



An
Coimisiún
Pleanála

Inspector's Report ACP-323842-25

Question	Whether the installation of 10 solar panels to the front left of the house is or is not development and is or is not exempted development
Location	The Forge, Castle Street Castle Connell, Co. Limerick, V94 K5YP
Declaration	
Planning Authority	Limerick City and County Council
Planning Authority Reg. Ref.	EC/181/25
Applicant for Declaration	Declan Carey
Planning Authority Decision	Is not exempted development
Referral	
Referred by	Declan Carey
Owner/ Occupier	Declan Carey
Observer(s)	None
Date of Site Inspection	16 th December 2025
Inspector	Clare Clancy

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1.0 Site Location and Description

- 1.1. The subject site is located in the village centre of Castleconnell. It comprises of a dormer dwelling and a single storey annex attached to the western gable, on which it is proposed to mount the proposed solar panels. The main dwelling is extended at the rear. The property is accessed off Castle Street road which is the main street through the village. There is a pedestrian entrance and a wider vehicular access serving the site.
- 1.2. The subject structure and adjoining dwelling appear to have been recently re-roofed. The façade of the subject structure has a natural stone finish and the fenestration is similar to that of the existing dwelling. The site is bounded to the east by a pedestrian lane which provides access to a few dwellings on Chapel Close. The rear of the site backs onto Castleconnell Medical Centre and the credit union adjoins the northwestern boundary of the site. There is a single storey dwelling bounding the site immediately to the west. There is a footpath and on-street car parking along the main street adjacent to the subject site, and a terrace comprising 4 no. single storey dwellings some of which are protected structures to the south, which front onto Castel Street.

2.0 The Question

- 2.1. Whether the installation of solar panels at the Forge, Castleconnell, Co. Limerick is or is not development or is or is not exempted development.

3.0 Planning Authority Declaration

3.1. Declaration

- 3.1.1. On the 02nd September 2025, a request for a Declaration in accordance with Section 5 of the Planning and Development Act 2000 (as amended) on the above question was received by Limerick City and County Council from Declan Carey (first party).
- 3.1.2. In accordance with Section 5(2)(a) of the Planning and Development Act 2000 (as amended), Limerick City and County Council issued a Declaration on 20th October 2025 stating that the installation of solar panels at the Forge, Castleconnell, Co. Limerick does not come within the scope of exempted development under Article

9(1)(a)(xii) of the Planning and Development Regulations 2001 (as amended) and hereby decides that the said development is development and is not exempted development.

3.2. Planning Authority Reports

3.2.1. Planning Reports

First Report (25th September) 2025 sets out the planning history of the site, the facts of the case and the legislative provisions relevant to the declaration. The following is noted:

- The proposal comprising the installation of 10 no. solar panels on the roof of an existing dwelling constitutes 'works' and 'development' (Section 2(1) and 3(1) of the Planning and Development Act 2000 (as amended).
- Class 2(c) of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended) applied, subject to compliance with the conditions and limitations.
- Requested further information to fully assess the development having regard to Class 2(c) and sought details in relation to confirmation of solar panel dimensions, setback distance from roof edges and projection from the roof plane, and an Architectural /Visual Impact Assessment report given the sites' location within an Architectural Conservation Area (ACA).

Second Report (20th October 2025) concluded the following:

- The solar panels will be 10 cm from the roof and 50 cm from the edge of the roof and would not cause hazardous glint or glare. The proposed development was within the scope of Class 2(c) of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended) and is therefore exempted development.
- Restrictions on Exemption – Was not considered to be exempted development having regard to Article 9(1)(a)(xii) of the Planning and Development Regulations 2001 (as amended) on the basis that the solar panels would be visually prominent along the streetscape and would have a visual impact on both the streetscape and the character of the ACA.

- Concluded that AA and an EIA were not required.

3.2.2. Other Technical Reports

Architectural Conservation Officer – The proposed development would be visually prominent from the streetscape and the ACA, and would have an impact on views within the ACA and generally, the view along Castle Street showing the terraced cottages, and the view towards the Church from Castle Street.

