



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

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

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

Applicant	PBF Contracting Ltd
Address	Grange Thurles Co Tipperary
Telephone No.	
E-mail	

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

Agent	
Address	
Telephone No.	
E-mail	

Please advise where all correspondence in relation to this application is to be sent;

Applicant [] Agent []



3. **Location of Proposed Development:**

Postal Address or Townland or Location (as may best identify the land or structure in question)	Ballybeg, Littleton Thurles Co Tipperary. Brigette Factory side of Littleton compost plant
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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.)

Recontouring of land and infilling	
low areas and holes for to improve	
agricultural use & land.	
Proposed floor area of proposed works/uses:                  sqm	

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

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

Signature of Applicant(s)

DA Flynn

Date:

21/8/24

**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](mailto:planning@tipperarycoco.ie)

**FOR OFFICE USE ONLY**

DATE STAMP

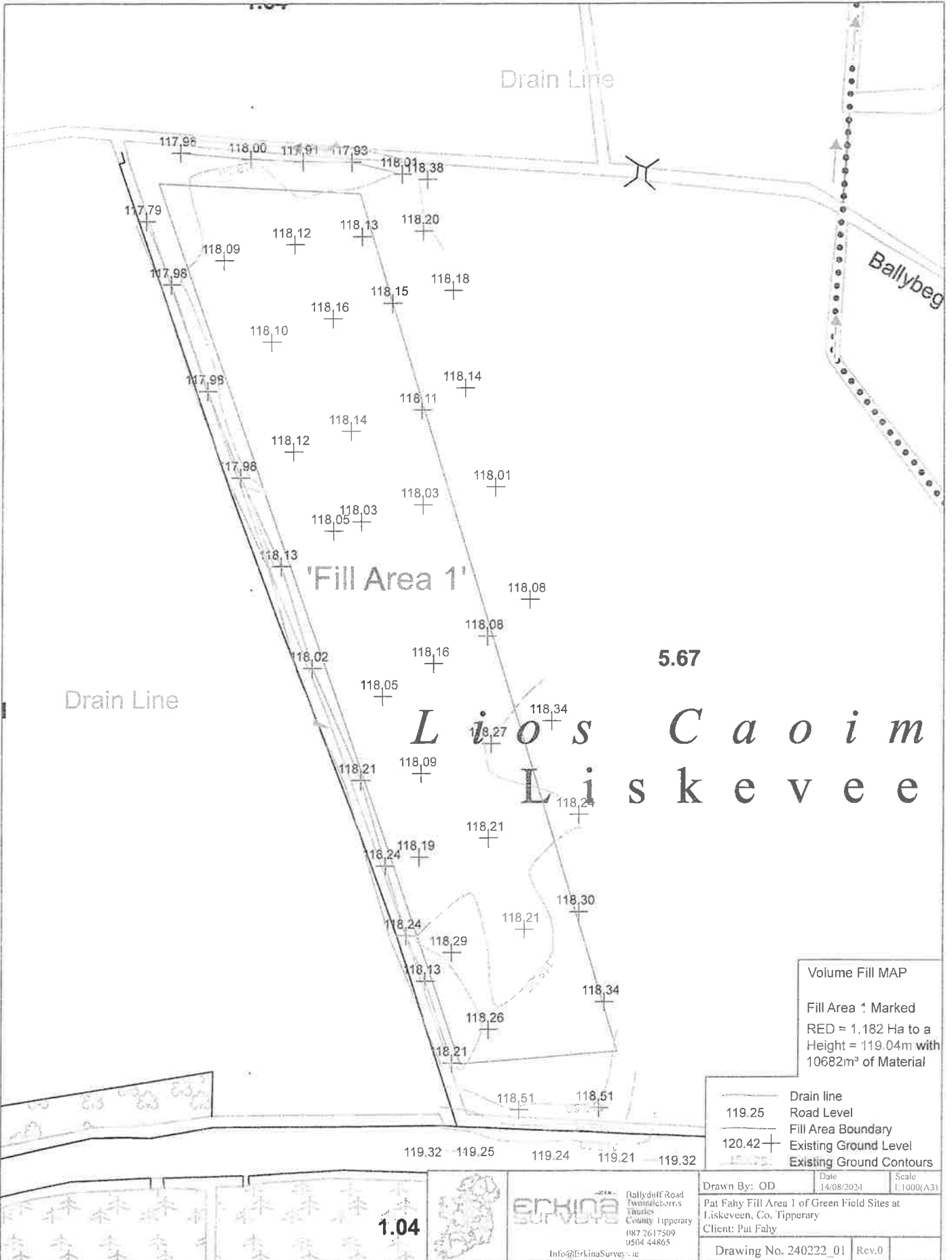
Fee Recd. € 80-00

Receipt No NENAM1/0/122761

Date 10/9/2024

Received by Maura Lillis

619064mE 651864mN



Drain Line

Drain Line

Ballybeg

'Fill Area 1'

5.67

Lisloe Liskevee Caoim

Volume Fill MAP

Fill Area 1 Marked  
RED = 1.182 Ha to a  
Height = 119.04m with  
10682m<sup>3</sup> of Material

- Drain line
- 119.25 — Road Level
- Fill Area Boundary
- 120.42 + Existing Ground Level
- Existing Ground Contours

