



LIMERICK CITY & COUNTY COUNCIL

PLANNING AND ENVIRONMENTAL SERVICES

SECTION 5 APPLICATION

DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

Applicant's Name: THE REPRESENTATIVES OF
THE LATE ITA MOONANE.

Applicant's Address: 121 PORT VIEW
BALLINACURRA CARDEEN
LIMERICK.

Telephone No. _____

Name of Agent (if any): DOM O'RIORDAN

Address: ARCHITECTURAL SERVICES
26 ASCOT TERRACE,
O'CONNELL AVENUE,
LIMERICK.

Telephone No. 086 3196717.

Address for Correspondence:

26 ASCOT TERRACE, O'CONNELL AVE.,
LIMERICK.

ORIORDAN . DOM @limerickcity.ie . com

21 FEB 2025

Planning

Location of Proposed development:

121 FORT VIEW, BELLINACURRA
GARDENS, LIMERICK.

EXISTING

Description of ~~proposed~~ development:

| | | |
|-----------------|---|----------------------|
| <u>UTILITY</u> | } | 15.73 m ² |
| <u>CAR PORT</u> | | |
| <u>PORCH</u> | | 1.84 |
| | | 17.57 m ² |

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:

GROUND FLOOR PLAN
SECTION & ELEVATIONS
SITE LAYOUT
COPY OF ORDINANCE MAP.

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

If Yes please provide floor areas of all existing structures:

X1 (D)

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.

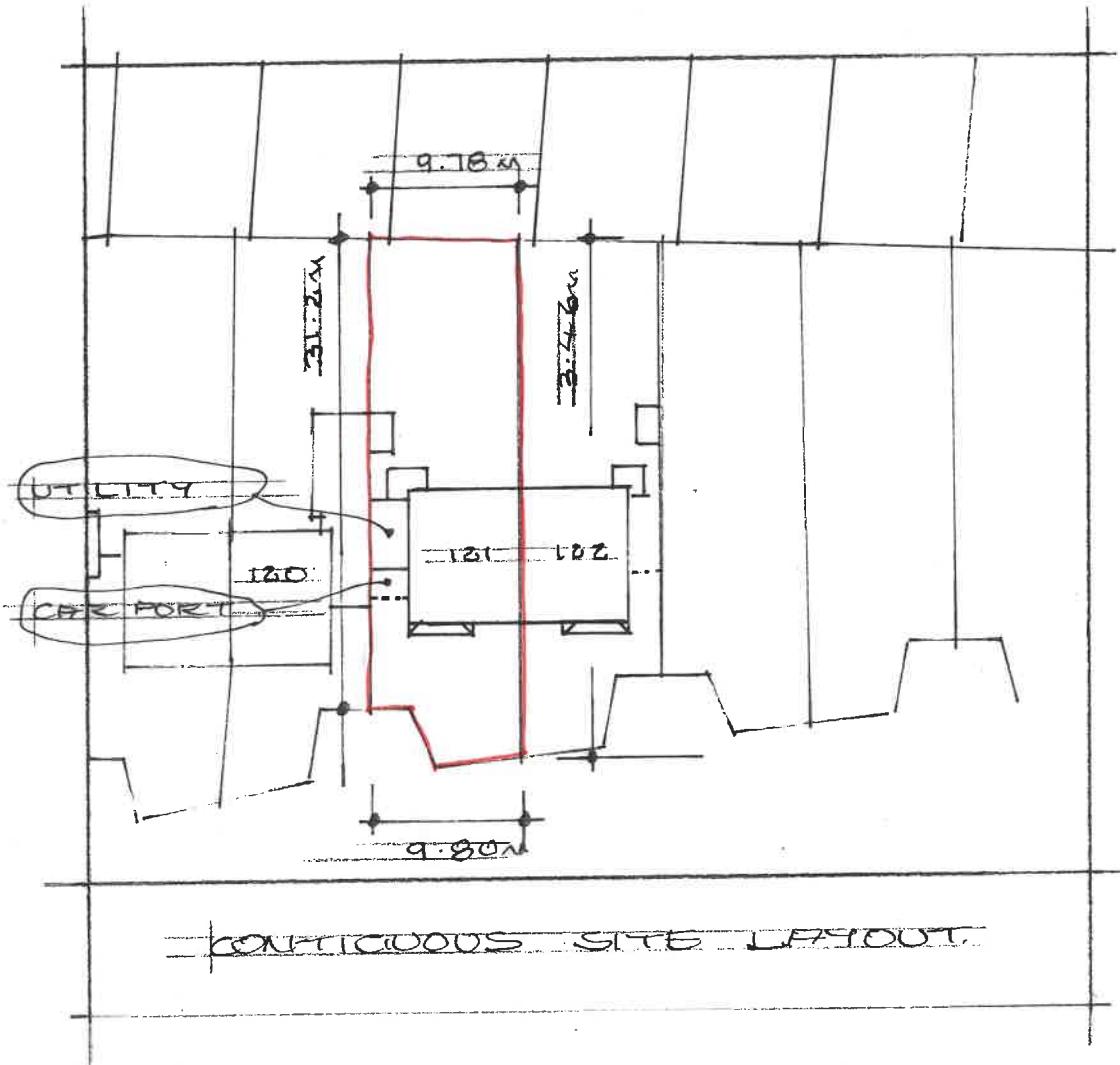
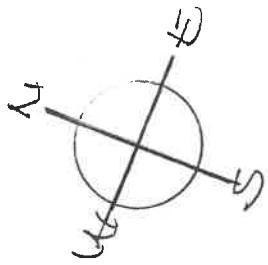
Application to be forwarded to:

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 _____



1. All dimensions to be checked on site prior to work beginning.
2. Only written dimensions to be used.
3. Do not scale.
4. Any discrepancies to be reported immediately.

JOB: 121 BELLINGCOURT
GARDENS

TITLE: SITE LAYOUT

DOM O'RIORDAN
ARCHITECTURAL SERVICES
26, ASCOT TERRACE,
O'CONNELL AVENUE,
LIMERICK

086-3196717

JOB: 4800

DRG. NO.: 04

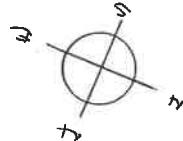
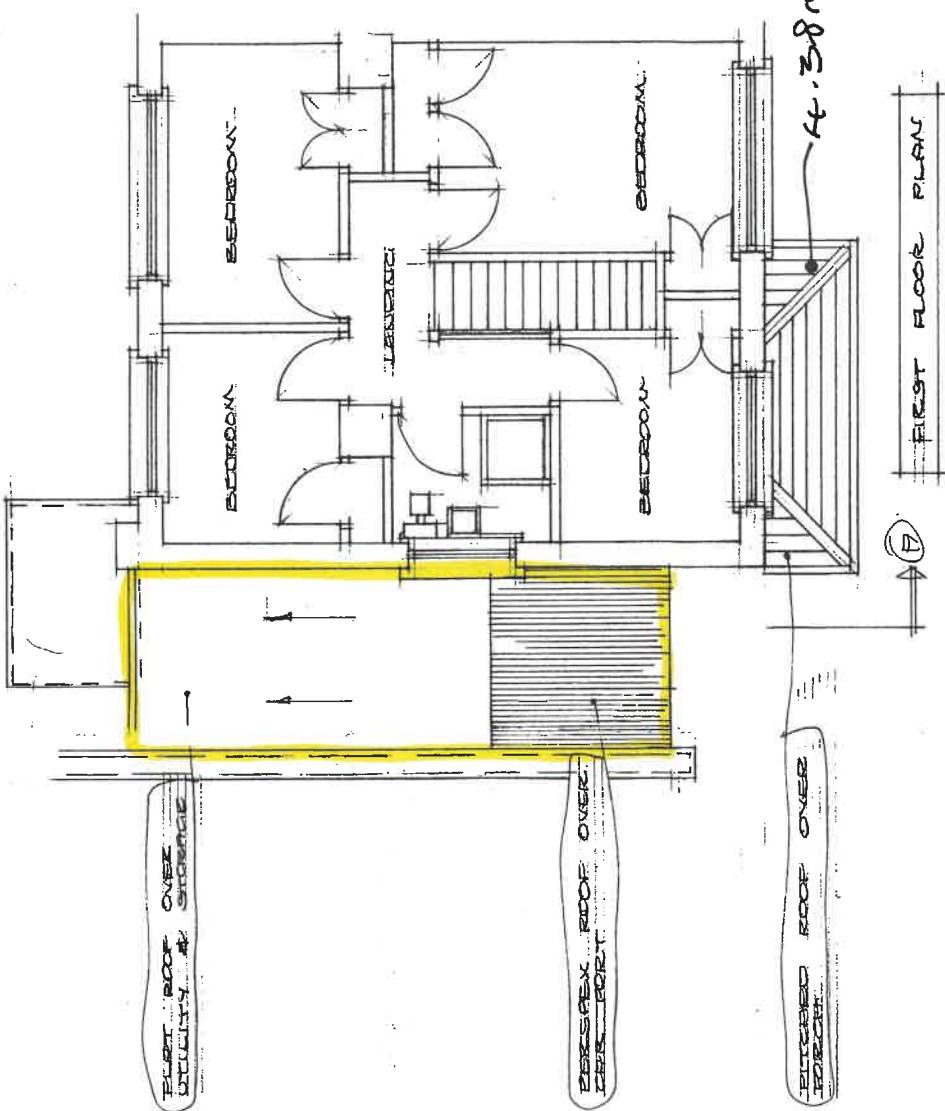
DATE: FEB '25

