

29.04.2026
Ref: 1885-DR04

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

Dear Sir/Madam,

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

Please find enclosed;

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

We are seeking clarification as to whether the proposed use of the existing sessional Montessori rooms as a full day / after-school service constitutes exempted development.

The proposal does not involve any material change of use, as the facility will continue to operate as an educational childcare service, consistent with the existing use of the premises and in accordance with Tusla requirements.

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

Your sincerely,




Registered Architect

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

E. 

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





PLANNING & DEVELOPMENT ACT, 2000 (as amended)

Application for a Section 5 Declaration
Development / Exempted Development

1. Applicant's address/contact details:

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

2. Agent's (if any) address:

<i>Agent</i>	DONAL RYAN
<i>Address</i>	DH RYAN ARCHITECTS, 1 LIBERTY SQUARE, THURLES, CO. TIPPERARY
<i>Telephone No.</i>	0504 28850 / [REDACTED]
<i>E-mail</i>	[REDACTED]
<i>Please advise where all correspondence in relation to this application is to be sent;</i>	
Applicant [<input type="checkbox"/>] Agent [<input checked="" type="checkbox"/>]	

3. Location of Proposed Development:

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

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

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

CHANGE OF USE OF EXISTING PRESCHOOL (SESSIONAL USE) FOR USE AS FULL DAY
/ AFTER SCHOOL SERVICE. THE PROPOSAL DOES NOT INVOLVE ANY MATERIAL CHANGE OF USE, AS THE FACILITY WILL CONTINUE TO OPERATE AS AN EDUCATIONAL CHILDCARE SERVICE, CONSISTENT WITH THE EXISTING USE OF THE PREMISES AND IN ACCORDANCE WITH TUSLA REQUIREMENTS.
Proposed floor area of proposed works/uses: 125 sqm

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

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

Signature of Applicant



Date: 23.04.2026

Donal Ryan - Agent on behalf of Applicant.

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

GUIDANCE NOTES

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

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

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

This application form and relevant fee should be submitted to:

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

FOR OFFICE USE ONLY

DATE STAMP

Fee Recd. € 80.00
Receipt No 203260
Date 29/4/2026
Received by _____

Planning Pack Map

612855 659114 613101 659114

M ó i n a n C h a c a
M o n a c o c k a

EXISTING CHILDCARE
SERVICE LOCATION

Room 01

Presentation
National
School

Room 02

Scoll Na
Tóirle

Tk

River Suir
An tSúir

Presentation Convent
Secondary School

Páirceanna
Baile Dhurlais
Thurles Townparks

Thurles
Durlas

Presentation
Secondary
School

Graveyard

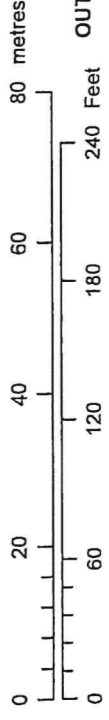
Cathedral
of the
Assumption
Priory
(Site of)

Tk

Primary
School

MITCHEL STREET
SAINT MARY'S AVE

KICKHAM STREET



OUTPUT SCALE: 1:1,000

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**CENTRE
COORDINATES:**
ITM 612978,658948

ORDER NO.:
50118144_1

PUBLISHED:
27/04/2020

MAP SERIES:
1:1,000
1:1,000

MAP SHEETS:
4696-07
4696-12

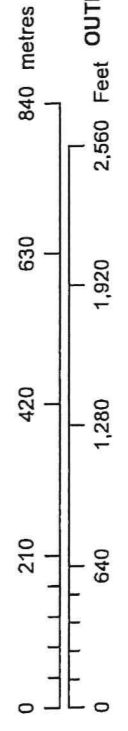
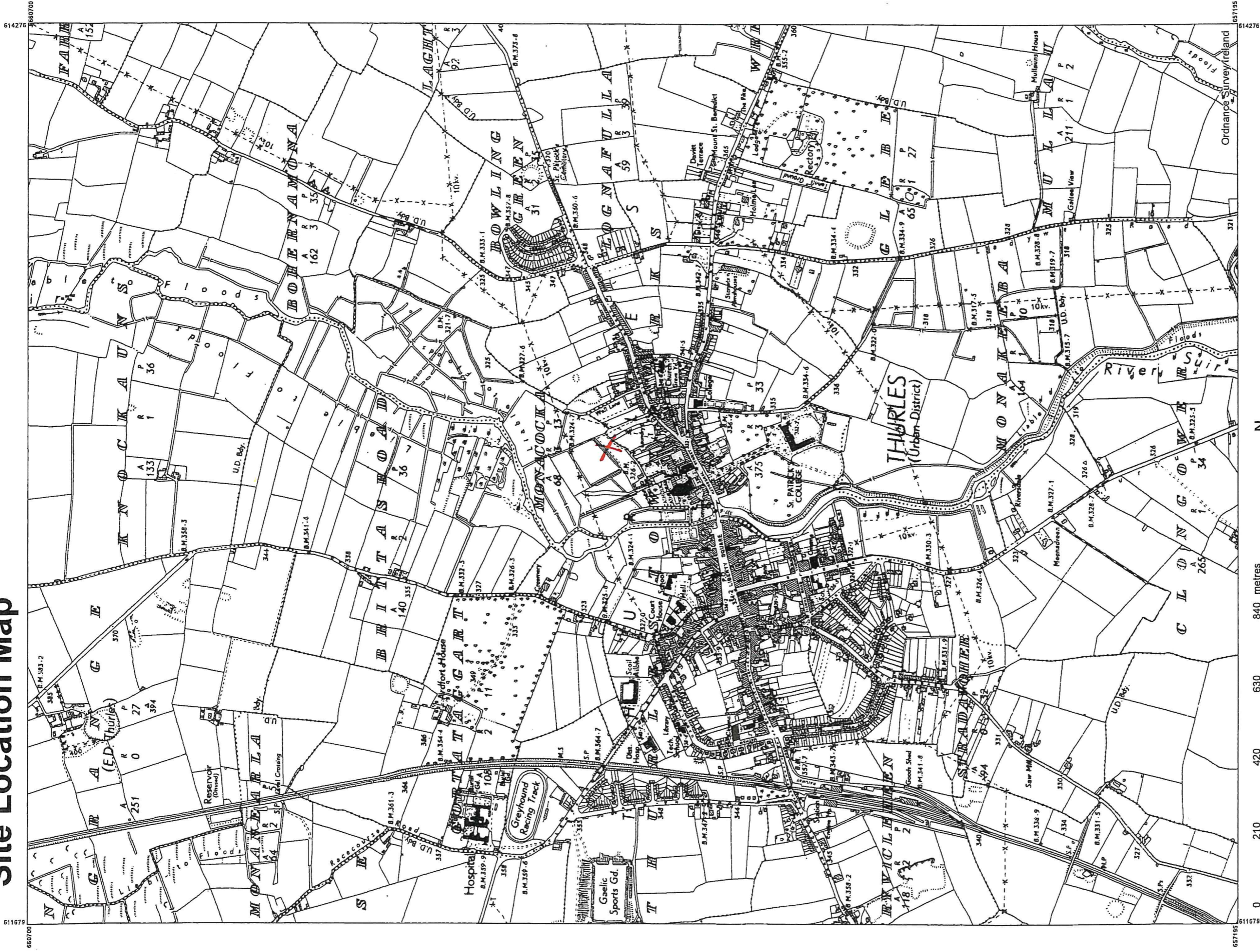
CAPTURE RESOLUTION:
The map objects are only accurate to the
resolution at which they were captured.
Output scale is not indicative of data capture scale
Further information is available at:
<http://www.osi.ie>; search 'Capture Resolution'

