



Main St
Ballyporeen
Co. Tipperary E21 KW90

Tel: - [REDACTED]
Email: [REDACTED]

Tipperary County Council,
Planning Department,
Emmet St,
Clonmel,

09 May 2026

Re: Section 5 Planning Submission- John O'Connor, Cahir Abbey Cahir.

Dear Sir/Madam

Please find enclosed a completed Section 5 Application Form on behalf of our client John O'Connor, for land reclamation works at Cahir Abbey Cahir,

The application is supported by the following Submissions:

Description	Ref.
Cover Letter	(i)
Application Form	(ii)
Landowner's Consent	(iii)
Description of Development	(iv)
1:500 Site Plan General Arrangement 001	(v)
1:500/250 Section 002	(vi)
1:500/250 Section 003	(vii)
1:2500 Rural Place Map 004	(viii)
1:10560 Record Place Map 005	(ix)
Fee €80 Receipt	(x) TCC-NEN-B5-GF-C356_1917_001

I trust that this submission meets with your requirements.

Yours Sincerely,

[REDACTED]
Michael McEniry [REDACTED]



PLANNING & DEVELOPMENT ACT, 2000 (as amended)

Application for a Section 5 Declaration
Development / Exempted Development

1. Applicant's address/contact details:

<i>Applicant</i>	John O Connor
<i>Address</i>	Burnt Oak CahirAbley Upper Cahir Co Tipperary
<i>Telephone No.</i>	██████████
<i>E-mail</i>	██

2. Agent's (if any) address:

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

3. Location of Proposed Development:

<i>Postal Address or Townland or Location (as may best identify the land or structure in question)</i>	Cahirabbey Upper Cahir
--	---------------------------

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.)

Carrying out land improvement works involving infilling of part of a field with
inert soil and clay to level the field and improve trafficability and productivity
of the land. Also to help reduce machinery risk of overturning on the land.
See further supporting details
Proposed floor area of proposed works/uses: sqm 4800m2

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	B. Occupier X
	C. Other	
<i>Where legal interest is 'Other', please expand further on your interest in the land or structure</i>		
<i>If you are not the legal owner, please state the name and address of the owner</i>	Name: Gerard Walsh Address: Cahir Abbey Upper, Cahir, Co. Tipperary	

Signature of Applicant(s) 

Date:

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

GUIDANCE NOTES

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

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

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

This application form and relevant fee should be submitted to:

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

FOR OFFICE USE ONLY

DATE STAMP

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



Cash Office
Tipperary County Council
Civic Offices
Nenagh
Co Tipperary

08/05/2026 16:07:32

Receipt No. : NENAM1/0/137266

NRGE
MAIN STREET
BALLYPOREEN
CO TIPPERARY

REF: JOHN O'CONNOR

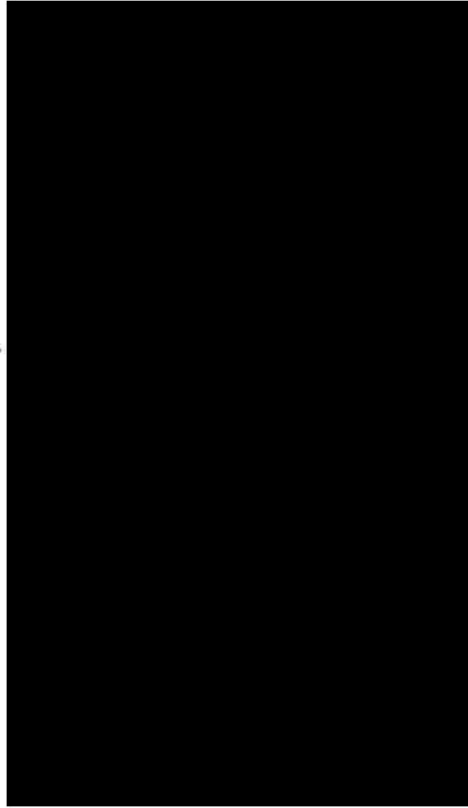
SECTION5 EXEMPTION DECLARATION 80
GOODS 80.00
VAT Exempt/Non-vatable

Total : 80.00 EUR

Tendered :
Credit Card 80.00

Change : 0.00

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



Tipperary County Council
Planning Department
Aras na Countae
Clonmel.

RE. Section 5 Submission ,Consent Letter

This letter is to confirm that I consent to John O Connor making an application to the County Council for Land Improvement Works on my land at Cahir Abbey Upper.

Signed



Date :.....

9 / 5 / 2026.

Description of Development

John O'Connor proposes to improve the lands at CahirAbbey Upper, the proposed area is outlined in red on the supporting location maps, and layout drawings. The improvement works will consist of importation of inert soil to raise the level of part of a field and reinstate the area for agricultural purposes

The proposal is to import inert soil to fill the depressed area and to reinstate with top soil to return the void to agricultural use also to fill the eastern side of the field to reduce the slope which would reduce over-turning risks when operating farm vehicles.

The proposal will involve raising the entire area approximately 0.5m and using imported soil for finishing and reinstating. The area to be filled is approximately 4800m², this would equate to a volume of 2440m³ and a tonnage of 4395 Tonnes.

A hard standing access road to the area will be constructed into the field to be filled from the access roadway. This is to reduce delirious materials being brought out onto the road when vehicles egress from the field. The road materials will be removed and transported to an appropriate aggregates recycling facility when the infilling is complete. Existing vegetation will be removed and topsoil stockpiled for reinstating when infilling is complete.

Traffic Implications

It is expected that it would take up to 2 years to fill the void depending on the availability of suitable material. The total volume of materials to be imported to the site would be 2440 m³ approximately. If it is assumed that the average load size will be 20 tonnes this would equate to 22 loads per week over a one year period, however it is thought that it will not be possible to source enough material in one year and that the works will be spread over a 24 month period significantly reducing the effect the development will have on the existing road network. The existing gateway is adequate to provide sightlines in both directions when entering or leaving the site. The traffic would not be a constant feature as deliveries would be sporadic and concentrated removing soil from building sites and infrastructural projects.

Visual Impact:

The development has mature hedging and screening along the public road.
The area of the proposed infill would be 0.4800 Ha.

Receiving Procedures

Existing vegetation will be removed and topsoil stockpiled for reinstating when infilling is complete.

Incoming material will be examined for its suitability at the source. It would be tipped in appropriate areas, inert soil and material tipped directly into the fill area. A check system for the delivery dockets as per the requirements of the Waste Collection Permit of the infilling contractor. The materials to be imported will be predominantly excess clay from housing construction sites in Cahir the immediate one is at Lissava, with a number of vehicles dedicated to that task.

Procedure for accepting soil and stone will be on the basis of investigations on the sites where material is to be removed prior to any load being accepted. Loading on the site will be in accordance with the site manager's procedures for site investigation or soil removal.

