

Limerick City and County Council

Planning Department

Section 5 Application

DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

Applicant's Name: David Burke

Applicant's Address: Rose Cottage

Clarina

Co. Limerick

Telephone No. [REDACTED]

Name of Agent (if any): N/A

Address:

Telephone No.

Address for Correspondence:

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

Old Post Office

Clarina

Co. Limerick

Description of Proposed development:

House Renovation, new roof, windows, plaster, floors.

Flat roof extension less than 40sqm

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

Section 5

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

Applicant's interest in site: Owner

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

Proposed Layout

Elevations

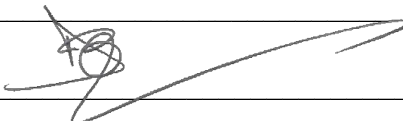
Site Map

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)



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**

Application

550880 mE, 653880 mN



**Tailte
Éireann**

Clárúcháin, Luacháil,
Suirbhéireacht
Registration, Valuation,
Surveying

under licence from T.E. 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

Turbary

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 T.E. Registration map identifies
properties not boundaries meaning
neither the description of land in a
folio nor its identification by reference
to a T.E. 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.

1:1000 Scale

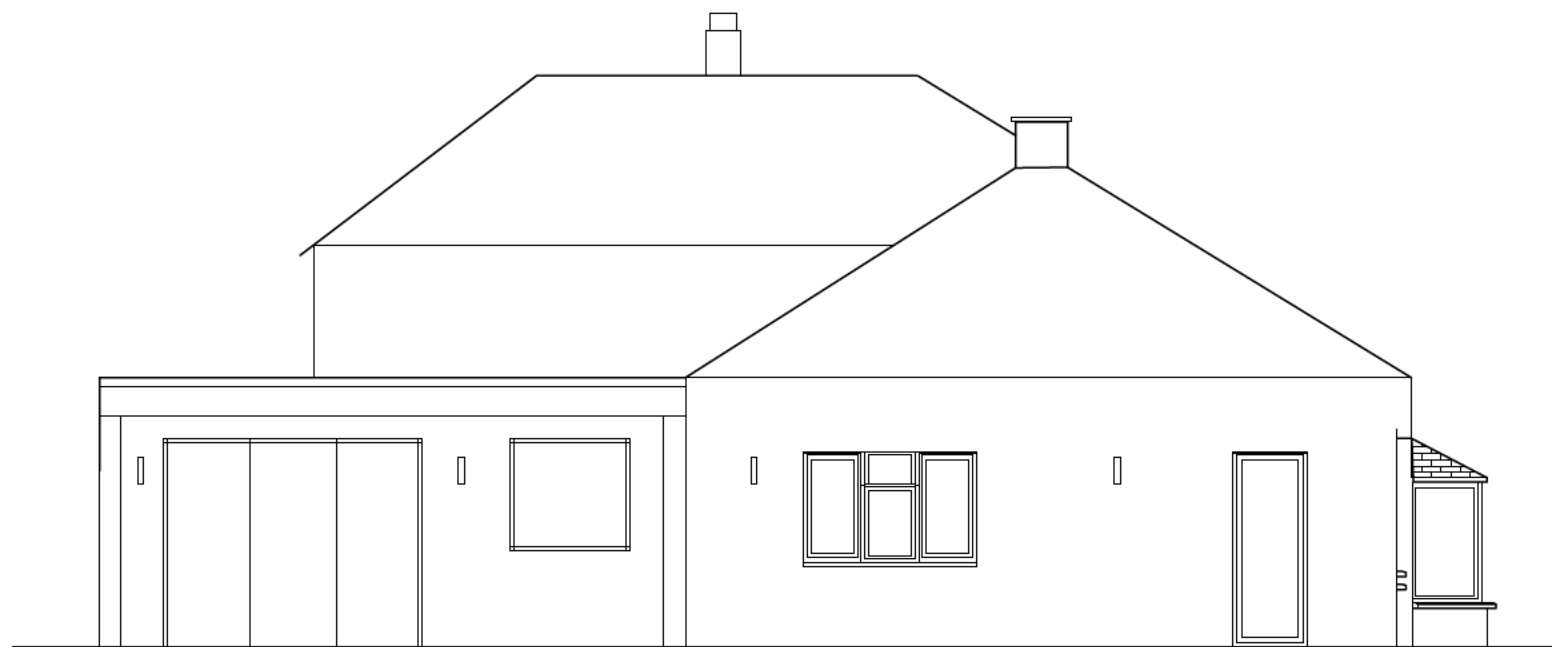




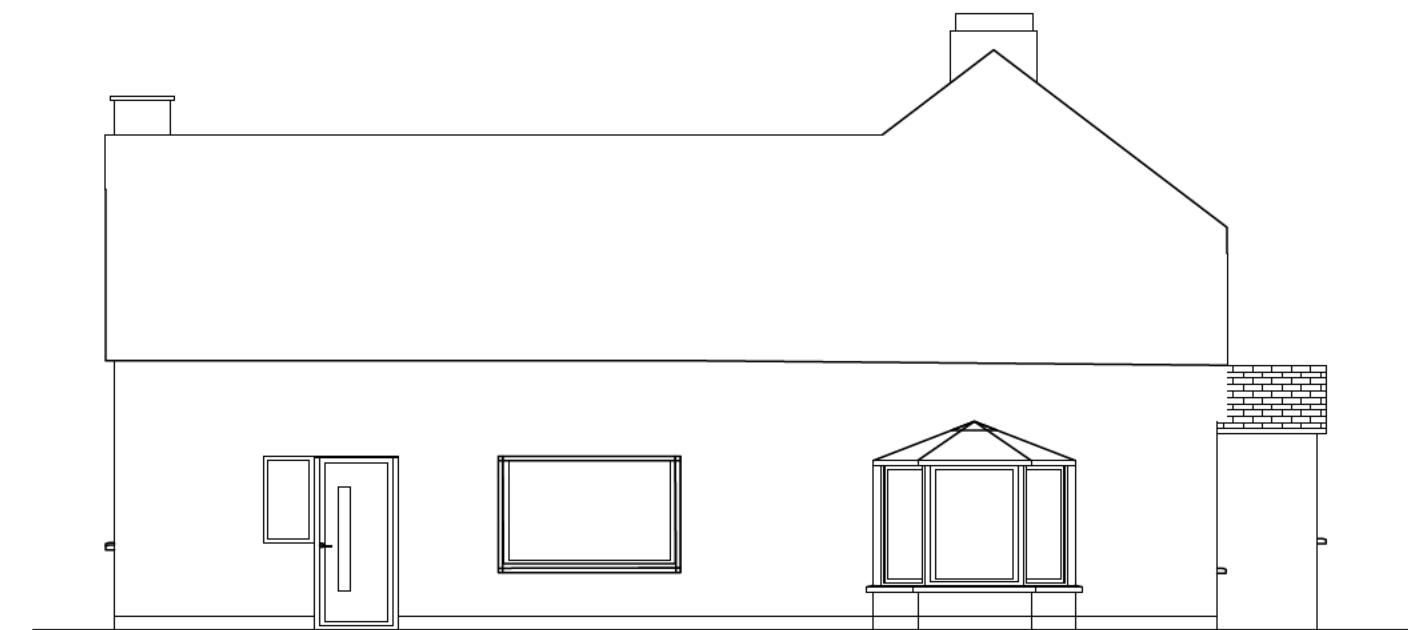
EXISTING FRONT ELEVATION
SCALE 1:100



EXISTING SIDE ELEVATION
SCALE 1:100



EXISTING REAR ELEVATION
SCALE 1:100



EXISTING SIDE ELEVATION
SCALE 1:100

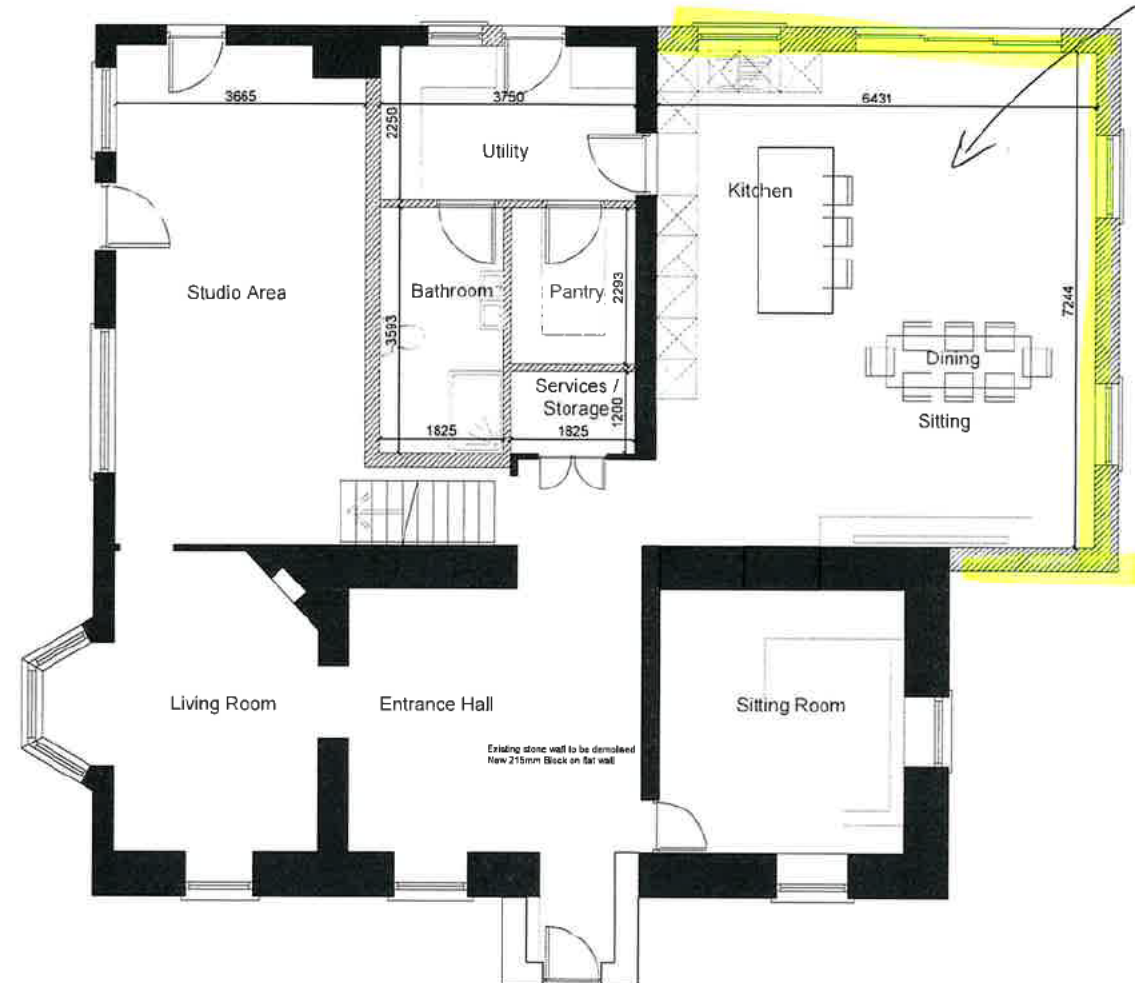
REVISIONS

NOTES
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PROJECT
PROPOSED EXTENSION



