

COMHAIRLE CHONTAE CEATHARLOCHA
CARLOW COUNTY COUNCIL

CARLOW
COUNTY COUNCIL



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: Jenny WATKINS

2. Address of applicant: [REDACTED]

3. Name and address for correspondence: AS ABOVE.

Tel. No: 086 Fax No: _____ E-mail: [REDACTED]

4. Location of Development: Townland: Deerpark NEW CO. CARLOW

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

5. Name and Address of Agent: N/A

6. Outline clearly the description of the development / proposal: I propose to construct a permanent structure which will replace existing temporary structure (containers) for the function of veg prep, packing + general storage. the proposed building will be 6m x 9m; the ground floor will meet the needs of veg prep + machine storage + upstairs will be for packaging materials, seeds + potentially drying of some vegetables as well; essentially it will be a building which serves a variety of farm needs.

7. Is this a Protected Structure or within the curtilage of a Protected Structure: N/a
8. List any previous applications relating to the site: PP 22/343
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: _____

site location map (1:2500)
site layout map (1:500) - building marked in pink
building drawing (1:50)

Signed: Jenny Harkin
(Signature of Applicant)

Date: 20 Jun 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

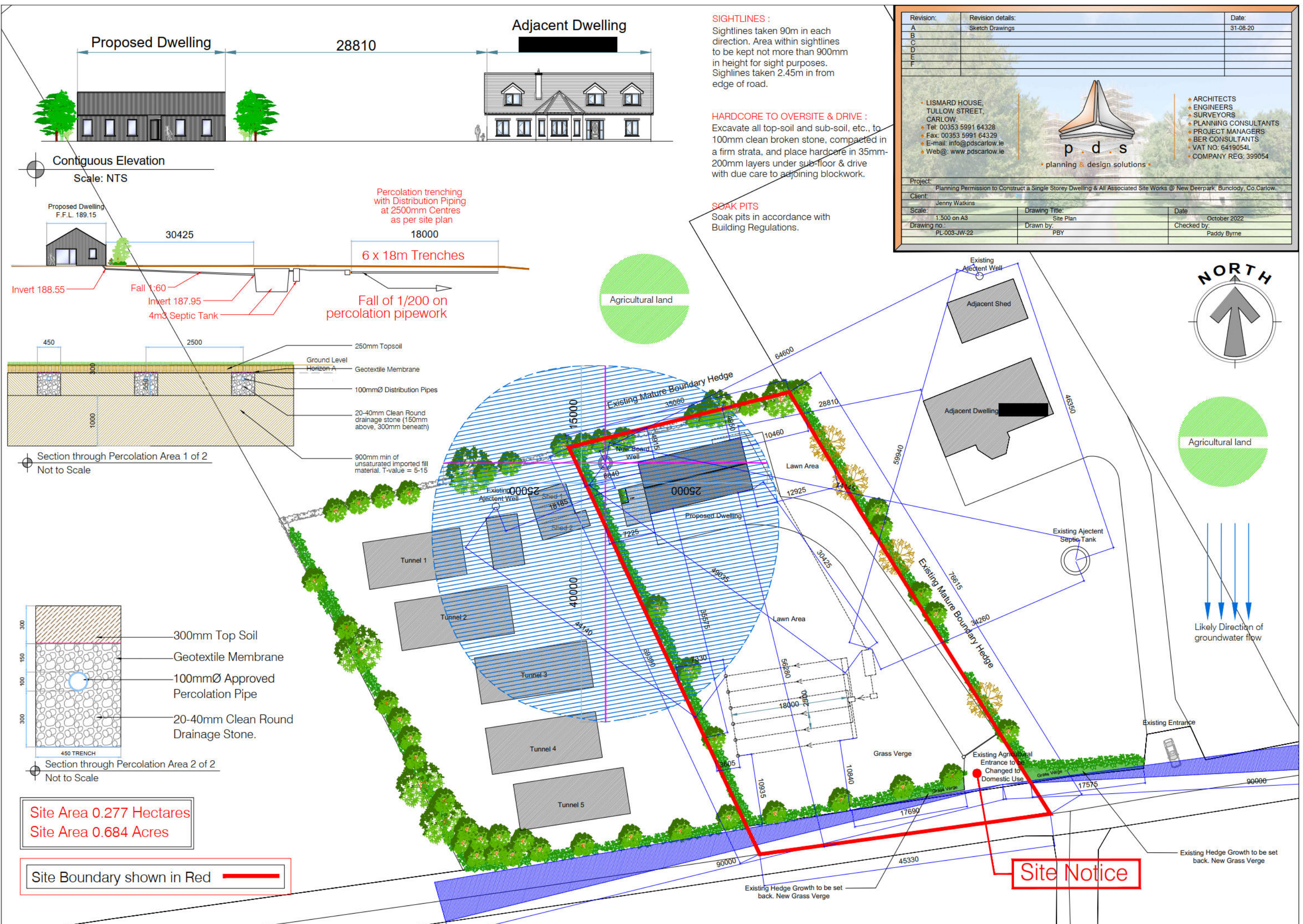
OFFICE USE ONLY

