



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: Connor Marzigan

Applicant's Address: Drominisor

LISNAGRY

Co. Limerick

Telephone No. _____

Name of Agent (if any): Alan Collins

Address: OFFICE 1

GLENESK

CASTLETROY Co. LIMERICK

Telephone No. 087 4129903

Address for Correspondence:

Agents Address



Location of Proposed development (Please include Eircode):

The Cottage - Bantry - Lisnagry - Co. Cork.
Adjacent to V94 DE6K. No Eircode assigned.

Description of Proposed development:

Remove existing rear annex + construct 28.55 m²
rear extension + 1.95 m² Front porch extension

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

Class 1 of Sch 2 Pt 1

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:

Floor Plans, Section, Elevations

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

If Yes please provide floor areas of all existing structures:

Signature of Applicant (or Agent)

[Signature]

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

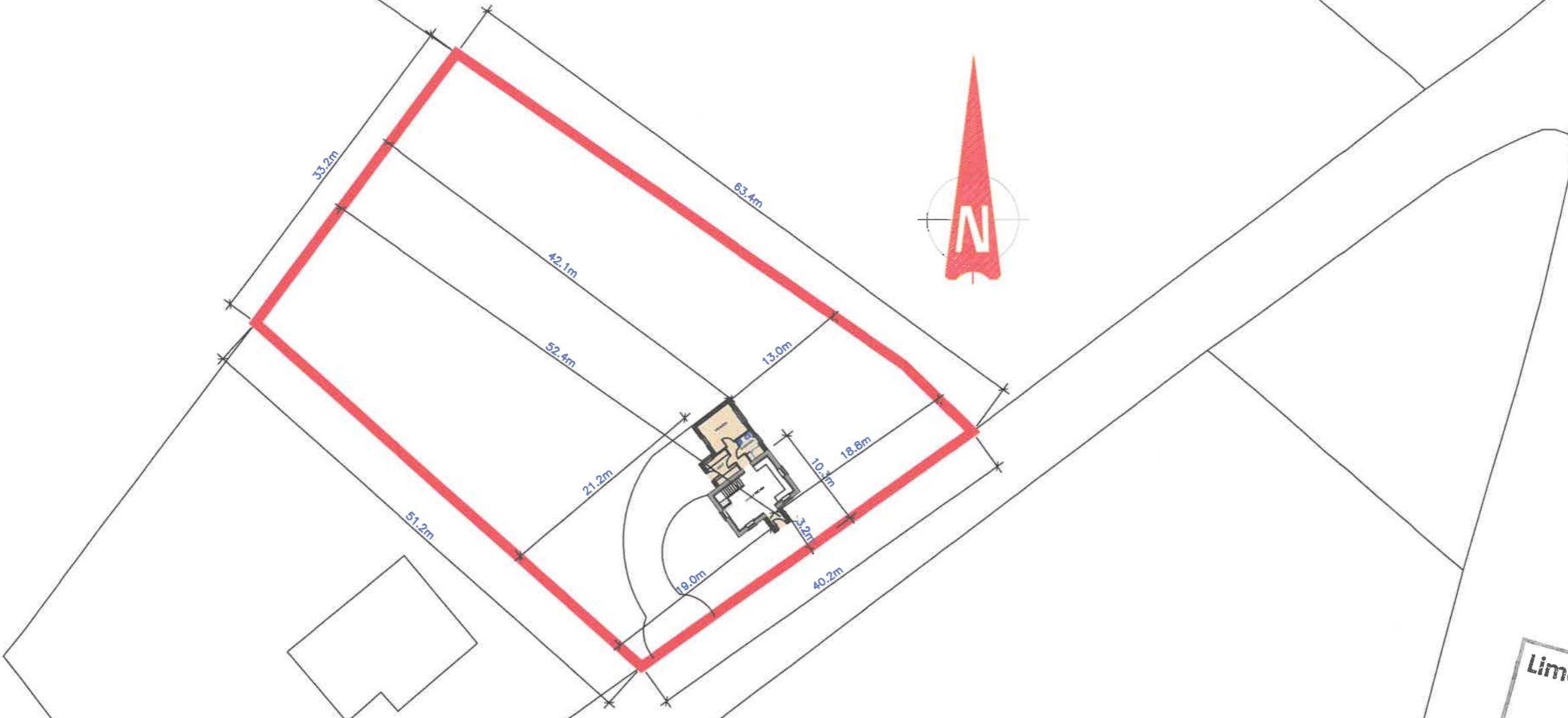
Ref. No. _____

Date Received _____

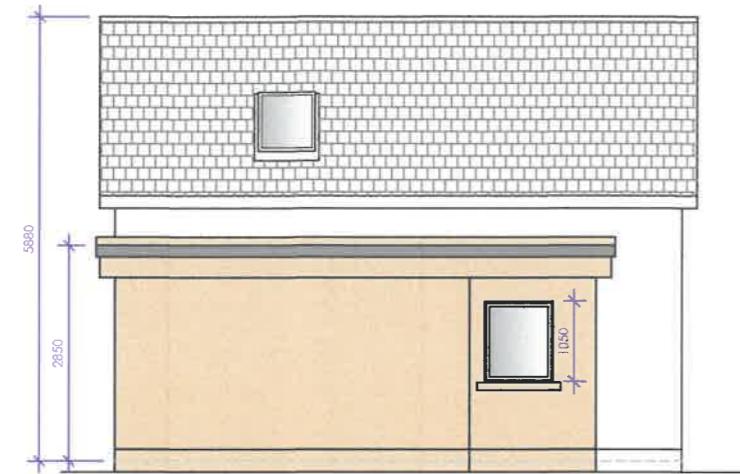
Fee Received _____

Date Due _____

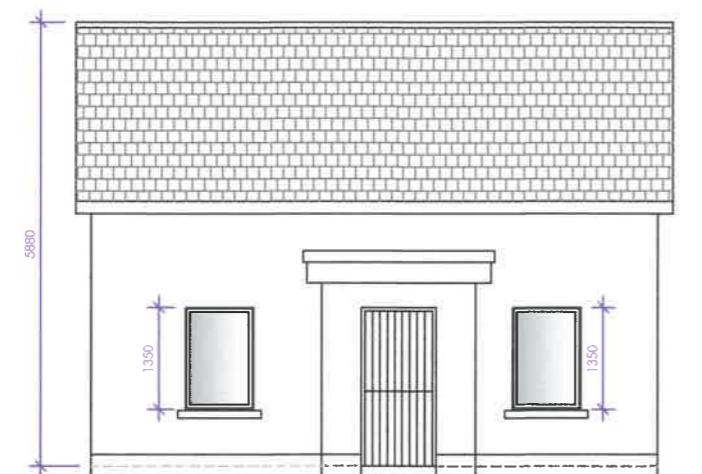
SITE ENCLOSED BY RED LINE



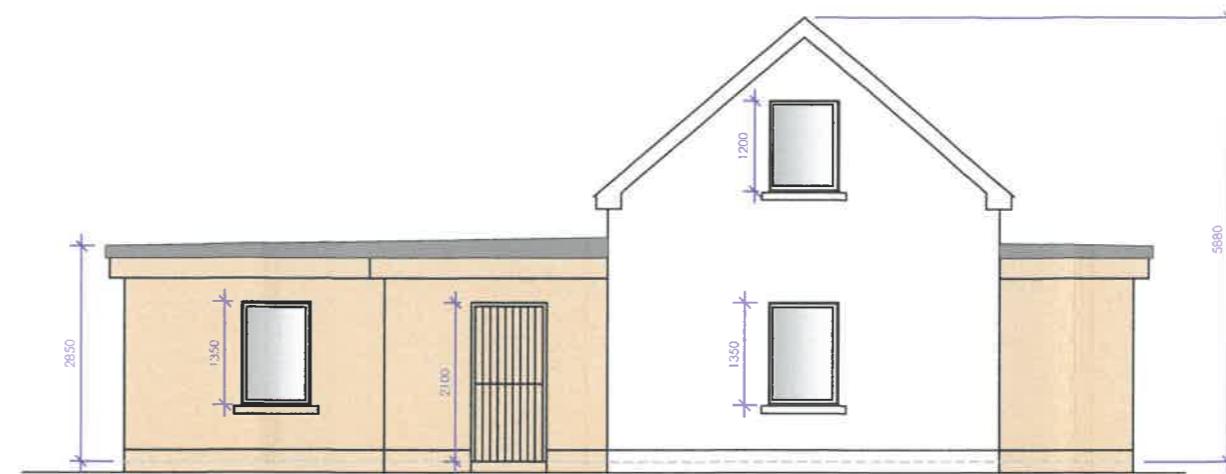
SCALE	1:500	REV	DATE	REVISION	BY
DATE	REV	DATE	REVISION	BY	
Site Layout Plan					
PLAN NO.					
DISK REF NO.	Client: CONNOR HARTIGAN				
PREPARED BY:	Alan Collins				
CHKD BY	AC				
APPD BY	AC				
	Collins Engineering Services				
	OFFICE 1, GLENISK, CASTLETROY, CO. LIMERICK				
	Ph: +353874129903				



