



Comhairle Cathrach
& Contae Luimnigh

Limerick City
& County Council

Limerick City and County Council

Planning Department

Section 5 Application



DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

Applicant's Name: **Timothy Buckley**

Applicant's Address: **Clouncagh**

Ballingarry

**Co Limerick
V94NDR3**

Telephone No. **[REDACTED]**

Name of Agent (if any): **Not Applicable**

Address: **Not Applicable**
Telephone No. **Not Applicable**

Address for Correspondence:

Grange, Kilcock, Co. Kildare, W23 WR2X

Location of Proposed development (Please include Eircode):

Cloncagh, Ballingarry, Co Limerick, Eir Code; V94 NDR3

Description of Proposed development:



The proposed development is the construction of a single-story extension to the rear of the existing dwelling. The proposed extension will not exceed an internal floor area of 40 square meters. The roof height of the new extension will not exceed the roof height of the existing dwelling. All building works will be carried out to current building regulations.

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

Section 5 of the Planning and Development Act 2000

Is this a Protected Structure or within the curtilage of a Protected Structure. **No.**

Applicant's interest in site: **Owner**

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

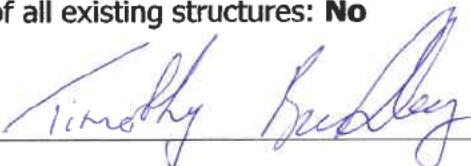
Attached to this application are the following.

- **Sitel location map**
- **Site layout plan**
- **Floor plans of the existing dwelling and dwelling with proposed extension.**
- **Elevation plans (before and after proposed extension construction)**

Have any previous extensions/structures been erected at this location. **No**

If Yes please provide floor areas of all existing structures: **No**

Signature of Applicant (or Agent)

 10/02/2025

NOTES: Application must be accompanied by:

- (a) Fee of €80
- (b) Site location map
- (c) Site layout plan
- (d) Dimensioned plans and elevations of the structure and any existing structures.
- (e) Where the declaration is in respect of a farm building, a layout identifying the use of each existing building together with floor area of each building.

Application to be forwarded to:

**Planning Department,
Limerick City & County Council,
Dooradoyle,
Limerick,
V94 XF67**

OFFICE USE ONLY

Ref. No. _____

Date Received _____

Fee Received _____

Date Due _____



The Property
An Rialtais
Chlárcháin Maplin
Folio: LK14843F

This map should be read in conjunction with the folio.

Registry maps are based on OSi topographic mapping. Where Registry maps are printed at a scale that is larger than the OSi published scale, accuracy is limited to that of the original OSi map scale.

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Burdens (may not all be represented on map)
Flight of Way / Wayleave
Turbine
Pipeline
Well
Pump
Baptic Tank
Stock Pit

A full list of burdens and their symbology can be found at:
www.landregistry.ie

The registry operates a non-conclusive boundaries system. The Registry Map identifies properties not boundaries meaning neither the description of land in a register nor its identification by reference to a registry map is conclusive as to the boundaries or extent, (see Section 55 of the Registration of Title Act, 1986), as inserted by Section 62 of the Registration of Deed and Title Act, 2006.

