



COMHAIRLE CONTAE CHILL Mhantáin
Wicklow County Council

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

Áras An Chontae / County Buildings
Cill Mhantáin / Wicklow
Guthán / Tel: (0404) 20148
Faics / Fax: (0404) 69462
Rphost / Email: plandev@wicklowcoco.ie
Suíomh / Website: www.wicklow.ie

Christopher Kinghan & Associates
Carricknagoan
Coolderry PO,
Carrickmacross
Co. Monaghan
A81 E720

20th August 2024

RE: Declaration in accordance with Section 5 of the Planning & Development Acts 2000 (As Amended) – EX08/2024 for Patrick Maguire

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

Please be advised that your cover letter included concrete yards and farm access road, however no details of the farm access road were provided therefore the farm access road has not been assessed under this application.

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: Patrick Maguire

CHIEF EXECUTIVE ORDER NO. CE/PERD/2024/1090

Section 5 Declaration as to whether “the construction of a general purpose shed to store farm produce and ancillary concrete yard” at The Yard, Parknasilloge, Enniskerry, Co. Wicklow, A98 W677 constitutes exempted development within the meaning of the Planning and Development Act, 2000(as amended).

Having regard to:

- The details submitted with this Section 5 Application on the 01/02/24 and the 16/08/24.
- Sections 2 and 3 of the Planning and Development Act 2000 (as amended),
- Schedule 2, Part 3, Classes 8 & 9 of the Planning and Development Regulations 2001 (as amended).
- Article 9 of the Planning and Development Regulations 2001 (as amended)
- S4 (4) of the Planning and Development Act 2000 (as amended)

Main Reasons with respect to Section 5 Declaration:

- The proposed Storage Shed comes with the scope and conditions & limitations of Class 9 of the Planning and Development Regulations 2001 (as amended).
- The proposed Concrete Yard comes with the scope and conditions & limitations of Class 8 of the Planning and Development Regulations 2001 (as amended).
- The proposed development would not contravene a condition attached to a permission or be inconsistent with any use specified in a permission and would not impact on a listed view or prospect and therefore the provisions of Articles 9 (1) (a) (i) & (iv) do not apply.
- The proposed development would not likely impact on the Knocksink Wood SAC and therefore the provisions of S4(4) of the Planning and Development Act 2000 (as amended), do not apply

The Planning Authority considers that “the construction of a general purpose shed to store farm produce and ancillary concrete yard” at The Yard, Parknasilloge, Enniskerry, Co. Wicklow, A98 W677 **is development and is exempted development**

Signed:

ADMINISTRATIVE OFFICER
PLANNING ECONOMIC & RURAL DEVELOPMENT

Dated 28th August 2024



WICKLOW COUNTY COUNCIL

PLANNING & DEVELOPMENT ACTS 2000 (As Amended)
SECTION 5

CHIEF EXECUTIVE ORDER NO. CE/PERD/2024/1090

Reference Number: EX08/2024

Name of Applicant: Patrick Maguire

Nature of Application: Section 5 Declaration request as to whether or not: -
"the construction of a general purpose shed to store farm produce and ancillary concrete yard" is or is not development and is or is not exempted development.

Location of Subject Site: The Yard, Parknasilloge, Enniskerry, Co. Wicklow, A98 W677

Report from Fergal Keogh, SE

With respect to the query under section 5 of the Planning & Development Act 2000 as to whether " the construction of a general purpose shed to store farm produce and ancillary concrete yard" at The Yard, Parknasilloge, Enniskerry, Co. Wicklow, A98 W677 is or is not exempted development within the meaning of the Planning & Development Act 2000 (as amended).

Having regard to:

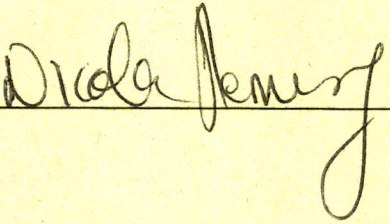
- (a) The details submitted with this Section 5 Application on the 01/02/24 and the 16/08/24.
- (b) Sections 2 and 3 of the Planning and Development Act 2000 (as amended),
- (c) Schedule 2, Part 3, Classes 8 & 9 of the Planning and Development Regulations 2001 (as amended).
- (d) Article 9 of the Planning and Development Regulations 2001 (as amended)
- (e) S4 (4) of the Planning and Development Act 2000 (as amended)

Main Reason with respect to Section 5 Declaration:

1. The proposed Storage Shed comes with the scope and conditions & limitations of Class 9 of the Planning and Development Regulations 2001 (as amended).
2. The proposed Concrete Yard comes with the scope and conditions & limitations of Class 8 of the Planning and Development Regulations 2001 (as amended).
3. The proposed development would not contravene a condition attached to a permission or be inconsistent with any use specified in a permission and would not impact on a listed view or prospect and therefore the provisions of Articles 9 (1) (a) (i) & (iv) do not apply.
4. The proposed development would not likely impact on the Knocksink Wood SAC and therefore the provisions of S4(4) of the Planning and Development Act 2000 (as amended), do not apply

Recommendation:

The Planning Authority considers that "the construction of a general purpose shed to store farm produce and ancillary concrete yard" at The Yard, Parknasilloge, Enniskerry, Co. Wicklow, A98 W677 is development and is exempted development as recommended in the report by the SE.

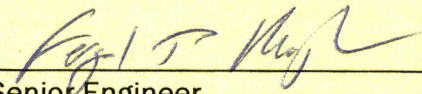
Signed 

Dated 27th day of August 2024

ORDER:

I HEREBY DECLARE:

That "the construction of a general purpose shed to store farm produce and ancillary concrete yard" at The Yard, Parknasilloge, Enniskerry, Co. Wicklow, A98 W677 is development and is exempted development within the meaning of the Planning & Development Act 2000 (as amended).

Signed: 
Senior Engineer
Planning, Economic & Rural Development

Dated 27th day of August 2024

**WICKLOW COUNTY COUNCIL
PLANNING DEPARTMENT**

PLANNING REPORT SECTION 5 APPLICATION

SUBJECT REF:	EX 08/2024
DECISION DATE:	05/09/2024
APPLICANT:	PATRICK MAGUIRE
ADDRESS:	THE YARD, PARKNASILLOGE, ENNISKERRY, CO. WICKLOW
EXEMPTION:	GENERAL PUPOSE STORAGE SHED, CONCRETE YARDS, & FARM ACCESS ROAD, ALL FOR AGRICULTURAL PURPOSES

Site Location:

The site is located in the rural townland of Parknasilloge, on the edge of Enniskerry Village.

Planning History:

19/676 Importation of soil & stone for the improvement pf agricultural lands: Granted 07/01/2020

Assessment:

This S5 was the subject of a further information request on the 27/02/24.

I have examined the response to the FI items and comment as follows:

1. Response addresses the matters raised and is acceptable.
2. Response confirms that Gross Floor space of existing agricultural sheds not used for housing animals is 375m². The proposed shed is 299m², which gives a total of 674m². This is below the 900m² limit.
3. Also the 2 residential units within 100m are confirmed owned by the Applicant. I note the limitation re houses within 100m has an exception for "other than the house of the person providing the structure". This reads as the house the Applicant lives in, which it would not appear to be. However, having regard to the type of exemption and the risk of impacts on the houses of people other than the developer of the agricultural structures, I consider that this can be read as "houses owned by the Applicant". Response is acceptable.
4. Yard areas of existing and proposed confirmed as being, 200m². This is acceptable.

On the basis of the above, I conclude that the proposed developments come within the scope of Classes 8 & 9 of the Part 3 Schedule 2.

Note: The cover letter includes concrete yards and farm access road. However, no details of the farm access road were provided and the original planning report did not examine same. Also the FI did not seek any information re the access road but did seek more information in relation to the yards. On this basis I consider it appropriate to issue the declaration re the shed and yard but not the farm access road. The latter should be highlighted to the Applicant via the cover letter.

Recommendation:

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

The construction of a General purpose shed to store farm produce and ancillary concrete yard constitutes exempted development within the meaning of the Planning and Development Acts, 2000 (as amended).

The Planning Authority considers that:

The construction of a General purpose shed to store farm produce and ancillary concrete yard is development and is exempted development.

Main Considerations with respect to Section 5 Declaration:

- (a) The details submitted with this Section 5 Application on the 01/02/24 and the 16/08/24.
- (b) Sections 2 and 3 of the Planning and Development Act 2000 (as amended),
- (c) Schedule 2, Part 3, Classes 8 & 9 of the Planning and Development Regulations 2001 (as amended).
- (d) Article 9 of the Planning and Development Regulations 2001 (as amended)
- (e) S4 (4) of the Planning and Development Act 2000 (as amended)

Main Reasons with respect to Section 5 Declaration:

1. The proposed Storage Shed comes with the scope and conditions & limitations of Class 9 of the Planning and Development Regulations 2001 (as amended).
2. The proposed Concrete Yard comes with the scope and conditions & limitations of Class 8 of the Planning and Development Regulations 2001 (as amended).
3. The proposed development would not contravene a condition attached to a permission or be inconsistent with any use specified in a permission and would not impact on a listed view or prospect and therefore the provisions of Articles 9 (1) (a) (i) & (iv) do not apply.
4. The proposed development would not likely impact on the Knocksink Wood SAC and therefore the provisions of S4(4) of the Planning and Development Act 2000 (as amended), do not apply

Fergal Keogh, SE Planning

Fergal J. Keogh

*Issue declaration as detailed
Fergal J. Keogh
28/08/24*

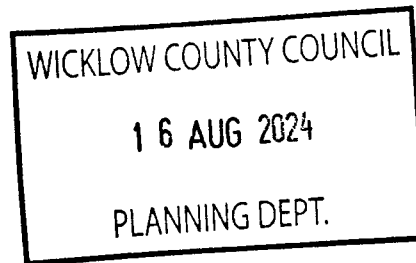
Date: 26/08/2024

Christopher Kinghan & Associates

CHARTERED SURVEYOR
ARCHITECTURAL, PLANNING & ENVIRONMENTAL DESIGN SOLUTIONS
Carricknagoan, Coolderry P O, Carrickmacross, Co Monaghan, A81 E720
Tel 085 164 6179 Email kinghanchris@yahoo.com

Our Ref: CK/WW/PM Your Ref:08/24

The Planning Department
County Buildings,
Station Road,
Whitegates,
Wicklow,
A67 FW96



For the attention of Esther Breslin.
Senior Staff Officer
Planning Section.

Dear Sirs,

**Patrick Maguire intends to apply to Wicklow County Council for Confirmation of Exempted Development for the Construction of a General purpose shed to store farm produce and ancillary works (i.e. concrete yards, farm access road - all for agricultural purposes only) in extension of existing farmyard area utilising the existing farm road and public road entrance at The Yard, Parknasilloge, Enniskerry, Co. Wicklow, A98 W677.
Further information response Reference EX 08/2024**

For the attention of Esther Breslin.
Senior Staff Officer
Planning Section.

In connection with the above request for further information, we enclose the following documentation:-

Schedule of Documentation

Note all 2 copies unless stated

- Cover letter
- Letter from Tom Dunne Consulting Engineer.
- Wicklow County Council Memorandum.
- Schedule of buildings drawing We trust the above documentation is satisfactory and look forward to your favourable decision.

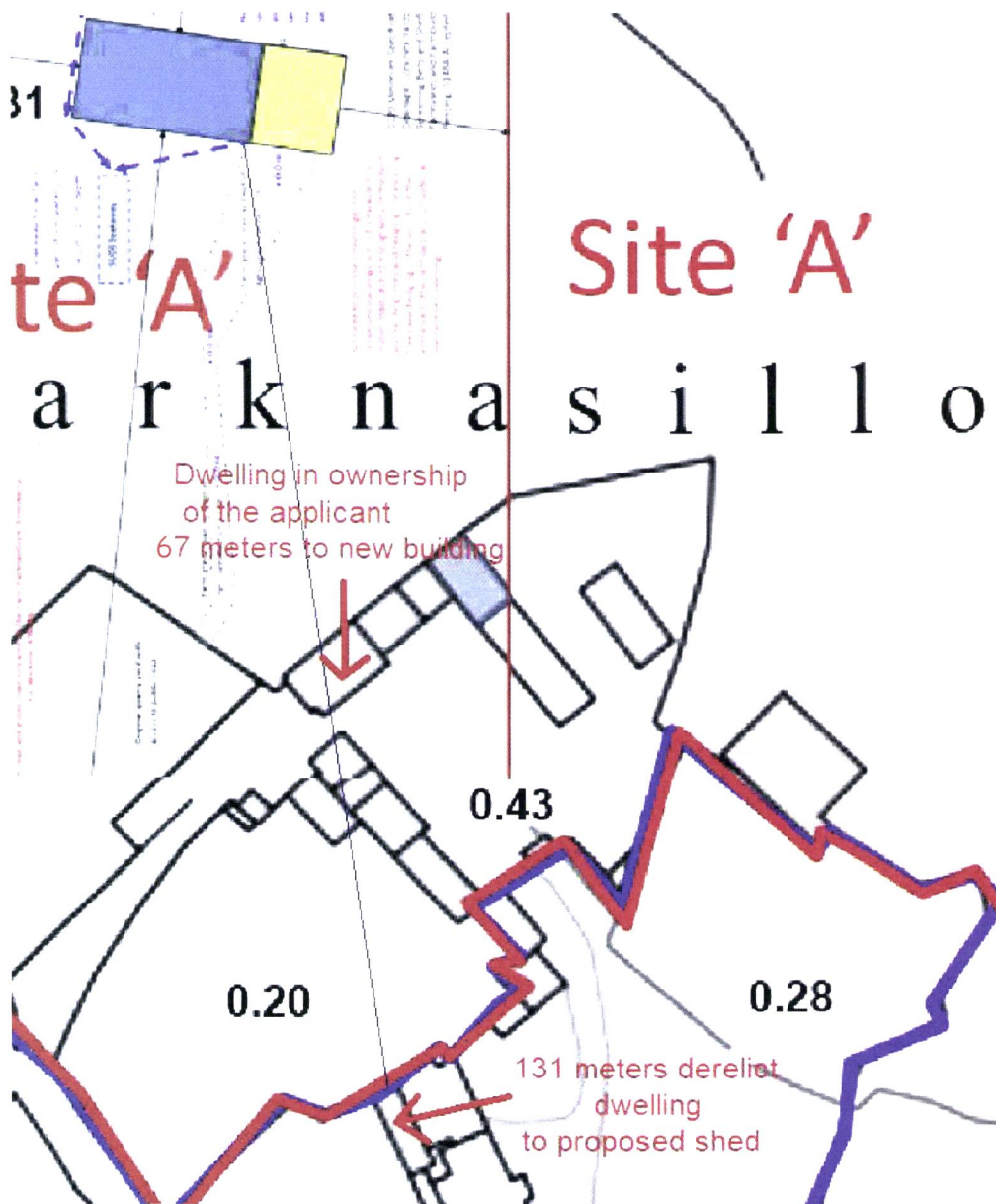
Yours faithfully,

A handwritten signature in black ink, appearing to read "Christopher Kinghan".

