



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: *Kevin & Mary Davison*

Applicant's Address: *Curraheen North, Askeaton, Co.Limerick V94KW4F*



Name of Agent (if any): *Frank Ross Consultant Engineer*

Address: *Blossom Hill, Kilcornan, Co.Limerick*

Telephone No. *0868128228*

Address for Correspondence:

Blossom Hill, Kilcornan, Co.Limerick

Frank Ross
B.Eng.MCIOB Reg.Building Surveyor
Consultant Engineer
Blossom Hill,
Kilcornan, Co.Limerick, V94 YVH5
Mob: 0868128228
E-mail: frankrosseng@gmail.com

Location of Proposed development (Please include Eircode):

First floor apartment, West Square, Askeaton, Co.Limerick, V94N1W8

Description of Proposed development:

Change of existing apartment internal layout only

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

*S.I. No. 600/2001 - Planning and Development Regulations, 2001
An apartment typically falls under Class 1 of the Planning and Development Regulations*

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:

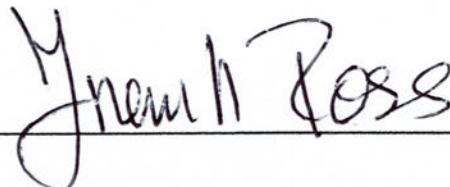
*Drawing no. P25/118/KMD/01 – Site location map
Drawing no. P25/118/KMD/02 – Site layout
Drawing no. P25/118/KMD/03 – Existing ground & first floor plan
Drawing no. P25/118/KMD/04 – Proposed ground & first floor plan
Drawing no. P25/118/KMD/05 – Front elevation*

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

If Yes please provide floor areas of all existing structures:

N/A _____

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:

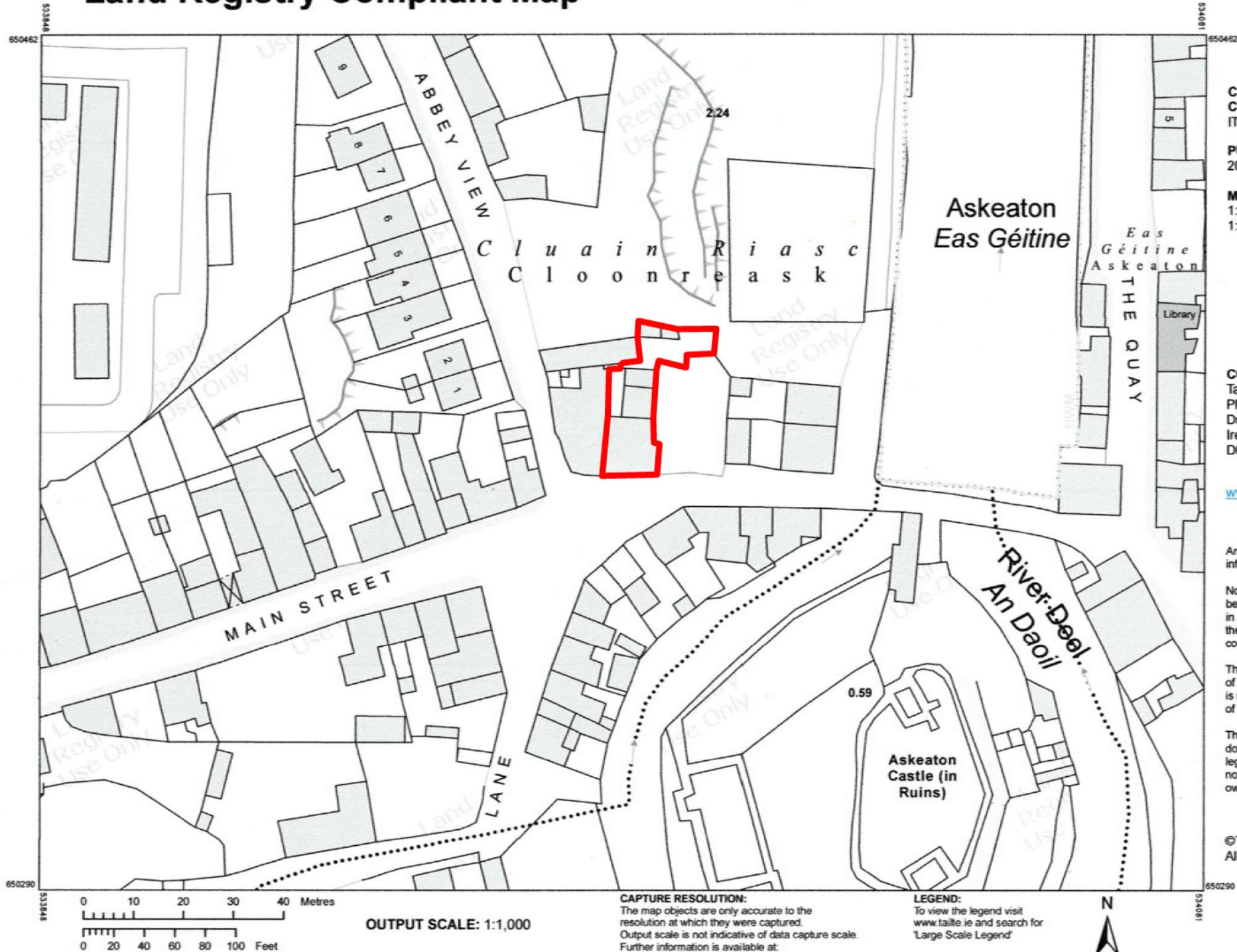
**Planning Department,
Limerick City & County Council,
Dooradoyle,
Limerick,
V94 XF67**

