

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: Liam Byrne
2. Address of applicant: [REDACTED]
3. Name and address for correspondence: Byrne & McCabe Design. Upper Main Street, Graignamanagh. Co. Kilkenny

Tel. No: 0599725684 Fax No: _____ E-mail: info@bmccdesign.ie
4. Location of Development: Townland: Ballyine, Borris, Co. Carlow

Postal Address: (if different from Townland): _____
5. Name and Address of Agent: Byrne & McCabe Design. Upper Main Street, Graignamanagh. Co. Kilkenny
6. Outline clearly the description of the development / proposal: The development consists of a sheep handling unit which comprises of a concrete base with posts and gates erected to form collection and holding pens and crush for sheep
7. Is this a Protected Structure or within the curtilage of a Protected Structure: No
8. List any previous applications relating to the site: None

9. Are you aware of any enforcement proceedings relating to this site: No

10. Please state applicant's interest in this site: Owner

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

Drg. No. 23-029-01 Site Layout & plans & Elevations of Handling Unit

Site Location Maps 1:2500 & 1:10560

Signed: _____

(Signature of Applicant)

Date: _____

8/03/23

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: _____

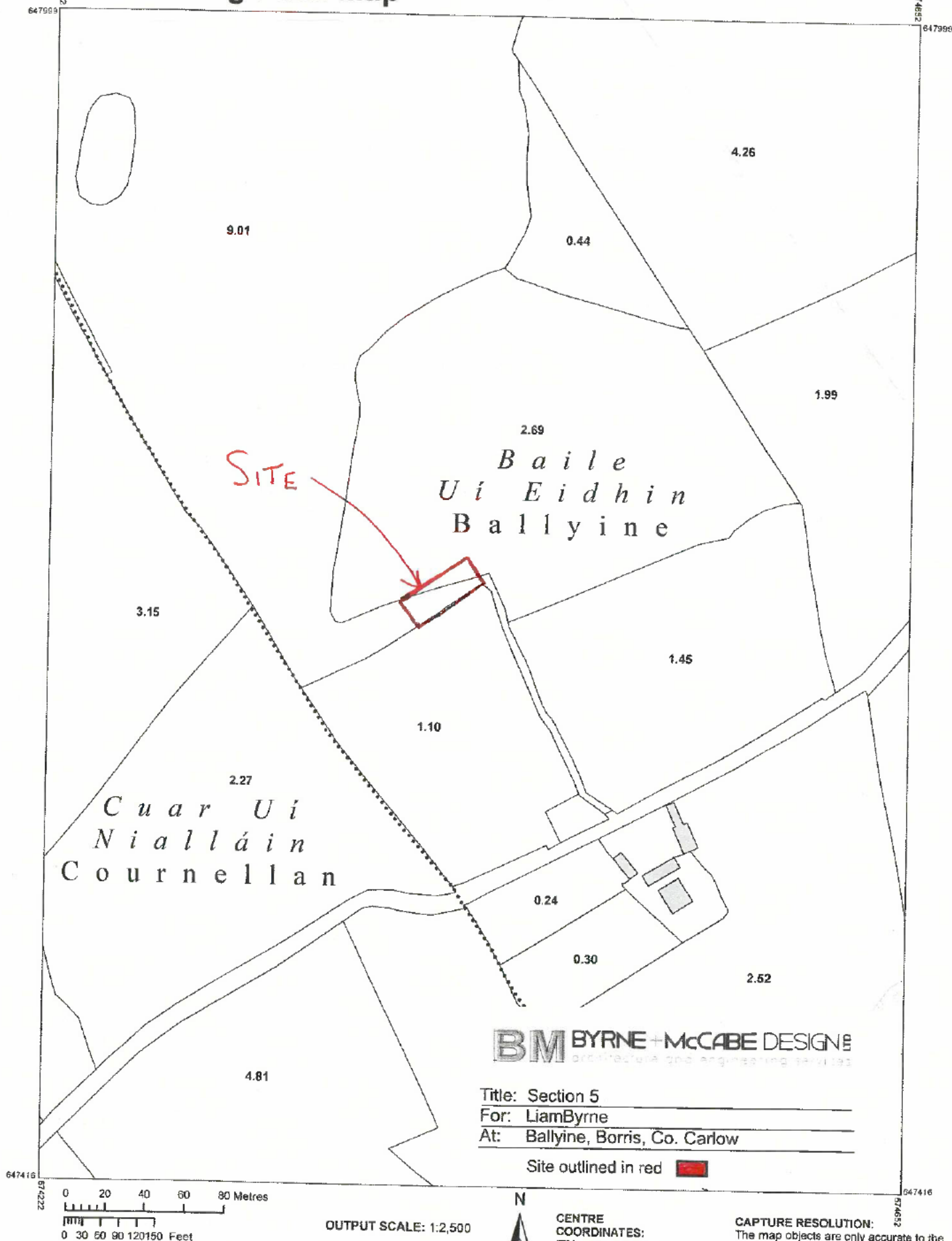
Date Decision Due: _____

Date of Decision: _____

Recommendation: _____



Planning Pack Map



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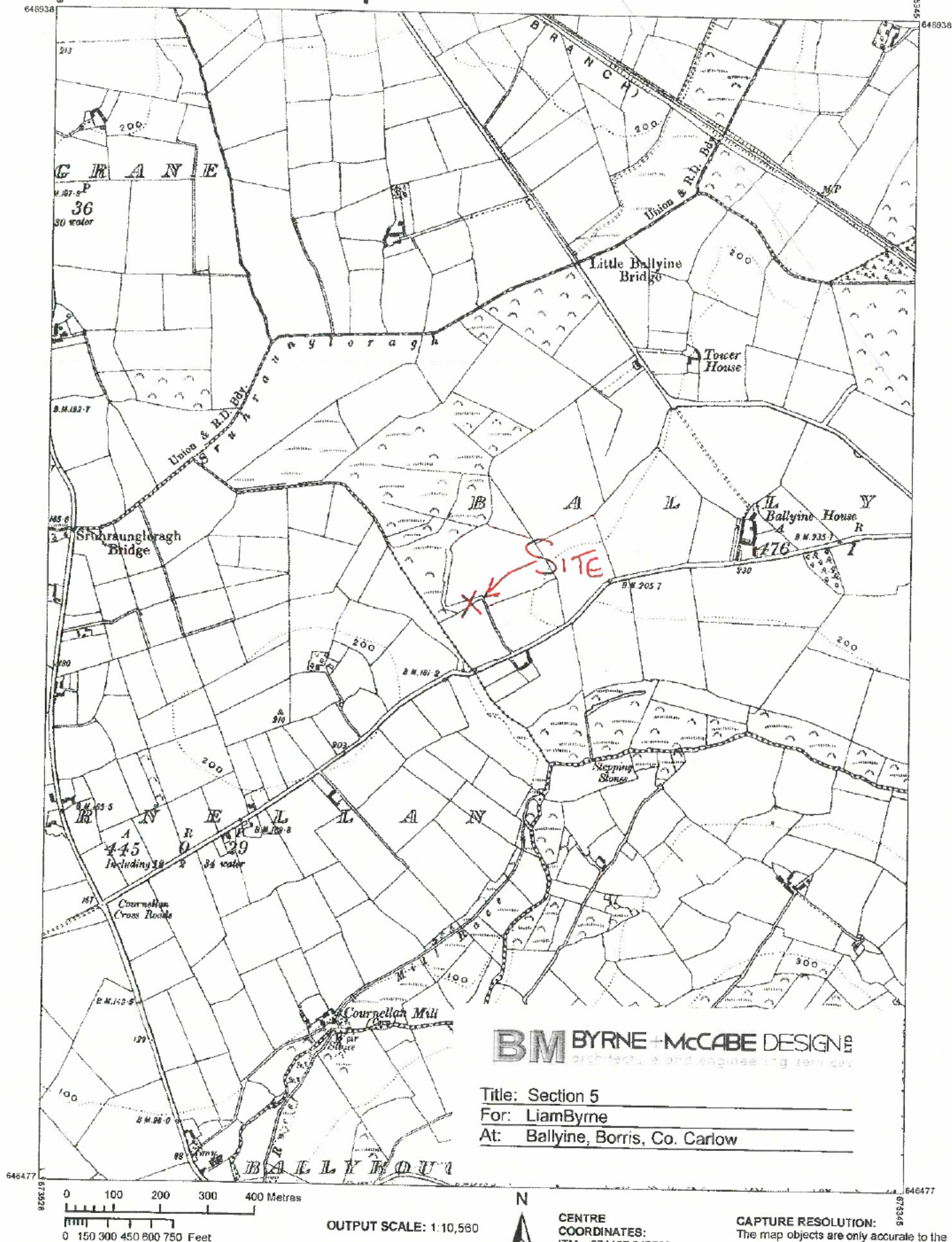
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Site Location Map



BM BYRNE + McCABE DESIGN
architectural and engineering services

Title: Section 5

For: Liam Byrne

At: Ballyine, Borris, Co. Carlow

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OUTPUT SCALE: 1:10,560

CENTRE
COORDINATES:
ITM 674437,647708

PUBLISHED:
24/02/2023

MAP SERIES:
6 Inch Raster
6 Inch Raster

ORDER NO.:
50319690_1

MAP SHEETS:
CW022
KK025

CAPTURE RESOLUTION:

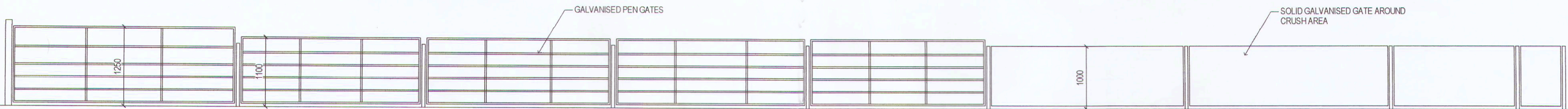
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resolution at which they were captured.
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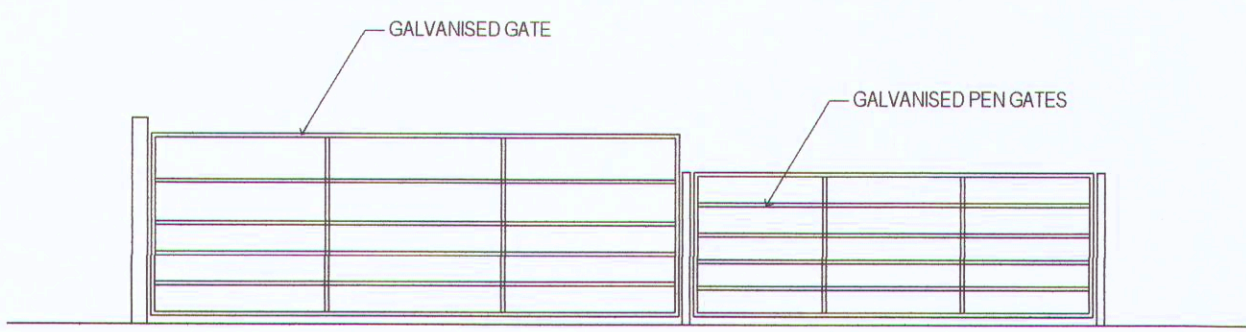
LEGEND:

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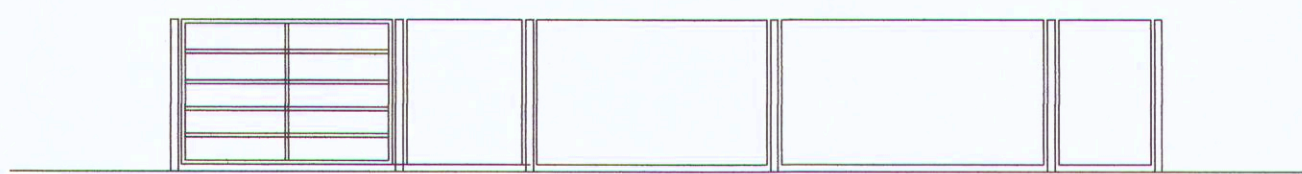




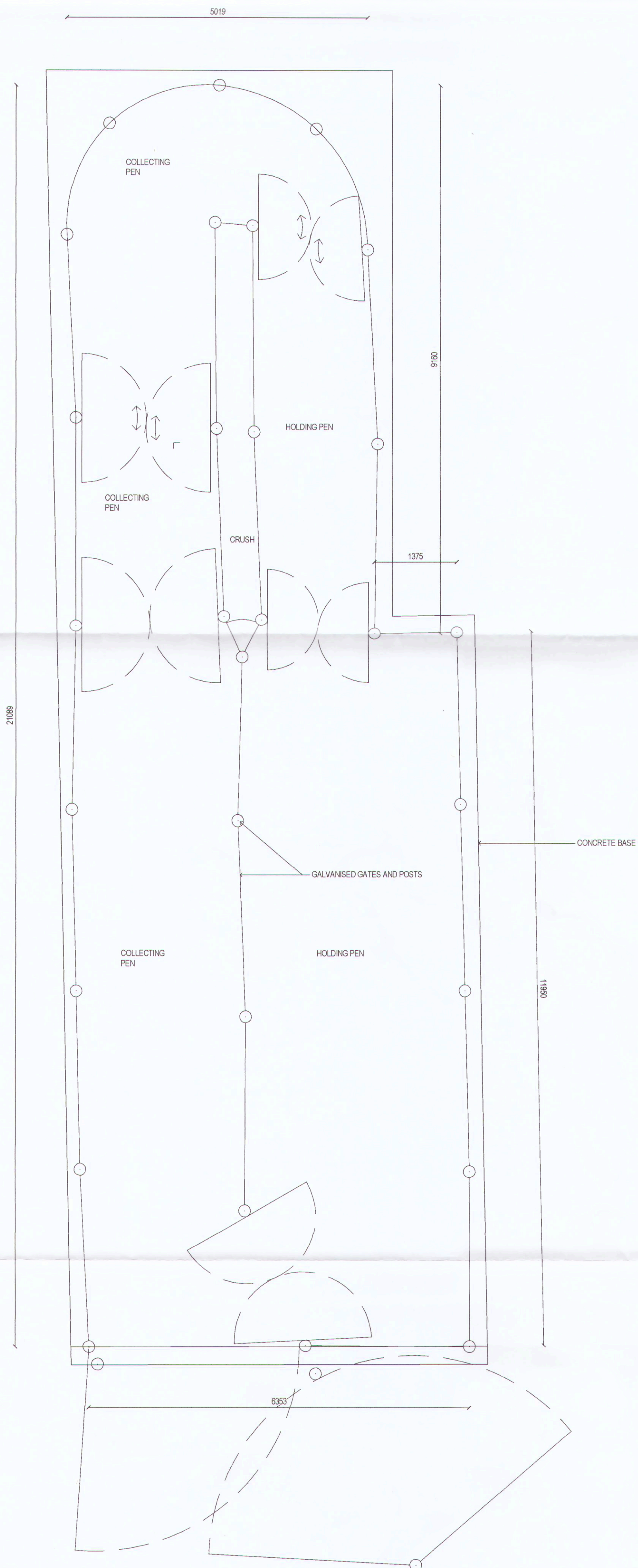
SIDE ELEVATION
Scale: 1:50



FRONT ELEVATION
Scale: 1:50



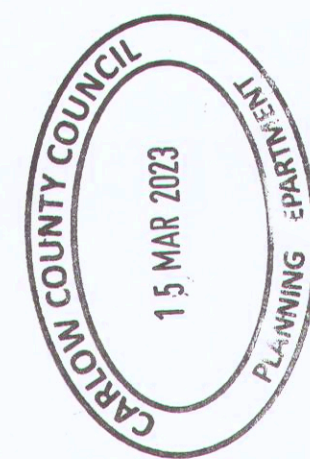
REAR ELEVATION
Scale: 1:50



PLAN
Scale: 1:50



SITE LAYOUT MAP
Scale: 1:200



BM BYRNE + McCABE DESIGN
architecture and engineering services

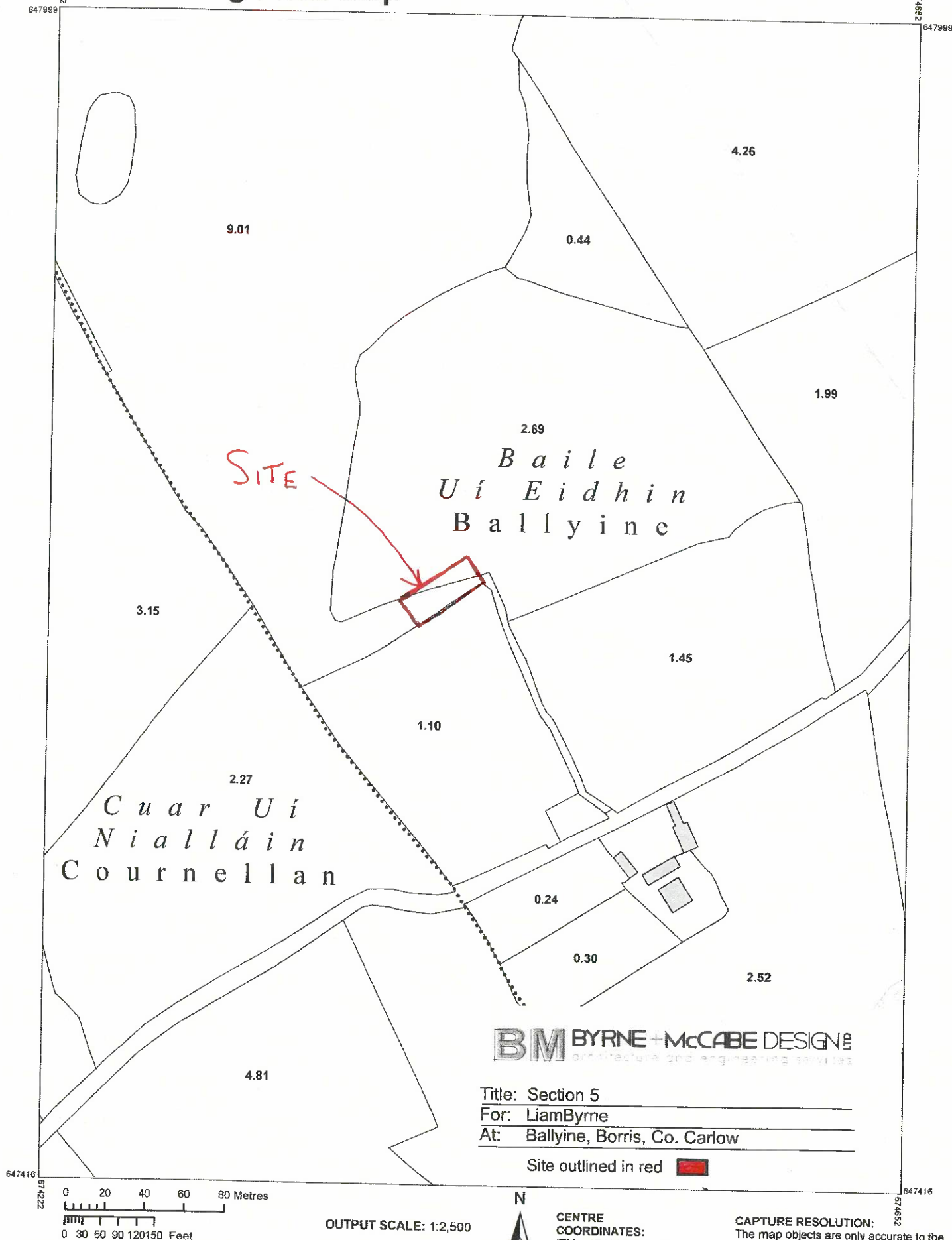
UPPER MAIN ST
GRAIGNAMANAGH,
CO. KILKENNY.
TEL: 0599725684
FAX: 0599725684
E-MAIL: info@bmccdesign.ie

SECTION 5 APPLICATION

TITLE: EXISTING SHEEP HANDLING UNIT
AT: BALLYINE, BORRIS, Co. CARLOW
FOR: LIAM BYRNE
DWG: SITE LAYOUT
& PLAN & ELEVATIONS OF HANDLING UNIT

SCALE: 1:200 & 1:50; JOB NO: 23-029 DRAWING NO: 01
DATE: March 2023 DRN: Thomas McCabe REV: -

Planning Pack Map



BM BYRNE + McCABE DESIGN
architecture and engineering services

Title: Section 5
For: Liam Byrne
At: Ballyine, Borris, Co. Carlow

Site outlined in red 

0 20 40 60 80 Metres
0 30 60 90 120 150 Feet

OUTPUT SCALE: 1:2,500



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**CENTRE
COORDINATES:**
ITM 674437,647708

