



## LIMERICK CITY & COUNTY COUNCIL

### PLANNING AND ENVIRONMENTAL SERVICES

#### SECTION 5 APPLICATION

#### **DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT**

Applicant's Name: \_\_\_\_\_

Applicant's Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Telephone: \_\_\_\_\_

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

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

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

Address for Correspondence:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Location of Proposed development:

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Description of Proposed development:

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Is this a Protected Structure or within the curtilage of a Protected Structure.  
YES/NO

Applicant's interest in site: \_\_\_\_\_

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

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

If Yes please provide floor areas of all existing structures:

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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.

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**OFFICE USE ONLY**

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

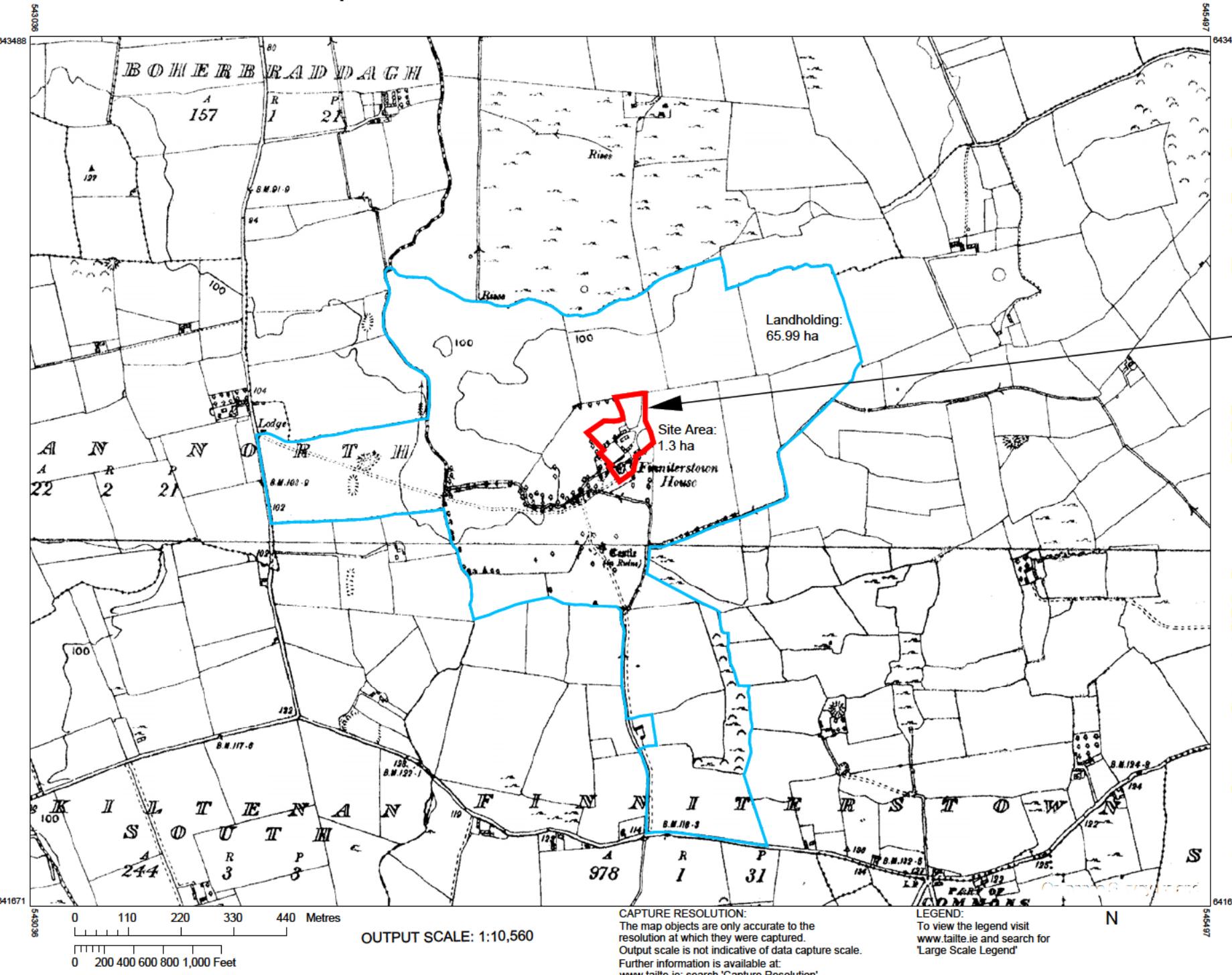
Fee Received \_\_\_\_\_ Date Due \_\_\_\_\_

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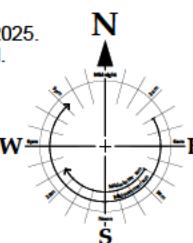
# Site Location Map



