



Limerick City and County Council

Planning Department

Section 5 Application

DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

Applicant's Name: William Mulcahy

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

Telephone No. 085 7466211

Name of Agent (if any): Aidan Kelly

Address: Molough, Newcastle, Clonmel, Co Tipperary

Telephone No. 

Address for Correspondence:

Molough, Newcastle, Clonmel, Co Tipperary

Location of Proposed development (Please include **EIRCODE**):

Grillagh, Bruff, Co. Limerick

Note. No Eircode at this site agricultural sheds

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 assembly yard with crush area. 167m²

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

Class 8 exemption

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:

There are no existing building on site at present. On the aerial image there are building but the previous owner of the Land had them take down as a storm had damaged them all.

Signature of Applicant (or Agent) 

NOTES: Application must be accompanied by:

- (a) Fee of €80
- (b) Site location map
- (c) Site layout plan
- (d) Dimensioned plans and elevations of the structure and any existing structures.
- (e) Where the declaration is in respect of a farm building, a layout identifying the use of each existing building together with floor area of each building.

Application to be forwarded to:

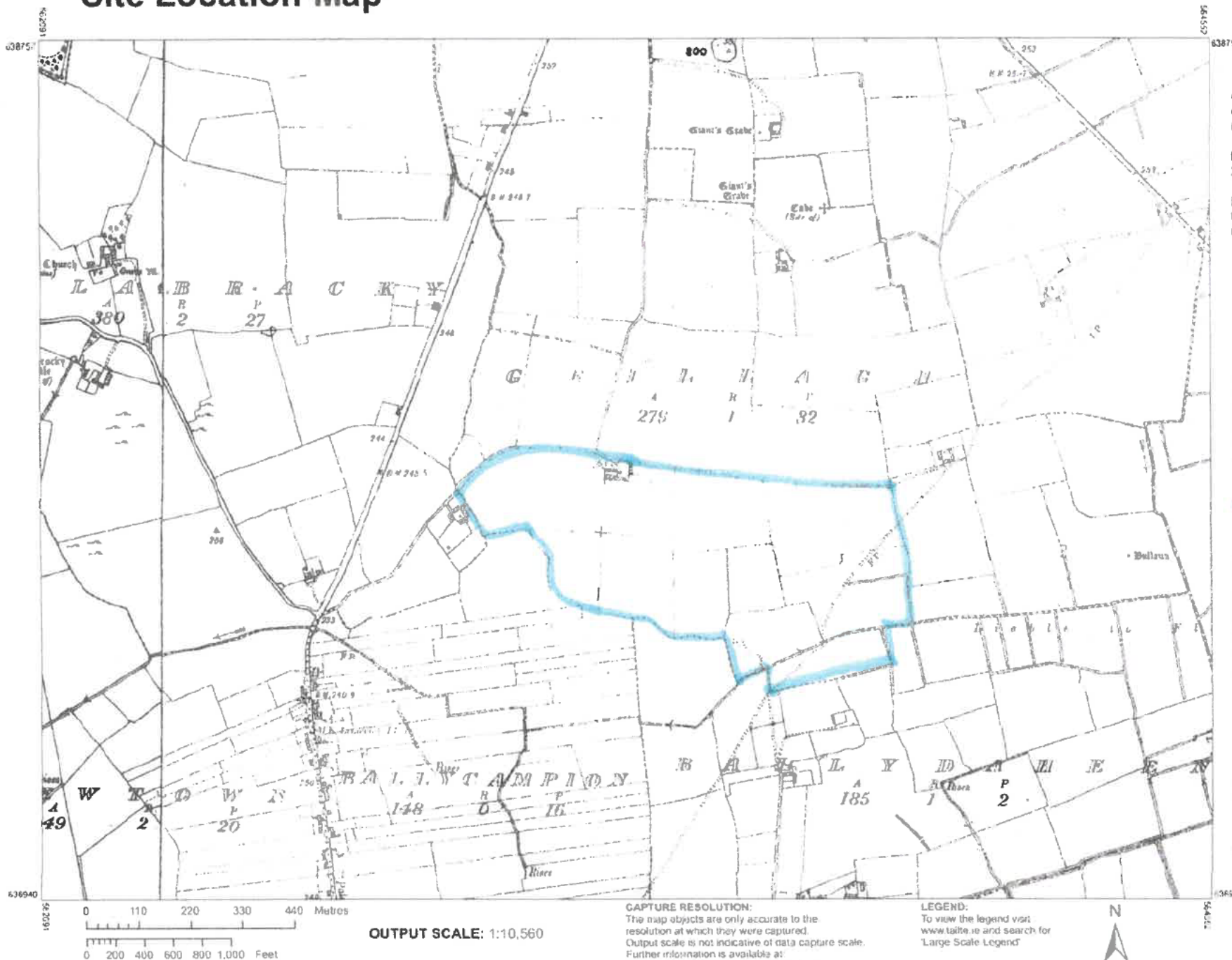
**Planning Department,
Limerick City & County Council,
Dooradoyle,
Limerick,
V94 XF67**

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

Site Location Map



Tailte
Éireann



**CENTRE
COORDINATES:**
ITM 563322.637849

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

MAP SERIES: 6 Inch Raster
MAP SHEETS: LK031
6 Inch Raster LK032

COMPILED AND PUBLISHED BY:
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Phoenix Park,
Dublin 8,
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Planning Pack Map



