



## **Limerick City and County Council**

### **Planning Department**

#### **Section 5 Application**

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

Applicant's Name: Lee Harrington & Bríd O'Leary

Applicant's Address: The Elms, Rathkeale Road, Adare, Co. Limerick, V94 D7DN

Telephone No. [REDACTED]

Name of Agent (if any): Kevin Holmes - Holmes Architecture

Address: 78 O'Connell Street, Limerick, V94 8X68

Telephone No. 087 4170378

Address for Correspondence:

Agent's Address as above [REDACTED]

also email address - kevin@holmesarchitecture.ie

Location of Proposed development (Please include **EIRCODE**):

The Elms, Rathkeale Road, Adare, Co. Limerick, V94 D7DN

National Inventory of Architectural Heritage Reg. No. 21824027 – Architectural & Artistic

Limerick C&CC Record of Protected Structures Reg No 897

Description of Proposed development:

Internal modifications and a small rear extension to the existing dwelling house.

Modifications to include relocating the existing kitchen and an improved internal layout

to take better advantage of the aspect of the dwelling and its external spaces.

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

Schedule 2, Part 1, Class 1 -extension of a house

Is this a Protected Structure or within the curtilage of a Protected Structure.

YES/

Applicant's interest in site: Owners

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

2418-D01 - Proposed Ground Floor Plan

23-207-001 to 006 Survey Drawings of House

1:1000 Site Location Map

Have any previous extensions/structures been erected at this location YES/

If Yes please provide floor areas of all existing structures:

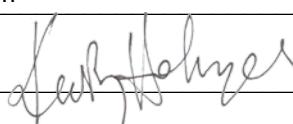
Existing Ground Floor Area - 126.2 sqm

incl previous 1980s extension of 11.4 sqm

Existing First Floor Area - 109.2 sqm

Proposed Ground Floor Extension - 7 sqm

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.

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Application to be forwarded to:

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

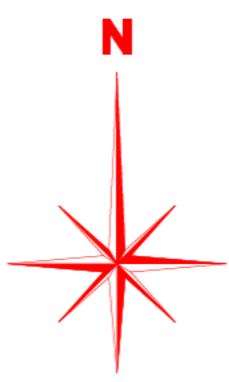
**Enquiries:  
Telephone: 061-556556  
E-Mail: [planning@limerick.ie](mailto:planning@limerick.ie)**

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## LEGEND

### KEY:

AV	AIR VALVE
AJ	ARMSTRONG JUNCTION
ESB	ESB MINI PILLAR
EP	ESB POLE
-----	ELECTRICITY LINE OVER
FH	TELECOM LINE OVER
WM	FIRE HYDRANT
GAS	WATER METER
GATE	GAS VALVE
RG	GATE
IC	ROAD GULLY
Ø	INSPECTION CHAMBER
LP	LAMP POST
CL=100.00m	MANHOLE
SP	SIGN POST
SV	SLUICE VALVE
SC	STOPCOCK
Ncw1	SURVEY STATION
100.00	TELECOM CHAMBER
ICTE	TELECOM POLE
TP	TRAFFIC LIGHT
TL	LIGHT BOLLARD
LB	TREES
225mmØ Approx.	COMBINED SEWER
225mmØ Approx.	FOUL SEWER
225mmØ Approx.	STORM SEWER

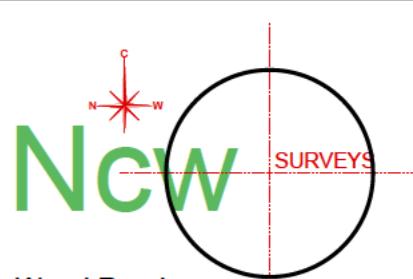


### NOTE:

01. Levels are in metres to OSGMIS (MALIN DATUM) unless otherwise noted. This datum was established using a Trimble Network Rover GPS system.
02. Co-ordinate system used - **TM95**.
03. North refers to Grid North.
04. Only visible services have been surveyed.
05. Sewer type, pipe diameter & flow direction have been estimated unless otherwise noted.
06. Building floor levels have been surveyed remotely and are approximate only, unless otherwise noted.
07. If ANY DISCREPANCIES are found in this survey, they should be reported to NEWSURVEYS LTD IMMEDIATELY. FAILURE TO DO SO WILL INVALIDATE ANY SUBSEQUENT ISSUES ARISING FROM USING THIS SURVEY DATA.

### REVISIONS

No.	Date	Staff	Description
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Wood Road,  
Upper Grange,  
Newcastlewest,  
Co. Limerick.  
Tel : +353(0)69-77820  
Fax : +353(0)69-77827  
Mob : +353(0)87-8702148  
Email: Eamonn@newsurveys.ie

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Client :	Unknown
Scale:	SCALE 1:200 (A1)
Project :	Survey at Adore, Co.Limerick
Site crew :	PB+BA+FG Date : SEPT 2023
Drawn by :	CHY Date : OCT 2023
Description :	TOPOGRAPHICAL SURVEY
Drawing number :	Rev:
23-207-001	---

### TOPO SURVEY

0 2 4 6 8 12 16 20m  
SCALE 1:200 (A1)

## LEGEND

-  FLOOR TO CEILING HEIGHT DIMENSION
-  FLOOR LEVEL - MALIN DATUM (Metres)

