

**Woodhouse  
Fethard  
Co Tipperary**

31/10/2025

**Re: Request for Section 5 Declaration – Exemption for Proposed Solar Panel Installation at Farm, E91CR67 Required for TAMS 3 Grant application**

Dear Sir/Madam,

I wish to apply for a Section 5 Declaration under Section 5 of the Planning and Development Act 2000 (as amended) to determine whether the installation of solar panels on my property at E91CR67 constitutes exempted development.

The proposal involves the installation of 9 Panels (10.36mx1.782m) roof-mounted solar panels with a total capacity of approximately 4 kWp] on the roof of an existing agricultural shed for the purpose of generating renewable electricity for on-site farm use.

I understand that certain solar panel installations may be exempt from planning permission under the Planning and Development Regulations. I therefore seek confirmation from the Planning Authority that the proposed works at my farm qualify as exempt.

Enclosed please find the following documents to assist with the assessment: *(2 Copies)*

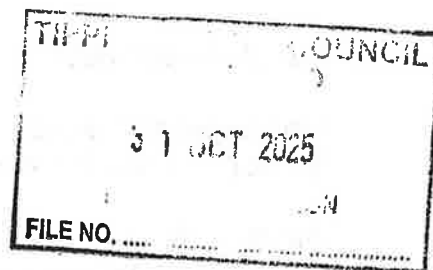
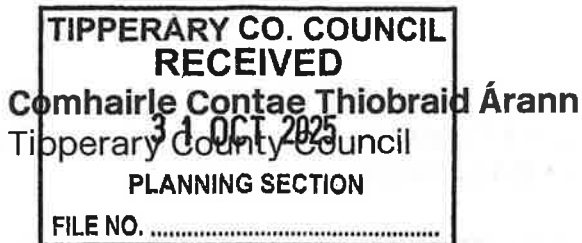
1. Completed Section 5 Application Form
2. Site location map
3. Site layout plan showing proposed panel locations
4. Technical details of the proposed solar panels and mounting system

Should any further information be required, I would be happy to provide it.

Thank you for your consideration of this request. I look forward to your written declaration in due course.

Yours faithfully,

  
Seamus Doherty



**Application for a Section 5 Declaration**  
**Development / Exempted Development**

Applicant	SEAMUS DOHENY
Address	WOODHOUSE FETHARD CO. WICK
Telephone No.	
E-mail	

Agent	
Address	
Telephone No.	
E-mail	
Please advise where all correspondence in relation to this application is to be sent;	
Applicant [    ]	Agent [    ]

Postal Address <u>or</u> Townland <u>or</u> Location (as may best identify the land or structure in question)	Woodhouse. FERMARD. COTTAGE. E91 CR67
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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.

fit 1 Row of 9 Panels (Solar) portrACT
10.36m x 1.782m
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)

[Redacted Signature]

Date: 31/10/25

**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)

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.

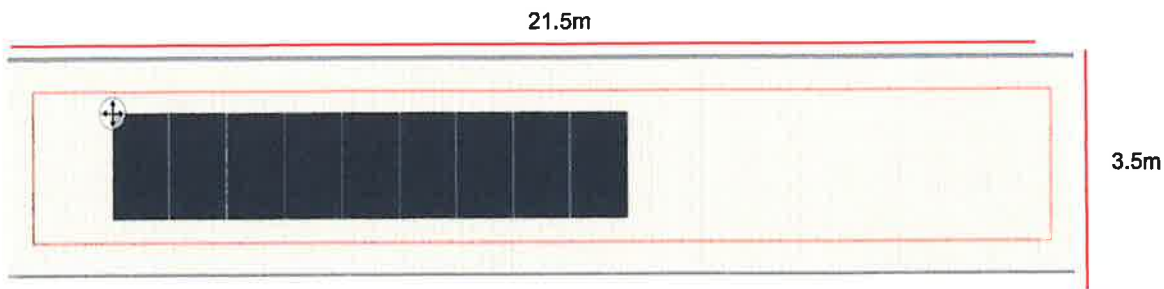
**This application form and relevant fee should be submitted to:**

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

### FOR OFFICE USE ONLY

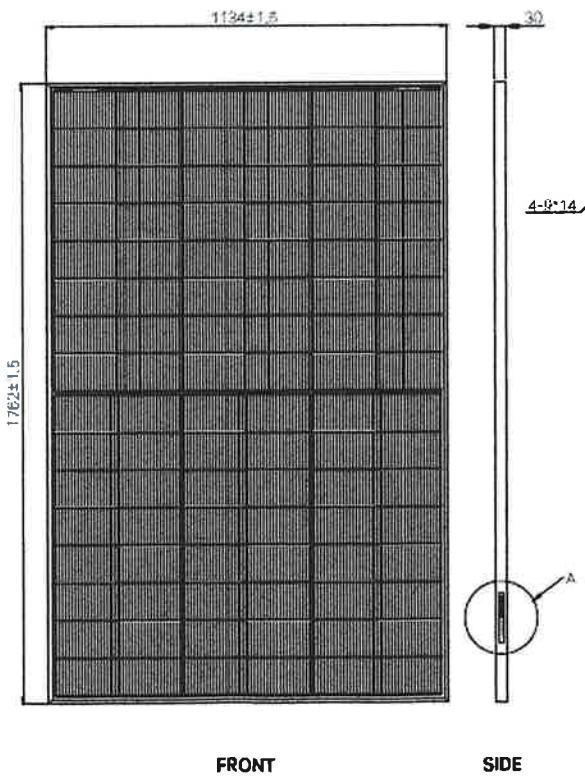
<b>Fee Recd. €</b> <u>80</u> <b>Receipt No</b> <u>197765</u> <b>Date</b> <u>31-10-2025</u> <b>Received by</b> <u>A.M. O'Dwyer</u>	<b><u>DATE STAMP</u></b> <div style="border: 1px solid black; padding: 5px; margin: 5px auto; width: 80%;">Tipperary County Council RECEIVED 31 OCT 2025 CASH OFFICE Civic Offices, Clonmel</div>
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**Panel and Layout Dimensions.**



