



Limerick City and County Council

### Planning Department

#### Section 5 Application

#### DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

Applicant's Name: THOMAS ROBERTS

Applicant's Address: NEWTOWN

CLARINA

Co LIMERICK

Telephone No. 

Name of Agent (if any): \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Telephone No. \_\_\_\_\_

Address for Correspondence:

NEWTOWN

CLARINA

CO LIMERICK

Location of Proposed development (Please include EIRCODE):

CREGAUN, NEWTOWN

CLARINA

CO LIMERICK (No dwelling on the site so does not have an Eircode)

Description of Proposed development:

Removal of flat corrugated iron roof from agricultural barn and replace with hipped "A" roof, thatched with local reed to return the building to its original condition.

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

PLANNING AND DEVELOPMENT REGULATIONS 2001  
(as amended) SCHEDULE 2, PART 1, CLASS 1

Is this a Protected Structure or within the curtilage of a Protected Structure.

YES NO

Applicant's interest in site: OWNER

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

SITE LOCATION MAP

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

If Yes please provide floor areas of all existing structures:

A HAYBARN IS ALSO LOCATED ON THE SITE

FLOOR AREA IS 61M<sup>2</sup>

Signature of Applicant (or Agent) Tommy Robert

**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](mailto:planning@limerick.ie)**

\*\*\*\*\*

# PLACE Map



**CENTRE COORDINATES:**  
ITM 549037, 657190  
**PUBLISHED:** 02/04/2025  
**ORDER NO.:** 50458507\_1  
**MAP SERIES:** 1:5,000  
**MAP SHEETS:** 4680

**COMPILED AND PUBLISHED BY:**  
Tailte Éireann,  
Phoenix Park,  
Dublin 8,  
Ireland.  
D08F6E4

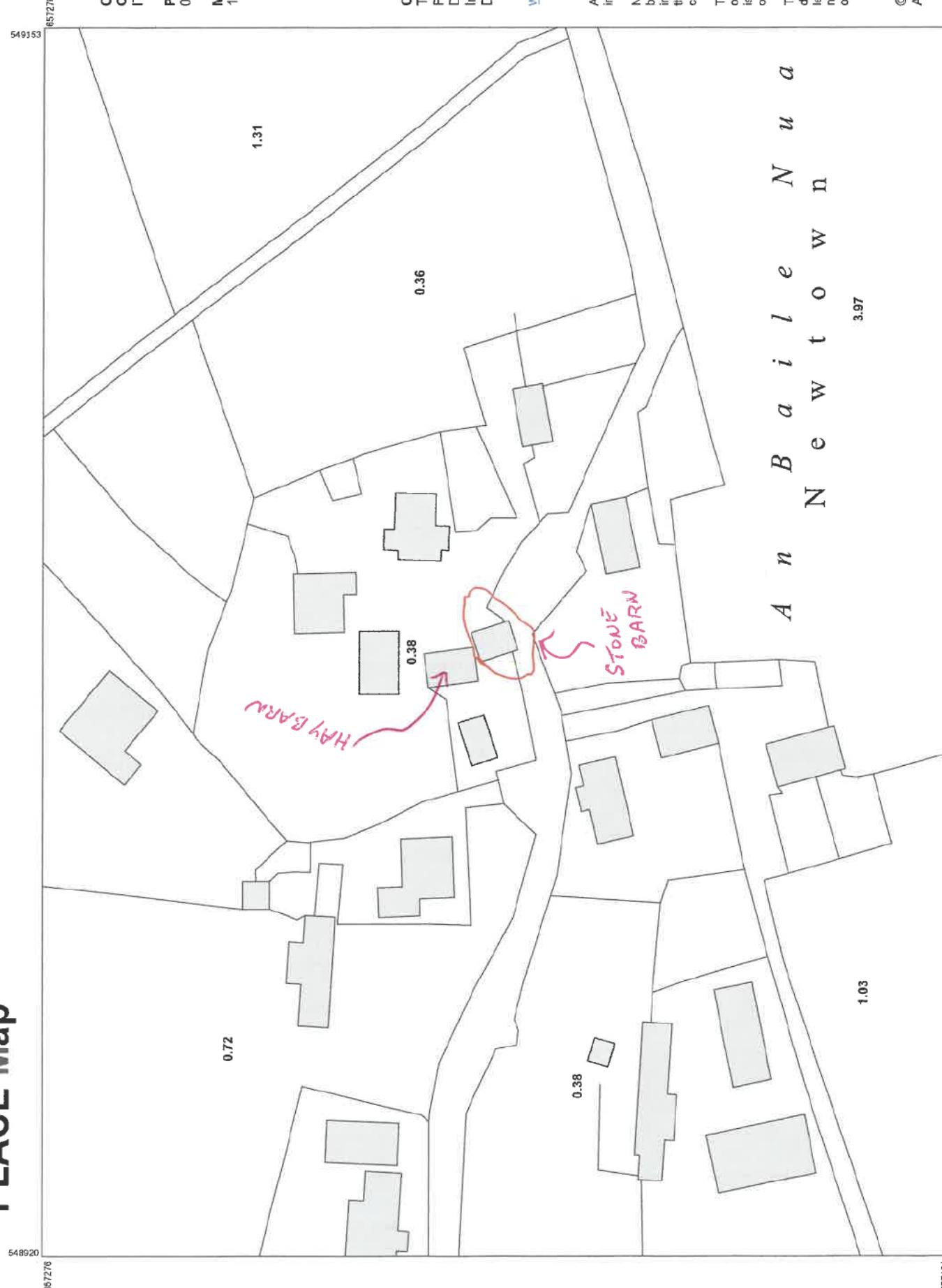
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The representation on this map  
of a road, track or footpath  
is not evidence of the existence  
of a right of way.  
This topographic map  
does not show  
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ownership of physical features.