4.0 Relevant Commission Decisions

4.1. RL2811

- 4.1.1. Whether the erection of solar panels on the rear elevation of a dwelling house is or is not exempted development.
- 4.1.2. This referral related to the erection of solar panels on the rear elevation (wall) of a house in a suburban area of Tullamore, Co Offaly. The panels in question were affixed at the top of the panels to the wall, but were angled out at the bottom, thus not aligning with the plane of the wall of the house.
- 4.1.3. The Commission decided that the panels did not come within the scope of Section 4 (1)(h) of the Planning and Development Act, 2000 as they materially affected the external appearance of the structure so as to render the appearance inconsistent with the character of neighbouring structures;
- 4.1.4. The Commission also decided that, while the said solar panels generally came within Class 2(c) of Part 1 of the Second Schedule to the Regulations, the panels exceeded Conditions and Limitations nos. 2 and 4 of the Class, being in excess of 15 centimetres of the plane of the wall on which they were located and within 50 centimetres from the edge of the gable.

4.2. RL2364

- 4.2.1. Whether the provision of solar panels to front (west) and rear (east) of a house is or is not development or is or is not exempted development.
- 4.2.2. The referral related to solar panels attached to the front and rear of a two-storey dwelling in a rural area. The dwelling was located some distance from the public road,

and whilst there were other dwellings in the wider area, there were none in the immediate vicinity of the site.

4.2.3. The Commission decided that the development was exempted development, determining that the works came within the scope of Section 4(1)(h) of PDA, 2000 being works which 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.

4.3. **RL2337**

4.3.1. Whether the removal of a dormer roof to the side of a house, the reinstatement of the side roof to its original profile, the reinstatement of a chimney, the installation of rooflights in the side pitch of the roof, and the installation of solar panels to the rear of a semi-detached house, is or is not development/exempted development.

4.3.2. The referral related to works at a two storey semi-detached dwelling in a designated Residential Conservation Area in Dublin. The works involved the reinstatement of a chimney; reinstatement of original roof profile and removal of a dormer addition. The works also included the installation of rooflights and solar panels. A stated intention of the works was to return the structure to its original character.

4.3.3. The Commission decided that the works were exempted development, concluding that they all came within the scope of S.4(1)(h) of the PDA, 2000, being works that would not materially affect the external appearance of the structure so as to render it inconsistent with the character of the structure or of neighbouring structures.

5.0 **Planning History**

Relevant to Site

- P.A. Ref. 19/802 – Permission granted to knock and replace the single storey annex on the western gable of the existing dwelling with a new single storey extension, replace the flat roof dormer windows on the existing dwelling with a new roof and dormer windows, and construct extension to rear (08th January 2019).

6.0 Policy Context

6.1. Architectural Heritage Protection Guidelines for Planning Authorities (2011)

The following is relevant:

Section 3.7 Development within Architectural Conservation Areas

- Outlines a list of criteria to be considered in the assessment of a planning application for works within the attendant grounds of a protected structure.

Section 3.10 Criteria for Assessing Proposals within an Architectural Conservation Area (ACA).

- Section 3.10.1 Proposal for New Development
 - Notes that where a new building is erected in an ACA, it is preferable to minimise the visual impact of the proposed structure on its setting.
 - The greater the degree of uniformity in the setting, the greater the presumption in favour of a harmonious design.
 - Where there is an existing mixture of styles, a high standard of contemporary design that respects the character of the area should be encouraged.
 - The scale of new structures should be appropriate to the general scale of the area and not its biggest buildings.
 - The palette of materials and typical details for façades and other surfaces should generally reinforce the area's character.

