



Comhairle Cathrach  
& Contae Luimnigh  
Limerick City  
& County Council



Receipt for  
Fee  
25197005

**Limerick City and County Council**

**Planning Department**

**Section 5 Application**

**DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT**

Applicant's Name: Denis Ahern

Applicant's Address: Loughanstown

Feramore,

Co. Limerick

Telephone No. [REDACTED]

Name of Agent (if any): MIKE LYONS

Address: 14 Bellewood

Ballyneedy

Co. Limerick

Telephone No. 087-2768650

Address for Correspondence:

c/o agent above.

\_\_\_\_\_

\_\_\_\_\_

Location of Proposed development (Please include EIRCODE):

Cloghoolarty North

Fennamor

Co. Limerick

LK12697 F.

Description of Proposed development:

40 sq. m Extension to rear of house.

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

Schedule 2, Part 1, Class 1

Planning & Development Regulations.

Is this a Protected Structure or within the curtilage of a Protected Structure.

~~YES~~ (NO)

Applicant's interest in site: Owner.

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

Location Map

Site Plan

Plan + ELEVATIONS

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

If Yes please provide floor areas of all existing structures:

N/A

Signature of Applicant (or Agent)

M. Lynn (Agent)

**NOTES:** Application must be accompanied by:

- (a) Fee of €80 receipt 25197005
- (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**

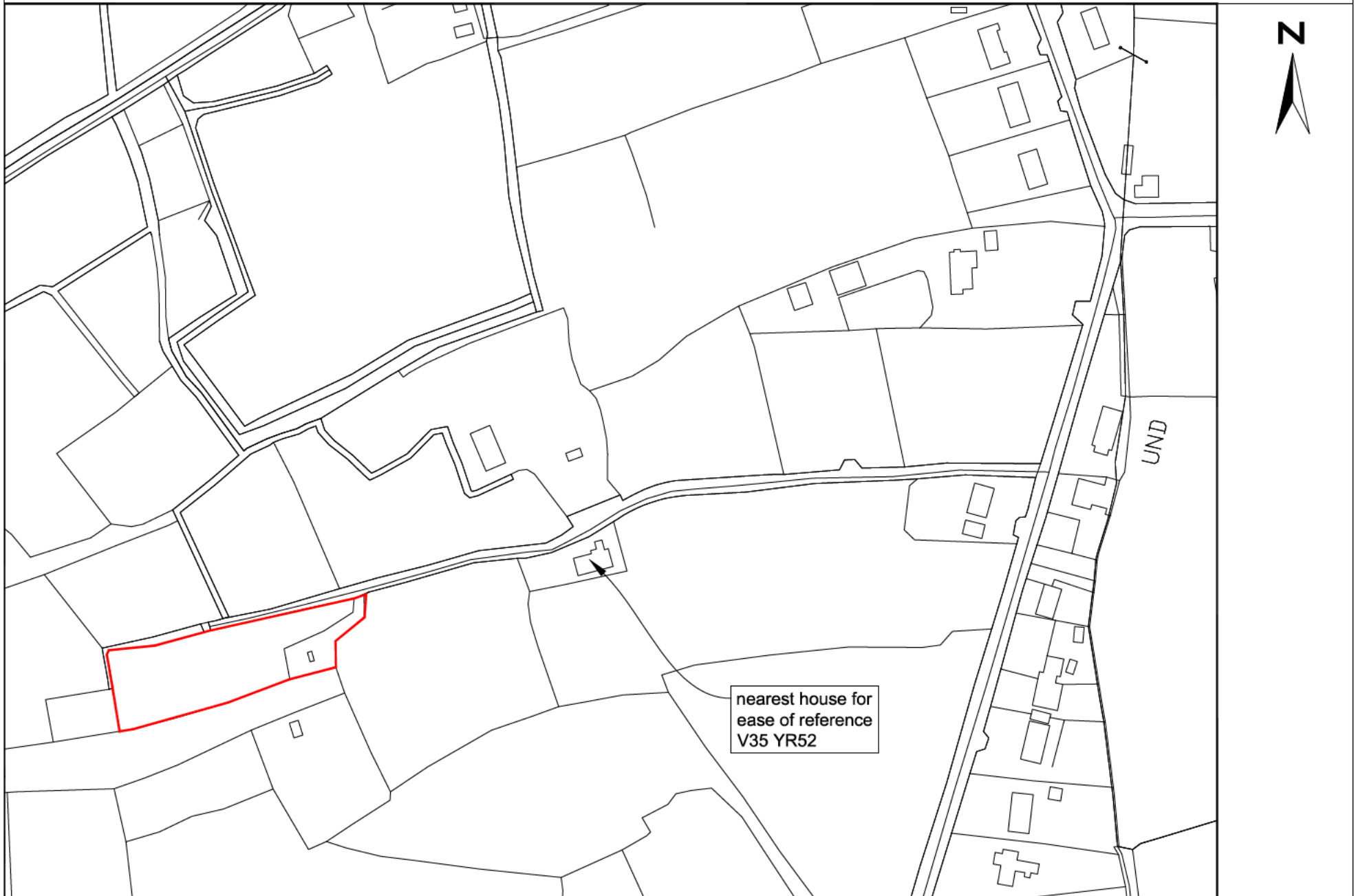
**Enquiries:  
Telephone: 061-556556  
E-Mail: [planning@limerick.ie](mailto:planning@limerick.ie)**

