



Comhairle Contae Thiobraid Árann
Tipperary County Council

Tipperary County Council
RECEIVED
01 APR 2026
C S D
Civic Offices, Clonmel

PLANNING & DEVELOPMENT ACT, 2000 (as amended)

Application for a Section 5 Declaration
Development / Exempted Development

TIPPERARY CO. COUNCIL
RECEIVED
01 APR 2026
PLANNING SECTION
FILE NO.

1. Applicant's address/contact details:

Applicant	Serena Stack
Address	9 Ardmore Dun Chormaic CASHEL Co TIPPERRARY
Telephone No.	[REDACTED]
E-mail	[REDACTED]

2. Agent's (if any) address:

Agent	Tim Bourke
Address	Tim Bourke and Associates Killastafford, Cashel, Co Tipperary
Telephone No.	[REDACTED]
E-mail	[REDACTED]
Please advise where all correspondence in relation to this application is to be sent;	
Applicant <input checked="" type="checkbox"/>	Agent <input checked="" type="checkbox"/>

3. Location of Proposed Development:

Postal Address or Townland or Location (as may best identify the land or structure in question)	ATTYKIT cashel Co Tipperary
---	-----------------------------------

Tipperary County Council
RECEIVED
01 APR 2026
CASH OFFICE
Civic Offices, Clonmel

Receipt No 202 317
Issued 01 04 2026
€80.00 Cheque

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.

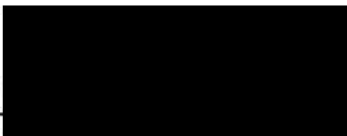
(Note: only works and uses listed and described under this section will be assessed under this Section 5 Application. Use additional sheets if required.

Demolition of Existing old Farm Building and	
replacement with 4 stable units with central passage	
and Feed Tack Room.	
Construction of 2 all weather pads for	
Horses.	All Weather - area. 992m ² .
	Stables - 11.56 x 8.37 = 96.7m ²
	Tack Room - 5.295 x 4.04 = 21.4m ²
Proposed floor area of proposed works/uses:	sqm \nearrow

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: 30/3/2026

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



GUIDANCE NOTES

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

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

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

This application form and relevant fee should be submitted to:

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

DATE STAMP

Fee Recd. € _____
Receipt No _____
Date _____
Received by _____

Tim Bourke & Associates Ltd.

Killastafford, Cashel, Co. Tipperary. E25 DV25

Telephone: 062 63122 • Mobile: [REDACTED]

email: [REDACTED]

www.prostep.ie

3/3/26

- Agricultural Consultants
- Environmentalists
- ACRES Scheme & Nutrient Management
- EU Schemes
- Equine Nutrition
- Agronomy
- Financial Plans
- Planning Permission - Farm Buildings
- Farm Mapping & Layout
- FES, Farm Partnerships

Please find attached retention application for Seena Stack.

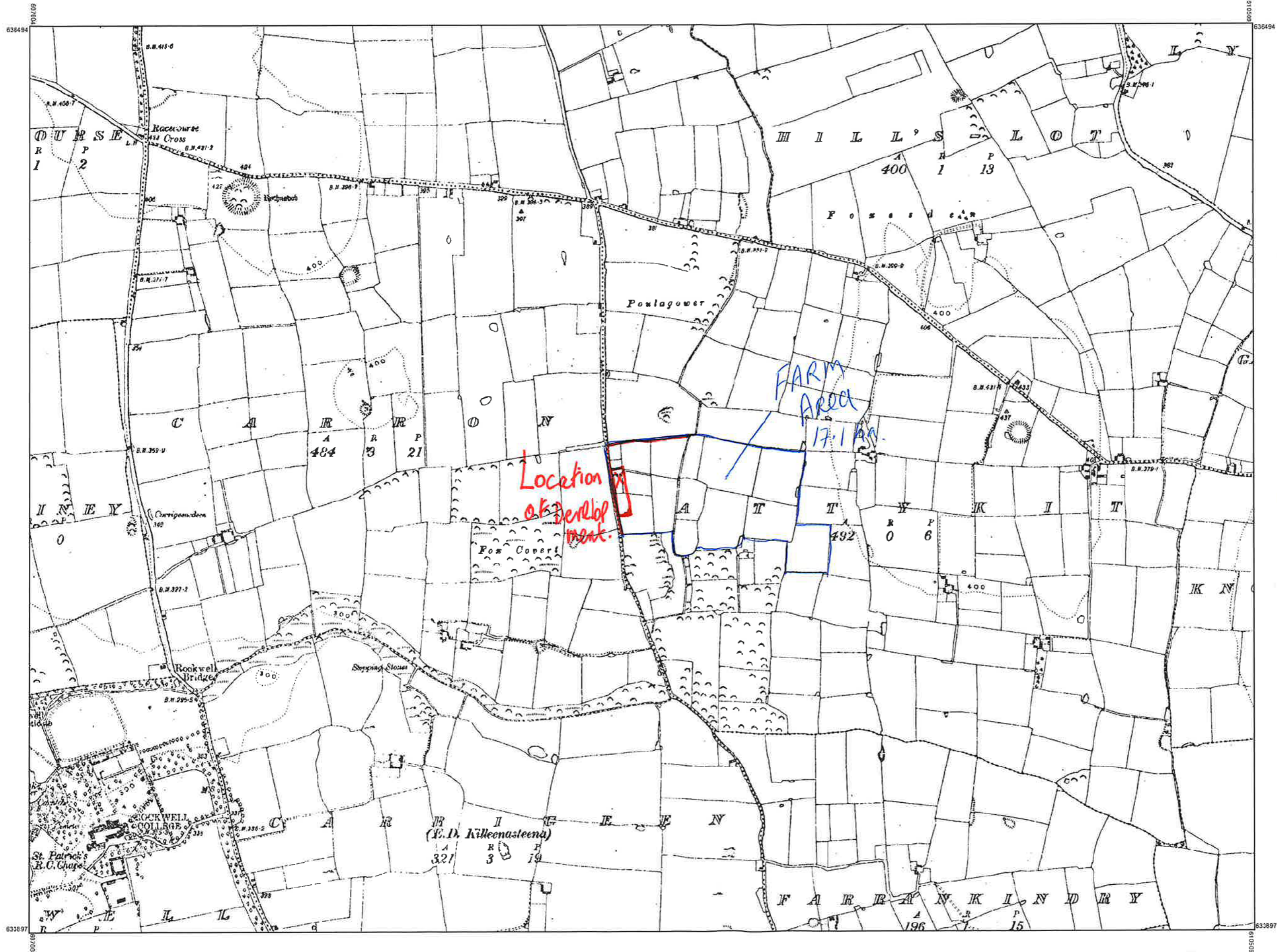
[REDACTED]

