



Tipperary County Council
RECEIVED
29 OCT 2024
CASH OFFICE
Civic Offices, Cionnail

Receipt No 186434
Issued 29 10 2024
€80-00 Cash

PLANNING & DEVELOPMENT ACT, 2000 (as amended)

Application for a Section 5 Declaration
Development / Exempted Development

1. Applicant's address/contact details:

Applicant	MILÓ POWER
Address	BALLY NEILL CARRICK. ON SUIR Co. TIPPERARY E32YT28
Telephone No.	[REDACTED]
E-mail	[REDACTED]

TIPPERARY CO. COUNCIL
RECEIVED
29 OCT 2024
PLANNING SECTION
FILE NO.

2. Agent's (if any) address:

Agent	JIMMY FLYNN
Address	FLYNN ASSOCIATES COOLNAMUCK ROAD CARRICK BEG CARRICK. ON. SUIR Co. TIPPERARY
Telephone No.	[REDACTED]
E-mail	[REDACTED]

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)	BALLY NEILL CARRICK. ON SUIR Co. TIPPERARY E32YT28
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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.)

PROPOSED AGRICULTURAL FARM STORE
FLOOR AREA 289 M2 TO BE LOCATED
ON THE FARM HOLDING OF MILO POWER
Proposed floor area of proposed works/uses: 289 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) Milo Power

Date: OCTOBER 29TH 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 0818 06 5000		
E-Mail planning@tipperarycoco.ie		

FOR OFFICE USE ONLY

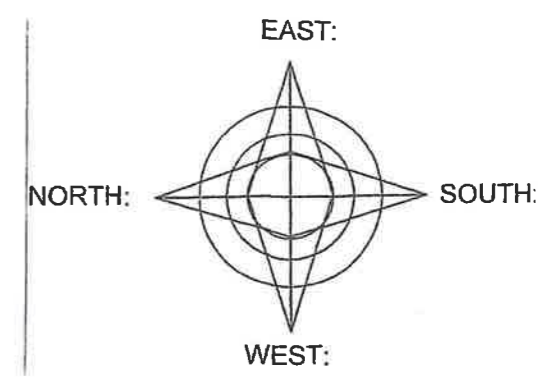
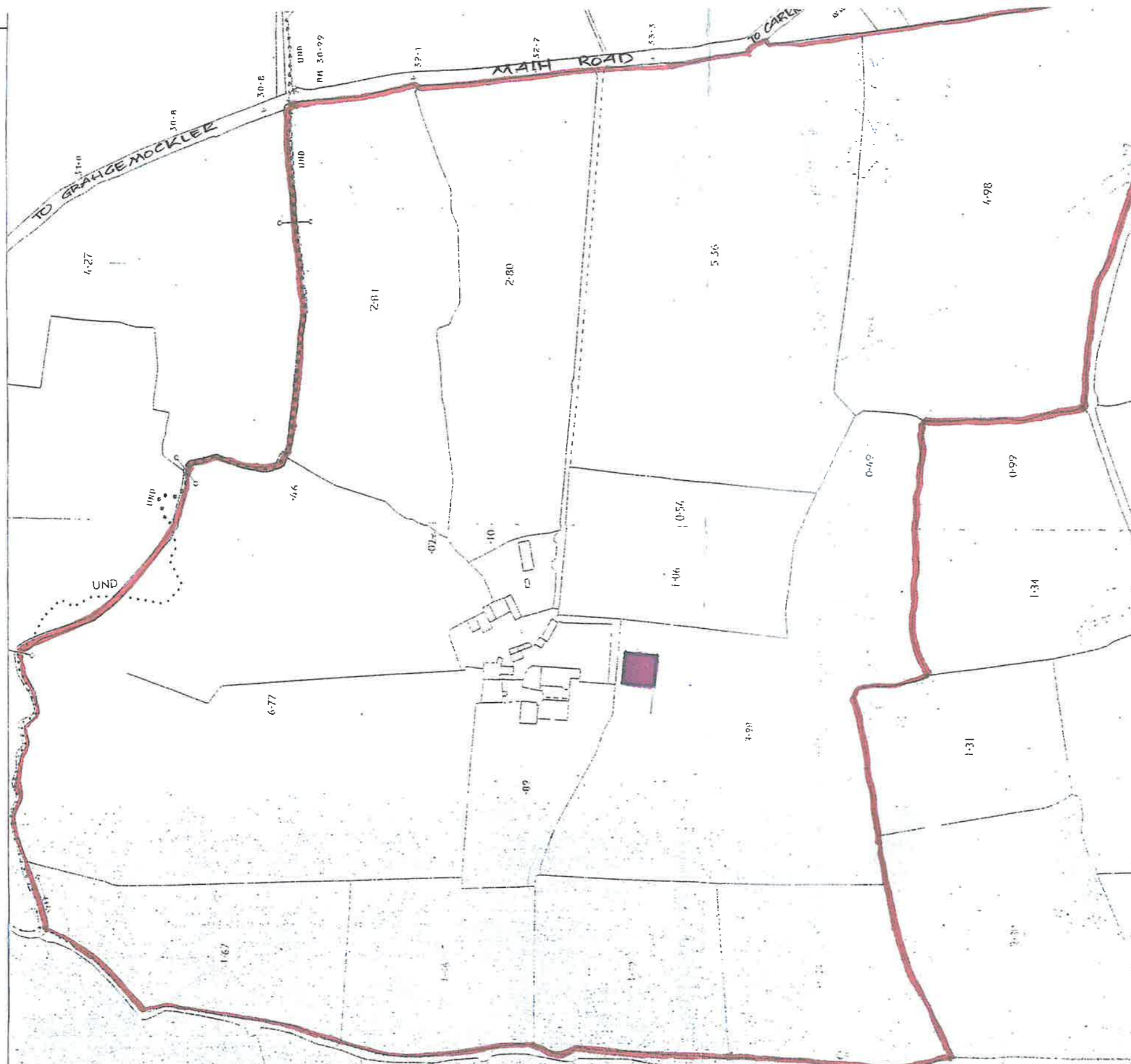
DATE STAMP

