



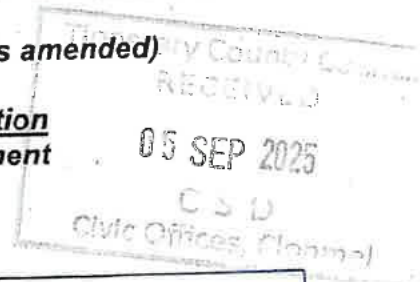
Comhairle Contae Thiobraid Árann
Tipperary County Council



RN: 146079
£80 Chg

PLANNING & DEVELOPMENT ACT, 2000 (as amended)

Application for a Section 5 Declaration
Development / Exempted Development



1. Applicant's address/contact details:

Applicant	Aiceal
Address	Townspark Cahis Co. Tipperary
Telephone No.	[REDACTED]
E-mail	[REDACTED]

2. Agent's (if any) address:

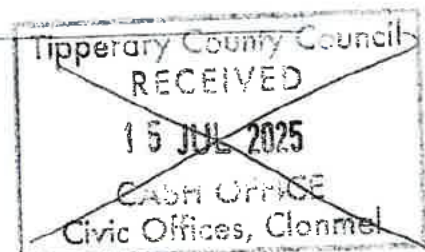
Agent	
Address	
Telephone No.	
E-mail	

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

Applicant [] Agent []

3. Location of Proposed Development:

Postal Address or Townland or Location (as may best identify the land or structure in question)	Townspark Cahis E21 E206
-------------------------------------------------------------------------------------------------------------------	--------------------------------



Receipt No 194 441
Issued 15 of 2025
£80 - 00 Cheque

SCANNED

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.)

Installation of Solar Panels	
Proposed floor area of proposed works/uses: sqm	

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>	Name: Address:	

Signature of Applicant(s)

Date: 8/7/2025

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
 - o OSI Site Location Map with the site outlined clearly – 1:1000 in urban areas and 1:2500 in rural areas
 - o Floor Plans & Elevations at a scale of not less than 1:200
 - o Site layout plan indicating position of proposed development relative to premises and adjoining properties
 - o Other details e.g. brochures, photographs if appropriate.

(All dimensions must be given in metric scale and drawings should be accompanied by a brief description outlining the use of the proposed development)
- (3) Where a proper and complete application is received, a decision must be conveyed to the applicant within four (4) weeks except where additional necessary information is required.

This application form and relevant fee should be submitted to:

**Planning Section,
Tipperary County Council,
Civic Offices,
Limerick Road,
Nenagh,
Co. Tipperary**

OR

**Planning Section,
Tipperary County Council,
Civic Offices,
Emmet Street,
Clonmel,
Co. Tipperary**

Enquires:

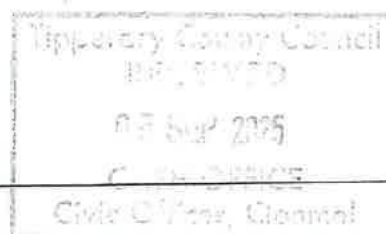
Telephone 0818 06 5000

E-Mail planning@tipperarycoco.ie

FOR OFFICE USE ONLY

Fee Recd. € 80 chg
Receipt No 196079
Date 05/09/25
Received by [Signature]

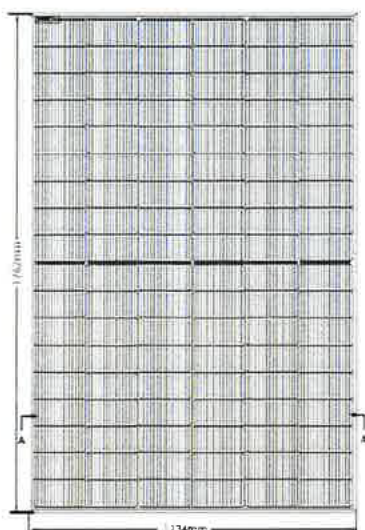
DATE STAMP



Please note the panels are 50cm off
the roof edge and 15cm off the roof plane.



