



Limerick City and County Council

Planning Department

Section 5 Application

DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

Applicant's Name: _____

Applicant's Address: _____

Telephone No. _____

Name of Agent (if any): _____

Address: _____

Telephone No. _____

Address for Correspondence:

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

Description of Proposed development:

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

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

Applicant's interest in site: _____

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

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) _____

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**

Planning Pack Map



**Tailte
Éireann**

**CENTRE
COORDINATES:**
ITM 568071,640771

PUBLISHED: 29/05/2026
ORDER NO.: 50539034_1

MAP SERIES: 1:2,500
1:2,500
MAP SHEETS: 5050-B
5051-A

COMPILED AND PUBLISHED BY:
Tailte Éireann,
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Dublin 8,
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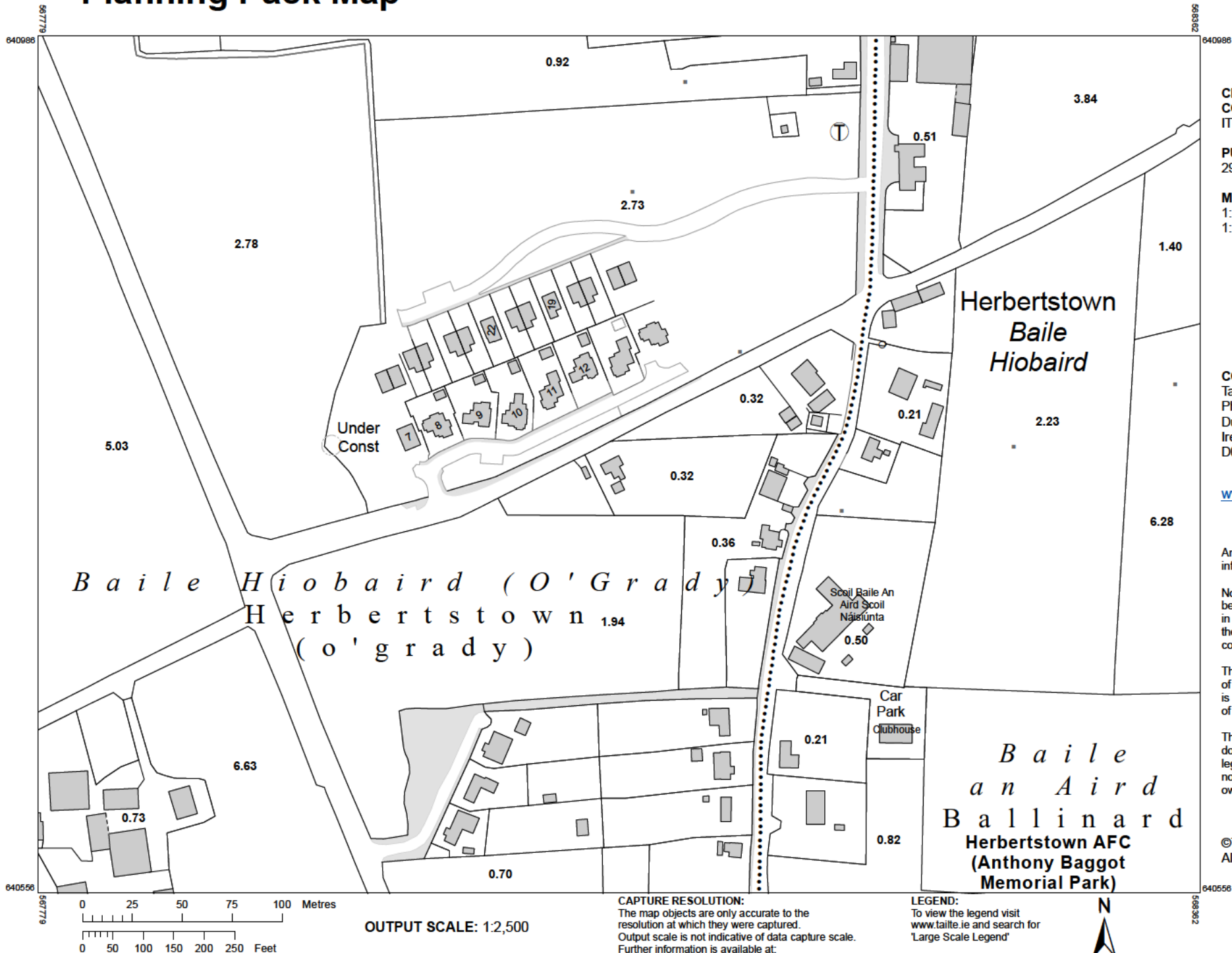
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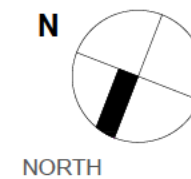


