



To: Secretary,
Limerick City & County Council

Kilfergus,

Glin,

Co. Limerick

31/7/25

a chana,

Enclosed find an application for
a Section 5 on a neighbours property.

It is for the treating of Japanese
Knotweed which surrounds a cluster
of 'Sally' trees and then the felling
of those ~~the~~ trees.

The landowner, Jim Noamile, requires
me to put in the Section 5, to
get clearance from a Council perspective,
so that there will be no come back
to him. I am organising the clearance and
finance of same.

Mise le meas. *Tommy Barrett*



Comhairle Cathrach
& Contae Luimnigh

Limerick City
& County Council

Limerick City and County Council

Planning Department

Section 5 Application

DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

Applicant's Name: Tommy Barrett

Applicant's Address: Kilfergus,
Glin
Co. Limerick.

Telephone No.



Name of Agent (if any): _____

Address: _____

Telephone No. _____

Address for Correspondence:

KILFERGUS,
GLIN,
Co. Limerick
V94NW5C

Location of Proposed development (Please include Eircode):

EAST MALL, GLIN

EIRCODE OF House opposite site in question

V94CR9Y

Description of Proposed development:

- ① Treatment of JAPANESE KNOTWEED in order
to make it safe for the ② FELLING OF 100-150 WILD
SALLY TREES. ① and ② to be done by
a suitably qualified contractor.

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: I HAVE PERMISSION FROM OWNER, Jim Normie,

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

Plans +80

Site location maps

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:

Signature of Applicant (or Agent) Ronan Bonnett

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 _____



Add to Create Alert

*Taité Éireann Registration Boundaries and Plan Area **are not conclusive** See [Section 62\(2\) of Registration of Title Act 2006](#) and [Rule 8\(3\) of the Land Registration Rules 2012](#).

- View Basket
- Current View
- Help

Site layout plan!

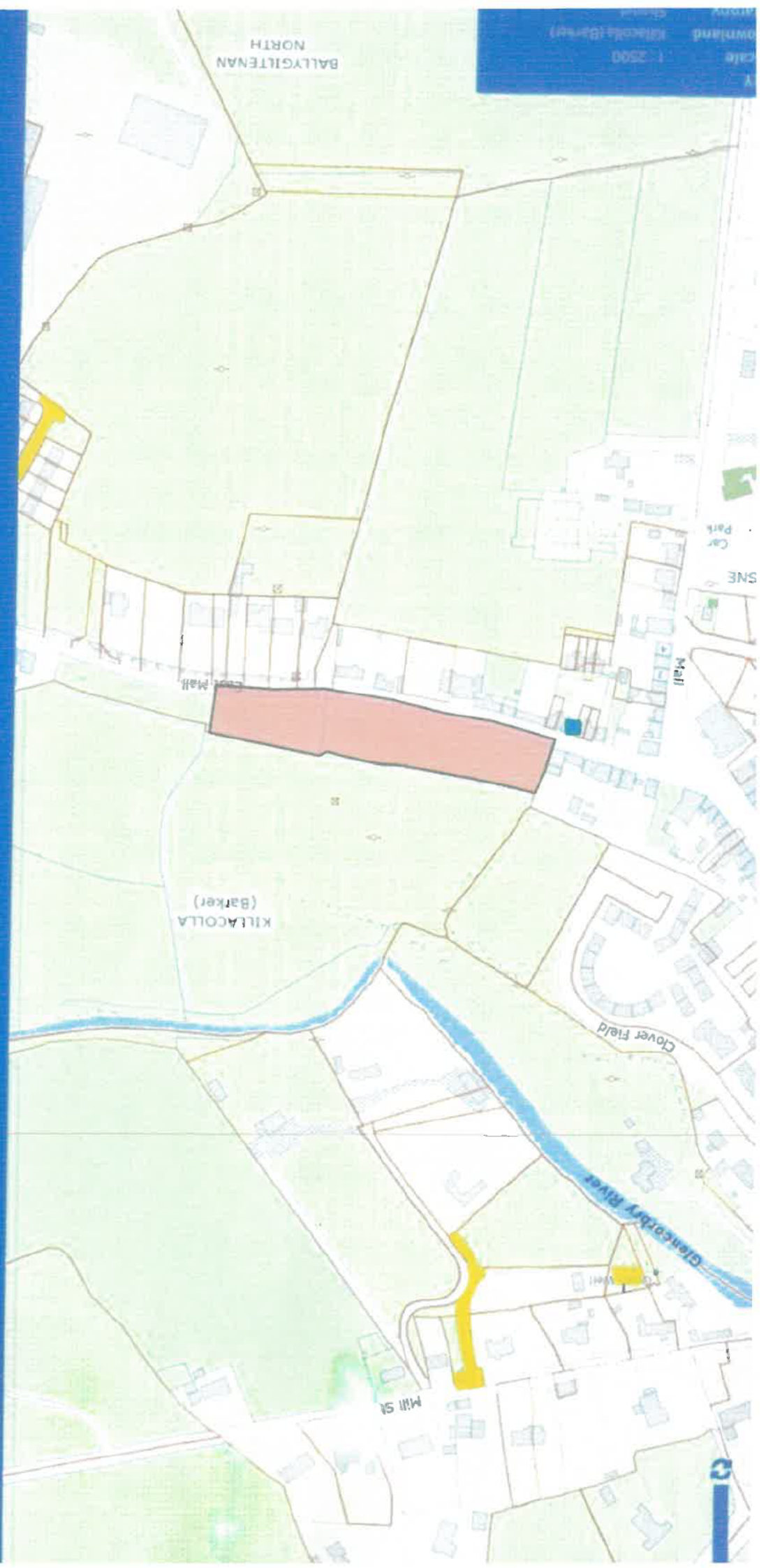
XY
Scale 1 : 2500
Townland Killacolla (Barker)
Barony Shand

