

Comhairle Contae Chill Mhantáin Wicklow County Council

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

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

Liam Kenna
Moneystown
Roundwood
Co. Wicklow

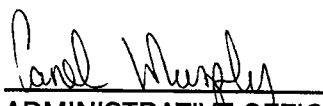
11th March 2024

RE: Declaration in accordance with Section 5 of the Planning & Development Acts 2000 (As Amended) – EX12/2024 Kevin Harper

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

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

Is mise, le meas,



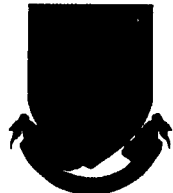
ADMINISTRATIVE OFFICER
PLANNING ECONOMIC & RURAL DEVELOPMENT

PP

Tá an doiciméad seo ar fáil i bhformáidí eile ar iarratas.
This document is available in alternative formats on request.

Ba chóir gach comhfhreagras a sheoladh chuig an Stiúrthóir Seirbhísí, Pleanáil, Eacnamaíochta agus Forbairt Tuaithe.
All correspondence should be addressed to the Director of Services, Planning, Economic and Rural Development.





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

Applicant: Kevin Harper

Location: Knockanree Upper, Avoca, Co. Wicklow

CHIEF EXECUTIVE ORDER NO. CE/PERD/333/2024

A question has arisen as to whether "a shed for storage of agricultural machinery, feed and hay bales" at Knockanree Upper, Avoca, Co. Wicklow is or is not exempted development.

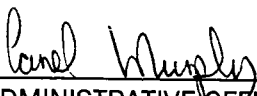
Having regard to:

- The details submitted on 12/02/2024;
- Sections 2, 3, and 4 of the Planning and Development Act 2000 (as amended);
- Articles 6 & 9 of the Planning and Development Regulations 2001 (as amended);
- Schedule 2, Pt.3 Class 9 of the Planning and Development Regulations 2001 (as amended).
- The unauthorised widening of an entrance on the R754 that serves the subject lands on which the proposed shed would be located and the nature and location of the original/authorised entrance on the R754.
- The lack of information in relation to the farmyard complex or farm holding which the proposed shed would be associated with.

Main Reasons with respect to Section 5 Declaration:

- The provision of an agricultural shed is works and therefore development having regard to Section 3 of the Planning and Development Act 2000 (as amended).
- The development of this building, would not come within the description of Class 9 under Schedule 2, Part 3, of the Planning and Development Regulations 2001 (as amended), as insufficient information has been submitted to show what farmyard complex or farm holding would be associated with the proposed shed.
- The development would come within the provisions of the restrictions on exempted development as set out in Article 9 (1) (a) (ii) of the Planning and Development Regulations 2001 (as amended), as the proposed shed would be accessed by an entrance from the R754 which has been materially widened.
- The development would come within the provisions of the restrictions on exempted development as set out in Article 9 (1) (a) (iii) of the Planning and Development Regulations 2001 (as amended), as the proposed shed would result in the intensification of the use of the original/ authorised substandard entrance on the R754 and therefore would result in a serious traffic hazard and obstruction to road users.

The Planning Authority considers that "a shed for storage of agricultural machinery, feed and hay bales" at Knockanree Upper, Avoca, Co. Wicklow is development and is not exempted development

Signed: 
ADMINISTRATIVE OFFICER
PLANNING ECONOMIC & RURAL DEVELOPMENT

Dated 11 March 2024



Tá an doiciméad seo ar fáil i bhformáidí eile ar iarratas.
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Ba chóir gach comhfheargas a sheoladh chuig an Stiúrthóir Seirbhísí, Pleanáil, Eacnamaíochta agus Forbairt Tuaithe.
All correspondence should be addressed to the Director of Services, Planning, Economic and Rural Development.



WICKLOW COUNTY COUNCIL

PLANNING & DEVELOPMENT ACTS 2000 (As Amended)

SECTION 5

CHIEF EXECUTIVE ORDER NO. CE/PERD/333/2024

Reference Number: EX012/2024

Name of Applicant: Kevin Harper

Nature of Application: Section 5 Referral as to whether or not "a shed for storage of agricultural machinery, feed and hay bales" is or is not development and is or is not exempted development.

Location of Subject Site: Knockanree Upper, Avoca, Co. Wicklow

Report from Christ Garde, EP & Suzanne White, SEP

With respect to the query under section 5 of the Planning & Development Act 2000 as to whether "a shed for storage of agricultural machinery, feed and hay bales" at Knockanree Upper, Avoca, Co. Wicklow is or is not exempted development within the meaning of the Planning & Development Acts 2000 (as amended).

Having regard to:

- i. The details submitted on 12/02/2024;
- ii. Sections 2, 3, and 4 of the Planning and Development Act 2000 (as amended);
- iii. Articles 6 & 9 of the Planning and Development Regulations 2001 (as amended);
- iv. Schedule 2, Pt.3 Class 9 of the Planning and Development Regulations 2001 (as amended).
- v. The unauthorised widening of an entrance on the R754 that serves the subject lands on which the proposed shed would be located and the nature and location of the original/authorised entrance on the R754.
- vi. The lack of information in relation to the farmyard complex or farm holding which the proposed shed would be associated with.

Main Reason with respect to Section 5 Declaration:

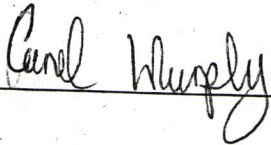
- The provision of an agricultural shed is works and therefore development having regard to Section 3 of the Planning and Development Act 2000 (as amended).
- The development of this building, would not come within the description of Class 9 under Schedule 2, Part 3, of the Planning and Development Regulations 2001 (as amended), as insufficient information has been submitted to show what farmyard complex or farm holding would be associated with the proposed shed.
- The development would come within the provisions of the restrictions on exempted development as set out in Article 9 (1) (a) (ii) of the Planning and Development Regulations 2001 (as amended), as the proposed shed would be accessed by an entrance from the R754 which has been materially widened.

- The development would come within the provisions of the restrictions on exempted development as set out in Article 9 (1) (a) (iii) of the Planning and Development Regulations 2001 (as amended), as the proposed shed would result in the intensification of the use of the original/ authorised substandard entrance on the R754 and therefore would result in a serious traffic hazard and obstruction to road users.

Recommendation:

The Planning Authority considers that "a shed for storage of agricultural machinery, feed and hay bales" at Knockanree Upper, Avoca, Co. Wicklow is development and is not exempted development as recommended in the report by the SEP.

Signed



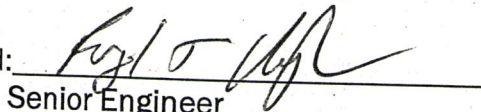
Dated 11th day of March 2024

ORDER:

I HEREBY DECLARE:

That "a shed for storage of agricultural machinery, feed and hay bales" at Knockanree Upper, Avoca, Co. Wicklow is development and is not exempted development within the meaning of the Planning & Development Act 2000 (as amended).

Signed:



Senior Engineer

Planning, Economic & Rural Development

Dated 11th day of March 2024



WICKLOW COUNTY COUNCIL
PLANNING DEPARTMENT

EX12/2024

Site visit: 06/03/2024

Conclusion:

With respect to the query under Section 5 of the Planning and Development Act 2000 (as amended), as to whether or not the proposal for 'A shed for storage of Agricultural Machinery, Feed and Hay Bales and Agricultural Machinery at Knockanree Upper, Avoca, Co. Wicklow' is or is not exempted development.

The Planning Authority considers that:


The proposal of 'A shed for storage of Agricultural Machinery, Feed and Hay Bales and Agricultural Machinery at Knockanree Upper, Avoca, Co. Wicklow' is development and is not exempted development.