With Compliments

Site Location Map



Tailte
Éireann



CENTRE
COORDINATES:
ITM 608757,635196

PUBLISHED:
30/03/2026

ORDER NO.:
50527108_1

MAP SERIES:
6 Inch Raster

MAP SHEETS:
TY069

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

www.tailte.ie

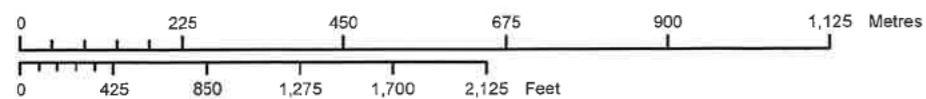
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This topographic map
does not show
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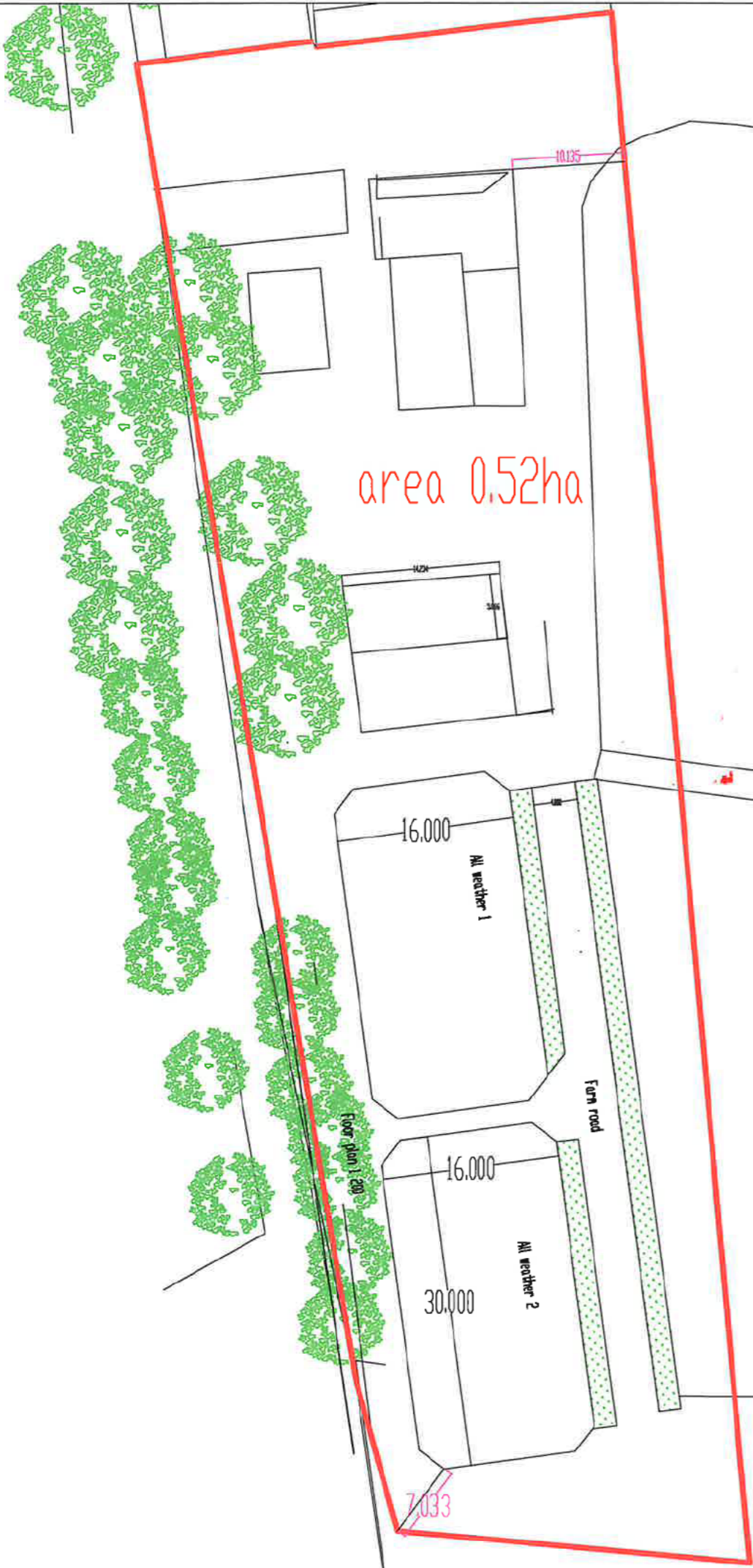


OUTPUT SCALE: 1:10,560

CAPTURE RESOLUTION:
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; search 'Capture Resolution'

LEGEND:
To view the legend visit
www.tailte.ie and search for
'Large Scale Legend'





Serena Stack
9 ArdMore
Dun Chormaic
Cashel
Co Tipperary
TamV067475
Eircode
Scale 1 500



Planning Pack Map



Tailte Éireann



CENTRE COORDINATES:
ITM 608757,635196

PUBLISHED: 30/03/2026
ORDER NO.: 50527108_1

MAP SERIES: 1:2,500
MAP SHEETS: 5182-A

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

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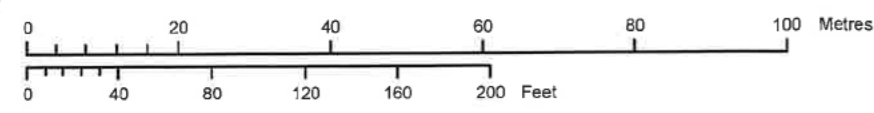
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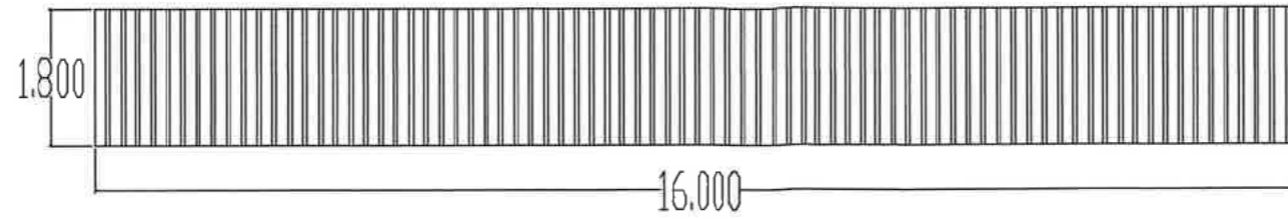
OUTPUT SCALE: 1:1,000

CAPTURE RESOLUTION:
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LEGEND:
To view the legend visit www.tailte.ie and search for 'Large Scale Legend'



