



Limerick City and County Council

Planning Department

Section 5 Application

DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

Applicant's Name: ALEX LAFFERTY

Applicant's Address: BALLYMACRESSY
NEWCASTLE WEST
CO LIMERICK

Telephone No. [REDACTED]

Name of Agent (if any): _____

Address: _____

Telephone No. _____

Address for Correspondence:
BALLYMACRESSY NEWCASTLE WEST
CO LIMERICK V42 DR67
alexlafferty@eircom.net

Location of Proposed development (Please include EIRCODE):

DESMOND ABILITY RESOURCE COMPLEX
GOATSBY NEWCASTLE WEST
CO LIMERICK V42 WT 20

Description of Proposed development:

REFURBISHMENT OF DOWNSTAIRS
TOILETS AT DESMOND COMPLEX.

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

SECTION 11 INTERNAL ALTERATIONS

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

~~YES~~/NO

Applicant's interest in site: BOARD DIRECTOR.

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

SEE DRAWINGS ENCLOSED

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)

Alex Perfferty

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**

LIMERICK CITY & COUNTY COUNCIL
CASH OFFICE
CIVIC OFFICES
DOORADOYLE
CO LIMERICK
22/04/2026 13:43:36

Receipt No / Uimhir Admhála: LA25/25197972

Customer Address / Seoladh an Chustaiméara:
ALEX LAFFERTY
C/O DESMOND ABILITY RESOURCE
COMPLEX
GORTBOY
NEWCASTLE WEST

PL041 80.00 EUR

EXEMPTION CERTIFICATE

Paid With / Ioctha Le:	Credit / Debit Card
Total / Iomlán:	80.00 EUR
Tax (VAT):	0.00 EUR
Tendered / Tairgthe:	80.00 EUR