Unit Array: 10.36m x 1.782m (1 Row of 9 Panels) All Measurements in Metres

**Module Diagram (unit : mm)**





Seamus Doherty  
WOODHOUSE FETHARD  
CO. TIPPERARY  
E91 CR67  
MPRN 1:  
Applicant TAMS 3 ID No:

\*1 row of 9 panels portrait 10.36m x 1.782

2m from left side roof, and 9.1m from right side roof

\*Mounted 0.5m from ridge

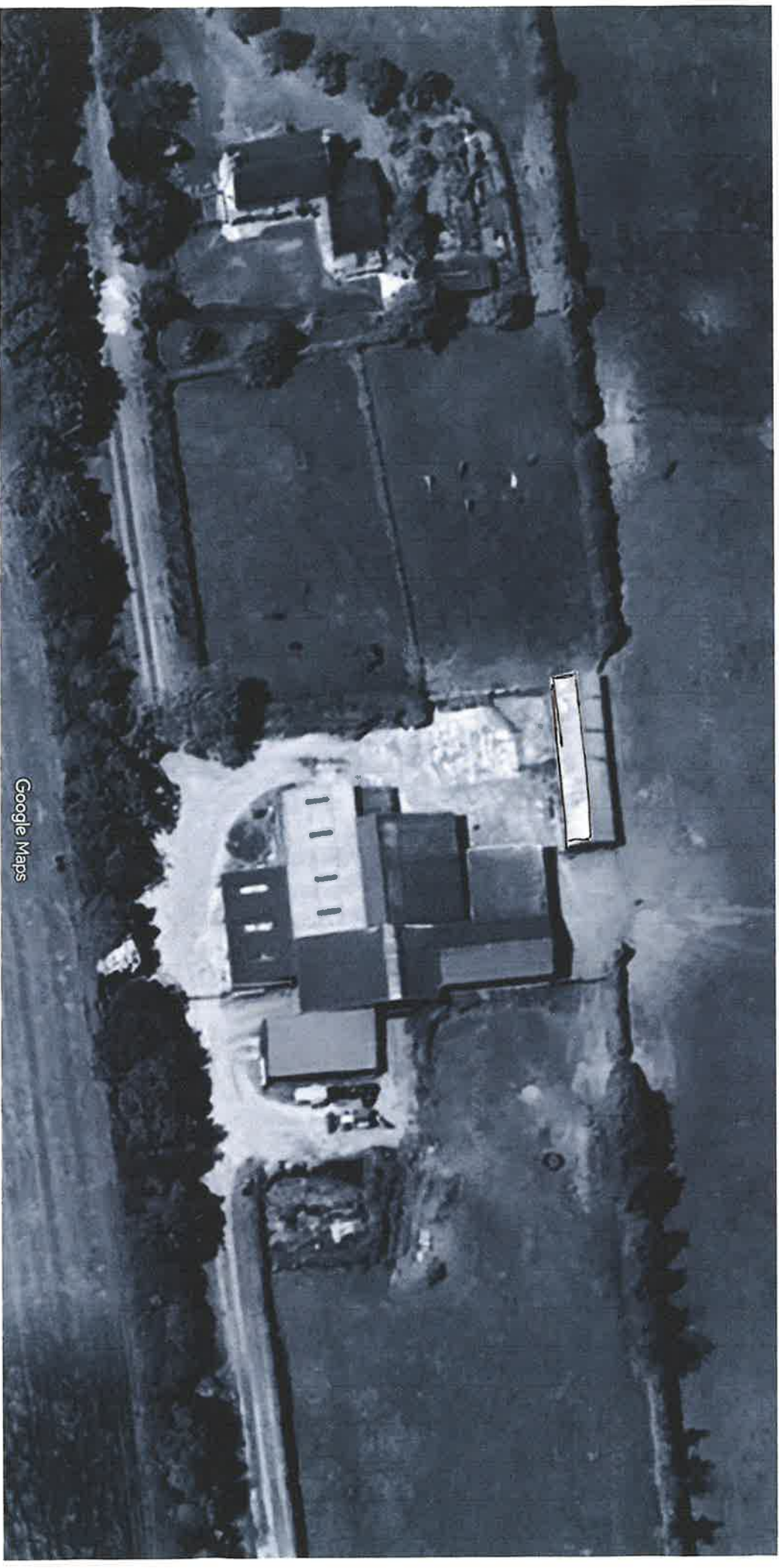
1.2m from bottom edge

Solis Inverter and  
Weco Battery to be  
installed here, space  
needed 2m x 2m

1:500







Google Maps



An Roinn Talmhaíochta,  
Bia agus Mara  
Department of Agriculture,  
Food and the Marine



'The European Agricultural Fund  
for Rural Development: Europe  
investing in rural areas'.