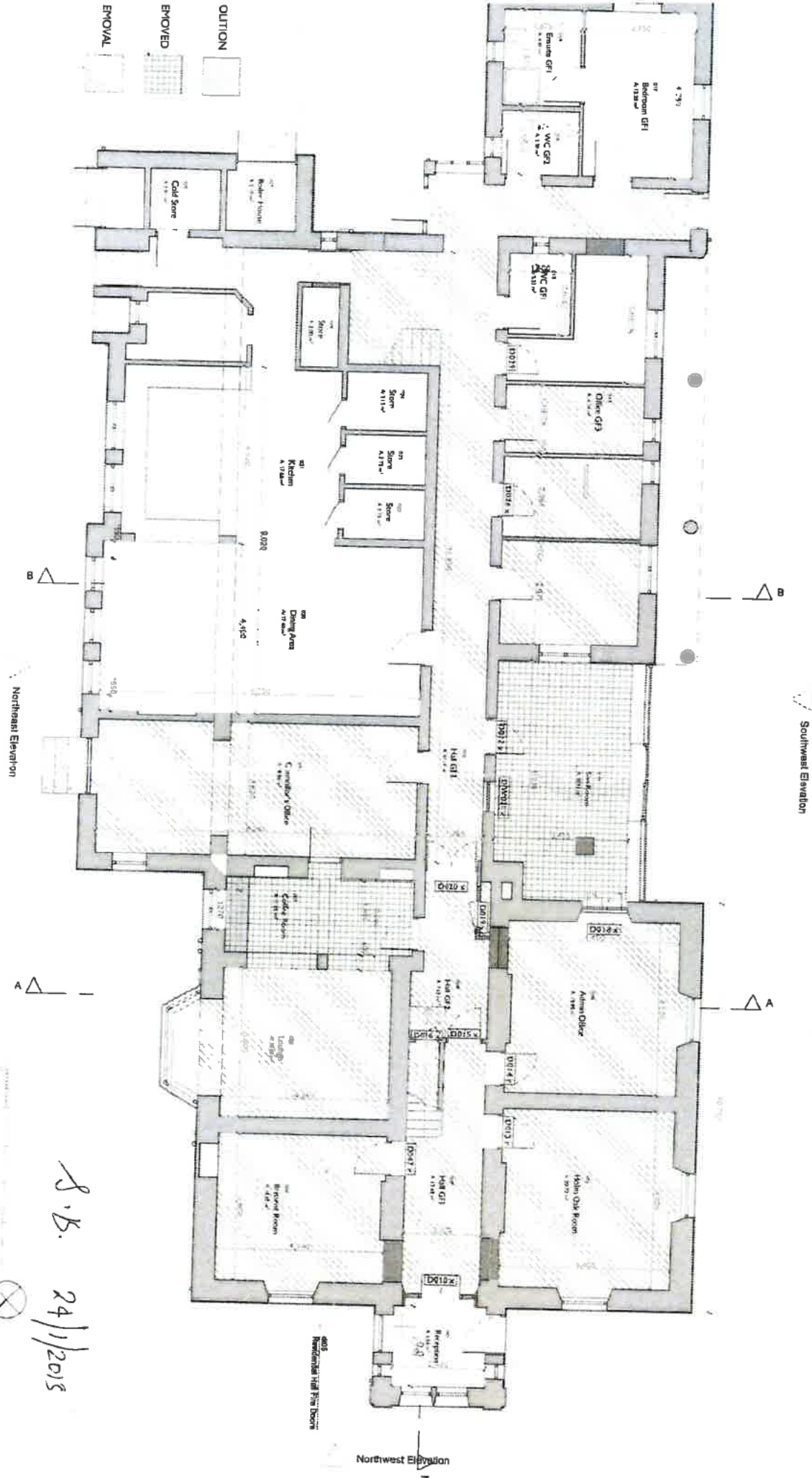
3 Rows of 22 Panels



Jinko Solar Panel Dimensions



