



Comhairle Cathrach
& Contae **Luimnígh**

Limerick City
& County Council

Pleanáil, agus Cruthú Áite
Comhairle Cathrach agus Contae Luimnígh
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

Rathkeale District & Community Men's Shed
c/o Neilly Hogan
Ballingrane
Rathkeale
Co. Limerick



RE: Declaration under Section 5 – EC-069-25

Dear Sir/Madam,

I refer to the above Section 5 Application and the drawing received by the Planning Department on the 28th March 2025. Please be advised this is an incomplete application as all the documents below have not been submitted:

- Proposed and existing plans and elevations of building showing details of solar panels

Drawings must be of an adequate standard to enable the Planning Authority to assess any application lodged, you may wish to engage the services of a suitably qualified agent in this regard.

Should you wish to submit a new application, please note that the fee paid in respect of this application will be re-assigned to your new application.

Limerick City and County Council

Planning Department

Section 5 Application

Limerick City & County
Council
28 APR 2025

Planning

DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

Applicant's Name:

Rathkeale District & Community
Moss Shed

Applicant's Address:

20 Neilly Hogan, Ballingrone
Rathkeale, Co Limerick

Telephone No.

[REDACTED]

Name of Agent (if any):

[REDACTED]

Address:

[REDACTED]

Telephone No.

[REDACTED]

Limerick City & County
Council
28 APR 2025
Planning

Address for Correspondence:

As above

Location of Proposed development (Please include EIRCODE):

Holycross, Rathkeale

C. Hinrich (Part of Rathkeale
AFC playing field)

Description of Proposed development:

Installation of 20 No. PV Panels

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

Exempt development

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

YES/NO

Applicant's interest in site:

lease holder

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

- ① Site map.
- ② Building plans (existing)

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

If Yes please provide floor areas of all existing structures:

Signature of Applicant (or Agent)

Paula Horgan

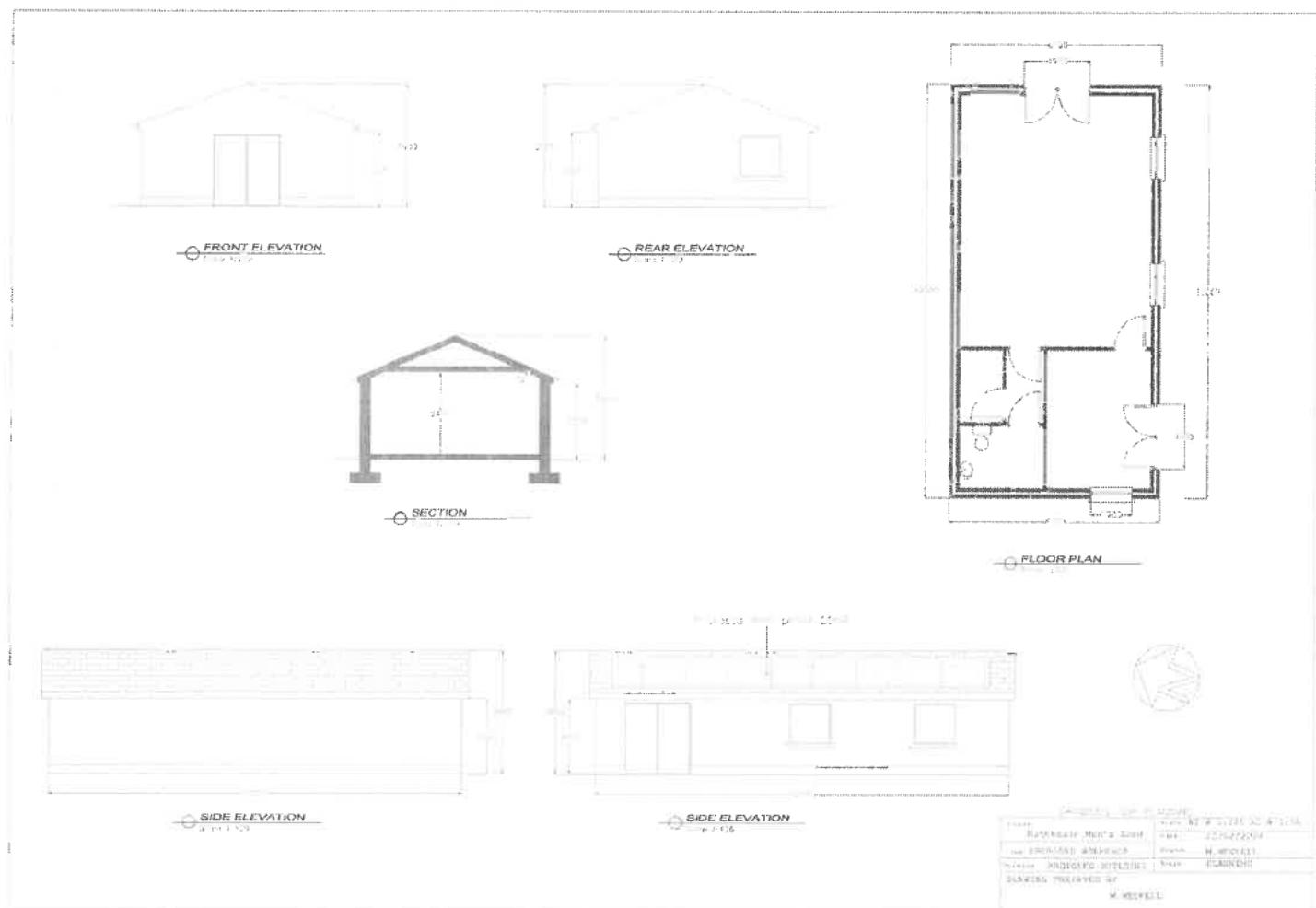
NOTES: Application must be accompanied by:

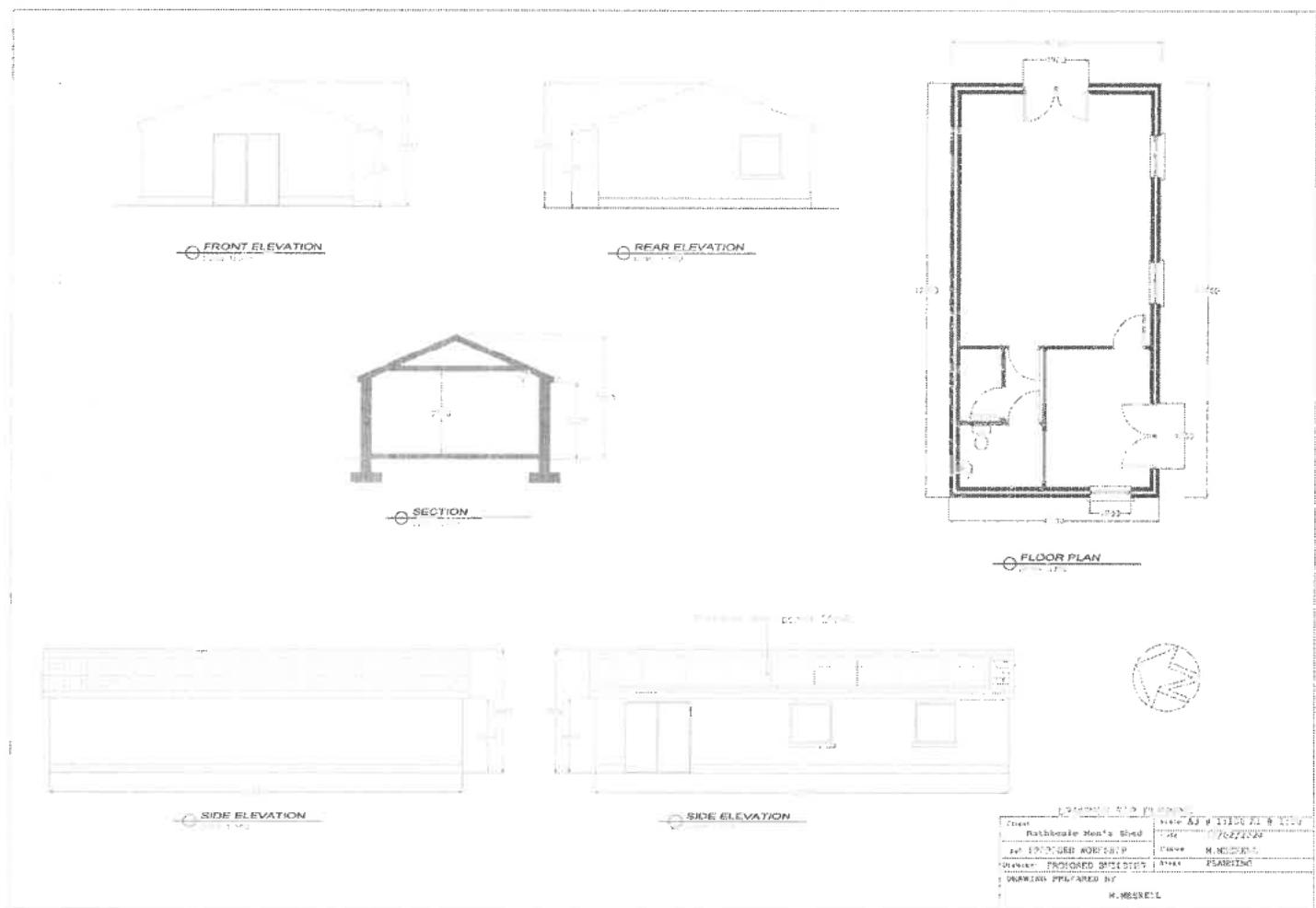
- (a) Fee of €80
- (b) Site location map
- (c) Site layout plan
- (d) Dimensioned plans and elevations of the structure and any existing structures.
- (e) Where the declaration is in respect of a farm building, a layout identifying the use of each existing building together with floor area of each building.

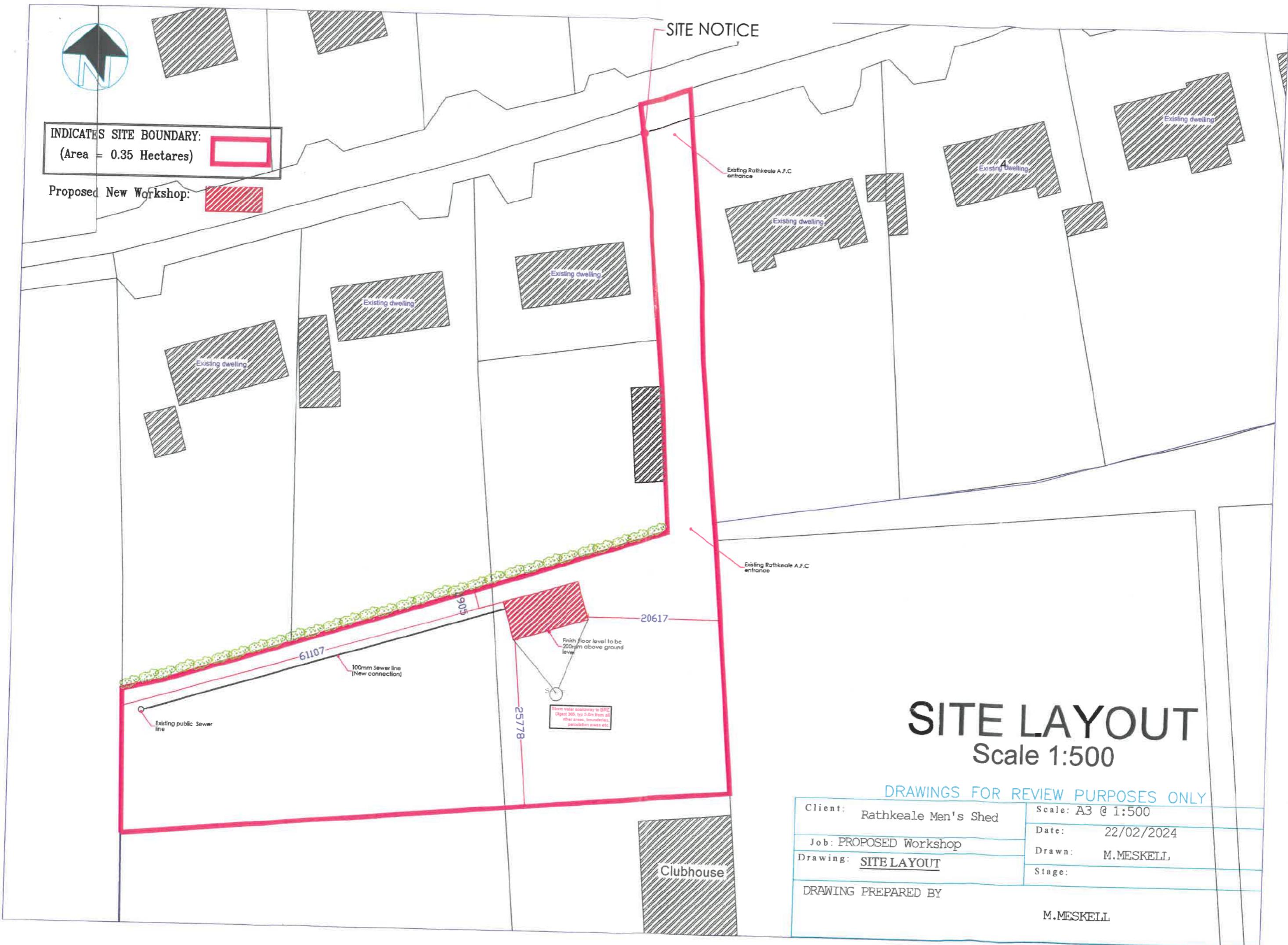
Application to be forwarded to:

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

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







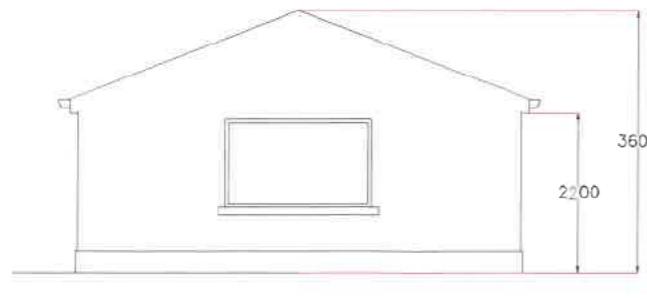
SITE LAYOUT

Scale 1:500

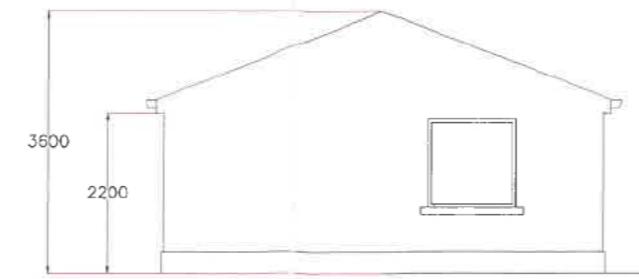
DRAWINGS FOR REVIEW PURPOSES ONLY

DRAWINGS FOR REVIEW PURPOSES ONLY	
Client:	Rathkeale Men's Shed
Job:	PROPOSED Workshop
Drawing:	<u>SITE LAYOUT</u>
Scale:	A3 @ 1:500
Date:	22/02/2024
Drawn:	M.MESKELL
Stage:	
DRAWING PREPARED BY	
M.MESKELL	

