



PLANNING & DEVELOPMENT ACT, 2000 (as amended)

Application for a Section 5 Declaration
Development / Exempted Development

1. Applicant's address/contact details:

Applicant	James & Brian Barlow
Address	Ballyglasheen, Kilfeakle, Co Tipperary.
Telephone No.	
E-mail	

2. Agent's (if any) address:

Agent	Aidan Kelly
Address	Molough, Newcastle, Clonmel, Co Tipperary
Telephone No.	[REDACTED]
E-mail	[REDACTED]
Please advise where all correspondence in relation to this application is to be sent;	
Applicant [] Agent [X]	

3. Location of Proposed Development:

Postal Address or Townland or Location (as may best identify the land or structure in question)	Ballyglasheen, Kilfeakle, Co Tipperary.
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TIPPERARY CO. COUNCIL
RECEIVED
27 SEP 2024
 PLANNING SECTION
 FILE NO.

4. Development Details:

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

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

Are the two building below exempt development

Class 8 exemption
Milking parlour shed 193m²


Class 6 exemption
Slatted feeding shed area 188m²

No other farm building in the area or within 100m of this area

Proposed floor area of proposed works/uses: sqm see above

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 <input checked="" type="checkbox"/>	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>		

Signature of Applicant(s) 

Date: 26-09-2024

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

GUIDANCE NOTES

- (1) All queries on the form must be completed and the form must be accompanied by the relevant fee. The amount of the fee is currently €80.00.
- (2) This application should be accompanied by **TWO COPIES** of the following documentation
- OSI Site Location Map with the site outlined clearly – 1:1000 in urban areas and 1:2500 in rural areas
 - Floor Plans & Elevations at a scale of not less than 1:200
 - Site layout plan indicating position of proposed development relative to premises and adjoining properties
 - Other details e.g. brochures, photographs if appropriate.
- (All dimensions must be given in metric scale and drawings should be accompanied by a brief description outlining the use of the proposed development)
- (3) Where a proper and complete application is received, a decision must be conveyed to the applicant within four (4) weeks except where additional necessary information is required.

This application form and relevant fee should be submitted to:

Planning Section, Tipperary County Council, Civic Offices, Limerick Road, Nenagh, Co. Tipperary	<u>OR</u>	Planning Section, Tipperary County Council, Civic Offices, Emmet Street, Clonmel, Co. Tipperary
Enquires:		
Telephone 0761 06 5000		
E-Mail planning@tipperarycoco.ie		

FOR OFFICE USE ONLY

DATE STAMP

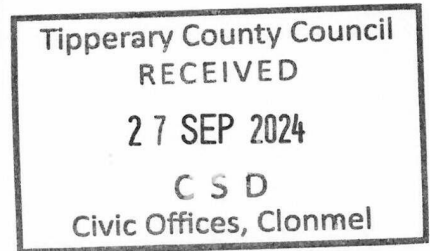
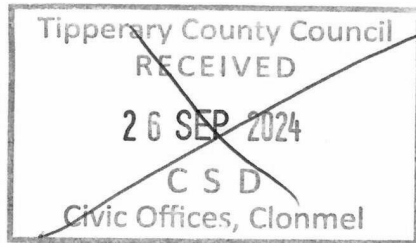
Fee Recd. € 123 206
Receipt No €80
Date 26-09-2026
Received by _____

Paid over The Phone



Molough,
Newcastle,
Clonmel,
Co. Tipperary.
26 Sep. 24

Section 5
Schedule list



Client:
James & Brian Barlow

Address;
at Ballyglasheen, Kilfeakle, Co Tipperary.

Documentation:

Drawings

Sheet no.	Title	Scale	Size	Quantity
01	site layout	1:500	A2	2
02	Floor plan	SEE PAGE	A3	2

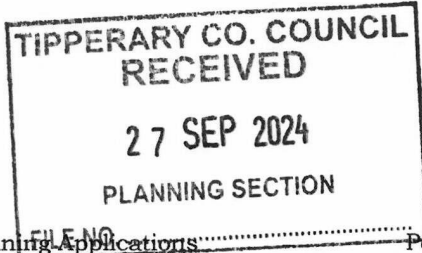
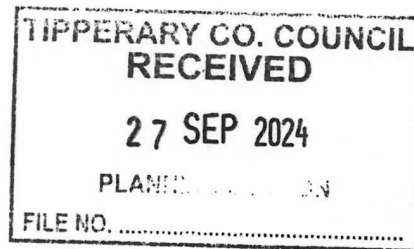
Maps

Sheet no.	Title	Scale	Size	Quantity
05	Site location map	1:10560	A4	2
06	Site location map	1:2500	A4	2

