

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

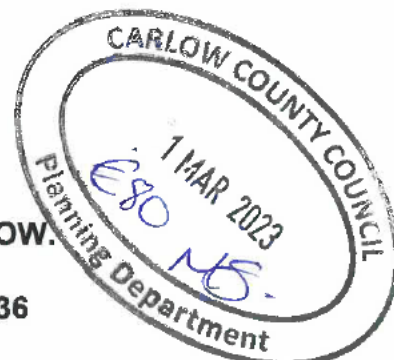
COMHAIRLE CHONTAE CEATHARLOCHA



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: SEAMUS BOLGER
2. Address of applicant: [REDACTED]
3. Name and address for correspondence: AS ABOVE

Tel. No: [REDACTED] Fax No: [REDACTED] E-mail: [REDACTED]

4. Location of Development: Townland: BAGENASTOWN (MUNEBLEAG)

Postal Address: (if different from Townland): SAME AS ABOVE

5. Name and Address of Agent: N/A AS ABOVE

6. Outline clearly the description of the development / proposal: A GROUND FLOOR ACCESSIBLE BATHROOM TO THE REAR OF THE HOUSE HAS BEEN CONSTRUCTED VIA THE HOUSING ADAPTATION GRANT FOR PEOPLE WITH A DISABILITY. REQUESTING LETTER OF EXEMPTION FOR THIS WETROOM.

7. Is this a Protected Structure or within the curtilage of a Protected Structure: NO
8. List any previous applications relating to the site: NO
9. Are you aware of aware of any enforcement proceedings relating to this site: NO
10. Please state applicant's interest in this site: HOME OWNER
11. List of plans, drawings etc. submitted with this application: LISTED BELOW

① SITE LOCATION MAP 1:10,560

② SITE LOCATION PLAN 1:2,500

③ SITE PLAN 1:1,000

④ SITE PLAN 1:500

⑤ PLANS AND ELEVATIONS 1:50

Signed: 

(Signature of Applicant)

Date: 18 MARCH 2023

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: _____

RE: HOUSING ADAPTATION GRANT FOR PEOPLE WITH A DISABILITY

1. **PROBLEM:** SETTING THE SCENE: WHERE, WHEN, HOW, WHY, AND HOW OFTEN?
2. **FACTORS:** EXAMINE WHAT IS GOING ON AND HOW IT IS GOING ON. WHAT IS THE CAUSE OF THE PROBLEM? WHAT ARE THE EFFECTS OF THE PROBLEM? WHAT ARE THE FACTORS THAT ARE CONTRIBUTING TO THE PROBLEM? WHAT ARE THE FACTORS THAT ARE NOT CONTRIBUTING TO THE PROBLEM? WHAT ARE THE FACTORS THAT ARE CONTRIBUTING TO THE PROBLEM? WHAT ARE THE FACTORS THAT ARE NOT CONTRIBUTING TO THE PROBLEM?
3. **ANALYSIS:** ANALYZE THE FACTORS THAT ARE CONTRIBUTING TO THE PROBLEM. WHAT ARE THE FACTORS THAT ARE CONTRIBUTING TO THE PROBLEM? WHAT ARE THE FACTORS THAT ARE NOT CONTRIBUTING TO THE PROBLEM? WHAT ARE THE FACTORS THAT ARE CONTRIBUTING TO THE PROBLEM? WHAT ARE THE FACTORS THAT ARE NOT CONTRIBUTING TO THE PROBLEM?
4. **SOLUTION:** DEVELOP A SOLUTION TO THE PROBLEM. WHAT ARE THE FACTORS THAT ARE CONTRIBUTING TO THE PROBLEM? WHAT ARE THE FACTORS THAT ARE NOT CONTRIBUTING TO THE PROBLEM? WHAT ARE THE FACTORS THAT ARE CONTRIBUTING TO THE PROBLEM? WHAT ARE THE FACTORS THAT ARE NOT CONTRIBUTING TO THE PROBLEM?
5. **EVALUATION:** EVALUATE THE SOLUTION TO THE PROBLEM. WHAT ARE THE FACTORS THAT ARE CONTRIBUTING TO THE PROBLEM? WHAT ARE THE FACTORS THAT ARE NOT CONTRIBUTING TO THE PROBLEM? WHAT ARE THE FACTORS THAT ARE CONTRIBUTING TO THE PROBLEM? WHAT ARE THE FACTORS THAT ARE NOT CONTRIBUTING TO THE PROBLEM?

[illegible]

PROJECT

House Elections

Introduction

Final

DRAWN BY	CHECKED BY	DATE
MB	MB	07/07/2021
SCALE (8:1)		PROJECT NUMBER
As indicated		IE_HE_1001
DRAWING NUMBER		REV
A100		A