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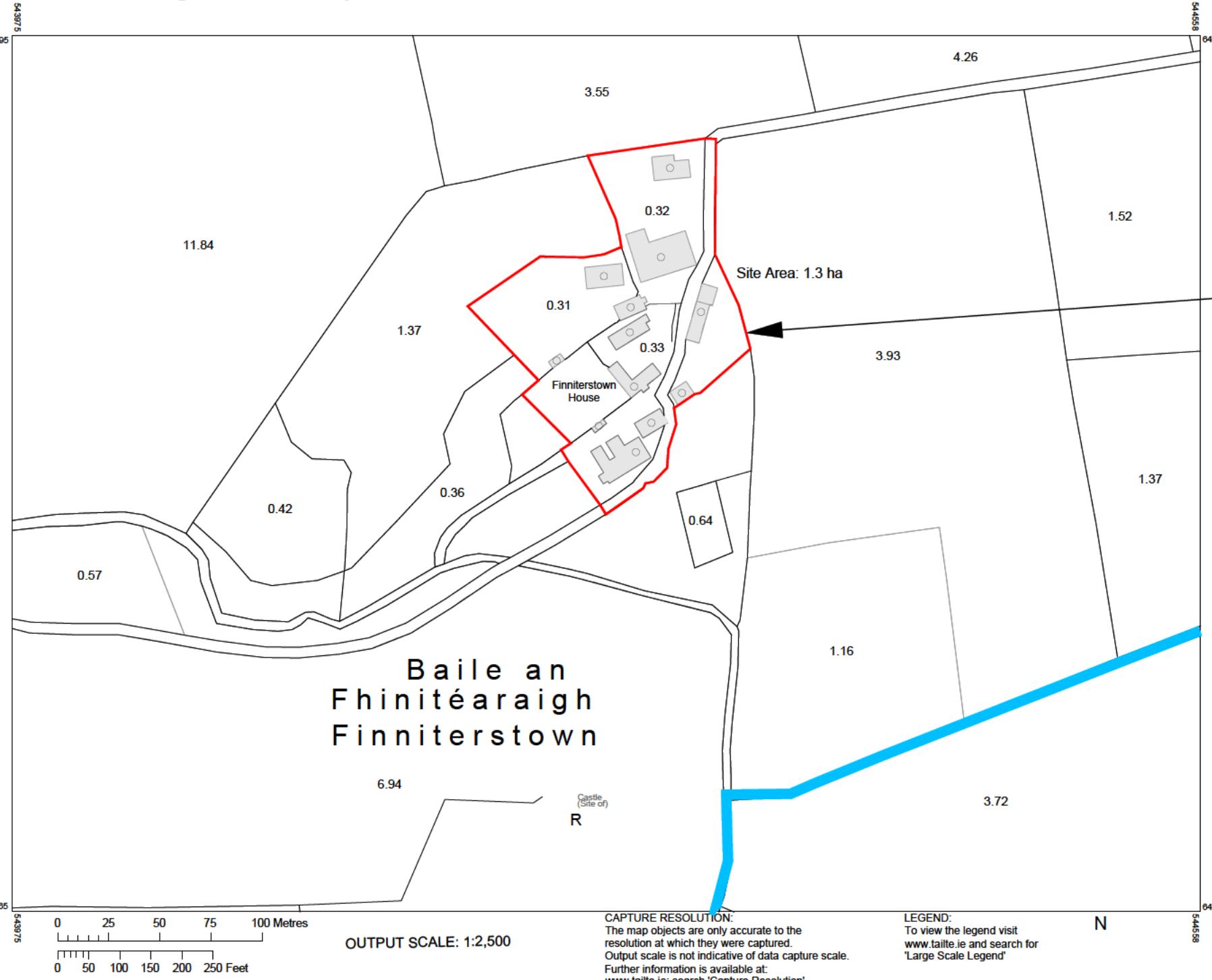
