

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: Josephine Hutton

2. Address of applicant: [REDACTED]

3. Name and address for correspondence: Present address

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

4. Location of Development: Townland: Barrack St Carlow

Postal Address: (if different from Townland): 8 Barrack St

5. Name and Address of Agent: None

6. Outline clearly the description of the development / proposal: extension to back of property

7. Is this a Protected Structure or within the curtilage of a Protected Structure: _____

NO

8. List any previous applications relating to the site: _____

NONE

9. Are you aware of any enforcement proceedings relating to this site: _____

NONE

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

owner

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

Signed: Josephine Hutton
(Signature of Applicant)

Date: 6/9/23

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: _____

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.

Planning Pack Map



Tailte
Éireann

CENTRE COORDINATES:
ITM 672429.676563

PUBLISHED:
04/09/2023

ORDER NO.:
50355335_1

MAP SERIES:
1:1,000

MAP SHEETS:
4357-11

COMPILED AND PUBLISHED BY:
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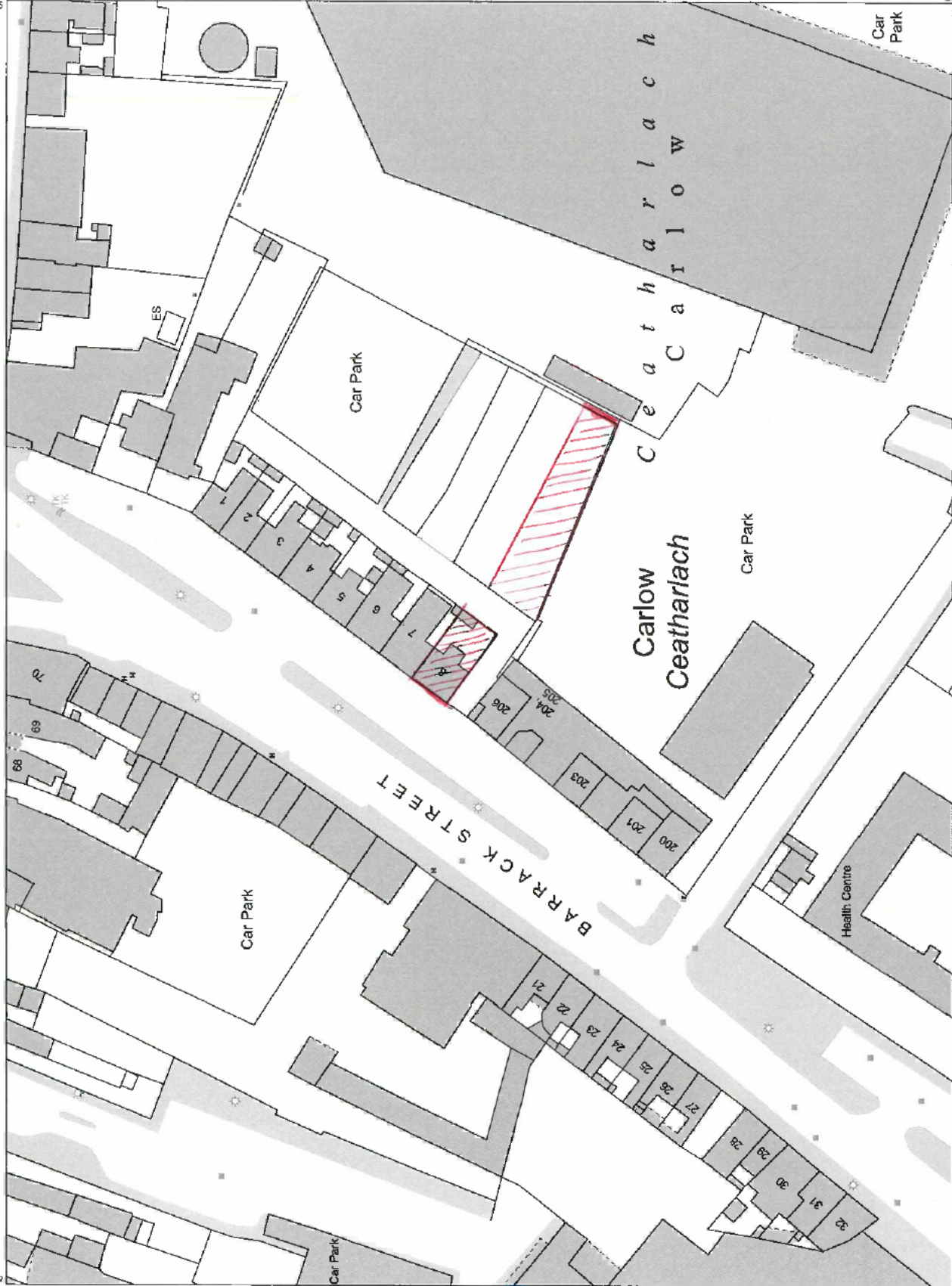
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To view the legend visit
www.osi.ie and search for
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Output scale is not indicative of data capture scale.
Further information is available at:
www.osi.ie, search 'Capture Resolution'