**Christopher Kinghan B.Sc.(Hons) A.R.I.C.S.
Chartered Surveyor**

Further information request Item 3

3. Please provide drawings and details showing any houses within 100m of the agricultural structure. You should clarify the owner of the house is the same person who is providing the agricultural structure.



The dwelling nearest the shed (67 meters distance) is owned by the applicant. The next nearest dwelling which is derelict is 131 distance from the proposed building. In the Schedule of buildings all dwelling buildings are shown shaded brown – this included workers cottages originally. The adjoining owners residential buildings are similarly shown and are shaded grey

Further information request Item 4.

The proposal includes a new 122sqm concrete yard area. In order to assess compliance under class 8 you should submit drawings and details to show all works "consisting of the provision of roofless cubicles, open loose yards, self feed silo or silage areas, feeding aprons, assembly yards, milking parlours or structures for the making or storage of silage or any other structures of a similar character or description, having an aggregate gross floor space not exceeding 200 square metres, and any ancillary provision for effluent storage" located (a) within the same farmyard complex of the proposed agricultural shed and (b) within 100m of the complex.

See the Buildings Schedule drawing.

Summary

Existing concrete yard area is 18 sq m . Proposed concrete yard area is 122 sq m

Total area for concrete yards =140 sqm.



- A) HOUSE10.9M X 7.1
- B) HOUSE GARAGE8.6M X 6M

DESCRIPTION	OUTER WALL	SQMTR
C) DERELICT SHED	4.3M X 6M.....	25.8M2
D) WORK SHOP REPAIRS	10.6M X 6.1M.....	64.6M2
E) SHED STONE WALLS STANDING to BE REBUILT.....	19.6 X 6.1M.....	119.5M2
F) BURNT DOWN IN 1986 – DOES NOT EXIST		
G) CATTLE SHED	16M X 12M.....	192M2
H) PUMP HOUSE	4.1M X 3.3M.....	64.6M2
I) LIGHT MACHINERY SHED	9.6M X 4.8M.....	46M2
J) ARSON ATTACK 2014 RESIDENTIAL Total area.....	18.5M x 6.2M.....	114.7M2
K) OLD SHED	12.5M X 4.4M.....	55M2
L) HEN HOUSE.....	4.5M X 2.5M.....	11.2M2

Summary

Building A Is Occupied, B is the House Garage and J is derelict residential housing

Exempted development Class 6 Shaded red

Animal housing Existing 192 sq m + 11 sq m

Total animal housing 203 sq m– 203 sq m

Exempted development Class 8 Shaded yellow

Concrete yards Shaded Yellow – Existing 18 sq m Proposed yard area 122 sq m

Total of existing and Proposed = 140sqm

Exempted development Class 9 shaded green

Existing Buildings = 375 sq m

Proposed building 299sq m

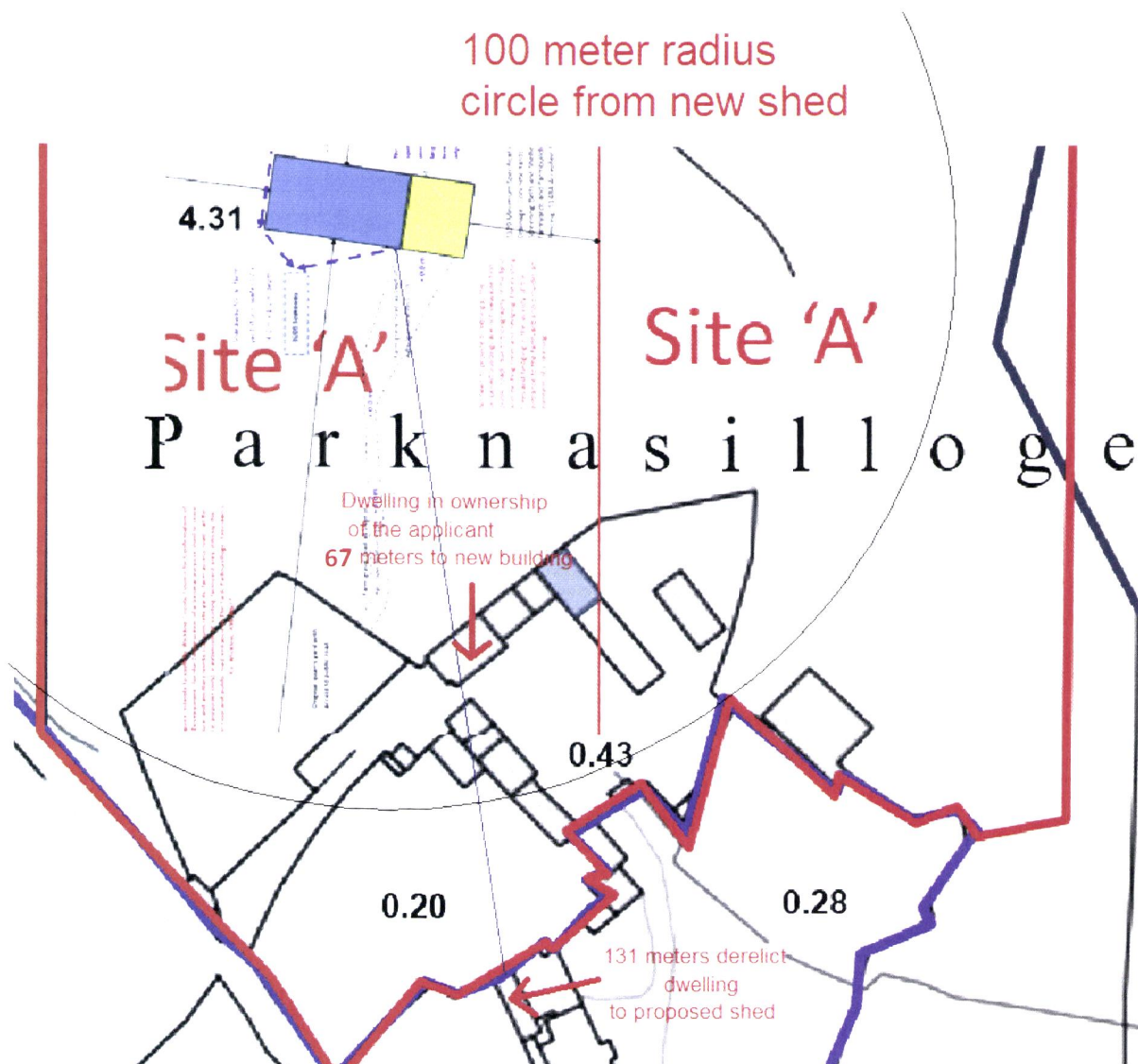
Total of existing and Proposed = 675 sq m

Neighbouring property. Shaded Grey

1-3) PRIVATE PROPERTY Owned by Applicant's sister Dwelling Building 1-3) is 131 meters from proposed building.

All derelict outbuildings 1-3 are also greater than 100 meters from proposed building.

As can be seen from the drawing hereunder



TOM DUNNE
CONSULTING ENGINEER
Viewmount House
Clogrennan
Carlow

Tel: 087 2996427
E-mail: tom.dunne.dpml@gmail.com

Paddy Maguire
Maguire Enterprises,
The Yard,
Parknasilloge,
Enniskerry
Co. Wicklow

29th April 2024


Re: EX 08/2024

To whom it concerns,

We wish to confirm that the proposed agricultural shed is indeed located on the filled lands and that the filling of this land is now complete to the correct level as per the conditions outlined in planning permission 19/676.

Furthermore, planning permission 19/676 has now ceased.

If you have any questions, please contact the undersigned.

Signed: -  :

Tom Dunne B.Eng. C.Eng. MIEI.

MEMORANDUM

To: Patrice Ryan Executive Planner Planning & Economic Development	From: Michael Boland Executive Scientist Waste Management Section
c.c.	
Date: 12th August 2022	
Subject: Capami Ltd - Housing Development in Parknasilloge - Application Nos. 22/789 and 22/794	

A planning application was submitted by John Spain Associates on behalf of Capami Limited for a for a mixed use development at Parknasilloge, Enniskerry, Co. Wicklow. Application 22/789 is for the construction of 98 residential units and application 22/794 is for only 31 residential units. Both applications include an enterprise and employment hub, and community building. The application documents reviewed comprised a planning report by JSA, a NIS by Scott Cawley, a hydraulic & hydrogeological assessment by HES and a construction and environmental management plan by Waterman Moylan.

The planning application site is located on the northern side of the Glencree Road and west of St. Mary's GAA club. A waste facility permit, WFP-WW-19-0060-01 is located 150m north of the application site and 125m south of the Knocksink Wood SAC. This permit was issued for a land reclamation project and allowed the importation of 27,000 tonnes of clean soil to restore a small worked out S&G pit to agriculture land. The restoration of the site has been completed and the permit expired on the 11th August 2022.

The hydraulic and hydrogeological impact of the proposed development on the SAC was assessed by Hydro Environmental Services. This compiled all previous site investigation data in the area and undertook some additional site works. Their report notes that:

- There will be no abstraction of groundwater and there will only be minor alterations to recharge patterns at the site as a result of the proposed soakaways.
- The quantitative status to the receiving waters will remain unaltered.
- There will be no change to the groundwater bodies or surface water bodies status as a result of the proposed development.
- No part of the development occurs within the defined zone of contribution of the main calcareous springs (7 and 8).
- There will be no diversion of groundwater flow from the gravel layers within the updated zone of contribution.

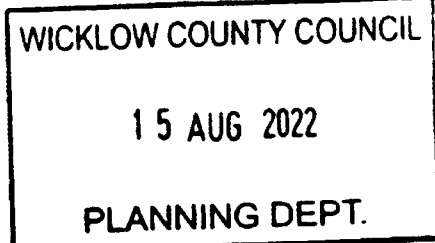
The HES assessment concludes that there will be no significant in-combination hydraulic/hydrogeological impacts on the interests of the Knocksink SAC as a result of proposed development. I find no reason to disagree with this statement.

Recommendation

The Waste Management Section does not have any objection to development on this site.

END


Michael Boland
Waste Management Section





Comhairle Contae Chill Mhantáin Wicklow County Council

Forbairt Pleanála agus Comhshaol
Planning Development and Environment

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27/02/2024

Christopher Kinghan,
Carricknagoan,
Coolderry PO,
Carrickmacross,
Co. Monaghan,
A81 E720.

RE: EX 08/2024
Construction of general purpose storage shed for agricultural purposes at The Yard,
Parknasilloge, Enniskerry A98 W677

A Chara

In respect of your query under Section 5 of the Planning and Development Act 2000 (as amended), received on 1st February, 2024 in order to fully assess if the proposed development comes within the scope of Schedule 2, Part 3, Class 8 and 9 the following information is required:

1. Permission was granted to Maguire Enterprises Ltd under 19/676 for the importation of greenfield soil and stone for the improvement of lands for agriculture. From a review of the submitted site layout plan, it appears that the agricultural building may intrude on lands identified for fill. Please clarify if the agricultural shed is located outside of the lands identified for fill. If the agricultural structure is to be located on the 'fill' lands, then confirmation (from suitably qualified person) is required that deposition under PRR19/676 has ceased and that final fill levels on the ground are as per the permitted levels and that all conditions have been complied with.
2. In order to assess compliance under Class 9, you should provide drawings and details to show (a) all structures within the same farmyard complex of the proposed agricultural shed and (b) all structures within 100m of the farmyard complex. There are a large number of structures located within the farmyard complex and in close proximity on the adjoining lands. In order to assess the section 5 application, details are required regarding the size (gross floor area) and use of these structures.

*Tá doiciméid seo ar fáil in formáid eile ar iad iata.
This document is available in alternative formats on request.*

Ba chóir gach comhfhreagras a sheoladh chuig an Stúirthóir Seirbhíse, Forbairt Pleanála agus Comhshaol.
All correspondence should be addressed to the Director of Services, Planning Development & Environment.



3. Please provide drawings and details showing any houses within 100m of the agricultural structure. You should clarify the owner of the house is the same person who is providing the agricultural structure.
4. The proposal includes a new 122sqm concrete yard area. In order to assess compliance under class 8 you should submit drawings and details to show all works "*consisting of the provision of roofless cubicles, open loose yards, self feed silo or silage areas, feeding aprons, assembly yards, milking parlours or structures for the making or storage of silage or any other structures of a similar character or description, having an aggregate gross floor space not exceeding 200 square metres, and any ancillary provision for effluent storage*" located (a) within the same farmyard complex of the proposed agricultural shed and (b) within 100m of the complex.

