



Coastal Development
& Planning
Limerick City
& County Council



Limerick City and County Council

Planning Department

Section 5 Application

DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

Applicant's Name:

KILTEEY DROMKEEN HOUSING ASSOCIATION

Applicant's Address:

8 BALLYCUMMIN VILLAGE

RAHEEN

LIMERICK V94 C5K6

Telephone No.



Name of Agent (if any):

Address:

Telephone No.



Address for Correspondence:

SINA KEENEHAN

VHSS

8 BALLYCUMMIN VILLAGE, RAHEEN

LIMERICK V94 C5K6

Location of Proposed development (Please include EIRCODE):

CILL BRIDE DAYCARE CENTRE
6 CILL BRIDE
KILTEELY, CO. LIMERICK, V94 XROX

Description of Proposed development:

TO RE-CONFIGURE THE DAYCARE CENTRE WHICH IS
NUMBERED AS "6" ON THE MAP AS A PRE-SCHOOL AND
AFTER-SCHOOL FACILITY. THE ROOMS ON THE MAP WHICH STATE
SURGERY AND WAITING ROOM WOULD BOTH BE USED AS AN ACTIVITY
AND AFTER SCHOOL ROOM. AN ADDITIONAL TOILET FACILITY IS
Section of Exempted Development Regulations and/or section of the Act under which exemption is claimed: NEEDED FOR TUSLA GUIDELINE

THIS WAS A DAY CARE CENTRE AND TO BE RECONFIGURED
INTO A PRE-SCHOOL AND AFTER-SCHOOL FACILITY

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:

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)

Kilteely Dromkeen
Housing Association

NOTES: Application must be accompanied by:

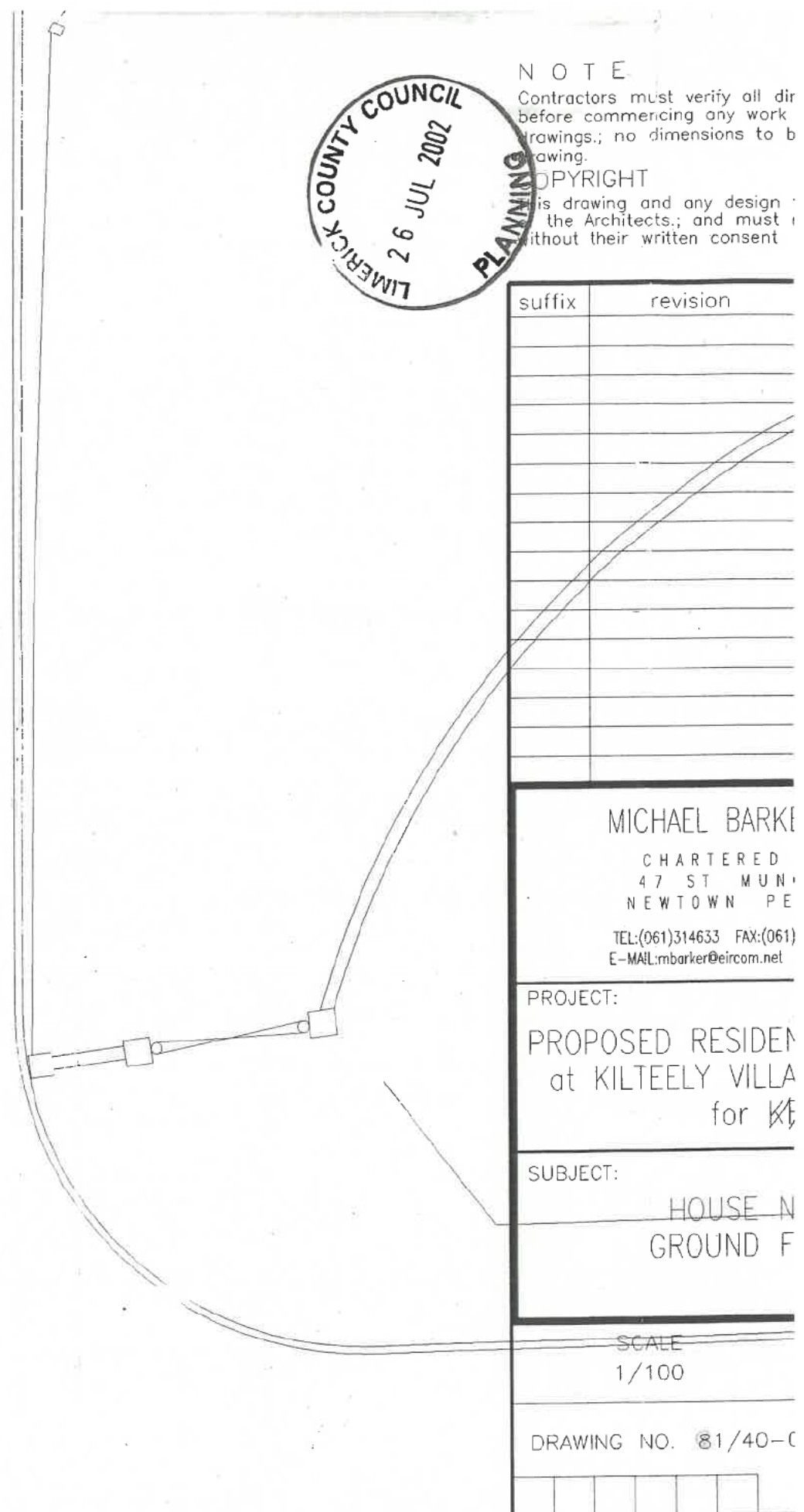
- (a) Fee of €80
- (b) Site location map
- (c) Site layout plan
- (d) Dimensioned plans and elevations of the structure and any existing structures.
- (e) Where the declaration is in respect of a farm building, a layout identifying the use of each existing building together with floor area of each building.

