

23.03.2026
Ref: 1885-DR03

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

Dear Sir/Madam,

Re: Application for a Section 5 Declaration for Clever Clogs Montessori, First Floor, Presentation Primary School, Cathedral Street, Thurles, Co. Tipperary.

Please find enclosed;

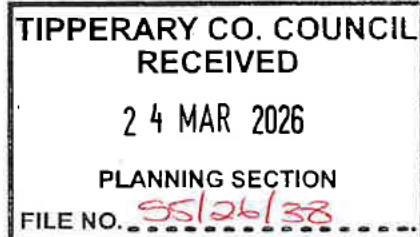
1. Application for a Section 5 Declaration Form.
2. Payment to cover the application fee of €80 will be made by credit card.
3. 1 no. copy of the Planning Pack Map at scale of 1:1,000.
4. 1 no. copy of the Site Location Map at scale of 1:10,560.
5. 2 no. copies of the existing first floor plan at scale of 1:100 @A3. Areas highlighted as Room 1 and 2 currently in use as montessori rooms.

We are applying to seek clarification on whether a change of use of existing montessori rooms for use as a full day care service can be viewed as an exempt development.

We hope the information listed above is sufficient for you to process this application.

Your sincerely,


Donal Ryan
Registered Architect



Donal Ryan
Registered Architect
BA Arch(Hons) Pg Dip Arch MRIAI RIBA
Architect Accredited in Conservation G3
Accredited Planning Supervisor Design Process
Certified Passive House Designer

Hugh Ryan
Registered Architect
BA Arch(Hons) Pg Dip Arch MRIAI RIBA ARB
Accredited Planning Supervisor Design Process



Comhairle Contae Thiobraid Árann
Tipperary County Council



PLANNING & DEVELOPMENT ACT, 2000 (as amended)

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

1. Applicant's address/contact details:

<i>Applicant</i>	BREDA BYRNE
<i>Address</i>	CLEVER CLOGS MONTESSORI, FIRST FLOOR PRESENTATION PRIMARY SCHOOL, CATHEDRAL STREET, THURLES, CO. TIPPERARY
<i>Telephone No.</i>	
<i>E-mail</i>	

2. Agent's (if any) address:

<i>Agent</i>	DONAL RYAN
<i>Address</i>	DH RYAN ARCHITECTS 1 LIBERTY SQUARE, THURLES, CO. TIPPERARY
<i>Telephone No.</i>	
<i>E-mail</i>	
<i>Please advise where all correspondence in relation to this application is to be sent;</i>	
Applicant [<input type="checkbox"/>]	Agent [<input checked="" type="checkbox"/>]

3. Location of Proposed Development:

<i>Postal Address or Townland or Location (as may best identify the land or structure in question)</i>	CLEVER CLOGS MONTESSORI, FIRST FLOOR PRESENTATION PRIMARY SCHOOL, CATHEDRAL STREET, THURLES, CO TIPPERARY.
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4. Development Details:

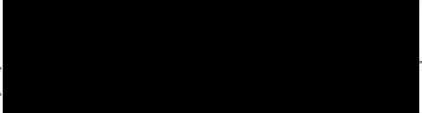
Please provide details of the proposed development for which an exemption under Section 5 of the Planning and Development Act is applied for.

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

CHANGE OF USE OF EXISTING PRESCHOOL (SESSIONAL USE) ROOMS FOR
USE AS FULL DAY CARE SERVICE. THE SERVICE WILL RUN BETWEEN THE
HOURS OF 7.30am - 5pm, MONDAY TO FRIDAY DURING THE SCHOOL TERM.
Proposed floor area of proposed works/uses: 125 sqm

