



Consulting

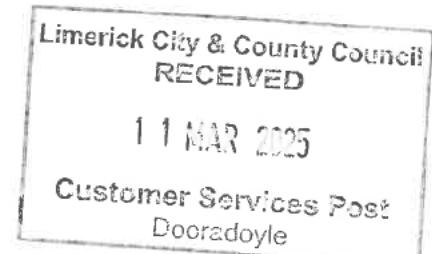
March 7, 2025

Planning Department
Limerick City & County Council
Dooradoyle
Limerick
V94 XF67

30 O'Connell St.,
Limerick, Ireland.

t: +353 61 468 860
e: info@bdb.ie

Our Project Ref 24-019



Dear Sir/Madam,

We are writing to submit an application for a declaration on development and exempted development under Section 5 of the Planning and Development Act 2000 on behalf of our client, Rivermount Farm Limited.

Enclosed, please find the completed Section 5 Declaration Application Form, along with the required supporting documents, including:

- 24-019-001 Site location map
- 24-019-002 Record place map
- 24-019-003 Site Layout Plan
- 24-019-004 Existing and Proposed Site Levels
- 24-019-005 Site Cross Sections
- 24-408-001 Topographical Survey by NCW Surveys Ltd.
- Application Fee of €80 (Receipt No. LA25/0/25171771)

The purpose of this application is to seek an exemption for land reclamation works that involve the re-contouring of land, including the infill of the land within a farm holding. These works are intended to reshape the land to improve its usability and productivity for agricultural purposes. The fill material used will be inert soil material, and it will not exceed a depth of 1 meter, ensuring that the changes to the land's topography are minimal and controlled. Our client will apply to the Limerick City and County Council for the Certificate of Registration, which will ensure that the works comply with local regulations and standards.

The primary objective of these works is to enhance the quality of the land, making it more suitable for agricultural use. The reclamation works are designed to be environmentally responsible, ensuring that there is no negative impact on neighbouring properties and the local environment.

We trust that the enclosed documents meet the requirements for this application. Should you require any further information or clarification, please do not hesitate to contact us.

Thank you for your consideration.

Yours sincerely,

Magdalena Bednarczyk
Civil Engineer
BDB Consulting





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: Rivermount Farm Limited

Applicant's Address: The Farm Yard,
Cloongownagh,
Kildimo
Co. Limerick

Telephone No. [REDACTED]

Name of Agent (if any): BDB Consulting Ltd.

Address: BDB Consulting Ltd.

30 O'Connell St., Limerick City

V94 HTT8

Telephone No. 061 468860



BDB Consulting Ltd.

Address for Correspondence:
BDB Consulting
30 O'Connell Street
Limerick City
V94 HTT8

30 O'Connell St., Limerick.
Ph. 061 468 860
Email: info@bdb.ie Web: www.bdb.ie

Location of Proposed development (Please include Eircode):

Kilmoreen,
Kildimo,
Limerick

Description of Proposed development:

The applicant is seeking an exemption for land reclamation works that involve the re-contouring of land, including the infill of the land within a farm holding. The fill material used will be inert soil material, and it will not exceed a depth of 1 meter. The applicant will apply to the Limerick City and County Council for the Certificate of Registration.

The purpose of these works is to enhance the quality of the land and convert it to agricultural use. The fill will not impact neighbouring properties and the local environment.

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

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 2021 (as amended).

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:

1. 24-019-001_Site Location Map (1:2500)
2. 24-019-002_Record Place Map (1:10560)
3. 24-019-003_Site Layout Plan (1:500)
4. 24-019-004_Existing and Proposed Site Levels (1:500)
5. 24-019-005_Site Cross Sections (H 1:500; V 1:100)
6. 24-408-001_Topographical Survey by NCW Surveys (1:500)

Have any previous extensions/structures been erected at this location

YES/NO

If Yes please provide floor areas of all existing structures:

N/A

Signature of Applicant (or Agent) Magdalena Bednorzyska

BD B Consulting Ltd.
30 O'Connell St.
Limerick

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 _____



COMHAIRLE
CATHRACH & CONTAE
Luimnígh
Limerick
CITY & COUNTY
COUNCIL

LIMERICK CITY & COUNTY COUNCIL
CASH OFFICE
CIVIC OFFICES
DOORADOYLE
CO LIMERICK

22/10/2024 12:16:54

Receipt No./
Uimhir Admhála : LA25/0/25171771

BDB CONSULTING
30 O'CONNELL STREET
LIMERICK

EXEMPTION CERTIFICATES 80.00
GOODS 80.00
VAT Exempt/Non-vatable

Total/Iomlán 80.00 EUR

Tendered/Tairgthe : 80.00
Credit / Debit Card
VISA

Change/Sóinseáil 0.00

Issued By: Ronan Forde
CICE HQ

7368TH

LEGEND

Development Name

Rivermount Farm Limited



Are To Be Filled = 7.40 Acres
or 3.0 ha Approx.



