



COMHAIRLE CONTAE CHILL Mhantáin Wicklow County Council

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

Áras An Chontae / County Buildings
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Christopher Kinghan
Carricknagoan
Coolderry PO
Carrickmacross
Co. Monaghan
A81 E720

25th October 2023

**RE: Declaration in accordance with Section 5 of the Planning & Development Acts
2000 (As Amended) – EX69/2023 for Daniel O Donohoe, Little Newtown,
Enniskerry, Co. Wicklow**

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 DEVELOPMENT & ENVIRONMENT.**





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

Applicant: Daniel O Donohoe

Location: Little Newtown, Enniskerry, Co. Wicklow

CHIEF EXECUTIVE ORDER NO. CE/PDE/1813/2023

A question has arisen as to whether “the construction of a general purpose shed to house stables, feed and fodder, a roofed manure pit and ancillary works (i.e. concrete yards, effluent tank – all for agricultural purposes only) in new farmyard utilizing the existing farm road and public road entrance” at Little Newtown, Enniskerry, Co. Wicklow **is or is not exempted development.**

Having regard to:

- The details received with this section 5 application (EX69/2023) on the 29th September 2023.
- Sections 2, 3, 4 of the Planning and Development Act 2000(as amended).
- Article 6(3) including Schedule 2, Part 2 and Class 6 and 8
- Article 9(1) of the Planning and Development Regulations 2001 (as amended) – restrictions on exemption
- Wicklow County Council Development Plan 2022-2028, Listed Prospect No. 4

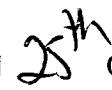
Main Reasons with respect to Section 5 Declaration:

- The construction of the structures and ancillary works would be ‘development’.
- The shed, manure pit and ancillary works would not come within the provisions of Schedule 2, Part 3 Class 6 and 8 as no information has been submitted to show that the effluent storage facilities are adequate or details in respect to the design of the roofed manure pit.
- The development would interfere with *Listed prospect no. 4 – from L1033 Rocky Valley Drive – prospect downhill from the road to the west, north and northeast towards Powerscourt, Enniskerry and Bray*, and therefore, in accordance with Article 9(1) Restrictions on exemption, the development shall not be exempted development.

The Planning Authority considers that “the construction of a general purpose shed to house stables, feed and fodder, a roofed manure pit and ancillary works (i.e. concrete yards, effluent tank – all for agricultural purposes only) in new farmyard utilizing the existing farm road and public road entrance” at Little Newtown, Enniskerry, Co. Wicklow **is development and is not exempted development.**

Signed:


ADMINISTRATIVE OFFICER
PLANNING DEVELOPMENT & ENVIRONMENT

Dated  25th October 2023

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

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



WICKLOW COUNTY COUNCIL

PLANNING & DEVELOPMENT ACTS 2000 (As Amended)
SECTION 5

CHIEF EXECUTIVE ORDER NO. CE/PDE/1813/2023

Reference Number: EX 69/2023

Name of Applicant: Daniel O Donohoe

Nature of Application: Section 5 Referral as to whether "the construction of a general purpose shed to house stables, feed and fodder, a roofed manure pit and ancillary works (i.e. concrete yards, effluent tank – all for agricultural purposes only) in new farmyard utilizing the existing farm road and public road entrance" is or is not exempted development

Location of Subject Site: Little Newtown, Enniskerry, Co. Wicklow

Report from Aisling McNamara, EP & Edel Bermingham, SEP

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 house stables, feed and fodder, a roofed manure pit and ancillary works (i.e. concrete yards, effluent tank – all for agricultural purposes only) in new farmyard utilizing the existing farm road and public road entrance" at Little Newtown, Enniskerry, Co. Wicklow is or is not exempted development within the meaning of the Planning & Development Act 2000 (as amended)

Having regard to:

- The details received with this section 5 application (EX69/2023) on the 29th September 2023.
- Sections 2, 3, 4 of the Planning and Development Act 2000(as amended).
- Article 6(3) including Schedule 2, Part 2 and Class 6 and 8
- Article 9(1) of the Planning and Development Regulations 2001 (as amended) – restrictions on exemption
- Wicklow County Council Development Plan 2022-2028, Listed Prospect No. 4

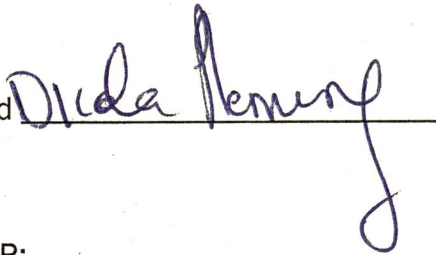
Main Reason with respect to Section 5 Declaration:

- (i) The construction of the structures and ancillary works would be 'development'.
- (ii) The shed, manure pit and ancillary works would not come within the provisions of Schedule 2, Part 3 Class 6 and 8 as no information has been submitted to show that the effluent storage facilities are adequate or details in respect to the design of the roofed manure pit.
- (iii) The development would interfere with *Listed prospect no. 4 – from L1033 Rocky Valley Drive – prospect downhill from the road to the west, north and northeast towards Powerscourt, Enniskerry and Bray*, and therefore, in accordance with Article 9(1) Restrictions on exemption, the development shall not be exempted development.

Recommendation

The Planning Authority considers that "the construction of a general purpose shed to house stables, feed and fodder, a roofed manure pit and ancillary works (i.e. concrete yards, effluent tank – all for agricultural purposes only) in new farmyard utilizing the existing farm road and public road entrance" at Little Newtown, Enniskerry, Co. Wicklow is development and is not exempted development as recommended in the report by the SEP.

