



LIMERICK CITY & COUNTY COUNCIL

PLANNING AND ENVIRONMENTAL SERVICES

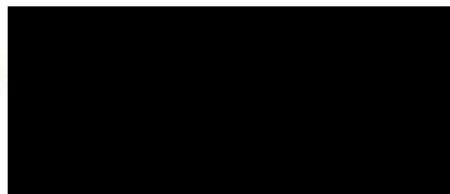
SECTION 5 APPLICATION

DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

Applicant's Name: Glenroe Ballyorgan Community Council CLG (GBCC)

Applicant's Address: Glenroe, County Limerick

Telephone No./Email:



Name of Agent (if any): N/A

Address:

Telephone No.

Address for Correspondence:

Elm Lough, Ballyferode, Glenroe, Co. Limerick. V35YK03

Location of Proposed Development: DARRAGH, Glenroe, Co. Limerick

X and Y co-ordinates: X (ITM) 572281 Y (ITM)617521

Eircode: V35 WV09 (nearest registered building)

Description of Proposed Development:

- Painting a nature themed Mural on a wall of the former Darragh Creamery.
- The yard of the former creamery is now a Trailhead, registered with Sport Ireland

- The owner, Mr Patrick Herbert, has given his permission to the community (Glenroe Ballyorgan Community Council CLG and its sub-group Glenroe Tidy Towns) to paint a Mural on the gable-end facing into the car park. The wall is 52ft wide and 20ft high at its highest.
- GBCC has tendered for i) consultation with the community and development of the sketch for the mural and ii) the preparation of the wall and painting of the mural. Examples of art of the selected artist attached in Appendix 1

Is this a Protected Structure or within the curtilage of a Protected Structure: NO

Applicant's interest in site:

Permission to Use Agreement, with a ten-year timeframe, agreed with the owner.

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

The sketch will be developed during the project for which we are seeking funding. See photos of the location and the wall selected for the mural in Appendix 2.

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

If YES please provide floor areas of all existing structures:

Signature of Applicant (or Agent): *Carmel Fox*

Anthony Mee





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.

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Application to be forwarded to:

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

.....

