

Limerick City and County Council

Planning Department

Section 5 Application

DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

Applicant's Name: Bridget Byrnes

Applicant's Address: Court

Kildimo

Co. Limerick

Telephone No.



Name of Agent (if any): Conor McNamara

Address: 10 College View Drive,

Shannon Banks, Corbally,

Limerick

Telephone No. 0861069850

Address for Correspondence:

c/o Conor McNamara, 10 College View Drive, Shannon Banks, Corbally, Limerick

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

Court, Kildimo, Co. Limerick V94Y4CR

Description of Proposed development:

a 39.9m² extension to the rear of an existing house

Note: Per ABP/An Coimisiún Pleanála - Case reference: RL25M.RL3491,

The front of the house is classified as where the front door of the property is,
is located at 90 degree angle to the road.

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

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:

Letter of consent re agent

Site location map

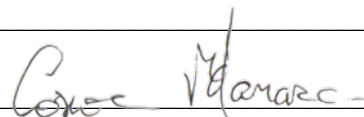
P-01 Site Layout

P-02 GA Drawings, Survey of existing

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)



Conor McNamara, Agent: 0861069850

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**

Receipt details

1 message

LIMERICK CITY & COUNTY COUNCIL

CASH OFFICE

CIVIC OFFICES

DOORADOYLE

CO LIMERICK

17/12/2025 12:28:14

**Receipt No / Uimhir
Admhála:**

LA25/25194423

**Customer Address / Seoladh an
Chustaiméara:**

Conor McNamara
[10 College View Drive](#)
Shannon Banks
Corbally
Limerick

PL041

80.00 EUR

EXEMPTION CERTIFICATES

Paid With / Íoctha Le: Credit / Debit Card

Total / Iomlán: 80.00 EUR

Tax (VAT): 0.00 EUR

Tendered / Tairgthe: 80.00 EUR

From / Ó: CASH OFFICE
HQ

**Vat reg No. / Clárúimh
CBL:** 3267368TH

Please retain this receipt for your records

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Planning and Environmental Services Department
Limerick City and County Council,
Dooradoyle,
Limerick

12/09/2025

RE: Letter of consent re Agent

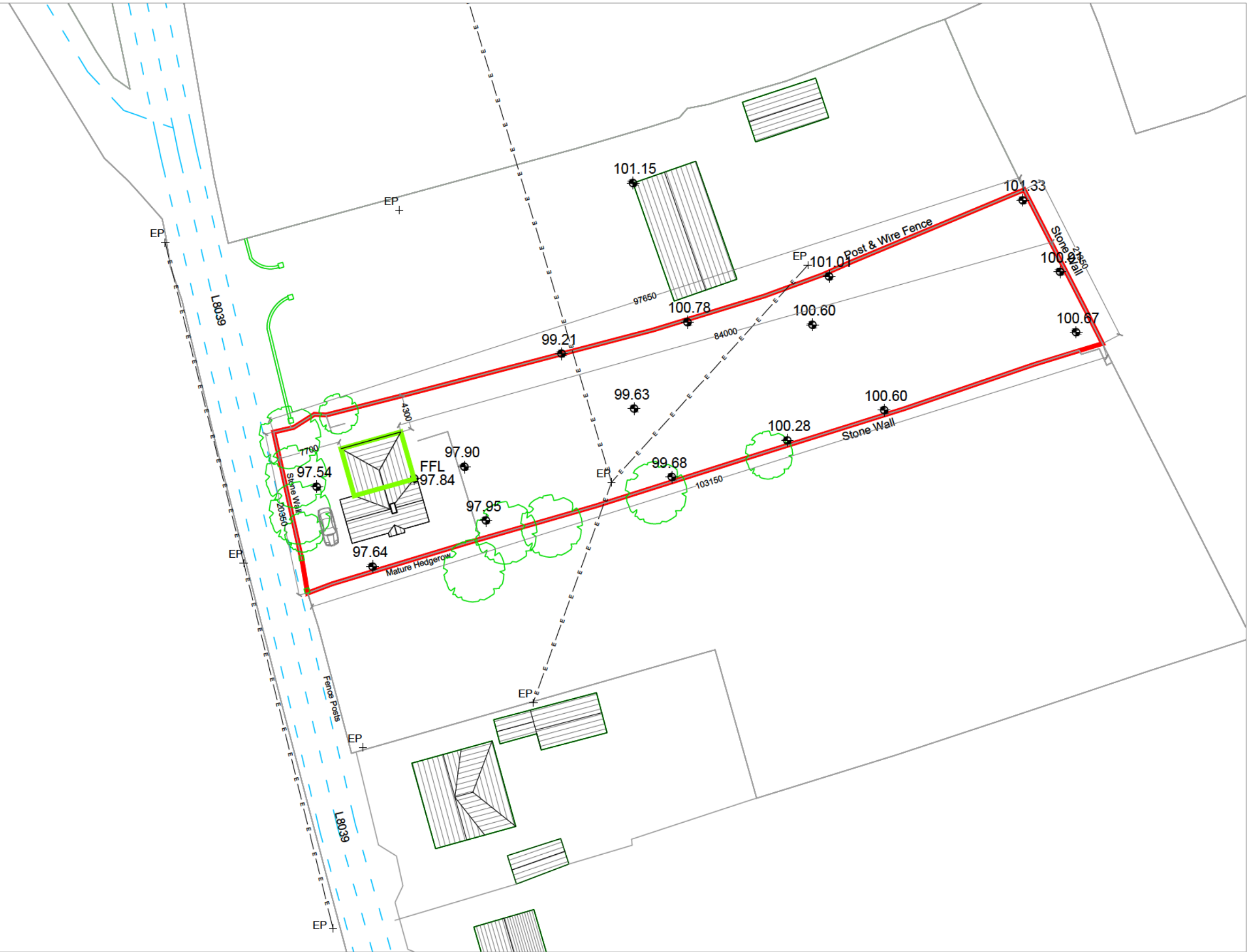
To whom it may concern,

I wish to confirm that I wish to appoint Conor McNamara to act as my agent for this Section 5 application.

