



LIMERICK CITY & COUNTY COUNCIL

PLANNING AND ENVIRONMENTAL SERVICES

SECTION 5 APPLICATION

DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENTApplicant's Name: Sue-Ann FoleyApplicant's Address: Islandmore, Tooreen,
Croom
Co. LimerickTelephone No. [REDACTED]Name of Agent (if any): Mike LyonsAddress: 14 Bellewood
Ballyneety,
Co. LimerickTelephone No. 087- 2768650

Address for Correspondence:

14 Bellewood
Ballyneety
Co. Limerick

Location of Proposed development:

Tooreen, Croom, Co. Limerick

Description of Proposed development:

Construction of stables AND unroofed fenced
area for exercising of horses.

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:

Location Map

Site plan

Floor plan, ELEVATIONS of stables.

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

If Yes please provide floor areas of all existing structures:

N/A

Signature of Applicant (or Agent)

M. Lynn Carpent

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:

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 _____

Planning Pack Map

Location Map.
Site in Rep.

SECTION 5
Stablest
sand arena

Applicant

Sue-Ann Foley.
Tooreen, Croom, Co. Limerick
A n T u a i r í n
T o o r e e n

Site in Rep
1.4 hectares

1.70

11.80

0.98

21.42

2.01

0.74

2.32

3.97

0.21

0.20

0.78

0.23

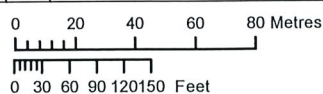
0.28

3.01

3.51

0.60

7.41



OUTPUT SCALE: 1:2,500



CENTRE
COORDINATES:
ITM 552152,640368

PUBLISHED:
31/10/2024

MAP SERIES:
1:2,500
1:2,500
1:5,000
1:2,500
1:2,500

ORDER NO.:
50431431_1

MAP SHEETS:
5046-B
5046-D
5047
5047-A
5047-C

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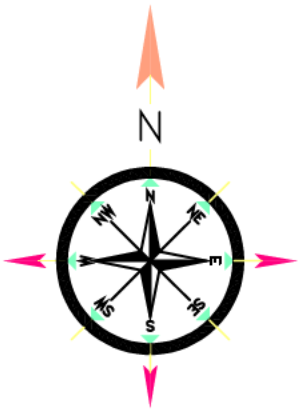
exempt agricultural building

Notes:

A2

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DO NOT SCALE FROM THIS DRAWING. USE FIGURED DIMENSIONS ONLY.
ALL DIMENSIONS ARE IN METERS

notional site area for application purposes- 1.4 hectares



2 metre high stud post & rail timber fencing
around exercise area for horses
Class 10- exempt

Proposed stables
Area 170sqm
Class 6 exempt

Soiled storage tank

entrance
improvement of this entrance
is subject of a live planning application
2560274