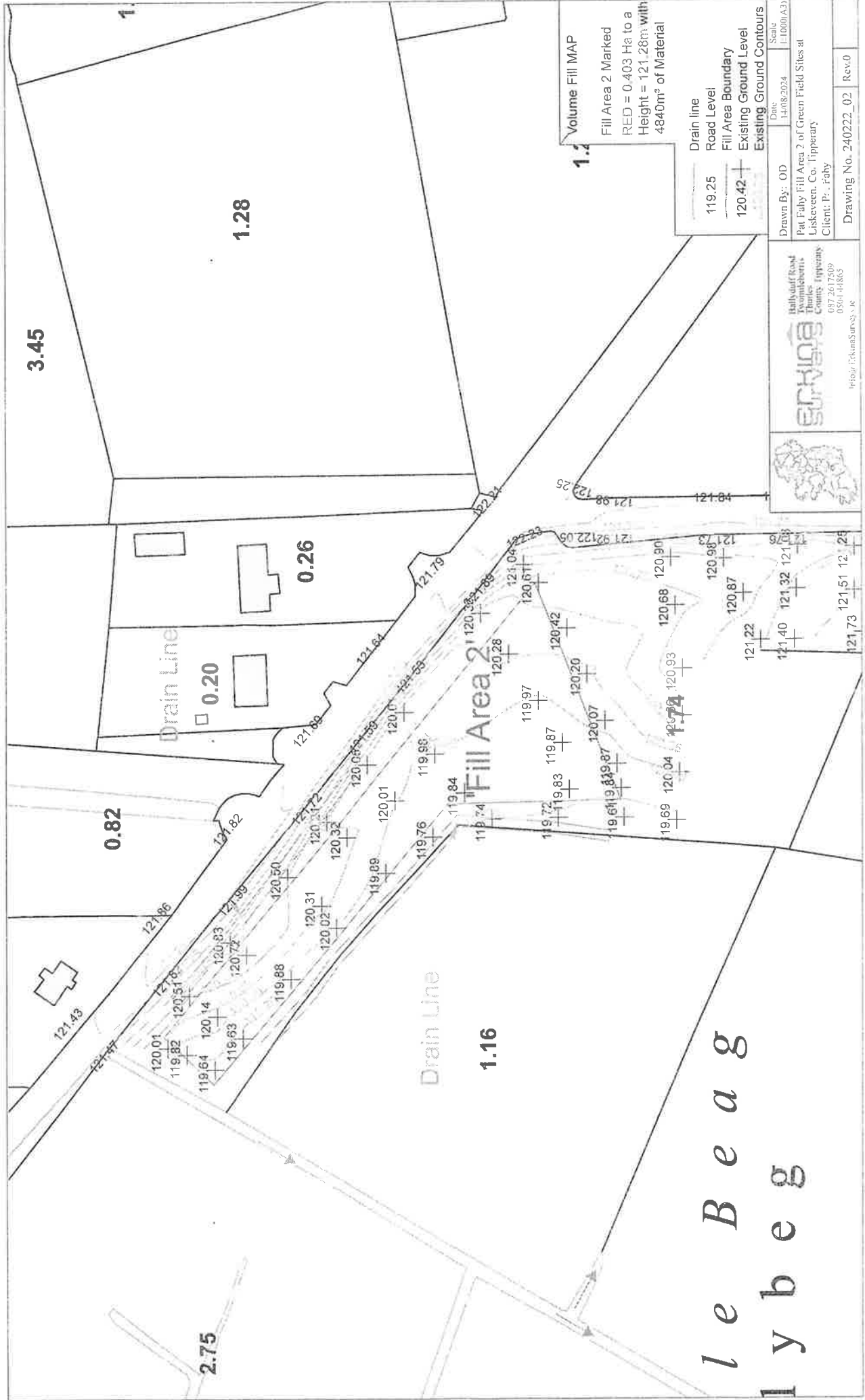
Drawn By: OD	Date: 14/08/2024	Scale: 1:1000(A3)
Pat Fahy Fill Area 1 of Green Field Sites at Liskeveen, Co. Tipperary		
Client: Pat Fahy		
Drawing No. 240222_01	Rev.0	

1.04

**ERKINA**  
 Ballyduff Road  
 Fermoy, Co. Tipperary  
 087 2617509  
 0504 44865  
 Info@ErkinaSurvey.ie

618804mE 651517mN

619510mE 652129mN



l e B e e g  
l y b e e g



Comhairle Contae Thiobraid Árann  
Tipperary County Council

Comhairle Contae  
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Oifigí Cathartha,  
Cluain Meala,  
Co. Thiobraid Árann  
Tipperary County Council,  
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E91 N512

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t 0818 06 5000  
e customerservice  
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[tipperarycoco.ie](http://tipperarycoco.ie)

Date: 10<sup>th</sup> September, 2024 Our Ref: S5/24/103 Civic Offices, Nenagh

**PBF Contracting Ltd  
Grague  
Thurles  
Co. Tipperary**

**Re: Application for a Section 5 Declaration – Recontouring of land and infilling low areas and holes to improve agricultural use and land at Ballybeg, Littleton, Thurles, Co. Tipperary.**

Dear Mr Fahey,

I acknowledge receipt of your application for a Section 5 Declaration received on 10<sup>th</sup> September, 2024, 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

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**Planning Ref.:** S5.24.103

**Applicant:** PBF Contracting Ltd.

**Development Address:** Liskeveen and Ballybeg

**Proposed Development:** recontouring of land and infilling low areas and holes to improve agricultural use of land.

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**1. GENERAL**

On 09.12.2024 a request was made for a declaration under Section 5 of the Planning and Development Act, 2000 as amended by PBF Contracting Limited as to whether or not the following works constituted development and if so, whether same was exempted development:

*“recontouring of land and infilling low areas and holes to improve agricultural use of land”*

**2. STATUTORY PROVISIONS**

The following statutory provisions are relevant to this referral case;

**Section 2(1) of the Planning and Development Act, 2000**, as amended, states as follows;

*“In this Act, except where the context otherwise requires – “development” has the meaning assigned to it by Section 3 and development shall be construed accordingly.”*

And,

*“works” includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure”.*

“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, states as follows:-

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

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

Subject to article 9...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.

**Article 8(C) of the Planning and Development Regulations 2001**, as amended states:

Land reclamation works (other than reclamation of wetlands) consisting of re-contouring of land, including infilling of soil (but not waste material) within a farm holding, shall be exempted development.