Section 6.8 General Types of Development

➤ Section 6.8.1

Generally, attempts should not be made to disguise new additions or extensions and make them appear to belong to the historic fabric. The architectural style of additions does not necessarily need to imitate historical styles or replicate the detailing of the original building in order to be considered acceptable. However, this should not be seen as a licence for unsympathetic or inappropriate work. Careful consideration of the palette of materials with which the works are to be executed can mediate between a modern design idiom and the historic fabric of

the structure. Extensions should complement the original structure in terms of scale, materials and detailed design while reflecting the values of the present time.

6.2. Limerick Development Plan 2022-2028

6.2.1. Volume 1 Written Statement

➤ Chapter 6 Environment, Heritage, Landscape and Green Infrastructure

- Built Heritage

The following policies and objectives are relevant:

Policy EH P5 Protection of the Built Environment

It is a policy of the Council to promote high standards for conserving and restoring the built environment and promote its value in improving living standards and its benefits to the economy.

6.3. Castleconnell Local Area Plan 2023-2029

6.3.1. Section 8.3.2 Architectural Conservation Areas (ACA)

Section 8.3.2.3 Southern ACA

- Notes that property owners undertaking repairs or maintenance works to buildings in the Castelconnell ACA should be aware of the materials traditionally used in the county, and in the village itself and its immediate surrounds.
- Works in ACAs must retain existing surviving elements, aim to re-instate lost elements or character, with new builds complementing the original streetscapes, building lines and open areas. Proposals for new buildings should not seek to dominate the historic core and should respect the historic fabric of the buildings and the morphology of their plots.

Objective CH 08: Architectural Conservation Areas (ACA's):

It is the objective of the Council to:

- a) Protect, conserve and where appropriate, enhance the ACA's as identified in Map 4.

- b) Proposals for development within the ACA's shall;
- Reflect and respect the scale and form of existing structures within the ACA's in proportioning, overall scale and use of materials and finishes, particularly with reference to the street frontages and seek to contribute to or enhance the character and streetscape of the ACA's;
 - Seek to retain/incorporate/replicate exterior features which contribute or enhance the character and streetscape of the ACA's such as shop fronts, sash windows, gutters and down pipes, decorative plasterwork etc;
 - Ensure priority is given to the pedestrian, to inclusive access, and to facilitating the improvement of the quality of the public realm: the latter will include for consideration of the planting of trees in the wider public open spaces, benches for sitting and the articulation of uses through appropriate paving.

6.4. Natural Heritage Designations

The nearest site is the Lower River Shannon SAC (Site Code 002165) which lies approx. 150 to the west. Other sites include the following:

- SAC: 001013 - Glenomra Wood SAC – approx 6.8 km to the northwest
- pNHA: 001013 - Glenomra Wood – approx 6.8 km to the northwest
- SPA: 004165 - Slievefelim to Silvermines Mountains SPA – approx. 8.6 km to the east.
- SAC: 000930 - Clare Glen SAC – approx. 7.25 km to the southeast.
- pNHA: 000930 - Clare Glen – approx. 7.25 km to the southeast.

7.0 The Referral

7.1. Referrer's Case

Visual Impact

The proposed development is sympathetic to the existing built environment in the ACA for the following reasons (site location map and photographic survey are provided):

- The proposed solar panel installation will be low profile, roof-integrated, and set back to minimise visual impact, will have minimal visibility from surrounding areas and will be fully reversible leaving the roof fabric intact if removed.
- The dark, non-reflective finish will help reduce visual contrast with the predominant roof surface.
- Low profile mounting will allow the panels to integrate with the roof and will not significantly alter the roof line or silhouette when viewed from the street level.
- The alignment of panels to follow roof pitch and slope maintains the geometry of the roofscape and will not disrupt the rhythm of rooflines across the ACA.
- The proposal is modest in scale ensuring that the overall visual coherence of the streetscape remains intact.
- The proposed panels are partially visible from the west at position 4.
- The panels would be fully visible directly opposite the road when deciduous trees shed leaves. All other views further west of location 4 are screened by mature cotoneaster tree.
- The views from the east are obscured by a high stone wall and are partially visible from position 7 but not obscured and become visible at position 8.
- Setback and low-profile mounting reduce visual prominence.
- Non-reflective finish ensures minimal contrast with existing roof finishes.

