



Comhairle Cathrach  
& Contae Luimnigh  
Limerick City  
& County Council



## Limerick City and County Council

### Planning Department

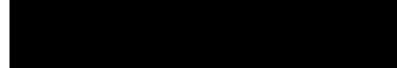
### Section 5 Application

#### **DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT**

Applicant's Name: JOHN + ANN FOLEY

Applicant's Address: BALLYVOLANE STUD,  
IS RUFF,

Co. LIMERICK

Telephone No. 

Name of Agent (if any): LIAM McELIGOT

Address: BALLYSALLY, GRANGE,  
KILMALLOCK  
Co. LIMERICK

Telephone No. 087 6824243

Address for Correspondence:

BALLYSALLY, GRANGE, KILMALLOCK, Co. LIMERICK

Limerick City & County  
Council

26 MAR 2025

Planning

Location of Proposed development (Please include EIRCODE):

BALLYVOLLAGE STUD, BRUFF,

Co. LIMERICK

V35 AX62

Limerick City &  
Council  
26 MAR 2012

Planning

Description of Proposed development:

REFURBISHMENT OF EXISTING DWELLING HOUSE  
AND REAR EXTENSION (FAMILY ROOM) AND  
MODIFICATIONS TO EXISTING REAR WINDOW OPES

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

THE EXTENSION MEASURING 25.5m<sup>2</sup> IS LOCATED AT THE REAR,  
IS LESS THAN 40.0m<sup>2</sup> LIMITATION ON THE DWELLING IT HAS NOT PREVIOUSLY  
Is this a Protected Structure or within the curtilage of a Protected Structure. BEEN EXTENDED  
YES/NO

Applicant's interest in site: OWNER

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

SITE LOCATION MAP, SITE LAYOUT PLAN, PROPOSED  
GROUND FLOOR PLAN, FRONT+REAR ELEVATIONS,  
SIDE ELEVATIONS 1 + 2.

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

If Yes please provide floor areas of all existing structures:

THE DWELLING WAS BUILT IN THE LATE 1960'S  
AND HAS NOT BEEN PREVIOUSLY EXTENDED

Signature of Applicant (or Agent)

Liam Nelligan  
Liam Nelligan  
Consulting Civil & Structural Engineers  
Ballysally, Grange, Kilmallock, Co. Limerick.  
Tel: 087 682 4212  
Email: liam@liannelligan.ie

**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**

**Enquiries:  
Telephone: 061-556556  
E-Mail: [planning@limerick.ie](mailto:planning@limerick.ie)**

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Limerick City & County  
Council

26 MAR 2007

Planning

ORDNANCE SURVEY MAP

REF. NO. 5171



PROJECT: SITE AT BALLYVOLANE STUD,  
CLIENT: BRUFF, CO. LIMERICK,  
TITLE: JOHN & ANN FOLEY  
SCALE: SITE LOCATION MAP  
1:2500

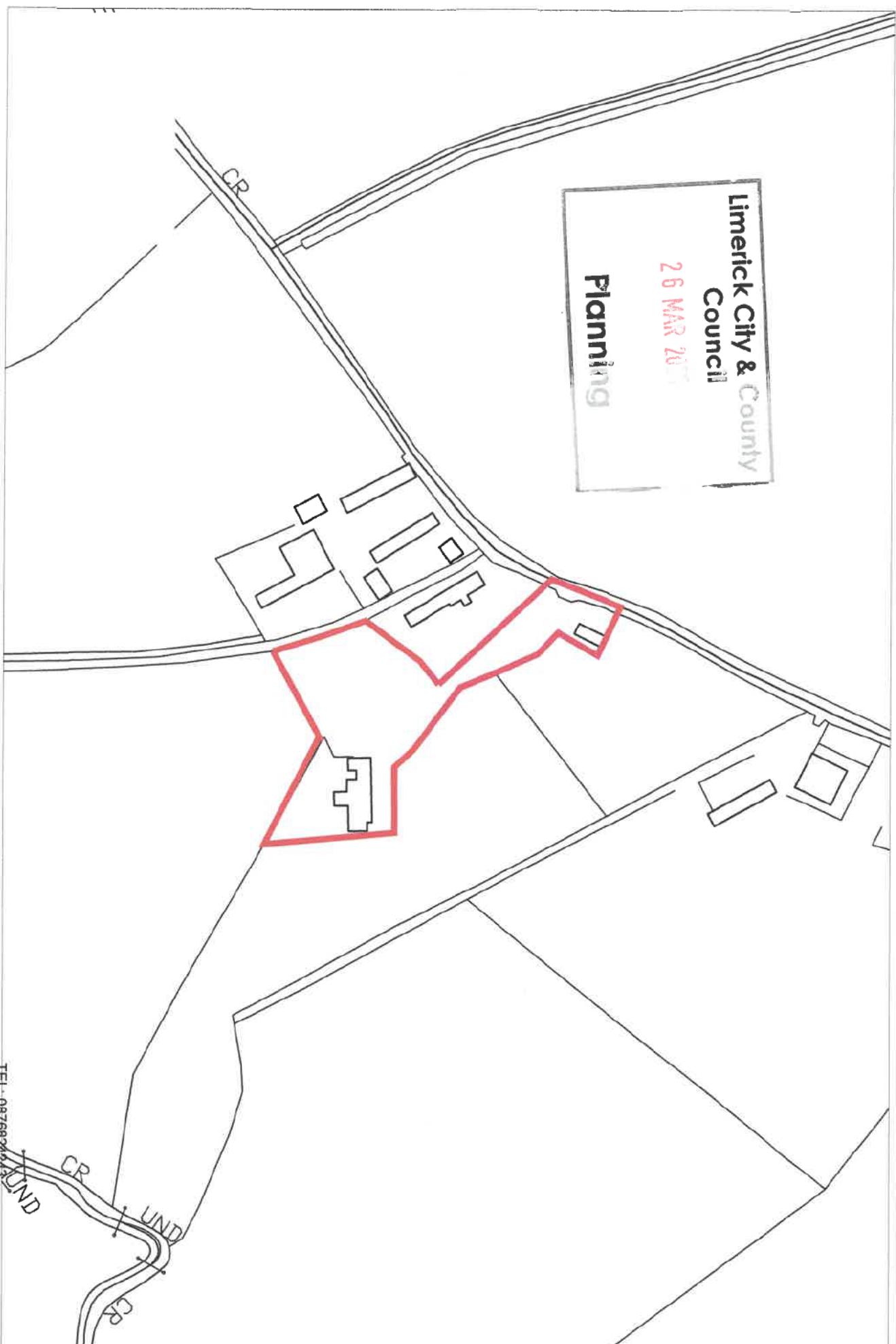
LIAM MCCELLIGOTT, B.Eng., M.I.E.I.  
THE PADDOCK, BALLYSALLY  
GRANGE, KILMALLOCK,  
CO. LIMERICK

