



Limerick City and County Council

Planning Department

Section 5 Application

DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

Applicant's Name:

PAT HAYES

Applicant's Address:

THE WELCOME INN

GARRYSPELLANE

CO. LIMERICK

Telephone No.



Name of Agent (if any):

GILLECE MC DONNELL O'SHAUGHNESSY LTD

Address:

UNIT 15 LIMERICK BUSINESS COMPLEX

KEATINGE ROAD, RAHEEN BUSINESS

PARK, LIMERICK

Telephone No.

061-500050

Address for Correspondence:

GILLECE MC DONNELL O'SHAUGHNESSY LTD

UNIT 15 LIMERICK BUSINESS COMPLEX, KEATINGE ROAD,

RAHEEN BUSINESS PARK, LIMERICK

Location of Proposed development (Please include EIRCODE):

THE WELLSHINN

GARRYSPILLANE,

CO. LIMERICK

Description of Proposed development:

MODIFICATION + UPGRADING OF EXISTING

VACANT FIRST FLOOR LIVING ACCOMMODATION

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

INTERNAL WORKS ONLY

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

SITE LAYOUT PLAN - DRG NO 26.065.P1

PLANS, ELEVATIONS + SECTION - DRG NO 26.065.P2

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

If Yes please provide floor areas of all existing structures:

YES EXTENSION TO THE SIDE AND REAR OF THE

PUBLIC HOUSE ON THE GROUND FLOOR

PLANNING REF NO 20/341 + 23/60343

Signature of Applicant (or Agent)

James J. O'Sullivan

Signed on behalf of

Gillece Mc Donnell O'Shea/James J. O'Sullivan

GILLEECE McDONNELL O'SHAUGHNESSY LTD

UNIT 15, LIMERICK BUSINESS COMPLEX, KEATING ROAD, Telephone: (061) 500050
RAHEEN BUSINESS PARK, LIMERICK.

Post Code: V94F68A E-Mail: info@gmcdos.ie VAT Registration No: IE 6375106N



G:M:D:S

CHARTERED
SURVEYORS
&
DESIGN / PLANNING
CONSULTANTS

Planning Department,
Limerick City & County Council,
Dooradoyle Road,
Limerick.

Date: 19th May 2026

Re: Section 5 application for modification and upgrading of existing vacant first floor living accommodation

At: The Welcome Inn, Garryspillane, Co. Limerick

Applicant: Mr. Pat Hayes

Dear Sir/ Madam

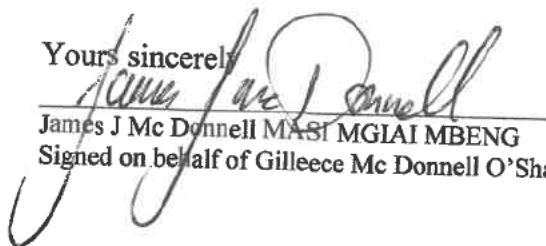
In support of the above section 5 application, we enclose the following:

1. Completed Application Form.
2. Statutory Fee: €80.00
3. Site location map
4. Site layout Plan - Drg. No. 26.065.01
5. Plans, Elevations & Section - Drg. No. 26.065.02

Please note that we have been requested by the applicant to apply for a section 5 as he requires this for various grants that he is hoping to secure.

