



Comhairle Cathrach
& Contae Limerígh
Limerick City
& County Council



Limerick City and County Council

Planning Department

Section 5 Application

DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

Applicant's Name:

Wille John Mulcahey.

Applicant's Address:

Ridd Oestown,
Rathkeale,
Co Limerick.

Telephone No.



Name of Agent (if any):

STEPHEN KEARY

Address:

Clogh,
Craugh,
Co Limerick

Telephone No.



Address for Correspondence:

c/o STEPHEN KEARY
Clogh, Craugh, Co Limerick

Location of Proposed development (Please include EIRCODE) (not available)

Riddlestown, Rathkeale

C Limerick

X, Y. 533099, 641835

Description of Proposed development:

Splayed entrance gate for agricultural use.

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

Is this a Protected Structure or within the curtilage of a Protected Structure.
YES/NO

Applicant's interest in site: land owner

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

- ① Site Location Map
- ② Site layout plan
- ③ Entrance plan & elevation of proposed field gate.

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

If Yes please provide floor areas of all existing structures:

Signature of Applicant (or Agent) Stephen Kenny

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**

Riddellstown,
Rathfriland,
Co. Limerick
21/8/26

Dear Sir / Madam,

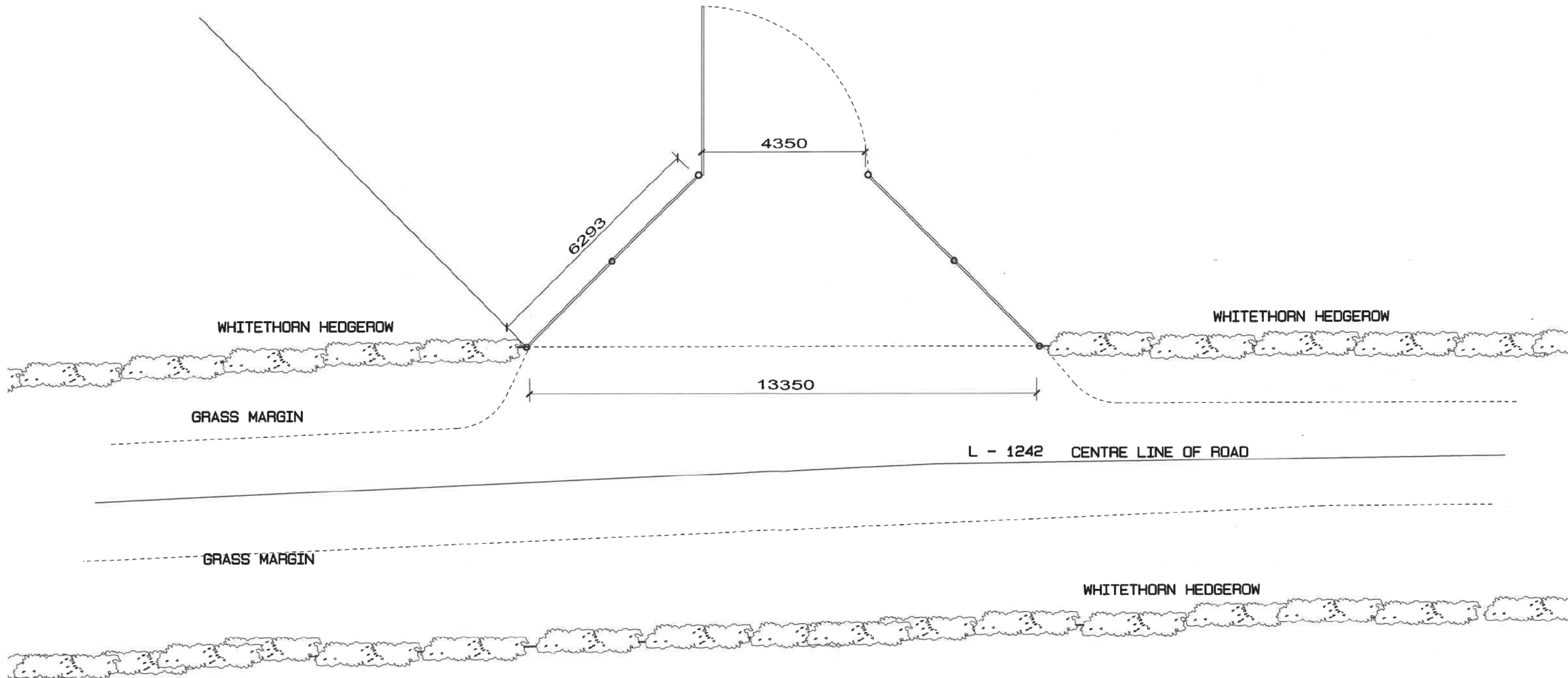
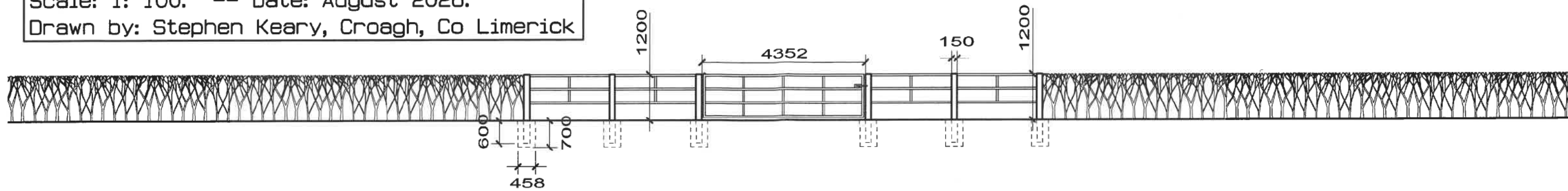
to whom it may
concern I Eamonn Stackpole
have no objection to Willie John
Hulcathy opening an Agricultural
entrance onto the road close
to my lands and house.

