



Main Street Abbeyfeale Co.Limerick
T. 068 51152
F. 068 51153
E. info@kenneallymurphy.ie
www.kenneallymurphy.ie

Wednesday 18th June 2025

Planning Department
Limerick City & County Council Offices,
Dooradoyle,
Limerick



Re: Declaration under section 5 application, Ian Scanlan.

Dear Sir / Madam,

In relation to the above mentioned please find attached a completed declaration on development and exempted development, drawings and a cheque for €80.

If you have any queries, please do not hesitate to contact me.

Yours faithfully,

Kevin Kenneally

**Kevin Kenneally,
Kenneally Murphy & Associates Ltd.**





Limerick City and County Council

Planning Department



Section 5 Application

DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

Applicant's Name: IAN SCANLAN

Applicant's Address: 113 MAIDEN STREET
NEWCASTLE WEST
Co. LIMERICK

Telephone No. [REDACTED]

Name of Agent (if any): KEVIN KENNEALLY
Address: KENNEALLY MURPHY LTD,
MAIN ST, ASKEFTELE
Co Limerick

Telephone No. 068-51152

Address for Correspondence:

KENNEALLY MURPHY, MAIN STREET
ASKEFTELE, CO. LIMERICK

Location of Proposed development (Please include EIRCODE):

112, 113, 114, MAIDEN ST NEWCASTLE NE5 7
W42 WK79, W42, F291, W42, PD92
(14) (137) (17)

Description of Proposed development:

- Reslate & Rebatte Roofs to 3 No. Properties
- Replace existing window with upvc windows OR SIMILAR TO MATCH EXISTING DESIGN
- Replace shop front - same design

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

Is this a Protected Structure or within the curtilage of a Protected Structure.
YES/NO

Applicant's interest in site: NO

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

- SITE LOCATION / SITE LAYOUT
- ELEVATIONS
- PHOTOGRAPHIC IMAGES

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

If Yes please provide floor areas of all existing structures:

NO

Signature of Applicant (or Agent) Ken Kennedy

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**

Surveyed 1980
Revised 2001 – 2001
Levelled 1980

Urban PLACE Map



128083 133

DESCRIPTION

MAP SCALES

1:1000
5162-16 5161-20



Printed by Kerry County Council
Town Hall, Killarney, County Kerry

Ní hionann bóthar, béalach nó cosáin a bheich ar an learscáil seo agus flámaise ar chead sli.

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

Dianchoeáil ar mhacasadamhí an lomáin na aon chuid de gan chead roimh féidir ó Siúirthóir Shuirbhéireachta Ondánaí Éireann.

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© Government of Ireland, 2001

Revised
Levelled 1980

2001 - 2001

Urban PLACE Map

OSI

133792

34 LS - Mh - Mhs + 55.9

133707 122968

Scale: - 1:500

Scála: - 1:500

30 20 10 0 50 25 0 50 Metres Feet

Plot Ref. No. 1436_2

Plot Date 20-DEC-2001

133792

133707 122968

ES

Site referred to
(outlined in red)
AREA 498.8 m² / 0.05 Hect

LS

20-DEC-2001



SITE LOCATION MAP / SITE LAYOUT PLAN

SCALE 1:500



KENNEALLYMURPHY
ARCHITECTURE&ENGINEERING

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NOTE:
THIS DRAWING IS PREPARED
SOLELY FOR THE PURPOSES OF
MAKING A PLANNING APPLICATION
AND DO NOT PERTAIN TO SHOW
CONSTRUCTION INFORMATION
FOR THE PURPOSES OF BUILDING
NOR DOES IT PERTAIN TO SHOW
ALL INFORMATION REQUIRED FOR
COMPLIANCE WITH BUILDING
REGULATIONS.

