



Cornishale Cathrach
& Contae Limerigh
Limerick City
& County Council

ATLANTIC EDGE
LIMERICK
EUROPEAN EMERALD

Limerick City and County Council

Planning Department

Section 5 Application



DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

Applicant's Name: SINEAD Costello

Applicant's Address: Ballyfoheen

Rockhill

Kilmallock, Co. Limerick

[REDACTED]
Name of Agent (if any): Ann Grogan

Address: Ballinamary

Askeaton

Co. Limerick

Telephone No. 087-2436554

Address for Correspondence:

Same as above



Location of Proposed development (Please include EIRCODE):

V 35W316

Description of Proposed development:

Farm Passageway to move cattle and
access lower Silage Fields

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:

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

LAND Registry map attached and
Site location map

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

If Yes please provide floor areas of all existing structures:

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. N/A.
- (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. N/A.

Application to be forwarded to:

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

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

Site location



The Property
Registration Authority
An tÚdarás
Clárúcháin Maoine



Folio: LK5477

This map should be read in conjunction with the folio.

Registry maps are based on OSI topographic mapping. Where registry maps are printed at a scale that is larger than the OSI published scale, accuracy is limited to that of the original OSI map scale.

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(centre-line of parcel(s) edged)

- Freehold
- Leasehold
- SubLeasehold

Burdens (may not all be represented on map)

- Right of Way / Wayleave
- Turbary
- Pipeline
- Well
- Pump
- Septic Tank
- ▽ Soak Pit

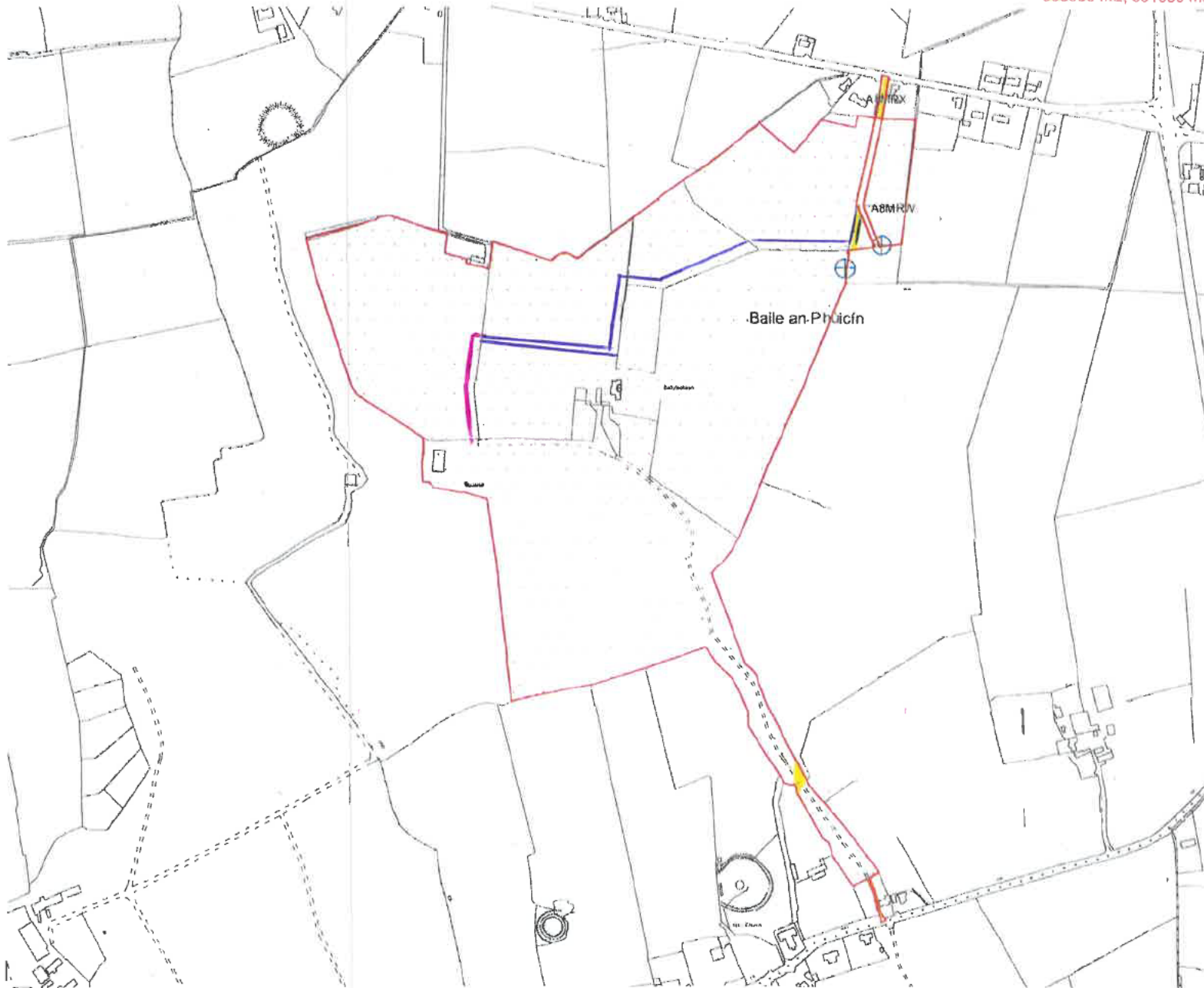
A full list of burdens and their symbology can be found at:
www.landdirect.ie

