

WICKLOW COUNTY COUNCIL

**PLANNING & DEVELOPMENT ACTS 2000 (As Amended)
SECTION 5**

Director of Services Order No: 471/2023

Reference Number: EX 8/2023

Name of Applicant: Normund Godins

Nature of Application: Section 5 Referral as to whether "The intended placement of a polytunnel (metal hooped structure covered in plastic measuring 6.4m by 17m) at eastern end of agricultural land contained within Folio WW25930F" is or is not exempted development.

Location of Subject Site: Ballintruer More, agricultural land within Folio WW25930F

Report from Andrew Spencer AP & Suzanne White SEP

With respect to the query under Section 5 of the Planning & Development Act 2000 as to whether "The intended placement of a polytunnel (metal hooped structure covered in plastic measuring 6.4m by 17m) at eastern end of agricultural land contained within Folio WW25930F" is or is not exempted development within the meaning of the Planning & Development Act 2000 (as amended)

Having regard to:

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

Main Reasons with respect to Section 5 Declaration:

- i. The erection of a polytunnel for the purposes of agriculture is development having regard to the provisions of Section 3 of the Planning and Development Act 2000 (as amended).

- ii. The polytunnel would not come within the conditions and limitations as set out under Class 9, Part 3, Schedule 2 of the Planning and Development Regulations 2001 (as amended) in particular condition 5 refers.

Recommendation

The Planning Authority considers that "The intended placement of a polytunnel (metal hooped structure covered in plastic measuring 6.4m by 17m) at eastern end of agricultural land contained within Folio WW25930F" **is development and is not exempted development** as recommended in the planning reports.

Signed  Dated 10th day of March 2023

ORDER:

That a declaration to issue stating:

That "The intended placement of a polytunnel (metal hooped structure covered in plastic measuring 6.4m by 17m) at eastern end of agricultural land contained within Folio WW25930F" is development and is not exempted development within the meaning of the Planning & Development Acts 2000 (as amended).

Signed: 
Director of Services
Planning Development & Environment

Dated 13 day of March 2023



Comhairle Contae Chill Mhantáin Wicklow County Council

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

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

Normund Godins

10th March 2023

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

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

Exemption Ref No: EX 8/2023

Applicant: Normund Godins

Nature of Application: The intended placement of a polytunnel (metal hooped structure covered in plastic measuring 6.4m by 17m) at eastern end of agricultural land contained within Folio WW25930F

Location: Ballintruer More, agricultural land within Folio WW25930F

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.**



Comhairle Contae Chill Mhantáin Wicklow County Council

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

Applicant: Normund Godins

Location: Ballintruer More, agricultural land within Folio WW25930F

DIRECTOR OF SERVICES ORDER NO 471/2023

A question has arisen as to whether "The intended placement of a polytunnel (metal hooped structure covered in plastic measuring 6.4m by 17m) at eastern end of agricultural land contained within Folio WW25930F" is or is not exempted development.

Having regard to:

- The details submitted with the Section 5 Declaration.
- Sections 2, 3 and 4 of the Planning & Development Act 2000 (as amended).
- Schedule 2, Part 3, Class 9 of the Planning and Development Regulations 2001 (as amended).
- Article 6 & 9 of the Planning and Development Regulations 2001 (as amended).
- The planning history of the site and site observations.

Main Reasons with respect to Section 5 Declaration:

- The erection of a polytunnel for the purposes of agriculture is development having regard to the provisions of Section 3 of the Planning and Development Act 2000 (as amended).
- The polytunnel would not come within the conditions and limitations as set out under Class 9, Part 3, Schedule 2 of the Planning and Development Regulations 2001 (as amended) in particular condition 5 refers.

The Planning Authority considers that "The intended placement of a polytunnel (metal hooped structure covered in plastic measuring 6.4m by 17m) at eastern end of agricultural land contained within Folio WW25930F" is development and is not exempted development.

Signed

ADMINISTRATIVE OFFICER
PLANNING DEVELOPMENT & ENVIRONMENT

Dated 10th March 2023



**WICKLOW COUNTY COUNCIL
PLANNING DEPARTMENT**

Section 5 – Application for declaration of Exemption Certificate

REF: EX 8/2023
NAME: NORMUND GODINS
DEVELOPMENT: THE INTENDED PLACEMENT OF A POLLYTUNNEL (METAL HOOPED STRUCTURE COVERED IN PLASTIC MEASURING 6.4M BY 17M) AT EASTERN END OF AGRICULTURAL LANDS CONTAINED WITHIN FOLIO WW25930F
LOCATION: BALLYTRUER MORE, BALTINGLASS, CO. WICKLOW.

