



## Comhairle Cathrach & Contae Luimnigh

## Limerick City & County Council

## Limerick City & County Council

- 8 SEP 2025

## Planning

Limerick City and County Council

## Planning Department

## Section 5 Application



## **DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT**

Applicant's Name:

Brigid Moran / Derek O'Brien

**Applicant's Address:**

163, pineview gardens

Moyross

## Limerick

Name of Agent (if any): \_\_\_\_\_

Address: \_\_\_\_\_

Telephone No. \_\_\_\_\_

**Address for Correspondence:**

Location of Proposed development (Please include Eircode):

163, pineview gdns  
Moyross  
Limerick

Description of Proposed development:

bathroom / bedroom extention

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

Ans 1

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

Applicant's interest in site:

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

Attached

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

If Yes please provide floor areas of all existing structures:

\_\_\_\_\_

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Signature of Applicant (or Agent) Bridget Moran

**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**

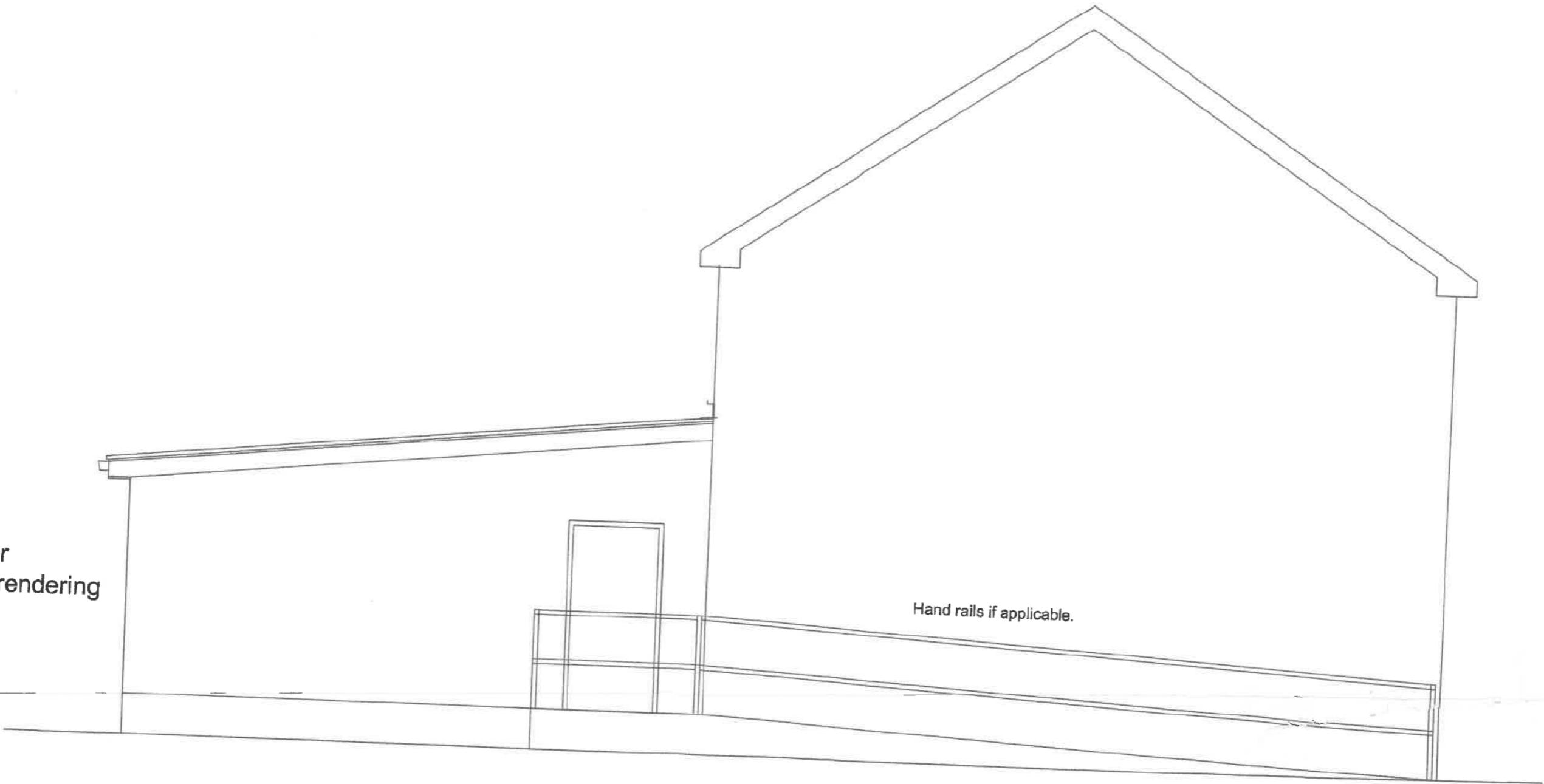
Ref. No. \_\_\_\_\_

Date Received \_\_\_\_\_

Fee Received \_\_\_\_\_

Date Due \_\_\_\_\_

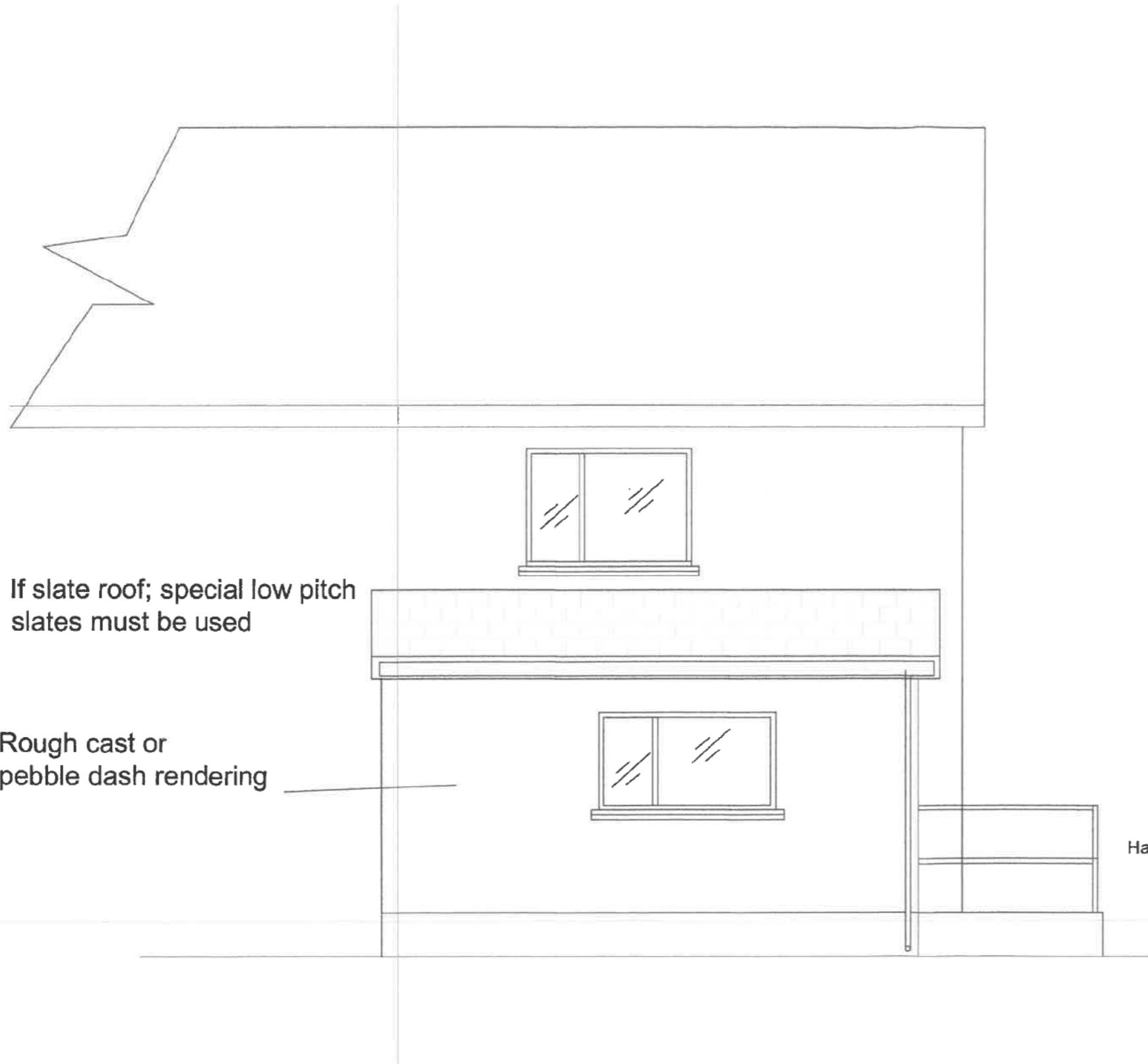
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**Side Elevation.**

