



LIMERICK CITY & COUNTY COUNCIL

PLANNING AND ENVIRONMENTAL SERVICES

SECTION 5 APPLICATION

**DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT**

Applicant's Name: Knockadea N.S.

Applicant's Address: Knockadea, Ballylanders,  
Co. Limerick.  
V35 DW73

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

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

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

Address for Correspondence:

Knockadea N.S., Knockadea, Ballylanders,  
Co. Limerick. V35 DW73

*planning@limerick.ie.*

Location of Proposed development:

Use of School building by a 3rd Party to provide before, after and pre-school care and education.

Description of Proposed development:

No changes to buildings, this application refers to a change of use and the impact on fire certification and planning permission.

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

YES/NO

Applicant's interest in site:

Principal

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

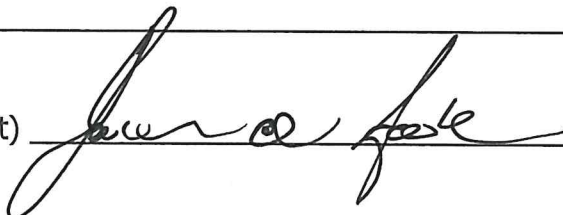
- ~ Land Registry map
- ~ Site layout map
- ~ Previous Section 5 (EC/068/24)
- ~ Payment Confirmation

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

If Yes please provide floor areas of all existing structures:

2021 x 2 16 Sq mtr rooms (office & SET)  
& entrance hallway.

Signature of Applicant (or Agent)



**NOTES:** Application must be accompanied by:

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

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Application to be forwarded to:

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

\*\*\*\*\*

**OFFICE USE ONLY**

Ref. No. \_\_\_\_\_ Date Received \_\_\_\_\_

Fee Received \_\_\_\_\_ Date Due \_\_\_\_\_

\*\*\*\*\*

JACK OTOOLE

Shanbally  
Rearcross  
V94 HD0F  
Newport  
Co. Tipperary



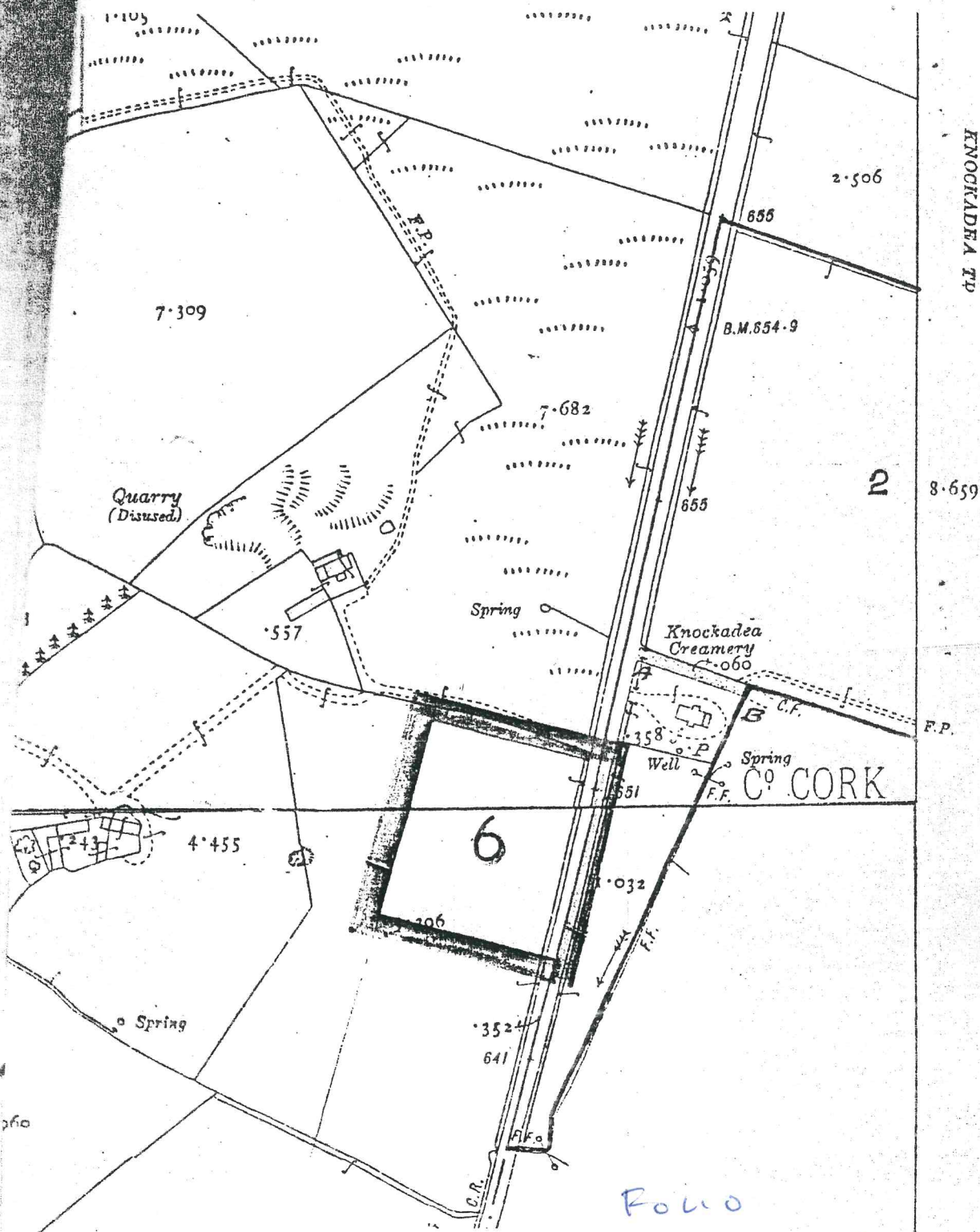
Transaction

Start date	Description	Money out	Money in
2 Sep 2025	Limerick City and County Council <small>To: Cash Office Dooradoyle, Limerick Card: 416598*****6011</small>	€80.00	



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Get help directly in app  
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LAND REGISTRY

County LIMERICK Folio 24517 ... o.s. 57/6 & 10

This map should be read in conjunction with the folio

Folio  
LK 24517





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

**Reference no.** EC-180-25

**Name and Address of Applicant:** Knockadea NS  
Knockadea,  
Ballylanders,  
Co. Limerick  
V35DW73

**Agent:** N/A

**Location:** Knockadea NS  
Knockadea,  
Ballylanders,  
Co. Limerick  
V35DW73

**Description of Site and Surroundings:**

The site is located in the townland of Knockadea which is to the south of Ballylanders. There is a primary on school on site with ancillary prefabricated classrooms. The site is accessed off the L-1529.

**Zoning:**

N/A

**Proposal:**

This is an application requesting a Section 5 Declaration on whether the following works are or are not development or are or not exempted development:

- Use of school building to provide before, after and pre-school care and education.

This Section 5 declaration includes the following:

- Application Form
- Site location map
- Site layout plan

**Planning History:**

Pl. Ref 17255 – Permission granted to Board of Knockadea to construct an extension to the front of the existing school comprising of a new main Entrance and Lobby, Administration/Reception area, Library/Resource room & all associated site works

Pl. Ref 92438 – Permission granted for the erection of single prefabricated classroom with toilets at Knockadea National School Knockadea

**Enforcement History**

None

**Relevant An Bord Pleanála referrals**

ABP-315234-22 – Question posed as to whether the change of use of Ballaghmore Old National School, to a childcare facility at Ballaghmore Old National School, Ballaghmore, Borris-in-Ossory, Portlaoise, County Laois is or is not development or is or is not exempted development.

ABP decision: constitutes development that is not exempted development.

ABP RL3443 – Question posed is Whether the use of a previous school building as an afterschool/ montessori facility (existing) is or is not development or is or is not exempted development at the Apres School Club, Adelaide and Lr. Eden Road, Glasthule, Co. Dublin  
ABP decision: Is not 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 application submitted states that there are no building works to be carried out at Knockadea National School. The only change is the defined use of the building which will now include the provision of before, after and pre-school education in the existing building and forms part of the existing school. As no works are required the question then is whether the proposal would be a material change of use as per Section 3(1) of the Planning and Development Act 2000 (as amended).