If the material on inspection contains hazardous waste such as infectious material, friable asbestos or friable asbestos-containing material it will be moved to the quarantine area as shown on the site plan. It would only be removed by a relevant waste collection contractor and transported to an appropriately permitted site.

Dust

It is not thought that dust will be a significant issue, dust would only become a problem during a dry spell mainly during the summer months, if dust levels exceed 350 mg/m²/day water can be sprayed from a tanker to mitigate dust impacts in such circumstances.

Impacts on SAC's and NHA's

The table below sets out the SAC's and NHA's within proximity of the site.

Site Code	Site Name	Distance	Risk	Observations	Mitigations
SAC: 002137	Lower River Suir SAC	1.1 Km	Weather erosion during filling. The silt laden run-off into the river.	There is no direct hydraulic link from the site to the River as there are no streams or water-courses on the site.	Erect a silt fence barrier along the eastern boundary of the identified area.
pNHA: 000971 -	Scaragh Wood	1.5Km	Air Bourne Fugitive Dust when filling in dry weather	The site is in the direction of prevailing wind from the pNHA	Minimise speed on the vehicle's. Dampen the area with water spraying in very dry conditions.
SAC: 000646	Galtee Mountains SAC	7.3Km	Air Bourne Fugitive Dust when filling in dry weather	The site is in the direction of prevailing wind from the SAC	Minimise speed on the vehicle's. Dampen the area with water spraying in very dry conditions.
pNHA: 000646	Galtee Mountains SAC	7.3Km	Air Bourne Fugitive Dust when filling in dry weather	The site is in the direction of prevailing wind from the pNHA	Minimise speed on the vehicle's. Dampen the area with water spraying in very dry conditions.

Reseeding Proposal

Once the area has been raised and levelled cultivation and reseeding with a Grass Seed Mixture will be carried out.

The grass seed mixture will be in accordance with Teagasc recommendations;