Lands under Ownership= 17.25Ac
or 6.98 ha Approx.

N



Description:

Digital Landscape Model (DLM)

Publisher / Source:

Ordnance Survey Ireland (OSi)

Data Source / Reference:

PRIME2

File Format:

Autodesk AutoCAD (DWG_R2013)

Reference Index:

Map Series | Map Sheets

1:2,500 | 4863-A

1:2,500 | 4862-B

File Name:

1:5,000 | 4863

v_50425389_1.dwg

1:5,000 | 4862

Clip Extent / Area of Interest (AOI):

Data Extraction Date:

LLX,LLY= 543896.5599,649732.5785

Date= 30-Sep-2024

LRX,LRY= 544479.5599,649732.5785

Source Data Release:

ULX,ULY= 543896.5599,650162.5785

DCMLS Release V1.179.118

URX,URY= 544479.5599,650162.5785

Projection / Spatial Reference:

Product Version:

Projection= IRENET95_Irish_Transverse_Mercator

Version= 1.4

Centre Point Coordinates:

License / Copyright:

X,Y= 544188.0599,649947.5785

Ordnance Survey Ireland

Terms of Use apply.

A3

REVISIONS

No.	Date	Staff	Description
--	--	--	--
--	--	--	--



30 O'Connell St.,
Limerick.

Mob: 061-468860

Email: info@bdb.ie

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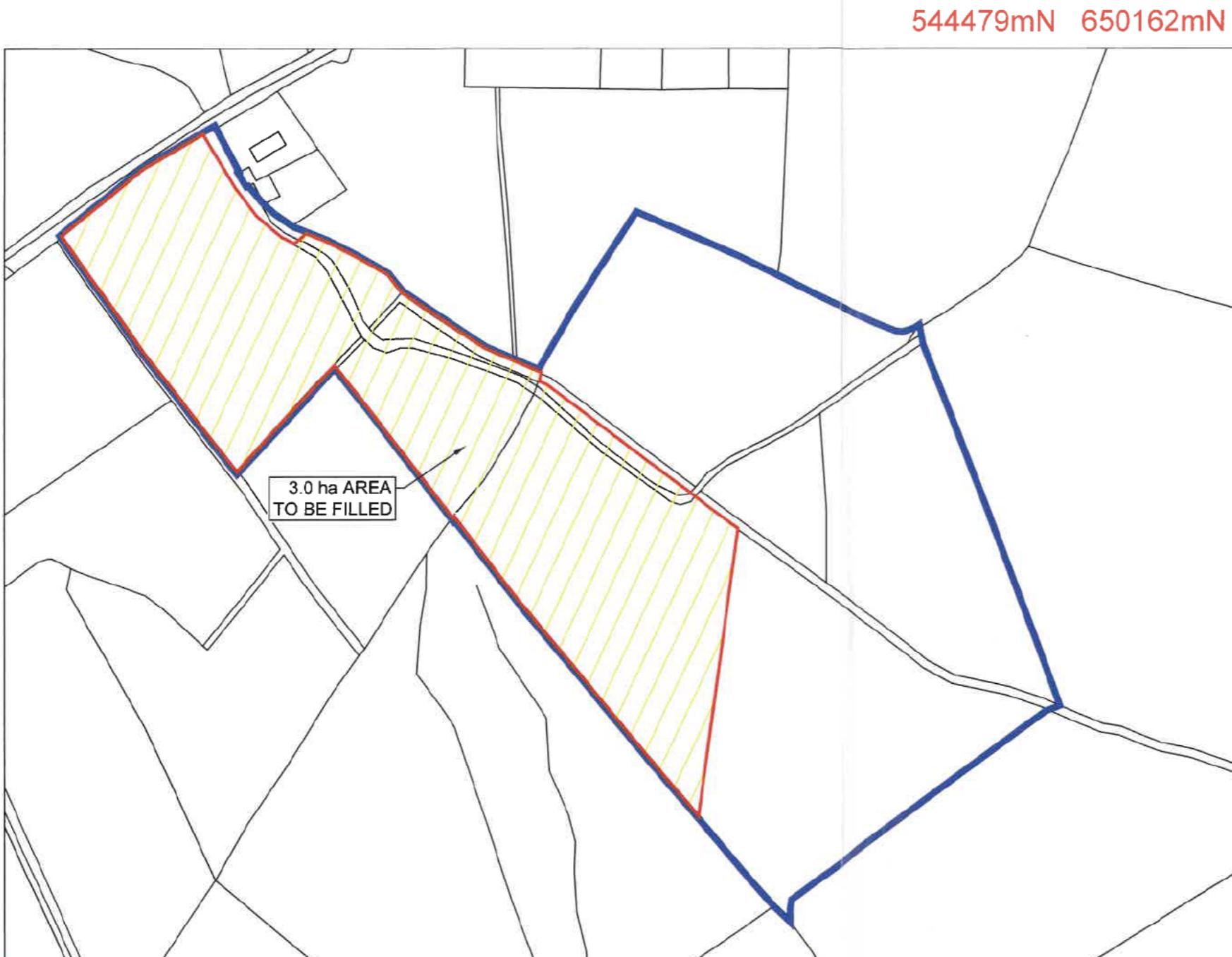
Client : Rivermount Farm Limited