1:75

$$\begin{array}{r} 2 \\ 2 \overline{) 1:75} \end{array}$$

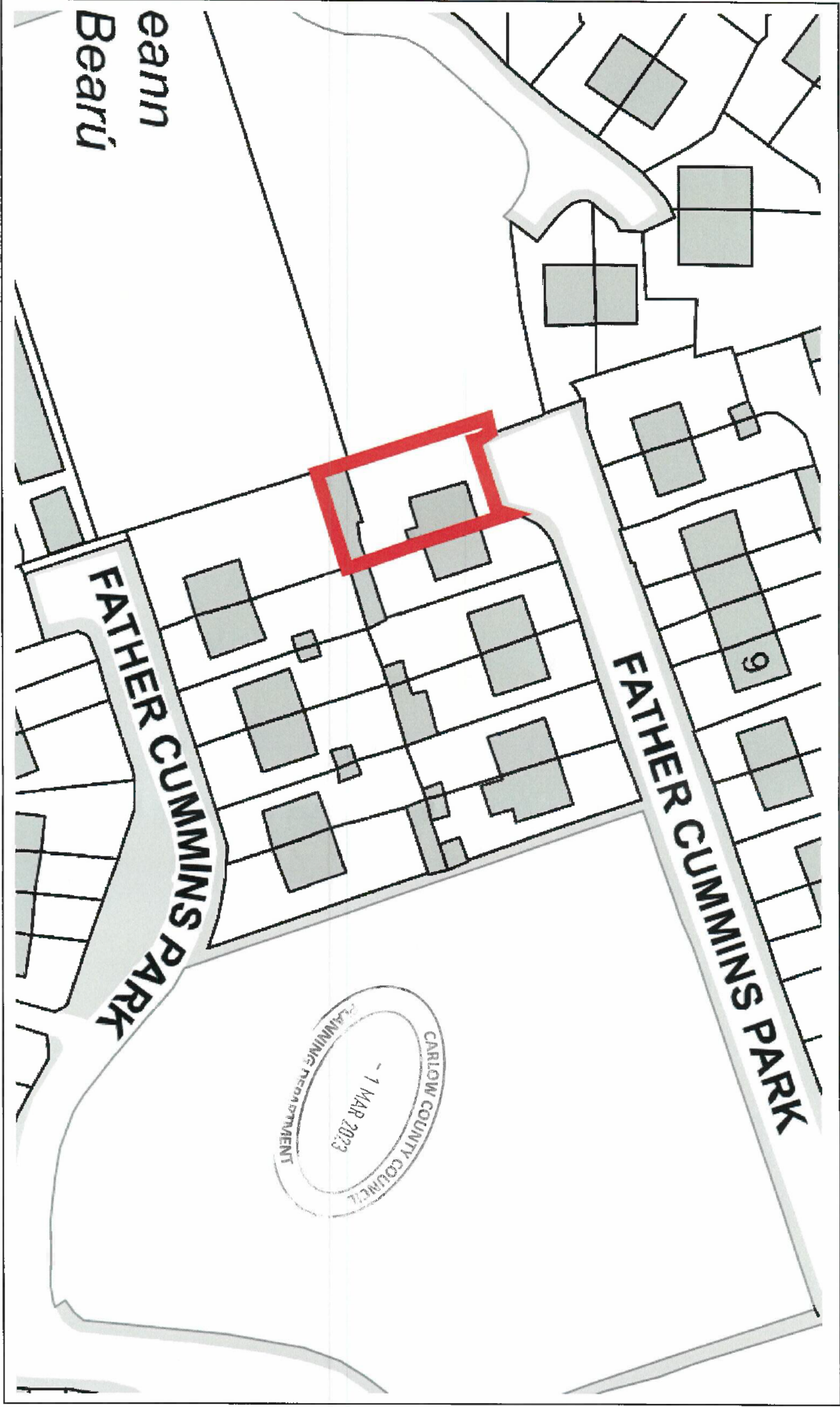
6

①



D 1:5





**CENTRE
COORDINATES:**
ITM 670055,661191

PUBLISHED: 27/02/2023
ORDER NO.: 50320083_1

MAP SERIES:
1:1,000
1:1,000
1:2,500
1:2,500

MAP SHEETS:
4650-13
4650-14
4650-C
4650-D

COMPILED AND PUBLISHED BY:
Ordnance Survey Ireland,
Phoenix Park,
Dublin 8,
Ireland.

Unauthorised reproduction
infringes Ordnance Survey Ireland
and Government of Ireland
copyright.

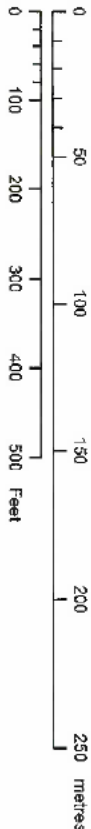
All rights reserved.
No part of this publication may
be copied, reproduced
or transmitted in any form
or by any means without the prior
written permission of
the copyright owners.

The representation on this map
of a road, track or footpath
is not evidence of the existence
of a right of way.

Ordnance Survey maps
never show legal property
boundaries, nor do they
show ownership of
physical features.

©Suirbhreacat: Ordánais Éireann, 2023
©Ordnance Survey Ireland, 2023
www.osi.ie/copyright

LEGEND:

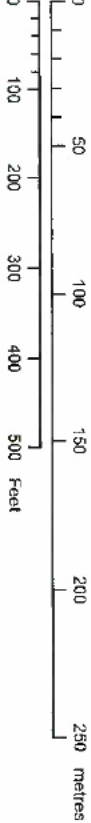


OUTPUT SCALE: 1: 500

CAPTURE RESOLUTION:
The map objects are only accurate to the
resolution at which they were captured.
Output scale is not indicative of data capture scale.
Further information is available at:
[http://www.osi.ie/search 'Capture Resolution'](http://www.osi.ie/search/Capture%20Resolution)



Planning Pack Map



OUTPUT SCALE: 1:1,000

CAPTURE RESOLUTION:
The map objects are only accurate to the resolution at which they were captured. Output scale is not indicative of data capture scale. Further information is available at: <http://www.osi.ie/search/CaptureResolution>



National Mapping Agency

CENTRE COORDINATES:
ITM 670055,661191

PUBLISHED: 27/02/2023
ORDER NO.: 50320083_1

MAP SERIES:
1:1,000 4650-13
1:1,000 4660-14
1:2,500 4660-C
1:2,500 4650-D

COMPILED AND PUBLISHED BY:
Ordnance Survey Ireland,
Phoenix Park,
Dublin 8,
Ireland.

