



**Comhairle Contae Thiobraid Árann**  
Tipperary County Council

Tipperary County Council  
RECEIVED  
26 MAR 2025  
C S D  
Civic Offices, Clonmel

**PLANNING & DEVELOPMENT ACT, 2000 (as amended)**

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

**1. Applicant's address/contact details:**

|               |   |
|---------------|---|
| Applicant     | DUALLA COMMUNITY ASSOCIATION CLG                            |
| Address       | c/o Kieran O'Dwyer<br>BALLYKELLY<br>DUALLA, CASHEL, CO TIPP |
| Telephone No. |   |
| E-mail        |   |

**2. Agent's (if any) address:**

|               |     |
|---------------|-----|
| Agent         | N/A |
| 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<br>Townland or<br>Location<br>(as may best<br>identify the land or<br>structure in<br>question) | DUALLA COMMUNITY HALL<br>E25 R778<br>DUALLA<br>CASHEL<br>CO TIPPERARY |
|---|---|

Receipt No 190 981  
Issued 26 03 2025  
€50 -00 cheque

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.

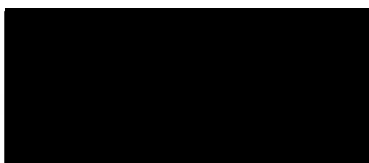
(Note: only works and uses listed and described under this section will be assessed under this Section 5 Application. Use additional sheets if required.)

|   |                                   |
|---|-----------------------------------|
| Installation of 20 PV Solar                 |                                   |
| panels on roof of existing building         |                                   |
|   |                                   |
|   |                                   |
|   |                                   |
| Proposed floor area of proposed works/uses: | sqm N/A roof.<br>feet of premises |

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

|  |  |                                      |
|--|--|--------------------------------------|
| Please tick appropriate box to show applicant's legal interest in the land or structure          | <input checked="" type="checkbox"/> A. Owner | <input type="checkbox"/> B. Occupier |
|  | <input type="checkbox"/> C. Other            |                                      |
| Where legal interest is 'Other', please expand further on your interest in the land or structure | N/A  |                                      |
| If you are not the legal owner, please state the name and address of the owner                   | Name:<br>Address: N/A                        |                                      |

Signature of Applicant(s)



Date: 20/3/25

**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
- OSI Site Location Map with the site outlined clearly – 1:1000 in urban areas and 1:2500 in rural areas
  - Floor Plans & Elevations at a scale of not less than 1:200
  - Site layout plan indicating position of proposed development relative to premises and adjoining properties
  - Other details *e.g.* brochures, photographs if appropriate.
- (All dimensions must be given in metric scale and drawings should be accompanied by a brief description outlining the use of the proposed development)
- (3) Where a proper and complete application is received, a decision must be conveyed to the applicant within four (4) weeks except where additional necessary information is required.

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

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

**OR**

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

**Enquires:**

**Telephone 0818 06 5000**

**E-Mail [planning@tipperarycoco.ie](mailto:planning@tipperarycoco.ie)**

**FOR OFFICE USE ONLY**

**DATE STAMP**

**Fee Recd. €** \_\_\_\_\_

Receipt No \_\_\_\_\_

Date \_\_\_\_\_

Received by \_\_\_\_\_

KH A

PROJECT REF : 2147  
DUALLA FIELD DEVELOPMENT  
FEASIBILITY STUDY

**Client:** Dualla Community Association

Newpark,  
Dualla,  
Cashel,  
Co. Tipperary,  
E25 NX92

**Project No:** 2147

**Date:** 17th December 2021

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#### **PROJECT BRIEF**

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Development of an existing community playing field and clubhouse in Dualla = €450,000

The client wishes to develop the existing soccer field and clubhouse, add a new multi-use games area, a new perimeter walking track and a formalized car parking layout.

-The brief includes the following elements:

- Redevelopment the existing soccer pitch.
- New perimeter walking/ running track.
- New multi use games area.
- Formalized car parking layout.
- Alterations to the existing clubhouse to provide showering facilities to a larger home changing room, review of existing sanitary facilities and a revised layout of meeting/ reception room.
- Review of site boundaries and proposals to address vermin (rabbits). Rabbits are damaging the playing surface of the soccer field.
- Review of existing foul water treatment.

Accommodation to be provided includes:

#### **GRASS FIELD**

Upgrade grass pitch 100x60m  
Two 'mini' pitches across each half

#### **BOUNDARY TRACK**

Improved surface, wider than current walkway. Possibly 3m with gentle curves  
Led lighting with dusk sensor

#### **PARKING**

Car park 1,750 sqm  
Layout for 40-50 cars, with lines  
Generous spaces size

#### **FENCING**

Boundary fence around the perimeter of the site for pest control  
Boundary fence to go around the perimeter of each surface area

#### **SPORTS COURT**

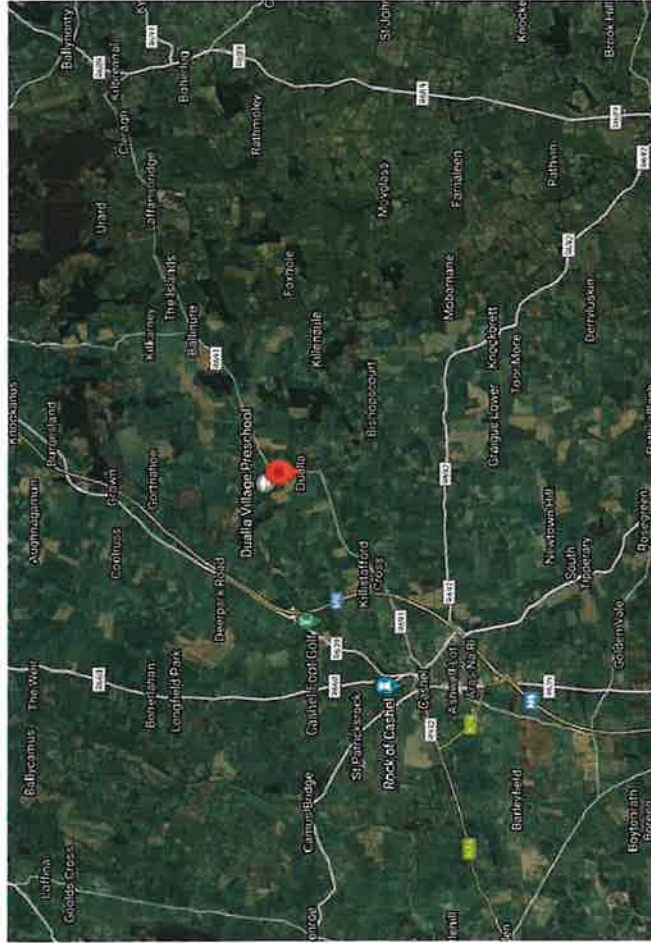
General court area 40x30m  
Basketball/ Tennis/ Soccer/ Mini athletics/ Circuit training

#### **EXERCISE AREA**

All ages exercise area 30x20m

## SITE LOCATION

(Image taken from Google maps)



①

## ROADS CONNECTIONS

The site at Newpark, Dualla, Cashel is located beside the R691 which joins directly to Cashel. Cashel is approximately 7km from the site itself. The M8 is located to the West of the site .

(Image taken from Google maps)



①

## ACCESS AND BOUNDARIES

- Access is gained from a public road at the North of the site which joins to the R691.
- Boundaries to the front are a post and rail fence.
- Boundaries to the side and rear of the site are hedges that are overgrown and making the walking path narrower. Hedge boundary on the East side of the site may be removed.
- Possibility of the West boundary hedge being removed also if needed.



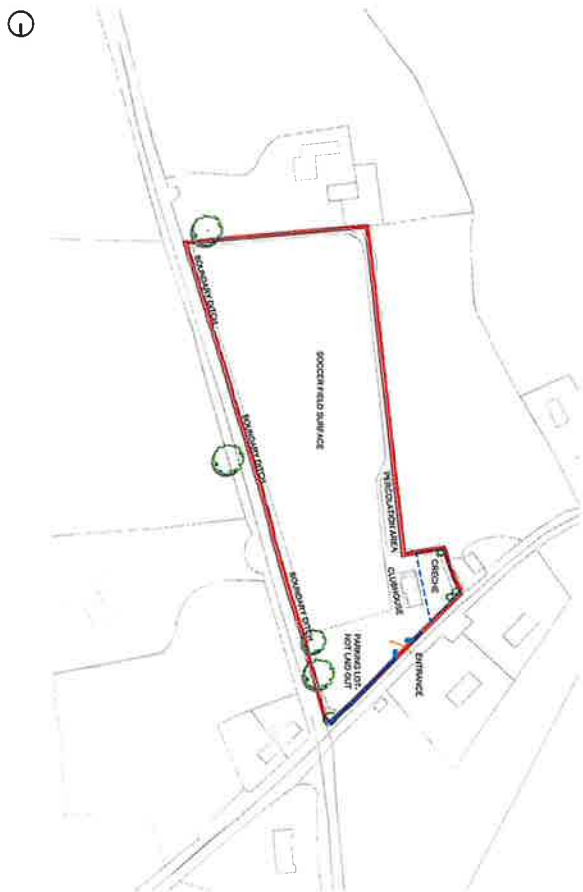
**PLANNING HISTORY**

(Image taken from Tipperary County Council maps)



- The local planning authority is Tipperary County Council.
- There are two planning applications for the land to the East of the site. One for a two storey dwelling (04225), and a single storey extension (11232).
- To the North there is retention on two dwellings (071920).
- To the North-East planning for conversion of an attic, a new boundary fence and entrance (1660874)
- To the South-East planning for 45 houses (071355)

**SITE PLAN**

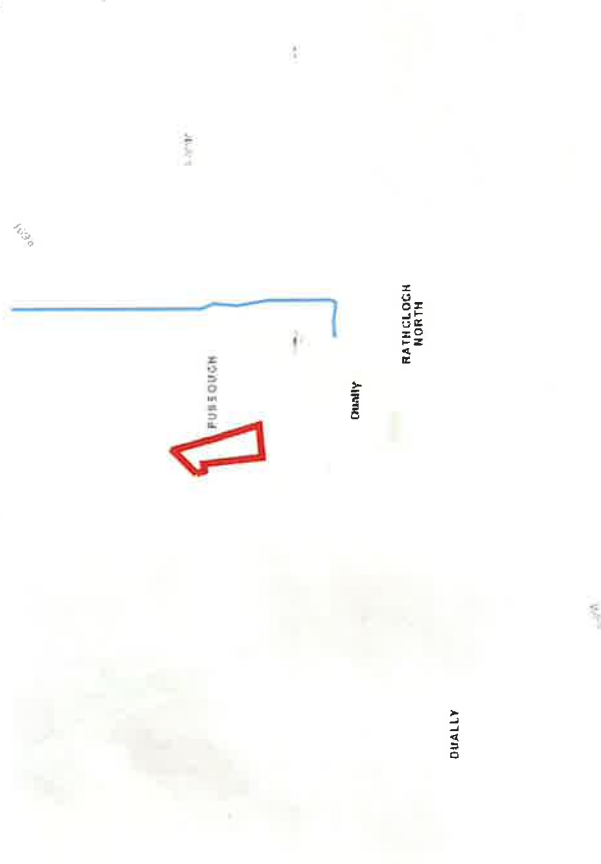


**EXISTING SITE PLAN**

- The site entrance is on the North boundary formed by splayed fencing.
- The site boundary on the North side is a post and rail fence.
- The site consists of a clubhouse, an unmarked parking lot, the soccer field, and the perimeter track. A separate tenant occupies a creche to the rear of the clubhouse, which is not included in any proposed development.
- There are a number of mature trees on the East boundary.

## FLOODING

(Image taken from FloodInfo.ie maps)

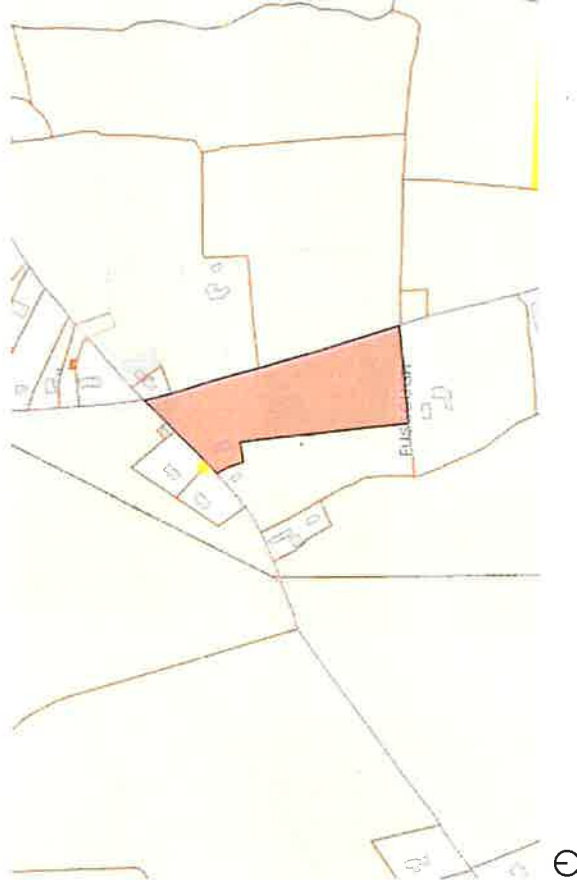


①

- As indicated on the map with the red boundary, the site is not situated within a flood zone.
- The small stream that runs to the East is not in close enough proximity to the site to present a risk of flooding.

## LAND OWNERSHIP

Newpark, Dualla, Cashel



## LAND OWNERSHIP

- A plot of land adjacent to the West boundary is in single ownership.
- The land to the South has a dwelling in single ownership.
- The land across the R691 is split between three owners, with two dwellings present.

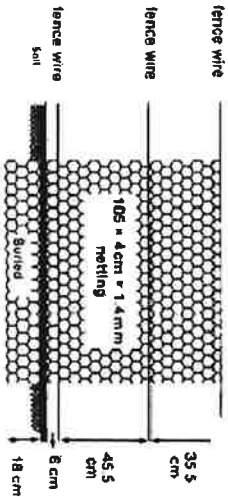


**PRECEDENTS**

EXAMPLE OF HIGH MESH BOUNDARY FENCE SURROUNDING PLAYING AREA



FENCING DIMENSIONS SUITABLE FOR STOPPING VERMIN ENTERING THE SITE. WIRE BURIED UNDERGROUND TO PREVENT TUNNELING UNDERNEATH.



EXAMPLE OF HIGH MESH BOUNDARY FENCE SURROUNDING PLAYING AREA



EXAMPLE OF A WALKING/ RUNNING TRACK LAYOUT



RESIN BONDED STONE



PORPLASTIC SURFACE



EXAMPLE OF AN EXTERIOR COURT INCORPORATED INTO A GREEN AREA



EXAMPLE OF AN EXTERIOR COURT WITH HIGH BOUNDARY FENCE SURROUNDING



EXTERIOR EXERCISE LAYOUT, INCORPORATING VARIOUS HANGING BARS AND BENCHES FOR DIFFERENT EXERCISES



EXAMPLE OF COURT AREA SETUP WITH AN OVERALL BOUNDARY FENCE AND DIVISIONS AT EACH COURT.





