



LIMERICK CITY & COUNTY COUNCIL

Limerick City & County Council

04 NOV 2025

Planning

PLANNING AND ENVIRONMENTAL SERVICES

SECTION 5 APPLICATION

DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

Applicant's Name: Donal Nash

Applicant's Address: DROMINDEEL HEIGHTS, DROMINDEEL,
NEWCASTLE WEST, CO. LIMERICK.V42 X376

Telephone No. [REDACTED]

Name of Agent (if any): [REDACTED]

Address: [REDACTED]

Telephone No. [REDACTED]

Address for Correspondence:

DROMINDEEL HEIGHTS, DROMINDEEL, NEWCASTLE WEST

CO. LIMERICK.V42 X376

Location of Proposed development:

Ballyshane, Newcastle West, Co. Limerick

Description of Proposed development:

Proposed extension to rear of existing derelict house and all associated works.

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

Applicant's interest in site: Owner

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

001 - GENERAL ARRANGEMENT DRAWING

002 - SITE LAYOUT SHEET 1

003 - SITE LAYOUT SHEET 2

004 - SITE LOCATION MAP

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

If Yes please provide floor areas of all existing structures:

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:

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 _____



LIMERICK CITY & COUNTY COUNCIL
CASH OFFICE
CIVIC OFFICES
DOORADOYLE
CO LIMERICK
04/11/2025 10:42:53
Receipt No.: LA25/25193077
Customer Address:

Donal Nash
Dromindae Heights
Dromindae
Newcastle West
Co Limerick
V42 X376

Code	Ref	Amount	VAT
PL005	PLANNING APPLICA FEE	80.00 EUR	0.00 EUR

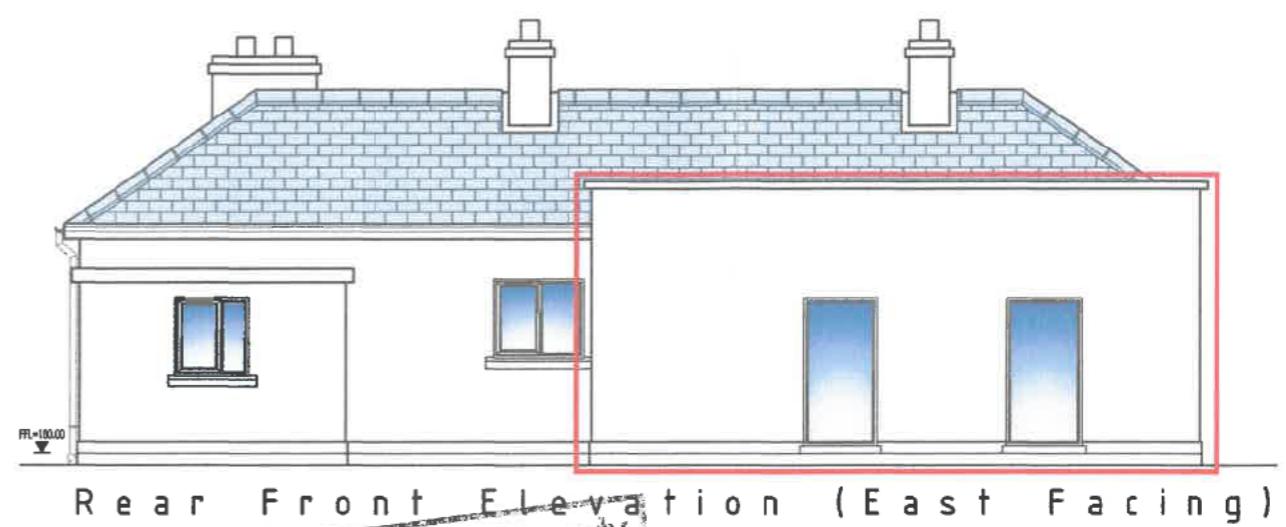
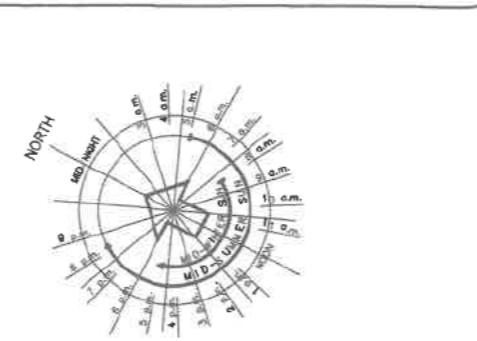
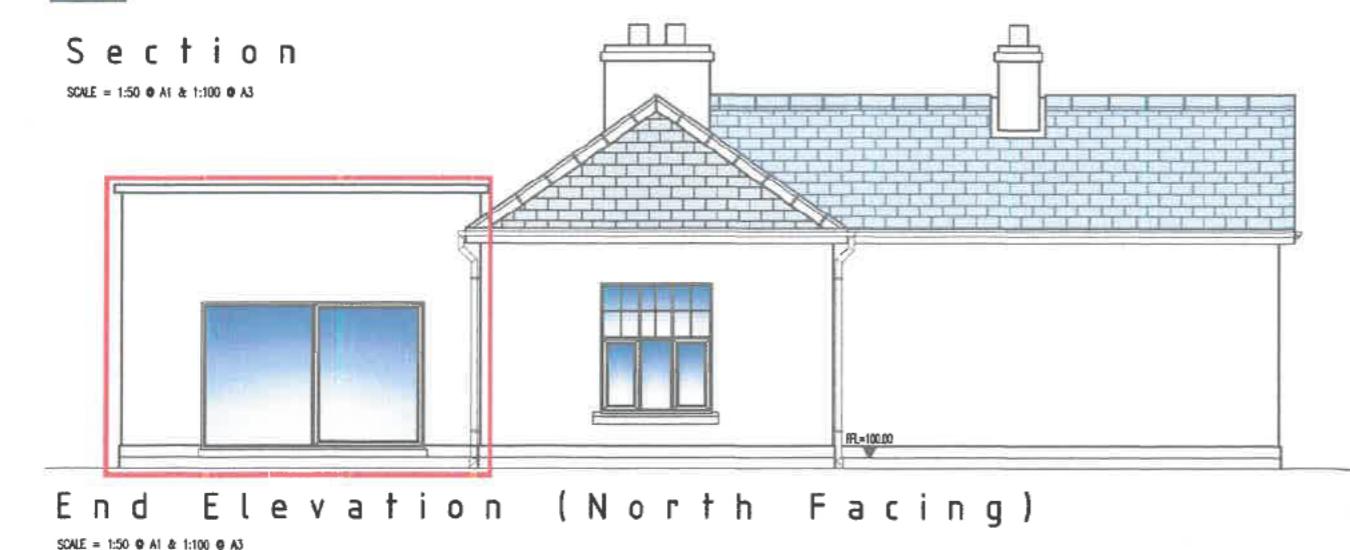
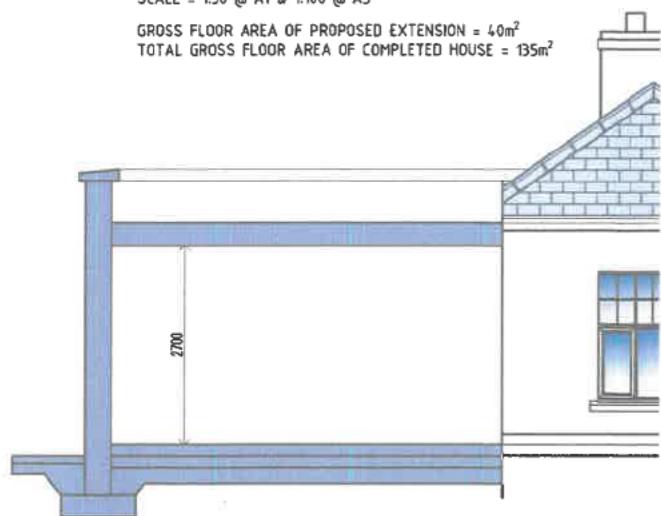
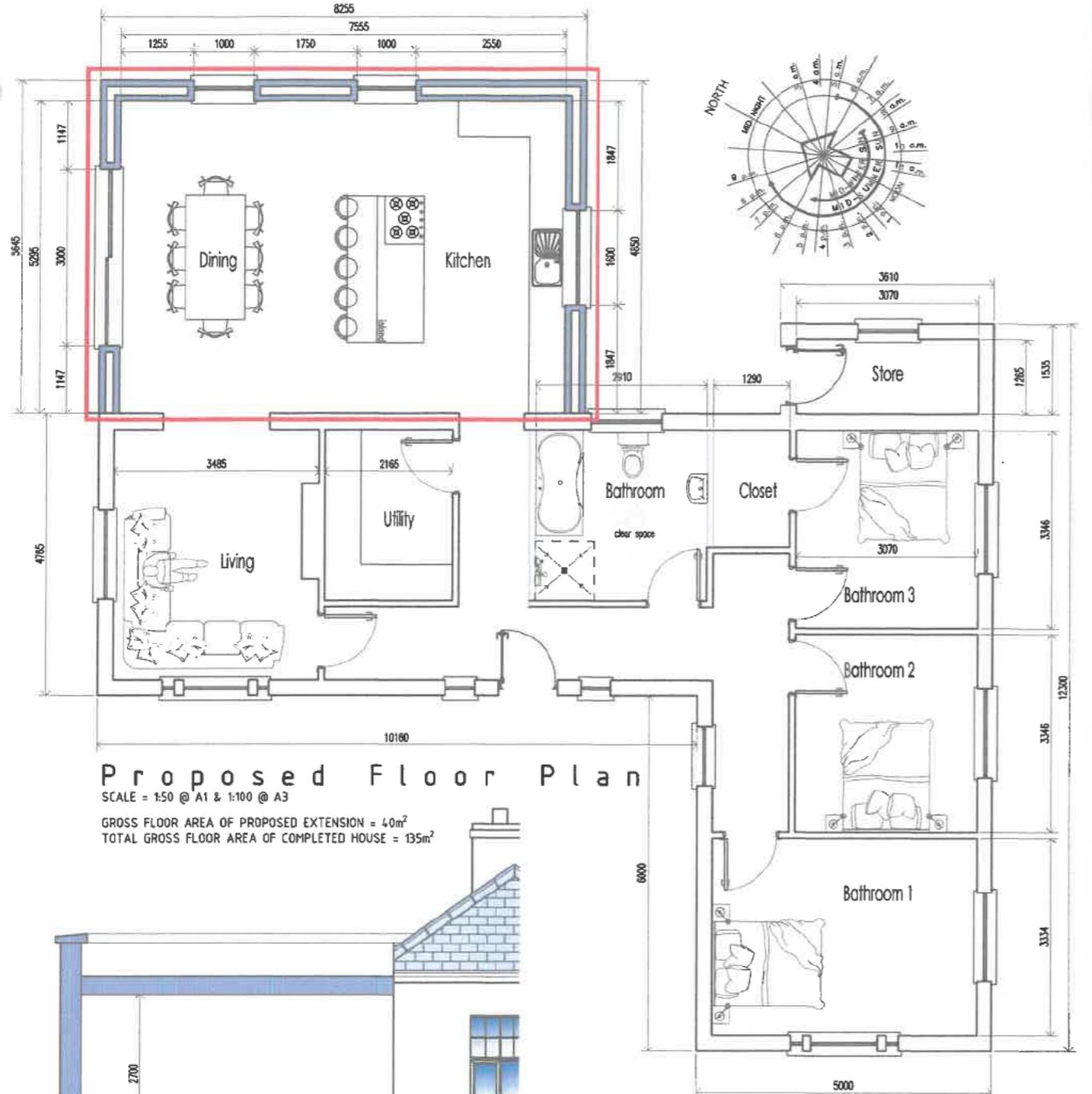
Paid with: Cheque
Subtotal: 80.00 EUR
Tax (VAT): 0.00 EUR
Total: 80.00 EUR
Tendered: 80.00 EUR

From: CASH OFFICE HQ
VAT Reg No: 3267368TH

Please retain this receipt for your records

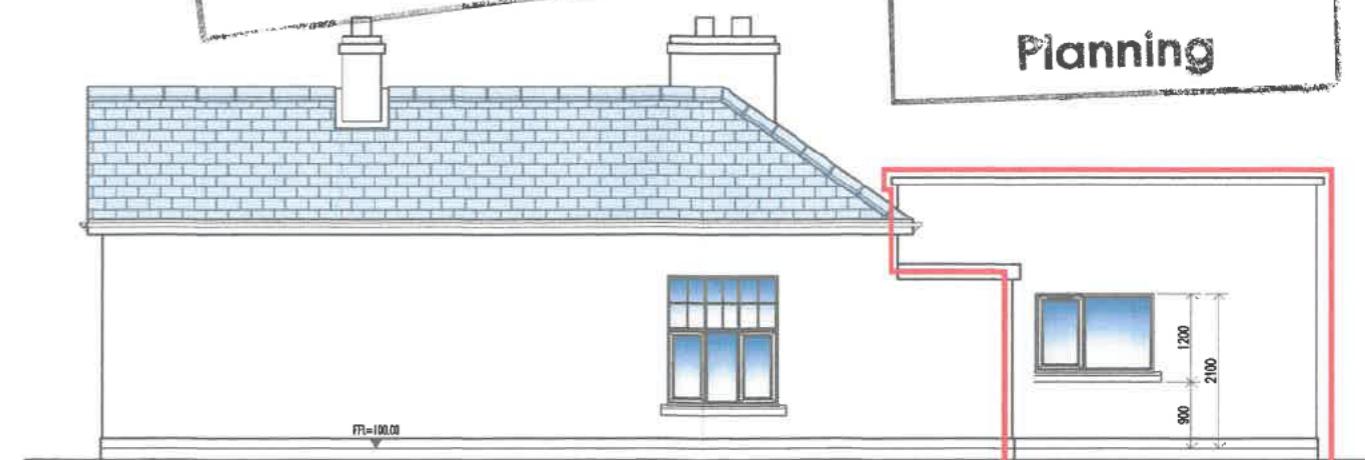
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A3



