



Buttle

Design & Planning Consultants Ltd.
27 MAIN STREET, CARNEW, CO. WICKLOW.
TEL: (053) 9426961

VAT NO.: IE9661935C

E-MAIL: buttleplanning@gmail.com



Planning Department,
Carlow County Council,
County Buildings,
Athy Road,
Carlow.
R93 E7R7

**RE: James Murphy – Proposed milking parlour at
Turra, St. Mullins, Co. Carlow.**

Dear Planner,

I have been retained by the applicant to prepare application form for Section 5 Declaration on Development and Exempted Development.

The applicants [REDACTED] The applicant also has an “out farm” at Turra St. Mullins. It is the applicants intention to construct a milking parlour at Turra. Cows will be moved to the “out farm” at Turra in the Spring to graze the lands and they will then be moved back to the “home farm ” for housing in the winter months.

Please find enclosed the following to supporting drawings:

- 1:500 Site Layout Plan
- 1:2500 Site Location & 1:10560 Site Identification Maps.
- Floor Plan & Section of the proposed Milking Parlour.
- Elevations of the proposed Milking Parlour.

The proposed milking parlour will comply with Class 8 of Part 3 of the 2nd Schedule of the Planning and Development Regulations, 2001 as:

1. Building will only be used for Agricultural purposes.
2. The building is 199m² and is on a green field site with no other developments within 100m of the proposed milking parlour.
3. The soiled water storage facilities have been designed in accordance with the Department of Agriculture and local government requirements (See Appendix A)
4. The proposed building and soiled water storage in excess of 10m from the public road.
5. The building is 5.9m in height and 318m from the nearest public road.
6. The roof of the proposed building shall be finished with green agriclad sheeting.

Yours sincerely,

Thomas Buttle,
Agent.

Appendix A

Soiled Water Storage Requirements:

- 0.21m³ dairy washings / cow / week is required.
- 31 day (4.43 weeks) storage capacity is required.

It is proposed to milk 100 cows.

$$\begin{aligned}\Rightarrow 100 \text{ Cows} \times 0.21 \times 4.43 \text{ weeks} &= 93 \text{m}^3 \\ \Rightarrow \text{Area of Concrete } 144 \text{m}^2 \times 0.024 \times 4.43 \text{ weeks} &= \underline{16 \text{m}^3} \\ \Rightarrow \text{Total Storage Capacity Required} &= 109 \text{m}^3\end{aligned}$$

Proposed Ancillary Soiled Water Storage

$$(\text{Storage Capacity}) = 118.7 \text{sq.m} \times 2.44 \text{m} = 278 \text{m}^3$$

There is surplus of 169m³ storage capacity over the minimum required.

COMHAIRLE CHONTAE CEATHARLOCHA
CARLOW COUNTY COUNCIL

CARLOW
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: James Murphy
2. Address of applicant: [REDACTED]
3. Name and address for correspondence: Thomas Buttle Buttle Design and Planning Consultants Main St Carnew Co. Wicklow
Tel. No: 053 9426961 Fax No: 05 n/a E-mail: buttleplanning@gmail.com
4. Location of Development: Townland: Turra Saint Mullins Carlow
Postal Address: (if different from Townland): _____
5. Name and Address of Agent: Thomas Buttle Buttle Design and Planning Consultants Ltd Carnew Co. Wicklow
6. Outline clearly the description of the development / proposal: Proposed milking parlour
Applying for exemption under class 8

7. Is this a Protected Structure or within the curtilage of a Protected Structure: No

8. List any previous applications relating to the site: n/a

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: _____

Floor plans of Milking Parlour

Elevations

Site layout plan 1:500

Site location maps 1/2500 1/10560

Signed: James Murphy
(Signature of Applicant)

Date: 16/7/23

Note: This application must be accompanied by:

Payment of Fee: This application must be accompanied by the statutory fee of €80

Lodgement: The application should be forwarded to:
Planning Department
Carlow County Council
Athy Road
Carlow