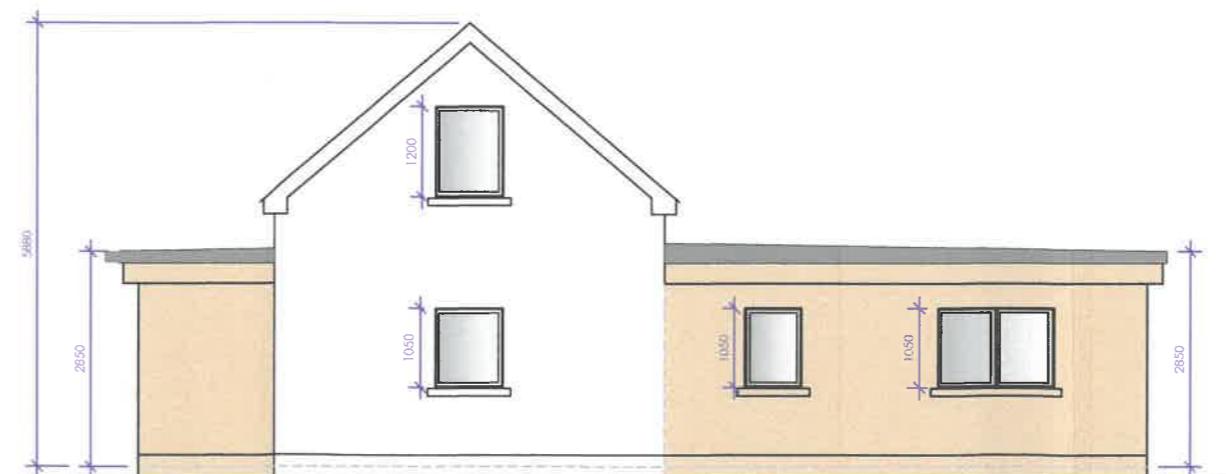
REAR ELEVATION
SCALE:1:100



FRONT ELEVATION
SCALE:1:100



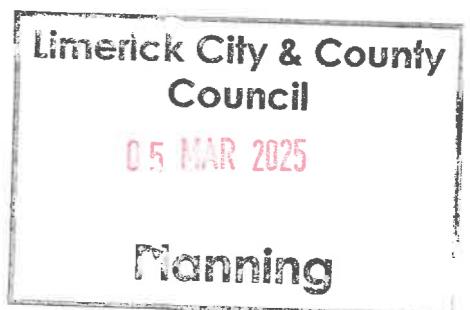
