



Comhairle Cathrach
& Contae Luimnígh
Limerick City
& County Council

Limerick City and County Council

Planning Department

Section 5 Application

Customer Services
Deoraodóla

DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

Applicant's Name:

BERNADETTE LYNCH

Applicant's Address:

TEMPLE ATHEA,
ATHEA CO. LIMERICK.
V94 D9 W T.

Telephone No.

[REDACTED]

Name of Agent (if any):

[REDACTED]

Address:

[REDACTED]

Telephone No.

[REDACTED]

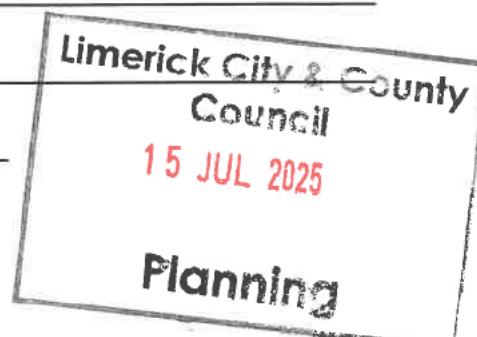
Address for Correspondence:

FRANK LYNCH SNR.

KILMURRAY B06,

FEENAGH, KILMALLOCK, CO. LIMERICK

V35 NW 93



Location of Proposed development (Please include Eircode):

BRIDGE HOUSE TEMPLEATHER,
ATHKEA CO. LIMERICK.
V94 D9 WT.

Description of Proposed development:

CANOPY TO FRONT OF HOUSE.

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

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

~~YES~~/NO

Applicant's interest in site: OWNER.

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

FRONT ELEVATION

Have any previous extensions/structures been erected at this location ~~YES~~/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:

**Planning Department,
Limerick City & County Council,
Dooradoyle,
Limerick,
V94 XF67**

OFFICE USE ONLY

Ref. No. _____

Date Received _____

Fee Received _____

Date Due _____

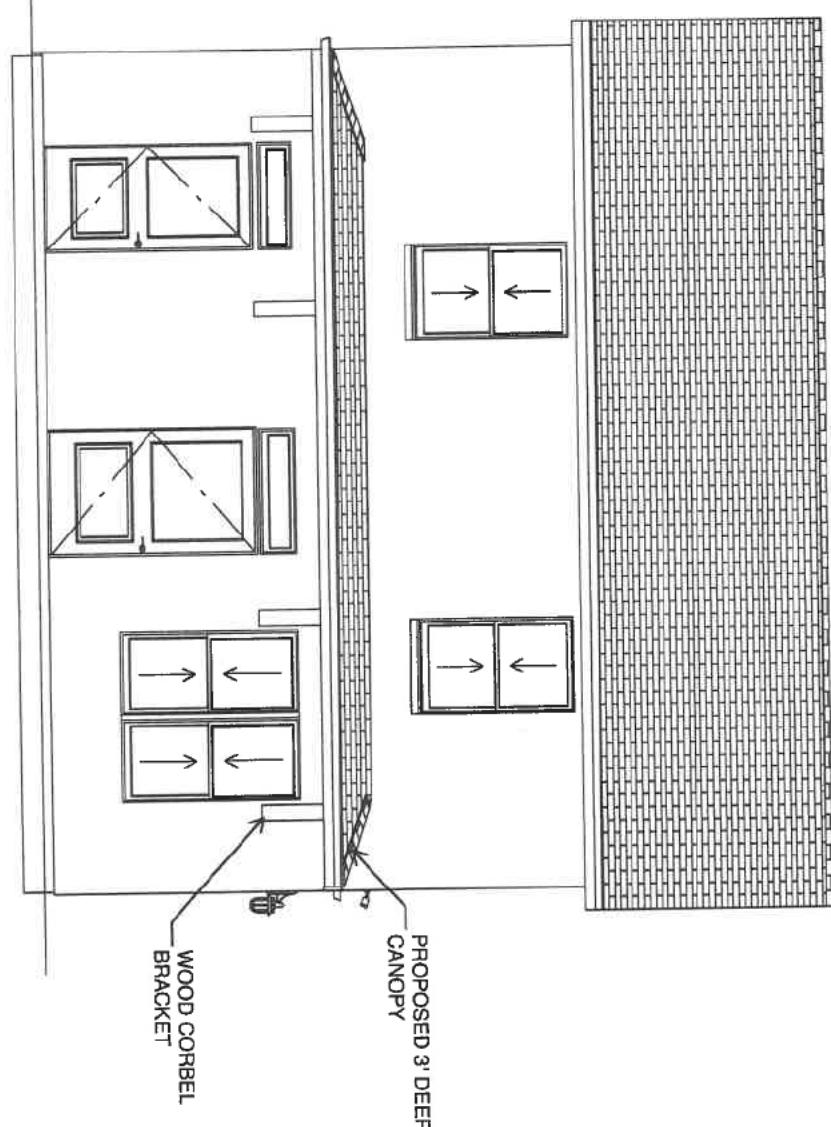
ELEVATION

BRIDGE HOUSE, ATHEA, CO. LIMERICK

1/4" = 1'-0"

09.30.2024

MOA MICHAEL OFFICE OF ARCHITECTURE





Jun 29 2023 11:01:44 am

Derelict Sites Location Map

Indicative Area Outlined In Red

0 10 20 30 40 50 60 m

File Ref: DS-029-23

Address: Templethea, Athea, Co.
Limerick

Site Area: 0.062 ha Approx.

