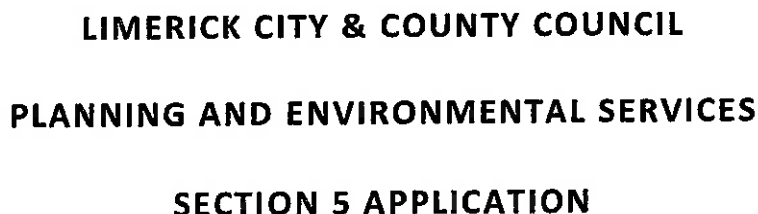


31/5/23



AN BORD PLEANÁLA

LDG- 067470-23

ABP-

11 OCT 2023

Fee: € 220 Type: Cheque

Time: By: Rg Post

Location of Proposed development:

THOMOND PARK  
OLD CRAZLOE ROAD, LIMERICK

Description of Proposed development: QUESTION FOR DECLARATION

Whether the extension of Shannon Rugby Club clubhouse by the erection of an adjoining and linked marquee measuring approx. 30 ft by 70 ft for the purpose of discos and other events and the consequent intensification of use of the clubhouse premises is or is not development and is or is not exempted development

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

YES/NO

Applicant's interest in site: NO LEGAL INTEREST

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

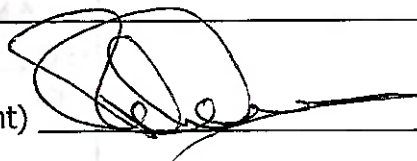
MAP SHOWING LOCATION  
OF CLUBHOUSE PREMISES  
IN THOMOND PARK

Have any previous extensions/structures been erected at this location YES/NO NOT TO MY KNOWLEDGE

If Yes please provide floor areas of all existing structures:

N/A

Signature of Applicant (or Agent)



**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:

Limerick City & County Council,  
Planning and Environmental Services,  
City & County Council Offices,  
Dooradoyle Road,  
Limerick.

\*\*\*\*\*

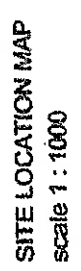
**OFFICE USE ONLY**

Ref. No. \_\_\_\_\_ Date Received \_\_\_\_\_

Fee Received \_\_\_\_\_ Date Due \_\_\_\_\_

\*\*\*\*\*

2-





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

Pleanáil, Comhshaol agus Cruthú Áite  
Comhairle Cathrach agus Contae Luimnigh  
Bothar Thuar an Daill  
Tuar an Daill, Luimneach  
V94 WV78

Planning, Environment and Place-Making  
Limerick City and County Council  
Dooradoyle Road  
Dooradoyle, Limerick  
V94 WV78

**PLANNING & DEVELOPMENT ACTS 2000 (as amended)**

**PLANNING & DEVELOPMENT REGULATIONS, 2001 (as amended)**

**SECTION 5 – DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT**

**DECLARATION NO.**

**EC46/23**

**Name and Address of Applicant:**

Pat Downes, 42 Mayorstone Park, Old Cratloe Road,  
Limerick.

**Agent:**


N/a

Whether the extension of Shannon Rugby Clubhouse by the erection of an adjoining and linked marquee measuring 30ft x 70ft for the purposes of discos and other events and consequent intensification of use of the clubhouse premises at Thomond Park, Old Cratloe Road, Limerick, 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 02<sup>nd</sup> June and 19<sup>th</sup> July 2023.

**AND WHEREAS** the Planning Authority has concluded that the extension of Shannon Rugby Clubhouse by the erection of an adjoining and linked marquee measuring 30ft x 70ft for the purposes of discos and other events and consequent intensification of use of the clubhouse premises at Thomond Park, Old Cratloe Road, Limerick comes within the scope of exempted development as defined by Class 37 of Part 1 of Schedule 2 of the Planning and Development Regulations 01 as amended. h

**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 Exempt Development.**

Signed on behalf of the said Council



Date:

18/4/23

**NOTE:** A Declaration on Development or Exemption issued by Limerick City & County Council may be referred to An Bord Pleanála on payment of €220 for review within 4 weeks after the issuing of the declaration.

customer services@limerick.ie  
www.limerick.ie  
@LimerickCouncil  
061 - 556 000



The Secretary,  
An Bord Pleanála,  
64 Marlborough Street,  
Dublin 1  
D01 V902

42 Mayorstone Avenue  
Ennis Road  
Limerick.  
V94NPW3

10<sup>th</sup> October 2023

A Chara,

I refer to a decision by Limerick Corporation on a declaration No EC 046/23 with respect to a development at Shannon Rugby Clubhouse, Old Cratloe Road, Limerick and seek a review By An Bord Pleanála under the provisions of Section 5 (3) (a) of the planning and development Act 2000 as amended.

### **Background**

I live in Mayorstone Park which is directly opposite Thomond Park on the Old Cratloe Road, Limerick. In 1958 the Mayorstone estate was completed consisting of approx.300 houses. In 1968, 10 years later, Shannon RFC clubhouse was built within the grounds of Thomond Park consisting of a meeting room, two dressing rooms and a member's bar. Late 1985 I purchased my home at No 42 and have lived and reared my family here ever since. In my 38 years living here there have been events in the Shannon clubhouse with noise kept to a certain level and the then members of Shannon RFC showed respect for the residents and we had a good relationship.