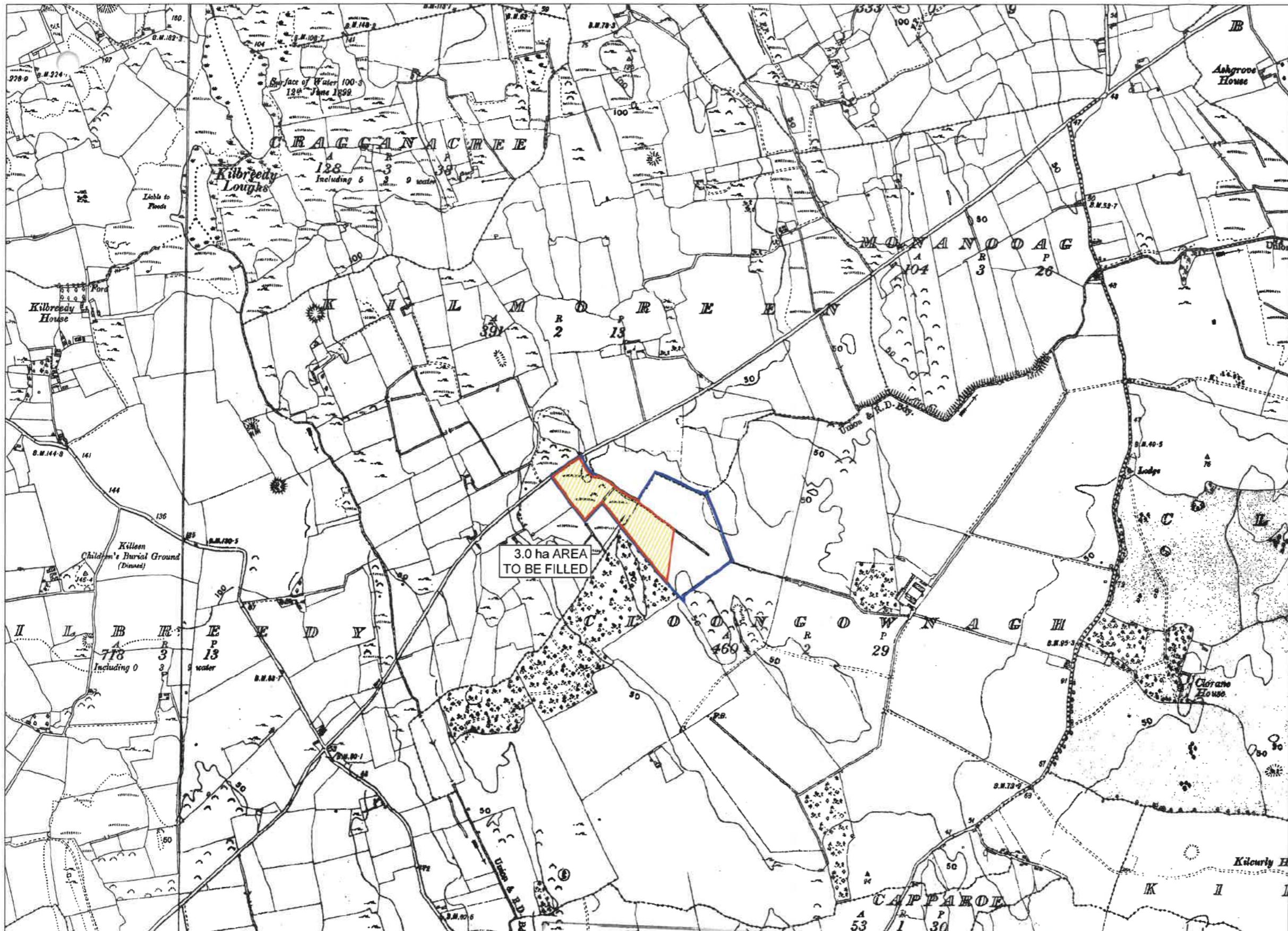
Scale: 1 in 2500

Project : Site Location Map

Drawn by : CG Date : 16/10/2024

Drawing number : 24-019-001 Rev: I0





LEGEND

Development Name

Rivermount Farm Limited

Are To Be Filled = 7.40 Acres
or 3.0 ha Approx.

