



Comhairle Cathrach
Is Contae Luimnigh
Limerick City
Is County Council

ATLANTIC EDGE
LIMERICK
EUROPEAN CAPITAL

**Limerick City & County
Council**
- 8 SEP 2025
Planning

Limerick City and County Council

Planning Department

Section 5 Application

Limerick City & County Council
RECEIVED

05 SEP 2025

Customer Services Post
Docradoyle

DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

Applicant's Name:

Seamus Noonan

Applicant's Address:

Ballyduhig, Broadford,
Co. Limerick

P56 NH95

Name of Agent (if any):

Denis O' Connor

Address:

Knockduff, Cullen,
Mallow, Co. Cork

P51 HW1H

Telephone No.

087 - 4486052

agdesign planning@gmail.com

Address for Correspondence:

AGDesign - Knockduff, Cullen, Mallow,
Co. Cork. P51 HW1H.

Location of Proposed development (Please include EIRCODE):

Ballyduhig, Broadford, Co. Limerick
P56 NH95

Description of Proposed development:

This application is under agricultural exemption + Class 4.

The proposed floor area is $292.8m^2$ which is under the $300m^2$ threshold. The existing storage area = $85m^2$ which gives a total (existing + proposed) floor area of $377.8m^2$, which is under the required $900m^2$. There is no 3rd party dwelling within 100m, it would be more than 10m from a road + would be under 8m high. (Eight)

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

Agri Exemption (Leaflet 9, Type 4)

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:

4 No. Copies of Floorplan, Section + Elevation (Scale 1/200)
4 No. Copies of Proposed Site Layout (Scale 1/500)
4 No. Copies of Local Place Map (Scale 1/2500)
4 No. Copies of Record Place Map (Scale 1/10560)

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

If Yes please provide floor areas of all existing structures:

No.

Signature of Applicant (or Agent)

John S. Grace (Agent).

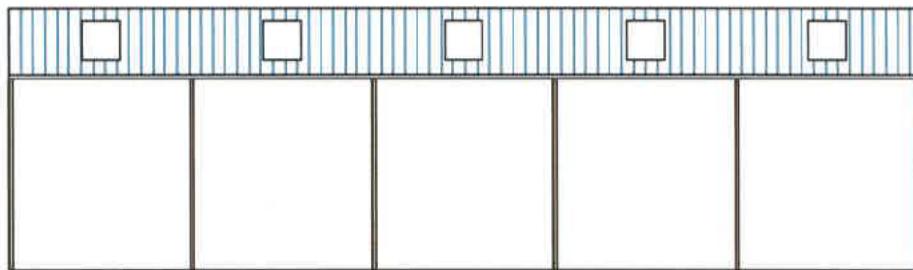
NOTES: Application must be accompanied by:

- (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. ✓

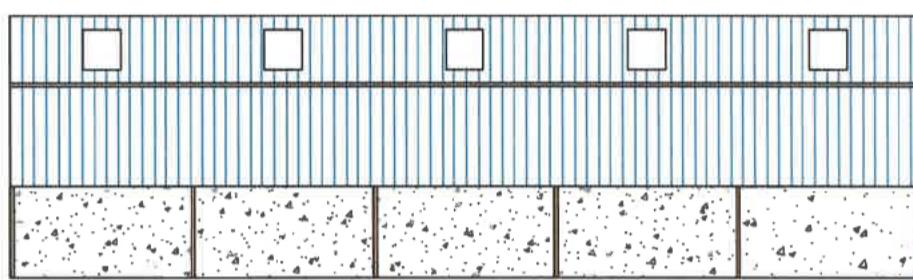
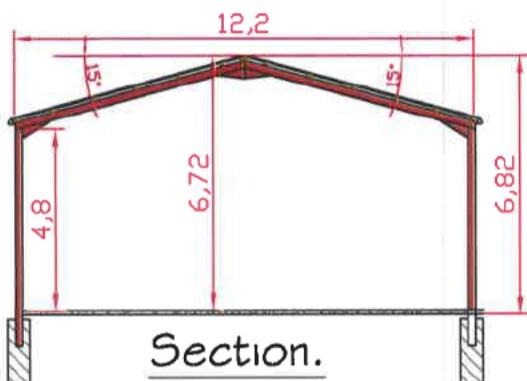
Application to be forwarded to:

**Planning Department,
Limerick City & County Council,
Dooradoyle,
Limerick,
V94 XF67**

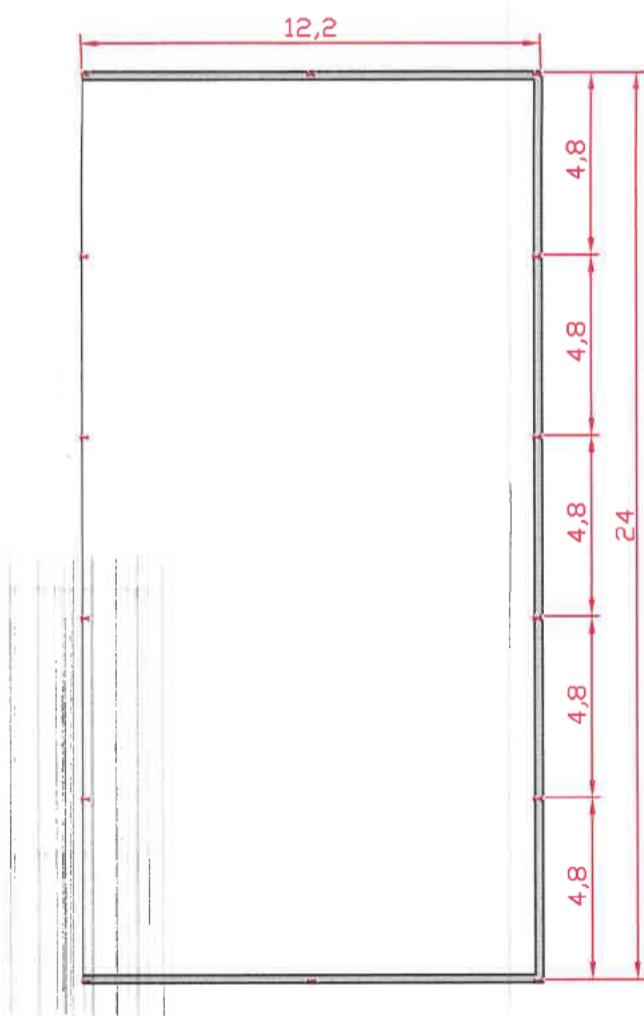
**Enquiries:
Telephone: 061-556556
E-Mail: planning@limerick.ie**



WESTERLY ELEVATION



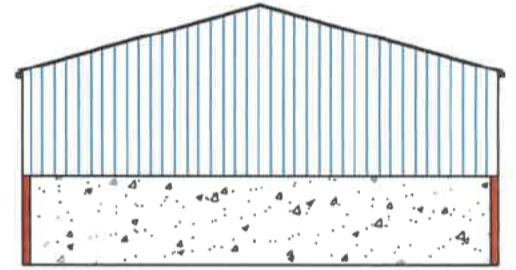
EASTERLY ELEVATION



FLOORPLAN.



