

ST. Gerard's GAA

Mountclavid

Shanagolden

Co. Limerick

4/4/25



To whom it may concern

Please find enclosed Section 5 Application form, two area maps outlining the area proposed for the planting of wild flowers. Also enclosed as a cheque for €60

Yours sincerely

Niamh Fitzmaurice

Runaí





Comhairle Cathrach
& Contae Limerick
Limerick City
& County Council



Limerick City and County Council

Planning Department

Section 5 Application



DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

Applicant's Name: NIAMH FINUCANE

Applicant's Address: ST. SCNANS GAA
MOUNT DADID SHANAGOLDEN
CO LIMERICK

Telephone No. [REDACTED]

Name of Agent (if any): _____

Address: _____

Telephone No. _____

Address for Correspondence: ST. SCNANS GAA
MOUNT DADID
SHANAGOLDEN
CO. LIMERICK

Location of Proposed development (Please include EIRCODE):

ST. SENANS GAA

MAIN STREET FOYNES

CO - SWA LIMERICK

Limerick City & County
Council

Planning

Description of Proposed development:

Levelling, tilling & planting of
wild flowers

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:

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

2 Maps outlining the area where
the planned planting proposed
is to go ahead.

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)

Namh Finelcore
Secretary

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**







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

08/04/2025 12:00:09

Receipt No./
Uimhir Admhála : LA25/0/25176161

St. Senans GAA Club,
Moundavid,
Shanagolden,
Co. Limerick

EXEMPTION CERTIFICATES	80.00
GOODS	80.00
VAT Exempt/Non-vatable	

Total/Iomlán : 80 00 EUR

Tendered/Tairgthe :
Cheque 80.00
A.I.B.
503299

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/079/25

Name and Address of Applicant: St. Senans GAA, Mount David, Shanagolden, Co. Limerick

Agent: N/A

Location: St. Senans GAA, Main Street, Foynes, Co. Limerick

Description of Site and Surroundings:

The subject site relates to an existing GAA pitch located off the N69 Road on the approach to Foynes Town. There is an existing pitch in situ and an adjacent playing field, which is the subject of this application.

Zoning:

N/A

Proposal:

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

- *Whether the levelling, tilling and planting of wild flowers is or is not exempted development.*

This Section 5 declaration includes the following:

- Section 5 Declaration Application Form
- Site Location Map
- Site layout

Planning History:

16/986 – Permission for a juvenile playing field, to widen existing access roadway and incorporate a pedestrian footpath link from existing sports field to the public footpath and all associated works.

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 levelling, tilling and planting of wild flowers does constitutes 'works' and 'development'.

Is the proposal exempted development?

Section 4(1)(h) of the Planning and Development Act, 2000, as amended, provides for exemption for the following (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 neighbouring structures; The proposal for the levelling tilling and planting of a section of an existing open field to create a biodiversity area is considered to be exempt under Section 4(1)(h) of the Planning and Development Act.

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 carries out (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 carries out (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 proposal and plans submitted are considered to be development that is exempted development under 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) og the Planning and Development Act 2000 (as amended), and,
- (c) The plans & particulars submitted with the application received on 9th of April 2024.

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: 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/079/25
(b) Brief description of the project or plan:	A section 5 application requesting a declaration on whether the levelling, tilling and planting of wild flowers is or is not exempted development and is or is not exempted development.
(c) Brief description of site characteristics:	The subject site relates to an existing GAA pitch located off the N69 Road on the approach to Foynes Town. There is an existing pitch in situ and an adjacent playing field which is the subject of this application.
(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	550m	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 <ul style="list-style-type: none">- Vegetation clearance- Demolition	None. No direct encroachment or hydrological connection.

<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. 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.


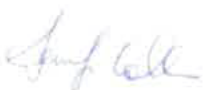
(b) Describe any likely changes to the European site:

<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.
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(c) (Are 'mitigation' measures necessary to reach a conclusion that likely significant effects can be ruled out at screening?


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<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
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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	<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, Assistant Planner 29/04/2025	
Signature and Date of the Decision Maker:	 Jennifer Collins, A/SEP 29/04/2025	

Appendix 2: EIA Screening

Establishing if the proposal is a 'sub-threshold development':	
Planning Register Reference:	EC/079/25
Development Summary:	A section 5 application requesting a declaration on whether the levelling, tilling and planting of wild flowers is or is not exempted 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 <i>sub-threshold</i> : [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:	 Eithne O'Brien, Assistant Planner 29/04/25
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**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:

Niamh Finucane,
St. Senans GAA,
Mount David,
Shanagolden, Co. Limerick

EC/079/25

02 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

customer services@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/2025/439

File Ref No. EC/079/25

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

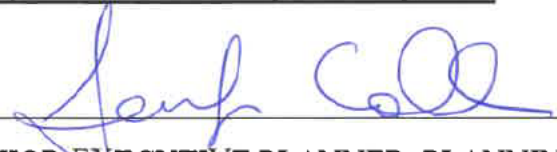
RE: **The levelling, tilling and planting of wild flowers at St. Senans GAA, Main Street, Foynes, Co. Limerick**

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 Niamh Finucane, St. Senans GAA, Mount David, Shanagolden, Co. Limerick to state that the works as described above is

Development and is Exempt Development.

Signed


A/SENIOR EXECUTIVE PLANNER, PLANNING & PLACE-MAKING

Date

02/05/25

Certified to be a true copy of Approved Officer's Order, Planning & Development Order No. AOO/DC/2025/439 dated 02/05/25, 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, Luimnigh
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/0079/25

Name and Address of Applicant: Niamh Finucane, St. Senans GAA, Mount David, Shanagolden, Co. Limerick

Agent: N/A

Whether the levelling, tilling and planting of wild flowers at St. Senans GAA, Main Street, Foynes, Co. Limerick is or is not Development or is or is not Exempted Development. The works as described on the plans submitted with the application on the 9th of April 2025.

AND WHEREAS the Planning Authority has concluded that the levelling, tilling and planting of wild flowers at St. Senans GAA, Main Street, Foynes, Co. Limerick **DOES** come within the scope of exempted development as defined 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

Date:

02/05/25

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