



Comhairle Cathrach  
& Contae Limerigh  
Limerick City  
& County Council



**Limerick City and County Council**

**Planning Department**

**Section 5 Application**

**DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT**

Applicant's Name: DECLAN DALTON

Applicant's Address: DERREEN

ATHEA,

Co Limerick

Telephone No.

Name of Agent (if any):

ROY DINEEN.

Address:

DROMKEEN WEST,

CAUSEWAY

Co KERRY

Telephone No.

086 8552585

Address for Correspondence:

DROMKEEN WEST,

CAUSEWAY

Co KERRY

Location of Proposed development (Please include EIRCODE):

DERREEN,  
ATHENA,  
Co Limerick

Description of Proposed development:

SLATED SLURRY TANK

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

CLASS 6A of PART 3 of SCHEDULE 2

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:

PLANS AND CROSS SECTION of DEVELOPMENT

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

If Yes please provide floor areas of all existing structures:

N/A

Signature of Applicant (or Agent) Ray Dwyer (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](mailto:planning@limerick.ie)**

\*\*\*\*\*

Dromkeen West,  
Causeway,  
Co Kerry.



01/09/2026

Re SECTION 5 Application on behalf of Mr Declan Dalton, Derreen, Athea, Co Limerick.

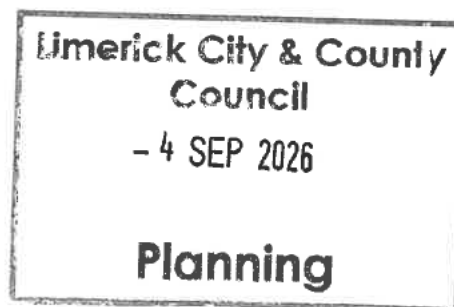
Dear Sir/Madam,

Enclosed, please find documents for a Section 5 application on behalf of the above applicant, which includes:-

- Application Form;
- Consent letter from applicant's father re the construction of the slurry tank within 100m of his dwelling house;
- Site Location Maps – Scales 1:2500 and 1:10560
- Site Lay-Out Plan – Scale – 1:500
- Plans and Cross Section of the proposal – Scales – 1 : 200 and 1 : 100.

Yours Sincerely

Roy Dineen



Derreen,  
Athea,  
Co Limerick.

