



LIMERICK CITY & COUNTY COUNCIL

Limerick City & County
Council

11 APR 2025

PLANNING AND ENVIRONMENTAL SERVICES

SECTION 5 APPLICATION

Planning

DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENTApplicant's Name: CIONSHIRE EQUESTRIAN CENTREApplicant's Address: CIONSHIRE BEGADARE CO. LIMERICKV94 Y6 X8Telephone No. [REDACTED]Name of Agent (if any): IAN SHAW BEAddress: SHAW CONSULTING ENGINEERS LTD1 LOWER MALLOW STREETLIMERICK V94 W9 V0Telephone No. 061 311133

Address for Correspondence:

SUE FOLEY CIONSHIRE EQUESTRIAN CENTRECIONSHIRE BEG ADARE CO. LIMERICKV94 Y6 X8

Location of Proposed development:

CLOONSHIRE EQUESTRIAN CENTRE

CLOONSHIRE BEG ADARE CO. LIMERICK

V94 Y6 X8

Description of Proposed development:

INSTALL A JUDGES BOX (TIMBER GAZEBO)

THAT CAN VIEW SAND AREA AND ADJOINING FIELD
AND TO CREATE ACCESS AND EGRESS PASSAGES FROM
SAND ARENA TO FIELD THE JUDGES BOX WILL BE
MOVEABLE, AS WILL ALL HORSE JUMP THE ONLY
PERMANENT FEATURES WILL BE ACCESS AND EGRESS
Is this a Protected Structure or within the curtilage of a Protected Structure. PASSAGES
YES/NO

Applicant's interest in site: EMPLOYEE

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

LAYOUT DRAWING 1:500

LOCATION MAP 1:1000

PLANS ELEVATION AND SECTION OF JUDGES BOX 1:100

PICTURES OF TYPE OF JUDGES BOX PROPOSED

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

If Yes please provide floor areas of all existing structures:

NO

Signature of Applicant (or Agent) S. B. B.

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:

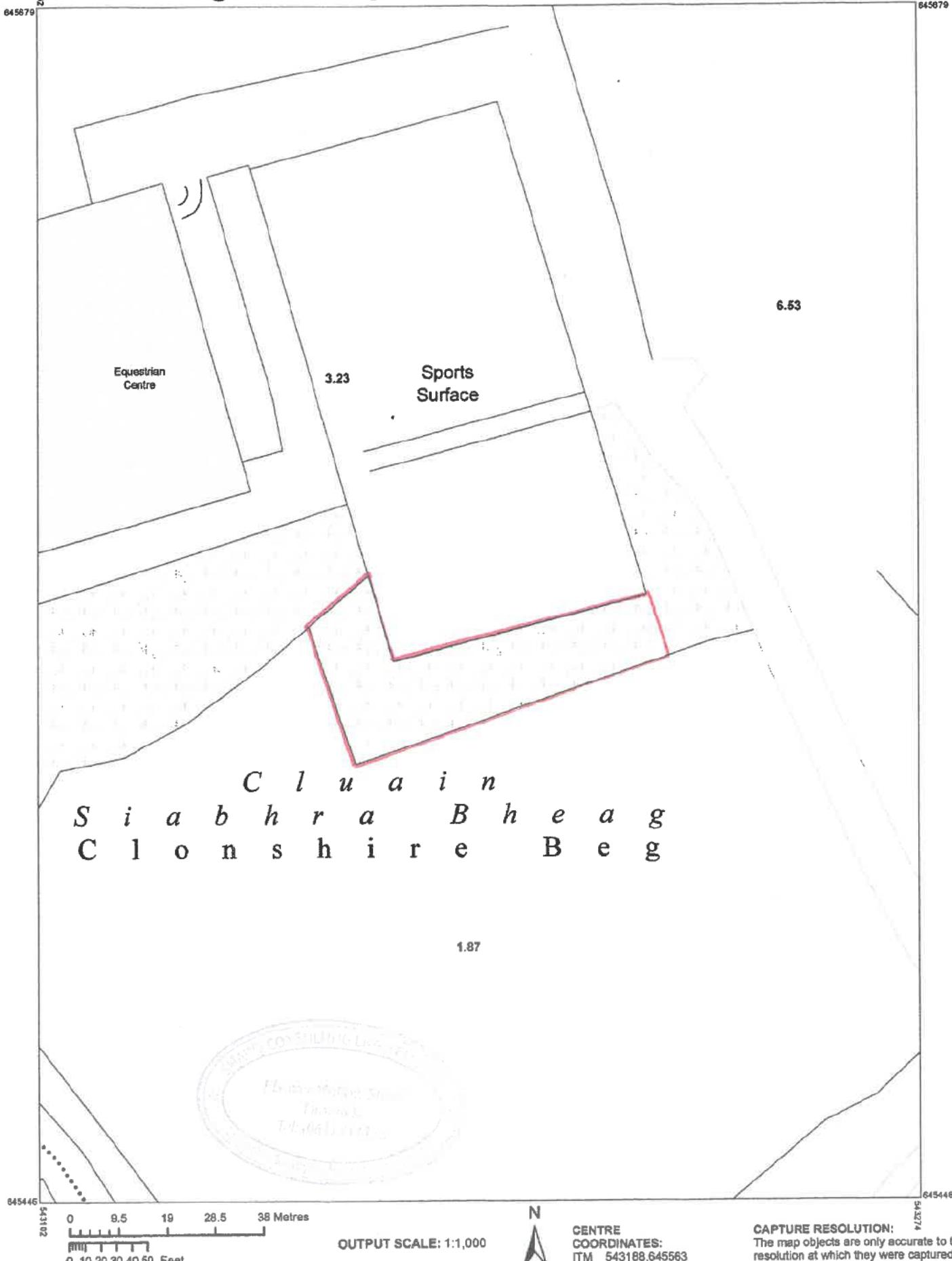
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Planning and Environmental Services,
City & County Council Offices,
Dooradoyle Road,
Limerick.

