



SECTION 5 APPLICATION

DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

Applicant's Name:

Tommy FITZGIBBON

Applicant's Address:

NEWTOWN NORTH

PALLAS GREEN

Co. LIMERICK V94 R251

Name of Agent (if any):

Address:

Telephone No. _____

Address for Correspondence:

See above.

Location of Proposed development:

NEWTOWN, PALLAS GREEN, LIMERICK.

Description of Proposed development:

Built in the late 1800's, it is now a derelict building in need of full renovation. Fireplace, bellows, arm for hanging meat is still above fire. Has never been used for other purpose.

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:

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)

Tommy Fitzgibbon

NOTES: Application must be accompanied by:
L041 paid in full.

- (a) Fee of €80 ✓
- (b) Site location map ✓ Receipt # 2519 1097
- (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. N/A

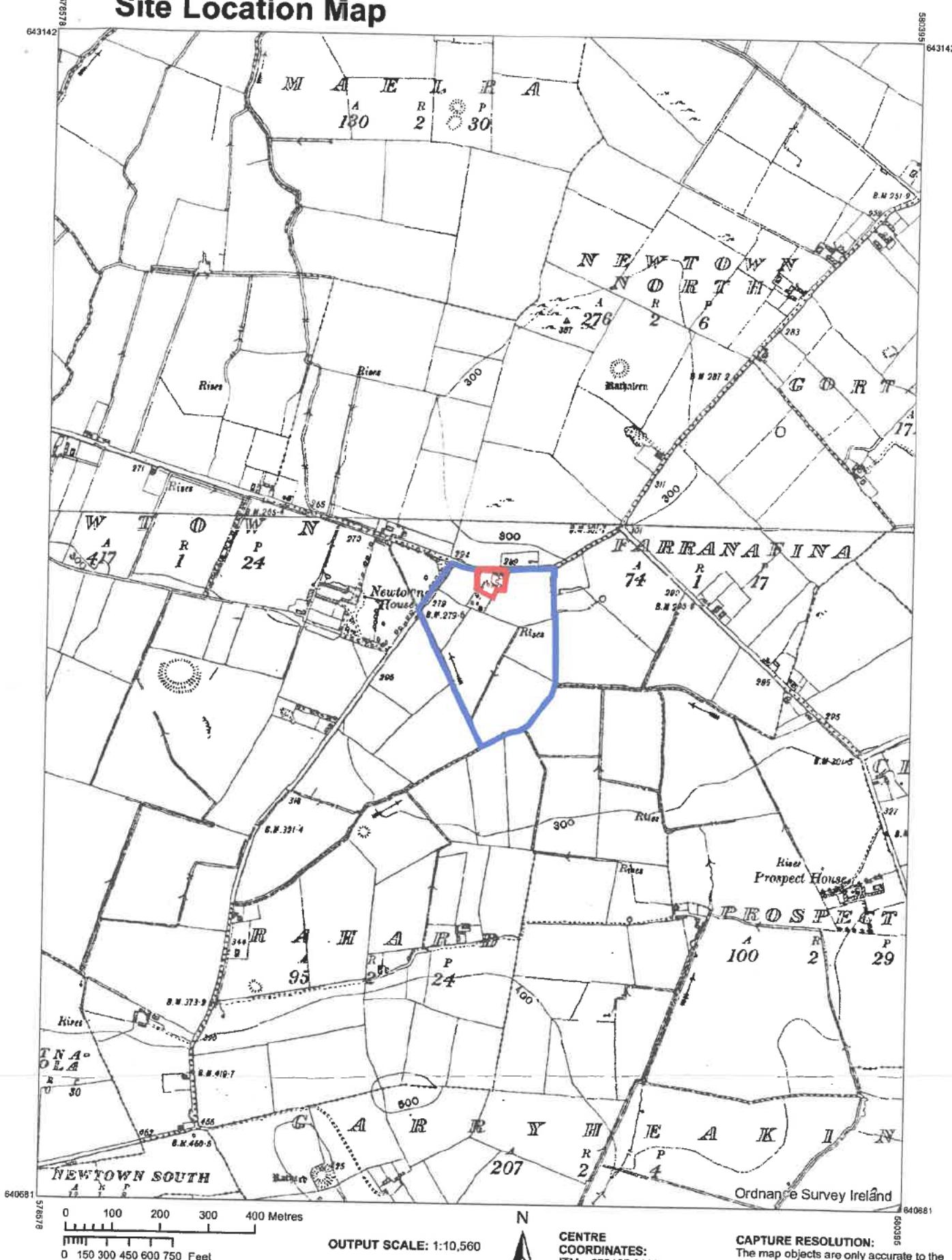
Application to be forwarded to:

Limerick City & County Council,
Planning and Environmental Services,
City & County Council Offices,
Dooradoyle Road,
Limerick.