**PRECEDENTS**

FRS FENCING:  
frsfencing.ie

TRACK BOUNDARY STYLE FENCING



COURT STYLE FENCING



LOW MAINTENANCE AGRICULTURAL STYLE FENCING BY FRS FENCING. 4FT CREOSOTE POSTS



LOW MAINTENANCE AGRICULTURAL STYLE FENCING BY FRS FENCING. 4FT CONCRETE POSTS



MCSWEENEY SPORTS SURFACES:  
mcsweeneyssportsurfaces.ie

PORPLASTIC RUNNING TRACK



POLYMERIC COURT STYLE. MANY COLOURS AVAILABLE



RESIN STONE SURFACE. NO LOOSE UNEVEN STONES. NO WEEDING



OUTFIT:  
outfit.ie

OUTDOOR GYM EQUIPMENT



MIX OF CALISTHENICS AND OUTDOOR GYM EQUIPMENT

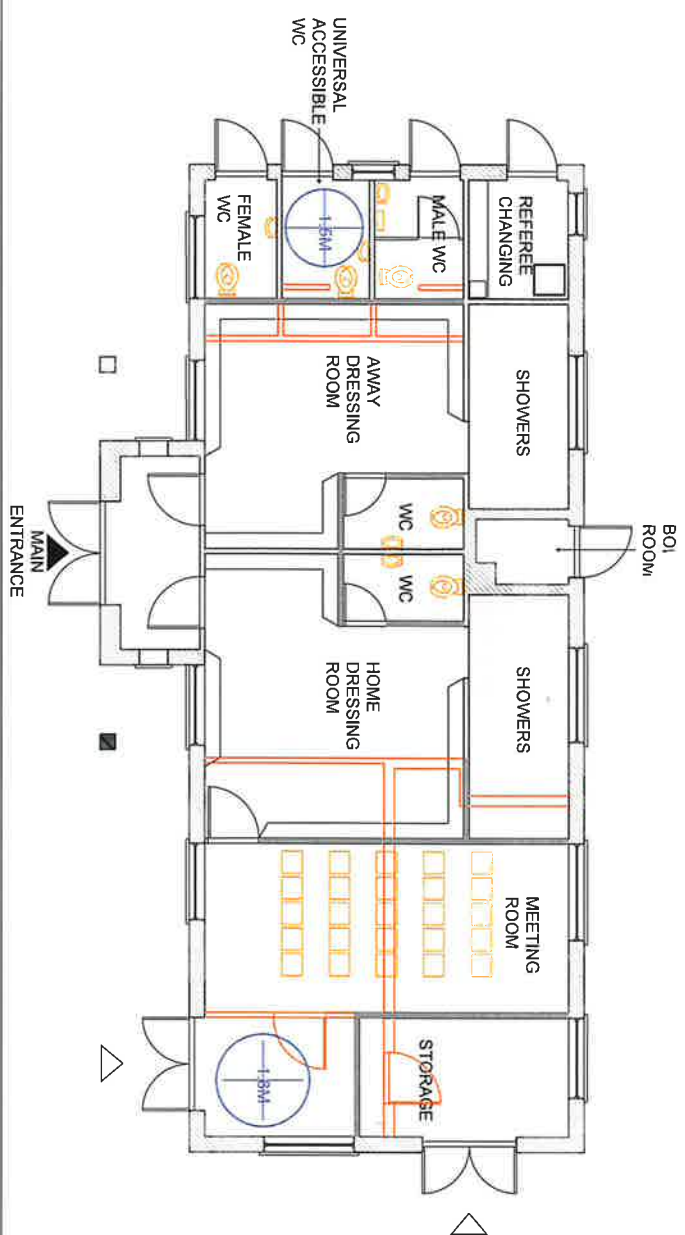


CALISTHENICS EQUIPMENT



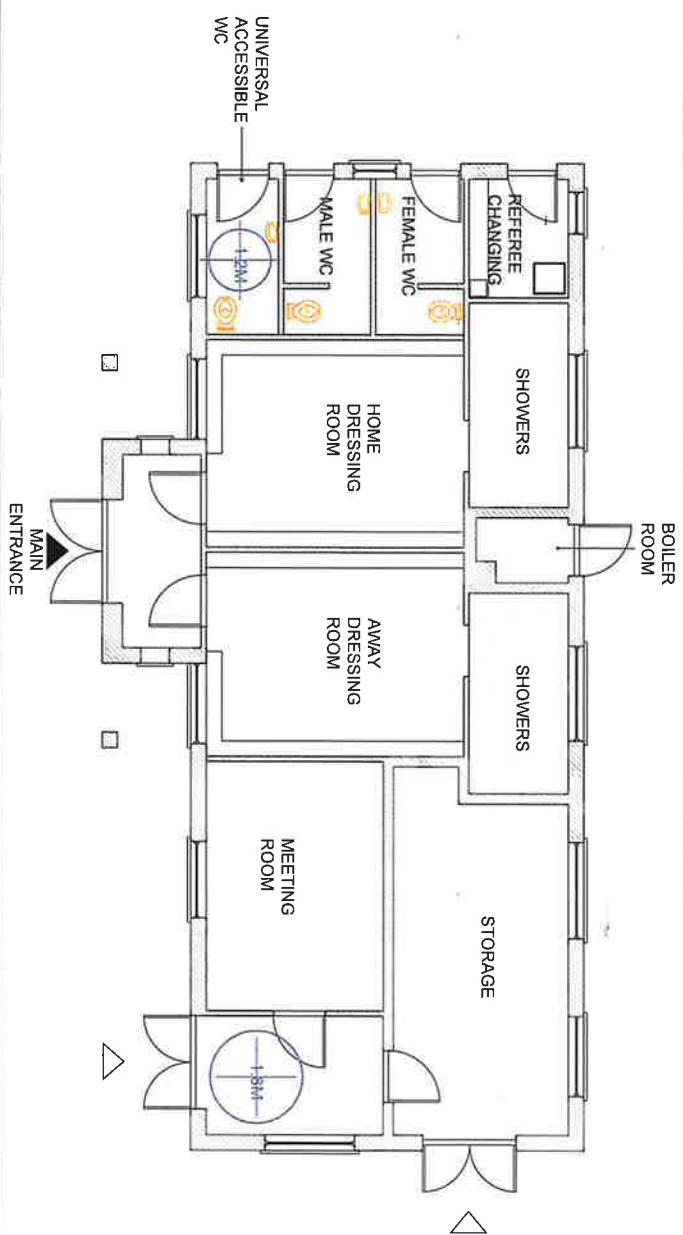
OUTDOOR EXERCISE EQUIPMENT



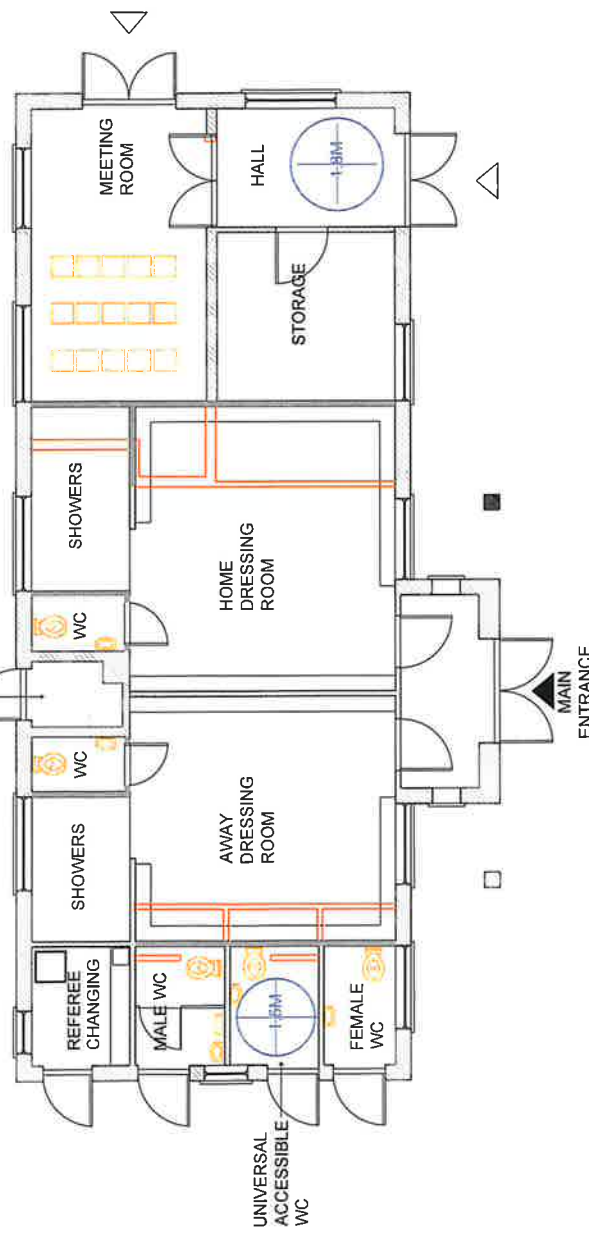


| OPTION A            |           |
|---------------------|-----------|
| HOME DRESSING ROOM  | 24.19 SQM |
| HOME SHOWERS        | 8.93 SQM  |
| AWAY DRESSING ROOM  | 18.93 SQM |
| AWAY SHOWERS        | 7.68 SQM  |
| WC                  | 2.99 SQM  |
| FEMALE WC           | 3.16 SQM  |
| UNIVERSAL ACCESS WC | 3.92 SQM  |
| MALE WC             | 3.92 SQM  |
| REFEREE CHANGING    | 4.45 SQM  |
| MEETING ROOM        | 23.16 SQM |
| STORAGE             | 13.6 SQM  |

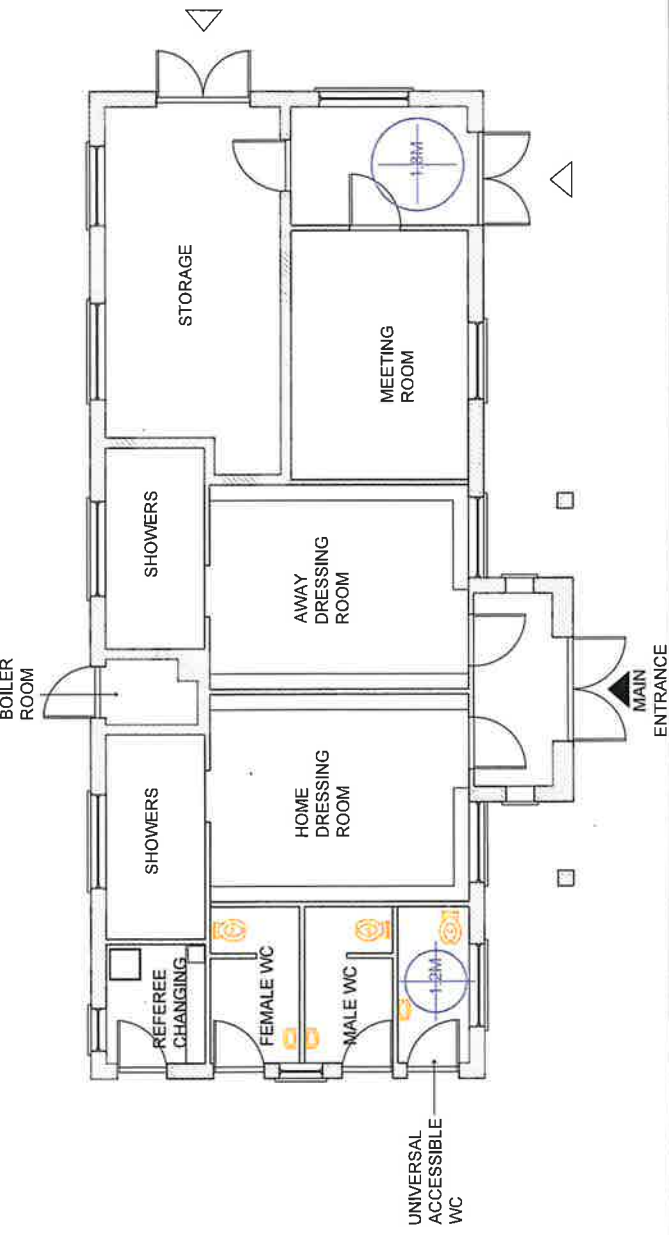
EXISTING PLAN (PER PLANNING SUBMISSION)



|                     |           |
|---------------------|-----------|
| HOME DRESSING ROOM  | 20.01 SQM |
| HOME SHOWERS        | 7.78 SQM  |
| AWAY DRESSING ROOM  | 20.01 SQM |
| AWAY SHOWERS        | 7.78 SQM  |
| WC                  |           |
| FEMALE WC           | 3.16 SQM  |
| UNIVERSAL ACCESS WC | 3.92 SQM  |
| MALE WC             | 3.92 SQM  |
| REFEREE CHANGING    | 4.45 SQM  |
| MEETING ROOM        | 16.41 SQM |
| STORAGE             | 21.62 SQM |



|                     |           |
|---------------------|-----------|
| OPTION B            |           |
| HOME DRESSING ROOM  | 27.5 SQM  |
| HOME SHOWERS        | 6.85 SQM  |
| AWAY DRESSING ROOM  | 23.5 SQM  |
| AWAY SHOWERS        | 5.32 SQM  |
| WC                  | 1.98 SQM  |
| FEMALE WC           | 3.16 SQM  |
| UNIVERSAL ACCESS WC | 3.92 SQM  |
| MALE WC             | 3.92 SQM  |
| REFeree CHANGING    | 4.45 SQM  |
| MEETING ROOM        | 18.81 SQM |
| STORAGE             | 10.88 SQM |
| HALL                | 7.82 SQM  |

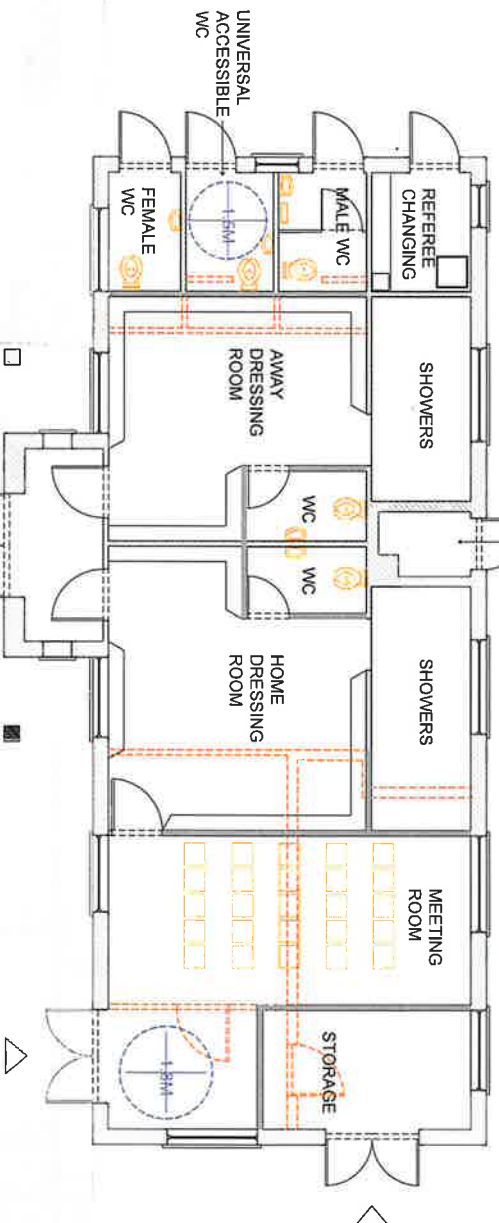


|   |           |
|---|-----------|
| EXISTING PLAN (PER PLANNING SUBMISSION) |           |
| HOME DRESSING ROOM                      | 20.01 SQM |
| HOME SHOWERS                            | 7.78 SQM  |
| AWAY DRESSING ROOM                      | 20.01 SQM |
| AWAY SHOWERS                            | 7.78 SQM  |
| WC                                      | 3.16 SQM  |
| FEMALE WC                               | 3.92 SQM  |
| UNIVERSAL ACCESS WC                     | 3.92 SQM  |
| MALE WC                                 | 3.92 SQM  |
| REFeree CHANGING                        | 4.45 SQM  |
| MEETING ROOM                            | 16.41 SQM |
| STORAGE                                 | 21.62 SQM |



