

Limerick City and County Council

Planning Department

Section 5 Application

Limerick City & County Council
RECEIVED

06 JUN 2025

Customer Services Post
Dooradoyle

DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

Applicant's Name: **Westbourne Accommodation Limited**

Applicant's Address: **The Halls, Quay Street, Galway, Co Galway**

Telephone No. **via agent**

Name of Agent (if any): **Robert Keran RK Consulting**

Address: **RK Consulting Ltd,
Baldrumman House, Lusk, Co. Dublin K45 NX70**

Telephone No. **087 2543332**

Address for Correspondence: **As per agent above**

Location of Proposed development (Please include EIRCODE):

**Block 1, 2 & 3, Courtbrack Avenue
South Circular Road
Limerick, Co. Limerick
V94 RH32**

Limerick City & Coun
Council

06 JUN 2025

Planning

Description of Proposed development:

Whether the proposed use of Block 1, 2 and 3 Courtbrack Avenue, Dock Road, Limerick, Co. Limerick for accommodation for displaced persons or persons seeking international protection is or is not development

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

N/A – it is submitted that the proposed use does not constitute development under Section 3 of the Planning and Development Act 2000, as amended

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

YES/NO

Applicant's interest in site: Applicant is the owner

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

- **Site Location Map**
- **Site Layout Plan**

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) *Robert Keran*

NOTES: Application must be accompanied by:

- (a) Fee of €80 (refer to cover letter in relation to application fee)
- (b) Site location map
- (c) Site layout plan
- (d) Dimensioned plans and elevations of the structure and any existing structures.
- (e) Where the declaration is in respect of a farm building, a layout identifying the use of each existing building together with floor area of each building.

Application to be forwarded to:

**Planning Department,
Limerick City & County Council,
Dooradoyle,
Limerick,
V94 XF67**

**Enquiries:
Telephone: 061-556556
E-Mail: planning@limerick.ie**

LIMERICK CITY & COUNTY COUNCIL
CASH OFFICE
CIVIC OFFICES
DOCKS AND HARBOUR
CO. LIMERICK
Limerick
City & County
Council

LIMERICK CITY & COUNTY COUNCIL
CASH OFFICE
CIVIC OFFICES
DOCKS AND HARBOUR
CO. LIMERICK
Limerick
City & County
Council

Ref: 24/04/2016, 13/2016

Ref: 24/04/2016, 13/2016
LVA20/025175/09

Relevant Refer: RK Consulting Ltd
Westgate Accommodation Ltd
The Halls
Quay Street
Galway
Co Galway
Ref Section 5 95/019

FEES: ELECTORS
GURUS 80.00
VAT Exempt/Non vat able
95/019

Total amount 80.00 EUR

Lendered/Flaithbre
Postal Order 80.00

Change/Refund 0.00

Issued By:
Elizabeth ag. Caitlin Kavanagh
From/C: CASH OFFICE HQ
Val reg No/Claremorris CBL 3267368TH



Limerick City & County Council,
Planning Department,
Dooradoyle Road,
Limerick,
Co. Limerick,
V94 WV78

Date: 5th June 2025

**RE: APPLICATION FOR A SECTION 5 DECLARATION IN RESPECT OF A PROPOSED
CHANGE OF USE AT BLOCK 1, 2 AND 3 COURTBRAK AVENUE, DOCK ROAD,
LIMERICK, CO. LIMERICK**

Dear Sir/Madam,

1.0 INTRODUCTION

- 1.1 On behalf of the applicant, Westbourne Accommodation Ltd, 3rd Floor, The Halls Quay St Galway, we are instructed to submit an application for a Section 5 Declaration in respect of Block 1, 2 and 3 Courtbrack Avenue, Dock Road, Limerick, Co. Limerick.
- 1.2 The Section 5 application seeks a Declaration from Limerick City & County Council as to whether the proposed use of Block 1, 2 and 3 Courtbrack Avenue, Dock Road, Limerick, Co. Limerick for accommodation for displaced persons or persons seeking international protection is or is not development.
- 1.3 There are no works proposed to the property, and none required to facilitate the use.
- 1.4 We enclose the following
 - 2 no. copies of this cover letter.
 - 2 no. copies of the completed Section 5 Application Form
 - 2 no. copies of a drawings and drawing register.
- 1.5 In relation to the Section 5 Application Fee of €80, we note that Limerick City & County Council hold this fee from a previous application returned to the applicant and that this fee can now be allocated to this application.
- 1.6 In relation to the decision of Limerick City & County Council to not accept the first application for a Section 5 Declaration, for reason that plans and elevations were not submitted, is now addressed by the submission of plans and elevations. For the purposes of record, we do not agree that plans and elevations were required to be submitted with the application. The application relates to a question of use only, with no works proposed, and detailed information in relation to the use was submitted with the application. Section 5 requires "*that person shall provide to the planning authority any information necessary to enable the authority to make its decision on the matter*". There are no other or specific drawing requirements for a Section 5 application. It is considered that more than sufficient information was provided to allow a decision to be made, and that plans and elevations add nothing in terms of the question being asked.