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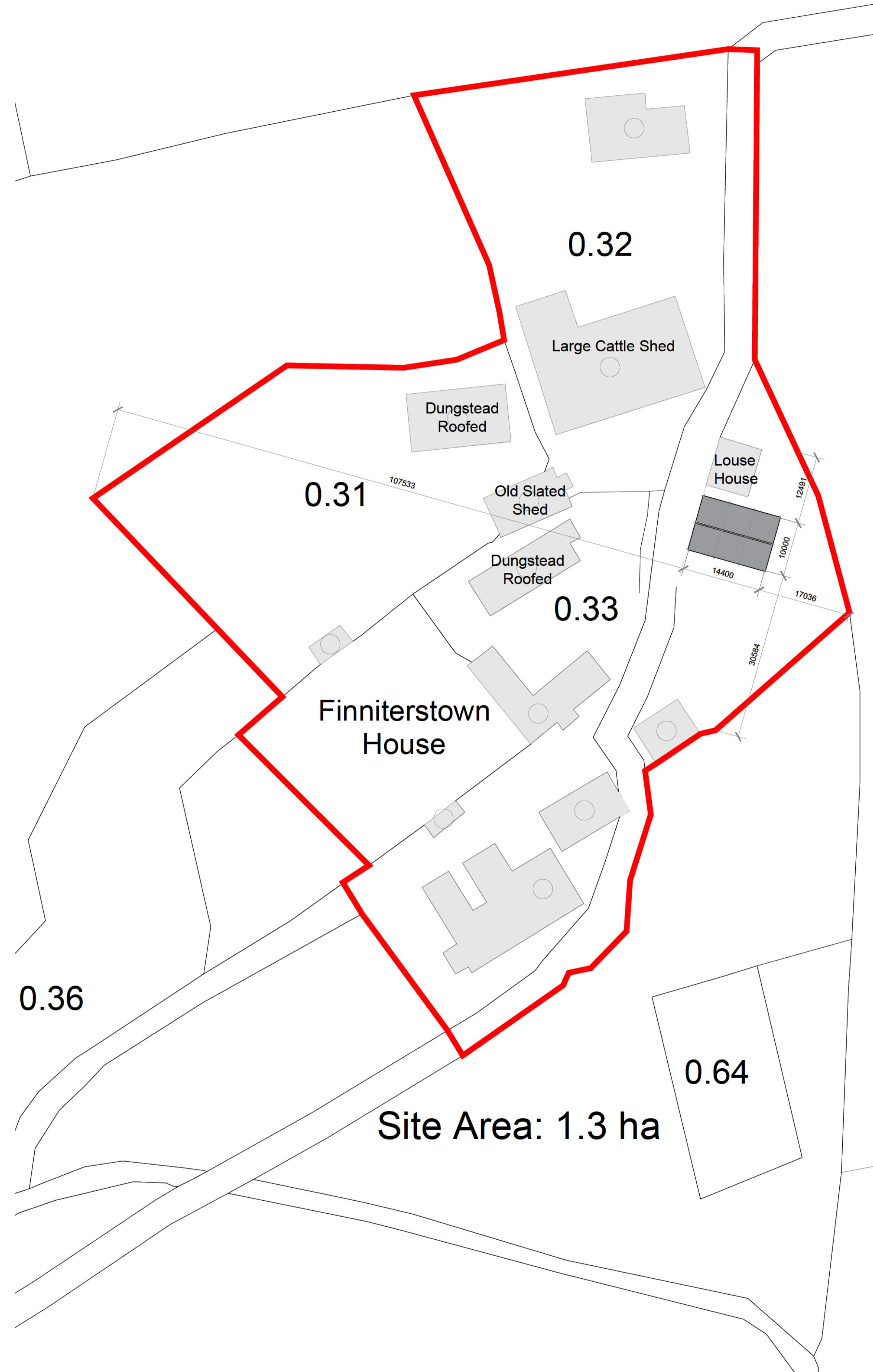
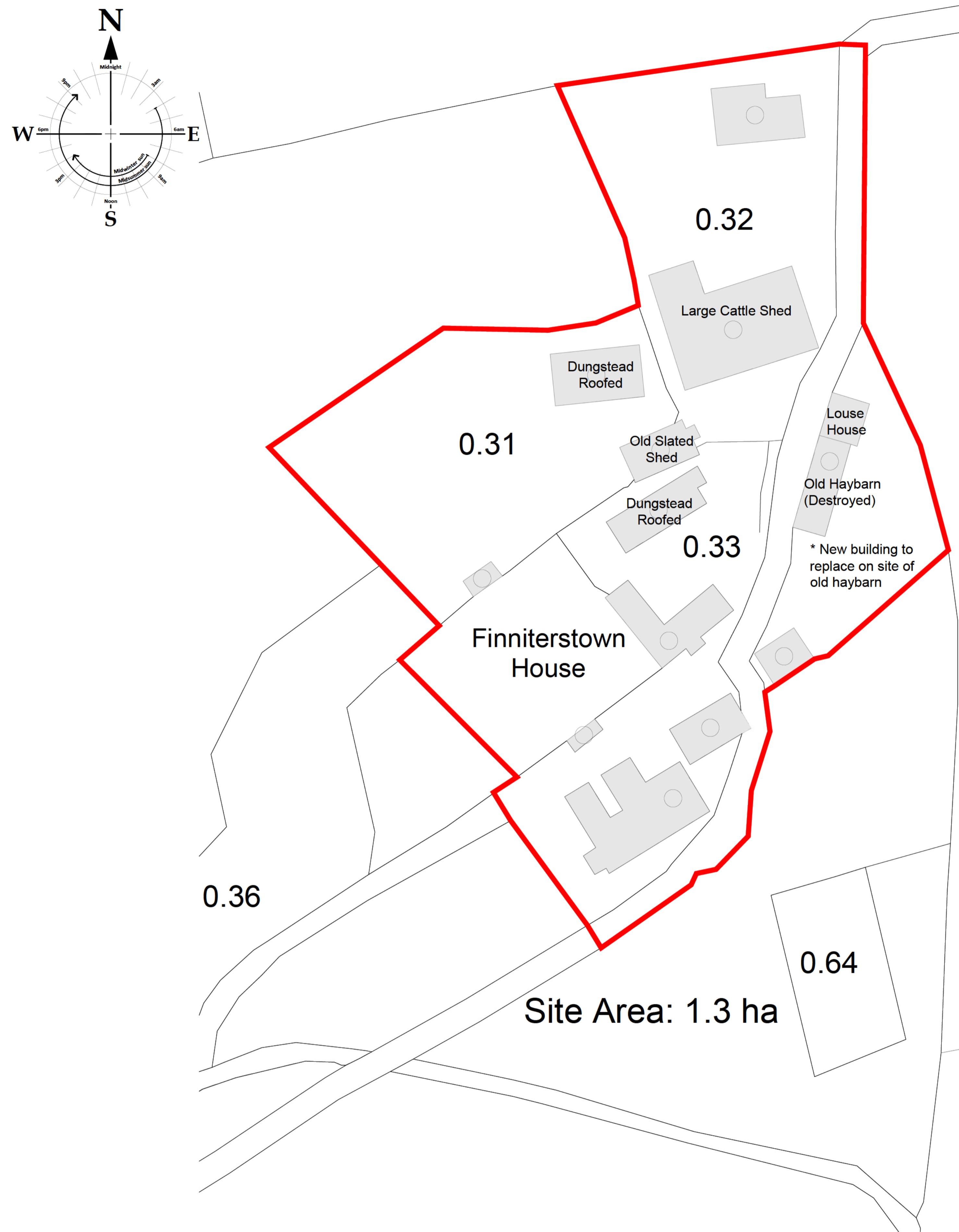