Planning Exemption Application

Clouncaugh, Ballingarry, Co Limerick.
V94NDR3

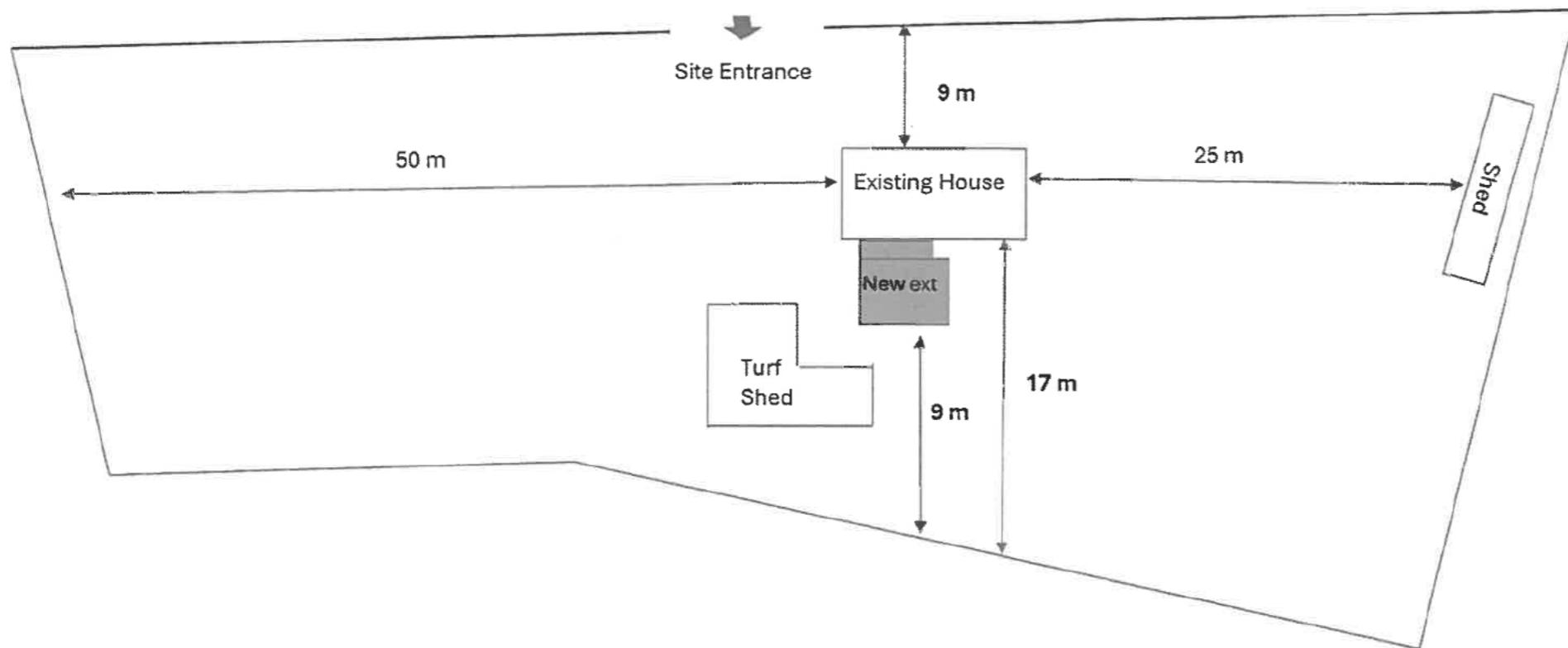
Site Layout Plan for folio no. LK14843F

- no change to site entrance.

- no dwellings bound the site.

- total site area ca. 2240 sq. M.