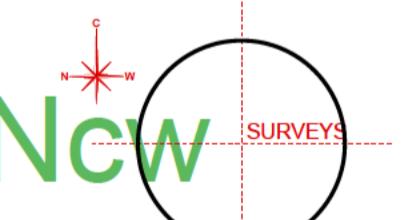


**NOTE:**

01. Levels are in metres to OSGM15 (MALIN DATUM) unless otherwise noted. This datum was established using a Trimble Network Rover GPS system.
02. Co-ordinate system used - ITM95.
03. North refers to Grid North.
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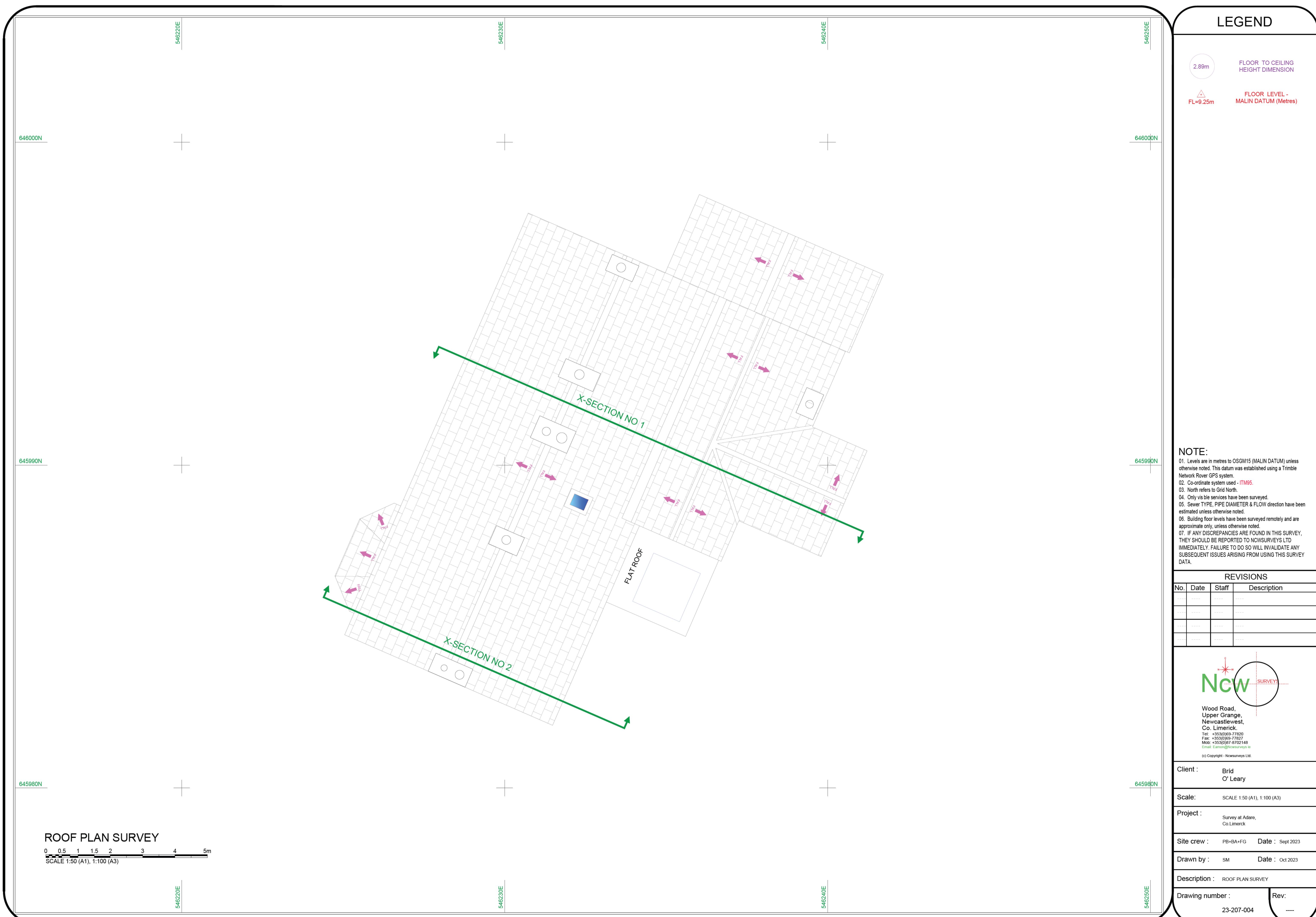
(c) Copyright - Ncwsurveys Ltd.

Client :	Brid O' Leary	
Scale:	SCALE 1:50 (A1), 1:100 (A3)	
Project :	Survey at Adare, Co.Limerick	
Site crew :	PB+BA+FG Date : Sept 2023	
Drawn by :	SM Date : Oct 2023	
Description :	GROUND FLOOR SURVEY	
Drawing number :	23-207-002	Rev:

## LEGEND

-  FLOOR TO CEILING HEIGHT DIMENSION
-  FLOOR LEVEL - MALIN DATUM (Metres)





