

EXEMPTED DEVELOPMENT ASSESSMENT REPORT

SECTION 5 OF PLANNING AND DEVELOPMENT ACT 2000 (AS AMENDED)

Ref. No. S5.32.26.

Site Address: Shed (adjoining ATU sports ground) Old Dublin Road

Description: Demolition of existing shed which is subject to a dereliction order and spreading of stockpile of topsoil for grass seeding.

Applicant: Atlantic Technology University (ATU)

Description:

The proposed development is an existing corrugated single storey pitched roof shed located on the Old Dublin Road adjoining ATU south campus lands and sports grounds. A free-standing advertising billboard structure is positioned adjacent to both western and eastern side elevations (2no. signs in total) of the structure. These billboards are not attached to the subject shed.

It is stated in the submitted Declaration of Exempted Development Application Form that the shed is the subject of a Dereliction Order. The application seeks an opinion from the Planning Authority on whether the demolition of existing shed which is subject to a Dereliction Order and spreading of stockpile of topsoil for grass seeding is exempted development or not. Of relevance to the proposed development is Class 50 of Schedule 2 Part 1 Exempted Development – General of the Planning and Development Regulations 2001-2026.

Planning History

On site.

No recent planning history.

On adjoining site immediately to the west, east and south.

24/60245 - Permission granted for development which consists of; planning permission is sought by the Atlantic Technological University for development on a site extending to 0.7354 hectares located on the Dublin Road (R338) at the Atlantic Technological University Galway Campus, Murrough, Dublin Road, Galway. The proposed development will consist



Figure 1 The shed which is the subject of the current Declaration application - Source of images Google Maps.

of the following: 1. The construction of a 2-storey multi-functional sports building extending to approximately 2866 sqm including a multi-purpose sports hall, changing rooms, a gym, multi-purpose room, meeting room, seating area and coffee dock. 2. The provision of a temporary pedestrian crossing on the Dublin Road (R338). 3. The provision of bicycle parking, car parking, ESB substation, site landscaping, signage and all associated site works and ancillary services necessary to facilitate the proposed development.

AA Screening

Having regard to the location, nature and scale of the proposed development of the removal of an existing shed the subject of a Dereliction Notice confined within the built-up urban area, adjoining ATU Sports Ground and the absence of connectivity to European sites it is concluded that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on these European sites.

EIA Screening

Having regard to the location, nature and scale of the proposed development of the removal of an existing shed the subject of a Dereliction Notice confined within the built-up urban area, adjoining ATU Sports Ground and the absence of any significant environmental sensitivity in the vicinity of the site, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

Compliance with the Conditions/limitations of Class 50

Class 50 of Schedule 2 Part 1 Exempted Development – General of the Planning and Development Regulations 2001-2026 provides that:

Exempted Development - General	
Column 1 Description of Development	Column 2 Conditions and Limitations
CLASS 50 (a) The demolition of a building, or buildings, within the curtilage of— (i) a house, (ii) an industrial building, (iii) a business premises, or (iv) a farmyard complex. (b) The demolition of part of a habitable house in connection with the provision of an extension or porch in accordance with Class 1 or 7, respectively, of this Part of this Schedule or in accordance with a permission for an extension or porch under the Act.	1. No such building or buildings shall abut on another building in separate ownership. 2. The cumulative floor area of any such building, or buildings, shall not exceed: (a) in the case of a building, or buildings within the curtilage of a house, 40 square metres, and (b) in all other cases, 100 square metres. 3. No such demolition shall be carried out to facilitate development of any class prescribed for the purposes of section 176 of the Act¹.

Upon assessment of the parameters and the conditions/limitations of Class 50 of Schedule 2 Part 1 Exempted Development – General of the Planning and Development Regulations 2001-2026, it is evident that the existing shed building is not a house or a farmyard complex. Regarding the other two categories where Class 50 is

¹ Prescribed classes of development requiring environmental impact assessment

applicable, industrial building and business premises, there are defined under Part 2 Exempted Development 5. (1) Interpretation for this Part of the Planning and Development Regulations 2001-2026— as follows:

“industrial building” means a structure (not being a shop, or a structure in or adjacent to and belonging to a quarry or mine) used for the carrying on of any industrial process;

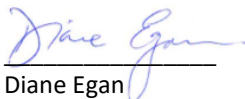
“business premises” means (a) any structure or other land (not being an excluded premises²) which is normally used for the carrying on of any professional, commercial or industrial undertaking or any structure (not being an excluded premises) which is normally used for the provision therein of services to persons,

It is not clear what was the previous use and function of the shed proposed to be demolished. Additionally, the cumulative floor area of the shed building is not provided in the application. Section 5 (1) of the Planning and Development Act 2000-2025 states that “if any question arises as to what in any particular case, is or is not development or is or is not an exempted development within the meaning of this act, any person may on payment of the prescribed fee request in writing from the relevant planning authority a declaration on that question and that person shall provide to the planning authority any information necessary to enable the authority to make its decision”. Hence, further information will be requested regarding compliance with Class no. 50 of Schedule 2 Part 1 Exempted Development – General of the Planning and Development Regulations 2001-2026.

Recommendation

It is recommended that a letter issue requesting the following information:

1. Please state the previous use and function of the shed building and submit any documentary evidence indicating and confirming the previous use of the shed building.
2. Please submit the cumulative floor area of the shed building in square metres.



Diane Egan
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13/08/2026



19/08/2026

² “excluded premises” means— (a) any premises used for purposes of a religious, educational, cultural, recreational or medical character, (b) any guest house or other premises (not being a hotel or a hostel) providing overnight guest accommodation, block of flats or apartments, club, or boarding house, or, (c) any structure which was designed for use as one or more dwellings, except such a structure which was used as business premises immediately before 1 October, 1964 or is so used with permission under the [Planning] Act.