Road at the front of the property



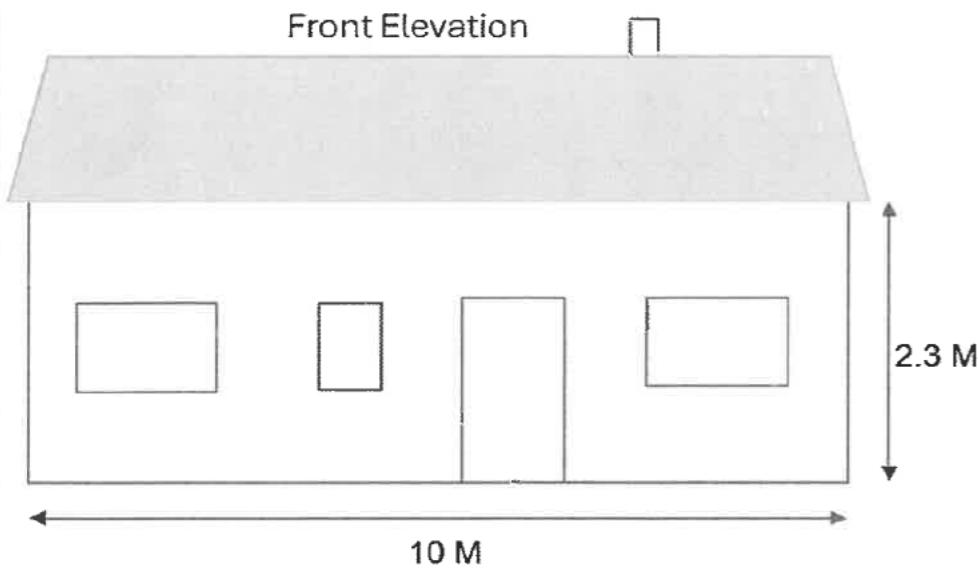
Note All dimensions in meters

16/02/2025	Drawing 3	Rev 0

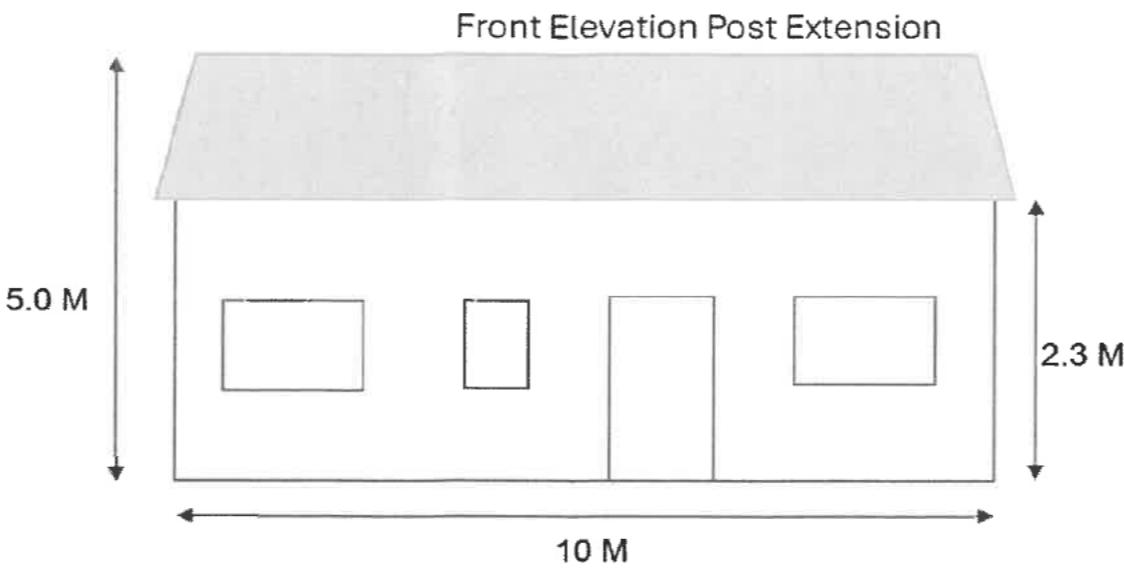
Sie Layout

Client
Tim & Laura Buckley, Clouncaugh, Ballingarry, Co. Limerick

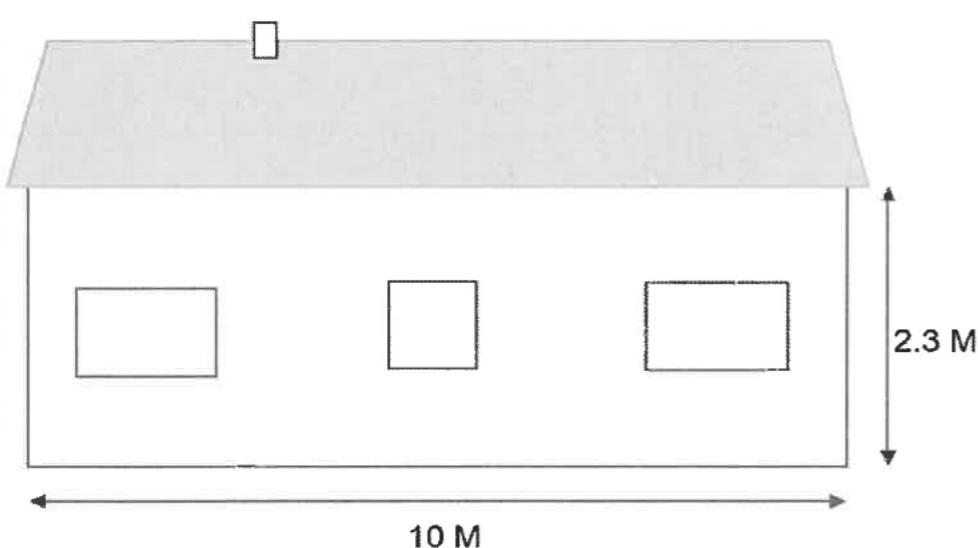
Front Elevation



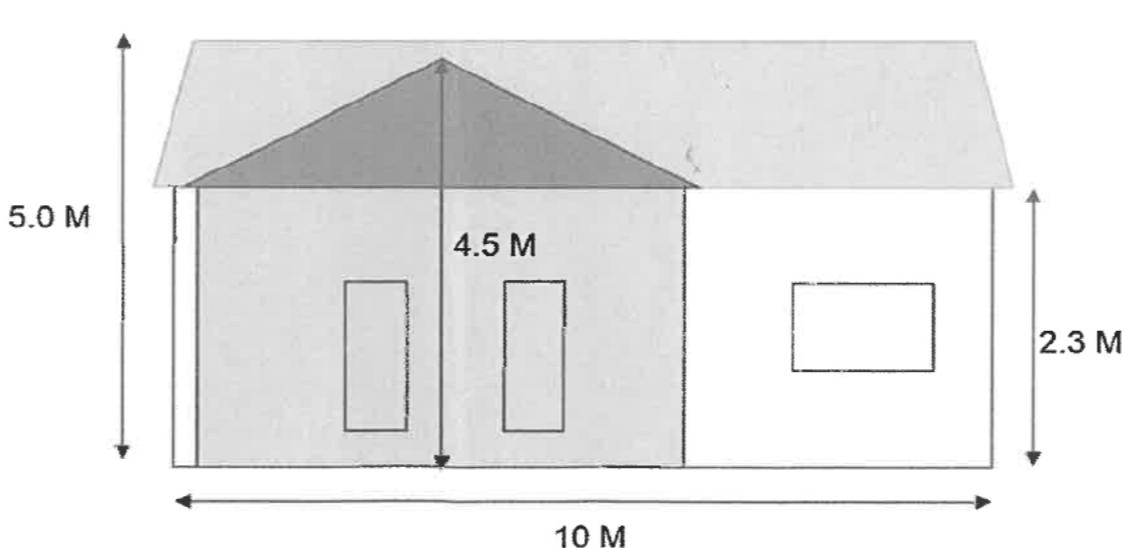
Front Elevation Post Extension



Rear Elevation



Rear Elevation Post Extension



Planning Exemption Application

Clouncah, Ballingarry, Co limerick.
V94NDR3

Drawing of front and rear elevation pre and post the proposed extension

- new extension to the rear of the existing dwelling & will not alter the front elevation of the existing dwelling.