Main Considerations with respect to Section 5 Declaration:

- i. The details submitted on 12/02/2024;
- ii. Sections 2, 3, and 4 of the Planning and Development Act 2000 (as amended);
- iii. Articles 6 & 9 of the Planning and Development Regulations 2001 (as amended);
- iv. Schedule 2, Pt.3 Class 9 of the Planning and Development Regulations 2001 (as amended).
- v. The unauthorised widening of an entrance on the R754 that serves the subject lands on which the proposed shed would be located and the nature and location of the original/authorised entrance on the R754.
- vi. The lack of information in relation to the farmyard complex or farm holding which the proposed shed would be associated with.

Main Reasons with respect to Section 5 Declaration:

- The provision of an agricultural shed is works and therefore development having regard to Section 3 of the Planning and Development Act 2000 (as amended).
- The development of this building, would not come within the description of Class 9 under Schedule 2, Part 3, of the Planning and Development Regulations 2001 (as amended), as insufficient information has been submitted to show what farmyard complex or farm holding would be associated with the proposed shed.
- The development would come within the provisions of the restrictions on exempted development as set out in Article 9 (1) (a) (ii) of the Planning and Development Regulations 2001 (as amended), as the proposed shed would be accessed by an entrance from the R754 which has been materially widened.
- The development would come within the provisions of the restrictions on exempted development as set out in Article 9 (1) (a) (iii) of the Planning and Development Regulations 2001 (as amended), as the proposed shed would result in the intensification of the use of the original/ authorised substandard entrance on the R754 and therefore would result in a serious traffic hazard and obstruction to road users.


Suzanne White SEP
07/03/2024

Issue as recommended
15/3/24
11/03/24

WICKLOW COUNTY COUNCIL

Planning Department

Section 5 – Application for declaration of Exemption Certificate

TO: Fergal Keogh SE, Edel Bermingham SEP, Suzanne White SEP.
FROM: Chris Garde EP.
SUBJECT REF: ~~EX 17/2023~~ EX 12/2024
DECISION DUE DATE: 11/03/2024
APPLICANT: Kevin Harper
ADDRESS: Knockanree Upper, Avoca, Co. Wicklow.

EXEMPTION QUERY

(paraphrase): Are works relating to an shed for storage of Feed, Hay Bales and Agricultural Machinery on farm land at Knockanree Upper, Avoca, Co. Wicklow exempted development.

EXEMPTION QUERY

(actual): *My client Kevin Harper wishes to build a shed under 300sqm on his own land which he has just purchased to farm to store agriculture machinery, feed and hay bales, the shed is under 8 meters in height, under 300 sqm, over 100meters from any dwelling, Kevin does not have any other sheds, shed to be access from field and existing gate at public road, no animals will be housed in the shed. As seen in the attached maps my client owns 12.5 hectares of land*

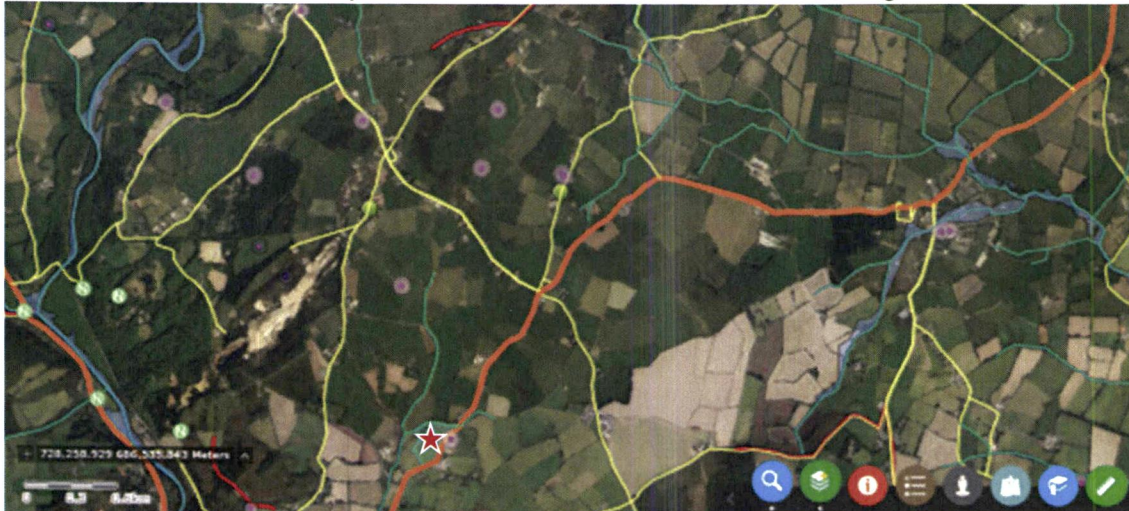
Application Site:

The subject site (4.4Ha (given), appears to be part of a larger landholding (12.5Ha according to the applicant and 15.17Ha on Landdirect.ie (Folio Number WW2147). The site is located in the townland of Knockanree Upper, on the north western side of R754 is a Regional Road. The site slopes steeply towards the Cronebane Stream at lowest section/north and west of field.

The site is currently a field under pasture with sheep, and seemed firm under foot with no wetland plant indicators. Strong hedgerows interspersed with mature trees bound the site on all sides. It is noted that relatively new(after July 2022)/widened agricultural entrances have been installed, along with the removal of a c.30m section of the original clay embankment. There are a number of views and prospects within 1.5Km of the subject site.

Aerial Imagery:

Red star/Cyan outline denotes location of site. Red lines denote Prospect i.e. ID_65(less than 1Km left). Views located north. Cyan and blue lines denote rivers and flooding. SMR are shown in pink.



Relevant Planning History:

-File No.: -10/2160

Applicant: Karen Hughes & Martin Bolger

Application: bungalow, effluent treatment system in accordance with EPA 2000 and associated site works

Decision: Refused

Site Adjoining to south (part of applicant's submitted landholding)

-File No.: 23/60272

Applicant: Kevin Harper

Application: proposed reclamation of land through the filling of material comprising of clay, silt, sand, gravel or stone for the purpose of improvement of land for agricultural use, upgrading of existing agriculture entrance, temporary haul road from existing entrance, new passing bay beside public road and ancillary works including portable truck wheel-wash, office/ chemical toilet

Decision: Recommend for Refusal (Time Extension 30/4/2024)

Relevant Reasons Recommended:

1 Having regard to the:

- *The character of the site and proposed access, which includes existing tree/hedge vegetation, and stream and clay embankment;*
- *The lack of detail/assessment of the impact of works on existing tree/hedge vegetation and clay embankment;*
- *The proximity of the works to watercourses (adjacent to the sloping site);*
- *The scale of the works which will be 3m in height in parts.*

It is considered that the development which would result in a loss of tree/hedgerow habitats, would it is considered impact negatively on this rural landscape, would contravene Objectives CPO 17.22, CPO 17.23, CPO 17.26, CPO 17.37 of the County Development Plan 2022-2028, and would be contrary to proper planning and sustainable development.

2 Having regard to the inadequacy of sightlines or clear proposal for truck layby area(s) and the road network serving the site in terms of width and structural condition, in the absence of a Transport Impact Assessment, it is considered that the existing proposal is not suitable to cater for traffic movements generated by proposed development and therefore to allow this development would endanger public safety by reason of a traffic hazard.

