



PLANNING & DEVELOPMENT ACT, 2000 (as amended)

Application for a Section 5 Declaration
Development / Exempted Development

1. Applicant's address/contact details:

<i>Applicant</i>	John O Dwyer
<i>Address</i>	Gorteenduvane, Donohill, Co. Tipperary E34 TE84
<i>Telephone No.</i>	██████████
<i>E-mail</i>	

2. Agent's (if any) address:

<i>Agent</i>	Arthur Dunne
<i>Address</i>	Glenbane, Lttin, Co. Tipperary
<i>Telephone No.</i>	██████████
<i>E-mail</i>	████████████████████
<i>Please advise where all correspondence in relation to this application is to be sent;</i>	
Applicant [<input type="checkbox"/>] Agent [<input checked="" type="checkbox"/>]	

3. Location of Proposed Development:

<i>Postal Address or Townland or Location (as may best identify the land or structure in question)</i>	Gorteenduvane & Ballinvasa, Donohill, Co. Tipperary.
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4. Development Details:


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

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

Construction of a calf rearing shed and an underground slatted slurry storage tanks.
The Area of the new build is 243.84m ² and the area of the existing shed is 204m ² making the total
Combined area 447.84m ² which is under the 450m ² threshold.
The proposed tank has a capacity of 303.25m ³ when a 300mm freeboard is taken into account. The
Existing tank has 273m ³ of capacity given a total of 576.25m ³ which is below the 1500m ³ threshold
Proposed floor area of proposed works/uses: Calf rearing shed sqm 243.84

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

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

Signature of Applicant(s) 

Date: 13/05/2026

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**

OR

**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

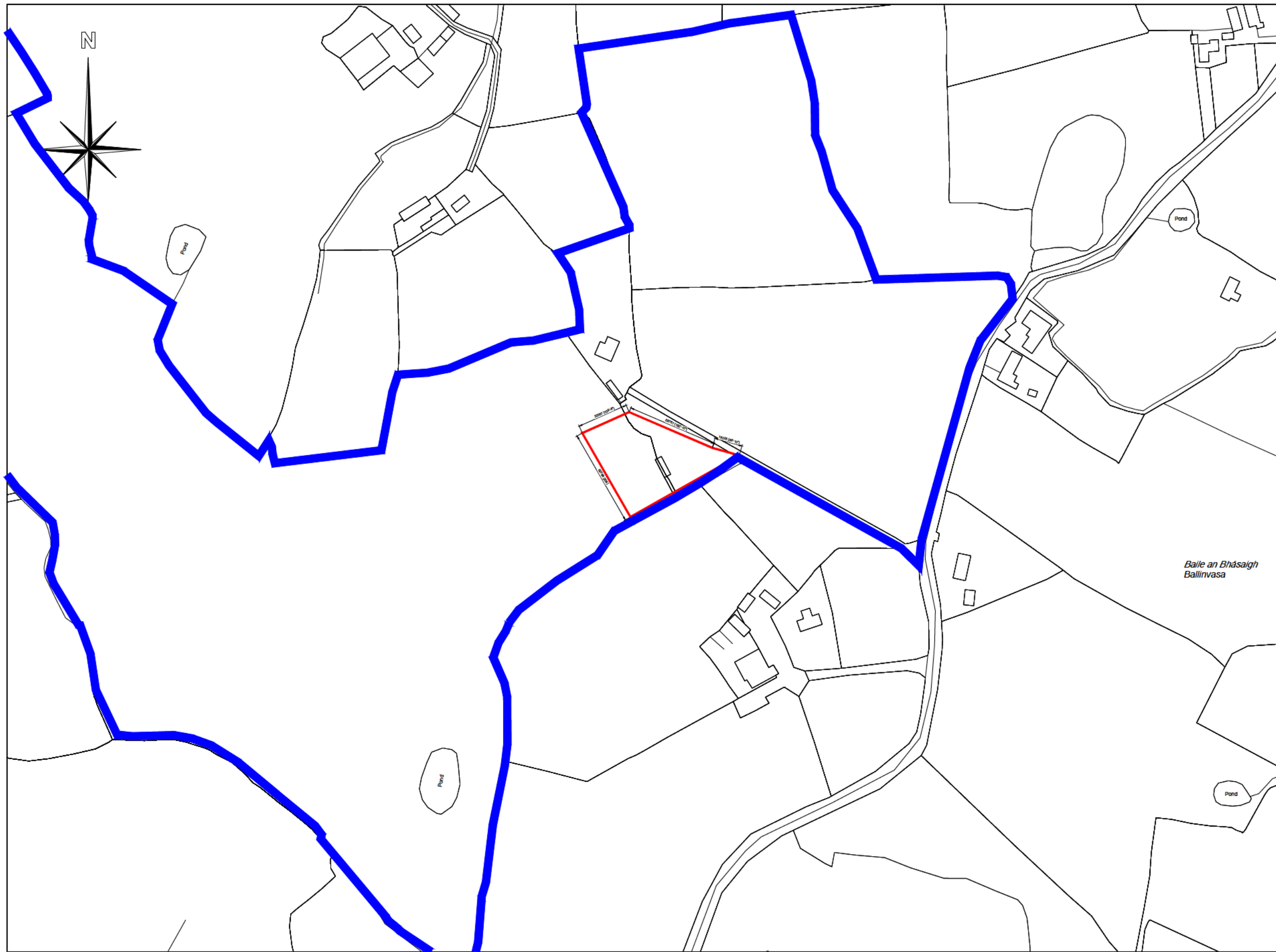
DATE STAMP

Fee Recd. € 80.00

Receipt No 137363

Date 13/5/2026

Received by _____



**Area of Site = 0.34 Hectares
= 0.84 Acres**

Legend:

- > Site Location: ———
- > Land in the Ownership of the Applicant: ———

Notes

Description:
Digital Landscape Model (DLM)

Publisher / Source:
Tailte Éireann

Data Source / Reference:
PRIME2

File Format:
Autodesk AutoCAD (DWG_R2013)

File Name:
v_50535650_1.dwg

Clip Extent / Area of Interest (AOI):
LLX,LLY= 590561.9378,844031.8267
LRX,LRY= 591391.9378,844031.8267
ULX,ULY= 590561.9378,844848.8267
URX,URY= 591391.9378,844848.8267

Projection / Spatial Reference:
Projection= IRENET95_Irish_Transverse_Mercator

Centre Point Coordinates:
X,Y= 590976.9378,844339.3267

Reference Index:
Map Series | Map Sheets
1:2,500 | 4996-B
1:5,000 | 4996

Data Extraction Date:
Date= 13-May-2026

Source Data Release:
DCMLS Release V1.109.121

Product Version:
Version= 1.4

License / Copyright:
Compiled and published by:
Tailte Éireann,
Phoenix Park,
Dublin 8,
Ireland.

**Licence No. 50535650
X = 590976, Y = 644339**

Rev	Date	Drawn	Description	City's
			PLANNING	

PLANNING PACKAGE

Sheet 1 of 6

Note: These Drawings are for Planning Purposes Only. They are not Construction Drawings.

PROJECT TITLE:
Farmyard Development At Donohill, Co. Tipperary

DRAWN BY:
Arthur Dunne

CLIENT:
John O' Dwyer

DRAWING TITLE:
Site Location Map - 1:2500

SCALE: 1:2500@A3
DATE: 17 - March - 2025
JOB NO: 26-05
STATUS: PLANNING

DWG NO: **100**
REV: **PL1**

Notes

Description: Historic 6" Latest Edition

Publisher / Source: Tailte Éireann

Data Source / Reference: TY051
 Revision Date = Survey Date = Levelled Date = 31-Dec-1905
 TY050
 Revision Date = Survey Date = Levelled Date = 31-Dec-1906
 LK025
 Revision Date = Survey Date = Levelled Date = 31-Dec-1924

File Format: Tagged Image File Format (TIFF)

File Name: R_50535650_1.tif

Clip Extent / Area of Interest (AOI):
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 ULX,ULY= 587471.9378,646936.3267
 URX,URY= 594481.9378,646936.3267

Projection / Spatial Reference: IRENET95_Irish_Transverse_Mercator

Centre Point Coordinates:
 X,Y = 590976.9378,644339.3267

Data Extraction Date: 13-May-2020

Product Version: 1.4

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X = 590976, Y = 644339

PL1	02-11-25	AD	PLANNING	MD
Rev	Date	Drawn	Description	City

PLANNING PACKAGE
Sheet 2 of 6

Note: These Drawings are for Planning Purposes Only. They are not Construction Drawings.