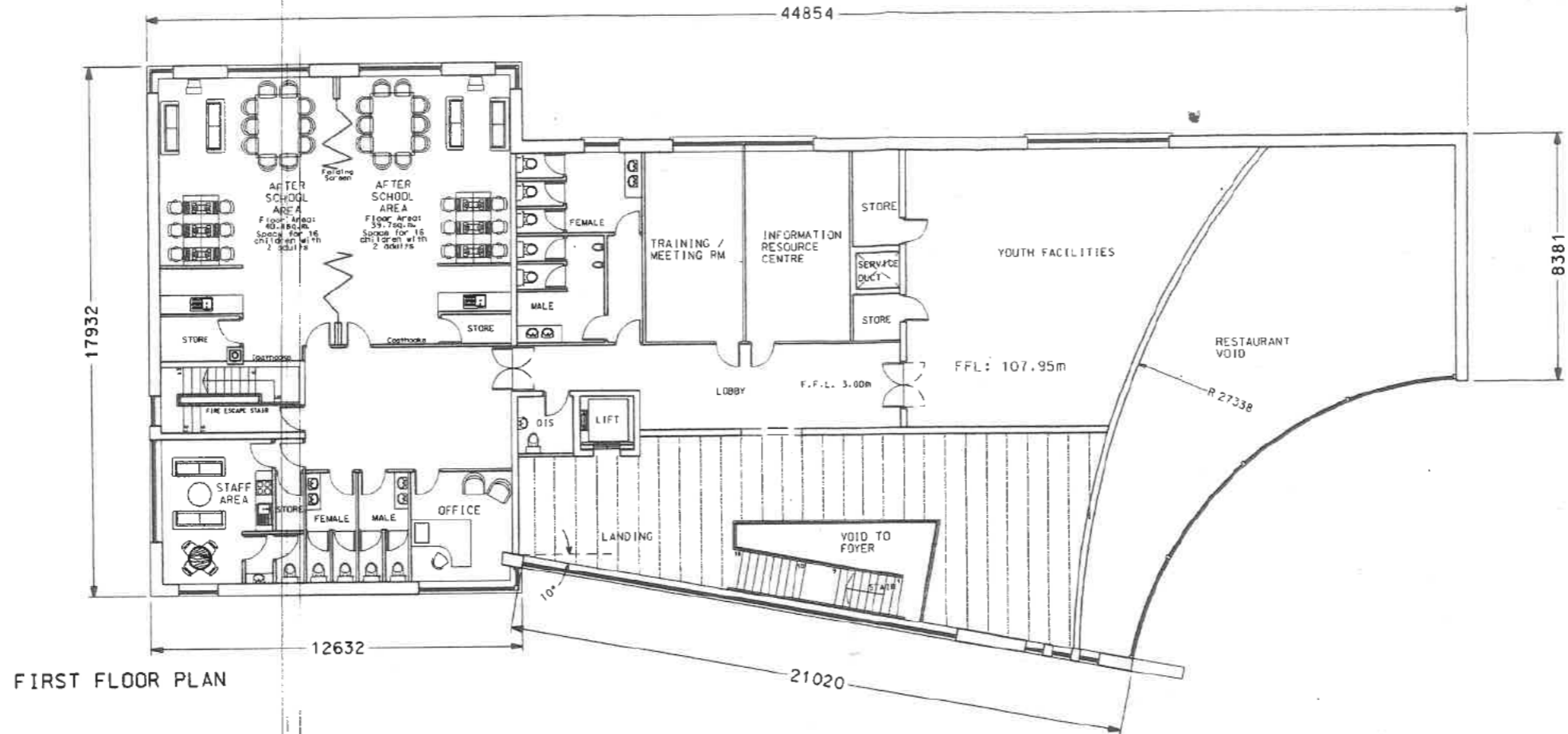
From / Ó: CASH OFFICE
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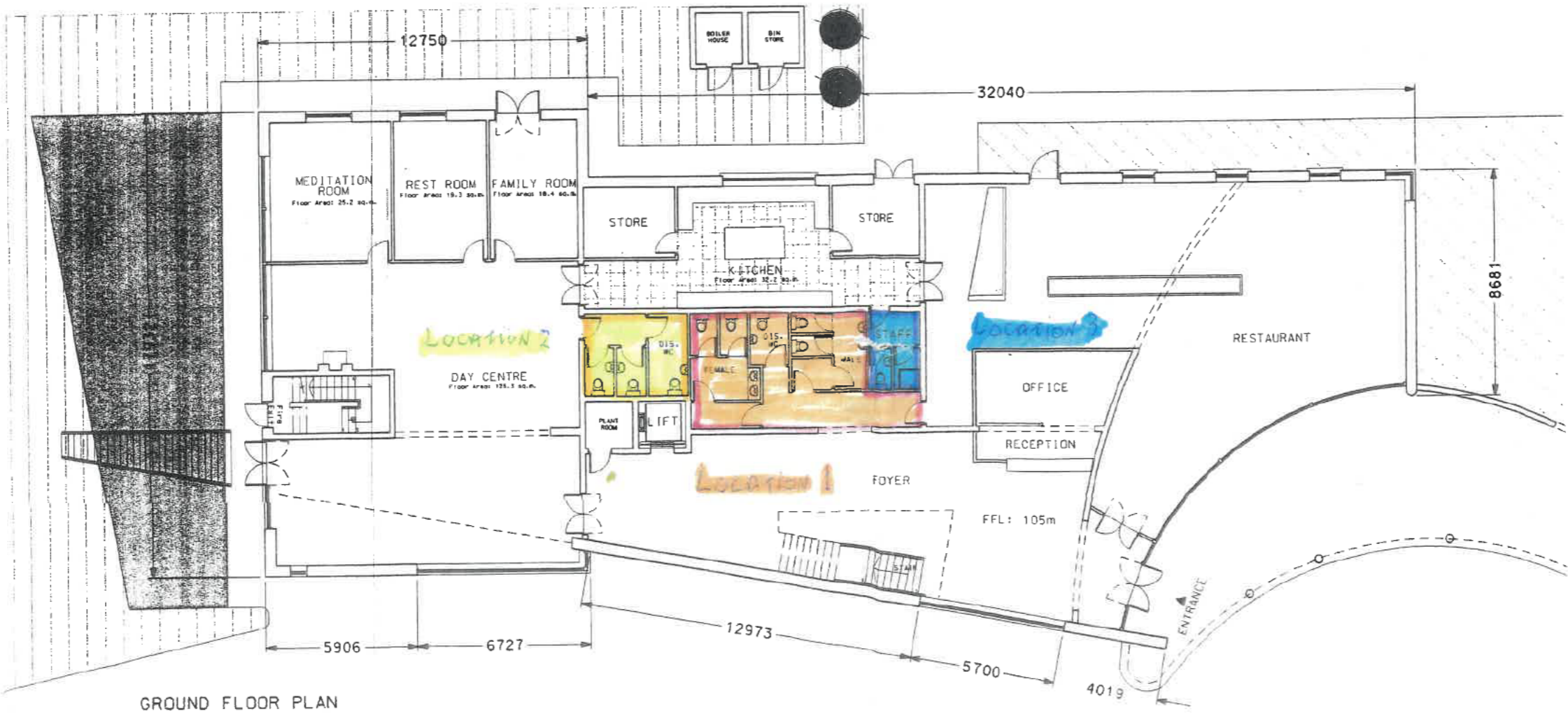
Please do not reply to this email

FROM NORA RYAN 19/12/26



General Notes:
 - Do not scale. Use figures at walls only.
 - This drawing is to be read in conjunction with all relevant specifications & documents.
 - All dimensions are to be checked on site.
 - In the event of any discrepancies in drawings/documents the contractor is to inform the architect immediately.
 - This drawing is to be relied upon for the purpose for which it was prepared & no other.
 - Copyright John Thompson & Partners
 This drawing or design is copyright of the above & must not be reproduced without their written consent.