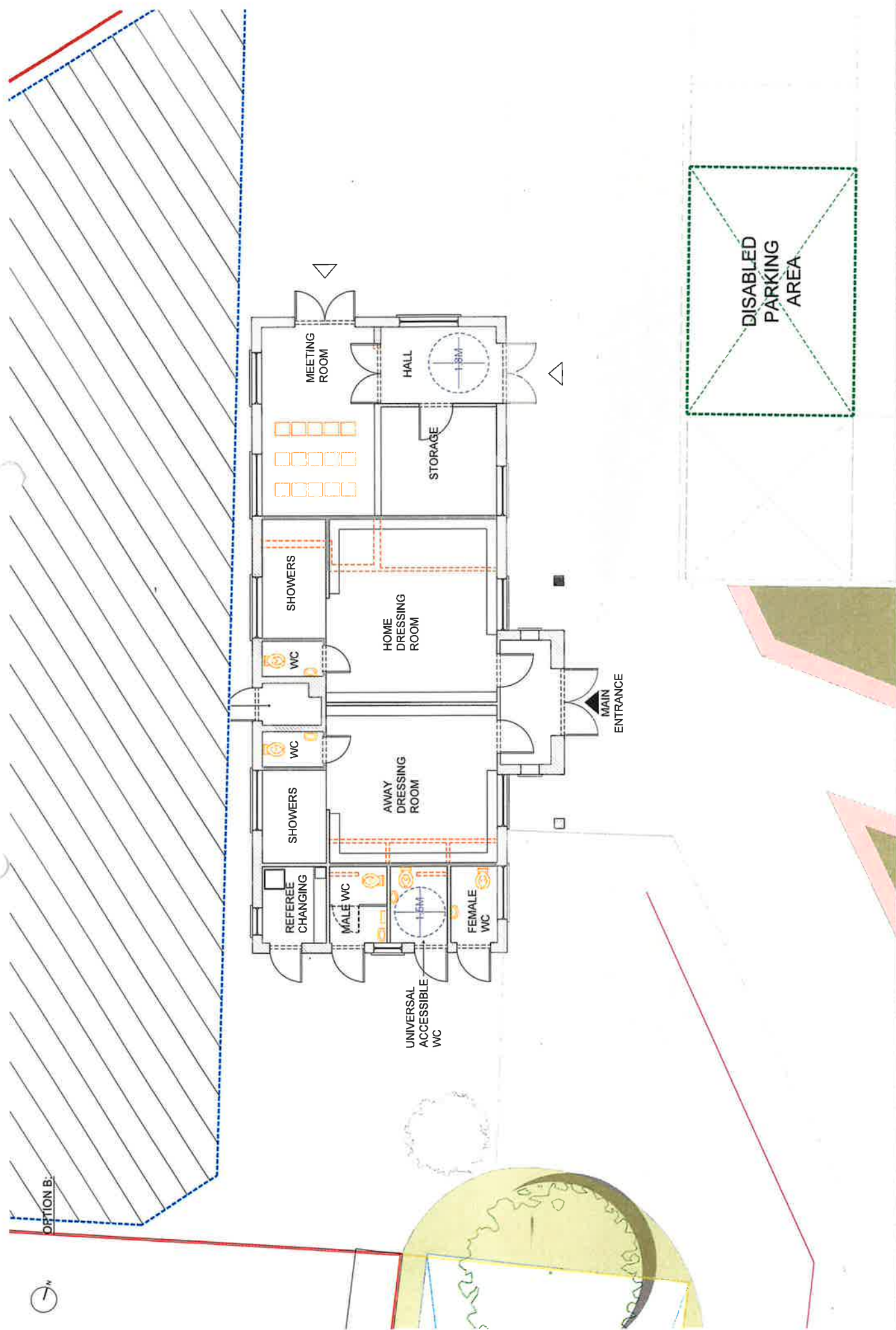


OPTION A:

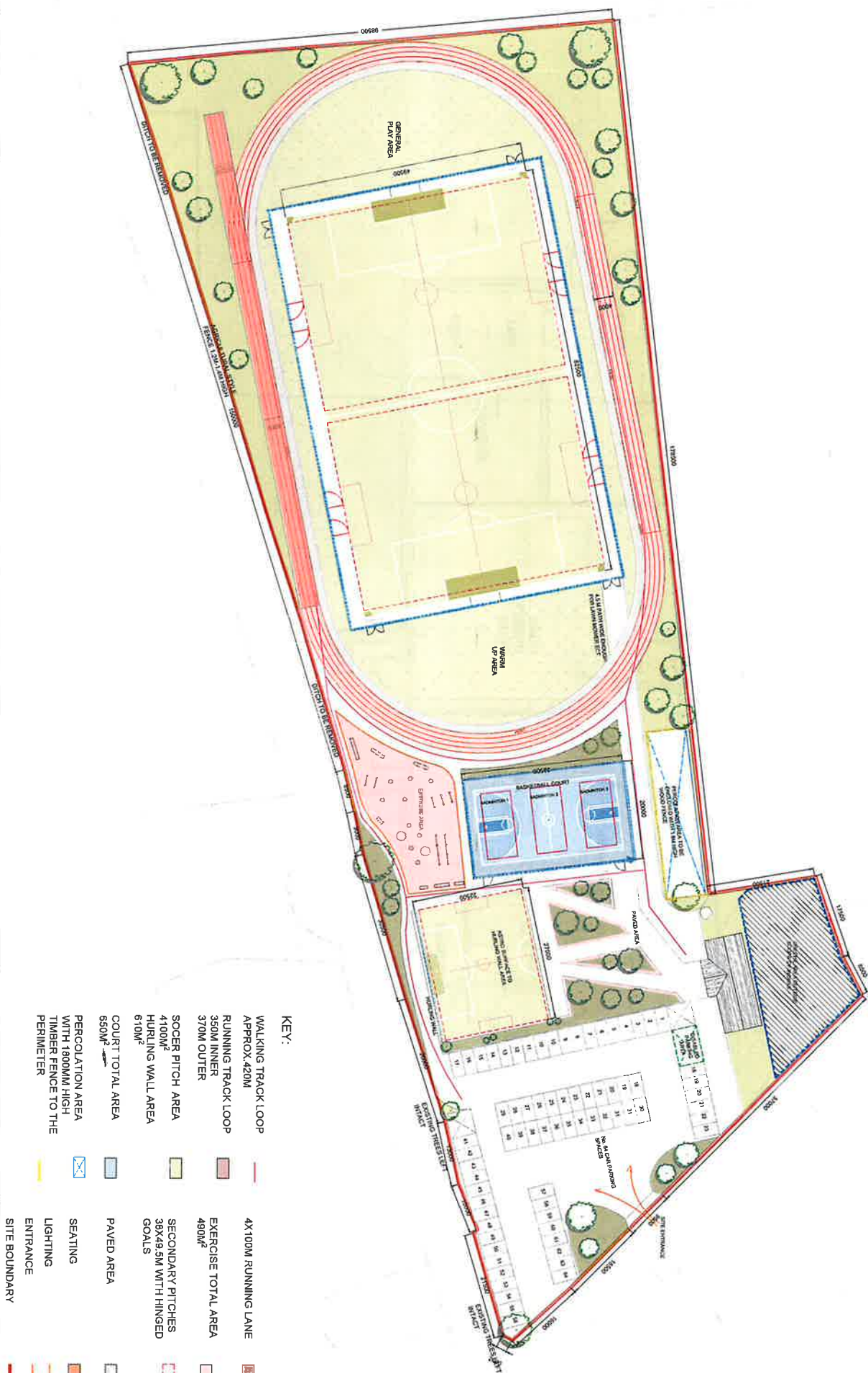


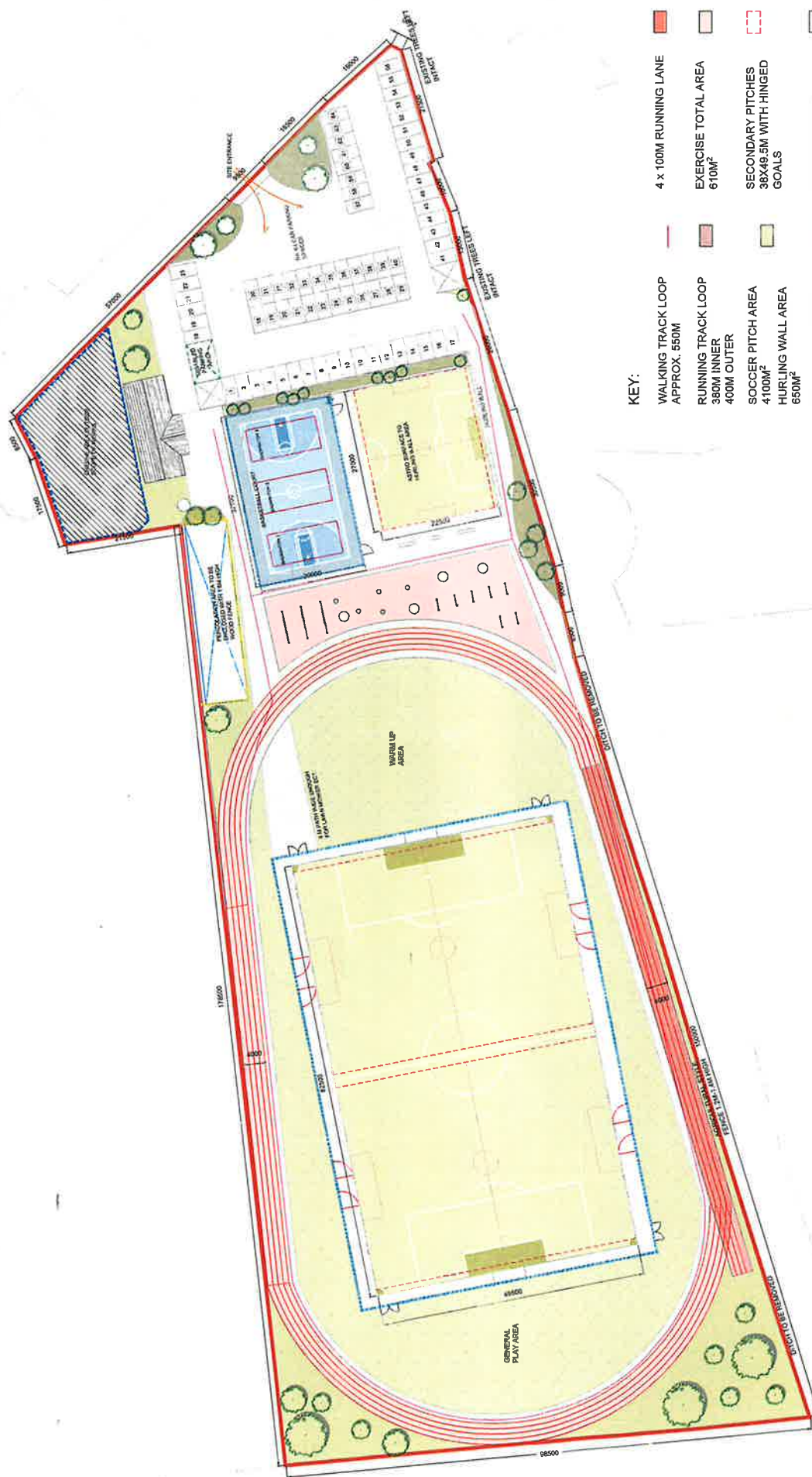
MAIN  
ENTRANCE

DISABLED  
PARKING  
AREA







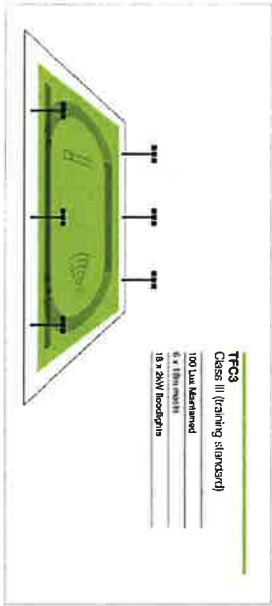


- KEY:**
- WALKING TRACK LOOP APPROX. 550M
  - RUNNING TRACK LOOP 380M INNER 400M OUTER
  - SOCCER PITCH AREA 4100M<sup>2</sup>
  - HURLING WALL AREA 650M<sup>2</sup>
  - COURT TOTAL AREA 650M<sup>2</sup>
  - PERCOLATION AREA WITH 1800MM HIGH TIMBER FENCE TO THE PERIMETER
  - 4 x 100M RUNNING LANE
  - EXERCISE TOTAL AREA 610M<sup>2</sup>
  - SECONDARY PITCHES 38x49.5M WITH HINGED GOALS
  - STORAGE 10x5M
  - TRACK AND FIELD LIGHTING
  - ENTRANCE
  - SITE BOUNDARY



# TRACK AND FIELD LIGHTING GUIDANCE

For track and field stadiums the most cost effective solution is to locate 6-8 masts around the whole perimeter of the track with a clearance of 4.5m from the track edge. The mast height is determined as for football but with the additional requirement of a maximum mast height to ensure adequate vertical illuminance for competitors on the outside of the track. The masts mounted along the straight section of track illuminate the centre field area providing good vertical illuminance for javelin, shot, hammer and discus events. Double asymmetric or flat glass double asymmetric beam floodlights using high-pressure sodium or metal halide lamps are suitable for this application.

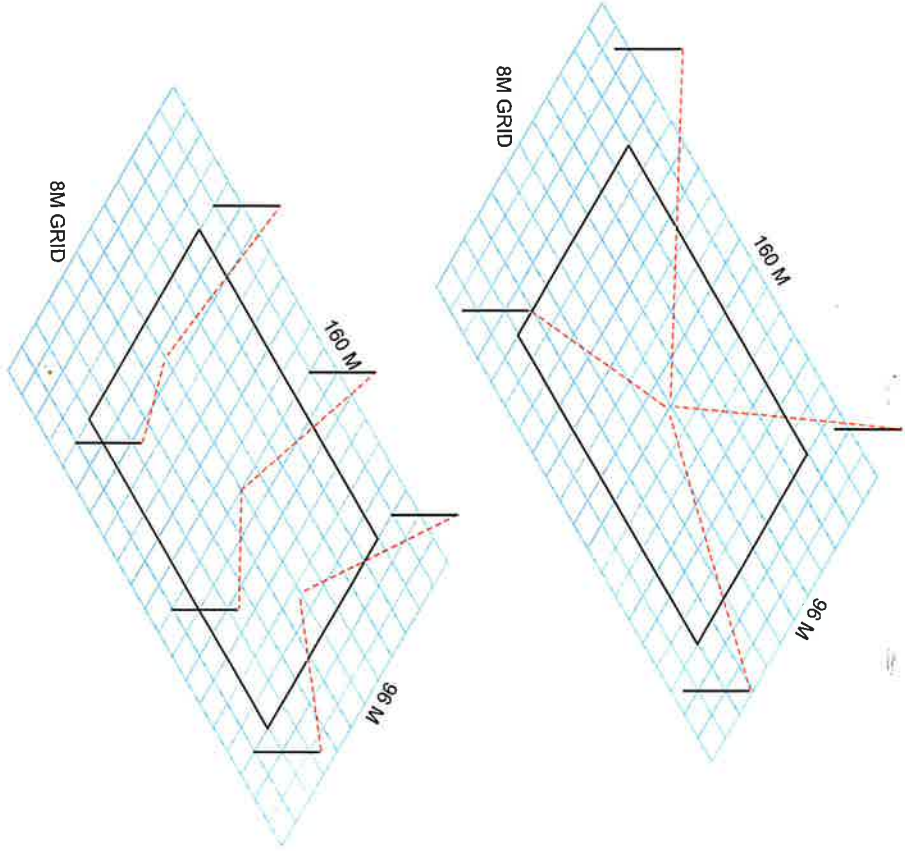


# FIELD SPORT

The most common approach is the use of lighting masts, approximately four each side of 12m-20m height to achieve a minimum angle above the pitch centre of 20° to the lowest floodlight, but preferably 25°. These are spaced along the long axis of the playing area, positioned away from the touchlines to avoid collisions. For football they are also positioned away from the corners to avoid glare to goalkeepers. The floodlights are normally rated 1kW- 2kW and have a double asymmetric beam shape to ensure good uniformity and glare control. An alternative option is four corner masts where long throw symmetrical narrow beam floodlights are used. The same conditions apply to mast positioning and height to achieve high utilisation of lamp flux and the avoidance of glare



# COLUMN LIGHTING LAYOUTS:



**FIFA FLOOD LIGHTING STANDARDS:**  
 Corner flood lighting for small grounds.  
 Doesn't obstruct views for spectators.  
 More expensive to install.