EIRCODE:- V94FY94

26/08/2026

RE SLATTED SLURRY TANK WITHIN 100M OF MY DWELLING HOUSE

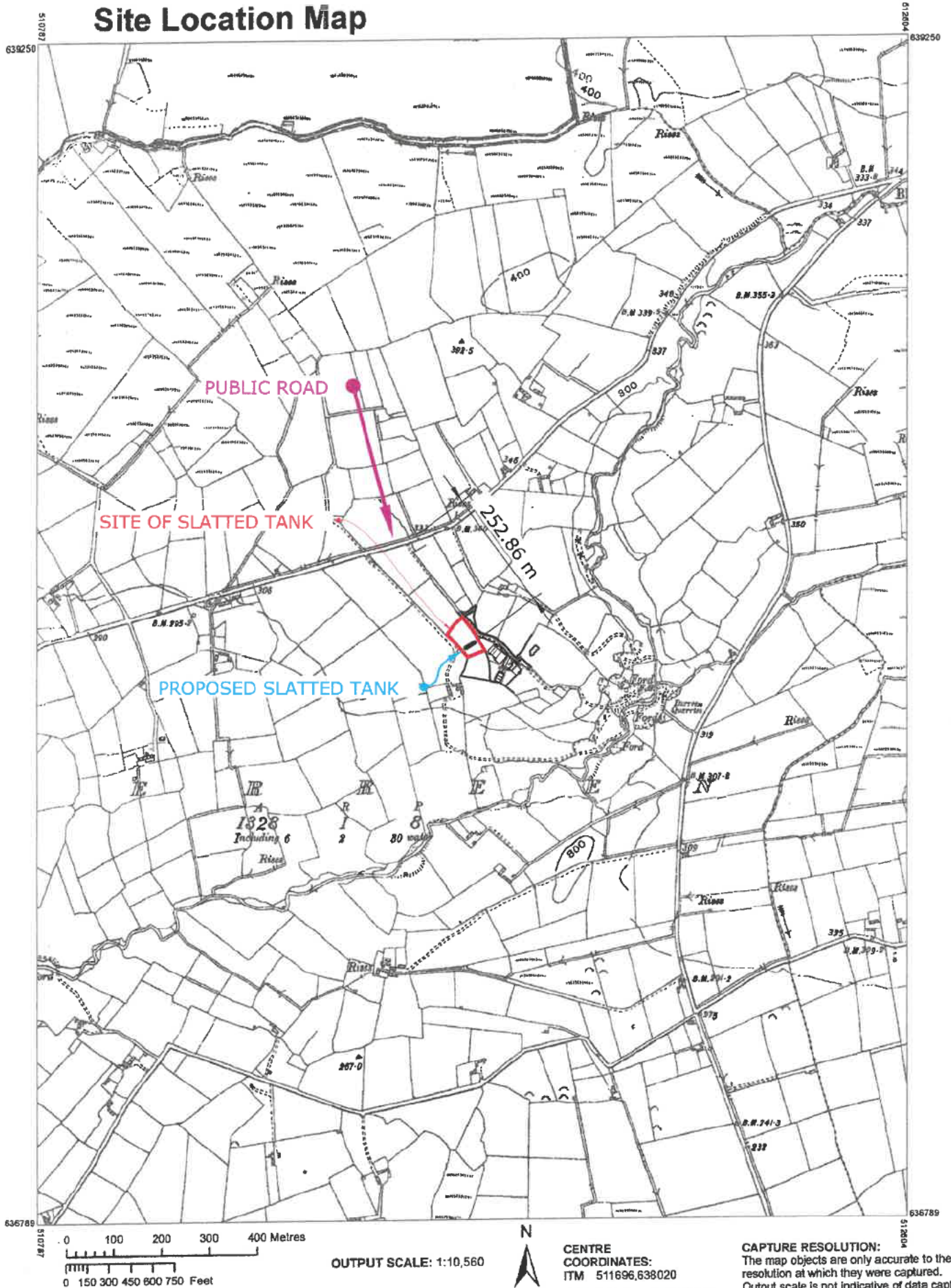
Dear Sir or Madam,

Please note that I consent to my son Declan Dalton constructing a Slatted Slurry Tank on his farmyard at Derreen, Athea, Co Limerick.

This tank will be within 100m of my dwelling house, but I do not have any difficulty with this.

Signed:- Maureen Dalton

# Site Location Map



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D08F6E4

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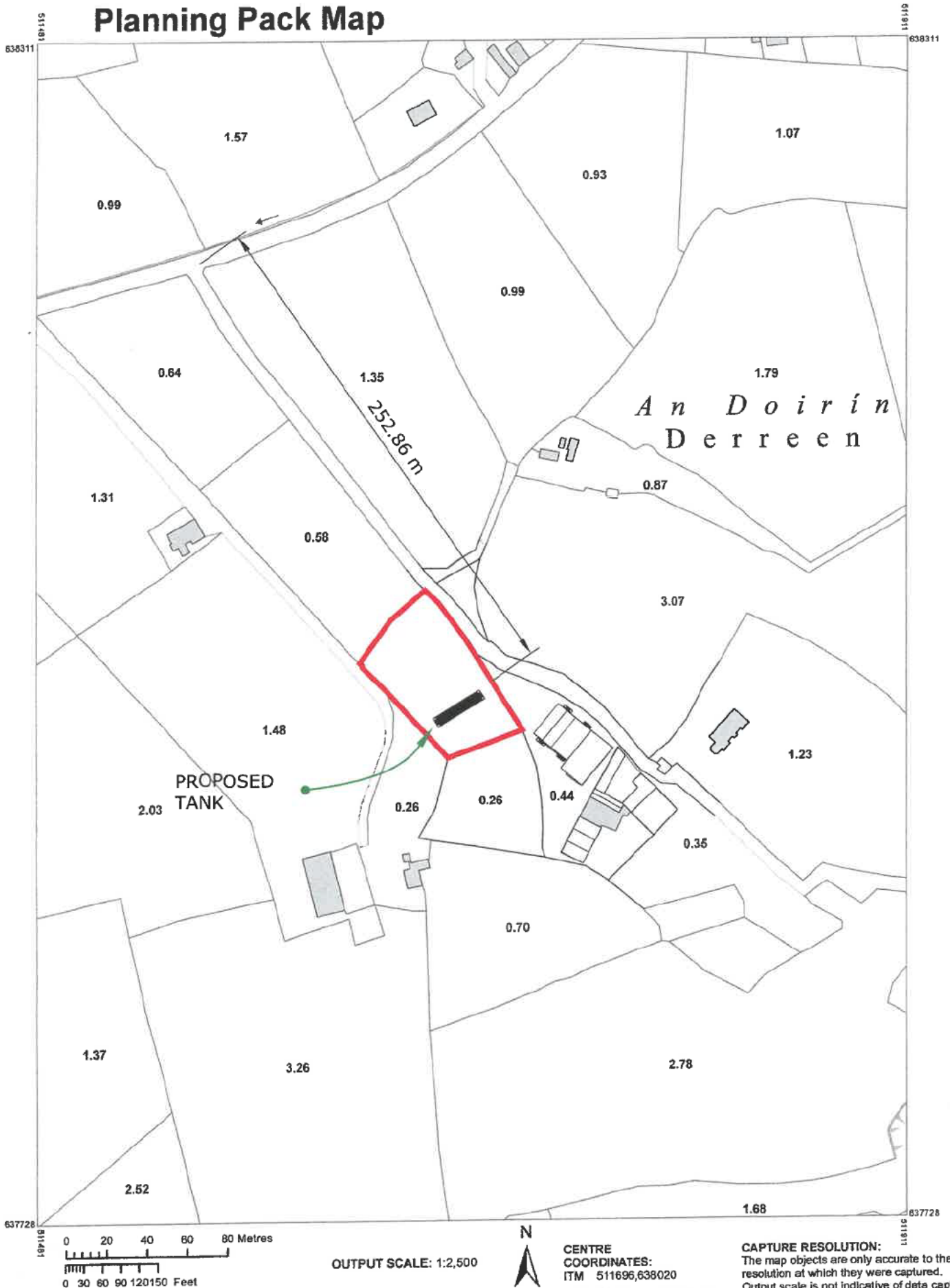
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**Tailte  
Éireann**

# Planning Pack Map



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OUTPUT SCALE: 1:2,500



## CENTRE

COORDINATES:  
ITM 511696,638020

PUBLISHED:  
23/07/2026

MAP SERIES:  
1:5,000

ORDER NO.:  
50549366\_1

MAP SHEETS:  
5096

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**Tailte  
Éireann**

**CLIENT:-** DECLAN DALTON

**ADDRESS:** DERREEN,  
ATHEA,  
CO LIMERICK.

EIRCODE V94FY94

**EMAIL:-** declandaltoneng@gmail.com

**PROJECT:**

EXEMPTION SOUGHT FOR CONSTRUCTION  
OF A SLATTED SLURRY TANK.

