

Lisa Doyle

Planning Department

Carlow Co. Co.

Athy Road,

Carlow Town,

Co. Carlow

14th April 2023

RE: Lisa Doyle – Application for Section 5 Declaration on Development & Exempted Development

To Whom It May Concern,

I am writing on behalf of my client Mrs. Lisa Doyle for whom I am acting as Agent for the above application.

Further to the direction received by my client on email Tuesday 4th April 2023 I hereby submit the above named application form accompanied by the required information for your consideration.

I also enclose an €80 Bank Draft for the payment of the associated fee and four copies of the drawings for your information. Further copies are available if required.

If there are any direct queries with regard to this application or should you wish to seek a meeting on site I am available to discuss via email through [REDACTED] or by telephone at [REDACTED]

Yours Sincerely,



Brendan Doyle BEng MIEI



Lisa Doyle - Equine Shed Section 5 Application		
Document Schedule		
Doc. No.	Document Title	Provided
CL- 01	Covering Letter accompanying Section 5 Application	✓
AP-F - 01	Section 5 Application form Completed	✓
SP-N - 01	Notes on Specification for proposed Equine Shed	✓
S-5- 100A	Site Location Map - 1:10,560 (6 Inch Scale)	✓
S-5- 100B	Site Location Map - 1:2,500	✓
S-5- 101	Site Layout Plan - 1:500	✓
S-5- 102	Floor Plan and Typical Section - 1:100	✓
S-5- 103	Elevations - 1:100	✓
S-5- 104	Roof Plan - 1:100	✓



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: Lisa Doyle

2. Address of applicant: [REDACTED]

3. Name and address for correspondence: Lisa Doyle [REDACTED]

Tel. No: [REDACTED] Fax No: N/A E-mail: [REDACTED]

4. Location of Development: Townland: Croneskeagh Lower

Postal Address: (if different from Townland) [REDACTED]

5. Name and Address of Agent: Brendan Doyle Haroldstown Cross, Tullow, Co. Carlow

6. Outline clearly the description of the development / proposal:

The proposed building is to be a Type 1: Roofed Structure for the Housing of Horses with a floor area of 199m². I can confirm there are no other Type 1 structures within 100m of the proposed shed.

I can also advise the following.

- The proposed structure does not require a new entrance onto a public roadway but will instead be accessed via an existing vehicular access to the applicants dwelling which has required sightlines. There will be no additional vehicular movements to or from the proposed equine shed as all vehicles for the proposed equine shed are already in use from the adjacent dwelling.
- The structure will be situated a minimum of 39 metres from the existing public roadway.

- There is no planned effluent storage and all drainage from roof and concrete yard areas will be discharged to suitably sized Soakaway areas in the adjacent farm filed area. The neighbouring dwellings existing Water Well is approximately 55 metres from the proposed structure and will be further away from any proposed soakaways. The closest dwelling is that of the applicant and no other dwelling is situated within 200m of the proposed equine shed.

- The proposed roof and side sheeting finishes will be a painted finish Green or Blue Tegral Agri Build sheeting.

7. Is this a Protected Structure or within the curtilage of a Protected Structure: No this is not a protected Structure nor is it within the Curtilage of a protected Structure

8. List any previous applications relating to the site: None – Adjacent dwelling of applicant was constructed under planning reference 12/222.

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

10. Please state applicant's interest in this site: [REDACTED]

[REDACTED] Consent Letter available on request.

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

Lisa Doyle - Equine Shed Section 5 Application		
Document Schedule		
Doc. No.	Document Title	Provided
CL- 01	Covering Letter accompanying Section 5 Application	✓
AP-F - 01	Section 5 Application form Completed	✓
SP-N - 01	Notes on Specification for proposed Equine Shed	✓
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S-5- 100B	Site Location Map - 1:2,500	✓
S-5- 101	Site Layout Plan - 1:500	✓
S-5- 102	Floor Plan and Typical Section - 1:100	✓
S-5- 103	Elevations - 1:100	✓
S-5- 104	Roof Plan - 1:100	✓



Signed: Lisa Doyle
(Signature of Applicant)

Date: 17/04/2023.

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.



RE: Lisa Doyle – Application for Section 5 Declaration on Development & Exempted Development – Specification Document.

For the purposes of the Construction Project namely the construction of a Shed to house Equine stock at Croniskeagh House, Hacketstown, Co. Carlow the role of PSDP will be completed by Brendan Doyle as Agent and the PSCS role will be fulfilled by the successful contractor post contract award.

Earthworks:

All Topsoil shall be stripped from the relevant building footprint following which a cap.

All foundations shall be excavated to a depth minimum 600mm below existing Ground Level or to a stable and firm substrate.

Foundations:

Foundations will be 1000mm by 300mm with a layer of A252 Mesh. Start Bars shall be installed to lap on to A252 Mesh in Concrete Rising Walls. The specification and grade of concrete shall be as per DAFM Minimum Specification for Concrete Composition used in Agricultural Structures namely S.100 & S.156 documents.

Shed Walls:

Walls will be shuttered Concrete poured to achieve an F2 class of finish. The specification and grade of concrete shall be as per DAFM Minimum Specification for Concrete Composition used in Agricultural Structures namely S.100 & S.156 documents.

Shed Structure:

The Design, Supply and Installation of the Steel Frame Shed structure to include all elements such as Frame, Trusses, Cladding, Sliding Doors and all other miscellaneous steel fabricated elements shall be delivered by engaging a specialist Design & Build Supplier package. The specification including design, supply and installation shall comply with DAFM Minimum Specification for the Structure of Agricultural Buildings namely S.101 document and the DAFM Minimum Specification for Roof Cladding and Side Cladding namely S.102 document.

An indication of the appearance of the finished shed is as per the below photo;



Turn out Area:

Fencing – The type and layout of fencing (including gates) for the turnout area shall be as per the DAFM Minimum Specification for Horse Facilities and Fencing namely S.156 document.

Internal Shed and Ancillary Fixtures and Fittings;

Electrical – All Electrical Works including selection of suitable electrical fixtures and fittings shall take cognisance of the DAFM Minimum Specification for Horse Facilities and Fencing namely S.156 document and shall comply with National and Building regulation standards for Electrical Installations. An ETCI certificate shall be made available signed by a suitably competent and qualified Electrician at completion of the works.

Stabling and Horse Stock - The type and layout of stabling using proprietary systems shall be sourced from the DAFM Accepted Proprietary Horse Facilities taking cognisance of the DAFM S.157 document.

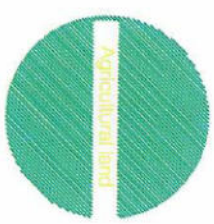
Concrete Yard and Dung Area – All drainage from the concrete yard areas shall be collected in suitably placed gullies and piped to suitably sized soakaways.



SIGHTLINES:
Sightlines taken 100m in each direction. Area within sightlines to be kept not more than 500mm in height for sight purposes. Sightlines taken 2.5m from edge of road.

HARDWARE TO OVERSITE & DRIVE:
Excavate all top-soil and sub-soil, 200mm to 100mm clear between stone, compacted in a firm finish and place hardware in 200mm layers under sub-floor & drive with due care to adjoining blockwork.

SOAK PITS
Soak pits in accordance with Building Regulations.



SITE LAYOUT
SCALE: 1/500

Site Area = 0.09 Hcts
Proposed Shed area - 199m²
F.F.L. = 166.90

SECTION 5 EXEMPTION DRAWINGS ONLY

EXISTING DWELLING HOI

NORTH

EXISTING DWELLING BORED WELL WATER SUPPLY

CONCRETE YARD AREA
ALL ROOF WATER AND YARD AREA DRAINAGE SHALL OUTLET TO NEWLY INSTALLED SOAKWAYS

Proposed Shed
F.F.L.: 166.90

Proposed Dwelling
F.F.L.: 167.90

Proposed Garage
F.F.L.: 167.90

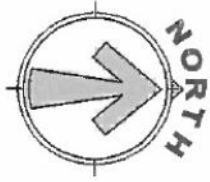
NEW ACCESS RAMP TO EQUINE YARD AREA BELOW