Fee Recd. € _____

Receipt No _____



Date _____

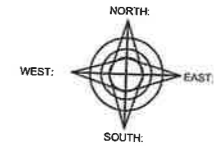
Received by _____



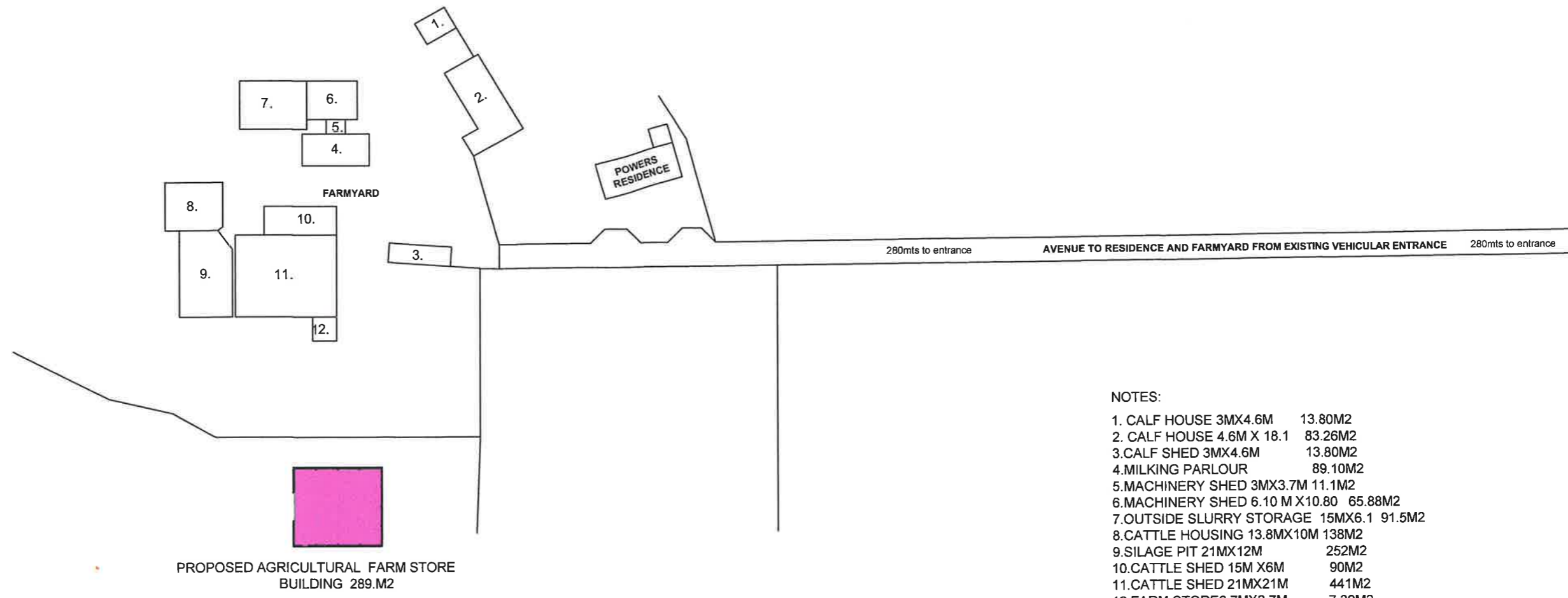
SITE LOCATION MAP

ITM: 635918, 626476.
OS. SHEETS: 5373- A
5372- B

Notes	LAND BOUNDARIES  AGRICULTURAL FARM STORE BUILDING 	Revisions	<p style="color: red; text-align: center; font-weight: bold;">APPLICATION FOR SECTION 5 DECLARATION</p>	PROJECT APPLICATION FOR SECTION 5 DECLARATION FOR PROPOSED AGRICULTURAL FARM STORE AT BALLYNEILL, CARRICK-ON-SUIR, CO. TIPPERARY. E32YT8.	
				Title SITE LOCATION MAP / LANDHOLDING MAP	Client MILO POWER
				Sheet No. 05.AFS.5	Scale 1:2500@A3
				Date APRIL: 2024	



BALLYNEILL



NOTES:

- 1. CALF HOUSE 3MX4.6M 13.80M2
- 2. CALF HOUSE 4.6M X 18.1 83.26M2
- 3. CALF SHED 3MX4.6M 13.80M2
- 4. MILKING PARLOUR 89.10M2
- 5. MACHINERY SHED 3MX3.7M 11.1M2
- 6. MACHINERY SHED 6.10 M X10.80 65.88M2
- 7. OUTSIDE SLURRY STORAGE 15MX6.1 91.5M2
- 8. CATTLE HOUSING 13.8MX10M 138M2
- 9. SILAGE PIT 21MX12M 252M2
- 10. CATTLE SHED 15M X6M 90M2
- 11. CATTLE SHED 21MX21M 441M2
- 12. FARM STORE 2.7MX2.7M 7.30M2