DRAWN BY ROY DINEEN

**NOTES**

1. THIS DRAWING IS FOR THE PURPOSE  
OF APPLYING FOR PLANNING PERMISSION  
ONLY.

IT IS FURNISHED AS AN EXAMPLE OF THE  
LAYOUT OF ONE SUCH SYSTEM RELEVANT  
TO YOUR NEEDS AND IT IS YOUR  
RESPONSIBILITY TO ENSURE THAT IT IS  
THE MOST ECONOMICAL & EFFICIENT FOR  
YOUR PURPOSES.

2. ALL WORK MUST COMPLY WITH LATEST  
DEPT. AGRICULTURE SPECIFICATION NO's  
S101, S123.

3. CLIENT & CONTRACTOR MUST CLARIFY  
ALL DESIGN ELEMENTS, DIMENSIONS &  
SCOPE OF THE PROJECT BEFORE APPLYING  
FOR PLANNING PERMISSION.

4. ALL RELEVANT HEALTH & SAFETY  
PRECAUTIONS/RULES/REGULATIONS,  
BOTH IN DEPT. AGRIC. TERMS,  
CONDITIONS & SPECIFICATIONS & IN ALL  
LEGAL REQUIREMENTS/REGULATIONS,  
MUST BE ADHERED TO AT ALL TIMES, & IN  
THIS REGARD PLEASE NOTE THAT IN  
ACCORDANCE WITH THE PROVISIONS OF  
THE SAFETY, HEALTH & WELFARE AT WORK  
CONSTRUCTION REGULATIONS 2013, YOU  
ARE REQUIRED TO APPOINT IN WRITING, A  
COMPETENT PROJECT SUPERVISOR FOR  
THE CONSTRUCTION STAGE OF YOUR  
DEVELOPMENT.

N.B. PLEASE NOTE THAT THE  
APPOINTMENT OF THE PROJECT  
SUPERVISOR SHALL BE APPOINTED  
BEFORE COMMENCEMENT OF THE PROJECT  
& YOU SHOULD OBTAIN WRITTEN  
CONFIRMATION OF THE ACCEPTANCE OF  
THE APPOINTMENT.

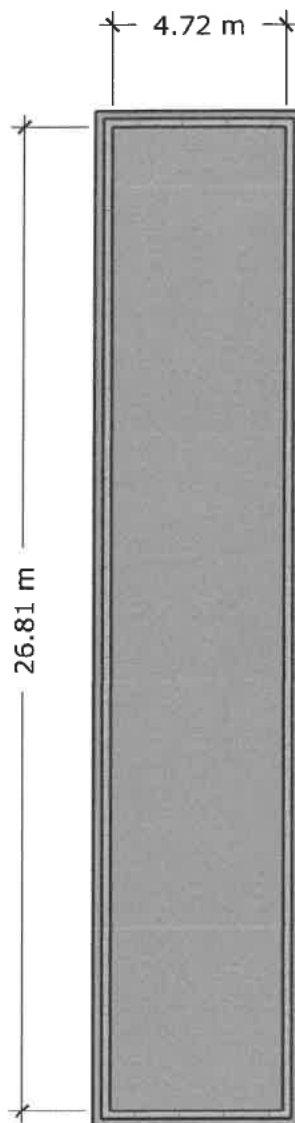
4. DILIGENCE & ATTENTION NEEDS TO BE  
PAID TO THE PRESENCE OF ANY  
UNDERGROUND ELECTRIC CABLES IN THE  
GENERAL VICINITY OF THE EXCAVATION  
BEING CARRIED OUT.

5. CONTRACTORS OR ANY PERSONS  
CARRYING OUT ANY WORK WITHIN AN  
EXCAVATION NEEDS TO ENSURE THAT THE  
SIDE BANKS OF SAID EXCAVATION ARE AT  
THE REQUIRED GRADIENT, CONSISTENT  
WITH THE PROPERTIES OF THE SUBSOIL,  
TO ENSURE SAFE WORKING CONDITIONS  
FOR ALL PERSONNEL. IF EXCAVATION IS  
ADJACENT TO AN EXISTING BUILDING,  
THEN, EITHER THE BUILDING MUST BE  
REMOVED, OR ALTERNATIVELY, PROPER  
SUPPORTING MEASURES OF THE SUBSOIL  
& BUILDING MUST BE PUT IN PLACE TO  
ENSURE STABILITY OF THE BUILDING IN  
QUESTION, CONSISTENT WITH BUILDING  
REGULATIONS TO ENSURE SAFE WORKING  
CONDITIONS FOR ALL PERSONNEL.

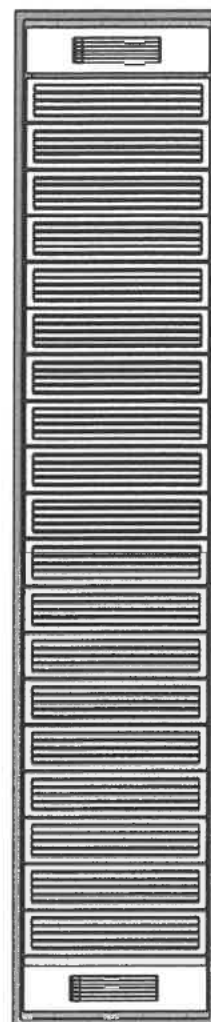
6. NOTICES INDICATING A BUILDING SITE  
& PROTECTIVE FENCING AROUND THE SITE  
MUST BE PUT IN PLACE.

