



TIPPERARY CO. COUNCIL  
**RECEIVED**  
15 MAY 2026  
PLANNING SECTION  
FILE NO. 55726/73

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

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

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

Applicant	Elaine Larkin
Address	Ballyhaden Borrisokane Co. Tipperary
Telephone No.	
E-mail	

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

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

**3. Location of Proposed Development:**

Postal Address or Townland or Location (as may best identify the land or structure in question)	Ballyhaden Borrisokane Co. Tipperary (E45 WCS9)
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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.

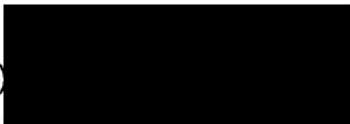
(Note: only works and uses listed and described under this section will be assessed under this Section 5 Application. Use additional sheets if required.)

This exemption is required to continue	
to provide a valuable early years	
service catering for children from	
2y 8m to 5 years, under the ECCE	
and NCS schemes.	
Proposed floor area of proposed works/uses: 88 sqm	

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

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

Signature of Applicant(s)



Date: 13.05.26

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

(All dimensions must be given in metric scale and drawings should be accompanied by a brief description outlining the use of the proposed development)
- (3) Where a proper and complete application is received, a decision must be conveyed to the applicant within four (4) weeks except where additional necessary information is required.

This application form and relevant fee should be submitted to:

<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

### DATE STAMP

**Fee Recd. €** 80.00  
**Receipt No.** NEW AM 1/0/137426  
**Date** 15/5/2026  
**Received by** Cathal Malone



Second Floor, Civic Offices  
Friar Street  
Cashel  
Co Tipperary

Telephone: 062-64200

Email: [info@tccc.ie](mailto:info@tccc.ie)

Registered Charity Number: 20152079



To: Tipperary Planning Office  
Re: Planning Application – Luna's Childcare Services, Borrisokane

Dear Sir/Madam,

I am writing to formally express my strong support for the planning application submitted by Luna's Childcare Services in Borrisokane, Co. Tipperary.

As Borrisokane is a rural area, access to consistent, high-quality childcare is essential for supporting working families and sustaining the long-term viability of the community. Rural towns often face limited childcare provision, and services such as Luna's play a vital role in ensuring families can remain living and working locally.

Luna's Childcare Services participates in the ECCE (Early Childhood Care and Education) Scheme, the National Childcare Scheme (NCS), and the Core Funding programme. Participation in these national schemes demonstrates a strong commitment to accessibility, affordability, and quality. It ensures that families from a wide range of socio-economic backgrounds can access subsidised, regulated early years and school-age childcare in their own community.

Their work in partnership with the IPAS centre is particularly commendable. By supporting children and families seeking international protection, the service contributes meaningfully to inclusion, integration, and early childhood development during what can be a challenging time. Providing a safe, structured, and nurturing environment supports children's wellbeing while also enabling parents to engage in employment, education, and integration supports.

The continued development of Luna's Childcare Services in Borrisokane will strengthen local infrastructure, support employment, enhance social inclusion, and contribute positively to the sustainability of this rural area.

I respectfully request that Tipperary Planning Office give full and favourable consideration to this planning application.

Yours faithfully,

---

Ger Boland

Senior Development Officer

Business and Sustainability Lead,

Tipperary Childcare Committee,

Second Floor,

Civic Offices,

Friar Street,

Cashel,

Co Tipperary.

Telephone: 062-64200

Mobile: [REDACTED]



FSS An Iarthar Láir,  
Seirbhís Cúraim Phríomhúil Buiríos Uí  
Chéin,  
Lána an Chlochair  
Buiríos Uí Chéin,  
Co. Thiobraid Árann,  
E45 C440.

HSE Mid West,  
Primary Care Centre,  
Convent Road,  
Borrisokane,  
Co. Tipperary,  
E45 C440

midwest.hse.ie  
T: 067-27672



To whom it may concern

I am writing in support of the Manager of Luna's Pre-school in Borrisokane.

This Pre-school provides a vital service to the community and it is imperative that it remains open. It is located in the town and facilitates parents who have no transport and also the integration of the International Protection Accommodation Service. The Pre-school is currently providing an essential valuable service to the community.

The service provider currently has ■ sponsored referrals under the National Childcare Scheme.

It is imperative that the Pre-school remains open and that the request is facilitated to ensure the service continues.

Yours sincerely,



Joan Keane,  
Public Health Nurse.

