

Limerick City and County Council

Planning Department

Section 5 Application

DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

Applicant's Name: Dylan Griffin

Applicant's Address: _____

Telephone No. _____

Name of Agent (if any): Pat O'Connell

Address: O'Connell Planning & Design Services,
Hazelfield, Askeaton, Co. Limerick

Telephone No. 0879293566

Address for Correspondence:

O Connell Planning & Design Services,
Hazelfield, Askeaton, Co. Limerick, V94 P2N5

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

Athea Upper, Athea, Co. Limerick, V94 52F8

Description of Proposed development:

2660012

Planning has been granted under planning ref. for The change of
use from 'Car Sales ' to Gym (Class 11) together with all associated
site works at the vacant 'former car sales premises' see attached letter
for details of section 5 application

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

Varies Please see attached Letter

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

YES/NO

No

Applicant's interest in site: Owner

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

Site Location Map, Site Layout Map, Plans, Elevations & Section

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

No

If Yes please provide floor areas of all existing structures:

Signature of Applicant (or Agent) *Patrick O'Connell*

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**



Section 5 Application

Client: Dylan Griffin.

Site Location: Athea Upper, Athea, Co. Limerick V94 52F8.

Is to Re-clad existing cladding with insulated cladding, for modifications to building to meet Fire Safety Certificate and Disability Access Certificate requirements (including fire exits and accessible wet room), Electrical works including lighting, fire and security alarm systems, and cameras, Mechanical works including heating system, plumbing, and installation of a gas boiler to the rear, Upgrade of existing front door, Installation of solar panels, Connection to utilities including groundworks and connection to main sewer development and is it or is it not exempted development: .

To Whom It May Concern

This report has been prepared to assess whether the works as described constitute exempted development within the meaning of Section 4 and Section 5 of the Planning and Development Act 2000 (as amended) and the Planning and Development Regulations 2001 (as amended). The works comprise alterations, upgrades, and service installations to an existing building.

This building was granted planning permission for the change of use

from 'Car Sales ' to Gym (Class 11) together with all associated site works at the vacant 'former car sales premises' under planning ref. 2660012.

Each element has been reviewed with reference to Schedule 2, Part 1 of the Planning and Development Regulations 2001 (as amended).

Assessment of Proposed Works:

1) Re-cladding existing cladding with insulated cladding

The replacement of existing cladding constitutes works of maintenance, improvement, or alteration to an existing structure. Under Schedule 2, Part 1, Class 1, such works are exempted development provided they do not materially affect the external appearance so as to render it inconsistent with the character of the structure or neighbouring structures.

In this instance, the recladding is considered an upgrade in materials and thermal performance and, where the finish is comparable, falls within the scope of exempted development.

2) Modifications to building to meet Fire Safety Certificate and Disability Access Certificate requirements (including fire exits and accessible wet room)

These works are largely internal alterations required to ensure compliance with Building Regulations. Under Section 4(1)(h) of the Act and Schedule 2, Part 1, Class 10, works affecting the interior of a structure, or works that do not materially affect the external appearance, are exempted development.

The provision of fire exits, where involving limited external alteration, would also fall under Class 1 provided the external impact is not material.

3) Electrical works, lighting, fire and security alarm systems, and cameras.

These constitute non-structural service installations. Such works are

generally internal or minor in nature and are considered exempt under Section 4(1)(h) as works that do not materially affect the external appearance of the structure. External fixtures, such as cameras or lighting, are also typically incidental and not materially altering the character of the building.

4) Mechanical works including heating system, plumbing, and installation of a gas boiler to the rear.

These works relate to building services and plant installation. Internal works are exempt under Section 4(1)(h). The external placement of a boiler at the rear is considered incidental to the enjoyment of the structure and falls within Schedule 2, Part 1, Class 3, which permits the provision of plant or equipment within the curtilage of a house or building, subject to it not impacting on visual amenity.

5) Upgrade of existing front door.

The replacement of a door is considered maintenance or improvement works and falls under Schedule 2, Part 1, Class 1, provided the alteration does not materially affect the external appearance of the building.

6) Installation of solar panels

The installation of solar photovoltaic panels is specifically addressed under Schedule 2, Part 1, Class 2A (as amended). Such development is exempt subject to compliance with stated limitations relating to size, location, and visual impact. Where the proposal complies with these thresholds, it is exempted development.

7) Connection to utilities including groundworks and connection to main sewer.

The provision of drainage and service connections within the curtilage of a building is generally exempt under Schedule 2, Part 1, Class 25, which permits the construction of drains, sewers, and service connections. Associated groundworks are considered ancillary and form part of the exempted development.

Conclusion:

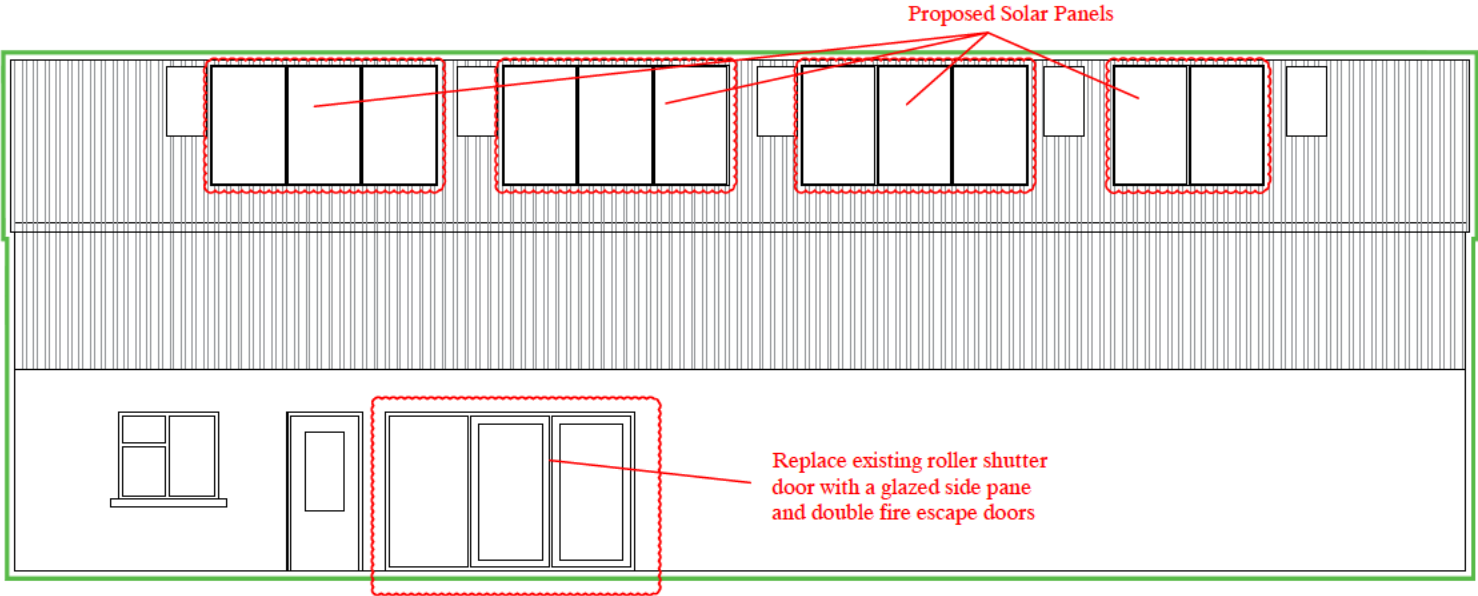
In Our opinion and having regard to the nature and extent of the proposed works, and subject to compliance with the limitations and conditions set out in Schedule 2, Part 1 of the Planning and Development Regulations 2001 (as amended), it is considered that: The works constitute maintenance, improvement, or internal alterations to an existing structure, The proposed service installations and upgrades are incidental to the use of the building, and the installation of solar panels and service connections fall within specific exempted classes.

Accordingly, we believe the works listed above are considered to constitute exempted development within the meaning of Section 4 of the Planning and Development Act 2000 (as amended) and do not require planning permission.