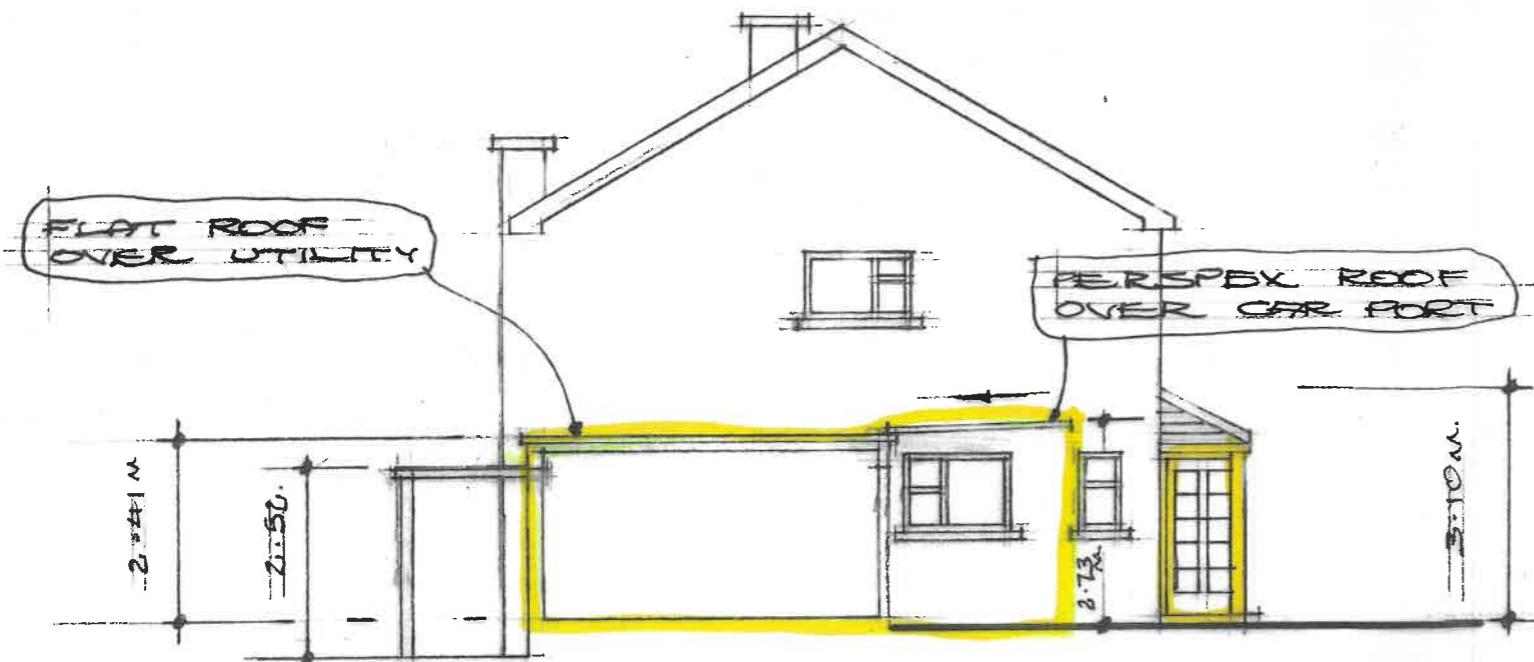
SCALE: 1 : 500

1. All dimensions to be checked on site prior to work beginning.
2. Only written dimensions to be used.
3. Do not scale.
4. Any discrepancies to be reported immediately.

JOB: 121 BULLETT OVERB
 TITLE: FIRST FLOOR PLATE
 DRG. NO.: 02
 DATE: 14 FEB '25
 SCALE: 1 : 100
 086-3196717

DOM O'RIORDAN