Including the following varieties

Millennium: Ryegrass

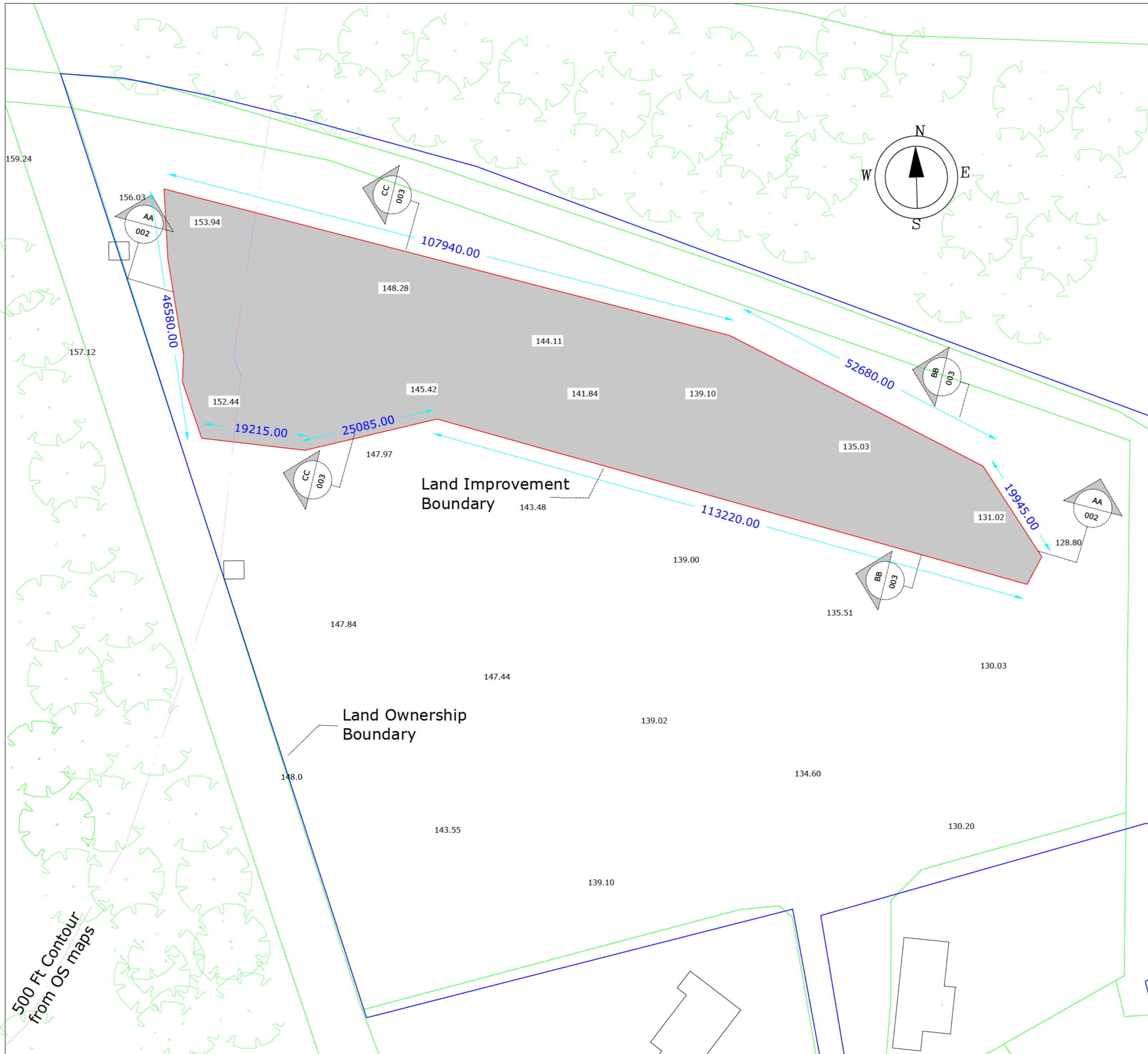
Condesa Ryegrass

Avoca: Clover

Napoleon

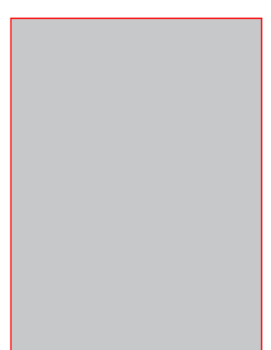
Magician

Cornwall and Umbria Dense Pasture grass



Area = 4800m²

Proposed Area for Improvement Works



NRGE
 Main St
 Ballyporeen
 Co Tipperary
 Phone 052 7467185
 Email info@nrge.ie

Project: John O Connor
 Land Improvement Works

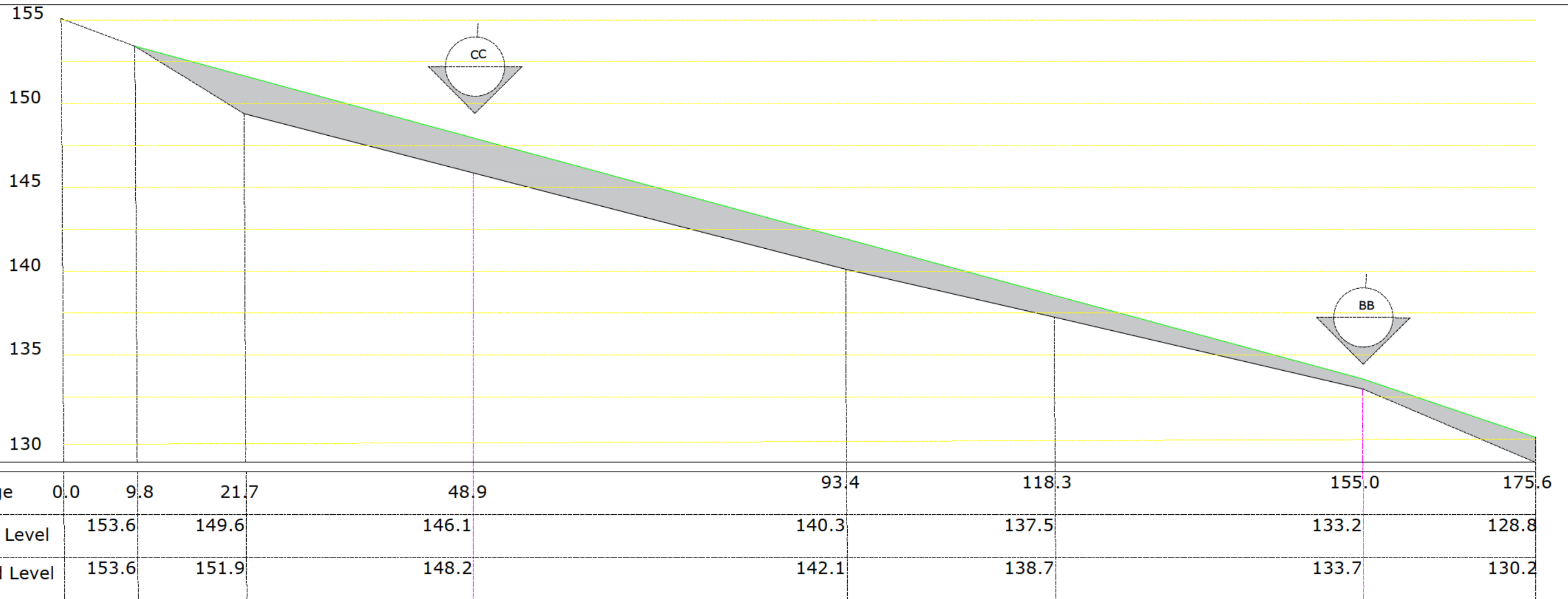
Title: Land Improvement Works
 General layout

Date: May 2026

Scale: 1:500

Drawing No: 001

Drawn By: *W. Ewing*



Section A - A

NRGE
 Main St
 Ballyporeen
 Co Tipperary
 Phone 052 7467185
 Email info@nrge.ie

Project
 John O Connor
 Land Improvement Works

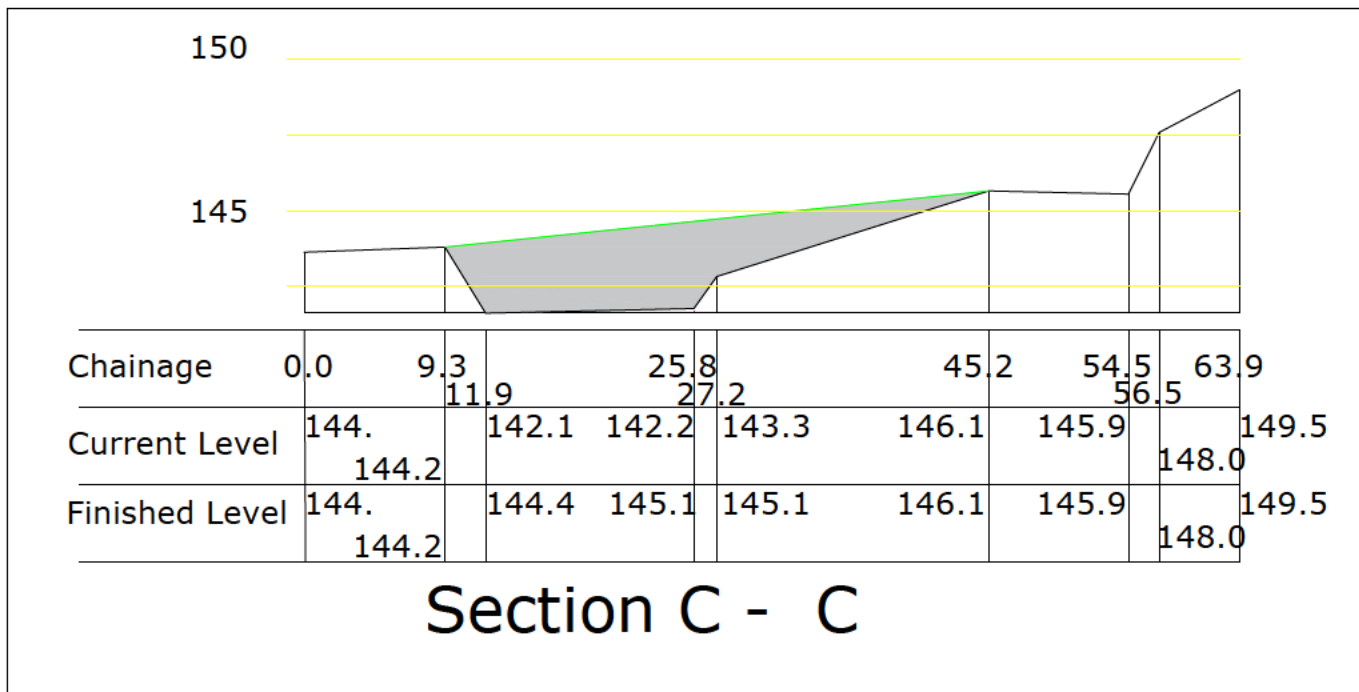
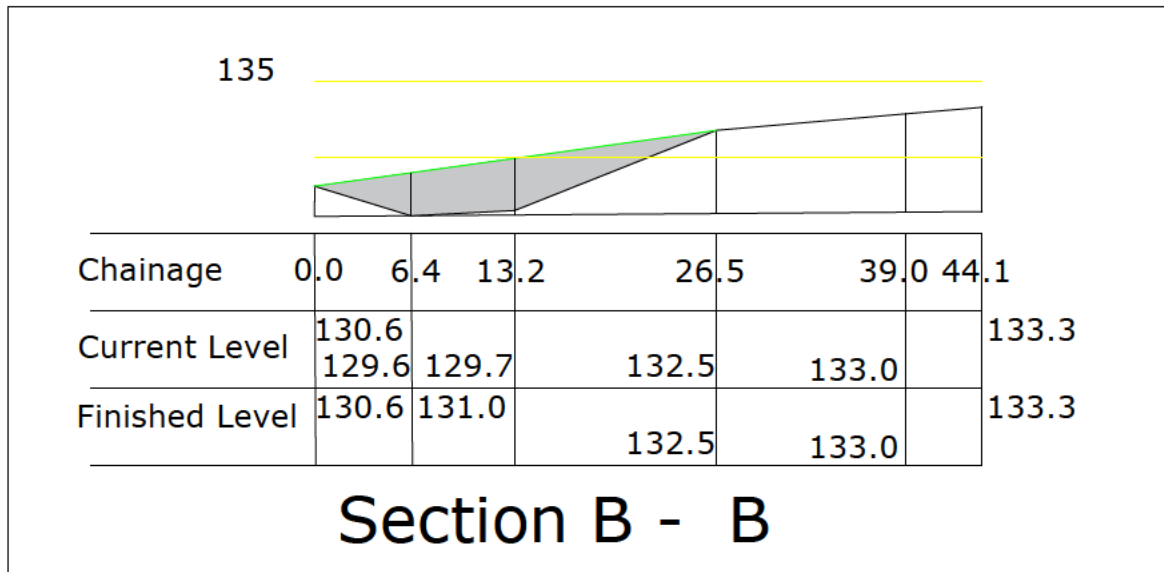