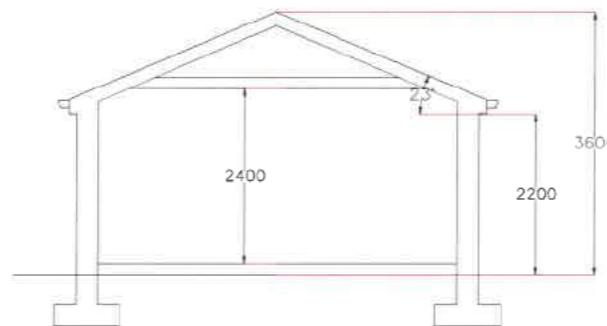
This building has been approved under Planning Reference: 24/67



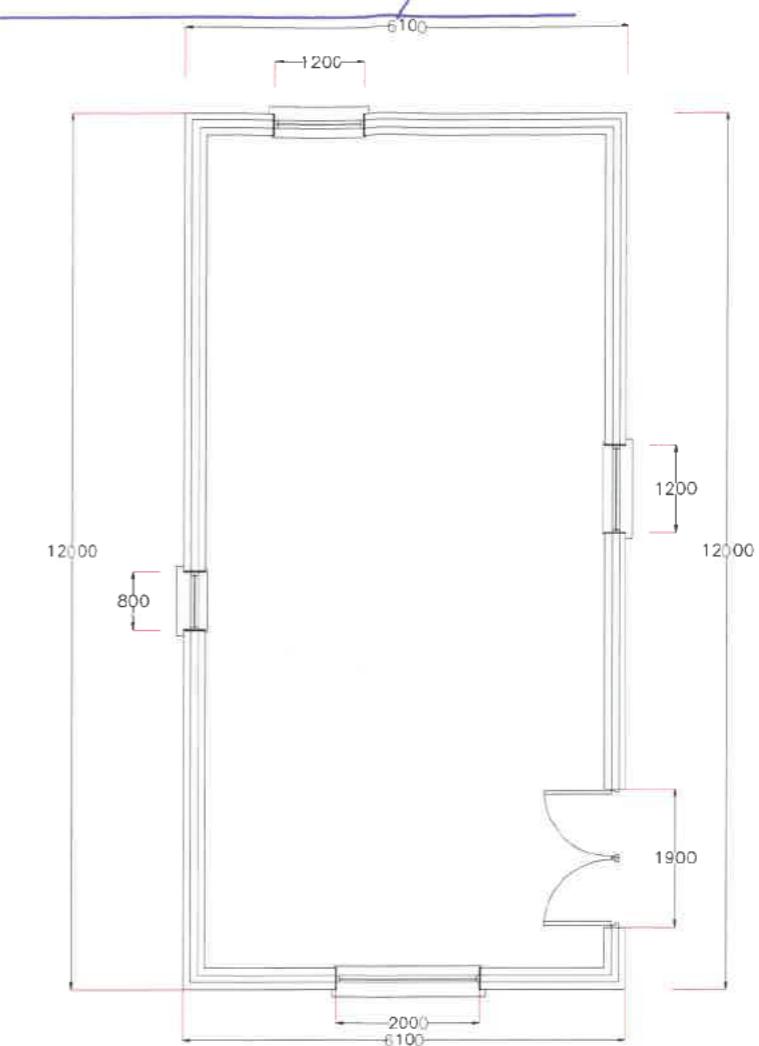
FRONT ELEVATION
Scale 1:100



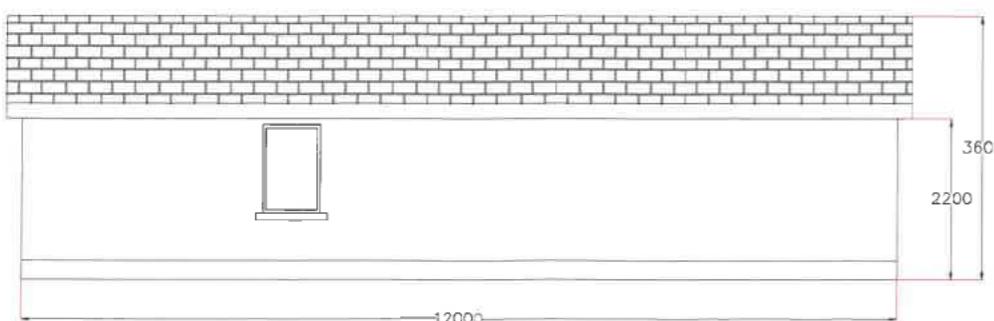
REAR ELEVATION
Scale 1:100



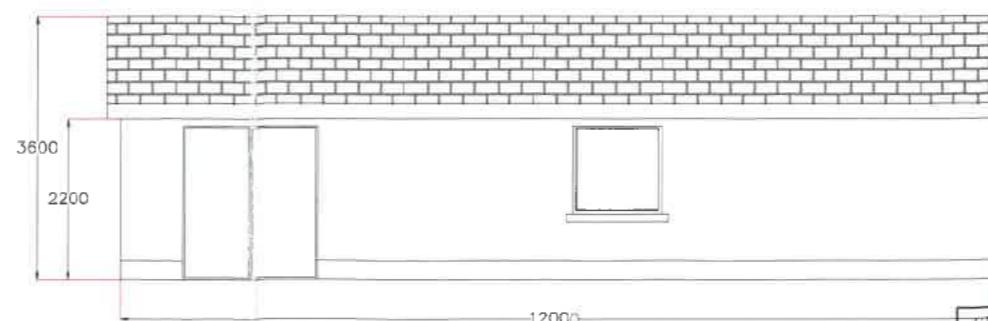
SECTION
Scale 1:100



FLOOR PLAN
Scale 1:100



SIDE ELEVATION
Scale 1:100



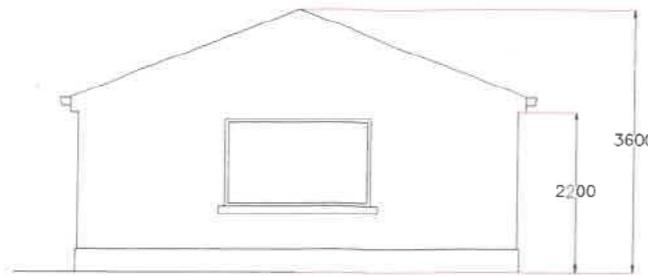
SIDE ELEVATION
Scale 1:100



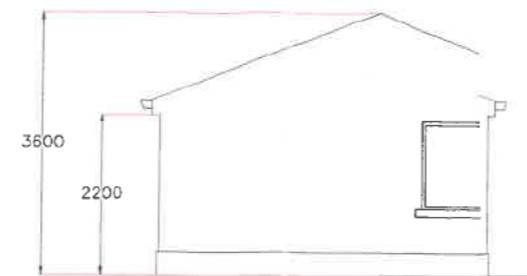
DRAWINGS FOR PLANNING

Client:	Rathkeale Men's Shed	Scale: A3 @ 1:100 A1 @ 1:50
Date:	22/02/2024	
Job:	PROPOSED WORKSHOP	Drawn: M. MESKELL
Drawing:	PROPOSED BUILDING	
DRAWING PREPARED BY	M. MESKELL	

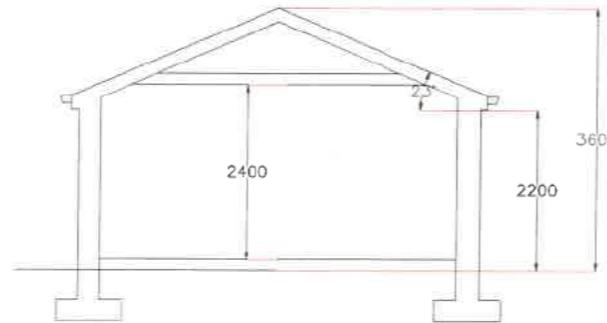
This building has been approved under planning Reference: 24/67