OFFICE USE ONLY

Ref. No. _____ Date Received _____
Fee Received _____ Date Due _____

Site Location Map



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ITM 579487, 641912

PUBLISHED: ORDER NO.:
29/05/2021 50196537_1

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6 Inch Raster LK024
6 Inch Raster LK033+033A
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<http://www.osi.ie>; search 'Capture Resolution'

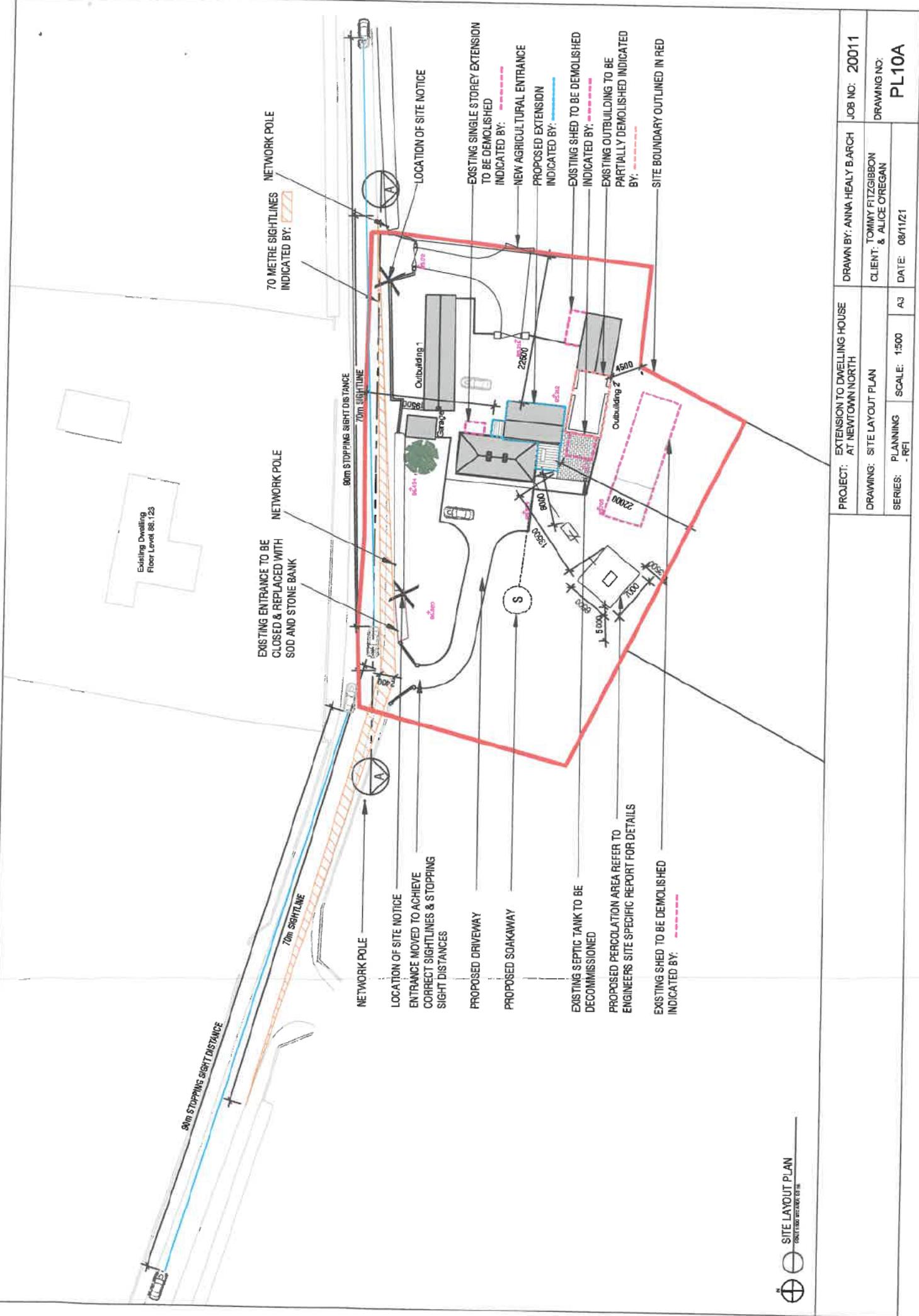
LEGEND:

<http://www.osi.ie>; search 'Large Scale Legend'

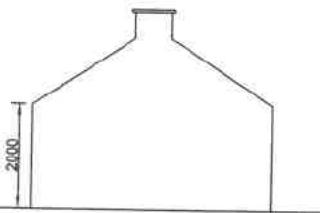
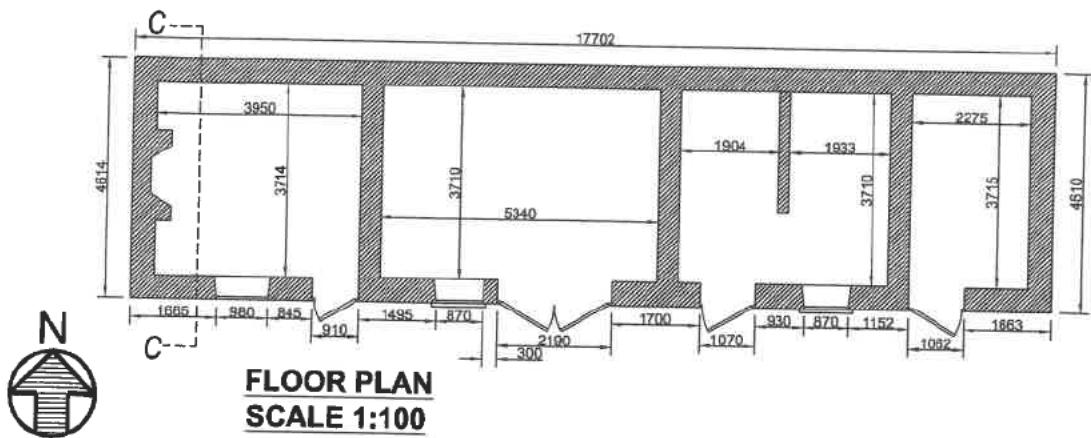


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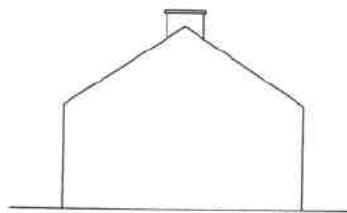
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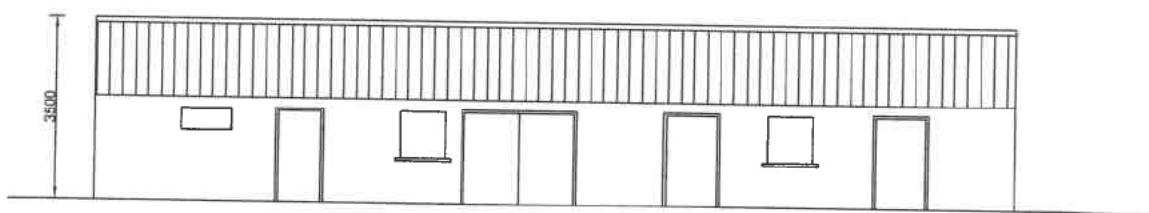
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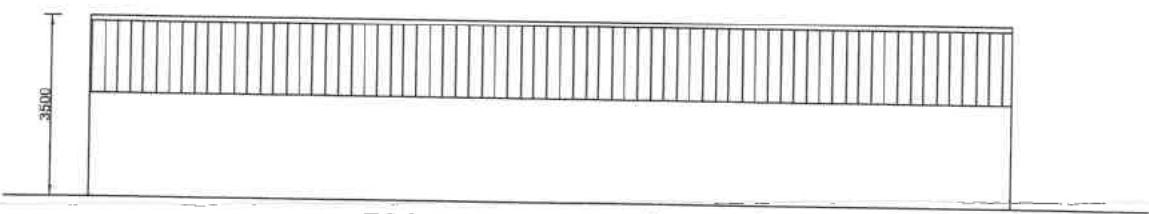
SIDE ELEVATION (WEST)
SCALE 1:100