Planning Policy

- The proposal complies with the Castleconnell Local Area Plan 2023-2029 objectives for sustainable energy while respecting the character of the ACA.
- Works are designed to be sympathetic to the ACA maintaining scale, materials, rooflines and visibility and respecting heritage sensitivity.
- Supports national and local policy for sustainable energy and climate mitigation.

Justification

- The installation will be minor, will integrate with the roof and does not materially affect the character of the ACA.

7.2. Planning Authority Response

None.

8.0 Statutory Provisions

8.1. Planning and Development Act, 2000

8.1.1. Section 2(1) of the Act states the following:

- 'development' has the meaning assigned to it by Section 3.
- '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.

8.1.2. Section 3(1) of the Act states that:

- 'development' In this Act, except where the context otherwise requires, "development" means –

the carrying out of any works in, on, over or under land, or the making of any material change in the use of any land or structures situated on land.

8.2. Planning and Development Regulations, 2001

8.3. Part 2 Exempted Development

8.3.1. Article 6(1) states:

Provides that 'subject to Article 9, development of a class specified in column 1 of Part 1 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development 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.

8.4. Part 1 of Schedule 2 sets out exempted development to which Article (6) refers:

Exempted Development – General

Development Within the Curtilage of a House

Class 2(c)

The placing or erection on a roof of a house, or within the curtilage of a house, or on a roof of any ancillary buildings within the curtilage of a house (this class does not include apartments) of a solar photo-voltaic and/or a solar thermal collector installation.

Conditions and Limitations Include:

1. The distance between the plane of the roof and the solar photo-voltaic or solar thermal collector panels shall not exceed 50cm in the case of a flat roof or 15cm in any other case.
2. The solar photo-voltaic or solar thermal collector panels shall be a minimum of 50cm from the edge of a roof on which it is mounted.
3. Any free-standing solar photo-voltaic or solar thermal collector installation shall not be placed or erected forward of the front wall of the house.
4. The total aperture area of any free-standing solar photo-voltaic and solar thermal collector panels taken together with any other such existing freestanding panels shall not exceed 25 square metres.
5. The placing or erection of any free-standing solar photo-voltaic or solar thermal collector installation shall not reduce the remaining area of private open space, reserved exclusively for the use of the occupants of the house, to the rear or to the side of the house to less than 25 square metres.
6. 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.
7. The placing or erection of a solar photo-voltaic or solar thermal collector installation on any wall shall not be exempted development.
8. 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.

9. 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.

8.5. Article 9(1) Restrictions on Exemption

Provides that 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, inter alia; 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,

(viii) consist of or comprise the extension, alteration, repair or renewal of an unauthorized structure or a structure the use of which is an unauthorized use.

(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,

(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 a development plan or the draft development plan and the development would materially affect the character of the area.

9.0 Assessment

- 9.1.1. The purposes of this referral is not to determine the acceptability or otherwise of the development referred to in the question, but rather whether or not the matter in

question constitutes development, and if so, falls within the scope of exempted development.

- 9.1.2. The question posed relates to whether the installation of solar panels on the roof of a domestic building is or is not development or is or is not exempted development. This entails the installation of 10 no. solar panels on the south facing aspect of the roof of the annex adjoining the existing dwelling. Panel dimensions are 1961 mm x 1134 mm x 30 m.
- 9.1.3. The Planning Authority (PA) determined that it was not exempted development as the proposed development was restricted by Article 9(1) (xii) Restrictions on Exemptions on the basis that it would materially affect the character of the ACA.
- 9.1.4. The proposed development comprises of 10 no. black finished solar panels on the south facing aspect of the roof of the existing dwelling. It is the referrer's view that the solar panels are consistent with the provisions of Class 2(c) of the Planning and Development Act 2000 (as amended) and integrate with the roof in terms of alignment, are dark in colour with a non-reflective finish to minimise visual contrast thereby not impacting on visual amenities or the character of the ACA.