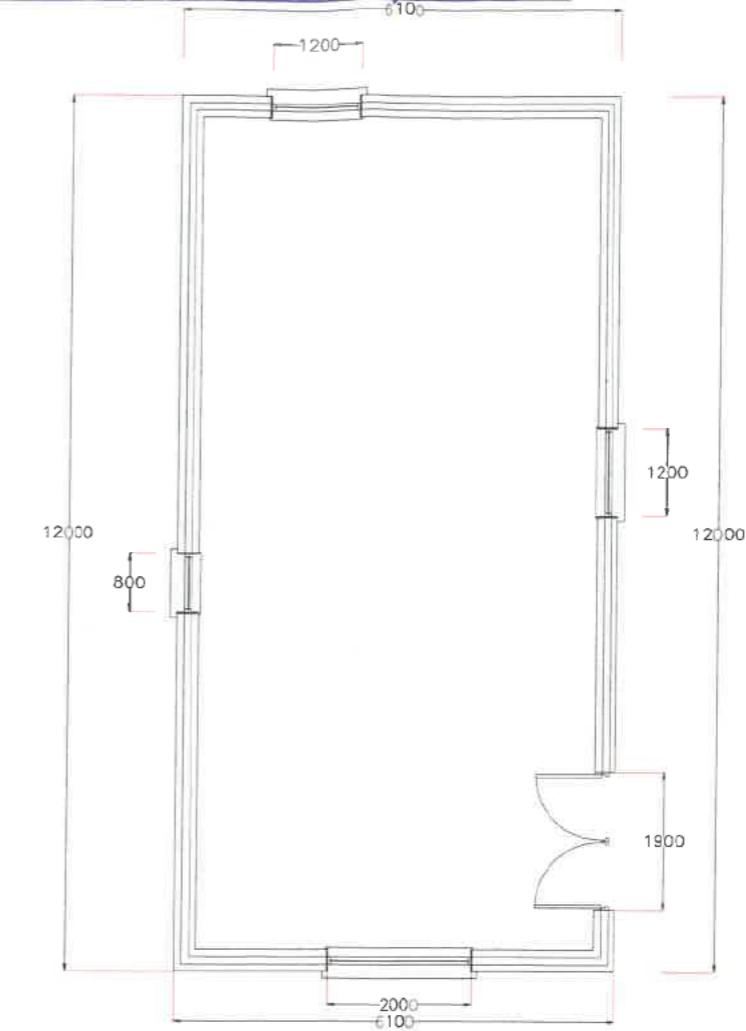
FRONT ELEVATION
Scale 1:100



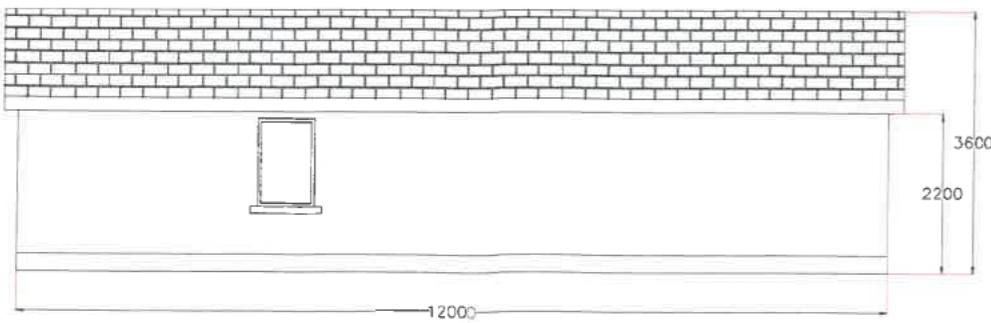
REAR ELEVATION
Scale 1:100



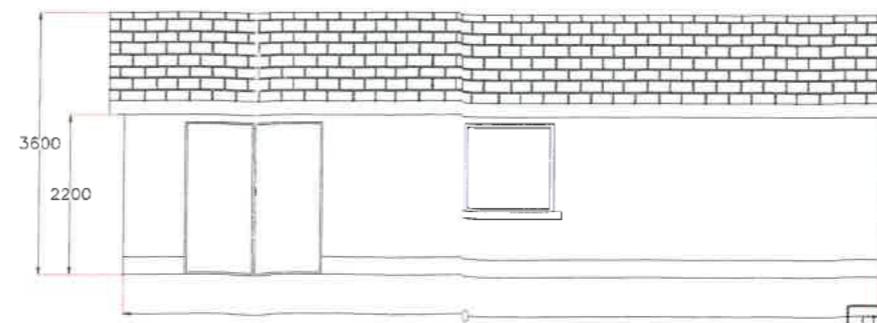
SECTION
Scale 1:100



FLOOR PLAN
Scale 1:100



SIDE ELEVATION
Scale 1:100



SIDE ELEVATION
Scale 1:100



DRAWINGS FOR PLANNING

Client:	Rathkeale Men's Shed	Scale: A3 @ 1:100 A1 @ 1:50
Date:	22/02/2024	
Job:	PROPOSED WORKSHOP	Drawn: M. MESKELL
Drawing:	PROPOSED BUILDING	Stage: PLANNING

DRAWING PREPARED BY
M. MESKELL



Limerick City & County Council

04 MAR 2024

Planning and Environmental Services

Site Location Map

Scale 1:2500

Ordnance Survey Ireland Licence no: EN0092420

COMHAIRLE
CATHRACH & CONTAE
Luimních
Limerick
CITY & COUNTY
COUNCIL

LIMERICK CITY & COUNTY COUNCIL
CASH OFFICE
CIVIC OFFICES
DOORADOYLE
CO LIMERICK

28/03/2025 14:45:41

Receipt No. /
Uimhir Admhlá - LA25/0/25175860

RATHKEALE DISTRICT & COMMUNITY MEN
C/O NEILLY HOGAN
BALLINGRANE RATHKEALE
CO. LIMERICK

EXEMPTION CERTIFICATES 80.00
GOODS 80.00
VAT Exempt/Non-vatable

80.00 EUR
Total/Totalán

Tendered/Taughte 80.00
Credit / Debit Card
VISA

Change/Soinseáil 0.00
Change/Soinseáil

Issued By/
Eisithe ag: Ronan Forde
From/O: CASH OFFICE HQ
Vat reg No./Clárúimhir CBL: 3267368TH

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

Reference no. EC/100/25

Name and Address of Applicant: Rathkeale District Community and Men's Shed, Rathkeale AFC, Hollycross, Rathkeale, Co. Limerick

Agent: C/O Neilly Hogan, Ballingrane, Rathkeale Co. Limerick

Location: Hollycross, Rathkeale, Co. Limerick

Description of Site and Surroundings:

The subject site is located northeast of Rathkeale town behind a row of existing dwelling houses. On-site, there is an existing clubhouse and small viewing stand in front of two pitches along the eastern portion of the site.

Zoning:

The application site is zoned 'Open Space and Recreation'

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:

- Installation of 20 no. pv panels.

This Section 5 declaration includes the following:

- Site location map
- Site layout plan
- Elevations

Planning History:

25/50 – Permission granted for the erection of a new viewing stand between the two existing pitches, 2 no. new dugouts and the erection of 6m high, ball stop nets at the North end of the playing pitches and all associated site works.

25/18 – Incomplete Application - the erection of a new viewing stand between the two existing pitches, 2 no. new dugouts and the erection of 6m high, ball stop nets at the North end of the playing pitches and all associated site works.