Unauthorised reproduction
infringes Ordnance Survey Ireland
and Government of Ireland
copyright

All rights reserved.
No part of this publication may
be copied, reproduced
or transmitted in any form
or by any means without the prior
written permission of
the copyright owners.

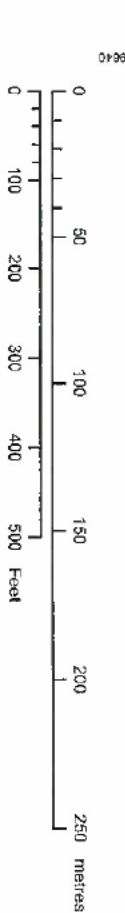
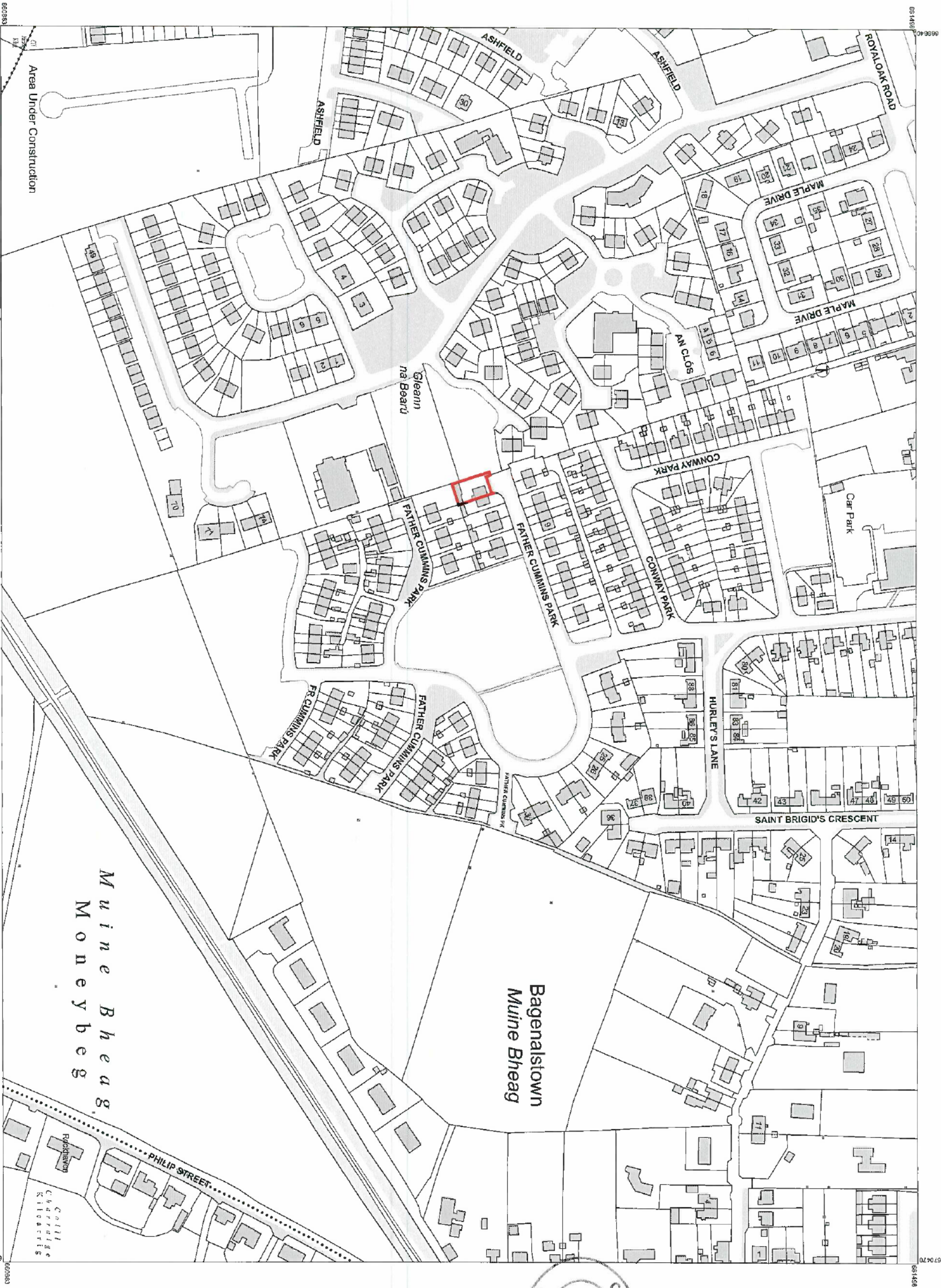
The representation on this map
of a road, track or footpath
is not evidence of the existence
of a right of way.

Ordnance Survey maps
never show legal property
boundaries, nor do they
show ownership of
physical features.

