4. Development Details:

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

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

Installation of 20 PV panels on the South facing roof of the community centre.
Panels will measure 1m wide x 2m long and will be arranged in 2 rows on the slate roof
Proposed floor area of proposed works/uses: 40 sqm

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

Please tick appropriate box to show applicant's legal interest in the land or structure	A. Owner Yes	B. Occupier
	C. Other	
Where legal interest is 'Other', please expand further on your interest in the land or structure		
If you are not the legal owner, please state the name and address of the owner	Name: Address:	

Signature of Applicant(s) [signature] Date: 18 Jan 2023

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

GUIDANCE NOTES

(1) All queries on the form must be completed and the form must be accompanied by the relevant fee. The amount of the fee is currently **€80.00.**

(2) This application should be accompanied by **TWO COPIES** of the following documentation

- OSI Site Location Map with the site outlined clearly – 1:1000 in urban areas and 1:2500 in rural areas
- Floor Plans & Elevations at a scale of not less than 1:200
- Site layout plan indicating position of proposed development relative to premises and adjoining properties
- Other details *e.g.* brochures, photographs if appropriate.

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

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

This application form and relevant fee should be submitted to:

Planning Section, **Tipperary County Council,** **Civic Offices,** **Limerick Road,** **Nenagh,** **Co. Tipperary**	**OR**	**Planning Section,** **Tipperary County Council,** **Civic Offices,** **Emmet Street,** **Clonmel,** **Co. Tipperary**

Enquires:

