



COMHAIRLE CHONTAE CEATHARLOCHA
CARLOW COUNTY COUNCIL

C A R L O W
COUNTY COUNCIL
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: ESTHER HANLON Peter Monaghan

2. Address of applicant: [REDACTED]

3. Name and address for correspondence: [REDACTED]

[REDACTED]

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

4. Location of Development: Townland: Graigobagh, Nanny Co Carlow

Postal Address: (if different from Townland): Graigobagh, Nanny Co Carlow

5. Name and Address of Agent: [REDACTED]

6. Outline clearly the description of the development / proposal: [REDACTED]

Timber Hut 10m x 7.2m
15 A Square Timber Hut For. Timber
Storage

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 any enforcement proceedings relating to this site: No

10. Please state applicant's interest in this site: We Bought THIS SITE

11. List of plans, drawings etc. submitted with this application: SITE LOCATION MAP

Plus DETAILED SITE LOCATION MAP

Signed: Esther Hunkler
[Signature]
(Signature of Applicant)

Date: 6-3-2023

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: _____

Advice Note:

This is a non-statutory advice note prepared by Carlow County Council for the purposes of advising applicants what information is required for a decision to be made under Section 5 by the Planning Authority.

Under Section 5 of the Planning and Development Act 2000 as amended any person may request in writing from the Planning Authority as declaration as to what, in any particular case, is or is not development or is or is not exempted development within the meaning of the Planning and Development Act 2000 as amended.

The Planning Authority is required to make a decision within 4 weeks of receipt of a Declaration Request under Section 5, along with the prescribed fee, however the Planning Authority can also request Additional Information if it is considered that insufficient information has been submitted.

Therefore, it is advised that the following information should be submitted to enable the Planning Authority to make a qualified decision within the prescribed period:

- A site location map (Scale 1:2500 in rural area and 1:1000 in an urban area), with the site clearly outlined in red.
- Site Layout Map (Scale 1:500) in compliance with Article 23 of the Planning and Development Regs 2001 as amended.
- Drawings (Scale 1:50) Where development involves any construction of a new structure, increase in size of existing structure or alterations to an existing structure, scaled floor plans and elevations. Drawings should differentiate between the original building, all extension and proposed development.



Ratio of Grand. on Timber



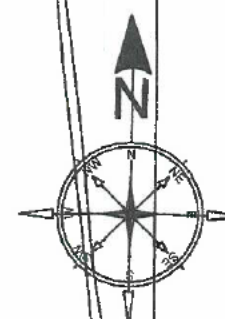
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URX,URY = 277157,168845
Projection:
IG
ITM Centre Point Co-ordinate:
X,Y = 976804,858424
Extraction Date:
14-Dec-2010
Copyright:
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© Ordnance Survey Ireland, 2010



**DEAN
DESIGN**

Client: ESTHER HANLON & PETER PRENDERGAST			
Job: PROPOSED DWELLING AT GRAIGUEALUG, CO. CARLOW			
Title: SITE LOCATION MAP			
Scale: 1:2500	Date: JUNE 22	Drawn By: Sean O Reilly	Drawing No.: 05-EH-22
The Mill House, Dunleekney, Bagenalstown, Co. Carlow. ph: 059 91 30544 fax: 059 91 31432 email: seanj@dean-design.eu			

Copyright: This drawing and design is the property of Dean Design and may not be reproduced without prior written consent.



