

COMHAIRLE CHONTAE CEATHARLOCHA
CARLOW COUNTY COUNCIL

C A R L O W
COUNTY COUNCIL
COMHAIRLE CHONTAE CEATHARLOCHA



COUNTY BUILDINGS, ATHY ROAD, CARLOW.

Tel: Phone: 059-9170300/ Fax: 059-9170836

Website: www.carlow.ie

Application Form for Section 5 Declaration on Development & Exempted Development

1. Name of applicant: **Morgan Kavanagh**
2. Address of applicant: [REDACTED]
3. Name and address for correspondence: **As above**

Tel. No:



Fax No: _____

E-mail:



4. Location of Development: Townland: **Borris House, Borris, County Carlow**

Postal Address: (if different from Townland): _____

5. Name and Address of Agent: **Margaret Quinlan Architects, Ballymacarbry Upper,
via Clonmel, Co. Tipperary**

6. Outline clearly the description of the development / proposal: **Restoration of character
To reinstate the designed parkland setting of Borris House. This will entail the removal
of the 20c L-shaped low wall in front on the house and the restoration of the historic
ha-ha (excavated ditch), filled in when the wall was built. The ha-ha was a common
feature in such landscapes – a ditch below ground level, forming a boundary to a park
or garden without interrupting the view.**

7. Is this a Protected Structure or within the curtilage of a Protected Structure: **Yes CW37**

8. List any previous applications relating to the site:

18/131 Upper Yard in curtilage of Borris House

9. Are you aware of 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:

1.2500 plan

1. 500 plan

Description of proposal with modern and historic photographs

Historic Landscape Analysis extract

Signed: _____

(Signature of Applicant)

Date: _____

10/12/23

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.

Application for a Declaration under Section 5 of the Planning and Development Act, 2000

DESCRIPTION OF PROPOSED CONSERVATION WORKS AT BORRIS HOUSE, BORRIS, CO. CARLOW

1. The applicant, Morgan Kavanagh is applying for a Section 5 Declaration for an alteration to landscape features within the curtilage of Borris House.
2. Borris House, Borris is a protected structure RPS No. CW37
NIAH No. 10400802 N, A, H, Int, Art
3. RPS Description
The house is on the site of a late-medieval castle which was sited in front of the present house. The cellars of the castle survive running out in front. The house is an 18th century structure remodelled by the Morrisons in the early 19th century in their tudor-gothic revival style. It has a seven-bay, three-storey façade with corner towers and a gothic, arched porch. The house is covered with patent cement and highly decorative embellishments including drip labels and heraldic heads hinting at the historic past of the Kavanagh family. Apart from the tall, tudor stacks the roof is hidden by a tall parapet decorated with blank tracery and topped with finials. Later additions were made at the rear in the 1840's with billiard rooms and additional accommodation. The interior is classical with very fine neo-classical plasterwork designed by the Morrisons.
4. The application has been discussed with the Heritage Officer, Dr Eoin Sullivan, who has visited the site.
5. The application is based on Restoration of Character which is listed in the Architectural Heritage Protection Guidelines Guidelines for Local Authorities as a possible exemption where a previous inappropriate alteration is being reversed. See Clause No.4.13.3, p66.
6. The applicant wishes to reverse a previous inappropriate alteration. This was the insertion of an L-shaped low masonry wall between Borris House and the parkland in which it stands and the contemporaneous infilling of a ha-ha, a below-ground ditch which was the 19th century historic boundary between the house and the parkland.
7. These alterations were carried out before the Planning and Development Act, 2000 and, almost certainly, before the Local Government (Planning and Development) Act, 1963, by a family member – then owner. The aim was to increase the productivity of the land by reducing the extent of the amenity grounds in front of Borris House. The formal entrance avenue from Factory Cross at this time had already ceased being used as the main approach.
8. The applicant's aim is to restore the parkland setting of Borris House as it was designed – standing on a terrace facing south above extensive planted parkland sweeping down to the river Barrow. This was largely designed in the eighteenth century and developed to complement the Morrisons' nineteenth century re-modelling of the house.
9. A Conservation and Management Plan was prepared for Borris House and Demesne in 2010 by the undersigned. This has informed works at Borris House since then. Part of the Plan was a Historic Landscape Analysis prepared by Dr Finola O'Kane, an eminent landscape historian and author. This describes the development of the Borris House landscape and assesses its significance. It concludes with recommendations – one of which is the most relevant here