Side lighting is the preferred system.  
 The lighting columns do not need to be as high which keeps  
 their scale relevant to rural landscapes



Document issued on: 20/12/2021  
Document prepared by: GD  
Document approved by: MC



**KENNETH HENNESSY  
ARCHITECTS**

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fax: 052 6180690  
email: [info@kharchitects.ie](mailto:info@kharchitects.ie)

Anglesea House, Anglesea Street  
Clonmel, Co. Tipperary



**Request for Tender (RFT)**  
**Solar Panel Installation Projects**  
**Dualla Community Association CLG**

**1. Introduction**

This Request for Tender (RFT) invites suppliers to submit bids for the provision, installation, and testing of solar energy systems for two separate projects. The scope for each project includes the supply of all necessary components and services for the successful completion of a fully operational solar power system. The projects are as follows:

- **Project 1:** Installation of solar panels on **Dualla Community Hall**
- **Project 2:** Installation of solar panels on **Denis Leamy Centre, Dualla**

Details of the scope for both projects are outlined below.

**2. Project Scope**

**Project 1: Dualla Community Hall**

The scope of the project includes the following components and services:

**Requirements**

- 20 Solar Panels (circa. 72 cell/power output of 440W)- minimum of 20 year warranty on panels.
- Mounting Kit
- Inverter (5kV)- minimum of a 5 year warranty
- Battery Management System (BMS) x 1
- 5kV Battery x 2 – minimum of 10 years or 6000 cycles warranty on the battery (whichever comes first)
- All Necessary Accessories and Cabling
- Roofing Services
- Labour for Installation
- Testing and Certification of the System

**Scope of Work**

1. **Supply of Materials:** The supplier will provide all listed components, including the solar panels, inverter, batteries, BMS, and all necessary accessories and cabling required for full installation.
2. **Installation:** The supplier will be responsible for the full installation of the solar system, including mounting panels, connecting the inverter, and setting up the batteries and BMS.
3. **Roofing Work:** Any necessary roofing services to ensure proper mounting and sealing of the solar panels.
4. **Labour:** All necessary labour for installation and commissioning.
5. **Testing and Certification:** Comprehensive testing of the



system after installation and certification to confirm system compliance. The supplier should outline the warranty for the installed solar system.

6. **Compliance with Planning Regulations:** The installation must meet the requirements for an exempted development under the planning regulations.

### **Project 2: Denis Leamy Centre, Dualla**

The scope of the project is similar to Project 1, with one key difference: it includes one less battery.

#### **Requirements**

- 20 Solar Panels (circa. 72 cell/power output of 440W)- minimum of 20 year warranty on panels.
- Mounting Kit
- Inverter (5kW)- minimum of a 5 year warranty
- Battery Management System (BMS) x 1
- 5kW Battery x 1 – minimum of 10 years or 6000 cycles warranty on the battery (whichever comes first)
- All Necessary Accessories and Cabling
- Roofing Services
- Labour for Installation
- Testing and Certification of the System

#### **Scope of Work**

1. **Supply of Materials:** The supplier will provide all listed components, including solar panels, inverter, batteries, BMS, and all necessary accessories and cabling for the full installation.
2. **Installation:** The supplier will be responsible for the full installation of the solar system, including mounting panels, connecting the inverter, and setting up the batteries and BMS.
3. **Roofing Work:** Any necessary roofing services to ensure proper mounting and sealing of the solar panels.
4. **Labour:** All necessary labour for installation and commissioning.
5. **Testing and Certification:** Comprehensive testing of the system after installation and certification to confirm system compliance. The supplier should outline the warranty for the installed solar system.
6. **Compliance with Planning Regulations:** The installation must meet the requirements for an exempted development under the planning regulations.

### **3. Supplier Requirements**

The successful supplier must meet the following criteria for both projects:

- The supplier must be a **RECI Registered Electrician**.
- The supplier must have **adequate public liability insurance** to cover the full scope of work.

#### 4. Evaluation Criteria

The successful supplier will be selected based on the following evaluation criteria for each project:

- **60% Cost:** The overall price of the quotation, inclusive of all materials, installation, and taxes, if applicable.
- **35% Previous Experience:** Demonstrated experience in providing and installing solar systems, with a preference for work completed on similar community or public sector projects. The supplier must provide the names and contact details for two past customer where a similar scale/size project was completed, ideally one being a community type install.
- **5% Sustainability of Supplier:** The environmental and sustainability practices of the supplier, including any certifications or commitments to reducing their environmental impact, will be considered. We prioritise suppliers who adhere to ethical sourcing standards, ensuring that the materials used in the panels are responsibly sourced. This includes verifying that the panels come from manufacturers who are committed to sustainable production processes/use eco-friendly materials/support fair labour practices etc. Our goal is to collaborate with suppliers who align with our commitment to reducing environmental harm and fostering positive social impact.

#### 5. Reference Requirements

As part of the tender submission, the supplier is required to provide contact details of two recent references from other clients where they have successfully completed a similar project, particularly in the provision and installation of solar panels. These will be used to assess the qualifications and reliability of the supplier for this project.

#### 6. Pricing Structure

Please provide separate pricing for each project in the table below:

| Component/Service                     | Dualla Community Hall | Denis Leamy Centre |
|---------------------------------------|-----------------------|--------------------|
|                                       | €                     | €                  |
| 20 Solar Panels                       |                       |                    |
| Mounting Kit                          |                       |                    |
| Inverter (5kV)                        |                       |                    |
| Battery Management System (BMS)       |                       |                    |
| 5kV Battery (x2) (project 1)          |                       | N/A                |
| 5kV Battery (x1) (project 2)          | N/A                   |                    |
| All Necessary Accessories and Cabling |                       |                    |
| Roofing Services                      |                       |                    |

|                           |  |  |
|---------------------------|--|--|
| Labour for Installation   |  |  |
| Testing and Certification |  |  |
| Total Price               |  |  |
| *VAT, if Applicable       |  |  |

\*Please provide the total cost exclusive of VAT, and if applicable, list VAT separately in the table

## 7. Submission Instructions

Please submit your tender by email, **including all required documentation** (See below) by **close of business on 25th March 2025** to [duallacommunityassociation@gmail.com](mailto:duallacommunityassociation@gmail.com) ensuring that all costs, including delivery, installation, and any applicable taxes, are outlined clearly. Late submissions will not be considered.

### **Documents to be submitted with costs for the proposed works include:**

- Proof of RECI registration.
- Public liability insurance.
- Tax Clearance Certificate.
- The names and contact details for two past customers where a similar scale/size project was completed, ideally one being a community type install.
- Provide the specifications of the materials being used, including details on the brand/type of panels, batteries, and inverters being quoted for in your submission.
- Any sustainability or environmental policies/statements that demonstrate your company's commitment to sustainable sourcing/reducing their environmental footprint/social responsibility.

## 8. Conclusion

We look forward to receiving your tender and appreciate your interest in these projects. Please contact Kieran O'Dwyer at [REDACTED] if you have any questions or require further clarification regarding the scope of work or the tender process.

## 9. Location of Each Project

### **Project 1: Dualla Community Hall**

2 story community hall at Rathclogh North, Dualla, Co.  
Tipperary



### **Project 2: Denis Leamy Centre, Dualla**

Single story community centre adjustment to the Community  
Field, Newpark (Fussough)  
Dualla, Cashel. E25 NX92







Comhairle Contae Thiobraid Árann  
Tipperary County Council

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

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

t 0818 06 5000/600  
e customerservice  
@tipperarycoco.ie

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

**Date: 31<sup>th</sup> March, 2025      Our Ref: S5/25/30      Civic Offices, Clonmel**

Dualla Community Association CLG  
C/O Kieran O'Dwyer  
Ballykelly  
Dualla  
Cashel  
Co. Tipperary

**Re: Application for a Section 5 Declaration – Installation of 20 PV solar panels on roof at rear of existing building at Dualla Community Hall, Dualla, Cashel, Co. Tipperary E25 R778**

Dear Mr O'Dwyer,

I acknowledge receipt of your application for a Section 5 Declaration received on 26<sup>th</sup> March, 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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|                              |   |
|------------------------------|---|
| <b>Planning Reference:</b>   | S5/25/30  |
| <b>Applicant:</b>            | Dualla Community Association CLG  |
| <b>Development Address:</b>  | Dualla Community Hall, Rathclough North, Dualla, Cashel, Co. Tipperary                  |
| <b>Proposed Development:</b> | Installation of 20 PV Solar Panels on roof of existing building. Roof rear of premises. |

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#### **1. GENERAL**

On 26<sup>th</sup> March 2025 a request was made for a declaration under Section 5 of the Planning and Development Act, 2000 as amended by Dualla Community Association CLG as to whether or not the following works constituted development and if so, whether same was exempted development:

#### ***Installation of 20PV Solar Panels on roof of existing building. Roof rear of premises.***

The application was accompanied by the following documentation;

- Section 5 Application Form
- Documents named "Request for Tender" which refers to Project 1 at Dualla Community Hall and Project 2 at Denis Leamy Centre, Dualla
- Dualla Field Development Feasibility Study by KHA

The application form refers to the building subject to this Section 5 being located at Rathclough North E25R778 which is the location of the Dualla Community Hall. The Community Hall is a Protected Structure (Ref: TRPS1429) as contained within the Tipperary County Development Plan 2022-2028 and is included on the NIAH Register under Ref: 22206102.



*Figure 1 Site Location*

## **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 same Act 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 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.*

Section 57 (***Works affecting character of protected structures or proposed protected structures***)

*57. (1) Notwithstanding section 4(1)(a), (h), (i), (ia), (j), (k), or (l) and any regulations made under section 4(2), the carrying out of works to a protected structure, or a proposed protected structure, shall be exempted development only if those works would not materially affect the character of—*

*(a) the structure, or*

*(b) any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest*

### **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;*

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:

| <b>Description of Development</b>  | <b>Conditions and Limitations</b>  |
|--|--|
| <p>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:</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 or wastewater services operated by a statutory undertaker.</p> | <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 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.</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. 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> <li>6. 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.</li> <li>7. 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.</li> <li>8. 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.</li> <li>9. 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.</li> <li>10. 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.</li> <li>11. The placing or erection of a solar photo-voltaic or solar thermal collector installation on any wall shall not be exempted development.</li> <li>12. The placing or erection of any freestanding solar photo-voltaic or solar thermal collector installation within an Architectural</li> </ol> |

|  |  |
|--|--|
|  | <p><i>Conservation Area shall only be exempted development if those works would not materially affect the character of the area.</i></p> <p><i>13. 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><br/>479</p> <p><i>14. 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><i>15. 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,*

*(iia) 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 subject site is occupied by Dualla Community Hall, in the settlement of Dualla. The structure is a Protected Structure under Reference: TRPS1429 as contained within the Tipperary County Development Plan 2022-2028 listed on the NIAH Register under Ref: 22206102

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

18/601536 Permission GRANTED for Upgrade and renovation works, reconfiguration of internal spaces, construction of a two storey extension to side, new accessible pedestrian site entrance, new wastewater treatment system and polishing filter and all associated site works to School Masters House which is a protected structure RPS Ref 331/NIAH 22206102.

- 17/600840 Withdrawn - sessional use for childcare facilities including before school care from 7.30am to 9.10am (ages 4-12yrs), preschool care from 9.20am to 12.20pm (ages 2.5-5 yrs) and after school care from 2.00pm to 6.00pm (ages 4-12yrs) Monday to Friday and all associated works at the existing Dualla Community Hall Protected Structure no. S331
- P31502 Permission granted for a bungalow
- P310459 Permission granted for extension to community hall
- S5/16/23 Section 5 Exemption Declaration issued for Preschool

### c. **Assessment**

#### A. "Is or is not Development"

Having considered all of the details and documentation on file with regards the question asked, I am 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. The application does not include for any Site Location Maps, elevation, section or roof plan drawings to demonstrate that the proposal meets all Conditions and Limitations under Class 61.

Therefore, it is not possible to determine if the proposal would satisfy the exemption available under Class 61. Furthermore, in the absence of an Architectural Heritage Impact Assessment it is not possible to determine if the proposal would be restricted by Section 57 of the Act.

Further information be requested.

#### C. Restrictions under Article 9

I am satisfied that the proposal would not be restricted by Article 9(1)(iiiia) *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

##### **AA**

The proposal has been assessed having regard to the requirements of the EU Habitats Directive. The proposal has been screened as to the requirements for AA and the screening assessment considers that the proposal does not impact on any Natura 2000 site. See also Appropriate Assessment (AA) screening report attached.

##### **EIA**

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 also for Environmental Impact Assessment (EIA) preliminary examination screening report attached.

### 4. **RECOMMENDATION**

It is recommended that **Further Information** be requested as follows;

1. The applicant is advised the purpose of a Section 5 of the Planning and Development Act 2000, as amended, is to establish if a particular development is or is not an exempted development within the meaning of the above-mentioned Act based on the proposed development as outlined on the declaration application form **and** the submitted drawings.

The applicant is advised that there is an exemption available under Class 61 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended, for the placing or erection on a roof, or within the curtilage, or on a roof of any ancillary buildings within the

curtilage of a community facility or centre, of a solar photo-voltaic and/or solar thermal collector installation. This exemption is subject to 15 conditions and limitations. As the Community Hall is a Protected Structure the restriction on exemption set out under Section 57 of the Planning and Development Act 2000, as amended, is also applicable.

The application as submitted does not include for appropriately scaled Site Location Maps, Site Layout Plan, elevation, section or roof plan drawings in order for the Planning Authority to determine if the proposal meets the limitations and conditions of Class 61. Furthermore, it has not been demonstrated that the proposal would not have a material impact on the character of the Protected Structure and that Section 57 of the Planning and Development Act 2000, as amended, does not apply.

In order to enable an informed determination of the application the applicant is requested to submit;

- Site Location Map identifying the proposed building
- Site Layout Plan (1:500) showing the location of the proposal
- Plans/Elevations and Sections as necessary demonstrating that the conditions and limitations of Class 61 of Part 1 of Schedule 2 of the above mentioned Regulations are satisfied
- An Architectural Heritage Impact Assessment of the proposal which shall be undertaken in accordance with the Architectural Heritage Protection Guidelines for Planning Authorities 2011

**District Planner:**



**Date:** 04/04/2025



**Senior Executive Planner:**

**Date:** 8.4.2025



## HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT

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

|  |   |
|--|---|
| (a) File Reference No:   | S5/25/30  |
| (b) Brief description of the project or plan:                            | Installation of 20 PV Solar Panels on roof of existing building. Roof rear of premises. |
| (c) Brief description of site characteristics:                           | Existing community centre in an urban serviced area                                     |
| (d) Relevant prescribed bodies consulted:<br>e.g. DHLGH (NPWS), EPA, OPW | None  |
| (e) Response to consultation:  | None  |

### 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 <sup>1</sup>                                      | Distance from proposed development <sup>2</sup> (km) | Connections (Source-Pathway-Receptor) | Considered further in screening Y/N |
|-----------------------------|---|--|---------------------------------------|-------------------------------------|
| 002137 Lower River Suir SAC | <a href="https://www.npws.ie/protected-sites/sac/002137">https://www.npws.ie/protected-sites/sac/002137</a> | Within 10km  | 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.)     |
|---|---|
| <b>Construction phase e.g.</b> <ul style="list-style-type: none"> <li>Vegetation clearance</li> <li>Demolition</li> <li>Surface water runoff from soil excavation/infill/landscaping (including borrow pits)</li> <li>Dust, noise, vibration</li> <li>Lighting disturbance</li> <li>Impact on groundwater/dewatering</li> <li>Storage of excavated/construction materials</li> <li>Access to site</li> <li>Pests</li> </ul> | No potential impacts. No changes to surface water arrangements. |
| <b>Operational phase e.g.</b> <ul style="list-style-type: none"> <li>Direct emission to air and water</li> <li>Surface water runoff containing contaminant or sediment</li> <li>Lighting disturbance</li> <li>Noise/vibration</li> <li>Changes to water/groundwater due to drainage or abstraction</li> <li>Presence of people, vehicles and activities</li> </ul>  | No potential impacts. No changes to surface water arrangements. |

|   |                      |
|---|----------------------|
| <ul style="list-style-type: none"> <li>Physical presence of structures (e.g. collision risks)</li> <li>Potential for accidents or incidents</li> </ul>  |                      |
| In-combination/Other  | No potential impacts |
| <b>(b) Describe any likely changes to the European site:</b>  |                      |
| <p>Examples of the type of changes to give consideration to include:</p> <ul style="list-style-type: none"> <li>Reduction or fragmentation of habitat area</li> <li>Disturbance to QI species</li> <li>Habitat or species fragmentation</li> <li>Reduction or fragmentation in species density</li> <li>Changes in key indicators of conservation status value (water or air quality etc.)</li> <li>Changes to areas of sensitivity or threats to QI</li> <li>Interference with the key relationships that define the structure or ecological function of the site</li> </ul> | No potential impacts |
| <b>(c) Are 'mitigation' measures necessary to reach a conclusion that likely significant effects can be ruled out at screening?</b>   |                      |
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No   |                      |

#### STEP 4. Screening Determination Statement

The assessment of significance of effects:

Describe how the proposed development (alone or in-combination) is/is not likely to have significant effects on European site(s) in view of its conservation objectives.