Scale 1:50.

Derek O'Brien  
and Bridget Moran.  
163 Pineview Gardens  
Moyross  
Limerick.



# Rear Elevation.

Scale 1:50.

Derek O'Brien  
and Bridget Moran.  
163 Pineview Gardens  
Moyross  
Limerick.

Torch roofing felt to Manufacturers spec.  
on 150mm Kingspan TR27 insulation or sim.  
on vapour barrier  
on 12mm W.B.P plywood sheeting  
on treated firring pieces at min. fall 1:30  
on 175 x 44mm joists at 400 crs.  
200mm insulation between joists  
Kingspan 37, 50mm Kooltherm K17 drying  
board to be fitted to the underside of joists.

Pitched roof ( if applicable) ; Special low pitch slates  
on battens on breathable membrane  
on 175 x 44 joists with high density  
insulation between joists.

Soffit and roof ventilation must be provided to required standard

External Walls;  
100mm solid blockwork on inner and outer leafs,  
150mm cavity with 110 mm urethane insulation with  
low emissivity composite foil facing on both sides  
stainless steel vertical twist wall ties with clips for insulation,  
750mm vertical and 450mm horizontal.



Floor; selected floor finish, on 150mm concrete slab,  
on separating layer,  
on Kingspan Kooltherm K3 insulation on Radon barrier,  
on 50mm sand bedding,  
on min. 200mm well compacted hardcore.