3 Having regard to the characteristics of the land for infilling, the lack of detail; as to impacts on protected Prospects ID 19 and 20 (CPO 17.37 and CPO 17.38), noise/dust/road debris levels, the lack of justification for the proposed works and the provisions of the Appendix 1 of the County Development Plan 2016-2022, which provides that such development shall only be permitted where there is a proven need, to allow this development in the absence of such justification would be contrary to the provisions of the County Development Plan 2022-2028, would set precedent for similar haphazard development, would lead to the deterioration/ impact on the rural landscape of Wicklow, and would be contrary to proper planning and sustainable development of the area.

4 Having regard to proximity of the nearby stream bounding the downhill side of this sloping site it is considered that the proposed precautions to prevent surface water run-off from the infill area are inadequate to trap suspended solids to avoid an influx of silt and discolouration of the receiving waters during heavy weather events. To allow this development in the absence of additional precautions would lead to the deterioration/ impact on the rural landscape of Wicklow and inland waterways, and would be contrary to proper planning and sustainable development of the area.

Question:

The applicant has applied for a determination as to whether construction of a shed for storage of Feed, Hay Bales and Agricultural Machinery on farm land at Knockanree Upper, Avoca, Co. Wicklow is or is not development and is or is not exempted development.

This is an interpretation of the actual question asked i.e.:

"to build a shed under 300sqm on his own land which he has just purchased to farm to store agriculture machinery, feed and hay bales, the shed is under 8 meters in height, under 300 sqm, over 100meters from any dwelling, Kevin does not have any other sheds, shed to be access from field and existing gate at public road, no animals will be housed in the shed. As seen in the attached maps my client owns 12.5 hectares of land"

Legislative Context:**-Planning and Development Act 2000 (as amended)**

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

"structure" means any building, structure, excavation, or other thing constructed or made on, in or under any land, or any part of a structure so defined, and—

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

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

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

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

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

Section 4 (1) (a)

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

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

Planning and Development Regulations, 2001 (as amended)**Article 6 (1):**

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

Article 9 (1):

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

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

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

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

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

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

Associated conditions and limitations include:

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

Assessment:

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

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

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

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

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

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

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

The proposed works inclusive of a storage shed of some 198sqm are considered to fall under Schedule 2, Part 3 Class 9. The following checklist will determine if the development complies with associated conditions and limitations.

<i>1. No such structure shall be used for any purpose other than the purpose of agriculture or forestry, but excluding the housing of animals or the storing of effluent.</i>	Yes – claimed agricultural shed with stated use as the storage of Feed, Hay Bales and Agricultural Machinery. Further evidence of the sites agricultural use was observed on site visit in the form of livestock (sheep).
<i>2. The gross floor space of such structures together with any other such structures situated within the same farmyard complex or complex of such structures or within 100 metres of that complex shall not exceed 900 square metres gross floor space in aggregate</i>	Yes – Proposed shed measures some 198sqm with no other structures present within 100m. It is noted 🚧 that an older agricultural building on the landholding originally linked to the site appears to have recently been demolished.
<i>3. No such structure shall be situated within 10 metres of any public road.</i>	Yes – structure is not within 10m from any public road.
<i>4. No such structure within 100 metres of any public road shall exceed 8 metres in height.</i>	Yes – structure is not in excess of 100m (c.86m) from the public road, but does not exceed 8m in height (height of c7.4m).
<i>5. No such structure shall be situated within 100 metres of any house (other than the house of the person providing the structure) or other residential building or school, hospital, church or building used for public assembly, save with the consent in writing of the owner and, as may be appropriate, the occupier or person in charge thereof.</i>	Yes – structure is in excess of 100m from any house or other residential building or school, hospital, church or building used for public assembly.

6. <i>No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.</i>	Yes – External finish is stated as green galvanised sheeting, painted steel pillars, (concrete base walls, unclear if painted or plastered), reinforced pad foundation.
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It is noted that the proposed works to which article 6 relates shall not be exempted development for the purposes of the Act if the carrying out of such works would contravene with the limitations as set out per **Article 9 (1)**.

Upon site inspection conducted on the 23/02/2024, it appears that works to two exiting road accesses were noted. These works were inclusive of the widening of both and surfacing of one (with a c.350m long haul road) of the sites accesses to the R754 public road.

In this regard, it is noted that item (ii) of Article 9 (1) outlines that:

Development to which article 6 relates shall not be exempted development for the purposes of the Act if the carrying out of such development would 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.

As such works were present and exceeded 4m in width, it is concluded that the proposed development would contravene with the limitations as set out per **Article 9 (1) (ii)** and is therefore not exempted development.

Conclusion:

With respect to the query under Section 5 of the Planning and Development Act 2000 (as amended), as to whether or not the proposal for *'An agricultural shed for storage of Feed, Hay Bales and Agricultural Machinery at Slievecorragh, Hollywood, Co. Wicklow'* is or is not exempted development.

The Planning Authority considers that:

The proposal of *'A shed for storage of Feed, Hay Bales and Agricultural Machinery at Knockanree Upper, Avoca, Co. Wicklow'* is development and not exempt development.

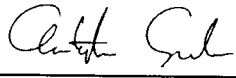
Main Considerations with respect to Section 5 Declaration:

- i. The details submitted on 12/02/2024;
- ii. Sections 2 , 3 , and 4 of the Planning and Development Act 2000 (as amended);
- iii. Articles 6 & 9 of the Planning and Development Regulations 2001 (as amended);
- iv. Schedule 2, Pt.3 Class 9 of the Planning and Development Regulations 2001 (as amended).

Main Reasons with respect to Section 5 Declaration:

- The provision of an agricultural shed is works and therefore development having regard to Section 3 of the Planning and Development Act 2000 (as amended).
- The development of this building, and solely this building, would come within the description and limitations as set out under Schedule 2, Part 3, Class 9, of the Planning and Development Regulations 2001 (as amended) .

- The development would; however, contravene the restrictions on exempted development as outlined in Article 9 (1) (ii) of the Planning and Development Regulations 2001 (as amended) and is therefore not exempted development.



Chris Garde
Executive Planner
Date: 27/02/2024

Please see
my report which
supersedes his
report.

Shirley SGP
7/3/24

South eastern site entrance image taken form Google street view 2019.



South eastern site entrance Site Visit Photographs (23/02/2024)



North eastern site entrance image taken form Google street view 2019.



North eastern site entrance Site Visit Photographs (23/02/2024)



MEMORANDUM

WICKLOW COUNTY COUNCIL

TO: Chris Garde
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).
EX12/2024**

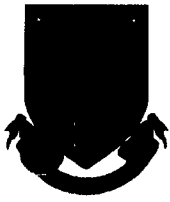
I enclose herewith application for Section 5 Declaration received 12th February 2024.

The due date on this declaration is 11th March 2024.



Staff Officer

Planning Development & Environment



Comhairle Contae Chill Mhantáin Wicklow County Council

**Forbairt Pleanála agus Comhshaol
Planning Development and Environment**

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13th February 2024

**Liam Kenna
Moneystown
Roundwood
Co. Wicklow**

RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended). – EX12/2024 for Kevin Harper

A Chara

I wish to acknowledge receipt on 12/02/2024 details supplied by you in respect of the above Section 5 application. A decision is due in respect of this application by 11/03/2024.