**Article 8(E) of the Planning and Development Regulations 2001**, as amended states that Articles 8B to 8D shall not apply in an area to which a special amenity area order relates

**Article 9 of the Planning and Development Regulations 2001**, as amended states:

*Restrictions on exemption.*

Article 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—

(i) contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act,

(ii) consist of or comprise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width,

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

(iv) except in the case of a porch to which class 7 specified in column 1 of Part 1 of Schedule 2 applies and which 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, comprise the construction, erection, extension or renewal of a building on any street so as to bring forward the building, or any part of the building, beyond the front wall of the building on either side thereof or beyond a line determined as the building line in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,

(v) consist of or comprise the carrying out under a public road of works other than a connection to a wired broadcast relay service, sewer, water main, gas main or electricity supply line or cable, or any works to which class 25, 26 or 31 (a) specified in column 1 of Part 1 of Schedule 2 applies,

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

(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,

(vii)(A) 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,

(vii)(B) 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,

(vii)(C) 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,

(ix) consist of the demolition or such alteration of a building or other structure as would preclude or restrict the continuance of an existing use of a building or other structure where it is an objective of the planning authority to ensure that the building or other structure would remain available for such use and such objective has been specified in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,

(x) consist of the fencing or enclosure of any land habitually open to or used by the public during the 10 years preceding such fencing or enclosure for recreational purposes or as a means of access to any seashore, mountain, lakeshore, riverbank or other place of natural beauty or recreational utility,

(xi) obstruct any public right of way,

(xii) further to the provisions of section 82 of the Act, consist of or comprise the carrying out of works to the exterior of a structure, where the structure concerned is located within an architectural conservation area or an area specified as an architectural conservation area in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan and the development would materially affect the character of the area,

## **Schedule 2, Part 3. Exempted Development – Rural**

### **Class 11 - Land Reclamation**

Development consisting of the carrying out of drainage and/or reclamation of wetlands (column 1) – subject to the following restrictions (set out in column 2)-

1. The area to be affected shall not exceed 0.1ha.
2. Where development has been carried out within a farm holding under this class, the total area of any such development taken together with the area of any previous such development within the farm holding shall not exceed the limits set out in 1 above.

### 3. ASSESSMENT

#### **a. Site Location**

The proposed development site comprises of 2 parcels of land, located at Liskeveen and Ballybeg, Littleton. The applicant has provided 2 maps, scale 1:1000 with fill areas identified and including site levels on the sites,

Site 1: measuring 1.182ha with levels ranging 117.78 to 118.51 (falling from the L8006 road which is at 119.25 along the southern boundary) The applicant proposes to raise levels to 119.04 with 10682m<sup>3</sup> of material to be infilled

Site 2: measuring 0.403ha which is located at the junction of the local road, L4151 and L8005-0. Site levels range from 119.69 to 121.99 (falling westwards from the local roads)



#### **b. Relevant Planning History**

None recorded

#### **c. Assessment**

The applicant has proposed to recontour land and infill low areas and holes to improve agricultural use of land

##### A) "Is or is not Development"

Having considered all of the details and documentation on file with regards the question asked the Planning Authority is satisfied that the proposal would involve "works" and such works would constitute "development" within the meaning of Section 3 of the Act.

##### B) "Is or is not Exempted Development"

As the site is not considered to constitute 'Wetlands', this application will be assessed in line with Article 8(C) of the planning and development regulations 2001, as amended. It is noted that the provisions of Article 8(c) as amended provides an exemption for land reclamation works, other than (a) the reclamation of wetlands and (b) infilling with waste material.

An Bord Pleanála has traditionally held that the exemption provided by Article 8C is confined to land reclamation works where soil is sourced from within the landholding (RL3540, RL3304 and RL3116).

The applicant proposes to recontour land and infill low areas and holes however it is not clear if this works will involve the importation of infill material or if same will be taken from within the landholding. The information submitted does not provide any detail in relation to the origin or nature of any infill material. It is noted from land registry details

that both parcels of land are within the same landholding and owned by Patrick Ryan. It is not clear what relationship, if any, the applicant has to the subject land or the landowner. It would appear that the proposal may not comply with the requirements of Article 8(C) above.

Further information is required to ascertain the exact nature of the development and whether the proposal involves the relocation of soil within the same landholding or alternatively the importation of soil/infill material from another location.

**Note: Restrictions on Exemptions:**

It is noted that Infill Site Area 1 is within an identified Fluvial Flood Zone, and such infill may cause displacement of surface flood waters. However it is noted that Article 9(1)(a) of the Planning and Development Regulations places restrictions on development to which Article 6 relates. Article 9 only refers to article 6, and article 8 would seem to be outside the restrictions under Article 9(1)(a). (Refer to An Bord Pleanala RL3034)

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

**AA**

On receipt of the Further Information AA screening can be undertaken

**EIA**

Mandatory EIA is required under Class 1 (a) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended for re-contouring of agricultural land above 5 hectares. It is noted that the combined area of both sites is less than 5ha.

Mandatory EIA is required under Class 1 (c) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended for development consisting of the carrying out of drainage and/or reclamation of wetlands where more than 2 hectares of wetlands would be affected. The proposed development is not a wetland and mandatory EIA is not required under this class.

Mandatory EIA is required under Class 11 (b) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended for Installations for the disposal of waste with an annual intake greater than 25,000 tonnes not included in Part 1 of this Schedule.

It is not possible to confirm if EIA is required under this Class as the origin of infill material for the recontouring has not been established and whether same is to be imported in which case same would constitute a waste material.