PROJECT TITLE: Farmyard Development At Donohill, Co. Tipperary

DRAWN BY: Arthur Dunne

CLIENT: John O Dwyer

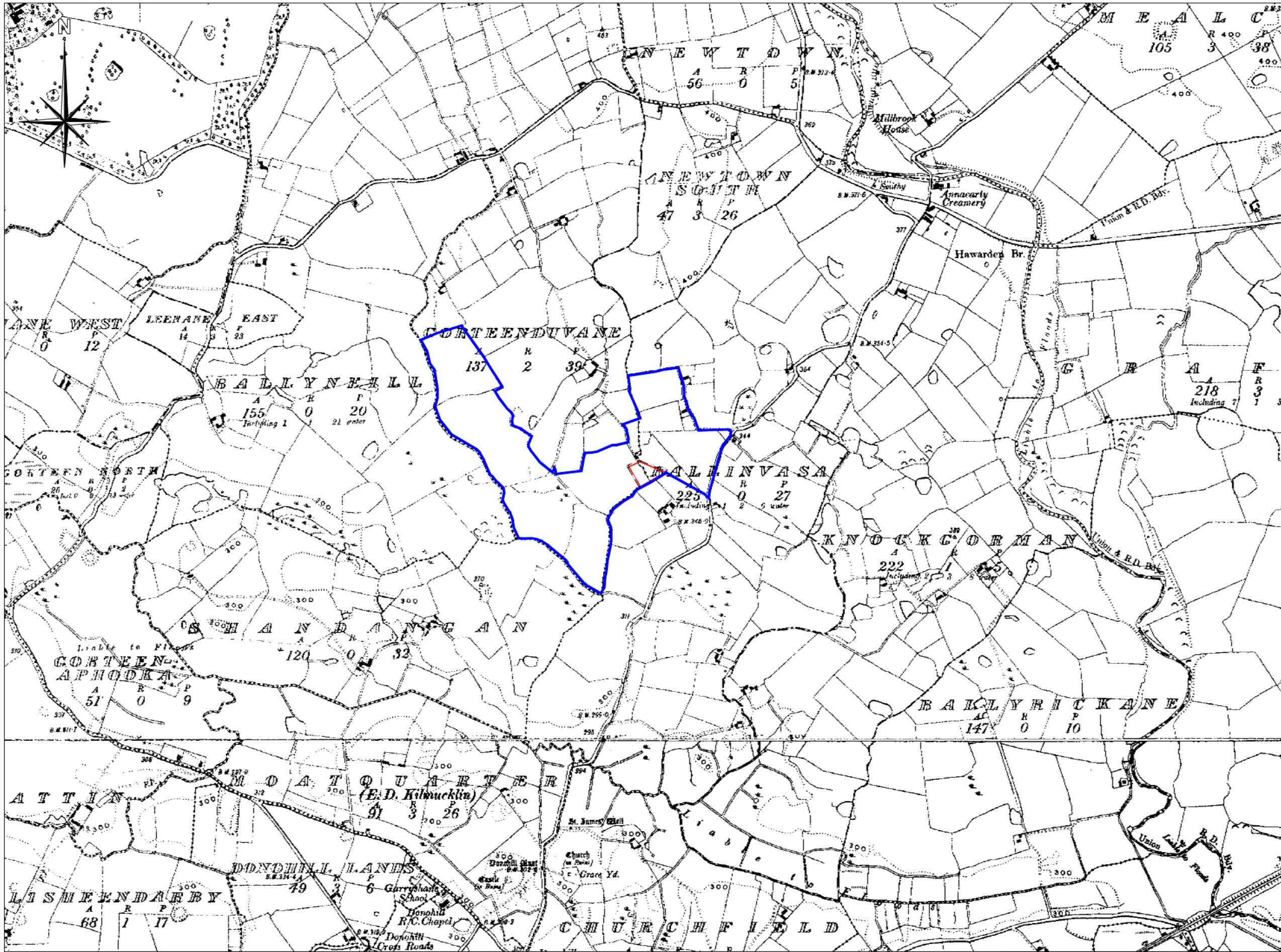
DRAWING TITLE: Site Location Map - 1:10560

SCALE: 1:10560@A3

DATE: 17 - March - 2026

JOB NO: 26-03

STATUS: PLANNING



Area of Site = 0.34 Hectares
= 0.84 Acres

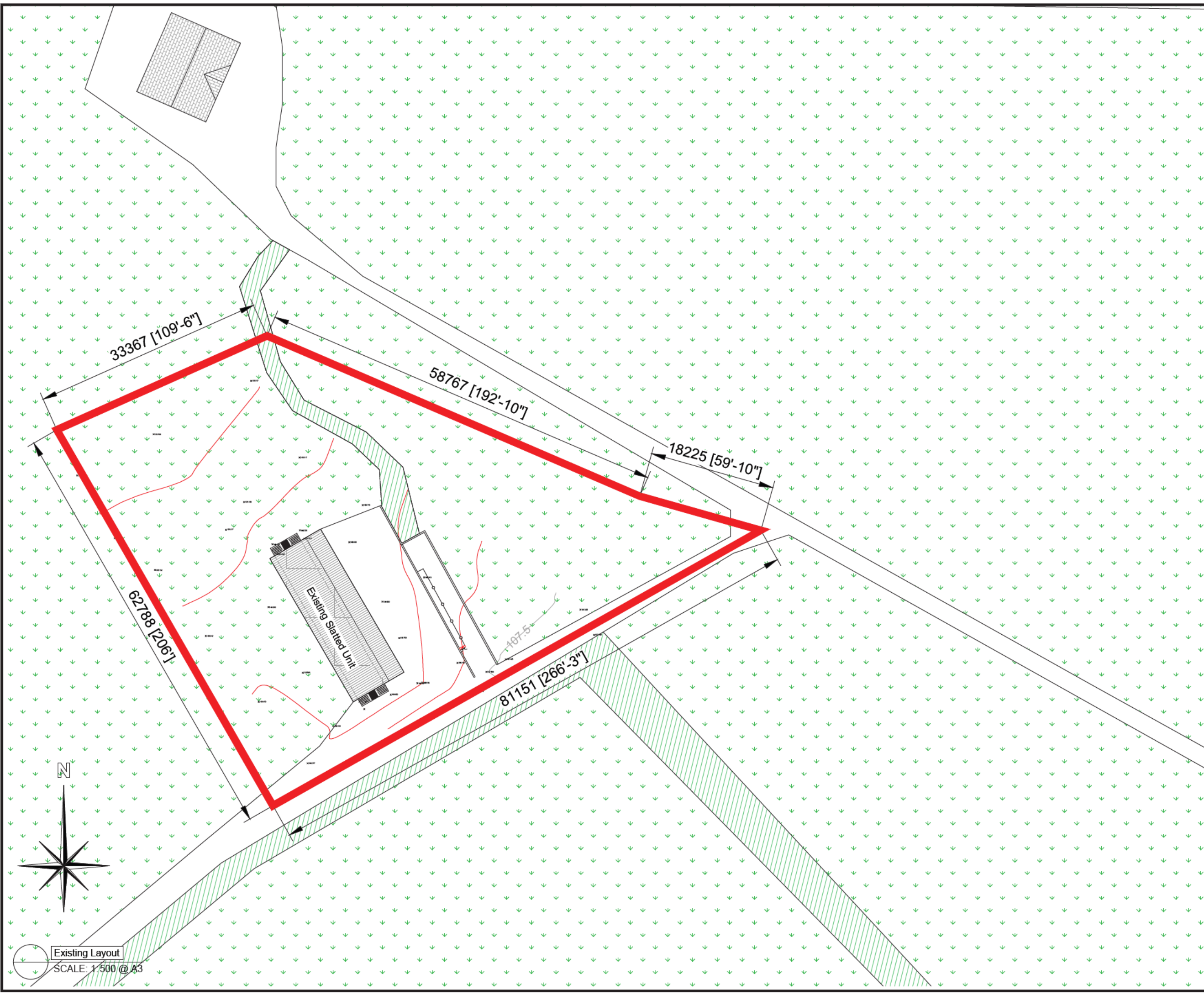
Legend:

- > Site Location: ———
- > Land in the Ownership of the Applicant: ———

Existing Layout

Legend

- x 100.00 = Spot Level
- = Existing P & W Fences
- = Paddocks / Grass
- = Ditch / Hedge
- = Trees
- = Existing Contours
- = Esb Pole
- = Overhead Wires
- = Site Boundary



PLANNING PACKAGE

Sheet 3 of 6

Note: These Drawings are for Planning Purposes Only. They are not Construction Drawings.