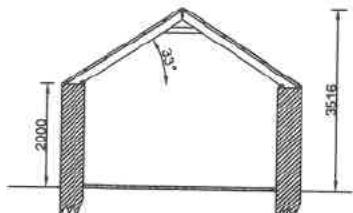
SIDE ELEVATION (EAST)
SCALE 1:100



REAR ELEVATION (SOUTH)
SCALE 1:100



FRONT ELEVATION (NORTH)
SCALE 1:100



SECTION C - C
SCALE 1:100

Denis J. O'Malley B.E., Eur. Ing., C. Eng., M.I.E.I.
CHARTERED ENGINEER
Abington Enterprise Centre
Murrin
Co. Limerick
Phone: 061 - 386555
E-mail: denisjomalleybe@gmail.com

YOUR REF. OUR REF. 72 DATE: 27/09/22

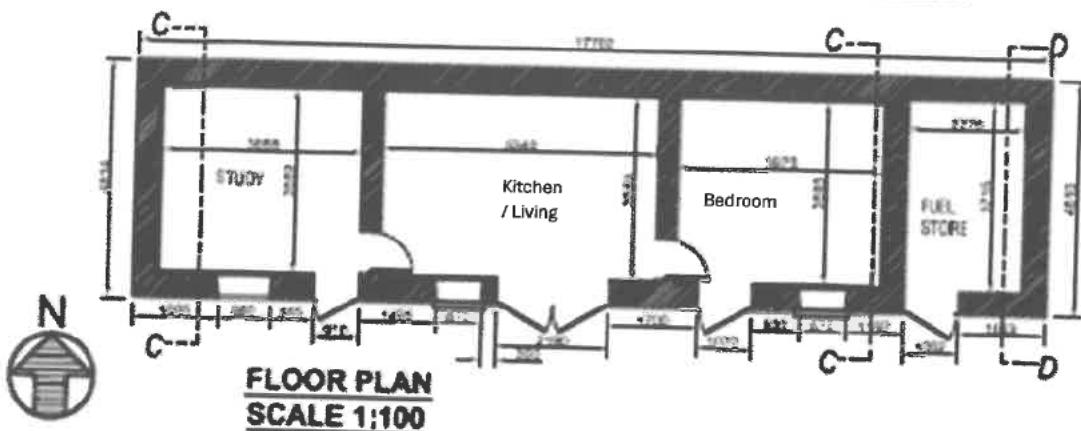
Client: Tom Fitzgibbon
Newtown
Pallasgreen
Co Limerick

Title: Outbuilding 1 (Existing)

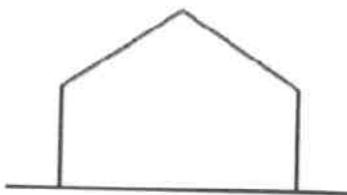
Scale: 1/100
Date: 27/09/22
Drawn: Don O'Malley
Checked: Denis O'Malley B.E.

Drawing Number: 11 of 16
Rev. 29/08/23

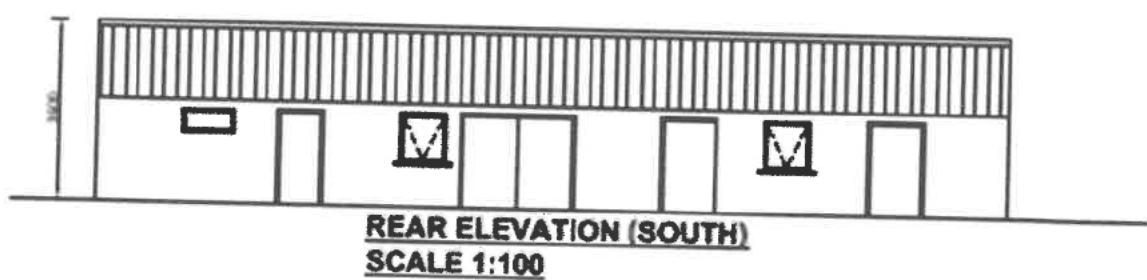
OUTBUILDING 1: (PROPOSED)