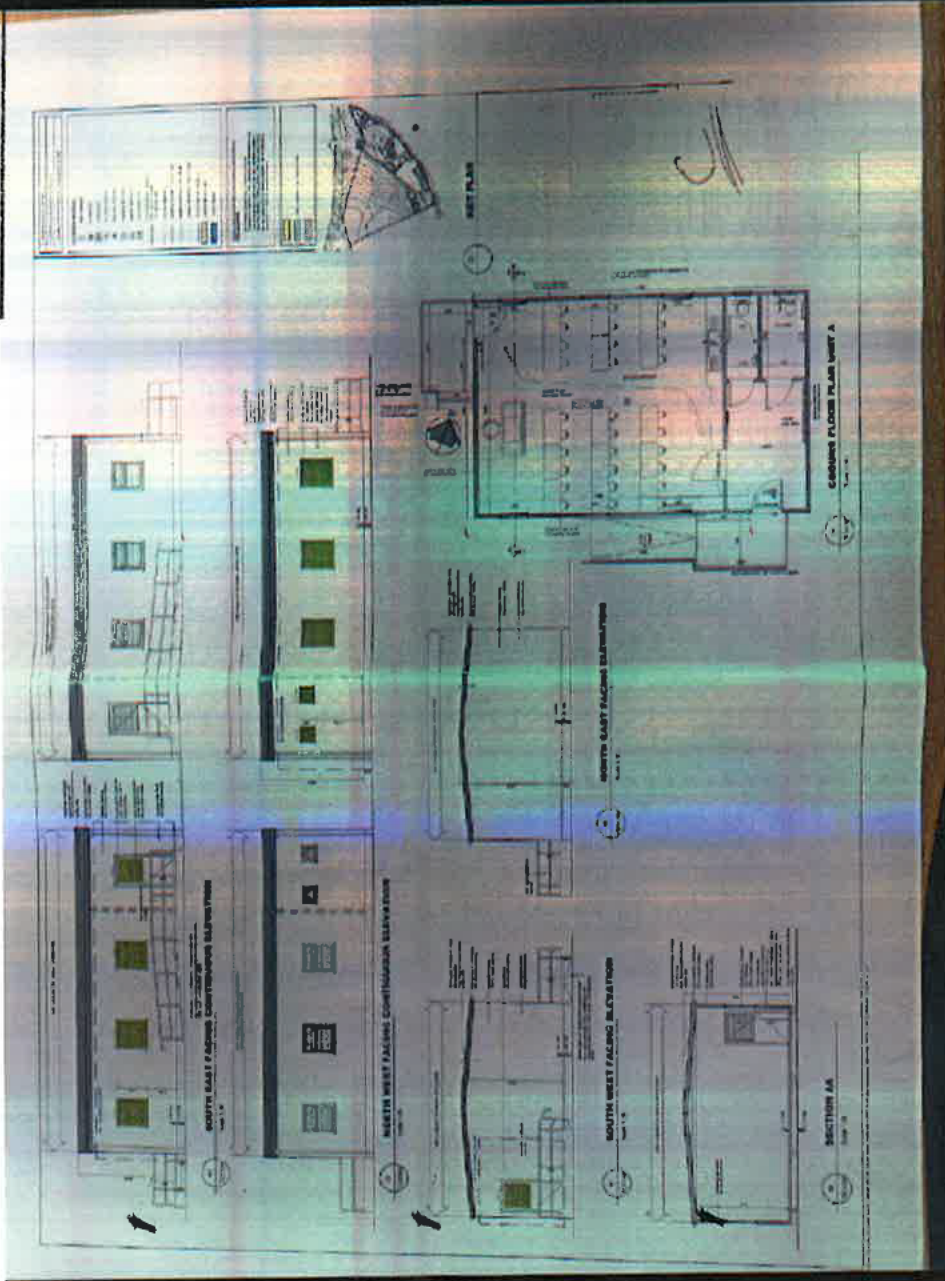
TIPPERARY CO. COUNCIL

RECEIVED

15 MAY 2026

PLANNING SECTION

FILE NO. *55/26/73*



TIPPERARY CO. COUNCIL

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15 MAY 2026

PLANNING SECTION

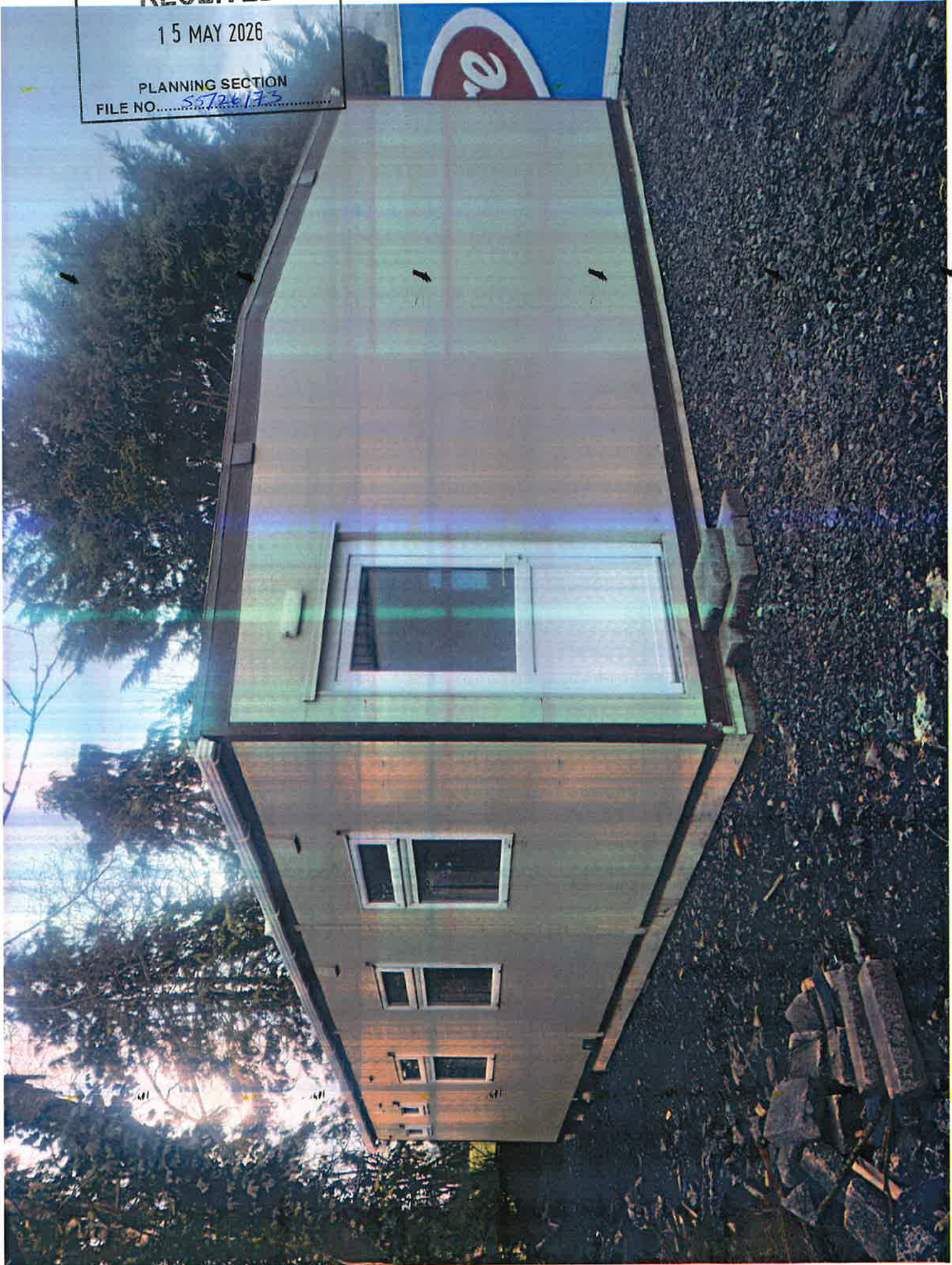
FILE NO. 25726/73



TIPPERARY CO. COUNCIL  
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15 MAY 2026