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



www.osi.ie

Site Location Map



CENTRE COORDINATES:
ITM 612978,658948

OUTPUT SCALE: 1:10,560

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LEGEND:
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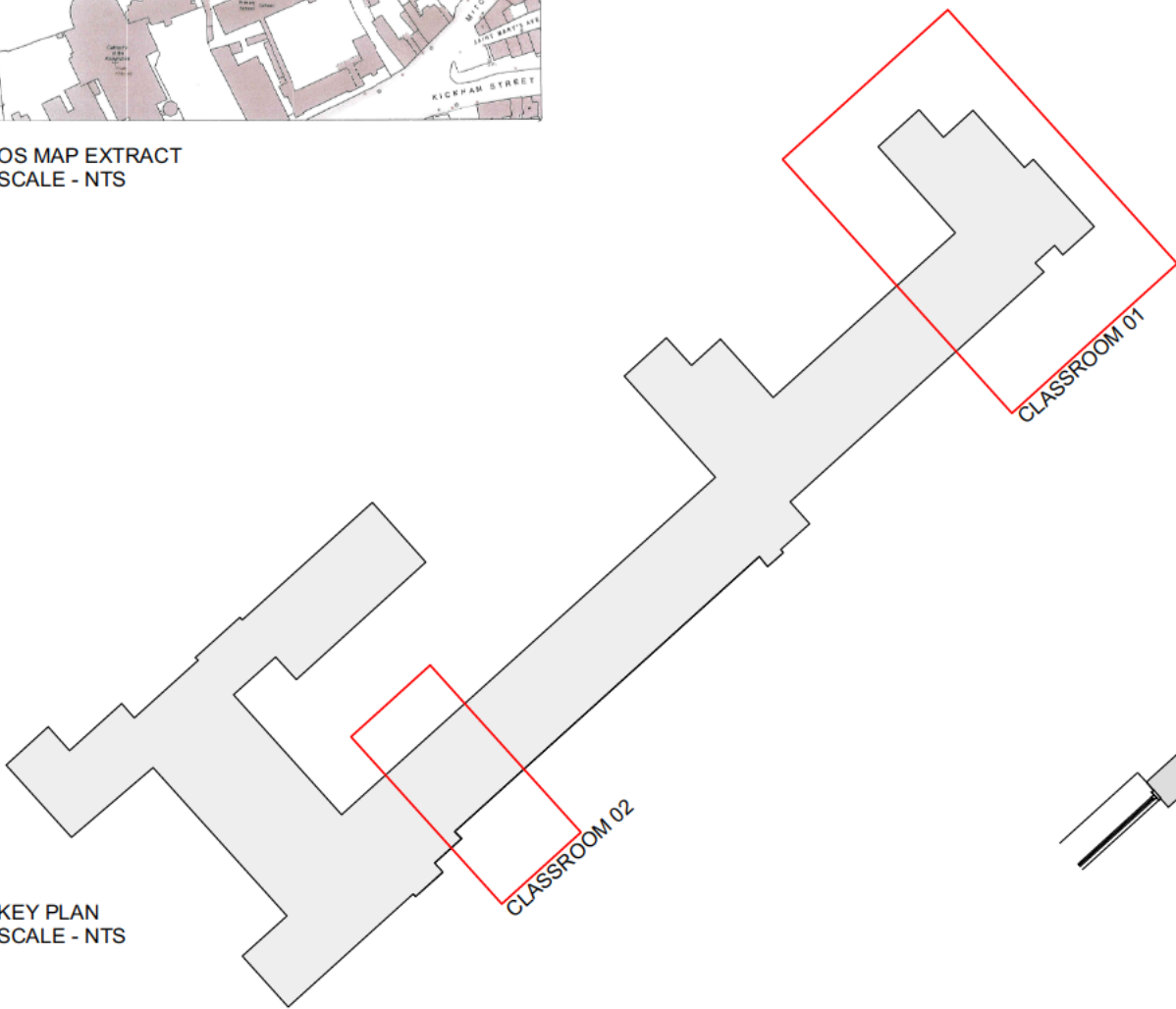
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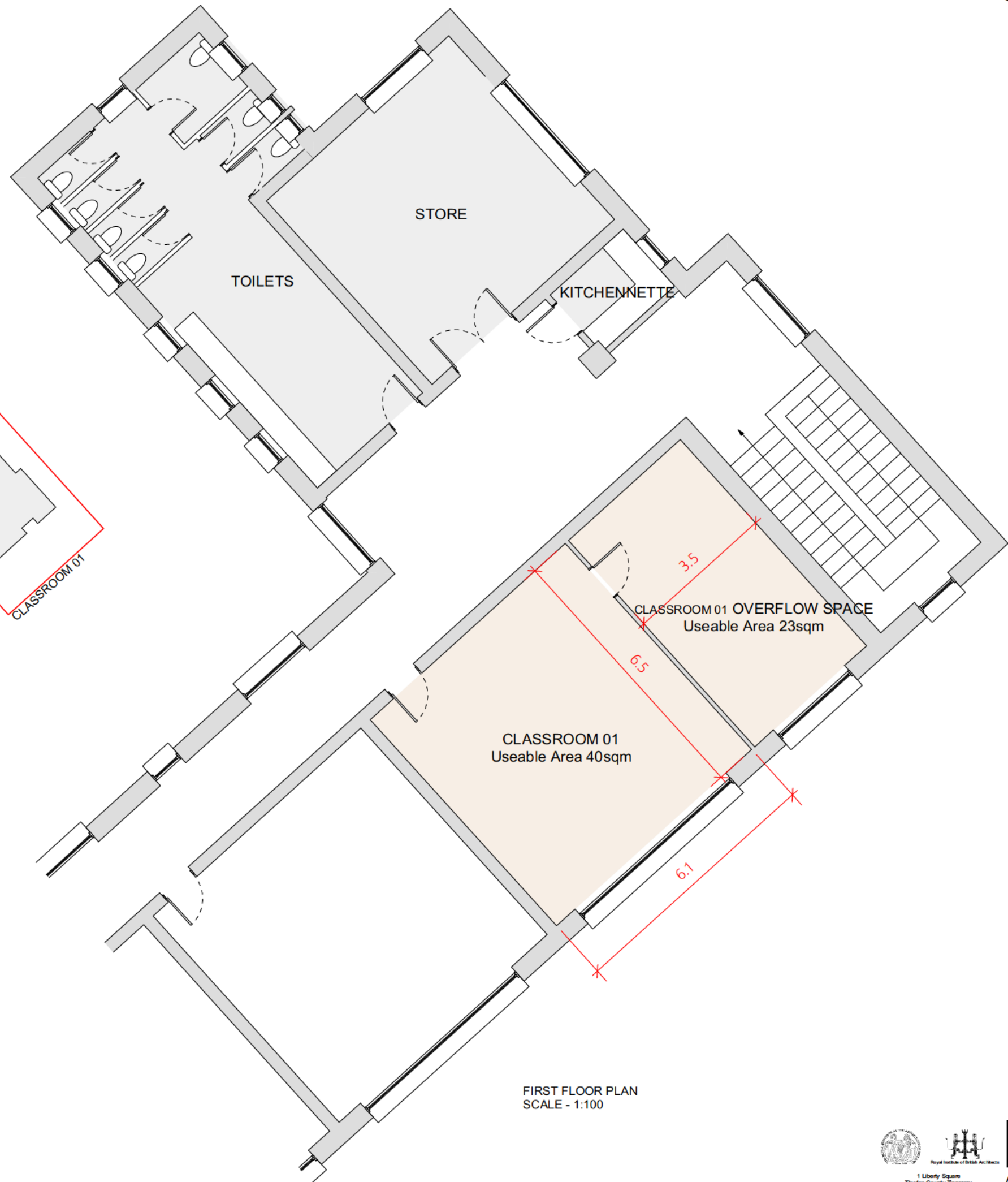
Further information is available at: <http://www.osi.ie>; search 'Capture Resolution'



