

COMHAIRLE CHONTAE CEATHARLOCHA
CARLOW COUNTY COUNCIL



C A R L O W
C O U N T Y C O U N C I L
COMHAIRLE CHONTAE CEATHARLOCHA



COUNTY BUILDINGS, ATHY ROAD, CARLOW.

Tel: Phone: 059-9170300/ Fax: 059-9170836

Website: www.carlow.ie

Application Form for Section 5 Declaration on Development & Exempted Development

1. Name of applicant: Aileen & Vincent O' Dwyer
2. Address of applicant: [REDACTED]
3. Name and address for correspondence: James Kealy, Planning & Design Services,
Carlow Gateway Business Centre, Athy Rd., Carlow
Tel. No: 085/1002200 + 087/6213686 Fax No: N/A E-mail: jkplanning@outlook.com
4. Location of Development: Townland: Boherduff, Bagenalstown, Co. Carlow

Postal Address: (if different from Townland): N/A
5. Name and Address of Agent: James Kealy
Planning & Design Services, Carlow Gateway Business Centre,
Athy Rd., Carlow
6. Outline clearly the description of the development / proposal: Applicants wish to apply
for the construction of an agricultural shed, to be used to store hay & farm machinery only,
see detailed drawings attached

7. Is this a Protected Structure or within the curtilage of a Protected Structure: N/A
8. List any previous applications relating to the site: N/A
9. Are you aware of aware of any enforcement proceedings relating to this site: N/A
10. Please state applicant's interest in this site: Owners
11. List of plans, drawings etc. submitted with this application: _____
- * Site location maps _____
- * Plans elevation section _____
- * Site layout _____

Signed: Aileen O'Dwyer (AILEEN O'DWYER)
Vincent O'Dwyer (VINCENT O'DWYER) Date: 05/01/2023
(Signature of Applicant)

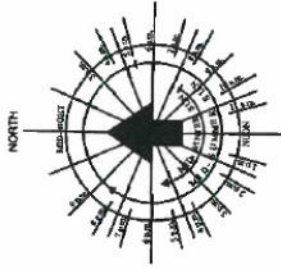
Note: This application must be accompanied by:

Payment of Fee: This application must be accompanied by the statutory fee of €80

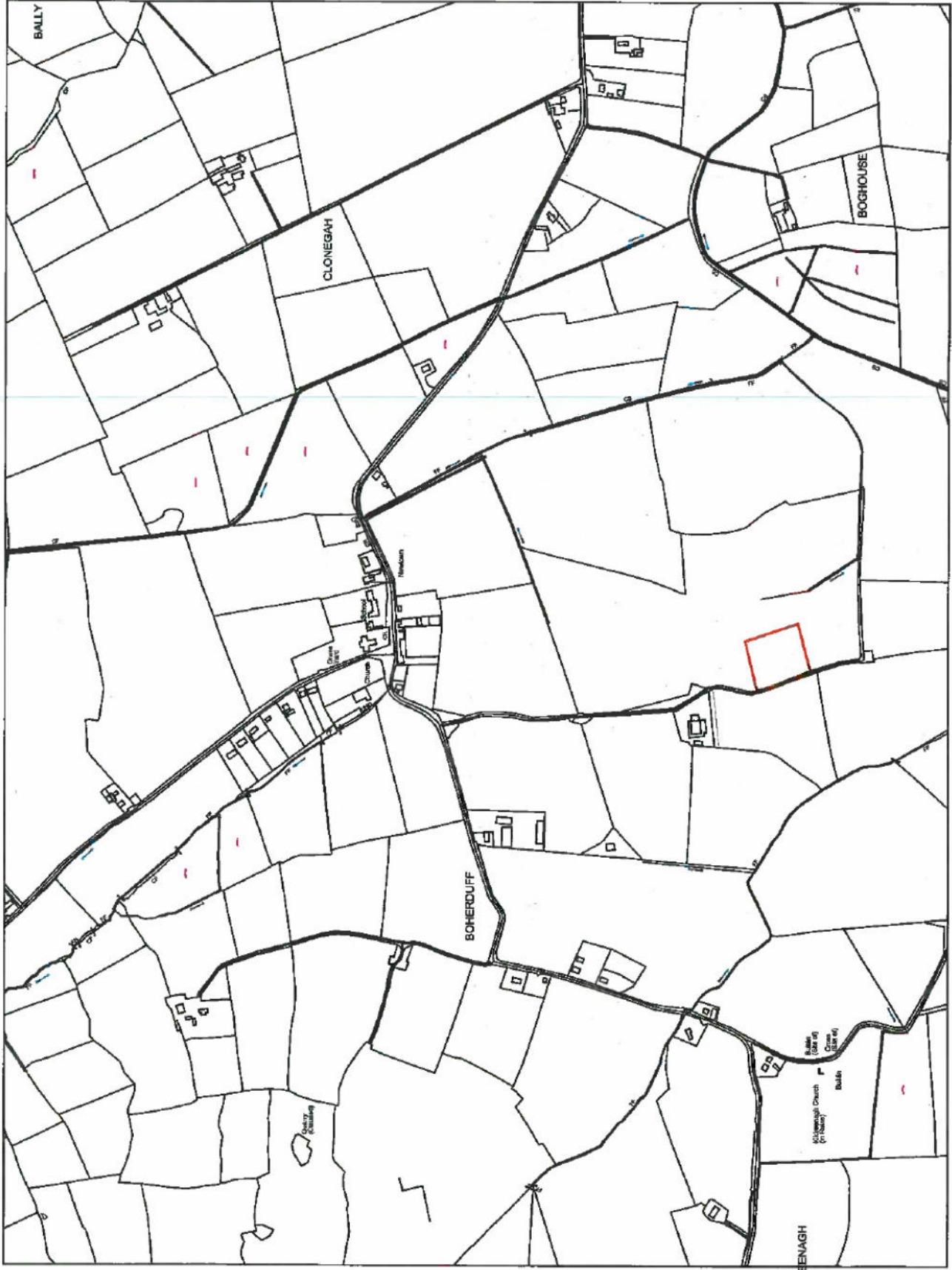
Lodgement: The application should be forwarded to:
Planning Department
Carlow County Council
Athy Road
Carlow