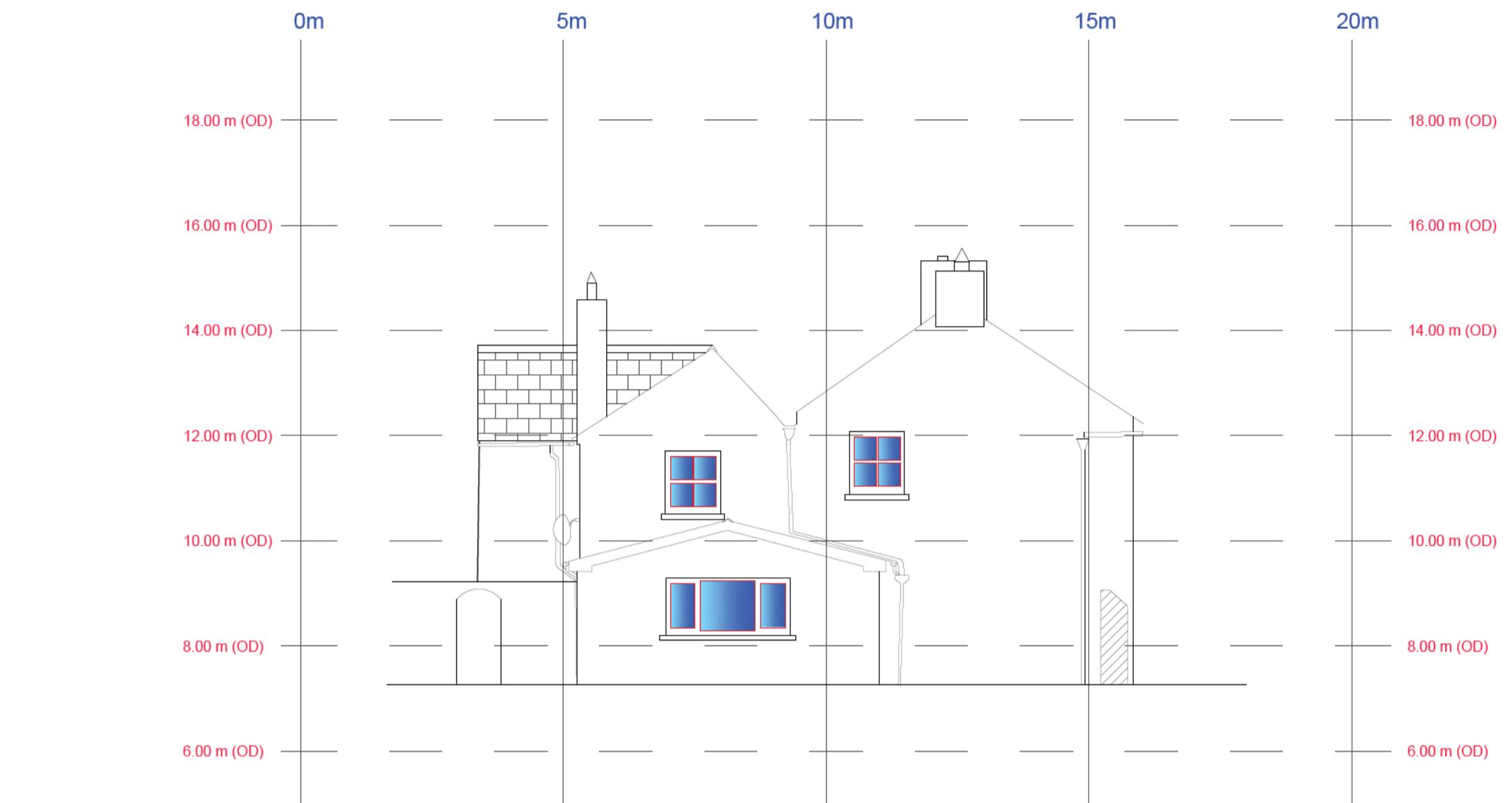
## LEGEND

	FLOOR TO CEILING HEIGHT DIMENSION
	FLOOR LEVEL - MALIN DATUM (Metres)



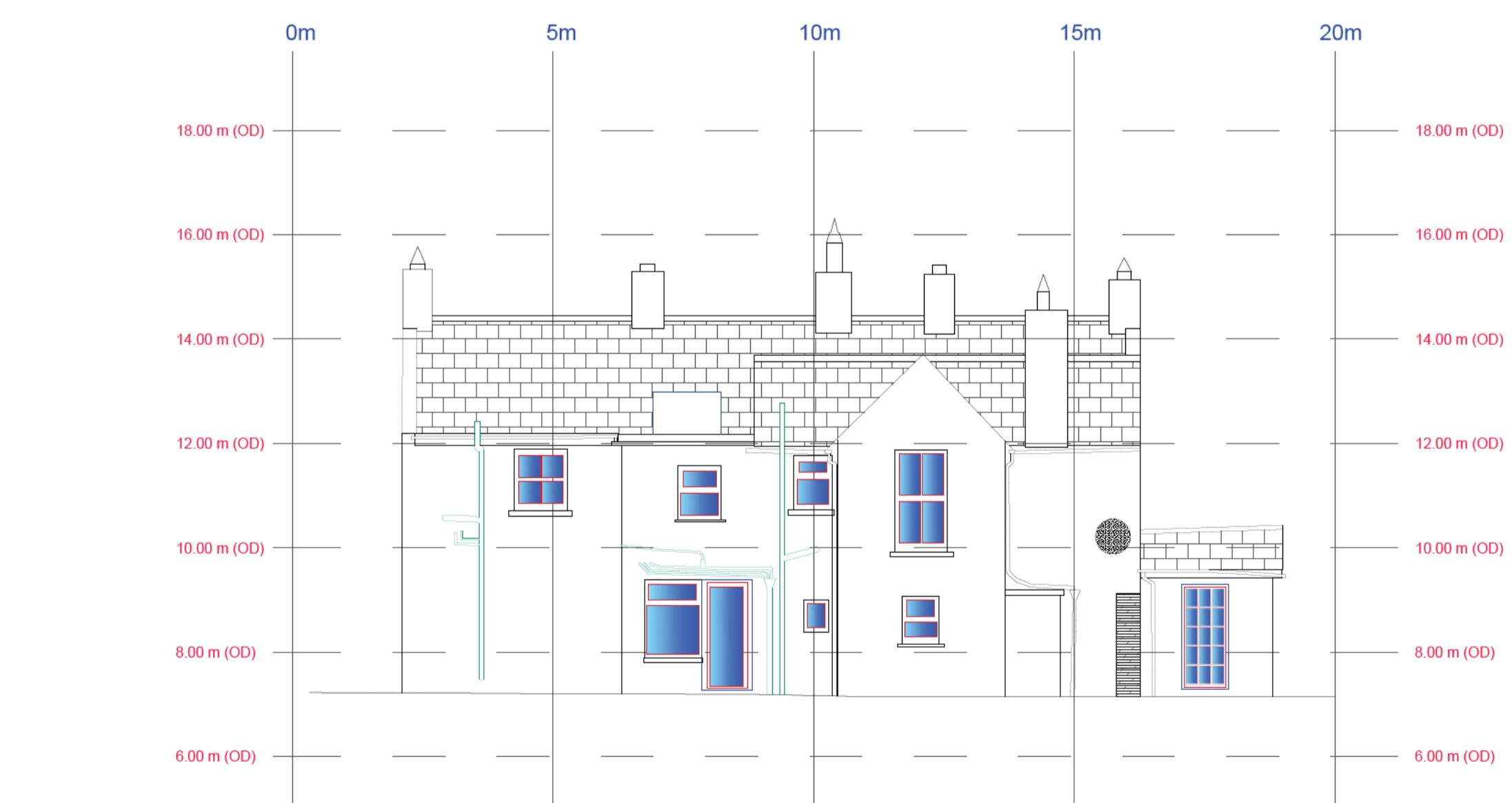
ELEVATION 01

SCALE 1:100 (A1), 1:200 (A3)