PLANNING SECTION  
FILE NO. *55726173*

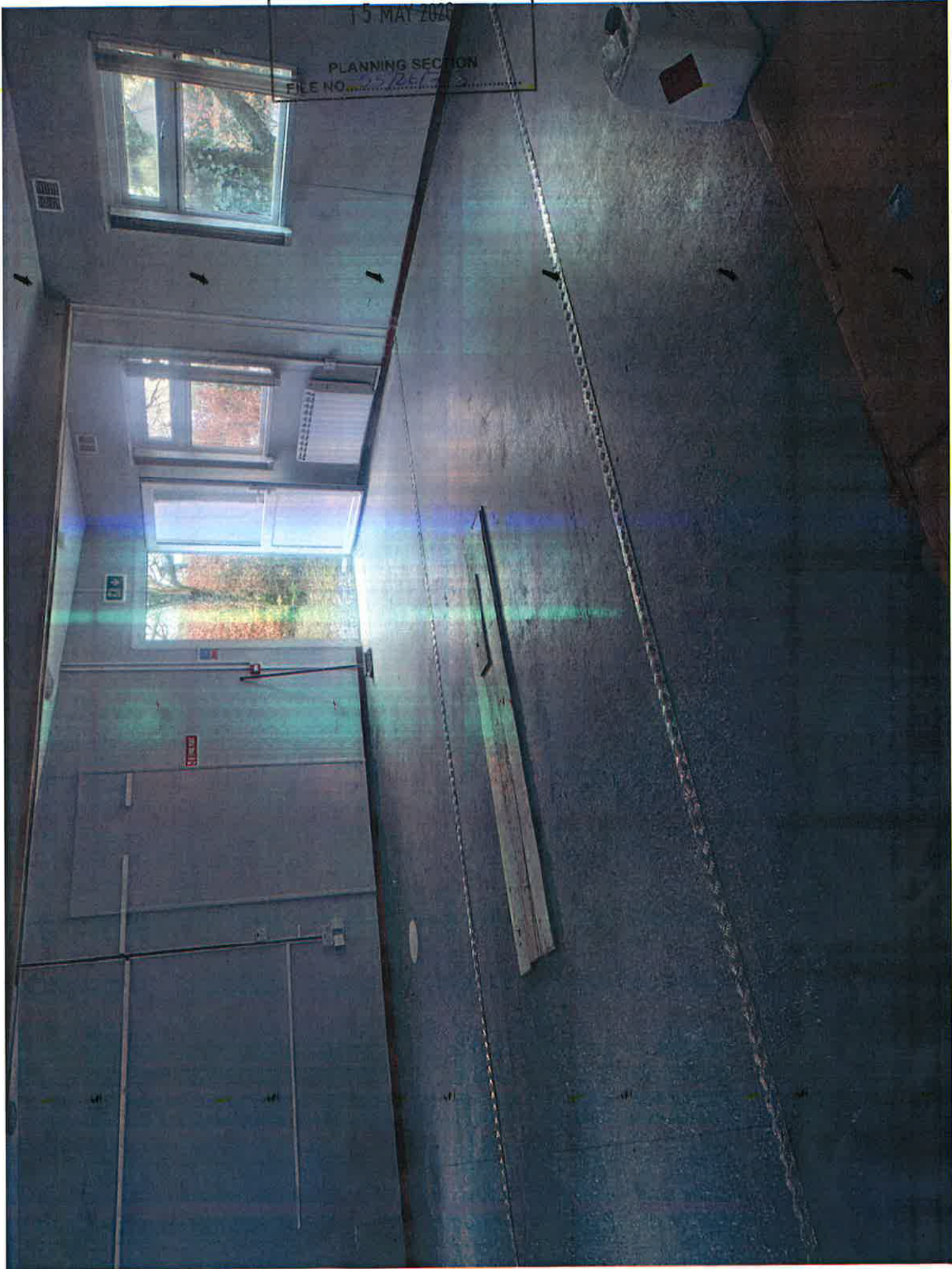




TIPPERARY COUNTY  
**RECEIVED**

15 MAY 2019

PLANNING SECTION  
FILE NO. 15/2613



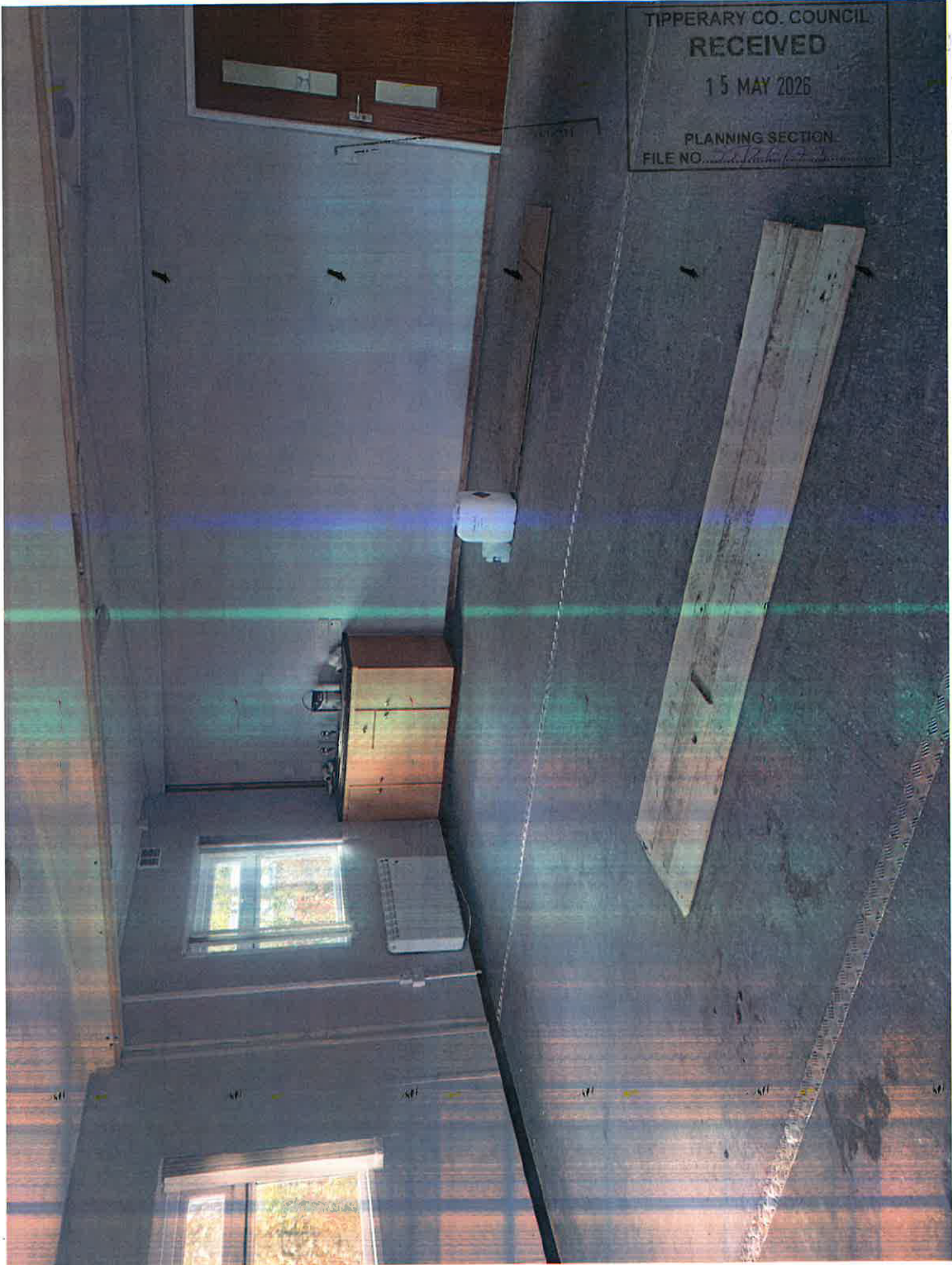
TIPPERARY CO. COUNCIL

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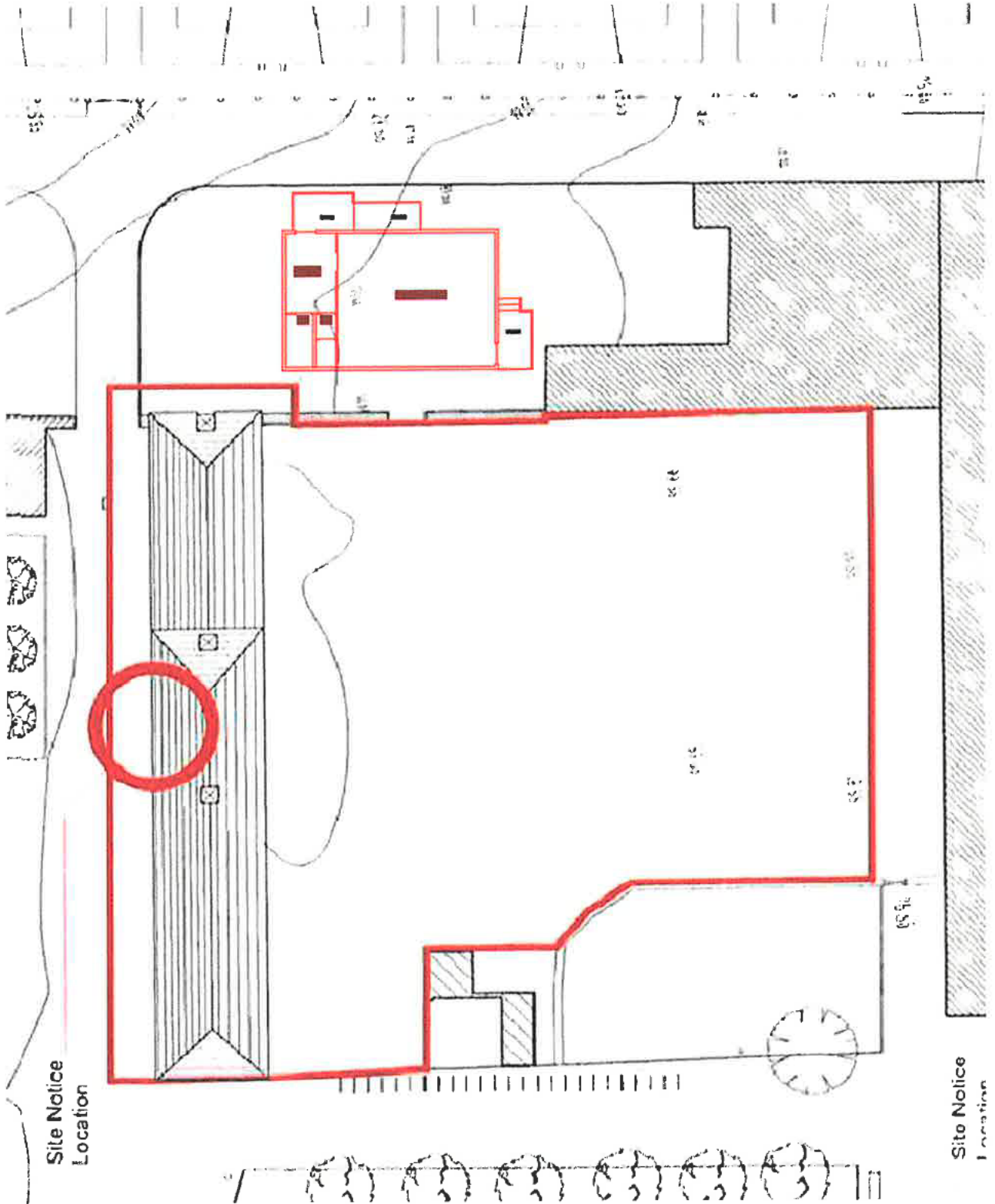
15 MAY 2026

