Limerick City & County Council
15 SEP 2026
Planning

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Limerick City and County Council

Planning Department

Section 5 Application

DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

Applicant's Name: DIARMUID COSTELLO

Applicant's Address: BALLINAGOUL.
KILMALLOCK
Co LIMERICK

Telephone No. [redacted]

Name of Agent (if any): SHAY GALVIN

Address: CARRIGEEN
CROOM
Co LIMERICK

Telephone No. 087-6167537

Address for Correspondence:

AGENT: SHAY GALVIN, CARRIGEEN, CROOM
Co. LIMERICK V35 TV05

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

GORTROE

COLMANSWELL, CHARLEVILLE

Co LIMERICK. (BESIDE P56 EP96)

Description of Proposed development:

COMPLETION OF EXISTING DWELLING. GRANTED UNDER PLANNING. 03/114.

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: OWNER.

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

SITE LOCATION, 1:2500, SITE LAYOUT 1:500

FLOOR PLAN 1:100, ELEVATION 1:100.

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

If Yes please provide floor areas of all existing structures:

FLOOR AREA OF EXISTING UNFINISHED

DWELLING IS 166m²

Signature of Applicant (or Agent) Shay Cel

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

****

Shay Galvin B.E. MIEI

Carrigeen
Croom
Co. Limerick

[redacted]

CLIENT: DIARMUID COSTELLO 13/09/2026

ADDRESS: GORTROE, COLEMANSWELL, CO. LIMERICK

A Chara,

My client purchased this site and lodged a Commencement notice on 20/11/2007 and started construction on this dwelling (Planning Ref 03/114) for himself.

Due to the downturn in the economy in 2008 he only got as far as building it to wall plate level and sewage treatment and percolation installed.

In 2017 he applied for planning (Ref. 17/1200) to modify the existing and continue the building but unfortunately due to personal circumstances he was unable to complete this.

So far in 2026 my client has managed to roof and install windows as per the original design as granted under Planning Ref: 03/114.

As my client is anxious to finish the building works he is requesting a Declaration of Exemption from the requirement of planning permission to complete the dwelling as per the original Planning 03/114 as this Planning Permission has now expired. This is required to enable my client to access funds from lending institutions.

