

Limerick City and County Council

Planning Department

Section 5 Application

DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

Applicant's Name: BORD BAINISTÍOCHTA GAELESCOIIL SÁIRSEÁL

Applicant's Address: GAELESCOIIL SÁIRSEÁL

BÓTHAR SHÍOL BHROI

LUIMNEACH

Telephone No. [REDACTED]

Name of Agent (if any): AINE NI FHÍOBHRA

Address: GAELESCOIIL SÁIRSEÁL

BÓTHAR SHÍOL BHROI

LUIMNEACH

Telephone No. 061 322502

Address for Correspondence:

AS ABOVE

Location of Proposed development (Please include Eircode):

GAELSCOIL SÁIRSEÁL

BÓTHAR SHIOL BHURGÍN

LUIMNEACH V94 EV83

Description of Proposed development:

PAINTED MURAL ON BRICK WALL · DIMENSIONS: 18.288M X
2.438M

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: OCCUPANT

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

MURAL DESIGN

PHOTOGRAPH & MAP OF PROPOSED MURAL LOCATION

SITE MAP

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) John Ní Fhíobhra (school principal)

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**

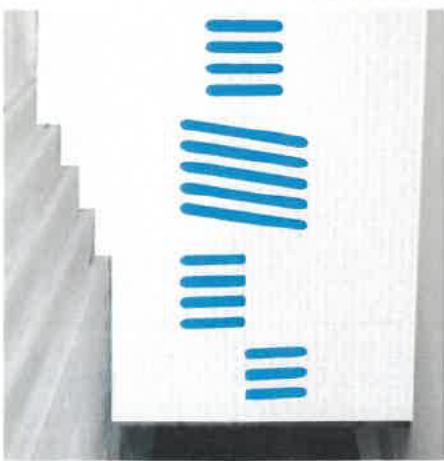
OFFICE USE ONLY

Ref. No. _____

Date Received _____

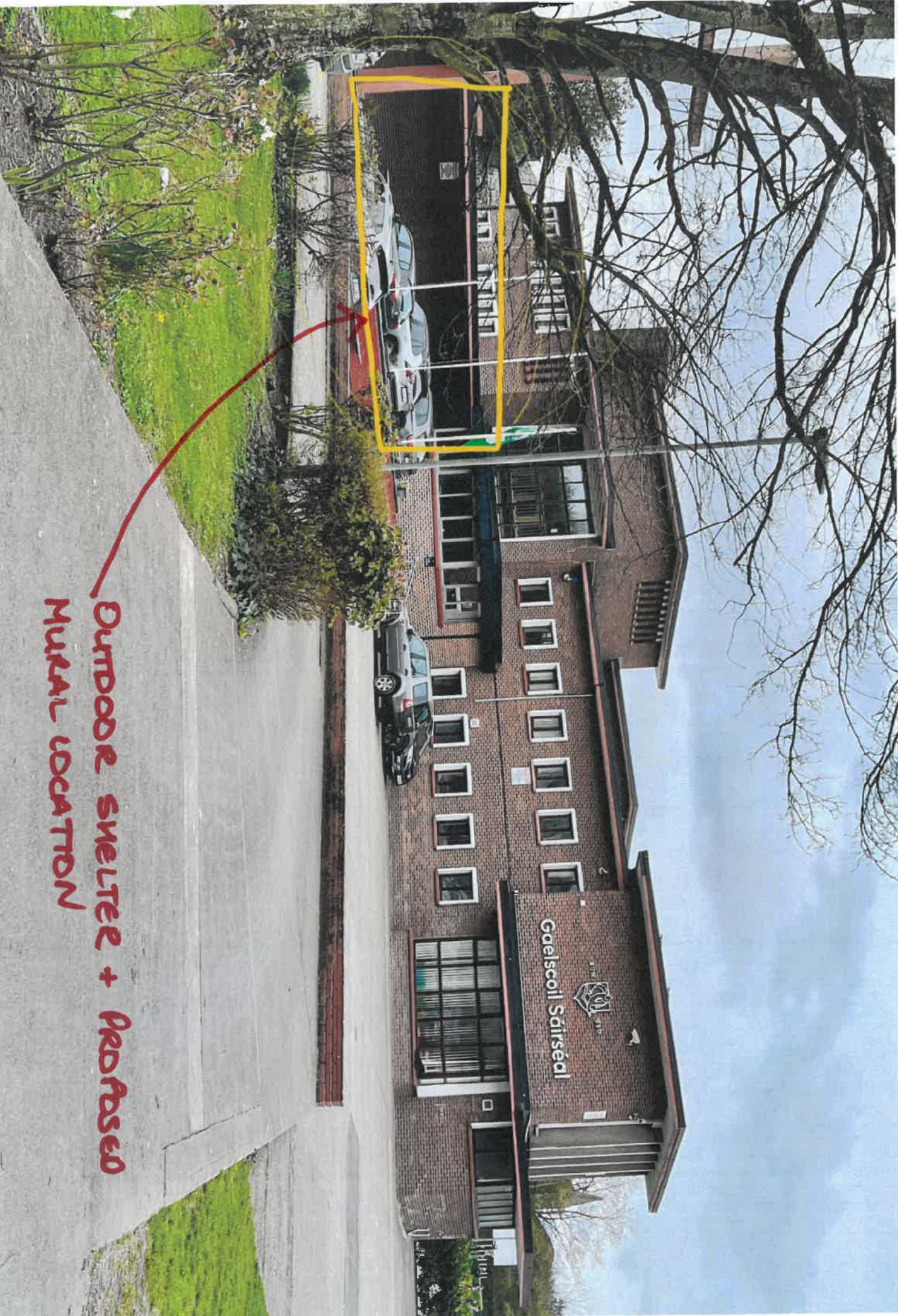
Fee Received _____

Date Due _____



PROPOSED MURAL

GAELScoil SAIRSEÁL VALUÉUÍS



OUTDOOR SHELTER + PROPOSED
MURAL LOCATION

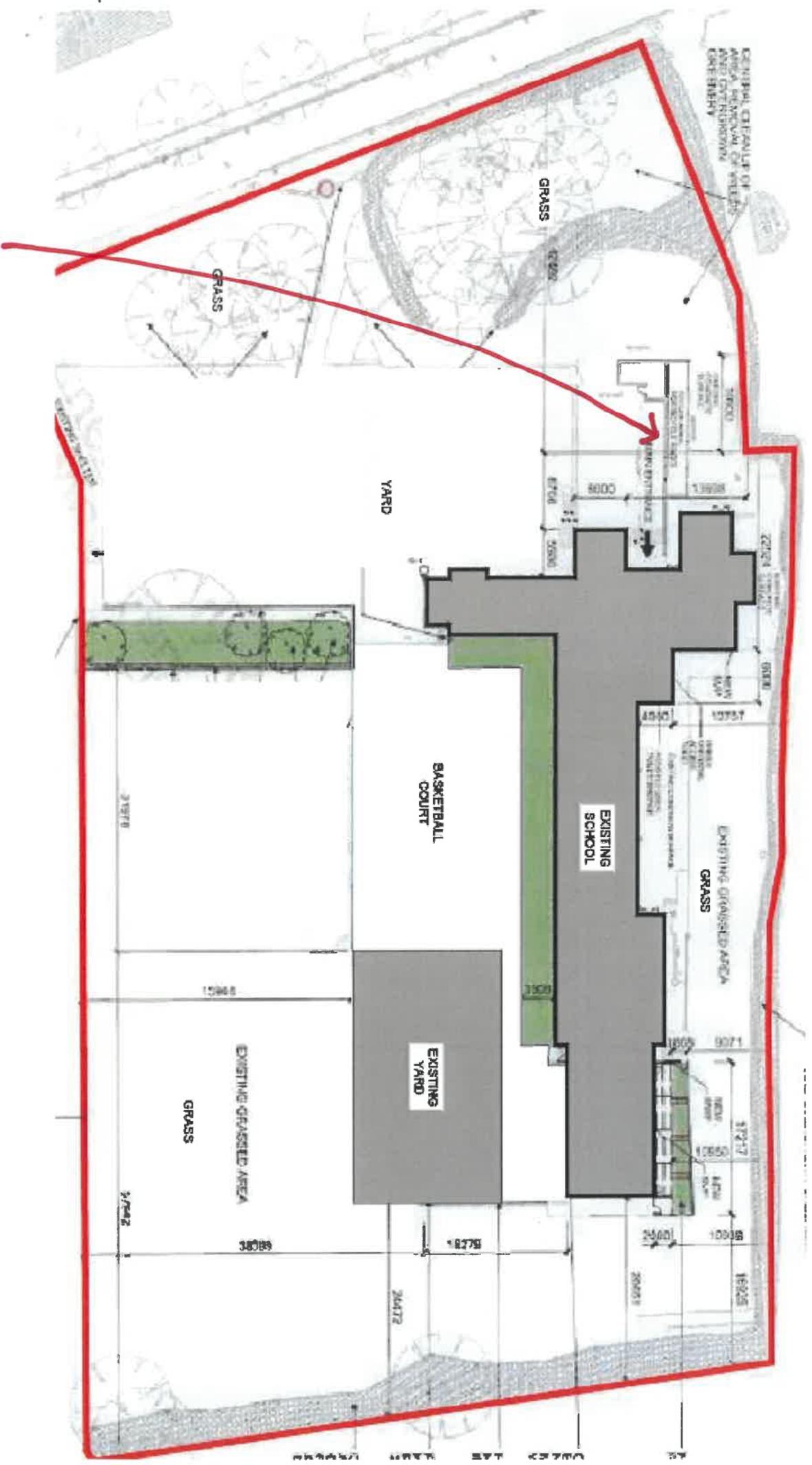
GAELSCOIL SÁIRSEÁL
V94 EV83



1. Aerial image

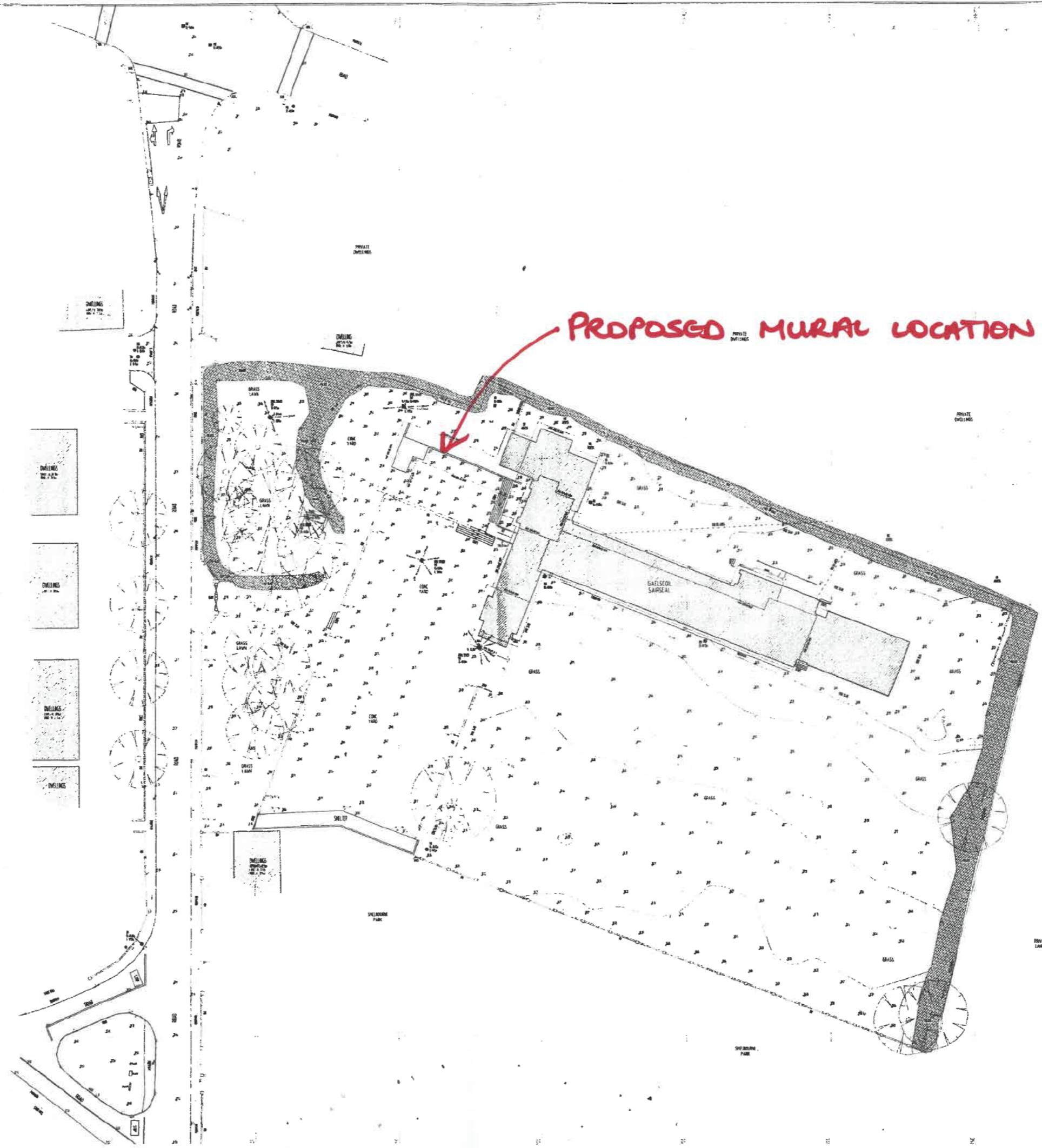
OUTDOOR SHELTER + PROPOSED MURAL LOCATION