Application form and checklist 1

Regards

Aidan Kelly B.Arch B.sc Arch Tech B.Agr

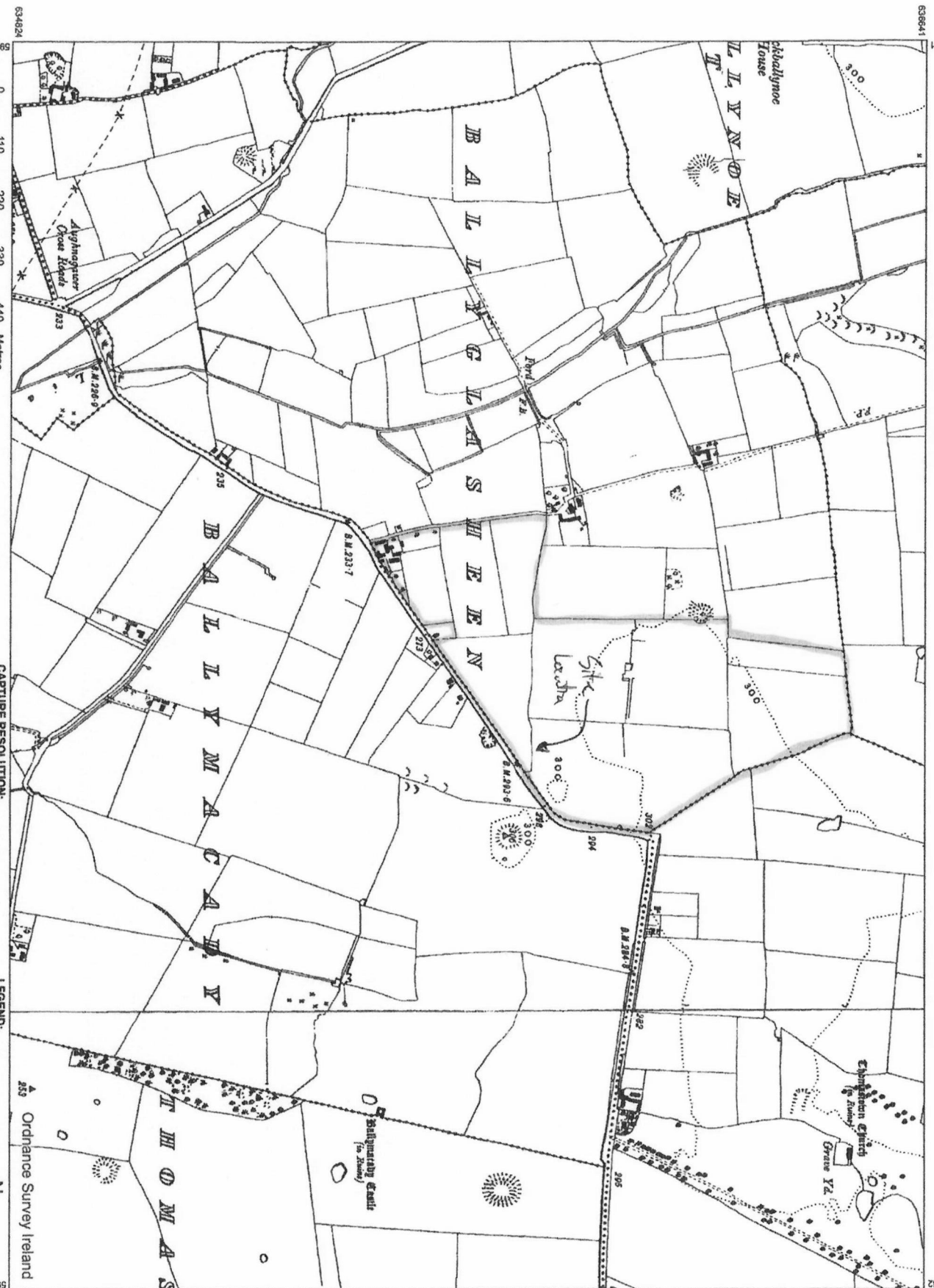


Planning Applications
Farmyard Design
Mobile 0857466211

Permission for Retention
Shed Designs
www.adps.ie

Paddock & Roadway Design
Site Surveys
aidankelly2000@yahoo.ie

Site Location Map



**Tailte
Éireann**

CENTRE COORDINATES:
ITM 596412.635733

PUBLISHED: 26/09/2024

MAP SERIES: 6 Inch Raster
6 Inch Raster

MAP SHEETS: TY067
TY068

ORDER NO.: 50424955_1

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

www.tailte.ie

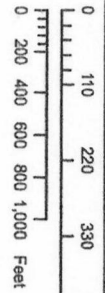
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LEGEND:
To view the legend visit www.tailte.ie and search for 'Large Scale Legend'



Ordnance Survey Ireland

Planning Pack Map



Tailte Éireann

CENTRE COORDINATES:
ITM 596412,635733

PUBLISHED: 26/09/2024
ORDER NO.: 50424955_1

MAP SERIES: 5179-A
MAP SHEETS: 1:2,500

COMPILED AND PUBLISHED BY:

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D08F6E4

www.tailte.ie

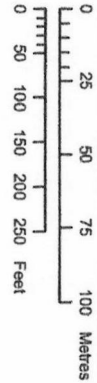
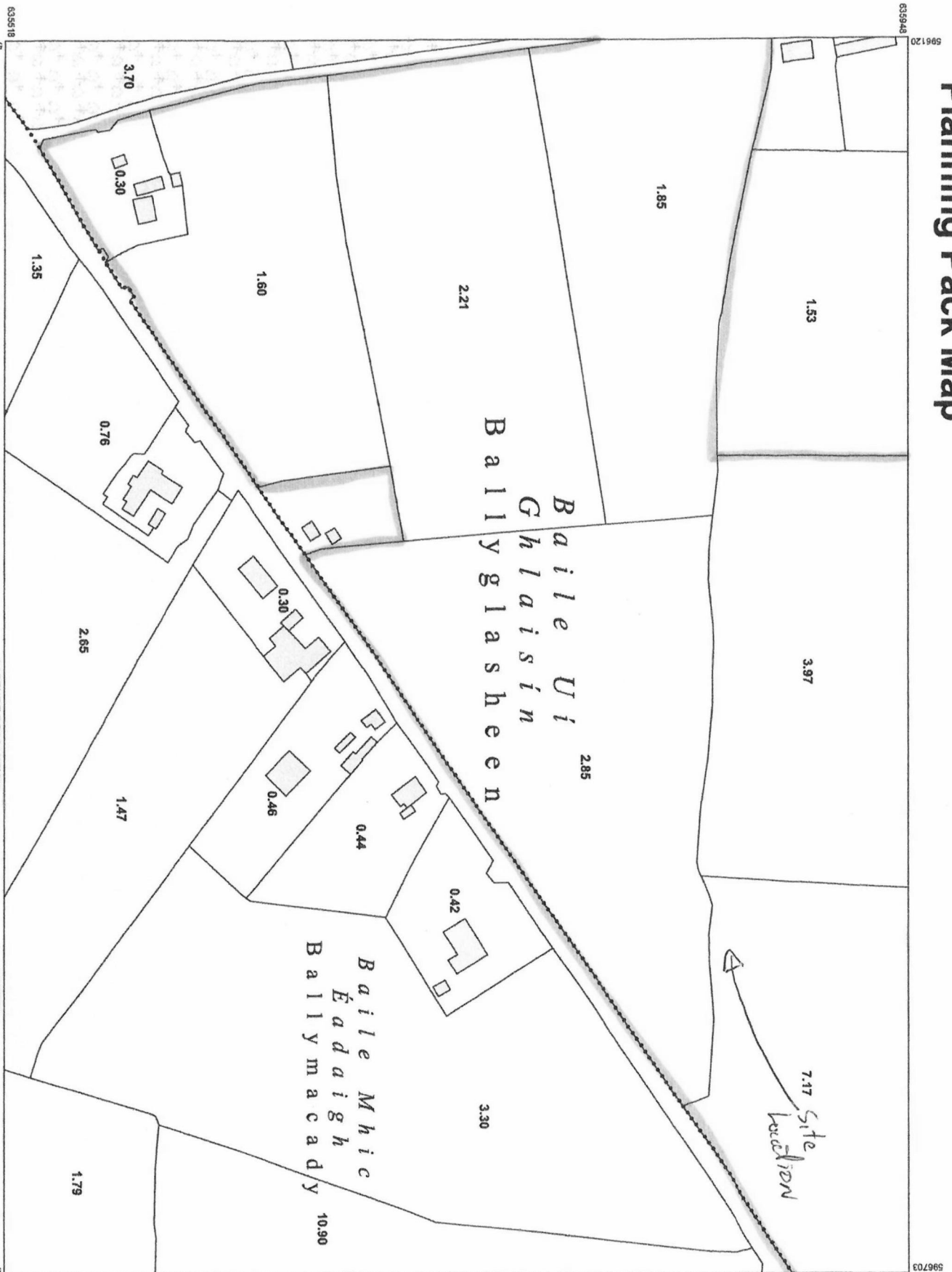
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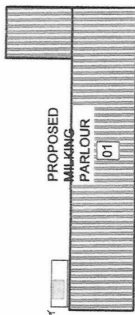
LEGEND:
To view the legend visit www.tailte.ie and search for 'Large Scale Legend'





PROPOSED
SLATTED
FEEDING SHED
01

7005 [23]



PROPOSED
MILKING
PARLOUR
01

25000 [82]

[01-6] 0008

78940 [289]

45830 [150-87]



PREVAILING
WIND



STONE SOAK AWAY



PROPOSED BUILDING



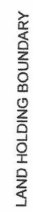
EXISTING BUILDING



CLEAN WATER



SOILED WATER



LAND HOLDING BOUNDARY



PROPOSED DEVELOPMENT (AREA .6Ha)

PLANNING

AIDAN KELLY

B.Arch, B.sc Arch Tech

ARCHITECTURE & AGRICULTURAL DESIGN SERVICES

MOLOUGH,

NEWCASTLE,

CLONNEL,

CO. TIPPERARY.

EMAIL: AIDANKELLY2000@YAHOO.IE

WEBSITE: WWW.ADPS.IE



PROJECT: Proposed building for James Barlow at Ballyglasheen, Kiltfeakle, Co Tipperary.

