

**Limerick City and County Council**

**Planning Department**

**Section 5 Application**

**DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT**

Applicant's Name: D.W. APARTMENTS LTD

Applicant's Address: 32 IVY STREET  
MORTON MANCHESTER,  
UK M40 9LN

Telephone No. [REDACTED]

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

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

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

Address for Correspondence:

EMAIL DWAPARTMENTSUK@GMAIL.COM  
c/o DP O'MAHONY AUCTIONEERS  
4 PEARSE SQUARE COBH CO. CO. K4 P24 H4F2

Location of Proposed development (Please include EIRCODE):

FORMER TIERNEY'S SANFIELD  
STREET, KILMACLOCK, CO. DUBLIN  
V35 X407

Description of Proposed development:

CONVERSION OF VACANT GROUND  
FLOOR COMMERCIAL UNIT (ON 35 REARER)  
TO 2 BED APARTMENT AND REFURBISHMENT OF  
UPSTAIRS ACCOMMODATION AS 2 STUDIO APARTMENTS

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

COMMERCIAL PROPERTY VACANT > 2 YEARS

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:

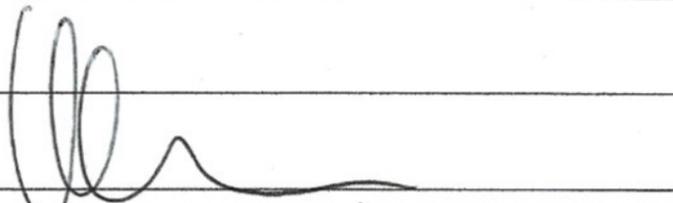
SITE LOCATION MAP / LAYOUT  
PLAN / ELEVATIONS

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

If Yes please provide floor areas of all existing structures:

NOT ON THE BUILDING FOOTPRINT

Signature of Applicant (or Agent)

  
D.W. APARTMENT LTD

**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.

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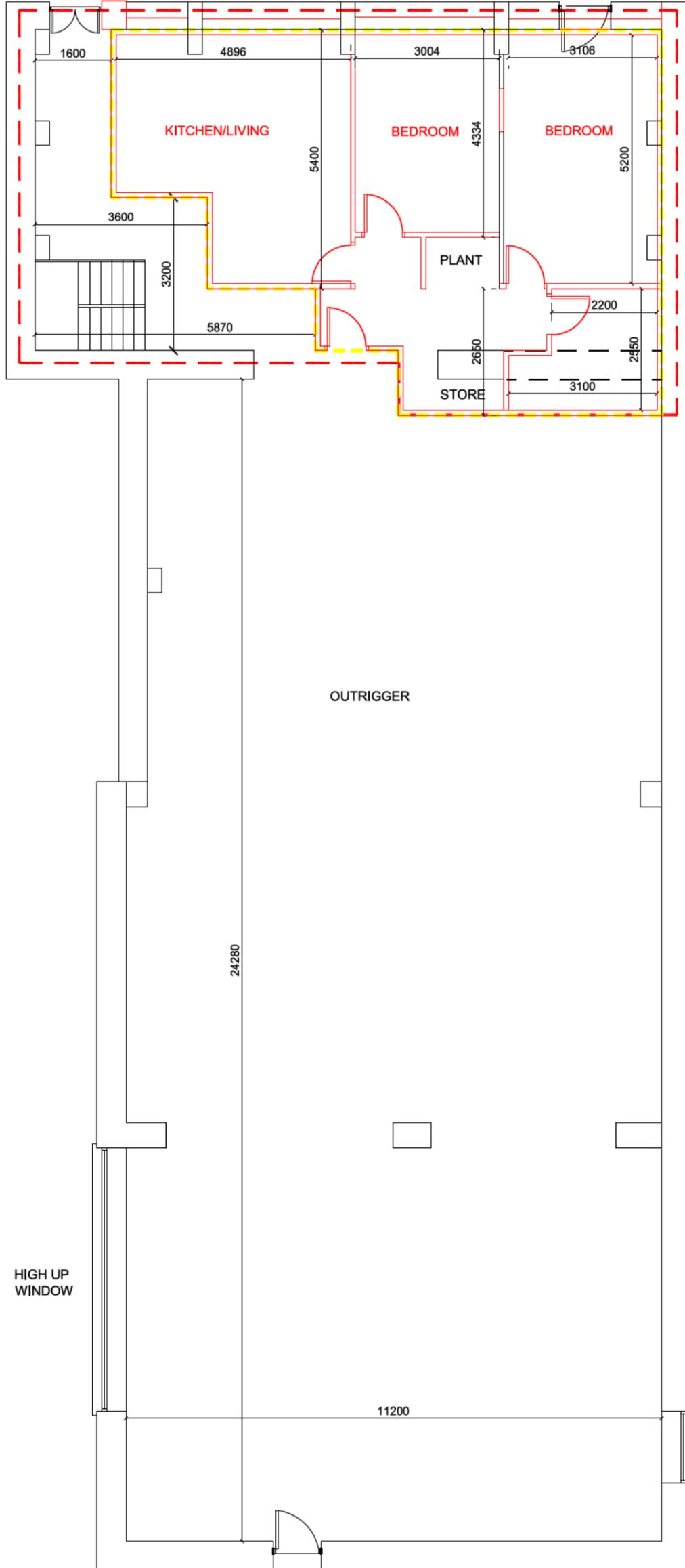
Application to be forwarded to:

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

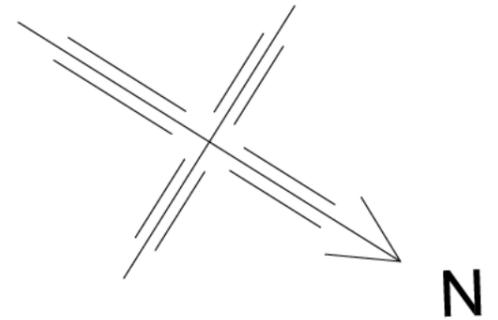
**Enquiries:  
Telephone: 061-556556  
E-Mail: [planning@limerick.ie](mailto:planning@limerick.ie)**

\*\*\*\*\*

AREA DASHED YELLOW 75 M.SQ.