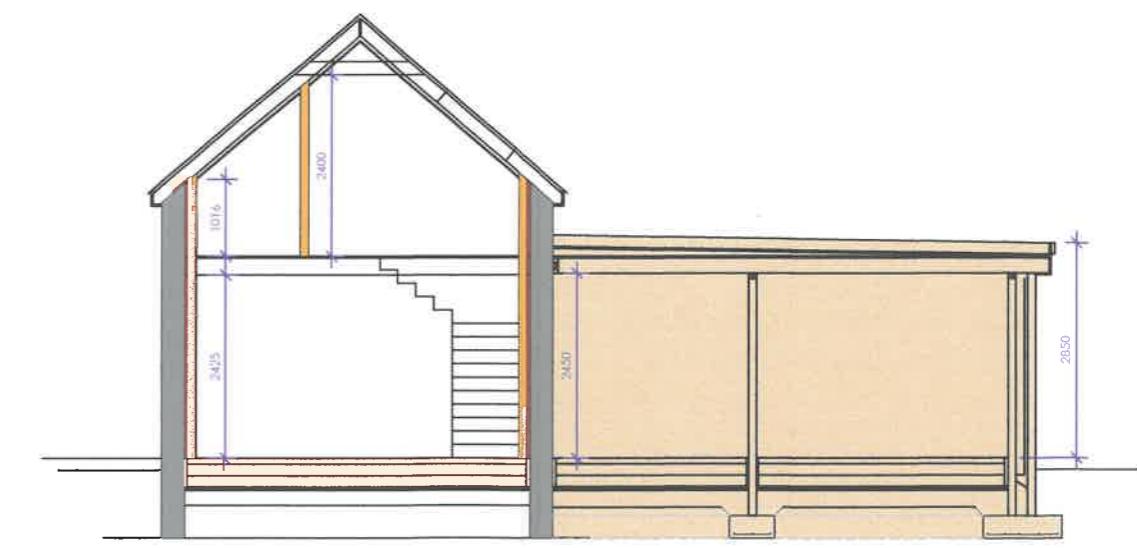
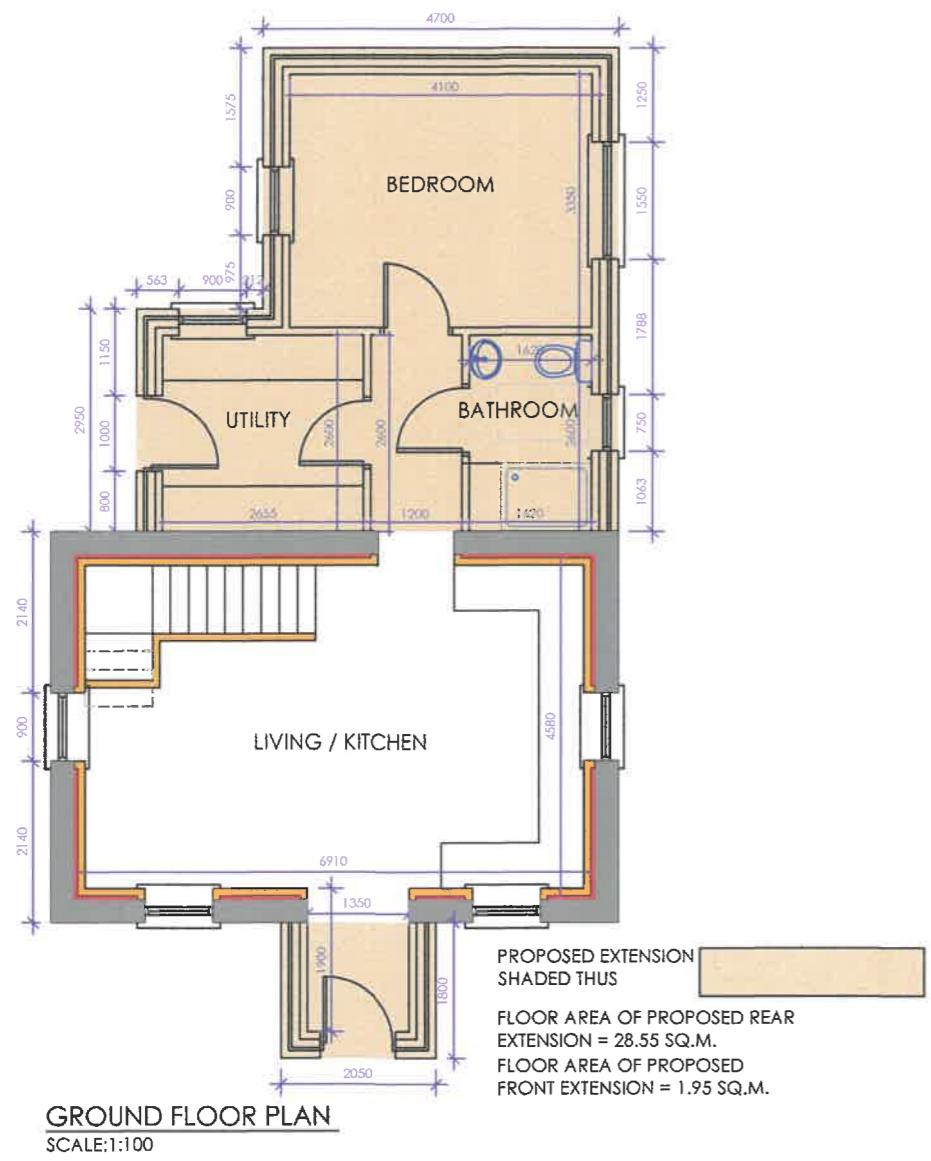
SIDE ELEVATION
SCALE:1:100



