

**Limerick City and County Council****Planning Department****Section 5 Application****DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT**

Applicant's Name:

JOHN KELLY.

Applicant's Address:

RANCIN, RATHKEALE ROAD.

ADORE CO. LIMERICK

Telephone No.

Name of Agent (if any):

JOSEPH BARRY.

Address:

CASTLECONNELL

CO. LIMERICK

Telephone No.

087 130 3073

Address for Correspondence:

CASTLE CONNELL

Co. Limerick

Location of Proposed development (Please include Eircode):

RAINCIN RATHTKALE ROAD

ADARE CO. Limerick

V94 D253

Description of Proposed development:

TO CHANGE THE SHOP USE FROM RETAIL
TO RESIDENTIAL AND TO ADD A NEW
FRONT DOOR TO ENCLOSE THE FRONT
PORCH

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

CONVERSION OF SHOP TO LIVING ROOM.

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

YES/NO

ARCH HERITAGE PROTECTED STRUCTURE NO. 894
NIAH NO 21824031.

Applicant's interest in site: OWNER.

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

SITE LOCATION MAP.

SITE LAYOUT PLAN

BUILDING PLANS

PRE-PLANNING DOCUMENT.

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

If Yes please provide floor areas of all existing structures:

N/A

Signature of Applicant (or Agent)

Joseph Barry
Castle Connell
Co. Limerick
2nd September 2026

NOTES: Application must be accompanied by:

- ✓ (a) Fee of €80
- ✓ (b) Site location map
- ✓ (c) Site layout plan
- ✓ (d) Dimensioned plans and elevations of the structure and any existing structures.
- X (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**

OFFICE USE ONLY

Ref. No. _____

Date Received _____

Fee Received _____

Date Due _____

Limerick City & County
Council

7 SEP 2026

Planning

**Joseph Barry,
Architectural Technician & Surveyor
Castleconnell,
Co.Limerick.**

Tel: 061-377378 Mob: 087-1303073

Limerick City and County Council,
Dooradoyle,
Co. Limerick.

31-08-2026

Dear Sir/Madam,

**Re: Section 5 Application on a property at Main Street, Adare,
Co. Limerick for Mr. John Kelly.**

I enclose herewith an application for the above with the required documents.

- Fee €80.00
- Site location map.
- Site layout plan.
- Building plans and elevations.
- Application form.
- Contiguous elevation.
- A pre planning discussion document.

Yours sincerely

Joseph Barry

Joseph Barry.
Arch.Tech./Surveyor



Limerick City & County Council
Planning & Development Section
Pre Planning Discussions



Cornhairle Cathrach
& Contae Luimnigh
Limerick City
& County Council

Ref No: 1072298	Date: 08/06/2026
-----------------	------------------

Person Requesting Consultation

Name: John Kelly	Tel: 0877953611
Address: Raincín, Rathkeale Road, Adare Co. Limerick	Approx. Size N/A

Interest in land of persons requesting meeting (e.g., owner of the site, buying subject to planning permission, etc.)

Owned by John Kelly

Location of site: Raincín, Rathkeale Road, Adare Co. Limerick	Eircode: V94D253
---	------------------

Matters discussed

- | | |
|---|---|
| ☐ Contributions | Not applicable as upgraded services are not required. |
| ☐ EIA/EIS | N/A |
| ☐ Flooding | Not in a flood zone |
| ☐ Part V | N/A |
| ☐ Bonds | N/A |
| ☐ Appropriate Assessment | Will be screened by Local Authority |

Principle of Development

The site is zoned Village Centre in the Adare Local Area Plan 2024-2030. The proposed change of use from retail to residential can be permitted as outlined in the zoning matrix. The proposal is considered to be acceptable in principle. It is noted the majority of the building is in residential use currently.

Consent of Limerick City & County Council

Conservation

The building on site is a protected structure, recorded on the National Inventory of Architectural Heritage and lies within Adare Architectural Conservation Area. It is noted alterations are proposed to the front elevation and this relates to the addition of a door to enclose the front porch, these works are minor and the shopfront is to be retained. Any application will be referred to the Conservation Officer, an Architectural Heritage Impact Assessment may be required depending on scale of works proposed.