Rev	Date	Drawn	Description	CR/KD
FOR PLANNING				

PROJECT TITLE: Farmyard Development At Donohill, Co. Tipperary

DRAWN BY: Arthur Dunne

CLIENT: John O' Dwyer

DRAWING TITLE: Existing Layout

SCALE: 1:500 @ A3

DATE: 17 - March - 2026

JOB NO: 26 - 05

STATUS: For Planning

DWG NO: 102

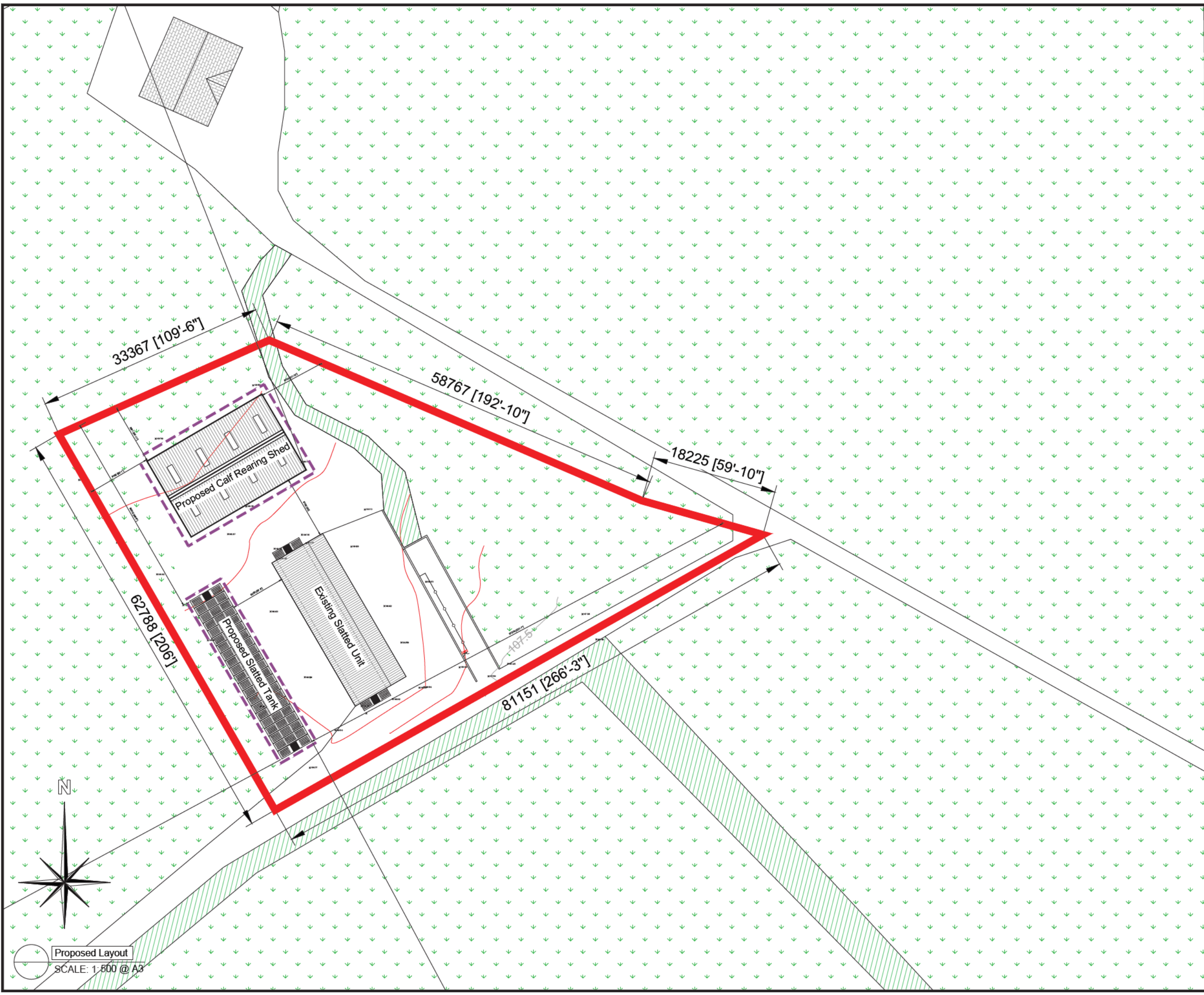
REV: PL1

Existing Layout
SCALE: 1:500 @ A3

Proposed Layout

Legend

- x 100.00 = Spot Level
- = Existing P & W Fences
- = Paddocks / Grass
- = Ditch / Hedge
- = Trees
- = Existing Contours
- = Esb Pole
- = Overhead Wires
- = Site Boundary
- = Proposed Development



PLANNING PACKAGE

Sheet 4 of 6

Note: These Drawings are for Planning Purposes Only. They are not Construction Drawings.

Rev	Date	Drawn	Description	Ch'g'd
FOR PLANNING				

PROJECT TITLE: Farmyard Development At Donohill, Co. Tipperary

DRAWN BY: Arthur Dunne

CLIENT: John O' Dwyer

DRAWING TITLE: Proposed Layout

SCALE: 1:500 @ A3

DATE: 17 - March - 2026

JOB NO: 26 - 05

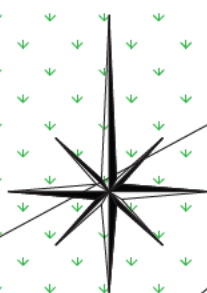
STATUS: For Planning

DWG NO: 103

REV: PL1

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N



















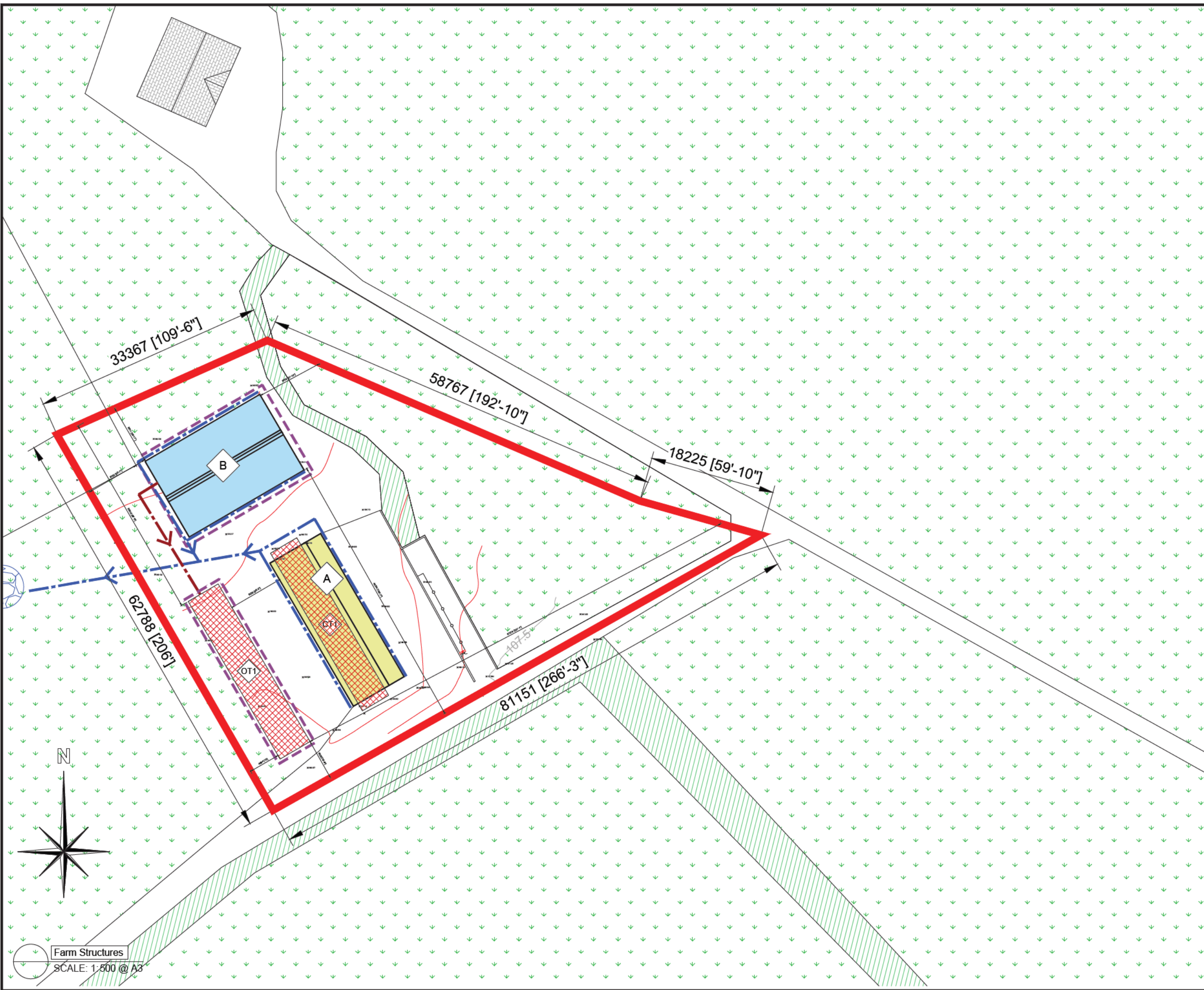
Proposed Layout

SCALE: 1:500 @ A3

Farm Structures

Legend

-  x 100.00 = Spot Level
-  = Existing P & W Fences
-  = Paddocks / Grass
-  = Ditch / Hedge
-  = Trees
-  = Existing Contours
-  Esb Pole = Esb Pole
-  = Overhead Wires
-  = Site Boundary
-  = Proposed Development
-  = Roof Water Pipes
-  = Clean Surface Water Open Land Drain
-  = Direction of Clean Water Run-off
-  = Direction of Soiled Water Run-off
-  = Soiled Water /Slurry Storage Tanks
-  = Clean Water Soakaway



PLANNING PACKAGE
Sheet 5 of 6

Note: These Drawings are for Planning Purposes Only. They are not Construction Drawings.

