



PLANNING & DEVELOPMENT ACT, 2000 (as amended)

Application for a Section 5 Declaration
Development / Exempted Development

1. Applicant's address/contact details:

Applicant	NAOHU BURKE - MANAGER
Address	CLONMEL COMMUNITY RESOURCE CENTRE KICKHAM STREET CLONMEL. E21 CK15
Telephone No.	[REDACTED]
E-mail	[REDACTED]

2. Agent's (if any) address: N/A

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

3. Location of Proposed Development:

Postal Address or Townland or Location (as may best identify the land or structure in question)	AT ABOVE ADDRESS
---	------------------

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 40 X 440 WATT SOLAR
PANELS ON ROOF FACING ROAD AT FRONT
OF BUILDING
Proposed floor area of proposed works/uses: sqm

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	A. Owner <input checked="" type="checkbox"/>	B. Occupier
	C. Other	
Where legal interest is 'Other', please expand further on your interest in the land or structure		
If you are not the legal owner, please state the name and address of the owner	Name: Address:	

Signature of Applicant(s)  Date: 3 November 2025
ON BEHALF OF CLONMEL COMMUNITY RESOURCE CENTRE

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

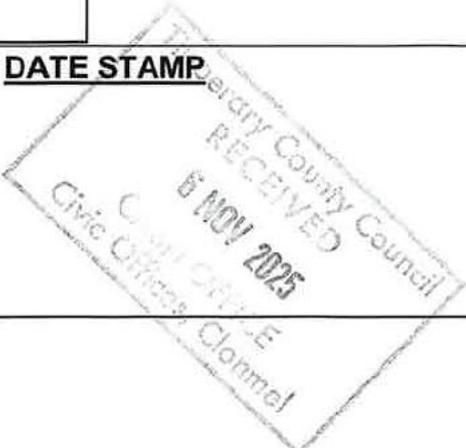
- (1) All queries on the form must be completed and the form must be accompanied by the relevant fee. The amount of the fee is currently **€80.00**.
- (2) This application should be accompanied by **TWO COPIES** of the following documentation
 - OSI Site Location Map with the site outlined clearly – 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)

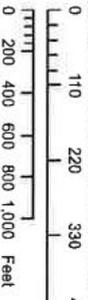
- (3) Where a proper and complete application is received, a decision must be conveyed to the applicant within four (4) weeks except where additional necessary information is required.

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		

FOR OFFICE USE ONLY	
Fee Recd. € <u>80</u>	DATE STAMP
Receipt No <u>197939</u>	
Date <u>7-11-2025</u>	
Received by _____	

Site Location Map



OUTPUT SCALE: 1:10,560

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CENTRE COORDINATES:
ITM 620472.622834

PUBLISHED: 06/11/2025
ORDER NO.: 50500697_1

MAP SERIES: 6 Inch Raster
MAP SHEETS: TY083 WD001

COMPILED AND PUBLISHED BY:
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Phoenix Park,
Dublin 8,
Ireland.
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www.taitte.ie

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Planning Pack Map



**Tailte
Éireann**

**CENTRE
COORDINATES:**
ITM 620472,622834

PUBLISHED: 06/11/2025
ORDER NO.: 50500697_1

MAP SERIES: 1:1,000 5430-06
1:1,000 5430-11

COMPILED AND PUBLISHED BY:

Tailte Éireann,
Phoenix Park,
Dublin 8,
Ireland.
D08F6E4

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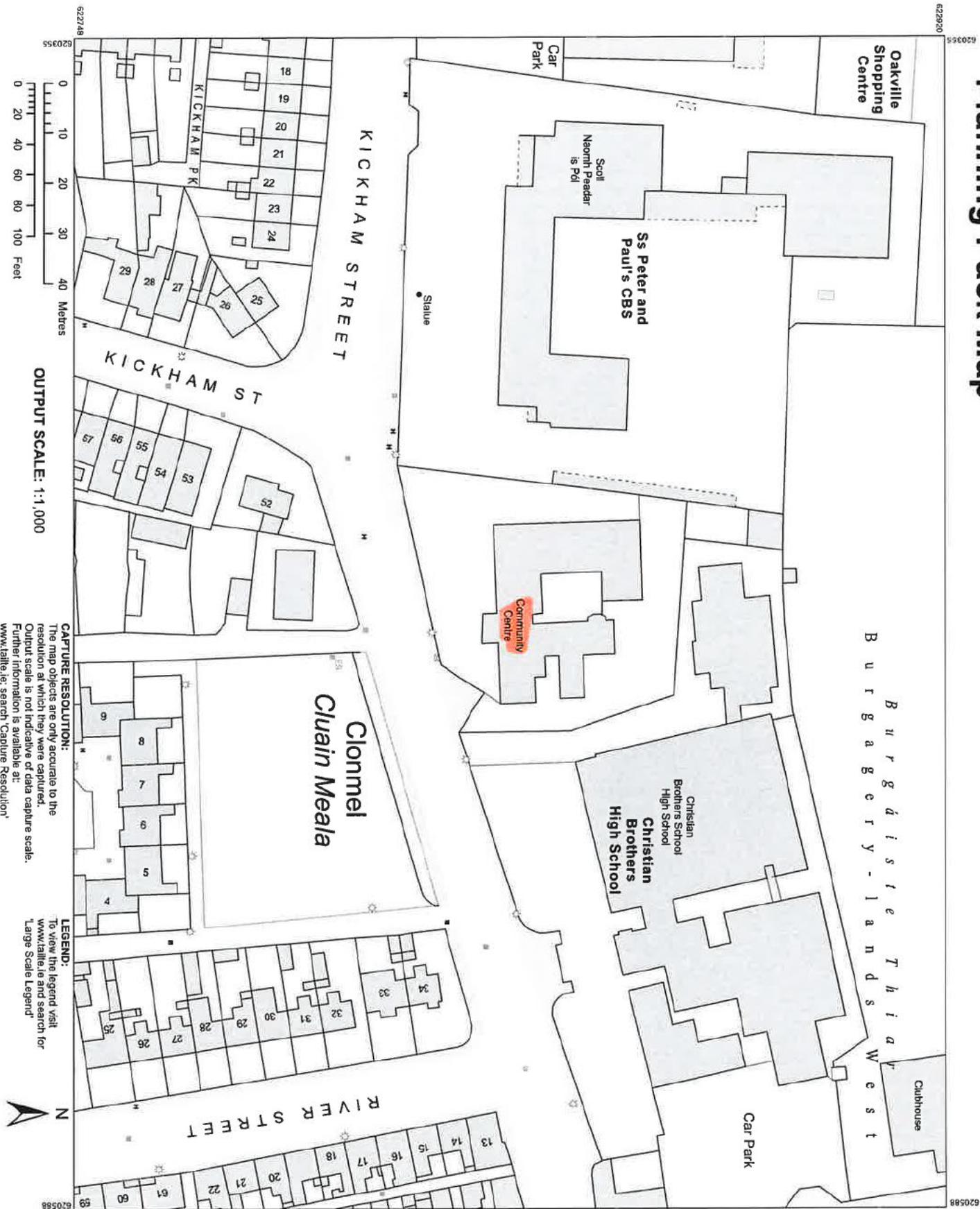
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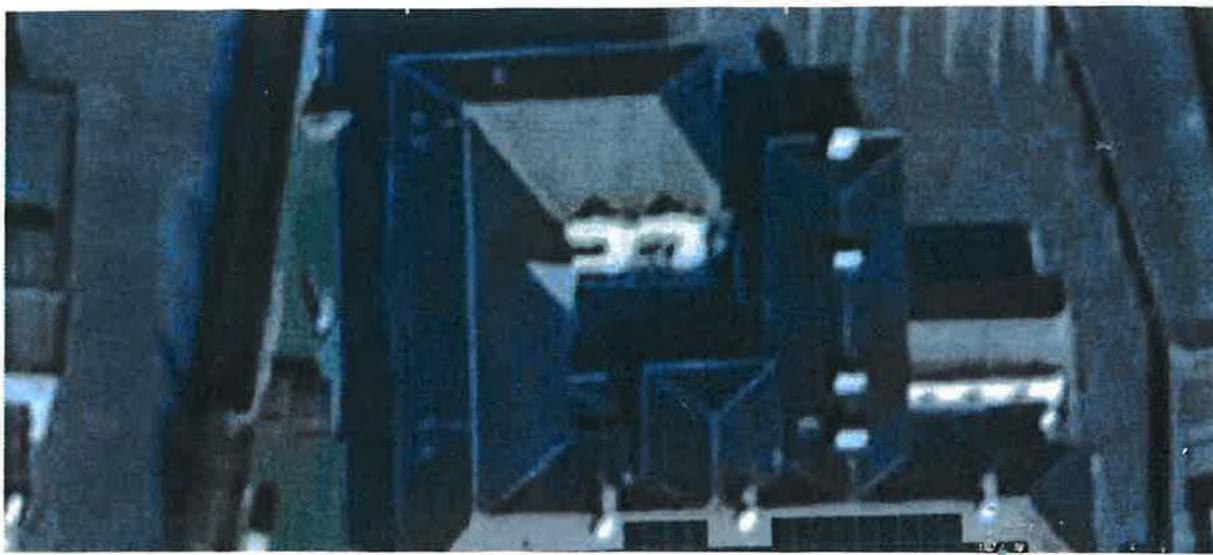
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OUTPUT SCALE: 1:1,000

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resolution at which they were captured.
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Further information is available at:
www.tailte.ie, search 'Capture Resolution'

LEGEND:
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'Large Scale Legend'



40 x
 ↑
 SOLAR PV PANELS
 ↑

Your Solution

Solar Panels

Jinko Solar Co., Ltd.

