

**Limerick City & County
Council**

19 AUG 2026

Planning

Limerick City and County Council

Planning Department

Section 5 Application

DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

Applicant's Name: John & Sinead Herlihy

Applicant's Address: Ballyania , Kilmallock, Co Limerick

Telephone No.



Name of Agent (if any): Aidan Kelly

Address: Molough, Newcastle, Clonmel, Co Tipperary

Telephone No. 085 7466211

Address for Correspondence:

Molough, Newcastle, Clonmel, Co Tipperary

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

Ballyania , Kilmallock, Co Limerick
V35AE35



Description of Proposed development:

Is the proposed extension exempt from planning

The proposed house extension of 41m² to rear of existing dwelling house.

The original house was building in 1920 and rear kitchen and toilet added in 1954.

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

Class 1

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:

Osi 2500 & 10560

Floor plan

Site plan

Have any previous extensions/structures been erected at this location YES rear extension in 1954 of rear kitchen and toilet

If Yes please provide floor areas of all existing structures:
please see drawing attached

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**

Surveyed 1841
Revised 1920
Levelled 1920

Record PLACE Map



632083

ITM CENTRE PT COORDS

560876,631175

DESCRIPTION

MAP SHEETS

6 inch
LK039



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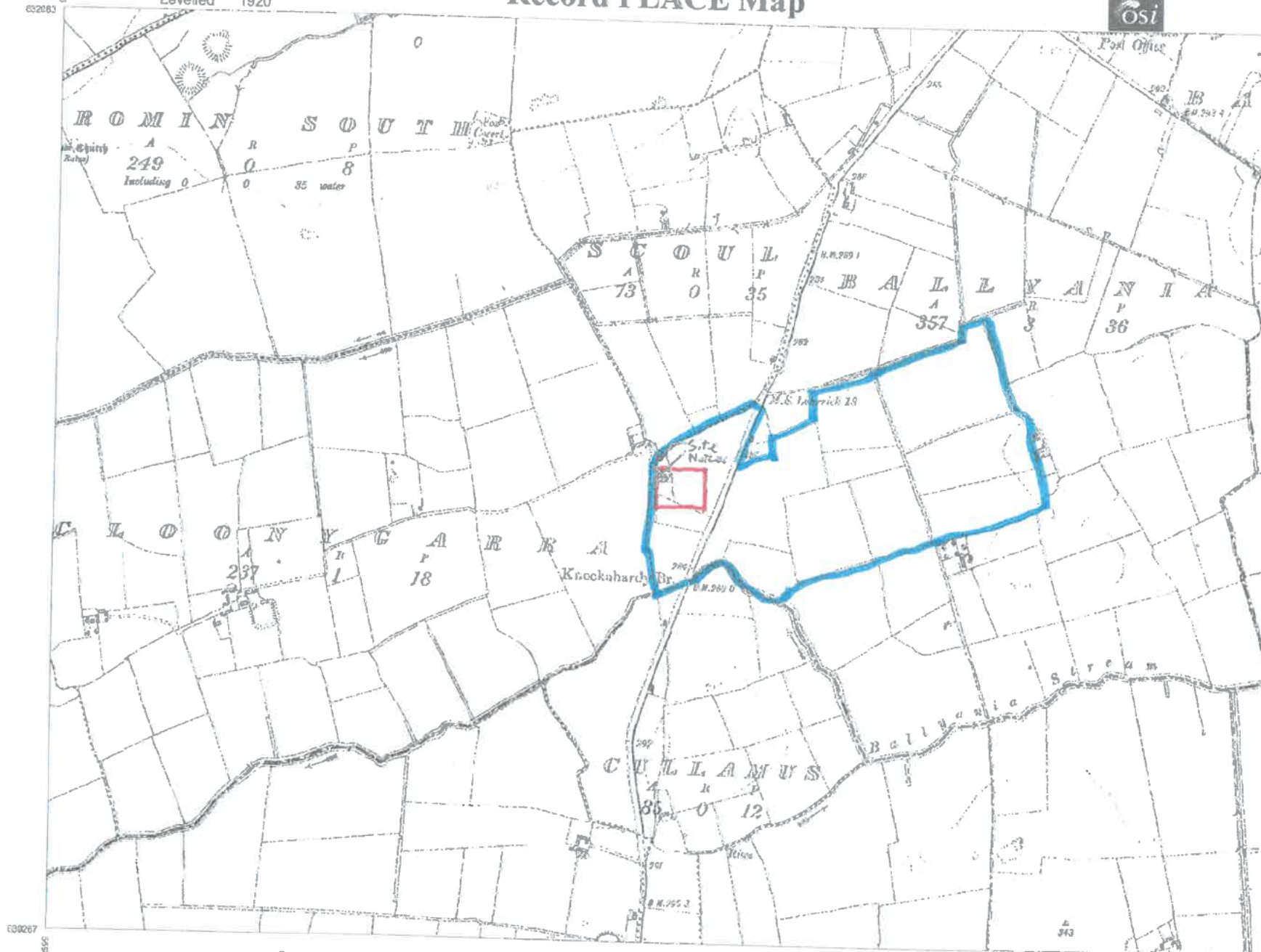
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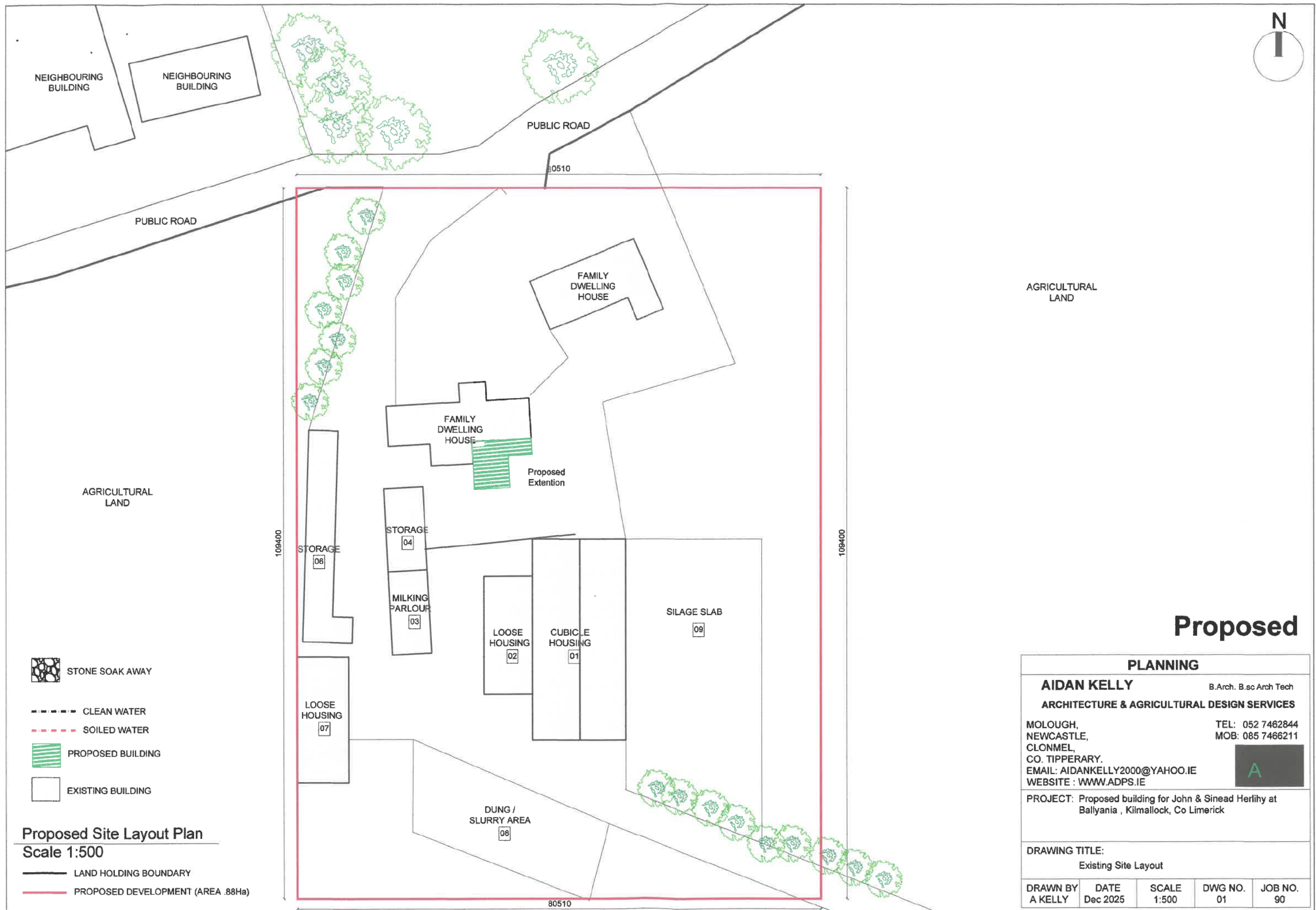
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Plot Ref. No. 19756965_1
Plot Date 28-AUG-2017

