



Limerick City and County Council

Planning Department

Section 5 Application

**DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT**

Applicant's Name:

SEAMUS BROWNE

Applicant's Address:

SPITTLE

BALLYLANDERS

Co LIMERICK.

Telephone No.

[REDACTED]

Name of Agent (if any):

N/A.

Address:

[REDACTED]

Telephone No.

[REDACTED]

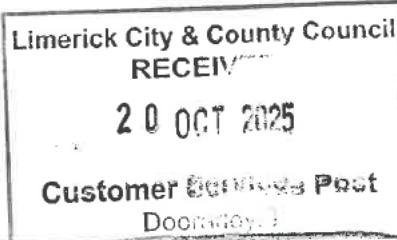
Address for Correspondence:

SPITTLE

BALLYLANDERS

Co LIMERICK

V35 FX04



Location of Proposed development (Please include EIRCODE):

APARTMENT OVER SHOP

MAIN STREET, KILFINANE,

CO LIMERICK, V35 A 367

Description of Proposed development:

INTERNAL RENOVATION ONLY.

ESSENTIAL REPAIRS ONLY TO THE BUILDING

FABRIC WITH NO. MATERIAL ALTERATION.

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

SECTION 4 (1) (H) OF THE PLANNING & DEVELOPMENT ACT.

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:

PLANS & ELEVATIONS

SITE LOCATION MAP

SITE LAYOUT MAP

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)

Seamus Browne

**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**

**Enquiries:  
Telephone: 061-556556  
E-Mail: [planning@limerick.ie](mailto:planning@limerick.ie)**

\*\*\*\*\*



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

20/10/2025 15:03:40  
Receipt No.: LA25/25192472

Customer Address:

Seamus Browne,  
Spittle,  
Ballylanders,  
Co. Limerick

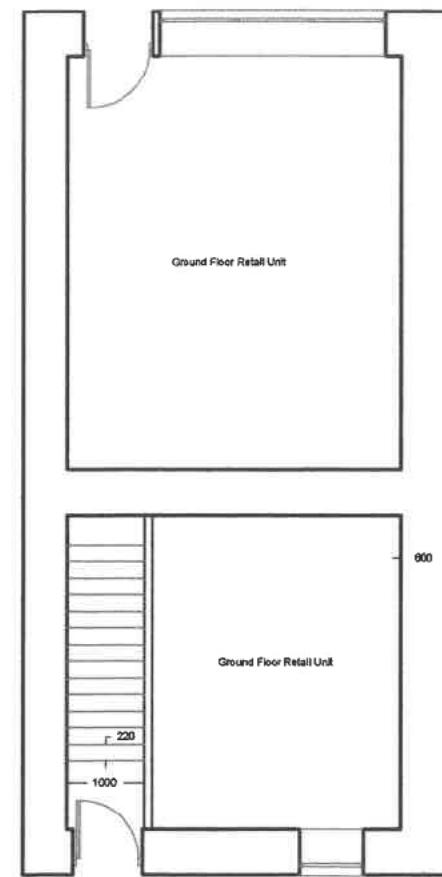
Code	Ref	Amount	VAT
PL041	BOI-002447	80.00 EUR	0.00 EUR

Paid with: Cheque  
Subtotal: 80.00 EUR  
Tax (VAT): 0.00 EUR  
Total: 80.00 EUR  
Tendered: 80.00 EUR

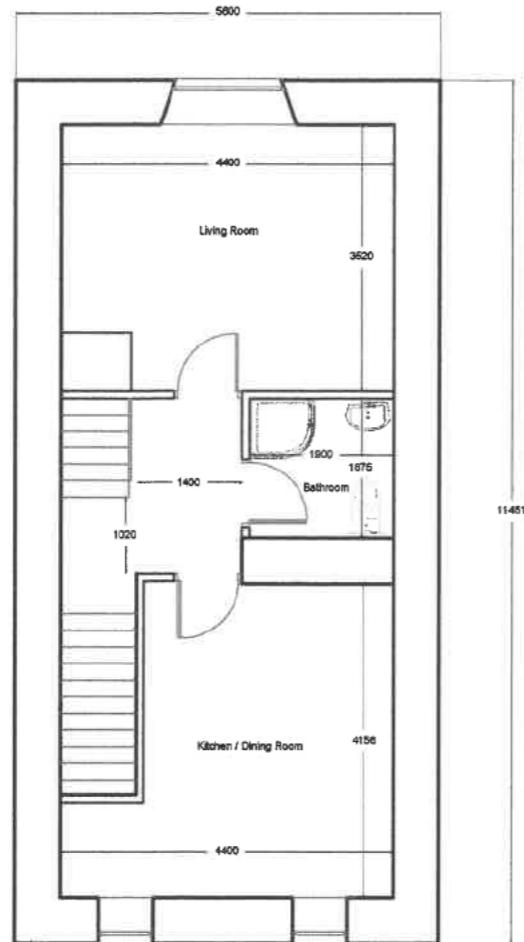
From: CASH OFFICE HQ  
VAT Reg No: 3267368TH