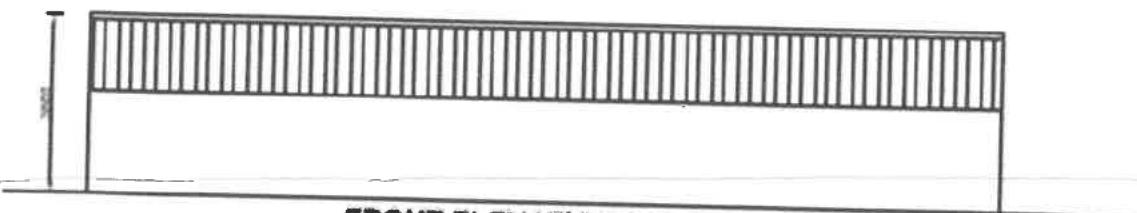
SIDE ELEVATION (WEST)
SCALE 1:100



SIDE ELEVATION (EAST)
SCALE 1:100



REAR ELEVATION (SOUTH)
SCALE 1:100



FRONT ELEVATION (NORTH)
SCALE 1:100



SECTION C - C
SCALE 1:100



SECTION D - D
SCALE 1:100

<p>Denis J. O'Malley B.Sc., P.Eng., C.Eng., M.I.C.E. CHARTERED ENGINEER</p> <p>Alington Enterprise Centre Birr Co. Laois</p>		<p>Phone: 051-293355</p> <p>E-mail: denisjomalley@gmail.com</p>
POLYREF	OUR REF: 77	DATE: 27/03/07
<p>Client: Tom Flanagan Newtstown Pallaskenry Co. Limerick</p> <p>Title: Outputting 1 Process</p>	<p>Issue 11/100 Doc 200 Green</p> <p>Per: D. O'Malley Classified: Denis O'Malley E.C.</p>	<p>Drawing Number 12 of 18 Rev. 1 (2007)</p>







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-185-25
Applicant	Tommy Fitzgibbon
Location	Newtown North, Pallasgreen, Co. Limerick. V94 R251

1.0 Description of Site and Surroundings:

The site is located in the townland of Newtown North circa 7km southeast of Pallasgreen village along local road L-5045. The site contains a traditional two storey farmhouse and a number of outbuildings and sheds, in a courtyard setting to the rear of the dwelling. The surrounding area is rural and predominantly agricultural pasture layout with intermittent housing.

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:

- Refurbish outbuilding and change of use into residential unit

This Section 5 declaration includes the following:

- Section 5 Declaration
- Site map
- Site layout plan
- Floor plans

3.0 Planning History:

21/1185 – Permission granted to Tommy Fitzgibbon and Alice O' Regan for the construction of a single and two storey extension to the side and rear of an existing dwelling, the installation of wastewater treatment system and polishing filter, a new vehicular entrance, all ancillary site works, the demolition of the rear extension and sheds and partial demolition of an outbuilding.

3.1 Enforcement History

None

4.0 Relevant An Bord Pleanála referrals

None

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 (fill in what the proposal is e.g. construction works, change of use), constitutes ‘works’ and ‘development’.

5.2 Is the proposal exempted development?

This proposal is seeking to refurbish the outbuilding and change the use into a detached residential unit. There is no provision in the Planning and Development Regulations 2001 (as amended) or the Act for the change of use from an outbuilding to a residential unit. The development would result in the provision of a residential unit in the area under urban influence and is considered to be a material change of use that would require planning permission.

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.

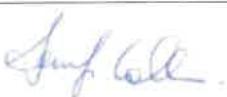
9.0 Conclusion/Recommendation

The conversion detailed on the application and plans submitted is not considered to be within the scope of Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended).

Regard has been had to –

- (a) Section 2, 3 and 4 of the Planning and Development Act 2000 (as amended)
- (b) Article 9 of the Planning and Development Regulations 2001 (as amended)
- (c) The plans & particulars submitted with the application received on 5th day of September 2025.

It is therefore considered that the said works are development and **not** exempted development as the works would constitute a material change of use under section 3 of the Planning and Development Act 2000 (as amended).

A/Executive Planner (Print Name)	John Wallace	Date:
	John Wallace	18/09/2025
A/Senior Executive Planner	Jennifer Collins	Date:
Signature:		18/09/2025

B. Henn
22/09/2025

Appendix 1: AA PN01 Screening Form

STEP 1: Description of the project/proposal and local site characteristics:	
(a) File Reference No:	Ec-185-25
(b) Brief description of the project or plan:	Conversion of an outbuilding to habitable accommodation
(c) Brief description of site characteristics:	Brownfield development – conversion of habitable 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 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	Approx. 5.14km	None	N
001847 - Philipston Marsh SAC	https://www.npws.ie/protected-sites/sac/001847	Approx. 9.95km	None	N
004165 - Slievefelim to Silvermines Mountains SPA	https://www.npws.ie/protected-sites/spa/004165	Approx. 11.85km	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: Construction phase e.g - 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	Possible Significance of Impacts: (duration/Magnitude etc) None. Works are minimal and will involve temporary construction works; therefore, no likely significant impact on the conservation objectives of the above named site.