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

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

Signature of Applicant(

Date: 23.03.2026

Donal Ryan - Agent on behalf of applicant

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

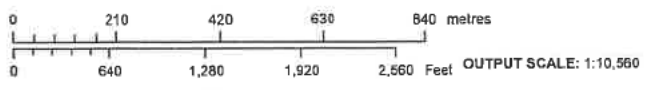
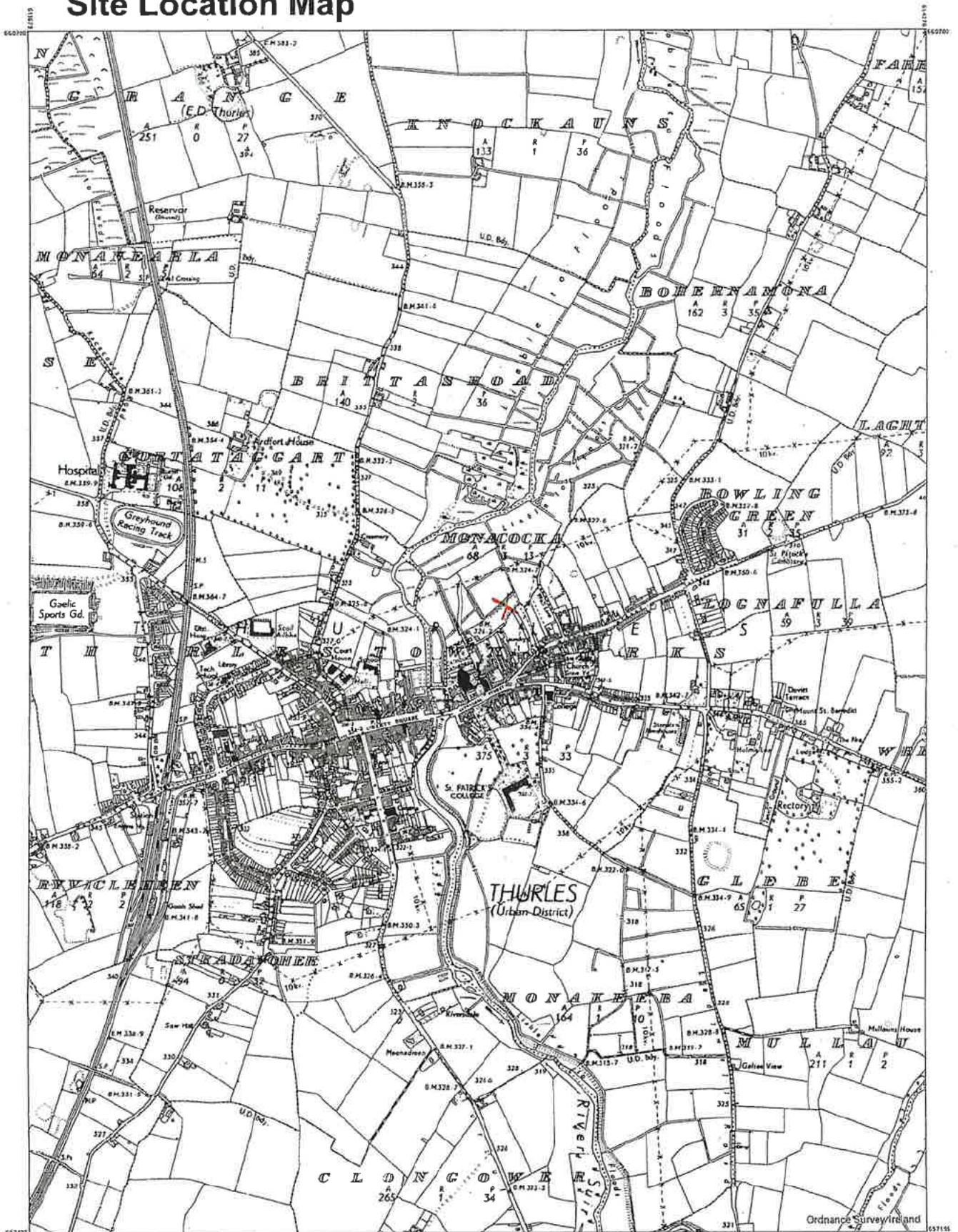
- (1) All queries on the form must be completed and the form must be accompanied by the relevant fee. The amount of the fee is currently **€80.00**.
- (2) This application should be accompanied by **TWO COPIES** of the following documentation
- OSI Site Location Map with the site outlined clearly – 1:1000 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 TIPPERARY CO. COUNCIL RECEIVED 24 MAR 2026 PLANNING SECTION FILE NO. 55/36/33
Receipt No <u>202062</u>	
Date <u>24/03/2026</u>	
Received by <u>C. Ameen</u>	

Site Location Map



CENTRE COORDINATES:
ITM 612978,658948

ORDER NO.: 50118144_1
PUBLISHED: 27/04/2020
MAP SERIES: 6 Inch Raster
MAP SHEETS: TY041

CAPTURE RESOLUTION:
The map objects are only accurate to the resolution at which they were captured. Output scale is not indicative of data capture scale. Further information is available at: <http://www.osi.ie>; search 'Capture Resolution'

LEGEND:
<http://www.osi.ie>; search 'Large Scale Legend'