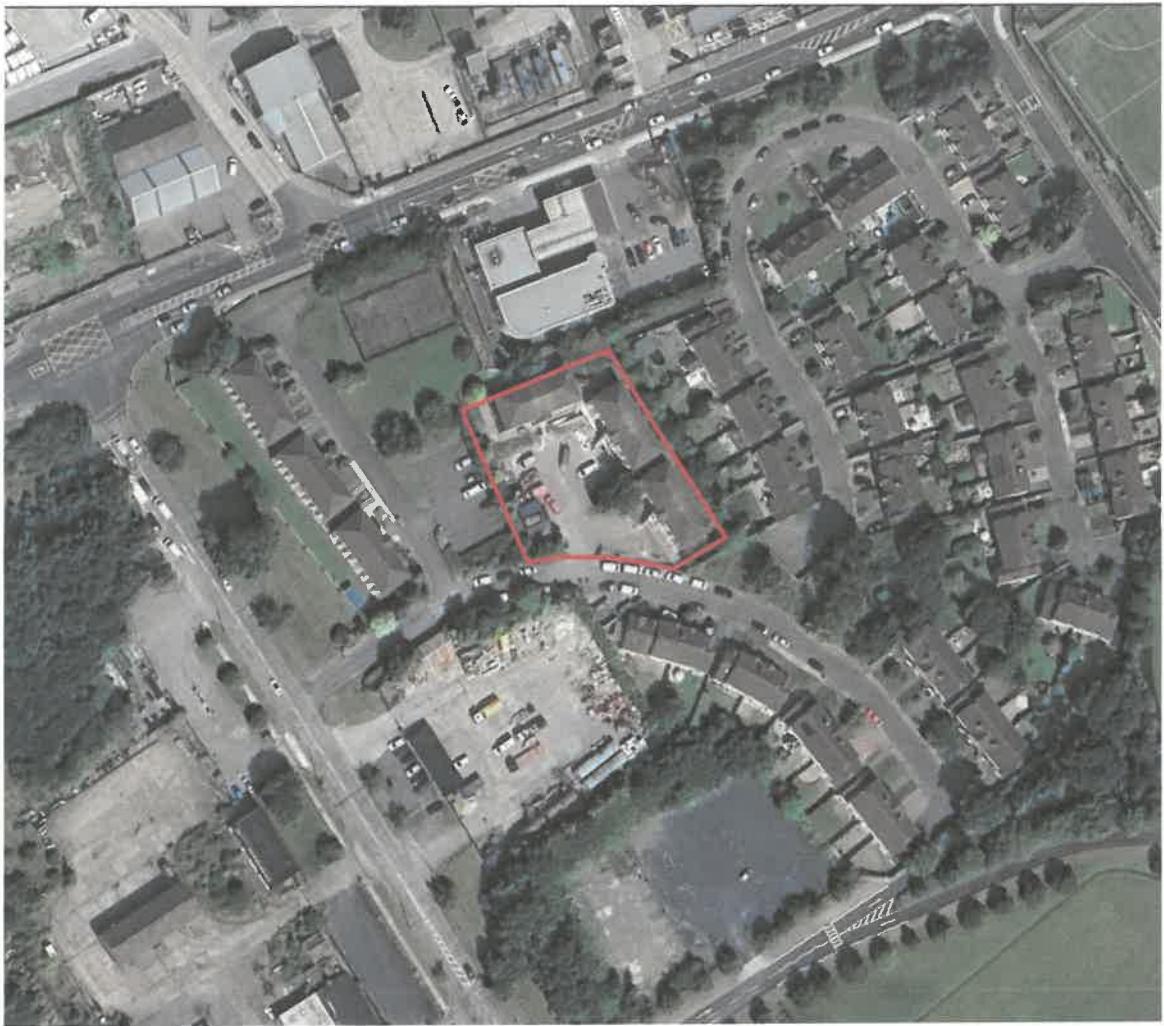


Figure 1: Site Location

Source: Google Maps

2.0 SITE LOCATION AND DESCRIPTION

- 2.1 The application site is located off the Dock Road, to the west of Limerick City, comprising 3 separate blocks, each 3 storeys in height.
- 2.2 The properties were most recently used as accommodation to house 'Ukrainian Refugees' fleeing the war in Ukraine.
- 2.3 The buildings are 1990s built, red brick and slated roof structured, with a partial ground floor render and pvc windows and doors at upper floors.
- 2.4 The blocks have undergone significant renovation in recent years and have been finished internally to a high standard finish.



3.0 DESCRIPTION OF PROPOSED USE

- 3.1 The Section 5 application seeks a Declaration from Limerick City & County Council as to whether the proposed use of Block 1, 2 and 3 Courtbrack Avenue, Dock Road, Limerick, Co. Limerick for accommodation for displaced persons or persons seeking international protection is or is not development.

- 3.2 There are no works proposed to the property, and none required to facilitate the use.

4.0 RELEVANT PLANNING HISTORY AND EXISTING USE

- 4.1 The following planning history is noted in relation to the subject property.

Reg. Ref: P.95/019

- 4.2 Planning permission was sought for revised proposals and alterations to the pre-existing permission P.94/187 for Hostel Accommodation and Administration/Leisure Building. The permission relates to the parent arrangements which provided for 6 no. hostel units with linkage between units, provisions for common and dining facilities, reception area, caretakers apartment, launderette and associated facilities, with improved access for disabled persons. The application was granted subject to 6 no. conditions on 25/04/1995.

Reg. Ref: P.95/337

- 4.3 Planning permission was sought for revised proposals and alterations to the pre-existing permission P.94/187 for Administration Leisure Centre and to erect 3 no. Hostel Accommodation blocks within the site, with linkage between the existing buildings to the central block, with provision for common and dining room, reception, caretaker's apartment, and laundry with access for disabled persons and outdoor floodlit tennis court. This application was granted subject to 14 no. conditions on 25/01/1996.

Section 5 Declaration

- 4.4 The property was subject to a previous Section 5 application for the change of use from commercial office use to residential use, which was granted as exempted by Limerick City & County Council in on the 26th of July 2019, under Article 10 (6)(a) of the Planning and Development Regulations 2001 (as amended).

- 4.5 This use has been implemented and as such the established use of the subject property is now residential

- 4.6 The Section 5 application included 69 no. bedrooms in the scheme.

5.0 RELEVANT LEGISLATIVE CONTEXT

5.1 The relevant legislative context is as follows, in the order it appears in the Planning and Development Act 2000, as amended, and the Planning and Development Regulations 2001, as amended.

Definition of Development

5.2 Section 3(a) of the Planning and Development Act 2000, as amended, defines 'development' as:

*"(a) the carrying out of any works in, on, over or under land, or the making of any material change in the use of any land or structures situated on land, or
(b) development within the meaning of Part XXI (inserted by section 171 of the Maritime Area Planning Act 2021).".*

Section 5 of the Planning and Development Act 2000, as amended

5.3 Section 5(1) of the Act is as follows:

"5.—(1) If any question arises as to what, in any particular case, is or is not development or is or is not exempted development within the meaning of this Act, any person may, on payment of the prescribed fee, request in writing from the relevant planning authority a declaration on that question, and that person shall provide to the planning authority any information necessary to enable the authority to make its decision on the matter".

