



Comhairle Cathrach
& Contae **Luimnigh**

Limerick City
& County Council

Limerick City and County Council

Planning Department

Section 5 Application

DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

Applicant's Name: ACM Community Development Society Ltd.

Applicant's Address: 14/15 CASTLE ST, CASTLECONNELL,
CO. LIMERICK V94 H90P.

Telephone No.



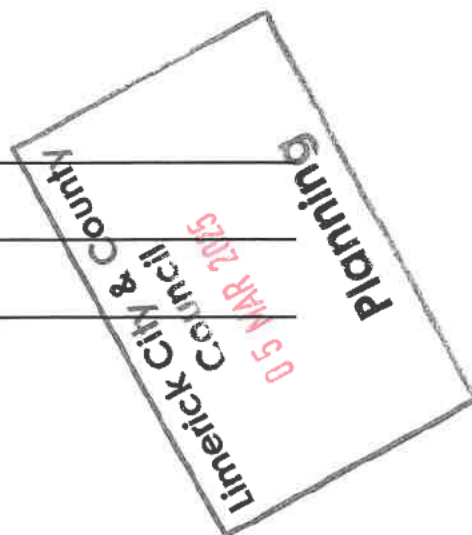
Name of Agent (if any): Jo O'Donovan (General Manager)

Address: ACM 14/15 CASTLE ST, CASTLECONNELL
CO. LIMERICK V94 H90P.

Telephone No. 0892146010

Address for Correspondence:

Same as above.



Location of Proposed development (Please include Eircode):

14/15 Castle St, Castleconnell, Co. Limerick
V94 H90P

Description of Proposed development:

PV panels on new build behind protected
Structure. Protected Structure (~~XXXXXXXXXX~~)
Protected Structure (~~XXXXXXXXXX~~)
Record no. 1097 and 1098.

Section of Exempted Development Regulations and/or section of the Act under which exemption is claimed:

SI4928 2022 - Solar panels are exempt but
querying situation with protected structure.
Is this a Protected Structure or within the curtilage of a Protected Structure.
(YES) NO But not where the PV panels will go.

Applicant's interest in site: PV panels

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

Site location, site layout, floor plans &
Sections

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

If Yes please provide floor areas of all existing structures:

See floor plan of extension on Castle St,
Castleconnell.

Signature of Applicant (or Agent) Jo O'Donovan (General Manager)

NOTES: Application must be accompanied by:

- (a) Fee of €80
- (b) Site location map
- (c) Site layout plan
- (d) Dimensioned plans and elevations of the structure and any existing structures.
- (e) 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:

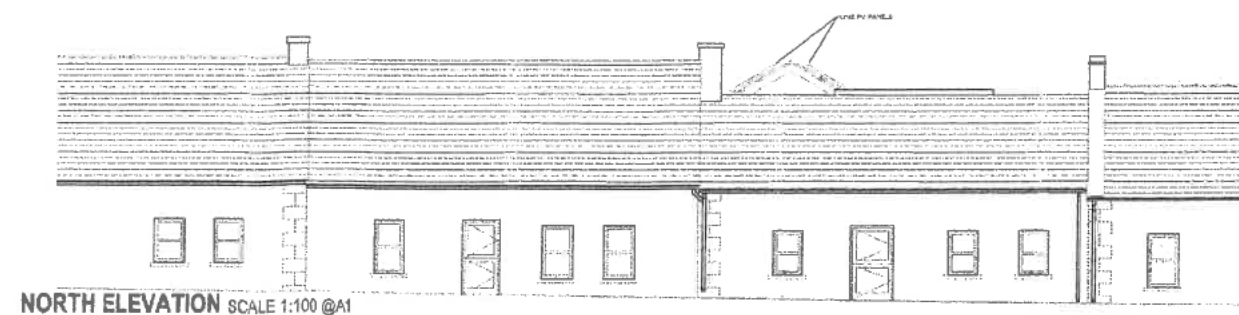
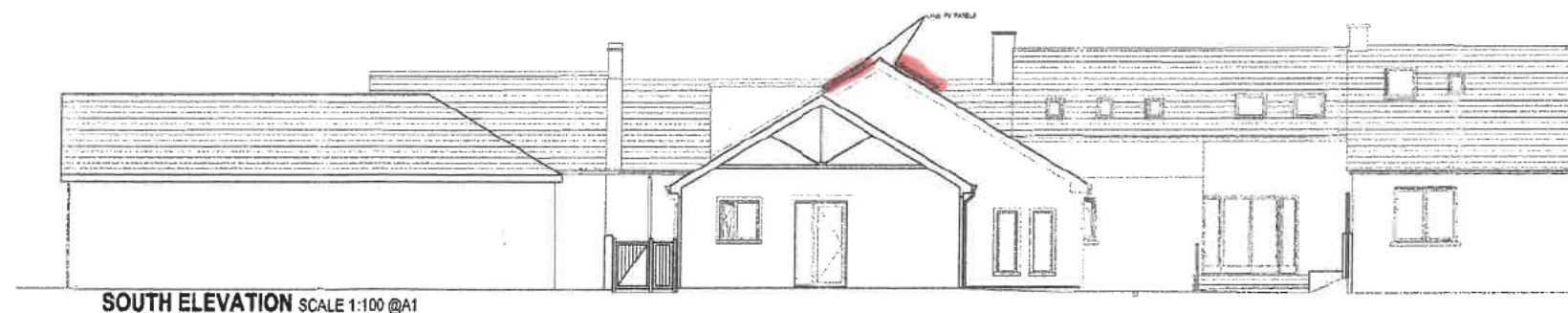
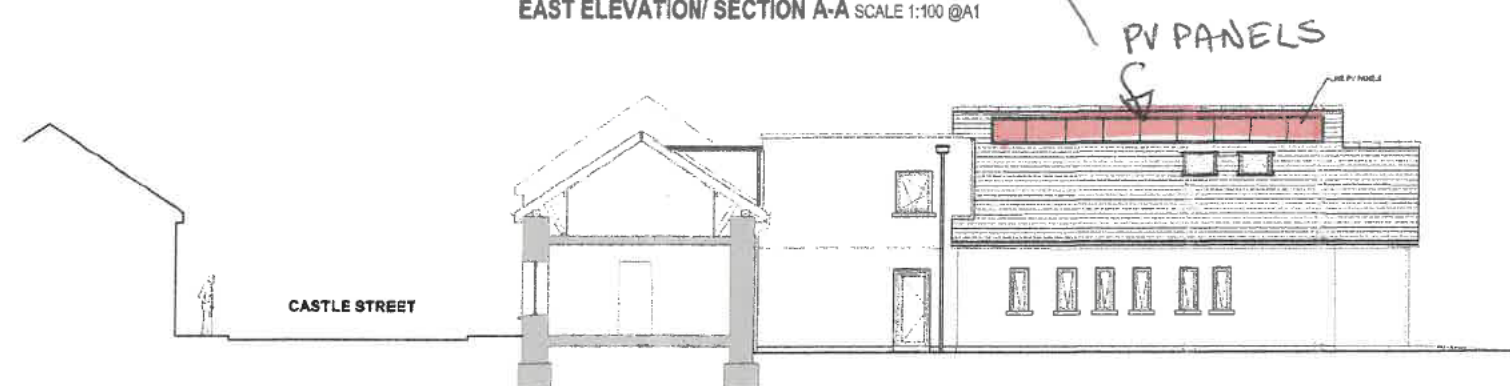
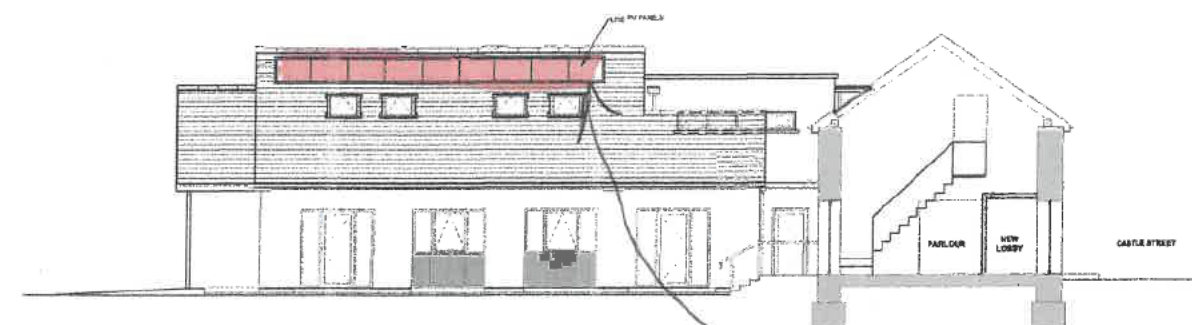