\*\*\*\*\*

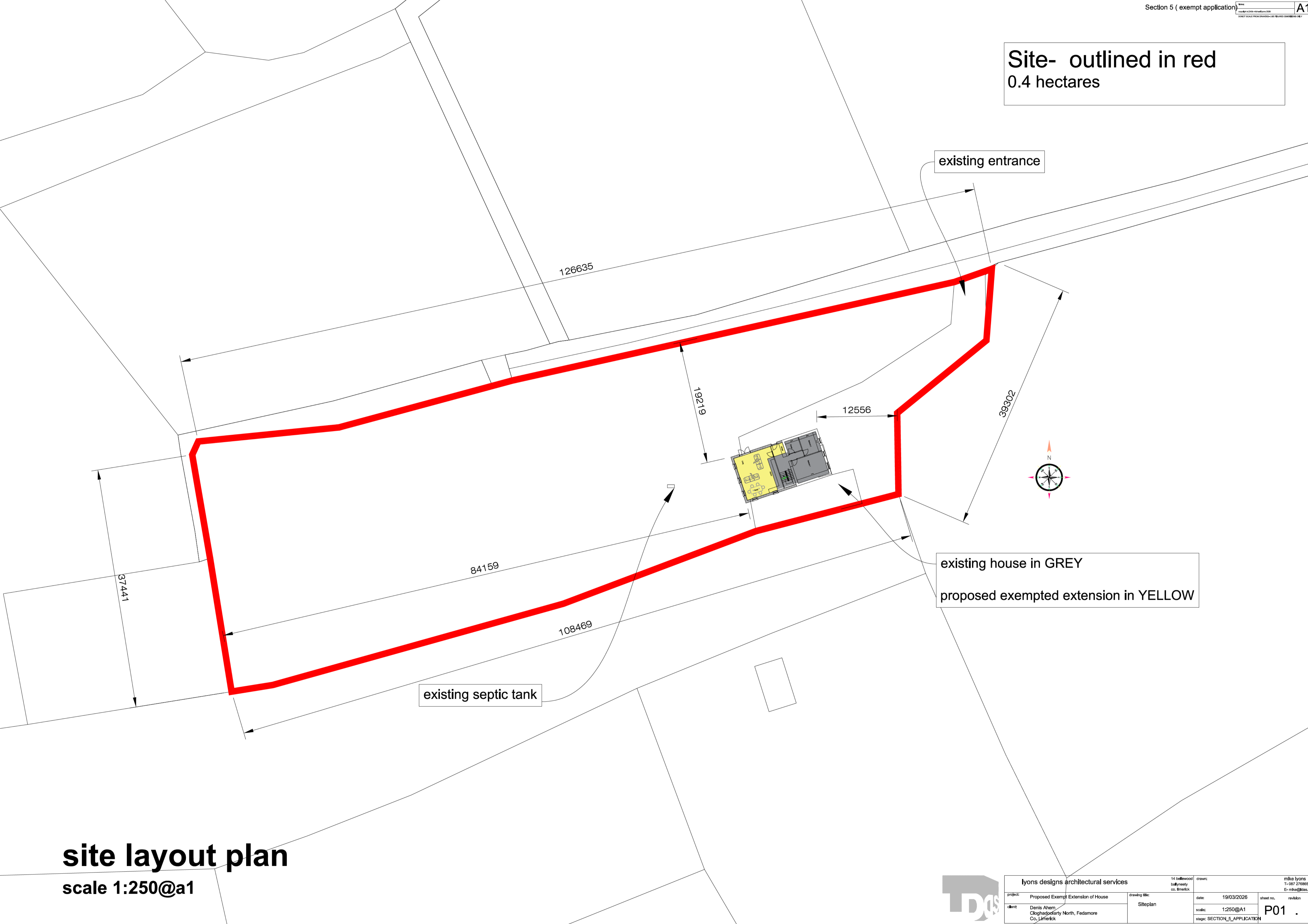
# SITE LOCATION MAP

SITE outlined in red 0.4 ha  
FOLIO LK12697F, LK63628F

Denis Ahern  
Exempted application  
Cloghadoolarty North, Fedamore



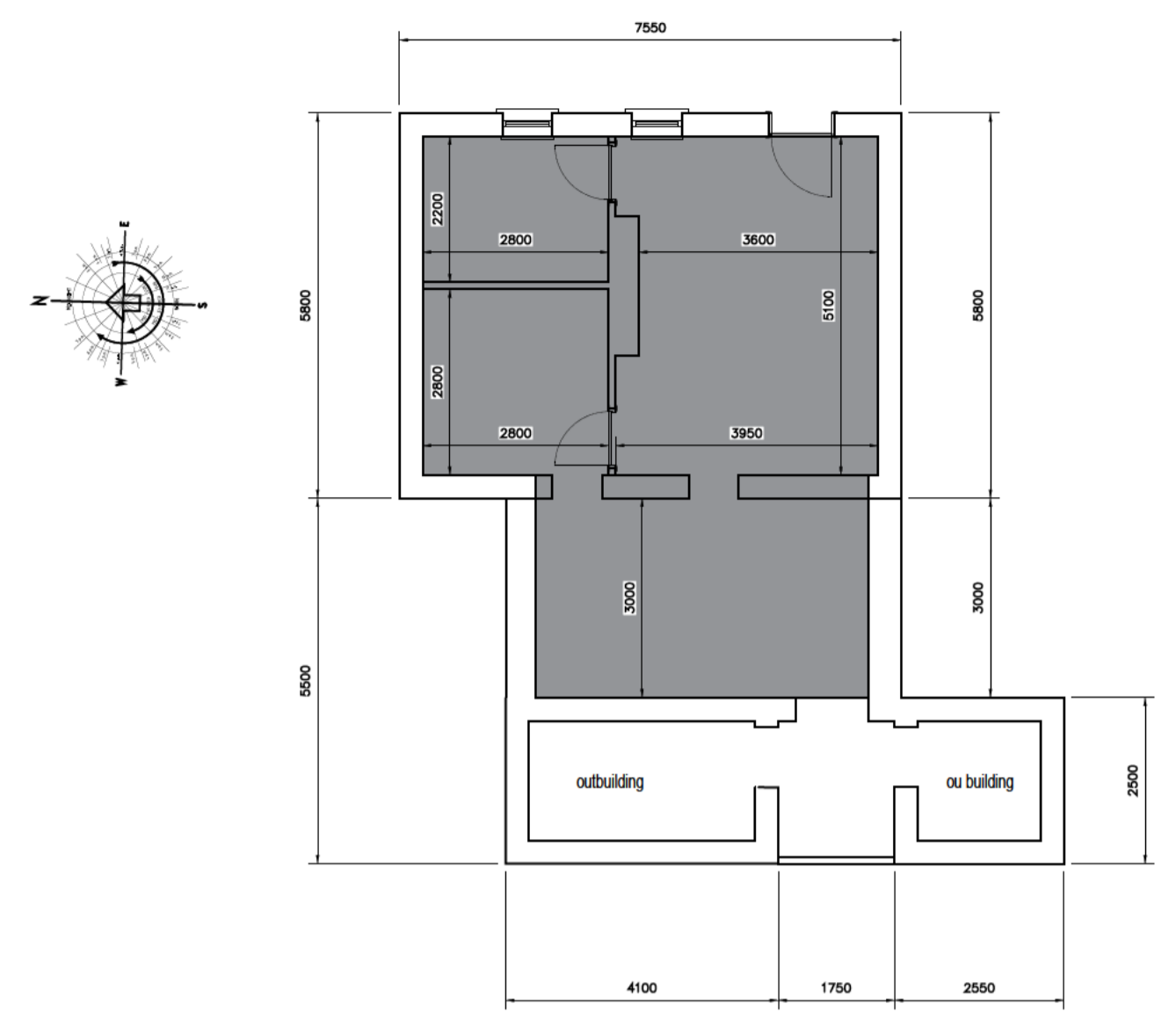
Site- outlined in red  
0.4 hectares



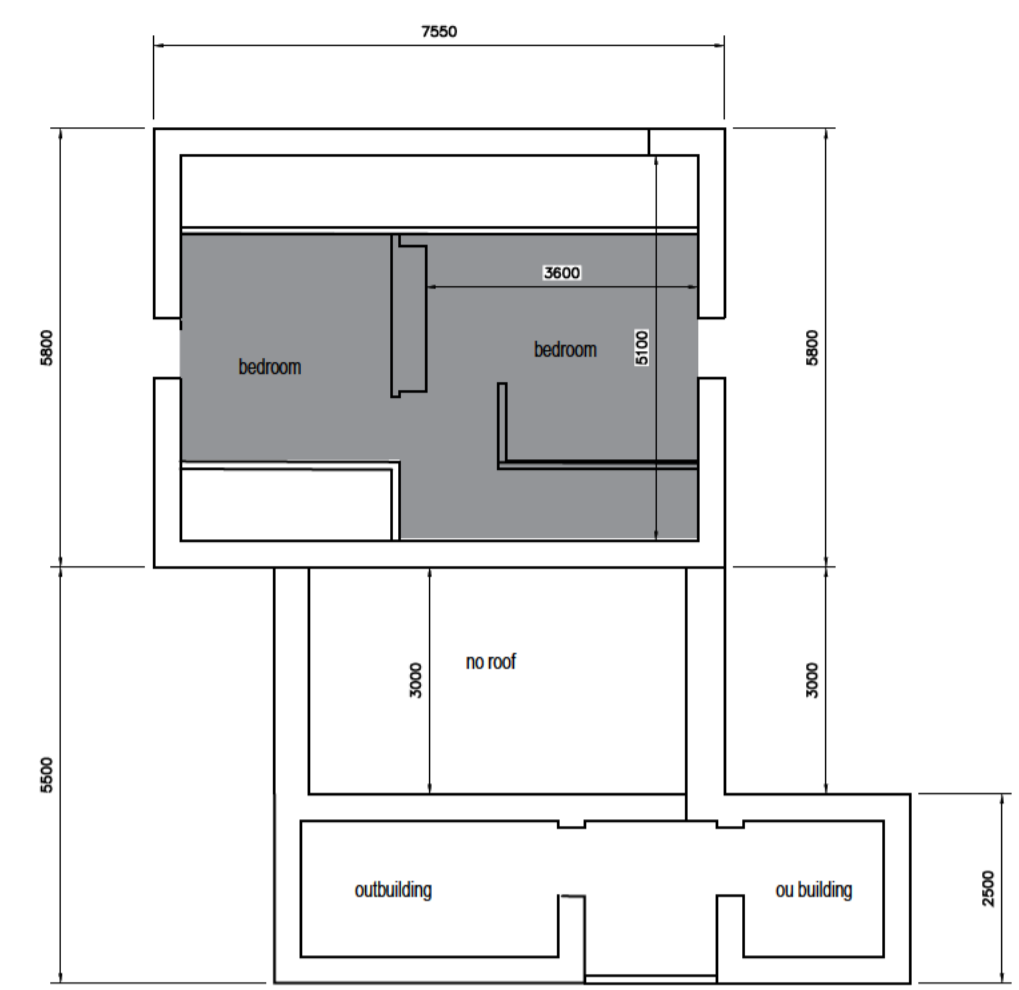
**site layout plan**  
scale 1:250@a1