24/67 – Rathkeale Men's Shed - Permission granted for a new workshop building and all associated site works.

12/429 – Rathkeale A.F.C - Withdrawn - the construction of four no. 18 metre high flood lighting columns complete with all associated lamp heads, cabling and ducting.

06/56 - Rathkeale A.F.C - Incomplete Application - construction of 16 no. dwellinghouses, site entrance and associated site works and services.

06/842 – Rathkeale A.F.C - Withdrawn - construction of 15 no. dwellinghouses, site entrance and associated site works and services.

02/19 – Rathkeale A.F.C - Permission granted for Construction of a building containing a sports hall with dressing rooms and a club house, also two allweather pitches, car parking and ancillary works.

97/1220 – Rathkeale A.F.C - Permission for Retention of stand, dressing rooms and construction of toilets & storage shed to rear of stand, new entrance gates, boundary walls and post & rail fences and new floodlights on Pitch 3 at Holycross, Rathkeale.

Enforcement History

None

An Bord Pleanála Case files

N/A

Assessment

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

Is the proposal development?

Section 2(1) in this Act, except where otherwise requires –

‘works’ includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal.

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

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

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

The proposed development on site, comprising the installation of 20 no. solar PV panels on the roof of an existing structure constitutes ‘works’ and ‘development’.

Is the proposal exempted development?

The proposal will be assessed against Class 61 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended.

Class 61 The placing or erection on a roof, or within the curtilage, or on a roof of any ancillary buildings within the curtilage, of the following buildings or sites of a solar photo-voltaic and/or solar thermal collector installation:

(i) an educational building, (ii) health centre or hospital, (iii) recreational or sports facility, (iv) place of worship, (v) community facility or centre, (vi) library, (vii) sites for the provision of gas, electricity, telecommunications services or water supplies or wastewater services operated by a statutory undertaker.

1. *Where such development is located within a solar safeguarding zone, the total aperture area of any solar photovoltaic and/or solar thermal collector panels, taken together with any other such panels previously placed on a roof, shall not exceed 300 square metres.*

The subject site is not located within a solar safeguarding zone.

2. *Where such development is located within a solar safeguarding zone, the planning authority for the area shall be notified in writing no later than 4 weeks after the commencement of such development and such notification shall include details regarding the location and scale of the development.*

The subject site is not located within a solar safeguarding zone.

3. *The distance between the plane of the roof and the solar photo-voltaic or solar thermal collector panels shall not exceed 1.2 metres in the case of a flat roof or 15cm in any other case.*

Detailed dimensions of the proposal have not been submitted. FI required.

4. *The solar photo-voltaic or solar thermal collector panels shall be a minimum of 2 metres in the case of a flat roof or 50cm in any other case from the edge of the roof on which it is mounted.*

Detailed dimensions of the proposals have not been submitted. FI required.

5. *Development shall not be exempted development where the highest part of the solar photo-voltaic or solar thermal collector installation exceeds the highest part of any roof that is not a flat roof (excluding any chimney).*

Detailed dimensions of the proposals have not been submitted. FI required.

6. *Any ancillary equipment associated with solar photo-voltaic or solar thermal collector panels shall not be placed or erected on a wall or any roof that is not a flat roof.*

No details of ancillary equipment have been provided. FI required.

7. *The height of any ancillary equipment associated with solar photo-voltaic or solar thermal collector panels on a flat roof shall not exceed 1.6 metres above roof level.*

N/A. Proposed solar panels to be installed on a pitched roof.

8. *Any ancillary equipment associated with solar photo-voltaic or solar thermal collector panels on a flat roof shall be a minimum of 2 metres from the edge of the roof on which it is mounted.*

N/A. Proposed solar panels to be installed on a pitched roof.

9. *Any free-standing solar photo-voltaic or solar thermal collector installation shall not be placed or erected forward of the front wall of the business premises or light industrial building.*

N/A. Roof mounted solar panels proposed.

10. *The total aperture area of any freestanding solar photo-voltaic and solar thermal collector panels taken together with any other such existing freestanding panels shall not exceed 75 square metres.*

N/A

11. *The height of any free-standing solar photo-voltaic or solar thermal collector installation shall not exceed 2.5 metres at its highest point above ground level.*

N/A

12. *The placing or erection of a solar photovoltaic or solar thermal collector installation on any wall shall not be exempted development.*

N/A. Roof mounted solar panels proposed.

13. *The placing or erection of any freestanding solar photo-voltaic or solar thermal collector installation within an Architectural Conservation Area shall only be exempted development if those works would not materially affect the character of the area.*

N/A. Roof mounted solar panels proposed. Application is not located within an ACA.

14. *No sign, advertisement or object not required for the functioning or safety of the solar photo-voltaic or solar thermal collector installation shall be attached to or exhibited on such installation.*

No signage proposed to be erected as part of installation.

15. *Development under this Class shall only be exempted development where the solar photo-voltaic or solar thermal collector installation is primarily used for the provision of electricity or heating for use within the curtilage of the business premises or light industrial building, and shall not be considered a change of use for the purposes of the Act.*

N/A. Proposed solar panels and battery is for the provision of electricity/heating.

16. *Development under this Class which causes hazardous glint and/or glare shall not be exempted development and any solar photo-voltaic or solar thermal collector panels which are causing hazardous glint and/or glare shall either be removed or be covered until such time as a mitigation plan to address the hazardous glint and/or glare is agreed and implemented to the satisfaction of the Planning Authority.*

Noted.

As detailed drawings have not been submitted of the proposed solar array it is difficult to determine whether or not the proposal would comply with Class 61 of the Planning and Development Regulations, specifically limitations 3,4, 5 & 6. Further information is required in order to make a determination.

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 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.

Recommendation

I recommend Further Information be sought for the following:

1. Please submit dimensioned drawings of the proposed roof-mounted solar panels and battery storage unit. The drawings should include the following dimensions:
 - The distance between the plane of the roof and the solar panels.
 - The distance between the solar panels and the roof edge (50cm min. required).
 - Include details of any ancillary battery storage unit.

In relation to the above, the applicant should note the conditions and limitations of Class 61 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended.



Eithne O'Brien
Assistant Planner

Date: 16/05/2025


Agreed:

Jennifer Collins, A/SEP

Date: 19/05/2025

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-100-25
b. Brief description of the project or plan:	A Section 5 declaration on whether the installation of PV solar panels on the roof plane of an existing structure is or is not development that is exempted development.
c. Brief description of site characteristics:	The subject site is located North east of Rathkeale town behind a row of existing dwelling houses. On-site there is an existing clubhouse and small viewing stand in front of two pitches and two additional smaller playing pitches to the south of the site.
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
002279 – Askeaton Fen Complex SAC	Askeaton Fen Complex SAC National Parks & Wildlife Service	3.7km	None. No direct encroachment or hydrological connection.	N
004077 – River Shannon and River Fergus Estuaries SPA	River Shannon and River Fergus Estuaries SPA National Parks & Wildlife Service	9km	None. No direct encroachment or hydrological connection.	N
002165 – Lower River Shannon SAC	Lower River Shannon SAC National Parks & Wildlife Service	10km	None. No direct encroachment or hydrological connection.	N

STEP 3: Assessment of Likely Significant Effects

a. Identify all potential direct and indirect impacts that may have an effect on the conservation objectives of a European site, taking into account the size and scale of the project under the following headings:

Impacts:	Possible Significance of Impacts: (duration/Magnitude etc)
Construction phase e.g. <ul style="list-style-type: none"> Vegetation clearance Demolition Surface water runoff from soil excavation/infill/landscaping (including borrow pits) Dust, noise, vibration Lighting disturbance Impact on groundwater/dewatering Storage of excavated/construction materials Access to site Pests 	None. No direct encroachment or hydrological connection.
Operation phase e.g. <ul style="list-style-type: none"> Direct emission to air and water Surface water runoff containing contaminant or sediment Lighting disturbance Noise/vibration Changes to water/groundwater due to drainage or abstraction Presence of people, vehicles and activities Physical presence of structures (e.g collision risk) Potential for accidents or incidents 	None. No direct encroachment or hydrological connection.
In-combination/Other	N/A given the level of development proposed and the level of development in the area, primarily extensions/renovations to existing dwellings.
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 	The application site is not located adjacent or within a European site, therefore there is no risk of habitat loss or fragmentation or any effects on QI species directly or ex-situ.