Application to be forwarded to:

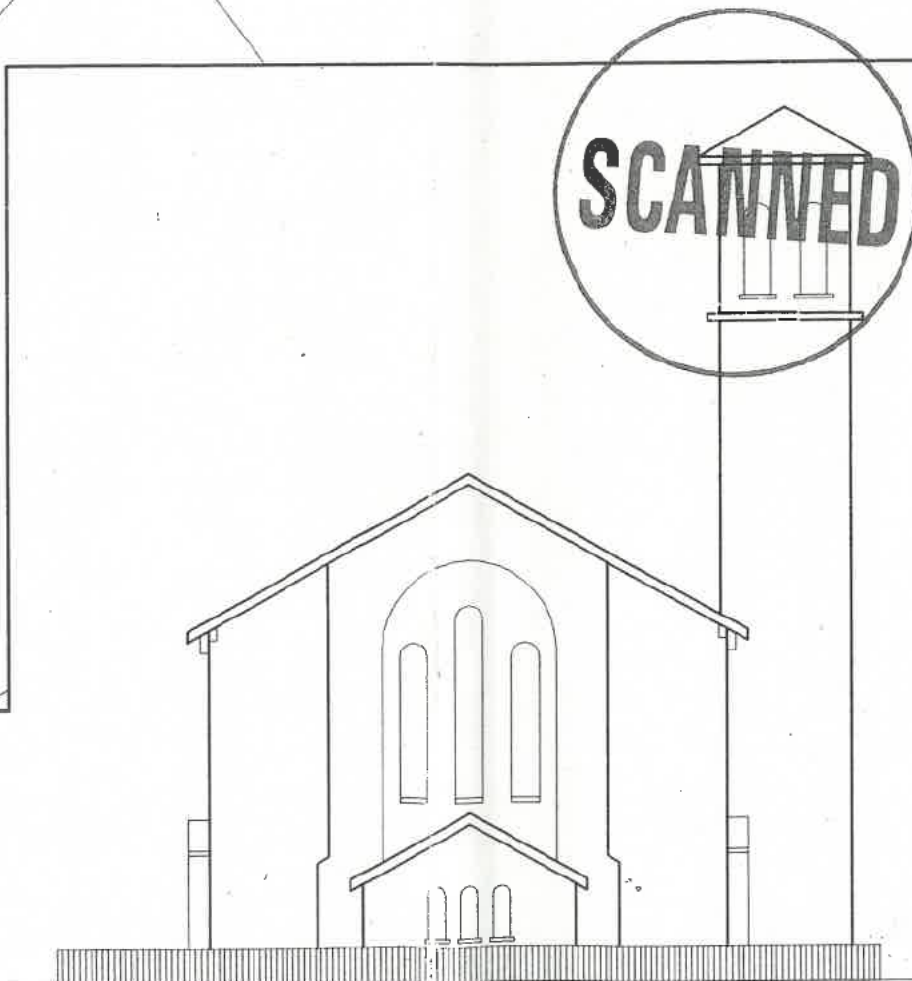
**Planning Department,
Limerick City & County Council,
Dooradoyle,
Limerick,
V94 XF67**