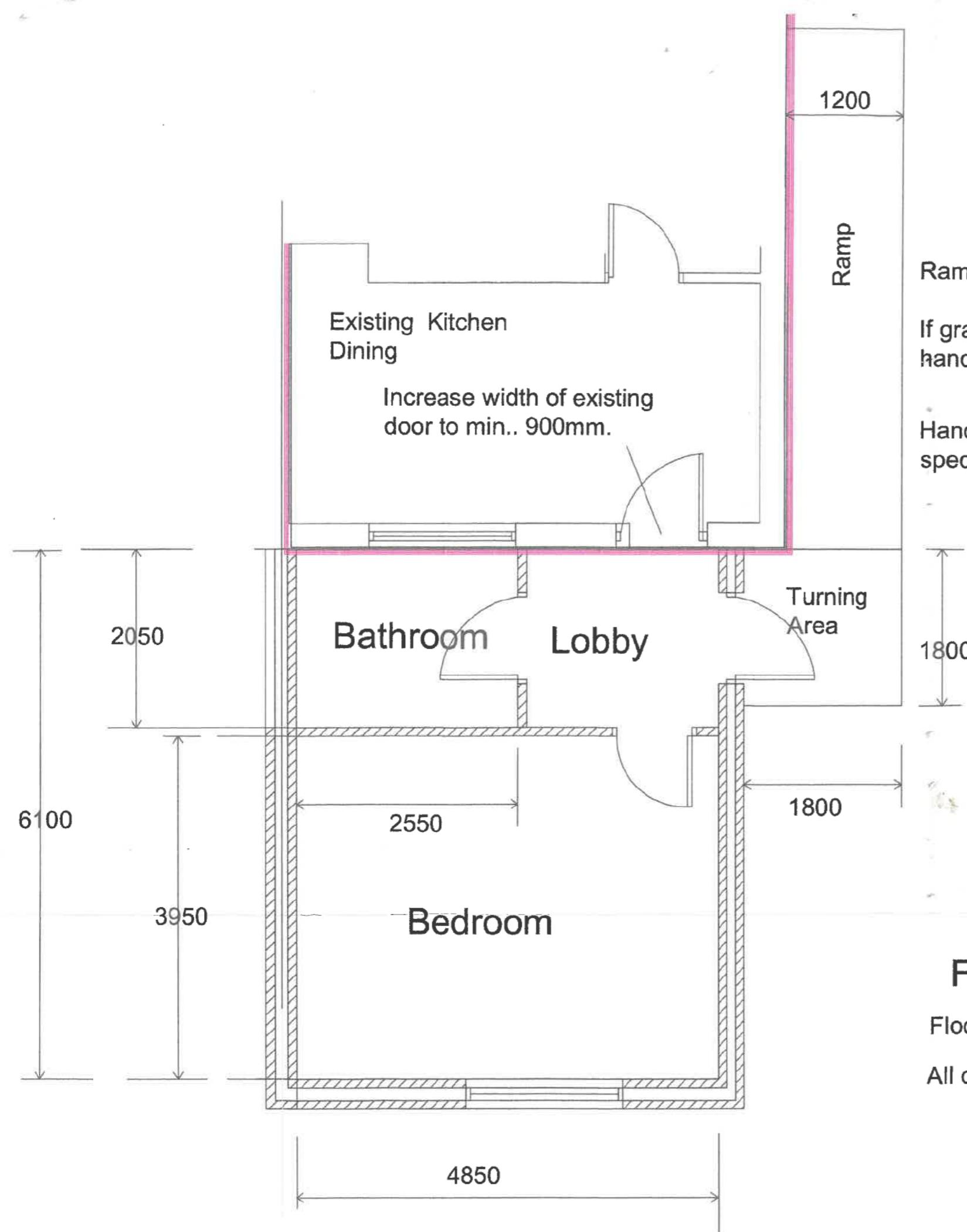
## Typical Section..

Scale 1:50.

bathroom to be connected into existing foul system  
Rainwater down pipe to be connected into S. W. system

All work to be carried out in accordance with  
the Building Regulations

Derek O'Brien  
and Bridget Moran.  
163 Pineview Gardens  
Moyross  
Limerick.



**Floor Plan.** Scale 1:50.

Floor Area = 29.6 sq. m.

All dimensions to face of blockwork

Derek O'Brien  
and Bridget Moran.  
163 Pineview Gardens  
Moyross  
Limerick.



**LIMERICK CITY & COUNTY COUNCIL**

**CASH OFFICE**

**CIVIC OFFICES**

**DOORADOYLE**

**CO LIMERICK**

**08/09/2025 14:27:03**

**Receipt No.: LA25/26181255**

**Customer Address:**

BRIDGET MORAN & DEREK O'BRIEN

163 PINEVIEW GARDENS

MOYROSS

LIMERICK

<b>Code</b>	<b>Ref</b>	<b>Qty</b>	<b>Price</b>	<b>Amount</b>	<b>VAT</b>
PL041	EXEMPTION CERTIFICATE ES	1	80 EUR	80.00 EUR	0.00 EUR

**Paid with: CASH**

**Subtotal: 80.00 EUR**

**Tax (VAT): 0.00 EUR**

**Total: 80.00 EUR**

**Tendered: 80.00 EUR**

**From: CASH OFFICE HQ**

**VAT Reg No: 3267368TH**

**Please retain this receipt for your records**

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

<b>File Reference number</b>	EC.189-25
<b>Applicant</b>	Brigid Moran / Derek O'Brien
<b>Location</b>	163 Pineview Gardens Moyross, Limerick

**1.0 Description of Site and Surroundings:**

The application site is an existing two storey semi-detached dwelling situated in an established residential estate called Pineview Gardens, Moyross.