Lands under Ownership= 17.25Ac
or 6.98 ha Approx.



Description: Reference Index:
Digital Landscape Model (DLM) -----
Map Series | Map Sheets
1:2,500 | 4863-A
1:2,500 | 4862-B
Publisher / Source: -----
1:5,000 | 4863
1:5,000 | 4862
Ordnance Survey Ireland (OSi) -----
Data Source / Reference: -----
Data Extraction Date: -----
PRIME2 Date= 30-Sep-2024
File Format: -----
Source Data Release: -----
Autodesk AutoCAD (DWG_R2013) Date= 30-Sep-2024
DCMLS Release V1.179.118
File Name: -----
Product Version: -----
v_50425389_1.dwg Version= 1.4
License / Copyright: -----
Ordnance Survey Ireland Terms of Use apply.
Clip Extent / Area of Interest (AOI): -----
LLX,LLY= 543896.5599,649732.5785
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ULX,ULY= 543896.5599,650162.5785
URX,URY= 544479.5599,650162.5785
Projection / Spatial Reference: -----
Projection: -----
IRENET95_Irish_Transverse_Mercator
Centre Point Coordinates: -----
X,Y= 544188.0599,649947.5785
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SITE BOUNDARY

Revision Description:	Rev:	By:	Date:
Council			
11 MAR 2024			
Planning			



TITLE: Record Place Map

CLIENT: Rivermount Farm Limited

30 O'Connell St,
Limerick,

TEL: 061-468860