7. THE E.S.B. MUST BE INFORMED OF THE  
INTENTION OF CARRYING OUT THIS  
DEVELOPMENT, IF THERE ARE ANY  
OVERHEAD  
POWER CABLES, OR ANY OTHER ISSUE  
RELATING TO ELECTRICITY SUPPLY IN  
THE VICINITY OF THE DEVELOPMENT.

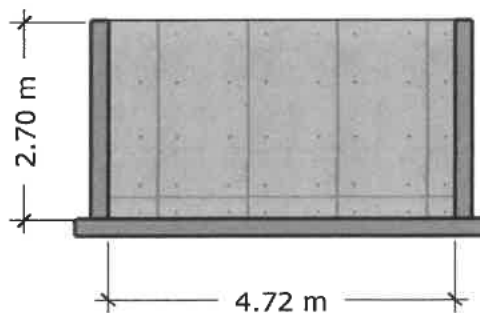
8. ALL AGITATING SLATS SITUATED  
UNDER A ROOF SHOULD BE REMOVED  
FOR-WITH TO ENSURE SAFE WORKING  
CONDITIONS OF ALL PERSONNEL.



UNCOVERED GROUND PLAN  
SCALE:- 1 : 200



GROUND PLAN WITH  
SLATTED COVER  
SCALE:- 1 : 200



CROSS SECTION SCALE:- 1 : 100

SITE LAY-OUT PLAN  
SCALE:- 1 : 500

DECLAN DALTON,  
DERREEN,  
ATHEA,  
CO LIMERICK.  
EIRCODE:- V94FY94

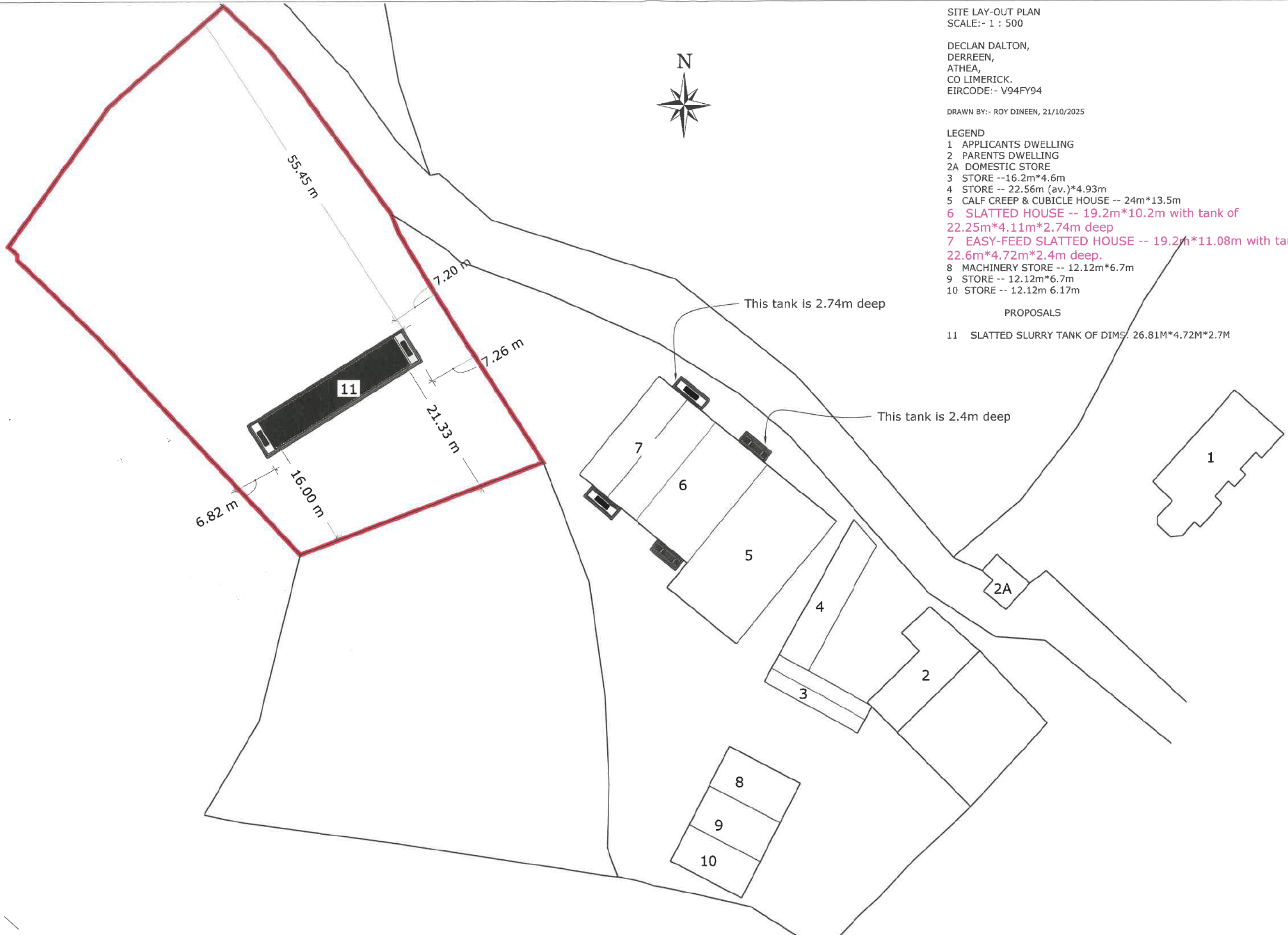
DRAWN BY:- ROY DINEEN, 21/10/2025

LEGEND

- 1 APPLICANTS DWELLING
- 2 PARENTS DWELLING
- 2A DOMESTIC STORE
- 3 STORE --16.2m\*4.6m
- 4 STORE -- 22.56m (av.)\*4.93m
- 5 CALF CREEP & CUBICLE HOUSE -- 24m\*13.5m
- 6 SLATTED HOUSE -- 19.2m\*10.2m with tank of 22.25m\*4.11m\*2.74m deep
- 7 EASY-FEED SLATTED HOUSE -- 19.2m\*11.08m with tank of 22.6m\*4.72m\*2.4m deep.
- 8 MACHINERY STORE -- 12.12m\*6.7m
- 9 STORE -- 12.12m\*6.7m
- 10 STORE -- 12.12m 6.17m