The proposed development is not likely to have significant effects.

Conclusion:

|  | Tick as Appropriate:                | Recommendation:   |
|--|-------------------------------------|---|
| (i) It is clear that there is no likelihood of significant effects on a European site.       | <input checked="" type="checkbox"/> | The proposal can be screened out: Appropriate assessment not required.  |
| (ii) It is uncertain whether the proposal will have a significant effect on a European site. | <input type="checkbox"/>            | <input type="checkbox"/> Request further information to complete screening<br><input type="checkbox"/> Request NIS<br><input type="checkbox"/> Refuse planning permission |
| (iii) Significant effects are likely.  | <input type="checkbox"/>            | <input type="checkbox"/> Request NIS<br><input type="checkbox"/> Refuse planning permission   |

| EIA Pre-Screening<br>Establishing a development is a 'sub-threshold development'  |  |
|---|--|
| <b>File Reference:</b>  | S5/25/30   |
| <b>Development Summary:</b>   | Installation of 20 PV Solar Panels on roof of existing building.<br>Roof rear of premises.                                       |
| <b>Was a Screening Determination carried out under Section 176A-C?</b>  | <input type="checkbox"/> Yes, no further action required<br><br><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)?<br>(Tick as appropriate)   |  |
| <input type="checkbox"/> Yes, specify class _____   | <b>EIA is mandatory</b><br><br>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?<br>(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):<br>_____  | <b>EIA is mandatory</b><br><br>No Screening required   |
| <input type="checkbox"/> Yes the project is of a type listed <b>but</b> is <i>sub-threshold</i> :<br>_____  | 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>  |

Tipperary County Council Technical Planning Register

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Section 5 (OD)

REF NO.: S5/25/30

RECEIVED: 26/03/2025

DECISION: Unknown

DATE OF DECISION: 21/04/2025

APPLICANT: Dualla Community Association CLG

LOCATION: Dualla Community Hall, Rathclogh North, Dualla, Cashel, Co. Tipperary

DESCRIPTION: Installation of 20 PV Solar Panels on roof of existing building. Roof rear of premises.

Zoom to

© Tailte Éireann esri



Date: 8<sup>th</sup> April, 2025

Our Ref: S5/25/30

Civic Offices, Nenagh

**Dualla Community Association CLG**  
**C/O Kieran O'Dwyer**  
**Ballykelly**  
**Dualla**  
**Cashel**  
**Co. Tipperary**

**Re: Application for a Section 5 Declaration – Installation of 20 PV Solar Panels on roof of existing building. Roof rear of premises at Dualla Community Hall, Rathclough North, Dualla, Cashel, Co. Tipperary**

Dear Mr O'Dwyer,

I refer to an application received from you on 26<sup>th</sup> March, 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

1. The applicant is advised the purpose of a Section 5 of the Planning and Development Act 2000, as amended, is to establish if a particular development is or is not an exempted development within the meaning of the above-mentioned Act based on the proposed development as outlined on the declaration application form **and** the submitted drawings.

The applicant is advised that there is an exemption available under Class 61 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended, for the placing or erection on a roof, or within the curtilage, or on a roof of any ancillary buildings within the curtilage of a community facility or centre, of a solar photo-voltaic and/or solar thermal collector installation. This exemption is subject to 15 conditions and limitations. As the Community Hall is a Protected Structure the restriction

on exemption set out under Section 57 of the Planning and Development Act 2000, as amended, is also applicable.

The application as submitted does not include for appropriately scaled Site Location Maps, Site Layout Plan, elevation, section or roof plan drawings in order for the Planning Authority to determine if the proposal meets the limitations and conditions of Class 61. Furthermore, it has not been demonstrated that the proposal would not have a material impact on the character of the Protected Structure and that Section 57 of the Planning and Development Act 2000, as amended, does not apply.

In order to enable an informed determination of the application the applicant is requested to submit;

- Site Location Map identifying the proposed building
- Site Layout Plan (1:500) showing the location of the proposal
- Plans/Elevations and Sections as necessary demonstrating that the conditions and limitations of Class 61 of Part 1 of Schedule 2 of the above mentioned Regulations are satisfied
- An Architectural Heritage Impact Assessment of the proposal which shall be undertaken in accordance with the Architectural Heritage Protection Guidelines for Planning Authorities 2011

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

Yours sincerely

  
for **Director of Services**





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

21<sup>st</sup> October 2025

**Re: Section 5 Declaration Application – Installation of 20 PV Panels on the Roof of Dualla Community Hall, Dualla, Cashel, Co. Tipperary- TCC Ref S5/25/30**

Dear Sir/Madam,

On behalf of the Dualla Community Association, we are writing in relation to our Section 5 declaration application seeking clarification as to whether the proposed installation of 20 photovoltaic (PV) solar panels on the existing roof of the Dualla Community Hall constitutes exempted development under the Planning and Development Regulations 2001 (as amended).

The proposed PV panels will be fixed to the south-facing roof of the rear extension of the building and will not affect or be attached to the original portion of the Dualla Hall, formerly the schoolhouse, which is a protected structure. The panels will be positioned discreetly to the rear of the building, ensuring they are not visible from the public road, and will not alter the overall height, character, or visual setting of the protected structure.

It was considered that an Architectural Heritage Impact Assessment was not required for this proposal, as the PV panels are being installed solely on the modern extension to the rear of the hall and are not located on the protected element of the original structure.

Please find attached the following documents for your consideration:

- Site Location Map showing the community hall and surrounding context;
- Floor Plans and Elevations identifying in green the proposed location of the PV panels; and
- A copy of the Heritage Report submitted in 2020 as part of the previous planning application for the extension to the original Dualla Community Hall.

The successful tenderer has been advised of these requirements and has provided assurances that the installation will comply with **Class 61, Part 1 of Schedule 2** of the Planning and Development Regulations 2001 (as amended). The panels will be securely fixed to the existing roof structure in accordance with relevant safety, engineering, and building standards.

As you may be aware, this project has been granted **LEADER funding**, on the condition that the Section 5 declaration is in place. The deadline for availing of this funding is **December 2025**,

Registered Address  
C/O Kieran O'Dwyer  
Ballykelly, Dualla, Cashel,  
Co. Tipperary  
Company No. 572420  
[REDACTED]

Email duallacommunityassociationclg@gmail.com



and therefore, your assistance in progressing and finalising this declaration would be greatly appreciated. The project cannot proceed without the support of the LEADER programme and the associated funding it provides.

#### **Compliance with Class 61 – Conditions and Adherence by Dualla Community Association**

| <b>Condition No.</b> | <b>Class 61 Requirement (Summary)</b>   | <b>How Dualla Community Association Will Comply</b>  |
|----------------------|---|--|
| 1                    | Panels must be used solely for the production of electricity for consumption primarily within the building or site.                         | Electricity generated will be used to power the community hall, reducing grid consumption and supporting sustainability.                                 |
| 2                    | Panels shall not be placed on any wall or roof slope facing a public road if that elevation forms part of the front façade of the building. | Panels will be installed on the rear roof slope, not visible from the public road.   |
| 3                    | The total area of the panels shall not exceed 50 square metres or 50% of the roof area, whichever is lesser.                                | The total proposed area is approximately 35m <sup>2</sup> , well within the allowable limit.   |
| 4                    | The panels shall be installed in such manner that the angle between the plane of the roof and the panel surface does not exceed 15 degrees. | Panels will be mounted flush to the existing roof pitch, maintaining an angle consistent with the roof surface.  |
| 5                    | The highest point of the panel shall not exceed the highest point of the roof.  | Panels will be below the ridge line, ensuring no increase in building height.  |
| 6                    | The installation shall not adversely affect the character or appearance of a protected structure or its setting.                            | Panels are located on the rear extension (not part of the protected portion). They will not impact the character or setting of the original schoolhouse. |
| 7                    | Panels shall not be installed on or forward of the front elevation of a building in an architectural conservation area (ACA).               | The site is not within an ACA, and the panels are positioned to the rear of the structure.   |

Registered Address  
C/O Kieran O'Dwyer  
Ballykelly, Dualla, Cashel,  
Co. Tipperary  
Company No. 572420

Email [duallacommunityassociationclg@gmail.com](mailto:duallacommunityassociationclg@gmail.com)



| Condition No. | Class 61 Requirement (Summary)  | How Dualla Community Association Will Comply   |
|---------------|---|--|
| 8             | Glare and reflection must be minimised to avoid nuisance or impact on neighbouring properties or road users.                  | Non-reflective PV panels will be used, positioned at an angle that prevents glare or reflection towards any public road or adjacent dwelling.              |
| 9             | The installation must comply with relevant safety, structural, and building standards.  | The supplier secured to complete the project will ensure full compliance with Irish Building Regulations, and certified installers will complete the work. |
| 10            | No advertisement, logo, or branding shall be displayed on the panels or mounting structures.                                  | Panels will be plain and free of any markings, logos, or advertisements.   |
| 11            | The panels and supports shall be kept in good repair and maintained in a proper state.  | The Community Association will maintain a maintenance schedule to ensure safety, performance, and visual quality.  |
| 12            | The installation shall not give rise to water run-off onto adjoining property or roads.                                       | Proper drainage and flashing details will be installed to ensure controlled roof water run-off.  |
| 13            | No part of the installation shall obstruct or interfere with access to or maintenance of the roof or other building services. | Panels will be placed with sufficient clearance for safe maintenance access.   |
| 14            | The installation shall not impact existing telecommunications or radio reception.   | Panels and inverters used are certified, with no interference to local communication systems expected.   |
| 15            | Decommissioning: on cessation of use, the installation shall be removed, and the site reinstated to its original condition.   | The Association undertakes to remove the panels and reinstate the roof if the system is decommissioned or replaced.  |

Registered Address  
 C/O Kieran O'Dwyer  
 Ballykelly, Dualla, Cashel,  
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 Company No. 572420

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We trust this table demonstrates full compliance with Class 61 – Solar Panels (Roof-Mounted) of the Planning and Development Regulations 2001 (as amended).

We appreciate your time and support and look forward to your determination on this matter.

---

Yours faithfully,

**Jack Maher**

**On behalf of Dualla Community Association**

Registered Address  
C/O Kieran O'Dwyer  
Ballykelly, Dualla, Cashel,  
Co. Tipperary  
Company No. 572420  
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# EMD Architects

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## **Architectural Heritage Report;**

### **Community Hall, Former School Masters House, Dualla, Cashel, Co. Tipperary.**



July 2020

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## **1.0 Introduction:**

### **1.1 Background to this Report;**

This Report has been prepared on behalf of the proposed building developers, Dualla Community Association, by Mr. Brendan Mc Evoy, Master of Urban and Building Conservation and RIAI Architect Accredited in Conservation Grade 2, of EMD Architects, 107 Ludford Road, Ballinteer, Dublin 16.

The purpose of this report is to provide a comprehensive record of the Protected Structure in accordance with “recording as a condition of permission” set out in Section 6.7.3 – 6.7.5 of the Architectural Heritage Protection Guidelines for Planning Authorities (2011). The report shall also detail the proposed schedule of works to be undertaken and provide photographic records referenced to survey drawings appended to this report. This report is prepared on foot of Condition no. 2 of planning permission file ref. no. 18601536.

The building is a two storey school masters house built, c. 1930's, with a single storey community hall to the rear built c. 1987.

### **1.2 Planning protection and permission to development;**

Tipperary Council lists the building in the Record of Protected Structures as ref. no. S331, recorded as ‘*school masters house*’.

Planning permission (reg. ref. no. 18601536) has been granted allowing development, subject to conditions. These conditions require an archival standard record of the building (Condition no. 2) and on-going supervision of the works in terms of the protection of architectural heritage (Condition no. 5).



## **2.0 Historical background**

The Architectural Heritage Impact Assessment report prepared by D.H. Ryan Architects as part of the planning application (reg. ref. no. 18601536) records the historical background of the building. This can be summarised as the former two storey school masters house being constructed c. 1930 and the single storey community hall which is interlinked with the original building constructed in 1987 on foot of planning permission granted in 1986.

## **3.0 Building Description**

The building is a two storey former school masters dwelling, linked into a single storey community hall. The original building has been much altered over time, possibly most significantly in 1987 when it would have been substantially altered to link into the community hall and was perhaps significantly refurbished externally at that time.

Internally, at ground floor the principal rooms are retained either side of the entrance hall. This entrance hall now links into the modern community hall to the rear, whereby the majority of the original rear wall of the house is now internalised. The community hall to the rear is single storey and of no historical or architectural merit. The stairs to the first floor has been partially removed, resulting in the first floor no longer being easily accessible. At first floor level, there are three rooms and the partially surviving stairs. The roof pitch is pronounced as an eaves both front and back, except at the central gable in the front rooms. There were originally four rooms, the southern room now being formed into one room, the full width of the house.

The building is located off the main road, with existing vehicular and pedestrian gates in the boundary wall. All paving and landscaping adjacent the former house and community hall are modern, and of no historical merit.

### **EXTERIOR;**

The roof to the former house is a simple pitched roof with a gable to the central portion of the front facade. The side walls are gabled with stone / masonry parapets following the roof pitch line. There are brick chimneys centred on the ridge of both gable walls, these have been strap pointed in sand-cement. The roof has been reslated with natural slates to the front elevation and fibre-cement slates to the rear. The rainwater goods and fascias are modern replacements. The walls, where visible, are constructed of limestone random rubble with brick quoins to window openings. The walls are finished in a modern sand and cement pebble-dashed render, with coloured pebble finish, plain render plinths and bands at the corners. Small portions of the rear wall at high level have a plain render finish. It is likely that the pebble-dashed finish is not original, perhaps applied as part of the 1987 redevelopment to provide a unified finish with the community hall constructed at that time. The entrance door is surrounded by plain painted render architraves, with profiled hood moulding with scrolled brackets, perhaps in sand-cement or concrete. The window opens are provided with patten sand-cement reveals with cut stone cills, now painted. The windows are six over six timber sliding sash windows to the ground floor and four over four timber sliding sash windows to the first floor. All are replacement windows with glazing beads externally, perhaps dating from the 1987 refurbishment. The entrance door is a replacement six panel hardwood door, outward opening. The door frames and fanlight appears to be original. The entrance step is an original limestone slab. The exposed edge of the replacement concrete floor slab is visible at the door threshold.

The community hall has a low pitched roof finished in fibre-cement slates with a gabled end, the other end abutting the original house. The walls are finished in the same pebble-dashed finish as the house. All windows and doors are modern, single glazed hardwood framed windows and vertically sheeted hardwood doors.

Front (West) Elevation;



*1. Front (west elevation). 2. Photo from south-west, with west front, south gable and community hall to extreme right.*



*3. Front door and surround, modern replacement six panel hardwood door, original frame and fanlight retained. Sand-cement surround with hood moulding and brackets. 4. Detail of hood moulding and bracket to entrance door.*





5. North room ground floor window, six over six sliding sash window, patent reveals and cut stone cill with severe cracking. 6. First floor north room window, four over four sliding sash window.



7. Entrance door threshold, with limestone slab. The outward replacement door continues below the door frames concealing the threshold. 8. Original decorative metal sub-floor vent.