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









N O T E

Contractors must verify all dimensions at the site before commencing any work or making any shop drawings.; no dimensions to be scaled from the drawing.

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MICHAEL BARKER & COMPANY

CHARTERED ARCHITECTS
47 ST MUNCHIN HOUSE.
NEWTOWN PERY LIMERICK

TEL:(061)314633 FAX:(061)314758 MOB:(0862)557006
E-MAIL:mbarker@eircom.net WEBSITE:barkerarchitects.com

PROJECT:

PROPOSED RESIDENTIAL DEVELOPMENT,
at KILTEELY VILLAGE, Co. LIMERICK,
for GEORGE MURPHY.

SUBJECT:

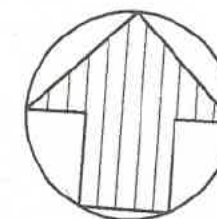
STORM, FOUL, WATERMAIN LAYOUT & PROPOSED STREET ELEVATION

SCALE
1/500 & 1/200

DRAWN	CHECK'D	DATE
DS	MB	07/02

DRAWING NO. 81/40-02-03

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NORTH

Schedule of Accommodation.

Terraced Townhouses (4 No.) 3 Bed Nos 1-4.
Apartments (2 No.) 2 Bed Nos 5 & 7.
Day care centre No. 6.
Terraced Bungalows (15 No.) 2 Bed Nos 8-22.

Schedule of Finishes

1. All estate roads to be tarmac finish.
2. All estate footpaths to be 1.8m conc.
3. Drop kerbing provided at entrance to all car courts.
4. All estate roads provided with 250/125mm conc kerbing.
5. All screen walls 1.8m high with rendered finish.
6. All front gardens to be open plan.
7. All rear house boundaries to be 1.2m conc post & plain wire fencing.
8. All car courts to have tarmac finish.
9. Green area to be graded, seeded & landscaped.