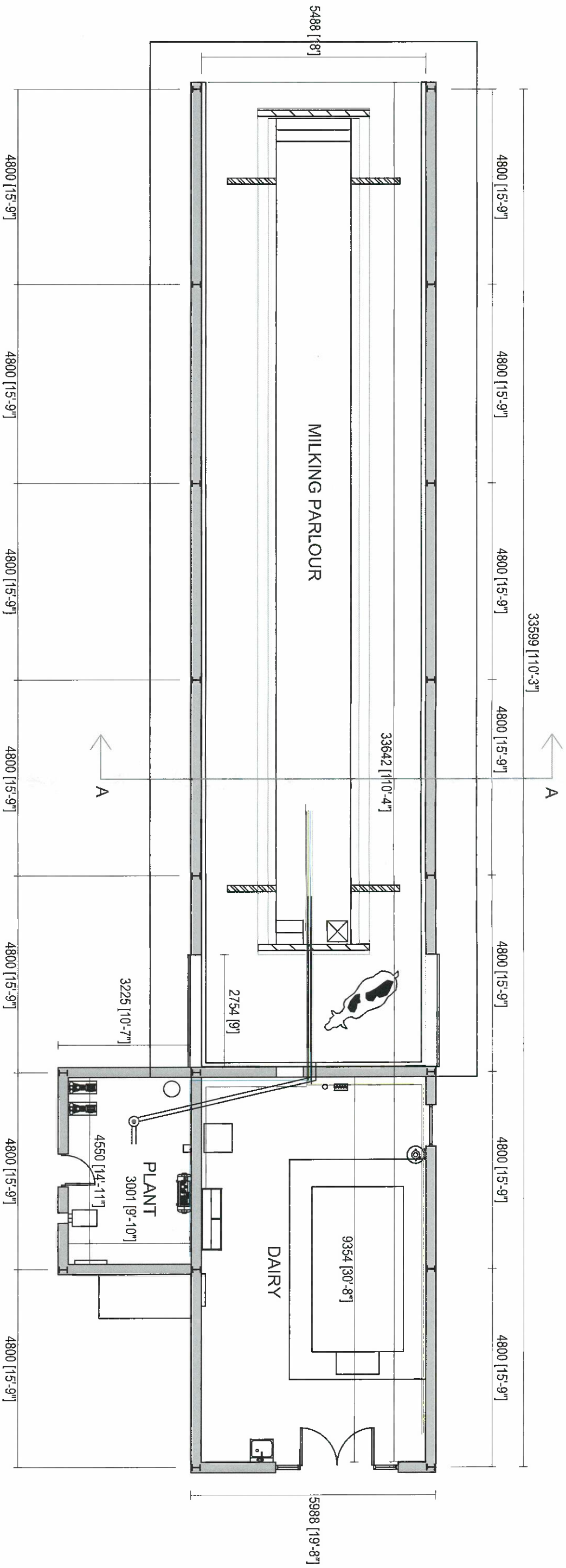
OFFICE USE ONLY

Date Received: _____

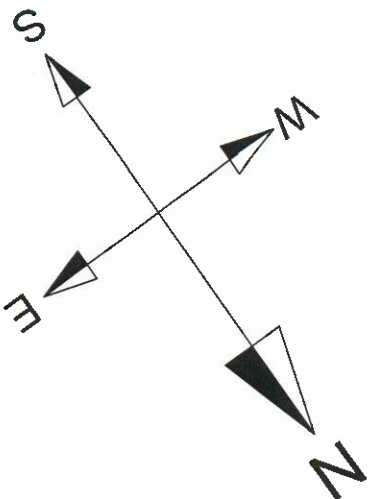
Date Decision Due: _____

Date of Decision: _____

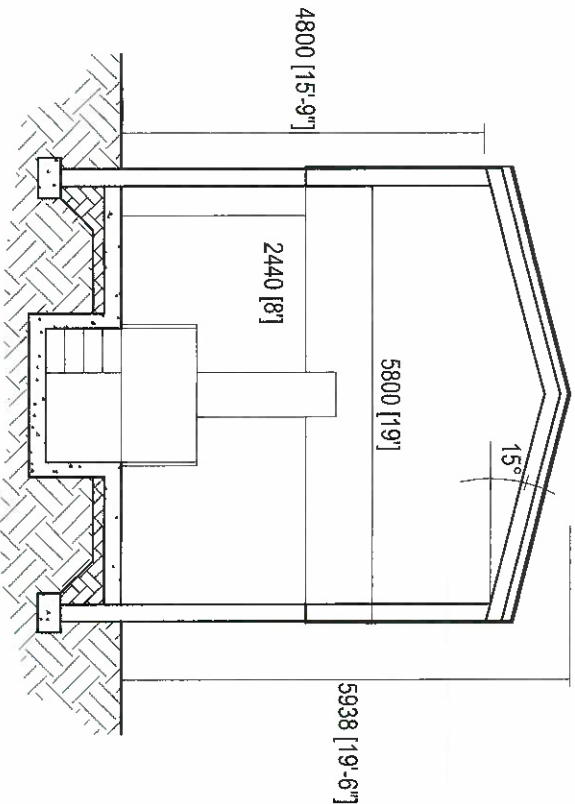
Recommendation: _____

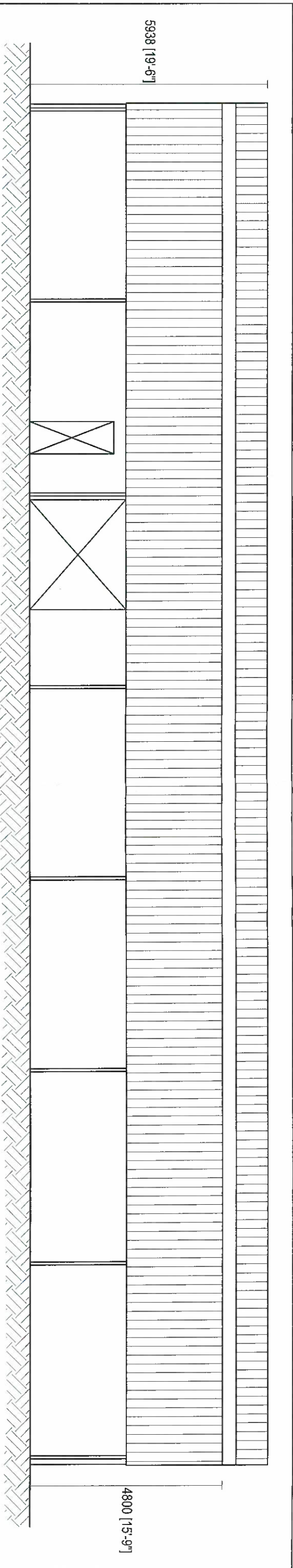


TOTAL FLOOR AREA = 199.1sq.m (2142sq.ft)
FLOOR PLAN

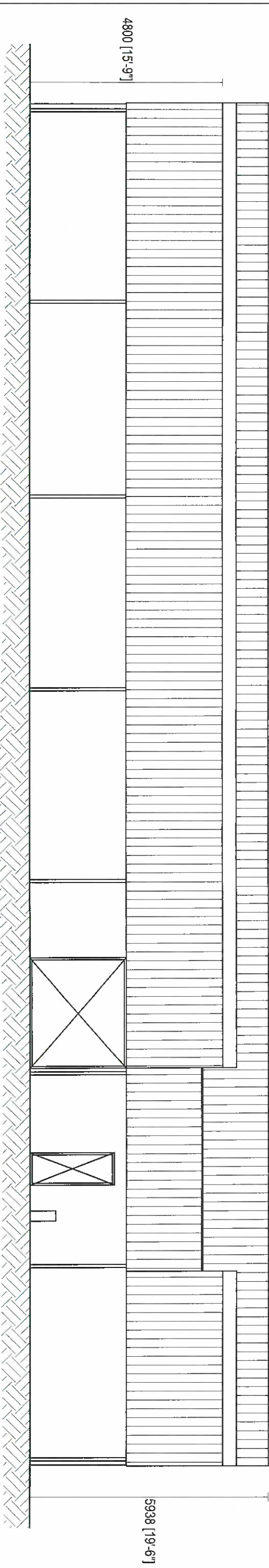


SECTION A-A



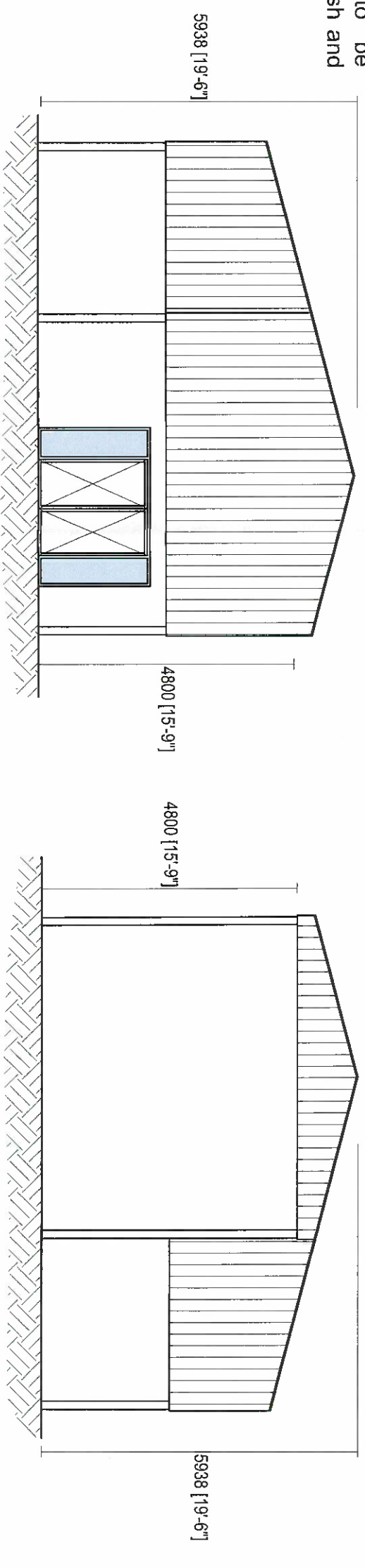