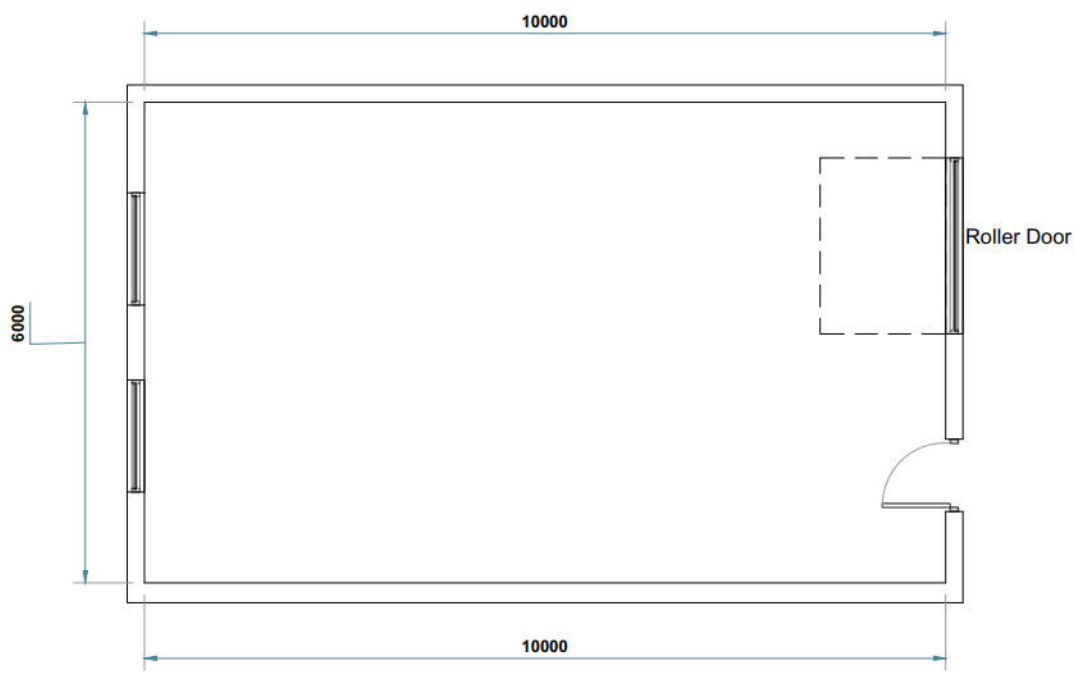
Date Received: _____

Date Decision Due: _____

Date of Decision: _____

Recommendation: _____





Ground Floor Layout
Scale: 1/100
Total Area 60m²

Revision:	Revision details:	Date:
A		
B		
C		
D		
E		
F		

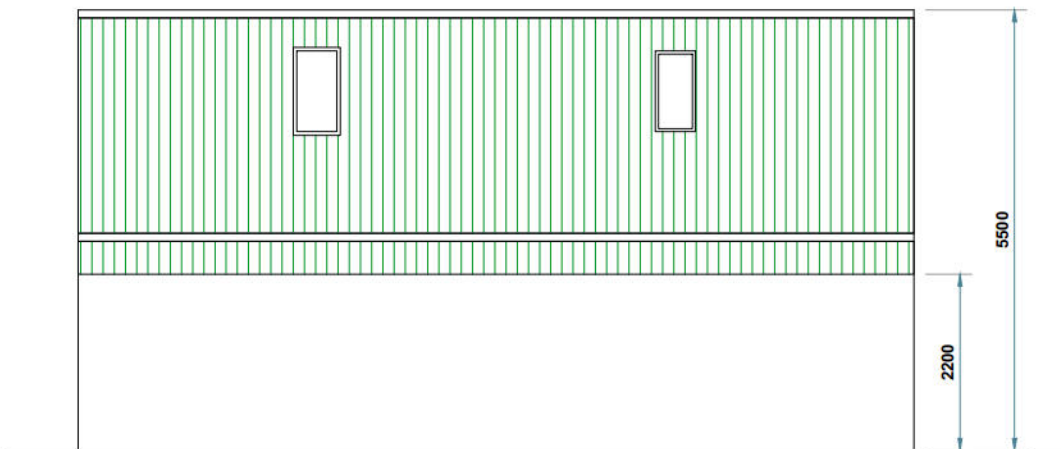
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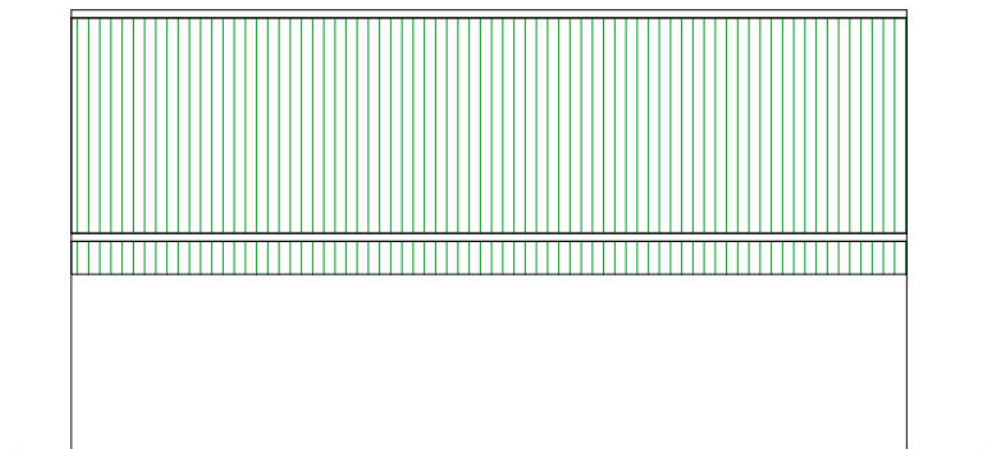
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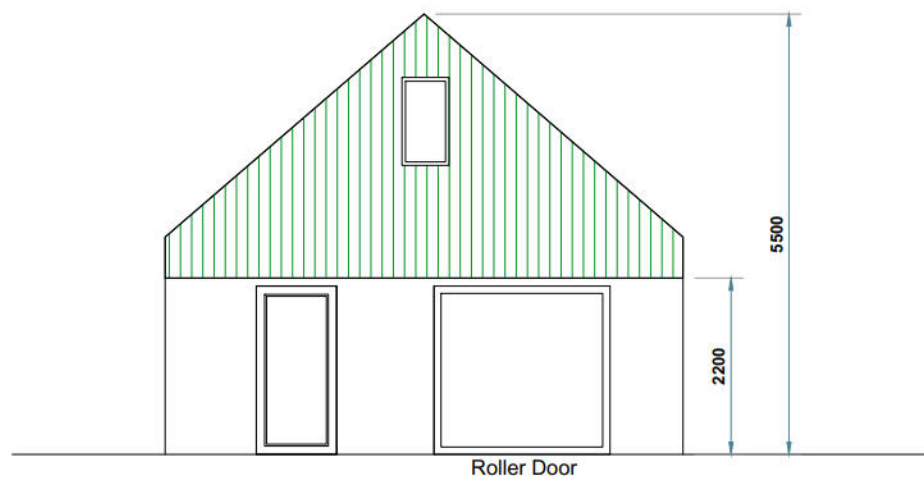
Project: Proposed Exemption works @ New Deerpark, Bundlody, Co.Carlow.		
Client: Jenny Watkins		
Scale: 1:100 on A4	Drawing Title: Proposed Shed	Date: May 2023
Drawing no.: CD-005-JW-23	Drawn by: PBY	Checked by: Paddy Byrne