Mise, le meas



**ESTHER BRESLIN,
SENIOR STAFF OFFICER,
PLANNING DEVELOPMENT AND ENVIRONMENT.**



**WICKLOW COUNTY COUNCIL
PLANNING DEPARTMENT**

Section 5 – Application for declaration of Exemption Certificate

REF: EX08/2024
NAME: PATRICK MAGUIRE
DEVELOPMENT: GENERAL PURPOSE STORAGE SHED
LOCATION: THE YARD, PARKNASILLOGE, ENNISKERRY

The site

Existing farm, Parknasillgoe, Enniskerry

Planning History

Applications

19/676 – Maguire Enterprises Ltd – grant – permission for importation of greenfield soil and stone for the improvement of lands for agriculture requiring the importation of 18,576 cubic metres of inert greenfield soil and stone from neighbouring sites over a period of up to two years. The development will include a temporary mobile wheel wash with two associated temporary concrete tanks and all ancillary site works. The application is accompanied by a Natura Impact Statement

Section 5's

none identified on iplan

Unauthorised development

UD182

Question

The applicant has applied to see whether or not the following is or is not development and exempted development:

- The construction of general purpose storage shed for agricultural produce 298sqm

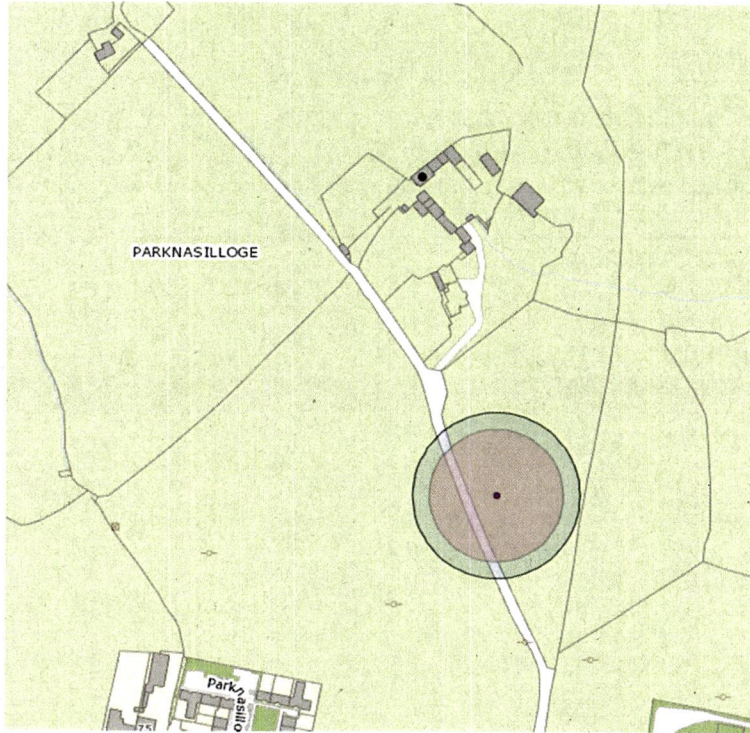
Development plan:

Wicklow County Development Plan 2022-2028

Landscape category:

North Eastern Valley-Glenree Area of Outstanding Natural Beauty

Protected structures / archaeology:



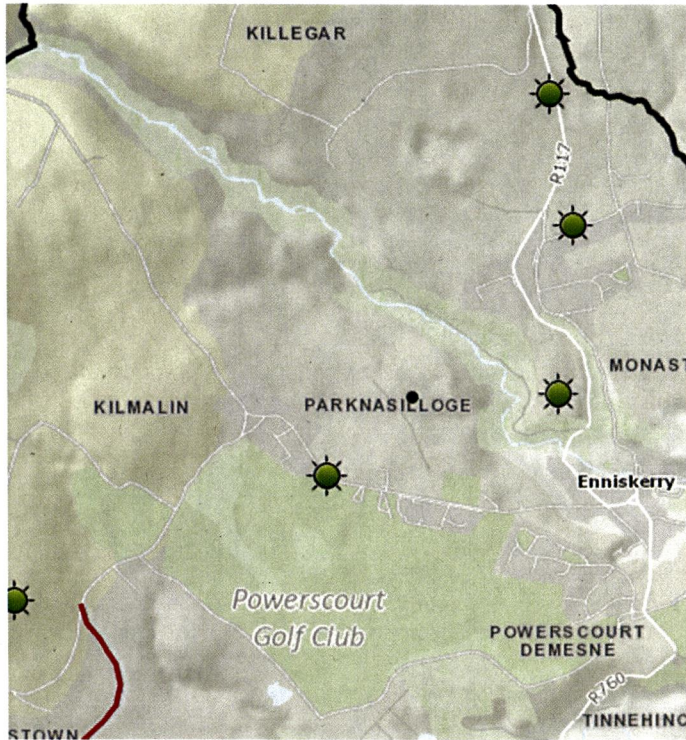
Protected views and prospects:

View no.1 – from R117 at The Scalp Enniskerry – view of Surgarloaf mountains and Enniskerry

View no.3 – L5507 Ballyman Road Enniskerry – view of the Scalp and Scalp valley from Ballyman

View no.4 - from near monastery house – view south towards Djouce mountain

View no.5 – from The Glenree Road – view towards Carrigollgan



Legislative Context

Planning and Development Act, 2000 (as amended):

Section 2

“development” has the meaning assigned to it by section 3, and “develop” shall be construed accordingly;

“exempted development” has the meaning specified in section 4;

“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 (b) in relation to a protected structure or proposed protected structure, includes— (i) the interior of the structure, (ii) the land lying within the curtilage of the structure, (iii) any other structures lying within that curtilage and their interiors, and (iv) all fixtures and features which form part of the interior or exterior of any structure or structures referred to in subparagraph (i) or (iii);

“use”, in relation to land, does not include the use of the land by the carrying out of any works thereon;

“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) 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.

Section 4(3); A reference in this Act to exempted development shall be construed as a reference to development which is—

- a) any of the developments specified in subsection (1), or
- b) development which, having regard to any regulations under subsection (2), is exempted development for the purposes of this Act.

Section 4 (4) Notwithstanding *paragraphs (a), (i), (ia) and (l) of subsection (1) and any regulations under subsection (2)*, development shall not be exempted development if an environmental impact assessment or an appropriate assessment of the development is required.

Planning and Development Regulations 2001(as amended)

Article 6 (3)

Subject to article 9, in areas other than a city, a town or an area specified in section 19(1)(b) of the Act or the excluded areas as defined in section 9 of the Local Government (Reorganisation) Act, 1985 (No. 7 of 1985), development of a class specified in column 1 of Part 3 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 3 opposite the mention of that class in the said column 1.

Article 9 (1) Restrictions on exemption

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

- (a) (i) to (xii)

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.

Agricultural structures

Class 6

Class 7

Class 8

Class 9

Class 10

Details submitted

General purpose shed:

Structure has a floor area of 298sqm.

Internal use is for general purpose storage to store farm produce

Ancillary concrete yard 122sqm

Farm access road for agricultural purpose

Shed has a ground to ridge height of 7.8m, external cladding and concrete walls.

SUDS soakway for farm yard storm water.

Assessment

Is or is not development

The proposal would involve 'works' and therefore the proposal does constitute development.

Is or is not exempted development

The applicant has shown farm lands edged in blue. The regulations set out exemptions particularly related to agricultural structures. Schedule 2, Part 3, Class 9 and 8 are of relevance.

CLASS9

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

This is a 298sqm general purpose storage shed for agricultural produce

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.

Complies

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.

Additional information required.

3. No such structure shall be situated within 10 metres of any public road.

Complies

4. No such structure within 100 metres of any public road shall exceed 8 metres in height.

Complies – structure is 7.8m

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.

Additional information required.

6. No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.

Complies

CLASS8

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

122sqm open concrete yard proposed.

1. No such structure shall be used for any purpose other than the purpose of agriculture.

complies

2. The gross floor space of such structures together with any other such structures situated within the same farmyard complex or within 100 metres of that complex shall not exceed 300 square metres gross floor space in aggregate.

Additional information required

3. Effluent storage facilities adequate to serve the structure having regard to its size, use and location shall be constructed in line with Department of Agriculture, Food and Rural Development and the Department of the Environment and Local Government requirements and shall have regard to the need to avoid water pollution.

No foul effluent, however ancillary storm water soakway proposed

4. No such structure shall be situated, and no effluent from such structure shall be stored, within 10 metres of any public road.

No public road within 10m

5. No such structure within 100 metres of any public road shall exceed 8 metres in height.

complies

6. No such structure shall be situated, and no effluent from such structure shall be stored, within 100 metres of any house (other than the house of the person providing the structure) or other residential building or school, hospital, church or building used for public assembly, save with the consent in writing of the owner and, as may be appropriate, the occupier or person in charge thereof.

Additional information required.

7. No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.

complies

Farm gravel road :

Permission granted under 19/676 for access to the land reclamation development.

Article 9

Restrictions on exemption

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) to (iv)

Consideration:

Items (i) to (iv) have been considered. Item (vi) is as follows:

(i) contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act,

Permission granted under 19/676 for soil infill on the lands. Permission was granted subject to 11 conditions. It appears that the agricultural structure intrudes on lands identified for fill. Clarification required.

(vi) interfere with the character of a landscape, or a view or prospect of special amenity value or special interest, the preservation of which is an objective of a development plan for the area in which the development is proposed or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,

Protected views and prospects:

View no.1 – from R117 at The Scalp Enniskerry – view of Surrarloaf mountains and Enniskerry

Not in line of view

View no.3 – L5507 Ballyman Road Enniskerry – view of the Scalp and Scalp valley from Ballyman

Not in line of view

View no.4 - from near monastery house – view south towards Djouce mountain

Not in line of view

View no.5 – from The Glencree Road – view towards Carrigollgan

I have inspected this view. The proposed shed would not interfere with view.

(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,

No impacts

(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,

No impacts

(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 site is located c 250m to the Knocksink wood SAC. The proposal is for an agricultural shed with soakway for surface water and concrete yard. The development does not result in foul discharge. It itself and having regard to the lack of direct or indirect pathways between the development and the Natura 2000 network, it is not likely that the development would have a significant effect on the Natura 2000 site network.

In combination, the proposed shed relates to lands that have been subject to a recent permitted land fill of inert material. This was subject to its own AA assessment process. There is an existing farmyard complex on the site. In combination with other projects or plans, it is considered that the development would not likely have a significant effect on the Natura 2000 site network.

(viiC) consist of or comprise development which would be likely to have an adverse impact on an area designated as a natural heritage area by order made under section 18 of the Wildlife (Amendment) Act 2000.

No impacts

Planning and Development Act:

Section 4(4) states the following in relation to exempted development:

(4) Notwithstanding paragraphs (a), (i), (ia) and (l) of subsection (1) and any regulations under subsection (2), development shall not be exempted development if an environmental impact assessment or an appropriate assessment of the development is required.

Having regard to the nature and size of development proposed, it is considered that environmental impact assessment or appropriate assessment is not required.

Recommendation

Recommend that further information be sought under Section 5(2)(b) of the Planning and Development Act 2000 (as amended) as follows:

From the information provided in the application form, the information is inadequate and therefore the planning authority is unable to assess the application.

Please submit additional information including the following:

1. Permission was granted to Maguire Enterprises Ltd under 19/676 for the importation of greenfield soil and stone for the improvement of lands for agriculture. From a review of the submitted site layout plan, it appears that the agricultural building may intrude on lands identified for fill. Please clarify if the agricultural shed is located outside of the lands identified for fill. If the agricultural structure is to be located on the 'fill' lands, then confirmation (from suitably qualified person) is required that deposition under PRR19/676 has ceased and that final fill levels on the ground are as per the permitted levels and that all conditions have been complied with.
2. In order to assess compliance under Class 9, you should provide drawings and details to show (a) all structures within the same farmyard complex of the proposed agricultural shed and (b) all structures within 100m of the farmyard complex. There are a large number of structures located within the

farmyard complex and in close proximity on the adjoining lands. In order to assess the section 5 application, details are required regarding the size (gross floor area) and use of these structures.

3. Please provide drawings and details showing any houses within 100m of the agricultural structure. You should clarify the owner of the house is the same person who is providing the agricultural structure.

4. The proposal includes a new 122sqm concrete yard area. In order to assess compliance under class 8 you should submit drawings and details to show all works "*consisting of the provision of roofless cubicles, open loose yards, selffeed silo or silage areas, feeding aprons, assembly yards, milking parlours or structures for the making or storage of silage or any other structures of a similar character or description, having an aggregate gross floor space not exceeding 200 square metres, and any ancillary provision for effluent storage*" located (a) within the same farmyard complex of the proposed agricultural shed and (b) within 100m of the complex.

A. Mac Namara
Ex Pl.
21.02.2024.

MEMORANDUM

WICKLOW COUNTY COUNCIL

**TO: Aisling McNamara
Executive Planner**

**FROM: Nicola Fleming
Staff Officer**

**RE:- Application for Certificate of Exemption under Section 5 of the
Planning and Development Acts 2000 (as amended).
EX08/2024**

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

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



**Staff Officer
Planning Development & Environment**



Comhairle Contae Chill Mhantáin
Wicklow County Council

Forbairt Pleanála agus Comhshaol
Planning Development and Environment

Áras An Chontae / County Buildings
Cill Mhantáin / Wicklow
Guthán / Tel: (0404) 20148
Faics / Fax: (0404) 69462
Rphost / Email: plandev@wicklowcoco.i
Suíomh / Website: www.wicklow.ie

6th February 2024

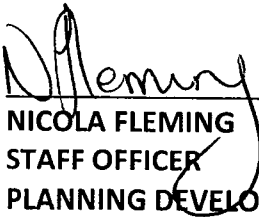
Christopher Kinghan
Carricknagoan
Coolderry PO
Carrickmacross
Co. Monaghan
A81 E720

RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended). – EX08/2024 for Patrick Maguire

A Chara

I wish to acknowledge receipt on 01/02/2024 details supplied by you in respect of the above Section 5 application. A decision is due in respect of this application by 28/02/2024.

Mise, le meas


NICOLA FLEMING
STAFF OFFICER
PLANNING DEVELOPMENT AND ENVIRONMENT



Christopher Kinghan & Associates

CHARTERED BUILDING SURVEYOR
ARCHITECTURAL, PLANNING & ENVIRONMENTAL DESIGN SOLUTIONS

Carricknacorney Coolderry P.O. Carrickmacross Co. Monaghan A81 E720
Tel: 085 164 6179 Email: kinghanchris@yahoo.com

Our Ref: CK/WW/PM Your Ref:

The Planning Department
County Buildings,
Station Road,
Whitegates,
Wicklow,
A67 FW96

Dear Sirs,

Patrick Maguire intends to apply to Wicklow County Council for Confirmation of Exempted Development for the Construction of a General purpose shed to store farm produce and ancillary works (i.e. concrete yards, farm access road - all for agricultural purposes only) in extension of existing farmyard area utilising the existing farm road and public road entrance at The Yard, Parknasilloge, Enniskerry, Co. Wicklow, A98 W677.

In connection with the above planning application we enclose the following documentation:-

Schedule of Documentation

Note all 1 copy unless stated

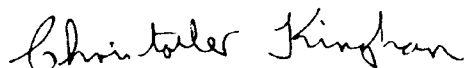
- Planning fee €80

Note all 2 copies unless stated

- Application form
- Letter re- Planning History & Source of water supply.
- Site Location Map Scale 1:2,500
- Proposed Farm/Site Layout Plan + contours and Notes Scale 1:500
- Roadside viewing points document.
- Construction Drawings for general purpose shed for agricultural use Scale 1:200
- Standard specification and Safety notes
- Soakaway SUDS drawing Not to scale.
- Desktop Study - EU Natura impact statement - Stage 1 - Statement of Screening for Appropriate Assessment of a nearby Natura designated site.
- Land Ownership maps Scale 1:10,560. For information purposes only.
- *Calculation of exempted development allowances*

We trust the above documentation is satisfactory and look forward to your favourable decision.

Yours faithfully,



Christopher Kinghan B.Sc.(Hons) A.R.I.C.S.
Chartered Building Surveyor

Christopher Kinghan & Associates

CHARTERED BUILDING SURVEYOR
ARCHITECTURAL, PLANNING & ENVIRONMENTAL DESIGN SOLUTIONS

Carricknagoan, Coolderry P.O., Carrickmacross, Co. Monaghan, A81 E720.
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County Buildings,
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Planning History Letter

The applicant farms all the lands shown on the Nutrient management mapping.