- total internal floor area of proposed new extension will not exceed 40 sq. meters.

- proposed extension is single story.

- roof height of proposed extension will not exceed roof height of existing dwelling.

Note All dimensions in meters

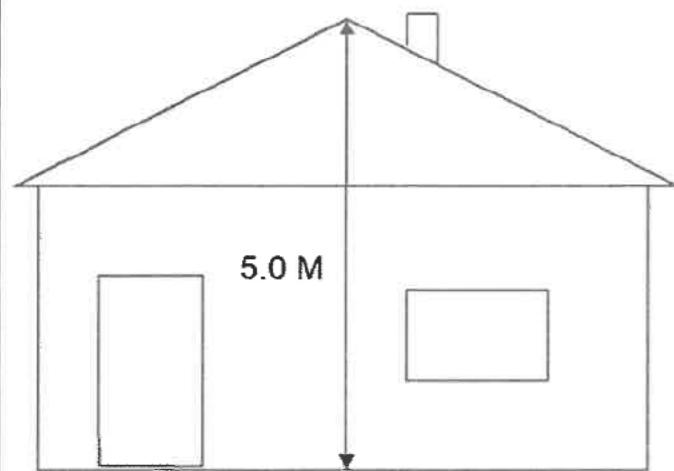
16/02/2025 Drawing 1 Rev 0

Existing & post extension front & rear elevations

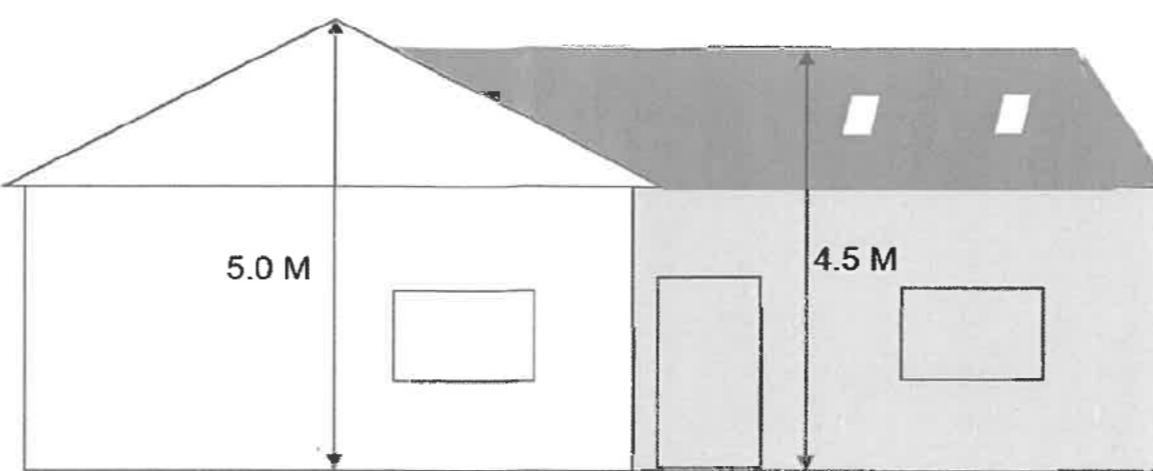
Client

Tim & Laura Buckley,
Clouncah, Ballingarry, Co. Limerick

Westerly Elevation



Westerly Elevation Post Extension



Planning Exemption Application

Clouncagh, Ballingarry, Co Limerick.
V94NDR3

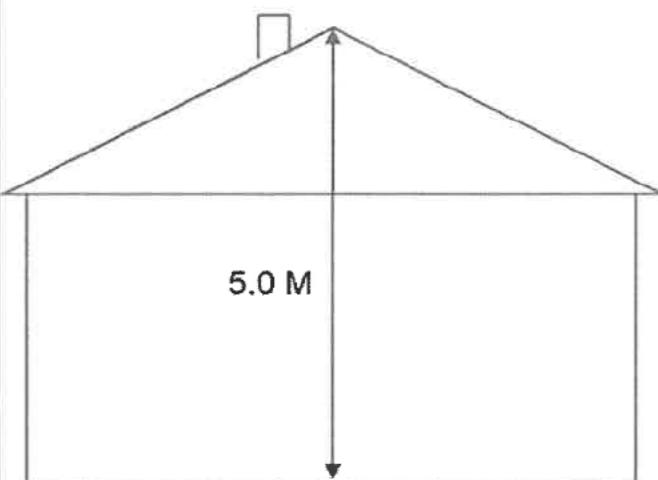
Drawing of westerly & easterly elevations pre and post the proposed extension

- entrance door moved to new extension on westerly elevation.