EMAIL: info@bdb.ie
WWW: BDB.IE

PROJECT : Increase of Agricultural Land Levels

Date: 16/10/2024

Drawn By: MB

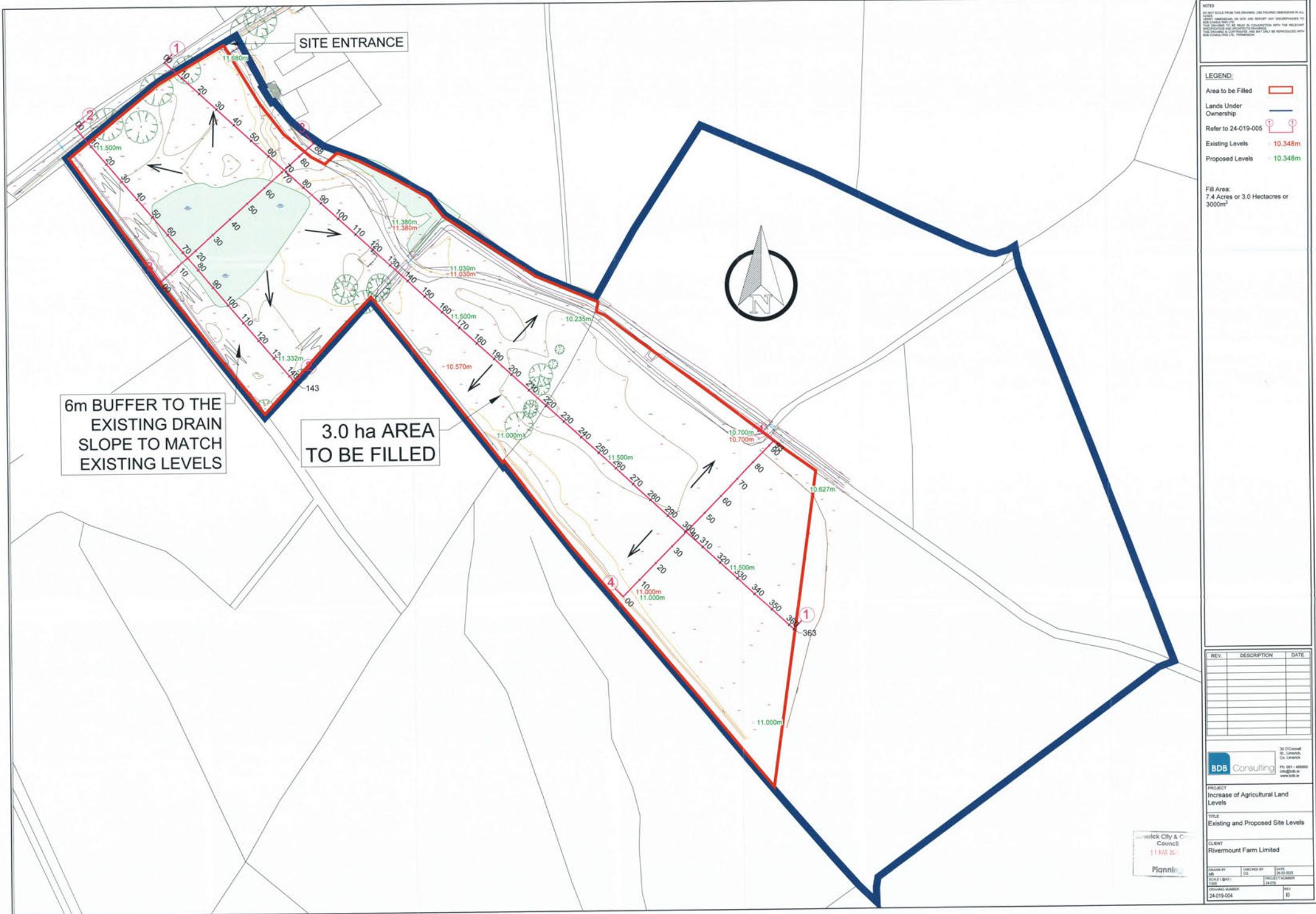
Checked By: CG

Scale: 1 in 10,560

Drawing Number: 24-019-002

Rev: 10

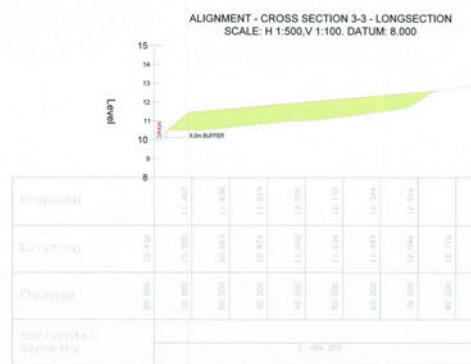
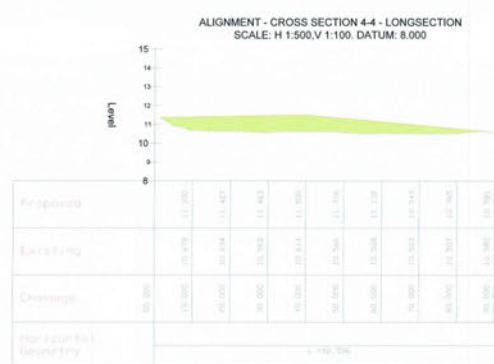
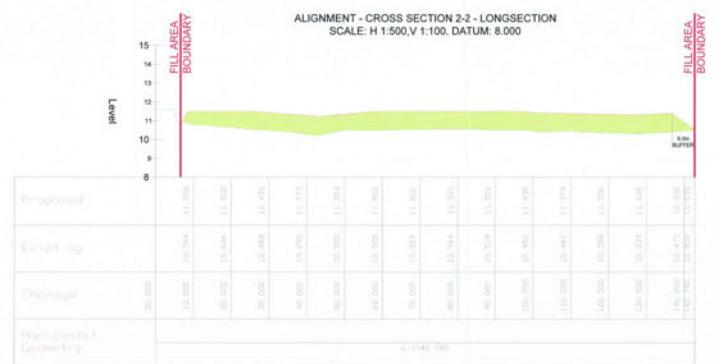




NOTES
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LEGEND:

Existing Grund	
Proposed Ground	
Fill	
Fill Area:	7.4 Acres or 3.0 Hectares or 3000m ²



PROJECT Increase of Agricultural Land

TITLE
Site Cross Sections

DRAWN BY MB	CHECKED BY CO	DATE 27-02-2025
SCALE (1:100)	PROJECT NUMBER 24-019	
DRAWING NUMBER 24-019-005	REV 10	

TE:
nts are in meters to CSOM11 (NAD83-DATUM), unless
this datum was established using a Trimble Network RTK
coordinate system used - **TNGRS**.
It refers to Grid North.
ly stated stations have been surveyed.
in TYPE, PIPE DIAMETER & FL/D2 direction have
ed unless otherwise noted.
ing four lines have been surveyed randomly and are
ntly, unless otherwise noted.
ANY DISCREPANCIES ARE FOUND IN THIS SURVEY
TO BE REPORTED TO INSURANCE(S) LTD IMMEDIATELY.
TO DO SO WILL INVALIDATE ANY SUBSEQUENT
DING FROM USING THIS SURVEY DATA.