5.4 This application for a Section 5 Declaration is made pursuant to this Section.

6.0 ASSESSMENT

6.1 The question being put forward for consideration is whether or not the proposed use of the accommodation blocks within Courtbrack Avenue for accommodation for displaced persons or persons seeking international protection is or is not development.

6.2 The query subject to this referral relates specifically to whether there would be a material change of use to the property. There is no legislative definition for which defines a 'material change of use', but it is generally considered that such a change would involve an intensification of or increase to an agreed or established use, that would then result in it requiring planning permission.

6.3 To this point, it is submitted that the proposed use for accommodation for displaced persons or persons seeking international protection would be identical to the established residential use and the only difference is a different social class. To confirm:

- No works are proposed and as such there is no change to the layout or capacity of the units as they currently exist. The existing property has already a total of 69 no. bedrooms across each of the 3 blocks and this is the capacity at which the proposed use would operate.
- There are no communal or 'support' services proposed. The residential units under the proposed use would continue to operate as independent residential units.



- 6.4 Under a referral decision issued by An Bord Pleanála in January 2021, the question put was as to whether or not the use of a centre for protected persons was considered development or not and whether it was exempted development or not.
- 6.5 Under a Section 5 referral to An Bord Pleanala under ABP-307077-20, the question posed to An Bord Pleanala was:

"Whether the use of The Rock Centre for use as a protection centre for protected persons is or is not development or is or is not exempted development".

the Board found that the Rock Centre had an existing use as residential accommodation and was "...being operated in a manner similar to other apartment developments," and that there was no evidence to suggest that the facility was not being operated as "...an emergency reception for the care of protected persons, it is being operated as residential accommodation, as per the permitted use and the status of or personal circumstances of the apartment residents is not a material planning issue."

- 6.6 The comments of the An Bord Pleanala Inspector at Paragraph 8.2.7 are informative and reflective of the subject Section 5 application:

"Having visited the referral site, it is clear that the residential accommodation is being operated in a manner similar to other apartment developments, with gated access and servicing by a management and security suite. Facilities beyond those that would normally form part of an apartment complex were not in evidence and the facility does not feature any particular additional reception, orientation or care services. The facility is not operating as an emergency reception for the care of protected persons, it is being operated as residential accommodation, as per the permitted use and the status or personal circumstances of the apartment residents is not a material planning issue. I am satisfied that the current use of the apartments is not as a facility for the reception and care of protected persons and does not constitute a change of use from the permitted use and, therefore, does not constitute development".

- 6.7 The above reflects exactly the proposal in this Section 5 application.
- 6.8 Having regard to the above, including the An Bord Pleanala precedent set out, it is respectfully submitted that the proposed use does not constitute a change of use and is not development.

7.0 SUMMARY AND CONCLUSIONS

- 7.1 On behalf of the applicant, Westbourne Accommodation Ltd, 3rd Floor, The Halls Quay St Galway, we are instructed to submit an application for a Section 5 Declaration in respect of Block 1, 2 and 3 Courtbrack Avenue, Dock Road, Limerick, Co. Limerick.
- 7.2 The Section 5 application seeks a Declaration from Limerick City & County Council as to whether the proposed use of Block 1, 2 and 3 Courtbrack Avenue, Dock Road, Limerick, Co. Limerick for accommodation for displaced persons or persons seeking international protection is or is not development.
- 7.3 It is submitted that the proposed use for accommodation for displaced persons or persons seeking international protection would be identical to the existing residential use and the only difference is a different social class. To confirm:



- No works are proposed and as such there is no change to the layout or capacity of the units as they currently exist. The existing property has already a total of 69 no. bedrooms across each of the 3 blocks and this is the capacity at which the proposed use would operate.
- There are no communal or 'support' services proposed. The residential units under the proposed use would continue to operate as independent residential units.

Yours faithfully,

A handwritten signature in black ink that reads 'Robert Keran'.

Robert Keran

BSc. BA (Law), LLB, Dip. Proj. Mngt. MIPI



*RK Consulting
Planning and Development Consultants*

*Email: Robert.keran@rkeranconsulting.ie
Mob: 087 2543332*

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This site plan illustrates the University of Limerick campus layout. Key features include:

- Deck Road:** A major road running through the campus.
- Courtbrack Avenue:** A road that runs parallel to Deck Road and contains the proposed development area.
- College Gate:** Located at the top right of the map.
- Geata an Cholaiste:** Located to the right of College Gate.
- Sports Surface:** Located near the center-left of the map.
- Courtbrack Student Residence:** Located along Courtbrack Avenue.
- The Orchards:** Located at the bottom right of the map.
- Numbered Lots:** Various plots of land are numbered, including 1, 2, 3, 4, 5, 10, 11, 12, 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, and 42.
- TK:** Reference points marked with circles.
- XY Coordinates:** Coordinates are provided at the top left (XY = 556144,656317), top right (XY = 556343,656317), bottom left (XY = 556144,656141), and bottom right (XY = 556343,656141).
- North Arrow:** A north arrow is located at the bottom center.

A red line highlights the proposed development area on Courtbrack Avenue, with a coordinate point XY = 556244,656229 marked within it.

This site layout plan shows the footprint of Dock 41, which is highlighted with a thick red line. The plan includes dimensions for the dock's length (42550), width (1000), and depth (4550). The dock is situated on a shared access area with Courtbrack Ave. There are four entrance points marked with grey triangles: one on the left side of the dock, one on the right side, one on the rear, and one on the bottom. The plan also shows the location of Site Access and Shared Access. Surrounding the dock are several other building footprints, some labeled with numbers (41, 40, 16, 15, 14) and some unlabeled. The plan includes a north arrow and a scale bar of 1:500.

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A circular icon with a vertical line through the center, divided into four quadrants. The top-left quadrant contains the letter 'N'.