DATE
NOVEMBER 2022



 **PROPOSED GF PLAN**
SCALE 1:100



 **PROPOSED FF PLAN**
SCALE 1:100

REVISIONS

REV A - 01/11/2023

NOTES

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PROJECT

PROPOSED EXTENSION

LOCATION

LIMERICK

DRAWINGS

PROPOSED FLOORPLAN

CLIENT

ROBERT BURKE



DATE NOVEMBER 2022

SCALE 1:100

STATUS PROPOSAL

PROJECT NUMBER 23-068

DRAWING NO

2



Comhairle Cathrach
& Contae **Luimnigh**

Limerick City
& County Council

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

File Reference number	EC.147.25
Applicant	David Burke
Location	Old Post Office, Clarina, Co. Limerick

1.0 Description of Site and Surroundings:

The site is located on a corner site fronting the L-1401 and adjacent the N-69 in the village of Clarina. The application site is a vacant part two storey, part one storey existing dwelling house. Works have already commenced on site. There is a hardstanding vehicular access fronting the N69 and pedestrian access is provided from L-1401. There is a large garden to the rear of the main dwelling.

2.0 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:

- House Renovation, New Roof, Windows, Plaster, Floors and flat roof extension less than 40sqm.

This Section 5 declaration includes the following:

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

3.0 Planning History:

Pl. Ref 07431 – Conditional Permission granted to Jim Duffy & Paul O'Brien for demolition of disused Post Office/Residence and construction of six houses including new entrance, main foul and surface water drainage and ancillary site works

3.1 Enforcement History

None

4.0 Relevant An Bord Pleanála referrals

RL2506 - Whether a single storey, rear extension with a projection of 1.95 metres to the side, beyond the gable of the house is or is not exempted development.
Decision: Is development and is not exempted development

5.0 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).

5.1 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 *House Renovation, New Roof, Windows, Plaster, Floors and flat roof extension less than 40sqm* constitutes ‘works’ and ‘development’.

5.2 Is the proposal exempted development?

The question posed to the Planning Authority on the application form is ‘House Renovation, new roof, windows, plaster, floors and flat roof extension less than 40sqm’. Following a planning history search, permission was granted under PI. Ref 07431 – *for demolition of disused Post Office/Residence*. The address of the property is also ‘Old Post Office, Clarina’. It is therefore considered that the building was last in use as a post office and there does not appear to be any evidence to show that the building was converted into a residential use.

In this regard, Section 3(3) of the Planning and Development Act, 2000, as amended, must be considered, as the conversion of a disused post office to a dwelling house would be considered a material change of use of the structure given that a residential use is now proposed.

The proposal would therefore come within the definition of development, which is not exempt from planning permission. There are additional planning considerations that would need to be taken into account such as the standard of accommodation, impact on residential amenity and traffic considerations such as parking.

Notwithstanding the above, even if it could be demonstrated that the property was a residential use, the proposed 40sqm extension would extend beyond the rear wall of the house to the side of the property and therefore cannot be considered under Class 1. In the assessment of this application regard has been had to ABP decision **RL2506** which found that ‘the “rear of the house” is confined to the area beyond the rear wall of the main house, excluding any

additions by way of extensions, or structures ancillary to the residential use of the house that project beyond the side/gable wall'. As such the extension is considered not to be fully to the rear of the house and therefore cannot be considered under Class 1. Planning permission would therefore be required.

6.0 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).

7.0 Appropriate Assessment

Having regard to the nature and scale of the proposed development and the absence of proximity or connectivity to a Natura 2000 European Site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects, on a European Site. An appropriate assessment screening report and determination is attached to this report.

8.0 Environmental Impact Assessment

Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations it has been concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required.


9.0 Conclusion/Recommendation

The proposal which consists of a change of use from a post office to residential accommodation is considered to be development and NOT exempted development as it consists of a material change of use. In addition to this the extension does not come within the scope of Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended) as it would not be located to the rear of the building.

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) RL.2506
- (d) The plans & particulars submitted with the application received on the 15th of July 2025.