FRONT AREA OUTLINED RED DASHED UNDER CURRENT APPLICATION.



HIGH UP WINDOW

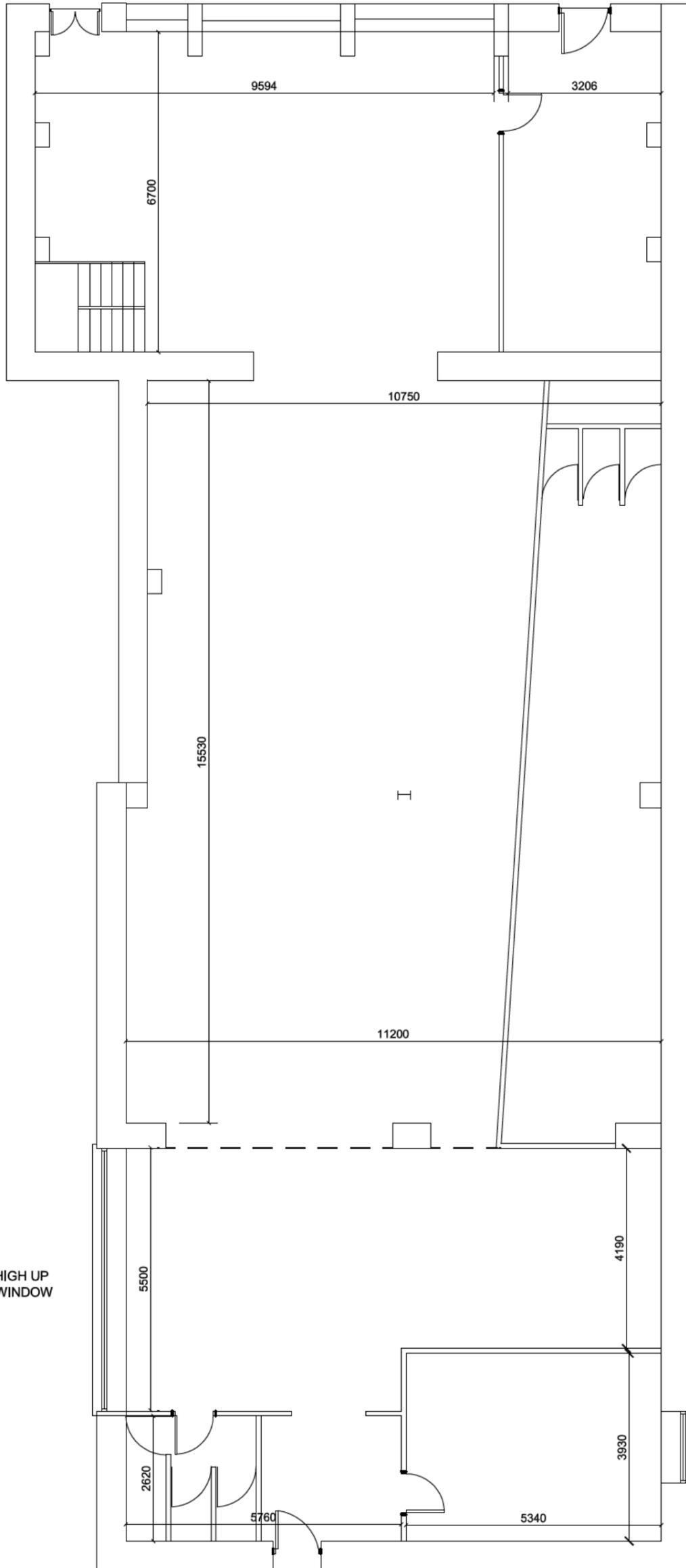
PROPOSED GROUND FLOOR

**MF** Matt Fitzpatrick Dip. Arch. R.I.A.I.  
Architectural Development

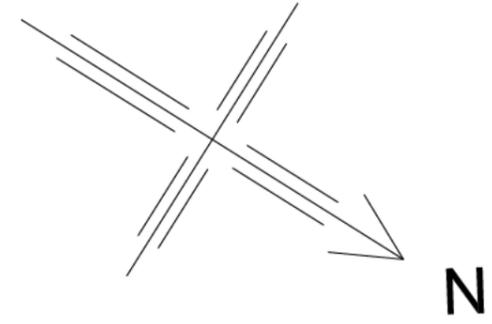
8 CARMICHAEL LANE,  
MALLOW,  
CO. CORK.

Tel / Fax: 022 50511  
Info@mattfitzpatrick.ie

CLIENT:	DW APARTMENTS LTD..
DEVELOPMENT AT:	MAIN STREET KILMALLOCK CO. LIMERICK
DRAWING TITLE:	PROPOSAL FOR APPARTMENTS
DRAWING NO:	MW0012024
DATE:	AUGUST 2024
SCALE:	1:100 @ A3
DRAWN BY:	BW
CHECKED BY:	
REVISION DATE:	



