



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

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

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

<i>Applicant</i>	Patrick Hennessy
<i>Address</i>	Garryard East, Silvermines, Nenagh, Co. Tipperary
<i>Telephone No.</i>	[REDACTED]
<i>E-mail</i>	[REDACTED]

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

<i>Agent</i>	
<i>Address</i>	
<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 [ ]      Agent [ ]	

**3. Location of Proposed Development:**

<i>Postal Address or Townland or Location (as may best identify the land or structure in question)</i>	Silvermines Community Centre Silvermines, Nenagh, Co. Tipperary E45K126
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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.)

See attached Document
Proposed floor area of proposed works/uses:                      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 X
	C. Other	
<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: Silvermines Parish Address: Silvermines, Nenagh, Co. Tipperary	

Signature of Applicant(s) 

Date: 07/05/2026

**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.**

## 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:**

<b>Planning Section, Tipperary County Council, Civic Offices, Limerick Road, Nenagh, Co. Tipperary</b>	<b><u>OR</u></b>	<b>Planning Section, Tipperary County Council, Civic Offices, Emmet Street, Clonmel, Co. Tipperary</b>
<b>Enquires:</b>		
<b>Telephone 0818 06 5000</b>		
<b>E-Mail <a href="mailto:planning@tipperarycoco.ie">planning@tipperarycoco.ie</a></b>		

### FOR OFFICE USE ONLY

<b>Fee Recd. €</b> <u>80</u>	<b>DATE STAMP</b> TIPPERARY CO. COUNCIL <b>RECEIVED</b> 11 MAY 2026 PLANNING SECTION FILE NO. <u>22/26/28</u>
Receipt No <u>137270</u>	
Date <u>11/5/26</u>	
Received by _____	

TIPPERARY CO. COUNCIL  
**RECEIVED**  
11 MAY 2026  
PLANNING SECTION  
FILE NO. S5/26/6.2

Silvermines Community Centre



ROOF ELEVATION - 29°

# Planning Pack Map



583986 671638

**CENTRE COORDINATES:**  
ITM 583870,671552

**PUBLISHED:** 26/03/2026  
**ORDER NO.:** 50526508\_1

**MAP SERIES:** MAP SHEETS:  
1:2,500 4450-B  
1:2,500 4451-A

**PUPPERARY CO. COUNCIL**

**RECEIVED**

11 MAY 2026

5/26/26

**COMPLETED BY:** MAPPING SOLUTIONS

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Phoenix Park,  
Dublin 8,  
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D08F6E4

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This topographic map does not show legal property boundaries, nor does it show ownership of physical features.

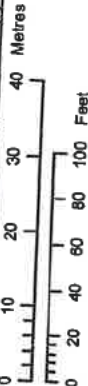
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**LEGEND:**  
To view the legend visit [www.tailte.ie](http://www.tailte.ie) and search for 'Large Scale Legend'

**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: [www.tailte.ie](http://www.tailte.ie); search 'Capture Resolution'