©Suirbhéireacht Ordánais Éireann, 2023
©Ordnance Survey Ireland, 2023
www.osi.ie/copyright

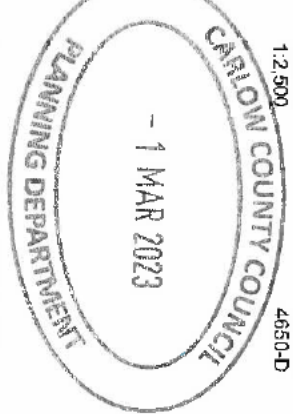
LEGEND:
<http://www.osi.ie>
search 'Large Scale Legend'

Planning Pack Map

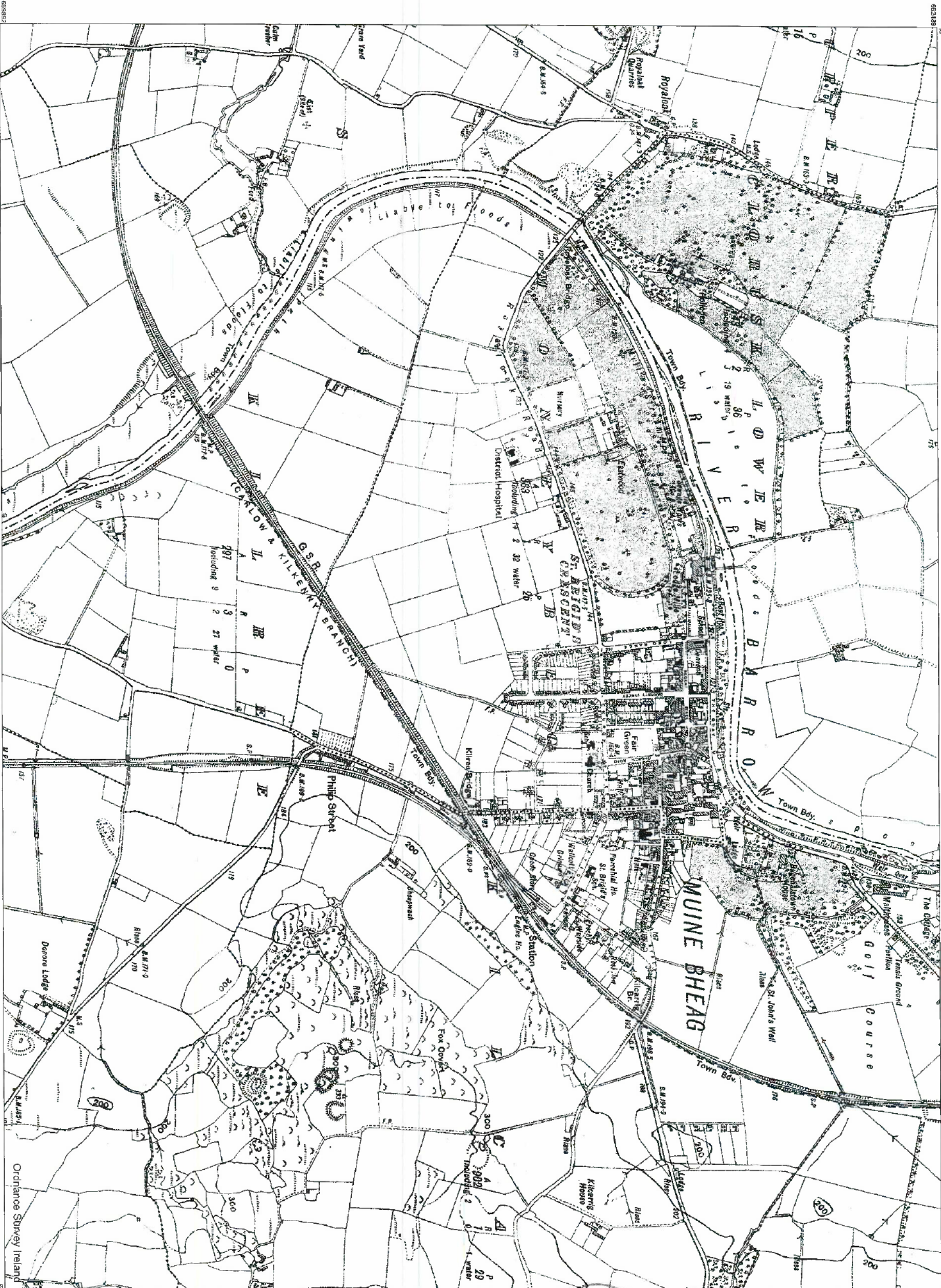


OUTPUT SCALE: 1:2,500

CAPTURE RESOLUTION:
The map objects are only accurate to the resolution at which they were captured. Output scale is not indicative of data capture scale. Further information is available at: <http://www.osi.ie/search/CaptureResolution>



Site Location Map



National Mapping Agency

CENTRE
COORDINATES:
ITM 670055,661191

PUBLISHED:
27/02/2023

ORDER NO.:
50320083_1

MAP SERIES:
6 inch Raster
6 inch Raster

MAP SHEETS:
CW016
KK016



COMPILED AND PUBLISHED BY:
Ordnance Survey Ireland,
Phoenix Park,
Dublin 8,
Ireland.

Unauthorised reproduction
infringes Ordnance Survey Ireland
and Government of Ireland
copyright.

All rights reserved.
No part of this publication may
be copied, reproduced or
transmitted in any form
or by any means without the prior
written permission of
the copyright owners.

The representation on this map
of a road, track or footpath
is not evidence of the existence
of a right of way.

Ordnance Survey maps
never show legal property
boundaries, nor do they
show ownership of
physical features.