NORTH WEST ELEVATION

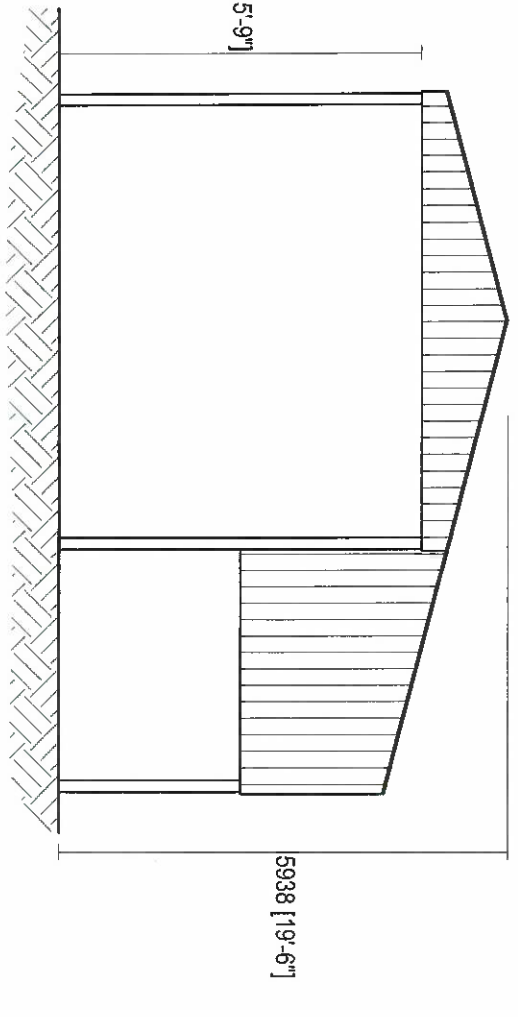


SOUTH EAST ELEVATION

Note: Proposed milking parlour to be finished with green agriclad roof finish and green agriclad side sheeting.



NORTH EAST ELEVATION



SOUTH WEST ELEVATION



Buttle

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TEL: (053) 9426961
E-MAIL: burtleplanning@gmail.com

SCALES:	1:100
SHEET NO.:	2 OF 4
DRAWING:	ELEVATIONS (MILKING PARLOUR)

CLIENT:

James Murphy

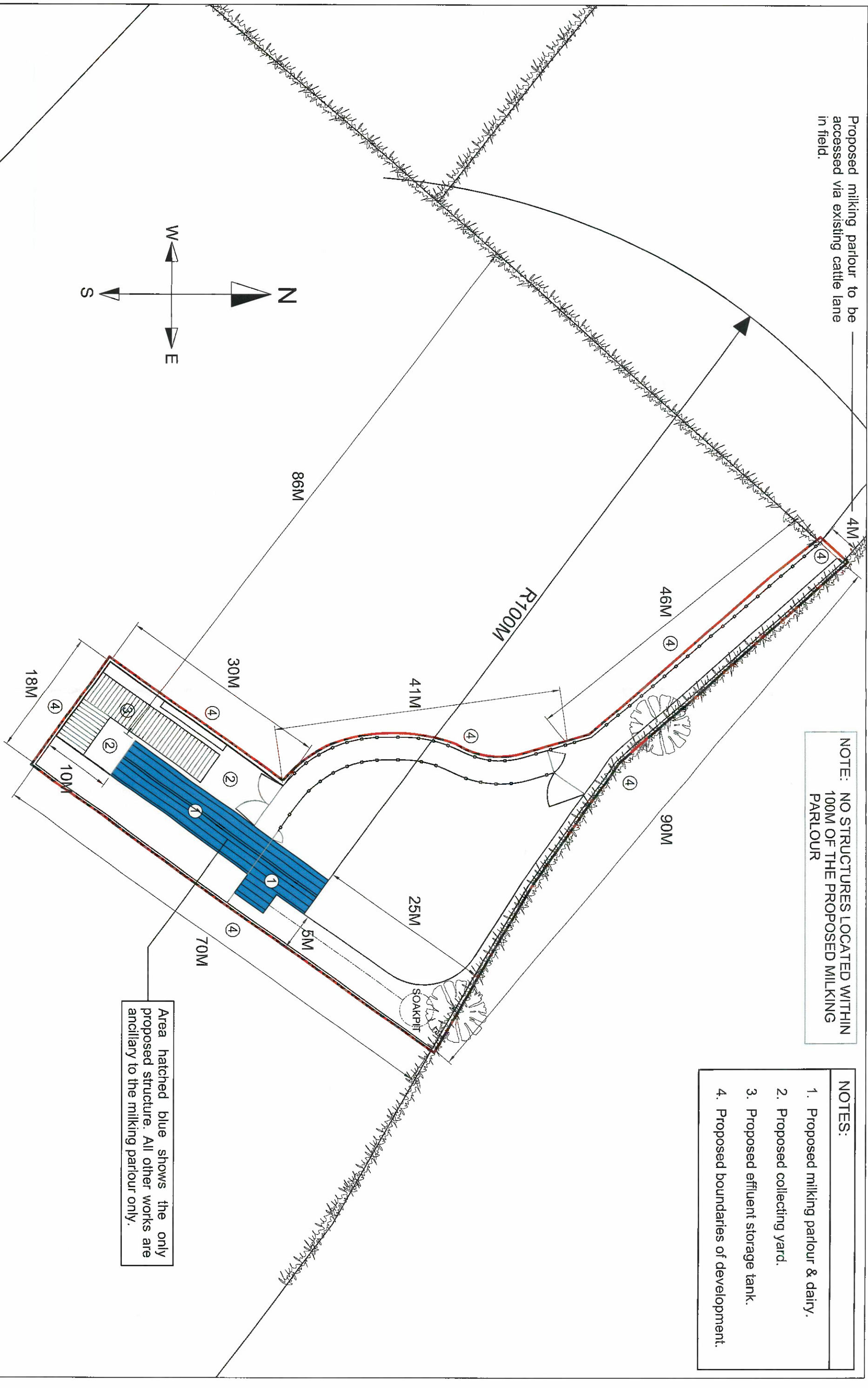
TITLE:

Section 5 Application for Exempted Development
for a milking parlour on a green field site at Turra,
St. Mullins, Co. Carlow.

Proposed milking parlour to be accessed via existing cattle lane in field.