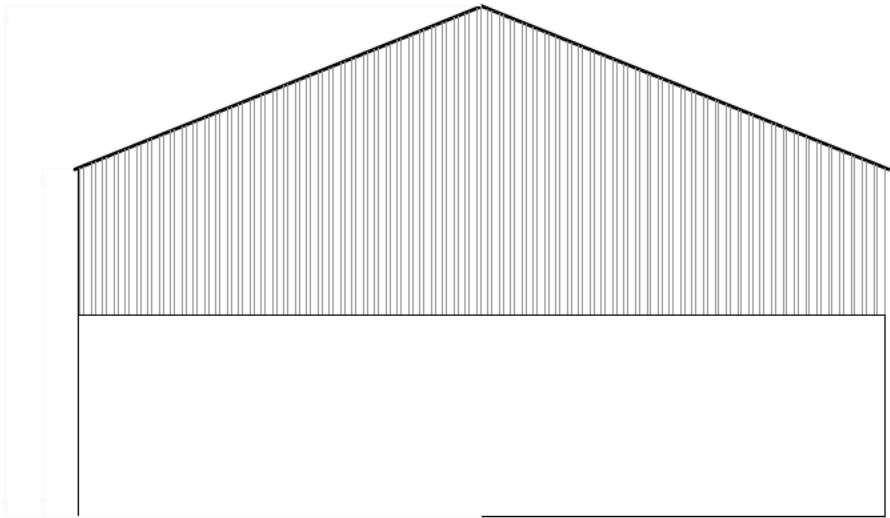
Regards

Patrick O'Connell Bsc.Dip.Arch.Tech

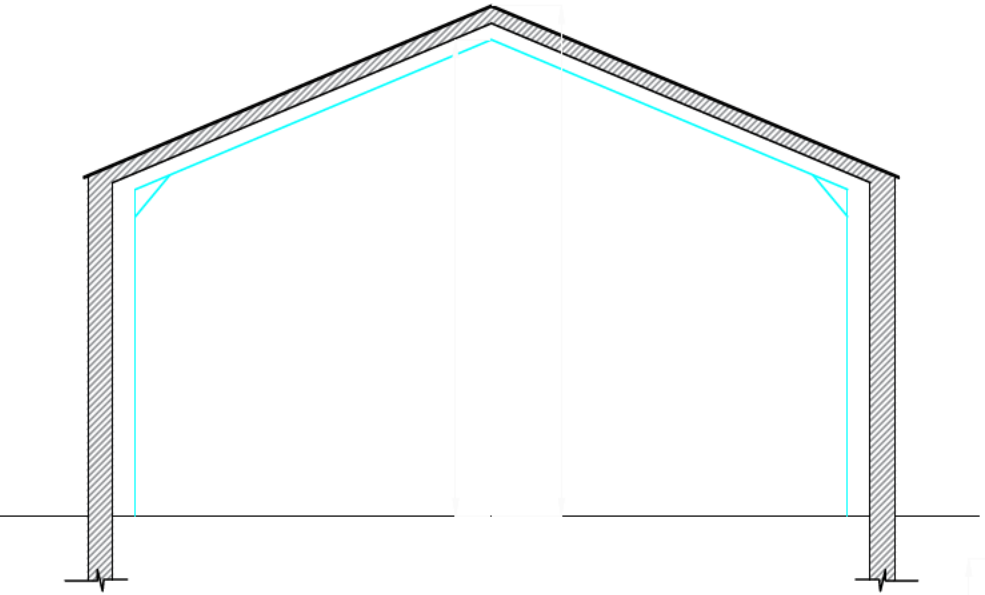
Date: 12/5/2026



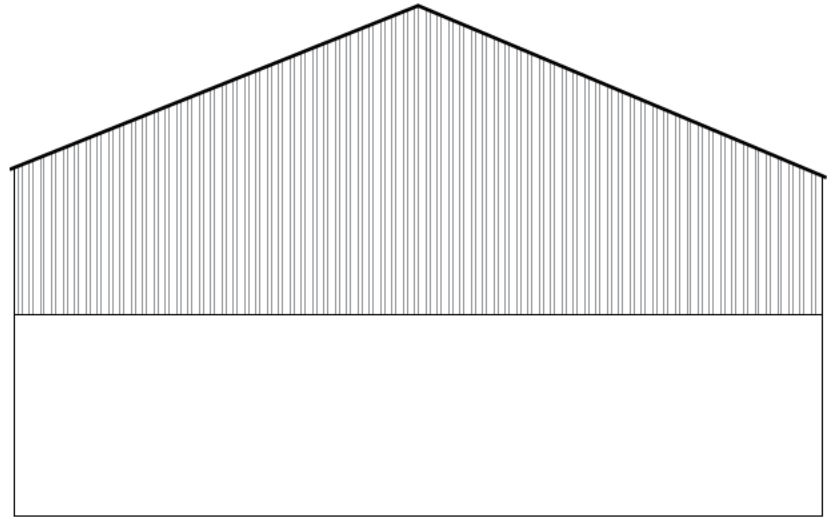
South Elevation
Scale 1:100



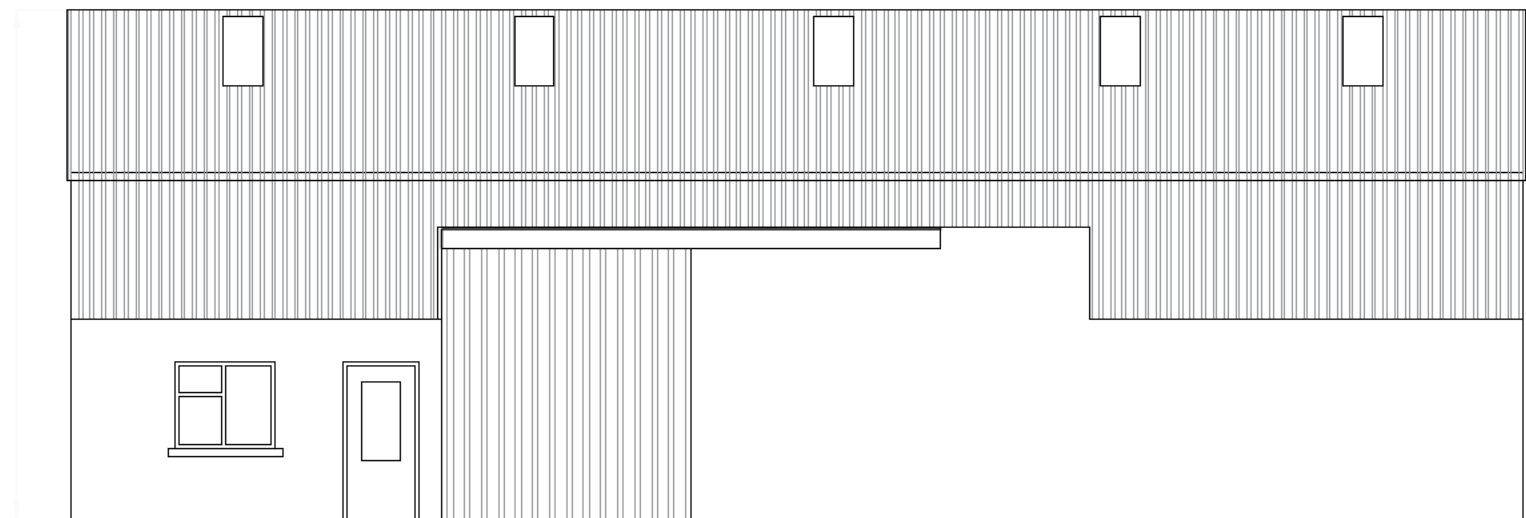
West Elevation
Scale 1:100



Typical Section
Scale 1:100



East Elevation
Scale 1:100



South Elevation
Scale 1:100

The replacement of existing cladding constitutes works of maintenance, improvement, or alteration to an existing structure. Under Schedule 2, Part 1, Class 1, such works are exempted development provided they do not materially affect the external appearance so as to render it inconsistent with the character of the structure or neighbouring structures.

In this instance, the recladding is considered an upgrade in materials and thermal performance and, where the finish is comparable, falls within the scope of exempted development.

