



Limerick City and County Council

Planning Department

Section 5 Application



DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

Applicant's Name:

BALLYSTEEN CARNEGIE LIBRARY CLG

Applicant's Address:

BALLYSTEEN,

ASKERTON,

CO. LIMERICK V94 322C

Telephone No.



Name of Agent (if any):

Address:

Telephone No.

Address for Correspondence:

% MAURICE SMITHS.

BALLYMORRIS, ASKERTON, CO. LIMERICK

V94 H72A

Location of Proposed development (Please include EIRCODE):

BALLYSTEEN CARNEGIE LIBRARY

BALLYSTEEN, CO. LIMERICK

V94 322C

Description of Proposed development:

INSTALLATION OF SOLAR PV PANELS WITH CAPACITY
OF UP TO 10KWp & BATTERY STORAGE ON THE BACK
ROOFS OF THE TWO EXTENSIONS & BACK OF MAIN
BUILDING ROOF.

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

CLASS 56(e) of the PLANNING AND DEVELOPMENT REGULATIONS.

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 MAP.

SITE LAYOUT MAP

DIMENSIONED ELEVATIONS OF EXISTING STRUCTURES DRAWINGS.

LOCATION OF PROPOSED SOLAR PANELS DRAWING.

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)

BALLYSTEEN CARNEGIE LIBRARY CLG.

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**

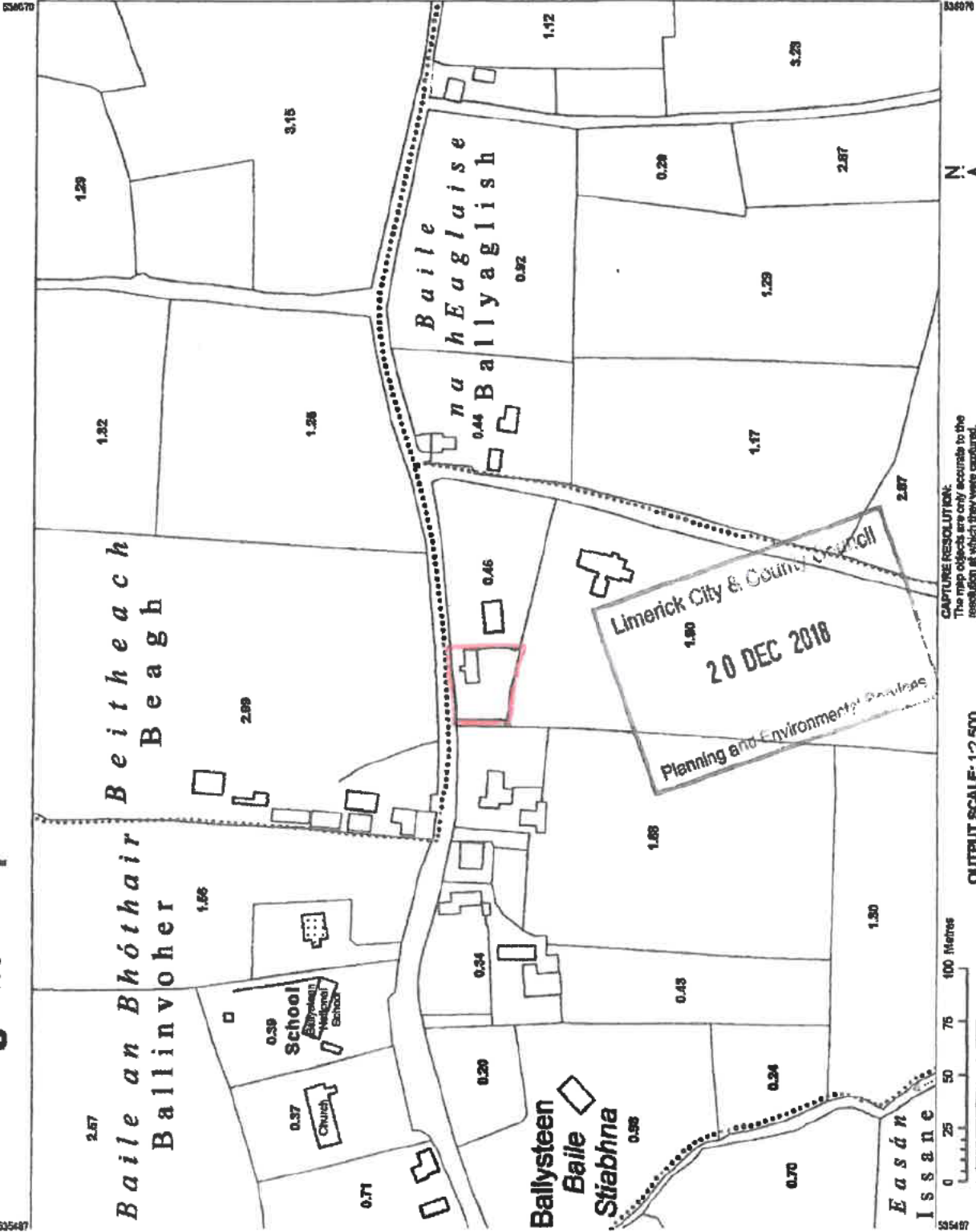
**Enquiries:
Telephone: 061-556556
E-Mail: planning@limerick.ie**

Planning Pack Map



National Mapping Agency

535487 105947



CENTRE
COORDINATES:
ITM 635778,655412

PUBLISHED:
20/12/2018

ORDER NO.:
5003670_1

MAP SERIES:
1:5,000 4737
1:2,500 4737-B
1:2,500 4737-D
1:5,000 4738
1:2,500 4738-A
1:2,500 4738-C

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search 'Large Scale Legend'