Archaeology

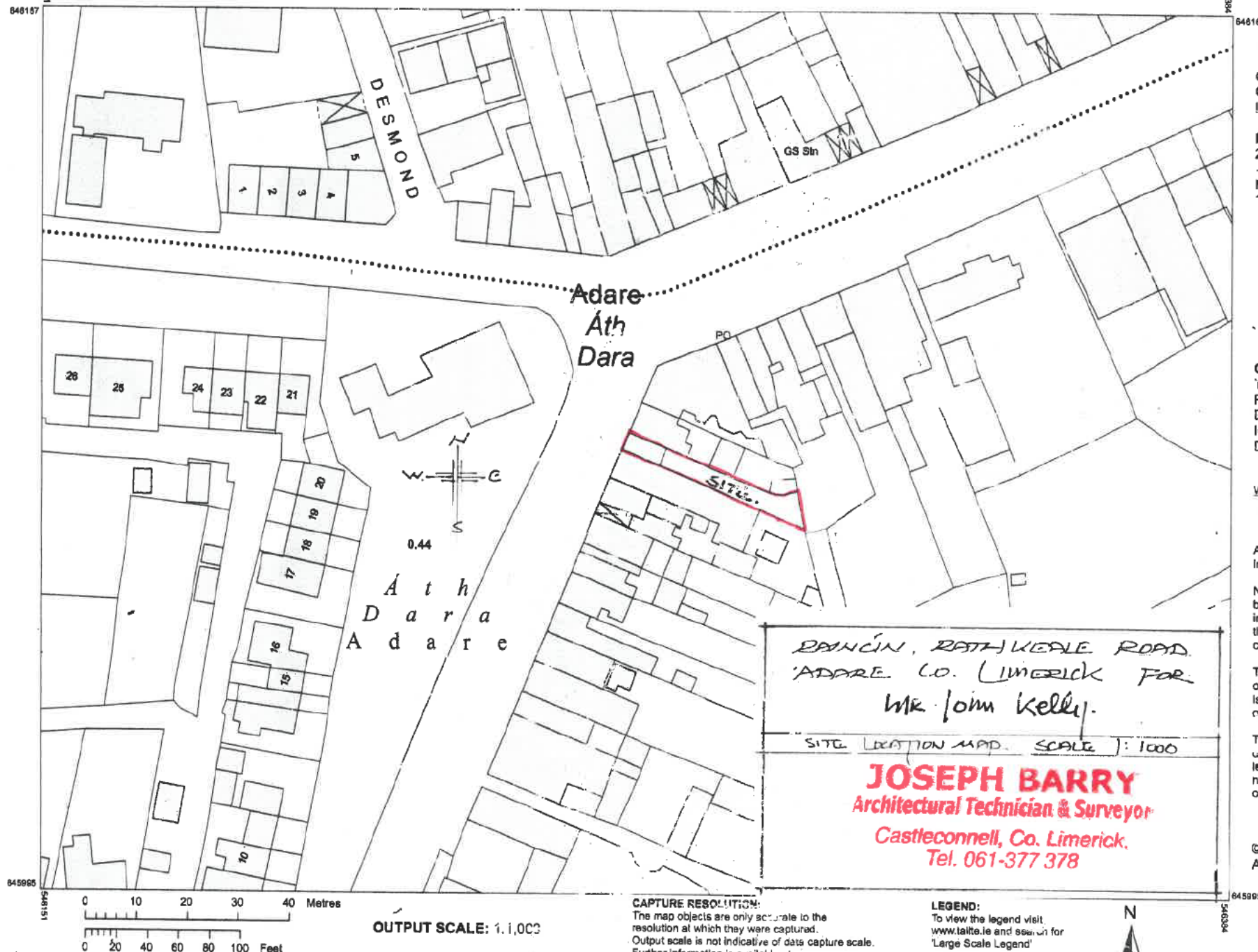
The site lies within the zone of archaeological notification and given the proposal is for a change of use with no excavations proposed, no archaeological issues are expected.

Signed: John Wallace John Wallace, Assistant Planner (Limerick City & County Council)	Date: 08/06/2026
---	------------------

646151
646157



LEGEND:
To view the legend visit
www.talita.ie and search for
'Large Scale Legend'



+
100.00
T.B.M.

RATHKELLY ROAD

4.00m

Footpath

BUILDING.

Shop.
F.F.L. 100.10.

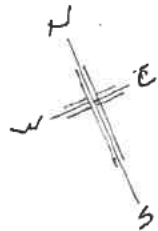
DOMESTIC HOUSE
F.F.L. 100.00

99.70 +
OUT-BUILDINGS

YARD. GATE

OPEN YARD.