## Solar PV Energy Survey

### Applicant Details

<b>Applicant Name</b>	SEAMUS DOHENY
<b>Applicant TAMS 3 ID No.</b>	
<b>Applicant's MPRN No.</b>	
<b>MPRN No. (2<sup>nd</sup> No. if applicable)</b>	
<b>Applicant Address</b>	WOODHOUSE
	FETHARD
	CO. TIPPERARY
<b>Applicant's Eircode</b>	E91 CR67

### Installers Details

<b>Please Tick (Optional)</b>	<input checked="" type="checkbox"/> <b>Company</b>	<input type="checkbox"/> <b>Sole Trader</b>
<b>Business Trader Name</b>	ECO SOLAR ENERGY	
<b>Business Address</b>	UNIT 1 IVOWEN COMMERCIAL CENTRE	
	KILSHEELAN	
<b>County</b>	CO TIPPERARY	
<b>Eircode</b>	E91E3T7	
<b>Mobile</b>		
<b>Email</b>		
<b>Website</b>	www.ecosolarenergy.ie	



**Assessment of Energy Consumption**

Along with the electricity supply for the farmyard, and if on a separate connection, the consumption of the main farm dwelling house can be included in the calculation for energy consumption for the installation of PV Solar panels.

<b>Details of 1) Annual Electricity Consumption, and 2) Solar PV Installation</b>			
Annual Electricity Consumption - of farm including dwelling house - obtained from the previous 12 months electricity bills - kWh			
PV Panel Rating (kWp)	455kWp	Area of Single Panel (m <sup>2</sup> )	1.998m <sup>2</sup>
Total Area of PV Panel Array (m <sup>2</sup> )		17.982 m <sup>2</sup>	
Solar PV Panel Array Output (kWp)			
Annual Electricity Generation Output from Tams 3 Solar PV Installation (kWh)		3898.96 kWh	
Total Battery Storage Capacity (kWh), if applicable		12.8kWh	

**Note 1:** To be eligible for Tams 3 grant aid, the Annual Electricity Generation Output from the Tams 3 Solar PV Installation must not exceed the Annual Electricity Consumption for the farm and dwelling house.

**Note 2:** An applicant may install a larger solar PV system, but the additional panels and additional solar PV infrastructure is at their own cost.

**Note 3:** If the applicant wishes to apply for non-TAMS support (e.g. SEAI grant) for a larger area of panels, the TAMS 3 unit must be an isolated and discrete system from the non-Tams system if this additional support is being sought.

**Note 4:** The applicant can be paid for overspill of electricity back to the grid at times of optimum generation or lower consumption, but the system cannot be designed for export; it must be designed to the farm's consumption.

**Outline the Mounting Details for Solar PV Panels onto new or Existing Structures**

Please Tick

Roof Mounted ☒Wall Mounted ☐Ground Mounted ☐

Please detail the mounting location including Roof type, slope, purlin dimensions, etc

	Roof/Wall 1	Roof/Wall 2	Roof/Wall 3
Roof/Wall Material Type	GALVANISED STEEL		
Slope of Roof	30		
Rafter/Stanchion Type & Size	TIMBER		
Purlin Type & Size			
Panel Mounting System	K2 MINI RAIL		

PV Panel Slope	30		
PV Panel Fixing Details	K2 MINI END, MIDDLE CLAMPS		

## Ground Mounted Support Structure Detail

Detail the upright and cross member support structure of the ground mounted panel support system, including support structure sizes, fixing details and slopes of panels:

The above detailed mounting structure is suitable for Solar PV Panel installation:

- The structure detailed will remain structurally sound for the lifetime of the Solar PV Panel Installation.
- The structure detailed is suitable for the extra weight, associated wind loading and additional stresses for the Solar PV panel Installation.
- The structure detailed can be safely worked on during the installation of the Solar PV panel and any associated maintenance work during the lifetime of the PV Solar Panel installation.

I the undersigned installer agree that the structure detailed above is suitable for the installation and the working lifetime of the PV Solar Panel installation.

Print Name (Installer) MATTHEW QUINLAN

Signed (Installer): Matt Quinlan

**Please Attach a copy of the detailed farmyard plan including:**

- Location of Panel Installation
- Scale 1:500
- Location of PV Panel Controller, Inverter, Battery(s), Electricity meter, Isolation Switches
- Orientation of Panels
- North Arrow
- Applicants Name, MPRN No. and TAMS 3 ID number.

Print Name (Applicant) \_\_\_\_\_

Signed (Applicant): \_\_\_\_\_

Print Name (Installer) MATTHEW QUINLAN

Signed (Installer): Matt Quinlan

A copy of this Solar PV Survey must be uploaded on [www.agfood.ie](http://www.agfood.ie) at the time of application for TAMS 3 Grant Aid.





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 5000/601  
e customerservice  
@tipperarycoco.ie  
tipperarycoco.ie

**Date: 04/11/2025**

**Our Ref: S5/25/140**

**Civic Offices, Clonmel**

Seamus Doheny  
Woodview House  
Fethard  
Co. Tipperary

**Re: Application for a Section 5 Declaration – installation of solar panels at Woodview House, Fethard, Co. Tipperary**

Dear Sir,

I acknowledge receipt of your application for a Section 5 Declaration received on 31st October 2025, 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

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**Planning Reference:** S5/25/140  
**Applicant:** Seamus Doheny  
**Development Address:** Woodhouse, Fethard, Co. Tipperary  
**Proposed Development:** Installation of solar panels.

