



Limerick City and County Council

Planning Department

Section 5 Application



DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

Applicant's Name:

EMMA LEAHY

Applicant's Address:

BROOKHILLS, CREORA,
CO. LIMERICK.

Telephone No.



Name of Agent (if any):

TOM CAREW & PARTNERS,

Address:

CONSULTING ENGINEERS

25/26 UPPER BERARD GRIFFIN ST.
LIMERICK

Telephone No.

061-316144

Address for Correspondence:

% TOM CAREW & PARTNERS, CONSULTING
ENGINEERS, 25/26 UPPER BERARD GRIFFIN ST.
LIMERICK.

Location of Proposed development (Please include EIRCODE):

NO 42 LORD EDWARDS STREET.
LIMERICK CITY.
V94 WK60.

Description of Proposed development:

PROMISED EXTENSION TO THE
REAR -

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

Part 1 - Class 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:

TE/5632-01/25-03 Elevations Floor Layouts & Section
TE/5632-02/25-03. Auto Layout
AM SITE LOCATION

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

If Yes please provide floor areas of all existing structures:

Existing. Ground Floor. 23.08 m².
First Floor. 22.05 m².

Signature of Applicant (or Agent)

16-06-2025

For Tom Carroll & PARTNERS

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.

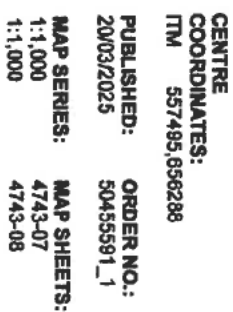
Application to be forwarded to:

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

**Enquiries:
Telephone: 061-556556
E-Mail: planning@limerick.ie**



Tailte Éireann



Taife Éireann,
Phoenix Park,
Dublin 8,
Ireland.
D08F6E4

www.jailte.ie

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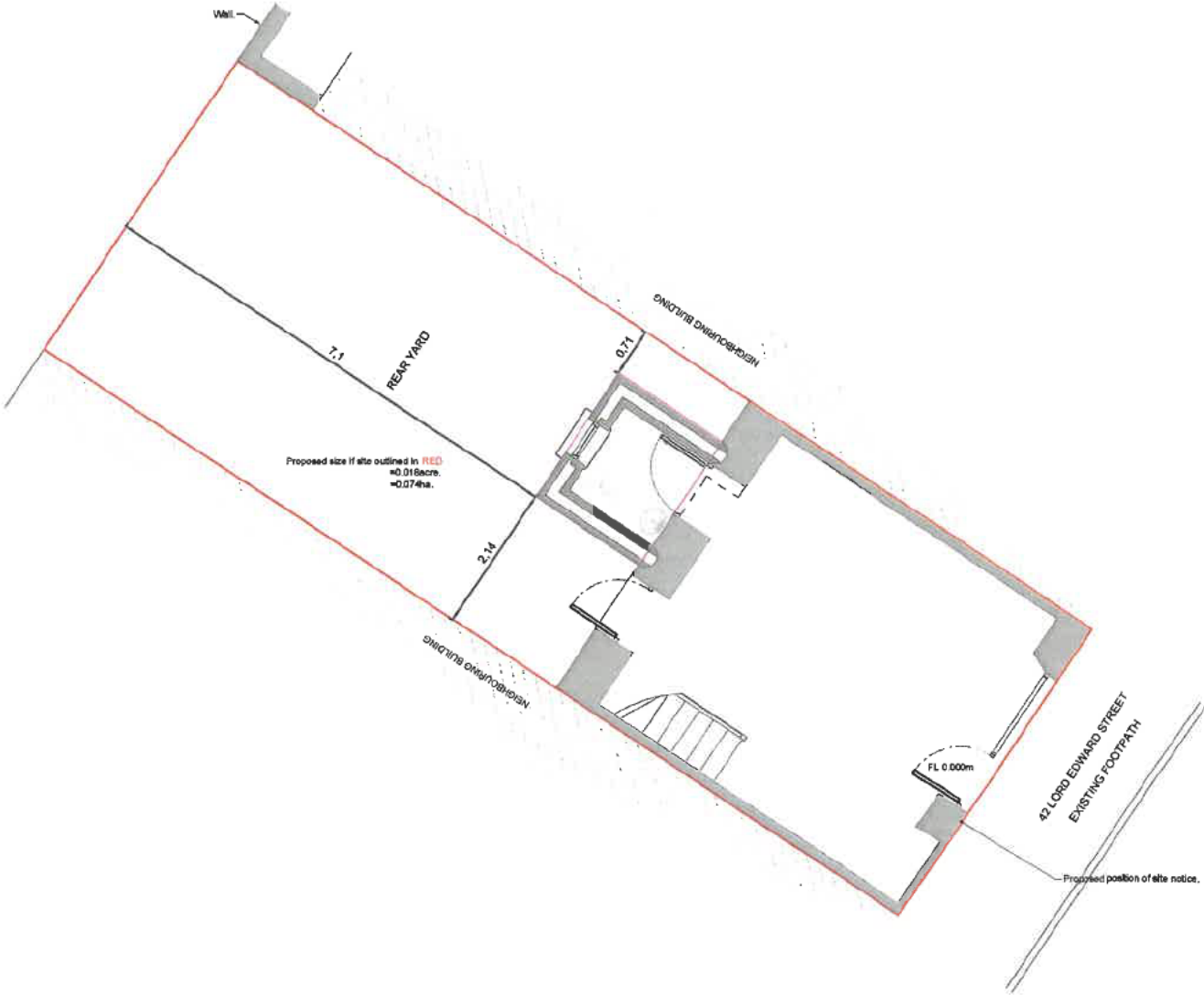
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The representation on this map of a road, track or footpath is not evidence of the existence of a right of way.