**OUTPUT SCALE:** 1:1,000



671406

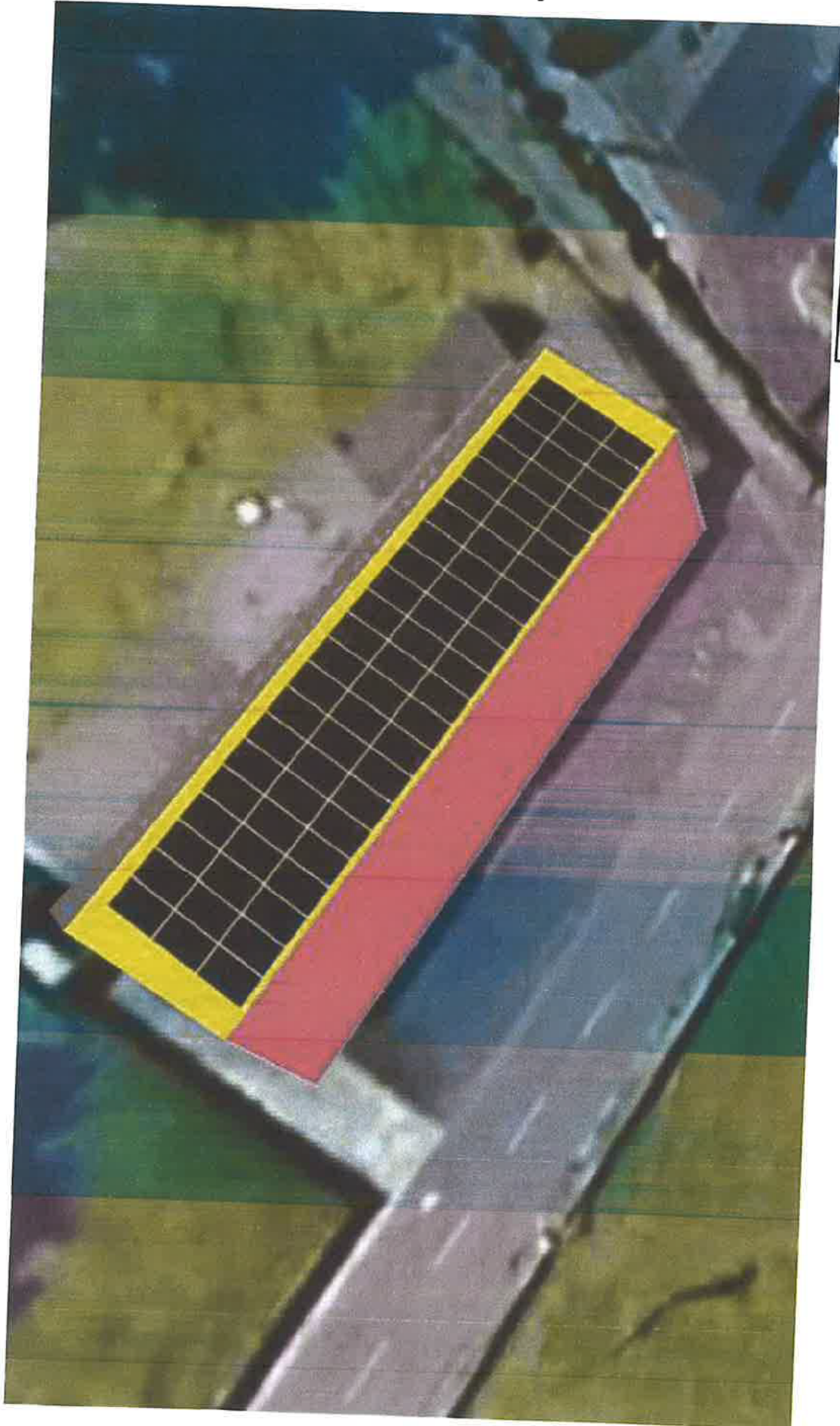
583986

N

583753

671406

# Silvermines Community Centre PV Panel Layout



TIPPERARY CO. COUNCIL  
**RECEIVED**

11 MAY 2026

PLANNING SECTION  
FILE NO. 55/26/26



## *Silvermines Community Centre CLG*

Silvermines, Nenagh, Co. Tipperary, E45K126.

[silverminescommunitycentre@gmail.com](mailto:silverminescommunitycentre@gmail.com)

### **Proposed Development (for Section 5 Declaration)**


The proposed development consists of the installation of a south-facing rooftop Solar Photovoltaic (PV) system on the existing Silvermines Community Centre building. The works involve fixing solar PV panels to the roof structure using non-intrusive mounting brackets designed for this roof type. All panels will sit flush with the roof profile and will not exceed the roof ridge height.

The development includes associated electrical works, including inverters, isolators, cabling, and connection to the building's existing electrical system. All equipment will be located internally within the building except for the PV panels themselves. No increase in building footprint, no extension, and no alteration to the external walls or elevations is proposed other than the presence of the PV panels on the roof.

The purpose of the works is to generate renewable electricity for on-site consumption within the Community Centre. The installation is designed and certified in accordance with current building regulations, electrical safety standards, and the Planning and Development Regulations relating to exempted development for solar PV on community buildings.

No other works are proposed as part of this application.

Regards,

  
Patrick Hennessy (Treasurer)

07/05/2026



Comhairle Contae Thiobraid Árann  
Tipperary County Council

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

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

t 0818 06 5000/6000  
e customerservice  
@tipperarycoco.ie  
[tipperarycoco.ie](http://tipperarycoco.ie)

Date: 12<sup>th</sup> May 2026

Our Ref: S5/26/68

Civic Offices, Nenagh

**Silvermines Community Centre  
C/O Patrick Hennessy  
Garryard East  
Silvermines  
Nenagh  
Co. Tipperary**

**Re: Application for a Section 5 Declaration – Installation of PV solar panels at Silvermines Community Centre, Silvermines, Nenagh, Co Tipperary, E45 K126.**

Dear Mr. Hennessy,

I acknowledge receipt of your application for a Section 5 Declaration received on 11<sup>th</sup> May 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

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for **Director of Services**

## TIPPERARY COUNTY COUNCIL

### Application for Declaration under Section 5

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

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<b>Planning Reference:</b>	S5/26/68
<b>Applicant:</b>	Patrick Hennessy
<b>Development Address:</b>	Silvermines Community Centre, Silvermines, Nenagh, Co. Tipperary
<b>Proposed Development:</b>	Installation of solar panels on south facing roof space of the Silvermines Community Centre

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#### **1. GENERAL**

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

*Installation of solar panels on south facing roof space of the Silvermines Community Centre*

#### **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).*

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

<b>Description of Development</b>	<b>Conditions and Limitations</b>
<p>The placing or erection on a roof, or within the curtilage, or on a roof of any ancillary buildings within the curtilage, of the following buildings or sites of a solar photo-voltaic and/or solar thermal collector installation:</p> <p>(i) an educational building,</p> <p>(ii) health centre or hospital,</p> <p>(iii) recreational or sports facility,</p> <p>(iv) place of worship,</p> <p>(v) community facility or centre,</p> <p>(vi) library,</p>	<ol style="list-style-type: none"> <li>Where such development is located within a solar safeguarding zone, the total aperture area of any solar photovoltaic and/or solar thermal collector panels, taken together with any other such panels previously placed on a roof, shall not exceed 300 square metres.</li> <li>Where such development is located within a solar safeguarding zone, the planning authority for the area shall be notified in writing no later than 4 weeks after the commencement of such development and such notification shall include details regarding the location and scale of the development.</li> <li>The distance between the plane of the roof and the solar photo-voltaic or solar thermal collector panels shall not exceed 1.2 metres in the case of a flat roof or 15cm in any other case.</li> <li>The solar photo-voltaic or solar thermal collector panels shall be a minimum of 2 metres in the case of a flat roof or 50cm in any other case from the edge of the roof on which it is mounted.</li> </ol>