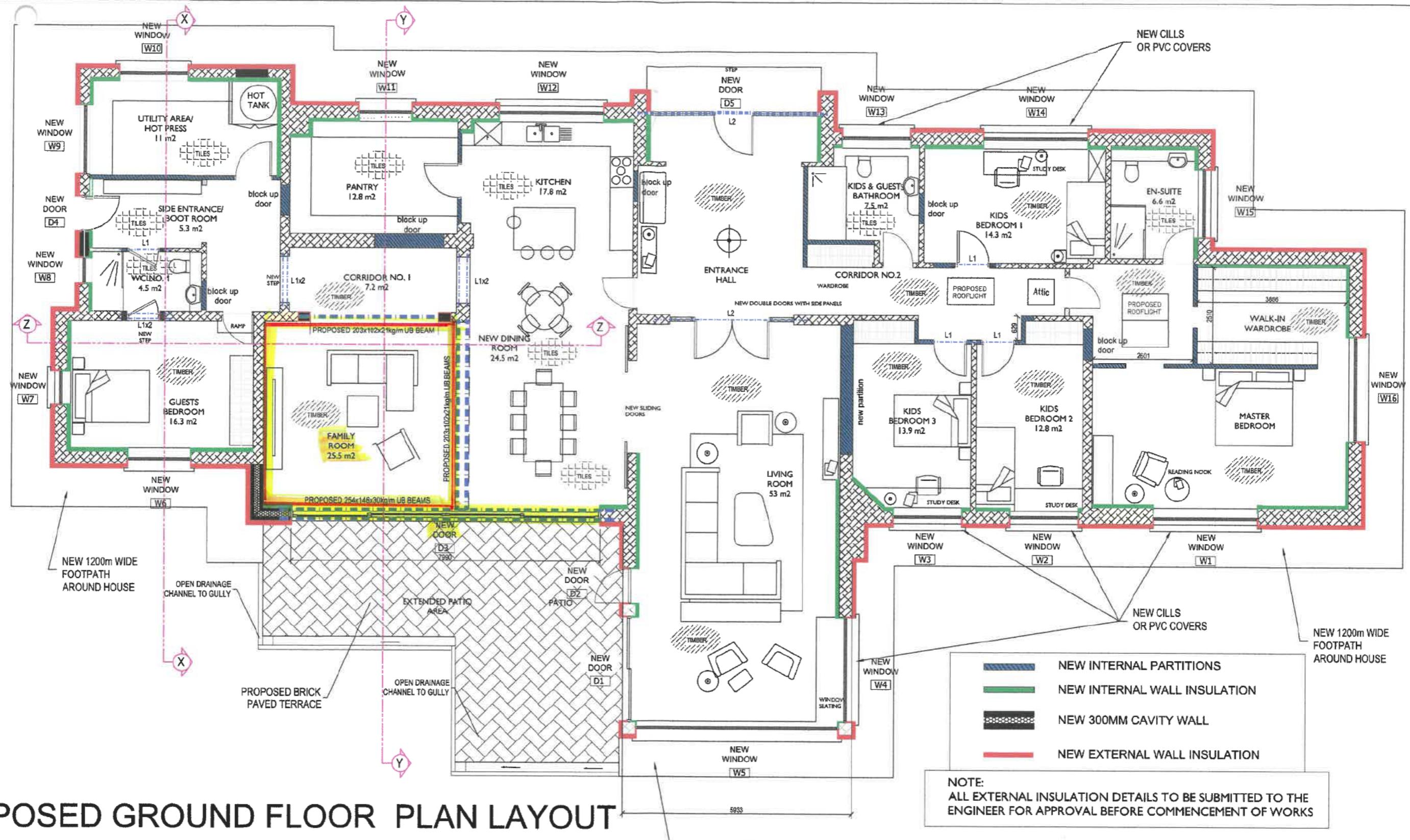
TEL: 0876824243

Email: liam@mcelligottconsulting.com

DRG. No.

