



Comhairle Cathrach
& Contae Limerick
Limerick City
& County Council



Limerick City and County Council

Planning Department

Section 5 Application

DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

Applicant's Name: HAZEL MURPHY T/A THE BUTTERY

Applicant's Address: 10 BEDFORD R.W.,
LIMERICK
V94 V3H1

Telephone No. [REDACTED]

Name of Agent (if any): KAM MULLIGAN

Address: BAUTSALLY, GRANGE,
KILMAURK, CO. LIMERICK

Telephone No. 087 6824243

Address for Correspondence:

BAUTSALLY, GRANGE, KILMAURK,
CO. LIMERICK

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

RETAIL UNIT AT THE CORBALLY CENTRE
CORBALLY ROAD, LIMERICK

Description of Proposed development:

A COFFEE SHOP WITH NO SIT DOWN ENTITY
I.E ITS NOT A CAFE OR RESTAURANT

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

EXISTING USE RETAIL & PROPOSED USE IS ALSO RETAIL

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

YES/NO

Applicant's interest in site: LEASE HOLDER

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

SITE LOCATION, SITE LAYOUT, FLOOR PLAN
ELEVATIONS SHEET 1, ELEVATION SHEET 2

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) LAM M'ELLYSON

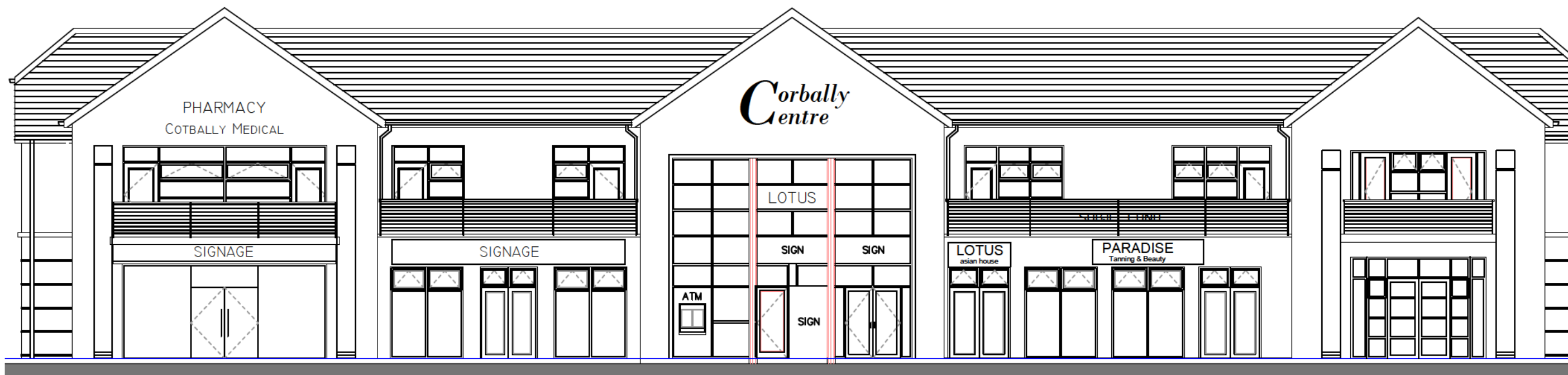
NOTES: Application must be accompanied by:

- (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**



NO CHANGES PROPOSED

NO CHANGES PROPOSED

EXISTING – WEST (FRONT) ELEVATION

SCALE 1:125



SOUTH (GABLE) ELEVATION

SCALE 1:125

PLANNING DRAWINGS

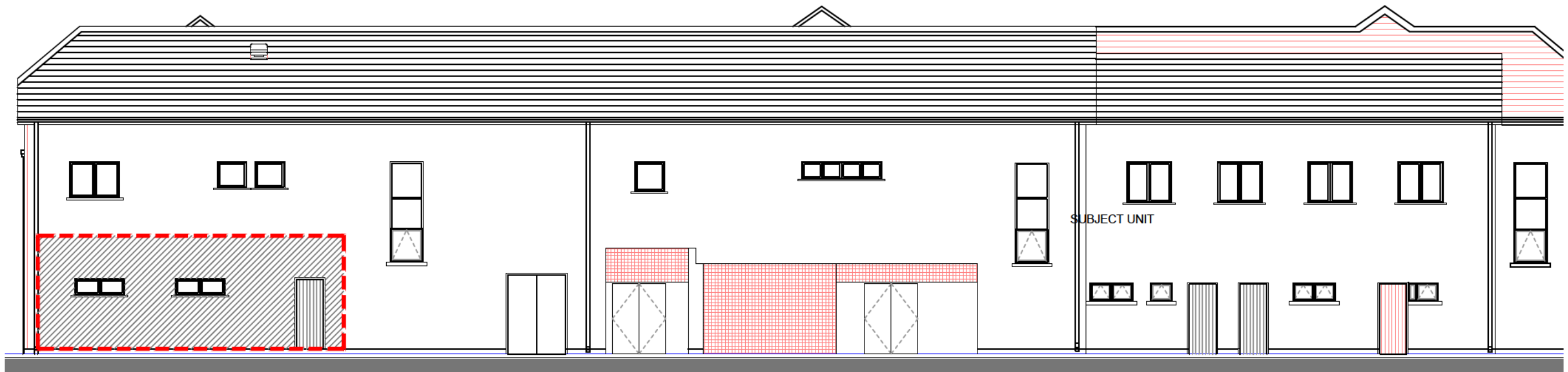
PROJECT: RETAIL UNIT AT THE CORBALLY CENTRE,
CORBALLY ROAD, LIMERICK
CLIENT: HAZEL MURPHY T/A THE BUTTERY
TITLE: ELEVATIONS - SHEET 1 OF 2
SCALE: 1:125