EXISTING GROUND FLOOR

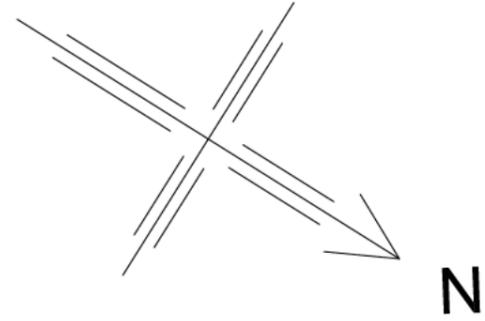


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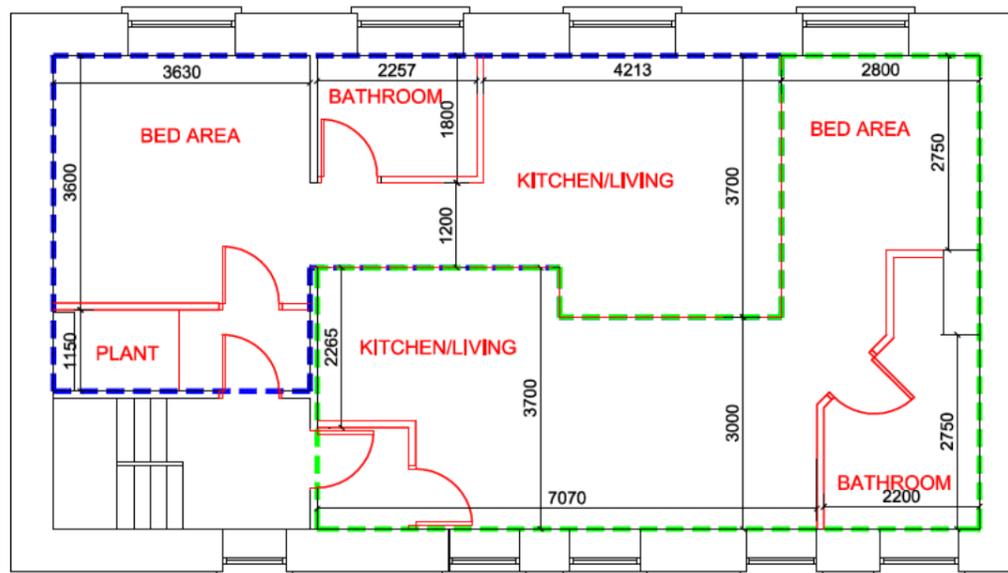
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REVISION DATE:	



AREA DASHED BLUE  
39 M.SQ.



AREA DASHED GREEN  
41 M.SQ.

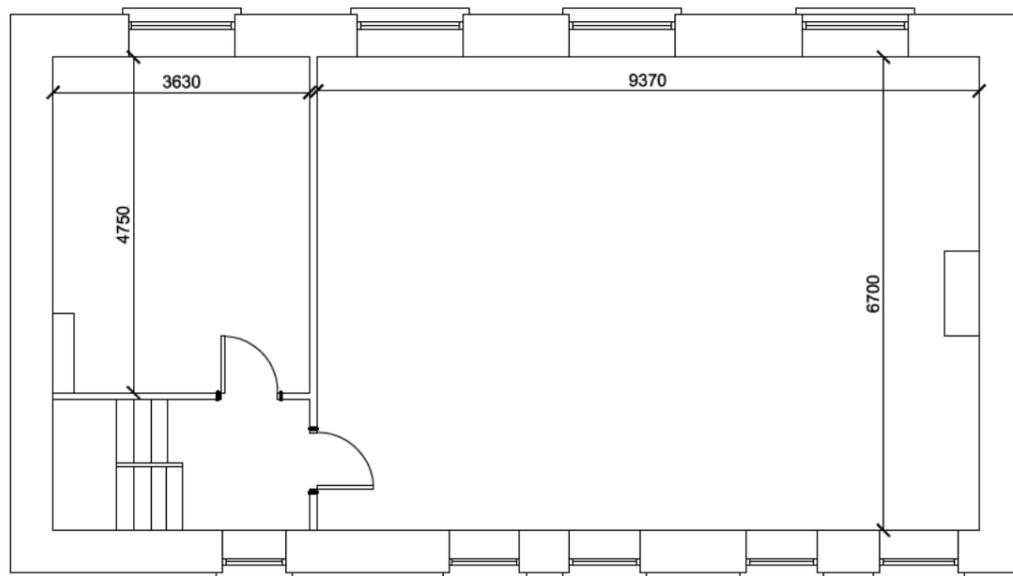
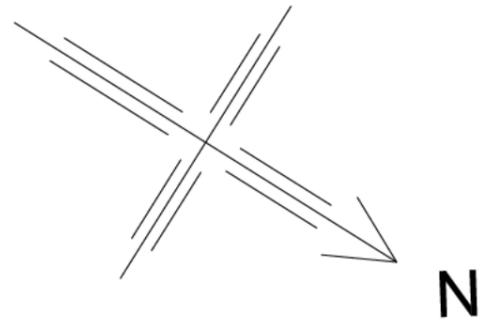
PROPOSED 1ST FLOOR PLAN

**MF** Matt Fitzpatrick Dip. Arch. R.I.A.I.  
Architectural Development

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CO. CORK.

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CLIENT:	DW APARTMENTS LTD..
DEVELOPMENT AT:	MAIN STREET KILMALLOCK CO. LIMERICK
DRAWING TITLE:	PROPOSAL FOR APPARTMENTS
DRAWING NO:	MW0022024
DATE:	AUGUST 2024
SCALE:	1:100 @ A3
DRAWN BY:	BW
CHECKED BY:	
REVISION DATE:	