Signed




Dated 18th day of October 2023

ORDER:

I HEREBY DECLARE:

That "the construction of a general purpose shed to house stables, feed and fodder, a roofed manure pit and ancillary works (i.e. concrete yards, effluent tank – all for agricultural purposes only) in new farmyard utilizing the existing farm road and public road entrance" at Little Newtown, Enniskerry, Co. Wicklow is development and is not exempted development within the meaning of the Planning & Development Act 2000

Signed:


Senior Engineer
Planning Development & Environment

Dated 25th day of October 2023



**WICKLOW COUNTY COUNCIL
PLANNING DEPARTMENT**

Section 5 – Application for declaration of Exemption Certificate

REF: EX69/2023
NAME: DANIEL O'DONOHUE
DEVELOPMENT: SHED
LOCATION: LITTLE NEWTOWN, ENNISKERRY

The site

Farmyard, Little Newtown, Enniskerry

Planning History

Applications

23/60178 – Daniel O'Donohue – Further Information – permission for an amendment to previously granted planning permissions Ref:18/861 and Ref:20/769 to convert the ground floor of existing gate lodge into a self-serving granny flat with the first floor acting as ancillary spaces for the main house (previously granted under 18/861) All above works located at: South Lodge, Little Newtown, Enniskerry, Co. Wicklow, A98 F295

21/1153 – Daniel O'Donohoe – grant – permission for an amendment to previously granted planning permission ref 20-769, permission sought to retain some original elevational features to previously granted permission to gate lodge building unit and all associated site works necessary to complete the development

20/769 – Daniel O'Donohue – grant – permission for 1. An amendment to previously granted planning permission ref: 18/861, condition no. 8 and in particular to retain the existing gate lodge structure (123m²) for which permission was previously granted for its demolition. 2. Permission is sought to change the use of gate lodge from residential to domestic garage / store building ancillary to the main dwelling house granted under PL Ref 18/861. 3. Permission sought for elevational changes to gate lodge building

18/861 – Daniela and Jennifer O'Donahoe – grant – permission for two storey dwelling (334.5 sqm) to replace existing dwelling (123 sqm), new septic tank and associated percolation area to replace existing treatment unit, all associated ancillary site works

17/556 – Daniel and Jennifer O'Donohoe – grant – permission for 1. The demolition of the existing dwelling (123sqm), 2. New two storey dwelling house (328sqm) to replace existing dwelling, 3. New septic tank and associated percolation area to replace existing treatment unit, 4. All associated ancillary site works

16/740 – Daniel and Jennifer O'Donohoe – grant – permission for 1. two storey extension (94.4sqm) to existing dwelling (123sqm), 2. Modifications to existing dwelling to include new window design and additional windows, 3. New septic tank and associated percolation area to replace existing treatment unit, 4. Modifications to existing vehicular entrance to include new layout for access road, 5. All associated ancillary site works

06/5836 – Edward and Katrien Bisgood – grant – permission to erect a new entrance & drive based on the expired grant permission 96/4862, the proposed entrance consists of wrought iron gates & railings with a small masonry wall below the side curved railings

02/6006 – Audrey Bisgood – grant – permission for installation of waste water treatment and thus relocation of the percolation area

99/1157 – Richard and Audrey Bisgood – grant – permission for renovation and extension of existing gate lodge.

Section 5's

none identified on iplan

Unauthorised development

none identified on iplan.

Question

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

- The construction of a general purpose shed to house stables, feed and fodder, a roofed manure pit and ancillary works (i.e. concrete yards, effluent tank –all for agricultural purposes only) in new farmyard utilizing the existing farm road and public road entrance.

Development plan:

Wicklow County Development Plan 2022-2028

Landscape category:

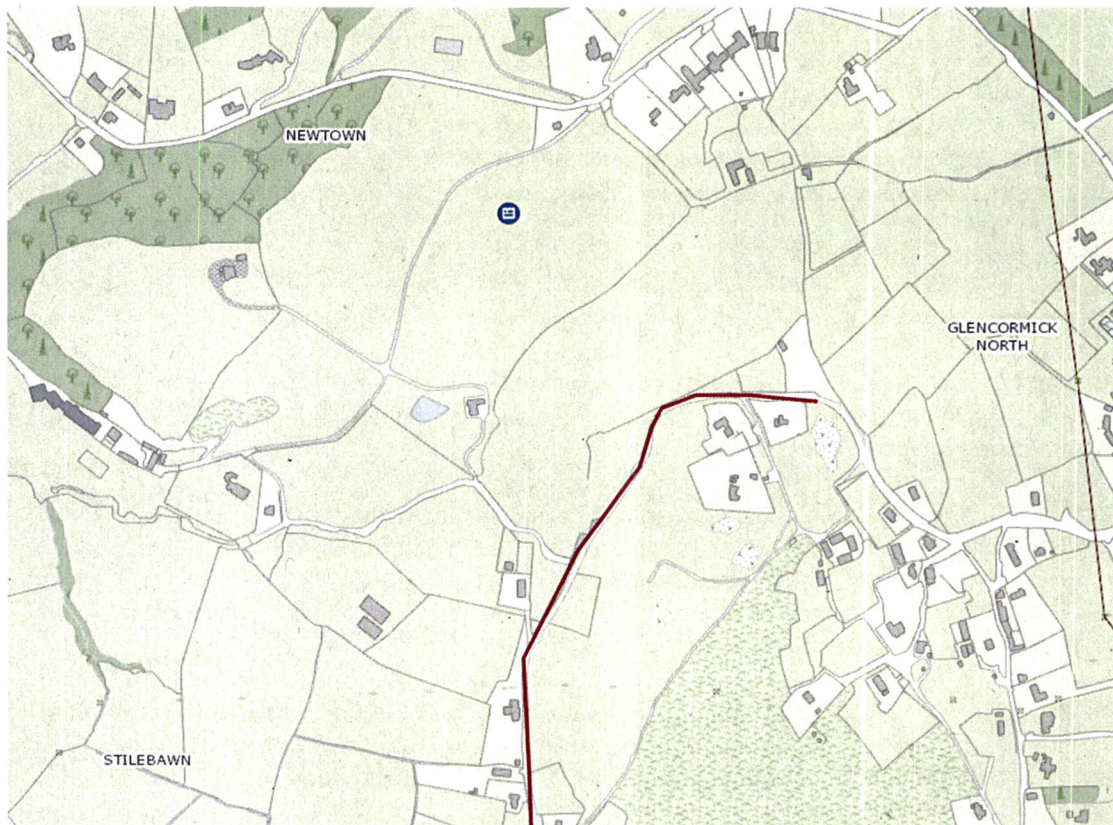
Areas of Outstanding Natural Beauty AONB

Protected structures / archaeology:

none

Protected views and prospects:

Listed prospect no. 4 – from L1033 Rocky Valley Drive – prospect downhill from the road to the west, north and northeast towards Powerscourt, Enniskerry and Bray



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

Structure has floor area of 159sqm.