The Shannon RFC clubhouse was not designed or sound proofed for discos and music events and is normally used for drinks after matches and small functions for members and families. When a marquee, with a floor area of 195 sq metres, is erected adjacent to and used consecutively with the clubhouse this leads to a massive intensification of use as the floor capacity is therefore more than doubled.

I live approximately 50 metres from Shannon RFC clubhouse and have been and continue to be adversely affected by the intensification of the existing use of same by the erection of a marquee for discos and ballad nights. As a marquee cannot be sound proofed the noise level from the site is unbearable for my family and my fellow residents.

This is a massive development which causes serious injury to property values in the vicinity with a negative impact on the landscape and along with noise pollution brings an anti-social element to the neighbourhood with drunk teenagers fighting and using our gardens as toilet facilities.

It is my understanding that Shannon RFC are acting outside the parameters of the allowed planning for the clubhouse as they are leasing the premises to Russell's Bar who, in turn, rent to Inferno Life for Discos.

"The use of the facility shall be restricted, limited to the staff and members for uses ancillary to the operation of the rugby club and not for commercial renting/ letting for independent persons/ groups for functions or other activities"





The Limerick City Plan states under: Section 11 Development Management Standards 11.6.6  
"Nightclubs and disco bars will not be permitted in residential areas. Noise at the boundaries of these establishments will be carefully monitored and noise insulation and reduction measures will be required at the time of submission of planning application."

The marquee when erected is used consecutively with the clubhouse for toilet facilities and dancing and therefore would have to be classed as an extension.

The Limerick City Plan also states that the applicant (Shannon RFC)  
"must ensure that an extension to an existing entertainment use, or variation in opening hours, would not cause harm to residential amenity, environmental quality or the established character and function of the area."

In this instance, City Council have not followed their own guidelines from City Plan which states,  
"Only development that is ancillary to the principle use of the site will be considered".

At pickup after teenage events, parent's cars are parked in a manner that creates difficulty in respect of a fire or medical services vehicle accessing our homes in an emergency situation. This is a fire and safety issue in the neighbourhood and a major concern for the residents. This development contravenes Article 9 (i) (iii) (vi) (viii) of the Planning Act.

City Council are allowing these events without seeing how they are managed even after being asked to be there. The Council allow this development to proceed without a traffic plan or a structural cert or fire cert for the marquee and show no concern for the safety of those present and the residents.

The planning authority should take the human factor into consideration when allowing events that will negatively impact on the residents. This is where we live with our families and we have invested time and money into our homes and neighbourhood which we police 24/7. The residents deserve to be consulted on any proposals and applications concerning our area.

#### **Planning report ref no EC 046/23 (Sean Moran, Enforcement Officer, Limerick City Council)**

I am very disappointed that in a three page report from Sean Moran (Appendix 1) that he never once mentions the residents and the effect that this development has on our lives. Section 2 of the Planning Act deals with Environmental Impact Statements yet there is nothing from Sean in his report about our environment. When the marquee is erected adjacent to the clubhouse the site now becomes a super pub and nightclub. I have in the past heard of EIS reports for the birds and bees plants and animals but is there any such thing as an EIS report for people.

In his recommendation Sean says that

"the Authority does not consider the erection of a temporary marquee for an event to be a material change of use of clubhouse" Section 3 (2) (b) (i) states that the land has materially changed when you erect a marquee whether temporary or not..

#### **Declaration EC16/23**

This application concerns three marquees set up inside Thomond Park for the sale of Alcohol before and after Heineken Cup Matches. The marquee at location no.2 outside Shannon RFC is a Heineken



marquee with Heineken logos and colours with no flooring and is much smaller than the disco marquee and is used for the sale of Heineken beer only. This is currently under appeal to An Bord Pleanála. This declaration does not apply to the larger disco marquee and the intensification of the clubhouse in question here.

### **History of Site and Declaration EC17/22**

In 2019 Shannon RFC erected a marquee 70ft x 30ft (Appendix 2) for corporate entertainment and teenage discos.

I exchanged over 25 letters and as many phone calls with City Council objecting to this.

City Council at first stated that development was allowed under Class 37 but as the structure had not been removed after 15 days and was in position for the previous 10 months, the Council applied for two enforcement orders and subsequently a court order to force Shannon RFC to remove it.

On the 14 May 2021 Sean Moran met with me in my home and informed me of an impending second Enforcement Order which was issued on June 2<sup>nd</sup> 2021 (Appendix 3 including map). Sean explained to me that if Shannon again ignored this Order then the Council would take court action which happened on 5<sup>th</sup> November 2021. We discussed the situation and I expressed my view that this development did not qualify for Class 37 on the basis the marquee was not erected for a local event for the people of the area but as a commercial enterprise for profit. Two weeks later Sean Moran rang me and agreed that this development did not qualify under Class 37.

On the 18<sup>th</sup> June 2021 I emailed Sean Moran and again asked for written confirmation that the Council were of the view that the development was not allowed under Class 37 (Appendix 4). On the 25<sup>th</sup> June 2021 I received a response from Council stating that the marquee was not exempt under Class 37 (Appendix 5). Therefore, the declaration EC17/22 in respect of Shannon RFC of March 2022 is a total contradiction to their written declaration to me 12 months earlier.