LIAM McELLIGOTT, B.Eng., M.I.E.I.
THE PADDOCK, BALLYALLY
GRANGE, KILMALLOCK,
CO. LIMERICK

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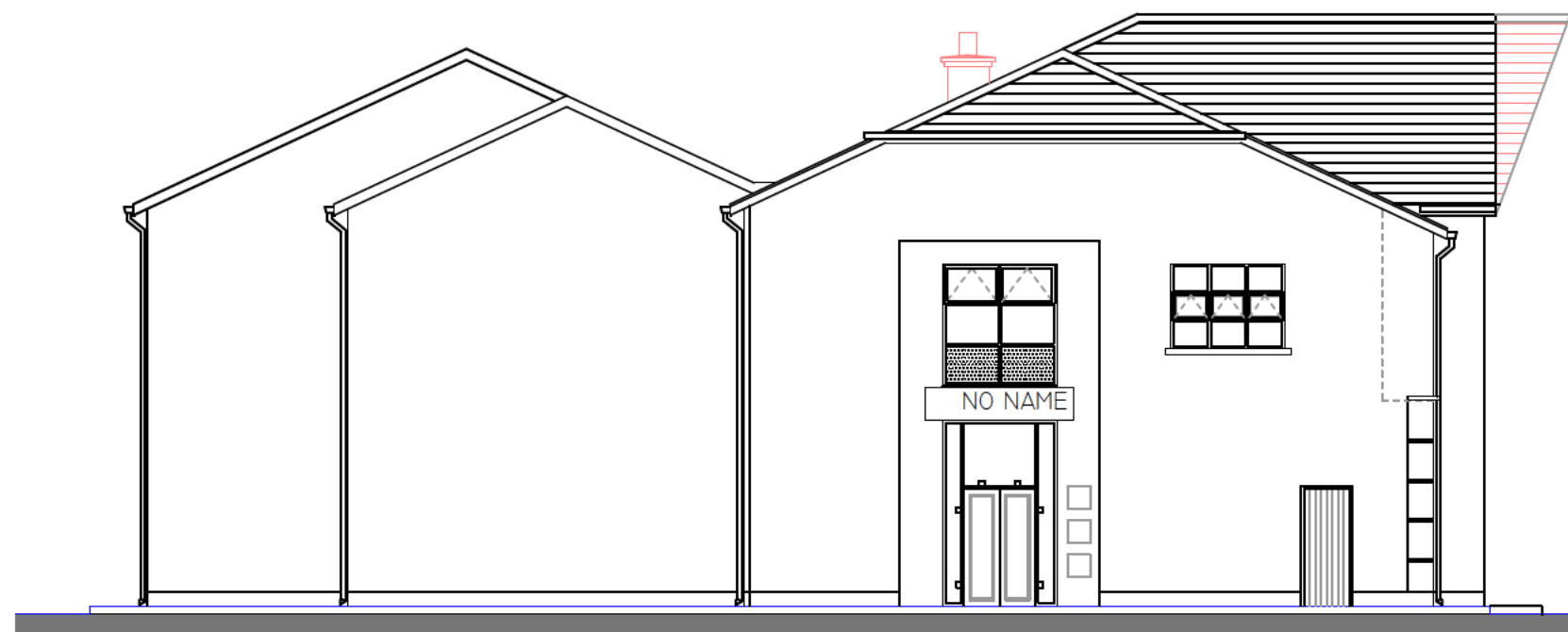
DRG. No. 2026.HM-003 REV.