9.2. Is or is not development

- 9.2.1. Having regard to the question posed, I consider that the installation or placement of solar panels on the roof of the existing structure, comes within the scope of "works" as defined in Section 2 of the Act and constitutes development having regard to Section 3(1) of the Act.

9.3. Is or is not exempted development

- 9.3.1. As the solar panels are proposed to be placed on a roof and are not free-standing, the relevant conditions and limitation of Class 2 (c) that apply are no.'s 1, 2 and 9. As part of the PA's assessment, the referrer submitted a response to a further information (FI) request in relation to the dimensions of the proposed panels, the setback distance from roof edges and the projection from the roof plane. In addition, it was requested that an Architectural / Visual Impact Assessment was provided having regard to the site's location with an ACA.

- 9.3.2. For pitched / sloped roofs, Class 2 (c) Condition and Limitation no. 1 requires that panels must be within 15 cm of the roof plan. I note that the referrer's response to the FI request confirmed that the panels would project no more than 100 mm (10 cm) from the roof plane. I note from the plans and drawings DWG. Ref. J7-J3-C02 submitted with the referral that the proposed solar panels will be recessed from the roof edge by no less than 1.322 m. Condition and Limitation no. 2 of Class 2 (c) requires the setback distances from the edge of the roof to be a minimum of 50 cm. I note from the plans and drawings that this is achieved on the roof plane. I further note from Section C-C DWG. Ref. J7-J3-C03 that this is achievable and will allow for the minimum space at the ridge roof line and to the eaves.
- 9.3.3. In relation to Condition and Limitation no. 9 of Class 2 (c), I note that this relates to hazardous glint and glare arising from solar panels and is a safeguard requiring any offending panels to be removed or covered until the issue has been resolved to the satisfaction of the PA. Having regard to the foregoing, I am satisfied that this provides for any future matters regarding glint / glare to be addressed should they arise and in this case does not apply to the proposed development.
- 9.3.4. Having regard to the foregoing, I consider that the proposed solar panels would be consistent with the specified requirements of Conditions and Limitations 1 and 2 of Class 2 (c) and therefore would be exempted development.

9.4. **Restrictions on exempted development**

- 9.4.1. The restrictions on exemptions provided in Article 9 of the Planning and Development Regulations, 2001 (as amended) relate exclusively to Article 6 of the Planning and Development Regulations 2001 (as amended) which refers to classes of development specified in Part 1, Schedule 2 of the Planning and Development Regulations 2001 (as amended). This is applicable in this case and in this regard Article 9(1)(xii) which relates to restrictions on exemptions.
- 9.4.2. I note for the Commission that the requirement for appropriate assessment or Environmental Impact Assessment would de-exempt an otherwise exempted development. In this regard, the Appropriate Assessment Screening and the EIA Screening carried out as part of this report are addressed in Section 10.0 and 11.0 of this report.