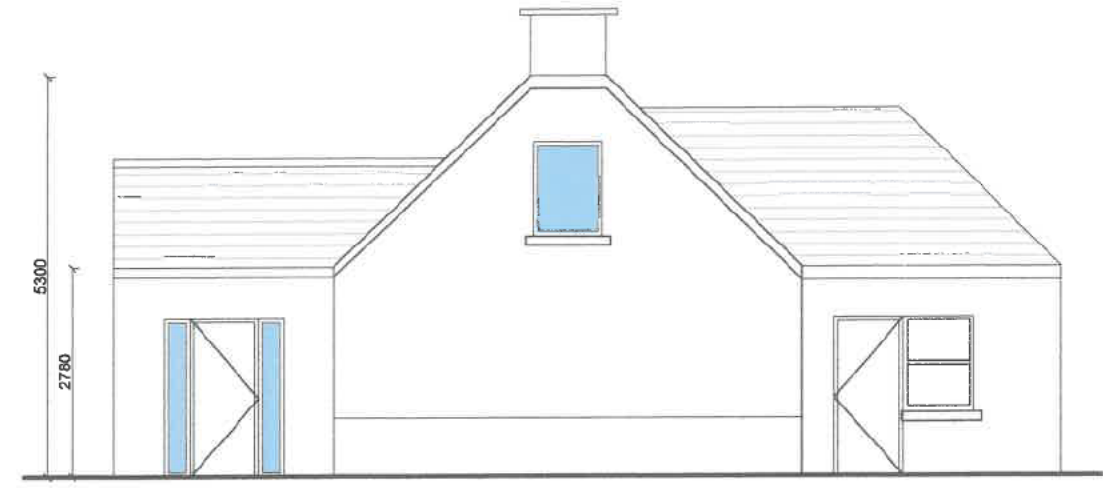
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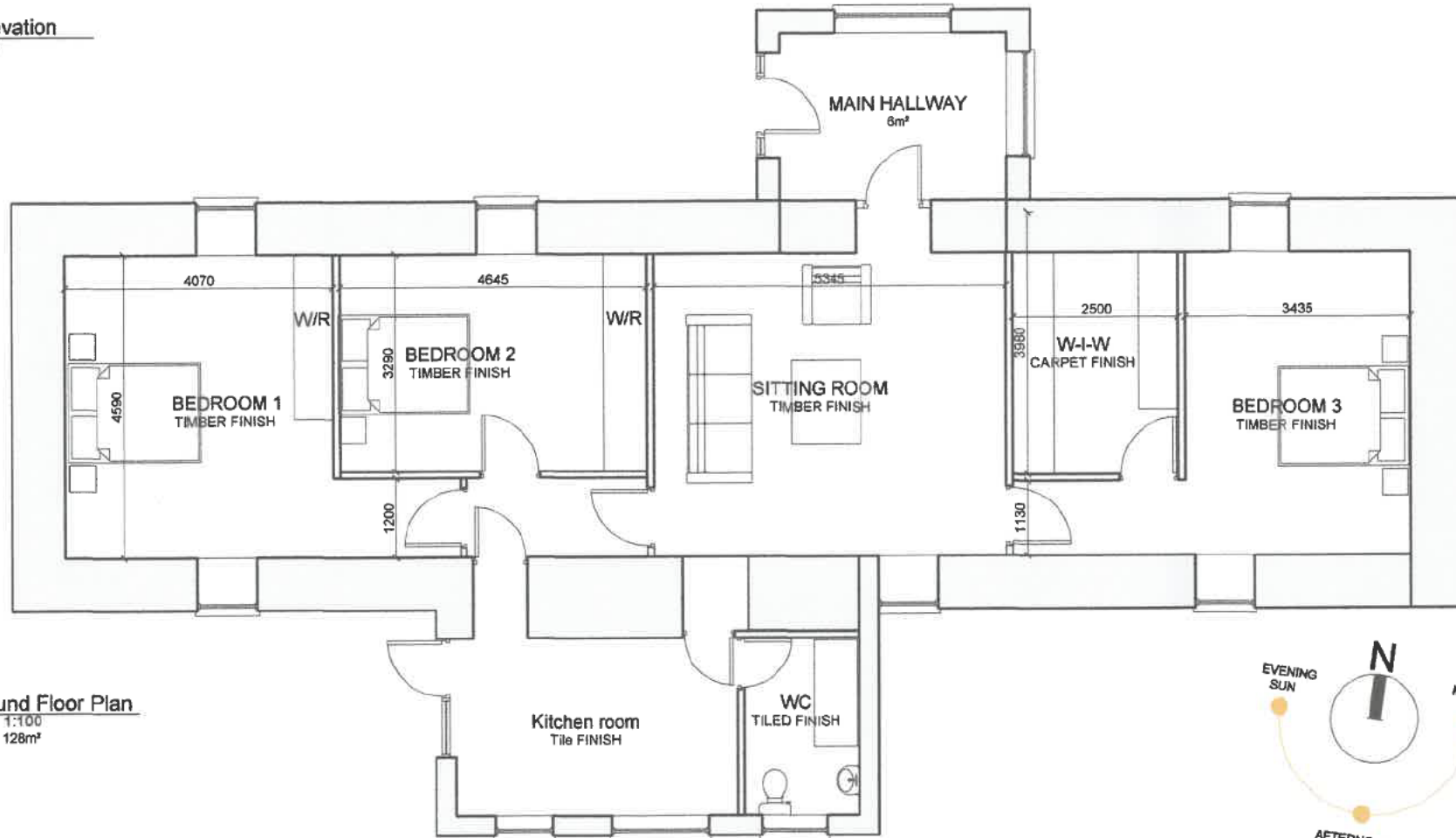