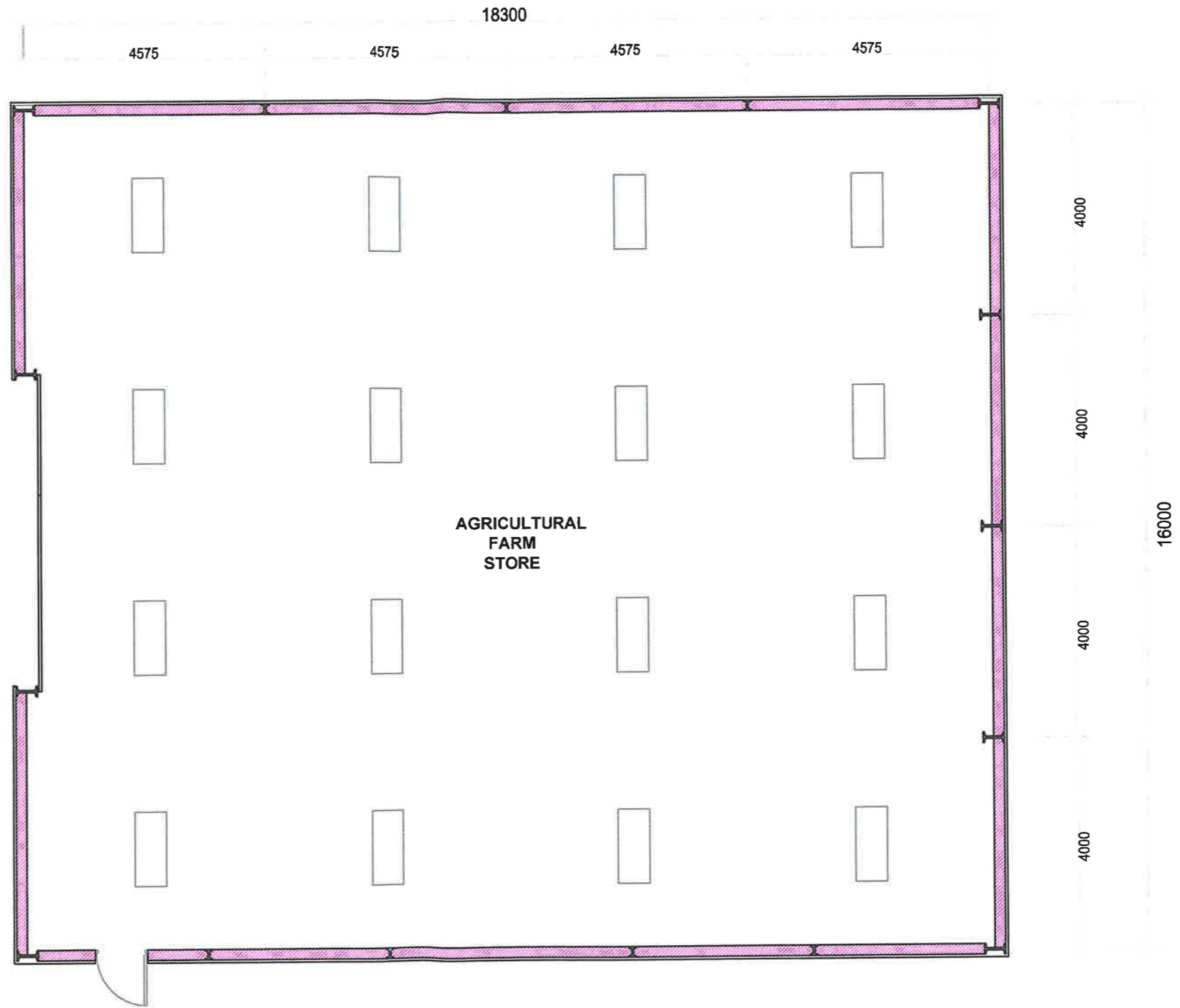
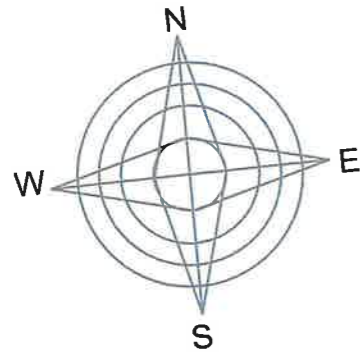
TOTAL AREAS OF EXISTING FARM BUILDINGS 1296.74M2

PROPOSED AGRICULTURAL FARM STORE BUILDING 289.M2

SITE LAYOUT SCALE :1:500

Notes	Revisions		PROJECT APPLICATION FOR SECTION 5 DECLARATION FOR PROPOSED AGRICULTURAL FARM STORE AT BALLYNEILL, CARRICK-ON-SUIR, CO. TIPPERARY. E32YT8.			
			Title	SITE LAYOUT.		
			Client	MILO POWER		
			Sheet No.	06.AFS.	Scale	1-500@a3
				Date	OCTOBER 2024	

APPLICATION FOR SECTION 5 DECLARATION



PROPOSED FLOOR PLAN OF STORE
FLOOR AREAS: DET. GARAGE 289.00M2 . 3109.00 SQ. FT.

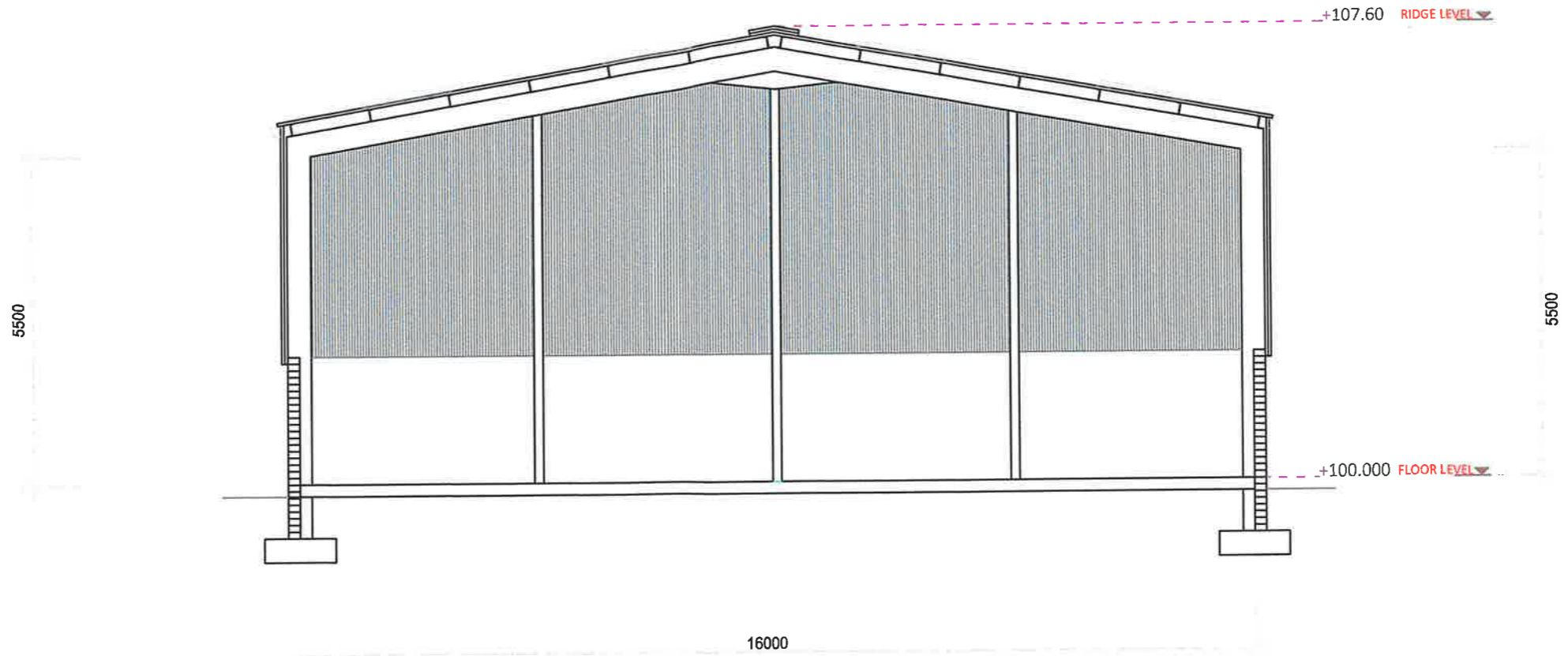
Notes	Revisions		PROJECT APPLICATION FOR SECTION 5 DECLARATION FOR PROPOSED AGRICULTURAL FARM STORE AT BALLYNEILL , CARRICK-ON-SUIR, CO.TIPPERARY. E32YT28	
			Title	PROPOSED PLAN OF AGRICULTURAL FARM STORE
			Client	MILO POWER
			Sheet No.	01.AFS5.
			Scale	1-100
			Date	OCTOBER 2024