OFFICE USE ONLY

Ref. No. _____ Date Received _____

Fee Received _____ Date Due _____

Land Registry Compliant Map



LEGEND:	
— SITE	

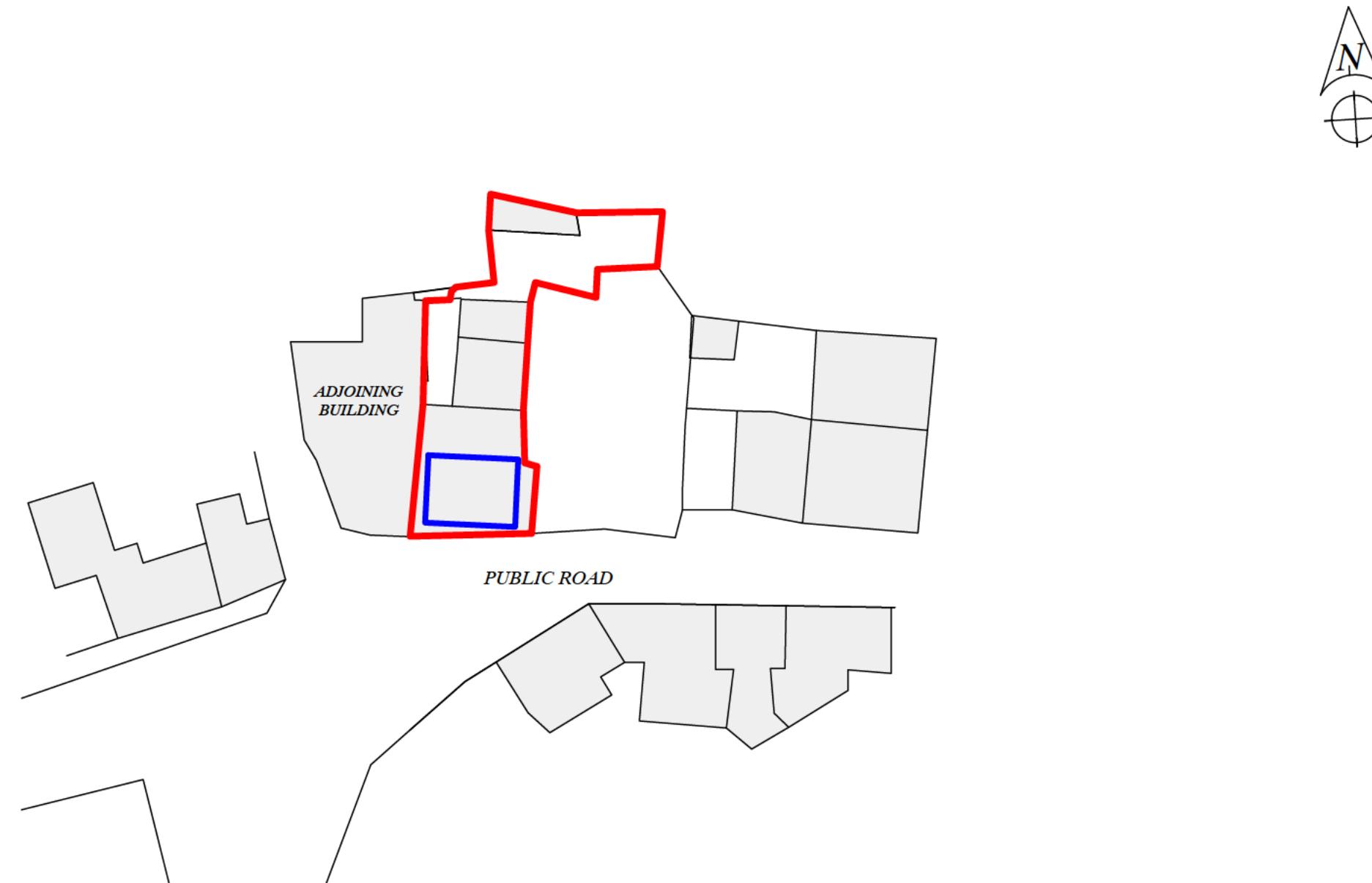
SITE LOCATION MAP

SCALE 1:1000

Rev.0 -Issued for exemption certificate

20/08/2025

SITE LOCATION MAP	
DATE :	AUGUST 2025
SCALE:	1:1000 @ A3
DRAWN:	A.H CHECKED: F.R
CLIENT:	KEVIN & MARY DAVISON
PROJECT:	WEST SQUARE, ASKEATON, CO.LIMERICK
DRAWING NUMBER:	P25/118/KMD/01
FRANK ROSS B.ENG.MCIOB	
REG.BUILDING SURVEYOR	
CONSULTANT ENGINEER	
BLOSSOMHILL, KILCORNAN	
CO. LIMERICK	
MOB: 086 812 82 28	
E-MAIL: info@frankrossengineer.ie	