South elevation:



9. South gable of house. 10. South-east corner of house, plain render reveals with pebble-dashed finish, replacement rainwater goods and fascias.

East Elevation;



11. East gable of community hall with house in background. 12. East (rear) wall of original house with community hall abutting the original wall. Note, the portion of the original wall directly above the community hall roof is not pebble-dashed.

North Elevation:



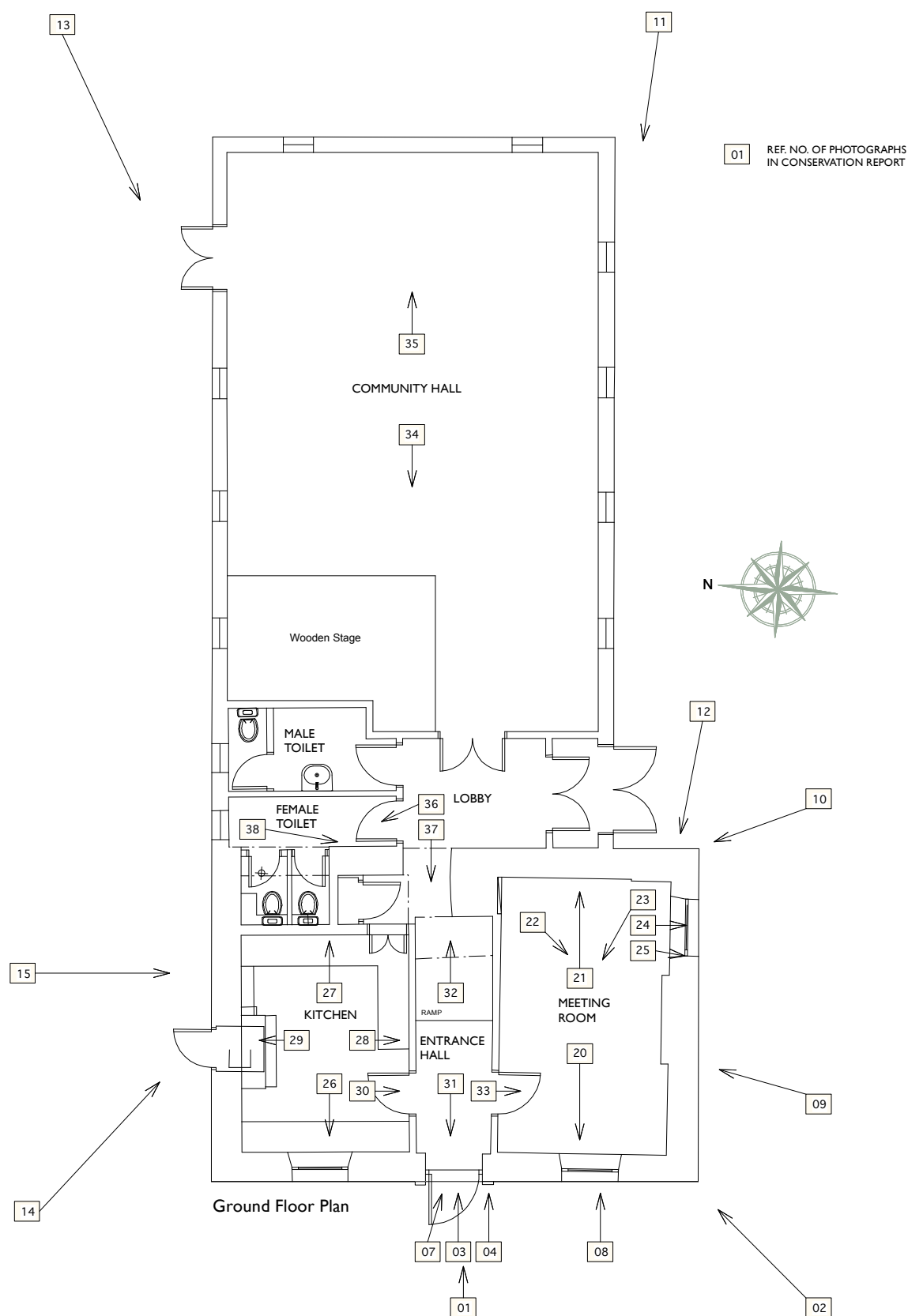
*13. View from north-east corner. 14. View from north.*



*15. North gable of original house. First floor window with broken panes. The boiler room door and electrical meter may have been inserted after the house was pebble-dashed in 1987, hence the cracking in the render at these openings. There is severe cracking to the render at the mid span of the gable, the cracks visible through the entire wall thickness at first floor level.*

INTERIOR;

GROUND FLOOR:



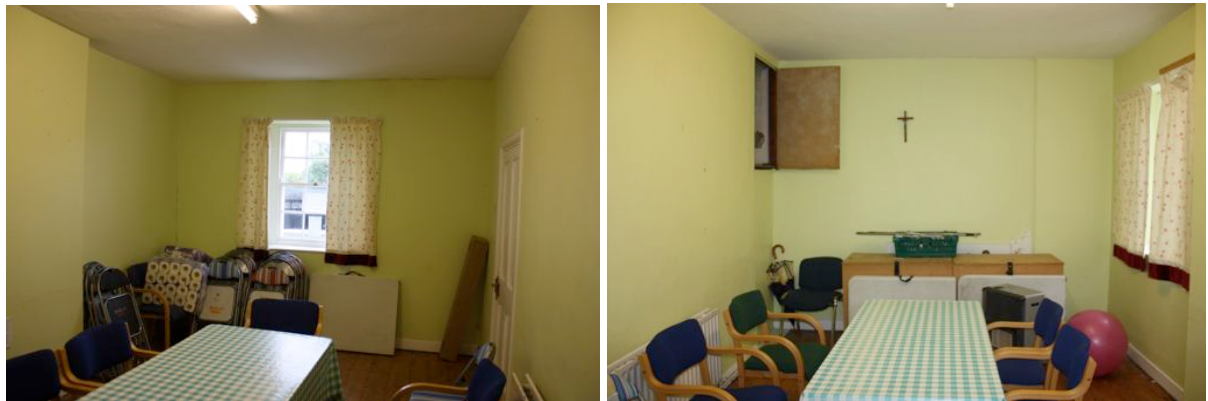


The ground floor of the original house has a central entrance hall, a meeting room to the south and a kitchen to the north. The entrance hall links into the modern community hall. The female toilets of the community hall are partially located within the original house, with an opening formed in the original rear wall of the house.

South room (meeting room);

|         |  |
|---------|--|
| Ceiling | Artex type stippled ceiling finish to original lath and plaster ceiling. Considerable cracking to ceilings. Ceiling no longer supported by floor above adjacent the chimney breast, with considerable deflection to ceiling. Junction of ceiling and front wall opening up.  |
| Walls   | South and east wall drylined. West wall solid plaster to masonry, with services riser in north-west corner. Internal south wall to stairs built in brickwork with sand-cement plaster. Fireplace removed, vent in chimney breast at fireplace location, chimney breast appears to be lined in plasterboard with plaster dab fixings.   |
| Floor   | 170mm wide butt-jointed pine floor boards, assumed on suspended timber floor construction. Concrete hearth.  |
| Joinery | 2no. six over six single glazed sliding sash windows with moulded horns to sash ends. Sashes glazed with modern glass with glazing beads externally. Modern bullnosed window board. No shutters or internal linings or architraves. Original four panel door with chamfered detailing to stiles and rails and plain recessed panels. 75mm wide chamfered timber architrave to door. Modern replacement moulded timber skirtings. Skirting on spine wall may be original, approx. 110mm high with ovolo moulding. |

Note; access to half landing of original stairs by way of a access hatch in the stair wall partition.



20. West wall with window. 21. East wall. The hatch on the lefthand side gives access to the stairs half landing.



22. South wall with window and chimney breast, fireplace removed with vent in chimney. 23. North wall with original four panel door to left and hatch to stairs half landing to extreme right.



24. Detail of window in south wall. 25. Detail of carved window sash horn and moulded window frames.

#### North room (kitchen);

|         |   |
|---------|---|
| Ceiling | Artex type stippled ceiling finish to original lath and plaster ceiling.  |
| Walls   | All walls drylined. West wall drylining stopping short of original architrave to window. North wall partially built out to form space for boiler in alcove to west of chimney breast. Masonry projection to chimney breast, chimney partially lined. Modern vertical sheeted timber wall panelling to part of south and north walls. Modern ceramic wall tiles above worktop. Modern hatch to hallway area.                                 |
| Floor   | Modern ceramic floor tiles on concrete floor.   |
| Joinery | Six over six single glazed sliding sash windows with moulded horns to sash ends. Sashes glazed with modern glass with glazing beads externally. Modern bullnosed window board. No shutters or internal linings. Original architraves retained. Original four panel door with chamfered detailing to stiles and rails and plain recessed panels. 75mm wide chamfered timber architrave to door. Modern replacement moulded timber skirtings. |



26. West wall with window. 27. East wall with hatch to community hall.



28. South wall with original door. 29. North wall with chimney breast. The boiler is concealed to the left hand side of the chimney, accessed externally.



30. Original four panel door with chamfered detail to stiles and rails, moulded frame and chamfered architrave.

Entrance hall;

|         |   |
|---------|---|
| Ceiling | Artex type stippled ceiling finish to original lath and plaster ceiling. Rear portion has a sloped ceiling, following the line of the upper stairs flight. Traces of original stairs location visible on ceiling. |
| Walls   | Cement render to brickwork internal walls. Modern vertical timber sheeting to dado level.   |
| Floor   | Modern ceramic floor tiles on concrete floor. Floor ramped down to level of community hall at rear.   |
| Joinery | Modern six panel entrance door in original frame.<br>Modern skirtings.  |



*31. West wall with entrance door, door to north & south room to right & left. Modern timber panelling to dado level. 32. Opening to community hall, sloped ceiling to rear of room. 33. Original four panel door with chamfered detail to stiles and rails, moulded frame and chamfered architrave.*

Ground floor community hall;

Extension to original house, built in 1987, of no historical or architectural merit.

|         |  |
|---------|--|
| Ceiling | Painted plasterboard ceilings.   |
| Walls   | Painted plaster. Ceramic tiling to toilets to approx. 2 metres high.   |
| Floor   | Timber sprung flooring on concrete to main hall, ceramic tile on concrete to toilets.                                  |
| Joinery | Hardwood single glazed windows. Flush panel doors. Hardwood sheeted external doors. Bullnosed skirting and dado rails. |





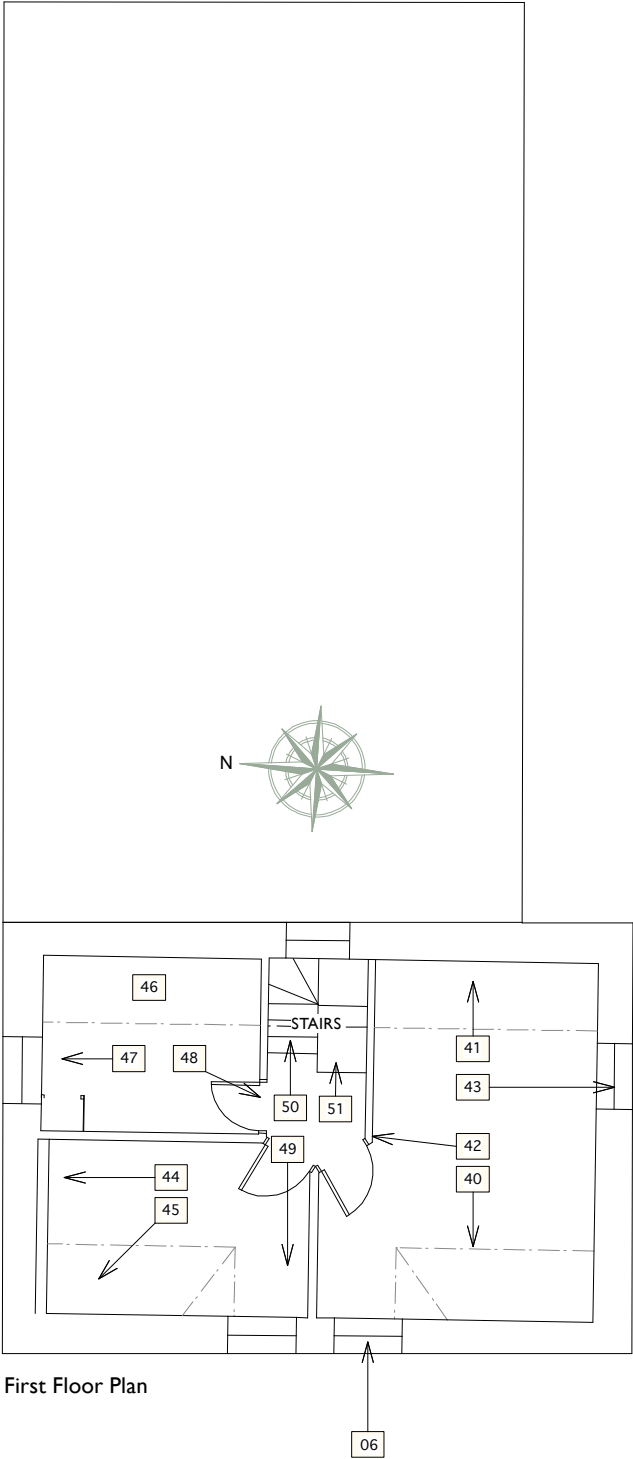
34. Community hall looking west. 35. Community hall looking east.



36. Lobby to toilet area. The rear wall to the original house is to the left, with the first floor stairs window infilled with blockwork at high level and the opening to the entrance hall below. 37. Opening into the original house, with entrance hall to left and hatch to kitchen in centre. 38. Toilets, the wall to the right is the rear wall of the original house, which was opened up to provide space within the original house for sanitary accommodation.



FIRST FLOOR;



South room;

|         |   |
|---------|---|
| Ceiling | Lath & plaster ceiling partially retained, much altered and repaired with plasterboard infill.  |
| Walls   | Cement render to limestone random rubble walls, with skim finish. Partition walls to north in lath & plaster construction with plasterboard infill.<br>Vent in wall at former fireplace.<br>Original partition sub-dividing this room has been removed, traces still visible. |
| Floor   | 175x25 original floorboarding on 225x50 joists with lath & plaster ceiling visible below.   |
| Joinery | 2no. four over four single glazed sliding sash windows with moulded horns to sash ends, with glazing beads externally. Expanding foam fillers visible at jambs.<br>Modern skirtings. Modern flush panel door.   |



*South room; 40. west wall with window and flush panel door. 41. South-west corner, with window to south wall.*



*South room; 42. Original door to south-west room has been blocked with plasterboard, to right hand side. Original partition forming two rooms has been removed and the corner of the partition junction now chamfered in plasterboard. 43. Detail of west window.*

North rooms;

|         |  |
|---------|--|
| Ceiling | Lath & plaster ceilings, with repairs. Considerable cracking.  |
| Walls   | Drylining over random rubble walling. Severe cracking to east wall at window. Severe cracking to south wall. Drylining to south wall conceals original fireplace |

location. Partition walls to south in lath & plaster construction with plasterboard infill.

Floor 175x25 original floorboarding on 225x50 joists with lath & plaster ceiling visible below.

Joinery Four over four single glazed sliding sash window with moulded horns to sash ends, with glazing beads externally, to both rooms. Expanding foam fillers visible at jambs. Original skirting to some walls of north-west room. Modern flush panel door to north-west room, original vertically sheeted door to north-east room. Additional sheeted door stored in north-east room. Fireplace lying loose in north-west room.



North-west room; 44. north wall has been drylined. Damage to ceiling. 45. North-west corner. 46. Original fire surround and mantelpiece, perhaps from south room.



North-east room; 47. Window in north wall. 48. Original vertical sheeted timber door, with loose lying similar door behind. 49. Floor boards removed for plumbing and electrical installation.