OS MAP EXTRACT
SCALE - NTS



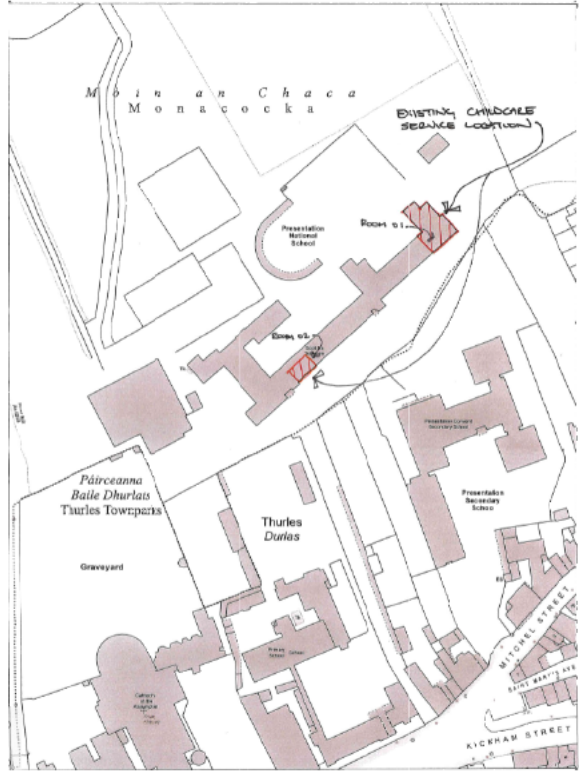
KEY PLAN
SCALE - NTS



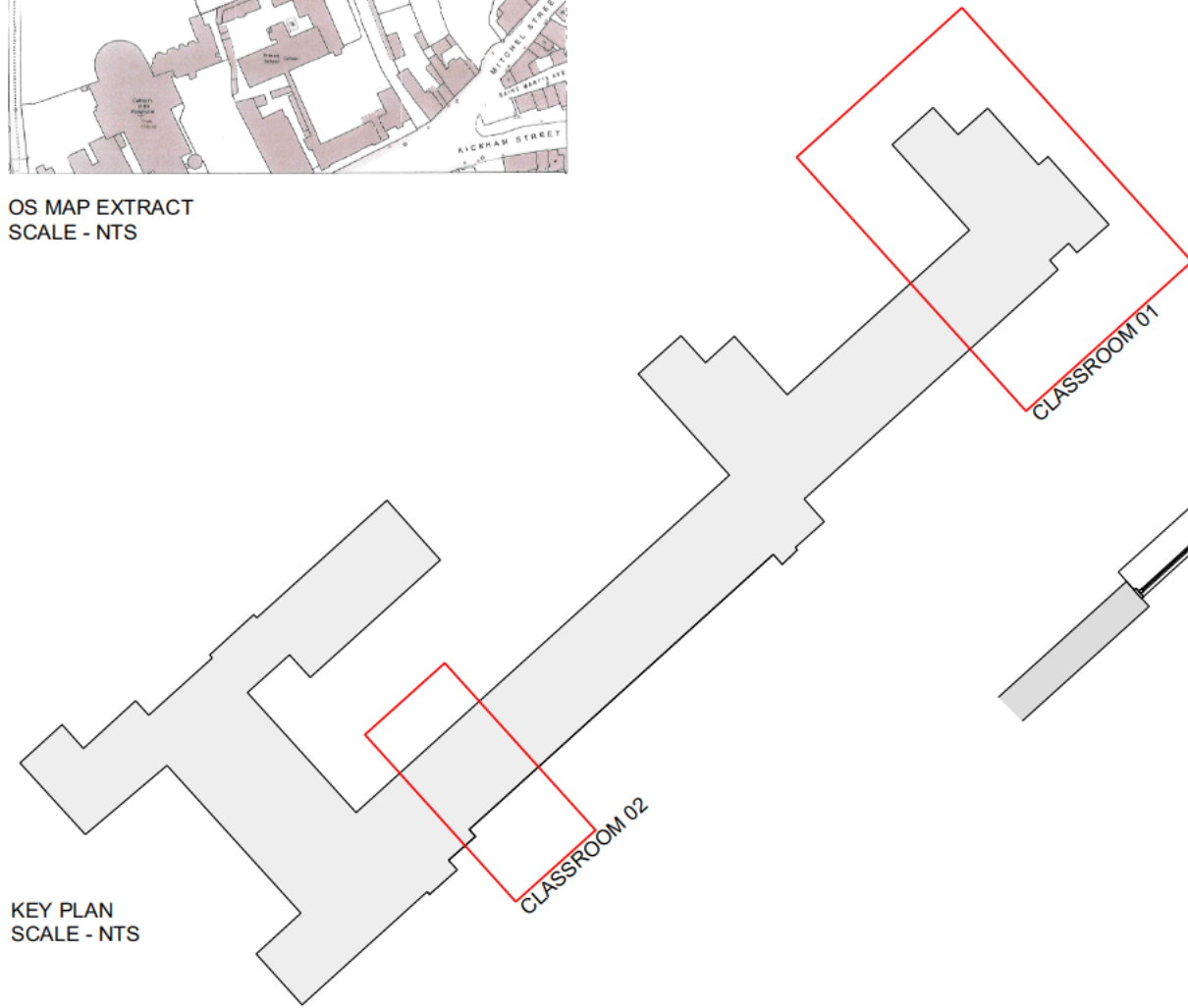
FIRST FLOOR PLAN
SCALE - 1:100

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





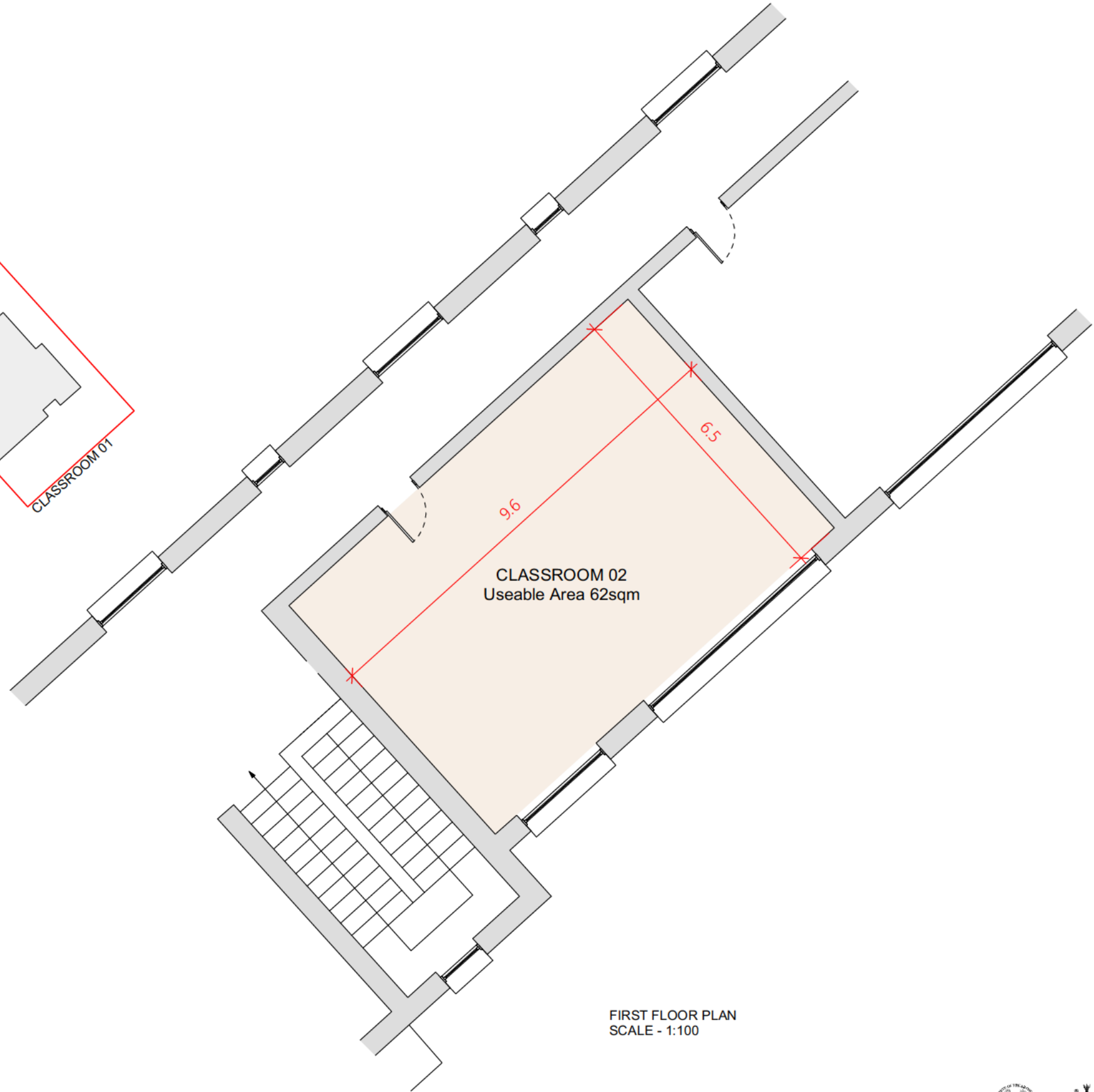
OS MAP EXTRACT
SCALE - NTS



KEY PLAN
SCALE - NTS



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



FIRST FLOOR PLAN
SCALE - 1:100



Comhairle Contae Thiobraid Árann
Tipperary County Council

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

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

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

Date: 29th April 2026 Our Ref: S5/26/61 Civic Offices, Nenagh

Breda Byrne
C/O DH Ryan Architects
1 liberty Square
Thurles
Co Tipperary

Re: Application for a Section 5 Declaration – Change of use of existing preschool (seasonal use) for use as full day /after school service. The proposal does not involve any material change of use as the facility will continue to operate as an educational childcare service, consistent with the existing use of the premises and in accordance with Tusla regulations at Clever Clogs Montessori, First Floor Presentation Primary School, Cathedral Street, Thurles, Co Tipperary.

Dear Donal,

I acknowledge receipt of your application for a Section 5 Declaration received on 29th April 2026, in connection with the above.

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

Yours sincerely



for **Director of Services**

467TIPPERARY COUNTY COUNCIL

Application for Declaration under Section 5

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

Planning Reference:	S5/26/61
Applicant:	Breda Byrne
Development Address:	Clever Clogs Montessori, First Floor, Presentation Primary School, Cathedral Street, Thurles.
Proposed Development:	Change of use of existing preschool (sessional use) rooms for use as full day/after school service. The proposal does not involve any material change of use as the facility will continue to operate as an educational childcare service, consistent with the existing use of the premises and in accordance with TUSLA requirements.

1. GENERAL

On the 29th April, 2026, a request was made for a declaration under Section 5 of the Planning and Development Act 2000, as amended, by Breda Byrne, Clever Clogs Montessori as to whether or not the following constitutes development and if so, whether same constitutes exempted development at Presentation Primary School, Thurles.

Change of use of existing preschool (sessional use) rooms for use as full day/after school service. The proposal does not involve any material change of use as the facility will continue to operate as an educational childcare service, consistent with the existing use of the premises and in accordance with TUSLA requirements.

The application is accompanied by:

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

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

2. STATUTORY PROVISIONS

The following statutory provisions are relevant to this referral case;

Planning and Development Act 2000, as amended

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