Landscape Layout

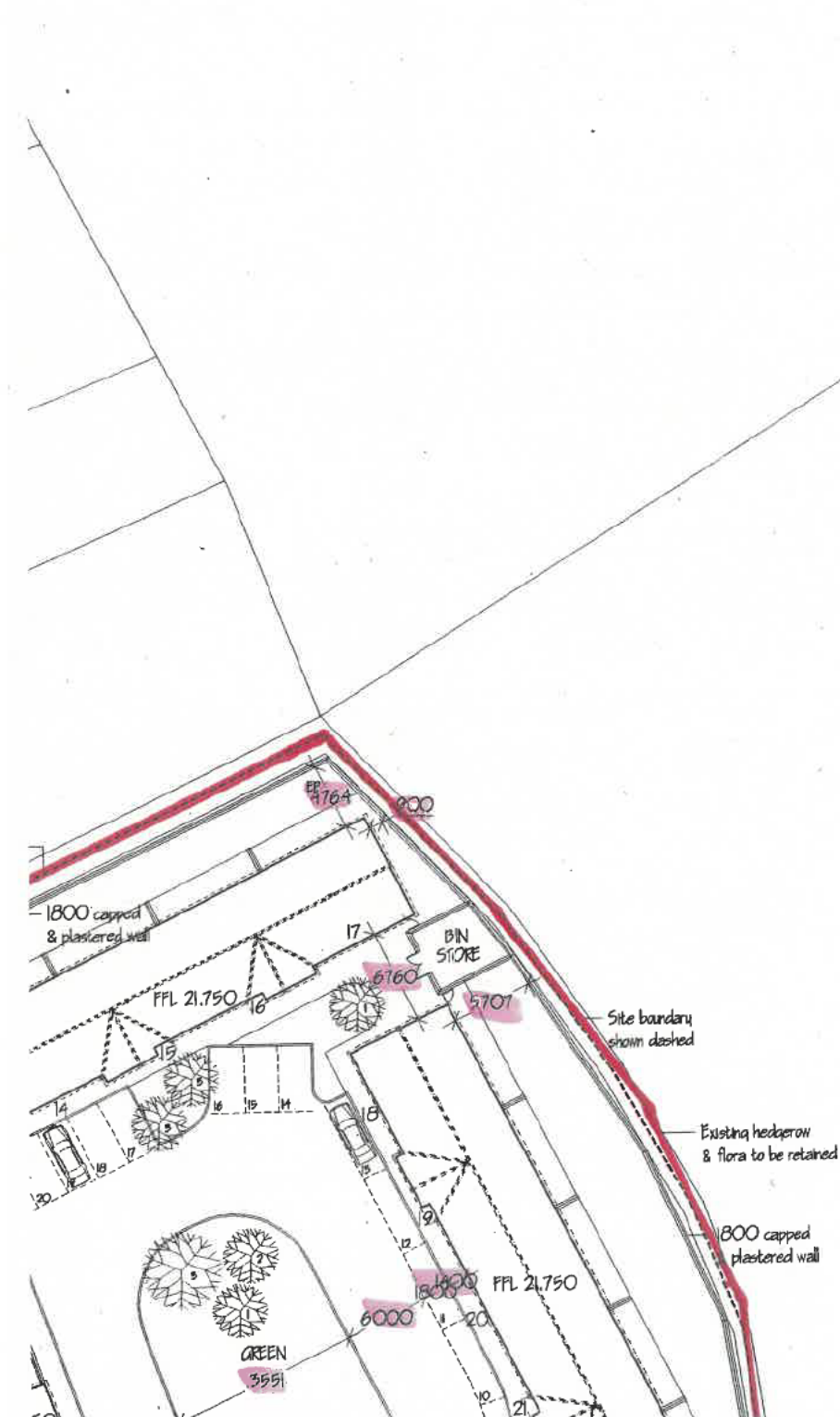
1. Aesculus Hippocastanum (Horse Chestnut) 8-10 cm girth 6.5 metres centres (x4)
2. Malus Tschonoski (Ornamental Crab) 8-10 cm girth 3.5 metres centres (x5)
3. Betula Jacquemontii (Birch) feathered 200-300 cm 2.5 metres centres (x6)

Services

1. All individual house mains water connections to be 19mm hydrocaine, with stopcock in footpath
2. Estate watermain to be 100mm hydrocaine
3. All Foul Sewers to be 225mm, with 100mm individual house connections
4. All Storm Sewers to be 225mm, with 100mm individual house connections

Key:

- LS=Lamp Standard
- G=Gully
- TS=Traffic Sign
- TP=Telephone Pole
- EP=ESB Pole
- Mh=Manhole
- V=Valve
- H=Hydrant
- TE=Telecom Cover
- EC=ESB Cabinet
- TC=Telecom Cabinet
- AJ=Armstrong Junction
- IC=Inspection Cover
- IL=Invert level
- EB=Earthbank
- SB=Stonebank
- BW=Block Wall
- SW=Stone Wall
- CW=Concrete Wall
- C&P=Concrete Post & Panel Fence
- T&W=Timber Post & Wire Fence
- C&W=Concrete Post & Wire Fence
- Tree Symbol
- Hedge & Trees
- Gate



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



File Reference number	EC-085-26
Applicant	Kilteely Dromkeen Housing Association
Location	Cill Bríde Daycare Centre, 6 Cill Bríde, Kilteely, Co. Limerick. V94XR0X

Description of Site and Surroundings:

The site is located in off Main Street in Kilteely Village.

Zoning:

Kilteely 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:

- Reconfiguration of former daycare centre into a pre-school and afterschool facility
- To re-configure the daycare centre which is numbered as “6” on the map as a pre-school and after-school facility. The rooms on the map which state surgery and waiting room would both be used as an activity and afterschool room. An additional toilet facility is needed for Tusla Guidelines

This Section 5 declaration includes the following:

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

Planning History:

02/1191 - Conditional permission granted for construction of 15 no. single storey dwellings, 4 no. two-storey dwellings. 2 no. apartments, day care centre and ancillary site works

00/2538 - Conditional permission granted for construction of 5 no. dwelling houses, entrances and ancillary site works (change of no. of houses from previous application ref. no. 98/902

Enforcement History

None

Relevant An Bord Pleanála referrals

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?

Is the proposal development?

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

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

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

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

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

The proposed development on site, comprising the change of use from a day care centre to a pre-school and afterschool facility including reconfiguring of existing rooms and installation of a toilet facility constitutes a material change of use of the property thus it is considered ‘development’.

Is the proposal exempted development?

The question of whether the proposal is exempted development will be assessed against Article 10(1) of Part 2 of Schedule 1 of the Planning and Development Regulations 2001, as amended.

10. (1) Development which consists of a change of use within any one of the classes of use specified in Part 4 of Schedule 2, shall be exempted development for the purposes of the Act, provided that the development, if carried out would not—

- (a) involve the carrying out of any works other than works which are exempted development,
- (b) contravene a condition attached to a permission under the Act,
- (c) be inconsistent with any use specified or included in such a permission, or
- (d) be a development where the existing use is an unauthorised use, save where such change of use consists of the resumption of a use which is not unauthorised and which has not been abandoned.

Schedule 2 Part 4

CLASS 8 Use—

- (a) as a health centre or clinic or for the provision of any medical or health services (but not the use of the house of a consultant or practitioner, or any building attached to the house or within the curtilage thereof, for that purpose),
- (b) as a crèche,
- (c) as a day nursery,
- (d) as a day centre.

The application is for a change of from day-centre (class 8 (d)) to a pre-school (class 8(c)) and afterschool facility it is my opinion that the proposal complies with the limitations set out under Class 8.

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

4(1)(h)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’.*

There are no external alterations proposed on the drawings submitted. The proposed internal reconfiguration of the rooms identified as surgery and waiting room This is considered exempt under Section 4(1)(h) of the Planning and Development Act 2000 as amended.

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.

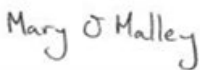
Conclusion/Recommendation

The use of Daycare Centre to provide pre-school and afterschool care as detailed on the application and plans submitted is not considered to be development. The change of use of building as detailed on the application and plans submitted is exempted development.

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 25th of May 2024.

It is therefore considered that the said works are development and are exempted development under Section 2, 3 and 4 of the Planning and Development Act 2000 (as amended).