**4. RECOMMENDATION**

It is recommended that further information is requested in relation to the development as set out below:

1. The applicant is requested to submit, for the consideration of the Planning Authority, details in relation to the contouring and infilling works proposed including
  - a. Origin of any infill materials to be imported onto the site. Submission should be accompanied by a map showing the location of the origin of any imported soil.
  - b. Detailed description of infilling material including approximate volume and constituents of material
2. Having regard to Section 5(1)(a) of the Planning and Development Act, 2000 as amended, the applicant is requested to submit details of ownership/interest of the lands in question including details of the owner and occupier of the lands as appropriate.

Signed:   
Executive Planner

Date: 27.09.2024

Signed:   
A/Senior Planner

Date: 30/09/2024

## HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT

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

(a) File Reference No:	S5/24/103
(b) Brief description of the project or plan:	As per Planners report
(c) Brief description of site characteristics:	As per Planners report
(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW	None
(e) Response to consultation:	None

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

European Site (code)	List of Qualifying Interest/Special Conservation Interest <sup>1</sup>	Distance from proposed development <sup>2</sup> (km)	Connections (Source-Pathway-Receptor)	Considered further in screening Y/N
Lower River Suir SAC (002137)	<a href="https://www.npws.ie/protected-sites/sac/002137">https://www.npws.ie/protected-sites/sac/002137</a>	Within 15km	None	N
River Barrow and River Nore SAC (002162)	<a href="https://www.npws.ie/protected-sites/sac/002162">https://www.npws.ie/protected-sites/sac/002162</a>	Within 15km	None	N

### STEP 3. Assessment of Likely Significant Effects

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

Impacts:	Possible Significance of Impacts: (duration/magnitude etc.)
<p>Construction phase e.g.</p> <ul style="list-style-type: none"> <li>• Vegetation clearance</li> <li>• Demolition</li> <li>• Surface water runoff from soil excavation/infill/landscaping (including borrow pits)</li> <li>• Dust, noise, vibration</li> <li>• Lighting disturbance</li> <li>• Impact on groundwater/dewatering</li> <li>• Storage of excavated/construction materials</li> <li>• Access to site</li> <li>• Pests</li> </ul>	<p>Further information required in relation to the constituents of the infill material if any etc. however no potential impacts anticipated given the topography of the area and the distance of the proposed development to the protected site</p>

<p><b>Operational phase e.g.</b></p> <ul style="list-style-type: none"> <li>• Direct emission to air and water</li> <li>• Surface water runoff containing contaminant or sediment</li> <li>• Lighting disturbance</li> <li>• Noise/vibration</li> <li>• Changes to water/groundwater due to drainage or abstraction</li> <li>• Presence of people, vehicles and activities</li> <li>• Physical presence of structures (e.g. collision risks)</li> <li>• Potential for accidents or incidents</li> </ul>	<p>Further information required in relation to the constituents of the infill material if any etc. however no potential impacts anticipated given the topography of the area and the distance of the proposed development to the protected site</p>
<p><b>In-combination/Other</b></p>	<p>No likely significant in-combination effects are identified.</p>

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

<p>Examples of the type of changes to give consideration to include:</p> <ul style="list-style-type: none"> <li>• Reduction or fragmentation of habitat area</li> <li>• Disturbance to QI species</li> <li>• Habitat or species fragmentation</li> <li>• Reduction or fragmentation in species density</li> <li>• Changes in key indicators of conservation status value (water or air quality etc.)</li> <li>• Changes to areas of sensitivity or threats to QI</li> <li>• Interference with the key relationships that define the structure or ecological function of the site</li> </ul>	<p>Further information required in relation to the constituents of the infill material if any etc. however no potential impacts anticipated given the topography of the area and the distance of the proposed development to the protected site</p>
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**(c) Are 'mitigation' measures necessary to reach a conclusion that likely significant effects can be ruled out at screening?**

Yes  No

**STEP 4. Screening Determination Statement**


**The assessment of significance of effects:**

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

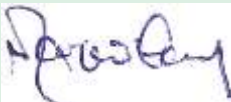
The proposed development is not likely to have significant effects.

**Conclusion:**

	<b>Tick as Appropriate:</b>	<b>Recommendation:</b>
(i) It is clear that there is <b>no likelihood</b> of significant effects on a European site.	<input type="checkbox"/>	The proposal can be screened out: Appropriate assessment not required.
(ii) It is <b>uncertain</b> whether the proposal will have a significant effect on a European site.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> Request further information to complete screening <input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
(iii) <b>Significant effects</b> are likely.	<input type="checkbox"/>	<input type="checkbox"/> Request NIS

	<input type="checkbox"/> Refuse planning permission		
<b>Signature and Date of Recommending Officer:</b>		<b>Date:</b>	26.09..2024

## Appendix 2: EIA Pre Screening Form

EIA Pre-Screening Establishing a development is a 'sub-threshold development'			
<b>File Reference:</b>	S5/24/103		
<b>Development Summary:</b>	As per planners report		
<b>Was a Screening Determination carried out under Section 176A-C?</b>	<input type="checkbox"/> Yes, no further action required <input checked="" type="checkbox"/> No, Proceed to <b>Part A</b>		
<b>A. Schedule 5 Part 1 - Does the development comprise a project listed in Schedule 5, Part 1, of the Planning and Development Regulations 2001 (as amended)?</b> (Tick as appropriate)			
<input type="checkbox"/> Yes, specify class _____ Further information required in order to ascertain nature of development		<b>EIA is mandatory</b>  No Screening required	
<input type="checkbox"/> No		Proceed to <b>Part B</b>	
<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?</b> (Tick as appropriate)			
<input type="checkbox"/> No, the development is not a project listed in Schedule 5, Part 2		<b>No Screening required</b>	
<input type="checkbox"/> Yes the project is listed in Schedule 5, Part 2 <b>and</b> meets/exceeds the threshold, specify class (including threshold): _____		<b>EIA is mandatory</b>  No Screening required	
<input checked="" type="checkbox"/> Yes the project is of a type listed <b>but</b> is <i>sub-threshold</i> : _____		Proceed to <b>Part C</b>	
<b>C. If Yes, has Schedule 7A information/screening report been submitted?</b>			
<input type="checkbox"/> Yes, Schedule 7A information/screening report has been submitted by the applicant		<b>Screening Determination required</b>	
<input checked="" type="checkbox"/> No, Schedule 7A information/screening report has not been submitted by the applicant		<b>Preliminary Examination required</b>	
<b>Signature and Date of Recommending Officer:</b>		<b>Date:</b>	26.09.2024