The logo for NCW SURVEY. It features the letters 'NCW' in a large, bold, green sans-serif font. A red circle is positioned to the right of 'NCW', containing the word 'SURVEY' in white. Above the 'NCW' text, there is a small red cross symbol.

Planning
11 MAR 2025

TOPO SURVEY

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

Reference no. EC/045/25

Name and Address of Applicant: Rivermount Farm Limited, The Farm Yard, Cloongownagh, Kildimo, Co. Limerick

Agent: BDB Consulting Ltd., 30 O'Connell Street, Limerick City, V94 HTT8

Location: Kilmoreen, Kildimo, Limerick

Description of Site and Surroundings:

The subject site is a 3.0Ha narrow parcel of land accessed from the L8033, c. 3km southwest of Kildimo village. The site layout plan submitted shows an irregularly shaped plot of land with an uneven topography. It is stated on the application that the subject land parcel is located within a wider farmholding.

Zoning:

N/A

Proposal:

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

- *Whether land reclamation works, that involve the re-contouring of land, including the infilling of land within a farm holding using inert soil material not exceeding a depth of 1m to enhance the quality of the land and convert it to agricultural use is or is not development and is or is not exempted development.*

This Section 5 declaration includes the following:

- Section 5 Declaration Application Form
- Cover Letter
- Site Location Map
- Site layout plan
- Existing and proposed site levels
- Site cross sections
- Topographical Survey.

Planning History:

No recent planning history on site.

Enforcement History

No Planning Enforcement on site.

Relevant ABP Case files:

ABP-303109-18 Whether the removal of trees and other vegetation from the site and infilling of the existing hole with unknown infill material and top soiling of the filled hole and the carrying out of

works to allow water held in the hole to discharge to natural drainage network is or is not development or is or is not exempted development.

ABP-314860-22 - Whether the raising of a section of land by the entrance to agricultural lands by less than 1m with native soil and subsoil from existing lands of applicant is or is not considered development, and is or is not considered exempted development.

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).

Article 8C states that “land reclamation works (other than reclamation of wetland) consisting of re-contouring of land, including infilling of soil (but not waste material) within a farm holding, shall be exempted development”.

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 importation of inert soil material involves the alteration of the existing landscape of the subject site and therefore, it is my conclusion that this constitutes ‘works’ and ‘development’.

Is the proposal exempted development?

The applicant has stated that an exemption is being claimed under Section 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 2021 (as amended).

Class 11 of Part 3 of Schedule 2 of the Planning and Development Regulations 2001, as amended, provides for an exemption for development consisting of *the carrying out of drainage and/or reclamation of wetlands*. Having regard to the submitted documents, the proposal is for the reclamation of land through the importation of inert soil to enhance the quality of land and convert it to agricultural use. Given that the works required are not for the drainage and/or reclamation of wetlands it is not considered that the proposal would come within the scope of Class 11.

Article 8C provides for an exemption for *land reclamation works consisting of the re-contouring of land, including the infilling of soil (but not waste material) within a farm holding*. Having regard to the proposal, the land reclamation works comprise the infilling of c. 3hectares of land within an existing farm holding. Article 8C clearly stipulates that waste material is not permitted as part of this exemption. The applicant details that ‘inert soil’ will be used; however, no details have been provided as to where this material is to be sourced from. Having regard to ABP-303109-18, the report refers to the definition of waste material as per the Waste Management Regulations 2007, noting that the recovery of natural

materials (clay, silt, sand, gravel or stone) is defined as a waste activity. Given that the applicant has not provided details of the contents of the inert soil required for the infilling it cannot be determined if the proposal would comply with Article 8C. I consider that the subject development, which involves the infill of unknown waste material to a site within a farmholding does not constitute land reclamation. The proposed development, therefore, would not benefit from the exempted development provisions set out under article 8c.

ABP case file 314860-22 is also of relevance whereby a similar question was put to the board regarding the infilling of land. The Board deemed the proposal as development which was not exempted development having regard to Article 9 1(a)(viiB), due to a direct hydrological connection between the site and a nearby SAC. Article 9 1(a)(viiB) of the Planning and Development Regulations 2001, states:

*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— 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,*

An AA Screening examination was undertaken as part of this report, see appendix 1 below. As part of this screening, a hydrological connection was identified which flows directly into the nearby Lower River Shannon SAC c. 3km east. Considering the judgement made by the Board under case file ABP 314860-22 and having regard to the nature of the works proposed as part of this application and the findings of the AA Screening, it is considered that it is uncertain whether the proposal would have a significant effect on the integrity of the above named European site.

