

Limerick City and County Council

Planning Department

Section 5 Application

DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

Applicant's Name: Eamon English

Applicant's Address: Boherdolia, Oola,
Co. Limerick

Telephone No.



Name of Agent (if any): LIAM O'DWYER

Address: Coolacussane,
Dundrum
Co. Tipperary

Telephone No. 086 739 2266

Address for Correspondence:

Coolacussane
Dundrum
Co. Tipperary, E34 PV26

email: liam.novacon@gmail.com

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

Boherdaha,
OOLA,
Co. Limerick - EIRCODE: N/A

Description of Proposed development:

SINGLE STORY REAR EXTENSION
& FRONT PORCH

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

EXTENSION 40m² OR LESS & FRONT PORCH 2m² OR LESS

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

YES/NO ☒ NO

Applicant's interest in site: OWNER OF THE PROPERTY

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

- Site Layout	- Section Drawings
- Site Location Map	
- Plan Drawing	
- Elevation Drawing	

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

If Yes please provide floor areas of all existing structures:

N/A

Signature of Applicant (or Agent)

Alan O'Dwyer

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**

Planning Pack Map



**Tailte
Éireann**

**CENTRE
COORDINATES:**
ITM 564319 640872

PUBLISHED: 13/06/2025
ORDER NO.: 50472744_1

MAP SERIES: 5055-A
MAP SHEETS: 1:2,500

COMPILED AND PUBLISHED BY:

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

www.tailte.ie

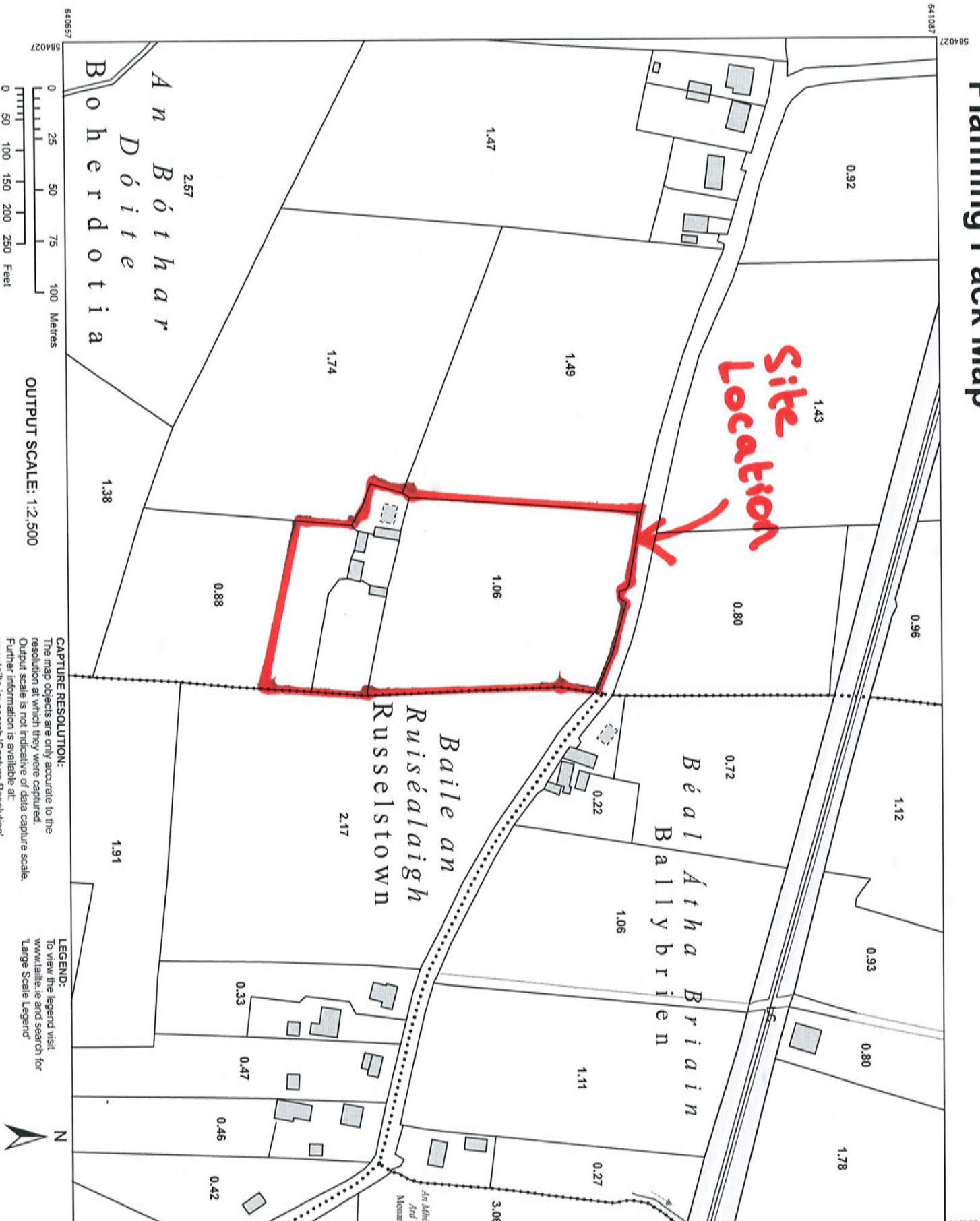
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www.tailte.ie, search 'Capture Resolution'

