  
Issued 30 01 2026  
€80.00 Cheque*



**PLANNING & DEVELOPMENT ACT, 2000 (as amended)**

**Application for a Section 5 Declaration  
Development / Exempted Development**

**1. Applicant's address/contact details:**

Applicant	WILLIAM DONOVAN
Address	CLASHALAKER, BREANSKA E34 V6G1 TIPPERARY, Co. TIPPERARY
Telephone No.	[REDACTED]
E-mail	

**2. Agent's (if any) address:**

Agent	Liam Slattery
Address	3 Cois na Grainn, Grainmire, Coe
Telephone No.	[REDACTED]
E-mail	[REDACTED]
Please advise where all correspondence in relation to this application is to be sent;	
Applicant [ ]	Agent [ <input checked="" type="checkbox"/> ]

**3. Location of Proposed Development:**

Postal Address or Townland or Location (as may best identify the land or structure in question)	CLASHALAKER, TIPPERARY, Co. TIPPERARY
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FILE NO. ....

**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.)

To CONSTRUCT AN UNDERGROUND	
EFFLUENT TANK	
Proposed floor area of proposed works/uses:	sqm 113m <sup>2</sup>

**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 <input type="checkbox"/>
	C. Other <input type="checkbox"/>	<input type="checkbox"/>
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:

29/1/26

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

## GUIDANCE NOTES

- (1) All queries on the form must be completed and the form must be accompanied by the relevant fee. The amount of the fee is currently **€80.00**.
- (2) This application should be accompanied by **TWO COPIES** of the following documentation
- OSI Site Location Map with the site outlined clearly – 1:1000 in urban areas and 1:2500 in rural areas ✓
  - Floor Plans & Elevations at a scale of not less than 1:200 ✓
  - Site layout plan indicating position of proposed development relative to premises and adjoining properties ✓
  - Other details e.g. brochures, photographs if appropriate. ✓

(All dimensions must be given in metric scale and drawings should be accompanied by a brief description outlining the use of the proposed development) ✓

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

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

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

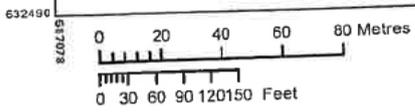
<b>FOR OFFICE USE ONLY</b>	
<b><u>DATE STAMP</u></b>	
<b>Fee Recd. €</b> _____	
Receipt No _____	
Date _____	
Received by _____	

**Site Location Map.**

Agricultural Planning at Clashalaha, Tipperary, Co. Tipperary for William Donovan.

Scale: 1/2500 from O.S. 5176-D

Ordnance Survey Ireland Licence No. AR 0063026  
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OUTPUT SCALE: 1:2,500



CENTRE COORDINATES:  
ITM 587293,632782

PUBLISHED: 25/01/2026  
MAP SERIES: 1:2,500, 1:5,000, 1:2,500  
ORDER NO.: 50513957\_1  
MAP SHEETS: 5176-D, 5238, 5238-B

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The map objects are only accurate to the resolution at which they were captured. Output scale is not indicative of data capture scale. Further information is available at: [www.tailte.ie](http://www.tailte.ie); search 'Capture Resolution'  
**LEGEND:** To view the legend visit [www.tailte.ie](http://www.tailte.ie) and search for 'Large Scale Legend'

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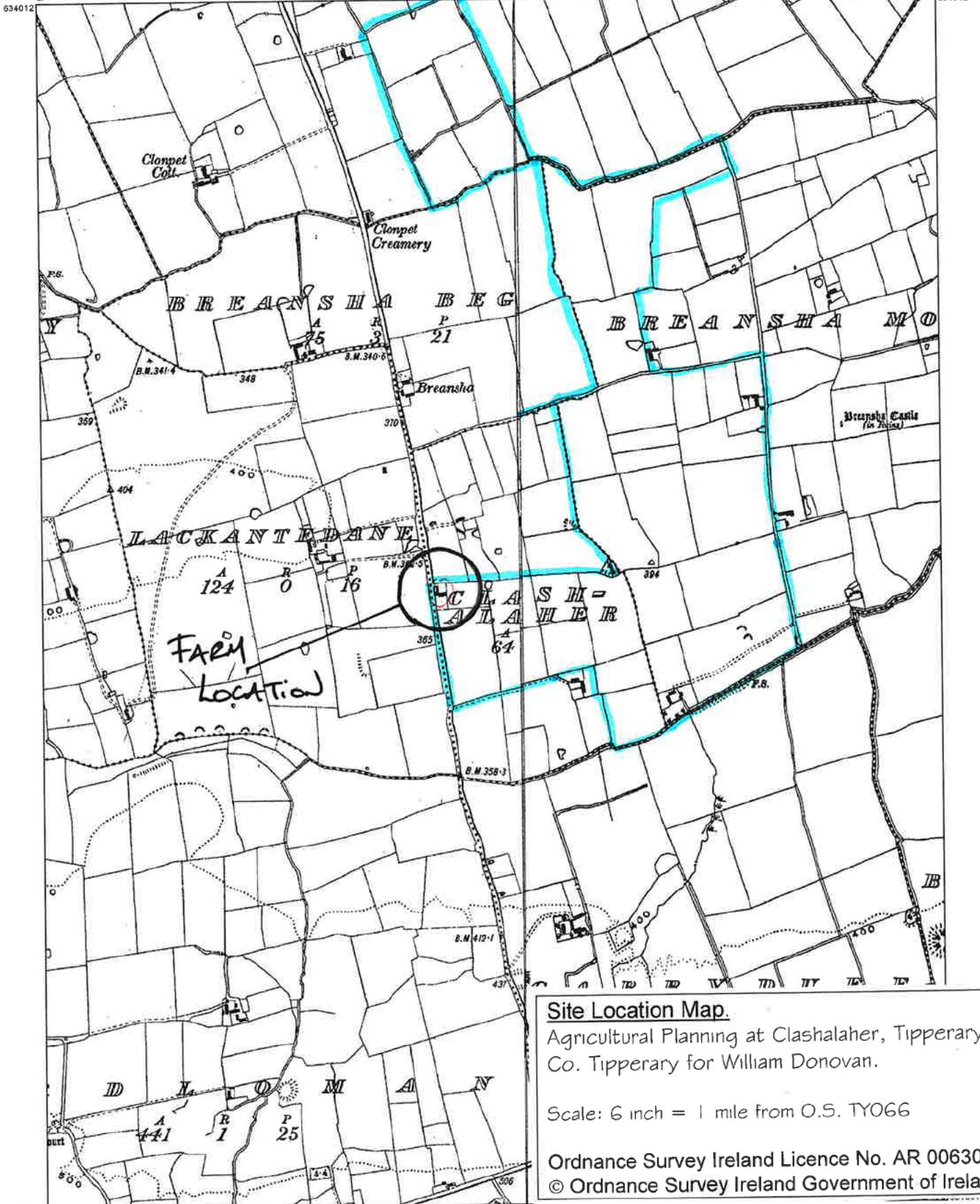
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Liam Slattery  
Mitchelstown,  
Co. Cork.



