



Limerick City and County Council

Planning Department

Section 5 Application

DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

Applicant's Name: Brendan Meskell

Applicant's Address: Ballyhomin
Askeaton
Co. Limerick

Telephone No. [REDACTED]

Name of Agent (if any): Michael A. Burke

Address: M. Burke Associates
Main Street, Pallaskenry, Co. Limerick V94 AWD5

Telephone No. 087 2146727

Address for Correspondence:
Agent above
[REDACTED]
[REDACTED]

Location of Proposed development (Please include **EIRCODE**):

Ballyaglish

Ballysteen

Co. Limerick V94FX9V

Description of Proposed development:

Construction of an extension (3.4 sq. M) to an existing extension (33.4 sq. M.)
and re-roofing both with a pitched roof to include associated renovation
works

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

Planning and Development Regulations 2001 Schedule 2 Part 1 Class 1

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:

Location Map Scale 1:2,500

Drawing P01 - Site Layout Plan

Drawing P02 - General Arrangement Drawing

Drawing P03 - Drawing of Existing Dwelling

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

If Yes please provide floor areas of all existing structures:

The attached drawing shows the existing extension

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:

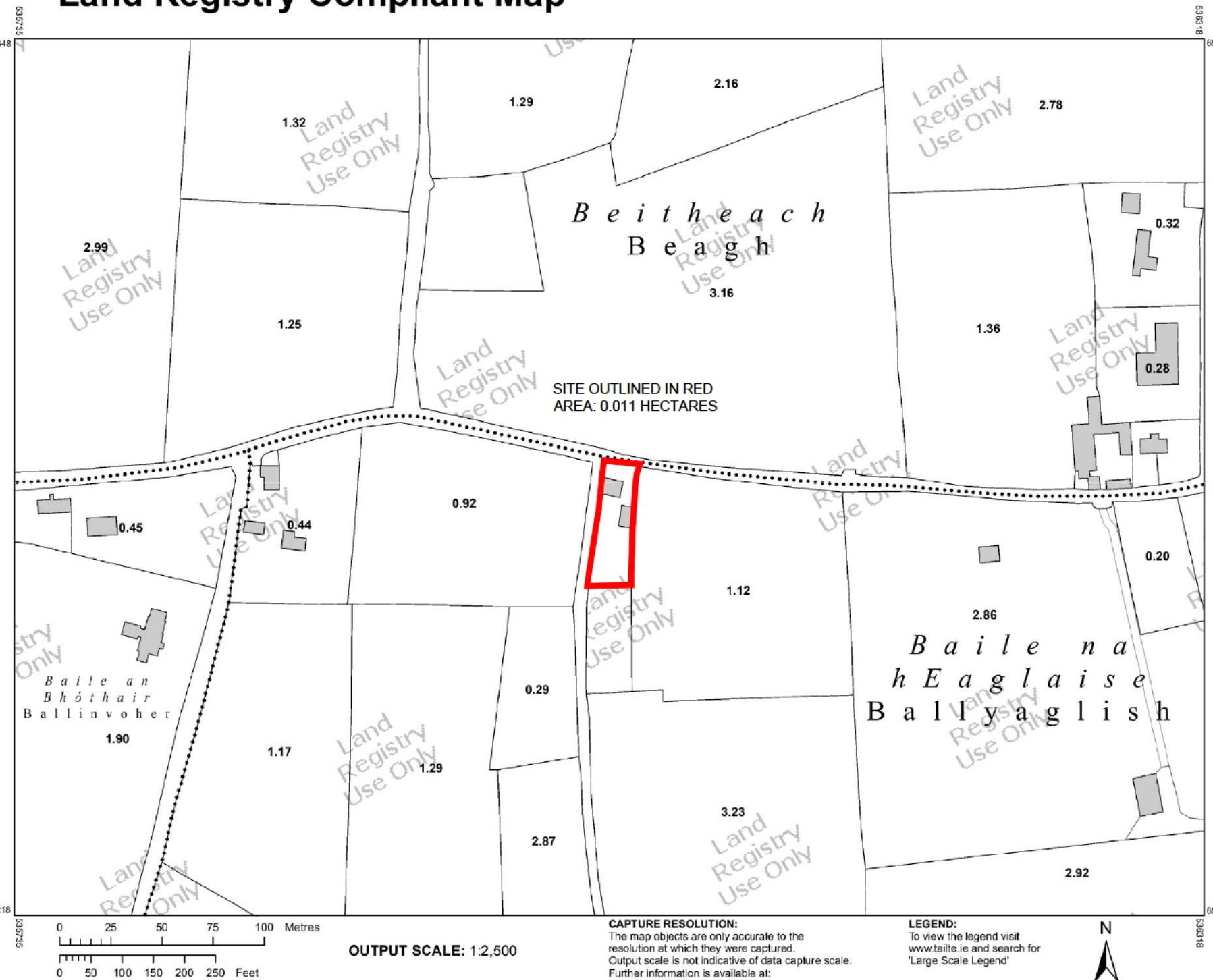
**Planning Department,
Limerick City & County Council,
Dooradoyle,
Limerick,
V94 XF67**