Comhairle Contae Thiobraid Árann  
Tipperary County Council

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[tipperarycoco.ie](http://tipperarycoco.ie)

Date: 30<sup>th</sup> September, 2024

Our Ref: S5/24/103

Civic Offices, Nenagh

**PBF Contracting Ltd**  
**Grague**  
**Thurles**  
**Co. Tipperary**

**Re: Application for a Section 5 Declaration – recontouring of land and infilling low areas and holes to improve agricultural use of land at Liskeveen and Ballybeg, Co. Tipperary**

Dear Mr Fahey,

I refer to an application received from you on 10<sup>th</sup> September, 2024 requesting a Declaration from this Planning Authority as to whether or not certain works constitute development within the meaning of the Planning and Development Act 2000, as amended.

Further information is requested as follows;

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

1. The applicant is requested to submit, for the consideration of the Planning Authority, details in relation to the contouring and infilling works proposed including
  - a) Origin of any infill materials to be imported onto the site. Submission should be accompanied by a map showing the location of the origin of any imported soil.
  - b) Detailed description of infilling material including approximate volume and constituents of material
  
2. Having regard to Section 5(1)(a) of the Planning and Development Act, 2000 as amended, the applicant is requested to submit details of ownership/interest of the lands in question including details of the owner and occupier of the lands as appropriate

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

Yours sincerely

  
for **Director of Services**

Date: 30<sup>th</sup> September, 2024

Our Ref: S5/24/103

Civic Offices, Nenagh

**PBF Contracting Ltd**  
**Grague**  
**Thurles**  
**Co. Tipperary**

=> 066 2515868



**Re: Application for a Section 5 Declaration – recontouring of land and infilling low areas and holes to improve agricultural use of land at Liskeveen and Ballybeg, Co. Tipperary**

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

Yours sincerely

  
for **Director of Services**

PROPOSED SITES

ORMONDE HOMES

DUN LIA ESTATE

LOUGHTAGALLA

THURLES

CO TIPPERARY

CO ORDINATES 52.68258, -7.79331

APPROX 4000 CUBES

MUNSTER CONSTRUCTION

RIVERWOOD

MITCHELL STREET

THURLES

CO TIPPERARY

CO ORDINATES 52.68291,-7.80143

APPROX 6000 CUBES

SOIL TO BE REMOVED IS SUBSOIL FROM STRIPPING SITE AND STRIP FOUNDATION EXCAVATIONS

Munster Construction



ORMONDE HOMES



# Patrick J. O'Meara & Co.

SOLICITORS  
LIBERTY SQUARE  
THURLES, CO. TIPPERARY  
E41 E4C4

TELEPHONE: 0504 22333, 22021, 22906  
FAX NO. 0504 23054  
E-MAIL: [reception@pjom.ie](mailto:reception@pjom.ie)  
DX 40001  
Website : [www.patrickjomeara.com](http://www.patrickjomeara.com)

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OUR REF: OP/701.FAP102106  
YOUR REF:

DATE : 03 October 2024

To Whom It May Concern

**Re : Our Client: Pat Fahey, Graigue, Moycarkey, Thurles, County Tipperary**

Dear Sir/Madam,

We refer to the above matter confirm that we act on behalf of Pat Fahey of Graigue, Moycarkey, Thurles, County Tipperary. We confirm that our client has agreed to purchase lands at Liskaveen, Littleton from the Representatives of Patrick Ryan and has paid over the full monies to this office.

If you require any further information in relation to this matter, please contact the writer

Yours faithfully,



Ann Marie Osborne  
**PATRICK J. O'MEARA & CO.**  
Email: [amosborne@pjom.ie](mailto:amosborne@pjom.ie)

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Patrick Kennedy B.A. (Mod)

Ann Marie Osborne B.B.S.

Kathleen Burke B.C.L.

Dublin Office: 24/26 Upper Ormond Quay, Dublin 7  
VAT Reg. No. IE6518353A



LAW SOCIETY  
OF IRELAND  
PRACTISING  
SOLICITOR





Comhairle Contae Thiobraid Árann  
Tipperary County Council

Comhairle Contae  
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Oifigi Cathartha,  
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Tipperary County Council,  
Civic Offices, Clonmel,  
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Comhairle Contae  
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Date: 7<sup>th</sup> October, 2024

Our Ref: S5/24/103

Civic Offices, Nenagh

**PBF Contracting Ltd**  
**Grague**  
**Thurles**  
**Co. Tipperary**


**Re: Application for a Section 5 Declaration re – recontouring of land and infilling low areas and holes to improve agricultural use of land at Liskeveen and Ballybeg, Co. Tipperary**

Dear Mr Fahey

I acknowledge receipt of Further Information received on 4<sup>th</sup> October, 2024 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



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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

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**Planning Ref.:** S5.24.103

**Applicant:** PBF Contracting Ltd.

**Development Address:** Liskeveen and Ballybeg, Co. Tipperary

**Proposed Development:** recontouring of land and infilling low areas and holes to improve agricultural use of land.

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**1. GENERAL**

On 09.12.2024 a request was made for a declaration under Section 5 of the Planning and Development Act, 2000 as amended by PBF Contracting Limited as to whether or not the following works constituted development and if so, whether same was exempted development:

*“recontouring of land and infilling low areas and holes to improve agricultural use of land”*

**2. FURTHER INFORMATION**

Further information was requested on 30<sup>th</sup> September, 2024 and a response was received on 04.10.2024 as set out below:

1. *The applicant is requested to submit, for the consideration of the Planning Authority, details in relation to the contouring and infilling works proposed including*
  - a) *Origin of any infill materials to be imported onto the site. Submission should be accompanied by a map showing the location of the origin of any imported soil.*
  - b) *Detailed description of infilling material including approximate volume and constituents of material*

The applicant stated that the infill material is to be sourced from the Ormond Homes site at Dun Lia Estate in Loughtagalla, Thurles (approximately 4000 cubes) and the Munster Construction Site at Mitchel Street (approximately 6000 cubes). The applicant advised that the material to be removed is subsoil from stripping site and strip foundation excavations.