Limerick City & County Council
02 DEC 2025
Planning

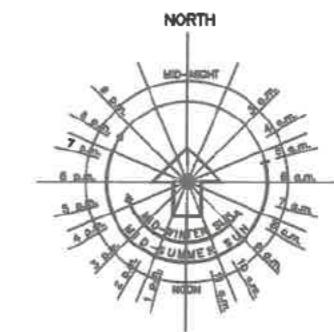
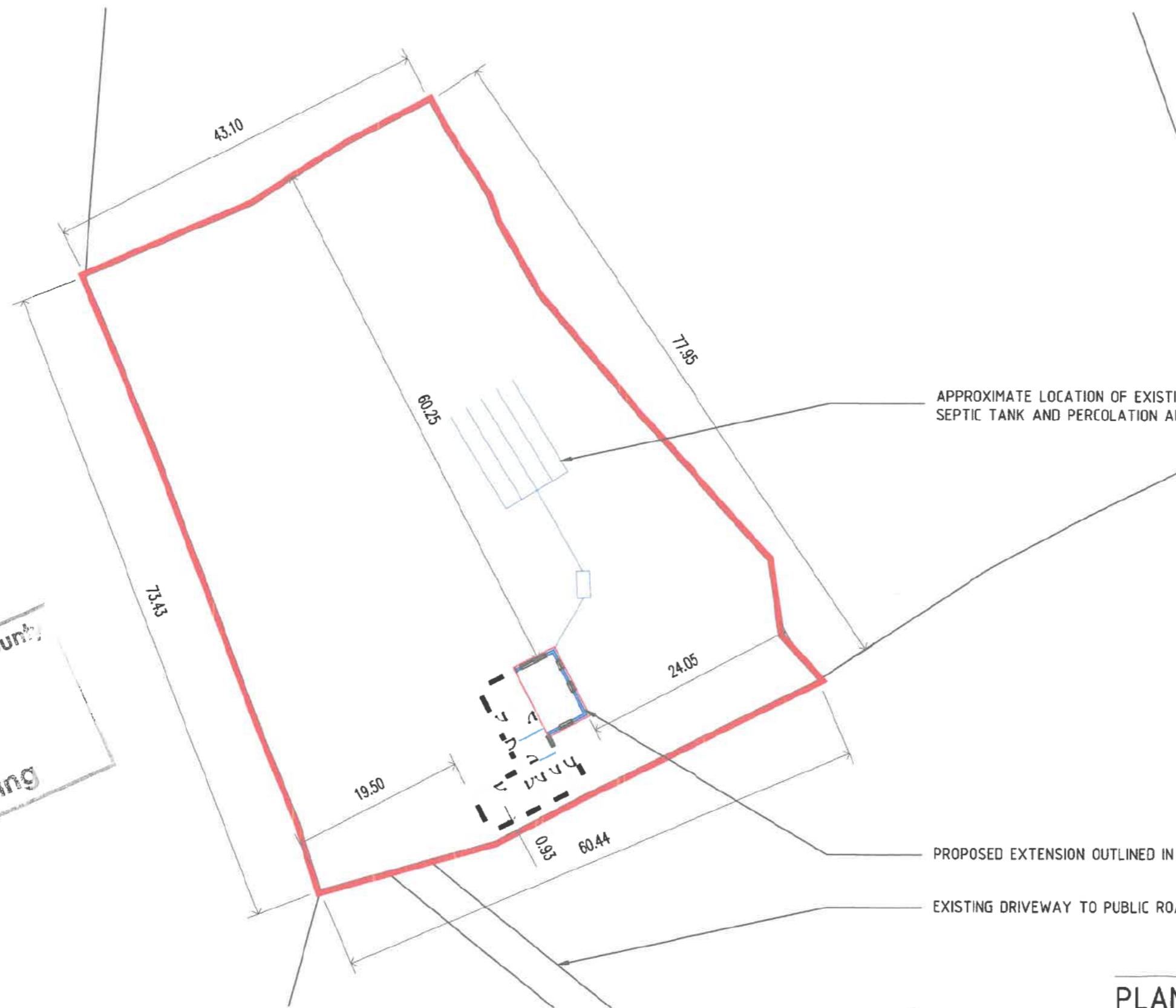
Limerick City & County Council
31 OCT 2025
04 Nov
Planning



PLANNING ISSUE		
Revisions		
PROJECT PROPOSED WORKS AT BALLYSHANE, NEWCASTLE WEST, CO. LIMERICK.		
CLIENT DONAL NASH	DRAWN P.R.	DRAWN Dwg. No. 001
TITLE GENERAL ARRANGEMENT DRAWING	SCALE AS SHOWN	DATE 16.06.2025

A3

THESE DRAWINGS ARE ISSUED FOR THE PURPOSES OF
MAKING A PLANNING APPLICATION ONLY AND DO NOT CONTAIN
ALL THE NECESSARY INFORMATION FOR CONSTRUCTION AND
COMPLIANCE WITH THE BUILDING REGULATIONS.