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

OUTPUT SCALE: 1:2,500



Limerick City & County Council
11 JUN 2019
Planning and Environmental Services

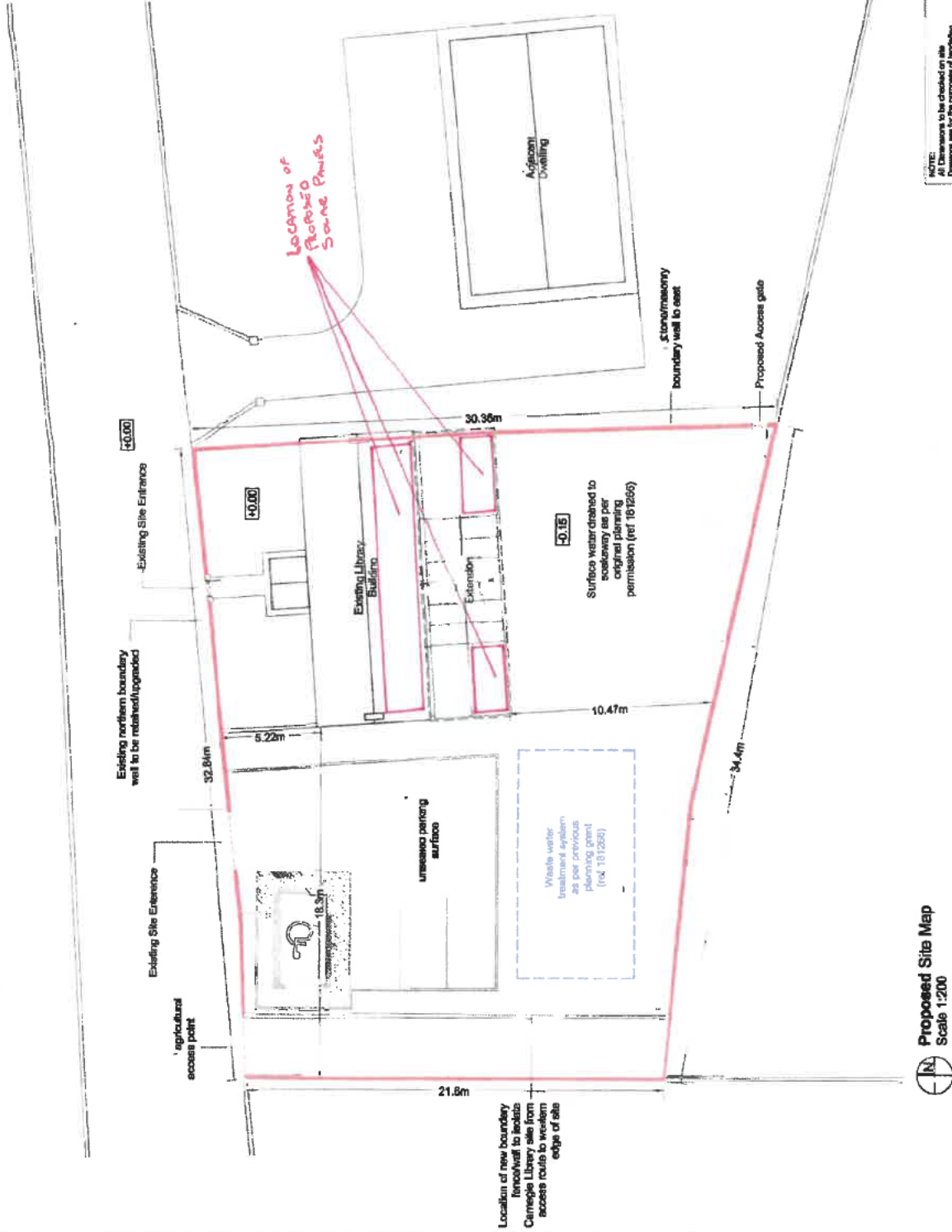
FEENEY MCMAHON ARCHITECTS

The Old School House,
Blahore St.,
Limerick
tel: 067 4515518
www.fmcma.com
office@fmcma.com

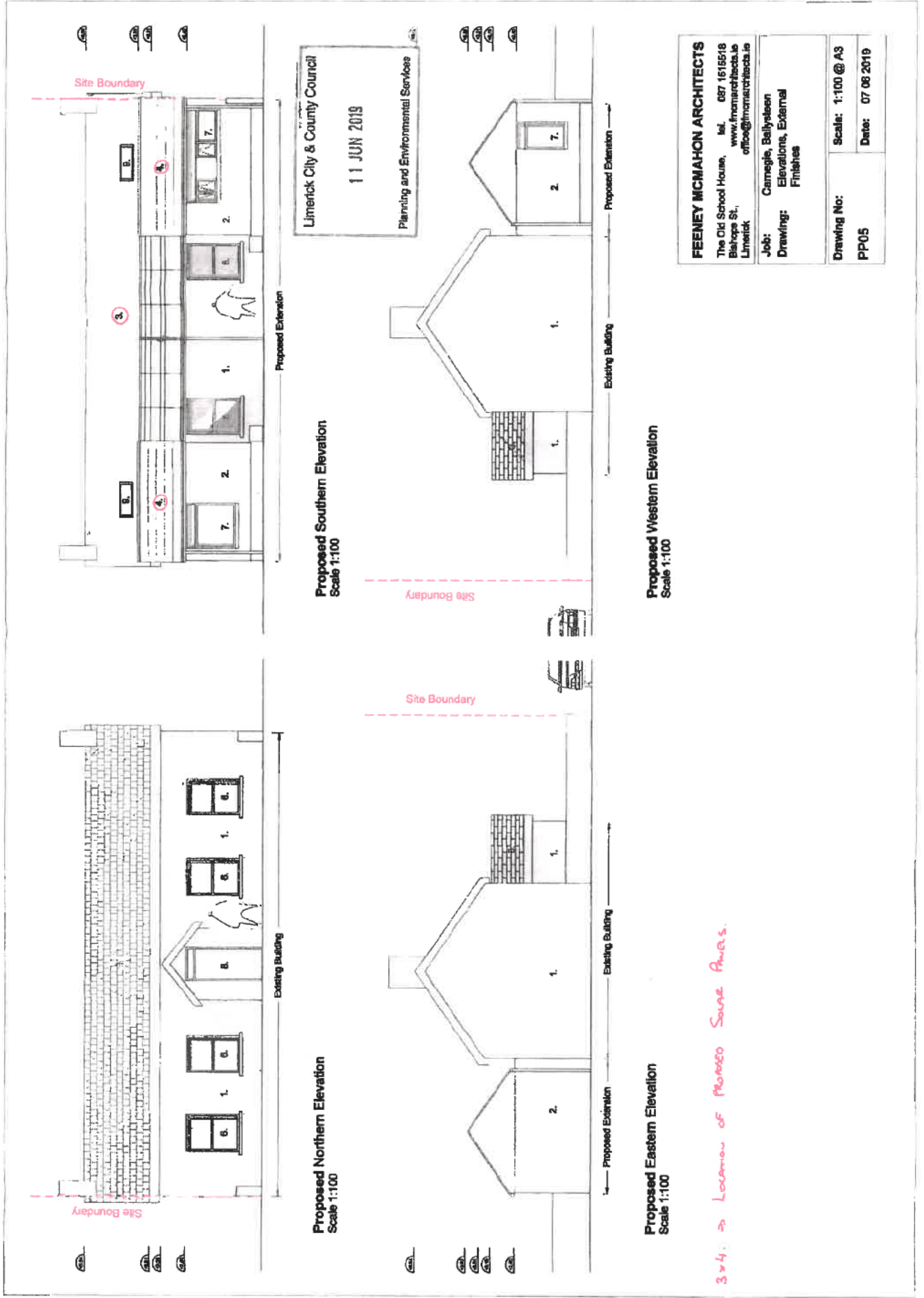
Job: Carnegie, Ballysteen
Drawing: Site Map