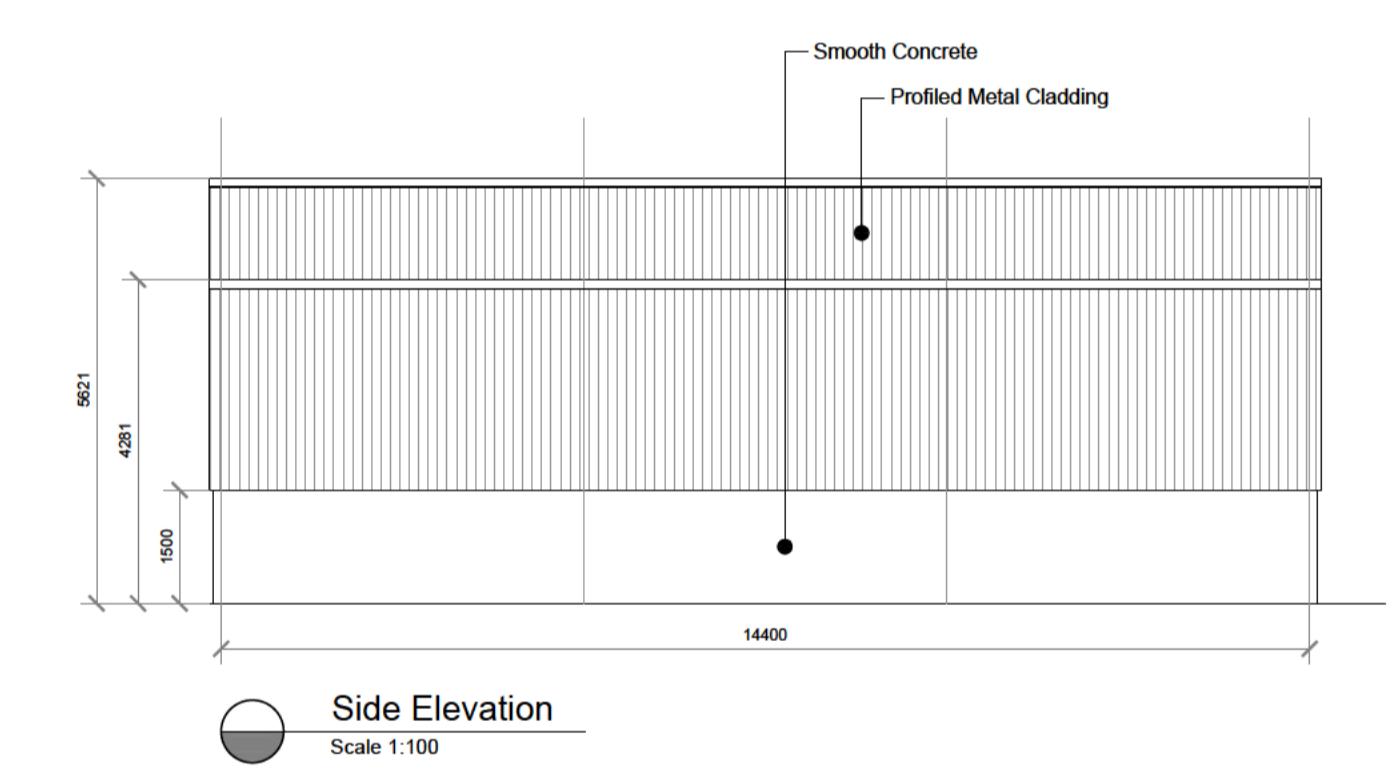
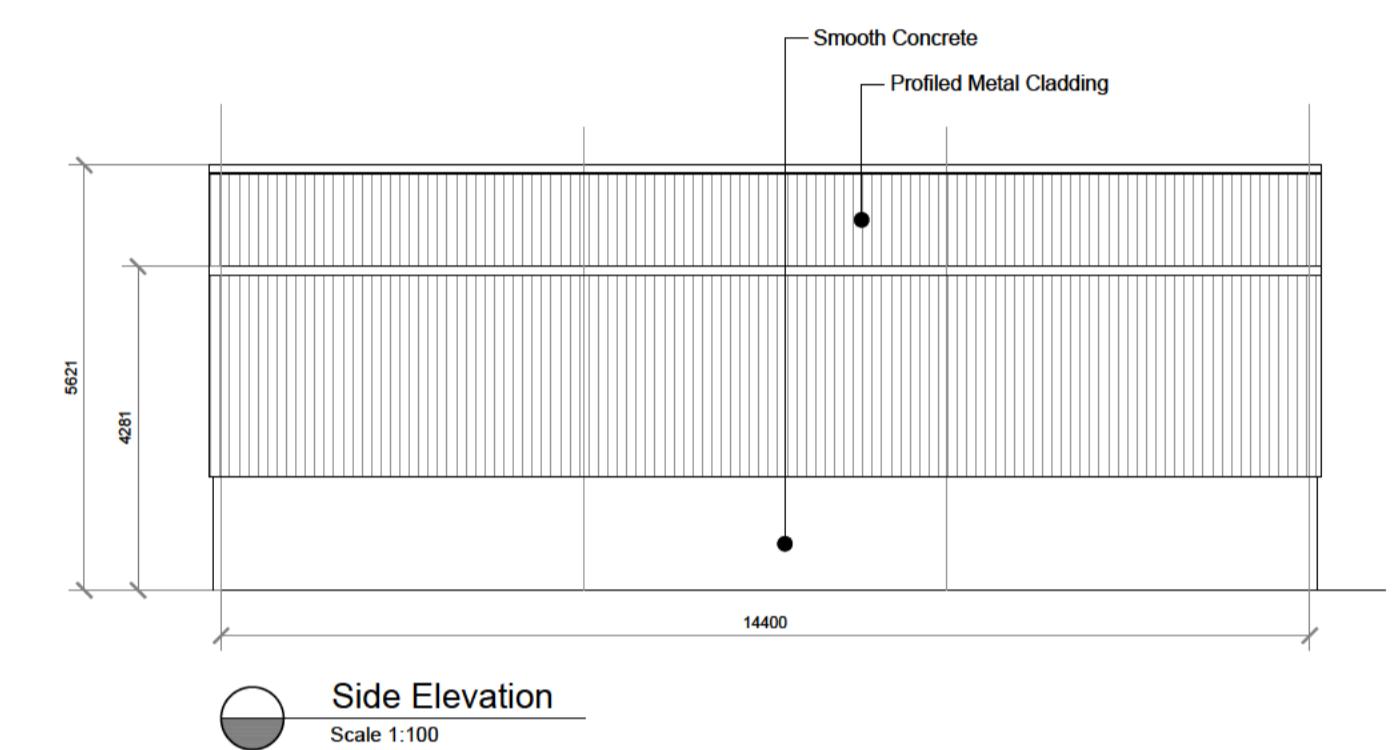
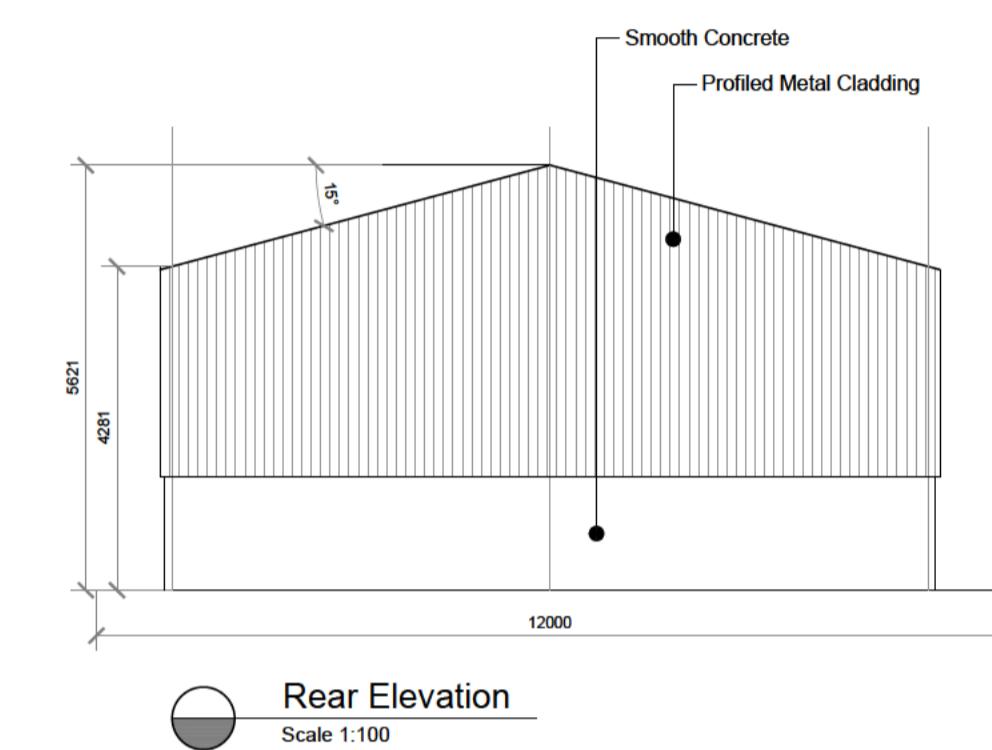
