

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

Limerick City and County Council

Planning Department

Section 5 Application

DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

Applicant's Name: Bryan F Murphy _____

Applicant's Address: Clonshire Stud _____

Adare _____

Co. Limerick _____

Telephone No. _____

Name of Agent (if any): Declan Murnane _____

Address: Cahirguillamore _____

Grange _____

Co. Limerick _____

Telephone No. 0872726316

Address for Correspondence:

Cahirguillamore _____

Grange _____

Co. Limerick _____

Location of Proposed development (Please include Eircode):

Hollywood Farm_____

Ballinagoole, Croagh, Co. Limerick_____

V9467F8_____

Description of Proposed development:

The construction of an unroofed equine training facility 33M * 21.8M All weather surface. This will be enclosed by a 2 meter high stud post and rail timber fencing

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

Class 10 includes all weather lunging areas, exercise areas and gallops for horses._____

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:

Farmyard drawing 1:500, Training arena 1:200, Geotagged photographs_____

Completed application form_____

Have any previous extensions/structures been erected at this location YES

If Yes please provide floor areas of all existing structures:

Building 1 – 20.1 * 4.15mtrs square_____

Building 2 – 14.43 * 7.5mtrs square _____

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**

OFFICE USE ONLY

Ref. No. _____ Date Received _____

Fee Received _____ Date Due _____

Declan Murnane, B. Agr. Sc.
Agricultural Consultant
Cahirguillamore,
Grange,
Kilmallock,
Co. Limerick



Telephone: (061) 382801
Mobile: (087)2726316
Email: declanmurnane@outlook.ie

28/11/2024

To whom it may concern,

Class 10 includes all weather lunging areas, exercise areas and gallops for horses. These are exempt from planning provided they are not situated within 10 meters of the public road, the entrance is not directly off the public road and a height of 2 meters is not exceeded.

There is also a requirement that they are used for exercising and training only and not for the staging of public events.

Exemption Conditions The exemptions outlined apply subject to the following conditions:

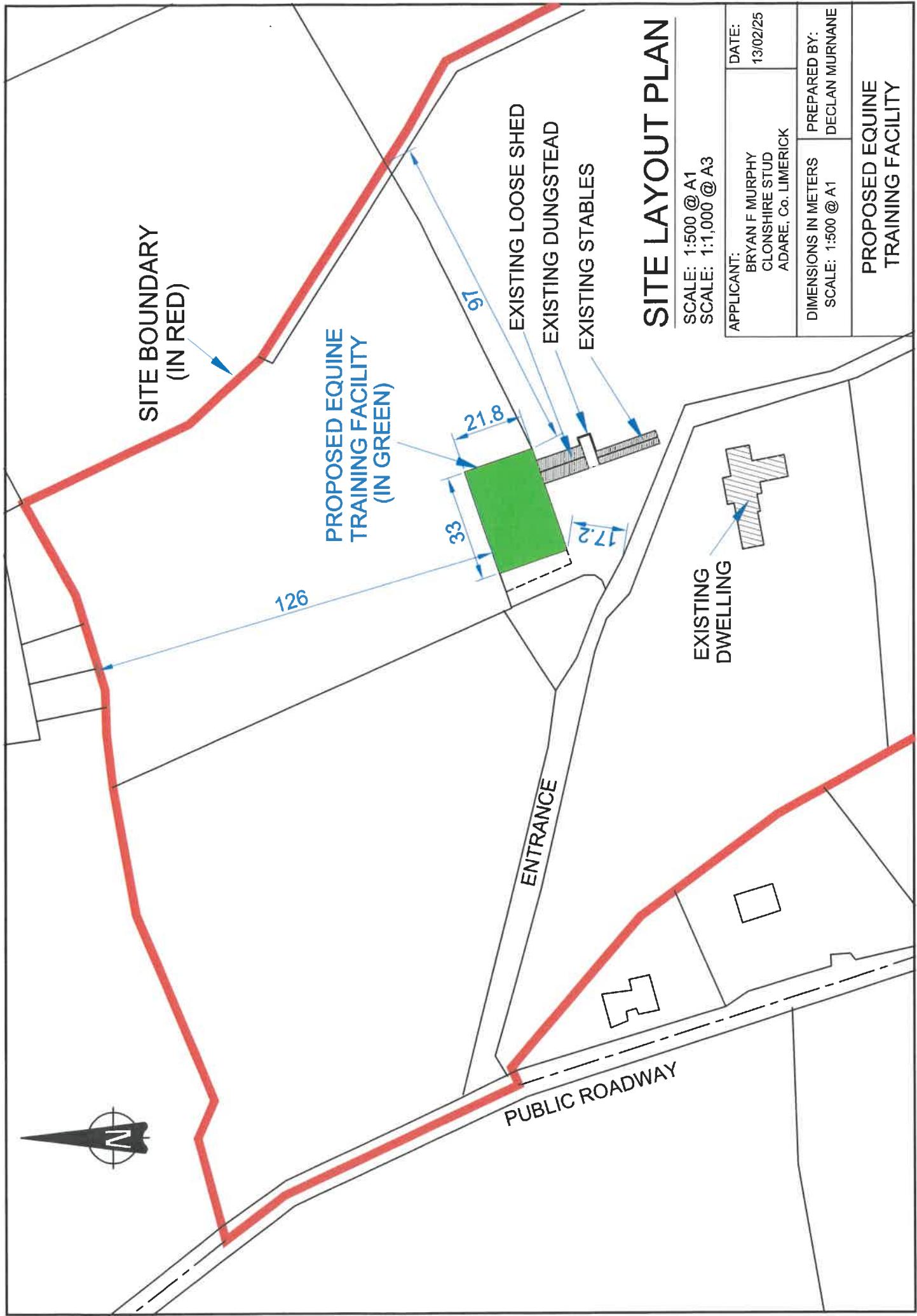
- Exempted farm buildings may only be used for agriculture
- Structures must have adequate slurry/effluent storage for its size, use and location, and satisfy Department of Agriculture, Food & the Marine (DAFM) & Local Authority requirements in this regard
- Distance from public a road must be at least 10 metres (measurement is taken from the 3 'metalled edge', that is where the grass margin meets the road)
- Height above ground level must not exceed 8 metres within 100 metres of any public road
- Distance from any house (other than own), school, church, hospital or public building must be at least 100 metres unless consent is obtained in writing from the owner or occupier or person in charge