DRAWING TITLE:

Proposed Site Layout

DRAWN BY
A KELLY

DATE
Sep 2024

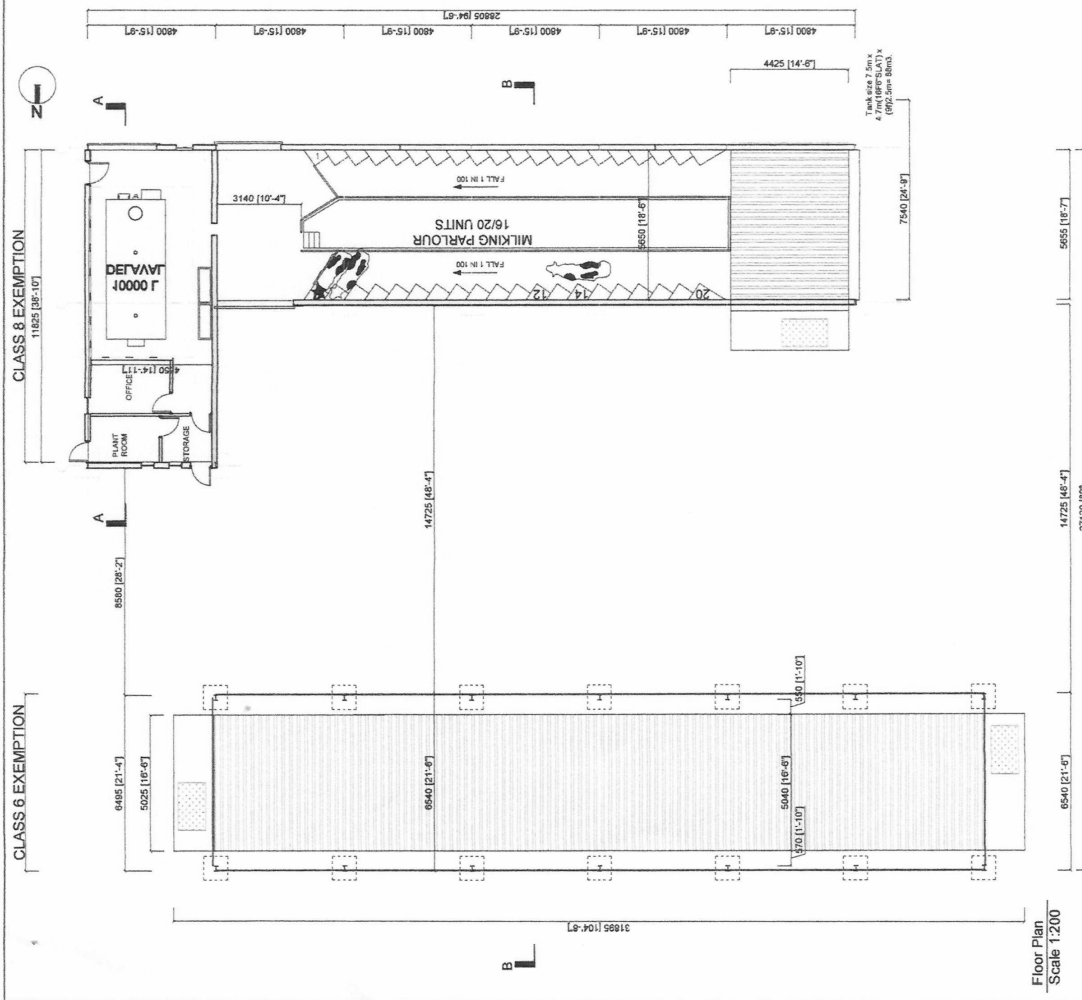
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1:500