GRAIGUEALUG
RIGHT OF WAY

SITE NOTICE

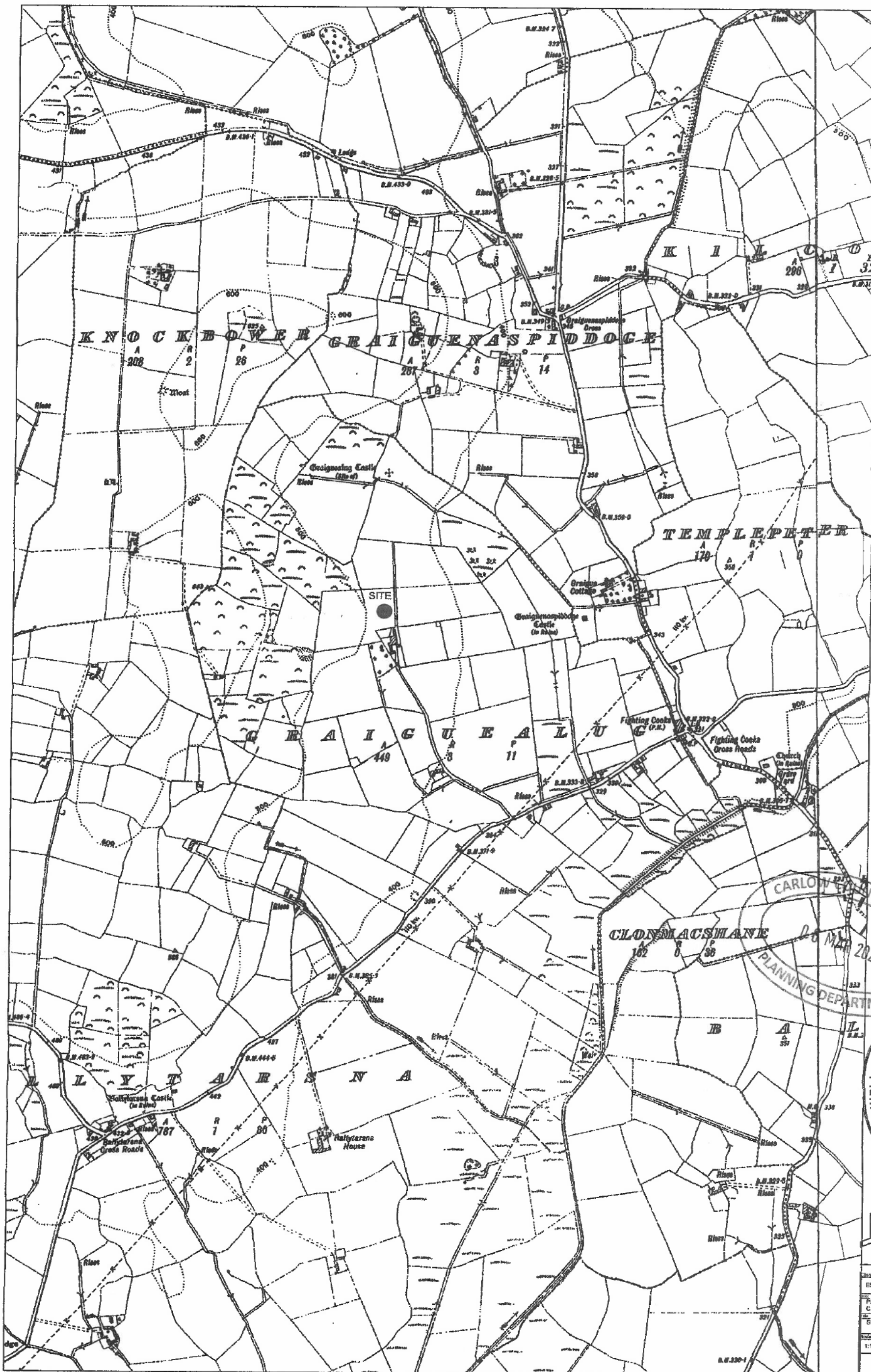
SITE NOTICE

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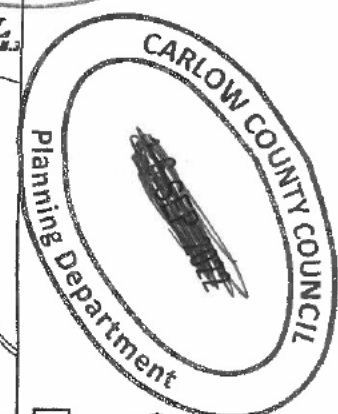
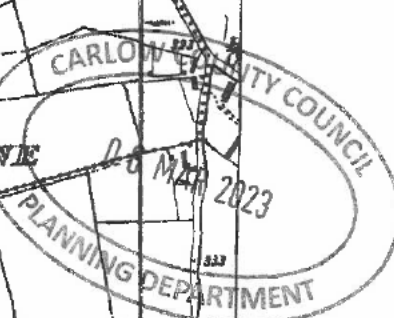
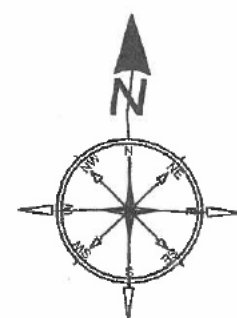
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109.4