**Tailte Éireann**

# Site Location Map

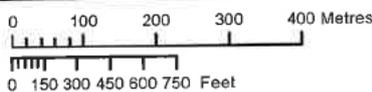


## Site Location Map.

Agricultural Planning at Clashalaher, Tipperary, Co. Tipperary for William Donovan.

Scale: 6 inch = 1 mile from O.S. TY066

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OUTPUT SCALE: 1:10,560



**CENTRE COORDINATES:**  
ITM 587293,632782

**PUBLISHED:** 25/01/2026  
**ORDER NO.:** 50513957\_1

**MAP SERIES:** 6 Inch Raster  
**MAP SHEETS:** TY066  
6 Inch Raster TY067

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**LEGEND:** To view the legend visit [www.tailte.ie](http://www.tailte.ie) and search for 'Large Scale Legend'

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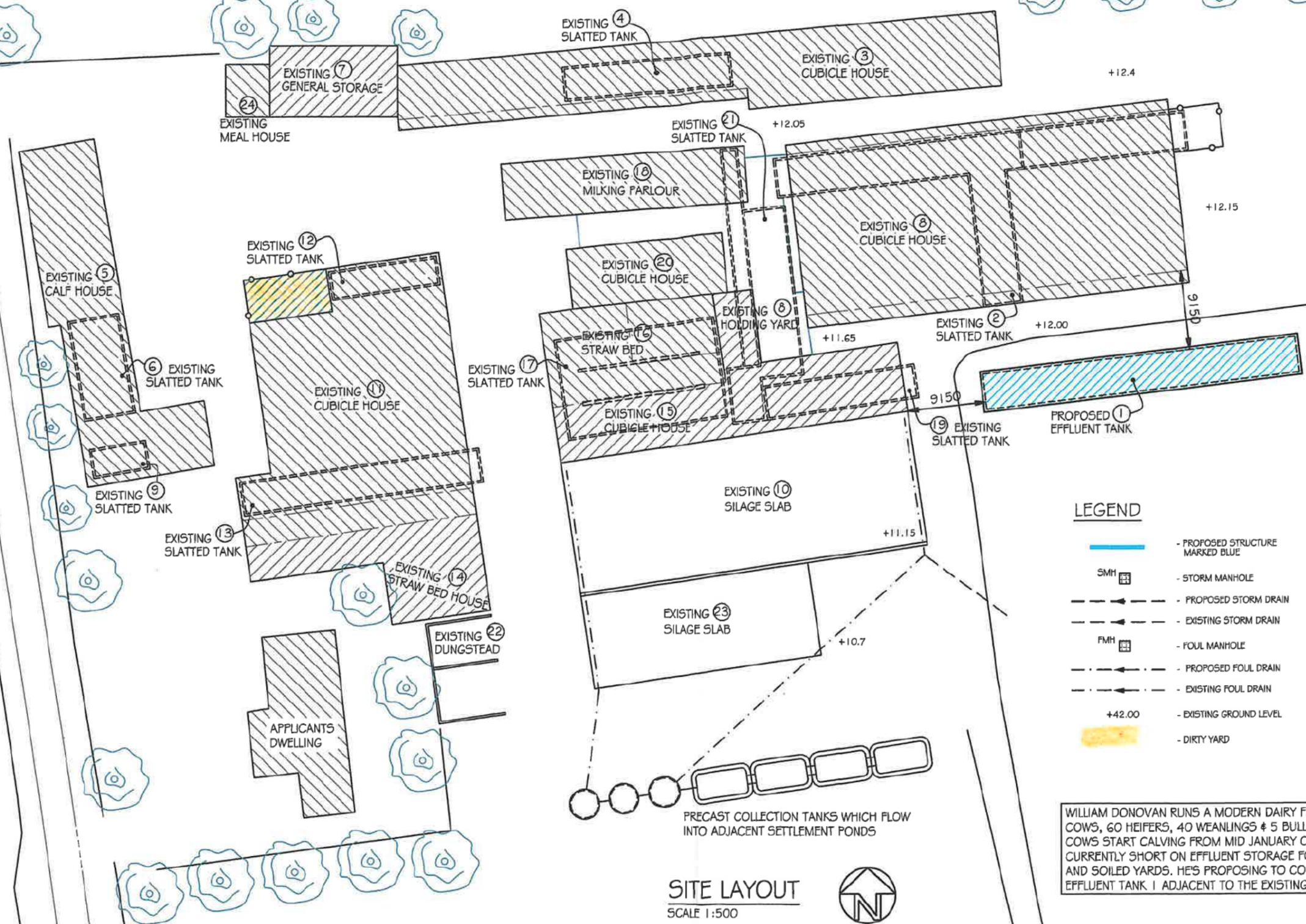
Liam Slattery  
Mitchelstown,  
Co. Cork.



**Tailte Éireann**

DRAWINGS ARE ISSUED FOR PLANNING ONLY AND REQUIRE ENGINEERS SPECIFICATION FOR CONSTRUCTION. ALL DIMENSIONS AND LEVELS TO BE CHECKED ON SITE. ALL WORK TO COMPLY WITH Dept. of Agricultural SPECIFICATIONS.