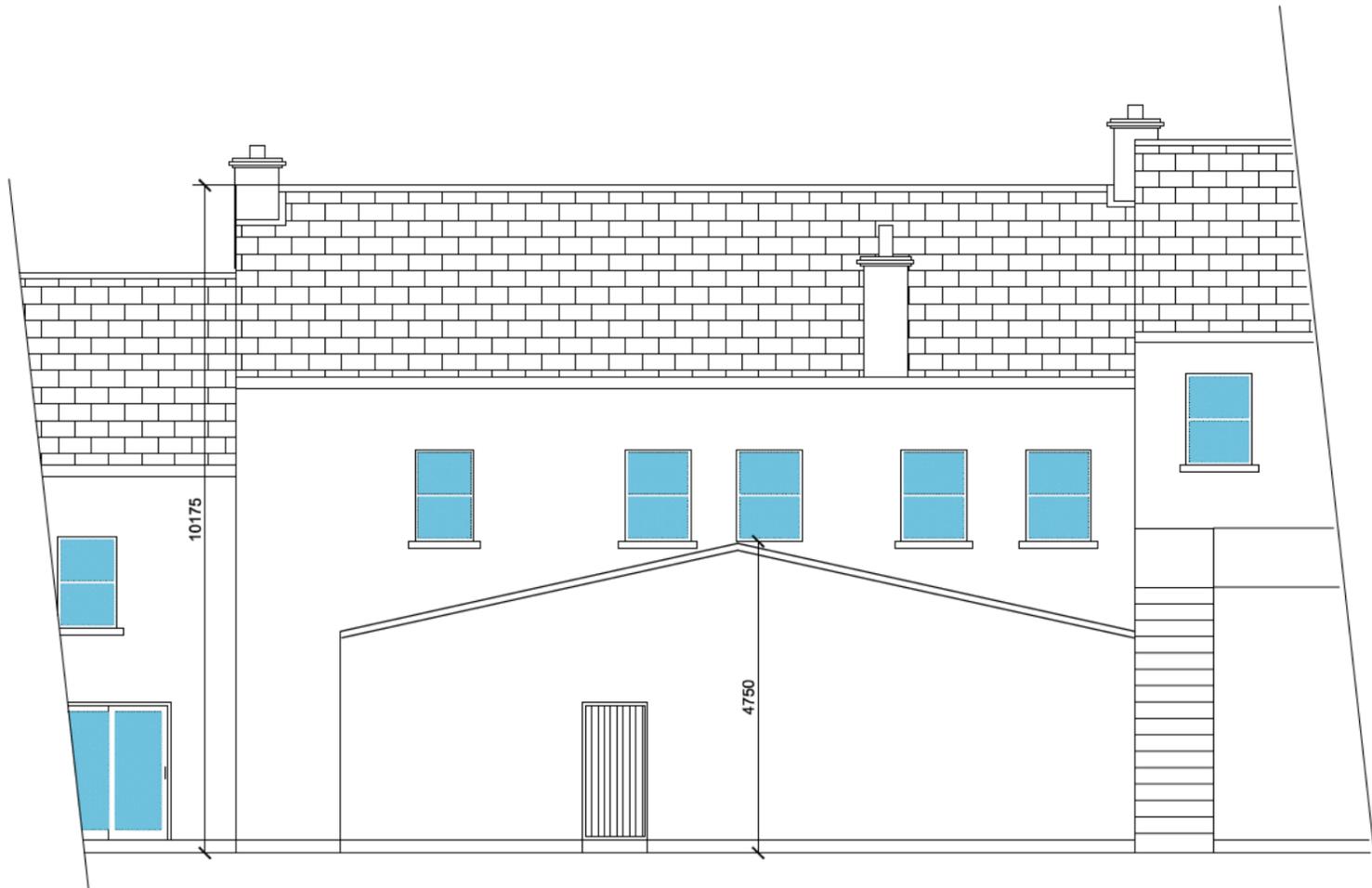


EXISTING FIRST FLOOR

**MF** Matt Fitzpatrick Dip. Arch. R.I.A.I.  
Architectural Development

8 CARMICHAEL LANE,  
MALLOW,  
CO. CORK. Tel / Fax: 022 50511  
Info@mattfitzpatrick.ie

CLIENT:	DW APARTMENTS LTD..
DEVELOPMENT AT:	MAIN STREET KILMALLOCK CO. LIMERICK
DRAWING TITLE:	PROPOSAL FOR APPARTMENTS
DRAWING NO:	MW0022024
DATE:	AUGUST 2024
SCALE:	1:100 @ A3
DRAWN BY:	BW
CHECKED BY:	
REVISION DATE:	

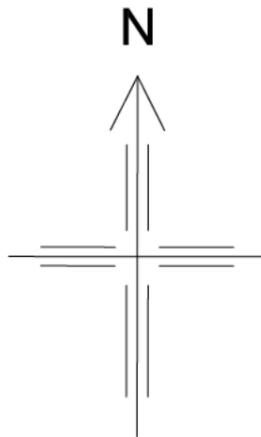


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**Architectural Development**

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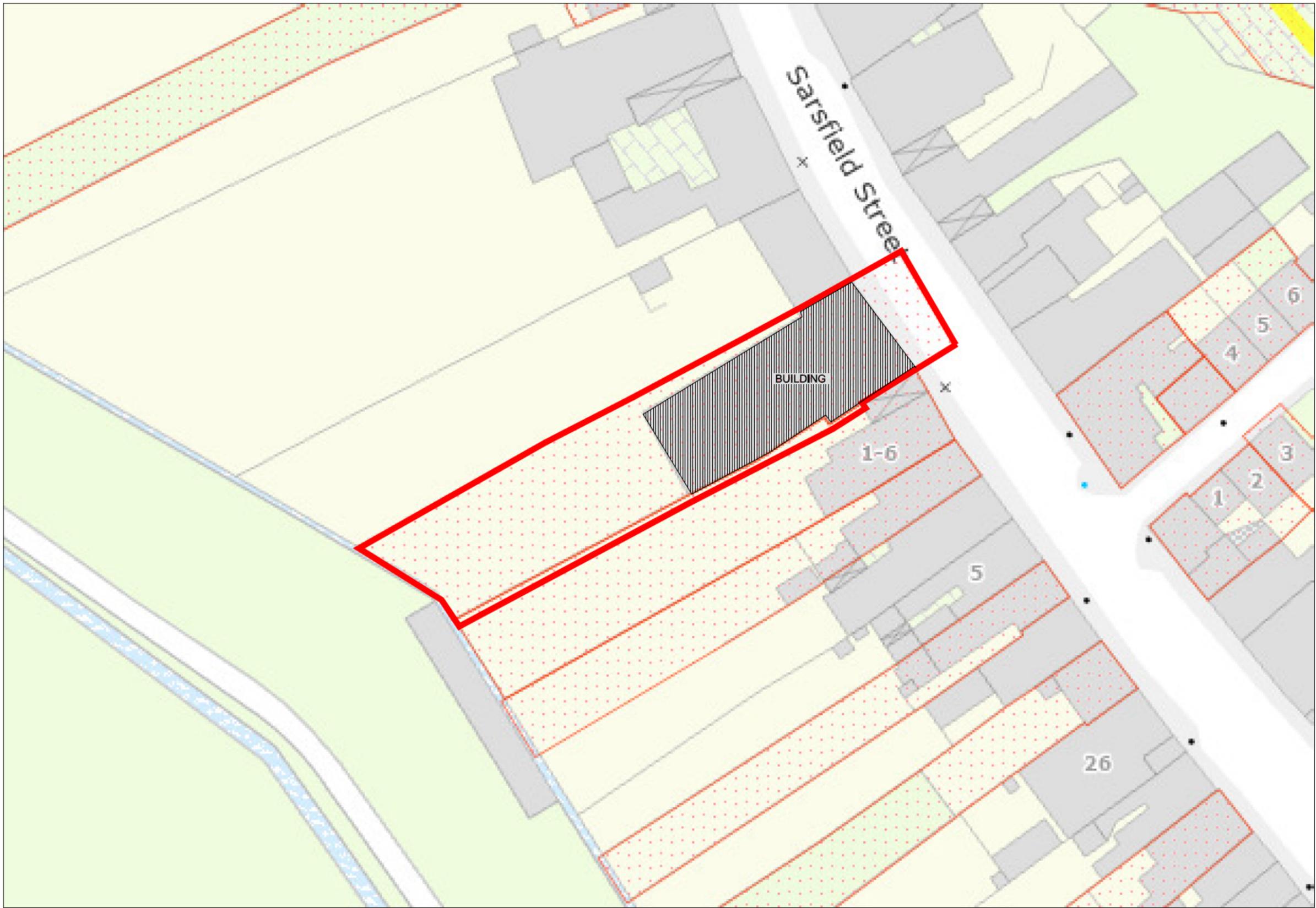
Tel / Fax: 022 50511  
 Info@mattfitzpatrick.ie