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CW013
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SURVEY DATE = 31-Dec-1839
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URX,URY = 278064,170332
Projection:
IG
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X,Y = 676804,868424
Extraction Date:
14-Dec-2010
Copyright:
© Suirbhíocht Ordánais Éireann, 2010
© Ordnance Survey Ireland, 2010



DEAN DESIGN

ESTHER HANLON & PETER PRENDERGAST

PROPOSED DWELLING AT
CARRIGUENASPIDDOGE, CO. CARLOW

SITE LOCATION MAP

Date	Scale	Drawn By	Checked By	Approved By
1:10500	JUNE 22	Sean O'Reilly		DS-EN-22

Project Name: Carriguenaspiddoge, Co. Carlow
Site No: 00000001
File: 00000001_00000001.tif
Email: seany@dean-design.eu

**CARLOW COUNTY COUNCIL
PLANNING DEPARTMENT**

SECTION 5 DECLARATION



COMHAIRLE CONTAE
CHEATHARLACH
CARLOW COUNTY COUNCIL

Reg. Ref.	SEC5/23/10
Name of Applicant	Esther Hanlon and Peter Prendergast
Address of Development	Graiguenalug, Nurney, Co. Carlow.
Development Description	Timber hut for temporary storage

1) Further Information Requested

The following further information was requested on the 21/03/2023:

1. *In order to make a conclusive determination on the Section 5 referral the applicants are requested to submit the following information;*
 - i) *A fully completed Section 5 Declaration Application Form including the nature and type of storage proposed and any relevant planning application numbers pertaining to the site of the referral.*
 - ii) *A Site Layout Map (Scale 1:500) indicating the intended location of the proposed shed on the site, and drawings (Scale 1:50) showing floor plans and elevations.*
 - iii) *Specify the Class of Exemption of the Planning and Development Regulations 2001 (as amended) under which the referral is sought, and the nature of the storage associated with the proposed structure.*

Response received 27/04/2023 as follows;

- **A fully completed Section 5 Declaration Application Form has been submitted which sets out that the proposed development is a timber shed (72sq.m.) for storing animal feed for a pony and horse housed in a nearby shed.**
- **A Site Layout Map (Scale 1:500) has been submitted indicating the intended location of the proposed shed on the site. Drawings showing proposed floor plans and elevations have not been submitted as requested.**
- **The applicants have not submitted any further details on the exemption provision under which the referral is sought.**

2) Assessment of Further Information

The response has set out that the referral relates to the proposed development of a timber building for storing animal feed. The submitted layout map indicates that the timber building will be located on lands directly north of and adjoining the concurrent application site for a dwelling house the subject of reg. ref. 22/304. This land is also application reg. ref. 18/211, which relates to outline permission for serviced residential sites.

The aforesaid represents a notable departure from the information as initially submitted with the application, which was for a timber hut for temporary storage and on a different site to the south of

the concurrent application site for a dwelling house the subject of reg. ref. 22/304. No reference was made to animal feed storage in the initial application, nor to the applicants having a pony or horse. Also, the site the subject of the originally submitted application is now identified in the further information response as including an existing shed.

Taking account of the details provided in the further information and having regard to the relevant provisions of the Act and Regulations, it appears that the applicants are now seeking an exempt development declaration for a proposed timber building which is to be used for agricultural storage purposes.

For the proposed shed the matter of what constitutes "works" and therefore "development" in the Sections 2 and 3 of the Act is not in question.

