



LIMERICK CITY & COUNTY COUNCIL
PLANNING AND ENVIRONMENTAL SERVICES

SECTION 5 APPLICATION

DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

Applicant's Name: Donal Nash

Applicant's Address: DROMINDEEL HEIGHTS, DROMINDEEL,
NEWCASTLE WEST, CO. LIMERICK V42 X376

Telephone No. [REDACTED]

Name of Agent (if any): [REDACTED]

Address: [REDACTED]

Telephone No. [REDACTED]

Address for Correspondence:

DROMINDEEL HEIGHTS, DROMINDEEL, NEWCASTLE WEST
CO. LIMERICK V42 X376



Location of Proposed development:

Ballyshane, Newcastle West, Co. Limerick

Description of Proposed development:

Proposed extension to rear of existing derelict house and all associated works.

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

Applicant's interest in site: Owner

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

001 - GENERAL ARRANGEMENT DRAWING

002 - SITE LAYOUT SHEET 1

003 - SITE LAYOUT SHEET 2

004 - SITE LOCATION MAP

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

If Yes please provide floor areas of all existing structures:

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.

Application to be forwarded to:

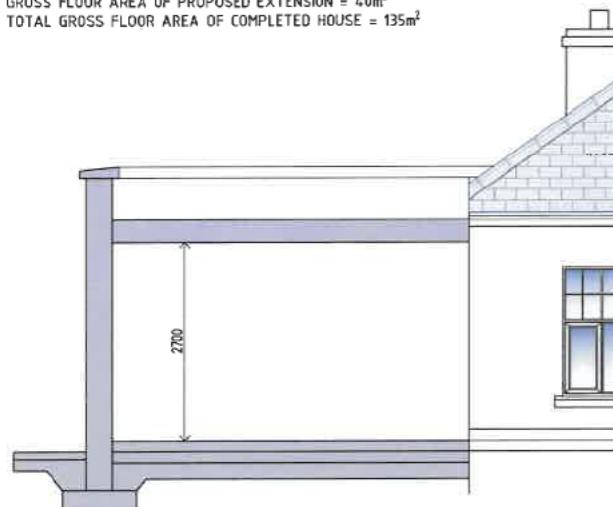
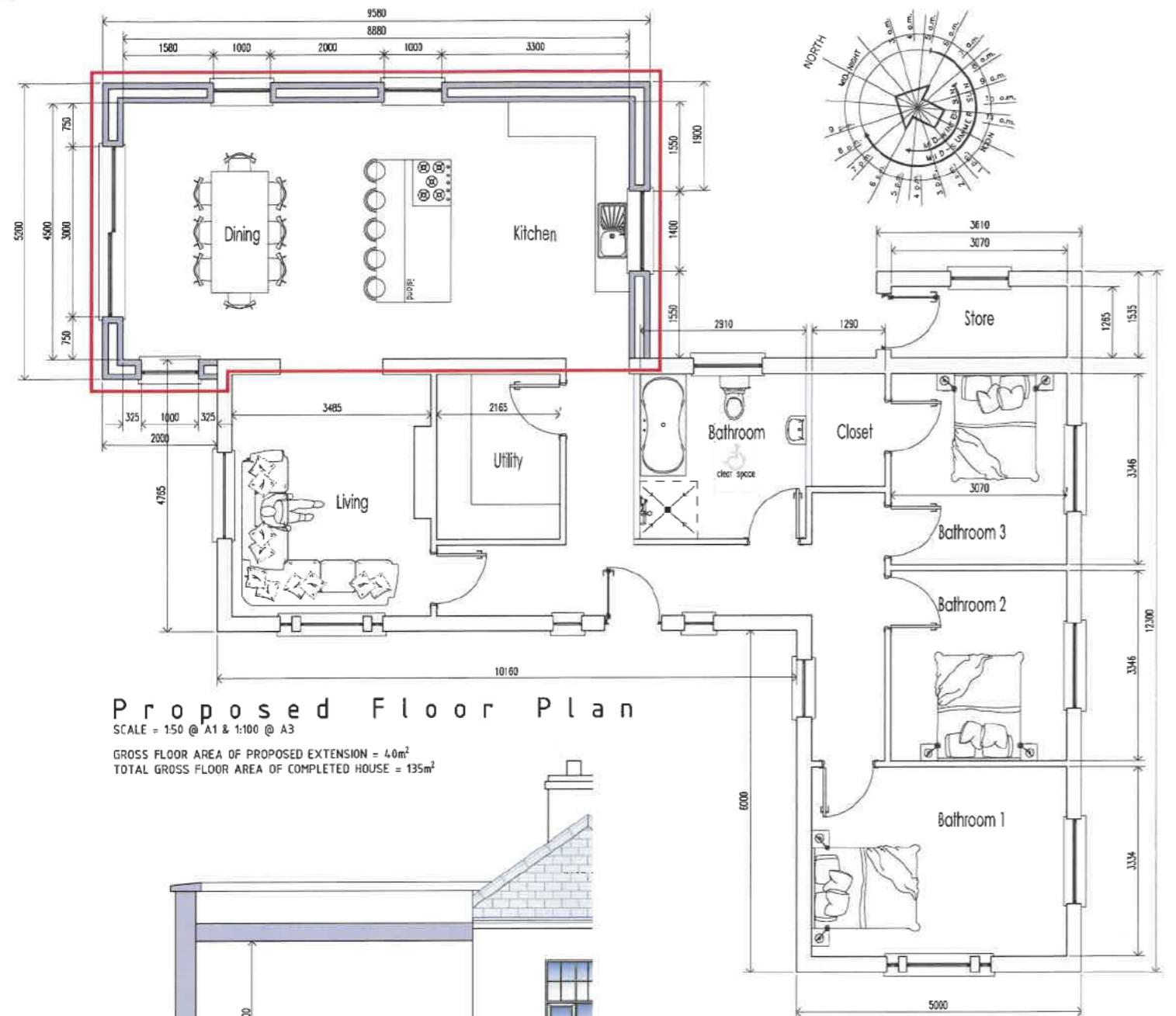
Limerick City & County Council,
Planning and Environmental Services,
City & County Council Offices,
Dooradoyle Road,
Limerick.