**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:

- Single storey bathroom/bedroom extension with proposed ramp at the side of the building

This Section 5 declaration includes the following:

- Application Form
- Elevations
- Floor plans
- Letter of representation from Willie O'Dea TD.

**3.0 Planning History:**

None

**3.1 Enforcement History**

None

**4.0 Relevant An Bord Pleanála referrals**

N/A

**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 Single storey bathroom/bedroom extension with proposed ramp at the side of the building constitutes 'works' and 'development'.

### **5.2 Is the proposal exempted development?**

The proposed single storey rear extension will be assessed under Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended).

*Is the development within the curtilage of a house?*

From the drawings submitted the proposed extension appears to be encroaching into the neighbouring property at no. 164 Pineview Gardens and therefore is not within the curtilage of the house.

Furthermore, the drawings submitted with the application are not accurate. The rear elevation drawing is not correct following a site inspection. No ground floor plan or no site layout plan was submitted with the application. Therefore, it is unclear how much rear private amenity space would remain.

## **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 proposed development detailed on the application and plans submitted is considered not 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) Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended)
- (c) The plans & particulars submitted with the application received on 08<sup>th</sup> of September 2025.

It is therefore considered that the said works are development and not exempted development under Class 1 of the Planning and Development Regulations 2001 (as amended) and the Planning and Development Act 2000 (as amended).

<b>Executive Planner</b>	<b>Ella O'Brien</b>	<b>Date:</b> 29/09/2025
<b>Signature:</b>	<i>Ella O'Brien</i>	
<b>A/Senior Planner</b>	<b>Barry Henn</b>	<b>DATE:</b> 29/09/2025
<b>Signature</b>	<i>B. Henn</i>	

## Appendix 1: AA PN01 Screening Form

STEP 1: Description of the project/proposal and local site characteristics:	
(a) File Reference No:	EC.189.25
(b) Brief description of the project or plan:	A section 5 application requesting a declaration on whether the construction of a single storey rear extension is or is not exempted development.
(c) Brief description of site characteristics:	Existing two storey semi-detached dwelling situated in an established residential area.
(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 <sup>1</sup>	Distance from proposed development <sup>2</sup> (km)	Connections (Source-Pathway-Receptors)	Considered further in screening Y/N
002165- Lower River Shannon SAC	<a href="https://www.npws.ie/protected-sites/sac/002165">https://www.npws.ie/protected-sites/sac/002165</a>	Approx. 760m	None	N
004077-River Shannon and River Fergus Estuaries SPA	<a href="https://www.npws.ie/protected-sites/sac/004077">https://www.npws.ie/protected-sites/sac/004077</a>	Approx. 2.3km	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)
<b>Construction phase e.g</b> - Vegetation clearance - Demolition - Surface water runoff from soil excavation/infill/landscaping (including borrow pits) - Dust, noise, vibration - Lighting disturbance - Impact on groundwater/dewatering	None. Works are minimal in nature and there is no hydrological connection or direct encroachment on the SAC and SPA due to separation distance.

<ul style="list-style-type: none"> <li>- Storage of excavated/construction materials</li> <li>- Access to site</li> <li>- Pests</li> </ul>	
<b>Operation phase e.g.</b> <ul style="list-style-type: none"> <li>- Direct emission to air and water</li> <li>- Surface water runoff containing contaminant or sediment</li> <li>- Lighting disturbance</li> <li>- Noise/vibration</li> <li>- Changes to water/groundwater due to drainage or abstraction</li> <li>- Presence of people, vehicles and activities</li> <li>- Physical presence of structures (e.g. collision risk)</li> <li>- Potential for accidents or incidents</li> </ul>	None. Works are minimal in nature and there is no hydrological connection or direct encroachment on the SAC and SPA due to separation distance.
<b>In-combination/Other</b>	N/A

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

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

<b>STEP 4: Screening Determination Statement</b> <p><b>The assessment of significance of effects:</b></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>	