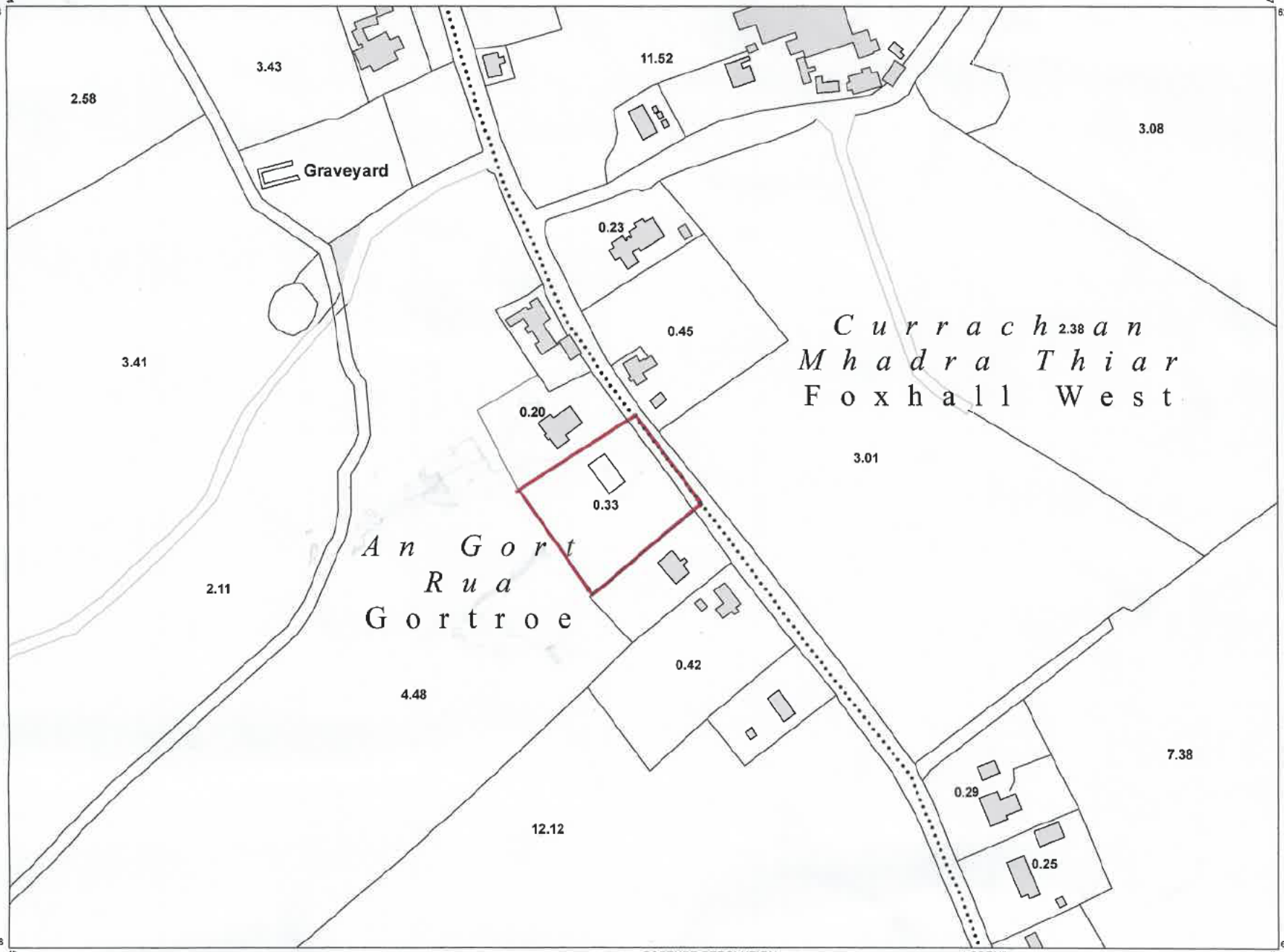
My Client would also like to nominate TD Richard O'Donoghue as a representative in this application.

If you have any queries do not hesitate to contact me.

Kind Regards

Shay Galvin

Planning Pack Map



OUTPUT SCALE: 1:2,500

CAPTURE RESOLUTION:
The map objects are only accurate to the resolution at which they were captured.
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CENTRE COORDINATES:
ITM 550806,625203