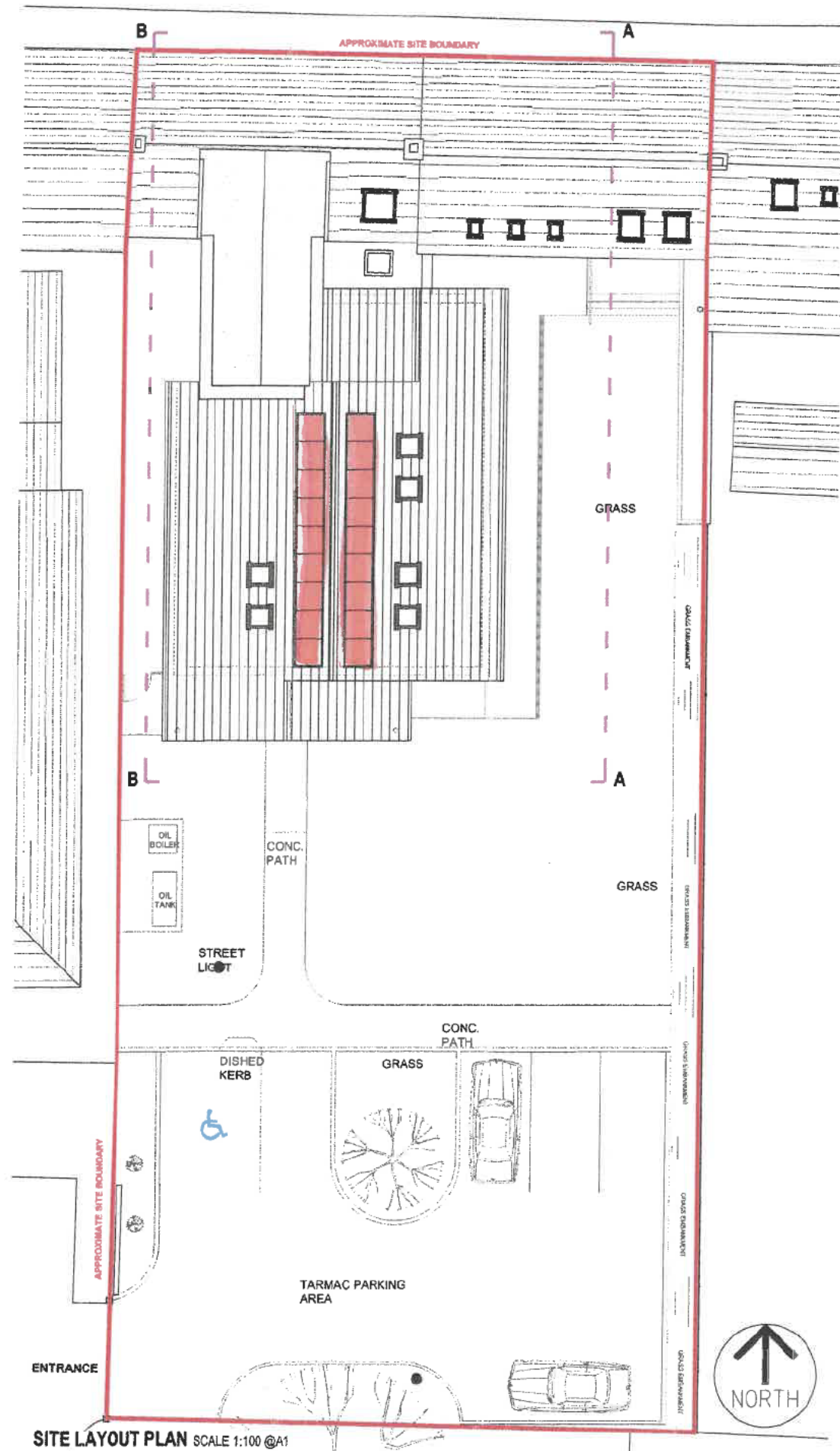
**Planning Department,
Limerick City & County Council,
Dooradoyle,
Limerick,
V94 XF67**