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#### **1. GENERAL**

On the 31<sup>st</sup> of October 2025 a request was made for a declaration under Section 5 of the Planning and Development Act, 2000 as amended by Seamus Doheny as to whether or not the following works constituted development and if so, whether same was exempted development:

#### ***Installation of solar panels on roof of agricultural building***

The application was accompanied by the following documentation;

- Section 5 Application Form and cover letter
- Site Layout Plan
- Roof Plan and dimensions of solar array

#### **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, 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.*

Class 18c of Part 3 of Schedule 2 of the Planning and Development Regulations 2001, as amended states:

<b>Description of Development</b>	<b>Conditions and Limitations</b>
The placing or erection on a roof or wall of an agricultural structure, or within the curtilage of an agricultural holding, or on a roof or wall of any ancillary buildings within the curtilage of an agricultural holding of a solar photo-voltaic and/or solar thermal collector installation.	<ol style="list-style-type: none"><li>1. Where such development is located within a solar safeguarding zone, the total aperture area of any solar photo-voltaic and/or solar thermal collector panels, taken together with any other such panels previously placed on a roof, shall not exceed 300 square metres.</li><li>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.</li><li>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.</li><li>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.</li><li>5. Development shall not be exempted development where the highest part of the solar photo-voltaic or solar thermal collector installation exceeds the highest part of any roof that is not a flat roof (excluding any chimney).</li><li>6. 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.</li></ol>

	<p>7. 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.</p> <p>8. 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.</p> <p>9. The total aperture area of any wall mounted solar photo-voltaic and solar thermal collector panels taken together with any other such existing wall mounted panels shall not exceed 75 square metres.</p> <p>10. The distance between the plane of the wall and the solar photo-voltaic or solar thermal collector panels shall not exceed 15cm.</p> <p>11. The solar photo-voltaic or solar thermal collector panels shall be a minimum of 50cm from the edge of the wall on which it is mounted.</p> <p>12. Any free-standing solar photo-voltaic or solar thermal collector installation shall not be placed or erected forward of the front wall of the nearest agricultural structure, within the curtilage of the agricultural holding, to a public road.</p> <p>13. The total aperture area of any free-standing solar photo-voltaic and solar thermal collector panels taken together with any other such existing free-standing panels shall not exceed 75 square metres.</p> <p>14. 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.</p> <p>15. The placing or erection of any free-standing 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.</p> <p>16. 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.</p> <p>17. 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 agricultural holding, and shall not be considered a change of use for the purposes of the Act.</p> <p>18. Development under this Class which causes hazardous glint and/or glare shall not be exempted development and any solar photo-voltaic or solar thermal</p>
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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. 6.3 kms to the north west of the village of Fethard, comprises of an existing, long standing farm complex. The site is set back of 200 metres from the public roadway to the west (L-1401).

The farm complex is located in the area under urban influence. It is not located within a scenic amenity area. None of the structures on site are protected.

#### **b. Relevant Planning History**

None recorded

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 18c of Part 3 of Schedule 2 of the Regulations. The applicant has included details in respect of elevations, sections and roof plans.

Having regard to the Conditions and Limitations under Class 18c, the following is noted;

- The site is not located in a solar safeguarding zone
- It is not clear if the distance between the plane of the roof and the solar photo-voltaic or solar thermal collector panels exceed 15cm. Further information is required.
- The solar photo-voltaic panels are in excess of 50cm from the edge of the roof on which it is mounted.
- The highest part of the solar photo-voltaic or solar thermal collector installation does not exceed the highest part of any roof
- Ancillary equipment appears to be installed on the roof. Ancillary equipment cannot be stored on the roof. Further information is required
- 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
- The total area of the photo-voltaic and solar thermal collector panels does not exceed 75 square metres (10.3\*1.78)
- The solar panel is to be used to meet electricity requirements on the farm holding.

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 within 10 kms of the Lower River Suir SAC and within 15 kms of the River Barrow And River Nore SAC.

The proposed development is located within the curtilage of an agricultural enterprise and comprises of the installation of a roof mounted solar array.

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 roof an Agricultural building in Woodhouse Fethard constitutes development and if so does it constitute exempted development. The works are located on a 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 18c, 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 following further information is to be requested;

1. Having reviewed the details submitted with the declaration and having considered the conditions and limitations associated with the exemption allowed for under Class 18c of Schedule 2, Part 3 of the Planning and Development Regulations 2001 (as amended), the applicant is requested to confirm the following for the Planning Authority to determine if the works proposed constitute exempted development;
  - Please confirm that the distance between the plane of the roof and the solar photo-voltaic or solar thermal collector panels does not exceed 1.2 metres.
  - Please confirm that any ancillary equipment associated with solar photo-voltaic or solar thermal collector panels, such as inverters and battery storage equipment is not placed on a wall or any roof that is not a flat roof.