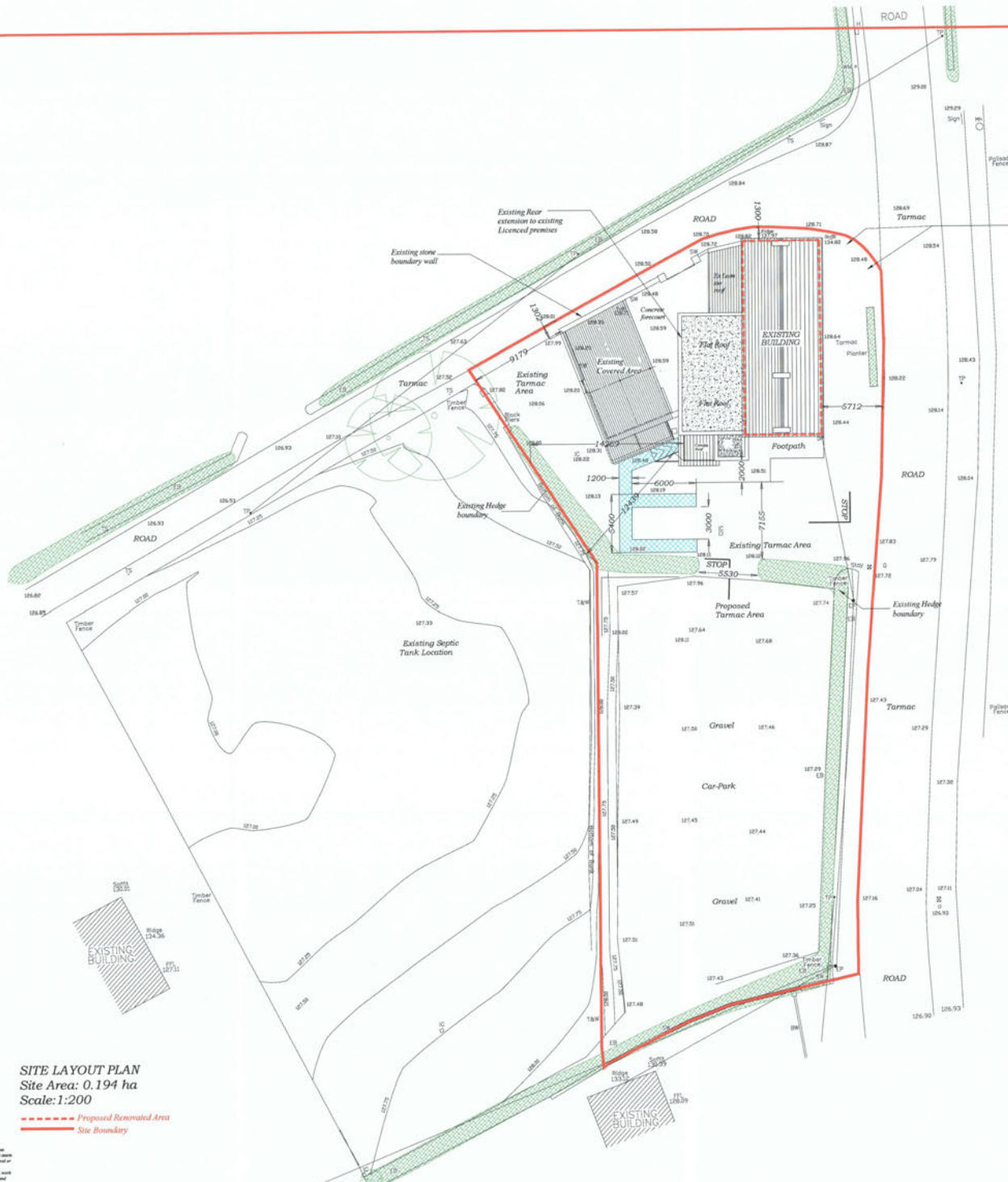
Should you require any further information please contact the undersigned.

Yours sincerely



James J Mc Donnell M.A.S.I. M.G.I.A.I. M.B.E.N.G.
Signed on behalf of Gilleece Mc Donnell O'Shaughnessy Ltd.





SITE LAYOUT PLAN
 Site Area: 0.194 ha
 Scale: 1:200

--- Proposed Renovated Area
 --- Site Boundary

Notes: 1. The Contractor to check and verify all building and site dimensions, levels, and other details prior to construction. 2. The drawings shall be read with and checked against any relevant or other applicable drawings provided. 3. All details or dimensions relating to foundations or supports, walls, etc. shall be checked and agreed between the Client/Contractor and the Subcontractor or Supplier. 4. The Contractor to be responsible for all aspects with the current Building Regulations, whether or not specifically noted on drawings. 5. The drawings and the building works approved, are the responsibility of the architect, and may not be reproduced or copied by other persons.

