

Limerick City and County Council

Planning Department

Section 5 Application

DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

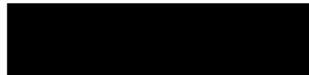
Applicant's Name: [Brendan & Therese Mahon](#)

Applicant's Address: [6 Oakfield](#)

[Fr Russell Road](#)

[Limerick V94 AE9T](#)

Telephone No.



Name of Agent (if any): [Pat Brehony](#)

Address: [14 Greenpark West](#)

[Mullingar](#)

[Co Westmeath N91 R6XW](#)

Telephone No. [_0449349900](#)

Address for Correspondence:

[Agent Address Above](#)

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

6 Oakfield, Fr. Russell Road, Limerick V94 AE9T

Description of Proposed development:

Proposed extension to rear of existing dwelling house together with all ancillary site works and services.

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

Section 5 of the Planning & Development Act 2000 (as amended)

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

Applicant's interest in site: Owner

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

Site Location Map, Site Layout Plan, Existing Plans, Existing Elevations, Proposed Plans, Proposed Elevations.

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

If Yes please provide floor areas of all existing structures: N/A

Signature of Applicant (or Agent) Pat Boehm

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:

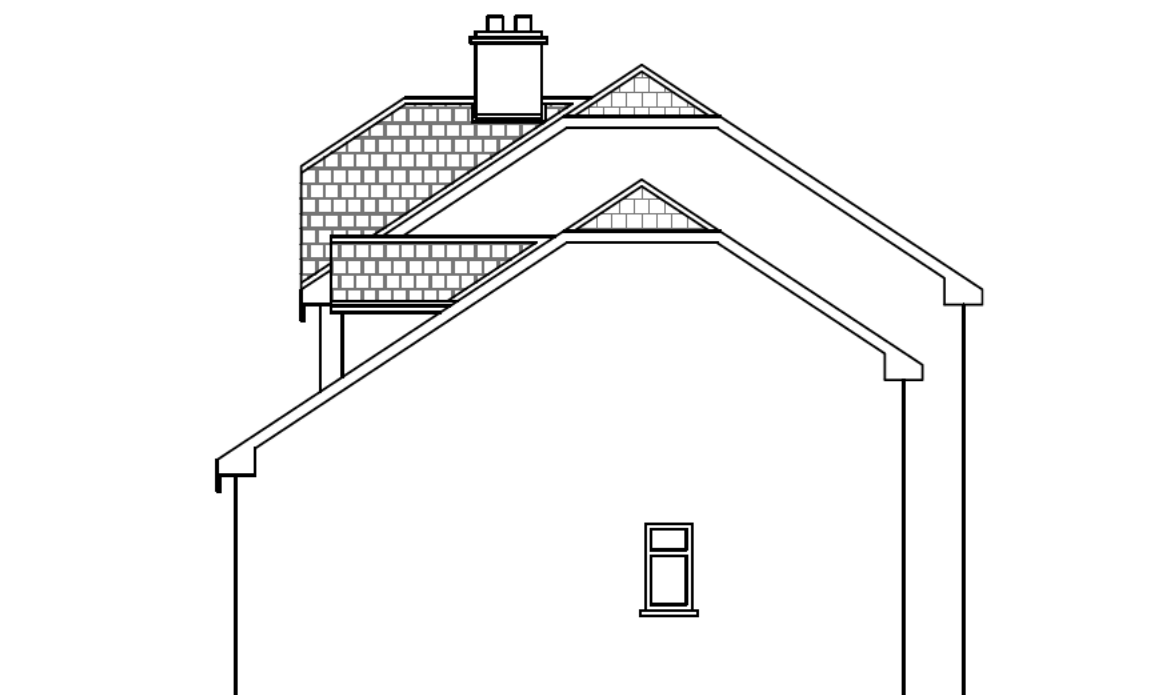
**Planning Department,
Limerick City & County Council,
Dooradoyle,
Limerick,
V94 XF67**