Drawing No: PP02
Scale: 1:200 @ A3
Date: 07 06 2019

NOTE:
All dimensions to be checked on site.
Drawings are for the purposes of planning
NOT APPROVED FOR CONSTRUCTION

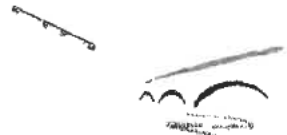


Proposed Site Map
Scale 1:200



FEENEY MCMAHON ARCHITECTS	
The Old School House, Tel: 087 1616518	
Bliskape St., www.feeneymcmahonarchitects.ie	
Limerick office@feeneymcmahonarchitects.ie	
Job:	Carnegie, Ballysteen
Drawing:	Elevations, External
	Finishes
Drawing No:	Scale: 1:100 @ A3
PP05	Date: 07 06 2019

3x4: → Location of Photos Some Areas.



COMHAIRLE
CATHRACH & CONTAE
Luimnigh
Limerick
CITY & COUNTY
COUNCIL

LIMERICK CITY & COUNTY COUNCIL
CIVIC OFFICES
MERCHANTS QUAY
LIMERICK

26/03/2025 13:22:31

Receipt No./
Uimhir Admhála : RC6/0/2078825

BALLYSTEEN CARNEGIE LIBRARY CLG
BALLYSTEEN
ASKEATON
CO. LIMERICK
V94322C

EXEMPTION CERTIFICATES	80.00
GOODS	80.00
VAT Exempt/Non-vatable	

Total/Iomlán	80.00 EUR
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Tendered/Tairgthe	
Credit / Debit Card	80.00
VISA	

.....
...

Change/Sóinseáil	0.00
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Issued By/
E síthe ag : Ronan Forde
From/Ó : REVENUE CASH OFFICE 6 - MERI
Vat reg No./Cláruimhir CBL: 3267368TH



Galaxy A34 5G
11 April 2025 17:22



Galaxy A34 5G
11 April 2025 17:23

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

Reference no. EC/054/25

Name and Address of Applicant: Ballysteen Carnegie Library, CLG, Ballysteen, Askeaton, Co. Limerick V94 322C

Agent: Maurice Somers, Ballynort, Askeaton, Co. Limerick, V94 HY2A

Location: Ballysteen, Askeaton, Co. Limerick V94 322C

Description of Site and Surroundings:

The subject site is located in Ballsteen village. The site is comprised of a recently renovated library building with a pitched roof single storey extension to the rear.



Zoning:

N/A

Proposal:

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

- *Whether the installation of solar PV panels with capacity of up to 10kw and battery storage on the back roofs of the two extensions and back of main building roof is or is not exempted development.*

This Section 5 declaration includes the following:

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

Planning History:

19/559 – Permission granted for modifications of the permitted development reg. ref. 18/1266 (change of use of existing Carnegie Library to meeting room, single storey extension), the modifications include the addition of pitched roofs to the permitted extension and misc. other amendments.

18/1266 – Permission granted for a change of use from library to meeting room, construction of an extension to rear of existing building, to include kitchen, toilets and boiler room and installation of a wastewater treatment system.

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 installation of solar PV panels and battery storage on the back roofs of the two extensions and back of main building roof, constitutes ‘works’ and ‘development’.

Is the proposal exempted development?

The Referrer seeks a declaration that the works in question are exempted development under Class 56(e) of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended. However, having regard to the use of the building itself, community facility, the proposal should be assessed against 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.

- 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 subject site is not located 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 subject site is not located 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.*

Detailed dimensions of the proposal have not been submitted FI required.

- 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.*

Detailed dimensions of the proposals have not been submitted. FI required.

- 5. Development shall not be exempted development where the highest part of the solar photo-voltaic or solar thermal collector installation exceeds the highest part of any roof that is not a flat roof (excluding any chimney).*

Detailed dimensions of the proposals have not been submitted. FI required.

- 6. 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.*

Detailed dimensions of the proposals for the battery storage equipment have not been submitted. FI required.

- 7. 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.*

N/A. Proposed solar panels to be installed on a pitched roof.

- 8. 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.*

N/A. Proposed solar panels to be installed on a pitched roof.