Title
 Land Improvement Works
 Cross Section

Date
 May 2026

Scale
 1:500 *Horizontal*
 1:250 *Vertical*

Drawing No
 003

Drawn By
M. W. Ewing

**Main St
Ballyporeen
Co Tipperary**
Phone 052 7467185
Email info@nrge.ie

Project
John O Connor
Land Improvement Works

Title
Land Improvement Works
Cross Section

Date
May 2026

Scale
1:500 *Horizontal*
1:250 *Vertical*

Drawing No
003

Drawn By
M. W. Eniry

Planning Pack Map



Tailte Éireann

CENTRE COORDINATES:
ITM 603836,626175

PUBLISHED: 28/04/2026 ORDER NO.: 50532672_1

MAP SERIES: 1:2,500 5364-B
1:2,500 5365-A

004

COMPILED AND PUBLISHED BY:
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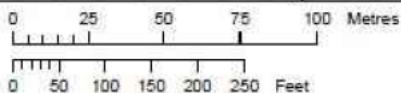
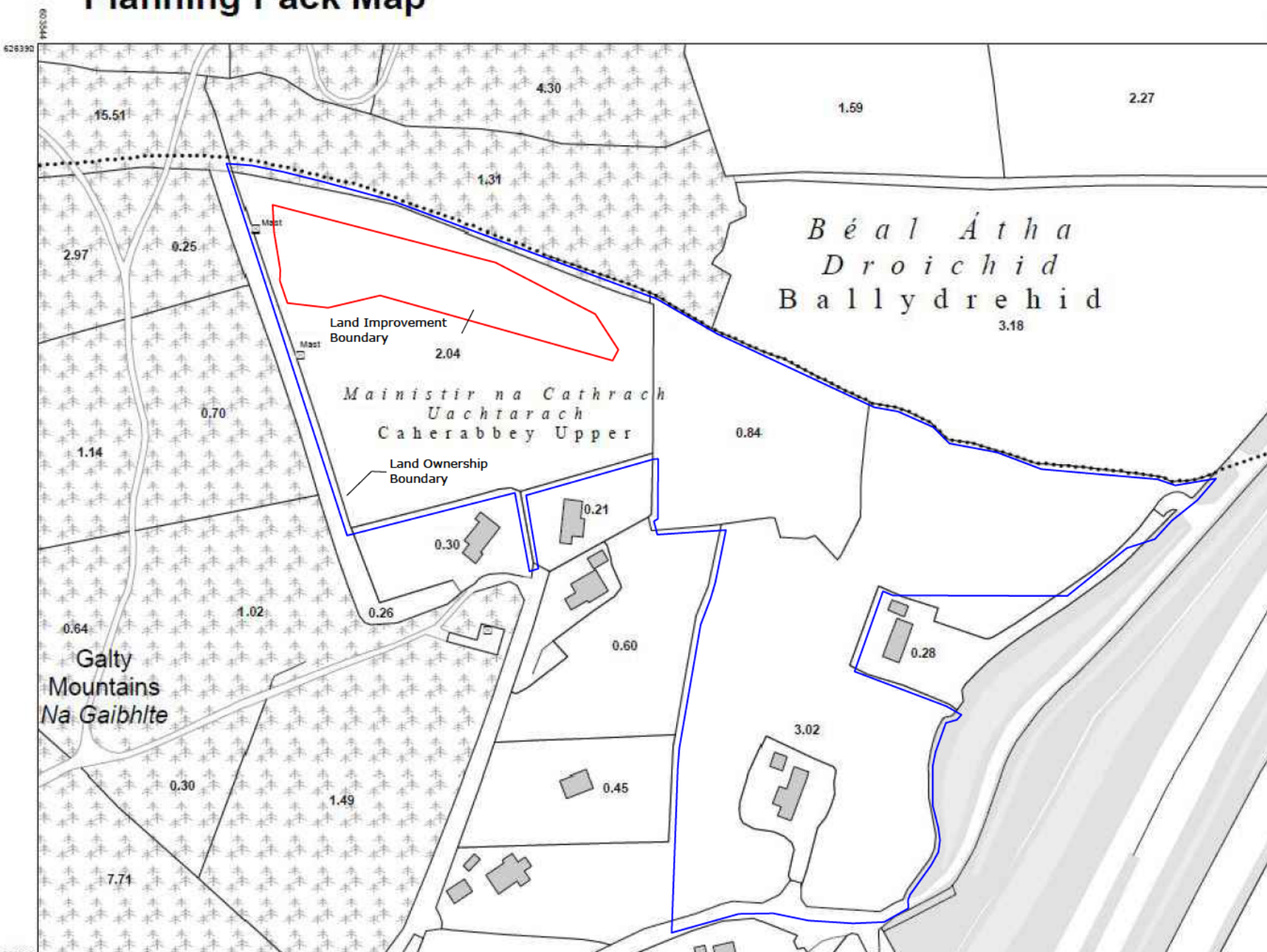
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Site Location Map