OUTPUT SCALE: 1:2,500

CAPTURE RESOLUTION:
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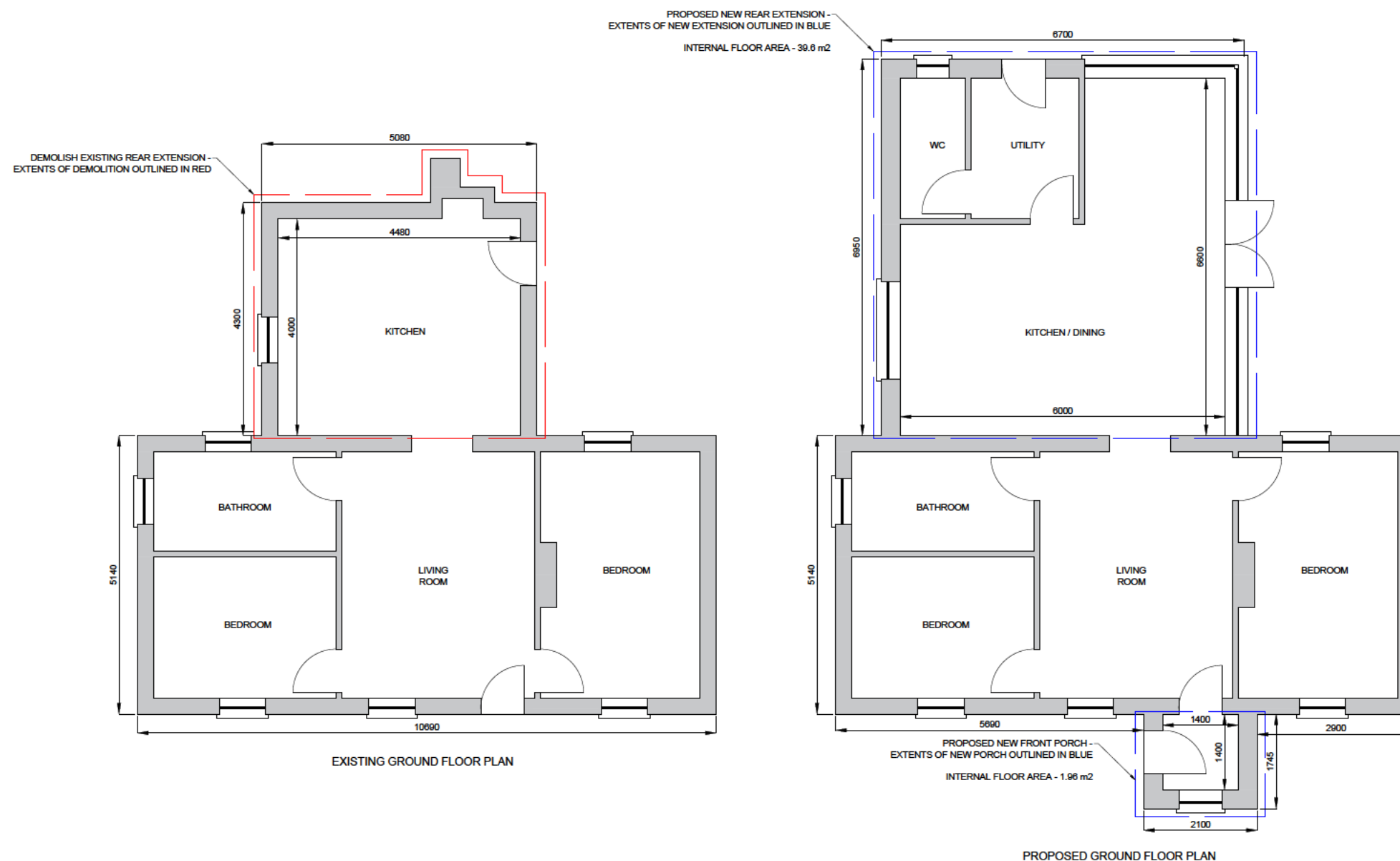
LEGEND:
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NOTES:
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ALL MEASUREMENTS IN MILLIMETRE (MM).