Rev	Date	Drawn	Description	CHK'D
			FOR PLANNING	

PROJECT TITLE: Farmyard Development At Donohill, Co. Tipperary

DRAWN BY: Arthur Dunne

CLIENT: John O' Dwyer

DRAWING TITLE: Farm Structures

SCALE: 1:500 @ A3

DATE: 17 - March - 2026

JOB NO: 26 - 03

STATUS: For Planning

DWG NO: 104

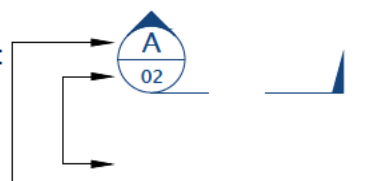
REV: PL1

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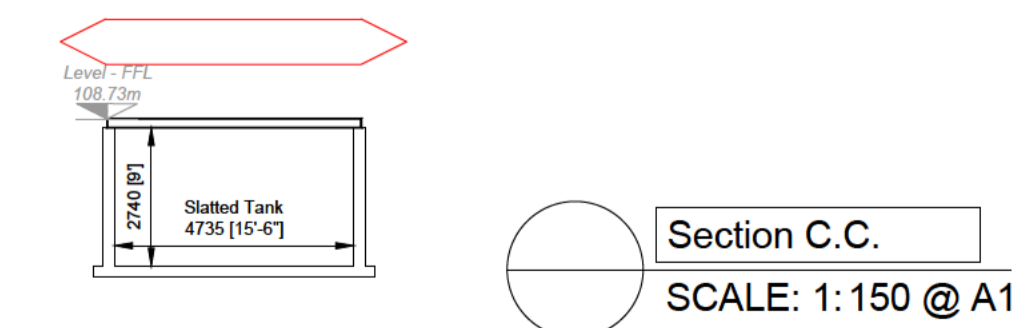
