

Gildas O Laoire  
64 Dakota Court  
Royal Canal Bank  
Dublin 7

RE: Referral under Section 5

<b>AN BORD PLEANÁLA</b>	
TIME <u>14.47</u>	BY <u>hand</u>
<b>18 SEP 2018</b>	
LTR DATE _____	FROM <u>LC</u>
PL _____	

<b>AN BORD PLEANÁLA</b>	
Received: <u>18-09-18</u>	
Fee: <u>€220 card.</u>	
Receipt No: <u>LG-008439-18</u>	

The subject matter of my appeal is the question over agricultural use of the shed and the minor breach regarding distance to the nearest dwelling.

The nature of the proposed development is apiculture. I bought the land and existing farm shed with a view to developing a beekeeping business and pollination service. I purchased the 3 acre site in July 2017, the agricultural shed was built by the vendor in 2014. My solicitor was furnished with a certificate of exception under class 9 development.

Location of development.

Newcastle farm Church Lane Newcastle Co. Wicklow.

Folio WW38283F and WW31334F

coordinates XY 728999,703218.

A63HN70

Wicklow County Council

Exemption Reference 41/18

Grounds for appeal.

With regard to the planning authority's point A on having not shown that the shed is in agricultural use, I accept that no evidence of the agricultural use of the shed was included in my section 5 application.

The information requirements requested on the form as I understood it were for floor area plan elevations and site layout plans. The Wicklow County Council Section 5 Application form does not seem to request information regarding the use for the agri shed. As it was not specifically requested it did not occur to me to include evidence of the agricultural activities on the farm. This may constitute an oversight by me in the understanding of the process, but I would also argue that the information required was not clearly stated. In this appeal I wish to have the information that had not been original included considered.

The agricultural activity planned for the building and the surrounding land and forestry is beekeeping and its related products and processes. We produce honey as well hives and bee colonies for sale. Summer 2018 is our first active summer since the purchase of the farm and existing shed in July 2017. Within the building it is planned to create spaces for the extraction and for the required storage and record keeping and administration. Work space is planned for the making, maintaining and storage of hives and equipment. Bee hives and equipment are being made and the "honey kitchen" for extraction and bottling is started. In our planning we are guided by principles and best practice as set out in the



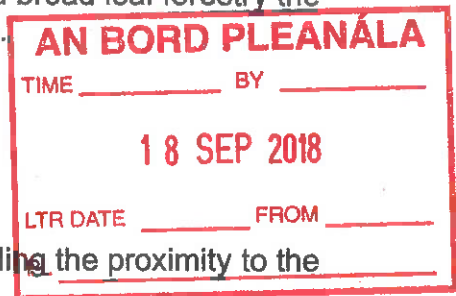
Teagasc booklet "Profitable Beekeeping" and other Dept. of Agriculture documents. This is essential in order both to obtain licences and to be eligible for Dept of Ag. grants and supports. It is planned to have all these facilities in place, to Dept. of Ag., standards by next Spring.

Once established we plan to develop the Agrltourism side of the business . Minister for Agriculture Michael Creed said in the Dail on May 2nd 2017 "My department provides a range of supports to encourage beekeepers and beekeeping organisations recognising the important role bees play within agriculture and for biodiversity as both pollinators and honey producers".

We have a five year plan in place which aims to have 60 active hives in place by 2023. It was planned to have 5 bee colonies (hives) in place in Spring working towards 10 colonies by Autumn . The 5 colonies, in common with bee hives all over the country, did not survive the harsh Spring. However all is not lost as can be seen in the attached images. There are 8 hives developing well and this is still a feasible basis for our planned 60 hives.

Outside a programme of bee friendly planting has begun One hundred deciduous native trees were planted. Due to late planting (ground frozen) followed by drought almost 50% were lost. An acre of wild flower meadow was planted with very limited success due to conditions

but the seeds are sown for the Spring. Our farm is particularly well situated in terms of available forge for our bees being surrounded by heather and broad leaf forestry the colonies introduced this summer increased a impressive rate.



With regard to point B of the planning authority's letter regarding the proximity to the nearest dwelling being less then 100mts.