<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>	<p>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.</p> <p>6. The height of any ancillary equipment associated with solar photo-voltaic or solar thermal collector panels on a flat roof shall not exceed 1.6 metres above roof level.</p> <p>7. Any ancillary equipment associated with solar photo-voltaic or solar thermal collector panels on a flat roof shall be a minimum of 2 metres from the edge of the roof on which it is mounted. 8. Any free-standing solar photo-voltaic or solar thermal collector installation shall not be placed or erected forward of the front wall of the building or site. 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.</p> <p>11. The placing or erection of a solar photo-voltaic or solar thermal collector installation on any wall shall not be exempted development.</p> <p>12. The placing or erection of any freestanding solar photo-voltaic or solar thermal collector installation within an Architectural Conservation Area shall only be exempted development if those works would not materially affect the character of the area.</p> <p>13. No sign, advertisement or object not required for the functioning or safety of the solar photo-voltaic or solar thermal collector installation shall be attached to or exhibited on such installation.</p> <p>479</p> <p>14. Development under this Class shall only be exempted development where the solar photo-voltaic or solar thermal collector installation is primarily used for the provision of electricity or heating for use within the curtilage of the building or site, and shall not be considered a change of use for the purposes of the Act.</p> <p>15. Development under this Class which causes hazardous glint and/or glare shall not be exempted development and any solar photo-voltaic or solar thermal collector panels which are causing hazardous glint and/or glare shall either be removed or be covered until such time as a mitigation plan to address the hazardous glint and/or glare is agreed and implemented to the satisfaction of the Planning Authority.</p>
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Article 9 of the Planning and Development Regulations 2001, as amended sets out restrictions on exemptions and states:

9. (1) Development to which article 6 relates shall not be exempted development for the purposes of the Act—  
(a) if the carrying out of such development would—

- (i) *contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act,*
- (iia) *endanger public safety by reason of hazardous glint and/or glare for the operation of airports, aerodromes or aircraft,*
- (viiB) *comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site.*
- (viii) *consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use.*

### **3. ASSESSMENT**

#### **a. *Site Location***

The building on which the PV panels are to be erected is the Silvermines Community Centre, Silvermines, Co. Tipperary

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

None recent traced.

#### **c. *Assessment***

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

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

##### **B. "Is or is not Exempted Development"**

The proposal is assessed relative to Class 61 of Part 1 of Schedule 2 of the Regulations. The solar PV panels are to be attached to the south facing roof of the community centre. See hereunder considerations against the conditions/limitations attached to Class 61

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.*

*N/a as site not within safeguarding zone*

2. *Where such development is located within a solar safeguarding zone, the planning authority for the area shall be notified in writing no later than 4 weeks after the commencement of such development and such notification shall include details regarding the location and scale of the development.*

*N/a as site not within safeguarding zone*

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.*

*Further information is required to confirm this. The side elevation drawing does not show the distance of the Panels to the roof plane.*

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

*The plan drawing contains no dimensions showing the distance of the panels from the roof edge. Further information required.*

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.*

*The details included with the application state that ancillary equipment is to be stored internally*

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

*N/a as equipment to be stored internally.*

7. *Any ancillary equipment associated with solar photo-voltaic or solar thermal collector panels on a flat roof shall be a minimum of 2 metres from the edge of the roof on which it is mounted.*

*N/a as building roof is not flat.*

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

*N/a as PV installation is not free standing*

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.*

*N/a as PV installation is not free standing*

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

*N/a as PV installation is not wall mounted.*

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

*N/a as PV installation is not within ACA and is not free standing*

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

*N/a as PV installation only proposed.*

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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.*

*Proposal complies with this requirement.*

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.*

*Proposal complies with this requirement.*

C. Restrictions under Article 9

I note no restrictions under Article 9 that would apply

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.

5. **RECOMMENDATION**

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

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

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

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 conditions and limitations numbers 3 and 4 of Class 61 of Part 1 of Schedule 2 of the above mentioned Regulations are met.

Condition/limitation no. s 3 and 4 state:

- 3 *The distance between the plane of the roof and the solar photo-voltaic or solar thermal collector panels shall not exceed 1.2 metres in the case of a flat roof or 15cm in any other case.*

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

Senior Executive Planner: *Jonathan Flood*

Date: 19/5/2026

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## HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT

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

(a) File Reference No:	S5/26/68
(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 <sup>1</sup>	Distance from proposed development <sup>2</sup> (km)	Connections (Source-Pathway-Receptor)	Considered further in screening Y/N
Lough Derg (Shannon) SPA	<a href="https://www.npws.ie/protected-sites/spa/002165">https://www.npws.ie/protected-sites/spa/002165</a>	Within 15km	None	No
Bolingbrook Hill SAC	<a href="https://www.npws.ie/protected-sites/sac/002124">https://www.npws.ie/protected-sites/sac/002124</a>	Within 10km	None	No
Silvermine Mountains SAC	<a href="https://www.npws.ie/protected-sites/sac/000939">https://www.npws.ie/protected-sites/sac/000939</a>	Within 10km	None	No
Silvermine Mountains West SAC	<a href="https://www.npws.ie/protected-sites/sac/002258">https://www.npws.ie/protected-sites/sac/002258</a>	Within 10km	None	No
Keeper Hill	<a href="https://www.npws.ie/protected-sites/sac/001197">https://www.npws.ie/protected-sites/sac/001197</a>	Within 10km	None	No
Slievefelim to Silvermine Mountains SPA	<a href="https://www.npws.ie/protected-sites/spa/004165">https://www.npws.ie/protected-sites/spa/004165</a>	Within 10km	None	No
Lower River Shannon SAC	<a href="https://www.npws.ie/protected-sites/sac/002165">https://www.npws.ie/protected-sites/sac/002165</a>	Within 10km	None	No