2025.JF-001

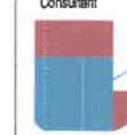




## PROPOSED GROUND FLOOR PLAN LAYOUT

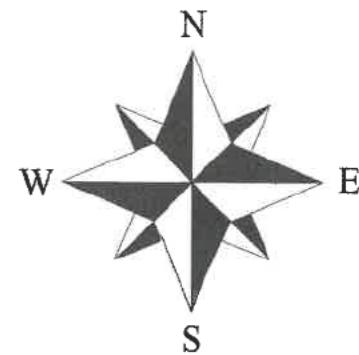
PLAN LAYOUT - Showing new works



REV. 0	ISSUED FOR INFORMATION	31-05-2023
Consultant  O'Regan Associates Consulting Civil & Structural Engineers & Project Managers Midtown House, Drom, Kilmallock, Co. Limerick Mobile: (061) 276182 E-mail: <a href="mailto:oreganassociates@gmail.com">oreganassociates@gmail.com</a>	Drawing Title <b>PROPOSED GROUND FLOOR PLAN</b>	
Drawing No. <b>23T23009/T/103</b>	Revision <b>REV 0</b>	
Scale A3 = 1:100	A1 = 1:50	Date 23/05/2023
Computer File No. <b>PROJECTS 23T23009/</b>	Project No. <b>23T23009</b>	
Drawn By <b>JOHN HISTON</b>	Checked By <hr/>	
Client <b>ANN AND JOHN FOLEY</b>		

## EXTERNAL WORKS

1. BUILDING CONTRACTOR TO PROVIDE 1200mm WIDE FOOTPATH AROUND BUILDING.
2. MAKE GOOD TARMAC FRONT YARD ON COMPLETION OF STORM & FOUL PIPEWORK AND NEW FOOTPATH
3. EXISTING FOUL LINE ,SEPTIC TANK AND PERCOLATION AREA TO BE INSPECTED AND SERVICED AND GROUND MADE GOOD IF APPLICABLE.
4. ESB CONNECTION TO HOUSE TO BE RETAINED .
5. REMOVED ESB POLE AND PROVIDE DUCTING TO IN FIELD.
6. EXISTING WATER CONNECTION TO BE RETAINED.



The diagram illustrates a proposed connection. On the left, an 'EXISTING ESB POLE' is shown with a curved line extending from it. A horizontal line labeled 'PROPOSED 1100 uPVC FOUL PIPE @ GRADIENT OF 1:80' extends downwards and to the right. A curved line labeled 'PROVIDE NEW UNDERGROUND DUCTING TO ESB POLE TO ALLOW FOR NEW CONNECTION' connects the existing pole to the proposed pipe.