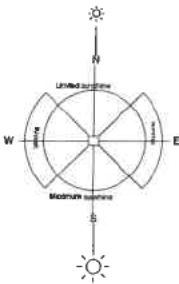
This topographic map does not show legal property boundaries, nor does it show ownership of physical features

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NOTE.
THIS DRAWING IS FOR PLANNING
PURPOSES ONLY, ALL DIMENSIONS
TO BE CHECKED BEFORE WORK
COMMENCES AND ANY DISCREPANCIES
REPORTED TO THE ENGINEER,WORK TO
CURRENT BUILDING REGS.



Site Boundary
Area For Permission



TOM CAREW & PARTNERS
CONSULTING ENGINEERS.
25/26 Upr. Gerald Griffin Street
Limerick.
Tel: 061 - 316144 Fax: 061 - 317609.

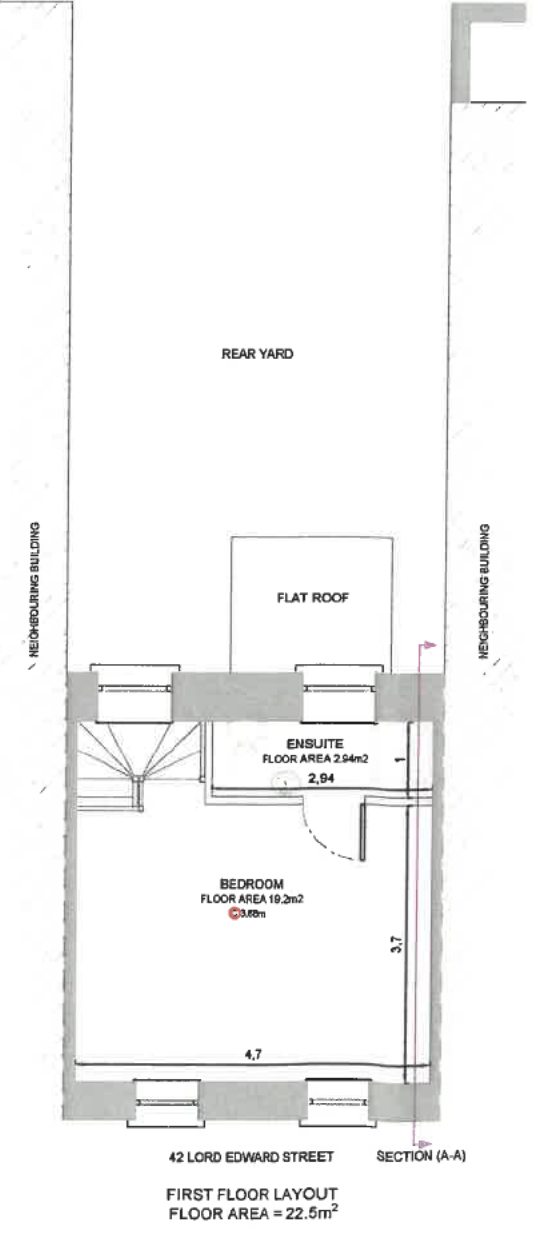
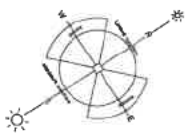
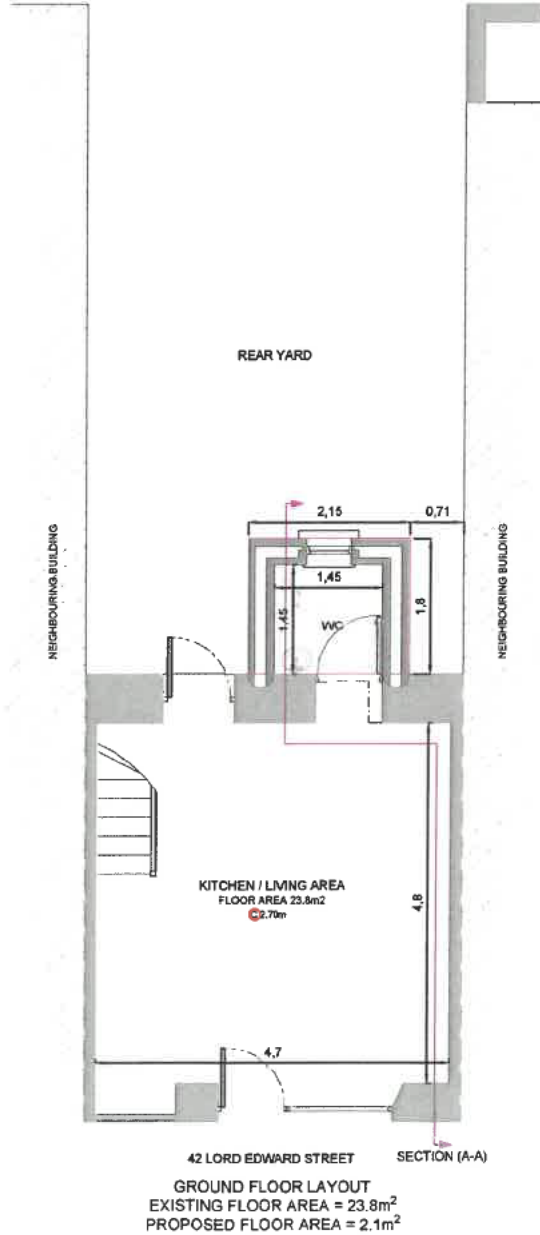
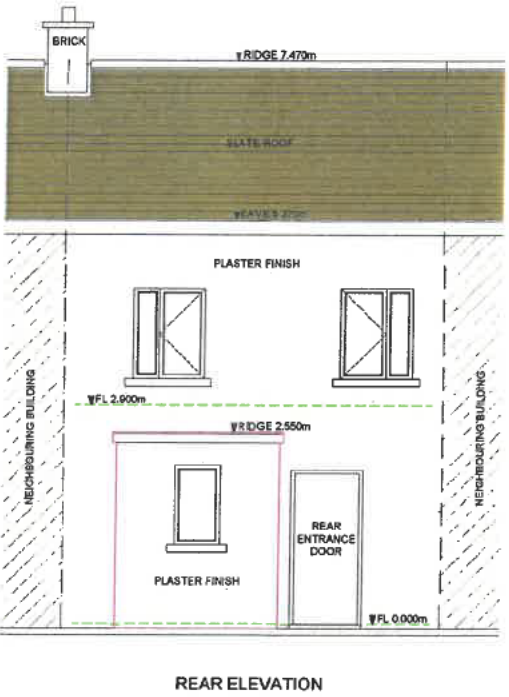
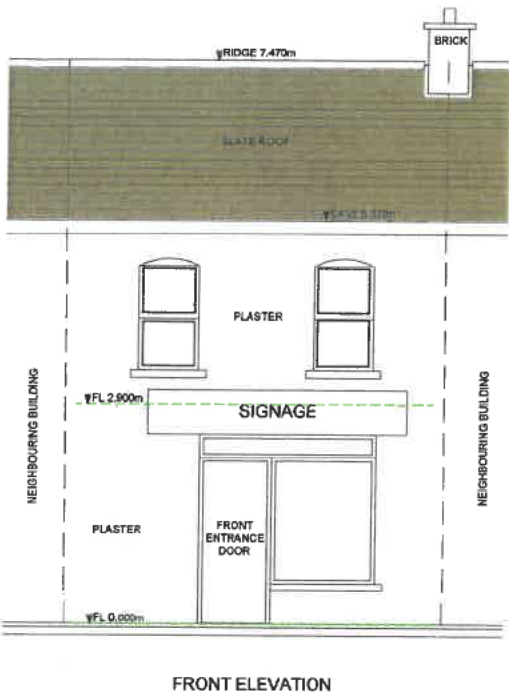
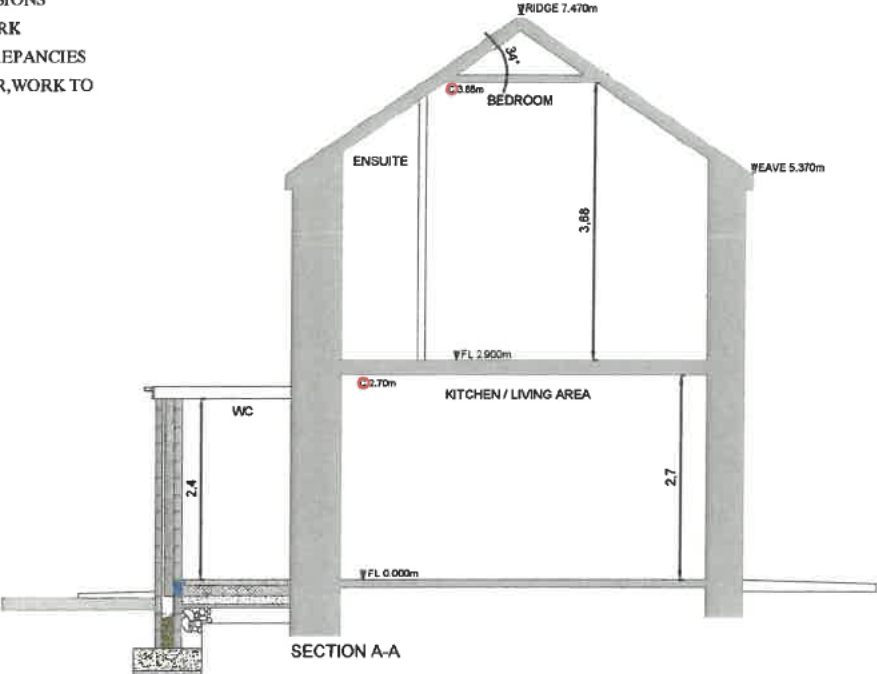
Drawn by: G.H Date : 09/5/2025
Drg. No: TC/5632-02/ 25-03 Scale : 1:100 @ A3