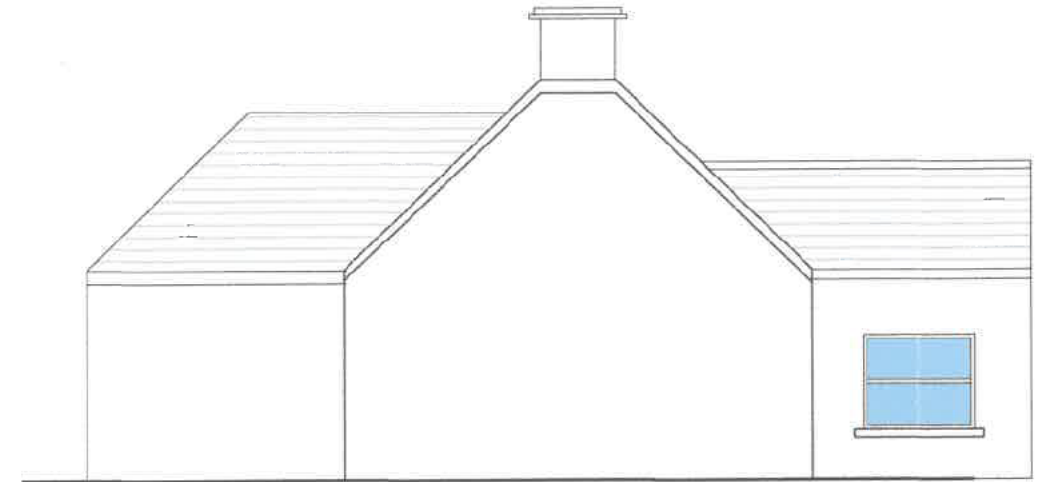
North Elevation
Scale 1:100



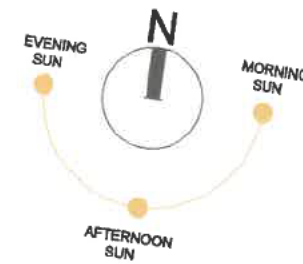
West Elevation
Scale 1:100



Ground Floor Plan
Scale 1:100
Area: 128m²



West Elevation
Scale 1:100



NOTE
ALL STEEL SIZING AND DESIGN TO BE CHECKED BY AN ENGINEER PRIOR TO CONSTRUCTION

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Original House

AREA OF EXISTING HOUSE = 125m²

PLANNING

AIDAN KELLY

B.Arch. B.sc Arch Tech

ARCHITECTURE & AGRICULTURAL DESIGN SERVICES

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A

PROJECT: Proposed building Extention for John & Sinead Herlihy at Ballyania, Kilmallock, Co Limerick.

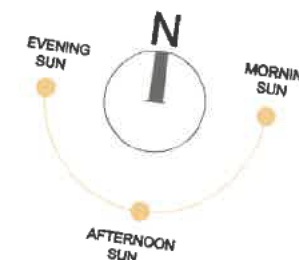
DRAWING TITLE:

Plan, section and elevations R3

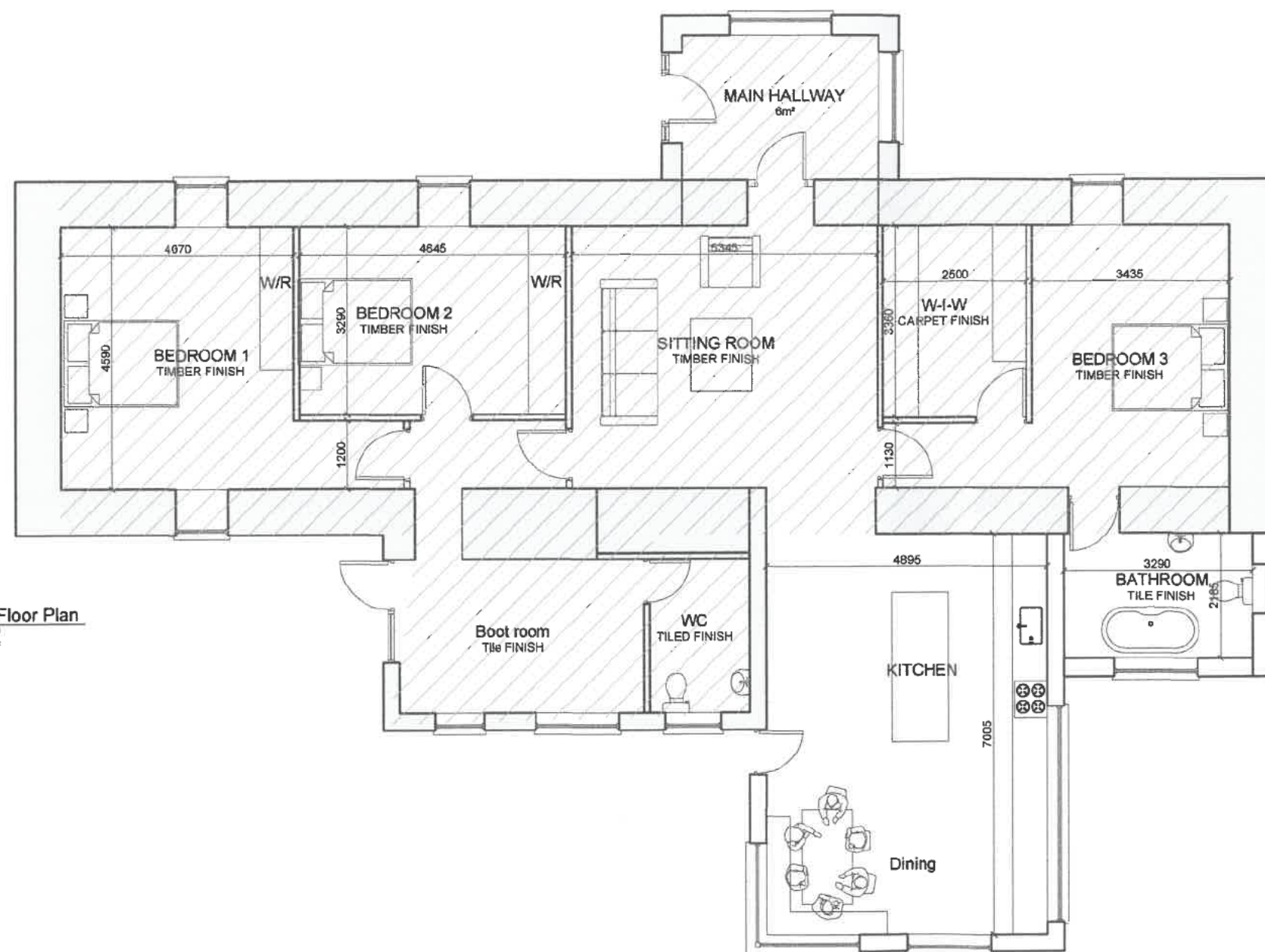
DRAWN BY A KELLY	DATE Nov 2025	SCALE	DWG NO. 02	JOB NO. 90
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South Elevation
Scale 1:100



