

F7

COMHARTE
CATHRACH & CONTAE
Luimníugh
Limerick
CITY & COUNTY
COUNCIL

Limerick City & County
Council

19 JUN 2025

Planning

LIMERICK CITY & COUNTY COUNCIL

PLANNING AND ENVIRONMENTAL SERVICES

SECTION 5 APPLICATION

Limerick City & County Council
RECEIVED

10 JUN 2025

Customer Services Post
Door 20/21

DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

Applicant's Name: PAIDRAIG SMITH.

Applicant's Address: BRACK LOON

CASTLECONNELL

Co. Limerick

Telephone No: [REDACTED]

Name of Agent (if any): Joseph Barry

Address: CASTLECONNELL

Co. Limerick

Telephone No. 087 130 3073.

Address for Correspondence:

PAIDRAIG SMITH

BRACKLOON CASTLECONNELL

Co. Limerick

Location of Proposed development:

LACKA

CASTLECONNELL

Co. LIMERICK

Description of Proposed development:

A SINGLE STOREY EXTENSION
TO REAR OF HOUSE

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

YES/NO NO.

Applicant's interest in site: OWNER

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

HOUSE AND EXTENSIONS PLANS GROUNDS & SECTION.

SITE LOCATION MAP.

SITE LAYOUT PLAN

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

If Yes please provide floor areas of all existing structures:

EXISTING HOUSE.

61 m²

EXTENSION CONSTRUCTED APPROX 30 YEARS AGO.

26.28 m²

PROPOSED EXTENSION

13.72 m²

Signature of Applicant (or Agent)

16th June 2025

Joseph Barry
Castleconnell
Co. Limerick

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.
- N/A (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.

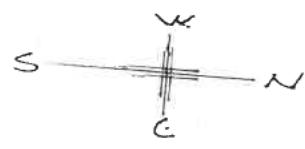
Application to be forwarded to:

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 _____



SITE. 0.085 Hect.

Hedge.

Hedge
+
trees

0.085 Hect.

P.A.

Hedge

S.T.

Hedge

Limerick City & County
Council

19 JUN 2025

Planning

EXTENSION TO HOUSE AT
LACKA, CASTLECONNELL
CO. LIMERICK FOR
Mr. Padraig Smith.

SITE LAYOUT PLAN. SCALE 1:250.

MARGIN.

+
99.00

6.30m

+
99.30

M.H.

PROPOSED
EXTENSION.

EXISTING
EXTENSION.

HOUSE

2.00m

WALL.

C.R.

+ 100.00 T.B.M.

C.R.

MARGIN.

JOSEPH BARRY
Architectural Technician & Surveyor

Castleconnell, Co. Limerick.
Tel. 061-377 378

566830 mE, 663740 mN



**Tailte
Éireann**

Clárúchán, Luacháil,
Sulbhéireacht
Registration, Valuation,
Surveying

Folio: LK76474F

This map should be read in conjunction with the folio.

Tailte Éireann (TÉ) Registration mapping is based on TÉ Surveying mapping. Where TÉ Registration maps are printed at a scale that is larger than the TÉ Surveying scale, accuracy is limited to that of the TÉ Surveying map scale.

For details of the terms of use and limitations of scale, accuracy and other conditions relating to TÉ Registration maps, see www.tailte.ie.

This map incorporates TÉ Surveying map data under licence from TÉ. Copyright © Tailte Éireann and Government of Ireland.

(centre-line of parcel(s) edged)

- Freehold
- Leasehold
- SubLeasehold

Burdens (may not all be represented on map)

- Right of Way / Wayleave
- Turbarry
- Pipeline
- Well
- Pump
- Septic Tank
- Soak Pit

A full list of burdens and their symbology can be found at: www.landdirect.ie

Tailte Éireann Registration operates a non-conclusive boundary system. The TÉ Registration map identifies properties not boundaries meaning neither the description of land in a folio nor its identification by reference to a TÉ Registration map is conclusive as to the boundaries or extent. (see Section 85 of the Registration of Title Act, 1964). As inserted by Section 62 of the Registration of Deed and Title Act 2006.