00	25/05/28	FOR PLANNING
REV	DATE	NOTES

Drawing Title :
EXISTING & PROPOSED PLANS

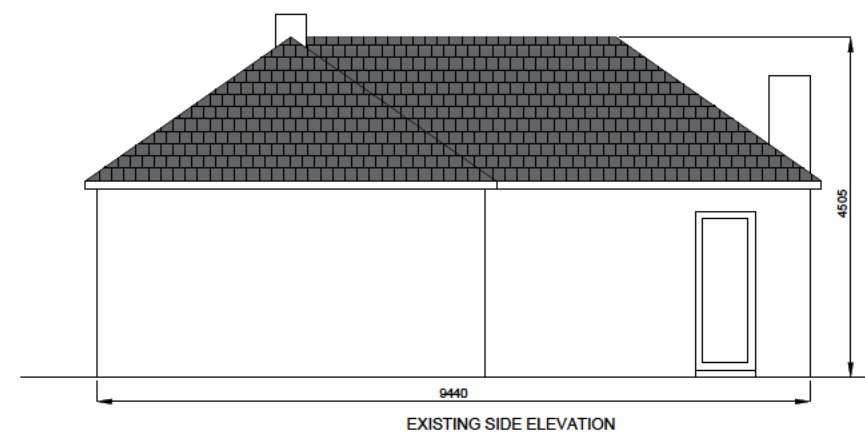
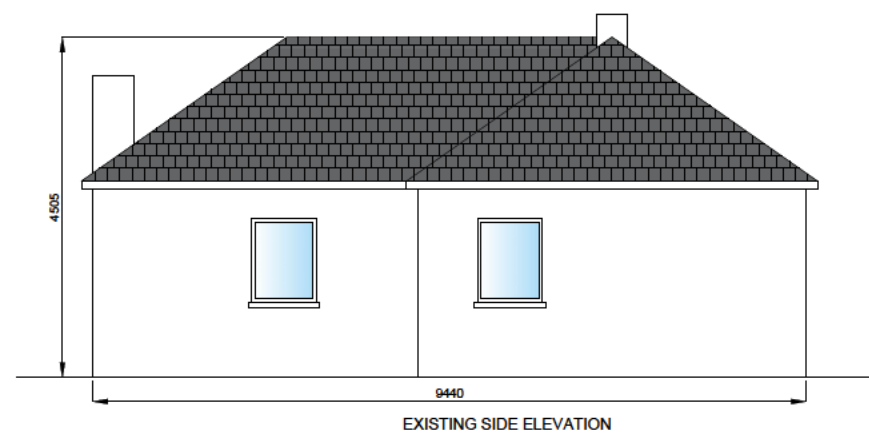
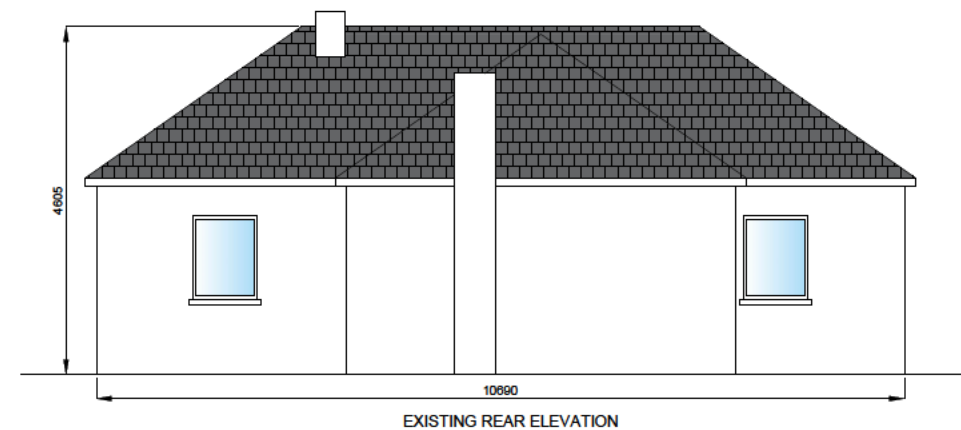
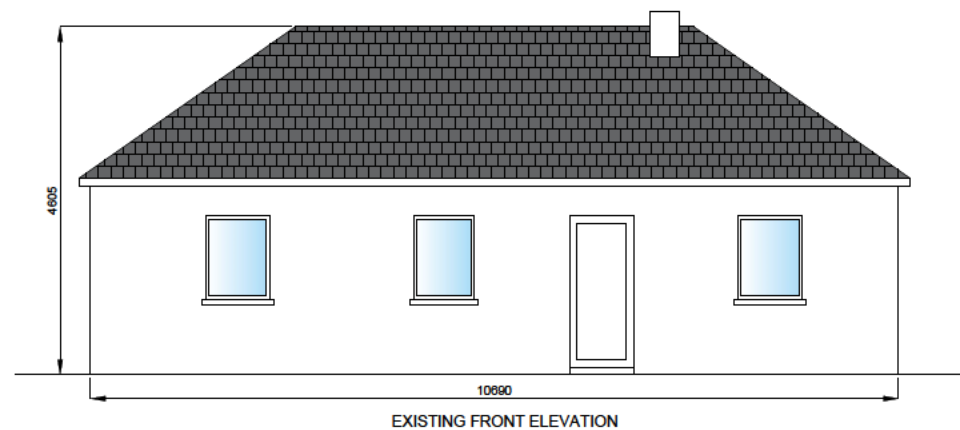
Scale : 1:100 @ A3