Ground Floor Plan
Scale 1:100
Area: 128m²



NOTE

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Proposed House 2026 A2

AREA OF EXISTING HOUSE = 126m²
AREA OF Proposed HOUSE = 41m²

PLANNING

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PROJECT: Proposed building Extension for John & Sinead Herlihy at Ballyania, Kilmallock, Co Limerick.

DRAWING TITLE:

Plan, section and elevations R3

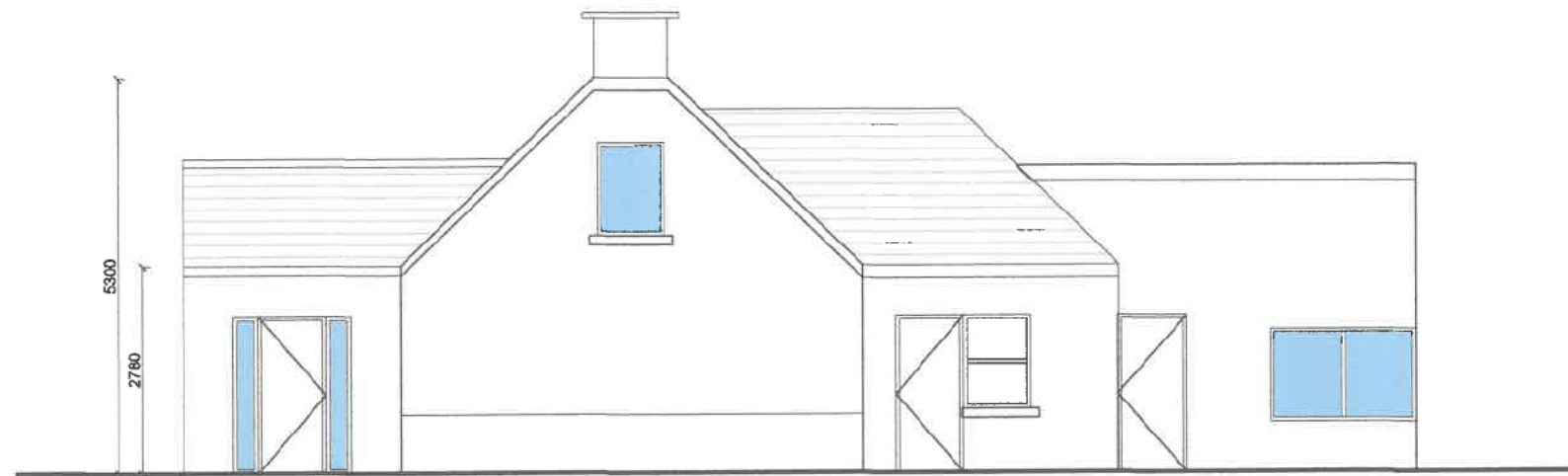
DRAWN BY	DATE	SCALE	DWG NO.	JOB NO.
A KELLY	June 2017		03	90