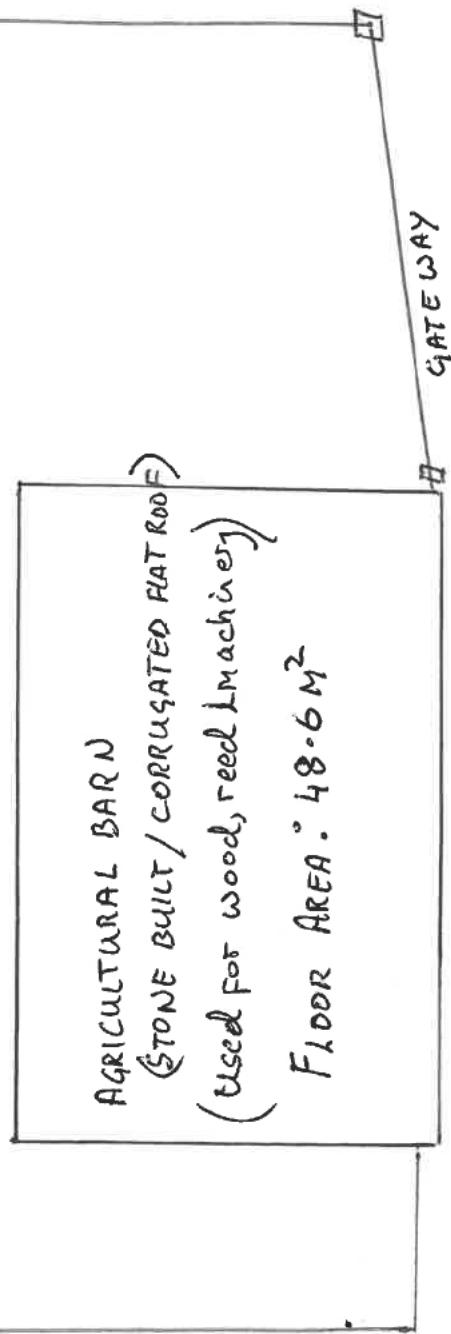
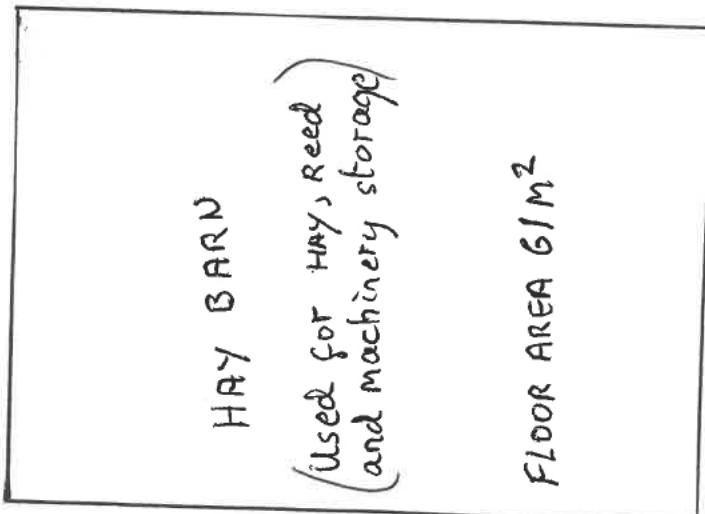
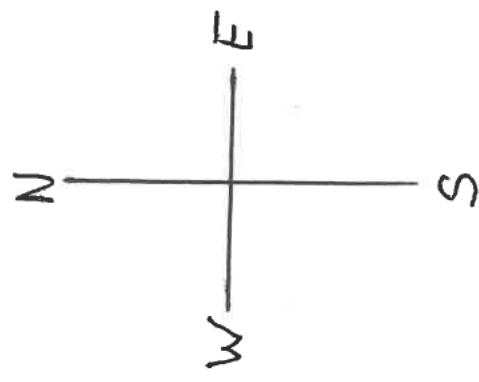
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**LEGEND:**  
To view the legend visit  
[www.tailte.ie](http://www.tailte.ie) and search for  
'Large Scale Legend'.