**EXISTING TARMAC DRIVEWAY  
(TO BE REPLACED BY OTHER)**

PROPOSED 110Ø uPVC  
FOUL PIPE @ GRADIENT

### • EXISTING LAW

PROPOSED 1100 uPVC FOUL P.  
@ GRADIENT OF 1

PROVIDE NEW UNDERGROUND  
DUCTING TO ESB POLE TO ALLOW  
FOR NEW CONNECTION

PROPOSED 1100 uPVC FOUL PIPING  
@ GRADIENT OF 1%

**EXISTING TARMAC  
DRIVEWAY**

#### EXISTING FOUL

NEW EQUIPMENT

REMOVED ESB POLY  
PROVIDE DUCTING

#### EXISTING

PROPOSED BRICK

PROPOSED 1500 uPVC  
PIPE @ GRADIENT Q

NEW 1200m W  
FOOTPATH  
AROUND HOUSE

PROPOSED 1500 uPVC STORM  
PIPE @ GRADIENT OF 1:15  
EXISTING LA

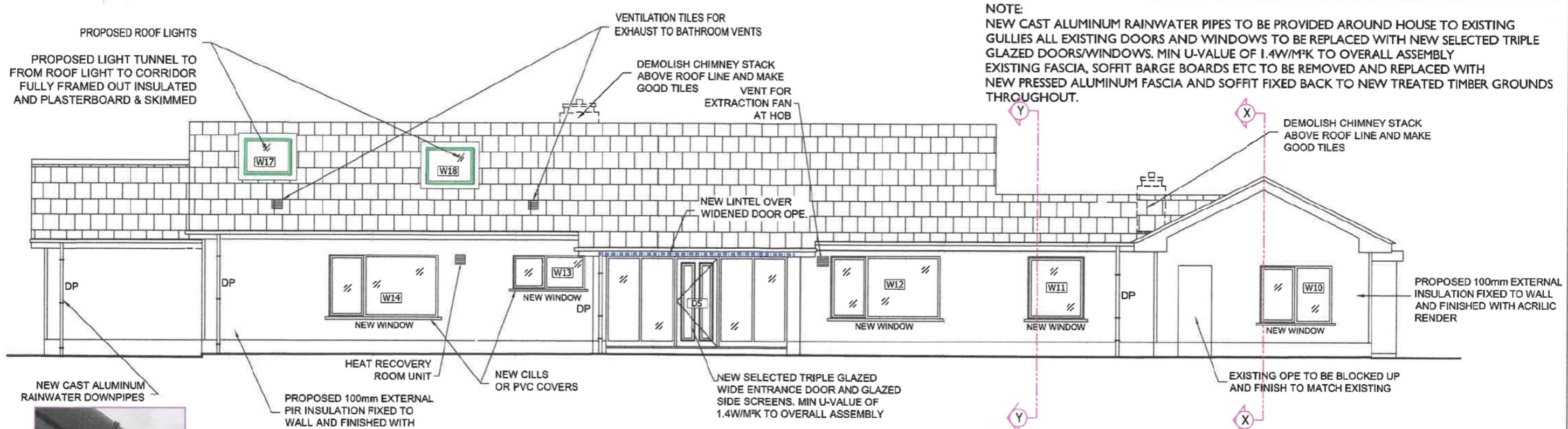
110

**Limerick City & County  
Council**

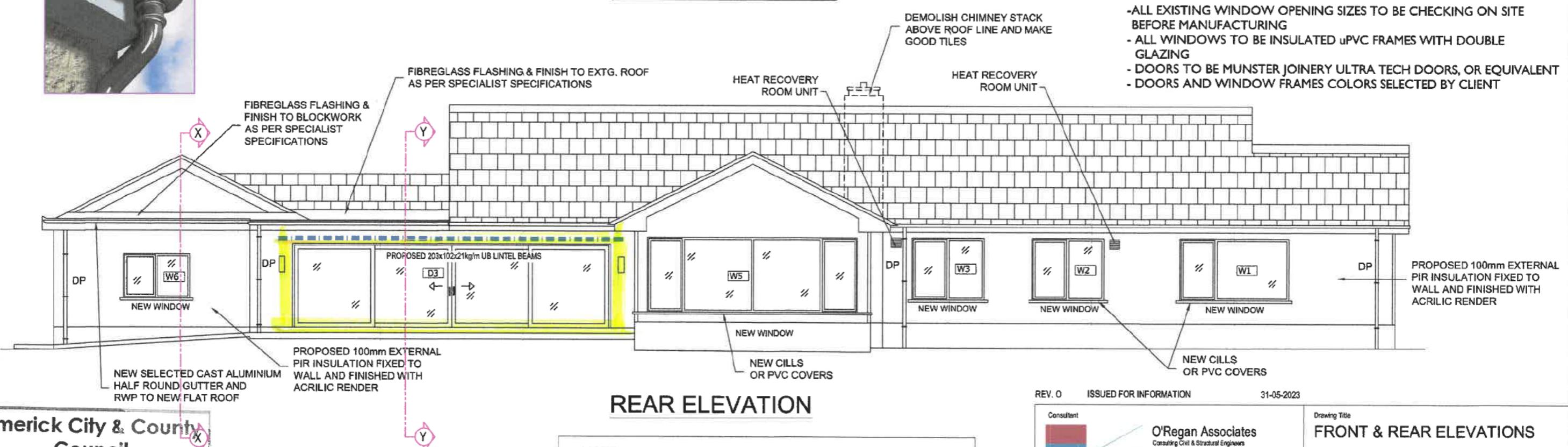
## SITE LAYOUT PLAN

SCALE : A3 = 1:250

REV. O	ISSUED FOR INFORMATION	26-05-2023
<p><b>Consultant</b></p>  <p>O'Regan Associates Consulting Civil &amp; Structural Engineers &amp; Project Managers</p> <p>Maldstown House, Dromin, Killaloe, Co. Limerick. Mobile: (067) 2756181 E-mail: conoreganassociates@gmail.com</p>		
<p><b>Project</b></p> <h2>PROPOSED REFURBISHMENT &amp; EXTENSION TO EXISTING DWELLING HOUSE @ BALLYVOLANE STUD, CO. LIMERICK</h2>		
<p><b>Drawing Title</b></p> <h2>PROPOSED SITE LAYOUT PLAN</h2>		
<p><b>Drawing No.</b></p> <p><b>23T23009/T/100</b></p>		<p><b>Revision</b></p> <p><b>REV 0</b></p>
<p>Computer File No. PROJECTS 23T23009/</p>		<p>Scale A3 = 1:100 A1 = 1:50</p>
<p>Drawn By JOHN HISTON</p>		<p>Checked By _____</p>
<p>Client <b>ANN AND JOHN FOLEY</b></p>		



**FRONT ELEVATION**



**REAR ELEVATION**

**NOTE:**  
NEW CAST ALUMINUM RAINWATER PIPES TO BE PROVIDED AROUND HOUSE TO EXISTING GULLIES ALL EXISTING DOORS AND WINDOWS TO BE REPLACED WITH NEW SELECTED TRIPLE GLAZED DOORS/WINDOWS. MIN U-VALUE OF 1.4W/MPK TO OVERALL ASSEMBLY EXISTING FASCIA, SOFFIT BARGE BOARDS ETC TO BE REMOVED AND REPLACED WITH NEW PRESSED ALUMINUM FASCIA AND SOFFIT FIXED BACK TO NEW TREATED TIMBER GROUNDS THROUGHOUT.