LEGEND:

To view the legend visit
www.tailte.ie and search for
'Large Scale Legend'

Dóite

ENTRANCE TO SITE



1.06

DERELICT FARM BUILDING

DERELICT FARM BUILDING

DERELICT FARM BUILDING

1.74

DERELICT FARM BUILDING

~~PROPOSED PORCH~~

EXISTING SEPTIC TANK

PROPOSED EXTENSION

Drawn E

NOVACON TECHNICAL SOLUTIONS LTD

E: liam.novacon@gmail.com
T: +353 086 7392266

Development

**PROPOSED EXTENSION TO EXISTING
DWELLING, BOHERDOTA
00LA, CO. LIMERICK**

Client

EAMON ENGLISH

Trid

SITE LAYOUT PLAN

Scale 1:1000 @

Drawing Number

Rev.

Chkd.

Date

Appendix

Status

Revolut Business

Transfer Confirmation

Generated on 17 June 2025

Payer details

Payer name	NOVACON TECHNICAL SOLUTIONS LIMITED
IBAN	██████████
BIC	██████████
Address	IE, Coolacussane Dundrum, E34PV26

Recipient details

Recipient name	Limerick city & county council fund account No 1 A/C
Account number	██████████
BIC	██████████
Reference	Section 5 Application- Eamon English Oola- C/O Novacon

Transfer overview

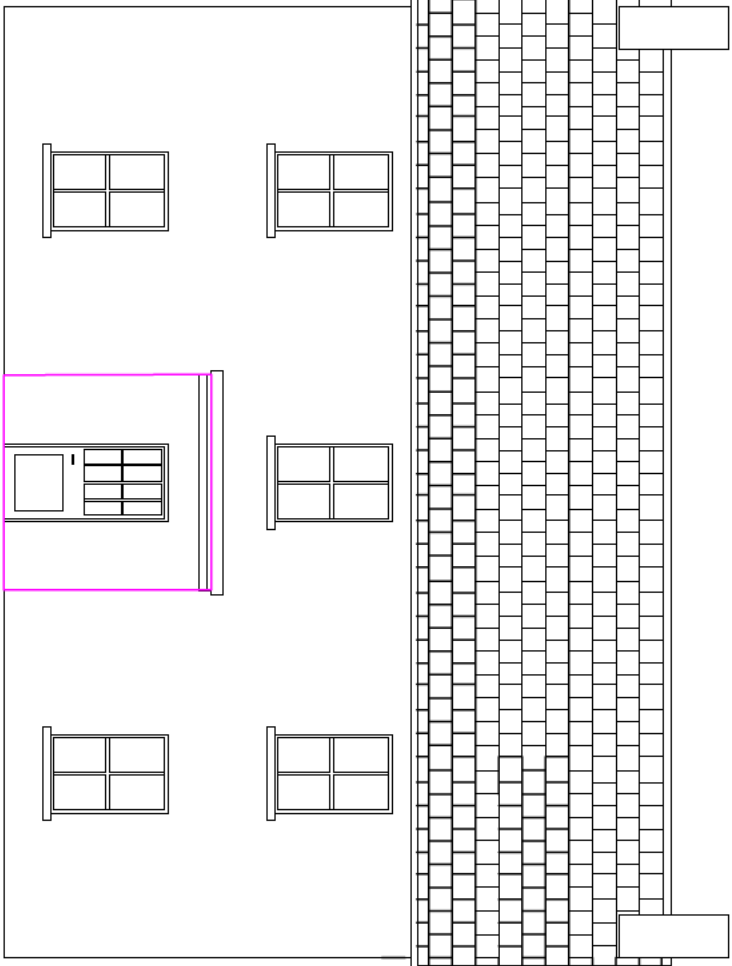
Amount	€80
Fees	€0
Status	COMPLETED
Type	SEPA Instant Credit Transfer
Payment reference	██████████
Reference	To Limerick city & county council fund account No 1 A/C
Created	17 Jun 2025, 11:04
Approved by Revolut	17 Jun 2025, 11:04