**Enquiries:
Telephone: 061-556556
E-Mail: planning@limerick.ie**



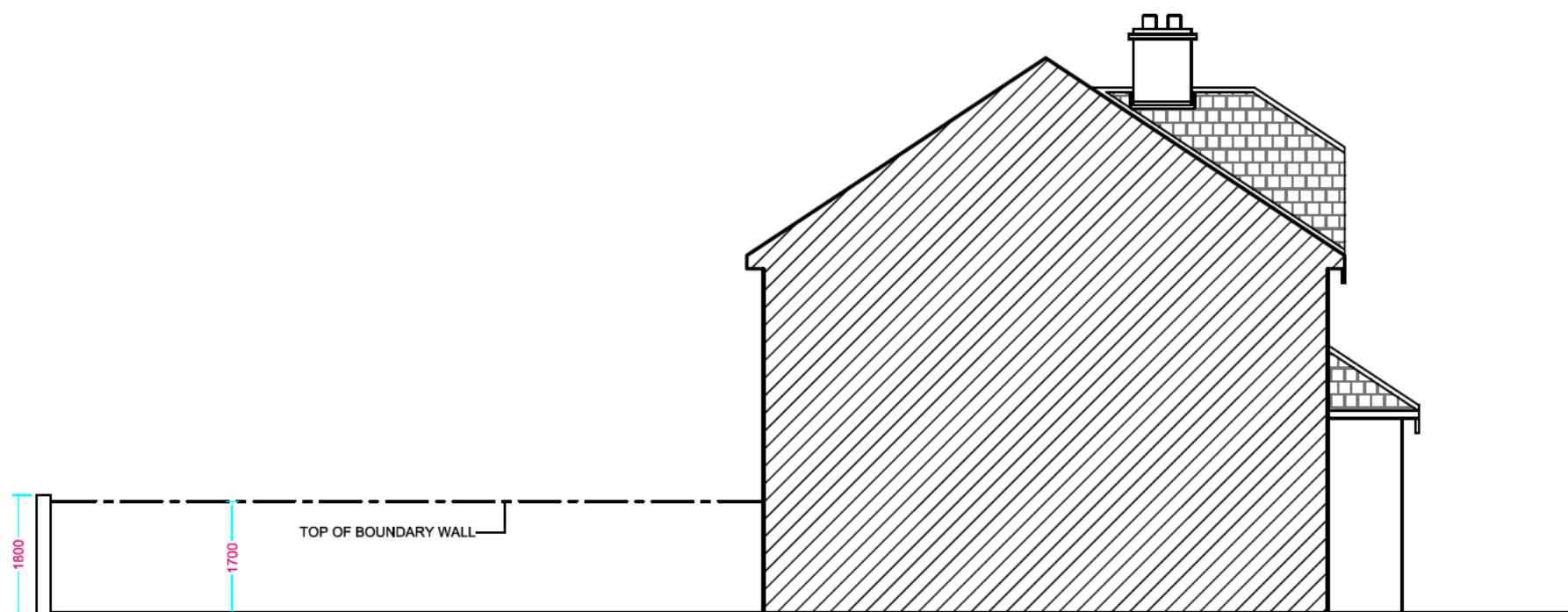
EXISTING REAR ELEVATION

SCALE 1:100



EXISTING SIDE ELEVATION

SCALE 1:100



EXISTING SIDE (SECTIONAL) ELEVATION - NORTH WEST

SCALE 1:100

FRONT ELEVATION NOT SHOWN AS IT
IS UNAFFECTED BY THIS APPLICATION

Brehony Sustainable Design
TEL (089) 9562084
email - pat.brehony@yahoo.com

CLIENT
BRENDAN & THERESE MAHON

PROJECT
SECTION 5 APPLICATION FOR EXTENSION
TO REAR OF EXISTING DWELLINGHOUSE
TOGETHER WITH ALL ANCILLARY SITE
WORKS AND SERVICES