©Súthbheacht Ordanáis Éireann, 2023
©Ordnance Survey Ireland, 2023
www.osi.ie/copyright

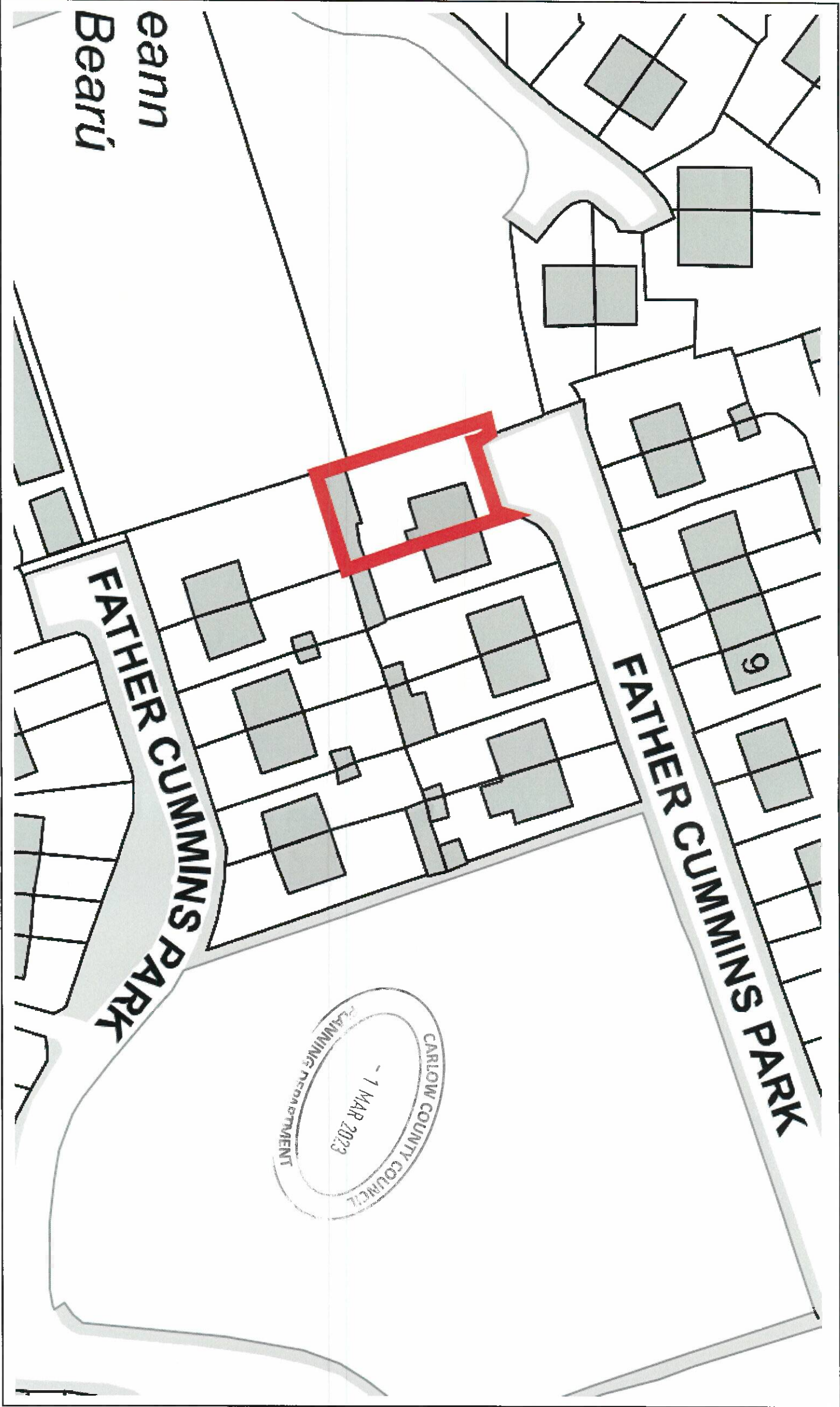
LEGEND:

<http://www.osi.ie>
search 'Large Scale Legend'



OUTPUT SCALE: 1:10,560

CAPTURE RESOLUTION:
The map objects are only accurate to the
resolution at which they were captured.
Output scale is not indicative of data capture scale.
Further information is available at:
<http://www.osi.ie> search 'Capture Resolution'



**CENTRE
COORDINATES:**
ITM 670055,661191

PUBLISHED: 27/02/2023
ORDER NO.: 50320083_1

MAP SERIES:
1:1,000
1:1,000
1:2,500
1:2,500

MAP SHEETS:
4650-13
4650-14
4650-C
4650-D

COMPILED AND PUBLISHED BY:
Ordnance Survey Ireland,
Phoenix Park,
Dublin 8,
Ireland.

Unauthorised reproduction
infringes Ordnance Survey Ireland
and Government of Ireland
copyright.

All rights reserved.
No part of this publication may
be copied, reproduced
or transmitted in any form
or by any means without the prior
written permission of
the copyright owners.

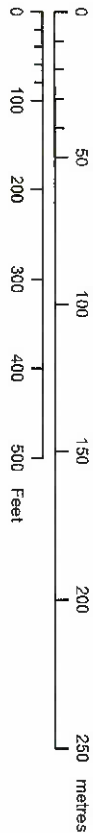
The representation on this map
of a road, track or footpath
is not evidence of the existence
of a right of way.

Ordnance Survey maps
never show legal property
boundaries, nor do they
show ownership of
physical features.