APPLICATION FOR SECTION 5 DECLARATION

TEGRAL SHEETING TO ROOF
AND
GABLES / SIDES

STEEL PORTAL FRAME

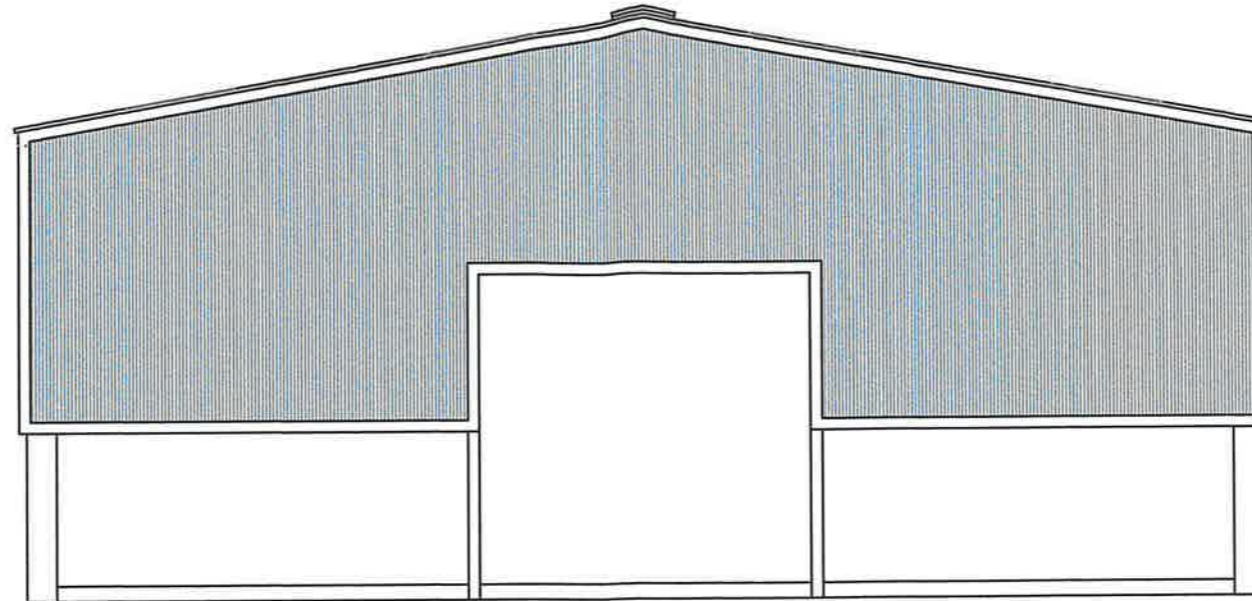
CONCRETE FLOOR



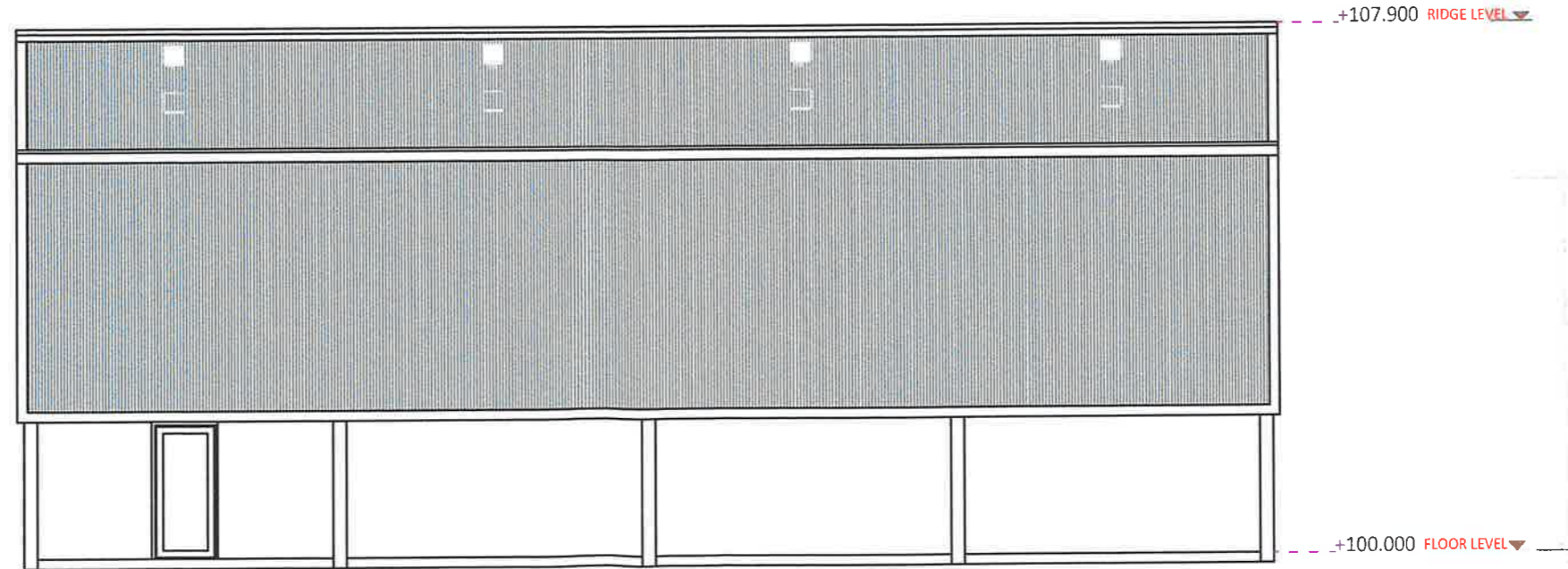
SECTION STORE

Notes	Revisions		PROJECT APPLICATION FOR SECTION 5 DECLARATION FOR PROPOSED AGRICULTURAL FARM STORE AT BALLYNEILL, CARRICK-ON-SUIR, CO.TIPPERARY. E32YT28		
			Title SECTION AGRICULTURAL FARM STORE		
			Client MILO POWER		
			Sheet No. 02.AFS5.	Scale 1-100	Date OCTOBER 2024
			JIMMY FLYNN - FLYNN ASSOCIATES Est. 1978 - Coolnamuck Rd. Carrick Beg, Carrick on Suir. E-Mail:jimmyjosephflynn@gmail.com Office: 051 640740, Mob: 087 7553403		