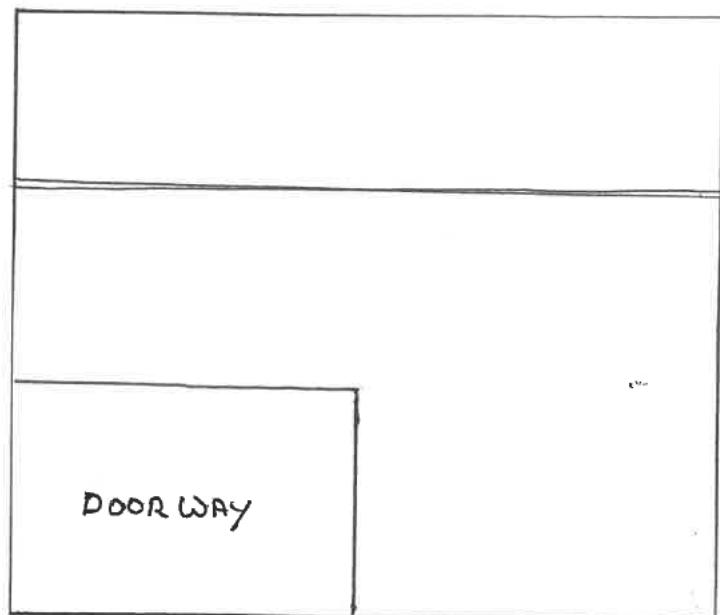
**CAPTURE RESOLUTION:**  
The map objects are only accurate to the  
resolution at which they were captured.  
Output scale is not indicative of data capture scale.  
Further information is available at:  
[www.tailte.ie](http://www.tailte.ie) for search 'Large Scale Legend'.