I believe that the question of the marquee and Class 37 was asked and answered on 25<sup>th</sup> June 2021 and therefore a declaration from Limerick City Council.

In their application for Section 5 Declaration, Shannon RFC state that no structures have previously been erected at this location (Appendix 6). This is a false statement and City Council is aware that this is untrue. The application form also states that site map, layout plan, dimensioned plans and elevations of structure **must** accompany application and this was not provided. City Council cannot and should not make any decisions without this information. I believe that the Shannon RFC declaration is invalid.

On the 25<sup>th</sup> May 2022 I received a phone call from Sean Moran informing me that Shannon RFC had put a proposal to City Council to erect a marquee. I asked Sean to forward me copies of the proposal as the residents would be objecting and he agreed. On the 30<sup>th</sup> of June 2022 I wrote to Sean Moran again asking for relevant paperwork on the proposal (Appendix 7).

On the 16<sup>th</sup> August 2022 I received a covering letter dated 9<sup>th</sup> August 2022 with a copy of a section 5 Declaration from Shannon RFC to Council for the erection of a marquee under Class 37. I noted that declaration was granted on July 1<sup>st</sup> 2022 under conditions of Class 37 (Appendix 6).

I was shocked and disappointed for the following reasons:



- The declaration was granted on 1<sup>st</sup> July 2022 and as I only received relevant paperwork on the 16<sup>th</sup> August 2022 .I could not object to An Bord Pleanala as the 4 week timeline had elapsed before I even got paperwork.
- The Council had changed their opinion on Class37 from their confirmation to me on 25<sup>th</sup> June 2021 which states that the development did not qualify under Class 37 even though Shannon RFC openly admitted that the marquee is to be used for commercial gain and profit and falsely stated that there had been no structure previously on the site
- The residents of Mayorstone were the ones who informed City Council of this illegal activity in 2019 due to our policing and interest in our community yet City Council feel our input is irrelevant when decisions concerning our neighbourhood are being made. Section 42 (a) of the planning Act Exempted Developments supports my claim that the public should be involved in the process.

Part 11 (Plans And Guidelines) No 15

"It shall be the duty of a planning authority to take such steps within its powers as may be necessary for securing the objectives of the Development Plan. It also states that "The key contributor to any component of good place making is community engagement."

I am at a loss as to why Sean Moran, in his phone call to me on 25<sup>th</sup> May 2022, invites me into the process but just ignores my concerns and then involves me again on August 16<sup>th</sup> after the declaration is granted. I don't know whether to put this down to the lack of due diligence or incompetence but I would expect to be involved in the process and any decision being made after engaging in 4 years of correspondence with the Council. Without the input of the public I have serious doubts about the validity of this process due to lack of transparency.

Limerick City Council's biggest mistake of all is the fact that this development does not qualify under the conditions of Class 37. " Class 37 is designed or intended to be used for social, recreational, educational or religious purposes by the inhabitants of a locality or by people of a particular group of religious denomination and is not to be used mainly for profit or gain."

I believe Limerick City Council have made mistake after mistake regarding this issue and I would respectfully ask that you look favourably on my request.

Yours sincerely,

Pat Downes  
087 6871276



Encls.  
Section 5 Declaration Application  
Limerick City Council Declaration No EC46/23  
Cheque in amount of €220



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

**Reference no.** EC 046/23

**Name and Address of Applicant:** Pat Downes, 42 Mayorstone Park, Old Cratloe Road, Limerick.

**Agent:** N/A

**Location:** Thomond Park, Old Cratloe Road, Limerick

**WHEREAS** a question has arisen as to whether the extension of Shannon Rugby Clubhouse by the erection of an adjoining and linked marquee measuring 30ft x 70ft for the purposes of discos and other events and consequent intensification of use of the clubhouse premises is or is not development and is or is not exempted development and is or is not exempted development by Shannon RFC Clubhouse, Thomond Park Stadium Grounds at Old Cratloe Road, Limerick, is or is not development and is or is not exempted development.

**History Section 5 application on site**

There has been two similar Section 5 application at Thomond Park

**EC17/22** Shannon RFC application deemed exempted by LCCC for Marquee for social events

**EC16/23** Pat Downes application deemed exempted development by LCCC for marquee Location no. 2. Currently under appeal at ABP Ref: 91.316438-23 still awaiting a decision. No date indicated on website.

**Report**

Thomond Park is located on the North side of Limerick City and is used mostly to host Rugby matches and on other occasions music events, the capacity of stadium is approximately 26,000. Shannon RFC have a Clubhouse in a separate building within the grounds of Thomond Park.