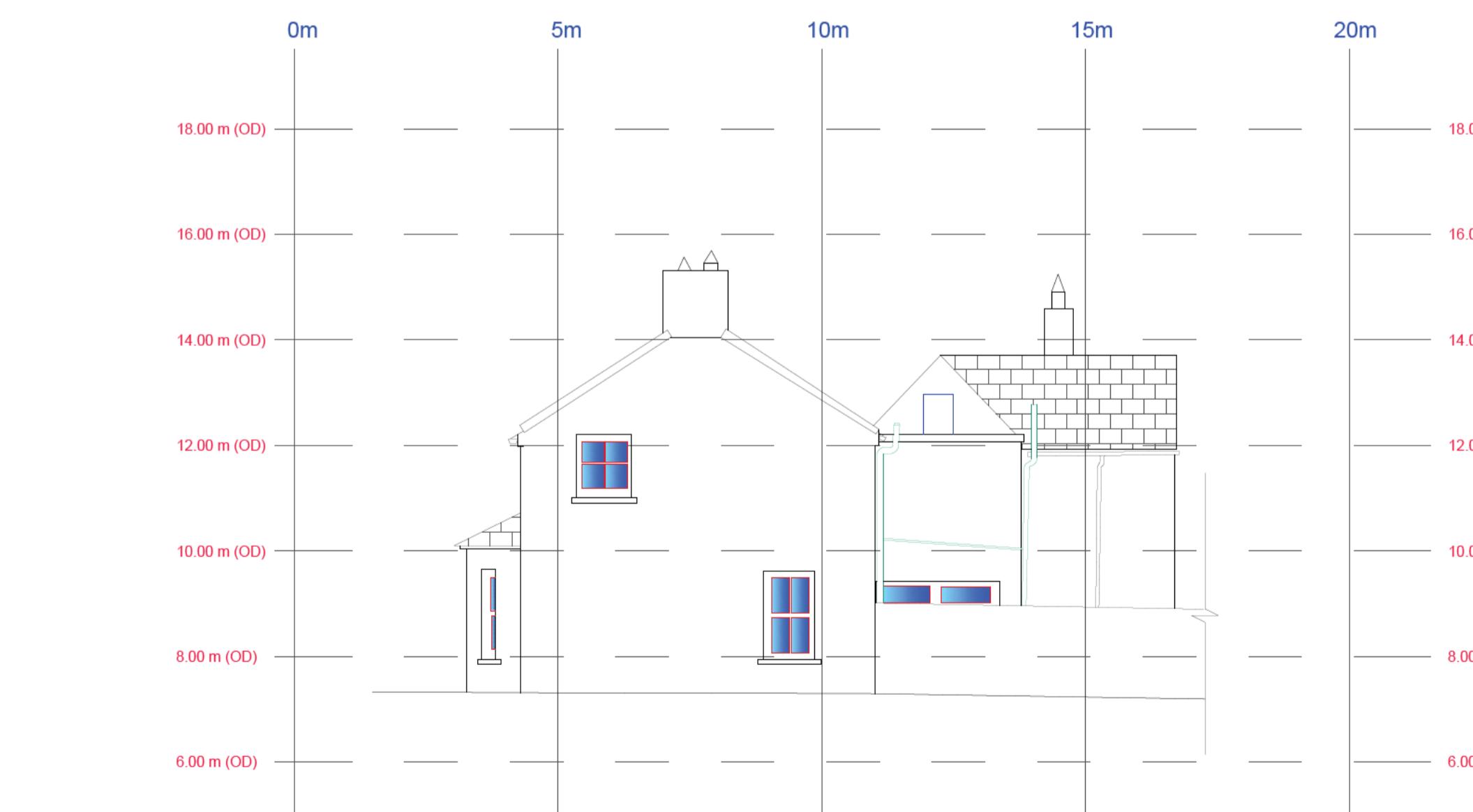
ELEVATION 02

SCALE 1:100 (A1), 1:200 (A3)



ELEVATION 03

SCALE 1:100 (A1), 1:200 (A3)



ELEVATION 04

SCALE 1:100 (A1), 1:200 (A3)