SITE LAYOUT

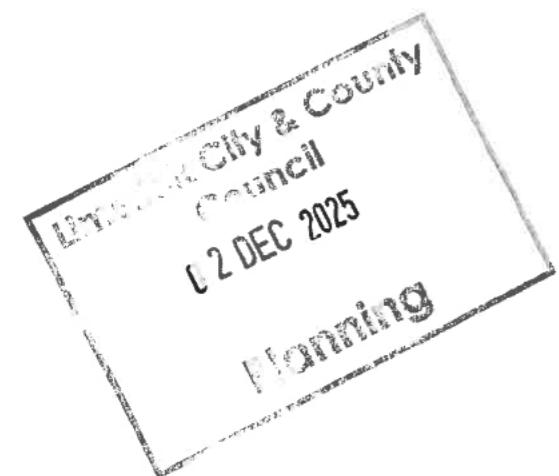
Scale 1:500
SITE AREA = 0.39Ha

PLANNING ISSUE

Revisions

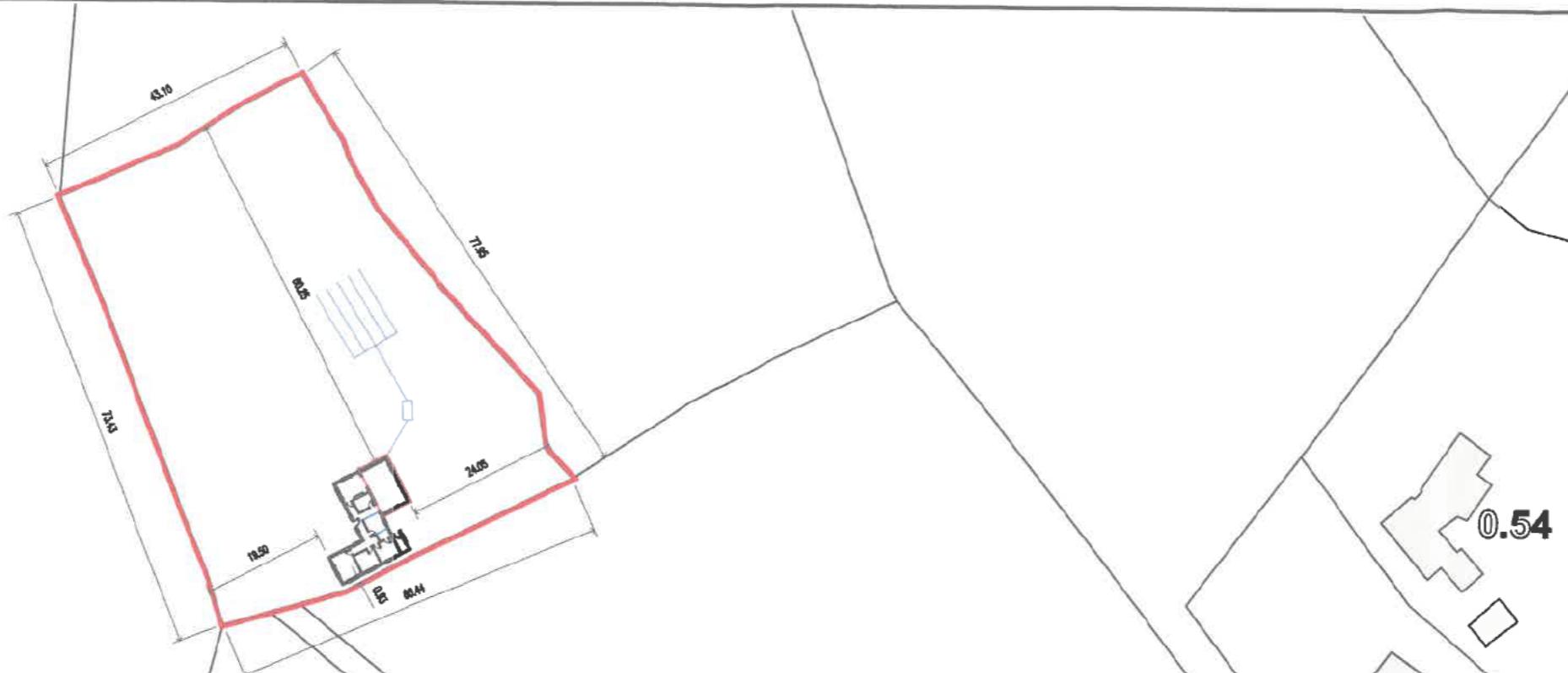
PROJECT PROPOSED WORKS AT BALLYSHANE, NEWCASTLE WEST, CO. LIMERICK.		Drawn P.R.	Dwg. No.
CLIENT DONAL NASH			002
TITLE SITE LAYOUT SHEET 1	SCALE AS SHOWN	DATE 16.06.2025	

A3

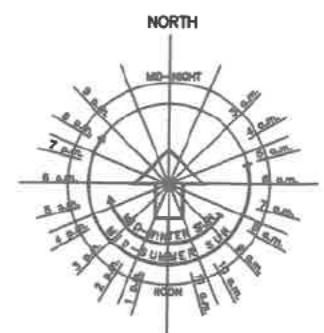


SITE LAYOUT

Scale 1:500



THESE DRAWINGS ARE ISSUED FOR THE PURPOSES OF
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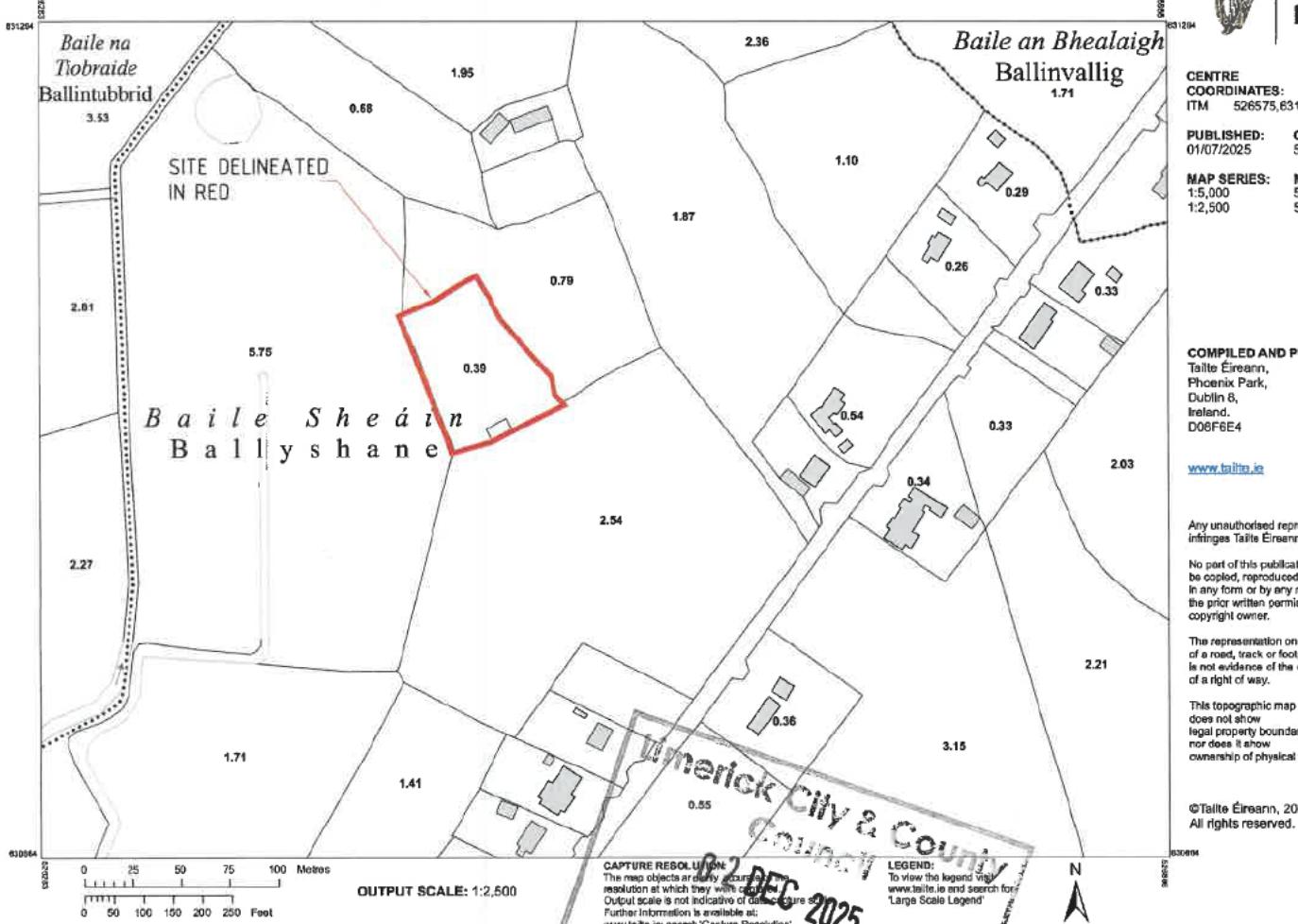
PLANNING ISSUE