PUBLIC ROAD



**LEGEND**

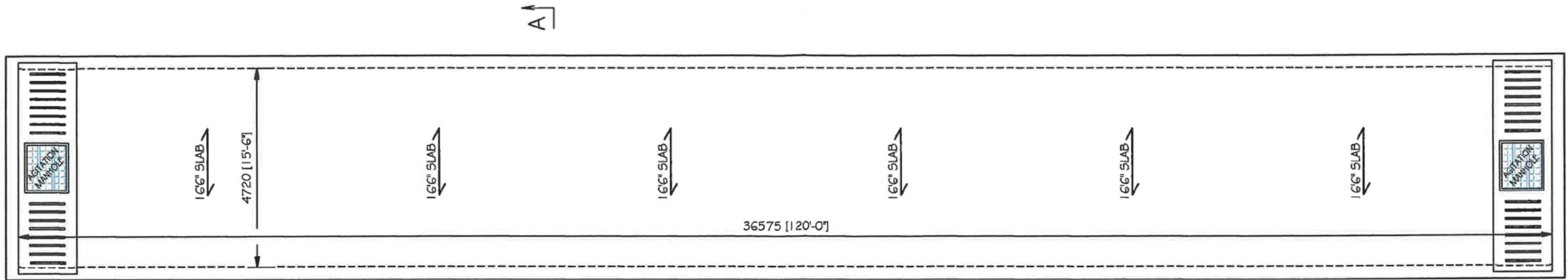
- - PROPOSED STRUCTURE MARKED BLUE
- SMH - STORM MANHOLE
- - PROPOSED STORM DRAIN
- - EXISTING STORM DRAIN
- FMH - FOUL MANHOLE
- - PROPOSED FOUL DRAIN
- - EXISTING FOUL DRAIN
- +42.00 - EXISTING GROUND LEVEL
- DIRTY YARD

WILLIAM DONOVAN RUNS A MODERN DAIRY FARM CARRYING 160 COWS, 60 HEIFERS, 40 WEANLINGS & 5 BULLS ON 106 Ha. THE COWS START CALVING FROM MID JANUARY ONWARDS. HE'S CURRENTLY SHORT ON EFFLUENT STORAGE FOR DAIRY WASHINGS AND SOILED YARDS. HE'S PROPOSING TO CONSTRUCT AN EFFLUENT TANK 1 ADJACENT TO THE EXISTING FARM BUILDINGS.

**SITE LAYOUT**  
SCALE 1:500



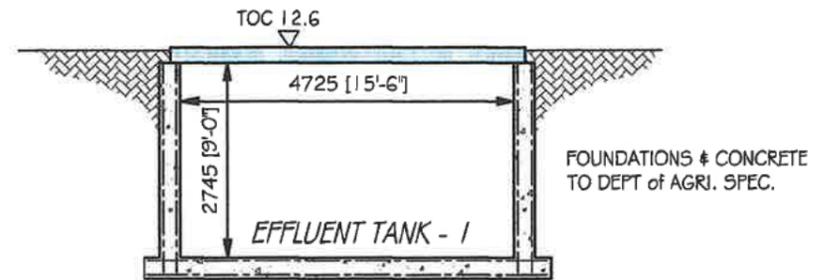
A	ISSUED FOR PLANNING	01.26
REV.	DESCRIPTION	DATE
LIAM SLATTERY Diploma in Civil Engineering MITCHELSTOWN, Co. CORK Ph.: 086 3892939 email: slatteryliam@yahoo.com		<b>PROJECT:</b> AGRICULTURAL WORKS AT CLASHLAHER, TIPPERARY, Co. TIPPERARY for William Donovan  <b>DRG. TITLE:</b> SITE LAYOUT
Date:	Scale:	Dr. No.:
Jan., 2026	A3 - 1:500	01



FLOOR PLAN  
SCALE 1:100



PROPOSED  
EFFLUENT TANK 1



SECTION A-A  
SCALE 1:100

REV.	DESCRIPTION	DATE
A	ISSUED FOR PLANNING	01.26

LIAM SLATTERY Diploma in Civil Engineering MITCHELSTOWN, Co. CORK Ph.: 086 3892939 email: slatteryliam@yahoo.com		PROJECT: AGRICULTURAL WORKS AT CLASHLAHER, TIPPERARY, Co. TIPPERARY for William Donovan
Date: Jan., 2026	Scale: A3 - 1:100	Drg. No.: 02
DRG. TITLE: EFFLUENT TANK DETAILS		



ANIMAL HOUSING										Class 8					Class 9				
ID. No.	Description of structure	Animal Type	Animal No.s	Discharge to: (ID No.)	Length (metres)	Width (metres)	Area (m <sup>2</sup> )	ID. No.	Description of structure	Discharge to: (ID No.)	Length (metres)	Width (metres)	Area (m <sup>2</sup> )	ID. No.	Description of structure	Discharge to: (ID No.)	Length (metres)	Width (metres)	Area (m <sup>2</sup> )
4. EXISTING STRUCTURES IN FARM YARD																			

DAIRY (c): SILOS; SOILED YARDS																			
B. PROPOSED NEW STRUCTURES										B. PROPOSED NEW STRUCTURES									
4. EXISTING STRUCTURES IN FARM YARD																			
Total Area (m <sup>2</sup> )																			

C. EXISTING SLURRY AND SOILED WATER STORAGE FACILITIES										D. PROPOSED SLURRY AND SOILED WATER STORAGE FACILITIES									
ID. No.	Description (open, slatted, precast, etc)	Effluent type stored	Length (metres)	Width (metres)	Depth (metres)	Volume (m <sup>3</sup> )	ID. No.	Description (open, slatted, precast, etc)	Effluent type stored	Length (metres)	Width (metres)	Depth (metres)	Volume (m <sup>3</sup> )						
2	Slatted Tank	Slurry	19.2	3.51	2.745	185	12	Slatted Tank	Slurry	12.2	2.9	2.1	34						
4	"	"	11.2	5.5	1.83	112	13	"	"	27.5	3.51	2.1	203						
6	"	"	6.1	2.9	1.83	32	14	"	"	14.3	3.51	2.745	167						
9	"	"	18.3	3.51	2.745	529	21	Effluent Tank	Effluent	8.57	4.11	2.745	413						
Total Area (m <sup>2</sup> )							Total Area (m <sup>2</sup> )												

WE HEREBY DECLARE THAT THE ABOVE INFORMATION AND THE ACCOMPANYING LAYOUT PLAN ARE A TRUE RECORD OF EXISTING AND PROPOSED STRUCTURES FOR THIS FARM.