EAST (REAR) ELEVATION

SCALE 1:125

NO CHANGES PROPOSED



EXISTING — NORTH (GABLE) ELEVATION

SCALE 1:125

PLANNING DRAWINGS

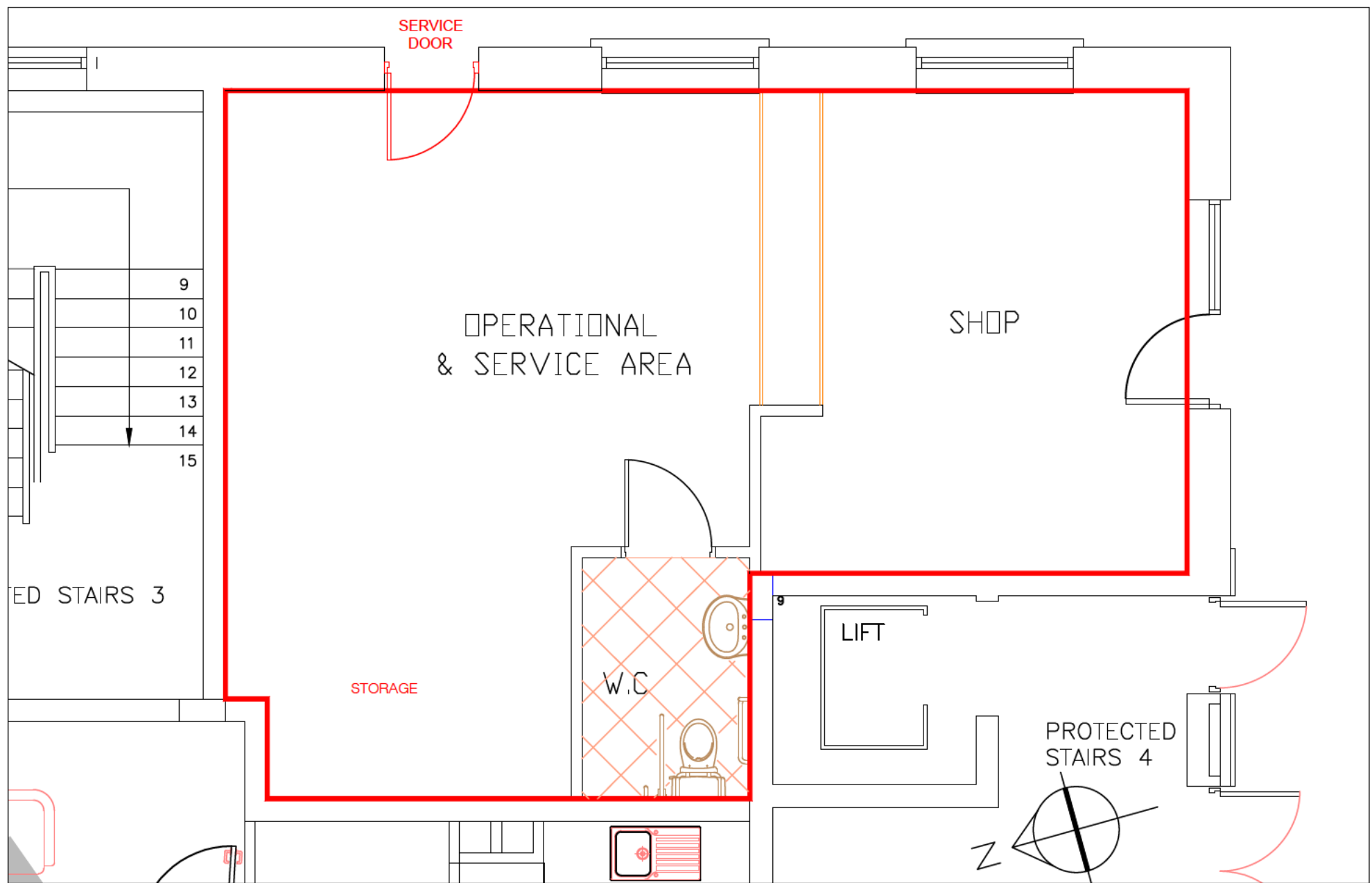
PROJECT: RETAIL UNIT AT THE CORBALLY CENTRE,
CORBALLY ROAD, LIMERICK
CLIENT: HAZEL MURPHY T/A THE BUTTERY
TITLE: ELEVATIONS - SHEET 2 OF 2
SCALE: 1:125