Side Elevation
Scale: 1/100



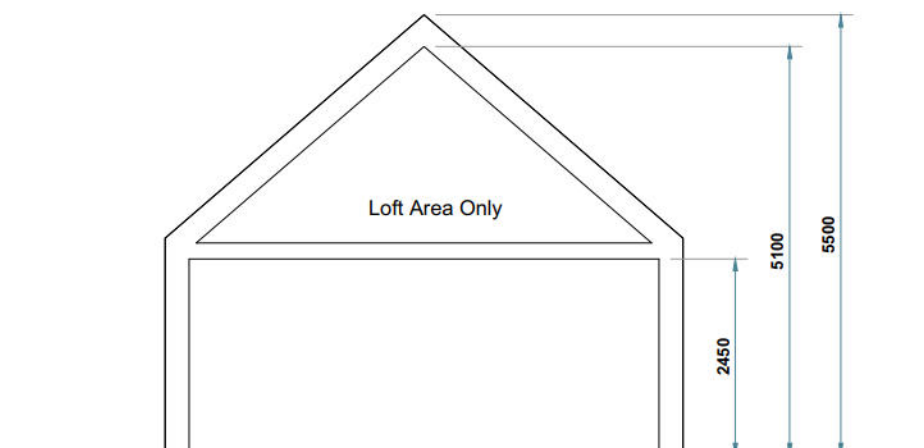
Side Elevation
Scale: 1/100



Front Elevation
Scale: 1/100

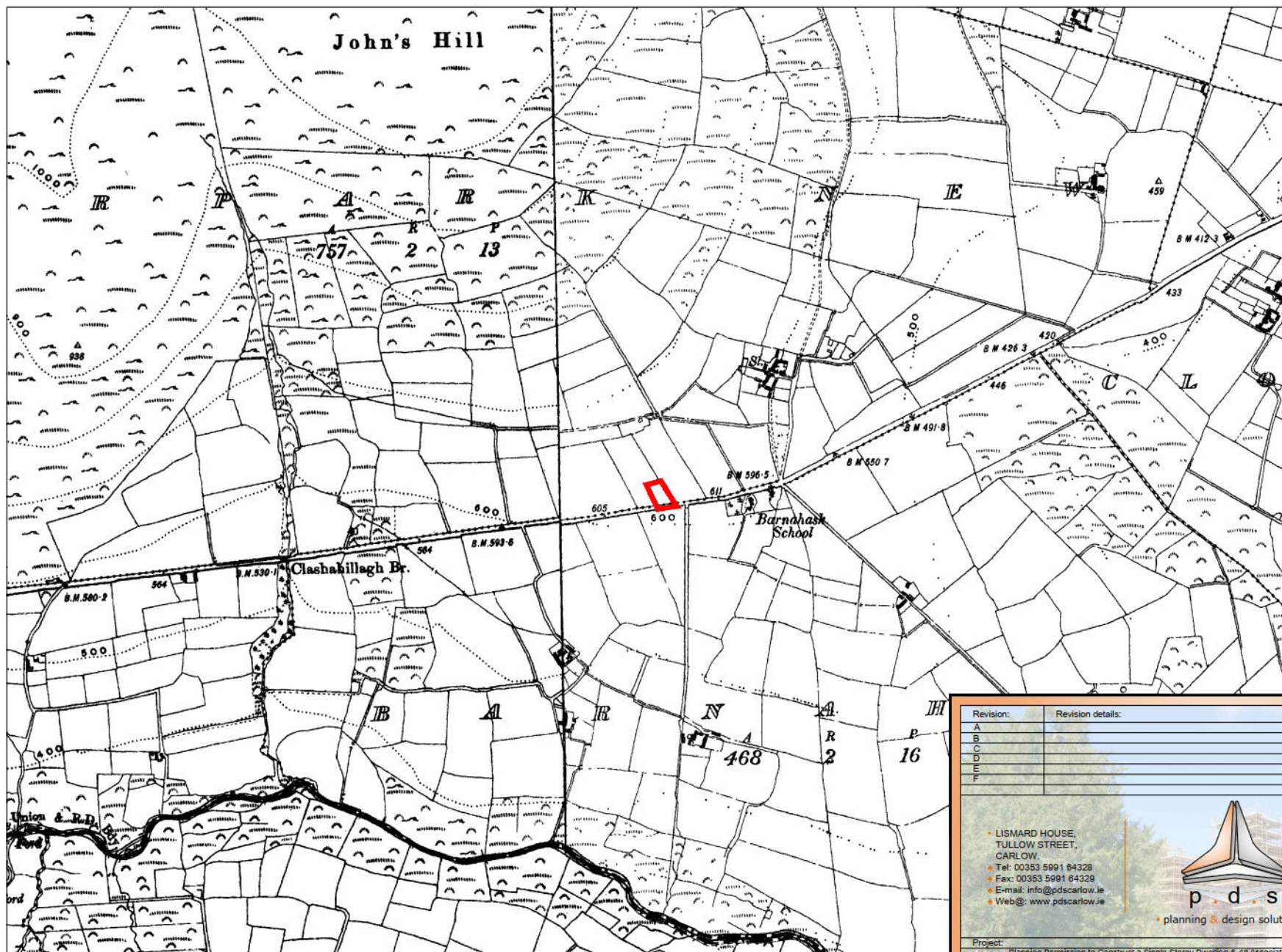


Rear Elevation
Scale: 1/100



Section 1 -1
Scale: 1/100

Total Floor Area 60m²



Output Format:
1:10560

Output File:
R_00_25315791_0000001.tif

Map Series:
6 inch

VX009
REVISION DATE = 31-Dec-1981
SURVEY DATE = 31-Dec-1989
LEVELLED DATE = 31-Dec-1981

CW009
REVISION DATE = 31-Dec-1986
SURVEY DATE = 31-Dec-1989

CW001
REVISION DATE = 31-Dec-1986
SURVEY DATE = 31-Dec-1989

Raster Extent:
LLX,LLY = 686779.654819
URX,URY = 686239.654819
LLX,LLY = 686779.656635
URX,URY = 686239.656635

Projection:
ITM

ITM Centre Point Co-ordinate:
X,Y = 686009.655727

Extraction Date:
14-Dec-2017

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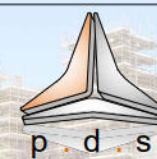
Ní hionann bóthar, bealach nó cosán a bheith
ar
an léarscáil seo agus fíoras ar chuid eile.
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track
or footpath is not evidence of the existence
of a
right of way.

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deiríne
de rianán rian, ná dréireacht de ghníthe
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features.