Executive Planner	Mary O Malley	Date:
Signature:		17/06/2026
Senior Executive Planner	Barry Henn	Date:
Signature:		17/06/2026

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/085/26
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 a former daycare centre as a pre-school and afterschool.
c. Brief description of site characteristics:	The site is located at Main St., Killeely. 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
001430	Glen Bog SAC https://www.npws.ie/protected-sites/sac/001430	7.2km	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:

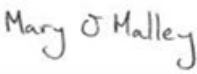
	(duration/Magnitude etc)
Construction phase e.g • Vegetation clearance • Demolition • Surface water runoff from soil excavation/infill/landscaping (including borrow pits) • Dust, noise, vibration • Lighting disturbance • Impact on groundwater/dewatering • Storage of excavated/construction materials • 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	None. No construction works proposed. Change of use of existing building.

• 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	
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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.

i.	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
i.	Significant effects are likely	☐	☐ Request NIS ☐ Refuse planning permission
Signature and Date of Recommending Officer:		 Mary O Malley, Executive Planner 17/06/2026	
Signature and Date of the Decision Maker:		 Barry Henn, SEP 17/06/2026	

Appendix 2 – EIA Screening

Establishing if the proposal is a ‘sub-threshold development’:	
Planning Register Reference:	EC-85-26
Development Summary:	Reconfiguration of Day care centre for use as a 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:	 <u>Mary O Malley</u> , Executive Planner 17/06/2026	
Signature and Date of the Decision Maker:	 <u>Barry Henn</u> , Senior Executive Planner 17/06/2026	

Appendix 3 – Site Visit Photograph 1606/2026





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

Ari Róirín Pleanála
Comhairle Cathrach agus Contae Luimnigh
Bóthar Thuar an Daill
Tuair an Daill
Luimneach
V94 WV78

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

t: 061 556 000

DEVELOPMENT MANAGEMENT, PLANNING

REG POST:

**Kilteely Dromkeen Housing Association
c/o Sina Keenahan,
VHSS,
8 Ballycummin Village,
Raheen,
Limerick.
V94C5K6**

EC/085/26

18 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/2026/759

File Ref No. EC/085/26

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

RE: **Re-configure the daycare centre which is numbered as “6” on the map as a pre-school and after-school facility at Cill Bríde Daycare Centre, 6 Cill Bríde, Killeely, 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.

a 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 17/06/2026, hereby order that a Declaration under Section 5 of the Planning and Development Act 2000 (as amended) be issued to Killeely Dromkeen Housing Association, c/o Sina Keenchan, VHSS, 8 Ballycummin Village, Raheen, Limerick to state that the works as described above is

Development and is Exempt Development.

Signed

B. Henn

SENIOR EXECUTIVE PLANNER, DEVELOPMENT MANAGEMENT,
PLANNING

Date

18 | 06 | 2026



Comhairle Cathrach
& Contae Luimnigh
Limerick City
& County Council

An Roinn Pleanála
Comhairle Cathrach agus Contae Luimnigh
Bóthar Thuar an Dail
Tuair an Dail
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/085/26

Name and Address of Applicant: Killeely Dromkeen Housing Association, 8 Ballycummin Village,
Raheen, Limerick.

Agent: N/A

Whether the re-configuration of the daycare centre which is numbered as “6” on the map as a pre-school and after-school facility at Cill Bríde Daycare Centre, 6 Cill Bríde, Killeely, 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 13th day of May 2026 and further information received on the 25th day May 2026.

AND WHEREAS the Planning Authority has concluded that the re-configuration of the daycare centre which is numbered as “6” on the map as a pre-school and after-school facility at Cill Bríde Daycare Centre, 6 Cill Bríde, Killeely, Co. Limerick **DOES** come within the scope of exempted development under Section 2, 3 and 4 of the Planning and Development Act 2000 (as amended). See Report attached.

NOW THEREFORE the Planning Authority in exercise of the powers conferred on it by Section 5(2) (a) of the Planning and Development Act 2000 (as amended) hereby decides that the said development as described above is **Development and is Exempted Development.**

Signed on behalf of the said Council



Date:

18.6.2026

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.