

PLANNING & DEVELOPMENT ACT, 2000 (as amended)

Application for a Section 5 Declaration
Development / Exempted Development

1. Applicant's address/contact details:

Applicant	John Hanly & Co Ltd
Address	Ballyantella, Nenagh, CO. Tipperary, E45 P789 Ireland.
Telephone No.	[REDACTED]
E-mail	[REDACTED]

2. Agent's (if any) address:

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)	Ballyantella, Nenagh, CO. Tipperary E45 P789. Ireland
-------------------------------------------------------------------------------------------------	----------------------------------------------------------

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.)

Some panels on roof The installation	
of solar panels on the rear roofs	
of the mill. (see pic)	
Proposed floor area of proposed works/uses:	sqm 160

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

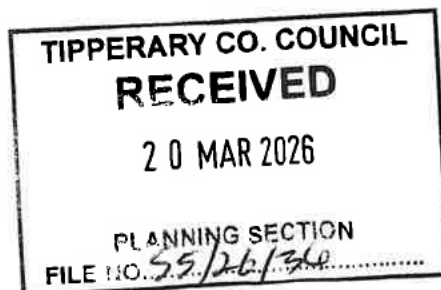
Please tick appropriate box to show applicant's legal interest in the land or structure	A. Owner <input checked="" type="checkbox"/>	B. Occupier <input type="checkbox"/>
	C. Other <input type="checkbox"/>	<input type="checkbox"/>
Where legal interest is 'Other', please expand further on your interest 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: 19/03/2026

Note: If the proposed development consists of works to a (Proposed) Protected Structure and/or any structure within the curtilage of a (Proposed) Protected Structure, an application for a Section 57 Declaration may be more appropriate.