Internal use is for foaling stables, horse aisle and feed and fodder store.

Ancillary concrete yard area of 44sqm

Shed has a ground to ridge height is 5.3m, external cladding and rainwater goods to be agricultural grey or green in colour. All walls 1.8m height mass concrete or cement grey rendered blockwork.

Details provided regarding effluent storage consisting of a roofed manure pit and an effluent storage tank and also a SUDS soakaway trench.

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 Regulation set out exemptions.

Schedule 2, Part 3, Class 3, 6 and 8 are of relevance.

CLASS 3 (Minor works and structures)

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.

CLASS 6 (Agricultural structures)

*Works consisting of the provision of a **roofed structure** for the housing of cattle, sheep, goats, donkeys, **horses**, deer or rabbits, having a gross floor space not exceeding 200 square metres (whether or not by extension of an existing structure), and any ancillary provision for effluent storage.*

Consideration: This is for the construction of a roofed structure for housing of horses and has gross floor area below 200sqm and has ancillary effluent storage.

Conditions / limitations

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

Consideration: The structure is used for agriculture.

2. The gross floor space of such structure 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.

Consideration: complies

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 Department of the Environment and Local Government requirements and shall have regard to the need to avoid water pollution.

Consideration: Details of effluent storage tank provided. Soakaway for storm water shown. Unclear if is of adequate size and location or constructed in line with Dept. requirements to avoid water pollution. Additional information would be required.

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

Consideration: complies.

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

Consideration: 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.

Consideration: complies

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

Consideration: complies

CLASS8 (Agricultural Structures)

*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*

44sqm open concrete yard proposed. Roofed manure pit proposed.

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

Consideration: 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.

Consideration: complies

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.

Consideration: Unclear if is of adequate size and location or constructed in line with Dept. requirements to avoid water pollution. Additional information required.

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

Consideration: complies

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

Consideration: No elevation drawing provided of roofed manure pit – height unclear although likely would not exceed 8m. Additional information could be sought.

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.

Consideration: complies

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

Consideration: Additional information required.

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:

(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,

The Wicklow County Council Development Plan 2022-2028 includes the following objective:

CPO 17.38 To protect listed views and prospects from development that would either obstruct the view / prospect from the identified vantage point or form an obtrusive or incongruous feature in that view / prospect. Due regard will be paid in assessing development applications to the span and scope of the view / prospect and the location of the development within that view / prospect.

Schedule 17.12 Prospects of Special Amenity Value or Special Interest:

Listed prospect no. 4 – from L1033 Rocky Valley Drive – prospect downhill from the road to the west, north and northeast towards Powerscourt, Enniskerry and Bray

The site is within the North Eastern Valley – Glencree Area of Outstanding Natural Beauty. The CDP includes the following objective:

CPO 17.35 All development proposals shall have regard to the County landscape classification hierarchy in particular the key landscape features and characteristics identified in the Wicklow Landscape Assessment (set in Volume 3 of the 2016 County Development Plan) and the 'Key Development Considerations' set out for each landscape area set out in Section 5 of the Wicklow Landscape Assessment.

Appendix 5, Wicklow CDP 2016, 4.5 Wicklow's Landscape Areas, 1(d) The North Eastern Valley/ Glencree:

This area is situated along the northern extremities of the County and is based around the drainage pattern of the Glencree and Dargle Rivers and the surrounding road network. This area is very scenic, with attractive views and number of tourist attractions such as Powerscourt House and Demesne, Charleville Demesne and Glencree Drive. This landscape provides for extensive forested areas made up of both coniferous and deciduous woodlands.

The site is within a scenic AONB. The site is open and is visible downhill from the L1033 and having regard to location and the height and size of the development, will be visible. It is therefore considered that the development would interfere with the prospect.

Therefore the development shall not be exempted development.

Other:

Environmental impact assessment or an appropriate assessment of the development would not be required.

Recommendation

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

- The construction of a general purpose shed to house stables, feed and fodder, a roofed manure pit and ancillary works (i.e. concrete yards, effluent tank –all for agricultural purposes only) in new farmyard utilizing the existing farm road and public road entrance.

is or is not development, and is or is not exempted development.

The Planning Authority considers that:

- The construction of a general purpose shed to house stables, feed and fodder, a roofed manure pit and ancillary works (i.e. concrete yards, effluent tank –all for agricultural purposes only) in new farmyard utilizing the existing farm road and public road entrance.

