



Limerick City and County Council

Planning Department

Section 5 Application

DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

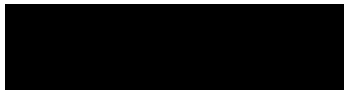
Applicant's Name: Tom Ryan

Applicant's Address: Ballynoe

Mungret

Co. Limerick

Telephone No.



Name of Agent (if any): Peter Thomson Planning Solutions _____

Address: 30 Archersleas
Kilkenny,
R95R2VE _____

Telephone No. 0868196856

Address for Correspondence:

30 Archersleas, Kilkenny, R95R2VE

Location of Proposed development (Please include **EIRCODE**):

To the rear of the former Provincial Flooring premises at Ballycummin, Raheen Business Park, Limerick, V94 W863

Description of Proposed development:

1. The subdivision of the former Provincial Flooring premises (fPFp) involving the severing of the rear external storage compound from the remainder of the premises;
 2. The extension of the adjoining Analog Devices International Complex (ADIC) by incorporating the fPFp external storage compound;
 3. Within the storage compound installing of 2no. nitrogen storage tanks and associated vapouriser units;
 4. associated works
-
-
-

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

Class 21 of the Planning and Development Regulations 2001 (as amended) refers

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

Applicant's interest in site:

Development on the site and within the adjoining Analog Campus, impacts the applicant's landholding.

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

Site Location Map

Drawing No. M01 Site Layout Plan,

Drawing No. M02 Elevations.

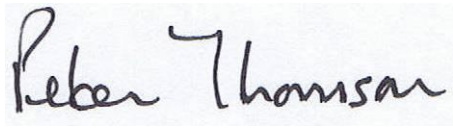
Drawing No. M03 Contiguous elevations

Associated Photographs

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)

A handwritten signature in black ink on a light-colored background. The signature reads "Peter Thomsen" in a cursive script. The first letter 'P' is large and loops back. The 'T' is also large and loops back. The 's' and 'e' are connected. The 'n' is a simple vertical stroke with a small hook.

Date: 13 March 2026

NOTES: Application must be accompanied by:

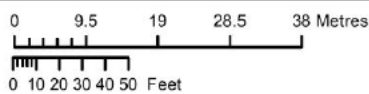
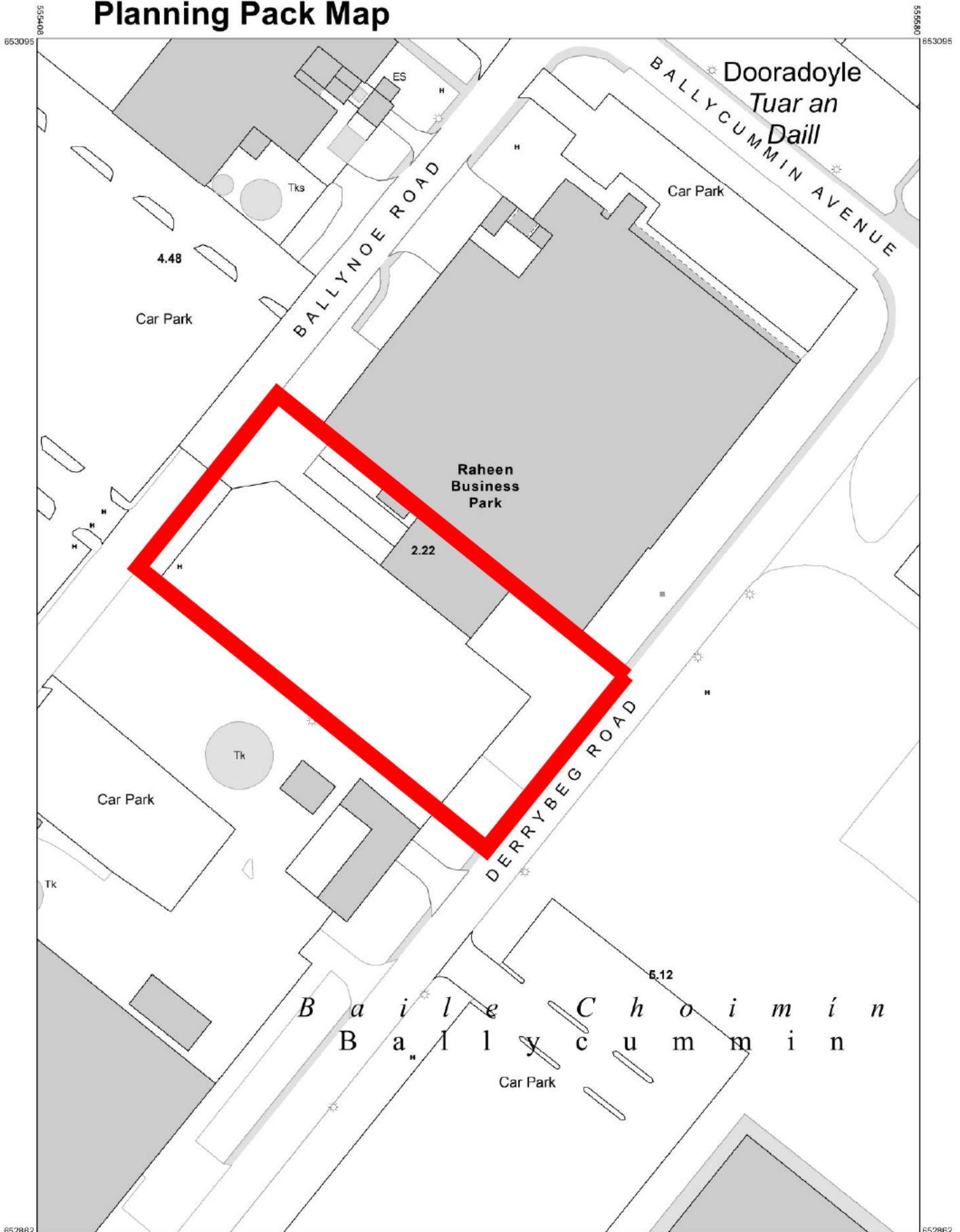
- (a) Fee of €80
- (b) Site location map
- (c) Site layout plan
- (d) Dimensioned plans and elevations of the structure and any existing structures.
- (e) Where the declaration is in respect of a farm building, a layout identifying the use of each existing building together with floor area of each building.

Application to be forwarded to:

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

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

Planning Pack Map



OUTPUT SCALE: 1:1,000



CENTRE COORDINATES:
ITM 555494,652979

PUBLISHED: 25/11/2025
MAP SERIES: 1:1,000
ORDER NO.: 50504428_1
MAP SHEETS: 4802-10

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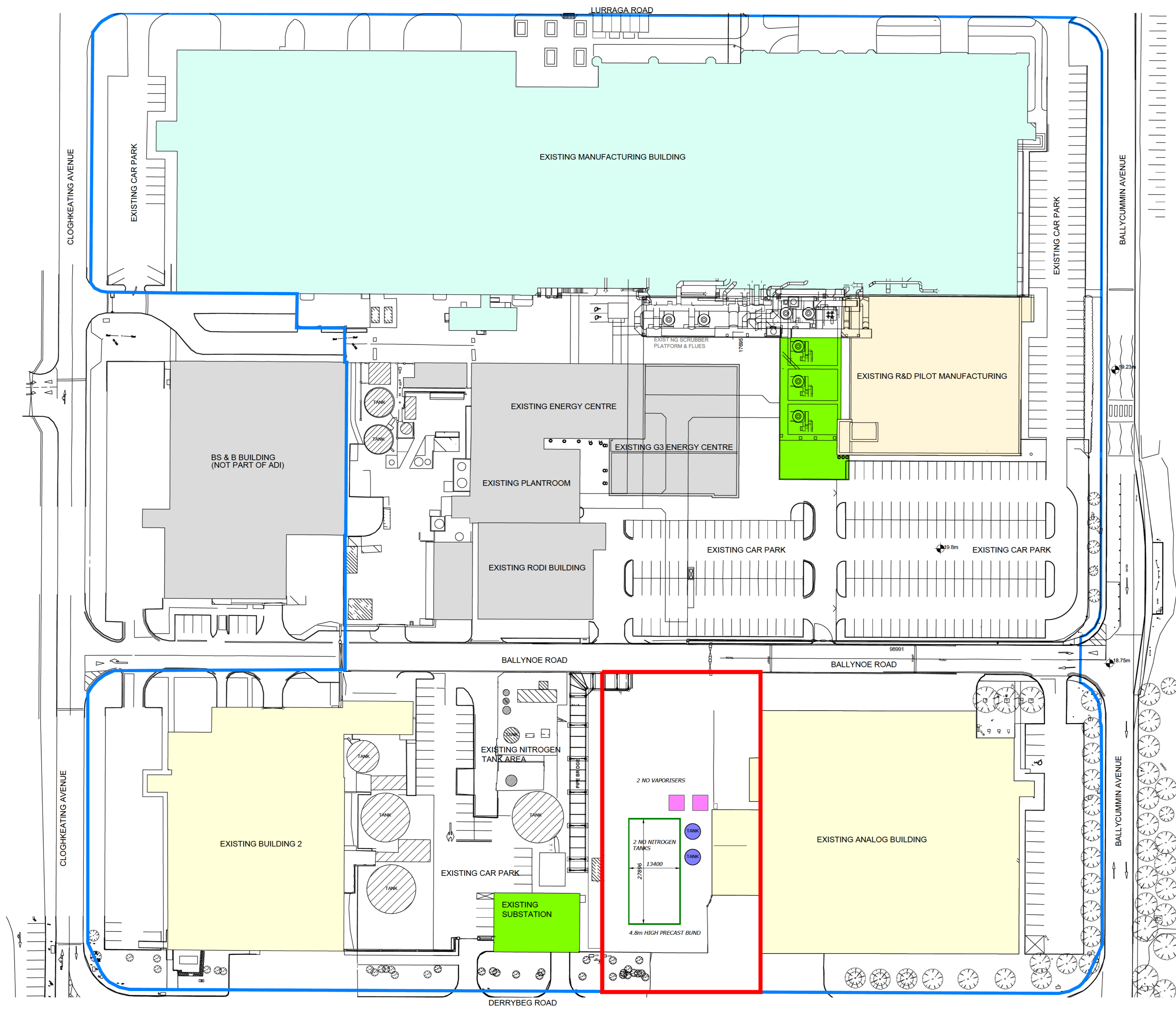
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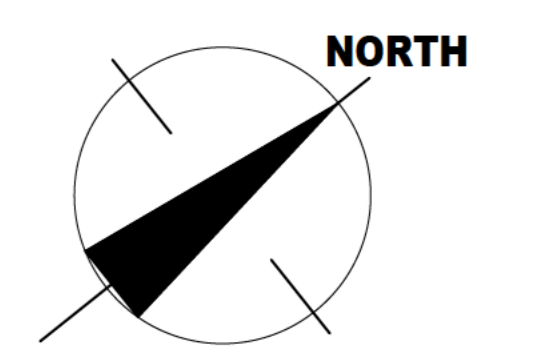
Tailte Éireann



SITE PLAN
SCALE 1:500

SECTION 5 APPLICATION SITE
OUTLINED IN RED
AREA = 0.36 HECTARES

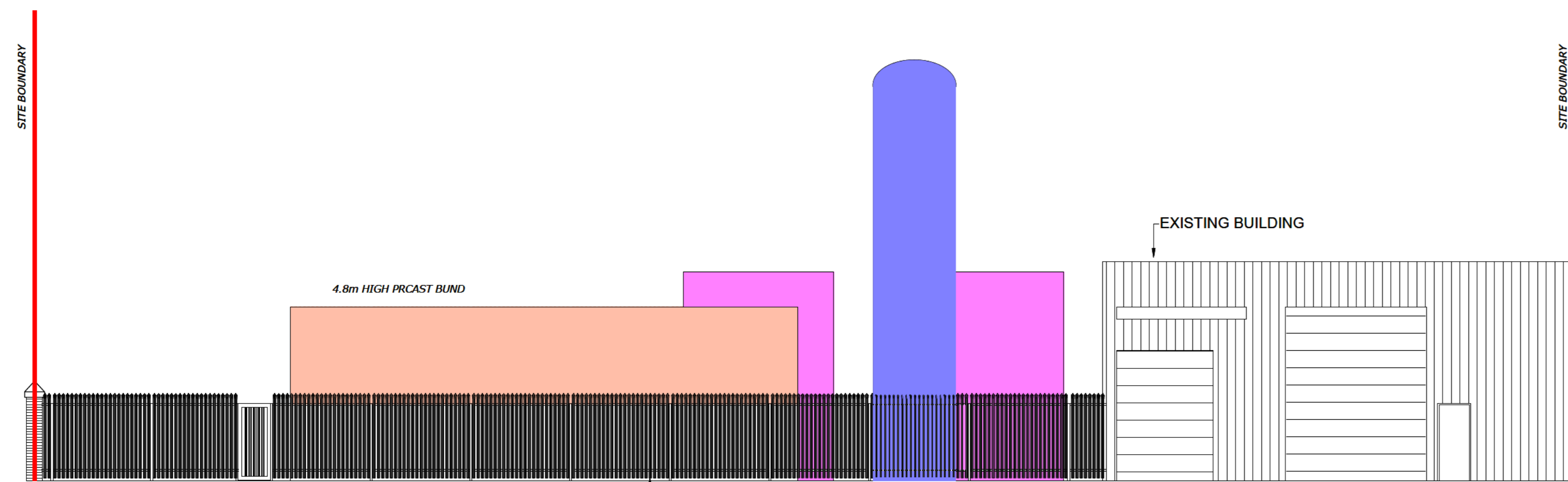
TOTAL SITE OUTLINED IN BLUE



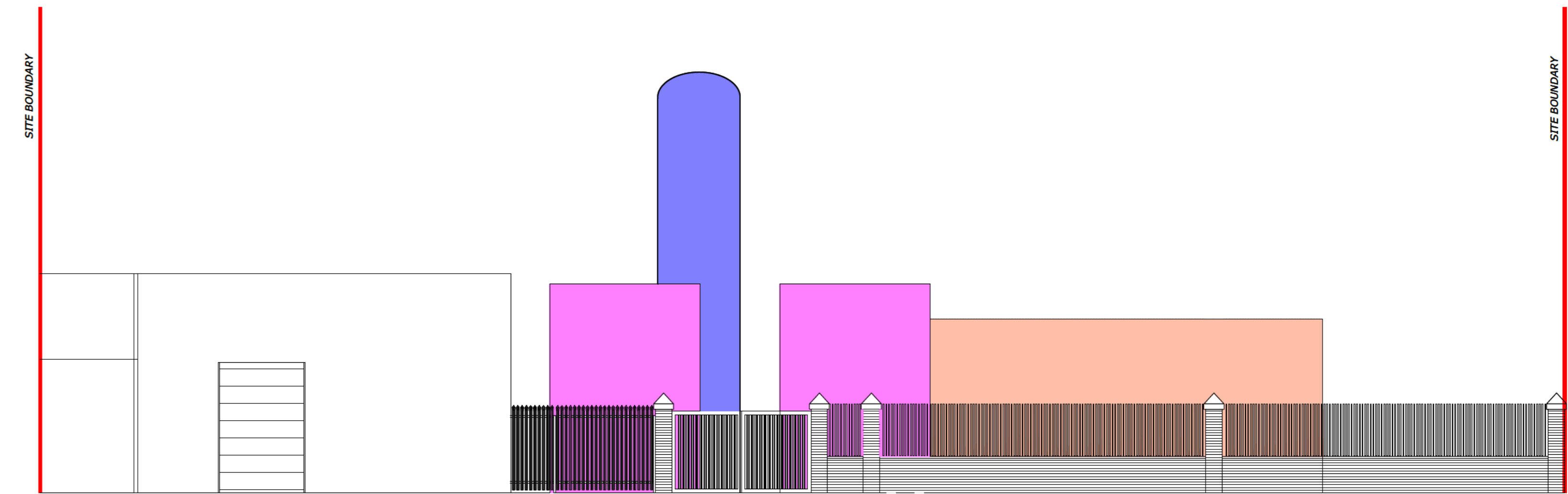
Rev	Description	Date
Title :		
SITE LAYOUT		
Project :		
SECTION 5 APPLICATION IN RELATION TO EX NITROGEN TANKS & VAPORISERS AT RAHEEN BUSINESS PARK, BALLYCUMMIN		
Client :		
TOM RYAN		
Stage :	Drawing No. :	
SEC 5 AP1	RB-J7-M03	
Drn. By :	Scale :	
ML BURKE	AS SHOWN @ A0	
Date :	Revision :	
12/03/2026		