Mise, le meas

NICOLA FLEMING

STAFF OFFICER

PLANNING DEVELOPMENT AND ENVIRONMENT



Wicklow County Council • 3 2
County Buildings
Wicklow
0404-20100

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Receipt No L 11/0/325208
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LIAM KENNA
MONEYSTOWN
ROUNDWOOD
CO WICKLOW

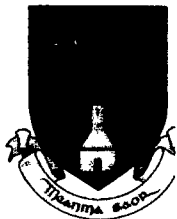
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GOODS	80 00
VAT Exempt/Non-vatable	

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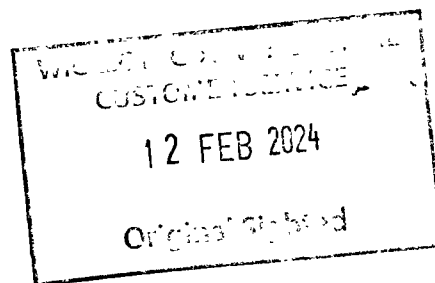
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**APPLICATION FORM FOR A
DECLARATION IN ACCORDANCE WITH SECTION 5 OF THE PLANNING &
DEVELOPMENT ACTS 2000(AS AMENDED) AS TO WHAT IS OR IS NOT
DEVELOPMENT OR IS OR IS NOT EXEMPTED DEVELOPMENT**

1. Applicant Details

(a) Name of applicant: _____ KEVIN HARPER _____

Address of applicant: _____

KNOCKANREE UPPER, AVOCA, CO. WICKLOW _____

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

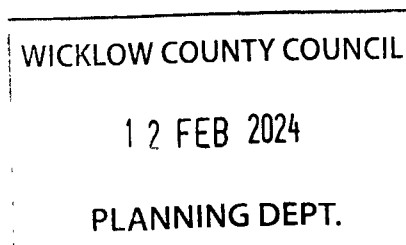
2. Agents Details (Where Applicable)

(b) Name of Agent (where applicable) LIAM KENNA _____

Address of Agent : _____

MONEYSTOWN, ROUNDWOOD, CO. WICKLOW _____

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



3. Declaration Details

- i. Location of Development subject of Declaration
KNOCKANREE UPPER, AVOCA, CO. WICKLOW
- ii. Are you the owner and/or occupier of these lands at the location under i. above ?
Yes.
- iii. If 'No' to ii above, please supply the Name and Address of the Owner, and or occupier _____

N/A

- 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
MY CLIENT KEVIN HARPER WISHES TO BUILD A SHED UNDER 300 SQM ON HIS OWN LAND WHICH HE HAS JUST PURCHASED TO FARM TO STORE AGRICULTURE MACHINERY, FEED AND HAY BALES, THE SHED IS UNDER 8 METERS IN HEIGHT, UNDER 300 SQM, OVER 100 METERS FROM ANY DWELLING, KEVIN DOES NOT HAVE ANY OTHER SHEDS, SHED TO BE ACCESS FROM FIELD AND EXISTING GATE AT PUBLIC ROAD, NO ANIMALS WILL BE HOUSED IN THE SHED. AS SEEN IN THE ATTACHED MAPS MY CLIENT OWNS 12.5 HECTARES OF LAND
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
CALSS 9 PART 3 OF SCHEDULE 2
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 _____
PLEASE SEE ATTACHED

viii. Fee of € 80 Attached ? ~~PLEASE SEE ATTACHED~~ Please Ring me on
or payment over phone - Thanks.

Signed : Liam Lenn Dated : 8/2/24

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.

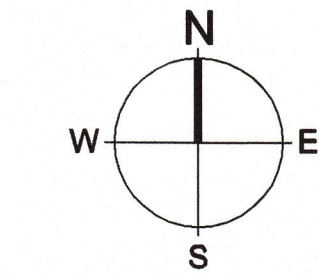
- Site layout plan showing location of structure and any adjoining farm structures and any dwellings within 100m of the farm structure.
- Gross floor area of the farm structure
- Floor plan and elevational details of Farm Structure and Full details of the gross floor area of the proposed structure.
-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

Drawing Schedule

001	Proposed Site Plan,
A1	1:500
002	Proposed Site Plan,
A1	1:500
003	OS Maps, Proposed Site Plan,
A1	1:10560, 2500, 1000
004	Proposed shed, Site Section and Surfacewater Details
A1	1:100

NOTE : FIGURED DIMENSIONS ONLY.
DO NOT SCALE DRAWING.
CONTRACTOR TO CHECK DIMENSIONS
ON SITE BEFORE CONSTRUCTION.
DISCREPENCES ARE TO BE BROUGHT
TO ATTENTION OF THE SURVYORS
PRIOR TO THE COMMENCEMENT OF
WORK.

DRAWING IS INTENDED SOLEY FOR
PURPOSE NOTED. ONLY DRAWINGS
MARKED CONTRACT ARE TO BE USED
FOR CONSTRUCTION.

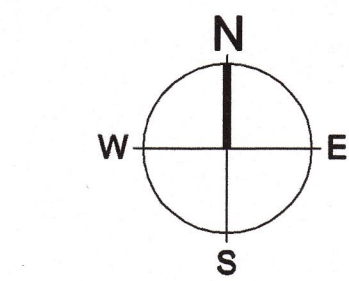


SITE LAYOUT
SCALE 1:500
SITE AREA 4.4
HECTARES

	DRAWING BY: LIAM KENNA	DATE: 25.01.24	DRAWING: PROPOSED LAYOUT SCALE 1: 500	PROJECT: KEVIN HARPER, KNOCKANREE UPPER, AVOCA, CO. WICKLOW.	RECEIVED 12 FEB 2024 EX 12/2024
				DRAWING NO. 001	SHEET NO. 1

NOTE : FIGURED DIMENSIONS ONLY.
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SITE LAYOUT
SCALE 1:500
SITE AREA 4.4
HECTARES