IS development and IS NOT exempted development

Main Considerations with respect to Section 5 Declaration:

- The details received with this section 5 application (EX69/2023) on the 29th September 2023.
- Sections 2, 3, 4 of the Planning and Development Act 2000(as amended).
- Article 6(3) including Schedule 2, Part 2 and Class 6 and 8
- Article 9(1) of the Planning and Development Regulations 2001 (as amended) – restrictions on exemption
- Wicklow County Council Development Plan 2022-2028 including objective 17.38 and ~~Schedule 17.12 Prospects of Special Amenity Value or Special Interest~~ , *listed Prospect No.4*

Main Reasons with respect to Section 5 Declaration:

~~The development described in the documents received is in accordance with the following provisions of the Planning and Development Act 2000 (as amended) for the following reasons:~~

- (i) The construction of the structures and ancillary works would be 'development'.
- (ii) Schedule 2, Part 3 ~~sets out classes of exempted development in the rural area. Insufficient information is provided to satisfy the conditions and limitations of Class 6~~

The shed, manure pit and ancillary works would not come within the provisions of

^{as} No information has been submitted to show that
and 8. Additional information is required to show that the effluent storage facilities are
adequate and information is required in relation to the design of the roofed manure pit.
(iii) Notwithstanding item (ii) above, The development would interfere with ~~prospect~~ Listed
prospect no. 4 - from L1033 Rocky Valley Drive - prospect downhill from the road to the
west, north and northeast towards Powerscourt, Enniskerry and Bray, and therefore, in
accordance with Article 9(1) Restrictions on exemption, the development shall not be
exempted development.

A. MacDowell
Ex P1

11-10-2023

Agreed as modified

S. N. K.

28/9

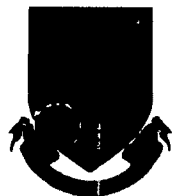
12/10/2023

Issued as recommended & modified
Pg 1 T. M. L. 52
25/11/23





Photographs taken from L1033 Rocky Valley Drive



Comhairle Contae Chill Mhantáin Wicklow County Council

Forbairt Pleanála agus Comhshaol
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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).
EX69/2023 – Daniel O Donohoe**

I enclose herewith application for Section 5 Declaration received 29th September 2023.

The due date on this declaration is 26th October 2023.

Staff Officer
Planning Development & Environment





Comhairle Contae Chill Mhantáin Wicklow County Council

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

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3rd October 2023

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).
Ex 69/2023 – Daniel O Donohoe, Little Newtown, Enniskerry, Co. Wicklow**

A Chara

I wish to acknowledge receipt on 29/09/2023 details supplied by you in respect of the above Section 5 application. A decision is due in respect of this application by 26/10/2023

Mise, le meas

**NICOLA FLEMING
STAFF OFFICER
PLANNING DEVELOPMENT AND ENVIRONMENT**



Christopher Kinghan & Associates

CHARTERED BUILDING SURVEYOR
ARCHITECTURAL, PLANNING & ENVIRONMENTAL DESIGN SOLUTIONS

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

Tel: 085 164 311 9

Email: kinghanchristopher@yahoo.com

Daniel O Donohoe intends to apply to Wicklow County Council for Confirmation of Exempted development for the Construction a General purpose shed to house stables, feed and fodder, a roofed manure pit and ancillary works (i.e. concrete yards, effluent tank - all for agricultural purposes only) in new farmyard utilising the existing farm road and public road entrance at Little Newtown, Enniskerry.
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.104 Minimum specification for hay and straw stores April 2022
- S.108 Manure pits and dungsteads - June 2017 (doc 755Kb)
- S.108A - Accepted Pre-cast Wall Panels for use in Manure Pits March 2010
- 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.148 Farm Fencing - September 2016 (doc 164Kb)
- S.148A Accepted Fencing Posts - August 2018 (doc 67Kb)
- S.156 Minimum specification for horse facilities and fencing. January 2016

And all other relevant standard specifications from the same source.

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 the 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 slot 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 slot 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).

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

Our Ref: CK/WW/DOD Your Ref:

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

Dear Sirs,

Daniel O Donohoe intends to apply to Wicklow County Council for Confirmation of Exempted development for the Construction a General purpose shed to house stables, feed and fodder, a roofed manure pit and ancillary works (i.e. concrete yards, effluent tank - all for agricultural purposes only) in new farmyard utilising the existing farm road and public road entrance at Little Newtown, Enniskerry.

The applicant is owner of the lands delineated and farms all the lands detailed in the nutrient management mapping.

The applicant has previous planning history on these lands namely :-

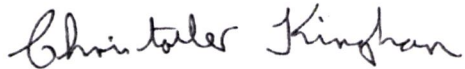
16740	APPLICATION FINALISED	02/01/2017	20/12/2016	CONDITIONAL	04/07/2016	Daniel & Jennifer O'Donohoe	'South Lodge' Little Newtown Enniskerry Co Wicklow	1. two storey extension (313sqm) to existing dwelling (123sqm). 2 modifications to existing dwellin...	WICKLOW CO CO.
17472	INCOMPLETED APPLICATION				28/04/2017	Daniel & Jennifer O'Donohoe	South Lodge Little Newtown Enniskerry Co Wicklow	two storey dwelling house (328 sqm) to replace existing dwelling (123 sqm). decommissioning of exist...	WICKLOW CO CO.
17556	APPLICATION FINALISED	05/11/2017	26/10/2017	CONDITIONAL	17/05/2017	Daniel & Jennifer O'Donohoe	'South Lodge' Little Newtown Enniskerry Co Wicklow	1. New two storey dwelling house (328msq) to replace existing dwelling (123msq) 2. change of use of .	WICKLOW CO CO.
18854	INCOMPLETED APPLICATION				26/07/2018	Daniel & Jennifer O'Donohoe	South Lodge Little Newtown Enniskerry Co Wicklow A98 F295	two storey dwelling (334.5 sqm) to replace existing dwelling (123 sqm). septic tank and associated p...	WICKLOW CO CO.
18861	APPLICATION FINALISED	20/09/2018	13/09/2018	CONDITIONAL	27/07/2018	Daniel & Jennifer O'Donohoe	South Lodge Little Newtown Enniskerry Co Wicklow	two storey dwelling (334.5 sqm) to replace existing dwelling (123 sqm). new septic tank and associat...	WICKLOW CO CO.