### Stairs;

|         |   |
|---------|---|
| Ceiling | Lath & plaster ceilings, with repairs. Considerable cracking.   |
| Walls   | Drylining over random rubble wall to west, cement render to lath & plaster partitions. Former door ope to north-west room infilled in plasterboard. Former window blocked up, finished in plasterboard. |
| Floor   | 175x25 original floorboarding on 225x50 joists with lath & plaster ceiling visible below.   |
| Joinery | Half landing and upper flight of stairs retained. Timber treads and risers, timber wall and outer string. Square balusters and moulded timber handrail – all painted finish.                            |



*Stair hall; 50. Stair landing looking west at former external wall and blocked up window. 51. Detail of balustrade to stairs.*

## **4.0 Proposed Development;**

### **4.1 WORKS AUTHORISED BY PLANNING PERMISSION;**

The drawings forming part of the planning application (see drg. no. 1805-P-21), for which planning permission was granted, indicate the following works to the historic former school masters house building;

- Removal of all internal walls within the original house at ground floor.
- Removal of non-original toilets partially within original house.
- Alteration of rear (east) wall of original house to form double door and servery hatch.
- Removal of northern chimney breast
- Removal of internal toilets and lobbies in modern community hall.

- Removal of all internal partitions at first floor level.
- Forming new opening / remodeling existing window in north wall of house at first floor level to link into proposed stairwell.
- Removal of remaining portion of stairs.

#### 4.2 PROPOSED SCOPE OF WORK;

The proposed scope of works is as per the works for which planning permission was granted. These works are indicated in detail on the architects and engineers tender drawings. In terms of works relating to the original former school masters house, these can be listed as;

##### 4.2.1 Structural alterations;

- Demolition of internal loadbearing walls at ground level, supporting / propping of existing first floor and installation of new steel beams on concrete padstones.
- Partial removal of masonry rear wall at ground floor level, and reforming wall with door opening and opening for servery hatch with new steel beams as lintels on concrete padstones.
- Careful removal of existing upper portion of stairs and half landing and infill of floor with new timber joists to match original construction detail.
- Removal of northern chimney breast internally at ground floor and forming new window opening in this location.

The above structural alterations and all excavations and works which abut the former school masters house should be undertaken with care, to ensure the minimum disruption or loss of original building fabric.

##### 4.2.2 Architectural Works;

- The existing ground floor ceiling is a lath & plaster ceiling with no decorative plasterwork. There will be intervention required to install the new structural beams and repairs and replacement to the existing ceiling will be required, prior to treatment to upgrade the fire resistance of the floor.
- The existing external walls are currently partially lined internally with modern linings, while some original lime render to walls is retained. It is intended to retain all original sound original plaster, remove only those elements which are defective and to remove all modern linings.
- The existing lath and plaster ceilings at first floor should be repaired on careful removal of the first floor partitions.
- The existing concrete floor is to be removed. The existing timber floor boarding to the south meeting room should be carefully taken up and stored for reuse at first floor level or their possible inclusion in the proposed building finishes scheme could be considered.



- The existing windows do not appear to be original, however these are assumed to be replacements of the original fenestration design. All existing windows are to be retained, with the proposed works limited to repairs only. These repairs should be undertaken to ensure the further longevity of the windows, while employing the minimum level of intervention.
- The current entrance door is a modern replacement, and is to be replaced with a painted timber moulded four panel door. Consideration could be given to retaining the frames and fanlight, with replacement door only.
- There are some original four panel internal doors, these should be carefully removed and stored within the building, or preferably reused within the scheme.
- The proposed building service installations are indicated on the architect's drawings. There are no significant historic internal features, however the design and installation of the building services should minimise visual or physical impact on the remaining historic of the building.

Prepared by; Brendan Mc Evoy, MRIAI, MUBC.

Date; 9<sup>th</sup> July 2020

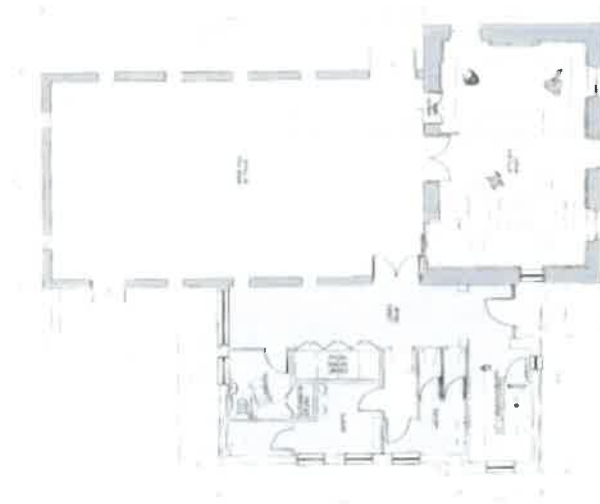




POLYMER LETTERS EDITION

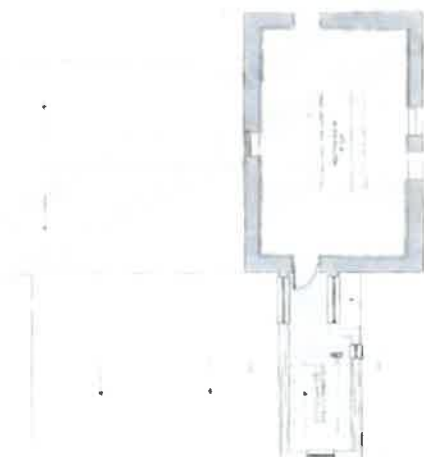


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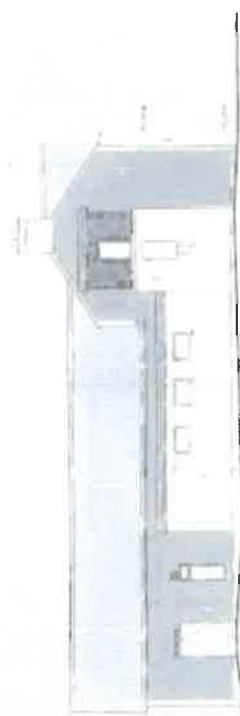


RESEARCH GROUP FLOOR - 100

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PROPERTY FIRST FLOOR - 150

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ASIA



## REVISIONS

PROJECT

## DUALIA COMMUNITY H

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**DUALITÀ COMPLEUNIT**

Full

EXISTING FLOOR PLANS  
ELEVATIONS + SECTIONS

CS 5000483

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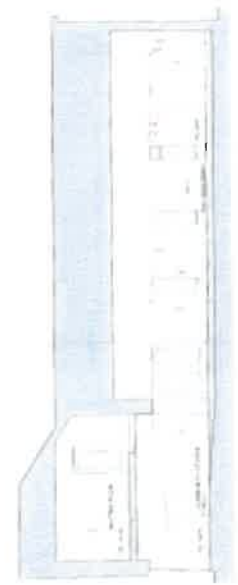
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- existing trees to be retained
- proposed new trees
- proposed new trees
- proposed new trees
- edge of road
- quality of site
- existing perimeter fence
- proposed new fence
- proposed new planting
- front boundary wall
- proposed new gate
- existing garden
- existing garden

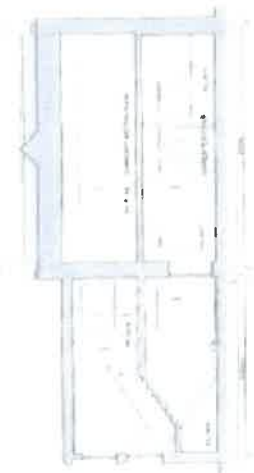
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PROPOSED SITE PLAN 1:200

SIGHTLINES LAYOUT 1:500



PROPOSED SECTION A-A 1:20



PROPOSED SECTION B-B 1:20

| REVISIONS |                |
|-----------|----------------|
| 1         | Initial design |
| 2         | Revised design |
| 3         | Final design   |

PROJECT  
DUALLA COMMUNITY HALL

CLIENT  
DUALLA COMMUNITY

PROPOSED SITE PLAN  
PROPOSED SIGHTLINES  
PROPOSED SECTIONS

DATE  
1806-P-11

SCALE  
1:200  
1:500  
1:1000

DATE  
NOV 2018

DH ARCHITECTS  
ARCHITECTS

138 46 - EXISTING LEVELS



Comhairle Contae Thiobraid Árann  
Tipperary County Council

Comhairle Contae  
Thiobraid Árann,  
Oifigí Cathartha,  
Cluain Meala,  
Co. Thiobraid Árann  
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**Our Ref: S5/25/30**

**18/11/2025**

Dualla Community Association CLG  
C/O Kieran O'Dwyer  
Ballykelly  
Dualla  
Cashel  
Co. Tipperary

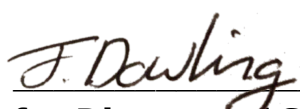
**Re: Application for a Section 5 Declaration – Installation of 20  
PV solar panels on roof at rear of existing building at Dualla  
Community Hall, Dualla, Cashel, Co. Tipperary E25 R778**

A Chara,

I acknowledge receipt of your further information received on 18<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.

Mise le meas,

  
\_\_\_\_\_  
**for Director of Services**



## TIPPERARY COUNTY COUNCIL

### **Application for Declaration under Section 5** **Report No. 2**

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

---

|                              |   |
|------------------------------|---|
| <b>Planning Reference:</b>   | S5/25/30  |
| <b>Applicant:</b>            | Dualla Community Association CLG  |
| <b>Development Address:</b>  | Dualla Community Hall, Rathclough North, Dualla, Cashel, Co. Tipperary                  |
| <b>Proposed Development:</b> | Installation of 20 PV Solar Panels on roof of existing building. Roof rear of premises. |

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**Further information was requested on 8<sup>th</sup> April 2025 under Section 5(2) of the Act. A Further Information Response was received on 18<sup>th</sup> November 2025.**

#### **1. GENERAL**

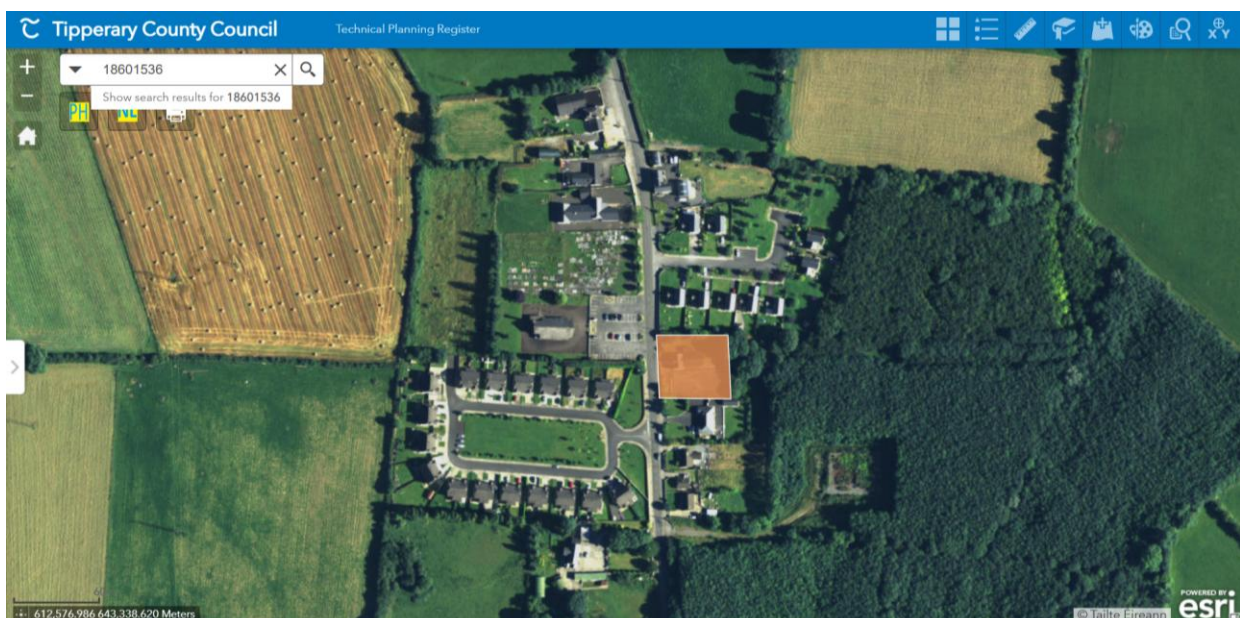
On 26<sup>th</sup> March 2025 a request was made for a declaration under Section 5 of the Planning and Development Act, 2000 as amended by Dualla Community Association CLG as to whether or not the following works constituted development and if so, whether same was exempted development:

#### ***Installation of 20PV Solar Panels on roof of existing building. Roof rear of premises.***

The application was accompanied by the following documentation;

- Section 5 Application Form
- Documents named “Request for Tender” which refers to Project 1 at Dualla Community Hall and Project 2 at Denis Leamy Centre, Dualla
- Dualla Field Development Feasibility Study by KHA

The application form refers to the building subject to this Section 5 being located at Rathclough North E25R778 which is the location of the Dualla Community Hall. The Community Hall is a Protected Structure (Ref: TRPS1429) as contained within the Tipperary County Development Plan 2022-2028 and is included on the NIAH Register under Ref: 22206102.



*Figure 1 Site Location*

## **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 same Act 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 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.*

Section 57 (***Works affecting character of protected structures or proposed protected structures***)

*57. (1) Notwithstanding section 4(1)(a), (h), (i), (ia), (j), (k), or (l) and any regulations made under section 4(2), the carrying out of works to a protected structure, or a proposed protected structure, shall be exempted development only if those works would not materially affect the character of—*

*(a) the structure, or*

*(b) any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest*

### **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;*

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:

| <b>Description of Development</b>  | <b>Conditions and Limitations</b>  |
|--|--|
| <p>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:</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 or wastewater services operated by a statutory undertaker.</p> | <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 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.</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. 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> <li>6. 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.</li> <li>7. 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.</li> <li>8. 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.</li> <li>9. 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.</li> <li>10. 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.</li> <li>11. The placing or erection of a solar photo-voltaic or solar thermal collector installation on any wall shall not be exempted development.</li> <li>12. The placing or erection of any freestanding solar photo-voltaic or solar thermal collector installation within an Architectural</li> </ol> |

|  |  |
|--|--|
|  | <p><i>Conservation Area shall only be exempted development if those works would not materially affect the character of the area.</i></p> <p><i>13. 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><br/>479</p> <p><i>14. 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><i>15. 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,*

*(iia) 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 subject site is occupied by Dualla Community Hall, in the settlement of Dualla. The structure is a Protected Structure under Reference: TRPS1429 as contained within the Tipperary County Development Plan 2022-2028 listed on the NIAH Register under Ref: 22206102

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

18/601536 Permission GRANTED for Upgrade and renovation works, reconfiguration of internal spaces, construction of a two storey extension to side, new accessible pedestrian site entrance, new wastewater treatment system and polishing filter and all associated site works to School Masters House which is a protected structure RPS Ref 331/NIAH 22206102.

- 17/600840 Withdrawn - sessional use for childcare facilities including before school care from 7.30am to 9.10am (ages 4-12yrs), preschool care from 9.20am to 12.20pm (ages 2.5-5 yrs) and after school care from 2.00pm to 6.00pm (ages 4-12yrs) Monday to Friday and all associated works at the existing Dualla Community Hall Protected Structure no. S331
- P31502 Permission granted for a bungalow
- P310459 Permission granted for extension to community hall
- S5/16/23 Section 5 Exemption Declaration issued for Preschool

**c. Assessment**

A. "Is or is not Development"

Having considered all of the details and documentation on file with regards the question asked, I am 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. The application does not include for any Site Location Maps, elevation, section or roof plan drawings to demonstrate that the proposal meets all Conditions and Limitations under Class 61.

Therefore, it is not possible to determine if the proposal would satisfy the exemption available under Class 61. Furthermore, in the absence of an Architectural Heritage Impact Assessment it is not possible to determine if the proposal would be restricted by Section 57 of the Act.

Further information be requested.

C. Restrictions under Article 9

I am satisfied that the proposal would not be restricted by Article 9(1)(iiiia) *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

**AA**

The proposal has been assessed having regard to the requirements of the EU Habitats Directive. The proposal has been screened as to the requirements for AA and the screening assessment considers that the proposal does not impact on any Natura 2000 site. See also Appropriate Assessment (AA) screening report attached.

**EIA**

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 also for Environmental Impact Assessment (EIA) preliminary examination screening report attached.