Site Boundary shown in Red

Lands under the Ownership of the Applicant

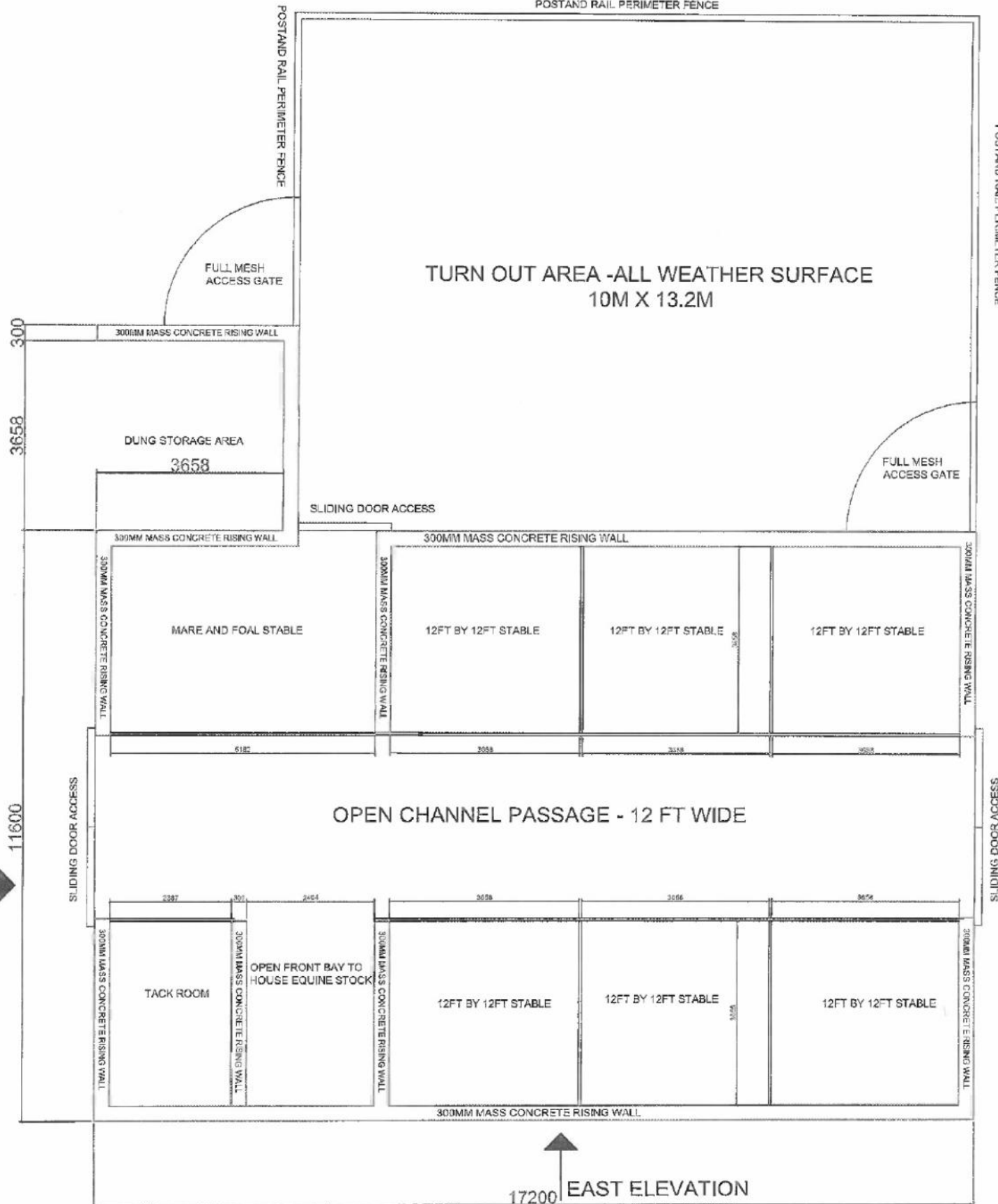
Revision	Revision details	Date
A	SECTION 5 EXEMPTION DRAWINGS	18.07.2023
B		
C		
D		
E		
F		
G		
H		
I		
J		
K		
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Y		
Z		



WEST ELEVATION



POST AND RAIL PERIMETER FENCE



NORTH ELEVATION

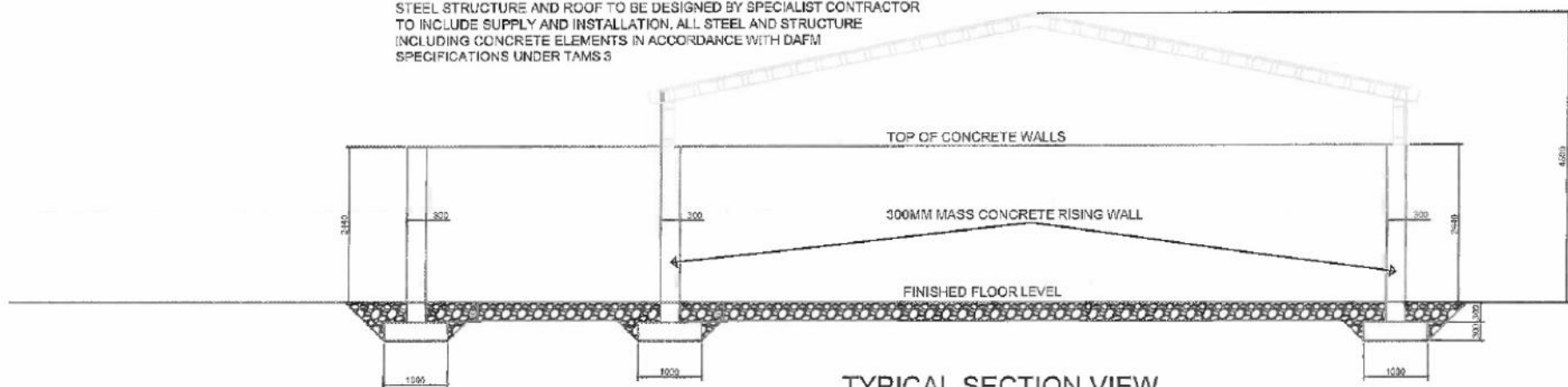


SOUTH ELEVATION



AMERICAN STYLE BARN FLOOR PLAN
FLOOR AREA- 199M²

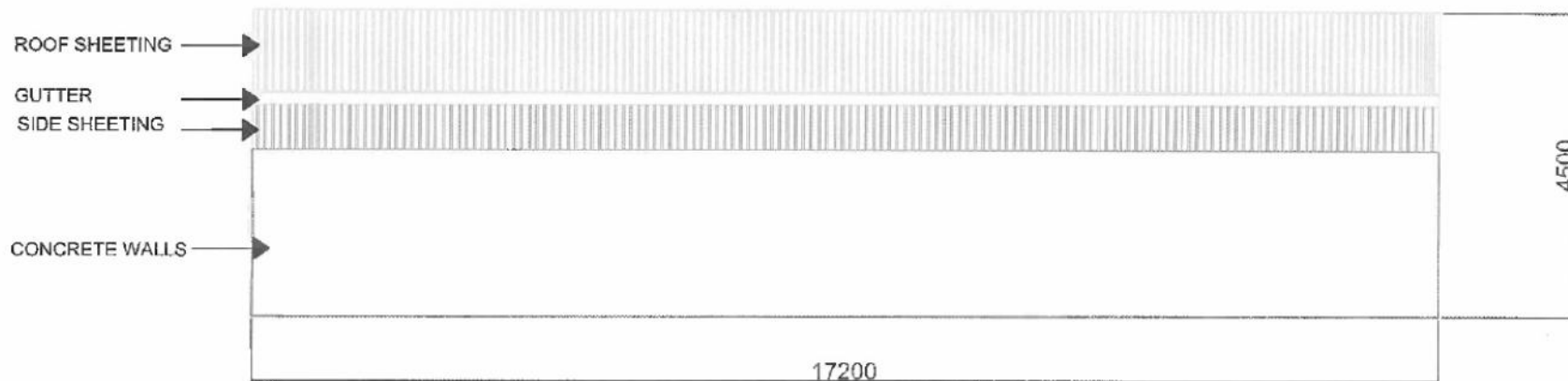
STEEL STRUCTURE AND ROOF TO BE DESIGNED BY SPECIALIST CONTRACTOR TO INCLUDE SUPPLY AND INSTALLATION. ALL STEEL AND STRUCTURE INCLUDING CONCRETE ELEMENTS IN ACCORDANCE WITH DAFM SPECIFICATIONS UNDER TAMS 3