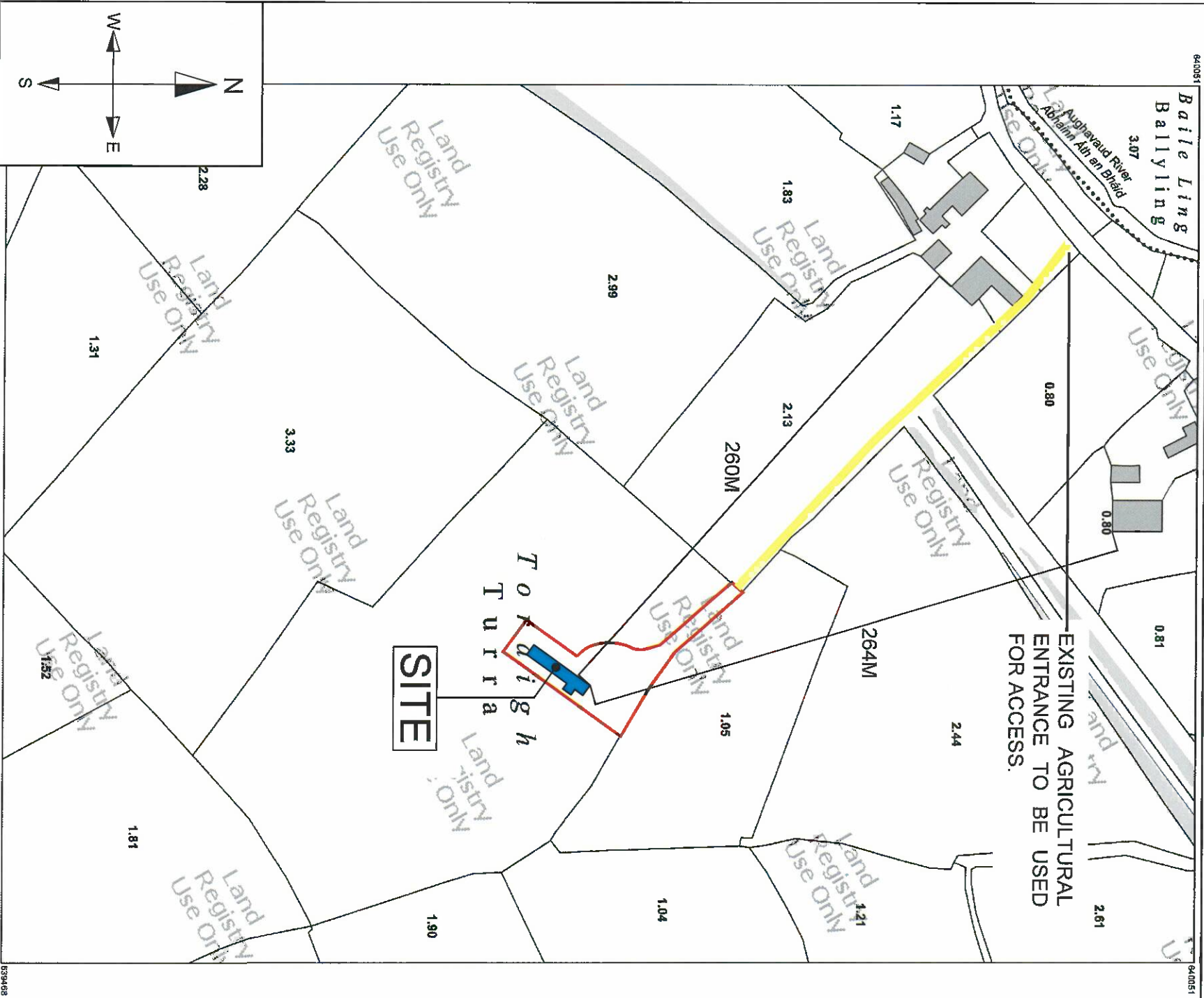
NOTE: NO STRUCTURES LOCATED WITHIN 100M OF THE PROPOSED MILKING PARLOUR

- NOTES:
- 1. Proposed milking parlour & dairy.
 - 2. Proposed collecting yard.
 - 3. Proposed effluent storage tank.
 - 4. Proposed boundaries of development.



Area hatched blue shows the only proposed structure. All other works are ancillary to the milking parlour only.

 Buttle Design & Planning Consultants Ltd. 27 MAIN STREET, CARRNEW, CO. WICKLOW. TEL: (053) 9426961 E-MAIL: buttleplanning@gmail.com	SCALES:	1:500	CLIENT:	James Murphy
	SHEET NO.:	3 OF 4	TITLE:	Section 5 Application for Exempted Development for a milking parlour on a green field site at Turra, St. Mullins, Co. Carlow.
	DRAWING:	SITE LAYOUT PLAN		



CARLOW COUNTY COUNCIL
PLANNING DEPARTMENT
SECTION 5 DECLARATION



COMHAIRLE CONTAE
CHEATHARLACH
CARLOW COUNTY COUNCIL

Reg. Ref.	SEC5/23/26
Name of Applicant	James Murphy
Address of Development	Turra, St Mullins, Carlow
Site Visit	25/07/2023
Development Description	The development consists of a milking parlour.

1) Site Location/Context

The Section 5 declaration relates to the construction of a milking parlour at Turra, St Mullins. The site is accessed via an existing cattle lane located along a local road (L-30089). The site is located within the Blackstairs and Mount Leinster Landscape Character Area and consists of rolling rough grazing Landscape Type.

Aerial View of Site Location



2) Relevant Planning History

CW/6140- Permission granted for the erection of silage slab and slurry tank (Applicant: John Kavanagh).

CW/8467- Permission granted for the conversion of loft over barn into 2 no. bedrooms, extended hallway and re-roof complete dwellinghouse (Applicant: Mr John Kavanagh).

3) Description of the Referral/Proposal

This proposal is a request for a declaration under Section 5 of the Planning and Development Act, 2000 (as amended) to determine whether or not the provision of a milking parlour and any ancillary provision of effluent storage constitutes exempted development.

The proposed milking parlour has a stated floor area of 199m² and a max roof height of 5.938m. The proposed external finishes include green agriclad roof finish and green agriclad side sheeting. Proposed ancillary provisions for effluent storage includes a collecting yard and effluent storage tank.

4) Relevant Legislative/Regulatory Provisions

Planning and Development Act 2000 (as amended)

- Section 2

“works” includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.

- Section 3(1)

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

Planning and Development Regulations 2001 (as amended)

- Article 6(1)

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

-Article 9(1)

Development to which article 6 relates shall not be exempted development for the purposes of the Act—

(a) if the carrying out of such development would—

- (i) contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act,*
- (ii) consist of or comprise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 meters in width,*
- (iii) endanger public safety by reason of a traffic hazard or obstruction of road users.*

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

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

5) Assessment

The applicant was requested to submit the following further information on 3rd August 2023.

(a) You are advised that Section 4 of the Planning and Development Act 2000 as amended 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. Having regard to same you are requested to submit a map and associated land registry folio details outlining the extent of land for use in association with the proposed milking parlour.

(b) Having regard to comments received from the Environment Section and concerns of whether the proposed development demonstrates compliance with conditions/limitations no. 3 under Class 8, in Part 3, of Schedule 2 of the Planning and Development Regulations 2001 (as amended), you are requested to address the following;

- i. demonstrate how effluent and slurry from the proposed development will be disposed of in order to prevent pollution of all waters,*
- ii. demonstrate where the animals will be kept over the winter months, and*
- iii. Outline what other farming activities you are engaged with.*

(You are advised that depending on the content of the Further Information response, certain elements of the proposed development may not constitute exempted development and may require planning permission.)

In response to Further Information requested on 3rd August 2023, the applicant has submitted the following to the Planning Authority on 28/08/2023;

- a)** A print screen of the relevant Land Registry Folio's, and a Teagasc farm advisor showing all land available for use with the proposed milking parlour and lands available for spreading.
- b)** A cover letter and Farm Nutrient Management Plan from the applicants Teagasc farm advisor which also includes maps of the [REDACTED] showing existing storage facilities and covering letter from the applicant's advisor outlining where the animals will be kept over the winter months and what farm activities the applicant is engaged in.

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

1.	<i>No such structure shall be used for any purpose other than the purpose of agriculture.</i> Assessment: As evident from the cover letter received by the Planning Authority on 20/07/2023, the building will only be used for agricultural purposes.
2.	<i>The gross floor space of such structures together with any other such structures situated within the same farmyard complex or within 100 metres of that complex shall not exceed 300 square metres gross floor space in aggregate.</i> Assessment: As evident from the cover letter and site layout plan received by the Planning Authority on 20/07/2023, the building is 199m² and is on a green field site with no other developments located within 100m of the proposed milking parlour. The closest building is c. 285m north-east of the proposed milking parlour.