 ARCHITECTURAL SERVICES
 26, ASCOT TERRACE,
 O'CONNELL AVENUE,
 LIMERICK

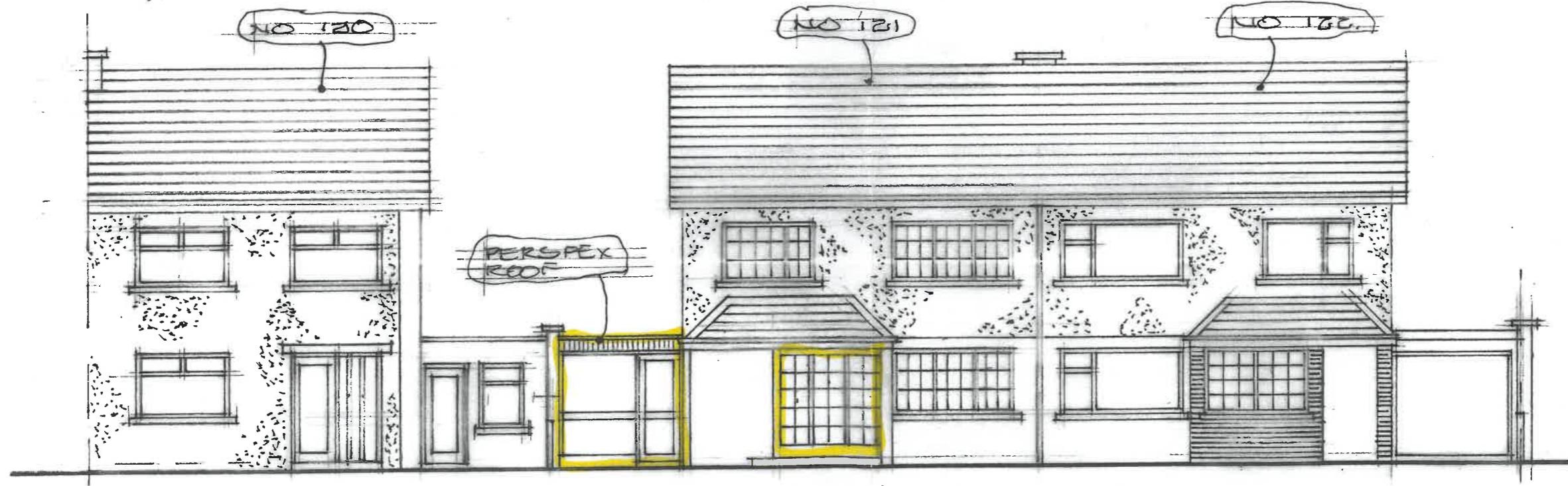




SIDE ELEVATION AND SECTION A/A



REAR ELEVATION



FRONT CONTINUOUS ELEVATION

1. All dimensions to be checked on site prior to work beginning.
2. Only written dimensions to be used.
3. Do not scale.
4. Any discrepancies to be reported immediately.