File Number	Application Status	Decision Due Date	Decision Date	Decision Code	Received Date	Applicant Name	Development Address	Development Description	Local Authority Name
20769	APPLICATION FINALISED	05/10/2020	29/09/2020	CONDITIONAL	11/08/2020	Daniel O Donahue	South Lodge Little Newtown ,Enniskerry, Co Wicklow A98 F295	1. An amendment to previously granted planning permission ref. 18/861. condition no. 8 and in partic...	WICKLOW CO CO.
211153	APPLICATION FINALISED	15/11/2021	04/11/2021	CONDITIONAL	21/09/2021	Daniel O'Donohoe	South Lodge Little Newtown Enniskerry Co Wicklow A98 F295	an amendment to previously granted planning permission ref 20-769. permission sought to retain some ...	WICKLOW CO CO.

- ▶ All houses and farmyard within 100 metres of the site are on mains water supply. There are no adjacent farmyards within 100 meters of the proposed site affecting the Exempted development allowances.

◀

Yours faithfully,

A handwritten signature in black ink, reading "Christopher Kinghan". The signature is written in a cursive, flowing style.

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

Christopher Kinghan & Associates

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

Schedule of Documentation

Note all 1 copy unless stated

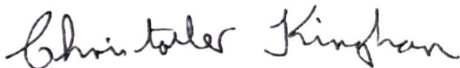
- Planning fee €80
- Application form

Note all 2 copies unless stated

- Letter re- Planning History & Source of water supply. Education certificates.
- Site Location Map Scale 1:2,500
- Proposed Farm/Site Layout Plan + contours Scale 1:500
- Construction Drawings for General Purpose Shed Scale 1:200
- Construction Drawings for Roofed Manure Pit Scale 1:200
- Standard specification and Safety notes
- Desktop Study - Stage 1 - Statement of Screening for Appropriate Assessment of a nearby Natura designated site. And Nutrient Management Plan
- Nutrient Management mapping 1:2,500

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

**WICKLOW COUNTY COUNCIL
CUSTOMER SERVICE**

29 SEP 2023

Time Received 11:10



**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: Daniel O Donohoe
Address of applicant: _____

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

2. Agents Details (Where Applicable)

- (b) Name of Agent (where applicable) Christopher Kinghan

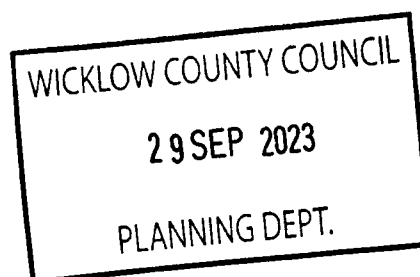
Address of Agent : Carricknagoan, Coolderry P.O. Carrickmacross,
Co. Monaghan.

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

3. Declaration Details

Location of Development subject of Declaration Little Newtown, Enniskerry, Co.
Wicklow.

i.



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 _____

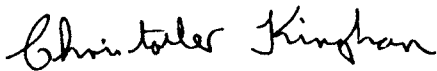
iv. Section 5 of the Planning and Development Act provides that : If any question arises as to what, in any particular case, is or is not development and is or is not exempted development, within the meaning of this act, any person may, on payment of the prescribed fee, request in writing from the relevant planning authority a declaration on that question. You should therefore set out the query for which you seek the Section 5 Declaration _Confirmation of Exempted development is sought for the Construction a General purpose shed to house stables, feed and fodder, a roofed manure pit and ancillary works (i.e. concrete yards, effluent tank - all for agricultural purposes only) in new farmyard utilising the existing farm road and public road entrance
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 Farm Structures - Class 6 - Class 10 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 See schedule of documentation

viii. Fee of € 80 Attached ? YES

Signed :  15th September 2023
Dated ~~27th April 2023~~

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.

Planning Pack Map

Nutrient management Plan 1



Tailte
Éireann

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

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CENTRE
COORDINATES:
ITM 722865,715978

PUBLISHED: 20/04/2023 ORDER NO.: 50330012_1

MAP SERIES: 1:2,500 MAP SHEETS: 3616-B

COMPILED AND PUBLISHED BY:
National Mapping Division of
Tailte Éireann,
Phoenix Park,
Dublin 8,
Ireland.
D08F6E4

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Red Line denotes site boundary
Blue Line denotes farm boundary
/extent of of the lands farmed by
the applicant.
Shaded green area = Farm area
for spreading manure etc
Brown shaded area excluded
area buildings , roads
watercourses
etc. for spreading manures etc