CLIENT:	DW APARTMENTS LTD..
DEVELOPMENT AT:	MAIN STREET KILMALLOCK CO. LIMERICK
DRAWING TITLE:	FRONT AND REAR ELEVATION
DRAWING NO:	MW0012024
DATE:	DECEMBER 2025
SCALE:	1:100 @ A3
DRAWN BY:	BW
CHECKED BY:	
REVISION DATE:	

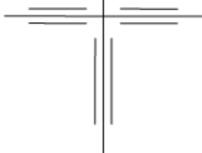


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**Architectural Development**  
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 CO. CORK. Tel / Fax: 022 50511  
 info@mattfitzpatrick.ie

CLIENT:	DW APARTMENTS LTD..
DEVELOPMENT AT:	MAIN STREET KILMALLOCK CO. LIMERICK
DRAWING TITLE:	SITE LAYOUT PLAN
DRAWING NO:	MW0012024
DATE:	DECEMBER, 2025
SCALE:	1:500 @ A3
DRAWN BY:	BW
CHECKED BY:	M.F.
REVISION DATE:	



N



**MF** Matt Fitzpatrick Dip. Arch. R.I.A.I.  
 Fitzpatrick Planning Consultancy Ltd.  
 8 CARMICHAEL LANE,  
 MALLOW,  
 CO. CORK. Tel / Fax: 022 50511  
 info@mattfitzpatrick.ie

DRAWING TITLE:	SITE LAYOUT
DRAWING NO:	1/1
DATE:	DEC. 2025.
SCALE:	1:500

CLIENT:	DW APARTMENT LTD.
DEVELOPMENT AT:	KILMALLOCK

DRAWN BY:	B.W.
CHECKED BY:	M.F.
REVISION DATE:	

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

<b>File Reference number</b>	<b>EC-022-26</b>
<b>Applicants</b>	<b>D. W. Apartments</b>
<b>Location</b>	<b>“Tierney’s Old Bike Shop” Sarsfield Street Kilmallock Co. Limerick V35 X407</b>

**Description of Site and Surroundings:**

The site is located on Sarsfield Street, the R-512 strategic regional road, in the town of Kilmallock. The development proposal concerns a terraced four-bay two-storey house, built c. 1830, with a pitched slate roof, a parapet with pediment and a decorative shopfront façade, locally known as “Tierney’s Old Bike Shop”. The original structure has also seen a one and half storey extension attached to the rear.

**Kilmallock Local Area Plan 2019-2025 (extended to 2029)**

**Zoning:**

Tierney’s Old Bike Shop is a Protected Structure (no. 1371), registered as a site of regional importance on the NIAH (reg no. 21813004), falling within the Kilmallock ACA and Town Centre land use zoning objectives.

**Town Centre land use zoning -**

The purpose of this zoning is to protect and enhance the character of Kilmallock’s town centre to provide for, and improve retailing, residential, commercial, office, tourism related development, cultural and other appropriate uses. The Council seeks to:

- Enhance and support the development of the town centre as the principal location for retail, residential development and commercial uses
- Improve the quality of the public realm in any proposals for the redevelopment of the town centre, including hard and soft landscaping
- Promote improved pedestrian accessibility, permeability and safety within any proposed redevelopment of the town centre
- Dwelling/Residential/apartment development is open to consideration under the Kilmallock land use zoning matrix.

**National Monuments Map**

- The site falls under the Historic Town RMP LI047-022001 and Zone of Notification surrounding the medieval town core and monuments.

## **6.2 Archaeological significance of Kilmallock**

- “Under the National Monuments (Amendment) Act, 1994 exempted development under the Planning and Developments Act 2000 (Amended) does not apply within the area of the Record of Monuments and Places. Under Section 12 (3) of the 1994 Amendment Act, any person who wishes to carry out any work at or in relation to an RMP, including development that does not require planning permission, and general ground disturbance, must seek the agreement of the Commissioners of Public Works, and provide at least two months notice in writing.”