The Stadium was redeveloped under Planning permission P06770279 granted on the 23/07/2007. Development at Thomond Park, Cratloe Road & Knockalisheen Road. Site area 4.887 Hectares. The development will consist of the demolition of the existing West Stand and West terrace, and dwellings No.1 to 28 Knockalisheen Road and associated out buildings. Construction of 2 No. stands, on the East and West side of the existing main pitch with a seating capacity of 7643 and 8013 respectively. Accommodation within the stands includes dressing rooms, bars, museum, retail areas, hospitality function room, corporate boxes, kitchen area, concourse areas, plant areas and ancillary facilities. Construction of new West terrace with a capacity of 2516, construction of infill terraces at the North West, North East, South West and South East corners with a capacity of 2575, modifications to the East and North terraces including the provision of a toilet block to the rear of the North terrace, relocation of the existing 4 No lighting masts and associated equipment.

The applicant has indicated a marquee adjoining Shannon RFC within the grounds of Thomond Park. On inspection of the location on the 16<sup>th</sup> June 2023, I can confirm there is no marquee at the location.

There was previously an enforcement case in relation to a marquee at this location that was in place more than 30 days. This case was finalised when the marquee was removed.

The Planning Authority issued a cert of exemption under ref: EC- 017-22 on the 1<sup>st</sup> July 2022 for a marquee to be erected on certain dates for fund-raising discos and special match dates. The Authority was of the opinion it was exempt development under Class 37 of the Planning & Development Regs 2001. I am satisfied Shannon RFC have not breached the planning laws since the issue of exemption cert on the 1<sup>st</sup> July 2022.

### **CLASS 37**

***Development consisting of the use of land for any fair, funfair, bazaar or circus or any local event of a religious, cultural, educational, political, social, recreational or sporting character and the placing or maintenance of tents, vans or other temporary or movable structures or objects on the land in connection with such use.***

#### ***Subject to the following conditions***

- 1. The land shall not be used for any such purposes either continuously for a period exceeding 15 days or occasionally for periods exceeding in aggregate 30 days in any year.***
- 2. On the discontinuance of such use the land shall be reinstated save to such extent as may be authorised or required by a permission under the Act.***

On my recommendation the applicant was written to requesting the following information:

- (i) Is the land to be used for any purposes (erection of a marquee for social events) either continuously for a period exceeding 15 days or occasionally for periods exceeding in aggregate 30 days in any year.

The Authority received a reply to FI on 19<sup>th</sup> July 2023 (see attached) Mr. Downes states the following "it is my understanding that the land is not used continuously for a period exceeding 15 days or occasionally for periods exceeding 30 days in any year".

"I am not the owner/developer, however and I consider that the question should be put to the owner/developer by the Council "

This does not address the issue raised by the Authority, on inspection of property today 13<sup>th</sup> September 2023 I can confirm that there are no marquees on the site and also there are no current Enforcement file on the site.

There is no condition within Class 37 with regard to the size of the marquee permitted.

I have considered this question and I have had regard particularly to –

- (a) Section 2, 3 and 4 of the Planning and Development Act 2001 (as amended)
- (b) Class 37 of Schedule 2 Part 1 Exempted Development- (General) of the Planning & Development Regulations 2000
- (c) Section 5 application **EC17/22**
- (e) Section 5 application **EC16/23**
- (d) Plans & particulars submitted with the application received on the 2<sup>nd</sup> June 2023 and further information submission.

This application is similar to Mr. Downes application EC16/23 currently appealed to An Bord Pleanala. I was satisfied at that time, that the erection of marquees within Thomond Park was exempted development Class 37 of Schedule 2 Part 1 Exempted Development- General of the Planning & Development Regulations 2000 (as amended) on condition they comply with conditions.



Similarly, with this application I am of the opinion the erection of a marquee for the purposes of dis [redacted] and other events is not an extension of the clubhouse and or the consequent intensification of use of the clubhouse.

The proposed marquee is considered exempt under Class 37 and once it is removed within the time conditions.

With regard to the consequent intensification of use of the clubhouse premises as the marquee is a temporary structure used for events, I am satisfied it cannot be classed intensification of use.

I have considered this question and I have had regard particularly to –

(a) Section 2, 3 and 4 of the Planning and Development Act 2001 (as amended)

(b) Class 37 of Schedule 2 Part 1 Exempted Development- General of the Planning & Development Regulations 2000

(c) Section 5 application **EC17/22**

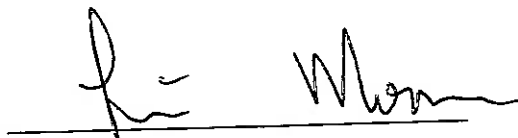
(e) Section 5 application **EC16/23**

(d) Plans & particulars submitted with the application received on the 2<sup>nd</sup> June 2023 and 19<sup>th</sup> July 2023.

### RECOMMENDATIONS:

I therefore consider that the erection of a marquee adjoining Shannon RFC clubhouse within Thomond Park to be development and exempted development under Class 37 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, (as amended). With regard to the consequent intensification of use of clubhouse, the Authority does not consider the erection of a temporary marquee for an event to be a material change to use of clubhouse as the structure is temporary and therefore considered development and exempted development of the Planning & Development Act 2000 (as amended) if not used more than 30 days in a year.

Signed:



Seán Moran  
Development Inspector.

