

Limerick City and County Council

Planning Department

Section 5 Application



DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

Applicant's Name: Askeaton Ballysteen Community council

Applicant's Address: The Quay

Askeaton

Co. Limerick

Telephone No.



Name of Agent (if any): Michael A. Burke

Address: M. Burke Associates

Main Street, Pallaskenry,

Co. Limerick V94 AWD5

Telephone No. 087 2146727

Address for Correspondence:

Jimmy O'Donoghue,

Clounreask, Askeaton Co. Limerick

Location of Proposed development (Please include Eircode):

Askeaton Community Hall,

The Quay, Askeaton

Co. Limerick V94 EH9Y

Description of Proposed development:

Removal of existing Asbestos roof by specialist firm and replacement
of same with Kingspan PVC coated insulated composited panels

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

Is this a Protected Structure or within the curtilage of a Protected Structure.
YES/NO

Applicant's interest in site: Owner

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

Location Map

Site Layout Plan

General Arrangement Drawings - Plans, Elevations and Section

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

If Yes please provide floor areas of all existing structures:

See Planning Ref: 99/619 - Erection of Utility Room to West Elevation

Floor area: 67.8 Sq. Metres

Signature of Applicant (or Agent) _____



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 _____

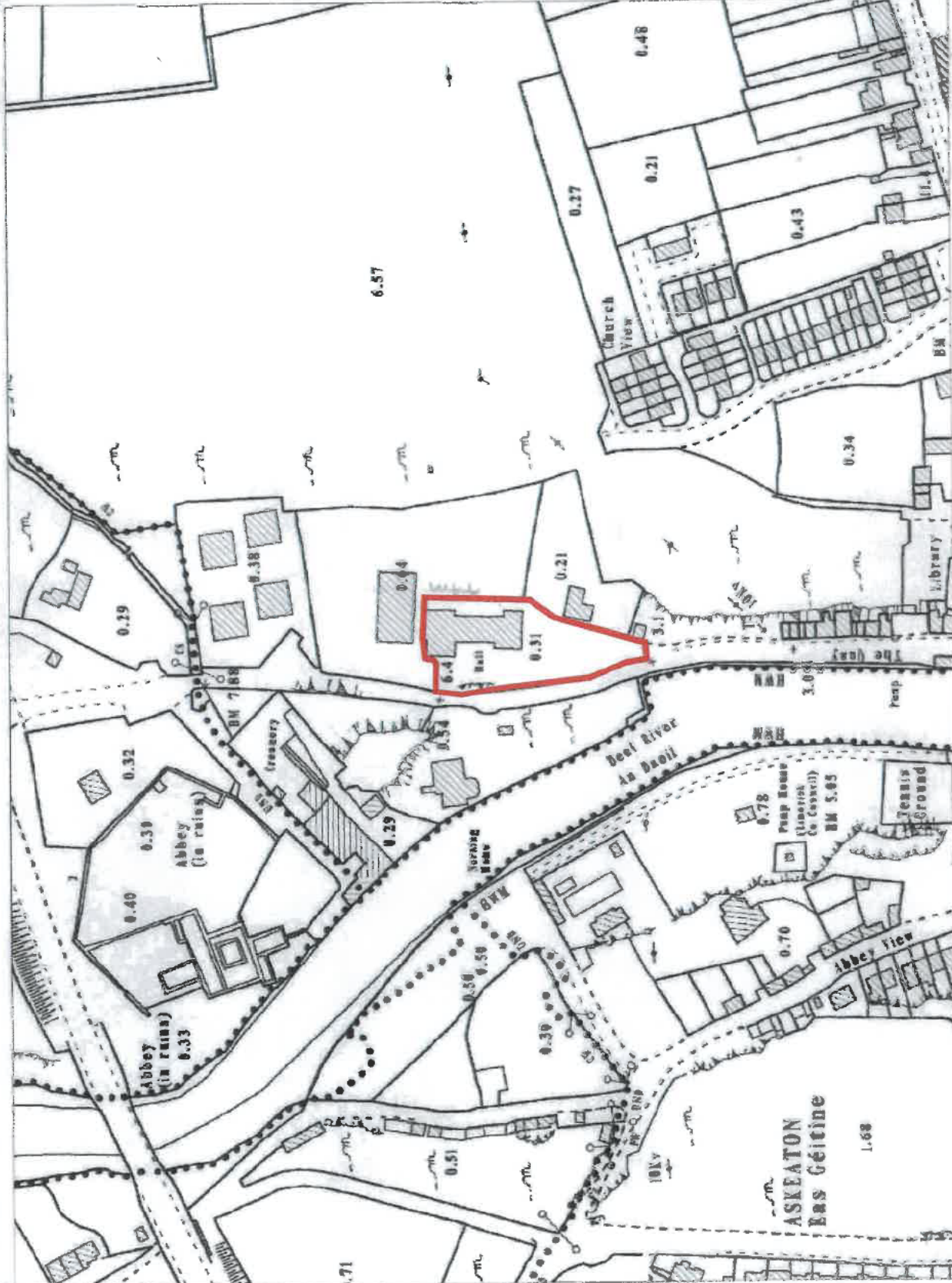
Rural PLACE Map

Surveyed 1995
Revised 2000 - 2003
Levelling 1976 - 1977



134393

150783



SITE OUTLINED IN RED
AREA: 0.217 HECTARES

MAP SCALES

1:2500
4860-B

4860-A



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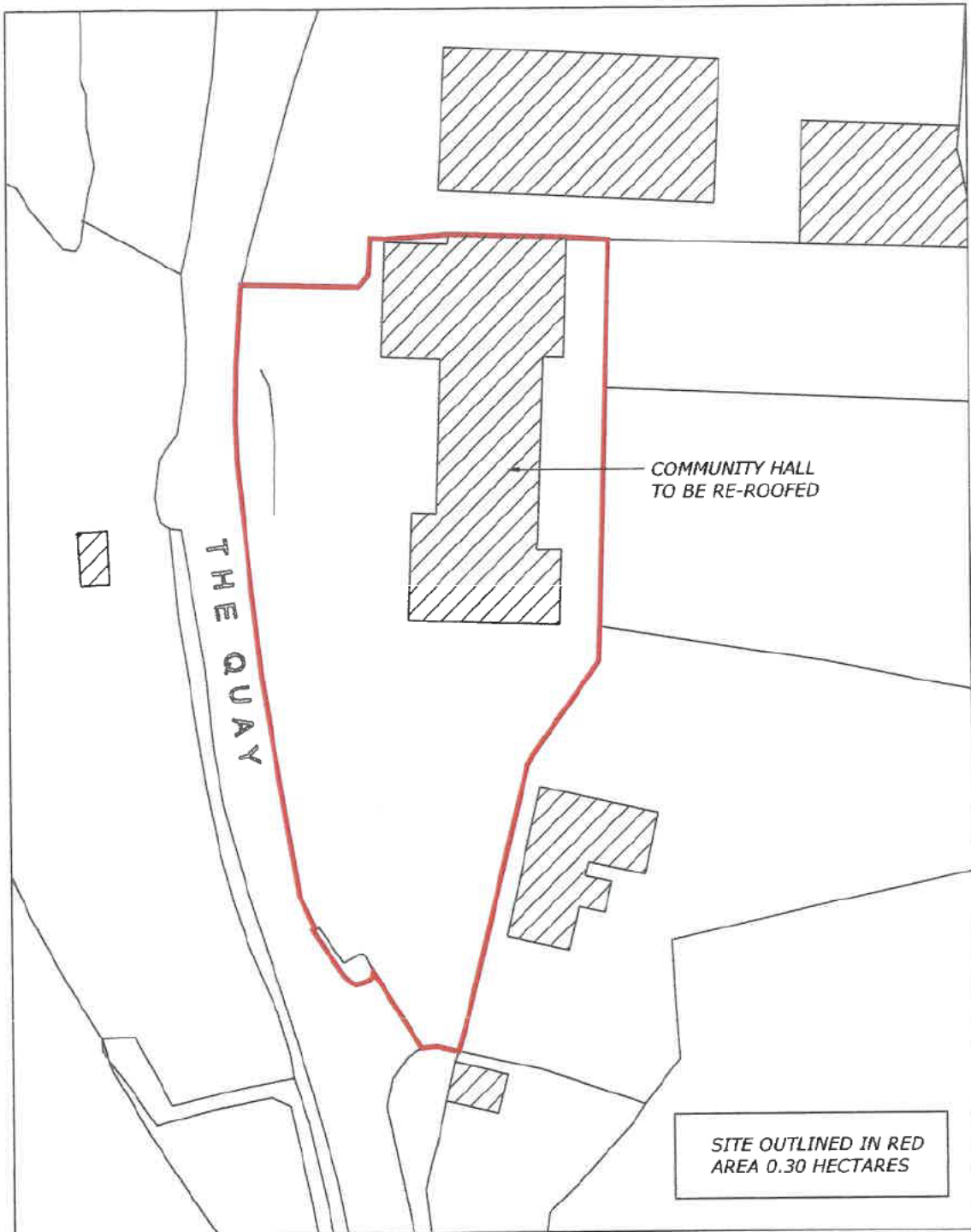
Plot Ref. No. 14433_1_1
Plot Date 10-MAR-2004