OFFICE USE ONLY

Ref. No. _____ Date Received _____

Fee Received _____ Date Due _____

A3



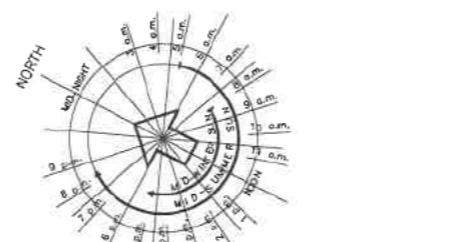
Section

SCALE = 1:50 @ A1 & 1:100 @ A3



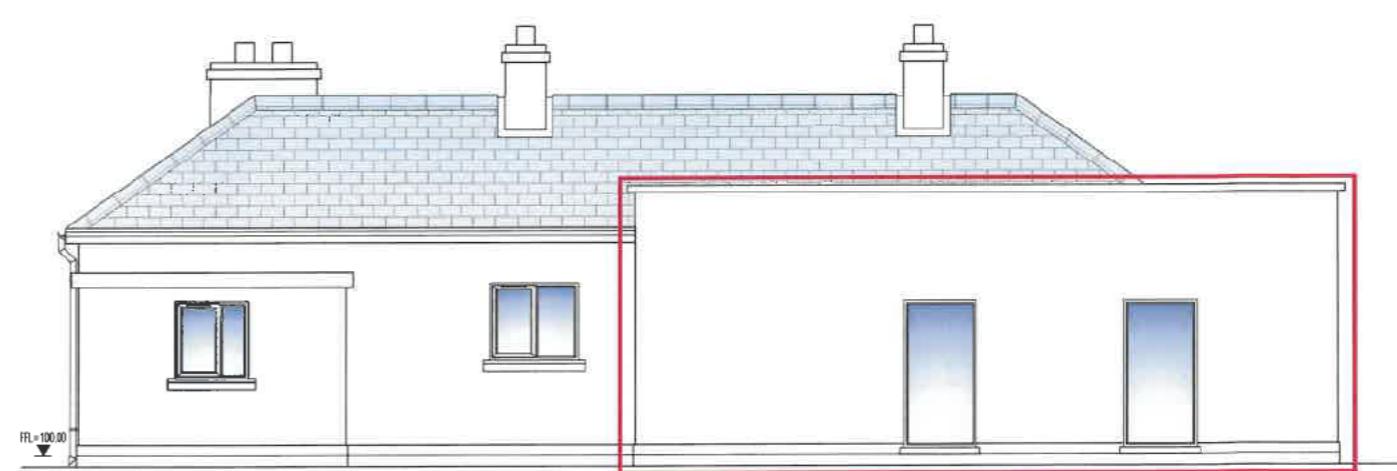
End Elevation (North Facing)