PUBLISHED: 13/09/2026

ORDER NO.: 50558862_1

MAP SERIES: 1:5,000, 1:2,500

MAP SHEETS: 5351, 5351-D

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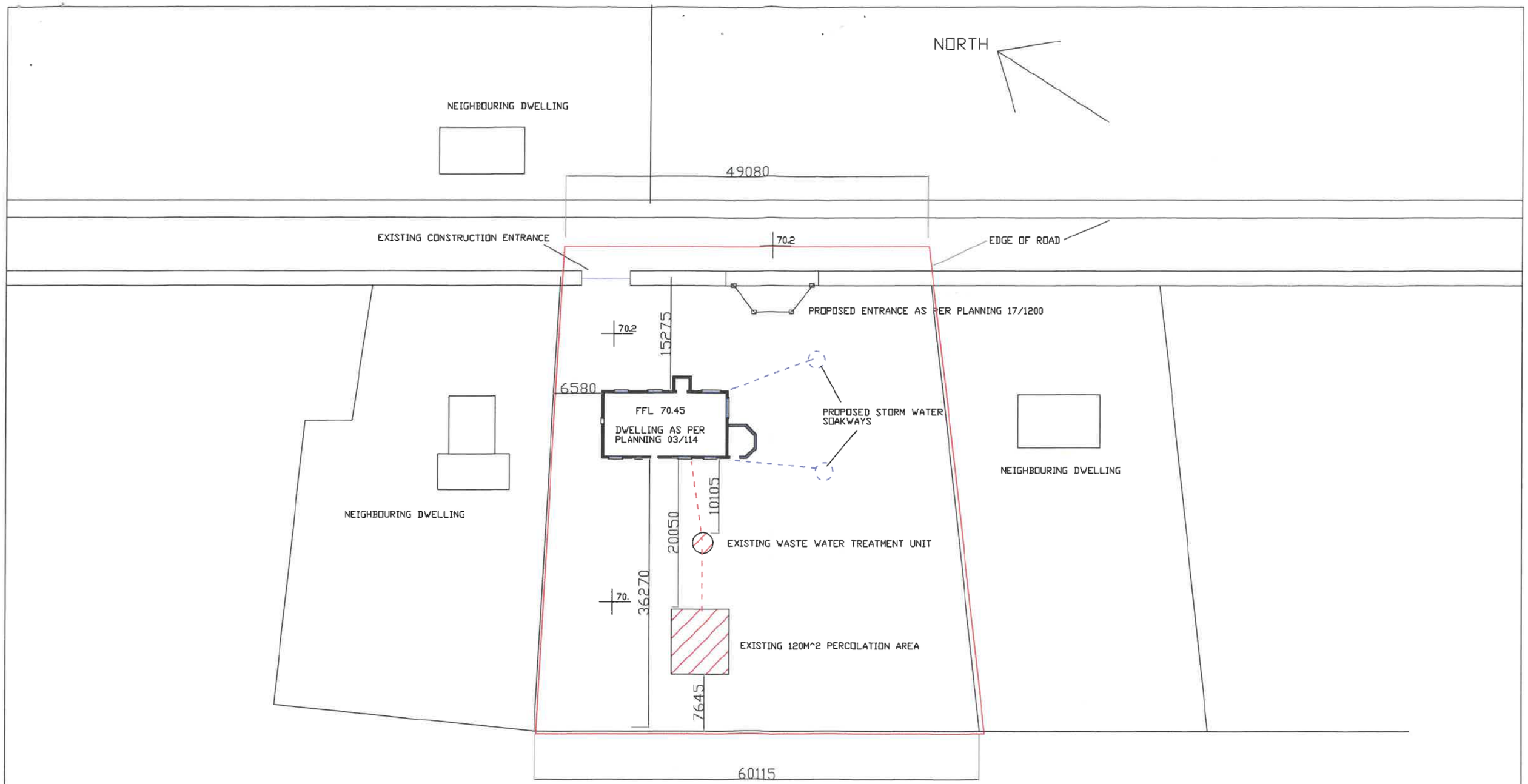
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SITE AREA 0.33 HA