Tailte
Éireann

**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

COMPILED AND PUBLISHED BY:
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Dublin 8,
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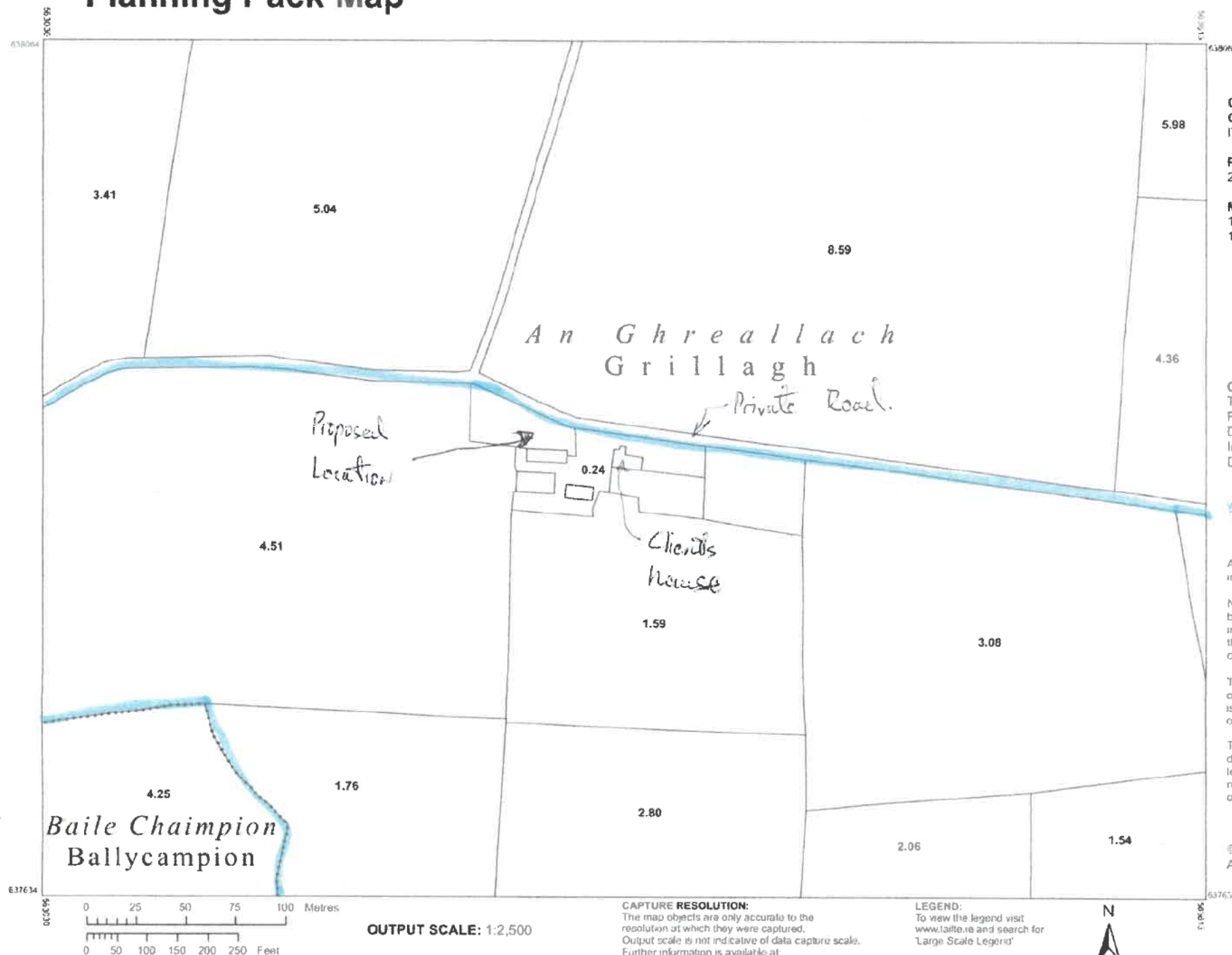