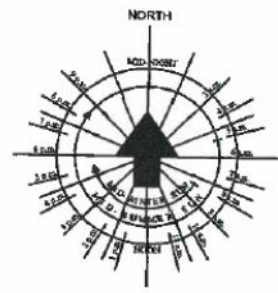
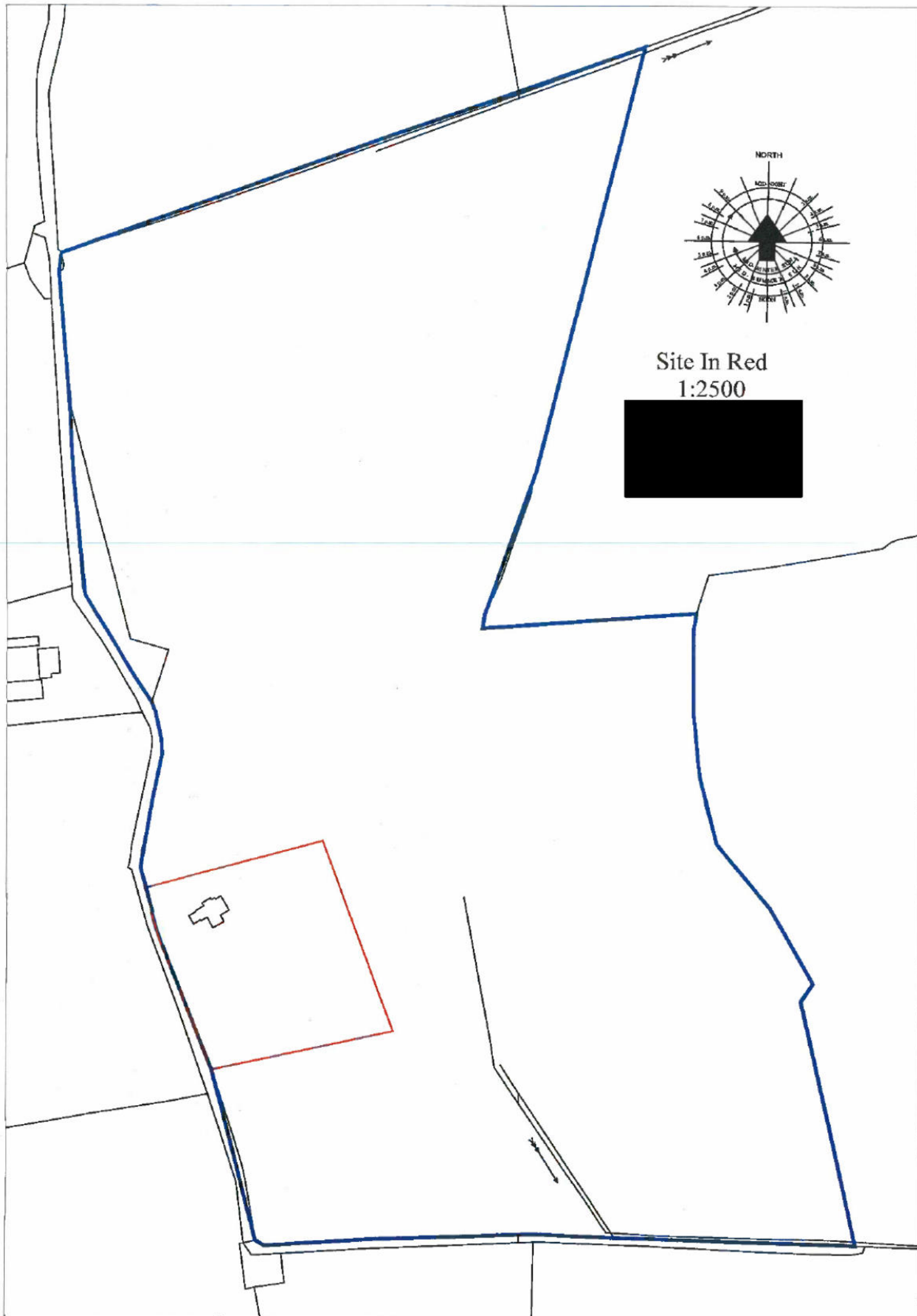
OFFICE USE ONLY

Date Received: _____ Date Decision Due: _____
Date of Decision: _____ Recommendation: _____



Site In Red
1:10560

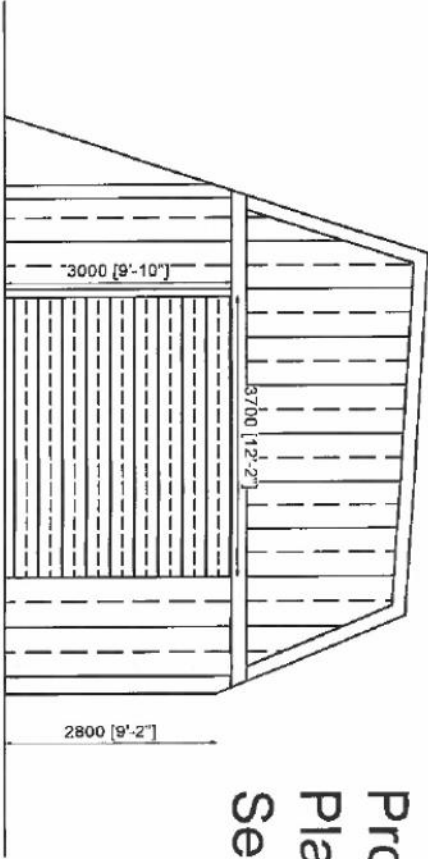




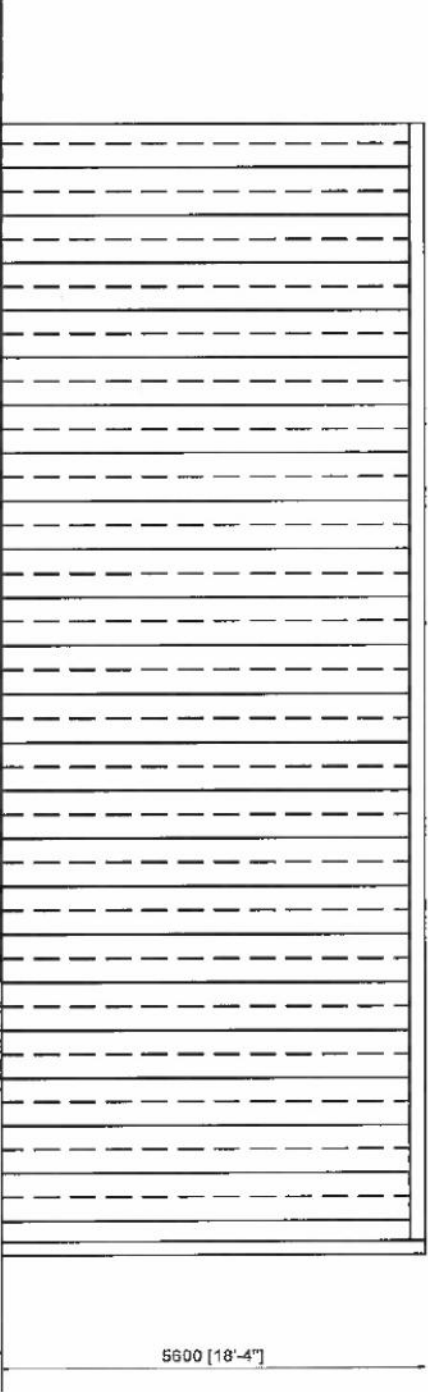
Site In Red
1:2500



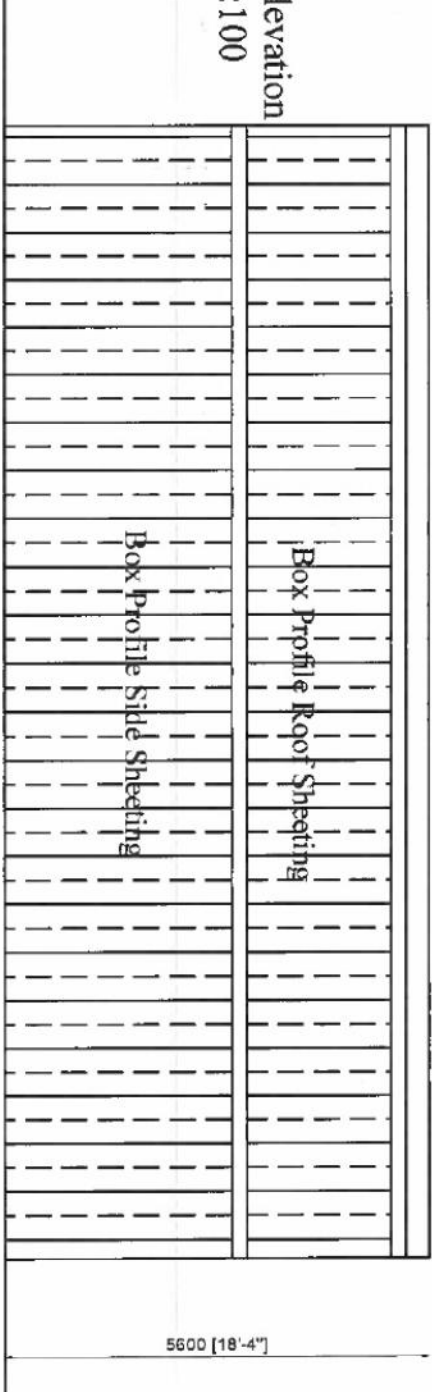
Proposed
Plans, Elevations &
Section Scale 1: 100