18 Boundary

18 Boundary

3rd March 2020
This development dated 26th July 2019
Declaration Reference ARI 61(a)9/19/MOB/CL
wings refer to layouts approved under

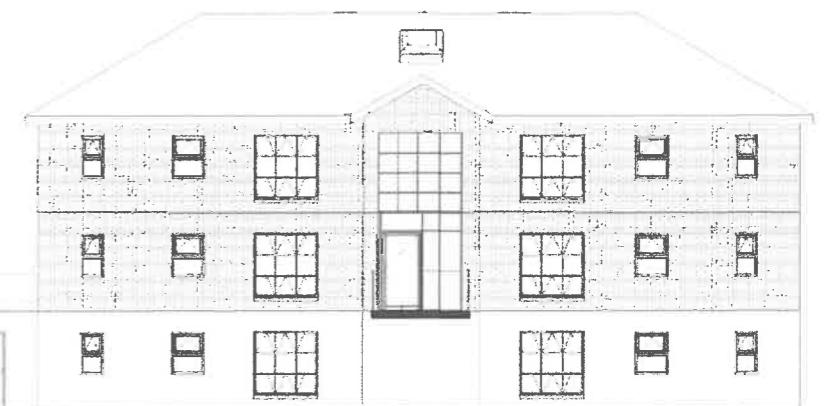
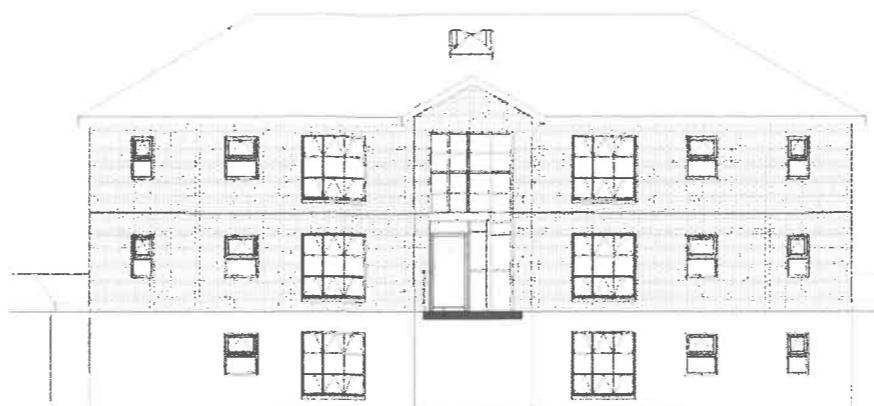
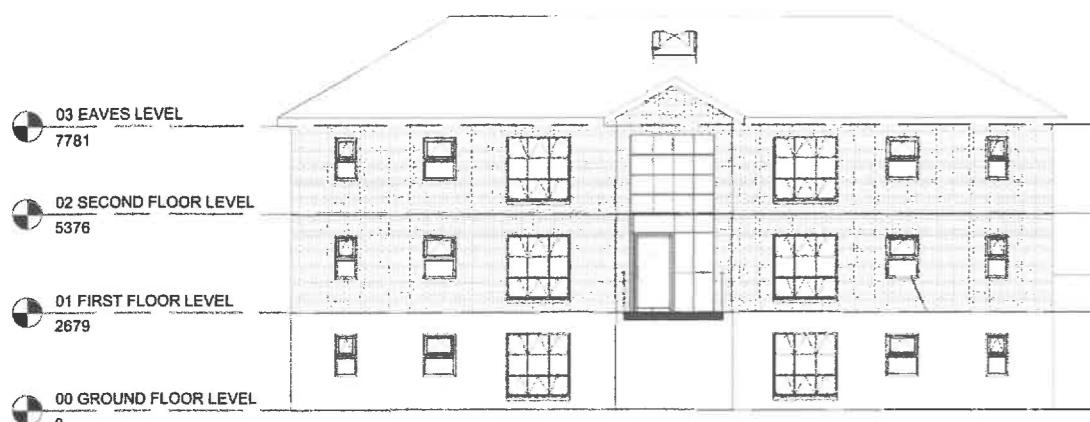
Initial Date Revision Description

PLANNING

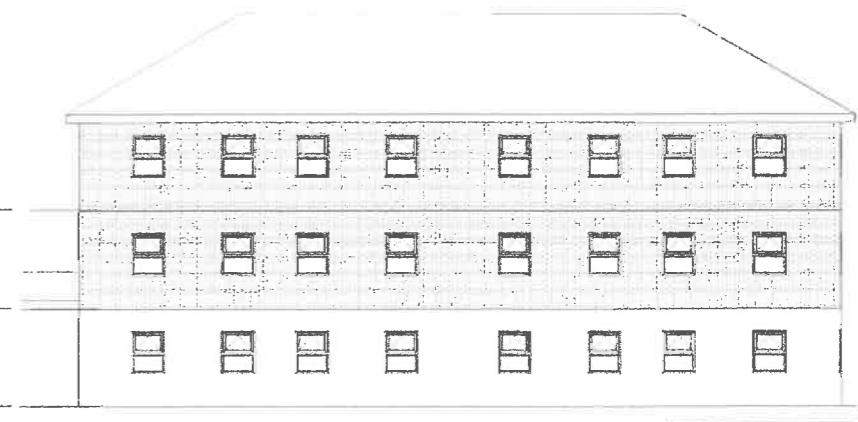
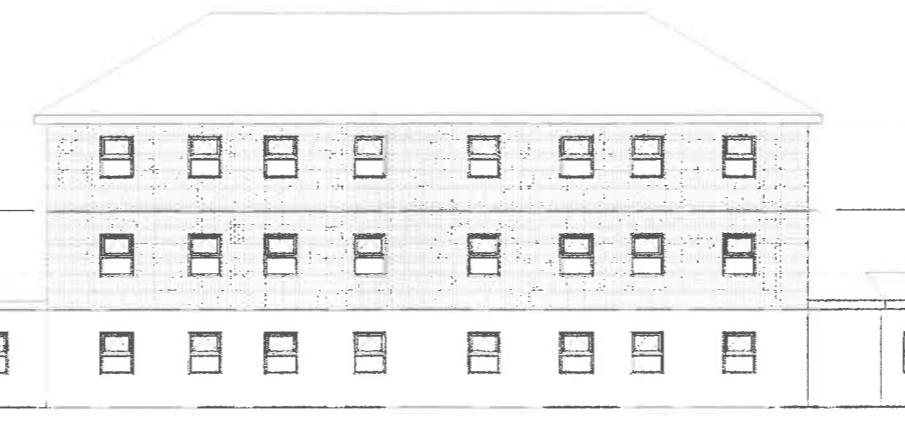
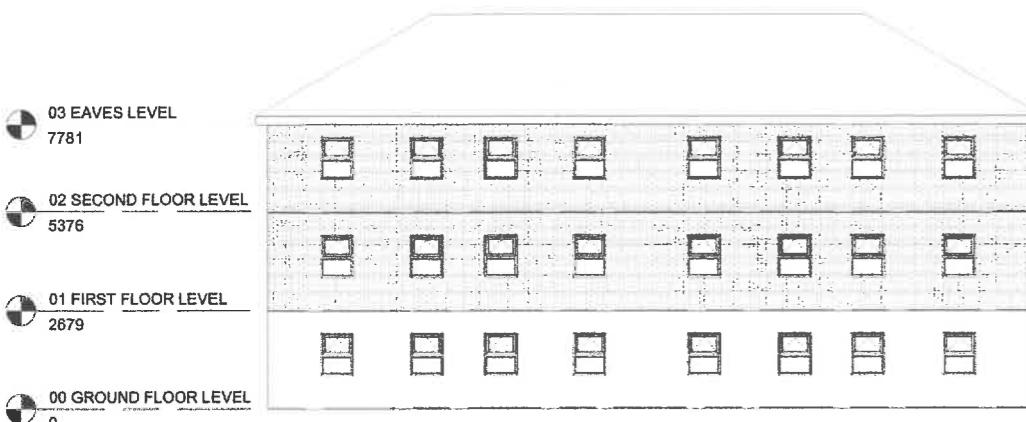
ARCHITECTURE