17.600 kW Total Solar Power

40 x 440 Watt Panels (JKM440N-54HL4R-B)

17,057 kWh per year

Inverter

Huawei Technologies Co., Ltd.

15 kW Total Inverter Rating

1 x SUN2000-15KTL-M5

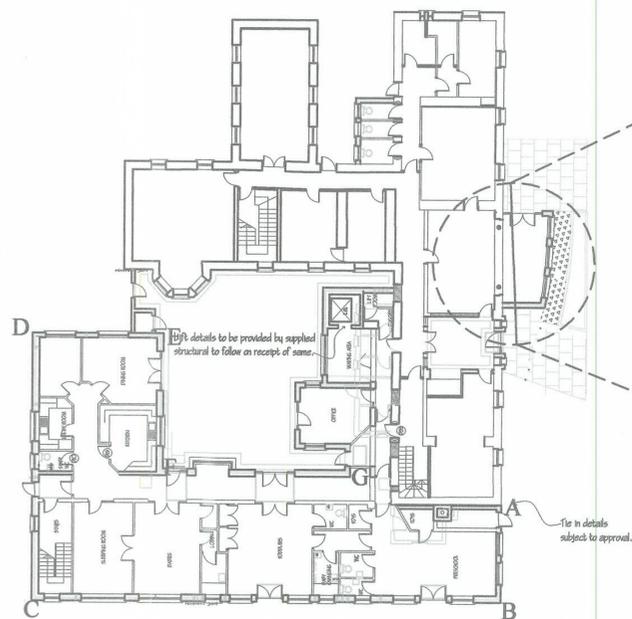
Battery

Huawei Technologies Co., Ltd.

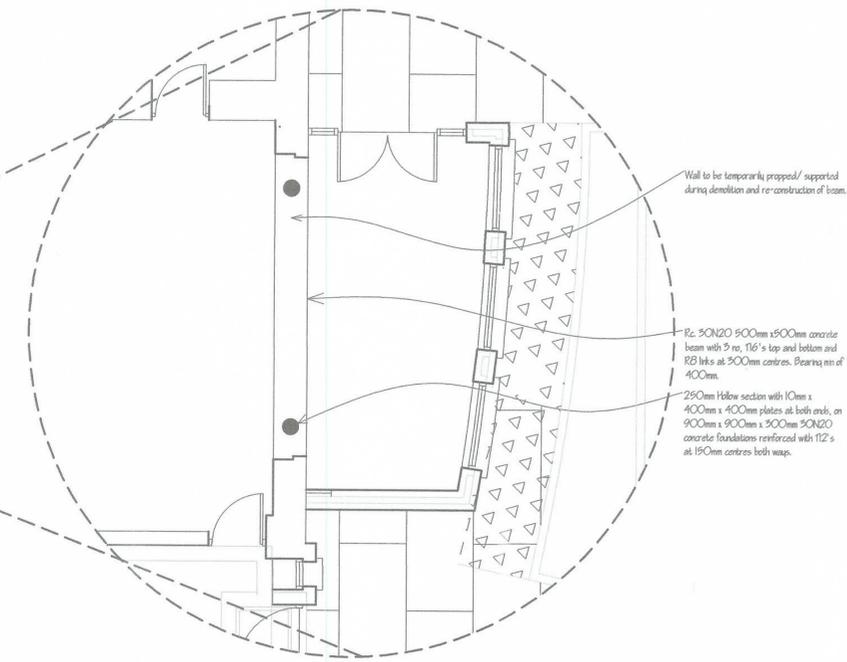
10.0 kWh Total Battery Storage

1 x LUNA2000-10-S0

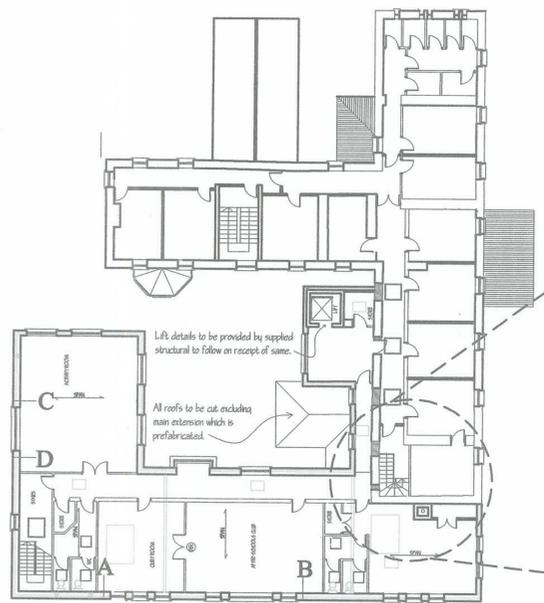
Warranties: 25 Year Panel Product Warranty, 30 Year Panel Performance Warranty



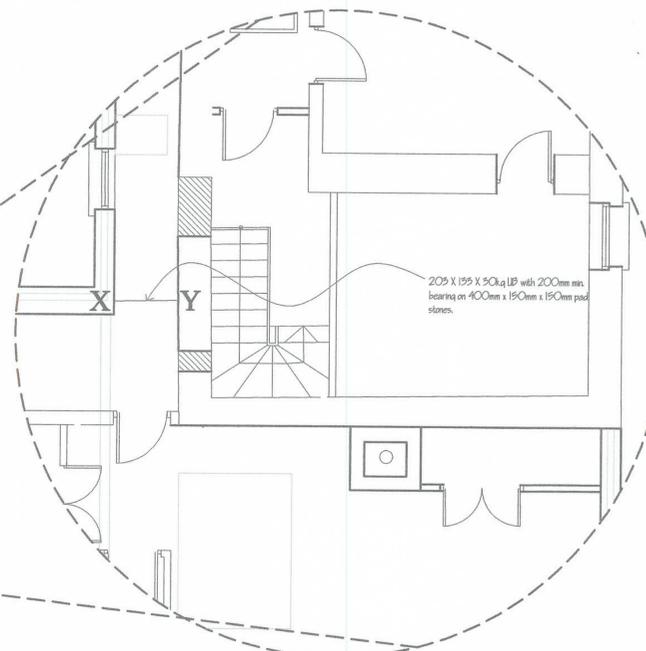
GROUND FLOOR PLAN
SCALE 1:200



GROUND FLOOR PLAN
SCALE 1:50



FIRST FLOOR PLAN
SCALE 1:200



FIRST FLOOR PLAN
SCALE 1:50

REV	DESCRIPTION	DATE
WILL MC GARRY & ASSOCIATES ENGINEERS		
15 MARY STREET, CLONMEL. PHONE : 052 81828 MOBILE : 086 2737455 EMAIL : willmcgarrybe@eircom.net		
CLIENT Clonmel Community Resource Centre		
JOB Childcare Facility		
TITLE Floor Plan's		
SCALE:	as shown	DRAWN: B Ruth
DATE:	aug 03	CHECKED: wmcg
DWG. NO.: 02/02		



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 5000/6000
e customerservice
@tipperarycoco.ie
tipperarycoco.ie

11th November, 2025

Our Ref: S5/25/142

Civic Offices, Clonmel

Naomi Burke
Clonmel Community Resource Centre
Kickham Street
Clonmel
Co. Tipperary

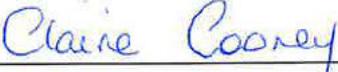
Re: Application for a Section 5 Declaration – Installation of 40 x 440 watt solar panels on roof facing road at front of building at Kickham Street, Clonmel, Co. Tipperary E21 CK15

Dear Ms Burke,

I acknowledge receipt of your application for a Section 5 Declaration received on 7th November 2025, in connection with the above.

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

Yours sincerely


for **Director of Services**

TIPPERARY COUNTY COUNCIL

Application for Declaration under Section 5

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

Planning Reference:	S5/25/142
Applicant:	Naomi Burke
Development Address:	Clonmel Community Resource Centre, Kickham Street, Clonmel
Proposed Development:	Installation of solar panels.

1. GENERAL

On the 7th of November 2025 a request was made for a declaration under Section 5 of the Planning and Development Act, 2000 as amended by Naomi Burke as to whether or not the following works constituted development and if so, whether same was exempted development:

Installation of solar panels on roof facing road at front of building at Kickham Street, Clonmel, Co. Tipperary

The application was accompanied by the following documentation;

- Section 5 Application Form and cover letter
- Site Layout Plan
- Partial Roof Plan

2. STATUTORY PROVISIONS

The following statutory provisions are relevant to this case;

Planning and Development Act 2000, as amended

Section 3 (1) of the Planning and Development Act 2000, as amended, states as follows:

“In this Act, ‘development’ means, except where the context otherwise requires, the carrying out of works on, in, over or under land or the making of any material change in the use of any structures or other land.”

Section 2(1) of the Planning and Development Act, 2000, as amended, defines “works” as:

“works” includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.

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

(2)(a) The Minister may by regulations provide for any class of development to be exempted development for the purposes of this Act where he or she is of the opinion that—

(i) by reason of the size, nature or limited effect on its surroundings, of development belonging to that class, the carrying out of such development would not offend against principles of proper planning and sustainable development, or

(ii) the development is authorised, or is required to be authorised, by or under any enactment (whether the authorisation takes the form of the grant of a licence, consent, approval or any other type of authorisation) where the enactment concerned requires there to be consultation (howsoever

described) with members of the public in relation to the proposed development prior to the granting of the authorisation (howsoever described).

(4) Notwithstanding paragraphs (a), (i), (ia) and (l) of subsection (1) and any regulations under subsection (2), development shall not be exempted development if an environmental impact assessment or an appropriate assessment of the development is required.

Planning and Development Regulations 2001, as amended

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

Interpretation for this Part.