9. *Any free-standing solar photo-voltaic or solar thermal collector installation shall not be placed or erected forward of the front wall of the business premises or light industrial building.*

N/A. Roof mounted solar panels proposed.

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

N/A

11. *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

12. *The placing or erection of a solar photovoltaic or solar thermal collector installation on any wall shall not be exempted development.*

N/A. Roof mounted solar panels proposed.

13. *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.*

N/A. Roof mounted solar panels proposed. Application is not located within an ACA.

14. *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 signage proposed to be erected as part of installation.

15. *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 business premises or light industrial building, and shall not be considered a change of use for the purposes of the Act.*

N/A. Proposed solar panels and battery is for the provision of electricity/heating.

16. *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.*

Noted.

As detailed drawings have not been submitted of the proposed solar array and battery storage system, it is difficult to determine whether or not the proposal would comply with Class 56(e), specifically limitations 3,4, 5 & 6. Further information is required in order to make a determination.

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.

Recommendation

I recommend Further Information be sought for the following:

1. Please submit dimensioned drawings of the proposed roof-mounted solar panels and battery storage unit. The drawings should include the following dimensions:
 - The distance between the plane of the roof and the solar panels.
 - The distance between the solar panels and the roof edge (50cm min. required).
 - Elevations showing the location of the proposed battery storage unit.



Eithne O'Brien
Assistant Planner

Date: 22/4/2025

Agreed by: 

Jennifer Collins
A/Senior Executive Planner

Date: 22/04/2025

Appendix 1: AA PN01 Screening Form

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

(a) File Reference No:	EC/054/25
(b) Brief description of the project or plan:	A section 5 application requesting a declaration on whether the installation of solar PV panels with capacity of up to 10kw and battery storage on the back roofs of the two extensions and back of main building roof is or is not exempted development.
(c) Brief description of site characteristics:	The subject site is located in Ballsteen village. The site is comprised of a recently renovated library building with a pitched roof single storey extension to the rear.
(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	1.3km	None. No direct encroachment or hydrological connection.	N
004077-River Shannon and River Fergus Estuaries SPA	https://www.npws.ie/protected-sites/sac/004077	1.3km	None. No direct encroachment or hydrological connection.	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	None. No direct encroachment or hydrological connection.
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	None. No direct encroachment or hydrological connection.
In-combination/Other	N/A given the level of development in the area, namely rural one-offs. Renovations to existing dwellings.

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

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

(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		
No effects identified.		
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	☒	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	☐	☐ Request further information to complete screening ☐ Request NIS ☐ Refuse planning permission
(iii) Significant effects are likely	☐	☐ Request NIS ☐ Refuse planning permission
Signature and Date of Recommending Officer:	Eithne O'Brien  Eithne O'Brien, Assistant Planner	

	22/4/2025
Signature and Date of the Decision Maker:	 Jennifer Collins, A/SEP 22/04/2025

Appendix 2: EIA Screening

Establishing if the proposal is a 'sub-threshold development':	
Planning Register Reference:	EC/054/25
Development Summary:	A section 5 application requesting a declaration on whether the installation of solar PV panels with capacity of up to 10kw and battery storage on the back roofs of the two extensions and back of main building roof is or is not exempted development.
Was a Screening Determination carried out under Section 176A-C?	☐ Yes. no further action required ☒ 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: [insert here] _	EIA is mandatory No Screening required
☒ 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)	
☒ No. the development is not a project listed in Schedule 5, Part 2	No Screening required
☐ 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 <i>sub-threshold</i> : [insert here] _	Proceed to Part C
c. If Yes , has Schedule 7A information/screening report been submitted?	
☐ Yes, Schedule 7A information/screening report has been submitted by the applicant	Screening Determination required
☐ No, Schedule 7A information/screening report has not been submitted by the applicant	Preliminary Examination required

Signature and Date of Recommending Officer:	 Eithne O'Brien, Assistant Planner 22/04/2025
Signature and Date of the Decision Maker:	 Jennifer Collins, A/SEP 22/04/2025



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

Pleanáil, agus Cruthú Áite
Comhairle Cathrach agus Contae Luimnigh
Bóthar 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:

EC/054/25/JC/KC

23 April 2025

**Ballysteen Carnegie Library CLG,
c/o Maurice Somers,
Ballynort,
Askeaton,
Co. Limerick,
V94 HY2A**

RE: Declaration under Section 5

Dear Sir/Madam,

I refer to the above Section 5 Application you are hereby requested to submit following further information:

1. Please submit dimensioned drawings of the proposed roof-mounted solar panels and battery storage unit. The drawings should include the following dimensions:
 - The distance between the plane of the roof and the solar panels.
 - The distance between the solar panels and the roof edge (50cm min. required).
 - Elevations showing the location of the proposed battery storage unit.

Your application will not be further processed until confirmation of the above is received. A complete response should be submitted.