*SITE LAYOUT
SCALE 1:500*

NOTES:

1. All dimensions in millimetres
2. All works are to be carried out in accordance with current Building Regulations
3. Do not scale from drawings.
4. Site check all dimensions on the drawings.

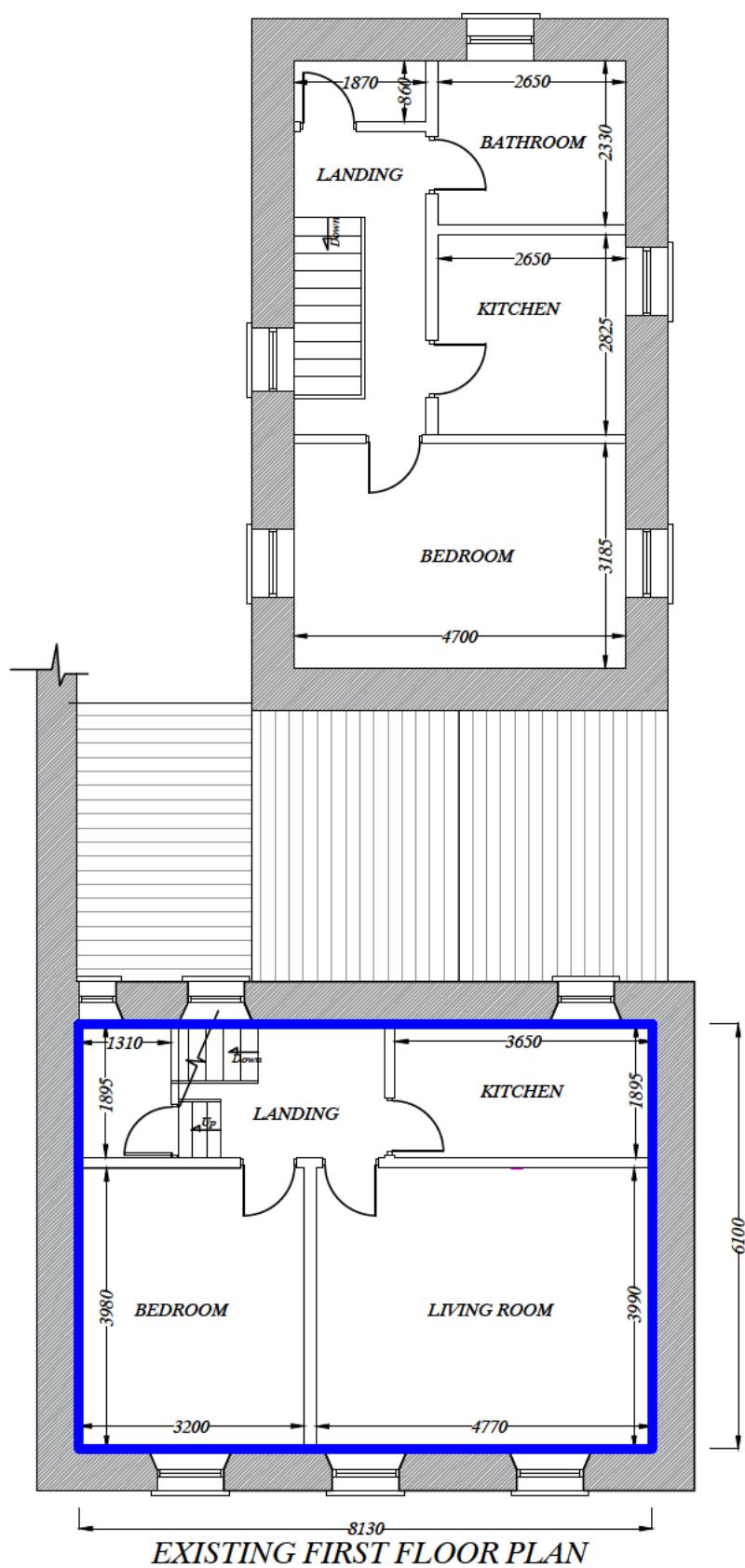
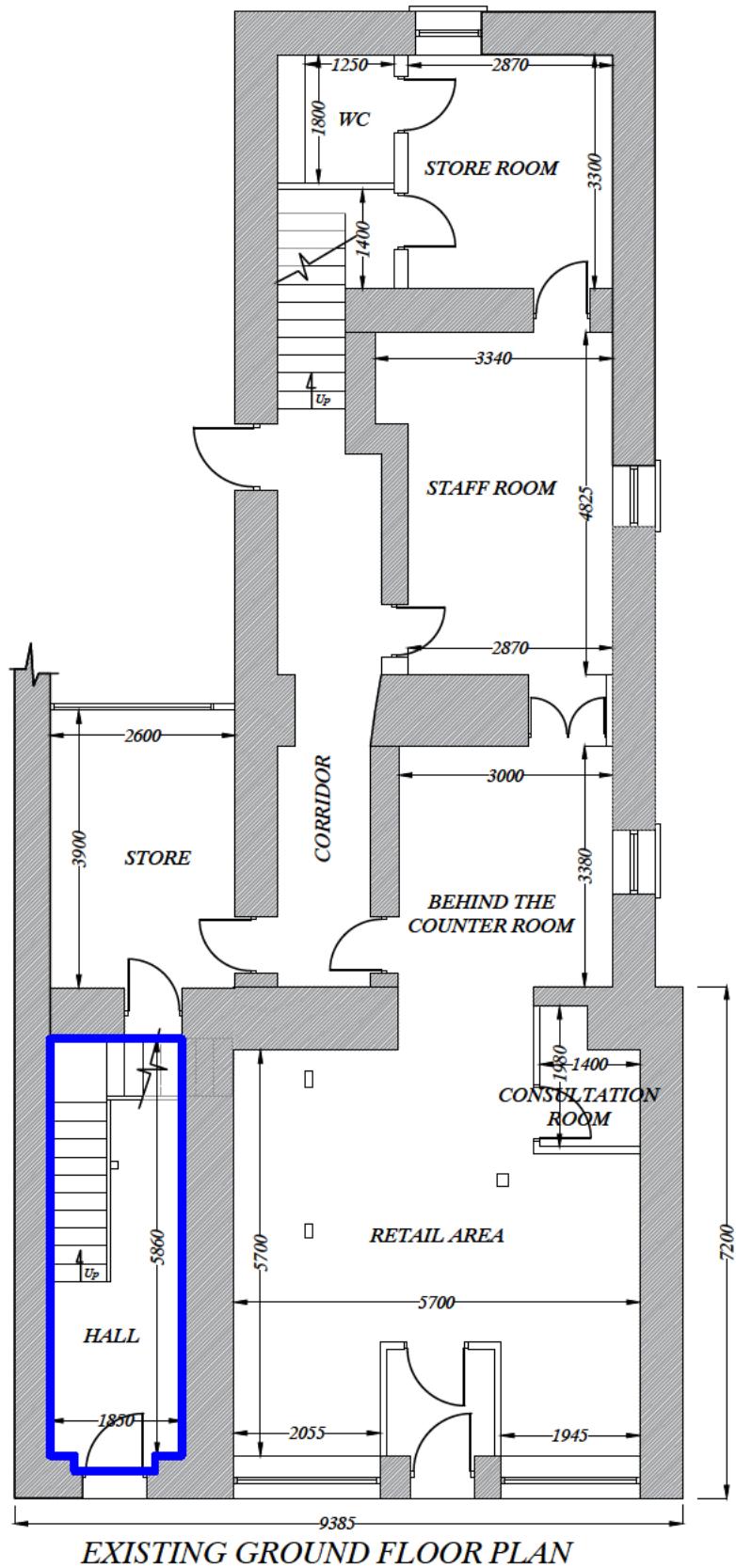
LEGEND:

- SITE
- EXEMPTION CERTIFICATE AREA

Rev.0 -Issued for exemption certificate

20/08/2025

<i>SITE LAYOUT</i>	
<i>DATE :</i>	<i>AUGUST 2025</i>
<i>SCALE:</i>	<i>1:500 @ A3</i>
<i>DRAWN:</i>	<i>A.H CHECKED: F.R</i>
<i>CLIENT:</i>	<i>KEVIN & MARY DAVISON</i>
<i>PROJECT:</i>	<i>WEST SQUARE, ASKEATON, CO.LIMERICK</i>
<i>DRAWING NUMBER:</i>	<i>P25/118/KMD/02</i>
<i>FRANK ROSS B.ENG.MCIOB</i>	
<i>REG.BUILDING SURVEYOR</i>	
<i>CONSULTANT ENGINEER</i>	
<i>BLOSSOMHILL, KILCORNAN</i>	
<i>CO. LIMERICK</i>	
<i>MOB: 086 812 82 28</i>	
<i>E-MAIL: info@frankrossengineer.ie</i>	



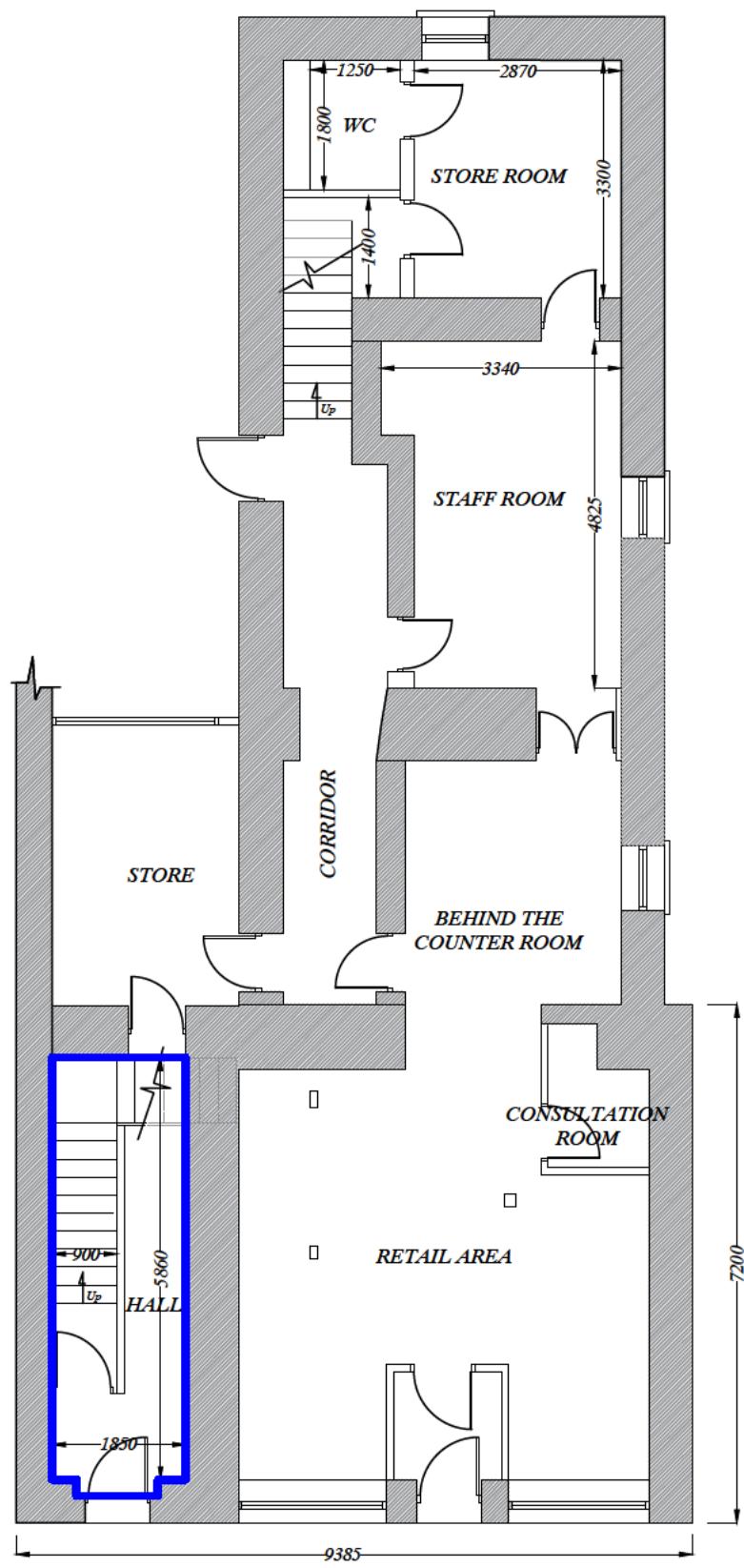
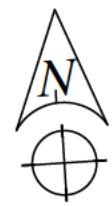
Rev.0 -Issued for exemption certificate

20/08/2025

EXISTING GROUND & FIRST FLOOR PLAN	DATE : AUGUST 2025
CLIENT: KEVIN & MARY DAVISON	SCALE: 1:100 @ A3
PROJECT: WEST SQUARE, ASKEATON, CO.LIMERICK	DRAWN: A.H CHECKED: F.R
DRAWING NUMBER: P25/118/KMD/03	FRANK ROSS B.ENG.MCIOB REG.BUILDING SURVEYOR CONSULTANT ENGINEER BLOSSOMHILL, KILCORNAN CO. LIMERICK MOB: 086 812 82 28 E-MAIL: info@frankrossengineer.ie

NOTES:

1. All dimensions in millimetres
2. All works are to be carried out in accordance with current Building Regulations
3. Do not scale from drawings.
4. Site check all dimensions on the drawings.