+ 99.50



ACCESS
ROAD

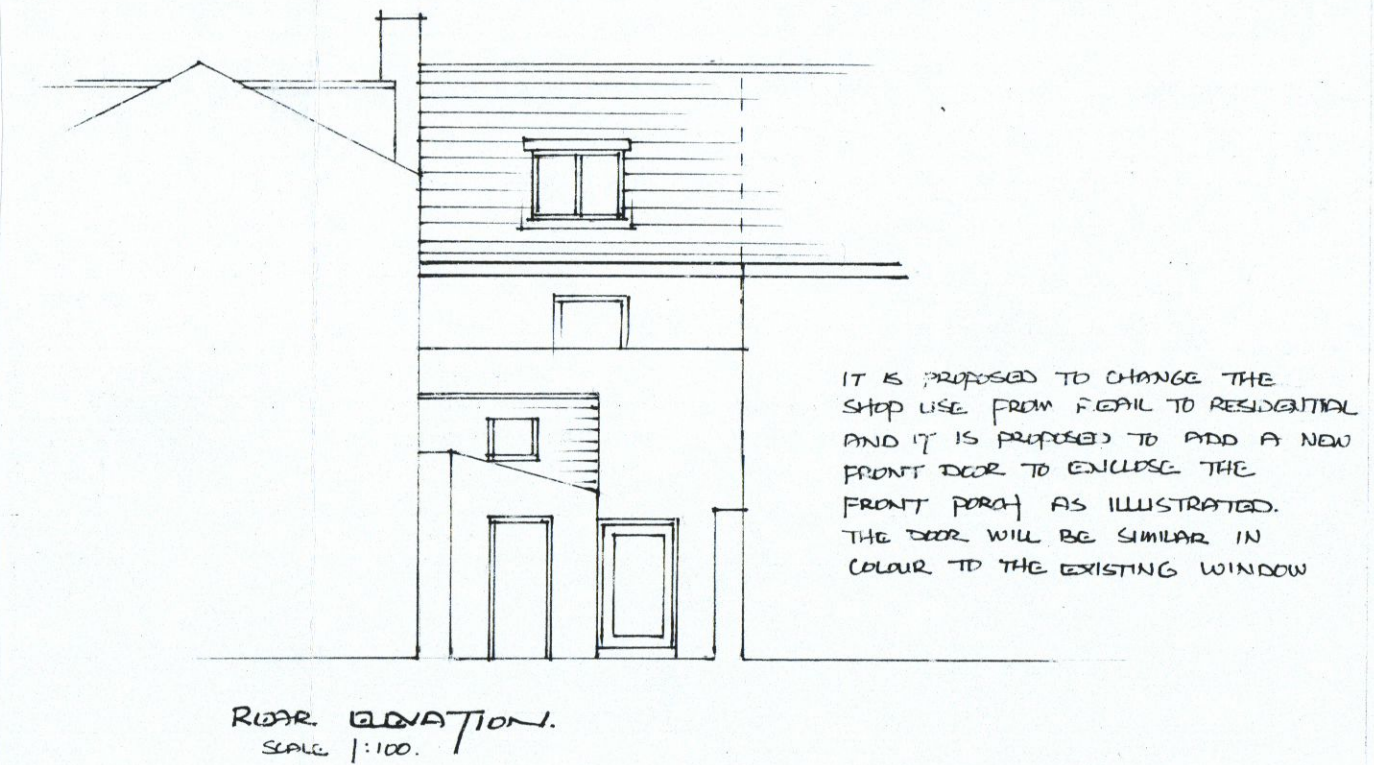