PLANNING CONSULTANT
RK CONSULTING
PROJECT
L01
COURTBRAK AVE
LIMERICK
DWG. TITLE
SITE LOCATION MAP

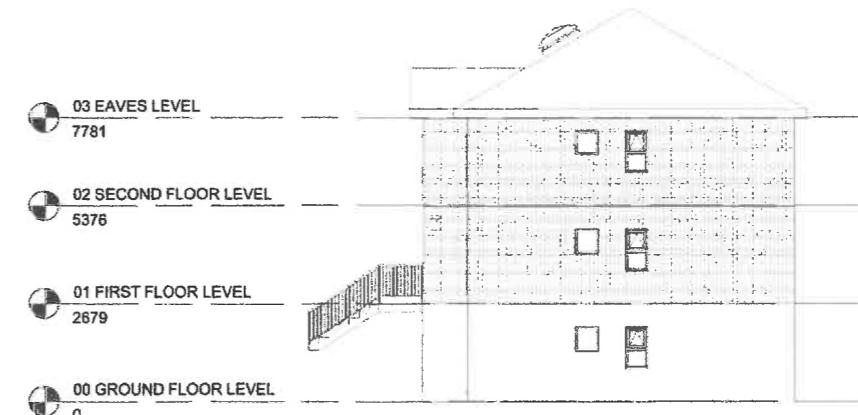
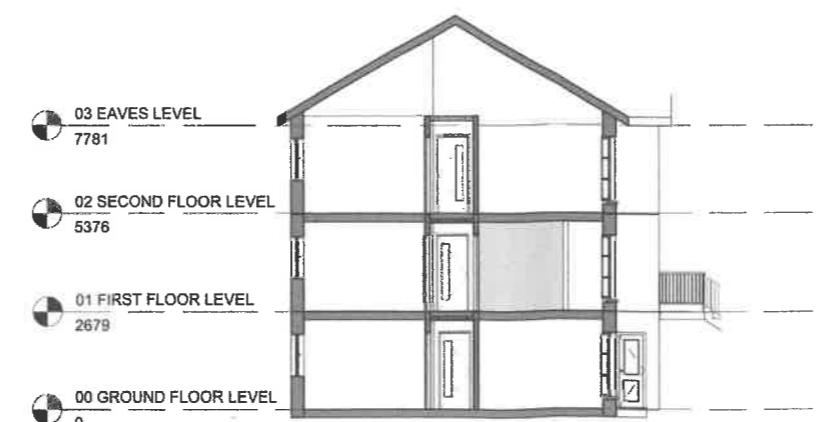
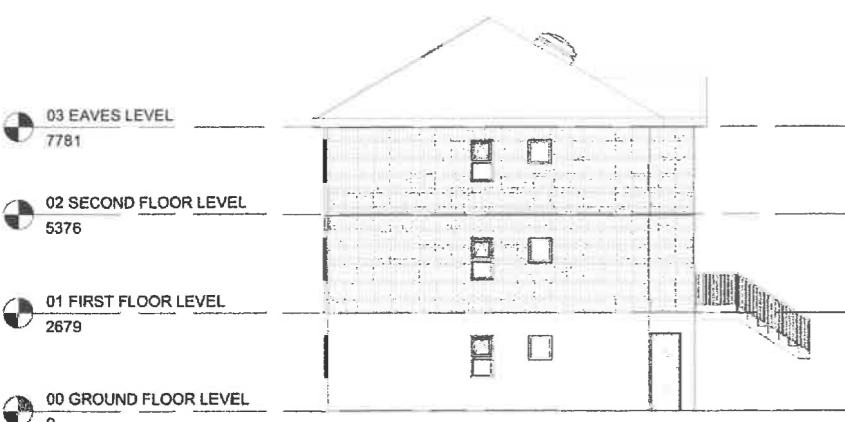
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CHECKED BY: ARC 1
PAPER SIZE: A3
JOB NO.: 101
DATE: 14.04.2025
DWG NO.: 101-ARC000XCDR-A1000
REVISION: P01