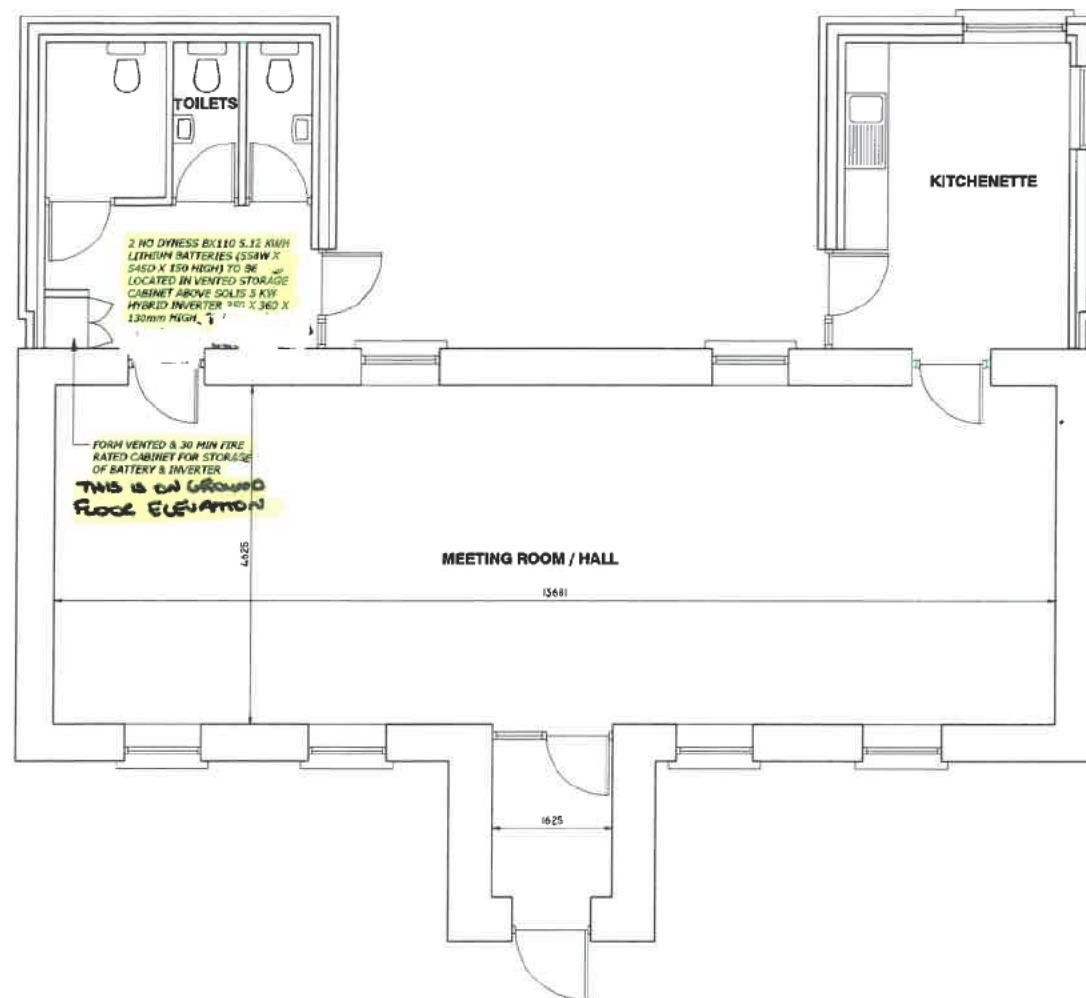
I hereby give you notice that the statutory period of three weeks during which the Planning Authority is required to give a decision will date from the receipt of a satisfactory response to the notice seeking further information.

Please quote your planning reference number on all correspondence EC/054/25.

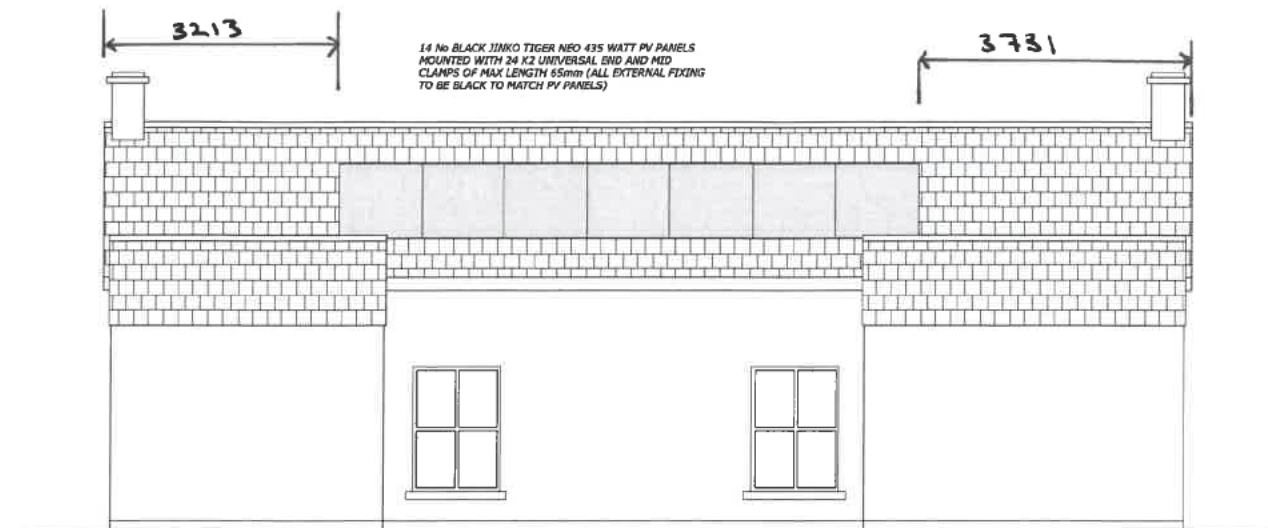
Yours sincerely,



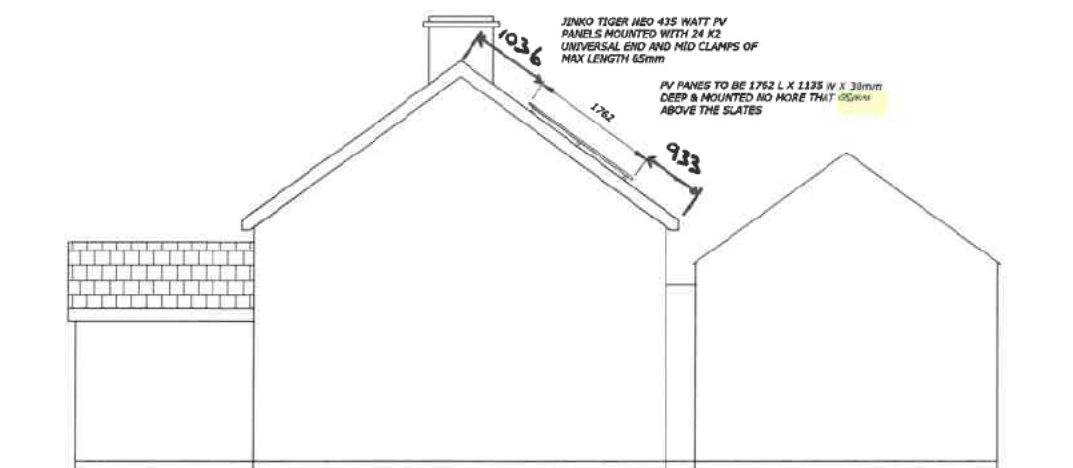
**(for) Senior Planner,
Development Management**