The Site:

The subject site is located in the open countryside 6km to the north of Baltinglass and 1km east of Stratford on Slaney on the eastern side of the N81 in the townland of Ballintruer More. The lands are accessed directly from the N81 by a double field gate entrance. The landholding has frontage along the N81 along its western boundary and there is a hardcore area in the south east corner of the lands accessed via a 180m stone access track. The subject site is contained within this eastern area and has been subdivided into smaller plots of varying sizes to facilitate a fruit/berry garden and vegetable patch. There are a number of small ancillary structures within the subject site to facilitate the aforementioned horticultural activities. These structures include mower sheds, compost shed, tool shed, supply storage shed and electric shed. The full list of structures and their sizes has been submitted with the application details. Their combined floor area is given as 96.33sqm.

Google Earth Image:



Planning History (subject site):

19125: Retention of agricultural yard with access laneway and placement of mobile house for use as storage. Refused. Reasons:

1. Detrimental impact on the visual amenities of the area, would result in the haphazard development of a rural location and would set an undesirable precedent for similar type proposals in the area. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.
2. Proposed would represent the consolidation of an un-authorised development at this location, would endanger public safety by reason of traffic hazard, would be contrary to Objective TR21 of the County Development Plan 2016-2022, would have a detrimental impact on the visual amenities of the area and would set an undesirable precedent for similar type proposals in the area. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.
3. Having regard to the location of the yard, its proximity to a small stream which has direct connectivity to a designated Natura 2000 site (Slaney River Valley Special Area of Conservation), the site vulnerability, and in the absence of any form of drainage infrastructure to manage/contain contaminated water and spillages generated on site, it is considered that inadequate information has been submitted to enable the planning Authority carry out a screening exercise to assess whether the proposed development can be screened out of having any adverse affect on the conservation status of the nearby designated Special Area of Conservation. The proposed development would therefore be prejudicial to public health, the proper planning and sustainable development of the area and the principles of the EU Habitats Directive 1992.

191019: Retention of widening of existing entrance, construction of an access laneway and yard, placement of a mobile house unit for recreational non residential use, all associated with current and future hobby farming activities to be performed. Refused. Reasons:

1. Detrimental impact on the visual amenities of the area, would result in the haphazard development of a rural location and would set an undesirable precedent for similar type proposals in the area. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.
2. Proposed would represent the consolidation of an un-authorised development at this location, would endanger public safety by reason of traffic hazard, would be contrary to Objective TR21 of the County Development Plan 2016-2022, would have a detrimental impact on the visual amenities of the area and would set an undesirable precedent for similar type proposals in the area. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.
3. Having regard to the location of the yard, its proximity to a small stream which has direct connectivity to a designated Natura 2000 site (Slaney River Valley Special Area of Conservation), the site vulnerability, and in the absence of any form of drainage infrastructure to manage/contain contaminated water and spillages generated on site, it is considered that inadequate information has been submitted to enable the planning Authority carry out a screening exercise to assess whether the proposed development can be screened out of having any adverse affect on the conservation status of the nearby designated Special Area of Conservation. The proposed development would therefore be prejudicial to public health, the proper planning and sustainable development of the area and the principles of the EU Habitats Directive 1992.

UD4928: Alleged unauthorised development comprising:

1. The placement and residential occupation of a mobile home in the south-eastern part this field.
2. The parking of non-agricultural vehicles in the form of cars and vans in the vicinity of the mobile home.

3. The laying of a hardcore surfaced roadway leading from the adjoining N.81 to the south-eastern part of this field and an ancillary hardcore surfaced storage area in that area.
4. The widening of the roadside entrance to this field onto the adjoining N.81 in a southerly direction to create a double bay gateway.

Case closed – above items addressed.

Question:

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

- 1) Placing of a polytunnel (metal hooped structure covered in plastic measuring 108sqm) at the eastern end of agricultural lands within Folio WW25930F.

Legislative Context:

Planning and Development Act, 2000 (as amended):

Section 2 Interpretation:

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

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

'Works' include *"Any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal..."*

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

(3) Subject to article 9, in areas other than a city, a town or an area specified in section 19(1)(b) of the Act or the excluded areas as defined in section 9 of the Local Government (Reorganisation) Act, 1985 (No. 7 of 1985), development of a class specified in column 1 of Part 3 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 3 opposite the mention of that class in the said column 1.