NORTHERLY ELEVATION



SOUTHERLY ELEVATION

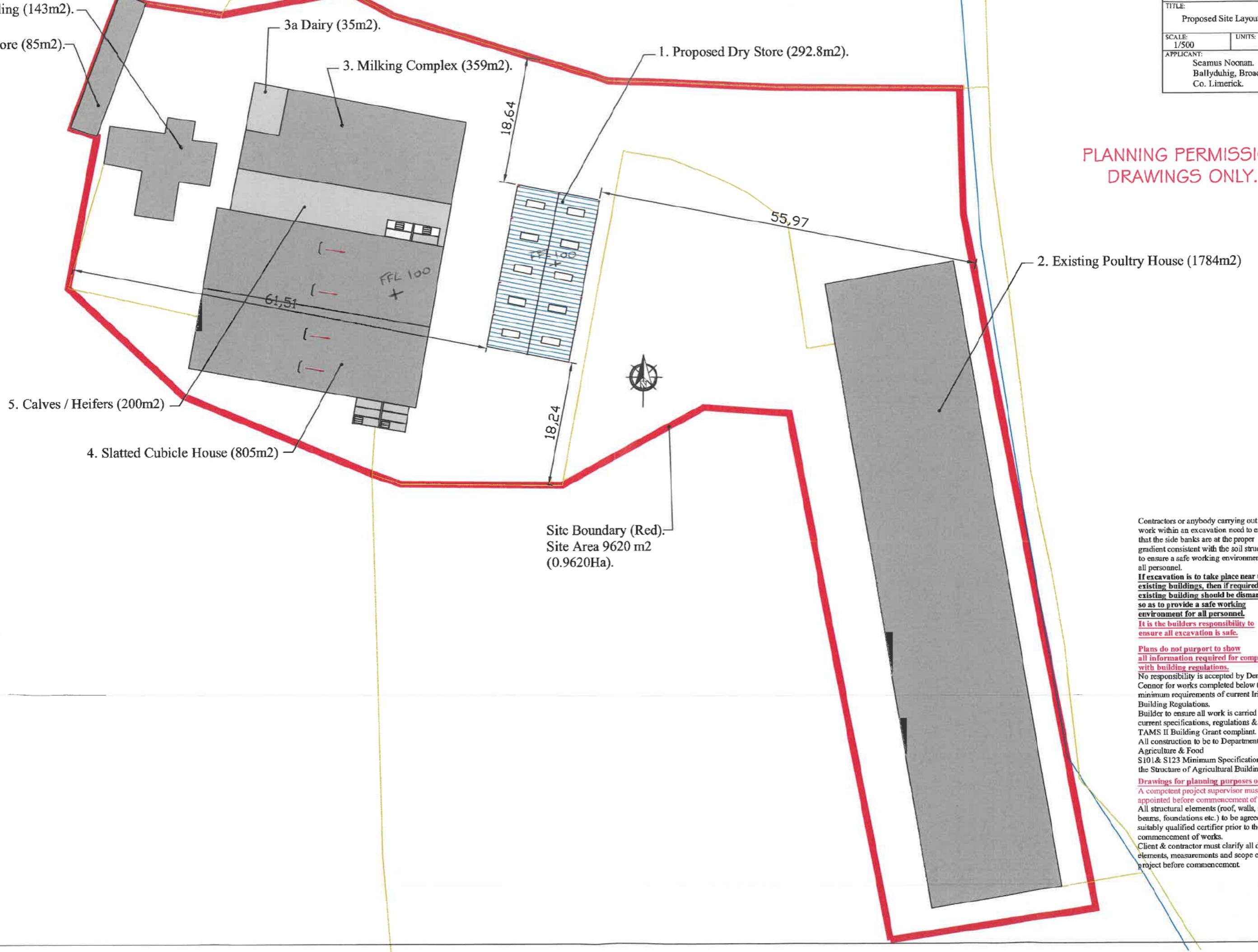
Drawings for planning purposes only.
A competent project supervisor must be appointed before commencement of work.
All structural elements (roof, walls, steel beams, foundations etc.) to be agreed with suitably qualified certifier prior to the commencement of works.
Client & contractor must clarify all design elements, measurements and scope of the project before commencement.

Contractors or anybody carrying out any work within an excavation need to ensure that the side banks are at the proper gradient consistent with the soil structure to ensure a safe working environment for all personnel.
If excavation is to take place near to existing buildings, then if required, existing building should be dismantled so as to provide a safe working environment for all personnel.
It is the builders responsibility to ensure all excavation is safe.