**WINDOW AND DOOR NOTES:**

- ALL EXISTING WINDOW OPENING SIZES TO BE CHECKING ON SITE BEFORE MANUFACTURING
- ALL WINDOWS TO BE INSULATED uPVC FRAMES WITH DOUBLE GLAZING
- DOORS TO BE MUNSTER JOINERY ULTRA TECH DOORS, OR EQUIVALENT
- DOORS AND WINDOW FRAMES COLORS SELECTED BY CLIENT

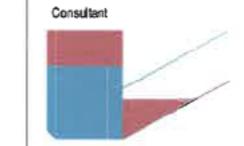
Limerick City & County Council

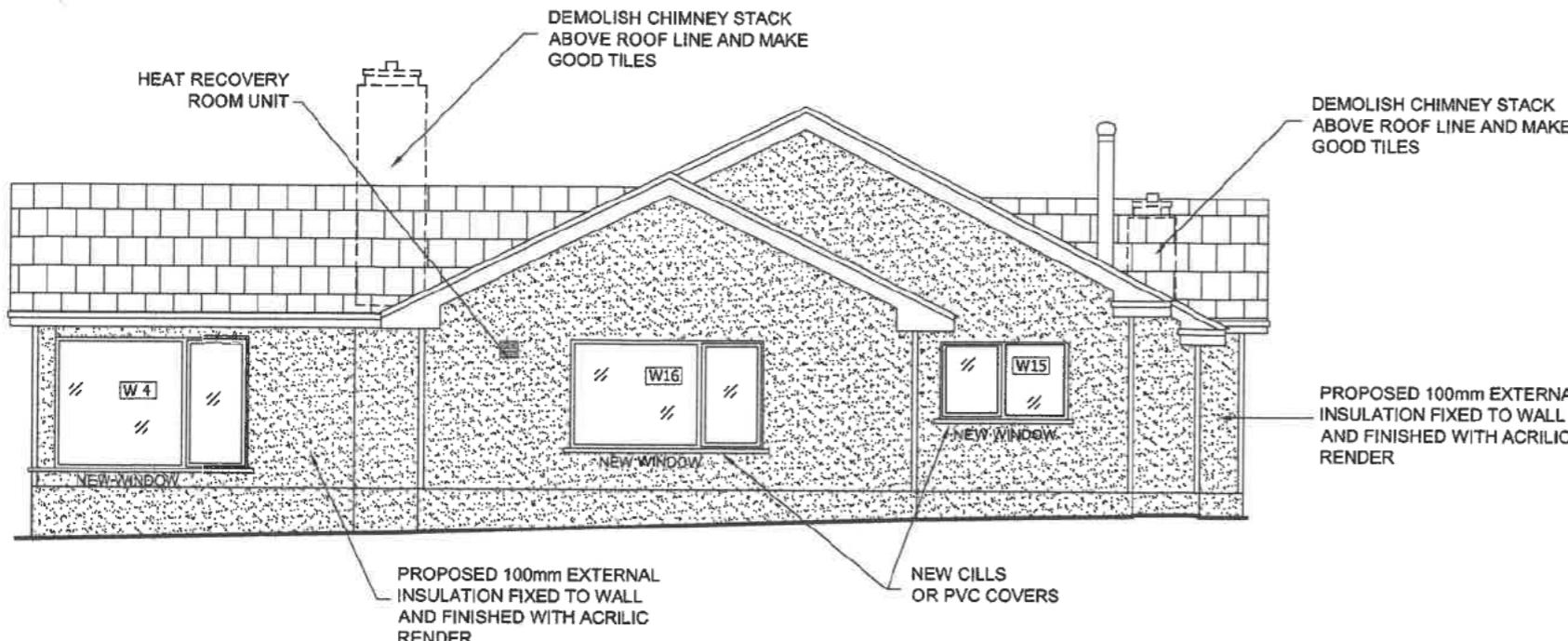
26 MAR 2023

**FINISHED FRONT & REAR ELEVATIONS**

- Showing new works

**NOTE:**  
ALL EXTERNAL INSULATION DETAILS TO BE SUBMITTED TO THE ENGINEER FOR APPROVAL BEFORE COMMENCEMENT OF WORKS

Consultant	O'Regan Associates Consulting Civil & Structural Engineers & Project Managers	Project	Drawing Title
			<b>FRONT &amp; REAR ELEVATIONS</b>
Drawing No.	23T23009/T/107	Revision	REV 0
Scale	A3 1:100	Date	23/05/2023
Computer File No.	PROJECTS 23T23009/	Project No.	23T23009
Drawn By	JOHN HISTON	Checked By	
Client	ANN AND JOHN FOLEY		