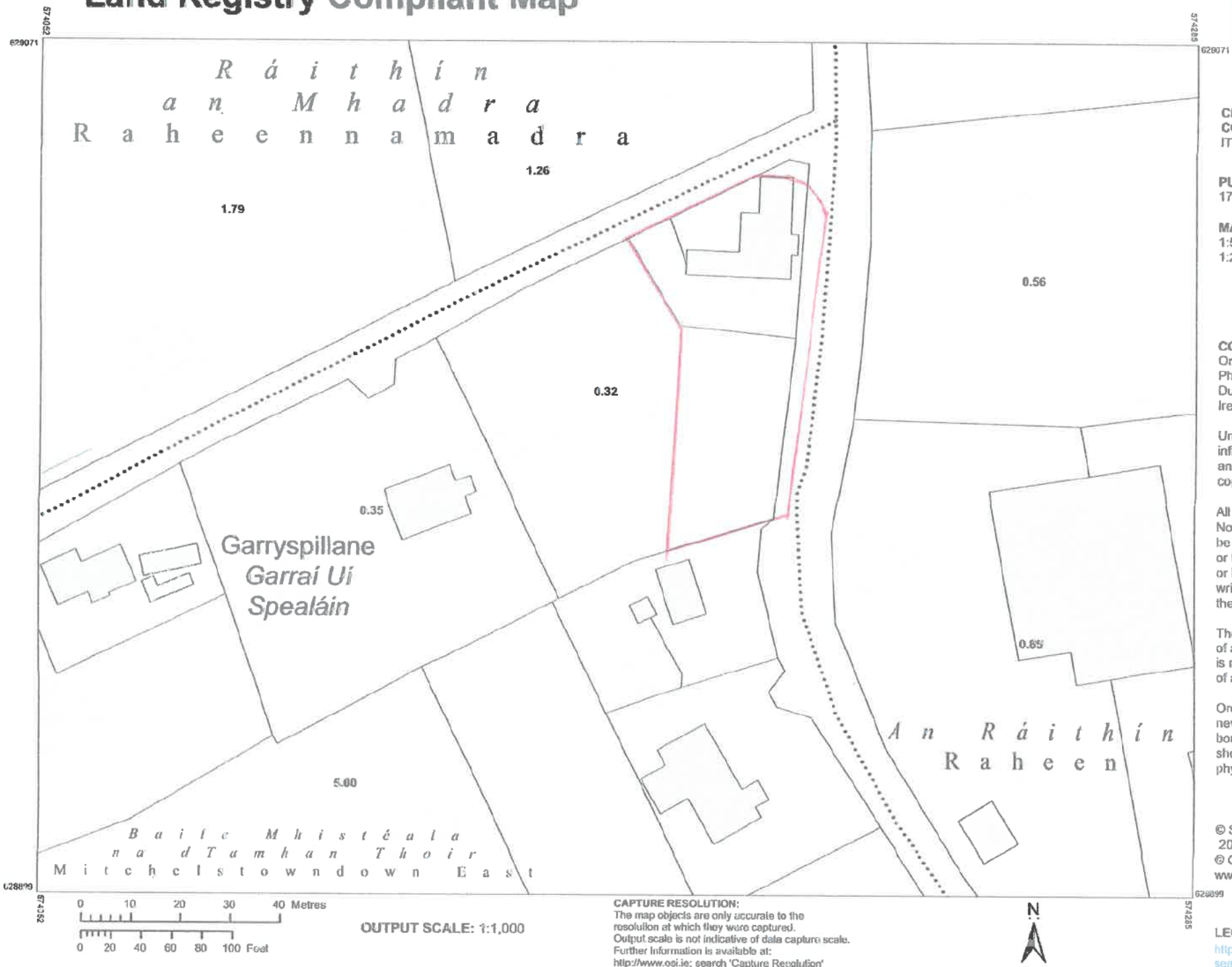
- KEY:
- LS=Lamp Standard
 - G=Gully
 - TS=Traffic Sign
 - TP=Telephone Pole
 - EP=ESB Pole
 - V=Valiant Pipe
 - V=Valve
 - H=Hydrant
 - EC=ESB Cabinet
 - TC=Telecom Cabinet
 - AJ=Alternating Junction
 - I=Inspection Cover
 - CC=Concrete Channel
 - TE=Entrance/Telecom Cover
 - EB=Earthbank
 - SB=Stonebank
 - BM=Block Wall
 - SW=Stone Wall
 - CK=Concrete Wall
 - CP=Concrete Post & Panel Fence
 - T&W=Timber Post & Wire Fence
 - CB=Concrete Post & Wire Fence
 - Tree Symbol
 - Hedge & Trees
 - Gate