13/09/23



## Appendix 2.



# ZUMBA

WITH DARREN

Places now  
limited to  
15 spots  
due to Covid  
Restrictions

19

Wednesday @8pm: Marquee  
Wednesday @8pm: Zoom

Fully Booked  
Spots Available

20

Thursday (Toning) @8pm: Marquee  
Thursday (Toning) @8pm: Zoom

Fully Booked  
Spots Available

22

Saturday @10am: Marquee  
Saturday @10am: Zoom

**NEW** - Saturday @11:15am: Marquee

2 Spots Left  
Spots Available  
Spots Available

25

**NEW** - Tuesday @6:45pm: Marquee  
Tuesday @8pm: Marquee

Spots Available  
Fully Booked

1. 10/10/10

(2)

(1)

**PLANNING & ENVIRONMENTAL SERVICES**

**Dc-408-19**

**REG POST:**

B O'Brien  
Shannon Rugby Club  
Thomond Park, Cratloe Road  
Limerick

**ENFORCEMENT NOTICE**

**UNDER SECTION 154 OF THE PLANNING AND DEVELOPMENT ACTS  
2000 (as amended)**

The City & County Council of Limerick, the Planning Authority for Limerick, hereby gives you notice that you have carried out development of lands namely:

The erection of a marquee for the holding of events situate at Thomond Park, Cratloe Road, Limerick more particularly described on map annexed hereto (hereinafter referred to as "the site") for which there is no record of planning Permission being granted and therefore the said development is unauthorised.

**FURTHER TAKE NOTICE** that you are required within **7 Days** and thereafter of service of this notice (hereinafter called "the Notice period") to:

- (i) **Cease and refrain from holding any event in the marquee.**

And **FURTHER TAKE NOTICE** that you are required within **1 Month** and thereafter of service of this notice (hereinafter called "the Notice period") to:

- (i) **Remove the Marquee including the floor from the property**  
(ii) **Refund to the planning Authority the costs and expenses of €500 incurred to date in the investigation/detection and the issuing of Enforcement proceedings. Please note that, in the event of non-compliance, you may be liable to additional costs.**

You are further warned that under the provisions of Section 154(5)(c) of the Planning & Development Acts 2000 (as amended) that if you do not fulfill the above requirements within the Notice period hereinbefore referred to then the Limerick City & County Council may enter on the site and take steps in order to carry out the above works and may recover any reasonable expenses incurred.

You are further advised that under the provisions of Section 154(5)(d) of the said Planning & Development Acts 2000 (as amended) that you will be required to refund to the Planning Authority the costs and expenses reasonable incurred by the Authority in relation to the investigation, detection and issue of this Enforcement Notice (and any warning letter issued under Section 152 of the said Acts) including costs incurred in respect of the remuneration and other expenses of employees, consultants and advisors.

Finally, the Planning Authority is obliged to warn you as the person served with this Enforcement Notice that if, within the Notice period specified the steps that you are required to carry out in compliance with this notice are not taken, that you may be guilty of an offence under the provisions of the Planning and Development Acts, 2000 (as amended).

Any further queries in relation to this matter should be addressed to Sean Moran, Development Inspector.

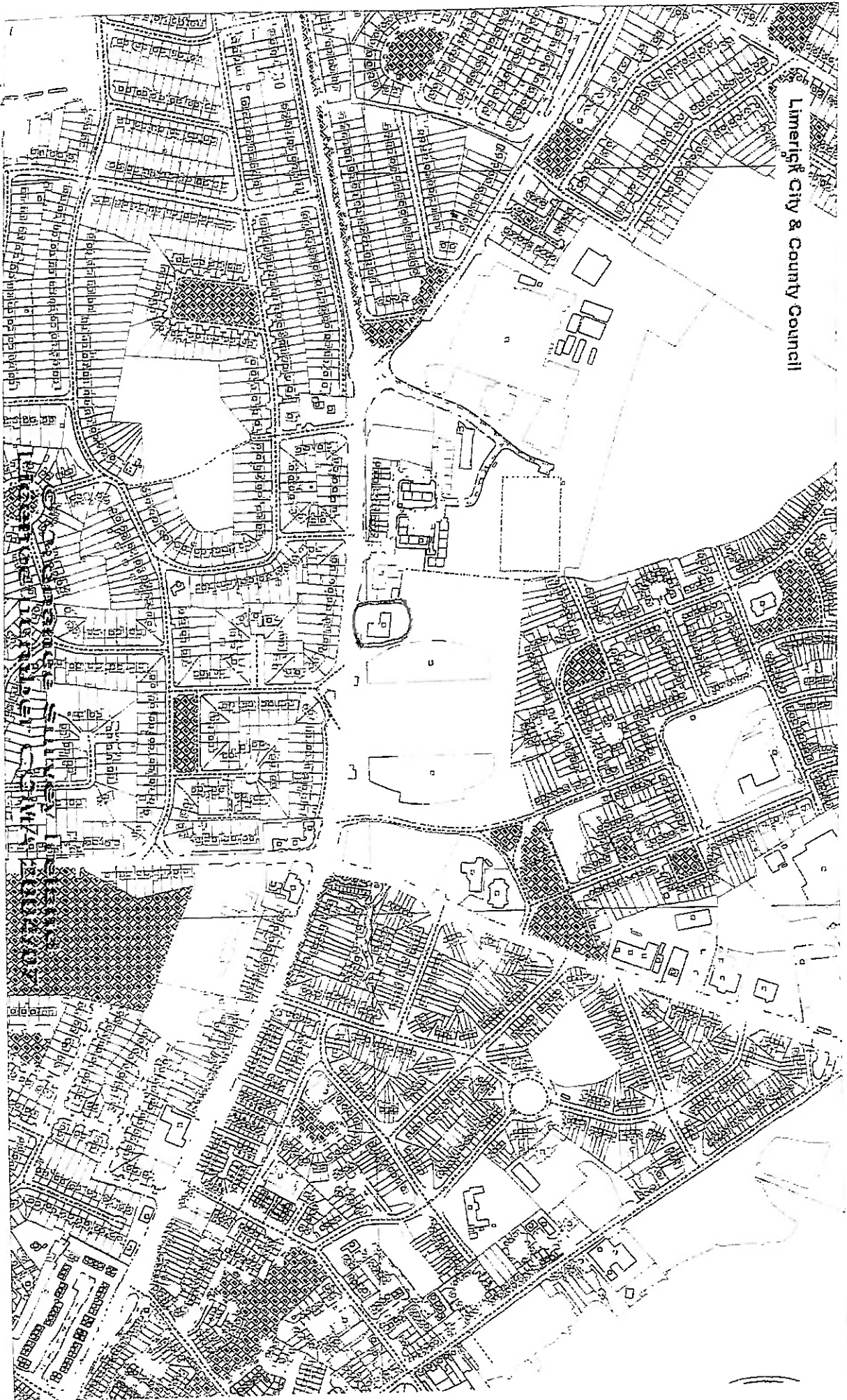
Dated this 2<sup>nd</sup> day of June, 2021