5.(1) In this Part—

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

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

Article 6 of the Planning and Development Regulations 2001, as amended states:

Exempted Development.

6. (1) Subject to article 9, development of a class specified in column 1 of Part 1 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1.

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

Description of Development	Conditions and Limitations
<p>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> <ul style="list-style-type: none"> (i) an educational building, (ii) health centre or hospital, (iii) recreational or sports facility, (iv) place of worship, (v) community facility or centre, (vi) library, (vii) sites for the provision of gas, electricity, telecommunications services or water supplies or wastewater services operated by a statutory undertaker. 	<ol style="list-style-type: none"> 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. 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. 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. 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. 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. 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.

	<p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>11. The placing or erection of a solar photo-voltaic or solar thermal collector installation on any wall shall not be exempted development.</p> <p>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.</p> <p>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. 479</p> <p>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.</p> <p>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.</p>
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Article 9 of the Planning and Development Regulations 2001, as amended sets out restrictions on exemptions and states:

9. (1) Development to which article 6 relates shall not be exempted development for the purposes of the Act—
- (a) if the carrying out of such development would—
- (i) contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act,
 - (ii) be a change of use for the purposes of the Act,
 - (iii) endanger public safety by reason of hazardous glint and/or glare for the operation of airports, aerodromes or aircraft,

B. “Is or is not Exempted Development”

The proposal is assessed relative to Class 61 of Part 1 of Schedule 2 of the Regulations. Limited details were submitted by the applicant in respect of the solar array.

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

- The site is not located in a solar safeguarding zone
- It is not clear if the distance between the plane of the roof and the solar photo-voltaic or solar thermal collector panels exceed 15cm. Further information is required.
- The location of the solar panels relative to the edge of the roof is not clear. Further information is required.
- It is not clear if any ancillary equipment is proposed. Further information is required.
- No panels will be installed on walls,
- No signs are affixed to the panels,
- The solar panels are primarily used for the provision of electricity or heating for use within the curtilage of the building or site.
- The total area of the photo-voltaic and solar thermal collector panels is not clear. Further information is required.
- It is not clear if the solar panels are to be used to meet electricity requirements on the facility on site.

C. Restrictions under Article 9

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

D. Requirement for Appropriate Assessment and Environmental Impact Assessment

The proposed development has been screened as to the requirement for AA and it has been determined that AA is not required. See Screening Report attached.

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

4. RECOMMENDATION

Query

A question has arisen as to whether the following;

Installation of solar panels on the roof a community building on Kickham Street, in Clonmel, Co. Tipperary

constitutes development and if so does it constitute exempted development.

Part 5 of the Planning and Development Act 2000 (as amended) requires a Planning Authority to make a declaration on any question that arises as to what is or is not development. In determining this query, the Planning Authority had regard to;

- Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended),
- Articles 6, 8 and 9 of the Planning and Development Regulations 2001 (as amended)
- Class 61, Schedule 2, Part 1 of the Planning and Development Regulations 2001 (as amended), and
- the details pertaining to the development as set out by the querist.

Determination

Accordingly, having considered the information received, the following further information is to be requested;

1. 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.

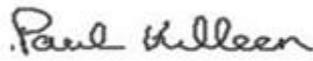
The applicant is advised that there is an exemption available under Class 61 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended, for the placing or erection on a roof, or within the curtilage, or on a roof of any ancillary buildings within the curtilage of a community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

The application as submitted does not include for appropriately scaled 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.

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

- 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

District Planner:



Date: 26/11/2025

Senior Executive Planner:



Date: 27.11.2025

Appendix 1

HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT

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

(a) File Reference No:	S5/25/142
(b) Brief description of the project or plan:	Solar Panels
(c) Brief description of site characteristics:	The site, located c. 450 ms to the north of the Main Street in Clonmel, comprises of an existing, long standing community resource facility. The site fronts onto Kickham Street to the south. It lies between The Christian Brothers High School to the east and St Peter and Pauls CBS to the west.
(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW	No prescribed bodies consulted
(e) Response to consultation:	n/a

STEP 2. Identification of relevant Natura 2000 sites using Source-Pathway-Receptor model and compilation of information on Qualifying Interests and conservation objectives.

European Site (code)	List of Qualifying Interest/Special Conservation Interest ¹	Distance from proposed development ² (km)	Connections (Source-Pathway-Receptor)	Considered further in screening Y/N
Lower River Suir SAC 002137	https://www.npws.ie/protected-sites/sac/002137	520 ms	No due to distance and the lack of any relevant ex-situ factors of significance to these species.	No
Nier Valley	https://www.npws.ie/protected-sites/sac/000668	10.8 kms	No due to distance and	No

SAC 000668			the lack of any relevant ex-situ factors of significance to these species.	
Comeragh Mountains SAC 01952	https://www.npws.ie/protected-sites/sac/001952	11.5 kms	No due to distance and the lack of any relevant ex-situ factors of significance to these species.	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.)
<p>Construction phase e.g.</p> <ul style="list-style-type: none"> • Vegetation clearance • Demolition • Surface water runoff from soil excavation/infill/landscaping (including borrow pits) • Dust, noise, vibration • Lighting disturbance • Impact on groundwater/dewatering • Storage of excavated/construction materials • Access to site • Pests 	No impacts
Operational phase e.g.	No Impacts

- Direct emission to air and water
- Surface water runoff containing contaminant or sediment
- Lighting disturbance
- Noise/vibration
- Changes to water/groundwater due to drainage or abstraction
- Presence of people, vehicles and activities
- Physical presence of structures (e.g. collision risks)
- Potential for accidents or incidents

In-combination/Other

No likely in combination effects

(b) Describe any likely changes to the European site:

Examples of the type of changes to give consideration to include:

- Reduction or fragmentation of habitat area
- Disturbance to QI species
- Habitat or species fragmentation
- Reduction or fragmentation in species density
- Changes in key indicators of conservation status value (water or air quality etc.)
- Changes to areas of sensitivity or threats to QI
- Interference with the key relationships that define the structure or ecological function of the site

No impacts

(c) Are 'mitigation' measures necessary to reach a conclusion that likely significant effects can be ruled out at screening?

Yes No

STEP 4. Screening Determination Statement

The assessment of significance of effects:

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

No impacts

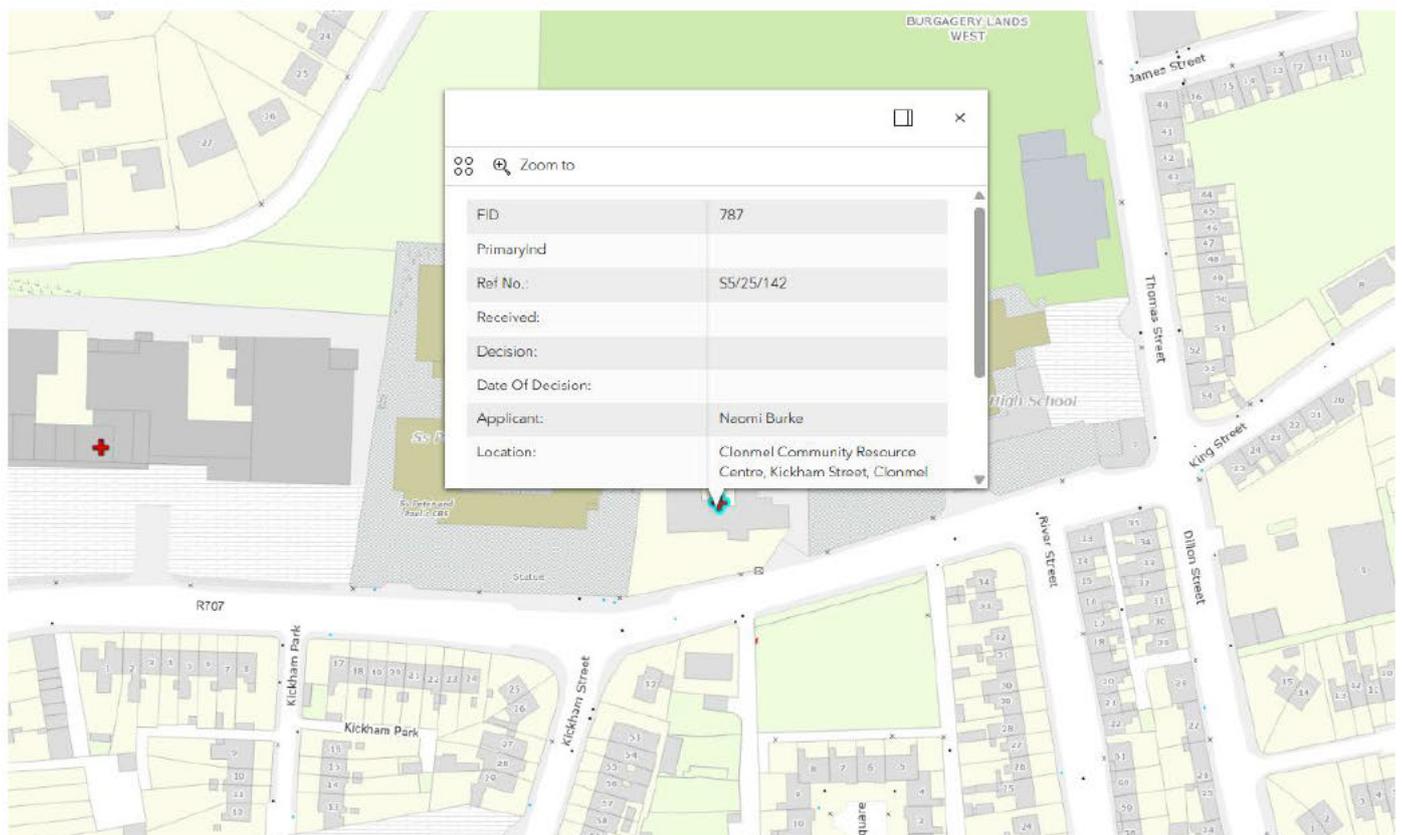
Conclusion:

	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 <input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
(iii) Significant effects are likely.	<input type="checkbox"/>	<input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
Signature and Date of Recommending Officer:	Paul Killeen	Date: 26/11/25

EIA Pre-Screening Establishing a development is a 'sub-threshold development'	
File Reference:	S5/25/142
Development Summary:	Installation of solar panels
Was a Screening Determination carried out under Section 176A-C?	<input type="checkbox"/> Yes, no further action required <input checked="" type="checkbox"/> No, Proceed to Part A
A. Schedule 5 Part 1 - Does the development comprise a project listed in Schedule 5, Part 1, of the Planning and Development Regulations 2001 (as amended)? (Tick as appropriate)	

<input type="checkbox"/> Yes, specify class _____	EIA is mandatory
	No Screening required
<input checked="" type="checkbox"/> No	Proceed to Part B
B. Schedule 5 Part 2 - Does the development comprise a project listed in Schedule 5, Part 2, of the Planning and Development Regulations 2001 (as amended) and does it meet/exceed the thresholds? (Tick as appropriate)	
<input checked="" type="checkbox"/> No, the development is not a project listed in Schedule 5, Part 2	No Screening required
<input type="checkbox"/> Yes the project is listed in Schedule 5, Part 2 and meets/exceeds the threshold, specify class (including threshold): _____	EIA is mandatory
	No Screening required
<input type="checkbox"/> Yes the project is of a type listed but is <i>sub-threshold</i> : _____	Proceed to Part C
C. If Yes, has Schedule 7A information/screening report been submitted?	
<input type="checkbox"/> Yes, Schedule 7A information/screening report has been submitted by the applicant	Screening Determination required
<input type="checkbox"/> No, Schedule 7A information/screening report has not been submitted by the applicant	Preliminary Examination required

Figure 2 Site entered on planning register





Comhairle Contae Thiobraid Árann
Tipperary County Council

Comhairle Contae
Thiobraid Árann,
Oifigi Cathartha,
Cluain Meala,
Co. Thiobraid Árann
Tipperary County Council,
Civic Offices, Clonmel,
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Tipperary County Council,
Civic Offices, Nenagh,
Co. Tipperary
E45 A099

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

Date: 28th November, 2025

Our Ref: S5/25/142

Civic Offices, Nenagh

Naomi Burke
Clonmel Community Resource Centre
Kickham Street
Clonmel
Co. Tipperary

Re: Application for a Section 5 Declaration – Installation of solar panels at Clonmel Community Resource Centre, Kickham Street, Clonmel, Co Tipperary.

Dear Naomi,

I refer to an application received from you on 7th November, 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

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.

The application as submitted does not include for appropriately scaled 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. In order to enable an informed determination of the application the applicant is requested to submit;

- 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

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

Yours sincerely

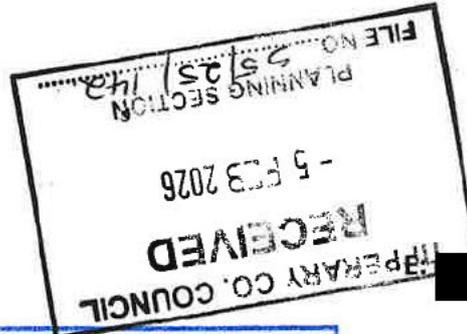
Siothán Ryan
for **Director of Services**



Community at work!



Kickham Lodge,
Kickham Street,
Clonmel
Co Tipperary
E91 P2N5
T: 052 6129143



Siobhan Ryan

For Director of Services

Planning Dept

Civic Offices

Nenagh

2nd February 2026

Dear Ms Ryan

Ref: S5/25/142 Application for a Section 5 Declaration – Installation of solar panels at Clonmel Community Resource Centre, Kickham Street. Co Tipperary

With reference to your letter dated 28th November 2025 requesting further information we have liaised with our Engineer who advised that the further information regarding Section 5 (2) (b), enclosed from the Solar provider should meet with your requirements.

We very much appreciate your attention to this matter as the proposal for solar panels is subject to a funding application.

Thank you.

Your sincerely,



Naomi Burke

Centre Manager

Clonmel Resource Centre Ltd. Company Reg No. 246862; Charity No. 11709 RCN 20032722
Directors: Ann Deady, Cora Gentles, Kay Quirke Bowe, Ita Horan, Eileen Graham, Mark Hanratty





Safety and Compliance Measures for Solar PV Installation

The SEAI requires that solar panels are 0.5 meters away from the roof edge at the bottom, 0.2metres away from the top ridge and 0.5 metres from side ridging. There are similar spatial requirements needed from any roof additives i.e. ventilation and chimneys. This is to ensure safe access for maintenance and to prevent any potential hazards. The setback distance also helps to maintain the structural integrity of the building and to ensure that the solar panels are not obstructed by any part of the roof or wall.

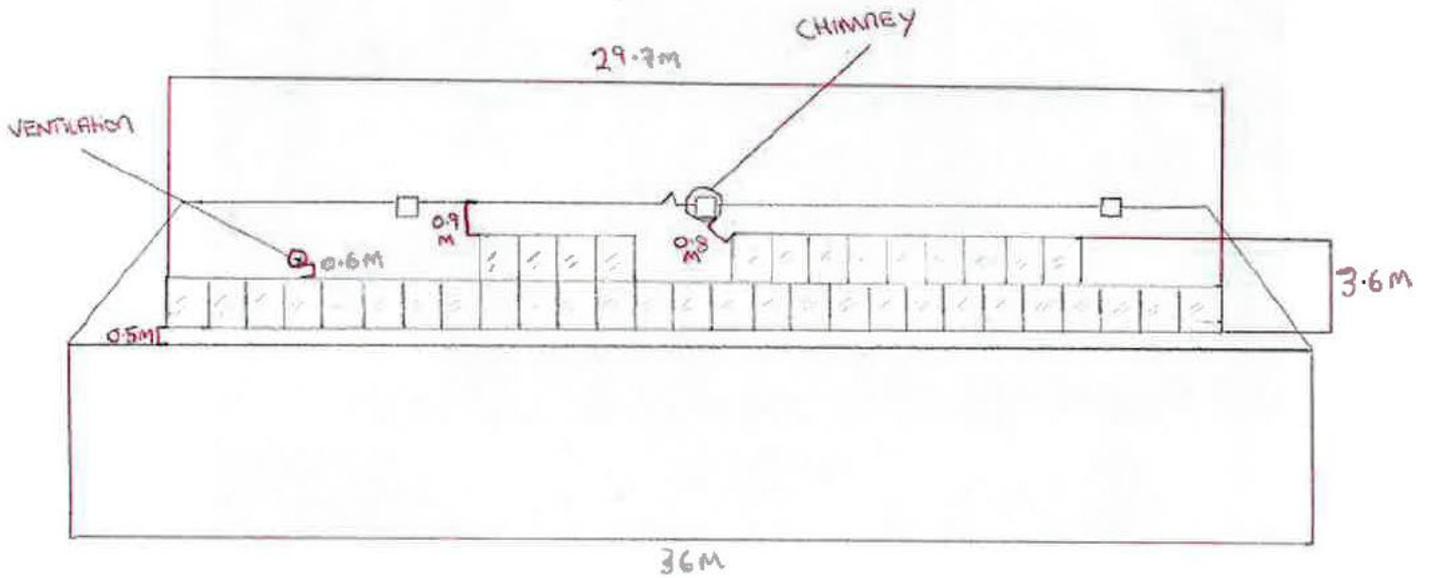
In regards to the installation at the CRC- the max height of the 3.6metres that the panels will reach allows for the 0.5metres below and the 0.2metres at the top. The roof span height measure in at 5.0metres allowing for an excess of 0.7metres being accounted for.

The design has also allowed for more than the 0.5metres required for the vent on the western flank of the roof and for the 3x chimneys respectively—see below technical drawing for exact measurements.



CLONMEL RESOURCE CENTRE

- South Facing Roof frontal PLANE
- 40 panel System



Full sized sketch available at the end of the document along with necessary data sheets.

-From the above measurements and subsequent placement of the Solar PV Panels , it is clear they will be installed well within the necessary measurements outlined.



Structural overview.

- **Roof Material Type:** 40x 440-watt Jinko Panels, Aluminium Rails and Van der Valk mounting.
- **Main Internal Components:** 1x 15KW Huawei and 1x 10KW Huawei Battery storage solution
- **Load Capacity:** From the internal inspection of internal roof components i.e. rafters, joists, adjoining materials and fixings it is clear and apparent that the roof is a prime candidate for a solar installation. The roof will not only maintain its integrity, but the solar PV array will bolster the defence from wind damage as the array with the interconnected rails will even distribute the weights over the roof.
- **Structural Weaknesses:** No structural deficiencies were noted from the on-site survey
- **Deflection Risks:** Similarly with the positioning and layout of the rafters/joists and the mounting technique there are no signs of any deflection risks over the lifespan of the system.
- **Suitability for Solar Mounting;** The roof is a prime candidate for a solar installation. Ideal conditions on the roof and surrounding area below for scaffolding to install the array both from a roofing aspect and the electrical side also. A fall zone has been established and will be blocked off prior to work commencing on the roof
- **Compliance with Regulations:** With every job completed by Greentricity LTD, The Job will be completed with Full Commissioning certification and layout plans. All electrical works to be in accordance with IS10101:2020 National Rules for Electrical Installations. All equipment will be SEAI/ESB/safe electric approved and commissioned by an SEAI approved Electrical engineer.