TYPICAL SECTION VIEW



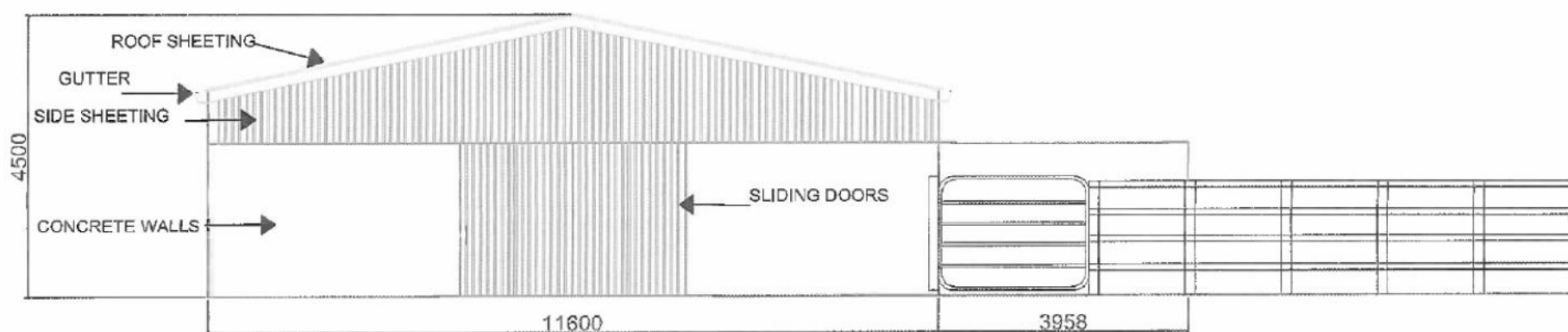
Revision:	Revision details:	Date:
A	SECTION 5 EXEMPTION DRAWINGS	10-03-2023
B		
C		
D		
E		
Project: Section 5 Exemption Application for a Shed to House Equine Stock at Cronskeagh, Hacketstown, Co. Carlow		
Client: Ms. Lisa Doyle		
Scale: 1:100 on A3 Unless Stated	Drawing Title: FLOOR PLAN & TYPICAL SECTION	Date: April 2023
Drawing no.: S-5-102 - Floor Plans and Section	Drawn by: Laura Doyle	Checked by: Brendan Doyle



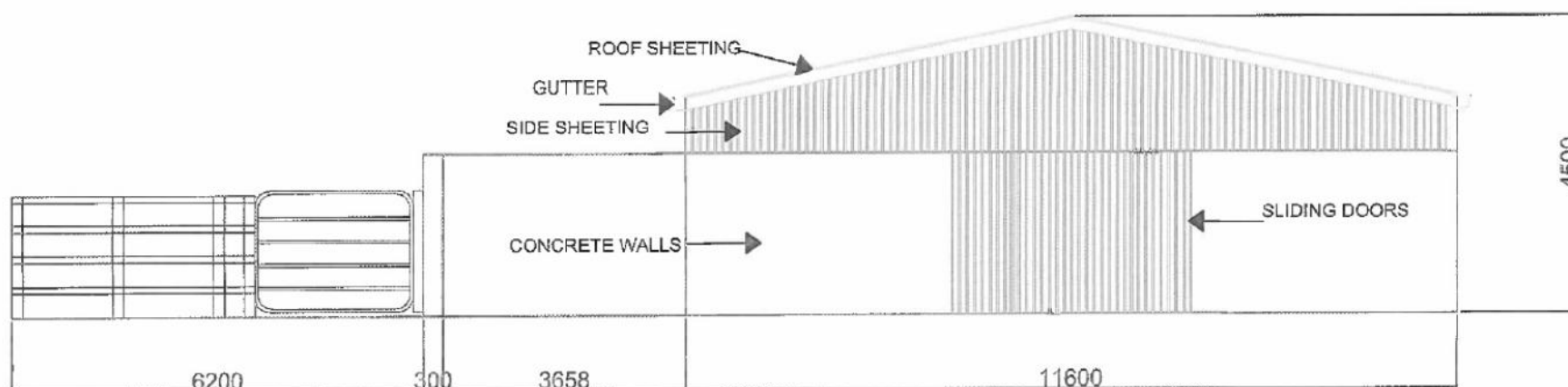
EAST ELEVATION



WEST ELEVATION



NORTH ELEVATION



SOUTH ELEVATION



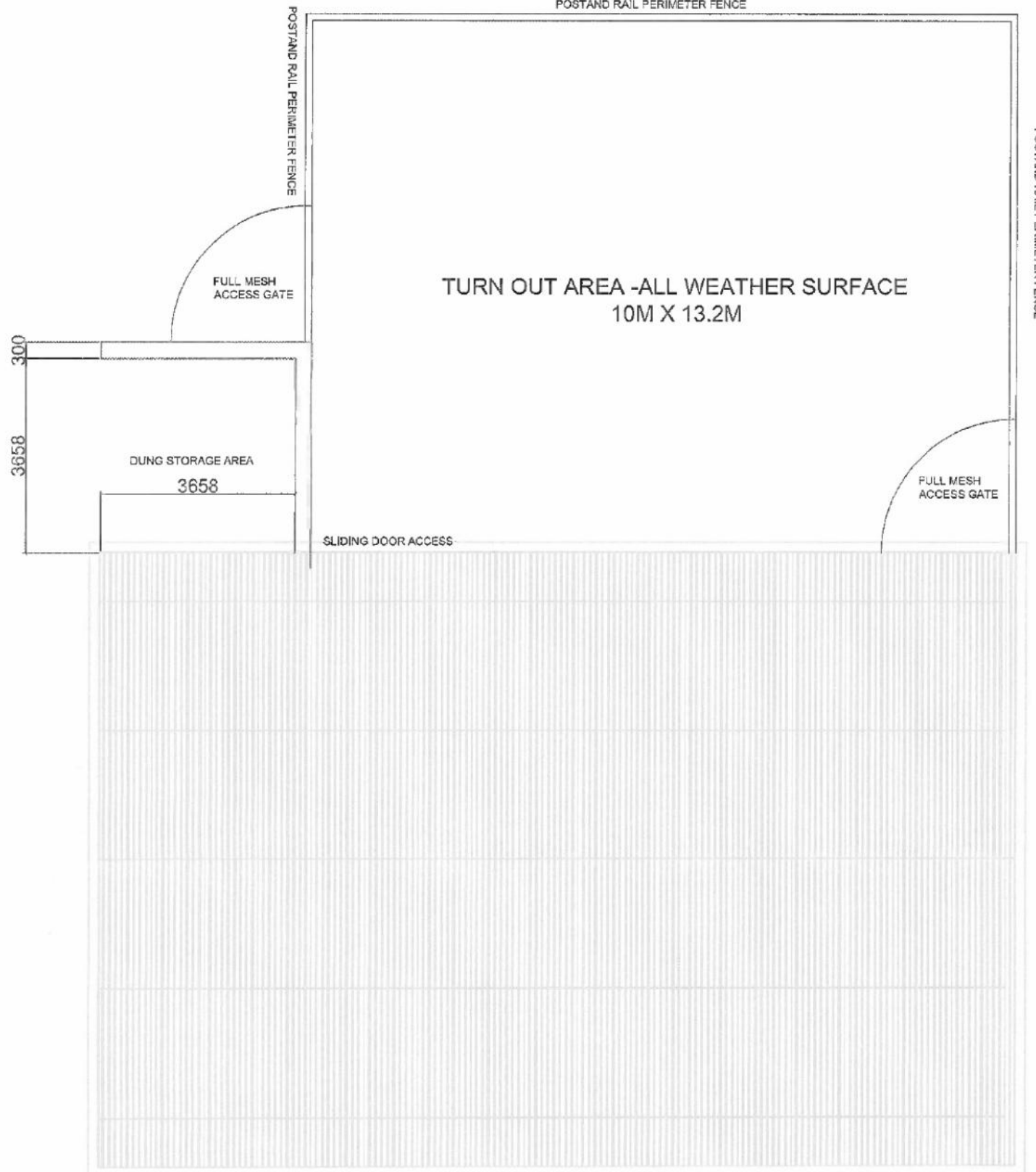
Revision:	Revision details:	Date:
A	SECTION 5 EXEMPTION DRAWINGS	10-03-2023
B		
C		
D		
E		
Project:		
Section 5 Exemption Application for a Shed to House Equine Stock at Cronskeagh, Hacketstown, Co. Carlow		
Client:		
Ms. Lisa Doyle		
Scale:	Drawing Title:	Date
1:100 on A3 Unless Stated	BUILDING ELEVATIONS	April 2023
Drawing no.:	Drawn by:	Checked by:
S - 5 - 103 - Elevations	Laura Doyle	Brendan Doyle



WEST ELEVATION



POSTAND RAIL PERIMETER FENCE



BUILDING ROOF PLAN (TOTAL AREA 199M2)



