



LIMERICK CITY & COUNTY COUNCIL

Limerick City & County Council
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10 FEB 2025

Customer Services Post
Docradoyle

PLANNING AND ENVIRONMENTAL SERVICES

SECTION 5 APPLICATION

DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

Applicant's Name:

Broadford Community Campus Development CLG

Applicant's Address:

Tulchaun, Broadford, Co.Limerick

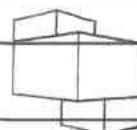
Telephone No.

[REDACTED]

Name of Agent (if any):

MIKE BOYCE

CONSULTING ENGINEERS LTD



Tel: 087 132 1395
Appletown, Feohanagh,
Co. Limerick, V42 X773

Address:

[REDACTED]

[REDACTED]

[REDACTED]

Telephone No. 063 50218

Address for Correspondence:

(Agent)

[REDACTED]

[REDACTED]



Location of Proposed development:

Tulla, Broadford, Co.Limerick

Description of Proposed development:

Community Walkway & fence Subsidiary
Community Playing field

(Lighting Not included, permission shall be
sought for any lighting.)

Is this a Protected Structure or within the curtilage of a Protected Structure.

YES NO

Applicant's interest in site: OwnerS

List of plans, drawings, etc. submitted with this application:

Site Location 1:2500

Site Layout 1:500

(No Superstructure/Plans/Elevations)

Have any previous extensions/structures been erected at this location YES NO

If Yes please provide floor areas of all existing structures:

Signature of Applicant (or Agent)

Mike Murphy

NOTES: Application must be accompanied by:

- (a) ✓ Fee of €80
- (b) ✓ Site location map
- (c) ✓ Site layout plan
- (d) ~~MA~~ Dimensioned plans and elevations of the structure and any existing structures.
- (e) ~~MA~~ Where the declaration is in respect of a farm building, a layout identifying the use of each existing building together with floor area of each building.

Application to be forwarded to:

Limerick City & County Council,
Planning and Environmental Services,
City & County Council Offices,
Dooradoyle Road,
Limerick.