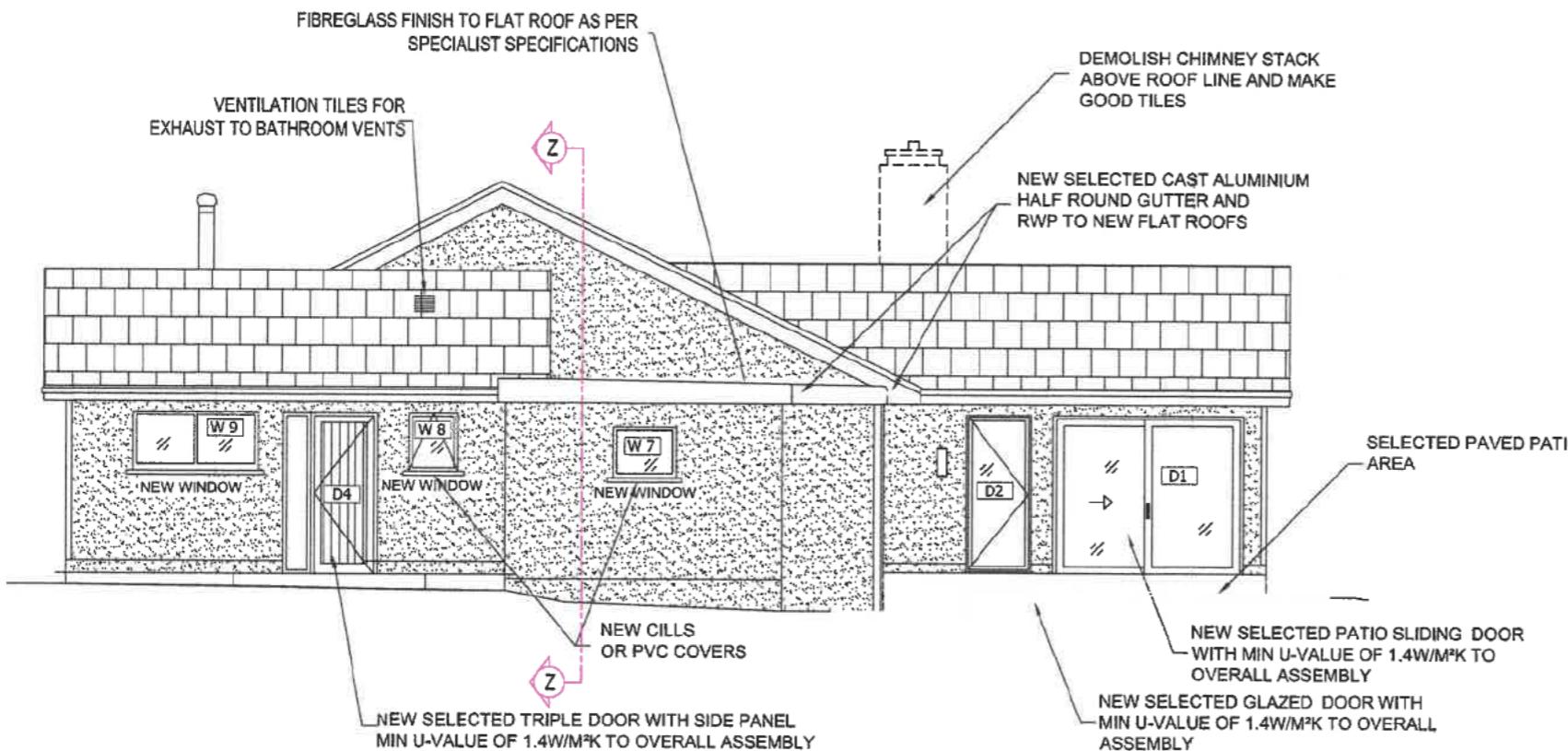
**GABLE ELEVATION**

**NOTE:**  
 NEW CAST ALUMINUM RAINWATER PIPES TO BE PROVIDED AROUND HOUSE TO EXISTING GULLIES ALL EXISTING DOORS AND WINDOWS TO BE REPLACED WITH NEW SELECTED TRIPLE GLAZED DOORS/WINDOWS. MIN U-VALUE OF 1.4W/M<sup>2</sup>K TO OVERALL ASSEMBLY  
 EXISTING FASCIA, SOFFIT BARGE BOARDS ETC TO BE REMOVED AND REPLACED WITH NEW PRESSED ALUMINUM FASCIA AND SOFFIT FIXED BACK TO NEW TREATED TIMBER GROUNDS THROUGHOUT.

**WINDOW AND DOOR NOTES:**

- ALL EXISTING WINDOW OPENING SIZES TO BE CHECKING ON SITE BEFORE MANUFACTURING
- ALL WINDOWS TO BE INSULATED uPVC FRAMES WITH DOUBLE GLAZING
- DOORS TO BE MUNSTER JOINERY ULTRA TECH DOORS, OR EQUIVALENT
- DOORS AND WINDOW FRAMES COLORS SELECTED BY CLIENT

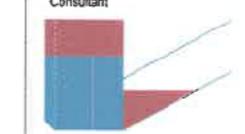
**NOTE:**  
 ALL EXTERNAL INSULATION DETAILS TO BE SUBMITTED TO THE ENGINEER FOR APPROVAL BEFORE COMMENCEMENT OF WORKS



**GABLE ELEVATION**

## FINISHED GABLE ELEVATIONS

- Showing new works

REV. 0	ISSUED FOR INFORMATION	31-05-2023
Consultant  O'Regan Associates Consulting Civil & Structural Engineers & Project Managers <small>Midtown House, Drimn, Kilmallock, Co. Limerick. Mobile: (061) 2756153 E-mail: conoreganassociates@gmail.com</small>	Drawing Title <b>GABLE ELEVATIONS</b>	
Drawing No. <b>23T23009/T/108</b>	Revision <b>REV 0</b>	
Scale A3 = 1:100	A1 = 1:50	Date 23/05/2023
Computer File No. <b>PROJECTS 23T23009/</b>	Project No. <b>23T23009</b>	
Drawn By <b>JOHN HISTON</b>	Checked By <hr/>	
Client <b>ANN AND JOHN FOLEY</b>		

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

26/03/2025 10:16:30

Receipt No./  
Uimhir Admhála : LA25/0/25175731

GHS BLOODSTOCK LTD  
BALLYVOLANE STUD  
BRUFF  
CO LIMERICK

EXEMPTION CERTIFICATES 80.00  
GOODS 80.00  
VAT Exempt/Non-vatable

Total/Iomlán : 80.00 EUR

Tendered/Tairgthe :  
Credit / Debit Card 80.00  
VISA  
\*\*\*\*\*9900  
\*\*\*\*

**Limerick City & County  
Council**

**26 MAR 2025**

**Planning**

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

**Reference no.** EC-056-25

**Name and Address of Applicant:** John and Ann Foley  
Ballyvolane Stud,  
Bruff,  
Co. Limerick  
V35AX62

**Agent:** Liam McElligot  
Ballysally,  
Grange,  
Kilmallock,  
Co. Limerick.

**Location:** Ballyvollane Stud,  
Bruff,  
Co. Limerick  
V35AX62

**Description of Site and Surroundings:**

The site is an existing detached property located which is to the south east of Bruff. The site is accessed off a local road, L-1552 and there are a number of stables adjacent to the site at Ballyvolane Stud.