JOB: 121 BALLYACURRA
GARDENS

TITLE: ELEVATIONS & SECTION A/A

DOM O'RIORDAN
ARCHITECTURAL SERVICES
26, ASCOT TERRACE,
O'CONNELL AVENUE,
LIMERICK

086-3196717

JOB: 4800

DRG. NO.: 03

DATE: 14 FEB 2025

SCALE: 1:100



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

26/02/2025 11:47:15

Receipt No./
Uimhir Admhála : LA25/0/25174878
***** **REPRINT** *****

DOMINIC O'RIORDAN ARCHITECTS
ASCOT TCE
O'CONNELL AVE
LIMERICK
RE ITA NOONAN DEC'D 121 BALLINACU

EXEMPTION CERTIFICATES 80.00
GOODS 80.00
VAT Exempt/Non-vatable

Total/Iomlán : 80.00 EUR

Tendered/Tairgthe :
Credit / Debit Card 80.00
VISA
*****0307

Change/Sóinseáil : 0.00

Issued By/
Eisithe ag : John Harold
From/Ó : CASH OFFICE HQ
Vat reg No./Cláruimhír CBL: 3267368TH

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

Reference no. EC-031-25

Name and Address of Applicant: The Representatives of the Late Ita Noonan
121 Fort View
Ballinacurra Gardens
Limerick

Agent: Dom O'Riordan Architectural Services
16 Ascot Terrace
O'Connell Avenue
Limerick

Location: 121 Fort View
Ballinacurra Gardens
Limerick

Description of Site and Surroundings:
The site is a two storey semi detached dwelling at 121 Ballinacurra Gardens.

Zoning:
The site is zoned Existing Residential under the provisions of the Limerick Development Plan 2022-2028

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:

- Existing extension to the side of the property and porch to the front

This Section 5 declaration includes the following:

- Application Form
- Site location map
- Site Layout Plan
- Elevations & Floor Plans
- Contiguous Elevations

Planning History:
None

Enforcement History
N/A

Relevant An Bord Pleanála referrals

RL2506 - Whether a single storey, rear extension with a projection of 1.95 metres to the side, beyond the gable of the house is or is not exempted development.

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 development on site, comprising an existing extension to the side of the existing dwelling constitutes 'works' and 'development'.

Is the proposal exempted development?

An assessment of the proposed development will be carried out under Class 1 of Part 1 of Schedule 2 of the Planning & Development Regulations 2001 (as amended)

Is the development within the curtilage of a house?

Yes, the extension is 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:

It is noted that the extension is to the side of the property. In the assessment of this application regard has been had to ABP decision RL2506 which found that 'the "rear of the house" is confined to the area beyond the rear wall of the main house, excluding any additions by way of extensions, or structures ancillary to the residential use of the house that project beyond the side/gable wall'. As such, as the extension is to the side of the property and not to the rear it therefore cannot be considered under Class 1.

Class 7

In relation to the porch I note that same is 1.84sqm in size, is not located less than 2m from any road and is 3.1m in height. The porch as constructed is considered compliant with Class 7 of the Planning and Development Regulations 2001 (as amended).

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

The site is located approximately 1.2km from the Lower River Shannon SAC (002165) and approximately 1.7km from the River Shannon and River Fergus Estuaries SPA (004077). The site is located within an established urban area and is not hydrologically connected to either of the Natura 2000 sites mentioned above.

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

- the nature and scale of the proposed development,
- 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.

Environmental Impact Assessment

The proposal does not meet any of the thresholds that would require mandatory EIA. Based on the nature of the development, its location in an established urban area and a preliminary examination of the proposal there is no real likelihood of significant effects on the environment and EIA is not required.

Conclusion/Recommendation

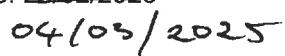
The extension detailed on the application and plans submitted is not considered to be within the scope of Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended). It is noted that the porch as constructed is within the scope of Class 7 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended). The extension would project beyond the rear wall of the existing house and therefore is not fully to the rear.

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) Class 7 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended)
- (d) The plans & particulars submitted with the application received on 27th February 2025.
- (e) ABP referral **RL2506**

It is therefore considered that the extension to the side is development and not exempted development. The porch is considered development and exempted development.