DWG NO.
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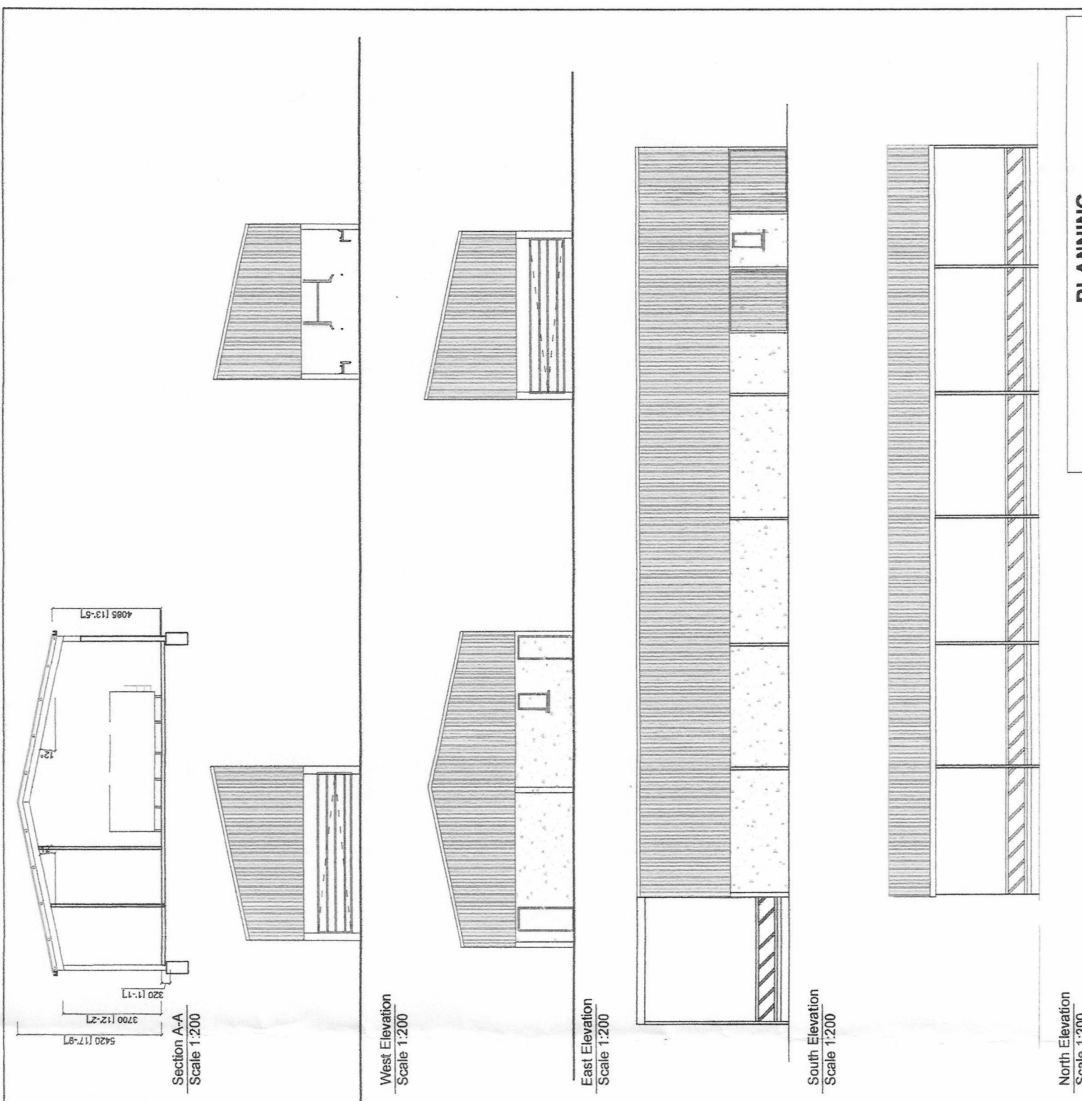
JOB NO.
100

Proposed Site Layout Plan

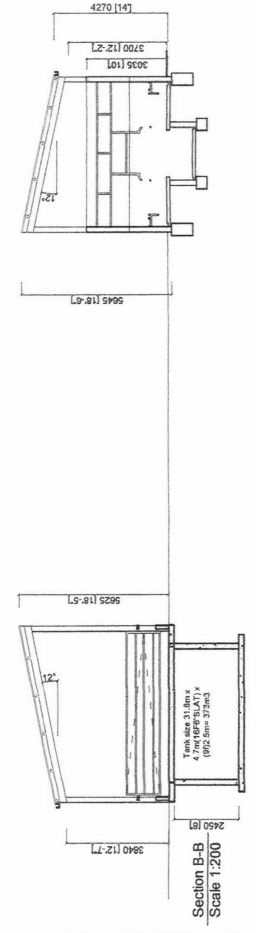
Scale 1:500



Floor Plan
Scale 1:200



North Elevation
Scale 1:200



Section B-B
Scale 1:200

PROPOSED
Class 6 exemption. Slatted feeding
shed
Overall AREA : 188m²

PROPOSED
Class 8 Milking parlour shed
Overall AREA : 193m²

PLANNING

AIDAN KELLY B.Arch, B.sc Arch Tech
ARCHITECTURE & AGRICULTURAL DESIGN SERVICES
MOLOUGH, NEWCASTLE, CO. TIPPERARY
TEL: 052 7462844
MOB: 085 7466211
ADPI

PROJECT: Proposed building for James Barlow at Ballyglasheen, Kilsfakle, Co Tipperary.

DRAWING TITLE:
Plan, section and elevations

DRAWN BY A KELLY	DATE Sep 2024	SCALE 1:200	DWG NO. 02	JOB NO. 100
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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
e customerservice
@tipperarycoco.ie

tipperarycoco.ie

Date: 27-09-2024

Our Ref: S5/24/108

Civic Offices, Clonmel

**James & Brian Barlow
C/o Aidan Kelly
Molough
Newcastle
Clonmel
Co. Tipperary**

Re: Application for a Section 5 Declaration – are the milking parlour shed and the slatted feeding shed area exempt at Ballyglasheen, Kilfeakle, Co. Tipperary.

Dear Sir/Madam,

I acknowledge receipt of your application for a Section 5 Declaration received on 27th 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

Planning Reference:	S5/24/108
Applicant:	James Barlow and Brian Barlow
Development Address:	Ballglasheen, Kilfeacle, Co. Tipperary
Proposed Development:	(Class 8) Milking Parlour Shed 193sq.m and (Class 6) Slatted Feeding Shed area 188sq.m.