It is crucial to note that the building was in place when I bought the land. I accepted from the vendor the declaration by Architect. Pat O Connor, that the building was a compliant Class 9 agricultural building. The declaration was supplied along with all other legal documents by the vendors solicitor and nether I or my solicitor I had any reason to doubt this certificate As the nearest house is not visible from the building and due to the undulating and craggy nature of the site it is not easy to judge the distance. The shed is built in a quarry which is 1.8 mts below the surrounding fields a and is not visible from the surrounding dwellings or roads.However as the normal arbiter of distance is Ordinance Survey I am now aware that Google Earth shows the longest distance between the buildings as 96.57mts. and the shortest distance as 88.63mts.

The Planning Enforcement officials who visited the farm and inspected the building on Feb 27 described in there final report that breach was so minor as to not warrant further action and the case was closed. It was recommended to me by the council to purse the section 5 process which I hoped could declare the building as exempted development due to the fact that It did comply to five of the six criteria for class 9 development and were it failed in the sixth the breach was so minor as not to warrant action. I wish to state again that the breach is not of my doing as I bought the property in good faith. I,m now left in the unfortunate situation of being unable to apply for an essential agricultural water supply as Irish Water request the declaration of exemption as well as being unable to insure a very expensive well made building which is key to success or failure of our agricultural enterprise.



Although I have no grounds to appeal the 10.37mts short fall in the legal requirements of the development I request only that the minor nature of the breach be considered and overlooked as we do constitute sustainable development that is conducted without depletion of natural resources.

Mise le meas

Gildas O'Leaire

Owner of Newcastle Farm Raw Forest Honey and Hives.

Documents attached.

1. Acknowledgement by planning authority or receipt of submission.
2. Letter from planning authority listing main reasons with respect to Section 5 declaration
3. Drawings and site plans of development.
4. goggle earth scans showing distance from nearest dwelling.
5. Images taken on the farm showing the current agricultural use of shed and land.
6. copy of declaration of exemption supply from the vendor in July 2018.

<b>AN BORD PLEANÁLA</b>	
TIME _____	BY _____
<b>18 SEP 2018</b>	
LTR DATE _____	FROM _____
PL _____	





**Comhairle Contae Chill Mhantáin**  
**Wicklow County Council**

Áras An Chontae / County Board  
Cill Mhantáin / Wicklow  
Guthán / Tel. (0404) 20148  
Faics / Fax: (0404) 69467  
Rphost / Email: plandev@wickl  
Sulomh / Website: www.wickl

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

31<sup>st</sup> July 2018

Garreth P Maguire  
Chartered Accountant,  
7 St James Terrace,  
Malahide  
Co Dublin

**AN BORD PLEANÁLA**

TIME \_\_\_\_\_ BY \_\_\_\_\_

**18 SEP 2018**

LTR DATE \_\_\_\_\_ FROM \_\_\_\_\_

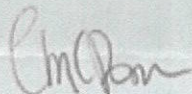
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**Re: Application for Certificate of Exemption under Section 5 of the  
Planning and Development Acts 2000 (as amended) – Ex  
41/18 – Gildas O’Laoire – Newcastle Farm, Newcastle.**

**A Chara,**

I wish to acknowledge receipt of your application for a Section 5 Declaration received on the 31<sup>st</sup> July 2018. I am to advise that this is presently receiving consideration and a decision is due on this application on the **27th August 2018**

**Mise le meas**



**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 Building  
Cill Mhantáin / Wicklow  
Guthán / Tel: (0404) 20148  
Faisc / Fax: (0404) 69462  
Ríphost / Email: [plandev@wicklow.gov.ie](mailto:plandev@wicklow.gov.ie)  
Suíomh / Website: [www.wicklow.gov.ie](http://www.wicklow.gov.ie)

27<sup>th</sup> August 2018

Garreth P Maguire  
Chartered Accountant  
7 St James Terrace  
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Co Dublin

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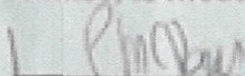
RE: Declaration in accordance with Section 5  
of the Planning & Development Acts 2000 - 2011

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: 41/18  
Applicant: Gildas O'Laoire  
Nature of Application: the erection of an agricultural structure  
Location: Newcastle Farm, Newcastle.