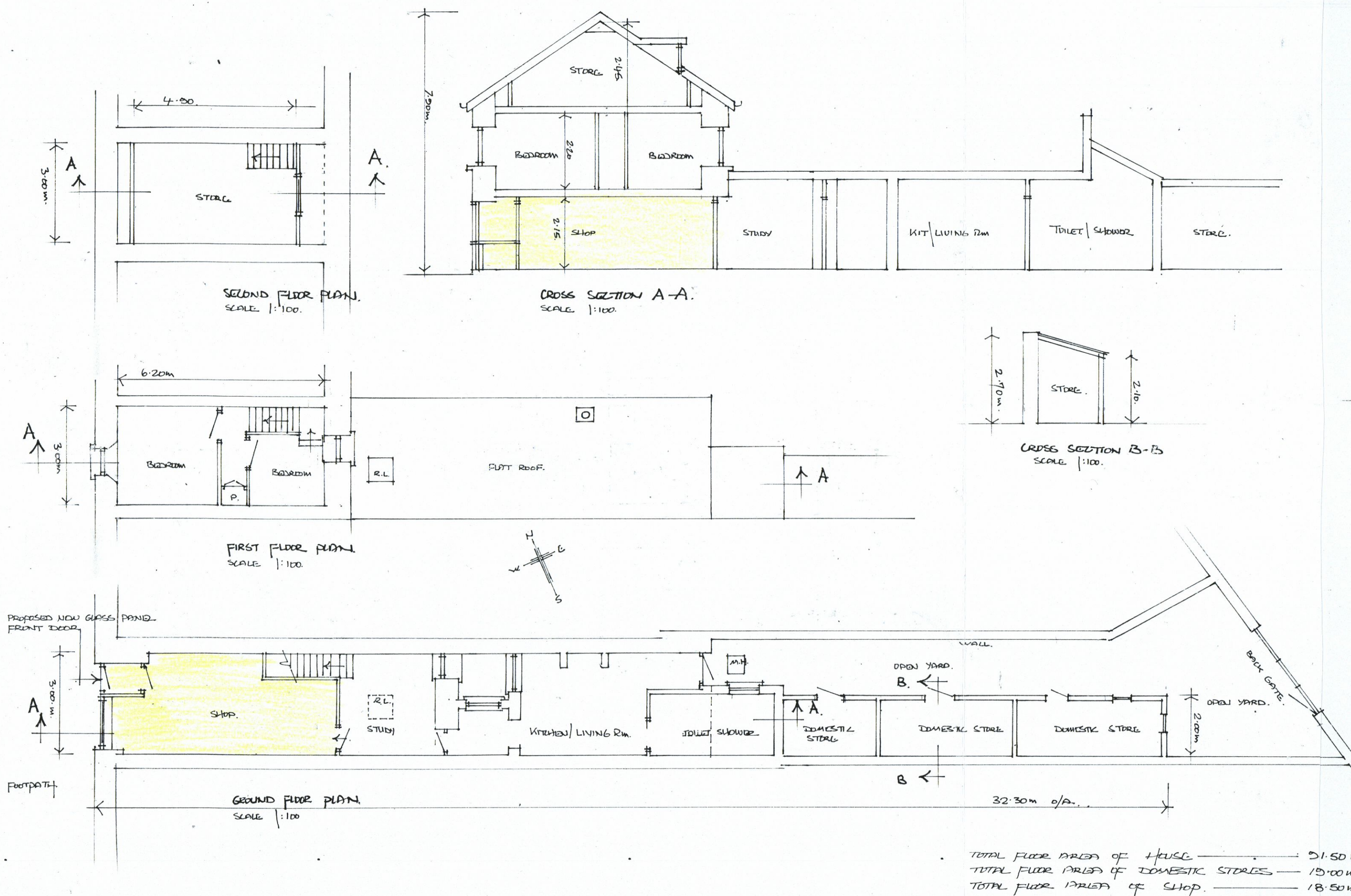
BUILDING.