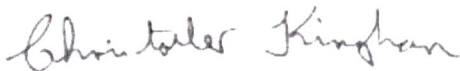
The applicant has agricultural planning history on these lands. The applicant has an application Wicklow reference No 19/676 for importation of greenfield soil and stone for the improvement of land for agriculture, which was granted see details below.

Planning Application: 19676 (Wicklow County Council)

File Number	19676	Planning Status	APPLICATION FINALISED
Application Type:	PERMISSION	Decision Due Date	05/01/2020
Received Date	25/06/2019	Invalidated Date	
Validated Date	25/06/2019	Further info Received	13/11/2019
Further info Requested	14/06/2019	Extend Date	
Withdrawn Date		Decision Date	02/11/2019
Decision Type	Conditional	Appeal Date	
Leave to Appeal:		Submissions By	
Commenced Date			

The applicant is the owner of the lands and the only neighbour that is within 100 metres of the proposed works.

Yours faithfully,



Christopher Kinghan B.Sc.(Hons) A.R.I.C.S.
Chartered Building Surveyor

Wicklow County Council
County Buildings
Wicklow
0404 20100

01/02/2024 09:31:57

Receipt No: 11/0/324657

Christopher
Carrickraoon
Coolderry Po
Carrickmacross
Co. Monaghan
A81 E720

PLANNING APPLICATION FEES	80.00
GOODS	80.00
VAT Exemption/Non taxable	

Total 80.00 EUR

Tendered
Postal Order 80.00
Patrick Maguire A98 1F95

Change 0.00

Issued By: Lorraine Byrne
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 _____

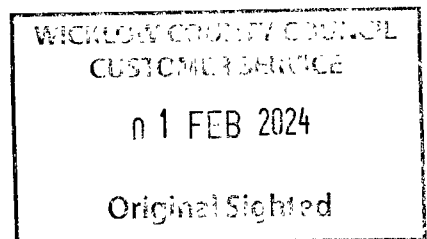
APPLICATION FORM FOR A
DECLARATION IN ACCORDANCE WITH SECTION 5 OF THE PLANNING &
DEVELOPMENT ACTS 2000 (AS AMENDED) AS TO WHAT IS OR IS NOT
DEVELOPMENT OR IS OR IS NOT EXEMPTED DEVELOPMENT

1. Applicant Details

(a) Name of applicant: Patrick Maguire.

Address of applicant: Killegar Enniskerry.
Co. Wicklow - A98 TF95.

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



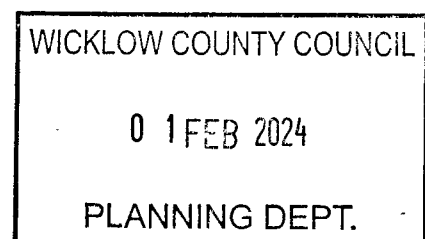
2. Agents Details (Where Applicable)

(b) Name of Agent (where applicable) Christopher

Address of Agent: Carricknagowan Cooderry Po
Carrickmarvoss Co. Monaghan A81 E720

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

All correspondence to Agent
please.



3. Declaration Details

* see (i) Access arrangements please).

i. Location of Development subject of Declaration _____
The Yard Parknasillage Enniskerry Co Wicklow
A98 W677.

note Access is gated and locked. Planner is welcome to contact access to site via applicant at any time.

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

see contact detail sheet.

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

NIA -

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 _____

Construction of general purpose storage shed for agricultural produce 298 sqm. Is this 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 _____

Class 9. Exempted Development rural. 300 sq m maximum this application 900 sq m max overall for this Class 9 see drawing listing building areas.

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 _____

see schedule of documentation

viii. Fee of € 80 Attached ? YES

Signed : B.W Kinghi - Dated : 31/01/2024.

(Agent)

Christopher Kinghan.

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.

Planning Pack Map

Exempted Development allowances all buildings within 100 meters of proposed building Scale 1:2,500



Táir Éireann

CENTRE COORDINATES:
ITM 721295,717832

PUBLISHED: ORDER NO.:
50374292_1

MAP SERIES: MAP SHEETS:
1:2,500 3567-C

COMPILED AND PUBLISHED BY:
Phoenix Park,

www.tailte.ie

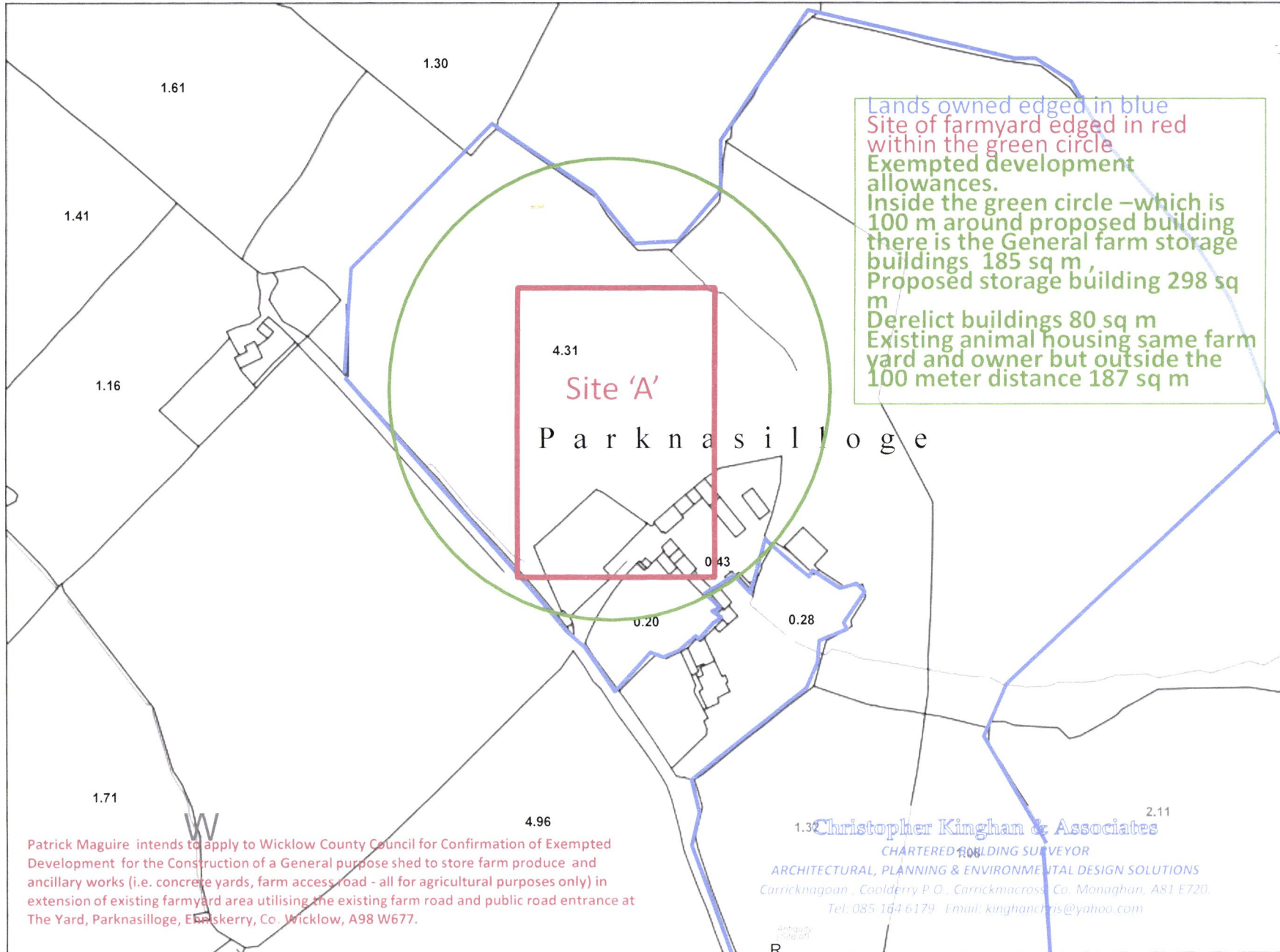
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This topographic map does not show legal property boundaries, nor does it show ownership of physical features.

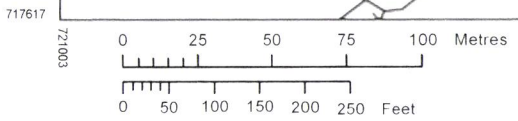
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Lands owned edged in blue
Site of farmyard edged in red within the green circle
Exempted development allowances.
Inside the green circle –which is 100 m around proposed building there is the General farm storage buildings 185 sq m, Proposed storage building 298 sq m
Derelict buildings 80 sq m
Existing animal housing same farm yard and owner but outside the 100 meter distance 187 sq m

Patrick Maguire intends to apply to Wicklow County Council for Confirmation of Exempted Development for the Construction of a General purpose shed to store farm produce and ancillary works (i.e. concrete yards, farm access road - all for agricultural purposes only) in extension of existing farmyard area utilising the existing farm road and public road entrance at The Yard, Parknasilloge, Enniskerry, Co. Wicklow, A98 W677.

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Tel: 085 164 6179 Email: kinghanchris@yahoo.com



OUTPUT SCALE: 1:2,500

CAPTURE RESOLUTION:
The map objects are only accurate to the resolution at which they were captured. Output scale is not indicative of data capture scale. Further information is available at www.tailte.ie, search 'Capture Resolution'

LEGEND:
To view the legend visit www.tailte.ie and search for 'Large Scale Legend'



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Desktop Study – Stage 1 - Statement of Screening for Appropriate Assessment of a nearby Natura designated site.

Part 2 of Desktop study. Organic Waste Nutrient Management Plan for the purpose of Planning Applications for Agricultural Development in accordance with the European Union (Good Agricultural Practice for Protection of Waters) (Amendment) Regulations 2023.

Patrick Maguire intends to apply to Wicklow County Council for Confirmation of Exempted Development for the Construction of a General purpose shed to store farm produce and ancillary works (i.e. concrete yards, farm access road - all for agricultural purposes only) in extension of existing farmyard area utilising the existing farm road and public road entrance at The Yard, Parknasilloge, Enniskerry, Co. Wicklow, A98 W677.

Part 1 of Desktop study.

Stage 1 - Statement of Screening for Appropriate Assessment – Summary

Section 1 INTRODUCTION

The actual Assessment commences on Page 3. The notes on Pages 1 and 2 detail the reasons and methodology of the need for this natura assessment.

With the introduction of the Habitats Directive (Council Directive 92/43/EEC on the Conservation of natural habitat and of wild fauna and flora) came the obligation to establish the Natura 2000 network of Sites of Community Interest (SCIs), comprising a network of areas of highest biodiversity importance for rare and threatened habitats and species across the European Union (EU).

In Ireland, the Natura 2000 network of sites comprises Special Areas of Conservation (SACs, including candidate SACs) designated under domestic legislation transposing Directive 92/43/EEC, and Special Protection Areas (SPAs, including proposed SPAs) classified under the Birds Directive (Council Directive 2009/147/EC on the conservation of wild birds) and designated under the same domestic legislation.

SACs are designated for the conservation of Annex I habitats (including priority types which are in danger of disappearance) and Annex II species (other than birds). SPAs are designated for the conservation of Annex I birds and other regularly occurring migratory birds and their habitats. The annexed habitats and species for which each site is designated correspond to the qualifying interests of the sites; from these the conservation objectives of the site are derived.

SACs and SPAs make up the pan-European network of Natura 2000 sites. It should be noted that 'European sites' are defined in Regulation 2(1) of the European Communities (Birds and Natural Habitats) Regulations 2011, as amended ('the 2011 Regulations') and Section 177R of the Planning and Development Act 2000, as amended ('the 2000 Act').

1.1 Appropriate Assessment

1.1.1 The Habitats Directive

A key protection mechanism in the Habitats Directive is the requirement to subject plans and projects to Appropriate Assessment (AA) in line with the requirements of Article 6(3) of the Habitats Directive, which requires that–

This desktop study is concerned only with **Stage 1 - Screening for Appropriate Assessment**: An initial or preliminary assessment of the project or plan's effect on a European site(s). If it cannot be concluded that there will be no significant effect upon a European site, then an appropriate assessment of the implications of a plan or project must be conducted.

1.2 Document Structure

Methodology and Guidance

Section 2 of the document, sets out the methodology followed and guidance documents used in conducting a screening appraisal for appropriate assessment and subsequent appraisal for appropriate assessment of the implications of the proposed development on European sites.

Proposed Development

Section 3 of the report describes the proposed development, the general methodology sequence and activities to be undertaken.

Stage 1 Screening Appraisal

Section 4 of the report contains a preliminary examination and analysis to understand whether or not the proposed development is likely to have a significant effect on any European site. This is the screening appraisal for appropriate assessment. It has been undertaken in

view of best scientific knowledge, in light of the Conservation Objectives of the sites concerned and considers the proposed development individually or in combination with other plans and projects. In accordance with EC guidance and settled case law of the CJEU, measures intended to avoid or reduce the harmful effects of the proposed development on European sites, (i.e. "mitigation measures") or best practice measures have not been taken into account in the screening stage appraisal.

Section 2 METHODOLOGY

2.1 Published guidance on Appropriate Assessment

Appropriate Assessment Guidelines for Planning Authorities have been published by the Department of the Environment Heritage and Local Government and more recently by the Office of the Planning Regulator Practice Note (PN01) (OPR,2021). In addition to the advice available from the Department, the European Commission has published a number of documents which provide a significant body of guidance on the requirements of Appropriate Assessment.

This Stage 1 Screening Appraisal is carried out in conformity with this guidance.

2.2 Likely Significant Effect

The Commission's 2018 Notice (EC, 2019) advises that the appropriate assessment procedure under Article 6(3) is triggered not by the certainty but by the likelihood of significant effects, arising from plans or projects regardless of their location inside or outside a protected site. Such likelihood exists if significant effects on the site cannot be excluded. The significance of effects should be determined in relation to the specific features and environmental conditions of the site concerned by the plan or project, taking particular account of the site's conservation objectives and ecological characteristics.

The threshold for a Likely Significant Effect ("LSE") is treated in the screening exercise as being above a de minimis level. A de minimis effect is a level of risk that is too small to be concerned with when considering ecological requirements of an Annex I habitat or a population of Annex II species present on a European site necessary to ensure their favourable conservation condition. If low level effects on habitats or individuals of species are judged to be in this order of magnitude and that judgment has been made in the absence of reasonable scientific doubt, then those effects are not considered to be LSEs.