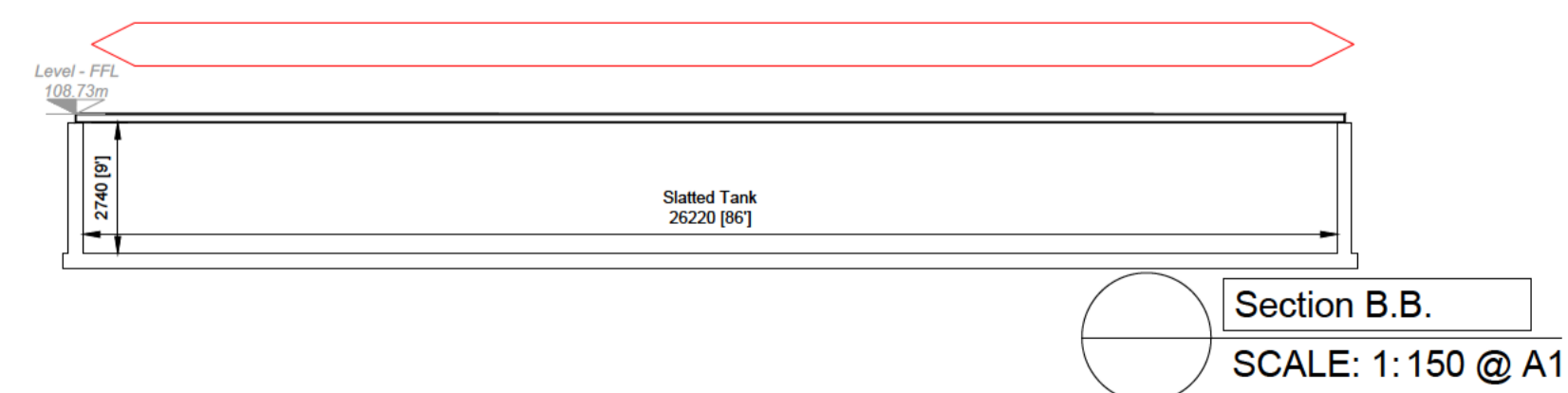
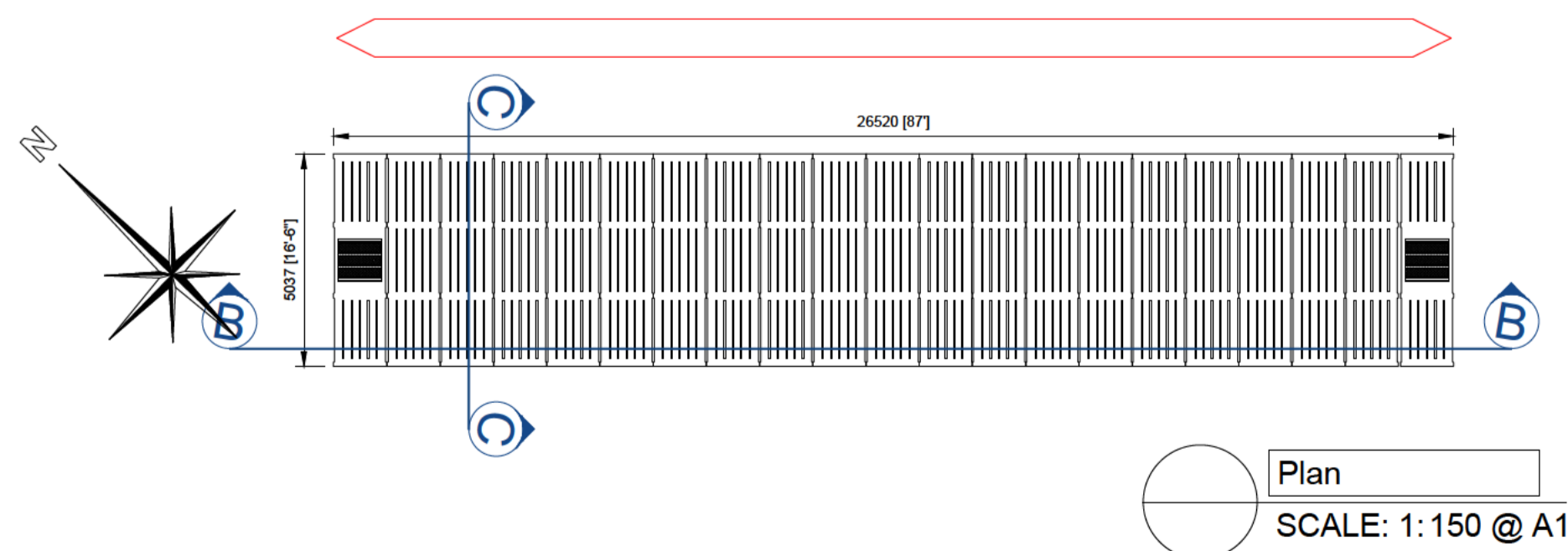
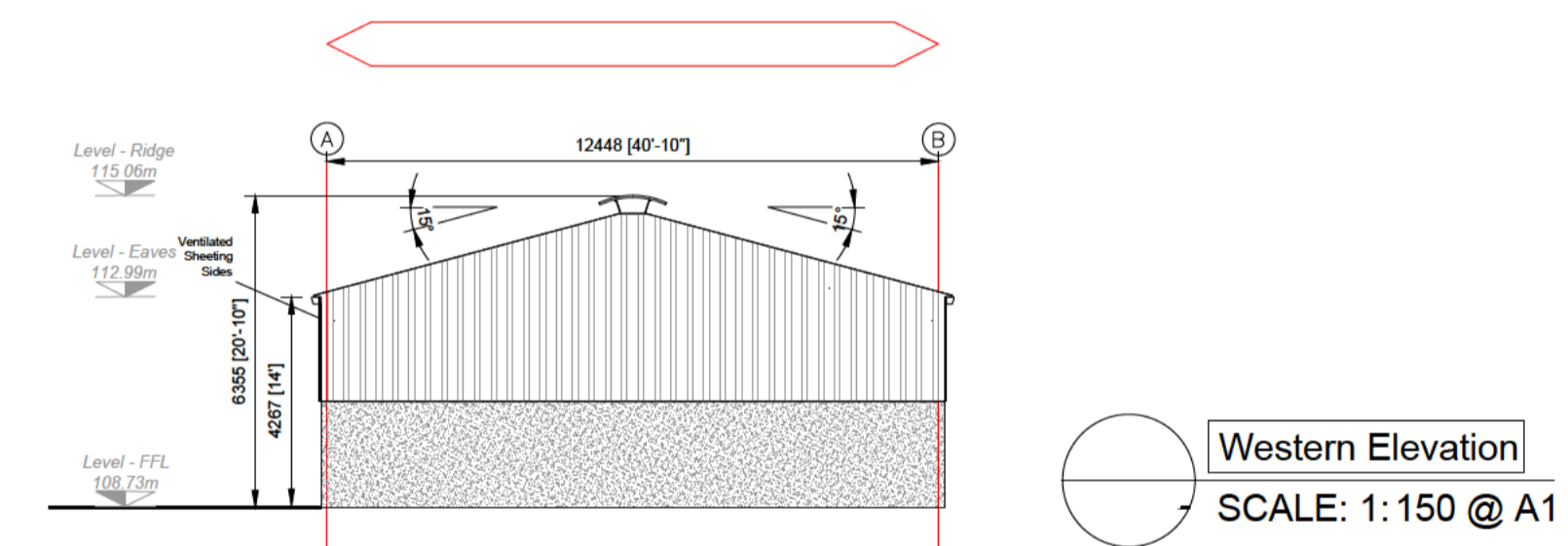
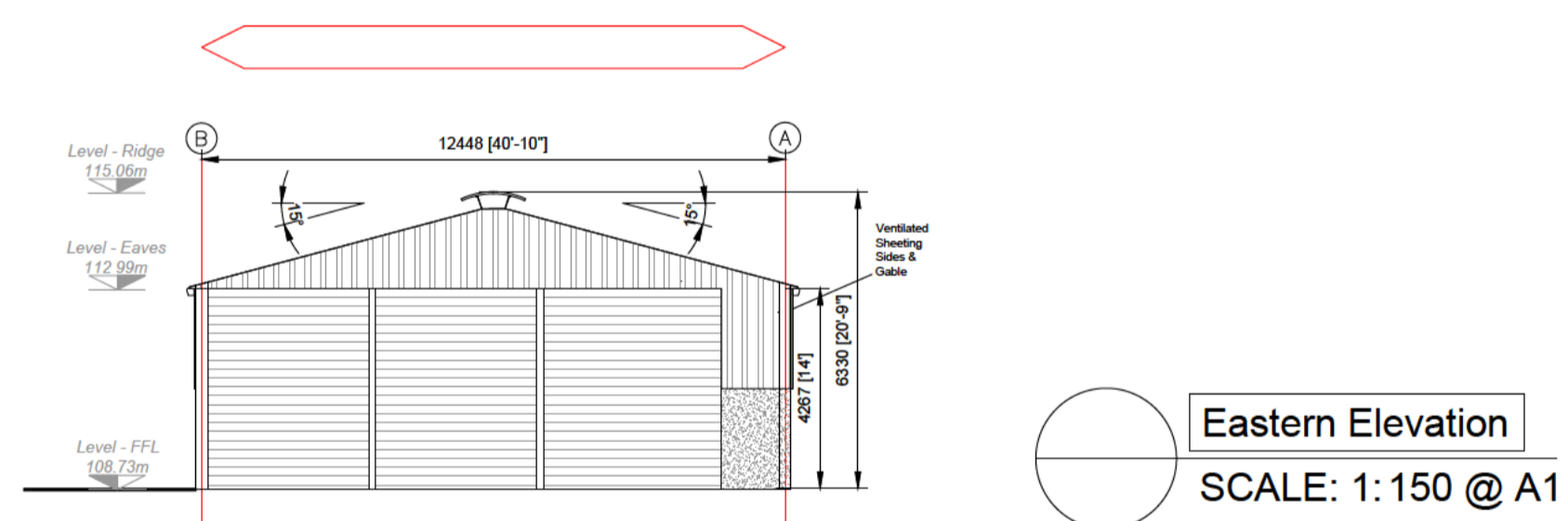
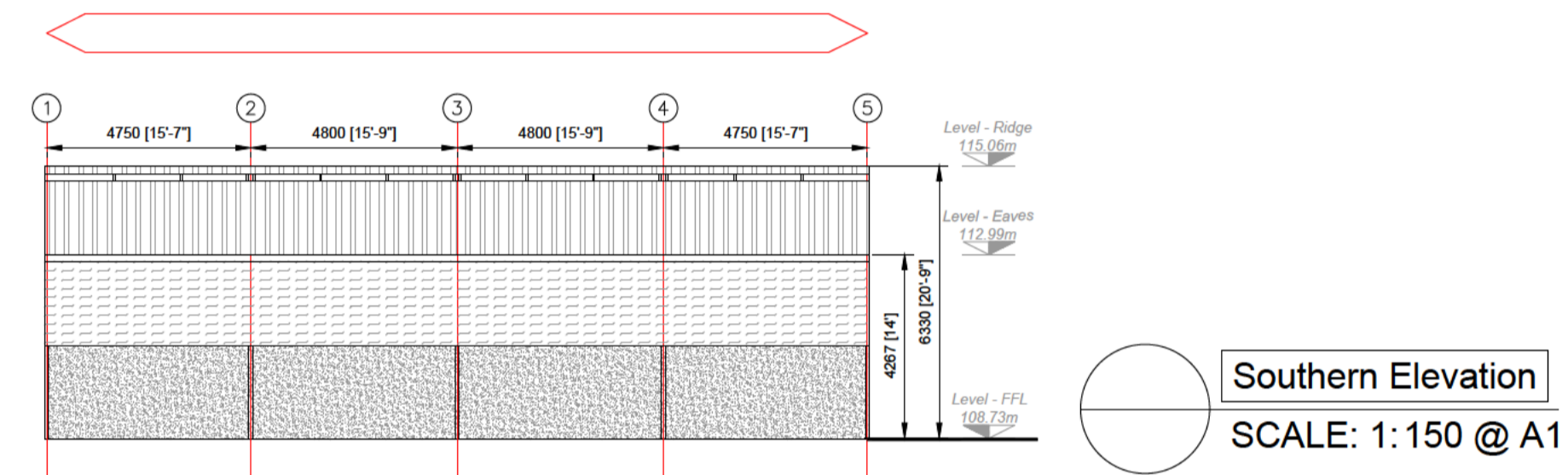
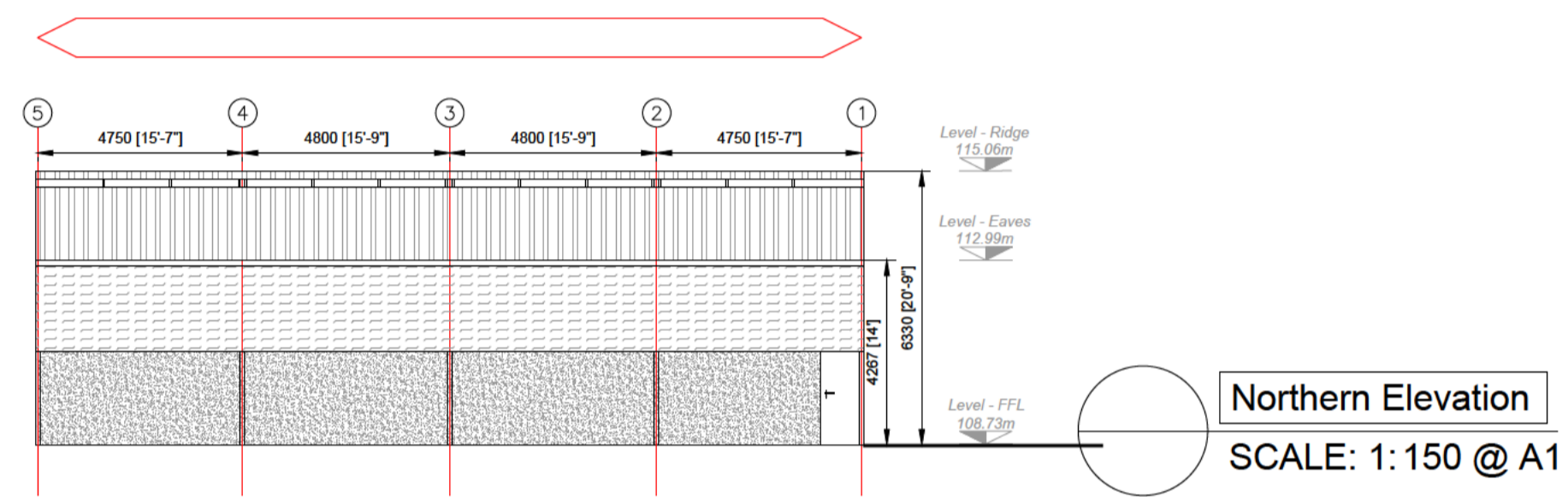
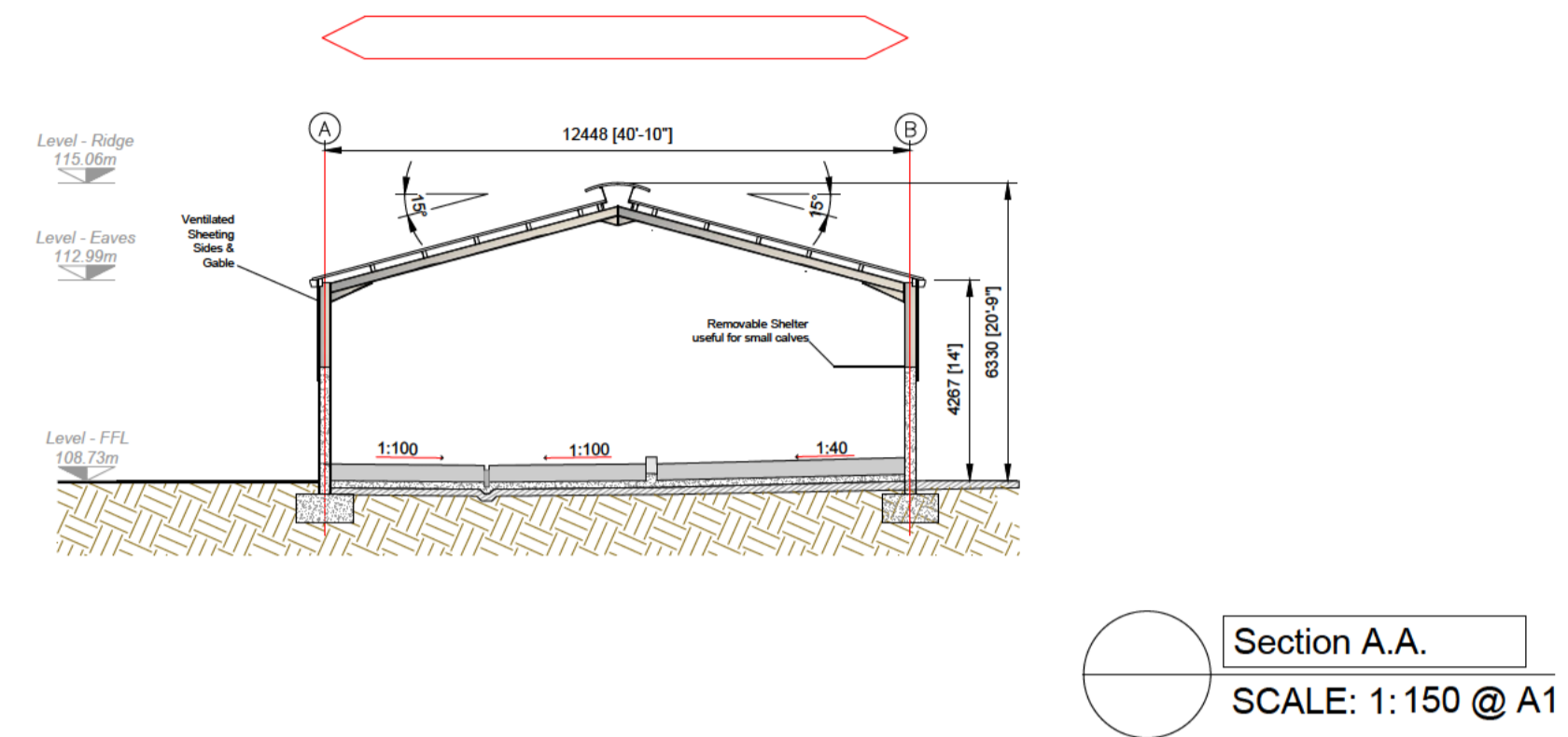
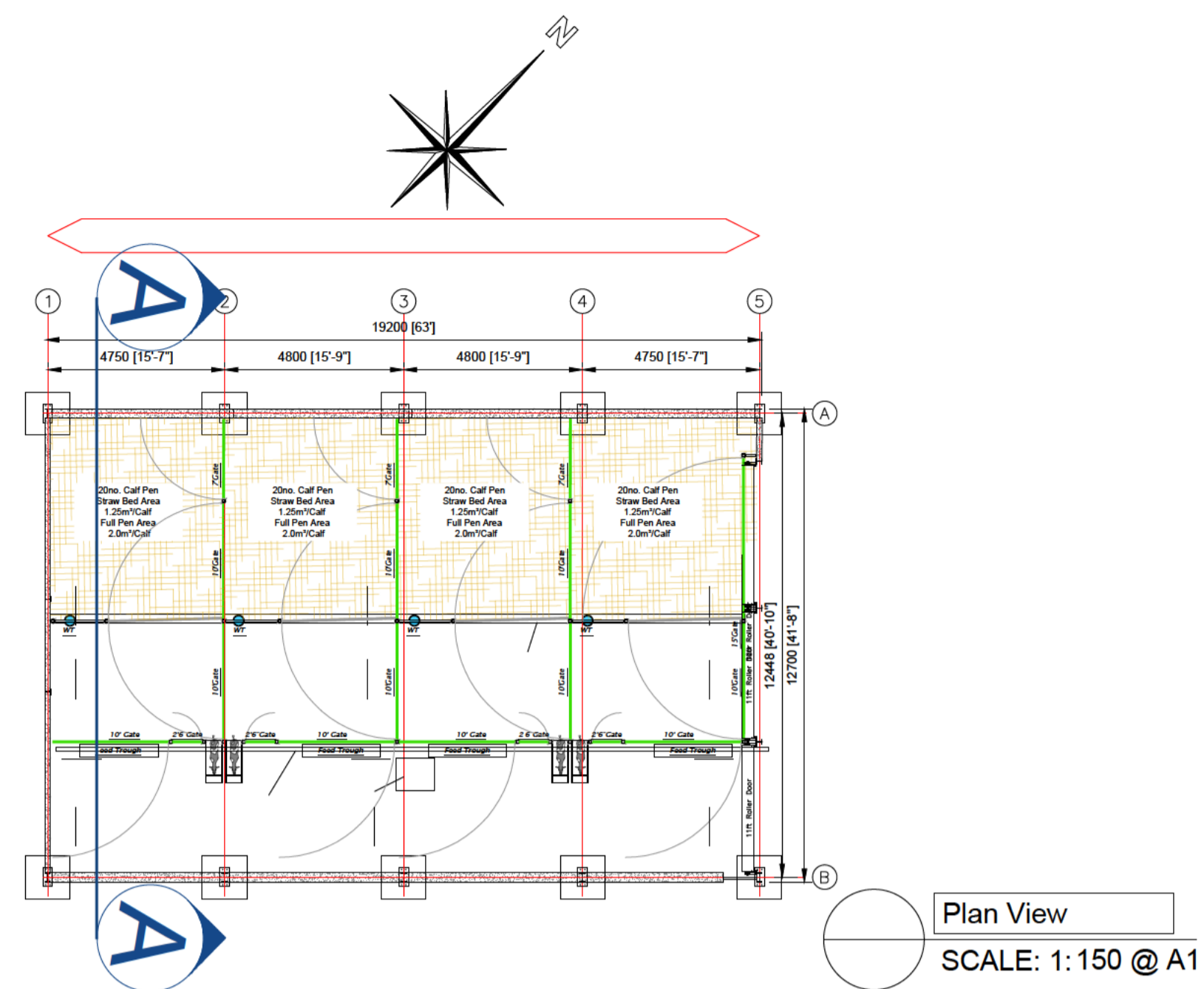
Farm Structures
SCALE: 1:500 @ A3