DIARMUID COSTELLO
GORTROE, COLEMANSWELL
CO. LIMERICK

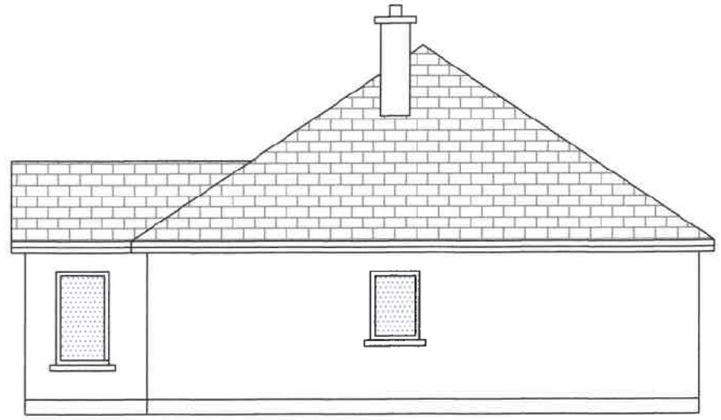
SITE LAYOUT

DRAWN BY:
Shay Galvin BE. MIEI
Carrigeen, Croom
Co. Limerick

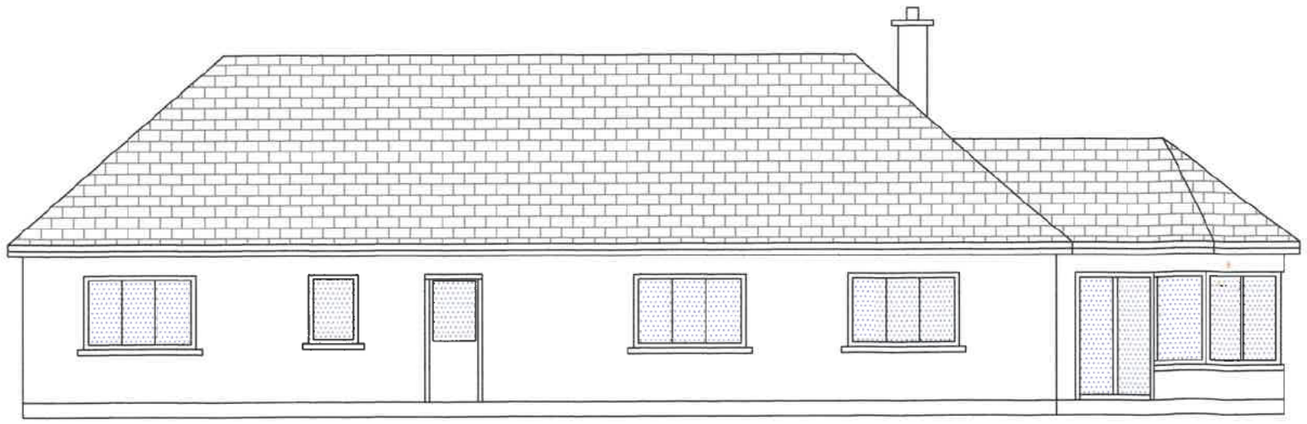
SCALE 1:500
AUGUST 2026
3



FRONT ELEVATION



WESTERN ELEVATION



REAR ELEVATION



EASTERN ELEVATION

NOTES:

THE DWELLING IS CURRENTLY AT THIS STAGE OF CONSTRUCTION BUT AWAITS PLASTER RENDER ON EXTERNAL WALLS AND STONE FINISH AROUND FRONT PORCH.
INTERNAL FINISHES NEED TO BE COMPLETED ALSO