2. *Having regard to Section 5(1)(a) of the Planning and Development Act, 2000 as amended, the applicant is requested to submit details of ownership/interest of the lands in question including details of the owner and occupier of the lands as appropriate*

The applicant has advised that he has agreed to purchase lands at Liskaveen from the Representatives of Patrick Ryan.

**3. STATUTORY PROVISIONS**

The following statutory provisions are relevant to this referral case;

**Section 2(1) of the Planning and Development Act, 2000**, as amended, states as follows;

*“In this Act, except where the context otherwise requires – “development” has the meaning assigned to it by Section 3 and development shall be construed accordingly.”*

And,

*“works” includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure”.*

“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, states as follows:-

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

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

Subject to article 9...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.

**Article 8(C) of the Planning and Development Regulations 2001**, as amended states:

Land reclamation works (other than reclamation of wetlands) consisting of re-contouring of land, including infilling of soil (but not waste material) within a farm holding, shall be exempted development.

**Article 8(E) of the Planning and Development Regulations 2001**, as amended states that Articles 8B to 8D shall not apply in an area to which a special amenity area order relates

**Article 9 of the Planning and Development Regulations 2001**, as amended states:

*Restrictions on exemption.*

*Article 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—*

*(i) contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act,*

*(ii) consist of or comprise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width,*

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

*(iv) except in the case of a porch to which class 7 specified in column 1 of Part 1 of Schedule 2 applies and which 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, comprise the construction, erection, extension or renewal of a building on any street so as to bring forward the building, or any part of the building, beyond the front wall of the building on either side thereof or beyond a line determined as the building line in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,*

*(v) consist of or comprise the carrying out under a public road of works other than a connection to a wired broadcast relay service, sewer, water main, gas main or electricity supply line or cable, or any works to which class 25, 26 or 31 (a) specified in column 1 of Part 1 of Schedule 2 applies,*

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

*(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,*

*(vii)(A) 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,*

*(vii)(B) 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,*

*(vii)(C) 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,*

*(ix) consist of the demolition or such alteration of a building or other structure as would preclude or restrict the continuance of an existing use of a building or other structure where it is an objective of the planning authority to ensure that the building or other structure would remain available for such use and such objective has been specified in a development plan for the area or, pending the variation of a development plan or*

*the making of a new development plan, in the draft variation of the development plan or the draft development plan,*

*(x) consist of the fencing or enclosure of any land habitually open to or used by the public during the 10 years preceding such fencing or enclosure for recreational purposes or as a means of access to any seashore, mountain, lakeshore, riverbank or other place of natural beauty or recreational utility,*

*(xi) obstruct any public right of way,*

*(xii) further to the provisions of section 82 of the Act, consist of or comprise the carrying out of works to the exterior of a structure, where the structure concerned is located within an architectural conservation area or an area specified as an architectural conservation area in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan and the development would materially affect the character of the area,*

## **Schedule 2, Part 3. Exempted Development – Rural**

### **Class 11 - Land Reclamation**

Development consisting of the carrying out of drainage and/or reclamation of wetlands (column 1) – subject to the following restrictions (set out in column 2)-

1. The area to be affected shall not exceed 0.1ha.
2. Where development has been carried out within a farm holding under this class, the total area of any such development taken together with the area of any previous such development within the farm holding shall not exceed the limits set out in 1 above.

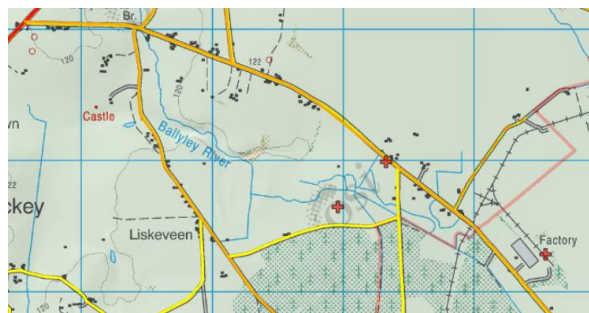
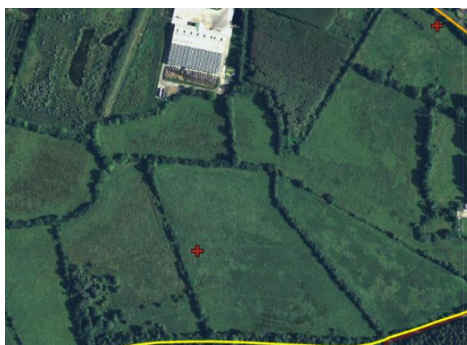
## **4. ASSESSMENT**

### **a. Site Location**

The proposed development site comprises of 2 parcels of land, located at Liskeveen and Ballybeg, Littleton. The applicant has provided 2 maps, scale 1:1000 with fill areas identified and including site levels on the sites,

Site 1: measuring 1.182ha with levels ranging 117.78 to 118.51 (falling from the L8006 road which is at 119.25 along the southern boundary) The applicant proposes to raise levels to 119.04 with 10682m<sup>3</sup> of material to be infilled

Site 2: measuring 0.403ha which is located at the junction of the local road, L4151 and L8005-0. Site levels range from 119.69 to 121.99 (falling westwards from the local roads)



### **b. Relevant Planning History**

None recorded

### **c. Assessment**

The applicant has proposed to recontour land and infill low areas and holes to improve agricultural use of land

A) "Is or is not Development"

Having considered all of the details and documentation on file with regards the question asked the Planning Authority is satisfied that the proposal would involve "works" and such works would constitute "development" within the meaning of Section 3 of the Act.