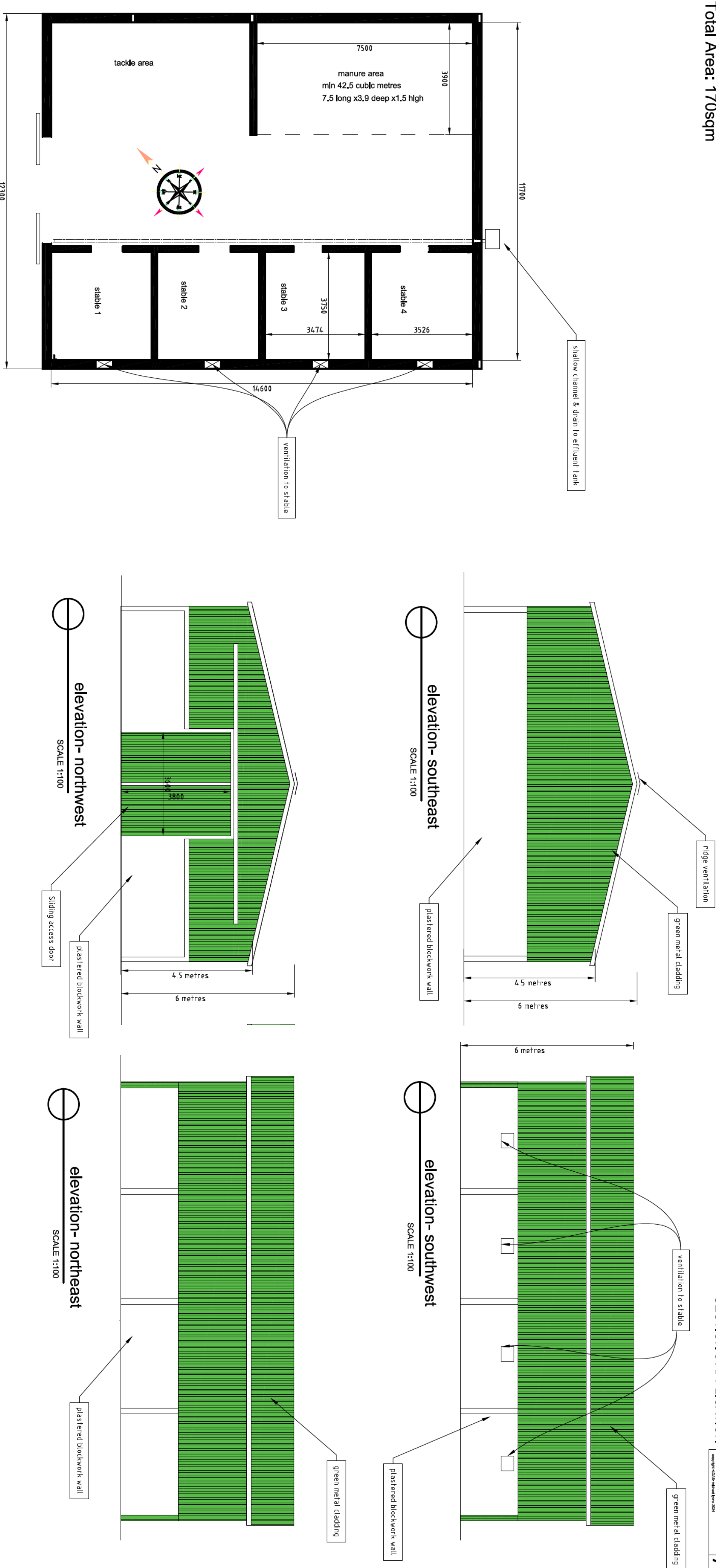
site layout plan
Scale 1:500 @ a2



lyons designs architectural services		14 bellewood ballyneety co. limerick	drawn:	mike lyons T- 087 2768650 E- mike@ldas.ie	
project: Stables & Sand arena- SECTION 5 APPLICATION	client: Sue-Ann Foley Tooreen, Croom, Co. Limerick	drawing title: Siteplan	date: 08/05/2025	sheet no.	revision
			scale: 1:500@A2	S5_01.	
			stage: EXEMPTION		

Total Area: 170sqm

SECTION 5 APPLICATION



floor plan

SCALE 1:100

A SHALLOW CHANNEL 30MM DEEP TO COLLECT WASH WATER TO BE PROVIDED BEHIND EACH STALL, CONNECTED TO A SOILED WATER TANK THE TANK TO BE A MINIMUM SIZE OF 0.3M3 TO ACCOMMODATE UP TO 6 HORSES. ONLY 4 STABLES ARE PROVIDED IN THIS CASE THEREFORE THE MINIMUM TANK SIZE IS PROPOSED

A MANURE PUT IS ALSO PROVIDED - THIS IS SIZED TO ACCOMMODATE 0.59M3 OF fym PER ANIMAL PER WEEK LIMERICK HAS AN 18 WEEK WINTER PERIOD IN WHICH THIS EFFLUENT WILL NEED TO BE STORED. THIS IS ROOFED WITHIN THE BUILDING THEREFORE NO RUN-OFF IS REQUIRED TO BE DRAINED.

CALCULATION FOR SIZE OF MANURE STORAGE PT- FOR 4 HORSES IS AS FOLLOWS
4X 0.59 X 18= 42.50 M3



Lyons designs architectural services			14 ballinacorney co. limerick	drawn: mike lyons T-087 278850 E-mike@lads.ie
project: Stables	drawing title: General arrangement of Stables	date: 08/05/2025	sheet no. S5-02	
client: Sue-ann Foley Tooreen, Croom Co. Limerick	scale: 1:100	stage: SECTION_5		



LIMERICK CITY & COUNTY COUNCIL
CIVIC OFFICES
MERCHANTS QUAY
LIMERICK

07/05/2025 15:45:51

Receipt No./
Uimhir Admhála : RC6/0/2079323

Sue Anne Foley
Tooreen
Croom
Co Limerick

EXEMPTION CERTIFICATES 80.00
GOODS 80.00
VAT Exempt/Non-vatable

Total/Iomlán : 80.00 EUR

Tendered/Tairgthe :
Credit / Debit Card 80.00
VISA

Change/Sóinseáil : 0.00

Issued By/
Eisithe ag : Ursula Noone
From/Ó : REVENUE CASH OFFICE 6 - MERCHANTS QUAY
Vat reg No./Cláruimhir CBL: 3267368TH