South Elevation
Scale 1:100

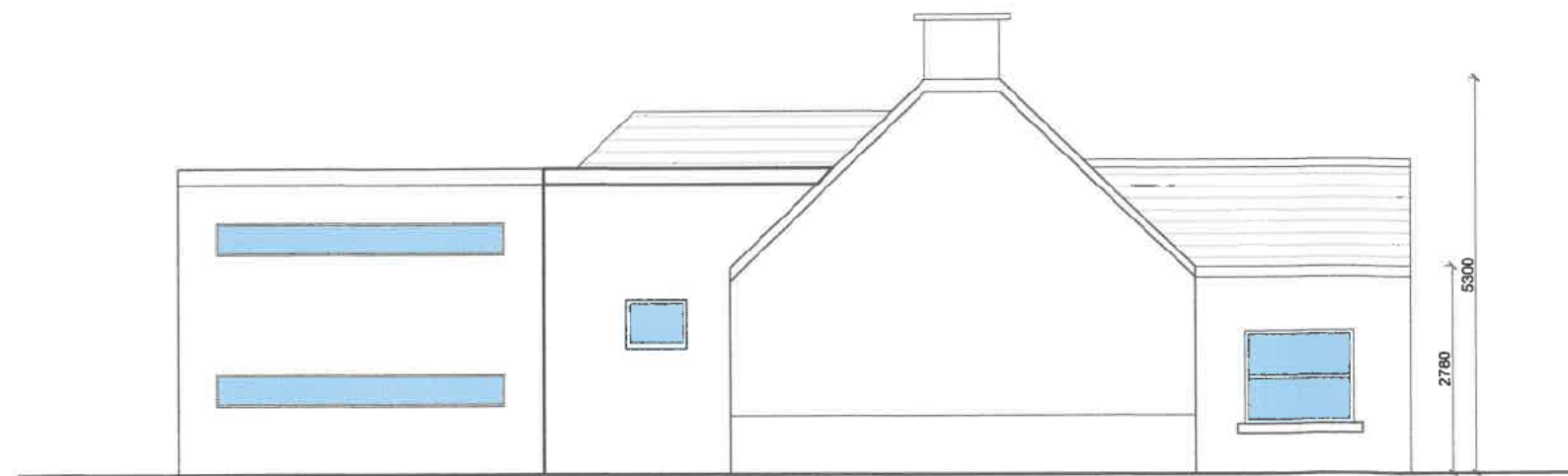




North Elevation
Scale 1:100



West Elevation
Scale 1:100



East Elevation
Scale 1:100

Proposed House

PLANNING				
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EMAIL: AIDANKELLY2000@YAHOO.IE				
WEBSITE : WWW.ADPS.IE				
PROJECT: Proposed building Extention for John & Sinead Herlihy at Ballyania , Kilmallock, Co Limerick.				
DRAWING TITLE: Plan, section and elevations R3				
DRAWN BY A KELLY	DATE June 2017	SCALE	DWG NO. 04	JOB NO. 90

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

File Reference number	EC-152-26
Applicant(s)	John & Sinead Herlihy
Location	Ballyania, Kilmallock, Co. Limerick V35AE35

Description of Site and Surroundings:

The subject site is located within the rural townland of Ballyania, north of Kilmallock. The dwelling is accessed from the L-51209 local road to the north. The site area is not stated on the submitted drawings but includes another family home and a farmyard and appears to be approximately as 0.87 hectares. The existing dwelling that is subject to the section 5 application is stated as being 128sqm in area. The form of the existing dwelling is single storey with an entrance hall on the north elevation and a kitchen/wc extension on the southern elevation.

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:

Construct a single storey extension to the rear of the house with a floor area of 41 sqm.

This Section 5 application includes the following:

- Application form
- Site location Map
- Dwg 01 – Site Layout showing proposed extension
- Dwg 02 - Existing house plans and elevations
- Dwg 03 – Proposed house plans and elevations
- Dwg 04 - Proposed house plans and elevations

Planning History:

Subject site:

There is no planning history on the subject site.

Adjacent:

File no.	Decision	Description
17811	CONDITIONAL	the construction of a cubicle shed with slatted tanks (ii) silage slab and all associated site works

Enforcement History:

None on file.

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,

- Construction of a single storey extension 41 sqm.
- It is noted that the design of the extension is higher than a standard single storey extension at 3.9m and has a flat roof.
- The proposed extension would increase the eaves level and in so doing alter the pitch of the rear roof of the existing house.

It is considered that the proposed works do constitute development in the context of the definition of development quoted above.

Is the proposal exempted development?

The Planning & Development regulations which deal with house extensions have recently been amended.

Planning & Development (Exempted Development Act (Act of 2000) Regulations 2026 S.I. no. 338 came into force on 27th July 2026.

To assess whether the proposed development is exempted development, the proposed 41m² rear extension will be assessed under Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (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 45 square metres.

The submitted plans for the existing house show a small extension to the rear of the house. The application form states that the main dwelling house was constructed in the 1920s and that the existing rear extension was constructed in 1954. As the existing rear extension was constructed prior to 1964 therefore the area of this extension would not be included in the quantum of floor area considered under this exemption assessment.

(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.

There is no above ground level extension 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.

There is 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 45 square metres.

The floor area of the extension shall not exceed 45 metres. It is stated as 41 sqm.

The application form states that the existing rear extension was constructed in 1954.

Therefore, it is considered that the proposed increase in floor area does not exceed 45 sqm.

(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 is detached therefore this section does not apply.

(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 is detached and appears to have been extended previously.

There is no above ground floor extension proposed.

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

There is no above ground floor 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 submitted drawings no. 03 & 04 show the wall heights of the proposed extension exceeding the eaves height of the rear wall of the house.

The existing height of the rear wall or eaves of the house is shown as 2.78m.

The height of the proposed extension is shown as 3.9m

Therefore these dimensions render the development proposal not to be exempted development.

(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 section 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 proposed extension has a flat roof. The height of the proposed flat roof does exceed the height of the eaves of the building. It does not exceed the height of the highest part of the roof of the dwelling.