### **Objective H1 Archaeological Heritage**

- “A buffer zone prohibits any development within 15m and any standing development within 20m of the town walls, including the interior of the town walls”

### **Objective H6 Kilmallock’s Architectural Conservation Area (ACA)**

- It is the objective of the Council to protect, conserve and where appropriate, enhance the ACA as identified in Map 3. Proposals for development within the ACA shall; Reflect and respect the scale and form of existing structures within the ACA in proportioning, overall scale and use of materials and finishes, particularly with reference to the street frontages and seek to contribute to or enhance the character and streetscape of the ACA; Seek to retain/incorporate/replicate exterior features, which contribute or enhance the character and streetscape of the ACA such as shop fronts, sash windows, gutters and down pipes, decorative plasterwork etc; Ensure priority is given to the pedestrian, to inclusive access, and to facilitating the improvement of the quality of the public realm: the latter will include for consideration of the planting of trees in the wider public open spaces, benches for sitting and the articulation of uses through appropriate paving.

### **Proposal:**

This is an application requesting a Section 5 Declaration on whether the following works are or are not development or are or are not exempted development:

- The applicant is seeking a declaration of exemption for the a change of use from a vacant ground-floor commercial unit to a two-bedroom apartment and the refurbishment/renovation of the first floor accommodation to create two new studio apartments.
- It is noted that the rear extension has also seen recent works to convert the structure, through an Article 10(6)(a) change of use exemption, for use as apartment dwellings. In this regard:
  1. The Planning Authority has issued a warning letter to the applicant in this regard, citing unauthorised works which contravene the conditions of an Article 10 (6)(a) exemption.
  2. These unauthorised works include the creation of new window openings affecting the external character of the structure, causing overlooking of the adjoining property.

3. Stockpiling of construction material has also been noted within the site boundary, contravening the buffer zone of the Kilmallock Town Wall protected structure to the rear of the site.

This Section 5 declaration includes the following:

- Application form
- Site location
- Elevations
- Floor plans

### **Planning History:**

*Subject site:*

**96/202 – Conditional Permission** - Change of use to Gaming Hall.

**03/2582 – Withdrawn** - To renovate existing building and construction of a new 2 storey extension at the rear comprising 6 no. two bedroomed apartments in all, 1 no. retail shop unit and single lane access, demolish existing buildings at the rear and ancillary works.

**06/859 – Conditional Permission** - 1) demolition of later extension to rear of building, 2) construction of new larger one and a half storey extension in its stead consisting of 4 no. 2 bedroom apartments, office store & toilet to form part of existing retail building to front, 3) internal alterations and demolitions to facilitate the proposed new development 4) single lane access to rear of the development from sarsfield street, 5) creation of parking area in the rear yard with new entrance gate and boundary walls. This application relates to a protected structure.

**12/7026 – Extension of Duration - 06/859**

*Adjacent:*

**901015 – Unconditional Permission** - Conversion of existing private garage to office

**92/993 – Conditional Permission** - Construction of delicatessen on ground floor of existing three storey dwelling.

### **Enforcement History:**

**DC-169-25 – Warning Letter Served** – Conversion of rear extension to 4 no. apartments and 1 no. studio apartment, works undertaken contravene conditions of Article 10(6)(a)

### **Relevant An Coimisiún Pleanála referrals:**

No relevant An Coimisiún Pleanála referrals found for the site.

## **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).

## **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 and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.

**‘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 –

(b) in relation to a protected structure or proposed protected structure, includes—

- (i) the interior of the structure,
- (ii) the land lying within the curtilage of the structure,
- (iii) any other structures lying within that curtilage and their interiors, and
- (iv) all fixtures and features which form part of the interior or exterior of any structure or structures referred to in subparagraph (i) or (iii);

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 proposal concerns a protected structure and comprises the conversion of the vacant ground floor commercial unit to a two-bedroom apartment and the refurbishment/renovation of the first floor accommodation to create two new studio apartments, constituting ‘works’ and ‘development’.**

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

### **Proposed Internal Works**

The proposed development comprises internal works to a structure which may satisfy Section 4 (1)(h) of the Planning and Development Act 2000 (as amended), as works 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. However, the proposed works are to a Protected Structure. Section 2 of the Planning and Development Act, 2000, a Protected Structure is defined as follows:

*A “structure” means any building, structure, excavation, or other thing constructed or made on, in or under any land, or any part of a structure so defined, and-*

*(a) where the context so admits, includes the land on, in or under where the structure is situate, and*

*(b) in relation to a protected structure or proposed protected structure, includes-*

- (i) the interior of the structure,*

- (ii) the land lying within the curtilage of the structure,*
- (iii) any other structures lying within that curtilage and their interiors, and*
- (iv) all fixtures and features which form part of the interior or exterior of any structure or structures referred to in subparagraph (i) or (iii)."*

Therefore, the works as proposed to the interior of a Protected Structure would be a material. Consequently, the scope of the works proposed cannot be considered as Exempted Development.

### Change of Use

In terms of the proposed change of use, this is not covered by either Class 14 of Part 1 of Schedule 2, or Part 4 of Schedule 2 to which Article 10 applies, of the Planning and Development Regulations 2001 (as amended).

Class 14 (e) permits a change of use from use as 2 or more dwellings, to use as a single dwelling, of any structure previously used as a single dwelling. The current proposal is for change of use from ground floor commercial and upper floor residential to 3 no. apartments and therefore does not comply with Class 14(e).

Article 10(6) provides for some changes of use from existing vacant commercial units to residential subject to conditions including Article 6(d)(viii) which states that "No development shall consist of or comprise the carrying out of works to a protected structure, as defined in section 2 of the Act, save where the relevant planning authority has issued a declaration under section 57 of the Act to the effect that the proposed works would not materially affect the character of the structure or any element, referred to in section 57(1)(b) of the Act, of the structure."

As the existing structure is a Protected Structure, the development proposal is subject to Section 57 of Planning and Development Act 2000 (as amended), whereby the carrying out of works to a protected structure shall be exempted development only if those works would not materially affect the character of:

- a. the structure, or
- b. any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest.

Having regard to the definition of a Protected Structure set out above, it is considered that the proposed works, which include the subdivision and extensive floor-to-ceiling partitioning of the existing building, could materially affect the internal historic fabric of the structure, which contributes to its special socio-historical architectural interest. Consequently, the scope of the works proposed cannot be considered exempted development under Article 10(6) in the absence of a Section 57 Declaration to the effect that the proposed works would not materially affect the character of the structure or any element, referred to in section 57(1)(b) of the Act, of the structure.