### STEP 3. Assessment of Likely Significant Effects

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

**Impacts:**

**Possible Significance of Impacts:  
(duration/magnitude etc.)**

**Construction phase e.g.**

- Vegetation clearance
- Demolition
- Surface water runoff from soil excavation/infill/landscaping (including borrow pits)
- Dust, noise, vibration
- Lighting disturbance
- Impact on groundwater/dewatering
- Storage of excavated/construction materials
- Access to site
- Pests

No potential impacts. No changes to surface water arrangements.

**Operational phase e.g.**

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

No potential impacts. No changes to surface water arrangements.

**In-combination/Other**

No potential impacts

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

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

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

No potential impacts

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

Yes  No

#### STEP 4. Screening Determination Statement

The assessment of significance of effects:

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

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'**

<b>File Reference:</b>	S5/26/68
<b>Development Summary:</b>	As per planners report
<b>Was a Screening Determination carried out under Section 176A-C?</b>	<input type="checkbox"/> Yes, no further action required  <input checked="" type="checkbox"/> No, Proceed to <b>Part A</b>
<b>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)?</b> (Tick as appropriate)	
<input type="checkbox"/> Yes, specify class _____	<b>EIA is mandatory</b>
	No Screening required
<input checked="" type="checkbox"/> No	<b>Proceed to Part B</b>
<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?</b> (Tick as appropriate)	
<input checked="" type="checkbox"/> No, the development is not a project listed in Schedule 5, Part 2	<b>No Screening required</b>
<input type="checkbox"/> Yes the project is listed in Schedule 5, Part 2 and meets/exceeds the threshold, specify class (including threshold): _____	<b>EIA is mandatory</b>
	No Screening required
<input type="checkbox"/> Yes the project is of a type listed but is <i>sub-threshold</i> : _____	<b>Proceed to Part C</b>
<b>C. If Yes, has Schedule 7A information/screening report been submitted?</b>	
<input type="checkbox"/> Yes, Schedule 7A information/screening report has been submitted by the applicant	<b>Screening Determination required</b>
<input type="checkbox"/> No, Schedule 7A information/screening report has not been submitted by the applicant	<b>Preliminary Examination required</b>



Date: 19<sup>th</sup> May 2026

Our Ref: S5/26/68

Civic Offices, Nenagh

**Silvermines Community Centre  
C/O Patrick Hennessy  
Garryard East  
Silvermines  
Nenagh  
Co. Tipperary**

**Re: Application for a Section 5 Declaration – Installation of solar panels on south facing roof space of the Silvermines Community Centre at Silvermines Community Centre, Silvermines, Nenagh, Co. Tipperary.**

Dear Sir,

I refer to an application received from you on 11<sup>th</sup> May 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;**

It is recommended that further information is requested under Section 5(2) of the Act as follows:

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

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

These 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.

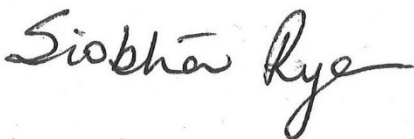
- Plans/Elevations and Sections as necessary demonstrating that conditions and limitations numbers 3 and 4 of Class 61 of Part 1 of Schedule 2 of the above-mentioned Regulations are met. *The distance between the plane of the roof and the solar photo-voltaic or solar thermal collector panels shall not exceed 1.2 metres in the case of a flat roof or 15cm in any other case.*

Condition/limitation no. s 3 and 4 state:

- 3 The distance between the plane of the roof and the solar photo-voltaic or solar thermal collector panels shall not exceed 1.2 metres in the case of a flat roof or 15cm in any other case.
- 4 The solar photo-voltaic or solar thermal collector panels shall be a minimum of 2 metres in the case of a flat roof or 50cm in any other case from the edge of the roof on which it is mounted.