OFFICE USE ONLY

Ref. No. _____ Date Received _____

Fee Received _____ Date Due _____

Planning Pack Map



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CENTRE
COORDINATES:
ITM 543188,645563

PUBLISHED: ORDER NO.:
06/04/2025 50459127_1

MAP SERIES: MAP SHEETS:
1:5,000 4924
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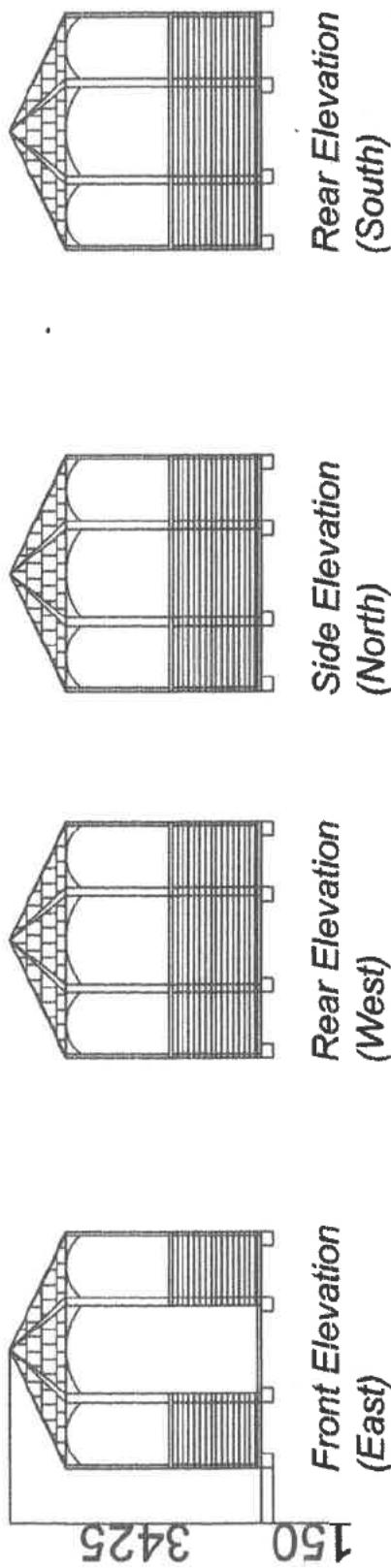
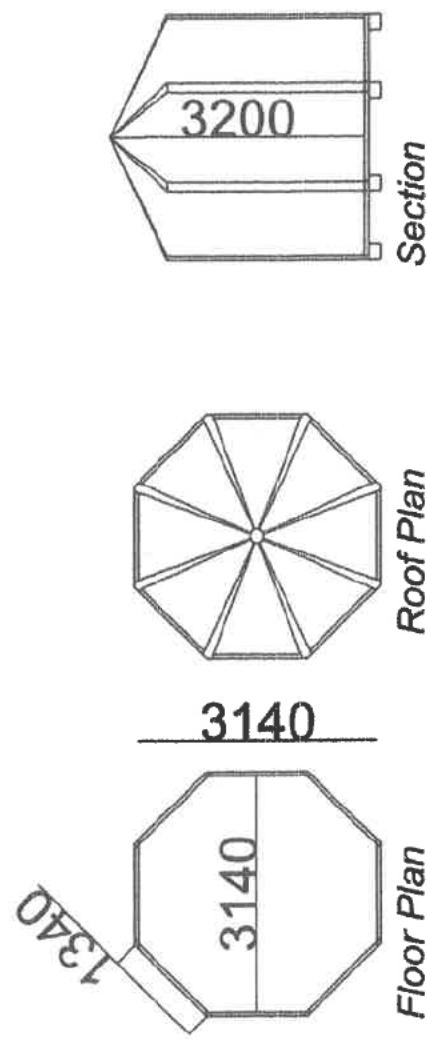
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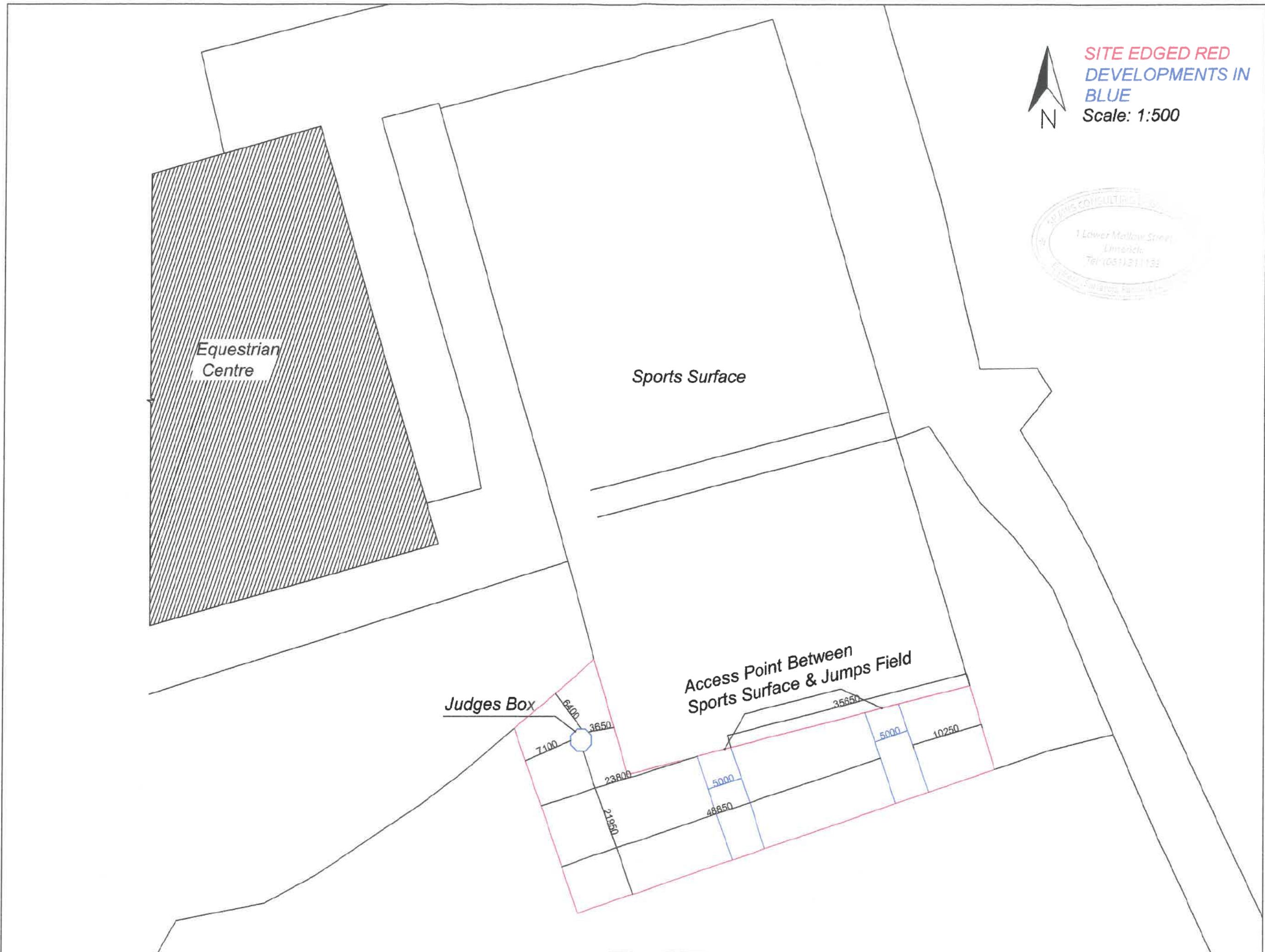