**District Planner:**

*Paul Killeen*

**Date:** 19/11/2025

*C. Conway*

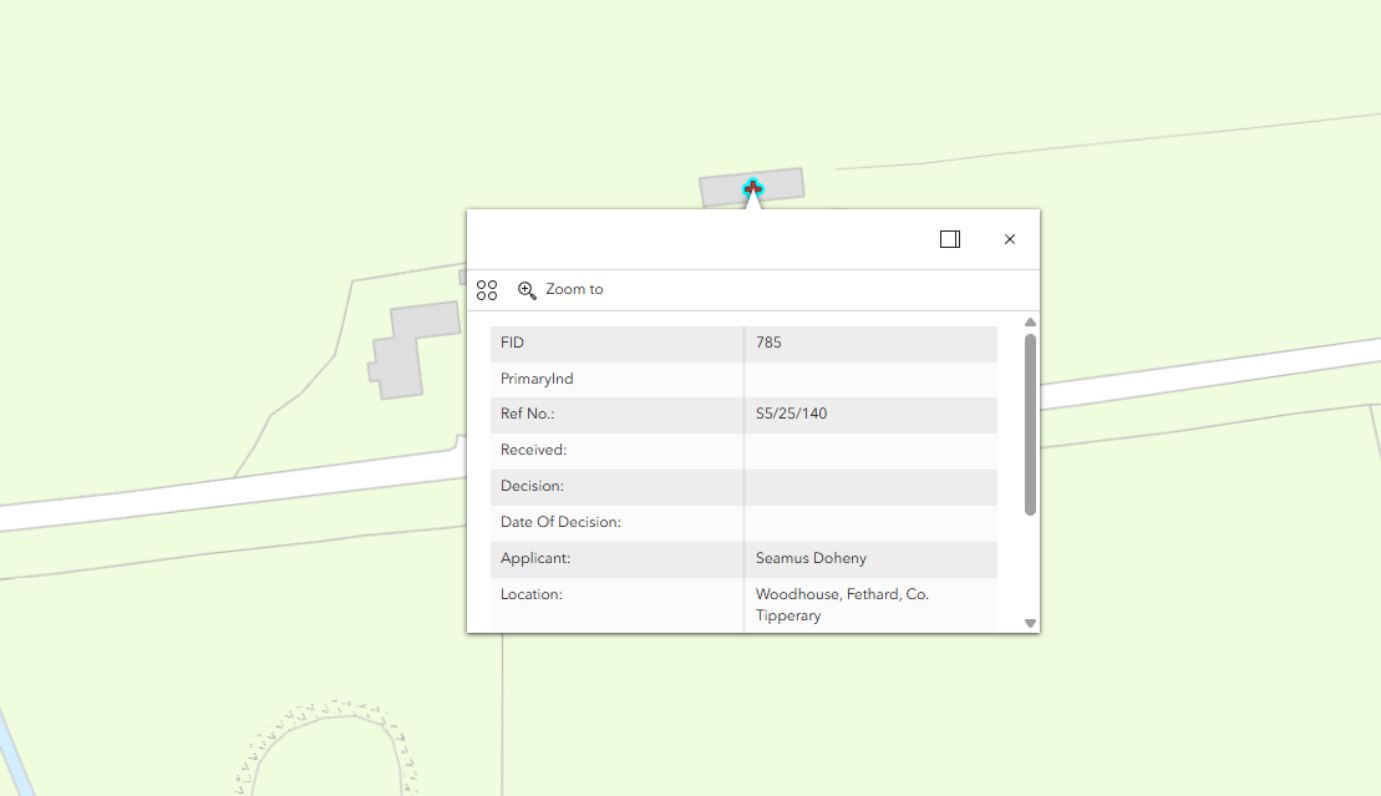
**Senior Executive Planner:**

**Date:** 20.11.2025



EIA Pre-Screening Establishing a development is a 'sub-threshold development'	
<b>File Reference:</b>	S5/25/140
<b>Development Summary:</b>	Installation of solar panels
<b>Was a Screening Determination carried out under Section 176A-C?</b>	<input type="checkbox"/> Yes, no further action required  <input checked="" type="checkbox"/> No, Proceed to <b>Part A</b>
<b>A. Schedule 5 Part 1</b> - Does the development comprise a project listed in Schedule 5, <b>Part 1</b> , of the Planning and Development Regulations 2001 (as amended)? (Tick as appropriate)	
<input type="checkbox"/> Yes, specify class _____	<b>EIA is mandatory</b>  No Screening required
<input checked="" type="checkbox"/> No	Proceed to <b>Part B</b>
<b>B. Schedule 5 Part 2</b> - Does the development comprise a project listed in Schedule 5, <b>Part 2</b> , of the Planning and Development Regulations 2001 (as amended) <b>and</b> 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	<b>No Screening required</b>
<input type="checkbox"/> Yes the project is listed in Schedule 5, Part 2 <b>and</b> meets/exceeds the threshold, specify class (including threshold): _____	<b>EIA is mandatory</b>  No Screening required
<input type="checkbox"/> Yes the project is of a type listed <b>but</b> is <i>sub-threshold</i> : _____	Proceed to <b>Part C</b>
<b>C. If Yes</b> , has Schedule 7A information/screening report been submitted?	
<input type="checkbox"/> Yes, Schedule 7A information/screening report has been submitted by the applicant	<b>Screening Determination required</b>
<input type="checkbox"/> No, Schedule 7A information/screening report has not been submitted by the applicant	<b>Preliminary Examination required</b>

Figure 2 Site entered on planning register





Date: 21<sup>st</sup> November, 2025

Our Ref: S5/25/140

Civic Offices, Nenagh

**Seamus Doheny**  
**Woodhouse,**  
**Fethard,**  
**Co Tipperary**

**Re: Application for a Section 5 Declaration** – Installation of solar panels  
at Woodhouse, Fethard, Co. Tipperary

Dear Mr Doheny,

I refer to an application received from you on 31<sup>st</sup> October, 2025 requesting a Declaration from this Planning Authority as to whether or not certain works constitute development within the meaning of the Planning and Development Act 2000, as amended.