Revision:	Revision details:	Date:
A		
B		
C		
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E		
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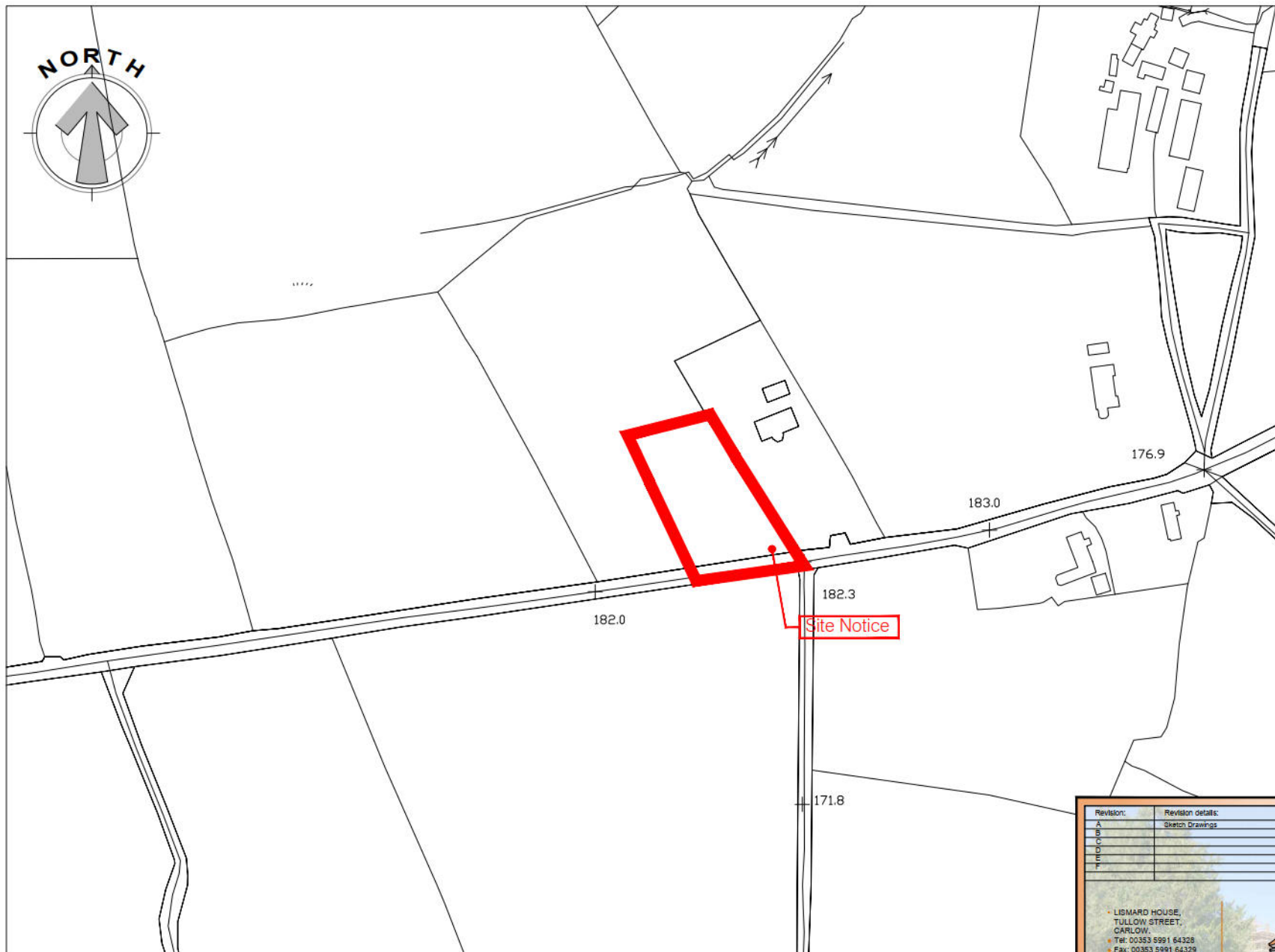
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Project: Planning Permission to Construct a Single Storey Dwelling & All Associated Site Works @ New Deep Park, Bundlody, Co. Carlow.		
Client: Jenny Watkins		
Scale: 1:10560 on A4	Drawing Title: Site Location	Date: October 2022
Drawing no.: PL-001-JW-22	Drawn by: PBY	Checked by: Paddy Byrne

**** PLANNING DRAWINGS ONLY ****

Digital Map received from the Map Centre, Waterford



Output Format:

DWG_35_LEVEL

Output File:

V_00_25315791_00000001.DWG

Map Series:

1:5000

4775
REVISION DATE = 04-Apr-2017
SURVEY DATE = 31-Jul-2000

4776
REVISION DATE = 27-Mar-2015
SURVEY DATE = 31-Jul-2000

1:2500

4776-A
REVISION DATE = 27-Mar-2015
SURVEY DATE = 28-Jan-2004

Clip Extent:

LLX,LLY = 687718.655512
LRX,LRX = 688300.655512
ULX,ULY = 687718.6555942
URX,URY = 688300.6555942

Projection:

ITM

ITM Centre Point Co-ordinates:

X,Y = 688009.655727

Extraction Date:

14-Dec-2017

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Revision:	Revision details:	Date:
A	Sketch Drawings	31-08-20
B		
C		
D		
E		

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Project: Planning permission to construct a single storey dwelling & shed @ New Deerpark, Buncloy, Co. Carlow.		
Client: Jenny Watkins		
Scale: 1:500 on A4	Drawing Title: Site Location	Date: October 2022
Drawing No: PL-002A-JW-22	Drawn by: pgy	Checked by: Paddy Byrne

****PLANNING DRAWINGS ONLY ****

Digital Map received from the Map Centre, Waterford

**CARLOW COUNTY COUNCIL
PLANNING DEPARTMENT**

SECTION 5 DECLARATION



**COMHAIRLE CONTAE
CHEATHARLACH**
CARLOW COUNTY COUNCIL

Reg. Ref.	SEC5/23-23
Name of Applicant	Jenny Watkins
Address of Development	New Deerpark, Bunclody, Carlow
Development Description	Proposed new agricultural structure 60 m. sq for use as part of the farming operations for packing and drying produce.