Revisions

PROJECT PROPOSED WORKS AT BALLYSHANE, NEWCASTLE WEST, CO. LIMERICK.		Drawn P.R.	Dwg. No.
CLIENT DONAL NASH			
TITLE SITE LAYOUT SHEET 2	SCALE AS SHOWN	DATE 16.06.2025	003

THESE DRAWINGS ARE ISSUED FOR THE PURPOSES OF
MAKING A PLANNING APPLICATION ONLY AND DO NOT CONTAIN
ALL THE NECESSARY INFORMATION FOR CONSTRUCTION AND
COMPLIANCE WITH THE BUILDING REGULATIONS.

Planning Pack Map



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COORDINATES:
ITM 526575, 631079

PUBLISHED: 01/07/2025
ORDER NO.: 50476041_1

MAP SERIES: 1:5,000
MAP SHEETS:
5223
1:2,500
5223-D

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SITE LOCATION MAP

Scale 1:2,500

Planning

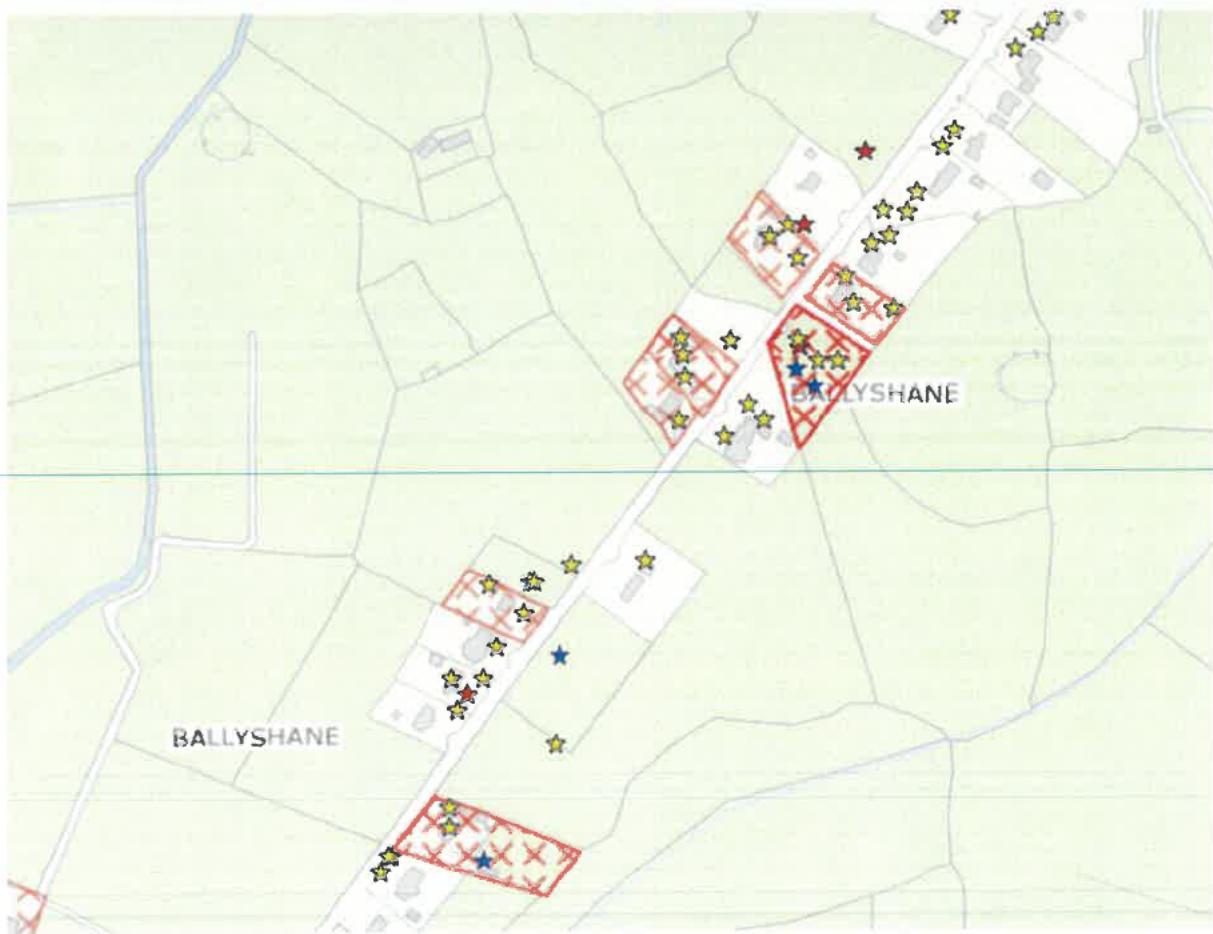
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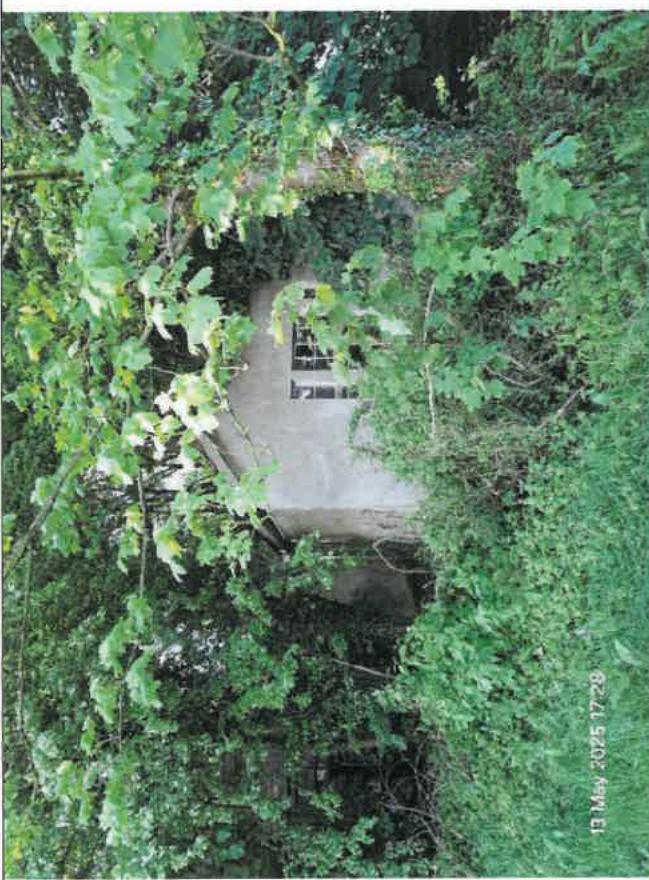
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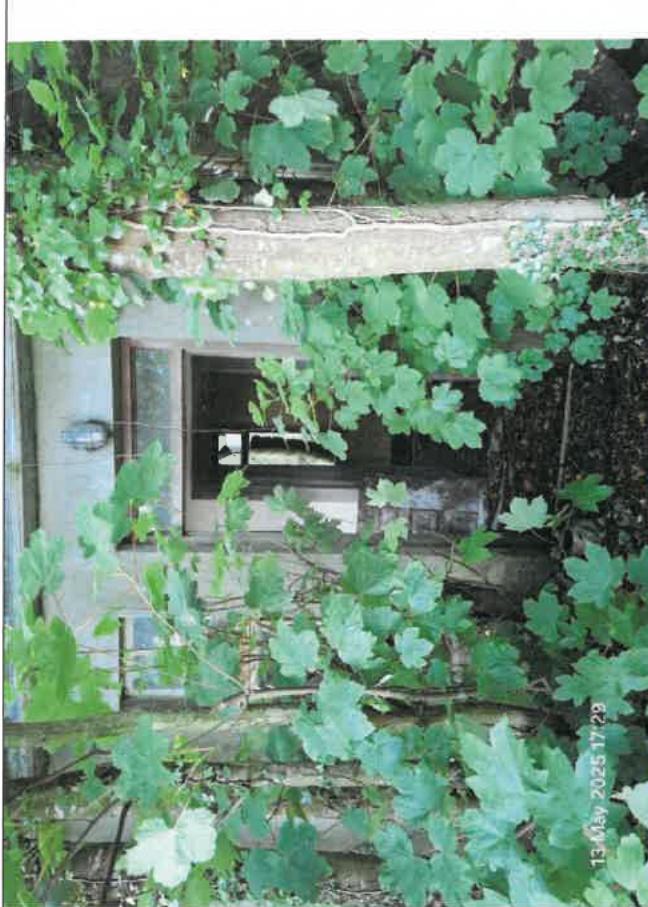
PROJECT
PROPOSED WORKS AT BALLYSHANE, NEWCASTLE WEST, CO. LIMERICK.