**NOTE:**

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 02. Co-ordinate system used - [ITM95](#).  
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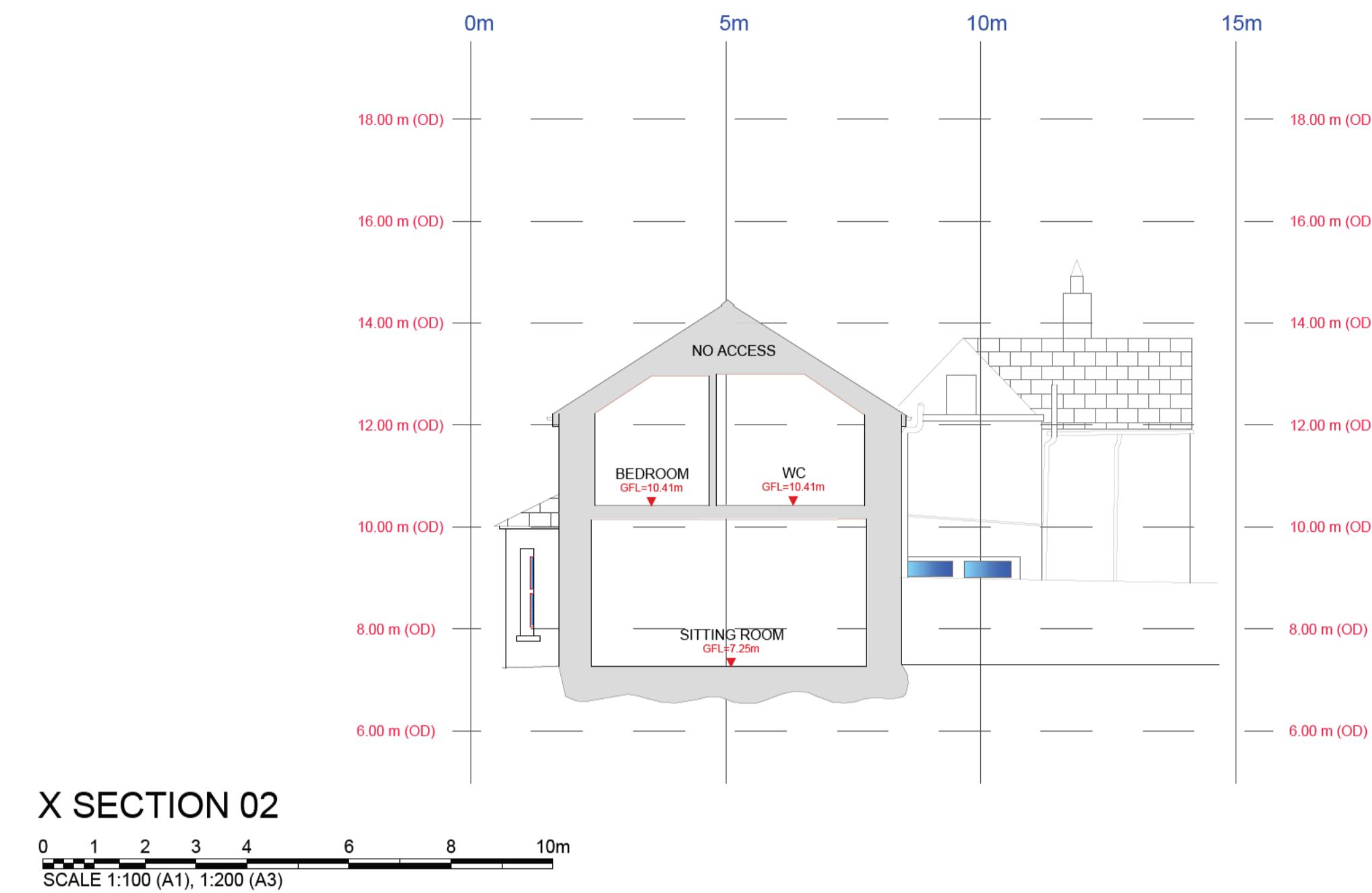
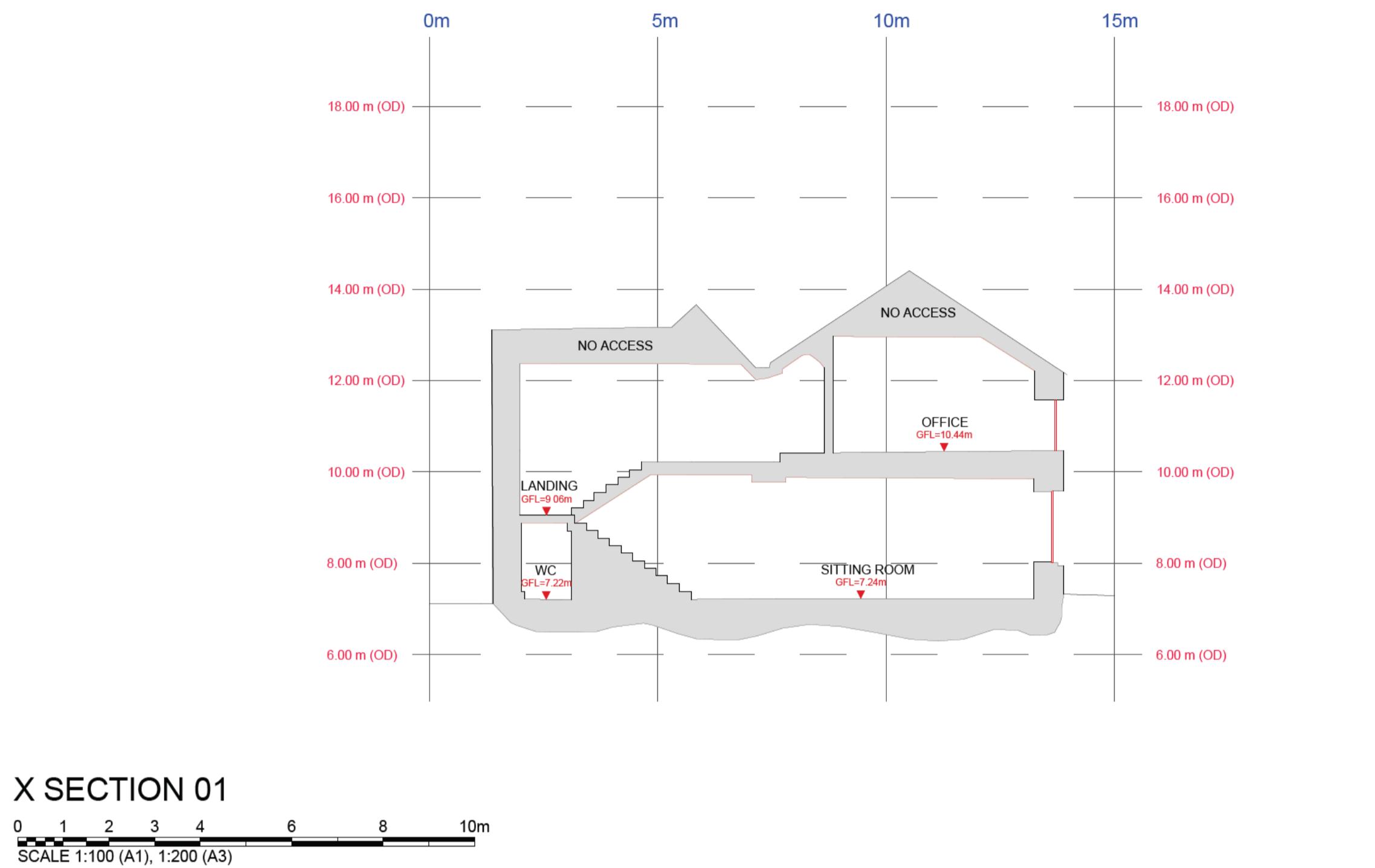