APPLICATION FOR SECTION 5
DECLARATION



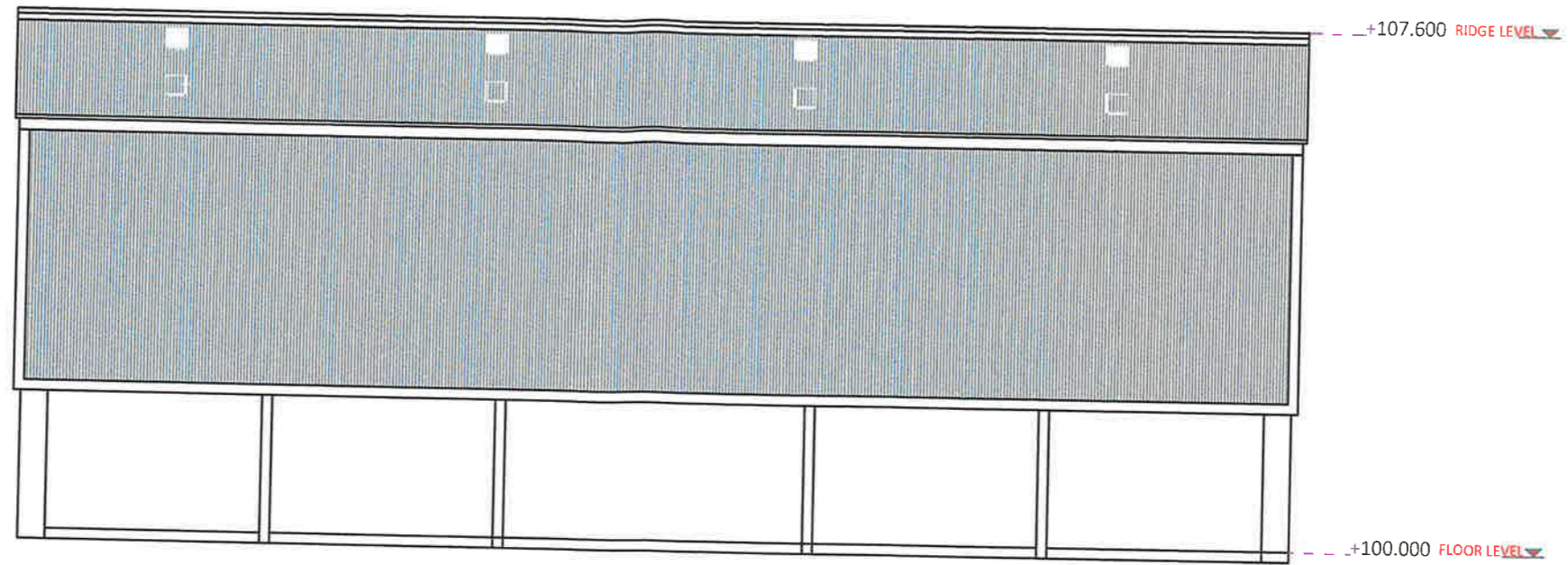
PROPOSED WEST ELEVATION



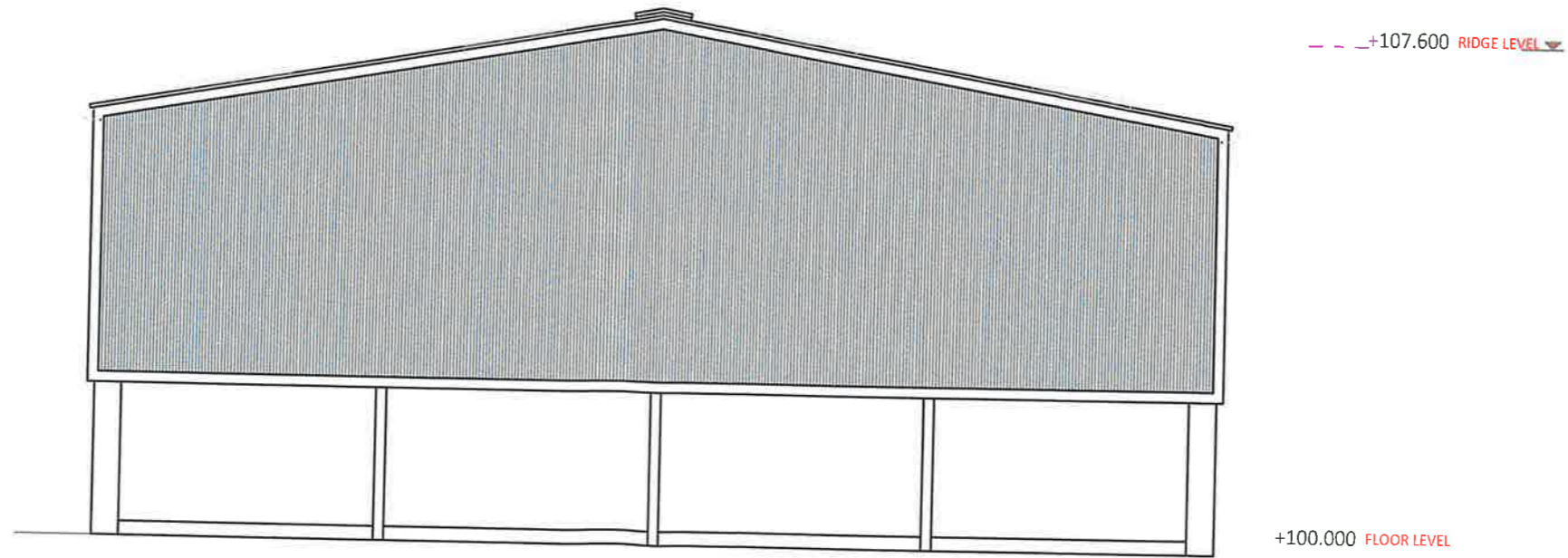
PROPOSED SOUTH ELEVATION

Notes	Revisions		PROJECT APPLICATION FOR SECTION 5 DECLARATION FOR PROPOSED AGRICULTURAL FARM STORE AT BALLYNEILL, CARRICK-ON-SUIR, CO.TIPPERARY. E32YT28		
			Title ELEVATIONS SOUTH AND WEST AGRICULTURAL FARM STORE		
			Client MILO POWER		
			Sheet No. 03.AFS5.	Scale 1-100	Date OCTOBER 2024
			JIMMY FLYNN - FLYNN ASSOCIATES Est.1978 - Coolnamuck Rd. Carrick Beg, Carrick on Suir. E-Mail:jimmyjosephflynn@gmail.com Office: 051 640740, Mob: 087 7553403		