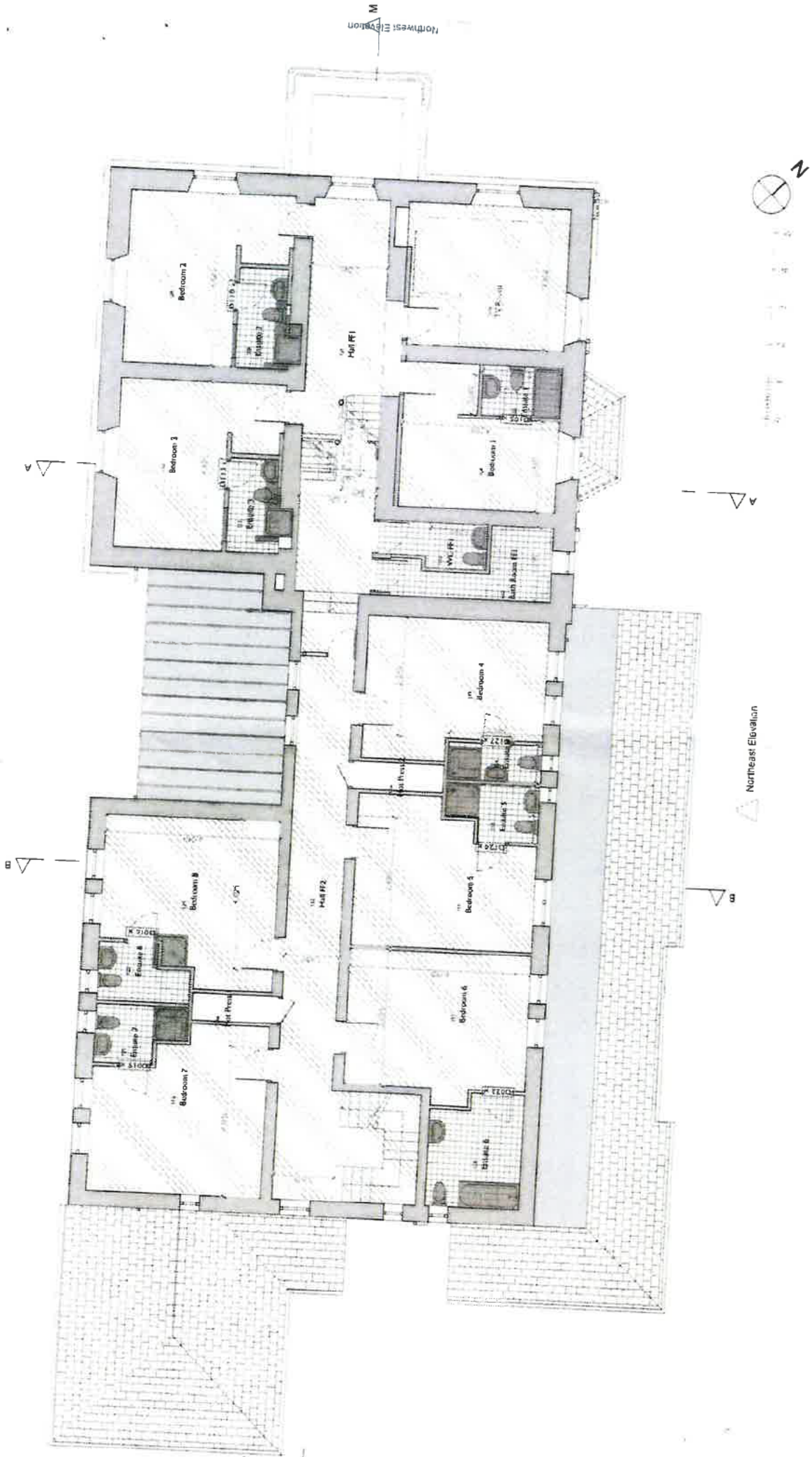
OUTLINE
 REMOVED
 REMOVAL



