



COMHAIRLE CONTAE CHILL Mhantáin
Wicklow County Council

Pleanáil, Forbairt Eacnamaíochta agus Tuaithe
Planning, Economic and Rural Development

Áras An Chontae / County Buildings
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Guthán / Tel: (0404) 20148
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Suíomh / Website: www.wicklow.ie

Normund Godins

29th March 2024

RE: Declaration in accordance with Section 5 of the Planning & Development Acts 2000 (As Amended) – EX16/2024

I enclose herewith Declaration in accordance with Article 5 (2) (A) of the Planning & Development Act 2000.

Where a Declaration is used under this Section any person issued with a Declaration under subsection (2) (a) may, on payment to An Bord Pleanála of such fee as may be prescribed, refer a declaration for review by the Board within four weeks of the date of the issuing of the declaration by the Local Authority.

Is mise, le meas,

ADMINISTRATIVE OFFICER
PLANNING ECONOMIC & RURAL DEVELOPMENT





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DECLARATION IN ACCORDANCE WITH ARTICLE 5 (2) (A) OF THE PLANNING & DEVELOPMENT ACT 2000 AS AMENDED

Applicant: Normund Godins

CHIEF EXECUTIVE ORDER NO. CE/PERD/381/2024

A question has arisen as to whether “(i) construction of an agricultural storage building 6m wide 12m long at the north eastern end of agricultural lands and (ii) access via existing entrance off the N81” at Ballintruer More, Stratford on Slaney, Co. Wicklow is or is not exempted development.

Having regard to:

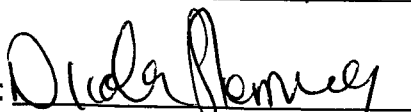
- i. The details submitted on 01/03/2024;
- ii. An Bord Pleanála Reference RL3513
- iii. Sections 2, 3, and 4 of the Planning and Development Act 2000 (as amended);
- iv. Articles 6 & 9 of the Planning and Development Regulations 2001 (as amended);
- v. Schedule 2, Pt.3 Class 9 of the Planning and Development Regulations 2001 (as amended).

Main Reasons with respect to Section 5 Declaration:

- The provision of an agricultural shed is works and therefore development having regard to Section 3 of the Planning and Development Act 2000 (as amended).
- The development of this building, and solely this building, would come within the description and limitations as set out under Schedule 2, Part 3, Class 9, of the Planning and Development Regulations 2001 (as amended) and nothing within Article 9 would negate this exemption.
- the works relative to the entrance come within the restrictions on exempted development contained in Article 9(1)(a)(ii) of the Planning and Development Regulations 2001 in view of concerns raised relative to public safety and as they comprise the formation of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width.

The Planning Authority considers that “(i) construction of an agricultural storage building 6m wide 12m long at the north eastern end of agricultural lands” at Ballintruer More, Stratford on Slaney, Co. Wicklow is development and is exempted development and that “(ii) access via existing entrance off the N81” at Ballintruer More, Stratford on Slaney, Co. Wicklow is development and is not exempt development

Signed:


ADMINISTRATIVE OFFICER
PLANNING ECONOMIC & RURAL DEVELOPMENT

Dated  March 2024



WICKLOW COUNTY COUNCIL

PLANNING & DEVELOPMENT ACTS 2000 (As Amended)
SECTION 5

CHIEF EXECUTIVE ORDER NO. CE/PERD/381/2024

Reference Number: EX16/2024

Name of Applicant: Normund Godins

Nature of Application: Section 5 Referral as to whether or not "(i) construction of an agricultural storage building 6m wide 12m long at the north eastern end of agricultural lands and (ii) access via existing entrance off the N81" is or is not development and is or is not exempted development.

Location of Subject Site: Ballintruer More, Stratford on Slaney, Co. Wicklow

Report from Billy Slater, AP & Edel Bermingham SEP

With respect to the query under section 5 of the Planning & Development Act 2000 as to whether "(i) construction of an agricultural storage building 6m wide 12m long at the north eastern end of agricultural lands and (ii) access via existing entrance off the N81" at Ballintruer More, Stratford on Slaney, Co. Wicklow is or is not exempted development within the meaning of the Planning & Development Acts 2000 (as amended).

Having regard to:

- i. The details submitted on 01/03/2024;
- ii. An Bord Pleanala Reference RL3513
- iii. Sections 2, 3, and 4 of the Planning and Development Act 2000 (as amended);
- iv. Articles 6 & 9 of the Planning and Development Regulations 2001 (as amended);
- v. Schedule 2, Pt.3 Class 9 of the Planning and Development Regulations 2001 (as amended).

Main Reason with respect to Section 5 Declaration:

- The provision of an agricultural shed is works and therefore development having regard to Section 3 of the Planning and Development Act 2000 (as amended).
- The development of this building, and solely this building, would come within the description and limitations as set out under Schedule 2, Part 3, Class 9, of the Planning and Development Regulations 2001 (as amended) and nothing within Article 9 would negate this exemption.
- the works relative to the entrance come within the restrictions on exempted development contained in Article 9(1)(a)(ii) of the Planning and Development Regulations 2001 in view of concerns raised relative to public safety and as they comprise the formation of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width.

Recommendation:

The Planning Authority considers that

“(i) construction of an agricultural storage building 6m wide 12m long at the north eastern end of agricultural lands” at Ballintruer More, Stratford on Slaney, Co. Wicklow is development and is exempted development and that “(ii) access via existing entrance off the N81” at Ballintruer More, Stratford on Slaney, Co. Wicklow is development and is not exempt development as recommended in the report by the SEP.

Signed Nicola Fleming

Dated 25th day of March 2024

ORDER:

I HEREBY DECLARE:

That “(i) construction of an agricultural storage building 6m wide 12m long at the north eastern end of agricultural lands” at Ballintruer More, Stratford on Slaney, Co. Wicklow is development and is exempted development and that “(ii) access via existing entrance off the N81” at Ballintruer More, Stratford on Slaney, Co. Wicklow is development and is not exempted development within the meaning of the Planning & Development Act 2000 (as amended).

Signed: [Signature]
Senior Engineer
Planning, Economic & Rural Development

Dated 27th day of March 2024



**WICKLOW COUNTY COUNCIL
PLANNING DEPARTMENT**

To: Fergal Keogh S.E / Suzanne White S.E.P. / Edel Bermingham S.E.P.
From: Billy Slater A.P.
Type: Section 5 Application
REF: EX 16/2024
Applicant: Normund Godins
Date of Application: 01/03/2024
Decision Due Date: 28/03/2024
Address: Ballintruer More, Stratford on Slaney Co. Wicklow
Exemption Query: I intend to construct of an agricultural storage building 6m wide 12m long (further detail provided in accompanying cover letter and drawings) at the north eastern end of agricultural lands contained within folio WW25930F, prior in doing so, I am seeking confirmation the construction of such a structure would constitute exempted development.