Yours Sincerely,




A handwritten signature in black ink, appearing to read 'Bridget Byrnes'. The signature is written in a cursive style with a large initial 'B'.

Bridget Byrnes,
Newcastle West,
County Limerick

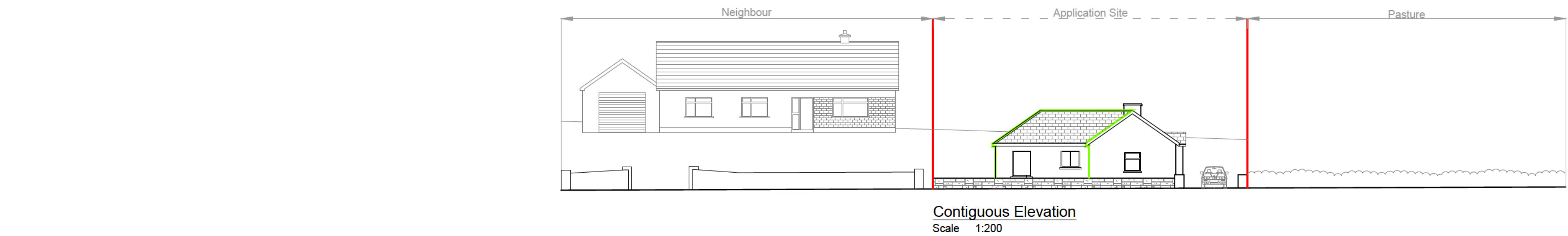


Site Plan, Proposed
Scale 1:500

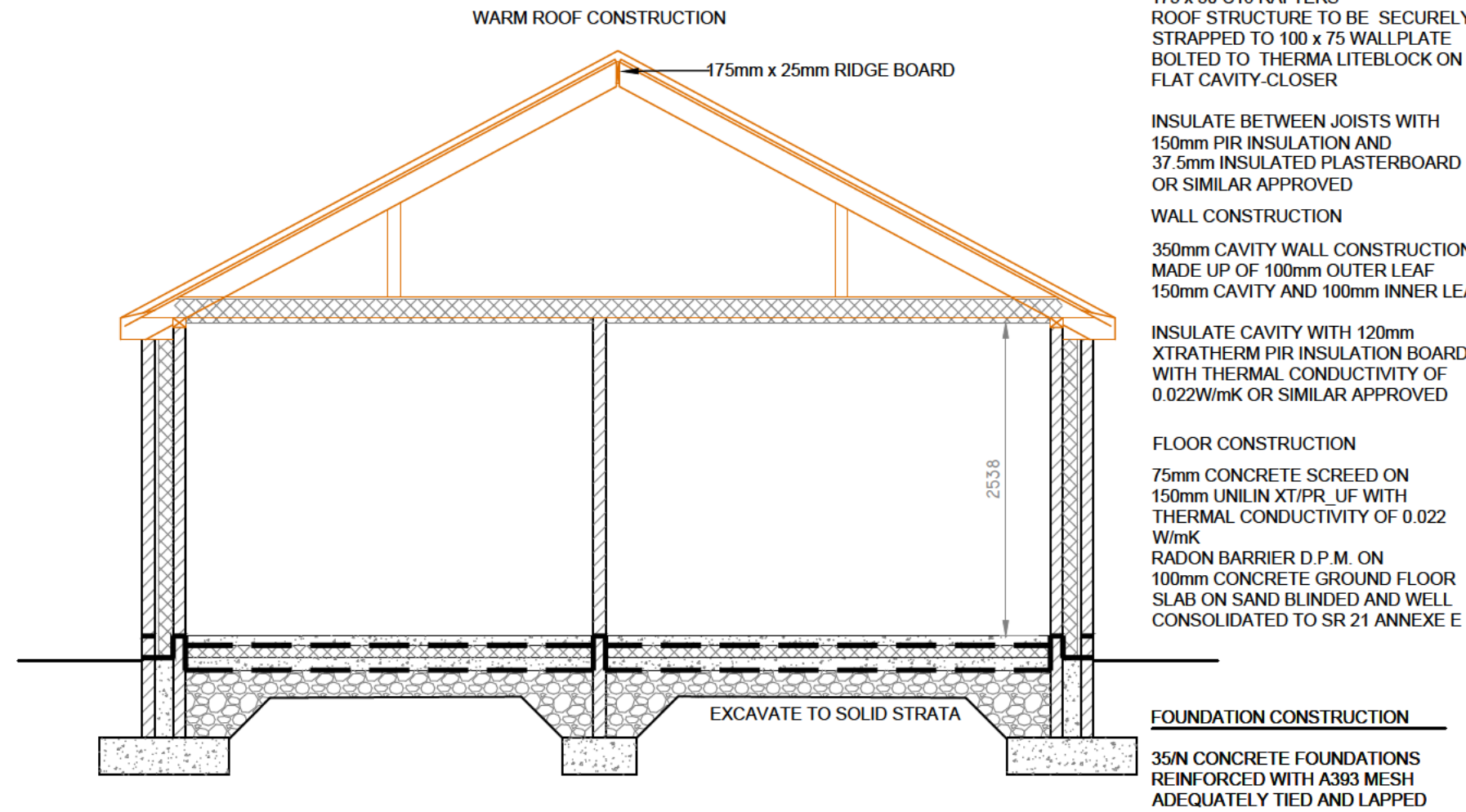
LEGEND

 xx.xx Levels
 Site Boundary
 Proposed Extension

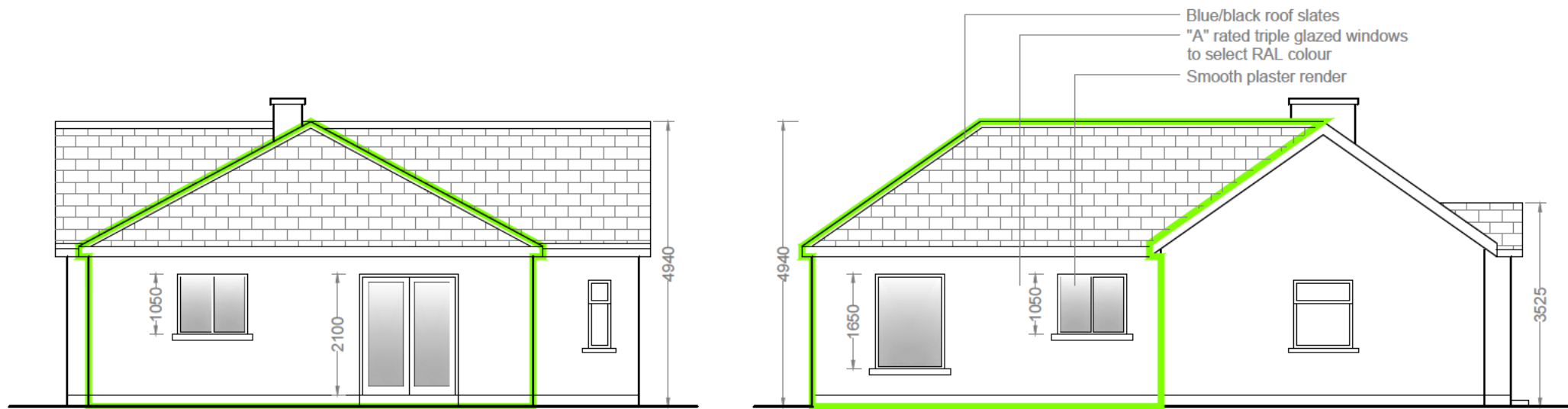
PROJECT: Extension to Byrnes House, Court, Kildimo, Co. Lmk		
CLIENT: Bridget Byrnes		
DRAWING TITLE: Site Layout, Proposed		
JOB REF: 25-50	DRAWN: CMcN	DRAWING NO: P-01
STAGE: Section 5	APPROVED: CMcN	
DATE: 28/08/2025	SCALE: @ A3	REV: -