**Enquiries:
Telephone: 061-556556
E-Mail: planning@limerick.ie**

Land Registry Compliant Map



Tailte
Éireann



CENTRE
COORDINATES:
ITM 536027,655433

PUBLISHED: ORDER NO.:
28/10/2025 50498814_1

MAP SERIES: MAP SHEETS:
1:5,000 4737
1:2,500 4737-B
1:2,500 4737-D
1:5,000 4738
1:2,500 4738-A
1:2,500 4738-C

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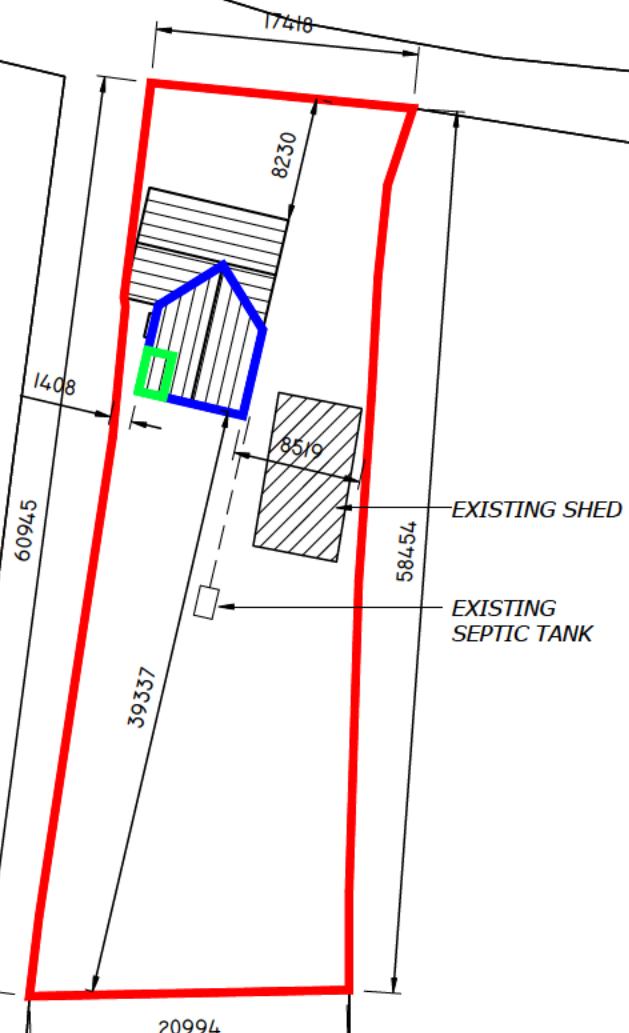