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

Yours sincerely



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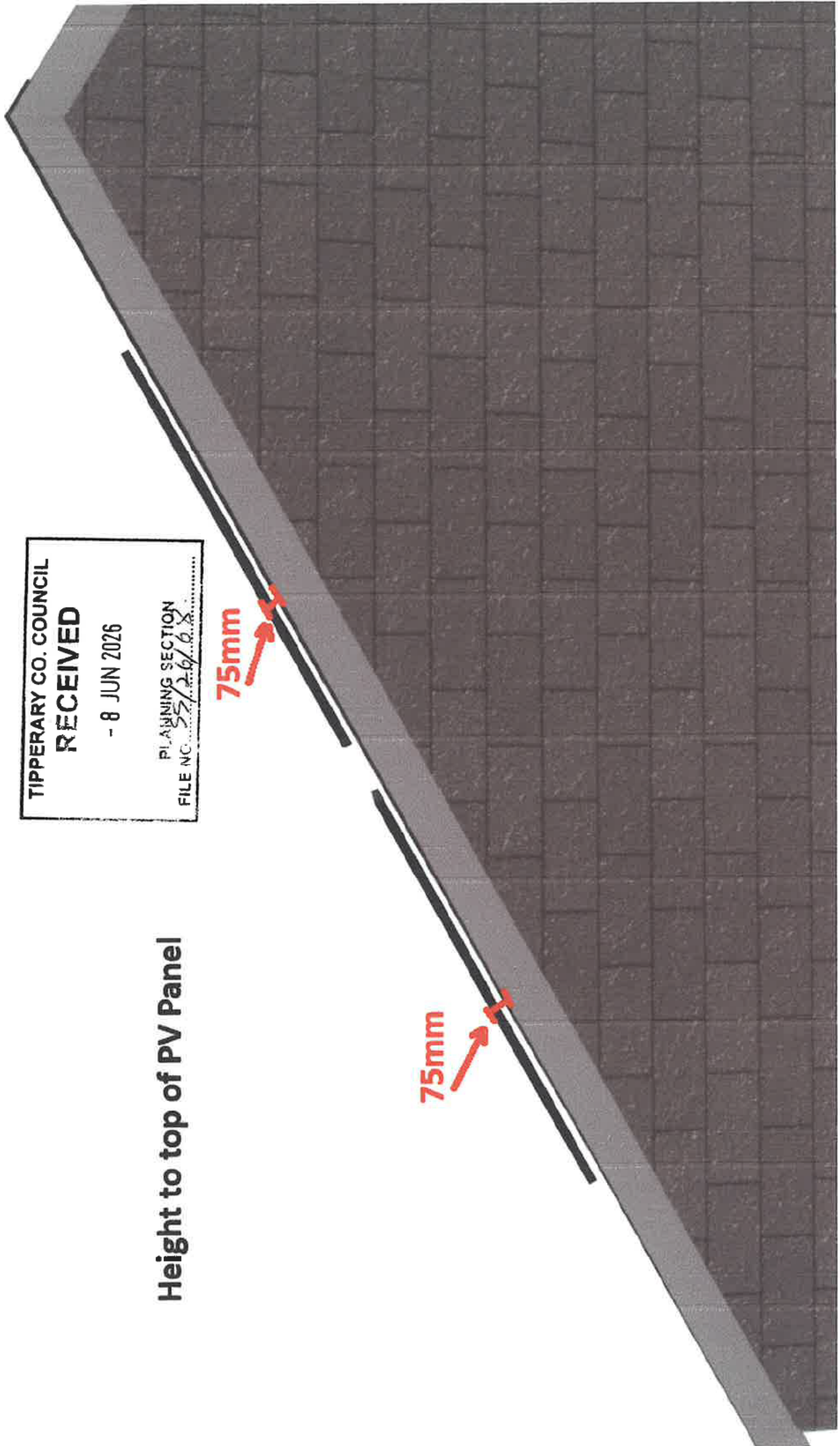
for **Director of Services**