Telephone 0761 06 5000

E-Mail planning@tipperarycoco.ie

FOR OFFICE USE ONLY

DATE STAMP

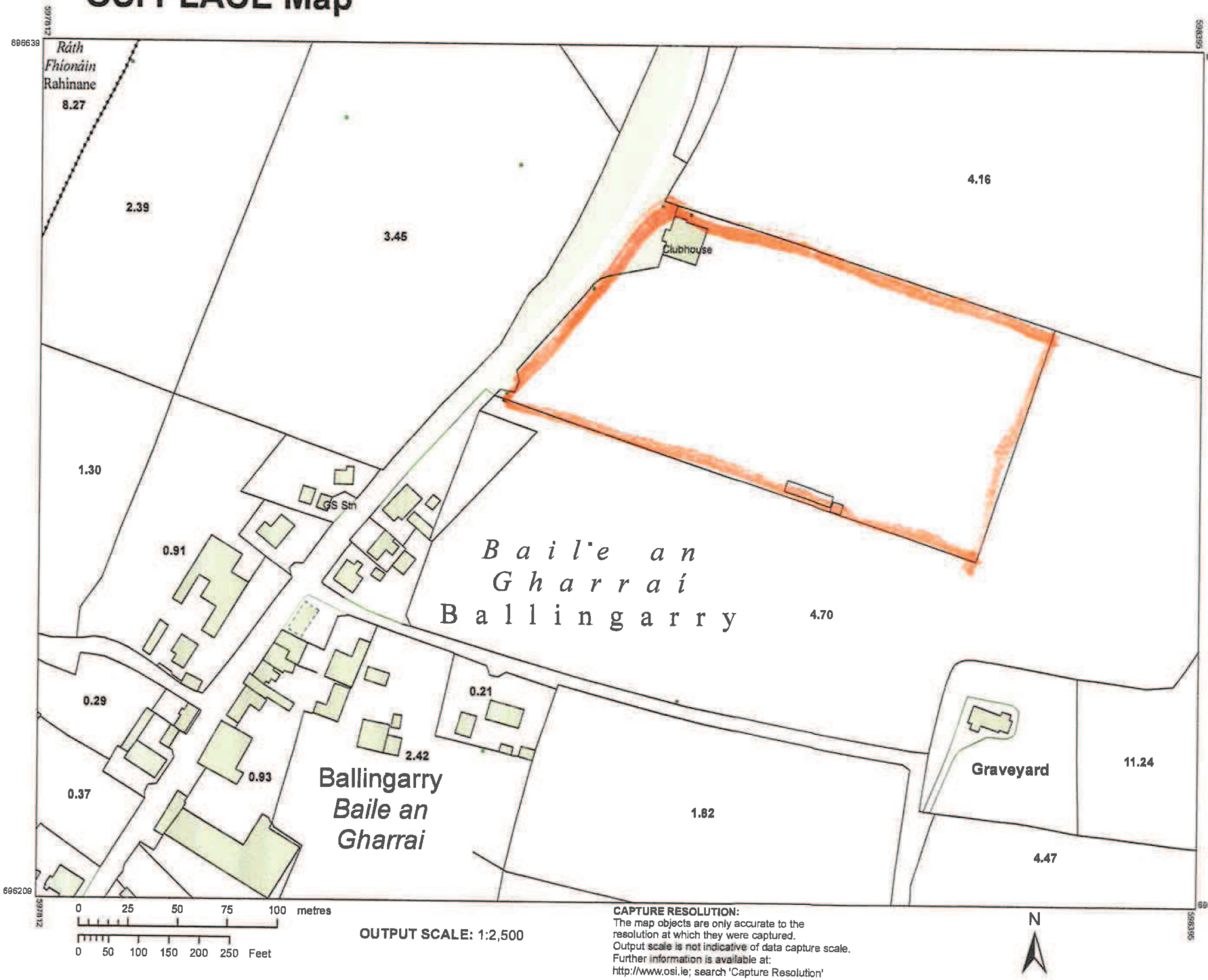
Fee Recd. €_____

Receipt No_____

Date_____

Receipted by _____

OSi PLACE Map



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http://www.osi.ie; search 'Capture Resolution'