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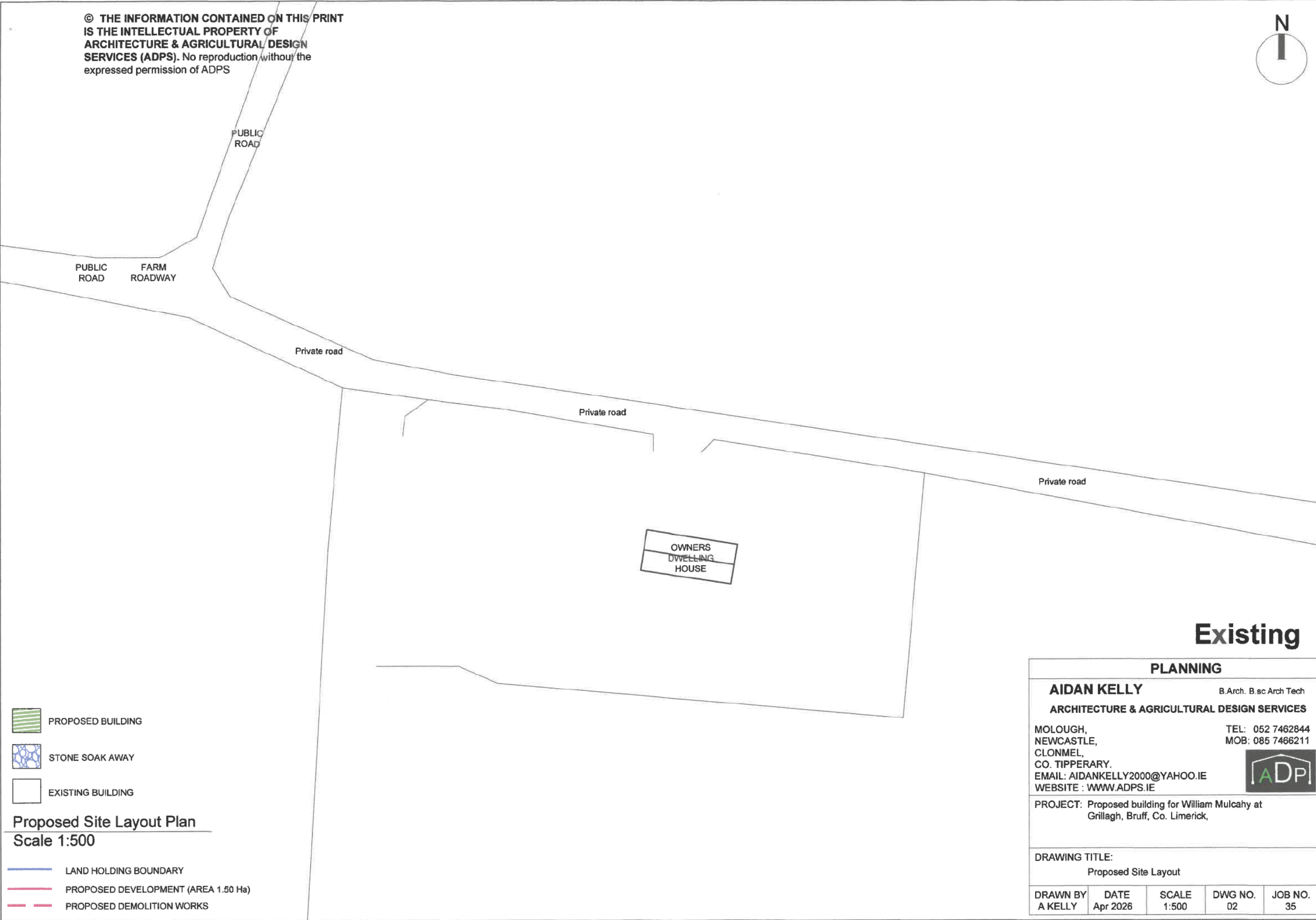
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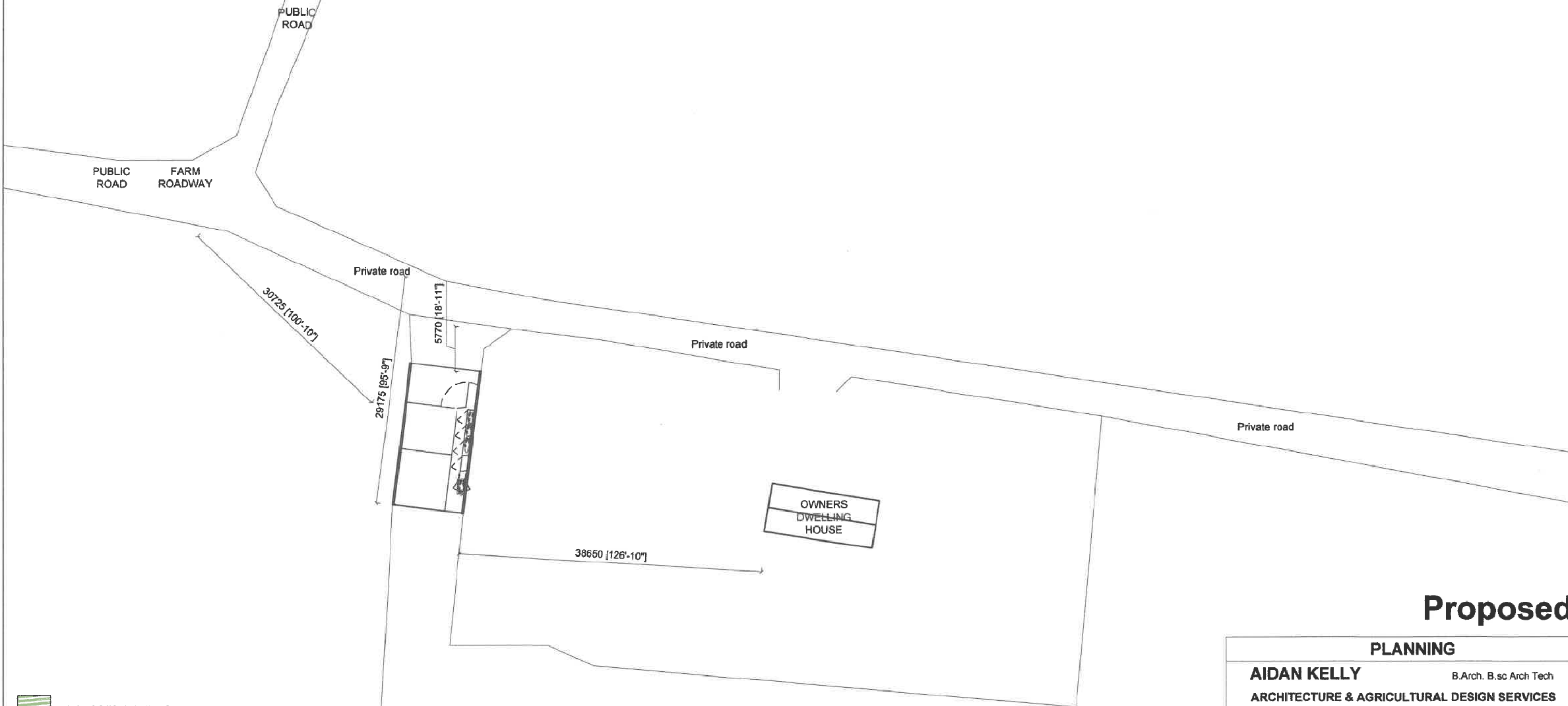
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Existing