Application Site: The subject site is located in the rural townland of Ballintruer More, c.6km to the north of Baltinglass town and 1km east of Stratford on Slaney on the eastern side of the N81 in. The lands are accessed directly off of the N81 by a double field gate entrance. The subject site is largely Greenfield in nature with a number of ancillary structures present in the eastern parameters of the site. There are a number of dwellings located to the south of the subject site along the adjoining L-8799-0 local public road with agricultural lands present to the north and to the east.

Google Maps Image and Site Image



Section 5 Referral

From examining the submitted particulars, it is noted that the section 5 query should be re-worded as follows.

- Construction of an agricultural storage building 6m wide 12m long at the north eastern end of agricultural lands contained within folio WW25930F

at Ballintruer More, Stratford on Slaney Co. Wicklow.

Planning History

Subject Site:

Ref

19/125

Applicant

Juris Godins

Development

Retention of agricultural yard with access laneway and placement of mobile house for use as storage

Decision

Refused citing:

1. Detrimental impact on the visual amenities of the area, would result in the haphazard development of a rural location and would set an undesirable precedent for similar type proposals in the area. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

2. Proposed would represent the consolidation of an un-authorised development at this location, would endanger public safety by reason of traffic hazard, would be contrary to Objective TR21 of the County Development Plan 2016-2022, would have a detrimental impact on the visual amenities of the area and would set an undesirable precedent for similar type proposals in the area. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

3. Having regard to the location of the yard, its proximity to a small stream which has direct connectivity to a designated Natura 2000 site (Slaney River Valley Special Area of Conservation), the site vulnerability, and in the absence of any form of drainage infrastructure to manage/contain contaminated water and spillages generated on site, it is considered that inadequate information has been submitted to enable the planning Authority carry out a screening exercise to assess whether the proposed development can be screened out of having any adverse affect on the conservation status of the nearby designated Special Area of Conservation. The proposed development would therefore be prejudicial to public health, the proper planning and sustainable development of the area and the principles of the EU Habitats Directive 1992.

Ref

19/1019

Applicant

Juris Godins

Development

Retention of widening of existing entrance, construction of an access laneway and yard, placement of a mobile house unit for recreational non residential use, all associated with current and future hobby farming activities to be performed.

Decision

Refused citing:

1. Detrimental impact on the visual amenities of the area, would result in the haphazard development of a rural location and would set an undesirable precedent for similar type proposals in the area. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

2. Proposed would represent the consolidation of an un-authorised development at this location, would endanger public safety by reason of traffic hazard, would be contrary to Objective TR21 of the County Development Plan 2016-2022, would have a detrimental impact on the visual amenities of the area and would set an undesirable precedent for similar type

proposals in the area. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

3. Having regard to the location of the yard, its proximity to a small stream which has direct connectivity to a designated Natura 2000 site (Slaney River Valley Special Area of Conservation), the site vulnerability, and in the absence of any form of drainage infrastructure to manage/contain contaminated water and spillages generated on site, it is considered that inadequate information has been submitted to enable the planning Authority carry out a screening exercise to assess whether the proposed development can be screened out of having any adverse affect on the conservation status of the nearby designated Special Area of Conservation. The proposed development would therefore be prejudicial to public health, the proper planning and sustainable development of the area and the principles of the EU Habitats Directive 1992.

Section – 5

Ref	EX 08/2023
Applicant	Normund Godins
Development	Placing of a polytunnel (metal hooped structure covered in plastic measuring 108sqm) at the eastern end of agricultural lands within Folio WW25930F.
Decision	Not Exempt Development

Unauthorised Development

ID:	UD4928
Description	Alleged unauthorised development comprising: <ol style="list-style-type: none">1. The placement and residential occupation of a mobile home in the south-eastern part this field.2. The parking of non-agricultural vehicles in the form of cars and vans in the vicinity of the mobile home.3. The laying of a hardcore surfaced roadway leading from the adjoining N.81 to the south-eastern part of this field and an ancillary hardcore surfaced storage area in that area.4. The widening of the roadside entrance to this field onto the adjoining N.81 in a southerly direction to create a double bay gateway.
Status	Case Closed, above items addressed. Note widening of entrance not pursued due to minor nature of works, and identified low level usage.

Question:

With respect to the query under Section 5 of the Planning and Development Act 2000 (as amended), as to whether;

- *Construction of an agricultural storage building 6m wide 12m long at the north eastern end of agricultural lands contained within folio WW25930F at Ballintruer More, Stratford on Slaney Co. Wicklow.*

is or is not development and is or is not exempted development

Legislative Context

Planning and Development Act 2000 (as amended)

Section 2(1) of the Act states the following in respect of the following:

“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 situate, and

“works” includes Any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal...”

Section 3(1) of the Act states the following in respect of ‘development’:

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

Section 4 sets out the types of works that while considered ‘development’, can be considered ‘exempted development’ for the purposes of the Act.

Section 4 (1) (a)

“development consisting of the use of any land for the purpose of agriculture and development consisting of the use for that purpose of any building occupied together with land so used;”

Section 4(2) makes provision for ministerial regulations to set out further exemptions. The 2001 Planning Regulations as amended derive from this section and designate further works as being exempted development for the purposes of the act.

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 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 metres in width,

*(iii) Endanger public safety by reason of traffic hazard or obstruction of road users,
And so on.*

Schedule 2, Part 3 outlines classes of exempt development in the rural area as well as associated conditions and limitations. The following are of relevance.

Schedule 2, Part 3 Class 9 of the Planning and Development Regulations 2001 (as amended) states that the following constitutes exempted development:

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

Associated conditions and limitations include:

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

Assessment

The first assessment must be whether or not the proposal outlined above constitutes development within the remit of Section 3 of the Planning and Development Act 2001. In this regard, Section 3 of the Planning and Development Act provides that:

“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.

It should be noted that Section 2 of the Act defines works as:

“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.

I am satisfied that the proposal would involve works and therefore the proposal does constitute development.

The second stage of the assessment is to determine whether or not the proposed works would be exempted development under the Planning and Development Act 2000 (as amended) or its associated Regulations. Schedule 2, Pt.3 Class 9 of the Planning and Development Regulations 2001 (as amended) states that the following constitutes exempted development:

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

The proposed works inclusive of a storage shed of some 93sqm is considered to fall under Schedule 2, Part 3 Class 9. The following checklist will determine if the development complies with associated conditions and limitations.