PROPOSALS

- 11 SLATTED SLURRY TANK OF DIMS. 26.81M\*4.72M\*2.7M



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

|                              |                                    |
|------------------------------|------------------------------------|
| <b>File Reference number</b> | EC-172-26                          |
| <b>Applicant(s)</b>          | Declan Dalton                      |
| <b>Location</b>              | Derreen,<br>Athea,<br>Co. Limerick |

### **Description of Site and Surroundings:**

The subject site is located in the rural townland of Derreen, approximately 3 km north from Athea. Access to the site is provided via a private farm road, which in turn can be accessed from the L-1238 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:

The construction of a slatted slurry tank

This Section 5 declaration includes the following:

- Application form
- Site location map
- Cross Section
- Site layout plan
- Letter of Permission

### **Planning History:**

*Subject site:*

None

*Adjacent:*

**16/127 Conditional Permission** - the construction of a slatted shed incorporating a straw bedded area, cattle crush and concrete apron

**06/376 Conditional Permission** - construction of slatted beef house

**09/232 Conditional Permission** - a dwelling house with proprietary waste water treatment system, domestic garage, entrance and boundary walls

### **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 slatted slurry tank, **constituting ‘works’ and ‘development’**.

**Is the proposal exempted development?**

To assess whether the proposed development is exempted development, the proposed slatted slurry tank will be assessed against Class 6(a) of Part 3 of Schedule 2 of the Planning and Development Regulations 2001 (as amended)

**Class 6A** - Works consisting of a structure for the storage of slurry, effluent or soiled water collected from agricultural buildings, agricultural farmyards and any ancillary provision to aid in the handling of the slurry, effluent or soiled water.

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

The stated use is for agricultural purposes

*2. The maximum storage capacity of any such storage facility shall not exceed 1000 cubic metres.*

The proposed storage capacity is 341.6 m<sup>3</sup>.

*3. The aggregate capacity of tanks, situated within the same farmyard complex, shall not exceed 1,500 cubic metres.*

The total existing capacity is 503.76m<sup>3</sup>. The aggregate total capacity of existing and proposed storage is 845m<sup>3</sup>.

*4. The structure having regard to its size, use and location shall be constructed in accordance with Department of Agriculture, Food and the Marine and Department of Housing, Local Government and Heritage requirements and shall have regard to the need to avoid water pollution. The structure shall not be an earth lined Slurry/Effluent Store.*

Based on the information submitted, it is indicated that the proposed structure will be constructed in accordance with Department of Agriculture, Food and the Marine and Department of Housing, Local Government and Heritage requirements and shall have regard to the need to avoid water pollution. The proposed structure is a reinforced concrete tank.

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

The proposed structure is more than 10 metres away from the public road.

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

The proposed structures will be located underground.

*7. 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.*

The proposed structure is located within 100 metres of the applicant's parents' house, but written permission has been received from the applicants' parents stating their consent to the construction of the proposed slatted slurry tank.

*8. No such structure shall be constructed within a flood zone identified in statutory land use plans as Flood Zone A or Flood Zone B or where the probability of flooding is moderate to high or erosion control zone.*

The structure is not within a flood zone identified in statutory land use plans as Flood Zone A or Flood Zone B or where the probability of flooding is moderate to high or erosion control zone.

*9. No such structure shall be within 60 metres of a public or private water source.*

The proposed structure appears to be more than 60 metres from a water source.

*10. No such structure shall be situated, at the closest point, less than 50 metres from a water course or water body in the case of new farmyards, and not less than 10m in the case of extensions/modifications to an existing facility.*

The proposed structure appears to be more than 10 metres from a water course or body according to Environmental Protection Agency GIS maps

*11. All such tanks shall be constructed in accordance with the relevant specification published by the Department of Agriculture, Food and the Marine in force at the time of construction of the tank*

Based on the information submitted, it is indicated that all works will comply with the current Department of Agriculture specifications.

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

This is a slatted underground tank; there is no roof proposed.

*13. The use of this Class of exemption requires a declaration from the relevant Planning authority under section 5 of the Principal Act, declaring the exemption is applicable prior to commencement of construction*

The proposed development is being assessed under section 5 of the Principal Act.

*14. Ancillary provision shall include as appropriate the installation of any signage, fencing or other safety infrastructure as recommended by the Health and Safety Authority regarding Slurry Safety.*

Based on the information submitted, it is indicated that all works will comply with the current Department of Agriculture specifications S.123 & S.101.