In relation to the agricultural storage use of the proposed timber building Section 4(1)(a) of the Act and Part 3 in Schedule 2 of the Planning and Development Regulations 2001 (as amended) are of relevance. Section 4(1)(a) of the Act provides that 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* shall be exempted development. Part 3 in Schedule 2 sets out classes of exempted development for agricultural structures in rural areas, including Class 9 as applying to - *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.*

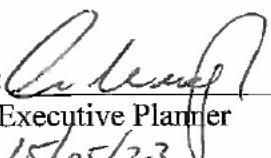
I am not satisfied that the proposed site as identified in the further information response is in use for agricultural purposes. In this regard, I would refer to the applicants' concurrent application for planning permission for a dwelling house under reg. ref. 22/304 and the planning history of the land as relating most recently to reg. ref. 18/211 for residential serviced sites. Also, no information has been submitted to establish that the applicants are using the site or land at this location for agricultural purposes, or whether they own an agricultural holding at this location. Moreover, of itself it is considered that the applicants have not substantiated the submitted agricultural storage use of the proposed timber building.

In accordance with Section 4(1)(a) of the Act, the proposed timber building must be located on agricultural land in order to the applicants to be in a position to avail of the Class 9 exemption in Part 3 of Schedule 2 of the Regulations. Insufficient information has been submitted with the application and further information response, and it is has been concluded that the site and land to which is forms part is not in use for agricultural purposes, and therefore the proposed timber building does not come within the scope of Class 9 as referred to.

See also second AA Screening Report attached as Appendix 1, taking account of revised site location in further information response.

3) Recommendation

It is recommended that a declaration is issued to the applicants as drafted on the following page, and which concludes that the proposed timber building is development and is not exempt development.

Signed: 
Senior Executive Planner
Date: 15/05/23

Signed: 
Senior Planner
Date: 15/5/23.

Appendix 1

APPROPRIATE ASSESSMENT SCREENING REPORT

Planning Application Reg. Ref: SEC5/23/10		
A. DESCRIPTION OF PROJECT AND LOCAL SITE		
Site Location:	Graiguenalug, Nurney, Co. Carlow	
Total Site Area :	c.0.22ha.	
Floor Area of Proposed Development:	c. 72sq.m	
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:		
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		
The nearest SAC is the River Barrow and River Nore which is circa 6km west of the site. The Slaney River Valley SAC is circa. 8.5km east of the site. There is no watercourse within or adjoining the site hydrologically connecting this site to the SAC's. The development has been assessed having regard to the requirements of the EU Habitats Directive. Given the location and proximity of the nearest European Site, and distance to the nearest watercourse, the domestic nature and scale of the proposed development, the location of the application site and intervening land uses between same and the European Site, it is considered reasonable to conclude on the basis of the information available, which is considered adequate to inform a screening determination, that the proposed 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, it is considered that Appropriate Assessment is not required.		
Signed:		

Position:	Executive Planner	Date:	
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Declaration on Development and Exempted Development

Section 5 of the Planning and Development Act 2000 (as amended)

WHEREAS a question has arisen as to whether 'erection of a timber building for storage of animal feed for a pony and horse', at Graiguenalug, Nurney, Co. Carlow, is or is not development and is or is not exempted development;

AS INDICATED on the plans and particulars received by the Planning Authority on 06/03/23 and on 27/04/23;

AND WHEREAS Esther Hanlon and Peter Prendergast, [REDACTED]
[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, 3 and 4 of the Planning and Development Act 2000 (as amended);
- b) Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended);
- c) 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 a timber building for storage of animal feed for a pony and horse' is not located on land in use for agricultural purposes, and accordingly the provisions of Section 4 (1)(a) pertaining to exempted development are not applicable and therefore the development cannot be considered to come within the scope of Class 9, in Part 3 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 proposal comprising the 'erection of a timber building for storage of animal feed for pony and horse' at Graiguenalug, Nurney, Co. Carlow, is development and is not exempted development.