SIDE ELEVATION
SCALE:1:100



SCALE	1:100	DATE	FEB / 2025	REV	DATE	REVISION	BY
ELEVATIONS							
PLAN NO.							
DISK REF NO.	Client: CONNOR HARTIGAN						
PREPARED BY:	Alan Collins	CHKD BY:	AC	APPD BY:	AC	Collins Engineering Services	
						OFFICE 1, GLENISK, CASTLETROY, CO. LIMERICK	
						Ph: +353874129903	



SCALE 1:100			
DATE FEB / 2025	REV	DATE	REVISION
PLAN NO.	SHEET		
DISK REF NO.	GROUND AND FIRST FLOOR PLAN AND SECTION		
PREPARED BY: Alan Collins CHKD BY AC APPD BY AC	Client: CONNOR HARTIGAN Collins Engineering Services OFFICE 1, GLENISK, CASTLETROY, CO. LIMERICK Ph: +353874129903		
	SHEET NO. 1		



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

04/03/2025 14:31:45

Receipt No./
Uimhir Admhála : LA25/0/25175057
***** REPRINT *****

Alan Collins
Office 1Glenesk
Castletroy
Limerick
Re: Connor Hartigan

EXEMPTION CERTIFICATES	80.00
GOODS	80.00
VAT Exempt/Non-vatable	

Total/Iomlán : 80.00 EUR

Tendered/Tairgthe :
Cheque 80.00
BOI
000494

Change/Sóinseáil : 0.00

Issued By/
Eisithe ag : Carmel Ryan
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-037-25

Name and Address of Applicant: Conor Hartigan,
Drominboy,
Lisnagry
Co. Limerick

Agent: Alan Collins,
Office 1,
Glenesk,
Castletroy
Co. Limerick

Location: Drominboy,
Lisnagry
Co. Limerick

Description of Site and Surroundings:

The site is an existing detached derelict traditional storey and half style property located approximately 3.5km north east of Junction 28 of the M7 accessed from strategic regional road R-503.

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:

- Remove existing rear annex and
- Construct new extension 28.55 sq.m and new front porch 1.95sq.m

This Section 5 declaration includes the following:

- Application Form
- Site location
- Elevations
- Sections
- Floor plans

Planning History:

N/A

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 demolition of rear annex, construction of new rear extension and construction of new front porch constitutes ‘works’ and ‘development’.

Is the proposal exempted development?

The applicant has stated on the application form that the works proposed which include removing the rear annex and the construction of a rear extension and front porch extension would fall under Class 1 of Schedule 2. However, following a site inspection on the 29th March 2025 it was noted that the use as a dwelling would appear to have been abandoned. There is no roof on the structure and the cottage is in disrepair and derelict. 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 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.

Article 9 Restrictions

N/A.

Appropriate Assessment

The site is located approximately 320m west of the Lower River Shannon SAC and 5km west of the Slieve Felim to Silvermines SPA. Given the site context and qualifying interests of the SAC and SPA 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

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 not 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) ABP referral RL3395
- (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 NOT exempted development under Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended)

Mary O Malley

Mary O Malley

Executive Planner

Date: 31/03/2025

Agreed *B. Henn*

Barry Henn, S.E.P

Date: 01/04/2025

Appendix 1: AA PN01 Screening Form

STEP 1: Description of the project/proposal and local site characteristics:	
(e) File Reference No:	EC/037/25
(e) Brief description of the project or plan:	A section 5 declaration application on whether the removal existing rear annex and construction of new rear extension 28.55 sq.m and new front porch 1.95sq.m is or is not development and is or is not exempted development.
(e) Brief description of site characteristics:	The subject site is located on lands setback from the R503 road. There is a traditional storey and half style dwelling on the site.
(e) 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	https://www.npws.ie/protected-sites/sac/002165	320m	None	No
004165	Slieve Felim to Silvermines Mountains SPA	7.5km(East)	None	No