The analysis involved in a Stage 1 screening appraisal for Appropriate Assessment is described in EC (2021) as comprising four steps:

- ascertaining whether the plan or project is directly connected with or necessary to the management of a Natura 2000 site;
- identifying the relevant elements of the plan or project and their likely impacts;
- identifying which (if any) Natura 2000 sites may be affected, considering the potential effects of the plan or project alone or in combination with other plans or projects;
- assessing whether likely significant effects on the Natura 2000 site can be ruled out, in view of the site's conservation objectives. Case law of the Court of Justice of the European Union (CJEU) has confirmed that a significant effect is triggered when:
 - there is a probability or a risk of a plan or project having a significant effect on a European site;
 - the plan is likely to undermine the site's conservation objectives; and
 - a significant effect cannot be excluded on the basis of objective information. EC (2021) defines a LSE as being "any effect that may reasonably be predicted as a consequence of a plan or project that would negatively and significantly affect the conservation objectives established for the habitats and species significantly present on the Natura 2000 site. This can result from either on-site or offsite activities, or through combinations with other plans or projects". The requirement that the effect in question be 'significant' exists in order to lay down a de minimis or negligible threshold – thus, plans or projects that have no appreciable or imperceptible effects on the site are thereby excluded.

2.3 Mitigation Measures In determining whether or not likely significant effects will occur or can be excluded in the Stage 1 appraisal, measures intended to avoid or reduce the harmful effects of the proposed development on European sites, (i.e. "mitigation measures") or best practice measures have not been taken into account in this screening stage appraisal. This approach is consistent with up-to-date EU guidance (EU,2019; EC,2021) and the case law of the Court of Justice of the European Union (CJEU).

EC (2001) states that "project and plan proponents are often encouraged to design mitigation measures into their proposals at the outset. However, it is important to recognise that the screening assessment should be carried out in the absence of any consideration of mitigation measures that form part of a project or plan and are designed to avoid or reduce the impact of a project or plan on a Natura 2000 site". This direction in the European Commission's guidance document is unambiguous in that it does not permit the inclusion of mitigation at screening stage.

In April 2018, the Court of Justice of the European Union issued a ruling in case C-323/17 People Over Wind & Peter Sweetman v Coillte Teoranta ("People Over Wind") that Article 6(3) of Directive 92/43/EEC must be interpreted as meaning that, in order to determine whether it is necessary to carry out, subsequently, an appropriate assessment of the implications, for a site concerned, of a plan or project, **it is not appropriate, at the screening stage, to take account of the measures intended to avoid or reduce the harmful effects of the plan or project on that site.**

The judgment in People Over Wind is further reinforced in EC (2019) and EC (2021) which refers to CJEU Case C-323/17.

Therefore, in consideration of the above, no mitigation measures will be considered in the Stage 1 screening. It is also pointed out prior to commencement of this study that there is no change in stocking rates proposed on this farm, nor any change in the amounts of animal nutrients or the nature of the animal nutrients applied on or into the land by this project.

The maps and data utilised in this Stage 1 screening appraisal are all obtained from <https://www.npws.ie/maps-and-data>

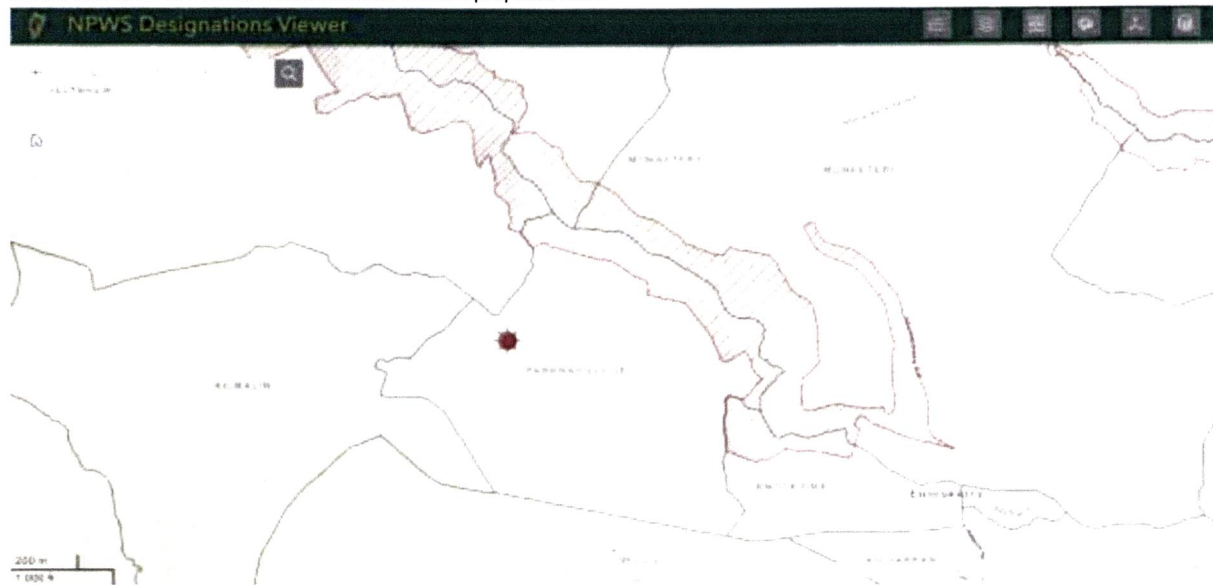
Section 3 describing the proposed development, the general methodology sequence and activities to be undertaken.

Description of proposed development (which is supported by all the planning documentation listed in the cover letter to the planning department:

Patrick Maguire intends to apply to Wicklow County Council for Confirmation of Exempted Development for the Construction of a General purpose shed to store farm produce and ancillary works (i.e. concrete yards, farm access road - all for agricultural purposes only) in extension of existing farmyard area utilising the existing farm road and public road entrance at The Yard, Parknasilloge, Enniskerry, Co. Wicklow, A98 W677.

Section 4. Identification of all Natura 2000 sites located on or near (1km) to the applicant site

One adjacent to farm -1 No SACs. No SPAs within 1 km circle of site See map below : The proposed site is in Parknasilloge townland (Enniskerry) The site is marked with the red point. There are three proposed NHA areas within a kilometer of the site, but the PNHAs are not on the site or the farm. Knocksink wood is also a proposed NHA.



Knocksink Wood SAC

Site Details

Site code 000725

Designation Special Area of Conservation (SAC)

Counties Dublin Wicklow

Coordinates Latitude: 53.2042 Longitude: -6.19254

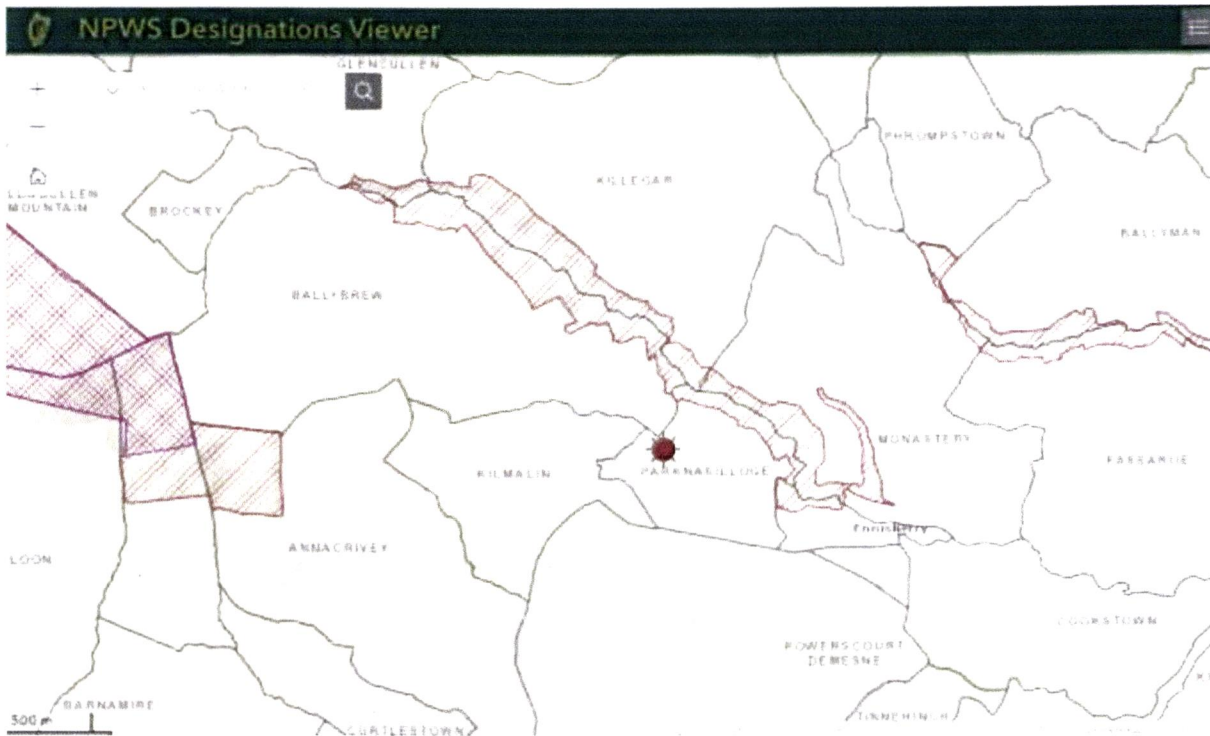
Qualifying Interests

Petrifying springs with tufa formation (Cratoneurion) [7220]

Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]

Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0]Ox Mountains Bogs SAC

Identification of all Natura 2000 sites located near (within 3 km) to the applicant site – One within 3 km circle of site 1 no. SPA and 3 no. SACs. If applicable, the main features of these SAC and SPA sites are detailed and examined below



Ballyman Glen SAC

Site Details

Site code 000713

Designation Special Area of Conservation (SAC)

Counties Dublin Wicklow

Coordinate sLatitude: 53.2034 Longitude: -6.15683

Qualifying Interests

Petrifying springs with tufa formation (Cratoneurion) [7220]

Alkaline fens [7230]

Wicklow Mountains SAC

Site Details

Site code 002122

Designation Special Area of Conservation (SAC)

Counties Dublin Wicklow

Coordinates Latitude: 53.0842 Longitude: -6.37681

Qualifying Interests

Oligotrophic waters containing very few minerals of sandy plains (*Littorelletalia uniflorae*) [3110]

Natural dystrophic lakes and ponds [3160]

Northern Atlantic wet heaths with *Erica tetralix* [4010]

European dry heaths [4030]

Alpine and Boreal heaths [4060]

Calaminarian grasslands of the *Violetalia calaminariae* [6130]

Species-rich *Nardus* grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe) [6230]

Blanket bogs (* if active bog) [7130]

Siliceous scree of the montane to snow levels (*Androsacetalia alpinae* and *Galeopsietalia ladani*) [8110]

Calcareous rocky slopes with chasmophytic vegetation [8210]

Siliceous rocky slopes with chasmophytic vegetation [8220]

Old sessile oak woods with *Ilex* and *Blechnum* in the British Isles [91A0]

Lutra lutra (Otter) [1355]

Wicklow Mountains SPA

Site Details

Site code 004040

Designation Special Protection Area (SPA)

Counties Wicklow Dublin

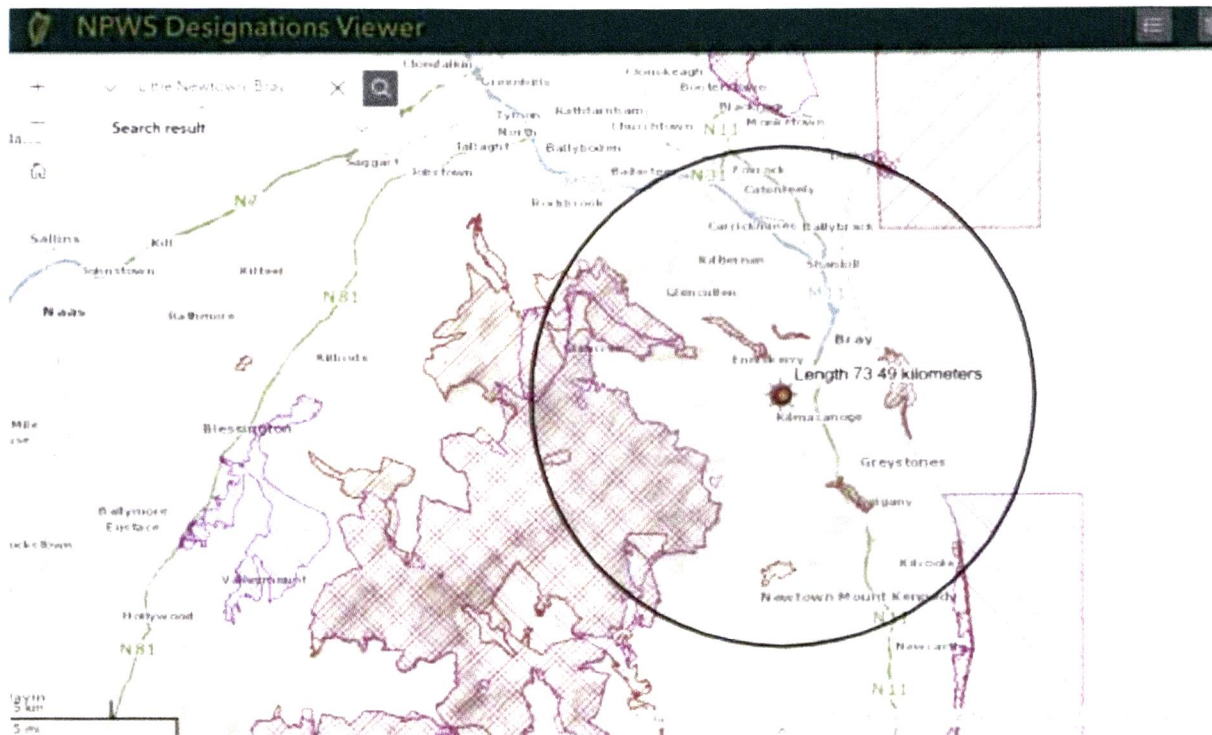
Coordinates Latitude: 53.0831 Longitude: -6.3717

Qualifying Interests

Merlin (*Falco columbarius*) [A098]

Peregrine (*Falco peregrinus*) [A103]

Identification of all Natura 2000 sites located near (within 15 km) to the applicant site – 11 no. within 15 km circle of site 3 no. SPA and 8 no. SACs The main features of these SAC and SPA sites are detailed and examined below.



The sites identified and not already described are a considerable distance from the site. As such it is sufficient to name and identify the sites.