Newtown

SITE 'A'
18.18

0 25 50 75 100 metres
0 50 100 150 200 250 Feet

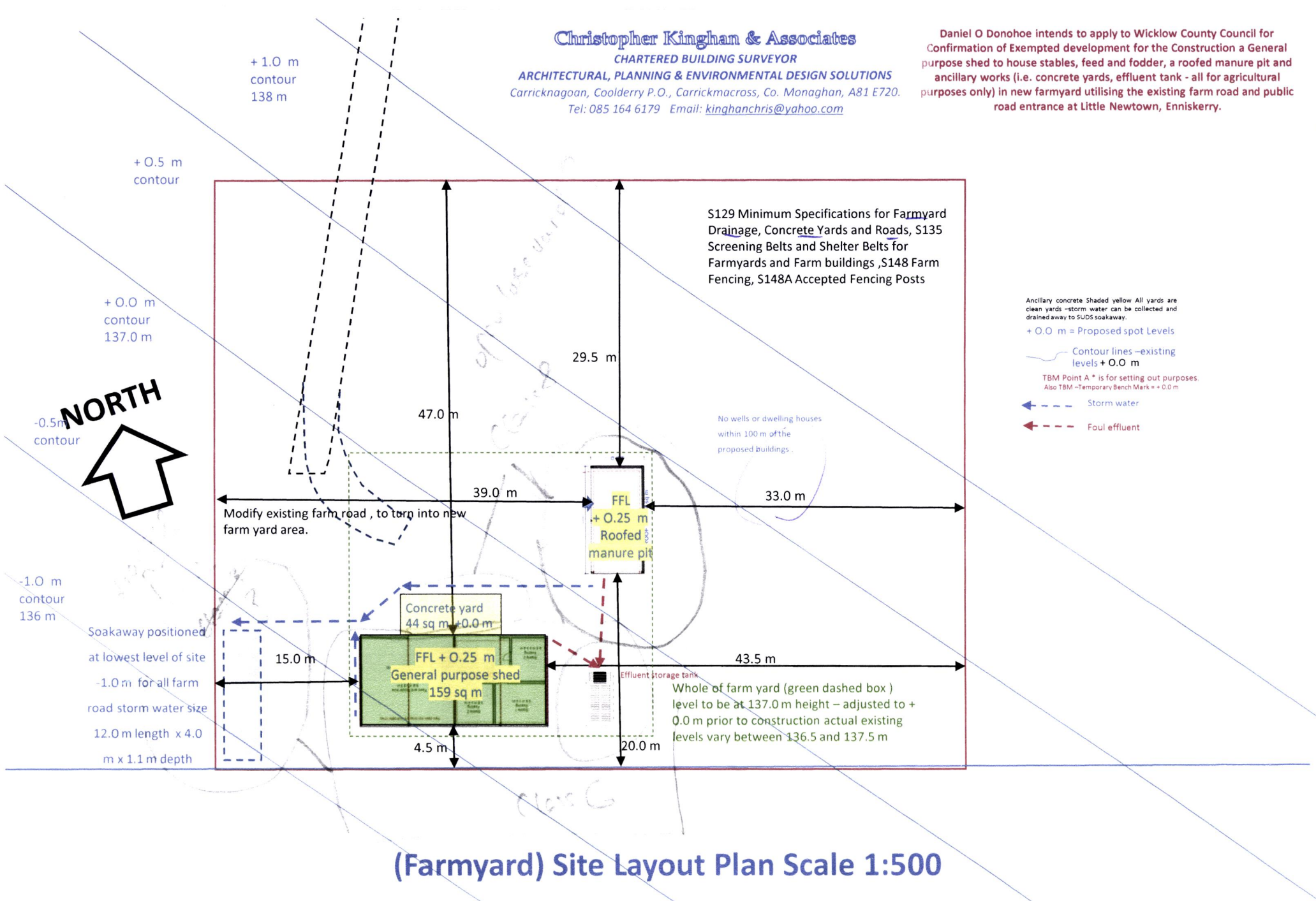
OUTPUT SCALE: 1:2,500

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.dail.ie, search 'Capture Resolution'

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

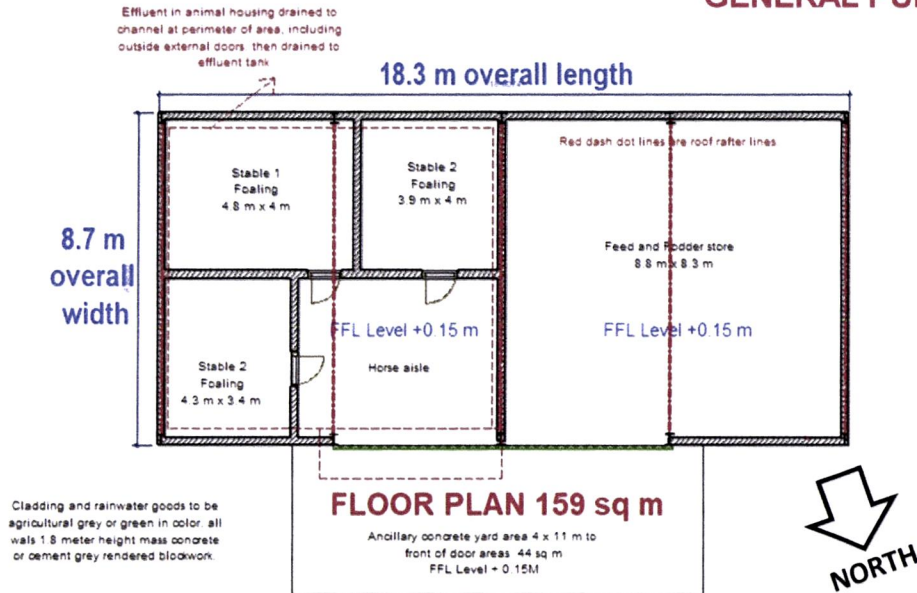


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(Farmyard) Site Layout Plan Scale 1:500

ELEVATIONS & PLAN DRAWINGS GENERAL PURPOSE SHED Scale 1:200



Have aisles wide enough to let 2 horses pass comfortably, at least 3.0 m wide

Have walls only slightly above door height in there so it all feels very open and the horses can groom each other over the walls if they want

Full height sliding doors on stalls, half walls or 'windows' so that horses can still put their heads into the aisle

Have lots of windows.