Article 9(1) Note see Regulations for full Article

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

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

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

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

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

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

Schedule 2 : Part 3

Part 3 (Classes 1-20) of Schedule 2 describes classes of development situated within the rural area which are exempted development, provided that such development complies with the associated conditions and limitations.

CLASS 9

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.

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 placing of a polytunnel (metal hooped structure covered in plastic of 108sqm) on existing agricultural lands involves works and therefore constitutes development.

The second assessment is to determine whether or not the works would be exempted development under the Planning and Development Act 2000 (as amended) or its associated Regulations.

The proposed polytunnel is to have an overall height of 3.35m and floor area of 108sqm. The proposed use of the polytunnel has not been explicitly stated. However having examined the planning history of the site, I am satisfied that the intended use is that of vegetable/fruit growing and is consistent with the existing horticultural activities on site.

The Planning and Development Act provides under Section 4 that the Minister may by regulations provide any class of development to be exempted development. To this end Part 3 Schedule 2 of the Planning and Development Regulations 2001 (as amended), provides for Exempted Development Classes with respect to rural development. Class 9 is the relevant class in this regard.

Schedule 2, Pt.3 Class 9 checklist

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.	Structure to be used for fruit/vegetable growing (horticultural purposes).
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	Yes – structure to be used for horticultural purposes.
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.	Structure is c. 108sqm. Total area in combination with existing structures within complex does not exceed 900sqm.
3. No such structure shall be situated within 10 metres of any public road.	Structure is over 10m from the public road
4. No such structure within 100 metres of any public road shall exceed 8 metres in height.	Structure is below 8m.
5. No such structure shall be situated within 100 metres of any house (other than the house of the person providing the structure) or other residential building or school, hospital, church or building used for public assembly, save with the consent in writing of the owner and, as may be appropriate, the occupier or person in charge thereof.	No consent in writing submitted. Structure to be located within 100m of dwelling to south west. Distance to nearest dwelling shown as 71.8m on submitted drawing sheet no. B04.
6. No unpainted metal sheeting shall be used for roofing or on the external finish of the structure	No metal sheeting to be used in the construction of the polytunnel.

Article 9 provides a number of restrictions to the exemptions set out under Schedule 2, and the relevant restrictions are examined below:

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

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

Having reviewed the Dk for UD 4923 and visited the site on 2/3/23, I note that the existing access to the site is unauthorised.

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

~~Given the existing small scale agricultural use, it is unlikely to give rise to a traffic hazard over the normal usage of the lands for agriculture.~~ *Having regard to the unauthorised entrance and its proximity to a junction, I consider that the proposal may result in a traffic hazard.*

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

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

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

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

Recommendation:

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

The placing of a polytunnel (metal hooped structure covered in plastic measuring 108sqm) at the eastern end of agricultural lands within Folio WW25930F

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

The Planning Authority considers that:

The erection of a polytunnel of 108sqm for horticultural use is development and is **NOT** exempted development.

Main Considerations with respect to Section 5 Declaration:

- The details submitted with the Section 5 Declaration.
- Sections 2 , 3 and 4 of the Planning and Development Act 2000 (as amended)
- Schedule 2, Part 3 , Class 9 of the Planning and Development Regulations 2001 (as amended)
- Article 6 & 9 of the Planning and Development Regulations 2001 (as amended).
- The planning history of the site and site descriptions.*

Main Reasons with respect to Section 5 Declaration:

- The erection of a polytunnel for the purposes of agriculture is development having regard to the provisions of Section 3 of the Planning and Development Act 2000 (as amended).
- The polytunnel would not come within the conditions and limitations as set out under Class 9, Part 3, Schedule 2 of the Planning and Development Regulations 2001 (as amended) in particular condition 5 refers.

Andrew Spencer
Andrew Spencer
Assistant Planner

7/3/2023

Agreed as amended
8/3/23

Agreed as Modified
13/3/23



Site visit 8/3/23
Sullivan

MEMORANDUM

WICKLOW COUNTY COUNCIL

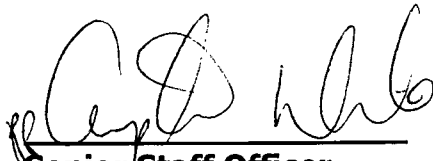
TO: Andrew Spencer
Assistant Planner

FROM: Crystal White
Assistant Staff Officer

**RE:- EX 8/2023 - Declaration in accordance with Section 5 of the
Planning & Development Acts 2000 (as amended)**
**The intended placement of a pollytunnel (metal hooped structure covered
in plastic measuring 6.4m by 17m) at eastern end of agricultural lands
contained within Folio WW25930F**

I enclose herewith for your attention application for Section 5 Declaration
received 15th of February 2023.