Revision:	Revision details:	Date:
A	SECTION 5 EXEMPTION DRAWINGS	10-03-2023
B		
C		
D		
E		
Project:		
Section 5 Exemption Application for a Shed to House Equine Stock at Cronskeagh, Hacketstown, Co. Carlow		
Client:		
Ms. Lisa Doyle		
Scale:	Drawing Title:	Date
1:100 on A3 Unless Stated	BUILDING ROOF PLAN	April 2023
Drawing no.:	Drawn by:	Checked by:
S - 5 - 104 - Roof Plans	Laura Doyle	Brendan Doyle

Site Location Map

S-5-100A

Site Location Map

LISA DOYLE



Tailte Éireann



CENTRE COORDINATES:
ITM 697985,677533

PUBLISHED: 11/04/2023
ORDER NO.: 50328279_1

MAP SERIES: 6 Inch Raster
6 Inch Raster
6 Inch Raster
MAP SHEETS: CW009
CW010
WW038

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211001 AZ11 1-12A DORR 94M 211001 AZ12 211001-2-2



Planning Pack Map

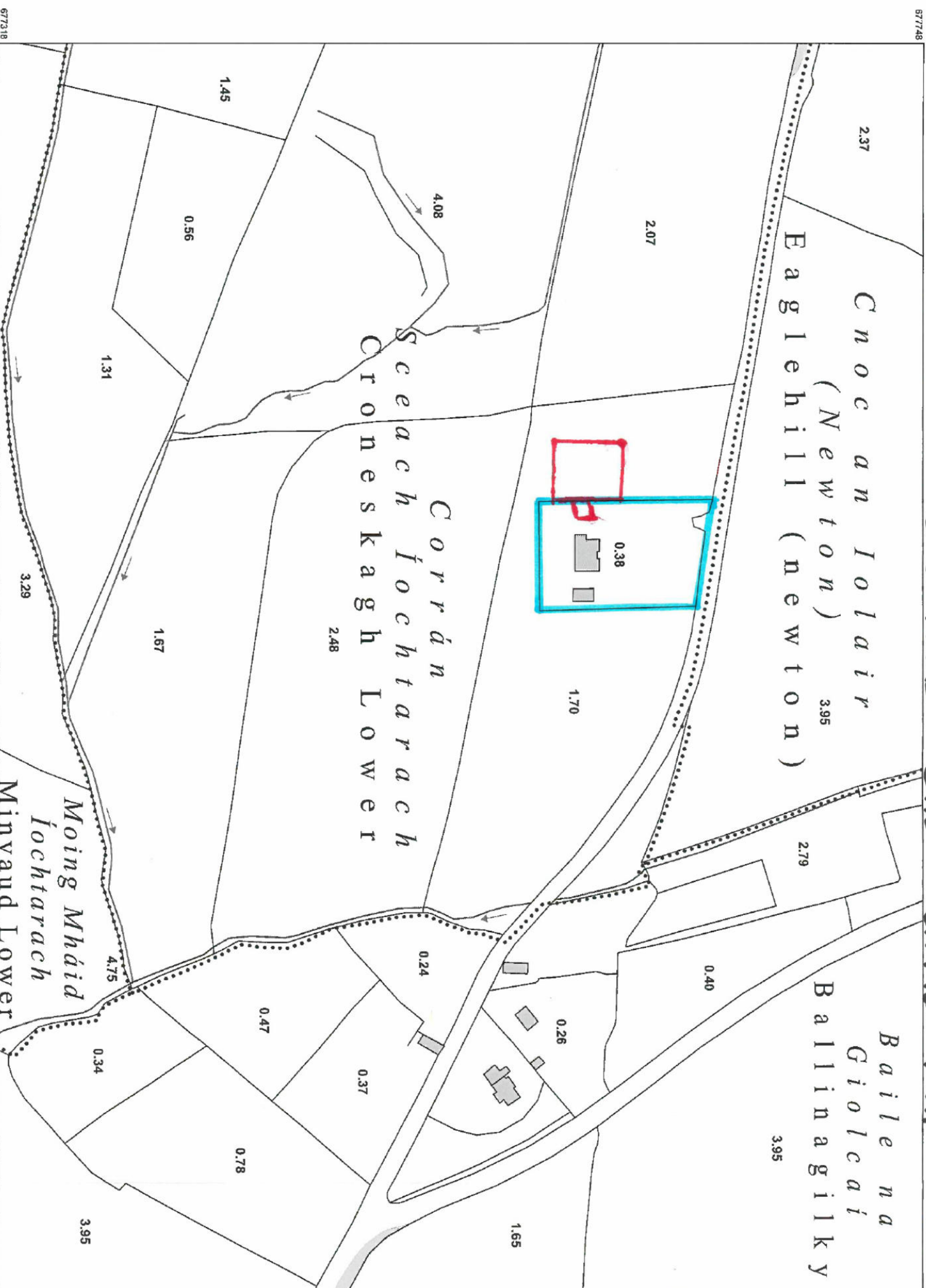
S-5-100B - SITE LOCATION MAP



CENTRE
COORDINATES:
ITM 697985,677533

PUBLISHED: 11/04/2023
ORDER NO.: 50328279_1

MAP SERIES: 1:5,000
MAP SHEETS: 4363



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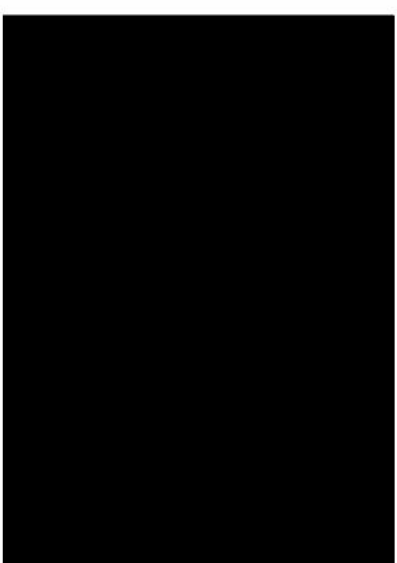
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2-2-1008 - 2UE VOCALION W/6 FIZV DARE



Site Location Map

S-5-100A

Site Location Map

LISA DOYLE



Tailte Éireann

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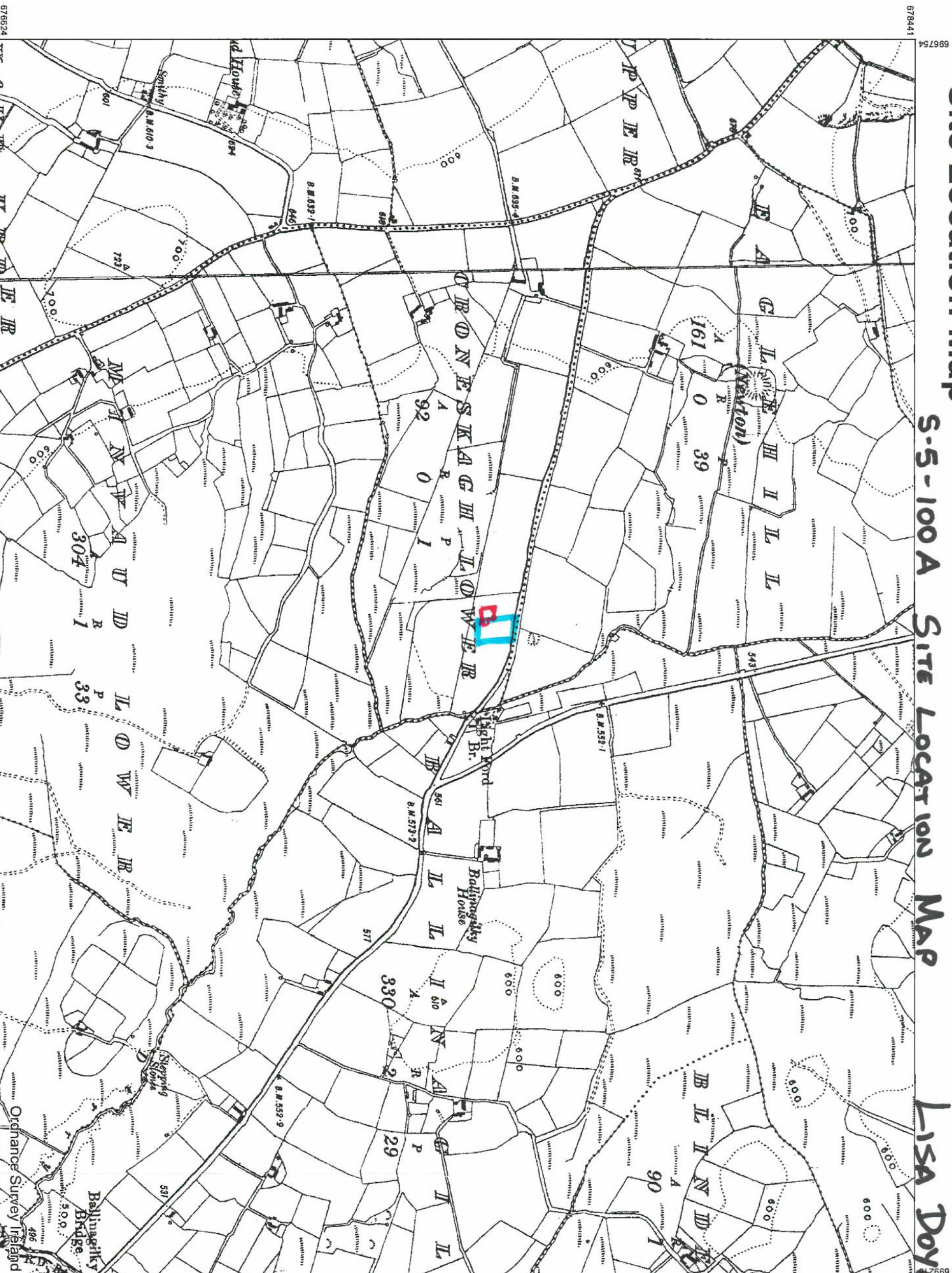
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LEGEND:

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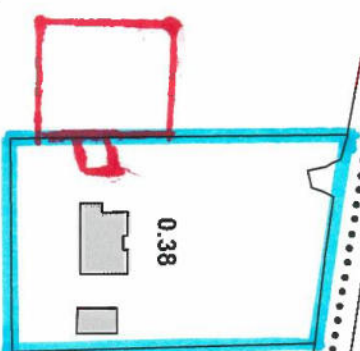
Planning Pack Map

S-5-100B - SITE LOCATION MAP



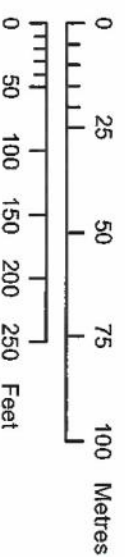
Cnoc an Iolair
(Newton)
Eagleshill (Newton)

Baile na
Giollcái
Ballinagilly



Corrán
Sceach Íochtarach
Crookes Lower

Muing Mháid
Íochtarach
Minvaud Lower



OUTPUT SCALE: 1:2,500

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Re: Sec 5/23/16 - Application for Exemption Certificate under Section 5 of the Planning and Development Act, 2000 (as amended) – The proposed building is to a Type 1: Roofed Structure for the Housing of Horses with a floor area of 199m2 at Croneskeagh Lower, Hacketstown, Co. Carlow.

Applicant's: Lisa Doyle

Name and Address for Correspondence: [REDACTED]
[REDACTED]

I refer to documentation submitted to the Planning Authority in relation to the above on the 17th April, 2023 and site inspection carried out on the 28th April 2023.

Planning History

There is one number previous planning application adjoining the site to the east -

PL. 12/222 – Permission to construct a two storey dwelling, garage, bored well, waste water treatment system, new entrance and all associated site works at Cronskeagh, Hacketstown, Co. Carlow. Permission Granted on the 19/12/2012 subject to 19 number conditions.

Site Location

The referral site is located in the rural townland of Croneskeagh Lower, Hacketstown, Co. Carlow approx. 2.3km to the south of Hacketstown. The site adjoins an existing two storey detached dwellings house and single storey detached garage to the east of the site with the existing dwellinghouse fronted and accessed off of the local road the L-2011. It is proposed to site the Type 1 Roofed structure for the housing of horses to the west and adjoining the existing two storey dwelling house and single storey detached garage and to access the site via the existing access/entrance serving the dwelling house. In addition, it is proposed to construct a new access ramp leading from and including the curtilage of the dwelling house along its western boundary to the proposed equine structure and yard. Land Registry Documentation including Folio Numbers and associated land registry/land holding maps detailing total landholding in agricultural use have not been submitted. It was noted from site inspection that the site is located within an agricultural field currently under grass with cattle grazing same on the date of inspection and with an agricultural entrance gate to the northeast of the site in the overall field and adjoining the local road the L-2011. There is not an existing farmyard or farm buildings located on this overall field or adjoining fields.

Archaeology/Protected Structures/Architectural Conservation Area

There are no registered Archaeological Monuments on site or in close proximity (within a 100m) to the site.

There are no designated Protected Structures located in proximity to the site.

The site/building is not located within an Architectural Conservation Area.

The Derry Stream is located approx. 169m to the east of the site with the Slaney River Valley SAC located approx. 2.88km to the north of the site. It is determined that a Stage 1 Appropriate Assessment Screening Report is not required.

The site/building is not located within an identified Flood Risk Zone as identified under the CFRAM system.

Unauthorized Development

There are no unauthorized development/enforcement files in relation to the property in question.

Relevant Legislative/Regulatory Provisions

Planning and Development Act 2000 (as amended):

- Section 2-Interpretations

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

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

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

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

- Section 3- Development

In this Act, “development” means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land.

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

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

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

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

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

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

Planning and Development Regulations 2001 (as amended)

- Article 6

(1) Subject to article 9, development of a class specified in column 1 of Part 1 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1.

-Part 3 of Schedule 2

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

-Class 6

Works consisting of the provision of a roofed structure for the housing of cattle, sheep, goats, donkeys, horses, deer or rabbits, having a gross floor space not exceeding 200 square metres (whether or not by extension of an existing structure), and any ancillary provision for effluent storage.

Class 6 is subject to the following conditions and limitations;

- a. *No such structure shall be used for any purpose other than the purpose of agriculture.*
- b. *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.*
- c. *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 Department of the Environment and Local Government requirements and shall have regard to the need to avoid water pollution.*
- d. *No such structure shall be situated, and no effluent from such structure shall be stored, within 10 metres of any public road.*
- e. *No such structure within 100 metres of any public road shall exceed 8 metres in height.*
- f. *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.

- g. No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.*

Assessment

The applicant was requested to submit the following further information on 5th May 2023.

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

In accordance with Section 4 of the Planning and Development Act 2000 (as amended), the proposed Type 1: Roofed Structure for the Housing of Horses needs to be on an agricultural landholding with an established agricultural use, in order to avail of the exemptions in Class 6 of the Regulations.

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

- (c) 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*

Whether the development constitutes exempted development or not requires consideration of Section 4 of the Act which states development shall be exempt where development consists of the use of any land for the purpose of agriculture and development consisting of the use for that purpose of any building occupied together with land so used.

There is no evidence submitted that the proposed development constitutes an agricultural use associated with the land. It would appear that the proposal is ancillary to the residential use of the adjoining site with the provision of a ramp from the curtilage of the residential dwelling.

The proposal as submitted would not be in compliance with the provision of Section 4.

Therefore, to enable the Planning Authority to assess the proposals the applicant is requested to submit the following further information.

- i) The applicant is requested to outline the extent of the agricultural landholding (if any) ancillary to the development and associated current access arrangements from the landholding serviced by the proposed development. It was noted that on-site inspection carried out that there is an existing agricultural entrance/gateway serving the existing field of which the site forms part. 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.

- ii) The applicant is requested to detail the current access arrangements for the landholding.
- iii) Provide documentary proof verifying the agricultural use of the landholding to be submitted.
- i) Provide details (if any) of the location of the farmyard and or farm building(s) currently serving this agricultural land.

2. Article 6 of the Planning and Development Regulations 2001 (as amended) provides that development of a class specified in Schedule 2 to the Regulations shall be exempted, provided that the conditions and limitations attached to those various classes are met.

With reference to Condition/Limitation No. 3 of Class 6 it is detailed in the application form that there is no planned effluent storage and all drainage from roof and concrete yard areas will be discharged to suitably sized Soakaway areas in the adjacent farm field area.

From the elevational and floor plans submitted it is noted that there is an unroofed dungstead/dung storage area beside the proposed Type 1: Roofed Structure for the Housing of Horses.

In accordance with Condition/Limitation no. 3 of Class 6 - 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 Department of the Environment and Local Government requirements and shall have regard to the need to avoid water pollution.

In this regard the applicant is requested to submit the following –

- i) The applicant shall clearly demonstrate how effluent from the outside uncovered dungstead/dung storage area will be collected and prevented from entering the surface drainage network.
- ii) The bedding and manure provided from the stables will have to be land spread and the applicant must demonstrate/show if she has sufficient land available to deal with the bedding and manure spread from the stables.
- iii) No details have been provided of any wash down area for the horses or how any wash water from this activity will be collected and disposed.