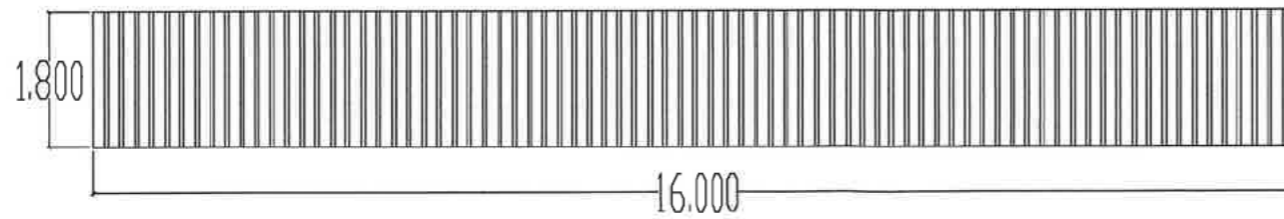
All weather south and North elevation



South elevation scale 1 100

SPACE BOARDING 6" PANELS
1.8 MT HIGH

View of FENCE
ELEVATIONS

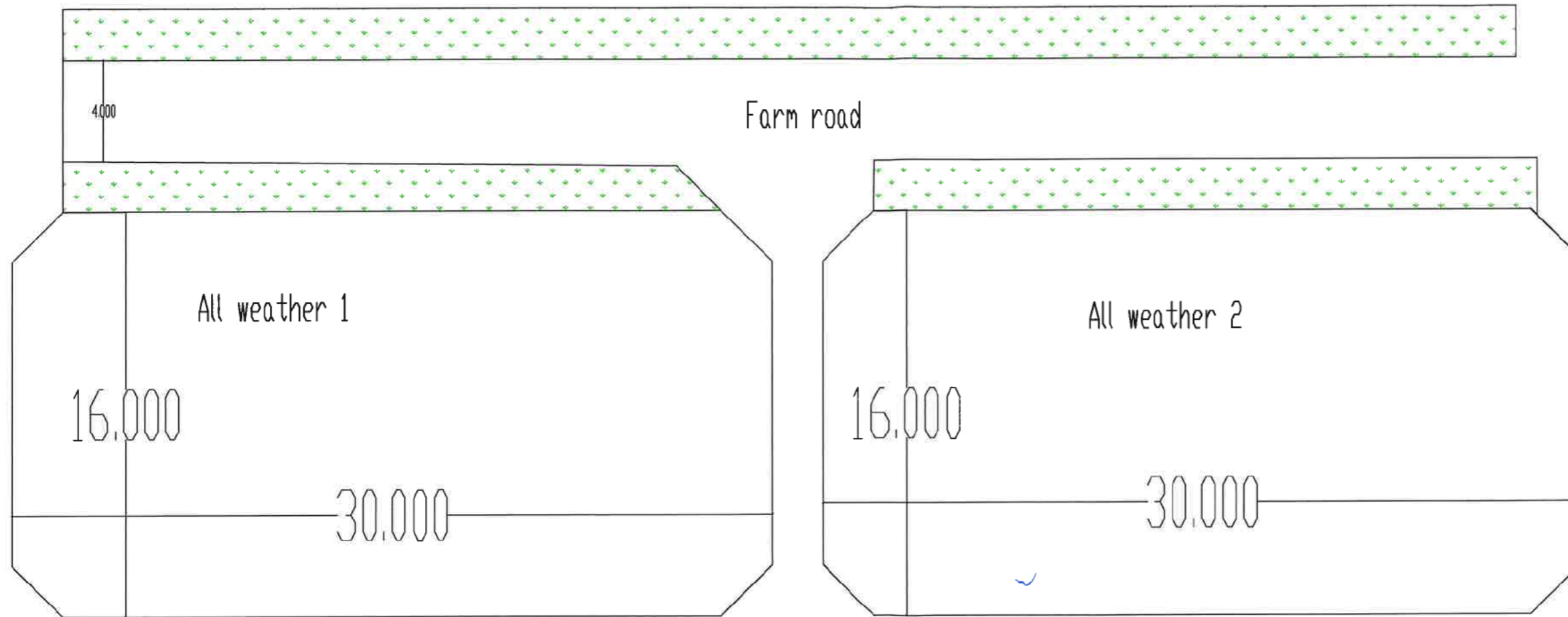


North elevation scale 1 100

SPACE BOARDING 6" PANELS
1.8 MT HIGH

View of FENCE
ELEVATIONS

Serena Stack
9 ArdMore
Dun Chormaic
Cashel
Co Tipperary
TamV067475
Eircode
Scale 1 500

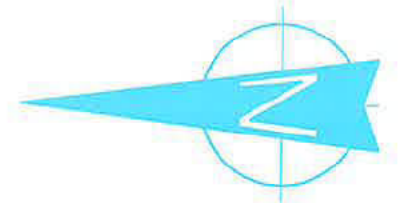


Serena Stack
 9 Ardmore
 Dun Chormaic
 Cashel
 Co Tipperary
 TanV067475
 Eircode
 Scale 1:500

Floor plan 1:200

Scale 1:200





All weather 2

All weather east elevation

All weather 2



Serena Stack
9 Ardmore
Dun Chormaic
Cashel
Co. Tipperary
Elrcode
Scale 1:500

Gate

gate

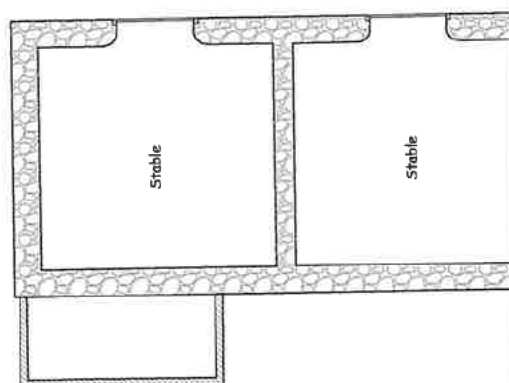
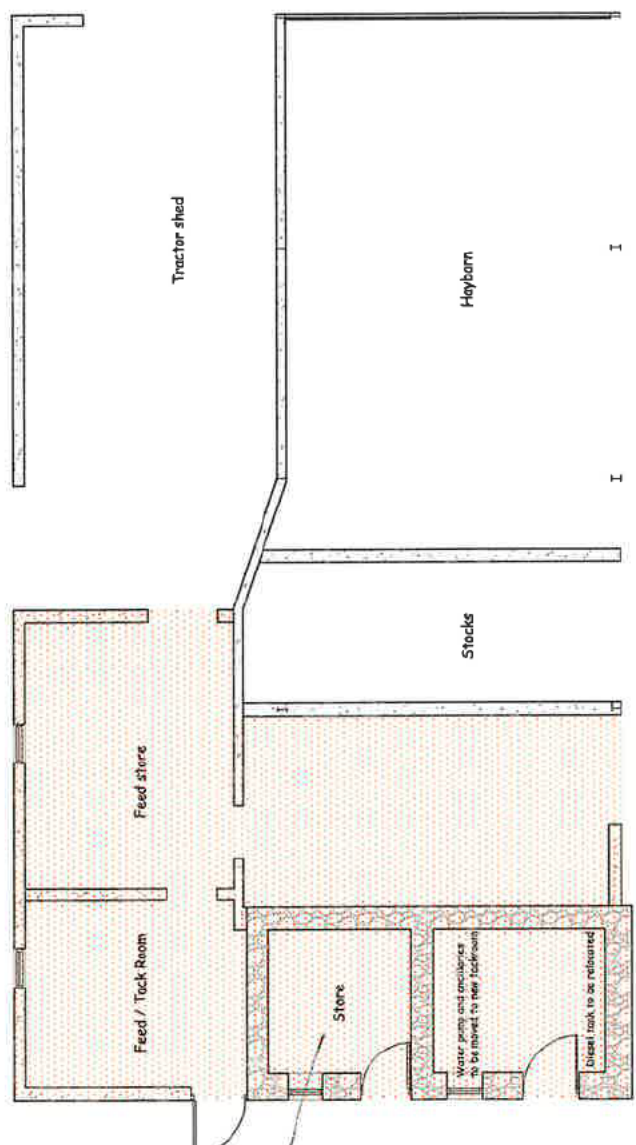
scale 1:100

Scale 1:200.



All weather west elevation

*Proposed Demolition
or Replacement with
Barn - 4 Stables*



Scale 1:148.1

Floor Plan

<p>Tynan Construction Ltd. MoyBax, Fermoy, Co. Tipperary, BT1 1DBL. Office: 032 6151428 Mobile: 088 8330752 info@tynanconstruction.ie www.tynanconstruction.ie</p>	<p>EXISTENCE</p> <p>A</p>		<p>REVISIONS</p>		<p>REVISIONS</p>		<p>EXISTING TITLE</p> <p>EXISTING FLOOR PLANS</p>		<p>DRAWING BY: [blank]</p> <p>CHECKED BY: [blank]</p> <p>DATE: [blank]</p>	<p>SCALE: 1:148.1</p> <p>DATE: 06/05/26</p>
	<p>PROPOSED DEVELOPMENT AT ATYKIT STUD, CASHEL, Co. TIPPERARY FOR CORMAC & SERENA O FLYNN</p>		<p>Do not scale drawings unless extra information is provided. All dimensions must be agreed with the Architect. The contractor is responsible for field verification of dimensions to the Architect for construction.</p>		<p>DATE</p>		<p>DATE</p>		<p>PROJECT NUMBER: [blank]</p> <p>STATUS: [blank]</p> <p>REVISION: [blank]</p> <p>DISCUSSION: [blank]</p>	<p>DATE: 06/05/26</p>



