



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

**Limerick City & Coun**  
**Council**

04 MAR 2023

**Planning**

**Limerick City and County Council**

**Planning Department**

**Section 5 Application**

**DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT**

Applicant's Name:

Michelle O'Callaghan  
The Rookery, Feenagh,  
Kilmallock, Co. Limerick

Telephone No.

[REDACTED]

Name of Agent (if any):

N/A

Address:

N/A

Telephone No.

[REDACTED]

Address for Correspondence:

The Rookery, Feenagh, Kilmallock,  
Co. Limerick

Location of Proposed development (Please include Eircode):

Clonroosk, Feenagh, Co. Limerick

(No eircode on property)

Description of Proposed development:

Replacement of flat roof to  
same roof structure as the  
rest of the cottage.

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

Section 5.

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

Applicant's interest in site: Owner

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

- Site plan location / Lay out
- PROPOSED PLAN
- EXISTING PLAN
- SITE MAP

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

If Yes please provide floor areas of all existing structures:

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Signature of Applicant (or Agent)

*Michelle O'Callaghan*

**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. N/A



Application to be forwarded to:

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

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**OFFICE USE ONLY**

Ref. No. \_\_\_\_\_

Date Received \_\_\_\_\_

Fee Received \_\_\_\_\_

Date Due \_\_\_\_\_

\*\*\*\*\*





Limerick City & County  
Council

04 MAR 2025

Planning



**Tailte  
Éireann**

Chathair Lucht Éireann  
Suburbteach  
Registration, Valuation  
Surveying

Official Tailte Éireann Registration Map

This notice should be read in conjunction with the folio.

Traits & : Sann (TE) Registration numbers are based on TE Surveying maps. Where TE Registration numbers are printed at a scale that is larger than the TE Surveying scale, accuracy is limited to that of the TE Surveying map scale.

For details of the terms of use and limitations of scale, accuracy and other conditions relating to TE Registration maps, see [www.tailte.ie](http://www.tailte.ie).

This map incorporates TE Surveying map data under a licence from TE. Copyright © Tailte Éireann and Government of Ireland.

(centre-line of boundary edges)

Freehold

Leasehold

Subleasehold  
'S' Register

(see Section 3(b)(1) of Registration of Title  
Act 1964 and Rule 2 of 8.225 Land  
Registration Rules (S.I. 2010).

Burdens (may not be represented on map)

Right of Way / Wayleave

Turbary

Pipeline

Wall

Plum. /

Septic Tank

A full list of burdens and their symbology can

be found at [www.tailte.ie](http://www.tailte.ie)

Trait & : Land Registration operates a non-conclusive boundary system. The TE Registration map identifies properties not boundaries for planning, neither the description of land in a folio nor its identification by reference to a TE Registration map is conclusive as to the boundaries of the land.

(see Section 85 of the Registration of Title Act, 1964). As inserted by  
Section 52 of the Registration of Deed and Title Act 2006.

04.02.2025

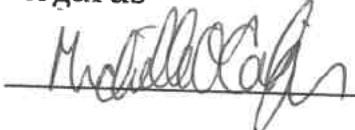
To whom it concerns,



I am submitting the attached application (section 5) re: replacement of the existing flat roof section to an a line roof in line with the rest of the cottage.

This cottage has been approved for the croí cónaithe towns fund vacant property refurbishment grant (ref:CC-484-24).

Regards



Michelle O' Callaghan

Note : €80 payment completed over phone. Receipt no : 25175027



Planning

This architectural floor plan illustrates a house layout with the following dimensions and features:

- Overall width:** 4410 mm
- Overall depth:** 5985 mm
- Bedroom:** Located on the left side, measuring 3115 mm wide by 3115 mm deep.
- Kitchen/living:** The central area, measuring 3270 mm wide by 1585 mm deep, contains a dining table and chairs.
- Bathroom:** Located on the right side, measuring 1585 mm wide by 3115 mm deep.