1. GENERAL

On the 27th September 2024, a request was made for a declaration under Section 5 of the Planning and Development Act, 2000 as amended, by James Barlow and Brian Barlow c/o Aidan Kelly as to whether or not the following (as per application form) constitutes development and if so, whether same constitutes exempted development at Ballglasheen, Kilfeacle, Co. Tipperary

(Class 8) Milking Parlour Shed 193sq.m and (Class 6) Slatted Feeding Shed area 188sq.m.

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



Figure 1 Google Streetview

2. STATUTORY PROVISIONS

The following statutory provisions are relevant to this referral case;

Planning and Development Act 2000, as amended

Section 2(1) of the Planning and Development Act, 2000, as amended, defines “works” as:-

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

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

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

Section 2(1) of the Planning and Development Act, 2000, as amended, defines “Agriculture” as:-

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

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

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

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

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

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

Planning and Development Regulations 2001 (as amended)

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

Exempted Development.

- (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:

Column 1 Description of Development	Column 2 Conditions and Limitations
<p><i>Agricultural Structures</i></p> <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 200 square metres (whether or not by extension of an existing structure), and any ancillary provision for effluent storage</p>	<ol style="list-style-type: none"> 1. No such structure shall be used for any purpose other than the purpose of agriculture. 2. The gross floor space of such structure together with any other such structures situated within the same farmyard complex or within 100 metres of that complex shall not exceed 300 square metres gross floor space in aggregate. 3. Effluent storage facilities adequate to serve the structure having regard to its size, use and location shall be constructed in line with Department of Agriculture, Food and Rural Development and Department of the Environment and Local Government requirements and shall have regard to the need to avoid water pollution. 4. No such structure shall be situated, and no effluent from such structure shall be stored, within 10 metres of any public road. 5. No such structure within 100 metres of any public road shall exceed 8 metres in height. 6. No such structure shall be situated, and no effluent from such structure shall be stored, within 100 metres of any house (other than the house of the person providing the structure) or other residential building or school, hospital, church or building used for public assembly, save with the consent in writing of the owner and, as may be appropriate, the occupier or person in charge thereof. 7. No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.
<p>CLASS 8 Works consisting of the provision of roofless cubicles, open loose yards, self feed silo or silage areas, feeding aprons, assembly yards, milking parlours or structures for the making or storage of silage or any other structures of a similar character or description, having an aggregate gross floor space not exceeding 200 square metres, and any ancillary provision for effluent storage.</p>	<ol style="list-style-type: none"> 1. No such structure shall be used for any purpose other than the purpose of agriculture. 2. The gross floor space of such structures together with any other such structures situated within the same farmyard complex or within 100 metres of that complex shall not exceed 300 square metres gross floor space in aggregate. 3. Effluent storage facilities adequate to serve the structure having regard to its size, use and location shall be constructed in line with Department of Agriculture, Food and Rural Development and the Department of the Environment and Local Government requirements and shall have regard to the need to avoid water pollution. 4. No such structure shall be situated, and no effluent from such structure shall be stored, within 10 metres of any public road. 5. No such structure within 100 metres of any public road shall exceed 8 metres in height.

	<p>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.</p> <p>7. No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.</p>
--	---

Article 9 of the Planning and Development Regulations 2001, as amended sets out restrictions on exemptions and states:

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

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

(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.*

(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 comprises of undeveloped agricultural lands at Ballyglasheen which is c.1.6km south of the settlement of Kilfeacle, Co. Tipperary.

ii. Relevant Planning History

None traced.

iii. Assessment

The question posed under the Section 5 Declaration application form is whether a Milking Parlour Shed 193sq.m and Slatted feeding shed area 188sq.m is or is not exempted development.

A) **“Is or is not Development”**

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

B) **“Is or is not Exempted Development”**

I consider that the class relevant to the building for the Slatted Shed is Class 6 (roofed structure for the housing of cattle) of Part 3 of Schedule 2 of the above cited Regulations. The gross floor space of such structure (188sq.m) together with any other such structures does not exceed 300 square metres gross floor space in aggregate. The structure is less than 8m in height and more than 10m from a public roadway. There are no dwellings within 100m of the structure.

I consider that the Milking Parlour structure falls under Class 8 of Part 3 of Schedule 2 of the above cited Regulations. The gross floor space of such structure (193sq.m) together with any other such structures does not exceed 300 square metres gross floor space in aggregate. The structure is less than 8m in height and more than 10m from a public roadway. There are no dwellings within 100m of the structure.

I have reviewed the submitted information and am satisfied that the conditions and limitations of the relevant classes are satisfied.

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 field is served from a long-standing double gates on the L-4306-1 Local Road which serve the landholding. There is are no other proposed works to the entrance or access arrangement. I do not consider the development would endanger public safety by reason of traffic hazard or obstruction of road users.