OFFICE USE ONLY

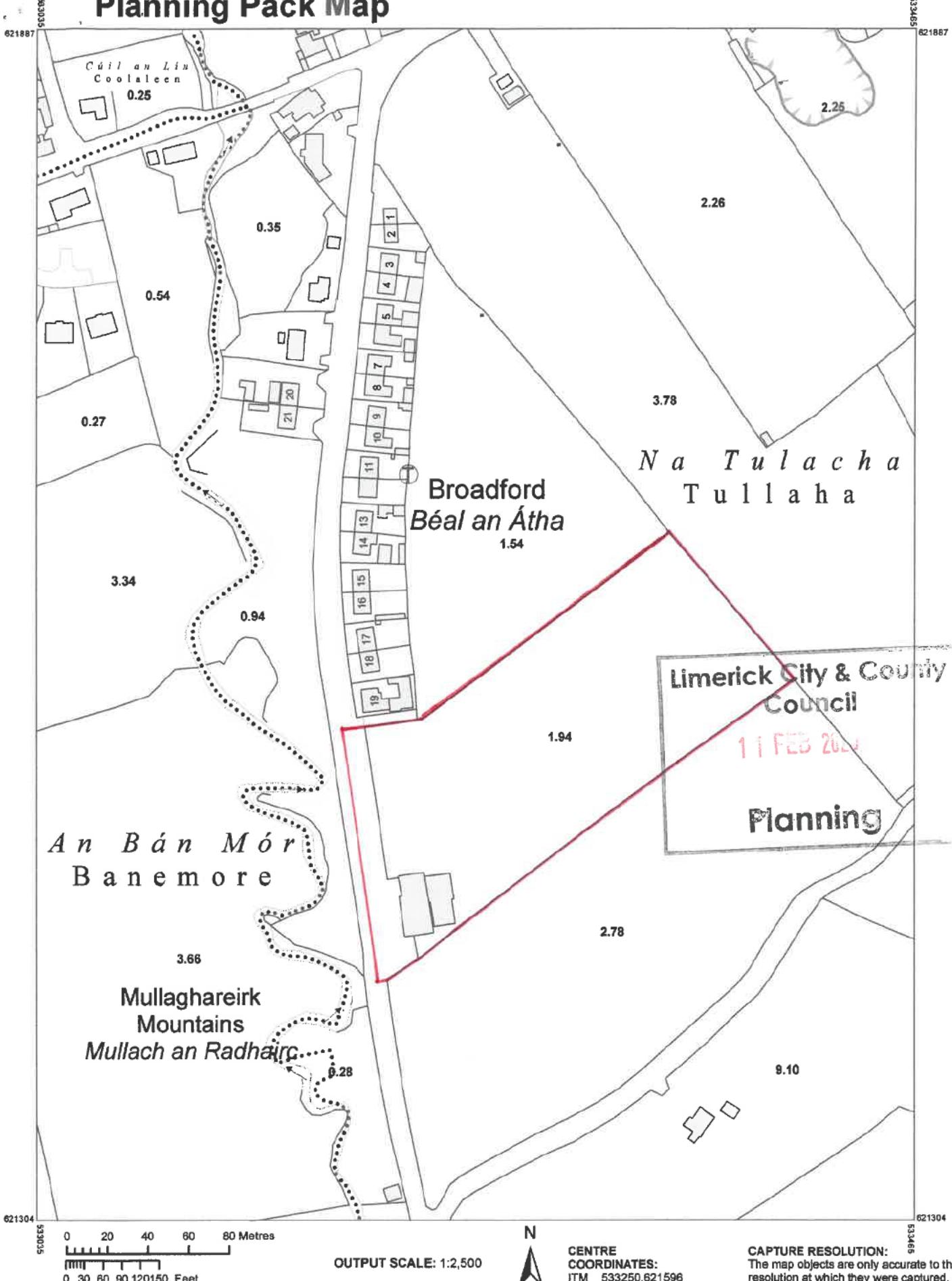
Ref. No. _____

Date Received _____

Fee Received _____

Date Due _____

Planning Pack Map



COMPILED AND PUBLISHED BY:

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Phoenix Park,
Dublin 8,
Ireland.
D08F6E4

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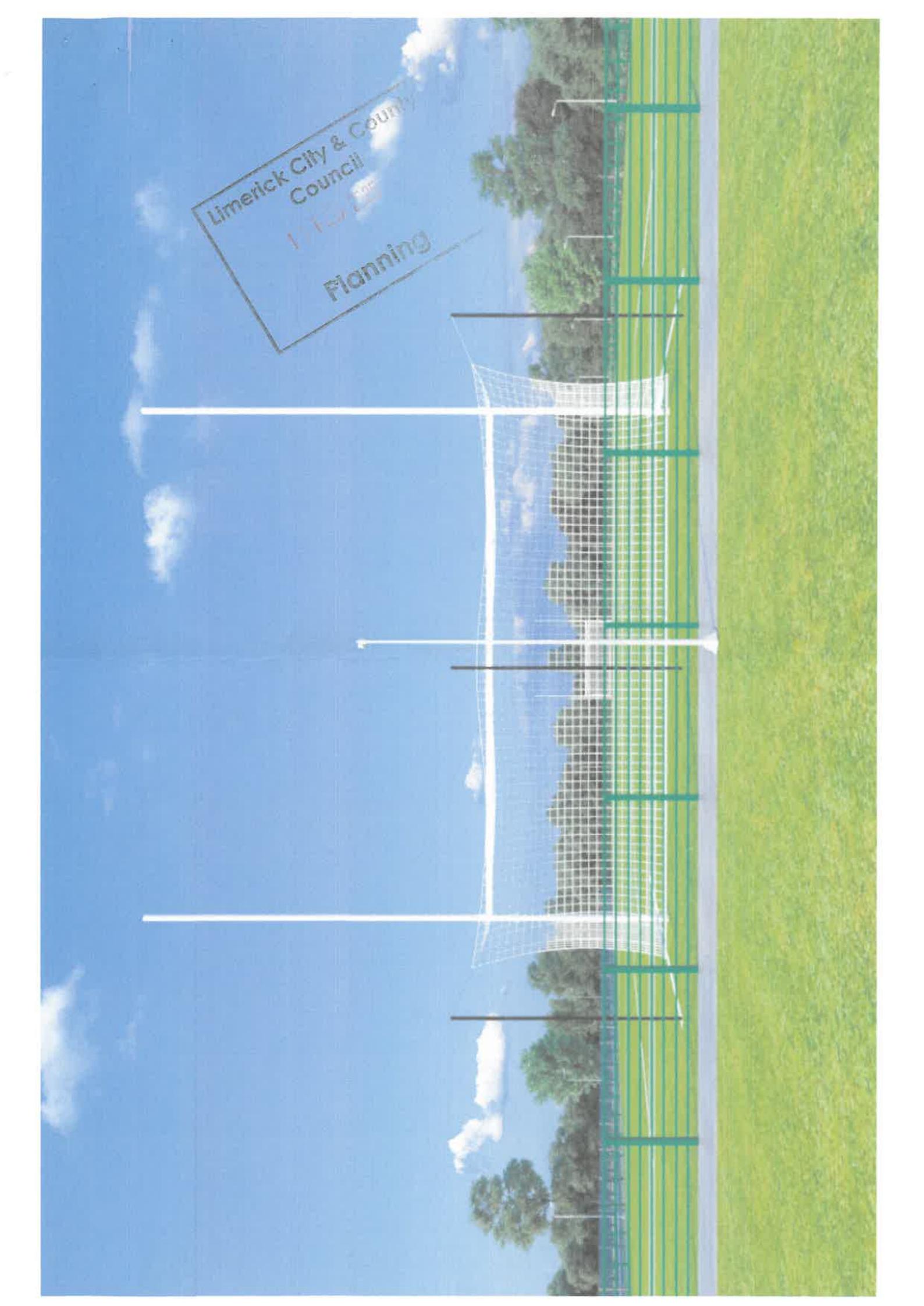
CENTRE
COORDINATES:
ITM 533250,621596