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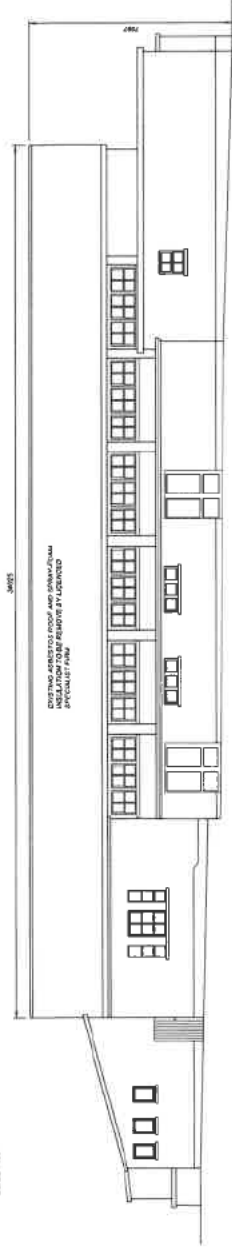
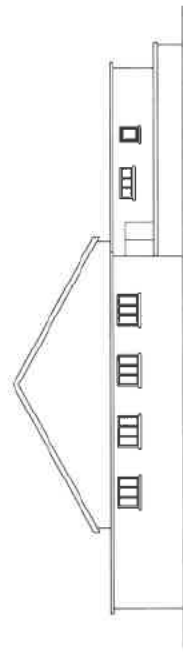
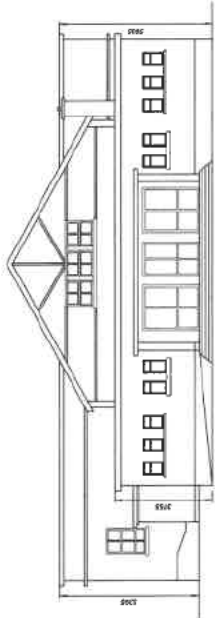
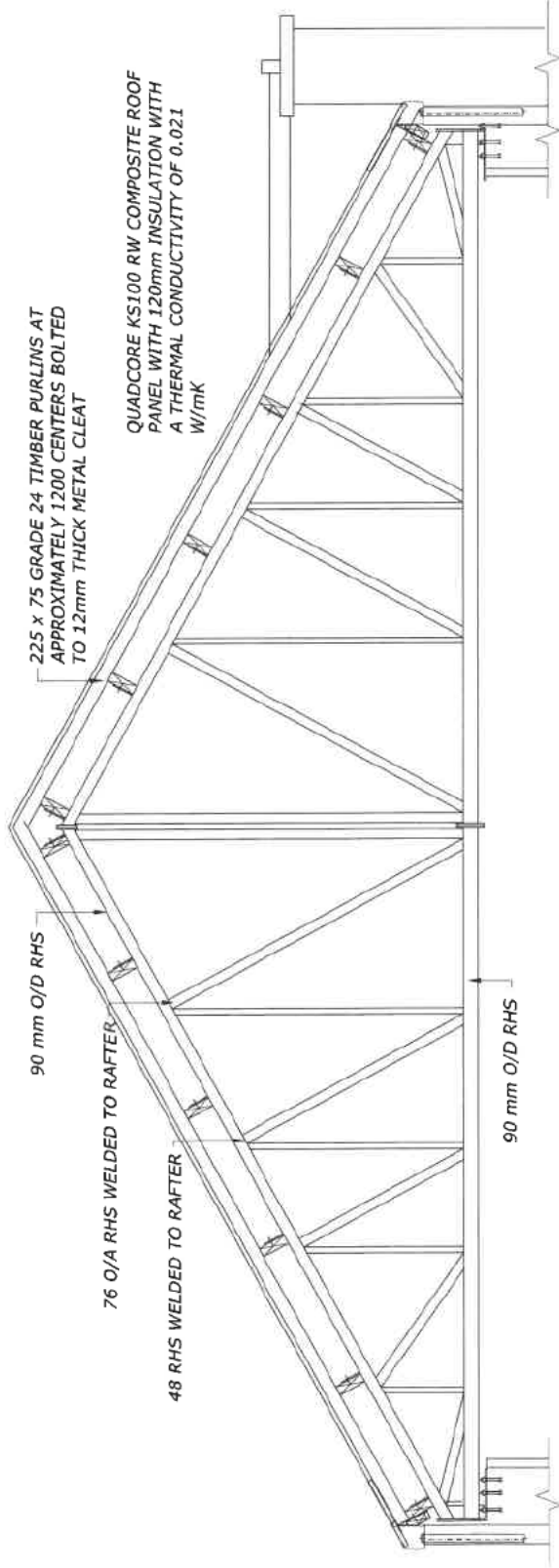
134393