Cash Office
Tipperary County Council
Civic Offices
Nenagh
Co Tipperary

20/03/2026 11:33:14

Receipt No. : NENAM1/0/136000
***** REPRINT *****

JOHN HANLY
BALLYARTELLA
BALLYCOMMON
NENAGH

SECTION 5 EXEMPTION DECLARATION 80
GOODS 80.00
VAT Exempt/Non-vatable

Total : 80.00 EUR

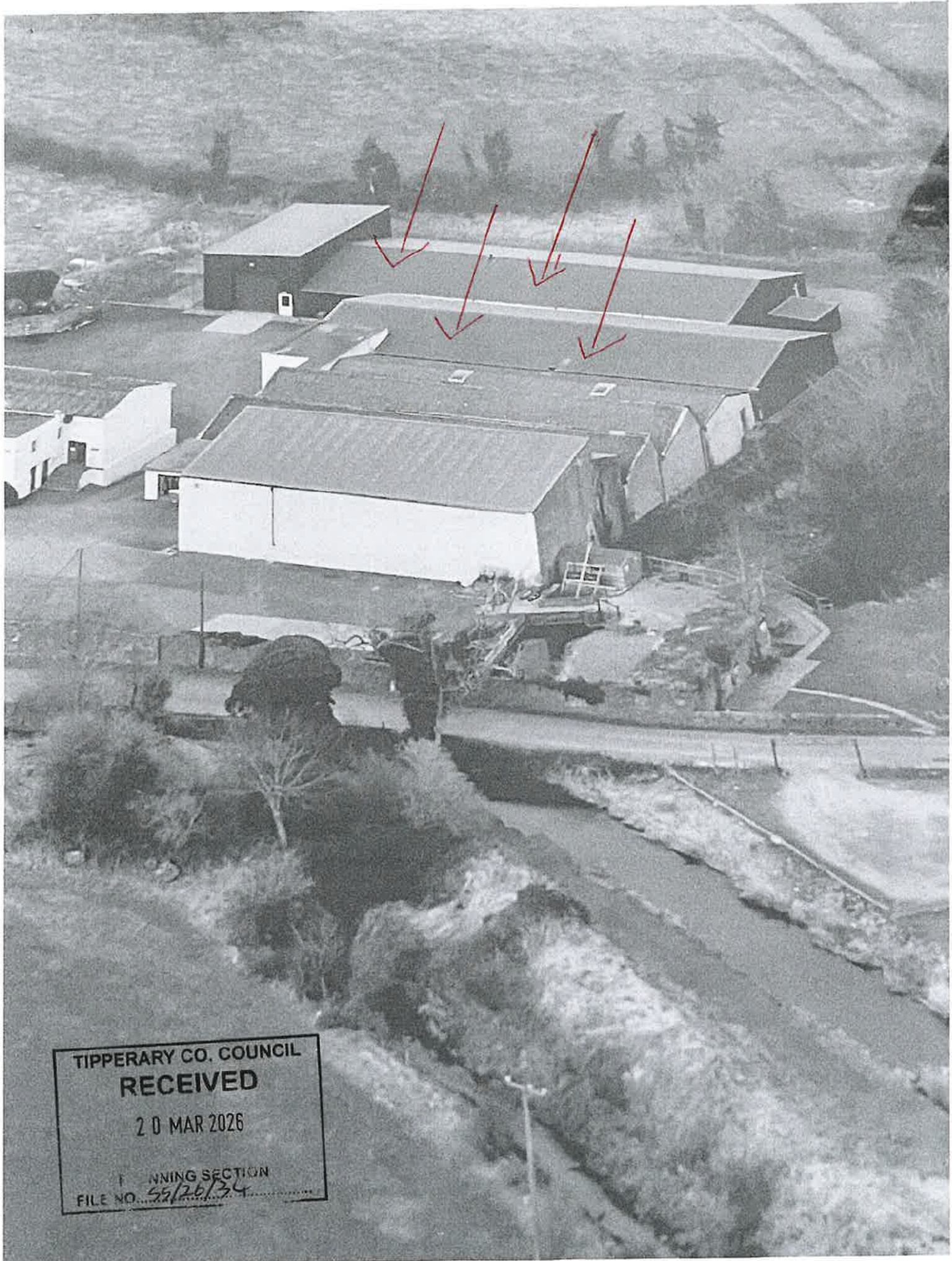
Tendered :
Cheque 80.00

Change : 0.00

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

55/26/34

Location of Solar Panels on Roof of Mill

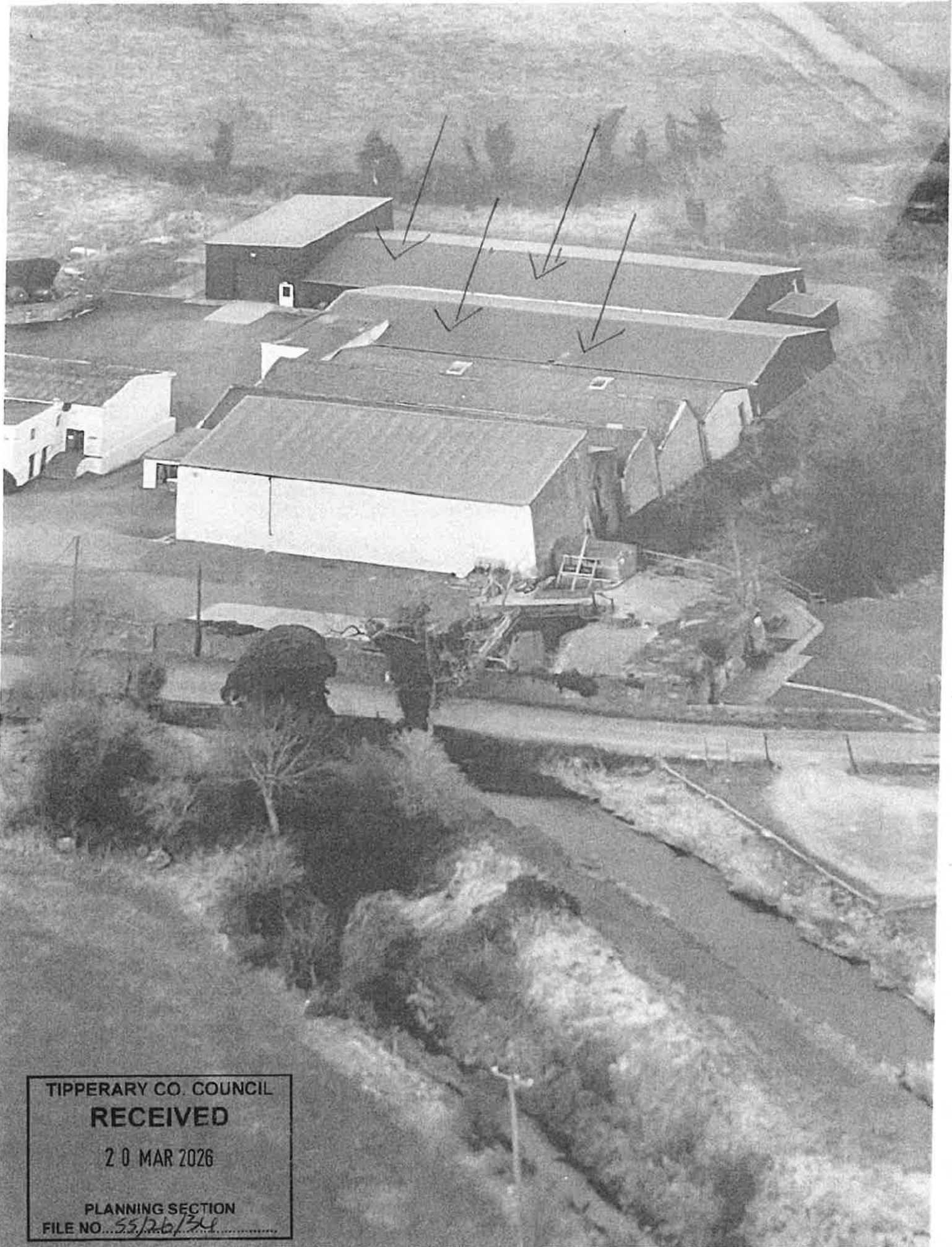


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20 MAR 2026

PLANNING SECTION
FILE NO. 55/26/34

Location of Solar Panels on Roof of Mill

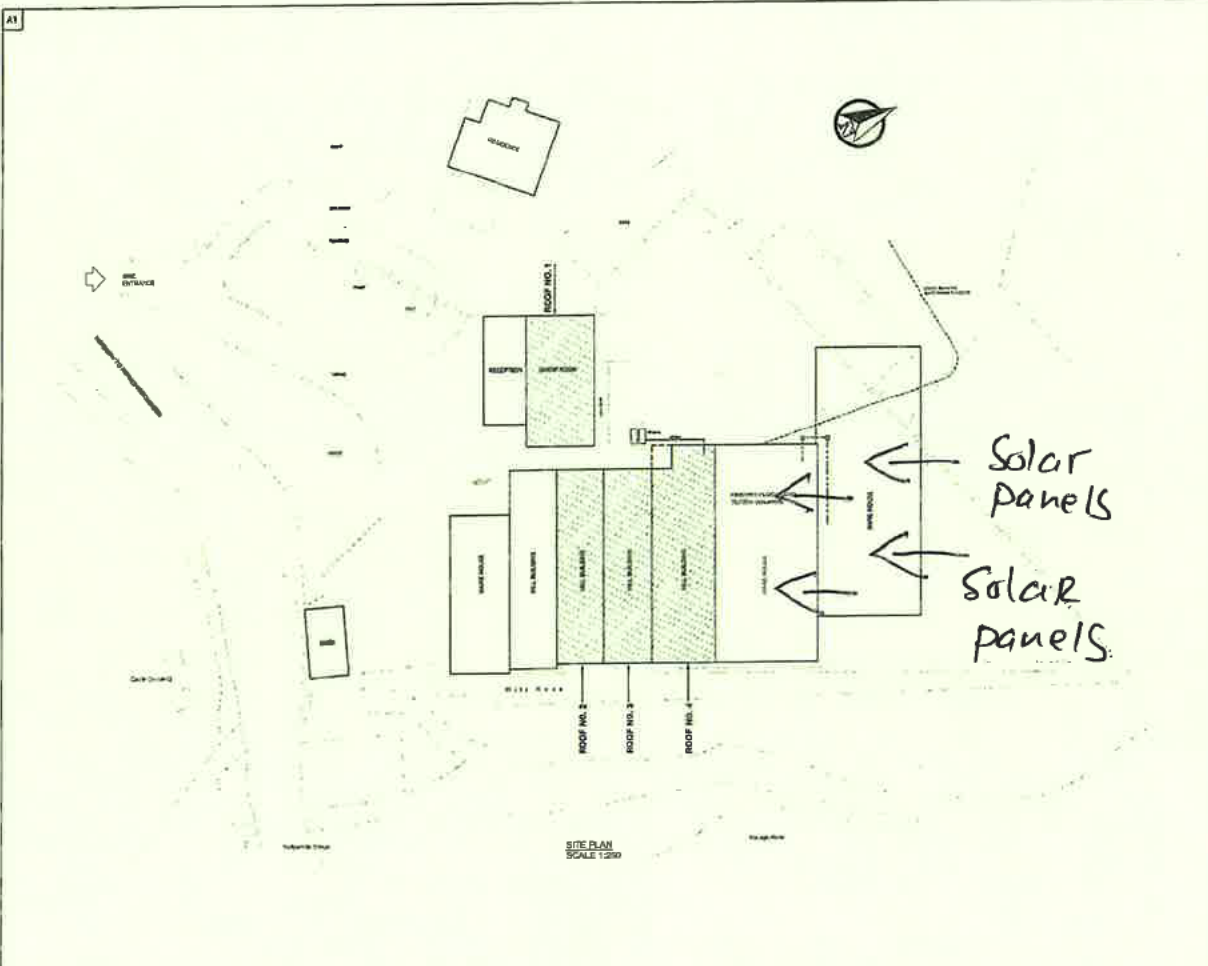


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20 MAR 2026

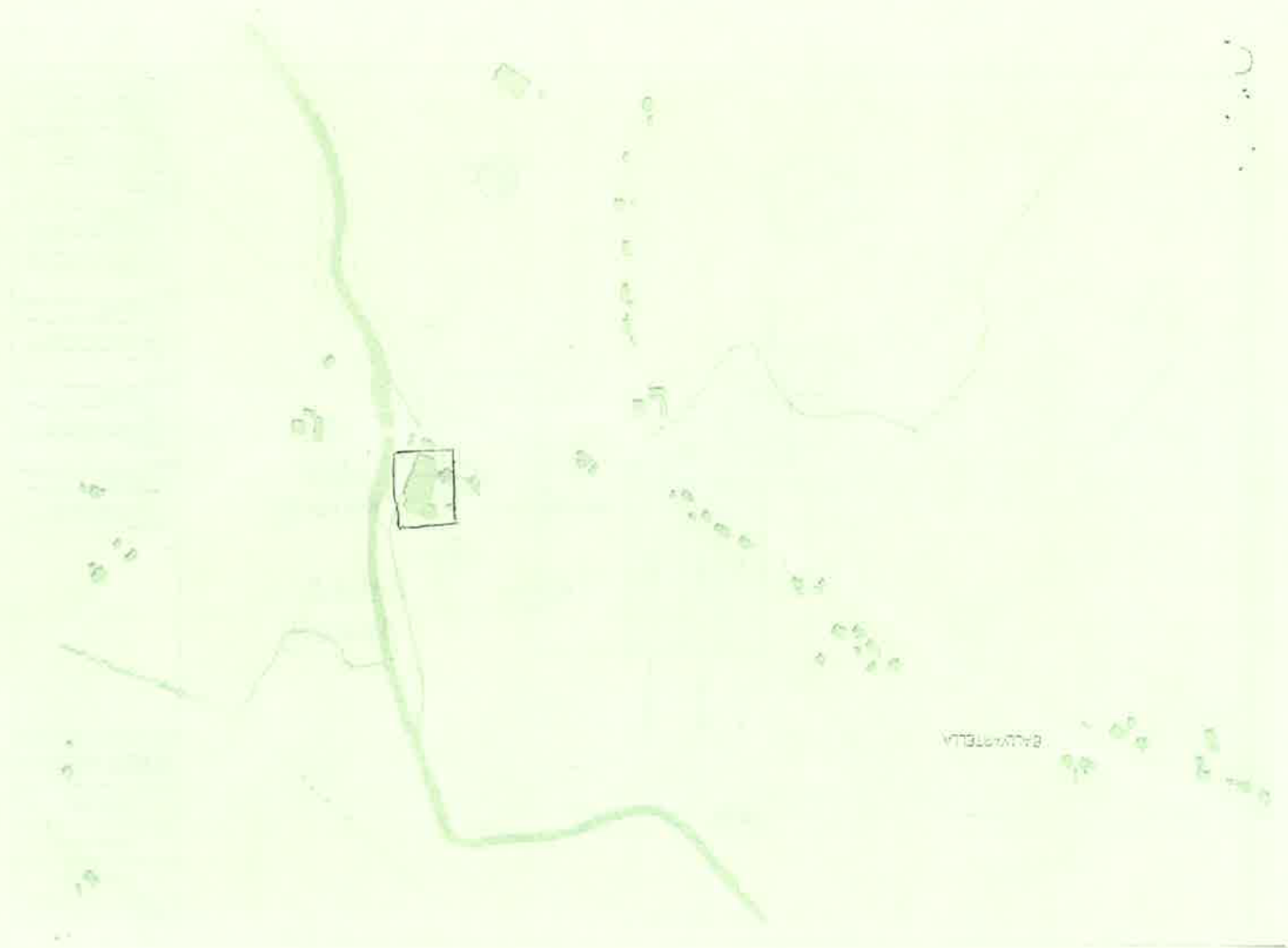
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FILE NO...55/26/34.....