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National Mapping Agency

CENTRE COORDINATES:
ITM 598104,696424

PUBLISHED: 16/04/2021
ORDER NO.: 50185721_1

MAP SERIES: 1:2,500 1:2,500
MAP SHEETS: 3930-C 3930-D

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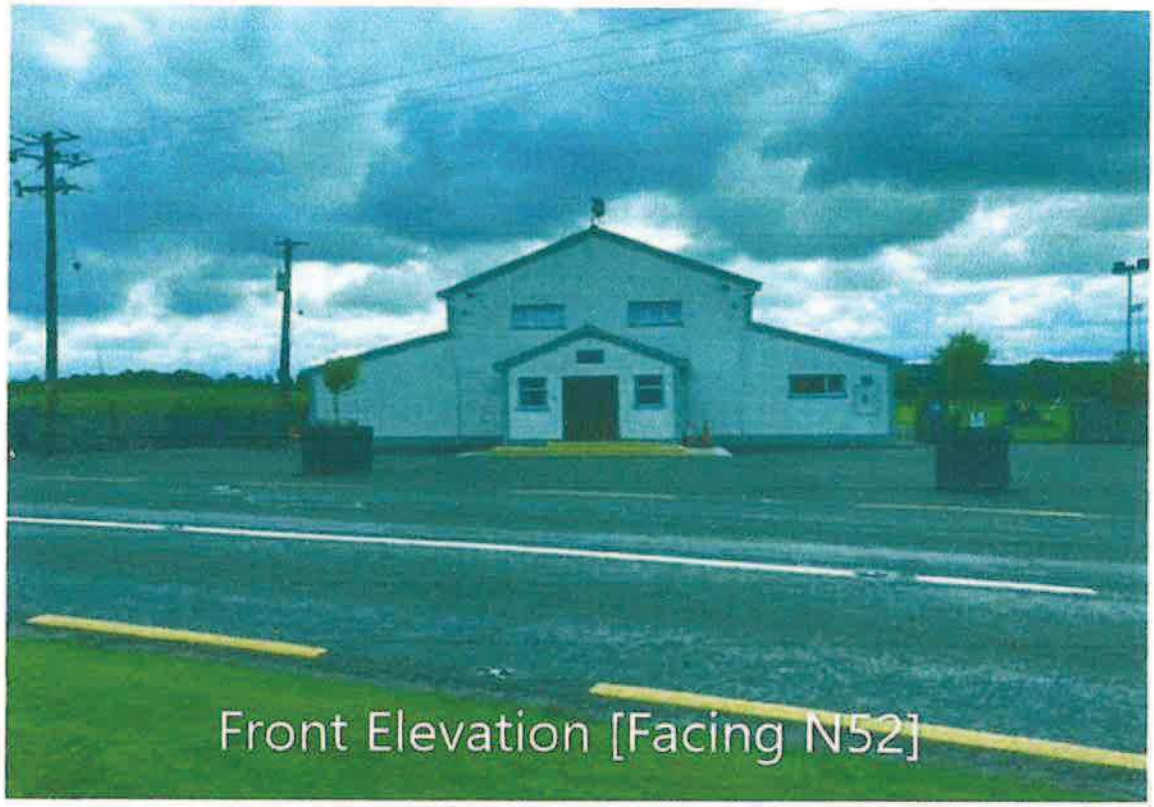
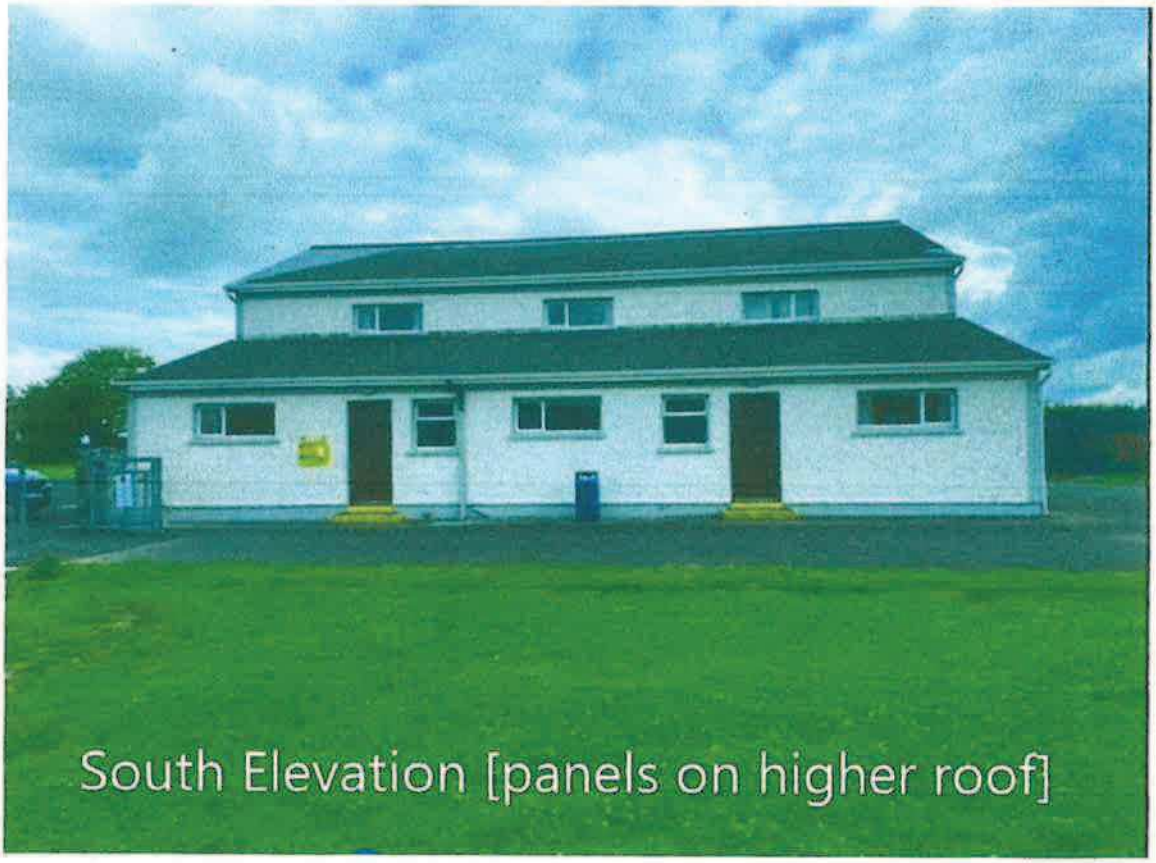


Front Elevation [Facing N52]



South Elevation [panels on higher roof]

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
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@tipperarycoco.ie

tipperarycoco.ie

Our Ref: S5/23/8 Date: 24 January 2023 Civic Offices, Nenagh

Knockshegowna GAA Club
C/O Martin Costello
Castelsheppard
Ballingarry
Roscrea
Co Tipperary

Re: Application for a Section 5 Declaration – Ballingarry, Roscrea, Co Tipperary, E53 W597

Dear Sir / Madam

I acknowledge receipt of your application for a Section 5 Declaration received on 23 January 2023 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 Ref.:	**S5/23/08**
Applicant:	Knockshegowna GAA
Development Address:	Ballingarry, Roscrea, Co Tipperary
Proposed Development:	Install 20 PV panels on south facing roof of community centre (40sqm)

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1. GENERAL

On 23/01/23 a request was made for a declaration under Section 5 of the Planning and Development Act, 2000 as amended by Knockshegowna GAA , as to whether or not the following works constituted development and if so, whether same was exempted development:

- Install 20 PV panels on the south facing roof of community centre (40sqm) on the south facing side of the community centre.