All effluent storage facilities are required to comply with SI 113 of 2022 EUROPEAN COMMUNITIES (GOOD AGRICULTURAL PRACTICE FOR PROTECTION OF WATERS) REGULATIONS 2022.

In response to Further Information requested on 5th May 2023, the applicant has on the 17th May 2023 submitted the following –

- 1.i) The applicant has submitted maps from National Mapping Division of Tailte Eireann outlining the extent of agricultural landholding ancillary to the development. These maps detail a parcel of land outlined in Blue and identified as Area B which is leased by the applicant. A Copy of the lease between the applicant (Lisa Doyle) and the owner (John

Walsh) is enclosed which was entered into on the 01/03/2023 with the term of the lease being for a term of 7 years and expiring on the 28th day of February 2030.

Area B which is outlined in Red on the maps submitted and which contains the site where the proposed building Type 1: Roofed Structure for the Housing of Horses with a floor area of 199m² is to be located and where there is an existing agricultural entrance gate to the northeast of the site in the overall field and adjoining the local road the L-2011 is detailed as currently being transferred to the ownership of the applicant.

The applicant further details the following in the covering letter submitted –

The extent of the landholding associated with this development comprises lands contained within Folio CW4928F with a total land area of 5.60 hectares. The land is per the areas highlighted and identified as Area A and Area B on the attached mapping appended. For information and avoidance of doubt the 5.60 hectares is comprised as follows;

- Area A – 0.44 Hectares – Currently being transferred to the ownership of the applicant.
- Area B – 5.16 Hectares – Currently leased by the applicant (copy of lease is appended).

It is also noted that the surrounding lands (Folios CW4928F, CW550F and CW551F) are in the ownership of the applicant's parents.

ii) The current access arrangements for this landholding – lands as identified at Area A and Area B on the maps submitted – is via the field access gate off the L2011 local road. The location of this field access gate off the L2011 local road which serve the landholding area A and area B is further detailed on Site Layout Plan submitted. It is noted on same that the proposed new access ramp leading from and within the curtilage of the existing dwelling house to the proposed shed is also detailed on same. There are no provisions in relation to same in the Planning and Development Regulations, 2001 (as amended). Consequently, the exemptions in relation to Agricultural Structures under Planning and Development Regulations 2001-2022, Schedule 2, Part 3, Class 6, Conditions and Limitations Exempted Development and the Conditions and Limitations as set out in Column 2 **are not applicable in this instance**. As such this element of the development is considered to be **development and is not exempted development**.

iii) The applicant states that the use of the lands identified at Area A and Area B have been for the purposes of Agriculture including rearing of livestock namely Cattle, Sheep and Horses for the entirety of her life. She is involved in the Equestrian sport in both the areas of breeding and competing sport horses. Enclosed are four number identification documents/Passports of four horses in the applicant's ownership. Further it is detailed that the applicant has a live application for an Equestrian number to be associated with this land holding.

It was noted on site inspection by the undersigned that the lands in question were in agricultural use, under grass with cattle present on same.

iv) The lands identified as Area A and Area B are not currently serviced by a farmyard within the ownership of the applicant. Prior to the land transfer and lease of the

aforementioned areas A and B, the applicant's parent's farmyard at Folio CW551F would have historically serviced this land.

2. i) Any effluent from the dung storage area will be collected via an open channel installed along the frontage of the dung storage area. The proposed elevation level of the dung storage area shall be 225mm above the adjacent concrete yard area with a sloping fall to the collection channel at the front. The collection channel shall have a depth to invert of 100mm which will ensure that the only area draining in this channel shall be the dung storage area of 3.658m x 3.658m or 13.40m² total area. Figure 1 details the channel to be installed. The Outfall channel shall then flow directly to a oiled water tank and sedimentation chamber to be installed.

The sizing of the proposed effluent storage tank shall be as per the Department of Agriculture Food and Marine (DAFM) specification document S108 and specifically Item C8 – Effluent Tank, which states that *“A reinforced Concrete tank shall be constructed in accordance with S123. The Tank shall be sized to retain at least 16 weeks effluent and rainfall, from the dungstead, for the duration of the house period”*.

Based on this requirement below in Fig 2 is the available Met Eireann data set for County Carlow rainfall data for the years 2020 to date. Based on this data set the total yearly rainfall varies from 682.2mm in 2021 to 786.9mm in 2020 and 777.7mm in 2022. The average monthly rainfall in each year is observed as follows;

2020 - 66mm

2021 - 57mm

2022 – 65mm

Based on the above the average monthly rainfall can be expected to be between 57 and 66mm. Therefore, the total maximum rainfall that can be expected to fall on the proposed dungstead storage area in the 16 week period is approximately 4 times the 66mm or 264mm. The area of the dungstead is 13.49m² resulting in a volume of storage of approximately 3.54m³. In order to build in a factor of safety the applicant is proposing to install a precast concrete tank sourced from Carlow Concrete Tanks with a capacity of 4.5m³ or 1000 Gallons.

ii) The bedding and manure provided from the stables shall be land spread over the areas as part of the applicant's landholding namely Area A and Area B. All land spreading of dung shall be in accordance with the dates and yearly timings stipulated by DAFM.

iii) The applicant wishes to clarify that the “open front bay to house equine stock” as detailed on drawing S-5-102 – Floor Plans and Section, will have a co-ordinated use to act as a wash bay. In short, the Housing stock shall be a demountable type. The drainage for this wash bay will be as per detailed on new drawing S-5 -105- Drainage details submitted with the Further Information response.

In this regard the further information response to the proposal (Section 5) was referred to the Environment Section for report in relation to same.

Mr. Fergus Mulhare, Exec. Scientist in his report dated 19/05/2023 states –

The application is a Section 5 proposal for a new horse stables.

The applicant is proposing to store the manure from a possible 7-unit horse stables in an uncovered dungstead beside the stable unit. This will be exposed to the rain and will therefore produce effluent.

The applicant has now proposed a 4.5m³ concrete effluent tank to collect any soiled water from the dungstead.

The applicant has submitted detailed calculations to show that the new proposed tank will cater for the average rainfall expected in Co Carlow. The proposed dungstead is adequately sized to cater for the bedding produced over the 16 wk storage period required in SI 113 of 2022.

I am satisfied that the 5.6 hectares available to the applicant is adequate to cater for the land spreading of the bedding and manure produced from the 7-horse stable unit.

Therefore, I consider that the applicant has met the Condition/ Limitation No 3 of Class 6- Effluent storage facilities adequate to serve the structure having regard to its size, use and location etc.

Class 6, in Part 3, of Schedule 2 of the Planning and Development Regulations 2001 (as amended) applies to the proposed building to be a Type 1: roofed Structure for the housing of horses with a floor area of 199m². Obtaining an exempted development status under Class 6 requires compliance with the 7 number Conditions/Limitations detailed below.

Class 6 is subject to the following conditions and limitations;

- a. *No such structure shall be used for any purpose other than the purpose of agriculture.*

Assessment: The proposed development consists of the proposed building of a Type 1: Roofed Structure for the housing of horses with a floor area of 199m².

- b. *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.*

Assessment: As evident in the details, plans and particulars submitted the stated area of the proposed building of a Type 1: Roofed Structure for the housing of horses is 199m² and as evident on the day of site inspection there are no other such structures within a 100m of the complex.

- c. *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 Department of the Environment and Local*

Government requirements and shall have regard to the need to avoid water pollution.

Assessment: As evident in the further information submitted to the Planning Authority on the 17/05/2023 and the report received from the Environment Section Carlow County Council on the 19/05/2023 in response to same, 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.

- d. *No such structure shall be situated, and no effluent from such structure shall be stored, within 10 metres of any public road.*

Assessment: The proposed building to be a Type 1: roofed structure for the housing of horses with a floor area of 199m² and any effluent from the dung storage area is located approx. 40m from the public road L- 2011.

- e. *No such structure within 100 metres of any public road shall exceed 8 metres in height.*

Assessment: The proposed building to be a Type 1: roofed structure for the housing of horses with a floor area of 199m² is located approx. 40m from the public road L- 2011 and has a maximum height of 4.5m.

- f. *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.*

Assessment: The proposed building to be a Type 1: roofed structure for the housing of horses with a floor area of 199m² and effluent from the dungstead area is located approx. 19.5m to 20m from the applicants dwelling house. There are no other residential buildings/dwellings, school, hospital, church or building used for public assembly within 100metres of the proposed structure.

- g. *No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.*

Assessment: The proposed building to be a Type 1: roofed structure for the housing of horses with a floor area of 199m² is to have external finishes of part concrete walls and painted sheeting finishes to roof and part side(s) which will be green or blue Tegral Agri Build sheeting.