Please note that any person issued with a declaration under subsection 2(a) of the Planning and Development Act 2000 (as amended) may on payment to the Board of the prescribed fee, refer a declaration to An Bord Pleanála within 4 weeks of the issuing of the decision.

CARLOW COUNTY COUNCIL
PLANNING DEPARTMENT

SECTION 5 DECLARATION

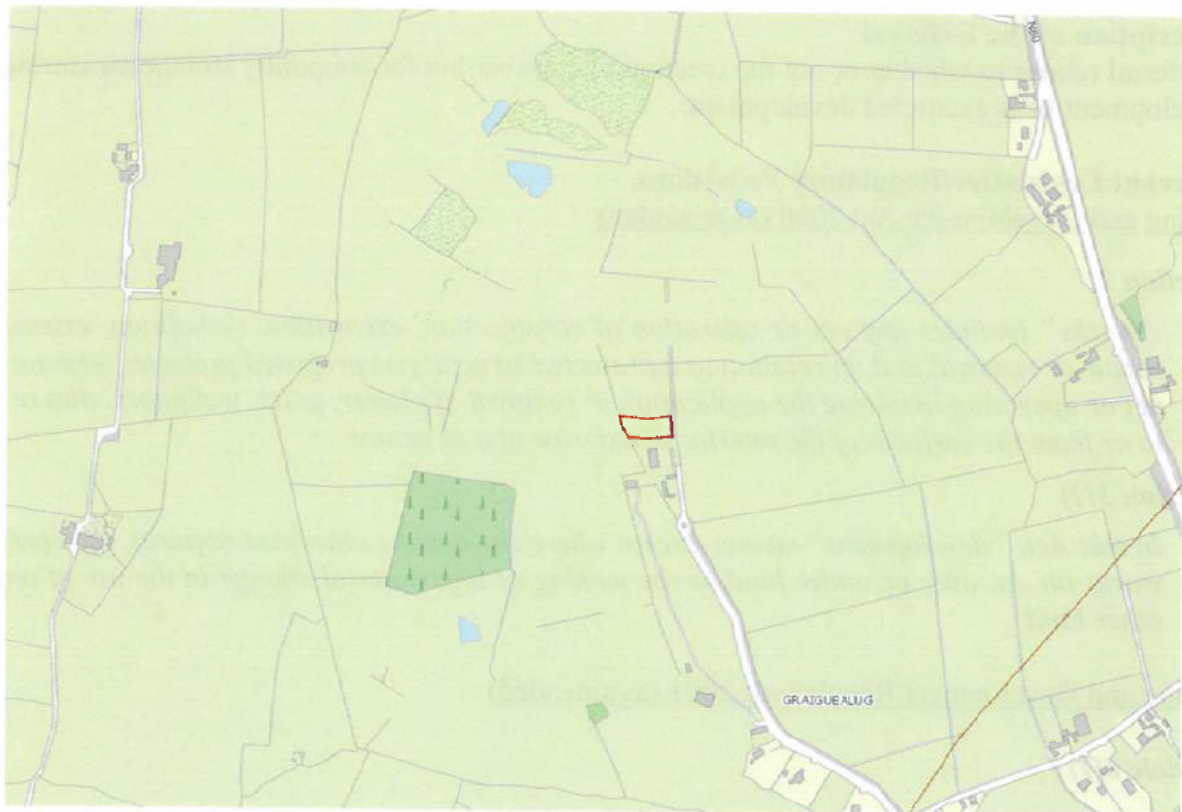


COMHAIRLE CONTAE
CHEATHARLACH
CARLOW COUNTY COUNCIL

Reg. Ref.	SEC5/23/10
Name of Applicant	Esther Hanlon and Peter Prendergast
Address of Development	Graiguenalug, Nurney, Co. Carlow.
Development Description	Timber hut for temporary storage

1) Site Location/Context

The Section 5 declaration relates to a rural site with an area of c. 0.2285ha situated at the end of an access roadway from the local road L3046-77 just off the N80 at Graiguenalug. The site is located to the north of existing farm sheds and may have previously formed part of the farm holding. The access road is public up to the last 30m. The accessway was originally constructed to serve a golf course complex which is no longer in operation and the existing land use is agricultural.