OUTDOOR SHELTER + PROPOSED MURAL LOCATION



GAELScoil SÁIRSEÁL

V94 EV83



LEGEND

KEY	SYMBOL
AIR VALVE	+
ANCHORING ANCHOR	+
CEMTEC PILLAR	+
EEB PILE	+
ELECTRICITY LINE OVER	—
TELEPHONE LINE OVER	—
PIPE HYDRANT	W
WATER METER	W
GAS	G
GATE	G
PIPE	P
HAZARDOUS	H
INSPECTION CHAMBER	I
LAMP POST	L
MAMPOLE	M
SIGN POST	S
SOIL VALVE	V
STOPCOCK	+
SURVEY STATION	+
TELEPHONE CHAMBER	T
TELEPHONE POLE	T
TRAFFIC LIGHT	T
LIGHT ROLLING	L
PIERS	P
COMBINED SEWER	C
FOUL SEWER	F
STORM SEWER	S



NOTE

1. All levels shown are in metres relative to Main Sea
2. Irish National Grid (IGN) co-ordinates
3. North refers to Grid North
4. Only visible services have been surveyed
5. The FOUL sewer as it is shown on this survey could possibly be a COMBINED sewer system

REVISIONS			
No	Date	Staff	Description
—	—	—	—
—	—	—	—
—	—	—	—
—	—	—	—
—	—	—	—
—	—	—	—



Client:

Hugh Kelly

Architects

Scale:

1:250

Project:

Gaelseol School

Wood Road, Naas

Survey date:

18/08/2003

Date:

Aug 2003

Drawn by:

Am

Description:

Site Survey

Drawing number:

Rev:



COMHAIRLE
CATHRACH & CONTAE
Luimnigh
Limerick
CITY & COUNTY
COUNCIL

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

01/04/2025 13:16:40

Receipt No./
Uimhir Admhála : LA25/0/25175949
***** REPRINT *****

Bord Bainistiochta Gaelscoil Sairseal,
Bother Shiol Broin,
Luimneach

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

Reference no.	EC-067-25
Name and Address of Applicant:	Bord Bainistiochta Gaelscoil Sairseal, Gaelscoil Sairseal, Shelbourne Road Limerick V94 EV83
Agent:	Aine Ni Fhiobhra, Gaelscoil Sairseal, Shelbourne Road Limerick V94 EV83
Location:	Gaelscoil Sairseal, Shelbourne Road Limerick V94 EV83

Description of Site and Surroundings:

The site is an existing primary school on Shelbourne Road. The building is not a protected structure or situated in an ACA.