M-01

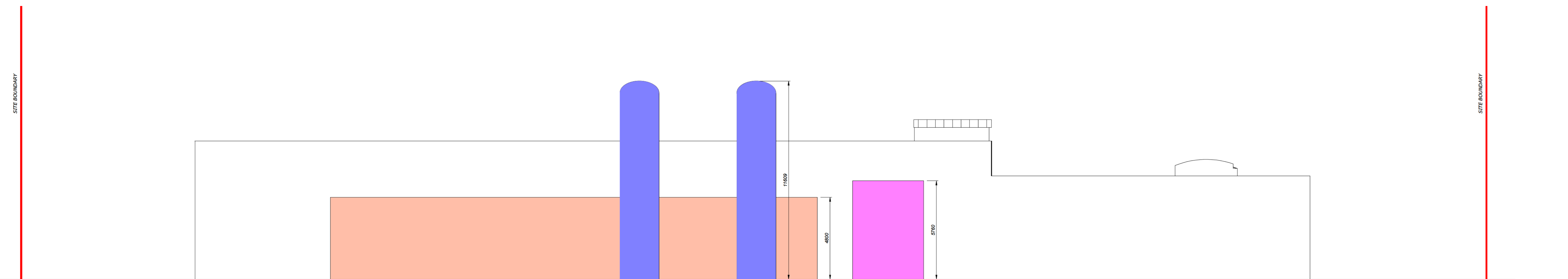
M Burke Associates
Architectural Services
MAIN STREET PALLASKENNY
DUBLIN 6
Tel/Fax: 01-2268511. Mobile: 087-2146727.
Email: mburkeassociates@gmail.com



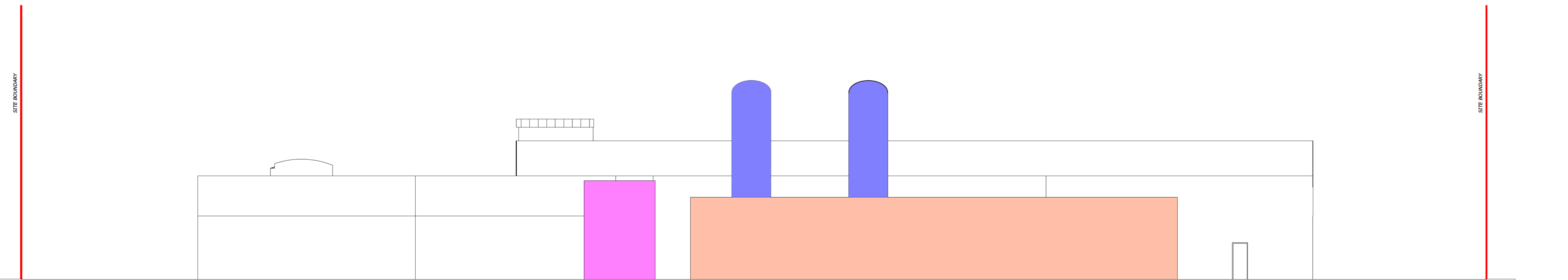
SOUTHEAST ELEVATION
SCALE 1:100



NORTHWEST ELEVATION
SCALE 1:100



NORTHEAST ELEVATION
SCALE 1:100

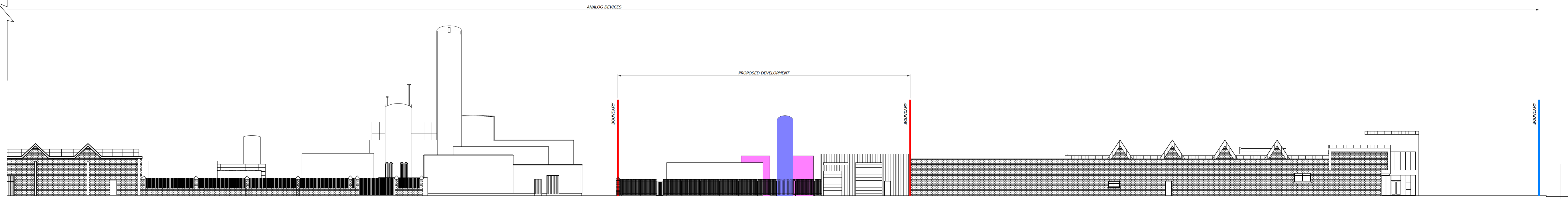


SOUTHWEST ELEVATION
SCALE 1:100

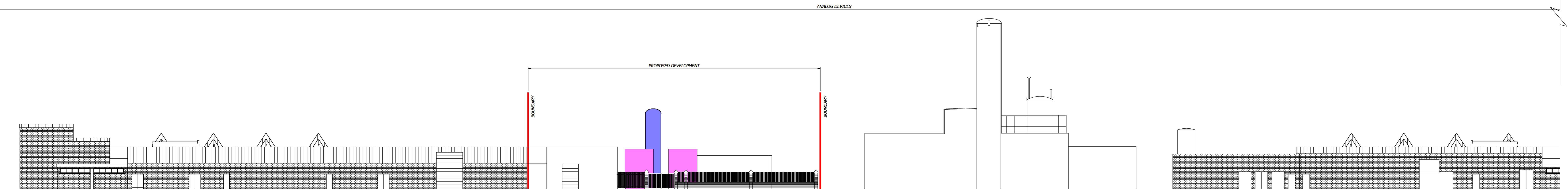
- VAPOURISERS (SUBJECT OF SECTION 5 APPLICATION)
- TANKS (SUBJECT OF SECTION 5 APPLICATION)
- PRECAST BUND WALL

Rev	Description	Date
Title : ELEVATIONS		
Project : SECTION 5 APPLICATION IN RELATION TO EX NITROGEN TANKS & VAPOURISERS AT RAHEEN BUSINESS PARK, BALLYCUMMIN		
Client : TOM RYAN		
Stage : SEC 5 APP	Drawing No. : RB-J7-M02	
Drn. By : ML BURKE	Scale : AS SHOWN @ A0	
Date : 12/03/2026	Revision :	

M Burke Associates
Architectural Services
MAN STREET PALLASKENNY
DUBLIN 6
Tel/Fax: 01-2085111. Mobile: 087-2146727
Email: mburkeassociates@gmail.com



