

PLANNING & DEVELOPMENT ACT, 2000 (as amended)

Application for a Section 5 Declaration
Development / Exempted Development

1. Applicant's address/contact details:

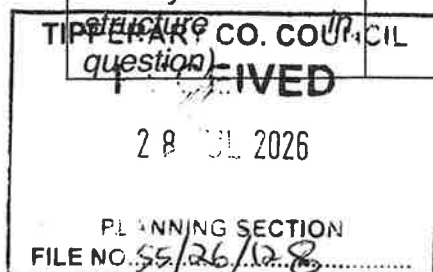
Applicant	Monica Galvin
Address	1 The Glebe, Mill Rd, Thurles, Co. Tipperary
Telephone No.	
E-mail	

2. Agent's (if any) address:

Agent	~~Rahealty~~ Rahealty N.S.
Address	Rahealty Thurles Co. Tipperary
Telephone No.	(0504) 45266
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 precise location question)	Rahealty N.S. Pre-School Rahealty Thurles Co. Tipperary
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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.)

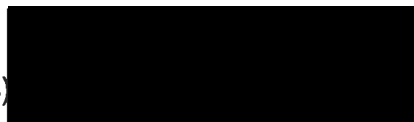
Required For TUSLA to
extend hours from 8am - 6pm
I need a letter of exemption
stating that I do not need
planning permission to extend the opening
Proposed floor area of proposed works/uses: sqm 35.58 sqm hours

5. Legal Interest of Applicant in the Land or Structure:

from 8.30 AM - 1.30 PM
to 8 AM to 6 PM

Please tick appropriate box to show applicant's legal interest in the land or structure	A. Owner	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: Michael Harby / Deputy Principal Address: R. Healy Thurles Co. Tipperary E41YV10	

Signature of Applicant(s)



Date: 14/07/2026.

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.



Cash Office
Tipperary County Council
Civic Offices
Nenagh
Co Tipperary

28/07/2026 14:59:58

Receipt No. : NENAM1/0/139283

MONICA GALVIN
RAHEALTY N.S. PRESCHOOL,
RAHEALTY,
THURLES

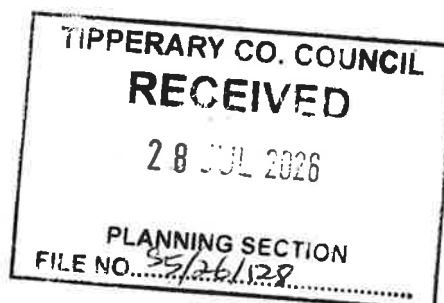
SECTION5 EXEMPTION DECLARATION 80
GOODS 80.00
VAT Exempt/Non-vatable

Total : 80.00 EUR

Tendered :
Credit Card 80.00

Change : 0.00

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



Surveyed 1903-2000
Revised 1952-2000
Levelled 1952

Rural PLACE Map



ITM CENTRE PT. COORDS.