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24 MAR 2026

PLANNING SECTION

35126138



Ordnance Survey
Ireland
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www.osi.ie

Planning Pack Map



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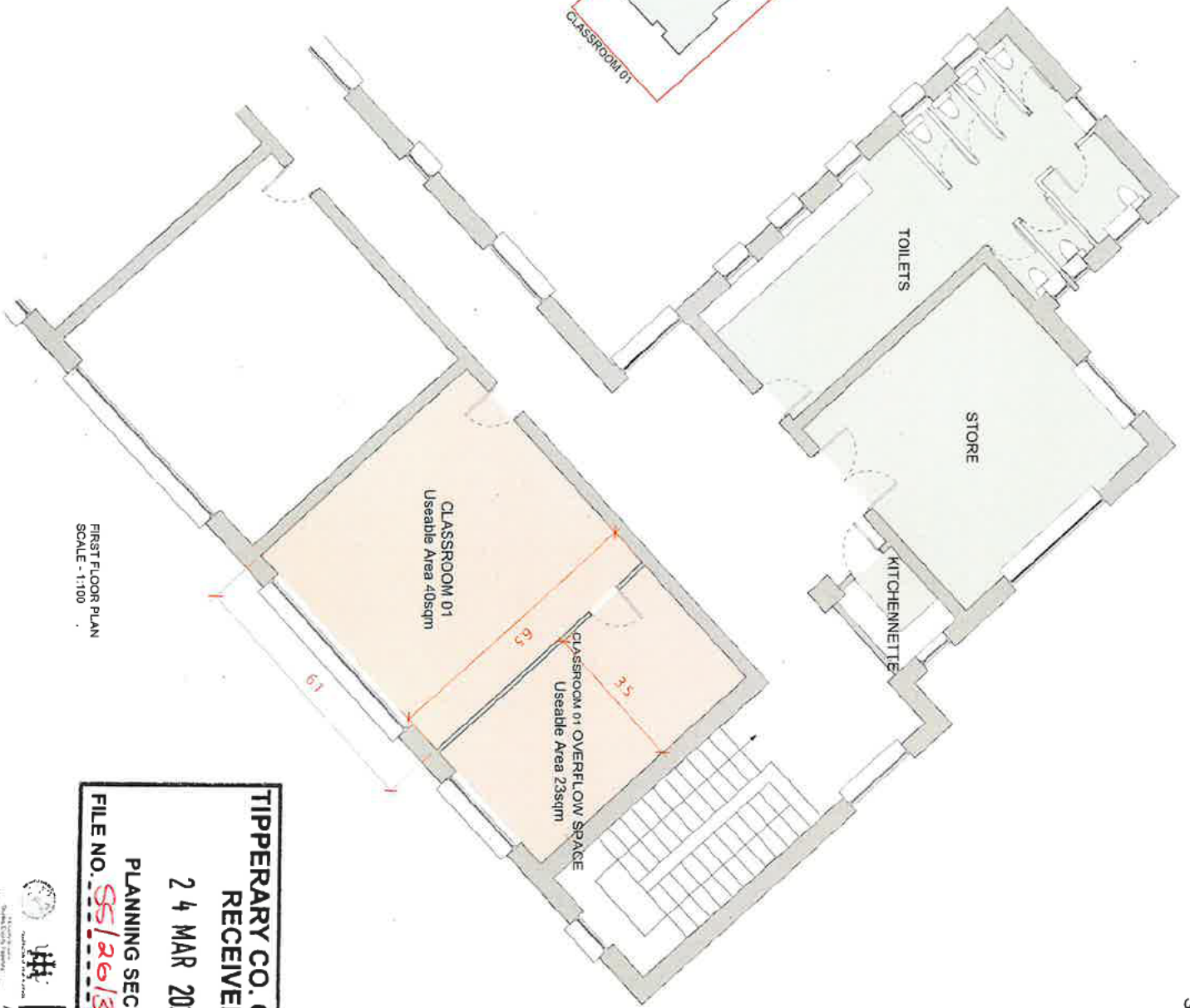
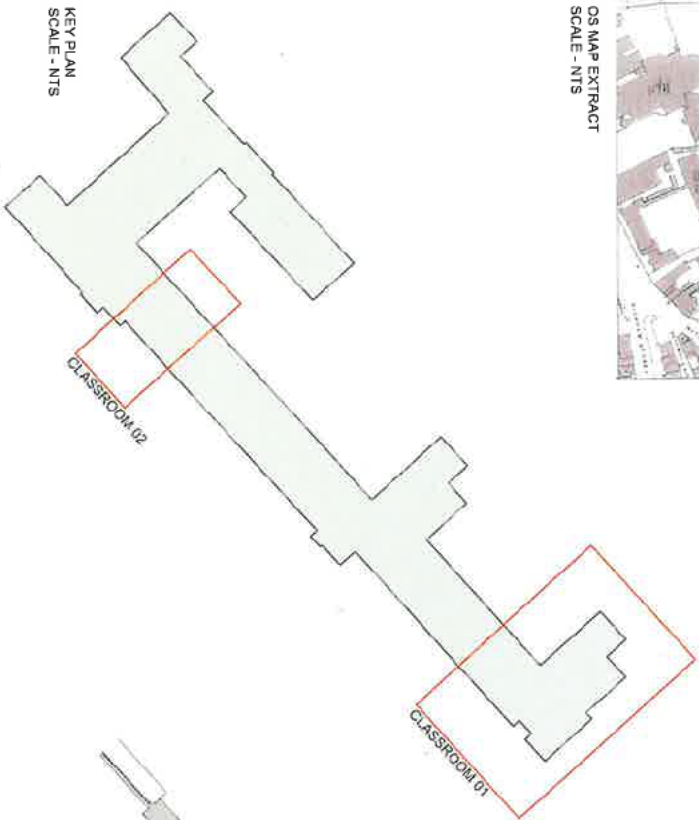
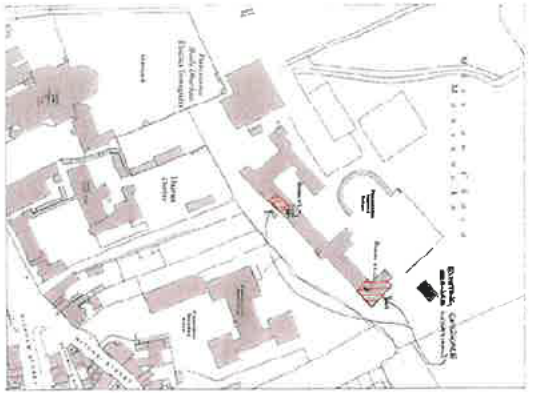
MAP SERIES: 1:1,000
MAP SHEETS: 4636-07, 4636-17