Signed on behalf of the said Council:

  
For Director of Service  
Planning & Environmental Services



Limerick City & County Council







**Finola Downes**

---

**Subject:**

FW: Unauthorised Marquee -Shannon Rugby Club

Sent from my iPad

Begin forwarded message:

**From:** Pat Downes <patdownes1960@gmail.com>  
**Date:** 18 June 2021 at 14:41:02 GMT+1  
**To:** [sean.moran@limerick.ie](mailto:sean.moran@limerick.ie)  
**Subject:** Unauthorised Marquee -Shannon Rugby Club

Dear Sean

I refer to our meeting of May 14th and subsequent telephones conversations regarding the above.

I would appreciate if you would confirm if Limerick City Council are still of the view that this marquee is a Class 37. I would also appreciate if you would forward copies of both enforcement notices that were sent to the Trustees of Shannon Rugby Club at your earliest convenience.

You might confirm the name and contact details of the Limerick City Council Chief Fire Officer.

Many thanks

Pat Downes

St. Andrews

1

# Appendix 5



Comhairle Cathrach  
& Contae **Luimnigh**

**Limerick** City  
& County Council

Seirbhísí Pleanála agus Comhshaoil,  
Comhairle Cathrach agus Contae Luimnigh,  
Tuar an Daill,  
Luimneach

Planning and Environmental Services,  
Limerick City and County Council,  
Dooradoyle,  
Limerick

EIRCODE V94 WV78

t: +353 (0) 61 556 000  
f: +353 (0) 61 556 001

## PLANNING & ENVIRONMENTAL SERVICES

DC-408-19/SMn/CL

25<sup>th</sup> June 2021

Pat Downes

**RE: Shannon Rugby Club.**

Dear Sir,

I refer to the above and to your e-mail dated 18<sup>th</sup> June 2021.

The Planning Authority is of the opinion that the marquee located at Thomond Park is not Exempt Development under Class 37 of the Planning and Development Regulations 2001 (as amended).

I attach a copy of the Enforcement Notice, which was issued to each of the trustees as requested.

Any further queries in relation to this matter should be addressed to Sean Moran, Development Inspector.

Yours faithfully,

For Director of Service  
Planning & Environmental Services

Tuar an Daill, Luimneach  
Dooradoyle, Limerick

✉ customerservices@limerick.ie  
🌐 www.limerick.ie  
🐦 @LimerickCouncil  
☎ 061 - 556 000



Appendix 6



Comhairle Cathrach  
& Contae **Luimnigh**

**Limerick** City  
& County Council

Pleanáil, Comhshaol agus Cruthú Áite  
Comhairle Cathrach agus Contae Luimnigh  
Tuar an Daill, Luimneach

Planning, Environment and Place-Making  
Limerick City and County Council  
County Hall  
Dooradoyle, Limerick  
V94 WV78

**PLANNING, ENVIRONMENT & PLACE-MAKING**

**EC17/22/SMn/CL**

09<sup>th</sup> August 2022

Pat Downes  
42 Mayorstone Avenue  
Limerick.

**RE: EC17/22 – Section 5 application – Shannon Rugby Club**

---

Dear Sir,

I refer to the above and to your correspondence received on 25<sup>th</sup> July 2022 and enclose herewith full copy of file EC17/22 – Shannon Rugby Football Club as requested.

Any further queries in relation to this matter should be addressed to Eugene Crimmins, Staff Officer.

Yours faithfully,

For Director of Services  
Planning, Environment & Place-Making.