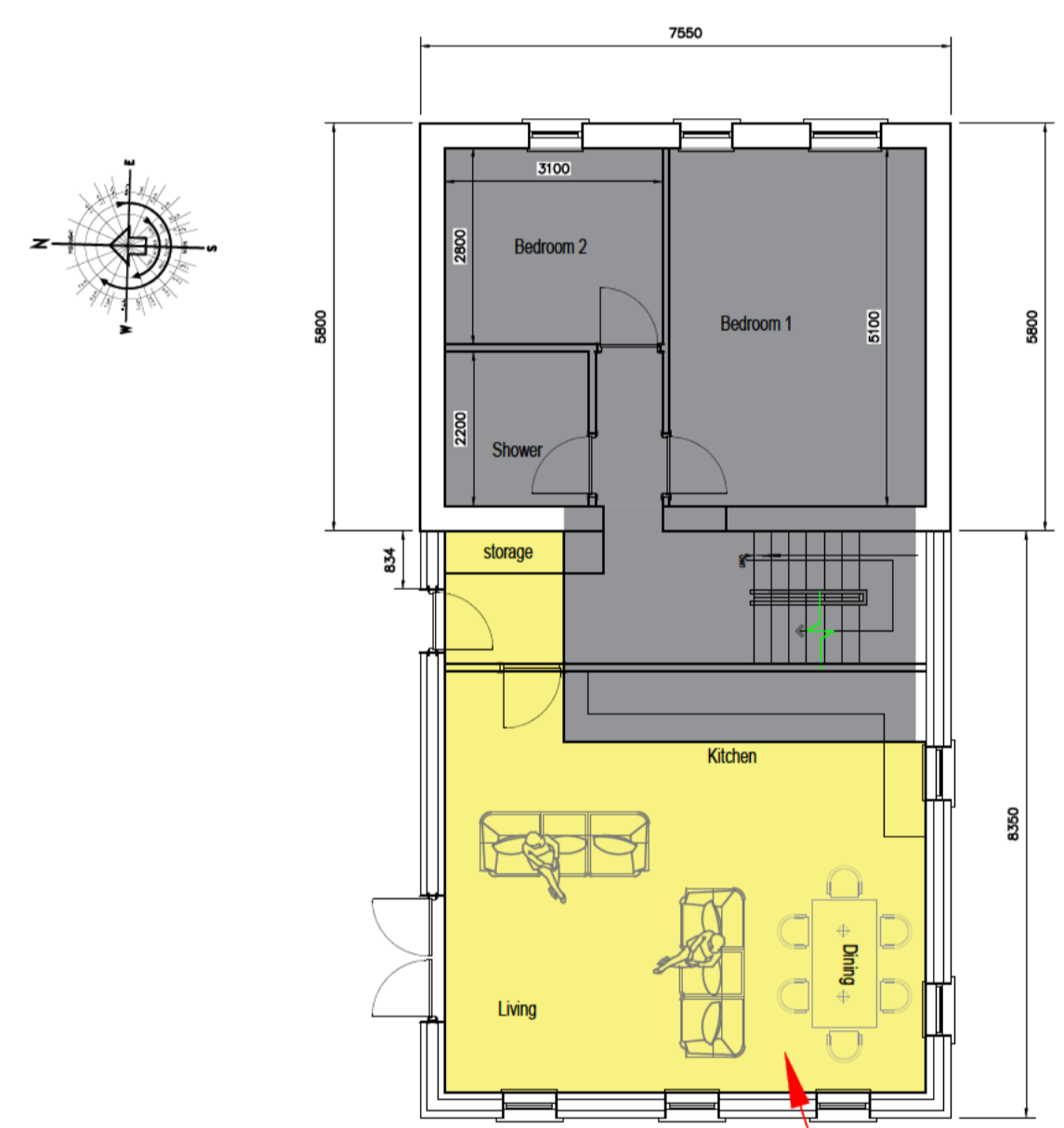
lyons designs architectural services		14 bullerwood ballyneely co. limerick	drawn: mike lyons T-087 2768650 E-mike@tdos.ie
project: Proposed Exempt Extension of House	drawing title: Siteplan	date: 19/03/2026	sheet no. P01
client: Denis Ahern Cloghadary North, Fedamore Co. Limerick	scale: 1:250@a1	stage: SECTION_5_APPLICATION	revision