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Mob: +353(0)87-8702148  
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Client : Brid O'Leary  
 Scale: SCALE 1:100 (A1)  
 Project: Survey at Adare, Co.Limerick  
 Site crew : PB+BA+FG Date : Sept 2023  
 Drawn by : SM Date : Oct 2023  
 Description : ELEVATIONS  
 Drawing number : 23-207-005 Rev: ----

## LEGEND

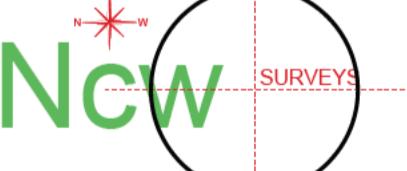
	FLOOR TO CEILING HEIGHT DIMENSION
	FLOOR LEVEL - MALIN DATUM (Metres)



**NOTE:**

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 02. Co-ordinate system used - **ITM95**.  
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Client :	Brid O' Leary	
Scale:	SCALE 1:100 (A1)	
Project :	Survey at Adare, Co.Limerick	
Site crew :	PB+BA+FG Date : Sept 2023	
Drawn by :	SM Date : Oct 2023	
Description :	X SECTIONS & KEY PLAN	
Drawing number :	23-207-006	Rev: ----

# Planning Pack Map



0 9.5 19 28.5 38 Metres  
0 10 20 30 40 50 Feet

OUTPUT SCALE: 1:1,000



CENTRE  
COORDINATES:  
ITM 546232,645990

PUBLISHED: 01/04/2025 ORDER NO.: 50458066\_1  
MAP SERIES: 1:2,500 MAP SHEETS: 4925-D

**CAPTURE RESOLUTION:**  
The map objects are only accurate to the resolution at which they were captured.  
Output scale is not indicative of data capture scale. Further information is available at: [www.tailte.ie](http://www.tailte.ie); search 'Capture Resolution'.  
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## COMPILED AND PUBLISHED BY:

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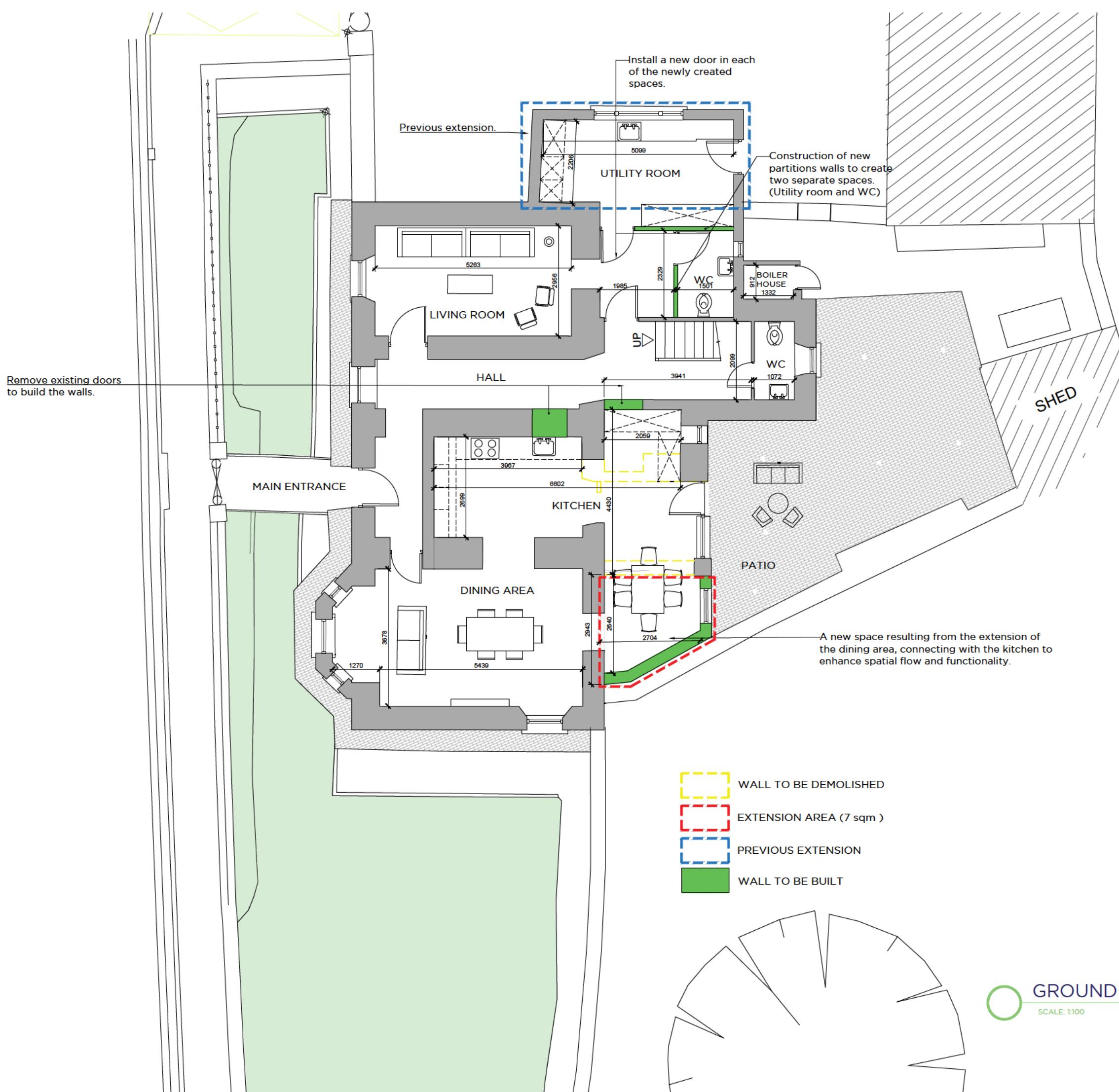
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# THE ELMS ADARE