OFFICE USE ONLY

Ref. No. _____ Date Received _____

Fee Received _____ Date Due _____







COMHAIRLE
CATHRACH & CONTAE
Luimnigh
Limerick
CITY & COUNTY
COUNCIL

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

05/03/2025 12:31:54

Receipt No./
Uimhir Admhála : LA25/0/25175095
***** **REPRINT** *****

ASM COMMUNITY DEVELOPMENT SOCIETY
14-15 CASTLE STREET
CASTLCONELL
LIMERICK

Ref Solar Panels

EXEMPTION CERTIFICATES	80.00
GOODS	80.00
VAT Exempt/Non-vatable	

Total/lomlán : 80.00 EUR

Tendered/Tairgthe :
Credit / Debit Card 80.00
VISA
****7994

Change/Sóinseáil : 0.00

Issued By/
Eisithe ag : Gerard Ryan
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-038/25

Name and Address of Applicant: ACM Community Development Society Ltd
14/15 Castle St.,
Castleconnell,
Co. Limerick,
V94 H9OP

Agent: Jo O Donovan
14/15 Castle St.,
Castleconnell,
Co. Limerick,
V94 H9OP

Location: 14/15 Castle St.,
Castleconnell,
Co. Limerick,
V94 H9OP
V94 Y0AA

Description of Site and Surroundings:

The site is located in the village of Castleconnell. It is within an Architectural Conservation Area. The pair of semi-detached buildings are protected structures – RPS 1097:14 Castle Street, Castleconnell Castleconnell Mid-terrace single-storey house, built c. 1820. RPS 1098:15 Castle Street, Castleconnell Mid-terrace single-storey house. The property has been extended in the past. It is currently in use as a community centre with a childcare facility to the rear.

Zoning:

The site is zoned 'Village Centre' in the Castleconnell Local Area Plan 2023-2029.

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:

- PV panels on new build rear extension of Protected Structure.

This Section 5 declaration includes the following:

- Application Form
- Site location Map
- Site Layout Plan
- East, West, South and North Elevation Drawings

Planning History:

10/212: Retention permission granted for enlarged classroom and change of use from meeting room to internet café. Also permission for an extension to the original building for a store (this building is a protected structure).

08/831: Permission granted for alterations to the internal layout of the existing buildings, a new two storey dormer extension to the rear of the existing buildings to provide classroom, office and ancillary accommodation for an after-school service, car parking to the rear of the site, new site entrance to the

adjoining car park at the rear of the site and all necessary site works. We are also applying for change of use from community to community and childcare. The property is a protected structure.

04/3010: Retention permission for a community centre being a change of use from domestic house.

Enforcement History

None

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 the installation of solar PV panels on an existing building constitutes 'works' and 'development'.

Is the proposal exempted development?

The proposal for the installation of Solar PV Panels on the roof of a community centre building will be assessed under Class 61 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended).

Class 61

The placing or erection on a roof, or within the curtilage, or on a roof of any ancillary buildings within the curtilage, of the following buildings or sites of a solar photo-voltaic and/or solar thermal collector installation: (i) an educational building, (ii) health centre or hospital, (iii) recreational or sports facility, (iv) place of worship, (v) community facility or centre, (vi) library, (vii) sites for the provision of gas, electricity, telecommunications services or water supplies or wastewater services operated by a statutory undertaker.

The proposal includes for the installation of 9 no. PV panels (1.76m x 1.73m) to be placed on the eastern roof plane and 9 no. PV panels (1.76m x 1.73m) of the rear return of the building which is currently in use as a community centre.

1. Where such development is located within a solar safeguarding zone, the total aperture area of any solar photovoltaic and/or solar thermal collector panels, taken together with any other such panels previously placed on a roof, shall not exceed 300 square metres.

The site is not within a solar safeguarding zone.

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

The site is not within a solar safeguarding zone.

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

It is not clear from the drawings or method statement submitted what the distance is between the plane of the roof and the solar panels

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

The proposed distance between the solar panels and the roof edge on the return is 20cm. The distance between the solar panels and the edge of the rear roof is above the required 50cm.