DIARMUID COSTELLO
GORTROE, COLMANSWELL
CO. LIMERICK

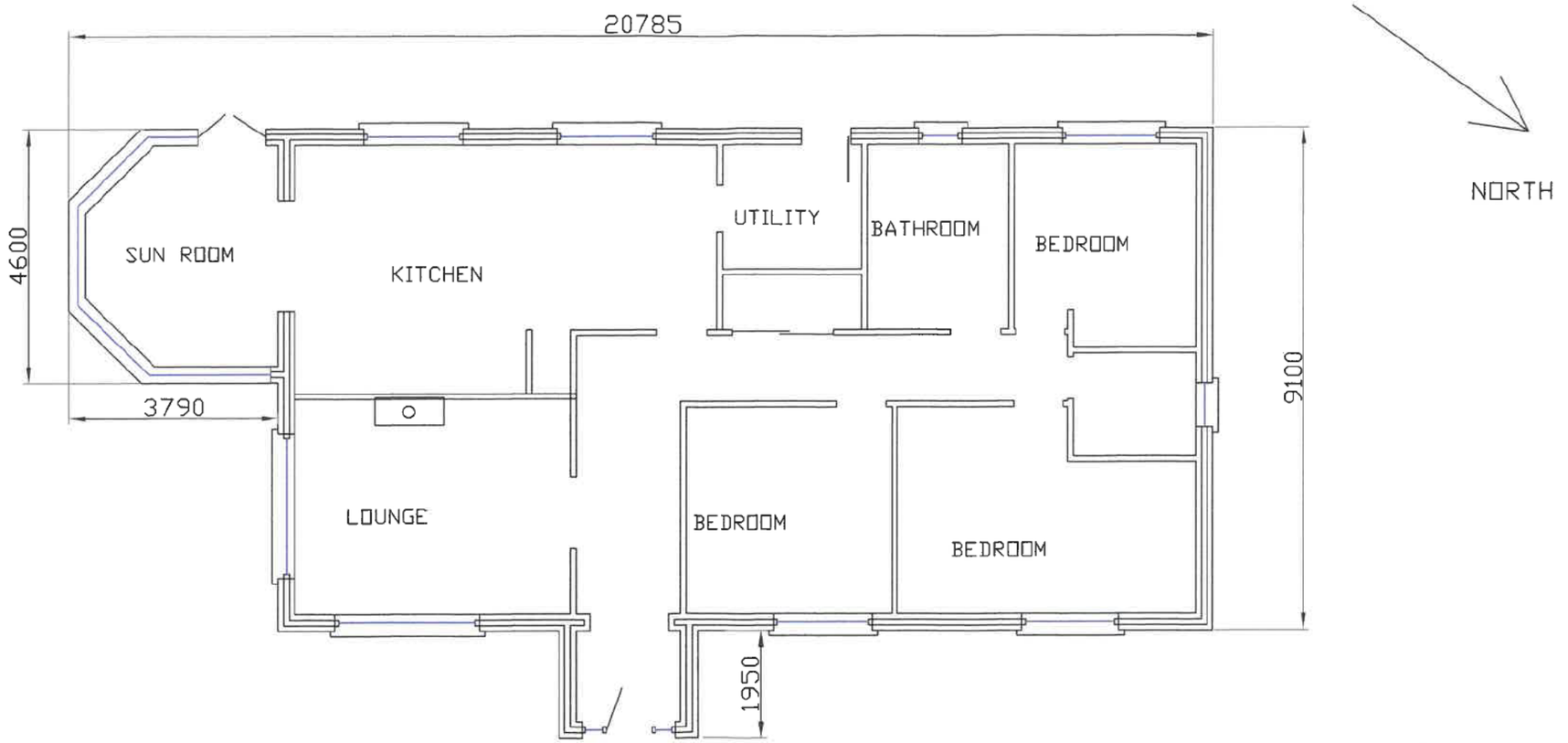
ELEVATIONS

DRAWN BY:
SHAY GALVIN BE.
CARRIGEEN
CROOM
CO. LIMERICK
SHAYGALVIN@HOTMAIL.COM

SCALE 1:100

2

FLOOR AREA 166M^2



FLOOR PLAN

DIARMUID COSTELLO
GORTROE, COLMANSWELL,
CO. LIMERICK

FLOOR PLAN

DRAWN BY:
SHAY GALVIN BE.
CARRIGEEN
CROOM
CO. LIMERICK
SHAYGALVIN@HOTMAIL.COM

SCALE 1:100

1

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

File Reference number	EC-176-26
Applicant(s)	Diarmuid Costello
Location	Gortroe, Colmanswell, Charleville, Co. Limerick

Description of Site and Surroundings:
The subject site is located in the rural townland of Gortroe which is around 10 km away from Kilmallock. The site contains an incomplete dwelling. It can be accessed by the L-1543 road.

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 looking for a declaration of exemption from the requirement of planning permission to complete the dwelling as per the original planning permission grant 03/114.

This Section 5 declaration includes the following:

Planning History:

Subject site:
03/114 Conditional Permission - Construction of a bungalow, garage, entrance, waste water treatment unit and percolation area

17/1200 Conditional Permission - alterations and extension to existing dwelling, domestic garage and all associated site works

Adjacent:
92/379 Conditional Permission - Erection of bungalow, entrance and installation of septic tank

09/433 Conditional Permission - the renovation and extension of existing dwelling house and all associated site works

Enforcement History:
N/A

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 completion of an unfinished dwelling previously permitted under Planning Ref. 03/114**, constituting 'works' and 'development'.**

Is the proposal exempted development?
The proposal concerns the completion of an unfinished structure that originally had planning permission for a dwelling but was never completed. The proposed completion of the dwelling does not fall within any class of exempted development under the Planning and Development Act 2000 (as amended) or of the Planning and Development Regulations 2001 (as amended). There would be numerous planning considerations that would need to be taken into account including residential amenity, services, access etc. Accordingly, planning permission is required for the completion of the remaining works to the dwelling.