The external walls of the proposed Gym will be up-graded to vertical orientation 80mm QuadCore KW1000RW wall Panel which has a classification of fire resistance in accordance with BS EN 13501-1:2018 under the certified name QuadCore® KS1000RW when using the following internal liners: □ CLEANsafe 15, CLEANsafe 25, CLEANsafe 55, CLEANsafe 120 and AQUAsafe 55 and this will give the appropriate fire resistance given in Appendix A, Table 31 TGD Part B 2024 (Reprint 2026) and installed with the manufacturers specifications to achieve fire resistance when installed as tested systems based on:

- o EN 1364 tests
- o Classified to BS EN 13501-2

Over 225mm Existing cast in situ concrete walls



AREA:		
A	FSC Application	8/4/26
REV	ISSUE / DESCRIPTION	DATE
CLIENT		
Dylan Griffin		
SITE ADDRESS		
Athea Upper, Athea, Co. Limerick		
DRAWING TITLE		
Elevations & Section		
DRAWING No: PL-26576-4		
SCALE: 1:100		
DRAWN BY: Pat O'Connell Hazelfield, Askeaton, Co. Limerick		
SHEET: 4		
Tel: 087 9293566		

Installation of solar panels
The installation of solar photovoltaic panels is specifically addressed under Schedule 2, Part 1, Class 2A (as amended). Such development is exempt subject to compliance with stated limitations relating to size, location, and visual impact. Where the proposal complies with these thresholds, it is exempted development.

Description:
=====

Digital Landscape Model (DLM)

Publisher / Source:
=====

Ordnance Survey Ireland (OSi)

Data Source / Reference:
=====

PRIME2

File Format:
=====

Autodesk AutoCAD (DWG_R2013)

File Name:
=====

v_50381479_1.dwg

Clip Extent / Area of Interest (AOI):
=====

LLX,LLY= 557806.9138,656681.7554

LRX,LRX= 558039.9138,656681.7554

ULX,ULY= 557806.9138,656853.7554

URX,URY= 558039.9138,656853.7554

Projection / Spatial Reference:
=====

Projection= IRENET95_Irish_Transverse_Mercator

Centre Point Coordinates:

Description:
=====

Digital Landscape Model (DLM)

Publisher / Source:
=====

Taite Éireann

Data Source / Reference:
=====

PRIME2

File Format:
=====

Autodesk AutoCAD (DWG_R2013)

File Name:
=====

v_50509801_1.dwg

Clip Extent / Area of Interest (AOI):
=====

LLX,LLY= 511990.25,635009.77

LRX,LRX= 512573.25,635009.77

ULX,ULY= 511990.25,635439.77

URX,URY= 512573.25,635439.77

Projection / Spatial Reference:
=====

Projection= IRENET95_Irish_Transverse_Mercator

Centre Point Coordinates:
=====

X,Y= 512281.75,635224.77

Reference Index:
=====

Map Series | Map Sheets

1:2,500 | 5158-A

Data Extraction Date:
=====

Date= 01-Jan-2026

Source Data Release:
=====

DCMLS Release V1.194.121

Product Version:
=====

Version= 1.4

License / Copyright:
=====

Compiled and published by:

Taite Éireann,

Phoenix Park,

Dublin 8,

Ireland.

D08F6E4

www.taite.ie

Any unauthorised reproduction
infringes Taite Éireann copyright.

No part of this publication may
be copied, reproduced or transmitted
in any form or by any means without
the prior written permission of the
copyright owner.

The representation on this map
of a road, track or footpath
is not evidence of the existence
of a right of way.

This topographic map
does not show
legal property boundaries,
nor does it show
ownership of physical features.

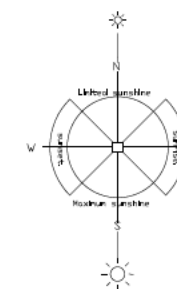
© Taite Éireann, 2026
All rights reserved.
Oach cead ar cónaím.

Ní ceadmhach son chuid
den fhioscáil seo
a chloipeáil, a stáirgeadh nó a tharchur
in son fhoirm ná ar aon
bhealach gan cead i scríbhinn roimh
ré ó úinéirí an chloipeáir

Ní hionann bóthar,
bealach nó cosán a bheith
ar an léarscáil seo agus
fianaise ar chlead sli.

Ní thaispeánann an léarscáil
topagrafach seo teorainneacha
réadmhaoiné dlíthiúla,
agus ní léiríonn sé úinéireacht
ar ghnéithe físiúla.

Site Boundary



AREA:

A	FSC Application	8/4/26
---	-----------------	--------

REV	ISSUE / DESCRIPTION	DATE
-----	---------------------	------

CLIENT	Dylan Griffin
--------	---------------

SITE ADDRESS

Athea Upper,
Athea,
Co. Limerick

DRAWING TITLE

Site Location Map

DRAWING No: PL-26576-2

SCALE: 1:2500 DRAWN BY:

Pat O'Connell

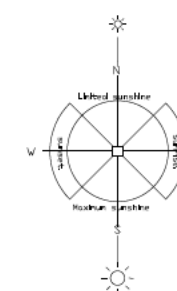
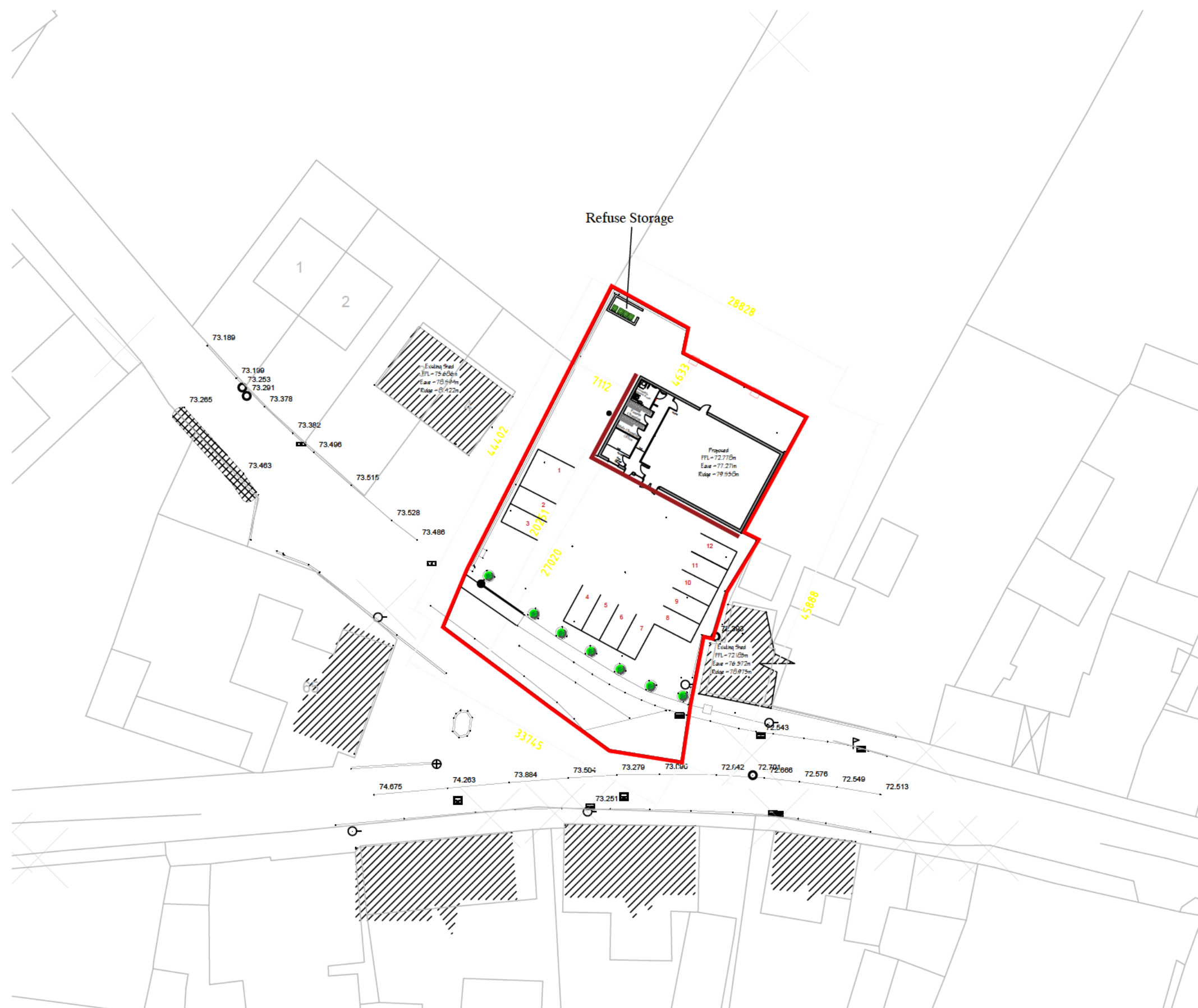
Hazelfield,
Askeaton,
Co. Limerick