Rev/Date	Description	By



John Thompson + Partners architects
 Ballinacorney House
 Ballinacorney
 Limerick
 Tel: 061 227755
 Fax: 061 227337
 thompson@iol.ie

DESMOND ABILITY RESOURCE COMPLEX LTD.

Resource Centre and Childcare Facility, Gortboy, Newcastlewest, Co. Limerick

Resource Centre Floor Plans

PL(---)04

Drawn by: S. Turner
 Project no: 110
 Date: 15/10/07

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

File Reference number	EC-065-26
Applicant(s)	Alex Lafferty
Location	Desmond Ability Resource Complex, Gortboy, Newcastle West, Co. Limerick V42 WT20

Description of Site and Surroundings:

The subject site relates to the Desmond Ability Resource Complex, a two-storey resource and community building located off a cul-de-sac road accessed via Bishop Street, in the townland of Gortboy, Newcastle West. This site is zoned under Education and Community Facilities, and the complex currently provides a multitude of social and community services for Newcastle West and its surrounding areas.

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 proposing the refurbishment of the downstairs toilets at the Desmond Ability Resource Complex

This Section 5 declaration includes the following:

- Application form
- Site location maps

Planning History:

Subject site:

01/2629 – Conditional Permission – Construction of a 2-storey resource centre with day centre, restaurant, training/youth facilities, creche & 2-storey leisure centre with existing swim.pool, hydrotherapy pool, changing rooms, gym, spectator area, signage, entrance & associated works.

03/1032 – Conditional Permission – Revisions to planning ref. 01/2629 consisting of alterations to the plans, sections and elevations of the two storey resource centre with day centre, training/youth facilities and after school facilities and a single storey childcare facility together with associated site works.

17/683 – Conditional Permission – Construct a new two storey entrance atrium to the existing Resource Centre building, demolition of an existing stairs, changes in fenestration to

the existing elevations, installation of 2 no. roof lights, new paving and access ramp & railings, additional site lighting and all associated site works.

19/285 – Conditional Permission – 1 no. temporary modular building for use as a music classroom and carry out all associated site works.

22/254 – Conditional Permission – 1 no. steel framed storage shed and carry out all associated site works.

Adjacent:

88/28452 – Conditional Permission – Conversion of dwellinghouse to private nursing home, erection of extension to same and associated works.

89/280 – Conditional Permission – Erection of dwellinghouse, front entrance and installation of septic tank.

89/1124 – Conditional Permission – Retention of dwellinghouse, site layout, front entrance and septic tank.

95/272 – Conditional Permission – Construction of garage to rear of dwelling.

19/501 – Conditional Permission – The construction of a dwelling house and separate garage including the following; (1) new site entrance, (2) demolition of existing shed, (3) installation of septic tank and percolation area, and all ancillary site development works.

Enforcement History:

None found.

Relevant An Coimisiún Pleanála referrals:

N/A.

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, the refurbishment of the downstairs toilets at the Desmond Ability Resource Complex, constituting ‘works’ and ‘development’.

Is the proposal exempted development?

The proposal comprises the refurbishment of the downstairs toilets at the Desmond Ability Resource Complex. Section 4 (1)(h) of the Planning and Development Act 2000 (as amended) provides that, where works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or 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 structure, development shall be considered exempted development. In this instance, the development proposal only affects the interior of the structure and can subsequently be considered exempted development.

Article 9 Restrictions

No restrictions apply under Article 9 of the Planning and Development Regulations 2001 (as amended).

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 proposal, the refurbishment of the downstairs toilets at the Desmond Ability Resource Complex, is considered to be development. As works which only affect the interior of the subject structure, development can be considered exempted development under the provisions of Section 4(1)(h) of the Planning and Development Act 2000 (as amended).

Regard has been had to –

- (a) Section 2, 3, 4 & 5 of the Planning and Development Act 2000 (as amended)
- (b) Article 6, 9 of the Planning and Development Regulations, 2001, as amended.
- (c) The plans & particulars submitted with the application received on the 22th of April 2026.

It is therefore considered that said works are development and exempted development under Section 4(1)(h) of the Planning and Development Act 2000 (as amended).