The registry operates a non-conclusive boundary system. The Registry Map identifies properties not boundaries meaning neither the description of land in a register nor its identification by reference to a registry map is conclusive as to the boundaries or extent. (see Section 85 of the Registration of Title Act, 1964). As inserted by Section 62 of the Registration of Deed and Title Act 2006.

1:5000 Scale



Page 9 of 9



551480 mE, 629750 mN
Date Printed: 02/06/2016

Creation Date: 02 June 2016 10:07:35

Application Number: D2016LR021940J



NEW PASSAGE (2025)
Connected to Existing passage



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

09/09/2025 12:08:15

Receipt No.: LA25/25191272

Customer Address:

Ann Cregan,

Ballinamona,

Askeaton,

Co Limerick

Re: Sinead Costello

Code	Ref	Amount	VAT
PL041	AIB- 500608	80.00 EUR	0.00 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-190-25
Applicant	Sinead Costello
Location	V35W316

1.0 Description of Site and Surroundings:

Eircode included is an existing dwelling on a farmyard. The site is accessed from the south via a private laneway from the L1539 Ballyfookeen Road and from the North via a laneway from the R518.

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:

- Farm passageway to move cattle and access lower silage fields.

This Section 5 declaration includes the following:

- Application form
- Land registry map
- Site location map (passageway identified on map)

3.0 Planning History:

081483 – Permission granted to Sinead Costello for (1) slatted unit for cattle, (2) silage pit, (3) cattle crush and all ancillary concrete works (previously granted ref. no. 06/3730)

063730 – Permission granted to Sinead Costello for the construction of slatted unit for cattle, silage base, cattle crush and associated concrete works.

3.1 Enforcement History

DC-099-06 – Excavation of rock, case closed.

4.0 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 a farm passageway to move cattle and access lower silage fields, constitutes ‘works’ and ‘development’.

5.2 Is the proposal exempted development?

Section 4(1)(a) of the Planning and Development Act, 2000 (as amended)

The following shall be exempted developments for the purposes of this Act—

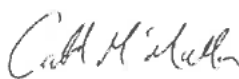
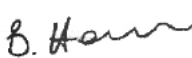
(a) development consisting of the use of any land for the purpose of agriculture and development consisting of the use for that purpose of any building occupied together with land so used;

I consider that an internal farm passageway may fall under the following classification. However, the application made falls short of the required information to make an assessment. The application is without details of the materials used or the width of the passageway, further the drawings are poor and are without dimensions or distances from public road and neighbouring properties.

Therefore, I consider that the submitted documents within this application is not of an acceptable standard to assess.

5.0 Conclusion/Recommendation

The said works are development and are not exempted development under Section 2,3 and 4 of the Planning and Development Act 2000 (as amended).

Assistant Planner	Cathal McMullan	Date: 02/10/2025
Signature:		
A/Senior Planner	Barry Henn	Date: 03/10/2025
Signature:		

Appendix 1: AA PN01 Screening Form

STEP 1: Description of the project/proposal and local site characteristics:	
(a) File Reference No:	EC-190-25
(b) Brief description of the project or plan:	Farm passageway, existing farm
(c) Brief description of site characteristics:	Existing farmland
(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	Approx. 16km	None	N
004077-River Shannon and River Fergus Estuaries SPA	https://www.npws.ie/protected-sites/sac/004077	Approx. 21.8km	None	N
004161 – West Limerick Hills and Mount Eagle SPA	https://www.npws.ie/protected-sites/spa/004161	Approx. 29km	None	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 <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 	None. Works are minimal and will involve temporary construction works; therefore, no likely significant impact on the conservation objectives of the above named site.