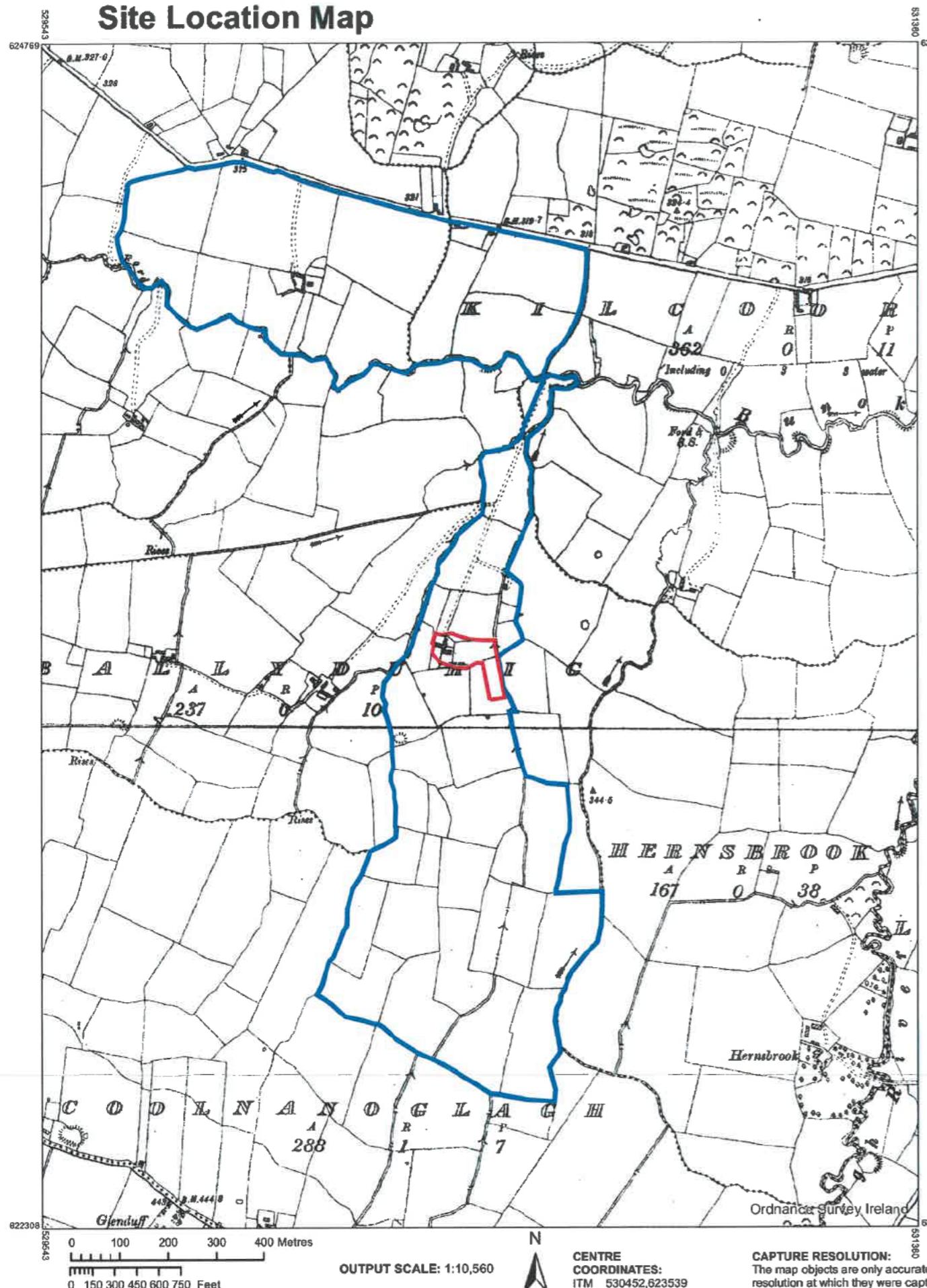
Plans do not purport to show all information required for compliance with building regulations.
No responsibility is accepted by Denis O'Connor for works completed below the minimum requirements of current Irish Building Regulations.
Builder to ensure all work is carried out to current specifications, regulations & is TAMS II Building Grant compliant.
All construction to be to Department of Agriculture & Food S101 & S123 Minimum Specification for the Structure of Agricultural Buildings.