PUBLISHED: 24/02/2023
ORDER NO.: 50319690_1

MAP SERIES: 1:5,000
MAP SHEETS: 4957

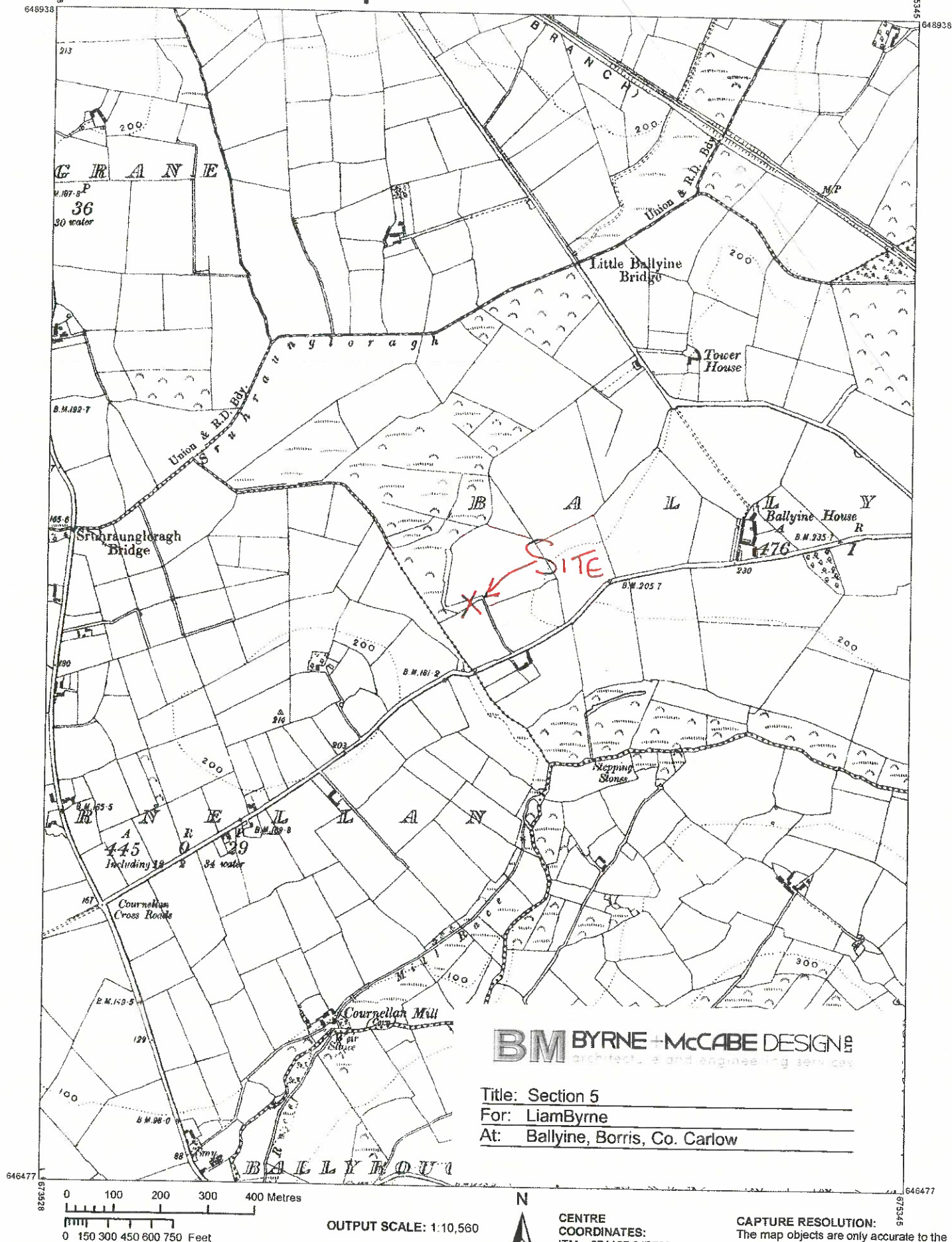
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Site Location Map



BM BYRNE + McCABE DESIGN
architectural and engineering services

Title: Section 5
For: Liam Byrne
At: Ballyine, Borris, Co. Carlow

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OUTPUT SCALE: 1:10,560

CENTRE COORDINATES:
ITM 674437,647708

PUBLISHED: 24/02/2023
MAP SERIES: 6 Inch Raster
ORDER NO.: 50319690_1
MAP SHEETS: CW022
6 Inch Raster
KK025

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

CARLOW COUNTY COUNCIL
PLANNING DEPARTMENT
SECTION 5 DECLARATION



Reg. Ref.	SEC5/23/11
Name of Applicant	Liam Byrne
Address of Development	Ballyine, Borris, Carlow
Site Visit	21/03/2023
Development Description	The development consists of a sheep handling unit which comprises of a concrete base with posts and gate erected to form collection and holding pens and crush for sheep.

1) Site Location/Context

The Section 5 declaration relates to the construction of a sheep handling unit which comprises of a concrete base with posts and gate erected to form collection and holding pens and crush for sheep. The site is accessed via an agricultural laneway from the local road (L-7048).

Aerial View of Site Location



2) Relevant Planning History

No recent planning history is link to the site.

3) Description of the Referral/Proposal

This proposal is a request for a declaration under Section 5 of the Planning and Development Act, 2000 (as amended) to determine whether or not the erection of a sheep handling unit (which comprises of a concrete base with posts and gate erected to form collection and holding pens and crush for sheep) constitutes 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.*

- Class 8 in Part 3 of Schedule 2 (Exempted Development- Rural)

“Works consisting of the provision of roofless cubicles, open loose yards, self-feed silo or silage areas, feeding aprons, assembly yards, milking parlours or structures for the making or storage of silage or any other structures of a similar character or description, having an aggregate gross floor space not exceeding 200 square metres, and any ancillary provision for effluent storage.”