Other Relevant information

- The roofers/electrician completing the install are covered via our Public Liability and product liability-company combined insurance.
- Safe pass certificates are obtained by the workers alongside manual handling.
- Outlined plan for scaffold and safety zone below will be blocked off and clearly outlined prior to work commencement.
- Inverter and all other internal components will be installed with required manufacturer and SEAI requirements followed.
- ALL DC/AC cables, electrical components and electrical boards will be clearly labelled.
- Installation will be fully commissioned by ourselves Greentricity and all relevant documents will be supplied to the Governing board of the CRC alongside a monitoring application.

Signed;



Matthew Atkinson
Senior Design Consultant
Greentricity LTD

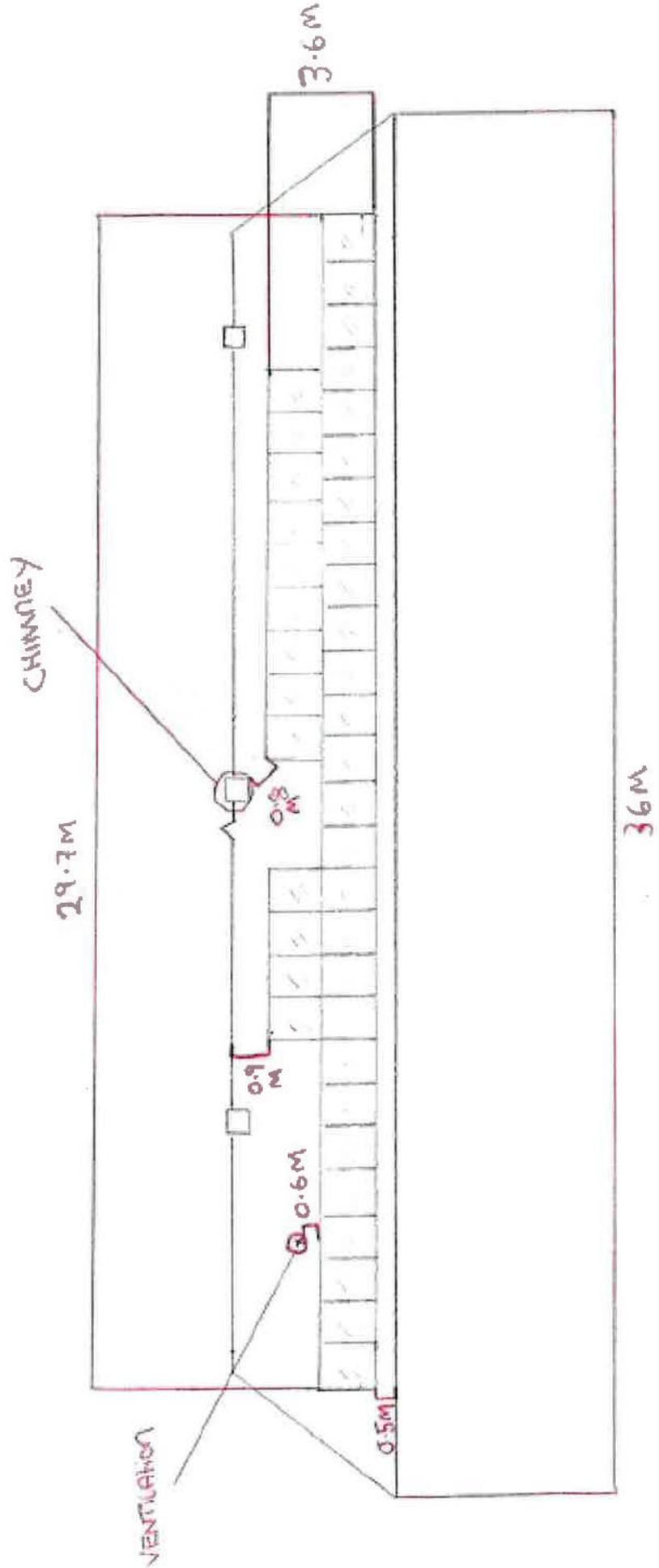


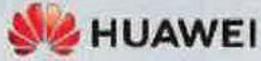
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CLONMEL RESOURCE CENTRE

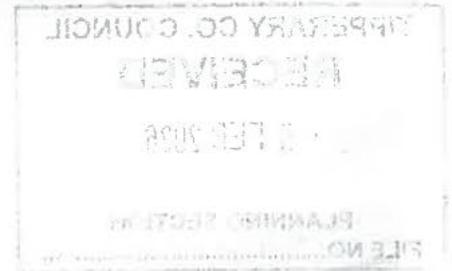
- South Facing Roof Frontal Plane
- 40 panel System





SMART ENERGY CONTROLLER

SUN2000-12/15/17/20/25KTL-M5



Active Safety
AFCI Active Arcing
Protection



Higher Yields
Up to 30% More Energy
with Optimizer



Flexible Communication
WLAN, Fast Ethernet, and 4G
Communication Supported

TR
 CO. COUNCIL
 VED
 - 5 Feb 2026
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 FILE NO. 65/25/142

SUN2000-12/15/17/20/25KTL-M5
Technical Specification

Technical Specification	SUN2000 -12KTL-M5	SUN2000 -15KTL-M5	SUN2000 -17KTL-M5	SUN2000 -20KTL-M5	SUN2000 -25KTL-M5
Efficiency					
Max. efficiency	98.4%	98.4%	98.4%	98.4%	98.4%
European weighted efficiency	97.9%	98.0%	98.1%	98.1%	98.2%
Input					
Recommended max. PV power	18,000 Wp	22,500 Wp	25,500 Wp	30,000 Wp	37,500 Wp
Max. input voltage ¹	1100 V				
Full-load MPPT voltage range	370 – 800 V	410 – 800 V	440 – 800 V	480 – 800 V	530 – 800 V
MPPT operating voltage range ¹	200 – 1000 V				
Start-up voltage	200 V				
Rated input voltage	600 V				
Max. input current per MPPT	30 A (two-string)/20 A (single string)				
Max. short-circuit current	40 A				
Number of MPP trackers	2				
Max. number of inputs	4				
Output					
Grid connection	Three-phase				
Rated output power	12,000 W	15,000 W	17,000 W	20,000 W	25,000 W
Max. apparent power	13,200 W	16,500 VA	18,700 VA	22,000 VA	27,500 VA
Rated output voltage	220 V AC/380 V AC, 230 V AC/400 V AC, 239.6 V AC/415V AC, 3W + N + PE				
Rated AC grid frequency	50 Hz/60 Hz				
Max. output current	16.2 A/380 V AC	25.2 A/380 V AC	28.6 A/380 V AC	33.6 A/380 V AC	42.0 A/380 V AC
	17.3 A/400 V AC	23.9 A/400 V AC	27.1 A/400 V AC	31.9 A/400 V AC	39.9 A/400 V AC
	16.7 A/415 V AC	23.1 A/415 V AC	25.1 A/415 V AC	30.8 A/415 V AC	38.5 A/415 V AC
Adjustable power factor	0.8 leading - 0.8 lagging				
Max. total harmonic distortion	< 3%				
Protection Feature					
Overvoltage category	PV II /AC III				
Input-side disconnection device	Yes				
Anti-islanding protection	Yes				
AC over-current protection	Yes				
DC reverse polarity protection	Yes				
String fault detection	Yes				
DC surge protection	Type II				
AC surge protection	CLASS II				
Residual current monitoring unit	Yes				
ARC fault protection	Yes				
Ripple receiver control	Yes				
General Specification					
Operating temperature range	-25°C to +60°C (-13°F to +140°F)				
Relative humidity	0% – 100% RH				
Max. operating altitude	4,000 m (13,123 ft.) (Derating above 2000 m)				
Cooling	Smart air cooling				
Display	LED indicators; Integrated WLAN - FusionSolar App				
Communication	RS485; WLAN/Ethernet via Smart Dongle-WLAN-FE (Optional)				
Weight (with mounting plate)	21 kg (46.4 lb)				
Dimensions (W x H x D) (incl. mounting plate)	546 mm x 460 mm x 226 mm (21.5 in. x 18.1 in. x 9.0 in.)				
IP rating	IP66				
Optimizer Compatibility					
DC MBUS compatible optimizer	SUN2000-450W-P2, SUN2000-600W-P, MERC-1100W-P, MERC-1300W-P				
Standards Compliance (More Available Upon Request)					
Safety	EN/IEC 62109-1, EN/IEC 62109-2				
Grid connection standards	G99, EN 50548, CEI 0-21, CEI 0-16, VDE AR N 4105, VDE AR N 4110, C10/11, ASNT, VFR 2019, UNE 217001, UNE 217002, RD 244, TOR DA, IEC61727, IEC62116				

¹ The inverter max. input PV power is 45000 Wp when long string are designed and fully connected with SUN2000-450W-P power optimizers.
² The max. input voltage is the upper limit of the DC voltage. Any higher input DC voltage could probably damage the inverter.
³ Any input DC voltage beyond the operating voltage range may result in inverter malfunction.

EnviSolar: The preceding values are provided by an internal laboratory of EnviSolar in a specific environment. The actual values may vary with products, software versions, usage conditions, and environmental factors.