Prepared by: Vincent Skelton

MICHAEL DONOHAN  
CLASHAWAHER, TIPPERARY

FARM STRUCTURES RECORD

# TIPPERARY COUNTY COUNCIL

## Application for Declaration under Section 5

Planning & Development Act 2000, as amended  
Planning & Development Regulations 2001, as amended

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**Planning Reference:** S5/26/5

**Applicant:** William Donovan

**Development Address:** Clashalaher, Tipperary, Co. Tipperary

**Proposed Development:** To construct an underground effluent tank (413sq.m)

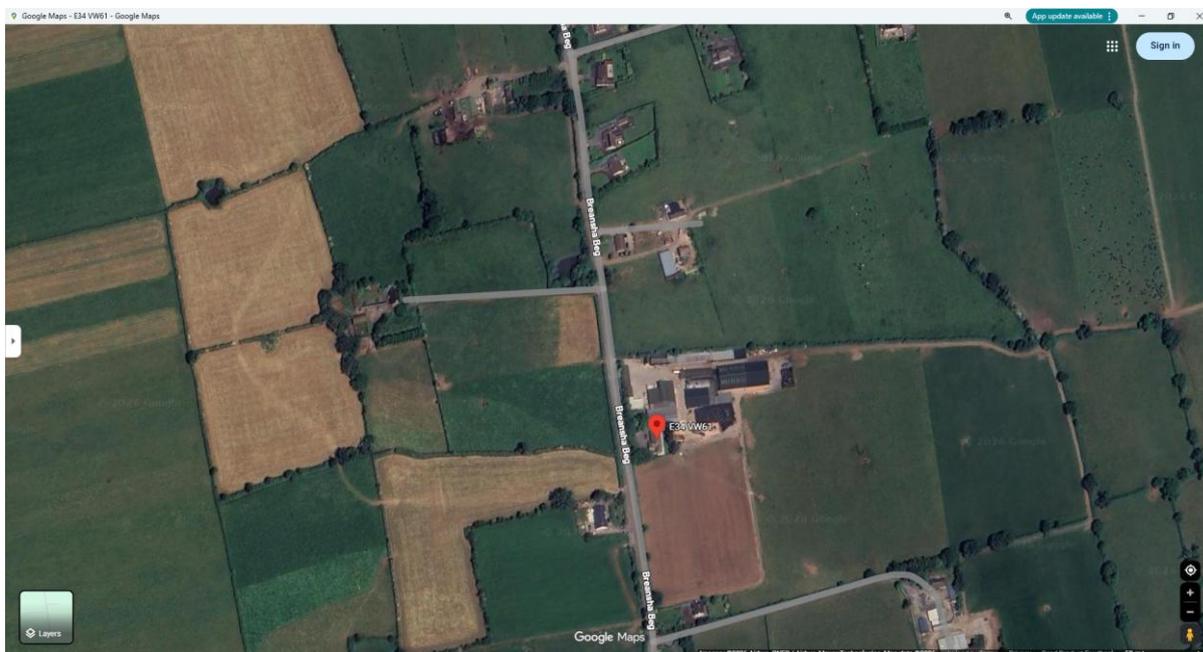
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### 1. GENERAL

On the 30<sup>th</sup> January 2026 a request was made for a declaration under Section 5 of the Planning and Development Act, 2000 as amended, by William Donovan c/o Liam Slattery as to whether or not the following (as per application form) constitutes development and if so, whether same constitutes exempted development at Clashalaher, Tipperary, Co. Tipperary

#### ***To construct an underground effluent tank (413sq.m)***

- Section 5 Declaration Application Form,
- Site Location Maps,
- Site Layout Plan,
- Elevation, section and plan drawings,
- Cover letter and Farm Structures Record



Site 1 Site Location

### 2. STATUTORY PROVISIONS

The following statutory provisions are relevant to this referral case;  
**Planning and Development Act 2000, as amended**

Section 2(1) of the Planning and Development Act, 2000, as amended, defines “works” as:-  
*“works” includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected*

*structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.*

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

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

Section 2(1) of the Planning and Development Act, 2000, as amended, defines “Agriculture” as:-  
*“agriculture” includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the training of horses and the rearing of bloodstock, the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and “agricultural” shall be construed accordingly;*

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

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

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

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

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

### **Planning and Development Regulations 2001 (as amended)**

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

#### *Exempted Development.*

*(1) Subject to article 9, development of a class specified in column 1 of Part 1 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1.*

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

#### Schedule 2, Part 3 ‘Exempted Development - Rural:

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

<p style="text-align: center;"><i>Column 1</i> <i>Description of Development</i></p>	<p style="text-align: center;"><i>Column 2</i> <i>Conditions and Limitations</i></p>
<p><b>CLASS 6A</b> <b>Works consisting of</b> a structure for the storage of slurry, effluent or soiled water collected from agricultural buildings, agricultural farmyards and <b>any ancillary provision to aid in the handling of the slurry, effluent or soiled water.</b></p>	<ol style="list-style-type: none"> <li>1. No such structure shall be used for any purpose other than the purpose of agriculture.</li> <li>2. The maximum storage capacity of any such storage facility shall not exceed 1000 cubic metres.</li> <li>3. The aggregate capacity of tanks, situated within the same farmyard complex, shall not exceed 1,500 cubic metres</li> <li>4. The structure having regard to its size, use and location shall be constructed in accordance with Department of Agriculture, Food and the Marine and Department of Housing, Local Government and Heritage requirements and shall have regard to the need to avoid water pollution. The structure shall not be an earth lined Slurry/Effluent Store.</li> <li>5. No such structure shall be situated, and no effluent from such structure shall be stored, within 10 metres of any public road.</li> <li>6. No such structure within 100 metres of any public road shall exceed 8 metres in height.</li> <li>7. 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.</li> <li>8. No such structure shall be constructed within a flood zone identified in statutory land use plans as Flood Zone A or Flood Zone B or where the probability of flooding is moderate to high or erosion control zone.</li> <li>9. No such structure shall be within 60 metres of a public or private water source.</li> <li>10. No such structure shall be situated, at the closest point, less than 50 metres from a water course or water body in the case of new farmyards, and not less than 10m in the case of extensions/modifications to an existing facility.</li> <li>11. All such tanks shall be constructed in accordance with the relevant specification published by the Department of Agriculture, Food and the Marine in force at the time of construction of the tank.</li> <li>12. No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.</li> <li>13. The use of this Class of exemption requires a declaration from the relevant Planning authority under section 5 of the Principal Act, declaring the exemption is applicable prior to commencement of construction.</li> </ol>