8. The Environs of Borris House

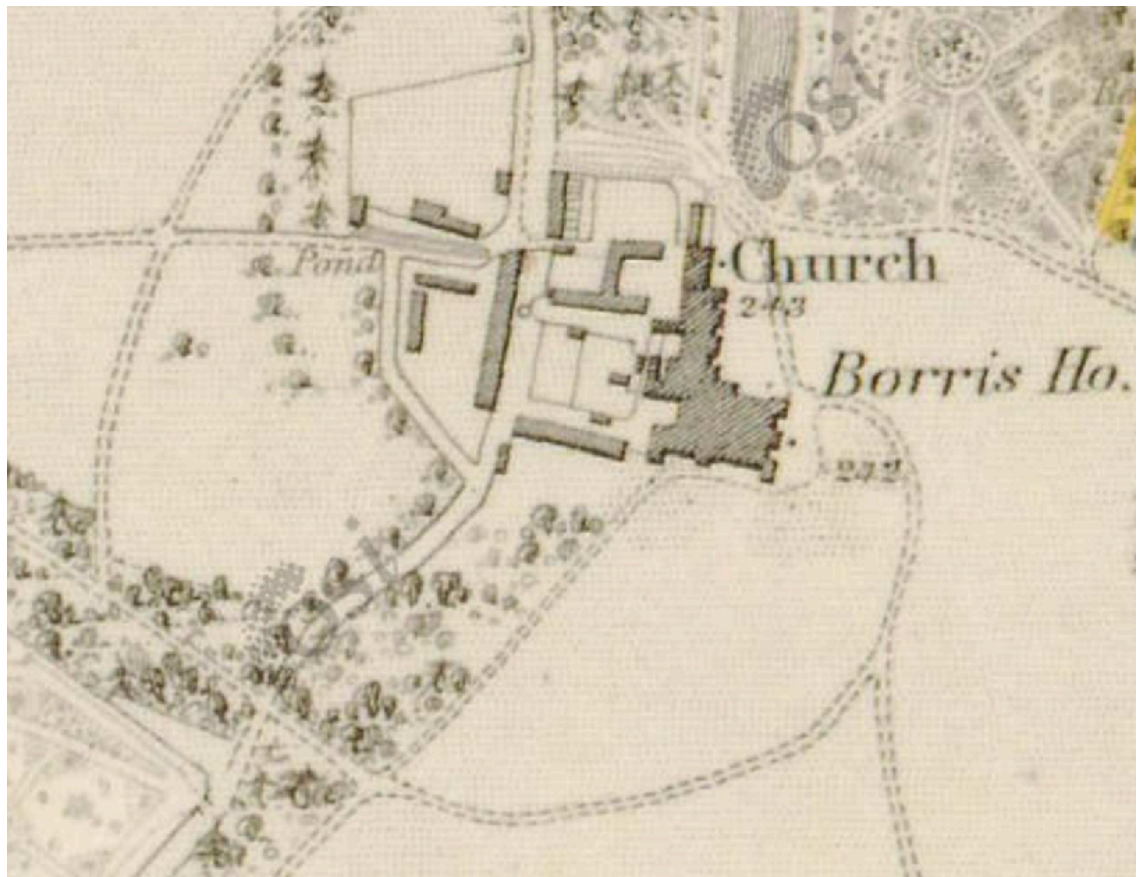
The terraces, specimen trees, shrubberies, chapel and other elements of the house environs were altered over time, as landscape and architectural taste evolved. This immediate setting of the house should be conserved and where possible restored.