<p><i>1. No such structure shall be used for any purpose other than the purpose of agriculture or forestry, but excluding the housing of animals or the storing of effluent.</i></p>	<p>Yes – claimed agricultural shed with stated use as the storage of agricultural equipment and other weather sensitive items. It is noted on review of planning history that there is a well-established Horticultural use on site.</p>
<p><i>2. The gross floor space of such structures together with any other such structures situated within the same farmyard complex or complex of such structures or within 100 metres of that complex shall not exceed 900 square metres gross floor space in aggregate</i></p>	<p>Yes – Proposed shed measures some 93sqm with total area in combination with existing structures within complex not exceeding 900sqm.</p>
<p><i>3. No such structure shall be situated within 10 metres of any public road.</i></p>	<p>Yes – structure is not within 10m from any public road.</p>
<p><i>4. No such structure within 100 metres of any public road shall exceed 8 metres in height.</i></p>	<p>Yes – structure does not exceed 8m in height (height of 7m).</p>
<p><i>5. No such structure shall be situated within 100 metres of any house (other than the house of the person providing the structure) or other residential building or school, hospital, church or building used for public assembly, save with the consent in writing of the owner and, as may be appropriate, the occupier or person in charge thereof.</i></p>	<p>Yes- structure is in excess of 100 metres from any house or other residential building or school, hospital, church or building used for public assembly.</p>
<p><i>6. No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.</i></p>	<p>Yes- External finish is stated as stone walls with painted dark green dark green metal sheeting roof.</p>

It is noted that the proposed works to which article 6 relates shall not be exempted development for the purposes of the Act if the carrying out of such works would contravene with the limitations as set out per **Article 9 (1)**.

The relevant restrictions have been examined below:

(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 metres in width,

The site is accessed via an existing, established agricultural entrance.

(iii) endanger public safety by reason of traffic hazard or obstruction of road users

Given the existing small scale agricultural use, it is unlikely to give rise to a traffic hazard over the normal usage of the lands for agriculture.

(vi) interfere with the character of a landscape, or a view or prospect of special amenity value or special interest,

Development is well screened, and will not interfere with the character of the area.

(viiB) comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site.

The nearest Natura 2000 site is the Slaney River SAC, located c. 230m to the west of the subject site. Given the nature and scale of the existing activity on site it is unlikely the subject agricultural shed (for storage purposes only) will give rise to any negative impacts on the Slaney River SAC or any other Natura 2000 site, and therefore the need for a Stage 2 Appropriate Assessment can be screened out.

Conclusion:

With respect to the query under Section 5 of the Planning and Development Act 2000 (as amended), as to whether or not the proposal for the

- (i) Construction of an agricultural storage building 6m wide 12m long at the north eastern end of agricultural lands contained within folio WW25930F
- (ii) Access via existing entrance off the N81

at Ballintruer More, Stratford on Slaney Co. Wicklow' is or is not exempted development.

The Planning Authority considers that:

~~The proposal for the~~ (i) 'Construction of an agricultural storage building 6m wide 12m long at the north eastern end of agricultural lands contained within folio WW25930F at Ballintruer More, Stratford on Slaney Co. Wicklow' **is development and is exempt development.**

- (ii) Access via existing entrance off the N81 is development and is not exempt development.

Main Considerations with respect to Section 5 Declaration:

- i. The details submitted on 01/03/2024;
- ii. An Bord Pleanála Reference RL3513
- iii. Sections 2, 3, and 4 of the Planning and Development Act 2000 (as amended);
- iv. Articles 6 & 9 of the Planning and Development Regulations 2001 (as amended);
- v. Schedule 2, Pt.3 Class 9 of the Planning and Development Regulations 2001 (as amended).

Main Reasons with respect to Section 5 Declaration:

- 1) The provision of an agricultural shed is works and therefore development having regard to Section 3 of the Planning and Development Act 2000 (as amended).
- 2) The development of this building, and solely this building, would come within the description and limitations as set out under Schedule 2, Part 3, Class 9, of the Planning and Development Regulations 2001 (as amended) and nothing within Article 9 would negate this exemption.



the works relative to the entrance come within the restrictions on exempted development contained in Article 9(1)(a)(ii) of the Planning and Development Regulations 2001 in view of concerns raised relative to public safety and as they comprise the formation of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width.

Billy Slater

Billy Slater A.P.
20/03/2024

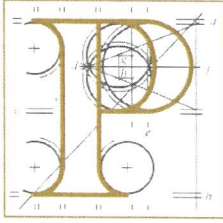
25/3/2024.

The report of the Assistant Planner is noted, notwithstanding it is noted that the entrance to which the access to this structure is proposed is unauthorised as the access was materially widened, proceedings were not initiated as it was decided by the Enforcement Section that further action was not necessary with respect to this element due to nature of works and low intensity usage. I consider that this entrance should be referred to in the Section 5 so that whilst the shed may be exempted development, the entrance which forms an integral part to the use of the shed would not be. I am mindful of An Bord Pleanála Referral RL 3513 where similar use of an unauthorised entrance was referred to in the Referral. Therefore the referral is widened as set out above.

Seán Cunningham SEP.

25/3/2024

*Issue decided as recommended
 by T. W. L. SE
 27/03/24*



An
Bord
Pleanála

Board Order
03.RL.3513

Planning and Development Acts 2000 to 2017

Planning Authority: Clare County Council

Planning Register Reference Number: R16-073

WHEREAS a question has arisen as to whether –

- (i) the construction of an agricultural storage shed of circa 265 square metres, which is located on a sensitive, open and exposed landscape, on a designated scenic route on the Loop Head peninsula, and adjacent to a designated Heritage Landscape, and
- (ii) access to this shed via an entrance from the R487

at Kiltrellig, Kilbaha, Kilrush, County Clare is or is not development or is or is not exempted development:

AND WHEREAS Margaret and Henry Kennaugh care of Downey Planning of 1 Westland Square, Pearse Street, Dublin requested a declaration on the said question from Clare County Council and the said Council issued a declaration on the 26th day of October, 2016 stating that the said construction of an agricultural storage shed is development and is exempted development, and the said access to this shed is development and is not exempted development:

AND WHEREAS the said Margaret and Henry Kennaugh referred the declaration for review to An Bord Pleanála on the 15th day of November, 2016:

AND WHEREAS An Bord Pleanála, in considering this referral, had regard particularly to –

- (a) sections 2(1), 3(1), and 4(1)(a) of the Planning and Development Act, 2000, as amended,
- (b) articles 6(1), 6(3) and 9(1) of the Planning and Development Regulations, 2001, as amended,
- (c) Parts 1 and 3 of Schedule 2, and Class 9, Part 3 of Schedule 2 to the said Regulations, and the conditions and limitations of this class,
- (d) the planning history of the site and the farm complex,
- (e) the location of the site proximate to a designated Heritage Landscape and scenic route as it applies to the R487, as set out in the Clare County Development Plan 2017-2023, and
- (f) the report of the Planning Inspector:

AND WHEREAS An Bord Pleanála has concluded that:

- (a) the works constitute development, being works which come within the scope of section 3(1) of the Planning and Development Act 2000,
- (b) the agricultural storage shed has a gross floor space which exceeds 300 square metres, therefore it does not comply with condition and limitation number 1 set out in Class 9(2) of Part 3 of Schedule 2 to the Planning and Development Regulations 2001, as amended,
- (c) in view of the planning history of the site, including the previous reason for refusal by An Bord Pleanála (appeal reference number PL 03.245604), it is considered that the agricultural shed, by reason of its size and location, would interfere with the character of the proximate Heritage Landscape, which it is necessary to preserve, and the scenic route the preservation of which is an objective set out in the Clare County Development Plan 2017-2023 and would, therefore, come within the restriction on exemption in article 9(1)(a)(vi) of the said Regulations, and
- (d) the works relative to the entrance come within the restrictions on exempted development contained in article 9(1)(a)(ii) of the said Regulations as the entrance comprises the formation of a means of access to a public road the surfaced carriageway of which exceeds four metres in width:

MEMORANDUM

WICKLOW COUNTY COUNCIL

**TO: Billy Slater
Assistant Planner**

**FROM: Nicola Fleming
Staff Officer**

**RE:- Application for Certificate of Exemption under Section 5 of the
Planning and Development Acts 2000 (as amended).
EX16/2024**

I enclose herewith application for Section 5 Declaration received 1st March 2024.