#### Is the proposal exempted development?

The application submitted states that there are no building works to be carried out at Knockadea National School. The only change is the defined use of the school building to provide before, after and pre-school education services. This will include:

- Morning/breakfast club is to be provided to allow children to a) have a soft landing to school in line with OT recommendations, b) provide opportunity to practice or complete homework activities as needed.
- Homework Club/After-school is to be provided to enable children to complete homework with staff in a supporting environment. There will also be the provision of a range of learning activities: STEM, Music, Art etc.
- The extension of hours from 9 - 12 to 9 - 2 daily for the pre-school provision is to enable young children to extend their learning across a longer period during the day.

There is no provision for exemption within any of the classes as set out in Part 4 of Schedule 2 of the Planning and Development Regulations 2001 for a change of use from a school building to an early years service. However, the Planning and Development Regulations 2001 as amended provides a definition of school as follows:

Part 2 Exempted Development of

*Interpretation for this Part. 5. (1) In this Part—*

*‘school’ has the meaning assigned to it by the Education Act 1998.*

#### ***Education Act 1998:***

***PART I Preliminary and General 1.—(1) This Act may be cited as the Education Act, 1998;***

***2.—(1) In this Act, except where the context otherwise requires—***



*'school' means an establishment which—*

1. (a) *provides primary education to its students and which may also provide early childhood education,*
1. (b) *provides post-primary education to its students and which may also provide courses in adult, continuing or vocational education or vocational training, but does not include a school or institution established in accordance with the Children Acts, 1908 to 1989, or a school or institution established or maintained by a health board in accordance with the Health Acts, 1947 to 1996, or the Child Care Act, 1991;*

The use of the school building for additional educational services is considered a change of use from the existing school use. However, the proposed use is not considered to be a material change of use having regard to the definition of a school contained in the Education Act 1998, the fact that there is an existing educational use on site that would remain and given the nature of the development proposed. It is not considered that there would be any significant changes to traffic given the hours of use proposed and the fact that there is an existing educational use on site, with an area for drop offs located at the front of the site. Therefore, given the characteristics of the site and site layout, the change of use, not being material, is not considered to be development.

The proposed change of use relates to continued education periods only, there is not any commercial elements to this proposal.

#### **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 necessary (See appendix 1 for AA Screening Form).

#### **Environmental Impact Assessment**

Based on a preliminary examination of the proposal there is no real likelihood of significant effects on the environment and EIA is not required.

#### **Conclusion/Recommendation**

The use of school building to provide before, after and pre-school care and education as detailed on the application and plans submitted is not considered to be development. The use of school building as detailed on the application and plans submitted is considered a change of use from the existing school use, however it is not considered a material change of use.

Regard has been had to –

- (a) Section 2, 3 and 4 of the Planning and Development Act 2000 (as amended)
- (b) The plans & particulars submitted with the application received on 15<sup>th</sup> of May 2024.

It is therefore considered that the said works are NOT development under Section 2, 3 and 4 of the Planning and Development Act 2000 (as amended).



John Wallace  
A/Executive Planner  
Date 02/09/2025

Agreed



Jennifer Collins,  
A/Senior Executive Planner  
Date: 02/09/2025

## Appendix 1- AA Screening examination

### AA PN01 Screening Form

<b>STEP 1: Description of the project/proposal and local site characteristics:</b>	
<b>a. File Reference No:</b>	EC/180/25
<b>b. Brief description of the project or plan:</b>	This is an application requesting a Section 5 Declaration on whether Use of school building to provide before, after and pre-school care and education.
<b>c. Brief description of site characteristics:</b>	The site is located in the townland of Knockadea which is to the south of Ballylanders. There is a primary on school on site with ancillary prefabricated classrooms. The site is accessed off the L-1529.
<b>d. Relevant prescribed bodies consulted:</b> <b>e.g. DHLGH (NPWS), EPA, OPW</b>	N/A
<b>e. Response to consultation:</b>	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 <sup>1</sup>	Distance from proposed development <sup>2</sup> (km)	Connections (Source-Pathway-Receptors)	Considered further in screening Y/N
000646 Galtee Mountains SAC	<a href="#">Galtee Mountains SAC   National Parks &amp; Wildlife Service (npws.ie)</a>	7.4km	No	N

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

<sup>2</sup> if the site or part thereof is within the European site or adjacent to the European site, state here

<b>STEP 3: Assessment of Likely Significant Effects</b>	
<b>a. Identify all potential direct and indirect impacts that may have an effect on the conservation objectives of a European site, taking into account the size and scale of the project under the following headings:</b>	
<b>Impacts:</b>	<b>Possible Significance of Impacts: (duration/Magnitude etc)</b>
<b>Construction phase e.g</b> <ul style="list-style-type: none"> <li>Vegetation clearance</li> <li>Demolition</li> </ul>	None. No construction works proposed. Change of use of existing building.