	14. Ancillary provision shall include as appropriate the installation of any signage, fencing or other safety infrastructure as recommended by the Health and Safety Authority regarding Slurry Safety.
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Article 9 of the Planning and Development Regulations 2001, as amended sets out restrictions on exemptions and states:

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

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

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

(vii) *consist of or comprise the excavation, alteration or demolition (other than peat extraction) of places, caves, sites, features or other objects of archaeological, geological, historical, scientific or ecological interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan for the area in which the development is proposed or, pending the variation of a development plan or local area plan, or the making of a new development plan or local area plan, in the draft variation of the development plan or the local area plan or the draft development plan or draft local area plan,*

(viiA) *consist of or comprise the excavation, alteration or demolition of any archaeological monument included in the Record of Monuments and Places, pursuant to section 12 (1) of the National Monuments (Amendment) Act 1994, save that this provision shall not apply to any excavation or any works, pursuant to and in accordance with a consent granted under section 14 or a licence granted under section 26 of the National Monuments Act 1930 (No. 2 of 1930) as amended,*

(viiB) *comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site,*

(viiC) *consist of or comprise development which would be likely to have an adverse impact on an area designated as a natural heritage area by order made under section 18 of the Wildlife (Amendment) Act 2000.*

(viii) *consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use,*

### 3. **ASSESSMENT**

#### ***i. Site Location***

The site is occupied by an existing farm holding on lands at Clashalaher, Tipperary, Co. Tipperary. The site is c. 2.5km south-west of Tipperary Town and is served by the L-8108 Local Road.

#### ***ii. Relevant Planning History***

**17/601224** Permission GRANTED for the construction of a slatted agricultural livestock unit and all associated site works.

**P34779** Permission GRANTED for retention of machinery shed.



**4. The structure having regard to its size, use and location shall be constructed in accordance with Department of Agriculture, Food and the Marine and Department of Housing, Local Government and Heritage requirements and shall have regard to the need to avoid water pollution. The structure shall not be an earth lined Slurry/Effluent Store.**

The application states the structure would be constructed in accordance with the Department standards. The structure is not an earth lined Slurry/Effluent Store.

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

The tank is not within 10m of any public road.

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

The structure is at ground level and therefore does not exceed 8m in height.

**7. 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 in excess of 100m of any other structure as listed above.

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

The structure is at a remove from any identified flood risk zone.

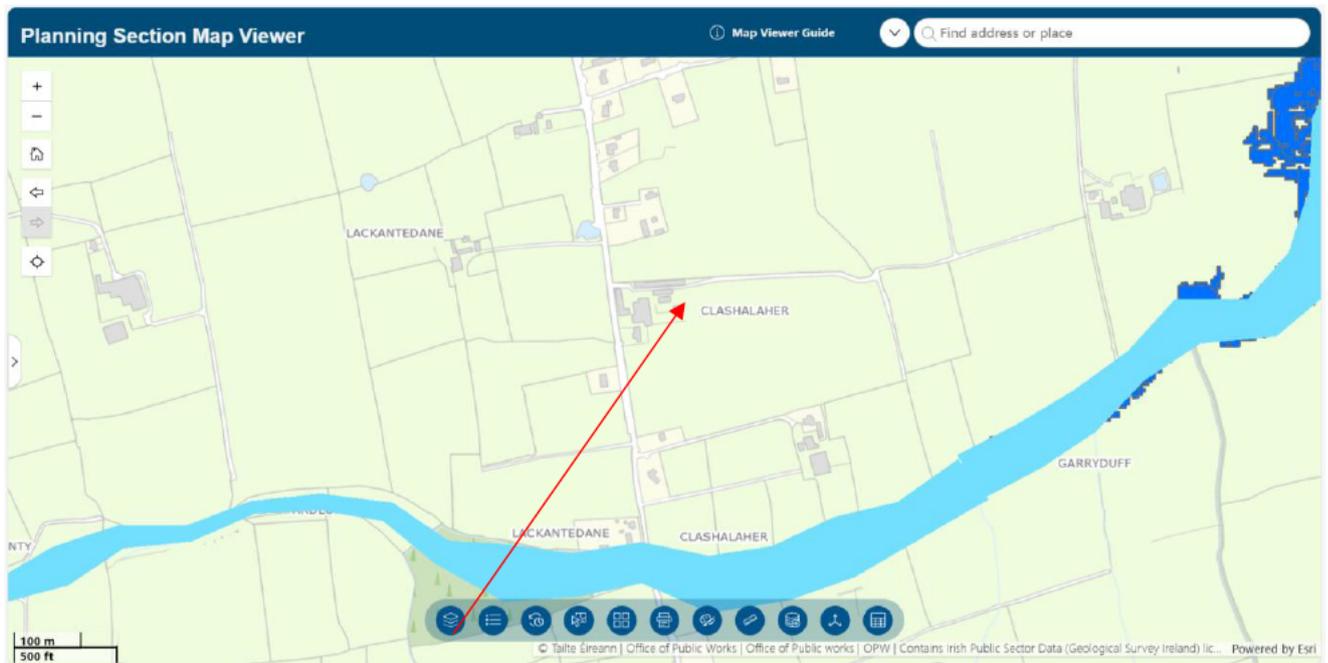


Figure 3 Planning Register showing flood risk areas in proximity to the site

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

There is no public or private water source identified within 60m of the tank.