Client:
IAN & JERRY
SCANLAN

Project:
SECTION 5
APPLICATION

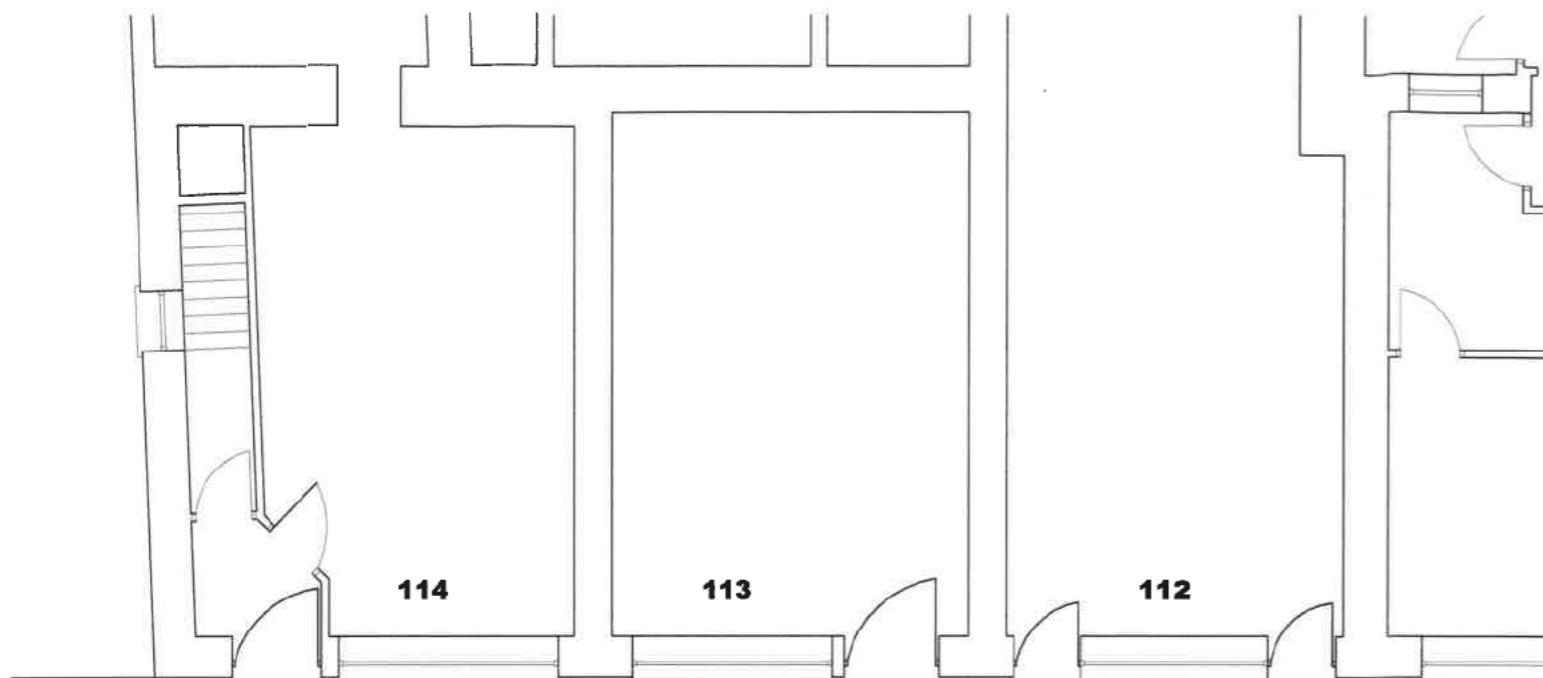
Address :
**112, 113, 114 MADEN
STREET,
NEWCASTLEWEST, CO
LIMERICK**

Date :
MAY' 2025

Drawings:
**SITE LOCATION MAP / SITE
LAYOUT PLAN**

Scale :
1:500

PLANNING ISSUE



GROUND FLOOR PLAN

SCALE 1:100



ELEVATION

SCALE 1:100



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PLANNING ISSUE

Client:

**IAN & JERRY
SCANLAN**

Address:

**112, 113, 114 MADEN
STREET,
NEWCASTLEWEST,
CO. LIMERICK**

Project:

**SECTION 5
APPLICATION**

Date:
MAY 2025

Scale:
1:100

Drawings:
**GROUND FLOOR
PLAN & ELEVATION**

Drawing No:
02



ALL WORKS TO BE CARRIED OUT AND MATERIALS TO
BE USED TO COMPLY IN FULL WITH CURRENT
BUILDING REGULATIONS.
THIS DRAWING IS FOR PLANNING PERMISSION
PURPOSES ONLY AND CAN NOT BE USED FOR TENDER
OR CONSTRUCTION PURPOSES.



IAN SCANLAN
MAIOR STREET
NEWCASTLE WEST

EXISTING FRONT FACADE

IN GREEN -

WINDOWS OVER 3 FLOORS TO
BE REPLACED

SIDE FACES TO BE REPLACED.

