



Planning and Development Acts 2000 to 2018

Planning Authority: Wicklow County Council

Planning Register Reference Number: EX 41/18

WHEREAS a question has arisen as to whether the erection of an agricultural shed at Newcastle Farm, Newcastle, County Wicklow is or is not development or is or is not exempted development:

AND WHEREAS Gildas Ó Laoire care of Gareth P. Maguire of 7 Saint James Terrace, Malahide, County Dublin requested a declaration on the question from Wicklow County Council and the Council issued a declaration on the 23rd day of August, 2018 stating that the matter is development and is not exempted development:

AND WHEREAS Gildas Ó Laoire referred the declaration for review to An Bord Pleanála on the 18th day of September, 2018:

AND WHEREAS An Bord Pleanála, in considering this referral, had regard particularly to –

- (a) sections 2, 3, 4 and 4(1)(a) of the Planning and Development Act, 2000, as amended, and
- (b) articles 6 and 9 of the Planning and Development Regulations, 2001, as amended, and Part 3 of Schedule 2 to those Regulations, including Class 9 and the conditions and limitations applicable:

AND WHEREAS An Bord Pleanála has concluded that -

- (a) the works constitute development, being works which come within the scope of section 3(1) of the Planning and Development Act 2000,
- (b) the subject shed is in agricultural use for the purposes of apiculture, and
- (c) the subject agricultural shed is located within 88 metres of an existing dwelling which is not in the ownership of the applicant seeking the Declaration, the shed therefore does not comply with the provisions of Limitation number 5 of Class 9 of Part 3 of Schedule 2 of the Planning and Development Regulations, as amended:

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5 (3) (a) of the 2000 Act, hereby decides that the erection of an agricultural shed at Newcastle Farm, Newcastle, County Wicklow is development and is not exempted development.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Maria FitzGerald

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this day of 2019.