3.	<i>Effluent storage facilities adequate to serve the structure having regard to its size, use and location shall be constructed in line with Department of Agriculture, Food and Rural Development and the Department of the Environment and Local Government requirements and shall have regard to the need to avoid water pollution.</i> Assessment: The content of the further information response received by the Planning Authority on 28/08/2023 was referred to the environment section for comment. A response received on 05/09/2023 from F. Mulhare noted the following; “ The application is a proposal for a new Dairy and milk parlour on a green field site. I have examined the drawings and information submitted on behalf of the applicant. The agent for the applicant has submitted sufficient information to show, based on his <u>current</u> stocking rate of 195kg / Ha, (which makes him a farm in Derogation under the Nitrates Legislation), he is meeting the requirements of SI 113-2022 EUROPEAN COMMUNITIES (GOOD AGRICULTURAL PRACTICE FOR PROTECTION OF WATERS) REGULATIONS 2022. Surplus FYM storage is 329m³ and surplus slurry capacity on the farm is 57 m³. I have no other comment to make regarding the actual Section 5 application.”
4.	<i>No such structure shall be situated, and no effluent from such structure shall be stored, within 10 metres of any public road.</i> Assessment: The proposed structure and effluent storage is located c. 300m south-east of the nearest public road (L-30089).
5.	<i>No such structure within 100 metres of any public road shall exceed 8 metres in height.</i> Assessment: As evident from the cover letter and the elevational drawings received by the Planning Authority on 20/07/2023, the proposed structure has a max rood height of 5.9m and is c. 300m from the nearest public road.
6.	<i>No such structure shall be situated, and no effluent from such structure shall be stored, within 100 metres of any house (other than the house of the person providing the structure) or other residential building or school, hospital, church or building used for public assembly, save with the consent in writing of the owner and, as may be appropriate, the occupier or person in charge thereof.</i> Assessment: As evident from GIS Mapping, the nearest dwelling house is c.320m north-west of the proposed milking parlour.
7.	<i>No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.</i> Assessment: As evident from the cover letter and the elevational drawings received by the Planning Authority on 20/07/2023, the roof of the proposed building shall be finished with green agriclad sheeting.

6) Conclusion

Based on the information submitted to the Planning Authority on 20/07/2023 and 28/08/2023, the proposed structure satisfactorily falls under Class 8 exempted rural development as;

- the proposed milking parlour shall be used for the agricultural purposes,
- has a footprint of 199m²,

- is located c. 300m away from the public road,
- the effluent storage complies with the Department of the Environment and Local Government requirements,
- the milking parlour has a max roof height of 5.9m,
- is located c. 320m from the nearest dwelling and,
- contains no unpainted metal sheeting.

It is not considered that the proposed development would be restricted by virtue of the requirements of Article 9.

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

It is therefore considered that the proposed milking parlour and ancillary effluent storage **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: SEC5/23/26

WHEREAS a question has arisen as to whether a proposed milking parlour and ancillary effluent storage at Turra, St. Mullins, 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 20th of July 2023 and on 28th of August 2023.

AND WHEREAS James Murphy, C/o Buttle, Design & Planning Consultants Ltd, 27 Main Street, Carnew, Wicklow, requested a declaration on the said question from Carlow County Council;

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

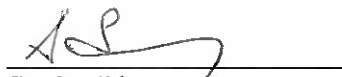
- a) Sections 2 and 3 of the Planning and Development Act 2000 (as amended);
- b) Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended) and
- c) Schedule 2, Part 3 Class 8 of the Planning and Development Regulations 2001 (as amended).

AND WHEREAS Carlow County Council has concluded that the proposal does come within the scope of Class 8 in Part 3 of Schedule 2 (Rural) of the Planning and Development Regulations 2001 (as amended).

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


A/Assistant Planner

Date: 05/09/2023


Senior Planner

Date: 5/9/23

CARLOW COUNTY COUNCIL
PLANNING DEPARTMENT

SECTION 5 DECLARATION



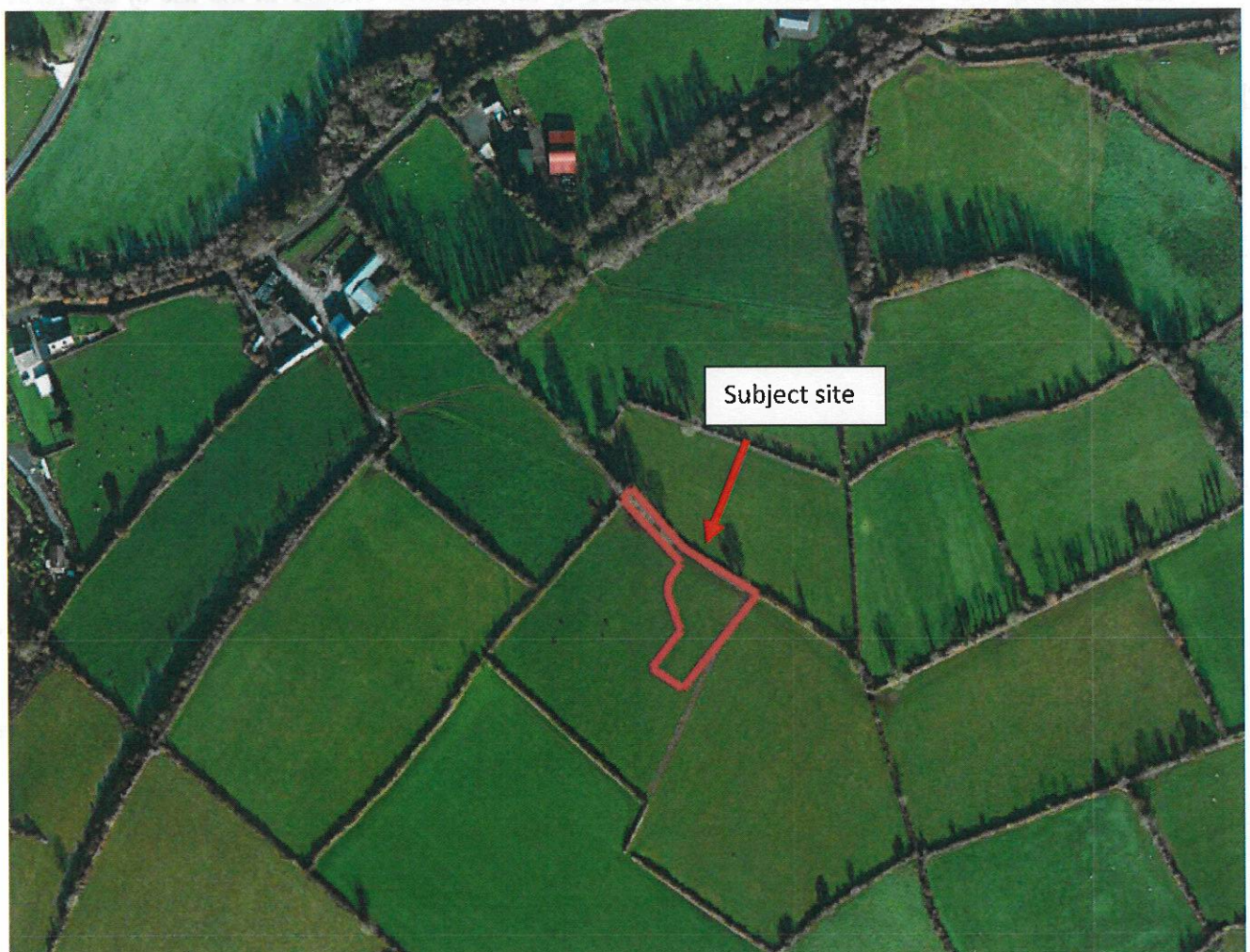
COMHAIRLE CONTAE
CHEATHARLACH
CARLOW COUNTY COUNCIL