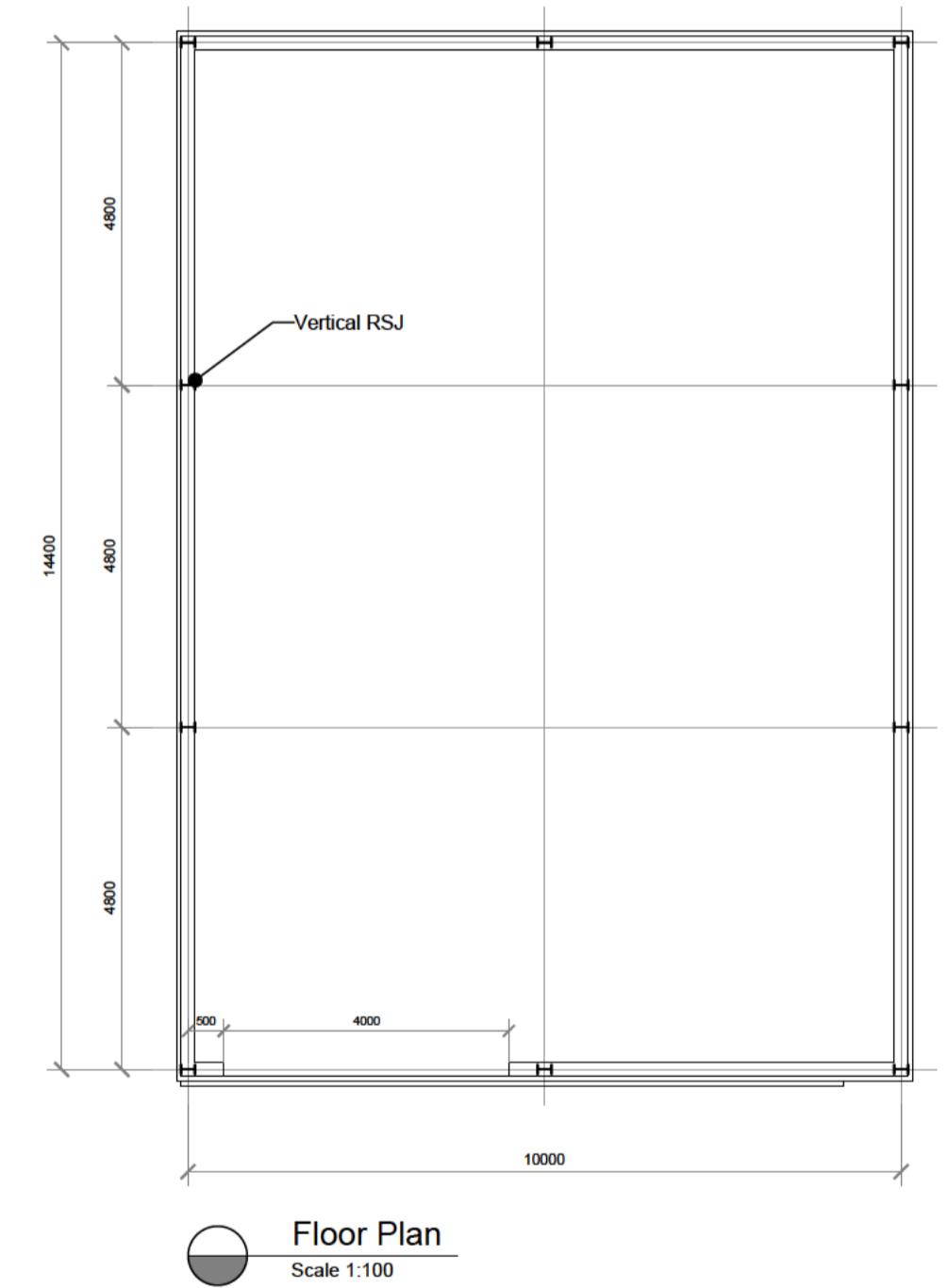
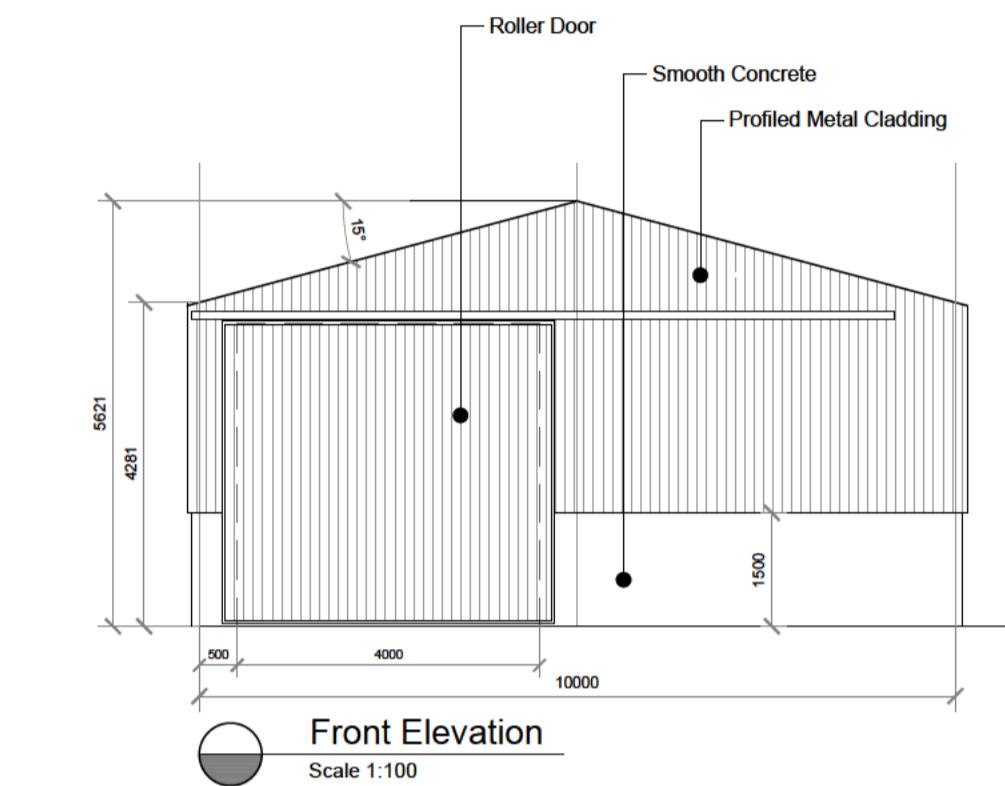