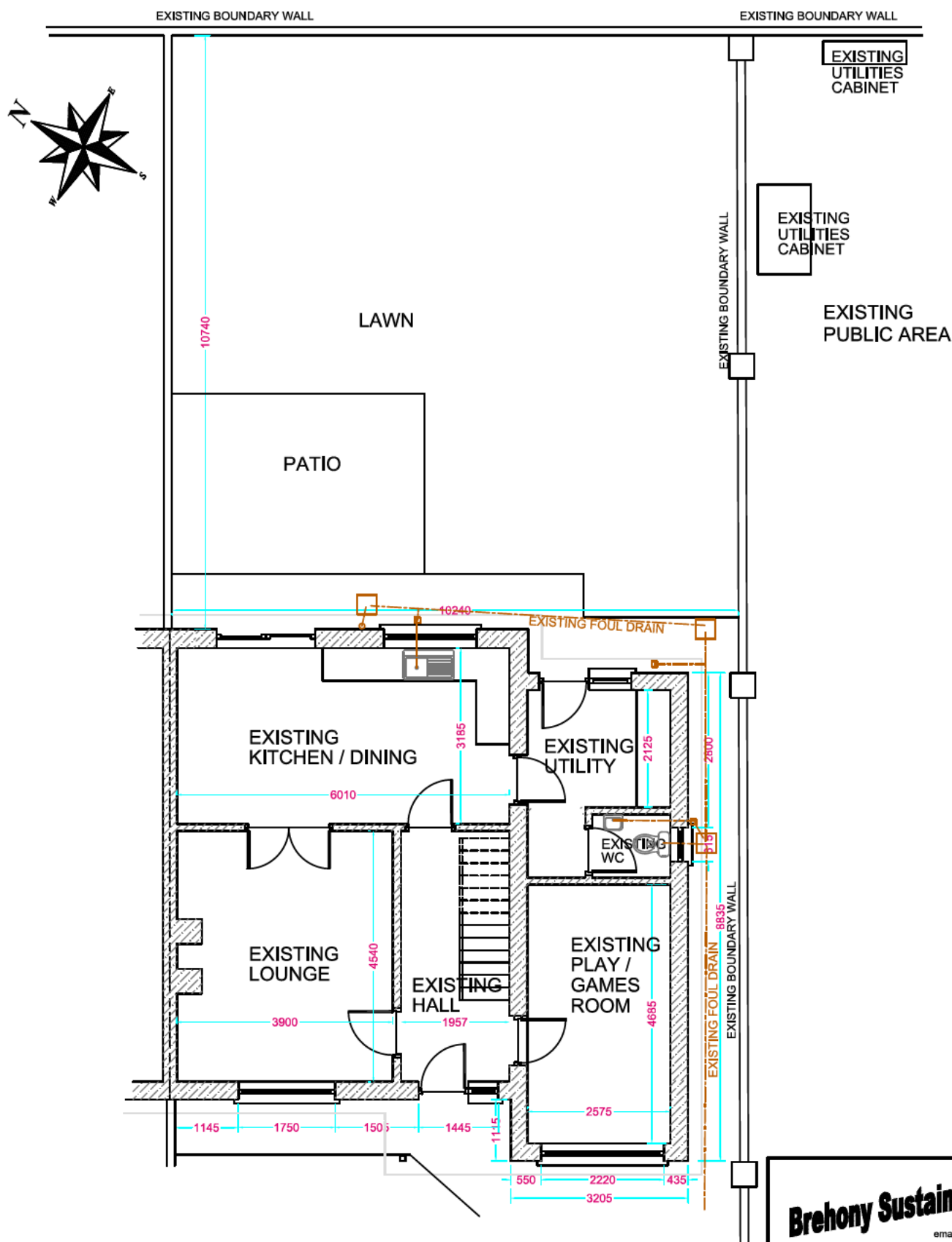
TITLE
EXISTING ELEVATIONS

SCALE
1:100 @ A3

Revision

DATE
April 2026

Drg. No.
BTM 1004



EXISTING GROUND FLOOR PLAN & PART SITE LAYOUT

SCALE 1:100

GROUND FLOOR AREA 70.65 sq. m.

BACK GARDEN AREA 112.69 sq. m.

FIRST FLOOR NOT SHOWN AS IT IS
UNAFFECTED BY THIS APPLICATION

Brehony Sustainable Design
TEL (089) 9562084
email - pat.brehony@yahoo.com

CLIENT

BRENDAN & THERESE MAHON

PROJECT

SECTION 5 APPLICATION FOR EXTENSION
TO REAR OF EXISTING DWELLINGHOUSE
TOGETHER WITH ALL ANCILLARY SITE
WORKS AND SERVICES

TITLE

EXISTING GROUND FLOOR PLAN

SCALE

1:100 @ A4

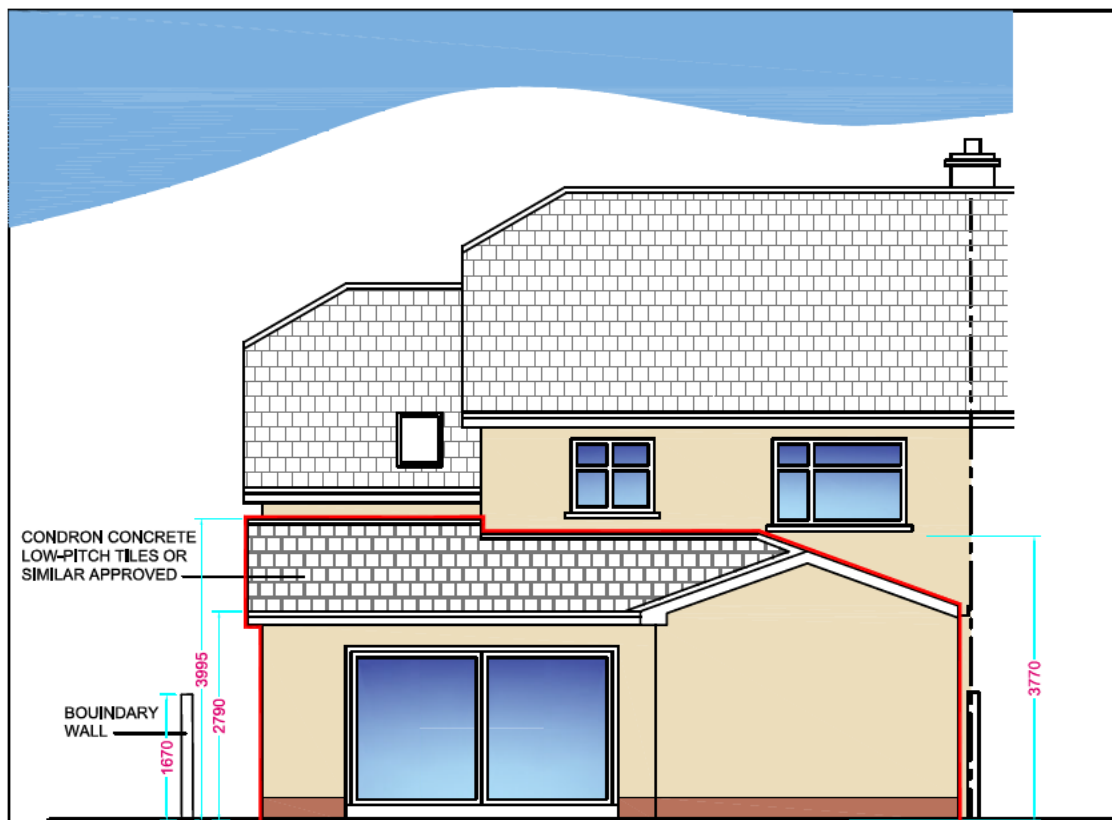
Revision

DATE

April 2026

Drg. No.