<ul style="list-style-type: none"> • Interference with the key relationships that define the structure or ecological function of the site 	
<p>c. (Are 'mitigation' measures necessary to reach a conclusion that likely significant effects can be ruled out at screening?)</p>	
<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

No effects identified.

Conclusion:

The application site is not located adjacent or within a European site, therefore there is no risk of habitat loss or fragmentation or any effects on QI species directly or ex-situ. An appropriate assessment is not required.

	Tick as appropriate:	Recommendation:
It is clear that there is no likelihood of significant effects on a European Site	<input checked="" type="checkbox"/>	<p>The proposal can be screened out: Appropriate Assessment not required.</p>
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
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/> <p>Eithne O'Brien, Assistant Planner 16/05/2025</p>	
Signature and Date of the Decision Maker:		

Jennifer Collins, A/Senior Executive Planner
19/05/2025

Appendix 2 - EIA Screening

Establishing if the proposal is a 'sub-threshold development':		
Planning Register Reference:	EC/100/25	
Development Summary:	A section 5 application requesting a declaration on whether the installation of PV solar panels on the roof of an existing structure is or is not exempted development.	
Was a Screening Determination carried out under Section 176A-C?	<input type="checkbox"/> Yes. no further action required <input checked="" type="checkbox"/> No. Proceed to 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 16/05/2025
Signature and Date of the Decision Maker:	 Jennifer Collins, A/SEP 19/04/2025

Appendix 3: Site photographs





Comhairle Cathrach
& Contae Luimních
Limerick City
& County Council

Pleanáil, agus Cruthú Áite
Comhairle Cathrach agus Contae Luimních
Bothar Thuar an Daill
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V94 WV78

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

PLANNING & PLACE-MAKING

REG POST:

EC/100/25/JC/KC

22 May 2025

Rathkeale District Community & Men's Shed
C/O Neilly Hogan,
Ballingrane,
Rathkeale
Co. Limerick

RE: Declaration under Section 5

Dear Sir/Madam,

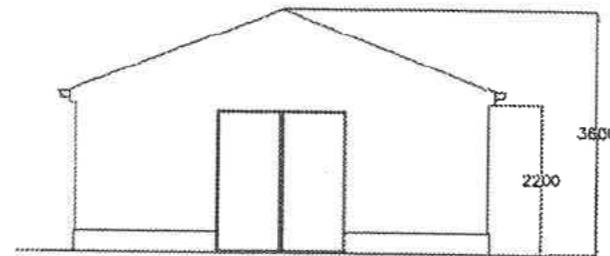
I refer to the above Section 5 Application you are hereby requested to submit following further information:

1. Please submit dimensioned drawings of the proposed roof-mounted solar panels and battery storage unit. The drawings should include the following dimensions:
 - The distance between the plane of the roof and the solar panels.
 - The distance between the solar panels and the roof edge (50cm min. required).
 - Include details of any ancillary battery storage unit.

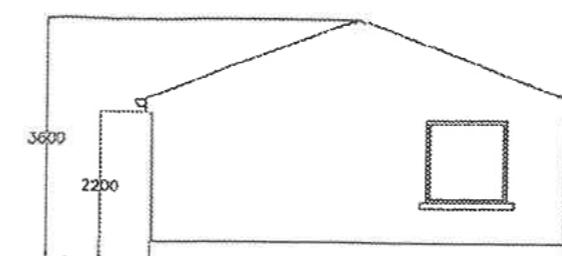
Your application will not be further processed until confirmation of the above is received. A complete response should be submitted.

I hereby give you notice that the statutory period of three weeks during which the Planning Authority is required to give a decision will date from the receipt of a satisfactory response to the notice seeking further information.

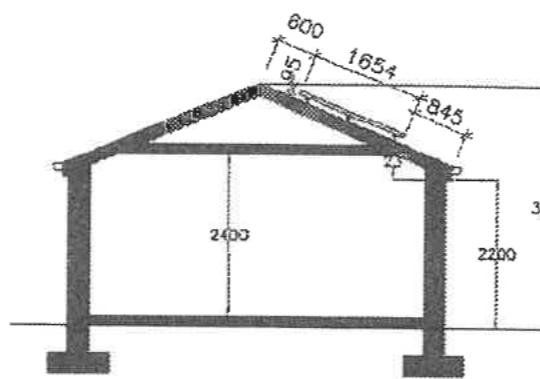
Limerick City & County
Council
16 JUN 2025
Planning