B) "Is or is not Exempted Development"

As the site is not considered to constitute 'Wetlands', this application will be assessed in line with Article 8(C) of the Planning and Development Regulations 2001, as amended. It is noted that the provisions of Article 8(c) as amended provides an exemption for land reclamation works, other than (a) the reclamation of wetlands and (b) infilling with waste material within a farm holding.

An Bord Pleanala has traditionally held that the exemption provided by Article 8C is confined to land reclamation works where soil is sourced from within the landholding (RL3540, RL3304 and RL3116). The same position was held by Tipperary county Council on determining Section 5/21/92.

The applicant proposes to recontour land and infill low areas and holes. It is noted that the applicant proposes to import the soil from 2 sites situated within Thurles Town and not from another location within the landholding.

I consider that as the proposed infilling material is not sourced within the landholding it would not meet the exemption under Article 8C.

**Note: Restrictions on Exemptions:**

It is noted that Infill Site Area 1 is within an identified Fluvial Flood Zone, and such infill may cause displacement of surface flood waters. However it is noted that Article 9(1)(a) of the Planning and Development Regulations places restrictions on development to which Article 6 relates. Article 9 only refers to article 6, and article 8 would seem to be outside the restrictions under Article 9(1)(a). (Refer to An Bord Pleanala RL3034)

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

**AA**

The proposal has been assessed having regard to the requirements of the EU Habitats Directive. The proposal has been screened as to the requirements for AA and the screening assessment considers that the proposal does not impact on any Natura 2000 site. See also Appropriate Assessment (AA) screening report attached.

**EIA**

Mandatory EIA is required under Class 1 (a) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended for re-contouring of agricultural land above 5 hectares. The lands that are to be recontoured amount t 1.5 ha and mandatory EIA is not required under this class.

Mandatory EIA is required under Class 1 (c) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended for development consisting of the carrying out of drainage and/or reclamation of wetlands where more than 2 hectares

of wetlands would be affected. The proposed development is not a wetland and mandatory EIA is not required under this class.

## **5. RECOMMENDATION**

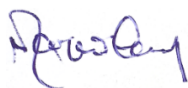
Tipperary County Council in considering this Declaration had regard particularly to-

- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000 as amended.
- (b) Article 8(C) of the Planning and Development Regulations 2001, as amended.
- (c) The details provided with the Declaration application and details provided as further information (received 4/10/2024).

Tipperary County Council has concluded that the development comprising *recontouring of land and infilling low areas and holes to improve agricultural use of land* constitutes “development” within the meaning of the Planning and Development Act 2000, as amended and is **NOT exempted development**.

The development does not meet the planning exemption under Article 8(C) of the Planning and Development Act, 2000, as amended or Planning and Development Regulations 2001, as amended. The development cannot avail of the exemption set down under Article 8(C) as the proposed works involves as infilling of the site with imported material from outside the landholding.

Signed:



Executive Planner

Date: 22.10.2024

Signed:



A/Senior Executive Planner

Date: 23/10/2024

## HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT

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

(a) File Reference No:	S5/24/103
(b) Brief description of the project or plan:	As per Planners report
(c) Brief description of site characteristics:	As per Planners report
(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW	None
(e) Response to consultation:	None

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

European Site (code)	List of Qualifying Interest/Special Conservation Interest <sup>1</sup>	Distance from proposed development <sup>2</sup> (km)	Connections (Source-Pathway-Receptor)	Considered further in screening Y/N
Lower River Suir SAC (002137)	<a href="https://www.npws.ie/protected-sites/sac/002137">https://www.npws.ie/protected-sites/sac/002137</a>	Within 15km	None	N
River Barrow and River Nore SAC (002162)	<a href="https://www.npws.ie/protected-sites/sac/002162">https://www.npws.ie/protected-sites/sac/002162</a>	Within 15km	None	N

### 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.)
<b>Construction phase e.g.</b> <ul style="list-style-type: none"> <li>• Vegetation clearance</li> <li>• Demolition</li> <li>• Surface water runoff from soil excavation/infill/landscaping (including borrow pits)</li> <li>• Dust, noise, vibration</li> <li>• Lighting disturbance</li> <li>• Impact on groundwater/dewatering</li> <li>• Storage of excavated/construction materials</li> <li>• Access to site</li> <li>• Pests</li> </ul>	No potential impacts anticipated given the topography of the area and the distance of the proposed development to the protected site
<b>Operational phase e.g.</b> <ul style="list-style-type: none"> <li>• Direct emission to air and water</li> <li>• Surface water runoff containing contaminant or sediment</li> <li>• Lighting disturbance</li> <li>• Noise/vibration</li> <li>• Changes to water/groundwater due to drainage or abstraction</li> <li>• Presence of people, vehicles and activities</li> <li>• Physical presence of structures (e.g. collision risks)</li> <li>• Potential for accidents or incidents</li> </ul>	No potential impacts anticipated given the topography of the area and the distance of the proposed development to the protected site
<b>In-combination/Other</b>	No likely significant in-combination effects are identified.



**(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 anticipated given the topography of the area and the distance of the proposed development to the protected site

**(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:**

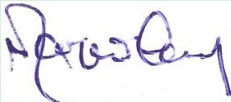
Describe how the proposed development (alone or in-combination) is/is **not likely** to have **significant** effects on European site(s) in view of its conservation objectives.

The proposed development is not likely to have significant effects.