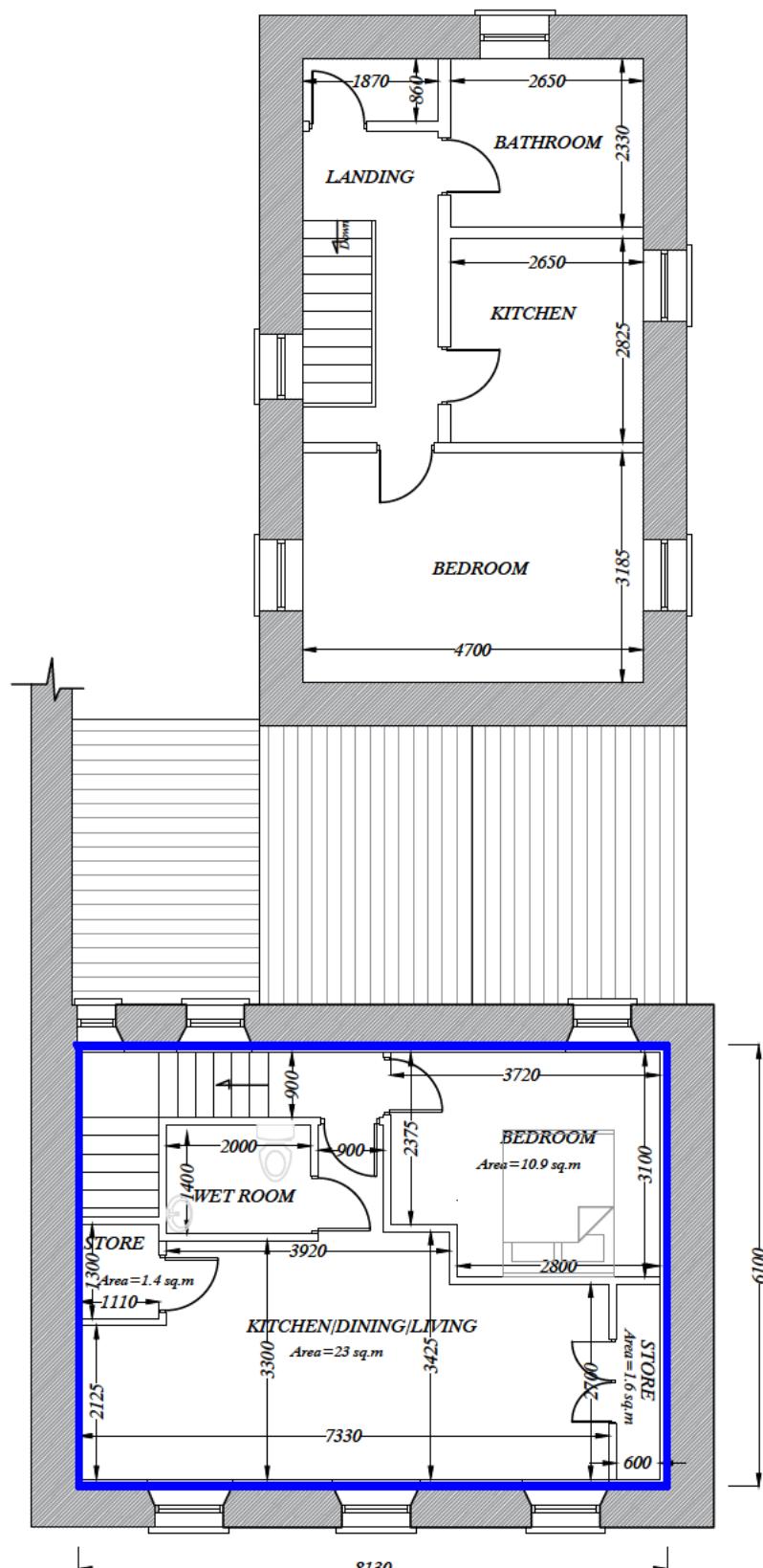
PROPOSED GROUND FLOOR PLAN
SCALE 1:100

LEGEND:

— EXEMPTION
CERTIFICATE AREA

NOTES:

- All dimensions in millimetres
- All works are to be carried out in accordance with current Building Regulations
- Do not scale from drawings.
- Site check all dimensions on the drawings.



First Floor Area = 47.4 sq.m
Kitchen/Dining/Living Area = 23 sq.m
Bedroom Area = 10.9 sq.m
Storage Space Area = 3 sq.m

Note: Variation of up to 5% were applied to room areas and widths subject to overall compliance with required minimum overall apartment floor plan

PROPOSED FIRST FLOOR PLAN
SCALE 1:100

Rev.0 -Issued for exemption certificate

20/08/2025

PROPOSED GROUND & FIRST FLOOR PLAN	
CLIENT: KEVIN & MARY DAVISON	
PROJECT: WEST SQUARE, ASKEATON, CO.LIMERICK	
DRAWING NUMBER: P25/118/KMD/04	DATE : AUGUST 2025
	SCALE: 1:100 @ A3
	DRAWN: A.H CHECKED: F.R
	FRANK ROSS B.ENG.MCIOB REG.BUILDING SURVEYOR CONSULTANT ENGINEER BLOSSOMHILL, KILCORNAN CO. LIMERICK MOB: 086 812 82 28 E-MAIL: info@frankrossengineer.ie



FRONT ELEVATION

SCALE 1:100

NOTES:

1. All dimensions in millimetres
2. All works are to be carried out in accordance with current Building Regulations
3. Do not scale from drawings.
4. Site check all dimensions on the drawings.