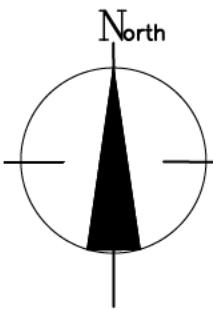
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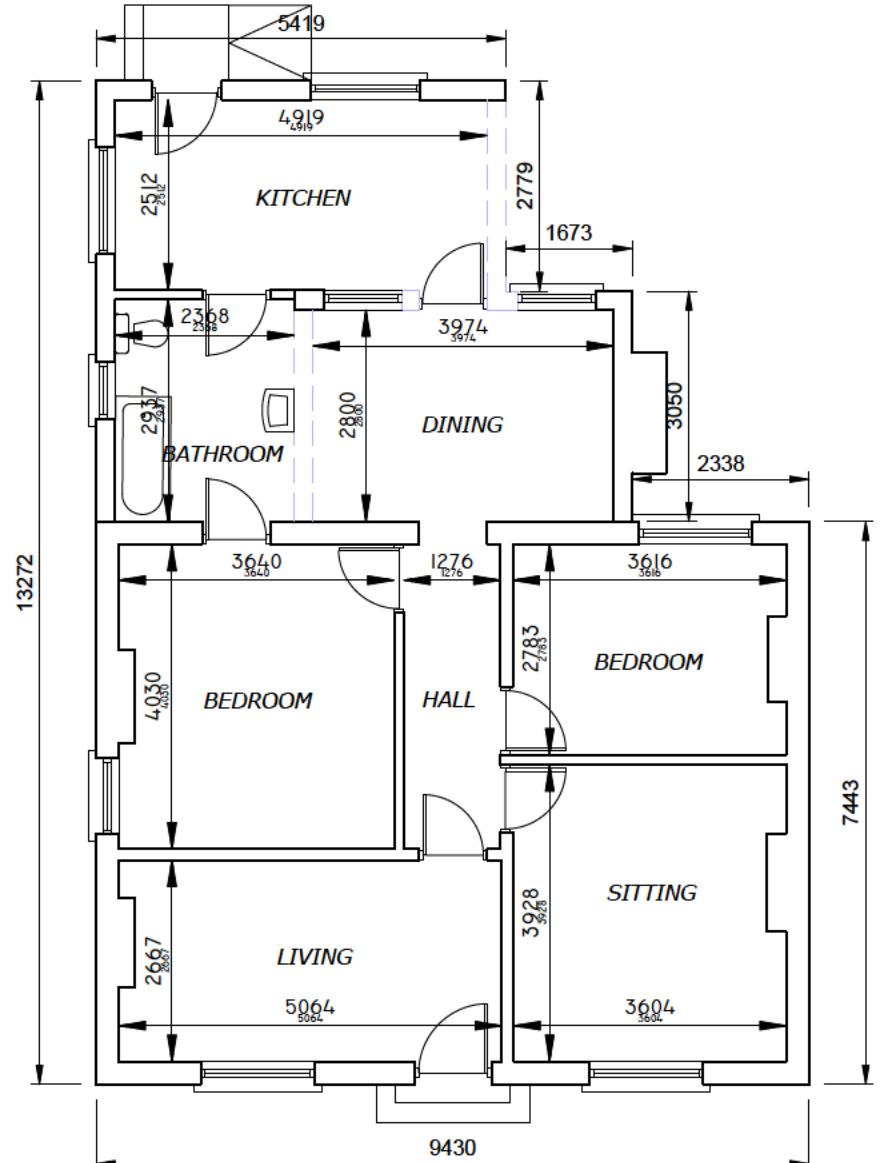
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- SITE OUTLINE IN RED**
AREA = 0.12 HECTARES
- PROPOSED EXTENSION OUTLINED IN GREEN**
- EXISTING EXTENSION TO BE ROOFED OUTLINED IN BLUE**