**Conclusion:**

	<b>Tick as Appropriate:</b>	<b>Recommendation:</b>
(i) It is clear that there is <b>no likelihood</b> of significant effects on a European site.	<input checked="" type="checkbox"/>	The proposal can be screened out: Appropriate assessment not required.
(ii) It is <b>uncertain</b> whether the proposal will have a significant effect on a European site.	<input type="checkbox"/>	<input type="checkbox"/> Request further information to complete screening <input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
(iii) <b>Significant effects</b> are likely.	<input type="checkbox"/>	<input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
<b>Signature and Date of Recommending Officer:</b>		<b>Date:</b> 22.10.2024

**Appendix 2: EIA Pre Screening Form**

EIA Pre-Screening Establishing a development is a 'sub-threshold development'			
<b>File Reference:</b>	S5/24/103		
<b>Development Summary:</b>	As per planners report		
<b>Was a Screening Determination carried out under Section 176A-C?</b>	<input type="checkbox"/> Yes, no further action required <input checked="" type="checkbox"/> No, Proceed to <b>Part A</b>		
<b>A. Schedule 5 Part 1 - Does the development comprise a project listed in Schedule 5, Part 1, of the Planning and Development Regulations 2001 (as amended)?</b> (Tick as appropriate)			
<input type="checkbox"/> Yes, specify class _____ Further information required in order to ascertain nature of development		<b>EIA is mandatory</b>	
		No Screening required	
<input type="checkbox"/> No		Proceed to <b>Part B</b>	
<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?</b> (Tick as appropriate)			
<input type="checkbox"/> No, the development is not a project listed in Schedule 5, Part 2		<b>No Screening required</b>	
<input type="checkbox"/> Yes the project is listed in Schedule 5, Part 2 <b>and</b> meets/exceeds the threshold, specify class (including threshold): _____		<b>EIA is mandatory</b>	
		No Screening required	
<input checked="" type="checkbox"/> Yes the project is of a type listed <b>but</b> is <i>sub-threshold</i> : _____		Proceed to <b>Part C</b>	
<b>C. If Yes, has Schedule 7A information/screening report been submitted?</b>			
<input type="checkbox"/> Yes, Schedule 7A information/screening report has been submitted by the applicant		<b>Screening Determination required</b>	
<input checked="" type="checkbox"/> No, Schedule 7A information/screening report has not been submitted by the applicant		<b>Preliminary Examination required</b>	
<b>Signature and Date of Recommending Officer:</b>		<b>Date:</b>	22.10.2024



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  
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Oifigí Cathartha,  
An tAonach,  
Co. Thiobraid Árann

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Date: 23<sup>rd</sup> October, 2024

Our Ref: S5/24/103

Civic Offices, Nenagh

**PBF Contracting Ltd**  
**Grague**  
**Thurles**  
**Co. Tipperary**

**Re: Declaration under Section 5 of the Planning and Development Act 2000**

Dear Mr Fahey,

I refer to your application for a Section 5 Declaration received on 10<sup>th</sup> September, 2024 and Further Information received on 4<sup>th</sup> October, 2024, in relation to the following proposed works:

**Recontouring of land and infilling low areas and holes to improve agricultural use of land at Liskeveen and Ballybeg, 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 8(C) of the Planning and Development Regulations 2001, as amended.
- c) The details provided with the Declaration application and details provided as further information (received 4/10/2024).

Tipperary County Council has concluded that the development comprising *recontouring of land and infilling low areas and holes to improve agricultural use of land* constitutes “development” within the meaning of the Planning and Development Act 2000, as amended and is **NOT exempted development**.

The development does not meet the planning exemption under Article 8(C) of the Planning and Development Act, 2000, as amended or Planning and Development Regulations 2001, as amended. The development cannot avail of the exemption set down under Article 8(C) as the proposed works involves as infilling of the site with imported material from outside the landholding.

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

Yours sincerely

*Geraldine Quinn*

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for **Director of Services**

**Original**

**TIPPERARY COUNTY COUNCIL**

**DELEGATED EMPLOYEE'S ORDER**

File Ref: **S5/24/103**      **Delegated Employee's Order No:** \_\_\_\_\_

**SUBJECT: Section 5 Declaration**

I, Sharon Kennedy, 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. 37256 dated 4<sup>th</sup> March, 2024, hereby order that pursuant to the provisions of the Planning and Development Act 2000, as amended, that an application under Section 5 from PBF Contracting Ltd, Grague, Thurles, Co. Tipperary, re: recontouring of land and infilling low areas and holes to improve agricultural use of land at Liskeveen and Ballybeg, Co. Tipperary, is development and is **NOT exempted development**.

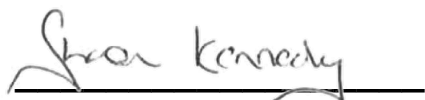
**AND WHEREAS** Tipperary County Council, in considering this referral, had regard particularly to –

- a) Sections 2, 3 and 4 of the Planning and Development Act, 2000 as amended.
- b) (b) Article 8(C) of the Planning and Development Regulations 2001, as amended.
- c) (c) The details provided with the Declaration application and details provided as further information (received 4/10/2024).

Tipperary County Council has concluded that the development comprising *recontouring of land and infilling low areas and holes to improve agricultural use of land* constitutes "development" within the meaning of the Planning and Development Act 2000, as amended and is **NOT exempted development**.

The development does not meet the planning exemption under Article 8(C) of the Planning and Development Act, 2000, as amended or Planning and Development Regulations 2001, as amended. The development cannot avail of the exemption set down under Article 8(C) as the proposed works involves as infilling of the site with imported material from outside the landholding.

**Signed:**



**Date: 23/10/2024**

**Sharon Kennedy**

**Director of Services**

**Planning and Development (including Town Centre First),**

**Emergency Services and Emergency Planning and**

**Tipperary/Cahir/Cashel Municipal District**