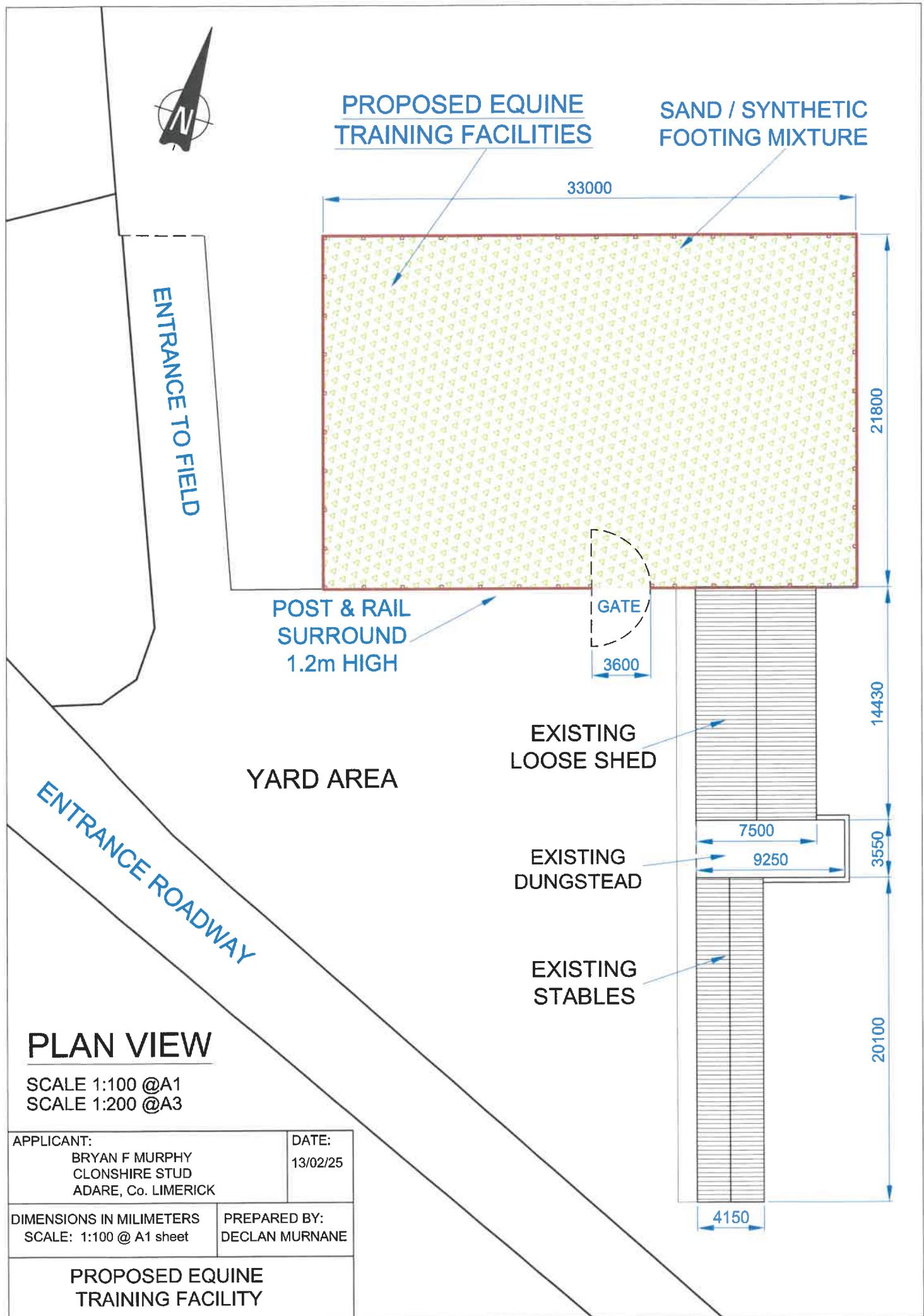
I am writing to seek confirmation that the construction of an equine training facility is considered exempted development, as outlined in the attached documentation in relation to lands located on folio number LK45366f, located in Ballinagoole, Croagh, Co. Limerick V9467F8 .