SITE LAYOUT PLAN

SCALE 1:500

Rev	Description	Date
Title :		
SITE LAYOUT PLAN		
Project :		
PROPOSED RE-ROOF OF THE COMMUNITY HALL, THE QUAY ASKEATON, CO. LIMERICK		
Client :		
ASKEATON COMMUNITY COUNCIL		
Stage :	Drawing No. :	
SECTION 5	A-6-JS-103	
Des. By :	Scale :	
ML BURKE	1:500	
Date :	Revision :	
07/03/2025		
M. Burke Associates, Architectural Services, 100/101, 102/103, 104/105, 106/107, 108/109, 110/111, 112/113, 114/115, 116/117, 118/119, 120/121, 122/123, 124/125, 126/127, 128/129, 130/131, 132/133, 134/135, 136/137, 138/139, 140/141, 142/143, 144/145, 146/147, 148/149, 150/151, 152/153, 154/155, 156/157, 158/159, 160/161, 162/163, 164/165, 166/167, 168/169, 170/171, 172/173, 174/175, 176/177, 178/179, 180/181, 182/183, 184/185, 186/187, 188/189, 190/191, 192/193, 194/195, 196/197, 198/199, 200/201, 202/203, 204/205, 206/207, 208/209, 210/211, 212/213, 214/215, 216/217, 218/219, 220/221, 222/223, 224/225, 226/227, 228/229, 230/231, 232/233, 234/235, 236/237, 238/239, 240/241, 242/243, 244/245, 246/247, 248/249, 250/251, 252/253, 254/255, 256/257, 258/259, 260/261, 262/263, 264/265, 266/267, 268/269, 270/271, 272/273, 274/275, 276/277, 278/279, 280/281, 282/283, 284/285, 286/287, 288/289, 290/291, 292/293, 294/295, 296/297, 298/299, 300/301, 302/303, 304/305, 306/307, 308/309, 310/311, 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Rev	Description	Date
1	Issue for Review	06/03/2025
2	Issue for Construction	06/03/2025

Title : ELEVATIONS & SECTION	
Project : PROPOSED RE-ROOFING OF THE COMMUNITY HALL, THE QUAY, ASKEATON, CO. LIMERICK	
Client : ASKEATON COMMUNITY COUNCIL	
Stage : SECTION 5	Drawing No. : A5-102
Des. By : MAL BURKE	Scale : AS SHOWN @ A1
Date : 06/03/2025	Revision : 1
M Burke Associates Architectural Services 100 Main Street, Askeaton, Co. Limerick Tel: 087 933 1111 Email: info@mburkeassociates.ie	