PLANNING SECTION

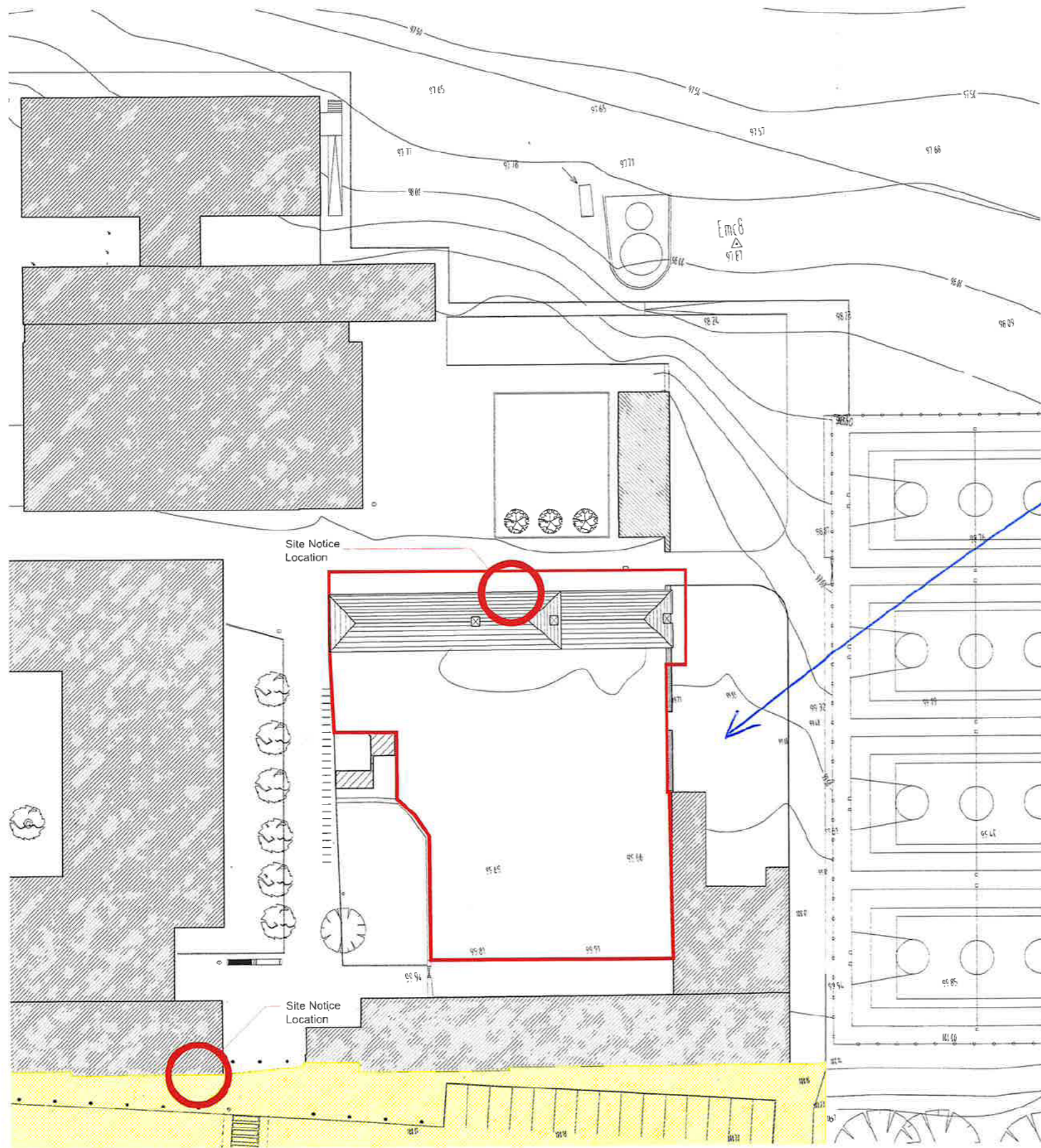
FILE NO. *2024/1234/5678*



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15 MAY 2026  
PLANNING SECTION  
FILE NO. 55/26/73



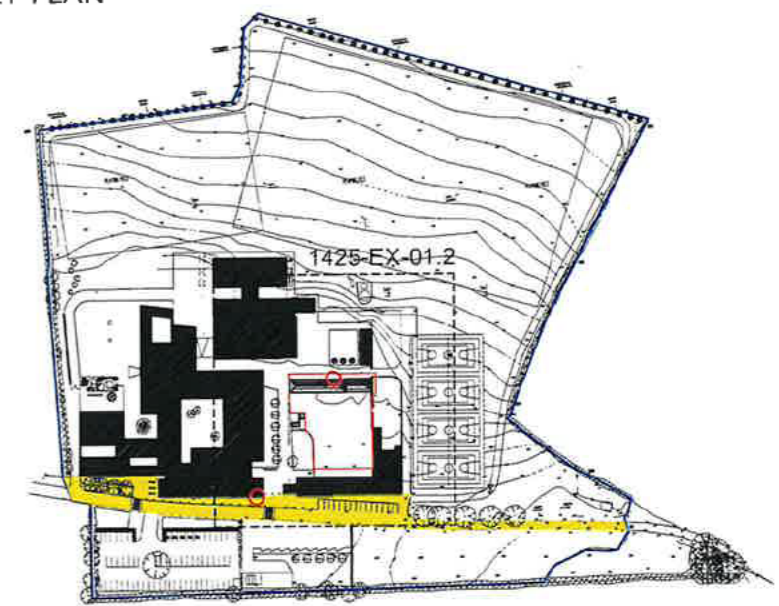
TIPPERARY CO. COUNCIL  
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 15 MAY 2026  
 PLANNING SECTION  
 FILE NO. S2/26/173



Site Location

- N
- Denotes extent of Site Boundary
- Denotes extent of land owned by Applicant
- Denotes existing Right of Way
- Existing buildings