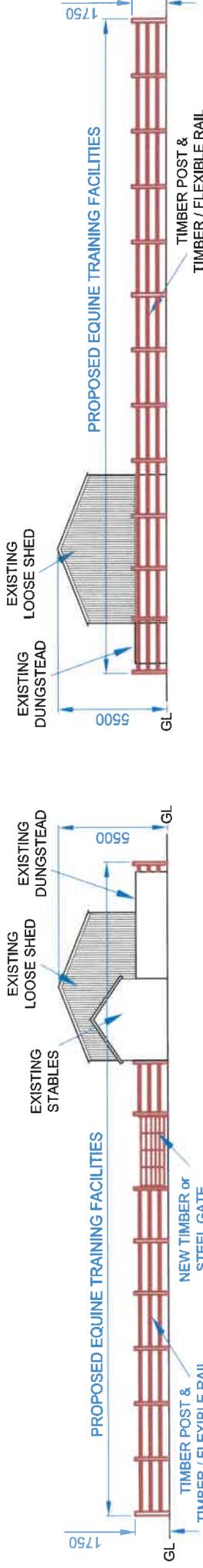
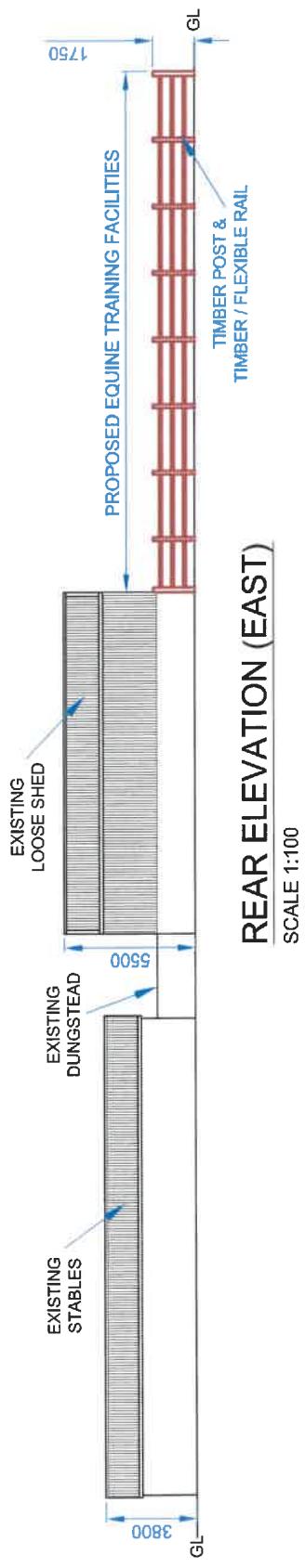
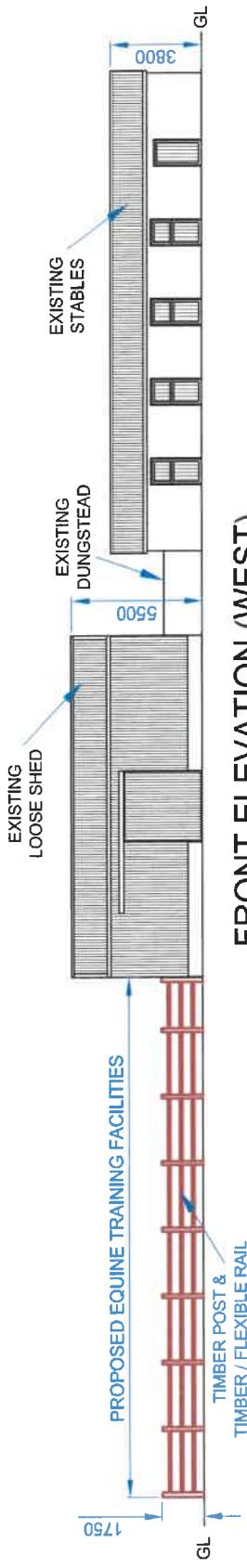
Should you require any additional documentation or clarification, please feel free to contact me.