### Article 9 Restrictions

The proposed development is also restricted by Article 9 of the Planning and Development Regulations 2001 (as amended), this includes:

- Article 9 (1) (a) (iii) – There has been no mention of the provision of parking or subsequent traffic management for the proposed apartment dwellings. It cannot be satisfied that the carrying out of development would not endanger public safety by reason of traffic hazard or obstruction of road users.
- The proposed development falls within the Historic Town RMP LI047-022001 and Zone of Notification, under the National Monuments (Amendment) Act (1994) and is therefore restricted by Article 9 (1) (a) (vii) of the Planning and Development Regulations 2001 (as amended) as the proposed development which constitutes the alteration of sites, features and objects of archaeological and historical interest, the preservation, conservation and protection of which is an objective of the Limerick Development Plan 2022-2028 and the Kilmallock Local Area Plan 2019-2025 (extended to 2029).

### **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.

### **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.

### **Conclusion/Recommendation**

In summary, the proposed development (3 no. apartments) would require internal works to a Protected Structure, which would be material having regard to the definition of a Protected Structure set out in Section 2 of the Planning and Development Act 2000, as amended, which includes the interior of the structure - Section (2)(a)(b). Therefore, the proposed development is not Exempted Development under Section 4 (1)(h) of the Planning and Development Act 2000 (as amended). The proposed development is further restricted by Article 9 (1) (a) (vii) of the Planning and Development Regulations 2001 (as amended) due to its location within an ACA and the Historic Town RMP LI047-022001 and Zone of Notification of same.

In terms of the proposed change of use from commercial and as single residential unit to 3 no. residential apartments, this is not Exempted Development under Class 14 (e) of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended) or under Article 10(6) of the Planning and Development Regulations 2001 (as amended) in the absence of a Section 57 Declaration to the effect that the proposed works would not materially affect the character of the structure or any element, referred to in section 57(1)(b) of the Act, of the structure.

Regard has been had to –

- (a) Section 2, 3, 4, 5 & 57 of the Planning and Development Act 2000 (as amended)
- (b) Article 6 & 9, 10 & Class 14(e) of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended)
- (c) The National Monuments (Amendment) Act 1994.
- (c) The plans and particulars submitted with the application received on 06/02/2026.

It is therefore considered that the said works are development, but not Exempted Development under Section 4 (1)(h) of the Planning and Development Act 2000 (as amended), and Articles 9 & 10, and Class 14(e) of Part 1 of Schedule 2, of the Planning and Development Regulations 2001 (as amended).

<b>Graduate Planner</b>	<b>Isaac Cunningham</b>	<b>Date:</b>
<b>Signature:</b>		<b>25/02/2026</b>
<b>A/Senior Executive Planner</b>	<b>Jennifer Collins</b>	<b>Date:</b>
<b>Signature</b>		<b>03/03/2026</b>

## Appendix 1: AA PN01 Screening Form

<b>STEP 1: Description of the project/proposal and local site characteristics:</b>	
<b>(e) File Reference No:</b>	EC-022-26
<b>(e) Brief description of the project or plan:</b>	The applicant is seeking a declaration of exemption for the material change of use from a vacant ground-floor commercial unit to a two-bedroom apartment and the refurbishment/renovation of the first floor to create two new studio apartments.
<b>(e) Brief description of site characteristics:</b>	The site is located along Sarsfield Street, the R-512 strategic regional road, in the town of Kilmallock. The site, colloquially known as "Tierney's Old Bike Shop", is a terraced four-bay two-storey house, built c. 1830, with a pitched slate roof, a parapet with pediment and a decorative shopfront façade. The original structure has seen a one and half storey extension of considerable size attached to the rear.
<b>(e) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW</b>	N/A
<b>(e) Response to consultation:</b>	N/A

<b>STEP 2: Identification of relevant Natura 2000 sites using Source-Pathway-Receptor model and compilation of information on Qualifying Interests and conservation objectives.</b>				
<b>European Site (code)</b>	<b>List of Qualifying Interest/Special Conservation Interest <sup>1</sup></b>	<b>Distance from proposed development <sup>2</sup> (km)</b>	<b>Connections (Source-Pathway-Receptors)</b>	<b>Considered further in screening Y/N</b>
Ballyhoura Mountains SAC	<a href="https://www.npws.ie/protected-sites/sac/002036">https://www.npws.ie/protected-sites/sac/002036</a>	9.05	None	N
Blackwater River (Cork/Waterford) SAC	<a href="https://www.npws.ie/protected-sites/sac/002170">https://www.npws.ie/protected-sites/sac/002170</a>	10.90	None	N
Glen Bog SAC	<a href="https://www.npws.ie/protected-sites/sac/001430">https://www.npws.ie/protected-sites/sac/001430</a>	11.02	None	N

<b>STEP 3: Assessment of Likely Significant Effects</b>	
<b>(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:</b>	
<b>Impacts:</b>	<b>Possible Significance of Impacts: (duration/Magnitude etc)</b>
<b>Construction phase e.g</b> - Vegetation clearance - Demolition	None. No direct encroachment or hydrological connection.

<ul style="list-style-type: none"> <li>- Surface water runoff from soil excavation/infill/landscaping (including borrow pits)</li> <li>- Dust, noise, vibration</li> <li>- Lighting disturbance</li> <li>- Impact on groundwater/dewatering</li> <li>- Storage of excavated/construction materials</li> <li>- Access to site</li> <li>- Pests</li> </ul>	
<p><b>Operation phase e.g.</b></p> <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. No direct encroachment or hydrological connection.
<b>In-combination/Other</b>	N/A Given the urban environment.