LIMERICK CITY & COUNTY COUNCIL  
CIVIC OFFICES  
MERCHANTS QUAY  
LIMERICK

01/04/2025 15:02:07

Receipt No./  
Uimhir Admhála : RC6/0/2078915

Kevin Holmes  
Holmes Architects  
78 O'Connell St  
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  
\*3895\*  
\*\*\*\*

Change/Sóinseáil : 0.00

Issued By/  
Eisithe ag : Sarah Scales  
From/Ó : REVENUE CASH OFFICE 6 - MERCHANTS QUAY  
Vat reg No./Cláruimhir CBL: 3267368TH

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

**Reference no.**

EC/065/25

**Name and Address of Applicant:**

Lee Harrington and Bríd O'Leary, The Elms, Rathkeale Road, Adare, Co. Limerick, V94 D7DN

**Agent:**

Kevin Holmes – Holmes Architecture, 78 O'Connell Street, Limerick, V94 8x68

**Location:**

The Elms, Rathkeale Road, Adare, Co. Limerick, V94 D7DN

### **Description of site and surroundings:**

The subject site is located in the village centre of Adare and fronts onto the main street. There is an existing detached four bay two-storey dwelling on site which was formerly a constabulary barracks. The building is listed on the Record of Protected Structures and is registered 21824027 on the NIAH. It is noted on the application that a 11.4sqm extension was constructed on the northern end of the dwelling in the 1980s.

### **Zoning:**

Village Centre

### **Proposal**

The question being put before the planning authority is as follows:

- *Whether internal modifications and a small rear extension to the existing dwelling house, modifications to include relocating the existing kitchen and an improved layout to take better advantage of the aspect of the dwelling and its external spaces*

The applicant has referenced Schedule 2, Part 1, Class 1 of the Regulations as the section of Exempted Development Regulations that the proposal would fall under.

This Section 5 declaration includes the following:

- Section 5 Declaration Application Form
- Site Location Map
- Site layout
- Elevations/Floor Plans

### **Planning History:**

No recent planning history on site.

### **Enforcement History**

No Planning Enforcement on site.

### **An Bord Pleanála Cases**

RL3598

### **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 whether internal modifications and a small rear extension to the existing dwelling house, constitutes ‘works’ and ‘development’.

Is the proposal exempted development?

The subject property is a protected structure as set out in the Limerick Development Plan (2022-2028) - RPS 897 former constabulary barracks. The site is also located within ACA 21 Adare.

Section 4(1) of the Act states the following shall be exempted development (h) development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which materially affect only the interior of the structure and 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.

Section 57.—(1) Notwithstanding section 4(1)(a), (h), (i), (ia) (j), (k), or (l) and any regulations made under section 4(2),] the carrying out of works to a protected structure, or a proposed protected structure, shall be exempted development only if those works would not materially affect the character of—(a) the structure, or (b) any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest.

The proposed works involve an extension to the rear of the property as well as internal works. The submitted plans show that the internal works would involve the demolition of walls, the construction of partitions and the removal of existing doors to build walls. As the proposal involves works to a protected structure S57 of the Act applies. Other than the drawings submitted, there is limited information in terms of what impact the proposal would have on the character of the protected structure. No conservation report has been submitted in support of the application, and it is unclear whether the removal of the existing features within the protected structure would materially affect its special architectural interest.

With regard to the extension proposed to the rear of the property, again the amount of information submitted is limited and it is unclear whether the proposal would materially affect the protected structure or the ACA. As such Article 9 (1)(xii) which states the following:

*further to the provisions of section 82 of the Act, consist of or comprise the carrying out of works to the exterior of a structure, where the structure concerned is located within an architectural conservation area or an area specified as an architectural conservation area in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan and the development would materially affect the character of the area*

On this basis it is considered that the proposal would constitute development within the meaning of S3 of the Act but would not be exempted development given the properties status as a protected structure and its location within an ACA.

### **Article 9 Restrictions**

The proposed development is restricted by in Article 9(1)(xii) 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 required in this instance.

### **Environmental Impact Assessment**

An EIA Screening examination was carried out by Limerick City & County Council (see appendix 2). Overall, it is considered that there is no real likelihood of significant effects on the environment. Therefore, an Environmental Impact Assessment is not required.

### **Recommendation**

It is concluded that the proposed works are development and not exempted development having regard to Section 57(1) of the Planning and Development Act, 2000 (as amended) and would materially affect the character of the structure and of elements of the protected structure which contribute to its character and special interest and, therefore, do not come within the scope of Section 4 (1)(h) of the said Act or Class 1, Part 1, Schedule 2 of the Planning and Development Regulations, 2001, (as amended).

Regard has been had to –

- (a) Sections 3, 4(1)(h) and 57 of the Planning and Development Act 2000 (as amended)
- (b) Article 9 of the Planning and Development Regulations, 2001, (as amended).
- (c) ABP referral RL3598
- (d) The plans & particulars submitted with the application received on 1<sup>st</sup> April 2025.

It is therefore considered that the said works are development and not exempted development under Section 57 of the Planning and Development Act 2000 (as amended) and do not come within the scope of Section 4 (1)(h) of the said Act.