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

Encl.

REG POST





# Comhairle Contae Chill Mhantáin Wicklow County Council

Áras An Chontae / County Du  
Cill Mhantáin / Wicklow  
Guthán / Tel: (0404) 20148  
Facs / Fax: (0404) 69462  
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Suíomh / Website: www.wickl

Forbairt Pleanála agus Comhshaol  
Planning Development and Environment

**AN BORD PLEANÁLA**

TIME \_\_\_\_\_ BY \_\_\_\_\_

**18 SEP 2018**

LTR DATE \_\_\_\_\_ FROM \_\_\_\_\_

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

Applicant: Gildas O'Laoire  
Location: Newcastle Farm, Newcastle

**DIRECTOR OF SERVICES ORDER NO. 1559/18**

A question has arisen as to whether or not the erection of an agricultural structure is or is not exempted development.

Having regard to:

- i) The details submitted on the 31<sup>st</sup> July 2018 with the S5 declaration application
- ii) Sections 2, 3, and 4 of the Planning and Development Act 2000, as amended,
- iii) Article 6, 9 and Schedule 2 Part 3 Class 9 of the Planning and Development Regulations 2001, as amended,
- iv) An Bord Pleanála S5 Declaration reference no. RL 3206

### Main Reasons with respect to Section 5 Declaration:

A. The applicant for the declaration has not shown that the shed has been used/ was provided for agricultural purposes or that it is currently in agricultural use, and therefore the structure does not comply with Condition and Limitation No. 1 of Class 9 of Part 3 of Schedule 2 of the Planning and Development Regulations, 2001, as amended.

B. The structure is located within c. 88m of an existing dwelling which is not in the ownership of the applicant seeking the Declaration, and therefore the structure does not comply with Limitation No. 5 of Class 9 of Part 3 of Schedule 2 of the Planning and Development Regulations, 2001, as amended.

The Planning Authority considers that the erection of an agricultural structure is development but is not exempted development.

Signed: 