Notes:

**Proposed Calf Shed & Slatted Tank:
Plans, Sections & Elevations**

1. Drawing to be used for Planning purposes only.
2. Do not scale from drawing, use figured dimensions only.
3. Check all dimensions & levels on site.
4. Section Arrows:  Refer to drawing no. 2 Section Reference call up

5. All foundations to be designed by an Engineer or to be in accordance with the Department of Agriculture "Minimum Specification for the Structure of Agricultural Buildings" - S101.
6. All columns to be designed by an Engineer or to be in accordance with the Department of Agriculture "Minimum Specification for the Structure of Agricultural Buildings" - S101.
7. All roof trusses to be designed by an Engineer or to be in accordance with the Department of Agriculture "Minimum Specification for the Structure of Agricultural Buildings" - S101.
8. All bracing to be designed by an Engineer or to be in accordance with the Department of Agriculture "Minimum Specification for the Structure of Agricultural Buildings" - S101.
9. All cladding and side sheeting and purlins to be in accordance with the Department of Agriculture "Minimum Standards for Roof Cladding and Side Cladding" - S102.
10. Roof ventilation to be in accordance with the Department of Agriculture "Minimum Specification for the Structure of Agricultural Buildings" - S101, clause B2.
11. Roof drainage to be the Department of Agriculture "Minimum Specification for the Structure of Agricultural Buildings" - S101, clause B12.
12. All concrete for concrete works for floors and walls to be in accordance with the Department of Agriculture "Minimum Specification for Bovine Livestock Units and Reinforced Tanks" - S123.



Rev	Date	Drawn	Description	CHK'd
FOR PLANNING				

PLANNING PACKAGE
Sheet 6 of 6

Note: These Drawings are for Planning Purposes Only. They are not Construction Drawings.

PROJECT TITLE:
Farmyard Development At Donohill, Co. Tipperary

DRAWN BY:
Arthur Dunne

CLIENT:
John O' Dwyer

DRAWING TITLE:
Proposed Calf Shed & Slatted Tank:
Plans, Sections & Elevations

SCALE: 1:150 @ A1
DATE: 17 - March - 2026
JOB NO: 26 - 03
STATUS: For Planning

DWG NO:
105
REV:
PL1



Cash Office
Tipperary County Council
Civic Offices
Nenagh
Co Tipperary

=====

13/05/2026 15:47:32

Receipt No. : NENAM1/0/137363

ARTHUR DUNNE
LATTIN
CO TIPPERARY

SECTION5 EXEMPTION DECLARATION 80
GOODS 80.00
VAT Exempt/Non-vatable

Total : 80.00 EUR

Tendered :
Credit Card 80.00

Change : 0.00

Issued By : DEIRDRE O BRIEN
From : TIPP CC NENAGH CASH DESK
Vat reg No.3259712MH



Comhairle Contae Thiobraid Árann
Tipperary County Council

Comhairle Contae
Thiobraid Árann,
Oifigi Cathartha,
Cluain Meala,
Co. Thiobraid Árann
Tipperary County Council,
Civic Offices, Clonmel,
Co. Tipperary
E91 N512

Comhairle Contae
Thiobraid Árann,
Oifigi 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: 14th May 2026 Our Ref: S5/26/71 Civic Offices, Nenagh

John O Dwyer
C/O Arthur Dunne
Glenbane
Lattin
Co. Tipperary

arthuradunne@gmail.com

Re: Application for a Section 5 Declaration – Construction of a calf rearing shed and an underground slatted slurry storage tank. The area of the new build is 243.84m² and the area of the existing shed is 204m² making the total combined area 447.84m² which is under the 450m² threshold. The proposed tank has a capacity of 303.25m³ when a 300mm freeboard is taken into account. The existing tank has 273m³ capacity given a total of 576.25m³ which is below the 1500m³ threshold at Gorteenduvane & Ballinvasa, Donohill, Co. Tipperary.

Dear Arthur,

I acknowledge receipt of your application for a Section 5 Declaration received on 13th May 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: S5/26/71

Applicant: John O' Dwyer

Development Address: Gorteenduvane, Donohill, Co. Tipperary

Proposed Development: Construction of a calf rearing shed and an underground slatted slurry storage tank.

1. GENERAL

On the 13th May 2026 a request was made for a declaration under Section 5 of the Planning and Development Act, 2000 as amended, by John O Dwyer c/o Aurthur Dune as to whether or not the following (as per application form) constitutes development and if so, whether same constitutes exempted development at Gorteenduvane, Donohill, Co. Tipperary E34 TE84

Construction of a calf rearing shed and an underground slatted slurry storage tank.

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

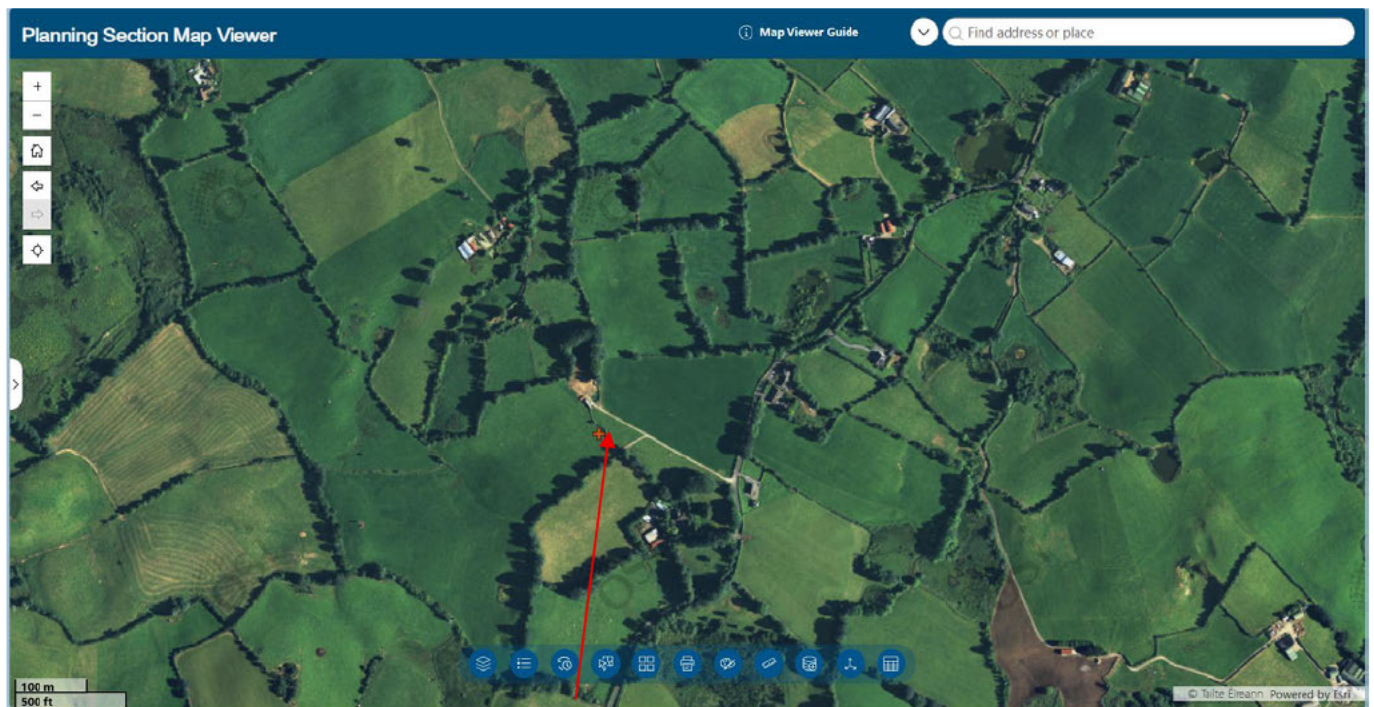


Figure 1 Site Location



Figure 2 Google Street View 2024 (to be located behind hedgerow)

2. STATUTORY PROVISIONS

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

Section 2(1) of the Planning and Development Act, 2000, as amended, defines “works” as:-
“works” includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.