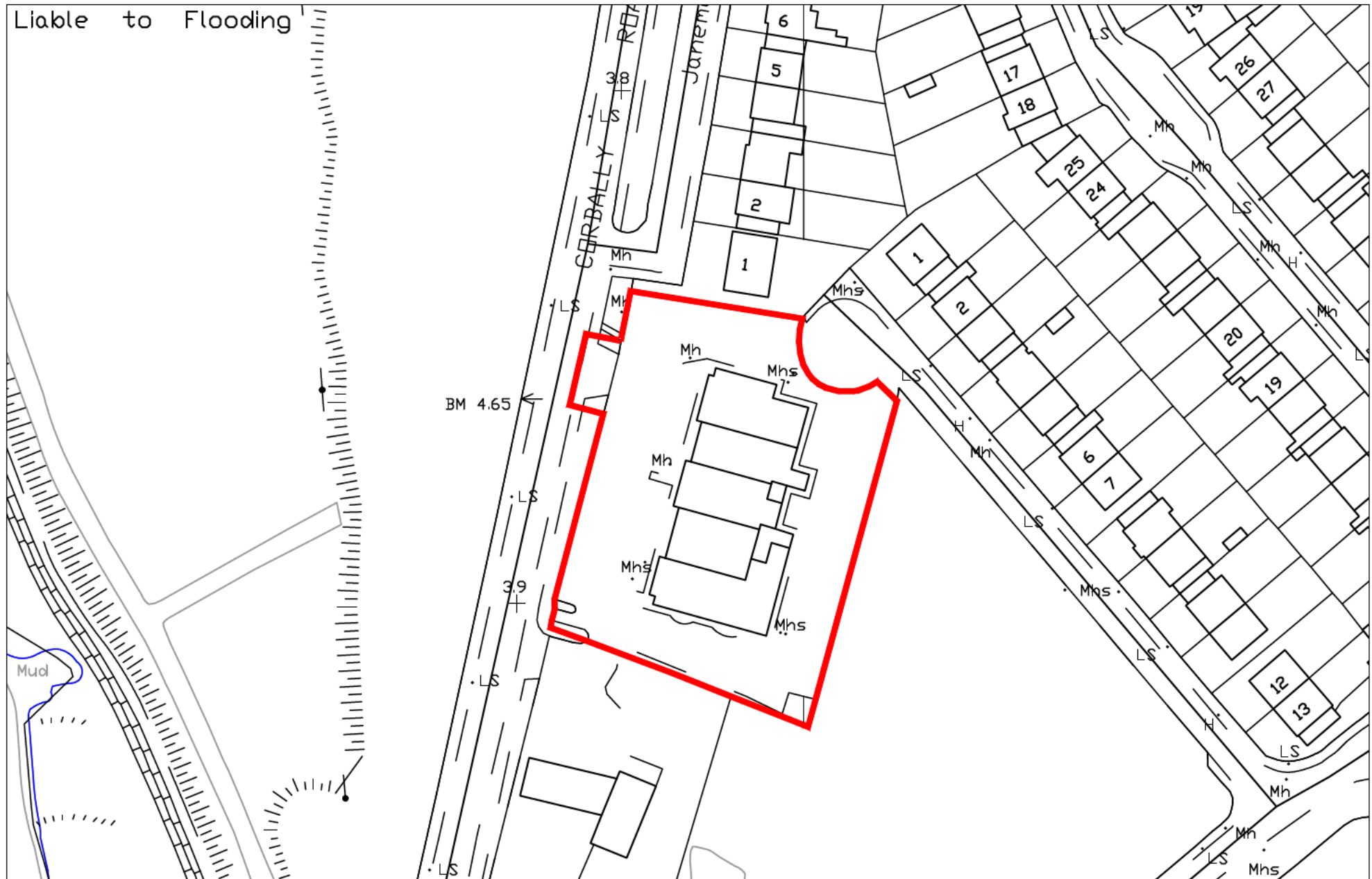
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DRG. No.	REV.
2026.HM-004	



Liab to Flooding



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

File Reference number	EC-102-26
Applicant(s)	Hazel Murphy T/A The Buttery
Location	Corbally Centre Corbally Road, Limerick

Description of Site and Surroundings:

The application site relates to a retail unit situated on the corner of the south side (gable) and east (rear) elevation of the Corbally Centre, a two-storey mixed use neighbourhood centre accessed from Corbally Road (R-463). Permitted use as a retail unit was granted to the subject unit related to this application under LCCC planning Ref. No. 24/60815, having previously formed part of Unit 5, a two-storey bar with function room and associated storage area and bathrooms at basement level. It is noted the site also falls within Flood Zone A of the Limerick Development Plan 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 are not exempted development:

- The applicant is proposing use of the existing retail unit as a “coffee shop” with no customer seating
 - Based on the submitted elevation drawings, it is noted that additional works are proposed, including the creation of a new opening on the east (rear) elevation as a service door with subsequent changes to access arrangements and signage

This Section 5 declaration includes the following:

- Application form
- Floor plans, elevation drawings and site layout and location map

Planning History:

Subject site:

25/61084 – Conditional permission granted for the change of use from a coffee shop (previously permitted under planning application reference 24/60815) to an Audiologist.

24/60815 – Conditional permission granted for the Sub-division and Change of use of an Existing Pub and Function Room at unit 5, Corbally Centre to the following: 5 No. separate uses (a) Coffee shop on the ground floor, (b) Retail unit on the ground floor,

(c) Nail Salon on the ground floor, (d) Office on the first floor, (e) Commercial kitchen in the basement. Including all associated elevational changes, revised vehicle parking arrangement to the rear, enlarged communal bin store and the addition of sheltered bicycle parking and all ancillary site development works at Unit 5, Corbally Centre, Corbally Road, Limerick.

14/1212 – Michael McCoy granted conditional permission for proposed change of use from bank unit to retail unit with office and store area with external signage as indicated. 09/770167: F & J Kilcoyne Pual Mcelligott applied for Permission for change of use of existing ground floor of licence premises unit into diner/family restaurant, including revisions to external window opes on south gable and associated works. Application was withdrawn.

08/770048 – Jaulus Ltd applied for permission for change of use of part of existing licence premises unit into takeaway facility and turf account facility on ground floor and planning permission for change of use of part of existing basement layout for use with take away facility. Also to include planning permission for the construction of a two storey structure to the gable of the existing licence premises incorporation part of proposed takeaway facility on the ground floor and an extension to the existing function room facility of licence premises on the first floor. Internal layout revisions to existing ground floor and basement layout and associated site works. Application was withdrawn.