Please retain this receipt for your records

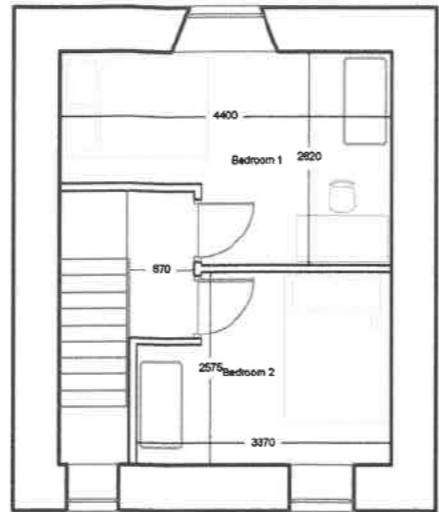
Please do not reply to this email



Ground Floor Plan



First Floor Plan



Second Floor Plan



Rear Elevation  
- Street Facing



Front Elevation

Specification for Apartment over retail unit at Main Street, Kilfinane, Co. Limerick.

**Demolitions and Alterations.**

Strip out and remove off site (both floors), Loose Furniture, Fitted Furniture, Partition Walls, Ceilings, Floor Finishes and Stairs. Disconnect and Remove bathroom ware. Form new ope in 600mm thick stone wall.

At the top of first flight of staira, 2m x 2m fit 4no 200 x 100 x 25kg RSJ to support existing stone wall over.

**Roof Works**

Remove existing tree and vegetation. Remove existing disused chimney below roof level. Repair/replace roof structure where necessary. Make good to slates, lead work and gutters.

**External Joinery**

Existing external windows and door to remain. Dry line all external walls with 70mm metal stud with 100mm omni fit stud roll.

Insulation fitted between studs and 50mm Insulated board fitted onto metal studs.

2nd Floor Ceiling: 150mm metak insulation fitted between joists and 62.5mm insulated board fitted onto ceiling joist/rafters. Metal stud partitions to all internal walls to achieve a 30min fire rating.

Electrical insulation by a registered electrical contractor in accordance with E.T.C.T and current building regulations. Complete rewire, lights, sockets, switches, etc. Carbon monoxide alarms, smoke and heat alarms. Panel heaters to all rooms.

Plumbing to kitchen and bathroom. Include for fitting of sanitary ware.

**Plastering**

Skim coat finish to all internal walls and ceilings.

**Internal Joinery**

30min fire door sets to all door opes. 150mm primed skirting and 75mm primed architecture throughout.

Supply and fit new softwood stairs from 1st floor to 2nd floor.

Bathroom: Supply and fit tiles to walls and floor.

Painting: Allow for 3 Gats to walls, ceilings and timberwork.

Floor Finishes: Linoleum finish to kitchen and first floor landing. Carpet finish to living room. Laminate timber floor to 2nd floor landing and bedrooms.

Fitted furniture and Electrical goods allow a D.C. Sum of 6,300 + VAT.

Scale	1:100	Date	September 2025	Proposed Renovation of Existing Property at Main Street, Kilfinane, Co. Limerick
Drg No.	001	Client	Seamus Browne	