CASH OFFICE MQ
Cash Office
Limerick
V94EH90

MERCHANT ID: *****9825
TERMINAL ID: *****2504
DATE: 07/05/2025 TIME: 15:44
BATCH: 000682-004 INVOICE: 000175
RRN: 512714391740 AUTH NO.: 435475
Visa Debit SALE
*****7959 *
SALE AMOUNT €80.00
CUSTOMER NOT PRESENT
I agree to pay the final amount according
to the card/merchant issuer agreement

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

Reference no. EC-110-25

Name and Address of Applicant: Sue-Ann Foley
Islandmore,
Tooreen,
Croom,
Co. Limerick

Agent: Mike Lyons,
14 Bellewood,
Ballyneety,
Co. Limerick

Location: Tooreen,
Croom,
Co. Limerick

Description of Site and Surroundings:

The site consists of a fenced area and stables that is accessed via a vehicular entrance. The site located in the townland of Tooreen circa 1.23km south east of Croom village. The site is 1.4 hectares in size.

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:

- Construction of stables and unroofed fenced area for exercising of horses.

This Section 5 declaration includes the following:

- Application Form
- Site location map
- Site Plan
- Proposed floor plans of stables
- Proposed elevations of stables

Planning History:

25/60274 – Granted retention of improvement of the existing agricultural entrance and roadway together with all associated site works.

EC-143-24 - *The development not considered to be exempted development as it does not comply with the Restrictions under Article 9(1)(a)(ii) and (iii) of the Planning and Development Regulations 2001 (as amended).*

Enforcement History

N/A

Relevant An Bord Pleanála referrals

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 construction of stables and unroofed fenced area for exercising of horses constitutes ‘works’ and ‘development’.

Is the proposal exempted development?

The proposal for the construction of a stables and fenced area will be assessed under Class 6 and Class 10 of Part 3 of Schedule 2 of the Planning and Development Regulations 2001 (as amended).

Class 6

Works consisting of the provision of a roofed structure for the housing of cattle, sheep, goats, donkeys, horses, deer or rabbits, having a gross floor space not exceeding 200 square metres (whether or not by extension of an existing structure), and any ancillary provision for effluent storage is considered Exempted Development, subject to the following conditions and Limitations:

The structure is stated as being used for horses and consists of four stables, a manure area and a tackle area.

1. *No such structure shall be used for any purpose other than the purpose of agriculture.*

The structure is used for the storage of horses.

2. *The gross floor space of such structure together with any other such structures situated within the same farmyard complex or within 100 metres of that complex shall not exceed 300 square metres gross floor space in aggregate.*

The structure has a gross floor space of 170sqm, is the only structure within the site and taken with any other such structures does not exceed 300 square metres gross floor space in aggregate.

3. *Effluent storage facilities adequate to serve the structure having regard to its size, use and location shall be constructed in line with Department of Agriculture, Food and Rural Development and Department of the Environment and Local Government requirements and shall have regard to the need to avoid water pollution.*

A soiled storage tank is proposed as part of the development, which will be situated to the south of the stables.

4. No such structure shall be situated, and no effluent from such structure shall be stored, within 10 metres of any public road.

The structure is located over 80m from the public road to the east.

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

The structure at its highest point is 6m and is set back from the public road by 86.95m.

6. No such structure shall be situated, and no effluent from such structure shall be stored, 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 structure is situated circa 450m to the neighbouring property to the west, and circa 540m to a neighbouring property to the south-east.

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

No unpainted metal sheeting shall be used for roofing on the structure. Green metal cladding is proposed for the structure.

The proposal complies with the limitations as set out in Class 6 of Part 3 of Schedule 2 of the Planning and Development Regulations, 2001, as amended.

Class 10

The erection of an unroofed fenced area for the exercising or training of horses or ponies, together with a drainage bed or soft surface material to provide an all-weather surface is considered Exempted Development, subject to the following conditions and Limitations:

1. No such structure shall be used for any purpose other than the exercising or training of horses or ponies.

The proposed development is for the exercising of horses.

3. No such area shall be used for the staging of public events.

The proposed development will not be used for the staging of public events.

3. No such structure shall be situated within 10 metres of any public road, and no entrance to such area shall be directly off any public road.