ADMINISTRATIVE OFFICER  
PLANNING DEVELOPMENT & ENVIRONMENT

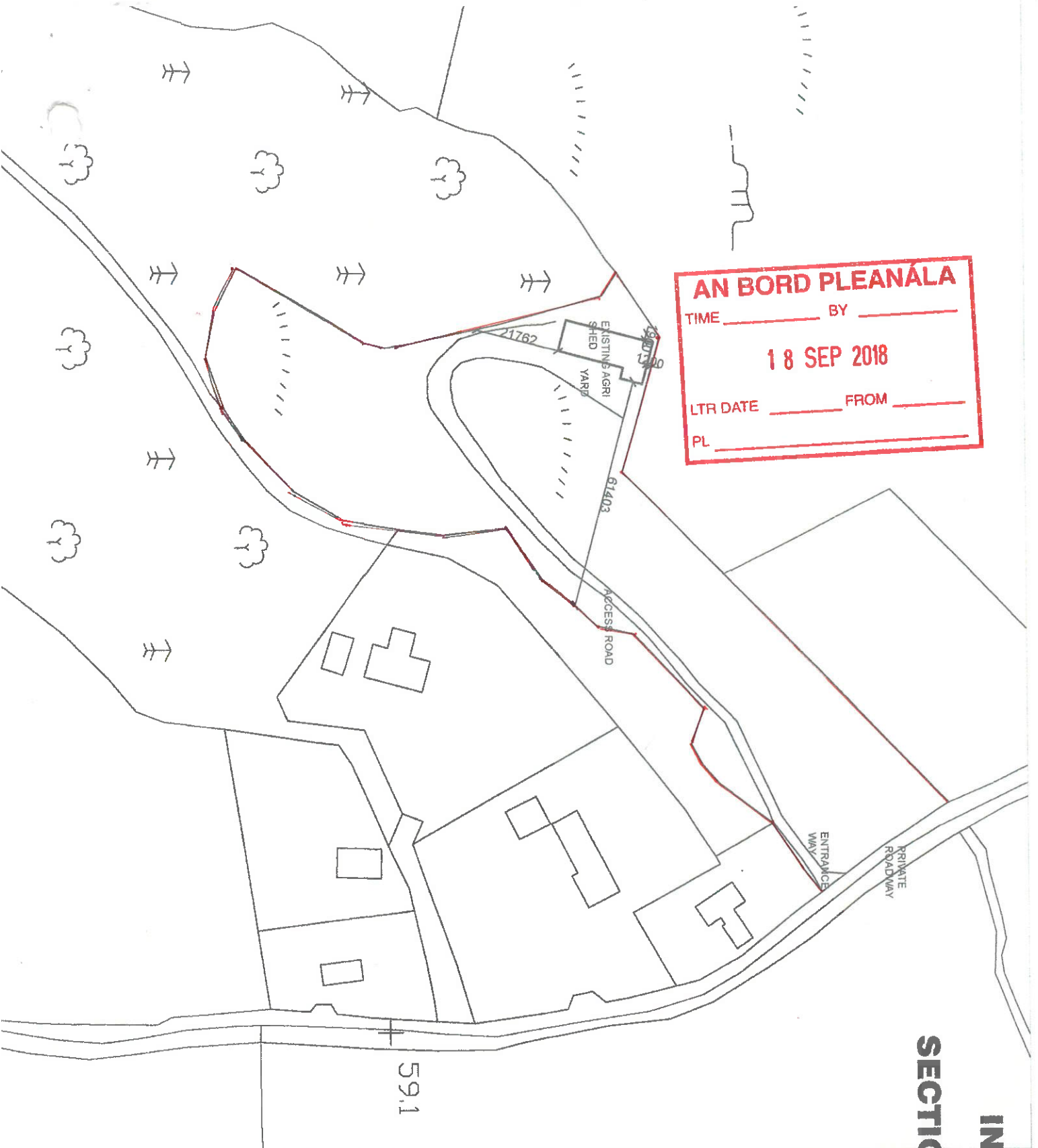


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# SECTION 5 - PLANNING ISS

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**AN BORD PLEANÁLA**  
 TIME \_\_\_\_\_ BY \_\_\_\_\_  
**18 SEP 2018**  
 LTR DATE \_\_\_\_\_ FROM \_\_\_\_\_  
 PL \_\_\_\_\_



**RIBA**  
 CHARTERED MEMBER

NO.	REVISION	DATE	BY
1	GENERAL AMENDMENTS		

**STUDIO MUA**  
 CHARTERED ARCHITECTS  
 CONSULTANTS

28 ST. ANNE'S TERRACE  
 DUBLIN 8  
 TEL: 01 454 7728  
 FAX: 01 454 7728  
 EMAIL: info@studio-mua.com

Project: NEWCASTLE FARM  
 NEW CASTLE  
 Title: EXISTING SITE LOCATION PLAN  
 Client: OLAOIRE  
 Dwg No: P070-P41-001  
 Scale: 1:1000  
 Date: 01/06/2018  
 Issue: 01  
 Rev: A