The due date on this declaration is 28th March 2024.



**Staff Officer
Planning Economic & Rural Development**



Comhairle Contae Chill Mhantáin
Wicklow County Council

Forbairt Pleanála agus Comhshaol
Planning Development and Environment

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5th March 2024

Normund Godins

RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended). – EX16/2024 – Shed at Ballintruer More, Stratford on Slaney, Baltinglass, Co. Wicklow

A Chara

I wish to acknowledge receipt on 01/03/2024 details supplied by you in respect of the above Section 5 application. A decision is due in respect of this application by 28/03/2024.

Mise, le meas

NICOLA FLEMING

STAFF OFFICER

PLANNING ECONOMIC & RURAL DEVELOPMENT



Wicklow County Council
County Buildings,
Station Road,
Whitegates,
Wicklow,
A67 FW96

29 February, 2024

RE: Section 5 Application Agricultural storage building

Dear Sir/ Madam,

I am hereby applying for a Section 5 declaration relating to the intended construction of a stone built agricultural store for the purpose of storing of mowers, tractors and associated weather sensitive equipment at the north eastern end of agricultural lands contained within Folio WW25930F.

Further to the herewith enclosed form titled "*Application form for a declaration in accordance with Section 5 of the Planning & Development Acts 2000(as amended) as to what is or is not development or is or is not exempted development*" please refer to the below additional detail supporting the application.

The current development at lands contained within Folio WW25930F comprise that of Class 8 and Class 9 exempted development as contained within Part 3 of Schedule 2 to the Planning and Development Regulations 2001 (as amended).

As per Part 3 referenced above, Class 9 exempted development is categorised as *works consisting of the provision of any store, barn, shed, glass-house or other structure, not being of a type specified in class 6, 7 or 8 of this Part of this Schedule, and having a gross floor space not exceeding 300 square metres*. On the following conditions:

Table 1 Conditions applicable to Class 9 Structures

Condition	Applicant comment	Condition Complied with
1. No such structure shall be used for any purpose other than the purpose of agriculture or forestry, but excluding the housing of animals or the storing of effluent.	Proposed structure is intended only for the storage of agricultural equipment and ancillary weather sensitive items.	✓
2. The gross floor space of such structures together with any other such structures situated within the same farmyard complex or complex of such structures or within 100 metres of that complex shall not exceed 900 square metres gross floor space in aggregate.	As per Table 2 across the total floor area of the proposed structure together with existing structures does not exceed 900sqm as per below.	✓

Condition	Applicant comment	Condition Complied with
3. No such structure shall be situated within 10 metres of any public road.	The proposed structure will be situated on the north east section of the land, in excess of 90m of any public road	✓
4. No such structure within 100 metres of any public road shall exceed 8 metres in height.	The proposed height of the structure is intended to be circa 7 meters, below that of 8 meters	✓
5. No such structure shall be situated within 100 metres of any house (other than the house of the person providing the structure) or other residential building or school, hospital, church or building used for public assembly, save with the consent in writing of the owner and, as may be appropriate, the occupier or person in charge thereof.	The proposed structure will be situated on the north east section of the land, in excess of 100m of nearest dwelling.	✓
6. No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.	No unpainted metal sheeting is intended to be used for roof covering of the proposed structure	✓

As such, it is understood the construction of the agricultural store can be considered exempt development.

The following table outlines a summary of existing structures along with gross floor area at the lands contained within Folio WW25930F which fall under Class 9 exempt development.

Table 2 Schedule of Class 9 Structures

	Length (m)	Width (m)	sqm
Wood store (undergoing removal)	4.20	3.90	16.38
Material/ equipment shed	3.60	3.00	10.80
Larger Mower shed	3.60	3.00	10.80
Small Mower shed	3.00	2.50	7.50
Upper plant pot/chicken shed	3.60	3.00	10.80
Compost shed	2.50	1.50	3.75
Supply storage shed	3.60	3.00	10.80
Electric tool storage shed	8.50	3.00	25.50
Total			96.33
<i>Excluding wood store</i>			79.95

The following table outlines the dimensions of the proposed agricultural store.

Table 3 Proposed Agricultural storage shed Gross Floor Area

	Length (m)	Width (m)	sqm
Agricultural Store ground level	12	6	72
Mezzanine level	3.5	6	21
Total Gross Floor Area of proposed structure			93

Taking the existing and proposed structures into consideration the total gross floor area of Class 9 structures will comprise that of 189.33sqm(172.95sqm following completion of removal of wood store).

Proposed design

Keeping in mind the area surrounding Folio WW25930F as well as the small scale hobby farming activities at the lands, it is intended to construct the agricultural building in line with heritage design parameters as discussed in the book titled "*Wicklow's Traditional Farmhouses*"¹ published by Wicklow County Council.

Particular reference is made to structures labelled Figure 18 to Figure 31 i.e. Single story Farmhouses.


It is proposed for the agricultural store to be a combination of block and stone built structure of rectangular shape following the contour of the boundaries of the lands within Folio WW25930F. The wall height it intended to be marginally elevated over that of traditional structures detailed in the book to accommodate access for machinery. Roof covering is to comprise of oxide painted green metal sheeting. Main access is to be provided through a double swing timber gate at southern gable end, while a pedestrian access doorway will be provided on the western elevation of the proposed agricultural store. Additionally, it is proposed for three window openings on the western elevation similar to figure 25 of the above named book for additional light permeability. There will be no internal walls, with the exterior walls encompassing an open parking/ storage area. A mezzanine for additional storage is proposed on the northern end of the structure.

For further detail with regard to placement of the proposed agricultural store refer to the following enclosed documents

- Agri-store Elevations/ Plan
- Area Location Map
- 1:2500 Location Map
- 1:700 Location Map

Please let me know if you have any further queries on the matter.