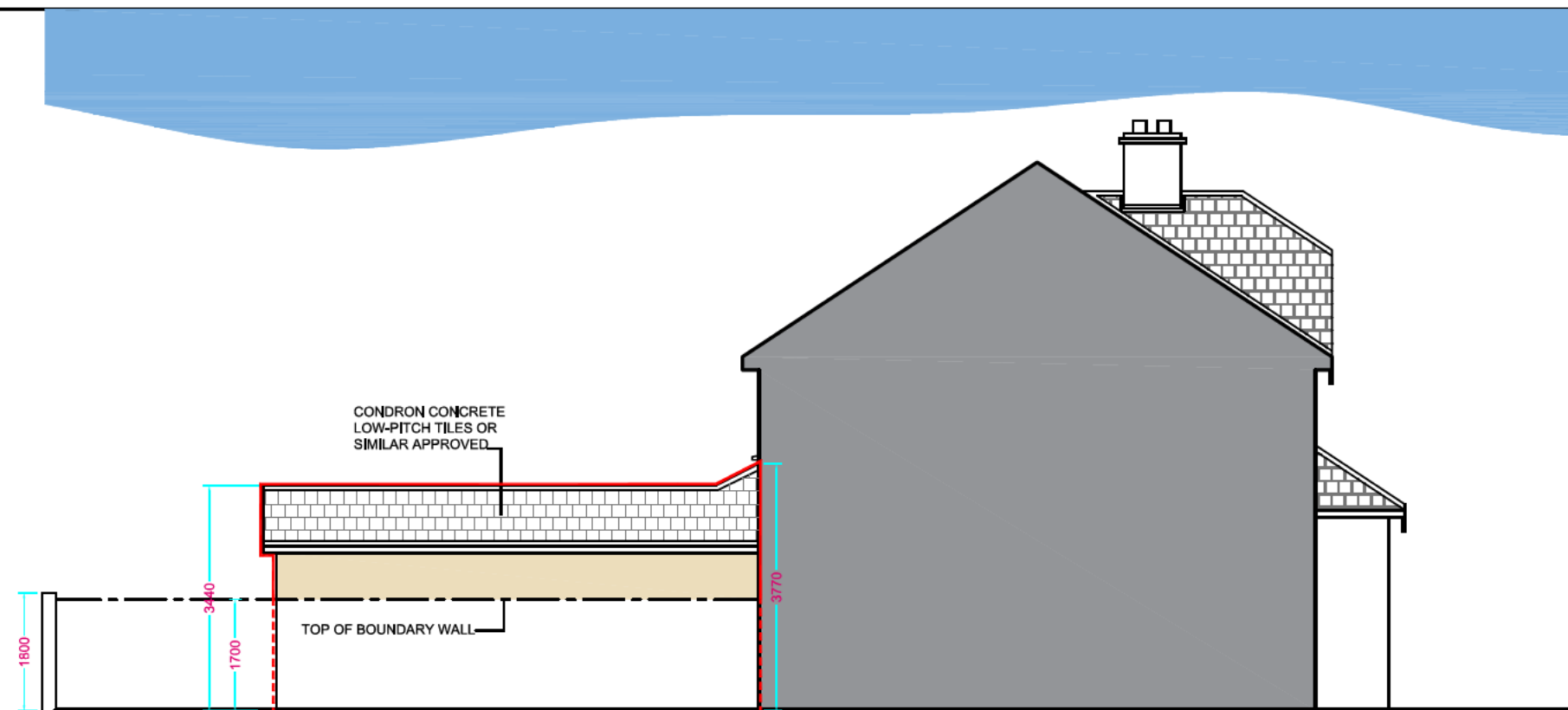
BTM 1003



PROPOSED REAR ELEVATION

SCALE 1:100

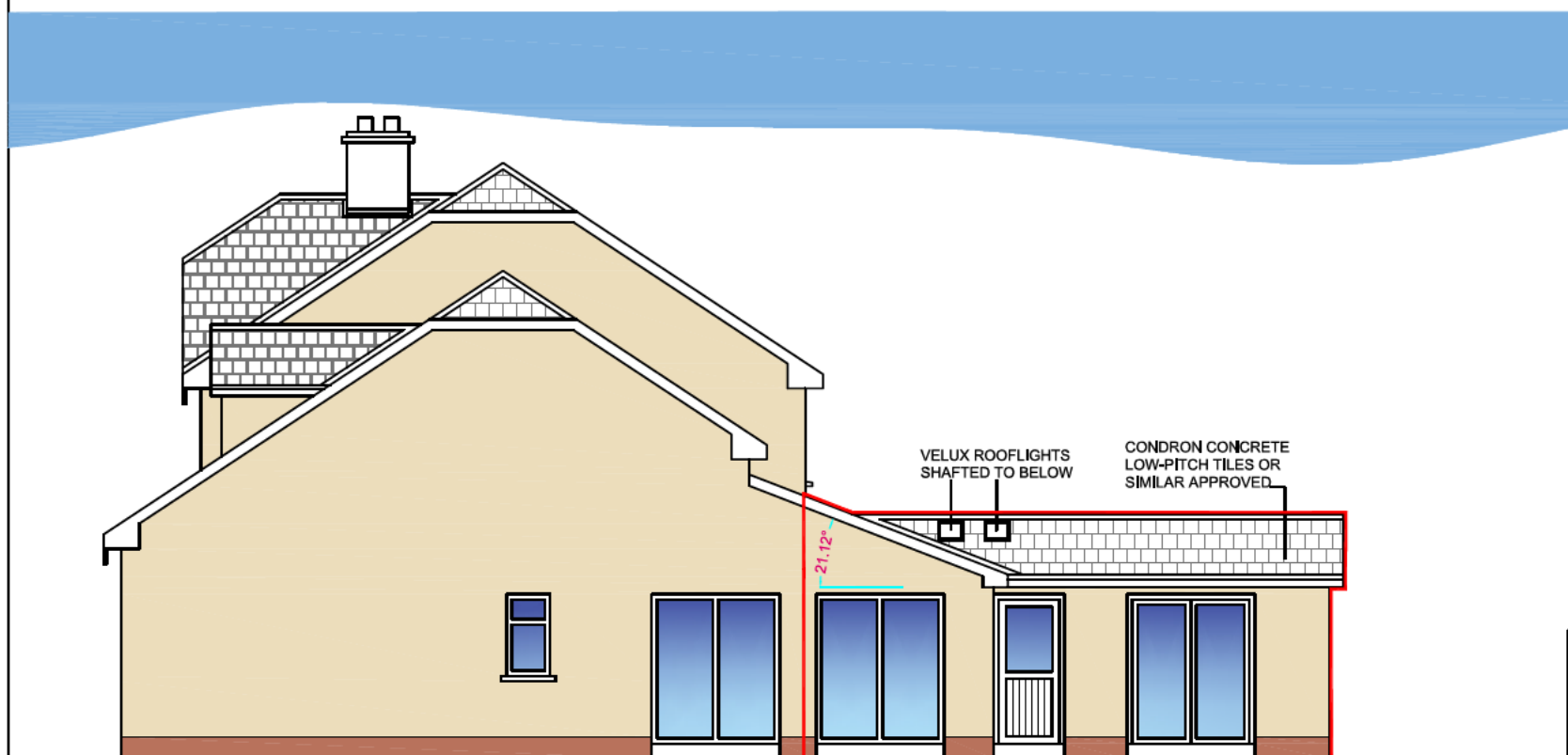
PROPOSED EXTENSION OUTLINED IN RED



PROPOSED SIDE (SECTIONAL) ELEVATION - NORTH WEST

SCALE 1:100

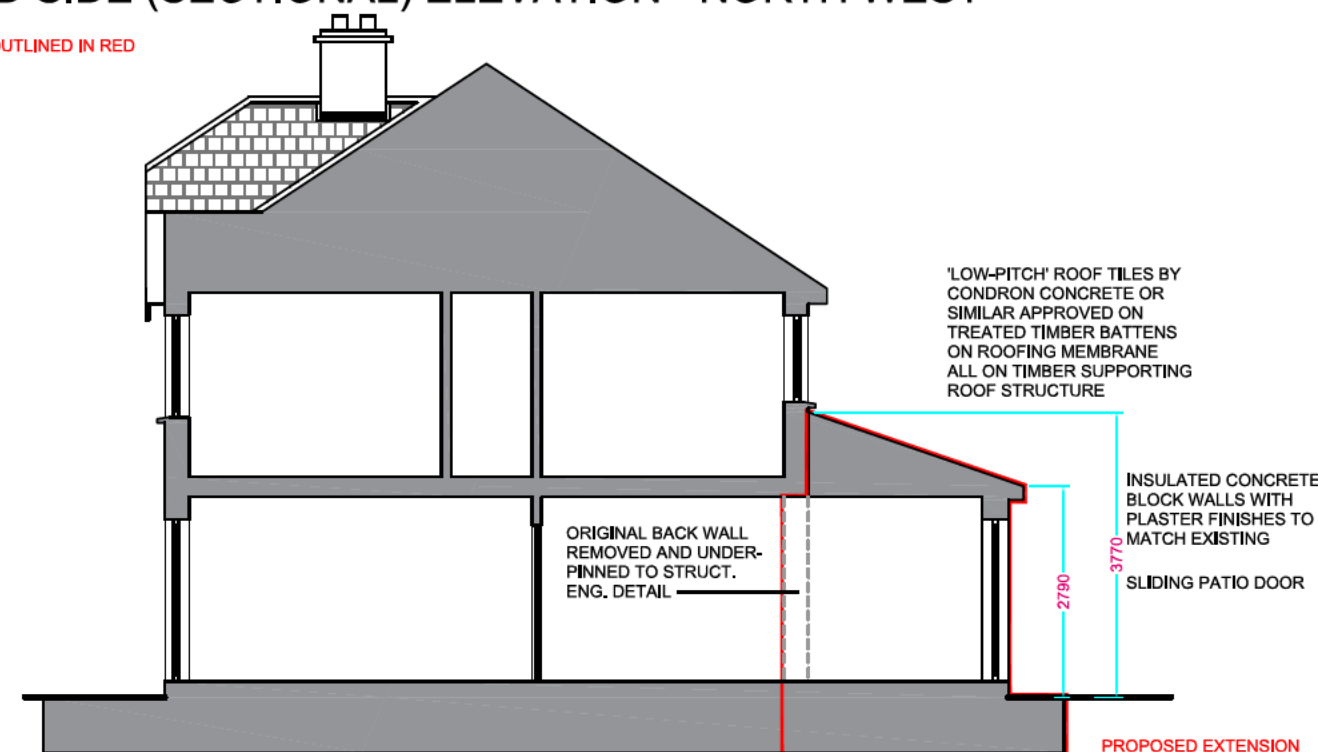
PROPOSED EXTENSION OUTLINED IN RED



PROPOSED SIDE ELEVATION - SOUTH EAST

SCALE 1:100

PROPOSED EXTENSION OUTLINED IN RED



TYPICAL SECTION

SCALE 1:100

FRONT ELEVATION NOT SHOWN AS IT IS UNAFFECTED BY THIS APPLICATION

Brehony Sustainable Design
TEL (089) 9562084
email - pat.brehony@yahoo.com

CLIENT
BRENDAN & THERESE MAHON

PROJECT
SECTION 5 APPLICATION FOR EXTENSION TO REAR OF EXISTING DWELLINGHOUSE TOGETHER WITH ALL ANCILLARY SITE WORKS AND SERVICES