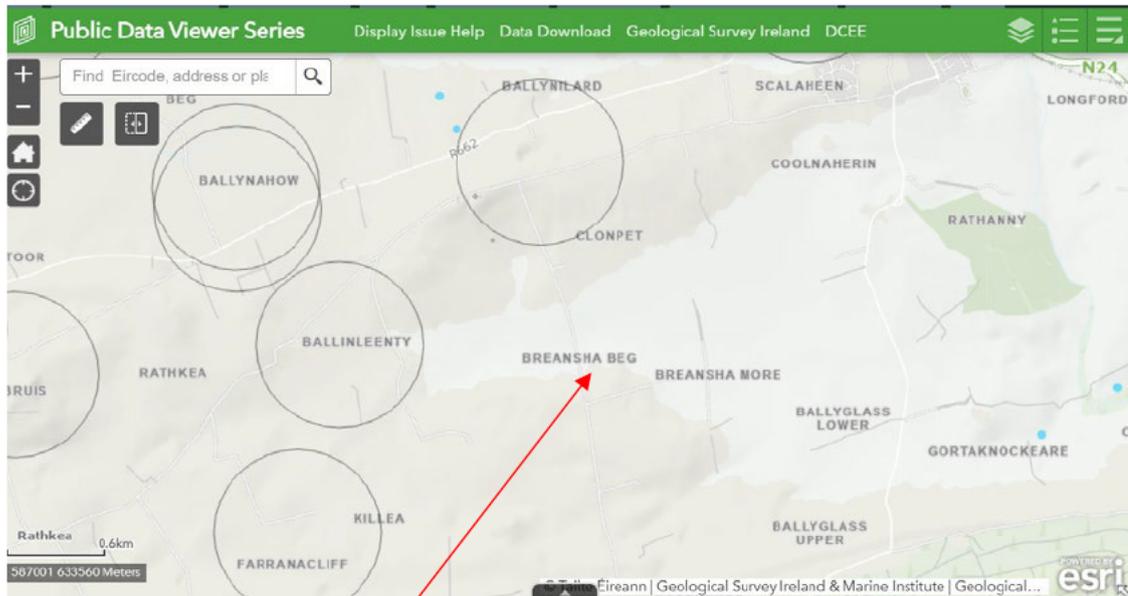


Figure 4 GSI Map View showing Wells and Springs

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

There is no watercourse identified within 50m or 10m of the farmyard.

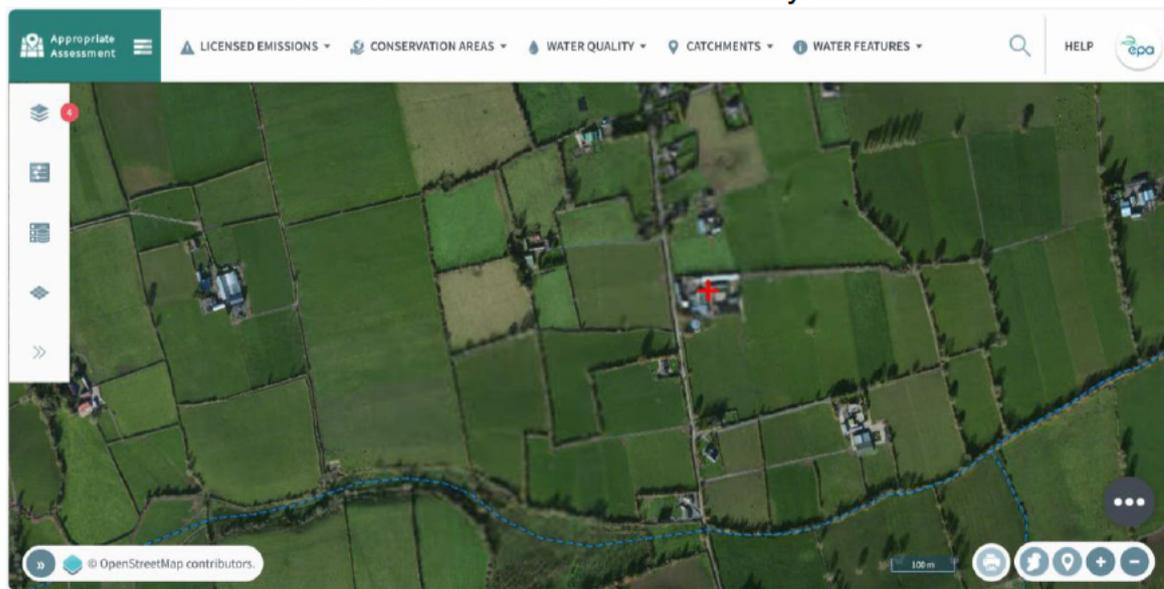


Figure 5 EPA Maps showing watercourses relative to the site

**11. All such tanks shall be constructed in accordance with the relevant specification published by the Department of Agriculture, Food and the Marine in force at the time of construction of the tank.**

The application states the structure would be constructed in accordance with the Department standards.

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

There is no unpainted metal sheeting proposed as this is a stand alone tank.

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

The applicant has satisfied this condition under this application S5/26/5.

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

There is no signage proposed under this proposal.

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

**AA**

The proposal has been screened as to the requirements for Appropriate Assessment under the EU Habitats Directive. See also Appropriate Assessment screening report attached. The tank is located outside of the areas identified as being at risk of flooding on the most up to date flood risk mapping.

**EIA**

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

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

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

I am satisfied that the shed will not endanger public safety by reason of traffic hazard or obstruction of road users.

**4. RECOMMENDATION**

It is recommended that the following is issued:

**WHEREAS** a question has arisen as to whether to construct an underground effluent tank (413sq.m) at Clashalaher, Tipperary, Co. Tipperary is “development” and “exempted development”

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

- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000 as amended,
- (b) Article 6 and Article 9 of the Planning and Development Regulations, 2001, as amended,
- (c) Schedule 2, Part 1, Class 6A of the Planning and Development Regulations, 2001, as amended  
(Class 6A is inserted by article 4 of S.I. No. 649/2025 Planning and Development (Exempted Development (Act of 2000)) (No. 2) Regulations 2025)
- (d) The details as submitted with the application on 30th January 2026.

**AND WHEREAS** Tipperary County Council has concluded that to construct an underground effluent tank (413sq.m) Clashalaher, Tipperary, Co. Tipperary constitutes “development” within the meaning of the Planning and Development Act 2000, as amended and is **NOT** “exempted development”.