PUBLISHED: 05/02/2025 ORDER NO.: 50446619_1
MAP SERIES: 1:5,000 (5408)
1:2,500 (5408-C)

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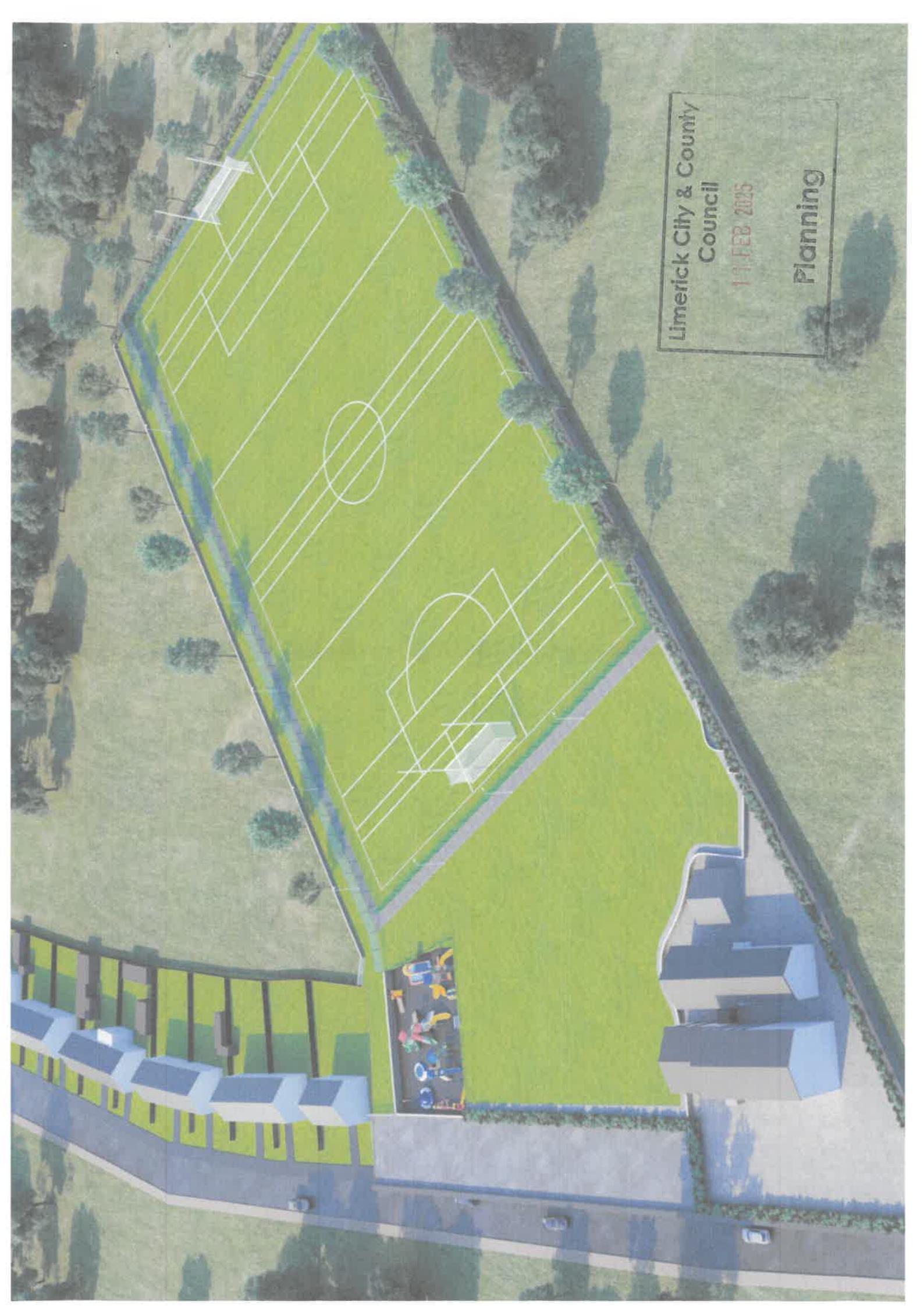