## SITE LAYOUT PLAN



PUBLIC ROAD

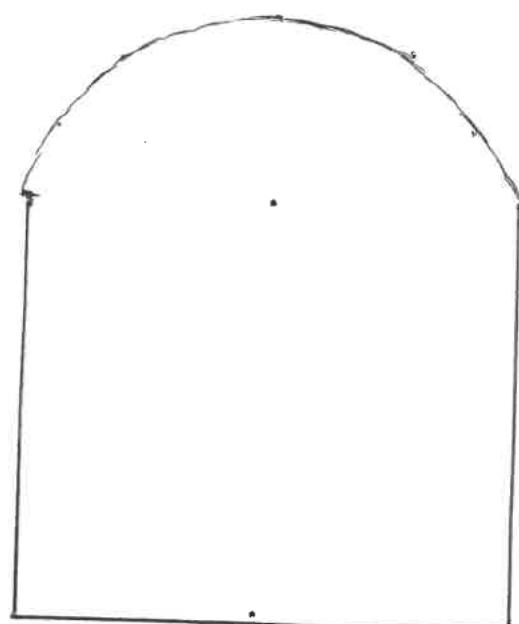
SCALE 100:1



HAY BARN

SIDE ELEVATION

EAST FACING SIDE



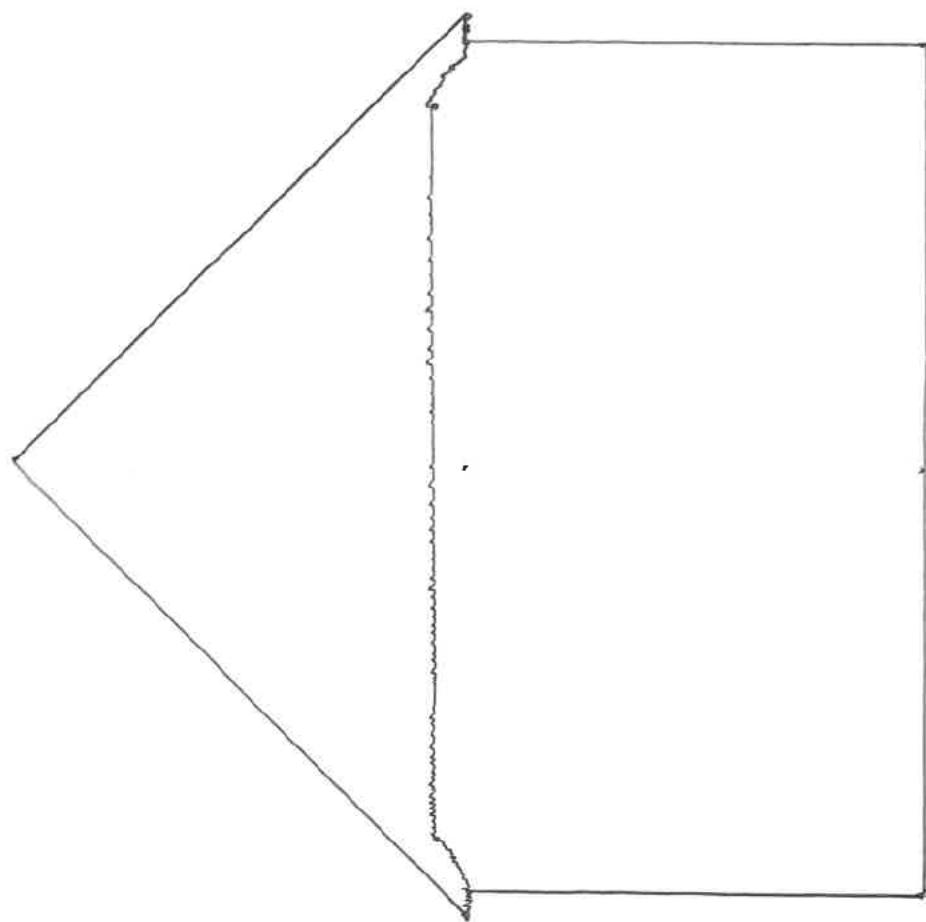
HAY BARN

END ELEVATION

SCALE 100:1

END ELEVATION (East/West)

