

An
Coimisiún
Pleanála

Direction
ACP-323903-25

The submissions on this file and the Inspector's report were considered at a meeting held on 01/04/2026.

The Commission decided, as set out in the following Order, that

Commission Order as follows:-

WHEREAS a question has arisen as to whether land reclamation and drainage works comprising of the recontouring of an area of agricultural land by the stripping of topsoil to a depth of 50 millimetres, placing drainage stone to a depth of 20 centimetres, and the replacement of topsoil on the area of land, all carried out within a farm holding at Coolagarranroe, Burncourt, County Tipperary is or is not development or is or is not exempted development,

AND WHEREAS William O'Donnell requested a declaration on this question from Tipperary County Council and the Council issued a declaration on the 4th day of November, 2025 stating that the matter is development and is not exempted development,

AND WHEREAS William O'Donnell referred this declaration for review to An Coimisiún Pleanála on the 28th day of November, 2025,

AND WHEREAS An Coimisiún Pleanála, in considering this referral, had regard particularly to:

- (a) Section 2(1), 3(1) and 4(1)(a) of the Planning and Development Act 2000, as amended,
- (b) Article 6(3) and Article 9(1) of the Planning and Development Regulations 2001, as amended,
- (c) Part 3 of Schedule 2 of the Planning and Development Regulations 2001, as amended,
- (d) Article 8B and Article 8C of the Planning and Development Regulations 2001, as amended,
- (e) the submissions on file by the referrer to the planning authority,
- (f) the nature of the activity, and
- (g) the report and recommendation of the Inspector,

AND WHEREAS An Coimisiún Pleanála has concluded that:

- (a) the activity which has taken place, including the stripping of topsoil and the recontouring of the ground levels by the importation of soil and stones is 'development',
- (b) the development does not come within the scope of Class 11 Part 3 of Schedule 2 of the Planning and Development Regulations 2001, as amended, as it does not consist of the carrying out of drainage and/or the reclamation of wetlands and the subject area exceeds 0.1 hectares in size,

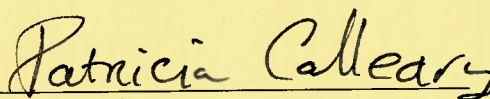
- (c) the development does not come within the scope of the provisions of Article 8B of the Planning and Development Regulations 2001, as amended, as the development site is not in agricultural use and the works involve more than just field drainage as recontouring of the land has evidently occurred, given the level change of approximately 150 millimetres across at least 33% of the site and potentially up to 54% of the site (depending on which figure provided with the referral is accurate) not including for the identified recontoured central section, and
- (d) the development does not come within the scope of the provisions of Article 8C of the Planning and Development Regulations 2001, as amended, as it has not been demonstrated evidentially that the site, by reason of the size and current condition of the land, constitutes a farm holding and the works involve the importation of soil and stone to the site. The soil and stones to be imported to the site constitute 'waste'.

NOW THEREFORE An Coimisiún Pleanála, in exercise of the powers conferred on it by section 5(3)(a) of the Planning and Development Act 2000, as amended, hereby decides that the land reclamation and drainage works comprising of the recontouring of an area of agricultural land by the stripping of topsoil to a depth of 50 millimetres, placing drainage stone to a depth of 20 centimetres, and the replacement of topsoil on the area of land, all carried out within a farm holding at Coolagarranroe, Burncourt, County Tipperary is development and is not exempted development.

Planning

Commissioner:

Date: 01/04/2026


Patricia Calleary