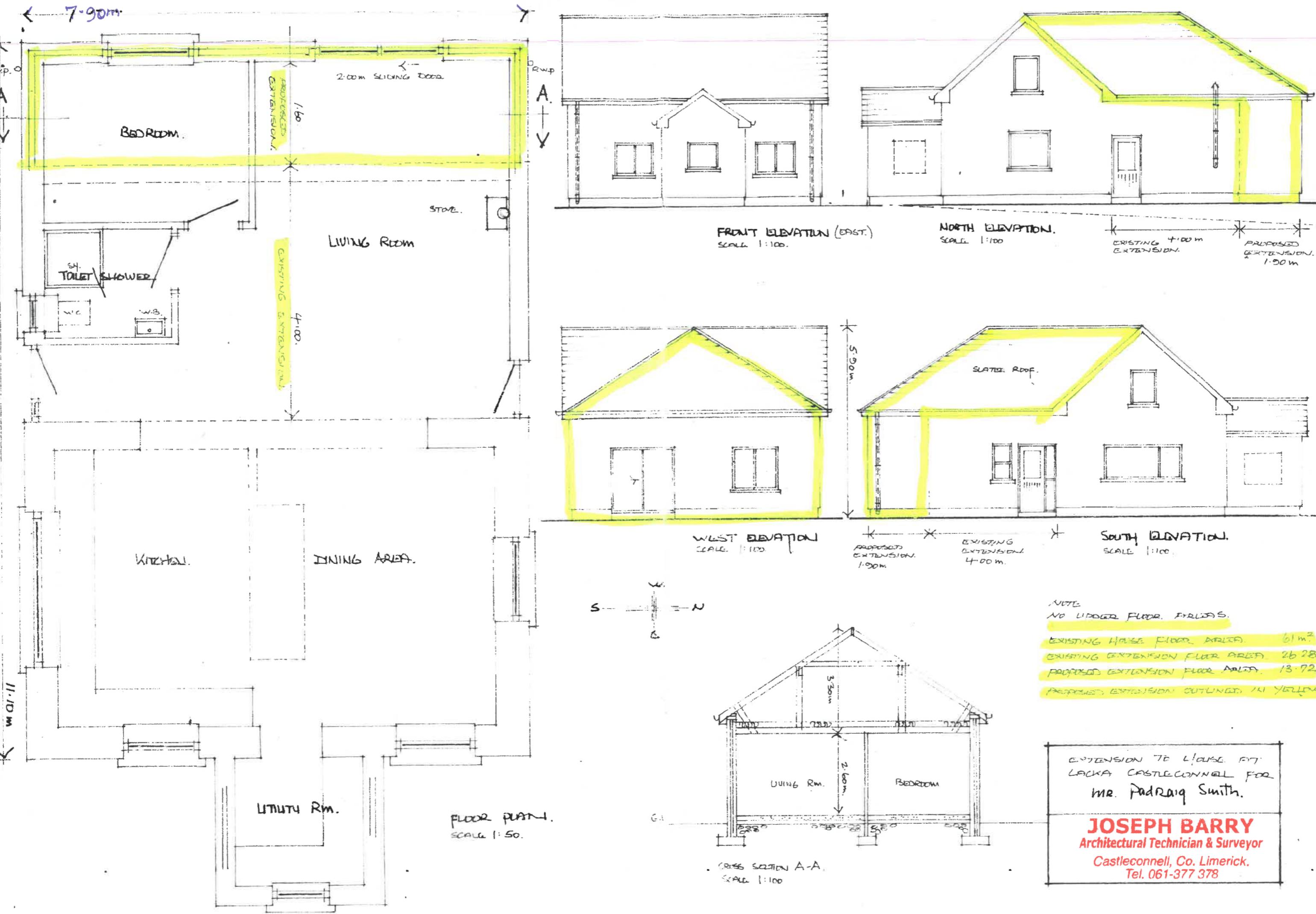


663740 mN
16/2024

Creation Date: 17 June 2024 13:07:15

Application Number: P2024LR074148V

1:1000 Scale





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

18/06/2025 14:52:31

Receipt No./
Uimhir Admhála LA25/0/25178464

Padraig Smith
Brackloon
Castleconnell
Co Limerick
ref Section 5

EXEMPTION CERTIFICATES	80.00
GOODS	80.00
VAT Exempt/Non-vatable	

Total/Innáin 80.00 EUR

Tendered/Tairgthe
Cheque 80.00
A.I.B
500014

Change/Sóinseáil 0.00

Issued By/
Eisithe ag Caitlin Kirwan
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-131-25

