



DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

Applicant's Name: William Mulcahy

Applicant's Address: Ballyloundash, Herbertstown, Co. Limerick,

Telephone No. [REDACTED]

Name of Agent (if any): Aidan Kelly

Address: Molough, Newcastle, Clonmel, Co Tipperary

Telephone No. 085 7466211

Address for Correspondence:

Molough, Newcastle, Clonmel, Co Tipperary

Location of Proposed development:

Grillagh, Bruff, Co. Limerick

Description of Proposed development:

CLASS 8 exemption

Works consisting of the provision of roofless cubicles, open loose yards, self- feed silo or silage areas, feeding aprons, assembly yards, milking parlours or structures for the making or storage of silage or any other structures of a similar character or description, having an aggregate gross floor space not exceeding 200 square metres, and any ancillary provision for effluent storage.

Proposed to construct a assembly yard with crush area. 167m²

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:

Osi 2500 & 10560

Floor plan

Site plan

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

If Yes please provide floor areas of all existing structures:

Signature of Applicant (or Agent)

Adrian Jones 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:

Limerick City & County Council,
Planning and Environmental Services,
City & County Council Offices,
Dooradoyle Road, Limerick.

OFFICE USE ONLY

Ref. No. _____

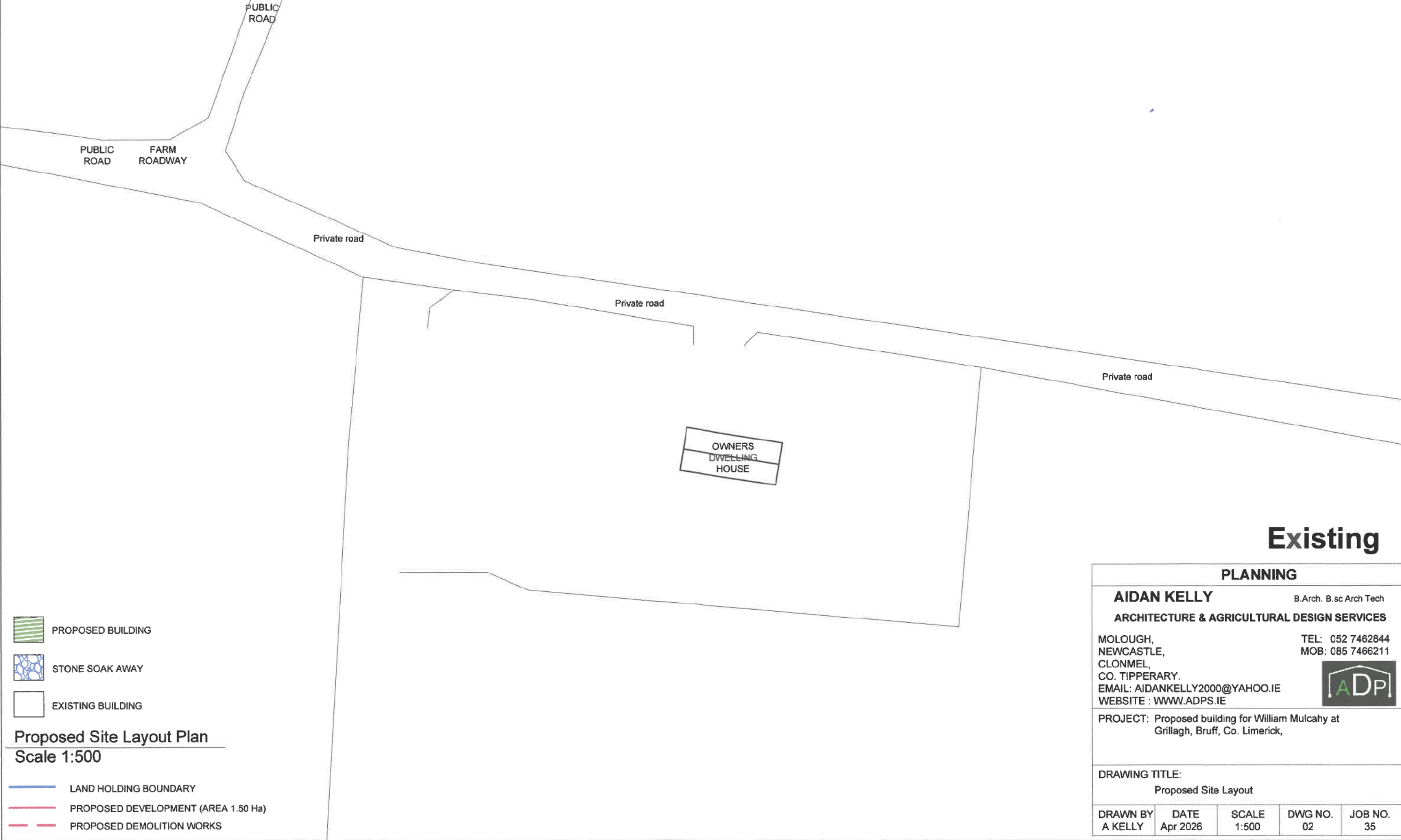
Date Received _____

Fee Received _____

Date Due _____

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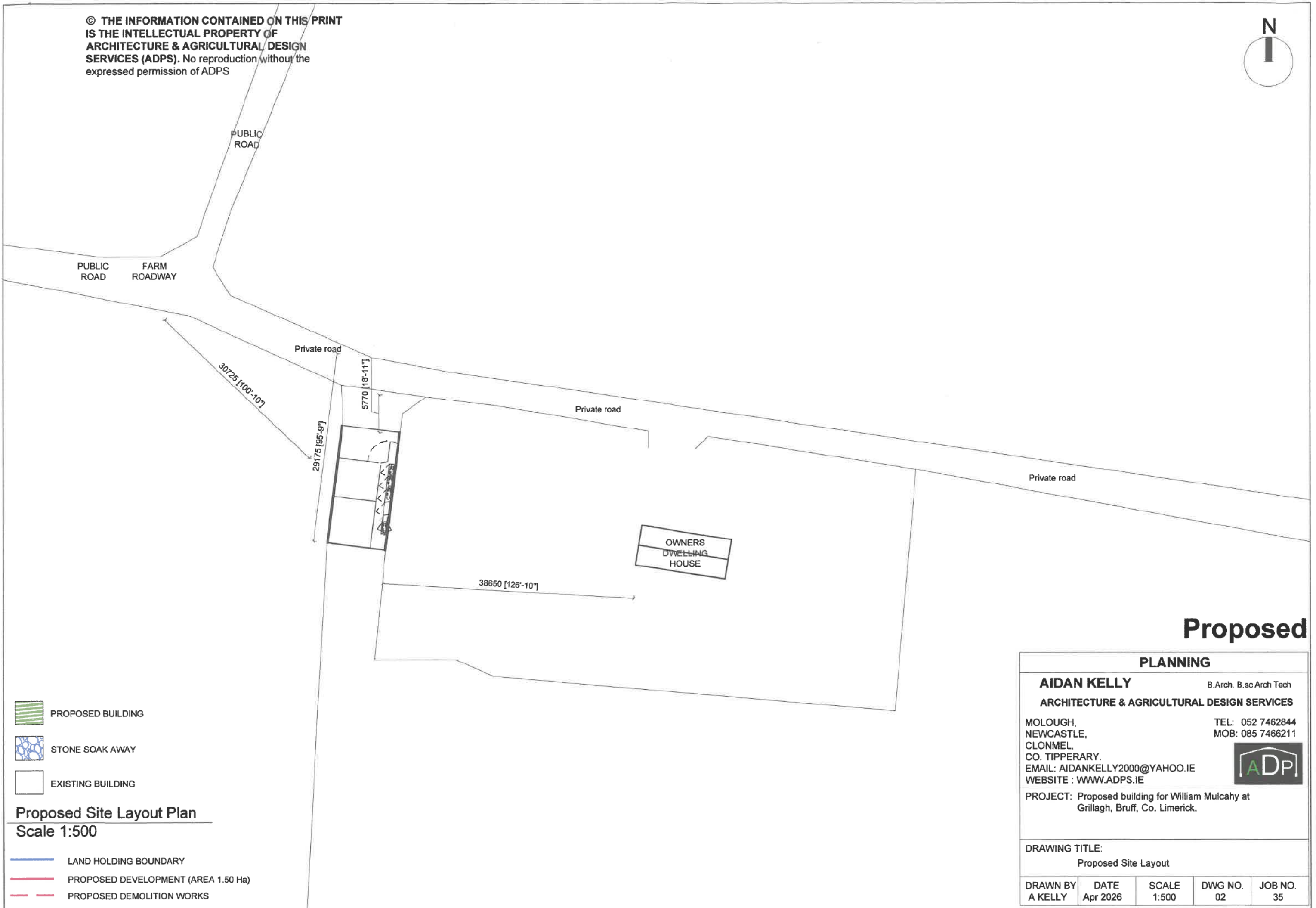
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Existing