ITM Co-ords: 512595, 635134

Scale: 1:1000 @ A4

Date drafted: 17/04/2023

Drafted by G O'Donovan

Legend

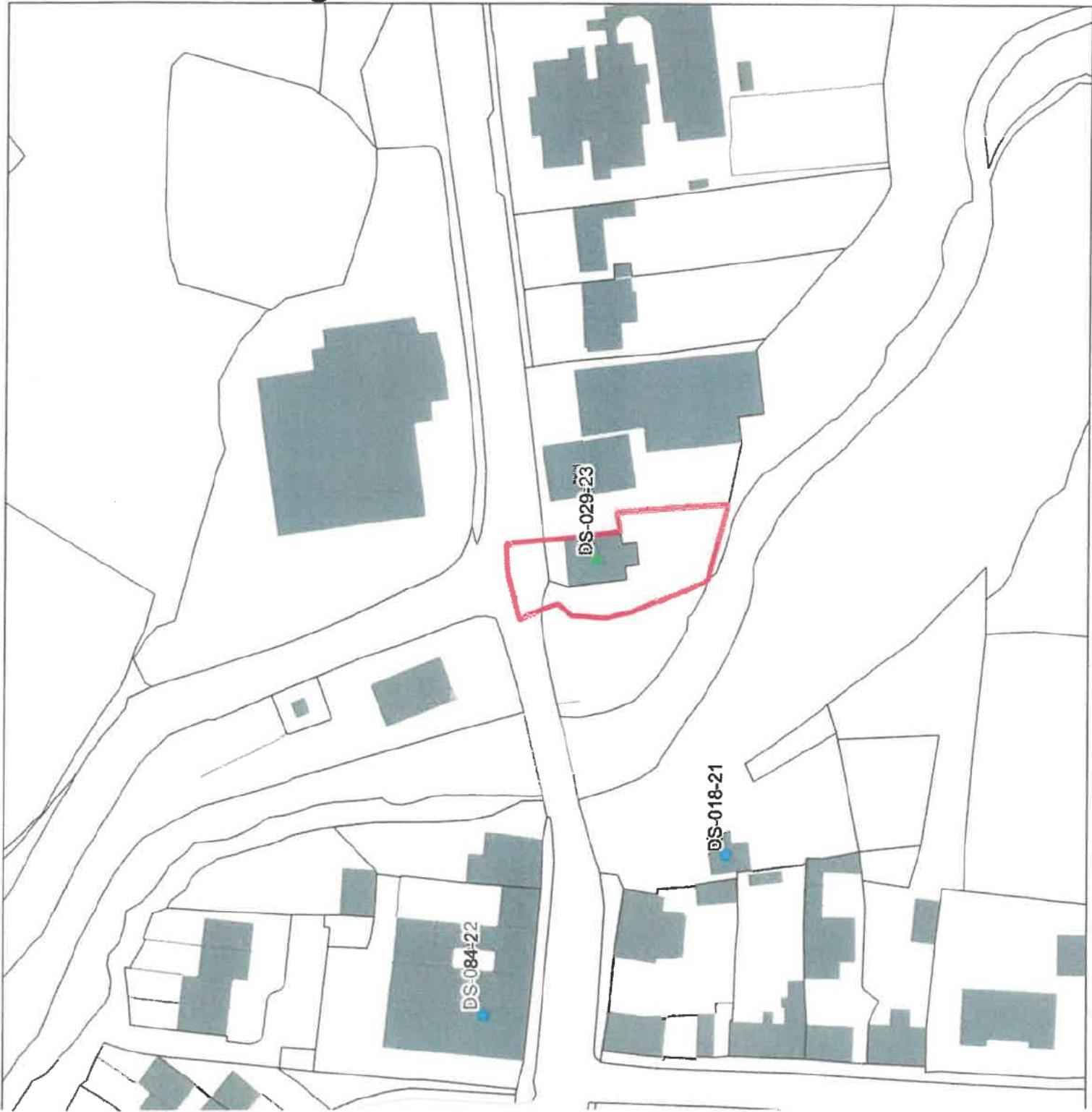
derelict_sites

open

closed *W*

in the register

100m 100m 100m 100m 100m 100m



COMHAIRLE
CATHRACH & CONTAE
Luimních
Limerick
CITY & COUNTY
COUNCIL

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

14/05/2025 14:11:35

Receipt No / :
Uimhir Admhala : LA25/025177412

Bernadette Lynch
Temple Athea
Athea
Co Limerick
V94 D9WT

EXEMPTION CERTIFICATES	80.00
GOODS	80.00
VAT Exempt/Non-vatable	

Total/Isomlán 80.00 EUR

Tendered/Tairgthe : 80.00
Credit / Debit Card
CHASE VISA
****7021
A/k/a

Change/Sonseáil 0.00

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

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

Reference no.	EC-149-25
Name and Address of Applicant:	Bernadette Lynch Templeqathea Athea Co. Limerick
Agent:	Frank Lynch Snr. Kilmurry Bog, Feenagh, Kilmallock, Co. Limerick.
Location:	Bridge House Templeathea West, Athea Co. Limerick. V94 D9WT

Description of Site and Surroundings:

The site consists of a detached two storey dwelling situated at Templeathea West circa 100m west of Athea village centre along the R523. The property is located within the village boundary of Althea which is zoned 'Level 5 Small Villages' in the settlement hierarchy for Limerick in the Limerick Development Plan 2022-2028.

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:

- Canopy to the front of house

This Section 5 declaration includes the following:

- Application Form
- Site location map
- Front Elevation
- Photograph of property

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 a canopy to the front elevation constitutes ‘works’ and ‘development’.

Is the proposal exempted development?

The proposed canopy will be assessed under Class 3 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended).

Is the development within the curtilage of a house?

Yes, the proposed canopy appears to be within the curtilage of a house, I note there is no roadside boundary wall, however the site boundary extends to the roadside.

Class 3

The construction, erection or placing within the curtilage of a house of any tent, awning, shade or other object, greenhouse, garage, store, shed or other similar structure is considered Exempted Development, subject to the following Conditions and Limitations:

1. *No such structure shall be constructed, erected or placed forward of the front wall of a house.*

The proposed canopy is to the front elevation of the property and is forward of the front wall of the existing dwelling. As such it does not comply with this condition/limitation.

2. *The total area of such structures constructed, erected or placed within the curtilage of a house shall not, taken together with any other such structures previously constructed, erected or placed within the said curtilage, exceed 25 square metres.*

No previous structures have been constructed, no area is provided for the proposed canopy, however it would appear to be less than 25sqm. Confirmation of same, via further information request, would be required.

3. *The construction, erection or placing within the curtilage of a house of any such structure shall not reduce the amount of private open space reserved exclusively for the use of the occupants of the house to the rear or to the side of the house to less than 25 square metres.*

The structure is proposed to the front of the dwelling and as such would not reduce the amount of private open space for the use of the occupants of the house to the rear or to the side of the house to less than 25sqm.

4. *The external finishes of any garage or other structure constructed, erected or placed to the side of a house, and the roof covering where any such structure has a tiled or slated roof, shall conform with those of the house.*

Noted, the proposed structure appears to be of timber construction with a tile/slate roof similar to the existing dwelling, however confirmation of the proposed roofing material would be required via further information request.