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

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

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

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

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

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

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

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

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

Planning and Development Regulations 2001 (as amended)

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

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

“school” means an establishment which—

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

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

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

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

Restrictions on exemption.

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

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

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

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

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

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

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

CLASS 8 of Part 4 of Schedule 2

Use—

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

3. ASSESSMENT

a. Site Location

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

b. Relevant Planning History

On Site:

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

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

Adjoining site:

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

- 07540030:** Permission granted to Presentation Secondary School for Construction of additional six class rooms as an extension to existing school ; also to construct new foyer lobby entrance with all associated site.
- 23600605:** Permission granted to Presentation Secondary School for two-storey extension and alterations at the rear of the existing school and all associated siteworks including reconfigured internal access roads, parking and set-down areas, boundary walls and landscaping
- S5.15.19:** Application for Exemption Certificate for Change surface of existing hockey pitch to an astro-turf pitch and change surface and formalise surrounding track
- S5.26.38** Application for Exemption Certificate for Change of use of existing preschool (sessional use) rooms for use as full day care service. The service will run between the hours of 7.30am to 5pm, Monday to Friday during the school term. Application deemed NOT EXEMPT

c. Assessment

The question posed under the Section 5 Declaration application is as to whether a **Change of use of existing preschool (sessional use) rooms for use as full day/after school service. The proposal does not involve any material change of use as the facility will continue to operate as an educational childcare service, consistent with the existing use of the premises and in accordance with TUSLA requirements,** is exempted development.