### **Article 9 Restrictions**

|                                                                                                                                                                                                                                                                     |     |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|
| <b>Planning and Development Regulations 2001 – 2025</b><br><br><b>Article 9(1)</b><br><b>Development to which article 6 relates shall not be exempted development for the purposes of the Act—</b><br><br><b>(a) if the carrying out of such development would—</b> |     |
| (i) contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act,                                                                                                                          | N/A |
| (ii) consist of or comprise the formation, laying out or material widening of a means of access to a public road                                                                                                                                                    | N/A |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |     |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|
| the surfaced carriageway of which exceeds 4 metres in width,                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |     |
| (iii) endanger public safety by reason of traffic hazard or obstruction of road users,                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | N/A |
| (iiia) endanger public safety by reason of hazardous glint and/or glare for the operation of airports, aerodromes or aircraft,                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | N/A |
| (iv) except in the case of a porch to which class 7 specified in column 1 of Part 1 of Schedule 2 applies and which complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1, comprise the construction, erection, extension or renewal of a building on any street so as to bring forward the building, or any part of the building, beyond the front wall of the building on either side thereof or beyond a line determined as the building line in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan, | N/A |
| (v) consist of or comprise the carrying out under a public road of works other than a connection to a wired broadcast relay service, sewer, water main, gas main or electricity supply line or cable, or any works to which class 25, 26 or 31 (a) specified in column 1 of Part 1 of Schedule 2 applies,                                                                                                                                                                                                                                                                                                                                                                                                                                          | N/A |
| (vi) interfere with the character of a landscape, or a view or prospect of special amenity value or special interest, the preservation of which is an objective of a development plan for the area in which the development is proposed or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,                                                                                                                                                                                                                                                                                                                                     | N/A |
| (vii) consist of or comprise the excavation, alteration or demolition (other than peat extraction) of places, caves, sites, features or other objects of archaeological, geological, historical, scientific or ecological interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan for the area in which the development is proposed or, pending the variation of a development plan or local area plan, or the making of a new development plan or local area plan, in the draft variation of the development plan or the local area plan or the draft development plan or draft local area plan,                                                                                 | N/A |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |     |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|
| (viiA) consist of or comprise the excavation, alteration or demolition of any archaeological monument included in the Record of Monuments and Places, pursuant to section 12 (1) of the National Monuments (Amendment) Act 1994, save that this provision shall not apply to any excavation or any works, pursuant to and in accordance with a consent granted under section 14 or a licence granted under section 26 of the National Monuments Act 1930 (No. 2 of 1930) as amended,                                                                                       |     |
| (viiB) comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site,                                                                                                                                                                                                                                                        | N/A |
| (viiC) consist of or comprise development which would be likely to have an adverse impact on an area designated as a natural heritage area by order made under section 18 of the Wildlife (Amendment) Act 2000.                                                                                                                                                                                                                                                                                                                                                            | N/A |
| (viii) consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use,                                                                                                                                                                                                                                                                                                                                                                                                            | N/A |
| (ix) consist of the demolition or such alteration of a building or other structure as would preclude or restrict the continuance of an existing use of a building or other structure where it is an objective of the planning authority to ensure that the building or other structure would remain available for such use and such objective has been specified in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan, | N/A |
| (x) consist of the fencing or enclosure of any land habitually open to or used by the public during the 10 years preceding such fencing or enclosure for recreational purposes or as a means of access to any seashore, mountain, lakeshore, riverbank or other place of natural beauty or recreational utility,                                                                                                                                                                                                                                                           | N/A |
| (xi) obstruct any public right of way,                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | N/A |
| (xii) further to the provisions of section 82 of the Act, consist of or comprise the carrying out of works to the exterior of a structure, where the structure concerned is located within an architectural conservation area or an area specified as an architectural conservation area in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan and the                                                                  | N/A |

|                                                                                                                                                                                                                                                                                                                                             |     |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|
| development would materially affect the character of the area,                                                                                                                                                                                                                                                                              |     |
| <b>(b) in an area to which a special amenity area order relates, if such development would be development:—</b>                                                                                                                                                                                                                             |     |
| (i) of class 1, 3, 11, 16, 21, 22, 27, 28, 29, 31, (other than paragraph (a) thereof ), 33 (c) (including the laying out and use of land for golf or pitch and putt or sports involving the use of motor vehicles, aircraft or firearms), 39, 44 or 50(a) specified in column 1 of Part 1 of Schedule 2, or                                 | N/A |
| (ii) consisting of the use of a structure or other land for the exhibition of advertisements of class 1, 4, 6, 11, 16 or 17 specified in column 1 of Part 2 of the said Schedule or the erection of an advertisement structure for the exhibition of any advertisement of any of the said classes, or                                       | N/A |
| (iii) of class 3, 5, 6, 7, 8, 9, 10, 11, 12 or 13 specified in column 1 of Part 3 of the said Schedule, or                                                                                                                                                                                                                                  | N/A |
| (iv) of any class of Parts 1, 2 or 3 of Schedule 2 not referred to in subparagraphs (i), (ii) and (iii) where it is stated in the order made under section 202 of the Act that such development shall be prevented or limited,                                                                                                              | N/A |
| <b>(c) if it is development to which Part 10 applies, unless the development is required by or under any statutory provision (other than the Act or these Regulations) to comply with procedures for the purpose of giving effect to the Council Directive,</b>                                                                             | N/A |
| <b>(d) if it consists of the provision of, or modifications to, an establishment, and could have significant repercussions on major accident hazards.</b>                                                                                                                                                                                   | N/A |
| <b>Article 9(2)</b><br>Sub-article (1)(a)(vi) shall not apply where the development consists of the construction by any electricity undertaking of an overhead line or cable not exceeding 100 metres in length for the purpose of conducting electricity from a distribution or transmission line to any premises.                         | N/A |
| <b>Article 9 (3)</b><br>For the avoidance of doubt, sub-article (1)(a)(vii) shall not apply to any operation or activity in respect of which a Minister of the Government has granted consent or approval in accordance with the requirements of regulation 31 of the Habitats Regulations 1997, and where regulation 31(5) does not apply. | N/A |
|                                                                                                                                                                                                                                                                                                                                             |     |

