

Limerick City and County Council

Planning Department

Section 5 Application

DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

Applicant's Name: Fedamore Community Childcare

Applicant's Address: Fedamore Community National School
Fedamore, Kilmallock
Co Limerick

Telephone No. [REDACTED]

Name of Agent (if any): Croom Family Resource Centre

Address: Croom Mills, Church Rd,
Croom, Co. Limerick

Telephone No. 061 602878

Address for Correspondence:

Croom Family Resource Centre, Croom
mills, Church Rd, Croom, Co. Limerick
V35E306

1. The first part of the document is a letter from the President of the United States to the Congress, dated January 3, 1862. It is a very important document, as it contains the President's views on the state of the Union and the progress of the war.

2. The second part of the document is a report from the Secretary of the War Department, dated January 10, 1862. It contains a detailed account of the military operations of the Army during the year 1861.

3. The third part of the document is a report from the Secretary of the Navy, dated January 15, 1862. It contains a detailed account of the naval operations of the Navy during the year 1861.

4. The fourth part of the document is a report from the Secretary of the Interior, dated January 20, 1862.

5. The fifth part of the document is a report from the Secretary of the Treasury, dated January 25, 1862.

6. The sixth part of the document is a report from the Secretary of the War Department, dated February 1, 1862. It contains a detailed account of the military operations of the Army during the year 1862.

7. The seventh part of the document is a report from the Secretary of the Navy, dated February 5, 1862. It contains a detailed account of the naval operations of the Navy during the year 1862.

8. The eighth part of the document is a report from the Secretary of the Interior, dated February 10, 1862.

9. The ninth part of the document is a report from the Secretary of the Treasury, dated February 15, 1862.

10. The tenth part of the document is a report from the Secretary of the War Department, dated February 20, 1862. It contains a detailed account of the military operations of the Army during the year 1862.

11. The eleventh part of the document is a report from the Secretary of the Navy, dated February 25, 1862. It contains a detailed account of the naval operations of the Navy during the year 1862.

12. The twelfth part of the document is a report from the Secretary of the Interior, dated March 1, 1862.

13. The thirteenth part of the document is a report from the Secretary of the Treasury, dated March 5, 1862.

14. The fourteenth part of the document is a report from the Secretary of the War Department, dated March 10, 1862. It contains a detailed account of the military operations of the Army during the year 1862.

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Section 5 of the Planning and Development Act 2000 (as amended)

Reference no. EC-076-26

Name and Address of Applicant: Fedamore Community Childcare
Fedamore Community National School
Ballyea,
Co. Limerick
V35KT54

Agent: Croom Family Resource Centre
Croom Mills,
Church Rd.,
Croom, Limerick

Location: Fedamore NS
Fedamore,
Kilmallock,
Co Limerick,
V35K54

Description of Site and Surroundings:

The site is located in Fedamore Village. There is a primary school on site with ancillary playing area on the site and car parking along the roadside. The site is accessed off the L-1143.

Zoning:

Fedamore is identified as a level 5 settlement in the Limerick Development Pan 2022-2028.

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 classroom in school building to provide part-time pre-school and afterschool service

This Section 5 declaration includes the following:

- Application Form
- Site location map
- Google Street View Photograph

Planning History:

No planning history

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 internal or external structural works required at Fedamore National School. The only change is the defined use of the building which will now include the provision of pre-school and afterschool 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 Fedamore National School. The only change is the defined use of the school building to provide pre-school and afterschool education. This will include:

- Part-time preschool and afterschool

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 are 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.

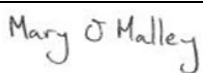
Conclusion/Recommendation

The use of school building to provide pre-school and afterschool care 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 15th 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).

Executive Planner	Mary O Malley	Date:
Signature:		10/06/2026
Senior Executive Planner	Barry Henn	Date:
Signature:		11/06/2026

Appendix 1- AA Screening examination

AA PN01 Screening Form

STEP 1: Description of the project/proposal and local site characteristics:	
a. File Reference No:	EC/076/26
b. Brief description of the project or plan:	This is an application requesting a Section 5 Declaration on Development and Exempted Development on use of part of school building to provide pre-school and afterschool care and education.
c. Brief description of site characteristics:	The site is located Fedamore village in the townland of Fedamore. There is a primary on school on site.
d. Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW	N/A
e. Response to consultation:	N/A

STEP 2: Identification of relevant Natura 2000 sites using Source-Pathway-Receptor model and compilation of information on Qualifying Interests and conservation objectives.				
European Site (code)	List of Qualifying Interest/Special Conservation Interest ¹	Distance from proposed development ² (km)	Connections (Source-Pathway-Receptors)	Considered further in screening Y/N
000439	Tory Hill SAC https://www.npws.ie/protected-sites/sac/000439	4.55km	N	N

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

² if the site or part thereof is within the European site or adjacent to the European site, state here

STEP 3: Assessment of Likely Significant Effects	
a. Identify all potential direct and indirect impacts that may have an effect on the conservation objectives of a European site, taking into account the size and scale of the project under the following headings:	
Impacts:	Possible Significance of Impacts: (duration/Magnitude etc)

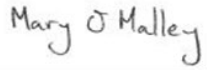
Construction phase e.g • Vegetation clearance • Demolition • Surface water runoff from soil excavation/infill/landscaping (including borrow pits) • Dust, noise, vibration • Lighting disturbance • Impact on groundwater/dewatering • Storage of excavated/construction materials • Access to site • Pests	None. No construction works proposed. Change of use of existing building.
Operation phase e.g. • Direct emission to air and water • Surface water runoff containing contaminant or sediment • Lighting disturbance • Noise/vibration • Changes to water/groundwater due to drainage or abstraction • Presence of people, vehicles and activities • Physical presence of structures (e.g collision risk) • Potential for accidents or incidents	None. Existing educational use on site.
In-combination/Other	N/A given the level of development

b. Describe any likely changes to the European site:	
Examples of the type of changes to give consideration to include: • 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)	None. No construction works proposed. Change of use of existing building.