**Existing Ground Floor plan**  
this level is 52 sq m ( excluding sheds)

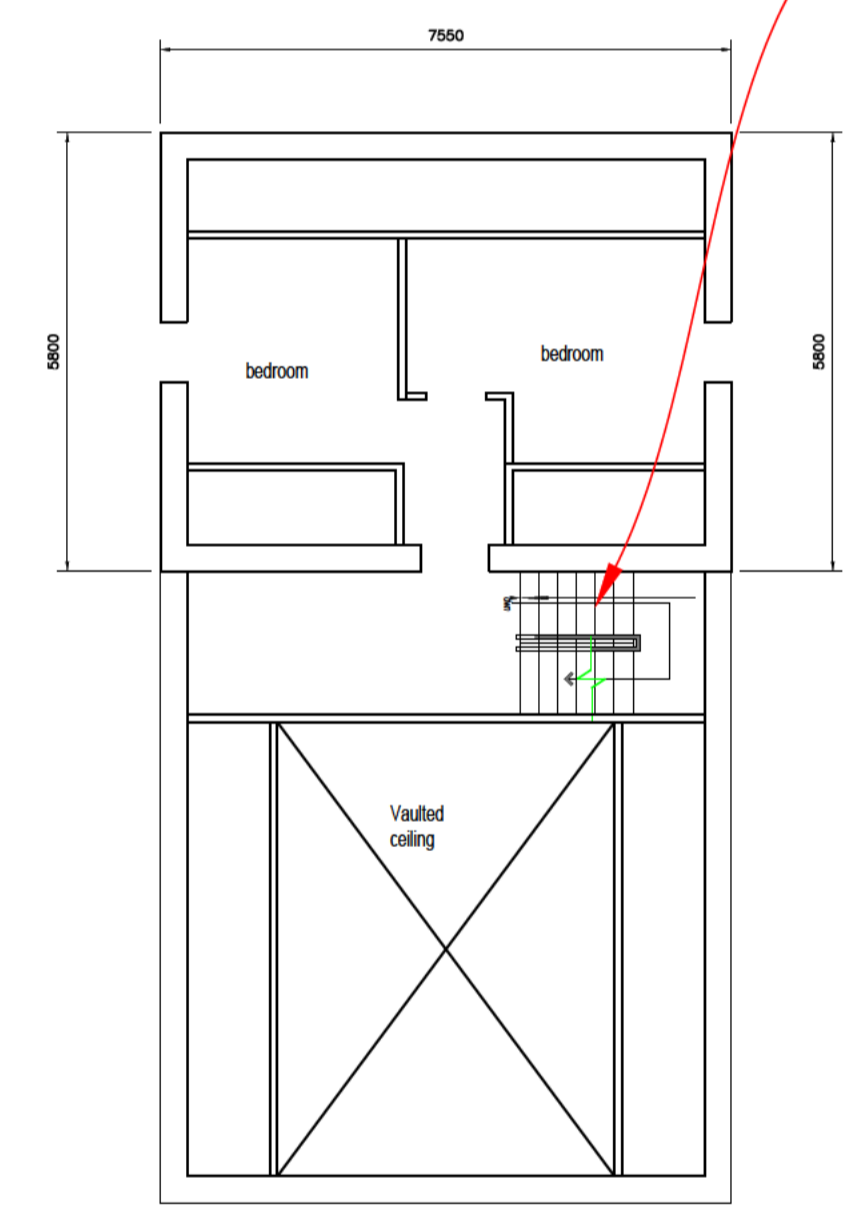


**Existing First Floor plan**  
this level is 20 sq m



**Proposed Floor plan**  
extension~ ( exempt )- 40 sq m ( shaded in yellow)

**Proposed Extension**  
40 sq m ( exempt)

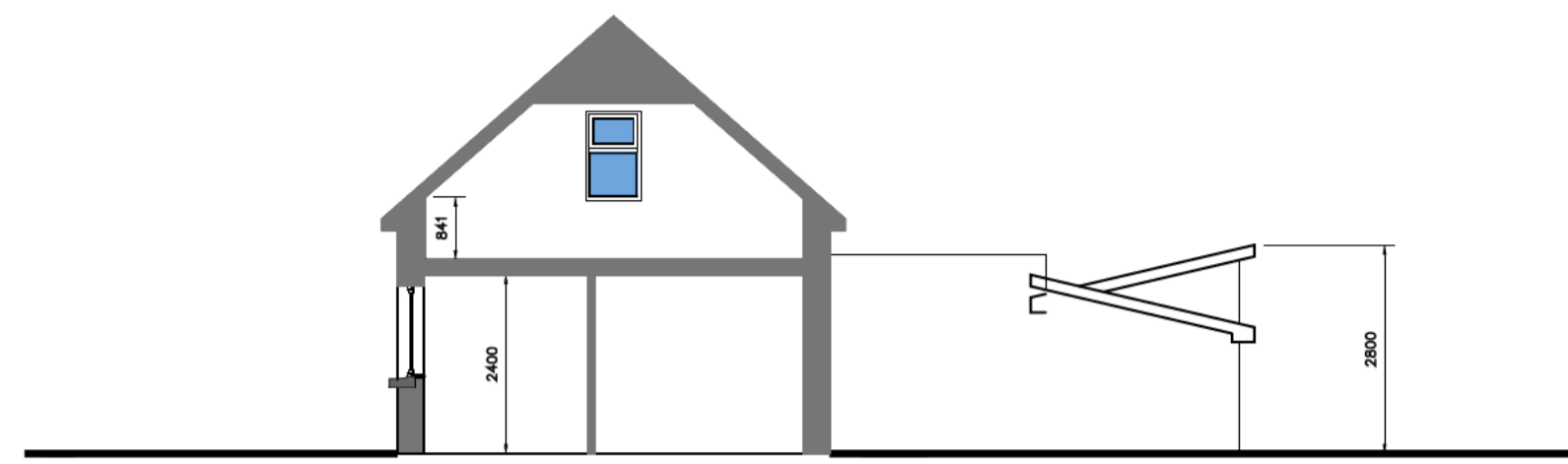