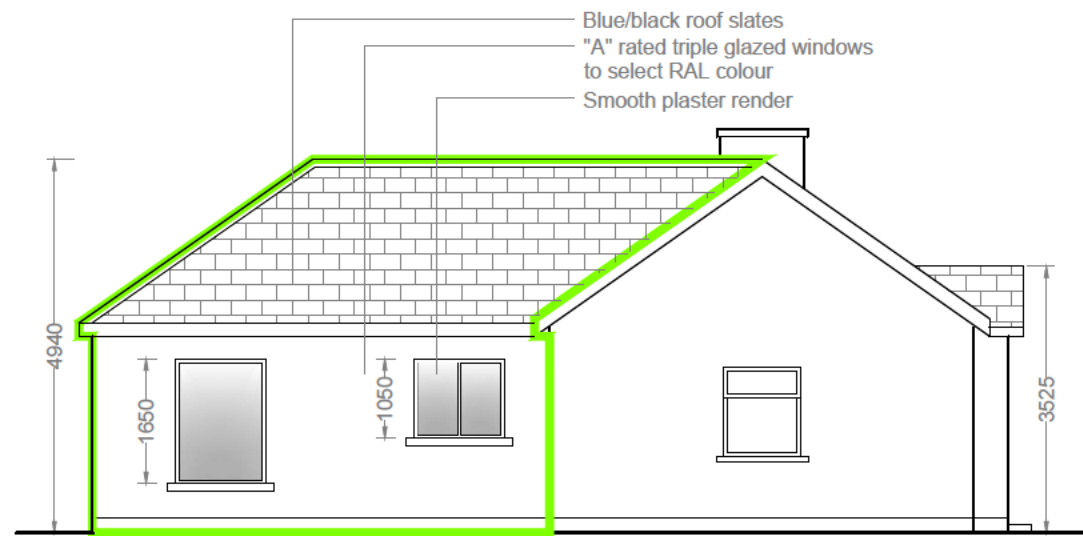
Contiguous Elevation
Scale 1:200



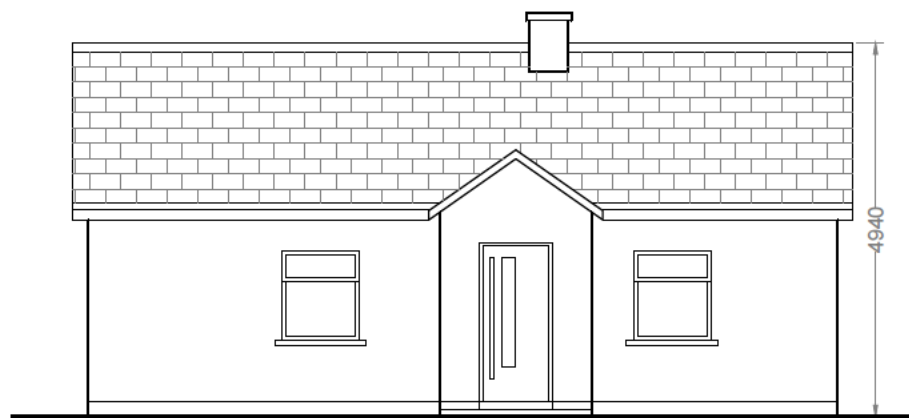
Typical Section
Scale 1:50



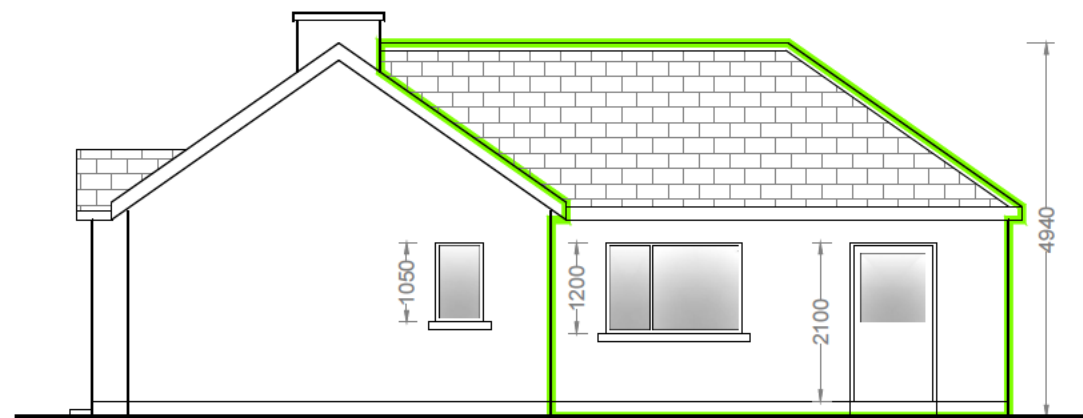
North (Rear) Elevation
Scale 1:100



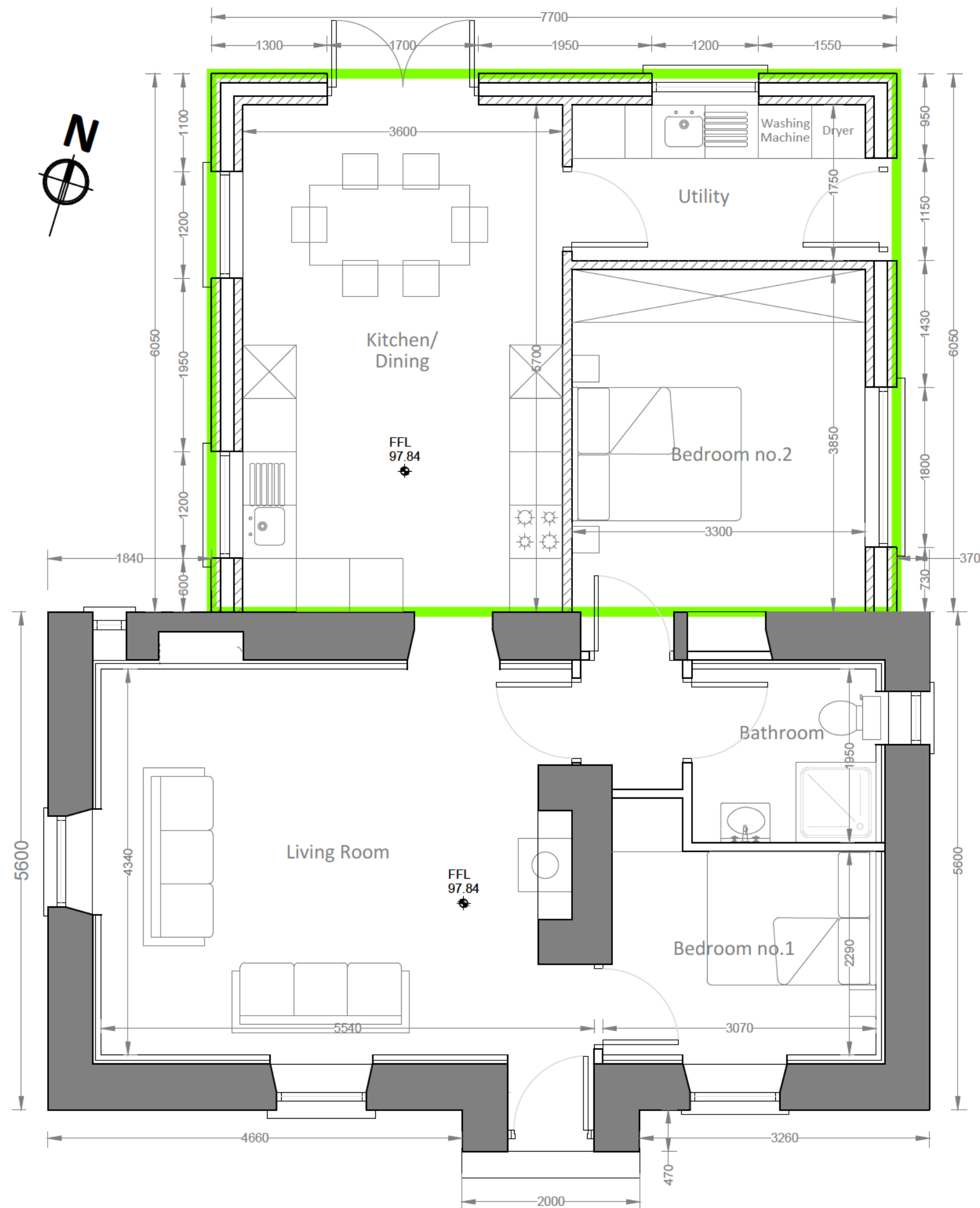