OUTPUT SCALE: 1:1,000

Site Location Map



Tailte
Éireann

CENTRE COORDINATES:
ITM 672429,676563

PUBLISHED:
04/09/2023

ORDER NO.:
50355335_1

MAP SERIES:
6 Inch Raster
LS032
6 Inch Raster
LS037

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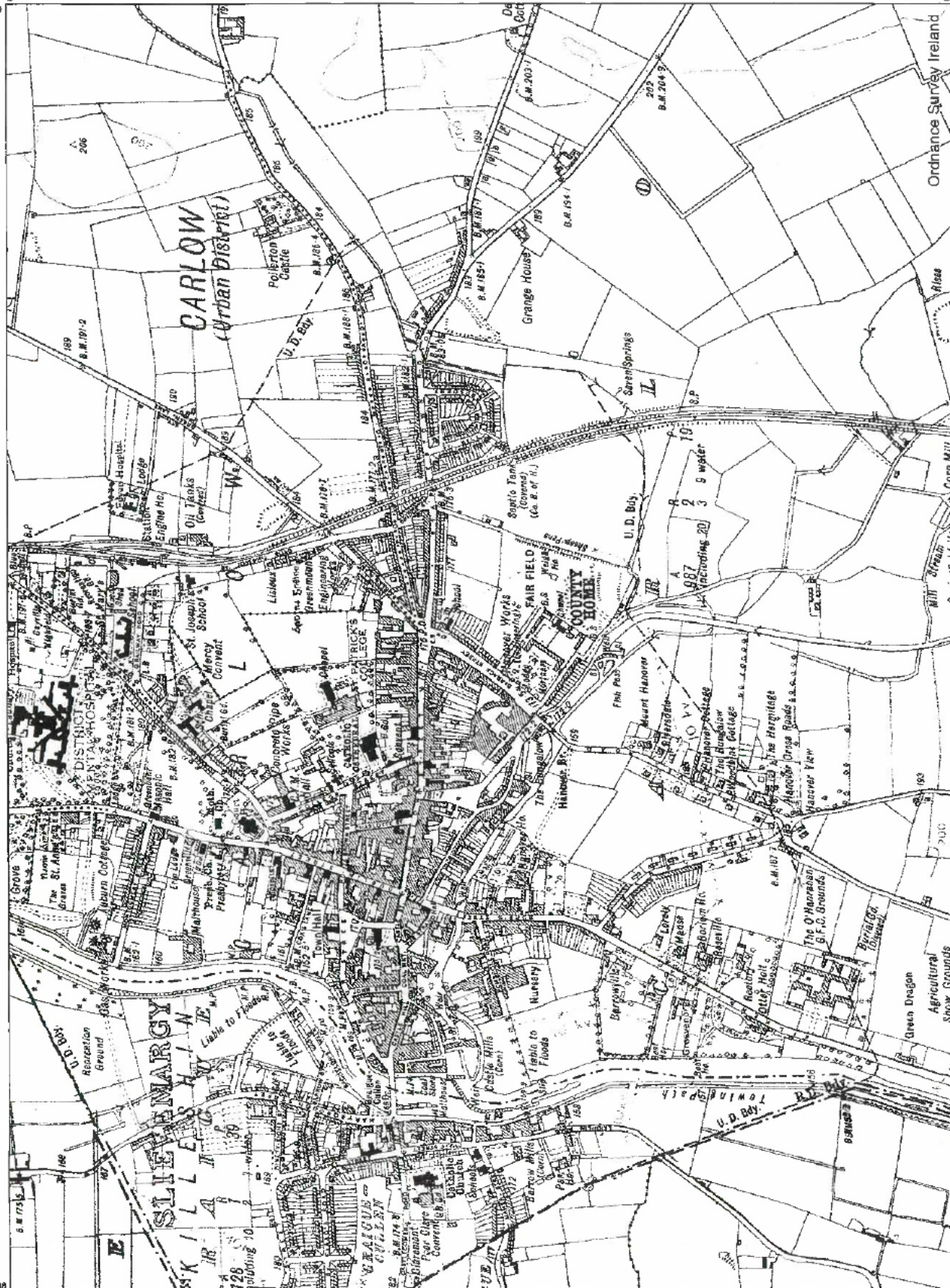
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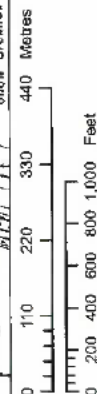
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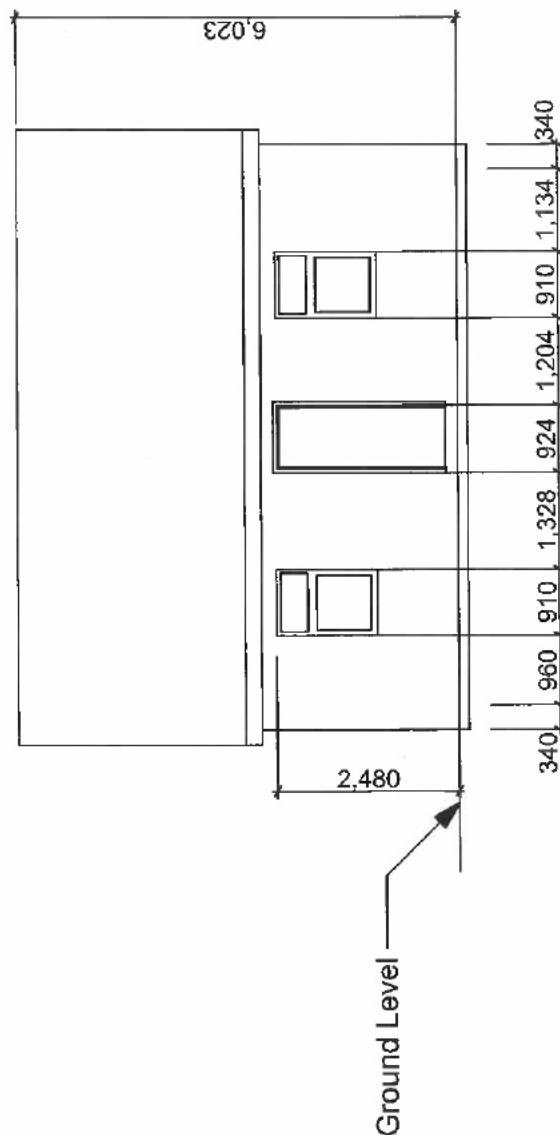