APPLICATION FOR SECTION 5 DECLARATION



PROPOSED NORTH ELEVATION



PROPOSED EAST ELEVATION

Notes

Revisions

APPLICATION FOR SECTION 5
DECLARATION

PROJECT APPLICATION FOR SECTION 5 DECLARATION
FOR PROPOSED AGRICULTURAL FARM STORE
AT BALLYNEILL, CARRICK-ON-SUIR, CO.TIPPERARY. E32YT28

Title ELEVATIONS NORTH AND EAST AGRICULTURAL FARM STORE

Client MILO POWER

Sheet No. 04.AFS5.

Scale 1-100@A3

Date OCTOBER 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
Thiobraid Árann,
Oifigí 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: 29th October 2024

Our Ref: S5/24/126

Civic Offices, Clonmel

**Milo Power,
C/o Jimmy Flynn,
Jimmy Flynn and Associates,
Coolnamuck Road,
Carrickbeg,
Carrick on Suir,
Co. Tipperary.**

Re: Application for a Section 5 Declaration – Proposed agricultural farm store.

Dear Mr. Flynn,

I acknowledge receipt of your application for a Section 5 Declaration received on 29th 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,

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 Ref.: S5/24/126
Applicant: Milo Power
Development Address: Ballyneale, Carrick on Suir, Co. Tipperary
Query: Is the construction of a storage shed on the farm holding, measuring 289 sqms exempted development under Class 9 of the Planning and Development Regulations 2001, as amended.

1. GENERAL

On the 29th of October 2024, a request was made for a declaration under Section 5 of the Planning and Development Act, 2000 (as amended) by Jimmy Flynn, acting on behalf of Milo Power, as to whether the construction of a storage shed on the farm holding, measuring 289 sqms is exempted development under Class 9 of the Planning and Development Regulations 2001, as amended.

2. STATUTORY PROVISIONS

The following statutory provisions are relevant to this referral case;

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.”

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.

Planning and Development Regulations 2001, as amended

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

Exempted Development.

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

6. (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.

Article 9 of the same Regulations 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—

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

(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,

Schedule 2 Part 3 Class 9 includes an exemption for;

Works consisting of the provision of any store, barn, shed, glass-house or other structure, not being of a type specified in class 6, 7 or 8 of this Part of this Schedule, and having a gross floor space not exceeding 300 square metres.

1. No such structure shall be used for any purpose other than the purpose of agriculture or forestry, but excluding the housing of animals or the storing of effluent.

2. The gross floor space of such structures together with any other such structures situated within the same farmyard complex or complex of such structures or within 100 metres of that complex shall not exceed 900 square metres gross floor space in aggregate.

3. No such structure shall be situated within 10 metres of any public road.

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

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

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

3. ASSESSMENT

a. *Site Location*

The site is located c1.5 kms to the north of the village of Ballyneill, Co. Tipperary. It forms part of an existing farm complex that is set back c.336 ms from the public road to the east (R-696). There are a number of third party properties in the immediate vicinity of the site. The closest property is c. 409 metres to the west of the subject structures.

b. *Relevant Planning History*

P34412 – septic tank bungalow- granted

Section 5 24/41 – determined that the construction of an agricultural storage shed of 331 sq m was not exempted development.

Section 5 24/51 – Application for a declaration in relation to an agricultural storage shed of 289 sq m. Further Information Request issued as follows;

The applicant is advised that Condition and Limitation No. 2 attached to Class 9 of Schedule 2 of Part 3 of the Planning and Development Regulations 2001, as amended, requires that;