proposed ground floor plan  
scale 1:100

proposed section  
scale 1:100

proposed elevation - east  
scale 1:100

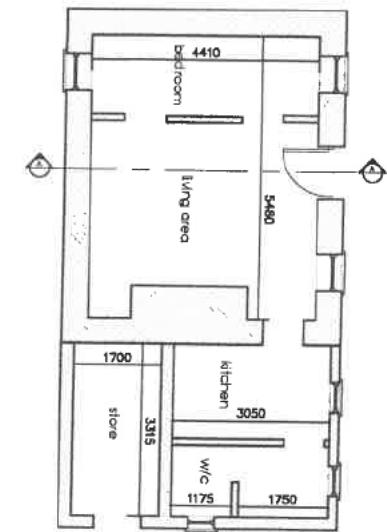
Architectural floor plan of a house with dimensions and labels. The overall width is 4800, and the front door width is 2445. Labels include 'Porch and front door', 'porch pitch', and 'porch height'.

proposed elevation - west  
scale 1:100

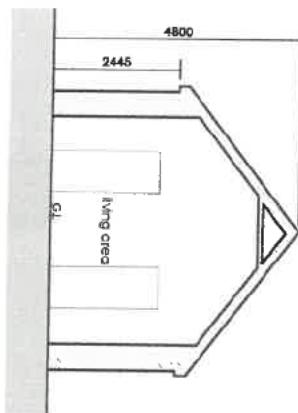
proposed front elevation - south  
scale 1:100

proposed rear elevation - north

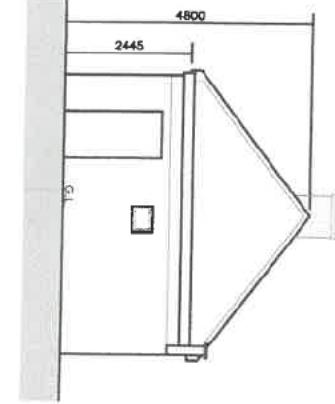
Planning



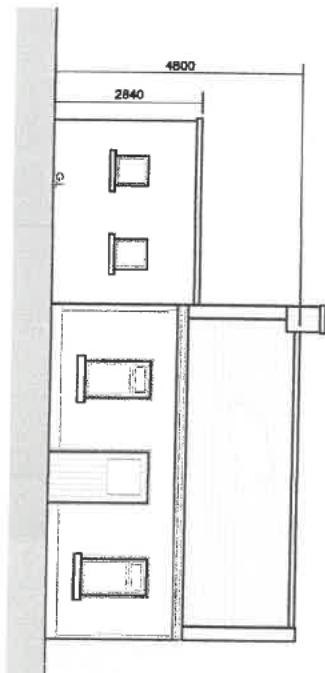
existing ground floor plan  
scale 1:100



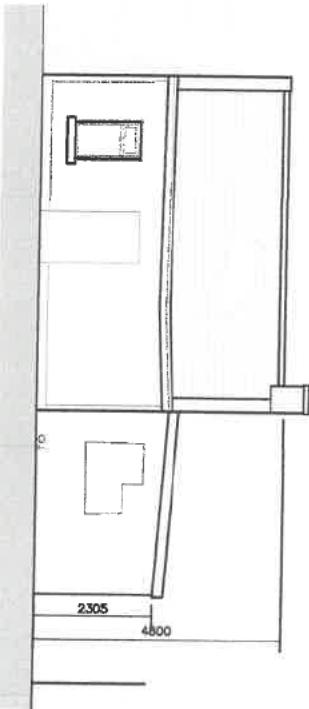
existing section  
scale 1:100



existing elevation - west  
scale 1:100



existing front elevation - south  
scale 1:100



existing rear elevation - north  
scale 1:100

Box	Date	Description	Draft	Check
A	02/03/25	Section 5 Application	SM	-
<b>Sean Murray</b> <i>Ex. A. S. Tech. Ex. Surveyor. P.L.</i> <i>AP. 2025.00. Phase. E. 100.00. P. 0.00 P. 2.417.6</i>				
<b>Client:</b> Michelle O'Callaghan <b>Project:</b> Clooncock, Feenagh, Kilmallock, Co. Limerick <b>Drawing:</b> Existing Drawings <b>Existing Drawings:</b> <i>None</i> <b>State:</b> 02/03/25 <b>State:</b> 10:00 @ A3 <b>Rev:</b> [Initials] Date				
<b>GENERAL NOTE:</b> <i>None</i>				
<b>Drawing number:</b> <b>PL - 02</b>				
<b>A</b> <b>SM</b>				

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

**Reference no.** EC-034-25

**Name and Address of Applicant:** Michelle O'Callaghan  
The Rookery  
Feenagh  
Co. Limerick

**Agent:** N/A

**Location:** N/A

**Description of Site and Surroundings:**

The site is an existing detached property located at The Rookery, Feenagh, Kilmallock, Co. Limerick. The site is accessed off a local road, L-1308.

