



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
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Rphost / Email: plandev@wicklowcoco.ie
Suíomh / Website: www.wicklow.ie

Katie Shanley
Crone Upper
Redcross
Co. Wicklow

23rd of July 2026

RE: Declaration in accordance with Section 5 of the Planning & Development Acts
2000 (As Amended) -EX 87/2026

A Chara,

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

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

Is mise, le meas,

pp Joanne Byrne.

ADMINISTRATIVE OFFICER
PLANNING DEVELOPMENT & ENVIRONMENT.



Táimid ag iarraidh a bheith níos éirimeálach
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All correspondence should be addressed to the Director of Services, Planning, Economic and Rural Development





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Paul Shanley
Crone Upper
Redcross
Co. Wicklow

27th of July 2026

RE: Declaration in accordance with Section 5 of the Planning & Development Acts
2000 (As Amended) -EX 87/2026

A Chara,

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

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

Is mise, le meas,

pp *Joanne Byrne*
ADMINISTRATIVE OFFICER
PLANNING DEVELOPMENT & ENVIRONMENT.





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

Applicant: Katie Shanley

Location: Crone Upper, Redcross, Co. Wicklow

Reference Number: EX 87/2026

CHIEF EXECUTIVE ORDER NO. CE/PERD/2026/901

A question has arisen as to whether *"the erection of a new agricultural field gate and culverting of drainage ditch"* at Crone Upper, Redcross, Co. Wicklow is or is not exempted development.

Having regard to:

- a) The details submitted with the Section 5 Declaration.
- b) Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended).
- c) Article 6, 9 Schedule 2, Part 1: Class 9, and Part 3: Class 3, of the Planning and Development Regulations 2001 (as amended).

Main Reasons with respect to Section 5 Declaration:

- A. The removal of existing roadside boundary, opening up of entrance, erection of gate and culverting of drain would be operations of construction and therefore works having regard to the definition set out in Section 2 of the Planning and Development Act 2000(as amended).
- B. These works would be development having regard to the provisions of Section 3(1)(a) of the Planning and Development Act 2000(as amended)
- C. The agriculture field gate would not come within the description and limitation set out under Class 9: Part 1 of Schedule 2 of the Planning and Development Regulations 2001(as amended).
- D. The culvert would come within the description set out under Class 3: Part 3 of Schedule 2 of the Planning and Development Regulations 2001(as amended).
- E. The new agricultural entrance would not be onto a road wider than 4m and would not give rise to a traffic hazard. Having regard to the minor and limited nature of the works, and the significant distance of the works to the Buckroneys-Brittans Dunes and Fen SAC, the development would not give rise to any impacts on the conservation values of this Natura 2000 site. Therefore, nothing under Article 9(1)(a) of the Planning and Development Regulations 2001(as amended), is applicable in this instance

The Planning Authority considers that "the erection of a new agricultural field gate and culverting of drainage ditch" at Crone Upper, Redcross, Co. Wicklow is development and IS a exempted development.



Signed: pp Joanne Byrne

ADMINISTRATIVE OFFICER

PLANNING DEVELOPMENT & ENVIRONMENT

Date: 23/07/2026

WICKLOW COUNTY COUNCIL

PLANNING & DEVELOPMENT ACTS 2000 (As Amended)
SECTION 5

CHIEF EXECUTIVE ORDER NO. CE/PERD/2026/901

Reference Number: EX 87/2026

Name of Applicant: Katie Shanley

Nature of Application: Section 5 Referral as to whether "*the erection of a new agricultural field gate and culverting of drainage ditch*" is or is not development and is or is not exempted development.

Location of Subject Site: Crone Upper, Redcross, Co. Wicklow

Report from: Edel Bermingham T/Senior Planner

With respect to the query under Section 5 of the Planning & Development Act 2000 as to whether "*the erection of a new agricultural field gate and culverting of drainage ditch*" at Crone Upper, Redcross, Co. Wicklow 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 the Section 5 Declaration.
- b) Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended).
- c) Article 6, 9 Schedule 2, Part 1: Class 9, and Part 3: Class 3, of the Planning and Development Regulations 2001 (as amended).