**Proposed First Floor plan**  
this level is 20 sq m

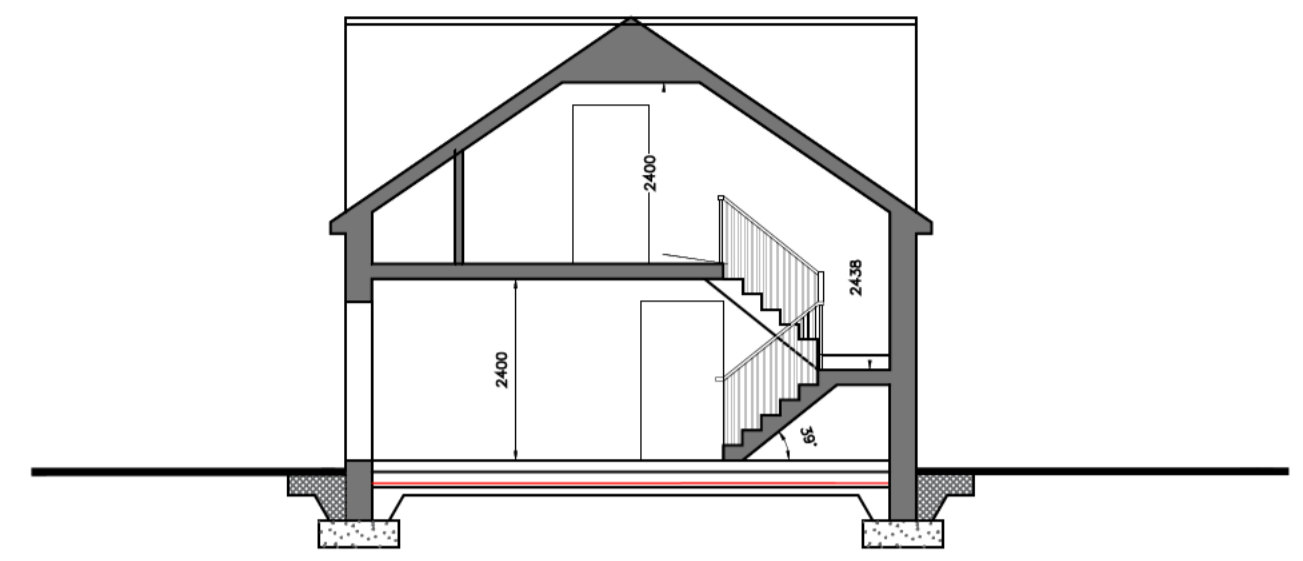
revised stair position  
for better access to  
existing first floor

new roof over exempt  
extension to cover  
existing annex also

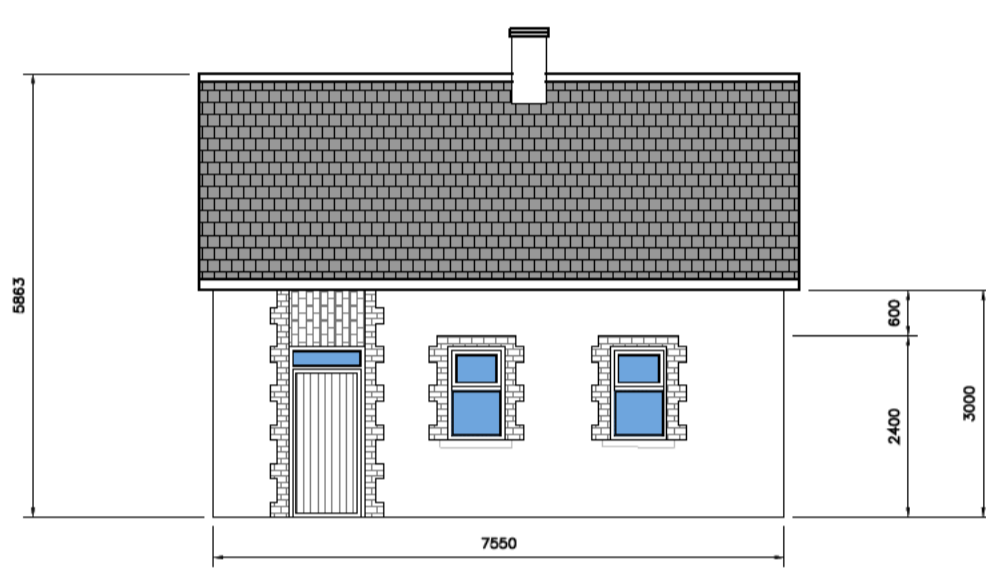
new roof over exempt  
extension to cover  
existing annex also