2. STATUTORY PROVISIONS

The following statutory provisions are relevant to this referral case;

Section 2(1) of the Planning and Development Act, 2000, as amended, states as follows;

"In this Act, except where the context otherwise requires – "development" has the meaning assigned to it by Section 3 and development shall be construed accordingly."

And,

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

Section 3 (1) of the Planning and Development Act 2000, as amended, 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 4 provides for Exempted Development and Section 4(1) sets outs works which shall be exempted development for the purposes of the Planning and Development Act 2000, as amended.

Section 4(2)(a) of the same Act states that 'the Minister may by regulations provide for any class of development to be exempted development for the purposes of this Act.

Section 4 (1)(h) of the same Act states that development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures

Section 4(4) states that notwithstanding paragraphs 9a0, (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.

Article 6 of the Planning and Development Regulations 2001, as amended, relates to exempted development and states;

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

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) an educational building,

(ii) health centre or hospital,

(iii) recreational or sports facility,

(iv) place of worship,

(v) community facility or centre,

(vi) library,

(vii) sites for the provision of gas, electricity, telecommunications services or water supplies or wastewater services operated by a statutory undertaker.

Conditions and limitations

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 1.2 metres in the case of a flat roof or 15cm in any other case.

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

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

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

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 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.

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.

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

12. 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.

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.

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.

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

.

3. ASSESSMENT

a. Site Location

The site is located in Ballingarry village and contains the community centre.

b. Relevant Planning History

S5/22/58 Install 20 PV panels on roof of community centre (40sqm NOT fall within the exempted development at the time).

c. Assessment

The applicant proposes to install 40sqm of solar voltaic panels to the south facing roof of the community centre

Having regard to these provisions, it is apparent that the installation of the PV solar panels would involve the carrying out of "works" by way of construction and alteration which would be carried out on and over land. The subject matter would, thereby, constitute "development" in accordance with the provisions of sections 2(1) and 3 of the Planning and Development Act

Section 4(1)(h) relates to development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures.

Class 61 Schedule 2 Part 1 of the Planning and Development Regulations 2001, as amended relates to 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: This is subject to conditions and limitations.

Deleted: 2002-22

To carry out a full assessment of the same the applicant would be required to submit details and plans to include the south elevation of the community centre showing the location of the 20 PV panels.

4. RECOMMENDATION

Further Information is required as follows:-

A) The applicant is requested to submit information addressing the conditions and limitations of Class 61 of the Exempted Development provisions of the Planning and Development Regulations 2001 to 2022 and listed hereunder .

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Conditions and limitations

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.

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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.

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9. 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.

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(B) Please submit revised drawings of the south elevation of the Community Centre (Scale 1:100) showing the exact location of the 20 PV panels bearing in mind details required under Item (A).

Signed: Date: 10.02.23

Executive Planner

Signed: Date: 14/02/2023

Senior Executive Planner

AW

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EIA Pre-Screening Establishing if the proposal is a *'sub-threshold development'*:	
Planning Register Reference:	S5.23.08
Development Summary:	20 PV Panels
Was a Screening Determination carried out under Section 176A-C?	☐Yes, no further action required ☒ 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 __[insert here]_____	**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): ___[specify class & threshold here]___	**EIA is mandatory** No Screening required
☐ Yes the project is of a type listed **but** is *sub-threshold*: __[insert here]_____	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**