West Elevation
Scale 1:100



South (Front) Elevation
Scale 1:100

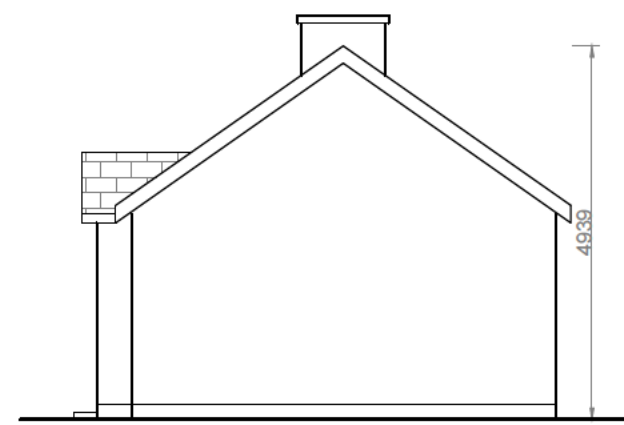
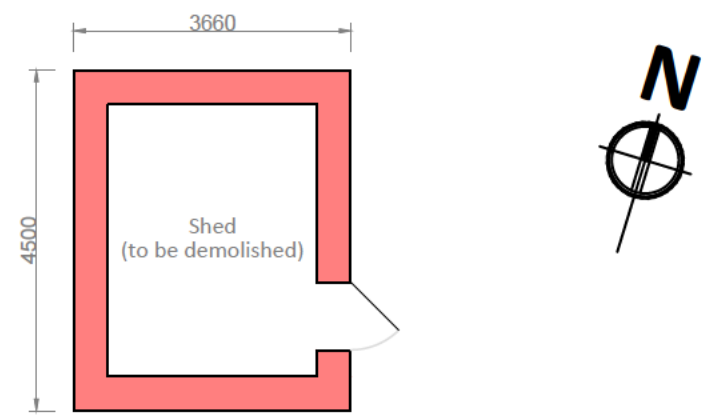


East Elevation
Scale 1:100

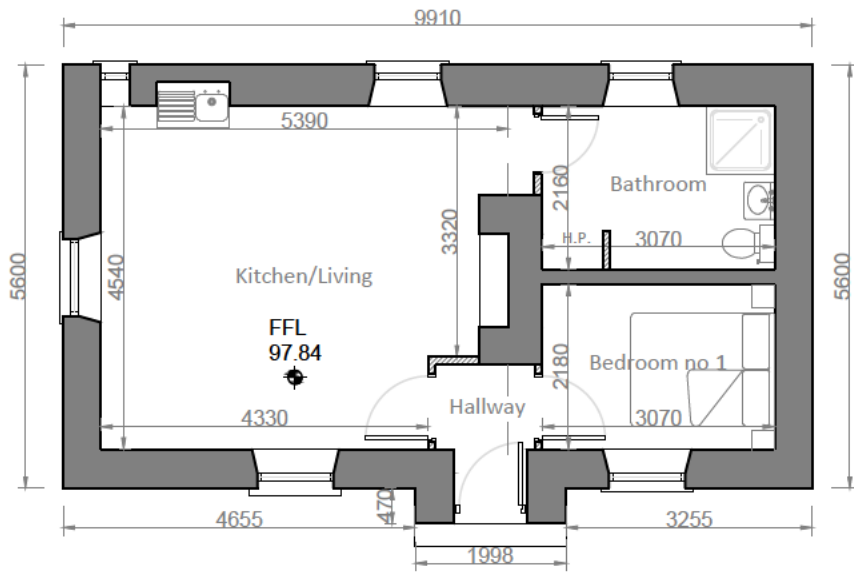


Ground Floor Plan