©Suirbhéireacht Ordanáis Éireann, 2023
©Ordnance Survey Ireland, 2023
www.osi.ie/copyright

LEGEND:

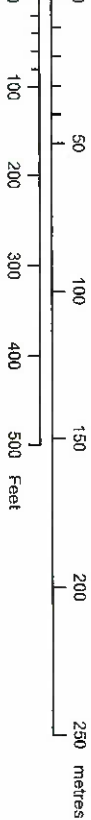
CAPTURE RESOLUTION:
The map objects are only accurate to the
resolution at which they were captured.
Output scale is not indicative of data capture scale.
Further information is available at:
[http://www.osi.ie/search 'Capture Resolution'](http://www.osi.ie/search/Capture%20Resolution)



OUTPUT SCALE: 1: 500



Planning Pack Map



OUTPUT SCALE: 1:1,000

CAPTURE RESOLUTION:
The map objects are only accurate to the resolution at which they were captured. Output scale is not indicative of data capture scale. Further information is available at: [http://www.osi.ie/search/Capture Resolution](http://www.osi.ie/search/Capture%20Resolution)



National Mapping Agency

CENTRE COORDINATES:
ITM 67 0055,661191

PUBLISHED: 27/02/2023
ORDER NO.: 50320083_1

MAP SERIES:
1:1,000 4650-13
1:1,000 4650-14
1:2,500 4650-C
1:2,500 4650-D

COMPILED AND PUBLISHED BY:
Ordnance Survey Ireland,
Phoenix Park,
Dublin 8,
Ireland.

Unauthorised reproduction
infringes Ordnance Survey Ireland
and Government of Ireland
copyright.

All rights reserved.
No part of this publication may
be copied, reproduced
or transmitted in any form
or by any means without the prior
written permission of
the copyright owners.

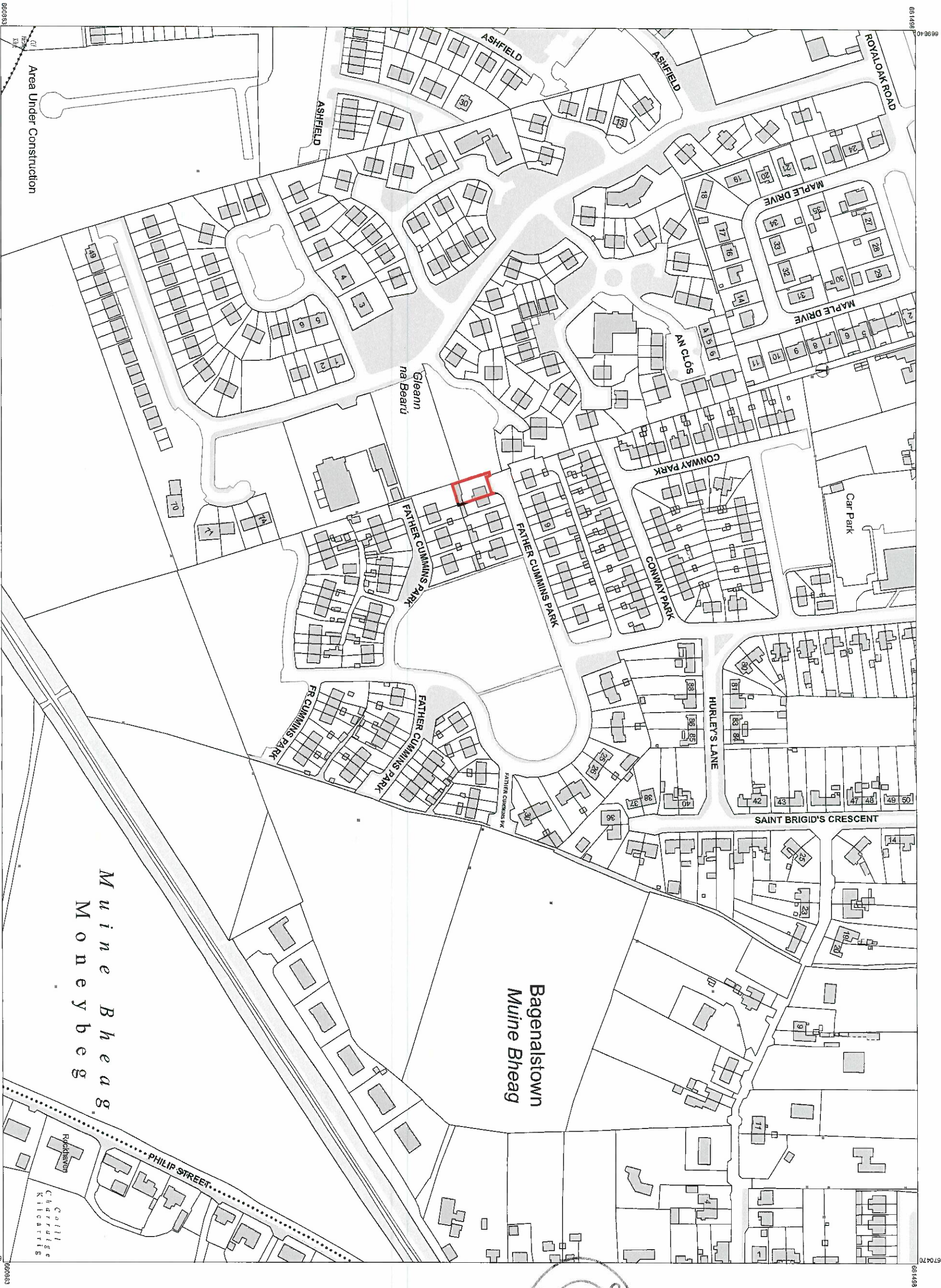
The representation on this map
of a road, track or footpath
is not evidence of the existence
of a right of way.