The due date on this declaration is the 14th of March 2023.



Senior Staff Officer
Planning Development & Environment



Comhairle Contae Chill Mhantáin Wicklow County Council

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

Áras An Chontae / County Buildings
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20/02/2023

Normund Godins

RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended). Ex 8/2023

The intended placement of a pollytunnel (metal hooped structure covered in plastic measuring 6.4m by 17m) at eastern end of agricultural lands contained within Folio WW25930F

A Chara

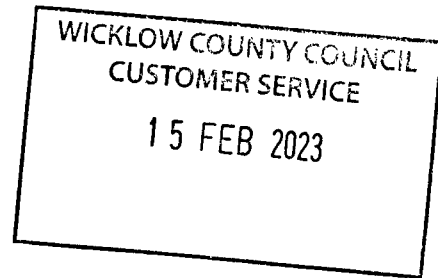
I wish to acknowledge receipt on the 15th of February 2023 details supplied by you in respect of the above section 5 application. A decision is due in respect of this application by 14/03/2023.

Mise, le meas



**SENIOR EXECUTIVE OFFICER
PLANNING DEVELOPMENT AND ENVIRONMENT**

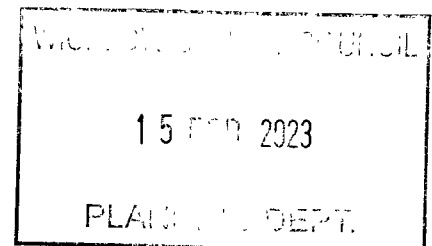




Wicklow County Council
County Buildings,
Station Road,
Whitegates,
Wicklow,
A67 FW96

11 February, 2023

RE: Section 5 Application Polytunnel



Dear Sir/ Madam,

I am hereby applying for a Section 5 declaration relating to the intended placement of a polytunnel (metal hooped structure covered in plastic measuring 6.4m by 17m) at the eastern end of agricultural lands contained within Folio WW25930F.

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

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

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

As such, it is understood the placement of a polytunnel comprising 108sqm can also be considered exempt development. In addition the current use of the plot intended for placement of said polytunnel is that of a vegetable patch.

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

Table 1 Schedule of Class 9 Structures

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

The following table outlines the dimensions of the proposed polytunnel.

Table 2 Proposed Polytunnel dimensions

	Length (m)	Width (m)	sqm
Polytunnel	17	6.4	108.80

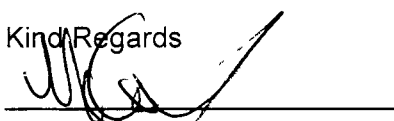
Taking the existing and proposed structures into consideration the total gross floor area of Class 9 structures will comprise that of 205.13sqm.

For further detail with regard to placement of the polytunnel refer to the following enclosed documents

- Polytunnel Elevations/ Plan
- Area Location Map
- 1:2500 Location Map
- 1:700 Location Map

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

Kind Regards



Normund Godins

Wicklow County Council
County Buildings
Wicklow
0404-20100



15/02/2023 10 20 32

Receipt No L1/0/308741
***** REPRINT *****

Normund Godins
Ballintruer More
Stratford On Slaney
Baltinglass
Co Wicklow

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

Total	80 00 EUR
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Tendered	
Bank Draft	80 00
Normund Godins	

Change	0 00
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Fee Received _____

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

1. Applicant Details

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

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

2. Agents Details (Where Applicable)

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

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

3. Declaration Details

i. **Location of Development subject of Declaration:**
Placement of a polytunnel at eastern end of lands contained within Folio H31259301

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

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

I intend to place a polytunnel (metal hooped structure covered in plastic measuring 1688sqm) at the eastern end of agricultural lands contained within Folio H31259301 prior in doing so, I am seeking confirmation the placement of the polytunnel would constitute exempted development.

Additional details may be submitted by way of separate submission.

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

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

Additional details may be submitted by way of separate submission.

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

No

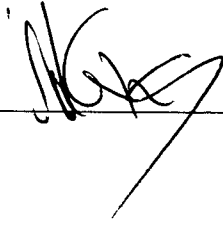
vii. List of Plans, Drawings submitted with this Declaration Application

- Polytunnel Elevations/ Plan with Dimensions
- 1:700 Location Map
- 1:2500 Location Map
- Area Location Map

viii. Fee of € 80 Attached ?