Judges Box

Scale: 1:100



Tel: (081) 311133



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

Reference no.

EC/081/25

Name and Address of Applicant:

Clonshire Equestrian Centre, Clonshire Beg, Adare,
Co. Limerick, V94 Y6X8

Agent:

Ivan Shaw, Shaw Consulting Engineers Ltd. 1 Lower
Mallow Street, Limerick, V94W9V0.

Location:

Clonshire Beg, Adare, Co. Limerick, V94 Y6X8

Description of site and surroundings:

The subject site is located on the L8024 Road. There is an existing equestrian centre on site along with an adjacent sand arena.

Zoning:

N/A

Proposal

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

- *Whether the installation of a timber gazebo and the creation of access and egress passage to and from the existing sand arena to an adjacent field 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 plan
- Elevations of proposed gazebo

Planning History:

19/561 – Granted - Permission for the construction of an extension to the existing equestrian buildings in the form of an open, roofed area for parking of machinery.

07/547 – Granted – Permission for construction of stables, haybarn, dungstead and oiled water storage tank, enclosed lunging area, conversion of existing haybarn to stables and all ancillary site works.

94/314 – Granted - Permission for the construction of barn/machinery shed and stables.

92/1115 – Granted – Permission for the erection of equestrian centre.

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 a timber gazebo and the creation of access and egress passages to and from the existing sand arena to an adjacent field, constitutes ‘works’ and ‘development’.

Is the proposal exempted development?

The proposal for the provision of a timber gazebo within an existing farmyard complex and the provision of a 2m wide gravel pathway will be assessed under Class 9 of Part 3 of Schedule 2 of the Planning and Development Regulations 2001, as amended and Section 4(a) of the Planning and Development Act, 2000, as amended.

Section 4(a) development consisting of the use of any land for the purpose of agriculture and development consisting of the use for that purpose of any building occupied together with land so used;

The development consists of clearance of an existing hedgerow for the purposes of laying a graveled area including access and egress points for horses to cross between an existing sanded area and an adjacent field to the south. Having regard to Section 4(a), I consider that these works are for the purposes of supporting an agricultural activity and for this reason would be exempt under Section 4(a) of the Planning and Development Act, 2000, as amended.