FLOOR PLAN
SCALE 1:50



REAR ELEVATION
SCALE 1:100



SIDE ELEVATION
SCALE 1:100

NOTES:



PROPOSED PV PANELS

PROPOSED PV PANELS TO BE MOUNTED WITH STANDARD 65mm CLAMPS AS SPECIFIED TO ENSURE THEY DO NOT EXCEED 150mm ABOVE PLANE OF ROOF OTHERWISE PLANNING IS REQUIRED

PANELS SHOULD NOT EXTEND ABOVE THE RIDGE AND SHOULD BE IN AT LEAST 500mm FROM THE EDGE OF THE ROOF TO ENSURE THEY REMAIN EXEMPT FROM PLANNING

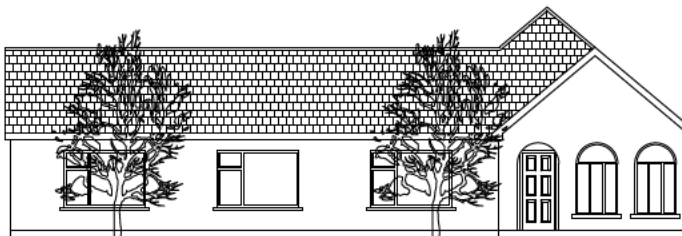
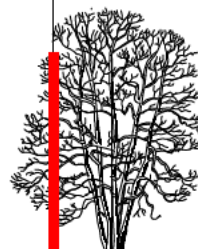
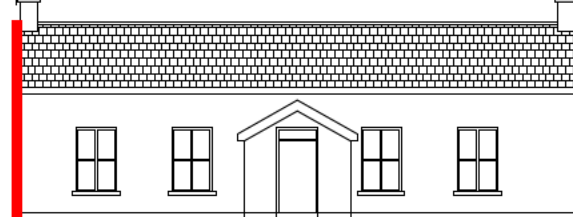
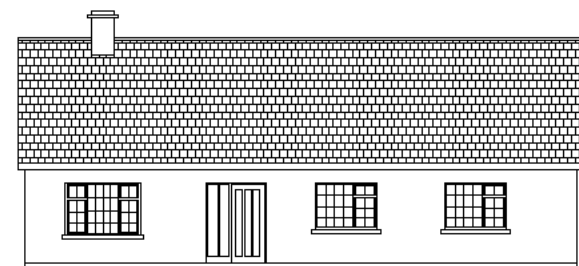
Rev	Description	Date
A	NO OF PANELS REDUCED	22-04-2025
Title : SITE PLAN & CONTIGUOUS ELEVATION		
Project : PROPOSED INSTALLATION OF 14 NO PV PANELS TO REAR OF BALLYSTEEN CARNEGIE LIBRARY BUILDING		
Client : BALLYSTEEN CARNEGIE LIBRARY COMMITTEE		
Stage :	MISC	Drawing No. : B74-J3-M02
Des. By :	MAB	Scale : AS SHOWN @ A1
Date :	19/04/2025	Revision :
MICHAEL A. BURKE (B. Arch.) ARCHITECTURAL SERVICES MAIN STREET, PALLASKERRY CO DUBLIN Tel/Fax: 061-220851, Mobile: 087-2146727 Email: michaelburke22@gmail.com		