CAPTURE RESOLUTION:
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LEGEND:
<http://www.osi.ie>; search 'Large Scale Legend'

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24 MAR 2026
PLANNING SECTION
FILE NO. 55/26/38





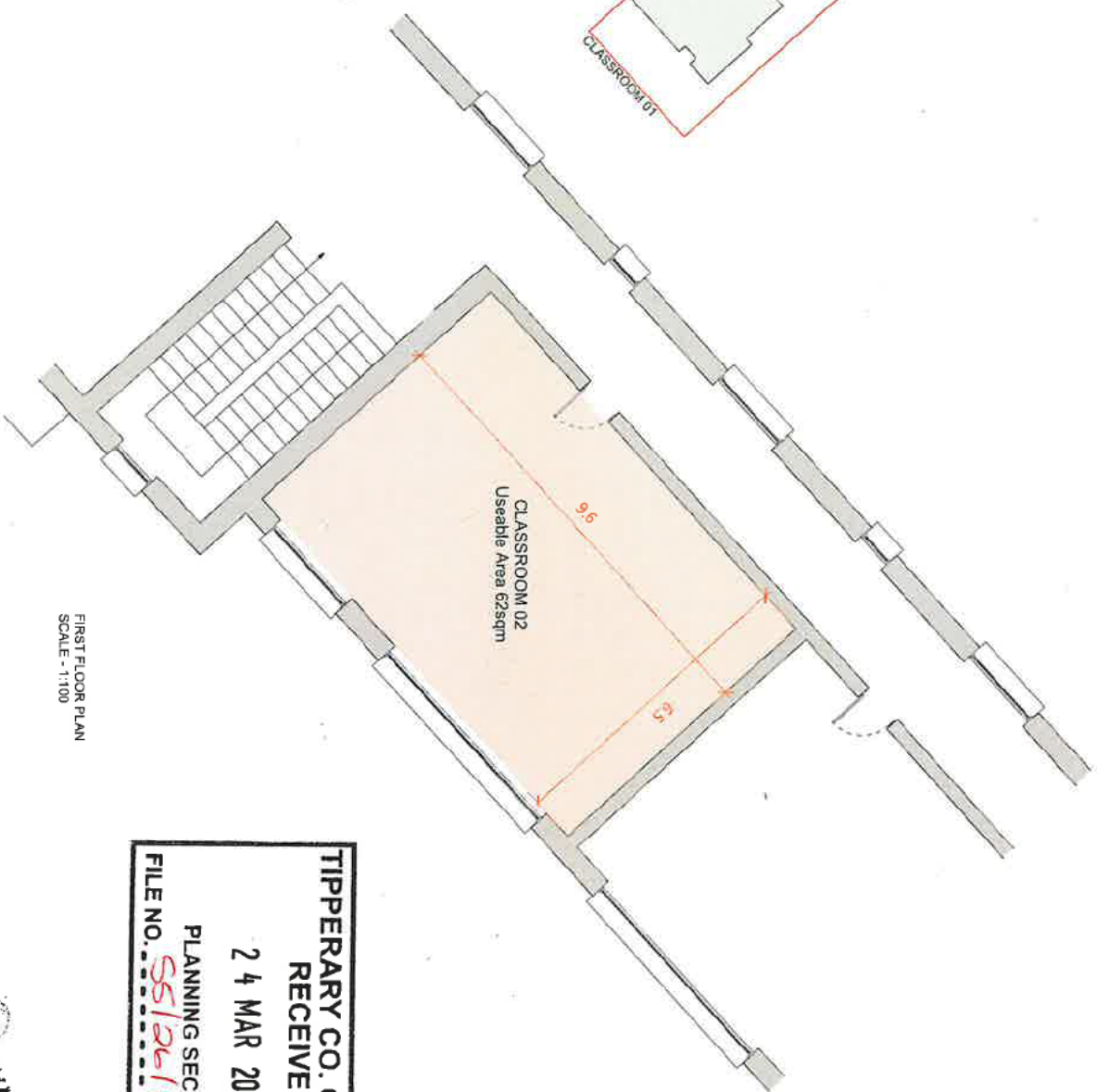
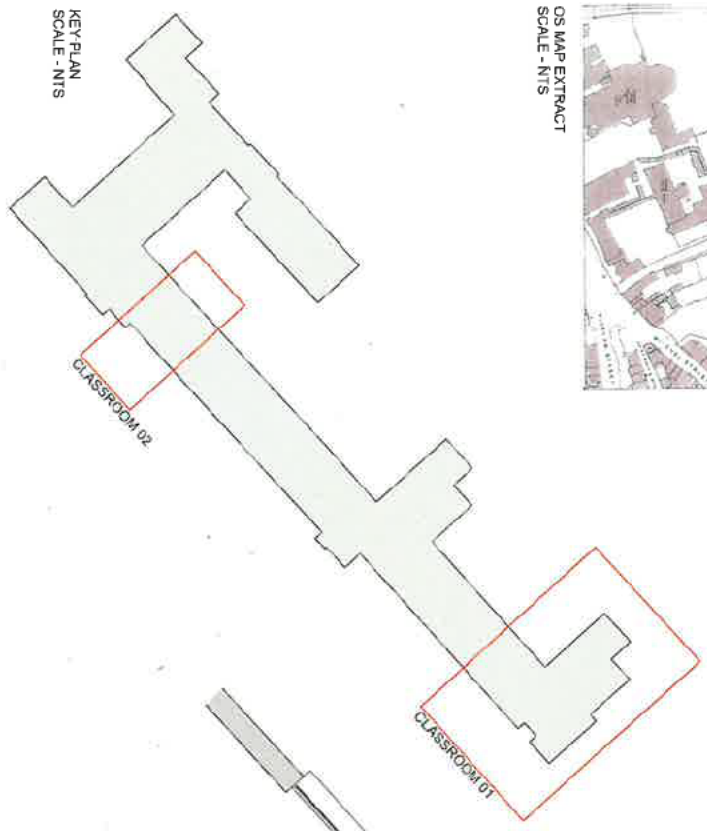
CLEVER CLOGS MONTESSORI
PRE-SCHOOL + FULL DAY CARE
PRESENTATION PRIMARY SCHOOL
FLOOR PLAN - 1:100 @ A3
CLASSROOM 1 FLOOR AREA = 63sqm