Proposed 6m bollards on perimeter of site agreed with Roads Department of Limerick City & County Council



GILLECE McDONNELL O'SHAUGHNESSY ARCHITECTS CHARTERED SURVEYORS Chartered Surveyors, I.C.S. Licensed 141-143, Main Street, Galway, Co. Galway Tel: 01 353 3377 Fax: 01 353 3377 Email: gillece@mcdo.com	Job: PROPOSED FIRST FLOOR RENOVATION Client: THE WELCOME INN, GARRYSMILLANE Design: MR PAT HAYES Date: MAY 2026	Job #BX 26.065 Sheet: 01 Rec:	
	Drawn by: J.O.S. Scale: 1:200		

Land Registry Compliant Map



CENTRE COORDINATES:
ITM 574169,628985

PUBLISHED: 17/04/2019
ORDER NO.: 50058305_3

MAP SERIES: 1:5,000
1:2,500
MAP SHEETS: 5297
5297-B

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

File Reference number	EC-078-26
Applicant	Pat Hayes
Location	The Welcome Inn, Garryspillane Co. Limerick

Description of Site and Surroundings:

The application site is located in Garryspillane and accessed off the R513 regional road. The site measures 0.19 hectares and contains a public house with accommodation overhead and a parking area to the side. The public house has been extended to the rear in the past.

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 modification and upgrading of existing vacant first floor living accommodation. The submitted annotated drawings outline a reconfiguration of the first-floor layout and replacement of windows and doors.

This Section 5 declaration includes the following:

- Application form
- Site location
- Elevations
- Floor plans

Planning History:

Subject site:

23/60343 – Conditional Permission – for the construction of an entrance porch and a canopy together with a stairs shaft to the gable of existing licensed premises, change of use of first floor area from bedroom accommodation to a two bedroom apartment, modification of fenestrations on the front façade and the side elevation of the existing structure together with associated site works

20/341 – Conditional Permission – demolition of keg room, toilets and shed at rear of existing licenced premises, construction of extensions consisting of toilets, keg store, kitchen area, bin store, fuel store and also a canopy over part of the existing rear yard to accommodate play lanes, change of use of first floor from domestic to bedroom accommodation together with associated site works

19/975 – Conditional Permission – a side entrance door to service the existing first floor residential area together with associated site works

Enforcement History:

N/A

Relevant An Coimisiún Pleanála referrals:

09/874 – Referral – Permission Granted - An Coimisiún Pleanála Reference Number PL 13.237163.

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, comprising the modifications and upgrading of existing first floor living accommodation at The Welcome Inn Bar, constitutes ‘works’ and ‘development’.

Is the proposal exempted development?

Having established that the proposal constitutes "development" within the meaning of Section 3(1) of the Planning and Development Act 2000 (as amended), the next step is to assess whether the proposed works fall within the scope of exempted development under Section 4(1)(h) of the Act.

Section 4(1)(h) 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.

Modification and Upgrading of First Floor Accommodation

The proposed reconfiguration of first-floor accommodation involves the construction of internal partition walls. These works do not involve any material change of use. There is no intensification of use proposed. Having regard to the documentation submitted the proposed modifications and upgrading of existing first floor living accommodation is considered to fall within the scope of Section 4(1)(h) and is, therefore, exempted development.

New Entrance Door and Glazing

The proposal also includes the installation of a new entrance door and replacement of first Floor windows. the metal rails on the rear windows are to be removed. The door and window ope sizes will remain the same. The proposed door and windows do not alter visual impact of the structure.

These works are external in nature; however, they are considered to be minor alterations that do not materially affect the external appearance of the structure so as to render it inconsistent with

the character of the structure or neighbouring buildings and, therefore, it falls within the scope of Section 4(1)(h).