I note no physical works to the building are proposed.

A) “Is or is not Development”

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

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

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

I note the application form has indicated the proposals involve a change of use if existing preschool for use as a full day/after school service. In order to inform an assessment details of the existing parent use of the building are required together with details of the preschool use and times of operation.

B) “Is or is not Exempted Development”

See above. Further information is required.

C) Is the exemption restricted under Article 9

None.

4. APPROPRIATE ASSESSMENT (AA) / ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

The development has been screened as to the requirement for AA (see attached) and it has been determined that same is not required. EIA is not required in respect of the development.

5. RECOMMENDATION

It is recommended to seek the following further information under Section 5(2) of the Planning and Development Act 2000, as amended.

1. The applicant form references a change of use. In order to inform an assessment against planning exemptions the applicant is requested to confirm:
 - Whether the change of use relates to the parent use of the building as a school
 - Whether the change relates to the operating times/nature of enterprise operated by Clever Cloggs Montessori.
2. The drawings included show the use will operate from classrooms at first floor level. Details of how long the Montessori use in in place and under what authorisation is to be provided.

Senior Executive Planner:

Jonathan Flood

Date: 21/5/2026

EIA Pre-Screening

Establishing a development is a 'sub-threshold development'

File Reference:	S5.26.61	
Development Summary:	A per Planners Report	
Was a Screening Determination carried out under Section 176A-C?	<input type="checkbox"/> Yes, no further action required <input checked="" type="checkbox"/> No, Proceed to Part A	
A. Schedule 5 Part 1 - Does the development comprise a project listed in Schedule 5, Part 1, of the Planning and Development Regulations 2001 (as amended)? (Tick as appropriate)		
<input type="checkbox"/> Yes, specify class _____	EIA is mandatory	
	No Screening required	
<input checked="" type="checkbox"/> No	Proceed to Part B	
B. Schedule 5 Part 2 - Does the development comprise a project listed in Schedule 5, Part 2, of the Planning and Development Regulations 2001 (as amended) and does it meet/exceed the thresholds? (Tick as appropriate)		
<input checked="" type="checkbox"/> No, the development is not a project listed in Schedule 5, Part 2	No Screening required	
<input type="checkbox"/> Yes the project is listed in Schedule 5, Part 2 and meets/exceeds the threshold, specify class (including threshold): _____	EIA is mandatory	
	No Screening required	
<input type="checkbox"/> Yes the project is of a type listed but is <i>sub-threshold</i> : _____	Proceed to Part C	
C. If Yes, has Schedule 7A information/screening report been submitted?		
<input type="checkbox"/> Yes, Schedule 7A information/screening report has been submitted by the applicant	Screening Determination required	
<input type="checkbox"/> No, Schedule 7A information/screening report has not been submitted by the applicant	Preliminary Examination required	

HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT

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

(a) File Reference No:	S5/26/61
(b) Brief description of the project or plan:	As per Planners Report
(c) Brief description of site characteristics:	As per Planners Report
(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW	None
(e) Response to consultation:	None

STEP 2. Identification of relevant Natura 2000 sites using Source-Pathway-Receptor model and compilation of information on Qualifying Interests and conservation objectives.

European Site (code)	List of Qualifying Interest/Special Conservation Interest ¹	Distance from proposed development ² (km)	Connections (Source-Pathway-Receptor)	Considered further in screening Y/N
002137 Lower River Suir	https://www.npws.ie/protected-sites/sac/002137	Within 10km	None	No

STEP 3. Assessment of Likely Significant Effects

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

Impacts:	Possible Significance of Impacts: (duration/magnitude etc.)
Construction phase e.g. <ul style="list-style-type: none"> • Vegetation clearance • Demolition • Surface water runoff from soil excavation/infill/landscaping (including borrow pits) • Dust, noise, vibration • Lighting disturbance • Impact on groundwater/dewatering • Storage of excavated/construction materials • Access to site • Pests 	None. No works proposed.
Operational phase e.g. <ul style="list-style-type: none"> • Direct emission to air and water • Surface water runoff containing contaminant or sediment • Lighting disturbance • Noise/vibration • Changes to water/groundwater due to drainage or abstraction • Presence of people, vehicles and activities • Physical presence of structures (e.g. collision risks) • Potential for accidents or incidents 	None. No works proposed. Existing connection to municipal WWTP
In-combination/Other	

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

<p>Examples of the type of changes to give consideration to include:</p> <ul style="list-style-type: none"> • Reduction or fragmentation of habitat area • Disturbance to QI species • Habitat or species fragmentation • Reduction or fragmentation in species density • Changes in key indicators of conservation status value (water or air quality etc.) • Changes to areas of sensitivity or threats to QI • Interference with the key relationships that define the structure or ecological function of the site 	None. No works proposed.
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(c) Are 'mitigation' measures necessary to reach a conclusion that likely significant effects can be ruled out at screening?

Yes No

STEP 4. Screening Determination Statement

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

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

Conclusion:

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

Signature and Date of Recommending Officer:	Marion Carey	Date:	12.05.2026
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Date: 21st May 2026

Our Ref: S5/26/61

Civic Offices, Nenagh

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

Re: Application for a Section 5 Declaration – Change of use of existing preschool (sessional use) rooms for use as full day/after school service. The proposal does not involve any material change of use as the facility will continue to operate as an educational childcare service, consistent with the existing use of the premises and in accordance with TUSLA requirements at Clever Clogs Montessori, First Floor, Presentation Primary School, Cathedral Street, Thurles, Co Tipperary.

Dear Sir/Madam,

I refer to an application received from you on 29th April 2026 requesting a Declaration from this Planning Authority as to whether or not certain works constitute development within the meaning of the Planning and Development Act 2000, as amended.

Further information is requested as follows;

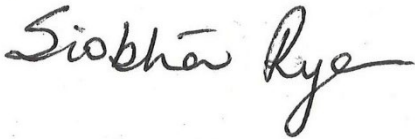
It is recommended to seek the following further information under Section 5(2) of the Planning and Development Act 2000, as amended.

1. The applicant form references a change of use. In order to inform an assessment against planning exemptions the applicant is requested to confirm:
 - Whether the change of use relates to the parent use of the building as a school
 - Whether the change relates to the operating times/nature of enterprise operated by Clever Clogs Montessori.

2. The drawings included show the use will operate from classrooms at first floor level. Details of how long the Montessori use in in place and under what authorisation is to be provided.