PLANNING				
AIDAN KELLY		B.Arch. B.sc Arch Tech		
ARCHITECTURE & AGRICULTURAL DESIGN SERVICES				
MOLOUGH, NEWCASTLE, CLONMEL, CO. TIPPERARY.		TEL: 052 7462844 MOB: 085 7466211		
EMAIL: AIDANKELLY2000@YAHOO.IE				
WEBSITE : WWW.ADPS.IE				
PROJECT: Proposed building for William Mulcahy at Grillagh, Bruff, Co. Limerick,				
DRAWING TITLE: Proposed Site Layout				
DRAWN BY A KELLY	DATE Apr 2026	SCALE 1:500	DWG NO. 02	JOB NO. 35

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Proposed

PLANNING

AIDAN KELLY

B.Arch. B.sc Arch Tech

ARCHITECTURE & AGRICULTURAL DESIGN SERVICES

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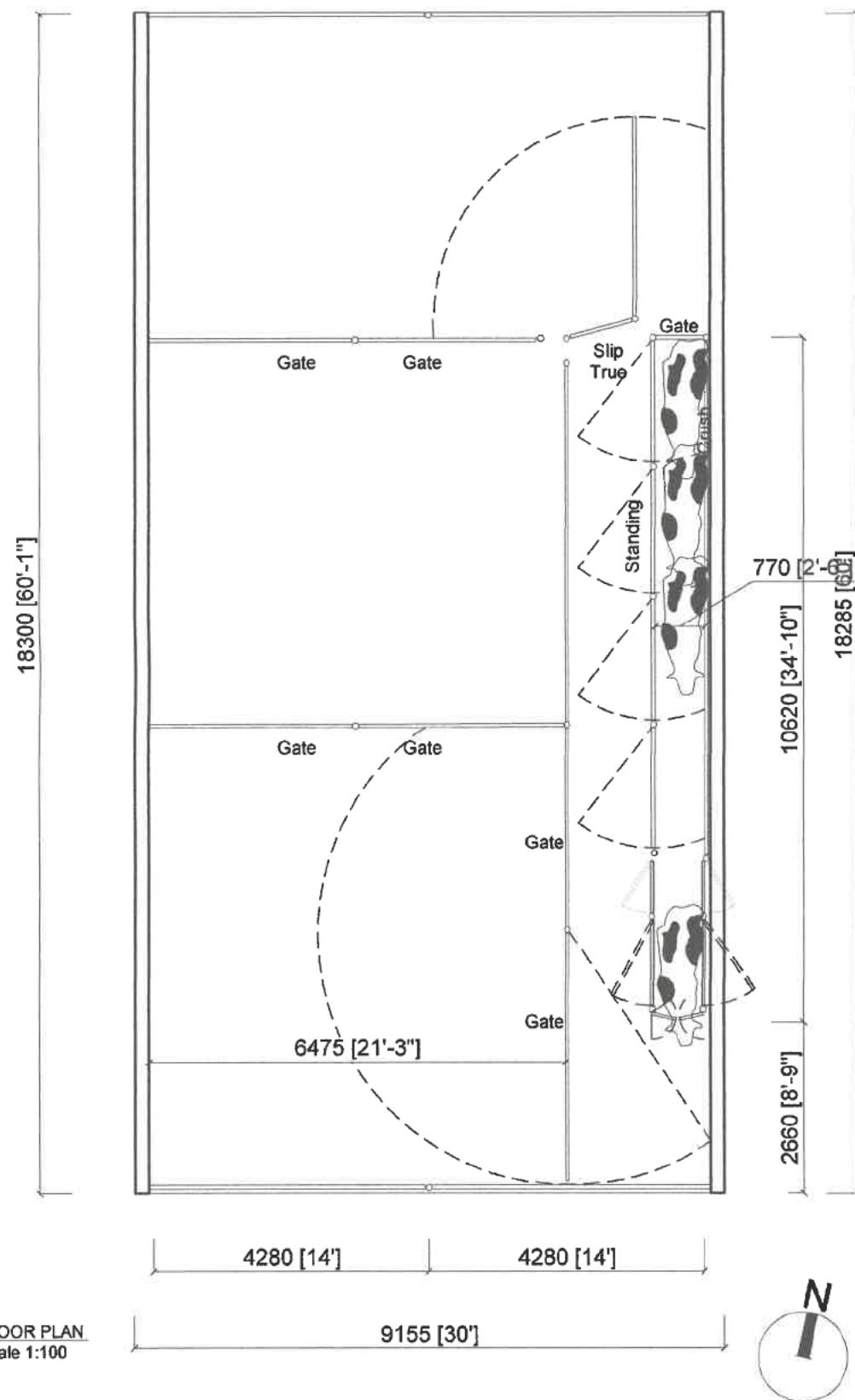
PROJECT: Proposed building for William Mulcahy at
Grillagh, Bruff, Co. Limerick,