Revision : 00

Project: Herbertstown, Co. Limerick
Drawn By: James O Connor, BSc (Hons), MSc
Drawing No: PP-001.0
Check By: JOC
Client : Karl & Louise Conway

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PROJECTS

Website: www.oconprojects.com
Phone: 087 926 0741
Email: james@oconprojects.com



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ALL MEASUREMENTS IN MILLIMETRE (MM).

00	29/05/28	FOR PLANNING
REV	DATE	NOTES

Drawing Title :
EXISTING ELEVATIONS

Scale : 1:100 @ A3

Revision : 00

Project: Herbertstown, Co. Limerick

Drawn By: James O Connor, BSc (Hons), MSc

Drawing No: PP-001.0

Check By: JOC

Client : Karl & Louise Conway

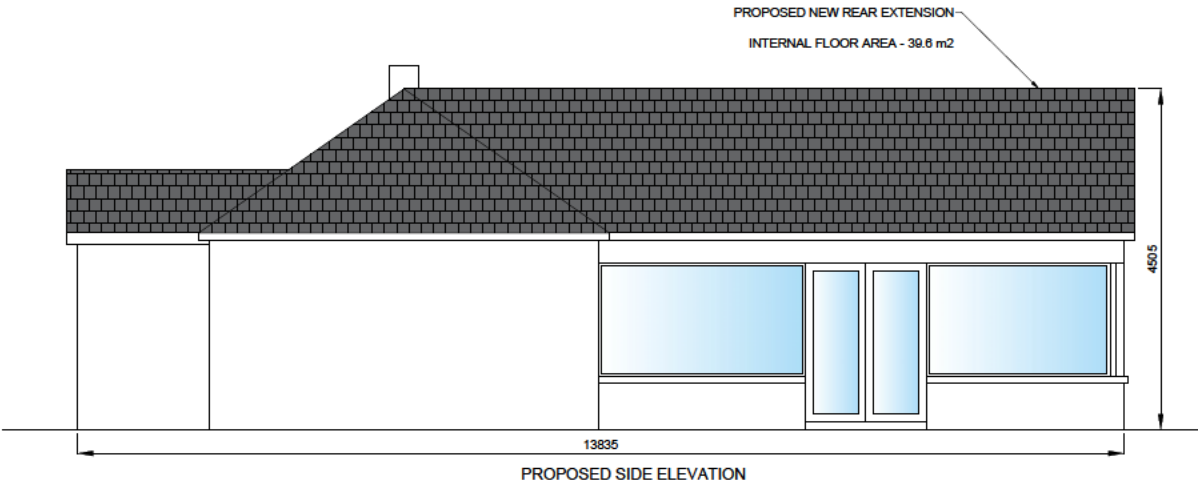
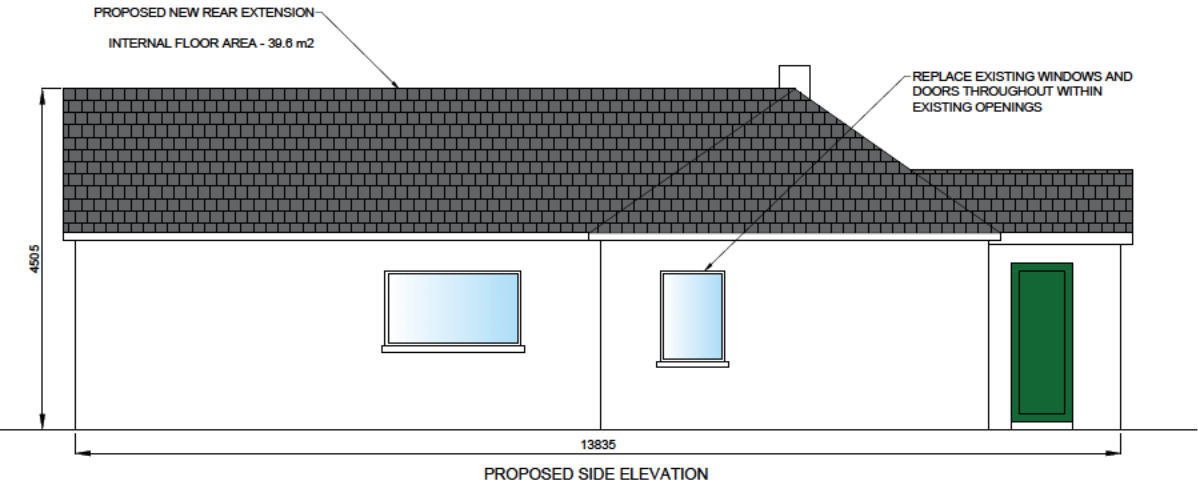
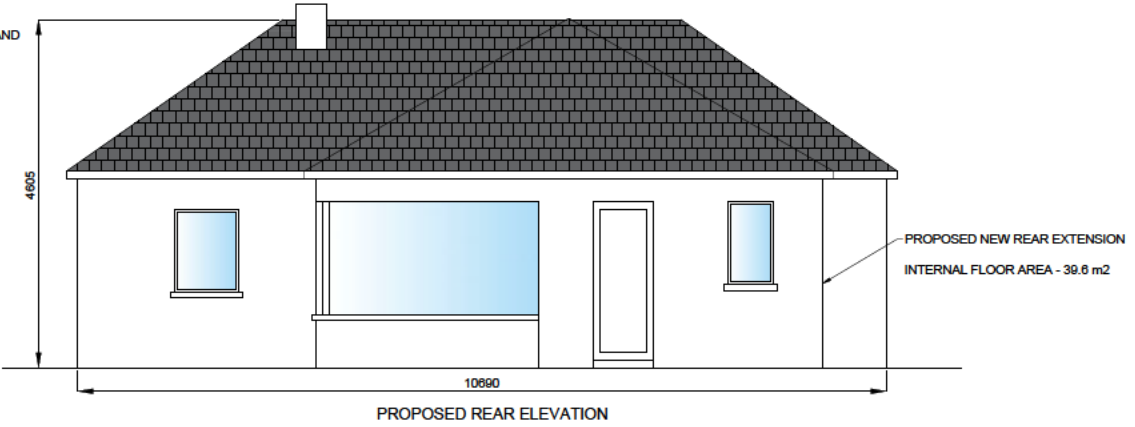
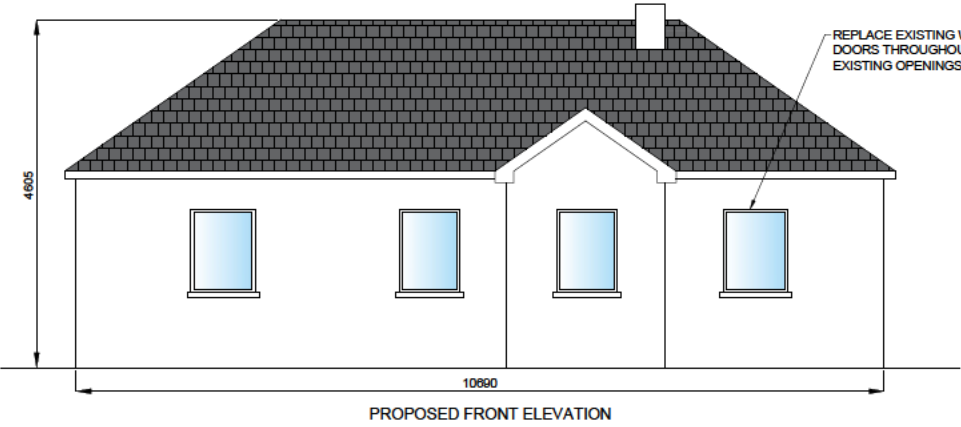
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ALL MEASUREMENTS IN MILLIMETRE (MM).