The proposed development is situated circa 40m from the public road.

4. The height of any such structure shall not exceed 2 metres.

The applicant has confirmed that a 2 metre high stud post & rail timber fence is proposed around the exercise arena.

The proposal complies with the limitations as set out in Class 10 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 necessary (See appendix 1 for AA Screening Form).

Environmental Impact Assessment

An EIA Screening examination has been undertaken (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 development detailed on the application and plans submitted is considered to be development which is exempted development under Class 6 and Class 10 of the Planning and Development Regulations 2001, as amended.

Regard has been had to –

- (a) Section 2, 3 and 4 of the Planning and Development Act 2000 (as amended)
- (b) Class 6 of Part 3 of Schedule 2 of the Planning and Development Regulations 2001 (as amended)
- (c) Class 10 of Part 3 of Schedule 2 of the Planning and Development Regulations 2001 (as amended)
- (d) The plans & particulars submitted with the application received on 1st of November 2024.


It is therefore considered that the said works are development and exempted development.



Eithne O'Brien
Assistant Planner

Date 28/05/2025

Agreed



Jennifer Collins
A/Senior Executive Planner

Date: 29/05/2025

Appendix 1- AA Screening examination
AA PN01 Screening Form

STEP 1: Description of the project/proposal and local site characteristics:	
a. File Reference No:	EC/110/25
b. Brief description of the project or plan:	This is an application requesting a Section 5 Declaration on whether the construction of stables and unroofed fenced area for exercising of horses is or is not exempted development.
c. Brief description of site characteristics:	The site is an existing greenfield site that consists of fencing, a stables and vehicular access.
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
000439 Tory Hill SAC	Tory Hill SAC National Parks & Wildlife Service (npws.ie)	2.3km	No	N
002165 Lower River Shannon SAC	Lower River Shannon SAC National Parks & Wildlife Service (npws.ie)	8.6Km	No	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. Works are minimal and will involve temporary construction works; therefore, no likely significant impact on the conservation objectives of the above named site.



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 works are minimal and will involve temporary construction works; therefore, no likely significant impact on the conservation objectives of the above named site.
In-combination/Other	N/A given the level of development

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 • Interference with the key relationships that define the structure or ecological function of the site 	None. Works are minimal and will involve temporary construction works; therefore, no likely significant impact on the conservation objectives of the above named site.


c. (Are ‘mitigation’ measures necessary to reach a conclusion that likely significant effects can be ruled out at screening?)
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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
<p>On the basis of the information on file, which is considered adequate to undertake a screening determination and having regard to:</p> <ul style="list-style-type: none"> • 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, <p>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.</p>

Conclusion: AA Screening 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 28/05/2025	
Signature and Date of the Decision Maker:	 Jennifer Collins, A/Senior Executive Planner 29/05/2025	

Appendix 2 – EIA Screening

Establishing if the proposal is a 'sub-threshold development':	
Planning Register Reference:	EC-110-25
Development Summary:	the construction of stables and unroofed fenced area for exercising of horses
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 28/15/2025

Signature and Date of the Decision Maker:



**Jennifer Collins, A/Senior Executive
Planner**

29/05/2025

Appendix 3: Site Inspection Photos





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

Pleanáil, agus Cruthú Áite
Cornhairle 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:

Sue-Ann Foley
c/o Mike Lyons,
14 Bellewood,
Ballyneety,
Co. Limerick

EC/143/24

28th November 2024

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 Director of Services
Planning & Place-Making

Tuar an Daill, Luimneach
Dooradoyle, Limerick

customerservices@limerick.ie
www.limerick.ie
@LimerickCouncil
061 - 556 000

SECTION 5 – DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

DECLARATION NO.

EC/143/24

Name and Address of Applicant: Sue-Ann Foley, Islandmore, Tooreen, Croom, Co. Limerick

Agent: Mike Lyons, 14 Bellewood, Ballyneety, Co. Limerick

Whether the construction of stables and unroofed fenced area for exercising of horses at Tooreen, Croom, 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 1st of November 2024.

AND WHEREAS the Planning Authority has concluded that the construction of stables and unroofed fenced area for exercising of horses at Tooreen, Croom, Co. Limerick **DOES NOT** come within the scope of exempted development under Article 9(1) (a) (ii) and (iii) of the Planning and Development Regulations 2001 (as amended). See Report attached. *le*

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: 29/11/24

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.