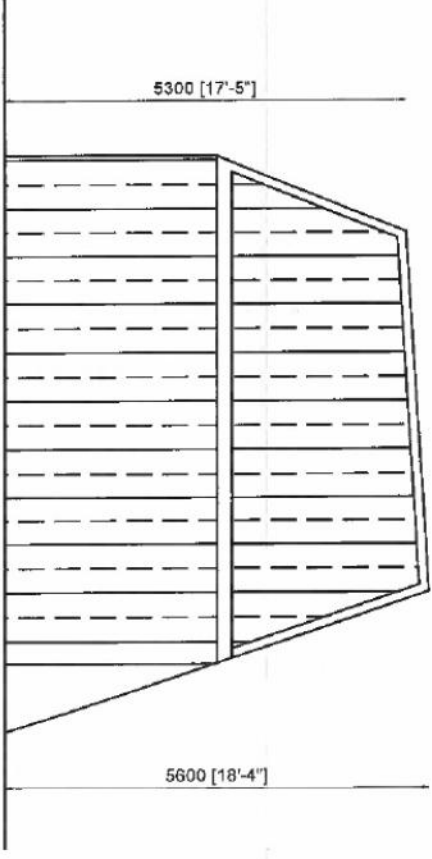
Front Elevation 1:100



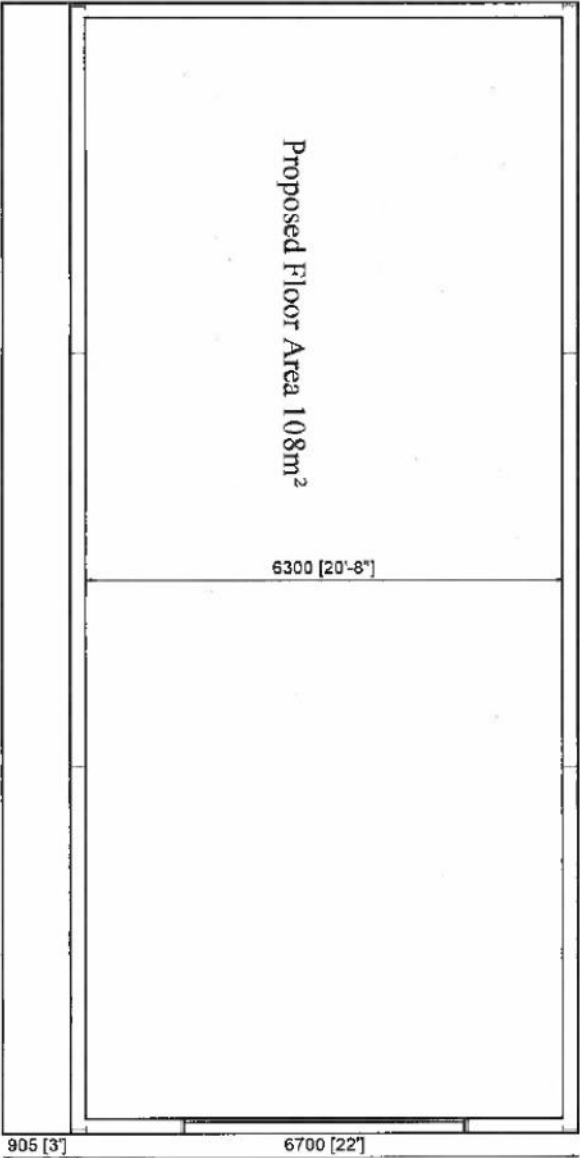
Side Elevation 1:100



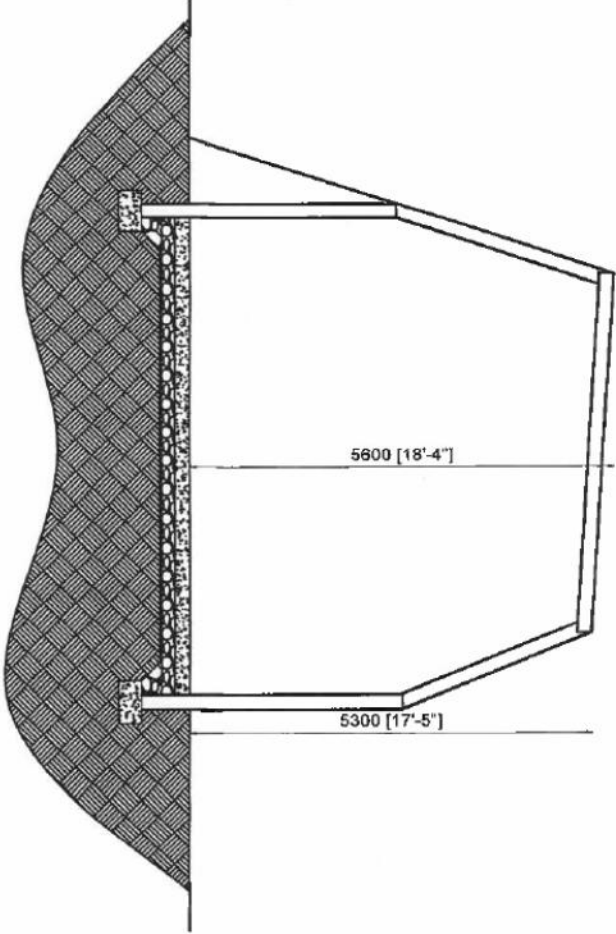
Side Elevation
1:100



Rear Elevation 1:100



Floor Plan 1:100



Section 1:100

- CLASS 9
Works consisting of the provision of any store, barn, shed, glass-house or other structure, not being of a type specified in class 6, 7 or 8 of this Part of this Schedule, and having a gross floor space not exceeding 300 square metres.
1. No such structure shall be used for any purpose other than the purpose of agriculture or forestry, but excluding the housing of animals or the storing of effluent.
 2. The gross floor space of such structures together with any other such structures situated within the same farmyard complex or complex of such structures or within 100 metres of that complex shall not exceed 900 square metres gross floor space in aggregate.
 3. No such structure shall be situated within 10 metres of any public road.
 4. No such structure within 100 metres of any public road shall exceed 8 metres in height.
 5. No such structure shall be situated 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.
 6. No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.

All Drawings Are Scaled For Purposes Of Seeking Planning Permission & are NOT yet Finalised all measurements are approximate & have yet to be validated, and while every effort has been made to produce drawings as accurate as possible the Architect does NOT accept any responsibility for any inaccuracy that may be found therein.