Reg. Ref.	SEC5/23/26
Name of Applicant	James Murphy
Address of Development	Turra, St Mullins, Carlow
Site Visit	25/07/2023
Development Description	The development consists of a milking parlour.

1) Site Location/Context

The Section 5 declaration relates to the construction of a milking parlour at Turra, St Mullins. The site is accessed via an existing cattle lane located along a local road (L-30089). The site is located within the Blackstairs and Mount Leinster Landscape Character Area and consists of rolling rough grazing Landscape Type.

Aerial View of Site Location



2) Relevant Planning History

CW/6140- Permission granted for the erection of silage slab and slurry tank (Applicant: John Kavanagh).

CW/8467- Permission granted for the conversion of loft over barn into 2 no. bedrooms, extended hallway and re-roof complete dwellinghouse (Applicant: Mr John Kavanagh).

3) Description of the Referral/Proposal

This proposal is a request for a declaration under Section 5 of the Planning and Development Act, 2000 (as amended) to determine whether or not the provision of a milking parlour and any ancillary provision of effluent storage constitutes exempted development.

The proposed milking parlour has a stated floor area of 199m² and a max roof height of 5.938m. The proposed external finishes include green agriclad roof finish and green agriclad side sheeting. Proposed ancillary provisions for effluent storage includes a collecting yard and effluent storage tank.

4) Relevant Legislative/Regulatory Provisions

Planning and Development Act 2000 (as amended)

- Section 2

“works” includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.

- Section 3(1)

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

Planning and Development Regulations 2001 (as amended)

- Article 6(1)

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

-Article 9(1)

Development to which article 6 relates shall not be exempted development for the purposes of the Act—

(a) if the carrying out of such development would—

- (i) contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act,*
- (ii) consist of or comprise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 meters in width,*
- (iii) endanger public safety by reason of a traffic hazard or obstruction of road users.*

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

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

5) Assessment

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

1.	<i>No such structure shall be used for any purpose other than the purpose of agriculture.</i> Assessment: As evident from the cover letter received by the Planning Authority on 20/07/2023, the building will only be used for agricultural purposes.
2.	<i>The gross floor space of such structures together with any other such structures situated within the same farmyard complex or within 100 metres of that complex shall not exceed 300 square metres gross floor space in aggregate.</i> Assessment: As evident from the cover letter and site layout plan received by the Planning Authority on 20/07/2023, the building is 199m² and is on a green field site with no other developments located within 100m of the proposed milking parlour. The closest building is c. 285m north-east of the proposed milking parlour.
3.	<i>Effluent storage facilities adequate to serve the structure having regard to its size, use and location shall be constructed in line with Department of Agriculture, Food and Rural Development and the Department of the Environment and Local Government requirements and shall have regard to the need to avoid water pollution.</i> Assessment: As evident from the cover letter received by the Planning Authority on 20/07/2023, the soiled water storage facilities have been designed in accordance with the Department of Agriculture and local government requirements. The content of the submitted Appendix A was referred to the Environment section for consideration. A response received from F. Mulhare on 01/02/2023 noted the following; “ It is my opinion that based on the information provided this proposed development poses a risk to ground and surface waters. In particular the Aughavaud River is located approx. 4-500m away. The applicant must show how effluent and slurry from the proposed development will be disposed of in order to prevent pollution of all waters. The applicant must show where the animals will be kept over the winter months, and what other farming activities he is engaged with. 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.”
4.	<i>No such structure shall be situated, and no effluent from such structure shall be stored, within 10 metres of any public road.</i> Assessment: The proposed structure and effluent storage is located c. 300m south-east of the nearest public road (L-30089).

5.	<i>No such structure within 100 metres of any public road shall exceed 8 metres in height.</i> Assessment: As evident from the cover letter and the elevational drawings received by the Planning Authority on 20/07/2023, the proposed structure has a max rood height of 5.9m and is c. 300m from the nearest public road.
6.	<i>No such structure shall be situated, and no effluent from such structure shall be stored, within 100 metres of any house (other than the house of the person providing the structure) or other residential building or school, hospital, church or building used for public assembly, save with the consent in writing of the owner and, as may be appropriate, the occupier or person in charge thereof.</i> Assessment: As evident from GIS Mapping, the nearest dwelling house is c.320m north-west of the proposed milking parlour.
7.	<i>No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.</i> Assessment: As evident from the cover letter and the elevational drawings received by the Planning Authority on 20/07/2023, the roof of the proposed building shall be finished with green agriclad sheeting.