Signature and Date of Recommending Officer:		**Date:**	10.02.23

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HABITATS DIRECTIVE APPROPERIATE ASSESSMENT (AA) SCREENING REPORT	
STEP 1. Description of the project/proposal and local site characteristics:	
(a) File Reference No:	S5/23/08
(b) Brief description of the project or plan:	SV Panels
(c) Brief description of site characteristics:	Community Centre
(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 NE Shore SAC	https://www.npws.ie/protected-sites/sac/002241	15	N	N
Lough Derg SPA	https://www.npws.ie/protected-sites/spa/004058	15	N	N
Liskeenan Fen SAC	https://www.npws.ie/protected-sites/sac/001683	15	N	N
Kilcarren Firville Bog SAC	https://www.npws.ie/protected-sites/sac/000647	15	N	N
All Saints Bog SPA	https://www.npws.ie/protected-sites/spa/004103	15	N	N
Redwood Bog SAC	https://www.npws.ie/protected-sites/sac/002353	15	N	N
Lisduff Fen SAC	https://www.npws.ie/protected-sites/sac/002147	15	N	N
Ballyduff Clonfinance Bog SAC	https://www.npws.ie/protected-sites/sac/000641	15	N	N

Sharavogue Bog SAC	https://www.npws.ie/protected-sites/sac/000585	15	N	N
Lisduff Fen SAC	https://www.npws.ie/protected-sites/sac/002147	15	N	N

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	None
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	None
In-combination/Other	None
(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	None

• 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	

(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.	☒	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.	☐	☐ Request further information to complete screening ☐ Request NIS ☐ Refuse planning permission
(iii) **Significant effects** are likely.	☐	☐ Request NIS ☐ Refuse planning permission
Signature and Date of Recommending Officer:		**Date: 10.02.23**

AW
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Comhairle Contae Thiobraid Árann
Tipperary County Council

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

Comhairle Contae Thiobraid Árann, Oifigí Cathartha, An tAonach, Co. Thiobraid Árann
Tipperary County Council, Civic Offices, Nenagh, Co. Tipperary
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e customerservice @tipperarycoco.ie
tipperarycoco.ie

Our Ref: S5/23/8 Date: 14th February, 2023 Civic Offices, Nenagh

Knockshegowna GAA Club,
C/o Martin Costello,
Castlesheppard,
Ballingarry,
Roscrea,
Co. Tipperary.

Re: Application for a Section 5 Declaration – Ballingarry, Roscrea, Co. Tipperary, E53 W597

Dear Sir/Madam

I refer to your application for a Section 5 Declaration received on 23rd January, 2023 in connection with the above.

In order to establish whether the proposed works, installation of 20 PV panels on the South facing roof of the Community Centre, panels measuring 1m wide x 2 metres long arranged in 2 rows on the slate roof, is development and if so, does it constitute exempted development, the Planning Authority require the following further information:

(a) The applicant is requested to submit information addressing the conditions and limitations of Class 61 of the Exempted Development provisions of the Planning and Development Regulations 2001 to 2022 and listed hereunder.

Conditions and limitations

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.

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(b) Please submit revised drawings of the south elevation of the Community Centre (Scale 1:100) showing the exact location of the 20 PV panels bearing in mind details required under Item (a).

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

Yours sincerely

for **Director of Services**

Knockshegowna GAA Club

Castlesheppard

Balingarry

Roscrea

Tipperary

10 March 2023

S5/23/8

Tipperary County Council
RECEIVED
15 MAR 2023
C S D
Civic Offices, Nenagh

Ref: Application for Section 5 S5/23/8

Dear Sir/Madam,

Further to your letter dated 14th February 2023 please find enclosed as requested the South Elevation of the community centre showing the position of the proposed pv panels.

Trust that all is in order, we look forward to receiving the Section 5 exemption.

Many thanks

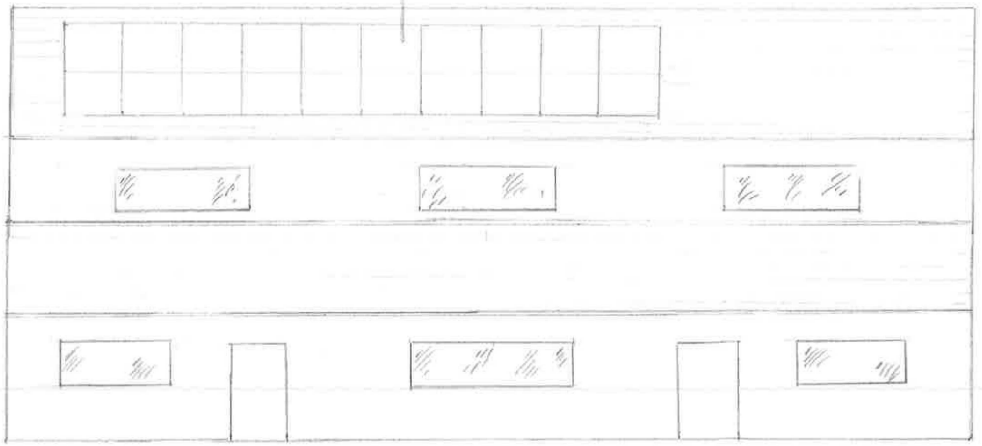
Martin Costello

Treasurer

Encls.