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

No ancillary equipment associated with the photo-voltaic panels has been identified.

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

It is not a flat roof.

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

No ancillary equipment is proposed.

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

Panels proposed to be erected on roof plane.

9. The total aperture area of any freestanding solar photo-voltaic and solar thermal collector panels taken together with any other such existing free-standing panels shall not exceed 75 square metres.

N/A

10. The height of any free-standing solar photo-voltaic or solar thermal collector installation shall not exceed 2.5 metres at its highest point above ground level.

N/A

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

N/A

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

The PV panels are not free standing

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

No signs or advertisements are proposed.

14. Development under this Class shall only be exempted development where the solar photo-voltaic or solar thermal collector installation is primarily used for the provision of electricity or heating for use

within the curtilage of the building or site and shall not be considered a change of use for the purposes of the Act.

The applicant should be advised of this requirement.

15. Development under this Class which causes hazardous glint and/or glare shall not be exempted development and any solar photo-voltaic or solar thermal collector panels which are causing hazardous glint and/or glare shall either be removed or be covered until such time as a mitigation plan to address the hazardous glint and/or glare is agreed and implemented to the satisfaction of the Planning Authority.

Article 9 Restrictions

The building is on the record of protected structures and located within an Architectural Conservation Area. Per discussions with LCCC Conservation Officer the installation of solar panels to the rear and return would materially affect the character of the protected structure.

Based on the information provided, I am not satisfied the construction of 18 no. PV solar panels on the roof plane to be exempted development under Class 61 of Part 1 of Schedule 2 of Exempted Development, Planning & Development Regulations 2001 (as amended).

Article 9(1)(xii) states that development to which article 6 relates shall not be exempted development for the purposes of the Act if the carrying out of such development would '*further to the provisions of section 82 of the Act, consist of or comprise the carrying out of works to the exterior of a structure, where the structure concerned is located within an architectural conservation area or an area specified as an architectural conservation area in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan and the development would materially affect the character of the area*'.

As set out above, per discussions with LCCC's Conservation Officer the proposed solar panels are considered to affect the exterior of a protected structure which is within an ACA therefore, the proposed development is considered restricted by xii of 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

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 installation of 18 no. solar panels to the rear roof and return of the existing building detailed on the application and plans submitted is not considered to be within the scope of Class 61 of Part 1 of Schedule 2 of the Planning and Development Regulations 2000 (as amended).

Regard has been had to –

- (a) Section 2, 3 and 4 of the Planning and Development Act 2000 (as amended)
- (b) Class 61 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended)
- (c) Article 9(1)(xii) Restrictions
- (e) The plans & particulars submitted with the application received on 5th March 2025

It is therefore considered that the said works are development and not exempted development under Class 61 (3) of Part 1 of Schedule 2 and Article 9(1)(xii) of the Planning and Development Regulations 2001 (as amended).

Mary O Malley

Mary O Malley
Executive Planner
Date 31/03/2024

B. Henn

Agreed

Barry Henn, S.E.P

Date: 31/03/2025

Appendix 1- AA Screening examination

AA PN01 Screening Form

STEP 1: Description of the project/proposal and local site characteristics:	
(a) File Reference No:	EC/038/25
(b) Brief description of the project or plan:	PV panels on new build rear extension of Protected Structure.
(c) Brief description of site characteristics:	Brownfield suburban location within the zoned lands of Castleconnell
(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW	None
(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	155m(West)	None	No
004077	River Shannon and River Fergus Estauries SPA	11.4km(South West)	None	No
004165	Slieve Felim to Silvermines Mountains SPA	7.5km(East)	None	No

¹ Short paraphrasing and/or cross reference to NPWS is acceptable – it is not necessary to reproduce the full text on the QI/SCI.