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

Reference no. EC-143-24

Name and Address of Applicant: Sue-Ann Foley
Islandmore,
Tooreen,
Croom,
Co. Limerick

Agent: Mike Lyons,
14 Bellewood,
Ballyneety,
Co. Limerick

Location: Tooreen,
Croom,
Co. Limerick

Description of Site and Surroundings:

The site consists of a fenced area and stables that is accessed via a vehicular entrance. The site located in the townland of Tooreen circa 1.23km south east of Croom village. The site is 1.4 hectares in size.

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:

- Construction of stables and unroofed fenced area for exercising of horses.

This Section 5 declaration includes the following:

- Application Form
- Site location map
- Site Plan
- Proposed floor plans of stables
- Proposed elevations of stables

Planning History:

None

Enforcement History

N/A

Relevant An Bord Pleanála referrals

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 construction of stables and unroofed fenced area for exercising of horses constitutes ‘works’ and ‘development’.

Is the proposal exempted development?

The proposal for the construction of a stables and fenced area will be assessed under Class 6 and Class 10 of Part 3 of Schedule 2 of the Planning and Development Regulations 2001 (as amended).

Class 6

Works consisting of the provision of a roofed structure for the housing of cattle, sheep, goats, donkeys, horses, deer or rabbits, having a gross floor space not exceeding 200 square metres (whether or not by extension of an existing structure), and any ancillary provision for effluent storage is considered Exempted Development, subject to the following Conditions and Limitations:

The structure is stated as being used for horses and consists of four stables, a manure area and a tackle area.

1. *No such structure shall be used for any purpose other than the purpose of agriculture.*

The structure is used for the storage of horses.

2. *The gross floor space of such structure together with any other such structures situated within the same farmyard complex or within 100 metres of that complex shall not exceed 300 square metres gross floor space in aggregate.*

The structure has a gross floor space of 170sqm, is the only structure within the site and taken with any other such structures does not exceed 300 square metres gross floor space in aggregate.

3. *Effluent storage facilities adequate to serve the structure having regard to its size, use and location shall be constructed in line with Department of Agriculture, Food and Rural Development and Department of the Environment and Local Government requirements and shall have regard to the need to avoid water pollution.*

A soiled storage tank is proposed as part of the development which will be situated to the south of the stables.

4. *No such structure shall be situated, and no effluent from such structure shall be stored, within 10 metres of any public road.*

The structure is located over 80m from the public road to the east.

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

The structure at its highest point is 6m and is set back from the public road by 86.95m.

6. *No such structure shall be situated, and no effluent from such structure shall be stored, 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 structure is situated circa 450m to the neighbouring property to the west, and circa 540m to a neighbouring property to the south-east.

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

No unpainted metal sheeting shall be used for roofing on the structure. Green metal cladding is proposed for the structure.

Class 10 of Part 3 of Schedule 2 of the Planning and Development Regulations 2001 (as amended).
The erection of an unroofed fenced area for the exercising or training of horses or ponies, together with a drainage bed or soft surface material to provide an all-weather surface.

1. No such structure shall be used for any purpose other than the exercising or training of horses or ponies.

The proposed development is for the exercising of horses.

2. No such area shall be used for the staging of public events.

The proposed development will not be used for the staging of public events.

3. No such structure shall be situated within 10 metres of any public road, and no entrance to such area shall be directly off any public road.

The proposed development is situated circa 40m from the public road.

4. The height of any such structure shall not exceed 2 metres.

The applicant has confirmed that a 2 metre high stud post & rail timber fence is proposed around the exercise arena.

Article 9 Restrictions

During the site visit it was noted that works have taken place to facilitate the development and it is already in place. These works consist of fencing along the public road the creation of a vehicular entrance to access the site. These works are also shown on the site layout plan that was submitted as part of this declaration. The proposed development has created an entrance onto a public road which exceeds 4 metres in width, and it is also unclear whether this entrance would be safe in terms of access.

The proposed development is therefore restricted by Article 9(1)(a)(ii) and (iii) "consist of or comprise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width" and "endanger public safety by reason of traffic hazard or obstruction of road users". These are additional planning considerations that would require further assessment. Therefore, on this basis the proposal is not considered to be exempted development and planning permission would be required.

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 necessary (See appendix 1 for AA Screening Form).

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 development detailed on the application and plans submitted is not considered to be exempted development as it does not comply with the Restrictions under Article 9(1)(a)(ii) and (iii) of the Planning and Development Regulations 2001 (as amended).