07/770182 – Dr Mary Gray and Sam Zheng granted conditional permission to construct extensions to our respective premises at the Corbally Centre, including first floor extension to medical centre (unit 6) over existing single storey section and construction of first floor extension to existing Pagoda restaurant (unit 7), as a replacement storage area including internal modifications and ancillary works

07/770169 – Dr. Mary Gray and Sam Zheng granted conditional permission for retention of erection of unauthorised signage 06/770225: Jaulus Ltd granted conditional permission to construct a two storey structure to the side of the existing licence premises incorporation ventilated seating area on ground floor, balcony to first floor level with retractable roof canopy and for proposed signage to new structure. Retention permission sought for the existing signage to the front of the existing licence premises and retention permission for extended floor area to be covered access at rear door entrance to Licensed Premises.

06/770225 – Conditional planning permission granted to construct a two storey structure to the side of the existing licence premises incorporation ventilated seating area on ground floor, balcony to first floor level with retractable roof canopy and for proposed signage to new structure. Retention permission sought for the existing signage to the front of the existing licence premises and retention permission for extended floor area to be covered access at rear door entrance to Licensed Premises.

01/770122 – AIB granted conditional permission to provide an automated teller machine.

00/770308 – Michael McCoy granted conditional permission for Change of use of the bank to two retail units under previously granted planning permission no. 99/261.

00/770134 – Michael McCoy granted conditional permission for Change of use from function room to restaurant and amendments to front elevations under previously granted planning permission no. 99/261.

99/770261 – Michael McCoy granted conditional permission for the phased demolition, reconstruction and extension to include an off-licence, pharmacy video shop, bank, medical centre, bar lounge, function room, stores, car parking and associated site works.

Adjacent:

22/547 – Ard Services Ltd granted conditional permission for car wash, car wash plant room with water recycling system, re--location of existing waste compactor unit and all associated structures, drainage and site development works.

18/340 – Kollect On Demand Ltd granted conditional permission for a pay-to-use waste portable compactor for dry recyclables and a pay-to-use portable waste compactor for residual waste and food waste.

13/770175 – Emerald Waste Company Ltd granted conditional permission to place a portable recyclables container beside existing waste compactor.

10/770196 – Topaz Energy Ltd granted conditional permission for alterations to the existing filling station forecourt incorporating: decommissioning of 3 no. existing underground fuel storage tanks (934000 litres) and installation of 2 no. underground fuel storage tanks (80,000 litres) and any ancillary contingent works.

Enforcement History:

N/A.

Relevant An Coimisiún Pleanála referrals:

ABP Ref. No. RL07.RL3023. The proposed coffee sales area (16.8 square metres) within the existing retail unit at Keane's Garden Centre, Kilcolgan Village, Co. Galway, was not considered to be development. The case involved the use of part of an existing retail unit at Keanes Garden Centre, Kilcolgan as a coffee sales area. The floor area of the coffee sales area was c 21.5% of the gross floor area of the retail unit. No seating was proposed. The reporting Inspector considered that the coffee sales area would be subsidiary to the main retail use as a garden centre, and as such would come within the definition of "shop".

ABP Ref. No. RL61.RL3315. The partial change of use of a shop to use as a coffee shop at ground floor level at No. 4 Quay Street, Galway (a Protected Structure), was not considered to be development. In the case of partial change of use of a shop (protected structure) to use as a coffee shop at ground floor level is or is not development or is or is not exempted development at No 4 Quay Street Galway it was decided that the partial change of use of a shop to use at a coffee shop would be subsidiary to the main retail use of the site and would come within the scope of the definition of a "shop", as defined in Article 5(1), therefore it does not constitute development as no material change of use has occurred.

ABP Ref. No. RL28.RL3424. The use of a premises as a coffee shop and the erection of associated signage at 11 Emmet Place, Cork was considered to be development and not exempted development. Particularly it has decided that the use as a coffee shop did not constitute use as a “shop” as defined in Article 5(1) because the scale, nature and layout of the coffee shop was more akin to a restaurant use which is expressly excluded from the definition of ‘shop’ under Article 5(1). Also that the change of use raised issues that were material in relation to the proper planning and sustainable development of the area and was, therefore, “development” within the meaning of section 3 of the Planning and Development Act, 2000.

ABP Ref. No. RL28.RL3425. This referral concerned the change of use of a shop unit to use as a 'coffee shop' (trading as 'Starbucks') which sold hot beverages and food products for consumption both on and off the premises. The central question related to whether or not use of the subject premises as a coffee shop constituted use as a “shop” as defined in Article 5(1) of the Planning and Development Regulations 2001, as amended. The Board decided that the use was development and was not exempted development for similar considerations as RL3424.

ABP Ref. No. RL28. RL3426. This referral concerned the change of use of a shop unit to use as a coffee shop (trading as 'Starbucks') which sold hot beverages and food products for consumption both on and off the premises. Again the central question was whether or not a 'coffee shop' constituted use as a “shop” as defined in Article 5(1) of the Planning and Development Regulations 2001, as amended. The Board again decided that the use was development and was not exempted development for the same considerations as those set out in RL3425, set out above.