Conclusion

a)Based on the information submitted to the Planning Authority on the 17th April 2023 and the 17th May 2023 and on the above, the proposed structure consisting of building to be a Type 1: Roofed Structure for the housing of horses with a floor area of 199m² falls under Class 6 exempted rural Agricultural Structures used for agricultural purposes.

b) It is noted on the information/plans and particulars submitted to the Planning Authority on the 17th April 2023 and the 17th May 2023 that the applicant proposes to construct a new access ramp leading from and within the curtilage of the existing dwelling house to the

proposed structure. There are no provisions in relation to same in the Planning and Development Regulations, 2001 (as amended). Consequently, the exemptions in relation to Agricultural Structures under Planning and Development Regulations 2001-2022, Schedule 2, Part 3, Class 6, Conditions and Limitations Exempted Development and the Conditions and Limitations as set out in Column 2 **are not applicable in this instance**. As such this element of the development is considered to be **development and is not exempted development**.

Recommendation

Overall having regard to the details and drawings submitted with the referral it is considered that the development –

A) The proposed structure consisting of building to be a Type 1: Roofed Structure for the housing of horses with a floor area of 199m² as declared meets the conditions and limitations set out in column 2 of Schedule 2, Part 3, Class 6 of the Planning and Development Regulations 2001, as amended. It is therefore considered that it constitutes **development and is exempted development**.

B) The construction of a new access ramp leading from and within the curtilage of the existing dwelling house to the proposed structure. There are no provisions in relation to same in the Planning and Development Regulations, 2001 (as amended). Consequently, the exemptions in relation to Agricultural Structures under Planning and Development Regulations 2001-2022, Schedule 2, Part 3, Class 6, Conditions and Limitations Exempted Development and the Conditions and Limitations as set out in Column 2 **are not applicable in this instance**. It is therefore considered that the construction of a new access ramp leading from and within the curtilage of the existing dwelling house to the proposed structure is considered to be **development and is not 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: SEC5/23/16

WHEREAS a question has arisen as to whether a proposed building to be a Type 1: roofed structure for the housing of horses with a floor area of 199m² at Croniskeagh Lower, Hacketstown, Co. 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 the 17th April 2023 and further information received on the 17th May 2023.

AND WHEREAS Lisa Doyle, [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) and
- c) Schedule 2, Part 3 Class 6 of the Planning and Development Regulations 2001 (as amended).

AND WHEREAS Carlow County Council has concluded the following –

- A) The proposed structure consisting of the proposed building to be a Type 1: Roofed Structure for the housing of horses with a floor area of 199m² as declared meets the conditions and limitations set out in Column 2 of Schedule 2, Part 3, Class 6 of the Planning and Development Regulations 2001 (as amended). Therefore, the proposal does come within the scope of Class 6 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 proposed building to be a Type 1: Roofed Structure for the housing of horses with a floor area of 199m² as detailed on the submitted declaration drawings **is development and is exempted development.**

- B) The proposal includes the construction of a new access ramp leading from and within the curtilage of the existing dwelling house to the proposed structure. There are no exempt development provisions in relation to same in the Planning and Development Act 2000 (as amended) or in 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 for a new access ramp leading from and within the curtilage of the existing dwelling house to the proposed structure (proposed building to be a Type 1: Roofed Structure for the housing of horses with a floor area of 199m²) as detailed on the submitted declaration drawings, **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: Paula Murphy
Clerk. Planning

Accepted
29/05/23

✓

Re: Sec 5/23/16 - Application for Exemption Certificate under Section 5 of the Planning and Development Act, 2000 (as amended) – The proposed building is to a Type 1: Roofed Structure for the Housing of Horses with a floor area of 199m² at Croneskeagh Lower, Hacketstown, Co. Carlow.

Applicant's: Lisa Doyle

Name and Address for Correspondence: Ms. Lisa Doyle, [REDACTED]
[REDACTED]

I refer to documentation submitted to the Planning Authority in relation to the above on the 17th April, 2023 and site inspection carried out on the 28th April 2023.

Planning History

There is one number previous planning application adjoining the site to the east -

PL. 12/222 -- Permission to construct a two storey dwelling, garage, bored well, waste water treatment system, new entrance and all associated site works at Cronskeagh, Hacketstown, Co. Carlow. Permission Granted on the 19/12/2012 subject to 19 number conditions.

Site Location

The referral site is located in the rural townland of Croneskeagh Lower, Hacketstown, Co. Carlow approx. 2.3km to the south of Hacketstown. The site adjoins an existing two storey detached dwellings house and single storey detached garage to the east of the site with the existing dwellinghouse fronted and accessed off of the local road the L-2011. It is proposed to site the Type 1 Roofed structure for the housing of horses to the west and adjoining the existing two storey dwelling house and single storey detached garage and to access the site via the existing access/entrance serving the dwelling house. In addition, it is proposed to construct a new access ramp leading from and including the curtilage of the dwelling house along its western boundary to the proposed equine structure and yard. Land Registry Documentation including Folio Numbers and associated land registry/land holding maps detailing total landholding in agricultural use have not been submitted. It was noted from site inspection that the site is located within an agricultural field currently under grass with cattle grazing same on the date of inspection and with an agricultural entrance gate to the northeast of the site in the overall field and adjoining the local road the L-2011. There is not an existing farmyard or farm buildings located on this overall field or adjoining fields.

Archaeology/Protected Structures/Architectural Conservation Area

There are no registered Archaeological Monuments on site or in close proximity (within a 100m) to the site.

There are no designated Protected Structures located in proximity to the site.

The site/building is not located within an Architectural Conservation Area.

The Derry Stream is located approx. 169m to the east of the site with the Slaney River Valley SAC located approx. 2.88km to the north of the site. It is determined that a Stage 1 Appropriate Assessment Screening Report is not required.

The site/building is not located within an identified Flood Risk Zone as identified under the CFRAM system.

Unauthorized Development

There are no unauthorized development/enforcement files in relation to the property in question.

Relevant Legislative/Regulatory Provisions

Planning and Development Act 2000 (as amended):

- Section 2-Interpretations

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

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

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

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

- Section 3- Development

In this Act, “development” means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land.

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

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

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

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

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

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

Planning and Development Regulations 2001 (as amended)

- Article 6

(1) Subject to article 9, development of a class specified in column 1 of Part 1 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1.

-Part 3 of Schedule 2

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

-Class 6

Works consisting of the provision of a roofed structure for the housing of cattle, sheep, goats, donkeys, horses, deer or rabbits, having a gross floor space not exceeding 200 square metres (whether or not by extension of an existing structure), and any ancillary provision for effluent storage.

Class 6 is subject to the following conditions and limitations;

1. *No such structure shall be used for any purpose other than the purpose of agriculture.*
2. *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.*
3. *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 Department of the Environment and Local Government requirements and shall have regard to the need to avoid water pollution.*
4. *No such structure shall be situated, and no effluent from such structure shall be stored, within 10 metres of any public road.*
5. *No such structure within 100 metres of any public road shall exceed 8 metres in height.*
6. *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.

7. *No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.*

Assessment

The referral is made under Part 3 Schedule 2 Class 6 of the Planning and Development Regulations 2001 (as amended). The application form submitted states clearly that it is intended to use the proposed Type 1: Roofed Structure for the Housing of Horses. The Planning Authority considers that the erection of an agricultural shed is considered to constitute works as per Section 2 (1) of the Planning and Development Act 2000 (as amended) and is therefore development as set out in Section 3 of the Act.

Section 4 of the Act states development shall be exempt where it consists of the use of any land for the purpose of agriculture and development consisting of the use for that purpose of any building occupied together with land so used. The referral form states that they are proposing to construct a Type 1: Roofed Structure for the Housing of Horses. In accordance with Section 4, the Type 1: Roofed Structure for the Housing of Horses needs to be on an agricultural landholding with an established agricultural use, in order to avail of the exemptions in Class 6 of the Regulations.

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

- (a) *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*

Whether the development constitutes exempted development or not requires consideration of Section 4 of the Act which states development shall be exempt where development consists of the use of any land for the purpose of agriculture and development consisting of the use for that purpose of any building occupied together with land so used.

There is no evidence submitted that the proposed development constitutes an agricultural use associated with the land. It would appear that the proposal is ancillary to the residential use of the adjoining site with the provision of a ramp from the curtilage of the residential dwelling. The proposal as submitted would not be in compliance with the provision of Section 4.