TITLE
PROPOSED ELEVATIONS

SCALE
1:100 @ A3

DATE
April 2026

Revision

Drg. No.
BTM 1006



URBAN PLACE Map

CYAL50481075

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**Tailte
Éireann**

CENTRE
COORDINATES:
ITM 554760,653900

MAP SERIES: 1:1,000
MAP SHEETS: 4802 - B

Brendan & Therese Mahon

SECTION 5 APPLICATION FOR EXTENSION TO
REAR OF EXISTING DWELLING HOUSE
TOGETHER WITH ALL ANCILLARY SITE WORKS
AND SERVICES

BTM 1001

SITE EDGED IN RED
LANDS OWNED EDGED IN BLUE
(BOTH RED AND BLUE LINES ARE
CONGRUENT)

COMPILED AND PUBLISHED BY:
Tailte Éireann,
Phoenix Park,
Dublin 8,
Ireland,
D08F6E4

www.tailte.ie

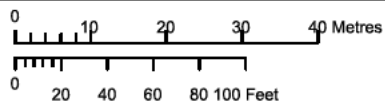
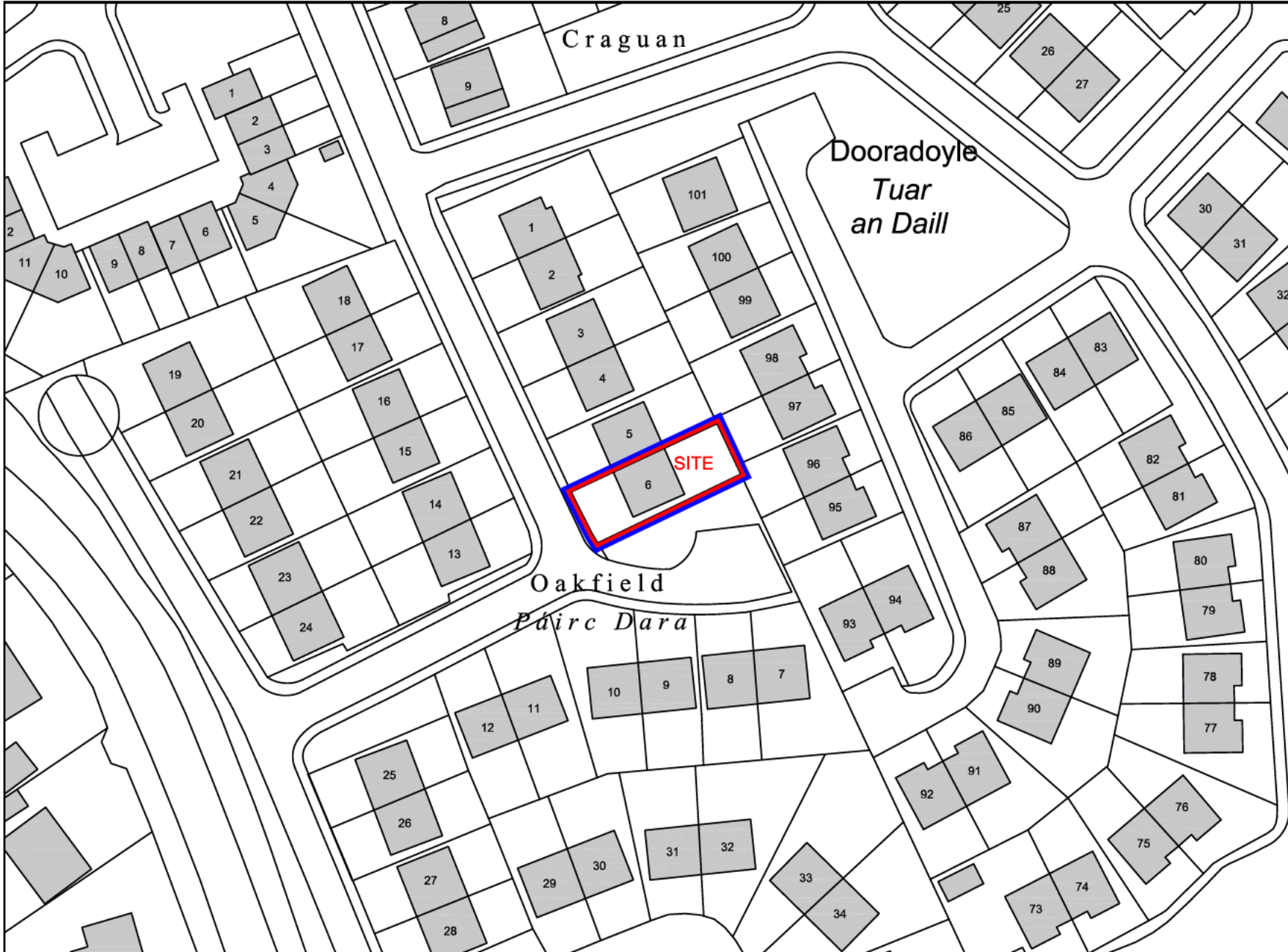
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LEGEND:
To view the legend visit
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'Large Scale Legend'



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

File Reference number	EC-063-26
Applicant(s)	Brendan & Therese Mahon
Location	6 Oakfield, Father Russell Road, Limerick, V94 AE9T

Description of Site and Surroundings:

Located within the neighbourhood of Mungret in the suburban southern environs of Limerick City, the site relates to the townland Gouldavoher, accessed off the L-14408 local road. The site features an existing two-storey semi-detached dwelling with a stepped and partially hipped roof.