LEGEND:

— EXEMPTION
CERTIFICATE AREA

Rev.0 -Issued for exemption certificate

20/08/2025

FRONT ELEVATION	
DATE :	AUGUST 2025
SCALE:	1:100 @ A3
DRAWN:	A.H CHECKED: F.R
CLIENT:	KEVIN & MARY DAVISON
PROJECT:	WEST SQUARE, ASKEATON, CO.LIMERICK
DRAWING NUMBER:	P25/118/KMD/05
FRANK ROSS B.ENG.MCIOB REG.BUILDING SURVEYOR CONSULTANT ENGINEER BLOSSOMHILL, KILCORNAN CO. LIMERICK MOB: 086 812 82 28 E-MAIL: info@frankrossengineer.ie	

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

Reference no. EC-174-25

Name and Address of Applicant: Kevin & Mary Davidson,
Curraheen Road,
Askeaton, Co. Limerick.
V94 KW4F.

Agent: Frank Ross, Consultant Engineer,
Blossom Hill,
Kilcornan, Co. Limerick
V94 YVH5

Location: First Floor,
West Square,
Askeaton, Co. Limerick.
V94 N1W8.

Description of Site and Surroundings:

The subject site is located on Main Street (R518), Askeaton, circa 50m from the town centre. The property comprises a two storey semi-detached development with commercial aspect on the ground floor and residential overhead. To the rear is a single storey annex and two storey connected building with separate entrance. The upper floor where changes are proposed is accessed by an entrance to the front of the building which is located within the Architectural Conservation Area of Askeaton.

Zoning:

The site is zoned Town Centre under the Askeaton Local Area Plan 2015 – 2021 (extended until 2025).

Town Centre The purpose of this zoning is to protect and enhance the character of Askeaton town centre and to provide for and improve retailing, residential, commercial, office, cultural and other uses appropriate to the town centre while guiding the development of an expanded and consolidated town centre area. Any proposed retail development shall be in accordance with the provisions of the Retail Strategy for the Mid West Region, 2010-2016.

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:

- Internal layout changes to a first floor accommodation over a commercial development.

This Section 5 application includes the following:

- Application form
- Site layout map
- Site location map
- Drawings

Planning History:

None

Enforcement History:

None

Assessment

Consideration as to whether the works proposed 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, constitutes ‘works’ and is ‘development’.

Is the proposal exempted development?

The proposal is for internal layout amendments to existing first floor accommodation. The proposal for the works will be assessed under Section 4(1)(h) of the Planning and Development Act 2000 (as amended).

(h) development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures;

The works comprise layout revisions to a 1-bed upper floor apartment including the provision of an open plan living/kitchen/dining room in place of the existing separate living and kitchen areas as well as the relocation of the existing bedroom and provision of a wet room. I note there is no recent planning history on the site, therefore in assessing the proposal I am presuming that the existing apartment has the benefit of planning permission.

Having considered the above, which I consider to be works which affect only the interior of the structure, therefore provided that the existing apartment has planning permission, I am satisfied that the proposed development constitutes exempted development under Section 4(1)(h) of the Planning and Development Act 2000 (as amended) and therefore does not require planning permission.

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 has been undertaken (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 has been undertaken (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

Having regard to the submitted application and documentation received, the proposed development is considered to be within the scope of Section 4(1)(h) the Planning and Development Act 2000 (as amended)

Regard has been had to –

- (a) Section 2, 3 and 4 of the Planning and Development Act 2000 (as amended)
- (b) Section 4(1)(h) the Planning and Development Act 2000 (as amended)
- (c) The planning history on the site
- (d) The plans and particulars submitted with the application received on 22nd day of August 2025.

It is therefore considered that the said works are development and are exempted development under Section 4(1)(h) the Planning and Development Act 2000 (as amended).

Ebien

Eithne O'Brien
Assistant Planner
Date: 09/09/2025

Jennifer
Agreed _____

Jennifer Collins
A/Senior Executive Planner
Date: 09/09/2025

Appendix 1- AA Screening examination

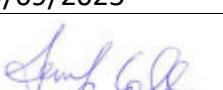
AA PN01 Screening Form

STEP 1: Description of the project/proposal and local site characteristics:				
a. File Reference No:	EC-174-25			
b. Brief description of the project or plan:	<p>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:</p> <p>Internal layout works to a first floor accommodation over a commercial development</p>			
c. Brief description of site characteristics:	Brownfield – internal layout changes			
d. Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW	N/A			
e. Response to consultation:	N/A			
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
004077	River Shannon and River Fergus Estuaries SPA https://www.npws.ie/protected-sites/spa/004077	c0.50km	None	N
002165	Lower River Shannon SAC https://www.npws.ie/protected-sites/sac/002165	c2.34km	None	N
000432	Barrigone SAC https://www.npws.ie/protected-sites/sac/000432	c3.61km	None	N
002279	Askeaton Fen Complex SAC https://www.npws.ie/protected-sites/sac/002279	c3.78km	None	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 - Storage of excavated/construction materials - Access to site - Pests 	None. Works are minimal and will involve temporary construction works; therefore, no likely significant impact on the conservation objectives of the above named site.
Operation phase e.g. <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	None given level of development in the area
(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 predicted