The applicant shall be requested to outline the extent of the agricultural landholding (if any) ancillary to the development and associated current access arrangements from the landholding serviced by the proposed development. It was noted that on-site inspection carried out that there is an existing agricultural entrance/gateway serving the existing field of which the site forms part.

The site and overall field is not serviced by any existing farmyard or farm building and there are no other such structures within 100m of the proposed Type 1: Roofed Structure for the Housing of Horses.

From the application form and elevational and floor plan drawings submitted indicate that the Type 1: Roofed Structure for the Housing of Horses will have a stated floor area of 199m. sq, a height of 4.5m and will be constructed from roof and side sheeting with concrete walls to some elevations. With reference to Condition/Limitation No. 7 the colour of the roof and side sheeting is detailed as will be a painted finish Green or Blue Tegral Agri Build sheeting. With reference to Condition/Limitation No.'s 4, 5 BS 6 the Type 1: Roofed Structure for the Housing of Horses will not be located within 10m of any public road, nor over 8m in height and will not be within 100m of any house (other than the house of the person providing the structure) or residential building or school, hospital, church or building used for public assembly.

With reference to Condition/Limitation No. 3, it is detailed in the application form that there is no planned effluent storage and all drainage from roof and concrete yard areas will be discharged to suitably sized Soakaway areas in the adjacent farm field area. It is further stated that the neighbouring dwellings existing Water Well is approximately 55 metres from the proposed structure and will be further away from any proposed soakaways. The closest dwelling is that of the applicant and no other dwelling is situated within 200m of the proposed equine shed.

From the elevational and floor plans submitted it is noted that there is an unroofed dungstead/dung storage area beside the proposed Type 1: Roofed Structure for the Housing of Horses.

In this regard the proposal (Section 5) was referred to the Environment Section for report in relation to same.

Mr. Fergus Mulhare, Exec. Scientist in his report dated 24/04/2023 states –

It is my opinion that based on the information provided this proposed development poses a risk to ground and surface waters. The applicant must show how effluent from the outside uncovered dungstead/dung storage area will be collected and prevented from entering the surface drainage network.

The bedding and manure provided from the stables will have to be land spread and they must show if they have sufficient land available to deal with the bedding and manure spread from the stables.

No details have been provided of any wash down area for the horses or how any wash water from this activity will be collected and disposed.

Therefore, I consider that additional information is required, and the development requires planning permission to comply with SI 113 of 2022 EUROPEAN COMMUNITIES (GOOD AGRICULTURAL PRACTICE FOR PROTECTION OF WATERS) REGULATIONS 2022.

Condition/Limitation 3

2. *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 Department of the Environment and Local Government requirements and shall have regard to the need to avoid water pollution.*

The above condition/limitation 3 has not been demonstrated to be complied with.

Recommendation

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

In accordance with Section 4 of the Planning and Development Act 2000 (as amended), the proposed Type 1: Roofed Structure for the Housing of Horses needs to be on an agricultural landholding with an established agricultural use, in order to avail of the exemptions in Class 6 of the Regulations.

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

- (b) *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*

Whether the development constitutes exempted development or not requires consideration of Section 4 of the Act which states development shall be exempt where development consists of the use of any land for the purpose of agriculture and development consisting of the use for that purpose of any building occupied together with land so used.

There is no evidence submitted that the proposed development constitutes an agricultural use associated with the land. It would appear that the proposal is ancillary to the residential use of the adjoining site with the provision of a ramp from the curtilage of the residential dwelling.

The proposal as submitted would not be in compliance with the provision of Section 4.

Therefore, to enable the Planning Authority to assess the proposals the applicant is requested to submit the following further information.

- i) The applicant is requested to outline the extent of the agricultural landholding (if any) ancillary to the development and associated current access arrangements from the landholding to service the proposed development. It was noted that on-site inspection carried out that there is an existing agricultural entrance/gateway serving the existing field of which the site forms part. 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.

- ii) The applicant is requested to detail the current access arrangements for the landholding.
- iii) Provide documentary proof verifying the agricultural use of the landholding to be submitted.
- iv) Provide details (if any) of the location of the farmyard and or farm building(s) currently serving this agricultural land.

2. Article 6 of the Planning and Development Regulations 2001 (as amended) provides that development of a class specified in Schedule 2 to the Regulations shall be exempted, provided that the conditions and limitations attached to those various classes are met.

With reference to Condition/Limitation No. 3 of Class 6 it is detailed in the application form that there is no planned effluent storage and all drainage from roof and concrete yard areas will be discharged to suitably sized Soakaway areas in the adjacent farm field area.

From the elevational and floor plans submitted it is noted that there is an unroofed dungstead/dung storage area beside the proposed Type 1: Roofed Structure for the Housing of Horses.

In accordance with Condition/Limitation no. 3 of Class 6 - 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 Department of the Environment and Local Government requirements and shall have regard to the need to avoid water pollution.

In this regard the applicant is requested to submit the following –

- i) The applicant shall clearly demonstrate how effluent from the outside uncovered dungstead/dung storage area will be collected and prevented from entering the surface drainage network.
- ii) The bedding and manure provided from the stables will have to be land spread and the applicant must demonstrate/show if she has sufficient land available to deal with the bedding and manure spread from the stables.
- iii) No details have been provided of any wash down area for the horses or how any wash water from this activity will be collected and disposed.

All effluent storage facilities are required to comply with SI 113 of 2022 EUROPEAN COMMUNITIES (GOOD AGRICULTURAL PRACTICE FOR PROTECTION OF WATERS) REGULATIONS 2022.

Signed

Paula Murphy
Esac. Phatzen

A. S.
S.P.
3/5/23

APPENDIX ONE

DESCRIPTION OF PROJECT AND LOCAL SITE

Section 5-23-16 – The proposed building is to be a Type 1: Roofed Structure for the Housing of Horses with a floor area of 199m² at Croneskeagh Lower, Hacketstown, Co. Carlow.

Site Location:

Croneskeagh Lower, Hacketstown, Co. Carlow.

Site Size:

N/A

Floor area of proposed development:

199m²

Identification of nearby Natura 2000 site(s): Slaney River Valley SAC.

The Derry Stream is located approx. 169m to the east of the site with the Slaney River Valley SAC located approx. 2.88km to the north of the site.

It is determined that a Stage 1 Appropriate Assessment Screening Report is not required.

Is the application accompanied by an EIS?

No.

B. IDENTIFICATION OF THE RELEVANT 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:

A site synopsis can be obtained from www.npws.ie

C. NPWS ADVICE

Advice received from NPWS over phone:

None

Summary of advice received from NPWS in written form:

None

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.

Would there be any impact on an Annex 1 habitat? (Annex 1 habitats are listed in Appendix 1 of AA Guidance)

No.

Would there be a reduction in habitat area on a Natura 2000 site?

No.

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.

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.

Would there be direct/indirect damage to the size, characteristics or reproductive ability of populations on the Natura 2000 site?

No.

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 them).

No.

E. SCREENING CONCLUSION

It is determined that a Stage 1 Appropriate Assessment Screening Report is **not required**.

Signed

Paula Murphy
Escc. Planner



**Declaration on Development & Exempted Development
Section 5 of the Planning and Development Act 2000 (as amended)
Reg. Ref: SEC5/23/16**

WHEREAS a question has arisen as to whether a proposed building to be a Type 1: roofed structure for the housing of horses with a floor area of 199m² at Croniskeagh Lower, Hacketstown, Co. 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 the 17th April 2023 and further information received on the 17th May 2023.

AND WHEREAS Lisa Doyle, [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) and
- c) Schedule 2, Part 3 Class 6 of the Planning and Development Regulations 2001 (as amended).

AND WHEREAS Carlow County Council has concluded the following –

- A) The proposed structure consisting of the proposed building to be a Type 1: Roofed Structure for the housing of horses with a floor area of 199m² as declared meets the conditions and limitations set out in Column 2 of Schedule 2, Part 3, Class 6 of the Planning and Development Regulations 2001 (as amended). Therefore, the proposal does come within the scope of Class 6 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 proposed building to be a Type 1: Roofed Structure for the housing of horses with a floor area of 199m² as detailed on the submitted declaration drawings **is development and is exempted development.**

- B) The proposal includes the construction of a new access ramp leading from and within the curtilage of the existing dwelling house to the proposed structure. There are no exempt development provisions in relation to same in the Planning and Development Act 2000 (as amended) or in 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 for a new access ramp leading from and within the curtilage of the existing dwelling house to the proposed structure (proposed building to be a Type 1: Roofed Structure for the housing of horses with a floor area of 199m²) as detailed on the submitted declaration drawings, **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'Neen

Date: 30th May 2023