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

Yours sincerely

A handwritten signature in black ink that reads "Siobhan Rye". The signature is written in a cursive style with a long, sweeping tail on the letter 'y'.

for **Director of Services**

27.05.2026
Ref: 1885-DR05

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

Dear Sir/Madam,

I refer to your request for further information in respect of the above Section 5 Declaration application. Please find below our response to the matters raised.

1. Clarification regarding the reference to change of use.

The application form referred to a "change of use". For clarity, this reference was intended to relate to the proposed use of the existing classrooms for Montessori and after-school use. It was not intended to suggest that the parent use of the building is changing from school use to another materially different use.

Clever Clogs Montessori currently operates from existing classrooms within the school building. The current use is educational in character, being a Montessori / early-years educational service. The proposed after-school use would also be educational in character and would take place within the same existing rooms.

The Section 5 request was submitted to obtain clarity as to whether the use of the existing classrooms as Montessori and after-school space, within the established school building, constitutes development and, if so, whether it constitutes exempted development.

In respect of operating times and the nature of the enterprise operated by Clever Clogs Montessori, the position is as follows:

- Clever Clogs Montessori currently operates from Monday to Friday, 8.30am – 1.30pm as a part-time service.
- The current use is Montessori / early-years education.
- The proposed additional use is full day and after-school education within the same existing rooms.
- The proposed full day would operate from 8am – 5pm and the after-school use would operate from 1.30pm – 5pm.
- The number of children attending the Montessori service is approximately 33.
- The number of children proposed to attend the full day / after-school service is approximately 20.

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

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

- The number of staff is approximately 3.
- The use takes place within existing classrooms and does not require any external works or extension to the building.
- The use does not involve a change from the established school / educational character of the premises.

Accordingly, the clarification sought is that the use of the existing Montessori rooms for after-school education forms part of, or is compatible with, the long-established school / educational use of the building, rather than amounting to a change in the parent use of the premises.

2. Details regarding the Montessori use at first floor level

The drawings submitted with the Section 5 application show the rooms currently used by Clever Clogs Montessori at first floor level. These are existing rooms / classrooms within the school building.

Clever Clogs Montessori has operated from the identified first floor rooms since September 2006. The use has therefore been in place for approximately 20 years.

The school itself opened in 1957 and has operated as an educational premises since that time. There is no original planning permission for the school use, as the school use predates the modern planning permission system. The relevant planning context is therefore that the building has a long-established educational / school use.

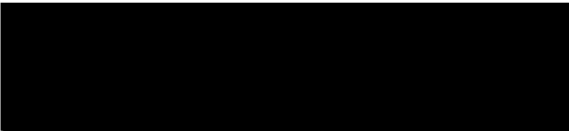
Clever Clogs Montessori occupies the rooms under agreement with the school. No separate planning permission was sought for the Montessori use, as the use was understood to fall within the established educational use of the school premises.

The current Section 5 request has been made because TUSLA requires clarity for re-registration purposes that the space currently used for Montessori may be used as Montessori and after-school space, and that such use would be exempted development.

For completeness, the current Montessori use and proposed after-school use:

- take place within existing rooms / classrooms;
- do not involve any external works;
- do not involve an extension to the building;
- do not alter the external appearance of the building;
- do not introduce a use unrelated to school / education; and
- do not change the established educational character of the premises.

We trust that the above clarifies the matters raised in the request for further information and provides the Planning Authority with the information required to proceed with its determination of the Section 5 Declaration request.



Donal Ryan
Registered Architect



Comhairle Contae Thiobraid Árann
Tipperary County Council

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

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

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

Date: 28th May 2026

Our Ref: S5/26/61

Civic Offices, Nenagh

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

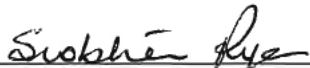
Re: Application for a Section 5 Declaration – Change of use of existing preschool (sessional use) rooms for use as full day/after school service. The proposal does not involve any material change of use as the facility will continue to operate as an educational childcare service, consistent with the existing use of the premises and in accordance with TUSLA requirements at Clever Clogs Montessori, First Floor, Presentation Primary School, Cathedral Street, Thurles, Co Tipperary.

Dear Sir/Madam

I acknowledge receipt of Further Information received on 27th 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**

TIPPERARY COUNTY COUNCIL
Application for Declaration under Section 5

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

Planning Reference: S5/26/61

Applicant: Breda Byrne

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

Proposed Development: Change of use of existing preschool (sessional use) rooms for use as full day/after school service. The proposal does not involve any material change of use as the facility will continue to operate as an educational childcare service, consistent with the existing use of the premises and in accordance with TUSLA requirements.

1. GENERAL

On the 29th April, 2026, a request was made for a declaration under Section 5 of the Planning and Development Act 2000, as amended, by Breda Byrne, Clever Clogs Montessori as to whether or not the following constitutes development and if so, whether same constitutes exempted development at Presentation Primary School, Thurles.

Change of use of existing preschool (sessional use) rooms for use as full day/after school service. The proposal does not involve any material change of use as the facility will continue to operate as an educational childcare service, consistent with the existing use of the premises and in accordance with TUSLA requirements.

The application is accompanied by:

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

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

2. STATUTORY PROVISIONS

The following statutory provisions are relevant to this referral case;

Planning and Development Act 2000, as amended

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

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

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

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

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

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

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

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

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

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

Planning and Development Regulations 2001 (as amended)

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

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

“school” means an establishment which—

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

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

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

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

Restrictions on exemption.

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

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

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

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

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

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

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

CLASS 8 of Part 4 of Schedule 2

Use—

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

3. ASSESSMENT

a. Site Location

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

b. Relevant Planning History

On Site:

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

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

Adjoining site:

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

- 07540030:** Permission granted to Presentation Secondary School for Construction of additional six class rooms as an extension to existing school ; also to construct new foyer lobby entrance with all associated site.
- 23600605:** Permission granted to Presentation Secondary School for two-storey extension and alterations at the rear of the existing school and all associated siteworks including reconfigured internal access roads, parking and set-down areas, boundary walls and landscaping
- S5.15.19:** Application for Exemption Certificate for Change surface of existing hockey pitch to an astro-turf pitch and change surface and formalise surrounding track
- S5.26.38** Application for Exemption Certificate for Change of use of existing preschool (sessional use) rooms for use as full day care service. The service will run between the hours of 7.30am to 5pm, Monday to Friday during the school term. Application deemed NOT EXEMPT

c. Assessment

The question posed under the Section 5 Declaration application is as to whether a **Change of use of existing preschool (sessional use) rooms for use as full day/after school service. The proposal does not involve any material change of use as the facility will continue to operate as an educational childcare service, consistent with the existing use of the premises and in accordance with TUSLA requirements,** is exempted development.

I note no physical works to the building are proposed.

A) “Is or is not Development”

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

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

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

I note the application form has indicated the proposals involve a change of use if existing preschool for use as a full day/after school service. In order to inform an assessment details of the existing parent use of the building are required together with details of the preschool use and times of operation.

B) “Is or is not Exempted Development”

See above. Further information is required.

C) Is the exemption restricted under Article 9

None.