Yours Sincerely
Eamonn Stackpole

SITE LOCATION MAP for : Willie John Mulcahy at: Riddlestown,
Rathkeale, Co Limerick. Scale: 1: 2500. -- Date: August 2026.
Drawn by: Stephen Keary, Croagh, Co Limerick



Drawn by: Stephen Keary, Croagh, Co Limerick

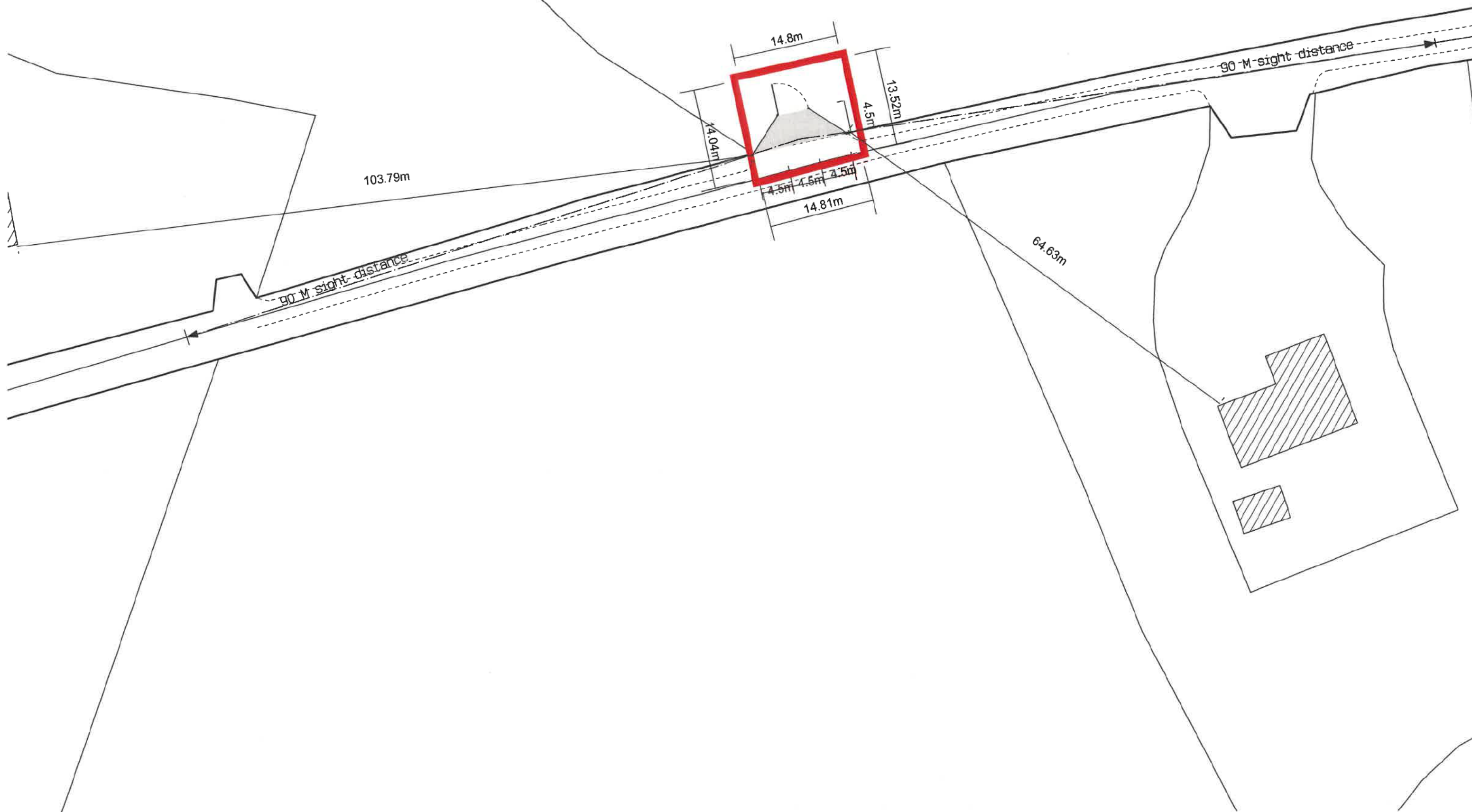


SITE LAYOUT PLAN

for : Willie John Mulcahy at: Riddlestown,
Rathkeale, Co Limerick.

Scale: 1: 500. -- Date: August 2026.

Drawn by: Stephen Keary, Croagh, Co Limerick



 Comhairle Cathrach & Contae Luimnigh Limerick City & County Council
<u>Report on application under Section 5 of the Planning and Development Act 2000 (as amended)</u>

File Reference number	EC – 154 –26
Applicant	Willie John Mulcahy
Location	Riddlestown, Rathkeale, Co. Limerick

1.0 Description of Site and Surroundings:

The application site comprises agricultural lands located in the townland of Riddlestown, approximately 2.9km from Rathkeale town and approximately 8.3km from Newcastle West Town. The site fronts onto a public road and contains an existing agricultural field gate providing access from the road into the field. Google Street View Imagery indicate that the existing access consists of a metal field gate within a whitethorn hedgerow, with no existing entrance walls, piers or concrete yards.

2.0 Proposal:

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

The construction of a splayed entrance gate for agricultural use.

This Section 5 declaration includes the following:

- Application Form
- Let from Eamon Stackpoole Re. No Objection to Agricultural Entrance
- Site location map
- Site Layout Plan
- Proposed and existing plans and elevations

3.0 Planning History:

Subject:

N/A

Adjacent:

96/1888 - Conditional Permission – Erection of extension to dwellinghouse and installation of septic tank and percolation area

99/1243 - Conditional Permission – Construction of dwellinghouse, entrance, bore well, pumphouse, septic tank, percolation area and all ancillary works

00/1830 – Conditional Permission - Construction of single storey dwellinghouse, garage, boundary fence, site entrance, septic tank and percolation area

20/911 – Conditional Permission - Construction of a rear extension to the existing dwelling house and all associated site works

3.1 Enforcement History

N/A.

4.0 Relevant An Coimisiún Pleanála referrals

N/A

5.0 Assessment

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

5.1 Is the proposal development?

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

‘works’ includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal.

‘**structure**’ as any building, structure, excavation, or other thing constructed or made on, in or under any land, or part of a structure so defined, and –

(a) Where the context so admits, includes the land on, in or under which the structure is situated.