## SITE LAYOUT MAP

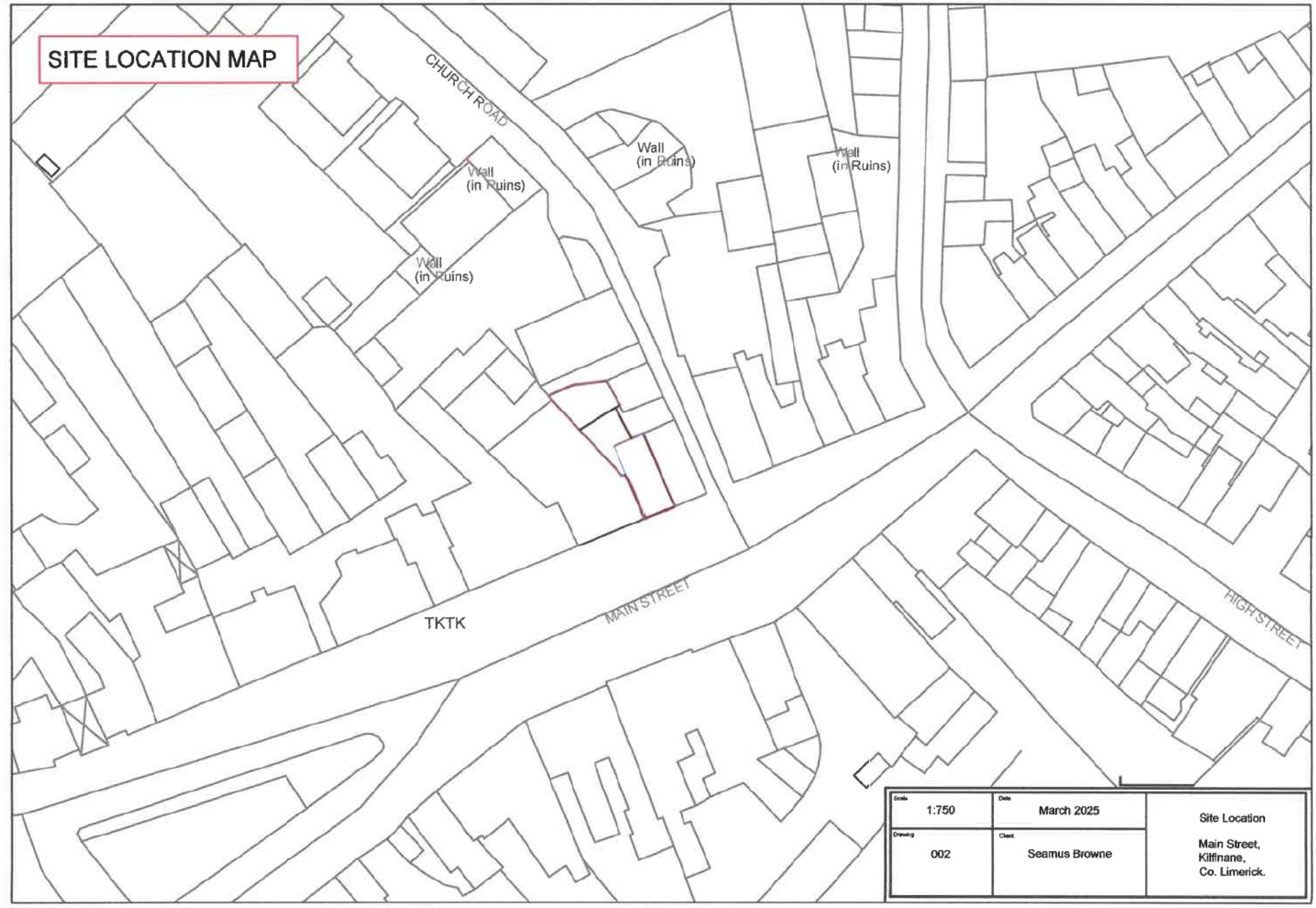
WALL  
(in Ruins)

TKTK

MAIN STREET

Scale	1:250	Date	March 2025
Drawing	002	Client	Seamus Browne
Site Location			Main Street, Kilfinane, Co. Limerick.

## SITE LOCATION MAP



Scale	1:750	Date	March 2025	Site Location
Drawing	002	Chrt.	Seamus Browne	Main Street, Kilfinane, Co. Limerick.



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

<b>File Reference number</b>	EC-218-25
<b>Applicant</b>	Seamus Browne
<b>Location</b>	Main Street, Kilfinnane, Co. Limerick, V35 A367

**1.0 Description of Site and Surroundings:**

The application site is a vacant unit located over an existing second hand shop located on the Main Street, Kilfinnane.

**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:

- Internal Renovation only – Essential repairs only to the building fabric with no material alteration

This Section 5 declaration includes the following:

- Application Form
- Site Location Map
- Elevations
- Floor plans

**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 internal renovation only – essential repairs only to the building fabric with no material alteration for structural significance and repair constitutes ‘works’ and ‘development’.

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

The proposed development will be assessed under Section 4 (1) (h) of the Planning and Development Act 2000 (as amended) which is as follows:

#### **Section 4 (1) (h) of the Planning and Development Act 2000 (as amended)**

Exempted development – *“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 proposed development includes the

- Internal Renovation only – Essential repairs only to the building fabric with no material alteration.

The application site is a vacant unit located over an existing second-hand shop located on the Main Street, Kilfinnane. The works proposed at this site consist mainly of refurbishment works and the applicant has confirmed that no structural changes are proposed as part of this development. Most of the works proposed are internal and do not require planning permission or need to be assessed under the Planning and Development Regulations 2001 (as amended) and/or the Planning and Development Act 2000 (as amended).

The proposed works are considered exempted development under Section 4 (1) (h) of the Planning and Development Act 2000 (as amended).

### **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 i.e. internal renovations only, is considered to be within the scope of Section 4 (1) (h) of 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) of the Planning and Development Act 2000 (as amended)
- (c) The plans & particulars submitted with the application received on 20<sup>th</sup> of October 2025.