LIMERICK CITY & COUNTY COUNCIL
CASH OFFICE
CIVIC OFFICES
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CO LIMERICK

07/03/2025 13:49:10

Receipt No./
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ASKEATON BALLYSTEEN COMMUNITY COL
THE QUAY
ASKEATON
CO LIMERICK

EXEMPTION CERTIFICATES	80.00
GOODS	80.00
VAT Exempt/Non-vatable	

Total/Iomlán : 80.00 EUR

Tendered/Tairgthe :
Cash 80.00

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/043/25

Name and Address of Applicant: Askeaton Ballysteen Community Council

Agent: Michael A Burke, M. Burke Associates, Main Street,
Pallasknry, Co. Limerick, V94 AWD5

Location: Askeaton Community Hall, The Quay, Askeaton, Co.
Limerick, V94 EH9Y

Description of Site and Surroundings:

The subject site is located to the North East of Askeaton Town, located off The Quay Road as you enter Askeaton from the N69. There is a carpark to the front of the community hall and a medical centre within the same grounds. The structure itself features a pitched roof over the main hall area with a flat roof over the surrounding single storey elements.

Zoning:

Education and Community Facilities (Askeaton Local Area Plan)

Proposal:

The question being put before the planning authority is as follows:

- *Whether the removal of the existing Asbestos roof by specialist firm and replacement of the same with Kingspan PVC coated insulated composited panels is or is not development and is or is not exempted development.*

This Section 5 declaration includes the following:

- Section 5 Declaration Application Form
- Site Location Map
- Site layout
- Elevations/Sections/Floor Plans

Planning History:

99/619 – Permission granted for erection of utility room to west elevation of Community Hall.

Enforcement History

No Planning Enforcement on site.

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 construction removal of an existing roof structure and the construction of a new roof type in its place, constitutes ‘works’ and ‘development’.

Is the proposal-exempted development?

The issue of the removal of asbestos has not been assessed as part of this application as this is covered under separate legislation to Planning. The applicant should ensure that any works involving the removal of asbestos comply with the relevant Safety, Health and Welfare at Work regulations or other relevant legislation.

The proposal will be assessed against Section 4(1)(h) of the Planning and Development Act, 2000, as amended.

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

The works proposed involve the replacement of the existing roof membrane over the pitched roof structure with an upgraded pvc coated roof-type. No works are proposed to alter the shape of the structure itself, rather the works are intended to improve the performance of the roof type. As such, the works proposed are considered works that would not materially affect the external appearance of the structure so as to render its appearance inconsistent with the character of the structure or of neighbouring structures. As such, the proposal would comply with Section 4(1)(h) of the Planning and Development Act, 2000, as amended.

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 required in this instance.

Environmental Impact Assessment

An EIA Screening examination was carried out by Limerick City & County Council (see appendix 2). Overall, it is considered that there is no real likelihood of significant effects on the environment. Therefore, an Environmental Impact Assessment is not required.

Conclusion/Recommendation

The information detailed on the application and plans submitted is considered to comply with Section 4(1)(h) of the Planning and Development Act, 2000, as amended.

Regard has been had to –

- (a) Section 2, 3 and 4 of the Planning and Development Act 2000 (as amended)
- (b) Section 4(1)(h) of the Planning and Development Act 2000 (as amended)
- (c) The plans & particulars submitted with the application received on 7th March 2025.

It is therefore considered that the said works are development and exempted development under Section 4(1)(h) of the Planning and Development Act, 2000, as amended.