In addition to the hazards/risks normally associated with the types of work detailed on this drawing it is assumed that all works on this drawing will be carried out by a competent contractor working, where appropriate, to an appropriate method statement.

Safety Health and Environmental Information Box

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[illegible]

Scale: 1:100	Issuing Office	Project No.
	#Issuing Office	#Pln

Client Approval:

A - Approved
B - Approved with Comments
C - Do Not Use

STATUS	Purpose of Issue
SO	WIP

Original
O'Siochain Construction

REFERENCES

No. 8 Barrack Street Carlow
Increased Discharge of

Proposed Reurbishment of Derelect Building

Barrack Street Elevation

the

Joeie Hutton

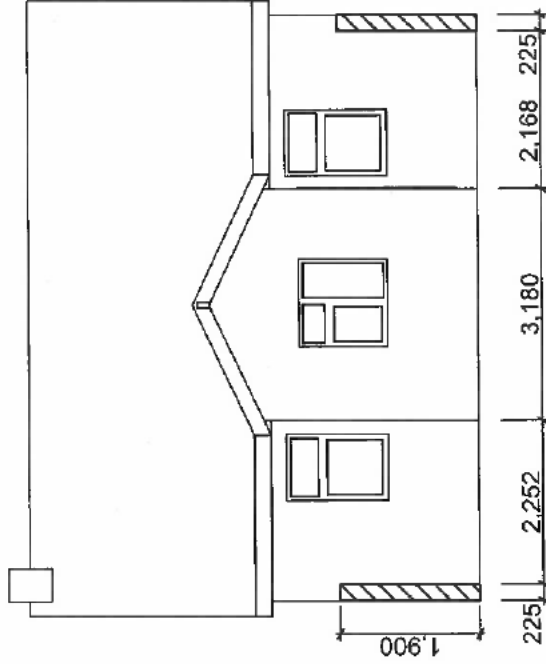
[illegible]

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Existing Rear Elevation

Rev'd	Training at Site	Issue Date	Revised By	Approved By

Client Approval	Client Approval
A - Approved	B - Approved with Comments
C - Do Not Use	Purpose of Issue

Original	O'Siachain Construction
Project	No. 8 Barrack Street Carlow Proposed Refurbishment of Derelict Building