Planning & Design Services

Gateway Business Centre Alley Road Carlow
Ph: (059) 91 39494 mob: 085 100 2 200

CLIENT: **Allen ODwyer**

PROJECT: **Exempt Development Behaviour, Co. Carlow**

TITLE: **Site Layout**

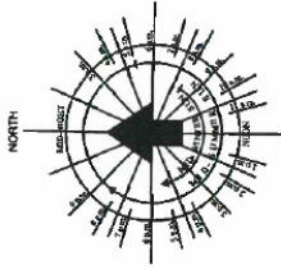
DATE: **September 2022**

PURPOSE: **SCALE: 1:100 A3**

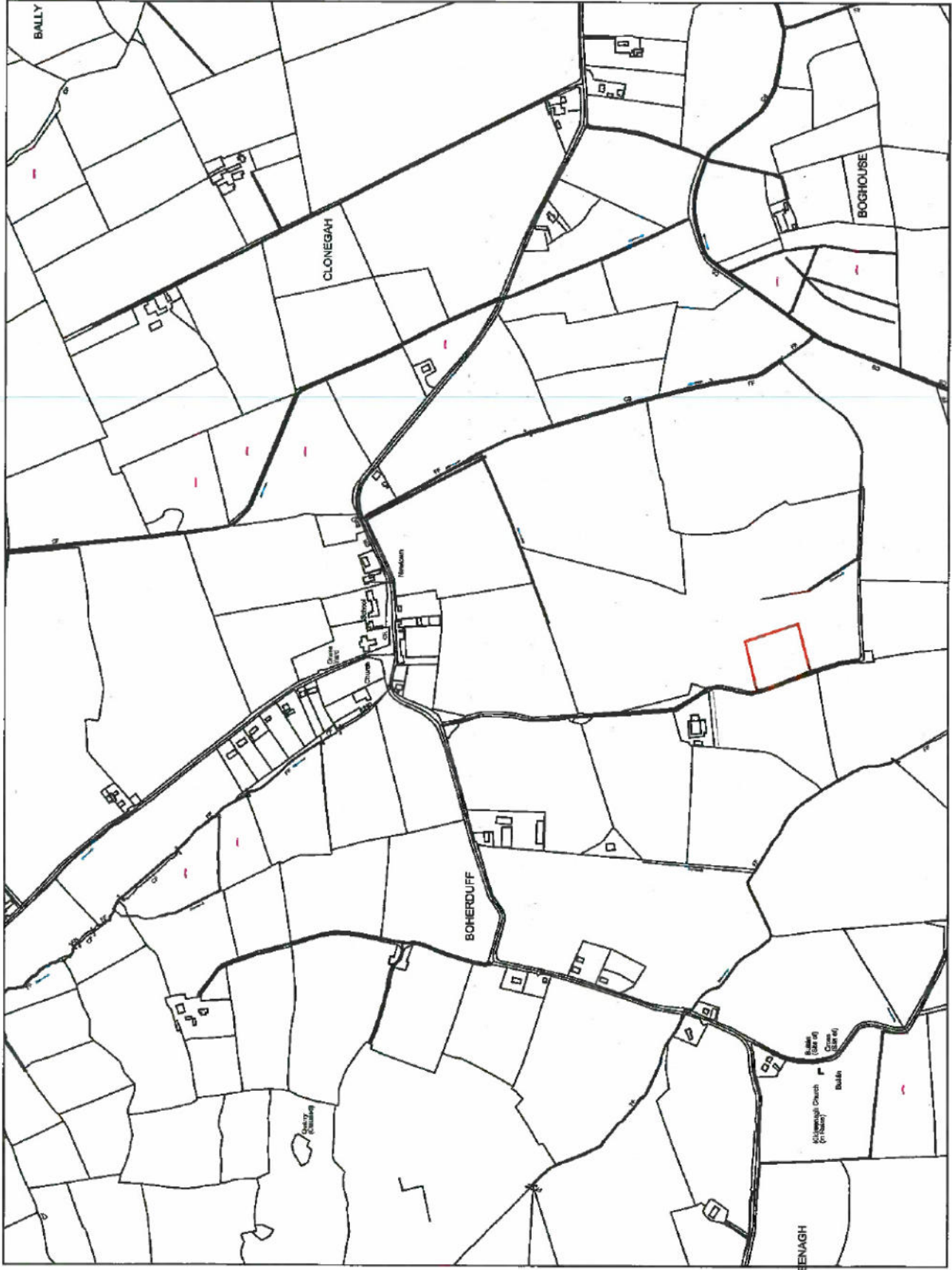
AUTHORITY: **Carlow Co. Council**

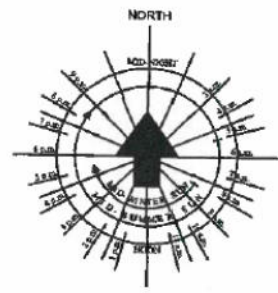
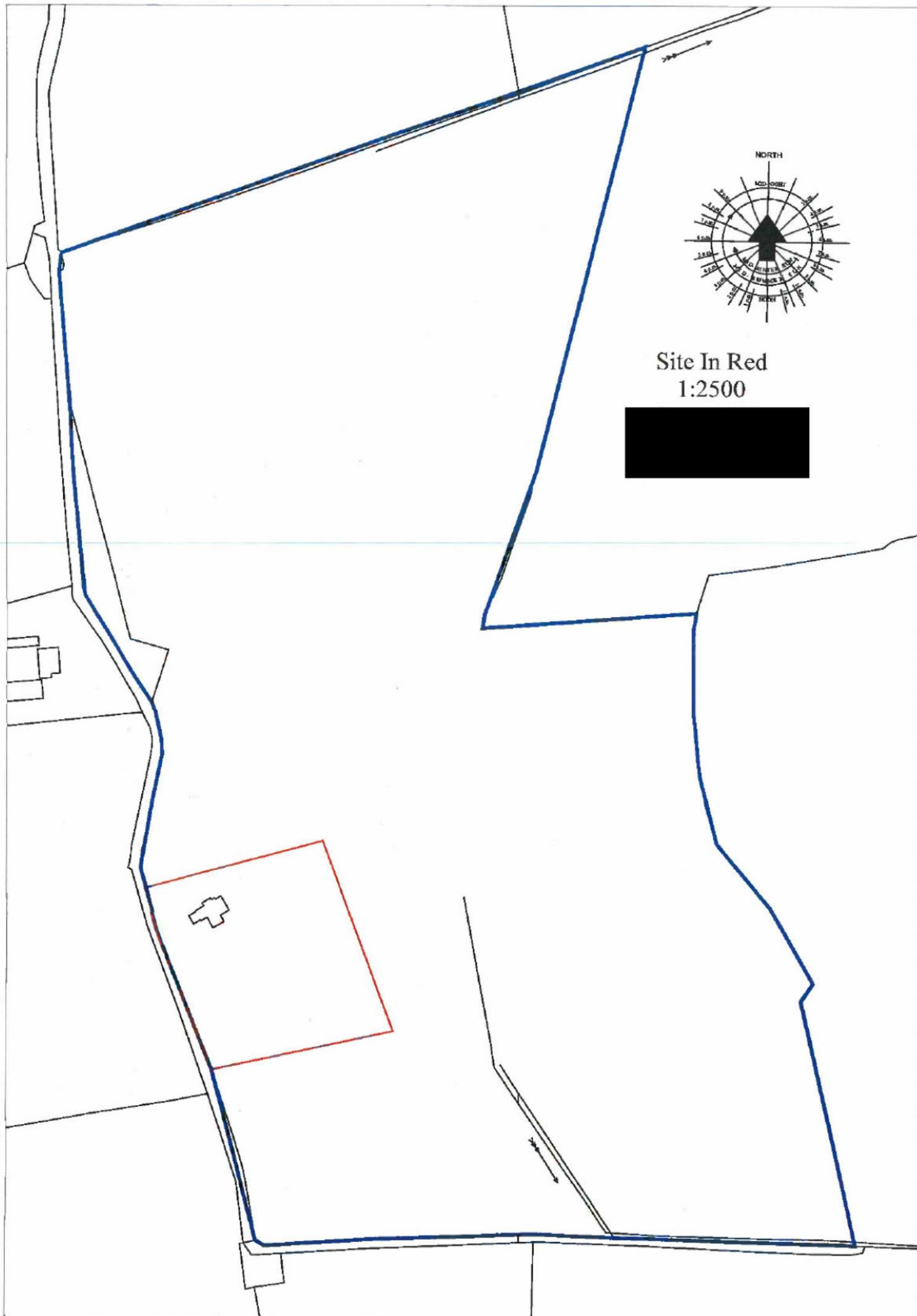
REVISION: **DRAWING NO: 02-09-AU-22**