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 BUILDING
-  STONE SOAK AWAY
-  EXISTING BUILDING

Proposed Site Layout Plan Scale 1:500

-  LAND HOLDING BOUNDARY
-  PROPOSED DEVELOPMENT (AREA 1.50 Ha)
-  PROPOSED DEMOLITION WORKS

Proposed

PLANNING

AIDAN KELLY

B.Arch. B.sc Arch Tech

ARCHITECTURE & AGRICULTURAL DESIGN SERVICES

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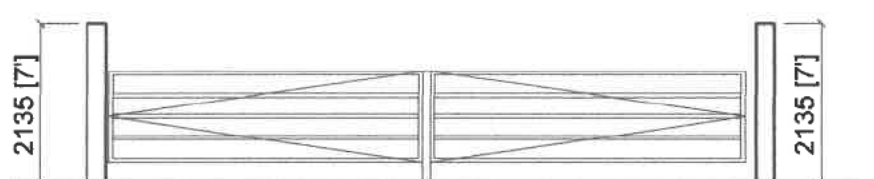
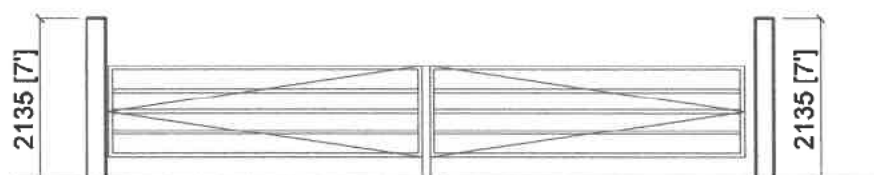
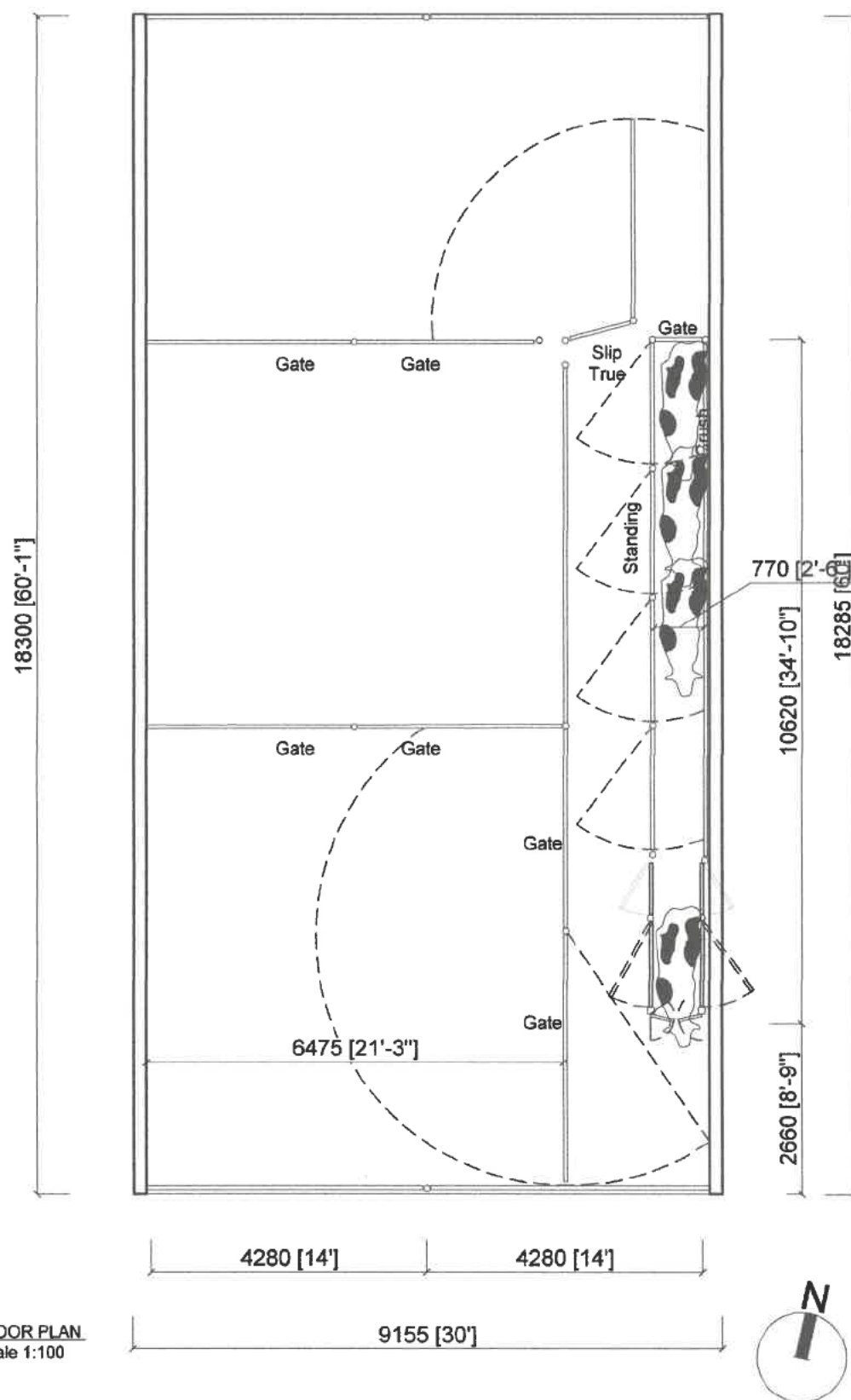
PROJECT: Proposed building for William Mulcahy at
Grillagh, Bruff, Co. Limerick,