Layout Title	Existing Rear Elevation
Client	Josie Hutton

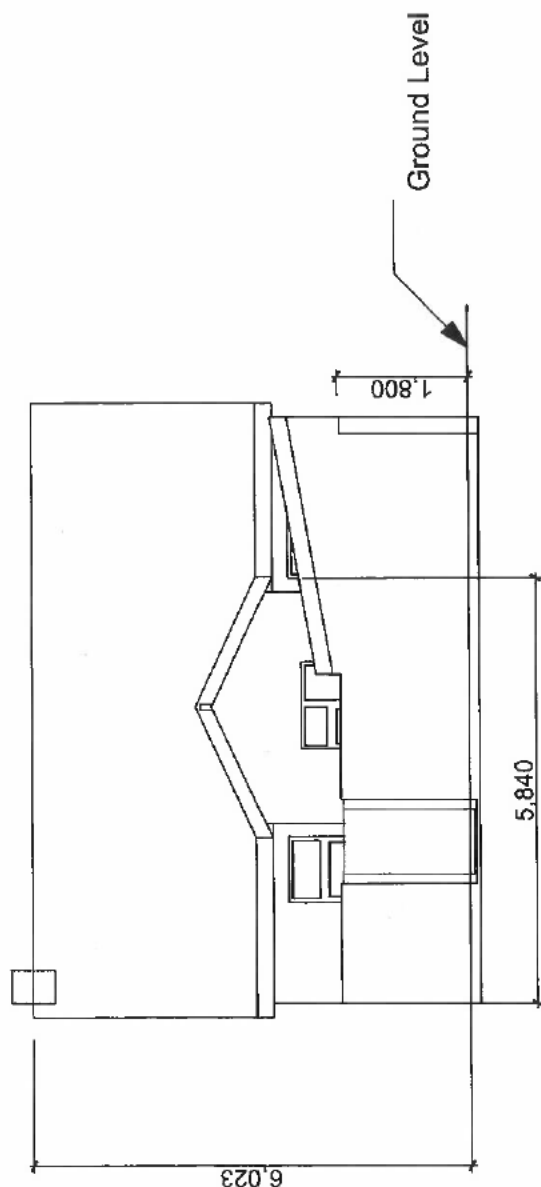
Drawing Number	100
Project Name	0252
Project No.	0252
Project Name	0252

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Q = Apple Apfel	

Estimate	Elmwood, N.J.	08012
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Continued from page 10

O'Siochain Construction

Preface

**No. 8 Barrack Street Carlow
Proposed Refurbishment of
Derelict Building**

Lowest Tide

Existing Rear Lane Elevation

Student

Josie Hutton

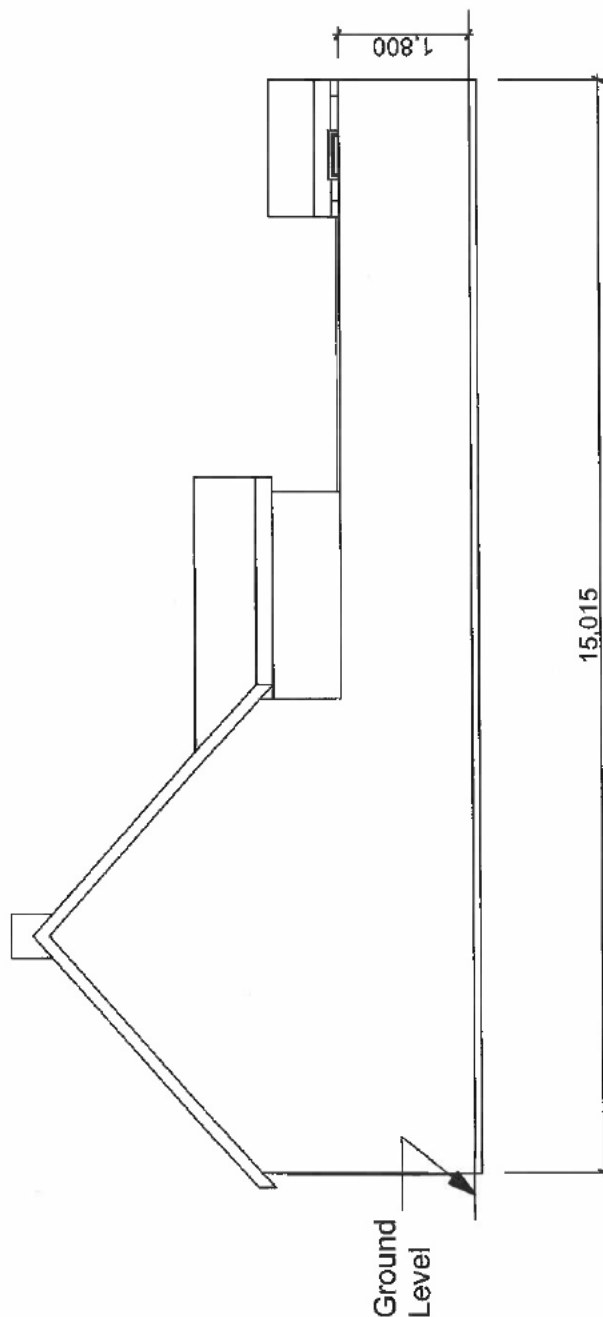
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sheet	plates	area	job
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APR-3		APR-4	
APR-5		APR-6	
APR-7		APR-8	
APR-9		APR-10	
APR-11		APR-12	
APR-13		APR-14	
APR-15		APR-16	
APR-17		APR-18	
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APR-223		APR-224	

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Storage @ AA 1:100	Issuing Office #Issuing Office	Project No, #Pln
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Originator

O'Siochain Construction

100

Project _____

No. 8 Barrack Street Carlow

How to Buy Direct and Get Lower Prices

Dereclit Building
Hyposea Keldariment of

Dereitox Building

08/11/2006

Existing Side Lane elevation

10

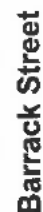
[illegible]**Josie Hutton**

Drawing Number

project	availability	availability	level	ratio	number	year

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0P00j- JIm	-	-	-	

oct share0	share
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Proposed layout and Extension incorporating the existing Kitchen within its footprint

In addition to the hazards/risks normally associated with the types of work detailed on this drawing take note of the above. It is assumed that all works on this drawing will be carried out by a competent contractor working, where appropriate, to an appropriate method statement.