TITLE: Site Layout of the Dwelling at 42 Lord Edward Street, Limerick.

Client: Emma Leahy

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NOTE:
THIS DRAWING IS FOR PLANNING
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REPORTED TO THE ENGINEER, WORK TO
CURRENT BUILDING REGS.



**TOM
CAREW
AND
PARTNERS**

TOM CAREW & PARTNERS
CONSULTING ENGINEERS.
25/26 Upr. Gerald Griffin Street
Limerick.
Tel: 061 - 316144 Fax: 061 - 317609.

Drawn by: G.H. Date :13/5/2025
Drg. No: TC/5632-01/25-03 Scale : 1:100 @ A3

TITLE: Elevations, Floor Layouts & Section of the dwelling at 42 Lord Edward Street, Limerick.

Client: Emma Leahy

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LIMERICK CITY & COUNTY COUNCIL
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CIVIC OFFICES
DOORADOYLE
CO LIMERICK

17/06/2025 10:22:52

Receipt No /
Uimhir Admhala LA25/0/25178390
*** REPRINT ***

Emma Leahy
C/O John Carew & Partners
25726 Upper Gerald Griffin 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
***1005

Change/Sóinseáil 0.00

Issued By/
Eisithe ag Caitlin Kirwan
From/Ó CASH OFFICE HQ
Vat reg No./Clárúimhir CBL: 3267368TH

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

Reference no. EC-127-25

Name of Applicant: Emma Leamy

Location: 42 Lord Edward Street,
Limerick

Description of Site and Surroundings:

The property is mid terraced and appears to be vacant but was previously in use as a pharmacy. The site is located within the City Centre.

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:

- Proposed extension to the rear

This Section 5 declaration includes the following:

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

Planning History:

Article 10(6)(a) 014/25 - considered that the change of use of chemist to apartment comes within the scope of Article 10(6)(a).