Bank Draft payable to Wicklow County Council enclosed

Signed :



Dated :

11/2/2023

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 -

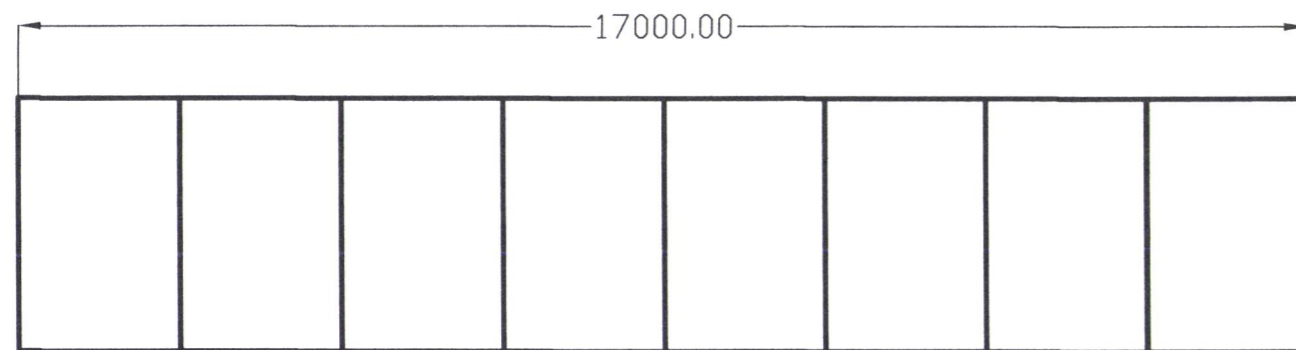
The provisions of Article 8 of the Planning and Development Regulations 2001 (as amended) now applies to land reclamation, other than works to wetlands which are still governed by Schedule 2, Part 3, Class 11. Note in addition to confirmation of exemption status under the Planning and Development Act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

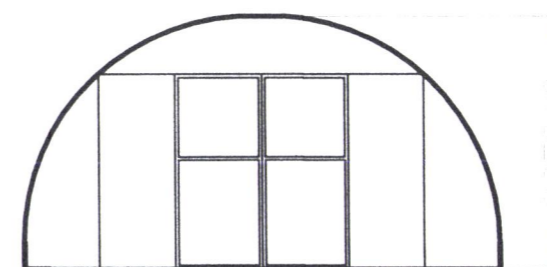
Any Section 5 Declaration should include a location map delineating the location of and exact area of lands to be reclaimed, and an indication of the character of the land.

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

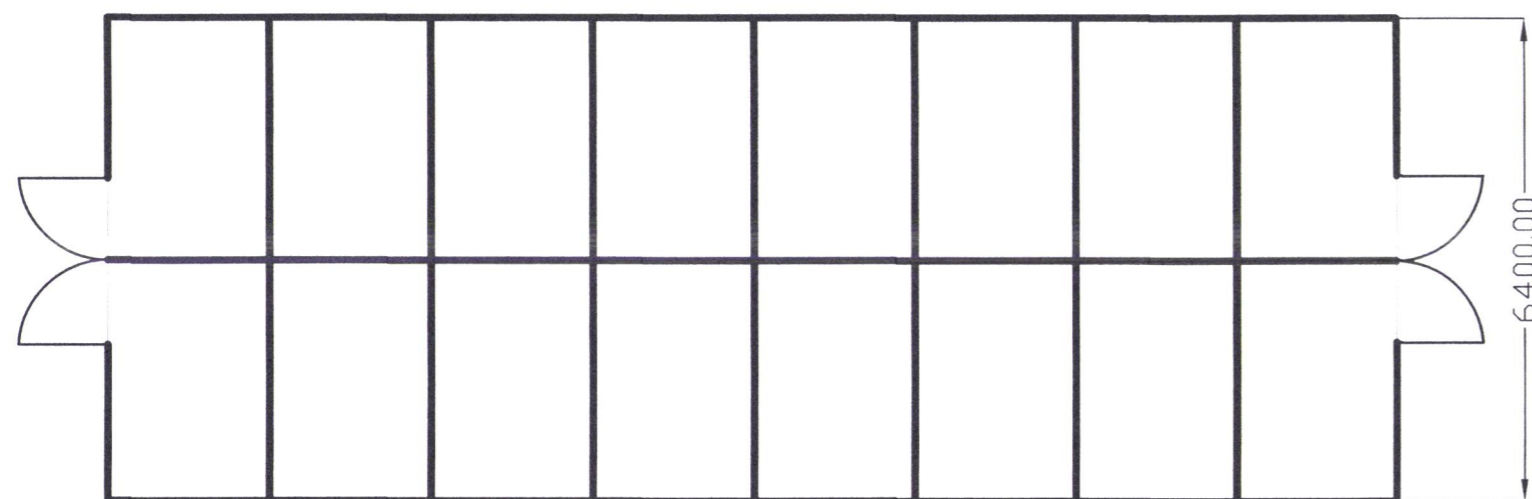
- Site layout plan showing location of structure and any adjoining farm structures and any dwellings within 100m of the farm structure.
- Gross floor area of the farm structure
- Floor plan and elevational details of Farm Structure and Full details of the gross floor area of the proposed structure.
-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