Tailte
Éireann

**CENTRE
COORDINATES:**
ITM 603836,626175

PUBLISHED: 28/04/2026
ORDER NO.: 50532672_1

MAP SERIES: 6 Inch Raster
MAP SHEETS: TY075

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Dublin 8,
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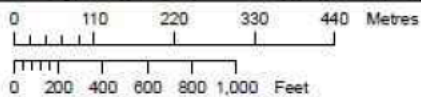
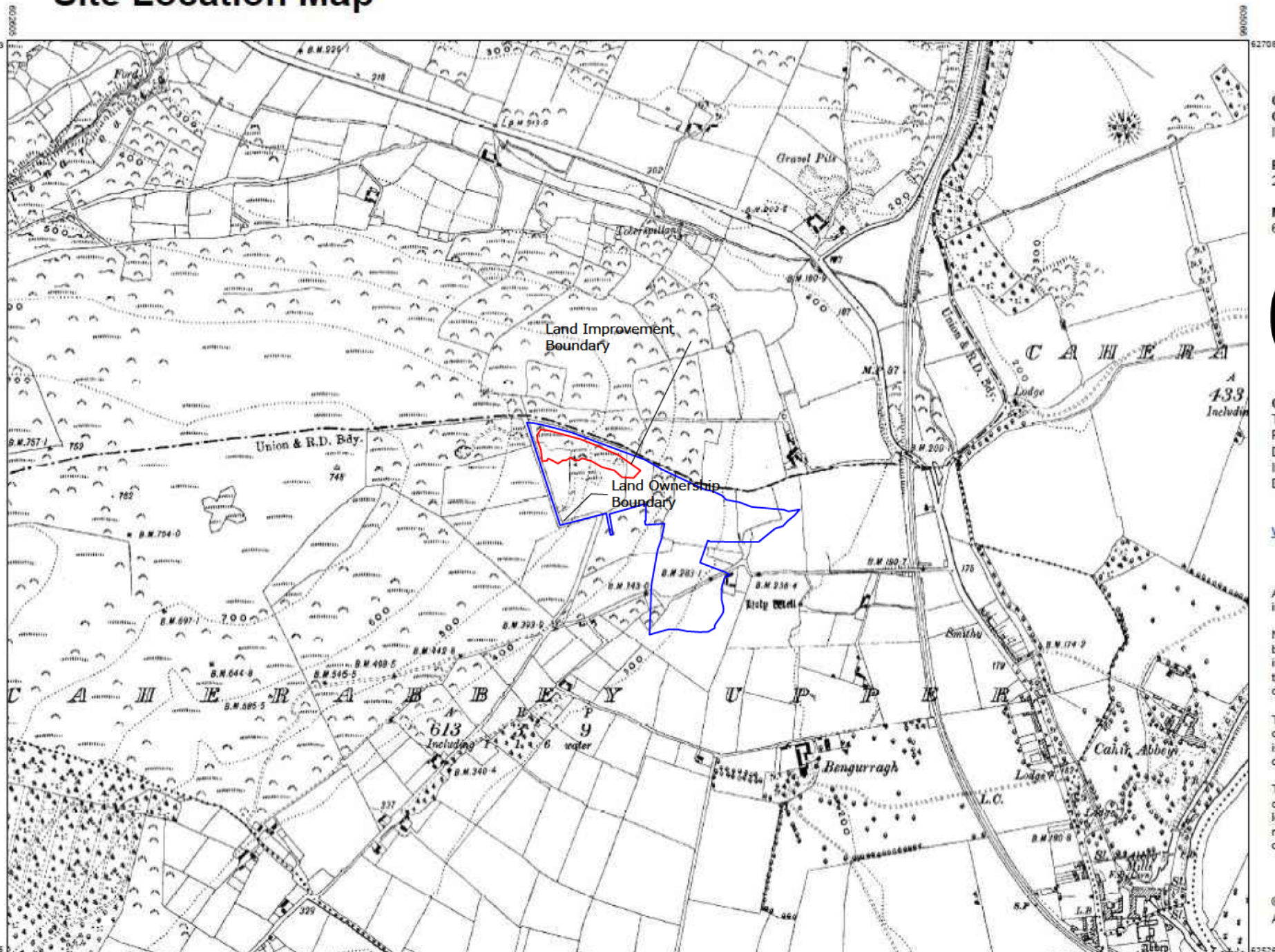
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Comhairle Contae Thiobraid Árann
Tipperary County Council

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

Comhairle Contae
Thiobraid Árann,
Oifigí Cathartha,
An tAonach,
Co. Thiobraid Árann
Tipperary County Council,
Civic Offices, Nenagh,
Co. Tipperary
E45 A099

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

Date: 12th May 2026

Our Ref: S5/26/67

Civic Offices, Nenagh

**John O Connor
C/O NRG Ltd
Main St
Ballyporeen
Cahir
Co. Tipperary
E21 KW90**

Re: Application for a Section 5 Declaration – Carrying out land improvement works involving infilling of part of a field with inert soil and clay to level the field and improve trafficability and productivity of the land. Also to help reduce machinery risk of overturning on the land at Cahir Abbey Upper, Cahir, Co Tipperary.

Dear Sir/Madam,

I acknowledge receipt of your application for a Section 5 Declaration received on 11th May 2026, in connection with the above.

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

Yours sincerely

for **Director of Services**

Tipperary County Council

Application for Declaration on Exempted Development under Section 5 of the Planning and Development Act 2000

Declaration Reference No.: S5/26/67

Query : Whether the carrying out of land improvement works involving infilling of part of a field with inert soil and clay to level the field and improve trafficability and productivity of the land is development and if so, does it constitute exempted development.

Location: Cahir Abbey Upper, Cahir, Co Tipperary.

Querist: NRGE Ltd.

Owner/Occupier: John O Connor.

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1 Introduction

1.1 Query

1.1.1 A question has arisen pursuant of Section 5 of the Planning and Development Act 2000 (as amended) as to whether the following;

the carrying out of land improvement works involving infilling of part of a field with inert soil and clay to level the field and improve trafficability and productivity of the land