1) Site Location/Context

The Section 5 declaration relates to an existing farm engaged in organic crop growing, which is located in an upland area circa 3km to the west of Bunclody Town. The site is part of a larger field that includes 5 polytunnels and associated sheds. The shed subject to this referral will be located to the north of the existing tunnels. The site slopes up from the public road. There is an existing agricultural access which also serves the tunnels and remainder of the field. The applicant recently obtained planning permission for a dwelling on the directly adjoining site to the east. This field had previously formed part of the farm holding and in order to accommodate the dwelling house an existing agricultural shed required demolition. The proposed development appears to be replacement of this structure within the site boundary of the farm. The site is located along a designated scenic route-the Mount Leinster Drive and is within the Blackstairs and Mount Leinster Uplands Landscape Character Area. Refer to aerial photograph below for further details.

Aerial View of Location of Proposed Shed



2) Relevant Planning History

Nothing noted on IPLAN for the subject site

Adjoining to the east;

PI Ref; 22/343- Permission granted to construct a single storey dwelling, new domestic entrance, bored well, percolation area and new waste water treatment system and all associated site works.

PI Ref; 06/675 – pp granted for 1 no. dormer style domestic residence, double domestic car port with domestic storage space, on-site wastewater treatment system with associated percolation area, bored well, and improved splayed site entrance.

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 a new agricultural structure for use as part of the farming operations for packing and drying produce is development of is exempted development. Drawings have been provided for the floor plan, elevations and overall site plan. The floor area is stated as being 60 m. sq. It will be constructed from concrete block and green metal sheeting. It will have two storeys and is 5.5m high and be positioned on the northwest of the site. The details submitted do not include what Class the referral is made under.

4)Legislative Context

The proposal will be assessed within the provisions of:

- Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended);
- Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended) and
- Schedule 2, Part 3 Class 9 of the Planning and Development Regulations 2001 (as amended).

Planning and Development Act, 2000 (as amended)

Section 2 of the Planning and Development Act, 2000 (as amended) includes the following definitions;

“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(1) of the Planning and Development Act, 2000 (as amended) defines ‘development’ as meaning, 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 structure or other land’.

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

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

Section 4(1) the Planning and Development Act, 2000 (as amended) states that the following shall be exempted developments for the purposes of this Act—

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

Planning and Development Regulations 2001 (as amended)

- Article 6

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

- Part 3 of Schedule 2

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

- Class 9 of Part 3 of Schedule 2 relates to the following development:

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

There are a number of conditions and limitations attached to this exemption;

1. No such structure shall be used for any purpose other than the purpose of agriculture or forestry, but excluding the housing of animals or the storing of effluent.
2. The gross floor space of such structures together with any other such structures situated within the same farmyard complex or complex of such structures or within 100 metres of that complex shall not exceed 900 square metres gross floor space in aggregate.
3. No such structure shall be situated within 10 metres of any public road.
4. No such structure within 100 metres of any public road shall exceed 8 metres in height.
5. No such structure shall be situated within 100 metres of any house (other than the house of the person providing the structure) or other residential building or school, hospital, church or building used for public assembly, save with the consent in writing of the owner and, as may be appropriate, the occupier or person in charge thereof.
6. No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.

5)Further information

The following Further Information was requested on the 13/07/2023.

1. 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 that the conditions and limitations attached to those various classes are met.
 - i. Condition/Limitation No. 2 of Class 9 states that *‘The gross floor space of such structures together with any other such structures situated within the same farmyard complex or complex of such structures or within 100 metres of that complex shall not exceed 900 square metres gross floor space in aggregate’.*

The drawings and particulars submitted for the site plan are not to an accurate scale and do not correspond to the floor plan drawing provided for the proposed shed. In this regard the applicant is requested to confirm the aggregate gross floor space of the existing structures within the farm complex and to submit an accurate Site Layout Plan at a scale of 1:500 which clearly indicates the proposed shed to a scale and size which corresponds to the floor plans submitted and which accurately indicates all existing buildings within the farm holding.

- ii. Condition/Limitation No. 5 of Class 9 states that *'No such structure shall be situated within 10 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.'*

The details submitted do not include the consent in writing of the owner and, as may be appropriate, the occupier or person in charge thereof of the existing dwelling located to the east of the application site. Accordingly, the applicant is requested to submit the consent in writing of the owner(s) and, as may be appropriate, the occupier(s) or person in charge thereof.

Response received on the 18/07/2023 and the 28/07/2023 as follows;

1. In response to Item No. 1 of the request for further information the applicant has submitted a revised site layout plan drawn by PDS to an accurate scale of 1:500 and has also submitted floor areas for each structure on the site. The response has confirmed that the aggregate gross floor space of the existing structures within the farm complex is 705.5m sq.