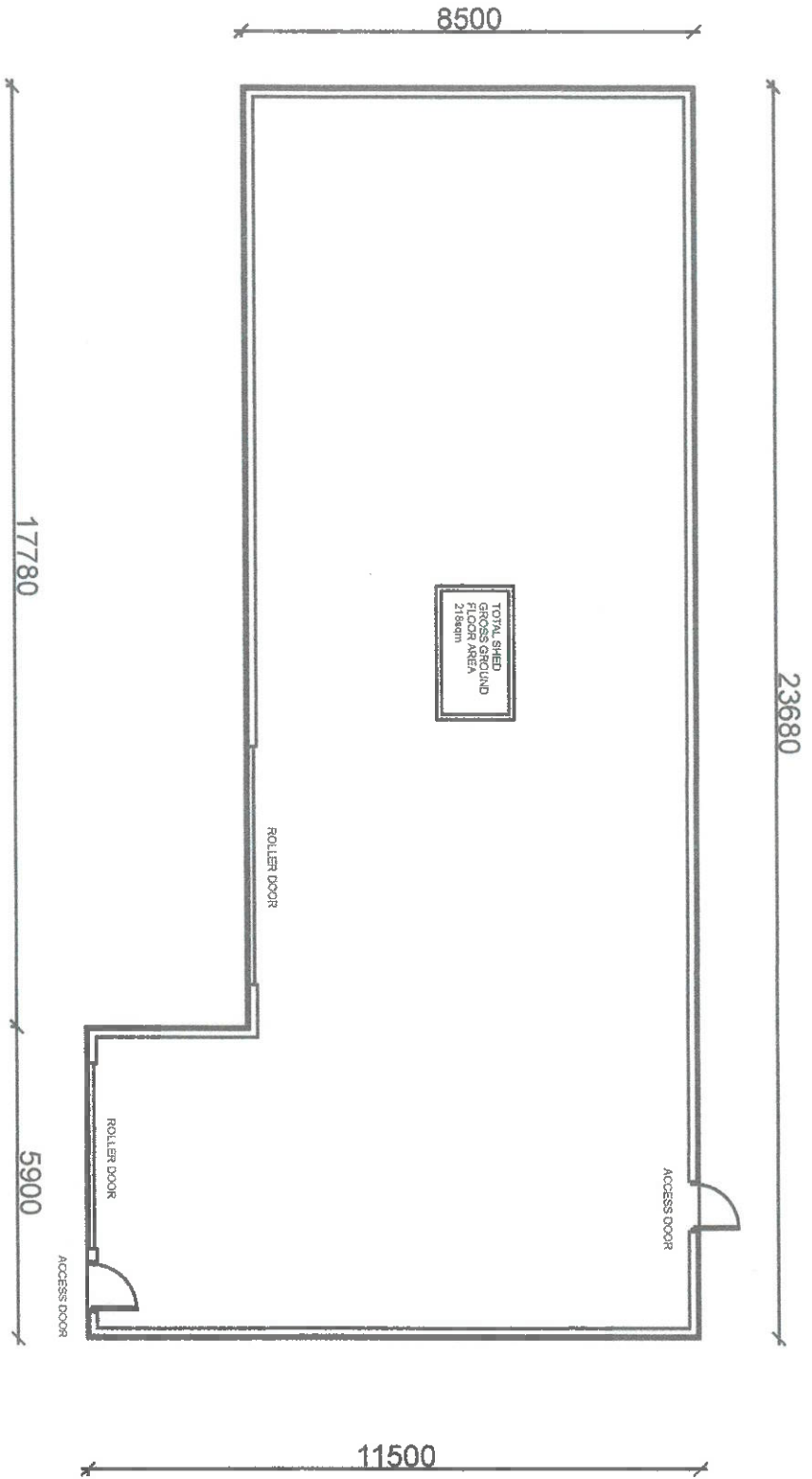




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# INFORMATION-ONLY

## SECTION 5 PLANNING -ISS



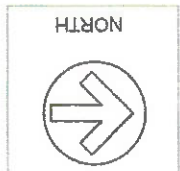
**AN BORD PLEANÁLA**

TIME \_\_\_\_\_ BY \_\_\_\_\_

**18 SEP 2018**

LTR DATE \_\_\_\_\_ FROM \_\_\_\_\_

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**RIBA**  
CHARTERED MEMBER

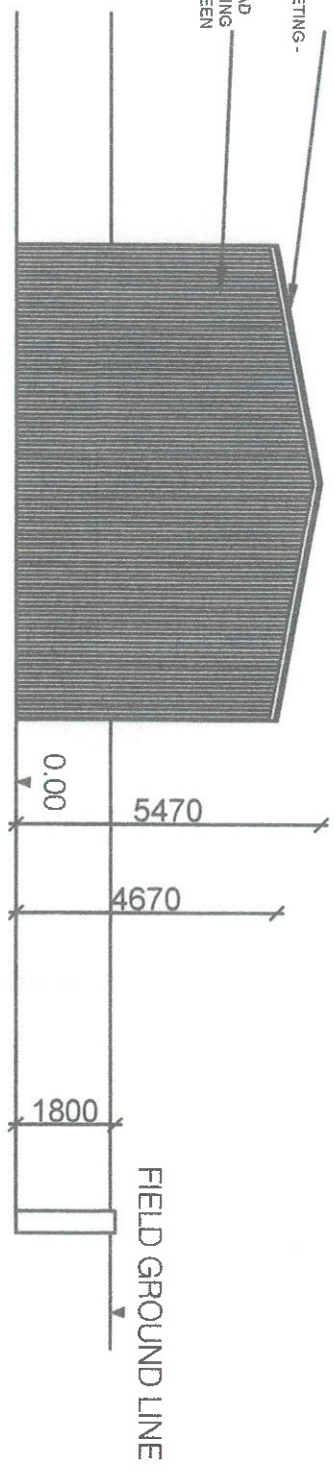
REV	DESCRIPTION	DATE	BY
A	GENERAL AMENDMENTS	18/09/18	DMG/CK

**STUDIO MILA**  
CHARITABLE ORGANISATION  
GARDINER & THEOBALD

Project: NEWCASTLE TARIFF  