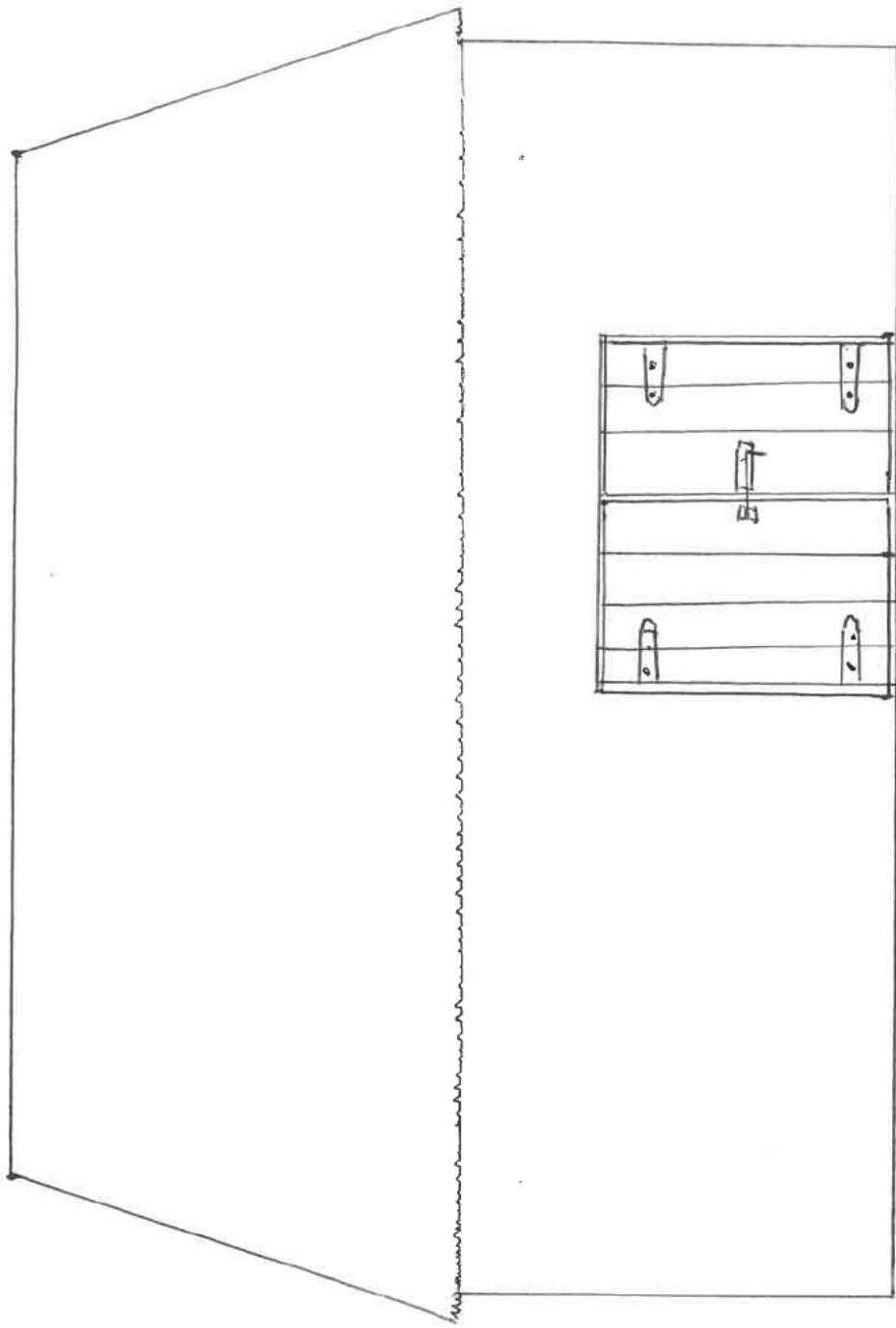
STONE BUILT BARN WITH PROPOSED THATCHED ROOF



SCALE 50:1

FRONT ELEVATION (South Facing)

STOVE BUILT BARN WITH PROPOSED THATCHED ROOF



Scale 50:1



COMHAIRLE  
CATHRACH & CONTAE  
**Luimnigh**  
**Limerick**  
CITY & COUNTY  
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LIMERICK CITY & COUNTY COUNCIL  
CASH OFFICE  
CIVIC OFFICES  
DOORADOYLE  
CO LIMERICK

14/04/2025 12:22:21

Receipt No./  
Uimhir Admhlá : LA25/0/25176360  
\*\*\*\*\* REPRINT \*\*\*\*\*

TOMAS ROBERTS  
NEWTOWN  
CLARINA  
CO LIMERICK

EXEMPTION CERTIFICATES	80.00
GOODS	80.00
VAT Exempt/Non-variable	

Total/íomlán : 80.00 EUR

Tendered/Táirgthe :  
Credit / Debit Card 80.00  
VISA  
\*\*\*\*6500  
\*\*\*\*\*