00	29/05/28	FOR PLANNING
REV	DATE	NOTES

Drawing Title :	
PROPOSED ELEVATIONS	
Scale :	1:100 @ A3
Revision :	00
Project: Herbertstown, Co. Limerick	
Drawn By: James O Connor, BSc (Hons), MSc	
Drawing No: PP-002.0	
Check By: JOC	
Client : Karl & Louise Conway	

OCONPROJECTS

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

File Reference number	EC-091-26
Applicant(s)	Karl & Louise Conway
Location	Green Vale Herbertstown, Co. Limerick V35 W525

Description of Site and Surroundings:

The application site is located in Herbertstown, Co. Limerick, accessed from the L-1139 local road, situated off the R513 regional road. The dwelling, comprising a single-storey detached dwelling with an existing rear extension, appears to be in a derelict state and is listed on the derelict sites register, Ref. No. DS-092-18.

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 to renovate the existing dwelling including the demolition of the existing rear extension, at around 18 sqm, and construction of a new 39.6 sqm rear extension, Alongside the construction of a new 1.96 sqm front porch and replacement of existing openings

This Section 5 declaration includes the following:

- Application form
- Floor plans, elevation drawings and site location map

Planning History:

Subject site:

None found.

Adjacent:

93/904 – Conditional Permission – Extension and alterations to existing house.

Enforcement History:

Derelict Sites Register - Ref. No. **DS-092-18**.

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 renovating the existing dwelling including demolishing the existing rear extension and constructing a new front porch, alongside the replacement of all existing opening fittings including windows and doors, **constituting ‘works’ and ‘development’**.

Is the proposal exempted development?

The site structure is listed on the derelict sites register (Ref. No. DS-092-18) and following a site inspection, the existing site structure was confirmed to be in a state of dereliction¹. Doors and windows are missing, overgrown vegetation can be seen penetrating the wall head and eaves, and numerous roof slates are missing or damaged. It is apparent that

¹ As can be seen in the photos appended to this report.

residential use has been abandoned and works required to restore use as a habitable house would constitute a material change of use for reasons outlined below.

Similar cases relating to extensions and renovations to derelict dwellings have been referred to the Board, RL.3395, RL.3352, & ABP-304512-19. In all three cases, the Board 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 board'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 therefore does 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 (as amended). Accordingly, the proposed rear extension would not consist of works to a dwellinghouse within the meaning of otherwise applicable exempted development Classes 1, 7 & 50(b) of Part 1 of schedule 2 of the Planning and Development Regulations 2001 (as amended). The development proposal does not therefore constitute works under which exempted development provisions can be applied.

Furthermore, Section 4(1)(h) of the Planning and Development Act 2000 (as amended), which relates to 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 structure, does not apply. The proposed works, consisting of the need for the replacement of openings and substantial reconstruction, are considered to fall beyond the scope of Section 4(1)(h). The works therefore constitute development but not 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, comprising the repair and refurbishment of a dwelling structure, construction of a replacement rear extension and the construction of a porch to the front of the structure is considered development. However, given the state of dereliction, the structure no longer functions as a habitable house under the meaning given by Section 2(1) of the Planning and Development Act 2000 (as amended). The proposed works would therefore constitute the reinstatement of residential use, requiring substantial reconstruction outside the scope of exempted development regulation.