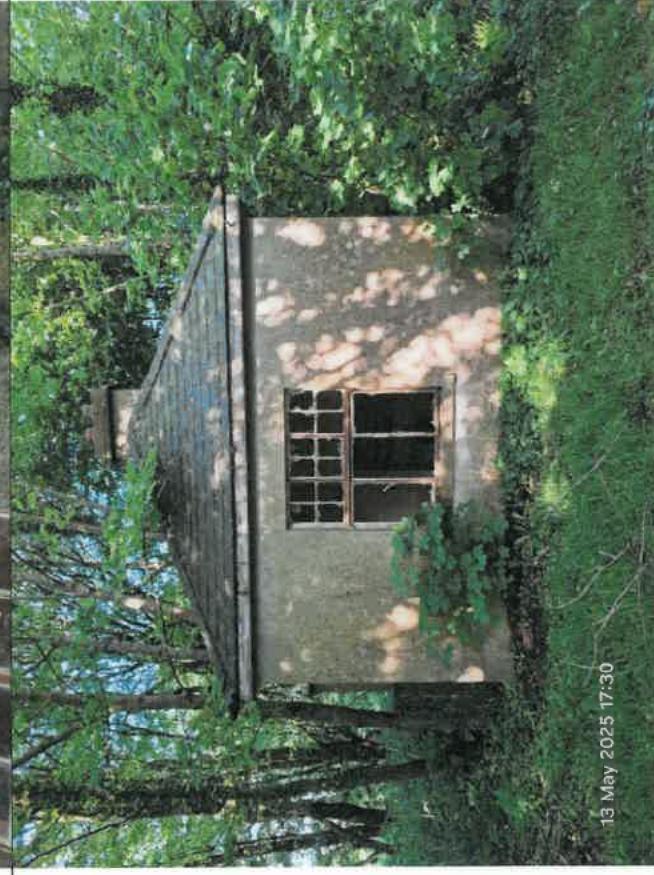
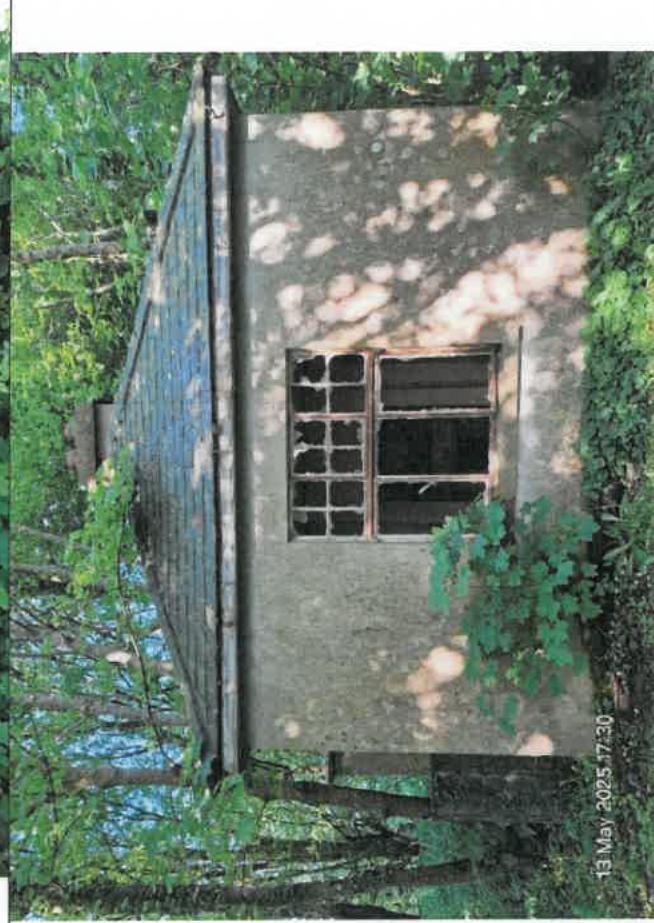
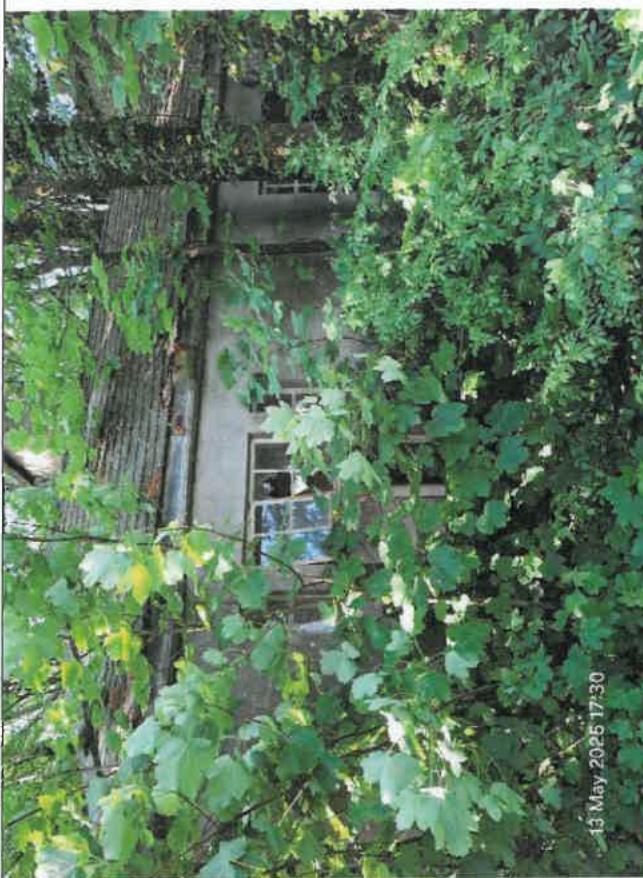
CLIENT DONAL NASH	Drawn P.R.	Dwg. No. 004
TITLE SITE LOCATION MAP	SCALE AS SHOWN	DATE 16.06.2025