Technical Specification

	Performance		
Power module	LUNA2000-SKW-C0		
Number of power modules	1		
Battery module	LUNA2000-5-E0		
Battery module energy	5 kWh		
Number of battery Modules	1	2	3
Battery usable energy ¹	5 kWh	10 kWh	15 kWh
Max. output power	2.5 kW	5 kW	5 kW
Peak output power	3.5 kW, 10s	7 kW, 10s	7 kW, 10s
Nominal voltage (single phase system)	450 V		
Operating voltage range (single phase system)	350 - 560V		
Nominal voltage (three phase system)	600 V		
Operating voltage range (three phase system)	600 - 980V		

	Communication
Display	SOC status indicator, LED indicator
Communication	RS485 / CAN (only for parallel operation)

	General Specification		
Dimension (W*D*H)	670 * 150 * 600 mm (26.4 * 5.9 * 23.6 inch)	670 * 150 * 960 mm (26.4 * 5.9 * 37.8 inch)	670 * 150 * 1320 mm (26.4 * 5.9 * 60.0 inch)
Weight (Floor stand toolkit included)	63.8 kg (140.7 lb)	113.8 kg (250.9 lb)	163.8 kg (361.1 lb)
Power module dimension (W*D*H)	670 * 150 * 240 mm (26.4 * 5.9 * 9.4 inch)		
Power module weight	12 kg (26.5 lb)		
Battery module dimension (W*D*H)	670 * 150 * 360 mm (26.4 * 5.9 * 14.0 inch)		
Battery module weight	50 kg (110.2 lb) ²		
Installation	Floor stand (standard), Wall mount (optional)		
Operating temperature	-20°C ~ + 55°C (-4°F ~ 131°F) ³		
Max. operating altitude	4,000 m (13,123 ft) (Derating above 2,000 m)		
Environment	Outdoor ⁴ (*Please refer to the user manual for installation condition)		
Relative humidity	5% ~ 95%		
Cooling	Natural convection		
Protection rating	IP 66		
Noise emission	<29 dB		
Cell technology	Lithium-iron phosphate (LiFePO4)		
Scalability	Max. 2 systems in parallel operation		
Compatible inverters	SUN2000-2/3/3.68/4/4.6/5/6KTL-L1, SUN2000-3/4/5/6/8/10KTL-M0 ⁵ , SUN2000-3/4/5/6/8/10KTL-M1		

	Standard Compliance (more available upon request)
Certificates	CE, RCM, CEC, VDE2510 S0, IEC62619, IEC 60730, UN38.3

	Ordering and Deliverable Part
Product ordering model ¹	LUNA2000-SKW-C0, LUNA2000-5-E0, LUNA2000 Wall Mounting Bracket

¹ This includes 10% markup for shipping, 10% for 0-30°C discharge & discharge at 0°C, unless specified. The 10% PV module overvoltage is the voltage limit exceeded (Vlimit) of the inverter. The maximum end of discharge SOC is 75%.

² The weight of the battery module does not include the actual product with its stand or rack.

³ Refer to the user manual for the detailed specification.

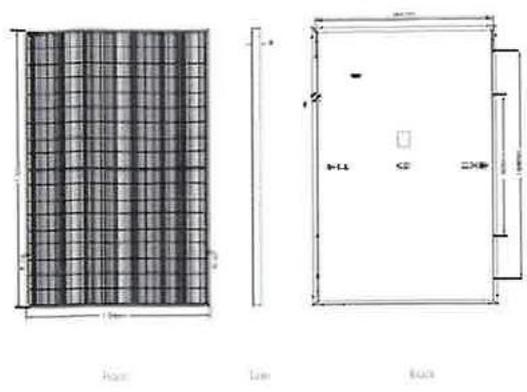
⁴ For more detailed information on the installation and operation, please refer to the user manual for the installation and operation of the inverter system.

⁵ Please contact a channel partner for the compatibility between the SUN2000-3/4/5/6/8/10KTL-M0 with the SUN2000-3/4/5/6/8/10KTL-M1.

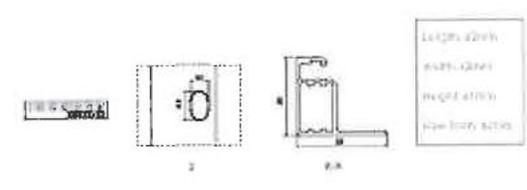
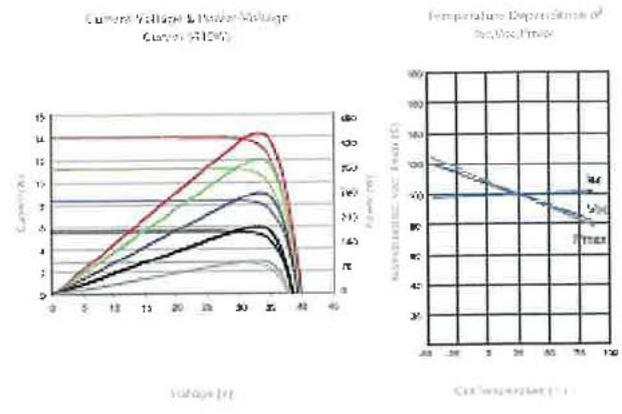
⁶ For more information on the compatibility between the SUN2000-3/4/5/6/8/10KTL-M0 with the SUN2000-3/4/5/6/8/10KTL-M1, please refer to the user manual.

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Engineering Drawings



Electrical Performance & Temperature Dependence



Mechanical Characteristics

Cell Type	N type Mono-crystalline
No. of cells	108 (6x18)
Dimensions	1742x1124x50mm (68.58x44.65x1.98 inch)
Weight	22 kg (48.50 lbs)
Front Glass	3.2mm Anti-Reflection Coating, High Transmission, Low Iron, Tempered Glass
Frame	Anodized Aluminum Alloy
Junction Box	IP68 Rated
Output Cables	TUV 1F4.0mm ² (+): 400mm (-): 200mm or Customized Length

Packaging Configuration
(Two panels = One stack)
36pcs/stack, 72pcs/stack, 936pcs/40HQ Container

SPECIFICATIONS

Module Type	JKM425N-54HL4R-B		JKM430N-54HL4R-B		JKM435N-54HL4R-B		JKM440N-54HL4R-B		JKM445N-54HL4R-B	
	STC	NOCT								
Maximum Power (Pmax)	425Wp	320Wp	430Wp	323Wp	435Wp	327Wp	440Wp	331Wp	445Wp	335Wp
Maximum Power Voltage (Vmp)	32.07V	30.19V	32.38V	30.30V	32.78V	30.50V	32.99V	30.73V	33.19V	30.93V
Maximum Power Current (Imp)	13.13A	10.63A	13.20A	10.66A	13.27A	10.72A	13.34A	10.77A	13.41A	10.83A
Open-circuit Voltage (Voc)	38.95V	37.06V	39.16V	37.26V	39.36V	37.39V	39.57V	37.59V	39.77V	37.78V
Short-circuit Current (Isc)	13.65A	10.96A	13.65A	11.02A	13.72A	11.08A	13.80A	11.14A	13.87A	11.20A
Module Efficiency (STC) (%)	21.27%		21.32%		21.77%		22.02%		22.27%	
Operating Temperature (°C)	-40°C~+85°C									
Maximum system voltage	1000VDC (IEC)									
Maximum series fuse rating	25A									
Power tolerance	0~+3%									
Temperature coefficient of Pmax	-0.29%/°C									
Temperature coefficient of Voc	-0.25%/°C									
Temperature coefficient of Isc	0.048%/°C									
Nominal operating cell temperature (NOCT)	45±2°C									

*STC: Irradiance 1000W/m² Cell Temperature 25°C AM=1.5
 NOCT: Irradiance 800W/m² Ambient Temperature 20°C AM=1.5 Wind Speed 1m/s



Comhairle Contae Thiobraid Árann
Tipperary County Council

Comhairle Contae
Thiobraid Árann,
Oifigí Cathartha,
Cluain Meala,
Co. Thiobraid Árann

Tipperary County Council,
Civic Offices, Clonmel,
Co. Tipperary

E91 N512

Comhairle Contae
Thiobraid Árann,
Oifigí Cathartha,
An tAonach,
Co. Thiobraid Árann

Tipperary County Council,
Civic Offices, Nenagh,
Co. Tipperary

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e customerservice
@tipperarycoco.ie

tipperarycoco.ie

Date: 5th February, 2026

Our Ref: S5/25/142 Civic Offices, Nenagh

Naomi Burke
Clonmel Community Resource Centre
Kickham Street
Clonmel
Co. Tipperary

Re: Application for a Section 5 Declaration – Installation of solar panels
at Clonmel Community Resource Centre, Kickham Street, Clonmel

Dear Ms Burke

I acknowledge receipt of Further Information received on 5th February, 2026 in connection with the above.

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

Yours sincerely

for **Director of Services**

Fw: [External] Re: Section 5 Ref 25/142

From Conway, Caroline [REDACTED]
Date Mon 23 Feb 2026 4:14 PM
To Ryan, Siobhan Anne [REDACTED] Hendy, Pauline
[REDACTED]

For section 5 file pls

Caroline Conway,
Senior Executive Planner,
Planning Section,
Tipperary County Council

 0818 06 5000 |  caroline.conway@tipperarycoco.ie | www.tipperarycoco.ie

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From: Naomi Burke [REDACTED]
Sent: Monday, February 23, 2026 3:50 PM
To: Conway, Caroline [REDACTED]
Subject: [External] Re: Section 5 Ref 25/142

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Good afternoon Caroline

Thank you for your email regarding our Section 5 application referenced above. We can confirm that the supply of solar energy is for the purposes of providing a clean energy supply to the building and there is no change of use or indeed plans for change of use to the building and its curtilage.

Greentricity, the proposed supplier of the solar panels, have confirmed that the distance between the plane of the roof and the solar panels shall not exceed 15cm. I will forward their email of confirmation to you following this email.

I trust the above is the information you require.

Thank you for your consideration.