Do Not Scale from this Drawing. Check All Dimensions on Site.



Site In Red
1:10560

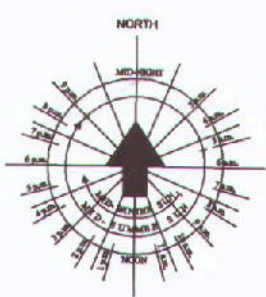




Site In Red
1:2500



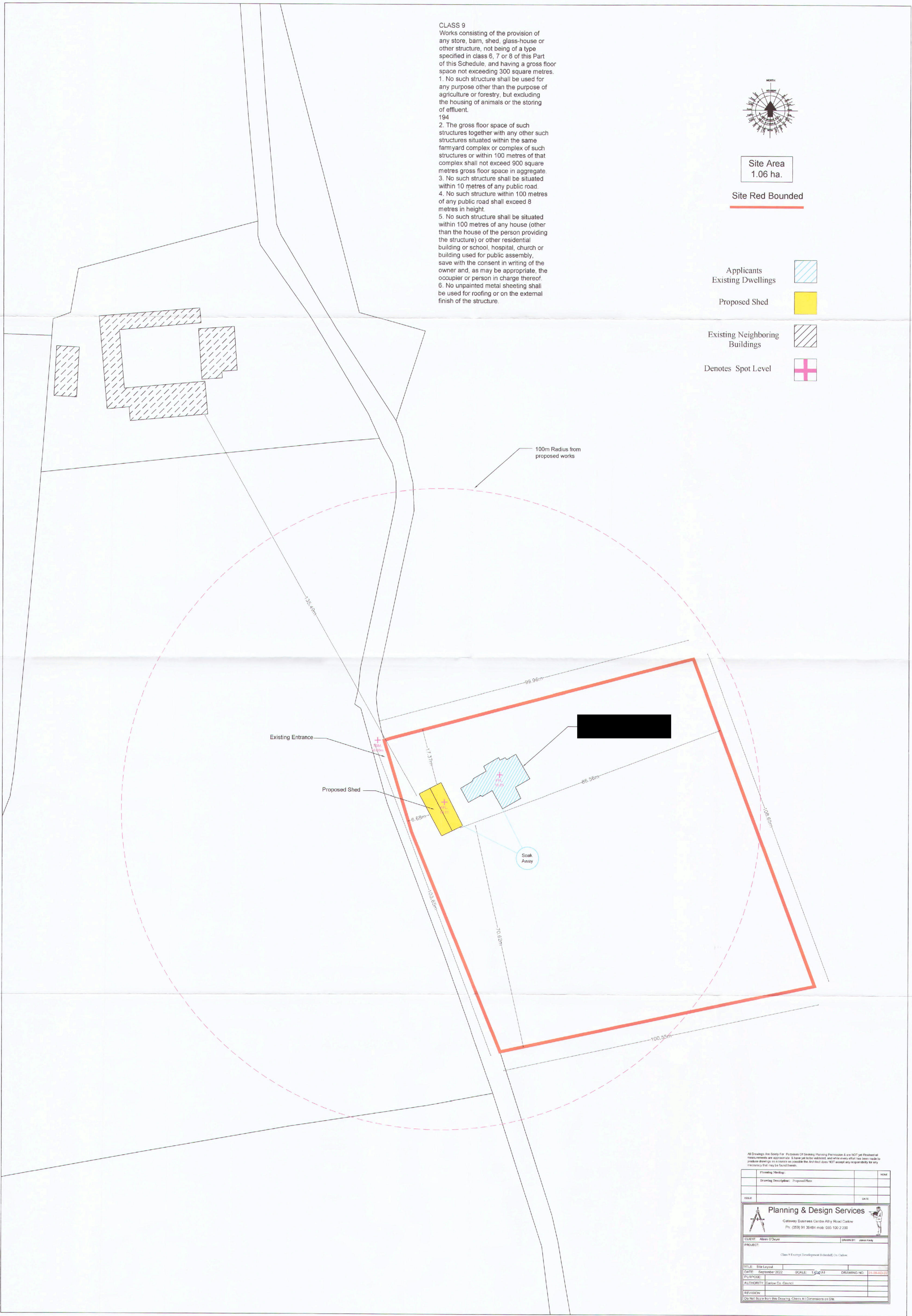
CLASS 9
Works consisting of the provision of any store, barn, shed, glass-house or other structure, not being of a type specified in class 6, 7 or 8 of this Part of this Schedule, and having a gross floor space not exceeding 300 square metres.
1. No such structure shall be used for any purpose other than the purpose of agriculture or forestry, but excluding the housing of animals or the storing of effluent.
194
2. The gross floor space of such structures together with any other such structures situated within the same farmyard complex or complex of such structures or within 100 metres of that complex shall not exceed 900 square metres gross floor space in aggregate.
3. No such structure shall be situated within 10 metres of any public road.
4. No such structure within 100 metres of any public road shall exceed 8 metres in height.
5. No such structure shall be situated 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.
6. No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.



Site Area
1.06 ha.

Site Red Bounded

- Applicants Existing Dwellings
- Proposed Shed
- Existing Neighboring Buildings
- Denotes Spot Level



All Drawings Are Solely For Purposes Of Seeking Planning Permission & are NOT yet Finalised all measurements are approximate. It is the client's responsibility to ensure every effort has been made to produce drawings in accordance with the Architect does NOT accept any responsibility for any inaccuracy that may be found therein.

Planning Meeting:		DATE:
Drawing Description:	Proposed Plan	
ISSUE:		DATE:

Planning & Design Services
Gateway Business Centre Athy Road Carlow
Ph: (059) 91 26484 mob: 085 100 2200

CLIENT: Allen O'Keefe
PROJECT: Class 9 Exempt Development (Shed), Co. Dub.
DRAWN BY: James Kelly

TITLE: Site Layout
DATE: September 2022
SCALE: 1:500
PURPOSE: Planning
AUTHORITY: Carlow Co. Council
REVISION:
Do Not Scale from this Drawing. Check All Dimensions on Site.

CARLOW COUNTY COUNCIL PLANNING DEPARTMENT	
Section 5 declaration & referral on development & exempted development Planning & Development Act 2000 (as amended)	
Reference No. SEC5/23/03	
Name of Applicant:	Aileen and Vincent O'Dwyer
Site Address:	Boherduff, Bagenalstown, Co. Carlow.
Proposal:	Erection of agricultural shed to store hay and farm machinery only.