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[illegible]

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B - Approved with Comments

Q - Do Not Use

Status	Purpose
--------	---------

50 / DIM

Calmair®

D'Siochain Construction

Professors

**No. 8 Barrack Street Carlow
Proposed Refurbishment of
Derelict Building**

Legend: Tila

Proposed new Layout and Extension

Client

Josie Hutton

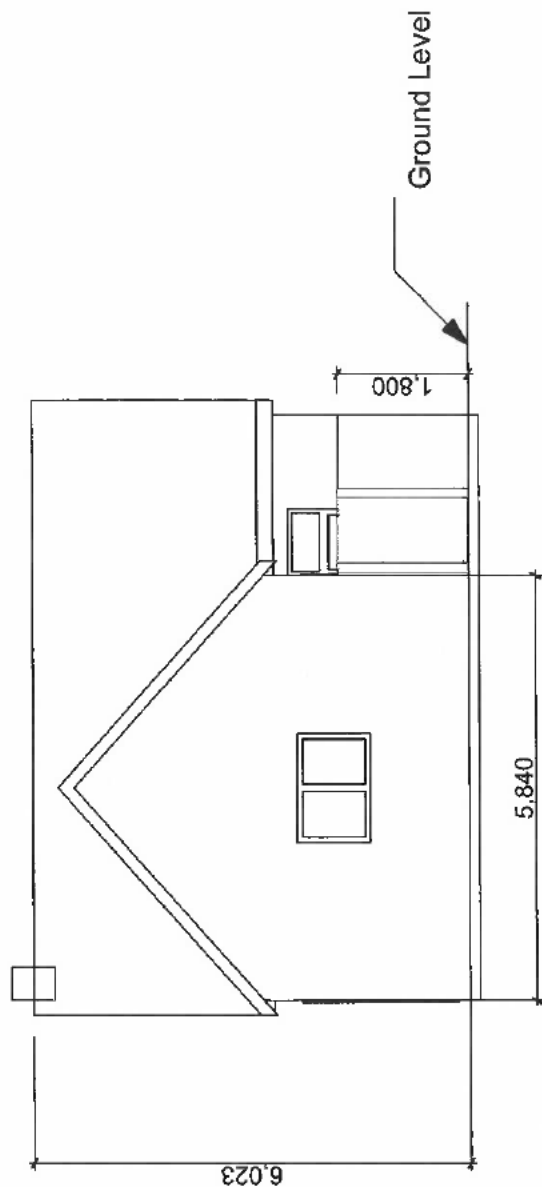
Drawing Number		DATE		BY		0126	
PROJECT	REVISION	DATE	BY	DATE	BY	DATE	BY
APPROVED - JMS		XX = GF		OR MCH		0126	

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Section 404	Issuing Office	Project No.
1-100	#Issuing Office	#Pin

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B - Approved with Comments	
C - Do Not Use	

Status	Purpose of Issue
Coordinator	

O'Siochain Construction

No. 8 Barrack Street Carlow
Proposed Refurbishment of

Employee Title	
Derelect Building	

Client _____

Proposed Rear Lane Elevation

Uttering Number
Josie Hutton

project	org/size	software	load	best	time	number	res
0276	Prod - Jim	-	-	-	40	0276	
0276	ext Shasha						

Land Registry

County Carlow

Folio 26894F

Register of Ownership of Freehold Land

Part 1(A) - The Property

Note: Unless a note to the contrary appears, neither the description of land in the register nor its identification by reference to the Registry Map is conclusive as to boundaries or extent

For parts transferred see Part 1(B)

No.	Description	Official Notes
1	The property shown coloured Red as plan(s) BUQ3B, BUQ3E on the Registry Map, in the Parish of CARLOW , situate in the Townland of CARLOW , known as 7 BARRACK STREET, CARLOW , in the Barony of CARLOW , in the Electoral Division of CARLOW URBAN . The Registration does not extend to the mines and minerals	From Instrument D2008TJ031710V - Ground Rent Act , 1978

Land Registry

County Carlow

Folio 26894F

Part 1(B) - Property Parts Transferred

No.	Prop No:	Instrument:	Date:	Area(Hectares):	Plan:	Folio No:

Land Registry

County Carlow

Folio 26894F

Part 2 - Ownership

Title ABSOLUTE

No.	The devolution of the property is subject to the provisions of Part II of the Succession Act, 1965
1	22-AUG-2008 SARAH CARPENTER of 7 BARRACK STREET, CARLOW is full owner. D2008TJ031710V

Land Registry

County Carlow

Folio 26894F

Part 3 - Burdens and Notices of Burdens

No.	Particulars
1	D2008TJ031710V The property is subject to the provisions specified in Section 90(6) of the Housing Act, 1966, as amended against alienation, mortgaging and charging without the consent of Carlow Town Council, for a period of 25 years from 22nd August, 2008 and to the conditions (if any) specified in Instrument no. D2008TJ031710V.