An extract is attached

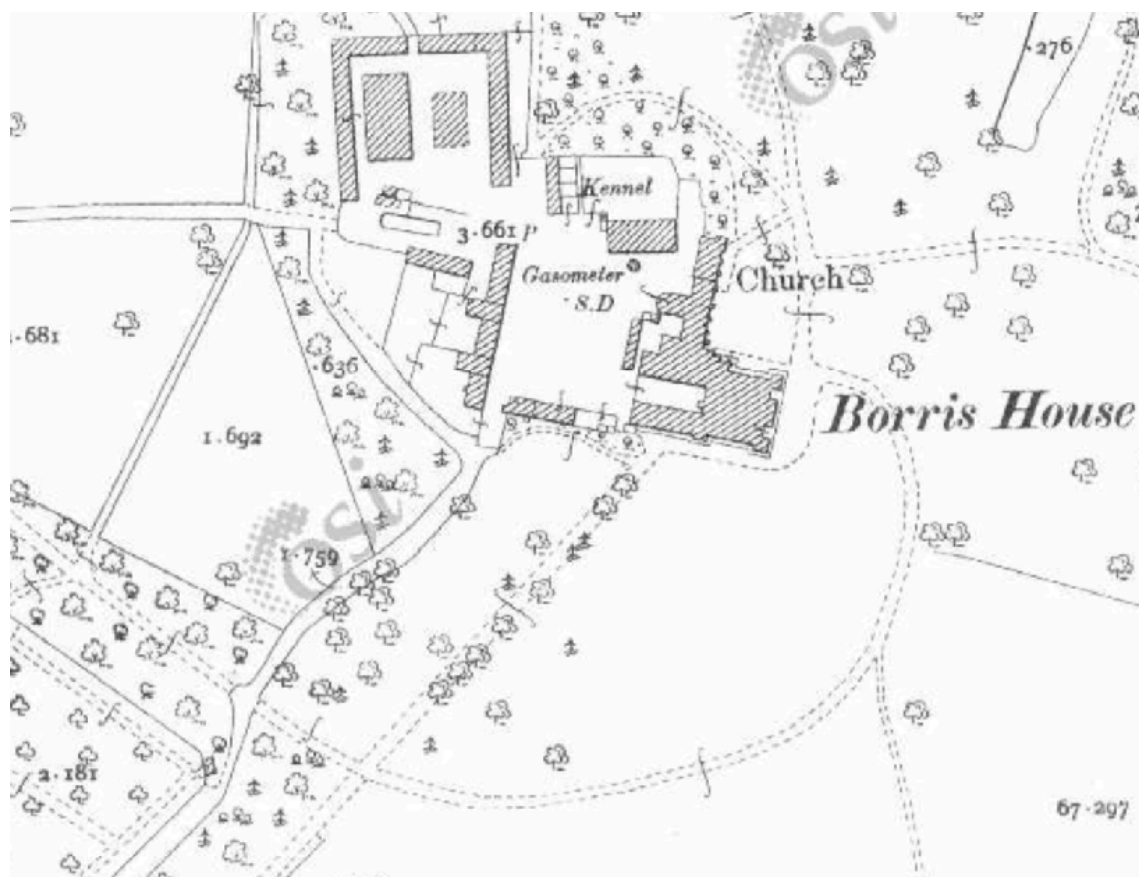
10. The works will be carried out under architectural and archaeological supervision. The stone in the wall being taken down will be examined and carefully removed for storage on site for use in future conservation and repair works. Any stone showing evidence of salvage from an earlier structure will be set aside. The removal of the infill in the ha-ha will be monitored. The ground will be carefully graded from the levels sloping down from the terrace to the re-opened ha-ha and re-seeded.
11. An archaeologist, Dave Pollock MIAI, has been engaged in connection with the removal of the infill material to the ha-ha. A licence application has been lodged with the National Monuments Service. The intention had been to include profile details of the ha-ha with this application. However, NMS queried the planning status of the project so the sequence was reversed and this application is made first to allow the licence application to be processed.
12. Photographs of the existing landscape feature and historic photographs of the designed landscape pre-alterations are attached.
13. The applicant plans to restore the historic landscape as part of the ongoing conservation programme being implemented at Borris House, supported by Carlow County Council and the Department of Housing, Local Government and Heritage. It is hoped that Carlow County Council will adjudge this restoration of character to be an exempt development.