Therefore these dimensions render the development proposal not to be exempted development.

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

The submitted site layout plan does not clearly show the private open space within the curtilage of the dwelling house.

Further information on this issue would be sought if the proposal is considered to qualify as exempted development.

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

The proposed ground windows will not be less than 1 metre from the boundary they will face.

(b) Any window proposed above ground level in any such extension shall not be less than 8 metres from the boundary it faces.

There is no above ground level extension proposed.

(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 8 metres from the boundary it faces.

There is no above ground level extension proposed.

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

The roof of the extension will not be used as a balcony or terrace.

8. This exemption shall only be used on the principal house and not any additional detached house within the curtilage of the principal house.

This exemption will only be used on the principal house.

Article 9 Restrictions

Planning and Development Regulations 2001 – 2025 Article 9(1) Development to which article 6 relates shall not be exempted development for the purposes of the Act— (a) if the carrying out of such development would—	
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(i) contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act,	N/A
(ii) consist of or comprise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width,	N/A
(iii) endanger public safety by reason of traffic hazard or obstruction of road users,	N/A
(iiia) endanger public safety by reason of hazardous glint and/or glare for the operation of airports, aerodromes or aircraft,	N/A
(iv) except in the case of a porch to which class 7 specified in column 1 of Part 1 of Schedule 2 applies and which complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1, comprise the construction, erection, extension or renewal of a building on any street so as to bring forward the building, or any part of the building, beyond the front wall of the building on either side thereof or beyond a line determined as the building line in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,	N/A
(v) consist of or comprise the carrying out under a public road of works other than a connection to a wired broadcast relay service, sewer, water main, gas main or electricity supply line or cable, or any works to which class 25, 26 or 31 (a) specified in column 1 of Part 1 of Schedule 2 applies,	N/A
(vi) interfere with the character of a landscape, or a view or prospect of special amenity value or special interest, the preservation of which is an objective of a development plan for the area in which the development is proposed or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,	N/A

(vii) consist of or comprise the excavation, alteration or demolition (other than peat extraction) of places, caves, sites, features or other objects of archaeological, geological, historical, scientific or ecological interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan for the area in which the development is proposed or, pending the variation of a development plan or local area plan, or the making of a new development plan or local area plan, in the draft variation of the development plan or the local area plan or the draft development plan or draft local area plan,	N/A
(viiA) consist of or comprise the excavation, alteration or demolition of any archaeological monument included in the Record of Monuments and Places, pursuant to section 12 (1) of the National Monuments (Amendment) Act 1994, save that this provision shall not apply to any excavation or any works, pursuant to and in accordance with a consent granted under section 14 or a licence granted under section 26 of the National Monuments Act 1930 (No. 2 of 1930) as amended,	N/A
(viiB) comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site,	N/A
(viiC) consist of or comprise development which would be likely to have an adverse impact on an area designated as a natural heritage area by order made under section 18 of the Wildlife (Amendment) Act 2000.	N/A
(viii) consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use,	N/A
(ix) consist of the demolition or such alteration of a building or other structure as would preclude or restrict the continuance of an existing use of a building or other structure where it is an objective of the planning authority to ensure that the building or other structure would remain available for such use and such objective has been specified in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,	N/A

(x) consist of the fencing or enclosure of any land habitually open to or used by the public during the 10 years preceding such fencing or enclosure for recreational purposes or as a means of access to any seashore, mountain, lakeshore, riverbank or other place of natural beauty or recreational utility,	N/A
(xi) obstruct any public right of way,	N/A
(xii) further to the provisions of section 82 of the Act, consist of or comprise the carrying out of works to the exterior of a structure, where the structure concerned is located within an architectural conservation area or an area specified as an architectural conservation area in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan and the development would materially affect the character of the area,	N/A
(b) in an area to which a special amenity area order relates, if such development would be development:—	
(i) of class 1, 3, 11, 16, 21, 22, 27, 28, 29, 31, (other than paragraph (a) thereof), 33 (c) (including the laying out and use of land for golf or pitch and putt or sports involving the use of motor vehicles, aircraft or firearms), 39, 44 or 50(a) specified in column 1 of Part 1 of Schedule 2, or	N/A
(ii) consisting of the use of a structure or other land for the exhibition of advertisements of class 1, 4, 6, 11, 16 or 17 specified in column 1 of Part 2 of the said Schedule or the erection of an advertisement structure for the exhibition of any advertisement of any of the said classes, or	N/A
(iii) of class 3, 5, 6, 7, 8, 9, 10, 11, 12 or 13 specified in column 1 of Part 3 of the said Schedule, or	N/A
(iv) of any class of Parts 1, 2 or 3 of Schedule 2 not referred to in subparagraphs (i), (ii) and (iii) where it is stated in the order made under section 202 of the Act that such development shall be prevented or limited,	N/A
(c) if it is development to which Part 10 applies, unless the development is required by or under any statutory provision (other than the Act or these Regulations) to comply with procedures for the purpose of giving effect to the Council Directive,	N/A

(d) if it consists of the provision of, or modifications to, an establishment, and could have significant repercussions on major accident hazards.	N/A
Article 9(2) Sub-article (1)(a)(vi) shall not apply where the development consists of the construction by any electricity undertaking of an overhead line or cable not exceeding 100 metres in length for the purpose of conducting electricity from a distribution or transmission line to any premises.	N/A
Article 9 (3) For the avoidance of doubt, sub-article (1)(a)(vii) shall not apply to any operation or activity in respect of which a Minister of the Government has granted consent or approval in accordance with the requirements of regulation 31 of the Habitats Regulations 1997, and where regulation 31(5) does not apply.	N/A

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

Proposed development: Rear Extension to single storey detached house (41sqm)

Key issues arising:

Class 1 –

4 (a) The proposed wall heights **exceed** the eaves height of the rear wall of the house.