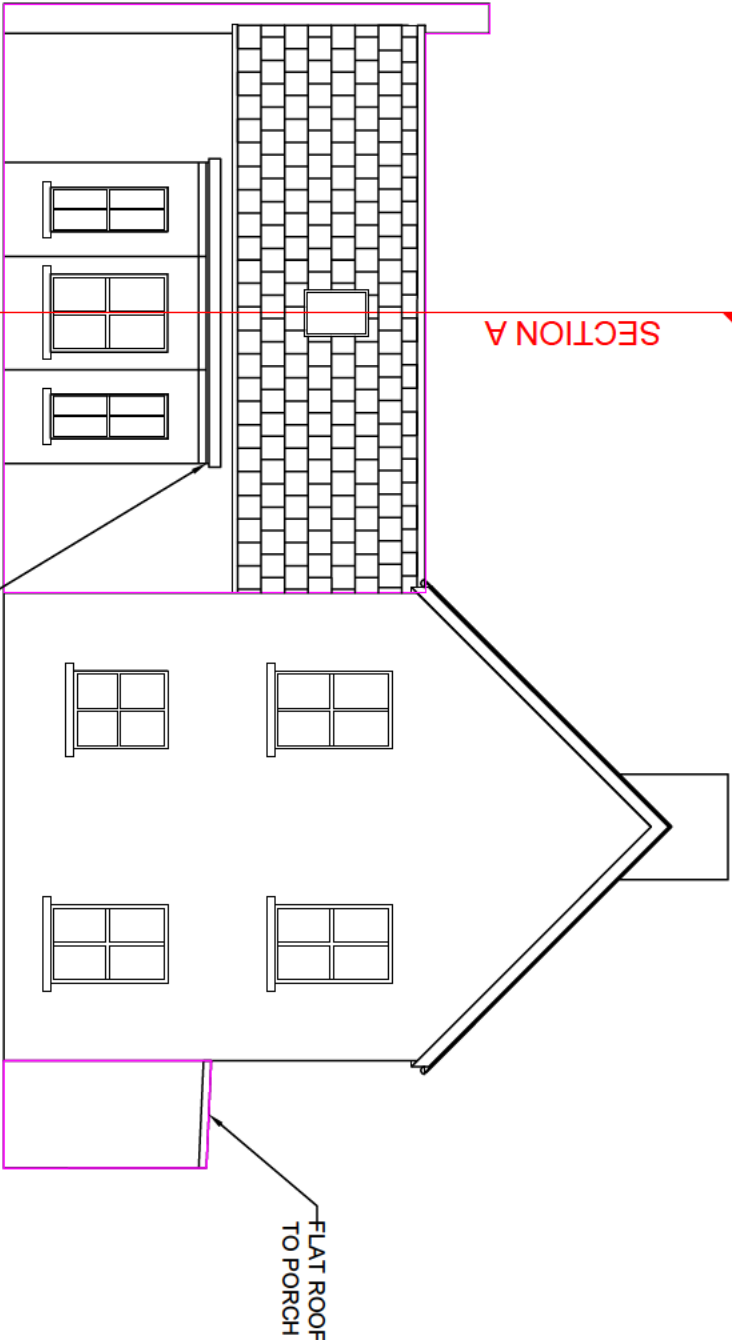
Report lost or stolen card
+370 5 214 3608
Get help directly in app
Scan the QR code