# Height to top of PV Panel

TIPPERARY CO. COUNCIL  
**RECEIVED**  
- 8 JUN 2026  
PLANNING SECTION  
FILE NO. 55/26/6

75mm

75mm



TIPPERARY CO. COUNCIL

RECEIVED

- 8 JUN 2026

PLANNING SECTION

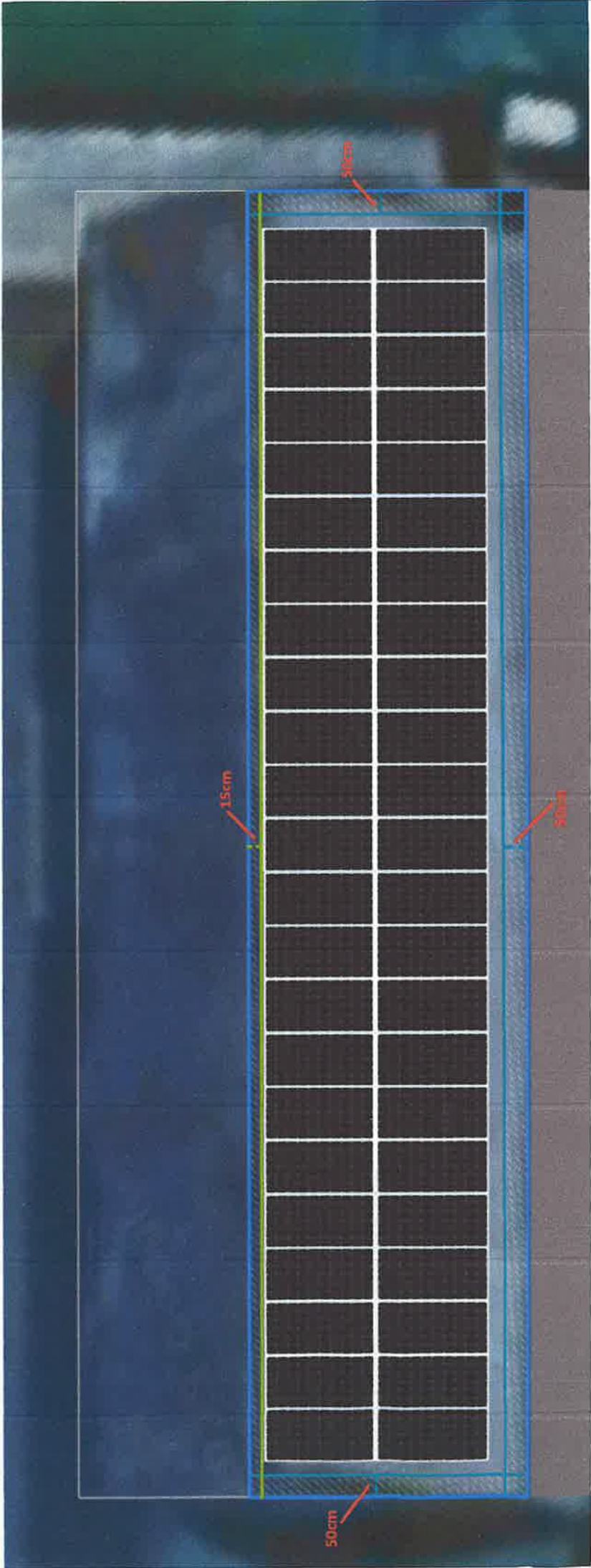
FILE NO. S5/26/08

Click to select array; double click to select individual modules;  
click on edges and drag to create new guidelines.



Treat as setback

50 cm





Comhairle Contae Thiobraid Árann  
Tipperary County Council

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

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

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

Date: 8<sup>th</sup> June 2026

Our Ref: S5/26/68

Civic Offices, Nenagh

**Silvermines Community Centre  
C/O Patrick Hennessy  
Garryard East  
Silvermines  
Nenagh  
Co. Tipperary**

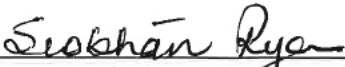
**Re: Application for a Section 5 Declaration – Installation of solar panels on south facing roof space of the Silvermines Community Centre at Silvermines Community Centre, Silvermines, Nenagh, Co. Tipperary.**

Dear Patrick

I acknowledge receipt of Further Information received on 8<sup>th</sup> 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

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<b>Planning Reference:</b>	S5/26/68
<b>Applicant:</b>	Patrick Hennessy
<b>Development Address:</b>	Silvermines Community Centre, Silvermines, Nenagh, Co. Tipperary
<b>Proposed Development:</b>	Installation of solar panels on south facing roof space of the Silvermines Community Centre

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#### **1. GENERAL**

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

*Installation of solar panels on south facing roof space of the Silvermines Community Centre*

#### **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).*

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

<b>Description of Development</b>	<b>Conditions and Limitations</b>
<p>The placing or erection on a roof, or within the curtilage, or on a roof of any ancillary buildings within the curtilage, of the following buildings or sites of a solar photo-voltaic and/or solar thermal collector installation:</p> <p>(i) an educational building,</p> <p>(ii) health centre or hospital,</p> <p>(iii) recreational or sports facility,</p> <p>(iv) place of worship,</p> <p>(v) community facility or centre,</p>	<ol style="list-style-type: none"> <li>1. Where such development is located within a solar safeguarding zone, the total aperture area of any solar photovoltaic and/or solar thermal collector panels, taken together with any other such panels previously placed on a roof, shall not exceed 300 square metres.</li> <li>2. Where such development is located within a solar safeguarding zone, the planning authority for the area shall be notified in writing no later than 4 weeks after the commencement of such development and such notification shall include details regarding the location and scale of the development.</li> <li>3. The distance between the plane of the roof and the solar photo-voltaic or solar thermal collector panels shall not exceed 1.2 metres in the case of a flat roof or 15cm in any other case.</li> </ol>

<p>(vi) library,</p> <p>(vii) sites for the provision of gas, electricity, telecommunications services or water supplies or wastewater services operated by a statutory undertaker.</p>	<p>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.</p> <p>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.</p> <p>6. The height of any ancillary equipment associated with solar photo-voltaic or solar thermal collector panels on a flat roof shall not exceed 1.6 metres above roof level.</p> <p>7. Any ancillary equipment associated with solar photo-voltaic or solar thermal collector panels on a flat roof shall be a minimum of 2 metres from the edge of the roof on which it is mounted. 8. Any free-standing solar photo-voltaic or solar thermal collector installation shall not be placed or erected forward of the front wall of the building or site. 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.</p> <p>11. The placing or erection of a solar photo-voltaic or solar thermal collector installation on any wall shall not be exempted development.</p> <p>12. The placing or erection of any freestanding solar photo-voltaic or solar thermal collector installation within an Architectural Conservation Area shall only be exempted development if those works would not materially affect the character of the area.</p> <p>13. No sign, advertisement or object not required for the functioning or safety of the solar photo-voltaic or solar thermal collector installation shall be attached to or exhibited on such installation.</p> <p>479</p> <p>14. Development under this Class shall only be exempted development where the solar photo-voltaic or solar thermal collector installation is primarily used for the provision of electricity or heating for use within the curtilage of the building or site, and shall not be considered a change of use for the purposes of the Act.</p> <p>15. Development under this Class which causes hazardous glint and/or glare shall not be exempted development and any solar photo-voltaic or solar thermal collector panels which are causing hazardous glint and/or glare shall either be removed or be covered until such time as a mitigation plan to address the hazardous glint and/or glare is agreed and implemented to the satisfaction of the Planning Authority.</p>
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Article 9 of the Planning and Development Regulations 2001, as amended sets out restrictions on exemptions and states:

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

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

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

(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 building on which the PV panels are to be erected is the Silvermines Community Centre, Silvermines, Co. Tipperary

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

None recent traced.