Having regard to the nature, scale, and context of the proposed works and the planning history of the site, it is considered that the proposed subdivision of the unit and the installation of a new entrance door and glazing fall within the scope of Section 4(1)(h) of the Planning and Development Act 2000 (as amended) and therefore constitute exempted development.

Article 9 Restrictions

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

Appropriate Assessment

An AA Screening examination was carried out by Limerick City & County Council (see appendix 1). Overall it is considered that the development as proposed should not exercise a significant effect on the conservation status of any SAC or SPA as there are no source-pathway-receptors and the site does not directly encroach on any Natura 2000 European Sites. Therefore, an Appropriate Assessment is not necessary (See appendix 1 for AA Screening Form).

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 applicant is seeking a declaration of exemption for modification and upgrading of existing vacant first floor living accommodation. The submitted annotated drawings outline a reconfiguration of the first-floor layout and replacement of windows and doors.

Having reviewed the information submitted, it is considered that the works would be internal or would not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure and neighbouring structures and would therefore be considered exempted development under Section 4(1)(h) of the Planning and Development Act 2000 (as amended).

Regard has been had to –

- (a) Section 2, 3 and 4 of the Planning and Development Act 2000 (as amended).
- (b) Section 4(1)(h) of the Planning and Development Act 2000 (as amended).
- (c) The plans & particulars submitted with the application received on 19/05/2026.

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

Executive Planner	Mary O Malley	Date:
Signature:	<i>Mary O Malley</i>	11/06/2026
Senior Executive Planner	Barry Henn	Date:
Signature:	<i>B. Henn</i>	11/06/2026

Appendix 1: AA PN01 Screening Form

STEP 1: Description of the project/proposal and local site characteristics:	
(e) File Reference No:	EC-078-26
(e) Brief description of the project or plan:	The applicant is seeking a deceleration of exemption for modification and upgrading of existing vacant first floor living accommodation. The submitted annotated drawings outline a reconfiguration of the first-floor layout and replacement of windows and doors.
(e) Brief description of site characteristics:	The site features a contains a public house with accommodation overhead and a parking area to the side.
(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
002137 Lower River Suir SAC	Lower River Suir SAC National Parks & Wildlife Service (npws.ie)	13.2km	None	No
Galtee Mountains SAC	Galtee Mountains SAC National Parks & Wildlife Service (npws.ie)	11km	None	No
002257 Moanour Mountain SAC	Moanour Mountain SAC National Parks & Wildlife Service (npws.ie)	9.8km	None	No
002036 Carrigeenamronety Hill SAC	Carrigeenamronety Hill SAC National Parks & Wildlife Service (npws.ie)	11.5km	None	No
002036 Ballyhoura Mountains SAC	https://www.npws.ie/protected-sites/sac/002036	11.7km	None	No

001430 Glen Bog SAC	https://www.npws.ie/protected-sites/sac/001430	11.9km	None	No
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¹ Short paraphrasing and/or cross reference to NPWS is acceptable – it is not necessary to reproduce the full text on the QI/SCI.

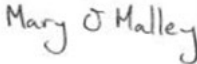

² if the site or part thereof is within the European site or adjacent to the European site, state here

(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 - Impact on groundwater/dewatering - Storage of excavated/construction materials - Access to site - Pests 	None. limited scale of works proposed, significant separation distance to designated sites
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. Surface water to be contained within site in stormwater soakpit.
In-combination/Other	N/A given the level of development in the area. Rural countryside consisting of one off dwellings.

(a) Describe any likely changes to the European site:	
<p>Examples of the type of changes to give consideration to include:</p> <ul style="list-style-type: none"> - Reduction or fragmentation of habitat area - Disturbance to QI species - Habitat or species fragmentation - Reduction or fragmentation in species density - Changes in key indicators of conservation status value (water or air quality etc) - Changes to areas of sensitivity or threats to QI - Interference with the key relationships that define the structure or ecological function of the site 	None predicted



(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		
No effects have been identified on any designated sites		
Conclusion:		
Given the sites size, no hydrological connection to any SAC/SPA, the site does not encroach on any SAC/SPA and the scale of the development, An AA is not required.		
	Tick as appropriate:	Recommendation:
(iii) 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.
(iii) 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:	 Mary O Malley, Executive Planner 11/06/2026	
Signature and Date of the Decision Maker:	 Barry Henn, Senior Executive Planner 11/06/2026	