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 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 <b>is no likelihood</b> of significant effects on a European Site	<input checked="" type="checkbox"/>	The proposal can be screened out: Appropriate Assessment not required.
(ii) It is <b>uncertain</b> 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) <b>Significant effects</b> are likely	<input type="checkbox"/>	<input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
<b>Signature and Date of Recommending Officer:</b>	 <hr/> Ella O'Brien, Executive Planner 29/09/25	
<b>Signature and Date of the Decision Maker:</b>	 <hr/> Barry Henn, A/Senior Planner 29/09/2025	

## Appendix 2: EIA Screening

Establishing if the proposal is a 'sub-threshold development':		
Planning Register Reference:	EC.189.25	
Development Summary:	A section 5 application requesting a declaration on whether the construction of a single storey rear extension is or is not exempted development.	
Was a Screening Determination carried out under Section 176A-C?	<input type="checkbox"/> Yes, no further action required <input checked="" type="checkbox"/> No. Proceed to <b>Part A</b>	
<b>A. Schedule 5 Part I</b> - Does the development comprise a project listed in Schedule 5, <b>Part 1</b> , of the Planning and Development Regulations 2001 (as amended)? (Tick as appropriate)		
<input type="checkbox"/> Yes, specify class: [insert here] __		<b>EIA is mandatory</b>  <input type="checkbox"/> No Screening required
<input checked="" type="checkbox"/> No		Proceed to <b>Part B</b>
<b>B. Schedule 5 Part 2</b> - Does the development comprise a project listed in Schedule 5, <b>Part 2</b> , of the Planning and Development Regulations 2001 (as amended) <b>and</b> 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		<b>No Screening required</b>
<input type="checkbox"/> Yes the project is listed in Schedule 5, Part 2 <b>and</b> meets/exceeds the threshold, specify class (including threshold): [specify class & threshold here] __		<b>EIA is mandatory</b>  <input type="checkbox"/> No Screening required
<input type="checkbox"/> Yes the project is of a type listed <b>but is sub-threshold</b> : [insert here] __		Proceed to <b>Part C</b>
<b>c. If Yes</b> , has Schedule 7A information/screening report been submitted?		
<input type="checkbox"/> Yes, Schedule 7A information/screening report has been submitted by the applicant		<b>Screening Determination required</b>
<input type="checkbox"/> No, Schedule 7A information/screening report has not been submitted by the applicant		

	<b>Preliminary Examination required</b>
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<b>Signature and Date of Recommending Officer:</b>	 _____ Ella O'Brien, Executive Planner 29/09/2025
<b>Signature and Date of the Decision Maker:</b>	 _____ Barry Henn, A/Senior Planner 29/09/2025

**Appendix 3: Site visit 22/09/2025**

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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:

**Bridget Moran / Derek O'Brien,  
163 Pineview Gardens,  
Moyross,  
Limerick**

**EC/189/25**

**30 September 2025**

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**Re: Declaration under Section 5**

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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/2025/1059**

**File Ref No. EC/189/25**

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

**RE:** **A single storey bathroom/bedroom extension with proposed ramp at 163 Pineview Gardens, Moyross, Limerick**

**ORDER:** Whereas by Director General's Order No. DG/2024/129 dated 15<sup>th</sup> 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 Ella O'Brien, Assistant Planner dated 29/09/2025, hereby order that a Declaration under Section 5 of the Planning and Development Act 2000 (as amended) be issued to Bridget Moran / Derek O'Brien, 163 Pineview Gardens, Moyross, 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/2025/1059 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/189/25**

**Name and Address of Applicant:** Bridget Moran / Derek O'Brien, 163 Pineview Gardens, Moyross, Limerick

**Agent:** N/A

**Whether** the single storey bathroom/bedroom extension with proposed ramp at 163 Pineview Gardens, Moyross, 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 08<sup>th</sup> of September 2025.

**AND WHEREAS** the Planning Authority has concluded that the single storey bathroom/bedroom extension with proposed ramp at 163 Pineview Gardens, Moyross, Limerick **DOES NOT** come within the scope of exempted development under Class 1 of the Planning and Development Regulations 2001 (as amended) and 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:

29/09/2025

**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.