Aine Leland
Executive Planner
Date 28/02/25

Agreed 
Barry Henn,
Senior Executive Planner
Date: ~~28/02/2025~~


Appendix 1: AA PN01 Screening Form

STEP 1: Description of the project/proposal and local site characteristics:

| | |
|--|--|
| (a) File Reference No: | EC/031-25 |
| (b) Brief description of the project or plan: | Whether the existing side extension and front porch is or is not exempted development. |
| (c) Brief description of site characteristics: | The site is occupied by a two storey semi detached dwelling. |
| (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 Interest ¹ | Distance from proposed development ² (km) | Connections (Source-Pathway-Receptors) | Considered further in screening Y/N |
|--|--|--|--|-------------------------------------|
| 002165 Lower River Shannon SAC | <u>Lower River Shannon SAC</u> <u>National Parks & Wildlife Service (npws.ie)</u> | 1.2km | None | N |
| 004077 – River Shannon and River Fergus Estuaries SPA | <u>River Shannon and River Fergus Estuaries SPA</u> <u>National Parks & Wildlife Service (npws.ie)</u> | 1.7km | None | N |

STEP 3: Assessment of Likely Significant Effects

(a) Identify all potential direct and indirect impacts that may have an effect on the conservation objectives of a European site, taking into account the size and scale of the project under the following headings:

| Impacts: | Possible Significance of Impacts: (duration/Magnitude etc) |
|--|---|
| Construction phase e.g <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 | NA. works have also occurred |

| | |
|--|---|
| <ul style="list-style-type: none"> - Access to site - Pests | |
| 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. The existing extension is minimal in nature and there is no hydrological connection or direct encroachment on the SAC and SPA due to separation distance. |
| In-combination/Other | None. No works proposed. Existing dwelling in situ within an urban environment with no hydrological connection to SAC or direct encroachment on SPA due to separation distance. |

| | |
|---|---|
| (b) Describe any likely changes to the European site: <p>Examples of the type of changes to give consideration to include:</p> <ul style="list-style-type: none"> - 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. The application site is not located adjacent to or within an EU site identified above. Therefore, there is no risk of habitat loss or fragmentation or any effects on QI species directly or ex-situ. |

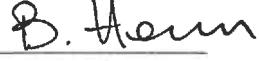
| | |
|--|------------|
| (c) (Are 'mitigation' measures necessary to reach a conclusion that likely significant effects can be ruled out at screening? | |
| <input type="checkbox"/> | Yes |

| | |
|--|--|
| <h3 style="text-align: center;">STEP 4: Screening Determination Statement</h3> <p>The assessment of significance of effects: Describe how the proposed development (alone or in-combination is/is not likely to have significant effects on European site (s) in view of its conservation objectives</p> | |
| On the basis of the information submitted, which is considered adequate to undertake a screening determination and having regard to: <ul style="list-style-type: none"> • the nature and scale of the existing development | |

- 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.

Conclusion: An appropriate assessment 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: |  Aine Leland, Executive Planner 28/02/2025 | |
| Signature and Date of the Decision Maker: |  Barry Henn, SEP 28/02/2025 | |

Appendix 2 – EIA Screening

| Establishing if the proposal is a 'sub-threshold development': | | |
|---|--|--|
| Planning Register Reference: | EC-031-25 | |
| Development Summary: | Whether the existing side extension and front porch is or is not exempted development. | |
| Was a Screening Determination carried out under Section 176A-C? | <input type="checkbox"/> | Yes. no further action required |
| | <input checked="" type="checkbox"/> | 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"/> | 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 checked="" type="checkbox"/> | 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 type="checkbox"/> | No, Schedule 7A information/screening report has not been submitted by the applicant | Preliminary Examination required |

| | |
|---|---|
| Signature and Date of Recommending Officer: |  Aine Leland, Executive Planner |
|---|---|

| | |
|--|--|
| | 28/02/2025 |
| Signature and Date of the Decision Maker: |  Barry Henn, SEP 28/02/2025 |

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

Reference no. EC-031-25

Name and Address of Applicant: The Representatives of the Late Ita Noonan
121 Fort View
Ballinacurra Gardens
Limerick

Agent: Dom O'Riordan Architectural Services
16 Ascot Terrace
O'Connell Avenue
Limerick

Location: 121 Fort View
Ballinacurra Gardens
Limerick

Description of Site and Surroundings:
The site is a two storey semi detached dwelling at 121 Ballinacurra Gardens.