Side Elevation East/West



Front/Back Elevation North/South



Plan



Visual representation of
polytunnel from supplier's website

General Notes

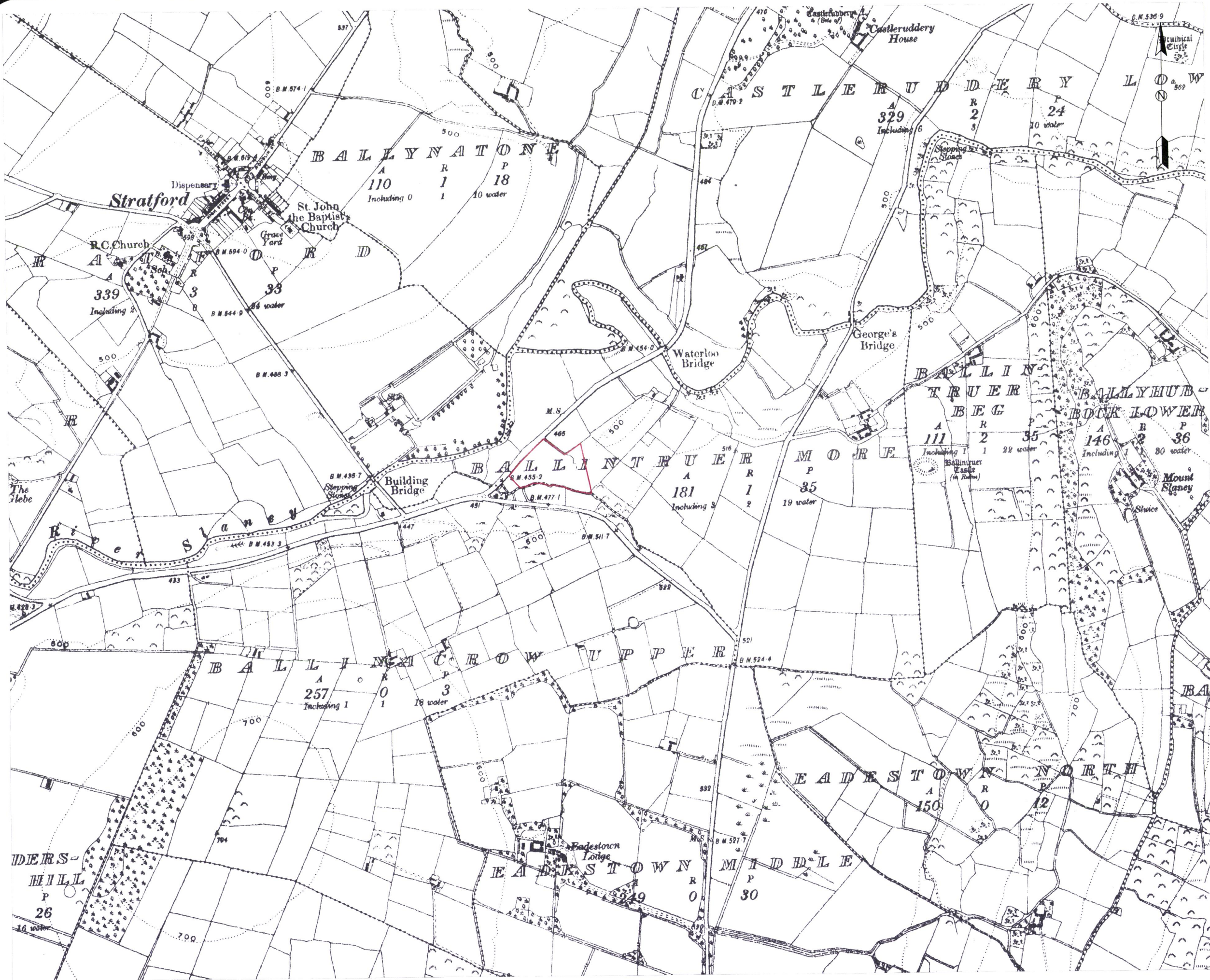
Polytunnel dimensions shown
across

No.	Revision/Issue	Date

Sheet Name

Project Name and Address
Polytunnel
Ballintruer More
Stratford on Slaney
Baltinglass