DRAWING TITLE:

Proposed Site Layout

DRAWN BY	DATE	SCALE	DWG NO.	JOB NO.
A KELLY	Apr 2026	1:500	02	35

West / East ELEVATION
Scale 1:100



Class 8 - Assembly yard with Crush area 167m²

PLANNING				
AIDAN KELLY		B.Arch. B.sc Arch Tech		
ARCHITECTURE & AGRICULTURAL DESIGN SERVICES				
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

Molough,
Newcastle,
Clonmel,
Co. Tipperary.
15-Jun-26

Client:
William Mulcahy

Address;
Ballyloundash, Herbertstown, Co. Limerick,

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

Dear Planner ,



There are no existing building (within red box) on site at present. On the aerial image there are building but the previous owner of the Land had them take down as a storm had damaged them all.

Architecture & Agricultural Design Services

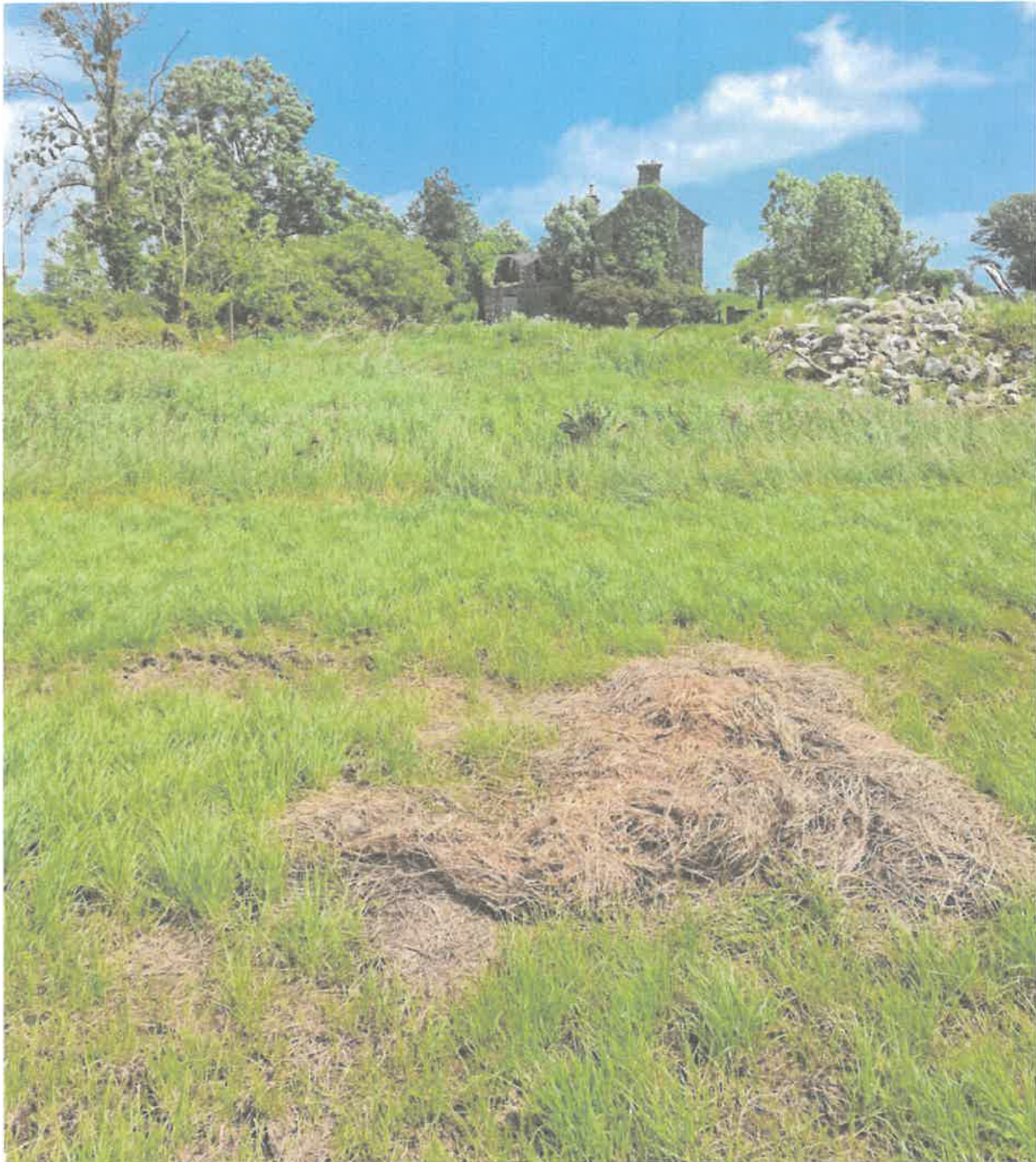


Please see picture of above area within red box below

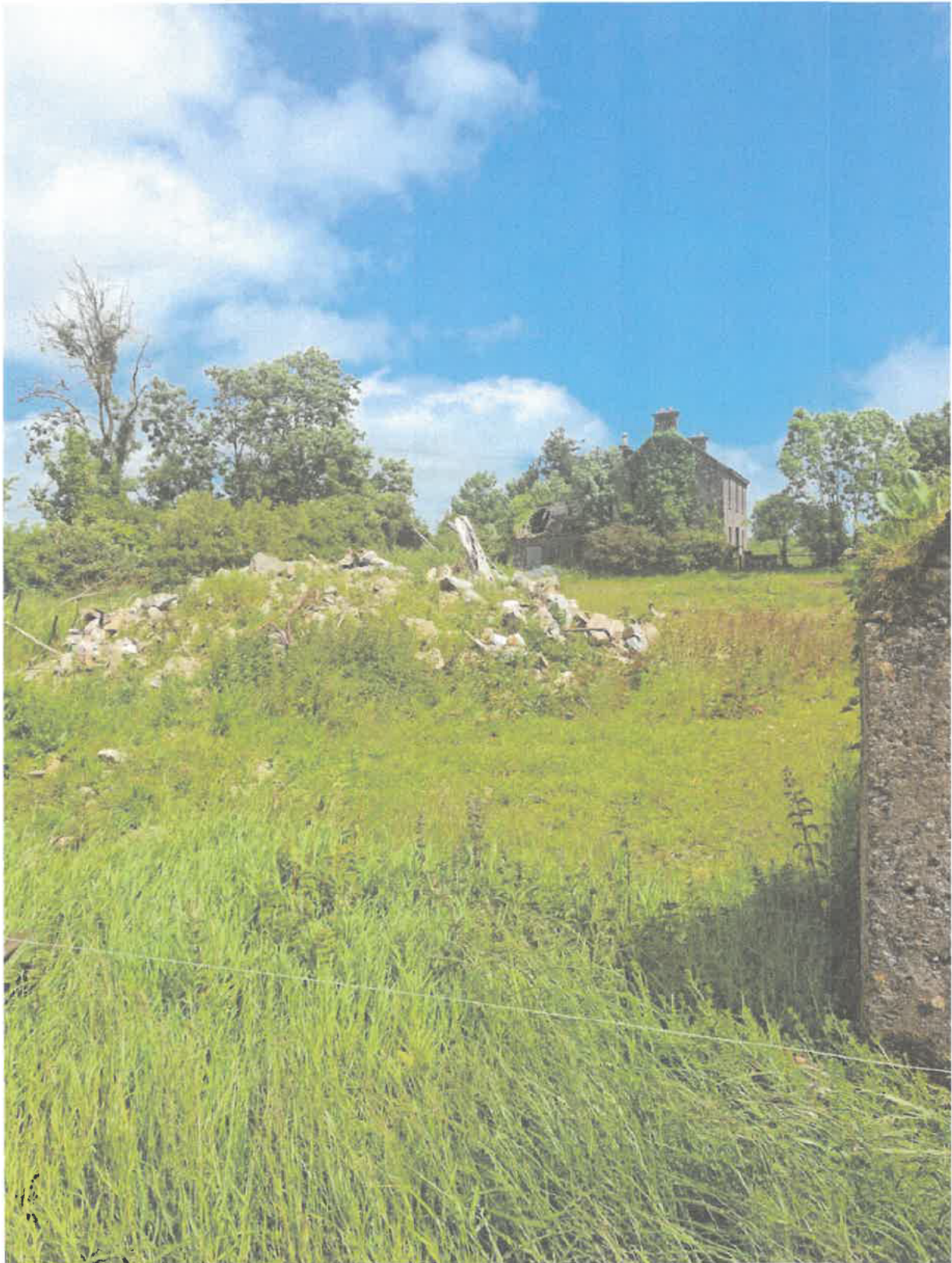
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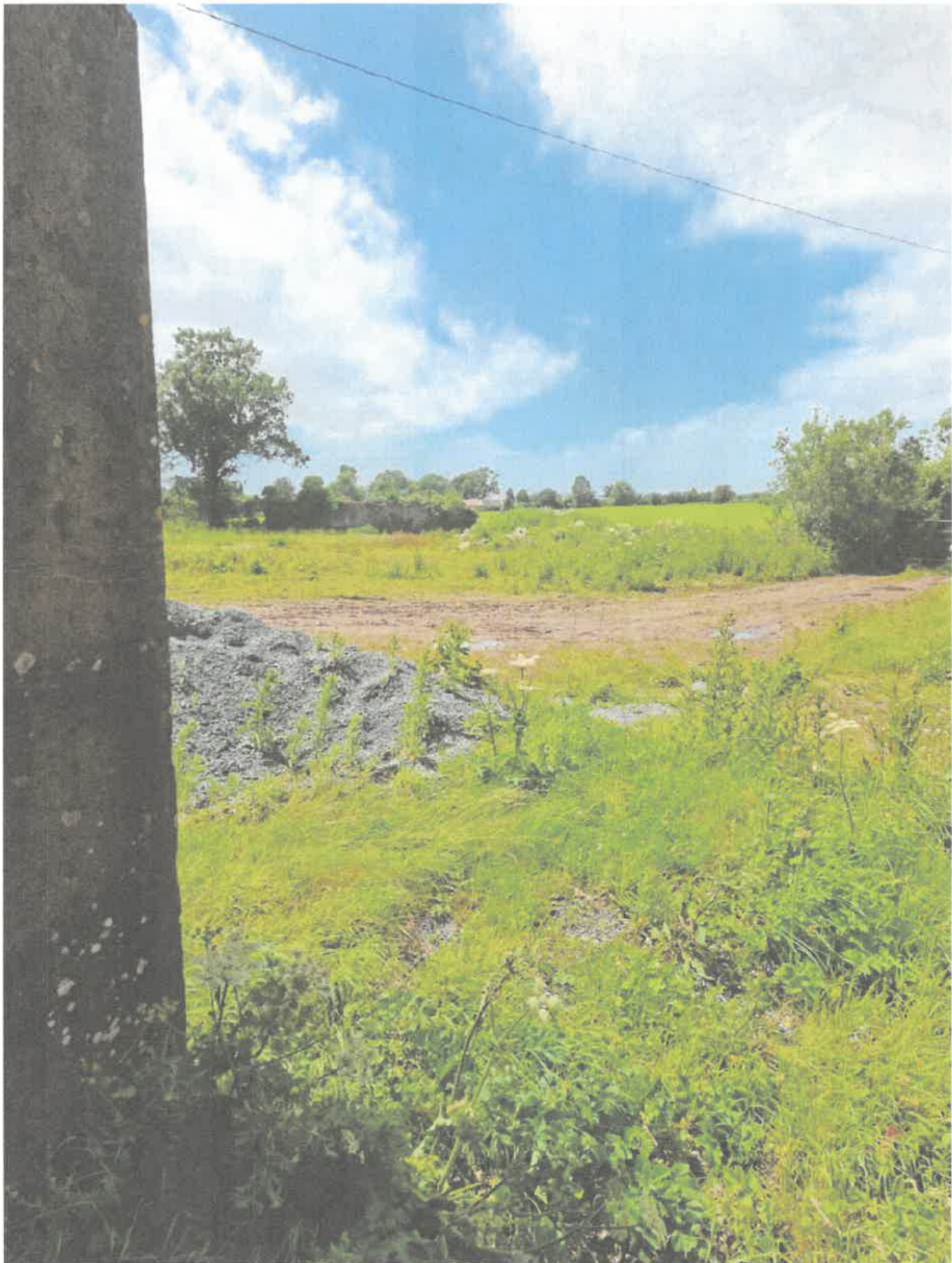
Residential/ Domestic
Site Surveys & Gps mapping
Paddock & Roadway Design
aidankelly2000@yahoo.ie