BALLYGILTENAN NORTH

*Title Eireann Registration Boundaries and Plan
 Area are not conclusive See Section 62(2) of
 Registration of Title Act 2006 and Rule 8(3)
 of the Land Registration Rules 2012

new Barker
 - CLIFF TOP VIEW

Site location map



COMHAIRLE
CATHRACH & CONTAE
Luimnigh
Limerick
CITY & COUNTY
COUNCIL

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

31/07/2025 11:59:27

Receipt No./
Uimhir Admhála : LA25/0/25179651
***** REPRINT *****

THOMAS & ANITA BARRETT

EXEMPTION CERTIFICATES	80.00
GOODS	80.00
VAT Exempt/Non-vatable	

Total/Iomlán : 80.00 EUR

Tendered/Tairgthe :
Cheque 80.00
A.I.B.
503107

Change/Sóinseáil : 0.00

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

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

Reference no. EC-161-25

Name and Address of Applicant: Tommy Barrett,
Kilfergus,
Glin,
Co. Limerick.

Agent: None

Location: East Mall,
Glin,
Co. Limerick.

Description of Site and Surroundings:

The site is located in the townland of Ballygiltenan North, circa 150m west of Glin village along local road L-1227. The surrounding area is predominantly residential with agricultural land to the rear. The site comprises a strip of land that's partially overgrown and contains a mixture of vegetation including mature trees.

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:

- Proposed clearing of Japanese knotweed

This Section 5 declaration includes the following:

- Application Form
- Site location map
- Site layout plan

Planning History:

91/597 - Erection of five dwellinghouses. Outline permission granted conditionally to Thomas Normile.

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’.

In relation to the proposal comprising the treatment of Japanese Knotweed, having regard to the definition of ‘works’ above, I consider this could only be considered in terms of an act of ‘alteration’. In this regard, while the removal of same may require site works including some ground excavations, this would not entail any permanent change of a site and therefore I consider the proposed development would not constitute ‘works’. Having regard to the definition of ‘development’ as set out above, as the proposal does not constitute ‘works’, it therefore cannot constitute development.