CLASS 9 Works consisting of the provision of any store, barn, shed, glass-house or other structure, not being of a type specified in class 6, 7 or 8 of this Part of this Schedule, and having a gross floor space not exceeding 300 square metres.

1. No such structure shall be used for any purpose other than the purpose of agriculture or forestry, but excluding the housing of animals or the storing of effluent.

The proposed structure will be used for the purposes of a viewing stand for the existing equestrian centre.

2. The gross floor space of such structures together with any other such structures situated within the same farmyard complex or complex of such structures or within 100 metres of that complex shall not exceed 900 square metres gross floor space in aggregate.

The aggregate floor area of the structure along with adjacent structures will not exceed 900sqm.

3. No such structure shall be situated within 10 metres of any public road.

The proposed structure will not be situated within 10 metres of any public road.

4. No such structure within 100 metres of any public road shall exceed 8 metres in height.

The proposed structure will have a maximum height 3.42m.

5. No such structure shall be situated within 100 metres of any house (other than the house of the person providing the structure) or other residential building or school, hospital, church or building used for public assembly, save with the consent in writing of the owner and, as may be appropriate, the occupier or person in charge thereof.

The proposed structure will not be situated within 100metres of any house.

6. No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.

A timber structure is proposed.

Having regard to the above, I am satisfied that the proposed development for a timber gazebo is in compliance with the limitations as set out under Class 9 of Part 3 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.

Conclusion

The information detailed on the application and plans submitted is considered to be within the scope of Class 9 of Part 3 of Schedule 2 of the Planning and Development Regulations 2001 (as amended) and Section 4(a) of the Planning and Development Act, 2000, as amended.

Regard has been had to –

- (a) Section 3 and 4 of the Planning and Development Act 2000 (as amended)
- (b) Class 9 of Part 3 of Schedule 2 of the Planning and Development Regulations 2001 (as amended)
- (c) Section 4(a) of the Planning and Development Act, 2000 (as amended).
- (c) The plans & particulars submitted with the application received on 11th April 2025.

It is therefore considered that the said works are development and exempted development under Section 4(a) of the Planning and Development Act, 2000 (as amended) and Class 9 of Part 3 of Schedule 2 of the Planning and Development Regulations 2001 (as amended).

Eithne

Eithne O'Brien
Assistant Planner
Date: 29/04/2025

Jennifer

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/081/25
(b) Brief description of the project or plan:	A section 5 application on whether the installation of a timber gazebo and the creation of access and egress passages to and from the existing sand arena to an adjacent field is or is not development and is or is not exempted development.
(c) Brief description of site characteristics:	The subject site is located on the L8024 Road. There is an existing equestrian centre on site along with an adjacent sand arena.
(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	2.9km	None.	N
004077-River Shannon and River Fergus Estuaries SPA	https://www.npws.ie/protected-sites/sac/004077	8.4km	None.	N
000174 – Curraghchase Woods SAC	https://www.npws.ie/protected-sites/sac/000174	3km	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. <ul style="list-style-type: none">- Vegetation clearance- Demolition- Surface water runoff from soil excavation/infill/landscaping (including borrow pits)- Dust, noise, vibration- Lighting disturbance- Impact on groundwater/dewatering- Storage of excavated/construction materials- Access to site- Pests	None. No direct encroachment or hydrological connection.
Operation phase e.g. <ul style="list-style-type: none">- Direct emission to air and water- Surface water runoff containing contaminant or sediment- Lighting disturbance- Noise/vibration- Changes to water/groundwater due to drainage or abstraction- Presence of people, vehicles and activities- Physical presence of structures (e.g collision risk)- Potential for accidents or incidents	None. No direct encroachment or hydrological connection.
In-combination/Other	N/A given the level of development proposed, c. 11.4sqm extension.

(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	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.