TIPPERARY CO. COUNCIL
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PLANNING SECTION
FILE NO. *S/26/32*





KEY PLAN
SCALE - NTS



FIRST FLOOR PLAN
SCALE - 1:100

CLEVER CLOGS MONTESSORI
PRE-SCHOOL + FULL DAY CARE
PRESENTATION PRIMARY SCHOOL
FLOOR PLAN - 1:100 @ A3
CLASSROOM 2 FLOOR AREA = 62sqm

TIPPERARY CO. COUNCIL
RECEIVED
24 MAR 2026
PLANNING SECTION
FILE NO. *55/26/132*





Comhairle Contae Thiobraid Árann
Tipperary County Council

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

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

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

Date: 24th March 2026

Our Ref: S5/26/38 Civic Offices, Clonmel

Breda Byrne
C/O Donal Ryan
DH Ryan Architects
1 Liberty Square
Thurles
Co. Tipperary

Re: Application for a Section 5 Declaration – Change of use of existing Preschool rooms for use as full day care service at Clever Clogs Montessori, 1st Floor Presentation Primary School, Cathedral Street, Thurles, Co. Tipperary.

A Chara,

I acknowledge receipt of your application for a Section 5 Declaration received on 24th March 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.

467TIPPERARY COUNTY COUNCIL

Application for Declaration under Section 5

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

Planning Reference: S5/26.38

Applicant: Breda Byrne

Development Address: Clever Clogs Montessori, First Floor, Presentation Primary School, Cathedral Street, Thurles.

Proposed Development: Change of use of existing preschool (sessional use) rooms for use as full day care service. The service will run between the hours of 7.30am to 5pm, Monday to Friday during the school term.

1. GENERAL

On the 24th March, 2026, a request was made for a declaration under Section 5 of the Planning and Development Act 2000, as amended, by Breda Byrne, Clever Clogs Montessori as to whether or not the following constitutes development and if so, whether same constitutes exempted development at Bansha Community Hall, Bansha, Co. Tipperary.

Change of use of existing preschool (sessional use) rooms for use as full day care service. The service will run between the hours of 7.30am to 5pm, Monday to Friday during the school term.

The application is accompanied by:

- Section 5 Declaration Application Form
- Site Location Maps
- Floor Plans

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

2. STATUTORY PROVISIONS

The following statutory provisions are relevant to this referral case;

Planning and Development Act 2000, as amended

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

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

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

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

Section 4 (2)(a) of the Planning and Development Act 2000, as amended, states as follows:-

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

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

(ii) *the development is authorised, or is required to be authorised, by or under any enactment (whether the authorisation takes the form of the grant of a licence, consent, approval or any other type of authorisation) where the enactment concerned requires there to be consultation (howsoever described) with members of the public in relation to the proposed development prior to the granting of the authorisation (howsoever described).*

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

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

Planning and Development Regulations 2001 (as amended)

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

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

"school" means an establishment which—

(a) *provides primary education to its students and which may also provide early childhood education, or*

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

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

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

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

Restrictions on exemption.

Development to which article 6 relates shall not be exempted development for the purposes of the Act—

(a) *if the carrying out of such development would—*

(i) *contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act,*

(viii) *consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use.*

Article (10) of the Planning and Development Regulations 2001, as amended states:

(1) *Development which consists of a change of use within any one of the classes of use specified in Part 4 of Schedule 2, shall be exempted development for the purposes of the Act, provided that the development, if carried out would not –*

- (a) involve the carrying out of any works other than works which are exempted development,*
- (b) contravene a condition attached to a permission under the Act,*
- (c) be inconsistent with any use specified or included in such a permission, or*
- (d) be a development where the existing use is an unauthorised use, save where such change of use consists of the resumption of a use which is not unauthorised and which has not been abandoned.*

(2) *(a) A use which is ordinarily incidental to any use specified in Part 4 of Schedule is not excluded from that use as an incident thereto merely by reason of its being specified in the said Part of the said Schedule as a separate use.*

CLASS 8 of Part 4 of Schedule 2

Use—

- (a) as a health centre or clinic or for the provision of any medical or health services (but not the use of the house of a consultant or practitioner, or any building attached to the house or within the curtilage thereof, for that purpose),
- (b) as a crèche,
- (c) as a day nursery,
- (d) as a day centre.