2

Tel: 087 9293566

Site Location Map Ordinance Survey Ireland Licence No. CYAL50490255
Scale 1:2500

- Land Holding
- Site
- Proposed Reception Building
- Enclosing rectangles
- Travel Distances
- Access to Building For Fire Services 19.6 M

**AREA:**

A	FSC Application	8/4/26
---	-----------------	--------

REV	ISSUE / DESCRIPTION	DATE
-----	---------------------	------

CLIENT	Dylan Griffin
--------	---------------

SITE ADDRESS

Athea Upper,
Athea,
Co. Limerick

DRAWING TITLE

Site Layout Map

DRAWING No: PL-26576-2

SCALE: 1:500
DRAWN BY: Pat O'Connell
Hazelfield,
Askeaton,
Co. Limerick

Tel: 087 9293566

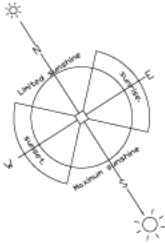
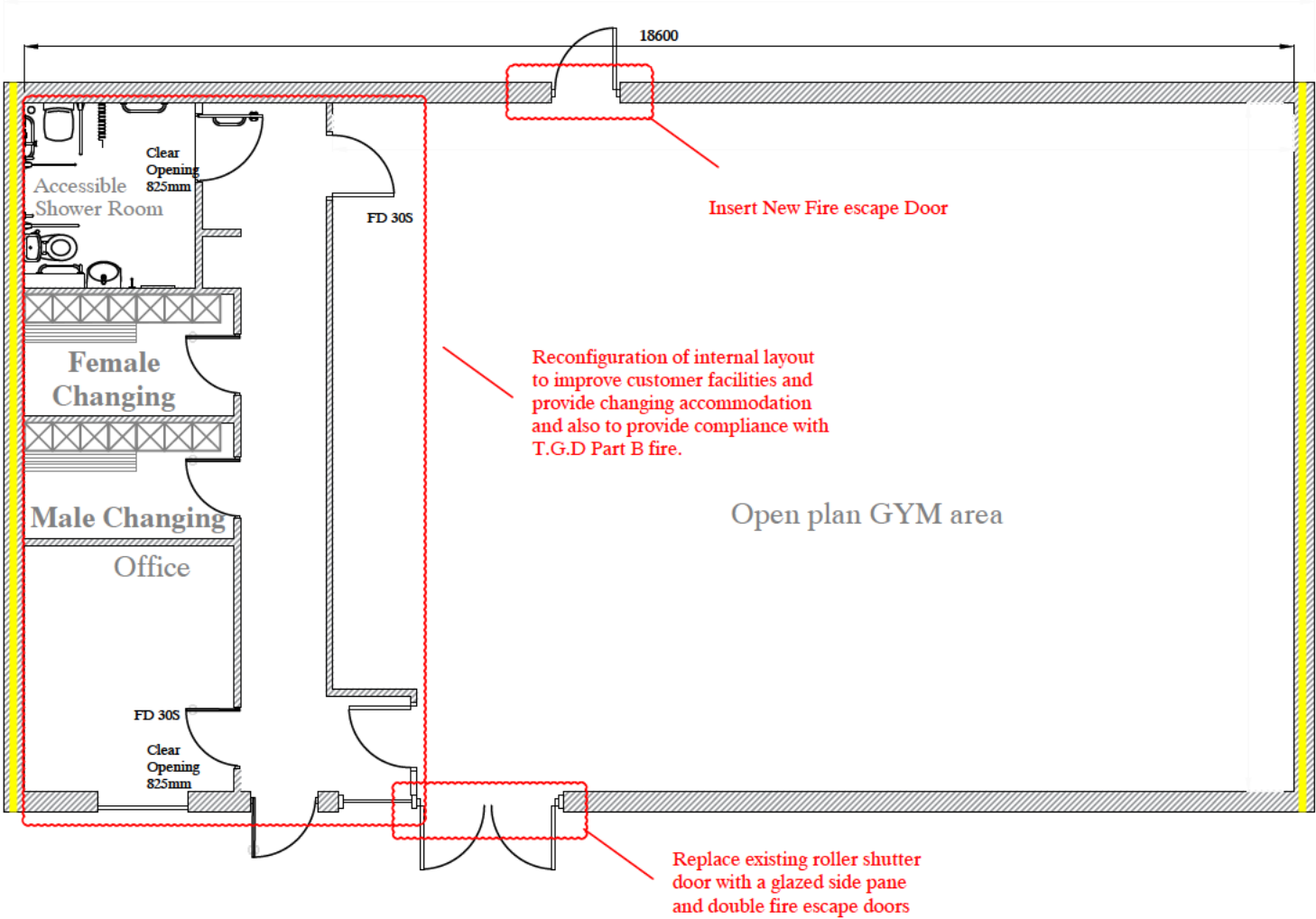
Electrical works, lighting, fire and security alarm systems, and cameras.
These constitute non-structural service installations. Such works are generally internal or minor in nature and are considered exempt under Section 4(1)(h) as works that do not materially affect the external appearance of the structure. External fixtures, such as cameras or lighting, are also typically incidental and not materially altering the character of the building.

Mechanical works including heating system, plumbing, and installation of a gas boiler to the rear.
These works relate to building services and plant installation. Internal works are exempt under Section 4(1)(h). The external placement of a boiler at the rear is considered incidental to the enjoyment of the structure and falls within Schedule 2, Part 1, Class 3, which permits the provision of plant or equipment within the curtilage of a house or building, subject to it not impacting on visual amenity.

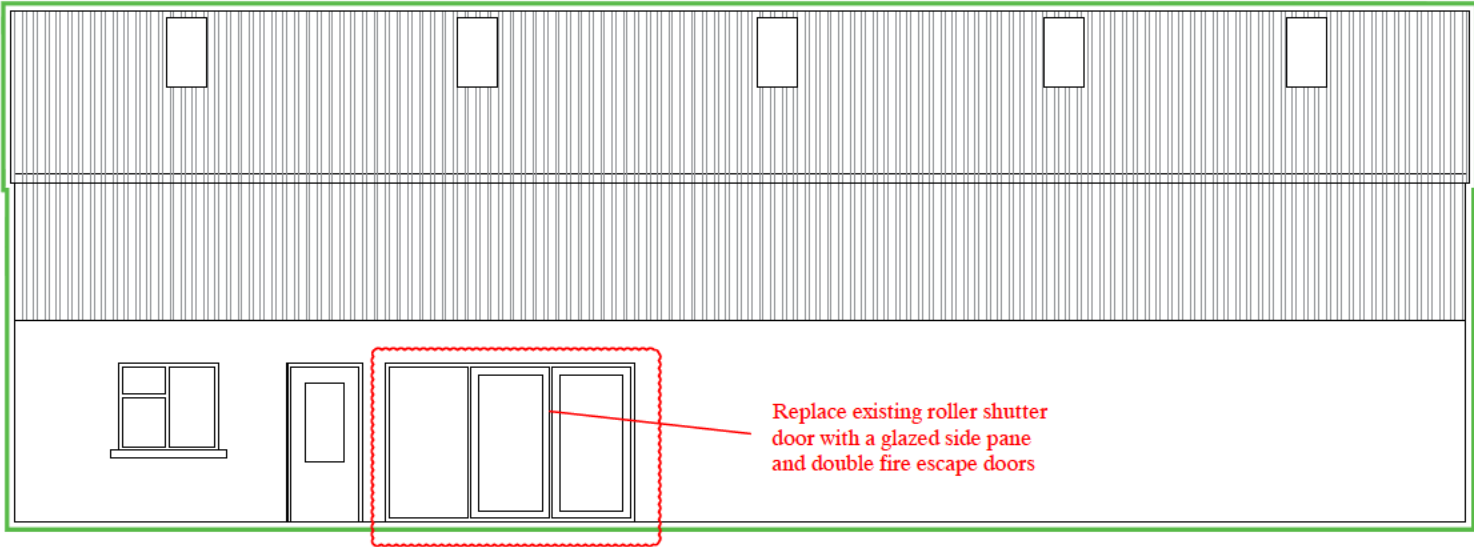
Upgrade of existing front door.
The replacement of a door is considered maintenance or improvement works and falls under Schedule 2, Part 1, Class 1, provided the alteration does not materially affect the external appearance of the building.