Site Location outlined in Red

2) Relevant Planning History

PL22/304 current application for Esther Hanlon and Peter Prendergast for which further information has been sought. The application is seeking planning permission for a single storey dwelling house, entrance on to access road and services including bored well, proprietary treatment system and associated percolation area, all ancillary site development works.

PL18/211- Ext of Duration for PL13/40. Full Planning Permission is sought to demolish existing agricultural sheds, for the alteration to the site boundary as granted under previous PI Ref No's. 08/182 and 08/469, full Planning Permission is sought to reduce the house numbers as granted under PL Ref: 08/469 by 9 No. houses and full planning permission is sought for 5 No. fully serviced sites, resulting in an overall reduction of 4 No. sites on the total increased site area, all ancillary site works and services-granted- Permission expires on the 31/08/2023

PL13/40- to demolish existing agricultural sheds, for the alteration to the site boundary as granted under previous PL Ref No's 08/182 & 08/469, full planning permission is sought to reduce the house numbers as granted under PL Ref: 08/469 by 9 No. houses and full planning permission is sought for 5 No. fully serviced sites, resulting in an overall reduction of 4 No. sites on the total increased site area, all ancillary site works and services-granted. Permission expired 01/09/2018.

PL 08/469 - Permission Granted on 20/10/2008 for 20no. single storey dwellings and all associated site works - Expired-19/10/2013.

PL 08/182 - Permission granted for development comprising of 20 No. two storey dwellings, treatment plant/reed bed system and all associated site works subject to 25 conditions. Expired- 24/06/2013.

3) Description of the Referral

The referral relates to whether or not the erection of a timber hut for temporary storage measuring 10m x 7.2m is development or is exempted development.

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(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—

- (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 16

The erection, construction or placing on land on, in, over or under which, or on land adjoining which, development consisting of works (other than mining) is being or is about to be, carried out pursuant to a permission under the Act or as exempted development, of structures, works, plant or machinery needed temporarily in connection with that development during the period in which it is being carried out.

Conditions and Limitations

Such structures, works, plant or machinery shall be removed at the expiration of the period and the land shall be reinstated save to such extent as may be authorised or required by a permission under the Act.

5)Assessment

The referral question relates to the proposed erection of a timber shed on the site of a current planning application presently under consideration by the Planning Authority. It is also noted that there is an extant permission on the site under planning Ref; PL18/211 for the provision of 5 serviced sites which represents a modification to previous permissions and included that the development be in conformity with conditions attached to 08/182 and 08/469 save as amended.

The referral has been accompanied by a hand drawn sketch (not to scale) of the proposed timber shed. Only one elevation is shown. A site location map and a 6-inch map with the site boundary edged red have also been submitted. The drawings do not indicate where the proposed shed will be located on the site and the application form does not state what type of storage the shed will relate to. It is also noted that the application form is not fully completed. It does not indicate the class of exemption for which the referral is sought, it does not state the planning applications relating to the subject site and it does not give clear details of the nature of the proposed development.

The Planning Authority note that the applicants for the referral are also the same applicants for a current planning application on the site where further information was requested under PL 22/304 relating to the development of a house. A response to the further information request has not yet been received by the Planning Authority. It may be the case that the proposed erection of a timber shed pursuant to this permission maybe premature pending the outcome of this planning application.

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 information submitted in this referral and to the above definitions that the proposed construction of a timber shed and the change of use of the subject lands from agricultural to storage use 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.

In terms of the exempted development provision set out in the Planning and Development Regulations 2001 (as amended) and having regard to the history of the subject site and the information submitted in the referral it would appear that Schedule 2, Part 1 Class 16 is within the scope of relevance in this instance and as set out earlier in this report relates to the following development:

The erection, construction or placing on land on, in, over or under which, or on land adjoining which, development consisting of works (other than mining) is being or is about to be, carried out pursuant to a permission under the Act or as exempted development, of structures, works, plant or machinery needed temporarily in connection with that development during the period in which it is being carried out.