Title: NEW CASTLES  
Drawing No: P0702-041-002  
Scale: 1:1100  
Date: 07/08/2018  
Client: OLAOIRE



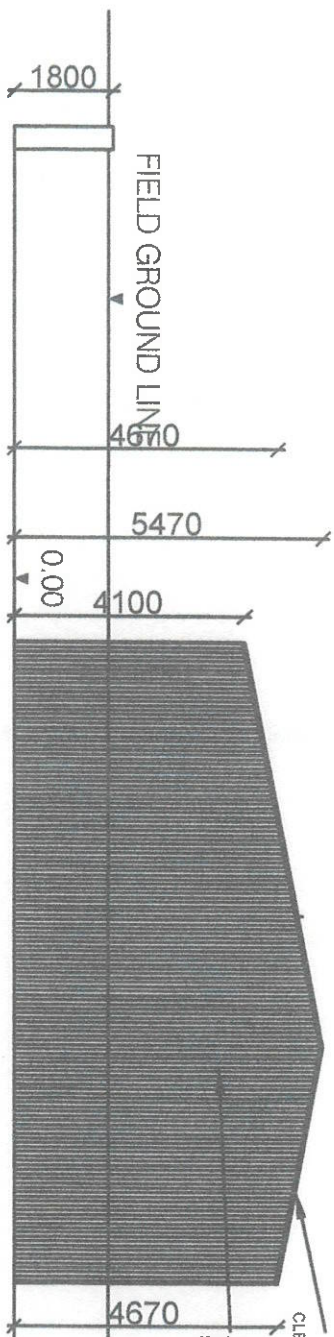
ROOFING - CLAD WITH  
AGRI ROOF CLADDING  
SHEET INCL.  
INTEGRATED  
CLEARLIGHT SHEETINGS -  
DARK GREEN



SOUTH ELEVATION OF AGRICULTURE SHED

**AN BORD PLEANÁLA**  
 TIME \_\_\_\_\_ BY \_\_\_\_\_  
**18 SEP 2018**  
 LTR DATE \_\_\_\_\_ FROM \_\_\_\_\_  
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ROOFING - CLAD WITH  
AGRI ROOF CLADDING  
SHEET INCL.  
INTEGRATED  
CLEARLIGHT SHEETINGS -  
DARK GREEN