OFFICE USE ONLY

Ref. No. _____

Date Received _____

Fee Received _____

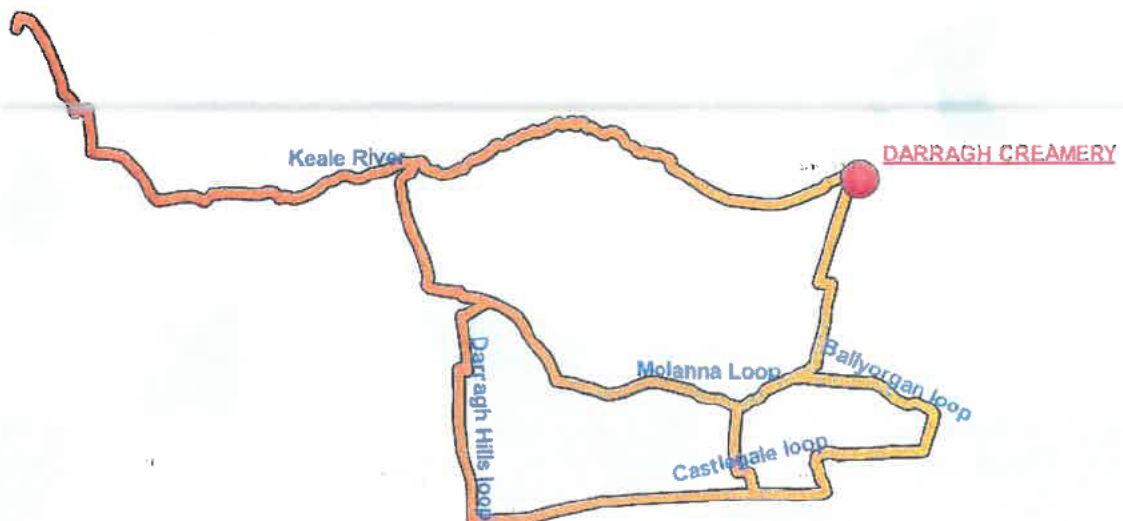
Date Due _____







Appendix 2





SITE LAYOUT PLAN
DARAGH CREAMERY -
PROPOSED MORAH



DARRAGH MORE



DARRACH





DARRACH



LIMERICK CITY & COUNTY COUNCIL
KILMALLOCK AREA OFFICE
GORTBOY
KILMALLOCK
CO LIMERICK

25/04/2025 14:25:10

Receipt No./
Uimhir Admhála : LA45/0/45023425

Glenore, Ballyorgan Community Council,
Glenroe,
Co. Limerick

EXEMPTION CERTIFICATES	80.00
GOODS	80.00
VAT Exempt/Non-vatable	

Total/Iomlán : 80.00 EUR

Tendered/Tairgthe :
Cheque 80.00
AIB
500037

Change/Sóinseáil : 0.00

Issued By/
Éisithe ag : BRID SHEEDY
From/Ó : KILMALLOCK AREA OFFICE
Vat reg No./Cláruimhir CBL: 3267368TH

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

Reference no. EC-096-25

Name and Address of Applicant: Glenroe Ballyorgan Community Council
Darragh,
Glenroe,
Co. Limerick

Agent: N/A

Location: Darragh,
Glenroe,
Co. Limerick

Description of Site and Surroundings:

There is a former creamery on site which is accessed off both the R517 strategic regional road and the L-8544. The Keale River is adjacent to the site.

Zoning:

N/A

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:

- Painting a nature themed mural on the wall of former Darragh Creamery

This Section 5 declaration includes the following:

- Application Form
- Site location map
- Examples of similar murals

Enforcement History

None

Assessment

Consideration as to whether a development constitutes exempted development or not is governed by Sections 4 and 5 of the Planning and Development Act 2000 (as amended) and Articles 5, 6, 7, 8, 9, 10 and 11 of the Planning and Development Regulations 2001 (as amended).

Is the proposal development?

Section 2(1) in this Act, except where otherwise requires – ‘works’ includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal.

‘**structure**’ as any building, structure, excavation, or other thing constructed or made on, in or under any land, or part of a structure so defined, and –

(a) Where the context so admits, includes the land on, in or under which the structure is situated.

Section 3(1) defines 'development' as 'the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land'.

The proposed development on site, comprising painting a mural on the wall works constitutes 'works' and is 'development'.

Is the proposal exempted development?

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

Class 12

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

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

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

The painting in question is a mural, which is proposed to be painted on the gable end of the creamery facing the car park and is not related directly to any temporary construction hoarding around the building.

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

Article 9 Restrictions

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

Appropriate Assessment

An AA Screening examination was 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 and County Council (see Appendix 2). Based on a preliminary examination of the proposal there is no real likelihood of significant effects on the environment and EIA is not required.

Conclusion/Recommendation

The proposal as detailed on the application and plans submitted is considered not to be within the scope of Class 12 of Part 1 of Schedule 2 of the Planning and Development Regulations 2000 (as amended).

Regard has been had to –

- (a) Section 2, 3 and 4 of the Planning and Development Act 2000 (as amended)
- (b) Class 12 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended)
- (c) The plans & particulars submitted with the application received on the 25th of April 2025.

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

John Wallace

John Wallace
A/Executive Planner

Date 13/05/2025

Agreed Jennifer Collins

Jennifer Collins
A/Senior Executive Planner

Date: 21/05/2025

Appendix 1 – AA Screening

AA PN01 Screening Form

STEP 1: Description of the project/proposal and local site characteristics:	
(a) File Reference No:	EC/096/25
(b) Brief description of the project or plan:	Painted mural on gable wall
(c) Brief description of site characteristics:	Former creamery
(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
002036 Ballyhoura Mountains SAC	https://www.npws.ie/protected-sites/sac/002036	3.9km	None	None
002037 Carrigeenamronnet Hill SAC	https://www.npws.ie/protected-sites/sac/002037	1.9km	None	None
002170 Blackwater River (Cork/Waterford) SAC	https://www.npws.ie/protected-sites/sac/002170	10.7km	None	No
Galtee Mountains SAC	Galtee Mountains SAC National Parks & Wildlife Service (npws.ie)	11.9km	None	No

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. Paintworks proposed only there is no hydrological connection or direct encroachment due to separation distance.
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. Paintworks proposed only there is no hydrological connection or direct encroachment due to separation distance.
In-combination/Other	No likely significant in-combination effects are identified.