ABP Ref. No. RL06F.RL3481. The Board held (Order dated October 2016) that the change of use of part of the retail floor area of a toy shop at Airside Industrial Park, Sword, Co, Dublin to a ‘Starbucks’ coffee shop was development and not exempted development. The use of the subject premises as a coffee shop was not considered to constitute use as a “shop” as defined in Article 5(1) of the Planning and Development Regulations 2001, as amended, because the scale, nature and layout of the coffee shop is more akin to a restaurant use which is expressly excluded from the definition of ‘shop’ under Article 5(1) of the said Regulations, as amended. The change of use of the subject premises, from use as a shop (retail warehouse) to use as a coffee shop, raised issues that were material in relation to the proper planning and sustainable development of the area and constituted a material change of use beyond the scope of exempted development provisions.

ABP Ref. No. 28.RL.3515. In not accepting the recommendation of the Inspector that the subject use is not development, the Board had regard to the statutory definition of “shop” as set out in the Planning and Development Regulations, 2001, as amended, and considered that the use that is the subject matter of the referral involves primarily the sale of sandwiches and other food (including beverages) for consumption off the premises, and that such sale is the main retail use, and is not a subsidiary use, and that therefore the use as a “coffee shop” is not within the scope of the definition of a “shop”, as set out in the Regulations. The Board was also satisfied that the change of use from the former retail use to the use as a “coffee shop”, as proposed, raises external matters that are material in planning terms, and that therefore the change of use in this instance constitutes development. In this context, the Board did not consider that the removal of

all customer seating and toilet facilities was sufficient to alter the situation, as compared to the Board's previous decision in respect of the subject premises, under Board referral decision RL3425, dated 2nd March 2016, since that decision referred both to the scale, nature and layout of the coffee shop AND the nature and range of goods sold on the premises.

ABP Ref. No. 303153-18. The change of use of part of a shop for use as a coffee shop at Dunnes Stores, Liffey Valley Shopping Centre, Dublin, was considered not to constitute development. It was considered that the minor scale of the coffee shop, (79 sqm) relative to the overall shop (5,976 sqm) in which the use was ancillary to the primary use of the store, and where the functioning and access of the coffee shop is tied to this primary use through a lack of independent access and opening hours, meant a material change of use had not occurred. Equally, the creation of the coffee shop did not involve an act or operation of construction, excavation, demolition, extension, repair, or renewal of the shop, and therefore did not fall within the definition of 'works' provided in Section 2 of the Planning and Development Act, 2000 and, therefore, does not constitute development for the purpose of the Act.

ABP Ref. No. 309803-21. The change of use from a shop to a coffee shop in Unit 3, 6 Railway Terrace, Naas, County Kildare, where the sale of coffee now forms the primary use of the existing retail unit was considered to constitute development and not exempted development. A coffee shop was not considered to fall under the definition of a 'shop' given under Article 5(1) of the Planning and Development Regulations 2001 (as amended). The change of use was considered material due to the development proposal warranting additional planning considerations beyond the scope of exempted development provisions, including waste management, odour issues, and potential increase in pedestrian and vehicular traffic movement.

ABP Ref. No. 315684-23. The change of use of a premises from a funeral home to a coffee shop at 12 The Mall, Youghal, County Cork, was considered development but not exempted development. The change of use of a premises previously permitted as a funeral home to a "coffee shop" where the primary use of the premises is for the sale of beverages and food items for consumption both on and off the premises was not considered to constitute use as a 'shop' as defined under Article 5(1) of the Planning and Development Regulations 2001 (as amended). The change of use was also considered to raise material planning considerations relating to land-use policy, odours, traffic, litter, and hours of operation, constituting development. Ultimately the development proposal was considered to fall beyond the scope of exempted development legislation.

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?

Under Section 2(1) of the Planning and Development Act 2000 (as amended) –

‘works’ includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.

‘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 –

(b) in relation to a protected structure or proposed protected structure, includes—

(i) the interior of the structure,

(ii) the land lying within the curtilage of the structure,

(iii) any other structures lying within that curtilage and their interiors, and

(iv) all fixtures and features which form part of the interior or exterior of any structure or structures referred to in subparagraph (i) or (iii);

Section 3(1) of the Planning and Development Act 2000 (as amended) 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 proposal concerns the use of a ground-floor retail unit as a “coffee shop”. The proposal includes the creation of a new service door opening on the east (rear) elevation, constituting the carrying out of ‘works’, and therefore ‘development’ within the meaning of Section 3(1) of the Planning and Development Act 2000 (as amended).

The applicants have stated that the proposed use is a ‘coffee shop with no sit-down entity i.e. it’s not a café or restaurant’ and that the existing use is retail, whereby the proposed use will continue to constitute retail use. However, under Article 5(1) of the Planning and Development Regulations 2001 (as amended) –

‘shop’ means a structure used for any or all of the following purposes, where the sale, display or service is principally to visiting members of the public –

(a) for the retail sale of goods . . .