SECTION 5 DECLARATION

Reg. Ref.	SEC5/23/33
Name of Applicant	Josephine Hutton
Address of Development	Barrack Street, Carlow
Development Description	Extension to back of property

1) Site Location/Context

The Section 5 declaration site relates to a residential property at Barrack Street, Carlow town. The site is located within an established residential housing estate and currently comprises a single storey, semi-detached property.



SITE LOCATION



AERIAL IMAGE

2) Relevant Planning History

There is no recent planning history noted for this particular site at No. 8 Barrack Street.

3) Description of the Referral/Proposal

An exempted development declaration is being sought for the construction of a single storey extension to the rear of the dwelling. The Applicant states that they are the owner of the subject property. The Section 5 application has been accompanied with scaled drawings of the proposed development and indicates the use of the extension as a kitchen/dining/living area. According to the plan titled "*Proposed Layout and Extension*", the proposed floor area is 42.8m².

4) Relevant Legislative/Regulatory Provisions

Planning and Development Act 2000 (as amended)

- Section 2

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

- Section 3(1)

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

Planning and Development Regulations 2001 (as amended)

- Article 6(1)

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

-Article 9(1)

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

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

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

Schedule 2, Part 1, Class 1 (Development within the curtilage of a house)

The extension of a house, by the construction or erection of an extension (including a conservatory) to the rear of the house or by the conversion for use as part of the house of any garage, store, shed or other similar structure attached to the rear or to the side of the houses.

Conditions / Limitations

1. (a) Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square meters. (b) Subject to paragraph (a), where the house is terraced or semi-detached, the floor area of any extension above ground level shall not exceed 12 square metres. (c) Subject to paragraph (a), where the house is detached, the floor area of any extension above ground level shall not exceed 20 square meters.
2. (a) Where the house has been extended previously, the floor area of any such extension, taken together with the floor area of any previous extension or extensions constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 40 square metres. (b) Subject to paragraph (a), where the house is terraced or semi-detached and has been extended previously, the floor area of any extension above ground level taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 12 square metres. (c) Subject to paragraph (a), where the house is detached and has been extended previously, the floor area of any extension above ground level, taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 20 square metres.
3. Any above ground floor extension shall be a distance of not less than 2 metres from any party boundary.
4. (a) Where the rear wall of the house does not include a gable, the height of the walls of any such extension shall not exceed the height of the rear wall of the house. (b) Where the rear wall of the house includes a gable, the height of the walls of any such extension shall not exceed the height of the side walls of the house. (c) The height of the highest part of the roof of any such extension shall not exceed, in the case of a flat roofed extension, the height of the eaves or parapet, as may be appropriate, or, in any other case, shall not exceed the height of the highest part of the roof of the dwelling.
5. The construction or erection of any such extension to the rear of the house shall not reduce the area of private open space, reserved exclusively for the use of the occupants of the house, to the rear of the house to less than 25 square metres.
6. (a) Any window proposed at ground level in any such extension shall not be less than 1 metre from the boundary it faces. (b) Any window proposed above ground level in any such extension shall not be less than 11 metres from the boundary it faces. (c) Where the house is detached and the floor area of

the extension above ground level exceeds 12 square metres, any window proposed at above ground level shall not be less than 11 metres from the boundary it faces.

7. The roof of any extension shall not be used as a balcony or roof garden.

Schedule 2, Part 1, Class 50

- (a) Demolition of a building, within the curtilage of a house, an industrial building, a business premises or a farmyard complex.*
- (b) The demolition of part of a habitable house in connection with the provision of an extension or porch in accordance with Class 1 or 7, respectively, of Part of this Schedule or in accordance with a permission or in accordance with a permission for an extension or porch under the Act.*

Conditions/Limitations

1. No such building or buildings shall abut on another building in separate ownership.
2. The cumulative floor area of any such building, or buildings, shall not exceed (a) in the case of a building or buildings within the curtilage of a house, 40 square metres, and (b) in all other cases, 100 square metres.
3. No such demolition shall be carried out to facilitate development of any class prescribed for the purposes of section 176 of the Act.

5) Assessment

The submitted Section 5 Declaration application relates to the demolition of an existing kitchenette, outside toilet and store and the construction of a single-storey extension (42.8m²), to the rear of an existing dwelling. The extension is indicated on the submitted plans as a kitchen/living/dining area. Accordingly, the provisions of Class 1 and Class 50, Part 1, Schedule 2 and would appear to be applicable.

Does the proposal constitute development?