Enforcement History

N/A

Assessment

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 construction of a rear extension constitutes ‘works’ and ‘development’.

Is the proposal exempted development?

The proposed development will be assessed against Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 which is as follows:

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 the development within the curtilage of a house?

The proposed extension is to the rear of a property that was formerly in use as a pharmacy but is currently vacant. It is noted that an Article 10(6)(a) was previously submitted to change the use of the building from vacant commercial to a one bed apartment. However, during the site visit it was noted that no works appear to have been carried out and the property appears to still be vacant with the last known use as a pharmacy.

It is also noted that the 10(6)(a) sought to change the use of the vacant retail unit to a one bed apartment. The requirements of Article 10(6)(a) are that units are required to comply with the dwelling floor areas and storage requirements of the Apartment Guidelines. Section 2 of the Planning and Development Act 2000 (as amended) provides a definition for a 'house' which is as follows (our emphasis added):

"house" means a building or part of a building which is being or has been occupied as a dwelling or was provided for use as a dwelling but has not been occupied, and where appropriate, includes a building which was designed for use as 2 or more dwellings or a flat, an apartment or other dwelling within such a building;

The relevant part of the definition here is that a house is required to be or have been occupied as a dwelling. In this case, there is no evidence provided that the building has been or is in use as a dwelling.

The question posed to the Planning Authority is 'proposed extension to the rear' and does not form the change of use which would be considered material. Therefore, it is considered that the proposal cannot be assessed against Class 1 as the structure is not in use nor has it been in use as a 'house'.

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 undertaken (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 undertaken (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 rear extension detailed on the application and plans submitted is **not** considered to be within the scope of Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended) as the property is not currently in use as a house.

Regard has been had to –

- (a) Section 2, 3 and 4 of the Planning and Development Act 2000 (as amended)
 - (b) Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended)
 - (c) The plans & particulars submitted with the application received on 17th May 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).



Barry Henn, S.E.P
Date: 15th July 2025

AA PN01 Screening Form

| | |
|--|---|
| STEP 1: Description of the project/proposal and local site characteristics: | |
| (a) File Reference No: | EC/127/25 |
| (b) Brief description of the project or plan: | Proposed rear extension. |
| (c) Brief description of site characteristics: | The site is a terraced two storey building located in an urban area |
| (d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW | N/A |
| (e) Response to consultation: | N/A |

| STEP 2: Identification of relevant Natura 2000 sites using Source-Pathway-Receptor model and compilation of information on Qualifying Interests and conservation objectives. | | | | |
|---|---|--|--|-------------------------------------|
| European Site (code) | List of Qualifying Interest/Special Conservation Interest ¹ | Distance from proposed development ² (km) | Connections (Source-Pathway-Receptors) | Considered further in screening Y/N |
| 002165- Lower River Shannon SAC | https://www.npws.ie/protected-sites/sac/002165 | 0.720 km | None | N |
| 004077- River Shannon and River Fergus Estuaries SPA | https://www.npws.ie/protected-sites/sac/004077 | 0.720 km | None | N |


| | |
|---|--|
| STEP 3: Assessment of Likely Significant Effects | |
| (a) Identify all potential direct and indirect impacts that may have an effect on the conservation objectives of a European site, taking into account the size and scale of the project under the following headings: | |
| Impacts: | Possible Significance of Impacts: (duration/Magnitude etc) |
| Construction phase e.g. <ul style="list-style-type: none"> - Vegetation clearance - Demolition - Surface water runoff from soil excavation/infill/landscaping (including borrow pits) | None. Works are minimal in nature and there is no hydrological connection or direct encroachment due to separation distance. |

| | |
|---|---|
| <ul style="list-style-type: none"> - Dust, noise, vibration - Lighting disturbance - Impact on groundwater/dewatering - Storage of excavated/construction materials - Access to site - Pests | |
| Operation phase e.g. <ul style="list-style-type: none"> - Direct emission to air and water - Surface water runoff containing contaminant or sediment - Lighting disturbance - Noise/vibration - Changes to water/groundwater due to drainage or abstraction - Presence of people, vehicles and activities - Physical presence of structures (e.g. collision risk) - Potential for accidents or incidents | None. Works are minimal in nature and there is no hydrological connection or direct encroachment on the SAC and SPA due to separation distance. |
| In-combination/Other | None given level of works proposed and location within established urban area. |


| (b) Describe any likely changes to the European site: | |
|--|---|
| <p>Examples of the type of changes to give consideration to include:</p> <ul style="list-style-type: none"> - Reduction or fragmentation of habitat area - Disturbance to QI species - Habitat or species fragmentation - Reduction or fragmentation in species density - Changes in key indicators of conservation status value (water or air quality etc) - Changes to areas of sensitivity or threats to QI - Interference with the key relationships that define the structure or ecological function of the site | None. The application site is not located adjacent to or within an EU site identified above. Therefore, there is no risk of habitat loss or fragmentation or any effects on QI species directly or ex-situ. |