PLANS:	D. O'Connor. B.Tech.
087-4486052	
TITLE:	Proposed Site Layout.
SCALE:	1/500
UNITS:	Metres
APPLICANT:	Seamus Noonan. Ballyduhig, Broadford, Co. Limerick.

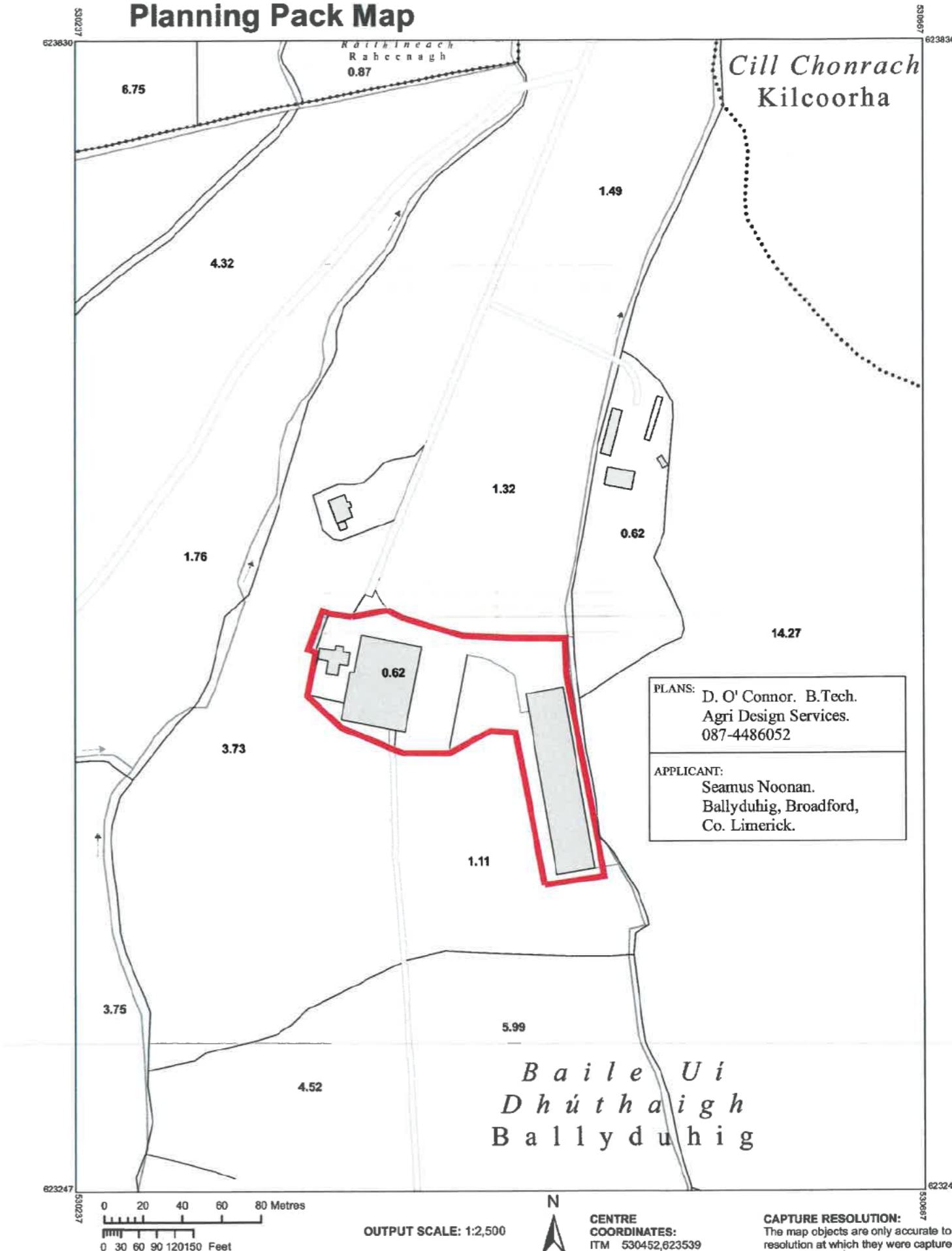
PLANNING PERMISSION
DRAWINGS ONLY.