Connection to utilities including groundworks and connection to existing on site manhole which is connected to the main sewer.
The provision of drainage and service connections within the curtilage of a building is generally exempt under Schedule 2, Part 1, Class 25, which permits the construction of drains, sewers, and service connections. Associated groundworks are considered ancillary and form part of the exempted development.

Modifications to building to meet Fire Safety Certificate and Disability Access Certificate requirements (including fire exits and accessible wet room)
These works are largely internal alterations required to ensure compliance with Building Regulations. Under Section 4(1)(h) of the Act and Schedule 2, Part 1, Class 10, works affecting the interior of a structure, or works that do not materially affect the external appearance, are exempted development.
The provision of fire exits, where involving limited external alteration, would also fall under Class 1 provided the external impact is not material.

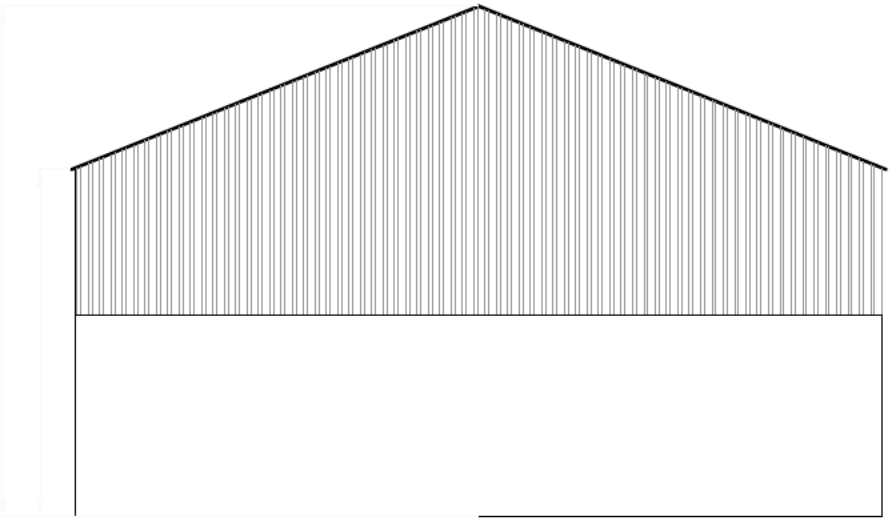


<u>AREA:</u>		
A	FSC Application	8/4/26
REV	ISSUE / DESCRIPTION	DATE
<u>CLIENT</u>		
Dylan Griffin		
<u>SITE ADDRESS</u>		
Athea Upper, Athea, Co. Limerick		
<u>DRAWING TITLE</u>		
Floor Plan		
<u>DRAWING No:</u> PL-26576-3		
<u>SCALE:</u>	<u>DRAWN BY:</u>	
1:100	Pat O Connell Hazelfield, Askeaton, Co.Limerick	
<u>SHEET:</u>		
3		
Tel: 087 9293566		