Scale 1:50
Area, Ex. House: 41.1m²
Area, Extension: 39.9m²

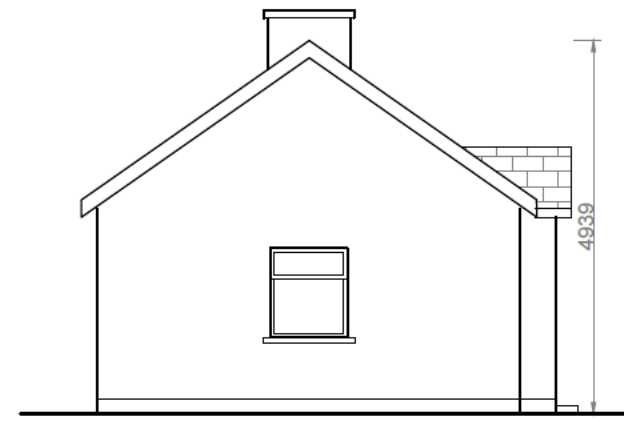
Survey, Existing House



East Elevation
Scale 1:100



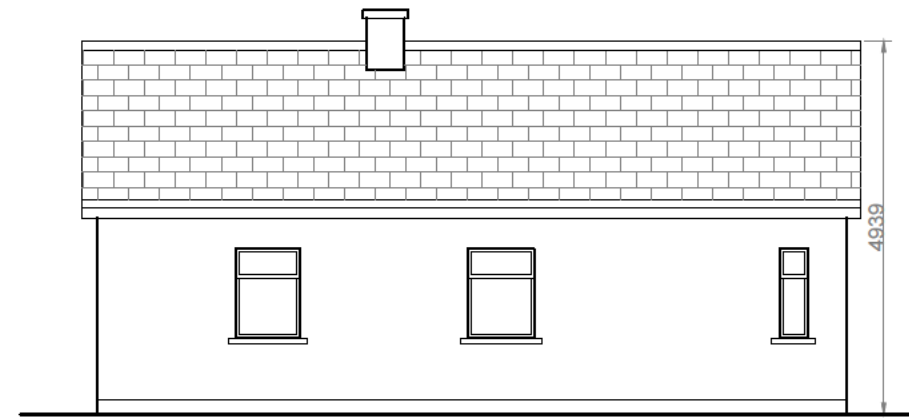
Ground Floor Plan
Scale 1:100
Area, Ex. House: 41.1m²