Section 3 of the Planning and Development Act 2000 (as amended) defines development as *"the carrying out of works on, in, over or under land or the making of any material change in the use of any structures or other land"*. The proposed works, which involve the construction of an extension to the rear of a dwelling, are deemed to constitute development within the meaning of this definition.

Does the proposal constitute exempted development?

Article 6 (1) of the Regulations state that subject to Article 9, development of a class specified in Part 1 of Schedule 2 of the Regulations shall be exempted development provided that such development complies with the conditions and limitations specified. Class 1 of Part 1 of Schedule 2 is relevant in this instance and relates to the following development:

The extension of a house, by the construction or erection of an extension (including a conservatory) to the rear of the house or by the conversion for use as part of the house of any garage, store, shed or other similar structure attached to the rear or to the side of the house.

1. (a) Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres.
- (b) Subject to paragraph (a), where the house is terraced or semi-detached, the floor area of any extension above ground level shall not exceed 12 square metres.
- (c) Subject to paragraph (a), where the house is detached, the floor area of any extension above ground level shall not exceed 20 square metres.

- ***The existing dwelling is a semi-detached dwelling which has not been previously extended. The proposed extension has a total (internal) floor area of c. 42.8m². It is proposed to demolish an existing kitchenette, outside toilet and store.***

2. (a) Where the house has been extended previously, the floor area of any such extension, taken together with the floor area of any previous extension or extensions constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 40 square metres.

(b) Subject to paragraph (a), where the house is terraced or semi-detached and has been extended previously, the floor area of any extension above ground level taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 12 square metres.

(c) Subject to paragraph (a), where the house is detached and has been extended previously, the floor area of any extension above ground level, taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 20 square metres.

- ***The above is not applicable as the house has not been previously extended.***

3. Any above ground floor extension shall be a distance of not less than 2 metres from any party boundary.

- ***The proposed extension is single-storey in size. The above is therefore not applicable.***

4. (a) Where the rear wall of the house does not include a gable, the height of the walls of any such extension shall not exceed the height of the rear wall of the house.

(b) Where the rear wall of the house includes a gable, the height of the walls of any such extension shall not exceed the height of the side walls of the house.

(c) The height of the highest part of the roof of any such extension shall not exceed, in the case of a flat roofed extension, the height of the eaves or parapet, as may be appropriate, or, in any other case, shall not exceed the height of the highest part of the roof of the dwelling.

- ***The proposed extension does not exceed the height of the rear wall of the dwelling.***

5. The construction or erection of any such extension to the rear of the house shall not reduce the area of private open space, reserved exclusively for the use of the occupants of the house, to the rear of the house to less than 25 square metres.

- ***The above condition has been met as the dwelling contains a large area of private open space to the rear of the house in excess of 25m².***

6. (a) Any window proposed at ground level in any such extension shall not be less than 1 metre from the boundary it faces.

(b) Any window proposed above ground level in any such extension shall not be less than 11 metres from the boundary it faces.

(c) Where the house is detached and the floor area of the extension above ground level exceeds 12 square metres, any window proposed at above ground level shall not be less than 11 metres from the boundary it faces.

- New windows are to be provided on the rear (east) and side (south) elevations. The windows are located at the boundary and therefore the proposal is not compliant with the above condition/limitation.

7. The roof of any extension shall not be used as a balcony or roof garden.

- The proposed extension does not appear to contain a balcony or roof garden, thus the above has been complied with.

Article 6 (1) of the Regulations state that subject to Article 9, development of a class specified in Part 1 of Schedule 2 of the Regulations shall be exempted development provided that such development complies with the conditions and limitations specified. Class 50 of Part 1 of Schedule 2 is relevant in this instance and relates to the following development:

(a) Demolition of a building, within the curtilage of a house, an industrial building, a business premises or a farmyard complex.

(b) The demolition of part of a habitable house in connection with the provision of an extension or porch in accordance with Class 1 or 7, respectively, of Part of this Schedule or in accordance with a permission or in accordance with a permission for an extension or porch under the Act.

1. No such building or buildings shall abut on another building in separate ownership.

- It appears that the outside toilet is abutting the building on the adjoining property.

2. The cumulative floor area of any such building, or buildings, shall not exceed (a) in the case of a building or buildings within the curtilage of a house, 40 square metres, and (b) in all other cases, 100 square metres.

- The exiting kitchenette, outside toilet and store have an accumulative floor area of approx. 10.65m².

3. No such demolition shall be carried out to facilitate development of any class prescribed for the purposes of section 176 of the Act.

- The size and nature of the proposed extension does not trigger a section 176 of the Act.

Conclusion

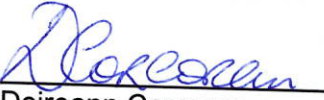
Accordingly, the overall proposed works are considered not to constitute exempted development pursuant to Classes 1 and 50 of Schedule 2, Part 1 of the Planning and Development Regulations 2001 (as amended).