Rev	Description	Date
	Title : SITE PLAN	
	Project : PROPOSED EXTENSION TO EX DWELLING AND ASSOCIATED SITE WORKS AT BALLYAGLISH, BALLYSTEEN, CO. LMK	
	Client : BRENDAN MESKELL	
	Stage : SECTION 5	Drawing No. : M197-J1-P01
	Drn. By : MAB	Scale : AS SHOWN @ A1
	Date : 30/10/2025	Revision : -
	M Burke Associates Architectural Services MAIN STREET, PALLASKENRY CO LIMERICK Tel/Fax: 061-220851. Mobile: 087-2146727. Email: mburkeassociates@gmail.com	

P01



GROUND FLOOR PLAN

SCALE 1:100



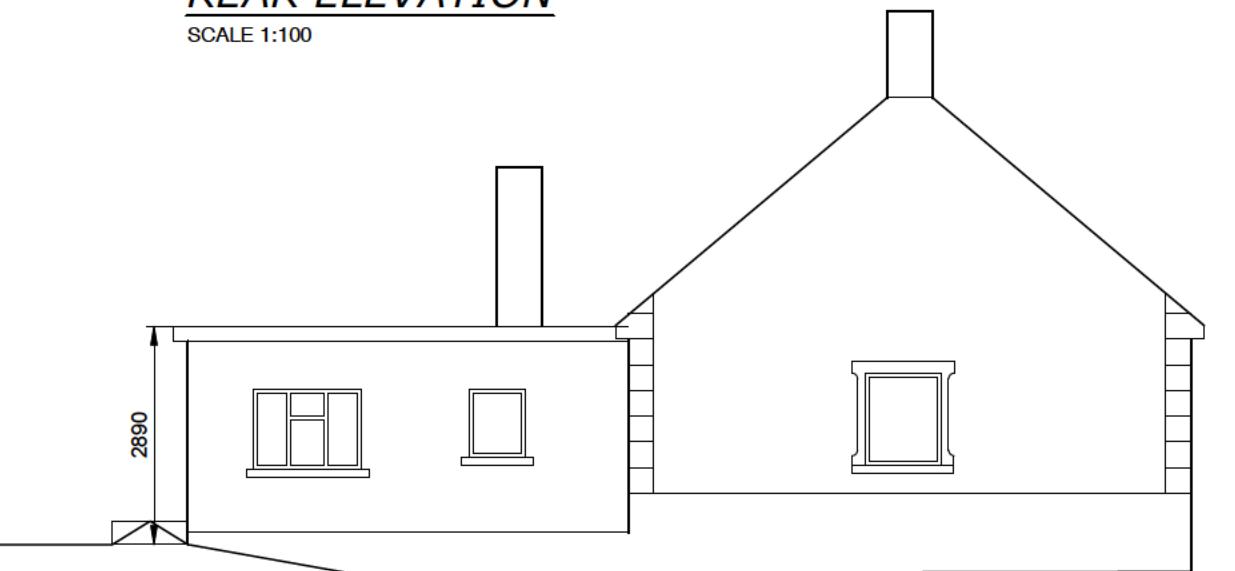
FRONT ELEVATION

SCALE 1:100



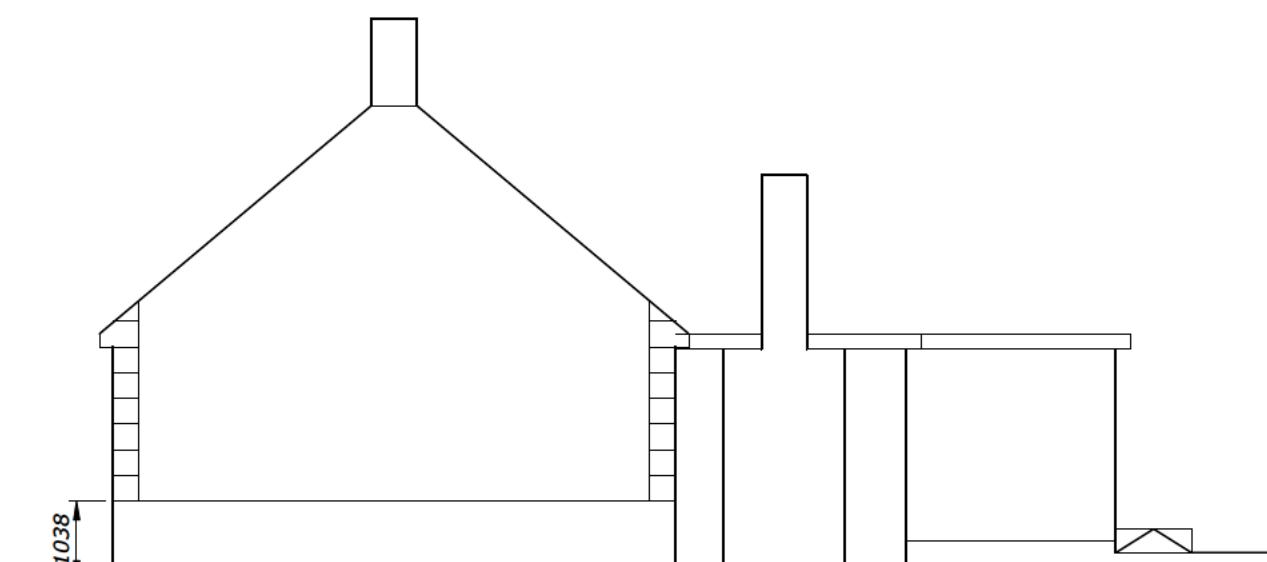
REAR ELEVATION

SCALE 1:100



SIDE ELEVATION

SCALE 1:100



SIDE ELEVATION

SCALE 1:100

Rev	Description	Date
Title :		
DRAWING OF EXISTING HOUSE		
Project :		
Stage :	SECTION 5	Drawing No. : M197-J1-P03
Drn. By :	MAB	Scale : AS SHOWN @ A1
Date :	30/10/2025	Revision : -
M Burke Associates Architectural Services MAIN STREET, PALLASKENRY CO LIMERICK Tel/Fax: 061-220851. Mobile: 087-2146727. Email: mburkeassociates@gmail.com		

P03



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-234-25
Applicant	Brendan Meskell
Location	Ballyaglish Ballysteen Co. Limerick

1.0 Description of Site and Surroundings:

The subject site is located in the townland of Ballyaglish on a site of approx. area 0.12ha. The site consists of a single storey two-bedroom dwelling, with an apex roof and with an existing rear, flat roofed extension of stated 33.4sq.m accommodating a kitchen, dining room and a bathroom.

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:

- The development consists of construction of an extension (3.4sq.m) to an existing extension (33.4sq.m)
- re-roofing both with a pitched roof to include associated renovation works.

This Section 5 declaration includes the following:

- Site location & site layout map
- Plans/ Sections/ Elevations

Within the submitted application form, the applicant has stated that the proposed development falls under class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended).