004040 Wicklow mountains SPA

004186 The Murrough SPA

004172 Dalkey islands SPA

002122 Wicklow Mountains SAC

000716 Carriggower Bog SAC

002249 The Murrough Wetlands SAC

00719 Glen of the Downs SAC

000714 Bray head SAC

000725 Knocksink Wood SAC

000713 Ballyman Glen SAC

003000 Rockabill to Dalkey Island SAC

Map detailing natura sites within 15 km of project site I have examined the 3 no. SPA and 8 no. SACs natura sites which are within 15 km of this site. The applicant farms outside all the SAC SPA areas. The farm activities pose no threat to these natura sites.

Assessment of likely effects Note: A means that the development poses no risk provided that the development is constructed in full accordance with the full Planning documentation and conditions of the Planning Permission.

Examples of effects that are likely to be significant, that have been considered by this study are:

- Any impact on an Annex I habitat
- Causing reduction in the area of the habitat or Natura 2000 site
- Causing direct or indirect damage to the physical quality of the environment (e.g. water quality and supply, soil compaction) in the Natura 2000 site
- Causing serious or ongoing disturbance to species or habitats for which the Natura 2000 site is selected (e.g. increased noise, illumination and human activity)
- Causing direct or indirect damage to the size, characteristics or reproductive ability of populations on the Natura 2000 site
- Interfering with mitigation measures put in place for other plans or projects

1. Screening statement with conclusions

The applicant is a medium sized farmer (cattle). The farm is an old quarry and is now mainly permanent pasture, none of the land farmed is in the form of shared commonage. As stated at the beginning of this Stage 1 assessment, no mitigation measures will be considered in the Stage 1 screening.

It has also been pointed out prior to commencement of this study that there is no change in stocking rates proposed on this farm, nor any change in the amounts of animal nutrients or the nature of the animal nutrients applied on or into the land by this project. Whether this project goes ahead or not the animals still graze the land as they have always done and their nutrients are deposited on the land.

The farm is typical to this area. It will be farmed in an environmentally responsible manner. 1st stage Screening establishes that there is no potential for significant effects and the project can proceed as proposed. However, no changes may be made after this as this will invalidate the findings of screening. The proposed building will be a General storage shed for farm fodder etc.

Conclusion : I recommend that the AA process ends at the Stage 1 Screening stage because my conclusion is that no significant effects are likely.

Name, address and qualifications of the person who prepared the "Statement for Screening"/"Statement for Appropriate Assessment"

Signed: Date: 19th December 2023

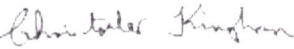
Christopher Kinghan (BSc Hons) A.R.I.C.S.

Chartered Building Surveyor

Also, MSc in Organic farming.

Carricknagoan, Coolderry PO, Carrickmacross, Co. Monaghan.

Signature of applicant (and any co-applicant where applicable) or agent

Signed  Agent

On behalf of Applicant

Sources

<http://www.npws.ie/protected-sites/sac>

Note : at the time of preparation of this report the NWPS website is undergoing a very long period of extensive maintenance for a considerable time, this hampers the preparation of the report, i.e. it is possible that some of the natura sites further away from the site can be missed. That is not of real significance , but netherthe less the report is prepared in good faith.

Part 2 of Desktop study.

General description of the farm and proposed project.

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This Organic Waste Nutrient Management Plan has been prepared for the purpose of Planning Applications for Agricultural Development in accordance with NITRATES EXPLANATORY HANDBOOK for Good Agricultural Practice for the Protection of Waters Regulations 2022 - based upon Statutory Instrument S.I. No. 113 of 2022 [European Union (Good Agricultural Practice for Protection of Waters) Regulations 2022] and Statutory Instrument S.I. No. 393 of 2022 [European Union (Good Agricultural Practice for Protected of Waters) (Amendment) Regulations 2022].

This application for a general farm produce storage shed , no animal nutrients are involved.

Christopher Kinghan & Associates

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SPECIFICATION & HEALTH AND SAFETY PLAN

TO BE READ IN CONJUNCTION WITH ALL PLANNING AND CONSTRUCTION DRAWINGS

SPECIFICATION

NOTE : The written specification takes precedence over the drawings – obviously there is far greater construction detail in the written specifications and this detail needs to be met in its entirety. There are various methods to attain structural compliance, ventilation and natural lighting rules. This does not affect the overall building appearance nor does it affect overall dimensions of a building from a Planning compliance viewpoint.

For grant aided work it is an important condition of the grant that the buildings are exactly in the position and the size set out in the drawings associated with the planning application or exemption. Failing to meet this condition jeopardises all the grant monies. Note: All materials used in the construction of buildings to this specification shall be sourced as new.

A simplified sketch can be provided to the builder showing the critical dimensions for setting out the project on request from the Architect. ALL PROPOSED BUILDINGS MUST BE CONSTRUCTED EXACTLY IN THE POSITION AGREED BY THE GRANT OF PLANNING PERMISSION

Farm buildings can be dangerous and specialist work – all builders need to have a full understanding of the Department of Agriculture's specifications.

All elements of construction work to comply with the conditions set out in the Planning Permission or Exemption Notice, Irish Building regulations and the current DEPARTMENT OF AGRICULTURE AND FOOD specifications as follows:-

Dept of Agriculture Farm Building and Structures Specifications

- **Health and Safety Guide for Construction Works (pdf 398Kb)**
- **Listing of dates of when specifications were updated - 30 November 2018 (pdf 133Kb)**

Specifications

- **S100 Concrete Specification - October 2015 (doc 99Kb)**
- S.101 Minimum Specifications for the structure of Agricultural Buildings - July 2016 (doc 2,188Kb)**
- S.101A Non-Load Bearing Wall Panels for use in Cattle and Sheep Houses - May 2018 (doc 40Kb)**
- S.101D Accepted Safety Grids for Under Translucent Sheets - January 2017 (doc 1,027Kb)**
- S.102 Minimum Standards for Roof Cladding and Side Cladding - August 2018 (doc 137Kb)**
- S.129 Minimum Specifications for Farmyard Drainage, Concrete Yards and Roads - January 2016 (doc 118Kb)**
- S.135 Screening Belts and Shelter Belts for Farmyards and Farmbuildings - November 2008 (doc 39Kb)**
- S.148A Accepted Fencing Posts - August 2018 (doc 67Kb)**

And all other relevant standard specifications from the same source. In all instances the latest available revised specification is to be used.

Note: These specifications are flexible in that they set out various methods of construction. They are the minimum standard acceptable for grant aided works. Where there is a conflict with the drawings the standards set out in these specifications super-cedes the drawings.

Construction details in the working drawings are only suggested methods of construction. Provided the contractor has the agreement of the client and Architect, does not change outer appearance of a building/ or the external dimensions, the Contractor is free to choose any construction method that complies with Dept. of Agriculture standards.

Construction details in the working drawings are only suggested methods of construction. Provided the contractor has the agreement of the client and Architect, does not change outer appearance of a building/ or the external dimensions, upon which the Planning permission is based, and the critical internal dimensions upon which the grant aid is based, then the Contractor is free to choose any construction method that complies with Dept. of Agriculture standards.

But, if there is any doubt as to eligibility of any change it is the contractor's responsibility to check with the Dept. of Agriculture and approve the change as otherwise the Dept. may impose financial penalties on the client/employer.

The specifications are all available online and copies can also be obtained from the Architect.

If explanation or clarification is required on any matter you are welcome to contact the Architect at any time.

Checking Ground conditions

Prior to making the grant application, or commencing construction if there is no grant, it is the farmer/ building contractor's responsibility to ascertain ground conditions in the vicinity of the proposed building or tank i.e. dig 2 no. trial holes (outside but in the vicinity of the footprint of the works) at a minimum depth of 3.0m and check there is no bed rock.
It is extremely difficult to alter the design once work has commenced and excavating in rock is often NOT financially justifiable.

These trial holes should be fenced off, stepped in construction to enable anyone who falls in to climb out and left open for 48 hours to ascertain the water table – It may be necessary to agree a method of keeping the excavations free of water whilst constructing the works.

DESIGN OF TANKS

General Design

A minimum of 16, 18, 20 or 22 weeks storage shall be provided in all new and converted structures in line with the requirements of S.I. 788 of 2005 European Communities (Good Agricultural Practice for Protection of Waters) Regulations and any subsequent amendments to the regulations. However, where the Local Authority has specified a higher winter storage period, then this must be complied with.

General note for Buildings over slatted tanks (where applicable)

Walls shall not be built directly onto slats under any circumstances. As walls are not mandatory in most houses steel barriers may instead be installed across the gable end of a building, with or without steel cladding. Prefabricated concrete wall panels may also be installed (Clause B9.2 in S.101), positioned at least 10mm above the top of the slats. If it is decided to install a blockwork or mass-concrete gable wall, then it shall be positioned on a supporting beam. This beam may either be prefabricated, or constructed on site and shall have at least 150 mm support at each end. If it is decided to extend the slats under the beam, there shall be a gap of at least 10mm between the beam and the top of the slats. In all circumstances there shall be sufficient space outside the house to install a 1.2m wide slab or manhole slat on the walls of the extended tank.

Where a wall is erected on a tank wall, the tank wall shall be wide enough to carry the full width of wall and provide a full slat bearing of 150mm. Where walls are 200mm, 350mm (min.) tank walls are necessary.

SAFETY AND HEALTH PLAN

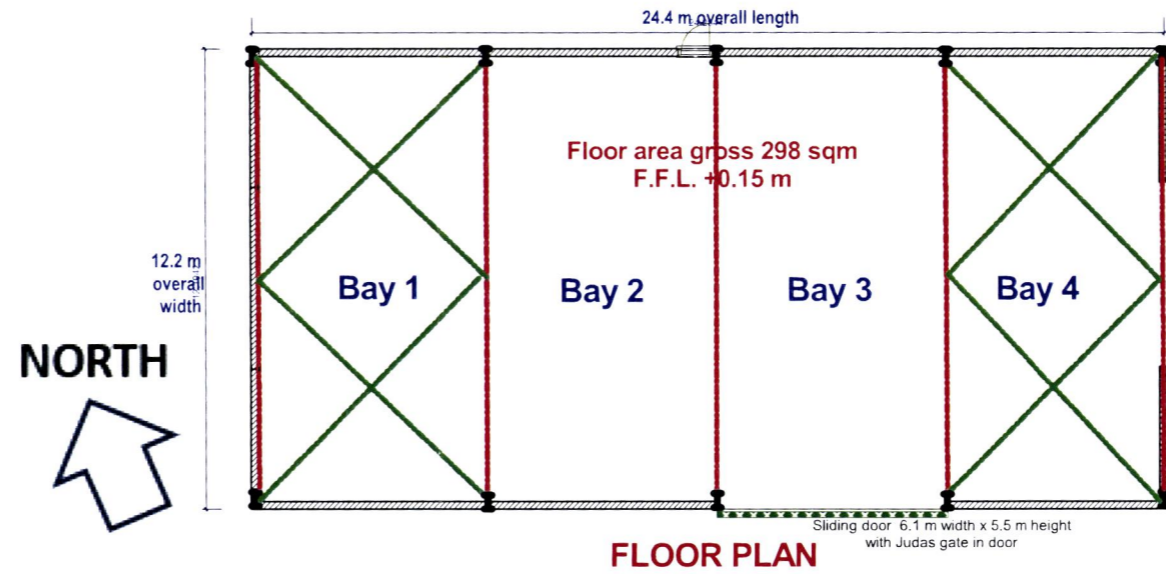
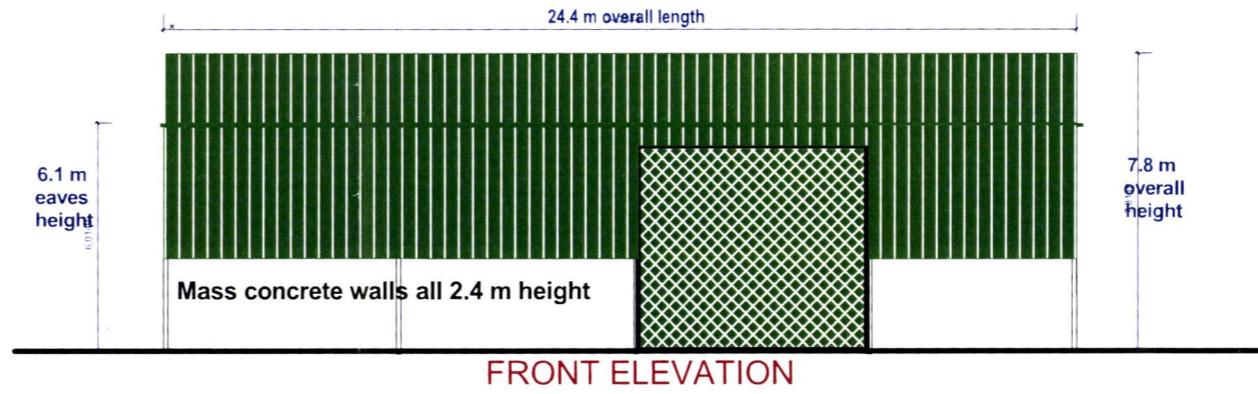
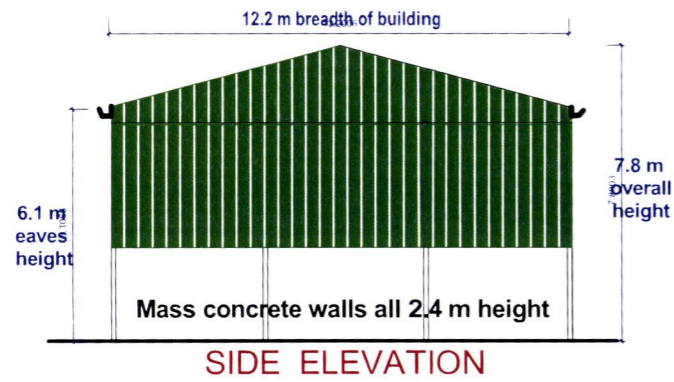
FOR SAFETY DURING CONSTRUCTION

Also refer to Dept. of Agriculture Health and Safety Guide including Form AF1

This document is not part of the planning documentation but is prepared and given to the client at the time of planning submission. It is available to the planning Authority on request.