Thank you for your time and attention to this matter.
Kind regards,


Declan Murnane
Agricultural Consultant







SIDE 2 ELEVATION (NORTH)

SCALE 1:100

ELEVATIONS

SCALE 1:100 @A1
SCALE 1:200 @A3

DIMENSIONS IN MILLIMETERS SCALE: 1:100 @ A1 sheet	PREPARED BY: DECLAN MURNAE	APPLICANT: BRYAN F MURPHY CLONSHIRE STUD ADARE, Co. LIMERICK
PROPOSED EQUINE TRAINING FACILITY		DATE: 13/02/25



Croagh, Co. Limerick, Ireland

Ballynagool, Croagh, Co. Limerick, Ireland
Lat 52.568909, Long -8.859223

10/23/2024 04:08 p.m. GMT +01:00



Maps



Croagh, Co. Limerick, Ireland

Ballynagool, Croagh, Co. Limerick, Ireland
Lat 52.568914, Long -8.859227

10/23/2024 04:08 p.m. GMT+01:00



© Mapbox

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

Reference no. EC/019/25

Name and Address of Applicant: Brian Murphy, Clonshire Stud, Adare, Co. Limerick

Agent: Declan Murnane, Cahircuillamore, Grange, Co. Limerick

Location: Hollywood Farm, Ballinagoole, Croagh, Co. Limerick, V94678F

Description of Site and Surroundings:

The subject site is located on lands setback from the L8032 road. There is an existing stud complex on site, comprising stables and a shed with a two-storey dwelling adjacent. See appendix 3 for site photos.

Zoning:

N/A

Proposal:

The question being put before the planning authority is as follows:

- *Whether the construction of an unroofed all weather equine training facility, 33m x 21.8m, and associated 2 meter high stud post and rail timber fencing is or is not development and is or is not exempted development.*

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

Class 10.

This Section 5 declaration includes the following:

- Section 5 Declaration Application Form
- Site Location Map
- Farmyard Drawing
- Training Area
- Photographs

Planning History:

20/786: Conditional Permission granted for the construction of a dwelling house, domestic waste water treatment system with polishing filter, vehicular access via existing private entrance/driveway together with all associated site works.

Enforcement History

No Planning Enforcement on site.

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.

‘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 –

(a) Where the context so admits, includes the land on, in or under which the structure is situated.

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 proposed development on site, comprising the construction of an unroofed equine training facility and 2m high stud post and rail timber fencing, constitutes ‘works’ and ‘development’.

Is the proposal exempted development?

The proposal will be assessed under Class 10 of Part 3, *Exempted Development – Rural*, of Schedule 2 of the Planning and Development Regulations 2001 (as amended).