5. *The height of any such structure shall not exceed, in the case of a building with a tiled or slated pitched roof, 4 metres or, in any other case, 3 metres.*

No details in terms of the height of the proposed canopy has been submitted, however I note it is to be located above the ground floor openings and would be c.3m above ground level. Confirmation of the height of the proposed structure would be required via further information request.

6. *The structure shall not be used for human habitation or for the keeping of pigs, poultry, pigeons, ponies or horses, or for any other purpose other than a purpose incidental to the enjoyment of the house as such.*

Noted, the proposed structure is a roofed canopy and has not been identified as being for the above uses. Given the type of structure proposed, it would not likely be used for same.

Having regard to the above, works to the front of the property are not exempted development under Class 3 of Schedule 2 of the Planning and Development Regulations 2001 (as amended). Therefore, I consider the proposal to construct a canopy or to alter the profile of a dwelling will require planning permission, regardless of the scale of the works.

Article 9 Restrictions

'The proposed development is not restricted by any of the restrictions in Article 9 of the Planning and Development Regulations 2001 (as amended)'.

Appropriate Assessment

An AA Screening examination was carried out by Limerick City & County Council (see appendix 1). Overall, it is considered that the development as proposed should not exercise a significant effect on the conservation status of any SAC or SPA as there are no source-pathway-receptors and the site does not directly encroach on any Natura 2000 European Sites. Therefore, an Appropriate Assessment is not required in this instance.

Environmental Impact Assessment

An EIA Screening examination was carried out by Limerick City and County Council (see Appendix 2). Based on a preliminary examination of the proposal there is no real likelihood of significant effects on the environment and EIA is not required.

Conclusion/Recommendation

The proposed canopy and all associated site works detailed on the application and plans submitted is considered not to be within the scope of Part 1, Class 3 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) Part 1, Class 3 of Schedule 2 of the Planning and Development Regulations 2001 (as amended)
- c) The plans & particulars submitted with the application received on 15th July 2025.

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



Eithne O'Brien
Assistant Planner
Date: 08/08/2025

Agreed



Jennifer Collins
A/Senior Executive Planner
Date: 08/08/2025

Appendix 1: AA PN01 Screening Form

STEP 1: Description of the project/proposal and local site characteristics:	
(a) File Reference No:	EC-149-25
(b) Brief description of the project or plan:	The proposed works comprise the construction of a canopy to the front elevation of the property
(c) Brief description of site characteristics:	The dwelling is a one off property
(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/Specia l Conservation Interest¹	Distance from proposed development² (km)	Connections (Source- Pathway- Receptors)	Considered further in screening Y/N
002165	Lower River Shannon SAC https://www.npws.ie/protected-sites/sac/002165	c0.022km	None	N
004161	Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA https://www.npws.ie/protected-sites/spa/004161	c0.19km	None	N
002351	Moanveanlagh Bog SAC https://www.npws.ie/protected-sites/sac/002351	c7.62km	None	N

STEP 3: Assessment of Likely Significant Effects	
(a) Identify all potential direct and indirect impacts that may have an effect on the conservation objectives of a European site, taking into account the size and scale of the project under the following headings:	
Impacts:	Possible Significance of Impacts: (duration/Magnitude etc)
Construction phase e.g. <ul style="list-style-type: none">- Vegetation clearance- Demolition- Surface water runoff from soil excavation/infill/landscaping (including borrow pits)- Dust, noise, vibration- Lighting disturbance- Impact on groundwater/dewatering- Storage of excavated/construction materials- Access to site- Pests	None. Works are minimal and will involve temporary construction works; therefore, no likely significant impact on the construction objectives of the site.
Operation phase e.g. <ul style="list-style-type: none">- Direct emission to air and water- Surface water runoff containing contaminant or sediment- Lighting disturbance- Noise/vibration- Changes to water/groundwater due to drainage or abstraction- Presence of people, vehicles and activities- Physical presence of structures (e.g. collision risk)- Potential for accidents or incidents	None. Works are minimal and will involve temporary construction works; therefore, no likely significant impact on the construction objectives of the site.
In-combination/Other	N/A given the level of development

(b) Describe any likely changes to the European site:	
Examples of the type of changes to give consideration to include: <ul style="list-style-type: none">- Reduction or fragmentation of habitat area- Disturbance to QI species- Habitat or species fragmentation- Reduction or fragmentation in species density- Changes in key indicators of conservation status value (water or air quality etc)	None. Works are minimal and will involve temporary construction works; therefore, no likely significant impact on the construction objectives of the site.