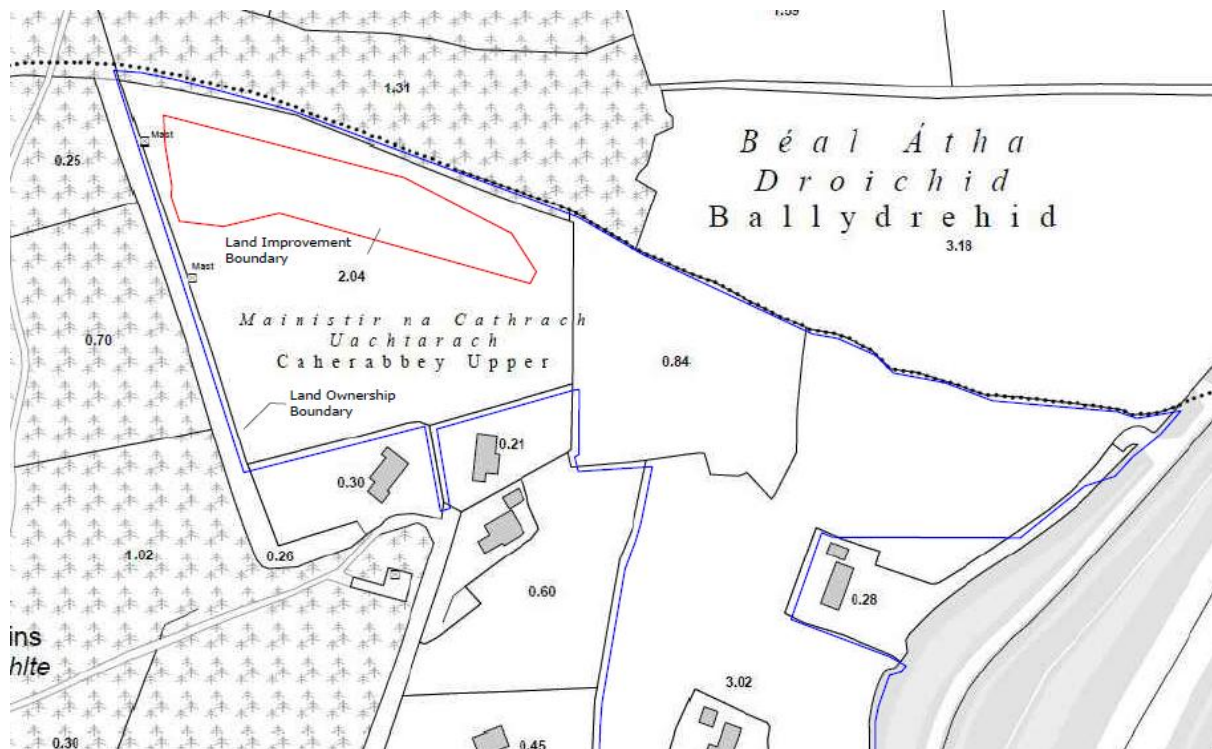
is development and if so, does it constitute exempted development. The site comprises of a landholding in Cahir Abbey Upper, Cahir, Co Tipperary.

2 Site Location and History

2.1 Site location

2.1.1 The site is located the rural townlands of Cahir Abbey Upper, Cahir, Co Tipperary. It has an area of 0.48 hectares. The site is c. 2 kms to the north west of the town of Cahir. The site is in an elevated position relative to the town, with land levels continuing to rise further north.

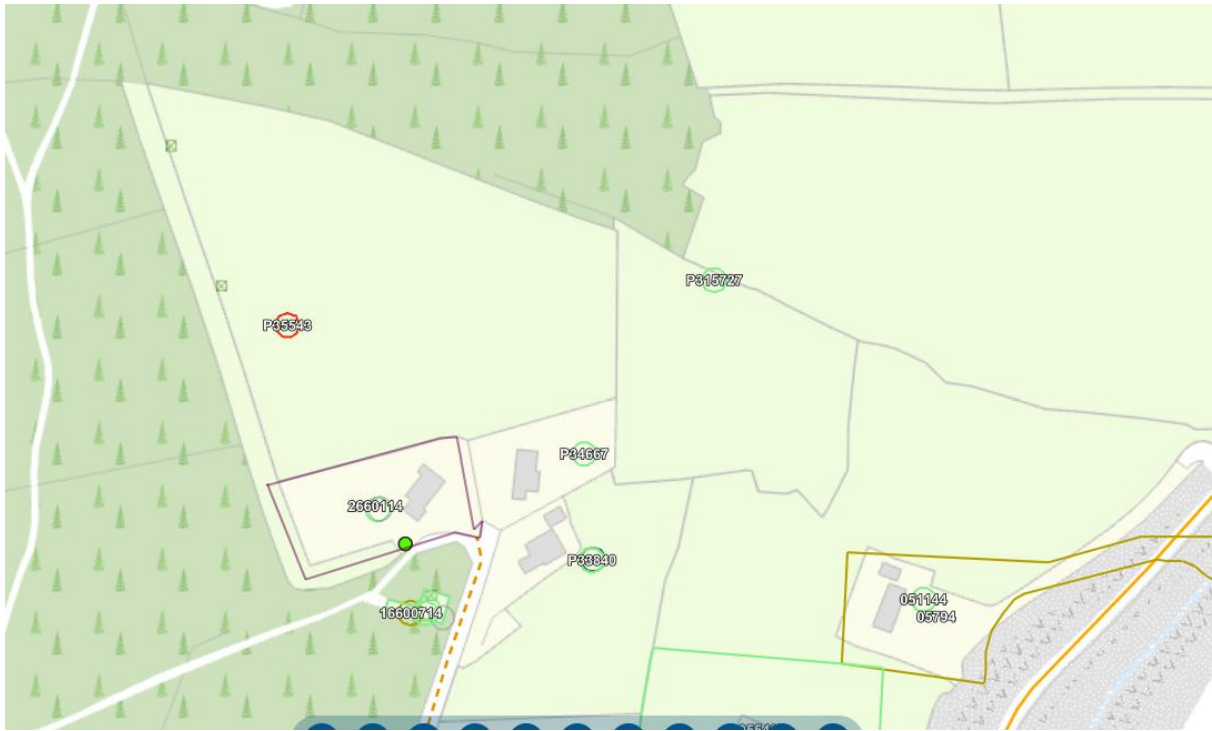
Figure 1 Site location



2.2 Planning History

Pl ref: P35513 2 Houses refused

Figure 2 Planning history



3 Legislative Context

3.1 Planning and Development Act 2000 (as amended)

- 3.1.1 According to **Section 2(1)** of the **Planning and Development Act (as amended)**, the definition of “Works” includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal.
- 3.1.2 According to **Section 3(1)** of the **Planning and Development Act (as amended)**, “development” means, save where the context otherwise requires, the carrying out of works on, in or under land or the making of any material change in the use of any structures or other land.
- 3.1.3 Section 4 of the same Act lists works that would be considered exempted development. Of particular relevance is section 4(1)(a) of the Act considers development consisting of the use of any land for the purpose of agriculture and development consisting of the use for that purpose of any building occupied together with land so used to be exempted development.

3.2 Planning and Development Regulations

- 3.2.1 **Article 8** of said Regulations, 8C considers 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, to be exempted development.
- 3.2.2 **Article 9** of said Regulations lists a series of restrictions on exemptions. These restrictions only apply to exemptions relating to Article 6 and do not relate to exemptions set out under Article 8.

4 Assessment

4.1 Works Proposed

4.1.1 For the purpose of this declaration, the query relates, to the following activities

the carrying out of land improvement works involving infilling of part of a field with inert soil and clay to level the field and improve trafficability and productivity of the land

4.2 Is it development?

4.2.1 Having regard to Sections 2(1) and 3(1) of the Planning and Development Act 2000 (as amended), it is considered that the proposal as set out in paragraph 4.1.1 above, constitutes development.

4.3 Is it exempted development?

4.3.1 In the details submitted by the applicant, it is clearly indicated that inert soil and stone is to be imported into the site to fill a depressed area and to reinstate with top soil to return the void to agricultural use also to fill the eastern side of the field to reduce the slope which would reduce over-turning risks when operating farm vehicles.