**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:

- Refurbishment, modification to rear opes and rear extension of an existing dwelling

This Section 5 declaration includes the following:

- Application Form
- Site location
- Proposed Elevations
- Proposed Floor plans
- Site layout

**Planning History:**

None

**Enforcement History**

N/A

**Relevant An Bord Pleanála referrals**

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 Single storey extension to rear of existing dwelling constitutes ‘works’ and ‘development’.

Is the proposal exempted development?

The proposal is for the construction of a rear extension with an area of 25.5m<sup>2</sup>. Following a site inspection on the 2<sup>nd</sup> April 2025 it was noted that this is a single storey dwelling which appears to be uninhabited for some time. It is stated in the application form this dwelling was built in the 1960’s and has not been extended previously.

The proposal for the construction of an extension to the rear of dwelling 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 area of the rear extension proposed is 25.5m<sup>2</sup>.

(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. The house 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, dwelling is a bungalow.

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.*

House has not been extended previously.

*(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. House is detached.

*(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, dwelling is a bungalow.

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

Appears 2m is achieved.

*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.*

The rear wall does include a gable.

*(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.*

Proposed extension does not exceed the height of side walls.

*(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 of eaves is not exceeded.

*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 construction of the rear extension would not reduce the area of private open space to less than 25sqm.

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

Distance to boundary is not shown, appears 1m is achieved.

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

Dwelling is a bungalow.

*(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.*

Dwelling is a bungalow.

*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.

Having regard to the above, the extension as proposed is deemed to be exempt under Class 1.

However, there are a number of additional alterations proposed as shown on the drawings submitted:

- Chimney stacks are to be removed from the front and rear elevation
- New roof lights are to be added to the front elevation
- Front door is to be altered with additional glazing at either side
- Door ope to be removed from front elevation

All of these elevational changes would require planning permission and therefore the proposal is not considered to be exempt development.

#### **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 refurbishment works, rear extension and elevational changes 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)
- (c) The plans & particulars submitted with the application received on the 26<sup>th</sup> March 2025.

It is therefore considered that the said works are development and not exempted development under the Planning and Development Regulations 2001 (as amended).

Signed

*John Wallace*

Agreed

*Jennifer Collins*

John Wallace  
A/Executive Planner  
Date 04/04/2025

Jennifer Collins  
A/Senior Executive Planner  
Date: 23/04/2025

**Appendix 1- AA Screening examination**  
**AA PN01 Screening Form**

<b>STEP 1: Description of the project/proposal and local site characteristics:</b>	
<b>a. File Reference No:</b>	EC/056/25
<b>b. Brief description of the project or plan:</b>	<p>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:</p> <ul style="list-style-type: none"> <li>• Refurbishment, modification to rear offices and rear extension of an existing dwelling</li> </ul>
<b>c. Brief description of site characteristics:</b>	The site is an existing detached property located which is to the south east of Bruff. The site is accessed off a local road, L-1552 and there are a number of stables adjacent to the site at Ballyvolane Stud.
<b>d. Relevant prescribed bodies consulted:</b> e.g. DHLGH (NPWS), EPA, OPW	N/A
<b>e. Response to consultation:</b>	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 <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>	15.9km	Potential hydrological connection via Morningstar river	Yes
001430 Glen Bog SAC	<a href="https://www.npws.ie/protected-sites/sac/001430">https://www.npws.ie/protected-sites/sac/001430</a>	2.7km	None	No
00439 Tory Hill SAC	<a href="https://www.npws.ie/protected-sites/sac/000439">https://www.npws.ie/protected-sites/sac/000439</a>	15.5km	None	No

<sup>1</sup> Short paraphrasing and/or cross reference to NPWS is acceptable – it is not necessary to reproduce the full text on the QI/SCI.

<sup>2</sup> If the site or part thereof is within the European site or adjacent to the European site, state here

**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)
<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>	Noted the Morningstar River is adjacent to the site. The site is c15.9km from the Lower River Shannon SAC which is the closest designated site with water sensitive qualifying interest. Having regard to the separation distance to the site and limited scale of works, no significant impacts are expected.
<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>	None Surface water to be retained within the site and existing waste water treatment system.
In-combination/Other	N/A given the level of development in the area

b. Describe any likely changes to the European site:

<b>Examples of the type of changes to give consideration to include:</b> <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. Works are minimal and will involve temporary construction works; therefore, no likely significant impact on the conservation objectives of the above named site.
--	--

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
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**STEP 4: Screening Determination Statement****The assessment of significance of effects:**

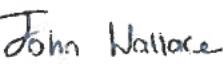
Describe how the proposed development (alone or in-combination is/is not likely to have significant effects on European site (s) in view of its conservation objectives

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

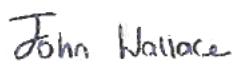
- the nature and scale of the proposed development on fully serviced lands,
- the intervening land uses and distance from European sites,
- the lack of direct connections with regard to the Source-Pathway-Receptor model,