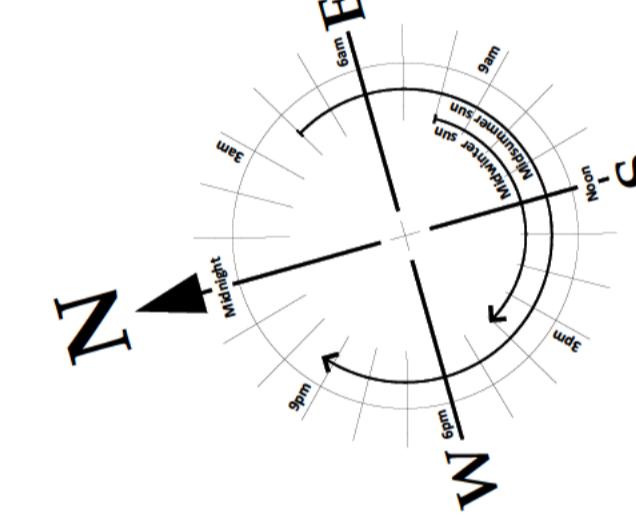
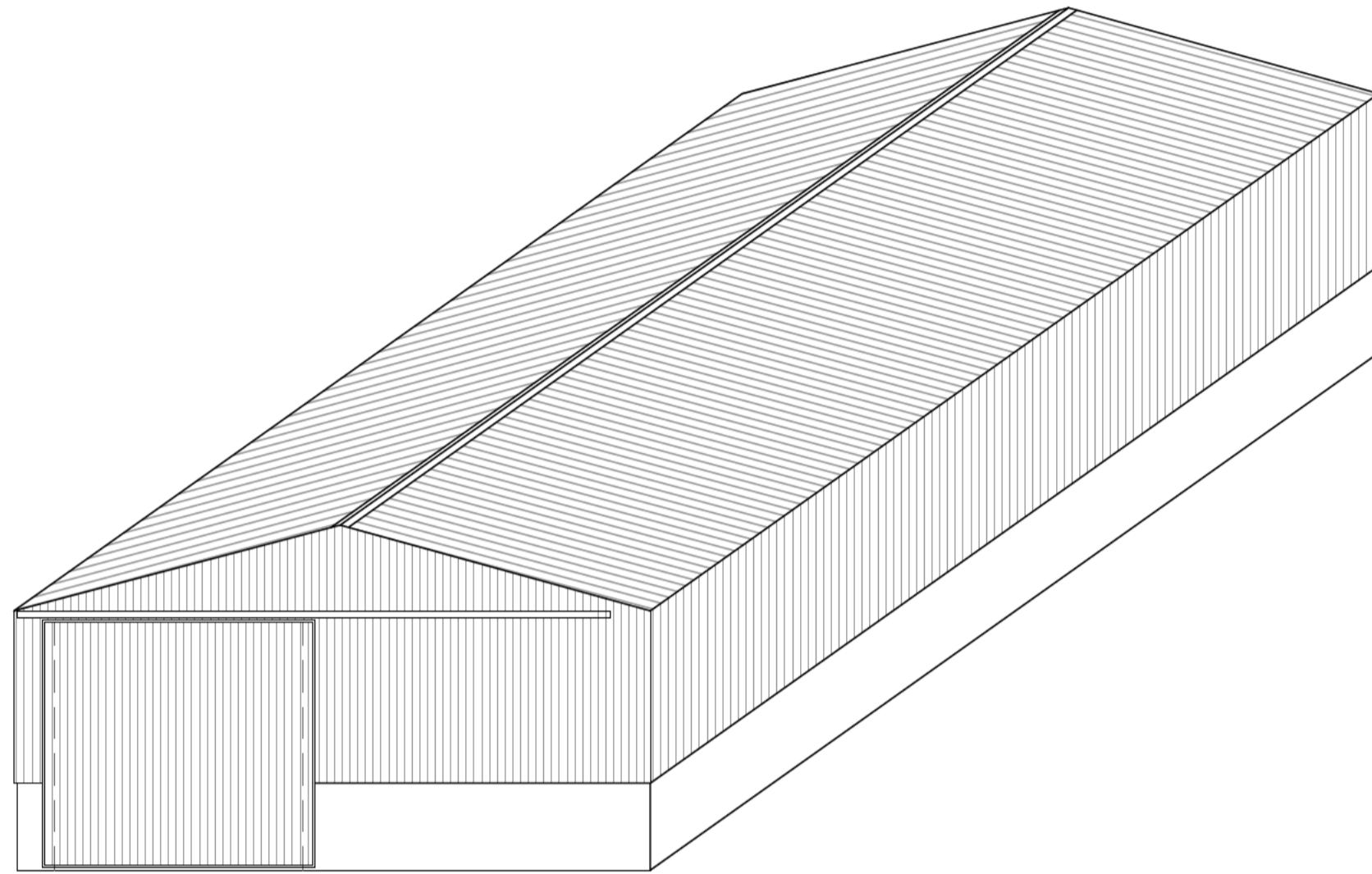
# Planning Pack Map