3. **ASSESSMENT**

a. Site Location

The site comprises 2 classrooms within the Presentation Primary School which the applicant has indicated are currently used as a preschool.

b. Relevant Planning History

On Site:

20649: Permission granted to the Board of Management of Presentation Secondary School for retention of the existing gates and fencing around the astroturf pitch and the two shelters on the astro pitch. Planning permission for fencing and gates around the basketball courts and fencing and gates around the boundaries for security purposes and associated works, all at the Presentation Secondary Schools sports ground to the rear and side of the Presentation Primary School

19600548: Permission granted to B.O.M. of Scoil Mhuire Presentation Primary School for a single storey extension and alterations to the rear of the existing school, new entrance lobby to front of school and all associated site works.

Adjoining site:

12540012 Permission granted to Presentation Secondary School to construct an extension to the existing school building including new general purpose hall/ lunch room and all associated external works, service and drainage connections.

07540030: Permission granted to Presentation Secondary School for Construction of additional six class rooms as an extension to existing school ; also to construct new foyer lobby entrance with all associated site.

23600605: Permission granted to Presentation Secondary School for two-storey extension and alterations at the rear of the existing school and all associated siteworks including

reconfigured internal access roads, parking and set-down areas, boundary walls and landscaping

S5.15.19: Exemption Certificate for Change surface of existing hockey pitch to an astro-turf pitch and change surface and formalise surrounding track

c. Assessment

The question posed under the Section 5 Declaration application is as to whether a **Change of use of existing preschool (sessional use) rooms for use as full day care service. The service will run between the hours of 7.30am to 5pm, Monday to Friday during the school term,** is exempted development.

I note no physical works to the building are proposed.

It is noted that there is no planning history relating to the change of use of any part of the Presentation Primary School to use as a preschool. It is noted that there is no exemption within any of the classes as set out in Part 4 of Schedule 2 of the Planning and Development Regulations, 2001, for a change of use from a former school building to preschool facility under the exempted development provisions of those Regulations. It is therefore considered that the permitted/established use of the building is as a school, not as a pre-school as stated.

However, it is considered that such change from a school to a pre-school is not a material change of use.

It should be noted that RL 3443 ABP concluded that

- (a) there is no provision for exemption within any of the classes as set out in Part 4 of Schedule 2 of the Planning and Development Regulations, 2001, for a change of use from a previous school building to an after school and montessori facility under the exempted development provisions of those Regulations,
- (b) the use of the building as a Montessori school constitutes a change of use, but in this particular case is not a material change of use, having regard to the characteristics of the site and site layout and to the character of development in the vicinity of the site, and
- (c) the change of use, not being material, is not development:

A) “Is or is not Development”

The Planning and Development Act defines development as, “except where the context otherwise requires, the carrying out of works on, in over or under land, or the making of any material change of use of any structures or other land”.

Article 5 of the Planning and Development Regulations 2001 states that a “School” has the meaning assigned to it under the Education Act 1998. The Education Act 1998 defines “school” as follows—

- (a) provides primary education to its students and which may also provide early childhood education, or
- (b) provides post-primary education to its students and which may also provide courses in adult, continuing or vocational education or vocational training.

Having considered the details and documentation submitted, the Planning Authority is satisfied that the proposal would not involve “works” to a building

It is noted that the proposed development does however involve a change of use to part of the building from school to full day care. It is considered that such development would constitute a material change of use and therefore is considered to be “development” within the meaning of Section 3 of the Act.

B) “Is or is not Exempted Development”

I note the applicant has indicated that applicant proposes a change of use of existing preschool (sessional use) rooms for use as full day care service.

As set out above the current permitted use of the building is as a school (defined above). The applicant proposes to change the use of part of this structure for use for full day care, which it is considered comes under which CLASS 8 of Part 4 of Schedule 2 for use as a creche or day nursery. It is noted that the definition of a school does not include for use for full day care and there is no provision for exemption within any of the classes as set out in Part 4 of Schedule 2 of the Planning and Development Regulations, 2001, for a change of use from a previous school building to for use as a creche or day nursery

It is considered that such use is a material change of use for which no exemption applies.

C) Restrictions under Articles 9 and 10

I note no restrictions on exemptions which would apply.

D) Requirement for Appropriate Assessment and Environmental Impact Assessment

AA

Proposal does not constitute works and is for a material change of use only. See screening report attached.

EIA

Proposal does not constitute works and is for a material change if use only. See screening report attached.