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

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

### STEP 4: Screening Determination Statement

**The assessment of significance of effects:**

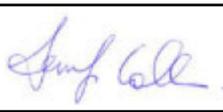
Describe how the proposed development (alone or in-combination is/is not likely to have significant effects on European site (s) in view of its conservation objectives

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,
- 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 <b>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>	 Isaac Cunningham, Graduate Planner <hr style="width: 20%; margin: 0 auto;"/> 25/02/2026	
<b>Signature and Date of the Decision Maker:</b>	 Jennifer Collins, A/Senior Executive Planner <hr style="width: 20%; margin: 0 auto;"/> 03/03/2026	

## Appendix 2: EIA Screening

Establishing if the proposal is a 'sub-threshold development':	
Planning Register Reference:	EC-022-26
Development Summary:	The applicant is seeking a declaration of exemption for the material change of use from a vacant ground-floor commercial unit to a two-bedroom apartment and the refurbishment/renovation of the first floor to create two new studio apartments.
Was a Screening Determination carried out under Section 176A-C?	<p style="text-align: center;">Yes. no further action required</p> <p style="text-align: center;">No. Proceed to <b>Part A</b></p>
<b>A. Schedule 5 Part 1</b> - Does the development comprise a project listed in Schedule 5, <b>Part 1</b> , of the Planning and Development Regulations 2001 (as amended)? (Tick as appropriate)	
Yes. specify class: [insert here] _	<b>EIA is mandatory</b>  No Screening required
<input checked="" type="checkbox"/> No	Proceed to <b>Part B</b>
<b>B. Schedule 5 Part 2</b> - Does the development comprise a project listed in Schedule 5, <b>Part 2</b> , of the Planning and Development Regulations 2001 (as amended) <b>and</b> does it meet/exceed the thresholds? (Tick as appropriate)	
<input checked="" type="checkbox"/> No. the development is not a project listed in Schedule 5, Part 2	<b>No Screening required</b>
<input type="checkbox"/> Yes the project is listed in Schedule 5, Part 2 <b>and</b> meets/exceeds the threshold, specify class (including threshold): _[specify class & threshold here]_	<b>EIA is mandatory</b>  No Screening required
Yes the project is of a type listed <b>but</b> is <i>sub-threshold</i> : [insert here] _	Proceed to <b>Part C</b>
<b>c. If Yes</b> , has Schedule 7A information/screening report been submitted?	
Yes, Schedule 7A information/screening report has been submitted by the applicant	<b>Screening Determination required</b>

<p>No, Schedule 7A information/screening report has not been submitted by the applicant</p>	<p><b>Preliminary Examination required</b></p>
<p><b>Signature and Date of Recommending Officer:</b></p>	<p>  Isaac Cunningham, Graduate Planner  _____  25/02/2026</p>
<p><b>Signature and Date of the Decision Maker:</b></p>	<p>  Jennifer Collins, A/Senior Executive Planner  _____  03/03/2026</p>



Comhairle Cathrach  
& Contae **Luimnigh**  
**Limerick City**  
& County Council

Pleanáil, agus Cruthú Áite  
Comhairle Cathrach agus Contae Luimnigh  
Bothar Thuar an Dail  
Tuar an Dáil, Luimneach  
V94 WV78

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

## PLANNING & PLACE-MAKING

### REG POST:

**D.W. Apartments Ltd,  
DP O'Mahony Auctioneers,  
4 Pearse Square,  
Cobh,  
Co. Cork.  
P24HY42**

EC/022/26

03 March 2026

**Re: Declaration under Section 5**

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Dear Sir/Madam,

I refer to the above application for Section 5 Declaration on Development and Exempted Development.

Please find herewith a copy of Council's decision on same.

Yours faithfully,

**(for) Senior Planner,  
Development Management**

Tuar an Dail, 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/2026/238**

**File Ref No. EC/022/26**

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

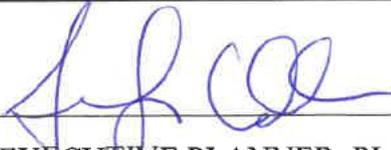
**RE:** **A material change of use from a vacant ground-floor commercial unit to a two-bedroom apartment and the refurbishment/renovation of the first floor to create two new studio apartments at Sarsfield Street, Kilmallock, Co. Limerick.**

**ORDER:** Whereas by Director General's Order No. DG/2025/200 dated 24<sup>th</sup> 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 Isaac Cunningham, Graduate Planner dated 25/02/2026, hereby order that a Declaration under Section 5 of the Planning and Development Act 2000 (as amended) be issued to D.W. Apartments Ltd, DP O'Mahony Auctioneers, 4 Pearse Square, Cobh, Co. Cork to state that the works as described above is

**Development and is NOT Exempt Development.**

Signed

  
\_\_\_\_\_  
A/SENIOR EXECUTIVE PLANNER, PLANNING & PLACE-MAKING

Date

3/3/26

Certified to be a true copy of Approved Officer's Order, Planning & Development Order No. AOO/DC/2026/238 dated 3/3/26, 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

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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/022/26**

**Name and Address of Applicant:** D.W. Apartments Ltd, 32 Ivy Street, Moston, Manchester, UK

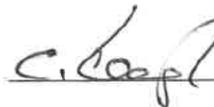
**Agent:** D.W. Apartments Ltd, DP O'Mahony Auctioneers, 4 Pearse Square, Cobh, Co. Cork.

**Whether** the renovation of the material change of use from a vacant ground-floor commercial unit to a two-bedroom apartment and the refurbishment/renovation of the first floor to create two new studio apartments at Sarsfield Street, Kilmallock, 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 06<sup>th</sup> day of February 2026.

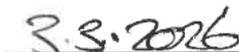
**AND WHEREAS** the Planning Authority has concluded that the material change of use from a vacant ground-floor commercial unit to a two-bedroom apartment and the refurbishment/renovation of the first floor to create two new studio apartments at Sarsfield Street, Kilmallock, Co. Limerick **DOES NOT** come within the scope of exempted development under Section 12 of the National Monuments (Amendment) Act 1994 and Article 9 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 NOT Exempt Development.**

Signed on behalf of the said Council

  
\_\_\_\_\_

Date:

  
\_\_\_\_\_

**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.