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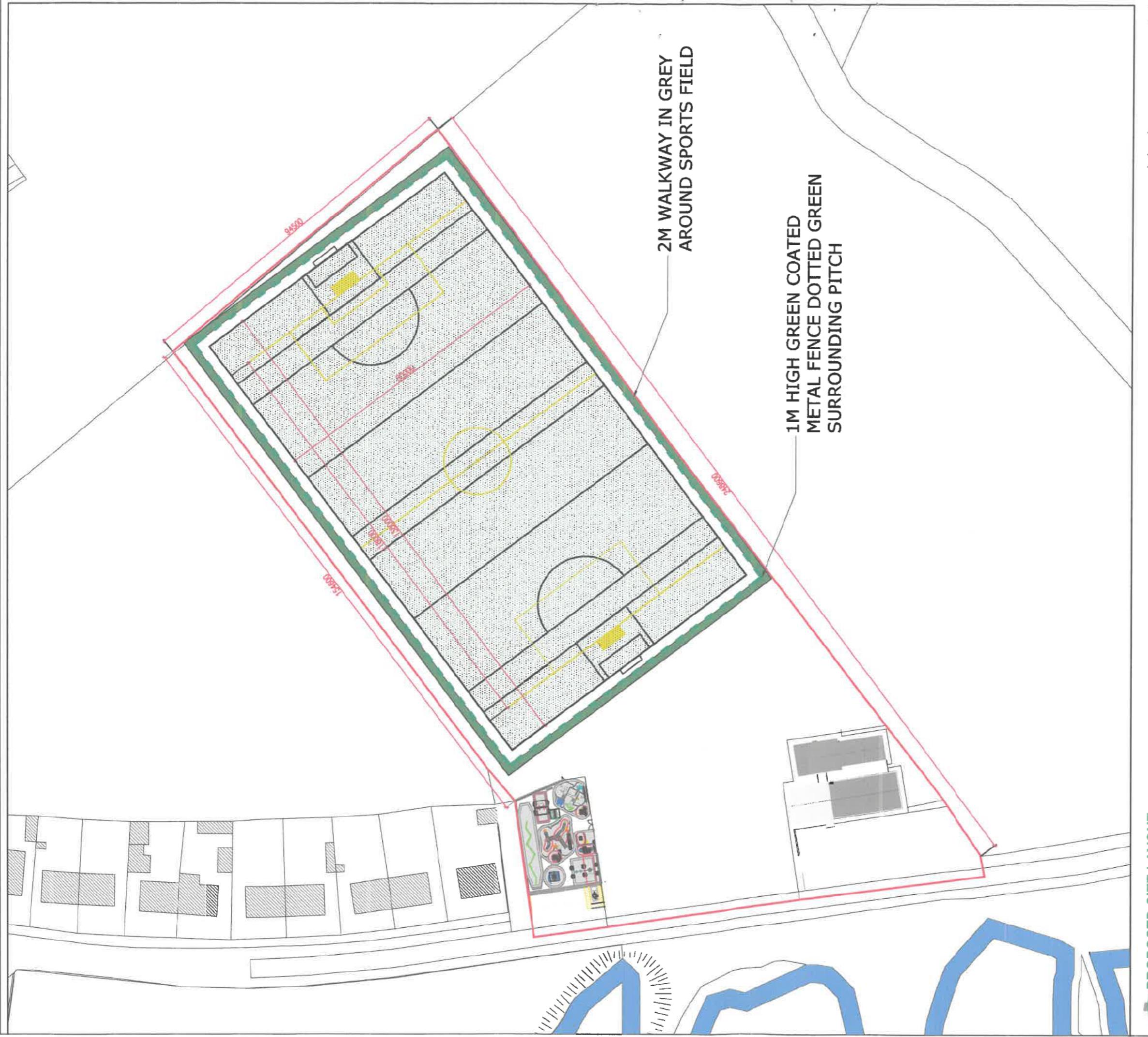
Planning