3.0 Planning History:

No relevant planning history.

3.1 Enforcement History

No enforcement history.

4.0 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?

The proposal will be assessed against the following classes from the planning and development regulations 2001(as amended)

- House extension Class 1 of Part 1 of Schedule 2

Is the development within the curtilage of a house?

Yes, the extension is to the rear of the house and within the curtilage.

Class 1

The extension of a house, by the construction or erection of an extension (including a conservatory) to the rear of the house or by the conversion for use as part of the house of any garage, store, shed or other similar structure attached to the rear or to the side of the house is considered Exempted Development, subject to the following Conditions and Limitations:

1. (a) *Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres.*

NA

(b) *Subject to paragraph (a), where the house is terraced or semi-detached, the floor area of any extension above ground level shall not exceed 12 square metres.*

NA.

(c) *Subject to paragraph (a), where the house is detached, the floor area of any extension above ground level shall not exceed 20 square metres.*

NA

2. (a) *Where the house has been extended previously, the floor area of any such extension, taken together with the floor area of any previous extension or extensions constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 40 square metres.*

House has been extended previously by 33.4 sq.m. The new extension is 3.4sq. therefore the overall floor area is 36.8 sq.m

(b) *Subject to paragraph (a), where the house is terraced or semi-detached and has been extended previously, the floor area of any extension above ground level taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 12 square metres.*

No works proposed above ground floor.