**Further information is requested as follows;**

It is recommended to request the following further information pursuant to Section 5 (2) (b) of the Planning and Development Act 2000, as amended

Having reviewed the details submitted with the declaration and having considered the conditions and limitations associated with the exemption allowed for under Class 18c of Schedule 2, Part 3 of the Planning and Development Regulations 2001 (as amended), the applicant is requested to confirm the following for the Planning Authority to determine if the works proposed constitute exempted development;

- Please confirm that the distance between the plane of the roof and the solar photo-voltaic or solar thermal collector panels does not exceed 1.2 metres.
- Please confirm that any ancillary equipment associated with solar photo-voltaic or solar thermal collector panels, such as inverters and battery storage equipment is not placed on a wall or any roof that is not a flat roof.

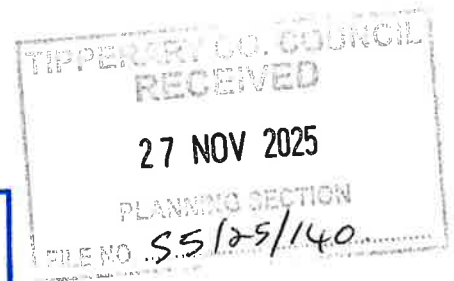
**Further consideration of your request for a declaration cannot be considered until the above information is received.**

Yours sincerely

Siobhain Ryan  
for **Director of Services**

Woodhouse  
Fethard  
Co Tipperary  
E91 CR67

25/11/2025



**Re: S5/25/140**

Section 5 Declaration Application – Proposed Solar Panel Installation at Woodhouse, Fethard, Co. Tipperary

Dear Ms Ryan

I refer to your letter of 21<sup>st</sup> November requesting further information to determine whether the proposed works constitute exempted development.

I wish to confirm the following:

**1. Roof Clearance:**

The distance between the plane of the roof and the proposed solar photovoltaic / solar thermal collector panels will not exceed 1.2 metres.

**2. Ancillary Equipment:**

All ancillary equipment associated with the solar installation—such as inverters and battery-storage equipment—will not be placed on any wall or on any roof that is not a flat roof.

I trust this provides the clarification required. Please let me know if any additional information is needed.

Yours faithfully,

  
Seamus Doheny





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,  
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E45 A099

t 0818 06 5000/600  
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@tipperarycoco.ie

[tipperarycoco.ie](http://tipperarycoco.ie)

Date: 28<sup>th</sup> November 2025      Our Ref: S5/25/140      Civic Offices, Nenagh

**Seamus Doheny**  
**Woodhouse,**  
**Fethard,**  
**Co Tipperary**

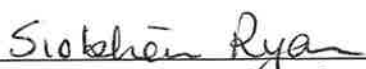
**Re: Application for a Section 5 Declaration –** Installation of solar panels  
at Woodhouse, Fethard, Co. Tipperary

Dear Seamus

I acknowledge receipt of Further Information received on 27<sup>th</sup> November 2025  
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

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**Planning Reference:** S5/25/140  
**Applicant:** Seamus Doheny  
**Development Address:** Woodhouse, Fethard, Co. Tipperary  
**Proposed Development:** Installation of solar panels.

---

#### **1. GENERAL**

On the 31<sup>st</sup> of October 2025 a request was made for a declaration under Section 5 of the Planning and Development Act, 2000 as amended by Seamus Doheny as to whether or not the following works constituted development and if so, whether same was exempted development:

#### ***Installation of solar panels on roof of agricultural building***

The application was accompanied by the following documentation;

- Section 5 Application Form and cover letter
- Site Layout Plan
- Roof Plan and dimensions of solar array

#### **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, 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.*

Class 18c of Part 3 of Schedule 2 of the Planning and Development Regulations 2001, as amended states:

<b>Description of Development</b>	<b>Conditions and Limitations</b>
The placing or erection on a roof or wall of an agricultural structure, or within the curtilage of an agricultural holding, or on a roof or wall of any ancillary buildings within the curtilage of an agricultural holding of a solar photo-voltaic and/or solar thermal collector installation.	<ol style="list-style-type: none"><li>1. Where such development is located within a solar safeguarding zone, the total aperture area of any solar photo-voltaic and/or solar thermal collector panels, taken together with any other such panels previously placed on a roof, shall not exceed 300 square metres.</li><li>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.</li><li>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.</li><li>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.</li><li>5. Development shall not be exempted development where the highest part of the solar photo-voltaic or solar thermal collector installation exceeds the highest part of any roof that is not a flat roof (excluding any chimney).</li><li>6. 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.</li></ol>

	<p>7. 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.</p> <p>8. 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.</p> <p>9. The total aperture area of any wall mounted solar photo-voltaic and solar thermal collector panels taken together with any other such existing wall mounted panels shall not exceed 75 square metres.</p> <p>10. The distance between the plane of the wall and the solar photo-voltaic or solar thermal collector panels shall not exceed 15cm.</p> <p>11. The solar photo-voltaic or solar thermal collector panels shall be a minimum of 50cm from the edge of the wall on which it is mounted.</p> <p>12. Any free-standing solar photo-voltaic or solar thermal collector installation shall not be placed or erected forward of the front wall of the nearest agricultural structure, within the curtilage of the agricultural holding, to a public road.</p> <p>13. The total aperture area of any free-standing solar photo-voltaic and solar thermal collector panels taken together with any other such existing free-standing panels shall not exceed 75 square metres.</p> <p>14. 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.</p> <p>15. The placing or erection of any free-standing 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.</p> <p>16. 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.</p> <p>17. 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 agricultural holding, and shall not be considered a change of use for the purposes of the Act.</p> <p>18. Development under this Class which causes hazardous glint and/or glare shall not be exempted development and any solar photo-voltaic or solar thermal</p>
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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. 6.3 kms to the north west of the village of Fethard, comprises of an existing, long standing farm complex. The site is set back of 200 metres from the public roadway to the west (L-1401).