Limerick City & County
Council

17 FEB 2025

Planning



MIKE BOYCE CONSULTING ENGINEERS	
<small>Engineering & Surveying Services Civil Engineering, Land Surveying Environmental, Geotechnical Structural, Water & Waste Water Planning & Design Services BECG MIKE (Chartered Member of Engineers Ireland 041/500)</small>	
<small>Tel: 061 477333 Email: info@mbc.ie Web: www.mbc.ie PROPOSED COMMUNITY DEVELOPMENT, AT TULLAHA, BROADFORD, CO. LIMERICK, FOR BROADFORD COMMUNITY CAMPUS DEVELOPMENT CLG.</small>	
<small>PROPOSED SITE LAYOUT PLANNING/DESIGN Scale 1:1000 (A3) MB24-132 1:1000 (A3) 001 A</small>	

Limerick City & County Council
14 FEB 2015
Planning

COMHAIRLE
CATHRACH & CONTAE
Luimnígh
Limerick
CITY & COUNTY
COUNCIL

LIMERICK CITY & COUNTY COUNCIL
CASH OFFICE
CIVIC OFFICES
DOORADOYLE
CO LIMERICK

10/02/2025 12:03:03

Receipt No./
Uimhir Admhlá : LA25/0/25174371
***** REPRINT *****

Broadford Community Capus Developement C
Tullahe
Broadford
Co Limerick

EXEMPTION CERTIFICATES 80.00
GOODS 80.00
VAT Exempt/Non-vatable

Total/lomlán : 80.00 EUR

Tendered/Tairgthe :
Cheque 80.00
A.I.B.
500004

Change/Sóinseáil : 0.00

Issued By/
Eisithe ag : Mary Healy
From/Ó : CASH OFFICE HQ
Vat reg No./Cláruimhir CBL: 3267368TH

Report on application under Section 5 of the Planning and Development Act 2000 (as amended)

Reference no. EC-014-25

Name and Address of Applicant:

Broadford Community Campus Development,
Tullaher,
Broadford
Co. Limerick

Agent:

Mike Boyce

Location:

Appleton,
Feohanagh,
Co. Limerick

Description of Site and Surroundings:

The site is situated in the townland of Tullaher, Broadford Village. The site is known as the Broadford Community Campus. There is a pitch/ playground and community building on site. The site is accessed from an existing access onto a regional road the R579. The site is surrounded by agricultural land and dwellings along part of the northern boundary. The site is not in a flood zone.

Zoning:

N/A

Proposal:

This is an application requesting a Section 5 Declaration on whether the following works are or are not development or are or not exempted development:

- Walkway & fencing surrounding community playing field

This Section 5 declaration includes the following:

- Application Form,
- Site location map
- Site Plan
- Elevations

Planning History:

12/743 – Permission granted for the construction of a children's playground including fixed play equipment, fencing, lighting, entrance and all associated site works

07/1876 – Permission granted for construct a basketball court of a 32 x 22m court area, reception, dressing rooms, toilets, gymnasium/meeting room, connection to the existing public sewage system and associated site works.