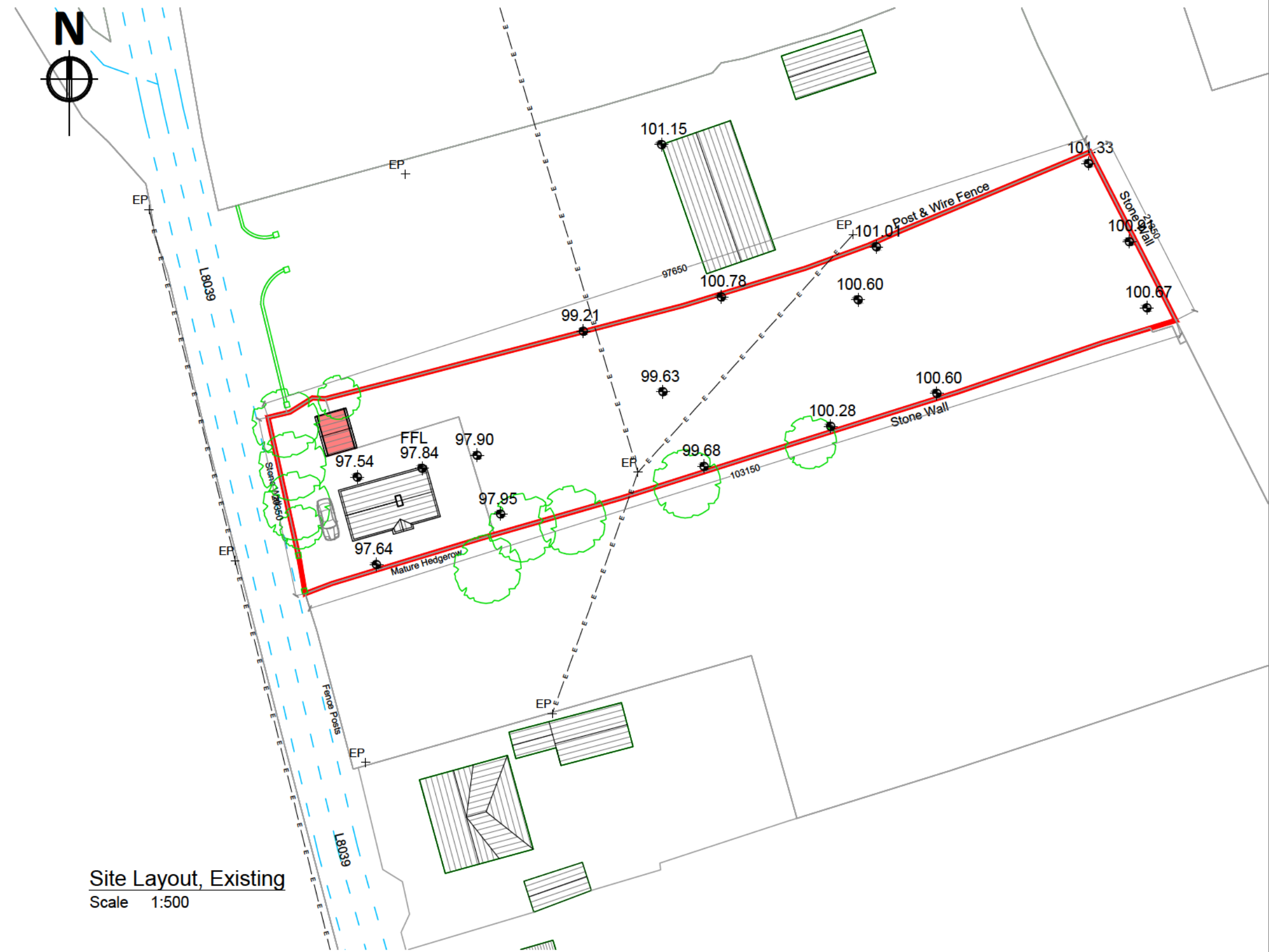
West Elevation
Scale 1:100



South (Front) Elevation
Scale 1:100



North (Rear) Elevation
Scale 1:100



Site Layout, Existing
Scale 1:500

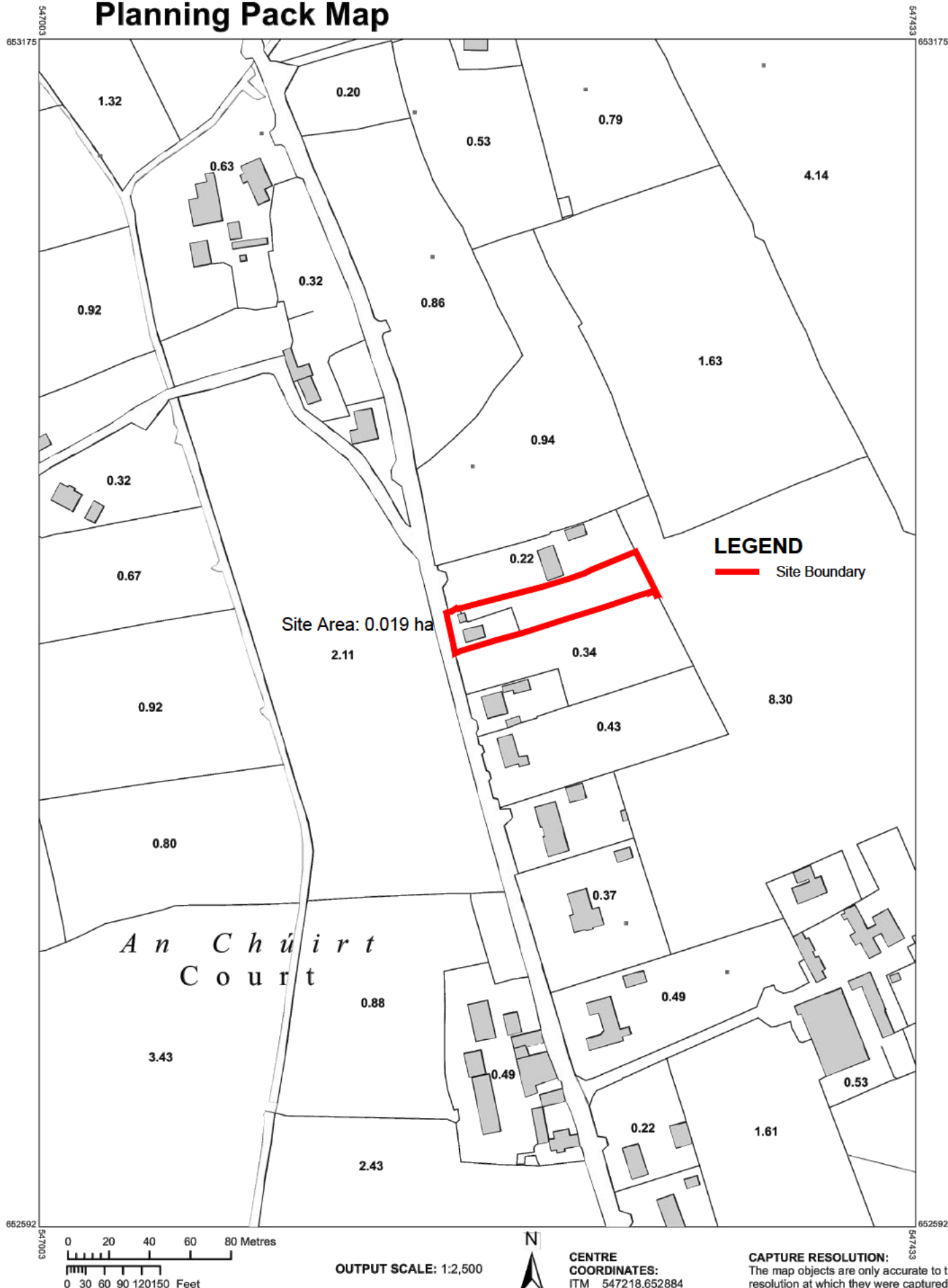
LEGEND
xx.xx Levels
Original House
Proposed Extension

NOTES
For Section 5 Purposes Only.
All structural elements to be designed by a suitably qualified person.
All works to be carried out in accordance with the requirements of Fire Safety – Volume 2 – Dwelling Houses of the Technical Guidance Document B, Building Regulations 2017

Area:
Ground Floor Area: 41.1m²
Ground Floor Extension: 39.9m²
Total Area: 81.0m²

PROJECT: Extension to Byrnes House, Court, Kildimo, Co. Lmk
CLIENT: Bridget Byrnes
DRAWING TITLE: Proposed GA drawings & Survey
JOB REF: 25-50
STAGE: Section 5
DATE: 28/08/2025
DRAWN: CMcN
APPROVED: CMcN
SCALE: @ A1
DRAWING NO: P-02
REV: -

Planning Pack Map



COMPILED AND PUBLISHED BY:

Tailte Éireann,
 Phoenix Park,
 Dublin 8,
 Ireland.
 D08F6E4

www.tailte.ie

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 15/09/2025

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MAP SHEETS:
 4800-B

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www.tailte.ie; search 'Capture Resolution'

LEGEND: To view the legend visit
www.tailte.ie and search for
 'Large Scale Legend'



 <div> Comhairle Cathrach & Contae Luimnigh </div> <hr/> <div> Limerick City & County Council </div>
<p align="center"><u>Report on application under Section 5 of the Planning and Development Act 2000 (as amended)</u></p>

File Reference number	EC-249-25
Applicant	Bridget Byrnes
Location	Court, Kildimo, Co. Limerick

1.0 Description of Site and Surroundings:

The subject site is located in the townland of Court, 2km from Kildimo village. The site comprises an existing single storey cottage with access onto a local road. The site is a state .019 hectares.

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:

- Construction of a 39sqm extension to the rear of an existing house.

This Section 5 declaration includes the following:

- Site location map
- Site layout plan
- Elevations
- Floor plans

3.0 Planning History:

19/1265 – Bridget Byrnes – Permission granted for the demolition of an existing one bedroom cottage and the construction of a one storey dwelling house, detached domestic garage, wastewater treatment system, percolation area, entrance and all ancillary site works.

08/283 – Nora Byrnes – Permission granted for construction of an extension to the side and rear of dwelling house, domestic garage and installation of a proprietary treatment system and percolation area.

04/3696 – Michael Byrnes – permission granted for installation of a proprietary waste water treatment system and percolation area.

3.1 Enforcement History

None

4.0 Relevant An Bord Pleanála referrals

RL3395, RL.3352 ABP-304512-19

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 the construction of a single storey rear extension constitutes ‘works’ and ‘development’.

5.2 Is the proposal exempted development?

From a planning history search and a site inspection, it would appear that the structure is in a vacant and derelict state. Therefore, the question is whether or not, an extension to an existing derelict building is or is not exempted development.

Similar cases relating to extensions and renovations to derelict dwellings have been referred to An Comisiún Pleanla (formerly An Board Pleanála), RL3395, RL.3352 ABP-304512-19. In all three cases, it was concluded that the works would constitute a material change of use for reasons relating to the concepts of ‘abandonment of the residential use’ and the resumption of a habitable use of each building. It was the boards opinion that the works would not be exempt from planning permission given the potential planning implications from the change of use.