NORTH ELEVATION OF AGRICULTURE SHED



**RIBA**  
 CHARTERED MEMBER

**INFORMATION-ONLY**

**SECTION 5 PLANNING -ISSUE**

REV	DESCRIPTION	DATE	BY

Project: **STUDIO MUA**  
 CHARTERED ARCHITECT  
 117 ABBEY STREET  
 DUBLIN 8

Client: **NEWCASTLE FARM**  
 NEW CASTLE  
 Scale: 1:100  
 Date: 01/09/2018

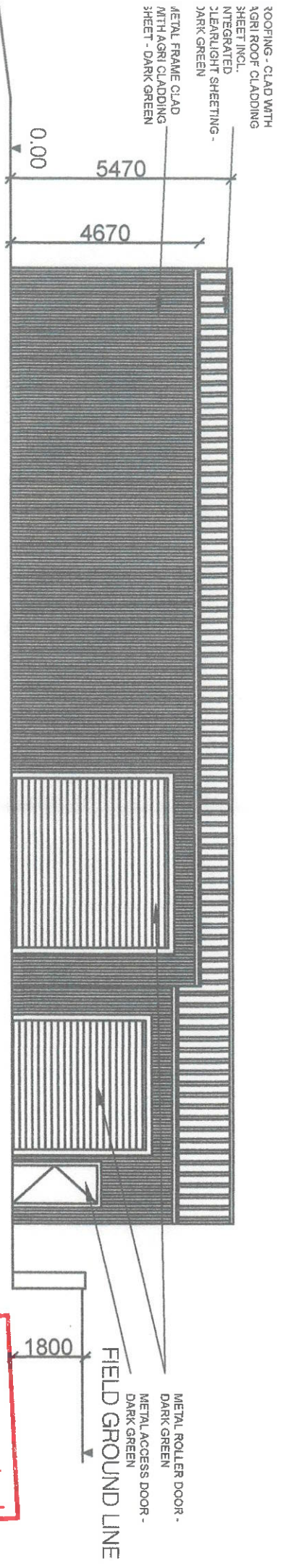
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 Scale: 1:100  
 Date: 01/09/2018

Issue: **Rev: A**

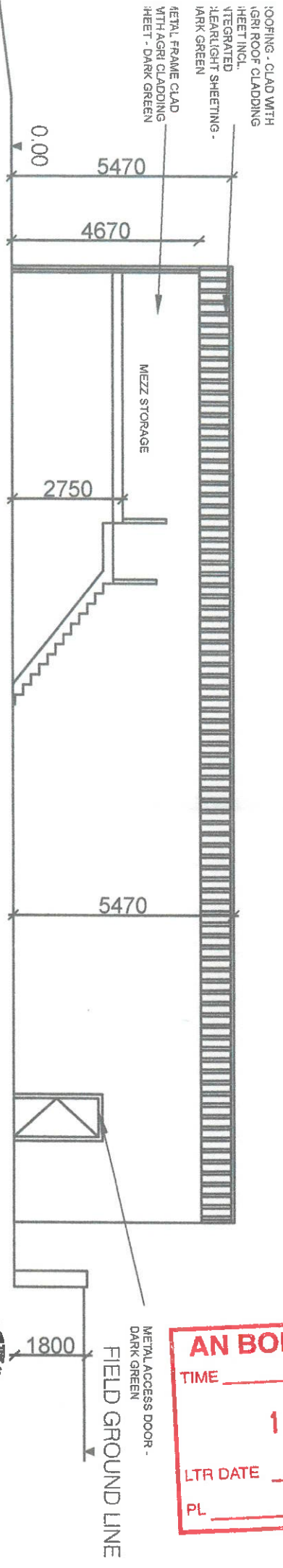
Author: **CLAIRE**







EAST ELEVATION OF AGRI SHED



SECTION OF EXISTING AGRI SHED

**AN BORD PLEANALA**  
TIME \_\_\_\_\_ BY \_\_\_\_\_  
**18 SEP 2018**  
LTR DATE \_\_\_\_\_ FROM \_\_\_\_\_  
PL \_\_\_\_\_