SCALE = 1:50 @ A1 & 1:100 @ A3



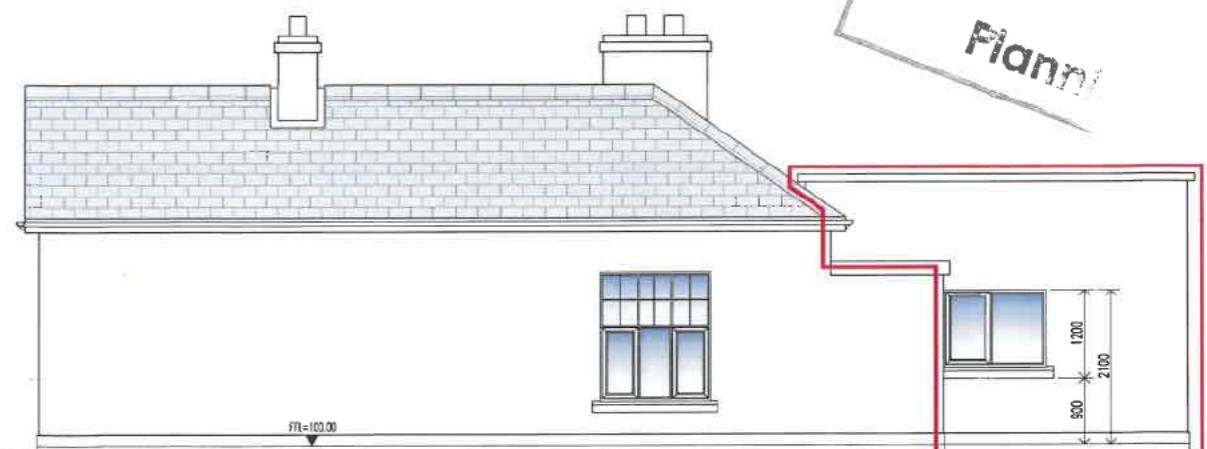
Front Elevation (West Facing)

SCALE = 1:50 @ A1 & 1:100 @ A3



Rear Front Elevation (East Facing)

SCALE = 1:50 @ A1 & 1:100 @ A3



End Elevation (South Facing)

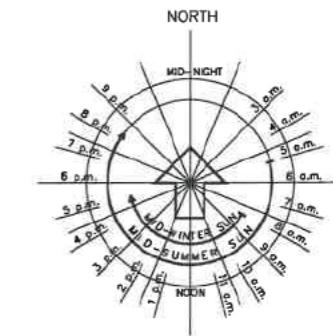
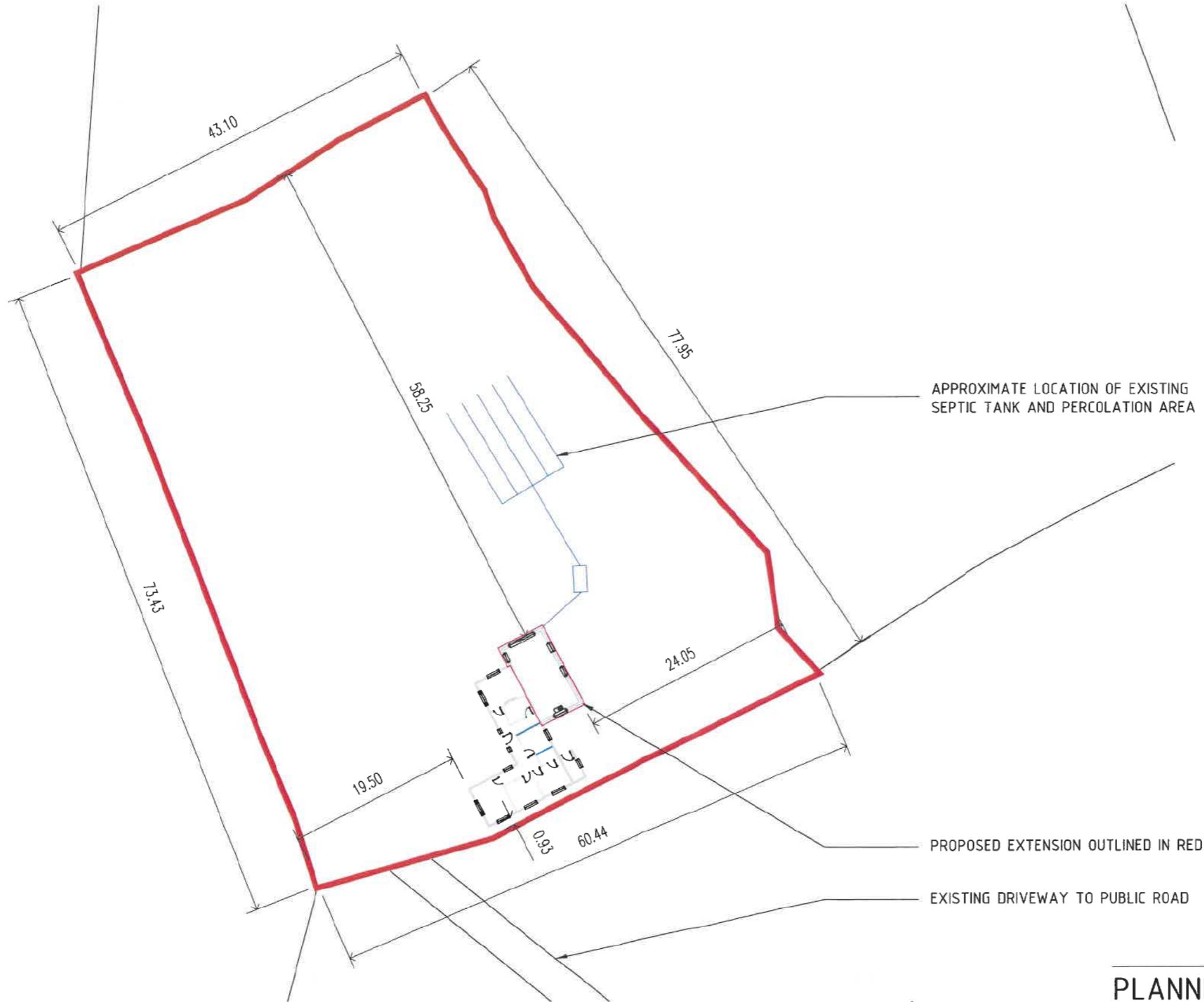
SCALE = 1:50 @ A1 & 1:100 @ A3