Name and Address of Applicant:

Padraig Smith,
Backloon,
Castleconnell,
Co. Limerick

Agent:

Joseph Barry,
Castleconnell,
Co. Limerick

Location:

Lacka,
Castleconnell,
Limerick

Description of Site and Surroundings:

The site is an existing derelict dwelling of approximately 61 sqm, located off the R525, north of Castleconnell. The dwelling previously was extended approximately 30 years ago by an area of 26.28sqm at the rear of the existing dwelling. The site is currently vacant and the surrounding site is unmaintained. As seen below:





Zoning:

Zoned - Existing Residential within the Castleconnell Local Area Plan 2023 – 2029.

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:

- A single storey extension to rear of house.

This Section 5 declaration includes the following:

- Application Form
- Tailte Éireann Folio and Title Plan, including land registry
- Site location map
- Site Layout Plan
- Proposed floor plans and elevations

Planning History:

None

Derelict Site Register

DS-064-22 Saint Anthony Lacka, Castleconnell, Co. Limerick. V94 N1NF

Currently in the register

Enforcement History

N/A

Relevant An Bord Pleanála referrals

N/A

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 rear extension 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 a derelict site notice DS-064-22 is positioned on the structure. 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 the Board, 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.

The Applicant has not submitted detail regarding the availability of running water, the operational status of the septic tank or availability of electricity to the service the dwelling. Therefore, it is considered that to fully assess this application the Planning Authority requires further information from the Applicant.

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).

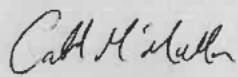
Environmental Impact Assessment

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

I recommend further information be sought for the following:

- Please provide evidence to demonstrate and confirm whether the property is serviced with running water, electricity and a fully operational septic tank.



Cathal McMullan
Assistant Planner

Date 10/07/2025

Agreed 

Barry Henn
Senior Executive Planner

Date: 15/07/25

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-131-25
b. Brief description of the project or plan:	This is an application requesting a Section 5 Declaration on whether A single storey rear extension to an existing dwelling is or is not exempted development.
c. Brief description of site characteristics:	The site is existing dwelling accessed from the R525, north of Castleconnell.
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 National Parks & Wildlife Service (npws.ie)	700m	No	N
004077	River Shannon and River Fergus Estuaries SPA National Parks & Wildlife Service	11.5km	No	N
004165	Slievefelim to Silvermines Mountains SPA	8km	No	N

¹ Short paraphrasing and/or cross reference to NPWS is acceptable – it is not necessary to reproduce the full text on the QI/SCI.

² if the site or part thereof is within the European site or adjacent to the European site, state here

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 	None. Works are minimal and will involve temporary construction works; therefore, no likely significant impact on the conservation objectives of the above named site.

<ul style="list-style-type: none"> • 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 and will involve temporary construction works; therefore, no likely significant impact on the conservation objectives of the above named site.
In-combination/Other	N/A given the level of development

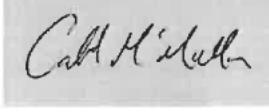
b. Describe any likely changes to the European site:	
Examples of the type of changes to give consideration to include: <ul style="list-style-type: none"> • Reduction or fragmentation of habitat area • Disturbance to QI species • Habitat or species fragmentation • Reduction or fragmentation in species 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; therefore, no likely significant impact on the conservation objectives of the above named 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