Kind Regards
Naomi Burke
Centre Manager
Clonmel Community Resource Centre

Kickham Lodge
Kickham Street
Clonmel
Co Tipperary

[Tel:052-6129143](tel:052-6129143)

Website:[https://scanner.topsec.com/?](https://scanner.topsec.com/?d=1464&r=show&u=www.clonmelcrc.ie&t=fcde1fbbd09801a7dfa03acaaadf5f36c8a059d2)

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Clonmel Resource Centre Ltd. Company Reg No. 246862; Charity No. 11709 RCN 20032722

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Naomi in addition to the information submitted 5 February 2026 can you please confirm the following in relation to this proposal;

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

And

The distance between the plane of the roof and the solar photo-voltaic or solar thermal collector panels shall not exceed 15cm.

**Caroline Conway,
Senior Executive Planner,
Planning Section,
Tipperary County Council**

www.tipperarycoco.ie

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TIPPERARY COUNTY COUNCIL

Application for Declaration under Section 5

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

Planning Reference:	S5/25/142
Applicant:	Naomi Burke
Development Address:	Clonmel Community Resource Centre, Kickham Street, Clonmel
Proposed Development:	Installation of solar panels.

1. GENERAL

On the 7th of November 2025 a request was made for a declaration under Section 5 of the Planning and Development Act, 2000 as amended by Naomi Burke as to whether or not the following works constituted development and if so, whether same was exempted development:

Installation of solar panels on roof facing road at front of building at Kickham Street, Clonmel, Co. Tipperary

The application was accompanied by the following documentation;

- Section 5 Application Form and cover letter
- Site Layout Plan
- Partial Roof Plan

2. STATUTORY PROVISIONS

The following statutory provisions are relevant to this case;

Planning and Development Act 2000, as amended

Section 3 (1) of the Planning and Development Act 2000, as amended, states as follows:

“In this Act, ‘development’ means, except where the context otherwise requires, the carrying out of works on, in, over or under land or the making of any material change in the use of any structures or other land.”

Section 2(1) of the Planning and Development Act, 2000, as amended, defines “works” as:

“works” includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.

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

(2)(a) The Minister may by regulations provide for any class of development to be exempted development for the purposes of this Act where he or she is of the opinion that—

(i) by reason of the size, nature or limited effect on its surroundings, of development belonging to that class, the carrying out of such development would not offend against principles of proper planning and sustainable development, or

(ii) the development is authorised, or is required to be authorised, by or under any enactment (whether the authorisation takes the form of the grant of a licence, consent, approval or any other type of authorisation) where the enactment concerned requires there to be consultation (howsoever

described) with members of the public in relation to the proposed development prior to the granting of the authorisation (howsoever described).

(4) Notwithstanding paragraphs (a), (i), (ia) and (l) of subsection (1) and any regulations under subsection (2), development shall not be exempted development if an environmental impact assessment or an appropriate assessment of the development is required.

Planning and Development Regulations 2001, as amended

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

Interpretation for this Part.

5.(1) In this Part—

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

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

Article 6 of the Planning and Development Regulations 2001, as amended states:

Exempted Development.

6. (1) Subject to article 9, development of a class specified in column 1 of Part 1 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1.

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

Description of Development	Conditions and Limitations
<p>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> <ul style="list-style-type: none"> (i) an educational building, (ii) health centre or hospital, (iii) recreational or sports facility, (iv) place of worship, (v) community facility or centre, (vi) library, (vii) sites for the provision of gas, electricity, telecommunications services or water supplies or wastewater services operated by a statutory undertaker. 	<ol style="list-style-type: none"> 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. 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. 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. 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. 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. 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.

	<p>7. <i>Any ancillary equipment associated with solar photo-voltaic or solar thermal collector panels on a flat roof shall be a minimum of 2 metres from the edge of the roof on which it is mounted.</i></p> <p>8. <i>Any free-standing solar photo-voltaic or solar thermal collector installation shall not be placed or erected forward of the front wall of the building or site.</i></p> <p>9. <i>The total aperture area of any freestanding solar photo-voltaic and solar thermal collector panels taken together with any other such existing free-standing panels shall not exceed 75 square metres.</i></p> <p>10. <i>The height of any free-standing solar photo-voltaic or solar thermal collector installation shall not exceed 2.5 metres at its highest point above ground level.</i></p> <p>11. <i>The placing or erection of a solar photo-voltaic or solar thermal collector installation on any wall shall not be exempted development.</i></p> <p>12. <i>The placing or erection of any freestanding solar photo-voltaic or solar thermal collector installation within an Architectural Conservation Area shall only be exempted development if those works would not materially affect the character of the area.</i></p> <p>13. <i>No sign, advertisement or object not required for the functioning or safety of the solar photo-voltaic or solar thermal collector installation shall be attached to or exhibited on such installation.</i></p> <p>14. <i>Development under this Class shall only be exempted development where the solar photo-voltaic or solar thermal collector installation is primarily used for the provision of electricity or heating for use within the curtilage of the building or site, and shall not be considered a change of use for the purposes of the Act.</i></p> <p>15. <i>Development under this Class which causes hazardous glint and/or glare shall not be exempted development and any solar photo-voltaic or solar thermal collector panels which are causing hazardous glint and/or glare shall either be removed or be covered until such time as a mitigation plan to address the hazardous glint and/or glare is agreed and implemented to the satisfaction of the Planning Authority.</i></p>
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Article 9 of the Planning and Development Regulations 2001, as amended sets out restrictions on exemptions and states:

9. (1) *Development to which article 6 relates shall not be exempted development for the purposes of the Act—*
- (a) *if the carrying out of such development would—*
- (i) *contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act,*
 - (iiia) *endanger public safety by reason of hazardous glint and/or glare for the operation of airports, aerodromes or aircraft,*

B. “Is or is not Exempted Development”

The proposal is assessed relative to Class 61 of Part 1 of Schedule 2 of the Regulations. Limited details were submitted by the applicant in respect of the solar array.

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

- The site is not located in a solar safeguarding zone
- It is not clear if the distance between the plane of the roof and the solar photo-voltaic or solar thermal collector panels exceed 15cm. Further information is required.
- The location of the solar panels relative to the edge of the roof is not clear. Further information is required.
- It is not clear if any ancillary equipment is proposed. Further information is required.
- No panels will be installed on walls,
- No signs are affixed to the panels,
- The solar panels are primarily used for the provision of electricity or heating for use within the curtilage of the building or site.
- The total area of the photo-voltaic and solar thermal collector panels is not clear. Further information is required.
- It is not clear if the solar panels are to be used to meet electricity requirements on the facility on site.

C. Restrictions under Article 9

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

D. Requirement for Appropriate Assessment and Environmental Impact Assessment

The proposed development has been screened as to the requirement for AA and it has been determined that AA is not required. See Screening Report attached.

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

4. FURTHER INFORMATION

The following further information was requested on the 28th of November 2025;

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.

The application as submitted does not include for appropriately scaled 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.

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

The querist replied on the 5th of February 2026 and 23rd February 2026.

APPRAISAL

The subject site is not located in a solar safeguarding zone.

The distance between the plane of the roof and the solar photo-voltaic or solar thermal collector panels does not exceed 1.2 metres.

The solar array is not less than 50cm from the edge of the roof on which it is mounted.

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.

5. RECOMMENDATION

Query

A question has arisen as to whether the following;

Installation of solar panels on the roof a community building on Kickham Street, in Clonmel, Co. Tipperary

constitutes development and if so does it constitute exempted development.

Part 5 of the Planning and Development Act 2000 (as amended) requires a Planning Authority to make a declaration on any question that arises as to what is or is not development. In determining this query, the Planning Authority had regard to;

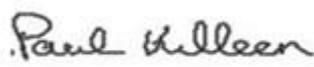
- Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended),
- Articles 5, 6 and 9 of the Planning and Development Regulations 2001 (as amended)
- Class 61, Schedule 2, Part 1 of the Planning and Development Regulations 2001 (as amended), and
- the details pertaining to the development as set out by the querist.

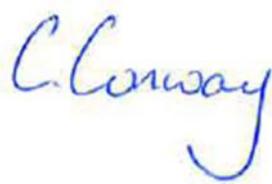
Determination

Accordingly, having considered the information received, including the further information received on the 5th of February 2026 and 23rd February 2026, the Planning Authority has determined that the

Installation of solar panels on the roof of Clonmel Community Resource Centre, Kickham Street, Clonmel

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

District Planner:  **Date:** 19/02/2026


Senior Executive Planner: **Date:** 23/02/2026

Appendix 1

HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT

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

(a) File Reference No:	S5/25/142
(b) Brief description of the project or plan:	Solar Panels
(c) Brief description of site characteristics:	The site, located c. 450 ms to the north of the Main Street in Clonmel, comprises of an existing, long standing community resource facility. The site fronts onto Kickham Street to the south. It lies between The Christian Brothers High School to the east and St Peter and Pauls CBS to the west.
(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW	No prescribed bodies consulted
(e) Response to consultation:	n/a

STEP 2. Identification of relevant Natura 2000 sites using Source-Pathway-Receptor model and compilation of information on Qualifying Interests and conservation objectives.