TIPPERARY CO. COUNCIL
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 20 MAR 2026
 PLANNING SECTION
 FILE NO. 55/26/36



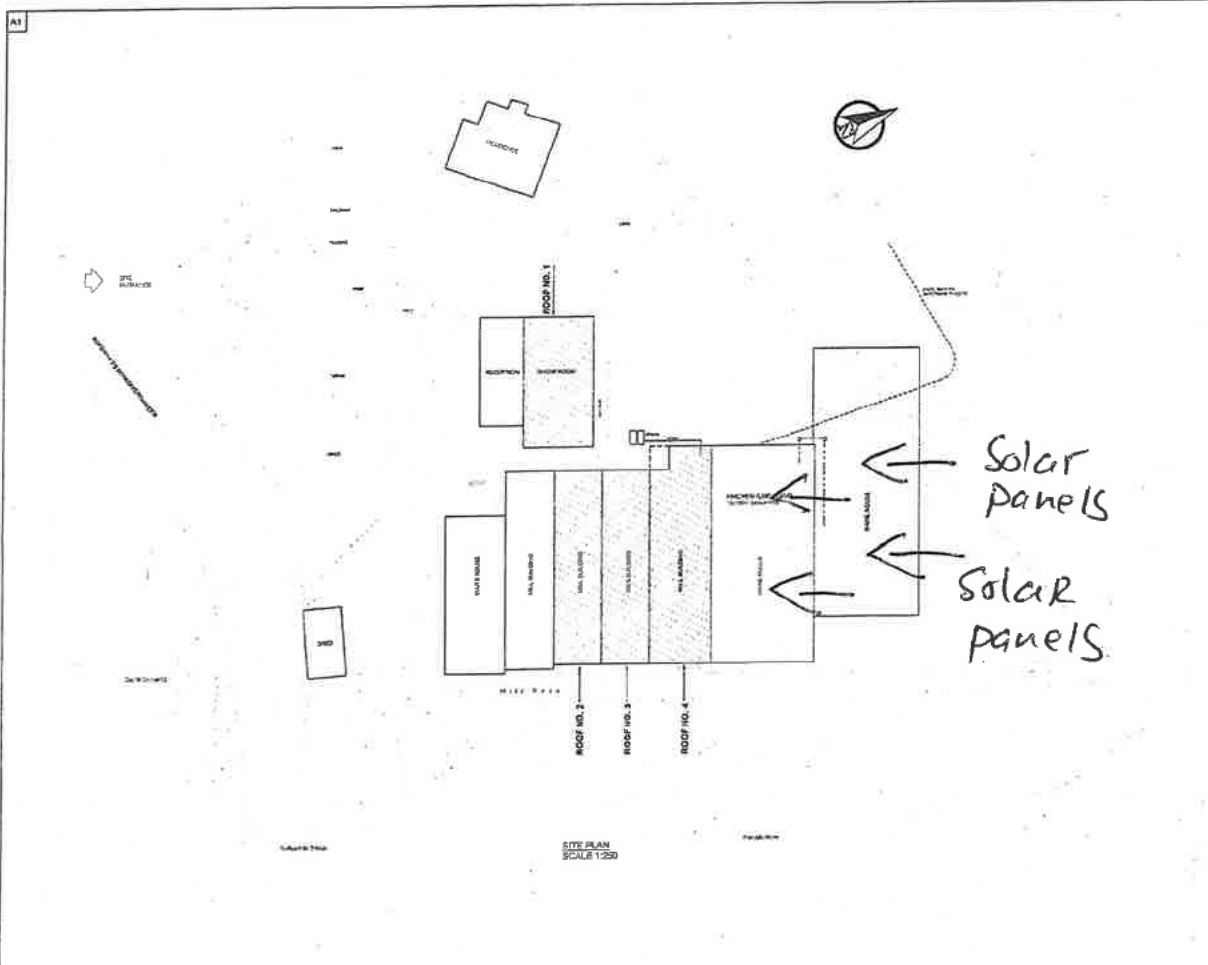
<p>GENERAL NOTES</p> <ol style="list-style-type: none"> 1. This drawing is the property of JODA Engineering Consultants (IEC). 2. This drawing shall be used in conjunction with all other project drawings and specifications. 3. Do not scale dimensions from this drawing, use typed dimensions only. 4. JODA Engineering Consultants accept no responsibility for errors or omissions in this drawing if any dimension has been altered. 5. Works are to be carried out as a fixed bid and contractor is to be held liable for any variations. 6. Works will be required to be carried out in accordance with the relevant specifications.
<p>SPECIFICATION</p> <p>Roof No. 1</p> <ul style="list-style-type: none"> Remove existing Asbestos Cladding and dispose to a Licensed Facility. Fit new Kingspan K1500000 15mm insulated panels, include for all necessary Gutter and Flashings. Fit Galvalume metal gutter clims to existing precast concrete purlins to facilitate fitting of new roof panels. <p>Roof No. 2</p> <ul style="list-style-type: none"> Remove existing Asbestos Cladding and dispose to a Licensed Facility. Fit new Kingspan K1500000 15mm insulated panels. Provide for new run of Insulated Gutter. Include for all Flashing and Fixings to existing steel purlins. <p>Roof No. 3</p> <ul style="list-style-type: none"> Remove existing Asbestos Cladding and dispose to a Licensed Facility. Fit new Kingspan K1500000 15mm insulated panels. Provide for new run of Insulated Gutter. Include for all Flashing and Fixings to existing steel purlins. <p>Roof No. 4</p> <ul style="list-style-type: none"> Remove existing Asbestos Cladding and dispose to a Licensed Facility. Fit new Kingspan K1500000 15mm insulated panels. Provide for new run of Insulated Gutter. Include for all Flashing and Fixings to existing steel purlins.
<p>DATE: 15/03/2024</p> <p>DRAWN BY: JODA</p> <p>CHECKED BY: JODA</p> <p>APPROVED BY: JODA</p>