114

113

112





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

19/06/2025 13:28:57

Receipt No./
Uimhir Admhláa : LA25/025178500

Kenneally Murphy Architects
Main Street
Abbeyfeale
Co Limerick
Re: Ian Scanlan

EXEMPTION CERTIFICATES	80.00
GOODS	80.00
VAT Exempt/Non-vatable	

Total/Iomlán : 80.00 EUR

Tendered/Tairgthe	
Cheque	80.00
BOI	
000835	

Change/Sóinseáil : 0.00

Issued By/
Eisithe ag : Carmel Ryan
From/Ó : CASH OFFICE HQ
Vat reg No./Cláruimhir CBL: 3267368TH

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

Reference no.:	EC-132-25
Name and Address of Applicant:	Ian Scanlan 113 Maiden Street, Newcastle West, Co. Limerick
Agent:	Kevin Kenneally Main Street, Abbeyfeale, Co. Limerick
Location:	112,113 & 114 Maiden Street, Newcastle West, Co. Limerick V42 F291

Description of site and Surroundings:

The site is located on Maiden Street, Newcastle West, Co. Limerick and within an Architectural Conservation Area as shown in the Newcastle West Local Area Plan 2023 - 2029. The site comprises three mid terrace two storey over ground buildings of mixed use with residential on the upper floors and ground floor commercial units.

Zoning:

The site is zoned 'Town Centre' in the Newcastle West Local Area Plan 2023 - 2029.

Objective: To protect, consolidate and facilitate the development of Newcastle West's commercial, retail, educational, leisure, residential, social and community uses and facilities.

Purpose: To consolidate Newcastle West's Town Centre through densification of appropriate commercial and residential developments ensuring an appropriate mix of commercial, recreational, civic, cultural, leisure, residential uses and urban streets, while delivering a high-quality urban environment, which will enhance the quality of life of residents, visitors and workers alike. The zoning will strengthen retail provision in accordance with the Retail Strategy for Limerick – Shannon Metropolitan Area and County Limerick 2022 –2028, emphasise urban conservation, ensure priority for public transport, pedestrians and cyclists, while minimising the impact of private car-based traffic and enhancing the existing urban fabric.

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 re-slate and re-batten roofs to three adjoining properties
- Replace exiting windows with uPVC window frames or similar to match existing design

- Replace shop front – same design

This Section 5 declaration includes the following:

- Application Form
- Site location Map
- Site Layout Plan
- Photographic Images
- Elevations

Planning History:

88/28385 - Alterations to dwelling house at 112 Maiden Street. Granted unconditionally.

Enforcement History:

No Planning Enforcement on site

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 the re-slate and re-batten of roofs, replacing of existing windows with uPVC windows or similar and the replacing of the shop front with same design of three terraced two storey over ground dwellings constitutes 'works' and 'development'.

Is the proposal exempted development?

The proposed re-slate and re-batten on a dwelling, replace existing windows with uPVC window frames or similar to match existing design and replace the shop front were assessed under Section 4 (1)(h) of the Planning and Development Act 2000 (as amended) which is as follows:

Section 4 (1)(h) of the Planning and Development Act 2000 (as amended)

Exempted development – *“development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or 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”*.

The proposed involves the works to three historic structures within the A.C.A of Newcastle West. As such, detail on the proposed material finishes, the proposed design of the new shopfront, and the new windows would be required. UPVC windows would not be acceptable as a change in material. A method statements for the works and a conservation report/A.H.I.A. to assess the impact on the A.C.A. would be required before any works are undertaken.

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 proposed site is located in an Architectural Conservation Area and as such it is considered that insufficient information has been submitted to allow the Planning Authority to determine the proposed development detailed on the application submitted is within the scope of Section 4 (1)(h) of the Planning and Development Act 2000 (as amended).

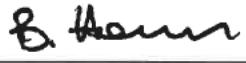
Regard has been had to –

- (a) Section 4(1)(h) of the Planning and Development Act 2000 (as amended),
- (b) The plans & particulars submitted with the application received on 20th day of June 2025.

It is therefore considered that the said works proposed are development and are not exempted development under Section 4 (1)(h) of the Planning and Development Regulations 2001 (as amended).



Agreed



Jennifer McNulty, Executive Planner

Date: 10/07/2025

Barry Henn, Senior Executive Planner

Date: 10/07/2025

Appendix 1: AA PN01 Screening Form

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

(a) File Reference No:	EC-132-25
(b) Brief description of the project or plan:	The proposed re-slate and re-batten on a dwelling, replace exiting windows with uPVC window frames or similar to match existing design and replace the shop front.
(c) Brief description of site characteristics:	Existing mixed development units
(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 Interest¹	Distance from proposed development² (km)	Connections (Source-Pathway-Receptors)	Considered further in screening Y/N
004161	Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA https://www.npws.ie/protected-sites/spa/004161	c4.47km	None	N
004077	River Shannon and River Fergus Estuaries SPA https://www.npws.ie/protected-sites/spa/004077	c16.15km	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) - Dust, noise, vibration - Lighting disturbance - Impact on groundwater/dewatering - Storage of excavated/construction materials - Access to site - Pests 	None. Works are minimal and will involve temporary construction works; therefor, no 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:	
Examples of the type of changes to give consideration to include: <ul style="list-style-type: none"> - Reduction or fragmentation of habitat area - Disturbance to QI species - Habitat or species fragmentation - Reduction or fragmentation in species density - Changes in key indicators of conservation status value (water or air quality etc) - Changes to areas of sensitivity or threats to QI - Interference with the key relationships that define the structure or ecological function of the site 	None. 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?