Change/Sóinseáil : 0.00

Issued By/  
Eisithe ag : Georgina McCarthy  
From/O : 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-082-25

**Name and Address of Applicant:** Thomas Roberts, Newtown, Clarina, Co. Limerick

**Agent:** N/A

**Location:** Newtown, Clarina, Co. Limerick

**Description of Site and Surroundings:**

The site is located in the townland of Newtown on the L80453 and approximately 3.7km northwest of Clarina village. The barn is 61sqm in size and is located within an overall farm complex.

**Zoning:**

Area of strong urban influence

**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:

- Removal of flat corrugated iron roof from an agricultural barn and replace with a hipped A roof, thatched with local reed to return the building to its original condition.

**This Section 5 declaration includes the following:**

- Application form
- Site location map
- Site Layout Plan
- Elevations

**Planning History:**

No recent planning history on site.

**Enforcement History**

None

**An Bord Pleanála Case files**

N/A

**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 Removal of flat corrugated iron roof from an agricultural barn and replace with a hipped A roof, thatched with local reed to return the building to its original condition constitutes 'works' and 'development'.

#### **Is the proposal exempted development?**

The proposal for the change to the roof of the agricultural building does not fall within any class of Schedule 2 of the Planning and Development Regulations 2001, as amended. I note the applicant makes reference to Class 1, Part 1 of Schedule 2 but this relates to an extension to a house and not an agricultural building. Therefore the proposal will be assessed against and Section 4(1) of the Planning and Development Act, 2000, as amended.

Section 4(1) of the Planning and Development Act 2000 (as amended) refers to exempted development. I note that section 4(1)(h) states that *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*' is considered exempted development. The structure currently consists of a flat corrugated iron roof and the proposal would see its replacement with a hipped 'A' shaped roof consisting of thatch materials. The alteration to the roof would be completely different to its existing state and it is therefore considered that the works proposed will materially affect the external appearance of the structure and therefore is not considered exempted development under S4(1)(h) of the Planning and Development Act 2000 (as amended).

#### **Article 9 Restrictions**

The proposed development is not restricted by any of the restrictions in Article 9 of the Planning and Development Regulations 2001 (as amended).

#### **Appropriate Assessment**

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

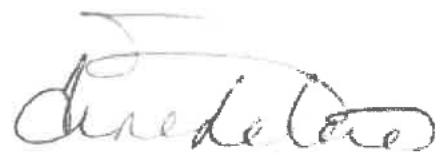
#### **Conclusion/Recommendation**

Based on the above assessment it is considered that the removal of flat corrugated iron roof from an agricultural barn and replace with a hipped A roof, thatched with local reed to return the building to its original condition as detailed on the application and plans submitted is development and not exempted development.

#### **Regard has been had to –**

- (a) Section 2, 3 and 4 of the Planning and Development Act 2000 (as amended)
- (b) The plans & particulars submitted with the application received on 14<sup>th</sup> April 2025.

It is therefore considered that the said works are development and NOT exempted development under 4(1)(h) of the Planning and Development Act 2000 (as amended).



Áine Leland, Executive Planner

Date: 30/04/2025



Barry Henn, SEP

Date: 30/04/2025

**Appendix 1- AA Screening examination  
AA PN01 Screening Form**

<b>STEP 1: Description of the project/proposal and local site characteristics:</b>	
<b>a. File Reference No:</b>	EC/082/25
<b>b. Brief description of the project or plan:</b>	This is an application requesting a Section 5 Declaration on whether the removal of flat corrugated iron roof from an agricultural barn and replace with a hipped A roof, thatched with local reed to return the building to its original condition is or is not exempted development.
<b>c. Brief description of site characteristics:</b>	The site is located within an existing farm complex in the townland of Newtown, Clarina, Co. Limerick
<b>d. Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW</b>	N/A
<b>e. Response to consultation:</b>	N/A