5) Assessment

The applicant was requested to submit the following further information on 23rd March 2023.

- a) *Written confirmation of the gross floor area of the proposed sheep handling unit (which comprises of a concrete base with posts and gate erected to form collection and holding pens and crush for sheep).*
- b) *Written confirmation from the applicant/ agent acting on behalf of the applicant that the structure will be constructed in line with the Department of Agriculture, Food and Rural Development and the Department of the Environment and Local Government requirements and shall have regard to the need to avoid water pollution.*
- c) *A site layout plan at a scale of 1:500 in compliance with Article 23 of the Planning and Development Regulations 2001 (as amended) which shall clearly identify any existing structures on site and the proposed development, boundary details etc. The revised site layout plan shall demonstrate the proposed location of effluent storage.*
- d) *Submit drawings- at a scale of not less than 1:200- of the structure elevations of the proposed agricultural shed with details of the proposed finish in order to clarify if the proposed metal sheeting shall be painted or 'unpainted'.*
- e) *The full extent of the agricultural landholding associated with the proposed development shall be outlined in blue on a site location map in a scale of 1:500.*

In response to Further Information requested on 23rd March 2023, the applicant has submitted a revised site location maps demonstrating the total landholding and the relevant site to the Planning Authority on 17/04/2023. The applicant submitted the following information;

- a) The area of the concrete base is 139m². There is no building or roof structure over this.
- b) We can confirm that the structure will be constructed in line with the Department of Agriculture, Food and Rural Development and the Department of the Environment and Local Government requirements.
- c) The site layout and location maps submitted shows the location of the sheep handling unit. This is located beside an existing field boundary hedge in the corner of a field. There are no storage structures on site and there is no boundary treatment proposed. There is no effluent storage proposed. The sheep are never held for long periods, they are collected into the handling unit for dosing etc. and are then released back into the field.
- d) The drawing submitted shows the elevations of the handling unit. There is no agricultural shed proposed. This is only a concrete base with posts and gates in the corner of a field to hold sheep to carry out general health maintenance. There is no metal sheeting. The gates are galvanised unpainted.
- e) Please find landholding marked on location map 1:10560 and also an extract from the property registration authority website.

Class 8, in Part 3, of Schedule 2 of the Planning and Development Regulations 2001 (as amended) applies to the proposal. Obtaining an exempted development status under Class 1 requires compliance with the 7 No. conditions/limitations outlined below.

1.	<i>No such structure shall be used for any purpose other than the purpose of agriculture.</i> Assessment: The proposed development consists of a sheep handling unit (which comprises of a concrete base with posts and gate erected to form collection and holding pens and crush for sheep).
2.	<i>The gross floor space of such structures together with any other such structures situated within the same farmyard complex or within 100 metres of that complex shall not exceed 300 square metres gross floor space in aggregate.</i> Assessment: As evident in the further information submitted to the Planning Authority on 17/04/2023 the stated area of the concrete base is 139m² and there is no building or roof structure proposed. As evident on the day of site inspection, there are no other such structures within 100m of the complex.

3.	<i>Effluent storage facilities adequate to serve the structure having regard to its size, use and location shall be constructed in line with Department of Agriculture, Food and Rural Development and the Department of the Environment and Local Government requirements and shall have regard to the need to avoid water pollution.</i> Assessment: As evident in the further information submitted to the Planning Authority on 17/04/2023, the applicant and agent confirm that the structure will be constructed in line with the Department of Agriculture, Food and Rural Development and the Department of the Environment and Local Government requirements.
4.	<i>No such structure shall be situated, and no effluent from such structure shall be stored, within 10 metres of any public road.</i> Assessment: Given the nature and scale of the proposed sheep handling unit (which comprises of a concrete base with posts and gate erected to form collection and holding pens and crush for sheep), the applicant confirms that there is no effluent storage proposed. As contained in the further information submitted to the Planning Authority on 17/04/2023, the sheep are never held for long periods, they are collected into the handling unit for dosing etc. and are then released back into the field. The proposed sheep handling unit (which comprises of a concrete base with posts and gate erected to form collection and holding pens and crush for sheep) is located c. 134.3m from the public road (L-7048).
5.	<i>No such structure within 100 metres of any public road shall exceed 8 metres in height.</i> Assessment: The proposed sheep handling unit (which comprises of a concrete base with posts and gate erected to form collection and holding pens and crush for sheep) is located c. 134.3m from the public road (L-7048) and has a max height of 12.5m.
6.	<i>No such structure shall be situated, and no effluent from such structure shall be stored, within 100 metres of any house (other than the house of the person providing the structure) or other residential building or school, hospital, church or building used for public assembly, save with the consent in writing of the owner and, as may be appropriate, the occupier or person in charge thereof.</i> Assessment: The proposed sheep handling unit (which comprises of a concrete base with posts and gate erected to form collection and holding pens and crush for sheep) is located c.144m from the nearest dwelling. As contained in the further information submitted to the Planning Authority on 17/04/2023, the sheep are never held for long periods, they are collected into the handling unit for dosing etc. and are then released back into the field. Therefore, no effluent storage is proposed.
7.	<i>No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.</i> Assessment: The proposed sheep handling unit (which comprises of a concrete base with posts and gate erected to form collection and holding pens and crush for sheep) is stated to include a solid galvanised gate around the crush area. As evident in the further information submitted to the Planning Authority on 17/04/2023, there is no metal sheeting. The gates are to be galvanised unpainted.