4.3.2 The proposal will involve raising the entire area approximately 0.5m and using imported soil for finishing and reinstating. The area to be filled is approximately 4800m², this would equate to a volume of 2440m³ and a tonnage of 4395 Tonnes.

4.3.3 It is clear from the details submitted that the applicant is not utilising soil from within the land holding for the recontouring activity. Soil and stone are to be imported over a two year period.

4.3.4 There is no exemption allowing for the importation of waste material onto a landholding for the purposes of recontouring land levels.

4.4 Environmental assessment

Environmental Impact Assessment

4.4.1 The provisions of Sections 4(4) and 4 (4A) of the Act which states the following:

(4) 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.

(4A) Notwithstanding subsection (4), the Minister may make regulations prescribing development or any class of development that is—

(a) authorised, or required to be authorised by or under any statute (other than this Act) whether by means of a licence, consent, approval or otherwise, and

(b) as respects which an environmental impact assessment or an appropriate assessment is required,

to be exempted development.

4.4.2 The subject proposal is considered having regard to Class 11 (b) Installations for the disposal of waste with an annual intake greater than 25,000 tonnes as included in Schedule 5 Part 2 . of the Planning and Development Regulations 2001 (as amended). The Planning Authority is satisfied that it is significantly below the 25,000 tonne threshold. Accordingly, an EIA is not required (see screening attached).

Appropriate Assessment

4.4.3 The provisions of Section 177U(9) of the Act state the following:

(9) In deciding upon a declaration or a referral under section 5 of this Act a planning authority or the Board, as the case may be, shall where appropriate, conduct a screening for appropriate assessment in accordance with the provisions of this section.

4.4.4 There are two SAC's within 15 kms of the subject site, the lower River Suir SAC and the Galtee mountains SAC.

4.4.5 Based on the details as submitted and the information available relating to Natura 2000 sites, the Planning Authority is satisfied that given the nature of the development and the location of the development relevant to the closest European site (lower River Suir), the development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on the Natura 2000 network and appropriate assessment is not therefore required.

4.4.6 The Planning Authority is satisfied that given the significant separation distance between the site and the Lower River Suir SAC, significant negative impacts are unlikely. There are no ecological or hydrological connections between other EU sites and subject site. It is therefore determined that a Stage 2 Appropriate Assessment is not required.

5 Recommendation

5.1 Query

A question has arisen as to whether the following;

the carrying out of land improvement works involving infilling of part of a field with inert soil and clay to level the field and improve trafficability and productivity of the land

constitutes development and if so does it constitute exempted development. The works are located on an existing agricultural landholding in Cahirabbey Upper, Cahir, Co. Tipperary.

5.1.1 Part 5 of the Planning and Development Act 2000 (as amended) requires a Planning Authority to make a declaration on any question that arises as to what is or is not development. In determining this query, the Planning Authority had regard to;

- Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended),
- Article 8 of the Planning and Development Regulations 2001 (as amended)
- the details pertaining to the development as set out by the querist.

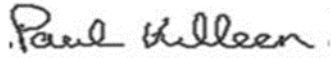
5.2 Conclusions

5.2.1 Having regard to the above assessment, the Planning Authority has concluded that;

- Inert soil and stone, a waste material is to be imported onto the site for the purposes of filling a depression on site,
- the development does not fall under article 8C or any other exempted development provision under the Regulations or Act.
- The development would not be likely to have a significant effect on the Lower River Suir SAC or any other European site.

5.3 Determination

- 5.3.1 Accordingly, having considered the information received, the Planning Authority has determined that the development as presented in the details provided with the Declaration application constitutes “development” within the meaning of the Planning and Development Act 2000 but “does not constitute exempted development” as the soil and stone to be used in the development is imported onto the site and is not derived from with the querist farm holding. It is also considered that the proposal exceeds recontouring and is more akin to infilling.



Paul Killeen

Executive Planner

15/05/26



Caroline Conway

Senior Executive Planner

22.5.2026

HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT

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

(a) File Reference No:	S5/26/67
(b) Brief description of the project or plan:	Filling of land,
(c) Brief description of site characteristics:	Existing agricultural field in rural area
(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW	n/a
(e) Response to consultation:	n/a

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
Lower River Suir SAC 002137	https://www.npws.ie/protected-sites/sac/002137	c. 1.3 kilometres	No due to distance and the lack of any relevant ex-situ factors of significance to these species.	No
Galtee Mountain SAC 000646	https://www.npws.ie/protected-sites/sac/000646	7.4 kms	No due to distance and the lack of any relevant ex-situ factors of significance to these species.	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.)
<p>Construction phase e.g.</p> <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 	<p>given the significant separation distance between the site and the Lower River Suir SAC, significant negative impacts are unlikely</p>
<p>Operational phase e.g.</p> <ul style="list-style-type: none"> • Direct emission to air and water • Surface water runoff containing contaminant or sediment • Lighting disturbance • Noise/vibration • Changes to water/groundwater due to drainage or abstraction • Presence of people, vehicles and activities • Physical presence of structures (e.g. collision risks) • Potential for accidents or incidents 	<p>No potential impacts</p>
<p>In-combination/Other</p>	<p>No potential impacts</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"> • 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 	<p>No potential impacts</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 will not 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:	Paul Killeen	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15%;">Date:</td> <td style="width: 85%;">15/05/26</td> </tr> </table>	Date:	15/05/26
Date:	15/05/26			