05 Principal Elevation
1004 1:200



04 Rear Elevation
1004 1:200



01 End Elevation
1004 1:200

02 Typical Section
1004 1:200

03 End Elevation
1004 1:200

Bar Initial Date Revision Description

PLANNING

ARCHITECTURE

PLANNING CONSULTANT
RK CONSULTING
PROJECT
LOT 1
COURTBRAKE AVE
LIMERICK

DWG. TITLE
ELEVATIONS

SCALE @ A3: 1:200
 DRAWN BY: AEC 2
 CHECKED BY: AEC 1
 PAPER SIZE: A3
 JOB NO.: L01
 DATE: 04.06.2025
 DWG. NO.: LD1-ARC200X0DEA1004
 REVISION: P01



Drawings refer to layouts approved under
 Declaration Reference: Art (6)(a)9/19/MOB/CL
 for this development dated 26th July 2019
 and 3rd March 2020

Rev	Initial Date	Revision Description

PLANNING

ARCHITECTURE

PLANNING CONSULTANT	RK CONSULTING
PROJECT	L01
L01	COURTBRAKE AVE
	LIMERICK
DWG. TITLE	GROUND FLOOR LAYOUT PLAN
SCALE @ A3:	A5 SHOWN
DRAWN BY:	ARC 2
CHECKED BY:	ARC 1
PAPER SIZE:	A3
JOB NO.:	L01
DATE:	14.04.2025
DWG NO.:	L01-ARC000X00.DRA-101
REVISION:	P01



Drawings refer to layouts approved under
Declaration Reference Art 56(a)9/19/MOB/CL
for this development dated 26th July 2019
and 3rd March 2020

ARCHITECTURE

PLANNING CONSULTANT
RK CONSULTING

PROJECT
L01
COURTBRAK AVE

LIMERICK

SECOND FLOOR DAYCARE TEAM

SCALE @ A3: AS SHOWN
DRAWN BY: ARC 2

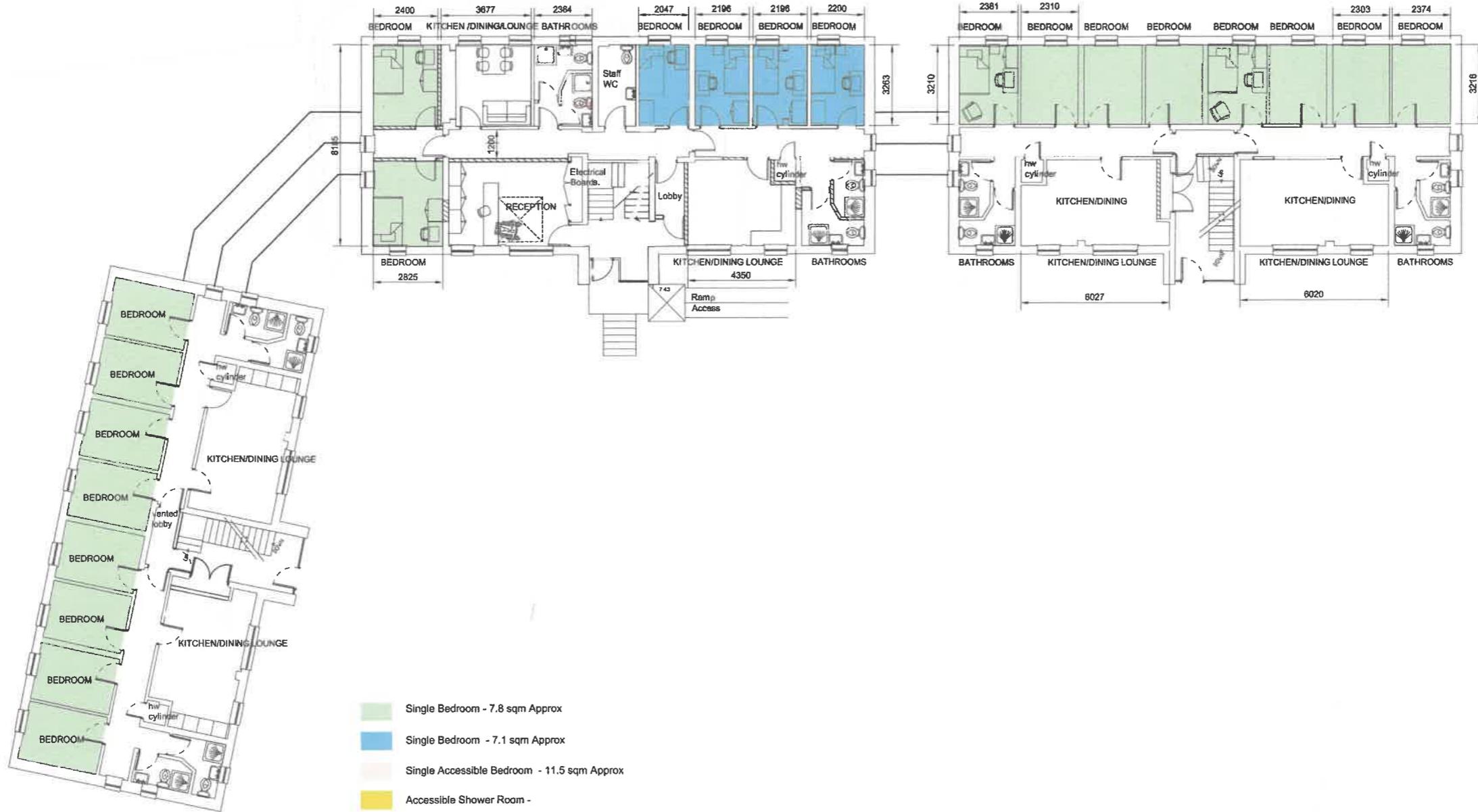
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PAPER SIZE: **42**

JOB NO. 101
DATE

DATE: 04.06.2025
DWG NO. 101.ARC.00.02.D&A.1003

REVISION: P01

01 Second Floor Layout Plan
1003 1:200



Drawings refer to layouts approved under
 Declaration Reference AAI 61a/9/19/MOB/CL
 for this development dated 26th July 2019
 and 3rd March 2020