Ordnance Survey maps
never show legal property
boundaries, nor do they
show ownership of
physical features.

©Súthéiríocht Ordánais Éireann, 2023
©Ordnance Survey Ireland, 2023
www.osi.ie/copyright

LEGEND:
[http://www.osi.ie/
search Large Scale Legend](http://www.osi.ie/search/Large%20Scale%20Legend)

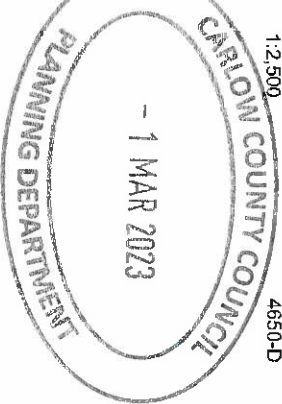
Planning Pack Map



CENTRE
COORDINATES:
ITM 670055,661191

PUBLISHED: 27/02/2023
ORDER NO.: 50320083_1

MAP SERIES: 1:1,000 1:1,000 1:2,500 1:2,500 1:2,500
MAP SHEETS: 4650-13 4650-14 4650-C 4650-D



COMPILED AND PUBLISHED BY:
Ordnance Survey Ireland,
Phoenix Park,
Dublin 8,
Ireland.

Unauthorised reproduction
infringes Ordnance Survey Ireland
and Government of Ireland
copyright.

All rights reserved.
No part of this publication may
be copied, reproduced or
transmitted in any form
or by any means without the prior
written permission of
the copyright owners.

The representation on this map
of a road, track or footpath
is not evidence of the existence
of a right of way.

Ordnance Survey maps
never show legal property
boundaries, nor do they
show ownership of
physical features.

©Súirbhíreacht Ordanáis Éireann, 2023
©Ordnance Survey Ireland, 2023
www.osi.ie/copyright

LEGEND:
<http://www.osi.ie/>
search 'Large Scale Legend'

CAPTURE RESOLUTION:
The map objects are only accurate to the
resolution at which they were captured.
Output scale is not indicative of data capture scale.
Further information is available at:
[http://www.osi.ie/search 'Capture Resolution'](http://www.osi.ie/search/Capture%20Resolution)

OUTPUT SCALE: 1:2,500

CARLOW COUNTY COUNCIL
PLANNING DEPARTMENT



COMHAIRLE CONTAE
CHEATHARLACH
CARLOW COUNTY COUNCIL

SECTION 5 DECLARATION

Reg. Ref.	SEC5/23/09
Name of Applicant	Seamus Bolger
Address of Development	No. 15 Father Cummins Park, Bagenalstown, Carlow, R21XW08.
Development Description	A ground floor accessible bathroom to the rear of the house

1) Site Location/Context

The Section 5 declaration relates to a small single storey extension to the rear of an existing semi-detached two storey dwelling located in a cul-de-sac in Father Cummins Park in Bagenalstown. The extension was constructed to facilitate a ground floor accessible bathroom. The rear yard includes a shed built up to the rear boundary wall. There are no windows in the extension along the eastern boundary and two small windows in the southern and western elevation. There is an accessible ramp to the back door of the house.

Site Location



Aerial View of Site Location



2) Relevant Planning History

Nothing noted on IPLAN for subject site.

3) Description of the Referral/Proposal

The referral relates to a single storey extension to the rear of a semi-detached dwelling house. It is stated on the application form that the extension was constructed to facilitate an accessible bathroom at ground floor level and was funded through a housing adaption grant. A full set of drawings and maps have been included with the referral.

4) Relevant Legislative/Regulatory Provisions

Planning and Development Act 2000 (as amended)

- Section 2

"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.

- Section 3(1)

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.

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.

-Article 9(I)

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—

- (i) contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act,*
- (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 meters in width,*
- (iii) endanger public safety by reason of a traffic hazard or obstruction of road users.*

Schedule 2, Part 1, Class 1 (Development within the curtilage of a house)

The extension of a house, by the construction or erection of an extension (including a conservatory) to the rear of the house or by the conversion for use as part of the house of any garage, store, shed or other similar structure attached to the rear or to the side of the house.

Conditions & Limitations

- 1. (a) Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres.*
- (b) Subject to paragraph (a), where the house is terraced or semi-detached, the floor area of any extension above ground level shall not exceed 12 square metres.*
- (c) Subject to paragraph (a), where the house is detached, the floor area of any extension above ground level shall not exceed 20 square metres.*
- 2. (a) Where the house has been extended previously, the floor area of any such extension, taken together with the floor area of any previous extension or extensions constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 40 square metres.*
- (b) Subject to paragraph (a), where the house is terraced or semi-detached and has been extended previously, the floor area of any extension above ground level taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 12 square metres.*
- (c) Subject to paragraph (a), where the house is detached and has been extended previously, the floor area of any extension above ground level, taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 20 square metres.*
- 3. Any above ground floor extension shall be a distance of not less than 2 metres from any party boundary.*
- 4. (a) Where the rear wall of the house does not include a gable, the height of the walls of any such extension shall not exceed the height of the rear wall of the house.*
- (b) Where the rear wall of the house includes a gable, the height of the walls of any such extension shall not exceed the height of the side walls of the house.*

(c) The height of the highest part of the roof of any such extension shall not exceed, in the case of a flat roofed extension, the height of the eaves or parapet, as may be appropriate, or, in any other case, shall not exceed the height of the highest part of the roof of the dwelling.

5. The construction or erection of any such extension to the rear of the house shall not reduce the area of private open space, reserved exclusively for the use of the occupants of the house, to the rear of the house to less than 25 square metres.