~~It is therefore considered that the said works are development and NOT exempted development under Section 3(3) of the Planning and Development Act 2000 (as amended) and Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended).~~

Executive Planner	Ella O'Brien	Date: 01/08/2025
Signature:		
Senior Executive Planner	Barry Henn	Date: 07/08/2025

Signature	<i>B. Hour</i>	
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Appendix 1: AA PN01 Screening Form

STEP 1: Description of the project/proposal and local site characteristics:	
(a) File Reference No:	EC-147-25
(b) Brief description of the project or plan:	Section 5 Declaration seeking whether a house renovation, new roof, windows, plaster, floors and flat roof extension less than 40sqm is exempted or not exempted development
(c) Brief description of site characteristics:	The site is located on a corner site in Clarina village. The house is vacant and currently under construction.
(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW	N/A
(e) Response to consultation:	N/A

STEP 2: Identification of relevant Natura 2000 sites using Source-Pathway-Receptor model and compilation of information on Qualifying Interests and conservation objectives.				
European Site (code)	List of Qualifying Interest/Special Conservation Interest ¹	Distance from proposed development ² (km)	Connections (Source-Pathway-Receptors)	Considered further in screening Y/N
002165- Lower River Shannon SAC	https://www.npws.ie/protected-sites/sac/002165	2.4Km	None	N
004077-River Shannon and River Fergus Estuaries SPA	https://www.npws.ie/protected-sites/sac/004077	2.4m	None	N



STEP 3: Assessment of Likely Significant Effects	
(a) Identify all potential direct and indirect impacts that may have an effect on the conservation objectives of a European site, taking into account the size and scale of the project under the following headings:	
Impacts:	Possible Significance of Impacts: (duration/Magnitude etc)
Construction phase e.g <ul style="list-style-type: none"> - Vegetation clearance - Demolition 	None. No direct encroachment or hydrological connection. Works to be undertaken to an existing structure.

<ul style="list-style-type: none"> - Surface water runoff from soil excavation/infill/landscaping (including borrow pits) - Dust, noise, vibration - Lighting disturbance - Impact on groundwater/dewatering - Storage of excavated/construction materials - Access to site - Pests 	
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. No direct encroachment or hydrological connection.
In-combination/Other	None given the level of development in the area

(b) Describe any likely changes to the European site:	
<p>Examples of the type of changes to give consideration to include:</p> <ul style="list-style-type: none"> - Reduction or fragmentation of habitat area - Disturbance to QI species - Habitat or species fragmentation - Reduction or fragmentation in species density - Changes in key indicators of conservation status value (water or air quality etc) - Changes to areas of sensitivity or threats to QI - Interference with the key relationships that define the structure or ecological function of the site 	None. No direct encroachment or hydrological connection.

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



STEP 4: Screening Determination Statement

The assessment of significance of effects: Describe how the proposed development (alone or in-combination is/is not likely to have significant effects on European site (s) in view of its conservation objectives		
On the basis of the information submitted, which is considered adequate to undertake a screening determination and having regard to: <ul style="list-style-type: none"> the nature and scale of the proposed development, the intervening land uses and distance from European sites, the lack of direct connections with regard to the Source-Pathway-Receptor model, it is concluded that the proposed development, individually or in-combination with other plans or projects, would not be likely to have a significant effect on the above listed European sites or any other European site, in view of the said sites' conservation objectives.		
Conclusion: An appropriate assessment is not required.		
	Tick as appropriate:	Recommendation:
(i) It is clear that there is no likelihood of significant effects on a European Site	<input checked="" type="checkbox"/>	The proposal can be screened out: Appropriate Assessment not required.
(ii) It is uncertain whether the proposal will have a significant effect on a European Site	<input type="checkbox"/>	<input type="checkbox"/> Request further information to complete screening <input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
(iii) Significant effects are likely	<input type="checkbox"/>	<input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
Signature and Date of Recommending Officer:	 Ella O'Brien, Executive Planner 31/07/2025	
Signature and Date of the Decision Maker:	 Barry Henn, SEP 07/08/2025	