PLANNING ISSUE

PROJECT PROPOSED WORKS AT BALLYSHANE, NEWCASTLE WEST, CO. LIMERICK.		Revisions
CLIENT DONAL NASH	Drawn PR	Dwg. No. 001
TITLE GENERAL ARRANGEMENT DRAWING		SCALE AS SHOWN
		DATE 15.06.2025

THESE DRAWINGS ARE ISSUED FOR THE PURPOSES OF
MAKING A PLANNING APPLICATION ONLY AND DO NOT CONTAIN
ALL THE NECESSARY INFORMATION FOR CONSTRUCTION AND
COMPLIANCE WITH THE BUILDING REGULATIONS.





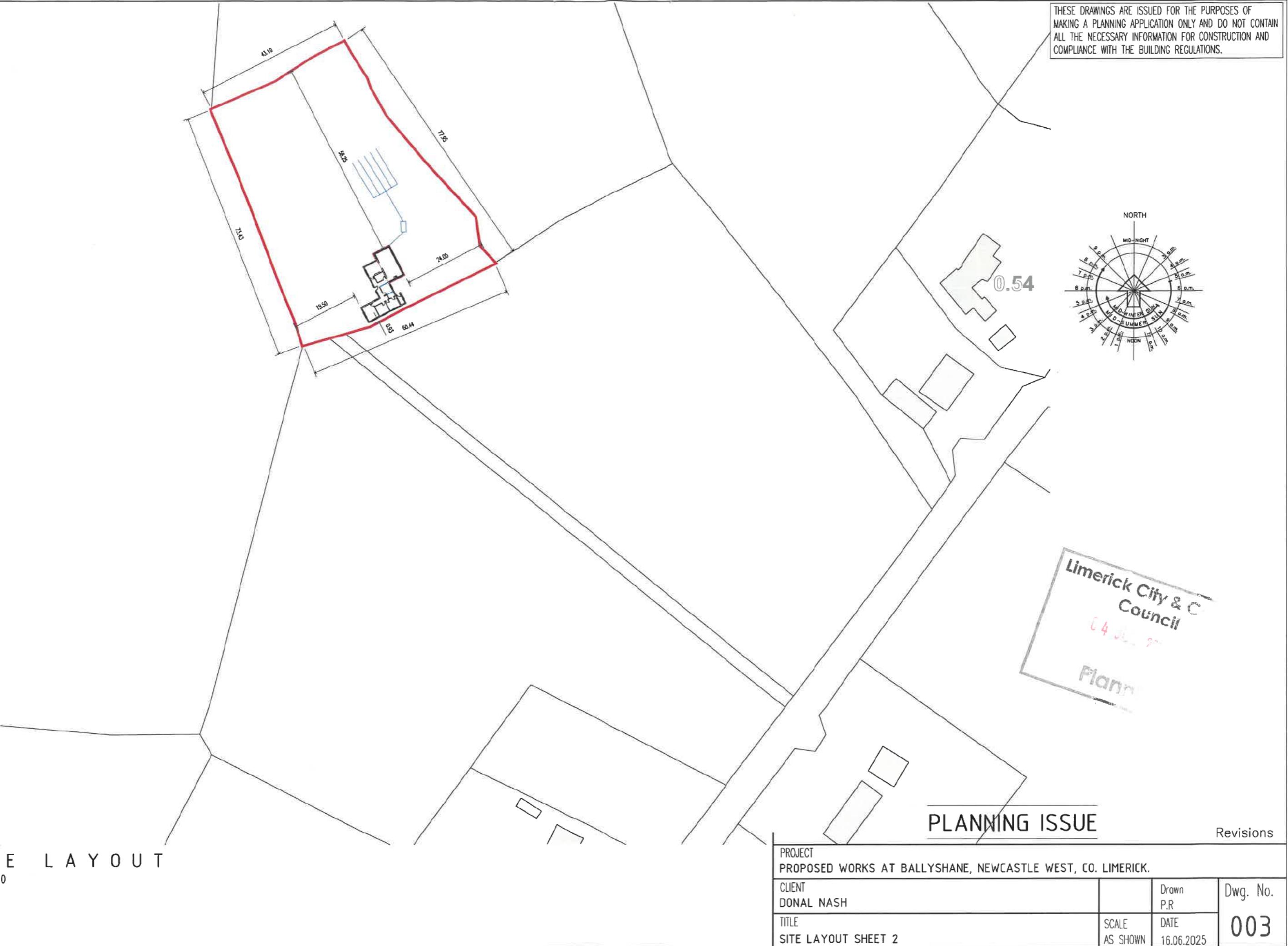
SITE LAYOUT

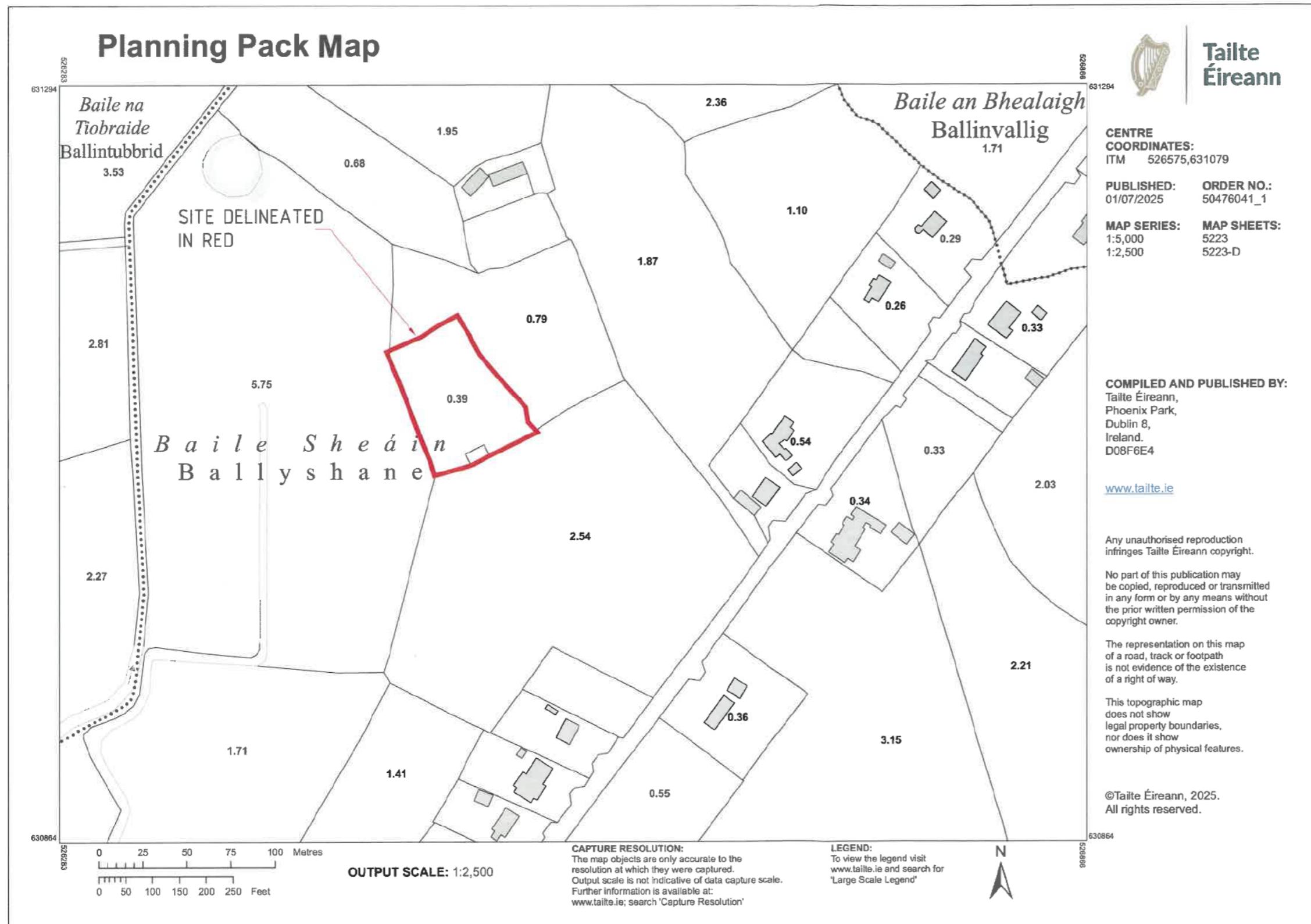
Scale 1:500
SITE AREA = 0.39Ha

PLANNING ISSUE

Revisions

PROJECT PROPOSED WORKS AT BALLYSHANE, NEWCASTLE WEST, CO. LIMERICK.		Drawn P.R	Dwg. No.
CLIENT DONAL NASH			002
TITLE SITE LAYOUT SHEET 1	SCALE AS SHOWN	DATE 16.06.2025	





SITE LOCATION MAP

Scale 1:2,500

PLANNING ISSUE

Revisions

PROJECT PROPOSED WORKS AT BALLYSHANE, NEWCASTLE WEST, CO. LIMERICK.			
CLIENT DONAL NASH		Drawn P.R	Dwg. No. 004
TITLE SITE LOCATION MAP	SCALE AS SHOWN	DATE 16.06.2025	



COMHAIRLE
CATHRACH & CONTAE
Luimníugh
Limerick
CITY & COUNTY
COUNCIL

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

04/07/2025 13:09:16

Receipt No./
Uinígh Admhála LA25/0/25178942