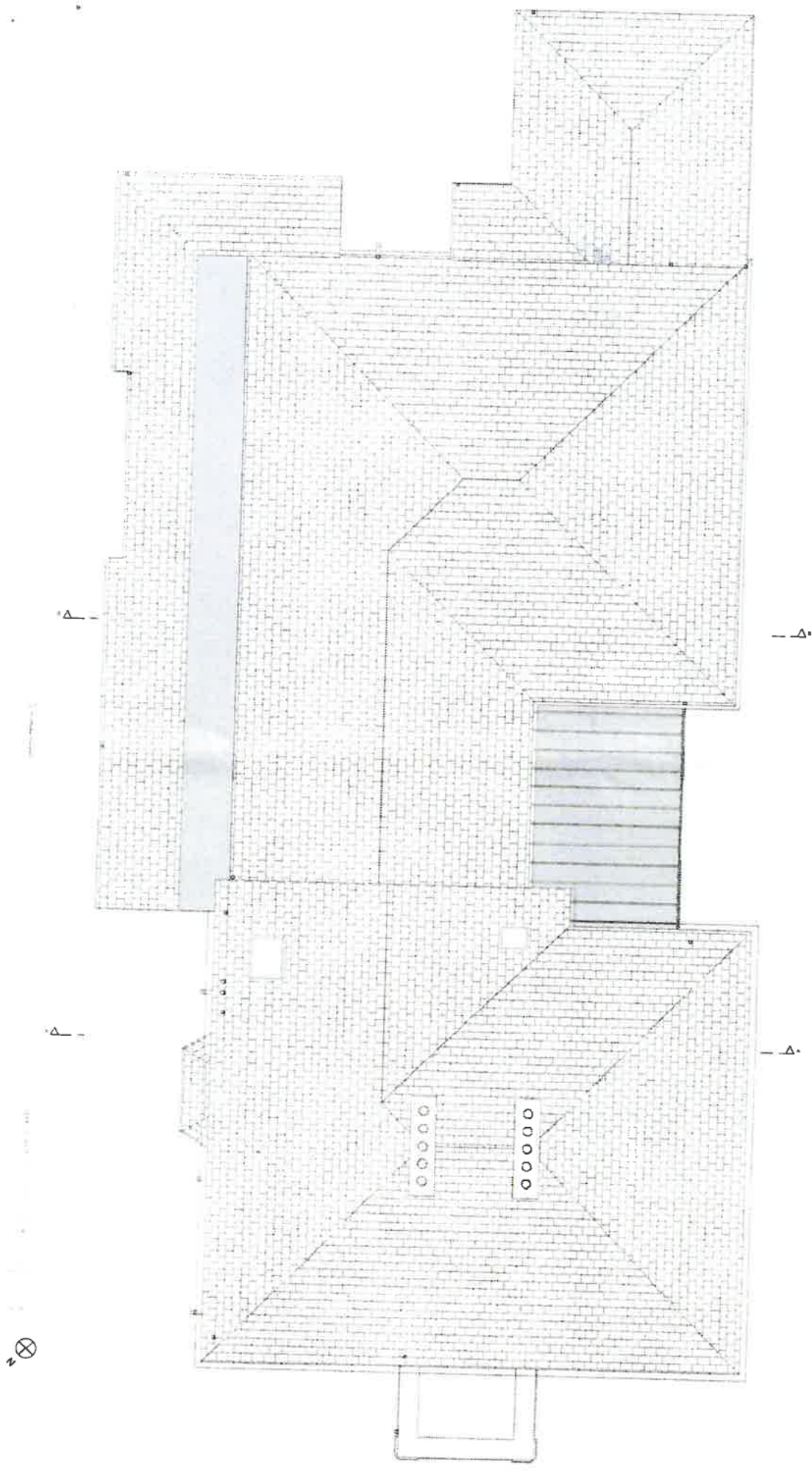
SITE PLAN, RESIDENTIAL ROOF & DEMOLITION BY A.A.C.