SOUTHEAST CONTIGUOUS ELEVATION
SCALE 1:200

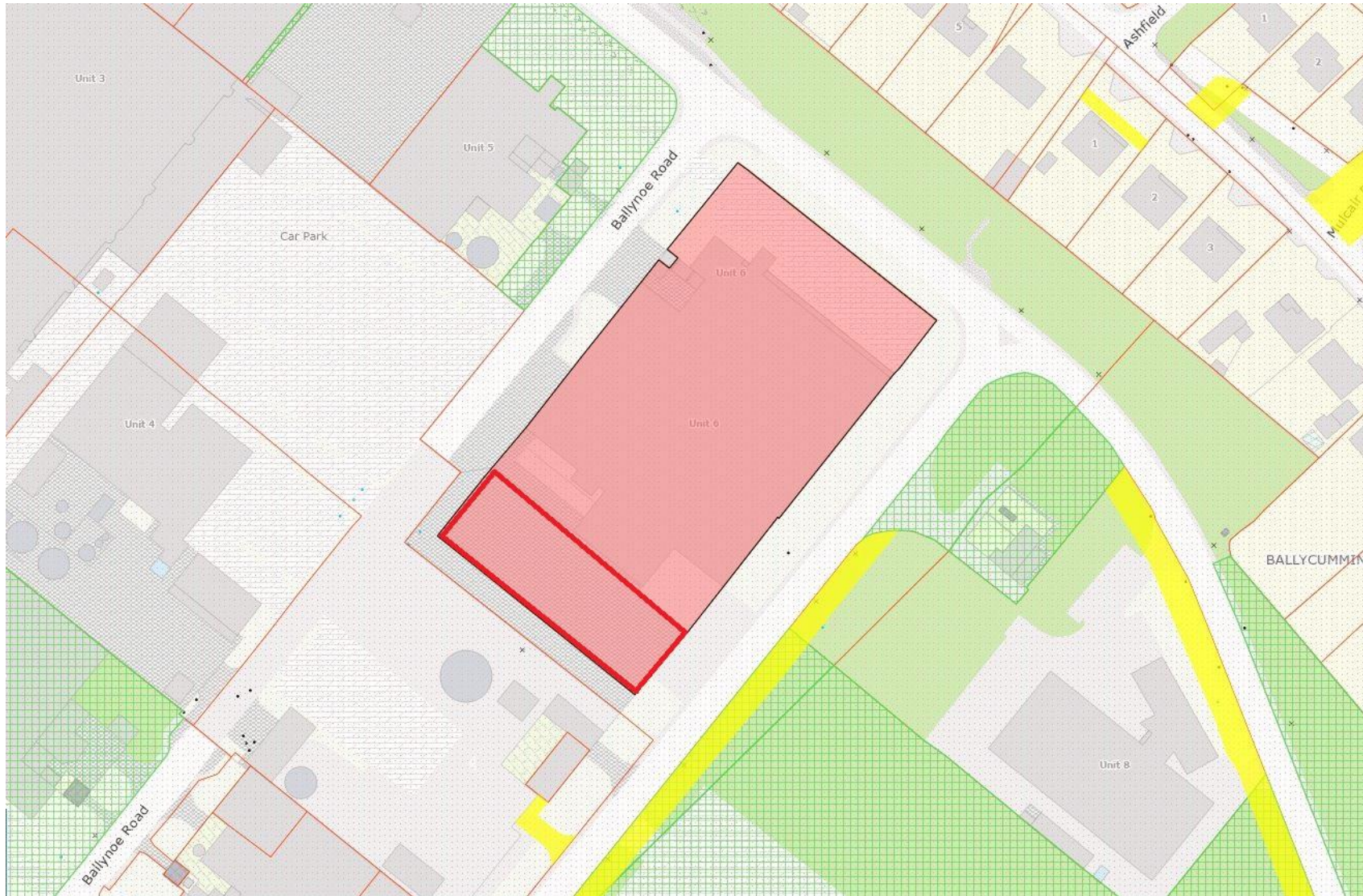


NORTHWEST CONTIGUOUS ELEVATION
SCALE 1:200

Rev	Description	Date
Title :		
CONTIGUOUS ELEVATIONS		
Project :		
SECTION 5 APPLICATION IN RELATION TO EX NITROGEN TANKS & VAPOURISERS AT RAHEEN BUSINESS PARK, BALLYCUMMIN		
Client :		
TOM RYAN		
Stage :	Drawing No. :	
SEC 5 APP	RB-J7-M03	
Drn. By :	Scale :	
ML BURKE	AS SHOWN @ A0	
Date :	Revision :	
12/03/2026		

M-03

M Burke Associates
Architectural Services
MAIN STREET PALLASKENNY
DUBLIN 6
Tel/Fax: 01-2085111. Mobile: 087-2146727.
Email: mburkeassociates@gmail.com



Section 5 Declaration application site in red



Google Earth image dated 11 May 2025



Image in August 2024 taken on behalf of the applicant.



Google Earth image 22 April 2024



Google Earth 9 August 2022



Google Earth image 11 May 2025

Planning Department,
Limerick County Council,
City and County Council Offices,
Dooradoyle Road,
Limerick
V94 WV78

13 March 2026

Re: Application for a Section 5 Declaration in respect of development at Raheen Business Park, Limerick

Dear Sir/ Madam,

In a letter to my client from Limerick City and County Council, ref: DC-360-24 and dated 13 November 2025, it was advised that the works which are the subject of this application under Section 5 of the Planning and Development Act 2000 (as amended) seeking a Declaration, were exempted development. No reason was given in the letter for this decision.

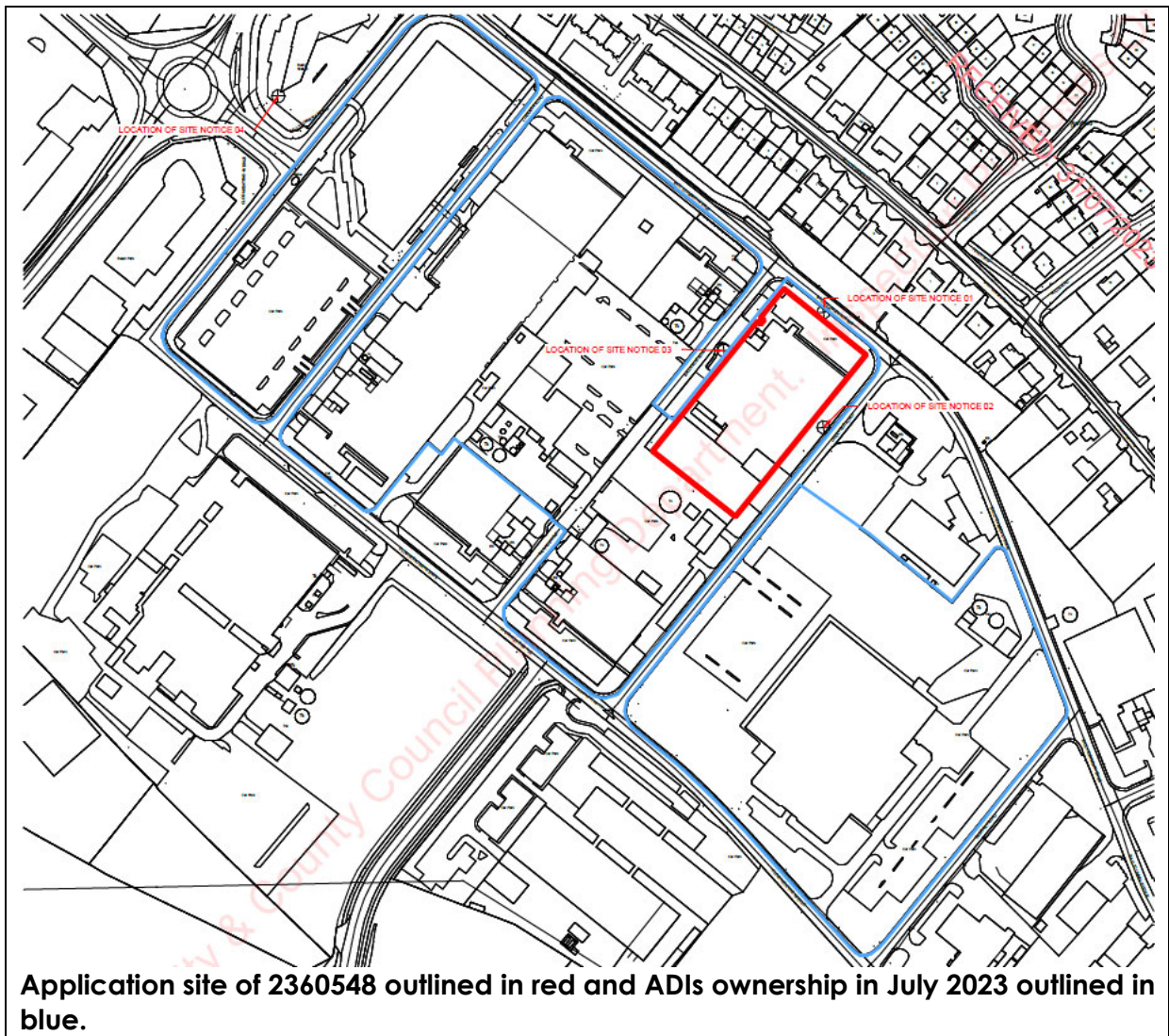
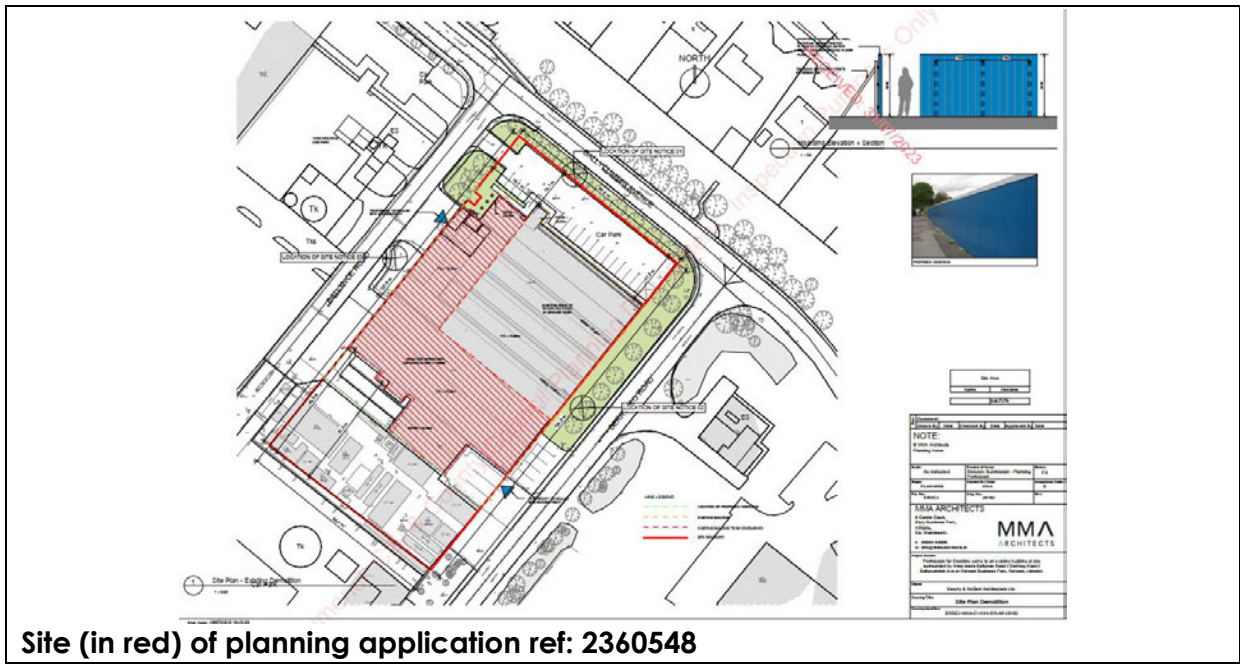
The property which is the subject of this application for a Section 5 Declaration, was a storage compound attached to the former Provincial Flooring premises (fPFp) at Raheen Business Park, Limerick.