SI 600/2001

Rec'd 2/3/22

F7

EC/17/22



LIMERICK CITY & COUNTY COUNCIL

PLANNING AND ENVIRONMENTAL SERVICES

SECTION 5 APPLICATION

**DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT**

Applicant's Name: SHANNON RUGBY FOOTBALL CLUB

Applicant's Address: THOMOND PARK  
OLD CRATLOE ROAD  
LIMERICK

Telephone No. [REDACTED]

Name of Agent (if any): [REDACTED]

Address: [REDACTED]  
[REDACTED]

Telephone No. [REDACTED]

Address for Correspondence:

THOMOND PARK  
OLD CRATLOE ROAD  
LIMERICK

Location of Proposed development:

SHANNON RFC  
THOMOND PARK  
OLD CRATLOE ROAD, LIMERICK.

Description of Proposed development:

70 FEET X 30 FEET MARQUEE  
TEMPORARY STRUCTURE TO BE REMOVED  
AFTER EACH EVENT.

Is this a Protected Structure or within the curtilage of a Protected Structure.  
~~YES~~/NO

Applicant's interest in site: \_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

If Yes please provide floor areas of all existing structures:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature of Applicant (or Agent)



**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:

Limerick City & County Council,  
Planning and Environmental Services,  
City & County Council Offices,  
Dooradoyle Road,  
Limerick.

\*\*\*\*\*

**OFFICE USE ONLY**

Ref. No. \_\_\_\_\_ Date Received \_\_\_\_\_

Fee Received \_\_\_\_\_ Date Due \_\_\_\_\_

\*\*\*\*\*



**PLANNING & ENVIRONMENTAL SERVICES**

EC17/22/SMn/CL

14<sup>th</sup> March 2022

Denis O' Driscoll

**RE: Section 5 Application Shannon Rugby Football Club.**

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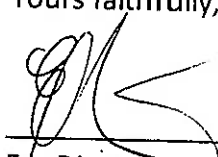
Dear Sir,

I refer to the Section 5 application for Shannon Rugby Football Club and would request the following information in order to process this application under Class 37 of Schedule 2 of Part 1 of the Planning and Development Regulations 2001 (as amended).

- (i) Please outline in full detail for what purpose the marquee is to be used for.
- (ii) Outline in full detail the dates and times that the proposed marquee is to be used.

Any further queries in relation to this matter should be addressed to Seán Moran, Development Inspector.

Yours faithfully,

  
\_\_\_\_\_  
For Director of Services  
Planning & Environmental Services

**Moran, Sean**

---

**From:** [REDACTED]  
**Sent:** Tuesday 5 April 2022 12:44  
**To:** Moran, Sean  
**Subject:** Section 5 Application Shannon Rugby Football Club

**CAUTION:** This email originated from outside of the Organisation. Do not follow guidance, click links or open attachments unless you recognise the sender and know the content is safe.

Hello Sean, following on from your recent letter requesting the purpose and dates and times that the marquee is to be used for, here are the details.

If you have any further queries on the matter please do not hesitate to contact me.

Friday April 8th, Easter holidays disco  
Friday June 3rd, Summer holidays disco  
Friday June 17th, junior certificate  
Friday September 9th, return to school  
Friday October 21st or 28th, Halloween  
Wednesday December 21st, Christmas

All of the above will commence at 7.30 and finish at 10.30.

The marquee would be erected the day before the event (or on the day of the event if necessary) and removed on the day following the event.

Saturday April 16th Munster v Exeter

There is also the possibility of Munster advancing in the United Rugby Championship with home games held on the weekends of June 3rd, 10th and 17th.

Again the marquee would be erected and removed for each event as required.

We would also like to make use of the marquee for the upcoming Ed Sheeran concerts on the evenings of May 5th and 6th.

The marquee would be of great assistance to our club for entertaining sponsors and raising much needed funds in these hard times.

Kind Regards  
Denis O Driscoll  
Chairman Shannon RFC  
[REDACTED]

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

**Reference no.**

EC17/22

**Name and Address of Applicant:**

Shannon RFC, Thomond Park, Old Cratloe Road,  
Limerick.

**Agent:**

Mr. Denis O'Driscoll

**WHEREAS** a question has arisen as to whether the erection of a 70ft x 30ft Marquee for social events within the grounds of Thomond Park, Old Cratloe Rd., Limerick is or is not development and is or is not exempted development.

The application was received on the 02/03/2022.

Limerick City and County Council requested further information on the 14<sup>th</sup> April 2022.

**The further information requested was**

- (i) Please outline in full detail for what purpose the marquee is to be used for.**
- (ii) Outline in full detail dates and times that the proposed marquee is to be used.**

A further information submission was received by email on the 5<sup>th</sup> April 2020.

The submission indicated that the Marquee is to be used for teenage discos from 7.30 to 10.30pm on the following dates

- Friday 3<sup>rd</sup> June 2022
- Friday 17<sup>th</sup> June 2022
- Friday 9<sup>th</sup> September 2022
- Friday 21<sup>st</sup> or 28<sup>th</sup> September 2022
- Wednesday 21<sup>st</sup> December 2022

In addition, Shannon RFC hope to run events the weekend of the 3<sup>rd</sup>, 10<sup>th</sup> and 17<sup>th</sup> June 2022 in conjunction with Munster Rugby games.