616134, 662662

DESCRIPTION

MAP SHEETS

25 inch

TY041-04, TY035-16

Digital Map

4637

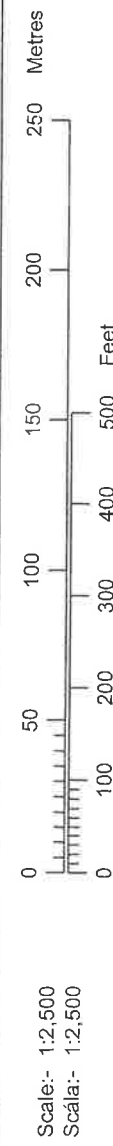
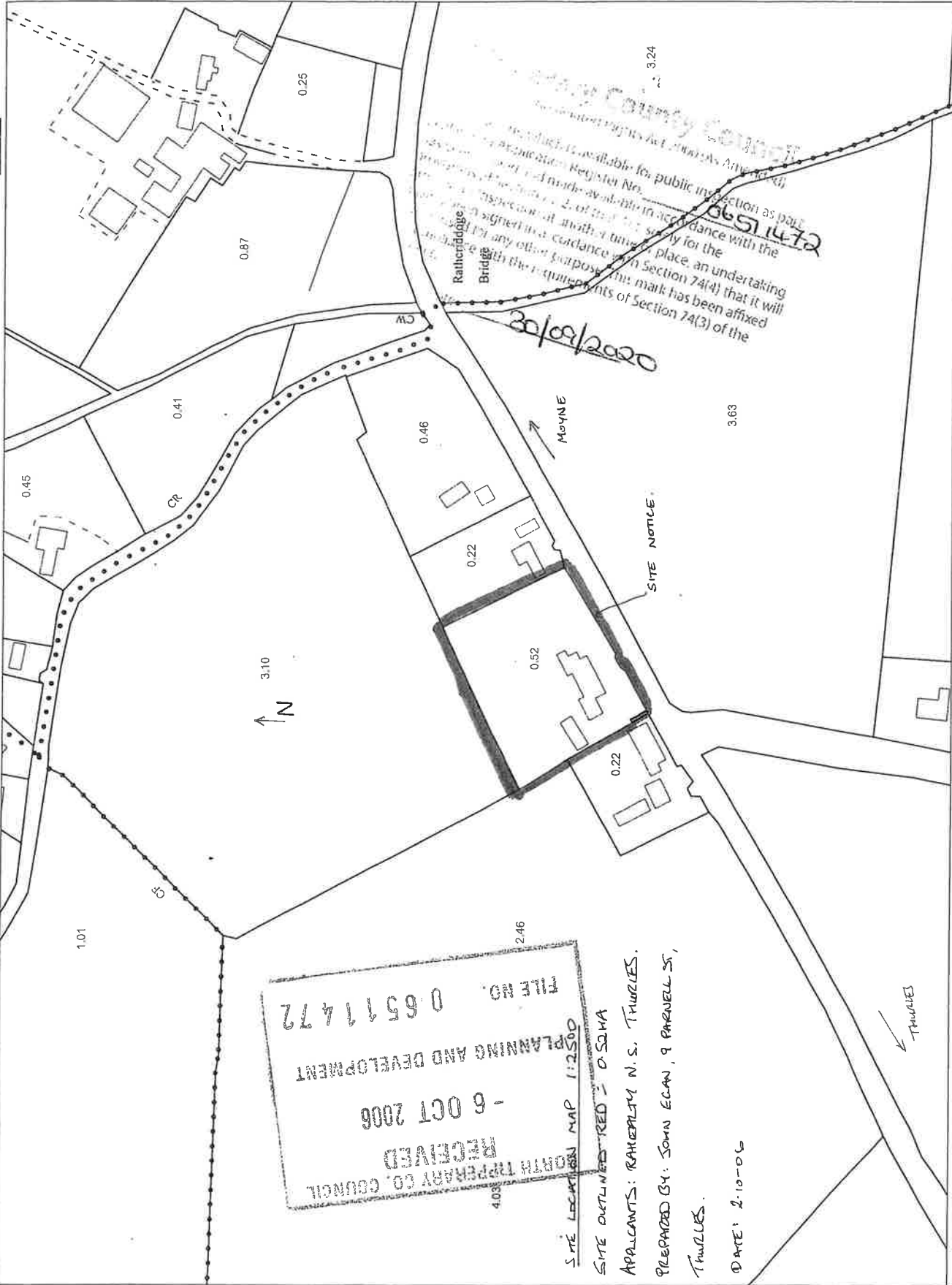


Produced by The Map Shop,
54 Upr John Street, Kilkenny City
On behalf of Ordnance Survey Ireland,
Phoenix Park, Dublin 8.

SEALING AGENT
RATHFRIDGEBRIDGE
KILKENNY
4637

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RECEIVED
- 6 OCT 2006
PLANNING AND DEVELOPMENT
FILE NO. 06511472

SITE LOCATION MAP 1:2500
SITE OUTLINED RED - 0.52HA
APPLICANTS: RAHEPLTY N.S. THURLES.
PREPARED BY: SOWN EGAN, 9 PARWELL ST,
THURLES.
DATE: 2-10-06

Plot Ref. No. 1148136_1_1
Plot Date 20-SEP-2006



Comhairle Contae Thiobraid Árann
Tipperary County Council

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

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

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

Date: 28th July 2026

Our Ref: S5/26/128

Civic Offices, Nenagh

Rahealty N.S. Pre-School
C/O Monica Galvin
1 The Glebe
Mill road
Thurles
Co Tipperary

Re: Application for a Section 5 Declaration – Change of operation hours from 8.30am-1.30pm to 8am–6pm at Rahealty N.S. Pre-school, Rahealty, Thurles, Co. Tipperary.

Dear Monica,

I acknowledge receipt of your application for a Section 5 Declaration received on 28th July 2026, in connection with the above.

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

Yours sincerely

for **Director of Services**

TIPPERARY COUNTY COUNCIL
Application for Declaration under Section 5

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

Planning Ref: S5/26/128

Applicant: Monica Galvin

Development Address: Rahealty N.S, Rahealty, Thurles, Co. Tipperary

Proposed Development: Extend opening hours of pre school from 8.30am-1.30pm to 8am-6pm.

1. GENERAL

A request was made for a declaration under Section 5 of the Planning and Development Act, 2000 (as amended) as to whether or not the following is development and exempted development:

Extend opening hours from 8.30am-1.30pm to 8am-6pm.

The application is accompanied by:

- Section 5 Declaration Application Form
- Site Location Maps

The building is not a Protected Structure and is not within an Architectural Conservation Area.