Regard has been had to –

- (a) Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended);
- (b) Article 6 & 9 of the Planning and Development Regulations 2001, as amended.
- (c) Relevant An Coimisiún Pleanála referrals: RL3395, RL.3352 & ABP-304512-19.
- (d) Derelict Sites Register - Ref. No. DS-092-18.
- (e) The plans and particulars submitted with the application received on the 4th of June 2026.

It is therefore considered that the said works constitute development but not exempted development under Section 2, 3 and 4 of the Planning and Development Act 2000 (as amended).

Graduate Planner	Isaac Cunningham	Date: 22/06/2026
Signature:		
Senior Executive Planner	Barry Henn	Date: 26/06/2026
Signature		

Appendix 1: AA PN01 Screening Form

STEP 1: Description of the project/proposal and local site characteristics:	
(e) File Reference No:	EC-091-26
(e) Brief description of the project or plan:	Renovate the existing dwelling including demolishing the existing rear extension and constructing a new front porch. They are also proposing to replace all windows and doors within the existing openings.
(e) Brief description of site characteristics:	The application site is located in Herbertstown, Co. Limerick, accessed from the L-1139 local road, situated off the R513 regional road. The dwelling, comprising a single-storey detached dwelling with an existing rear extension, appears to be in a derelict state and is listed on the derelict sites register, Ref. No. DS-092-18.
(e) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW	None
(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
001430 Glen Bog SAC	Glen Bog SAC National Parks & Wildlife Service	3.193 km	None	N
000439 Tory Hill SAC	Tory Hill SAC National Parks & Wildlife Service	14.135 km	None	N
002165 Lower River Shannon SAC	Lower River Shannon SAC National Parks & Wildlife Service	9.341 km	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	None. No direct encroachment or hydrological connection.

- Lighting disturbance - Impact on groundwater/dewatering - 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:	 22/06/2026	
Signature and Date of the Decision Maker:	 26/04/2026	

Appendix 2: EIA Screening

Establishing if the proposal is a 'sub-threshold development':		
Planning Register Reference:	EC-091-26	
Development Summary:	Renovate existing dwelling including demolishing the existing rear extension and constructing a new front porch. Alongside the replacement of all windows and doors within the existing openings.	
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

Appendix 3. Site Inspection Photographs (16/06/2026)







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

An Roinn Pleanála
Comhairle Cathrach agus Contae Luimnigh
Bothar 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:

Karl & Louise Conway
c/o James O Connor,
Tullahinnell South,
Ballylongford,
Co. Kerry.

EC/091/26

29 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/2026/804

File Ref No. EC/091/26

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

RE: To renovate the existing dwelling including the demolition of the existing rear extension and construction of a new rear extension, alongside the construction of a new front porch and replacement of existing openings at Green Vale, Herbertstown, 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 Isaac Cunningham, Graduate Planner dated 22/06/2026, hereby order that a Declaration under Section 5 of the Planning and Development Act 2000 (as amended) be issued to Karl & Louise Conway, c/o James O Connor, Tullahinnell South, Ballylongford, Co. Kerry to state that the works as described above is

Development and is NOT Exempt Development.

Signed



SENIOR EXECUTIVE PLANNER, DEVELOPMENT MANAGEMENT,
PLANNING

Date

22/06/2026



Comhairle Cathrach
& Contae Luimnigh

Limerick City
& County Council

An Roinn Pleanála
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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/091/26

Name and Address of Applicant: Karl & Louise Conway, Main Street, Herberstown, Co. Limerick.

Agent: James O Connor, Tullahinnell South, Ballylongford, Co. Kerry

Whether the renovation of the existing dwelling including the demolition of the existing rear extension and construction of a new rear extension, alongside the construction of a new front porch and replacement of existing openings at Green Vale, Herbertstown, 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 4th day of June 2026.

AND WHEREAS the Planning Authority has concluded that the renovation of the existing dwelling including the demolition of the existing rear extension and construction of a new rear extension, alongside the construction of a new front porch and replacement of existing openings at Green Vale, Herbertstown, Co. Limerick **DOES NOT** come within the scope of exempted development under Section 2, 3 and 4 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 Exempted Development.**

Signed on behalf of the said Council



Date:



NOTE: A Declaration on Development or Exemption issued by Limerick City & County Council may be referred to An Coimisiún Pleanála on payment of €220 for review within 4 weeks after the issuing of the declaration.