TIPPERARY CO. COUNCIL
RECEIVED
15 MAR 2023
PLANNING SECTION
FILE NO. S5/23/8

PROPOSED LOCATION OF PV PANELS



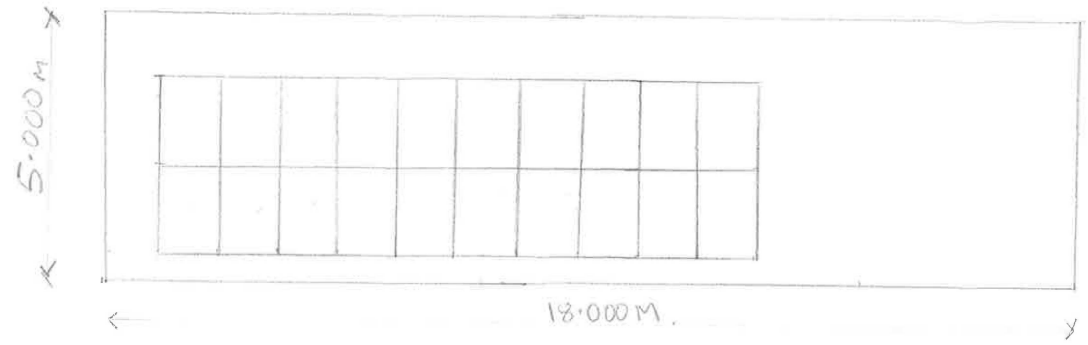
SOUTH ELEVATION

KNOCKSHEGOWNA GAA CLUB

REF S5/23/8

8 MARCH 2023

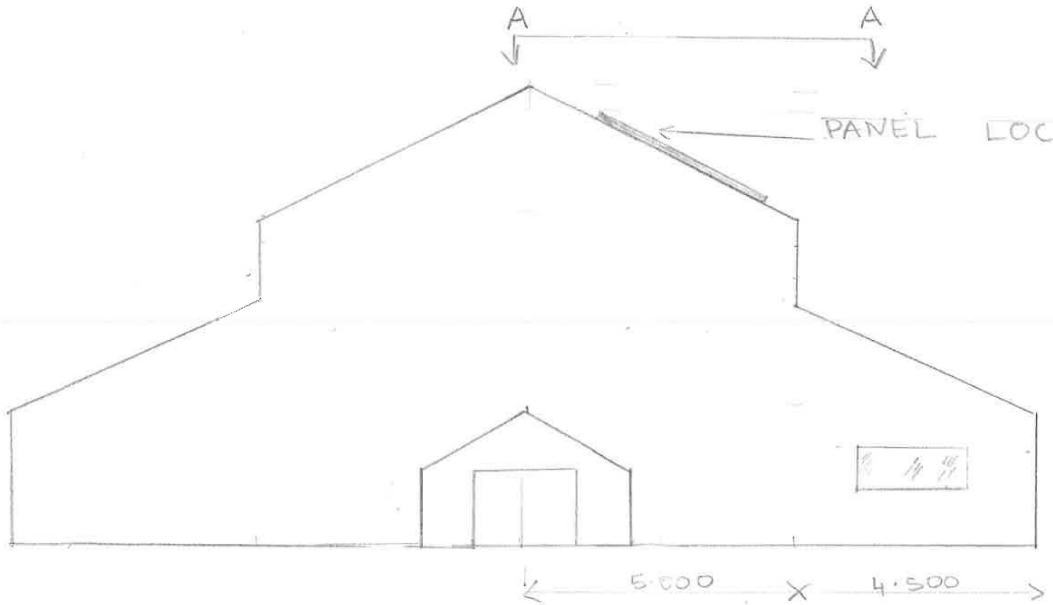
SCALE 1:100



PANEL SIZE 1·720 x 1·140

TIPPERARY CO. COUNCIL
RECEIVED
15 MAR 2023
PLANNING SECTION
FILE NO. 55/23/8

ROOF PLAN A-A



COMMUNITY CENTRE FRONT ELEVATION

KNOCKSHEGOWNA
GAA CLUB

REF 55/23/8

8 MARCH 2023

SCALE 1:100

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
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tipperarycoco.ie

Date: 15th March, 2023 Civic Offices, Nenagh

Our Ref: S5/23/8

Knockshegowna GAA Club,
C/o Martin Costello,
Castlesheppard,
Ballingarry,
Roscrea,
Co. Tipperary.