2. STATUTORY PROVISIONS

The following statutory provisions are relevant to this referral case;

Planning and Development Act 2000, as amended

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 3 (1) of the Planning and Development Act 2000, as amended, defined “development” 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 4 (2)(a) of the Planning and Development Act 2000, as amended, states as follows:-

(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).

Section 4 (4) of the Planning and Development Act 2000, as amended, states as follows:-

4. (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;

‘School’ has the meaning assigned to it by the Education Act 1998.

“school” means an establishment which—

- (a) provides primary education to its students and which may also provide early childhood education, or*
- (b) provides post-primary education to its students and which may also provide courses in adult, continuing or vocational education or vocational training, but does not include a school or institution established in accordance with the Children Acts, 1908 to 1989, or a school or institution established or maintained by a health board in accordance with the Health Acts, 1947 to 1996, or the Child Care Act, 1991;*

Article 6. (1) of the Planning and Development Regulations 2001, as amended, states;

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.

Article 9. (1) of the Planning and Development Regulations 2001, as amended, states;

Restrictions on exemption.

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,

(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 is located at Rahealty N.S., Rahealty, Thurles, Co. Tipperary

b. Relevant Planning History

- 06511472** Planning permission granted to BOM Rahealty NS for extension to the rear of the existing school incorporating 2 no. classrooms, W.C.s, cloakrooms, office and dressing rooms, to build an extension to the side of the existing school to provide a staff room, to upgrade the on-site sewage treatment system and carry out all associated works. Also, for permission to retain prefab classroom, entrance and carparking area.
- 07511894** Planning permission granted to build a new entrance and to close up an existing entrance to relocate the car parking area and ballcourt also for permission to retain revised boundaries of the school grounds to incorporate a new playing field and relocated percolation area and to retain revised overall site layout including the relocation and redesign of an extension to the school and all associated site works.
- 2460195** Planning permission granted for the construction of a single storey extension and alterations to existing school, demolition of existing shed and all associated site works
- S5.23.23** Request for Exemption Cert relating to the increase in number of children attending pre-school from 16 to 19 children did not constitute development.

c. Relevant Precedent cases

- S5/24/83** Proposal to extend the opening times for the pre-school deemed at Shronell National School. Deemed exempt.
- S5/26/62** Proposal to change service from sessional to full day/after school; service. Deemed exempt.

d. Assessment

The question posed under the Section 5 Declaration application is as to whether to extend opening hours from 8.30am-1.30pm to 8am-6pm constitutes development and if so, does it constitute exempted development. The request relates to an existing pre-school operating from Rahealty NS that is operated by the applicant.

A) "Is or is not Development"

I note no physical works to the building are proposed. The Declaration relates to the extension of the opening hours of the preschool (from 5 hours up to 10 hours).

The applicant does not propose to carry out any works on the site as defined under Section 2(1) of the Planning and Development Act, 2000 as amended. No change of use is proposed

therefore the proposal cannot be considered a material change of use arising from a new use on the site or within buildings on the site.

The proposal is to extend existing operating times from 8.30am-1.30pm to 8am-6pm. I do not consider this to result in an intensification of use that would result in a material change of use.

Noting the foregoing I consider the proposal as set out in the Declaration request does not constitute development within the meaning of the Planning and Development Act 2000, as amended.

B) Requirement for Appropriate Assessment and Environmental Impact Assessment

Appropriate Assessment

The proposal has been screened as to the requirements for Appropriate Assessment under the EU Habitats Directive. The screening assessment considers that the proposal does not impact on any Natura 2000 site. See also Appropriate Assessment screening report attached.

Environmental Impact Assessment

EIA is not required in respect of the proposed development. See Environmental Impact Assessment (EIA) pre-screening report attached.

4. RECOMMENDATION

A question has arisen as to whether extending the opening hours of the pre-school operating from Rahealty NS from 8.30am-1.30pm to 8am-6pm constitutes development and if so, whether it is or is not exempted development.

Tipperary County Council, in considering this declaration had regard particularly to:

- Sections 2,3 and 4 of the Planning and Development Act, 2000, as amended;
- Article 5 of the Planning and Development Regulations 2001, as amended;
- The planning history of the site and the documentation submitted with the application

Tipperary County Council has concluded that the extension of the opening hours of the pre-school operating from Rahealty NS from 8.30am-1.30pm to 8am-6pm **is Not Development.**

District Planner:



Date: 08.08.2026

HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT

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

(a) File Reference No:	S5/26/128
(b) Brief description of the project or plan:	As per planner's report
(c) Brief description of site characteristics:	As per planner's report
(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW	None
(e) Response to consultation:	No

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
002137 Lower River Suir SAC	https://www.npws.ie/protected-sites/sac/0002137	15Km	None	No