Regard has been had to –

- (a) Section 2, 3 and 4 of the Planning and Development Act 2000 (as amended)
- (b) Class 6 of Part 3 of Schedule 2 of the Planning and Development Regulations 2001 (as amended)
- (c) Class 10 of Part 3 of Schedule 2 of the Planning and Development Regulations 2001 (as amended)
- (d) Article 9(1)(a)(ii) and (iii)
- (e) The plans & particulars submitted with the application received on 1st of November 2024.

It is therefore considered that the said works are development and not exempted development under Article 9(1) (a) (ii) and (iii) of the Planning and Development Regulations 2001 (as amended)

Ella O'Brien
Executive Planner

Date 25/11/2024

Agreed _____

B. Henn
Barry Henn
Senior Executive Planner

Date: 28/11/2024

Appendix 1- AA Screening examination AA PN01 Screening Form

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

a. File Reference No:	EC/143/24
b. Brief description of the project or plan:	This is an application requesting a Section 5 Declaration on whether the construction of stables and unroofed fenced area for exercising of horses is or is not exempted development.
c. Brief description of site characteristics:	The site is an existing greenfield site that consists of fencing, a stables and vehicular access.
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
000439 Tory Hill SAC	Tory Hill SAC National Parks & Wildlife Service (npws.ie)	2.3km	No	N
002165 Lower River Shannon SAC	Lower River Shannon SAC National Parks & Wildlife Service (npws.ie)	8.6Km	No	N

¹ Short paraphrasing and/or cross reference to NPWS is acceptable – it is not necessary to reproduce the full text on the QI/SCI.

² if the site or part thereof is within the European site or adjacent to the European site, state here

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. Works are minimal and will involve temporary construction works; therefore, no likely significant impact on the conservation objectives of the above named site.

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 works are minimal and will involve temporary construction works; therefore, no likely significant impact on the conservation objectives of the above named site.
In-combination/Other	N/A given the level of development

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 • Interference with the key relationships that define the structure or ecological function of the site 	None. Works are minimal and will involve temporary construction works; therefore, no likely significant impact on the conservation objectives of the above named site.

c. (Are 'mitigation' measures necessary to reach a conclusion that likely significant effects can be ruled out at screening?)
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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
<p>On the basis of the information on file, which is considered adequate to undertake a screening determination and having regard to:</p> <ul style="list-style-type: none"> • 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, <p>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.</p>
Conclusion: AA Screening 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/> Ella O'Brien Executive Planner 25/11/2024	
Signature and Date of the Decision Maker:	 <hr/> Barry Henn, Senior Executive Planner 28/11/2024	

Appendix 2 – EIA Screening

Establishing if the proposal is a 'sub-threshold development':	
Planning Register Reference:	EC-143-24
Development Summary:	the construction of stables and unroofed fenced area for exercising of horses
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:	 <hr/> Ella O'Brien Executive Planner 25/11/2024
Signature and Date of the Decision Maker:	 <hr/> Barry Henn, Senior Executive Planner 28/11/2024

Site Inspection Photographs



25 November 2024 15:07



25 November 2024 15:07







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:

Sue-Ann Foley,
c/o Mike Lyons,
14 Bellewood,
Ballyneety,
Co. Limerick

EC/110/25

30 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/2025/563

File Ref No. EC/110/25

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

RE: **The construction of stables and unroofed fenced area at Tooreen, Croom,
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 28/05/2025, hereby order that a Declaration under Section 5 of the Planning and Development Act 2000 (as amended) be issued to Sue-Ann Foley c/o Mike Lyons, 14 Bellewood, Ballyneety, Co. Limerick to state that the works as described above is

Development and is Exempt Development. *le*

Signed



A/SENIOR EXECUTIVE PLANNER, PLANNING & PLACE-MAKING

Date

30/5/25

Certified to be a true copy of Approved Officer's Order, Planning & Development Order No. AOO/DC/2025/563 dated *30/5/25*, 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**

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Limerick City and County Council
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V94 WV78

SECTION 5 – DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

DECLARATION NO.

EC/110/25

Name and Address of Applicant: Sue-Ann Foley, Islandmore, Tooreen, Croom, Co. Limerick

Agent: Mike Lyons, 14 Bellewood, Ballyneety, Co. Limerick

Whether the construction of stables and unroofed fenced area at Tooreen, Croom, 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 8th of May 2025.


AND WHEREAS the Planning Authority has concluded that the construction of stables and unroofed fenced area at Tooreen, Croom, Co. Limerick **DOES** come within the scope of exempted development under Class 6 and Class 10 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.