Main Reasons with respect to Section 5 Declaration:

- A. The removal of existing roadside boundary, opening up of entrance, erection of gate and culverting of drain would be operations of construction and therefore works having regard to the definition set out in Section 2 of the Planning and Development Act 2000(as amended).
- B. These works would be development having regard to the provisions of Section 3(1)(a) of the Planning and Development Act 2000(as amended)
- C. The agriculture field gate would not come within the description and limitation set out under Class 9: Part 1 of Schedule 2 of the Planning and Development Regulations 2001(as amended).
- D. The culvert would come within the description set out under Class 3: Part 3 of Schedule 2 of the Planning and Development Regulations 2001(as amended).
- E. The new agricultural entrance would not be onto a road wider than 4m and would not give rise to a traffic hazard. Having regard to the minor and limited nature of the works, and the significant distance of the works to the Buckroney-Brittis Dunes and Fen SAC, the development would not give rise to any impacts on the conservation values of this Natura 2000 site. Therefore, nothing under Article 9(1)(a) of the Planning and Development Regulations 2001(as amended), is applicable in this instance



Recommendation

The Planning Authority considers that "the erection of a new agricultural field gate and culverting of drainage ditch" at Crone Upper, Redcross, Co. Wicklow is development and IS exempted development as recommended in the planning reports.

Signed: Deanne Byrne

Date: 23/07/2026

ORDER:

I HEREBY DECLARE:

THAT "Erection of a New Agricultural field gate and culverting of drainage" at Crone Upper, Redcross, Co. Wicklow is **development and IS a exempted** development within the meaning of the Planning & Development Acts 2000 (as amended).

Signed: _____

T/Senior Planner
Planning, Economic & Rural Development

Date: _____

Helena Denney DAS 23/7/26

HELENA DENNEY
DIRECTOR OF SERVICES
PLANNING, ECONOMIC & RURAL DEVELOPMENT

Section 5 Application : EX 87/2026

Date : 23rd July 2026

Applicant : Katie Shanely

Address : Crone Upper, Redcross, Co. Wicklow

Exemption Whether or not :

Erection of a New Agricultural field gate and culverting of drainage ditch

constitutes exempted development within the meaning of the Planning and Development Acts, 2000(as amended).

Relevant Legislation

Planning and Development Act 2000 (as amended)

Section 2 of the Planning and Development Act 2000:

"agriculture" – includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins, or fur, or for the purpose of its use in the farming of land), the training of horses and the rearing of bloodstock, the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds and "agricultural" shall be construed accordingly.

"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 (ii)*;

"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 :

3.—(1) In this Act, except where the context otherwise requires, "development" means—

- (a) the carrying out of any works in, on, over or under land, or the making of any material change in the use of any land or structures situated on land, or

Section 4(2) provides that the Minister may by regulations provide any class of development to be exempted development. The Regulations which are applicable in this case are the Planning and Development Regulations 2001 (as amended).

(2) (a) The Minister may by regulations provide for any class of development to be exempted development for the purposes of this Act

(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

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

(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) Note see Regulations for full Article

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—
 - (ii) consist of or comprise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width,
 - (iii) endanger public safety by reason of traffic hazard or obstruction of road users
- (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,

Schedule 2 : Part 1

CLASS 9

The construction, erection, renewal or replacement, other than within or bounding the curtilage of a house, of any gate or gateway.

Limitation

The height of any such structure shall not exceed 2 metres.

Schedule 2 : Part 3

CLASS 3

Works relating to the construction or maintenance of any gully, drain, pond, trough, pit or culvert, the widening or deepening of watercourses, the removal of obstructions from watercourses and the making or repairing of embankments in connection with any of the foregoing works.

Submission

New Agricultural Entrance/ gate to service farm lands. Existing entrance being used in future to service a dwelling . Standard gate to be installed i.e. width 4.5m and height max 2m. Road Width is 3.7m.

Minor nature of local road , with low traffic / speeds and good road alignment , no traffic hazard issues arise.

Intended to culvert open drain along the inside boundary of the roadside hedgerow for width of entrance.

Assessment :

The applicant is querying whether the erection of a new agricultural field gate and culverting of drainage ditch at Crone Upper Redcross is or is not development and is or is not exempted development.

The first question to be asked is whether or not the proposal is or is not development. In this regard, the removal of existing roadside boundary , opening up of entrance, erection of gate and culverting of drain would be operations of construction and therefore works having regard to the definition set out in Section 2 of the Planning and Development Act 2000(as amended).