#### **4. FUTHER INFORMATION REQUEST, RESPONSE & ASSESSMENT**

Further Information was requested on 08/04/2025 under Section 5(2) of the Act as follows;

- 1. The applicant is advised the purpose of a Section 5 of the Planning and Development Act 2000, as amended, is to establish if a particular development is or is not an exempted development within the meaning of the above-mentioned Act based on the proposed development as outlined on the declaration application form **and** the submitted drawings. The applicant is advised that there is an exemption available under Class 61 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended, for the placing or erection on a roof, or within the curtilage, or on a roof of any ancillary buildings within the curtilage of a community facility or centre, of a solar photo-voltaic and/or solar thermal collector installation. This exemption is subject to 15 conditions and limitations. As the Community Hall is a Protected Structure the restriction on exemption set out under Section 57 of the Planning and Development Act 2000, as amended, is also applicable.*

*The application as submitted does not include for appropriately scaled Site Location Maps, Site Layout Plan, elevation, section or roof plan drawings in order for the Planning Authority to determine if the proposal meets the limitations and conditions of Class 61. Furthermore, it has not been demonstrated that the proposal would not have a material impact on the character of the Protected Structure and that Section 57 of the Planning and Development Act 2000, as amended, does not apply.*

*In order to enable an informed determination of the application the applicant is requested to submit;*

- Site Location Map identifying the proposed building*
- Site Layout Plan (1:500) showing the location of the proposal*
- Plans/Elevations and Sections as necessary demonstrating that the conditions and limitations of Class 61 of Part 1 of Schedule 2 of the above mentioned Regulations are satisfied*
- An Architectural Heritage Impact Assessment of the proposal which shall be undertaken in accordance with the Architectural Heritage Protection Guidelines for Planning Authorities 2011*

The Response included for the following:

- Cover Letter including a commentary on how the applicant considers the proposal satisfies the class 61 exemption
- Site Location Maps,
- Floor plans and elevation drawings identifying in the green the proposed location of the solar panels,
- Architectural Heritage Impact Assessment prepared by EMD Architects dated July 2020 as part of previous planning application for the extension to the original Dualla Community Hall.

I note that the submitted AHIA states that the community hall section of the building was constructed in 1987 on foot of permission granted in 1986. The solar panels are 35sq.m in size and will be located on the south facing roof. It is also stated the panels will not be attached to the original part of the building, the former school house, which is a Protected Structure. Following a review of the submitted plans (albeit copies of previous planning application drawings), noting the location and size of the subject panels, I am satisfied that the proposal is located on a later 20<sup>th</sup> century addition to the building and will not have a material impact on the character of the Protected Structure.

The proposal is assessed relative to the conditions and limitations of Class 61 of Part 1 of Schedule 2 of the Regulations below;

*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:*

*(v) community facility or centre,*

*The proposal for Solar Panels is located on a building which is considered a community building.*

- 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.*

*The site is not located within a safe guarding zone.*

- 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.*

*N/A*

- 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.*

*The panels will be mounted flush to the roof.*

- 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.*

*The applicant has stated that the panels will be below the ridgeline. The drawings are poor quality and are not to scale. I am satisfied that the applicant can be advised that the exemption is available on the basis that this condition and limitation is met.*

- 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.*

*N/A as no ancillary equipment shown and hence same is not covered by the Section 5.*

- 6. 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.*

*N/A*

- 7. 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.*

*N/A*

- 8. 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.*

*N/A - Panels located on roof only.*

- 9. 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.*

*N/A - Panels located on roof only.*

- 10. 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.*

*N/A - Panels located on roof only.*

- 11. The placing or erection of a solar photo-voltaic or solar thermal collector installation on any wall shall not be exempted development.*

*N/A - Panels located on roof only.*

12. *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.*

*N/A - Panels located on roof only and not located within an ACA.*

13. *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.*

*N/A*

14. *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.*

*The over letter states that the electricity generated will be used to power the community hall only.*

15. *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.*

*None reflective panels are proposed to be used.*

## **5. RECOMMENDATION**

**WHEREAS** a question has arisen as to whether the installation of 20 PV Solar Panels on roof of existing building (Roof rear of premises) at Dualla Community Hall, Rathclough North, Dualla, Cashel, Co. Tipperary is development and is or is not exempted development:

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

- (a) Sections 2, 3, 4 & 57 of the Planning and Development Act, 2000, as amended
- (b) Article 5, 6 and 9 of the Planning and Development Regulations 2001, as amended,
- (c) Class 61 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended

**AND WHEREAS** Tipperary County Council has concluded that –

The installation of 20 PV Solar Panels on roof of existing building. Roof rear of premises at Dualla Community Hall, Rathclough North, Dualla, Cashel, Co. Tipperary is development and is exempted development as same satisfies the exemption available under Class 61 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended.

**NOW WHEREAS** Tipperary County Council, in exercise of the powers conferred on it by section 5(2)(a) of the Planning and Development Act 2000 as amended, it is hereby decided that the proposal to which the Section 5 Declaration Application relates is **development and IS exempted development.**

### **Advice Note:**

The applicant is advised that condition and limitation No. 4 attached to the exemption set out under Class 61 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended, requires that the solar photo-voltaic or solar thermal collector panels shall be a minimum of 50cm from the edge of the roof of the pitched roof on which it is mounted.

The applicant is further advised that this exemption does not include for any works to the Protected Structure which are not explicitly referred to in the application for the Section 5 Declaration.

**District Planner:**

*L. Bettles-Lynn*

---

**Date:** 02.12.2025

**Senior Executive Planner:**

*C. Conway*

**Date:** 3.12.2025

## HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT

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

|  |   |
|--|---|
| (a) File Reference No:   | S5/25/30  |
| (b) Brief description of the project or plan:                            | Installation of 20 PV Solar Panels on roof of existing building. Roof rear of premises. |
| (c) Brief description of site characteristics:                           | Existing community centre in an urban serviced area                                     |
| (d) Relevant prescribed bodies consulted:<br>e.g. DHLGH (NPWS), EPA, OPW | None  |
| (e) Response to consultation:  | None  |

### 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 <sup>1</sup>                                      | Distance from proposed development <sup>2</sup> (km) | Connections (Source-Pathway-Receptor) | Considered further in screening Y/N |
|-----------------------------|---|--|---------------------------------------|-------------------------------------|
| 002137 Lower River Suir SAC | <a href="https://www.npws.ie/protected-sites/sac/002137">https://www.npws.ie/protected-sites/sac/002137</a> | Within 10km  | 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.)     |
|---|---|
| <b>Construction phase e.g.</b> <ul style="list-style-type: none"> <li>Vegetation clearance</li> <li>Demolition</li> <li>Surface water runoff from soil excavation/infill/landscaping (including borrow pits)</li> <li>Dust, noise, vibration</li> <li>Lighting disturbance</li> <li>Impact on groundwater/dewatering</li> <li>Storage of excavated/construction materials</li> <li>Access to site</li> <li>Pests</li> </ul> | No potential impacts. No changes to surface water arrangements. |
| <b>Operational phase e.g.</b> <ul style="list-style-type: none"> <li>Direct emission to air and water</li> <li>Surface water runoff containing contaminant or sediment</li> <li>Lighting disturbance</li> <li>Noise/vibration</li> <li>Changes to water/groundwater due to drainage or abstraction</li> <li>Presence of people, vehicles and activities</li> </ul>  | No potential impacts. No changes to surface water arrangements. |



| <ul style="list-style-type: none"> <li>Physical presence of structures (e.g. collision risks)</li> <li>Potential for accidents or incidents</li> </ul>  |  |   |                      |                 |  |                                     |  |  |                          |   |                                       |                          |   |
|---|--|---|----------------------|-----------------|--|-------------------------------------|--|--|--------------------------|---|---------------------------------------|--------------------------|---|
| In-combination/Other  | No potential impacts   |   |                      |                 |  |                                     |  |  |                          |   |                                       |                          |   |
| <b>(b) Describe any likely changes to the European site:</b>  |  |   |                      |                 |  |                                     |  |  |                          |   |                                       |                          |   |
| <p>Examples of the type of changes to give consideration to include:</p> <ul style="list-style-type: none"> <li>Reduction or fragmentation of habitat area</li> <li>Disturbance to QI species</li> <li>Habitat or species fragmentation</li> <li>Reduction or fragmentation in species density</li> <li>Changes in key indicators of conservation status value (water or air quality etc.)</li> <li>Changes to areas of sensitivity or threats to QI</li> <li>Interference with the key relationships that define the structure or ecological function of the site</li> </ul> | No potential impacts   |   |                      |                 |  |                                     |  |  |                          |   |                                       |                          |   |
| <b>(c) Are 'mitigation' measures necessary to reach a conclusion that likely significant effects can be ruled out at screening?</b>   |  |   |                      |                 |  |                                     |  |  |                          |   |                                       |                          |   |
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No   |  |   |                      |                 |  |                                     |  |  |                          |   |                                       |                          |   |
| <b>STEP 4. Screening Determination Statement</b>  |  |   |                      |                 |  |                                     |  |  |                          |   |                                       |                          |   |
| <p>The assessment of significance of effects:</p> <p>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.</p>   |  |   |                      |                 |  |                                     |  |  |                          |   |                                       |                          |   |
| The proposed development is not likely to have significant effects.   |  |   |                      |                 |  |                                     |  |  |                          |   |                                       |                          |   |
| <b>Conclusion:</b>  |  |   |                      |                 |  |                                     |  |  |                          |   |                                       |                          |   |
|   | <table border="1"> <thead> <tr> <th></th> <th>Tick as Appropriate:</th> <th>Recommendation:</th> </tr> </thead> <tbody> <tr> <td>(i) It is clear that there is no likelihood of significant effects on a European site.</td> <td><input checked="" type="checkbox"/></td> <td>The proposal can be screened out: Appropriate assessment not required.</td> </tr> <tr> <td>(ii) It is uncertain whether the proposal will have a significant effect on a European site.</td> <td><input type="checkbox"/></td> <td> <input type="checkbox"/> Request further information to complete screening<br/> <input type="checkbox"/> Request NIS<br/> <input type="checkbox"/> Refuse planning permission </td> </tr> <tr> <td>(iii) Significant effects are likely.</td> <td><input type="checkbox"/></td> <td> <input type="checkbox"/> Request NIS<br/> <input type="checkbox"/> Refuse planning permission </td> </tr> </tbody> </table> |   | Tick as Appropriate: | Recommendation: | (i) It is clear that there is no likelihood of significant effects on a European site. | <input checked="" type="checkbox"/> | The proposal can be screened out: Appropriate assessment not required. | (ii) It is uncertain whether the proposal will have a significant effect on a European site. | <input type="checkbox"/> | <input type="checkbox"/> Request further information to complete screening<br><input type="checkbox"/> Request NIS<br><input type="checkbox"/> Refuse planning permission | (iii) Significant effects are likely. | <input type="checkbox"/> | <input type="checkbox"/> Request NIS<br><input type="checkbox"/> Refuse planning permission |
|   | Tick as Appropriate:   | Recommendation:   |                      |                 |  |                                     |  |  |                          |   |                                       |                          |   |
| (i) It is clear that there is no likelihood of significant effects on a European site.  | <input checked="" type="checkbox"/>  | The proposal can be screened out: Appropriate assessment not required.  |                      |                 |  |                                     |  |  |                          |   |                                       |                          |   |
| (ii) It is uncertain whether the proposal will have a significant effect on a European site.  | <input type="checkbox"/>   | <input type="checkbox"/> Request further information to complete screening<br><input type="checkbox"/> Request NIS<br><input type="checkbox"/> Refuse planning permission |                      |                 |  |                                     |  |  |                          |   |                                       |                          |   |
| (iii) Significant effects are likely.   | <input type="checkbox"/>   | <input type="checkbox"/> Request NIS<br><input type="checkbox"/> Refuse planning permission   |                      |                 |  |                                     |  |  |                          |   |                                       |                          |   |

| EIA Pre-Screening<br>Establishing a development is a 'sub-threshold development'  |  |
|---|--|
| <b>File Reference:</b>  | S5/25/30   |
| <b>Development Summary:</b>   | Installation of 20 PV Solar Panels on roof of existing building.<br>Roof rear of premises.                                       |
| <b>Was a Screening Determination carried out under Section 176A-C?</b>  | <input type="checkbox"/> Yes, no further action required<br><br><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)?<br>(Tick as appropriate)   |  |
| <input type="checkbox"/> Yes, specify class _____   | <b>EIA is mandatory</b><br><br>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?<br>(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):<br>_____  | <b>EIA is mandatory</b><br><br>No Screening required   |
| <input type="checkbox"/> Yes the project is of a type listed <b>but</b> is <i>sub-threshold</i> :<br>_____  | 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>  |





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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Civic Offices, Nenagh,  
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E45 A099

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

Date: 4<sup>th</sup> December, 2025

Our Ref: S5/25/30

Civic Offices, Nenagh

Dualla Community Association CLG  
C/O Kieran O'Dwyer  
Ballykelly  
Dualla  
Cashel  
Co. Tipperary

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

A Chara,

I refer to your application for a Section 5 Declaration received on 26<sup>th</sup> March, 2025, and Further Information received on 18<sup>th</sup> November, 2025 in relation to the following proposed works:

**Installation of 20 PV Solar Panels on roof of existing building. Roof rear of premises at Dualla Community Hall, Rathclough North, Dualla, Cashel, 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 –

- a) Sections 2, 3, 4 & 57 of the Planning and Development Act, 2000, as amended
- b) Article 5, 6 and 9 of the Planning and Development Regulations 2001, as amended,
- c) Class 61 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended

**AND WHEREAS** Tipperary County Council has concluded that –

The installation of 20 PV Solar Panels on roof of existing building. Roof rear of premises at Dualla Community Hall, Rathclough North, Dualla, Cashel, Co. Tipperary is development and is exempted development as same satisfies the exemption available under Class 61 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended.

**NOW WHEREAS** Tipperary County Council, in exercise of the powers conferred on it by section 5(2)(a) of the Planning and Development Act 2000 as amended, it is hereby decided that the proposal to which the Section 5 Declaration Application relates is **development and IS exempted development.**

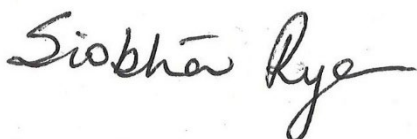
**Advice Note:**

The applicant is advised that condition and limitation No. 4 attached to the exemption set out under Class 61 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended, requires that the solar photo-voltaic or solar thermal collector panels shall be a minimum of 50cm from the edge of the roof of the pitched roof on which it is mounted.

The applicant is further advised that this exemption does not include for any works to the Protected Structure which are not explicitly referred to in the application for the Section 5 Declaration

**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 legible.

---

for **Director of Services**



**Original**

**TIPPERARY COUNTY COUNCIL**

**DELEGATED EMPLOYEE'S ORDER**

File Ref: **S5/25/30**      **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 Dualla Community Association CLG, C/O Kieran O'Dwyer, Ballykelly, Dualla, Cashel, Co. Tipperary, re: Installation of 20 PV Solar Panels on roof of existing building. Roof rear of premises at Dualla Community Hall, Rathclough North, Dualla, Cashel, Co. Tipperary is development and is exempted development.

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

- a) Sections 2, 3, 4 & 57 of the Planning and Development Act, 2000, as amended
- b) Article 5, 6 and 9 of the Planning and Development Regulations 2001, as amended,
- c) Class 61 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended

**AND WHEREAS** Tipperary County Council has concluded that –

The installation of 20 PV Solar Panels on roof of existing building. Roof rear of premises at Dualla Community Hall, Rathclough North, Dualla, Cashel, Co. Tipperary is development and is exempted development as same satisfies the exemption available under Class 61 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended.

**NOW WHEREAS** Tipperary County Council, in exercise of the powers conferred on it by section 5(2)(a) of the Planning and Development Act 2000 as amended, it is hereby decided that the proposal to which the Section 5 Declaration Application relates is **development and IS exempted development.**

**Signed:**



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**Brian Beck**  
**Director of Services**

**Date: 04/12/2025**