Kind Regards



Normund Godins

29/02/2024

¹ Wicklow's Traditional Farmhouses, Rediscovering some of Wicklow's hidden treasures and a way of life that went with them by Christiaan Corlett

Wicklow County Council
County Buildings
Wicklow
0404-20100

01/03/2024 09 50 44

Receipt No L1/0/326047

NORMUND GODKINS
11 SUNDALE LAWN
TALLAGHT
DUBLIN
D24A3C8

EXEMPTION CERTIFICATES	80 00
GOODS	80 00
VAT Exempt/Non-vatable	

Total 80 00 EUR

Tendered
Bank Draft 80 00

Change 0 00

Issued By Cashier5MW
From Customer Service Hub
Vat reg No 0015233H



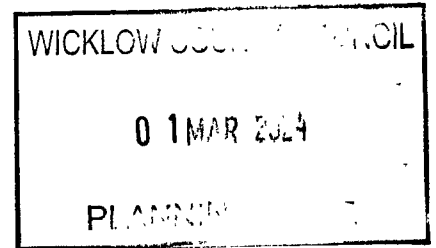
Wicklow County Council
County Buildings
Wicklow
Co Wicklow
Telephone 0404 20148
Fax 0404 69462

Office Use Only

Date Received _____

Fee Received _____

**APPLICATION FORM FOR A
DECLARATION IN ACCORDANCE WITH SECTION 5 OF THE PLANNING &
DEVELOPMENT ACTS 2000 (AS AMENDED) AS TO WHAT IS OR IS NOT
DEVELOPMENT OR IS OR IS NOT EXEMPTED DEVELOPMENT**



1. Applicant Details

- (a) Name of applicant: *Normund Godins*
Address of applicant:

Note Phone number and email to be filled in on separate page.

2. Agents Details (Where Applicable)

- (b) Name of Agent (where applicable) *N.A.*
Address of Agent : *N.A.*

Note Phone number and email to be filled in on separate page.

3. Declaration Details

i. **Location of Development subject of Declaration:**
Construction of an agricultural storage building 1 at north eastern end of lands contained within Folio WW 25930F

ii. **Are you the owner and/or occupier of these lands at the location under i. above ?**
Yes/ No.
I am the current occupier

iii. **If 'No' to ii above, please supply the Name and Address of the Owner, and or occupier: \ \ **

iv. **Section 5 of the Planning and Development Act provides that: If any question arises as to what, in any particular case, is or is not development and is or is not exempted development, within the meaning of this act, any person may, an payment of the prescribed fee, request in writing from the relevant planning authority a declaration on that question. You should therefore set out the query for which you seek the Section 5 Declaration:**

I intend to construct an agricultural storage building 6m wide 12m long (further detail provided in accompanying cover letter and drawings) at the north eastern end of agricultural lands contained within Folio WW25930F. prior in doing so. I am seeking confirmation the construction of such a structure would constitute exempted development

Additional details may be submitted by way of separate submission.

v. **Indication of the Sections of the Planning and Development Act or Planning Regulations you consider relevant to the Declaration:**

I refer my query by reference to Part 3 of Schedule 2 to the Planning and Development Regulations 2001 (as amended) detailing Class 9 development to be that of works consisting of the provision of any store, barn, shed, glass-house or other structure, not being of a type specified in class 6, 7 or 8 of this Part of this Schedule, and having a gross floor space not exceeding 300 square metres.

Additional details may be submitted by way of separate submission.

vi. Does the Declaration relate to a Protected Structure or is it within the curtilage of a Protected Structure (or proposed protected structure) ?

No

vii. List of Plans, Drawings submitted with this Declaration Application

- Agri-shed Elevations Plan with Dimensions
- 1:700 Location Map
- 1:2500 Location Map
- Area Location Map

viii. Fee of € 80 Attached ?

Bank Draft payable to Wicklow County Council enclosed

Signed :



Dated :

29/2/2024

Additional Notes :

As a guide the minimum information requirements for the most common types of referrals under Section 5 are listed below :

A. Extension to dwelling - Class 1 Part 1 of Schedule 2

- Site Location Map
- Floor area of structure in question - whether proposed or existing.
- Floor area of all relevant structures e.g. previous extensions.
- Floor plans and elevations of relevant structures.
- Site Layout Plan showing distance to boundaries, rear garden area, adjoining dwellings/structures etc.