Eithne O'Brien
Assistant Planner

Date: 01/4/2025

Agreed by: 

Barry Henn
Senior Executive Planner

Date: 02/04/2025

Appendix 1: AA PN01 Screening Form

STEP 1: Description of the project/proposal and local site characteristics:	
(a) File Reference No:	EC/043/25
(b) Brief description of the project or plan:	A section 5 application on whether the removal of the existing Asbestos roof by specialist firm and replacement of the same with Kingspan PVC coated insulated composited panels is or is not development and is or is not exempted development.
(c) Brief description of site characteristics:	The subject site is located to the North East of Askeaton Town, located off The Quay Road as you enter Askeaton from the N69. There is a carpark to the front of the community hall and a medical centre within the same grounds. The structure itself features a pitched roof over the main hall area with a flat roof over the surrounding single storey elements.
(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	2km	Yes – hydrological connection exists via River Deel, located c. 60m west of the site boundary which is a tributary of the River Shannon SAC and River	Yes – See Step 3

			Shannon and River Fergus Estuaries SPA.	
004077-River Shannon and River Fergus Estuaries SPA	https://www.npws.ie/protected-sites/sac/004077	250m	Yes – hydrological connection exists via River Deel, located c. 60m west of the site boundary which is a tributary of the River Shannon SAC and River Shannon and River Fergus Estuaries SPA.	Y – See step 3



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 	<p>During the construction phase, there is potential for impacts on water quality from surface water runoff from site works to temporarily discharge to the River Deel which is a tributary of the River Shannon Estuary.</p> <p>However, having regard to the minor nature of works proposed, it is not considered that the temporary construction works will result in significant environmental impacts that could affect the integrity of the SAC.</p>
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 	<p>Works include the change of roof type over the existing community hall. Having regard to the nature of the proposed use, it is not considered that the development would have a significant effect on the conservation</p>

<ul style="list-style-type: none"> - 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 	objectives of the above named- European sites.
In-combination/Other	Works are minor and temporary in nature and would not in-combination with any nearby projects effect the integrity of the nearby SAC/SPA.

(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 direct encroachment on the SAC and the works proposed are such that there is no foreseen risk of habitat loss or fragmentation or any effects on QI species directly or ex-situ.


(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
<p>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</p>
<p>On the basis of the information submitted, which is considered adequate to undertake a screening determination it is concluded that the proposed development, individually or in-combination with other plans or projects, would not have a significant effect on the above listed European sites or any other European site, in view of the said sites’ conservation objectives.</p>
<p>Conclusion: An appropriate assessment is not required.</p>

	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:	Eithne O'Brien  <hr/> Eithne O'Brien, Assistant Planner 1/4/2025	
Signature and Date of the Decision Maker:	Barry Henn, SEP  <hr/> 02/04/2025	