Re: Application for a Section 5 Declaration re: development at Ballingarry, Roscrea, Co. Tipperary, E53 W597.

Dear sir/madam,

I acknowledge receipt of Further Information received in connection with the above.

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

Yours faithfully,

_____
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 Ref.: **S5/23/08**

Applicant: Knockshegowna GAA

Development Address: Ballingarry, Roscrea, Co Tipperary

Proposed Development: Install 20 PV panels on south facing roof of community centre (40sqm)

Further Information was requested and received as follows:-

A) The applicant is requested to submit information addressing the conditions and limitations of Class 61 of the Exempted Development provisions of the Planning and Development Regulations 2001 to 2022 and listed hereunder .

Further Information response

The applicant has submitted revised plans showing the location and dimensions of the 20 PV panels which provides sufficient information to assess compliance with the conditions and limitations of Class 61 of the Exempted Development provisions of the Planning and Development Regulations 2001 to 2022 as follows:-

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.

N/A

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

N/A

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

The submitted plans show that this is compliant with this limitation.

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 submitted plans demonstrate that PV panels are not within 0.5m of the edge of the roof

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.

No ancillary equipment.

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

N/A

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

N/A

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

N/A

9. 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.

PV panels are a total of 40sqm and compliant with this limitation.

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

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

12. 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.

N/A

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.

None 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.

The PV Installation is primarily used for the provision of electricity or heating for use within the curtilage of the building.

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

The proposed PV panels are in a rural area outside a solar safeguarding zone and therefore deemed to be compliant with this condition and limitation based on the submission.

(B) Please submit revised drawings of the south elevation of the Community Centre (Scale 1:100) showing the exact location of the 20 PV panels bearing in mind details required under Item (A).

This has been submitted to the satisfaction of the Planning Authority and has provided the information required carry out the assessment of conditions and limitations of Class 61 of the Exempted Development as carried out in assessment (1) above.

1. RECOMMENDATION

A question has arisen as to whether the following is development and is or is not exempted development;

- Install 20 PV panels on the south facing elevation of the community centre (40sqm)

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

(a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended
(b) Class 61 of Schedule 2, Part 1 of the Planning and Development Regulations 2001-2022, as amended
(c) Articles 6 and 9 of the Planning and Development Regulations 2001, as amended.

Tipperary County Council has concluded that –

- The proposals as presented in the Declaration application constitute "development" as understood by the Planning and Development Act 2000, as amended and is considered **exempted development.**

Note: The above consideration is based on the understanding that development will be carried out in accordance with the limitations attached to Class 61 of Schedule 2 Part 1 of the Planning and Development Regulations, 2001 as amended

Signed: Date: 30.03.23
Executive Planner

Signed: Date: 31/03/2023

Senior Executive Planner

AW
\\tcc-file-02\Shared\Groups\Planning\Tipperary\Development Management\Section 5 Exemption Certs\2023\S5.23.8\S5.23.8 Planners report 30.03.23.docx

EIA Pre-Screening Establishing if the proposal is a *'sub-threshold development'*:	
Planning Register Reference:	S5.23.08
Development Summary:	20 PV Panels
Was a Screening Determination carried out under Section 176A-C?	☐Yes, no further action required ☒ 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 __[insert here]_____	**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): ___[specify class & threshold here]___	**EIA is mandatory** No Screening required
☐ Yes the project is of a type listed **but** is *sub-threshold*: __[insert here]_____	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 ☐ No, Schedule 7A information/screening report has not been submitted by the applicant	**Screening Determination required** **Preliminary Examination required**