Is the proposal exempted development?

NA, as the proposal comprising the treatment of Japanese Knotweed does not constitute ‘works’ and ‘development’.

Article 9 Restrictions

NA

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 proposal comprising the treatment of Japanese Knotweed does not constitute ‘works’ and ‘development’.

Regard has been had to –

- a) Section 4(1)(h) of the Planning and Development Act 2000, as amended.
- b) The plans & particulars submitted with the application received on 31st of July 2025.

It is therefore considered that the said proposal is not works nor development as defined under the Planning and Development Act 2000, as amended.

Advice Note:

The applicant is advised that the proposal comprising the treatment of Japanese Knotweed as outlined in submitted documents does not come within the scope of planning legislation and does not require planning permission. The control of such invasive species in Ireland is governed by both European and Irish legislation, namely:

- Regulation 49(2) of the European Communities (Birds and Natural Habitats) Regulations, 2011
- Section 40(1) of the Wildlife Act, 1976, as amended
- EU Regulation No. 1143/2014 of the European Parliament and of the Council of October 22, 2014, on the prevention and management of the introduction and spread of invasive alien species
- Use of Plant Protection Products Legislation.

In this regard, prior to carrying out any treatment on the site, the applicant is advised to contact Limerick City and County Council Biodiversity Officer, Sinead McDonnell, at: sineadmcdonnell@limerick.ie and Aisling Mulvihill of the Mid-South Division of the National Parks and Wildlife Service at: (01) 539 3152.



Eithne O'Brien
Assistant Planner

Date: 22/08/2025



Agreed
Jennifer Collins
A/Senior Executive Planner

Date: 22/08/2025

Appendix 1: AA PN01 Screening Form

STEP 1: Description of the project/proposal and local site characteristics:	
(a) File Reference No:	EC-161-25
(b) Brief description of the project or plan:	Treatment of Japanese knotweed to allow for the felling of trees
(c) Brief description of site characteristics:	Overgrown area by public road
(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW	None
(e) Response to consultation:	No

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	c0.49km	None	N
004077	River Shannon and River Fergus Estuaries SPA https://www.npws.ie/protected-sites/spa/004077	c0.64km	None	N
004161	Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA	c2.51km	None	N

	https://www.nps.ie/protected-sites/spa/004161			
002351	Moanveanlagh Bog SAC https://www.nps.ie/protected-sites/sac/002351	c14.38km	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 must be carried out by licenced contractors in line with relevant legislation, therefore, no likely significant impact on the conservation objectives of the above named 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 must be carried out by licenced contractors in line with relevant legislation, 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:

<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 	<p>None. Works must be carried out by licenced contractors in line with relevant legislation, therefore, no likely significant impact on the conservation objectives of the above named site.</p>
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(c) **(Are ‘mitigation’ measures necessary to reach a conclusion that likely significant effects can be ruled out at screening?)**

☐ **Yes** ☒ **No**

STEP 4: Screening Determination Statement

The assessment of significance of effects:

Describe how the proposed development (alone or in-combination is/is not likely to have significant effects on European site (s) in view of its conservation objectives

On the basis of the information submitted, which is considered adequate to undertake a screening determination and having regard to:



- the nature and scale of the proposal,
- requirements under relevant legislation,

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:



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	<input type="checkbox"/>	

a significant effect on a European Site		<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 Date: 22/08/2025	
Signature and Date of the Decision Maker:	 <hr/> Jennifer Collins, A/Senior Executive Planner Date: 22/08/2025	

Appendix 2 EIA SCREENING

Establishing if the proposal is a ' <i>sub-threshold development</i> ':		
Planning Register Reference:	EC-161-25	
Development Summary:	Comprising treatment of Japanese knotweed on site.	
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> : Schedule 5 Part 2, 10 (b) Construction of more than 500 dwelling units		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 <input type="checkbox"/> No, Schedule 7A information/screening report has not been submitted by the applicant	
Signature and Date of Recommending Officer:	 <hr/> Eithne O'Brien Assistant Planner Date: 22/08/2025
Signature and Date of the Decision Maker:	 <hr/> Jennifer Collins, A/Senior Executive Planner Date: 22/08/2025