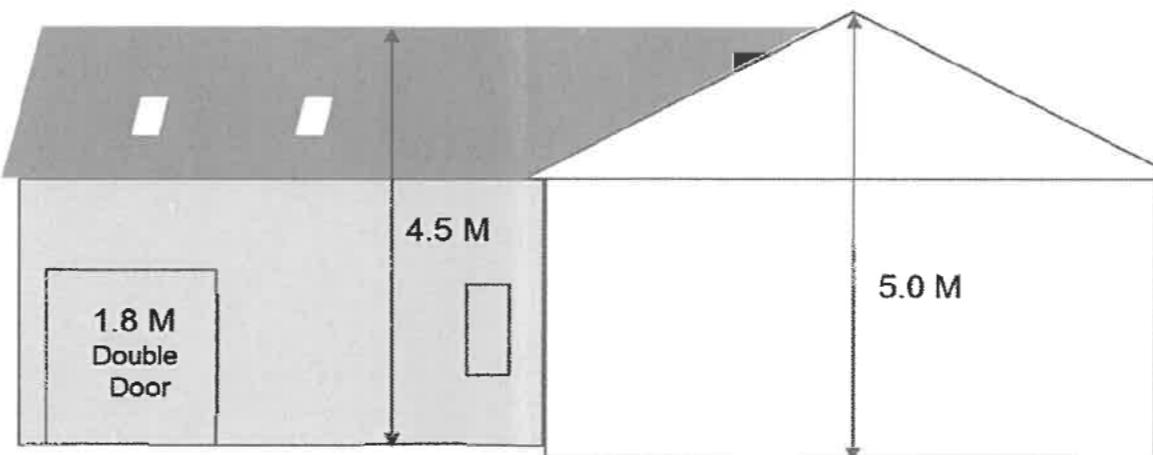
- new extension will be reset ca 0.15 M from existing westerly gable wall.

- extension roof will tie into the roof of the existing dwelling and will not exceed the existing roof height.