(c) *Subject to paragraph (a), where the house is detached and has been extended previously, the floor area of any extension above ground level, taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 20 square metres.*

No works proposed above ground floor.

3. *Any above ground floor extension shall be a distance of not less than 2 metres from any party boundary.*

N/A no works proposed above ground floor.

4. (a) *Where the rear wall of the house does not include a gable, the height of the walls of any such extension shall not exceed the height of the rear wall of the house.*

Rear wall does not include a gable. Height of extension would not exceed the height of the rear wall of the house.

(b) *Where the rear wall of the house includes a gable, the height of the walls of any such extension shall not exceed the height of the side walls of the house.*

N/A

(c) *The height of the highest part of the roof of any such extension shall not exceed, in the case of a flat roofed extension, the height of the eaves or parapet, as may be appropriate, or, in any other case, shall not exceed the height of the highest part of the roof of the dwelling.*

The rear extension works include a pitched roof to the ridge line of the existing roof. Therefore, the height would not exceed height of eaves or parapet or height of highest part of the roof of the dwelling.

5. The construction or erection of any such extension to the rear of the house shall not reduce the area of private open space, reserved exclusively for the use of the occupants of the house, to the rear of the house to less than 25 square metres.

The private open space available for the occupants will remain in excess of 25 sq.m.

6. (a) Any window proposed at ground level in any such extension shall not be less than 1 metre from the boundary it faces.

No windows are proposed less than 1 metre from the boundary.

(b) Any window proposed above ground level in any such extension shall not be less than 11 metres from the boundary it faces.

N/A no above ground floor extension

(c) Where the house is detached and the floor area of the extension above ground level exceeds 12 square metres, any window proposed at above ground level shall not be less than 11 metres from the boundary it faces.

N/A

7. The roof of any extension shall not be used as a balcony or roof garden.

The submitted plans do not show a balcony or roof garden.

The proposal is not subject to any conditions or limitations set out in Column 2.

5.0 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).

6.0 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.

7.0 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.

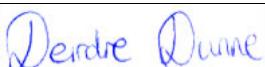
8.0 Conclusion/Recommendation

The extensions detailed on the application and plans submitted is 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) 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 12th of November 2025.

It is therefore considered that the said works are development and exempted development under Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended / Planning and Development Act 2000 (as amended).

Assistant Planner	Deirdre Dunne	Date:
Signature:		26-11-25
Senior Executive Planner	Jennifer Collins	
Signature		08/12/2025

Appendix 1: AA PN01 Screening Form

STEP 1: Description of the project/proposal and local site characteristics:	
(a) File Reference No:	EC-234-25
(b) Brief description of the project or plan:	Existing rural dwelling
(c) Brief description of site characteristics:	Rural dwelling
(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. 1.4km	None	N
004077-River Shannon and River Fergus Estuaries SPA	https://www.npws.ie/protected-sites/sac/004077	Approx. 1.1km	None	N
002279 Askeaton Fen Complex SAC	https://www.npws.ie/protected-sites/sac/002279	Approx. 2.2 km	None	N

STEP 3: Assessment of Likely Significant Effects	
(a) Identify all potential direct and indirect impacts that may have an effect on the conservation objectives of a European site, taking into account the size and scale of the project under the following headings:	
Impacts:	Possible Significance of Impacts: (duration/Magnitude etc)
Construction phase e.g - Vegetation clearance - Demolition - Surface water runoff from soil excavation/infill/landscaping (including borrow pits) - Dust, noise, vibration - Lighting disturbance - Impact on groundwater/dewatering	None. No direct encroachment or hydrological connection.