Ground Floor Demolition
 1:100

Southwest Elevation



First Floor Demolition
1:100



Roof
1:100

1411 Alseir Hall & Residential, Cair

TENDER

STIVE LARKIN ARCHITECTS
4 CASTLE STREET, DUBLIN 2

TEL +353 87 980 750

EMAIL info@stivelarkinarchitects.ie

WWW.STIVELARKINARCHITECTS.IE

TIPPERARY COUNTY COUNCIL

Application for Declaration under Section 5

Planning & Development Act 2000, as amended
Planning & Development Regulations 2001, as amended

Planning Reference: S5/25/122
Applicant: Aiseiri
Development Address: Townspark, Cahir, Co. Tipperary
Proposed Development: Installation of solar panels.

1. GENERAL

On 5th of September 2025 a request was made for a declaration under Section 5 of the Planning and Development Act, 2000 as amended by Aiseiri as to whether or not the following works constituted development and if so, whether same was exempted development:

Installation of solar panels (the application form as submitted does not specify the specific location for the solar panels – the applicant verbally confirmed that the solar panels are to be placed on the southern roof profile of the hall and the declaration to issue with clarify same).

The application was accompanied by the following documentation;

- Section 5 Application Form
- Site Layout Plan (hall to the south is highlighted)
- Floor Plans and roof plan for the residential building
- Roof plan of the hall and plan of the proposed solar panels
- Aerial image depicting solar panels on the roof of the hall building

2. STATUTORY PROVISIONS

The following statutory provisions are relevant to this case;

Planning and Development Act 2000, as amended

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.

Section 4 of the Planning and Development Act, 2000, as amended states:

(2)(a) 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).

(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.

Planning and Development Regulations 2001, as amended

Article 5 of the Planning and Development Regulations 2001, as amended states:

Interpretation for this Part.

5.(1) In this Part—

“ancillary equipment” for the purpose of rooftop solar photo-voltaic or solar thermal collector panels in classes 56(d), 56(e), 60 or 61 of Part 1 of Schedule 2 and class 18(c) of Part 3 of Schedule 2 does not include any equipment which must be placed or erected on a wall, or a rooftop allow a solar photo-voltaic or solar thermal collector installation to function;

“solar safeguarding zone” has the same meaning as in the Planning and Development (Solar Safeguarding Zone) Regulations 2022;

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.

Class 61 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended states:

Description of Development	Conditions and Limitations
<p><i>The placing or erection on a roof, or within the curtilage, or on a roof of any ancillary buildings within the curtilage, of the following buildings or sites of a solar photo-voltaic and/or solar thermal collector installation:</i></p> <p>(i) an educational building,</p> <p>(ii) health centre or hospital,</p> <p>(iii) recreational or sports facility,</p> <p>(iv) place of worship,</p> <p>(v) community facility or centre,</p> <p>(vi) library,</p> <p>(vii) sites for the provision of gas, electricity, telecommunications services or water supplies</p>	<ol style="list-style-type: none"> <i>1. Where such development is located within a solar safeguarding zone, the total aperture area of any solar photovoltaic and/or solar thermal collector panels, taken together with any other such panels previously placed on a roof, shall not exceed 300 square metres.</i> <i>2. Where such development is located within a solar safeguarding zone, the planning authority for the area shall be notified in writing no later than 4 weeks after the commencement of such development and such notification shall include details regarding the location and scale of the development.</i> <i>3. The distance between the plane of the roof and the solar photo-voltaic or solar thermal collector panels shall not exceed 1.2 metres in the case of a flat roof or 15cm in any other case.</i> <i>4. The solar photo-voltaic or solar thermal collector panels shall be a minimum of 2 metres in the case of a flat roof or 50cm in any other case from the edge of the roof on which it is mounted.</i> <i>5. Any ancillary equipment associated with solar photo-voltaic or solar thermal collector panels shall not be placed or erected on a wall or any roof that is not a flat roof.</i>