THE BOARD OF COUNTY COMMISSIONERS
PLANNING SECTION
MAY 19 1968
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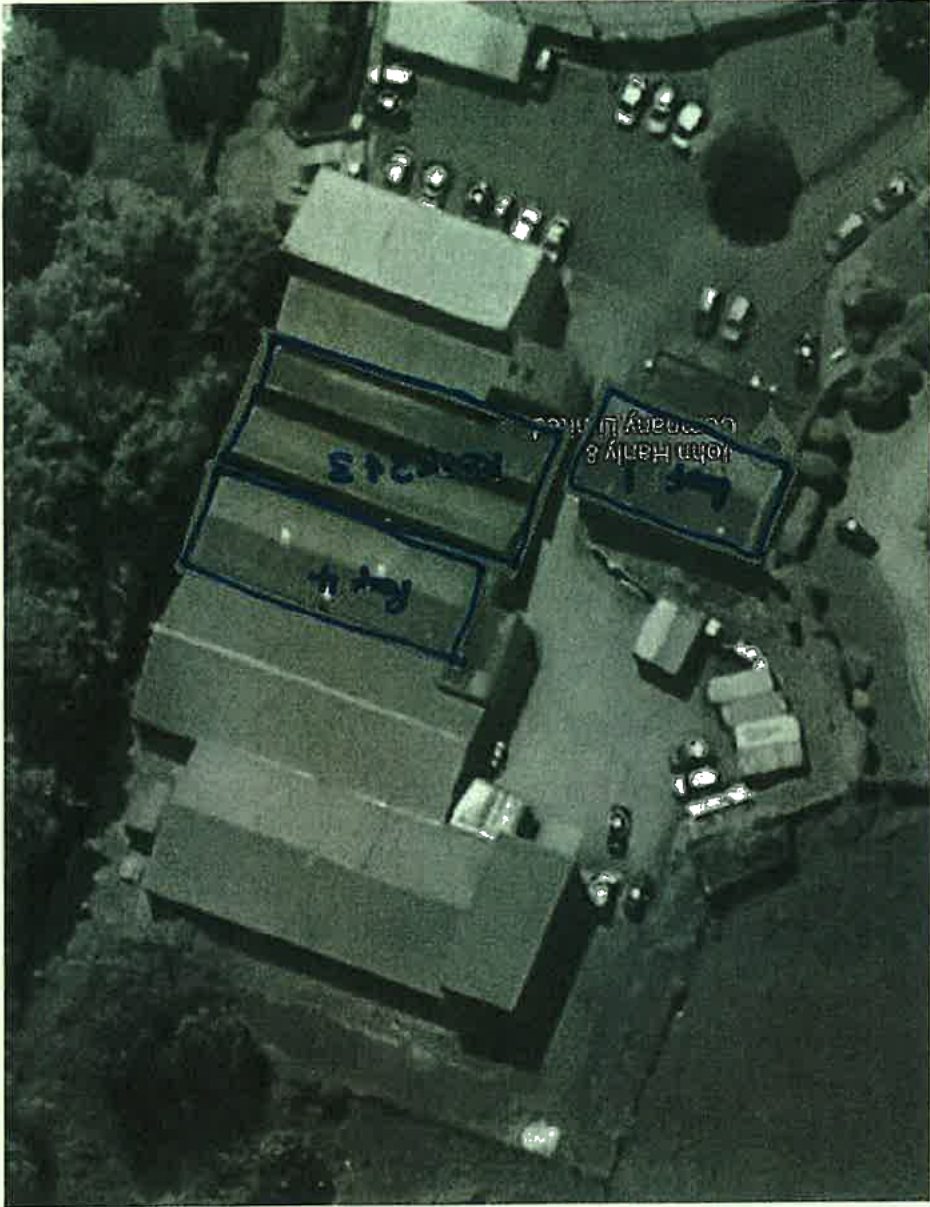
Map

TIPPERARY C.C. COUNCIL
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 20 MAR 2026
 PLANNING SECTION
 FILE NO. 59/26/34



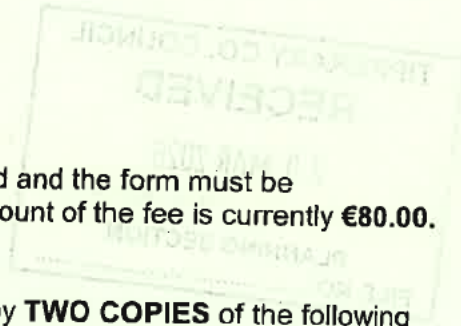
<p>GENERAL NOTES</p> <ol style="list-style-type: none"> 1. Compliance of this drawing is required by JODA Engineering (2024) 2024. 2. The drawing shall be read in conjunction with all relevant project drawings and specifications. 3. Client shall be responsible for providing all necessary site information and data. 4. All proposed works shall be carried out in accordance with the current regulations and standards in force at the time of issue. 5. The Client shall be responsible for obtaining all necessary permissions and approvals from the relevant authorities. 6. The Client shall be responsible for providing all necessary site information and data. 	
<p>ROOF NO. 1</p> <ul style="list-style-type: none"> • Remove existing asbestos cladding and dispose to a licensed facility. • Fit new Kingspan K10000 150mm insulated panels. Include for all necessary gutters and flashings. • Fit Galvalume metal cover sheets to existing precast concrete panels to facilitate fixing of new roof panels. 	
<p>ROOF NO. 2</p> <ul style="list-style-type: none"> • Remove existing asbestos cladding and dispose to a licensed facility. • Fit new Kingspan K10000 150mm insulated panels. • Provide for new run of insulated gutter. • Include for all flashing and fixings to existing steel panels. 	
<p>ROOF NO. 3</p> <ul style="list-style-type: none"> • Remove existing asbestos cladding and dispose to a licensed facility. • Fit new Kingspan K10000 150mm insulated panels. • Provide for new run of insulated gutter. • Include for all flashing and fixings to existing steel panels. 	
<p>ROOF NO. 4</p> <ul style="list-style-type: none"> • Remove existing asbestos cladding and dispose to a licensed facility. • Fit new Kingspan K10000 150mm insulated panels. • Provide for new run of insulated gutter. • Include for all flashing and fixings to existing steel panels. 	
<p>JODA <small>JODA Engineering (2024) 2024</small></p>	
<p>ROOF FLOORING WORKS</p>	
<p>ROOF PLAN & SPECIFICATION</p>	
<p>1:250 @ 1:250</p>	<p>2026</p>

RECEIVED
PLANNING SECTION
MARCH 20 2026



TIPPERARY CO. COUNCIL
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20 MAR 2026
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PLANNING SECTION
FILE NO.

GUIDANCE NOTES



- (1) All queries on the form must be completed and the form must be accompanied by the relevant fee. The amount of the fee is currently **€80.00**.
- (2) This application should be accompanied by **TWO COPIES** of the following documentation
 - o OSI Site Location Map with the site outlined clearly – 1:1000 in urban areas and 1:2500 in rural areas
 - o Floor Plans & Elevations at a scale of not less than 1:200
 - o Site layout plan indicating position of proposed development relative to premises and adjoining properties
 - o Other details e.g. brochures, photographs if appropriate.

(All dimensions must be given in metric scale and drawings should be accompanied by a brief description outlining the use of the proposed development)

- (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>80.00</u>	DATE STAMP TIPPERARY CO. COUNCIL RECEIVED 20 MAR 2026 PLANNING SECTION FILE NO.
Receipt No <u>NENAM1/0/120324</u>	
Date <u>31/5/2024</u>	
Received by _____	

**Description of Development
Column 2**

Conditions and Limitations

(d) The placing or erection on a roof or wall of an industrial building, or within the curtilage of an industrial building, or on a roof or wall of any ancillary buildings within the curtilage of an industrial building of a solar photo-voltaic and/or a solar thermal collector installation.

1. Where such development is located within a solar safeguarding zone, the total aperture area of any solar photo-voltaic and/or solar thermal collector panels, taken together with any other such panels previously placed on a roof, shall not exceed 300 square metres.

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 2 metres in the case of a flat roof or 1.2 metres in any other case.

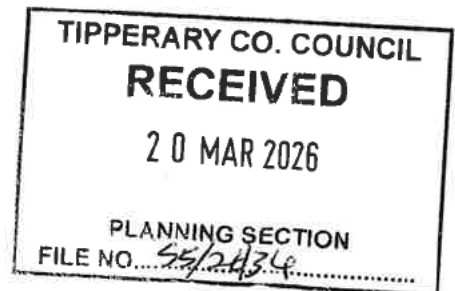
4. The solar photo-voltaic or solar thermal collector panels shall be a minimum of 2 metres in the case of a flat roof or 50cm in any other case from the edge of the roof on which it is mounted.

5. Development shall not be exempted development where the highest part of the solar photo-voltaic or solar thermal collector installation exceeds the highest part of any roof that is not a flat⁶ [493] roof (excluding any chimney).

6. Any ancillary equipment associated with solar photo-voltaic or solar thermal collector panels shall not be placed or erected on a wall or any roof that is not a flat roof.

7. The height of any ancillary equipment associated with solar photo-voltaic or solar thermal collector panels on a flat roof shall not exceed 1.6 metres above roof level.

8. Any ancillary equipment associated with solar photo-



voltaic or solar thermal collector panels on a flat roof shall be a minimum of 2 metres from the edge of the roof on which it is mounted.

9. The total aperture area of any wall mounted solar photo-voltaic and solar thermal collector panels taken together with any other such existing wall mounted panels shall not exceed 75 square metres.

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

11. The solar photo-voltaic or solar thermal collector panels shall be a minimum of 50cm from the edge of the wall on which it is mounted.

12. Any free-standing solar photo-voltaic or solar thermal collector installation shall not be placed or erected forward of the front wall of the industrial building.

13. The total aperture area of any [493] 7 free-standing solar photo-voltaic and solar thermal collector panels taken together with any other such existing free-standing panels shall not exceed 75 square metres.

14. The height of any free-standing solar photo-voltaic or solar thermal collector installation shall not exceed 2.5 metres at its highest point above ground level.

15. The placing or erection of any free-standing solar photo-voltaic or solar thermal collector installation within an Architectural Conservation Area shall only be exempted development if those works would not materially affect the character of the area.

16. No sign, advertisement or object not required for the functioning or safety of the solar photo-voltaic or solar thermal collector installation shall be attached to or exhibited on such installation.