<ul style="list-style-type: none"> <li>• Surface water runoff from soil excavation/infill/landscaping (including borrow pits)</li> <li>• Dust, noise, vibration</li> <li>• Lighting disturbance</li> <li>• Impact on groundwater/dewatering</li> <li>• Storage of excavated/construction materials</li> <li>• Access to site</li> <li>• Pests</li> </ul>	
<b>Operation phase e.g.</b> <ul style="list-style-type: none"> <li>• Direct emission to air and water</li> <li>• Surface water runoff containing contaminant or sediment</li> <li>• Lighting disturbance</li> <li>• Noise/vibration</li> <li>• Changes to water/groundwater due to drainage or abstraction</li> <li>• Presence of people, vehicles and activities</li> <li>• Physical presence of structures (e.g collision risk)</li> <li>• Potential for accidents or incidents</li> </ul>	None. Existing educational use on site.
<b>In-combination/Other</b>	N/A given the level of development

<b>b. Describe any likely changes to the European site:</b>	
<b>Examples of the type of changes to give consideration to include:</b> <ul style="list-style-type: none"> <li>• Reduction or fragmentation of habitat area</li> <li>• Disturbance to QI species</li> <li>• Habitat or species fragmentation</li> <li>• Reduction or fragmentation in species density</li> <li>• Changes in key indicators of conservation status value (water or air quality etc)</li> <li>• Changes to areas of sensitivity or threats to QI</li> <li>• Interference with the key relationships that define the structure or ecological function of the site</li> </ul>	None. No construction works proposed. Change of use of existing building.

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



<b>STEP 4: Screening Determination Statement</b>
<b>The assessment of significance of effects:</b> 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 on file, which is considered adequate to undertake a screening determination and having regard to:

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



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

**Conclusion: AA Screening is not required.**

	Tick as appropriate:	Recommendation:
i. It is clear that there is no likelihood of significant effects on a European Site	<input checked="" type="checkbox"/>	The proposal can be screened out: Appropriate Assessment not required.
ii. It is uncertain whether the proposal will have a significant effect on a European Site	<input type="checkbox"/>	<input type="checkbox"/> Request further information to complete screening <input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
iii. Significant effects are likely	<input type="checkbox"/>	<input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
Signature and Date of Recommending Officer:	 <hr/> <b>John Wallace</b> <b>A/Executive Planner</b> <b>02/09/2025</b>	
Signature and Date of the Decision Maker:	 <hr/> <b>Jennifer Collins, Senior Executive Planner</b> <b>02/09/2025</b>	

## Appendix 2 – EIA Screening

Establishing if the proposal is a 'sub-threshold development':	
Planning Register Reference:	EC/180/25
Development Summary:	The site is located in the townland of Knockadea which is to the south of Ballylanders. There is a primary on school on site with ancillary prefabricated classrooms. The site is accessed off the L-1529.
Was a Screening Determination carried out under Section 176A-C?	<div style="text-align: center;"> <input type="checkbox"/>            Yes. no further action required         </div> <div style="text-align: center;"> <input checked="" type="checkbox"/> X            No. Proceed to <b>Part A</b> </div>
<b>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)?</b> (Tick as appropriate)	
<input type="checkbox"/> Yes. specify class: [insert here] _	<b>EIA is mandatory</b> No Screening required
<input checked="" type="checkbox"/> X No	Proceed to <b>Part B</b>
<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?</b> (Tick as appropriate)	
<input checked="" type="checkbox"/> X No. the development is not a project listed in Schedule 5, Part 2	<b>No Screening required</b>
<input type="checkbox"/> Yes the project is listed in Schedule 5, Part 2 and meets/exceeds the threshold, specify class (including threshold): [specify class & threshold here] _	<b>EIA is mandatory</b> No Screening required
<input type="checkbox"/> Yes the project is of a type listed <b>but</b> is <i>sub-threshold</i> : [insert here] _	Proceed to <b>Part C</b>
<b>C. If Yes, has Schedule 7A information/screening report been submitted?</b>	
<input type="checkbox"/> Yes, Schedule 7A information/screening report has been submitted by the applicant	<b>Screening Determination required</b>
<input type="checkbox"/> No, Schedule 7A information/screening report has not been submitted by the applicant	<b>Preliminary Examination required</b>