Appendix 2 EIA Screening

Establishing if the proposal is a 'sub-threshold development':	
Planning Register Reference:	EC-076-26
Development Summary:	Modification and upgrading of existing vacant first floor living accommodation
Was a Screening Determination carried out under Section 176A-C?	<input type="checkbox"/> Yes, no further actions required <input checked="" type="checkbox"/> No, proceed to Part A
A. Schedule 5 Part 1 - Does the development comprise a project listed in Schedule 5, Part 1 , of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes specify class here:	EIA is mandatory
	No Screening required
<input checked="" type="checkbox"/> No	Proceed to Part B
B. Schedule 5 Part 2 - Does the development comprise a project listed in Schedule 5, Part 2 , of the Planning and Development Regulations 2001 (as amended) and does it meet/exceed the thresholds?	
<input type="checkbox"/> X - No, the development is not a project listed in Schedule 5, Part 2	No Screening required
<input type="checkbox"/> Yes the project is listed in Schedule 5, Part 2 and meets/exceeds the threshold, specify class (including threshold): [specify class & threshold here]	EIA is mandatory
	No Screening required
<input type="checkbox"/> Yes the project is of a type listed but is <i>sub-threshold</i> : -	Proceed to Part C
C. If Yes , has Schedule 7A information/screening report been submitted?	
<input type="checkbox"/> Yes, Schedule 7A information/screening report has been submitted by the applicant	Screening Determination required
<input type="checkbox"/> No, Schedule 7A information/screening report has not been submitted by the applicant	Preliminary Examination required

Signature and Date of Recommending Officer:	 Mary O Malley, Executive Planner 17/06/2026
Signature and Date of the Decision Maker:	 Barry Henn, Senior Executive Planner 11/06/2026

Appendix 3 – Site Visit Photograph 09/06/2026





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:

Pat Hayes
c/o Gilleece McDonnell O'Shaughnessy Limited,
Unit 15,
Limerick Business Complex,
Keating Road,
Raheen Business Park,
Limerick.

EC/078/26

12 June 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/2026/727

File Ref No. EC/078/26

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

RE: **An upgrading of existing vacant first floor living accommodation at The Welcome Inn, Garryspillane, Co. Limerick**

ORDER: Whereas by Director General's Order No. DG/2026/056 dated 25th May 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.

Now therefore pursuant to the delegation of the functions aforesaid, I, Barry Henn, Senior Executive Planner, having considered the report and recommendation of Mary O Malley, Executive Planner dated 11/06/2026, hereby order that a Declaration under Section 5 of the Planning and Development Act 2000 (as amended) be issued to Pat Hayes, c/o Gilleece McDonnell O'Shaughnessy Limited, Unit 15, Limerick Business Complex, Keating Road, Raheen Business Park, Limerick to state that the works as described above is

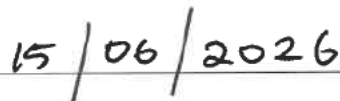
Development and is Exempt Development.

Signed



SENIOR EXECUTIVE PLANNER, DEVELOPMENT MANAGEMENT,
PLANNING

Date





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

An Roinn Pleanála
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V94 WV78

Planning Department
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Dooradoyle Road
Dooradoyle
Limerick
V94 WV78

t: 061 556 000

SECTION 5 – DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

DECLARATION NO.

EC/078/26

Name and Address of Applicant: Pat Hayes, The Welcome Inn, Garryspillane, Co. Limerick

Agent: Gilleece McDonnell O'Shaughnessy Limited, Unit 15 Limerick Business Complex, Keating Road, Raheen Business Park, Limerick

Whether the upgrading of existing vacant first floor living accommodation at The Welcome Inn, Garryspillane, 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 19th day of May 2026.

AND WHEREAS the Planning Authority has concluded that the upgrading of existing vacant first floor living accommodation at The Welcome Inn, Garryspillane, Co. Limerick **DOES** come within the scope of exempted development under 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:

12/06/2026.

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.