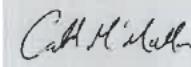
STEP 4: Screening Determination Statement
The assessment of significance of effects:
Describe how the proposed development (alone or in-combination is/is not likely to have significant effects on European site (s) in view of its conservation objectives
On the basis of the information on file, which is considered adequate to undertake a screening determination and having regard to: <ul style="list-style-type: none"> • the nature and scale of the proposed development on fully serviced lands, • 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 [REDACTED] 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:	 Cathal McMullan Assistant Planner 10/07/2025	
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-131-25		
Development Summary:	Single storey rear extension		
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] _____ <table border="0" style="width: 100%;"> <tr> <td style="width: 60%; vertical-align: top;"> <input type="checkbox"/> Yes, specify class: [insert here] _____ </td> <td style="width: 40%; vertical-align: top; text-align: center;"> EIA is mandatory No Screening required </td> </tr> </table>		<input type="checkbox"/> Yes, specify class: [insert here] _____	EIA is mandatory No Screening required
<input type="checkbox"/> Yes, specify class: [insert here] _____	EIA is mandatory No Screening required		
<input checked="" type="checkbox"/> No <table border="0" style="width: 100%;"> <tr> <td style="width: 60%; vertical-align: top;"> <input checked="" type="checkbox"/> No </td> <td style="width: 40%; vertical-align: top; text-align: center;"> Proceed to Part B </td> </tr> </table>		<input checked="" type="checkbox"/> No	Proceed to Part B
<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 <table border="0" style="width: 100%;"> <tr> <td style="width: 60%; vertical-align: top;"> <input checked="" type="checkbox"/> No, the development is not a project listed in Schedule 5, Part 2 </td> <td style="width: 40%; vertical-align: top; text-align: center;"> No Screening required </td> </tr> </table>		<input checked="" type="checkbox"/> No, the development is not a project listed in Schedule 5, Part 2	No Screening required
<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] _____ <table border="0" style="width: 100%;"> <tr> <td style="width: 60%; vertical-align: top;"> <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] _____ </td> <td style="width: 40%; vertical-align: top; text-align: center;"> EIA is mandatory No Screening required </td> </tr> </table>		<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 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 sub-threshold: [insert here] _____ <table border="0" style="width: 100%;"> <tr> <td style="width: 60%; vertical-align: top;"> <input type="checkbox"/> Yes the project is of a type listed but is sub-threshold: [insert here] _____ </td> <td style="width: 40%; vertical-align: top; text-align: center;"> Proceed to Part C </td> </tr> </table>		<input type="checkbox"/> Yes the project is of a type listed but is sub-threshold: [insert here] _____	Proceed to Part C
<input type="checkbox"/> Yes the project is of a type listed but is sub-threshold: [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 <table border="0" style="width: 100%;"> <tr> <td style="width: 60%; vertical-align: top;"> <input type="checkbox"/> Yes, Schedule 7A information/screening report has been submitted by the applicant </td> <td style="width: 40%; vertical-align: top; text-align: center;"> Screening Determination required </td> </tr> </table>		<input type="checkbox"/> Yes, Schedule 7A information/screening report has been submitted by the applicant	Screening Determination required
<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 <table border="0" style="width: 100%;"> <tr> <td style="width: 60%; vertical-align: top;"> <input type="checkbox"/> No, Schedule 7A information/screening report has not been submitted by the applicant </td> <td style="width: 40%; vertical-align: top; text-align: center;"> Preliminary Examination required </td> </tr> </table>		<input type="checkbox"/> No, Schedule 7A information/screening report has not been submitted by the applicant	Preliminary Examination 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:			
 Cathal McMullan Assistant Planner 10/07/2025			

Signature and Date of the Decision
Maker:



Barry Henn, Senior Executive Planner
15/07/2025

Appendix 3 - Site Inspection 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:

**Padraig Smith,
Backloon,
Castleconnell,
Co. Limerick**

EC/131/25/BH/HK

15 July 2025

RE: Declaration under Section 5

Dear Sir/Madam,

I refer to the above Section 5 Application you are hereby requested to submit the following further information:

- Please provide evidence to demonstrate and confirm whether the property is serviced with running water, electricity and a fully operational septic tank.

Your application will not be further processed until confirmation of the above is received. A complete response should be submitted.

I hereby give you notice that the statutory period of three weeks during which the Planning Authority is required to give a decision will date from the receipt of a satisfactory response to the notice seeking further information.

Please quote your planning reference number on all correspondence EC/131/25.