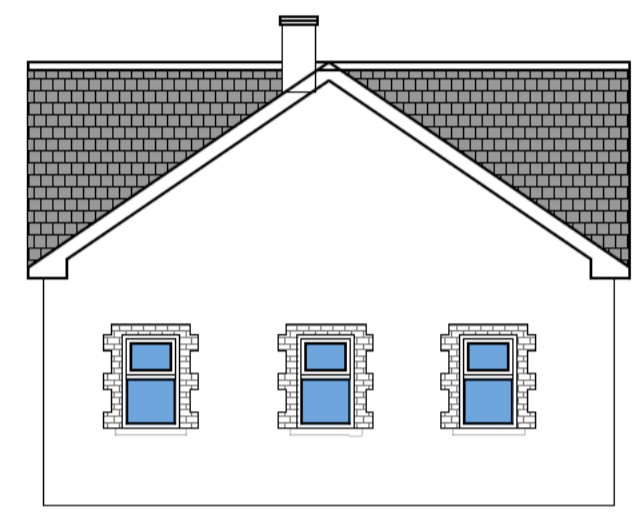
**existing section**



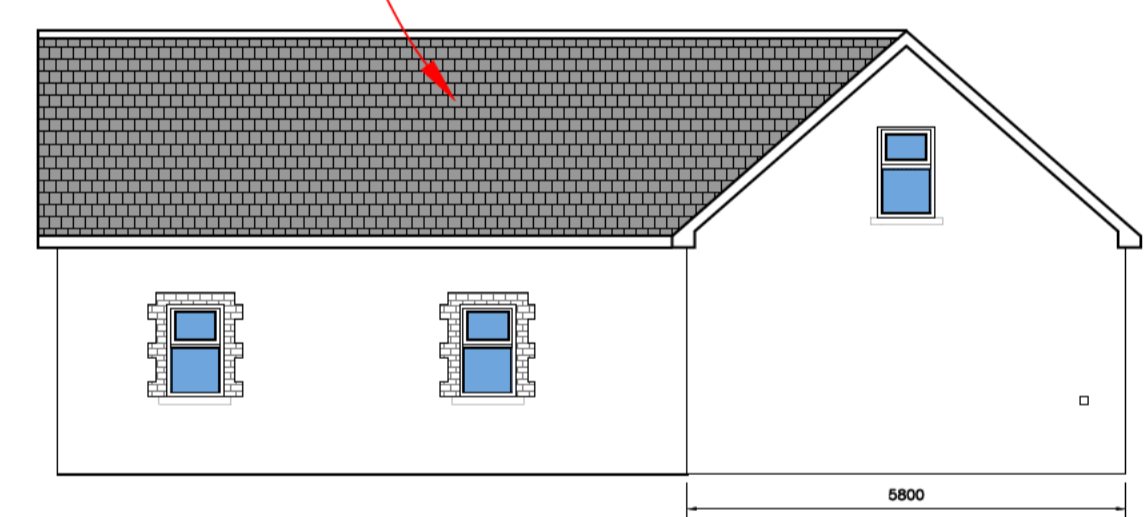
**proposed section**



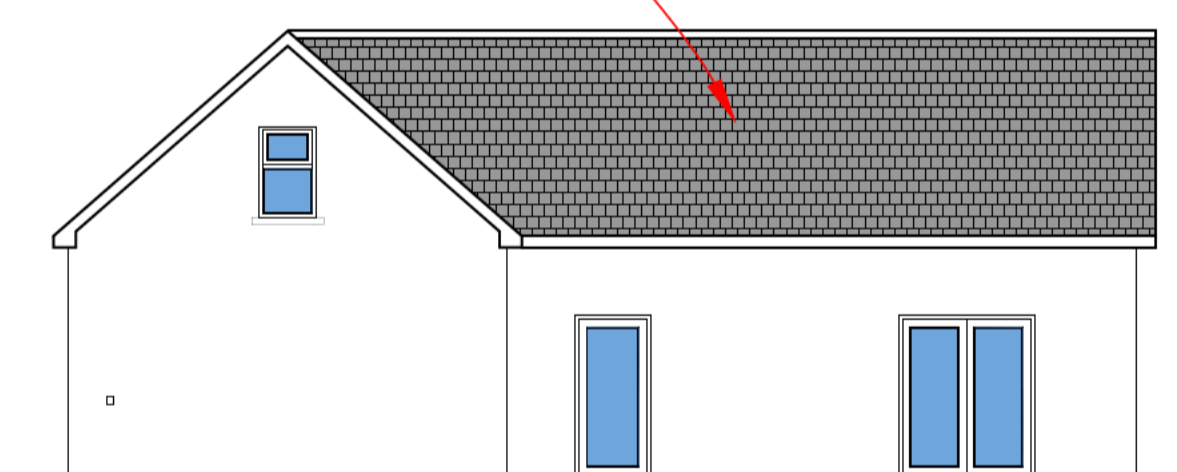
**Front elevation**



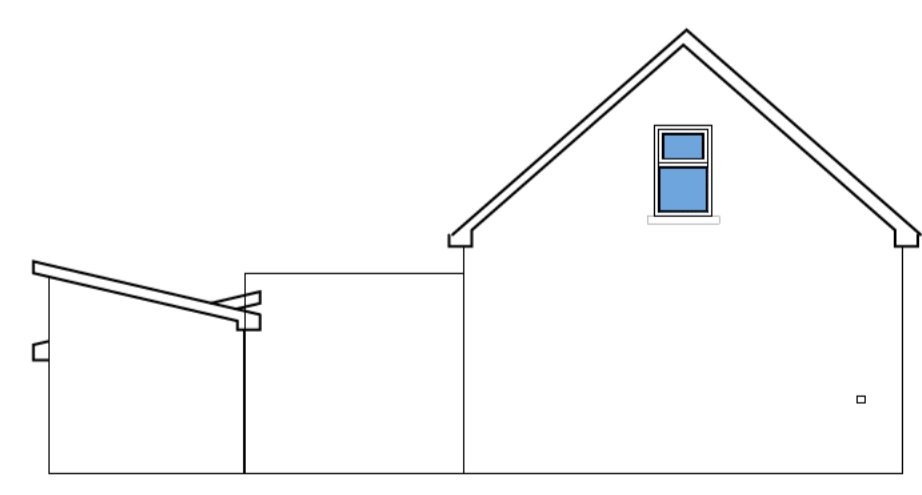
**Rear elevation**



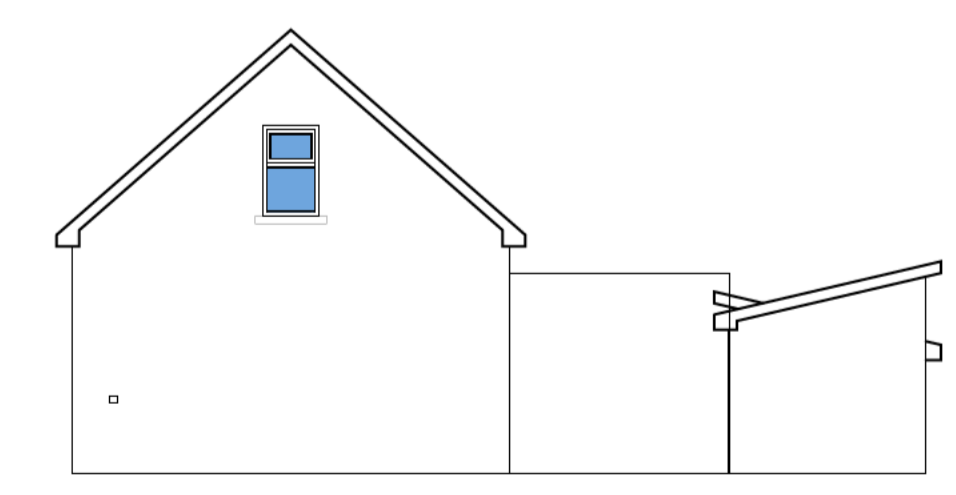
**Proposed Side elevation**



**Proposed Side elevation**



**Existing Side elevation**



**Existing Side elevation**



lyons designs architectural services		1/4 Bellewood Ballyneety Co. Limerick	drawn: mike lyons T: 087 276850 E: mika@tdas.ie
Project: Proposed Exempt Extension of House	drawing title: general arrangement of proposed house	date: 19/03/2026	sheet no. revision P02
client: Denis Ahern Cloghadoolary North, Fedamore Co. Limerick	scale: 1:100@A2	stage: SECTION_5_APPLICATION	

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

File Reference number	EC-048-26
Applicant(s)	Denis Ahern
Location	Cloghadooarty North, Fedamore, Co. Limerick

### Description of Site and Surroundings:

The site is located within the rural townland of Cloghadooarty North, accessed from the L-11421 local road, at the end of a single lane dead-end track. At 0.4 hectares the site features an existing vacant two-storey gable roof house in a state of dereliction with rear one-storey extension elements also called up on the submitted drawings.