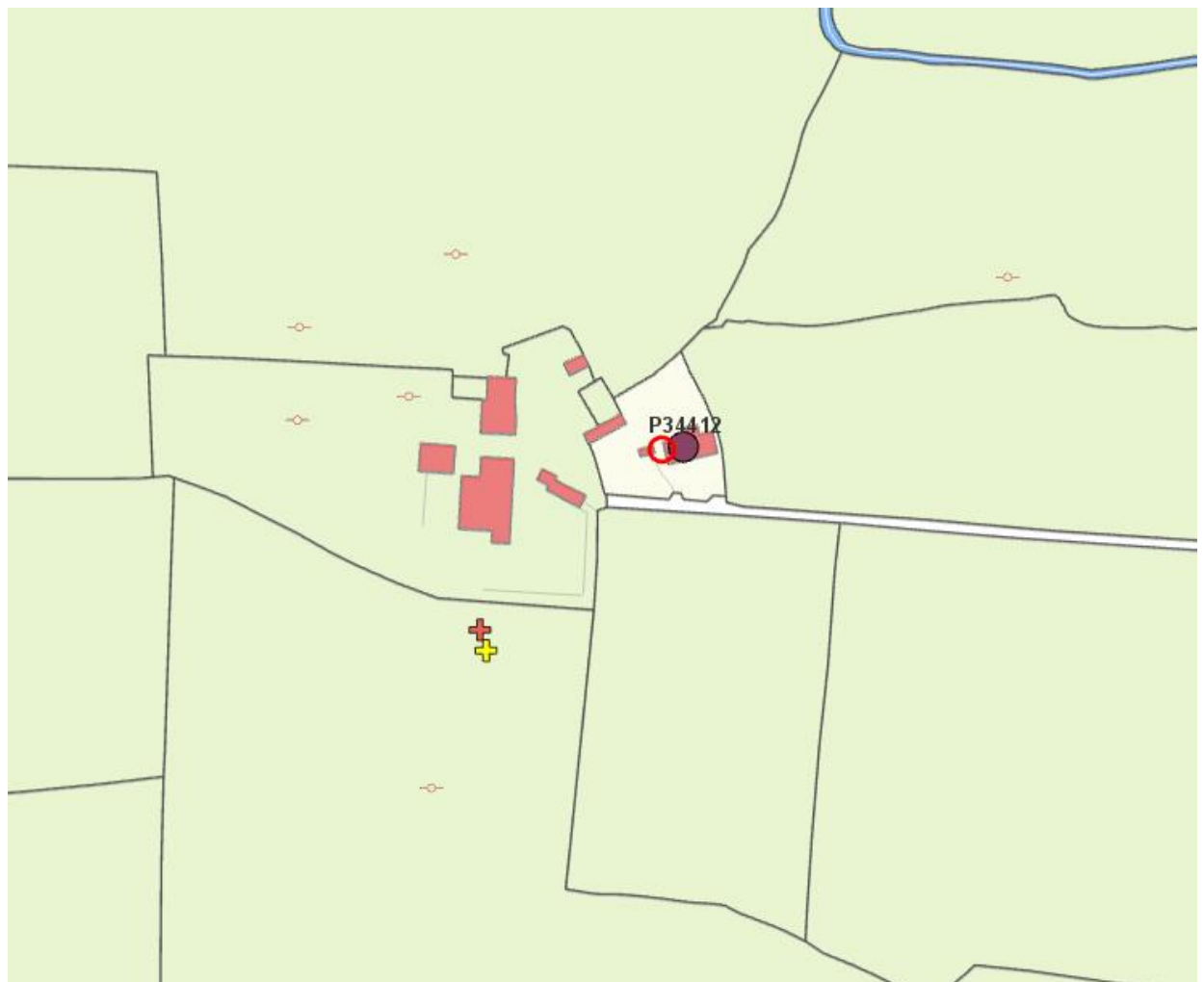
2. The gross floor space of such structures together with any other such structures situated within the same farmyard complex or complex of such structures or within 100 metres of that complex shall not exceed 900 square metres gross floor space in aggregate

The structure (289sq.m) is considered to be located within the existing farm complex and it is unclear if the cumulative floor area of the proposed Class 9 structure on the site and existing Class 9 structures within the existing farmyard complex exceeds 900sq.m. The applicant is requested to submit a revised site plan clearly identifying the use and area of each of the existing structures on the site.

The Further Information Request was not responded to.

Pre-Planning 10229 – Pre-planning for Darren Power for a one off dwelling.

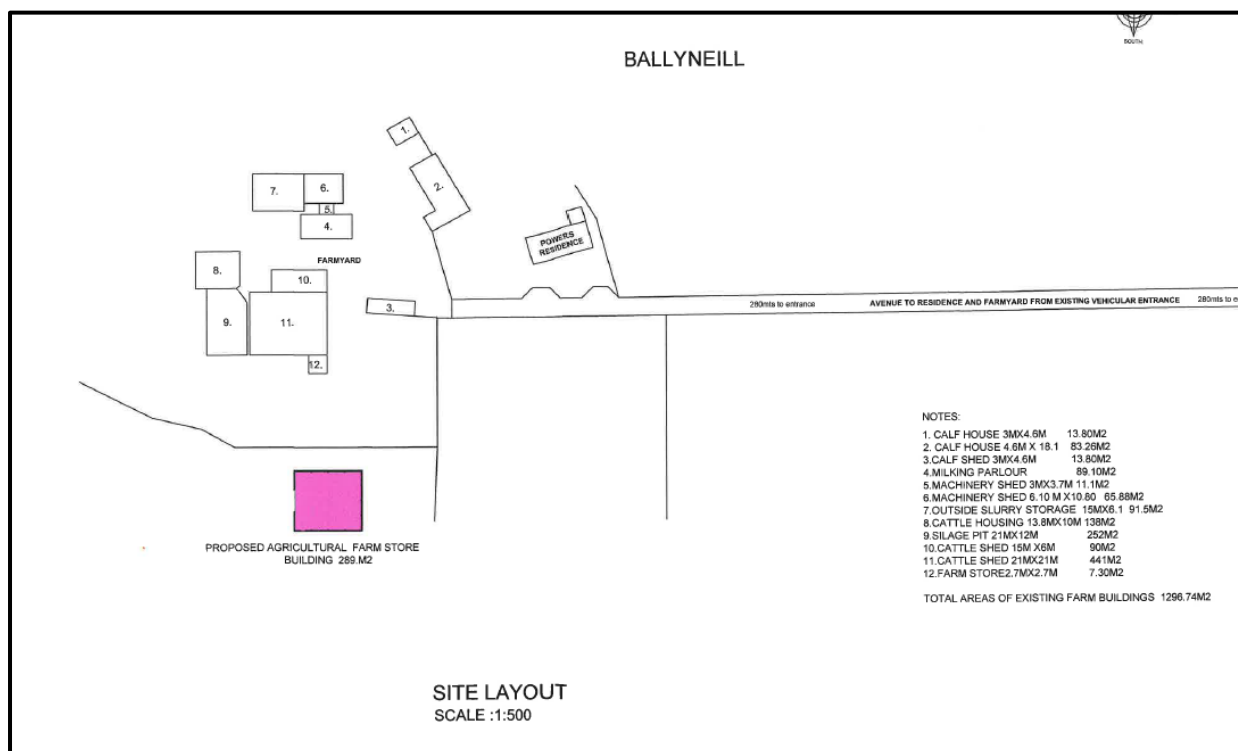
Figure 1 Planning history



c. **Assessment**

The query relates to the construction of a storage shed, measuring a combined 289 sqms. The shed has a width of 18 metres, a length of 18.3 metres and a height of 7.6 ms.

Figure 2 Site Layout



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 proposals involve "works" and such works would constitute "development" within the meaning of Section 3 of the 2000 Act.

B) "Is or is not Exempted Development"

Having regard to the conditions and limitations associate with Class 9 of Schedule 2 Part 3, the following is noted;

- The sheds are used for agricultural storage purposes.
- The 900 sqm threshold for agricultural stores has not yet been exceeded and will not be exceeded by virtue of this proposal (see farm structures list on site layout).
- The structure is not within 10 metres of any public road (set c 410 ms from road).
- The structure is not within 100ms of a third party property.
- The structure will not be finished in unpainted sheet metal.