**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:

- Replace flat roof with pitch over side extension, removal of one front window and insertion of side gable first floor window and side gable ground floor window.

This Section 5 declaration includes the following:

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

**Planning History:**

23/60065 – Permission for a livestock underpass etc

**Enforcement History**

N/A

**An Bord Pleanála cases**

RL3395 - Whether the reconstruction/renovation and extension of a derelict cottage/shed is or is not development or 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 proposed development on site, comprising the replacement of a flat roof with a pitch roof over a side extension to the existing single storey cottage constitutes 'works' and 'development'.

#### **Is the proposal exempted development?**

Section 4(1)(h) development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures;

The proposal includes the replacement of a flat roof with a pitch roof, insertion of side gable windows and removal of one front window. The change to the roof of the existing extension would consist of an alteration to the roof form from flat to a matching pitch with the cottage element. However, following a site inspection on the 20<sup>th</sup> March 2025 it was noted that the use as a dwelling would appear to have been abandoned. The windows are broken and there are obvious holes in the roof of the structure. Given that no information has been submitted by the Applicant to establish a timeline with regard to the last known habitation of the dwelling and following the consideration of the visual state of the structure, I am of the opinion that the original use of the building has become derelict, that the structure had not been used for residential purposes for a significant period of time and that therefore the residential use of the site has been abandoned and that the resumption of habitable use would constitute a material change of use.

Regard has been had to a similar ABP referral case RL3395 where the original cottage has been effectively replaced by a new dwelling which was not considered to come within the scope of 4(1)(h) as the works went beyond the maintenance, improvement or other alteration of the original structure, but rather for the effective replacement of that structure.

#### **Appropriate Assessment**

An AA Screening examination was carried out by Limerick City & County Council (see appendix 1). 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**

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 replacement of flat roof to same roof structure as the rest of the cottage is considered to be **development** and **not exempted development** under section 4(1)(h) of the Planning and Development Act 2000 (as amended).

Regard has been had to –

- (a) Section 2, 3 and 4 of the Planning and Development Act 2000 (as amended)
- (b) ABP referral RL3395
- (c) The plans & particulars submitted with the application received on the 13<sup>th</sup> February 2025.



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Jennifer Mc Nulty

Executive Planner

Date: 27/03/25

Agreed



Barry Henn, SEP

Date: 01/04/2025

**AA PN01 Screening Form**

<b>STEP 1: Description of the project/proposal and local site characteristics:</b>	
<b>(a) File Reference No:</b>	EC-034-25
<b>(b) Brief description of the project or plan:</b>	This is an application requesting a Section 5 Declaration on whether the creation of a pitch roof over a side extension of a domestic dwelling is or is not exempted development.
<b>(c) Brief description of site characteristics:</b>	There is an existing dwelling on site.
<b>(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW</b>	N/A
<b>(e) Response to consultation:</b>	N/A

<b>STEP 2: Identification of relevant Natura 2000 sites using Source-Pathway-Receptor model and compilation of information on Qualifying Interests and conservation objectives.</b>				
European Site (code)	List of Qualifying Interest/Special Conservation Interest <sup>1</sup>	Distance from proposed development <sup>2</sup> (km)	Connections (Source-Pathway-Receptors)	Considered further in screening Y/N
002165	Lower River Shannon SAC <a href="https://www.npws.ie/protected-sites/sac/002165">https://www.npws.ie/protected-sites/sac/002165</a>	Circa 14km	Y - Weak hydrological connections exist through surface water and ground discharges via a drainage ditch to the Gortnahowa Stream to rear of the site River Deel, a tributary of River Shannon.	Y – see Step 3.
004077	River Shannon and River Fergus Estuaries SPA <a href="https://www.npws.ie/protected-sites/spa/004077">https://www.npws.ie/protected-sites/spa/004077</a>	Circa 25km	Y - Weak hydrological connections exist through surface water and ground discharges via a drainage ditch to the Gortnahowa	Y – see Step 3.