05/3707 – Permission granted for construction of a handball alley which will consist of a 40 x 20 playing court, dressing rooms, toilets, viewing area with a link to the existing building, connection to the existing public sewage system and associated site works.

96/2678 – Permission granted for viewing stand.

Enforcement History

N/A

Assessment

Consideration as to whether a development constitutes exempted development or not is governed by Sections 4 and 5 of the Planning and Development Act 2000 (as amended) and Articles 5, 6, 7, 8, 9, 10 and 11 of the Planning and Development Regulations 2001 (as amended).

Is the proposal development?

Section 2(1) in this Act, except where otherwise requires –

‘works’ includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal.

‘structure’ as any building, structure, excavation, or other thing constructed or made on, in or under any land, or part of a structure so defined, and – (a) Where the context so admits, includes the land on, in or under which the structure is situated.

Section 3(1) defines ‘development’ as ‘the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land’.

The proposed development on site, comprising a community walkway and fence surrounding a community playing field constitutes ‘works’ and ‘development’.

Is the proposal exempted development?

The proposal for the construction of a community walkway and fence surrounding a community playing field will be assessed under Class 11 and 33 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended).

Class 33

Development consisting of the laying out and use of land -

(c) for athletics or sports (other than golf or pitch and putt or sports involving the use of motor vehicles, aircraft or firearms), where no charge is made for admission of the public to the land

The proposed development is for the provision of a pedestrian walkway, including installation of fencing around an existing GAA pitch. The proposed pedestrian walkway will be used in conjunction with an existing sports ground. It has not been stated in the application documentation that there will be an admission charge on the public however, it is assumed that there will not be a charge to use the walkway. The pedestrian walkway is considered exempt under Class 33.

Class 11

The construction, erection, lowering, repair or replacement, other than within or bounding the curtilage of a house, of –

(a) any fence (not being a hoarding or sheet metal fence)

1. The height of any new structure shall not exceed 1.2 metres or the height of the structure being replaced, whichever is the greater, and in any event shall not exceed 2 metres.

The proposed development is for the provision of a pedestrian walkway, including installation of fencing. It is stated on file that the fence line proposed will be 1m in height, therefore not exceeding 1.2m in height and will be green coated metal in finish, therefore not being a hoarding or sheet metal fence. The pedestrian walkway is considered exempt under Class 11.

Article 9 Restrictions

‘The proposed development is not restricted by any of the restrictions in Article 9 of the Planning and Development Regulations 2001 (as amended)’.

Appropriate Assessment

An AA Screening examination was carried out by Limerick City & County Council (see appendix 1). Overall it is considered that the development as proposed should not exercise a significant effect on the conservation status of any SAC or SPA as there are no source-pathway-receptors and the site does not directly encroach on any Natura 2000 European Sites. Therefore, an Appropriate Assessment is not necessary (See appendix 1 for AA Screening Form).

Environmental Impact Assessment

An EIA Screening examination was carried out by Limerick City and County Council (see Appendix 2). Based on a preliminary examination of the proposal there is no real likelihood of significant effects on the environment and EIA is not required.

Conclusion/Recommendation:

The information detailed on the application and plans submitted is considered to be within the scope of Class 33 (c) and Class 11 (a) of Part 1 of Schedule 2 of the Planning and Development Regulations 2000 (as amended).

Regard has been had to –

- (a) Section 3 and 4 of the Planning and Development Act 2000 (as amended)
- (b) Class 33 (c) of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended)
- (c) Class 11 (a) of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended)
- (d) The plans & particulars submitted with the application received on 11th February, 2025.

It is therefore considered that the said works are development and exempted development under Class 33 (c) and Class 11 (a) of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended).