Article 9 Restrictions

The proposed development is restricted by Article 9(1)(a)(viiB) 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) which concluded that it is unclear whether the construction or operational phases may result in environmental impacts that could affect the integrity of the QIs of nearby European sites, namely the Lower River Shannon SAC. Overall, it is considered that it is uncertain whether the proposal would have a significant effect on the integrity of the Lower River Shannon SAC.

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 not come within the scope of the Exempted Development provisions as detailed under the Planning and Development Regulations 2001 (as amended), specifically **article 8c and 9(1)(a)(viiB)**.

Regard has been had to –

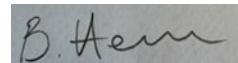
- (a) Section 2, 3 and 4 of the Planning and Development Act 2000 (as amended)
- (b) Class 11 of Part 3 of Schedule 2 of the Planning and Development Regulations 2001 (as amended)
- (c) Article 8C and of Part 2 of the Planning and Development Regulations 2001 (as amended)
- (e) ABP referrals: ABP-303109-18 and ABP-314860-22
- (d) The plans & particulars submitted with the application received on 11th March 2025.

It is therefore considered that the said works are development and not exempted development under **Article 8C and 9(1)(a)(viiB)** of Part 2 of the Planning and Development Regulations 2001 (as amended).



Eithne O'Brien
Assistant Planner

Date: 3/4/2025



Agreed by: _____

Barry Henn
Senior Executive Planner

Date: 07/04/2025

Appendix 1: AA PN01 Screening Form

STEP 1: Description of the project/proposal and local site characteristics:	
(a) File Reference No:	EC/045/25
(b) Brief description of the project or plan:	A section 5 application whether land reclamation works, that involve the re-contouring of land, including the infilling of land within a farm holding using inert soil material not exceeding a depth of 1m to enhance the quality of the land and convert it to agricultural use is or is not development and is or is not exempted development.
(c) Brief description of site characteristics:	The subject site is a 3.0Ha narrow parcel of land accessed from the L8033, c. 3km southwest of Kildimo village. The site layout plan submitted shows an irregularly shaped plot of land with an uneven topography.
(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 Interest¹	Distance from proposed development² (km)	Connections (Source-Pathway-Receptors)	Considered further in screening Y/N
002165-Lower River Shannon SAC	https://www.npws.ie/protected-sites/sac/002165	2.8km	Yes – Hydrological connection exists via stream located on subject site	Y – See Step 3

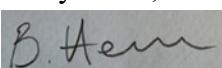
			which flows c.3km east connecting into the River Maigue, a tributary of the Shannon Estuary.	
004077-River Shannon and River Fergus Estuaries SPA	https://www.npws.ie/protected-sites/sac/004077	4.7km	Yes – Hydrological connection exists via stream located on subject site which flows c.3km east connecting into the River Maigue, a tributary of the Shannon Estuary.	Y – See Step 3
002279 – Askeaton Fen Complex	https://www.npws.ie/protected-sites/sac/002279	2.2km	No direct encroachment or hydrological connection.	N
000174 – Curraghchase Woods SAC	https://www.npws.ie/protected-sites/sac/000174	2.2km	No direct encroachment or hydrological connection.	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)	During the construction phase, there is potential for impacts on water quality from surface water runoff from site works to temporarily discharge to a stream on-site which flows into the River Maigue/ Lower River Shannon SAC, c.3km east of the site. As such, it is uncertain whether the

<ul style="list-style-type: none"> - Dust, noise, vibration - Lighting disturbance - Impact on groundwater/dewatering - Storage of excavated/construction materials - Access to site - Pests 	proposal will have a significant effect on a European Site.
Operation phase e.g. <ul style="list-style-type: none"> - Direct emission to air and water - Surface water runoff containing contaminant or sediment - Lighting disturbance - Noise/vibration - Changes to water/groundwater due to drainage or abstraction - Presence of people, vehicles and activities - Physical presence of structures (e.g collision risk) - Potential for accidents or incidents 	During the operation phase, there is potential for impacts on water quality from run-off having regard to the presence of animals/vehicles potentially using the site for agricultural purposes. As such, it is uncertain whether the proposal will have a significant effect on a European Site.
In-combination/Other	N/A given the level of development in the area, primarily rural one-offs, upgrades to existing dwellings etc.

(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 	
	It is uncertain whether the proposal will have a significant effect on a European Site given that the exact type of soil is unknown and there are hydrological connections between the site and a European site.