DONAL NASH
DROMINDEEL HEIGHTS
DROMINDEEL
NEWCASTLEWEST
CO LIMERICK

EXEMPTION CERTIFICATES	80.00
GOODS	80.00
VAT Exempt/Non-vatable	

Total/Iomáin 80.00 EUR

Tendered/Tairgthe
Cheque 80.00
BOI
000305

Change/Sínseáil : 0.00

Issued By
Eisithe ag : Patricia O'Neill
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-139-25

Name and Address of Applicant:
Donal Nash
Dromindeel Heights
Dromindeel
Newcastle West
Co. Limerick
V42 X376

Agent: N/A

Location:
Ballyshane
Newcastle West
Co. Limerick

Description of Site and Surroundings:

The site is located in the townland of Ballyshane approx. 3.2km southwest of Newcastle West in a rural area of predominantly agricultural holdings and associated works and one off ribbon development along the L1315.

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 the rear of existing derelict property

This Section 5 application includes the following:

- Application Form
- Site location
- 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 – ‘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 an extension constitutes ‘works’ and ‘development’.

Is the proposal exempted development?

The proposal for the construction of an extension to rear of dwelling will be assessed under Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended).

It is noted that the proposed extension would extend beyond the rear (northern elevation) wall of the structure. In case 25M.RL3491 An Coimisiún Pleanála (formerly An Bord Pleanála) determined that an extension which extends to both the rear and wraps around the side of a dwelling falls outside of the scope of Class 1 of schedule 2, Part 1 of the Regulations. As such, the proposal in this instance does not comply with the requirements of Class 1 as the extension would extend past the rear wall of the structure beyond the side wall. For the avoidance of doubt, the proposal is assessed under Class 1 below:

1. (a) Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres.

Yes, the house has not been extended previously and the floor area at 39.96sqm is below the permitted 40sqm.

(b) Subject to paragraph (a), where the house is terraced or semi-detached, the floor area of any extension above ground level shall not exceed 12 square metres.

N/A. The house is a detached property.