Easterly Elevation



Westerly Elevation Post Extension

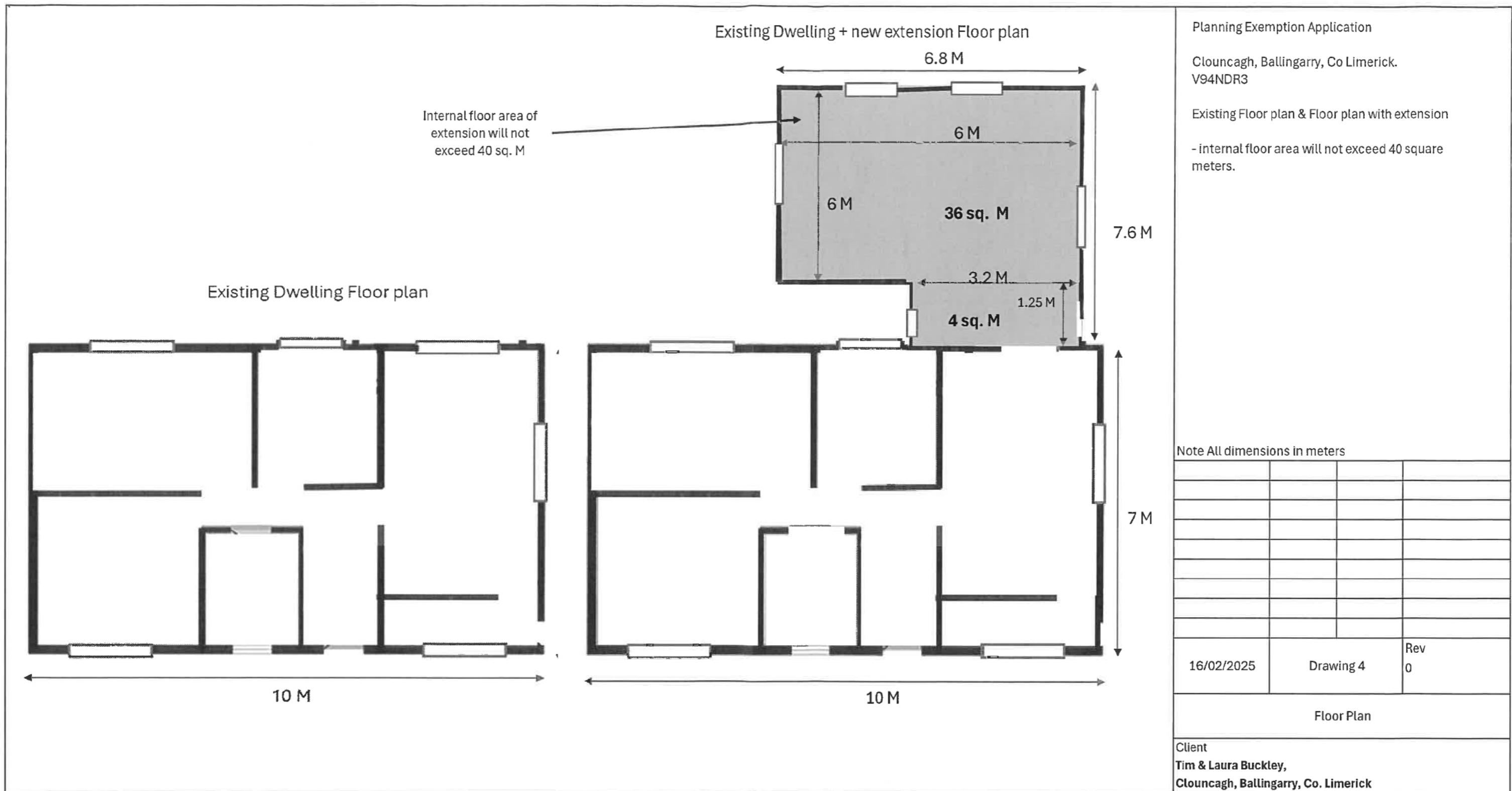


Note All dimensions in meters

16/02/2025	Drawing 2	Rev 0
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Existing & post extension Westerly & Easterly elevations

Client
Tim & Laura Buckley,
Clouncagh, Ballingarry, Co. Limerick





COMHAIRLE
CATHRACH & CONTAE
Luimnigh
Liméarick
CITY & COUNTY
COUNCIL

LIMERICK CITY & COUNTY COUNCIL
CASH OFFICE
CIVIC OFFICES
DOORADOYLE
CO LIMERICK

12/02/2025 13:42:56

Receipt No./
Uimhir Admhála : LA25/0/25174478

Laura and Tim Buckley,
Cloncagh
Ballingarry,
Co.Limerick
V94NDR3

ENGINEERING CERT	80.00
GOODS	80.00
VAT Exempt/Non-vatable	

Total/Iomlán : 80.00 EUR

Tendered/Tairgthe :
Cheque 80.00
BOI
000113

Change/Sóinseáil : 0.00

Issued By/
Eisithe ag : Ailish McDermott
From/Ó : CASH OFFICE HQ
Vat reg No./Cláruimhir CBL: 3267368TH

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

Reference no. EC-018-25

Name and Address of Applicant: Timothy Buckley
Grange
Kilcock
Co. Kildare
W23WR2X

Agent: N/A

Location: N/A

Description of Site and Surroundings:

The site is an existing detached property located at Clouncagh, Ballingarry, Co. Limerick. The site is accessed off a local road, L-12131.

Zoning:

N/A

Proposal:

This is an application requesting a Section 5 Declaration on whether the following works are or are not development or are or not exempted development:

- New rear extension

This Section 5 declaration includes the following:

- Application Form
- Site location
- Existing floor plans
- Proposed Elevations
- Proposed Floor plans

Planning History:

None

Enforcement History

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.

'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 –

(a) Where the context so admits, includes the land on, in or under which the structure is situated.

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 proposed development on site, comprising a single storey extension to rear of existing dwelling constitutes 'works' and 'development'.

Is the proposal exempted development?

The proposed single storey rear extension will be assessed under Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended).

Is the development within the curtilage of a house?

Yes, the extension is to the rear of the house and within the curtilage.

Class 1

The extension of a house, by the construction or erection of an extension (including a conservatory) to the rear of the house or by the conversion for use as part of the house of any garage, store, shed or other similar structure attached to the rear or to the side of the house is considered Exempted Development, subject to the following Conditions and Limitations:

1. (a) *Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres.*

The house has not been extended previously. The proposed single story extension is to measure 40m².