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Eithne O'Brien  
Assistant Planner

Date: 24/4/2025

Agreed by: 

Barry Henn  
Senior Executive Planner

Date: 29/04/2025

**Appendix 1: AA PN01 Screening Form**

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

<b>(a) File Reference No:</b>	EC/065/25
<b>(b) Brief description of the project or plan:</b>	A section 5 application Whether internal modifications and a small rear extension to the existing dwelling house is or is not development and is or is not exempted development.
<b>(c) Brief description of site characteristics:</b>	The subject site is located in the village centre of Adare and fronts onto the main street. There is an existing detached four bay two-storey dwelling on site which was formerly a constabulary barracks. The building is listed on the Record of Protected Structures and is registered 21824027 on the NIAH. It is noted on the application that a 11.4sqm extension was constructed on the northern end of the dwelling in the 1980s.
<b>(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW</b>	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>	655km	None. No direct encroachment or hydrological connection.	N
004077-River Shannon and River Fergus	<a href="https://www.npws.ie/protected-sites/sac/004077">https://www.npws.ie/protected-sites/sac/004077</a>	6.6km	None. No direct encroachment or	N

Estuaries SPA			hydrological connection.	
000174 – Curraghchase Woods SAC	<a href="https://www.npws.ie/protected-sites/sac/000174">https://www.npws.ie/protected-sites/sac/000174</a>	5km	None. No direct encroachment or hydrological connection.	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)
<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>	None. No direct encroachment or hydrological connection.
<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. No direct encroachment or hydrological connection.
<b>In-combination/Other</b>	N/A given the level of development proposed, c. 11.4sqm extension.

**(b) Describe any likely changes to the European site:**

Examples of the type of changes to give consideration to include:	None. No direct encroachment on the SAC and the works proposed are such that there
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<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>	<p>is no foreseen risk of habitat loss or fragmentation or any effects on QI species directly or ex-situ.</p>
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**(c) (Are 'mitigation' measures necessary to reach a conclusion that likely significant effects can be ruled out at screening?**

Yes       No

**STEP 4: Screening Determination Statement**

**The assessment of significance of effects:**

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 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 <b>no likelihood</b> of significant effects on a European Site	<input checked="" type="checkbox"/>	<p>The proposal can be screened out: Appropriate Assessment not required.</p>
(ii) It is <b>uncertain</b> whether the proposal will have a significant effect on a European Site	<input type="checkbox"/>	<p><input type="checkbox"/> Request further information to complete screening</p> <p><input type="checkbox"/> Request NIS</p> <p><input type="checkbox"/> Refuse planning permission</p>
(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>	Eithne O'Brien  Eithne O'Brien, Assistant Planner 24/04/2025
<b>Signature and Date of the Decision Maker:</b>	 Barry Henn, Senior Executive Planner 29/04/2025

## Appendix 2: EIA Screening

Establishing if the proposal is a 'sub-threshold development':		
Planning Register Reference:	EC/065/25	
Development Summary:	The subject site is located in the village centre of Adare and fronts onto the main street. There is an existing detached four bay two-storey dwelling on site which was formerly a constabulary barracks. The building is listed on the Record of Protected Structures and is registered 21824027 on the NIAH. It is noted on the application that a 11.4sqm extension was constructed on the northern end of the dwelling in the 1980s.	
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		Proceed to <b>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 <i>sub-threshold</i> : [insert here]		Proceed to <b>Part C</b>
<b>c. If Yes</b> , has Schedule 7A information/screening report been submitted?		
<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>

**Signature and Date of Recommending Officer:**

	
	Eithne O'Brien, Assistant Planner 24/04/2025
<b>Signature and Date of the Decision Maker:</b>	 Barry Henn, Senior Executive Planner 29/04/2025



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:

**Lee Harrington and Bríd O'Leary**  
c/o Kevin Holmes – Holmes Architecture,  
78 O'Connell Street,  
Limerick,  
V94 8x68

**EC/065/25**

29 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,

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

Tuar an Daill, Luimneach  
Dooradoyle, Limerick

customerservices@limerick.ie  
www.limerick.ie  
@LimerickCouncil  
061 - 556 000

**LIMERICK CITY & COUNTY COUNCIL**

**APPROVED OFFICER'S ORDER**

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

**No. AOO/DC/2025/420**

**File Ref No. EC/065/25**

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

**RE:** **The internal modifications and a small rear extension to the existing dwelling house, modifications to include relocating the existing kitchen and an improved layout to take better advantage of the aspect of the dwelling and its external spaces at The Elms, Rathkeale Road, Adare, Co. Limerick, V94 D7DN**

**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 Eithne O'Brien, Assistant Planner dated 24/04/2025, hereby order that a Declaration under Section 5 of the Planning and Development Act 2000 (as amended) be issued to Lee Harrington and Bríd O'Leary c/o Kevin Holmes – Holmes Architecture, 78 O'Connell Street, Limerick, V94 8X68 Limerick to state that the works as described above is

**Development and is NOT Exempt Development.**

Signed

*B. Henn*

SENIOR EXECUTIVE PLANNER, PLANNING & PLACE-MAKING

Date

*24/04/2025*

Certified to be a true copy of Approved Officer's Order, Planning & Development Order No. AOO/DC/2025/420 dated *29/04/2025*, 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/0065/25**

**Name and Address of Applicant:** Lee Harrington and Brid O'Leary, The Elms, Rathkeale Road, Adare, Co. Limerick, V94 D7DN

**Agent:** Kevin Holmes – Holmes Architecture, 78 O'Connell Street, Limerick, V94 8X68

**Whether** the internal modifications and a small rear extension to the existing dwelling house, modifications to include relocating the existing kitchen and an improved layout to take better advantage of the aspect of the dwelling and its external spaces at The Elms, Rathkeale Road, Adare, Co. Limerick, V94 D7DN 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 01<sup>st</sup> of April 2025.

**AND WHEREAS** the Planning Authority has concluded that the whether internal modifications and a small rear extension to the existing dwelling house, modifications to include relocating the existing kitchen and an improved layout to take better advantage of the aspect of the dwelling and its external spaces at The Elms, Rathkeale Road, Adare, Co. Limerick, V94 D7DN **DOES NOT** come within the scope of exempted development as defined under Section 57 of the Planning and Development Act 2000 (as amended) and do not come within the scope of Section 4 (1)(h) of the said Act. (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

*Lee*  
Date: 29/4/15

**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.