(d) for the sale of sandwiches or other food or of wine for consumption off the premises, where the sale of such food or wine is subsidiary to the main retail use, and “wine” is defined as any intoxicating liquor which may be sold under a wine retailer’s off-licence (within the meaning of the Finance (1909-1910) Act, 1910), 10 Edw. 7. & 1 Geo. 5, c.8,

. . . but does not include any use associated with the provision of funeral services or as a funeral home, or as a hotel, a restaurant or a public house, or for the sale of hot food or intoxicating liquor for consumption off the premises except under paragraph (d), or any use to which class 2 or 3 of Part 4 of Schedule 2 applies;

With regard to previous An Coimisiún Pleanála referral determinations –

3424/3425/3426/3515/309803/315684, use as a coffee shop, even where no customer toilets or seating are provided and where products sold are solely hot and cold beverages and food prepared off site for consumption on or off site, is not provided for under the definition of ‘shop’ in Article 5(1), and the proposed use is therefore considered to be *sui*

generis. Consequently, the development proposal is therefore a change of use from a shop/retail use to a *sui generis* coffee shop use. Regardless of external modification, this proposed change of use also raises issues that are material in planning terms, constituting 'development' within the meaning of Section 3(1) of the Planning and Development Act 2000 (as amended). Issues which merit additional consideration include waste management, odour and noise impact, hours of operation, intended number of staff and customer footfall, flood risk mitigation, and changes to signage.

An Coimisiún Pleanála referral determinations – 3023/3315/303153, considered the change of use to a coffee shop did not constitute a material change of use, and therefore did not constitute development within the meaning of Section 3(1). However, these instances only related to where the functioning of the coffee shop had been found to be ancillary/subsidiary to a primary existing retail use. Furthermore, these determinations had regard to the lack of works taken place, the scale of the coffee shop use relative to the primary retail use, and importantly highlighted that these coffee shop uses were not afforded independent external access or signage, meaning hours of operation and servicing was limited and inextricably tied to the existing use. The development proposal subject to this application does not retain the existing principal retail use, instead the *sui generis* coffee shop use will subsume the entirety of the unit, and access, signage and servicing function independently.

Is the proposal exempted development?

Class 14 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended) provides for a limited number of exempted changes of use and after a review of this class, no relevant provisions related to the proposed change of use subject to this application were identified. Article 10 of the Planning and Development Regulations 2001 (as amended) also sets out changes of use within specific classes of use which are exempted development, and Part 4 of Schedule 2 of the Planning and Development Regulations 2001 (as amended) identifies these classes of use within which a change of use may be determined to be exempted development. Relevant classes of use identified within Part 4 of Schedule 2 include Class 1 – *use as a shop*, and Class 2(c) – *use for the provision of any other services (including use as a betting office), where the services are provided principally to visiting members of the public*. In this regard, where the argument could be made that the change of use of a retail unit to a coffee shop comprises a change of use between Class 1 to Class 2(c) within Part 4 of Schedule 2, the Inspectors Report for An Coimisiún Pleanála referral – 315684, affirmed that a coffee shop is not a place where a service is provided but rather a place where products comprising hot beverages may be purchased and consumed on or off the premises.

Accordingly, the proposed change of use does not fall within the scope of Part 4 of Schedule 2, and the change of use is considered material in planning terms, whereby additional planning concerns fall beyond the scope of exempted development provisions. In this regard, the creation of a new opening on the east (rear) elevation is also not considered to fall within the scope of Section 4 (1)(h) of the Planning and Development Act 2000 (as amended), given the material planning considerations previously outlined. The presence of the shipping container on the site layout, confirmed during site inspection, is also noted. Any removal/repositioning of the shipping container has not been addressed within the submitted documents, and its current position again gives rise to additional material planning matters such as the blocking of a proposed service entrance.

Article 9 Restrictions

The proposal is not considered to constitute development to which Article 6 of the Planning and Development Regulations 2001 (as amended) relates. Therefore, an assessment of restrictions under Article 9 of the Planning and Development Regulations 2001 (as amended) does not arise.

Appropriate Assessment

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

Environmental Impact Assessment

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

Conclusion/Recommendation

The proposal, comprising the material change of use of an existing retail unit to a coffee shop, including the creation of a new exterior opening to function as a service door, constitutes development under the meaning of Section 3(1) of the Planning and Development Act 2000 (as amended). The proposed change of use does not fall within the scope of exempted development provision with regard to changes of use, namely Class 14 of Part 1 of Schedule 2, Article 10 and Part 4 of Schedule 2 of the Planning and Development Regulations 2001 (as amended).

Regard has been had to –

- (a) Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended);
- (b) Article 6, 9 & 10, Class 14 of Part 1 of Schedule 2 & Part 4 of Schedule 2 of the Planning and Development Regulations 2001, as amended.
- (c) Relevant An Coimisiún Pleanála referrals: 3023, 3315, 3424, 3425, 3426, 3481, 3515, 303153, 309803 & 315684.
- (d) The plans and particulars submitted with the application received on the 10th of June 2026.