DRAWING TITLE:

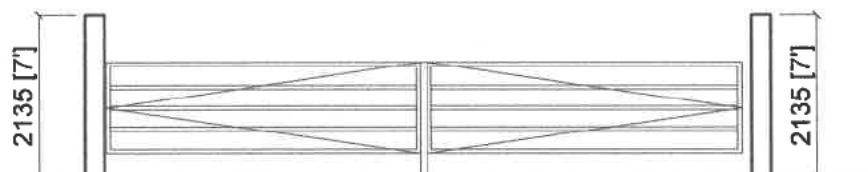
Proposed Site Layout

DRAWN BY A KELLY	DATE Apr 2026	SCALE 1:500	DWG NO. 02	JOB NO. 35
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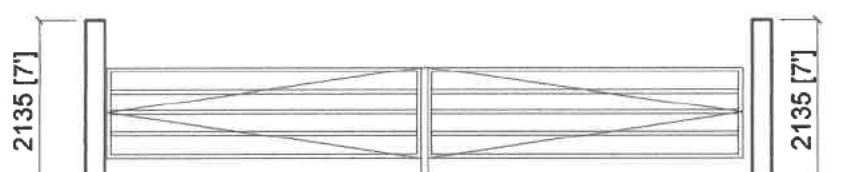
West / East ELEVATION
Scale 1:100



FLOOR PLAN
Scale 1:100



SOUTH ELEVATION
Scale 1:100



NORTH ELEVATION
Scale 1:100

Class 8 - Assembly yard with Crush area 167m2

PLANNING				
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MOLOUGH, NEWCASTLE, CLONMEL, CO. TIPPERARY. EMAIL: AIDANKELLY2000@YAHOO.IE WEBSITE : WWW.ADPS.IE		TEL: 052 7462844 MOB: 085 7466211		
				
PROJECT: Proposed building for William Mulcahy at Grillagh, Bruff, Co. Limerick				
DRAWING TITLE: Plan				
DRAWN BY A KELLY	DATE Apr 2026	SCALE	DWG NO. 03	JOB NO. 035

Site Location Map



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COORDINATES:**
ITM 563322,637849