1) Site Location

The referral site is located in the rural townland of Boherduff, and c.2km west of Fenagh and c.5km northeast of Bagenalstown. The site is accessed from a private laneway that connects to the L3047 Local Road. The laneway serves one other dwelling and the subject site. There is an existing two-storey dwelling, detached shed and a steel shipping container on the site. It is proposed to site the shed within the curtilage of the dwelling house and to share the existing access serving house. A larger land holding map outlined in blue has also been included with the referral. It was noted from inspection that these agricultural lands do not appear to be served by an existing farmyard or farm buildings.

For further details please refer to the map extracts below and to the site inspection photographs attached to this referral, taken on 07/02/2022.



Site Location



Site Location

2) Relevant Planning Application History

PL.07/530: Permission granted to Aileen McDonnell for construction of a two-storey dwelling, proprietary wastewater treatment system, percolation area and all associated site services.

Section 5: 21/13: Whereby Carlow County Council found that the agricultural storage shed as detailed on the submitted declaration drawings was considered development and not exempted development as the erection of the proposed agricultural shed is not located on an agricultural landholding or on land in use for agricultural purposes and accordingly the provision of Section 4(a) pertaining to exempted development is not applicable and therefore the development cannot be considered pursuant to Class 9, Part 3 of Schedule 2 of the Planning and Development Regulations 2001 (as amended).

3) Relevant Legislative/Regulatory Provisions

Planning and Development Act 2000 (as amended):

- Section 2-Interpretations

“exempted development” has the meaning specified in section 4 (see overleaf).

“structure” means any building, structure, excavation, or other thing constructed or made on, in or under any land, or any part of a structure so defined, and—

“agriculture” includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the training of horses and the rearing of bloodstock, the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and “agricultural” shall be construed accordingly;

“use”, in relation to land, does not include the use of the land by the carrying out of any works thereon;

- Section 3- Development

*In this Act, “**development**” means, except where the context otherwise requires, 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.*

(2) For the purposes of subsection (1) and without prejudice to the generality of that subsection—

(b) where land becomes used for any of the following purposes—

(i) the placing or keeping of any vans, tents or other objects, whether or not moveable and whether or not collapsible, for the purpose of caravanning or camping or habitation or the sale of goods,

the use of the land shall be taken as having materially changed.

-Section 4-(1)- Exempted Development- *The following shall be exempted developments for the purposes of this Act—*

- 1. development consisting of the use of any land for the purpose of agriculture and development consisting of the use for that purpose of any building occupied together with land so used*

Planning and Development Regulations 2001 (as amended)

- Article 6

(1) Subject to article 9, development of a class specified in column 1 of Part 1 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development 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.

-Part 3 of Schedule 2

Part 3 of Schedule 2 of the Planning and Development Regulations 2001 (as amended) provides for exemptions from planning permission for various classes of agricultural development. It is noted that Classes 6 to 9 provides for exemptions for farm buildings and where the size exceeds certain limits, or specific conditions are not met, exemptions do not apply.

-Class 9

Works consisting of the provision of any store, barn, shed, glass-house or other structure, not being of a type specified in class 6, 7 or 8 of this Part of this Schedule, and having a gross floor space not exceeding 300 square metres.

Class 9 is subject to the following conditions and limitations;

- 1. No such structure shall be used for any purpose other than the purpose of agriculture or forestry but excluding the housing of animals or the storing of effluent.*

2. *The gross floor space of such structures together with any other such structures situated within the same farmyard complex or complex of such structures or within 100 metres of that complex shall not exceed 900 square metres gross floor space in aggregate.*
3. *No such structure shall be situated within 10 metres of any public road.*
4. *No such structure within 100 metres of any public road shall exceed 8 metres in height.*
5. *No such structure shall be situated 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.*
6. *No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.*

4) Further Information

The following Further Information was requested on the 09/02/2023:

In order to assess whether the proposed structure falls within the planning exemptions for agricultural structures contained in Part 3 of Schedule 2 of the Planning and Development Regulations 2001 (as amended), the Applicants are requested to submit the following information to enable the Planning Authority to assess the proposal:

1. In accordance with Section 4 of the Planning and Development Act 2000 (as amended), the proposed shed needs to be on an agricultural landholding with an established agricultural use, in order to avail of the exemptions in Class 9 of the Regulations. Notwithstanding the submission of a landholding map the proposed shed is located within the curtilage of an existing dwelling house and based on the information submitted in the referral the Planning Authority are not satisfied that there is an established agricultural use on the site. Therefore, to enable the Planning Authority to assess the proposal the applicants are requested to submit the following further information.
 - i) Provide documentary proof verifying the agricultural use of the landholding map outlined in blue and confirm if you are presently farming this land.
 - ii) Provide details (if any) of the location of the farmyard and or farm building(s) currently serving this agricultural land.
2. Article 6 of the Planning and Development Regulations 2001 (as amended) provides that development of a class specified in Schedule 2 to the Regulations shall be exempted, provided that the conditions and limitations attached to those various classes are met. The details submitted in the referral have not specified the colour of the metal sheeting proposed for the roof and external finish of the proposed shed. In accordance with Condition/Limitation no. 6 of Class 9 that no unpainted metal sheeting shall be used for roofing or on the external finish of the structure.

3. An unauthorised steel container was noted on site. The previous referral had stated that this would be removed from the site. Please provide the Planning Authority with a timeline for its removal. If the applicants are intending to use the metal shipping container as part of the construction for the proposed shed, then please provide details of how the container will be utilised.

Response received 20/03/2023 as follows;

Item 1

- i) The applicants have provided a lease agreement as documentary proof verifying the agricultural use of the landholding outlined in blue on the map submitted with the referral request. A cover letter included in the response sets out that the first applicant Aileen is utilising part of the land for forestry and leasing the remaining but that when the lease is up in 3 years, she will take over farming the land herself. The applicant's accountant has submitted a letter to confirm the same.
- ii) The cover letter submitted confirms that there is currently no existing farmyard and or farm building(s) currently serving this agricultural land.

Item 2

The applicants have confirmed that the metal sheeting on the proposed shed will be painted black.

Item 3

The response submitted states that the applicants intend to remove the existing metal shipping container from the site.

5) Assessment

The referral question relates to the proposed development of an agricultural shed, to be used to store hay and farm machinery. Drawings of elevations, plans and sections have been submitted at a scale of 1:100 which detail that the proposed shed will have a floor area of 108m. sq. The further information response has confirmed that the shed will be painted black and constructed from metal sheeting.

This referral is made under Part 3 Schedule 2 Class 9 of the Planning and Development Regulations 2001 (as amended). The Planning Authority considers that the erection of an agricultural shed constitutes works as per Section 2 (1) of the Planning and Development Act 2000 (as amended) and is therefore development as set out in Section 3 of the Act.

For the subject development to avail of exemptions under Part 3 Schedule 2 Class 9 of the Planning and Development Regulations 2001 (as amended) the shed is required to be located on an agricultural landholding or on lands with an agricultural use. The applicants were given the opportunity to clarify the use of the proposed shed in the request for further information. The response has established that the use of the shed will be agricultural in connection with the adjoining landholding. Accordingly, the provisions of Class 9 Part 3 Schedule 2 can be availed of in this instance as based on the information submitted in the response there is an established agricultural use on the landholding.