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

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

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

Section 4(2)(a) of the Planning and Development Act 2000, as amended, states as follows:
The Minister may by regulations provide for any class of development to be exempted development for the purposes of this Act where he or she is of the opinion that—

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

of the public in relation to the proposed development prior to the granting of the authorisation (howsoever described).

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

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

Planning and Development Regulations 2001 (as amended)

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

Exempted Development.

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

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

Schedule 2, Part 3 'Exempted Development - Rural:

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

<i>Column 1 Description of Development</i>	<i>Column 2 Conditions and Limitations</i>
<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"> <i>1. No such structure shall be used for any purpose other than the purpose of agriculture.</i> <i>2. The gross floor space of such structure together with any other such structures situated within the same farmyard complex or within 100 metres of that complex shall not exceed 450 square metres gross floor space in aggregate.</i> <i>3. Effluent storage facilities adequate to serve the structure having regard to its size, use and location shall be constructed in line with Department of Agriculture, Food and Rural Development and Department of the Environment and Local Government requirements and shall have regard to the need to avoid water pollution.</i> <i>4. No such structure shall be situated, and no effluent from such structure shall be stored, within 10 metres of any public road.</i> <i>5. No such structure within 100 metres of any public road shall exceed 8 metres in height</i> <i>6. No such structure shall be situated, and no effluent from such structure shall be stored, within 100 metres of any house (other than the house of the person providing the structure) or other residential building or school, hospital, church or building used for public assembly, save with the consent in writing of the owner and, as may be appropriate, the occupier or person in charge thereof.</i> <i>7. No such structure shall be constructed within a flood zone identified in statutory land use plans as Flood Zone A or Flood</i>

	<p>Zone B or where the probability of flooding is moderate to high or erosion control zone.</p> <p>8. No such structure shall be within 60 metres of a public or private water source.</p> <p>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.</p> <p>10. No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.</p> <p>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.</p> <p>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.</p>
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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

Column 1 Description of Development	Column 2 Conditions and Limitations
<p>CLASS 6A Works consisting of a structure for the storage of slurry, effluent or soiled water collected from agricultural buildings, agricultural farmyards and any ancillary provision to aid in the handling of the slurry, effluent or soiled water.</p>	<p>1. No such structure shall be used for any purpose other than the purpose of agriculture.</p> <p>2. The maximum storage capacity of any such storage facility shall not exceed 1000 cubic metres.</p> <p>3. The aggregate capacity of tanks, situated within the same farmyard complex, shall not exceed 1,500 cubic metres</p> <p>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.</p> <p>5. No such structure shall be situated, and no effluent from such structure shall be stored, within 10 metres of any public road.</p> <p>6. No such structure within 100 metres of any public road shall exceed 8 metres in height.</p> <p>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.</p> <p>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.</p>

	<p>9. <i>No such structure shall be within 60 metres of a public or private water source.</i></p> <p>10. <i>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.</i></p> <p>11. <i>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.</i></p> <p>12. <i>No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.</i></p> <p>13. <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>14. <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>
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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 agricultural lands at Gorteenduvane, Donohill, Co. Tipperary E34 TE84. There is an existing slatted shed on the site.

ii. Relevant Planning History

None traced.

iii. Assessment

The question posed under the Section 5 Declaration application form is whether the construction of a calf rearing shed and an underground slatted slurry storage tanks is development and is or is not exempted development.

The area of the new build is 243.84m² and the area of the existing shed is 204m² making the total combined area 447.84m² which is under the 450m² threshold.

The proposed tank has a capacity of 303.25m³ when a 300mm freeboard is taken into account. The existing tank has 273m³ of capacity given a total of 576.25m³ which is below the 1500m³ threshold

A) “Is or is not Development”

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

B) “Is or is not Exempted Development”

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

With respect to same I note as follows;

CLASS 6

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

The proposal can be considered under this class as it is for the keeping of calves.

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 cubicle shed is given as 243.84sq.m. Following a review of the maps and available image, it appears that the combined floor area does not exceed 450sq.m within 100m. The existing shed is 204sq.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.**

Effluent to be stored in underground slatted tank.

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

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

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

The proposed structure is less than 8m in height.

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

The proposed structure is more than 100m from the above listed structures.

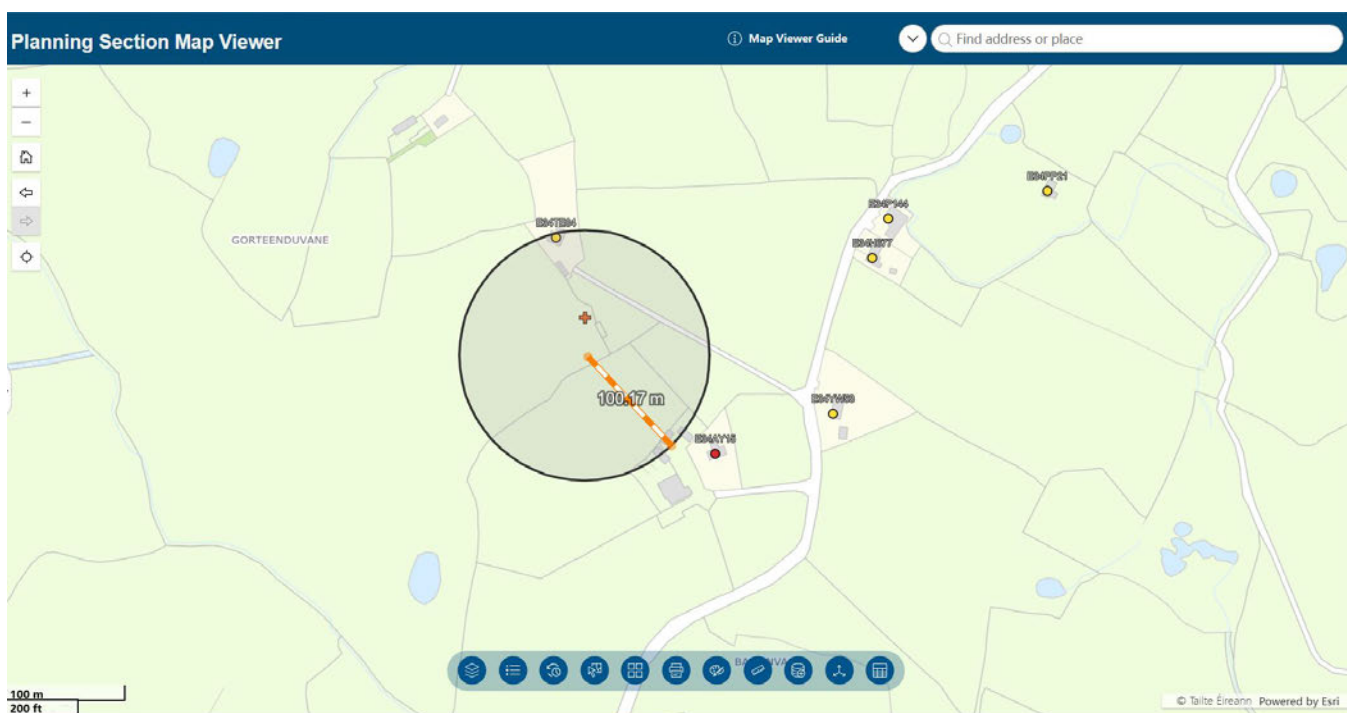


Figure 3 Dwelling within 100m of the proposed building

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.