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**LEGEND**

- Φ xxx Levels
- Site Boundary
- Landholding
- X Site Notice Location



Comhairle Cathrach  
& Contae **Luimnigh**

**Limerick City**  
& County Council

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

<b>File Reference number</b>	EC-232-25
<b>Applicant</b>	Harry O'Grady
<b>Location</b>	Finniterstown House Finniterstown Adare Co. Limerick. V94EV70

**1.0 Description of Site and Surroundings:**

The subject site is located on the grounds of the protected structure Finniterstown House, in Finniterstown, Adare. The land holding is a total of 65.99ha and the application site relates to 1.3ha of this landholding. The surrounding area is predominantly agricultural land and some forestry.

**2.0 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:

- New Portal Frame 14.5m x 10m Haybarn on site of old hay barn destroyed in Storm Eowyn January 2025.
- The new barn has a new orientation and large size.

This Section 5 declaration includes the following:

- Site location & site layout map
- Plans/ Sections/ Elevations

**3.0 Planning History:**

There is no relevant planning history in the area.

**3.1 Enforcement History**

No enforcement.

## **4.0 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).

### **5.1 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’.

**Section 4(1)(h)** Development consisting of the maintenance, improvement or other alteration of any structure, where such works do not materially affect the external appearance of the structure so as to render it inconsistent with its existing character or with neighbouring structures

The proposed development on site, comprising construction of new hay store shed of 144 sq.m, constitutes ‘works’ and ‘development’.

### **5.2 Is the proposal exempted development?**

The proposal is for the construction of a hay store consisting of smooth concrete wall perimeter of the shed of height 1.5m, profiled metal cladding above and a roller door on the front elevation. The height of the proposed storage shed measures 5.621m.

The proposal will be assessed under Class 9 Part 3 of Schedule 2 of the Planning and Development Regulations 2001 (as amended).

Works consisting of the provision of any store, barn, shed, glass-house or other structure, not being of a type specified in class 6, 7 or 8 of this Part of this Schedule, and having a gross floor space not exceeding 300 square metres.

1. *No such structure shall be used for any purpose other than the purpose of agriculture or forestry but excluding the housing of animals or the storing of effluent.*

The structure is proposed to be used for a haybarn.

2. *The gross floor space of such structures together with any other such structures situated within the same farmyard complex or complex of such structures or within 100 metres of that complex shall not exceed 900 square metres gross floor space in aggregate.*

It is unclear from the drawings submitted if the gross floor area of the farmyard complex exceeds 900 square metres. I note that the haystore is a replacement of a previously existing haystore.

3. *No such structure shall be situated within 10 metres of any public road.*

The structure is situated well in excess of 10 metres of the public road.

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

The structure measures 5.621 metres in height.

5. *No such structure shall be situated within 100 metres of any house (other than the house of the person providing the structure) or other residential building or school, hospital, church or building used for public assembly, save with the consent in writing of the owner and, as may be appropriate, the occupier or person in charge thereof.*

The structure is not situated within 100 metres of any house

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

The proposal includes profile metal cladding.

Having regard to condition and limitation 2 above, it is unclear from the drawings submitted if the gross floor area of the farmyard complex exceeds 900 square metres, therefore I am not satisfied that the proposed structure complies with the requirements of Class 9.

However, I note that this is a replacement structure of a similar size, location and design to the original structure on the site, therefore I consider it should be assessed under Section 4 (1) (h) of the Planning and Development Act 2000 (as amended) which is as follows:

**Section 4 (1) (h) of the Planning and Development Act 2000 (as amended)**

Exempted development – “*development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures*”.

As noted above, the proposed haybarn is to replace an older hay barn which was destroyed in Storm Eowyn January 2025. Having considered the submitted drawings and Google maps which shows a similar type structure on the site. This provision states that works which consist of the maintenance, improvement, or other alteration of any structure, where such works do not materially affect the external appearance of the structure so as to render it inconsistent with its existing character or with neighbouring structures, are exempt from the requirement for planning permission. In this case, the replacement shed maintains the existing use and character of the structure and does not materially alter its external appearance in a way that would conflict with this requirement.



Above: Google maps dated 2025

In conclusion, while I note that the proposed new barn is slightly larger in footprint and height, and is to be orientated differently, having regard to its design and proposed materials and finishes as well as its location within an existing farm yard context, I am satisfied that it does *not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures* and therefore consider the proposed barn can be considered Exempted Development under Section 4 (1) (h).

### **Article 9 Restrictions**

The proposed development is located near a protected structure RPS371 Finnitterstown house and NIAH Historical Garden Survey Ref. no. 1451. However, I note that the proposed development of the haystore is a replacement structure and is located a distance from the protected structure and the NIAH within an existing farm yard associated with same. Given that the haystore is a replacement and similar to that originally on the site, I am satisfied there would be no negative affect on the protected structure or NIAH Historical Garden. Therefore, 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**

Having regard to the nature and scale of the proposed development and the absence of proximity or connectivity to a Natura 2000 European Site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects, on a European Site. An appropriate assessment screening report and determination is attached to this report.

## **Environmental Impact Assessment**

Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations it has been concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

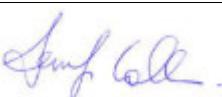
## **Conclusion/Recommendation**

The information detailed on the application the proposed development is considered to be within the scope of Section 4(1)(h) of the Planning and Development Act 2000 (as amended) as it is a replacement structure which would not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures.