Site Location Map



Planning Pack Map



Tailte
Éireann



LIMERICK CITY & COUNTY COUNCIL

CASH OFFICE

CIVIC OFFICES

DOORADOYLE

CO LIMERICK

05/08/2025 14:49:35

Receipt No.: LA25/25191215

Customer Address:

SEAMUS NOONAN

C/O AD DESIGN

KNOCKDUFF

CULLEN

MALLOW

CO. CORK

P51HW1H

Code	Ref	Qty	Price	Amount	VAT
PL041	AIB CHQ NO. 500710	1	80	80,00	0,00
			EUR	EUR	EUR

Paid with: Cheque

Subtotal: 80.00 EUR

Tax (VAT): 0.00 EUR

Total: 80.00 EUR

Tendered: 80.00 EUR

From: CASH OFFICE HQ

VAT Reg No: 3267368TH

Please retain this receipt for your records

Please do not reply to this email



Comhairle Cathrach
& Contae **Luimnigh**

Limerick City
& County Council

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

File Reference number	EC-188-25
Applicant	Seamus Noonan
Location	Ballyduhig, Broadford, Co. Limerick. P56NH95

1.0 Description of Site and Surroundings:

The site is located in the townland of Ballyduhig circa 2.4km west of Ashford village on local road L13181-30. The site is located in a rural setting with the majority of surrounding land in agricultural pasture use and the existing site comprises a poultry house milking complex, clave house, slatted cubicle house, dairy, dry store and old dwelling house. There also appears to be a silage bay on site not indicated on the layout submitted.

2.0 Proposal:

This is an application requesting a Section 5 Declaration on whether the following works are or are not development or are or not exempted development:

- The erection of a dry store building comprising of 292.8m².

This Section 5 declaration includes the following:

- Section 5 Declaration
- Site location map
- Floor plans
- Photographs of development to be accessed

3.0 Planning History:

16/541 – Permission granted to Seamus & Alice Noonan for the construction of two no poultry houses and all associated site works. The development requires and EPA Industrial Emissions License (formerly Integrated Pollution Prevention and Control License). An Environmental Impact Statement has been submitted as part of the planning application.

07/518 - Permission granted to Seamus Noonan for the demolition of a store, also the construction of a milking parlour, cattle crush and a soiled water tank.

01/1472 – Permission granted to Seamus & Alice Noonan for the construction of a two-storey dwelling house with associated septic tank, percolation area, entrance & boundary fences.

99/227 - Permission granted to Seamus Noonan for the conversion of existing silo pit and exercise yard to easy feed system and construction of silage base.

4.0 Enforcement History

None

5.0 Relevant An Bord Pleanála referrals

None

6.0 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).

5.1 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 agricultural building specifically a dry store), constitutes ‘works’ and ‘development’.

5.2 Is the proposal exempted development?

Applicant has made reference to Class 4 of the Rural Exemptions. However, Class 4 concerns the construction, erection or maintenance of any wall or fence, other than a fence of sheet metal, or a wall or fence within or bounding the curtilage of a house. The applicant has indicated on their submitted drawings that the structure is a drystore and therefore Class 9 would appear to be more appropriate.

Class 9

Works consisting of the provision of any store, barn, shed, glass-house or other structure, not being of a type specified in class 6, 7 or 8 of this Part of this Schedule, and having a gross floor space not exceeding 300 square metres.

1. No such structure shall be used for any purpose other than the purpose of agriculture or forestry, but excluding the housing of animals or the storing of effluent.