Assessment: The response has confirmed that Condition/Limitation No. 2 of Class 9 can be met and that the aggregate floor area will not exceed 900m.sq. The response is satisfactory.

2. In response to Item No. 2 of the request for further information the applicant has provided a letter of consent from the adjoining landowners. The dwelling is owned by the applicant's parents who have both signed a letter of consent.

Assessment: The response has confirmed that the proposal is in accordance with Condition/Limitation No. 5 of Class 9. The response is satisfactory.

Based on the information submitted the Planning Authority are satisfied that the structure falls under Class 9 exempted rural development as it is an agricultural shed which will not house animals. The shed is within a farm whose gross floor space does not exceed 900m. sq, is not within 10m of the public road, is below 8m in height, and is to be used for storing and packing produce only. The further information response has provided the consent in writing of the owners of the property situated within 100m and therefore the development is in accordance with Limitation No. 5. Having considered the information provided in the referral the Planning Authority consider that the proposed development is consistent in principle with the conditions and limitations set out in Column 2 of Schedule 2, Part 3, Class 9 of the Planning and Development Regulations 2001 (as amended).

6) Conclusion

Having had regard to:

- Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended);
- Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended) and
- Schedule 2, Part 3 Class 9 of the Planning and Development Regulations 2001 (as amended).

The Planning Authority considers that the development of an agricultural storage and packing shed 60m. sq is development and is exempted development as the proposed is an agricultural shed which will not house animals and meets the requirements of Schedule 2, Part 3 Class 9 of the Planning and Development Regulations 2001 (as amended) and meets the conditions and limitations of this class.

NOW THEREFORE Carlow County Council, in exercise of the powers conferred on it by Section 5(2)(a) of Planning and Development Act 2000 (as amended), hereby decides that the development of the proposed agricultural structure 60 m. sq for use as part of the farming operations for packing and drying produce as submitted in this referral 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: SEC5/23/23

WHEREAS a question has arisen as to whether a proposed new agricultural structure 60 m. sq for use as part of the farming operations for packing and drying produce is exempted development.

AS INDICATED on the plans and particulars received by the Planning Authority on 20th of June 2023 and the further information response received by the Planning Authority on the 18th of July 2023 and the 28th of July 2023.

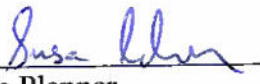
AND WHEREAS, Jenny Watkins, of [REDACTED] requested a declaration on the said question from Carlow County Council;

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

- Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended);
- Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended) and
- Schedule 2, Part 3 Class 9 of the Planning and Development Regulations 2001 (as amended).

AND WHEREAS Carlow County Council has concluded that the proposal falls within the scope of Schedule 2, Part 3 Class 9 of the Planning and Development Regulations 2001 (as amended) and is in accordance with the conditions and limitations thereof.

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 agricultural structure 60 m. sq for use as part of the farming operations for packing and drying produce as detailed on the submitted declaration drawings **is development and is exempted development.**

Signed: 
Executive Planner
Date: 3/8/23

Signed: 
Senior Planner
Date: 3/8/23

CARLOW COUNTY COUNCIL
PLANNING DEPARTMENT

SECTION 5 DECLARATION



COMHAIRLE CONTAE
CHEATHARLACH
CARLOW COUNTY COUNCIL

Reg. Ref.	SEC5/23-23
Name of Applicant	Jenny Watkins
Address of Development	New Deerpark, Bunclody, Carlow
Development Description	Proposed new agricultural structure 60 m. sq for use as part of the farming operations for packing and drying produce.

1) Site Location/Context

The Section 5 declaration relates to an existing farm engaged in organic crop growing, which is located in an upland area circa 3km to the west of Bunclody Town. The site is part of a larger field that includes 5 polytunnels and associated sheds. The shed subject to this referral will be located to the north of the existing tunnels. The site slopes up from the public road. There is an existing agricultural access which also serves the tunnels and remainder of the field. The applicant recently obtained planning permission for a dwelling on the directly adjoining site to the east. This field had previously formed part of the farm holding and in order to accommodate the dwelling house an existing agricultural shed required demolition. The proposed development appears to be replacement of this structure within the site boundary of the farm. The site is located along a designated scenic route-the Mount Leinster Drive and is within the Blackstairs and Mount Leinster Uplands Landscape Character Area. Refer to aerial photograph below for further details.

Aerial View of Location of Proposed Shed



2) Relevant Planning History

Nothing noted on IPLAN for the subject site

Adjoining to the east;

PI Ref; 22/343- Permission granted to construct a single storey dwelling, new domestic entrance, bored well, percolation area and new waste water treatment system and all associated site works.

PI Ref; 11/256 PP granted for an extension of duration to planning permisison 06/675

PI Ref; 06/675 – pp granted for 1 no. dormer style domestic residence, double domestic car port with domestic storage space, on-site wastewater treatment system with associated percolation area, bored well, and improved splayed site entrance.