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EX 12/224

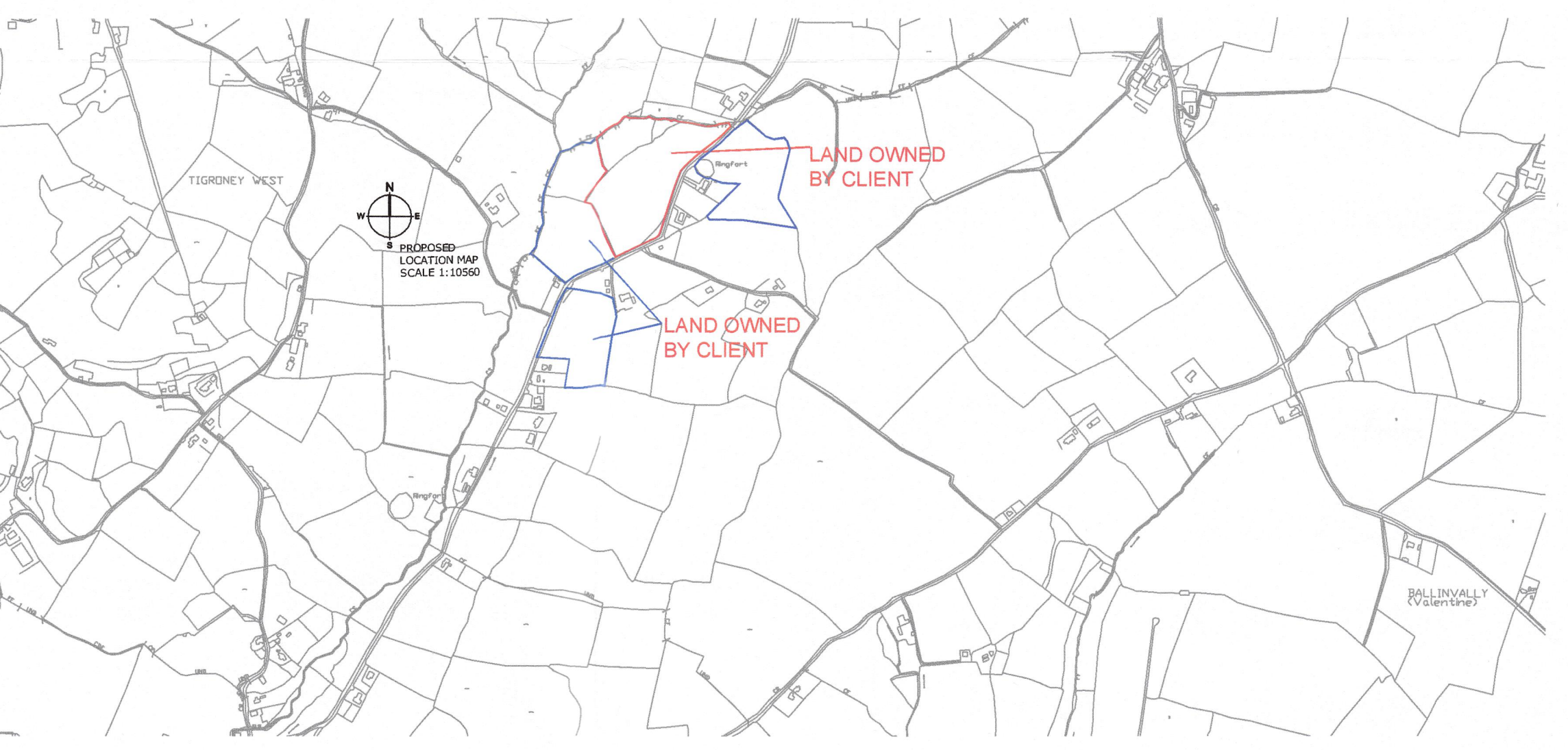
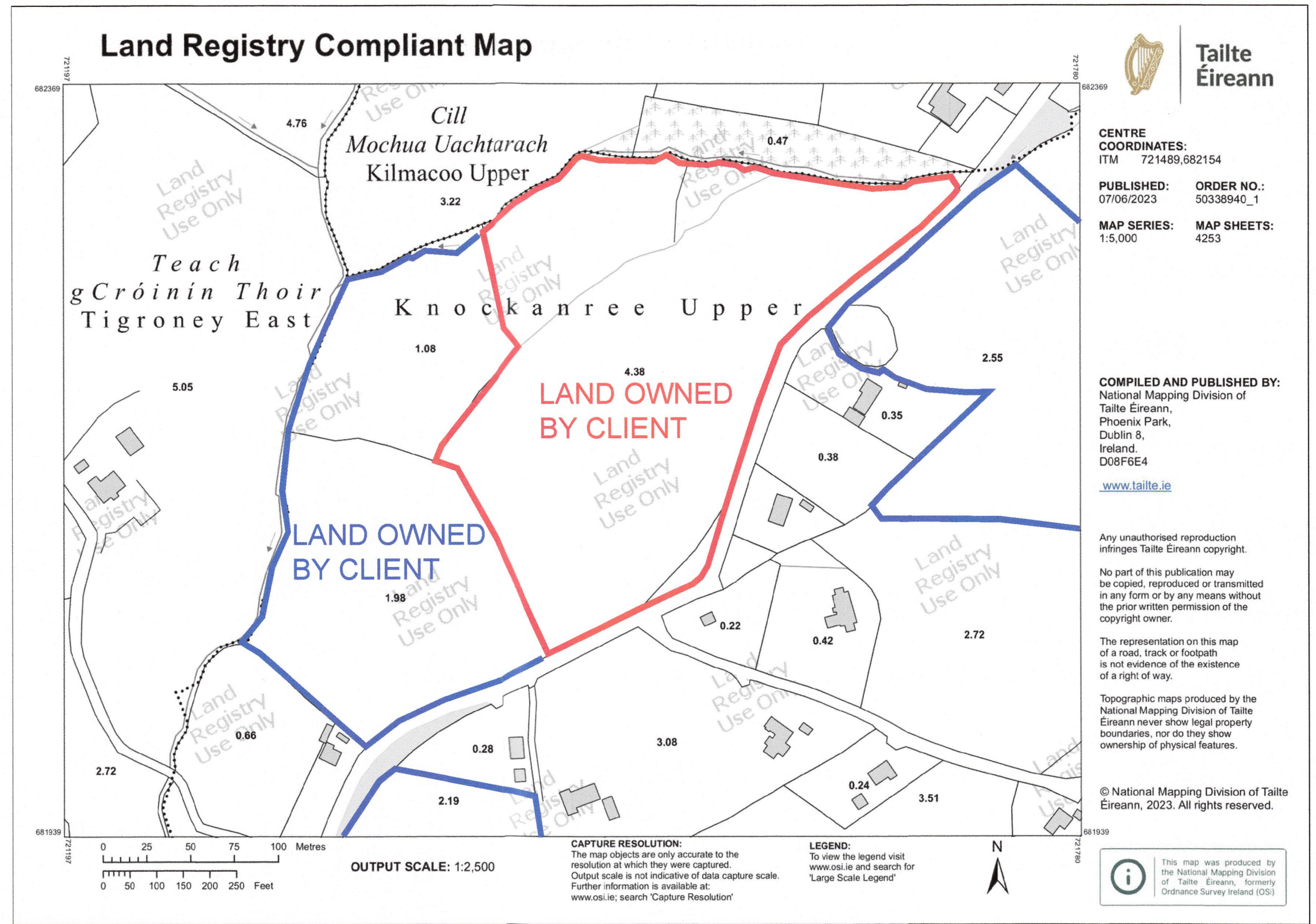
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NOTE : FIGURED DIMENSIONS ONLY.
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SITE LAYOUT
SCALE 1:100
SITE AREA 4.4
HECTARES