The development is **NOT** exempted development as does not satisfy the planning exemption under Class 6A, Schedule 2, Part 3 of the Planning and Development Regulations 2001 (as amended) owing to the **aggregate** capacity of tanks situated within the same farmyard complex exceeding 1,500 cubic metres and therefore breaching condition and limitation No. 3.

The development has been screened as to the requirement for Appropriate Assessment and Environmental Impact Assessment and it has been determined that same are not required.

District Planner:

L. Butler-Lynan

Date: 20/02/2026

Senior Executive Planner:

C. Conway

Date: 24.2.2026

## HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT

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

(a) File Reference No:	S5/26/5
(b) Brief description of the project or plan:	To construct an underground effluent tank (413sq.m)
(c) Brief description of site characteristics:	Agricultural Farm Complex
(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW	None
(e) Response to consultation:	None

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

European Site (code)	List of Qualifying Interest/Special Conservation Interest <sup>1</sup>	Distance from proposed development <sup>2</sup> (km)	Connections (Source-Pathway-Receptor)	Considered further in screening Y/N
002137 Lower River Suir	<a href="https://www.npws.ie/protected-sites/sac/002137">https://www.npws.ie/protected-sites/sac/002137</a>	Within 10km	None	None

### 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><b>Construction phase e.g.</b></p> <ul style="list-style-type: none"> <li>• Vegetation clearance</li> <li>• Demolition</li> <li>• Surface water runoff from soil excavation/infill/landscaping (including borrow pits)</li> <li>• Dust, noise, vibration</li> <li>• Lighting disturbance</li> <li>• Impact on groundwater/dewatering</li> <li>• Storage of excavated/construction materials</li> <li>• Access to site</li> <li>• Pests</li> </ul>	No potential impacts. Surface water drains to soakpits on the site. Structure located outside of areas identify at risk of flooding
<p><b>Operational phase e.g.</b></p> <ul style="list-style-type: none"> <li>• Direct emission to air and water</li> <li>• Surface water runoff containing contaminant or sediment</li> <li>• Lighting disturbance</li> </ul>	No potential impacts. Surface water drains to soakpits on the site. Structure located outside of areas identify at risk of flooding

<ul style="list-style-type: none"> <li>Noise/vibration</li> <li>Changes to water/groundwater due to drainage or abstraction</li> <li>Presence of people, vehicles and activities</li> <li>Physical presence of structures (e.g. collision risks)</li> <li>Potential for accidents or incidents</li> </ul>	
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In-combination/Other	No potential 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"> <li>Reduction or fragmentation of habitat area</li> <li>Disturbance to QI species</li> <li>Habitat or species fragmentation</li> <li>Reduction or fragmentation in species density</li> <li>Changes in key indicators of conservation status value (water or air quality etc.)</li> <li>Changes to areas of sensitivity or threats to QI</li> <li>Interference with the key relationships that define the structure or ecological function of the site</li> </ul>	No potential 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 proposed development is not likely to have significant effects.

**Conclusion:**

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

Request NIS

Refuse planning permission

EIA Pre-Screening	
Establishing a development is a 'sub-threshold development'	
File Reference:	S5/26/5
Development Summary:	To construct an underground effluent tank (413sq.m)
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 <b>Part A</b>
<b>A. Schedule 5 Part 1</b> - Does the development comprise a project listed in Schedule 5, <b>Part 1</b> , of the Planning and Development Regulations 2001 (as amended)? (Tick as appropriate)	
<input type="checkbox"/> Yes, specify class _____	<b>EIA is mandatory</b>
<input checked="" type="checkbox"/> No	No Screening required
<input checked="" type="checkbox"/> No	Proceed to <b>Part B</b>
<b>B. Schedule 5 Part 2</b> - Does the development comprise a project listed in Schedule 5, <b>Part 2</b> , 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	<b>No Screening required</b>
<input type="checkbox"/> Yes the project is listed in Schedule 5, Part 2 and meets/exceeds the threshold, specify class (including threshold): _____	<b>EIA is mandatory</b>
<input type="checkbox"/> Yes the project is of a type listed but is <i>sub-threshold</i> : _____	No Screening required
<input type="checkbox"/> Yes the project is of a type listed but is <i>sub-threshold</i> : _____	Proceed to <b>Part C</b>
<b>C. If Yes, has Schedule 7A information/screening report been submitted?</b>	
<input type="checkbox"/> Yes, Schedule 7A information/screening report has been submitted by the applicant	<b>Screening required</b> <b>Determination</b>
<input type="checkbox"/> No, Schedule 7A information/screening report has not been submitted by the applicant	<b>Preliminary Examination required</b>