Graduate Planner	Isaac Cunningham	Date: 30/04/2026
Signature:		
Senior Executive Planner	Barry Henn	Date: 07/05/2026
Signature		

Appendix 1: AA PN01 Screening Form

STEP 1: Description of the project/proposal and local site characteristics:	
(e) File Reference No:	EC-065-26
(e) Brief description of the project or plan:	The refurbishment of the downstairs toilets at the Desmond Ability Resource Complex.
(e) Brief description of site characteristics:	The subject site relates to the Desmond Ability Resource Complex, a two-storey resource and community building located off a cul-de-sac road accessed via Bishop Street, in the townland of Gortboy, Newcastle West. This site is zoned under Education and Community Facilities, and the complex currently provides a multitude of social and community services for Newcastle West and surrounding areas.
(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 ¹	Distance from proposed development ² (km)	Connections (Source-Pathway-Receptors)	Considered further in screening Y/N
Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA	https://www.npws.ie/protected-sites/spa/004161	4.86	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 <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. 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.



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

(a) (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
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 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:	 Isaac Cunningham, Graduate Planner <hr/> 30/04/2026	
Signature and Date of the Decision Maker:	 Barry Henn, SEP <hr/> 07/05/2026	

Appendix 2: EIA Screening

Establishing if the proposal is a 'sub-threshold development':	
Planning Register Reference:	EC-065-26
Development Summary:	The refurbishment of the downstairs toilets at the Desmond Ability Resource Complex.
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 Part A</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] _	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
Yes the project is of a type listed but is <i>sub-threshold</i> : [insert here] _	Proceed to Part C
c. If Yes , has Schedule 7A information/screening report been submitted?	
Yes, Schedule 7A information/screening report has been submitted by the applicant	Screening Determination required

<p>No, Schedule 7A information/screening report has not been submitted by the applicant</p>	<p>Preliminary Examination required</p>
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Signature and Date of Recommending Officer:



Isaac Cunningham, Graduate Planner

30/04/2026

Signature and Date of the Decision Maker:



Barry Henn, SEP

07/05/2026



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

Ari Roinn Pleanála
Comhairle Cathrach agus Contae Luimnigh
Bóthar Thuar an Daill
Tuair an Daill
Luimneach
V94 WV78

Planning Department
Limerick City & County Council
Dooradoyle Road
Dooradoyle
Limerick
V94 WV78

t: 061 556 000

DEVELOPMENT MANAGEMENT, PLANNING

REG POST:

Alex Lafferty,
Ballymackessy,
Newcastle West,
Co. Limerick.
V42 DR67

EC/065/26

11 May 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

LIMERICK CITY & COUNTY COUNCIL

APPROVED OFFICER'S ORDER

SECTION 5 – DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

No. AOO/DC/2026/556

File Ref No. EC/065/26

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

RE: **A refurbishment of the downstairs toilets at Desmond Ability Resource Complex, Gortboy, Newcastle West, Co. Limerick**

ORDER: Whereas by Director General's Order No. DG/2026/033 dated 18th 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 Barry Henn, Senior Executive Planner the functions as defined in the Local Government Acts, 1925 to 2024.

cl Now therefore pursuant to the delegation of the functions aforesaid, I, Barry Henn, Senior Executive Planner, having considered the report and recommendation of Isaac Cunningham, Graduate Planner dated 30/04/2026, hereby order that a Declaration under Section 5 of the Planning and Development Act 2000 (as amended) be issued to Alex Lafferty, Ballymackessy, Newcastle West, Co. Limerick to state that the works as described above is

Development and is Exempt Development.

Signed

B. Henn

SENIOR EXECUTIVE PLANNER, DEVELOPMENT MANAGEMENT,
PLANNING

Date

11 | 05 | 2026



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V94 WV78

Planning Department
Limerick City & County Council
Dooradoyle Road
Dooradoyle
Limerick
V94 WV78

t: 061 556 000

SECTION 5 – DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

DECLARATION NO. **EC/065/26**

Name and Address of Applicant: Alex Lafferty, Ballymackessy, Newcastle West, Co. Limerick

Agent: N/A

Whether the refurbishment of the downstairs toilets at Desmond Ability Resource Complex, Gortboy, Newcastle West, Co. Limerick is or is not Development or is or is not Exempted Development. The works as described on the plans submitted with the application on the 22nd day of April 2026.

AND WHEREAS the Planning Authority has concluded that the refurbishment of the downstairs toilets at Desmond Ability Resource Complex, Gortboy, Newcastle West, Co. Limerick **DOES** come within the scope of exempted development under Section 4(1)(h) 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 Exempt Development.**

Signed on behalf of the said Council 

Date: 11.5.2026

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.