Revolut Bank UAB is authorised by the Bank of Lithuania in the Republic of Lithuania and by the European Central Bank and is regulated by the Central Bank of Ireland for conduct of business rules.
Registered address: Konstitucijos ave. 21B, Vilnius, 08130, the Republic of Lithuania, number of registration 304580906, FI code 70700. Revolut Bank UAB is a private limited liability company. Revolut Bank UAB has established a branch in Ireland, number of registration: 909790 with its address at 2 Dublin Landings, North Dock, Dublin 1, Ireland. If you have any questions, please reach out to us via our in-app chat.

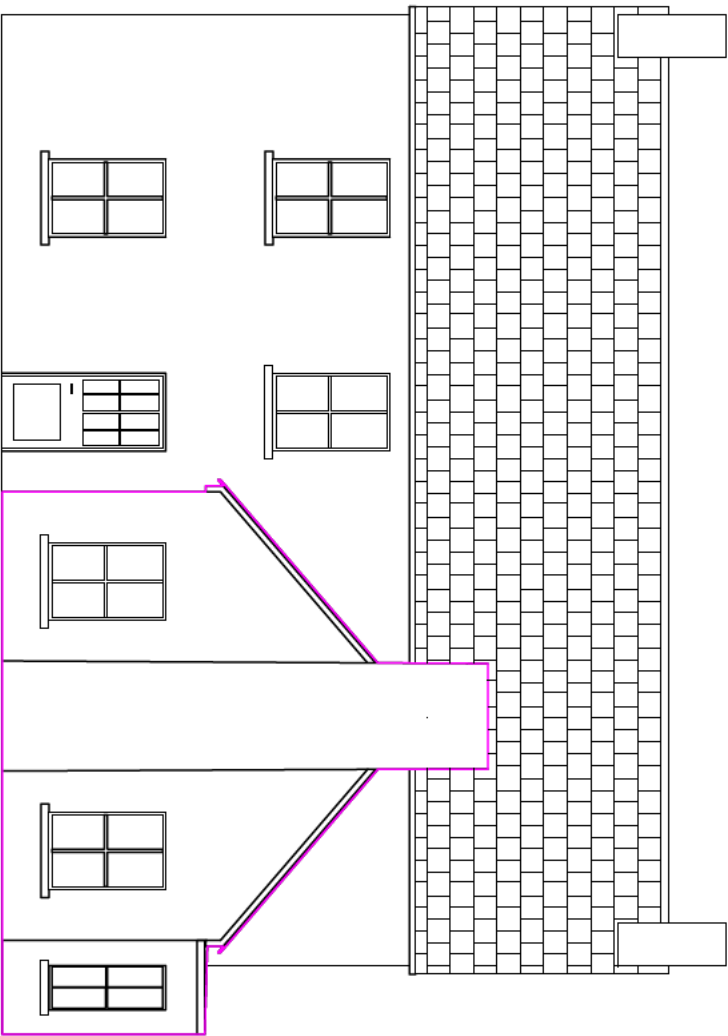
RENDER FINISH TO PROPOSED EXTENSION
AND PORCH
SLATE PROPOSED FOR ROOF



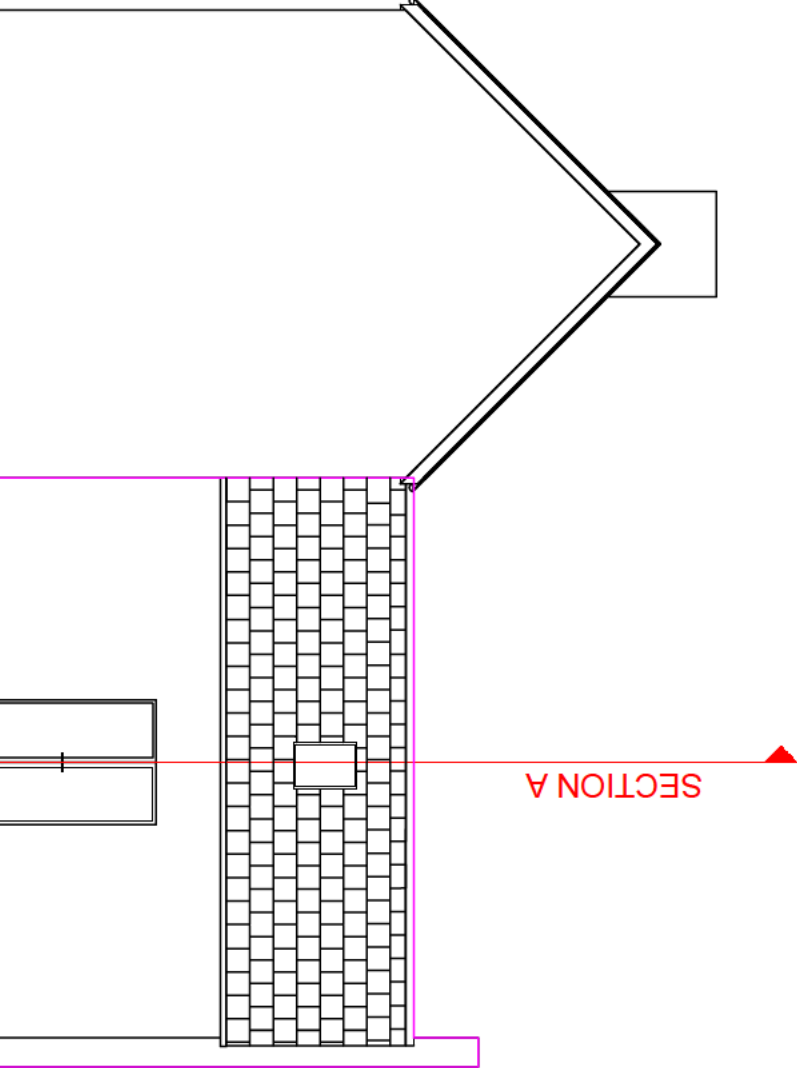
NORTH ELEVATION



EAST ELEVATION



SOUTH ELEVATION



WEST ELEVATION

 DENOTES PROPOSED EXTENSION & PORCH

Drawn By NOVACON TECHNICAL SOLUTIONS LTD		E: liam.novacon@gmail.com T: +353 086 7392266	
Development PROPOSED EXTENSION TO EXISTING DWELLING, BOHERDOTIA OOLA, CO. LIMERICK		Client EAMON ENGLISH	
Title PROPOSED EXTENSION ELEVATIONS		Drawn LOD A3	
		Scale 1:100 @	
		Date 06/2025	
		Status Planning	
		Drawing Number EE-03	
		Rev. A	