The farm complex is located in the area under urban influence. It is not located within a scenic amenity area. None of the structures on site are protected.

#### **b. Relevant Planning History**

None recorded

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 18c of Part 3 of Schedule 2 of the Regulations. The applicant has included details in respect of elevations, sections and roof plans.



Having regard to the Conditions and Limitations under Class 18c, the following is noted;

- The site is not located in a solar safeguarding zone
- It is not clear if the distance between the plane of the roof and the solar photo-voltaic or solar thermal collector panels exceed 15cm. Further information is required.
- The solar photo-voltaic panels are in excess of 50cm from the edge of the roof on which it is mounted.
- The highest part of the solar photo-voltaic or solar thermal collector installation does not exceed the highest part of any roof
- Ancillary equipment appears to be installed on the roof. Ancillary equipment cannot be stored on the roof. Further information is required
- 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
- The total area of the photo-voltaic and solar thermal collector panels does not exceed 75 square metres (10.3\*1.78)
- The solar panel is to be used to meet electricity requirements on the farm holding.

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 within 10 kms of the Lower River Suir SAC and within 15 kms of the River Barrow And River Nore SAC.

The proposed development is located within the curtilage of an agricultural enterprise and comprises of the installation of a roof mounted solar array.

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. FURTHER INFORMATION**

The following further information was requested on the 21<sup>st</sup> of November 2025;

- Please confirm that the distance between the plane of the roof and the solar photo-voltaic or solar thermal collector panels does not exceed 50 cms.
- Please confirm that any ancillary equipment associated with solar photo-voltaic or solar thermal collector panels, such as inverters and battery storage equipment is not placed on a wall or any roof that is not a flat roof.

The applicant replied on the 27<sup>th</sup> of November 2025 and the 9<sup>th</sup> of December.

#### **APPRAISAL**

##### **POINT 1**

The applicant confirmed that the distance between the plane of the roof and the solar photo-voltaic or solar thermal collector panels does not exceed 50 cm and that no ancillary equipment will be stored on a wall or any roof that is not a flat roof.

#### **5. RECOMMENDATION**

##### **Query**

A question has arisen as to whether the following;

Installation of solar panels on the roof an Agricultural building in Woodhouse Fethard constitutes development and if so does it constitute exempted development.

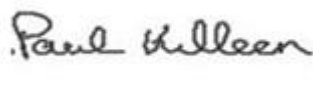
In determining this query, the Planning Authority had regard to;

- Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended),
- Articles 6, 8 and 9 of the Planning and Development Regulations 2001 (as amended)
- Class 18c, Schedule 2, Part 3 of the Planning and Development Regulations 2001 (as amended),
- the details pertaining to the development as set out by the querist and
- the details received by way of further information.

##### **Determination**

Accordingly, having considered the information received, the Planning Authority has determined that the installation of solar panels on the roof an Agricultural building in Woodhouse, Fethard, Co Tipperary constitutes development and is considered to be “exempted development”.