B. Land Reclamation -

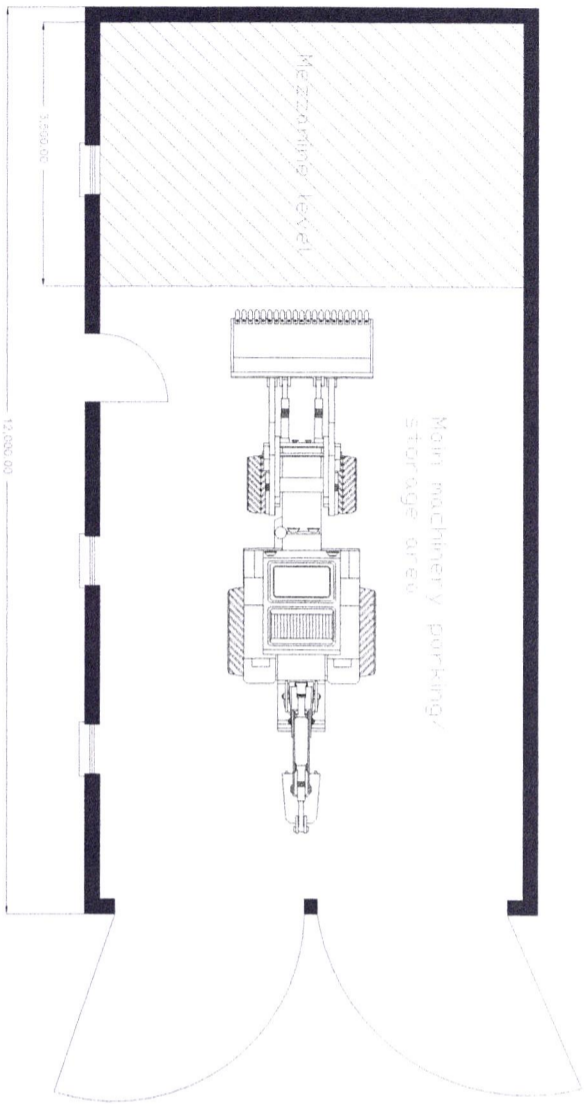
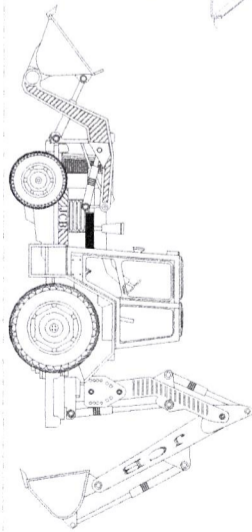
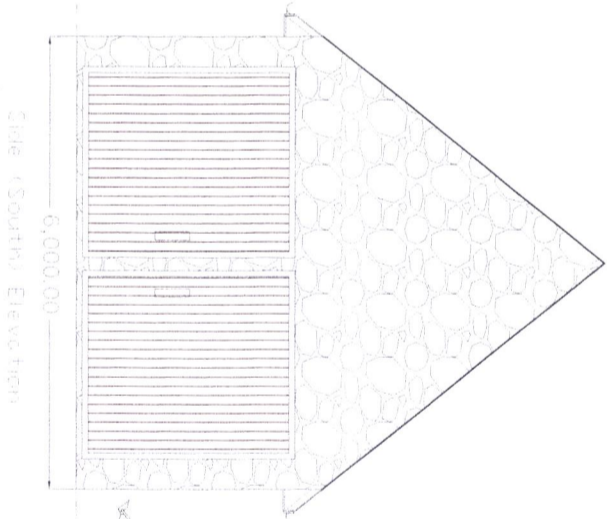
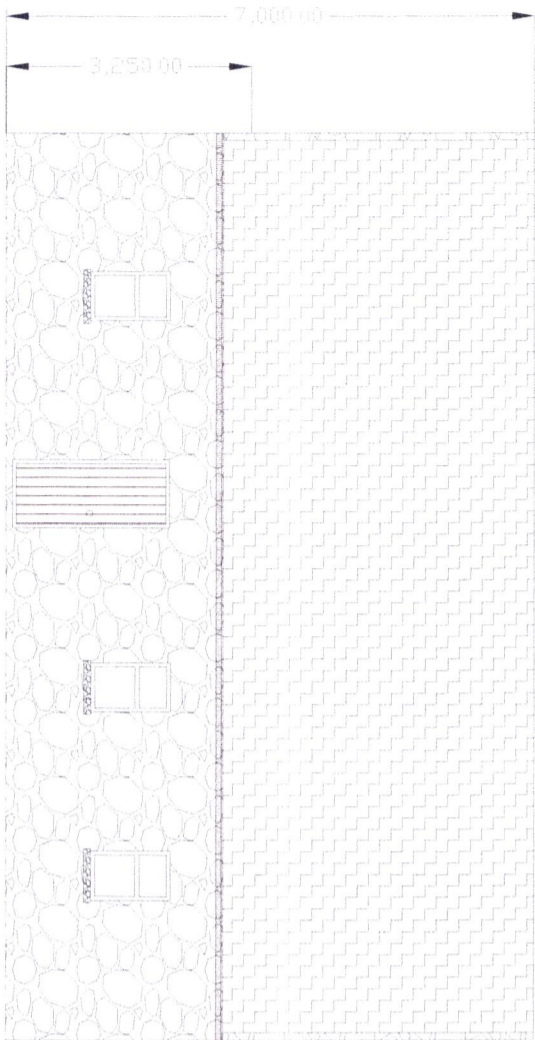
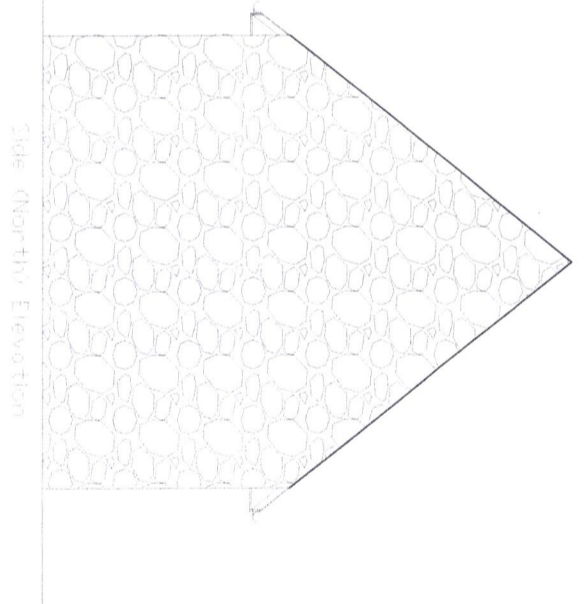
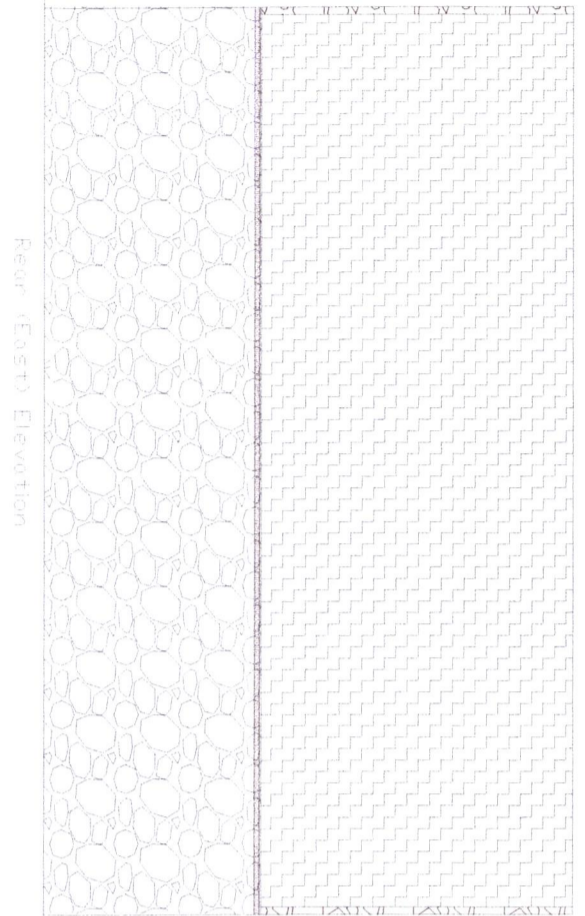
The provisions of Article 8 of the Planning and Development Regulations 2001 (as amended) now applies to land reclamation, other than works to wetlands which are still governed by Schedule 2, Part 3, Class 11. Note in addition to confirmation of

exemption status under the Planning and Development Act 2000(as amended) there is a certification process with respect to land reclamation works as set out under the European Communities (Environmental Impact Assessment) (Agriculture) Regulations 2011 S.I. 456 of 2011. You should therefore seek advice from the Department of Agriculture, Fisheries and Food.

Any Section 5 Declaration should include a location map delineating the location of and exact area of lands to be reclaimed, and an indication of the character of the land.

C. Farm Structures - Class 6 -Class 10 Part 3 of Schedule 2.

- Site layout plan showing location of structure and any adjoining farm structures and any dwellings within 100m of the farm structure.
- Gross floor area of the farm structure
- Floor plan and elevational details of Farm Structure and Full details of the gross floor area of the proposed structure.
- Details of gross floor area of structures of similar type within the same farmyard complex or within 100metres of that complex.



General Notes

Proposed agricultural storage shed consisting of stone construction with sheeted metal painted roof. Accessed through double opening doors on south gable end, and a pedestrian door from western side. Interior to comprise open machinery parking area and mezzanine level at northern end.