37.50m

DANICIN, RATHKELLY ROAD,
ADARE CO. LIMERICK FOR
MR. John Kelly.

SITE LAYOUT PLAN. SCALE 1:250.

JOSEPH BARRY
Architectural Technician & Surveyor;
Castleconnell, Co. Limerick.
Tel. 061-377 378



31-8-2026.

RAINCIN, RATHKILL ROAD,
ADARE, CO. LIMERICK FOR
MR John Kelly.

JOSEPH BARRY
Architectural Technician & Surveyor
Castleconnell, Co. Limerick.
Tel. 061-377 378

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

File Reference number	EC-173-26
Applicant(s)	John Kelly
Location	Raincin Newsagents, Rathkeale Road, Adare, Co. Limerick. V94 D253

Description of Site and Surroundings:

The subject site is located in the village of Adare and comprises of an existing shop with a residential use to the rear of the premises. It is noted that the building is a protected structure, no. 894 & NIAH Reg no. 21824031. The site lies in the centre of Adare and can be accessed from the N-21 road.

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:

To change the shop use from retail to residential and to add a new front door to enclose the front porch.

This Section 5 declaration includes the following:

- Application form
- Site layout plan
- Pre-planning meeting document
- Site location map

Planning History:

Subject site:

N/A

Adjacent:

92/1092 Conditional Permission - Change of use from shop to restaurant and extension to Residence

97/654 Conditional Permission - Change of use of first floor from residential to restaurant & toilets and altering ground floor toilets

05/1595 Conditional Permission - demolition of existing toilet block, refurbishment of existing shed, construction of an extension to the rear & all associated siteworks. Protected structure RPS No. AD23

06/3388 Conditional Permission - construction of alteration to shopfront and all associated site works. This is a protected structure

Enforcement History:

N/A

Relevant An Coimisiún Pleanála referrals:

N/A

Assessment:

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

Is the proposal development?

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

‘**works**’ includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal 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) 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, to change the shop use from retail to residential and to add a new front door to enclose the front porch, **constituting ‘works’ and ‘development’**.

Is the proposal exempted development?

To assess whether the proposed development is exempted development, the proposal to change the shop use from retail to residential and to add a new front door to enclose the front porch, will be assessed against Class 14 of Part 1 of Schedule 2, Part 4 of Schedule 2 and Article 10 of the Planning and Development Regulations 2001 (as amended). The changes to the shop front would normally be assessed under Section 4(1)(h) of the Planning and Development Act 2000 (as amended), however, this is a protected structure. The applicant has not submitted any information regarding compliance with Section 57 for the changes to the protected structure, and no evidence of the applicant contacting the

conservation officer has been shown. Therefore, this proposal cannot be considered to be exempted development.

Class 14:

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 including from use for the *sale of hot food for consumption off the premises, for sale or leasing or display for sale or leasing of motor vehicles, as a public house, funeral home, amusement arcade, restaurant, financial services, professional services (other than health or medical services) an any other services (including a betting shop) where services are provided principally to vesting members of the public, to use as a shop.*

However, there are no exemptions under Class 14 for change of use from a shop to residential. It is therefore considered, having regard to the existing retail use of the unit, the proposed development does not constitute exempted development under Class 14 of Part 1 of Schedule 2.

Article 10 (6)

(6)(a) In this sub-article—

‘habitable room’ means a room used for living or sleeping purposes but does not include a kitchen that has a floor area of less than 6.5 square metres;

‘relevant period’ means the period from 8 February 2018 until 31 December 2028

(b) This sub-article relates to a proposed development, during the relevant period, that consists of a change of use to residential use from Class 1, 2, 3, 6 or 12 of Part 4 to Schedule 2

(c) Notwithstanding sub-article (1), where in respect of a proposed development referred to in paragraph (b)—

No documentary evidence has been submitted by the applicant as to whether the structure has been vacant for a period of 2 years or more immediately prior to the commencement of the proposed development.

(i) the structure concerned was completed prior to the making of the Planning and Development (Amendment) (No. 2) Regulations 2018.

The structure concerned was completed prior to the Planning and Development (Amendment) (No. 2) Regulations 2018.

(ii) the structure concerned has at some time been used for the purpose of its current use class, being Class 1, 2, 3, 6 or 12,

The structure concerned has an established use as a shop and has been used for the purpose of its current use class, being Class 1 "Use as a shop."

(iii) the structure concerned, or so much of it that is the subject of the proposed development, has been vacant for a period of 2 years or more immediately prior to the commencement of the proposed development, then the proposed development for residential use, and any related works, shall be exempted development for the purposes of the Act, subject to the conditions and limitations set out in paragraph (d).

No documentary evidence has been submitted by the applicant as to whether the structure has been vacant for a period of 2 years or more immediately prior to the commencement of the proposed development.

(d)(i) The development is commenced and completed during the relevant period.

The proposed development may only avail of the exemption where it is commenced and completed during the relevant period as defined under Article 10(6). Compliance with this requirement is a condition of the exemption.

(ii) Subject to sub-paragraph (iii), any related works, including works as may be required to comply with sub-paragraph (vii), shall –

(I) primarily affect the interior of the structure,

Not enough information has been submitted to determine that all proposed works will affect only the interior of the structure and will therefore not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure.

(II) retain 50 per cent or more of the existing external fabric of the building, and

The submitted drawings indicate that the proposed works are confined to the interior of the existing structure but it is not known about the extent of the external works, and the conservation team must be informed of these works before the condition is satisfied.

(III) not materially affect the external appearance of the structure so as to render its appearance inconsistent with the character of the structure or of neighbouring structures.