**District Planner:**



**Date:** 10/12/2025

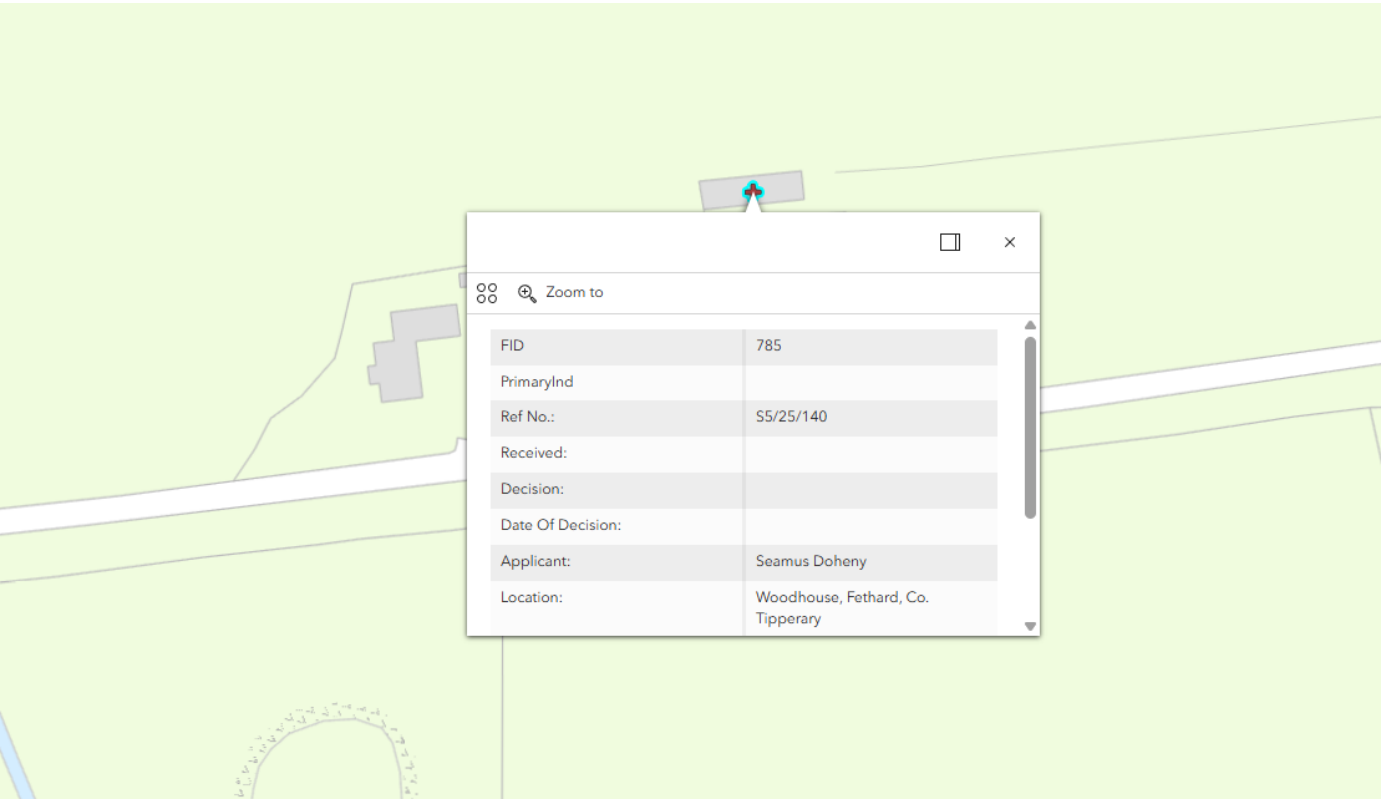
**Senior Executive Planner:**



**Date:** 11.12.2025

EIA Pre-Screening Establishing a development is a 'sub-threshold development'	
<b>File Reference:</b>	S5/25/140
<b>Development Summary:</b>	Installation of solar panels
<b>Was a Screening Determination carried out under Section 176A-C?</b>	<input type="checkbox"/> Yes, no further action required  <input checked="" type="checkbox"/> No, Proceed to <b>Part A</b>
<b>A. Schedule 5 Part 1</b> - Does the development comprise a project listed in Schedule 5, <b>Part 1</b> , of the Planning and Development Regulations 2001 (as amended)? (Tick as appropriate)	
<input type="checkbox"/> Yes, specify class _____	<b>EIA is mandatory</b>  No Screening required
<input checked="" type="checkbox"/> No	Proceed to <b>Part B</b>
<b>B. Schedule 5 Part 2</b> - Does the development comprise a project listed in Schedule 5, <b>Part 2</b> , of the Planning and Development Regulations 2001 (as amended) <b>and</b> 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	<b>No Screening required</b>
<input type="checkbox"/> Yes the project is listed in Schedule 5, Part 2 <b>and</b> meets/exceeds the threshold, specify class (including threshold): _____	<b>EIA is mandatory</b>  No Screening required
<input type="checkbox"/> Yes the project is of a type listed <b>but</b> is <i>sub-threshold</i> : _____	Proceed to <b>Part C</b>
<b>C. If Yes</b> , has Schedule 7A information/screening report been submitted?	
<input type="checkbox"/> Yes, Schedule 7A information/screening report has been submitted by the applicant	<b>Screening Determination required</b>
<input type="checkbox"/> No, Schedule 7A information/screening report has not been submitted by the applicant	<b>Preliminary Examination required</b>

Figure 2 Site entered on planning register





Comhairle Contae Thiobraid Árann  
Tipperary County Council

Comhairle Contae  
Thiobraid Árann,  
Oifigí Cathartha,  
Cluain Meala,  
Co. Thiobraid Árann  
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@tipperarycoco.ie  
tipperarycoco.ie

Date: 15<sup>th</sup> December, 2025

Our Ref: S5/25/140

Civic Offices, Nenagh

**Seamus Doheny**  
**Woodhouse,**  
**Fethard,**  
**Co Tipperary**

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

Dear Seamus,

I refer to your application for a Section 5 Declaration received on 31<sup>st</sup> October 2025 and Further Information received on 27<sup>th</sup> November 2025 in relation to the following proposed works:

Installation of solar panels at Woodhouse, Fethard, 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 –

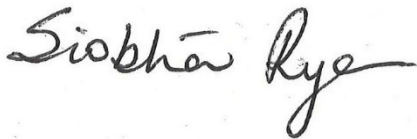
- Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended),
- Articles 6, 8 and 9 of the Planning and Development Regulations 2001 (as amended)
- Class 18c, Schedule 2, Part 3 of the Planning and Development Regulations 2001 (as amended),
- the details pertaining to the development as set out by the querist and
- the details received by way of further information.

## Determination

Accordingly, having considered the information received, the Planning Authority has determined that the installation of solar panels on the roof an Agricultural building in Woodhouse, Fethard, 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: **S5/25/140**

**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 3<sup>rd</sup> 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 Seamus Doheny, Woodhouse, Fethard, Co Tipperary, re: Installation of solar panels at Woodhouse, Fethard, 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 18c, Schedule 2, Part 3 of the Planning and Development Regulations 2001 (as amended),
- the details pertaining to the development as set out by the querist and
- the details received by way of further information.

**Determination**

Accordingly, having considered the information received, the Planning Authority has determined that the installation of solar panels on the roof an Agricultural building in Woodhouse, Fethard, Co Tipperary constitutes development and is considered to be "**exempted development**".

**Signed:**



\_\_\_\_\_  
**Brian Beck**  
**Director of Services**

**Date: 15/12/2025**