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 and having regard to:

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

it is concluded that the proposed development, individually or in-combination with other plans or projects, would not be likely to have a significant effect on the above listed European sites or any other European site, in view of the said sites' conservation objectives.

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"/>	<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) Significant effects are likely	<input type="checkbox"/>	<p><input type="checkbox"/> Request NIS</p> <p><input type="checkbox"/> Refuse planning permission</p>

Signature and Date of Recommending Officer:	 _____ Jennifer McNulty, Executive Planner 10/07/2025
Signature and Date of the Decision Maker:	 _____ Barry Henn, Senior Executive Planner 10/07/2025

Appendix 2: EIA Screening

Establishing if the proposal is a 'sub-threshold development':		
Planning Register Reference:	EC-132-25	
Development Summary:	The proposed development on site, comprising the construction of a living space extension to rear of an existing dwelling together with improvements 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
<input checked="" type="checkbox"/> No		No Screening required
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 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
<input type="checkbox"/> Yes the project is of a type listed but is <i>sub-threshold</i> : [insert here] __		No Screening required
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:	 Jennifer McNulty, Executive Planner 10/07/2025
Signature and Date of the Decision Maker:	 Barry Henn, Senior Executive Planner 10/07/2025

APPENDIX 3 REPORTS

ARCHITECTURAL CONSERVATION OFFICER

From: O'Keeffe, Shona <shona.okeeffe@limerick.ie>
Sent: Thursday 3 July 2025 16:30
To: Jeremy O'Mahony <jeremy.omahony@limerick.ie>
Subject: RE: Jeremy O'Mahony shared the folder "EC-132-25" with you

Hi Jeremy,

The three subject buildings are historic structures within the A.C.A. of Newcastle West. As such, we would need further detail on the proposed material finishes, the proposed design of the new shopfront, and the new windows. UPVC windows would not be acceptable. We would also need method statements for the works and a conservation report/A.H.I.A. to assess the impact on the A.C.A.

In my view the works wouldn't be covered under a Section 5, and a planning application would be required.

Shóna O'Keeffe

Executive Architectural Conservation Officer | Public Realm & Heritage | Planning & Place Making Directorate

Limerick City & County Council | Merchants Quay | Limerick V94 EH90

shona.okeeffe@limerick.ie |



Comhairle Cathrach
& Contae Luimníogh
Limerick City
& County Council

Pleanáil, agus Cruthú Áite
Comhairle Cathrach agus Contae Luimníogh
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:

Ian Scanlan,
c/o Kevin Kenneally
Main Street,
Abbeyfeale,
Co. Limerick.

EC/132/25

16 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/2025/735

File Ref No. EC/132/25

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

RE: **A proposed re-slate and re-batten roofs, replace exiting windows and replace shop front at 112,113 & 114 Maiden Street, Newcastle West, 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 Jennifer McNulty, Executive Planner dated 10/07/2025, hereby order that a Declaration under Section 5 of the Planning and Development Act 2000 (as amended) be issued to Ian Scanlan, c/o Kevin Kenneally, Main Street, Abbeyfeale, Co. 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

16/07/2025

Certified to be a true copy of Approved Officer's Order, Planning & Development Order No. AOO/DC/2025/735 dated *16/07/2025*, 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/132/25

Name and Address of Applicant: Ian Scanlan, 113 Maiden Street, Newcastle West, Co. Limerick

Agent: Kevin Kenneally, KenneallyMurphy Ltd, Main Street, Abbeyfeale, Co. Limerick

Whether the proposed re-slate and re-batten roofs, replace exiting windows and replace shop front at 112,113 & 114 Maiden Street, Newcastle West, 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 20th of June 2025.

AND WHEREAS the Planning Authority has concluded that the proposed re-slate and re-batten roofs, replace exiting windows and replace shop front at 112,113 & 114 Maiden Street, Newcastle West, Co. Limerick **DOES NOT** come within the scope of exempted development under Section 4 (1)(h) of the Planning and Development Act 2000 (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: 16/4/25

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.