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.**

	<b>Tick as appropriate:</b>	<b>Recommendation:</b>
i. It is clear that there is no likelihood of significant effects on a European Site	<input checked="" type="checkbox"/>	<b>The proposal can be screened out: Appropriate Assessment not required.</b>
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
<b>Signature and Date of Recommending Officer:</b>	 John Wallace A/Executive Planner 04/04/2025	
<b>Signature and Date of the Decision Maker:</b>	 Jennifer Collins, A/Senior Executive Planner 23/04/2025	

**Appendix 2 – EIA Screening**

<b>Establishing if the proposal is a 'sub-threshold development':</b>		
Planning Register Reference:	EC-056-25	
Development Summary:	Building works and a new extension	
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 <b>Part A</b>
<b>A. Schedule 5 Part 1</b> - 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] _____		<b>EIA is mandatory</b>  No Screening required
<input checked="" type="checkbox"/> No		<b>Proceed to Part B</b>
<b>B. Schedule 5 Part 2</b> - 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		<b>No Screening required</b>
<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] _____		<b>EIA is mandatory</b>  No Screening required
<input type="checkbox"/> Yes the project is of a type listed but is sub-threshold: [insert here] _____		<b>Proceed to Part C</b>
<b>C. If Yes, has Schedule 7A information/screening report been submitted?</b>		
<input type="checkbox"/> Yes, Schedule 7A information/screening report has been submitted by the applicant		<b>Screening Determination required</b>
<input type="checkbox"/> 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>		 <hr/> John Wallace A/Executive Planner 04/04/2025

**Signature and Date of the Decision Maker:**

  
Jennifer Collins, A/Senior Executive  
Planner 23/04/2025

**Appendix 3 – Site Inspection Photographs**











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

Pleanáil, agus Cruthú Áite  
Comhairle Cathrach agus Contae Luimnígh  
Bothar Thuar an Daill  
Tuar an Daill, Luimneach  
V94 WV78

Planning and Place-Making  
Limerick City and County Council  
Dooradoyle Road  
Dooradoyle, Limerick  
V94 WV78

## PLANNING & PLACE-MAKING

### REG POST:

**John and Ann Foley,  
c/o Liam McElligot,  
Ballysally,  
Grange,  
Kilmallock,  
Co. Limerick**

**EC/056/25**

**23 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,

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

Tuar an Daill, Luimneach  
Dooradoyle, Limerick

customerservices@limerick.ie  
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@LimerickCouncil  
061 - 556 000

**LIMERICK CITY & COUNTY COUNCIL**

**APPROVED OFFICER'S ORDER**

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

**No. AOO/DC/2025/395**

**File Ref No. EC/056/25**

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

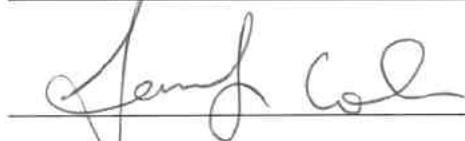
**RE:** **The refurbishment, modification to rear opes and rear extension of an existing dwelling at Ballyvollane Stud, Bruff, Co. Limerick V35AX62**

**ORDER:** Whereas by Director General's Order No. DG/2024/122 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 Jennifer Collins, A/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, Jennifer Collins, A/Senior Executive Planner, having considered the report and recommendation of John Wallace, A/Executive Planner dated 04/04/2025, hereby order that a Declaration under Section 5 of the Planning and Development Act 2000 (as amended) be issued to John and Ann Foley, c/o Liam McElligot, Ballysally, Grange, Kilmallock, Co. Limerick to state that the works as described above is

**Development and is NOT Exempt Development.** *pl*

Signed



A/SENIOR EXECUTIVE PLANNER, PLANNING & PLACE-MAKING

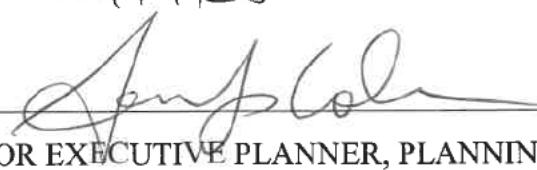
Date

24/4/25

Certified to be a true copy of Approved Officer's Order, Planning & Development Order No.

AOO/DC/2025/395 dated 24/4/25, pursuant to Section 151(7) of the Local Government Act 2001

Signed:



A/SENIOR EXECUTIVE PLANNER, PLANNING & PLACE-MAKING



Comhairle Cathrach  
& Contae Luimnígh

Limerick City  
& County Council

Pleanáil, agus Cruthú Áite  
Comhairle Cathrach agus Contae Luimnígh  
Bothar Thuar an Daill  
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V94 WV78

Planning and Place-Making  
Limerick City and County Council  
Dooradoyle Road  
Dooradoyle, Limerick  
V94 WV78

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

**DECLARATION NO.**

**EC/056/25**

**Name and Address of Applicant:** John and Ann Foley, Ballyvolane Stud, Bruff, Co. Limerick V35AX62

**Agent:** Liam McElligot, Ballysally, Grange, Kilmallock, Co. Limerick

**Whether** the refurbishment, modification to rear opes and rear extension of an existing dwelling at Ballyvollane Stud, Bruff, Co. Limerick V35AX62 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 26<sup>th</sup> of March 2024.

**AND WHEREAS** the Planning Authority has concluded that the refurbishment, modification to rear opes and rear extension of an existing dwelling at Ballyvollane Stud, Bruff, Co. Limerick V35AX62 **DOES NOT** come within the scope of exempted development as defined under 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: 24/04/2025

**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.