These works are development given the provision of Section 3(1)(a) which provides that development is the carrying out of any works in, on, over or under land, or the making of any material change in the use of any land or structures situated on land.

The provision of a new entrance would it is considered come within the exemption class set out in Schedule 2 : Part 1 : Class 9 i.e.

The construction, erection, renewal or replacement, other than within or bounding the curtilage of a house, of any gate or gateway.

This exemption is subject to the restriction that the height of the structure is not greater than 2m. The information indicates that this restriction is met.

The culvert to the inside of the gateway would it is considered come within the description set out in Schedule 2 : Part 3 : Class 3 of the Regulations.

The exemptions under the Regulations are further restricted by reference to Article 9(1)(a) of the Regulations and in particular -

(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—

(ii) consist of or comprise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width,

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

(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,

From submission road is below 4m and given the location and usage will not give rise to a traffic hazard. The existing drain to be culverted would flow into the Holy well stream, which then discharges into the Redcross stream and eventually to the Buckroney-Brittas Dunes and Fen SAC. The overall distance from the works to the Natura site is 6.58km. Given the minor and limited nature of the works, and the significant distance from the site to the Buckroney-Brittas Dunes and Fen SAC, impacts on the conservation values of this Natura 2000 site by its own or in combination can be ruled out.

Therefore the Erection of a new agricultural field gate and culverting of drainage ditch is development and is exempted development.

Recommendation:

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

the erection of a new agricultural field gate and culverting of drainage ditch at Crone Upper Redcross, Co. Wicklow

constitutes exempted development within the meaning of the Planning and Development Acts, 2000(as amended).

The Planning Authority consider that the erection of a new agricultural field gate and culverting of drainage ditch at Crone Upper Redcross **is Development and is Exempted Development.**

Main Considerations with respect to Section 5 Declaration :

- a) The details submitted with the Section 5 Declaration.
- b) Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended).
- c) Article 6, 9 Schedule 2, Part 1: Class 9, and Part 3 : Class 3, of the Planning and Development Regulations 2001 (as amended).

Main Reasons with respect to Section 5 Declaration :

- i. The removal of existing roadside boundary , opening up of entrance, erection of gate and culverting of drain would be operations of construction and therefore works having regard to the definition set out in Section 2 of the Planning and Development Act 2000(as amended).
- ii. These works would be development having regard to the provisions of Section 3(1)(a) of the Planning and Development Act 2000(as amended)
- iii. The agriculture field gate would not come within the description and limitation set out under Class 9 : Part 1 of Schedule 2 of the Planning and Development Regulations 2001(as amended).
- iv. The culvert would come within the description set out under Class 3: Part 3 of Schedule 2 of the Planning and Development Regulations 2001(as amended).
- v. The new agricultural entrance would not be onto a road wider than 4m , and would not give rise to a traffic hazard. Having regard to the minor and limited nature of the works , and the significant distance of the works to the Buckroney-Brittas Dunes and Fen SAC , the development would not give rise to any impacts on the conservation values of this Natura 2000 site . Therefore, nothing under Article 9(1)(a) of the Planning and Development Regulations 2001(as amended), is applicable in this instance.

See Birmingham T/S

23/7/2026

*Noted
H. Demery DOJ
22/7/26*



**Comhairle Contae Chill Mhantáin
Wicklow County Council**

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MEMORANDUM

WICKLOW COUNTY COUNCIL

**TO: Edel Bermingham
T/Senior Planner**

**FROM: Nicola Fleming
Staff Officer**

**RE: Declaration in accordance with Section 5 of the Planning &
Development Acts 2000 (as amended) -EX87/2026**

I enclose herewith for your attention application for Section 5 Declaration
received 15/07/2026

The due date on this declaration is the 11/08/2026.

**Staff Officer
Planning Development & Environment**





Comhairle Contae Chill Mhantáin Wicklow County Council

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Katie Shanley
Crone Upper
Redcross
Co. Wicklow

16th of July 2026

RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended) – EX87/2026

A Chara

I wish to acknowledge receipt on 15/07/2026 full details supplied by you in respect of the above Section 5 application. A decision is due in respect of this application by 11/08/2026.