Appendix 2: EIA Screening

Establishing if the proposal is a 'sub-threshold development':		
Planning Register Reference:	EC.147.25	
Development Summary:	Section 5 Declaration seeking whether a house renovation, new roof, windows, plaster, floors and flat roof extension less than 40sqm is exempted or 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
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Signature and Date of Recommending Officer:	 <u>31/07/2025</u>
Signature and Date of the Decision Maker:	 <u>Barry Henn, SEP 07/08/2025</u>

Appendix 3: Site visit 31/07/2025











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

Pleanáil agus Cruthú Áite
Comhairle Cathrach agus Contae Luimnigh
Bothar Thuar an Dail
Tuair an Dail, Luimneach
V94 WV78

Planning and Place-Making
Limerick City and County Council
Dooradoyle Road
Dooradoyle, Limerick
V94 WV78

PLANNING & PLACE-MAKING

REG POST:

**David Burke,
Old Post Office,
Clarina,
Co. Limerick**

EC/147/25

08 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**

Tuair an Dail, Luimneach
Dooradoyle, Limerick

customer services@limerick.ie
www.limerick.ie
@LimerickCouncil
061 - 556 000

LIMERICK CITY & COUNTY COUNCIL

APPROVED OFFICER'S ORDER

SECTION 5 – DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

No. AOO/DC/2025/840

File Ref No. EC/147/25

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

RE: **A house renovation, new roof, windows, plaster, floors and flat roof at Old Post Office, Clarina, Co. Limerick**

ORDER: Whereas by Director General's Order No. DG/2024/124 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 Nuala O'Connell, Senior Planner the functions as defined in the Local Government Acts, 1925 to 2024.

Now therefore pursuant to the delegation of the functions aforesaid, I, Nuala O'Connell, Senior Planner, having considered the report and recommendation of Ella O'Brien, Executive Planner dated 01/08/2025, hereby order that a Declaration under Section 5 of the Planning and Development Act 2000 (as amended) be issued to David Burke, Old Post Office, Clarina, Co. Limerick to state that the works as described above is

Development and is NOT Exempt Development. *ve*

Signed

N O'Connell

SENIOR PLANNER, PLANNING & PLACE-MAKING

Date

8/8/25

Certified to be a true copy of Approved Officer's Order, Planning & Development Order No. AOO/DC/2025/840 dated *8/8/25*, pursuant to Section 151(7) of the Local Government Act 2001

Signed:

N O'Connell

SENIOR PLANNER, PLANNING & PLACE-MAKING



Comhairle Cathrach
& Contae Luimnigh
Limerick City
& County Council

Pleanáil, agus Cruthú Áite
Comhairle Cathrach agus Contae Luimnigh
Bothar Thuar an Daill
Tuar an Daill, Luimneach
V94 WV78

Planning and Place-Making
Limerick City and County Council
Dooradoyle Road
Dooradoyle, Limerick
V94 WV78

SECTION 5 – DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

DECLARATION NO.

EC/147/25

Name and Address of Applicant: David Burke, Old Post Office, Clarina, Co. Limerick

Agent: N/A

Whether the house renovation, new roof, windows, plaster, floors and flat roof at Old Post Office, Clarina, 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 15th of July 2025.

AND WHEREAS the Planning Authority has concluded that the house renovation, new roof, windows, plaster, floors and flat roof at Old Post Office, Clarina, Co. Limerick **DOES NOT** come within the scope of exempted development under Section 3(3) of the Planning and Development Act 2000 (as amended) and Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended). See Report attached.

NOW THEREFORE the Planning Authority in exercise of the powers conferred on it by Section 5(2) (a) of the Planning and Development Act 2000 (as amended) hereby decides that the said development as described above is **Development and is NOT Exempt Development**.

Signed on behalf of the said Council

Date:

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.