Provincial Flooring vacated its facility in or around late 2022.

On vacating the property, Analog Devices International (ADI) took ownership.

Under planning application ref: 2360548, submitted on 31 July 2023, enabling works were proposed for the fPFp building etc, all pending the change of use and redevelopment of the building and site, which it was stated would be the subject of a separate planning application.

The application site plan extended to include the storage compound to the rear of the building and showed the various containers within the storage compound at the time. The application was withdrawn on or around 21 September 2023.



On 24 August 2023, ADI applied under planning application reference 2360609 for a 10-year permission for the regeneration of the former Provincial Flooring building and site. The works involved partial demolition of the building, change of use of the remainder of the building from industrial (factory) and ancillary offices to office use, provision of a new mezzanine level within the existing building, façade improvements,

construction of a 3-storey extension for office/ high tech lab/ research and meeting rooms and ancillary facilities and works. The application was accompanied by a Natura Impact Statement (NIS).

The application site did not extend to the storage compound attached to the fPFp.

Planning permission for this development permitted the former Provincial Flooring building to extend into the Analog Campus, as detailed in the "Description of existing and proposed development and site analysis" in the Limerick County Council planner's report towards the granting of permission. Likewise in the An Coimisiún Pleanála (ACP) Inspector's report. Permission was granted by ACP (Case reference: PL91.318396) on 19 February 2025.

There is no record of planning permission for the storage compound attached to the fPFp being extended into the ADI Campus. It is considered that the further extension of the ADI Campus involved a material change of use from external storage associated with the fPFp, to a use associated with, and to support, the ADI industrial operation, and was not exempted development. It is further considered that the development of the fPFp storage compound, involving the installation of 2no. nitrogen storage tanks and associated vapourisers and works, was development, which was not exempted development. In particular it was not exempted under Class 21 of the Planning and Development Regulations 2001 (as amended).

Class 21 reads as follows: -

<p><i>Development for industrial purposes</i></p> <p>CLASS 21</p> <p>(a) Development of the following descriptions, carried out by an industrial undertaker on land occupied and used by such undertaker for the carrying on, and for the purposes of, any industrial process, or on land used as a dock, harbour or quay for the purposes of any industrial undertaking—</p> <p>(i) the provision, rearrangement, replacement or maintenance of private ways or private railways, sidings or conveyors,</p> <p>(ii) the provision, rearrangement, replacement or maintenance of sewers, mains, pipes, cables or other apparatus,</p> <p>(iii) the installation or erection by way of addition or replacement of plant or machinery, or structures of the nature of plant or machinery.</p>	<p>1. Any such development shall not materially alter the external appearance of the premises of the undertaking.</p> <p>2. The height of any plant or machinery, or any structure in the nature of plant or machinery, shall not exceed 15 metres above ground level or the height of the plant, machinery or structure replaced, whichever is the greater.</p>
--	--

<p>(b) Any works for the provision within the curtilage of an industrial building of a hard surface to be used for the purposes of or in connection with the industrial process carried on in the building.</p>	
---	--

The installation of the 2no. nitrogen storage tanks and associated vapourisers were installed and associated works were undertaken in August 2024. At that time, the compound was still associated with the former Provincial Flooring building, which was the subject of the then-current planning appeal reference: ABP 318396-23, to permit its change of use. That change of use was not permitted until February 2025.

The storage compound had never been used by ADI for its existing industrial operation, which was ongoing on adjoining land to the northwest, southwest, and southeast. Class 21 exemption is only available for development carried out by an industrial undertaker on land occupied and used by such undertaker. ADI, at the time of carrying out the development, had never before used the fPFp storage site as part of its existing industrial undertaking.

The development undertaken on the fPFp storage compound was never screened for Appropriate Assessment. Indeed, the Natura Impact Statement (NIS) submitted with application ref: 2360609 did not refer to ADI proposing the development of the fPFp storage compound, which it must have known was proposed. This should have been included in the 'in combination with future works assessment' of the NIS. The development assessed in the NIS, included in the project description;

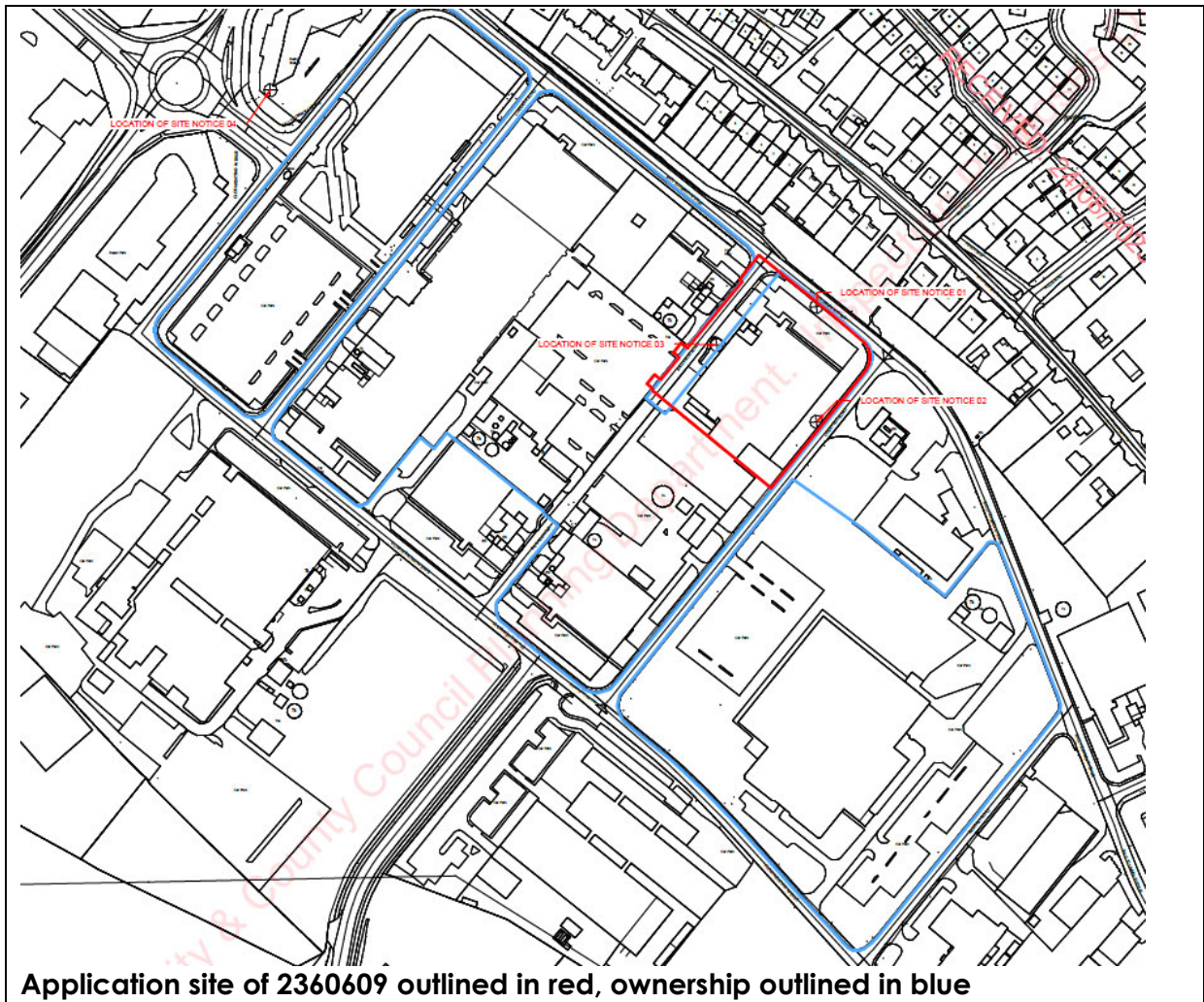
"The proposed development comprises the following elements:

- i. *Partial demolition of sections of the existing industrial building, intended as enabling works and already applied for under planning permission no....."*

The 'planning permission no. ...' referred to, was clearly planning application reference no: 2360548, which included the storage compound attached to the former Provincial Flooring business. At the time of submitting application 2360609 and the NIS, that application was still a live application and had not yet been withdrawn.