EC-229-25















13 May 2025 17:40



13 May 2025 17:41

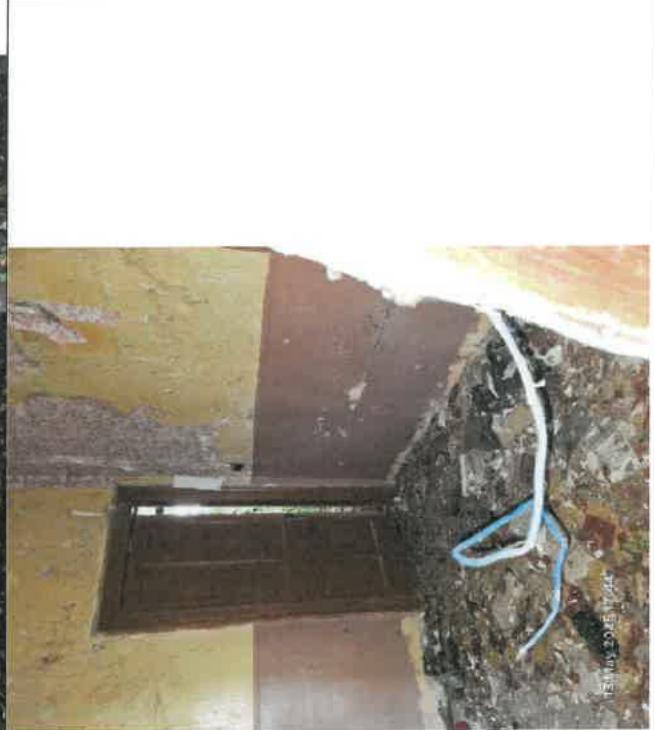


13 May 2025 17:39



13 May 2025 17:41







Re: Section 5 Application for Donal Nash.

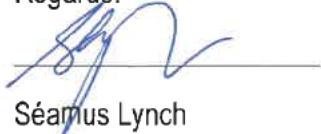
Ballyshane, Glenquin, Monagea, Newcastle West, Co. Limerick.

24.11.2025

Dear Sir / Madam.

I have been retained by Mr. Donal Nash to inspect the property at the above address, and it is my opinion that the existing dwelling house was constructed prior to the introduction of the Local Government (Planning and Development) Act, 1963, which came into effect on 1 October 1964.

Regards.



Séamus Lynch

BSc.(Hons) MSc. MIEI ICIQ, C.Build E. MCABE Chartered Building Engineer





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

File Reference Number	EC-242-25
Applicant	Donal Nash
Location	Ballyshane, Newcastle West, Co. Limerick

1. Description of Site and Surroundings:

The site is located in a green field site at Ballyshane, Newcastle West, Co. Limerick. The public building on site is a single storey detached dwelling set back from the public road.

2. 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:

- *Construction of a single storey rear extension – 40m² floor area.*

This Section 5 declaration includes the following:

- Section 5 Declaration
- Cover letter
- Site location map
- Floor plans
- Photographs of development to be assessed

3. Planning History:

None

4. Enforcement History

None

5. Relevant An Bord Pleanála referrals

ABP-301363-18

6. 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 the change of use of an existing dwelling to a community dwelling residence 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?

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.

The house has not been extended previously. The proposed single-story extension is to measure 40m².

(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.

The dwelling is detached – the extension is for 40m².

(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.

N/A

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.

N/A

(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.

Dwelling does not appear from the plans and photographic survey to have been extended previously. No planning history on site.

(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.

N/A

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.

N/A

(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.

Height would not exceed height of highest part of the roof of the dwelling – at circa 3m – height of existing dwelling is circa 4.5m.

(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.