For the subject development to avail of exemptions under Part 3 Schedule 2 Class 9 of the Planning and Development Regulations 2001 (as amended) the shed is required to meet the conditions and limitations as set out above. The further information response has clarified that the shed will be painted black and will be used in association with adjoining agricultural lands to store hay and agricultural machinery. Based on the particulars submitted with the referral and included in the further information response the Planning Authority are now satisfied that

the proposed development will meet the Conditions and Limitations of Class 9 for agricultural structures.

6) Conclusion:

It is considered that the proposed erection of an agricultural shed with a floor area of 108 m² and as detailed on the plans submitted with the referral, for the purposes of storing hay and farm machinery is development and is exempted development.

7) Recommendation: Exempt

Having regard to the foregoing, it be decided that the proposed erection of a 108m² agricultural storage shed is **development and is exempted development**.

A draft order is set out below.



**Declaration on Development & Exempted Development
Section 5 of the Planning and Development Act 2000 (as amended)**

Reg. Ref: SEC5/23/03

WHEREAS a question has arisen as to whether the erection of an agricultural storage shed at Boherduff, Bagenalstown, Co. Carlow, is or is not development and is or is not exempted development.

AS INDICATED on the plans, particulars and reports received by the Planning Authority on the 11/01/2023 and the further information response received on the 20/03/2023;

AND WHEREAS, Aileen and Vincent O 'Dwyer, [REDACTED] requested a declaration on the said question from Carlow County Council;

AND WHEREAS Carlow County Council as the Planning Authority, in considering this application for a declaration under Section 5 of the Planning and Development Act 2000 (as amended), had regard to;

Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended);

Articles 5, 6 and 9 of the Planning and Development Regulations 2001 (as amended);

Class 9 in Part 3 of Schedule 2 of the Planning and Development Regulations 2001 (as amended);

AND WHEREAS Carlow County Council has concluded that:

the erection of an agricultural storage shed with a stated floor area of 108 m² is considered exempted development pursuant to Class 9, Part 3 of Schedule 2 of the Planning and Development Regulations 2001 (as amended), and meeting the conditions and limitations thereof and;

NOW THEREFORE Carlow County Council, 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 proposed erection of the agricultural storage shed as detailed on the submitted declaration drawings **is development and is exempted development.**

Signed: 
Executive Planner
Date:

Signed: 
Senior Planner
Date: 24/3/23

CARLOW COUNTY COUNCIL PLANNING DEPARTMENT	
Section 5 declaration & referral on development & exempted development Planning & Development Act 2000 (as amended)	
Reference No. SEC5/23/03	
Name of Applicant:	Aileen and Vincent O'Dwyer
Site Address:	Boherduff, Bagenalstown, Co. Carlow.
Proposal:	Erection of agricultural shed to store hay and farm machinery only.

1)Site Location

The referral site is located in the rural townland of Boherduff, and c.2km west of Fenagh and c.5.km northeast of Bagenalstown. The site is accessed from a private laneway that connects to the L3047 Local Road. The laneway serves one other dwelling and the subject site. There is an existing two-storey dwelling, detached shed and a steel shipping container on the site. It is proposed to site the shed within the curtilage of the dwelling house and to share the existing access serving house. A larger land holding map outlined in blue has also been included with the referral. It was noted from inspection of that these agricultural lands do not appear to be served by an existing farmyard or farm buildings.

For further details please refer to the map extracts below and to the site inspection photographs attached to this referral, taken on 07/02/2022.



Site Location



Site Location

2) Relevant Planning Application History

PL.07/530: Permission granted to Aileen McDonnell for construction of a two-storey dwelling, proprietary wastewater treatment system, percolation area and all associated site services.

Section 5: 21/13: Whereby Carlow County Council found that the agricultural storage shed as detailed on the submitted declaration drawings was considered development and not exempted development as the erection of the proposed agricultural shed is not located on an agricultural landholding or on land in use for agricultural purposes and accordingly the provision of Section 4(a) pertaining to exempted development is not applicable and therefore the development cannot be considered pursuant to Class 9, Part 3 of Schedule 2 of the Planning and Development Regulations 2001 (as amended).

3) Relevant Legislative/Regulatory Provisions

Planning and Development Act 2000 (as amended):

- Section 2-Interpretations

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“structure” means any building, structure, excavation, or other thing constructed or made on, in or under any land, or any part of a structure so defined, and—

“agriculture” includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the training of horses and the rearing of bloodstock, the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and “agricultural” shall be construed accordingly;

“use”, in relation to land, does not include the use of the land by the carrying out of any works thereon;

- Section 3- Development

*In this Act, "**development**" means, except where the context otherwise requires, 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.*

(2) For the purposes of subsection (1) and without prejudice to the generality of that subsection—

(b) where land becomes used for any of the following purposes—

(i) the placing or keeping of any vans, tents or other objects, whether or not moveable and whether or not collapsible, for the purpose of caravanning or camping or habitation or the sale of goods,

the use of the land shall be taken as having materially changed.

Section 4-(1)- Exempted Development- *The following shall be exempted developments for the purposes of this Act—*

- 1. development consisting of the use of any land for the purpose of agriculture and development consisting of the use for that purpose of any building occupied together with land so used*

Planning and Development Regulations 2001 (as amended)

- Article 6

(1) Subject to article 9, development of a class specified in column 1 of Part 1 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development 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.

-Part 3 of Schedule 2

Part 3 of Schedule 2 of the Planning and Development Regulations 2001 (as amended) provides for exemptions from planning permission for various classes of agricultural development. It is noted that Classes 6 to 9 provides for exemptions for farm buildings and where the size exceeds certain limits, or specific conditions are not met, exemptions do not apply.

-Class 9

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Class 9 is subject to the following conditions and limitations;

- 1. No such structure shall be used for any purpose other than the purpose of agriculture or forestry but excluding the housing of animals or the storing of effluent.*
- 2. The gross floor space of such structures together with any other such structures situated within the same farmyard complex or complex of such structures or*

- within 100 metres of that complex shall not exceed 900 square metres gross floor space in aggregate.*
- 3. No such structure shall be situated within 10 metres of any public road.*
 - 4. No such structure within 100 metres of any public road shall exceed 8 metres in height.*
 - 5. No such structure shall be situated 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.*
 - 6. No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.*

4) Assessment

The referral is made under Part 3 Schedule 2 Class 9 of the Planning and Development Regulations 2001 (as amended). The application form submitted states clearly that it is intended to use the proposed shed for the storage of hay and agricultural machinery. The Planning Authority considers that the erection of an agricultural shed is considered to constitute works as per Section 2 (1) of the Planning and Development Act 2000 (as amended) and is therefore development as set out in Section 3 of the Act.

Section 4 of the Act states development shall be exempt where it consists of the use of any land for the purpose of agriculture and development consisting of the use for that purpose of any building occupied together with land so used. The referral form states that they are proposing to construct an agricultural shed to store hay and farm machinery. In accordance with Section 4, the barn needs to be on an agricultural landholding with an established agricultural use, in order to avail of the exemptions in Class 9 of the Regulations. The proposed shed is within the curtilage of the applicants dwelling house and will share the access that serves the house. However, a landholding map included with the referral includes land which as observed on site, is presently in agricultural use as pastureland. This land did not appear to be served by any existing farmyard or farm building within the landholding submitted in the referral.