Zoning:
The site is zoned Existing Residential under the provisions of the Limerick Development Plan 2022-2028

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:

- Existing extension to the side of the property and porch to the front

This Section 5 declaration includes the following:

- Application Form
- Site location map
- Site Layout Plan
- Elevations & Floor Plans
- Contiguous Elevations

Planning History:

None

Enforcement History

N/A

Relevant An Bord Pleanála referrals

RL2506 - Whether a single storey, rear extension with a projection of 1.95 metres to the side, beyond the gable of the house is or is not exempted development.

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 development on site, comprising an existing extension to the side of the existing dwelling constitutes 'works' and 'development'.

Is the proposal exempted development?

An assessment of the proposed development will be carried out under Class 1 of Part 1 of Schedule 2 of the Planning & Development Regulations 2001 (as amended)

Is the development within the curtilage of a house?

Yes, the extension is 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:

It is noted that the extension is to the side of the property. In the assessment of this application regard has been had to ABP decision RL2506 which found that 'the "rear of the house" is confined to the area beyond the rear wall of the main house, excluding any additions by way of extensions, or structures ancillary to the residential use of the house that project beyond the side/gable wall'. As such, as the extension is to the side of the property and not to the rear it therefore cannot be considered under Class 1.

Class 7

In relation to the porch I note that same is 1.84sqm in size, is not located less than 2m from any road and is 3.1m in height. The porch as constructed is considered compliant with Class 7 of the Planning and Development Regulations 2001 (as amended).

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

The site is located approximately 1.2km from the Lower River Shannon SAC (002165) and approximately 1.7km from the River Shannon and River Fergus Estuaries SPA (004077). The site is located within an established urban area and is not hydrologically connected to either of the Natura 2000 sites mentioned above.

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

- the nature and scale of the proposed development,
- 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.

Environmental Impact Assessment

The proposal does not meet any of the thresholds that would require mandatory EIA. Based on the nature of the development, its location in an established urban area and 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 not considered to be within the scope of Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended). It is noted that the porch as constructed is within the scope of Class 7 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended). The extension would project beyond the rear wall of the existing house and therefore is not fully to the rear.

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) Class 7 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended)
- (d) The plans & particulars submitted with the application received on 27th February 2025.
- (e) ABP referral RL2506

It is therefore considered that the extension to the side is development and not exempted development. The porch is considered development and exempted development.



Aine Leland
Executive Planner
Date 28/02/25

Agreed _____

Barry Henn,
Senior Executive Planner
Date: 28/02/2025

Appendix 1: AA PN01 Screening Form

STEP 1: Description of the project/proposal and local site characteristics:

| | |
|--|--|
| (a) File Reference No: | EC/031-25 |
| (b) Brief description of the project or plan: | Whether the existing side extension and front porch is or is not exempted development. |
| (c) Brief description of site characteristics: | The site is occupied by a two storey semi detached dwelling. |
| (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 Interest ¹ | Distance from proposed development ² (km) | Connections (Source-Pathway-Receptors) | Considered further in screening Y/N |
|--|---|--|--|-------------------------------------|
| 002165 Lower River Shannon SAC | Lower River Shannon SAC National Parks & Wildlife Service (npws.ie) | 1.2km | None | N |
| 004077 – River Shannon and River Fergus Estuaries SPA | River Shannon and River Fergus Estuaries SPA National Parks & Wildlife Service (npws.ie) | 1.7km | None | N |

STEP 3: Assessment of Likely Significant Effects

(a) Identify all potential direct and indirect impacts that may have an effect on the conservation objectives of a European site, taking into account the size and scale of the project under the following headings:

| Impacts: | Possible Significance of Impacts: (duration/Magnitude etc) |
|--|---|
| Construction phase e.g <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 | NA. works have also occurred |

| | |
|--|---|
| <ul style="list-style-type: none"> - Access to site - Pests | |
| 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. The existing extension is minimal in nature and there is no hydrological connection or direct encroachment on the SAC and SPA due to separation distance. |
| In-combination/Other | None. No works proposed. Existing dwelling in situ within an urban environment with no hydrological connection to SAC or direct encroachment on SPA due to separation distance. |