<b>STEP 2: Identification of relevant Natura 2000 sites using Source-Pathway-Receptor model and compilation of information on Qualifying Interests and conservation objectives.</b>				
European Site (code)	List of Qualifying Interest/Special Conservation Interest <sup>1</sup>	Distance from proposed development <sup>2</sup> (km)	Connections (Source-Pathway-Receptors)	Considered further in screening Y/N
Lower River Shannon SAC 002165	<a href="#">Lower River Shannon SAC   National Parks &amp; Wildlife Service (npws.ie)</a>	920m	None	N
River Shannon & River Fergus Estuaries SPA 004077	<a href="#">River Shannon and River Fergus Estuaries SPA   National Parks &amp; Wildlife Service (npws.ie)</a>	920m	None	N

<b>STEP 3: Assessment of Likely Significant Effects</b>	
<b>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:</b>	
<b>Impacts:</b>	<b>Possible Significance of Impacts: (duration/Magnitude etc)</b>
<b>Construction phase e.g</b> <ul style="list-style-type: none"><li>• Vegetation clearance</li><li>• Demolition</li></ul>	None. Works are minimal and will involve temporary construction works; therefore, no likely significant impact on the conservation objectives of the above named sites.

<ul style="list-style-type: none"> <li>• Surface water runoff from soil excavation/infill/landscaping (including borrow pits)</li> <li>• Dust, noise, vibration</li> <li>• Lighting disturbance</li> <li>• Impact on groundwater/dewatering</li> <li>• Storage of excavated/construction materials</li> <li>• Access to site</li> <li>• Pests</li> </ul>	
<b>Operation phase e.g.</b> <ul style="list-style-type: none"> <li>• Direct emission to air and water</li> <li>• Surface water runoff containing contaminant or sediment</li> <li>• Lighting disturbance</li> <li>• Noise/vibration</li> <li>• Changes to water/groundwater due to drainage or abstraction</li> <li>• Presence of people, vehicles and activities</li> <li>• Physical presence of structures (e.g collision risk)</li> <li>• Potential for accidents or incidents</li> </ul>	None works are minimal and will involve temporary construction works; therefore, no likely significant impact on the conservation objectives of the above named sites.
<b>In-combination/Other</b>	N/A given the level of development

<b>b. Describe any likely changes to the European site:</b>	
<b>Examples of the type of changes to give consideration to include:</b> <ul style="list-style-type: none"> <li>• Reduction or fragmentation of habitat area</li> <li>• Disturbance to QI species</li> <li>• Habitat or species fragmentation</li> <li>• Reduction or fragmentation in species density</li> <li>• Changes in key indicators of conservation status value (water or air quality etc)</li> <li>• Changes to areas of sensitivity or threats to QI</li> <li>• Interference with the key relationships that define the structure or ecological function of the site</li> </ul>	None. Works are minimal and will involve temporary construction works; therefore, no likely significant impact on the conservation objectives of the above named site.

<b>c. (Are 'mitigation' measures necessary to reach a conclusion that likely significant effects can be ruled out at screening?)</b>
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

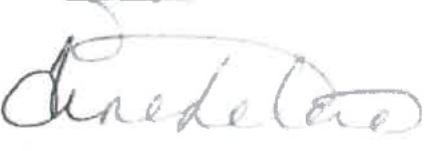
<b>STEP 4: Screening Determination Statement</b>
<b>The assessment of significance of effects:</b> <b>Describe how the proposed development (alone or in-combination is/is not likely to have significant effects on European site (s) in view of its conservation objectives</b>

On the basis of the information on file, which is considered adequate to undertake a screening determination and having regard to:

- the nature and scale of the proposed development on fully serviced lands,
- 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. An appropriate assessment is not, therefore, required.