PUBLISHED: 22/04/2026
ORDER NO.: 50531565_1

MAP SERIES: 6 Inch Raster
MAP SHEETS: LK031
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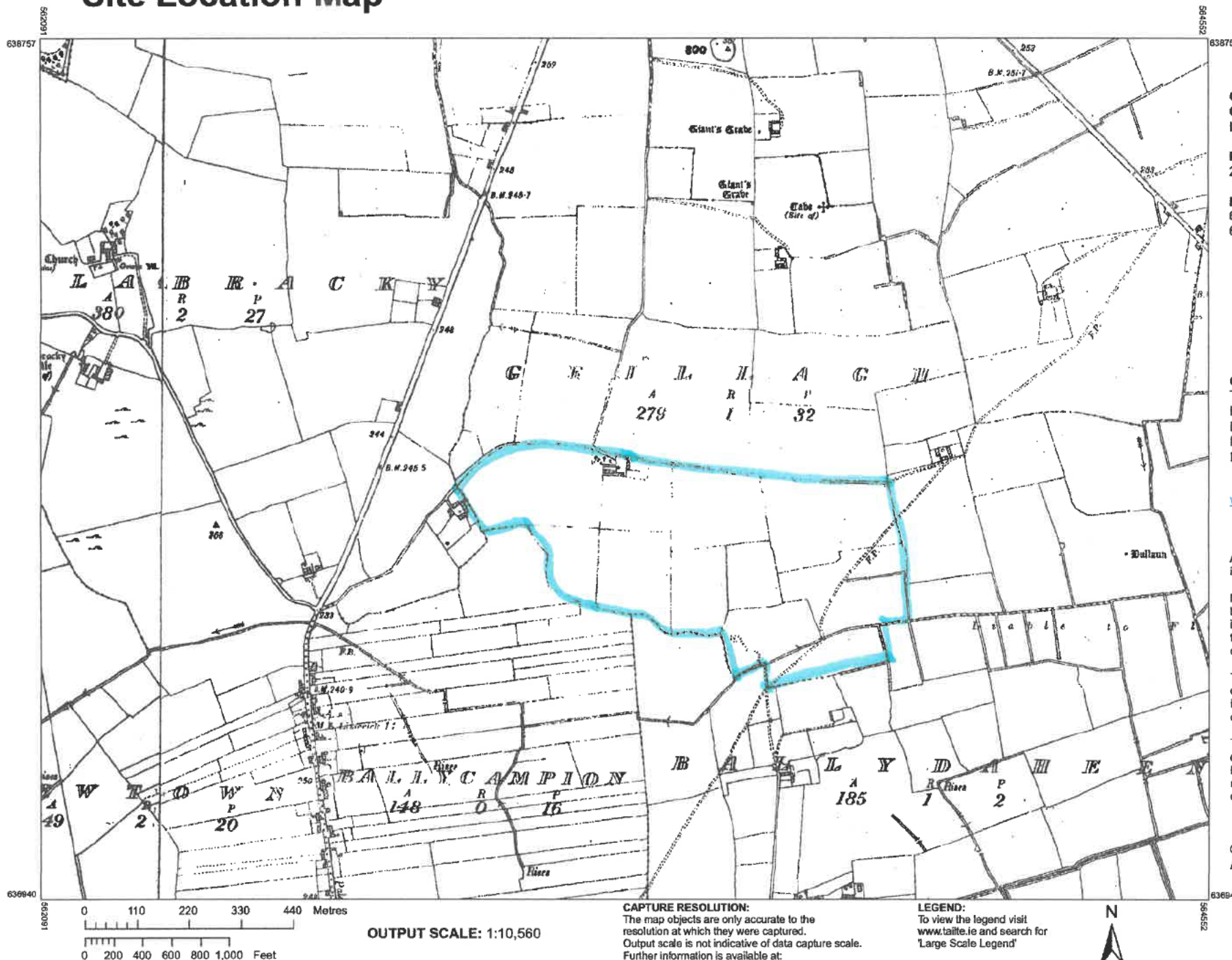
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Planning Pack Map



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**CENTRE
COORDINATES:**
ITM 563322,637849