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 applicants are proposing the construction of a 39.97m² rear extension to the existing dwelling, with a part monopitch, part gable ended tiled roof
 - It is also noted an additional ground-floor double glazed opening is proposed on the south-east side elevation of the existing dwelling structure

This Section 5 declaration includes the following:

- Application form
- Site location maps

Planning History:

Subject site:

96/2680 – Conditional Permission – Erection of 118 No. dwellinghouses and associated site works.

Adjacent:

03/2121 – Conditional Permission – Construction of a pair of semi-detached dwellings on plot no 1 and 2.

04/1771 – Unconditional Permission – Conversion of garage to living room and the attic overhead into a bedroom.

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 construction of a 39.97m² rear extension with a part monopitch, part gable ended tiled roof, and the creation of an additional ground-floor double-glazed opening on the south-east side elevation of the existing dwelling structure, constituting ‘works’ and ‘development’.

Is the proposal exempted development?

To assess whether the proposed development is exempted development, the rear extension proposal will be assessed against the Conditions and Limitations of Column 2 of Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended), while the proposed additional double glazed opening on the existing south-east side elevation will be considered under Section 4 (1)(h) of the Planning and Development Act 2000 (as amended).

Class 1

The extension of a house, by the construction or erection of an extension (including a conservatory) to the rear of the house or by the conversion for use as part of the house of any garage, store, shed or other similar structure attached to the rear or to the side of the house.

1.(a) Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres.

The house does not appear to have been extended previously, the proposed additional floor area, 39.97m², does not exceed 40 square metres.

(b) Subject to paragraph (a), where the house is terraced or semi-detached, the floor area of any extension above ground level shall not exceed 12 square metres.

No above ground level extension is proposed.

(c) Subject to paragraph (a), where the house is detached, the floor area of any extension above ground level shall not exceed 20 square metres.

No above ground level extension proposed.

2. (a) Where the house has been extended previously, the floor area of any such extension, taken together with the floor area of any previous extension or extensions constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 40 square metres.

The house does not appear to have been extended previously.

(b) Subject to paragraph (a), where the house is terraced or semi-detached and has been extended previously, the floor area of any extension above ground level taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 12 square metres.

The house does not appear to have been extended previously.

(c) Subject to paragraph (a), where the house is detached and has been extended previously, the floor area of any extension above ground level, taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 20 square metres.

The house does not appear to have been extended previously.

3. Any above ground floor extension shall be a distance of not less than 2 metres from any party boundary.

No above ground level extension proposed.

4. (a) Where the rear wall of the house does not include a gable, the height of the walls of any such extension shall not exceed the height of the rear wall of the house.

The rear wall of the house does not include a gable, the height of the walls of the proposed extension does not exceed the height of the rear wall of the house.

(b) Where the rear wall of the house includes a gable, the height of the walls of any such extension shall not exceed the height of the side walls of the house.

The rear wall of the house does not include a gable. The condition does not apply.

(c) The height of the highest part of the roof of any such extension shall not exceed, in the case of a flat roofed extension, the height of the eaves or parapet, as may be appropriate, or, in any other case, shall not exceed the height of the highest part of the roof of the dwelling.

The height of the highest part of the proposed rear extension does not exceed the height of the highest part of the roof of the dwelling.

5. The construction or erection of any such extension to the rear of the house shall not reduce the area of private open space, reserved exclusively for the use of the occupants of the house, to the rear of the house to less than 25 square metres.

The remaining rear private open space is stated as 63 square metres.

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

Based on the submitted drawings, the distance from the south-east side elevation window opening to the boundary it faces appears less than 1 metre. It is noted that this boundary is not a mutual boundary, however the above condition does not provide a distinction for this.

(b) Any window proposed above ground level in any such extension shall not be less than 11 metres from the boundary it faces.

No above ground level extension proposed. The condition does not apply.

(c) Where the house is detached and the floor area of the extension above ground level exceeds 12 square metres, any window proposed at above ground level shall not be less than 11 metres from the boundary it faces.

No above ground level extension proposed; the condition does not apply.

7. The roof of any extension shall not be used as a balcony or roof garden.

The application and submitted drawings for the proposed extension does not mention or show any intended use of the roof of the extension as a balcony or roof garden.

Section 4 (1)(h) of the Planning and Development Act 2000 (as amended), provides that development consisting of the carrying out of 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 structures, shall be exempted development.

It is not considered the proposed double-glazed opening on the existing south-east side elevation is consistent with the character of the structure or of neighbouring structures. This is due to the design and scale of the proposed opening and its inconsistency with current limited street facing side elevation openings on neighbouring structures.