Class 16 relates to land that is pursuant to a grant of permission under the Act. As the referral form was not fully completed it is not clear if an exemption is sought under Class 16 and for which permission it may relate.

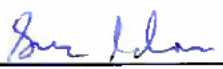
The Planning Authority note that the site subject to this referral is part of a larger site for which there is an extant permission under Pl. Ref:18/211 for the development of 5 No. fully serviced sites. This 'live' planning application has not been commenced and is for a larger landholding then the subject site. The current application for a dwelling house remains under consideration as further information was sought and has not yet been received. Class 16 relates to land that is pursuant to a grant of permission under the Act. As the referral form was not fully completed and having regard to the history of the site it is not clear if an exemption is sought under Class 16 and for which permission it may relate.

There is insufficient information submitted with the referral to enable the Planning Authority to fully determine the referral under Section 5.

6) Recommendation

It is recommended that the following Further Information be requested:

1. In order to make a conclusive determination on the Section 5 referral the applicants are requested to submit the following information;
 - i) A fully completed Section 5 Declaration Application Form including the nature and type of storage proposed and any relevant planning application numbers pertaining to the site of the referral.
 - ii) A Site Layout Map (Scale 1:500) indicating the intended location of the proposed shed on the site, and drawings (Scale 1:50) showing floor plans and elevations.
 - iii) Specify the Class of Exemption of the Planning and Development Regulations 2001 (as amended) under which the referral is sought, and the nature of the storage associated with the proposed structure.

Signed: 
Executive Planner

Date: 20/03/23

Signed: 
Senior Planner

Date: 21/3/23

Appendix 1

APPROPRIATE ASSESSMENT SCREENING REPORT

Planning Application Reg. Ref: SEC5/23/10		
A. DESCRIPTION OF PROJECT AND LOCAL SITE		
Site Location:	Graiguentalug, Nurney, Co. Carlow	
Total Site Area :	c.0.22ha.	
Floor Area of Proposed Development:	c. 72sq.m	
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:		
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		
The nearest SAC is the River Barrow and River Nore which is circa 6km west of the site. Th Slaney River Valey SAC is circa. 8.5km east of the site. There is no watercourse within or adjoining the site hydrologically connecting this site to the SAC's. The development has been assessed having regard to the requirements of the EU Habitats Directive. Given the location and proximity of the nearest European Site, and distance to the nearest watercourse, the domestic nature and scale of the proposed development, the location of the application site and intervening land uses between same and the European Site, it is considered reasonable to conclude on the basis of the information available, which is considered adequate to inform a screening determination, that the proposed 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, it is considered that Appropriate Assessment is not required.		
Signed:		
Position:	Executive Planner	Date: 20/03/23



**Declaration on Development and Exempted Development
Section 5 of the Planning and Development Act 2000 (as amended)
Reg. Ref: SEC5/23/10**

WHEREAS a question has arisen as to whether 'erection of a timber building for storage of animal feed for a pony and horse', at Graiguenalug, Nurney, Co. Carlow, is or is not development and is or is not exempted development;

AS INDICATED on the plans and particulars received by the Planning Authority on 06/03/23 and on 27/04/23;

AND WHEREAS Esther Hanlon and Peter Prendergast, [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, 3 and 4 of the Planning and Development Act 2000 (as amended);
- b) Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended);
- c) 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 a timber building for storage of animal feed for a pony and horse' is not located on land in use for agricultural purposes, and accordingly the provisions of Section 4 (1)(a) pertaining to exempted development are not applicable and therefore the development cannot be considered to come within the scope of Class 9, in Part 3 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 proposal comprising the 'erection of a timber building for storage of animal feed for pony and horse' at Graiguenalug, Nurney, Co. Carlow, is development and is not exempted development.

Please note that any person issued with a declaration under subsection 2(a) of the Planning and Development Act 2000 (as amended) may on payment to the Board of the prescribed fee, refer a declaration to An Bord Pleanála within 4 weeks of the issuing of the decision.

Signed:

Shirley O'Neill

Date:

16/5/23