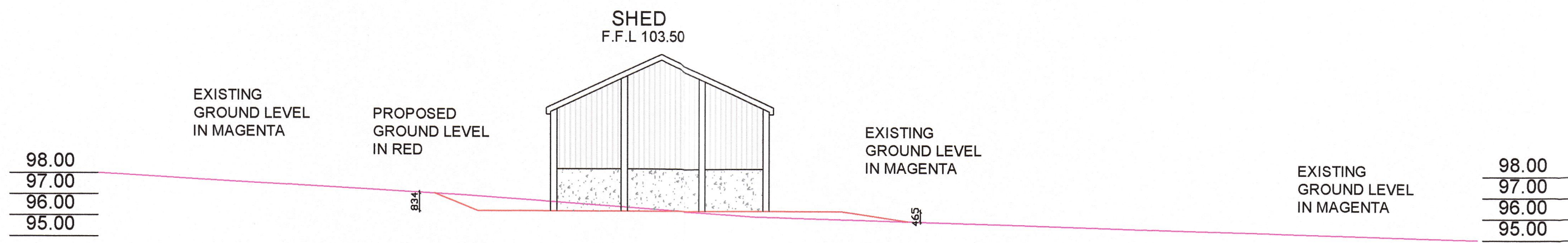


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EX 12/2024

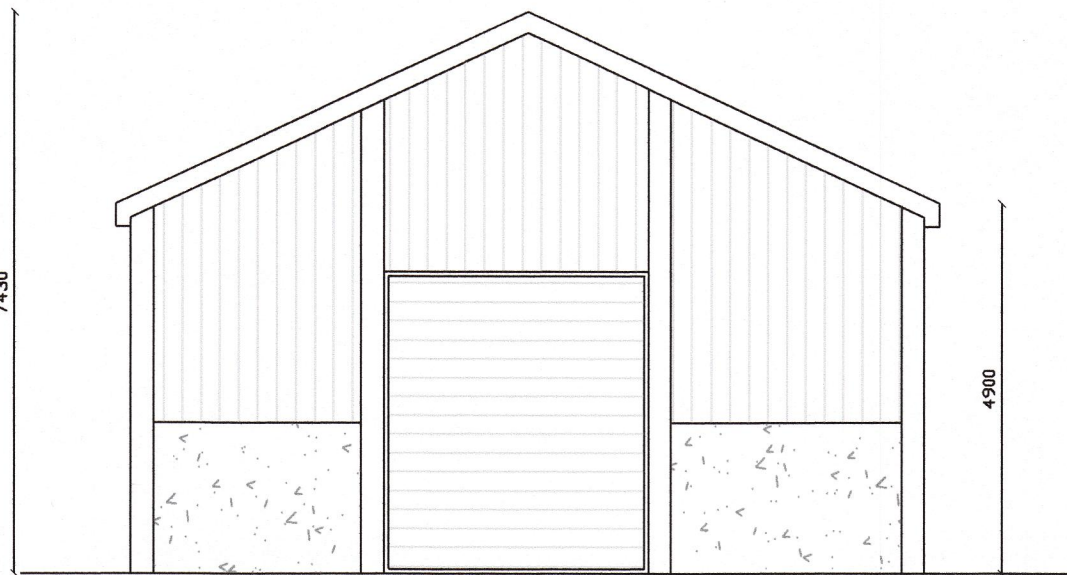
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NOTE : FIGURED DIMENSIONS ONLY.
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CONTRACTOR TO CHECK DIMENSIONS
ON SITE BEFORE CONSTRUCTION.
DISCREPENCES ARE TO BE BROUGHT
TO ATTENTION OF THE SURVYORS
PRIOR TO THE COMMENCEMENT OF
WORK.

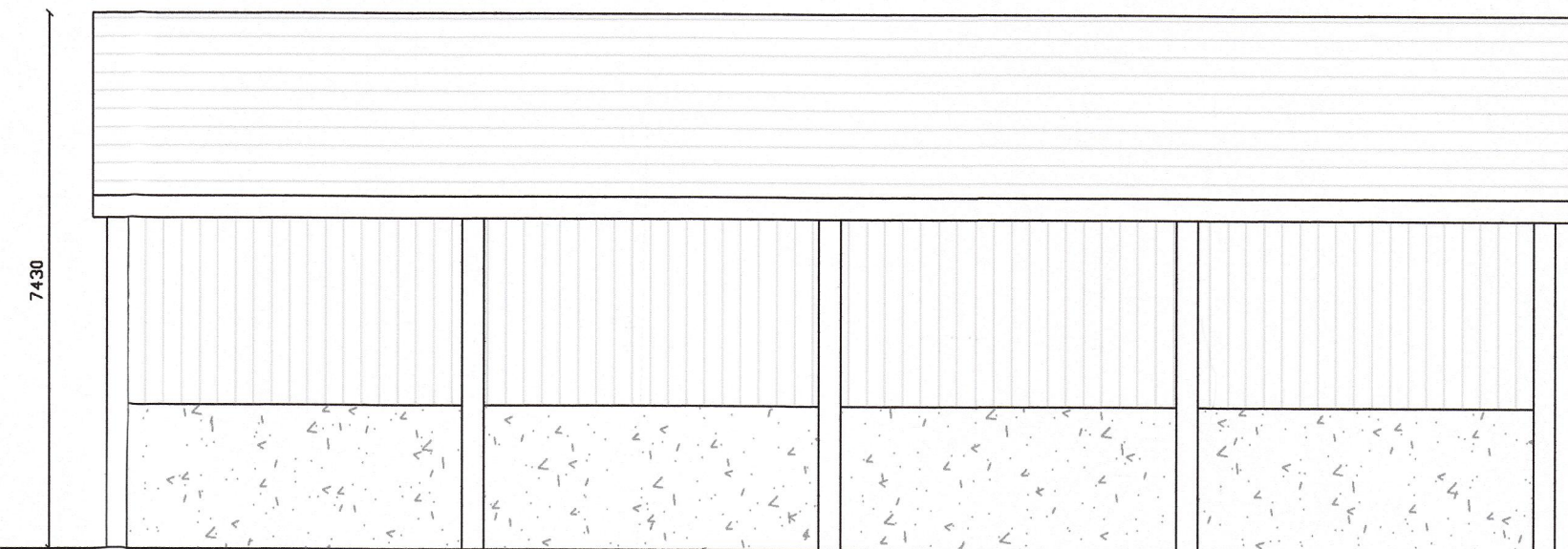
DRAWING IS INTENDED SOLEY FOR
PURPOSE NOTED. ONLY DRAWINGS
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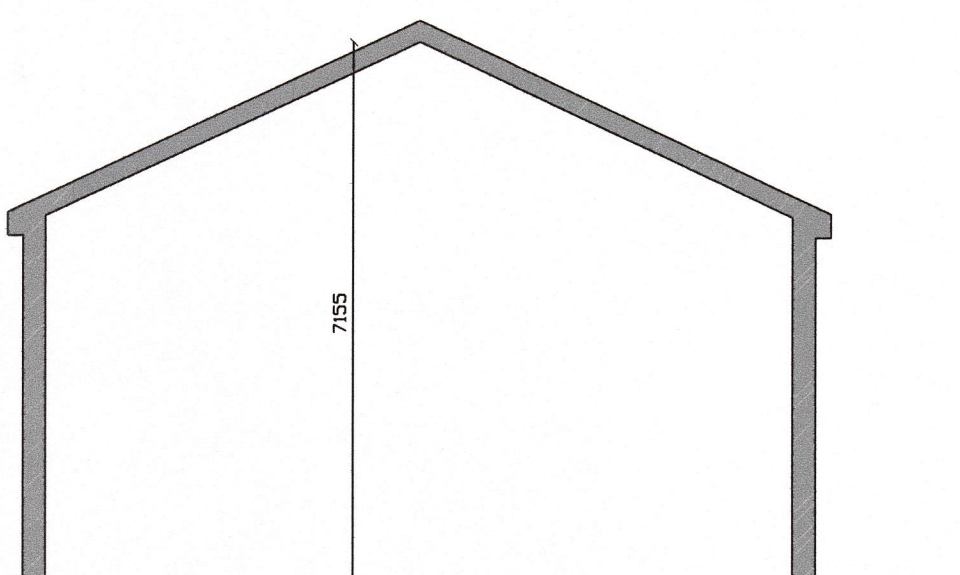
SITE SECTION A-A
SCALE 1 : 200