CLASS 10 *The erection of an unroofed fenced area for the exercising or training of horses or ponies, together with a drainage bed or soft surface material to provide an allweather surface.*

1. *No such structure shall be used for any purpose other than the exercising or training of horses or ponies.*

The intended use of the facility is for the purposes of exercising/training horses.

2. *No such area shall be used for the staging of public events.*

The intended use of the facility is for equine training.

3. *No such structure shall be situated within 10 metres of any public road, and no entrance to such area shall be directly off any public road.*

The proposed structure is located greater than 100m from the public road and the entrance is via an existing private passage.

4. *The height of any such structure shall not exceed 2 metres. The proposal is not subject to any conditions or limitations set out in Column 2.*

The height of the structure will not exceed 2m in height.

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 required in this instance.

Environmental Impact Assessment

An EIA Screening examination was carried out by Limerick City & County Council (see appendix 2). Overall, it is considered that there is no real likelihood of significant effects on the environment. Therefore, an Environmental Impact Assessment is not required.

Conclusion/Recommendation

The information detailed on the application and plans submitted is considered to be within the scope of Class 10 of Part 3 of Schedule 2 of the Planning and Development Regulations 2000 (as amended).

Regard has been had to –

- (a) Section 3 and 4 of the Planning and Development Act 2000 (as amended)
- (b) Class 10 of Part 3 of Schedule 2 of the Planning and Development Regulations 2001 (as amended)
- (c) The plans & particulars submitted with the application received on 13th February 2025.

It is therefore considered that the said works are development and exempted development under Class 10 of Part 3 of Schedule 2 of the Planning and Development Regulations 2001 (as amended).



Eithne O'Brien
Assistant Planner

Date: 10/3/2025

Agreed by: B. Henn

Barry Henn
Senior Executive Planner

Date: 10/03/2025

Appendix 1: AA PN01 Screening Form

STEP 1: Description of the project/proposal and local site characteristics:

(a) File Reference No:	EC/019/25
(b) Brief description of the project or plan:	A section 5 declaration application on whether the construction of an unroofed all weather equine training facility, 33m x 21.8m, and associated 2 meter high stud post and rail timber fencing is or is not development and is or is not exempted development.
(c) Brief description of site characteristics:	The subject site is located on lands setback from the L8032 road. There is an existing stud complex on site with a two-storey dwelling adjacent.
(d) 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
000174 - Askeaton Fen Complex	https://www.npws.ie/protected-sites/sac/000174	1.3km	None – No direct encroachment or hydrological connection.	N
002279 - Askeaton Fen Complex	https://www.npws.ie/protected-sites/sac/002279	2.7km	None – No direct encroachment or hydrological connection.	N
002165 – Lower River Shannon SAC	https://www.npws.ie/protected-sites/sac/002165	4km	Yes – hydrological connection	Yes – See step 3.

			exists via stream 130m to the north of the site which connects into the Lower River Shannon SAC c. 6.8km north east, via the Clonshire River, River Greanagh and River Maigue.	
004077-River Shannon and River Fergus Estuaries SPA	https://www.npws.ie/protected-sites/sac/004077	8.4km	Yes – hydrological connection exists via stream 130m to the north of the site which connects into the Lower River Shannon SAC c. 6.8km north east, via the Clonshire River, River Greanagh and River Maigue.	Yes – See step 3.

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	During the construction phase, there is potential for impacts on water quality from surface water runoff from site works to temporarily discharge to an adjacent stream which connects with the Lower River Shannon SAC, via the Clonshire River, River Greanagh and River Maigue, c. 6.8km upstream.

<ul style="list-style-type: none"> - Impact on groundwater/dewatering - Storage of excavated/construction materials - Access to site - Pests 	<p>However, having regard to the nature of the development, intervening land uses and the distance between the proposed siting of the all-weather training ground and the Lower River Shannon SAC, 6.8km, it is not considered that the temporary construction works will result in significant environmental impacts that could affect the integrity of the SAC.</p>
<p>Operation phase e.g.</p> <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 	<p>Works include the construction of an enclosed all-weather equine training facility. Having regard to the nature of the proposed use, and the existing structures stud complex on site, it is not considered that the operation phase of the development would result in any signification environmental impacts that would have a significant effect on the conservation objectives of the above named- European sites.</p>
<p>In-combination/Other</p>	<p>New railway underway nearby; however, works are minor and temporary in nature.</p>

(b) 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 	<p>None. No direct encroachment on the SAC and the works proposed are such that there is no foreseen risk of habitat loss or fragmentation or any effects on QI species directly or ex-situ.</p>
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(c) (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

On the basis of the information submitted, which is considered adequate to undertake a screening determination it is concluded that the proposed development, individually or in-combination with other plans or projects, would not be likely to have a significant effect on the above listed European sites or any other European site, in view of the said sites' conservation objectives.