Having had regard to:

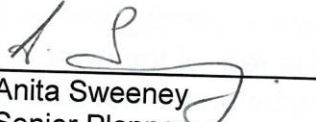
- Sections 3 and 4 of the Planning and Development Act 2000 (as amended),
- Articles 5, 6 and 9 of the Planning and Development Regulations 2001 (as amended),
- Schedule 2, Part 1, Class 1 of the Planning and Development Regulations 2001 (as amended),
- Schedule 2, Part 1, Class 50 of the Planning and Development Regulations 2001 (as amended),

The Planning Authority consider that the proposed demolition of the outside toilet, store and kitchenette and the construction of a single storey extension to the rear of the dwelling, as submitted to the Planning Authority on the 7th September **2023** is development and is not exempted development. The development does not fall within Class 1 or Class 50, of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended).

NOW THEREFORE Carlow County Council, in exercise of the powers conferred on it by Section 5(2)(a) of Planning and Development Act 2000 (as amended), hereby decides that the proposed demolition and extension as submitted is development and is **not** exempted development.


Doireann Corcoran
Assistant Planner

Date: 21/09/23


Anita Sweeney
Senior Planner

Date: 21/9/23

**Declaration on Development & Exempted Development
Section 5 of the Planning and Development Act 2000 (as amended)**

Reg. Ref: SEC5/23/32

WHEREAS a question has arisen as to whether the construction of a single storey extension to the rear of the existing dwelling at Barrack Street, Carlow, is or is not exempted development;

AS INDICATED on the plans and particulars received by the Planning Authority on **07/09/2023**;

AND WHEREAS Josephine Hutton, [REDACTED] requested a declaration on the said question from Carlow County Council;

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

- (a) Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended);
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended);
- (c) Class 1 in Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended);
- (d) Schedule 2, Part 1, Class 50 of the Planning and Development Regulations 2001 (as amended),

AND WHEREAS Carlow County Council has concluded that the demolition of the existing kitchenette, outside toilet and store and the construction of a single storey extension to the rear of the dwelling, as submitted to the Planning Authority on the **7th September 2023** is development and is not exempted development as the development exceeds the exempt development threshold of 40m² and the outside toilet and store abuts another building in separate ownership. Accordingly, the development does not fall within the Class 1 or Class 50 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended).

NOW THEREFORE Carlow County Council, in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act 2000 (as amended), hereby decides that the proposal comprising of the demolition of an outside toilet, store and kitchenette and the construction of a single storey extension to the rear of the existing dwelling of 42.8m², as indicated on the plans and particulars received by the Planning Authority on 07/09/2023 at Barrack Street, Carlow, is development and is not exempted development.

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

Appendix 1

APPROPRIATE ASSESSMENT SCREENING REPORT

Planning Application Reg. Ref: SEC5/23/32

A. DESCRIPTION OF PROJECT AND LOCAL SITE

Site Location:	Barrack Street, Carlow
Total Site Area :	Not stated
Floor Area of Proposed Development:	Unknown total floor area (c. 42.8m ²)
Identification of Natura 2000 site(s):	River Barrow and River Nore cSAC.
Is the application accompanied by an EIAR?	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.

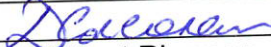
D. ASSESSMENT OF LIKELY SIGNIFICANT EFFECTS

(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 is circa 850m west of the site which forms part of the River Barrow and River Nore SAC. 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:		Date:	21/09/2023
Position:	Assistant Planner		



Declaration on Development & Exempted Development
Section 5 of the Planning and Development Act 2000 (as amended)
Reg. Ref: SEC5/23/32

WHEREAS a question has arisen as to whether the construction of a single storey extension to the rear of the existing dwelling at Barrack Street, Carlow, is or is not exempted development;

AS INDICATED on the plans and particulars received by the Planning Authority on 07/09/2023;

AND WHEREAS Josephine Hutton, 1A The Crescent Castleoaks, Co. Carlow requested a declaration on the said question from Carlow County Council;

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

- (a) Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended);
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended);
- (c) Class 1 in Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended);
- (d) Schedule 2, Part 1, Class 50 of the Planning and Development Regulations 2001 (as amended),

AND WHEREAS Carlow County Council has concluded that the demolition of the existing kitchenette, outside toilet and store and the construction of a single storey extension to the rear of the dwelling, as submitted to the Planning Authority on the 7th **September 2023** is development and is not exempted development as the development exceeds the exempt development threshold of 40m² and the outside toilet and store abuts another building in separate ownership. Accordingly, the development does not fall within the Class 1 or Class 50 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended).

NOW THEREFORE Carlow County Council, in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act 2000 (as amended), hereby decides that the proposal comprising of the demolition of an outside toilet, store and kitchenette and the construction of a single storey extension to the rear of the existing dwelling of 42.8m², as indicated on the plans and particulars received by the Planning Authority on 07/09/2023 at Barrack Street, Carlow, is development and is **not** exempted development.

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

Signed:

Shirley O'Neil

Date:

25th September 2023