Project Exemption	Sheet B_01
Date 08.02.2023	
Scale As Noted	



General Notes

Red line indicates the
boundary of Folio
WW25930F

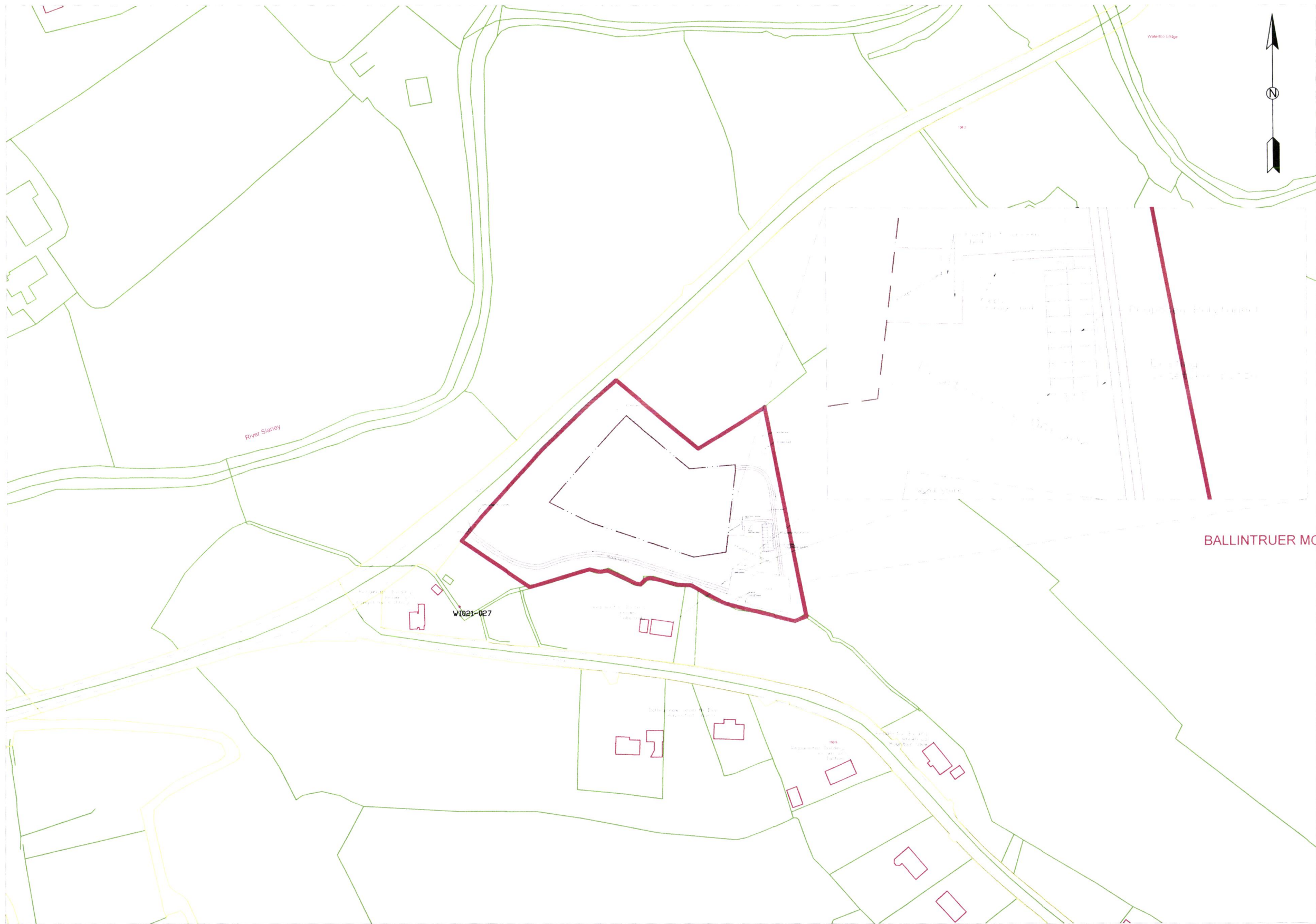
No.	Revision/Issue	Date

Sheet Name

Project Name and Address

Polytunnel
Ballintruer More
Stratford on Slaney
Baltinglass

Project	Exemption	Sheet
Date	08.02.2023	B_02
Scale	As Noted	



General Notes

Shown across is a layout of the current sitting of the lands at Ballintruer More.
Blown up detail of proposed polytunnel placement shown also