- 9.4.3. The PA in its determination concluded that the proposed development would materially affect the character of the ACA in which the site is located, and was not considered to be exempted development pursuant to Article 9(1)(xii). The report of the Architectural Conservation Officer refers to the Castle Street streetscape and concluded that the solar panels would be visually prominent resulting in an impact on views within the ACA. I note that specific reference was further made to the view along Castle Street showing the terraced cottages and the view towards St. Joseph's Church from Castle Street.
- 9.4.4. The referrer submitted a Visual Impact Assessment report. The proposed panels will be positioned on the south facing aspect of the single storey annex to the existing dwelling which is the favourable aspect for solar panels. Pursuant to site inspection, it was evident to me that the existing dwelling and the adjoining annex had been recently modified and the planning history related to the site would confirm this. I note that the structures have been subject to extensive renovation and an extension was constructed to the rear of the dwelling under P.A. Ref. 19/802. This included replacement of a flat roofed dormer window with 4 no. dormer windows to the roof of the existing dwelling on the road facing elevation. The single storey annex was removed and replaced with the existing single storey annex which is evidently a more modern development. Given that the existing dwelling and annex have been modernised, it could be argued that the character of the ACA was altered as a result of these works.
- 9.4.5. The referrer makes the case that the proposed panels will be low profile, integrated to the roof and will comprise of a dark non-reflective finish to minimise visual contrast with the dominant roof surface. I note that the proposed solar panels will not project above the ridge line of the roof. The design, materials and colour of the solar panels were selected to integrate with the existing dark colour of the roof tiles. The solar panels are described as dark with a non-reflective coating. It is not proposed to alter the existing roof to accommodate the solar panels.
- 9.4.6. I note the report of the Architectural Conservation Architect. The main issue of concern is that the solar panels will be visible from the main street. This in my view gives rise to the appropriateness of installing modern infrastructure to a structure which is not a protected structure, but is within an ACA and is located adjacent to protected structures also within the ACA.

- 9.4.7. The Architectural Heritage Protection Guidelines for Planning Authorities sets out the criteria for assessing proposals within an ACA (Section 3.7.1). I note that this is outlined in the context of a new building. Notwithstanding, the criteria outlined can be applied to smaller developments. Therefore, generally, the objective is to minimise the visual impact of the proposed development on its setting, the greater the degree of uniformity in the setting, the greater the presumption in favour of a harmonious design, and the palette of materials and typical details for facades and other surfaces should generally reinforce the area's character.
- 9.4.8. The introduction of solar panels to the streetscape will alter the character of the ACA to some degree. At time of site inspection, no solar panels along the roofs fronting onto Castle Street were observed. The built form of the street is varied and architectural uniformity is not fully consistent along Castle Street road. There is a modern mixed use development with commercial units at ground floor fronting onto Castle Street which forms part of the ACA at the western end of Castle Street. This is associated with the mixed use development including Supervalu and car parking to the south of Castle Street. Adjacent to that, there is an existing bungalow which adjoins the referral site to the west. As the road travels east, the building form of the street begins to transition to a more historical built form and notably, commencing at the referral site and the adjacent terrace of single storey cottages which I note are protected structures.
- 9.4.9. The existing dwelling within the referral site and single storey annex are set back from the public footpath unlike the other historical buildings on the street which have front doors opening directly onto the footpath, which would be a traditional feature of rural towns and villages. I note that Section 8.3.2.3 of the Castleconnell LAP acknowledges that many of the buildings within the core of the ACA address the footpaths directly and many are characterised by being set back which can be demarked by a small front garden or a yard. This would apply to the appeal site and I note from historical Ordnance Survey mapping that the referral site was originally that of a smithy. As a result, when viewed from the eastern end of Castle Street (Figure 8.7 Castleconnell LAP), the roof of the building does not form part of the view of the streetscape. The roof of the building will be more prominent however when travelling from west to east along the street or if viewed from the car park of the adjoining commercial/ retail development, or directly from the terrace of cottages across the road.

9.4.10. In relation to views from Castle Street in the direction of St Joseph's Church which is a protected structure, the placement of the solar panels on the roof will not obstruct views from Castle Street of the church, but may diminish the view to some degree, however in my opinion not materially.

9.4.11. Having regard to the foregoing, to my site inspection and having regard to the renovation works carried out on the site to the existing dwelling and the new single storey annex and roof on which the solar panels are proposed to be mounted, and to the scale and material finishes of the proposed solar panels, I do not consider that the proposed development will materially affect the character of the ACA or will unduly impact on the visual amenities of the ACA. In this regard, having regard to Article 9(1)(xii) of the Planning and Development Regulations 2001 (as amended), I do not consider that the proposed development will materially affect the character of the ACA.

10.0 Appropriate Assessment Screening

10.1.1. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended.