KEY PLAN

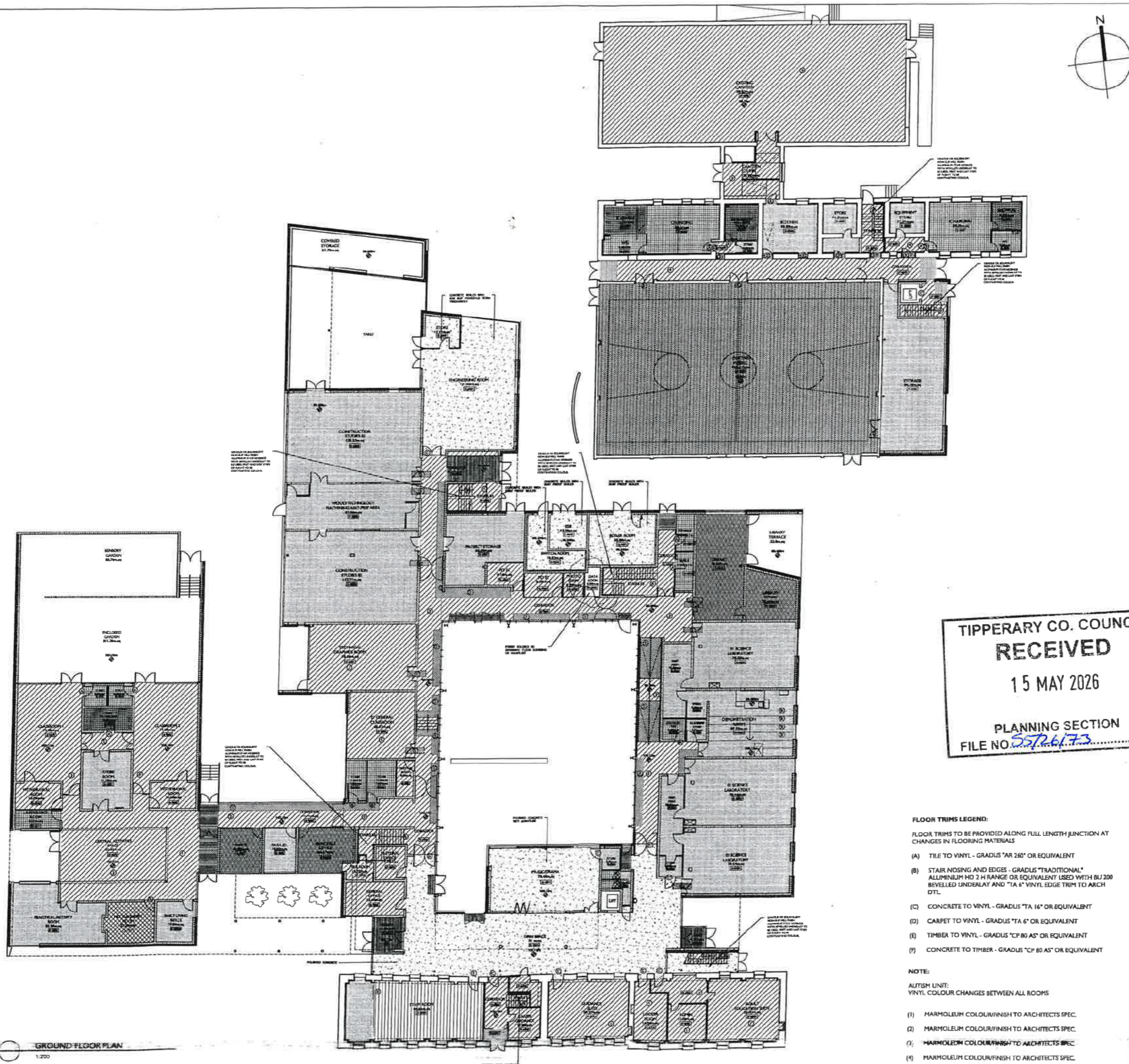


rev	date	details	drwn	chkd
job title		drawing title		
PROPOSED NEW SCHOOL EXTENSION AT BORRISOKANE, CO. TIPPERARY.		EXISTING SITE PLAN 1:500		
drawing status	chkd by : CHM	scale : 1:500	drawing no.	
PLANNING APPL.	drwn by : MTC	date : MARCH 2015	1425-EX-01.2	

**mullarkey pedersen architects**  
 12-14 the diamond, derry city, n.ireland, bt48 6hw e: info@mparchitects.net t: 028 7136 3773 f: 028 7136 3776

all information on this drawing is copyright of mullarkey pedersen architects do not scale dimensions from this drawing  
 mullarkey pedersen architects is a trading name of mullarkey pedersen LLP

EXISTING SITE PLAN 1:500



**GENERAL NOTES:**

- THIS DRAWING SHALL BE READ IN CONJUNCTION WITH ALL RELEVANT CIVIL, STRUCTURAL, MECHANICAL AND ELECTRICAL DRAWINGS TOGETHER WITH THE SPECIFICATIONS AND SCHEDULES.
- ALL DIMENSIONS ARE IN MILLIMETRES AND LEVELS METRES. USE FIGURED DIMENSIONS ONLY.
- ALL DIMENSIONS ARE TO FACE OF BLOCK OR BRICK OR STUD TYPICALLY UNLESS NOTED OTHERWISE.
- ALL WORKS TO BE CARRIED OUT IN ACCORDANCE WITH CURRENT BUILDING REGULATIONS INCLUDING SUBSEQUENT AMENDMENTS & INCLUDING FOR ALL OTHER I.S., & SI STANDARDS AS SET OUT THEREIN.
- CONTRACTOR MUST VERIFY ALL DIMENSIONS ON SITE BEFORE SETTING OUT, COMMENCING WORK, OR PRODUCING ANY SHOP DRAWINGS.
- ALL WORKS TO COMPLY WITH HEALTH & SAFETY ACT
- ALL FIRE STOPPING TO BE CARRIED OUT WITH AN APPROVED FIRE STOPPING CONTRACTOR IN ACCORDANCE WITH MANUFACTURERS DETAIL.
- AIR PERMEABILITY PRESSURE TEST TO IS EN 1389:2000 AIR LEAKAGE NOT TO EXCEED 5m³(hm²) @ 50Pa. PRELIMINARY AIR PRESSURE CHECK TO BE CARRIED OUT DURING CONSTRUCTION PHASE TO IDENTIFY AND MODIFY ANY DETAILS NECESSARY. MAIN CONTRACTOR TO APPOINT AIR BARRIER MANAGER TO COORDINATE AND INSPECT OVERALL FORMATION OF THE AIR BARRIER. FINAL AIR PRESSURE TEST RESULTS TO BE SUBMITTED AT PRACTICAL COMPLETION STAGE. COPY TO BE LODGED IN BUILDING MANUAL.

**FLOOR FINISHES LEGEND**

	200mm x 200mm R10 FULL BODIED TILE REFER TO SPEC. DOC. - M40/111
	200mm x 200mm A/B RATED FULL BODIED TILE REFER TO SPEC. DOC. - M40/112
	FORBO MARMOLEUM REAL OR SIMILAR APPROVED - R9 TO DIN : 51130 REFER TO SPEC. DOC. - M50/151
	FORBO MARMOLEUM SURESTEP OR SIMILAR APPROVED - R10 TO DIN : 51130 REFER TO SPEC. DOC. - M50/150
	RECESSED MAT AND MATWELL "GRADUS" OR EQUIVALENT "ACCESS" 17mm CLOSED CONSTRUCTION BOULEVARD WIPER WITH RUBBER BASE IN RECESSED UMFATIS ALUMINIUM FRAME REFER TO SPEC. DOC. - H10/230
	TRETFORD 7mm HEAVY CONTRACT CORD CARPET REFER TO SPEC. DOC. - M51/110
	PULASTIC CLASSIC 110 OR SIMILAR APPROVED CUSHIONED SPORTS FLOOR REFER TO SPEC. DOC. - M60/153
	POLISHED CONCRETE WITH COLOUR ADMIXTURE/SEALED CONCRETE REFER TO SPEC. DOC. - F20/111
	JUNKERS SOLID SYLVASPORT PRESS DRIED BEECH OR SIMILAR APPROVED WITH PAINTED LINE MARKINGS (BASKETBALL COURT) REFER TO SPEC. DOC. - K21/111
	EXISTING HARD WOOD FLOOR REUSED

**TIPPERARY CO. COUNCIL  
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PLANNING SECTION  
FILE NO. 5276173

**FLOOR TRIMS LEGEND:**

FLOOR TRIMS TO BE PROVIDED ALONG FULL LENGTH JUNCTION AT CHANGES IN FLOORING MATERIALS

- TILE TO VINYL - GRADUS "AR 260" OR EQUIVALENT
- STAIR NOSING AND EDGES - GRADUS "TRADITIONAL" ALUMINIUM HD 2 H RANGE OR EQUIVALENT USED WITH BU 200 BEVELLED UNDERLAY AND "TA 6" VINYL EDGE TRIM TO ARCH DTL.
- CONCRETE TO VINYL - GRADUS "TA 16" OR EQUIVALENT
- CARPET TO VINYL - GRADUS "TA 6" OR EQUIVALENT
- TIMBER TO VINYL - GRADUS "CP 80 AS" OR EQUIVALENT
- CONCRETE TO TIMBER - GRADUS "CP 80 AS" OR EQUIVALENT

**NOTE:**  
AUTISM UNIT:  
VINYL COLOUR CHANGES BETWEEN ALL ROOMS

- MARMOLEUM COLOUR/FINISH TO ARCHITECTS SPEC.
- MARMOLEUM COLOUR/FINISH TO ARCHITECTS SPEC.
- MARMOLEUM COLOUR/FINISH TO ARCHITECTS SPEC.
- MARMOLEUM COLOUR/FINISH TO ARCHITECTS SPEC.