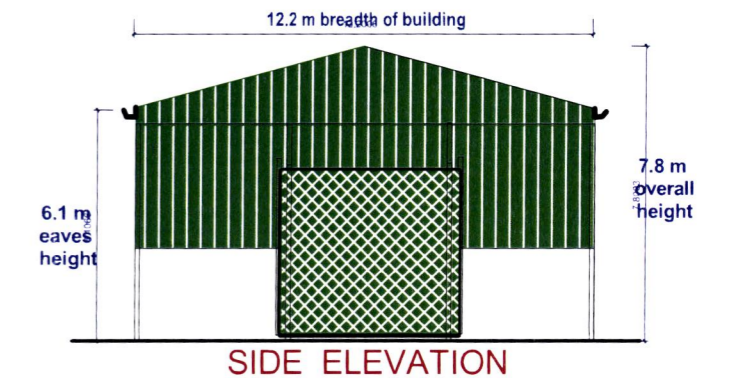
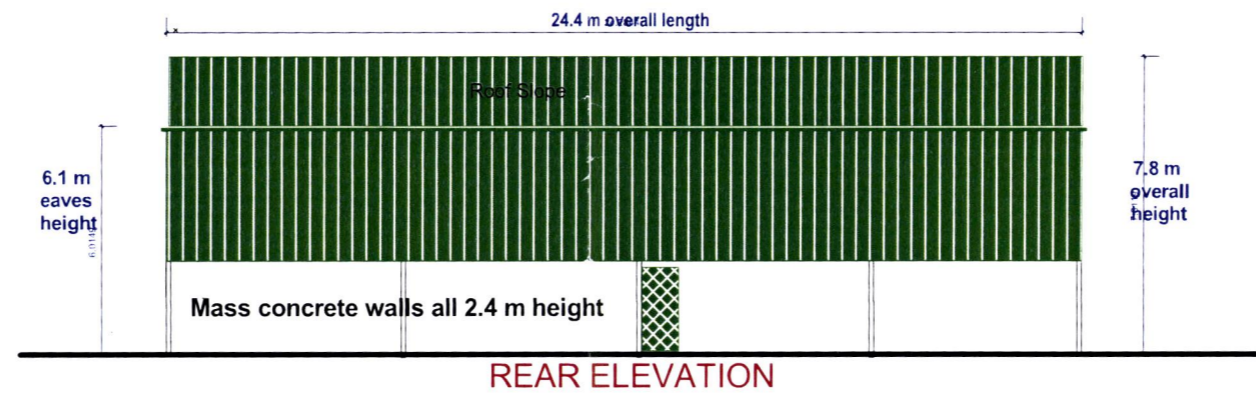
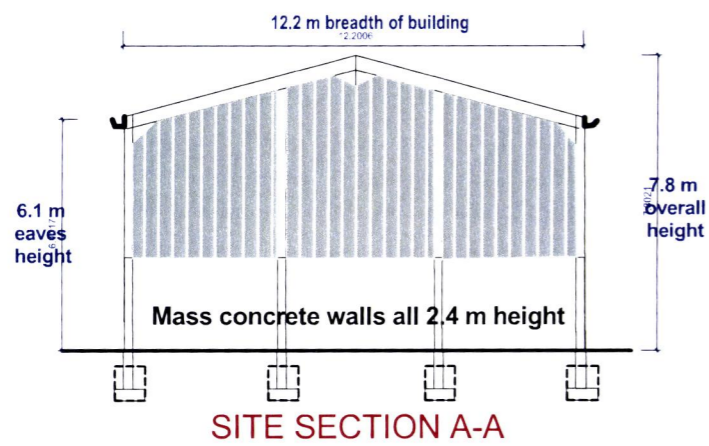
NOTE: The ESB will be notified by the applicant to move any of their installations which /if they impact on this development following grant of planning permission (usually within 10 metres of the development and applicable in this case).

General purpose Shed



This shed can be a Portal frame or a Simple steel frame with internal stanchions constructed to Department of Agriculture S.101 for steel sizes etc. Red lines are rafter lines and green lines indicate the cross bracing to roof in each end bay. All foundations need to be taken down to original firm and suitable structure bearing subsoil.

Sliding door 4.8 m width x 5.5 m height with Judas gate in door



Christopher Kinghan & Associates

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ALL DRAWINGS MUST BE READ
IN ACCORDANCE
WITH SAFETY NOTES AND SPECIFICATION

Copyright Christopher Kinghan & Associates
Do not scale: Use written dimensions
This is an A3 size drawing



T Junction

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Roadside viewing points –
 building cannot be seen
 from these positions

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building cannot be seen
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**Bus stop
Point A**

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**Roadside viewing points –
building cannot be seen
from these positions**



Bend in road point B

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Roadside viewing points –
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View from Moastery road

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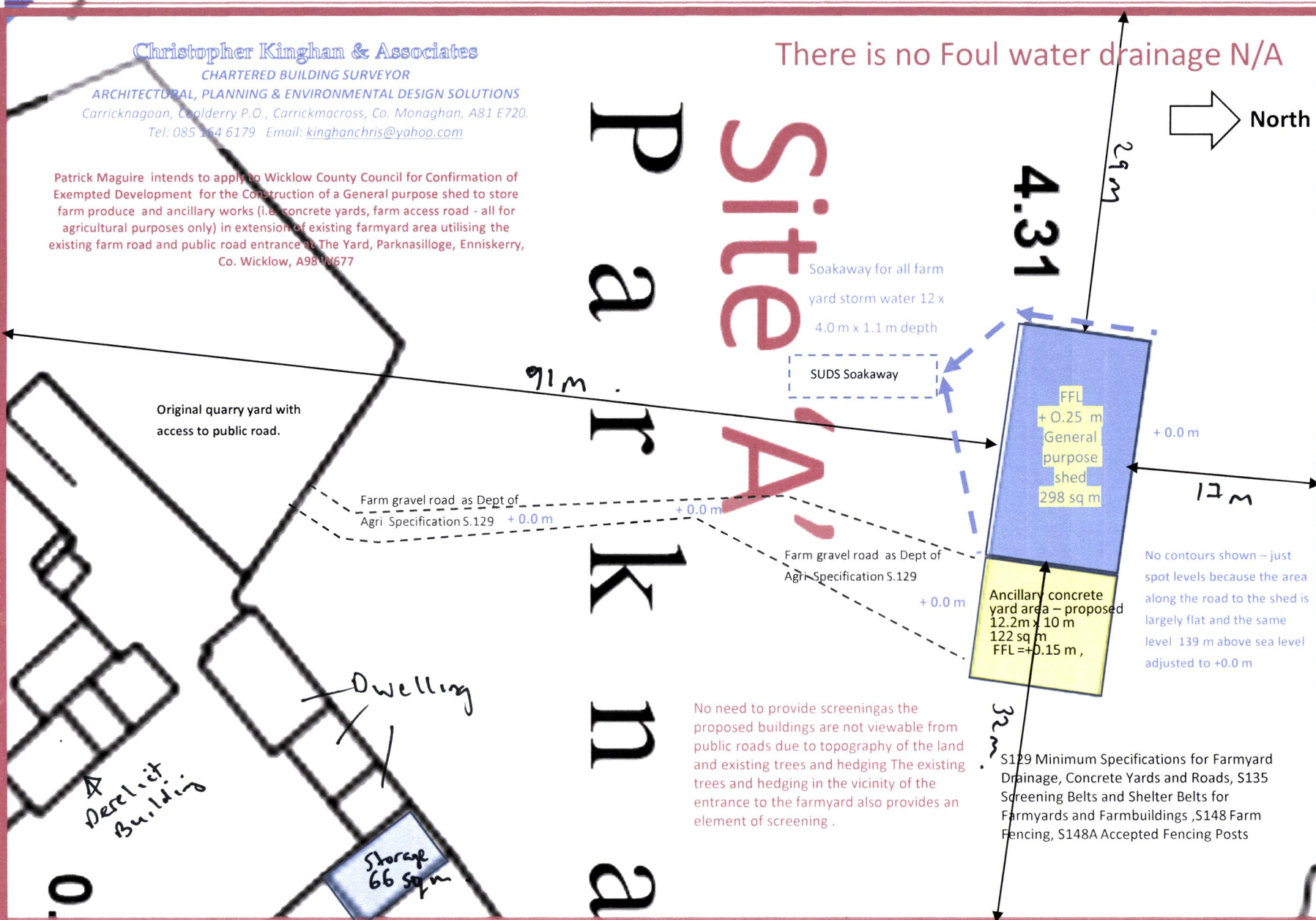
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There is no Foul water drainage N/A



Parknasilloge Site 'A'



(Farmyard) Site Layout Plan Scale 1:500

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SITE LAYOUT PLAN NOTES

Please read in conjunction with desktop study and drawing

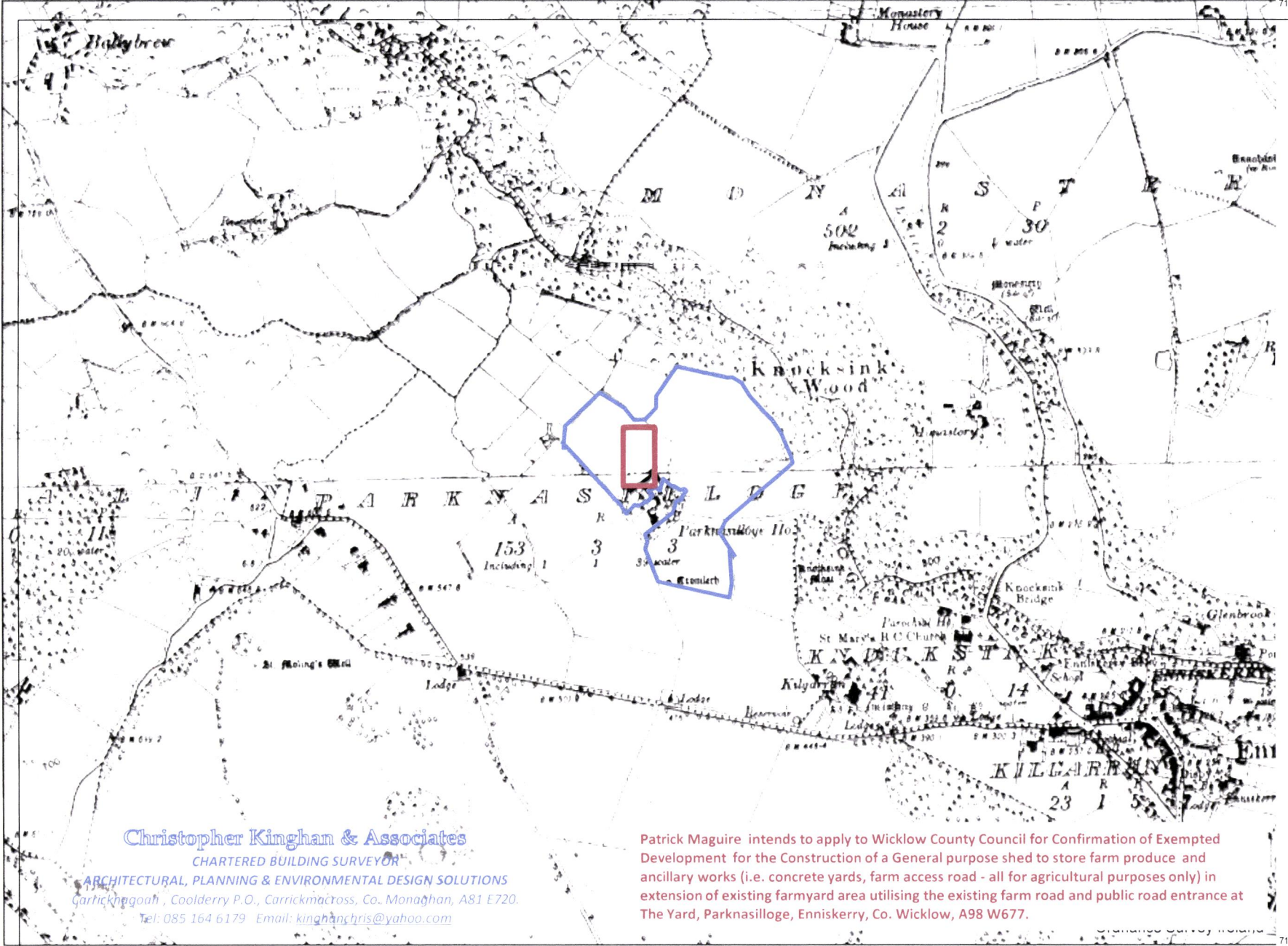
- 1) **SETTING OUT** - **Point A *** is an exact fixed point on the drawing from which all proposed buildings can be set out
- 2) Full surface water and effluent drainage facilities are to be provided throughout the farm yard in accordance with **Department of Agriculture Specification S129 Farmyard drainage, concrete yards and roads.**
- 3) All uncontaminated surface waters from all existing and proposed buildings, roofs and yards shall be separately collected, kept clean and piped directly by an impermeable system to soakaways or to the land drains system as indicated on the Site Layout Plan drawing. Uncontaminated drainage is signified on the drawing by a broken/dotted blue line.
- 4) Contaminated surface water i.e. soiled yard water, and all other effluents including silage effluents **shall not be** allowed to enter drains or waterways. Such effluents shall be directed to slatted tanks or effluent holding tanks. In instances where silage effluent is to be stored, the concrete specification for the holding tank needs to be upgraded accordingly. Contaminated drainage is signified on the drawing by a broken/dotted red line.
- 5) All effluent/slurry holding tanks shall be constructed so that groundwater is prevented from entering said tanks.
- 6) All material waste generated during construction, including any waste waters, shall be recovered and disposed of properly in accordance with the Waste Management Acts 1996-2008. With the exception of excavated material from the site which can be re-used within the applicant's farm boundary.
- 7) All solid manure from existing and proposed buildings is to be stored undercover in a purpose designed covered Manure Pit to be spread on the land in the spreading season.
- 8) Main plan dimensions (for validation purposes) are shown for all new buildings.
- 9) The Site boundary is depicted by a solid red line - it is a notional boundary/ not a legal boundary for planning purposes only.
- 10) The position of the site notice is shown on plan, as the site is a considerable distance from the public road an additional notice is located on the public road accordingly.
- 11) It is not intended to screen existing farmyards with hedging.