PUBLISHED: 22/04/2026
ORDER NO.: 50531565_1

MAP SERIES: 1:5,000
1:2,500
MAP SHEETS: 5109
5109-B

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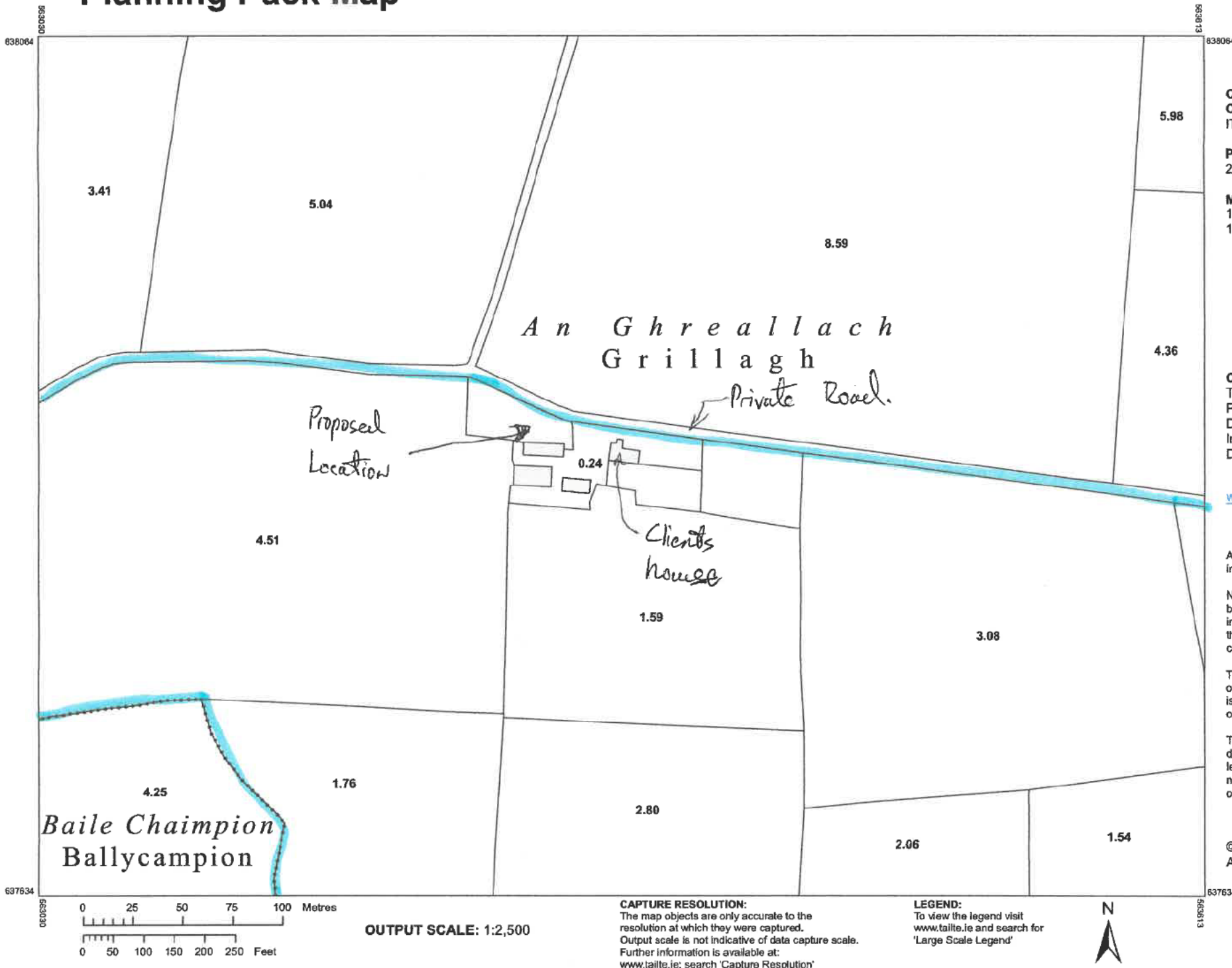
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Comhairle Cathrach
& Contae **Luimnigh**

Limerick City
& County Council

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

File Reference number	EC-069-26
Applicant	William Mulcahy
Location	Grillagh, Bruff

1.0 Description of Site and Surroundings:

The subject site is located within the townland of Grillagh, approximately 1.6km to the north of Bruff. Access to the site is provided via a private farm road, which in turn connects to the L8011 (Ballycampion) local road.

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:

- Proposed to construct an assembly yard with crush area 167m².

This Section 5 declaration includes the following:

- Site location & site layout map
- Plans/ Sections/ Elevations
- Application form

Within the submitted cover letter the applicant has stated that the proposed development falls under class 8 of Part 3 of Schedule 2 of the Planning and Development Regulations 2001 (as amended).

3.0 Planning History:

There is no relevant planning history on the site

3.1 Enforcement History

There is no enforcement history on the site.

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 (fill in what the proposal is e.g. construction works, change of use), constitutes ‘works’ and ‘development’.

Section 4(1)(h) Development consisting of the maintenance, improvement or other alteration of any structure, where such works do not materially affect the external appearance of the structure so as to render it inconsistent with its existing character or with neighbouring structures

The proposed development on site, comprising construction an assembly yard with crush area 167m².

5.2 Is the proposal exempted development?

The proposal is for the construction an assembly yard with crush area of 167m² on an existing fam site. This appears to fall under the definition of an ‘open loose yard’ as set out in Class 8.

CLASS 8 Works consisting of the provision of roofless cubicles, open loose yards, self feed silo or silage areas, feeding aprons, assembly yards, milking parlours or structures for the making or storage of silage or any other structures of a similar character or description, having an aggregate gross floor space not exceeding 200 square metres, and any ancillary provision for effluent storage.