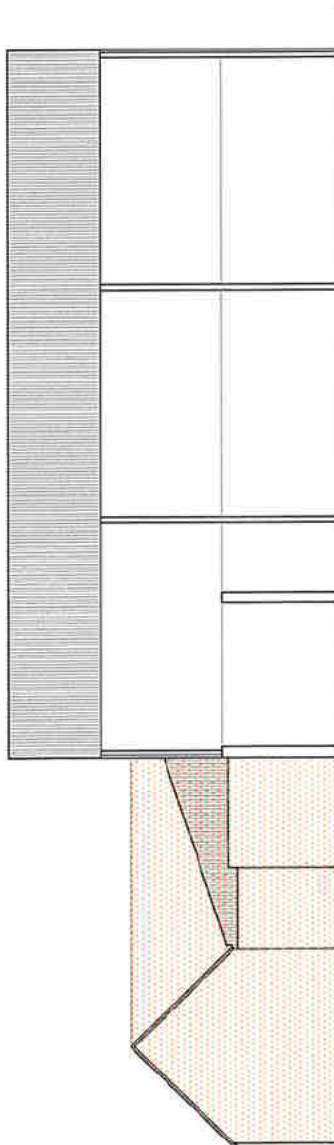
Tynan Construction Ltd.
 Moylisha, Fethard, Co. Wick.
 E01 1825.
 Office: 022 6151498
 Mobile: 087 0306722
 info@tynanconstruction.ie
 www.tynanconstruction.ie

PROPOSED SITE PLAN
 DRAWING NO: 1/100
 SCALE: 1:705
 DATE: 06/02/20
 PROJECT: PROPOSED DEVELOPMENT AT ATTYKIT STUD, CASHEL, Co. TIPPERARY FOR CORMAC & SERENA O FLYNN
 DRAWN BY: MURIEL
 CHECKED BY: MURIEL
 DISCUSSION: 0

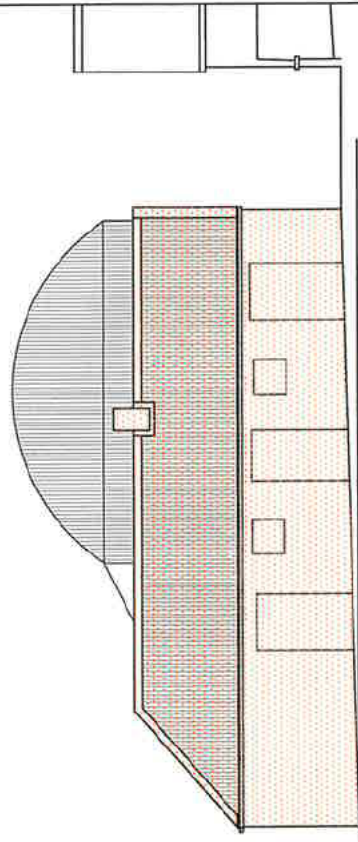
REVISIONS	DATE	REFERENCE
A		

Do not use drawings without the approval of the Architect. The Contractor is responsible for any error or omission. The Architect is not responsible for any error or omission.