For the subject development to avail of exemptions under Part 3 Schedule 2 Class 9 of the Planning and Development Regulations 2001 (as amended) the shed is required to meet the conditions and limitations as set out above and to be located on an agricultural landholding or on lands with an agricultural use. The particulars submitted with the current referral clearly set out that it is intended to use the shed for the storage of hay and agricultural machinery and as such the proposed shed will comply with Condition/Limitation No. 1. Details submitted with the current referral include a land holding map edged in blue which on inspection is presently in agricultural use as pastureland. However, it is not clear where the existing farmyard or farm buildings currently serving this site are located. As such it is not clear if Condition/Limitation No. 2 can be complied with.

Elevational and floor plan drawings submitted indicate that the shed will have a stated floor area of 108m. sq, a height of 5.6m and will be constructed from box profile sheeting. With reference to Condition/Limitation No.'s 3, 4 and 5 the shed will not be located within 10m of any public road, nor over 8m in height and will not be within 100m of any house or residential building or school, hospital, church or building used for public assembly, and therefore condition/limitation 3,4, and 5 are complied with.

With reference to Condition/Limitation No. 6 the colour of the metal sheeting has not been indicated. A grey steel container was observed on site. Having regard to the unusual shape of the proposed agricultural shed and noting that the steel container has not been removed from the site as set out in the previous referral it may be that the applicants intend to use the container to construct the new shed. Accordingly having regard to the information presented it is not clear if condition/limitation 6 will be complied with.

6) Recommendation

In order to assess whether the proposed structure falls within the planning exemptions for agricultural structures contained in Part 3 of Schedule 2 of the Planning and Development Regulations 2001 (as amended), the Applicants are requested to submit the following information to enable the Planning Authority to assess the proposal:

1. In accordance with Section 4 of the Planning and Development Act 2000 (as amended), the proposed shed needs to be on an agricultural landholding with an established agricultural use, in order to avail of the exemptions in Class 9 of the Regulations. Notwithstanding the submission of a landholding map the proposed shed is located within the curtilage of an existing dwelling house and based on the information submitted in the referral the Planning Authority are not satisfied that there is an established agricultural use on the site. Therefore, to enable the Planning Authority to assess the proposal the applicants are requested to submit the following further information.
 - i) Provide documentary proof verifying the agricultural use of the landholding map outlined in blue and confirm if you are presently farming this land.
 - ii) Provide details (if any) of the location of the farmyard and or farm building(s) currently serving this agricultural land.
2. Article 6 of the Planning and Development Regulations 2001 (as amended) provides that development of a class specified in Schedule 2 to the Regulations shall be exempted, provided that the conditions and limitations attached to those various classes are met. The details submitted in the referral have not specified the colour of the metal sheeting proposed for the roof and external finish of the proposed shed. In accordance with Condition/Limitation no. 6 of Class 9 that no unpainted metal sheeting shall be used for roofing or on the external finish of the structure.
3. An unauthorised steel container was noted on site. The previous referral had stated that this would be removed from the site. Please provide the Planning Authority with a timeline for its removal. If the applicants are intending to use the metal shipping container as part of the construction for the proposed shed, then please provide details of how the container will be utilised.

Signed: 
Executive Planner
Date: 21/2/23

Signed: 
Senior Planner
Date: 9/2/23.

APPROPRIATE ASSESSMENT SCREENING REPORT

Planning Application Reg. Ref: SEC5/23/03

A. DESCRIPTION OF PROJECT AND LOCAL SITE

Site Location:	Boherduff, Bagenalstown, Co. Carlow.
Total Site Area :	c.4.7ha.
Floor Area of Proposed Development:	108m. sq
Identification of Natura 2000 site(s):	River Nore and River Barrow SAC
Is the application accompanied by an EIS?	No.

B. IDENTIFICATION OF RELVANT NATURA 2000 SITE(S):

The reasons for the designation of the Natura 2000 site:(A site synopsis can be obtained from www.npws.ie)The conservation objectives/ qualifying interests of the site and the factors that contributes to the conservation value of the site:	
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C. NPWS ADVICE:

Summary of advice received in written form:	None Received.
Advice received over the over phone:	None Received.

D. ASSESSMENT OF LIKELY SIGNIFICANT EFFECTS

(Purpose of this is to identify if the effect(s) identified could be significant – if uncertain assume the effect(s) are significant).If answer yes to any of the questions, below then the effect is significant.

1.1	Would there be any impact on an Annex 1 habitat? (Annex 1 habitats are listed in Appendix 1 of AA Guidance)	No.
1.2	Would there be a reduction in habitat area on a Natura 2000 site?	No.
1.3	Would there be direct/indirect damage to the physical quality of the environment (e.g. water quality and supply, soil compaction) in the Natura 2000 site?	No.
1.4	Would there be serious/ongoing disturbance to species/habitats for which the Natura 2000 site is selected (e.g. because of increased noise, illumination and human activity)?	No.
1.5	Would there be direct/indirect damage to the size, characteristics or reproductive ability of populations on the Natura 2000 site?	No.
1.6	Would the project interfere with mitigation measures put in place for other plans/projects? (Look at in-combination effects with completed, approved but not completed, and proposed plans/projects. Look at projects/plans within and adjacent to Natura 2000 sites and identify/)	No.

E. SCREENING CONCLUSION

At its closest point, the River Barrow and River Nore SAC is circa 5.5 km west of the site. There is no connecting pathway (direct or indirect) between this site and the European site.

The development as proposed has been assessed having regard to the requirements of the EU Habitats Directive. Given the proximity of the nearest European Site and the nature and extent of the development on the site and intervening land uses located in the area, it is considered reasonable to conclude on the basis of the information available, that the development on its own or in combination with other plans or projects, would not be likely to result in any potential significant effects on the European Site. Therefore, a Stage 2 Appropriate Assessment is not required.

Signed:	
Position:	Executive Planner
Date:	7/2/23

Photographs 07/02/2023



Proposed location of Agricultural Shed-note existing shipping container on site.



Existing house and shipping container



Shipping container



Declaration on Development & Exempted Development
Section 5 of the Planning and Development Act 2000 (as amended)
Reg. Ref: SEC5/23/03

WHEREAS a question has arisen as to whether the erection of an agricultural storage shed at Boherduff, Bagenalstown, Co. Carlow, is or is not development and is or is not exempted development.

AS INDICATED on the plans, particulars and reports received by the Planning Authority on the 11/01/2023 and the further information response received on the 20/03/2023;

AND WHEREAS, Aileen and Vincent O 'Dwyer, C/o James Kealy, Planning & Design Services, Carlow Gateway Business Centre, Athy Road, Carlow requested a declaration on the said question from Carlow County Council;

AND WHEREAS Carlow County Council as the Planning Authority, in considering this application for a declaration under Section 5 of the Planning and Development Act 2000 (as amended), had regard to;

Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended);

Articles 5, 6 and 9 of the Planning and Development Regulations 2001 (as amended);

Class 9 in Part 3 of Schedule 2 of the Planning and Development Regulations 2001 (as amended);

AND WHEREAS Carlow County Council has concluded that:

the erection of an agricultural storage shed with a stated floor area of 108 m² is considered exempted development pursuant to Class 9, Part 3 of Schedule 2 of the Planning and Development Regulations 2001 (as amended), and meeting the conditions and limitations thereof and;

NOW THEREFORE Carlow County Council, 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 proposed erection of the agricultural storage shed as detailed on the submitted declaration drawings **is development and is exempted development.**

Signed:

Nicola Candler

Date:

03/04/2023