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:

Tommy Barrett,
Kilfergus,
Glin,
Co. Limerick.
V94NW5C

EC/161/25

25 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](https://twitter.com/LimerickCouncil)
 061 - 536 000

LIMERICK CITY & COUNTY COUNCIL

APPROVED OFFICER'S ORDER

SECTION 5 – DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT


No. AOO/DC/2025/909

File Ref No. EC/161/25

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

RE: A clearing of Japanese knotweed at East Mall, Glin, Co. Limerick.

ORDER: Whereas by Director General's Order No. DG/2024/122 dated 27th November 2024, Dr. Pat Daly, Director General, Limerick City & County Council did, pursuant to the powers conferred on him by Section 154 of the Local Government Act, 2001, (as amended by the Local Government Reform Act, 2014 and the Local Government (Mayor of Limerick) and Miscellaneous Provisions Act, 2024), delegate unto Jennifer Collins, A/Senior Executive Planner the functions as defined in the Local Government Acts, 1925 to 2024.

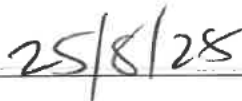
Now therefore pursuant to the delegation of the functions aforesaid, I, Jennifer Collins, A/Senior Executive Planner, having considered the report and recommendation of Eithne O'Brien, Assistant Planner dated 22/08/2025, hereby order that a Declaration under Section 5 of the Planning and Development Act 2000 (as amended) be issued to Tommy Barrett, Kilfergus, Glin, Co. Limerick to state that the works as described above is 

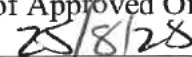
Not works nor Development

Signed


A/SENIOR EXECUTIVE PLANNER, PLANNING & PLACE-MAKING

Date



Certified to be a true copy of Approved Officer's Order, Planning & Development Order No. AOO/DC/2025/909 dated , pursuant to Section 151(7) of the Local Government Act 2001

Signed:


A/SENIOR EXECUTIVE 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/161/25

Name and Address of Applicant: Tommy Barrett, Kilfergus, Glin, Co. Limerick.

Agent: N/A

Whether the clearing of Japanese knotweed at East Mall, Glin, 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 31st of July 2025.

AND WHEREAS the Planning Authority has concluded that the clearing of Japanese knotweed at East Mall, Glin, Co. Limerick **Not works nor Development** as defined under the Planning and Development Act 2000, as amended. See Report attached.

NOW THEREFORE the Planning Authority in exercise of the powers conferred on it by Section 5(2) (a) of the Planning and Development Act 2000 (as amended) hereby decides that the said development as described above is **Not works nor Development**.

Signed on behalf of the said Council *Colin Keefe* Date: 25.8.2025

NOTE 1: The applicant is advised that the proposal comprising the treatment of Japanese Knotweed as outlined in submitted documents does not come within the scope of planning legislation and does not require planning permission. The control of such invasive species in Ireland is governed by both European and Irish legislation, namely:

- Regulation 49(2) of the European Communities (Birds and Natural Habitats) Regulations, 2011
- Section 40(1) of the Wildlife Act, 1976, as amended
- EU Regulation No. 1143/2014 of the European Parliament and of the Council of October 22, 2014, on the prevention and management of the introduction and spread of invasive alien species
- Use of Plant Protection Products Legislation.

In this regard, prior to carrying out any treatment on the site, the applicant is advised to contact Limerick City and County Council Biodiversity Officer, Sinead McDonnell, at: sineadmcdonnell@limerick.ie and Aisling Mulvihill of the Mid-South Division of the National Parks and Wildlife Service at: (01) 539 3152.

NOTE 2: 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.