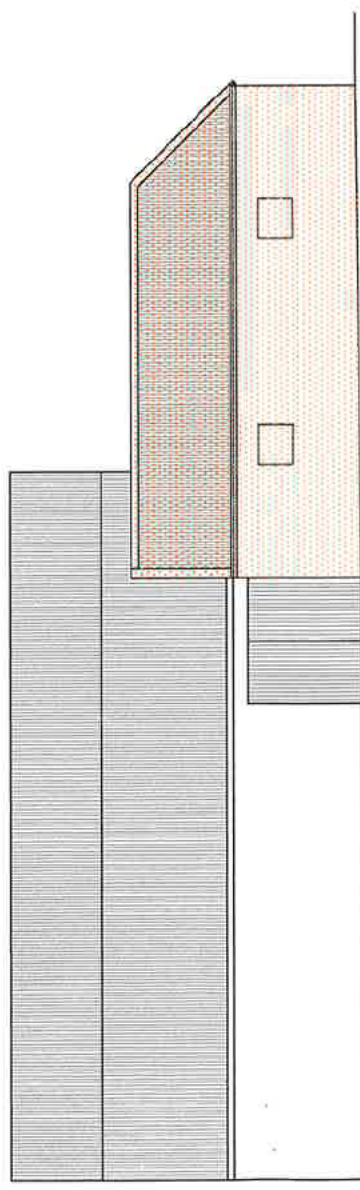


Side Elevation
East



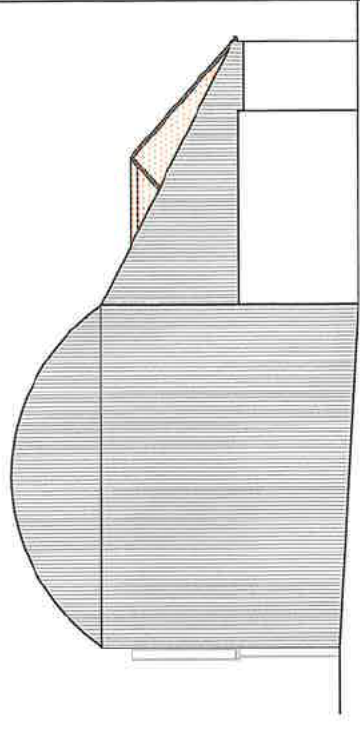
Front Elevation
North

Proposed New Build



Side Elevation
West

Scale 1:148-1



Rear Elevation
South



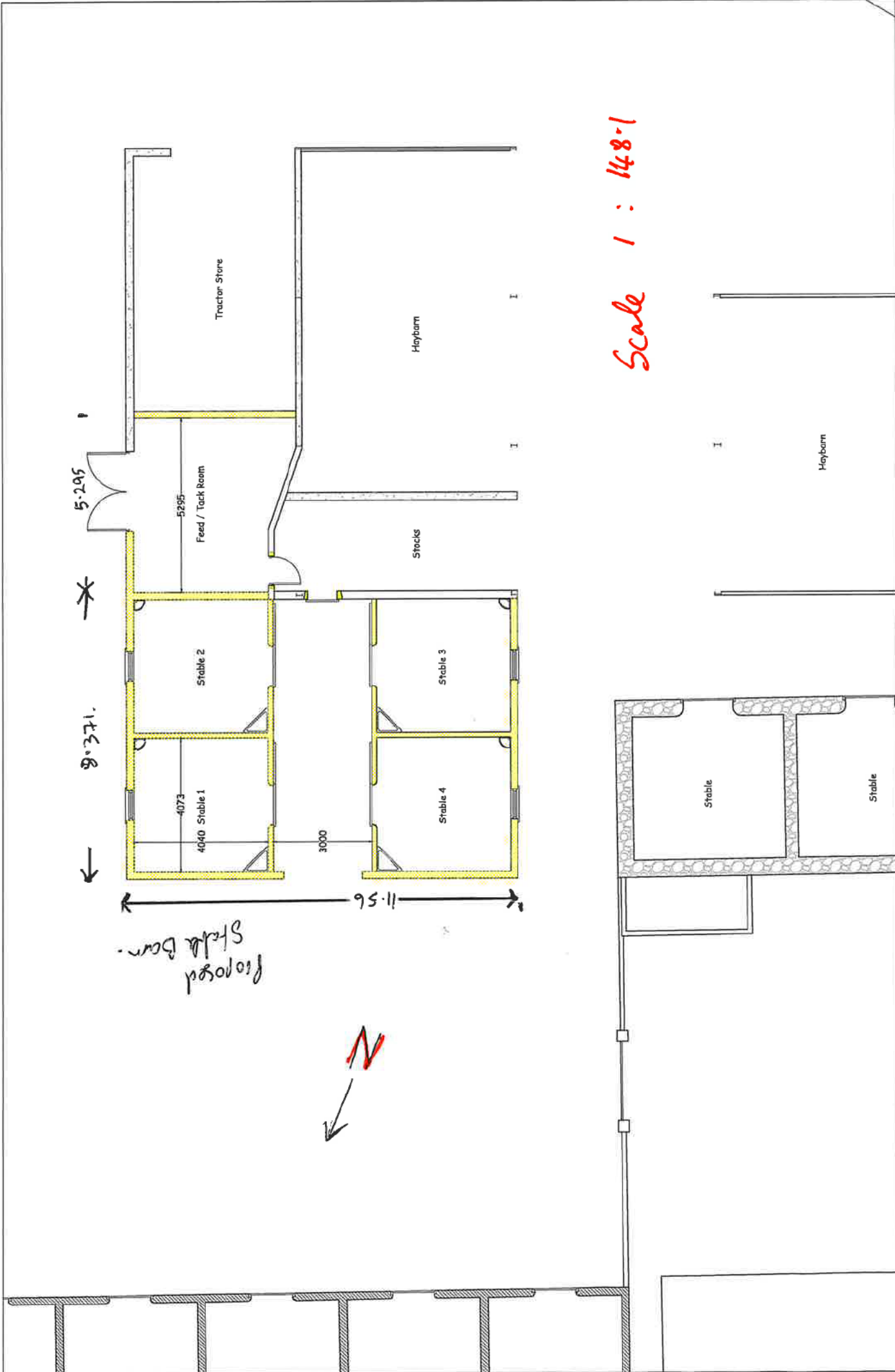
Tynan Construction Ltd.
 Moylusk,
 Fermoy,
 Co. Tipperary,
 E81 1086.
 Office: 032 6131459
 Mobile: 088 80381732
 info@tynanconstruction.ie
 www.tynanconstruction.ie

REFERENCE	DATE	REFERENCE	DATE	REVISIONS
A				

Do not scale drawings unless specifically stated to do so. All dimensions shall be taken from the drawing unless otherwise stated. The contractor shall be responsible for any discrepancies between the drawing and the actual construction.

DRAWING TITLE: EXISTING ELEVATIONS
 PROJECT TITLE: PROPOSED DEVELOPMENT AT ATTKIT STUD, CASHEL, Co. TIPPERARY FOR CORMAC & SERENA O'FLYNN

DRAWING DT:	SCALE:	DATE:
1/100	1/100	06/03/28
PROJECT NUMBER:	STATUS:	ISSUES REV.
A1/28/102	Discussion	2



Scale 1 : 148.1

Proposed Stable Bars.



Tynan Construction Ltd.
 Mayfield,
 Fethard,
 Co. Tipperary,
 E81 188C.
 Office: 052 6131459
 Mobile: 088 8336792
 info@tynanconstruction.ie
 www.tynanconstruction.ie

PROPOSED FLOOR PLANS
 PROJECT TITLE:
 PROPOSED DEVELOPMENT AT ATTYKIT STUD,
 CASHEL, Co. TIPPERARY FOR CORMAC &
 SERENA O'FLYNN

NO.	DATE	REVISIONS

Do not scale drawings without the permission of the Architect. The floor plan is approximate and does not show any dimensions to the ground for construction.

DATE	SCALE	DATE



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 5000/601
e customerservice
@tipperarycoco.ie
tipperarycoco.ie

Date: 1st April 2026

Our Ref: S5/26/43

Civic Offices, Clonmel

**Serena Stack
C/O Tim Bourke,
Tim Bourke & Associates Ltd.,
Killastafford,
Cashel,
Co Tipperary.**

Re: Application for a Section 5 Declaration – Demolition of the existing farm building and the replacement of 4 stable units with central passage and feed tack room. The construction of 2 all weather pads for the horses at AttyKit, Cashel, Co. Tipperary.

Dear Mr. Bourke,

I acknowledge receipt of your application for a Section 5 Declaration received on 1st April 2026, in connection with the above.

I wish to advise that you will be notified of a decision on your application in due course.

Yours sincerely,

for **Director of Services**

TIPPERARY COUNTY COUNCIL

Application for Declaration under Section 5

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

Planning Reference:	S5/26/43
Applicant:	Serena Stack
Development Address:	Attykit, Cashel, Co. Tipperary
Proposed Development:	Demolition of existing old farm building and replacement with 4 stables with central passage (96.7sq.m) and feed tack room (21.4sq.m). Construction of 2 all-weather pads for horses (992sq.m).

1. GENERAL

On the 1st of April 2026 a request was made for a declaration under Section 5 of the Planning and Development Act, 2000 as amended, by Serena Stack c/o Tim Bourke & Associates as to whether or not the following (as per application form) constitutes development and if so, whether same constitutes exempted development at Attykit, Cashel, Co. Tipperary.

***Demolition of existing old farm building and replacement with 4 stables with central passage (96.7sq.m) and feed tack room (21.4sq.m).
Construction of 2 all-weather pads for horses (992sq.m)***

- Section 5 Declaration Application Form,
- Site Location Maps,
- Site Layout Plan,
- Elevation, section and plan drawings,

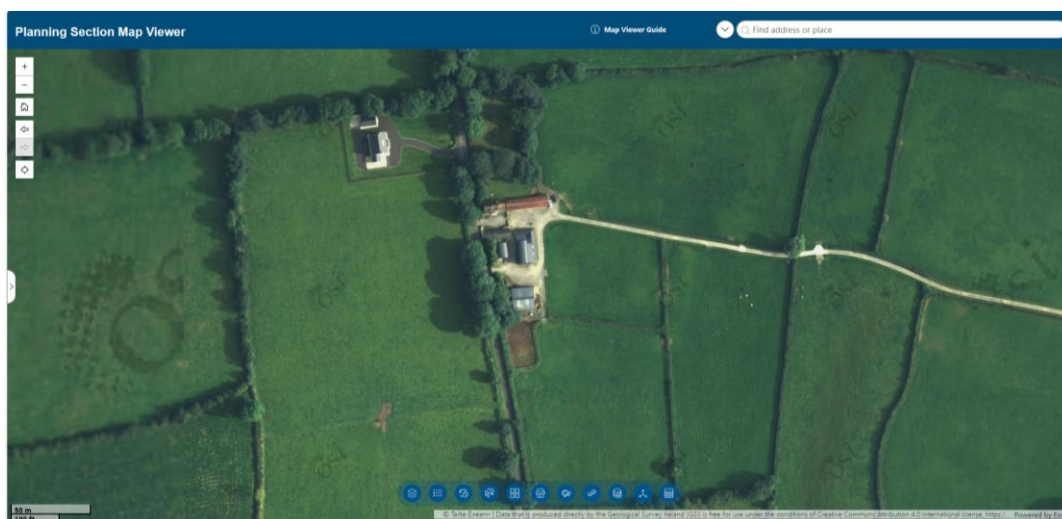


Figure 1 Site Location

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

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

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

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

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

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

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

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

Planning and Development Regulations 2001 (as amended)

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

Exempted Development.