Jennifer Mc Nulty

Executive Planner

Date: 10/03/25

Agreed B. Henn

Barry Henn, SEP

Date: 10/03/2025

AA PN01 Screening Form

STEP 1: Description of the project/proposal and local site characteristics:	
(a) File Reference No:	EC-014-25
(b) Brief description of the project or plan:	This is an application requesting a Section 5 Declaration on whether a pedestrian walkway and fencing around the Broadford Community Campus is or is not exempted development.
(c) Brief description of site characteristics:	This is an existing sports ground.
(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW	N/A
(e) Response to consultation:	N/A

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-Receptors)	Considered further in screening Y/N
002165	Lower River Shannon SAC https://www.npws.ie/protected-sites/sac/002165	Circa 7.7km	Y - Weak hydrological connections exist through possible surface water discharges via Broadford Stream across the public road from the site to the Bunoke River, a tributary of River Shannon.	Y - see step 3
004077	River Shannon and River Fergus Estuaries SPA https://www.npws.ie/protected-sites/spa/004077	Circa 33km	Y - Weak hydrological connections exist through possible surface water discharges via Broadford Stream across the public road from the site to the Bunoke River, a	Y - see step 3

			tributary of River Shannon.	
002170	Blackwater River SAC https://www.npws.ie/protected-sites/sac/002170	Circa 3.5km	N	N
004161	Stack's to Mullaghareirk Mountains, West Limerick Hills & Mount Eagle SPA https://www.npws.ie/protected-sites/spa/004161	Circa 2km	N	N

STEP 3: Assessment of Likely Significant Effects	
(a) Identify all potential direct and indirect impacts that may have an effect on the conservation objectives of a European site, taking into account the size and scale of the project under the following headings:	
Impacts:	Possible Significance of Impacts: (duration/Magnitude etc)
Construction phase e.g - Vegetation clearance - Demolition - Surface water runoff from soil excavation/infill/landscaping (including borrow pits) - Dust, noise, vibration - Lighting disturbance - Impact on groundwater/dewatering - Storage of excavated/construction materials - Access to site - Pests	The hydrological connection to the SAC and SPA are indirect and weak. The nature of the development, a walkway and fencing and intervening land uses, means that water quality in the European sites will not be negatively affected by any contaminants. The construction phase will not result in significant environmental impacts that could affect European Sites within the wider catchment area.
Operation phase e.g. - Direct emission to air and water - Surface water runoff containing contaminant or sediment - Lighting disturbance - Noise/vibration - Changes to water/groundwater due to drainage or abstraction - Presence of people, vehicles and activities - Physical presence of structures (e.g collision risk) - Potential for accidents or incidents	The hydrological connection to the Lower River Shannon SAC, Fergus SPA and Stack's to Mullaghareirk Mountains, West Limerick Hills & Mount Eagle SPA is indirect and weak. Having regard to the nature of the proposal and the separation distances, it is not considered that the proposal would result in any significant effects on European Sites.
In-combination/Other	N/A given the level of development in the area and the nature of the development proposed.

(b) Describe any likely changes to the European site:	
Examples of the type of changes to give consideration to include: - Reduction or fragmentation of habitat area - Disturbance to QI species - Habitat or species fragmentation - Reduction or fragmentation in species density	None. Having regard to the nature of the proposal and the distance from the SAC and SPA there is no risk of habitat loss or fragmentation or any effects on QI species directly or ex-situ. The distance between the proposed development site and any European Sites, and the weak and indirect ecological pathway is such that the proposal

<ul style="list-style-type: none"> - Changes in key indicators of conservation status value (water or air quality etc) - Changes to areas of sensitivity or threats to QI - Interference with the key relationships that define the structure or ecological function of the site 	will not result in any likely changes to the European sites that comprise part of the Natura 2000 network.
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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

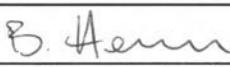
The assessment of significance of effects:

On the basis of the information submitted, which is considered adequate to undertake a screening determination and having regard to:

- the nature and scale of the proposed development,
- the intervening land uses 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, would not be likely to have a significant effect on the above listed European sites or any other European site, in view of the said sites' conservation objectives.

Conclusion: An appropriate assessment is not required.