17. Development under this Class shall only be exempted development where the solar photo-voltaic or solar thermal collector installation is primarily used for the provision of electricity or heating for use within the curtilage of the industrial building, and shall not be considered a change of use for the purposes of the Act.

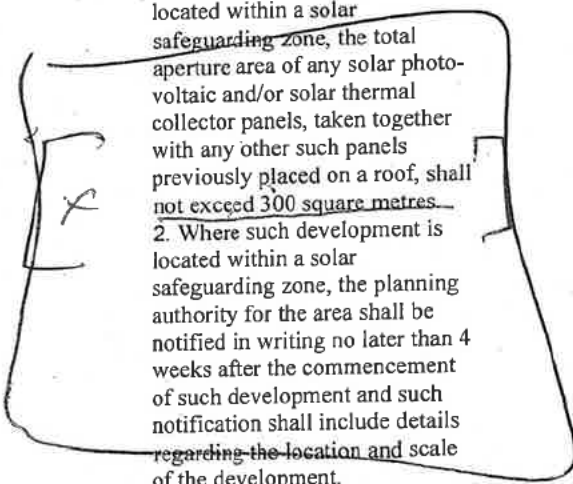
18. Development under this Class which causes hazardous glint and/or glare shall not be

**Description of Development
Column 2**

Conditions and Limitations

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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 2 metres in the case of a flat roof or 1.2 metres 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. Development shall not be exempted development where the highest part of the solar photo-voltaic or solar thermal collector installation exceeds the highest part of any roof that is not a flat roof [493]
6. Any ancillary equipment associated with solar photo-voltaic or solar thermal collector panels shall not be placed or erected on a wall or any roof that is not a flat roof.
7. The height of any ancillary equipment associated with solar photo-voltaic or solar thermal collector panels on a flat roof shall not exceed 1.6 metres above roof level.
8. Any ancillary equipment associated with solar photo-



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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.

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15. The placing or erection of any free-standing solar photo-voltaic or solar thermal collector installation within an

Architectural Conservation Area shall only be exempted development if those works would not materially affect the character of the area.

16. No sign, advertisement or object not required for the functioning or safety of the solar photo-voltaic or solar thermal collector installation shall be attached to or exhibited on such installation.

17. Development under this Class shall only be exempted development where the solar photo-voltaic or solar thermal collector installation is primarily used for the provision of electricity or heating for use within the curtilage of the industrial building, and shall not be considered a change of use for the purposes of the Act.

18. Development under this Class which causes hazardous glint and/or glare shall not be



Comhairle Contae Thiobraid Árann
Tipperary County Council

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

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

t 0818 06 5000/601
e customerservice
@tipperarycoco.ie
tipperarycoco.ie

Date: 23rd March 2026

Our Ref: S5/26/34

Civic Offices, Nenagh

John Hanly & Co Ltd
Ballyartella
Nenagh
Co Tipperary
E45 P789

Re: Application for a Section 5 Declaration – the installation of solar panels on the rear roofs of the mill at Ballyartella, Nenagh, Co Tipperary, E45 P789.

Dear John,

I acknowledge receipt of your application for a Section 5 Declaration received on 20th 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**

TIPPERARY COUNTY COUNCIL
Application for Declaration under Section 5

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

Planning Reference: S5/26/34

Applicant: John Hanley and Co Ltd

Development Address: Ballyartella, Nenagh, Co. Tipperary

Proposed Development: Installation of solar panels on roof space of buildings

1. GENERAL

A request was made for a declaration under Section 5 of the Planning and Development Act, 2000 as amended as to whether or not the following works constituted development and if so, whether same was exempted development:

Installation of solar panels on roof space of buildings within the lands at E45P789

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) 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).

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

Section 57 of the Act states:

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

(a) the structure, or

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

Planning and Development Regulations 2001, as amended

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

Interpretation for this Part.

5.(1) In this Part—

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

“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 56(e) of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended states:

Description of Development	Conditions and Limitations
The placing or erection on a roof of a <u>business premises</u> or light industrial building, or within the curtilage of a business premises or light industrial building, or on a roof of any ancillary buildings within the curtilage of a business premises or light industrial building of a solar photo-voltaic and/or solar thermal collector installation.	<ol style="list-style-type: none"> 1. Where such development is located within a solar safeguarding zone, the total aperture area of any solar photo-voltaic and/or solar thermal collector panels, taken together with any other such panels previously placed on a roof, shall not exceed 300 square metres. 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:

- a) for a business premises, 1.2 metres in the case of a flat roof or 15cm in any other case.
- b) for a light industrial building, 2 metres in the case of a flat roof or 50cm in any other case. Commented [i820]: Class 56(e) is substituted (with 16 conditions) by article 5(2)(a) of S.I. No. 493/2022 Planning and Development Act 2000 (Exempted Development) (No. 3) Regulations 2022 466

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. Development shall not be exempted development where the highest part of the solar photo-voltaic or solar thermal collector installation exceeds the highest part of any roof that is not a flat roof (excluding any chimney).
6. Any ancillary equipment associated with solar photo-voltaic or solar thermal collector panels shall not be placed or erected on a wall or any roof that is not a flat roof.
7. The height of any ancillary equipment associated with solar photo-voltaic or solar thermal collector panels on a flat roof shall not exceed 1.6 metres above roof level.
8. Any ancillary equipment associated with solar photo-voltaic or solar thermal collector panels on a flat roof shall be a minimum of 2 metres from the edge of the roof on which it is mounted.
9. Any free-standing solar photo-voltaic or solar thermal collector installation shall not be placed or erected forward of the front wall of the business premises or light industrial building.
10. The total aperture area of any free-standing solar photo-voltaic and solar thermal collector panels taken together with any other such existing free-standing panels shall not exceed 75 square metres.
11. The height of any free-standing solar photo-voltaic or solar thermal collector 467 installation shall not exceed 2.5 metres at its highest point above ground level.
12. The placing or erection of a solar photo-voltaic or solar thermal collector installation on any wall shall not be exempted development.
13. The placing or erection of any free-standing solar photo-voltaic or solar thermal collector installation within an Architectural Conservation Area shall only be exempted development if those works would not materially affect the character of the area.

	<p>14. No sign, advertisement or object not required for the functioning or safety of the solar photo-voltaic or solar thermal collector installation shall be attached to or exhibited on such installation.</p> <p>15. 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 business premises or light industrial building, and shall not be considered a change of use for the purposes of the Act.</p> <p>16. 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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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><i>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:</i></p> <p><i>(i) an educational building,</i></p> <p><i>(ii) health centre or hospital,</i></p> <p><i>(iii) recreational or sports facility,</i></p> <p><i>(iv) place of worship,</i></p> <p><i>(v) community facility or centre,</i></p> <p><i>(vi) library,</i></p> <p><i>(vii) sites for the provision of gas, electricity, telecommunications services or water supplies or wastewater services operated by a statutory undertaker.</i></p>	<ol style="list-style-type: none"> <i>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.</i> <i>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.</i> <i>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.</i> <i>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.</i> <i>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.</i> <i>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.</i> <i>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.</i> <i>8. Any free-standing solar photo-voltaic or solar thermal collector</i>

	<p><i>installation shall not be placed or erected forward of the front wall of the building or site. 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. 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.</i></p> <p><i>11. 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><i>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.</i></p> <p><i>13. No sign, advertisement or object not required for the functioning or safety of the solar photo-voltaic or solar thermal collector installation shall be attached to or exhibited on such installation.</i> 479</p> <p><i>14. Development under this Class shall only be exempted development where the solar photo-voltaic or solar thermal collector installation is primarily used for the provision of electricity or heating for use within the curtilage of the building or site, and shall not be considered a change of use for the purposes of the Act.</i></p> <p><i>15. Development under this Class which causes hazardous glint and/or glare shall not be exempted development and any solar photo-voltaic or solar thermal collector panels which are causing hazardous glint and/or glare shall either be removed or be covered until such time as a mitigation plan to address the hazardous glint and/or glare is agreed and implemented to the satisfaction of the Planning Authority.</i></p>
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Article 9 of the Planning and Development Regulations 2001, as amended sets out restrictions on exemptions and states:

9. (1) Development to which article 6 relates shall not be exempted development for the purposes of the Act—

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

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

(iiia) endanger public safety by reason of hazardous glint and/or glare for the operation of airports, aerodromes or aircraft,

(viiB) comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site.