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

Schedule 2, Part 1 'Exempted Development'- General

Column 1 Description of Development	Column 2 Conditions and Limitations
<p>CLASS 50 (a) The demolition of a building, or buildings, within the curtilage of— (i) a house, (ii) an industrial building, (iii) a business premises, or (iv) a farmyard complex.</p>	<ol style="list-style-type: none"> 1. No such building or buildings shall abut on another building in separate ownership. 2. The cumulative floor area of any such building, or buildings, shall not exceed: <ol style="list-style-type: none"> (a) in the case of a building, or buildings within the curtilage of a house, 40 square metres, and (b) in all other cases, 100 square metres. 3. No such demolition shall be carried out to facilitate development of any class prescribed for the purposes of section 176 of the Act.

Schedule 2, Part 3 'Exempted Development - Rural:

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

Column 1 Description of Development	Column 2 Conditions and Limitations
<p>CLASS 6 Works consisting of the provision of a roofed structure for the housing of cattle, sheep, goats, donkeys, horses, deer or rabbits, having a gross floor space not exceeding 300 square metres (whether or not by extension of an existing structure), and any ancillary provision for effluent storage.</p>	<ol style="list-style-type: none"> 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 450 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 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. 8. No such structure shall be within 60 metres of a public or private water source. 9. No such structure shall be situated, at the closest point, less than 50 metres from a water course or water body in

	<p><i>the case of new farmyards, and not less than 10m in the case of extensions/modifications to an existing facility.</i></p> <p>10. <i>No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.</i></p> <p>11. <i>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.</i></p> <p>12. <i>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.</i></p>
<p>CLASS 9 <i>Works consisting of the provision of any store, barn, shed, glass-house or other structure, not being of a type specified in class 6, 7 or 8 of this Part of this Schedule, and having a gross floor space not exceeding 300 square metres</i></p>	<p>1. <i>No such structure shall be used for any purpose other than the purpose of agriculture or forestry, but excluding the housing of animals or the storing of effluent.</i></p> <p>2. <i>The gross floor space of such structures together with any other such structures situated within the same farmyard complex or complex of such structures or within 100 metres of that complex shall not exceed 900 square metres gross floor space in aggregate.</i></p> <p>3. <i>No such structure shall be situated within 10 metres of any public road.</i></p> <p>4. <i>No such structure within 100 metres of any public road shall exceed 8 metres in height.</i></p> <p>5. <i>No such structure shall be situated within 100 metres of any house (other than the house of the person providing the structure) or other residential building or school, hospital, church or building used for public assembly, save with the consent in writing of the owner and, as may be appropriate, the occupier or person in charge thereof.</i></p> <p>6. <i>No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.</i></p>
<p>CLASS 10 <i>The erection of an unroofed fenced area for the exercising or training of horses or ponies, together with a drainage bed or soft surface material to provide an all weather surface.</i></p>	<p>1. <i>No such structure shall be used for any purpose other than the exercising or training of horses or ponies.</i></p> <p>2. <i>No such area shall be used for the staging of public events.</i></p> <p>3. <i>No such structure shall be situated within 10 metres of any public road, and no entrance to such area shall be directly off any public road.</i></p> <p>4. <i>The height of any such structure shall not exceed 2 metres.</i></p>

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 a dwelling and yard for the keeping of horses at Attykit, Cashel, Co. Tipperary.

ii. Relevant Planning History

25/60577 Permission GRANTED for the construction of a dwelling house, attached carport and with an attached plant room, detached domestic garage, detached domestic machinery store building, detached domestic store shed, detached greenhouse, garden walls, site entrance, septic tank and percolation area, and including all associated site development works.



View of stable block in farmyard captured under inspection of 25/60577

iii. Assessment

The question posed under the Section 5 Declaration application form is whether the demolition of existing old farm building and replacement with 4 stables with central passage (96.7sq.m) and feed/tack room (21.4sq.m) and the construction of 2 all-weather pads for horses (992sq.m) is development and is or is not exempted development.

A) "Is or is not Development"

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

B) "Is or is not Exempted Development"

Demolition works

Class 50 of Part 1 of Schedule 2 of the above cited Regulations is the relevant class subject to 3 limitations assessed below:

**(a) The demolition of a building, or buildings, within the curtilage of—
(iv) a farmyard complex.**

I am satisfied the proposed demolition works can be considered under Class 50 (a) (iv) and the site is a farmyard complex.

1. No such building or buildings shall abut on another building in separate ownership.

The entire site is owned by the applicant.

2. The cumulative floor area of any such building, or buildings, shall not exceed:

(b) in all other cases, 100 square metres.

This shed has a floor area of 129sq.m which exceeds limitation no. 2 where the cumulative floor area of any such buildings cannot exceed 100 square metres. Therefore, the demolition is not exempted development.

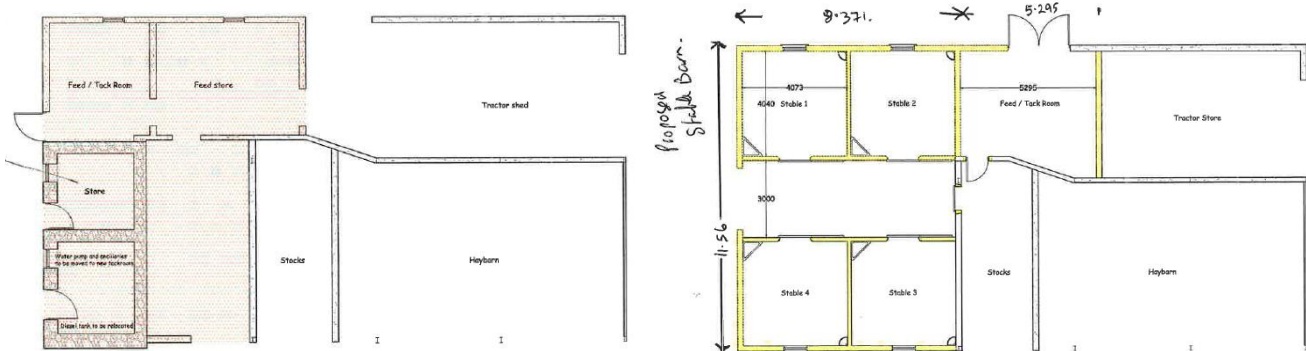


Figure 2 Existing & Proposed stables & tack room building

3. No such demolition shall be carried out to facilitate development of any class prescribed for the purposes of section 176 of the Act.

Not applicable.

4 stables with central passage (96.7sq.m) and feed tack room (21.4sq.m)

In the interest of completeness, the proposal subject to the current application is assessed relative to Class 6 of Part 3 of Schedule 2 subject to 12 no. limitations of the Regulations below. With respect to same I note as follows;

CLASS 6

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

The proposal can be considered under this class.

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

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

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

The proposed stables are given as 96.7sq.m. The application has not included for floors areas of such structures on the farm complex. Following a review of the maps and available images it appears that the combined floor area of all the stables exceeds 450sq.m.

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 provided with regard to effluent storage. There is like a dung heap on the site.

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

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

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

The proposed structure does not appear to exceed 8m in height.

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

The proposed structure is less than 100m from the third-party dwelling (E25DK15) and no written consent has been provided.