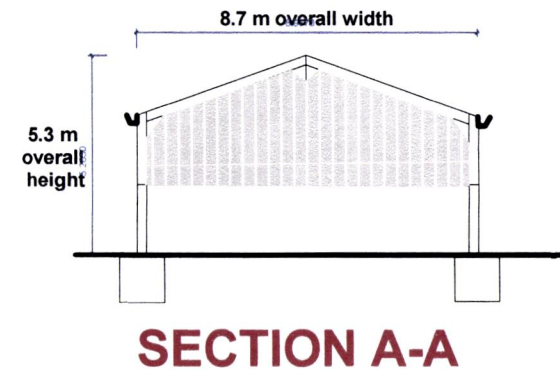
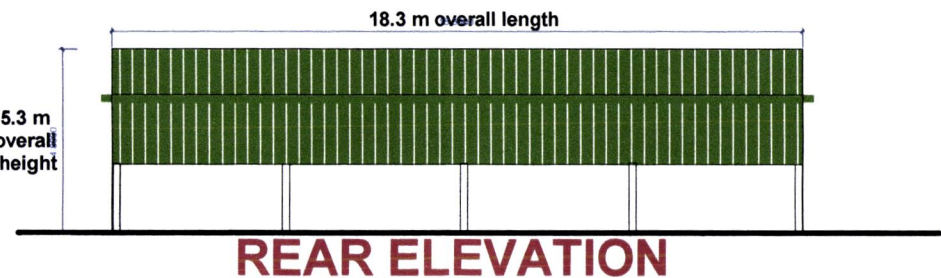
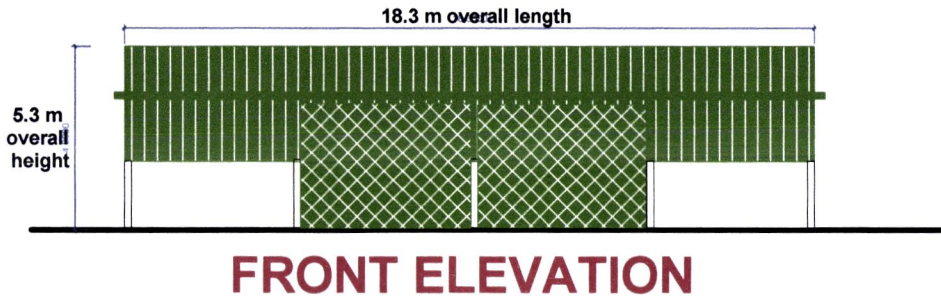
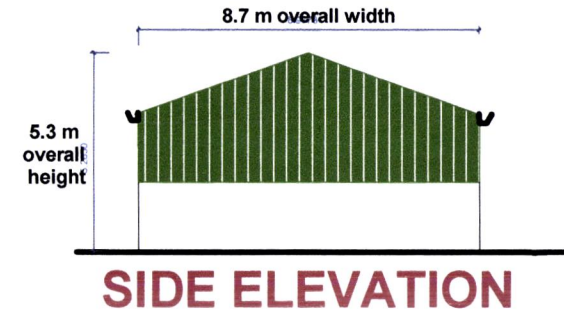
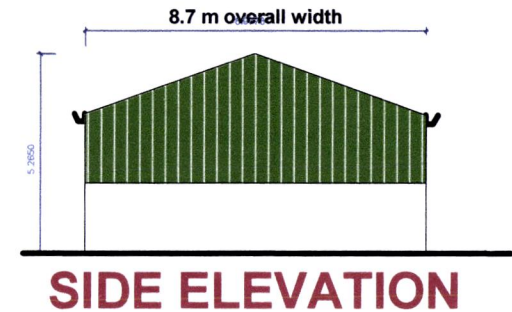
As much natural light as possible, weather permitting (using clear roofing). But install safety grid as Specification S101.

Ventilation to meet S 101 requirements.

Central service areas (task room/feed room/storerooms/office/wash stalls) rather than at one end or the other. Keeping feed, hay and bedding in the middle of the barn, especially in a large barn, means less travel distance (16 stalls or more).

Create a feed storage area that opens both to the outside of the barn for stocking and to the inside for removing, so there will be a constant rotation of hay/feed.

Have appropriate temperature controls – fans in hot summers and heating if winters get really cold

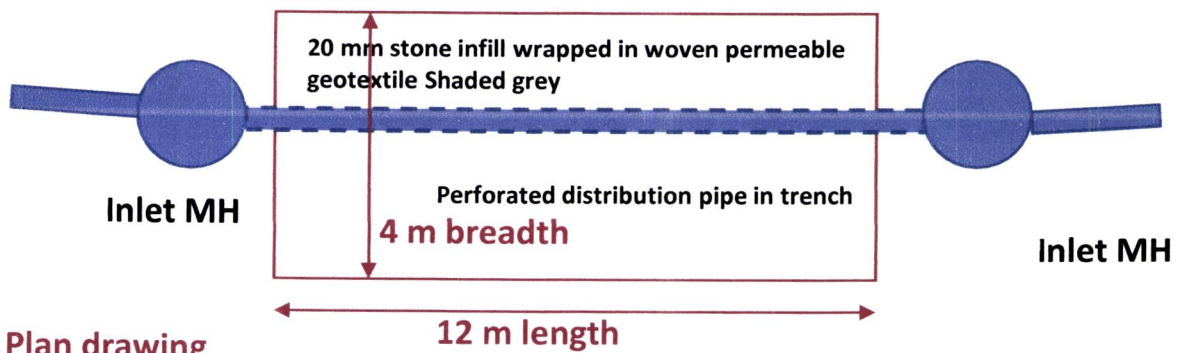


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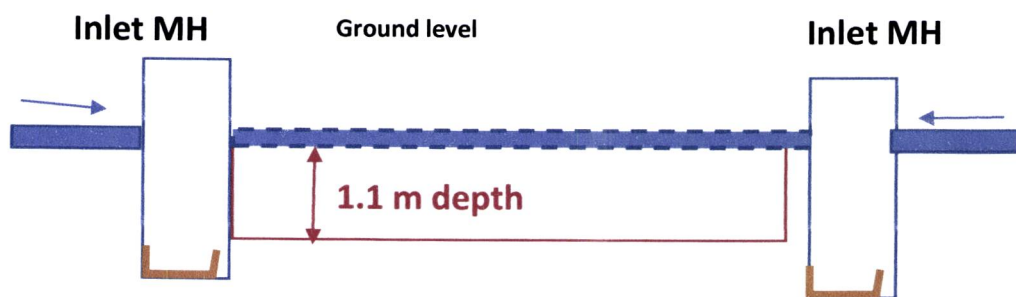
SUDS Soakaway trench design Schematic only.

Not to scale.



length breadth depth dimension determined in calculations.