Yours sincerely,



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

Tuar an Daill, Luimneach
Dooradoyle, Limerick

 customerservices@limerick.ie
 www.limerick.ie
 [@LimerickCouncil](https://twitter.com/LimerickCouncil)
 061 - 556 000



**Joseph Barry,
Architectural Technician & Surveyor
Castleconnell,
Co.Limerick.**

Tel: 061-377378 Mob: 087-1303073

Limerick City and County Council,
Dooradoyle,
Co. Limerick.

24-07-2025

Dear Sir/Madam,

**Re: Application for a Section 5 Declaration on a derelict house at Lacka, Castleconnell
for Mr. Padraig Smith.
Your ref EC 131-25.**

In reply to your letter of the 15th July last I wish to inform you that my client purchased the property only last February 2025 from Limerick City and County Council and therefore you must be well aware of the services to the house.

Nevertheless the house is serviced by the public water supply, has electricity connected to the house which has been turned off for the last twenty years also the property has a fully operational septic tank.

See attached photographs.

I have no doubt the Planning Authority is able to reply to this application sooner than three weeks.

Yours sincerely,

Joseph Barry
Joseph Barry.
Arch.Tech/Surveyor.





Septic tank vent pipe

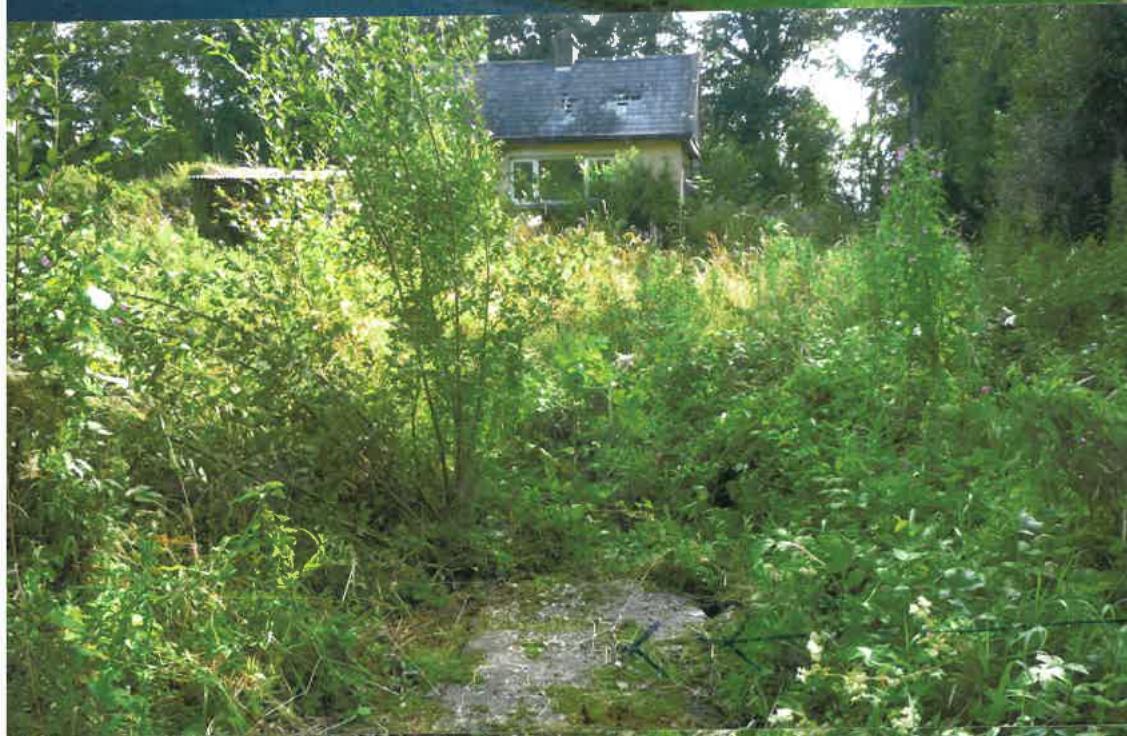


Water supply to kitchen and
bathroom



E.S.B. CONNECTION

JOSEPH BARRY
Architectural Technician & Surveyor
Castleconnell, Co. Limerick.
Tel. 061-377 378