#### **c. Assessment**

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

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

##### **B. "Is or is not Exempted Development"**

The proposal is assessed relative to Class 61 of Part 1 of Schedule 2 of the Regulations. The solar PV panels are to be attached to the south facing roof of the community centre. See hereunder considerations against the conditions/limitations attached to Class 61

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.*

*N/a as site not within safeguarding zone*

2. *Where such development is located within a solar safeguarding zone, the planning authority for the area shall be notified in writing no later than 4 weeks after the commencement of such development and such notification shall include details regarding the location and scale of the development.*

*N/a as site not within safeguarding zone*

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.*

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*Further information is required to confirm this. The side elevation drawing does not show the distance of the Panels to the roof plane.*

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

*The plan drawing contains no dimensions showing the distance of the panels from the roof edge. Further information required.*

- 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.*

*The details included with the application state that ancillary equipment is to be stored internally*

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

*N/a as equipment to be stored internally.*

- 7. Any ancillary equipment associated with solar photo-voltaic or solar thermal collector panels on a flat roof shall be a minimum of 2 metres from the edge of the roof on which it is mounted.*

*N/a as building roof is not flat.*

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

*N/a as PV installation is not free standing*

- 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.*

*N/a as PV installation is not free standing*

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

*N/a as PV installation is not wall mounted.*

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

*N/a as PV installation is not within ACA and is not free standing*

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

*N/a as PV installation only proposed.*

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.

*Proposal complies with this requirement.*

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.

*Proposal complies with this requirement.*

C. Restrictions under Article 9

I note no restrictions under Article 9 that would apply

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.

**5. RECOMMENDATION**

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

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

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

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 conditions and limitations numbers 3 and 4 of Class 61 of Part 1 of Schedule 2 of the above mentioned Regulations are met.

Condition/limitation no. s 3 and 4 state:

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- 3 *The distance between the plane of the roof and the solar photo-voltaic or solar thermal collector panels shall not exceed 1.2 metres in the case of a flat roof or 15cm in any other case.*
- 4 *The solar photo-voltaic or solar thermal collector panels shall be a minimum of 2 metres in the case of a flat roof or 50cm in any other case from the edge of the roof on which it is mounted.*

Senior Executive Planner: *Jonathan Flood*

**Date: 19/5/2026**

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## **6. FURTHER INFORMATION**

One point of further information was requested from the applicant in a letter dated 19/05/2026. 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 is an exemption available under Class 61 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended, for the placing or erection on a roof of a community facility/ centre of a solar photo-voltaic and/or solar thermal collector installation.*

*This exemption is 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 conditions and limitations numbers 3 and 4 of Class 61 of Part 1 of Schedule 2 of the above mentioned Regulations are met.*

*Condition/limitation no. s 3 and 4 state:*

- The distance between the plane of the roof and the solar photo-voltaic or solar thermal collector panels shall not exceed 1.2 metres in the case of a flat roof or 15cm in any other case.*
- The 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.*

**In response, the applicant has submitted dimensional drawings showing:**

- The distance between the plane of the roof and the solar panels as 7.5cm – This would comply with criterion 3 of Class 61 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended;**
- The solar panels sited 50cm from both sides and the lower edge of the roof, but 15cm from the upper edge of the roof – This would fail to comply with criterion 4 of Class 61 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended.**

## **7. RECOMMENDATION**

**WHEREAS** a question has arisen as to whether the ‘Installation of solar panels on south facing roof space of the Silvermines Community Centre’ at Silvermines Community Centre, Silvermines, 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 61 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 –

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The proposed development, as presented on the drawings and details provided with the Declaration application on 11/05/2026, as amended by Further Information received on 08/06/2026, constitutes "development" within the meaning of the Planning and Development Act 2000 as amended and is **NOT exempted development** as:

- The solar panels are shown to be sited 15cm from the upper edge of the roof and therefore fails to satisfy condition/limitation 4 of Class 61 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended which stipulates that *'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.'*

**District Planner:** *Olive O'Donnell*

**Date:** 18/06/2026

**Senior Executive Planner:** *Jonathan Flood*

**Date:** 18/6/2026

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## HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT

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

(a) File Reference No:	S5/26/68
(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 <sup>1</sup>	Distance from proposed development <sup>2</sup> (km)	Connections (Source-Pathway-Receptor)	Considered further in screening Y/N
Lough Derg (Shannon) SPA	<a href="https://www.npws.ie/protected-sites/spa/002165">https://www.npws.ie/protected-sites/spa/002165</a>	Within 15km	None	No
Bolingbrook Hill SAC	<a href="https://www.npws.ie/protected-sites/sac/002124">https://www.npws.ie/protected-sites/sac/002124</a>	Within 10km	None	No
Silvermine Mountains SAC	<a href="https://www.npws.ie/protected-sites/sac/000939">https://www.npws.ie/protected-sites/sac/000939</a>	Within 10km	None	No
Silvermine Mountains West SAC	<a href="https://www.npws.ie/protected-sites/sac/002258">https://www.npws.ie/protected-sites/sac/002258</a>	Within 10km	None	No
Keeper Hill	<a href="https://www.npws.ie/protected-sites/sac/001197">https://www.npws.ie/protected-sites/sac/001197</a>	Within 10km	None	No
Slievefelim to Silvermine Mountains SPA	<a href="https://www.npws.ie/protected-sites/spa/004165">https://www.npws.ie/protected-sites/spa/004165</a>	Within 10km	None	No
Lower River Shannon SAC	<a href="https://www.npws.ie/protected-sites/sac/002165">https://www.npws.ie/protected-sites/sac/002165</a>	Within 10km	None	No