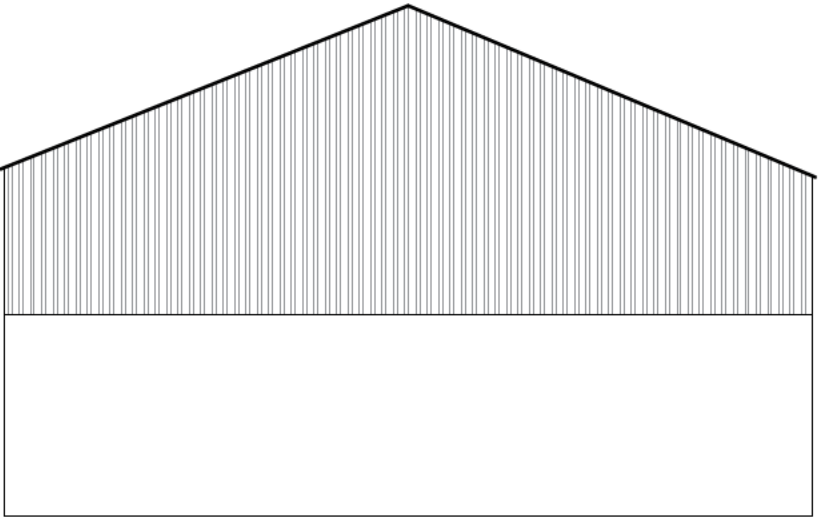
South Elevation

Scale 1:100



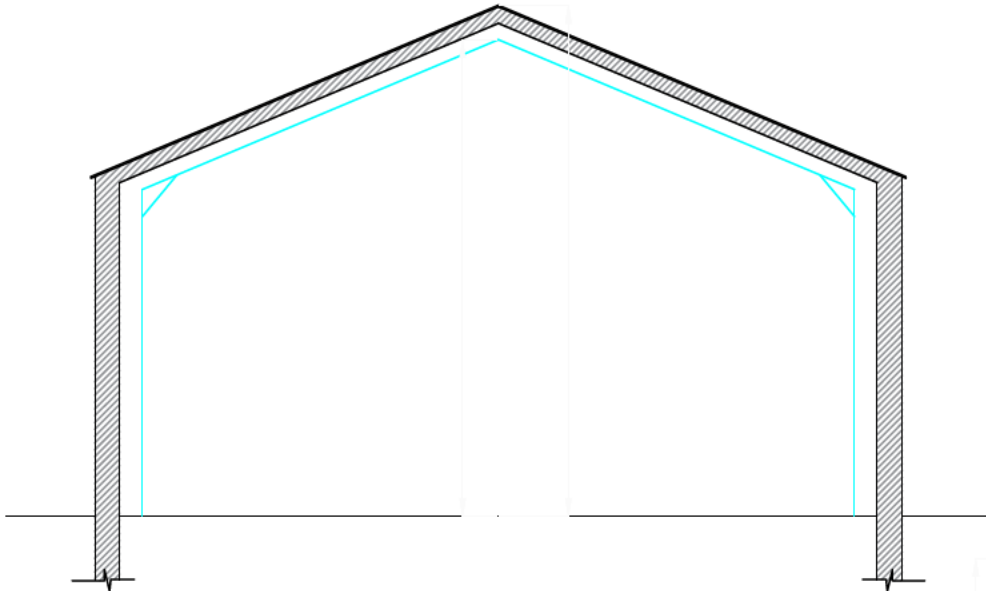
West Elevation

Scale 1:100



East Elevation

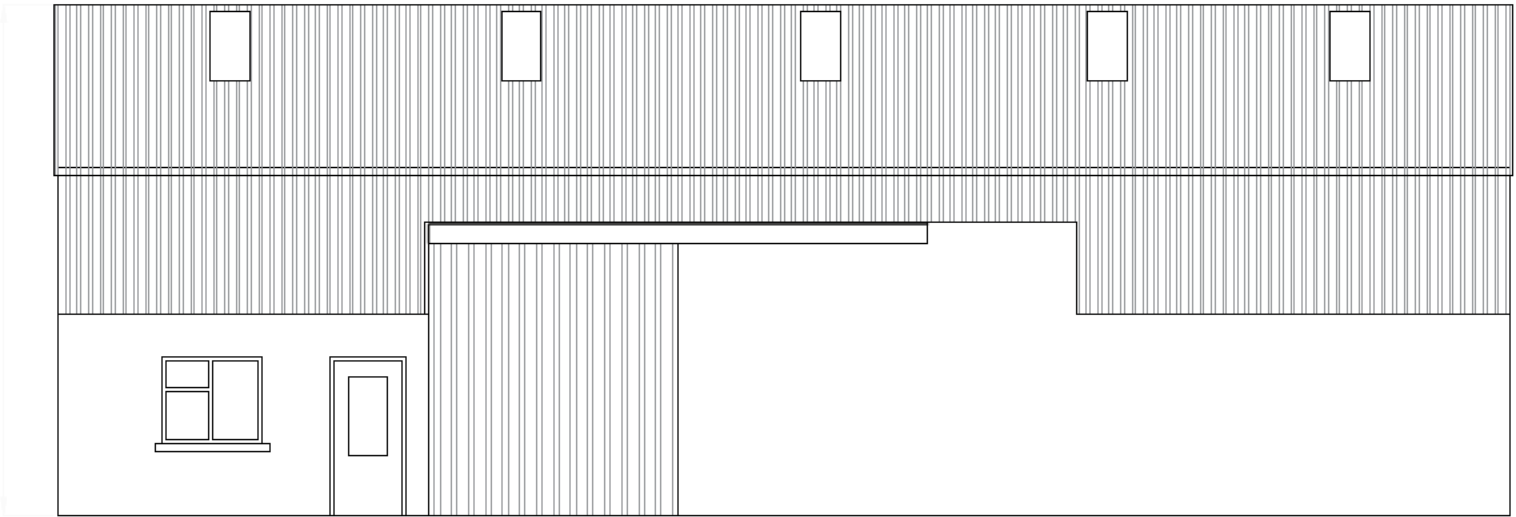
Scale 1:100



Typical Section

Scale 1:100

Installation of solar panels
The installation of solar photovoltaic panels is specifically addressed under Schedule 2, Part 1, Class 2A (as amended). Such development is exempt subject to compliance with stated limitations relating to size, location, and visual impact. Where the proposal complies with these thresholds, it is exempted development.



South Elevation

Scale 1:100

The replacement of existing cladding constitutes works of maintenance, improvement, or alteration to an existing structure. Under Schedule 2, Part 1, Class 1, such works are exempted development provided they do not materially affect the external appearance so as to render it inconsistent with the character of the structure or neighbouring structures.

In this instance, the re-cladding is considered an upgrade in materials and thermal performance and, where the finish is comparable, falls within the scope of exempted development.

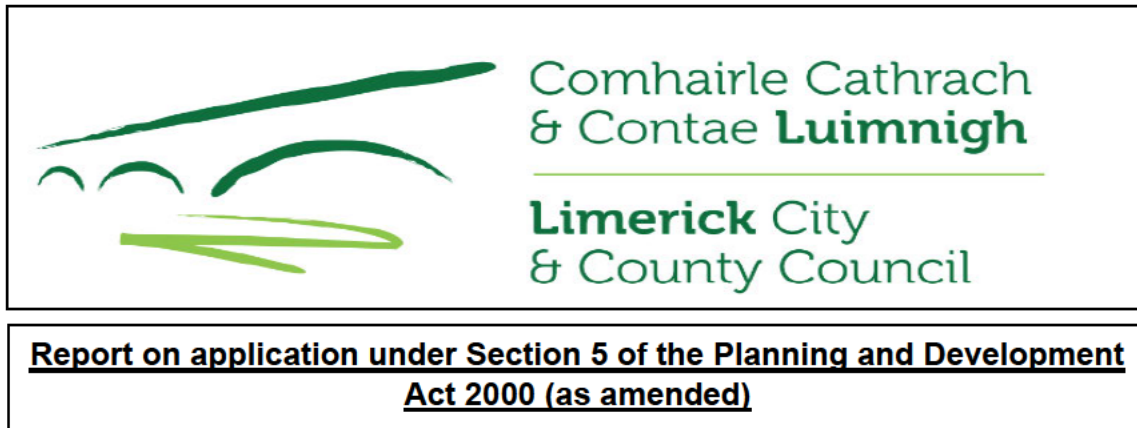
The external walls of the proposed Gym will be up-graded to vertical orientation 80mm QuadCore KW1000RW wall Panel which has a classification of fire resistance in accordance with BS EN 13501-1:2018 under the certified name QuadCore® KS1000RW when using the following internal liners: □ CLEANsafe 15, CLEANsafe 25, CLEANsafe 55, CLEANsafe 120 and AQUAsafe 55 and this will give the appropriate fire resistance given in Appendix A, Table 31 TGD Part B 2024 (Reprint 2026) and installed with the manufacturers specifications to achieve fire resistance when installed as tested systems based on:

- o EN 1364 tests
- o Classified to BS EN 13501-2

Over 225mm Existing cast in situ concrete walls



<u>AREA:</u>		
A	FSC Application	8/4/26
REV	ISSUE / DESCRIPTION	DATE
<u>CLIENT</u>		
Dylan Griffin		
<u>SITE ADDRESS</u>		
Athea Upper, Athea, Co. Limerick		
<u>DRAWING TITLE</u>		
Elevations & Section		
<u>DRAWING No:</u> PL-26576-4		
<u>SCALE:</u>	<u>DRAWN BY:</u>	
1:100	Pat O Connell	
<u>SHEET:</u>	Hazelfield, Askeaton, Co. Limerick	
4		
Tel: 087 9293566		



File Reference number	EC-101-26
Applicant	Dylan Griffin
Location	Athea Upper Athea Co Limerick V9452F8

1.0 Description of Site and Surroundings:

This is an existing detached building in Athea village which was previously use as a car sales premises. The site has an existing access onto the L1328 in the village centre.

2.0 Proposal:

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

- Reclad existing cladding with insulated cladding, for modifications to building to meet Fire and Disability Access Certificate, include fire access and accessible wet room, Electrical work including lighting, fire and security alarm systems and cameras, Mechanical works including heating system, plumbing and installation of gas boiler to the rear, Upgrade of existing front door, Installation of solar panels, reconnection to utilities including ground works and reconnection to main sewer.

This Section 5 declaration includes the following:

- Cover Letter
- Application form
- Site location
- Elevations
- Floor plans

3.0 Planning History:

26/60012- Conditional permission was granted the change of use from ‘Car Sales ’ to Gym (Class 11) together with all associated site works at the vacant ‘former car sales premises’
12/598 – Permission granted for change of use of wood products store to storage of cars and for display of cars in yard to front of same.

3.1 Enforcement History

None.

4.0 Relevant An Coimisiún Pleanála referrals

None

5.0 Assessment

Consideration as to whether a development constitutes exempted development or not is governed by Sections 4 and 5 of the Planning and Development Act 2000 (as amended) and Articles 5, 6, 7, 8, 9, 10 and 11 of the Planning and Development Regulations 2001 (as amended).

5.1 Is the proposal development?

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

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

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

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

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

The proposed development on site consists of the following:

- Re-cladding existing cladding with insulated cladding
- Fire exits and an accessible wet room
- Electrical works, lighting, fire and security alarm systems, and cameras
- Heating system, plumbing, and installation of a gas boiler to the rear
- Upgrade of existing front door
- Installation of solar panels
- Connection to utilities including groundworks and connection to main sewer

The proposed development is considered to constitute ‘works’ and ‘development’ as the per Section 3(1) of the Act.

5.2 Is the proposal exempted development?

It is noted that the building was recently granted planning permission to change the use from a former car sales premises to a gym (2660012), subject to five conditions. However, it does not appear that this permission has been implemented yet. The works proposed are associated with this permission and largely concern works to meet fire safety standards, access and upgrades. Each item set out on the applicant's cover letter will therefore be assessed.