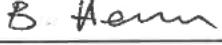
			Stream to rear of the site River Deel, a tributary of River Shannon.	
002170	Blackwater River SAC <a href="https://www.npws.ie/protected-sites/sac/002170">https://www.npws.ie/protected-sites/sac/002170</a>	Circa 11km	None	None
004161	Stack's to Mullaghareirk Mountains, West Limerick Hills & Mount Eagle SPA <a href="https://www.npws.ie/protected-sites/spa/004161">https://www.npws.ie/protected-sites/spa/004161</a>	Circa 10km	None	None
002351	Moanveanlagh Bog SAC <a href="https://www.npws.ie/protected-sites/sac/002351">https://www.npws.ie/protected-sites/sac/002351</a>	Circa 18km	None	None

<b>STEP 3: Assessment of Likely Significant Effects</b>	
<b>(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:</b>	
<b>Impacts:</b>	<b>Possible Significance of Impacts: (duration/Magnitude etc)</b>
<b>Construction phase e.g</b> <ul style="list-style-type: none"> <li>- Vegetation clearance</li> <li>- Demolition</li> <li>- Surface water runoff from soil excavation/infill/landscaping (including borrow pits)</li> <li>- Dust, noise, vibration</li> <li>- Lighting disturbance</li> <li>- Impact on groundwater/dewatering</li> <li>- Storage of excavated/construction materials</li> <li>- Access to site</li> <li>- Pests</li> </ul>	<ul style="list-style-type: none"> <li>- Works are minimal and there is no direct encroachment or hydrological connection.</li> </ul>
<b>Operation phase e.g.</b> <ul style="list-style-type: none"> <li>- Direct emission to air and water</li> <li>- Surface water runoff containing contaminant or sediment</li> <li>- Lighting disturbance</li> <li>- Noise/vibration</li> <li>- Changes to water/groundwater due to drainage or abstraction</li> <li>- Presence of people, vehicles and activities</li> <li>- Physical presence of structures (e.g collision risk)</li> <li>- Potential for accidents or incidents</li> </ul>	<ul style="list-style-type: none"> <li>- Works are minimal and there is no direct encroachment or hydrological connection.</li> </ul>
<b>In-combination/Other</b>	None.

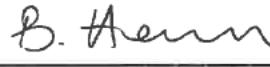
<b>(b) Describe any likely changes to the European site:</b>	
<p>Examples of the type of changes to give consideration to include:</p> <ul style="list-style-type: none"> <li>- Reduction or fragmentation of habitat area</li> <li>- Disturbance to QI species</li> <li>- Habitat or species fragmentation</li> <li>- Reduction or fragmentation in species density</li> <li>- Changes in key indicators of conservation status value (water or air quality etc)</li> <li>- Changes to areas of sensitivity or threats to QI</li> <li>- Interference with the key relationships that define the structure or ecological function of the site</li> </ul>	None. No direct encroachment or hydrological connection.

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

<b>STEP 4: Screening Determination Statement</b>		
<b>The assessment of significance of effects:</b>		
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"> <li>• the nature and scale of the proposed development,</li> <li>• the intervening land uses and distance from European sites,</li> <li>• the lack of direct connections with regard to the Source-Pathway-Receptor model,</li> </ul>		
<p>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.</p> <p>An appropriate assessment is not, therefore, required.</p>		
<b>Conclusion:</b>		
	<b>Tick as appropriate:</b>	<b>Recommendation:</b>
(i) It is clear that there <b>is no likelihood</b> of significant effects on a European Site	<input checked="" type="checkbox"/>	The proposal cannot be screened out: Appropriate Assessment required.
(ii) It is <b>uncertain</b> 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) <b>Significant effects</b> are likely	<input type="checkbox"/>	<input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission

<b>Signature and Date of Recommending Officer:</b>	 Jennifer Mc Nulty, Executive Planner 28/03/25
<b>Signature and Date of the Decision Maker:</b>	 Barry Henn, Senior Executive Planner 01/04/2025