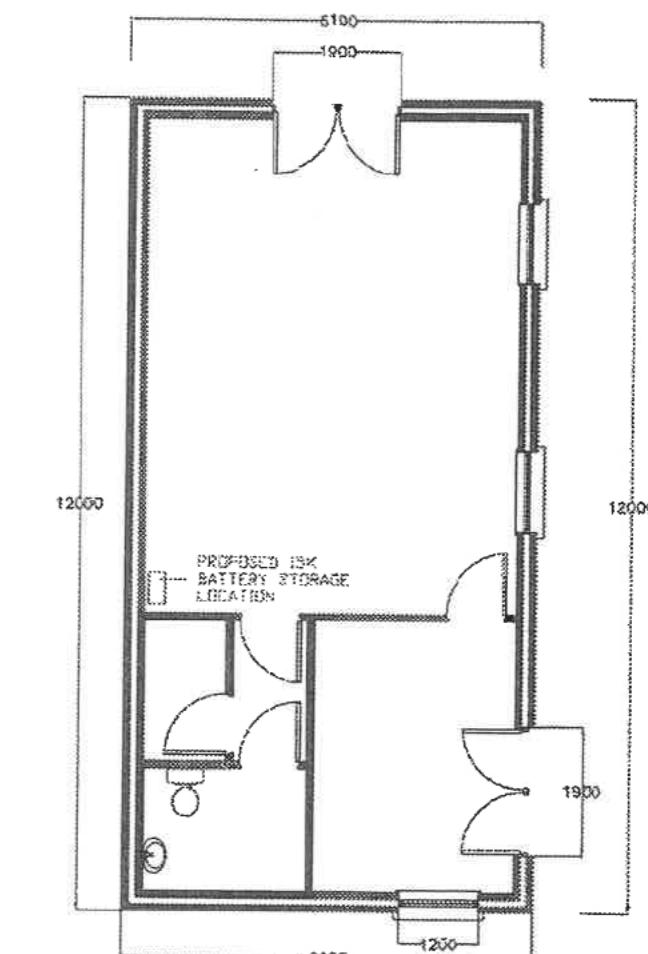
FRONT ELEVATION
Scale 1:100



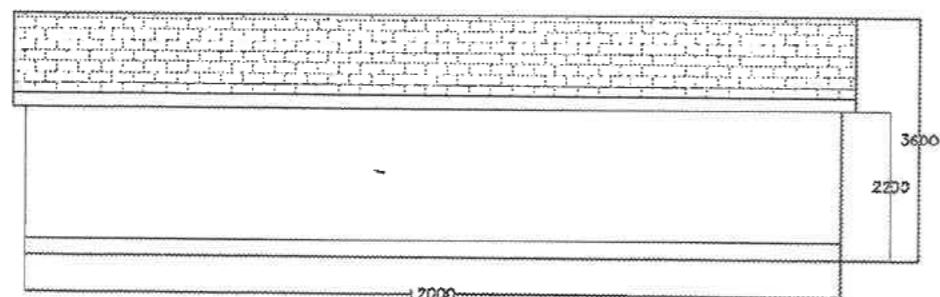
REAR ELEVATION
Scale 1:100



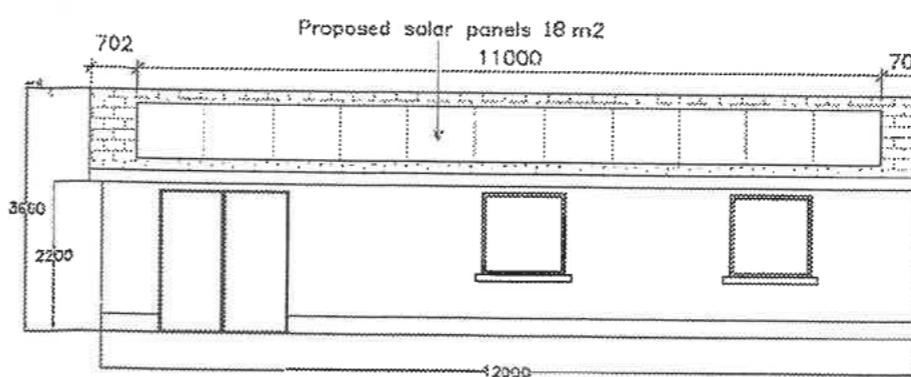
SECTION
Scale 1:100



FLOOR PLAN
Scale 1:100



SIDE ELEVATION
Scale 1:100



SIDE ELEVATION
Scale 1:100



DRAWINGS FOR PLANNING		Scale: A3 @ 1:100 A1 @ 1:50
Client:	Rathkeale Men's Shed	Date: 22/02/2024
Job:	PROPOSED WORKSHOP	Drawn: M.MESKELL
Drawing:	PROPOSED BUILDING	Stage: PLANNING
DRAWING PREPARED BY		M.MESKELL

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

Reference no. EC/100/25

Name and Address of Applicant: Rathkeale District Community and Men's Shed, Rathkeale AFC, Hollycross, Rathkeale, Co. Limerick

Agent: C/O Neilly Hogan, Ballingrane, Rathkeale Co. Limerick

Location: Hollycross, Rathkeale, Co. Limerick

Description of Site and Surroundings:

The subject site is located northeast of Rathkeale town behind a row of existing dwelling houses. On-site, there is an existing clubhouse and small viewing stand in front of two pitches along the eastern portion of the site.

Zoning:

The application site is zoned 'Open Space and Recreation'.

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:

- Installation of 20 no. pv panels.

The following has been submitted with the Section 5 application form:

- Site location map
- Site layout plan
- Elevations

Planning History:

25/50 – Permission granted for the erection of a new viewing stand between the two existing pitches, 2 no. new dugouts and the erection of 6m high, ball stop nets at the North end of the playing pitches and all associated site works.

25/18 – Incomplete Application - the erection of a new viewing stand between the two existing pitches, 2 no. new dugouts and the erection of 6m high, ball stop nets at the North end of the playing pitches and all associated site works.

24/67 – Rathkeale Men's Shed - Permission granted for a new workshop building and all associated site works.

12/429 – Rathkeale A.F.C - Withdrawn - the construction of four no. 18 metre high flood lighting columns complete with all associated lamp heads, cabling and ducting.

06/56 - Rathkeale A.F.C - Incomplete Application - construction of 16 no. dwellinghouses, site entrance and associated site works and services.

06/842 – Rathkeale A.F.C - Withdrawn - construction of 15 no. dwellinghouses, site entrance and associated site works and services.

02/19 – Rathkeale A.F.C - Permission granted for Construction of a building containing a sports hall with dressing rooms and a club house, also two allweather pitches, car parking and ancillary works.

97/1220 – Rathkeale A.F.C - Permission for Retention of stand, dressing rooms and construction of toilets & storage shed to rear of stand, new entrance gates, boundary walls and post & rail fences and new floodlights on Pitch 3 at Holycross, Rathkeale.

Enforcement History

None

An Bord Pleanála Case files

N/A

Assessment

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

Is the proposal development?

Section 2(1) in this Act, except where otherwise requires –

‘works’ includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal.

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

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

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

The proposed development on site, comprising the installation of 20 no. solar PV panels on the roof of an existing structure constitutes ‘works’ and ‘development’.

Is the proposal exempted development?

The proposal will be assessed against Class 61 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended.

Class 61 The placing or erection on a roof, or within the curtilage, or on a roof of any ancillary buildings within the curtilage, of the following buildings or sites of a solar photo-voltaic and/or solar thermal collector installation:

(i) an educational building, (ii) health centre or hospital, (iii) recreational or sports facility, (iv) place of worship, (v) community facility or centre, (vi) library, (vii) sites for the provision of gas, electricity, telecommunications services or water supplies or wastewater services operated by a statutory undertaker.

1. *Where such development is located within a solar safeguarding zone, the total aperture area of any solar photovoltaic and/or solar thermal collector panels, taken together with any other such panels previously placed on a roof, shall not exceed 300 square metres.*

The subject site is not located within a solar safeguarding zone.

2. *Where such development is located within a solar safeguarding zone, the planning authority for the area shall be notified in writing no later than 4 weeks after the commencement of such development and such notification shall include details regarding the location and scale of the development.*

The subject site is not located within a solar safeguarding zone.

3. *The distance between the plane of the roof and the solar photo-voltaic or solar thermal collector panels shall not exceed 1.2 metres in the case of a flat roof or 15cm in any other case.*

Following a request for further information dated 22nd May 2025, detailed drawings were submitted on 16th June 2025 showing the panels at a distance of c.10cm from the plane of the roof. The proposed development therefore complies with Class 61(3) of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended.

4. *The solar photo-voltaic or solar thermal collector panels shall be a minimum of 2 metres in the case of a flat roof or 50cm in any other case from the edge of the roof on which it is mounted.*

Following a request for further information dated 22nd May 2025, detailed drawings were received on 16th June 2025 showing the panels between c.0.7m and c.0.85m from the edge of the roof. The proposed development therefore complies with Class 61(4) of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended.

5. *Development shall not be exempted development where the highest part of the solar photo-voltaic or solar thermal collector installation exceeds the highest part of any roof that is not a flat roof (excluding any chimney).*

Following a request for further information dated 22nd May 2025, detailed drawings were received on 16th June 2025 showing the highest part of the panels do not exceed the highest part of the roof. The proposed development therefore complies with Class 61(5) of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended.

6. *Any ancillary equipment associated with solar photo-voltaic or solar thermal collector panels shall not be placed or erected on a wall or any roof that is not a flat roof.*

N/A. Following a request for further information dated 22nd May 2025, detailed drawings were received on 16th June 2025 and include no ancillary equipment.

7. *The height of any ancillary equipment associated with solar photo-voltaic or solar thermal collector panels on a flat roof shall not exceed 1.6 metres above roof level.*

N/A. Proposed solar panels to be installed on a pitched roof.

8. *Any ancillary equipment associated with solar photo-voltaic or solar thermal collector panels on a flat roof shall be a minimum of 2 metres from the edge of the roof on which it is mounted.*

N/A. Proposed solar panels to be installed on a pitched roof.

9. *Any free-standing solar photo-voltaic or solar thermal collector installation shall not be placed or erected forward of the front wall of the business premises or light industrial building.*

N/A. Roof mounted solar panels proposed.