Signature and Date of Recommending Officer:		**Date:**	30.03.23

HABITATS DIRECTIVE APPROPERIATE ASSESSMENT (AA) SCREENING REPORT	
STEP 1. Description of the project/proposal and local site characteristics:	
(a) File Reference No:	S5/23/08
(b) Brief description of the project or plan:	SV Panels
(c) Brief description of site characteristics:	Community Centre
(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 NE Shore SAC	https://www.npws.ie/protected-sites/sac/002241	15	N	N
Lough Derg SPA	https://www.npws.ie/protected-sites/spa/004058	15	N	N
Liskeenan Fen SAC	https://www.npws.ie/protected-sites/sac/001683	15	N	N
Kilcarren Firville Bog SAC	https://www.npws.ie/protected-sites/sac/000647	15	N	N
All Saints Bog SPA	https://www.npws.ie/protected-sites/spa/004103	15	N	N
Redwood Bog SAC	https://www.npws.ie/protected-sites/sac/002353	15	N	N
Lisduff Fen SAC	https://www.npws.ie/protected-sites/sac/002147	15	N	N
Ballyduff Clonfinance Bog SAC	https://www.npws.ie/protected-sites/sac/000641	15	N	N

Sharavogue Bog SAC	https://www.npws.ie/protected-sites/sac/000585	15	N	N
Lisduff Fen SAC	https://www.npws.ie/protected-sites/sac/002147	15	N	N

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	None
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	None
In-combination/Other	None
(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	None

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	

(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.	☒	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.	☐	☐ Request further information to complete screening ☐ Request NIS ☐ Refuse planning permission
(iii) **Significant effects** are likely.	☐	☐ Request NIS ☐ Refuse planning permission
Signature and Date of Recommending Officer:		**Date: 30.03.23**

Original

TIPPERARY COUNTY COUNCIL

DELEGATED EMPLOYEE'S ORDER

File Ref: **S5/23/8** **Delegated Employee's Order No: _____**

SUBJECT: Section 5 Declaration

I, Stephane Duclot, 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. 32227 dated 5th December, 2022 hereby order that pursuant to the provisions of the Planning and Development Act 2000, as amended, that an application under Section 5 from Knockshegowna GAA Club, C/o Martin Costello, Castlesheppard, Ballingarry, Roscrea, Co. Tipperary, re: installation of 20 PV panels on the south facing roof of the community centre at Ballingarry, Roscrea, Co. Tipperary, E53 W597 is development and is exempted development.

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

(a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended
(b) Class 61 of Schedule 2, Part 1 of the Planning and Development Regulations 2001-2022, as amended
(c) Articles 6 and 9 of the Planning and Development Regulations 2001, as amended.

AND WHEREAS Tipperary County Council has concluded that the proposal as presented in the Declaration application constitute "development" as understood by the Planning and Development Ac,t 2000, as amended and is considered **exempted development.**

Note: The above consideration is based on the understanding that development will be carried out in accordance with the limitations attached to Class 61 of Schedule 2 Part 1 of the Planning and Development Regulations, 2001 as amended

Signed: _____ **Date: 03/04/2023**

Stephane Duclot
Director of Services
Planning and Development, Emergency Services and Emergency Planning, Libraries/Cultural Services/ Biodiversity

Comhairle Contae Thiobraid Árann
Tipperary County Council

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Date: 03/04/2023 Our Ref: S5/23/8 Civic Offices, Nenagh

Knockshegowna GAA Club,
C/o Martin Costello,
Castlesheppard,
Ballingarry,
Roscrea, Co. Tipperary

Re: Declaration under Section 5 of the Planning and Development Act 2000

Dear Sir/Madam,

I refer to your application for a Section 5 Declaration received on 23rd January 2023, and 15th March, 2023, in relation to the following proposed works:

installation of 20 PV panels on the south facing roof of the community centre at Ballingarry, Roscrea, Co. Tipperary, E53 W597

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 and 4 of the Planning and Development Act, 2000, as amended
(b) Class 61 of Schedule 2, Part 1 of the Planning and Development Regulations 2001-2022, as amended
(c) Articles 6 and 9 of the Planning and Development Regulations 2001, as amended.

AND WHEREAS Tipperary County Council has concluded that the proposal as presented in the Declaration application constitute "development" as understood by the Planning and Development Ac,t 2000, as amended and is considered **exempted development.**

NOTE: The above consideration is based on the understanding that development will be carried out in accordance with the limitations attached to Class 61 of Schedule 2 Part 1 of the Planning and Development Regulations, 2001 as amended

NOTE: Any person issued with a Declaration of a Planning Authority may refer the Declaration for review to An Bord Pleanala, 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**