<p><i>or wastewater services operated by a statutory undertaker.</i></p>	<p>6. <i>The height of any ancillary equipment associated with solar photo-voltaic or solar thermal collector panels on a flat roof shall not exceed 1.6 metres above roof level.</i></p> <p>7. <i>Any ancillary equipment associated with solar photo-voltaic or solar thermal collector panels on a flat roof shall be a minimum of 2 metres from the edge of the roof on which it is mounted.</i> 8. <i>Any free-standing solar photo-voltaic or solar thermal collector installation shall not be placed or erected forward of the front wall of the building or site.</i> 9. <i>The total aperture area of any freestanding solar photo-voltaic and solar thermal collector panels taken together with any other such existing free-standing panels shall not exceed 75 square metres.</i> 10. <i>The height of any free-standing solar photo-voltaic or solar thermal collector installation shall not exceed 2.5 metres at its highest point above ground level.</i></p> <p>11. <i>The placing or erection of a solar photo-voltaic or solar thermal collector installation on any wall shall not be exempted development.</i></p> <p>12. <i>The placing or erection of any freestanding solar photo-voltaic or solar thermal collector installation within an Architectural Conservation Area shall only be exempted development if those works would not materially affect the character of the area.</i></p> <p>13. <i>No sign, advertisement or object not required for the functioning or safety of the solar photo-voltaic or solar thermal collector installation shall be attached to or exhibited on such installation.</i> 479</p> <p>14. <i>Development under this Class shall only be exempted development where the solar photo-voltaic or solar thermal collector installation is primarily used for the provision of electricity or heating for use within the curtilage of the building or site, and shall not be considered a change of use for the purposes of the Act.</i></p> <p>15. <i>Development under this Class which causes hazardous glint and/or glare shall not be exempted development and any solar photo-voltaic or solar thermal collector panels which are causing hazardous glint and/or glare shall either be removed or be covered until such time as a mitigation plan to address the hazardous glint and/or glare is agreed and implemented to the satisfaction of the Planning Authority.</i></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—*
- (i) *contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act,*
- (iiia) *endanger public safety by reason of hazardous glint and/or glare for the operation of airports, aerodromes or aircraft,*

(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

a. Site Location

The site, located c. 620 ms to the south east of Cahir, comprises of the Aiseiri addiction treatment facility. The site contains a lodge at the site entrance with 2 no. large buildings located at a set back of 120 metres from the public roadway to the north. The two buildings function as a hall and residential care facility.

b. Relevant Planning History

S5/25/96 solar panels – not exempted on the basis of the lack of information submitted with the Declaration.

S5/25/55 Kitchen renovation, electrical upgrade and exit modifications to building, replace existing windows and doors at rear, resurface designated exterior areas, replace gutters and upgrade heating system – deemed to be exempted development

14/160 Grant of permission for alterations to the rear south-facing elevation to the Aiseiri Hall building and associated works

P310620 Grant of permission for an assembly hall, workshop and ancillary development.

P38401 Grant of permission to change the use of a private residence to a rehabilitation centre

P37403 Grant of permission for alterations and extensions to lodge

P312423 Grant of permission for alteration and extension to rehabilitation home.

Figure 1 Planning History



c. Assessment

A. "Is or is not Development"

Having considered all of the details and documentation on file with regards the question asked, the Planning Authority is satisfied that the proposal would involve "works" and such works would constitute "development" within the meaning of Section 3 of the Planning and Development Act 2000, as amended.

B. "Is or is not Exempted Development"

The proposal is assessed relative to Class 61 of Part 1 of Schedule 2 of the Regulations.