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

3. ASSESSMENT

a. Site Location

The buildings on which the PV panels are to be erected are located on the site of Hanlys Woolen Mills at Ballyartella, Nenagh.

b. Relevant Planning History

S5.24.66- Reroofing of existing building to include the removal of existing asbestos roof and the fitting of insulated panels considered exempt development.

- 51729 Permission granted to John Hanly & Co. on 02/11/1967 for extension to factory
- 514309 Permission granted to John Hanly & Co. on 26/06/1975 for erection of showroom and retention of store
- 517473 Permission granted to John Hanly & Co. on 16/11/1979 for erection of factory extension
- 519055 Permission granted to John Hanly & Co. on 15/10/1981 for erection of new office extension

- 5114016 Permission granted to John Hanly & Co. on 16/06/1990 for warehouse extension

- 5116984 Permission granted to John Hanly & Co. on 03/05/1995 for erection of a warehouse extension.
- 5117735 Permission granted to John Hanly & Co. on 22/05/1996 for conversion of existing store to Craft Shop
- 5119757 Permission granted to John Hanly & Co. on 07/09/1998 for a sign.

c. Assessment

A. “Is or is not Development”

Having considered all of the details and documentation on file with regards the question asked, I am satisfied that the proposal would involve “works” and such works would constitute “development” within the meaning of Section 3 of the Planning and Development Act 2000, as amended.

B. “Is or is not Exempted Development”

The proposal is assessed relative to Class 56 of Part 1 of Schedule 2 of the Regulations. The application has not included for any elevation, section or roof plan drawings in order to determine if the proposed solar panels meet all Conditions and Limitations under Class 56. Further information be requested.

C. Restrictions under Article 9 / Section 57 of Planning Act

This can be evaluated on receipt of further information

D. Requirement for Appropriate Assessment and Environmental Impact Assessment

AA

AA is not required in respect of the proposal.

EIA

EIA is not required in respect of the proposal.

4. RECOMMENDATION

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

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

The applicant is advised that there are exemptions available under Class 56 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 business premises/

This exemptions are subject 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 exemptions under the above referenced Class and the associated conditions/limitations.

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 56 of Part 1 of Schedule 2 of the above mentioned Regulations are satisfied

Senior Executive Planner:

Jonathan Flood

Date: 10/4/2026

HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT

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

(a) File Reference No:	S5/26/34
(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
Lough Derg, North-east Shore SAC	https://www.npws.ie/protected-sites/sac/002241	Within 15km	None	No
Lower River Shannon SAC	https://www.npws.ie/protected-sites/sac/002165	Within 15km	None	No
Lough Derg (Shannon) SPA	https://www.npws.ie/protected-sites/sac/004058	Within 15km	None	No
Silvermines Mountains West SAC	https://www.npws.ie/protected-sites/sac/002258	Within 15km	None	No
Slievefelim to Silvermines Mountains SPA	https://www.npws.ie/protected-sites/sac/004165	Within 15km	None	No
Bolingbrook Hill SAC	https://www.npws.ie/protected-sites/sac/002124	Within 15km	None	No
Silvermine Mountains SAC	https://www.npws.ie/protected-sites/sac/000939	Within 15km	None	No
Slieve Aughty Mountains SPA	https://www.npws.ie/protected-sites/sac/004168	Within 15km	None	No

STEP 3. Assessment of Likely Significant Effects

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

Impacts:	Possible Significance of Impacts: (duration/magnitude etc.)
<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 	<p>No potential impacts. No changes to surface water arrangements.</p>
<p>Operational phase e.g.</p> <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 	<p>No potential impacts. No changes to surface water arrangements.</p>
<p>In-combination/Other</p>	<p>No potential impacts</p>

(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 	<p>No potential impacts</p>
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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.

The proposed development is not likely to have significant effects.

Conclusion:

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

EIA Pre-Screening
Establishing a development is a 'sub-threshold development'

File Reference:	S5/26/34
Development Summary:	As 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)

Yes, specify class _____

EIA is mandatory

No Screening required

No

Proceed to **Part B**

B. Schedule 5 Part 2 - Does the development comprise a project listed in Schedule 5, **Part 2**, of the Planning and Development Regulations 2001 (as amended) **and** does it meet/exceed the thresholds?
(Tick as appropriate)

No, the development is not a project listed in Schedule 5, Part 2

No Screening required

Yes the project is listed in Schedule 5, Part 2 **and** meets/exceeds the threshold, specify class (including threshold):

EIA is mandatory

No Screening required

Yes the project is of a type listed **but** is *sub-threshold*:

Proceed to **Part C**

C. If Yes, has Schedule 7A information/screening report been submitted?

Yes, Schedule 7A information/screening report has been submitted by the applicant

Screening Determination required

No, Schedule 7A information/screening report has not been submitted by the applicant

Preliminary Examination required



Comhairle Contae Thiobraid Árann
Tipperary County Council

Comhairle Contae
Thiobraid Árann,
Oifigi Cathartha,
Cluain Meala,
Co. Thiobraid Árann
Tipperary County Council,
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@tipperarycoco.ie

tipperarycoco.ie

Date: 13th April 2026

Our Ref: S5/26/34

Civic Offices, Nenagh

**John Hanly & Co Ltd
Ballyartella
Nenagh
Co Tipperary
E45 P789**

Re: Application for a Section 5 Declaration – Installation of solar panels on roof space of buildings at Ballyartella, Nenagh, Co. Tipperary

Dear Sir,

I refer to an application received from you on 20th March 2026 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;

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 are exemptions available under Class 56 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 business premises.

This exemptions are subject 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 exemptions under the above referenced Class and the associated conditions/limitations.

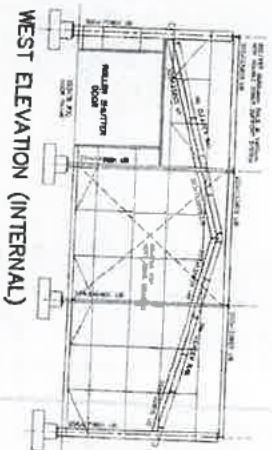
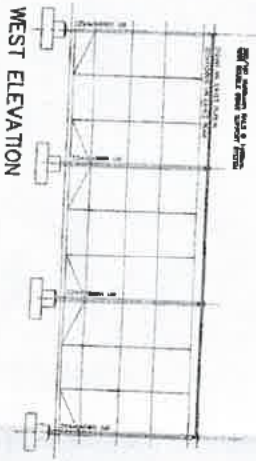
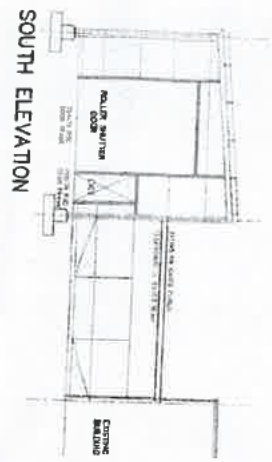
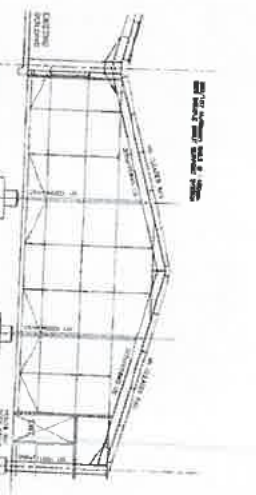
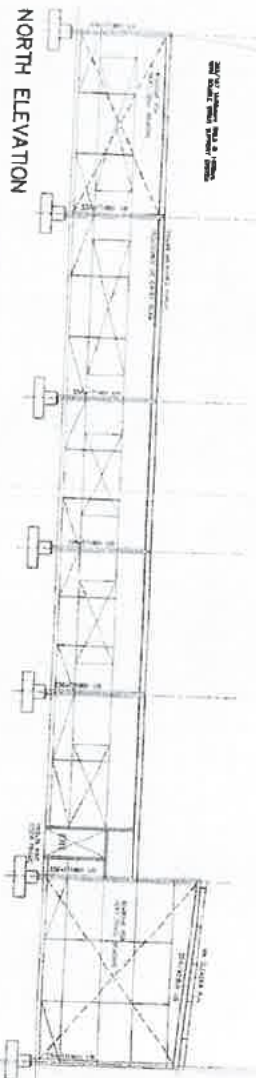
In order to enable an informed determination of the application the applicant is requested to submit;

- Plans/Elevations and Sections as necessary demonstrating that the conditions and limitations of Class 56 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