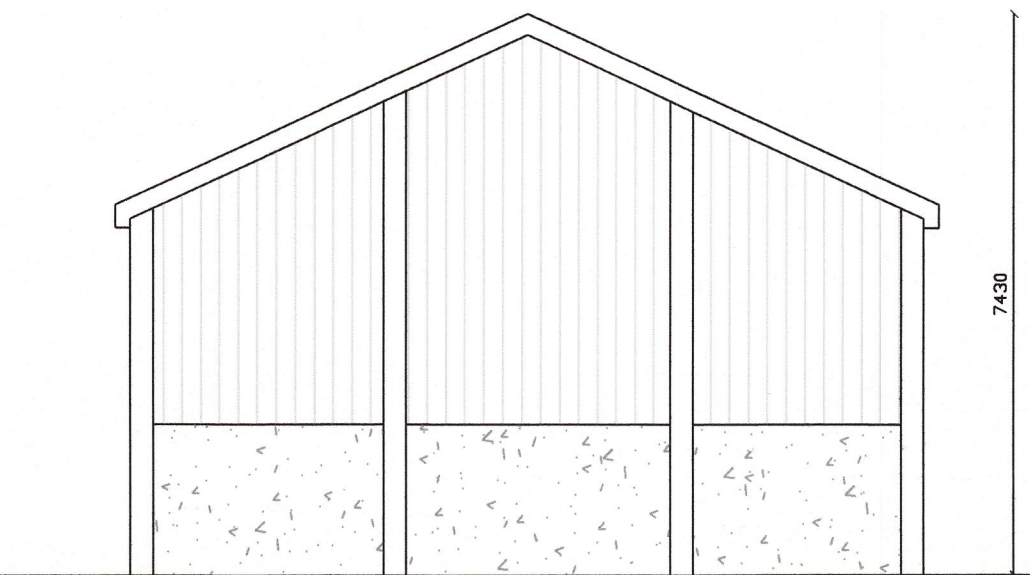
FRONT ELEVATION
SCALE 1:100



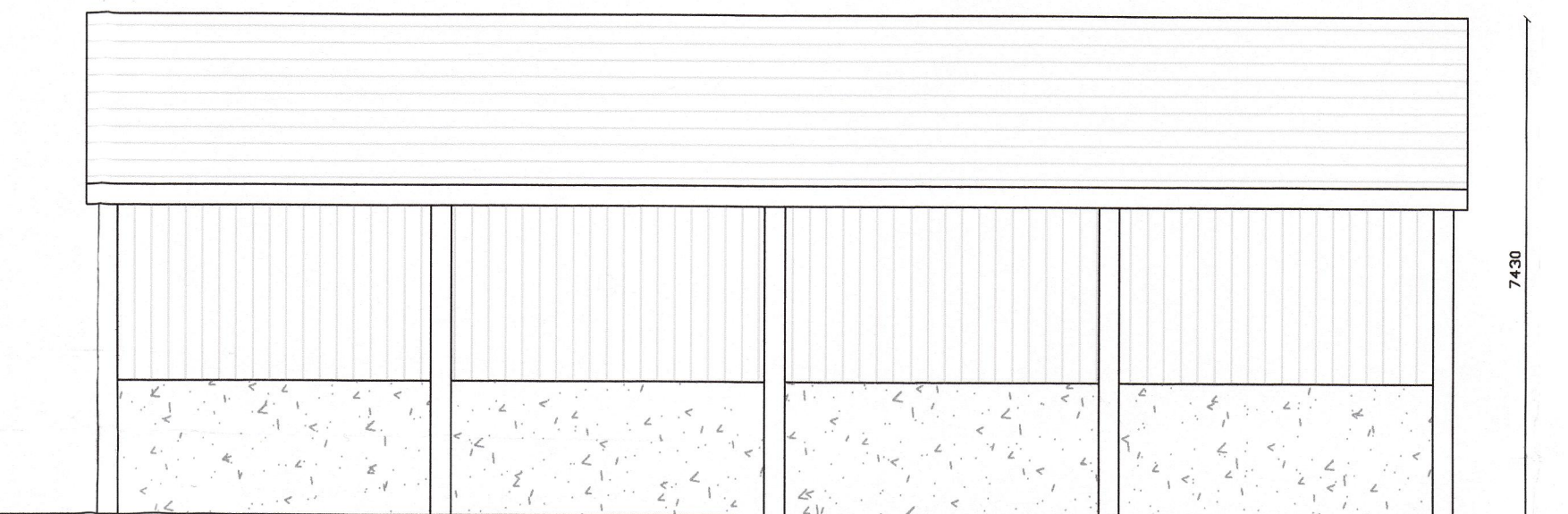
SIDE ELEVATION
SCALE 1:100



SECTION A-A
SCALE 1:100

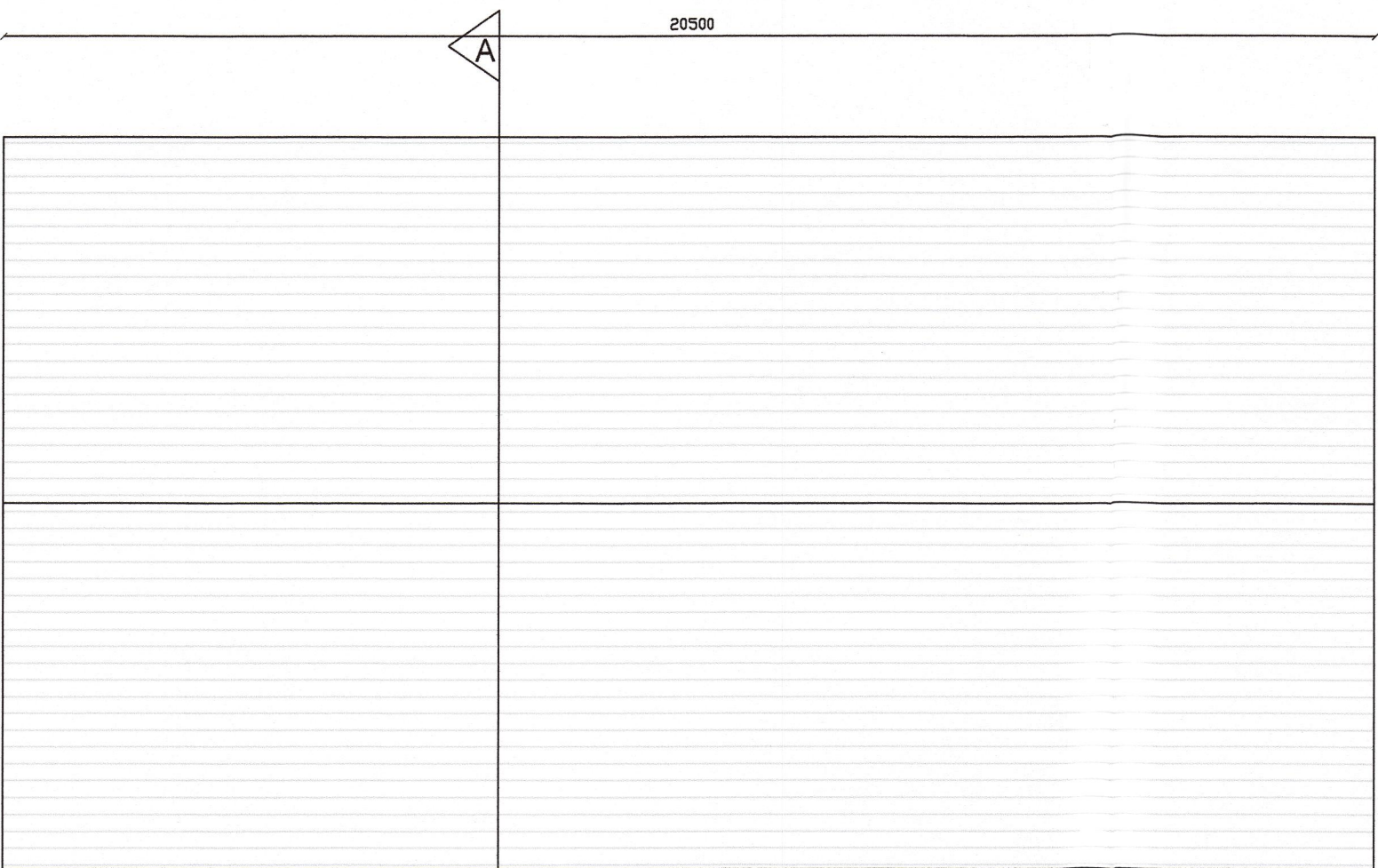


REAR ELEVATION
SCALE 1:100

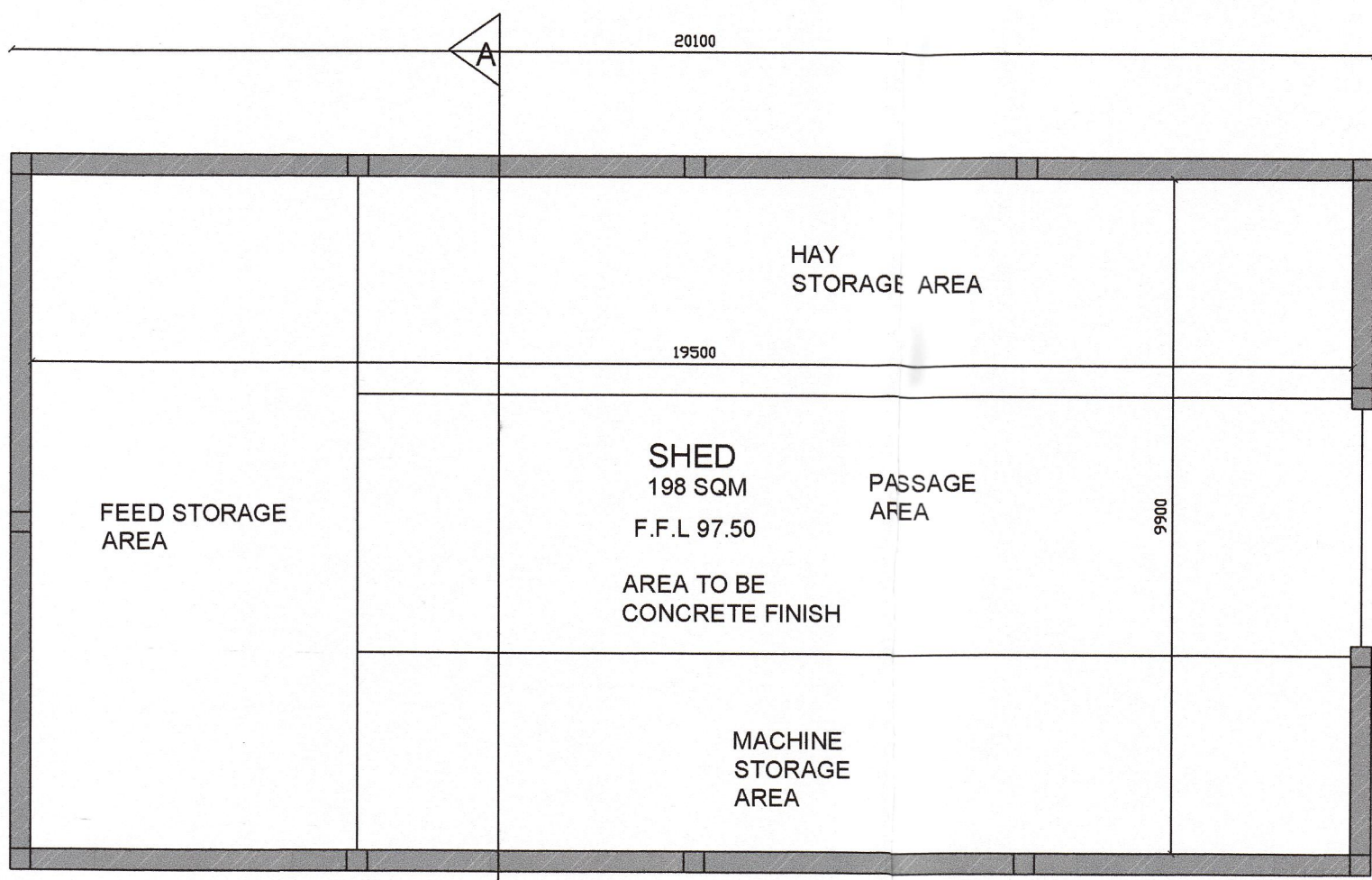


SIDE ELEVATION
SCALE 1:100

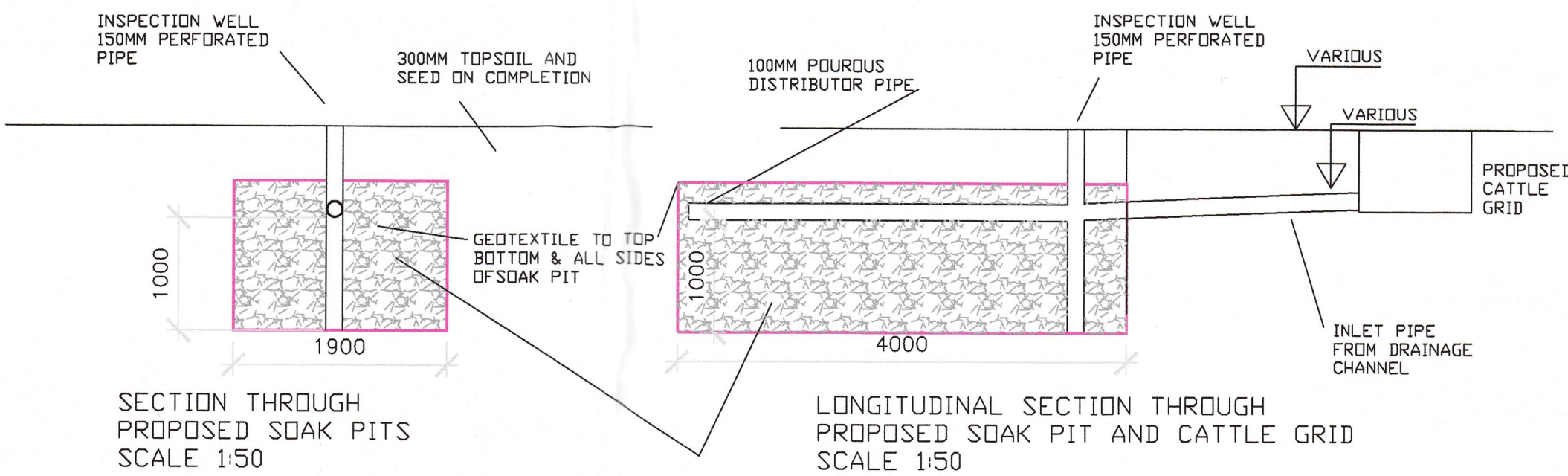
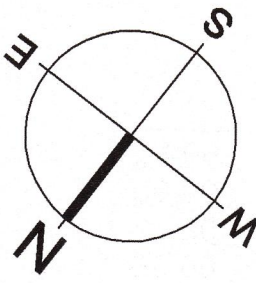
GREEN PROFILED GALVANISED SHEETING TO
SIDES AND ROOF. PAINTED STEEL PILLARS AS
REQUIRED, ON REINFORCED PAD FOUNDATION.



PROPOSED ROOF PLAN
SCALE 1 : 100



PROPOSED FLOOR PLAN
SCALE 1 : 100



SOAK PIT 2M WIDE X 4M LONG
X 1M DEEP. SPEC
COARSE GRANULAR FILL (30% FREE VOLUME)
COVERED WITH A FINE MESH GEOTEXTILE (TERRAM)
TO PREVENT DOWNWARD SILTING OF FINES.
SILT TRAPS ARE TO BE PROVIDED AT THE INLET LEVEL
WITH AN INSPECTION CHAMBER PROVIDING A CLEAR VIEW OF THE BASE
OF THE SOAKAWAY AND LINKING THE END OF A HORIZONTAL PERFORATED
DISTRIBUTOR PIPE EG WAVIN D3752 RUNNING ALONG TOP OF THE GRANULAR FILL.

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EX 12/2024

	DRAWING BY: LIAM KENNA	DATE: 25.01.24	DRAWING: PROPOSED SHED, SITE SECTION AND SURFACEWATER DETAILS SCALE 1: 200, 100, 50	PROJECT: KEVIN HARPER, KNOCKANREE UPPER, AVOCA, CO. WICKLOW.	DRAWING NO. 004	SHEET NO. 4
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