**CONTRACT DOCUMENT**

**HEALY & PARTNERS**  
architects

**CLIENT:**  
NORTH TIPPERARY V.E.C.

**PROJECT TITLE:**  
BORRISOKANE COMMUNITY COLLEGE

**DRAWING TITLE:**  
VOLUME A.3.1  
FLOORING LAYOUT  
GROUND FLOOR

DATE	REV	BY	CHKD
01.04.10			
01-018			

SCALE: 1:200

PROJECT NUMBER: 462

GROUND FLOOR PLAN  
1:200





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 5000/601  
e customerservice  
@tipperarycoco.ie  
tipperarycoco.ie

Date: 15<sup>th</sup> May 2026    Our Ref: S5/26/73    Civic Offices, Nenagh

**Elaine Larkin  
Ballyhaden  
Borrisokane  
Co. Tipperary**

**Re: Application for a Section 5 Declaration – To provide early years service, for children from 2y 8m to 5 years, under the ECCE & NCS Schemes at Ballyhaden, Borrisokane, Co. Tipperary.**

Dear Ms Larkin,

I acknowledge receipt of your application for a Section 5 Declaration received on 15<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

  
\_\_\_\_\_  
for **Director of Services**



**Coláiste Phobal  
Bhairíos Uí Chéin**  
Borrisokane  
Community College



**Tipperary  
ETB**  
Post-Primary

**Address:** Ballyhaden, Borrisokane, Tipperary  
**Eircode:** E45 WC59  
**Phone:** 067 27268  
**Email:** info@borrisokanecc.ie  
**Website:** borrisokanecc.ie

**Principal:** Ms Paula Molloy  
**Deputy Principal:** Ms Caitríona Maher

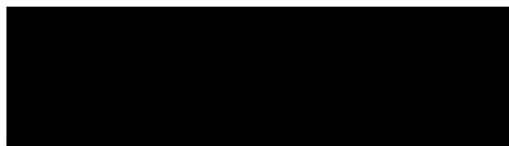
19<sup>th</sup> May 2026

TO WHOM IT MAY CONCERN

This is to confirm that I am giving permission to Elaine Larkin, residing at Inis Cealtra, Ballyhaden, Borrisokane, Co. Tipperary, E45VX76 and business owner of Lunas Preschool Borrisokane, to set up her preschool on the grounds of Borrisokane Community College. This has also been approved by Tipperary Education and Training Board.

Should you require further information, please do not hesitate to contact us.

Yours sincerely,



Paula Molloy

Principal



**Coláiste Pobail,  
Buiríos Uí Chéin,  
Co. Thiebraid Árann.**



Borrisokane Reception Centre  
Borrisokane  
Co Tipperary

To whom it may concern,

22/02/2026

I am writing this letter to advocate on behalf of Elaine Larkin and her preschool service; Luna's.

The service that Elaine provides is vital to both children and adults residing within this IPAS centre. We have seen children thrive and develop in Elaine's care despite the trauma of migration. The preschool service also plays an important role in employment for parents; particularly lone parents, as there is a lack of alternative care in the area. There are currently [redacted] children from our centre in the [redacted] age range who will need access to preschool and ECCE services in the coming years. It is likely that this number will grow as we are not yet at full capacity.

We would urge you to support Elaine's endeavour to secure a long-term location for preschool services.

Kind Regards

[redacted]  
Management ✓



## 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 Ref.:</b>	S5/26/73
<b>Applicant:</b>	Elaine Larkin
<b>Development Address:</b>	Ballyhaden, Borrisokane, Co. Tipperary E45 WC59.
<b>Proposed Development:</b>	To continue to provide early years service, for children from 2y 8m to 5 years, under the ECCE & NCS Schemes.

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#### 1. GENERAL

On the 15/05/2026, a request was made for a declaration under Section 5 of the Planning and Development Act, 2000 as amended as to whether the following is “development” and “exempt development”:

- To continue to provide early years service, for children from 2y 8m to 5 years, under the ECCE & NCS Schemes.

#### 2. STATUTORY PROVISION

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: - “works” includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal....’

**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(2)(a)** of the Act states as follows: -

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

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

(ii) the development is authorised, or is required to be authorised, by or under any enactment (whether the authorisation takes the form of the grant of a licence, consent, approval or any

other type of authorisation) where the enactment concerned requires there to be consultation (howsoever described) with members of the public in relation to the proposed development prior to the granting of the authorisation (howsoever described).

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

**PLANNING & DEVELOPMENT REGULATIONS 2001, as amended,**

**Article 5 (Interpretation for this Part)**

“school” has the meaning assigned to it by the Education Act 1998.

The Education Act 1998 defines a school as

“school” means an establishment which—

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

**Article 6(1)** states that 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 conditions and limitations specified in Column 2 of said Part 1 opposite the mention of that class in said Column 1.

**Article 9** of the Planning and Development Regulations, 2001, as amended, relates to restrictions on exemptions;

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,

(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

In relation to this specific case, the following applies:

**CLASS 20D** of Part 1 of Schedule 2 of the Planning and Development Regulations reads as follows:

Development consisting of – The erection on land on which a school is situated of a structure to facilitate the continued delivery of education.

Conditions and Limitations

1. No such structure shall be erected for a period exceeding 5 years.
2. The gross floor area of such structure shall not exceed 30% of the gross floor area of the existing school.

3. No such structure shall exceed two storeys.
4. Distance to party boundary –
  - (a) any single storey structure shall be a distance of not less than 2 metres from any party boundary,
  - (b) any two-storey extension facing an existing dwelling shall be a distance no less than 22 metres from the main part of the dwelling, or
  - (c) any two-storey extension closer than 12.5m to a party boundary, or facing and closer than 22 metres to the dwelling shall –
    - (i) have no windows overlooking, or
    - (ii) have obscure glass.
5. Such structure shall comply with the Department of Education Primary and Post Primary Technical Guidance Documents for the time being in force.

### **3. OTHER**

Circular Letter PL04/2021 Planning and Development Act 2000 (Exempted Development) Regulations 2021 - S.I. 114 and 115 of 2021- issued by Department of Housing, Local Government and Planning (18th March 2021) –

- Increase the existing provisions in the Planning and Development Regulations 2001, as amended (the Principal Regulations), to exempt specified works for School buildings and to enable the temporary use of public buildings as schools.
- Article 2(b) of these Regulations inserts a new CLASS 20D to allow schools to construct temporary structures to facilitate the continued delivery of education subject to certain conditions.
- These amendments to the exempted development provisions in relation to schools are considered to be proportionate and reasonable, and will enable schools to more easily comply with Covid-related public health and social distancing requirements from September next onwards thereby creating safer environments for both pupils and teachers, while also being consistent with the general principle of proper planning and sustainable development.

### **4. ASSESSMENT**

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

The site is located on the north-eastern side of Borrisokane. It contains Borrisokane Community College, a secondary school. The site has a frontage onto the L1087.