Mise, le meas

Nicola Fleming
Staff Officer
Planning, Economic & Rural Development



Wicklow County Council
County Buildings
Wicklow
0404 20100

15/07/2026 15 18 39

Receipt No L1/0/366800
***** REPRINT *****

KATIE SHANLEY
CRONE UPR
REDCROSS
CO WICKLOW

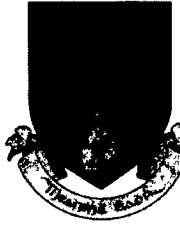
EXEMPTION CERTIFICATES	80 00
GOODS	80 00
VAT Exempt/Non-vatable	

Total	80 00 EUR
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RECEIVED 15 JUL 2026

**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: Katie Shanley
Address of applicant: Crone Upper, Redcross, Co. Wicklow

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

2. Agents Details (Where Applicable)

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

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

3. Declaration Details

- i. Location of Development subject of Declaration:
Crone Upper, Redcross, Co. Wicklow

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

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

Paul Shanley (Father) - Crone Upper, Redcross, Co. Wicklow

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, on 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

(a) erection of a new agricultural field gate

(b) culverting of drainage ditch

Additional details may be submitted by way of separate submission.

(see cover letter attached)

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

(a. agricultural gateway - Schedule 2, Part 1, Class 9 of the Planning and Development Regulations 2000 (as amended)

(b. culvert - Schedule 2, Part 3, Class 3 of the Planning and Development Regulations 2000 (as amended)

Additional details may be submitted by way of separate submission.

(see cover letter attached)

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

- Cover Letter inclusive of photographs
- Land Registry compliant Site Layout Plan

viii. Fee of € 80 Attached ? Yes

Signed: Katie Shanley

Dated: 15/07/2026

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.

The following points are of relevance to the Section 5 application concerning the (a) erection of a new agricultural field gate and (b) culverting of drainage ditch, at Crone Upper, Redcross, Co. Wicklow.

- The subject gate is required for agricultural access noting that the existing agricultural gate to the north currently serving the holding is proposed to be utilised for vehicular access to a new one-off dwelling (application to be made in the coming weeks).
- The proposed agricultural gate shall be of a standard design and shall possess a maximum width of 15 ft (4.5 meters) and maximum height of less than 2 meters (see example attached below).
- The carriageway of the adjoining L-6175-0 local public road from which the gate is to be accessed measures less than 4 meters in width (3.7 meters in width - see attached site photographs).
- The proposed access gate is effectively a 'like for like' replacement of that existing to the north with no 'traffic hazard' reasonably posed, noting also the minor nature of the L-6175-0 local public road (low traffic speed / traffic volumes) and favourable road alignment at the location of the proposed agricultural gate.
- It is proposed to culvert the existing open drain located to the inside of the roadside hedgerow for the width of the proposed gateway.

It is believed that the above works would constitute exempted development under Schedule 2, Part 1, Class 9 and Schedule 2, Part 3, Class 3 of the Planning and Development Regulations 2000 (as amended) and that nothing within Article 9 would de-exempt these works.

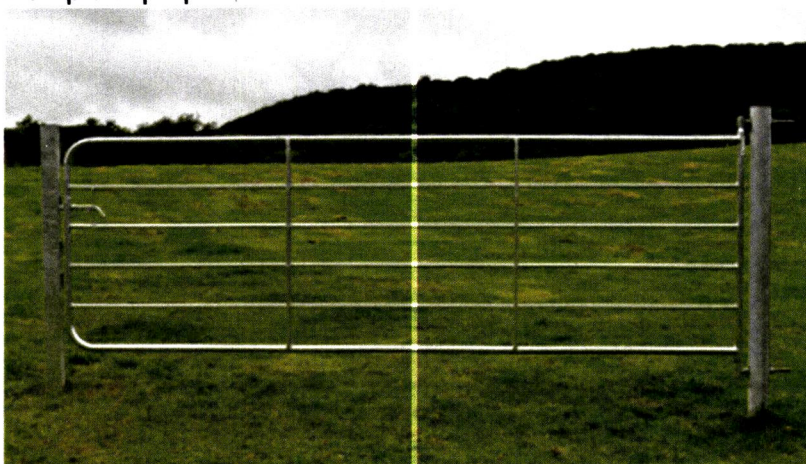
Location of proposed Gateway



Photographs of L-6175-0 local public road width



Example of proposed Gate



Land Registry Compliant Map



Tailte
Éireann

**CENTRE
COORDINATES:**
ITM 724982,682212

PUBLISHED: 14/07/2026
ORDER NO.: 50547466_1

MAP SERIES: 1:5,000
MAP SHEETS: 4254

COMPILED AND PUBLISHED BY:
Tailte Éireann,
Phoenix Park,
Dublin 8,
Ireland.
D08F6E4