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

<b>Executive Planner</b>	<b>Ella O'Brien</b>	<b>Date:</b>
<b>Signature:</b>	<i>Ella O'Brien</i>	11/11/2025
<b>Senior Executive Planner</b>	<b>Jennifer Collins</b>	<b>Date:</b>
<b>Signature</b>	<i>Jennifer Collins</i>	17/11/2025

## Appendix 1: AA PN01 Screening Form

STEP 1: Description of the project/proposal and local site characteristics:	
(a) File Reference No:	EC.218.25
(b) Brief description of the project or plan:	A section 5 application requesting a declaration on whether the following works is or is not exempted development: - Internal Renovation only – Essential repairs only to the building fabric with no material alteration.
(c) Brief description of site characteristics:	Existing vacant unit located over an existing shop
(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
002036	<a href="#">Ballyhoura Mountains SAC</a> <a href="#">  National Parks &amp; Wildlife Service</a>	Approx 5.1km	None	N

STEP 3: Assessment of Likely Significant Effects	
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	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>- Impact on groundwater/dewatering</li> <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>	
Examples of the type of changes to give consideration to include: <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 '<i>mitigation</i>' measures necessary to reach a conclusion that likely significant effects can be ruled out at screening?)</b>	
<input type="checkbox"/>	<b>Yes</b>

<b>STEP 4: Screening Determination Statement</b>	
<b>The assessment of significance of effects:</b> 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 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 11/11/25	
<b>Signature and Date of the Decision Maker:</b>	 <hr/> Jennifer Collins. A/Senior Executive Planner 17/11/2025	

## Appendix 2: EIA Screening

Establishing if the proposal is a 'sub-threshold development':		
Planning Register Reference:	EC.218.25	
Development Summary:	<p>A section 5 application requesting a declaration on whether the following works is or is not exempted development:</p> <ul style="list-style-type: none"> <li>- Internal Renovation only – Essential repairs only to the building fabric with no material alteration.</li> </ul>	
Was a Screening Determination carried out under Section 176A-C?	<input type="checkbox"/> Yes. no further action required <input checked="" type="checkbox"/> X No. Proceed to <b>Part A</b>	
<b>A. Schedule 5 Part 1</b> - 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] _		<b>EIA is mandatory</b>  No Screening required
<input checked="" type="checkbox"/> X No		Proceed to <b>Part B</b>
<b>B. Schedule 5 Part 2</b> - 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"/> X 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 and meets/exceeds the threshold, specify class (including threshold): _[specify class & threshold here]_		<b>EIA is mandatory</b>  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>
--	---

<b>Signature and Date of Recommending Officer:</b>	 _____ Ella O'Brien, Executive Planner 11/11/2025
<b>Signature and Date of the Decision Maker:</b>	 _____ Jennifer Collins. A/Senior Executive Planner 17/11/2025

**Appendix 3: Site visit 10/11/2025**

---





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:

**Seamus Browne**  
Spittle,  
Ballylanders,  
Co. Limerick,  
V35FX04

**EC/218/25**

17 November 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/2025/1274**

**File Ref No. EC/218/25**

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

**RE:** **An internal renovation at Main Street, Kilfinnane, Co. Limerick**

**ORDER:** Whereas by Director General's Order No. DG/2025/131 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 Jennifer Collins, A/Senior Executive Planner the functions as defined in the Local Government Acts, 1925 to 2024.

*a* Now therefore pursuant to the delegation of the functions aforesaid, I, Jennifer Collins, A/Senior Executive Planner, having considered the report and recommendation of Ella O'Brien, Executive Planner dated 11/11/2025, hereby order that a Declaration under Section 5 of the Planning and Development Act 2000 (as amended) be issued to Seamus Browne, Spittle, Ballylanders, Co. Limerick to state that the works as described above is

**Development and is Exempt Development.**

Signed

  
A/SENIOR EXECUTIVE PLANNER, PLANNING & PLACE-MAKING

Date

13/11/25

Certified to be a true copy of Approved Officer's Order, Planning & Development Order No. AOO/DC/2025/1274 dated 13/11/25, 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/218/25**

**Name and Address of Applicant:** Seamus Browne, Spittle, Ballylanders, Co. Limerick

**Agent:** N/A

**Whether** the internal renovation at Main Street, Kilfinnane, 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 20<sup>th</sup> of October 2025.

**AND WHEREAS** the Planning Authority has concluded that the internal renovation at Main Street, Kilfinnane, Co. Limerick **DOES** come within the scope of exempted development under Section 4 (1) (h) 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 Exempt Development**.

Signed on behalf of the said Council C. Doyle

Date: 17.11.2025

**NOTE:** A Declaration on Development or Exemption issued by Limerick City & County Council may be referred to An Coimisiún Pleanála on payment of €220 for review within 4 weeks after the issuing of the declaration.