10.1.2. The referral appeal site is located in the LAP boundary of Castleconnell village and is located on lands zoned 'Village Centre' along Main Street. The works proposed entail the installation of 10 no. solar panels on the south facing aspect of the roof of the annex adjoining the existing dwelling.

The closest European sites relative to the appeal site lie approximately as follows:

- SAC: 002165 - Lower River Shannon SAC – approx. 150 to the west.

The subject application relates to a Section 5 Referral seeking a declaration on specific works as set out in Section 2.0 above.

10.1.3. The planning authority considered that the proposed development should not exercise a significant effect on the conservation status of any SAC or SPA, and Appropriate Assessment is not necessary.

10.1.4. The proposed development comprises the placement of solar panels on the roof of an existing dwelling.

Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site. The reason for this conclusion is as follows:

- The nature, scale and location of the development.
- The intervening land uses between the subject site and the European sites.
- The distance between the appeal site and European sites and the absence of hydrological or other ecological pathways to any European site.

10.1.5. I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

11.0 EIA Screening

The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended (or Part V of the 1994 Roads Regulations). No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 in Appendix 1 of report.

12.0 Recommendation

12.1. I recommend that the Commission should decide this referral in accordance with the following draft order:

WHEREAS a question has arisen as to whether the installation of solar panels at the Forge, Castleconnell, Co. Limerick is or is not development or is or is not exempted development:

AND WHEREAS Declan Carey requested a declaration on this question from Limerick City and County Council and the Council issued a declaration on the 20th day of October 2025 stating that the matter was development and was not exempted development:

AND WHEREAS Declan Carey referred this declaration for review to An Coimisiún Pleanála on the 30th day of October, 2025:

AND WHEREAS An Coimisiún Pleanála, in considering this referral, had regard particularly to –

- (a) Section 2(1) of the Planning and Development Act, 2000, as amended,
- (b) Section 3(1) of the Planning and Development Act, 2000,
- (c) Article 6(1) and Article 9(1) of the Planning and Development Regulations, 2001, as amended,
- (d) Parts 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- (e) the provisions of the Castelconnell Local Area Plan 2023-2029,
- (f) the planning history of the site,
- (g) the pattern of development in the area:

AND WHEREAS An Coimisiún Pleanála has concluded that:

- (a) The installation of solar panels at the Forge, Castleconnell, Co. Limerick constitute ‘works’ as interpreted under Section 2(1) of the Planning and Development Act 2000, as amended;
- (b) The proposed works which consist of the installation of solar panels to the roof of an existing dwelling constitute development within the

meaning of Section 3 of the Planning and Development Act 2000 (as amended);

(c) The said development is exempted development pursuant to Class 2(c) of Part 1, Schedule 2 of the Planning and Development Regulations 2001, as amended.

(d) The said development will not materially affect the character of the Architectural Conservation Area.

NOW THEREFORE An Coimisiún Pleanála, in exercise of the powers conferred on it by Section 5(3)(a) of the 2000 Act, hereby decides that the installation of solar panels at the Forge, Castleconnell, Co. Limerick is development that would not materially affect the character of the Architectural Conservation Area and therefore constitutes development that is exempted development.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Clare Clancy
Planning Inspector

30th January 2026

Form 1 - EIA Pre-Screening

Case Reference	ACP-323842-25
Proposed Development Summary	The installation of 10 no. solar panels on the roof of a dwelling
Development Address	The Forge, Castle Street Castle Connell, Co. Limerick
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	State the Class here
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input checked="" type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road	

<p>development under Article 8 of the Roads Regulations, 1994.</p> <p>No Screening required.</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p>EIA is Mandatory. No Screening Required</p>	<p>State the Class and state the relevant threshold</p>
<p><input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p>Preliminary examination required. (Form 2)</p> <p>OR</p> <p>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</p>	<p>State the Class and state the relevant threshold</p>

<p>4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?</p>	
<p>Yes <input type="checkbox"/></p>	
<p>No <input checked="" type="checkbox"/></p>	

Inspector: _____ Date: _____