Zoning:

The site is zoned Education and Community Facilities under the Limerick Development Plan.

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:

- Painted mural on brick wall. Dimensions 18.288m x 2.438m.

This Section 5 declaration includes the following:

- Application Form
- Site location map
- Mural Design
- Photograph and Map of Proposed Mural Location

Planning History:

Pl. Ref 1684 – Conditional Permission granted to The Board of Management of Gaelscoil Sairseal for a 68m² building extension consisting of secretarial office, universal & assisted toilets and lift shaft over two floors. The site works include 2 no. playgrounds, 4 no. flag poles, signage and ancillary works associated with this application including lighting and CCTV

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 painted mural on brick wall works constitutes 'works' and 'development'.

Is the proposal exempted development?

The proposed painted mural on brick wall extension will be assessed under Class 12 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended).

Class 12

The painting of any external part of any building or other structure is considered Exempted Development, subject to the following Conditions and Limitations:

Such painting may not, except in the case of a hoarding or other temporary structure bounding land on which development consisting of works is being or will be carried out in pursuance of a permission granted under Part III of the Act or as exempted development, be for the purposes of creating a mural.

Having regard to the provisions of Class 12 and the conditions and limitations attached, it is clear that the painting of any external part of any building or structure must not be that of a mural unless it is painted on a temporary structure or hoarding bounding the land.

The painting in question is a mural, which is proposed to be painted on a brick wall on an outdoor shelter of Gaelscoil Sairseal and is not related directly to any temporary construction hoarding around the building.

Therefore, it is not exempted development under the provisions of Class 12 of the Regulations.

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 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 proposal as detailed on the application and plans submitted is considered not to be within the scope of Class 12 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 12 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended)
- (c) The plans & particulars submitted with the application received on the 1st of April 2025.

It is therefore considered that the said works are development and not exempted development under Class 12 of the Planning and Development Regulations 2001 (as amended).

Ella O'Brien

Ella O'Brien

Executive Planner

Date 09/04/2025

Agreed

B. Henn

Barry Henn, S.E.P

Date: 10/04/2025

Appendix 1 – AA Screening

AA PN01 Screening Form

STEP 1: Description of the project/proposal and local site characteristics:	
(a) File Reference No:	EC/067/25
(b) Brief description of the project or plan:	Painted mural on brick wall
(c) Brief description of site characteristics:	The site is an existing primary school
(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	640m	None	N
004077-River Shannon and River Fergus Estuaries SPA	https://www.npws.ie/protected-sites/sac/004077	1km	None	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	None. Works are minimal in nature and there is no hydrological connection or direct encroachment due to separation distance.

<ul style="list-style-type: none"> - 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 	
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. Works are minimal in nature and there is no hydrological connection or direct encroachment on the SAC and SPA due to separation distance.
In-combination/Other	No likely significant in-combination effects are identified.

(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. The application site is not located adjacent to or within an EU site identified above. Therefore, there is no risk of habitat loss or fragmentation or any effects on QI species directly or ex-situ.
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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

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/> Ella O'Brien 09/04/2025	
Signature and Date of the Decision Maker:	 Barry Henn, Senior Executive Planner 10/04/2025	