Section 3(1) defines ‘**development**’ as ‘the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land’.

The proposed development on site, comprising the construction of a splayed entrance gate for agricultural use, constitutes ‘works’ and ‘development’.

5.2 Is the proposal exempted development?

The submitted drawings indicate that an existing agricultural field gate is located on the site providing access from the public road to agricultural lands. The proposal comprises the construction of a splayed agricultural entrance with associated boundary alterations and the provision of sightlines onto the adjoining public road.

A site inspection confirmed the existence of an agricultural field gate at the location. It was further observed that the width of the public road at this location is approximately 3.2 metres.

To assess whether the proposed development is exempted development, the proposal has been assessed against Class 9 and Class 11 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended).

Class 9

The construction, erection, renewal or replacement, other than within or bounding the curtilage of a house, of any gate or gateway.

The height of any such structure shall not exceed 2 metres.

The submitted drawings indicate that the proposed agricultural gate will have a height of approximately 1.2 metres. The proposed gate does not bound the curtilage of a house and therefore complies with the requirements of Class 9.

Class 11

The construction, erection, renewal of any wall or fence, other than a wall or fence within or bounding the curtilage of a house.

The height of any such wall or fence shall not exceed 1.2 metres where bounding a public road.

The submitted drawings indicate that the proposed entrance includes splayed boundary returns associated with the agricultural entrance. The drawings indicate a height of approximately 1.2 metres. Accordingly, the proposed entrance splays comply with the limitations of Class 11.

It is therefore considered that the proposed development falls within the scope of Class 9 and Class 11 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended) and constitutes exempted development.

6.0 Article 9 Restrictions

The restrictions contained within Article 9 of the Planning and Development Regulations 2001 (as amended) have been considered as follows:

Article 9(1) Development to which article 6 relates shall not be exempted development for the purposes of the Act— (a) if the carrying out of such development would—	
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(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 the surfaced carriageway of which exceeds 4 metres in width,	A site inspection confirmed that the surfaced carriageway width of the adjoining public road is approximately 3.2 metres. As the public road does not exceed 4 metres in width, this restriction does not apply.
(iii) endanger public safety by reason of traffic hazard or obstruction of road users,	A site inspection confirmed the existence of an agricultural field gate at the location. Having regard to the sightlines of approximately 90 metres indicated on the submitted drawings and the nature of the local rural road, it is not considered that the proposed development would endanger public safety by reason of traffic hazard or obstruction of road users, this restriction does not apply.
(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,	N/A

(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	N/A

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 development would materially affect the character of the area,	
(b) in an area to which a special amenity area order relates, if such development would be development:—	N/A
(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	
(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
(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,	N/A
(d) if it consists of the provision of, or modifications to, an establishment, and could have significant repercussions on major accident hazards.	N/A
Article 9(2)	N/A

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.	
Article 9 (3) 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

7.0 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.

8.0 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.

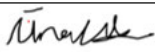
9.0 Conclusion/Recommendation

The proposed development comprises the construction of a splayed agricultural entrance and associated works onto a public road. The proposed works include the provision of a formal entrance comprising a gate opening of approximately 4.35m, splayed entrance and boundary alterations.

Regard has been had to –

- (a) Section 2, 3, 4 and 5 of the Planning and Development Act 2000 (as amended).
- (b) Class 9 and Class 11 of Part 1 of Schedule 2 and Article 6 and 9 of the Planning and Development Regulations 2001 (as amended).
- (c) The plans & particulars submitted with the application received on the 20th August 2026.

It is therefore considered that the proposed works are development under Section 3(1) of the Planning and Development Act 2000 (as amended) and exempted development under Class 9 and Class 11 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended).

Student Planner	Úna Walsh	Date: 16/09/2026
Signature:		
Senior Executive Planner	Barry Henn	Date: 17/09/2026
Signature		

Appendix 1: AA PN01 Screening Form

STEP 1: Description of the project/proposal and local site characteristics:	
(a) File Reference No:	EC -154 - 26
(b) Brief description of the project or plan:	The construction of a splayed entrance gate for agricultural use.