4. RECOMMENDATION

WHEREAS a question has arisen from Breda Byrne, Clever Clogs Montessori as to whether a **Change of use of existing preschool (sessional use) rooms for use as full day care service** is “development” and is or is not “exempted development”,

AND WHERE AS Tipperary County Council in considering this referral had regard particularly to -

- (a) Section 2, 3, and 4 of the Planning and Development Act, 2000, as amended,
- (b) Articles 5, 6, 9 and 10 of the Planning and Development Regulations, 2001, as amended,
- (c) The meaning ‘School’ as assigned to it by the Educations Act 1998,
- (d) The planning history on the site

AND WHEREAS Tipperary County Council has concluded that a change of use from a school to full day care at Presentation Primary School, Cathedral Street, Thurles, Co. Tipperary constitutes development and is not exempted development.

District Planner:



Date: 15.04.2026

Senior Executive Planner:



Date: 15/4/2026

EIA Pre-Screening

Establishing a development is a 'sub-threshold development'

File Reference:	S5.26.38	
Development Summary:	A per Planners Report	
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

HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT

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

(a) File Reference No:	S5/26/38
(b) Brief description of the project or plan:	As per Planners Report
(c) Brief description of site characteristics:	As per Planners Report
(d) Relevant prescribed bodies consulted: 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 ¹	Distance from proposed development ² (km)	Connections (Source-Pathway-Receptor)	Considered further in screening Y/N
002137 Lower River Suir	https://www.npws.ie/protected-sites/sac/002137	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.)
Construction phase e.g. <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 	None. No works proposed.
Operational phase e.g. <ul style="list-style-type: none"> • 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 	None. No works proposed. Existing connection to municipal WWTP
In-combination/Other	

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

<p>Examples of the type of changes to give consideration to include:</p> <ul style="list-style-type: none"> • Reduction or fragmentation of habitat area • Disturbance to QI species • Habitat or species fragmentation • Reduction or fragmentation in species density • Changes in key indicators of conservation status value (water or air quality etc.) • Changes to areas of sensitivity or threats to QI • Interference with the key relationships that define the structure or ecological function of the site 	None. No works proposed.
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(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.

Proposal does not include for works and relates to a change of use only. The proposal is unlikely to result in an increase in PE above the pre-existing use and waste water from the existing structure is discharged to the municipal WWTP.

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:	Marion Carey	Date:	15.04.2026
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Original

TIPPERARY COUNTY COUNCIL

DELEGATED EMPLOYEE'S ORDER

File Ref: **S5/26/38** **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 Breda Byrne C/O Donal Ryan, DH Ryan Architects, 1 Liberty Square, Thurles, Co. Tipperary, RE: Change of use of existing preschool (sessional use) rooms for use as full day care service. The service will run between the hours of 7.30am to 5pm, Monday to Friday during the school term at Clever Clogs Montessori, First Floor, Presentation Primary School, Cathedral Street, Thurles, Co Tipperary is development and is exempted development.

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

- gg*
- a) Section 2, 3, and 4 of the Planning and Development Act, 2000, as amended,
 - b) Articles 5, 6, 9 and 10 of the Planning and Development Regulations, 2001, as amended,
 - c) The meaning 'School' as assigned to it by the Educations Act 1998,
 - d) The planning history on the site

Tipperary County Council has concluded that a change of use from a school to full day care at Presentation Primary School, Cathedral Street, Thurles, Co. Tipperary constitutes development and is **not exempted development**.

Signed:



Brian Beck
Director of Services

Date: 16/04/2026



Date: 16th April 2026

Our Ref: S5/26/38

Civic Offices, Nenagh

Breda Byrne
C/O Donal Ryan
DH Ryan Architects
1 Liberty Square
Thurles
Co. Tipperary

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

Dear sir/madam,

I refer to your application for a Section 5 Declaration received on 24th March 2026 in relation to the following proposed works:

Change of use of existing preschool (sessional use) rooms for use as full day care service. The service will run between the hours of 7.30am to 5pm, Monday to Friday during the school term at Clever Clogs Montessori, First Floor, Presentation Primary School, Cathedral Street, Thurles, Co Tipperary.

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

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

- a) Section 2, 3, and 4 of the Planning and Development Act, 2000, as amended,
- b) Articles 5, 6, 9 and 10 of the Planning and Development Regulations, 2001, as amended,
- c) The meaning 'School' as assigned to it by the Educations Act 1998,
- d) The planning history on the site

Tipperary County Council has concluded that a change of use from a school to full day care at Presentation Primary School, Cathedral Street, Thurles, Co. Tipperary constitutes development and is **not 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

Geraldine Quinn

for **Director of Services**

CC: Presentation Primary School, Cathedral Street, Thurles, Co Tipperary.