PROPOSAL SUBMIT
BACKA CASTLECONNELL
CO. LIMERICK

24-7-225



TWO CISTERNS
SEPTIC TANK



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

Reference no. EC-131-25

Name and Address of Applicant: Padraig Smith,
Backloon,
Castleconnell,
Co. Limerick

Agent: Joseph Barry,
Castleconnell,
Co. Limerick

Location: Lacka,
Castleconnell,
Limerick

Description of Site and Surroundings:

The site is an existing derelict dwelling of approximately 61 sqm, located off the R525, north of Castleconnell. The dwelling previously was extended approximately 30 years ago by an area of 26.28sqm at the rear of the existing dwelling. The site is currently vacant and the surrounding site is unmaintained. As seen below:



**Zoning:**

Zoned - Existing Residential within the Castleconnell Local Area Plan 2023 – 2029.

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:

- A single storey extension to rear of house.

This Section 5 declaration includes the following:

- Application Form
- Tailte Éireann Folio and Title Plan, including land registry
- Site location map
- Site Layout Plan
- Proposed floor plans and elevations

Planning History:

None

Derelict Site Register

DS-064-22 Saint Anthony Lacka, Castleconnell, Co. Limerick. V94 N1NF
Currently in the register

Enforcement History

N/A

Relevant An Bord Pleanála referrals

N/A

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 rear extension 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 a derelict site notice DS-064-22 is positioned on the structure. 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 the Board, 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.

In their original submission received by the Planning Authority on 19th June 2025, it was determined that the Applicant had not furnished detail regarding the availability of running water, the operational status of the septic tank or availability of electricity to the service the dwelling. Therefore, at that time it was considered that to fully assess this application the Planning Authority required further information from the Applicant.

To this accord, the Planning Authority received further information from the Applicant on 25th July 2025. This included a cover letter from the Agent inclusive of photographs. From the information received I

consider that whilst the dwelling and surrounding site is in a state of disrepair, the use of the building as residential has remained throughout this period of vacancy and a change of use would not be required in this instance. The photography evidence shows that there is a ready supply of water and electricity to the house as well as a twin chamber septic tank and piping.

Further, the assessment of this application is the proposed development; that of a single storey extension located at the rear of the existing dwelling and as such it will be assessed against Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended).

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.

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

From the submitted documents, the agent has indicated that there was previously an extension carried out to the dwelling of 26.28sqm, the proposed extension is for a further 13.72sqm totalling 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 detached house

(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.

N/A ground floor extension only.

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.

Application form indicates that the existing and proposed extension totals 40sqm exactly.

(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 detached house

(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 ground floor extension only.

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

N/A ground floor extension only.

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 the walls of the extension does not exceed the rear wall of the house

(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.

(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.

Roof height would not exceed highest part of the roof.

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.

More than 25 sqm would remain.

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 would be 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 works proposed.

(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 works proposed.

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

No balcony or roof garden proposed.

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.

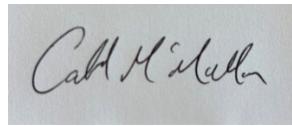
Conclusion/Recommendation

The proposed development detailed on the application and plans submitted is 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 both the 19th June 2025 and 25th July 2025.

It is therefore considered that the said works are development and exempted development under Class 1 of the Planning and Development Regulations 2001 (as amended).



Cathal McMullan
Assistant Planner

Date 11/08/2025



Agreed

A/Senior Executive Planner

Date: 12/08/2025

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-131-25
b. Brief description of the project or plan:	This is an application requesting a Section 5 Declaration on whether A single storey rear extension to an existing dwelling is or is not exempted development.
c. Brief description of site characteristics:	The site is existing dwelling accessed from the R525, north of Castleconnell.
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 National Parks & Wildlife Service (npws.ie)	700m	No	N
004077	River Shannon and River Fergus Estuaries SPA National Parks & Wildlife Service	11.5km	No	N
004165	Slievefelim to Silvermines Mountains SPA	8km	No	N

¹ Short paraphrasing and/or cross reference to NPWS is acceptable – it is not necessary to reproduce the full text on the QI/SCI.

² if the site or part thereof is within the European site or adjacent to the European site, state here

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 	None. Works are minimal and will involve temporary construction works; therefore, no likely significant impact on the conservation objectives of the above named site.