### 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:

1. The provision of a 40m<sup>2</sup> ground-floor rear extension to the existing structure,

It is also noted that works also include the following:

2. An additional first-floor extension to accommodate a stairs and landing from the ground floor to the first-floor bedrooms.
3. Demolition of the existing rear outbuilding(s) to facilitate the proposed extension.
4. Refurbishment of the existing structure due to the state of dereliction of same.

This Section 5 declaration includes the following:

- Application form
- Site location
- Elevations
- Floor plans

### Planning History:

*Subject site:*

**None found.**

*Adjacent:*

**21/1093 – Refused Permission** – the construction of a detached bungalow with a wastewater treatment plant and percolation area, using existing entrance.

**24/60356 – Withdrawn** – The construction of detached bungalow with wastewater treatment plant and percolation area, using existing entrance.

**Enforcement History:**

N/A.

**Relevant An Coimisiún Pleanála referrals:**

RL3395  
RL.3352  
ABP-304512-19

**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 –**

“**habitable house**” means a house which—

- (a) is used as a dwelling,
- (b) is not in use but when last used was used, disregarding any unauthorised use, as a dwelling and is not derelict, or
- (c) was provided for use as a dwelling but has not been occupied;

‘**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 the proposed renovation and 40m<sup>2</sup> ground-floor rear extension to the existing structure, it is also noted that the proposed first-floor landing floorspace appears to be marginally extended in the submitted drawings and elements of the existing rear ‘outbuilding’ will be demolished to facilitate the proposed extension, constituting ‘works’ and ‘development’.**

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

Following a site inspection, see Appendix 3, the front elevation of the existing building was found to be in a state of dereliction, with overgrown vegetation appearing to penetrate through the wall head and eaves. Any residential use also appears to have been abandoned and works required to restore use as a habitable house may constitute a material change of use.

Similar cases relating to extensions and renovations to derelict dwellings have been referred to the An Coimisiún Pleanála (formerly An Bord Pleanála), RL3395, RL.3352 ABP-304512-19. In all three cases, the ACP 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 ACP's opinion that the works would not be exempt from planning permission given the potential planning implications from the change of use. Under the definition of "habitable house" in the Planning and Development Act 2000 (as amended), a building that was last used as a dwelling and is not derelict qualifies as a habitable house. The structure in this case is derelict and may not constitute a habitable house or a functioning dwellinghouse for the purposes of Part 1 of Schedule 2 of the Planning and Development Regulations (2001).

Given the abandonment of use and the current state of the structure, there are concerns that the existing septic tank may not be functional, safe, or compliant. It is noted that planning application, ref. 21/1093, for a dwelling on the adjacent site was refused on wastewater treatment due to inadequate percolation properties of the soil due to impermeable clay subsoil. A similar adjacent planning application, ref. 24/60356 also request further information re. wastewater treatment.

The proposed development would ordinarily be assessed against Class 1, as related to the proposed extension, and Class 50(a) or 50(b), as related to the demolition elements required to facilitate the construction of the extension, of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended) and Section 4(1)(h) of the Planning and Development Act 2000 (as amended) which covers exempted development relating to the proposed renovation of the existing structure, exempts only maintenance, improvement or alteration works that do not materially affect the external appearance of a structure so as to render it inconsistent with its existing character or that of neighbouring structures.

Having regard to the above and given the derelict state of the existing structure, any former residential use is considered to have been abandoned. Therefore works required to restore use as a habitable dwelling would constitute a material change of use and therefore would not constitute exempted development.

### **Article 9 Restrictions**

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

- Article 9(1)(a)(iii) restricts exempted development if the proposal would endanger public safety by reason of traffic hazard or obstruction of road users

In this regard, planning application (ref. 21/1093) on an adjacent site included a proposal for access via the same access road. In the associated planning report, this road was deemed substandard in width, alignment and surface condition and incapable of safely accommodating additional construction traffic movements. The existing structure on the Section 5 site appears to be in a derelict condition, and residential use has been abandoned for a prolonged period. Reinstatement of the dwelling to habitable use would therefore reintroduce vehicular movements onto an access road that has already been identified as substandard and sensitive to intensification. In this context, the proposed development may endanger public safety by reason of traffic hazard within the meaning of Article 9(1)(a)(iii).

### **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**

The proposed extension as 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) Article 9 of the Planning and Development Regulations 2001 (as amended)
- (c) The plans & particulars submitted with the application received on 20<sup>th</sup> of March 2025.
- (d) An Coimisiún Pleanála decisions; RL3395, RL.3352, ABP-304512-19.

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

<b>Graduate Planner</b>	<b>Isaac Cunningham</b>	<b>Date:</b>
<b>Signature:</b>		09/04/2026
<b>Executive Planner</b>	<b>Jennifer Collins</b>	<b>Date:</b>
<b>Signature:</b>		15/04/2026

## Appendix 1: AA PN01 Screening Form

STEP 1: Description of the project/proposal and local site characteristics:	
(e) File Reference No:	EC-048-26
(e) Brief description of the project or plan:	The applicant is proposing a 40m <sup>2</sup> ground-floor rear extension to the existing structure, due to the state of dereliction, the proposal is considered to include the renovation of the existing building. It is also noted that the proposed first-floor landing floorspace appears to be marginally extended in the submitted drawings and elements of the existing rear 'outbuilding' will be demolished to facilitate the proposed extension.
(e) Brief description of site characteristics:	The site is located within the rural townland of Cloghadoolarty North, accessed from the L-11421 local road, at the end of a single lane dead-end track. At 0.4 hectares the site features an existing vacant two-storey gable roof house in a state of dereliction with rear one-storey extension elements also called up on the submitted drawings.
(e) 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 <sup>1</sup>	Distance from proposed development <sup>2</sup> (km)	Connections (Source-Pathway-Receptors)	Considered further in screening Y/N
Tory Hill SAC	<a href="https://www.npws.ie/protected-sites/sac/000439">https://www.npws.ie/protected-sites/sac/000439</a>	7.614	None	N
Glen Bog SAC	<a href="https://www.npws.ie/protected-sites/sac/001430">https://www.npws.ie/protected-sites/sac/001430</a>	8.412	None	N

STEP 3: Assessment of Likely Significant Effects	
(a) Identify all potential direct and indirect impacts that may have an effect on the conservation objectives of a European site, taking into account the size and scale of the project under the following headings:	
Impacts:	Possible Significance of Impacts: (duration/Magnitude etc)
Construction phase e.g	None. No direct encroachment or

<ul style="list-style-type: none"> <li>- Vegetation clearance</li> <li>- Demolition</li> <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>	hydrological connection
<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
<p><b>In-combination/Other</b></p>	N/A.