<b>Signature and Date of Recommending Officer:</b>		
	<hr/> <b>John Wallace</b> <b>A/Executive Planner</b> <b>02/09/2025</b>	
<b>Signature and Date of the Decision Maker:</b>		
	<hr/> <b>Jennifer Collins, A/Senior Executive Planner</b> <b>02/09/2025</b>	





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

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

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

## PLANNING & PLACE-MAKING

### REG POST:

**Knockadea NS  
Knockadea,  
Ballylanders,  
Co. Limerick**

**EC/180/25**

02 September 2025

**Re: Declaration under Section 5**

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Dear Sir/Madam,

I refer to the above application for Section 5 Declaration on Development and Exempted Development.

Please find herewith a copy of Council's decision on same.

Yours faithfully,

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

Tuar an Dail, Luimneach  
Dooradoyle, Limerick

[customerservices@limerick.ie](mailto:customerservices@limerick.ie)  
[www.limerick.ie](http://www.limerick.ie)  
[@LimerickCouncil](https://twitter.com/LimerickCouncil)  
061 - 556 000

**LIMERICK CITY & COUNTY COUNCIL**

**APPROVED OFFICER'S ORDER**

**SECTION 5 – DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT**

**No. AOO/DC/2025/964**

**File Ref No. EC/180/25**

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

**RE:** **A use of school building to provide before, after and pre-school care and education at Knockadea National School, Knockadea, Ballylanders, Co. Limerick.**

**ORDER:** Whereas by Director General's Order No. DG/2024/122 dated 27<sup>th</sup> November 2024, Dr. Pat Daly, Director General, Limerick City & County Council did, pursuant to the powers conferred on him by Section 154 of the Local Government Act, 2001, (as amended by the Local Government Reform Act, 2014 and the Local Government (Mayor of Limerick) and Miscellaneous Provisions Act, 2024), delegate unto Jennifer Collins, A/Senior Executive Planner the functions as defined in the Local Government Acts, 1925 to 2024.

Now therefore pursuant to the delegation of the functions aforesaid, I, Jennifer Collins, A/Senior Executive Planner, having considered the report and recommendation of John Wallace, A/Executive Planner dated 02/09/2025, hereby order that a Declaration under Section 5 of the Planning and Development Act 2000 (as amended) be issued to Knockadea NS, Knockadea, Ballylanders, Co. Limerick to state that the works as described above is


**NOT Development.**

Signed

  
A/SENIOR EXECUTIVE PLANNER, PLANNING & PLACE-MAKING

Date



Certified to be a true copy of Approved Officer's Order, Planning & Development Order No. AOO/DC/2025/964 dated , pursuant to Section 151(7) of the Local Government Act 2001

Signed:

  
A/SENIOR EXECUTIVE PLANNER, PLANNING & PLACE-MAKING





Comhairle Cathrach  
& Contae Luimnigh

Limerick City  
& County Council

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

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

## **SECTION 5 – DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT**

**DECLARATION NO.**

**EC/180/25**

**Name and Address of Applicant:** Knockadea National School, Knockadea, Ballylanders, Co. Limerick.

**Agent:** N/A

**Whether** the use of school building to provide before, after and pre-school care and education at Knockadea National School, Knockadea, Ballylanders, 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 02<sup>nd</sup> of September 2025.

**AND WHEREAS** the Planning Authority has concluded that use of school building to provide before, after and pre-school care and education at Knockadea National School, Knockadea, Ballylanders, Co. Limerick **NOT Development** come within the scope of exempted development under Section 2, 3 and 4 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

Date:

2.9.2025

**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.