Rev Initial Date Revision Description

PLANNING

ARCHITECTURE

PLANNING CONSULTANT
 RK CONSULTING
 PROJECT
 L01
 COURTBRACK AVE
 LIMERICK

DWG. TITLE

FIRST FLOOR LAYOUT PLAN

SCALE @ A3: AS SHOWN
 DRAWN BY: ARC 2
 CHECKED BY: ARC 1
 PAPER SIZE: A3
 JOB NO. L01
 DATE: 04.03.2020
 DWG. NO. L01A8C001.DRA-1002
 REVISION: P01

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

Reference no. EC/124/25

Name and Address of Applicant: Westbourne Accommodation Limited, The Halls, Quay Street, Galway

Agent: Robert Keran, RK Consulting Ltd, Baldrumman House, Lusk, Co. Dublin K45 NX70

Location: Courtbrack Avenue, Dock Road, Limerick

Description of Site and Surroundings:

The site is located in Limerick City on Courtbrack Avenue off the Dock Road and is occupied by 3 no. 3 storey residential blocks.

Zoning:
Existing Residential

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:

- The change of use from residential accommodation for accommodation for displaced persons or persons seeking international protection.

This Section 5 declaration includes the following:

- Application form
- Cover letter
- Site location map
- Site Layout Plan
- Floor plans of existing building

Planning History:

23/60145: Wesbourne Student Limited were granted conditional permission for the a development that will consist of: (a) The construction of one three-storey student accommodation block within the existing Westbourne Student Residences development comprising 22 en-suite bedrooms (Gross Floor Area – 737.10 sqm); (b) Ground Floor: 6 no. student en-suite bedrooms (including accessible student bedroom), 2 no. student amenity spaces (inc. kitchen) and a reception area. (GFA: 245.70 sqm) (c) First Floor: 8 no. student en-suite bedrooms, 2 no. student amenity spaces (inc. kitchen) (GFA: 245.70 sqm) (d) Second Floor: 8 no. student en-suite bedrooms, 2 no. student amenity spaces (inc. kitchen) (GFA: 245.70 sqm) (e) Alterations to the existing Westbourne Student Accommodation car park and curtilage comprising the following: (f) Provision of 7 no. bay car parking area, to include 6 no. standard car parking bays, 1 no. accessible parking bay; (g) Provision of 18 no. secure bicycle parking spaces; (h) Provision of 1 no. bin store; (i) Provision of relocated and upgraded vehicular access; (j) Provision of a new pedestrian access to the Westbourne Student Residences from the existing public road. (k) Provision of signage (14.85 sqm), landscaping, public lighting, roof mounted Solar PV Panels, boundary treatments, site services and all associated site development works necessary to facilitate the proposed development. The

decision was appealed to An Bord Pleanala who overturned the decision and refused permission.

95/770337: Arkenstone Properties Ltd were granted conditional permission for revisions and alterations to existing planning permission 94/187 for administrative/leisure centre site and to erect 3 no. hostel/student accommodation blocks on said site with links between the central block with provision for common and dining room, reception, caretakers apartment and laundry with access for disabled persons and outdoor floodlit tennis court.

95/770019: Arkenstone Properties Ltd were granted conditional permission to existing planning permission 94/187 for hotel/student accommodation and administration/leisure building. This permission is regarding the arrangement of 6 hostel units with linkage between units, provision for common and dining rooms, reception area, caretakers apartment, launderette and associated facilities with improved access for disabled persons.

94/770187: Arkenstone Properties Ltd were granted conditional permission for construction of 6 no. hostel blocks, 6 no. student blocks and an administration/leisure building incorporating 2 no. indoor tennis courts on site.

EC 09/19: change of use from commercial offices to residential use. Documentation notes that same was granted permission. No copy of decision or file available.

Enforcement History

None

An Bord Pleanála Case files

307077-20: Whether use of incomplete apartments as apartments or as apartments for protected persons and works to the apartments is or is not development or is or is not exempted development

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 applicant has stated that no ‘works’ are proposed. The question posed by the applicant centres on whether the use of the subject premises as a residence for International Protection Applicants constitutes development. As no works are proposed the key consideration is therefore whether the proposal would result in a material change of use or not.

Class 20F also allows a temporary change of use for displaced persons or persons seeking international protection for a number of buildings. A residential use is not specifically stated as being a use under which this exemption would apply. Therefore, in this case the proposal is not considered to fall under Class 20F of the Regs.

Class 14(h) of the Regs provides an exemption for a change of use from use as a hotel, motel, hostel, guesthouse, holiday accommodation, convent, monastery, Defence Forces barracks or other premises or residential institution providing overnight accommodation, or part thereof to use as accommodation for protected persons. Based on the ABP referral previously discussed the apartment would fall under the definition of 'other premises'. The key question then is whether the residents would fall under the definition of 'protected persons'.

Article 5 (1) of the Regs provides a definition of 'protected persons' which is as follows:

- (a) *a person who has made an application to the Minister for Justice and Equality under the Refugee Act of 1996 or the Subsidiary Protection Regulations 2013 (S.I. No. 426 of 2013),*
- (b) *a person who falls to be considered or has been considered under section 3 of the Immigration Act of 1999, or*
- (c) *a programme refugee within the meaning of section 24 of the Refugee Act of 1996;*
The applicant has confirmed that their wish is to provide residential accommodation for people seeking asylum 'protected persons' which does appear to fall under Class 14(h) and the requirement of the use to provide accommodation to 'protected persons'. There are no conditions/limitations attached to Class 14(h).

It is noted that there are no conditions restricting the use in the original permission for the apartment block and the nature of the proposal would be similar to that of the existing apartments in that individuals would be residing there. The applicant has stated that one family would be living there. Any increase in that number could give rise to an intensification of the use. However, based on the information provided this does not seem to be the case at this time.

The documentation submitted notes that there is no works proposed to the buildings, there is no change to the layout or capacity of the units as they currently exist and the residential units under the proposed use would continue to operate as independent residential units for displaced persons. There are no support services proposed. It is therefore considered that the use of the apartment by 'protected persons' does not constitute a material change of use and therefore does not constitute development.

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 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 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.