The NIS was therefore undertaken on the basis of the storage compound remaining a storage compound.

The development of the fPFp storage compound by ADI required AA and was therefore not exempted development.



Application site of 2360609 outlined in red, ownership outlined in blue

Conclusion

It is considered that the development undertaken by ADI at the fPp storage compound was development and was not exempted development.

Yours faithfully,

Peter Thomson, MSc, MIPI

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

Reference no. EC/043/26

Name and Address of Applicant: Tom Ryan
Ballynoe
Mungret
Co. Limerick

Agent: Peter Thompson Planning Solutions
30 Archersleas
Kilkenny
R95 R2VE

Location: to the rear of the former Provincial Flooring premises
at Ballycummin, Raheen Business Park, Limerick,
V94 W863

Description of Site and Surroundings:

The site is located in Anaolog Devices Complex with the Raheen Business Park in Limerick City.

Zoning:

Enterprise and Employment

Proposal:

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

- The subdivision of the former provincial flooring premises involving the severing of the rear external storage compound from the remainder of the premises
- The extension of the adjoining Analog Devices International Complex (ADIC) by incorporating the fPFp external storage compound.
- Within the storage compound installing of 2 no. nitrogen storage tanks and associated vaporiser units
- Associated works

This Section 5 declaration includes the following:

- Application form
- Site location map
- Site Layout Plan
- Elevation drawings
- Photographs
- Planning Report

Planning History:

26/60086: Analog Devices granted conditional permission for provision of plant in the form of an additional Scrubber (No.5) to be located adjacent to existing similar scrubber plant within the utility compound off Cloughkeating Avenue, south of the existing Manufacturing Building. The proposed plant, which will be set on an elevated platform, rises to a maximum stack height of 19.3m above ground level. This is an existing Lower Tier Seveso site, and the development consists of modifications to an establishment within the meaning of the European Communities Chemicals Act (Control of Major

Accident Hazards Involving Dangerous Substances) Regulations. The site operates under an Integrated Pollution Control (IPC) licence

26/60069: Analog Devices granted conditional permission for the construction of a new high purity liquid nitrogen (HPN) facility, including 2no. 24.4m high storage tanks, 1no. 17.4 m high vacuum tank 2no. 11.6m high vaporizer tanks and 2no. 6.7m high absorber vessel tanks, together with associated plant and equipment, including a 4.934m high electrical switchroom building, alterations to existing equipment, and all associated services, drainage and site works on site of c.1,333sqm located adjacent to the existing high purity liquid nitrogen (HPN) facility off Ballynoe Road (private road) within the existing Analog Devices Campus. This is an existing Lower Tier Seveso site, and the development consists of modifications to an establishment within the meaning of the European Communities Chemicals Act (Control of Major Accident Hazards Involving Dangerous Substances) Regulations. The site operates under an Integrated Pollution Control (IPC) licence.

EC -214-25 – additional scrubber was deemed to be development and not exempted development.

25/60508: Analog Devices International Unlimited Company granted conditional permission for 1) Alterations to part of the external envelope of an existing manufacturing facility to consist of new windows and doors to part of the front elevation of the building; 2) the addition of a new enclosed fire escape stairs to the side of the existing building; 3) the provision of a new internal circulation stair core and lift; and 4) all associated site development works at Building 1 within the Analog Devices B.V Limited Campus in Raheen Business Park, Limerick, V94 RT99. The application relates to works on a site to which Integrated Pollution Control (IPC) Licence No. P0224-04 applies
25/60174: Analog Devices granted permission for replacing a section of existing cladding with glazing on the north-west elevation of the catalyst building. Current under appeal to ABP.

23/60609: Analog Devices granted conditional 10 year permission for the generation of a building and site. The development (i) partial demolition of sections of the existing industrial building, intended as enabling works (ii) the change of use of the remaining, existing building from industrial (factory) and ancillary office use to office use; (iii) provision of new mezzanine level within the existing building; (iv) façade improvements (v) the construction of a new two / three storey extension to the rear and side of the building comprising (a) offices, (b) high tech laboratory / research space,(c) meeting rooms, (d) reception area, (e) canteen, (f) employees gym area,(g) social spaces, (h) external terrace and (i) associated roof plant; (vi) closure of the northern part of the Ballynoe Road adjoining the western site boundary, with provision for a new access road on the southern site boundary, which will connect with the remaining Ballynoe Road at the south western corner of the site; (vii) provision of significant public realm absorbing the closed part of the Ballynoe Road and the creation of a new pedestrian plaza with bicycle parking; and (viii) all ancillary site development works including (a) building and free standing signage; (b) provision of a delivery bay on the Derrybeg Road; (c) bin stores; (d) plant rooms; and (e) PV panels. A Natura Impact Statement(NIS) is included in the application. The application was appealed to An Bord Pleanála by a third party, who upheld the decision and granted permission subject to conditions (REF: 319334/24).

23/60548 application withdrawn for permission for the enabling of works to an existing building and comprises the (i) partial demolition of sections of the existing building; (ii) the temporary cladding of exposed openings remaining in the existing building; and (iii) the temporary construction of hoarding on the site perimeter, all pending the change of use and redevelopment of the building and site (subject to a separate planning application)

22/418 – Grant of Permission – Permission for elevation changes.

22/803 – Grant of Permission - As part of the continuing regeneration and rejuvenation of our Campus, and upgrade of our facilities, we, Analog Devices International are applying for a ten-year planning permission for an extension to our C1 R&D Pilot Line building to provide R&D and 1st Industrial deployment/Manufacturing use in the proposed C2 Fanfare building at Raheen Industrial Business Park, Raheen, Co. Limerick. The planning application consists of the following: 1. Permission for the construction of a two-storey over basement extension to the existing C1 R&D Pilot Line building, with proposed ground floor R&D and 1 st Industrial deployment/Manufacturing use, and basement,

mezzanine and roof level plant areas; 2. The construction of a two-storey extension to the existing Energy Centre with proposed service tunnel connecting to the new R&D Fanfare basement; 3. The construction of a scrubber deck extension, with 4 new proposed scrubbers and flues, associated mechanical discharge flues and associated generator/electrical/support rooms; 4. Re-organisation of the site layout, with associated works, and the proposed relocation of 300 car park spaces from the proposed extension on Ballynoe Ave. to a landscaped car park accessed off Derrybeg Road (including the provision of new EV points, motorcycle spaces and bicycle spaces); 5. Relocate 2 existing groundwater control wells; 6. Associated alterations to the existing Manufacturing building and siteworks. This is an existing Lower Tier Seveso site, and the development consists of modifications to an establishment within the meaning of the European Communities Chemicals Act (Control of Major Accident Hazards Involving Dangerous Substances) Regulations. The site operates under an Integrated Pollution Control (IPC) licence. A Natura Impact Statement (NIS) is included in the application.

22/38 – Grant of Permission – Permission for the construction of a new liquid hydrogen storage tank and associated equipment, alterations as required to existing equipment, and removal of existing liquid hydrogen storage tank being made redundant, and all associated site works. This is an existing Lower Tier Seveso site, and the development consists of modifications to an establishment within the meaning of the European Communities Chemicals Act (Control of Major Accident Hazards Involving Dangerous Substances) Regulations.