Application states the use is as a ‘dry store’. This can be assumed to mean for the storage of feed etc

2. The gross floor space of such structures together with any other such structures situated within the same farmyard complex or complex of such structures or within 100 metres of that complex shall not exceed 900 square metres gross floor space in aggregate.

The combined floor area of the structures in the complex is 3,560.8m² which exceeds the 900m² threshold.

3. No such structure shall be situated within 10 metres of any public road.

The structure appears to be approximately 56m from the public road (L13181).

4. No such structure within 100 metres of any public road shall exceed 8 metres in height.

The structure is 6.82m in height.

5. No such structure shall be situated within 100 metres of any house (other than the house of the person providing the structure) or other residential building or school, hospital, church or building used for public assembly, save with the consent in writing of the owner and, as may be appropriate, the occupier or person in charge thereof.

The nearest dwelling is derelict in the Applicants control and the next nearest is the Applicant's dwelling permitted under planning reference 01/1472.

6. No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.

Metal sheeting is painted.

7.0 Article 9 Restrictions

No encroachments.

8.0 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.

9.0 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.

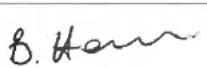
10.0 Conclusion/Recommendation

The proposed dry store comprising of 292.8m² detailed on the application and plans submitted is not considered to be within the scope of Class 9 of Part 3 of schedule 2 of the Planning and Development Regulations 2001 (as amended) as the combined floor area of the structures in the complex is 3,560.8m² which exceeds the 900m² threshold.

Regard has been had to –

- (a) Section 2, 3 and 4 of the Planning and Development Act 2000 (as amended)
- (b) Classes 9 of Part 3 of schedule of the Planning and Development Regulations 2001 (as amended)
- (c) The plans & particulars submitted with the application received on 5th day of September 2025.

It is therefore considered that the said works are development and are not exempted development under Class 9 of Part 3 of Schedule 2 of the Planning and Development Regulations 2001 (as amended).

Executive Planner	Jennifer Mc Nulty	Date:
Signature:		01/10/2025
A/Senior Planner	Barry Henn	Date:
Signature:		02/10/2025

AA PN01 Screening Form

STEP 1: Description of the project/proposal and local site characteristics:	
(a) File Reference No:	EC-188-25
(b) Brief description of the project or plan:	Agricultural Structure
(c) Brief description of site characteristics:	Rural site
(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
002165	Lower River Shannon SAC https://www.npws.ie/protected-sites/sac/002165	Circa 2km	None	None
004077	River Shannon and River Fergus Estuaries SPA https://www.npws.ie/protected-sites/spa/004077	Circa 30km	None	None
002170	Blackwater River SAC https://www.npws.ie/protected-sites/sac/002170	Circa 7km	None	None
004161	Stack's to Mullaghareirk Mountains, West Limerick Hills & Mount Eagle SPA https://www.npws.ie/protected-sites/spa/004161	Circa 1.7km	None	None

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 <ul style="list-style-type: none"> - 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. Works are minimal and will involve temporary construction works, therefore, no likely significant impact on the conservation objectives of the above named sites.
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 	None. Works are minimal and will involve temporary construction works, therefore, no likely significant impact on the conservation objectives of the above named sites.
In-combination/Other	N/A given the level of development in the area

(b) Describe any likely changes to the European site:

Examples of the type of changes to give consideration to include: <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 	None. Works are minimal and will involve temporary construction works, therefore, no likely significant impact on the conservation objectives of the above named sites.
--	---

(c) (Are 'mitigation' measures necessary to reach a conclusion that likely significant effects can be ruled out at screening?

Yes No

The assessment of significance of effects:

On the basis of the information on file, which is considered adequate to undertake a screening determination and having regard to:

- the nature and scale of the proposed development on fully serviced lands,
- the intervening land uses and distance from European sites,

the lack of direct connections with regard to the Source-Pathway-Receptor model, 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. An appropriate assessment is not, therefore, required.