<ul style="list-style-type: none"> • 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 and will involve temporary construction works; therefore, no likely significant impact on the conservation objectives of the above named site.
In-combination/Other	N/A given the level of development

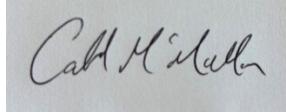
b. Describe any likely changes to the European site:	
Examples of the type of changes to give consideration to include: <ul style="list-style-type: none"> • Reduction or fragmentation of habitat area • Disturbance to QI species • Habitat or species fragmentation • Reduction or fragmentation in species 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; therefore, no likely significant impact on the conservation objectives of the above named site.

c. (Are '<i>mitigation</i>' 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

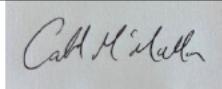
STEP 4: Screening Determination Statement
The assessment of significance of effects:
Describe how the proposed development (alone or in-combination is/is not likely to have significant effects on European site (s) in view of its conservation objectives
On the basis of the information on file, which is considered adequate to undertake a screening determination and having regard to: <ul style="list-style-type: none"> • the nature and scale of the 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. An appropriate assessment is not, therefore, required.

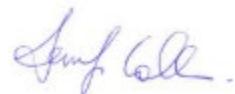
Conclusion: AA Screening is not required.

	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:	 Cathal McMullan Assistant Planner 11/08/2025	
Signature and Date of the Decision Maker:	 Jennifer Collins A/Senior Executive Planner 12/08/2025	

Appendix 2 – EIA Screening

Establishing if the proposal is a 'sub-threshold development':	
Planning Register Reference:	EC-131-25
Development Summary:	Single storey rear extension
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] _____	
<input checked="" type="checkbox"/> No	
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	
<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] _____	
<input type="checkbox"/> Yes the project is of a type listed but is sub-threshold: [insert here] _____	
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	
<input type="checkbox"/> No, Schedule 7A information/screening report has not been submitted by the applicant	
Signature and Date of Recommending Officer:	
 <hr/> Cathal McMullan Assistant Planner 11/08/2025	

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



**Jennifer Collins
A/Senior Executive Planner
12/08/2025**

Appendix 3 - Site Inspection Photographs





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

Pleanáil, agus Cruthú Áite
Comhairle Cathrach agus Contae Luimnígh
Bóthar 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:

**Padraig Smith,
Backloon,
Castleconnell,
Co. Limerick**

EC/131/25

12 August 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/2025/852

File Ref No. EC/131/25

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

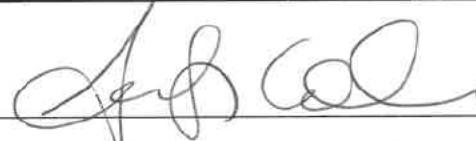
RE: **A single storey extension at Lacka, Castleconnell, Limerick.**

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 Cathal McMullan, Assistant Planner dated 11/08/2025, hereby order that a Declaration under Section 5 of the Planning and Development Act 2000 (as amended) be issued to Padraig Smith, Backloon, Castleconnell, Co. Limerick to state that the works as described above is

Development and is Exempt Development. *(C)*

Signed



A/SENIOR EXECUTIVE PLANNER, PLANNING & PLACE-MAKING

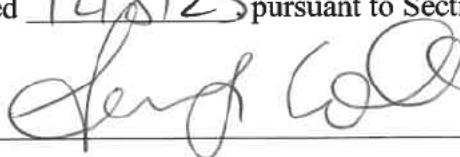
Date

12/8/25

Certified to be a true copy of Approved Officer's Order, Planning & Development Order No.

AOO/DC/2025/852 dated 12/8/25 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/131/25

Name and Address of Applicant: Padraig Smith, Backloon, Castleconnell, Co. Limerick

Agent: Joseph Barry, Castleconnell, Co. Limerick

Whether the single storey extension at Lacka, Castleconnell, 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 19th of July 2025 and further information submitted on the 25th July 2025.

AND WHEREAS the Planning Authority has concluded that the single storey extension at Lacka, Castleconnell, Limerick **DOES** 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 Exempt Development**.

Signed on behalf of the said Council

Karen Conlon

Date: 12/08/2025

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.