(c) Brief description of site characteristics:	The application site comprises agricultural lands located in the townland of Riddlestown, approximately 2.9km from Rathkeale town and approximately 8.3km from Newcastle West Town. The site fronts onto a public road and contains an existing agricultural field gate providing access from the road into the field. Google Street View Imagery indicate that the existing access consists of a metal field gate within a whitethorn hedgerow, with no existing entrance walls, piers or concrete yards.
(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
002279-Askeaton Fen Complex SAC	https://www.npws.ie/protected-sites/sac/002279	Approx. 4.6km	None	N
000432 – Barrigone SAC	https://www.npws.ie/protected-sites/sac/000432	Approx. 8.3km	None	N
002165 – Lower River Shannon SAC	https://www.npws.ie/protected-sites/sac/002165	Approx 9.2km	None	N
004161 - Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA	https://www.npws.ie/protected-sites/spa/004161	Approx. 6.7km	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

(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	None. No direct encroachment or hydrological connection.

structure or ecological function of the site	
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(c) **(Are ‘mitigation’ measures necessary to reach a conclusion that likely significant effects can be ruled out at screening?)**

☐ Yes ☒ No

STEP 4: Screening Determination Statement

The assessment of significance of effects:

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

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

- the nature and scale of the proposed development,
- the intervening land uses and distance from European sites,
- the lack of direct connections with regard to the Source-Pathway-Receptor model,

it is concluded that the proposed development, individually or in-combination with other plans or projects, would not be likely to have a significant effect on the above listed European sites or any other European site, in view of the said sites’ conservation objectives.

Conclusion: An appropriate assessment is not required.

	Tick as appropriate:	Recommendation:
(i) It is clear that there is no likelihood of significant effects on a European Site	☒	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:	 Úna Walsh 17/09/2026
Signature and Date of the Decision Maker:	 17/09/2026

Appendix 2: EIA Screening

Establishing if the proposal is a 'sub-threshold development':		
Planning Register Reference:	EC - 154 – 26	
Development Summary:	The construction of a splayed entrance gate for agricultural use.	
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
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Signature and Date of Recommending Officer:	 17/09/2026
Signature and Date of the Decision Maker:	 17/09/2026

Appendix 3 – site photo





Comhairle Cathrach
& Contae Luimnigh
Limerick City
& County Council

An 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:

Willie John Mulcahy
c/o Stephen Keary,
Clogh,
Croagh,
Co. Limerick

EC/154/26

17 September 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/2026/1173

File Ref No. EC/154/26

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

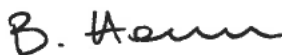
RE: Construction of a splayed entrance gate for agricultural use at Riddlestown, Rathkeale,
Co. Limerick

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 Úna Walsh, Student Planner dated 16/09/2026, hereby order that a Declaration under Section 5 of the Planning and Development Act 2000 (as amended) be issued to Willie John Mulcahy, c/o Stephen Keary, Clogh, Croagh, Co. Limerick to state that the works as described above is

Development and is Exempt Development.

Signed



SENIOR EXECUTIVE PLANNER, DEVELOPMENT MANAGEMENT,
PLANNING

Date





Comhairle Cathrach
& Contae Luimnigh
Limerick City
& County Council

An Roinn Pleanála
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Tuar an Daill
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Dooradoyle Road
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Limerick
V94 WV78

t: 061 556 000

SECTION 5 – DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

DECLARATION NO.

EC/154/26

Name and Address of Applicant: Willie John Mulcahy, Riddlestown, Rathkeale, Co. Limerick

Agent: Stephen Keary, Clogh, Croagh, Co. Limerick

Whether the construction of a splayed entrance gate for agricultural use at Riddlestown, Rathkeale, 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 20th day of August 2026.

AND WHEREAS the Planning Authority has concluded that the construction of a splayed entrance gate for agricultural use at Riddlestown, Rathkeale, Co. Limerick **DOES** come within the scope of exempted development under Section 3(1) of the Planning and Development Act 2000 (as amended) and exempted development under Class 9 and Class 11 of Part 1 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:

17/09/2026

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.