Having regard to the Conditions and Limitations under Class 61, the following is noted;

- The site is not located in a solar safeguarding zone
- The distance between the plane of the roof and the solar photo-voltaic or solar thermal collector panels does not exceed 15cm in any other case.
- The solar photo-voltaic panels are in excess of 50cm from the edge of the roof on which it is mounted.
- Ancillary equipment will be stored internally,
- No panels will be installed on walls,
- No signs are affixed to the panels,
- the solar panels are primarily used for the provision of electricity or heating for use within the curtilage of the building or site.

C. Restrictions under Article 9

The proposal would not be restricted by Article 9(1)(iia) *endanger public safety by reason of hazardous glint and/or glare for the operation of airports, aerodromes or aircraft,*

D. Requirement for Appropriate Assessment and Environmental Impact Assessment

The subject site is located c. 614 metres from the Lower River Suir SAC and within 10 kms of the Galtee Mountains SAC

The proposed development is located within the curtilage of a residential care facility and comprises of repairs to the property

Having regard to:

- the small scale nature of the development,
- the location of the development relevant to the closest European site (lower River Suir,
- The intervening land uses between the subject site and the SAC's referenced above and
- the consequent absence of a direct pathway to these European sites,

it is considered that the proposed 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.

The proposed development has been subject to a preliminary examination to determine the requirement for EIA. EIA is not required in respect of the development. See attached..

4. RECOMMENDATION

Query

A question has arisen as to whether the following;

Installation of solar panels on the southern roof profile of the Hall at Aiseiri in Townspark, Cahir, Co. Tipperary

constitutes development and if so does it constitute exempted development. The works are located on an existing community building, which is not protected.

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),
- Articles 6, 8 and 9 of the Planning and Development Regulations 2001 (as amended)
- Class 61, Schedule 2, Part 3 of the Planning and Development Regulations 2001 (as amended), and
- the details pertaining to the development as set out by the querist.

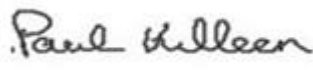
Determination

Accordingly, having considered the information received, the Planning Authority has determined that the

Installation of solar panels on the southern roof profile of the Hall Aiseiri in Townspark, Cahir, Co. Tipperary

constitutes development and is considered to be “exempted development”.

District Planner:



Date: 22/09/2025

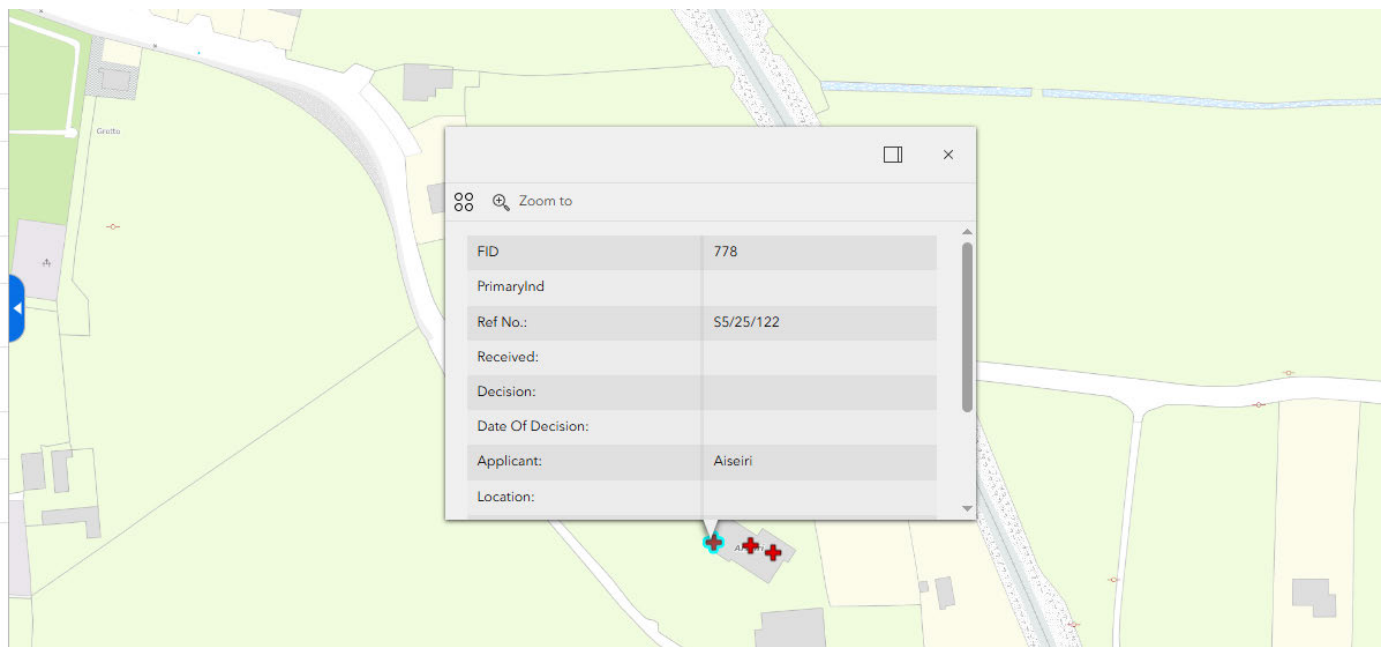
Senior Executive Planner:



Date: 26.9.2025

EIA Pre-Screening Establishing a development is a 'sub-threshold development'	
File Reference:	S5/25/122
Development Summary:	Installation of solar panels
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

Figure 2 Site entered on planning register





Date: 26th September 2025

Our Ref: S5/25/122

Civic Offices, Nenagh

Aiseiri Cahir
Townspark
Cahir
Co. Tipperary

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 5th September, 2025 in relation to the following proposed works:

Installation of solar panels at Townspark, Cahir, Co. Tipperary

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

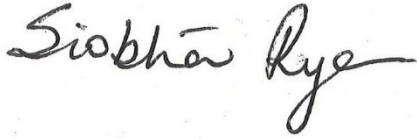
AND WHEREAS Tipperary County Council, in considering this referral, had regard particularly to –

- Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended),
- Articles 6, 8 and 9 of the Planning and Development Regulations 2001 (as amended)
- Class 61, Schedule 2, Part 3 of the Planning and Development Regulations 2001 (as amended), and
- the details pertaining to the development as set out by the querist.

Accordingly, having considered the information received, the Planning Authority has determined that the Installation of solar panels on the southern roof profile of the Hall Aiseiri in Townspark, Cahir, Co. Tipperary 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 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

A handwritten signature in black ink, reading "Siobhán Rye". The signature is fluid and cursive, with the first name "Siobhán" and the surname "Rye" clearly distinguishable.

for **Director of Services**

Original

TIPPERARY COUNTY COUNCIL

DELEGATED EMPLOYEE'S ORDER

File Ref: **S5/25/122** **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. 41983 dated 17th April, 2025, hereby order that pursuant to the provisions of the Planning and Development Act 2000, as amended, that an application under Section 5 from Aiseiri Cahir, Townspark, Cahir, Co. Tipperary, re: Installation of solar panels at Townspark, 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),
- Articles 6, 8 and 9 of the Planning and Development Regulations 2001 (as amended)
- Class 61, Schedule 2, Part 3 of the Planning and Development Regulations 2001 (as amended), and
- the details pertaining to the development as set out by the querist.

Accordingly, having considered the information received, the Planning Authority has determined that the Installation of solar panels on the southern roof profile of the Hall Aiseiri in Townspark, Cahir, Co. Tipperary constitutes development and is considered to be **"exempted development"**.

Signed:



Date: 26/09/2025

Dave Carroll

A/Director of Services

Planning and Development (including Town Centre First),

Emergency Services and Emergency Planning and

Tipperary/Cahir/Cashel Municipal District