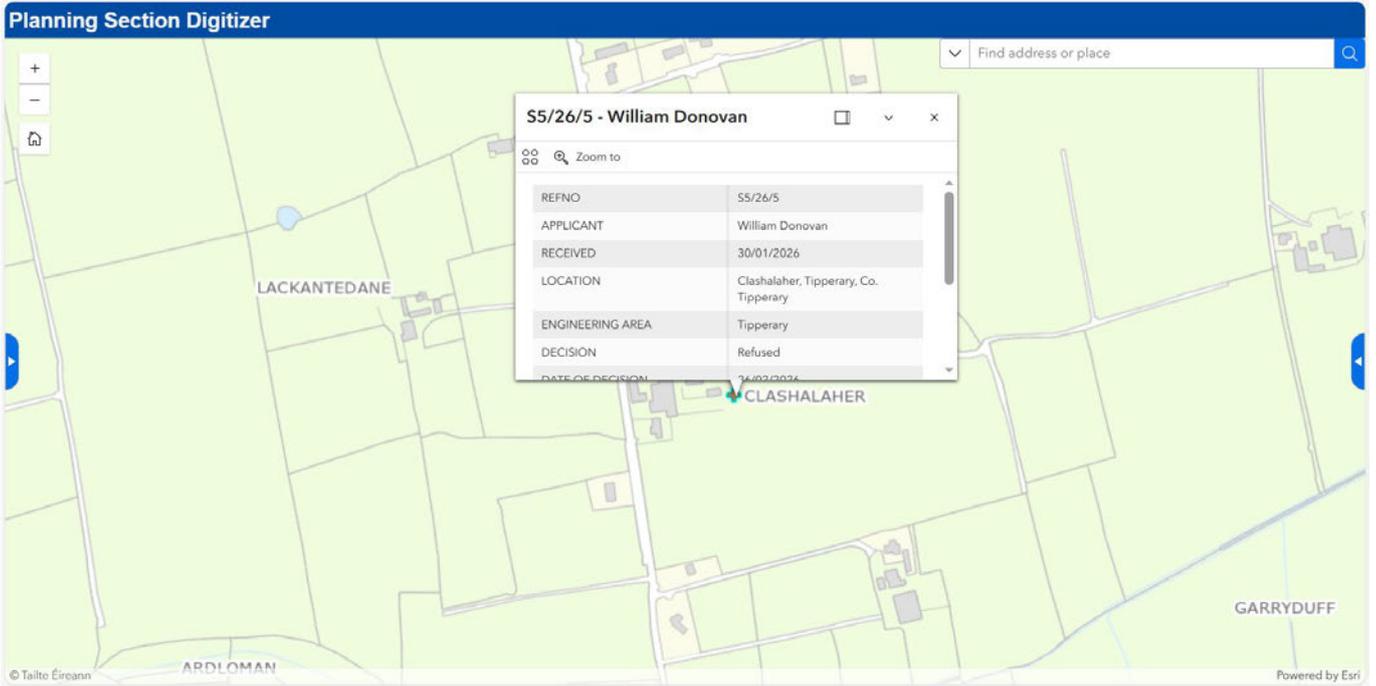


Figure 6 Planning Register

Original

**TIPPERARY COUNTY COUNCIL**

**DELEGATED EMPLOYEE'S ORDER**

File Ref: **S5/26/5**      **Delegated Employee's Order No:** \_\_\_\_\_

**SUBJECT: Section 5 Declaration**

I, Brian Beck, Director of Services, Tipperary County Council, by virtue of the powers delegated to me in accordance with the provisions of Section 154 of the Local Government Act 2001, as amended by Schedule 1, Part 1 of the Local Government Reform Act 2014 under Chief Executive's Order No. 44188 dated 3<sup>rd</sup> October, 2025, hereby order that pursuant to the provisions of the Planning and Development Act 2000, as amended, that an application under Section 5 from William Donovan C/O Liam Slattery, 3 Cois Na Gleann, Glanmire, Co. Cork, re: To construct an underground effluent tank (413sq.m) at Clashalaher, Tipperary, Co. Tipperary is development and is exempted development.

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

- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000 as amended,
- (b) Article 6 and Article 9 of the Planning and Development Regulations, 2001, as amended,
- (c) Schedule 2, Part 1, Class 6A of the Planning and Development Regulations, 2001, as amended (*Class 6A is inserted by article 4 of S.I. No. 649/2025 Planning and Development (Exempted Development (Act of 2000)) (No. 2) Regulations 2025*)
- (d) The details as submitted with the application on 30th January 2026.

Tipperary County Council has concluded that to construct an underground effluent tank (413sq.m) Clashalaher, Tipperary, Co. Tipperary constitutes "development" within the meaning of the Planning and Development Act 2000, as amended and is **NOT** "exempted development".

The development is **NOT** exempted development as does not satisfy the planning exemption under Class 6A, Schedule 2, Part 3 of the Planning and Development Regulations 2001 (as amended) owing to the **aggregate** capacity of tanks situated within the same farmyard complex exceeding 1,500 cubic metres and therefore breaching condition and limitation No. 3.

The development has been screened as to the requirement for Appropriate Assessment and Environmental Impact Assessment and it has been determined that same are not required.

**Signed:**   
**Brian Beck**  
**Director of Services**

**Date: 25/02/2026**



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  
E45 A099

t 0818 06 5000/6000  
e customerservice  
@tipperarycoco.ie  
tipperarycoco.ie

Date: 25<sup>th</sup> February 2026

Our Ref: S5/26/5

Civic Offices, Nenagh

**William Donovan**  
**C/O Liam Slattery**  
**3 Cois Na Gleann**  
**Glanmire**  
**Co. Cork**

**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 30<sup>th</sup> January 2026 in relation to the following proposed works:

To construct an underground effluent tank (413sq.m) at Clashalaher, Tipperary, Co. Tipperary.

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

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

- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000 as amended,
- (b) Article 6 and Article 9 of the Planning and Development Regulations, 2001, as amended,
- (c) Schedule 2, Part 1, Class 6A of the Planning and Development Regulations, 2001, as amended (*Class 6A is inserted by article 4 of S.I. No. 649/2025 Planning and Development (Exempted Development (Act of 2000)) (No. 2) Regulations 2025*)
- (d) The details as submitted with the application on 30<sup>th</sup> January 2026.

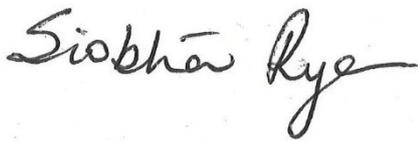
Tipperary County Council has concluded that to construct an underground effluent tank (413sq.m) Clashalaher, Tipperary, Co. Tipperary constitutes "development" within the meaning of the Planning and Development Act 2000, as amended and is **NOT** "exempted development".

The development is **NOT** exempted development as does not satisfy the planning exemption under Class 6A, Schedule 2, Part 3 of the Planning and Development Regulations 2001 (as amended) owing to the **aggregate** capacity of tanks situated within the same farmyard complex exceeding 1,500 cubic metres and therefore breaching condition and limitation No. 3.

The development has been screened as to the requirement for Appropriate Assessment and Environmental Impact Assessment and it has been determined that same are not required.

**NOTE:** Any person issued with a Declaration of a Planning Authority may refer the Declaration for review to An Coimisiún Pleanála, 64 Marlborough Street, Dublin 1, within four (4) weeks of the date of issue of the Declaration and on payment of the prescribed fee.

Yours sincerely

A handwritten signature in black ink that reads "Siobhán Rye". The signature is written in a cursive style with a long, sweeping tail on the letter 'y'.

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for **Director of Services**