It is therefore considered that the said works constitute development but not exempted development under Section 4 (1)(h) of the Planning and Development Act 2000 (as

amended), Article 10 and Part 4 of Schedule 2 of the Planning and Development Regulations 2001 (as amended).

Graduate Planner	Isaac Cunningham	Date: 25/06/2026
Signature:		
Senior Executive Planner	Gráinne O'Keeffe	Date: 30/06/2026
Signature		

Appendix 1: AA PN01 Screening Form

STEP 1: Description of the project/proposal and local site characteristics:	
(e) File Reference No:	EC-102-26
(e) Brief description of the project or plan:	The applicant is proposing use of the existing retail unit as a "coffee shop" with no customer seating. Based on the submitted elevation drawings, it is noted that additional works are proposed, including the creation of a new opening on the east (rear) elevation as a service door with subsequent changes to access arrangements and signage.
(e) Brief description of site characteristics:	The application site relates to a retail unit situated on the corner of the south side (gable) and east (rear) elevation of the Corbally Centre, a two-storey mixed use neighbourhood centre accessed from Corbally Road (R-463). Permitted use as a retail unit was granted to the subject unit related to this application under LCCC planning Ref. No. 24/60815, having previously formed part of Unit 5, a two-storey bar with function room and associated storage area and bathrooms at basement level. It is noted the site also falls within Flood Zone A of the Limerick Development Plan 2022-2028.
(e) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW	None
(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	0.102	None	N

STEP 3: Assessment of Likely Significant Effects

(a) Identify all potential direct and indirect impacts that may have an effect on the conservation objectives of a European site, taking into account the size and scale of the project under the following headings:

Impacts:	Possible Significance of Impacts: (duration/Magnitude etc)
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 direct encroachment or hydrological connection.
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. No direct encroachment or hydrological connection.
In-combination/Other	N/A.

(a) Describe any likely changes to the European site:

Examples of the type of changes to give consideration to include:	None. No direct encroachment or hydrological connection.
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- Reduction or fragmentation of habitat area - Disturbance to QI species - Habitat or species fragmentation - Reduction or fragmentation in species density - Changes in key indicators of conservation status value (water or air quality etc) - Changes to areas of sensitivity or threats to QI - Interference with the key relationships that define the structure or ecological function of the site	
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(a) (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.		
Given the sites size, no hydrological connection to any SAC/SPA, no encroachment on any SAC/SPA and the limited scale of the development proposed, an AA is not 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

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:		
		 _____ 25/06/2026
Signature and Date of the Decision Maker:		
		 _____ 30/06/2026



Appendix 3. Site Inspection Photographs (25/06/2026)

















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

An Roinn Pleanála
Comhairle Cathrach agus Contae Luimnigh
Bothar 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

DEVELOPMENT MANAGEMENT, PLANNING

REG POST:

Hazel Murphy T/A The Buttery
c/o Liam McElligott
Ballysally,
Grange,
Kilmallock,
Co. Limerick.

EC/102/26

06 July 2026

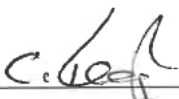
Re: Declaration under Section 5

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/2026/820

File Ref No. EC/102/26

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

RE: **Proposed use of the existing retail unit as a “coffee shop” with no customer seating at Corbally Centre, Corbally Road, 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.

The said Order also states that from the 25th May 2026, should the said Grainne O’Keeffe be absent from work for any reason, whether it be on official Council Business, or otherwise, the delegation herein to Grainne O’Keeffe shall stand revoked for that period and for that period only and in pursuance of the powers conferred on the Director General by Section 154 of the Local Government Act 2001, the functions shall instead be delegated to Barry Henn, Senior Executive Planner.

B Now therefore pursuant to the delegation of the functions aforesaid, I, Barry Henn, Senior Executive Planner, having considered the report and recommendation of Isaac Cunningham, Graduate Planner dated 25/06/2026, hereby order that a Declaration under Section 5 of the Planning and Development Act 2000 (as amended) be issued to Hazel Murphy T/A The Buttery, c/o Liam McElligott, Ballysally, Grange, Kilmallock, 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

06/07/2026



Comhairle Cathrach
& Contae Luimnigh
Limerick City
& County Council

An Roinn Pleanála
Comhairle Cathrach agus Contae Luimnigh
Bóthar Thuar an Daill
Tuar an Daill
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Dooradoyle Road
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Limerick
V94 WV78

t: 061 556 000

SECTION 5 – DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

DECLARATION NO.

EC/102/26

Name and Address of Applicant: Hazel Murphy T/A The Buttery, 10 Bedford Row, Limerick

Agent: Liam McElligott, Ballysally, Grange, Kilmallock, Co. Limerick

Whether the proposed use of the existing retail unit as a “coffee shop” with no customer seating at Corbally Centre, Corbally Road, 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 the proposed use of the existing retail unit as a “coffee shop” with no customer seating at Corbally Centre, Corbally Road, Limerick **DOES NOT** come within the scope of exempted development under Section 4 (1)(h) of the Planning and Development Act 2000 (as amended), Article 10 and Part 4 of Schedule 2 of the Planning and Development Regulations 2001 (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:

6.7.2026

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.