20 mm stone infill wrapped in woven permeable geotextile Shaded grey



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

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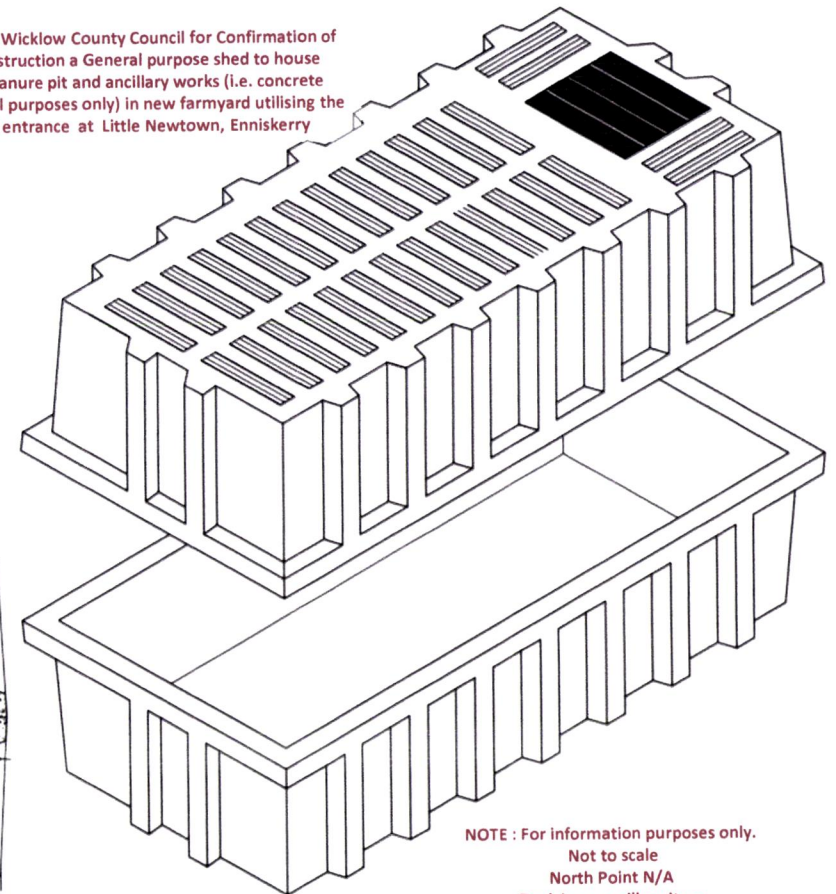
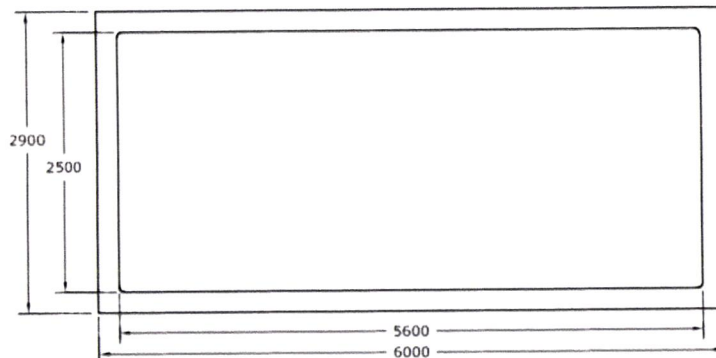
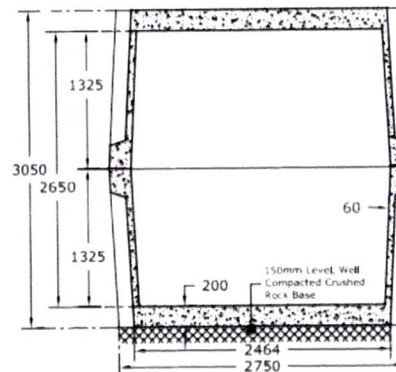
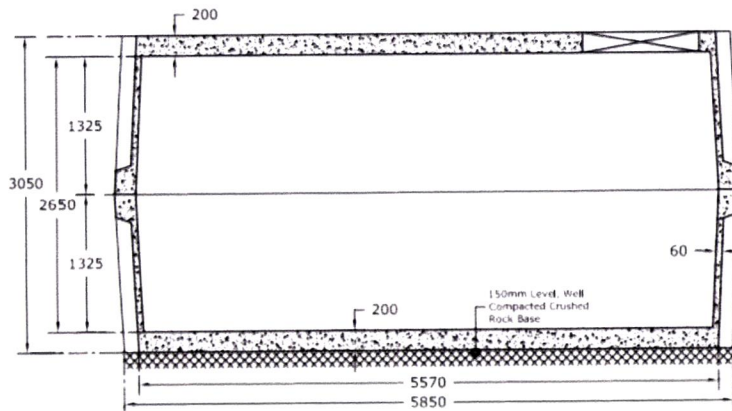
STANDARD ACCESS OPENING SIZES:

- 1400mm x 850mm
- 900mm x 600mm
- 600mm x 600mm

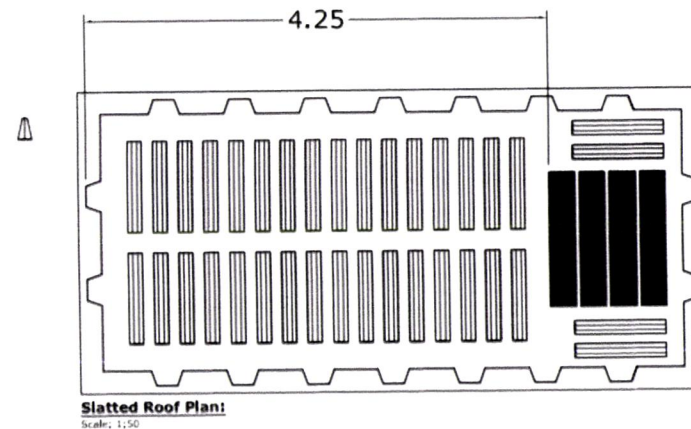
NON STANDARD SIZES ARE AVAILABLE ON REQUEST

STANDARD UNIT WEIGHTS:

- BASE UNIT: 13.5 tonnes
- ROOF UNIT: 12 tonnes



NOTE : For information purposes only.
Not to scale
North Point N/A
Tank is an ancillary item



EFFLUENT TANK Not to scale.