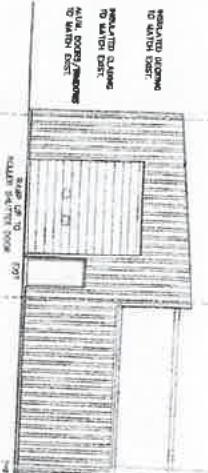
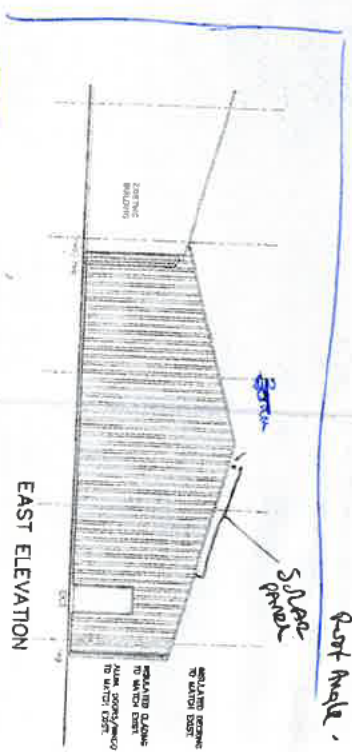
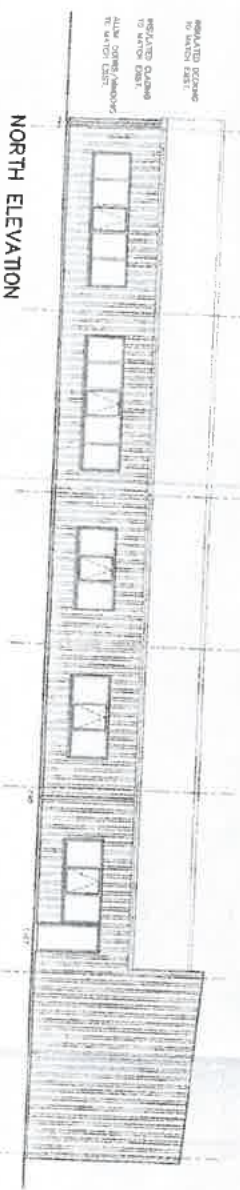

for **Director of Services**



Panel size
132' w x 25' h
3 in vertical
2 panels



① Distance above roof
② Angle - same as roof angle.



JOHN O'DONOVAN & CO.
BALDYBELL, WOODEN HILLS
NEWBACH CO., TIPPERARY
STEELWORK/DRAINING ELEVATIONS

PANEL SIZE IS

1132 WIDE mm

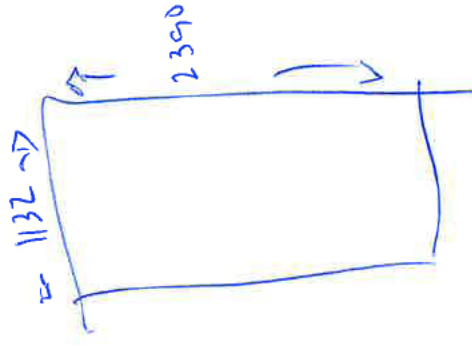
2390 LONG mm

35 mm THICKNESS

DISTANCE BETWEEN PANELS 35mm

HEIGHT ABOVE ROOF 65mm.

ANGLE OF PANEL - SAME AS ROOF.





Comhairle Contae Thiobraid Árann
Tipperary County Council

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Date: 12th June 2026

Our Ref: S5/26/34

Civic Offices, Nenagh

John Hanly & Co Ltd
Ballyartella
Nenagh
Co Tipperary

Re: Application for a Section 5 Declaration – Installation of solar panels on roof space of buildings at Ballyartella, Nenagh, Co. Tipperary

Dear Sir/Madam

I acknowledge receipt of Further Information received on 12th June 2026 in connection with the above.

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

Yours sincerely


for **Director of Services**

TIPPERARY COUNTY COUNCIL
Application for Declaration under Section 5

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

Planning Reference: S5/26/34

Applicant: John Hanley and Co Ltd

Development Address: Ballyartella, Nenagh, Co. Tipperary

Proposed Development: Installation of solar panels on roof space of buildings

1. GENERAL

A request was made for a declaration under Section 5 of the Planning and Development Act, 2000 as amended as to whether or not the following works constituted development and if so, whether same was exempted development:

Installation of solar panels on roof space of buildings within the lands at E45P789

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) 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).

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

Section 57 of the Act states:

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

(a) the structure, or

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

Planning and Development Regulations 2001, as amended

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

Interpretation for this Part.

5.(1) In this Part—

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

“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 56(e) of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended states:

Description of Development	Conditions and Limitations
The placing or erection on a roof of a <u>business premises</u> or light industrial building, or within the curtilage of a business premises or light industrial building, or on a roof of any ancillary buildings within the curtilage of a business premises or light industrial building of a solar photo-voltaic and/or solar thermal collector installation.	<ol style="list-style-type: none"> 1. Where such development is located within a solar safeguarding zone, the total aperture area of any solar photo-voltaic and/or solar thermal collector panels, taken together with any other such panels previously placed on a roof, shall not exceed 300 square metres. 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:

- a) for a business premises, 1.2 metres in the case of a flat roof or 15cm in any other case.
- b) for a light industrial building, 2 metres in the case of a flat roof or 50cm in any other case. Commented [i820]: Class 56(e) is substituted (with 16 conditions) by article 5(2)(a) of S.I. No. 493/2022 Planning and Development Act 2000 (Exempted Development) (No. 3) Regulations 2022 466

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. Development shall not be exempted development where the highest part of the solar photo-voltaic or solar thermal collector installation exceeds the highest part of any roof that is not a flat roof (excluding any chimney).
6. Any ancillary equipment associated with solar photo-voltaic or solar thermal collector panels shall not be placed or erected on a wall or any roof that is not a flat roof.
7. The height of any ancillary equipment associated with solar photo-voltaic or solar thermal collector panels on a flat roof shall not exceed 1.6 metres above roof level.
8. Any ancillary equipment associated with solar photo-voltaic or solar thermal collector panels on a flat roof shall be a minimum of 2 metres from the edge of the roof on which it is mounted.
9. Any free-standing solar photo-voltaic or solar thermal collector installation shall not be placed or erected forward of the front wall of the business premises or light industrial building.
10. The total aperture area of any free-standing solar photo-voltaic and solar thermal collector panels taken together with any other such existing free-standing panels shall not exceed 75 square metres.
11. The height of any free-standing solar photo-voltaic or solar thermal collector 467 installation shall not exceed 2.5 metres at its highest point above ground level.
12. The placing or erection of a solar photo-voltaic or solar thermal collector installation on any wall shall not be exempted development.
13. The placing or erection of any free-standing solar photo-voltaic or solar thermal collector installation within an Architectural Conservation Area shall only be exempted development if those works would not materially affect the character of the area.

	<p>14. No sign, advertisement or object not required for the functioning or safety of the solar photo-voltaic or solar thermal collector installation shall be attached to or exhibited on such installation.</p> <p>15. 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 business premises or light industrial building, and shall not be considered a change of use for the purposes of the Act.</p> <p>16. 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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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><i>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:</i></p> <p><i>(i) an educational building,</i></p> <p><i>(ii) health centre or hospital,</i></p> <p><i>(iii) recreational or sports facility,</i></p> <p><i>(iv) place of worship,</i></p> <p><i>(v) community facility or centre,</i></p> <p><i>(vi) library,</i></p> <p><i>(vii) sites for the provision of gas, electricity, telecommunications services or water supplies or wastewater services operated by a statutory undertaker.</i></p>	<ol style="list-style-type: none"> <i>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.</i> <i>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.</i> <i>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.</i> <i>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.</i> <i>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.</i> <i>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.</i> <i>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.</i> <i>8. Any free-standing solar photo-voltaic or solar thermal collector</i>

	<p><i>installation shall not be placed or erected forward of the front wall of the building or site. 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. 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.</i></p> <p><i>11. 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><i>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.</i></p> <p><i>13. No sign, advertisement or object not required for the functioning or safety of the solar photo-voltaic or solar thermal collector installation shall be attached to or exhibited on such installation.</i> 479</p> <p><i>14. Development under this Class shall only be exempted development where the solar photo-voltaic or solar thermal collector installation is primarily used for the provision of electricity or heating for use within the curtilage of the building or site, and shall not be considered a change of use for the purposes of the Act.</i></p> <p><i>15. Development under this Class which causes hazardous glint and/or glare shall not be exempted development and any solar photo-voltaic or solar thermal collector panels which are causing hazardous glint and/or glare shall either be removed or be covered until such time as a mitigation plan to address the hazardous glint and/or glare is agreed and implemented to the satisfaction of the Planning Authority.</i></p>
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Article 9 of the Planning and Development Regulations 2001, as amended sets out restrictions on exemptions and states:

- 9. (1) Development to which article 6 relates shall not be exempted development for the purposes of the Act—*
- (a) if the carrying out of such development would—*
- (i) contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act,*
 - (iiia) endanger public safety by reason of hazardous glint and/or glare for the operation of airports, aerodromes or aircraft,*
 - (viiB) comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site.*

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

3. **ASSESSMENT**

a. **Site Location**

The buildings on which the PV panels are to be erected are located on the site of Hanlys Woolen Mills at Ballyartella, Nenagh.

b. **Relevant Planning History**

S5.24.66- Reroofing of existing building to include the removal of existing asbestos roof and the fitting of insulated panels considered exempt development.