19/192 – Grant of Permission – Permission for elevation changes.

19/180 – Grant of Permission - Permission for a 2.5 metre high fence to the rear and side boundaries and a 1.6 metre high fence to the front boundary and carry out all associated site works.

15/283 – Grant of Permission- 10 year permission for an extension of Manufacturing facility to provide R&D Pilot Line/Manufacturing use. The planning permission consists of the following: (1) The demolition of Building 6 and adjacent ancillary buildings; (2) The construction of a two storey over basement extension to the existing Manufacturing building, with ground floor R&D Pilot Line/Manufacturing, and basement and mezzanine level plant areas; (3) the construction of a two storey over basement extension to the existing plant room with basement service tunnel connecting to the existing Manufacturing basement; (4) The construction of a two storey extension to the existing Boiler/Energy centre; (5) The provision of 2 no. water storage tanks; (6) The construction of a scrubber deck extension and associated generator room, with 3 new scrubbers, 3 new flues and associated alterations to the existing flue heights; (7) Re-organisation of the site layout and carparking, with associated works, including a perimeter fence and landscaping along the Ballycummin Avenue boundary and (8) Provision of signage on the Ballycummin Avenue elevation.

12/619 – Grant of Permission – Permission for the construction of a terracotta clad screen wall (to the height of the adjacent B1/B3 building, extending from the main entrance along the northwest (Lurraga Road) elevation and returning to the southwest (Cloughkeating Avenue) elevation. Associated site works will include the breakup of adjacent hard standing to facilitate soft landscaping including selected trees and shrubs in front of the northwest elevation.

01/2703 – Grant of Permission – Permission for a loading bay.

90/365 – Grant of Permission – Permission for a change of use and alterations to a factory to include extension of laboratory and storage space, additions to service block in yard, holding tanks, compound and car parking.

93/1279 – Grant of Permission – Permission for a water fab building extension with support extension to storage and plant facilities and surface parking.

96/2608 – Grant of Permission – Permission for the retention of extension to existing factory.

Enforcement History

DC-360-24 – unauthorised works. Case closed after enforcement action taken

DC-194-24 – unauthorised works. Case closed after enforcement proceedings

DC-056-23 – non-compliance. Warning letter served with regards to working outside working hours as conditioned under condition 4 of 15/283

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 development on site comprising:

- (a) The subdivision of the former provincial flooring premises involving the severing of the rear external storage compound from the remainder of the premises
- (b) The extension of the adjoining Analog Devices International Complex (ADIC) by incorporating the fPFp external storage compound.
- (c) Within the storage compound installing of 2 no. nitrogen storage tanks and associated vaporiser units

constitutes ‘works’ and ‘development’.

Is the proposal exempted development?

The development will be assessed against the following:

- Section 4(1)(h) of the Planning and Development Act- Subdivision of provincial flooring premises
- Class 17 of Part 1 of Schedule 2 of the Planning and Development Regulations- The extension of the ADIC by incorporating the fPFp external storage compound
- Class 21 of Part 1 of Schedule 2 of the Planning and Development Regulations - Installation of 2 no. nitrogen storage tanks and associated vaporiser units

Section 4(1)(h)

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 set out in the Inspectors Report dated 20/06/2024 associated with enforcement case DC-194-24, following a site inspection, it was considered that the works that were undertaken and which included removal of internal partitions, toilet refurbishment, coffee station for employees, emergency lighting and access control measures and thermal upgrade of the fPFp building were refurbishment works. The relocation of a fire door was deemed a minor modification by reason of its location within the wider industrial estate.

CLASS 17

The erection, construction or placing on land on, in, over or under which, or on land adjoining which, development (other than mining) is being, or is about to be carried out pursuant to any permission, consent, approval or confirmation granted under the Act or any other enactment or as exempted development, of temporary on-site accommodation for persons employed, or otherwise engaged, in connection with the carrying out of the development, during the period in which it is being carried out.

As set out in the Inspectors Report dated 20/06/2024 associated with enforcement case DC-194-24, following a site inspection, it was noted that the contractors had established a secure compound and which was wholly contained within the owners folio and was considered to be exempt under Exemption Class 17 (temporary structures and uses). During the enforcement case the landowner provided LCCC's Development Inspector with details of the contractors waste destinations and permit/licence numbers including waste collection permit numbers. An asbestos survey was also supplied.

CLASS 21

- (a) *Development of the following descriptions, carried out by an industrial undertaker on land occupied and used by such undertaker for the carrying on, and for the purposes of any industrial process, or on land used as a dock, harbour or quay for the purposes of any industrial undertaking –*
- (i) *The provision, rearrangement, replacement or maintenance of private ways or private railways, sidings or conveyors,*
 - (ii) *The provision, rearrangement, replacement or maintenance of sewers, mains, pipes, cables or other apparatus,*
 - (iii) *The installation or erection by way of addition or replacement of plant or machinery, or structures of the nature of plant or machinery.*
- (b) *Any works for the provision within the curtilage of an industrial building of a hard surface to be used for the purposes of or in connection with the industrial process carried on in the building*

This application seeks to clarify whether the works outlined above which have already been carried out are exempted development. As set out in Column 2, development under class 21 is considered exempt as long as:

1. *Any such development shall not materially alter the external appearance of the premises of the undertaking.*
2. *The height of any plant or machinery or any structure in the nature of plant or machinery shall not exceed 15m above ground level or the height of the plant, machinery or structure replaced, whichever is the greater.*

Under DC-360-24 the inspector considered that the installation of 2 no. high purity nitrogen (6HPN and a 10HPN) generation pre-assembled, skid mounted plant packages necessary in the industrial process within the curtilage of their works which included the removal of the existing concrete and asphalt hard surfaces with replacement by new concrete and hardcore hard surface to suit the specific size and positioning of the plant thereon, including the provision, rearrangement and replacement of sewers, water mains, pipes, cables and other apparatus necessary for the associated plant packages was exempted development. Existing internal fencing was also amended and added to. The plant installed included the following:

- 2 liquid nitrogen tanks maximum height 12.04m
- 2 vacuum can (VAC CAN) with maximum height of 11.5m
- 2 main air compressor
- 2 process and air pre-treatment modules which include two absorber vessels
- 1 close cooling water circuit
- 2 vaporisers
- 1 dual PID Skid.

The development was assessed under Class 21 of Schedule 2, Part 1 of the Planning and Development Regulations and it was considered that:

- ADI is an established industrial undertaker in Raheen Business Park and the subject development is on land occupied by ADI used for its industrial process as prescribed
- The works are located within the curtilage of the undertakers property in an established industrial estate and consistent with the nature and extent of existing plant, machinery and structures within said curtilage
- The highest element of the plant/machinery measures 12.04m and no structure exceeds 15m.

As such the works pertaining to enforcement case DC-360-24 were deemed development and exempted development.

Article 9 Restrictions

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

Appropriate Assessment

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

Environmental Impact Assessment

An EIA Screening examination was carried out by Limerick City & County Council (see appendix 2). Overall, it is considered that there is no real likelihood of significant effects on the environment. Therefore, an Environmental Impact Assessment is not required.

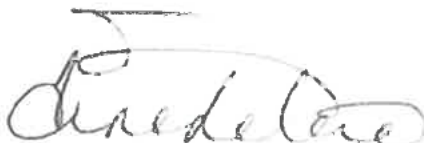
Conclusion/Recommendation

It is considered that the following works are within the scope of Class 17 and Class 21 of Part 1 of Schedule 2 of the Planning and Development Regulations (as amended).

- (a) The subdivision of the former provincial flooring premises involving the severing of the rear external storage compound from the remainder of the premises
- (b) The extension of the adjoining Analog Devices International Complex (ADIC) by incorporating the fPFp external storage compound.
- (c) Within the storage compound installing of 2 no. nitrogen storage tanks and associated vaporiser units

Regard has been had to-

- (a) Section 2, 3 and 4 of the Planning and Development Act 2000 (as amended)
- (b) Class 17 and 21 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 18th March 2026
- (d) Inspectors Report attached to DC-360-24 and DC-194-24,



Áine Leland



Gráinne O'Keeffe, SEP

8/4/26

Date: 07/04/2026

Date: _____

Appendix 1: AA PN01 Screening Form

STEP 1: Description of the project/proposal and local site characteristics:	
(a) File Reference No:	EC/043/26
(b) Brief description of the project or plan:	<p>Whether the following works are exempted development:</p> <ul style="list-style-type: none"> - The subdivision of the former provincial flooring premises involving the severing of the rear external storage compound from the remainder of the premises - The extension of the adjoining Analog Devices International Complex (ADIC) by incorporating the fPFp external storage compound. - Within the storage compound installing of 2 no. nitrogen storage tanks and associated vaporiser units - Associated works
(c) Brief description of site characteristics:	To the rear of the former Provincial Flooring premises at Ballycummin, Raheen Business Park, Limerick, V94 W863. Site is within the Analog Campus
(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW	N/A
(e) Response to consultation:	N/A

STEP 2: Identification of relevant Natura 2000 sites using Source-Pathway-Receptor model and compilation of information on Qualifying Interests and conservation objectives.