² if the site or part thereof is within the European site or adjacent to the European site, state here

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 direct encroachment or hydrological connection.
Operation 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 risk) - Potential for accidents or incidents 	None. No direct encroachment or hydrological connection.
In-combination/Other	None, given the level of development in the area. Brownfield site within a suburban area in a village setting.
(b) Describe any likely changes to the European site:	
Examples of the type of changes to give consideration to include: <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 direct encroachment or hydrological connection.
(c) (Are ‘mitigation’ measures necessary to reach a conclusion that likely significant effects can be ruled out at screening?	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

STEP 4: Screening Determination Statement

The assessment of significance of effects:

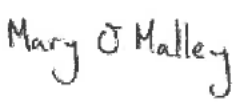
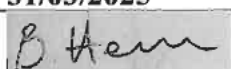
Describe how the proposed development (alone or in-combination is/is not likely to have significant effects on European site (s) in view of its conservation objectives

Conclusion:

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 development,
- the intervening urban 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 site or any other European site, in view of the said site conservation objectives. An appropriate assessment is not, therefore, 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:	<div style="text-align: center;">  <hr style="width: 100px; margin: 0 auto;"/> Mary O Malley Executive Planner 31/03/2025 </div>	
Signature and Date of the Decision Maker:	<div style="text-align: center;">  <hr style="width: 100px; margin: 0 auto;"/> B. Hem 31/03/2025 </div>	

Appendix 2- EIA Screening examination

Establishing if the proposal is a ' <i>sub-threshold development</i> ':	
Planning Register Reference:	EC/038/25
Development Summary:	Erection of 18 no. pv solar panels on a roof
Was a Screening Determination carried out under Section 176A-C?	Yes, no further actions 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)	
Yes specify class 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 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): _[specify class & threshold here]	EIA is mandatory No Screening required
Yes the project is of a type listed but is sub-threshold :	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 <input checked="" type="checkbox"/> No, Schedule 7A information/screening report has not been submitted by the applicant	<p>Screening Determination required</p> <p>Preliminary Examination required</p>

Signature and Date of Recommending Officer:	<p>Mary O'Malley</p> <hr/> <p>Mary O'Malley, EP</p> <p>31/03/2025</p>
Signature and Date of the Decision Maker:	<p>B. Henn</p> <hr/> <p>Barry Henn, SEP</p> <p>31/03/2025</p>

Appendix 3 Site Photographs



PLANNING & PLACE-MAKING

REG POST:

ACM Community Development Society Ltd
c/o Jo O Donovan
14/15 Castle St.,
Castleconnell,
Co. Limerick,
V94 H9OP

EC/038/25

1st April 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) Senior Planner,
Development Management

LIMERICK CITY & COUNTY COUNCIL

APPROVED OFFICER'S ORDER

SECTION 5 – DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

No. AOO/DC/2025/318

File Ref No. EC/038/25

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

RE: **The installation of PV panels on new build rear extension of Protected Structure at 14/15 Castle St, Castleconnell, Co. Limerick, V94 H9OP**

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 Mary O'Malley, Executive Planner dated 31/03/2025, hereby order that a Declaration under Section 5 of the Planning and Development Act 2000 (as amended) be issued to ACM Community Development Society Ltd, c/o Jo O Donovan, 14/15 Castle St., Castleconnell, Co. Limerick, V94 H9OP to state that the works as described above is

Development and is NOT Exempt Development. *kl*

Signed

B. Henn

SENIOR EXECUTIVE PLANNER, PLANNING & PLACE-MAKING

Date

01 / 04 / 2025

Certified to be a true copy of Approved Officer's Order, Planning & Development Order No. AOO/DC/2025/318 dated 11/4/25, 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/038/25

Name and Address of Applicant: ACM Community Development Society Ltd, 14/15 Castle St.,
Castleconnell, Co. Limerick, V94 H9OP

Agent: Jo O Donovan, 14/15 Castle St., Castleconnell, Co. Limerick, V94 H9OP

Whether the installation of PV panels on new build rear extension of Protected Structure at 14/15 Castle St, Castleconnell, Co. Limerick, V94 H9OP 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 5th of March 2025.

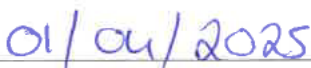
AND WHEREAS the Planning Authority has concluded that the installation of PV panels on new build rear extension of Protected Structure at 14/15 Castle St, Castleconnell, Co. Limerick, V94 H9OP **DOES NOT** come within the scope of exempted development under Class 61 (3) of Part 1 of Schedule 2 and Article 9(1)(xii) 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 NOT Exempt Development.**

Signed on behalf of the said Council



Date:



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.