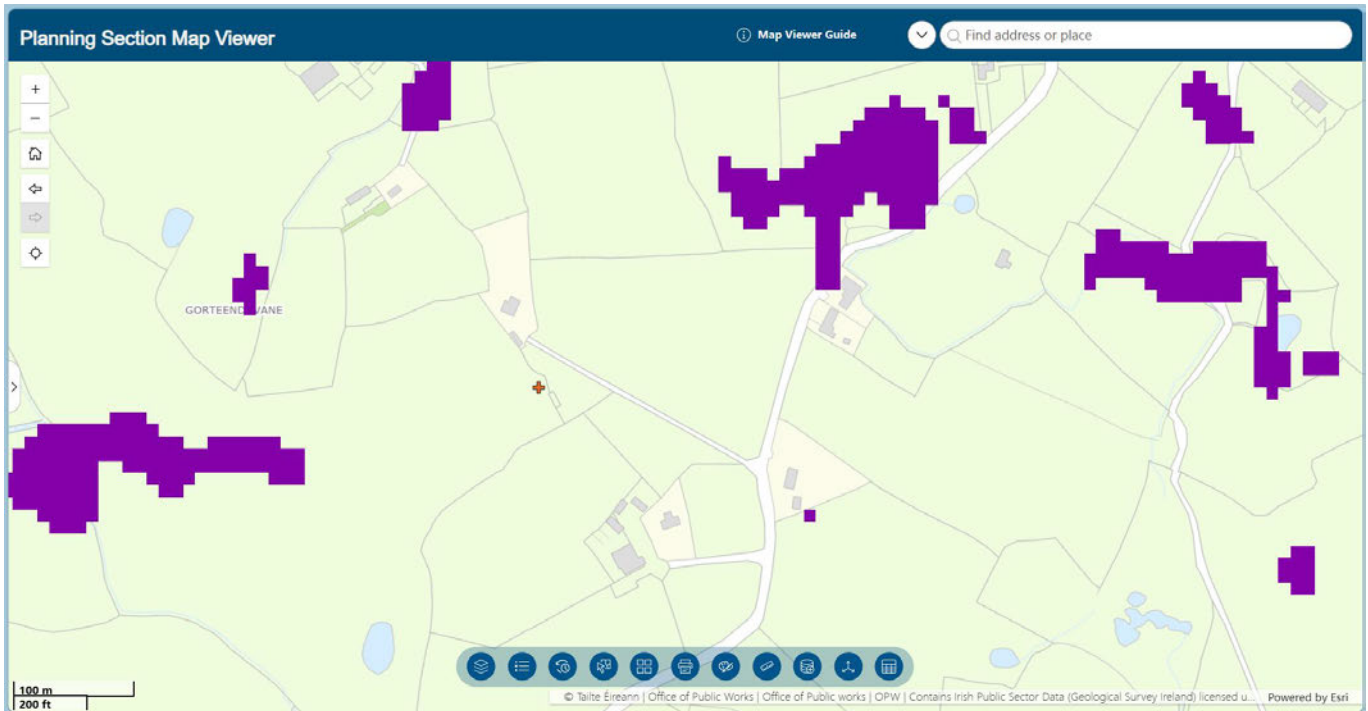


Figure 4 Planning Register showing flood risk areas in proximity to the site

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. The public water mains runs through the public road adjoining the site to the south

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

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

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

No unpainted metal sheeting has been identified.

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

The applicant has satisfied this condition by submitting this application S5/26/71.

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

There is no signage proposed under this declaration.

Class 6A of Part 3 of Schedule 2 of the above cited Regulations is the relevant class subject to 14 limitations assessed below:

Works consisting of a structure for the storage of slurry, effluent or soiled water collected from agricultural buildings, agricultural farmyards and any ancillary provision to aid in the handling of the slurry, effluent or soiled water.

The proposed tank is to be used for the purposes of collecting slurry.

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

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

2. The maximum storage capacity of any such storage facility shall not exceed 1000 cubic metres.

The maximum storage capacity of the tank is 303.25m³.

3. The aggregate capacity of tanks, situated within the same farmyard complex, shall not exceed 1,500 cubic metres

The aggregate capacity of existing tanks within the yard is 576.25 cubic meters as set out in the Application Form. The aggregate capacity if the subject proposal is developed will be less than 1,500 cubic meters.

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 structure could 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 proposed structure is more than 100m from the above listed structures.

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.

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. The public water mains runs through the public road adjoining the site.

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.

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 structure could 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 S5/26/71.

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 declaration.

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

AA

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

EIA

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

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

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

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

4. **RECOMMENDATION**

WHEREAS a question has arisen as to whether to construct construction of a calf rearing shed and an underground slatted slurry storage tank at Gorteenduvane, Donohill, Co. Tipperary is or is not “development” and is or is not “exempted development”.

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

- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000 as amended,
- (b) Article 6 and Article 9 of the Planning and Development Regulations, 2001, as amended,
- (c) Class 6 and 6A of Part 3 of Schedule 2 of the Planning and Development Regulations, 2001, as amended
- (d) The details as submitted with the application on 13th May 2026.

AND WHEREAS Tipperary County Council has concluded to construct construction of a calf rearing shed and an underground slatted slurry storage tank at Gorteenduvane, Donohill, Co. Tipperary

constitutes “development” within the meaning of the Planning and Development Act 2000, as amended and **IS** “exempted development”.

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-Lyan

Date:04/06/2026

Senior Executive Planner:

C. Conway

Date: 7.6.2026

HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT

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

(a) File Reference No:	S5/26/71
(b) Brief description of the project or plan:	Construction of a calf rearing shed and an underground slatted slurry storage tanks
(c) Brief description of site characteristics:	Agricultural lands
(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW	None
(e) Response to consultation:	None

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

European Site (code)	List of Qualifying Interest/Special Conservation Interest ¹	Distance from proposed development ² (km)	Connections (Source-Pathway-Receptor)	Considered further in screening Y/N
002165 Lower River Shannon SAC	https://www.npws.ie/protected-sites/sac/002165	Within 10km	None	No
002137 Lower River Suir SC	https://www.npws.ie/protected-sites/sac/002137	Within 1km	None	Yes
001847 Philipston Marsh SAC	https://www.npws.ie/protected-sites/sac/0847	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.
- Direct emission to air and water
 - Surface water runoff containing contaminant or sediment
 - Lighting disturbance
 - Noise/vibration
 - Changes to water/groundwater due to drainage or abstraction
 - Presence of people, vehicles and activities
 - Physical presence of structures (e.g. collision risks)
 - Potential for accidents or incidents

No potential impacts

In-combination/Other

No potential impacts

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

Examples of the type of changes to give consideration to include:

- Reduction or fragmentation of habitat area
- Disturbance to QI species
- Habitat or species fragmentation
- Reduction or fragmentation in species density
- Changes in key indicators of conservation status value (water or air quality etc.)
- Changes to areas of sensitivity or threats to QI
- Interference with the key relationships that define the structure or ecological function of the site

No potential impacts

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

Yes No

STEP 4. Screening Determination Statement

The assessment of significance of effects:

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

The proposed development is not likely to have significant effects.

Conclusion:

	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	<input type="checkbox"/>	<input type="checkbox"/> Request further information to complete screening

European site.		<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:	S5/26/65
Development Summary:	Construct a cubicle house with slatted shed
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 Proceed to Part B
B. Schedule 5 Part 2 - Does the development comprise a project listed in Schedule 5, Part 2 , of the Planning and Development Regulations 2001 (as amended) and does it meet/exceed the thresholds? (Tick as appropriate)	
<input checked="" type="checkbox"/> No, the development is not a project listed in Schedule 5, Part 2	No Screening required
<input type="checkbox"/> Yes the project is listed in Schedule 5, Part 2 and meets/exceeds the threshold, specify class (including threshold): _____	EIA is mandatory No Screening required
<input type="checkbox"/> Yes the project is of a type listed but is <i>sub-threshold</i> : _____	Proceed to Part C
C. If Yes , has Schedule 7A information/screening report been submitted?	
<input type="checkbox"/> Yes, Schedule 7A information/screening report has been submitted by the applicant	Screening Determination required
<input type="checkbox"/> No, Schedule 7A information/screening report has not been submitted by the applicant	Preliminary Examination required

Planning Section Map Viewer

Map Viewer Guide

Find address or place

GORTEENDUVANE

S5/26/71 - John O Dwyer

Zoom to

REFNO	S5/26/71
APPLICANT	John O Dwyer
RECEIVED	13/05/2026
LOCATION	Gorteenduvane, Donohill, Co. Tipperary
ENGINEERING AREA	Tipperary
DECISION	
DATE OF DECISION	09/06/2016
DESCRIPTION	calf rearing shed and an underground slatted slurry tanks
YEAR	2026
COMMENTS	

Last edited by lauren.butler-ryan_tipp_ie on 02/06/2026, 15:10.

100 m
200 ft

Talite Éireann Powered by Esri

Figure 5 Planning Register

Original

TIPPERARY COUNTY COUNCIL

DELEGATED EMPLOYEE'S ORDER

File Ref: **S5/26/71** **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 John O Dwyer, C/O Arthur Dunne, Glenbane, Lattin, Co. Tipperary, Re: Construction of a calf rearing shed and an underground slatted slurry storage tank at Gorteenduvane, Donohill, 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) Class 6 and 6A of Part 3 of Schedule 2 of the Planning and Development Regulations, 2001, as amended
- d) The details as submitted with the application on 13th May 2026

Tipperary County Council has concluded to construct construction of a calf rearing shed and an underground slatted slurry storage tank at Gorteenduvane, Donohill, Co. Tipperary constitutes "development" within the meaning of the Planning and Development Act 2000, as amended and **IS** "exempted development".

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: 8/6/2026



Date: 8th May 2026

Our Ref: S5/26/71

Civic Offices, Nenagh

John O Dwyer
C/O Arthur Dunne
Glenbane
Lattin
Co. Tipperary

arthuradunne@gmail.com

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

Dear sir,

I refer to your application for a Section 5 Declaration received on 13th May 2026 in relation to the following proposed works:

Construction of a calf rearing shed and an underground slatted slurry storage tank at Gorteenduvane, Donohill, Co. Tipperary.

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

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

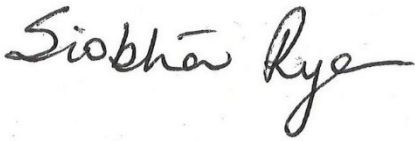
- a) Sections 2, 3 and 4 of the Planning and Development Act, 2000 as amended,
- b) Article 6 and Article 9 of the Planning and Development Regulations, 2001, as amended,
- c) Class 6 and 6A of Part 3 of Schedule 2 of the Planning and Development Regulations, 2001, as amended
- d) The details as submitted with the application on 13th May 2026.

Tipperary County Council has concluded to construct construction of a calf rearing shed and an underground slatted slurry storage tank at Gorteenduvane, Donohill, Co. Tipperary constitutes “development” within the meaning of the Planning and Development Act 2000, as amended and **IS** “exempted development”.

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'.

for **Director of Services**