<ul style="list-style-type: none"> - Storage of excavated/construction materials - Access to site - Pests 	
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 site.
In-combination/Other	None. Works are minimal and will involve temporary construction works; therefore, no likely significant impact on the conservation objectives of the above named site.

(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 	None. Works are minimal and will involve temporary construction works; therefore, no likely significant impact on the conservation objectives of the above named site.
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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:

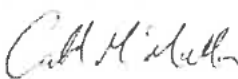

Describe how the proposed development (alone or in-combination is/is not likely to have significant effects on European site (s) in view of its conservation objectives

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

- the nature and scale of the proposed development,
- 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.

Conclusion: An appropriate assessment is not required.

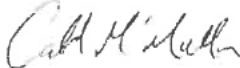
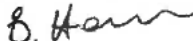
	Tick as appropriate:	Recommendation:
(i) It is clear that there is no likelihood of significant effects on a European Site	<input checked="" type="checkbox"/>	The proposal can be screened out: Appropriate Assessment not required.
(ii) It is uncertain whether the proposal will have a significant effect 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:	Cathal McMullan  02/10/2025	
Signature and Date of the Decision Maker:	 03/10/2025	

Appendix 2: EIA Screening

Establishing if the proposal is a 'sub-threshold development':		
Planning Register Reference:	EC-190-25	
Development Summary:	Farm passageway, existing farm	
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:

Cathal McMullan

	 _____ 02/10/2025
Signature and Date of the Decision Maker:	 03/10/2025



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

Pleanáil, agus Cruthú Áite
Comhairle Cathrach agus Contae Luimnigh
Bothar Thuar an Dail
Tuar an Dail, Luimneach
V94 WV78

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

PLANNING & PLACE-MAKING

REG POST:

**Sinead Costello,
c/o Ann Gregan,
Ballinamona,
Askeation,
Co.Limerick**

EC/190/25

03 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 Dail, Luimneach
Dooradoyle, Limerick

 customerservices@limerick.ie
 www.limerick.ie
 [@LimerickCouncil](https://twitter.com/LimerickCouncil)
 061 - 556 000

LIMERICK CITY & COUNTY COUNCIL

APPROVED OFFICER'S ORDER

SECTION 5 – DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

No. AOO/DC/2025/1095

File Ref No. EC/190/25

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

RE: A farm passageway at Ballyfookeen, Co. Limerick. V35W316

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 Cathal McMullan, Assistant Planner dated 02/10/2025, hereby order that a Declaration under Section 5 of the Planning and Development Act 2000 (as amended) be issued to Sinead Costello, c/o Ann Gregan, Ballinamona, Askeation, Co.Limerick to state that the works as described above is

Development and is NOT Exempt Development.

Signed

B. Henn

A/SENIOR PLANNER, PLANNING & PLACE-MAKING

Date

03/10/2025

Certified to be a true copy of Approved Officer's Order, Planning & Development Order No. AOO/DC/2025/1095 dated 03/10/2025, pursuant to Section 151(7) of the Local Government Act 2001

Signed:

B. Henn

A/SENIOR PLANNER, PLANNING & PLACE-MAKING



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

Pleanáil, agus Cruthú Áite
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Bothar Thuar an Dail
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V94 WV78

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

SECTION 5 – DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

DECLARATION NO.

EC/190/25

Name and Address of Applicant: Sinead Costello, Ballyfookeen, Rockhill, Killmallock, Co. Limerick.

Agent: Ann Gregan, Ballinamona, Askeation, Co. Limerick

Whether the farm passageway at Ballyfookeen, Rockhill, Killmallock, 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 09th of September 2025.

AND WHEREAS the Planning Authority has concluded that the farm passageway at Ballyfookeen, Rockhill, Killmallock, Co. Limerick **DOES NOT** come within the scope of exempted development under under Section 2,3 and 4 of the Planning and Development Act 2000 (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: 3.10.2025

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.