Conclusion: This development is for the development of an agricultural structure on a rural site. Given that the site does not encroach on any SAC/SPA and the scale of the development, an AA 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:	 _____ Jennifer McNulty, Executive Planner 01/10/25	
Signature and Date of the Decision Maker:	 _____ Barry Henn, A/Senior Planner 02/10/25	

APPENDIX 2 EIA SCREENING – ESTABLISHING IF PROPOSAL IS SUB-THRESHOLD

Establishing if the proposal is a 'sub-threshold development':		
Planning Register Reference:	EC-188_25	
Development Summary:	Agricultural Structure	
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
<input type="checkbox"/>		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 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
<input checked="" type="checkbox"/>	Yes the project is of a type listed but is sub-threshold : Schedule 5 Part 2, 10 (b) Construction of more than 500 dwelling units	No Screening required
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 checked="" type="checkbox"/> No, Schedule 7A information/screening report has not been submitted by the applicant	Preliminary Examination required
Signature and Date of Recommending Officer:	 Jennifer Mc Nulty, Executive Planner 01/10/25
Signature and Date of the Decision Maker:	 Barry Henn, Senior Planner 02/10/25

APPENDIX 3 SITE INSPECTION





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

Pleanáil, agus Cruthú Áite
Comhairle Cathrach agus Contae Luimnígh
Bothar Thuar an Daill
Tuar an Daill, Luimneach
V94 WV78

Planning and Place-Making
Limerick City and County Council
Dooradoyle Road
Dooradoyle, Limerick
V94 WV78

PLANNING & PLACE-MAKING

REG POST:

**Seamus Noonan,
c/o Denis O'Connor
AG Design,
Knockduff,
Cullen,
Mallow,
Co. Cork.
P51 HW1H**

EC/188/25

02 October 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**

Tuar an Daill, Luimneach
Dooradoyle, Limerick

customerservices@limerick.ie
www.limerick.ie
@LimerickCouncil
061 - 556 000

LIMERICK CITY & COUNTY COUNCIL

APPROVED OFFICER'S ORDER

SECTION 5 – DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

No. AOO/DC/2025/1078

File Ref No. EC/188/25

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

RE: **An erection of a dry store building at Ballyduhig, Broadford, Co. Limerick**

ORDER: Whereas by Director General's Order No. DG/2024/129 dated 15th September 2025, 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, A/Senior 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, A/Senior Planner, having considered the report and recommendation of Jennifer Mc Nulty, Executive Planner dated 01/10/2025, hereby order that a Declaration under Section 5 of the Planning and Development Act 2000 (as amended) be issued to Seamus Noonan, c/o Denis O'Connor, AG Design, Knockduff, Cullen, Mallow, Co. Cork to state that the works as described above is

Development and is NOT Exempt Development. *dk*

Signed

B. Henn

A/SENIOR PLANNER, PLANNING & PLACE-MAKING

Date

02/10/2025

Certified to be a true copy of Approved Officer's Order, Planning & Development Order No. AOO/DC/2025/1078 dated *28/10/2025*, pursuant to Section 151(7) of the Local Government Act 2001

Signed:

B. Henn

A/SENIOR PLANNER, PLANNING & PLACE-MAKING



SECTION 5 – DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

DECLARATION NO.

EC/188/25

Name and Address of Applicant: Seamus Noonan, Ballyduhig, Broadford, Co. Limerick

Agent: Denis O'Connor, AG Design, Knockduff, Cullen, Mallow, Co. Cork

Whether the erection of a dry store building at Ballyduhig, Broadford, 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 05th of September 2025.

AND WHEREAS the Planning Authority has concluded that erection of a dry store building at Ballyduhig, Broadford, Co. Limerick **DOES NOT** come within the scope of exempted development under Class 9 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 NOT Exempt Development**.

Signed on behalf of the said Council

A handwritten signature in black ink, appearing to read 'C. Keog'.

Date: 2.10.2025

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.