M02

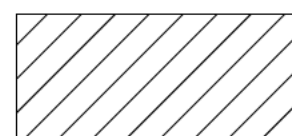
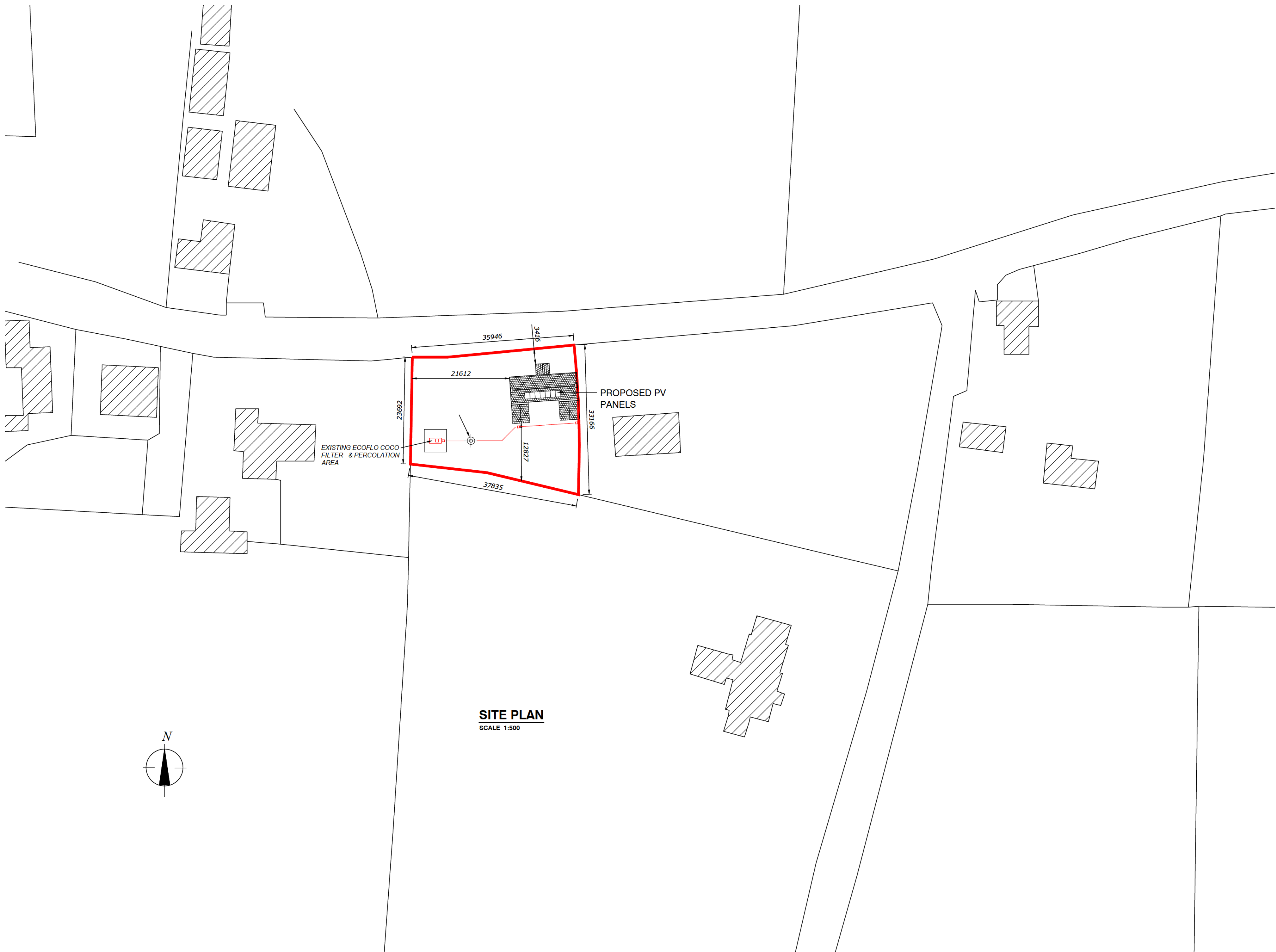
ADJACENT DEVELOPMENT

PROPOSED DEVELOPMENT - PV PANELS NOT VISIBLE FROM THE PUBLIC ROAD

ADJACENT DEVELOPMENT



CONTIGUOUS ELEVATION
SCALE 1:200



EXISTING BUILDINGS



SITE BOUNDARY

A	NO OF PANELS REDUCED	22-04-2025
Rev	Description	Date
Title : SITE PLAN & CONTIGUOUS ELEVATION		
Project : PROPOSED INSTALLATION OF 14 NO PV PANELS TO REAR OF BALLYSTEEN CARNEGIE LIBRARY BUILDING		
Client : BALLYSTEEN CARNEGIE LIBRARY COMMITTEE		
Stage :	MISC	Drawing No. : B74-J3-M01
Drn. By :	MAB	Scale : AS SHOWN @ A1
Date :	19/04/2025	Revision :
MICHAEL A. BURKE (B. Arch.) ARCHITECTURAL SERVICES MAIN STREET, PALLASKENRY CO LIMERICK Tel/Fax: 061-220851 Mobile: 087-2146727 Email: michaelaburke22@gmail.com		

M01

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

Reference no. EC/054/25

Name and Address of Applicant: Ballysteen Carnegie Library, CLG, Ballysteen, Askeaton, Co. Limerick V94 322C

Agent: Maurice Somers, Ballynort, Askeaton, Co. Limerick, V94 HY2A

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Planning History:

19/559 – Permission granted for modifications of the permitted development reg. ref. 18/1266 (change of use of existing Carnegie Library to meeting room, single storey extension), the modifications include the addition of pitched roofs to the permitted extension and misc. other amendments.

18/1266 – Permission granted for a change of use from library to meeting room, construction of an extension to rear of existing building, to include kitchen, toilets and boiler room and installation of a wastewater treatment system.

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 installation of solar PV panels and battery storage on the back roofs of the two extensions and back of main building roof, constitutes ‘works’ and ‘development’.

Is the proposal exempted development?

Following a request for further information on 23rd April 2025, the following has been received:

- Revised site layout plan
- Revised Elevations

The proposal will be re-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.

- 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 subject site is not located 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 subject site is not located 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.*

Distance between the plan of the roof and the solar panel does not exceed 1.2m.

- 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 panels as shown on the submitted drawings are greater than 50cm from the roof edge.

- 5. Development shall not be exempted development where the highest part of the solar photo-voltaic or solar thermal collector installation exceeds the highest part of any roof that is not a flat roof (excluding any chimney).*

The proposed panels do not exceed the highest part of the existing pitched roof.

- 6. 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.*

The ancillary battery storage unit is located internally in the community hall.

- 7. 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.*

N/A. Proposed solar panels to be installed on a pitched roof.

- 8. 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.*

N/A. Proposed solar panels to be installed on a pitched roof.

- 9. Any free-standing solar photo-voltaic or solar thermal collector installation shall not be placed or erected forward of the front wall of the business premises or light industrial building.*

N/A. Roof mounted solar panels proposed.

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

N/A

11. *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

12. *The placing or erection of a solar photovoltaic or solar thermal collector installation on any wall shall not be exempted development.*

N/A. Roof mounted solar panels proposed.

13. *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.*

N/A. Roof mounted solar panels proposed. Application is not located within an ACA.

14. *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 signage proposed to be erected as part of installation.

15. *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 business premises or light industrial building, and shall not be considered a change of use for the purposes of the Act.*

N/A. Proposed solar panels and battery is for the provision of electricity/heating.

16. *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.*

Noted.

As the proposed development is not restricted by any of the above limitations, I therefore consider the proposal exempt under Class 61 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, 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 has been undertaken (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 has been undertaken (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.

Recommendation

The information detailed on the application and the further information received is considered to be within the scope of Class 61 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended).

Regard has been had to –

- (a) Section 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), and,
- (c) The plans & particulars submitted with the application received on 27th March 2025 and further information submitted on 28th April 2025.