| | |
|---|---|
| (b) Describe any likely changes to the European site: <p>Examples of the type of changes to give consideration to include:</p> <ul style="list-style-type: none"> - 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. The application site is not located adjacent to or within an EU site identified above. Therefore, there is no risk of habitat loss or fragmentation or any effects on QI species directly or ex-situ. |

| | | |
|--|------------|---|
| (c) (Are 'mitigation' measures necessary to reach a conclusion that likely significant effects can be ruled out at screening? | | |
| <input type="checkbox"/> | Yes | <input checked="" type="checkbox"/> No |

| | |
|---|--|
| <h3 style="text-align: center;">STEP 4: Screening Determination Statement</h3> <p>The assessment of significance of effects: Describe how the proposed development (alone or in-combination is/is not likely to have significant effects on European site (s) in view of its conservation objectives</p> <p>On the basis of the information submitted, which is considered adequate to undertake a screening determination and having regard to:</p> <ul style="list-style-type: none"> • the nature and scale of the existing development | |
| | |

- 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.

Conclusion: An appropriate assessment 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: |  Aine Leland, Executive Planner 28/02/2025 | |
| Signature and Date of the Decision Maker: |  Barry Henn, SEP 28/02/2025 | |

Appendix 2 – EIA Screening

| Establishing if the proposal is a 'sub-threshold development': | | |
|---|--|--|
| Planning Register Reference: | EC-031-25 | |
| Development Summary: | Whether the existing side extension and front porch is or is not exempted development. | |
| Was a Screening Determination carried out under Section 176A-C? | <input type="checkbox"/> | Yes. no further action required |
| | <input checked="" type="checkbox"/> | 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"/> 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 checked="" type="checkbox"/> 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 <i>sub-threshold</i> : [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 type="checkbox"/> No, Schedule 7A information/screening report has not been submitted by the applicant | | Preliminary Examination required |

| | |
|---|---|
| Signature and Date of Recommending Officer: |  Aine Leland, Executive Planner |
|---|---|

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|--|-------------------------------|
| | 28/02/2025 |
| Signature and Date of the Decision Maker: | Barry Henn, SEP 28/02/2025 |



PLANNING & PLACE-MAKING

REG POST:

The Representatives of the Late Ita Noonan

**c/o Dom O'Riordan Architectural Services
16 Ascot Terrace
O'Connell Avenue
Limerick**

EC/031/25

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/ 116

File Ref No. EC/031/25

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

RE: **The existing extension to the side of the property and porch to the front at 121 Fort View, Ballinacurra Gardens, 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 Aine Leland, Executive Planner dated 28/02/2025, hereby order that a Declaration under Section 5 of the Planning and Development Act 2000 (as amended) be issued to The Representatives of the Late Ita Noonan c/o Dom O'Riordan Architectural Services, 16 Ascot Terrace, O'Connell Avenue, Limerick to state that the works as described above is

Development and is Exempt Development – Porch to the front

Development and is NOT Exempt Development – Extension to the side of the property

Signed

B. Henn

SENIOR EXECUTIVE PLANNER, PLANNING & PLACE-MAKING

Date

04/03/2025

Certified to be a true copy of Approved Officer's Order, Planning & Development Order No. AOO/DC/2025/ 116 dated 04/03/2025, 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/031/25

Name and Address of Applicant: The Representatives of the Late Ita Noonan, 121 Fort View, Ballinacurra Gardens, Limerick

Agent: Dom O'Riordan Architectural Services, 16 Ascot Terrace, O'Connell Avenue, Limerick

Whether the existing extension to the side of the property and porch to the front at 121 Fort View, Ballinacurra Gardens, 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 27th of February 2025.

AND WHEREAS the Planning Authority has concluded that the existing extension to the side of the property at 121 Fort View, Ballinacurra Gardens, Limerick **DOES NOT** come within the scope of exempted development as under Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended). The Planning Authority has concluded that the porch to the front at 121 Fort View, Ballinacurra Gardens, Limerick **DOES** come within the scope of exempted development as under Class 7 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 – Porch to the front**
- **Development and is NOT Exempt Development – Extension to the side of the property**

Signed on behalf of the said Council

Date: 5/3/25

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.