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 - Vegetation clearance - Demolition	None. No direct encroachment or hydrological connection. Works are minimal and will involve temporary construction works; therefore, no

<ul style="list-style-type: none"> - 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 	likely significant impact on the conservation objectives of the above named site.
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. No direct encroachment or hydrological connection. Works are minimal and will involve temporary construction works; therefore, no likely significant impact on the conservation objectives of the above named site.
In-combination/Other	None, given the level of development in the area.
(a) Describe any likely changes to the European site:	
Examples of the type of changes to give consideration to include: <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. No direct encroachment or hydrological connection. Works are minimal and will involve temporary construction works; therefore, no likely significant impact on the conservation objectives of the above named site.
(a) (Are '<i>mitigation</i>' 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	

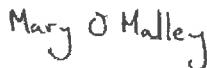
STEP 4: Screening Determination Statement

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

On the basis of the information submitted, which is considered adequate to undertake a screening determination 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:	 <hr/> Mary O Malley, Executive Planner 31/03/2025	
Signature and Date of the Decision Maker:	Barry Henn, SEP  <hr/> 01/04/2025	

Appendix 2- EIA Screening examination

Establishing if the proposal is a 'sub-threshold development':	
Planning Register Reference:	EC/037/25
Development Summary:	A section 5 declaration application on whether the Remove existing rear annex and construction of new rear extension 28.55 sq.m and new front porch 1.95sq.m is or is not development and is or is not exempted development.
Was a Screening Determination carried out under Section 176A-C?	Yes, no further actions required 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)	
Yes specify class here:	EIA is mandatory No Screening required
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)	
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):	EIA is mandatory

[specify class & threshold here]	No Screening required
Yes the project is of a type listed but is sub-threshold :	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:	Mary O'Malley _____ Mary O'Malley, Executive Planner 31/03/2025
Signature and Date of the Decision Maker:	B. Henn _____ Barry Henn, SEP 01/04/2025

Appendix 3 Site Photographs







PLANNING & PLACE-MAKING

REG POST:

Connor Hartigan
c/o Alan Collins,
Office 1,
Glenesk,
Castletroy
Co. Limerick

EC/037/25

1st April 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) Senior Planner,
Development Management

LIMERICK CITY & COUNTY COUNCIL

APPROVED OFFICER'S ORDER

SECTION 5 – DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

No. AOO/DC/2025/323

File Ref No. EC/037/25

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

RE: **The removal of existing rear annex and construction of a new extension 28.55 sq.m and new front porch 1.95sq.m at Drominboy, Lisnagry, 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 Mary O'Malley, Executive Planner dated 31/03/2025, hereby order that a Declaration under Section 5 of the Planning and Development Act 2000 (as amended) be issued to Connor Hartigan, c/o Alan Collins, Office 1, Glenesk, Castletroy, Co. Limerick to state that the works as described above is

Development and is NOT Exempt Development. *hl*

Signed

B. Henn

SENIOR EXECUTIVE PLANNER, PLANNING & PLACE-MAKING

Date

01 / 04 / 2025

Certified to be a true copy of Approved Officer's Order, Planning & Development Order No. AOO/DC/2025/323 dated 01/04/2025 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/037/25

Name and Address of Applicant: Connor Hartigan, Drominboy, Lisnagry, Co. Limerick

Agent: Alan Collins, Office 1, Glenesk, Castletroy, Co. Limerick

Whether the removal of existing rear annex and construction of a new extension 28.55 sq.m and new front porch 1.95sq.m at Drominboy, Lisnagry, 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 5th of March 2025.

AND WHEREAS the Planning Authority has concluded that the removal of existing rear annex and construction of a new extension 28.55 sq.m and new front porch 1.95sq.m at Drominboy, Lisnagry, Co. Limerick **DOES NOT** come within the scope of exempted development under 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 NOT Exempt Development**.

Signed on behalf of the said Council

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.