<ul style="list-style-type: none"> - Access to site - Pests 	
Operation phase e.g. <ul style="list-style-type: none"> - Direct emission to air and water - Surface water runoff containing contaminant or sediment - Lighting disturbance - Noise/vibration - Changes to water/groundwater due to drainage or abstraction - Presence of people, vehicles and activities - Physical presence of structures (e.g collision risk) - Potential for accidents or incidents 	None. Works are minimal and will involve temporary construction works; therefore, no likely significant impact on the conservation objectives of the above named site.
In-combination/Other	

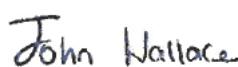
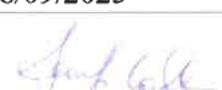
(b) Describe any likely changes to the European site:	
Examples of the type of changes to give consideration to include: <ul style="list-style-type: none"> - Reduction or fragmentation of habitat area - Disturbance to QI species - Habitat or species fragmentation - Reduction or fragmentation in species density - Changes in key indicators of conservation status value (water or air quality etc) - Changes to areas of sensitivity or threats to QI - Interference with the key relationships that define the structure or ecological function of the site 	None predicted

(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	

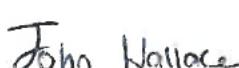
STEP 4: Screening Determination Statement	
The assessment of significance of effects:	Describe how the proposed development (alone or in-combination is/is not likely to have significant effects on European site (s) in view of its conservation objectives
On the basis of the information submitted, which 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:	 John Wallace, A/Executive Planner 18/09/2025	
Signature and Date of the Decision Maker:	 Jennifer Collins, A/Senior Executive Planner 18/09/2025	

Appendix 2: EIA Screening

Establishing if the proposal is a 'sub-threshold development':	
Planning Register Reference:	EC-185-25
Development Summary:	The conversion of an existing outbuilding to habitable accommodation.
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 sub-threshold: [insert here] _____	Proceed to Part C
C. If Yes, has Schedule 7A information/screening report been submitted?	
<input type="checkbox"/> Yes, Schedule 7A information/screening report has been submitted by the applicant	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:	
	

	John Wallace, A/Executive Planner 18/09/2025
Signature and Date of the Decision Maker:	

Appendix 3: Site photos





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 Fitzgibbon,
Newtown North,
Pallasgreen,
Co. Limerick.
V94 R251**

EC/185/25

30 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/2025/1061

File Ref No. EC/185/25

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

RE: **A refurbish outbuilding and change of use in residential unit at Newtown, Pallasgreen, Co. Limerick**

ORDER: Whereas by Director General's Order No. DG/2024/129 dated 15th September 2025, 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 Barry Henn, A/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, Barry Henn, A/Senior Planner, having considered the report and recommendation of John Wallace, A/Executive Planner dated 18/09/2025, hereby order that a Declaration under Section 5 of the Planning and Development Act 2000 (as amended) be issued to Tommy Fitzgibbon, Newtown North, Pallasgreen, Co. Limerick to state that the works as described above is

Development and is NOT Exempt Development.

Signed

B. Henn

A/SENIOR PLANNER, PLANNING & PLACE-MAKING

Date

30/09/2025

Certified to be a true copy of Approved Officer's Order, Planning & Development Order No. AOO/DC/2025/1061 dated *30/09/2025*, pursuant to Section 151(7) of the Local Government Act 2001

Signed:

B. Henn

A/SENIOR PLANNER, PLANNING & PLACE-MAKING



SECTION 5 – DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

DECLARATION NO.

EC/185/25

Name and Address of Applicant: Tommy Fitzgibbon, Newtown North, Pallasgreen, Co. Limerick.

Agent: N/A

Whether the refurbish outbuilding and change of use in residential unit at Newtown, Pallasgreen, 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 05th of September 2025.

AND WHEREAS the Planning Authority has concluded that the refurbish outbuilding and change of use in residential unit at Newtown, Pallasgreen, Co. Limerick **DOES NOT** come within the scope of exempted development under section 3 of 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 NOT Exempt Development**.

Signed on behalf of the said Council

Date: 30/09/2025

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.