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

| 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 and having regard to: <ul style="list-style-type: none"> • 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. | | |
| 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 the Decision Maker: |  Barry Henn, Senior Executive Planner 15/07/2025 | |

Appendix 2 – EIA Screening

| Establishing if the proposal is a 'sub-threshold development': | |
|--|---|
| Planning Register Reference: | EC/119/25 |
| Development Summary: | A section 5 application requesting a declaration on whether a proposed two storey rear extension and ancillary site works is or is not exempted development. |
| Was a Screening Determination carried out under Section 176A-C? | <div style="text-align: center;"> <input type="checkbox"/> Yes. no further action required </div> <div style="text-align: center;"> <input checked="" type="checkbox"/> X No. Proceed to Part A </div> |
| A. Schedule 5 Part 1 - Does the development comprise a project listed in Schedule 5, Part 1 , of the Planning and Development Regulations 2001 (as amended)? (Tick as appropriate) | |
| <input type="checkbox"/> Yes. specify class: [insert here] _ | EIA is mandatory No Screening required |
| <input checked="" type="checkbox"/> 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) | |
| <input checked="" type="checkbox"/> 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): [specify class & threshold here] _ | EIA is mandatory No Screening required |
| <input type="checkbox"/> Yes the project is of a type listed but is <i>sub-threshold</i> : [insert here] _ | Proceed to Part C |
| C. If Yes , has Schedule 7A information/screening report been submitted? | |
| <input type="checkbox"/> Yes, Schedule 7A information/screening report has been submitted by the applicant | Screening Determination required |
| <input type="checkbox"/> No, Schedule 7A information/screening report has not been submitted by the applicant | Preliminary Examination required |
| Signature and Date of the Decision Maker: <div style="text-align: right; margin-right: 50px;">  </div> | |

| |
|-------------------------------|
| Barry Henn, SEP 15/07/2025 |
|-------------------------------|

Appendix 3 – Site Visits Photographs





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

Pleanáil, agus Cruthú Áite
Comhairle Cathrach agus Contae Luimnigh
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:

Emma Leamy,
c/o Tom Carew & Partners,
Engineering Consultant,
25/26 Upper Gerald Griffin St,
Limerick.

EC/127/25

15 July 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

Tuar an Daill, Luimneach
Dooradoyle, Limerick

customer services@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/2025/729

File Ref No. EC/127/25

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

RE: A proposed extension at 42 Lord Edward Street, 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, hereby order that a Declaration under Section 5 of the Planning and Development Act 2000 (as amended) be issued to Emma Leamy, c/o Tom Carew & Partners, Engineering Consultant, 25/26 Upper Gerald Griffin St, 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

15/07/2025

Certified to be a true copy of Approved Officer's Order, Planning & Development Order No. AOO/DC/2025/729 dated 16/07/2025, pursuant to Section 151(7) of the Local Government Act 2001

Signed:

B. Henn

SENIOR EXECUTIVE PLANNER, PLANNING & PLACE-MAKING



Comhairle Cathrach
& Contae Luimnigh

Limerick City
& County Council

Pleanáil, agus Cruthú Áite
Comhairle Cathrach agus Contae Luimnigh
Bothar Thuar an Daili
Tuar an Daili, Luimneach
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/127/25

Name and Address of Applicant: Emma Leamy, Greenhills, Crecora, Co. Limerick.

Agent: Tom Carew & Partners, Engineering Consultant, 25/26 Upper Gerald Griffin St, Limerick.

Whether the proposed extension at 42 Lord Edward Street, 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 17th of June 2025.

AND WHEREAS the Planning Authority has concluded that the proposed extension at 42 Lord Edward Street, 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:

15/4/25

NOTE: A Declaration on Development or Exemption issued by Limerick City & County Council may be referred to An Bord Pleanála on payment of €220 for review within 4 weeks after the issuing of the declaration.