<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 		
<p>(c) (Are 'mitigation' measures necessary to reach a conclusion that likely significant effects can be ruled out at screening?</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>		
<p>STEP 4: Screening Determination Statement</p>		
<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>No effects have been identified on any designated sites</p>		
<p>Conclusion:</p> <p>Given the sites size, no hydrological connection to any SAC/SPA, the site does not encroach on any SAC/SPA and the scale of the development, An AA Screening is not required.</p>		
	<p>Tick as appropriate:</p>	Recommendation:
(i) It is clear that there is no likelihood of significant effects on a European Site	<input checked="" type="checkbox"/>	<p>The proposal can be screened out: Appropriate Assessment not required.</p>
(ii) It is uncertain whether the proposal will have a significant effect on a European Site	<input type="checkbox"/>	<p><input type="checkbox"/> Request further information to complete screening</p> <p><input type="checkbox"/> Request NIS</p> <p><input type="checkbox"/> Refuse planning permission</p>
(iii) Significant effects are likely	<input type="checkbox"/>	<p><input type="checkbox"/> Request NIS</p> <p><input checked="" type="checkbox"/> Refuse planning permission</p>
Signature and Date of Recommending Officer:	 <hr/> <p>Eithne O'Brien, Assistant Planner 09/09/2025</p>	
Planner	 <hr/> <p>Jennifer Collins, A/Senior Executive Planner</p>	

	09/09/2025
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Appendix 2 – EIA Screening – Establishing if proposal is sub-threshold

Establishing if the proposal is a ' <i>sub-threshold development</i> ':		
Planning Register Reference:	EC-174-25	
Development Summary:	Drainage works and replacement of existing lighting and netting to driving range area of the golf club.	
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 <input type="checkbox"/> No, Schedule 7A information/screening report has not been submitted by the applicant	Screening Determination required Preliminary Examination required
Signature and Date of Recommending Officer:	 <hr/> Eithne O'Brien, Assistant Planner 09/09/2025
Signature and Date of the Decision Maker:	 <hr/> Jennifer Collins, A/Senior Executive Planner 09/09/2025

Appendix 3 - Site inspection photographs





Comhairle Cathrach
& Contae Luimnígh
Limerick City
& County Council

Pleanáil, agus Cruthú Áite
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:

Kevin & Mary Davidson,
c/o Frank Ross Consultant Engineer,
Blossom Hill,
Kilcornan,
Co. Limerick.

EC/174/25

10 September 2025

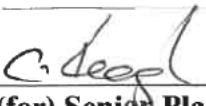
Re: Declaration under Section 5

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/2025/993

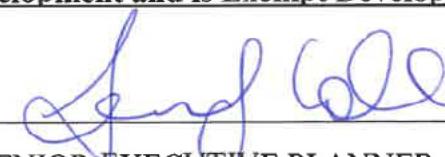
File Ref No. EC/174/25

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

RE: **An internal layout changes at First Floor Apartment, West Square, Askeaton, 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 09/09/2025, hereby order that a Declaration under Section 5 of the Planning and Development Act 2000 (as amended) be issued to Kevin & Mary Davidson, c/o Frank Ross Consultant Engineer, Blossom Hill, Kilcornan, Co. Limerick to state that the works as described above is



Development and is Exempt Development.

Signed

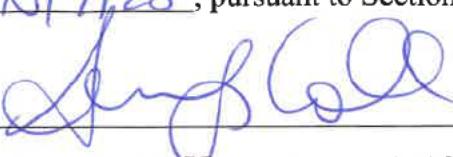
Jennifer Collins
A/SENIOR EXECUTIVE PLANNER, PLANNING & PLACE-MAKING

Date

10/9/28

Certified to be a true copy of Approved Officer's Order, Planning & Development Order No. AOO/DC/2025/993 dated 10/9/28, 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/174/25

Name and Address of Applicant: Kevin & Mary Davidson, Curraheen North, Askeaton, Co. Limerick.

Agent: Frank Ross Consultant Engineer, Blossom Hill, Kilcornan, Co. Limerick

Whether the internal layout changes at First Floor Apartment, West Square, Askeaton, 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 22nd of August 2025.

AND WHEREAS the Planning Authority has concluded that internal layout changes at First Floor Apartment, West Square, Askeaton, Co. Limerick **DOES** come within the scope of exempted development under Section 4(1)(h) 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 **Development and is Exempt Development**.

Signed on behalf of the said Council

A handwritten signature in black ink, appearing to read 'Cathriona Keay'.

Date: 10.9.2025

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.