Margaret Quinlan FRIAI
Grade 1 Conservation





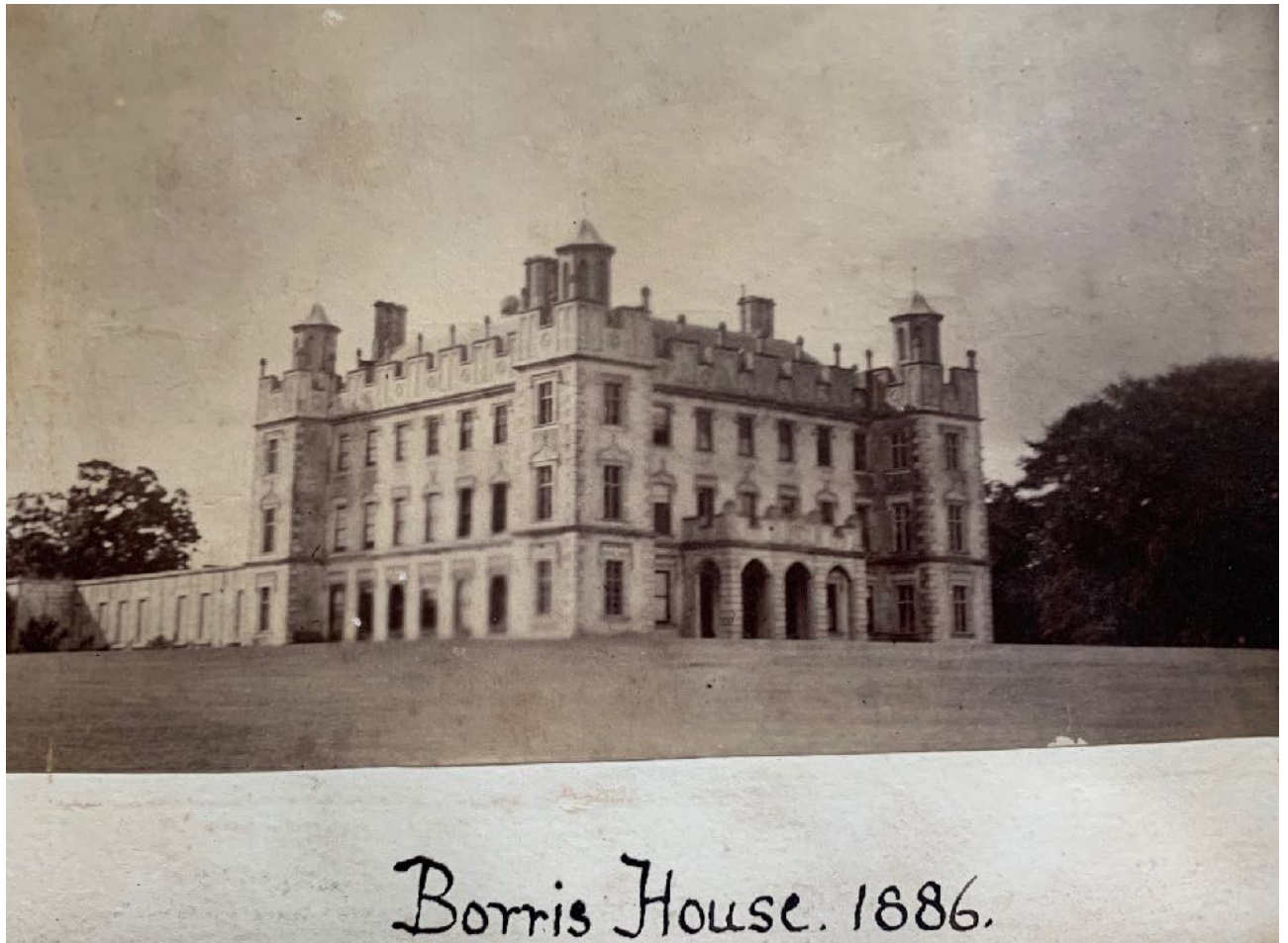
1st edition OS map c1840 showing old avenue



2nd edition OS map c1900 showing no change around house



The present arrangement with wall to front and side of house



1886 photograph of the house in parkland with no intervening wall



Present frontage with wall between parkland and house



1926 No wall in front of house



House frontage taken from ha-ha location with old avenue still in use and no wall between house and parkland

APPENDIX 3

Historic Landscape Analysis of Borris Demesne

Dr. Finola O'Kane Crimmins



CONTENTS

List of Figures

Introduction

Historical Analysis	Borris Demesne in the Eighteenth Century
	The Evidence of the First Edition O.S. map
	The Evidence of the Second Edition O.S. Map
	The Evidence of the Third Edition 1911 O.S. Map

Inventory, Condition Survey and Recommendations

Significance

Extract

Inventory, Condition Survey and Recommendations for Historic Landscape Features

1. The Demesne Structure

The demesne structure of Borris is substantially intact and bears witness to its continued development and alteration over the past three hundred years. It is perhaps blessed in that few if any of these developments have detracted from its integrity as a designed and managed demesne landscape. The working, productive, industrial, antiquarian, leisure and aesthetic aspects of this demesne still survive intact.

Saving the loss of Ballycoppigan Borris demesne is still intact. The extant structure of the demesne should be conserved, and where possible restored.