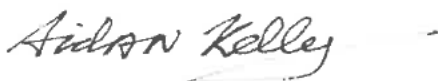








Regards

A handwritten signature in black ink that reads 'Aidan Kelly'.

Aidan Kelly B.Arch B.sc Arch Tech B.Agr

Agricultural
Planning Applications
Farmyard Design
Mobile 0857466211

Commercial
Permission for Retention
Shed Designs/layouts
www.adps.ie

Residential/ Domestic
Site Surveys & Gps mapping
Paddock & Roadway Design
aidankelly2000@yahoo.ie

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

File Reference number	EC-106-26
Applicant(s)	William Mulcahy
Location	Grillagh, Bruff, Co. Limerick

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.

Proposal:

This is an application requesting a Section 5 Declaration on whether the following works are or are not development or are or are 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
- On site photographs
- Plans/ Sections/ Elevations
- Application form

Planning History:

Subject site:

EC-069-26

Section 5 application for an assembly yard with crush area 167m²

Deemed development but not exempted development as the proposal did not comply with condition/limitation 2 of Class 8 of Part 3 of Schedule 2.

Adjacent:

05/3720 Conditional Permission - construction of slatted unit for cattle.

Enforcement History:

N/A

Relevant An Coimisiún Pleanála referrals:

N/A

Assessment:

Consideration as to whether a development constitutes exempted development or not is governed by Sections 4 and 5 of the Planning and Development Act 2000 (as amended) and Articles 5, 6, 7, 8, 9, 10 and 11 of the Planning and Development Regulations 2001 (as amended).

Is the proposal development?

Section 2(1) in this Act, except where otherwise requires –

‘works’ includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.