STEP 3. Assessment of Likely Significant Effects

(a) Identify all potential direct and indirect impacts that may have an effect on the conservation objectives of a European site, taking into account the size and scale of the project under the following headings:

Impacts:	Possible Significance of Impacts: (duration/magnitude etc.)
Construction phase e.g. - Vegetation clearance - Demolition - Surface water runoff from soil	No direct impacts as dwellings have already been constructed

excavation/infill/landscaping (including borrow pits) • Dust, noise, vibration • Lighting disturbance • Impact on groundwater/dewatering • Storage of excavated/construction materials • Access to site • Pests	
Operational phase e.g. • 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	No direct impacts
In-combination/Other	No
(b) Describe any likely changes to the European site:	
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.

On the basis of the information on file and having regard to the proximity of the proposed development, the provision of an on-site waste water treatment system and the short distance from a European site, it is concluded that the proposed development, individually or in-combination with other plans or projects, will not have an impact on the above listed European sites

Conclusion:

	Tick as Appropriate:	Recommendation:
(i) It is clear that there is no likelihood of significant effects on a European site.	☒	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.	☐	☐ Request further information to complete screening ☐ Request NIS ☐ Refuse planning permission
(iii) Significant effects are likely.	☐	☐ Request NIS ☐ Refuse planning permission
Signature and Date of Recommending Officer:	Jonathan Flood	Date: 10/8/2026

EIA Pre-Screening	
Establishing if the proposal is a 'sub-threshold development':	
Planning Register Reference:	S5/26/128
Development Summary:	As per Planners Report
Was a Screening Determination carried out under Section 176A-C?	☐ Yes, no further action required ☒ 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)	
☐ Yes, specify class <u> [insert here] </u>	EIA is mandatory No Screening required
☒ 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)	
☒ No, the development is not a project listed in Schedule 5, Part 2	No Screening required
☐ Yes the project is listed in Schedule 5, Part 2 and meets/exceeds the threshold, specify class (including threshold): <u> [specify class & threshold here] </u>	EIA is mandatory No Screening required
☐ 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?	
☐ Yes, Schedule 7A information/screening report has been submitted by the applicant	Screening Determination required
☐ No, Schedule 7A information/screening report has not been submitted by the applicant	Preliminary Examination required
Signature and Date of Recommending Officer:	Jonathan Floof 10/8/2026



Date: 13th August 2026

Our Ref: S5/26/128

Civic Offices, Nenagh

Rahealty N.S.
C/O Monica Galvin
1 The Glebe
Mill Road
Thurles
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 28th July 2026, in relation to the following proposed works:

Extend opening hours of pre-school from 8.30am-1.30pm to 8am-6pm. at Rahealty N.S, Rahealty, Thurles, Co. Tipperary

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

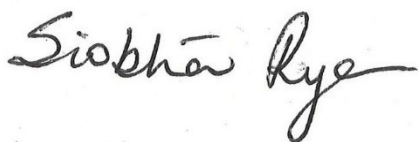
AND WHEREAS Tipperary County Council, in considering this referral, had regard particularly to –

- Sections 2,3 and 4 of the Planning and Development Act, 2000, as amended;
- Article 5 of the Planning and Development Regulations 2001, as amended;
- The planning history of the site and the documentation submitted with the application

Tipperary County Council has concluded that the extension of the opening hours of the pre-school operating from Rahealty NS from 8.30am-1.30pm to 8am-6pm **is Not 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 written in a cursive style with a long, sweeping tail on the letter 'y'.

for **Director of Services**

cc.: Michael Harty, Deputy Principal, Rahealty, Thurles, Co. Tipperary

Original

TIPPERARY COUNTY COUNCIL

DELEGATED EMPLOYEE'S ORDER

File Ref: **S5/26/128** **Delegated Employee's Order No:** _____

SUBJECT: Section 5 Declaration

I, Jonathan Flood, Senior Executive Planner, 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. 47880 dated 7th July 2026 hereby order

that pursuant to the provisions of the Planning and Development Act 2000, as amended, that an application under Section 5 from Rahealty N.S. Pre-School, C/O Monica Galvin, 1 The Glebe, Mill Road, Thurles, Co. Tipperary at Rahealty N.S. Pre-School, Rahealty, Thurles, Co. Tipperary **is not development.**

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

- Sections 2,3 and 4 of the Planning and Development Act, 2000, as amended;
- Article 5 of the Planning and Development Regulations 2001, as amended;
- The planning history of the site and the documentation submitted with the application

Tipperary County Council has concluded that the extension of the opening hours of the pre-school operating from Rahealty NS from 8.30am-1.30pm to 8am-6pm **is Not Development.**

Signed: *Jonathan Flood*

Date: 13/08/2026

Jonathan Flood
Senior Executive Planner