2. The Demesne Wall, Tree-Belt

As a demesne laid out along a major river valley (The Barrow) Borris demesne is not delineated by a clear continuous ribbon of demesne wall. The demesne wall is most significant along its western edge where it helps to form the estate town of Borris. The maps also suggest that Borris demesne never removed all the field boundaries from its confines, as many demesnes were wont to do, and the tree-belt likewise is located principally where the demesne puts its face to the town.

3. The Demesne Traditions of Arboriculture and Horticulture.

Borris demesne still contains substantial areas of woodland and exceptional specimen trees.

Borris's arboricultural heritage should be conserved and where possible restored with the original tree species if these can be determined, and otherwise using a carefully selected mix of broad-leaved and coniferous tree species to sympathise with the landscape's historic character. The long-term management of these plantations should be considered in tandem with the designed approach routes.

4. The Historic Approach Routes, Lodges, Circulation Routes, Vistas & Eyecatchers

Borris has had a changing hierarchy of approach routes since its amalgamation as a demesne sometime in the early eighteenth century. The traditional demesne lands are delineated by the hatching pattern shown on the first edition and second edition O.S. maps, giving the demesne an area of some 800 acres (legend of the 1776 map). Unlike some other demesnes it does not have a clear boundary condition, saving the natural geography of the river valleys. The experience of demesne landscape was also one of continuous movement. Landscape was understood as a changing sequence of views or tableaux, marked and emphasized by exceptional points along these routes, which are the highlighted vista points.

All the approach routes should be conserved and restored. Where the vistas can no longer be fully appreciated (such as those framed by clumps in the parkland) their re-instatement should be carefully assessed and managed over time. Where feasible circulation routes should be laid with historically accurate material (usually gravel), and their profile and section maintained (See Figure 17). They should not be widened for double vehicular access. The vistas and eyecatchers along each route should be protected and framed with new historic planting.

5. The Riverside Walks and Buildings

Borris demesne gave the design of its riverside edge substantial thought and consideration. The buildings and walks attendant along the Barrow's route should be conserved restored and linked into this designed route, which is not only significant for this demesne but for the wider landscape heritage of the Barrow river and its region.

6. The Home Farm and Outbuildings

This area forms an important node in the estate's management tradition. Its buildings are of architectural significance and should be conserved and if possible restored. The walled enclosures and field boundaries form part of the demesne's architectural and landscape heritage. The orchards, follies, glasshouses and other buildings in this area should be conserved and restored.

7. The Walled Gardens/Kitchen Garden

The various maps need to be closely compared with a detailed survey of the walled gardens. The various extensions and planting plans of the walled gardens, as documented in the O.S. maps, should be identified and compared with the current layout and ground levels. No further earthworks and demolition should take place, and no more ground should be ploughed up or disturbed. All evidence of beds and earlier layouts should be carefully conserved. The walls should not be re-pointed or repaired until they have been surveyed in detail by an archaeologist specializing in seventeenth-century structures and a garden historian of the period.

8. The Environs of Borris House

The terraces, specimen trees, shrubberies, chapel and other elements of the house environs were altered over time, as landscape and architectural taste evolved. This immediate setting of the house should be conserved and where possible restored.

9. The Designed Landscape of the Estate Town

Borris town is notable for its divergence from the typical estate town. The main street has not been straightened; there is no geometric figure of a square, no tree-lined mall, no Protestant church, no charter school and no market building (Fig. 11). In the eighteenth century no potent symbols of protestant control such as a barracks, courthouse nor constabulary were built. Borris became an anomaly from the general pattern of development, deriving its rare characteristics from the changing identity of the family that continues to inhabit it.

10. The Landscape Design of the Barrow Valley

Borris forms a key part of the composite design of the Barrow river valley. This is substantially intact today. The Barrow differs from other Irish designed river valleys in that it is very easily navigated. This also meant that, unlike the Liffey for example, which has quite a sheer gradient, it was both pleasurable and sensible to do so. This encouraged the proliferation of demesnes, vistas, views, borrowed landscape patterns and overall landscape significance along the river valley.

It is recommended that Carlow County Council commission an historic landscape assessment of the entire Barrow river valley in order to identify the structure of its composite design, and the related vistas and views. The Barrow river valley should be conserved in its entirety as an exceptional piece of Irish landscape design and heritage.