### **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 slatted tank detailed on the application and plans submitted is considered to be within the scope of Class 6A of Part 3 of 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) Article 6, 9 & Class 6A 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 04<sup>th</sup> of September 2026

It is therefore considered that the said works constitute development and exempted development under Class 6A of Part 3 of Schedule 2 of the Planning and Development Regulations 2001 (as amended).

|                                 |                                                                                     |                         |
|---------------------------------|-------------------------------------------------------------------------------------|-------------------------|
| <b>Graduate Planner</b>         | Conor Deering                                                                       | <b>Date: 07/09/2026</b> |
| <b>Signature:</b>               |  |                         |
| <b>Senior Executive Planner</b> | Barry Henn                                                                          | <b>Date: 18/09/2026</b> |
| <b>Signature</b>                |  |                         |

**Appendix 1: AA PN01 Screening Form**

| <b>STEP 1: Description of the project/proposal and local site characteristics:</b> |                                                                                                                                                                                                                |
|------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>(e) File Reference No:</b>                                                      | EC-172-26                                                                                                                                                                                                      |
| <b>(e) Brief description of the project or plan:</b>                               | construction of a slatted slurry tank                                                                                                                                                                          |
| <b>(e) Brief description of site characteristics:</b>                              | The subject site is located in the rural townland of Derreen, approximately 3 km north from Athea. Access to the site is provided via a private farm road, which in turn can be accessed from the L-1238 road. |
| <b>(e) Relevant prescribed bodies consulted:<br/>e.g. DHLGH (NPWS), EPA, OPW</b>   | N/A                                                                                                                                                                                                            |
| <b>(e) Response to consultation:</b>                                               | N/A                                                                                                                                                                                                            |

| <b>STEP 2: Identification of relevant Natura 2000 sites using Source-Pathway-Receptor model and compilation of information on Qualifying Interests and conservation objectives.</b> |                                                                                                             |                                                             |                                               |                                            |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|-----------------------------------------------|--------------------------------------------|
| <b>European Site (code)</b>                                                                                                                                                         | <b>List of Qualifying Interest/Special Conservation Interest <sup>1</sup></b>                               | <b>Distance from proposed development <sup>2</sup> (km)</b> | <b>Connections (Source-Pathway-Receptors)</b> | <b>Considered further in screening Y/N</b> |
| 004161 Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA                                                                                                  | <a href="https://www.npws.ie/protected-sites/spa/004161">https://www.npws.ie/protected-sites/spa/004161</a> | 260 m                                                       | N/A                                           | N                                          |
| 002165 Lower River Shannon SAC                                                                                                                                                      | <a href="https://www.npws.ie/protected-sites/sac/002165">https://www.npws.ie/protected-sites/sac/002165</a> | 1.4 km                                                      | N/A                                           | N                                          |

| <b>STEP 3: Assessment of Likely Significant Effects</b>                                                                                                                                                                                                                                        |                                                                   |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| <b>(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:</b>                                                                   |                                                                   |
| <b>Impacts:</b>                                                                                                                                                                                                                                                                                | <b>Possible Significance of Impacts: (duration/Magnitude etc)</b> |
| <b>Construction phase e.g</b> <ul style="list-style-type: none"> <li>- Vegetation clearance</li> <li>- Demolition</li> <li>- Surface water runoff from soil excavation/infill/landscaping (including borrow pits)</li> <li>- Dust, noise, vibration</li> <li>- Lighting disturbance</li> </ul> | None. No direct encroachment or hydrological connection.          |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                          |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| <ul style="list-style-type: none"> <li>- Impact on groundwater/dewatering</li> <li>- Storage of excavated/construction materials</li> <li>- Access to site</li> <li>- Pests</li> </ul>                                                                                                                                                                                                                                                                                                        |                                                          |
| <b>Operation phase e.g.</b> <ul style="list-style-type: none"> <li>- Direct emission to air and water</li> <li>- Surface water runoff containing contaminant or sediment</li> <li>- Lighting disturbance</li> <li>- Noise/vibration</li> <li>- Changes to water/groundwater due to drainage or abstraction</li> <li>- Presence of people, vehicles and activities</li> <li>- Physical presence of structures (e.g. collision risk)</li> <li>- Potential for accidents or incidents</li> </ul> | None. No direct encroachment or hydrological connection. |
| <b>In-combination/Other</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | N/A.                                                     |

| <b>(a) Describe any likely changes to the European site:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                          |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| <p>Examples of the type of changes to give consideration to include:</p> <ul style="list-style-type: none"> <li>- Reduction or fragmentation of habitat area</li> <li>- Disturbance to QI species</li> <li>- Habitat or species fragmentation</li> <li>- Reduction or fragmentation in species density</li> <li>- Changes in key indicators of conservation status value (water or air quality etc)</li> <li>- Changes to areas of sensitivity or threats to QI</li> <li>- Interference with the key relationships that define the structure or ecological function of the site</li> </ul> | None. No direct encroachment or hydrological connection. |