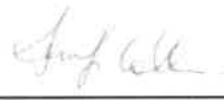
It is therefore considered that the said works are development and exempted development under Class 61 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended).



Eithne O'Brien
Assistant Planner

Date: 29/04/2025

Agreed by:



Jennifer Collins
A/Senior Executive Planner

Date: 29/04/2025

Appendix 1: AA PN01 Screening Form

STEP 1: Description of the project/proposal and local site characteristics:	
(a) File Reference No:	EC/054/25
(b) Brief description of the project or plan:	A section 5 application requesting a declaration on whether the installation of solar PV panels with capacity of up to 10kw and battery storage on the back roofs of the two extensions and back of main building roof is or is not exempted development.
(c) Brief description of site characteristics:	The subject site is located in Ballsteen village. The site is comprised of a recently renovated library building with a pitched roof single storey extension to the rear.
(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	1.3km	None. No direct encroachment or hydrological connection.	N
004077-River Shannon and River Fergus Estuaries SPA	https://www.npws.ie/protected-sites/sac/004077	1.3km	None. No direct encroachment or hydrological connection.	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	None. No direct encroachment or hydrological connection.
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	None. No direct encroachment or hydrological connection.
In-combination/Other	N/A given the level of development in the area, namely rural one-offs. Renovations to existing dwellings.

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

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

(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		
No effects identified.		
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	☒	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	☐	☐ Request further information to complete screening ☐ Request NIS ☐ Refuse planning permission
(iii) Significant effects are likely	☐	☐ Request NIS ☐ Refuse planning permission
Signature and Date of Recommending Officer:	Eithne O'Brien  Eithne O'Brien, Assistant Planner 29/04/2025	

Signature and Date of the Decision Maker:	 Jennifer Collins, A/SEP 29/04/2025
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Appendix 2: EIA Screening- Establishing if Proposal is Sub-threshold

Establishing if the proposal is a 'sub-threshold development':	
Planning Register Reference:	EC/054/25
Development Summary:	A section 5 application requesting a declaration on whether the installation of solar PV panels with capacity of up to 10kw and battery storage on the back roofs of the two extensions and back of main building roof is or is not exempted development.
Was a Screening Determination carried out under Section 176A-C?	☐ Yes. no further action required ☒ 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: [insert here] _	EIA is mandatory No Screening required
☒ 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)	
☒ No. the development is not a project listed in Schedule 5, Part 2	No Screening required
☐ 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 <i>sub-threshold</i> : [insert here]	Proceed to Part C
c. If Yes , has Schedule 7A information/screening report been submitted?	
☐ Yes, Schedule 7A information/screening report has been submitted by the applicant	Screening Determination required
☐ No, Schedule 7A information/screening report has not been submitted by the applicant	Preliminary Examination required

Signature and Date of Recommending Officer:


Eithne O'Brien, Assistant Planner
29/04/25

**Signature and Date of the Decision
Maker:**



Jennifer Collins, A/Senior Executive Planner
29/04/25



Comhairle Cathrach
& Contae **Luimnigh**

Limerick City
& County Council

Pleanáil, agus Cruthú Áite
Comhairle Cathrach agus Contae Luimnigh
Bothar 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:

**Ballysteen Carnegie Library,
Maurice Somers,
Ballynort,
Askeaton,
Co. Limerick,
V94 HY2A**

EC/054/25

09 May 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/2025/467

File Ref No. EC/054/25

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

RE: **The installation of solar PV panels with capacity of up to 10kw and battery storage on the back roofs of the two extensions and back of main building roof at Ballysteen, Askeaton, Co. Limerick V94 322C**

ORDER: Whereas by Director General's Order No. DG/2024/122 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 Jennifer Collins, A/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, Jennifer Collins, A/Senior Executive Planner, having considered the report and recommendation of Eithne O'Brien, Assistant Planner dated 29/04/2025, hereby order that a Declaration under Section 5 of the Planning and Development Act 2000 (as amended) be issued to Ballysteen Carnegie Library, c/o Maurice Somers, Ballynort, Askeaton, Co. Limerick, V94 HY2A to state that the works as described above is

Development and is Exempt Development. *12*

Signed

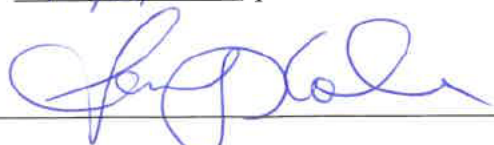

A/SENIOR EXECUTIVE PLANNER, PLANNING & PLACE-MAKING

Date

12/5/25

Certified to be a true copy of Approved Officer's Order, Planning & Development Order No. AOO/DC/2025/467 dated *12/5/25*, pursuant to Section 151(7) of the Local Government Act 2001

Signed:


A/SENIOR EXECUTIVE PLANNER, PLANNING & PLACE-MAKING



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

Pleanáil, agus Cruthú Áite
Comhairle Cathrach agus Contae Luimnigh
Bothar Thuar an Dail
Tuar an Dail, Luimneach
V94 WV78

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

SECTION 5 – DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

DECLARATION NO.

EC/054/25

Name and Address of Applicant: Ballysteen Carnegie Library, CLG, Ballysteen, Askeaton, Co. Limerick
V94 322C

Agent: Maurice Somers, Ballynort, Askeaton, Co. Limerick, V94 HY2A

Whether the installation of solar PV panels with capacity of up to 10kw and battery storage on the back roofs of the two extensions and back of main building roof at Ballysteen, Askeaton, Co. Limerick V94 322C 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 27th of March 2025 and further information submitted on the 28th April 2025.

AND WHEREAS the Planning Authority has concluded that the installation of solar PV panels with capacity of up to 10kw and battery storage on the back roofs of the two extensions and back of main building roof at Ballysteen, Askeaton, Co. Limerick V94 322C **DOES** come within the scope of exempted development under Class 61 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

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.