4. APPROPRIATE ASSESSMENT (AA) / ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

The development has been screened as to the requirement for AA (see attached) and it has been determined that same is not required. EIA is not required in respect of the development.

5. RECOMMENDATION

It is recommended to seek the following further information under Section 5(2) of the Planning and Development Act 2000, as amended.

1. The applicant form references a change of use. In order to inform an assessment against planning exemptions the applicant is requested to confirm:
 - Whether the change of use relates to the parent use of the building as a school
 - Whether the change relates to the operating times/nature of enterprise operated by Clever Cloggs Montessori.
2. The drawings included show the use will operate from classrooms at first floor level. Details of how long the Montessori use is in place and under what authorisation is to be provided.

Senior Executive Planner: *Jonathan Flood*
Date: 21/5/2026

1. **ASSESSMENT OF FURTHER INFORMATION**

Further information (FI) was requested from the applicant on 21.05.2026 and a response was received on 27.05.2026. The FI request is outlined below in italics, with summary of the response received outlined in bold.

It is recommended to seek the following further information under Section 5(2) of the Planning and Development Act 2000, as amended.

1. *The applicant form references a change of use. In order to inform an assessment against planning exemptions the applicant is requested to confirm:*
 - *Whether the change of use relates to the parent use of the building as a school*
 - *Whether the change relates to the operating times/nature of enterprise operated by Clever Cloggs Montessori.*

The applicant confirmed that the proposed change of use is from a school use to use of the classrooms for Montessori and after-school use. The applicant confirmed that the use is from existing classrooms within the school building and the proposed use is for Montessori/early-years educational service and afterschool use. The applicant confirmed that the section 5 request was submitted to obtain clarity as to whether the use of the existing classrooms as Montessori and After School space within the established school building, constitutes development, and if so whether it constitutes exempted development.

The applicant has provided details in relation to the operating times/nature of the enterprise operated by Clever Cloggs Montessori, as requested, including confirmation that same will operate Monday to Friday, 8.30am to 1.30pm (Montessori) and 1.30pm to 5pm (Afterschool). The applicant has confirmed that the number of children attending Montessori will be approximately 33, with the numbers attending afterschool-service/full day numbering approximately 20. The operation will employ 3 staff members. The applicant has confirmed that the proposed development will take place within existing classrooms and will not require any external works or extensions to the building.

2. *The drawings included show the use will operate from classrooms at first floor level. Details of how long the Montessori use in in place and under what authorisation is to be provided.*

The applicant has confirmed that the proposed Montessori and Afterschool service will operate from existing classrooms within the school building. The applicant confirmed that the Montessori element of the operation has been operating in place for approximately 20 years, however no planning permission was sought for such use as the applicant considered same would fall within the existing educational use of the school. The applicant confirmed that the current Section 5 application is being made to satisfy requirements of TUSLA for re-registration purposes.

d. Assessment

The question posed under the Section 5 Declaration application, as confirmed in further information submitted on 27th May is whether a change of use of existing school rooms/classrooms for use as Montessori and after school service, constitutes development and if so whether it constitutes exempted development.

As confirmed by the further information received on 27th May, the proposal does not involve any external works or extension to the building, and does not alter the appearance of the building. The proposed development does not change the established educational character of the premises and does not introduce a use unrelated to school/education.

B) “Is or is not Development”

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

Article 5 of the Planning and Development Regulations 2001 states that a “School” *has the meaning assigned to it under the Education Act 1998*.

The Education Act 1998 states;

“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.

Having considered all of the details, documentation and history in relation to this file including details submitted as further information on 27th May with regards the question asked, the Planning Authority is satisfied that the proposal would not involve “works” .

In considering the proposed change of use, the Planning Authority notes An Bord Pleanála referral RL 3343 which concluded that

(a) There is no provision for exemption within any of the classes as set out in Part 4 of Schedule 2 of the Planning and Development Regulations, 2001, for a change of use from a previous school building to an after school and Montessori facility under the exempted development provisions of those Regulations,

(b) The use of the building as a Montessori school constitutes a change of use, but in this particular case, is not a material change of use, having regard to the characteristics of the site and site layout and to the character of development in the vicinity of the site, and

(c) The change of use, not being material, is not development

It is therefore considered that the proposed development does involve a change of use, however same is not considered to be a material change of use and as such would NOT constitute “development” within the meaning of Section 3 of the Act.

C) “Is or is not Exempted Development”

As the use proposed is not development considerations as to whether same constitute exempt development do not arise.

C) Restrictions under Articles 9 and 10

I note no restrictions on exemptions which would apply.

D) Requirement for Appropriate Assessment and Environmental Impact Assessment

AA

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

EIA

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

4. **RECOMMENDATION**

WHEREAS a question has arisen as to whether the use of a part of a school building as an afterschool and montessori facility is or is not development or is or is not exempted development at the Presentation Primary School, Thurles.

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

(a) Sections 2(1) and 3(1) of the Planning and Development Act, 2000, as amended;

- (b) Article 5 and 10 of the Planning and Development Regulations 2001, as amended;
- (c) Class 8 of Part 4 of Schedule 2 of the Planning and Development Regulations 2001, as amended.
- (d) the planning history of the site and the documentation submitted with the application and as further information on 27th May, 2026.

AND WHEREAS

Tipperary County Council has concluded that –

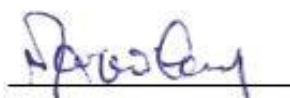
(a) There is no provision for exemption within any of the Classes as set out in Part 4 of Schedule 2 of the Planning and Development Regulations, 2001 for a change of use from part of a school building to an after school and montessori facility under the exempted development provisions of the Planning and Development Regulations,

(b) The use of a school building as an After-School and Montessori school is a change of use, but in this particular case is not a material change of use, having regard to the characteristics of the site and site layout and to the character of development in the vicinity of the site.

(c) The change of use, not being material, is not development.

NOW THEREFORE Tipperary County Council, in exercise of the powers conferred on it by section 5 of the 2000 Act (as amended), hereby decides that the use of part of a school building as an after school and montessori facility at Presentation Primary School, Thurles is not development

District Planner:



Date: 28.05.2026

Senior Executive Planner:



Date: 28.5.2026

EIA Pre-Screening

Establishing a development is a 'sub-threshold development'