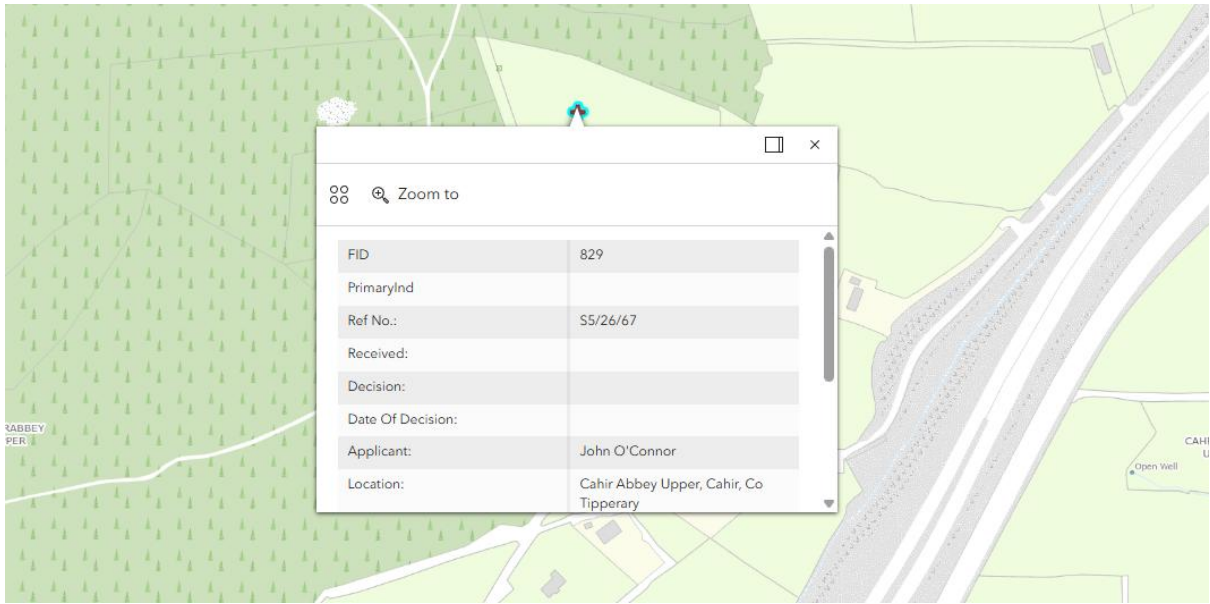
EIA PRE-SCREENING	
Establishing a development is a 'sub-threshold development'	
File Reference:	S5/26/67
Development Summary:	filling of land
Was a Screening Determination carried out under Section 176A-C?	<input type="checkbox"/> Yes, no further action required <input checked="" type="checkbox"/> No, 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 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 checked="" type="checkbox"/> Yes the project is of a type listed but is <i>sub-threshold</i> : <u>Class 11 (b) Installations for the disposal of waste with an annual intake greater than 25,000 tonnes not included in Part 1 of this Schedule.</u>	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 checked="" type="checkbox"/> No, Schedule 7A information/screening report has not been submitted by the applicant	Preliminary Examination required

Preliminary Examination:
The planning authority shall carry out a preliminary examination of, at the least, the nature, size or location of the development.

	Comment:	Yes/No/ Uncertain:
<p>Nature of the development: <i>Is the nature of the proposed development exceptional in the context of the existing environment?</i></p> <p><i>Will the development result in the production of any significant waste, or result in significant emissions or pollutants?</i></p>	Proposal is on a small site	No
<p>Size of the development: <i>Is the size of the proposed development exceptional in the context of the existing environment?</i></p> <p><i>Are there cumulative considerations having regard to other existing and/or permitted projects?</i></p>	0.48ha	No
<p>Location: <i>Is the proposed development located on, in, adjoining or does it have the potential to impact on an ecologically sensitive site or location?¹</i></p> <p><i>Does the proposed development have the potential to affect other significant environmental sensitivities in the area?</i></p>	Rural area	No
Preliminary Examination Conclusion:		
Based on a preliminary examination of the nature, size or location of the development. (Tick as appropriate)		
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>There is no real likelihood of significant effects on the environment.</p> <p>EIA is not required.</p>	<p>There is real likelihood of significant effects on the environment.</p> <p>An EIAR is required.</p>	<p>There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</p> <p>Request the applicant to submit the Information specified in Schedule 7A for the purposes of a screening determination.</p> <p>Proceed to Screening Determination.</p>
Signature and Date of Recommending Officer:	Paul Killeen 15/05/26	

¹ Sensitive locations or features includes European sites, NHA/pNHA, Designated Nature Reserves, land designated as a refuge for flora and fauna, and any other ecological site which is the objective of a CDP/LAP (including draft plans).

Figure 3 Site entered on Planning register



Original

TIPPERARY COUNTY COUNCIL

DELEGATED EMPLOYEE'S ORDER

File Ref: **S5/26/67** **Delegated Employee's Order No:** _____

SUBJECT: Section 5 Declaration

I, Brian Beck, Director of Services, Tipperary County Council, by virtue of the powers delegated to me in accordance with the provisions of Section 154 of the Local Government Act 2001, as amended by Schedule 1, Part 1 of the Local Government Reform Act 2014 under Chief Executive's Order No. 44188 dated 3rd October, 2025, hereby order that pursuant to the provisions of the Planning and Development Act 2000, as amended, that an application under Section 5 from John O Connor, C/O NRG Ltd, Main St, Ballyporeen, Cahir, Co. Tipperary, E21 KW90, re: Whether the carrying out of land improvement works involving infilling of part of a field with inert soil and clay to level the field and improve trafficability and productivity of the land is development and if so, does it constitute exempted development at Cahir Abbey Upper, Cahir, Co Tipperary is development and is exempted development.

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

- Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended),
- Article 8 of the Planning and Development Regulations 2001 (as amended)
- the details pertaining to the development as set out by the querist.

Tipperary County Council has concluded that

- Inert soil and stone, a waste material is to be imported onto the site for the purposes of filling a depression on site,
- the development does not fall under article 8C or any other exempted development provision under the Regulations or Act.
- The development would not be likely to have a significant effect on the Lower River Suir SAC or any other European site.

Accordingly, having considered the information received, the Planning Authority has determined that the development as presented in the details provided with the Declaration application constitutes "development" within the meaning of the Planning and Development Act 2000 but "**does not constitute exempted development**" as the soil and stone to be used in the development is imported onto the site and is not derived from with the querist farm holding. It is also considered that the proposal exceeds recontouring and is more akin to infilling.

Signed: Brian Beck
Brian Beck
Director of Services

Date: 26/05/2026



Date: 26th May 2026

Our Ref: S5/26/67

Civic Offices, Nenagh

**John O Connor
C/O NRG Ltd
Main St
Ballyporeen
Cahir
Co. Tipperary
E21 KW90**

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

Dear Sir/Madam,

I refer to your application for a Section 5 Declaration received on 11th May 2026 in relation to the following proposed works:

Whether the carrying out of land improvement works involving infilling of part of a field with inert soil and clay to level the field and improve trafficability and productivity of the land is development and if so, does it constitute exempted development at Cahir Abbey Upper, Cahir, 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 –

- Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended),
- Article 8 of the Planning and Development Regulations 2001 (as amended)
- the details pertaining to the development as set out by the querist.

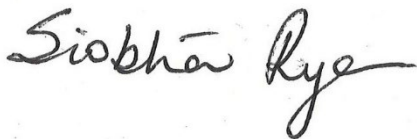
Tipperary County Council has concluded that:

- Inert soil and stone, a waste material is to be imported onto the site for the purposes of filling a depression on site,
- the development does not fall under article 8C or any other exempted development provision under the Regulations or Act.
- The development would not be likely to have a significant effect on the Lower River Suir SAC or any other European site.

Accordingly, having considered the information received, the Planning Authority has determined that the development as presented in the details provided with the Declaration application constitutes "development" within the meaning of the Planning and Development Act 2000 but "**does not constitute exempted development**" as the soil and stone to be used in the development is imported onto the site and is not derived from with the querist farm holding. It is also considered that the proposal exceeds recontouring and is more akin to infilling.

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

Yours sincerely



for **Director of Services**

CC: Gerard Walsh, Cahir Abbey Upper, Cahir, Co Tipperary.