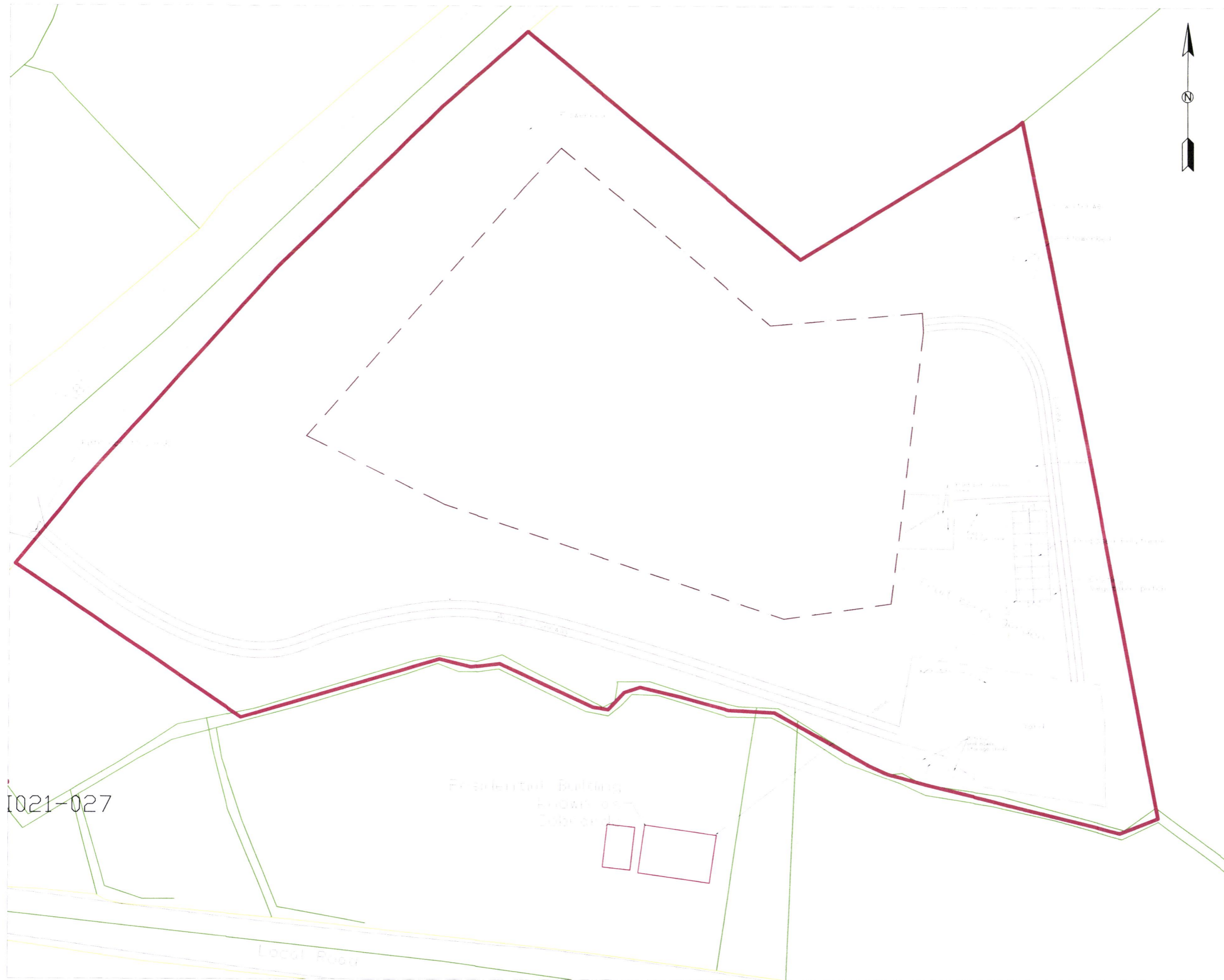
No.	Revision/Issue	Date

Sheet Name

Project Name and Address

Polytunnel
Ballintruer More
Stratford on Slaney
Baltinglass

Project	Exemption	Sheet B_03
Date	08.02.2023	
Scale	As Noted	



General Notes

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

Proposed location of Polytunnel greenhouse is shown on the eastern portion of the lands.

No.	Revision/Issue	Date

Sheet Name

Project Name and Address

Polytunnel
Ballintruer More
Stratford on Slaney
Baltinglass

Project	Exempt	Sheet
Date	08.02.2023	B_04
Scale	As Noted	