CHIMNEY
FOR STOVE

PROPOSED
EXTENSION
-37m²

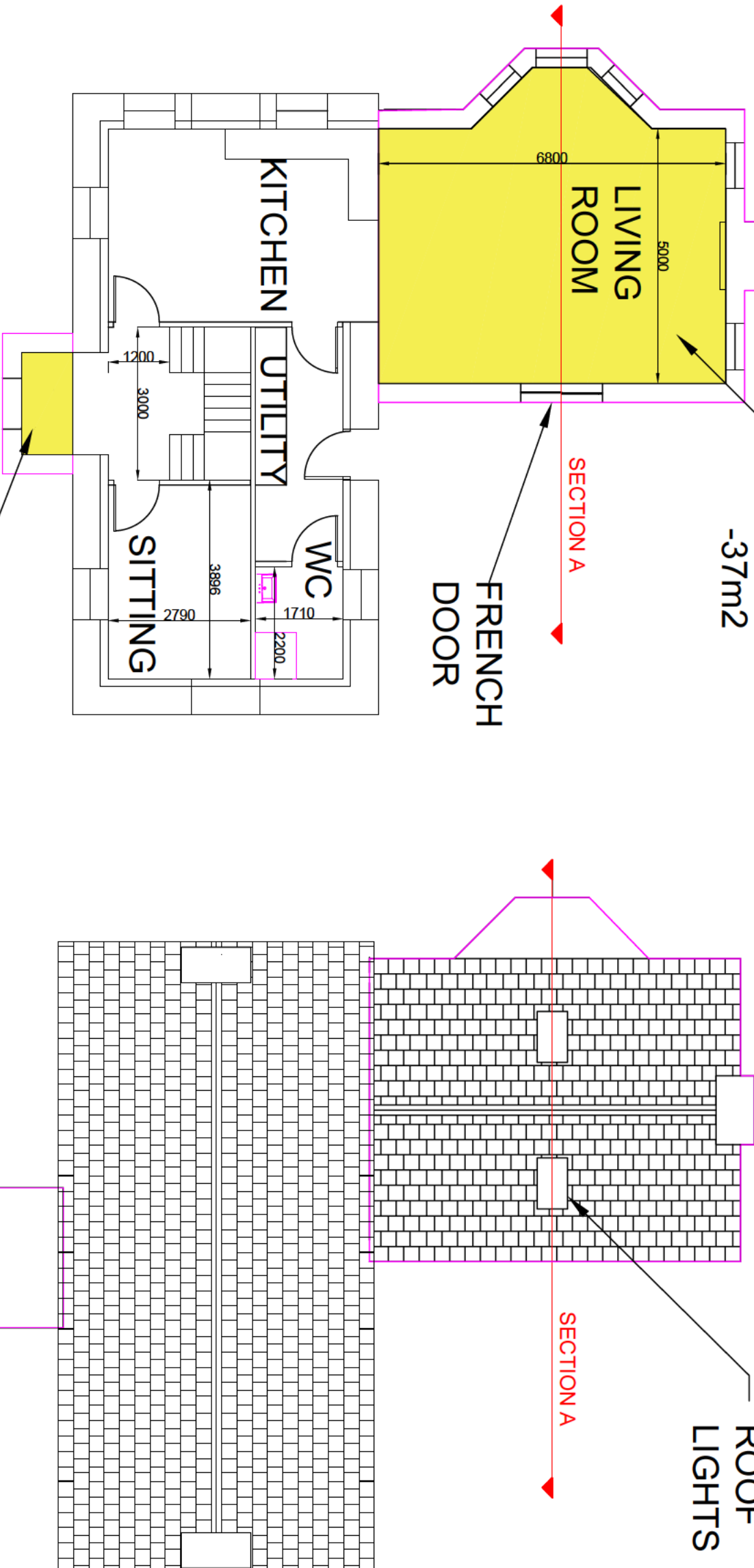
ROOF
LIGHTS

SECTION A

SECTION A

FRENCH
DOOR

PROPOSED
PORCH
-2m²



DENOTES PROPOSED EXTENSION & PORCH

Drawn By

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T: +353 086 7392266

Development

PROPOSED EXTENSION TO EXISTING
DWELLING, BOHERDOTIA
OOLA, CO. LIMERICK

Client

EAMON ENGLISH

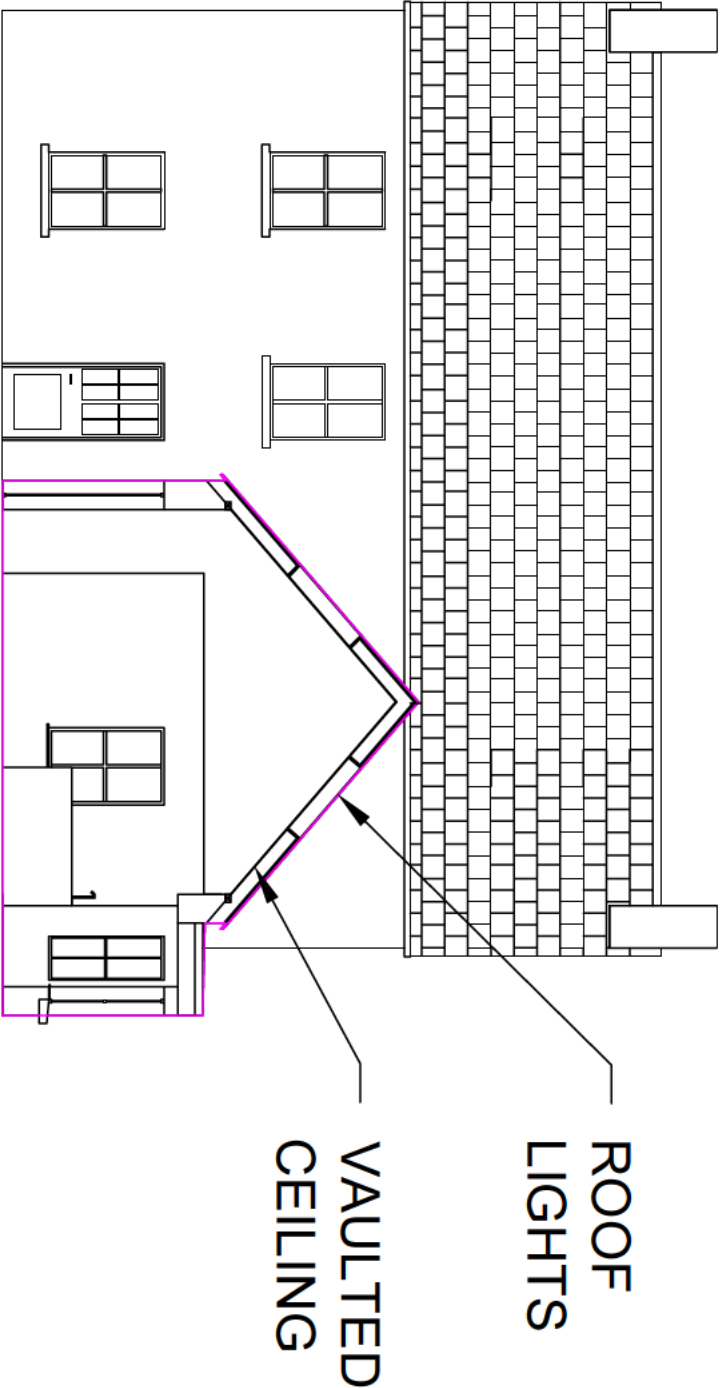
Title

PROPOSED EXTENSION PLAN

Drawn	LOD	Scale 1:100 @	A3	Drawing Number	Rev.
Chief	LOD	Date	08/2025	EE-02	A
Apprd.		Status	Planning		

RENDER FINISH TO PROPOSED EXTENSION
AND PORCH

SLATE PROPOSED FOR ROOF



SECTION A

Drawn By

NOVACON TECHNICAL SOLUTIONS LTD

E: liam.novacon@gmail.com
T: +353 086 7392266

Development

PROPOSED EXTENSION TO EXISTING
DWELLING, BOHERDOTIA
OOLA, CO. LIMERICK

Client

EAMON ENGLISH

Title

PROPOSED EXTENSION SECTION

Drawn	Scale 1:100 @	Drawing Number	Rev.
LOD	A3		
Chk'd	Date		
LOD	06/2025		
Appt'd	Status		
	Planning		
EE-04			A

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

Reference no.	EC-128-25
Name and Address of Applicant:	Eamon English Boherdotia, Oola, Co. Limerick.
Agent:	Liam O'Dwyer Coolacussane, Dundrum, Co. Tipperary E34 PV26.
Location:	Boherdotia, Oola, Co. Limerick.

Description of Site and Surroundings:

The site is located in a rural setting in the townland of Boherdotia, approx. 2.km southeast of Oola village, Co. Limerick. The dwelling forms part of Folio LK1646F and comprises an abandoned farmhouse and associated derelict agricultural buildings.

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:

- Single storey extension to rear of property
- Front porch

This Section 5 declaration includes the following:

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

Planning History:

None

Enforcement History

None

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 –

“habitable house” means a house which—

- (a) is used as a dwelling,
- (b) is not in use but when last used was used, disregarding any unauthorised use, as a dwelling and is not derelict, or
- (c) was provided for use as a dwelling but has not been occupied;

“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;

‘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.

‘works’ includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal.

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 single storey living space extension to the rear of existing dwelling together with front porch construction and ancillary site works constitutes ‘works’ and ‘development’.

Is the proposal exempted development?

From a planning history search and a site inspection, the property is in a derelict state given that the roof of the structure is no longer present despite it being shown on the elevation drawings submitted. It would appear that the structure is derelict and so the question is therefore, whether or not, an extension to an existing derelict building is or is not exempted development.