Appendix 2 – EIA Screening

Establishing if the proposal is a 'sub-threshold development':		
Planning Register Reference:	EC/067/25	
Development Summary:	A section 5 application requesting a declaration on whether a painted mural on brick wall (dimensions 18.288m x 2.438m) is or is not exempted development.	
Was a Screening Determination carried out under Section 176A-C?	<input type="checkbox"/> <input checked="" type="checkbox"/> Yes. no further action required <input type="checkbox"/> <input checked="" type="checkbox"/> X 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"/> <input checked="" type="checkbox"/> Yes. specify class: [insert here] _	EIA is mandatory No Screening required	
<input type="checkbox"/> <input checked="" type="checkbox"/> X 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"/> <input checked="" type="checkbox"/> X No. the development is not a project listed in Schedule 5, Part 2	No Screening required	
<input type="checkbox"/> <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"/> <input checked="" type="checkbox"/> Yes the project is of a type listed but is <i>sub-threshold</i> : [insert here] _	Proceed to Part C	
C. If Yes, has Schedule 7A information/screening report been submitted?		
<input type="checkbox"/> <input checked="" type="checkbox"/> Yes, Schedule 7A information/screening report has been submitted by the applicant	Screening Determination required	
<input type="checkbox"/> <input checked="" type="checkbox"/> No, Schedule 7A information/screening report has not been submitted by the applicant	Preliminary Examination required	

Signature and Date of Recommending Officer:	 Ella O'Brien, Executive Planner 09/04/2025
Signature and Date of the Decision Maker:	 Barry Henn, SEP 10/04/2025

Appendix 3 - Site Inspection Photographs





Comhairle Cathrach
& Contae Luimnigh
**Limerick City
& County Council**

Pleanáil, agus Cruthú Áite
Comhairle Cathrach agus Contae Luimnigh
Bother Thuar an Daill
Tuar an Daill, Luimneach
V94 WV78

Planning and Place-Making
Limerick City and County Council
Dooradoyle Road
Dooradoyle, Limerick
V94 WV78

PLANNING & PLACE-MAKING

REG POST:

**Aine Ni Fhiobhra,
Gaelscoil Sairseal,
Shelbourne Road
Limerick
V94 EV83**

EC/067/25

15 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**

Tuar an Daill, Luimneach
Dooradoyle, Limerick

✉ customerservices@limerick.ie
🌐 www.limerick.ie
🐦 @LimerickCouncil
📞 061 - 556 000

LIMERICK CITY & COUNTY COUNCIL

APPROVED OFFICER'S ORDER

SECTION 5 – DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

No. AOO/DC/2025/361

File Ref No. EC/067/25

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

RE: **The painted mural on brick wall. Dimensions 18.288m x 2.438m at Gaelscoil Sairseal, Shelbourne Road, Limerick. V94 EV83**

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 Ella O'Brien, Executive Planner dated 09/04/2025, hereby order that a Declaration under Section 5 of the Planning and Development Act 2000 (as amended) be issued to Bord Bainistiochta Gaelscoil Sairseal, c/o Gaelscoil Sairseal, Shelbourne Road, Limerick. V94 EV83 to state that the works as described above is

Development and is NOT Exempt Development. *(Signature)*

Signed

B. Henn

SENIOR EXECUTIVE PLANNER, PLANNING & PLACE-MAKING

Date

15/04/2025

Certified to be a true copy of Approved Officer's Order, Planning & Development Order No. AOO/DC/2025/361 dated *16/04/2025*, 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/067/25

Name and Address of Applicant: Bord Bainistiochta Gaelscoil Sairseal, Gaelscoil Sairseal, Shelbourne Road, Limerick. V94 EV83

Agent: Aine Ni Fhiobhra, Gaelscoil Sairseal, Shelbourne Road, Limerick. V94 EV83

Whether the painted mural on brick wall. Dimensions 18.288m x 2.438m at Gaelscoil Sairseal, Shelbourne Road, Limerick. V94 EV83 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 2th of April.

AND WHEREAS the Planning Authority has concluded that the painted mural on brick wall. Dimensions 18.288m x 2.438m at Gaelscoil Sairseal, Shelbourne Road, Limerick. V94 EV83 **DOES NOT** come within the scope of exempted development as defined by Class 12 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: 15/04/2025

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