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 proposed extension would not reduce the area of private open space to less than 25m².

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

All windows are over 1m from the shared 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.

The proposal is for building works to the house and a new rear extension to allow for a ground floor living area. Following a site inspection on the 24th November, 2025 (application EC-229-25 withdrawn) it was noted that the dwelling house is situated in a rural field surrounded by trees side on with the public road. The proposed extension is located to the rear of the dwelling house and the proposal as presented for 40m² comes under Class 1 of the Planning and Development Regulations 2001 (as amended).

6. Article 9 Restrictions

No encroachments.

7. 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. 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. Conclusion/Recommendation

The extension 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 of the Planning and Development Regulations 2001 (as amended)
(c) The plans and particulars submitted with the application received on 2th day of December, 2025.

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

Executive Planner	Jennifer Mc Nulty	Date:
		16/12/2025
A/Senior Executive Planner	Jennifer Collins	Date:
		18/12/2025

APPENDIX 1

AA SCREENING EXAMINATION

AA PN01 Screening Form

STEP 1: Description of the project/proposal and local site characteristics:	
File Reference No:	EC-242-25
Brief description of the project or plan:	Dwelling Extension
Brief description of site characteristics:	Rural site
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/Special Conservation Interest¹	Distance from proposed development² (km)	Connections (Source-Pathway-Receptors)	Considered further in screening Y/N
002165	Lower River Shannon SAC https://www.npws.ie/protected-sites/sac/002165	Circa 35km	None	None
004077	River Shannon and River Fergus Estuaries SPA https://www.npws.ie/protected-sites/spa/004077	Circa 7km	None	None
004161	Stack's to Mullaghareirk Mountains, West Limerick Hills & Mount Easgle SPA https://www.npws.ie/protected-sites/spa/004161	Circa 10km	None	None

STEP 3: Assessment of Likely Significant Effects	
a. Identify all potential direct and indirect impacts that may have an effect on the conservation objectives of a European site, taking into account the size and scale of the project under the following headings:	
Impacts:	Possible Significance of Impacts: (duration/Magnitude etc)
Construction phase e.g <ul style="list-style-type: none">• Vegetation clearance• Demolition• Surface water runoff from soil excavation/infill/landscaping (including borrow pits)• Dust, noise, vibration• Lighting disturbance	None. A dwelling exists on site. Works are minimal and will involve a dwelling refurbishment.

<ul style="list-style-type: none"> • Impact on groundwater/dewatering • Storage of excavated/construction materials • Access to site • Pests 	
Operation phase e.g.	None.
<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 	
In-combination/Other	N/A given the level of development in the area

<p>b. Describe any likely changes to the European site:</p> <p>Examples of the type of changes to give consideration to include:</p> <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. A dwelling exists on site. Works are minimal and will involve a dwelling refurbishment.

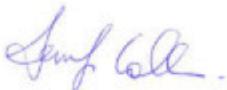
<p>c. (Are ‘mitigation’ measures necessary to reach a conclusion that likely significant effects can be ruled out at screening?)</p>

<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No
--------------------------	-----	-------------------------------------	----

STEP 4: Screening Determination Statement			
The assessment of significance of effects:			
<p>On the basis of the information on file, which is considered adequate to undertake a screening determination and having regard to:</p> <ul style="list-style-type: none"> • the nature and scale of the proposed development on fully serviced lands, • the intervening land uses and distance from European sites, • the lack of direct connections with regard to the Source-Pathway-Receptor model, <p>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. An appropriate assessment is not, therefore, required.</p>			
Conclusion: This development is for the redevelopment of an existing dwelling on a rural site. Given that the site does not encroach on any SAC/SPA and the scale of the development, an AA 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:		 Jennifer Mc Nulty, Executive Planner 16/12/25	
Signature and Date of the Decision Maker:		 Jennifer Collins, A/Senior Executive Planner 18/12/25	

APPENDIX 2**EIA SCREENING EXAMINATION**

Establishing if the proposal is a 'sub-threshold development':	
Planning Register Reference:	EC-242-25
Development Summary:	Extension to dwelling
Was a Screening Determination carried out under Section 176A-C?	<input type="checkbox"/> Yes, no further actions 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 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): <u>[specify class & threshold here]</u> EIA is mandatory No Screening required	
<input type="checkbox"/> Yes the project is of a type listed but is <i>sub-threshold</i> 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:	 Jennifer Mc Nulty, Executive Planner 16/12/25
Signature and Date of the Decision Maker:	 Jennifer Collins, A/Senior Executive Planner 18/12/25

APPENDIX 3**SITE INSPECTION**

Carried out 24/11/25 on first application (EC-229-25 which was withdrawn) – I unable to access the site – Applicant has supplied photographs on file which I deem sufficient.



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:

**Donal Nash,
Dromindeel Heights,
Dromindeel,
Newcastle West,
Co. Limerick.
V42X376**

EC/242/25

19 December 2025

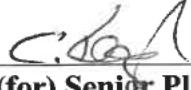
Re: Declaration under Section 5

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

✉ 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/2025/1446

File Ref No. EC/242/25

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

RE: A single storey extension at Ballyshane, Newcastle West, Co. Limerick.

ORDER: Whereas by Director General's Order No. DG/2025/200 dated 24th November 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.

cl Now therefore pursuant to the delegation of the functions aforesaid, I, Jennifer Collins, A/Senior Executive Planner, having considered the report and recommendation of Jennifer Mc Nulty, Executive Planner dated 16/12/2025,

hereby order that a Declaration under Section 5 of the Planning and Development Act 2000 (as amended) be issued to Donal Nash, Dromindeel Heights,

Dromindeel, Newcastle West, Co. Limerick to state that the works as described above is

Development and is Exempt Development.

Signed

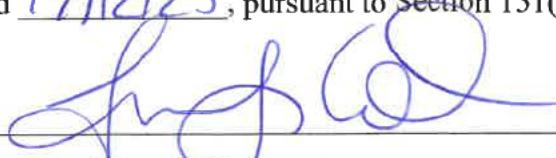

A/SENIOR EXECUTIVE PLANNER, PLANNING & PLACE-MAKING

Date

19/12/25

Certified to be a true copy of Approved Officer's Order, Planning & Development Order No. AOO/DC/2025/1446 dated 19/12/25, 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/242/25

Name and Address of Applicant: Donal Nash, Dromindeel Heights, Dromindeel, Newcastle West, Co. Limerick.

Agent: N/A

Whether the single storey extension at Ballyshane, Newcastle West, 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 02nd day of December 2025.

AND WHEREAS the Planning Authority has concluded that single storey extension at Ballyshane, Newcastle West, 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). 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. Keay
Date: 18/12/2025

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.