European Site (code)	List of Qualifying Interest/Special Conservation Interest ¹	Distance from proposed development ² (km)	Connections (Source-Pathway-Receptor)	Considered further in screening Y/N
Lower River Suir SAC 002137	https://www.npws.ie/protected-sites/sac/002137	520 ms	No due to distance and the lack of any relevant ex-situ factors of significance to these species.	No
Nier Valley	https://www.npws.ie/protected-sites/sac/000668	10.8 kms	No due to distance and	No

SAC 000668			the lack of any relevant ex-situ factors of significance to these species.	
Comeragh Mountains SAC 01952	https://www.npws.ie/protected-sites/sac/001952	11.5 kms	No due to distance and the lack of any relevant ex-situ factors of significance to these species.	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.)
<p>Construction phase e.g.</p> <ul style="list-style-type: none"> • Vegetation clearance • Demolition • Surface water runoff from soil excavation/infill/landscaping (including borrow pits) • Dust, noise, vibration • Lighting disturbance • Impact on groundwater/dewatering • Storage of excavated/construction materials • Access to site • Pests 	No impacts
Operational phase e.g.	No Impacts

- Direct emission to air and water
- Surface water runoff containing contaminant or sediment
- Lighting disturbance
- Noise/vibration
- Changes to water/groundwater due to drainage or abstraction
- Presence of people, vehicles and activities
- Physical presence of structures (e.g. collision risks)
- Potential for accidents or incidents

In-combination/Other

No likely in combination effects

(b) Describe any likely changes to the European site:

Examples of the type of changes to give consideration to include:

- Reduction or fragmentation of habitat area
- Disturbance to QI species
- Habitat or species fragmentation
- Reduction or fragmentation in species density
- Changes in key indicators of conservation status value (water or air quality etc.)
- Changes to areas of sensitivity or threats to QI
- Interference with the key relationships that define the structure or ecological function of the site

No impacts

(c) Are 'mitigation' measures necessary to reach a conclusion that likely significant effects can be ruled out at screening?

Yes No

STEP 4. Screening Determination Statement

The assessment of significance of effects:

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

No impacts

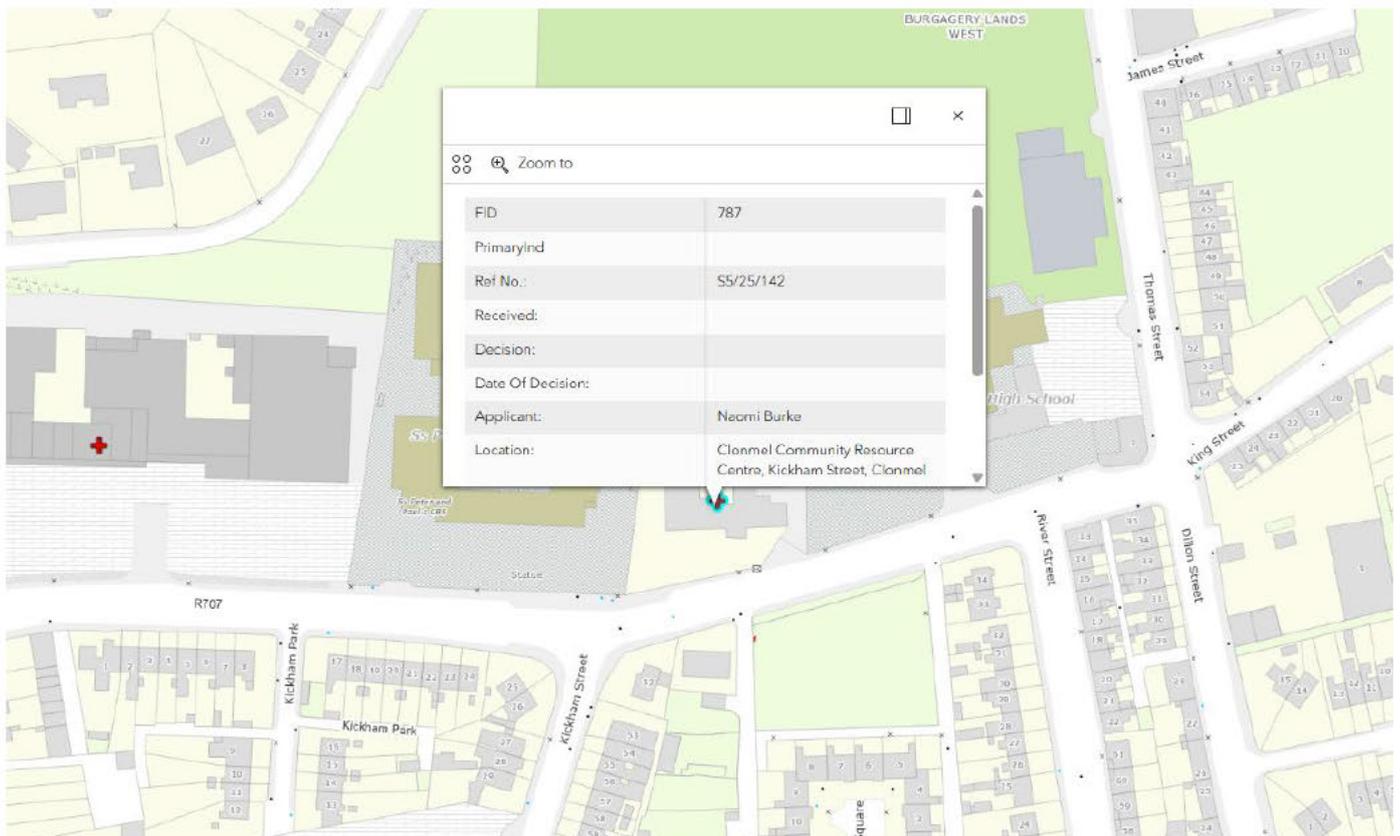
Conclusion:

	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 <input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
(iii) Significant effects are likely.	<input type="checkbox"/>	<input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
Signature and Date of Recommending Officer:	Paul Killeen	Date: 26/11/25

EIA Pre-Screening Establishing a development is a 'sub-threshold development'	
File Reference:	S5/25/142
Development Summary:	Installation of solar panels
Was a Screening Determination carried out under Section 176A-C?	<input type="checkbox"/> Yes, no further action required <input checked="" type="checkbox"/> No, Proceed to Part A
A. Schedule 5 Part 1 - Does the development comprise a project listed in Schedule 5, Part 1, of the Planning and Development Regulations 2001 (as amended)? (Tick as appropriate)	

<input type="checkbox"/> Yes, specify class _____	EIA is mandatory
	No Screening required
<input checked="" type="checkbox"/> No	Proceed to Part B
B. Schedule 5 Part 2 - Does the development comprise a project listed in Schedule 5, Part 2, of the Planning and Development Regulations 2001 (as amended) and does it meet/exceed the thresholds? (Tick as appropriate)	
<input checked="" type="checkbox"/> No, the development is not a project listed in Schedule 5, Part 2	No Screening required
<input type="checkbox"/> Yes the project is listed in Schedule 5, Part 2 and meets/exceeds the threshold, specify class (including threshold): _____	EIA is mandatory
	No Screening required
<input type="checkbox"/> Yes the project is of a type listed but is <i>sub-threshold</i> : _____	Proceed to Part C
C. If Yes, has Schedule 7A information/screening report been submitted?	
<input type="checkbox"/> Yes, Schedule 7A information/screening report has been submitted by the applicant	Screening Determination required
<input type="checkbox"/> No, Schedule 7A information/screening report has not been submitted by the applicant	Preliminary Examination required

Figure 2 Site entered on planning register



Original

TIPPERARY COUNTY COUNCIL

DELEGATED EMPLOYEE'S ORDER

File Ref: **S5/25/142** **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 3rd 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 Naomi Burke, Clonmel Community Resource Centre, Kickham Street, Clonmel, Co. Tipperary, re: Installation of solar panels at Clonmel Community Resource Centre, Kickham Street, Clonmel, Co Tipperary is development and is exempted development.

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

- Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended),
- Articles 5, 6 and 9 of the Planning and Development Regulations 2001 (as amended)
- Class 61, Schedule 2, Part 1 of the Planning and Development Regulations 2001 (as amended), and
- the details pertaining to the development as set out by the querist.

Tipperary County Council has concluded that having considered the information received, including the further information received on the 5th of February 2026 and 23rd February 2026, the Planning Authority has determined that the Installation of solar panels on the roof of Clonmel Community Resource Centre, Kickham Street, Clonmel constitutes development and is considered to be **"exempted development"**.

Signed:



Brian Beck
Director of Services

Date: 25/02/2026



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

Date: 25th February 2026

Our Ref: S5/25/142

Civic Offices, Nenagh

Naomi Burke
Clonmel Community Resource Centre
Kickham Street
Clonmel
Co. Tipperary

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

Dear Naomi,

I refer to your application for a Section 5 Declaration received on 7th November 2025, Further Information received on 5th February 2026 and 23rd February 2026 in relation to the following proposed works:

Installation of solar panels at Clonmel Community Resource Centre, Kickham Street, Clonmel, Co Tipperary.

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

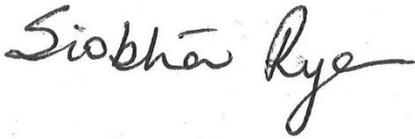
AND WHEREAS Tipperary County Council, in considering this referral, had regard particularly to –

- Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended),
- Articles 5, 6 and 9 of the Planning and Development Regulations 2001 (as amended)
- Class 61, Schedule 2, Part 1 of the Planning and Development Regulations 2001 (as amended), and
- the details pertaining to the development as set out by the querist.

Tipperary County Council has concluded that having considered the information received, including the further information received on the 5th of February 2026 and 23rd February 2026, the Planning Authority has determined that the Installation of solar panels on the roof of Clonmel Community Resource Centre, Kickham Street, Clonmel constitutes development and is considered to be **"exempted development"**.

NOTE: Any person issued with a Declaration of a Planning Authority may refer the Declaration for review to An Coimisiún Pleanála, 64 Marlborough Street, Dublin 1, within four (4) weeks of the date of issue of the Declaration and on payment of the prescribed fee.

Yours sincerely

A handwritten signature in black ink that reads "Siobhán Rye". The signature is written in a cursive style with a long, sweeping tail on the letter 'e'.

for **Director of Services**