(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. The application site is not located adjacent to or within an EU site identified above. Therefore, there is no risk of habitat loss or fragmentation or any effects on QI species directly or ex-situ.
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(c) (Are 'mitigation' measures necessary to reach a conclusion that likely significant effects can be ruled out at screening?)

☐ Yes ☒ No

STEP 4: Screening Determination Statement

The assessment of significance of effects:



Describe how the proposed development (alone or in-combination is/is not likely to have significant effects on European site (s) in view of its conservation objectives

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

- the nature and scale of the proposed development,
- the intervening land uses and distance from European sites,
- the lack of direct connections with regard to the Source-Pathway-Receptor model,

it is concluded that the proposed development, individually or in-combination with other plans or projects, would not be likely to have a significant effect on the above listed European sites or any other European site, in view of the said sites' conservation objectives.



Conclusion: An appropriate assessment is not required.

	Tick as appropriate:	Recommendation:
(i) It is clear that there is no likelihood of significant effects on a European Site	<input checked="" type="checkbox"/>	The proposal can be screened out: Appropriate Assessment not required.
(ii) It is uncertain whether the proposal will have a significant effect on a European Site	<input type="checkbox"/>	<input type="checkbox"/> Request further information to complete screening <input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
(iii) Significant effects are likely	<input type="checkbox"/>	<input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
Signature and Date of Recommending Officer:	 <hr/> John Wallace A/Executive Planner 07/05/2025	
Signature and Date of the Decision Maker:	 <hr/> Jennifer Collins, A/Senior Executive Planner 21/05/25	

Appendix 2 EIA Screening – Establishing if Proposal is Sub-threshold

Establishing if the proposal is a 'sub-threshold development':	
Planning Register Reference:	EC/096/25
Development Summary:	<p>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:</p> <ul style="list-style-type: none"> Painting a nature themed mural on the wall of former Darragh Creamery
Was a Screening Determination carried out under Section 176A-C?	<div style="display: flex; justify-content: space-around;"> <div> <input type="checkbox"/> Yes. no further action required </div> <div> <input checked="" type="checkbox"/> No. Proceed to Part A </div> </div>
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"/>	Preliminary Examination required

No, Schedule 7A information/screening report has not been submitted by the applicant	
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Signature and Date of Recommending Officer:	
	<u>John Wallace</u> John Wallace A/Executive Planner 13/05/2025
Signature and Date of the Decision Maker:	
	<u>Jennifer Collins</u> Jennifer Collins, A/Senior Executive Planner 21/05/25

Appendix 3 Site Inspection photos





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

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

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

PLANNING & PLACE-MAKING

REG POST:

**Glenroe Ballyorgan Community Council,
Elm Lough,
Ballyferode,
Glenroe,
Co. Limerick,
V35YK03**

EC/096/25

22 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 Daili 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/2025/525

File Ref No. EC/096/25

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

RE: **A painting a nature themed mural on the wall at Darragh, Glenroe, 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 John Wallace, A/Executive Planner dated 13/05/2025, hereby order that a Declaration under Section 5 of the Planning and Development Act 2000 (as amended) be issued to Glenroe Ballyorgan Community Council, Elm Lough, Ballyferode, Glenroe, Co. Limerick, V35YK03 to state that the works as described above is

Development and is NOT Exempt Development. *rc*

Signed



A/SENIOR EXECUTIVE PLANNER, PLANNING & PLACE-MAKING

Date

22/5/25

Certified to be a true copy of Approved Officer's Order, Planning & Development Order No. AOO/DC/2025/525 dated *22/5/25*, 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/096/25

Name and Address of Applicant: Glenroe Ballyorgan Community Council, Glenroe, Co. Limerick

Agent: N/A

Whether the painting a nature themed mural on the wall at Darragh, Glenroe, 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 25th of April 2025.

AND WHEREAS the Planning Authority has concluded that the painting a nature themed mural on the wall at Darragh, Glenroe, Co. Limerick **DOES NOT** come within the scope of exempted development under Class 12 of the Planning and Development Regulations 2001 (as amended). See Report attached.

NOW THEREFORE the Planning Authority in exercise of the powers conferred on it by Section 5(2) (a) of the Planning and Development Act 2000 (as amended) hereby decides that the said development as described above is **Development and is NOT Exempt Development**.

Signed on behalf of the said Council



Date:

22/05/2025

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.