4 (c) The proposed wall heights **exceed** the eaves height of the rear wall of the house.

5 It is not clear from the submitted site layout plan where the private open space for the existing dwelling house is located and what its area is. It is therefore difficult to assess if the proposed structure would reduce this area of amenity space.

Conclusion

The proposed development has been assessed against the scope of exempted development under Class 1 of the Planning and Development Regulations 2001 (as amended).

Regard has been had to –

- (a) Sections 2, 3 and 4 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 and particulars submitted with the application received on the 19th of August 2026

The proposed development **is not** exempted development. The reason for this is that the design of the roof of the proposed extension exceeds the eaves height of the existing dwelling house which does not meet the criteria set out in under Class 1, section 4 (a) & (c) of the Planning and Development Regulations 2001 (as amended).

Assistant Planner	David Mooney	Date: 10/09/2026
Signature:		
Senior Executive Planner	Barry Henn	Date: 11/09/2026
Signature		

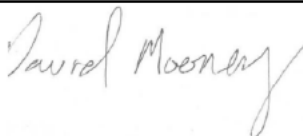
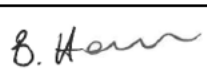
Appendix 1: AA PN01 Screening Form

STEP 1: Description of the project/proposal and local site characteristics:	
(e) File Reference No:	EC-152-26
(e) Brief description of the project or plan:	to construct a single storey extension to the rear of the dwelling 41 sqm in area..
(e) Brief description of site characteristics:	The subject site is located within the rural townland of Ballyania, north of Kilmallock. The dwelling is accessed from the L-51209 local road to the north. The site area is not stated on the submitted drawings but includes another family home and a farmyard and appears to be approximately as 0.87 hectares. The existing dwelling that is subject to the section 5 application is stated as being 128m2 in area. The form of the existing dwelling is single storey with an entrance hall on the north elevation and a kitchen/wc extension on the southern elevation. The proposed extension is single storey with a flat roof and is located at the rear (south) of the existing house.
(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
Glen Bog SAC	Glen Bog SAC National Parks & Wildlife Service	8 km	N/A	N
Ballyhoura Mountains SAC	Ballyhoura Mountains SAC National Parks & Wildlife Service	14 km	N/A	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 - Storage of excavated/construction materials - Access to site - Pests	None. No direct encroachment or hydrological connection.
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: Appropriate Assessment 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:	 _____ 10/09/2026	
Signature and Date of the Decision Maker:	 _____ 11/09/2026	

Appendix 2: EIA Screening

Establishing if the proposal is a 'sub-threshold development':	
Planning Register Reference:	EC-152-26
Development Summary:	to construct a single storey extension to the rear of the dwelling 41 sqm in area..
Was a Screening Determination carried out under Section 176A-C?	Yes. no further action required No. Proceed to Part A
A. Schedule 5 Part I - 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] _	EI A 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]__	Eligible for screening 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 Determined
No, Schedule 7A information/screening report has not been submitted by the applicant		



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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:

John & Sinead Herlihy
c/o Aidan Kelly,
Molough,
Newcastle,
Clonmel,
Co. Tipperary.

EC/152/26

15 September 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/2026/1155

File Ref No. EC/152/26

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

RE: **Construct a single storey extension at Ballyania, Kilmallock, 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 David Mooney, Assistant Planner dated 10/09/2026, hereby order that a Declaration under Section 5 of the Planning and Development Act 2000 (as amended) be issued to John & Sinead Herlihy, c/o Aidan Kelly, Molough, Newcastle, Clonmel, Co. Tipperary to state that the works as described above is

Development and is NOT Exempt Development.

Signed

B. Henn

SENIOR EXECUTIVE PLANNER, DEVELOPMENT MANAGEMENT,
PLANNING

Date

16/09/2026



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SECTION 5 – DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

DECLARATION NO.

EC/152/26

Name and Address of Applicant: John & Sinead Herlihy, Ballyania, Kilmallock, Co. Limerick

Agent: Aidan Kelly, Molough, Newcastle, Clonmel, Co. Tipperary

Whether the works carried out in 2015, comprising a change of use of the construct a single storey extension at Ballyania, Kilmallock, 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 August 2026.

AND WHEREAS the Planning Authority has concluded that construct a single storey extension at Ballyania, Kilmallock, Co. Limerick **DOES NOT** come within the scope of exempted development under Class 1, section 4 (a) & (c) of the Planning and Development Regulations 2001 (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: 15/09/2026

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.