Having regard to the recent planning application on file, planning file reference 19/1265, significant works were proposed including demolition of the existing structure, construction of a new site entrance and construction of a new wastewater treatment system among other works. Having regard to the current proposal, albeit for a 39sqm extension, it cannot be reasonably considered that the proposed dwelling could be brought back to use without additional works as proposed under the previous planning application including a

new entrance and wastewater treatment system. Therefore, while the principle of reusing and upgrading an existing dwelling is welcomed, the works required to do so would be material and would require planning permission.

6.0 Article 9 Restrictions

The proposed development is not restricted by any of the restrictions in Article 9 of the Planning and Development Regulations 2001 (as amended).

7.0 Appropriate Assessment

Having regard to the nature and scale of the proposed development and the absence of proximity or connectivity to a Natura 2000 European Site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects, on a European Site. An appropriate assessment screening report and determination is attached to this report.

8.0 Environmental Impact Assessment

Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations it has been concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required.



9.0 Conclusion/Recommendation

The extension detailed on the application and plans submitted is considered not to be within the scope 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) The plans & particulars submitted with the application received on 18th of December 2025.
- (c) RL3395, RL.3352 ABP-304512-19

It is therefore considered that the said works are development and not exempted development under Section 2 of the Planning and Development Act, 2000 (as amended).

Assistant Planner	Eithne O'Brien	Date:
Signature:		21/01/2026
A/Senior Executive Planner	Jennifer Collins	Date:
Signature		21/01/2026

Appendix 1: AA PN01 Screening Form

STEP 1: Description of the project/proposal and local site characteristics:	
(a) File Reference No:	EC-249-25
(b) Brief description of the project or plan:	Whether the Construction of a 39.9sqm extension to the rear of an existing house is or is not development and is or is not exempted development.
(c) Brief description of site characteristics:	The subject site is occupied by an existing single-story dwelling. There are no streams/rivers bounding the site.
(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/Special 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	375m	None. Works are minimal. No direct encroachment or hydrological connection.	N
004077-River Shannon and River Fergus Estuaries SPA	https://www.npws.ie/protected-sites/sac/004077	375m	None. Works are minimal. No direct encroachment or hydrological connection.	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 <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. Works are minimal. No direct encroachment or hydrological connection.

<ul style="list-style-type: none"> - Impact on groundwater/dewatering - 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 development proposed, 39.9sqm.

(b) Describe any likely changes to the European site:	
<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 	<p>None. The application site is not located adjacent or within a European site, therefore there is no risk of habitat loss or fragmentation or any effects on QI species directly or ex-situ.</p> <p>The distance between the proposed development site and any European Sites, and the weak and indirect ecological pathway is such that the proposal will not result in any likely changes to the European sites that comprise part of the Natura 2000 network.</p>

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



STEP 4: Screening Determination Statement
<p>The assessment of significance of effects:</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 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/> Eithne O'Brien, Assistant Planner 21/1/2026	
Signature and Date of the Decision Maker:	 <hr/> Jennifer Collins, A/Senior Executive Planner 21/01/2026	

Appendix 2: EIA Screening**FORM 1**

Establishing if the proposal is a 'sub-threshold development':	
Planning Register Reference:	EC-249-25
Development Summary:	Whether the Construction of a 39.9sqm extension to the rear of an existing house is or is not development and is or is not exempted development.
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): ___[specify class & threshold here]___	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:



Eithne O'Brien, Assistant Planner
21/1/2026

Signature and Date of the Decision Maker:



Jennifer Collins, A/Senior Executive
Planner 21/01/2026

Appendix 3: Site visit



PLANNING & PLACE-MAKING

REG POST:

**Bridget Byrnes,
c/o Conor McNamara,
10 College View Drive,
Shannon Banks,
Corbally,
Limerick.**

EC/249/25

21 January 2026

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/2026/64

File Ref No. EC/249/25

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

RE: An extension at Court, Kildimo, 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.

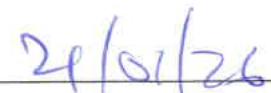
Now therefore pursuant to the delegation of the functions aforesaid, I, Jennifer Collins, A/Senior Executive Planner, having considered the report and recommendation of Eithne O'Brien, Assistant Planner dated 21/01/2026, hereby order that a Declaration under Section 5 of the Planning and Development Act 2000 (as amended) be issued to Bridget Byrnes, c/o Conor McNamara, 10 College View Drive, Shannon Banks, Corbally, Limerick to state that the works as described above is

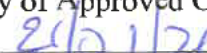
Development and is NOT Exempt Development.

Signed


A/SENIOR EXECUTIVE PLANNER, PLANNING & PLACE-MAKING

Date


21/01/26

Certified to be a true copy of Approved Officer's Order, Planning & Development Order No. AOO/DC/2026/64 dated  21/01/26, pursuant to Section 151(7) of the Local Government Act 2001

Signed:


A/SENIOR EXECUTIVE PLANNER, PLANNING & PLACE-MAKING



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

SECTION 5 – DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

DECLARATION NO.

EC/249/25

Name and Address of Applicant: Bridget Byrnes, Court, Kildimo, Co. Limerick.

Agent: Conor McNamara, 10 College View Drive, Shannon Banks, Corbally, Limerick

Whether the extension at Court, Kildimo, 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 18th day of December 2025.

AND WHEREAS the Planning Authority has concluded that extension at Court, Kildimo, Co. Limerick **DOES NOT** come within the scope of exempted development under Section 2 of the Planning and Development Act, 2000 (as amended). See Report attached.

NOW THEREFORE the Planning Authority in exercise of the powers conferred on it by Section 5(2) (a) of the Planning and Development Act 2000 (as amended) hereby decides that the said development as described above is **Development and is NOT Exempt Development.**

Signed on behalf of the said Council

Date: 21.1.2026

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.