<p><b>(a) Describe any likely changes to the European site:</b></p>	
<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

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

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
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**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.

Given the sites size, no hydrological connection to any SAC/SPA, no encroachment on any SAC/SPA and the limited scale of the development proposed, an AA is not required.

**Conclusion:** AA is not required.


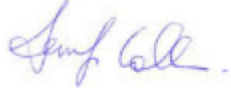
	Tick as appropriate:	Recommendation:
i. It is clear that there is <b>no likelihood</b> of significant effects on a European Site	<input checked="" type="checkbox"/>	The proposal can be screened out: Appropriate Assessment not required.
ii. It is <b>uncertain</b> whether the proposal will have a significant 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 09/04/2026
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<b>Signature and Date of the Decision Maker:</b>	 Jennifer Collins, Executive Planner 15/04/2026
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## Appendix 2: EIA Screening

Establishing if the proposal is a 'sub-threshold development':	
Planning Register Reference:	EC-048-26
Development Summary:	The applicant is proposing a 40m <sup>2</sup> ground-floor rear extension to the existing structure, due to the state of dereliction, the proposal is considered to include the renovation of the existing building. It is also noted that the proposed first-floor landing floorspace appears to be marginally extended in the submitted drawings and elements of the existing rear 'outbuilding' will be demolished to facilitate the proposed extension.
Was a Screening Determination carried out under Section 176A-C? (Tick as appropriate)	<p style="text-align: center;">Yes. no further action required</p> <p style="text-align: center;">No. Proceed to <b>Part A</b></p>
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)	
Yes. specify class: [insert here] _	<p><b>EIA is mandatory</b></p> <p>No Screening required</p>
<input checked="" type="checkbox"/> No	Proceed to <b>Part B</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	<p><b>No Screening required</b></p>
<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]_	<p><b>EIA is mandatory</b></p> <p>No Screening required</p>
Yes the project is of a type listed but is <i>sub-threshold</i> : [insert here] _	Proceed to <b>Part C</b>

c. If Yes, has Schedule 7A information/screening report been submitted?		
<p>Yes, Schedule 7A information/screening report has been submitted by the applicant</p>		<p><b>Screening Determination required</b></p>
<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 09/04/2026</p>	
<p><b>Signature and Date of the Decision Maker:</b></p>	 <p>Jennifer Collins, Executive Planner 15/04/2026</p>	

**Appendix 3. Site Visit Photo 08/04/2026**





Comhairle Cathrach  
& Contae **Luimnigh**

**Limerick City**  
& County Council

Pleanáil, Oidhreacht agus Corn Ryder  
Comhairle Cathrach agus Contae Luimnigh  
Bóthar Thuar an Dail  
Tuar an Dail  
Luimneach. V94 WV78

Planning, Heritage and Ryder Cup  
Limerick City and County Council  
Dooradoyle Road  
Dooradoyle  
Limerick. V94 WV78

t: +353 (0) 61 556 000

## **PLANNING, HERITAGE AND RYDER CUP**

### **REG POST:**

**Denis Ahern**  
c/o Mike Lyons,  
14 Bellewood,  
Ballyneety,  
Co. Limerick.

**EC/048/26**

15 April 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**

**LIMERICK CITY & COUNTY COUNCIL**

**APPROVED OFFICER'S ORDER**

**SECTION 5 – DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT**

**No. AOO/DC/2026/426**

**File Ref No. EC/048/26**

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

**RE:** **A ground-floor rear & first-floor extension. Demolition of the existing rear outbuilding(s) to facilitate the proposed extension. Refurbishment of the existing structure due to the state of dereliction of same at Clohadoolarty North, Fedamore, Co. Limerick**

**ORDER:** Whereas by Director General's Order No. DG/2026/032 dated 18<sup>th</sup> March 2026, 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 Nuala O'Connell, Senior Planner the functions as defined in the Local Government Acts, 1925 to 2024.

Now therefore pursuant to the delegation of the functions aforesaid, I, Nuala O'Connell, Senior Planner, having considered the report and recommendation of Isaac Cunningham, Graduate Planner dated 09/04/2026, hereby order that a Declaration under Section 5 of the Planning and Development Act 2000 (as amended) be issued to Denis Ahern, c/o Mike Lyons, 14 Bellewood, Ballyneety, Co. Limerick to state that the works as described above is

**Development and is NOT Exempt Development.**

Signed

  
\_\_\_\_\_

SENIOR PLANNER, PLANNING, HERITAGE & RYDER CUP

Date

  
\_\_\_\_\_



Comhairle Cathrach  
& Contae Luimnigh

Limerick City  
& County Council

Pleanáil, Oidhreacht agus Corn Ryder  
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Bóthar Thuar an Daill  
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t: +353 (0) 61 556 000

## **SECTION 5 – DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT**

**DECLARATION NO.**

**EC/048/26**

**Name and Address of Applicant:** Denis Ahern, Loughlinstown, Fedamore, Co. Limerick

**Agent:** Mike Lyons, 14 Bellewood, Ballyneety, Co. Limerick

**Whether** the ground-floor rear & first-floor extension. Demolition of the existing rear outbuilding(s) to facilitate the proposed extension. Refurbishment of the existing structure due to the state of dereliction of same at Cloghadooarty North, Fedamore, Co. Limerick is or is not Development or is or is not Exempted Development. The works as described on the plans submitted with the application on the 20<sup>th</sup> day of March 2026.

**AND WHEREAS** the Planning Authority has concluded that the ground-floor rear & first-floor extension. Demolition of the existing rear outbuilding(s) to facilitate the proposed extension. Refurbishment of the existing structure due to the state of dereliction of same at Cloghadooarty North, Fedamore, 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:

15.4.2026

**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.