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 a new agricultural structure for use as part of the farming operations for packing and drying produce is development and exempted development. Drawings have been provided for the floor plan, elevations and overall site plan. The floor area is stated as being 60 m. sq. It will be constructed from concrete block and green metal sheeting. It will have two storeys and is 5.5m high and be positioned on the northwest of the site. The details submitted do not include what Class the referral is made under.

4)Legislative Context

The proposal will be assessed within the provisions of:

- Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended);
- Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended) and
- Schedule 2, Part 3 Class 9 of the Planning and Development Regulations 2001 (as amended).

Planning and Development Act, 2000 (as amended)

Section 2 of the Planning and Development Act, 2000 (as amended) includes the following definitions;

“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(1) of the Planning and Development Act, 2000 (as amended) defines ‘development’ as meaning, 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 structure or other land’.

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

Planning and Development Regulations 2001 (as amended)

- Article 6

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

- Part 3 of Schedule 2

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

- Class 9 of Part 3 of Schedule 2 relates to the following development:

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

There are a number of conditions and limitations attached to this exemption;

1. No such structure shall be used for any purpose other than the purpose of agriculture or forestry, but excluding the housing of animals or the storing of effluent.
2. The gross floor space of such structures together with any other such structures situated within the same farmyard complex or complex of such structures or within 100 metres of that complex shall not exceed 900 square metres gross floor space in aggregate.
3. No such structure shall be situated within 10 metres of any public road.
4. No such structure within 100 metres of any public road shall exceed 8 metres in height.
5. No such structure shall be situated within 100 metres of any house (other than the house of the person providing the structure) or other residential building or school, hospital, church or building used for public assembly, save with the consent in writing of the owner and, as may be appropriate, the occupier or person in charge thereof.
6. No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.

5) Assessment

Based on the information submitted the Planning Authority are satisfied that the structure falls under Class 9 exempted rural development as it is an agricultural shed which will not house animals. The shed is within a farm whose gross floor space does not exceed 900m. sq, is not within 10m of the public road, is below 8m in height, and is to be used for storing and packing produce only.

However, the location of the proposed shed it is within 100m of a dwelling located to the east which is not within the applicant's ownership. The consent in writing of the owner and, as may be appropriate, the occupier or person in charge thereof has not been included with the referral details. Further information is therefore required to determine if the proposed development is consistent in principle with the conditions and limitations set out in Column 2 of Schedule 2, Part 3, Class 9 of the Planning and Development Regulations 2001 (as amended). In addition, it is noted that the drawings submitted are not to an accurate scale and although it would appear from an examination of maps and aerial photography for the area that Condition/Limitation No. 2 can be met it is considered appropriate to request drawings of an accurate scale to be definitive.

6) Recommendation

1. 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.

- i. Condition/Limitation No. 2 of Class 9 states that *'The gross floor space of such structures together with any other such structures situated within the same farmyard complex or complex of such structures or within 100 metres of that complex shall not exceed 900 square metres gross floor space in aggregate'*.

The drawings and particulars submitted for the site plan are not to an accurate scale and do not correspond to the floor plan drawing provided for the proposed shed. In this regard the applicant is requested to confirm the aggregate gross floor space of the existing structures within the farm complex and to submit an accurate Site Layout Plan at a scale of 1:500 which clearly indicates the proposed shed to a scale and size which corresponds to the floor plans submitted and which accurately indicates all existing building within the farm holding..

- ii. Condition/Limitation No. 5 of Class 9 states that *'No such structure shall be situated within 100 metres of any house (other than the house of the person providing the structure) or other residential building or school, hospital, church or building used for public assembly, save with the consent in writing of the owner and, as may be appropriate, the occupier or person in charge thereof.'*

The details submitted do not include the consent in writing of the owner and, as may be appropriate, the occupier or person in charge thereof of the existing dwelling located to the east of the application site. Accordingly, the applicant is requested to submit the consent in writing of the owner(s) and, as may be appropriate, the occupier(s) or person in charge thereof.

Signed: Susan Lahan
Executive Planner
Date: 11/07/23

Signed: A. P.
Senior Planner
Date: 11/7/23.



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

WHEREAS a question has arisen as to whether a proposed new agricultural structure 60 m. sq for use as part of the farming operations for packing and drying produce is exempted development.

AS INDICATED on the plans and particulars received by the Planning Authority on 20th of June 2023 and the further information response received by the Planning Authority on the 18th of July 2023 and the 28th of July 2023.

AND WHEREAS, Jenny Watkins, of [REDACTED] requested a declaration on the said question from Carlow County Council;

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

- Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended);
- Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended) and
- Schedule 2, Part 3 Class 9 of the Planning and Development Regulations 2001 (as amended).

AND WHEREAS Carlow County Council has concluded that the proposal falls within the scope of Schedule 2, Part 3 Class 9 of the Planning and Development Regulations 2001 (as amended) and is in accordance with the conditions and limitations thereof.

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 agricultural structure 60 m. sq for use as part of the farming operations for packing and drying produce as detailed on the submitted declaration drawings **is development and is 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:

Nicola Lawlor

Date:

14/08/2023