Assessment of Historic Landscape Significance

The landscape of Borris is assessed to be of national significance because of:

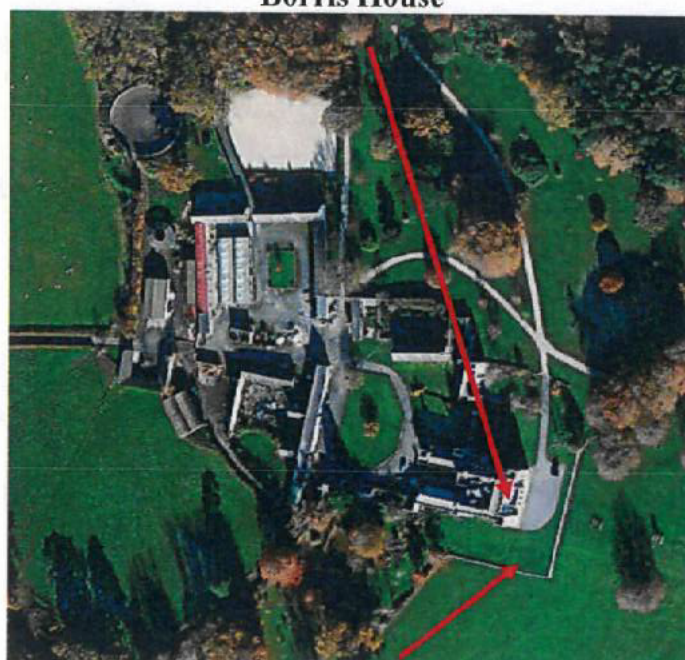
1. Its importance within the chronology of Irish landscape design history as a key landscape in the eighteenth and early nineteenth-century composite design of the Barrow river valley. The landscape of Borris is considered to be most significant in the 1765-1840 period.
Borris is also an exceptional example of the combined architectural, landscape design and urban design of the architects William and Vitruvius Morrison, the most prolific and under-researched architects of nineteenth-century Ireland.
2. Borris attains additional significance as an example of the hidden Catholic material culture of eighteenth-century Ireland.
3. The historic landscape is still predominantly intact despite the confusion of some of the approach routes by recent works, the loss of Ballycoppigan and its resulting dual ownership status.
4. The historic landscape forms the setting for Borris House, a protected structure. The demesne possesses a significant collection of lodges and pleasure buildings. Borris is one of the demesnes included on the recent NIAH Survey of Historic Gardens and Designed Landscapes. However, the site survey report included on the survey's website contains many errors, which this report aims to rectify.

CARLOW COUNTY COUNCIL PLANNING DEPARTMENT	
Section 5 declaration & referral on development & exempted development Planning & Development Act 2000 (as amended)	
Reference No. SEC5/23/43	
Name of Applicant:	Morgan Kavanagh
Site Address:	Borris House, Borris, Co. Carlow. Protected Structure CW-37.
Proposal:	Restoration of character. To reinstate the designed parkland setting of Borris House. This will entail the removal of the 20 th century L-shaped low wall in front of the house and the restoration of the historic ha-ha (excavated ditch), filled in when the wall was built.

1) Site Location

Borris House is a historic country house set within a large walled demesne located at the southern edge of Borris Village. It is a protected structure (Ref no; CW37) and is listed on the NIAH (Ref no; 10400802) as a building of national importance. There are extensive grounds, outbuildings and farmland within the curtilage of the structure. The referral relates specifically to a low 'L' shaped stone wall located to the front of Borris House and to parklands directly in front of the house where a 'ha-ha' or boundary ditch dating from the 19th century was previously filled in when the wall was built. Refer to aerial photograph below for further details and to submitted Conservation Report including photographs.

Borris House



Boundary Wall

2) Relevant Planning History

Pl. ref; 18/131-PP granted for works to disused yard buildings to convert to visitor accommodation at the upper yard, Borris House, Borris, Co. Carlow. The application will include a change of use from original agricultural use to the provision of 11 no. ensuite bedrooms including one fully accessible room, all within the existing buildings and the demolition of two modern storage buildings to the rear. Borris House and the buildings are within the curtilage of protected structures (REF NO'S CW180, CW182, CW183, CW184, CW036 AND CW037).

Pl ref; 11/69-PP granted for extension too an existing dwelling within the walled garden of Borris House.

Pl ref; 92/272-PP granted for stable shed and septic tank.

Pl ref: CW8624-PP granted for a septic tank.

3) Relevant Legislative/Regulatory Provisions

Planning and Development Act 2000 (as amended) – (The Act)

- Section 2(1)

“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—

(a) where the context so admits, includes the land on, in or under which the structure is situated,

“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.