(c) (Are ‘<i>mitigation</i>’ measures necessary to reach a conclusion that likely significant effects can be ruled out at screening?	
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

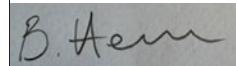
<h3 style="text-align: center;">STEP 4: Screening Determination Statement</h3>		
<p>The assessment of significance of effects:</p> <p>Describe how the proposed development (alone or in-combination is/is not likely to have significant effects on European site (s) in view of its conservation objectives</p>		
<p>On the basis of the information submitted, it is uncertain whether the proposal will have a significant effect on a European Site given that the exact type of soil is unknown and there are hydrological connections between the site and a European site.</p>		
<p>Conclusion: Further information is required.</p>		
	Tick as appropriate:	Recommendation:
(i) It is clear that there is no likelihood of significant effects on a European Site	<input type="checkbox"/>	<p>The proposal can be screened out: Appropriate Assessment not required.</p>
(ii) It is uncertain whether the proposal will have a significant effect on a European Site	<input checked="" type="checkbox"/>	<p><input type="checkbox"/> Request further information to complete screening</p> <p><input type="checkbox"/> Request NIS</p> <p><input type="checkbox"/> Refuse planning permission</p>
(iii) Significant effects are likely	<input type="checkbox"/>	<p><input type="checkbox"/> Request NIS</p> <p><input type="checkbox"/> Refuse planning permission</p>
Signature and Date of Recommending Officer:	<p>Eithne O'Brien</p>  <hr/> <p>Eithne O'Brien, Assistant Planner 03/4/2025</p>	
Signature and Date of the Decision Maker:	<p>Barry Henn, SEP</p>  <hr/> <p>07/04/2025</p>	

Appendix 2: EIA Screening.

Establishing if the proposal is a 'sub-threshold development':		
Planning Register Reference:	EC-045-25	
Development Summary:	Whether land reclamation works, that involve the re-contouring of land, including the infilling of land within a farm holding using inert soil material not exceeding a depth of 1m to enhance the quality of the land and convert it to agricultural use 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 <u>[insert here]</u>		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): <u>[specify class & threshold here]</u>		EIA is mandatory No Screening required
<input type="checkbox"/> Yes the project is of a type listed but is sub-threshold : <u>[insert here]</u>		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 03/04/2025

Signature and Date of the Decision Maker:

Barry Henn, SEP



07/04/2025 _____



PLANNING & PLACE-MAKING

REG POST:

Rivermount Farm Limited
c/o BDB Consulting Ltd.,
30 O'Connell Street,
Limerick,
V94 HTT8

EC/45/25

8th April 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) Senior Planner,
Development Management

LIMERICK CITY & COUNTY COUNCIL

APPROVED OFFICER'S ORDER

SECTION 5 – DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

No. AOO/DC/2025/340

File Ref No. EC/045/25

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

RE: **Land reclamation works, that involve the re-contouring of land, including the infilling of land within a farm holding using inert soil material not exceeding a depth of 1m to enhance the quality of the land and convert it to agricultural use at Kilmoreen, Kildimo, Limerick**

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 03/04/2025, hereby order that a Declaration under Section 5 of the Planning and Development Act 2000 (as amended) be issued to Rivermount Farm Limited, c/o BDB Consulting Ltd., 30 O'Connell Street, Limerick, V94 HTT8 to state that the works as described above is

Development and is NOT Exempt Development. *BL*

Signed

B. Henn

SENIOR EXECUTIVE PLANNER, PLANNING & PLACE-MAKING

Date

08 | 04 | 2025

Certified to be a true copy of Approved Officer's Order, Planning & Development Order No. AOO/DC/2025/340 dated 8/4/25, 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/045/25

Name and Address of Applicant: Rivermount Farm Limited, The Farm Yard, Cloongownagh, Kildimo, Co. Limerick

Agent: BDB Consulting Ltd., 30 O'Connell Street, Limerick, V94 HTT8

Whether the land reclamation works, that involve the re-contouring of land, including the infilling of land within a farm holding using inert soil material not exceeding a depth of 1m to enhance the quality of the land and convert it to agricultural use at Kilmoreen, Kildimo, 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 11th of March 2025.

AND WHEREAS the Planning Authority has concluded that the land reclamation works, that involve the re-contouring of land, including the infilling of land within a farm holding using inert soil material not exceeding a depth of 1m to enhance the quality of the land and convert it to agricultural use at Kilmoreen, Kildimo, Limerick **DOES NOT** come within the scope of exempted development under Article 8C and 9(1)(a)(viiB) of Part 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 NOT Exempt Development**.

Signed on behalf of the said Council

Date: 08/04/2025

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.