	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:	 <hr/> Jennifer Mc Nulty, Executive Planner 06/03/25	
Signature and Date of the Decision Maker:	 <hr/> Barry Henn, Senior Executive Planner 06/03/25	

APPENDIX 2 EIA SCREENING

Establishing if the proposal is a 'sub-threshold development':		
Planning Register Reference:	EC-014-25	
Development Summary:	Pedestrian walkway & fencing	
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: [insert here] _		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 type="checkbox"/> No. the development is not a project listed in Schedule 5, Part 2		No Screening required
<input checked="" type="checkbox"/> Yes the project is listed in Schedule 5, Part 2 and meets/exceeds the threshold, specify class (including threshold): [specify class & threshold here]		EIA is mandatory
		No Screening required
<input type="checkbox"/> Yes the project is of a type listed but is sub-threshold: [insert here]		Proceed to Part C
C. If Yes , has Schedule 7A information/screening report been submitted?		
<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
Signature and Date of Recommending Officer:	 Jennifer Mc Nulty, Executive Planner 06/03/25	
Signature and Date of the Decision Maker:	 Barry Henn, Senior Executive Planner	

	06/02/25
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APPENDIX 3 SITE INSPECTION (17/02/25)





PLANNING & PLACE-MAKING

REG POST:

Broadford Community Campus Development
c/o Mike Boyce
Appletown
Feohanagh
Co. Limerick

EC/014/25

March 2025

Re: Declaration under Section 5

Dear Sir/Madam,

I refer to the above application for Section 5 Declaration on Development and Exempted Development.

Please find herewith a copy of Council's decision on same.

Yours faithfully,

For Director of Services
Planning & Place-Making

LIMERICK CITY & COUNTY COUNCIL

APPROVED OFFICER'S ORDER

SECTION 5 – DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

No. AOO/DC/2025/ 133

File Ref No. EC/014/25

SUBJECT: Declaration under Section 5.
Planning and Development Act 2000 as amended
Planning and Development Regulations 2001 as amended

RE: **The construction of a walkway & fencing surrounding community playing field at Tullaha, Broadford, Co. Limerick**

ORDER: Whereas by Director General's Order No. DG/2024/123 dated 27th November 2024, Dr. Pat Daly, Director General, Limerick City & County Council did, pursuant to the powers conferred on him by Section 154 of the Local Government Act, 2001, (as amended by the Local Government Reform Act, 2014 and the Local Government (Mayor of Limerick) and Miscellaneous Provisions Act, 2024), delegate unto Barry Henn, Senior Executive Planner the functions as defined in the Local Government Acts, 1925 to 2024.

Now therefore pursuant to the delegation of the functions aforesaid, I, Barry Henn, Senior Executive Planner, having considered the report and recommendation of Jennifer McNulty, Executive Planner dated 10/03/2025, hereby order that a Declaration under Section 5 of the Planning and Development Act 2000 (as amended) be issued to Broadford Community Campus Development, c/o Mike Boyce, Appletown, Feohanagh, Co. Limerick to state that the works as described above is

Development and is Exempt Development.

Signed

B. Henn

SENIOR EXECUTIVE PLANNER, PLANNING & PLACE-MAKING

Date

10/03/2025

Certified to be a true copy of Approved Officer's Order, Planning & Development Order No. AOO/DC/2025/ 133 dated 10/3/25, pursuant to Section 151(7) of the Local Government Act 2001

Signed:

B. Henn

SENIOR EXECUTIVE PLANNER, PLANNING & PLACE-MAKING



SECTION 5 – DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

DECLARATION NO.

EC/014/25

Name and Address of Applicant: Broadford Community Campus Development, Tullaha, Broadford, Co. Limerick

Agent: Mike Boyce, Appletown, Feohanagh, Co. Limerick

Whether the construction of a walkway & fencing surrounding community playing field at Tullaha, Broadford, Co. Limerick is or is not Development or is or is not Exempted Development. The works as described on the plans submitted with the application on the 11th of February 2025.

AND WHEREAS the Planning Authority has concluded that the construction of a walkway & fencing surrounding community playing field at Tullaha, Broadford, Co. Limerick **DOES** come within the scope of exempted development as defined under Class 33 (c) and Class 11 (a) of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended). See Report attached.

NOW THEREFORE the Planning Authority in exercise of the powers conferred on it by Section 5(2) (a) of the Planning and Development Act 2000 (as amended) hereby decides that the said development as described above is **Development and is Exempt Development**.

Signed on behalf of the said Council

Mike
Date: 10/3/25

NOTE: A Declaration on Development or Exemption issued by Limerick City & County Council may be referred to An Bord Pleanála on payment of €220 for review within 4 weeks after the issuing of the declaration.