<ul style="list-style-type: none"> - Changes to areas of sensitivity or threats to QI - Interference with the key relationships that define the structure or ecological function of the site 	
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<p>(c) (Are '<i>mitigation</i>' measures necessary to reach a conclusion that likely significant effects can be ruled out at screening?</p>
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

<h3 style="text-align: center;">STEP 4: Screening Determination Statement</h3>		
<p>The assessment of significance of effects:</p> <p>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</p>		
<p>On the basis of the information submitted, which is considered adequate to undertake a screening determination and having regard to:</p> <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, <p>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.</p>		
<p>Conclusion:</p> <p>An appropriate assessment is not required.</p>		
	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:	 <hr/> Eithne O'Brien Assistant Planner 08/08/2025	
Signature and Date of the Decision Maker:	 <hr/> Jennifer Collins A/Senior Executive Planner 08/08/2025	

Appendix 2: EIA Screening

Establishing if the proposal is a 'sub-threshold development':		
Planning Register Reference:	EC-149-25	
Development Summary:	The proposed development on site, comprising the construction of a canopy	
Was a Screening Determination carried out under Section 176A-C?	<input type="checkbox"/>	Yes. no further action required
	<input checked="" type="checkbox"/>	No. Proceed to Part A
A. Schedule 5 Part 1 - Does the development comprise a project listed in Schedule 5, Part 1 , of the Planning and Development Regulations 2001 (as amended)? (Tick as appropriate)		
<input type="checkbox"/>	Yes. specify class: [insert here] _	EIA is mandatory
<input checked="" type="checkbox"/>		No 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
<input type="checkbox"/>	Yes the project is of a type listed but is <i>sub-threshold</i> : [insert here] _	No Screening required
c. If Yes , has Schedule 7A information/screening report been submitted?		
<input type="checkbox"/>	Yes, Schedule 7A information/screening report has been submitted by the applicant	Screening Determination required
<input type="checkbox"/>	No, Schedule 7A information/screening report has not been submitted by the applicant	Preliminary Examination required

Signature and Date of Recommending Officer:	 Eithne O'Brien Assistant Planner 08/08/2025
Signature and Date of the Decision Maker:	 Jennifer Collins A/Senior Executive Planner 08/08/2025



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

Pleanáil, agus Cruthú Aite
Comhairle Cathrach agus Contae Luimnígh
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:

Bernadette Lynch,
c/o **Frank Lynch Snr,**
Kilmurry Bog,
Feenagh,
Kilmallock,
Co. Limerick.

EC/149/25

11 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/2025/849

File Ref No. EC/149/25

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

RE: A canopy at Bridge House, Templeathea, Athea, 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 Eithne O'Brien, Assistant Planner dated 08/08/2025, hereby order that a Declaration under Section 5 of the Planning and Development Act 2000 (as amended) be issued to Bernadette Lynch, c/o Frank Lynch Snr, Kilmurry Bog, Feenagh, Kilmallock, Co. Limerick to state that the works as described above is

Development and is NOT Exempt Development. *Ke*

Signed

N. O'Connell

SENIOR PLANNER, PLANNING & PLACE-MAKING

Date

11/8/25

Certified to be a true copy of Approved Officer's Order, Planning & Development Order No. AOO/DC/2025/849 dated *11/8/25*, pursuant to Section 151(7) of the Local Government Act 2001

Signed:

N. O'Connell

SENIOR PLANNER, PLANNING & PLACE-MAKING



Comhairle Cathrach
& Contae Luimních

Limerick City
& County Council

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Comhairle Cathrach agus Contae Luimních
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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/149/25

Name and Address of Applicant: Bernadette Lynch, Templeqathea, Athea, Co. Limerick

Agent: Frank Lynch Snr, Kilmurry Bog, Feenagh, Kilmallock, Co. Limerick

Whether the canopy at Bridge House, Templeathea, Athea, 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 canopy at Bridge House, Templeathea, Athea, Co. Limerick **DOES NOT** come within the scope of exempted development under Part 1, Class 3 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: 11/08/2025

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.