Re-cladding existing cladding with insulated cladding

No details of the cladding have been provided with the supporting documents. In some cases section 4(1)(h) of the Act would apply in that the works would not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures. However, the applicant has not provided any elevations, samples or details of what the cladding would look like and therefore it cannot be determined whether the works would 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

Fire exits and an accessible wet room

The door would be located to the rear of the building but has not been shown on the proposed elevations. The wet room would be a different layout to that granted permission but is internal works and therefore falls under Section 4(1)(h).

Electrical works, lighting, fire and security alarm systems, and cameras

These are all minor works that fall under Section 4(1)(h).

Heating system, plumbing, and installation of a gas boiler to the rear

No details have been submitted regarding these works. Although generally minor in nature the applicant has not provided any details of the boiler. The applicant has reference Scheduled 2, Part 1, Class 3. However, this concerns the construction, erection or placing within the curtilage of a house of any tent, awning, shade or other object, greenhouse, garage, store, shed or other similar structure and therefore is not relevant.

Upgrade of existing front door

The upgrading of the door has been shown on the plans and is considered a relatively minor addition that can be considered under Section 4(1)(h).

Installation of solar panels

The applicant has incorrectly referenced Schedule 2, Part 1, Class 2A.

The proposed erection of Solar Panels on a roof of a business premises under Schedule 2 Part 1 Class 56: *(e) The placing or erection on a roof of a business premises or light industrial*

building, or within the curtilage of a business premises or light industrial building, or on a roof of any ancillary buildings within the curtilage of a business premises or light industrial building of a solar photo-voltaic and/or solar thermal collector installation.

1. Where such development is located within a solar safeguarding zone, the total aperture area of any solar photo-voltaic and/or solar thermal collector panels, taken together with any other such panels previously placed on a roof, shall not exceed 300 square metres.

The development is not located within a solar safeguarding zone.

2. Where such development is located within a solar safeguarding zone, the planning authority for the area shall be notified in writing no later than 4 weeks after the commencement of such development and such notification shall include details regarding the location and scale of the development.

The development is not located within a solar safeguarding zone.

3. The distance between the plane of the roof and the solar photo-voltaic or solar thermal collector panels shall not exceed: a. for a business premises, 1.2 metres in the case of a flat roof or 15cm in any other case. b. for a light industrial building, 2 metres in the case of a flat roof or 50cm in any other case.

The solar panels are to be erected subject to the regulation standard.

4. The solar photo-voltaic or solar thermal collector panels shall be a minimum of 2 metres in the case of a flat roof or 50cm in any other case from the edge of the roof on which it is mounted.

The roof is a hipped roof.

5. Development shall not be exempted development where the highest part of the solar photo-voltaic or solar thermal collector installation exceeds the highest part of any roof that is not a flat roof (excluding any chimney).

The highest part of the solar photo-voltaic or solar thermal collector installation does not exceed the highest part of any roof that is not a flat roof.

6. Any ancillary equipment associated with solar photo-voltaic or solar thermal collector panels shall not be placed or erected on a wall or any roof that is not a flat roof.

There is no solar equipment placed on the wall.

7. The height of any ancillary equipment associated with solar photo-voltaic or solar thermal collector panels on a flat roof shall not exceed 1.6 metres above roof level.

No ancillary equipment associated with solar photo-voltaic or solar thermal collector panels on a flat roof does not exceed 1.6 metres above roof level.

8. Any ancillary equipment associated with solar photo-voltaic or solar thermal collector panels on a flat roof shall be a minimum of 2 metres from the edge of the roof on which it is mounted.

The solar panels are 2 metres from the edge of the roof it is mounted on.

9. Any free-standing solar photo-voltaic or solar thermal collector installation shall not be placed or erected forward of the front wall of the business premises or light industrial building.

There are no free-standing solar panels.

10. The total aperture area of any free-standing solar photo-voltaic and solar thermal collector panels taken together with any other such existing free-standing panels shall not exceed 75 square metres.

There are no free-standing solar panels.

11. The height of any free-standing solar photo-voltaic or solar thermal collector installation shall not exceed 2.5 metres at its highest point above ground level.

There are no free-standing solar panels.

12. The placing or erection of a solar photo-voltaic or solar thermal collector installation on any wall shall not be exempted development.

The solar panels are not mounted on the wall.

13. The placing or erection of any free-standing solar photo-voltaic or solar thermal collector installation within an Architectural Conservation Area shall only be exempted development if those works would not materially affect the character of the area.

There are no free-standing solar panels and the site is not located within an ACA.

14. No sign, advertisement or object not required for the functioning or safety of the solar photo-voltaic or solar thermal collector installation shall be attached to or exhibited on such installation.

There are no signs, advertisement or object not required for the functioning or safety of the solar photo-voltaic or solar thermal collector installation, attached to or exhibited on such installation.

15. Development under this Class shall only be exempted development where the solar photo-voltaic or solar thermal collector installation is primarily used for the provision of electricity or heating for use within the curtilage of the business premises or light industrial building, and shall not be considered a change of use for the purposes of the Act.

The Solar Panels installed are for is primarily used for the provision of electricity or heating for use within the curtilage of the business premises.

16. Development under this Class which causes hazardous glint and/or glare shall not be exempted development and any solar photo-voltaic or solar thermal collector panels which are causing hazardous glint and/or glare shall either be removed or be covered until such time as a mitigation plan to address the hazardous glint and/or glare is agreed and implemented to the satisfaction of the Planning Authority.

The proposed solar panels would not cause hazardous glint and glare.

Connection to utilities including groundworks and connection to main sewer

The applicant has referenced Schedule 2, Part, Class 25 for the above works. However, this concerns works carried out by the Irish Gas Board and therefore is not relevant here. It is unclear what the applicant is proposing here given the lack of information provided and reference to the above Class.

6.0 Article 9 Restrictions

Article 9(1) Development to which article 6 relates shall not be exempted development for the purposes of the Act— (a) if the carrying out of such development would—	
(i) contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act,	N/A
(ii) consist of or comprise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width,	N/A
(iii) endanger public safety by reason of traffic hazard or obstruction of road users,	N/A

(iiia) endanger public safety by reason of hazardous glint and/or glare for the operation of airports, aerodromes or aircraft,	N/A
(iv) except in the case of a porch to which class 7 specified in column 1 of Part 1 of Schedule 2 applies and which complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1, comprise the construction, erection, extension or renewal of a building on any street so as to bring forward the building, or any part of the building, beyond the front wall of the building on either side thereof or beyond a line determined as the building line in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,	N/A
(v) consist of or comprise the carrying out under a public road of works other than a connection to a wired broadcast relay service, sewer, water main, gas main or electricity supply line or cable, or any works to which class 25, 26 or 31 (a) specified in column 1 of Part 1 of Schedule 2 applies,	N/A
(vi) interfere with the character of a landscape, or a view or prospect of special amenity value or special interest, the preservation of which is an objective of a development plan for the area in which the development is proposed or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,	N/A
(vii) consist of or comprise the excavation, alteration or demolition (other than peat extraction) of places, caves, sites, features or other objects of archaeological, geological, historical, scientific or ecological interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan for the area in which the	N/A

development is proposed or, pending the variation of a development plan or local area plan, or the making of a new development plan or local area plan, in the draft variation of the development plan or the local area plan or the draft development plan or draft local area plan,	
(viiA) consist of or comprise the excavation, alteration or demolition of any archaeological monument included in the Record of Monuments and Places, pursuant to section 12 (1) of the National Monuments (Amendment) Act 1994, save that this provision shall not apply to any excavation or any works, pursuant to and in accordance with a consent granted under section 14 or a licence granted under section 26 of the National Monuments Act 1930 (No. 2 of 1930) as amended,	N/A
(viiB) comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site,	N/A
(viiC) consist of or comprise development which would be likely to have an adverse impact on an area designated as a natural heritage area by order made under section 18 of the Wildlife (Amendment) Act 2000.	N/A
(viii) consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use,	N/A
(ix) consist of the demolition or such alteration of a building or other structure as would preclude or restrict the continuance of an existing use of a building or other structure where it is an objective of the planning authority to ensure that the building or other structure would remain available for such use and such objective has been specified in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft	N/A