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

##### **Borrisokane Community College site**

211801 – Retention permission granted for 1) change of use of part of the ground storey level from courthouse to educational and training use and 2) PERMISSION for change of use of part of the ground storey level from former social welfare office to educational and training use and 3) PERMISSION for change of use at part of the first storey level from currently disused to storage ancillary to educational and training use

20501- Planning permission granted for a single storey 30 sq. metres extension to Engineering Room within enclosed courtyard. The site is located on the grounds of the former Union Workhouse, a Protected Structure (S431)

17601423 - Planning permission granted for the construction of new 2 no changing rooms, new 5m high ball wall with ball stop net over and a new behind goal ball stop net, including all associated ground works

15600227 - Planning permission granted for refurbishment and extension of 1 no vacant 3 storey 19th century workhouse building & protected structure with adjoining single storey block to accommodate 4 no post-primary classrooms, games room and ancillary accommodation and associated hard & soft landscaping. The site located on the grounds of the former Union Workhouse and is a Protected Structure Ref S431

12510095 - Planning permission granted for (a) single storey extension to existing canteen building and new windows to the southern elevation (b) retention of windows, exit door and ramp to northern elevation of canteen building, (c) relocation of hard surface sports area as granted under Ref No. 09/51/0359 with 2.4m high fence surround to alternative location on site, (d) additional car parking area, (e) modifications to extents of yard area adjacent to construction studies & metalwork rooms, (f) alterations to existing bus shelter, (g) all associated site works. Site located on grounds of former Union Workhouse, a Protected Structure - ref S431

10510090 - Planning permission granted for consisting of the modification of previously granted permission Ref. No. 09510359 to include (a) a single storey extension from the permitted two storey structure for the provision of special needs teaching spaces and ancillary accommodation and (b) all landscaping, boundary treatments and ancillary site services infrastructure. The site is located on the grounds of the former Union Workhouse, a Protected Structure (S431)

09510359 - Planning permission granted for redevelopment of existing community college - works to include the demolition of the existing 1970's and 1980's flat roofed structures and its replacement with new two storey structure, refurbishment of 2 No. protected structures (formerly workhouse buildings), extension to eastern gable end of existing PE hall, relocation of staff car parking, entrance piers and other associated site works. The site is located on the grounds of the former Union Workhouse and is a protected structure (S431)

5120344 - Planning permission granted to erect Canteen

5121129 - Planning permission granted to retain and complete access corridor between existing building and new canteen dining hall

### **Adjoining**

211728 – Planning permission granted for a new club house and all associated site works

12510108 - Planning permission granted for a) toilets and small store; b) construct new all-weather soccer field with 3m high fence on existing sports field; c) modification and extension to existing car park, new footpaths, reduce gradient of existing roadway and complete surfacing of athletic track; d) install floodlights to Athletic track, Tennis court and to new All Weather pitch; e) all associated site works with above works

### **c. Assessment**

As per the application form for the Section 5 Declaration, the proposed development for which an exemption is being sought is:

- To continue to provide early years service, for children from 2y 8m to 5 years, under the ECCE & NCS Schemes.

The plans and particulars that have been submitted as part of the Section 5 Declaration include plans and elevations of a pre-fabricated structure. The submitted site layout plan shows the location of this pre-fabricated structure on the eastern side of the school building. On the basis of the submitted information, it appears that the proposal is to provide the early years service within this pre-fabricated structure. A site visit was carried out on 5<sup>th</sup> June 2026, and the pre-fabricated structure was not observed at the location identified on site (see photographs at Figures 1 - 2).

Figures 1 - 2



On the basis of the content of the overall Section 5 Declaration, the below assessment is based on the proposal to provide a new pre-fabricated structure for the purpose of facilitating a new pre-school.

A) “Is or is not Development”

It is considered that the proposal constitutes “works” as understood by the Planning and Development Act 2000, as amended. The above listed proposals therefore constitute “development” within the meaning of the Planning and Development Act 2000, as amended.

B) “Is or is not Exempted Development”

A site visit has been carried out. The site contains Borrisokane Community College, an established secondary school. The proposal relates to the provision of a pre-fabricated structure to accommodate a pre-school use on the Borrisokane Community College site.

A review of the Classes of exempted development has been carried out. Given that the proposal relates to the erection of a structure, it is considered that Class 20D of the Planning and Development Regulations 2001, as amended, is of most relevance to the current proposal. The Circular Letter PL04/2021 Planning and Development Act 2000 (Exempted Development) Regulations 2021 - S.I. 114 and 115 of 2021- issued by Department of Housing, Local Government and Planning (18th March 2021) has been considered. A number of appeal decisions have also been considered. In particular, appeal reference ACP-324002-26 (dated 24/04/2026) concluded that:

- Works that entail the erection of a two-storey portacabin for the provision of a new primary school (Sallynoggin Killiney Educate Together Primary School) are “works” and so constitute development, under Section 3(1) of the Planning and Development Act, 2000, as amended.
- This development would not come within the scope of Section 4(1)(h) of the Planning and Development Act 2000, as amended, not being 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.
- The subject development would comprise development which is not exempted development under Class 20D of the Planning and Development Regulations, 2001, as amended, as the subject modular structures are enabling the provision of a new educational use on the site (Sallynoggin Killiney Educate Together Primary School) as opposed to facilitating the continued education use of the lands by Holy Child Community School.

The above conclusions are noted and are considered to be of relevance to the current proposal.

The primary issue in this instance is whether the pre-fabricated structure would provide the ‘continued’ delivery of education on the site (as required by Class 20D). It is clear that without the pre-fabricated structure, the pre-school cannot exist (as proposed). Therefore, it is considered that the pre-fabricated structure would enable the provision of a new educational use on the site (Luna’s pre-school) as opposed to facilitating the continued secondary education use of the lands.

There is no reference in Class 20D permitting the establishment of a new school without the benefit of a grant of planning permission. The provision of a new pre-school on the subject lands therefore requires planning permission.

C) Requirement for Appropriate Assessment (AA) and Environmental Impact Assessment (EIA)

### Appropriate Assessment (AA)

The proposed development has been screened as to the requirement for AA and it has been determined that the requirement for Stage 2 AA does not arise. See Screening Report attached.

### Environmental Impact Assessment (EIA):

The proposed development is not a type of development included for under Schedule 5 of the Planning and Development Regulations 2001, as amended. See screening report attached.

## **5. RECOMMENDATION**

A question has arisen as to whether the following at Ballyhaden, Borrisokane, Co. Tipperary E45 WC59 is development and is or is not exempted development:

- To continue to provide early years service, for children from 2y 8m to 5 years, under the ECCE & NCS Schemes.

The Planning Authority had regard to;

- Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended),
- Articles 6 and 9 of the Planning and Development Regulations 2001, as amended,
- Schedule 2, Part 1 of the Planning and Development Regulations, 2001, as amended,
- The provisions of Class 20(D) of the Planning and Development Regulations, 2001, as amended,
- Circular Letter PLC)4/2021 Planning and Development Act 2000 (Exempted Development) Regulations 2021 - S.1. 114 and 115 of 2021 issued by Department of Housing, Local Government and Planning (18th day of March 2021),
- The plans and documentation submitted,
- Observations on site,
- The planning history of the site

Tipperary County Council has concluded that the development proposed constitutes “development” within the meaning of the Planning and Development Act 2000, as amended and is NOT “exempted development”.

The development is NOT exempted development as it does not satisfy the planning exemption under provisions of Class 20(D) of the Planning and Development Regulations, 2001, as amended:

- Works that entail the erection of a portacabin for the provision of a new pre-school (Luna’s pre-school) are “works” and so constitute development, under Section 3(1) of the Planning and Development Act, 2000, as amended.
- This development would not come within the scope of Section 4(1)(h) of the Planning and Development Act 2000, as amended, not being 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.
- The subject development would comprise development which is not exempted development under Class 20D of the Planning and Development Regulations, 2001, as amended, as the subject pre-fabricated structure would enable the provision of a

new pre-school use on the site rather than facilitate the continued secondary education use of the lands.