6) Conclusion

Based on the information submitted to the Planning Authority on 15/03/2023 and 17/04/2023, the proposed structure satisfactorily falls under Class 8 exempted rural development as the development consists of a 139m² sheep handling unit (which comprises of a concrete base with posts and gate erected to form collection and holding pens and crush for sheep) used for agricultural purposes. The floor area of the proposed sheep handling unit will not exceed the 300m² gross floor space. As evident in the further information submitted to the Planning

Authority on 17/04/2023, the applicant and agent confirm that the structure will be constructed in line with the Department of Agriculture, Food and Rural Development and the Department of the Environment and Local Government requirements. Given the nature and scale of the proposed sheep handling unit (which comprises of a concrete base with posts and gate erected to form collection and holding pens and crush for sheep), the applicant confirms that there is no effluent storage proposed. From the particulars submitted in the referral the proposed sheep handling unit will be located over 100m from the public road and will not be over 8m in height. With regard to condition and limitation 6, the proposed sheep handling unit (which comprises of a concrete base with posts and gate erected to form collection and holding pens and crush for sheep) is located c.144m from the nearest dwelling. The proposed sheep handling unit is to contain no metal sheeting. It is not considered that the proposed development would be restricted by virtue of the requirements of Article 9.

7) Recommendation

Overall having regard to the details and drawings submitted with the referral it is considered that the development as declared meets the conditions and limitations set out in column 2 of Schedule 2, Part 3, Class 8 of the Planning and Development Regulations 2001.

It is therefore considered that the proposed 139m² sheep handling unit (which comprises of a concrete base with posts and gate erected to form collection and holding pens and crush for sheep) constitutes development and is exempted development.

Having regard to the foregoing, it is decided that the proposed 139m² sheep handling unit (which comprises of a concrete base with posts and gate erected to form collection and holding pens and crush for sheep) 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: SEC5/23/11

WHEREAS a question has arisen as to whether a proposed 139m² sheep handling unit (which comprises of a concrete base with posts and gate erected to form collection and holding pens and crush for sheep) at Ballyine, Borris, Carlow is development and whether it is or is not exempted development.

AS INDICATED on the plans and particulars received by the Planning Authority on 15th of March 2023 and further information received on the 17th of April 2023.

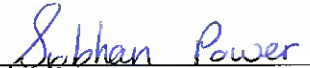
AND WHEREAS Liam Byrne, C/o Byrne & McCabe Design, Upper Main Street, Graiguenamanagh, Co. Kilkenny, requested a declaration on the said question from Carlow County Council;

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;

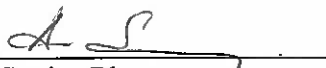
- a) Sections 2 and 3 of the Planning and Development Act 2000 (as amended);
- b) Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended) and
- c) Schedule 2, Part 3 Class 8 of the Planning and Development Regulations 2001 (as amended).

AND WHEREAS Carlow County Council has concluded that the proposal does come within the scope of Class 8 in Part 3 of Schedule 2 (Rural) 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 sheep handling unit as detailed on the submitted declaration drawings **is development and is exempted development.**


Graduate Planner

Date: 18/04/2023


Senior Planner

Date: 18/4/23

CARLOW COUNTY COUNCIL
PLANNING DEPARTMENT
SECTION 5 DECLARATION



COMHAIRLE CONTAE
CHEATHARLACH
CARLOW COUNTY COUNCIL

Reg. Ref.	SEC5/23/11
Name of Applicant	Liam Byrne
Address of Development	Ballyine, Borris, Carlow
Site Visit	21/03/2023
Development Description	The development consists of a sheep handling unit which comprises of a concrete base with posts and gates erected to form collection and holding pens and crush for sheep.

1) Site Location/Context

The Section 5 declaration relates to the construction of a sheep handling unit which comprises of a concrete base with posts and gates erected to form collection and holding pens and crush for sheep. The site is accessed via an agricultural laneway from the local road (L-7048).

Aerial View of Site Location



2) Relevant Planning History

No recent planning history is link to the site.

3) Description of the Referral/Proposal

This proposal is a request for a declaration under Section 5 of the Planning and Development Act, 2000 (as amended) to determine whether or not the erection of a sheep handling unit (which comprises of a concrete base with posts and gate erected to form collection and holding pens and crush for sheep) constitutes 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.*

- Class 8 in Part 3 of Schedule 2 (Exempted Development- Rural)

“Works consisting of the provision of roofless cubicles, open loose yards, self-feed silo or silage areas, feeding aprons, assembly yards, milking parlours or structures for the making or storage of silage or any other structures of a similar character or description, having an aggregate gross floor space not exceeding 200 square metres, and any ancillary provision for effluent storage.”

5) Assessment

Class 8, in Part 3, of Schedule 2 of the Planning and Development Regulations 2001 (as amended) applies to the proposal. Obtaining an exempted development status under Class 1 requires compliance with the 7 No. conditions/limitations outlined below.