The proposal will be assessed under Class 8, Part 3 Schedule 2 of the Planning and Development Regulations 2001 (as amended).

1. *No such structure shall be used for any purpose other than the purpose of agriculture.*

The structure proposed is for use as an assembly yard with crush area 167m² which would be associated with agriculture.

2. *The gross floor space of such structures together with any other such structures situated within the same farmyard complex or within 100 metres of that complex shall not exceed 300 square metres gross floor space in aggregate.*

It is unclear from the drawings submitted if the gross floor area of the farmyard complex exceeds 300 square metres. It is noted that there are other structures in the farmyard, but these have not been included on the submitted plans. Only the applicant's dwelling has been indicated on the site layout. The site location plan and aerial photography show at least three other structures. As such, based on the information provided, the proposal does not comply with the requirements of this condition/limitation.

3. *Effluent storage facilities adequate to serve the structure having regard to its size, use and location shall be constructed in line with Department of Agriculture, Food and Rural Development and the Department of the Environment and Local Government requirements and shall have regard to the need to avoid water pollution.*

The applicant has not provided any information to demonstrate compliance with this condition/limitation.

4. *No such structure shall be situated, and no effluent from such structure shall be stored, within 10 metres of any public road.*

The structure would be located over 30 metres from the nearest public road.

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

The structure is proposed at 2.135m in height.

6. *No such structure shall be situated, and no effluent from such structure shall be stored, 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.*

No house is located within 100 metres of the structure with the exception of the applicant's house which is approximately 50 metres away.

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

The structure proposed is for use as an assembly yard with crush area 167m². As such no roofing is proposed.

Having regard to condition and limitation 2 above, it is unclear from the drawings submitted if the gross floor area of the structures in the farmyard complex exceeds 300 square metres, therefore I am not satisfied that the proposed structure complies with the requirements of Class 8. There are at least three other structures present in the farm complex that have not been included on the site layout. No information on their size or floor space has been provided. On this basis, I am not satisfied that the proposal complies with the conditions and limitations set out under Class 8 of Part 3, Schedule 2 of the Planning and Development Regulations 2001 (as amended) and therefore cannot be considered exempted development.

5.0 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).

6.0 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.

7.0 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.

8.0 Conclusion/Recommendation

The proposed assembly yard and cattle crush detailed on the application and plans submitted is not considered to be within the scope of Class 8 of Part 3 of Schedule 2 of the Planning and Development Regulations 2001 (as amended) and specifically condition/limitation 2 given that there are other structures within the farm complex.

Regard has been had to –

- (a) Section 2, 3 and 4 of the Planning and Development Act 2000 (as amended)
- (b) Class 8 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 (29th of April 2026).

It is therefore considered that the said works are development and **not exempted development** under (Class 8 of Part 3 of Schedule 2) of the Planning and Development Regulations 2001 (as amended / Planning and Development Act 2000 (as amended)).

Assistant Planner	Deirdre Dunne	Date:
--------------------------	----------------------	--------------

Signature:	<i>Dendre Dume</i>	19/05/2026
Senior Executive Planner	Barry Henn	Date:
Signature	<i>B. Henn</i>	20/05/2026

Appendix 1: AA PN01 Screening Form

STEP 1: Description of the project/proposal and local site characteristics:	
(a) File Reference No:	EC-069-26
(b) Brief description of the project or plan:	To construct an assembly yard with crush area 167m ² .
(c) Brief description of site characteristics:	Existing farm
(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
001430 Glen Bog SAC	Glen Bog SAC National Parks & Wildlife Service	Approx. 1.9km	None	N
000439 Tory Hill SAC	https://www.npws.ie/protected-sites/sac/000439	Approx. 10.8km	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 - 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 sites.