(b) *Subject to paragraph (a), where the house is terraced or semi-detached, the floor area of any extension above ground level shall not exceed 12 square metres.*

N/A – this dwelling is detached

(c) *Subject to paragraph (a), where the house is detached, the floor area of any extension above ground level shall not exceed 20 square metres.*

N/A

2. (a) *Where the house has been extended previously, the floor area of any such extension, taken together with the floor area of any previous extension or extensions constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 40 square metres.*

N/A

(b) *Subject to paragraph (a), where the house is terraced or semi-detached and has been extended previously, the floor area of any extension above ground level taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 12 square metres.*

N/A

(c) *Subject to paragraph (a), where the house is detached and has been extended previously, the floor area of any extension above ground level, taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 20 square metres.*

N/A

3. Any above ground floor extension shall be a distance of not less than 2 metres from any party boundary.

N/A no works proposed above ground floor.

4. (a) Where the rear wall of the house does not include a gable, the height of the walls of any such extension shall not exceed the height of the rear wall of the house.

Rear wall does not include a gable. Height of extension would not exceed the height of the rear wall of the house.

(b) Where the rear wall of the house includes a gable, the height of the walls of any such extension shall not exceed the height of the side walls of the house.

Height would not exceed height of highest part of the roof of the dwelling.

(c) The height of the highest part of the roof of any such extension shall not exceed, in the case of a flat roofed extension, the height of the eaves or parapet, as may be appropriate, or, in any other case, shall not exceed the height of the highest part of the roof of the dwelling.

Height would not exceed height of eaves or parapet or height of highest part of the roof of the dwelling.

5. The construction or erection of any such extension to the rear of the house shall not reduce the area of private open space, reserved exclusively for the use of the occupants of the house, to the rear of the house to less than 25 square metres.

The proposed extension would not reduce the area of private open space to less than 25m².

6. (a) Any window proposed at ground level in any such extension shall not be less than 1 metre from the boundary it faces.

No windows are proposed less than 1 metre from the boundary.

(b) Any window proposed above ground level in any such extension shall not be less than 11 metres from the boundary it faces.

N/A - no above ground floor extension

(c) Where the house is detached and the floor area of the extension above ground level exceeds 12 square metres, any window proposed at above ground level shall not be less than 11 metres from the boundary it faces.

N/A - no above ground floor extension

7. The roof of any extension shall not be used as a balcony or roof garden.

The submitted plans do not show a balcony or roof garden.

The proposal is not subject to any conditions or limitations set out in Column 2.

Article 9 Restrictions

The proposed development is not restricted by any of the restrictions in Article 9 of the Planning and Development Regulations 2001 (as amended).

Appropriate Assessment

An AA Screening examination was carried out by Limerick City & County Council (see appendix 1). Overall it is considered that the development as proposed should not exercise a significant effect on

the conservation status of any SAC or SPA as there are no source-pathway-receptors and the site does not directly encroach on any Natura 2000 European Sites. Therefore, an Appropriate Assessment is not necessary (See appendix 1 for AA Screening Form).

Environmental Impact Assessment

An EIA Screening examination was carried out by Limerick City and County Council (see Appendix 2). Based on a preliminary examination of the proposal there is no real likelihood of significant effects on the environment and EIA is not required.

Conclusion/Recommendation

The extension detailed on the application and plans submitted is considered to be within the scope of Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended).

Regard has been had to –

- (a) Section 2, 3 and 4 of the Planning and Development Act 2000 (as amended)
- (b) Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended)
- (c) The plans & particulars submitted with the application received on the 13th February 2025.

It is therefore considered that the said works are development and exempted development under Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended)



Jennifer Mc Nulty

Executive Planner

Date: 12/03/25


Agreed B. Henn

Barry Henn, SEP

Date: 13/03/2025

AA PN01 Screening Form

STEP 1: Description of the project/proposal and local site characteristics:	
(a) File Reference No:	EC-018-25
(b) Brief description of the project or plan:	This is an application requesting a Section 5 Declaration on whether a rear domestic extension is or is not exempted development.
(c) Brief description of site characteristics:	There is an existing dwelling on site.
(d) 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 Interest¹	Distance from proposed development² (km)	Connections (Source-Pathway-Receptors)	Considered further in screening Y/N
002165	Lower River Shannon SAC https://www.npws.ie/protected-sites/sac/002165	Circa 16km	None	None
004077	River Shannon and River Fergus Estuaries SPA https://www.npws.ie/protected-sites/spa/004077	Circa 18km	None	None
002170	Blackwater River SAC https://www.npws.ie/protected-sites/sac/002170	Circa 20km	None	None
004161	Stack's to Mullaghareirk Mountains, West Limerick Hills & Mount Eagle SPA https://www.npws.ie/protected-sites/spa/004161	Circa 13km	None	None
002351	Moanveanlagh Bog SAC https://www.npws.ie/protected-sites/sac/002351	Circa 18km	None	None

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 <ul style="list-style-type: none"> - 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. Works are minimal and will involve temporary construction works, therefore, no likely significant impact on the conservation objectives of the above named sites.
Operation phase e.g. <ul style="list-style-type: none"> - 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 works are minimal and will involve temporary construction works, therefore, no likely significant impact on the conservation objectives of the above named sites.
In-combination/Other	N/A given the level of development in the area

(b) 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 structure or ecological function of the site

None. Works are minimal and will involve temporary construction works, therefore, no likely significant impact on the conservation objectives of the above named sites.