Scale: 1:100

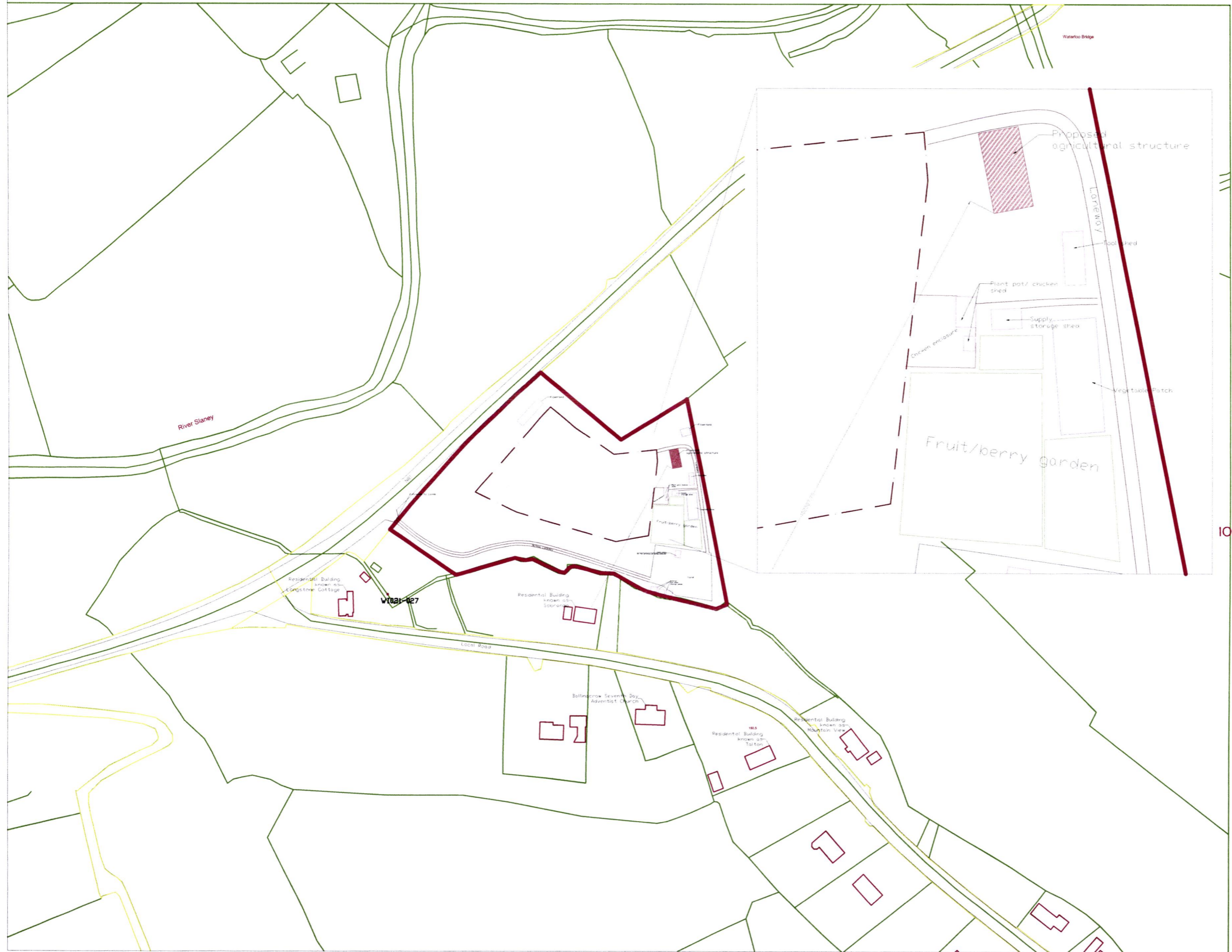
No.	Revision/Issue	Date

Sheet Name

Project Name and Address
 Agri-shed
 Ballintruer More
 Stratford on Slaney
 Baltinglass

Project	Sheet
Exemption	B_01
Date	
29.02.2024	
Scale	
As Noted	

storage_unit.dwg
29.02.2024



General Notes

Shown across is a layout of the current use of the lands at Ballintruer More. This use consists to that of a small holding. The land is accessed from the south west boundary, labeled as such. An access laneway following the contour of the southern boundary leads to the south east corner of the lands. A hardcore covered storage yard accommodates storage for a variety of machinery, implements. A further laneway leads northwards with access to fruit/ berry garden and paddock.

Proposed location of the agricultural storage unit is shown in red on the north eastern portion of the lands.

Scale: 1:2500

No.	Revision/Issue	Date

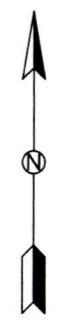
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Project Name and Address
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 Ballintruer More
 Stratford on Slaney
 Baltinglass

Project	Exempt	Sheet
Date	29/02/2024	B_02
Scale	As Noted	

storage_unit.dwg

29.02.2024



General Notes

Shown across is a layout of the lands at Ballintruer More. This use consists to that of a small holding. The land is accessed from the south west boundary, labeled as such.
 An access laneway following the contour of the southern boundary leads to the south east corner of the lands.
 A hardcore covered storage yard accommodates storage for a variety of machinery, implements
 A further laneway leads northwards with access to fruit/ berry garden and paddock.
 Proposed location of Agricultural storage unit is shown across in red on the north eastern portion of the lands.