(c) Subject to paragraph (a), where the house is detached, the floor area of any extension above ground level shall not exceed 20 square metres.

Proposed extension is at ground floor level.

2. (a) Where the house has been extended previously, the floor area of any such extension, taken together with the floor area of any previous extension or extensions constructed or erected after 1

October 1964, including those for which planning permission has been obtained, shall not exceed 40 square metres.

The house has not been extended previously.

(b) Subject to paragraph (a), where the house is terraced or semi-detached and has been extended previously, the floor area of any extension above ground level taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 12 square metres.

N/A. The house is a detached property.

(c) Subject to paragraph (a), where the house is detached and has been extended previously, the floor area of any extension above ground level, taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 20 square metres.

N/A. No works proposed above ground floor.

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

N/A. No works proposed above ground floor.

4. (a) Where the rear wall of the house does not include a gable, the height of the walls of any such extension shall not exceed the height of the rear wall of the house.

The height of proposed extension parapet wall would exceed the height of the rear wall of the existing house, therefore the proposal in this instance does not comply with this condition.

(b) Where the rear wall of the house includes a gable, the height of the walls of any such extension shall not exceed the height of the side walls of the house.

N/A. The rear wall does not include a gable.

(c) The height of the highest part of the roof of any such extension shall not exceed, in the case of a flat roofed extension, the height of the eaves or parapet, as may be appropriate, or, in any other case, shall not exceed the height of the highest part of the roof of the dwelling.

The height of the proposed extension would not exceed height of eaves or parapet or height of highest part of the roof of the dwelling.

5. The construction or erection of any such extension to the rear of the house shall not reduce the area of private open space, reserved exclusively for the use of the occupants of the house, to the rear of the house to less than 25 square metres.

The proposed extension would not reduce the area of private open space to less than 25 square metres.

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

No windows are proposed less than 1 metre from the boundary.

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

N/A. No above ground floor extension.

(c) Where the house is detached and the floor area of the extension above ground level exceeds 12 square metres, any window proposed at above ground level shall not be less than 11 metres from the boundary it faces.

N/A. No above ground floor extension.

7. The roof of any extension shall not be used as a balcony or roof garden.

No balcony or roof garden shown on submitted drawings.

Additionally, it is also noted that the proposed development has not demonstrated adequate provision for wastewater treatment. In the absence of a site suitability assessment or details of a compliant wastewater treatment system, the Local Authority are not satisfied that the development would not pose a risk to public health or the environment.

Objective IN O11 Private Waste Water Treatment

It is an objective of the Council to:

- a) Promote the changeover from septic tanks to the public foul water collection networks where feasible and to strongly discourage the provision of individual septic tanks and domestic wastewater treatment systems, in order to minimise the risk of groundwater pollution.
- b) Ensure single house wastewater treatment systems in those areas not served by a public foul sewerage system comply with the EPA Code of Practice for Domestic Waste Water Treatment Systems 2021 as may be amended or updated.
- c) Require non-domestic wastewater treatment systems in those areas not served by a public foul sewerage system to demonstrate full compliance with EPA Wastewater Treatment Manuals (Treatment Systems for Small Communities, Business, Leisure Centres and Hotels) as maybe amended or updated.
- d) Ensure all private wastewater treatment systems shall be located entirely within the site boundary. Under no circumstances shall single domestic treatments units or septic tanks be shared between dwellings.
- e) Ensure that private wastewater treatment facilities, where permitted, are operated in compliance with their wastewater discharge license, in order to protect water quality.

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 occurred 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

Based on a preliminary examination of the proposal there is no real likelihood of significant effects on the environment and EIA is not required.

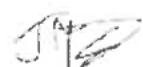
Conclusion/Recommendation

The extension to rear (and side) of the dwelling as detailed on the Section 5 application and submitted plans 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).

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 03rd July 2025.
- d) An Bord Pleanála Case RL3491

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



Jennifer McNulty
Executive Planner
Date: 28/07/2025

Agreed



Jennifer Collins,
A/Senior Executive Planner
Date: 30/07/2025

Appendix 1- AA Screening examination

AA PN01 Screening Form

STEP 1: Description of the project/proposal and local site characteristics:	
a. File Reference No:	EC-139-25
b. Brief description of the project or plan:	This is an application requesting a Section 5 Declaration on whether an extension to the rear of dwelling is or is not exempted development.
c. Brief description of site characteristics:	The site is located within a rural setting at Ballyshane
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
004161	Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA https://www.npws.ie/protected-sites/spa/004161	c2.78km	None	N
002165	Lower River Shannon SAC https://www.npws.ie/protected-sites/sac/002165	c9.57km	None	n

STEP 3: Assessment of Likely Significant Effects	
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; therefore, no likely significant impact on the conservation objectives of the above named site.