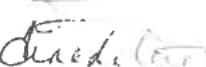
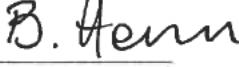
**Conclusion:**

	<b>Tick as appropriate:</b>	<b>Recommendation:</b>
i. It is clear that there is no likelihood of significant effects on a European Site	<input checked="" type="checkbox"/>	<b>The proposal can be screened out: Appropriate Assessment not required.</b>
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
<b>Signature and Date of Recommending Officer:</b>	 <hr/> Aine Leland Executive Planner 30/04/2025	
<b>Signature and Date of the Decision Maker:</b>	 <hr/> Barry Henn, Senior Executive Planner 30/04/2025	

**Appendix 2 – EIA Screening**

**Establishing if the proposal is a 'sub-threshold development':**

Planning Register Reference:	EC-082-25
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Development Summary:	This is an application requesting a Section 5 Declaration on whether the removal of flat corrugated iron roof from an agricultural barn and replace with a hipped A roof, thatched with local reed to return the building to its original condition 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 <b>Part A</b>
<b>A. Schedule 5 Part 1</b> - Does the development comprise a project listed in Schedule 5, <b>Part 1</b> , of the Planning and Development Regulations 2001 (as amended)? (Tick as appropriate)		
<input type="checkbox"/> Yes, specify class: [insert here] _____		<b>EIA is mandatory</b>  No Screening required
<input checked="" type="checkbox"/> No		Proceed to <b>Part B</b>
<b>B. Schedule 5 Part 2</b> - Does the development comprise a project listed in Schedule 5, <b>Part 2</b> , 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		<b>No Screening required</b>
<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]_____		<b>EIA is mandatory</b>  No Screening required
<input type="checkbox"/> Yes the project is of a type listed but is sub-threshold: [insert here]_____		Proceed to Part C
<b>C. If Yes</b> , has Schedule 7A information/screening report been submitted?		
<input type="checkbox"/> Yes, Schedule 7A information/screening report has been submitted by the applicant		<b>Screening Determination required</b>
<input type="checkbox"/> No, Schedule 7A information/screening report has not been submitted by the applicant		<b>Preliminary Examination required</b>
Signature and Date of Recommending Officer:	 Aine Leland, Executive Planner 30/04/2025	
Signature and Date of the Decision Maker:	 Barry Henn, SEP 30/04/2025	



## PLANNING & PLACE-MAKING

### REG POST:

Thomas Roberts,  
Newtown,  
Clarina,  
Co. Limerick

EC/082/25

08 May 2025

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### Re: Declaration under Section 5

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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,

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

Tuar an Daill, Luimneach  
Dooradoyle, Limerick

customerservices@limerick.ie  
[www.limerick.ie](http://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/2025/458**

**File Ref No. EC/082/25**

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

**RE:** **The removal of flat corrugated iron roof from an agricultural barn and replace with a hipped A roof, thatched with local reed to return the building to its original condition at Newtown, Clarina, Co. Limerick**

**ORDER:** Whereas by Director General's Order No. DG/2024/123 dated 27<sup>th</sup> 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 Aine Leland, Executive Planner dated 30/04/2025, hereby order that a Declaration under Section 5 of the Planning and Development Act 2000 (as amended) be issued to Thomas Roberts, Newtown, Clarina, Co. Limerick to state that the works as described above is

**Development and is NOT Exempt Development.** ✓

Signed

*B. Henn*

SENIOR EXECUTIVE PLANNER, PLANNING & PLACE-MAKING

Date

08/05/2025

Certified to be a true copy of Approved Officer's Order, Planning & Development Order No. AOO/DC/2025/458 dated 08/05/2025, pursuant to Section 151(7) of the Local Government Act 2001

Signed:

*B. Henn*

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 Daill  
Tuar an Daill, 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/082/25**

**Name and Address of Applicant:** Thomas Roberts, Newtown, Clarina, Co. Limerick

**Agent:** N/A

**Whether** the removal of flat corrugated iron roof from an agricultural barn and replace with a hipped A roof, thatched with local reed to return the building to its original condition at Newtown, Clarina, 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 14<sup>th</sup> of April 2025.

**AND WHEREAS** the Planning Authority has concluded that the removal of flat corrugated iron roof from an agricultural barn and replace with a hipped A roof, thatched with local reed to return the building to its original condition at Newtown, Clarina, Co. Limerick **DOES NOT** come within the scope of exempted development as under 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 NOT Exempt Development**.

Signed on behalf of the said Council

*Karen Cenlan*

Date: 08/05/2025

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