- 51729 Permission granted to John Hanly & Co. on 02/11/1967 for extension to factory
- 514309 Permission granted to John Hanly & Co. on 26/06/1975 for erection of showroom and retention of store
- 517473 Permission granted to John Hanly & Co. on 16/11/1979 for erection of factory extension
- 519055 Permission granted to John Hanly & Co. on 15/10/1981 for erection of new office extension
- 5114016 Permission granted to John Hanly & Co. on 16/06/1990 for warehouse extension
- 5116984 Permission granted to John Hanly & Co. on 03/05/1995 for erection of a warehouse extension.
- 5117735 Permission granted to John Hanly & Co. on 22/05/1996 for conversion of existing store to Craft Shop
- 5119757 Permission granted to John Hanly & Co. on 07/09/1998 for a sign.

c. **Assessment**

A. “Is or is not Development”

Having considered all of the details and documentation on file with regards the question asked, I am satisfied that the proposal would involve “works” and such works would constitute “development” within the meaning of Section 3 of the Planning and Development Act 2000, as amended.

B. “Is or is not Exempted Development”

The proposal is assessed relative to Class 56 of Part 1 of Schedule 2 of the Regulations. The application has not included for any elevation, section or roof plan drawings in order to determine if the proposed solar panels meet all Conditions and Limitations under Class 56. Further information be requested.

C. Restrictions under Article 9 / Section 57 of Planning Act

This can be evaluated on receipt of further information

D. Requirement for Appropriate Assessment and Environmental Impact Assessment

AA

AA is not required in respect of the proposal.

EIA

EIA is not required in respect of the proposal.

4. **RECOMMENDATION**

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

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

The applicant is advised that there are exemptions available under Class 56 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 business premises/

This exemptions are subject 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 exemptions under the above referenced Class and the associated conditions/limitations.

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 56 of Part 1 of Schedule 2 of the above mentioned Regulations are satisfied

Senior Executive Planner: *Jonathan Flood*

Date: 10/4/2026

5. FURTHER INFORMATION

One point of further information was requested from the applicant in a letter dated 16/04/2026. The FI request is outlined below in italics with assessment under same in bold.

- 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 are exemptions available under Class 56 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 business premises/

This exemptions are subject 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 exemptions under the above referenced Class and the associated conditions/limitations.

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 56 of Part 1 of Schedule 2 of the above mentioned Regulations are satisfied*

In response, the applicant has submitted drawings which seek to demonstrate compliance with Class 56(e) of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended. However, the drawings are not sufficiently clear to enable an assessment of the proposal and to determine if the proposed solar panels meet all Conditions and Limitations under Class 56.

6. RECOMMENDATION

WHEREAS a question has arisen as to whether the 'Installation of solar panels on roof space of buildings' at Ballyartella, Nenagh, Co. Tipperary is development and is or is not exempted development:

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

- Sections 2, 3 & 4 of the Planning and Development Act 2000 (as amended)
- Articles 6 and 9 of the Planning and Development Regulations 20001, as amended,
- Class 56 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001
- The plans and documentation submitted, including further information.

AND WHEREAS Tipperary County Council has concluded that –

It cannot be determined if the proposed development, as presented on the drawings and details provided with the Declaration application on 20/03/2026, as amended by Further Information received on 12/06/2026, constitutes "development" within the meaning of the Planning and Development Act 2000 as amended and is **NOT exempted development** as:

- The drawings are not sufficiently clear to enable an assessment of the proposal and to determine if the proposed installation of solar panels on the roof space of buildings meet all Conditions and Limitations under Class 56.
-

District Planner:

Olive O'Donnell

Date: 18/06/2026

Senior Executive Planner:

Jonathan Flood

Date: 18/6/2026

HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT

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

(a) File Reference No:	S5/26/34
(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
Lough Derg, North-east Shore SAC	https://www.npws.ie/protected-sites/sac/002241	Within 15km	None	No
Lower River Shannon SAC	https://www.npws.ie/protected-sites/sac/002165	Within 15km	None	No
Lough Derg (Shannon) SPA	https://www.npws.ie/protected-sites/sac/004058	Within 15km	None	No
Silvermines Mountains West SAC	https://www.npws.ie/protected-sites/sac/002258	Within 15km	None	No
Slievefelim to Silvermines Mountains SPA	https://www.npws.ie/protected-sites/sac/004165	Within 15km	None	No
Bolingbrook Hill SAC	https://www.npws.ie/protected-sites/sac/002124	Within 15km	None	No
Silvermine Mountains SAC	https://www.npws.ie/protected-sites/sac/000939	Within 15km	None	No
Slieve Aughty Mountains SPA	https://www.npws.ie/protected-sites/sac/004168	Within 15km	None	No

STEP 3. Assessment of Likely Significant Effects

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

<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 	<p>No potential impacts. No changes to surface water arrangements.</p>
<p>Operational phase e.g.</p> <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 	<p>No potential impacts. No changes to surface water arrangements.</p>
<p>In-combination/Other</p>	<p>No potential impacts</p>

(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 	<p>No potential impacts</p>
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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.

The proposed development is not likely to have significant effects.

Conclusion:

	Tick as Appropriate:	Recommendation:
(i) It is clear that there is no likelihood	<input checked="" type="checkbox"/>	The proposal can be screened out:

of significant effects on a European site.		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

EIA Pre-Screening
Establishing a development is a 'sub-threshold development'

File Reference:	S5/26/34
Development Summary:	As 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

Original

TIPPERARY COUNTY COUNCIL

DELEGATED EMPLOYEE'S ORDER

File Ref: **S5/26/34** **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 John Hanly & Co Ltd., Ballyartella, Nenagh, Co. Tipperary , The Installation of solar panels on roof space of buildings at Ballyartella, Nenagh, Co. Tipperary is development and is exempted development.

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

- a) Sections 2, 3 & 4 of the Planning and Development Act 2000 (as amended)
- b) Articles 6 and 9 of the Planning and Development Regulations 20001, as amended,
- c) Class 56 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001
- d) The plans and documentation submitted, including further information.

AND WHEREAS Tipperary County Council has concluded that –

It cannot be determined if the proposed development, as presented on the drawings and details provided with the Declaration application on 20/03/2026, as amended by Further Information received on 12/06/2026, constitutes "development" within the meaning of the Planning and Development Act 2000 as amended and is **NOT exempted development** as:

The drawings are not sufficiently clear to enable an assessment of the proposal and to determine if the proposed installation of solar panels on the roof space of buildings meet all Conditions and Limitations under Class 56.

Signed: 

Brian Beck
Director of Services

Date: 19/06/2026



Date: 19th June 2026

Our Ref: S5/26/34

Civic Offices, Nenagh

John Hanly & Co Ltd
Ballyartella
Nenagh
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 20th March 2026, and Further Information received on 12th June 2026 in relation to the following proposed works:

Installation of solar panels on roof space of buildings at Ballyartella, Nenagh, Co. Tipperary

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

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

- a) Sections 2, 3 & 4 of the Planning and Development Act 2000 (as amended)
- b) Articles 6 and 9 of the Planning and Development Regulations 2001, as amended,
- c) Class 56 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001
- d) The plans and documentation submitted, including further information.

AND WHEREAS Tipperary County Council has concluded that –

It cannot be determined if the proposed development, as presented on the drawings and details provided with the Declaration application on 20/03/2026, as amended by Further Information received on 12/06/2026, constitutes “development” within the meaning of the Planning and Development Act 2000 as amended and is **NOT exempted development** as:

The drawings are not sufficiently clear to enable an assessment of the proposal and to determine if the proposed installation of solar panels on the roof space of buildings meet all Conditions and Limitations under Class 56.

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


for **Director of Services**