APPENDIX 2 EIA SCREENING

<b>Establishing if the proposal is a 'sub-threshold development':</b>		
Planning Register Reference:	EC-034-25	
Development Summary:	Dwelling Redevelopment	
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
<b>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)</b>		
<input type="checkbox"/> Yes. specify class: [insert here] _		<b>EIA is mandatory</b>
<input type="checkbox"/> x No		No Screening required
<input type="checkbox"/> x No		Proceed to Part B
<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)</b>		
<input type="checkbox"/> x No. the development is not a project listed in Schedule 5, Part 2		<b>No Screening required</b>
<input type="checkbox"/> x Yes the project is listed in Schedule 5, Part 2 and meets/exceeds the threshold, specify class (including threshold): [specify class & threshold here]		<b>EIA is mandatory</b> No Screening required
<input type="checkbox"/> x Yes the project is of a type listed but is sub-threshold: [insert here]		Proceed to Part C
<b>C. If Yes, has Schedule 7A information/screening report been submitted?</b>		
<input type="checkbox"/> x Yes, Schedule 7A information/screening report has been submitted by the applicant		<b>Screening Determination required</b>
<input type="checkbox"/> x No, Schedule 7A information/screening report has not been submitted by the applicant		<b>Preliminary Examination required</b>
<b>Signature and Date of Recommending Officer:</b>	 <b>Jennifer Mc Nulty, Executive Planner</b> <b>18/03/25</b>	
<b>Signature and Date of the Decision Maker:</b>	 <b>Barry Henn, Senior Executive Planner</b> <b>01/04/2025</b>	

**APPENDIX 3 SITE INSPECTION (20/03/25)**

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## PLANNING & PLACE-MAKING

### REG POST:

**Michelle O'Callaghan**  
**The Rookery**  
**Feenagh**  
**Kilmallock**  
**Co. Limerick**

**EC/034/25**

1<sup>st</sup> April 2025

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### Re: Declaration under Section 5

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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,

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**(for) Senior Planner,  
Development Management**

**LIMERICK CITY & COUNTY COUNCIL**

**APPROVED OFFICER'S ORDER**

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

**No. AOO/DC/2025/321**

**File Ref No. EC/034/25**

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

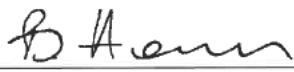
**RE:** **The replacement of flat roof with pitch over side extension, removal of one front window and insertion of side gable first floor window and side gable ground floor window at Clonroosk, Feenagh, Co. Limerick**

**ORDER:** Whereas by Director General's Order No. DG/2024/123 dated 27<sup>th</sup> 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 27/03/2025, hereby order that a Declaration under Section 5 of the Planning and Development Act 2000 (as amended) be issued to Michelle O'Callaghan, The Rookery, Feenagh, Kilmallock, Co. Limerick to state that the works as described above is

**Development and is NOT Exempt Development.** *KL*

Signed



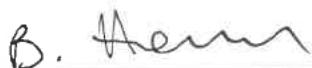
SENIOR EXECUTIVE PLANNER, PLANNING & PLACE-MAKING

Date



Certified to be a true copy of Approved Officer's Order, Planning & Development Order No. AOO/DC/2025/321 dated 01/04/2025, pursuant to Section 151(7) of the Local Government Act 2001

Signed:



SENIOR EXECUTIVE PLANNER, PLANNING & PLACE-MAKING



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

**DECLARATION NO.**

**EC/034/25**

**Name and Address of Applicant:** Michelle O'Callaghan, The Rookery, Feenagh, Kilmallock, Co. Limerick

**Agent:** N/A

**Whether** the replacement of flat roof with pitch over side extension, removal of one front window and insertion of side gable first floor window and side gable ground floor window at Clonroosk, Feenagh, 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 4<sup>th</sup> of March 2025.

**AND WHEREAS** the Planning Authority has concluded that the replacement of flat roof with pitch over side extension, removal of one front window and insertion of side gable first floor window and side gable ground floor window at Clonroosk, Feenagh, Co. Limerick **DOES NOT** come within the scope of exempted development under section 4(1)(h) of the Planning and Development Act 2000 (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 NOT Exempt Development**.

Signed on behalf of the said Council

*Karen Conlon*

Date: *01/04/2025*

**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.