Site Location Map

Site Location Plan Scale 1:10,560



Tailte Éireann



CENTRE COORDINATES:
ITM 721295,717832

PUBLISHED: 18/12/2023
ORDER N^o: 50374292_1

MAP SERIES: 6 Inch Raster
MAP SHEETS: S2_DN027+027A+0
6 Inch Raster DN026
6 Inch Raster WW003
6 Inch Raster WW007

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CAPTURE RESOLUTION:

The map objects are only accurate to the resolution at which they were captured. Output scale is not indicative of data capture scale. Further information is available at: www.tailte.ie; search 'Capture Resolution'

LEGEND:

To view the legend visit www.tailte.ie and search for 'Large Scale Legend'



0 110 220 330 440 Metres

0 200 400 600 800 1,000 Feet

OUTPUT SCALE: 1:10,560

720064
718740
716923
720064

72555
718740
716923
72555

Planning Pack Map

Site Location Plan Scale 1:2,500



Tailte Éireann

CENTRE

COORDINATES:

ITM 721295,717832

PUBLISHED: ORDER NO.:

50374292_1

MAP SERIES: MAP SHEETS:

1:2,500 3567-C

COMPILED AND PUBLISHED BY:

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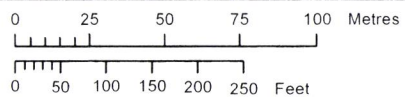
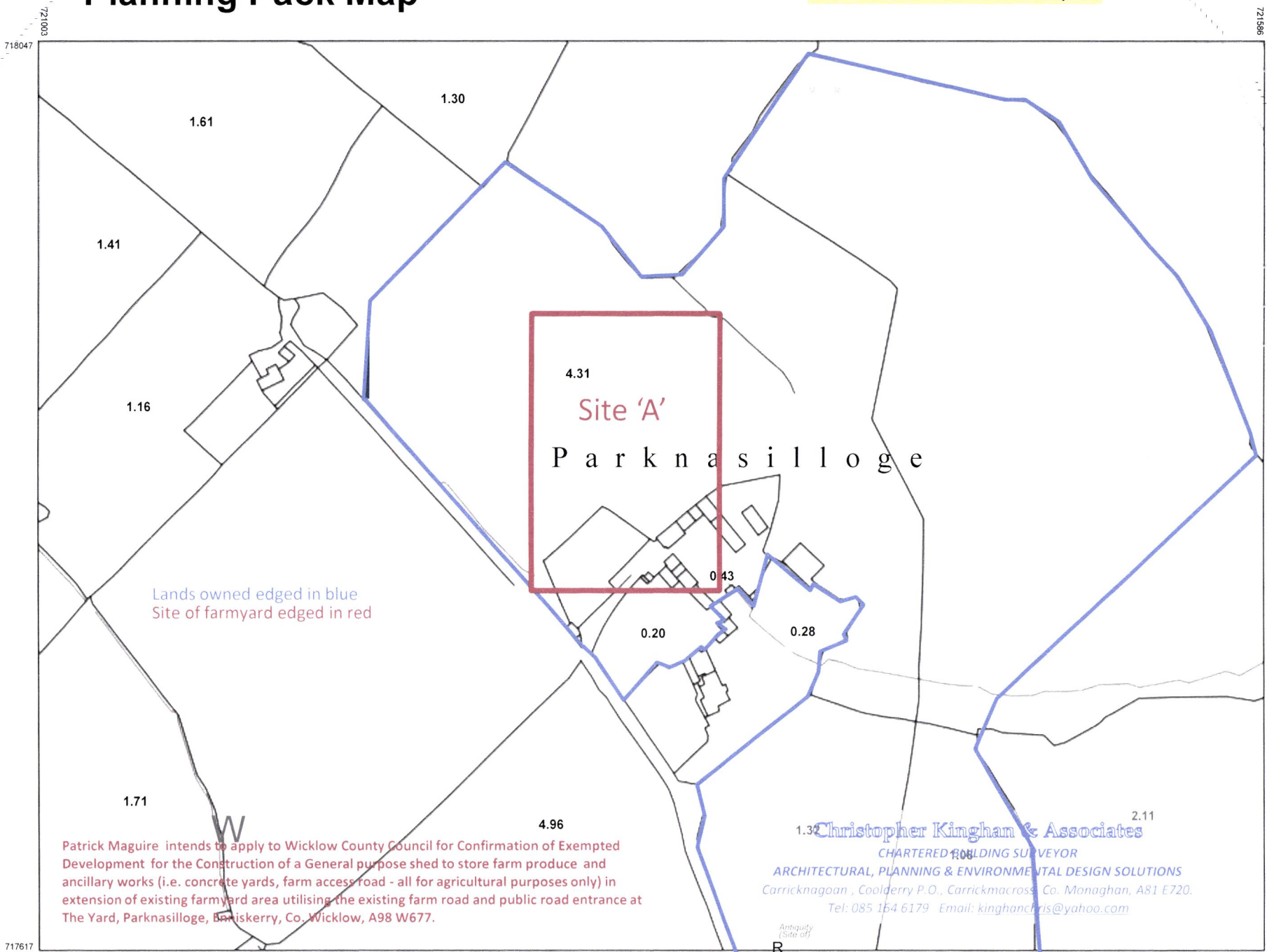
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OUTPUT SCALE: 1:2,500

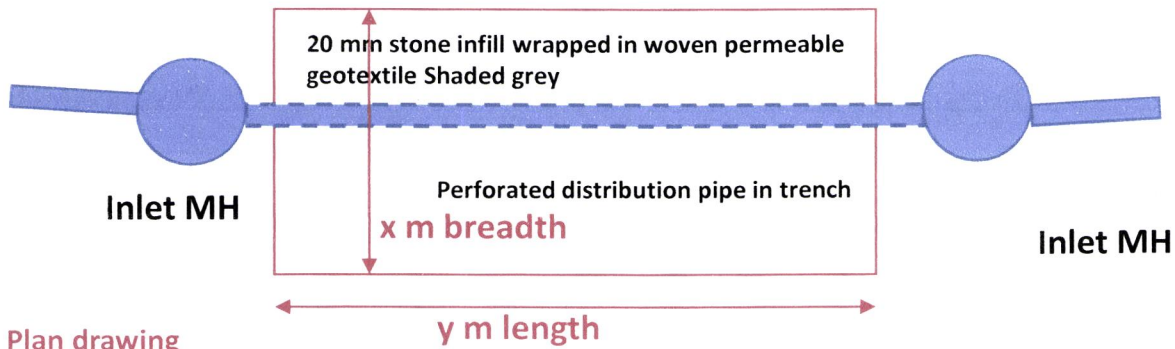
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SUDS Soakaway trench design Schematic only.

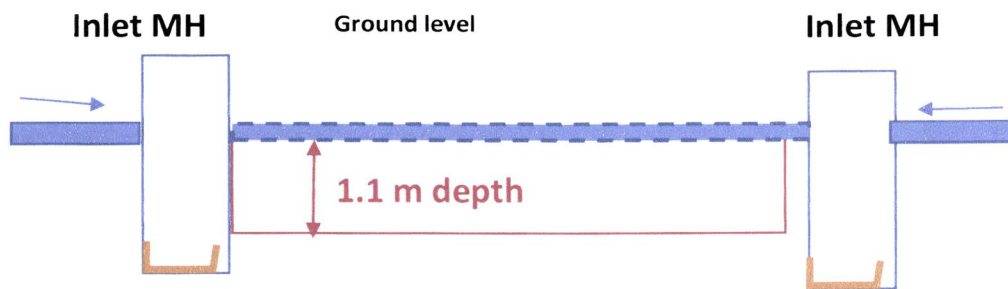
Not to scale.



Plan drawing

length breadth depth dimension determined in calculations

And actual SUDS area dimensions shown on Site Layout Plan scale 1:500.



Construct 1.2 m diameter inlet chambers as Silt trap ie. 0.3 m below bottom of trench .
Removable collection pans for silt to each side of the trench

Section drawing

Christopher Kinghan & Associates

CHARTERED BUILDING SURVEYOR

ARCHITECTURAL, PLANNING & ENVIRONMENTAL DESIGN SOLUTIONS

Carricknagoan, Coolderry P.O., Carrickmacross, Co. Monaghan, A81 E720.

Tel: 085 164 6179 Email: kinghanchris@yahoo.com

Patrick Maguire intends to apply to Wicklow County Council for Confirmation of Exempted Development for the Construction of a General purpose shed to store farm produce and ancillary works (i.e. concrete yards, farm access road - all for agricultural purposes only) in extension of existing farmyard area utilising the existing farm road and public road entrance at The Yard, Parknasilloge, Enniskerry, Co. Wicklow, A98 W677

Planning Pack Map

Exempted Development allowances all buildings within 100 meters of proposed building Scale 1:2,500



Tailte Éireann

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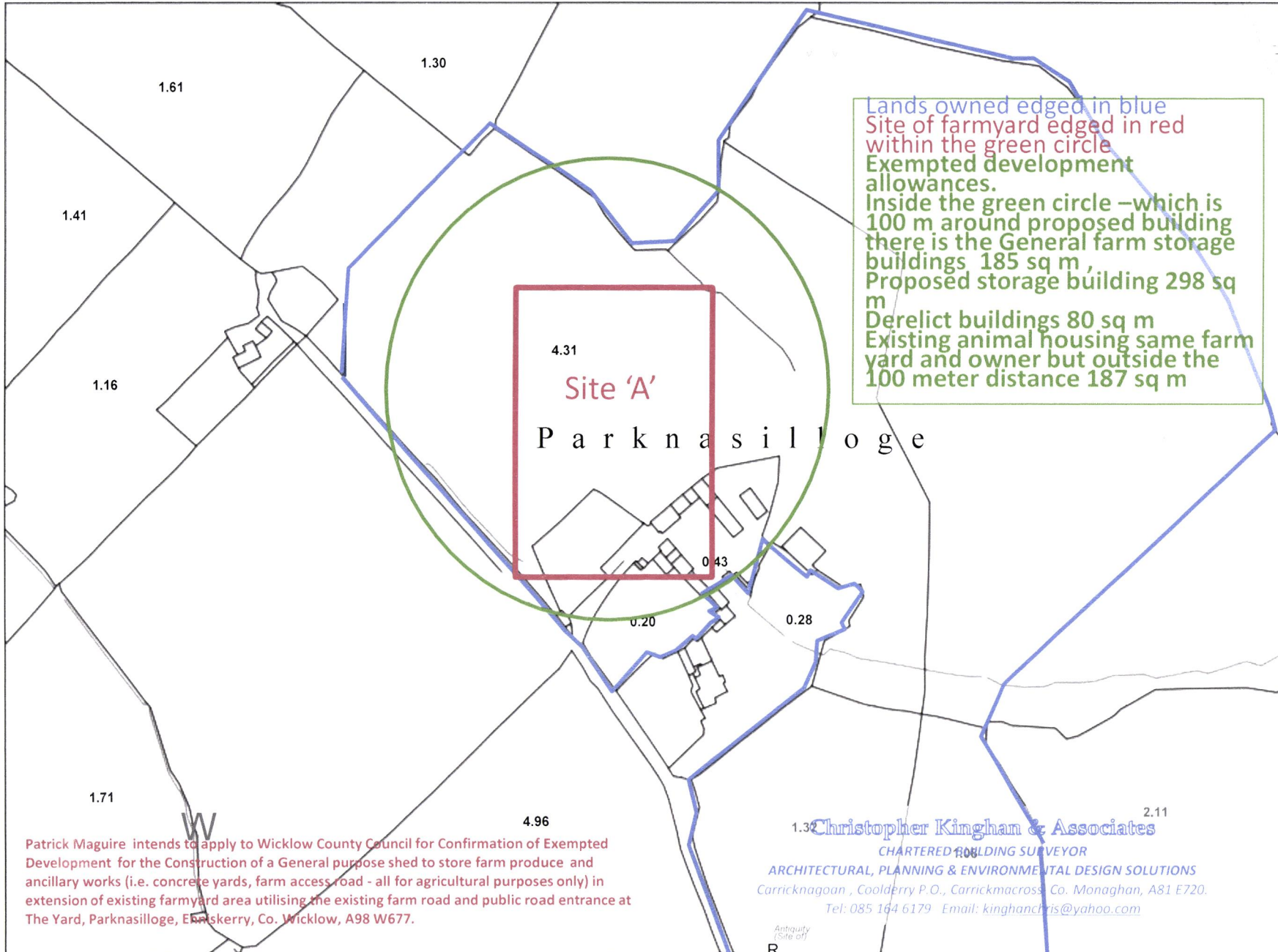
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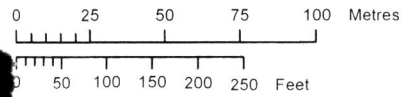
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There is no Foul water drainage N/A



P a r k n a
Site 'A'

4.31

Soakaway for all farm yard storm water 12 x 4.0 m x 1.1 m depth

SUDS Soakaway

FFL +0.25 m
General purpose shed
298 sq m

+0.0 m

Original quarry yard with access to public road.

Farm gravel road as Dept of Agri Specification S.129 +0.0 m

+0.0 m

Farm gravel road as Dept of Agri Specification S.129 +0.0 m

+0.0 m

Ancillary concrete yard area - proposed
12.2m x 10 m
122 sq m
FFL = +0.15 m,

No contours shown - just spot levels because the area along the road to the shed is largely flat and the same level 139 m above sea level adjusted to +0.0 m

No need to provide screening as the proposed buildings are not viewable from public roads due to topography of the land and existing trees and hedging. The existing trees and hedging in the vicinity of the entrance to the farmyard also provides an element of screening.

S129 Minimum Specifications for Farmyard Drainage, Concrete Yards and Roads, S135 Screening Belts and Shelter Belts for Farmyards and Farmbuildings, S148 Farm Fencing, S148A Accepted Fencing Posts

(Farmyard) Site Layout Plan Scale 1:500

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SITE LAYOUT PLAN NOTES

Please read in conjunction with desktop study and drawing

- 1) **SETTING OUT - Point A *** is an exact fixed point on the drawing from which all proposed buildings can be set out
- 2) Full surface water and effluent drainage facilities are to be provided throughout the farm yard in accordance with **Department of Agriculture Specification S129 Farmyard drainage, concrete yards and roads.**
- 3) All uncontaminated surface waters from all existing and proposed buildings, roofs and yards shall be separately collected, kept clean and piped directly by an impermeable system to soakaways or to the land drains system as indicated on the Site Layout Plan drawing. Uncontaminated drainage is signified on the drawing by a broken/dotted blue line.
- 4) Contaminated surface water i.e. soiled yard water, and all other effluents including silage effluents **shall not be** allowed to enter drains or waterways. Such effluents shall be directed to slatted tanks or effluent holding tanks. In instances where silage effluent is to be stored, the concrete specification for the holding tank needs to be upgraded accordingly. Contaminated drainage is signified on the drawing by a broken/dotted red line.
- 5) All effluent/slurry holding tanks shall be constructed so that groundwater is prevented from entering said tanks.
- 6) All material waste generated during construction, including any waste waters, shall be recovered and disposed of properly in accordance with the Waste Management Acts 1996-2008. With the exception of excavated material from the site which can be re-used within the applicant's farm boundary.
- 7) All solid manure from existing and proposed buildings is to be stored undercover in a purpose designed covered Manure Pit to be spread on the land in the spreading season.
- 8) Main plan dimensions (for validation purposes) are shown for all new buildings.
- 9) The Site boundary is depicted by a solid red line - it is a notional boundary/ not a legal boundary for planning purposes only.
- 10) The position of the site notice is shown on plan, as the site is a considerable distance from the public road an additional notice is located on the public road accordingly.
- 11) It is not intended to screen existing farmyards with hedging.