(c) (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:

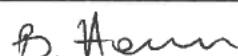
On the basis of the information on file, which is considered adequate to undertake a screening determination and having regard to:

- the nature and scale of the proposed development on fully serviced lands,
- the intervening land uses and distance from European sites,
- the lack of direct connections with regard to the Source-Pathway-Receptor model, it is concluded that the proposed development, individually or in-combination with other plans or projects, would not be likely to have a significant effect on the above listed European sites or any other European site, in view of the said sites' conservation objectives. An appropriate assessment is not, therefore, required.

Conclusion: AA Screening is not required.

	Tick as appropriate:	Recommendation:
(i) It is clear that there is no likelihood of significant effects on a European Site	<input checked="" type="checkbox"/>	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	<input type="checkbox"/>	<input type="checkbox"/> Request further information to complete screening <input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
(iii) Significant effects are likely	<input type="checkbox"/>	<input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
Signature and Date of Recommending Officer:	 <hr/> Jennifer Mc Nulty, Executive Planner 12/03/25	
Signature and Date of the Decision Maker:	 <hr/> Barry Henn, Senior Executive Planner 12/03/25	

APPENDIX 2 EIA SCREENING

Establishing if the proposal is a 'sub-threshold development':		
Planning Register Reference:	EC-018-25	
Development Summary:	Dwelling Extension	
Was a Screening Determination carried out under Section 176A-C?	<input type="checkbox"/>	<input checked="" type="checkbox"/> Yes, no further action required <input checked="" type="checkbox"/> x 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)		
<input type="checkbox"/> Yes, specify class: [insert here] _		EIA is mandatory No Screening required
<input checked="" type="checkbox"/> x 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)		
<input type="checkbox"/> x No. the development is not a project listed in Schedule 5, Part 2		No Screening required
<input type="checkbox"/> 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
<input type="checkbox"/> Yes the project is of a type listed but is sub-threshold: [insert here]		Proceed to Part C
C. If Yes , has Schedule 7A information/screening report been submitted?		
<input type="checkbox"/> Yes, Schedule 7A information/screening report has been submitted by the applicant		Screening Determination required
<input checked="" type="checkbox"/> No, Schedule 7A information/screening report has not been submitted by the applicant		Preliminary Examination required
Signature and Date of Recommending Officer:	 Jennifer McNulty, Executive Planner 12/03/25	
Signature and Date of the Decision Maker:	 Barry Henn, Senior Executive Planner 13/03/2025	

	1020325
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APPENDIX 3 SITE INSPECTION (11/03/25)







PLANNING & PLACE-MAKING

REG POST:

Timothy Buckley
Grange
Kilcock
Co. Kildare
W23WR2X

EC/018/25

13th March 2025

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 Director of Services
Planning & Place-Making

LIMERICK CITY & COUNTY COUNCIL

APPROVED OFFICER'S ORDER

SECTION 5 – DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

No. AOO/DC/2025/252

File Ref No. EC/018/25

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

RE: **The construction of a rear extension at Clouncaugh, Ballingarry, Co. Limerick**

ORDER: Whereas by Director General's Order No. DG/2024/123 dated 27th November 2024, 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 Jennifer McNulty, Executive Planner dated 12/03/2025, hereby order that a Declaration under Section 5 of the Planning and Development Act 2000 (as amended) be issued to Timothy Buckley, Grange, Kilcock, Co. Kildare, W23WR2X to state that the works as described above is *VC*

Development and is Exempt Development.

Signed

B. Henn

SENIOR EXECUTIVE PLANNER, PLANNING & PLACE-MAKING

Date

13/03/2025

Certified to be a true copy of Approved Officer's Order, Planning & Development Order No. AOO/DC/2025/ *252* dated *13/03/2025*, pursuant to Section 151(7) of the Local Government Act 2001

Signed:

B. Henn

SENIOR EXECUTIVE PLANNER, PLANNING & PLACE-MAKING



SECTION 5 – DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

DECLARATION NO.

EC/018/25

Name and Address of Applicant: Timothy Buckley, Grange, Kilcock, Co. Kildare, W23WR2X

Agent: N/A

Whether the construction of a rear extension at Clouncagh, Ballingarry, 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 13th of February 2025.

AND WHEREAS the Planning Authority has concluded that the construction of a rear extension at Clouncagh, Ballingarry, Co. Limerick **DOES** come within the scope of exempted development as defined by Class 1 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 Exempt Development**.

Signed on behalf of the said Council

Karen Conlon
Date: 13/03/2025

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.