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

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

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

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

- Section 4(1) – Exempted Development.

(h) development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures;

-Section 57

(1) Notwithstanding section 4 (1)(h), the carrying out of works to a protected structure, or a proposed protected structure, shall be exempted development only if those works would not materially affect the character of—

(a) the structure, or

(b) any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest.

Planning and Development Regulations 2001 (as amended) – (The Regulations)

Part 2 of the Regulations deals with exempted development.

- 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 2.

Article 9(1) of the Planning and Development Regulations 2001 sets out restrictions on exempted development as follows:

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:

(vii) consist of or comprise the excavation, alteration or demolition (other than peat extraction) of places, caves, sites, features or other objects of archaeological, geological, historical, scientific or ecological interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan for the area in which the development is proposed or, pending the variation of a development plan or local area plan, or the making of a new development plan or local area plan, in the draft variation of the development plan or the local area plan or the draft development plan or draft local area plan,

(viiA) consist of or comprise the excavation, alteration or demolition of any archaeological monument included in the Record of Monuments and Places, pursuant to section 12 (1) of the National Monuments (Amendment) Act 1994, save that this provision shall not apply to any excavation or any works, pursuant

to and in accordance with a consent granted under section 14 or a licence granted under section 26 of the National Monuments Act 1930 (No. 2 of 1930) as amended,

4)Assessment

The application is accompanied by a site layout plan and site location map, and by a report from Margaret Quinlan Architects (a Grade 1 Conservation Architect) which includes photographs and maps of the House and grounds before and after the wall and ha-ha were constructed and filled in. The report sets out the full scope of the proposal, which can be summarised as follows:

- Removal of a low 'L' shaped masonry wall located between Borris house and the parkland in which it stands. Maps and photographs included with the referral indicate that the wall was constructed sometime after 1926.
- Reinstatement of the Ha-Ha which was filled in when the wall was constructed.

The first question on the matter of whether the proposal constitutes 'works' and therefore 'development' within the meanings ascribed to same in Sections 2 and 3 of the Act, is not in dispute. The second question is whether the proposal constitutes exempted development.

In terms of the definitions provided in Section 2 of the Act, it is accepted that the existing wall is a 'structure', and its 'demolition' is considered as 'works'. The reinstatement of the ha-ha involves 'excavation'. The proposal represents the carrying out of works to the wall (or structure) and the reinstatement of the ha-ha through excavating the infill for the purposes of reinstating the original character of the house and grounds.

It is noted that the application has been referred to the Council's Heritage Officer (Eoin Sullivan) for comment, as Borris House is a Protected Structure and the attendant grounds within its curtilage. Record of Protected Structures (RPS) reference number CW-37 refers. In his report received on the 11/01/2024 the Heritage Officer has detailed that:

"The proposed restoration of the ha-ha, as indicated on the application and the proposed methodology for reinstatement, would have no negative impact of the character of Borris House. The ha-ha is an important of the landscape heritage of the demesne landscape and its restoration would enable the visitor understand the significance of house in its demesne setting.

The proposed removal of the low 5 course granite stone wall as indicated on the application and the proposed methodology for removal, would have no negative impact of the character of Borris House. The wall (which appears to be a retaining wall) is a later addition to the Borris House, providing a formalised front lawn type boundary. Borris House when viewed from a distance of c.30m from the southeast of the apex of the wall, hides the view of the lower portion of the entrance of the protected structure of Borris House. The removal of the wall would enhance the view of the protected structure from the demesne lands when approaching the protected

structure from the southeast, as is considered was the original design intention. The proposed removal of the wall would not have any negative impact of the character of the protected structures nor it's setting within the demesne landscape".

The above report is noted in the context of the provisions of Section 57 of the Planning and Development Act 2000-2012, namely sub-section 1, parts (a) and (b), which state:

57.—(1) Notwithstanding section 4 (1)(h), the carrying out of works to a protected structure, or a proposed protected structure, shall be exempted development only if those works would not materially affect the character of—

(a) the structure, or

(b) any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest.

With respect to the reference to Section 4(1)(h) of the Act, it provides that:

4.- (1) The following shall be exempted developments for the purposes of this Act

(h) development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures;

Having specific regard to the above noted report from the Heritage Officer on the file, which concludes that "The proposed developments would not have any negative impact of the character of the protected structures nor it's setting within the demesne landscape", it is considered that the proposed developments come within the scope of Section 4(1)(h) and Section 57 (1) (a) & (b).