1.	<i>No such structure shall be used for any purpose other than the purpose of agriculture.</i> Assessment: The proposed development consists of a sheep handling unit (which comprises of a concrete base with posts and gate erected to form collection and holding pens and crush for sheep).
2.	<i>The gross floor space of such structures together with any other such structures situated within the same farmyard complex or within 100 metres of that complex shall not exceed 300 square metres gross floor space in aggregate.</i> Assessment: The floor space of the proposed sheep handling unit (which comprises of a concrete base with posts and gate erected to form collection and holding pens and crush for sheep) was not included within this section 5. As evident on the day of site inspection, there are no other such structures within 100m of the complex.
3.	<i>Effluent storage facilities adequate to serve the structure having regard to its size, use and location shall be constructed in line with Department of Agriculture, Food and Rural Development and the Department of the Environment and Local Government requirements and shall have regard to the need to avoid water pollution.</i> Assessment: No written confirmation has been submitted to confirm that the proposed sheep handling unit (which comprises of a concrete base with posts and gate erected to form collection and holding pens and crush for sheep) shall be constructed in line with Department of Agriculture, Food and Rural Development and the Department of the Environment and Local Government requirements and shall have regard to the need to avoid water pollution.
4.	<i>No such structure shall be situated, and no effluent from such structure shall be stored, within 10 metres of any public road.</i> Assessment: The proposed sheep handling unit (which comprises of a concrete base with posts and gate erected to form collection and holding pens and crush for sheep) is located c. 134.3m from the public road (L-7048). The proposed location of the effluent to be stored has not been stated.
5.	<i>No such structure within 100 metres of any public road shall exceed 8 metres in height.</i> Assessment: The proposed sheep handling unit (which comprises of a concrete base with posts and gate erected to form collection and holding pens and crush for sheep) is located c. 134.3m from the public road (L-7048) and has a max height of 12.5m.
6.	<i>No such structure shall be situated, and no effluent from such structure shall be stored, within 100 metres of any house (other than the house of the person providing the structure) or other residential building or school, hospital, church or building used for public assembly, save with the consent in writing of the owner and, as may be appropriate, the occupier or person in charge thereof.</i> Assessment: The proposed sheep handling unit (which comprises of a concrete base with posts and gate erected to form collection and holding pens and crush for sheep) is located c.144m from the nearest dwelling. The proposed location of the effluent to be stored has not been stated.
7.	<i>No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.</i>

Assessment: The proposed sheep handling unit (which comprises of a concrete base with posts and gate erected to form collection and holding pens and crush for sheep) is stated to include a solid galvanised gate around the crush area.
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6) Recommendation

1. In order to enable the Planning Authority to assess whether the proposed development falls within the scope of exempted development for Class 8, in Part 3, of Schedule 2 of the Planning and Development Regulations 2001 (as amended), you are requested to submit the following further information.
 - a) Written confirmation of the gross floor area of the proposed sheep handling unit (which comprises of a concrete base with posts and gate erected to form collection and holding pens and crush for sheep).
 - b) Written confirmation from the applicant/ agent acting on behalf of the applicant that the structure will be constructed in line with the Department of Agriculture, Food and Rural Development and the Department of the Environment and Local Government requirements and shall have regard to the need to avoid water pollution.
 - c) A site layout plan at a scale of 1:500 in compliance with Article 23 of the Planning and Development Regulations 2001 (as amended) which shall clearly identify any existing structures on site and the proposed development, boundary details etc. The revised site layout plan shall demonstrate the proposed location of effluent storage.
 - d) Submit drawings- at a scale of not less than 1:200- of the structure elevations of the proposed agricultural shed with details of the proposed finish in order to clarify if the proposed metal sheeting shall be painted or 'unpainted'.
 - e) The full extent of the agricultural landholding associated with the proposed development shall be outlined in blue on a site location map in a scale of 1:500.


Graduate Planner

Date: 21-03-2023


Senior Planner

Date: 21/3/23

Appendix 1

APPROPRIATE ASSESSMENT SCREENING REPORT

Planning Application Reg. Ref: SEC5/23/11

A. DESCRIPTION OF PROJECT AND LOCAL SITE

Site Location:	Ballyine, Borris, Carlow
Total Site Area:	Unknown.
Floor Area of Proposed Development:	Unknown.
Identification of Natura 2000 site(s):	River Barrow and River Nore cSAC Blackstairs Mountains 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 cSAC is circa 282m south of the site. The closest watercourse (EPA Designated stream Sruhraungloragh – 14S47) is c.197.4m northeast. According to the EPA Maps, the Sruhraungloragh watercourse flows east to adjoin the River Barrow and River Nore SAC. Having regard to the sites topography and the scale of the proposed development, 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:	Sieghraun Power		
Position:	Graduate Planner	Date:	21-03-2023





**Declaration on Development & Exempted Development
Section 5 of the Planning and Development Act 2000 (as amended)
Reg. Ref: SEC5/23/11**

WHEREAS a question has arisen as to whether a proposed 139m² sheep handling unit (which comprises of a concrete base with posts and gates erected to form collection and holding pens and crush for sheep) at Ballyine, Borris, Carlow is development and whether it is or is not exempted development.

AS INDICATED on the plans and particulars received by the Planning Authority on 15th of March 2023 and further information received on the 17th of April 2023.

AND WHEREAS Liam Byrne, C/o Byrne & McCabe Design, Upper Main Street, Graiguenamanagh, Co. Kilkenny, 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) Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended) and
- c) Schedule 2, Part 3 Class 8 of the Planning and Development Regulations 2001 (as amended).

AND WHEREAS Carlow County Council has concluded that the proposal does come within the scope of Class 8 in Part 3 of Schedule 2 (Rural) 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 sheep handling unit as detailed on the submitted declaration drawings **is development and is exempted development.**

Signed:

Nicola Candler

Date:

20/04/2023