Conclusion: An 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	<input checked="" type="checkbox"/>	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	<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:	Eithne O'Brien  <hr/> Eithne O'Brien, Assistant Planner 09/03/2025	
Signature and Date of the Decision Maker:	Barry Henn, SEP  <hr/> 10/03/2025	

Appendix 2: EIA Screening

Establishing if the proposal is a 'sub-threshold development':		
Planning Register Reference:	EC/019/25	
Development Summary:	A section 5 declaration application on whether the construction of an unroofed all weather equine training facility, 33m x 21.8m, and associated 2 meter high stud post and rail timber fencing is or is not development and is or is not exempted development.	
Was a Screening Determination carried out under Section 176A-C?	<input type="checkbox"/> Yes. no further action 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)? (Tick as appropriate)		
<input type="checkbox"/> Yes. specify class: [insert 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? (Tick as appropriate)		
<input checked="" type="checkbox"/> 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> : [insert here] _		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:	 Eithne O'Brien, Assistant Planner 09/03/2025
Signature and Date of the Decision Maker:	Barry Henn, SEP  10/03/2025

Appendix 3: Site Photos



Galaxy A34 5G
06 March 2025 09:11



PLANNING & PLACE-MAKING

REG POST:

Brian Murphy
c/o Declan Murnane,
Cahirguillamore,
Grange,
Co. Limerick

EC/019/25

March 2025

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 Director of Services
Planning & Place-Making

LIMERICK CITY & COUNTY COUNCIL

APPROVED OFFICER'S ORDER

SECTION 5 – DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

No. AOO/DC/2025/ 134

File Ref No. EC/019/25

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

RE: **The construction of an unroofed all weather equine training facility, 33m x 21.8m, and associated 2 meter high stud post and rail timber fencing at Hollywood Farm, Ballinagoole, Croagh, Co. Limerick, V94678F**

ORDER: Whereas by Director General's Order No. DG/2024/123 dated 27th November 2024, 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 Eithne O'Brien, Assistant Planner dated 10/03/2025, hereby order that a Declaration under Section 5 of the Planning and Development Act 2000 (as amended) be issued to Brian Murphy, c/o Declan Murnane, Cahircuillamore, Grange, Co. Limerick to state that the works as described above is

Development and is Exempt Development.

Signed

B. Henn

SENIOR EXECUTIVE PLANNER, PLANNING & PLACE-MAKING

Date

10 / 03 / 2025

Certified to be a true copy of Approved Officer's Order, Planning & Development Order No. AOO/DC/2025/ 134 dated 10 / 03 / 25, pursuant to Section 151(7) of the Local Government Act 2001

Signed:

B. Henn

SENIOR EXECUTIVE PLANNER, PLANNING & PLACE-MAKING



SECTION 5 – DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

DECLARATION NO.

EC/019/25

Name and Address of Applicant: Brian Murphy, Clonshire Stud, Adare, Co. Limerick

Agent: Declan Murnane, Cahirguillamore, Grange, Co. Limerick

Whether the construction of an unroofed all weather equine training facility, 33m x 21.8m, and associated 2 meter high stud post and rail timber fencing at Hollywood Farm, Ballinagoole, Croagh, Co. Limerick, V94678F 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 13th of February 2025.

AND WHEREAS the Planning Authority has concluded that the construction of an unroofed all weather equine training facility, 33m x 21.8m, and associated 2 meter high stud post and rail timber fencing at Hollywood Farm, Ballinagoole, Croagh, Co. Limerick, V94678F **DOES** come within the scope of exempted development as defined under Class 10 of Part 3 of Schedule 2 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 Exempt Development.**

Signed on behalf of the said Council

Date: 11/3/25

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