Shannon RFC use the marquee to entertain sponsors and to raise funds for the club. The club has indicated the Marquee will be removed immediately after each event.

Class 37 of Schedule 2 Part 1 Exempted Development- General of the Planning & Development Regulations 2000 as amended: is as follows

**CLASS 37**

**Development consisting of the use of land for any fair, funfair, bazaar or circus or any local event of a religious, cultural, educational, political, social, recreational or sporting character and the placing or maintenance of tents, vans or other temporary or movable structures or objects on the land in connection with such use.**

**Subject to the following conditions**

**1. The land shall not be used for any such purposes either continuously for a period exceeding 15 days or occasionally for periods exceeding in aggregate 30 days in any year.**

**PLANNING & DEVELOPMENT ACTS 2000 (as amended)**

**PLANNING & DEVELOPMENT REGULATIONS, 2001 (as amended)**

**SECTION 5 – DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT**

**DECLARATION NO.**

**EC17/22**

**Name and Address of Applicant:**

Shannon Rugby Football Club, Thomond Park, Old  
Cratloe Road, Limerick.

**Agent:**

[REDACTED]

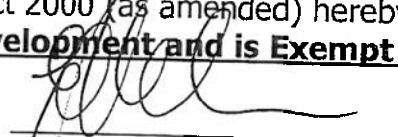
Whether the erection of a 70ft x 30ft marquee for social events within the grounds of Thomond Park, Old Cratloe Road, Limerick is or is not Development or is or is not Exempted Development. The works as described on the plans submitted with the application on the 2<sup>nd</sup> April and 27<sup>th</sup> April 2022.

**AND WHEREAS** the Planning Authority has concluded that the erection of a 70ft x 30ft marquee for social events within the grounds of Thomond Park, Old Cratloe Road, Limerick comes within the scope of exempted development under Class 37 of Part 1 of Schedule 2 of the Planning and Development Regulations 01 as amended.

**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 Exempt Development.**

Signed on behalf of the said Council

Date:

  
1/7/2022

**NOTE:** A Declaration on Development or Exemption issued by Limerick City & County Council may be referred to An Bord Pleanála on payment of €220 for review within 4 weeks after the issuing of the declaration.

**LIMERICK CITY & COUNTY COUNCIL**

**APPROVED OFFICER'S ORDER**

**SECTION 5 – DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT**

No. D.C. 232/22

File Ref No. EC17/22

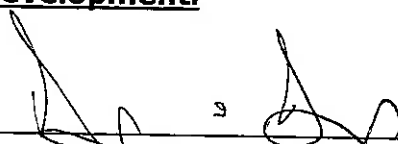
**SUBJECT:** Declaration under Section 5.  
Planning and Development Act 2000 as amended  
Planning and Development Regulations 2001 as amended

**RE: The erection of a marquee for social events within the grounds of Thomond Park, Old Cratloe Road, Limerick.**

**ORDER:** Whereas by Chief Executive's Order No. CE/2021/145 dated 07<sup>th</sup> September 2021, Dr. Pat Daly, Chief Executive, Limerick City & County Council did, pursuant to the powers conferred on him by Section 154 of the Local Government Act, 2001, delegate unto Donogh O' Donoghue, Senior Executive Planner the functions within the meaning of the Local Government Act, 2001 as set out therein.

Now therefore pursuant to the delegation of the functions aforesaid, I, Donogh O' Donoghue, Senior Executive Planner, having considered the report and recommendation of Mr. Seán Moran, Development Inspector dated 16/May/2022, hereby order that a Declaration under Section 5 of the Planning and Development Act 2000 as amended be issued to Shannon Rugby Football Club, Thomond Park, Old Cratloe Road, Limerick to state that the works as described above **is Development and is Exempt Development.**

Signed


  
\_\_\_\_\_  
SENIOR EXECUTIVE PLANNER, PLANNING, ENVIRONMENT & PLACE-MAKING

Date

18/05/22

Certified to be a true copy of Approved Officer's Order, Planning & Development Order No. D.C. \_\_\_\_\_ dated \_\_\_\_\_, pursuant to Section 151(7) of the Local Government Act 2001

Signed:

  
\_\_\_\_\_  
SENIOR EXECUTIVE PLANNER, PLANNING, ENVIRONMENT & PLACE-MAKING



## Appendia 7

Mr Sean Moran  
Director of Services  
Planning and Environmental Services  
Limerick City & County Council  
Dooradoyle  
Limerick

30<sup>th</sup> June 2022

Re: Proposal Shannon Rugby Club for Marquee

Dear Sean

Thank you for your telephone call last month regarding the above.

As you are aware the residents are very concerned about this issue and therefore we would appreciate if you could forward the relevant documentation to the address below.

1. Proposal from Shannon Rugby Club to Limerick City Council
2. Maps and drawing of development
3. Section 5 Declaration
4. Approval from you to Shannon Rugby Club

Looking forward to hearing from you at your earliest convenience.

Many thanks.

Pat Downes  
42 Mayorstone Avenue  
Limerick