‘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 –

(b) in relation to a protected structure or proposed protected structure, includes—

- (i) the interior of the structure,
- (ii) the land lying within the curtilage of the structure,
- (iii) any other structures lying within that curtilage and their interiors, and
- (iv) all fixtures and features which form part of the interior or exterior of any structure or structures referred to in subparagraph (i) or (iii);

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 proposal concerns the construction of a 167 sqm assembly yard with crush area, constituting ‘works’ and ‘development’.

Is the proposal exempted development?

The proposal is for the construction an assembly yard with crush area of 167m² on an existing farm site. This appears to fall under the definition of an ‘open loose yard’ as set out in Class 8 of Part 3 of Schedule 2 of the Planning and Development Regulations 2001 (as amended).

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.

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

The structure proposed is for associated agricultural use as an assembly yard with crush area.

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.*

On the applicant's previous application under Section 5 of the Planning and Development Act 2000 (as amended), LCCC Ref. No. EC-069-26, it was unclear whether the floor area of the farmyard exceeded 300 square metres. This was due to evidence of additional structures within the farmyard from aerial photography, which were not called up on the initial plans. Due to this, the proposal did not comply with the requirements of this condition. However, in the current application, the applicant has stated that these structures were demolished by a previous landowner due to storm damage. To this effect, the applicant has provided up to date images of the site, confirming the removal of the additional structures beyond the retained site dwelling. On the basis of the information submitted, there are no other Class 8 structures within the farmyard complex which would result in the aggregate gross floor area exceeding 300 sqm. Accordingly, the proposed development complies with Condition 2.

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.*

No effluent storage facilities are proposed. Having regard to the nature and scale of the proposed assembly yard, no evidence has been submitted to indicate that dedicated effluent storage is required.

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 10 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 except for the Site dwelling 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 167 sqm. As such no roofing is proposed.

Article 9 Restrictions

No restrictions apply under Article 9 of the Planning and Development Regulations 2001 (as amended).

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.

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.

Conclusion/Recommendation

The proposed assembly yard and cattle crush detailed on the application and plans submitted constitute development and are considered to fall within the scope of Class 8 of Part 3 of Schedule 2 of the Planning and Development Regulations (as amended). The additional agricultural structures called up on previous aerial imagery have been confirmed as no longer existing on the site following updated aerial photography provided by the applicant. Therefore, the new application now complies with condition 2 of Class 8, Part 3 Schedule 2 of the Planning and Development Regulations 2001 (as amended).

Regard has been had to –

- (a) Sections 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 and particulars submitted with the application received on the 18th of June 2026

It is therefore considered that the said works constitute development and exempted development under Class 8 of Part 3 of Schedule 2 of the Planning and Development Regulations 2001 (as amended).

Intern Planner	Conor Deering	Date: 24/06/2026
Signature		

Graduate Planner	Isaac Cunningham	Date: 30/06/2026
Signature:		
Senior Executive Planner	Barry Henn	Date: 10/07/2026
Signature		

Appendix 1: AA PN01 Screening Form

STEP 1: Description of the project/proposal and local site characteristics:	
(e) File Reference No:	EC-106-26
(e) Brief description of the project or plan:	To construct an assembly yard with crush area 167m ²
(e) Brief description of site characteristics:	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.
(e) 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	https://www.npws.ie/protected-sites/sac/001430	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 - Storage of excavated/construction materials - Access to site - Pests	None. No direct encroachment or hydrological connection.

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. No direct encroachment or hydrological connection
In-combination/Other	N/A.

(a) 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. No direct encroachment or hydrological connection.

(a) (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.
Given the sites size, no hydrological connection to any SAC/SPA, no encroachment on any SAC/SPA and the limited scale of the development proposed, an AA is not required.
Conclusion: AA 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:	 30/06/2026	
Signature and Date of the Decision Maker:	 10/07/2026	

Appendix 2: EIA Screening

Establishing if the proposal is a 'sub-threshold development':		
Planning Register Reference:	EC-106-26	
Development Summary:	To construct an assembly yard with crush area 167m2	
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:  30/06/2026	
Signature and Date of the Decision Maker:  10/07/2026	



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

An Roinn Pleanála
Comhairle Cathrach agus Contae Luimnigh
Bóthar Thuar an Daill
Tuar 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/106/26

14 July 2026

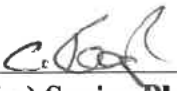
Re: Declaration under Section 5

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/2026/867

File Ref No. EC/106/26

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

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

ORDER: Whereas by Director General's Order No. DG/2026/056 dated 25th May 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.

Now therefore pursuant to the delegation of the functions aforesaid, I, Barry Henn, Senior Executive Planner, having considered the report and recommendation of Conor Deering, Intern Planner dated 24/06/2026 and Isaac Cunningham Graduate Planner dated 30/06/2026, 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 Exempt Development.

Signed B. Henn

SENIOR EXECUTIVE PLANNER, DEVELOPMENT MANAGEMENT,
PLANNING

Date 14/07/2026



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

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

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

t: 061 556 000

SECTION 5 – DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

DECLARATION NO.

EC/106/26

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

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

Whether the construction of an 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 18th day of June 2026.

AND WHEREAS the Planning Authority has concluded that the construction of an assembly yard with crush area at Grillagh, Bruff, Co. Limerick **DOES** 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). 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 Exempted Development.**

Signed on behalf of the said Council C. Kelly

Date: 14.7.2026

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.