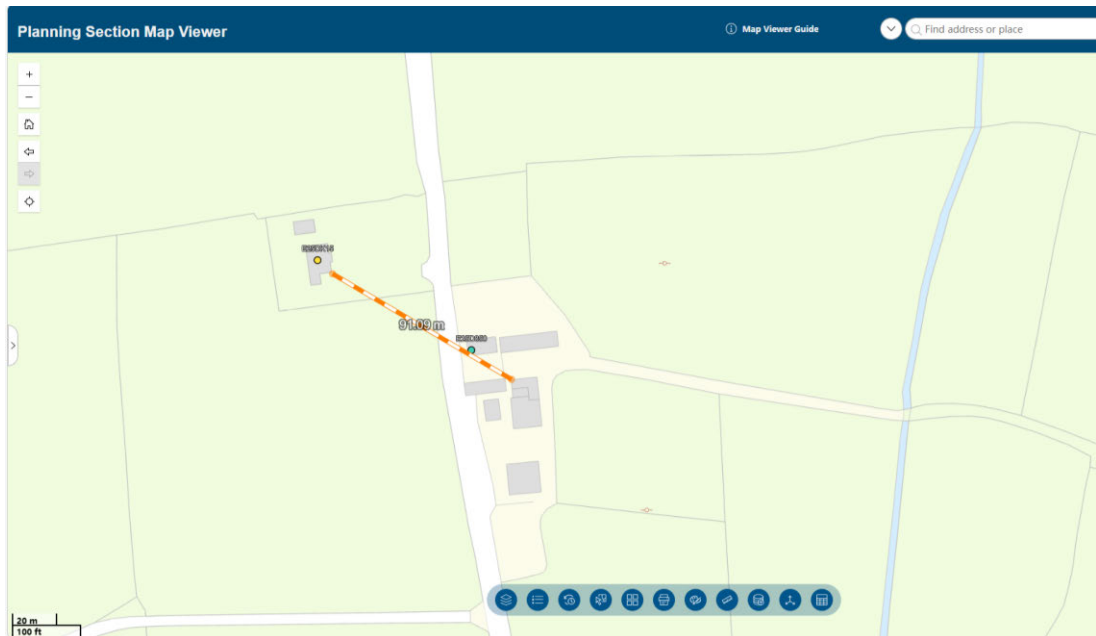


Figure 3 Dwelling within 100m of the proposed building

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

The site is not located within any flood zone.



Figure 4 Planning Register showing flood risk areas in proximity to the site

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

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

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

The proposed sheds is not less than 10m from a watercourse.

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

No unpainted metal sheeting has been identified.

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

The applicant has satisfied this condition under this application S5/26/43.

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

There is no signage proposed under this declaration

Construction of 2 all-weather pads for horses (992sq.m).

Class 10 of Part 3 of Schedule 2 of the above cited Regulations is the relevant class subject to 3 limitations assessed below:

The erection of an unroofed fenced area for the exercising or training of horses or ponies, together with a drainage bed or soft surface material to provide an all-weather surface

Construction of 2 all-weather pads for horses (992sq.m).

1. No such structure shall be used for any purpose other than the exercising or training of horses or ponies.

The structure to be used for the exercising of horses or ponies.

2. No such area shall be used for the staging of public events.

It has not been alluded to that the area should be used for public event. Given the size of same it is unlikely.

3. No such structure shall be situated within 10 metres of any public road, and no entrance to such area shall be directly off any public road.

The Layout plans that the area is less than 10m from the public road therefore does not comply with this limitation.

4. The height of any such structure shall not exceed 2 metres.

The proposed fencing is less than 2metres in height.



Figure 5 Google Street View

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

AA

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

EIA

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

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

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

The lands are served by two existing access points onto the local road. I am satisfied that the stable block will not endanger public safety by reason of traffic hazard or obstruction of road users.

3. RECOMMENDATION

WHEREAS a question has arisen as to whether the demolition of existing old farm building and replacement with 4 stables with central passage (96.7sq.m) and feed tack room (21.4sq.m) and the construction of 2 all-weather pads for horses (992sq.m) at Attykit, Cashel, Co. Tipperary is “development” and is or is not “exempted development”,

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

- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000 as amended,
- (b) Article 6 and Article 9 of the Planning and Development Regulations, 2001, as amended,
- (c) Schedule 2, Part 3, Class 6 and Class 9 of the Planning and Development Regulations, 2001, as amended.
- (c) Schedule 2, Part 1, Class 50 of the Planning and Development Regulations, 2001, as amended.
- (d) Details as submitted by the applicant.

AND WHEREAS Tipperary County Council has concluded the following;

The demolition of old farm buildings constitutes “development” within the meaning of the Planning and Development Act 2000, as amended and IS NOT “exempted development” as same does not satisfy the exemption set out under Class 50 of Part 1 of Schedule 2, of the above cited regulations.

The replacement with 4 stables with central passage (96.7sq.m) and feed tack room (21.4sq.m) constitutes “development” within the meaning of the Planning and Development Act 2000, as amended and IS NOT “exempted development” as same does not satisfy the exemption set out under Class 6 of Part 3 of Schedule 2, of the above cited regulations.

The proposed construction of 2 all-weather pads for horses (992sq.m) constitutes “development” within the meaning of the Planning and Development Act 2000, as amended and IS NOT “exempted development” as same does not satisfy Part 3 of Schedule 2 of the above cited Regulations.

Reason:

The old buildings to be demolished do not satisfy the exemption available under Class 50 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, as amended, as the floor area to be demolished exceeds 100sq.m.

The applicant cannot avail of the exemption provided for Class 6 (roofed structure for the housing of horses) of Part 3 of Schedule 2 of the above cited Regulations as the proposal does not satisfy limitation no 2 and 6 of Class 6.

The proposed construction of 2 all-weather pads for horses (992sq.m) does not satisfy Class10 Part 3 of Schedule 2 of the above cited Regulations as the areas are less than 10m from the public road.

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:20/04/2026

Senior Executive Planner:

C. Conway

Date: 21.4.2026

HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT

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

(a) File Reference No:	S5/26/43
(b) Brief description of the project or plan:	Demolition of existing old farm building and replacement with 4 stables with central passage (96.7sq.m) and feed tack room (21.4sq.m). Construction of 2 all-weather pads for horses (992sq.m).
(c) Brief description of site characteristics:	Farm yard complex for the keeping of horses
(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW	None
(e) Response to consultation:	None

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

European Site (code)	List of Qualifying Interest/Special Conservation Interest ¹	Distance from proposed development ² (km)	Connections (Source-Pathway-Receptor)	Considered further in screening Y/N
002162 River Barrow & river Nore SAC	https://www.npws.ie/protected-sites/sac/002162	Within 15km	None	No
002137 Lower River Suir	https://www.npws.ie/protected-sites/sac/002137	Within 10km	None	No

STEP 3. Assessment of Likely Significant Effects

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

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

Operational phase e.g. <ul style="list-style-type: none"> • Direct emission to air and water • Surface water runoff containing contaminant or sediment • Lighting disturbance • Noise/vibration • Changes to water/groundwater due to drainage or abstraction • Presence of people, vehicles and activities • Physical presence of structures (e.g. collision risks) • Potential for accidents or incidents 	No potential impacts
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In-combination/Other	No potential impacts
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(b) Describe any likely changes to the European site:	
Examples of the type of changes to give consideration to include: <ul style="list-style-type: none"> • Reduction or fragmentation of habitat area • Disturbance to QI species • Habitat or species fragmentation • Reduction or fragmentation in species density • Changes in key indicators of conservation status value (water or air quality etc.) • Changes to areas of sensitivity or threats to QI • Interference with the key relationships that define the structure or ecological function of the site 	No potential impacts

(c) Are 'mitigation' measures necessary to reach a conclusion that likely significant effects can be ruled out at screening?

Yes No

STEP 4. Screening Determination Statement

The assessment of significance of effects:

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

The proposed development is not likely to have significant effects.