As per the drawings submitted, there is not enough information to determine all proposed works will affect only the interior of the structure and will therefore not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or neighbouring structures.

(iii) Any related works for the alteration of existing ground floor shop fronts shall be consistent with the fenestration details and architectural and streetscape character of the remainder of the structure or of neighbouring structures.

As per the drawings submitted, it is not clear if the proposed works will affect only the interior of the structure and will not materially affect the external appearance of the structure.

(iv) No development shall consist of or comprise the carrying out of works to the ground floor area of any structure which conflicts with any objective of the relevant local authority development plan or local area plan, pursuant to the Part 1 of the First Schedule to the Act, for such to remain in retail use, with the exception of any works the purpose of which is to solely provide on street access to the upper floors of the structure concerned.

The subject premises is located within Adare village centre, objective RL O1 of the Adare local area plan 2024-2030 seeks to enhance the vitality and viability of Adare as a retail

service centre and encourages proposals at ground floor level within the village core for commercial uses.

While the objective encourages commercial use at ground floor level, it does not specifically require the ground floor of the subject premises to remain in retail use. Having regard to the wording of Objective RL O1, it is considered that the proposed works do not conflict with an objective requiring the ground floor area of the structure to remain in retail use.

(v) No development shall consist of or comprise the carrying out of works which exceeds the provision of more than 9 residential units in any structure.

The proposed works will provide a total of one residential units in total.

(vi) Dwelling floor areas and storage spaces shall comply with the minimum floor area requirements and minimum storage space requirements of the "Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities" issued under section 28 of the Act or any subsequent updated or replacement guidelines

From the information submitted by the applicant it appears it is unclear if they comply with the minimum floor area requirements and minimum storage space requirements of the "Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities" issued under section 28 of the Act or any subsequent updated or replacement guidelines.

(vii) Rooms for use, or intended for use, as habitable rooms shall have adequate natural lighting.

it is unclear that the habitable room is proposed to have adequate natural lighting. There was no information submitted in regard to lighting.

(viii) No development shall consist of or comprise the carrying out of works to a protected structure, as defined in section 2 of the Act, save where the relevant planning authority has issued a declaration under section 57 of the Act to the effect that the proposed works would not materially affect the character of the structure or any element, referred to in section 57(1)(b) of the Act, of the structure.

The existing unit is a protected structure no. 894 & NIAH Reg no. 21824031. The applicant has not submitted any information regarding compliance with Section 57 for the changes to the protected structure, and no evidence of the applicant contacting the conservation officer has been shown.

(ix) No development shall contravene a condition attached to a permission under the Act or be inconsistent with any use specified or included in such a permission.

The development does not contravene a condition attached to a permission under the Act or be inconsistent with any use specified or included in such a permission.

(x) No development shall relate to any structure in any of the following areas:

(i) an area to which a special amenity area order relates;

The subject site is not located within an area subject to a Special Amenity Area Order. This condition does not apply.

(II) an area of special planning control;

The subject site is not located within an Area of Special Planning Control. This condition does not apply. The proposal complies with this requirement.

III) within the relevant perimeter distance area, as set out in Table 2 of Schedule 8, of any type of establishment to which the Major Accident Regulations apply.

The subject site is not within the relevant consultation distance of an establishment to which the Major Accident Regulations apply. This condition does not apply

(xi) No development shall relate to matters in respect of which any of the restrictions set out in sub-paragraph (iv), (vii), (viiA), (viiB), (viiC), (viii) or (ix) of article 9(1)(a), or paragraph (c) or (d) of article (9)(1), would apply.

The proposal has been assessed against Article 9 of the Planning and Development Regulations 2001, as amended (Assessment below). It is considered that none of the relevant restrictions apply.

(xii) No development shall consist of or comprise the carrying out of works for the provision of an onsite wastewater treatment and disposal system to which the code of practice made by the Environmental Protection Agency pursuant to section 76 of the Environmental Protection Agency Act 1992 relates and entitled Code of Practice – Wastewater Treatment 9 and Disposal Systems Serving Single Houses together with any amendment to that Code or any replacement for it.

The proposed development does not include the provision of an onsite wastewater treatment and disposal system. This requirement does not arise.