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

|                                                                                                                                                                                                                                         |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>STEP 4: Screening Determination Statement</b>                                                                                                                                                                                        |
| <p><b>The assessment of significance of effects:</b></p> <p>Describe how the proposed development alone or in-combination is/is not likely to have significant effects on European site (s) in view of its conservation objectives.</p> |

|                                                                                                                                                                           |                                                                                                            |                                                                                                                                                                           |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 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. |                                                                                                            |                                                                                                                                                                           |
| <b>Conclusion:</b> AA is not required.                                                                                                                                    |                                                                                                            |                                                                                                                                                                           |
|                                                                                                                                                                           | Tick as appropriate:                                                                                       | Recommendation:                                                                                                                                                           |
| i. It is clear that there <b>is no likelihood</b> of significant effects on a European Site                                                                               | <input checked="" type="checkbox"/>                                                                        | The proposal can be screened out: Appropriate Assessment not required.                                                                                                    |
| ii. It is <b>uncertain</b> whether the proposal will have a significant effect on a European Site                                                                         | <input type="checkbox"/>                                                                                   | <input type="checkbox"/> Request further information to complete screening<br><input type="checkbox"/> Request NIS<br><input type="checkbox"/> Refuse planning permission |
| iii. <b>Significant effects</b> are likely                                                                                                                                | <input type="checkbox"/>                                                                                   | <input type="checkbox"/> Request NIS<br><input type="checkbox"/> Refuse planning permission                                                                               |
| <b>Signature and Date of Recommending Officer:</b>                                                                                                                        | <br>_____<br>07/09/2026 |                                                                                                                                                                           |
| <b>Signature and Date of the Decision Maker:</b>                                                                                                                          | <br>_____<br>18/09/2026 |                                                                                                                                                                           |

## Appendix 2: EIA Screening

| Establishing if the proposal is a 'sub-threshold development':                                                                                                                                                                                   |                                                                            |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|
| Planning Register Reference:                                                                                                                                                                                                                     | EC-172-26                                                                  |
| Development Summary:                                                                                                                                                                                                                             | construction of a slatted slurry tank                                      |
| Was a Screening Determination carried out under Section 176A-C?                                                                                                                                                                                  | <p>Yes. no further action required</p> <p>No. Proceed to <b>Part A</b></p> |
| <b>A. Schedule 5 Part 1</b> - Does the development comprise a project listed in Schedule 5. <b>Part 1.</b> of the Planning and Development Regulations 2001 (as amended)?<br>(Tick as appropriate)                                               |                                                                            |
| <input type="checkbox"/> Yes. specify class: [insert here] _                                                                                                                                                                                     | <b>EIA is mandatory</b><br><br>No Screening required                       |
| <input checked="" type="checkbox"/> No                                                                                                                                                                                                           | Proceed to <b>Part B</b>                                                   |
| <b>B. Schedule 5 Part 2</b> - Does the development comprise a project listed in Schedule 5, <b>Part 2,</b> of the Planning and Development Regulations 2001 (as amended) <b>and</b> does it meet/exceed the thresholds?<br>(Tick as appropriate) |                                                                            |
| <input checked="" type="checkbox"/> No. the development is not a project listed in Schedule 5, Part 2                                                                                                                                            | <b>No Screening required</b>                                               |
| <input type="checkbox"/> Yes the project is listed in Schedule 5. Part 2 <b>and</b> meets/exceeds the threshold, specify class (including threshold):<br>_[specify class & threshold here]_                                                      | <b>EIA is mandatory</b><br><br>No Screening required                       |
| <input type="checkbox"/> Yes the project is of a type listed <b>but</b> is <i>sub-threshold</i> :<br>[insert here] _                                                                                                                             | Proceed to <b>Part C</b>                                                   |
| <b>c. If Yes,</b> has Schedule 7A information/screening report been submitted?                                                                                                                                                                   |                                                                            |
| Yes, Schedule 7A information/screening report has been submitted by the applicant                                                                                                                                                                | <b>Screening Determination required</b>                                    |

|                                                                                                                                                                                                              |                                         |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|
| No, Schedule 7A information/screening report has not been submitted by the applicant                                                                                                                         | <b>Preliminary Examination required</b> |
| <b>Signature and Date of Recommending Officer:</b><br><br><div style="text-align: right;"><br/>_____<br/>07/09/2026</div> |                                         |
| <b>Signature and Date of the Decision Maker:</b><br><br><div style="text-align: right;"><br/>_____<br/>18/09/2026</div>   |                                         |



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

Ari Roinn Pleanála  
Comhairle Cathrach agus Contae Luimnigh  
Bóthar Thuar an Daill  
Tuair 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:

**Declan Dalton**  
c/o Roy Dineen,  
Dromkeen West,  
Causeway,  
Co. Kerry.

**EC/172/26**

22 September 2026

**Re: Declaration under Section 5**

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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/2026/1179**

**File Ref No. EC/172/26**

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

**RE:** Construction of a slatted slurry tank at Derreen, Athea, Co. Limerick

**ORDER:** Whereas by Director General's Order No. DG/2026/056 dated 25<sup>th</sup> 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, Graduate Planner dated 07/09/2026, hereby order that a Declaration under Section 5 of the Planning and Development Act 2000 (as amended) be issued to Declan Dalton, c/o Roy Dineen, Dromkeen West, Causeway, Co. Kerry to state that the works as described above is

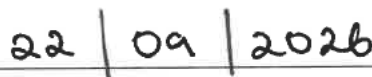
**Development and is Exempt Development.**

Signed



SENIOR EXECUTIVE PLANNER, DEVELOPMENT MANAGEMENT,  
PLANNING

Date





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**Limerick City**  
& County Council

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## **SECTION 5 – DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT**

**DECLARATION NO.**

**EC/172/26**

**Name and Address of Applicant:** Declan Dalton, Derreen, Athea, Co. Limerick

**Agent:** Roy Dineen, Dromkeen West, Causeway, Co. Kerry

**Whether** the construction of a slatted slurry tank at Derreen, Athea, 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 04<sup>th</sup> day of September 2026.

**AND WHEREAS** the Planning Authority has concluded that the construction of a slatted slurry tank at Derreen, Athea, Co. Limerick **DOES** come within the scope of exempted development under Class 6A 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

Date:

22/9/16

**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.