Regard has been had to –

- (a) Section 2, 3 and 4 of the Planning and Development Act 2000 (as amended)
- (b) Class 9 of Part 3 of Schedule 2 of the Planning and Development Regulations 2001 (as amended)
- (c) Section 4(1)(h) of the Planning and Development Act 2000 (as amended).
- (d) The plans & particulars submitted with the application received on (10/11/2025).

It is therefore considered that the said works are development and exempted development under Section 4(1)(h) of the Planning and Development Act 2000 (as amended).

<b>Assistant Planner</b>	Deirdre Dunne	<b>Date:</b>
<b>Signature:</b>		04/11/2025
<b>Senior Executive Planner</b>	Jennifer Collins	<b>Date:</b>
<b>Signature</b>		04/12/2025

## Appendix 1: AA PN01 Screening Form

STEP 1: Description of the project/proposal and local site characteristics:	
(a) File Reference No:	EC-232-25
(b) Brief description of the project or plan:	Agricultural store
(c) Brief description of site characteristics:	Agricultural
(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/Specia l Conservation Interest <sup>1</sup>	Distance from proposed development <sup>2</sup> (km)	Connections (Source-Pathway-Receptors)	Considered further in screening Y/N
002165- Lower River Shannon SAC	<a href="https://www.npws.ie/protected-sites/sac/002165">https://www.npws.ie/protected-sites/sac/002165</a>	Approx. 4.2km	None	N
002279 Askeaton Fen Complex SAC	<a href="https://www.npws.ie/protected-sites/sac/002279">https://www.npws.ie/protected-sites/sac/002279</a>	Approx. 7.2km	None	N
000439 Tory Hill SAC	<a href="https://www.npws.ie/protected-sites/sac/000439">https://www.npws.ie/protected-sites/sac/000439</a>	Approx. 8.3	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)
<b>Construction phase e.g</b> - Vegetation clearance - Demolition - Surface water runoff from soil excavation/infill/landscaping (including borrow pits) - Dust, noise, vibration	None. No direct encroachment or hydrological connection.

<ul style="list-style-type: none"> <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. No direct encroachment or hydrological connection.
<b>In-combination/Other</b>	N/A given the scale of the development

<b>(b) Describe any likely changes to the European site:</b>	
Examples of the type of changes to give consideration to include: <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 direct encroachment or hydrological connection.

<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 submitted, which is considered adequate to undertake a screening determination and having regard to:

- the nature and scale of the proposed development,
- the intervening land uses and distance from European sites,

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 <b>is no likelihood</b> of significant effects on a European Site	<input checked="" type="checkbox"/>	The proposal can be screened out: Appropriate Assessment not required.
(ii) It is <b>uncertain</b> 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) <b>Significant effects</b> are likely	<input type="checkbox"/>	<input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
<b>Signature and Date of Recommending Officer:</b>	 <hr/> Deirdre Dunne, Assistant Planner, 26/11/2025	
<b>Signature and Date of the Decision Maker:</b>	 Jennifer Collins, A/Senior Executive Planner 04/12/2025	

## Appendix 2: EIA Screening

Establishing if the proposal is a 'sub-threshold development':		
Planning Register Reference:		
Development Summary:		
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
<b>A. Schedule 5 Part I</b> - 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] _	<b>EIA is mandatory</b>  No Screening required
<input checked="" type="checkbox"/>	No	Proceed to Part B
<b>B. Schedule 5 Part 2</b> - 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	<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 but is sub-threshold: [insert here] _	Proceed to Part C
<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>	Derrde Duine	

	<hr/> <p>Deirdre Dunne, Assistant Planner, 26/11/2025</p>
<b>Signature and Date of the Decision Maker:</b>	 <p>Jennifer Collins, A/Senior Executive Planner 04/12/2025</p>

### Appendix 3: Site Inspection Photographs 26/11/2025





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:

**Harry O'Grady,**  
c/o Chris Casey,  
Bridge Street,  
Newcastle West,  
Co. Limerick.  
V94 EV70

**EC/232/25**

04 December 2025

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### 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,

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**(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/2025/1372**

**File Ref No. EC/232/25**

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

**RE:** **A new portal frame haybarn at Finniterstown, Adare, Co. Limerick**

**ORDER:** Whereas by Director General's Order No. DG/2025/131 dated 15<sup>th</sup> September 2025, 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 Deirdre Dunne, Assistant Planner dated 04/11/2025, hereby order that a Declaration under Section 5 of the Planning and Development Act 2000 (as amended) be issued to Harry O'Grady, c/o Chris Casey, Bridge Street, Newcastle West, Co. Limerick to state that the works as described above is

**Development and is Exempt Development.**

Signed

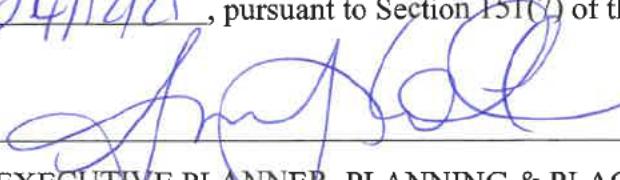
  
A/SENIOR EXECUTIVE PLANNER, PLANNING & PLACE-MAKING

Date

04/12/25

Certified to be a true copy of Approved Officer's Order, Planning & Development Order No. AOO/DC/2025/1372 dated 04/12/25, pursuant to Section 151(7) of the Local Government Act 2001

Signed:

  
A/SENIOR EXECUTIVE PLANNER, PLANNING & PLACE-MAKING



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

**DECLARATION NO.**

**EC/232/25**

**Name and Address of Applicant:** Harry O'Grady, Finniterstown House, Finniterstown, Adare, Co. Limerick

**Agent:** Chris Casey, Bridge Street, Newcastle West, Co. Limerick

**Whether** the new portal frame haybarn at Finniterstown, Adare, 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 10<sup>th</sup> of November 2025.

**AND WHEREAS** the Planning Authority has concluded that new portal frame haybarn at Finniterstown, Adare, Co. Limerick **DOES** come within the scope of exempted development under Section 4(1)(h) 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 **Development and is Exempt Development**.

Signed on behalf of the said Council



Date: 11/12/2025

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