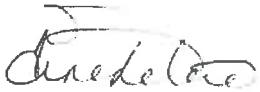
Conclusion/Recommendation

Regard has been had to –

- (a) Section 2, 3 and 4 of the Planning and Development Act 2000 (as amended)

- (b) Class 14(h) of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended)
- (c) ABP-307077-20
- (d) The plans & particulars submitted with the application received on the 6th of June 2025.

It is therefore considered that the said works are not a material change of use and therefore do not constitute development under Section 3(1) of the Planning and Development Act 2000 (as amended)



Aine Leland



Date: 16/06/2025



Barry Henn, SEP

Date: 25/06/2025

Appendix 1: AA PN01 Screening Form

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

(a) File Reference No:	EC/124/25
(b) Brief description of the project or plan:	The change of use from residential accommodation to accommodation for displaced persons or persons seeking international protection is or is not development
(c) Brief description of site characteristics:	The subject site is located on Courtbrack Avenue, off the Dock Road
(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	300m	None	N
004077 - River Shannon and River Fergus Estuaries SPA	https://www.npws.ie/protected-sites/sac/004077	300m	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 	None. No construction works associated with this change of use

<ul style="list-style-type: none"> - Impact on groundwater/dewatering - Storage of excavated/construction materials - Access to site - Pests 	
Operation phase e.g. <ul style="list-style-type: none"> - Direct emission to air and water - Surface water runoff containing contaminant or sediment - Lighting disturbance - Noise/vibration - Changes to water/groundwater due to drainage or abstraction - Presence of people, vehicles and activities - Physical presence of structures (e.g collision risk) - Potential for accidents or incidents 	None. The existing use is to remain as residential accommodation but for those persons seeking international protection
In-combination/Other	N/A given the development proposed and the distance from European sites.

(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. No construction works associated with this change of use
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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

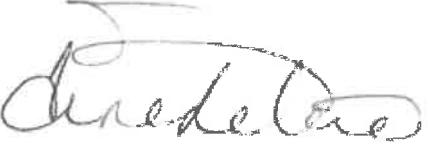
The assessment of significance of effects:

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 fact that no works are proposed and that the application is for a change of use it is concluded that the proposed development, individually or in-combination

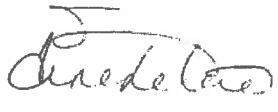
with other plans or projects, would not be likely to have a significant effect on the above listed European sites or any other European site, in view of the said sites' conservation objectives.

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:	 Aine Leland, Executive Planner 16/06/2025	
Signature and Date of the Decision Maker:	 Barry Henn, SEP 23/06/2025	

Appendix 2 – EIA Screening

Establishing if the proposal is a 'sub-threshold development':		
Planning Register Reference:	EC/124/25	
Development Summary:	Section 5 Declaration on whether the change of use from residential accommodation to accommodation for displaced persons or persons seeking international protection is or is not development	
Was a Screening Determination carried out under Section 176A-C?	<input type="checkbox"/> Yes, no further action required <input checked="" type="checkbox"/> No. Proceed to Part A	
A. Schedule 5 Part 1 - Does the development comprise a project listed in Schedule 5, Part 1, of the Planning and Development Regulations 2001 (as amended)? (Tick as appropriate)		
<input type="checkbox"/>	Yes, specify class: [insert here] _____	EIA is mandatory No Screening required
<input checked="" type="checkbox"/> No		Proceed to Part B
B. Schedule 5 Part 2 - Does the development comprise a project listed in Schedule 5, Part 2, of the Planning and Development Regulations 2001 (as amended) and does it meet/exceed the thresholds? (Tick as appropriate)		
<input checked="" type="checkbox"/>	No. the development is not a project listed in Schedule 5, Part 2	No Screening required
<input type="checkbox"/>	Yes the project is listed in Schedule 5, Part 2 and meets/exceeds the threshold, specify class (including threshold): [specify class & threshold here] _____	EIA is mandatory No Screening required
<input type="checkbox"/>	Yes the project is of a type listed but is <i>sub-threshold</i> :	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:	 _____ Áine Leland, Executive Planner 16/06/2025
Signature and Date of the Decision Maker:	 _____ Barry Henn, SEP



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

Pleanáil, agus Cruthú Áite
Comhairle Cathrach agus Contae Luimníugh
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:

Westbourne Accommodation Limited
c/o Robert Keran,
RK Consulting Ltd,
Baldrumman House,
Lusk,
Co. Dublin
K45 NX70

EC/124/25

25 June 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/2025/650

File Ref No. EC/124/25

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

RE: **A change of use at Block 1, 2& 3 Courtbrack Avenue, Dock Road, Limerick**

ORDER: Whereas by Director General's Order No. DG/2024/123 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 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 16/06/2024, hereby order that a Declaration under Section 5 of the Planning and Development Act 2000 (as amended) be issued to Westbourne Accommodation Limited, c/o Robert Keran, RK Consulting Ltd, Baldrumman House, Lusk, Co. Dublin to state that the works as described above is

NOT Development.

Signed

B. Henn

SENIOR EXECUTIVE PLANNER, PLANNING & PLACE-MAKING

Date

25/06/2025

Certified to be a true copy of Approved Officer's Order, Planning & Development Order No. AOO/DC/2025/650 dated 26/06/2025, pursuant to Section 151(7) of the Local Government Act 2001

Signed:

B. Henn

SENIOR EXECUTIVE PLANNER, PLANNING & PLACE-MAKING



SECTION 5 – DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

DECLARATION NO.

EC/124/25

Name and Address of Applicant: Westbourne Accommodation Limited, The Halls, Quay Street, Galway

Agent: Robert Keran, RK Consulting Ltd, Baldrumman House, Lusk, Co. Dublin
K45 NX70

Whether the change of use at Block 1, 2 & 3, Courtbrack Avenue, Dock Road, 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 6th of June 2025.

AND WHEREAS the Planning Authority has concluded that the change of use at Block 1, 2 & 3, Courtbrack Avenue, Dock Road, Limerick is not a material change of use and therefore do not constitute development under Section 3(1) 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 **NOT Development**.

Signed on behalf of the said Council

Karen Keran
Date: 25/06/2025

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.