European Site (code)	List of Qualifying Interest/Special Conservation Interest ¹	Distance from proposed development ² (km)	Connections (Source-Pathway-Receptors)	Considered further in screening Y/N
002165 - Lower River Shannon SAC	https://www.npws.ie/protected-sites/sac/002165	2.2km	None	N
004077 - River Shannon and River Fergus Estuaries SPA	https://www.npws.ie/protected-sites/sac/004077	2.5km	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)
<p>Construction phase e.g</p> <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 	<p>NA, works have already taken place. Works associated with the installation of the nitrogen tanks is considered to be minor in nature with installation of packaged systems and associated infrastructure which included diversion of exiting services. The drainage was isolated from the existing drainage during construction and did not require pumping of excess ground water during construction. Accordingly there was no likely significant impact on the conservation objectives of the above sites.</p>
<p>Operation phase e.g.</p> <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 	<p>None. The commissioned plant is served by the existing surface water collection system within the business park and the revised fencing protects people and plant. The production of nitrogen involves the supercooling of air to its liquefaction point and then distilling its component gases at their various boiling points and is a widely used process considered a clean process. The new SW collection system is essentially a modified replacement/re-routing of existing pipework which is served by a petrol interceptor prior to discharge to the main collection system.</p>
<p>In-combination/Other</p>	<p>N/A given the development proposed and the distance from European sites.</p>

(b) Describe any likely changes to the European site:	
<p>Examples of the type of changes to give consideration to include:</p> <ul style="list-style-type: none"> - Reduction or fragmentation of habitat area - Disturbance to QI species - Habitat or species fragmentation - Reduction or fragmentation in species density - Changes in key indicators of conservation status value (water or air quality etc) - Changes to areas of sensitivity or threats to QI - Interference with the key relationships that define the structure or ecological function of the site 	<p>None. The works have been completed. Works associated with the installation of the nitrogen tanks is considered to be minor in nature with installation of packaged systems and associated infrastructure which included diversion of exiting services. The drainage was isolated from the existing drainage during construction and did not require pumping of excess ground water during construction. Accordingly there was no likely significant impact on the conservation objectives of the above sites.</p>

(c) (Are 'mitigation' measures necessary to reach a conclusion that likely significant effects can be ruled out at screening?)

Yes No

STEP 4: Screening Determination Statement

The assessment of significance of effects:

Describe how the proposed development (alone or in-combination is/is not likely to have significant effects on European site (s) in view of its conservation objectives

On the basis of the information submitted, which is considered adequate to undertake a screening determination and having regard to the types of work proposed which involve internal retrofitting only it is concluded that the development, individually or in-combination with other plans or projects, would not be likely to have a significant effect on the above listed European sites or any other European site, in view of the said sites' conservation objectives.

Conclusion: An appropriate assessment is not required.


	Tick as appropriate:	Recommendation:
(i) It is clear that there is no likelihood of significant effects on a European Site	<input checked="" type="checkbox"/>	The proposal can be screened out: Appropriate Assessment not required.
(ii) It is uncertain whether the proposal will have a significant effect on a European Site	<input type="checkbox"/>	<input type="checkbox"/> Request further information to complete screening <input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
(iii) Significant effects are likely	<input type="checkbox"/>	<input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission

Signature and Date of Recommending Officer:



Áine Leland, Executive Planner
07/04/2026

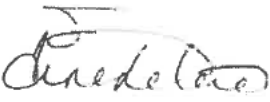

Signature and Date of the Decision Maker:



Gráinne O'Keefe, SEP
8/4/2026

Appendix 2 – EIA Screening

Establishing if the proposal is a 'sub-threshold development':	
Planning Register Reference:	EC/043/26
Development Summary:	Whether the following works are exempted development: <ul style="list-style-type: none"> - The subdivision of the former provincial flooring premises involving the severing of the rear external storage compound from the remainder of the premises - The extension of the adjoining Analog Devices International Complex (ADIC) by incorporating the fPFp external storage compound. - Within the storage compound installing of 2 no. nitrogen storage tanks and associated vaporiser units - Associated works
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 <input type="checkbox"/> No, Schedule 7A information/screening report has not been submitted by the applicant	<p>Screening Determination required</p> <p>Preliminary Examination required</p>
<p>Signature and Date of Recommending Officer:</p>	 <hr/> <p>Áine Leland, Executive Planner 07/04/2026</p>
<p>Signature and Date of the Decision Maker:</p>	 <hr/> <p>Gráinne O'Keeffe, SEP 8/4/2028</p>



Comhairle Cathrach
& Contae **Luimnigh**

Limerick City
& County Council

Pleanáil, Oidhreacht agus Corn Ryder
Comhairle Cathrach agus Contae Luimnigh
Bóthar Thuar an Daill
Tuar an Daill
Luimneach, V94 WV78

Planning, Heritage and Ryder Cup
Limerick City and County Council
Dooradoyle Road
Dooradoyle
Limerick, V94 WV78

t: +353 (0) 61 556 000

PLANNING, HERITAGE AND RYDER CUP

REG POST:

Tom Ryan
c/o Peter Thompson Planning Solutions
30 Archersleas
Kilkenny

EC/043/26

10 April 2026

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**

LIMERICK CITY & COUNTY COUNCIL

APPROVED OFFICER'S ORDER

SECTION 5 – DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

No. AOO/DC/2026/407

File Ref No. EC/043/26

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

RE: **A subdivision of the former provincial flooring premises involving the severing of the rear external storage compound from the remainder of the premises & the extension of the adjoining Analog Devices International Complex (ADIC) by incorporating the fPFp external storage compound within the storage compound installing of 2 no. nitrogen storage tanks and associated vaporiser units & associated works at rear of the former Provincial Flooring premises at Ballycummin, Raheen Business Park, Limerick**

ORDER: Whereas by Director General's Order No. DG/2026/032 dated 18th March 2026, 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 Nuala O'Connell, Senior Planner the functions as defined in the Local Government Acts, 1925 to 2024.

Now therefore pursuant to the delegation of the functions aforesaid, I, Nuala O'Connell, Senior Planner, having considered the report and recommendation of Áine Leland, Executive Planner dated 07/04/2026, hereby order that a Declaration under Section 5 of the Planning and Development Act 2000 (as amended) be issued to Tom Ryan, c/o Peter Thompson Planning Solutions, 30 Archersleas, Kilkenny to state that the works as described above is

Development and is Exempt Development.

Signed



SENIOR PLANNER, PLANNING, HERITAGE & RYDER CUP

Date





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Limerick City
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SECTION 5 – DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

DECLARATION NO.

EC/043/26

Name and Address of Applicant: Tom Ryan, Ballynoe, Mungret, Co. Limerick

Agent: Peter Thompson Planning Solutions, 30 Archersleas, Kilkenny

Whether the subdivision of the former provincial flooring premises involving the severing of the rear external storage compound from the remainder of the premises & the extension of the adjoining Analog Devices International Complex (ADIC) by incorporating the fPFp external storage compound within the storage compound installing of 2 no. nitrogen storage tanks and associated vaporiser units & associated works at rear of the former Provincial Flooring premises at Ballycummin, Raheen Business Park, 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 18th day of March 2026.

AND WHEREAS the Planning Authority has concluded that the subdivision of the former provincial flooring premises involving the severing of the rear external storage compound from the remainder of the premises & the extension of the adjoining Analog Devices International Complex (ADIC) by incorporating the fPFp external storage compound within the storage compound installing of 2 no. nitrogen storage tanks and associated vaporiser units & associated works at rear of the former Provincial Flooring premises at Ballycummin, Raheen Business Park, Limerick **DOES** come within the scope of exempted development under Class 17 and Class 21 of Part 1 of Schedule 2 of the Planning and Development Regulations (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:

10/04/2026

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.