Based on the details submitted the development constitutes exempted development having regard to the provision of Schedule 2 Part 3 Class 9 of the Planning and Development Regulations (2001) as amended, as none of the conditions or limitations associated with this class of development apply.

C) Is the exemption restricted under Article 9

The farm complex is served by an existing entrance onto the R696. It is not considered that the construction of a storage shed will give rise to road traffic concerns.

Environmental Restrictions

Environmental Impact Assessment

Proposal has been screened as required for EIA and it has been determined that same is not required (See screening report attached).

Appropriate Assessment

Proposal has been screened as required for AA and it has been determined that same is not required (See screening report attached).

4. RECOMMENDATION

A question has arisen as to whether the following;

- The construction of a storage shed on a farm holding measuring 289 sqms at Ballyneale, Carrick on Suir, Co. Tipperary.

constitutes development and if so does it constitute exempted development.

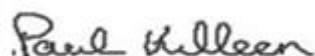
In determining this query, the Planning Authority had regard to;

- Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended),
- Articles 6 and 9 of the Planning and Development Regulations 2001, (as amended)
- Class 9, Schedule 2 Part 3 of the Planning and Development Regulations, 2001,
- the details pertaining to the development as set out by the querist.

Determination

Accordingly, having considered the information received, the Planning Authority has determined that the proposal constitutes “development” and is considered to be “exempted development”.


District Planner:



Paul Killeen

Date: 20/11/24

Senior Executive Planner:



Date: 20.11.2024

Appendix 1

HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT

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

(a) File Reference No:	S5/24/126
(b) Brief description of the project or plan:	Construction of proposed storage shed
(c) Brief description of site characteristics:	Within a farm complex
(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	https://www.npws.ie/protected-sites/sac/002137	4 kms	None	N
Nier Valley Woodlands	https://www.npws.ie/protected-sites/spa/000668	12 kms	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"> • 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>During the construction phase, the site will be cleared and topsoil removed.</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>there is no likelihood of any significant effects on European Sites in the wider catchment area</p>
<p>In-combination/Other</p>	<p>No significant in-combination effects are identified.</p>
<p>(b)Describe any likely changes to the European site:</p>	

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

None.

(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:	Paul Killeen	Date: 20/11/24

APPENDIX 2

EIA Pre-Screening	
Establishing a development is a 'sub-threshold development'	
File Reference:	S5/24/126
Development Summary:	Construction of a proposed storage shed
Was a Screening Determination carried out under Section 176A-C?	<input type="checkbox"/> Yes, no further action required <input checked="" type="checkbox"/> No, Proceed to Part A
A. Schedule 5 Part 1 - Does the development comprise a project listed in Schedule 5, Part 1, of the Planning and Development Regulations 2001 (as amended)? (Tick as appropriate)	
<input type="checkbox"/> Yes, specify class _____ <input checked="" type="checkbox"/> No	EIA is mandatory No Screening required Proceed to Part B
B. Schedule 5 Part 2 - Does the development comprise a project listed in Schedule 5, Part 2, of the Planning and Development Regulations 2001 (as amended) and does it meet/exceed the thresholds? (Tick as appropriate)	
<input checked="" type="checkbox"/> No, the development is not a project listed in Schedule 5, Part 2	No Screening required
<input type="checkbox"/> Yes the project is listed in Schedule 5, Part 2 and meets/exceeds the threshold, specify class (including threshold): _____	EIA is mandatory No Screening required
<input type="checkbox"/> Yes the project is of a type listed but is <i>sub-threshold</i> : _____	Proceed to Part C
C. If Yes, has Schedule 7A information/screening report been submitted?	
<input type="checkbox"/> Yes, Schedule 7A information/screening report has been submitted by the applicant	Screening Determination required
<input type="checkbox"/> No, Schedule 7A information/screening report has not been submitted by the applicant	

		Preliminary Examination required	
Signature and Date of Recommending Officer:	Paul Killeen	Date:	20/11/24



Comhairle Contae Thiobraid Árann
Tipperary County Council

Comhairle Contae
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Cluain Meala,
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Tipperary County Council,
Civic Offices, Clonmel,
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E91 N512

Comhairle Contae
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Co. Thiobraid Árann

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

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t 0818 06 5000
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@tipperarycoco.ie

tipperarycoco.ie

Date: 20th November, 2024

Our Ref: S5/24/126

Civic Offices, Nenagh

Milo Power
C/O Jimmy Flynn
Jimmy Flynn & Associates
Coolnamucka Road
Carrickbeg
Carrick on Suir
Co. Tipperary

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

Dear Mr Power,

I refer to your application for a Section 5 Declaration received on 29th October, 2024, in relation to the following proposed works:

Is the construction of a storage shed on the farm holding, measuring 289 sqms exempted development under Class 9 of the Planning and Development Regulations 2001, as amended **at** Ballyneale, Carrick on Suir, 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)
- Articles 6 and 9 of the Planning and Development Regulations 2001, (as amended)
- Class 9, Schedule 2 Part 3 of the Planning and Development Regulations, 2001,
- the details pertaining to the development as set out by the querist.

Determination

Accordingly, having considered the information received, the Planning Authority has determined that the proposal constitutes "development" and is considered to be "**exempted development**"

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

for **Director of Services**

Original

TIPPERARY COUNTY COUNCIL

DELEGATED EMPLOYEE'S ORDER

File Ref: **S5/24/126** **Delegated Employee's Order No:** _____

SUBJECT: Section 5 Declaration

I, Dave Carroll, A/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 Milo Power, c/o Jimmy Flynn, Jimmy Flynn & Associates, Coolnamuck Road, Carrickbeg, Carrick on Suir, Co. Tipperary, re: the construction of a storage shed on the farm holding, measuring 289 sqms exempted development under Class 9 of the Planning and Development Regulations 2001, as amended at Ballyneale, Carrick on Suir, 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),
- Articles 6 and 9 of the Planning and Development Regulations 2001, (as amended)
- Class 9, Schedule 2 Part 3 of the Planning and Development Regulations, 2001,
- the details pertaining to the development as set out by the querist.

Determination

Accordingly, having considered the information received, the Planning Authority has determined that the proposal constitutes "development" and is considered to be "**exempted development**".

Signed:



Date: 20/11/2024

**Dave Carroll
A/Director of Services
Planning and Development (including Town Centre First),
Emergency Services and Emergency Planning and
Tipperary/Cahir/Cashel Municipal District**