**District Planner:**

*Olive O'Donnell*

**Date:** 05/06/2026

**Senior Executive Planner:**

*Jonathan Flood*

**Date:** 5/6/2026

## APPENDIX 1

HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT				
STEP 1. Description of the project/proposal and local site characteristics:				
(a) File Reference No:	S5 26 73			
(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
Liskeenan Fen SAC (001683)	<a href="https://www.npws.ie/protected-sites/sac/001683">https://www.npws.ie/protected-sites/sac/001683</a>	Within 10km	None	No
River Shannon Callows SAC (000216)	<a href="https://www.npws.ie/protected-sites/sac/000216">https://www.npws.ie/protected-sites/sac/000216</a>	Within 10km	None	No
Kilcarren-Firville Bog SAC (000647)	<a href="https://www.npws.ie/protected-sites/sac/000647">https://www.npws.ie/protected-sites/sac/000647</a>	Within 10km	None	No
Lough Derg, North-East Shore SAC (002241)	<a href="https://www.npws.ie/protected-sites/sac/002241">https://www.npws.ie/protected-sites/sac/002241</a>	Within 10km	None	No
Lough Derg (Shannon) SPA (004058)	<a href="https://www.npws.ie/protected-sites/spa/004058">https://www.npws.ie/protected-sites/spa/004058</a>	Within 10km	None	No
Middle Shannon Callows SPA (004096)	<a href="https://www.npws.ie/protected-sites/spa/004096">https://www.npws.ie/protected-sites/spa/004096</a>	Within 10km	None	No

Barroughter Bog SAC (000231)	<a href="https://www.npws.ie/protected-sites/sac/000231">https://www.npws.ie/protected-sites/sac/000231</a>	Within 15km	None	No
Cloonmoylan Bog SAC (000248)	<a href="https://www.npws.ie/protected-sites/sac/000248">https://www.npws.ie/protected-sites/sac/000248</a>	Within 15km	None	No
Sharavogue Bog SAC (000585)	<a href="https://www.npws.ie/protected-sites/sac/000585">https://www.npws.ie/protected-sites/sac/000585</a>	Within 15km	None	No
Ballyduff/Clonfina Bog SAC (000641)	<a href="https://www.npws.ie/protected-sites/sac/000641">https://www.npws.ie/protected-sites/sac/000641</a>	Within 15km	None	No

### STEP 3. Assessment of Likely Significant Effects

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

Impacts:	Possible Significance of Impacts: (duration/magnitude etc.)
<b>Construction phase e.g.</b> <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>	No potential impacts.
<b>Operational phase e.g.</b> <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>	No potential impacts
<b>In-combination/Other</b>	No potential impacts
<b>(b) Describe any likely changes to the European site:</b>	
Examples of the type of changes to give consideration to	No potential impacts

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

(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.

On the basis of the information on file, which is considered adequate to undertake a screening determination and having regard to: the nature and scale of the proposed development, the proposed land use and distance from European sites, the lack of direct connections with regard to the Source-Pathway-Receptor model, it is concluded that the proposed development, individually or in-combination with other plans or projects, The proposed development is not likely to have significant effects on the above listed European sites or any other European site, in view of the said sites' conservation objectives.

An appropriate assessment is not, therefore, required

**Conclusion:**

	Tick as Appropriate:	Recommendation:
(i) It is clear that there is <b>no likelihood</b> of significant effects on a European site.	<input checked="" type="checkbox"/>	The proposal can be screened out: Appropriate assessment not required.
(ii) It is <b>uncertain</b> 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) <b>Significant effects</b> are likely.	<input type="checkbox"/>	<input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
<b>Signature and Date of Recommending Officer:</b>	Olive O'Donnell	<b>Date:</b> 05/06/2026

**APPENDIX 2**

EIA Pre-Screening Establishing a development is a 'sub-threshold development'			
<b>File Reference:</b>	S5 26 73		
<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		Proceed to <b>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)			
X 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	
Yes the project is of a type listed but is <i>sub-threshold</i> : _____		Proceed to <b>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>	
No, Schedule 7A information/screening report has not been submitted by the applicant		<b>Preliminary Examination required</b>	
<b>Signature and Date of Recommending Officer:</b>	Olive O'Donnell	<b>Date:</b>	05/06/2026

**Original**

**TIPPERARY COUNTY COUNCIL**

**DELEGATED EMPLOYEE'S ORDER**

File Ref: **S5/26/73**      **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 Elaine Larkin, Ballyhaden, Borrisokane, Co. Tipperary, re: To continue to provide early years' service, for children from 2y 8m to 5 years, under the ECCE & NCS Schemes at Ballyhaden, Borrisokane, Co. Tipperary E45 WC59 is development and is exempted development.

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

- Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended),
- Articles 6 and 9 of the Planning and Development Regulations 2001, as amended,
- Schedule 2, Part 1 of the Planning and Development Regulations, 2001, as amended,
- The provisions of Class 20(D) of the Planning and Development Regulations, 2001, as amended,
- Circular Letter PLC)4/2021 Planning and Development Act 2000 (Exempted Development) Regulations 2021 - S.1. 114 and 115 of 2021 issued by Department of Housing, Local Government and Planning (18th day of March 2021),
- The plans and documentation submitted,
- Observations on site,
- The planning history of the site

Tipperary County Council has concluded that the development proposed constitutes "development" within the meaning of the Planning and Development Act 2000, as amended and is **NOT "exempted" development**".

The development is NOT exempted development as it does not satisfy the planning exemption under provisions of Class 20(D) of the Planning and Development Regulations, 2001, as amended:

- Works that entail the erection of a portacabin for the provision of a new pre-school (Luna's pre-school) are "works" and so constitute

development, under Section 3(1) of the Planning and Development Act, 2000, as amended.

- This development would not come within the scope of Section 4(1)(h) of the Planning and Development Act 2000, as amended, not being 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 neighboring structures.
- The subject development would comprise development which is not exempted development under Class 20D of the Planning and Development Regulations, 2001, as amended, as the subject pre-fabricated structure would enable the provision of a new pre-school use on the site rather than facilitate the continued secondary education use of the lands.

**Signed:**



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

**Date: 10/06/2026**



Date: 10<sup>th</sup> June 2026

Our Ref: S5/26/73

Civic Offices, Nenagh

**Elaine Larkin  
Ballyhaden  
Borrisokane  
Co. Tipperary**

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

Dear Elaine,

I refer to your application for a Section 5 Declaration received on 15<sup>th</sup> May 2026 in relation to the following proposed works:

**To continue to provide early years' service, for children from 2y 8m to 5 years, under the ECCE & NCS Schemes at Ballyhaden, Borrisokane, Co. Tipperary E45 WC59.**

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

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

- Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended),
- Articles 6 and 9 of the Planning and Development Regulations 2001, as amended,
- Schedule 2, Part 1 of the Planning and Development Regulations, 2001, as amended,
- The provisions of Class 20(D) of the Planning and Development Regulations, 2001, as amended,
- Circular Letter PLC)4/2021 Planning and Development Act 2000 (Exempted Development) Regulations 2021 - S.1. 114 and 115 of 2021 issued by Department of Housing, Local Government and Planning (18<sup>th</sup> day of March 2021),
- The plans and documentation submitted,
- Observations on site,
- The planning history of the site

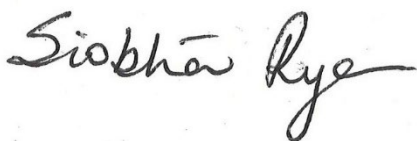
Tipperary County Council has concluded that the development proposed constitutes "development" within the meaning of the Planning and Development Act 2000, as amended and is **NOT "exempted" development**".

The development is NOT exempted development as it does not satisfy the planning exemption under provisions of Class 20(D) of the Planning and Development Regulations, 2001, as amended:

- Works that entail the erection of a portacabin for the provision of a new pre-school (Luna's pre-school) are "works" and so constitute development, under Section 3(1) of the Planning and Development Act, 2000, as amended.
- This development would not come within the scope of Section 4(1)(h) of the Planning and Development Act 2000, as amended, not being 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.
- The subject development would comprise development which is not exempted development under Class 20D of the Planning and Development Regulations, 2001, as amended, as the subject prefabricated structure would enable the provision of a new pre-school use on the site rather than facilitate the continued secondary education use of the lands.

**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



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for **Director of Services**