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 construction of a 39.97m² rear extension with a part monopitch, part gable ended tiled roof, and the creation of an additional ground-floor double-glazed opening on the south-east side elevation of the existing dwelling structure, is considered to be development. However, the proposal does not comply with Condition 6(a) of Column 2 of Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended), and it is considered that the proposed double-glazed opening on the south-east side elevation of the existing dwelling does not fall within the provisions of Section 4(1)(h) of the Planning and Development Act 2000 (as amended). The development proposal cannot therefore be considered exempted development.

Regard has been had to –

- (a) Section 2, 3, 4 & 5 of the Planning and Development Act 2000 (as amended)
- (b) Article 6, 9 & Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, as amended.
- (c) The plans & particulars submitted with the application received on the 20th of April 2026.

It is therefore considered that said works are development but not exempted development under Class 1 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).

Graduate Planner	Isaac Cunningham	Date: 30/04/2026
Signature:		
Senior Executive Planner	Gráinne O'Keeffe	Date: 18/05/2026
Signature		

Appendix 1: AA PN01 Screening Form

STEP 1: Description of the project/proposal and local site characteristics:	
(e) File Reference No:	EC-063-26
(e) Brief description of the project or plan:	The construction of a 39.97m ² rear extension with a part monopitch, part gable ended tiled roof, and the creation of an additional ground-floor double-glazed opening on the south-east side elevation of the existing two-storey dwelling structure.
(e) Brief description of site characteristics:	Located within the neighbourhood of Mungret in the suburban southern environs of Limerick City, the site relates to the townland Gouldavoher, accessed off the L-14408 local road. The site features an existing two-storey semi-detached dwelling with a stepped and partially hipped roof.
(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
Lower River Shannon SAC	https://www.npws.ie/protected-sites/sac/002165	1.4	None	N
River Shannon and River Fergus Estuaries SPA	https://www.npws.ie/protected-sites/spa/004077	1.6	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 - Vegetation clearance - Demolition - Surface water runoff from soil excavation/infill/landscaping (including borrow pits) - Dust, noise, vibration - Lighting disturbance - Impact on groundwater/dewatering	None. No direct encroachment or hydrological connection

- Storage of excavated/construction materials - Access to site - Pests	
Operation phase e.g. - 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: - 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?)	
☐ Yes	☒ 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	☒	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	☐	☐ Request further information to complete screening ☐ Request NIS ☐ Refuse planning permission
iii. Significant effects are likely	☐	☐ Request NIS ☐ Refuse planning permission
Signature and Date of Recommending Officer:	 Isaac Cunningham, Graduate Planner _____ 30/04/2026	
Signature and Date of the Decision Maker:	 _____ 18/05/2026	

Appendix 2: EIA Screening

Establishing if the proposal is a 'sub-threshold development':		
Planning Register Reference:	EC-063-26	
Development Summary:	The construction of a 39.97m ² rear extension with a part monopitch, part gable ended tiled roof, and the creation of an additional ground-floor double-glazed opening on the south-east side elevation of the existing two-storey dwelling structure.	
Was a Screening Determination carried out under Section 176A-C?	Yes. no further action required 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)		
☐ Yes. specify class: [insert here] _		EIA is mandatory No Screening required
☒ 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)		
☒	No. the development is not a project listed in Schedule 5, Part 2	No Screening required
☐	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?		



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

An Roinn Pleanála
Comhairle Cathrach agus Contae Luimnigh
Bóthar Thuar an Daill
Tuar 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:

Brendan & Therese Mahon
c/o Pat Brehony,
14 Greenpark West,
Mullingar,
Co Westmeath.
N91 R6XW

EC/063/26

20 May 2026

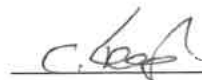
Re: Declaration under Section 5

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/2026/596

File Ref No. EC/063/26

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

RE: **A rear extension, with a part monopitch, part gable ended tiled roof and additional ground-floor double glazed opening is proposed on the south-east side elevation of the existing dwelling structure at 6 Oakfield, Father Russell Road, Limerick.**

ORDER: Whereas by Director General's Order No. DG/2026/031 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 Grainne O'Keeffe, 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, Grainne O'Keeffe, 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 Brendan & Therese Mahon, c/o Pat Brehony, 14 Greenpark West, Mullingar, Co Westmeath to state that the works as described above is

Development and is NOT Exempt Development.

Signed



SENIOR EXECUTIVE PLANNER, DEVELOPMENT MANAGEMENT,
PLANNING

Date





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

An Roinn Pleanála
Comhairle Cathrach agus Contae Luimnigh
Bóthar Thuar an Daill
Tuar an Daill
Luimneach
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/063/26

Name and Address of Applicant: Brendan & Therese Mahon, 6 Oakfield, Father Russell Road, Limerick

Agent: Pat Brehony, 14 Greenpark West, Mullingar, Co Westmeath

Whether the rear extension, with a part monopitch, part gable ended tiled roof and additional ground-floor double glazed opening is proposed on the south-east side elevation of the existing dwelling structure at 6 Oakfield, Father Russell Road, 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 20th day of April 2026.

AND WHEREAS the Planning Authority has concluded that the rear extension, with a part monopitch, part gable ended tiled roof and additional ground-floor double glazed opening is proposed on the south-east side elevation of the existing dwelling structure at 6 Oakfield, Father Russell Road, Limerick **DOES NOT** come within the scope of exempted development under Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended), and 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 NOT Exempt Development.**

Signed on behalf of the said Council

Date:

20.5.2026

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.