Operation phase e.g.	None. No direct encroachment or hydrological connection.
• 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	

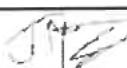
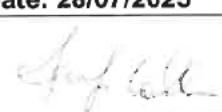
b. Describe any likely changes to the European site: Examples of the type of changes to give consideration to include:	None. No direct encroachment or hydrological connection.
• Reduction or fragmentation of habitat area • Disturbance to QI species • Habitat or species fragmentation • Reduction or fragmentation 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	

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 on file, 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 existing extension, • the intervening land uses and distance from European sites, • the lack of direct connections with regard to the Source-Pathway-Receptor model, it is concluded that the proposed development, individually or in-combination with other plans or projects, would not be likely to have a significant effect on the above listed European sites or any other European site, in view of the said sites' conservation objectives. An appropriate assessment is not, therefore, required.

Conclusion: AA Screening is not required.		
	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:	 Jennifer McNulty Executive Planner 28/07/2025	
Signature and Date of the Decision Maker:	 <hr/> Jennifer Collins, A/Senior Executive Planner 30/07/2025	

Appendix 2 – EIA Screening

Establishing if the proposal is a 'sub-threshold development':		
Planning Register Reference:	EC-139-25	
Development Summary:	Whether the existing extension to the rear is or is not exempted development.	
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:		 Jennifer McNulty, Executive Planner Date: 28/07/2025
Signature and Date of the Decision Maker:		 Jennifer Collins, A/Senior Executive Planner Date: 28/07/2025

Appendix 1 Site inspection photographs





Comhairle Cathrach
& Contae Luimních

Limerick City
& County Council

Pleanáil, agus Cruthú Áite
Comhairle Cathrach agus Contae Luimních
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:

Donal Nash
Dromindeel Heights
Dromindeel
Newcastle West
Co. Limerick
V42 X376

EC/139/25

31 July 2025

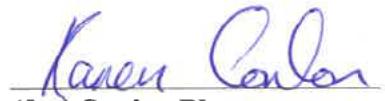
Re: Declaration under Section 5

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/2025/800

File Ref No. EC/139/25

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

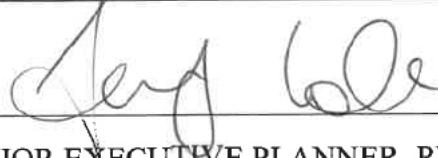
RE: **A single storey extension at Ballyshane, Newcastle West, Co. Limerick**

ORDER: Whereas by Director General's Order No. DG/2024/122 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 Jennifer Collins, A/Senior Executive Planner the functions as defined in the Local Government Acts, 1925 to 2024.

Now therefore pursuant to the delegation of the functions aforesaid, I, Jennifer Collins, A/Senior Executive Planner, having considered the report and recommendation of Jennifer McNulty Executive Planner dated 28/07/2025, hereby order that a Declaration under Section 5 of the Planning and Development Act 2000 (as amended) be issued to Donal Nash, Dromindeel Heights, Dromindeel, Newcastle West, Co. Limerick to state that the works as described above is

Development and is NOT Exempt Development. *KL*

Signed



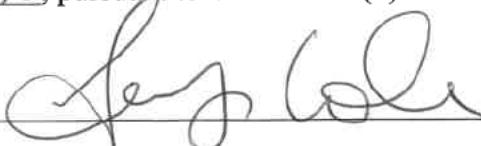
A/SENIOR EXECUTIVE PLANNER, PLANNING & PLACE-MAKING

Date



Certified to be a true copy of Approved Officer's Order, Planning & Development Order No. AOO/DC/2025/800 dated 31/07/2025, pursuant to Section 151(7) of the Local Government Act 2001

Signed:



A/SENIOR EXECUTIVE PLANNER, PLANNING & PLACE-MAKING



SECTION 5 – DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

DECLARATION NO.

EC/139/25

Name and Address of Applicant: Donal Nash, Dromindeel Heights, Dromindeel, Newcastle West, Co. Limerick

Agent: N/A

Whether the single storey extension at Ballyshane, 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 03rd of July 2025.

AND WHEREAS the Planning Authority has concluded that the single storey extension at Ballyshane, Newcastle West, Co. Limerick **DOES NOT** come within the scope of exempted development under Class 1 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: 31/07/2025

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