<ul style="list-style-type: none"> - Interference with the key relationships that define the structure or ecological function of the site 	
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<p>(c) (Are 'mitigation' measures necessary to reach a conclusion that likely significant effects can be ruled out at screening?</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>

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 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>		
	<p>Tick as appropriate:</p>	Recommendation:
(i) It is clear that there is no likelihood of significant effects on a European Site	<input checked="" type="checkbox"/>	<p>The proposal can be screened out: Appropriate Assessment not required.</p>
(ii) It is uncertain whether the proposal will have a significant effect on a European Site	<input type="checkbox"/>	<p><input type="checkbox"/> Request further information to complete screening <input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission</p>
(iii) Significant effects are likely	<input type="checkbox"/>	<p><input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission</p>
Signature and Date of Recommending Officer:	<p>Eithne O'Brien </p> <hr/> <p>Eithne O'Brien, Assistant Planner 29/04/2025</p>	

Signature and Date of the Decision Maker:	 _____ Jennifer Collins, A/Senior Executive Planner 29/04/2025
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Appendix 2: EIA Screening

Establishing if the proposal is a 'sub-threshold development':		
Planning Register Reference:	EC/081/25	
Development Summary:	The subject site is located on the L8024 Road. There is an existing equestrian centre on site along with an adjacent sand arena. Under this section 5 application, it is proposed to construct a timber gazebo and create a permanent access and egress passage from the existing sand arena to an adjacent field.	
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:



	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:

**Clonshire Equestrian Centre,
c/o Sue Foley,
Clonshire Equestrian Centre,
Clonshire Beg,
Adare,
Co. Limerick,
V94 Y6X8**

EC/081/25

30 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,

M. O'Brien
**(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/2025/434

File Ref No. EC/081/25

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

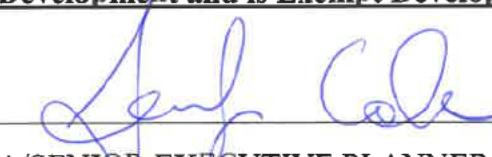
RE: **The installation of a timber gazebo and the creation of access and egress passage to and from the existing sand arena to an adjacent field at Clonshire Beg, Adare, Co. Limerick, V94 Y6X8**

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 Clonshire Equestrian Centre, c/o Ivan Shaw, Shaw Consulting Engineers Ltd. 1 Lower Mallow Street, Limerick, V94W9V0. to state that the works as described above is

Development and is Exempt Development.

Signed



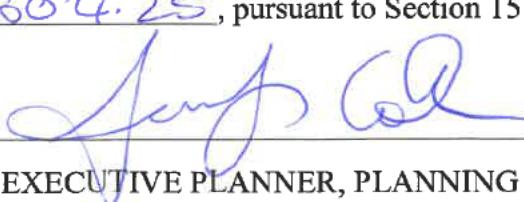
A/SENIOR EXECUTIVE PLANNER, PLANNING & PLACE-MAKING

Date

30.4.2025

Certified to be a true copy of Approved Officer's Order, Planning & Development Order No. AOO/DC/2025/434 dated 30.4.25, pursuant to Section 151(7) of the Local Government Act 2001

Signed:



A/SENIOR EXECUTIVE PLANNER, PLANNING & PLACE-MAKING



SECTION 5 – DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

DECLARATION NO.

EC/081/25

Name and Address of Applicant: Clonshire Equestrian Centre, Clonshire Beg, Adare, Co. Limerick, V94 Y6X8

Agent: Ivan Shaw, Shaw Consulting Engineers Ltd. 1 Lower Mallow Street, Limerick, V94W9V0.

Whether the installation of a timber gazebo and the creation of access and egress passage to and from the existing sand arena to an adjacent field at Clonshire Beg, Adare, Co. Limerick, V94 Y6X8 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 11th of April 2025.

AND WHEREAS the Planning Authority has concluded that the the installation of a timber gazebo and the creation of access and egress passage to and from the existing sand arena to an adjacent field at Clonshire Beg, Adare, Co. Limerick, V94 Y6X8 **DOES** come within the scope of exempted development as defined under Class 9 of Part 3 of Schedule 2 of the Planning and Development Regulations 2001 as amended and Section 4(a) 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 W. O'Brien

Date: 30.4.25

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.