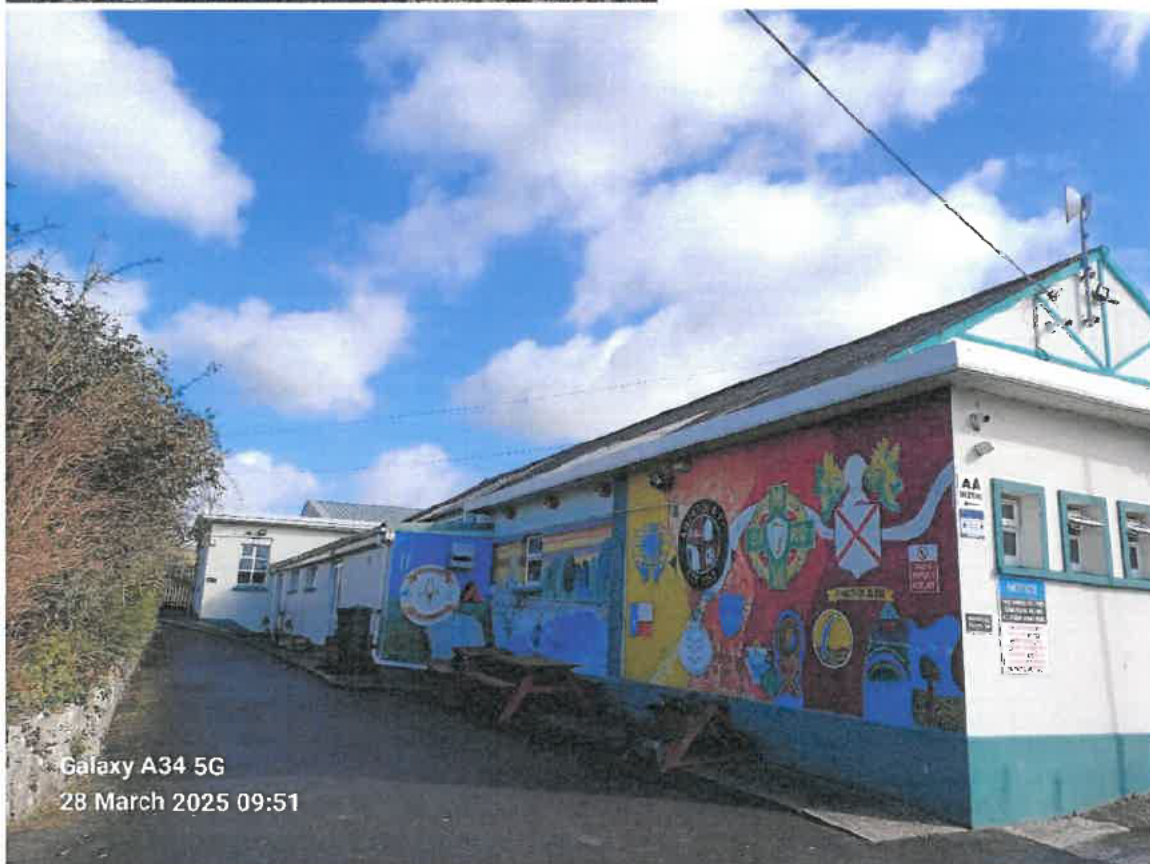
Appendix 2: EIA Screening

Establishing if the proposal is a 'sub-threshold development':	
Planning Register Reference:	EC/043/25
Development Summary:	A section 5 application on whether the removal of the existing Asbestos roof by specialist firm and replacement of the same with Kingspan PVC coated insulated composited panels is or is not development and is or is not exempted development.
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 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
<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:	
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	Eithne O'Brien, Assistant Planner 01/04/2025
Signature and Date of the Decision Maker:	Barry Henn, SEP <i>B. Henn</i> <i>02/04/2025</i>

Appendix 3: Site photos



PLANNING & PLACE-MAKING

REG POST:

Askeaton Ballysteen Community Council
c/o Jimmy O'Donoghue
Clounreask
Askeaton
Co. Limerick

EC/043/25

2nd 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/2025/328

File Ref No. EC/043/25

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

RE: **The removal of the existing Asbestos roof by specialist firm and replacement of the same with Kingspan PVC coated insulated composited panels at Askeaton Community Hall, The Quay, Askeaton, Co. Limerick, V94 EH9Y**

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 Eithne O'Brien, Assistant Planner dated 01/04/2025, hereby order that a Declaration under Section 5 of the Planning and Development Act 2000 (as amended) be issued to Askeaton Ballysteen Community Council, c/o Jimmy O'Donoghue, Clounreask, Askeaton, Co. Limerick to state that the works as described above is

MOB

Development and is Exempt Development.

Signed

B. Henn

SENIOR EXECUTIVE PLANNER, PLANNING & PLACE-MAKING

Date

02/04/2025

Certified to be a true copy of Approved Officer's Order, Planning & Development Order No. AOO/DC/2025/328 dated 02/04/2025 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/043/25

Name and Address of Applicant: Askeaton Ballysteen Community Council, Jimmy O'Donoghue,
Clounreask, Askeaton, Co. Limerick

Agent: Michael A Burke, M. Burke Associates, Main Street, Pallasknry,
Co. Limerick, V94 AWD5

Whether the removal of the existing Asbestos roof by specialist firm and replacement of the same with Kingspan PVC coated insulated composited panels at Askeaton Community Hall, The Quay, Askeaton, Co. Limerick, V94 EH9Y 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 7th of March 2025.

AND WHEREAS the Planning Authority has concluded that the removal of the existing Asbestos roof by specialist firm and replacement of the same with Kingspan PVC coated insulated composited panels at Askeaton Community Hall, The Quay, Askeaton, Co. Limerick, V94 EH9Y **DOES** come within the scope of exempted development under Section 4(1)(h) of the Planning and Development Act 2000 (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 M. O'Brien

Date: 2.4.2025

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.