Article 9 Restrictions

Planning and Development Regulations 2001 – 2025 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	N/A

the surfaced carriageway of which exceeds 4 metres in width,	
(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 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,	N/A

(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 variation of the development plan or the draft development plan,	N/A
(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	The application site is located in the Adare ACA. Insufficient information has been submitted and it is noted that changes are proposed to the front of the building that include a new front door.

development would materially affect the character of the area,	
(b) in an area to which a special amenity area order relates, if such development would be development:—	
(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 section 202 of the Act that such development shall be prevented or limited,	N/A
(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

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, to change the shop use from retail to residential and to add a new front door to enclose the front porch can be considered development. However, the development does not fall within the scope of exempted development under Class 14 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended), Section 4(1)(h) of the Planning and Development Act 2001 (as amended) and Article 10 (6).

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 of the Planning and Development Regulations 2001 (as amended);
- (c) The plans and particulars submitted with the application received on the 07th of September 2026

It is therefore considered that the said works constitute development and not exempted development under Section 4 (1)(h) of the Planning and Development Act 2000 (as amended), Article 9(1)(xi), Article 10(6) & Class 14 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended)

Student Planner	Conor Deering	Date: 14/09/2026
Signature:		
Senior Executive Planner	Barry Henn	Date: 28/09/2026
Signature		

Appendix 1: AA PN01 Screening Form

STEP 1: Description of the project/proposal and local site characteristics:	
(e) File Reference No:	EC-173-26
(e) Brief description of the project or plan:	To change the shop use from retail to residential and to add a new front door to enclose the front porch
(e) Brief description of site characteristics:	The subject site is located in the village of Adare and comprises of an existing shop with a residential use to the rear of the premises. It is noted that the building is a protected structure, no. 894 & NIAH Reg no. 21824031. The site lies in the centre of Adare and can be accessed from the N-21 road
(e) 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	550 m	N/A	N
000174 Curraghchase Woods SAC	https://www.npws.ie/protected-sites/sac/000174	5 km	N/A	N
002279 Askeaton Fen SAC	https://www.npws.ie/protected-sites/sac/002279	7.25 km	N/A	N
000439 Tory Hill SAC	https://www.npws.ie/protected-sites/sac/000439	7.350	N/A	N
004077 River Shannon and River Fergus Estuaries SPA	https://www.npws.ie/protected-sites/spa/004077	6.5 km	N/A	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: - 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	None. No direct encroachment or hydrological connection.

structure or ecological function of the site	
--	--

(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 ☐ Refuse planning permission
Signature and Date of Recommending Officer:	 14/09/2026	
Signature and Date of the Decision Maker:		

	28/09/2026
--	------------------

Appendix 2: EIA Screening

Establishing if the proposal is a 'sub-threshold development':		
Planning Register Reference:	EC-173-26	
Development Summary:	To change the shop use from retail to residential and to add a new front door to enclose the front porch	
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:  14/09/2026	
Signature and Date of the Decision Maker:  28/09/2026	



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

An Roinn Pleanála
Comhairle Cathrach agus Contae Luimnigh
Bothar Thuar an Deil
Tuar an Dail
Luimneach
V94 WV78

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

t: 061 556 000

DEVELOPMENT MANAGEMENT, PLANNING

REG POST:

John Kelly
c/o Joseph Barry,
Castleconnell,
Co. Limerick.

EC/173/26

29 September 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/2026/1213

File Ref No. EC/173/26

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

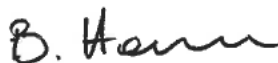
RE: Change the shop use from retail to residential and to add a new front door to enclose the front porch at Raincin, Rathkeale Road, Adare, Co. Limerick

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 Conor Deering, Student Planner dated 14/09/2026, hereby order that a Declaration under Section 5 of the Planning and Development Act 2000 (as amended) be issued to John Kelly, c/o Joseph Barry, Castleconnell, 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

29 / 09 / 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

SECTION 5 – DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

DECLARATION NO.

EC/173/26

Name and Address of Applicant: John Kelly, Raincin, Rathkeale Road, Adare, Co. Limerick

Agent: Joseph Barry, Castleconnell, Co. Limerick

Whether the change of the shop use from retail to residential and to add a new front door to enclose the front porch at Raincin, Rathkeale Road, Adare, 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 07th day of September 2026.

AND WHEREAS the Planning Authority has concluded that the change of the shop use from retail to residential and to add a new front door to enclose the front porch at Raincin, Rathkeale Road, Adare, Co. 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 9(1)(xi), Article 10(6) & Class 14 of Part 1 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:

29.9.2026

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.