4. RECOMMENDATION

WHEREAS a question has arisen as to whether the construction of Milking Parlour Shed 193sq.m and Slatted Feeding Shed 188sq.m at Ballglasheen, Kilfeacle, Co. Tipperary is “development” and is or is not “exempted development”,

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

- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000 as amended,
- (b) Article 6 and Article 9 of the Planning and Development Regulations, 2001, as amended,
- (c) Schedule 2, Part 3, Class 6 and Class 8 of the Planning and Development Regulations, 2001, as amended.

AND WHEREAS Tipperary County Council has concluded that a Milking Parlour Shed 193sq.m and Slatted Feeding Shed 188sq.m at Ballglasheen, Kilfeacle, Co. Tipperary constitutes “development” within the meaning of the Planning and Development Act 2000, as amended and is “exempted development”.

NOW THEREFORE Tipperary County Council, in exercise of the powers conferred on it by Section 5 (2)(a) of the 2000 Act, as amended hereby decides a Milking Parlour Shed 193sq.m and Slatted Feeding Shed 188sq.m at Ballglasheen, Kilfeacle, Co. Tipperary s development 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:



Date: 23/10/2024



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:	S5/24/18
(b) Brief description of the project or plan:	Milking Parlour Shed 193sq.m and Slatted Feeding Shed area 188sq.m.
(c) Brief description of site characteristics:	Agricultural lands – undeveloped
(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
002137 Lower River Suir	https://www.npws.ie/protected-sites/sac/002137	Within 10km	None	No

STEP 3. Assessment of Likely Significant Effects

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

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

- Presence of people, vehicles and activities
- Physical presence of structures (e.g. collision risks)
- Potential for accidents or incidents

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 European site.	<input type="checkbox"/>	<input type="checkbox"/> Request further information to complete screening <input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
(iii) Significant effects are likely.	<input type="checkbox"/>	<input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission

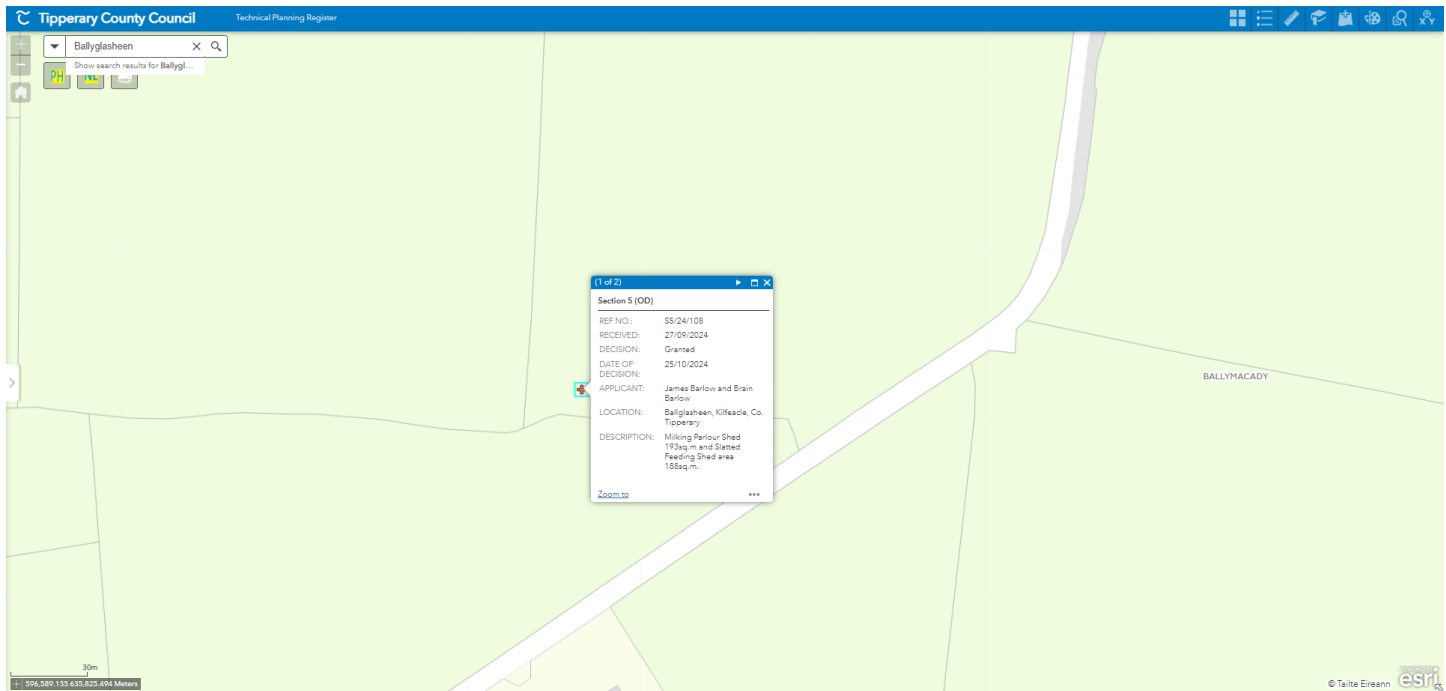
Signature and Date of Recommending Officer:

L. Butler-Lynn

Date:

23/10/2024

EIA Pre-Screening	
Establishing a development is a 'sub-threshold development'	
File Reference:	S5/24/108
Development Summary:	Milking Parlour Shed 193sq.m and Slatted Feeding Shed area 188sq.m.
Was a Screening Determination carried out under Section 176A-C?	<input type="checkbox"/> Yes, no further action required <input checked="" type="checkbox"/> No, Proceed to Part A
A. Schedule 5 Part 1 - Does the development comprise a project listed in Schedule 5, Part 1 , of the Planning and Development Regulations 2001 (as amended)? (Tick as appropriate)	
<input type="checkbox"/> Yes, specify class _____	EIA is mandatory No Screening required
<input checked="" type="checkbox"/> No	Proceed to Part B
B. Schedule 5 Part 2 - Does the development comprise a project listed in Schedule 5, Part 2 , of the Planning and Development Regulations 2001 (as amended) and does it meet/exceed the thresholds? (Tick as appropriate)	
<input checked="" type="checkbox"/> No, the development is not a project listed in Schedule 5, Part 2	No Screening required
<input type="checkbox"/> Yes the project is listed in Schedule 5, Part 2 and meets/exceeds the threshold, specify class (including threshold): _____	EIA is mandatory No Screening required
<input type="checkbox"/> Yes the project is of a type listed but is <i>sub-threshold</i> : _____	Proceed to Part C
C. If Yes , has Schedule 7A information/screening report been submitted?	
<input type="checkbox"/> Yes, Schedule 7A information/screening report has been submitted by the applicant	Screening Determination required
<input type="checkbox"/> No, Schedule 7A information/screening report has not been submitted by the applicant	Preliminary Examination required





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

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Comhairle Contae
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Oifigí Cathartha,
An tAonach,
Co. Thiobraid Árann

Tipperary County Council,
Civic Offices, Nenagh,
Co. Tipperary

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Date: 23rd October, 2024

Our Ref: S5/24/108

Civic Offices, Nenagh

James & Brian Barlow
C/O Aidan Kelly
Molough
Newcastle
Clonmel
Co. Tipperary

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

Dear Sir/Madam,

I refer to your application for a Section 5 Declaration received on 27th September, 2024, in relation to the following proposed works:

(Class 8) Milking Parlour Shed 193sq.m and (Class 6) Slatted Feeding Shed area 188sq. at Ballglasheen, Kilfeacle, Co. Tipperary.

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

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

- a) Sections 2, 3 and 4 of the Planning and Development Act, 2000 as amended,
- b) Article 6 and Article 9 of the Planning and Development Regulations, 2001, as amended,
- c) Schedule 2, Part 3, Class 6 and Class 8 of the Planning and Development Regulations, 2001, as amended.

AND WHEREAS Tipperary County Council has concluded that a Milking Parlour Shed 193sq.m and Slatted Feeding Shed 188sq.m at Ballglasheen, Kilfeacle, Co. Tipperary constitutes “development” within the meaning of the Planning and Development Act 2000, as amended and is “exempted development”.

NOW THEREFORE Tipperary County Council, in exercise of the powers conferred on it by Section 5 (2)(a) of the 2000 Act, as amended hereby decides a Milking Parlour Shed 193sq.m and Slatted Feeding Shed 188sq.m at Ballglasheen, Kilfeacle, Co. Tipperary s development 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 Bord Pleanala, 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 faithfully

Geraldine Quinn

for **Director of Services**

Original

TIPPERARY COUNTY COUNCIL

DELEGATED EMPLOYEE'S ORDER

File Ref: **S5/24/108** **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 4th 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 James & Brian Barlow, c/o Aidan Kelly, Molough, Newcastle, Co. Tipperary re: (Class 8) Milking Parlour Shed 193sq.m and (Class 6) Slatted Feeding Shed area 188sq.m at Ballglasheen, Kilfeacle, Co. Tipperary is development and is exempted development.

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

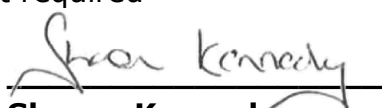
- a) Sections 2, 3 and 4 of the Planning and Development Act, 2000 as amended,
- b) Article 6 and Article 9 of the Planning and Development Regulations, 2001, as amended,
- c) Schedule 2, Part 3, Class 6 and Class 8 of the Planning and
- d) Development Regulations, 2001, as amended.

AND WHEREAS Tipperary County Council has concluded that a Milking Parlour Shed 193sq.m and Slatted Feeding Shed 188sq.m at Ballglasheen, Kilfeacle, Co. Tipperary constitutes "development" within the meaning of the Planning and Development Act 2000, as amended and is "exempted development".

NOW THEREFORE Tipperary County Council, in exercise of the powers conferred on it by Section 5 (2)(a) of the 2000 Act, as amended hereby decides a Milking Parlour Shed 193sq.m and Slatted Feeding Shed 188sq.m at Ballglasheen, Kilfeacle, Co. Tipperary s development 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:



Sharon Kennedy

Director of Services

Planning and Development (including Town Centre First),

Emergency Services and Emergency Planning and

Tipperary/Cahir/Cashel Municipal District

Date: 23/10/2024