<ul style="list-style-type: none"> - Storage of excavated/construction materials - 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. No direct encroachment or hydrological connection.
In-combination/Other	N/A given the scale of the development

(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. No direct encroachment or hydrological connection.

(c) (Are 'mitigation' measures necessary to reach a conclusion that likely significant effects can be ruled out at screening?)	
<input type="checkbox"/>	Yes

STEP 4: Screening Determination Statement
The assessment of significance of effects: Describe how the proposed development (alone or in-combination is/is not likely to have significant effects on European site (s) in view of its conservation objectives

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

- the nature and scale of the proposed development,
- the intervening land uses and distance from European sites,

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:	 <hr/> Deirdre Dunne, Assistant Planner, 26/11/2025	
Signature and Date of the Decision Maker:	 <hr/> Jennifer Collins, A/Senior Executive Planner 085/12/2025	

Appendix 2: EIA Screening

Establishing if the proposal is a 'sub-threshold development':		
Planning Register Reference:	EC-234-25	
Development Summary:	Existing rural dwelling	
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 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"/> X 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"/> X 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:	
---	--

	<p><i>Deirdre Dunne</i></p> <p>Deirdre Dunne, Assistant Planner 26/11/2025</p>
Signature and Date of the Decision Maker:	<p><i>Jennifer Collins</i></p> <p>Jennifer Collins, A/Senior Executive Planner 085/12/2025</p>



Comhairle Cathrach
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Limerick City
& County Council

Pleanál, agus Cruthú Áite
Comhairle Cathrach agus Contae Luimních
Bother Thuar an Daill
Tuar an Daill, Luimneach
V94 WV76

Planning and Place-Making
Limerick City and County Council
Dooradoyle Road
Dooradoyle, Limerick
V94 WV78

PLANNING & PLACE-MAKING

REG POST:

**Brendan Meskell,
c/o Michael A. Bruke,
M. Burke Associates,
Main Street,
Pallaskenry,
Co. Limerick.
V94 AWD5**

EC/234/25

08 December 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

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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/2025/1380

File Ref No. EC/234/25

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

RE: **An extension & re-roofing both with a pitched roof to include associated renovation works at Ballyaglish, Ballysteen, Co. Limerick.**

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

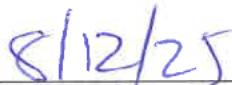
Now therefore pursuant to the delegation of the functions aforesaid, I, Jennifer Collins, A/Senior Executive Planner, having considered the report and recommendation of Deirdre Dunne, Assistant Planner dated 26/11/2025, hereby order that a Declaration under Section 5 of the Planning and Development Act 2000 (as amended) be issued to Brendan Meskell, c/o Michael A. Burke, M. Burke Associates, Main Street, Pallaskenry, Co. Limerick to state that the works as described above is

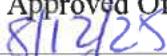
Development and is Exempt Development.

Signed

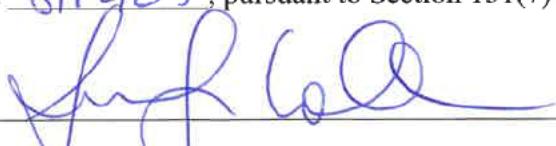

A/SENIOR EXECUTIVE PLANNER, PLANNING & PLACE-MAKING

Date


8/12/25

Certified to be a true copy of Approved Officer's Order, Planning & Development Order No. AOO/DC/2025/1380 dated , 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/234/25

Name and Address of Applicant: Brendan Meskell, Ballyhomin, Askeaton, Co. Limerick

Agent: Michael A. Bruke, M. Burke Associates, Main Street, Pallaskenry, Co. Limerick

Whether the extension & re-roofing both with a pitched roof to include associated renovation works at Ballyaglish, Ballysteen, 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 12th of November.

AND WHEREAS the Planning Authority has concluded that the extension & re-roofing both with a pitched roof to include associated renovation works at Ballyaglish, Ballysteen, Co. Limerick **DOES** come within the scope of exempted development under Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended / 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 _____

Date: 08/11/2025 _____

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.