The Planning Authority are satisfied that the nature and extent of the proposed works come within the scope of the exempted development provisions under Section 4(1)(h) of the Act. The proposed removal of the low stone wall and the reinstatement of the ha-ha would not materially affect the character of Borris House and in fact will reverse a previously inappropriate addition to the House.

In regard to the archaeology related restrictions on exemptions in Article 9 of the Regulations, it is noted that the proposal as detailed will not involve excavation or ground disturbance outside of the path of the ha-ha and will involve digging out previously infilled material and will not involve excavating new ground.

5)Recommendation

It is recommended that a declaration is issued informing the applicant that the proposal **is development and is exempted development.**

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

WHEREAS a question has arisen as to whether a proposal to remove a low 'L' shaped masonry wall and to reinstate a historic 'Ha-Ha' (excavated ditch) at the front of Borris House, Borris, Co. Carlow (a Protected Structure), is or is not development and is or is not exempted development;

AS INDICATED on the plans and particulars received by the Planning Authority on 12/12/2023, including a Grade 1 Conservation Architect's Report;

AND WHEREAS Morgan Kavanagh, [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, 4 and 57 of the Planning and Development Act 2000 (as amended);
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended);
- (c) Report received from the Council's Heritage Officer.

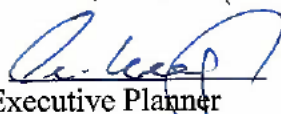
AND WHEREAS Carlow County Council has concluded that:

The proposal comes within the scope of Section 4(1)(h) and 57 (1) (a) & (b) of the Planning and Development Act 2000 (as amended); i.e. development that would not materially affect the character of Borris House or any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest;

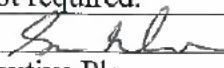
NOW THEREFORE Carlow County Council, in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act 2000 (as amended), hereby decides that the proposal to remove a low 'L' shaped masonry wall and to reinstate a historic 'Ha-Ha' (excavated ditch) at the front of Borris House, Borris, Co. Carlow (a Protected Structure), **is development and is exempted development.**

Signed: 
Executive Planner

12/01/24

Signed: 
Senior Executive Planner

12/01/24

APPROPRIATE ASSESSMENT SCREENING REPORT			
Planning Application Reg. Ref: SEC5/23/43			
A. DESCRIPTION OF PROJECT AND LOCAL SITE			
Site Location:		Borris House, Borris, Co. Carlow	
Total Site Area :		n/a	
Floor Area of Proposed Development:		Unknown	
Identification of Natura 2000 site(s):		River Barrow and River Nore SAC	
Is the application accompanied by an EIS?		No.	
B. IDENTIFICATION OF RELVANT NATURA 2000 SITE(S):			
The reasons for the designation of the Natura 2000 site:(A site synopsis can be obtained from www.npws.ie)The conservation objectives/qualifying interests of the site and the factors that contributes to the conservation value of the site:			
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 Mountain River is located circa 400m south of the site and is a tributary of the River Barrow and River Nore SAC which is circa. 1km from the site. The proposed works are minor in nature and will not impact on the 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:			
Position: Executive Planner		Date:	12/01/24



**Declaration on Development & Exempted Development
Section 5 of the
Planning and Development Act 2000 (as amended)
Reg. Ref: SEC5/23/43**

WHEREAS a question has arisen as to whether a proposal to remove a low 'L' shaped masonry wall and to reinstate a historic 'Ha-Ha' (excavated ditch) at the front of Borris House, Borris, Co. Carlow (a Protected Structure), is or is not development and is or is not exempted development;

AS INDICATED on the plans and particulars received by the Planning Authority on 12/12/2023, including a Grade 1 Conservation Architect's Report;

AND WHEREAS Morgan Kavanagh, [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, 4 and 57 of the Planning and Development Act 2000 (as amended);
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended);
- (c) Report received from the Council's Heritage Officer.

AND WHEREAS Carlow County Council has concluded that:

The proposal comes within the scope of Section 4(1)(h) and 57 (1) (a) & (b) of the Planning and Development Act 2000 (as amended); i.e. development that would not materially affect the character of Borris House or any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest;

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 to remove a low 'L' shaped masonry wall and to reinstate a historic 'Ha-Ha' (excavated ditch) at the front of Borris House, Borris, Co. Carlow (a Protected Structure), **is development and is exempted development.**

Signed: Nicola Lander

Date: 16/01/2024