Similar cases relating to extensions and renovations to derelict dwellings have been referred to An Bord Pleanála, RL3395, RL.3352 ABP-304512-19. In all three cases, the Board concluded that the works would constitute a material change of use for reasons relating to the concepts of ‘abandonment of the residential use’ and the resumption of a habitable use of each building. It was the Board’s opinion that the works would not be exempt from planning permission given the potential planning implications from the change of use.

Notwithstanding the above, it is noted that the proposed rear extension would extend beyond the rear wall of the structure. In case RL3491 An Bord Pleanála determined that an extension which extends to both the rear and side of the dwelling falls outside the scope of Class 1 of Schedule 2, Part 1 of the Regulations. As such, the proposal could not be assessed against the requirements of Class 1 as the extension would extend beyond the rear wall of the structure.

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 required in this instance.

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 construction of an extension to rear of dwelling and porch as detailed on the application and plans submitted is not considered to come within the scope of Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended and constitute a material change of use given the current state of the structure.


Regard has been had to –

- a) Section 2, 3 and 4 of the Planning and Development Act 2000 (as amended)
- b) The plans & particulars submitted with the application received on 17th day of June 2025.
- c) RL3395, RL.3352 ABP-304512-19, RL3491

It is therefore considered that the said works are **development** and **not exempted development**.



Eithne O'Brien
Assistant Planner
Date: 11/07/2025

Agreed 

Barry Henn
Senior Executive Planner
Date: 15/07/2025

Appendix 1: AA PN01 Screening Form

STEP 1: Description of the project/proposal and local site characteristics:	
(a) File Reference No:	EC-128-25
(b) Brief description of the project or plan:	The proposed works comprise the construction of a single storey extension to the rear of a dwelling together with a front porch construction of under 2m at a rural residential property.
(c) Brief description of site characteristics:	The building is situated in a rural setting at the townland of Boherdotia, Oola, Co. Limerick and is located approx. 2.kmsoutheast of Oola Village Centre.
(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW	None
(e) Response to consultation:	None

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	Approx. 6.7km	None	N
001847- Philipston Marsh SAC	https://www.npws.ie/protected-sites/sac/001847	Approx. 6.98km	None	N
002137- Lower River Suir SAC	https://www.npws.ie/protected-sites/sac/002137	Approx. 8.39km	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 	None. Works are minimal and will involve temporary construction works; therefor, 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 construction objectives of the 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. Works are minimal and will involve temporary construction works; therefor, no likely significant impact on the construction objectives of the site.
In-combination/Other	N/A given the level of development

(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. Works are minimal and will involve temporary construction works; therefor, no likely significant impact on the construction objectives of the 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
------------------------------	--

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 Recommending Officer:	<div style="text-align: center;">  Eithne O'Brien, Assistant Planner 11/07/2025 </div>	

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



B. Henn

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-128-25	
Development Summary:	The proposed development on site, comprising the construction of a living space extension to rear of a dwelling together with front porch construction and ancillary works.	
Was a Screening Determination carried out under Section 176A-C?	<input type="checkbox"/> Yes. no further action required <input checked="" type="checkbox"/> No. Proceed to Part A	
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"/>	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"/>	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 Recommending Officer:	 11/07/2025
Signature and Date of the Decision Maker:	 11/07/2025

Appendix 3: Site visit photos







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:

**Eamon English,
c/o Liam O'Dwyer,
Coolacussane,
Dundrum,
Co. Tipperary.
E34 PV26**

EC/128/25

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

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/2025/731

File Ref No. EC/128/25

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

RE: **A single storey extension and front porch at Boherdotia, Oola, 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 Eithne O'Brien, Assistant Planner dated 11/07/2025, hereby order that a Declaration under Section 5 of the Planning and Development Act 2000 (as amended) be issued to Eamon English, c/o Liam O'Dwyer, Coolacussane, Dundrum, Co. Tipperary 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/2025/731 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 Daill
Tuar an Daill, 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/105/25

Name and Address of Applicant: Eamon English, Boherdotia, Oola, Co. Limerick.

Agent: Liam O'Dwyer, Coolacussane, Dundrum, Co. Tipperary.

Whether the single storey and front porch at Boherdotia, Oola, 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 17th of June 2025.

AND WHEREAS the Planning Authority has concluded that the single storey and front porch at Boherdotia, Oola, 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:

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.