File Reference:	S5.26.61	
Development Summary:	A per Planners Report	
Was a Screening Determination carried out under Section 176A-C?	<input type="checkbox"/> Yes, no further action required <input checked="" type="checkbox"/> No, Proceed to Part A	
A. Schedule 5 Part 1 - Does the development comprise a project listed in Schedule 5, Part 1, of the Planning and Development Regulations 2001 (as amended)? (Tick as appropriate)		
<input type="checkbox"/> Yes, specify class _____	EIA is mandatory	
	No Screening required	
<input checked="" type="checkbox"/> No	Proceed to Part B	
B. Schedule 5 Part 2 - Does the development comprise a project listed in Schedule 5, Part 2, of the Planning and Development Regulations 2001 (as amended) and does it meet/exceed the thresholds? (Tick as appropriate)		
<input checked="" type="checkbox"/> No, the development is not a project listed in Schedule 5, Part 2	No Screening required	
<input type="checkbox"/> Yes the project is listed in Schedule 5, Part 2 and meets/exceeds the threshold, specify class (including threshold): _____	EIA is mandatory	
	No Screening required	
<input type="checkbox"/> Yes the project is of a type listed but is <i>sub-threshold</i> : _____	Proceed to Part C	
C. If Yes, has Schedule 7A information/screening report been submitted?		
<input type="checkbox"/> Yes, Schedule 7A information/screening report has been submitted by the applicant	Screening Determination required	
<input type="checkbox"/> No, Schedule 7A information/screening report has not been submitted by the applicant	Preliminary Examination required	

HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT

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

(a) File Reference No:	S5/26/61
(b) Brief description of the project or plan:	As per Planners Report
(c) Brief description of site characteristics:	As per Planners Report
(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW	None
(e) Response to consultation:	None

STEP 2. Identification of relevant Natura 2000 sites using Source-Pathway-Receptor model and compilation of information on Qualifying Interests and conservation objectives.

European Site (code)	List of Qualifying Interest/Special Conservation Interest ¹	Distance from proposed development ² (km)	Connections (Source-Pathway-Receptor)	Considered further in screening Y/N
002137 Lower River Suir	https://www.npws.ie/protected-sites/sac/002137	Within 10km	None	No

STEP 3. Assessment of Likely Significant Effects

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

Impacts:	Possible Significance of Impacts: (duration/magnitude etc.)
Construction phase e.g. <ul style="list-style-type: none"> • Vegetation clearance • Demolition • Surface water runoff from soil excavation/infill/landscaping (including borrow pits) • Dust, noise, vibration • Lighting disturbance • Impact on groundwater/dewatering • Storage of excavated/construction materials • Access to site • Pests 	None. No works proposed.
Operational phase e.g. <ul style="list-style-type: none"> • Direct emission to air and water • Surface water runoff containing contaminant or sediment • Lighting disturbance • Noise/vibration • Changes to water/groundwater due to drainage or abstraction • Presence of people, vehicles and activities • Physical presence of structures (e.g. collision risks) • Potential for accidents or incidents 	None. No works proposed. Existing connection to municipal WWTP
In-combination/Other	

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

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

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

None. No works proposed.

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

Yes No

STEP 4. Screening Determination Statement

The assessment of significance of effects:

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

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

Conclusion:

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

Signature and Date of Recommending Officer:	Marion Carey	Date:	28.05.2026
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Original

TIPPERARY COUNTY COUNCIL

DELEGATED EMPLOYEE'S ORDER

File Ref: **S5/26/61** **Delegated Employee's Order No:** _____

SUBJECT: Section 5 Declaration

I, Brian Beck, Director of Services, Tipperary County Council, by virtue of the powers delegated to me in accordance with the provisions of Section 154 of the Local Government Act 2001, as amended by Schedule 1, Part 1 of the Local Government Reform Act 2014 under Chief Executive's Order No. 44188 dated 3rd October, 2025, hereby order that pursuant to the provisions of the Planning and Development Act 2000, as amended, that an application under Section 5 from Breda Byrne, C/O DH Ryan Architects, 1 Liberty Square, Thurles, Co. Tipperary,

Change of use of existing preschool (sessional use) rooms for use as full day/after school service. The proposal does not involve any material change of use as the facility will continue to operate as an educational childcare service, consistent with the existing use of the premises and in accordance with TUSLA requirements at Clever Clogs Montessori, First Floor, Presentation Primary School, Cathedral Street, Thurles is development and is exempted development.

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

- a) Sections 2(1) and 3(1) of the Planning and Development Act, 2000, as amended
- b) Article 5 and 10 of the Planning and Development Regulations 2001, as amended;
- c) Class 8 of Part 4 of Schedule 2 of the Planning and Development Regulations 2001, as amended.
- d) the planning history of the site and the documentation submitted with the application and as further information on 27th May 2026.

AND WHEREAS

Tipperary County Council has concluded that –

- a) There is no provision for exemption within any of the Classes as set out in Part 4 of Schedule 2 of the Planning and Development Regulations, 2001 for a change of use from part of a school building to an after school and Montessori facility under the exempted development provisions of the Planning and Development Regulations,
- b) The use of a school building as an After-School and Montessori school is a change of use, but in this particular case is not a material change of

use, having regard to the characteristics of the site and site layout and to the character of development in the vicinity of the site.

c) The change of use, not being material, is not development.

NOW THEREFORE Tipperary County Council, in exercise of the powers conferred on it by section 5 of the 2000 Act (as amended), hereby decides that the use of part of a school building as an after school and Montessori facility at Presentation Primary School, Thurles is **not development**

Signed: 

Brian Beck
Director of Services

Date: 28/05/2026



Date: 28th May 2026

Our Ref: S5/26/61

Civic Offices, Nenagh

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

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

Dear sir/madam,

I refer to your application for a Section 5 Declaration received on 29th April 2026 and Further Information received on 27th May 2026 in relation to the following proposed works:

Change of use of existing preschool (sessional use) rooms for use as full day/after school service. The proposal does not involve any material change of use as the facility will continue to operate as an educational childcare service, consistent with the existing use of the premises and in accordance with TUSLA requirements at Clever Clogs Montessori, First Floor, Presentation Primary School, Cathedral Street, Thurles

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(1) and 3(1) of the Planning and Development Act, 2000, as amended
- b) Article 5 and 10 of the Planning and Development Regulations 2001, as amended;
- c) Class 8 of Part 4 of Schedule 2 of the Planning and Development Regulations 2001, as amended.
- d) the planning history of the site and the documentation submitted with the application and as further information on 27th May 2026.

AND WHEREAS

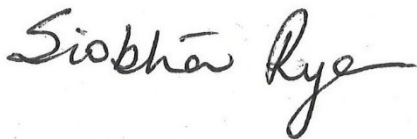
Tipperary County Council has concluded that –

- a) There is no provision for exemption within any of the Classes as set out in Part 4 of Schedule 2 of the Planning and Development Regulations, 2001 for a change of use from part of a school building to an after school and Montessori facility under the exempted development provisions of the Planning and Development Regulations,
- b) The use of a school building as an After-School and Montessori school is a change of use, but in this particular case is not a material change of use, having regard to the characteristics of the site and site layout and to the character of development in the vicinity of the site.
- c) The change of use, not being material, is not development.

NOW THEREFORE Tipperary County Council, in exercise of the powers conferred on it by section 5 of the 2000 Act (as amended), hereby decides that the use of part of a school building as an after school and Montessori facility at Presentation Primary School, Thurles is **not development**

NOTE: Any person issued with a Declaration of a Planning Authority may refer the Declaration for review to An Coimisiún Pleanála, 64 Marlborough Street, Dublin 1, within four (4) weeks of the date of issue of the Declaration and on payment of the prescribed fee.

Yours sincerely



for **Director of Services**