Article 9 Restrictions

N/A given nature of proposal.

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 completion of an unfinished dwelling previously permitted under Planning Ref. 03/114**,** can be considered development. However, the proposed development can not be considered to be exempted development. The proposal does not fall within any class of exempted development under the Planning and Development Act 2000 (as amended) or of the Planning and Development Regulations 2001 (as amended). Accordingly, planning permission is required for the completion of the remaining works to the dwelling.

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) The plans and particulars submitted with the application received on the 15th of September 2026

It is therefore considered that the said works constitute development but not exempted development.

Student Planner	Conor Deering	**Date: 29/09/2026**
Signature:		
Senior Executive Planner	Barry Henn	**Date: 07/10/2026**
Signature		

Appendix 1: AA PN01 Screening Form

STEP 1: Description of the project/proposal and local site characteristics:	
(e) File Reference No:	EC-176-26
(e) Brief description of the project or plan:	The completion of an unfinished dwelling previously permitted under Planning Ref. 03/114
(e) Brief description of site characteristics:	The subject site is located in the rural townland of Gortroe which is around 10 km away from Kilmallock. The site contains an incomplete dwelling. It can be accessed by the L-1543 road.
(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**
002170 Blackwater River (Cork/Waterford) SAC	https://www.npws.ie/protected-sites/sac/002170	7.0 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.	None. No direct encroachment or

- 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	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:	 29/09/2026	
Signature and Date of the Decision Maker:	 07/10/2026	

Appendix 2: EIA Screening

Establishing if the proposal is a *'sub-threshold development':*	
Planning Register Reference:	EC-179-26
Development Summary:	The completion of an unfinished dwelling previously permitted under Planning Ref. 03/114
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] _	**EIA is mandatory** No Screening required
X 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)	
X 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 *sub-threshold:* [insert here] _	Proceed to **Part C**

c. If Yes, has Schedule 7A information/screening report been submitted?	
Yes, Schedule 7A information/screening report has been submitted by the applicant	**Screening Determination required**

No, Schedule 7A information/screening report has not been submitted by the applicant	**Preliminary Examination required**
Signature and Date of Recommending Officer:  29/09/2026	
Signature and Date of the Decision Maker:  07/10/2026	

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:

Diarmuid Costello
c/o Shay Galvin,
Carrigeen,
Croom,
Co. Limerick.

EC/176/26 12 October 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/2026/1253

File Ref No. EC/176/26

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

RE: **A declaration of exemption from the requirement of planning permission to complete the dwelling as per the original planning permission grant 03/114 at Gortroe, Colmanswell, Charleville, 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 Conor Deering, Student Planner dated 29/09/2026, hereby order that a Declaration under Section 5 of the Planning and Development Act 2000 (as amended) be issued to Diarmuid Costello, c/o Shay Galvin, Carrigeen, Croom, Co. Limerick 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 12/10/2026

Comhairle Cathrach
& Contae **Luimnigh**

Limerick City
& County Council

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V94 WV78

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

t: 061 556 000

SECTION 5 – DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

DECLARATION NO. **EC/176/26**

Name and Address of Applicant: Diarmuid Costello, Ballinagoul, Kilmallock, Co. Limerick.

Agent: Shay Galvin, Carrigeen, Croom, Co. Limerick

Whether a declaration of exemption from the requirement of planning permission to complete the dwelling as per the original planning permission grant 03/114 at Gortroe, Colmanswell, Charleville, 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 15th day of September 2026.

AND WHEREAS the Planning Authority has concluded that a declaration of exemption from the requirement of planning permission to complete the dwelling as per the original planning permission grant 03/114 at Gortroe, Colmanswell, Charleville, Co. Limerick **DOES NOT** come within the scope of exempted development under 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).
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 C. Leahy

Date: 12·10·2026

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.