10. *The total aperture area of any freestanding solar photo-voltaic and solar thermal collector panels taken together with any other such existing freestanding panels shall not exceed 75 square metres.*

N/A

11. *The height of any free-standing solar photo-voltaic or solar thermal collector installation shall not exceed 2.5 metres at its highest point above ground level.*

N/A

12. *The placing or erection of a solar photovoltaic or solar thermal collector installation on any wall shall not be exempted development.*

N/A. Roof mounted solar panels proposed.

13. *The placing or erection of any freestanding solar photo-voltaic or solar thermal collector installation within an Architectural Conservation Area shall only be exempted development if those works would not materially affect the character of the area.*

N/A. Roof mounted solar panels proposed. Application is not located within an ACA.

14. *No sign, advertisement or object not required for the functioning or safety of the solar photo-voltaic or solar thermal collector installation shall be attached to or exhibited on such installation.*

No signage proposed to be erected as part of installation.

15. *Development under this Class shall only be exempted development where the solar photo-voltaic or solar thermal collector installation is primarily used for the provision of electricity or heating for use within the curtilage of the business premises or light industrial building, and shall not be considered a change of use for the purposes of the Act.*

N/A. Proposed solar panels and battery is for the provision of electricity/heating.

16. *Development under this Class which causes hazardous glint and/or glare shall not be exempted development and any solar photo-voltaic or solar thermal collector panels which are causing hazardous glint and/or glare shall either be removed or be covered until such time as a mitigation plan to address the hazardous glint and/or glare is agreed and implemented to the satisfaction of the Planning Authority.*

Noted.

Article 9 Restrictions

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

Appropriate Assessment

An AA Screening examination has been undertaken (see Appendix 1). Overall it is considered that the development as proposed should not exercise a significant effect on the conservation status of any SAC or SPA as there are no source-pathway-receptors and the site does not directly encroach on any Natura 2000 European Sites. Therefore, an Appropriate Assessment is not required in this instance.

Environmental Impact Assessment

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

Recommendation

The information detailed on the application and the further information received is considered to be within the scope of Class 61 of Part 1 of Schedule 2 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 61 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 28th April 2025 and further information submitted 16th June 2025.

It is therefore considered that the said works are development and exempted development under Class 61 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended).



Eithne O'Brien A/Planner
Date: 25/06/2025

Agreed



Jennifer Collins, A/Senior Executive Planner
Date: 25/06/2025

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-100-25
b. Brief description of the project or plan:	A Section 5 declaration on whether the installation of PV solar panels on the roof plane of an existing structure is or is not development that is exempted development.
c. Brief description of site characteristics:	The subject site is located North east of Rathkeale town behind a row of existing dwelling houses. On-site there is an existing clubhouse and small viewing stand in front of two pitches and two additional smaller playing pitches to the south of the site.
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
002279 – Askeaton Fen Complex SAC	Askeaton Fen Complex SAC National Parks & Wildlife Service	3.7km	None. No direct encroachment or hydrological connection.	N
004077 – River Shannon and River Fergus Estuaries SPA	River Shannon and River Fergus Estuaries SPA National Parks & Wildlife Service	9km	None. No direct encroachment or hydrological connection.	N
002165 – Lower River Shannon SAC	Lower River Shannon SAC National Parks & Wildlife Service	10km	None. No direct encroachment or hydrological connection.	N

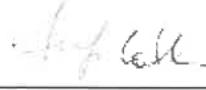
STEP 3: Assessment of Likely Significant Effects	
i. Identify all potential direct and indirect impacts that may have an effect on the conservation objectives of a European site, taking into account the size and scale of the project under the following headings:	
Impacts:	Possible Significance of Impacts: (duration/Magnitude etc)
Construction phase e.g. <ul style="list-style-type: none"> Vegetation clearance Demolition Surface water runoff from soil excavation/infill/landscaping (including borrow pits) Dust, noise, vibration Lighting disturbance Impact on groundwater/dewatering Storage of excavated/construction materials Access to site Pests 	None. No direct encroachment or hydrological connection.
Operation phase e.g. <ul style="list-style-type: none"> Direct emission to air and water Surface water runoff containing contaminant or sediment Lighting disturbance Noise/vibration Changes to water/groundwater due to drainage or abstraction Presence of people, vehicles and activities Physical presence of structures (e.g collision risk) Potential for accidents or incidents 	None. No direct encroachment or hydrological connection.
In-combination/Other	N/A given the level of development proposed and the level of development in the area, primarily extensions/renovations to existing dwellings.
j. 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) 	The application site is not located adjacent or within a European site, therefore there is no risk of habitat loss or fragmentation or any effects on QI species directly or ex-situ.

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

STEP 4: Screening Determination Statement		
<p>The assessment of significance of effects: Describe how the proposed development (alone or in-combination is/is not likely to have significant effects on European site (s) in view of its conservation objectives</p>		
No effects identified.		
<p>Conclusion: The application site is not located adjacent or within a European site, therefore there is no risk of habitat loss or fragmentation or any effects on QI species directly or ex-situ. An appropriate assessment is not required.</p>		
	Tick as appropriate:	Recommendation:
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.
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
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 25/06/2025	
Signature and Date of the Decision Maker:	 Jennifer Collins, A/Senior Executive Planner 25/06/2025	

Appendix 2 - EIA Screening

Establishing if the proposal is a 'sub-threshold development':		
Planning Register Reference:	EC/100/25	
Development Summary:	A section 5 application requesting a declaration on whether the installation of PV solar panels on the roof of an existing structure is or is not exempted development.	
Was a Screening Determination carried out under Section 176A-C?	<input type="checkbox"/> Yes. no further action required <input checked="" type="checkbox"/> No. Proceed to 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 25/06/2025	

Signature and Date of the Decision Maker:	
	Jennifer Collins, A/Senior Executive Planner 25/06/2025

Appendix 3: Site photographs





Comhairle Cathrach
& Contae Luimnígh
Limerick City
& County Council

Pleanáil, agus Cruthú Áite
Comhairle Cathrach agus Contae Luimnígh
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:

**Rathkeale District Community and Men's Shed,
c/o Neilly Hogan,
Ballingrane,
Rathkeale,
Co. Limerick**

EC/100/25

08 July 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/2025/705

File Ref No. EC/100/25

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

RE: **An installation of 20 no. pv panels at Holycross, Rathkeale, Co. 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 Eithne O'Brien, Assistant Planner dated 25/06/2025, hereby order that a Declaration under Section 5 of the Planning and Development Act 2000 (as amended) be issued to Rathkeale District Community and Men's Shed, c/o Neilly Hogan, Ballingrane, Rathkeale, Co. Limerick to state that the works as described above is

Development and is Exempt Development.

Signed

B. Henn

SENIOR EXECUTIVE PLANNER, PLANNING & PLACE-MAKING

Date

08/07/2025

Certified to be a true copy of Approved Officer's Order, Planning & Development Order No. AOO/DC/2025/705 dated 08/07/2025, 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/100/25

Name and Address of Applicant: Rathkeale District Community and Men's Shed, Rathkeale AFC, Hollycross, Rathkeale, Co. Limerick

Agent: Neilly Hogan, Ballingrane, Rathkeale Co. Limerick

Whether the installation of 20 no. pv panels at Holycross, Rathkeale, 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 28th of April 2025 and further information submitted 16th June 2025.

AND WHEREAS the Planning Authority has concluded that the installation of 20 no. pv panels at Holycross, Rathkeale, Co. Limerick DOES come within the scope of exempted development under Class 61 of Part 1 of Schedule 2 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 _____

Neilly Hogan
Date: 8/4/25

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