- Storage of excavated/construction materials - Access to site - Pests	
Operation phase e.g. - 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: - 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

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	☒	The proposal can be screened out: Appropriate Assessment not required.
(ii) It is uncertain whether the proposal will have a significant effect on a European Site	☐	☐ Request further information to complete screening ☐ Request NIS ☐ Refuse planning permission
(iii) Significant effects are likely	☐	☐ Request NIS ☐ Refuse planning permission
Signature and Date of Recommending Officer:	 Deirdre Dunne, Assistant Planner 19/05/2026	
Signature and Date of the Decision Maker:	Barry Henn, SEP  _____ 20/05/2025	

Appendix 2: EIA Screening

Establishing if the proposal is a 'sub-threshold development':	
Planning Register Reference:	EC-069-26
Development Summary:	To construct an assembly yard with crush area 167m ² .
Was a Screening Determination carried out under Section 176A-C?	☐ Yes. no further action required ☒ 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)	
☐ Yes. specify class: [insert here] _	EIA is mandatory No Screening required
☒ 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)	
☒ No. the development is not a project listed in Schedule 5, Part 2	No Screening required
☐ Yes the project is listed in Schedule 5. Part 2 and meets/exceeds the threshold, specify class (including threshold): _[specify class & threshold here]_	EIA is mandatory No Screening required
☐ Yes the project is of a type listed but is <i>sub-threshold</i> : [insert here] _	Proceed to Part C
c. If Yes , has Schedule 7A information/screening report been submitted?	
☐ Yes, Schedule 7A information/screening report has been submitted by the applicant	Screening Determination required
☐ No, Schedule 7A information/screening report has not been submitted by the applicant	Preliminary Examination required

Signature and Date of Recommending Officer:	 Deirdre Dunne, Assistant Planner 19/05/2026
Signature and Date of the Decision Maker:	 Barry Henn, SEP 20/05/2026



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Limerick City
& County Council

An Roinn Pleanála
Comhairle Cathrach agus Contae Luimnigh
Bóthar Thuar an Daill
Thuar an Daill
Luimneach
V94 WV78

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

t: 061 556 000

DEVELOPMENT MANAGEMENT, PLANNING

REG POST:

**William Mulcahy,
c/o Aidan Kelly,
Molough,
Newcastle,
Clonmel,
Co. Tipperary**

EC/069/26

21 May 2026

Re: Declaration under Section 5

Dear Sir/Madam,

I refer to the above application for Section 5 Declaration on Development and Exempted Development.

Please find herewith a copy of Council's decision on same.

Yours faithfully,

**(for) Senior Planner,
Development Management**

LIMERICK CITY & COUNTY COUNCIL

APPROVED OFFICER'S ORDER

SECTION 5 – DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

No. AOO/DC/2026/613

File Ref No. EC/069/26

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

RE: The construction of assembly yard with crush area at Grillagh, Bruff, Co. Limerick

ORDER: Whereas by Director General's Order No. DG/2026/033 dated 18th March 2026, Dr. Pat Daly, Director General, Limerick City & County Council did, pursuant to the powers conferred on him by Section 154 of the Local Government Act, 2001, (as amended by the Local Government Reform Act, 2014 and the Local Government (Mayor of Limerick) and Miscellaneous Provisions Act, 2024), delegate unto Barry Henn, Senior Executive Planner the functions as defined in the Local Government Acts, 1925 to 2024.

Q Now therefore pursuant to the delegation of the functions aforesaid, I, Barry Henn, Senior Executive Planner, having considered the report and recommendation of Deirdre Dunne, Assistant Planner dated 19/05/2026, hereby order that a Declaration under Section 5 of the Planning and Development Act 2000 (as amended) be issued to William Mulcahy, c/o Aidan Kelly, Molough, Newcastle, Clonmel, Co. Tipperary to state that the works as described above is

Development and is NOT Exempt Development.

Signed

B. Henn

SENIOR EXECUTIVE PLANNER, DEVELOPMENT MANAGEMENT,
PLANNING

Date

21/05/2026



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Limerick City & County Council
Dooradoyle Road
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Limerick
V94 WV78

t: 061 556 000

SECTION 5 – DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

DECLARATION NO.

EC/069/26

Name and Address of Applicant: William Mulcahy, Ballyloundash, Herbertstown, Co. Limerick

Agent: Aidan Kelly, Molough, Newcastle, Clonmel, Co. Tipperary

Whether the construction of assembly yard with crush area at Grillagh, Bruff, 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 29th day of April 2026.

AND WHEREAS the Planning Authority has concluded that the construction of assembly yard with crush area at Grillagh, Bruff, Co. Limerick **DOES NOT** come within the scope of exempted development under (Class 8 of Part 3 of Schedule 2) of the Planning and Development Regulations 2001 (as amended / 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: 21.5.2026

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