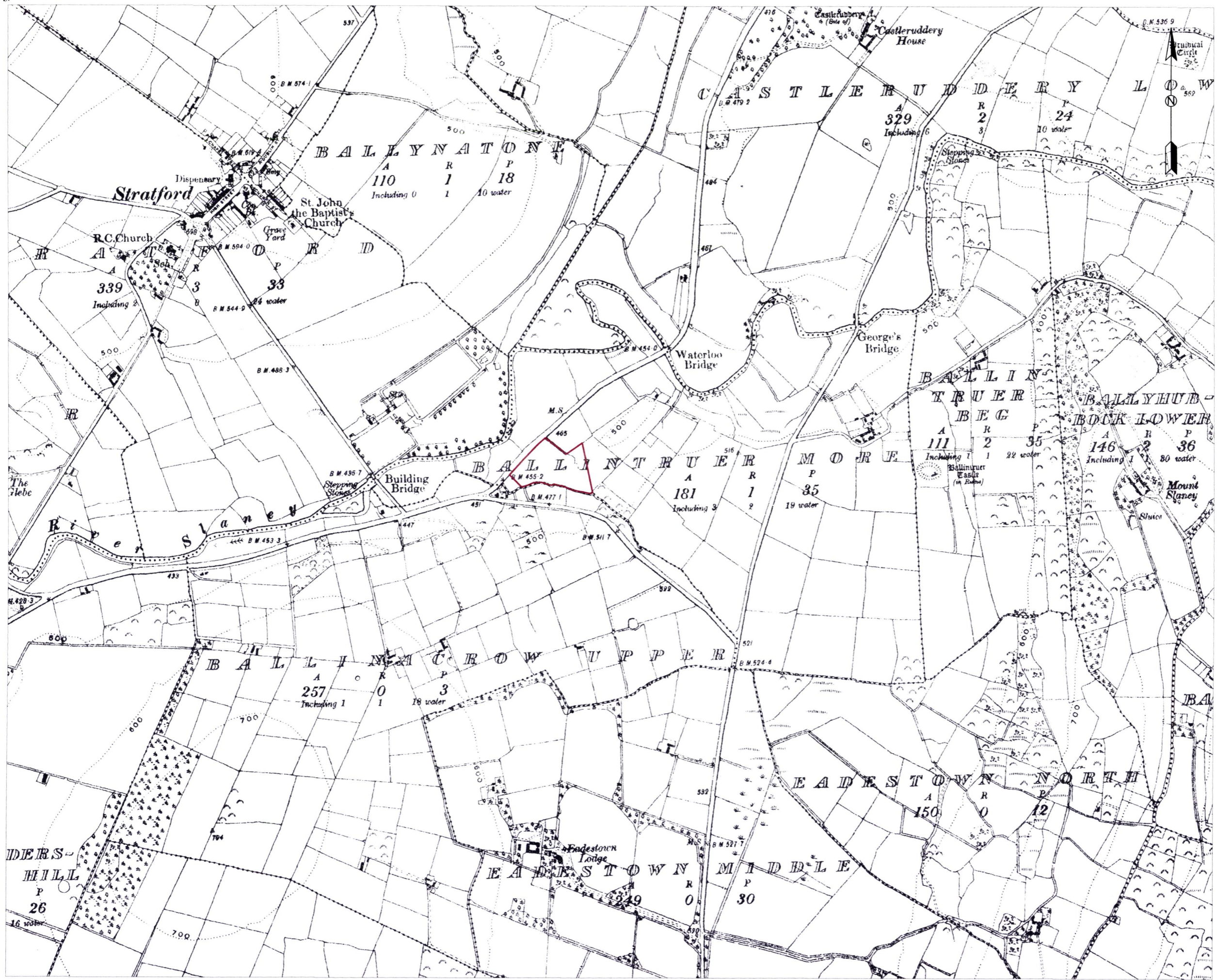
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No.	Revision/Issue	Date

Sheet Name

Project Name and Address
 Agri-shed
 Ballintruer More
 Stratford on Slaney
 Baltinglass

Project	Exempt	Sheet	
Date	29/02/2024		B_03
Scale	As Noted		



General Notes
 Red line indicates the boundary of Folio WW25930F

Scale: 1:10560

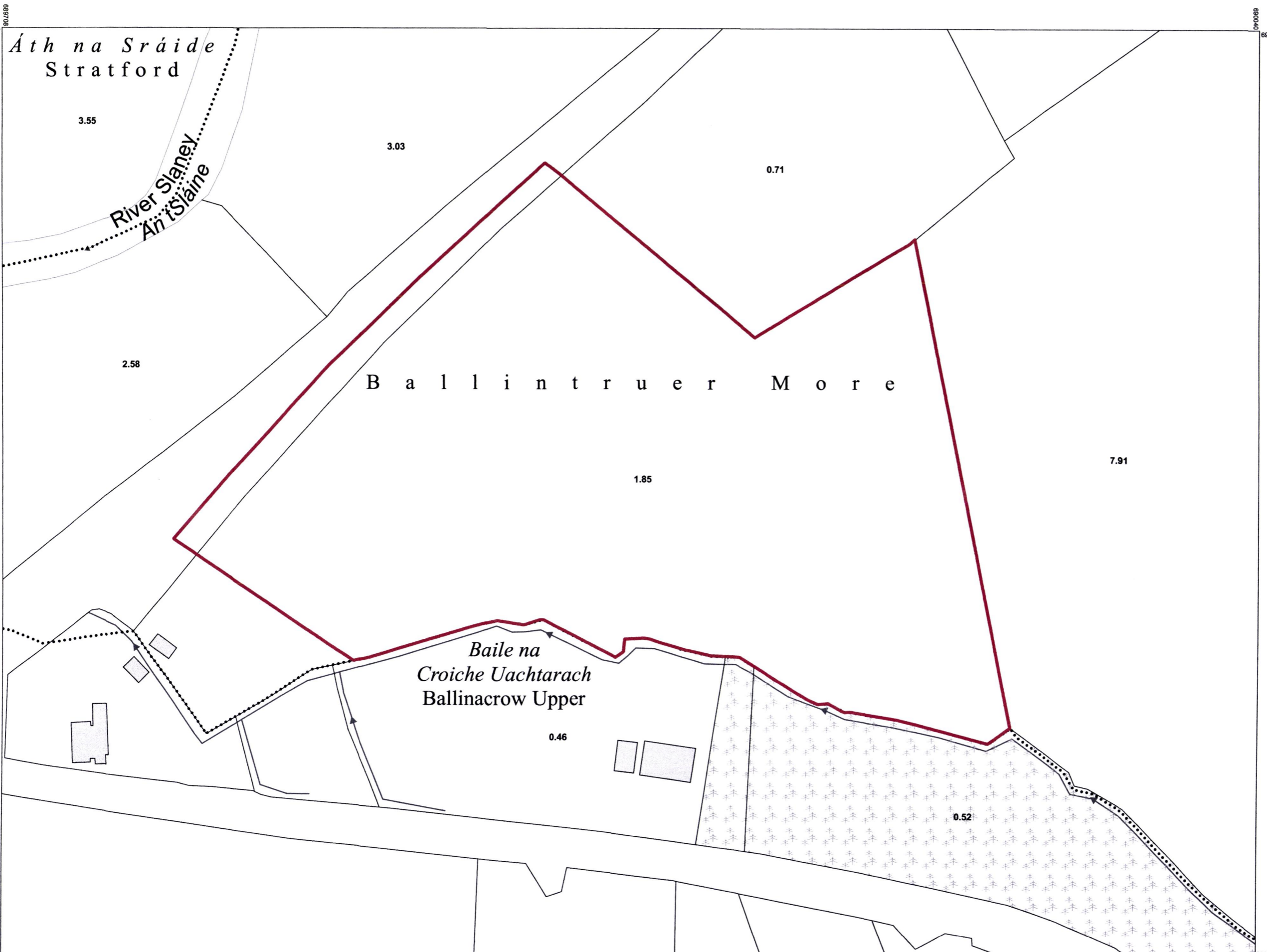
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 Stratford on Slaney
 Baltinglass

Project	Sheet
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Date	29/02/2024
Scale	As Noted

29.02.2024 storage_unt.dwg



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ITM 689874,693194

PUBLISHED: 03/02/2019
ORDER NO.: 50044891_1

MAP SERIES: 1:2,500
1:2,500
MAP SHEETS: 4010-C
4010-D

— AREA/ SITE TO WHICH CURENT APPLICATION REFERS TO
1.93Ha

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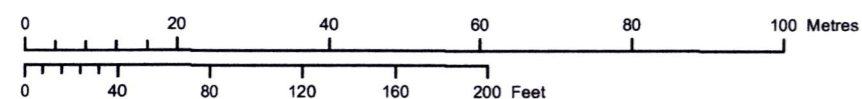
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