6. (a) Any window proposed at ground level in any such extension shall not be less than 1 metre from the boundary it faces.

(b) Any window proposed above ground level in any such extension shall not be less than 11 metres from the boundary it faces.

(c) Where the house is detached and the floor area of the extension above ground level exceeds 12 square metres, any window proposed at above ground level shall not be less than 11 metres from the boundary it faces.

7. The roof of any extension shall not be used as a balcony or roof garden.

5) Assessment

The submitted Section 5 referral relates to an existing single storey extension located to the rear of a two-storey semi-detached dwelling. Detailed floor plans of the extension subject to this Section 5 referral have been submitted with the referral and from site inspection are as existing. The extension measures c.5.096m. sq. The house has not previously been extended.

Does the proposal constitute development?

‘Works’ are defined under Section 2 of the Planning and Development Act 2000 (as amended) as including ‘*any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal...*’.

Section 3(1) of the Planning and Development Act 2000 (as amended) defines development as “the carrying out of works on, in, over or under land or the making of any material change in the use of any structures or other land”. The subject extension, which involves the erection of an extension to the rear of a dwelling house is deemed to constitute development within the meaning of this definition.

It is considered having regard to the above definitions that the extension subject to this referral constitutes ‘works’ and ‘development’ within the meaning of the Act.

Does the proposal constitute exempted development?

Article 6 (1) of the Regulations state that subject to Article 9, development of a class specified in Part 1 of Schedule 2 of the Regulations shall be exempted development provided that such development complies with the conditions and limitations specified.

Schedule 2, Part 1, Class 1 (Development within the curtilage of a house) as set above is relevant in this instance and relates to the following development:

The extension of a house, by the construction or erection of an extension (including a conservatory) to the rear of the house or by the conversion for use as part of the house of any garage, store, shed or other similar structure attached to the rear or to the side of the house.

The extension subject to this referral meets each of the conditions and limitations of Class 1.

6) Conclusion

Having had regard to:

- Sections 2 and 3 of the Planning and Development Act 2000 (as amended),
- Articles 5, 6 and 9 of the Planning and Development Regulations 2001 (as amended),

- Schedule 2, Part 1, Class 1 of the Planning and Development Regulations 2001 (as amended),

The following is concluded:

The development of the single storey rear extension as submitted on the **1st of March, 2023** is considered to be exempted development as the proposed extension is located at the rear of the existing dwelling house which falls within the Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended) and meets each of the conditions and limitations of this class.

NOW THEREFORE Carlow County Council, in exercise of the powers conferred on it by Section 5(2)(a) of Planning and Development Act 2000 (as amended), hereby decides that the development of the extension as submitted is development and is exempted development.

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

Reg. Ref: SEC5/23/09

WHEREAS a question has arisen as to whether an existing single storey rear extension is development or is exempted development.

AS INDICATED on the plans and particulars received by the Planning Authority on **1st of March, 2023**

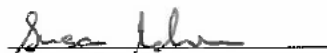
AND WHEREAS Seamus Bolger, [REDACTED]
requested a declaration on the said question from Carlow County Council;

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;

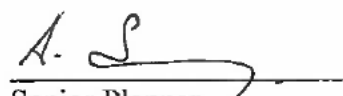
- (a) Sections 2 and 3 of the Planning and Development Act 2000 (as amended);
- (b) Section 4 of the Planning and Development Act 2000 (as amended);
- (c) Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended); and,
- (d) Class 1 in Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended).

AND WHEREAS Carlow County Council has concluded that the proposal comes within the scope of Class 1 in Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended).

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 existing single storey rear extension as detailed on the submitted declaration drawings **is development and is exempted development.**


Executive Planner

Date: 13/03/23


Senior Planner

Date: 13/3/23

Appendix 1

APPROPRIATE ASSESSMENT SCREENING REPORT

Planning Application Reg. Ref: SEC5/23/09

A. DESCRIPTION OF PROJECT AND LOCAL SITE

Site Location:	No. 15 Father Cummins Park, Bagenalstown, Carlow, R21XW08
Total Site Area :	n/a
Floor Area of Proposed Development:	Circa 5.096 sq.m
Identification of Natura 2000 site(s):	River Barrow and River Nore 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:

C. NPWS ADVICE:

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

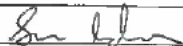
D. ASSESSMENT OF LIKELY SIGNIFICANT EFFECTS

(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 1.2km west of the site. The existing extension is a minor development within a built-up residential area. There is no connecting pathway (direct or indirect) between the referral 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: 13/03/23



**Declaration on Development & Exempted Development
Section 5 of the Planning and Development Act 2000 (as amended)
Reg. Ref: SEC5/23/09**

WHEREAS a question has arisen as to whether an existing single storey rear extension at 15 Fr. Cummins Park, Bagenalstown, Co. Carlow, is development or is exempted development.

AS INDICATED on the plans and particulars received by the Planning Authority on 1st of March, 2023

AND WHEREAS Seamus Bolger, [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;

- (a) Sections 2 and 3 of the Planning and Development Act 2000 (as amended);
- (b) Section 4 of the Planning and Development Act 2000 (as amended);
- (c) Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended); and,
- (d) Class 1 in Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended).

AND WHEREAS Carlow County Council has concluded that the proposal comes within the scope of Class 1 in Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended).

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 existing single storey rear extension as detailed on the submitted declaration drawings is development and is exempted development.

Signed:

Nicola Lawler

Date:

16/03/2023