www.tailte.ie

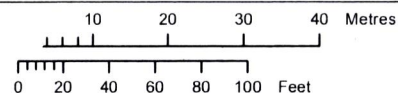
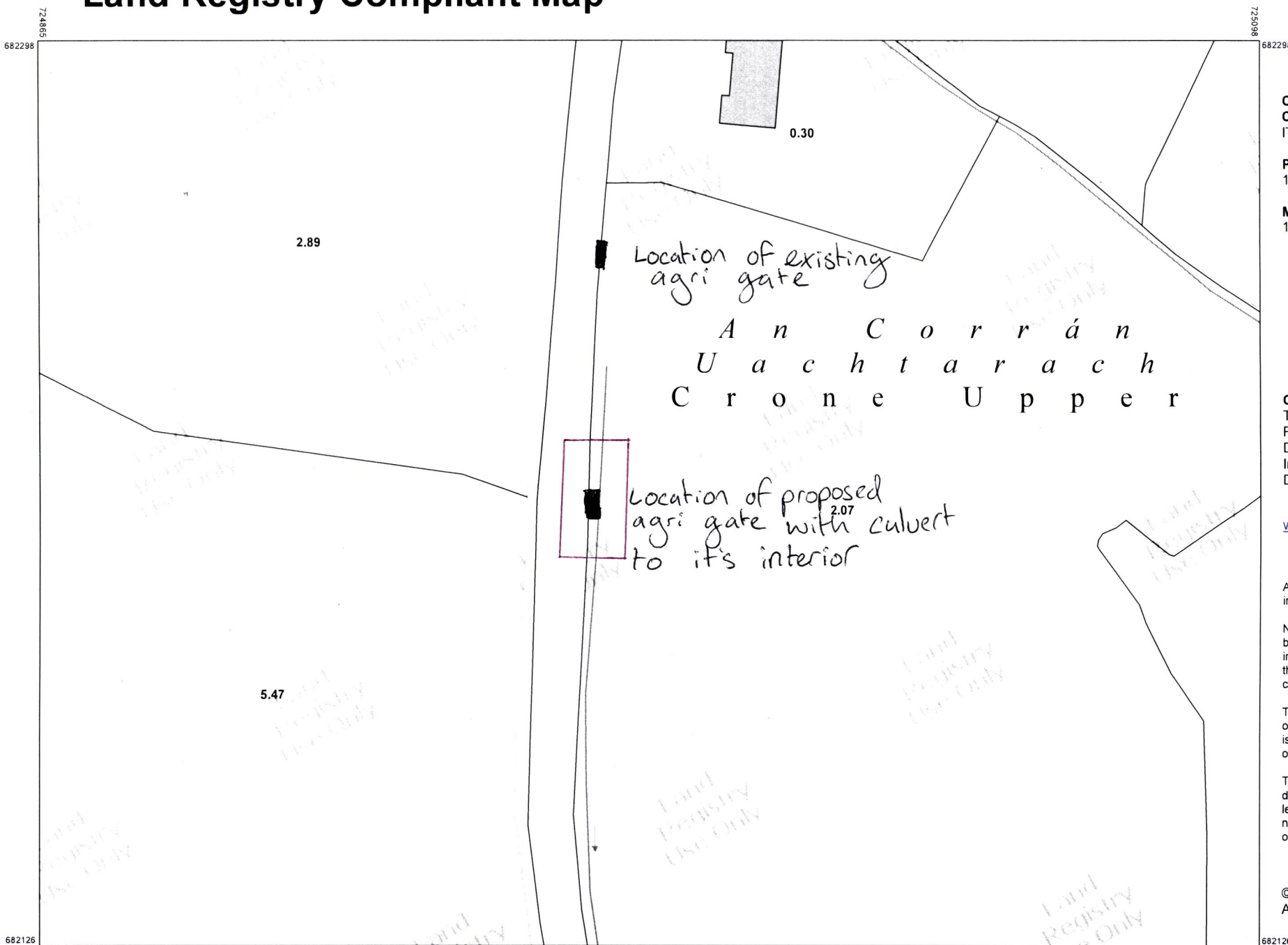
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