### STEP 3. Assessment of Likely Significant Effects

(a) Identify all potential direct and indirect impacts that may have an effect on the conservation

**objectives of a European site, taking into account the size and scale of the project under the following headings:**

Impacts:	Possible Significance of Impacts: (duration/magnitude etc.)
<p>Construction phase e.g.</p> <ul style="list-style-type: none"> <li>• Vegetation clearance</li> <li>• Demolition</li> <li>• Surface water runoff from soil excavation/infill/landscaping (including borrow pits)</li> <li>• Dust, noise, vibration</li> <li>• Lighting disturbance</li> <li>• Impact on groundwater/dewatering</li> <li>• Storage of excavated/construction materials</li> <li>• Access to site</li> <li>• Pests</li> </ul>	<p>No potential impacts. No changes to surface water arrangements.</p>
<p>Operational phase e.g.</p> <ul style="list-style-type: none"> <li>• Direct emission to air and water</li> <li>• Surface water runoff containing contaminant or sediment</li> <li>• Lighting disturbance</li> <li>• Noise/vibration</li> <li>• Changes to water/groundwater due to drainage or abstraction</li> <li>• Presence of people, vehicles and activities</li> <li>• Physical presence of structures (e.g. collision risks)</li> <li>• Potential for accidents or incidents</li> </ul>	<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"> <li>• Reduction or fragmentation of habitat area</li> <li>• Disturbance to QI species</li> <li>• Habitat or species fragmentation</li> <li>• Reduction or fragmentation in species density</li> <li>• Changes in key indicators of conservation status value (water or air quality etc.)</li> <li>• Changes to areas of sensitivity or threats to QI</li> <li>• Interference with the key relationships that define the structure or ecological function of the site</li> </ul>	<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'**

<b>File Reference:</b>	S5/26/68
<b>Development Summary:</b>	As per planners report
<b>Was a Screening Determination carried out under Section 176A-C?</b>	<input type="checkbox"/> Yes, no further action required  <input checked="" type="checkbox"/> No, Proceed to <b>Part A</b>
<b>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)?</b> (Tick as appropriate)	
<input type="checkbox"/> Yes, specify class _____	<b>EIA is mandatory</b>
	No Screening required
<input checked="" type="checkbox"/> No	<b>Proceed to Part B</b>
<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?</b> (Tick as appropriate)	
<input checked="" type="checkbox"/> No, the development is not a project listed in Schedule 5, Part 2	<b>No Screening required</b>
<input type="checkbox"/> Yes the project is listed in Schedule 5, Part 2 and meets/exceeds the threshold, specify class (including threshold): _____	<b>EIA is mandatory</b>
	No Screening required
<input type="checkbox"/> Yes the project is of a type listed but is <i>sub-threshold</i> : _____	<b>Proceed to Part C</b>
<b>C. If Yes, has Schedule 7A information/screening report been submitted?</b>	
<input type="checkbox"/> Yes, Schedule 7A information/screening report has been submitted by the applicant	<b>Screening Determination required</b>
<input type="checkbox"/> No, Schedule 7A information/screening report has not been submitted by the applicant	<b>Preliminary Examination required</b>

**Original**

**TIPPERARY COUNTY COUNCIL**

**DELEGATED EMPLOYEE'S ORDER**

File Ref: **S5/26/68**      **Delegated Employee's Order No:** \_\_\_\_\_

**SUBJECT: Section 5 Declaration**

I, Brian Beck, Director of Services, Tipperary County Council, by virtue of the powers delegated to me in accordance with the provisions of Section 154 of the Local Government Act 2001, as amended by Schedule 1, Part 1 of the Local Government Reform Act 2014 under Chief Executive's Order No. 44188 dated 3<sup>rd</sup> October, 2025, hereby order that pursuant to the provisions of the Planning and Development Act 2000, as amended, that an application under Section 5 from Silvermines Community Centre, C/O Patrick Hennessy, Garryard East, Silvermines, Nenagh, Co. Tipperary, the installation of solar panels on south facing roof space of the Silvermines Community Centre at Silvermines Community Centre, Silvermines, 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 61 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 –

The proposed development, as presented on the drawings and details provided with the Declaration application on 11/05/2026, as amended by Further Information received on 08/06/2026, constitutes "development" within the meaning of the Planning and Development Act 2000 as amended and is **NOT exempted development** as:

- The solar panels are shown to be sited 15cm from the upper edge of the roof and therefore fails to satisfy condition/limitation 4 of Class 61 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended which stipulates that *'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.*

**Signed:**

  
\_\_\_\_\_

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

**Date: 19/06/2026**



Date: 19<sup>th</sup> June 2026

Our Ref: S5/26/68

Civic Offices, Nenagh

Silvermines Community Centre  
C/O Patrick Hennessy  
Garryard East  
Silvermines  
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 11<sup>th</sup> May 2026, and Further Information received on 8<sup>th</sup> June 2026 in relation to the following proposed works:

**Installation of solar panels on south facing roof space of the Silvermines Community Centre at Silvermines Community Centre, Silvermines, 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 61 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 –

The proposed development, as presented on the drawings and details provided with the Declaration application on 11/05/2026, as amended by Further

Information received on 08/06/2026, constitutes "development" within the meaning of the Planning and Development Act 2000 as amended and is **NOT exempted development as:**

- The solar panels are shown to be sited 15cm from the upper edge of the roof and therefore fails to satisfy condition/limitation 4 of Class 61 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended which stipulates that *'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.'*

**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**