6) Recommendation

Based on the information submitted the Planning Authority it is possible that the proposed milking parlour and associated effluent storage falls under Class 8 exempted rural development as;

- the proposed milking parlour shall be used for the agricultural purposes,
- has a footprint of 199m²,
- is located c. 300m away from the public road,
- the milking parlour has a max roof height of 5.9m,
- is located c. 320m from the nearest dwelling and,
- contains no unpainted metal sheeting.

However, further information relating to the proposed effluent storage facilities and details of total landholdings would be required to enable the Planning Authority to assess whether the proposed development falls within the scope of exempted development for Class 8 of the Planning and Development Regulations 2001 (as amended).

1. In order to enable the Planning Authority to assess whether the proposed development falls within the scope of exempted development for Class 8 of the Planning and Development Regulations 2001 (as amended), you are requested to submit the following further information.
 - (a) You are advised that Section 4 of the Planning and Development Act 2000 as amended 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. Having regard to same you are requested to submit a map and associated land registry folio details outlining the extent of land for use in association with the proposed milking parlour.
 - (b) Having regard to comments received from the Environment Section and concerns of whether the proposed development demonstrates compliance with conditions/limitations no. 3 under Class 8, in Part 3, of Schedule 2 of the Planning and Development Regulations 2001 (as amended), you are requested to address the following;
 - i. demonstrate how effluent and slurry from the proposed development will be disposed of in order to prevent pollution of all waters,
 - ii. demonstrate where the animals will be kept over the winter months, and
 - iii. Outline what other farming activities you are engaged with.

(You are advised that depending on the content of the Further Information response, certain elements of the proposed development may not constitute exempted development and may require planning permission.)

Sibhan Power
Graduate Planner

Date: 02/08/2023

AS
Senior Planner

Date: 28/23

Appendix 1

APPROPRIATE ASSESSMENT SCREENING REPORT

Planning Application Reg. Ref: SEC5/23/26

A. DESCRIPTION OF PROJECT AND LOCAL SITE

Site Location:	Turra, St. Mullins, Carlow
Total Site Area:	Unknown.
Floor Area of Proposed Development:	199m ² .
Identification of Natura 2000 site(s):	River Barrow and River Nore cSAC
Is the application accompanied by an EIS?	No.

B. IDENTIFICATION OF RELVANT NATURA 2000 SITE(S):

The reasons for the designation of the Natura 2000 site:(A site synopsis can be obtained from www.npws.ie)The conservation objectives/qualifying interests of the site and the factors that contributes to the conservation value of the site:

C. NPWS ADVICE:

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

D. ASSESSMENT OF LIKELY SIGNIFICANT EFFECTS

(Purpose of this is to identify if the effect(s) identified could be significant – if uncertain assume the effect(s) are significant).If answer yes to any of the questions, below then the effect is significant.

1.1	Would there be any impact on an Annex 1 habitat? (Annex 1 habitats are listed in Appendix 1 of AA Guidance)	No.
1.2	Would there be a reduction in habitat area on a Natura 2000 site?	No.
1.3	Would there be direct/indirect damage to the physical quality of the environment (e.g. water quality and supply, soil compaction) in the Natura 2000 site?	No.
1.4	Would there be serious/ongoing disturbance to species/habitats for which the Natura 2000 site is selected (e.g. because of increased noise, illumination and human activity)?	No.
1.5	Would there be direct/indirect damage to the size, characteristics or reproductive ability of populations on the Natura 2000 site?	No.
1.6	Would the project interfere with mitigation measures put in place for other plans/projects? (Look at in-combination effects with completed, approved but not completed, and proposed plans/projects. Look at projects/plans within and adjacent to Natura 2000 sites and identify/)	No.

E. SCREENING CONCLUSION

At its closest point, the River Barrow and River Nore cSAC is circa 350m north-west of the site. The closest watercourse (EPA Designated stream Aughnavaud – 14A04) is c.350m north-west and falls within the River Barrow and River Nore SAC. Having regard to the distance from the proposed development to the SAC and the scale of the proposed development, there is no connecting pathway (direct or indirect) between this site and the European site.

The development as proposed has been assessed having regard to the requirements of the EU Habitats Directive. Given the proximity of the nearest European Site and the nature and extent of the development on the site and intervening land uses located in the area, it is considered reasonable to conclude on the basis of the information available, that the development on its own or in combination with other plans or projects, would not be likely to result in any potential significant effects on the European Site. Therefore, a Stage 2 Appropriate Assessment is not required.

Signed:	<i>Sibhan Bower</i>	Date:	<i>02/08/2023</i>
Position:	Graduate Planner		

Appendix 2
Site Inspection 25/07/2023





**Declaration on Development & Exempted Development
Section 5 of the Planning and Development Act 2000 (as amended)
Reg. Ref: SEC5/23/26**

WHEREAS a question has arisen as to whether a proposed milking parlour and ancillary effluent storage at Turra, St. Mullins, 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 20th of July 2023 and on 28th of August 2023.

AND WHEREAS James Murphy, C/o Buttle, Design & Planning Consultants Ltd, 27 Main Street, Carnew, Wicklow, requested a declaration on the said question from Carlow County Council;

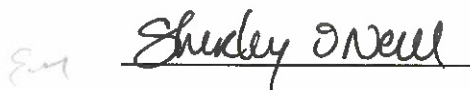
AND WHEREAS Carlow County Council as the Planning Authority, in considering this application for a declaration under Section 5 of the Planning and Development Act 2000 (as amended), had regard to;

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

AND WHEREAS Carlow County Council has concluded that the proposal does come within the scope of Class 8 in Part 3 of Schedule 2 (Rural) of the Planning and Development Regulations 2001 (as amended).

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

Signed:



Date:

07/09/23