• Changes to areas of sensitivity or threats to QI • Interference with the key relationships that define the structure or ecological function of the site	
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c. (Are ‘mitigation’ measures necessary to reach a conclusion that likely significant effects can be ruled out at screening?)
☐ Yes ☒ No

STEP 4: Screening Determination Statement		
The assessment of significance of effects: Describe how the proposed development (alone or in-combination is/is not likely to have significant effects on European site (s) in view of its conservation objectives		
On the basis of the information 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 is not required.		
	Tick as appropriate:	Recommendation:
i. It is clear that there is no likelihood of significant effects on a European Site	☒	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	☐	☐ Request further information to complete screening ☐ Request NIS ☐ Refuse planning permission
iii. Significant effects are likely	☐	☐ Request NIS

		☐ Refuse planning permission
Signature and Date of Recommending Officer:	 Mary O Malley, Executive Planner 10/06/2026	
Signature and Date of the Decision Maker:	 Barry Henn, SEP 11/06/2026	

Appendix 2 – EIA Screening

Establishing if the proposal is a ‘sub-threshold development’:	
Planning Register Reference:	EC-076-26
Development Summary:	Use of part of primary school building for preschool and afterschool care.
Was a Screening Determination carried out under Section 176A-C?	☐ Yes, no further actions required ☒ 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)?	
☐ Yes specify class here:	EIA is mandatory No Screening required
☒ 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?	
☐ X - No, the development is not a project listed in Schedule 5, Part 2	No Screening required
☐ 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
☐ Yes the project is of a type listed but is <i>sub-threshold</i> :	Proceed to Part C
C. If Yes , has Schedule 7A information/screening report been submitted?	
☐ Yes, Schedule 7A information/screening report has been submitted by the applicant	Screening Determination required
☐ No, Schedule 7A information/screening report has not been submitted by the applicant	Preliminary Examination required

Signature and Date of Recommending Officer:	
	Mary O Malley, Executive Planner
	10/06/2026
Signature and Date of the Decision Maker:	
	Barry Henn, Senior Executive Planner
	11/06/2026

Appendix 3 – Site Visit Photograph 09/06/2026





Comhairle Cathrach
& Contae Luimnigh
Limerick City
& County Council

Ari Roinn Pleanála
Comhairle Cathrach agus Contae Luimnigh
Bóthar Thuar an Dail
Tuar an Dail
Luimneach
V94 WV78

Planning Department
Limerick City & County Council
Dooradoyle Road
Dooradoyle
Limerick
V94 WV78

t: 061 556 000

DEVELOPMENT MANAGEMENT, PLANNING

REG POST:

**Fedamore Community Childcare
c/o Croom Family Resource Centre
Croom Mills,
Church Rd.,
Croom,
Limerick.**

EC/076/26

11 June 2026

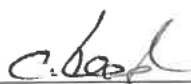
Re: Declaration under Section 5

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/2026/718

File Ref No. EC/076/26

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

RE: **A use of classroom in school building to provide part-time pre-school and
afterschool service at Fedamore NS, Fedamore, Kilmallock, Co Limerick**

ORDER: Whereas by Director General's Order No. DG/2026/056 dated 25th May 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 Barry Henn, Senior Executive Planner the functions as defined in the Local Government Acts, 1925 to 2024.

Now therefore pursuant to the delegation of the functions aforesaid, I, Barry Henn, Senior Executive Planner, having considered the report and recommendation of Mary O Malley, Executive Planner dated 10/06/2026, hereby order that a Declaration under Section 5 of the Planning and Development Act 2000 (as amended) be issued to Fedamore Community Childcare, c/o Croom Family Resource Centre, Croom Mills, Church Rd., Croom, Limerick to state that the works as described above is

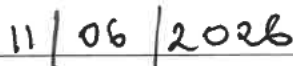
NOT Development

Signed



SENIOR EXECUTIVE PLANNER, DEVELOPMENT MANAGEMENT,
PLANNING

Date





Comhairle Cathrach
& Contae Luimnigh
Limerick City
& County Council

An Roinn Pleanála
Comhairle Cathrach agus Contae Luimnigh
Bóthar Thuar an Daill
Tuar an Daill
Luimneach
V94 WV78

Planning Department
Limerick City & County Council
Dooradoyle Road
Dooradoyle
Limerick
V94 WV78

t: 061 556 000

SECTION 5 – DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

DECLARATION NO.

EC/076/26

Name and Address of Applicant: Fedamore Community Childcare, Fedamore Community National School,
Ballyea, Co. Limerick

Agent: Croom Family Resource Centre, Croom Mills, Church Rd, Croom,
Limerick

Whether the use of classroom in school building to provide part-time pre-school and afterschool service at Fedamore NS, Fedamore, Kilmallock, 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 14th day of May 2026.

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: 11.6.2026

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.