Conclusion:

	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

EIA Pre-Screening	
Establishing a development is a 'sub-threshold development'	
File Reference:	S5/26/43
Development Summary:	Demolition of existing old farm building and replacement with 4 stables with central passage (96.7sq.m) and feed tack room (21.4sq.m). Construction of 2 all-weather pads for horses (992sq.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 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
<input checked="" type="checkbox"/> No	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
<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 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 required Determination required
<input type="checkbox"/> No, Schedule 7A information/screening report has not been submitted by the applicant	Preliminary Examination required

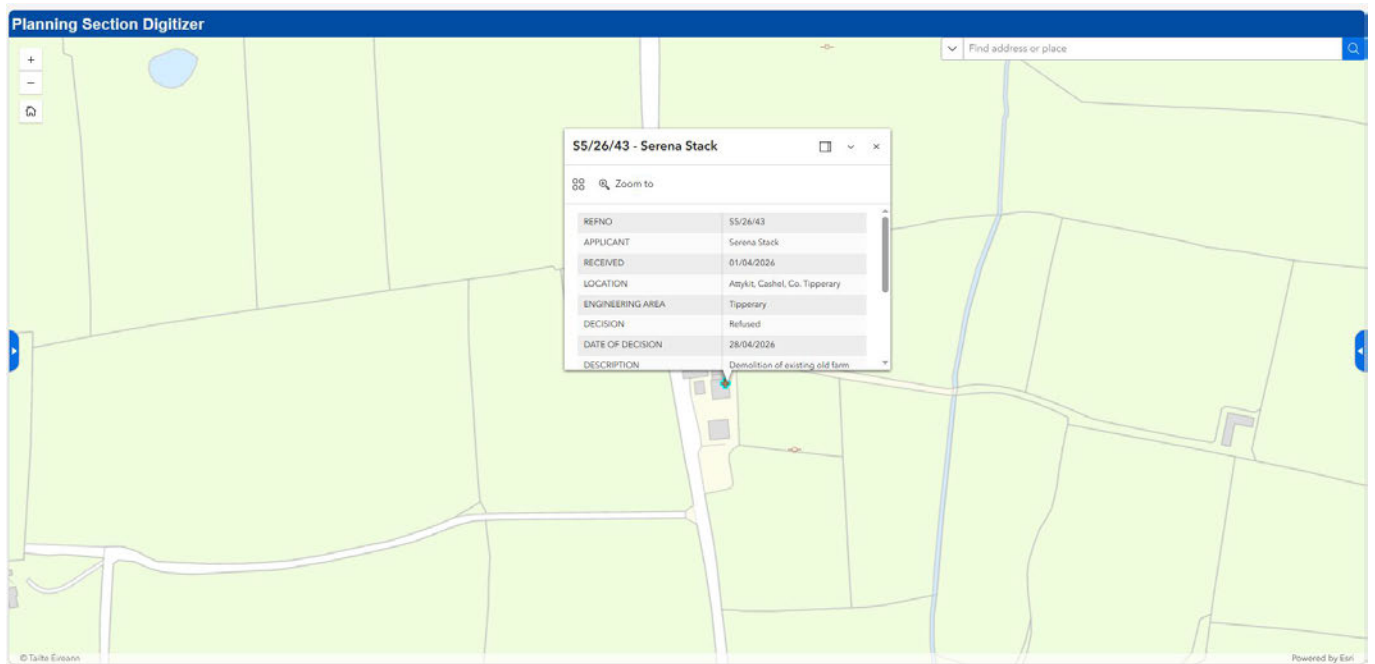


Figure 6 Planning Register

Original

TIPPERARY COUNTY COUNCIL

DELEGATED EMPLOYEE'S ORDER

File Ref: **S5/26/43** **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 Serena Stack C/O Tim Bourke, Tim Bourke & Associates Ltd, Killastafford, Cashel, Co Tipperary, Re: Demolition of existing old farm building and replacement with 4 stables with central passage (96.7sq.m) and feed tack room (21.4sq.m). Construction of 2 all-weather pads for horses (992sq.m) at Attykit, Cashel, 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 3, Class 6 and Class 9 of the Planning and Development Regulations, 2001, as amended.
- d) Schedule 2, Part 1, Class 50 of the Planning and Development Regulations, 2001, as amended.
- e) Details as submitted by the applicant.

QMK

Tipperary County Council has concluded that the demolition of old farm buildings constitutes "development" within the meaning of the Planning and Development Act 2000, as amended and **IS NOT "exempted development"** as same does not satisfy the exemption set out under Class 50 of Part 1 of Schedule 2, of the above cited regulations.

The replacement with 4 stables with central passage (96.7sq.m) and feed tack room (21.4sq.m) constitutes "development" within the meaning of the Planning and Development Act 2000, as amended and IS NOT "exempted development" as same does not satisfy the exemption set out under Class 6 of Part 3 of Schedule 2, of the above cited regulations.

The proposed construction of 2 all-weather pads for horses (992sq.m) constitutes "development" within the meaning of the Planning and Development Act 2000, as amended and IS NOT "exempted development" as same does not satisfy Part 3 of Schedule 2 of the above cited Regulations.

Reason:

The old buildings to be demolished do not satisfy the exemption available under Class 50 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, as amended, as the floor area to be demolished exceeds 100sq.m.

The applicant cannot avail of the exemption provided for Class 6 (roofed structure for the housing of horses) of Part 3 of Schedule 2 of the above cited Regulations as the proposal does not satisfy limitation no 2 and 6 of Class 6.

The proposed construction of 2 all-weather pads for horses (992sq.m) does not satisfy Class10 Part 3 of Schedule 2 of the above cited Regulations as the areas are less than 10m from the public road.

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: 22/04/2026



Date: 22nd April 2026

Our Ref: S5/26/43

Civic Offices, Nenagh

**Serena Stack
C/O Tim Bourke
Tim Bourke & Associates Ltd
Killastafford
Cashel
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 1st April 2026
in relation to the following proposed works:

**Demolition of existing old farm building and replacement with 4
stables with central passage (96.7sq.m) and feed tack room
(21.4sq.m). Construction of 2 all-weather pads for horses (992sq.m)
at Attykit, Cashel, 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 3, Class 6 and Class 9 of the Planning and Development Regulations, 2001, as amended.
- d) Schedule 2, Part 1, Class 50 of the Planning and Development Regulations, 2001, as amended.
- e) Details as submitted by the applicant.

Tipperary County Council has concluded that the demolition of old farm buildings constitutes "development" within the meaning of the Planning and Development Act 2000, as amended and **IS NOT "exempted development"** as same does not satisfy the exemption set out under Class 50 of Part 1 of Schedule 2, of the above cited regulations.

The replacement with 4 stables with central passage (96.7sq.m) and feed tack room (21.4sq.m) constitutes "development" within the meaning of the Planning and Development Act 2000, as amended and IS NOT "exempted development" as same does not satisfy the exemption set out under Class 6 of Part 3 of Schedule 2, of the above cited regulations.

The proposed construction of 2 all-weather pads for horses (992sq.m) constitutes "development" within the meaning of the Planning and Development Act 2000, as amended and IS NOT "exempted development" as same does not satisfy Part 3 of Schedule 2 of the above cited Regulations.

Reason:

The old buildings to be demolished do not satisfy the exemption available under Class 50 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, as amended, as the floor area to be demolished exceeds 100sq.m.

The applicant cannot avail of the exemption provided for Class 6 (roofed structure for the housing of horses) of Part 3 of Schedule 2 of the above cited Regulations as the proposal does not satisfy limitation no 2 and 6 of Class 6.

The proposed construction of 2 all-weather pads for horses (992sq.m) does not satisfy Class 10 Part 3 of Schedule 2 of the above cited Regulations as the areas are less than 10m from the public road.

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 M Keaveney
for Director of Services