variation of the development plan or the draft development plan,	
(x) consist of the fencing or enclosure of any land habitually open to or used by the public during the 10 years preceding such fencing or enclosure for recreational purposes or as a means of access to any seashore, mountain, lakeshore, riverbank or other place of natural beauty or recreational utility,	N/A
(xi) obstruct any public right of way,	N/A
(xii) further to the provisions of section 82 of the Act, consist of or comprise the carrying out of works to the exterior of a structure, where the structure concerned is located within an architectural conservation area or an area specified as an architectural conservation area in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan and the development would materially affect the character of the area,	N/A
(b) in an area to which a special amenity area order relates, if such development would be development:—	N/A
(i) of class 1, 3, 11, 16, 21, 22, 27, 28, 29, 31, (other than paragraph (a) thereof), 33 (c) (including the laying out and use of land for golf or pitch and putt or sports involving the use of motor vehicles, aircraft or firearms), 39, 44 or 50(a) specified in column 1 of Part 1 of Schedule 2, or	N/A
(ii) consisting of the use of a structure or other land for the exhibition of advertisements of class 1, 4, 6, 11, 16 or 17 specified in column 1 of Part 2 of the said Schedule or the erection of an advertisement structure for the exhibition of any advertisement of any of the said classes, or	N/A
(iii) of class 3, 5, 6, 7, 8, 9, 10, 11, 12 or 13 specified in column 1 of Part 3 of the said Schedule, or	N/A
(iv) of any class of Parts 1, 2 or 3 of Schedule 2 not referred to in subparagraphs (i), (ii) and (iii) where it is stated in the order made under	N/A

section 202 of the Act that such development shall be prevented or limited,	
(c) if it is development to which Part 10 applies, unless the development is required by or under any statutory provision (other than the Act or these Regulations) to comply with procedures for the purpose of giving effect to the Council Directive,	N/A
(d) if it consists of the provision of, or modifications to, an establishment, and could have significant repercussions on major accident hazards.	N/A
Article 9(2) Sub-article (1)(a)(vi) shall not apply where the development consists of the construction by any electricity undertaking of an overhead line or cable not exceeding 100 metres in length for the purpose of conducting electricity from a distribution or transmission line to any premises.	N/A
Article 9 (3) For the avoidance of doubt, sub-article (1)(a)(vii) shall not apply to any operation or activity in respect of which a Minister of the Government has granted consent or approval in accordance with the requirements of regulation 31 of the Habitats Regulations 1997, and where regulation 31(5) does not apply.	N/A

7.0 Appropriate Assessment

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

8.0 Environmental Impact Assessment

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

9.0 Conclusion/Recommendation

The proposed works detailed on file, and specifically the following:

- Re-cladding existing cladding with insulated cladding
- Heating system, plumbing, and installation of a gas boiler to the rear
- Connection to utilities including groundworks and connection to main sewer

are not considered to be within the scope of Section 4(1)(h) of the Planning and Development Act (as amended).

Regard has been had to –

(a) Section 2, 3 and 4 of the Planning and Development Act 2000 (as amended)

(b) Section 4(1)(h) of the Planning and Development Act, 2024 (as amended).

(c) Part 1, Schedule 2, Class 56 of the Planning and Development Regulations 2001 (as amended)

(d) The plans & particulars submitted with the application received on 10th of June 2026.

It is therefore considered that the said works are development and are not exempted development under Section 4(1)(h) of the Planning and Development Act, 2024 (as amended).

Assistant Planner	Deirdre Dunne	Date:
Signature:		18/06/2026
Senior Executive Planner	Barry Henn	Date:
Signature:		07/07/2026

Appendix 1: AA PN01 Screening Form

STEP 1: Description of the project/proposal and local site characteristics:	
(a) File Reference No:	EC-101-26
(b) Brief description of the project or plan:	Upgrade works to a gym.
(c) Brief description of site characteristics:	Existing Gym
(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	Circa 8.6km	None	None
004077	River Shannon and River Fergus Estuaries SPA https://www.npws.ie/protected-sites/spa/004077	Circa 10.9km	None	None
004161	Stack's to Mullaghareirk Mountains, West Limerick Hills & Mount Eagle SPA https://www.npws.ie/protected-sites/spa/004161	Circa 309m	None	None

	sites/spa/00416 1			
--	----------------------	--	--	--

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. Works are minimal and will involve temporary construction works, therefore, no likely significant impact on the conservation objectives of the above named sites.
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. Works are minimal and will involve temporary construction works, therefore, no likely significant impact on the conservation objectives of the above named sites.
In-combination/Other	N/A given the level of development in the area

(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. Works are minimal and will involve temporary construction works, therefore, no likely significant impact on the conservation objectives of the above named sites.

- 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	
--	--

(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 nature and scale of the proposed development, • 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.		
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	☒	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:	 Deirdre Dunne, Assistant Planner 02/06/2026	
Signature and Date of the Decision Maker:	 07/07/2026	

Appendix 2: EIA Screening

Establishing if the proposal is a 'sub-threshold development':		
Planning Register Reference:	EC-101-26	
Development Summary:	Upgrade works to a gym	
Was a Screening Determination carried out under Section 176A-C?	☐ Yes. no further action 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)? (Tick as appropriate)		
☐	Yes. specify class: [insert 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? (Tick as appropriate)		
☒	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> : [insert here] _	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:	 Deirdre Dunne, Assistant Planner 02/06/2026
Signature and Date of the Decision Maker:	 07/07/2026

Appendix 3: Site visit 17/06/2026





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

DEVELOPMENT MANAGEMENT, PLANNING

REG POST:

Dylan Griffin
c/o Pat O'Connell,
O'Connell Planning & Design Services,
Hazelfield,
Askeaton,
Co. Limerick.

EC/101/26

07 July 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/2026/846

File Ref No. EC/101/26

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

RE: **Reclad existing cladding with insulated cladding, for modifications to building to meet fire and disability access certificate, include fire access and accessible wet room, electrical work including lighting, fire and security alarm systems and cameras, mechanical works including heating system, plumbing and installation of gas boiler to the rear, upgrade of existing front door, installation of solar panels, reconnection to utilities including ground works and reconnection to main sewer at Athea Upper, Athea, 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 Deirdre Dunne, Assistant Planner dated 18/06/2026, hereby order that a Declaration under Section 5 of the Planning and Development Act 2000 (as amended) be issued to Dylan Griffin, c/o Pat O'Connell, O'Connell Planning & Design Services, Hazelfield, Askeaton, Co. Limerick to state that the works as described above is

Development and is NOT Exempt Development.

Signed



SENIOR EXECUTIVE PLANNER, DEVELOPMENT MANAGEMENT,
PLANNING

Date

07 / 07 / 2026



Comhairle Cathrach
& Contae Luimnigh
Limerick City
& County Council

An 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

SECTION 5 – DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

DECLARATION NO.

EC/101/26

Name and Address of Applicant: Dylan Griffin, Athea Upper, Athea, Co Limerick

Agent: Pat O'Connell, O'Connell Planning & Design Services, Hazelfield,
Askeaton, Co. Limerick

Whether to reclad existing cladding with insulated cladding, for modifications to building to meet fire and disability access certificate, include fire access and accessible wet room, electrical work including lighting, fire and security alarm systems and cameras, mechanical works including heating system, plumbing and installation of gas boiler to the rear, upgrade of existing front door, installation of solar panels, reconnection to utilities including ground works and reconnection to main sewer at Athea Upper, Athea, 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 10th day of June 2026.

AND WHEREAS the Planning Authority has concluded that to reclad existing cladding with insulated cladding, for modifications to building to meet fire and disability access certificate, include fire access and accessible wet room, electrical work including lighting, fire and security alarm systems and cameras, mechanical works including heating system, plumbing and installation of gas boiler to the rear, upgrade of existing front door, installation of solar panels, reconnection to utilities including ground works and reconnection to main sewer at Athea Upper, Athea, Co Limerick **DOES NOT** come within the scope of exempted development under Section 4(1)(h) of the Planning and Development Act, 2024 (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 NOT Exempted Development.**

Signed on behalf of the said Council

Date:

7/07/2026

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.