**RIBA**  
CHARTERED MEMBER

**INFORMATION-ONLY**

**SECTION 5 PLANNING -ISSUE**

NO.	GENERAL DIMENSIONS	DATE	REVISIONS
1			

**STUDIO MUA**  
CLARENCE ARCHITECT  
CLARENCE ARCHITECT

**111 FAHER TERRACE**  
CO. DUBLIN

**111 FAHER TERRACE**  
TEL: 01 454 7012  
FAX: 01 454 7199

Project: **MIROCASTLE FARM**  
NEW CASTLE

Dwg No: **7078-2A1-000**

Scale: **3K**

Date: **01/06/2018**

Client: **EXISTING EAST ACTIVATION & SECTION AGRI - SHED**

Issue: **A**

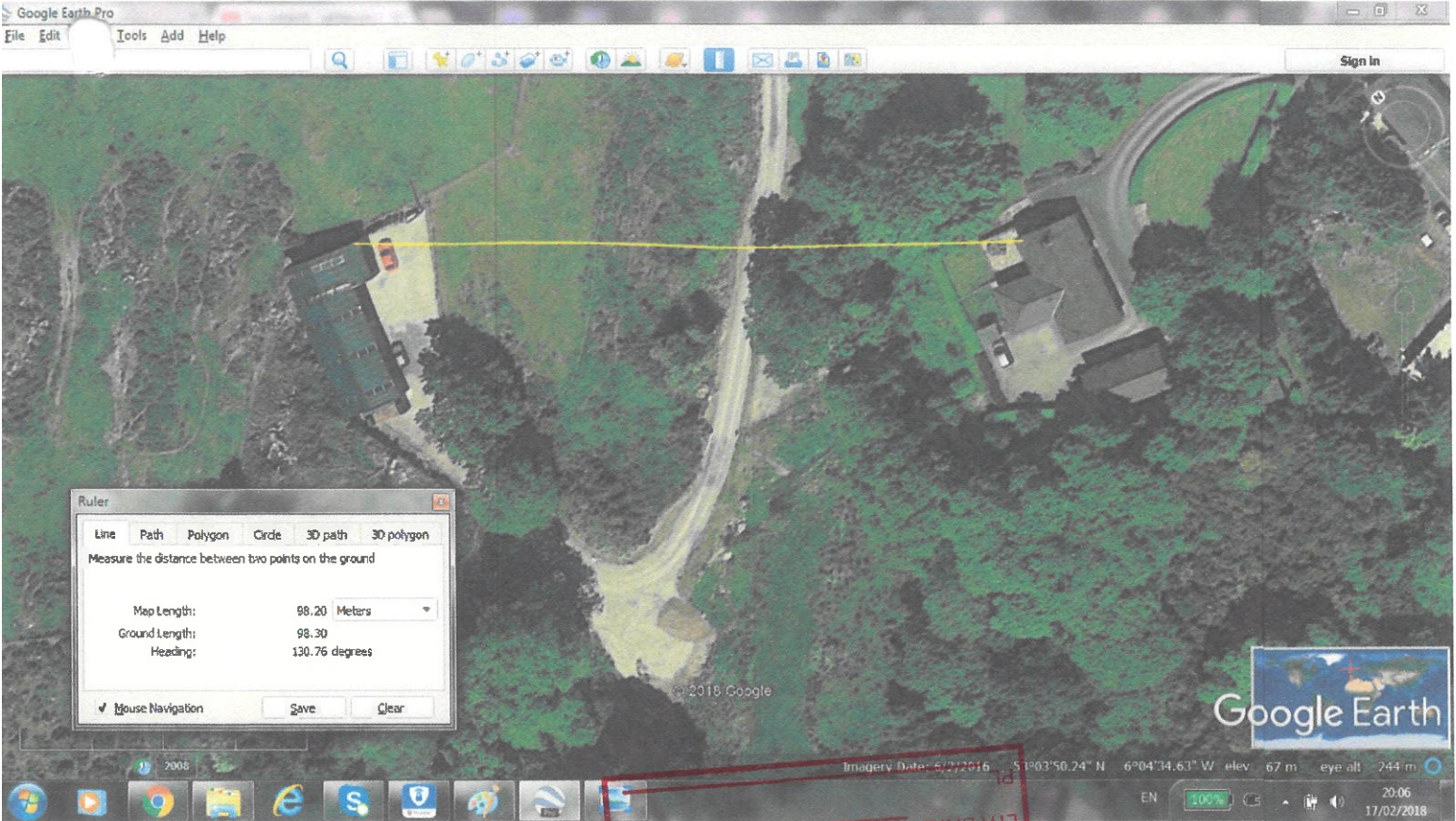
Drawn: **AK**

Checked: **AK**

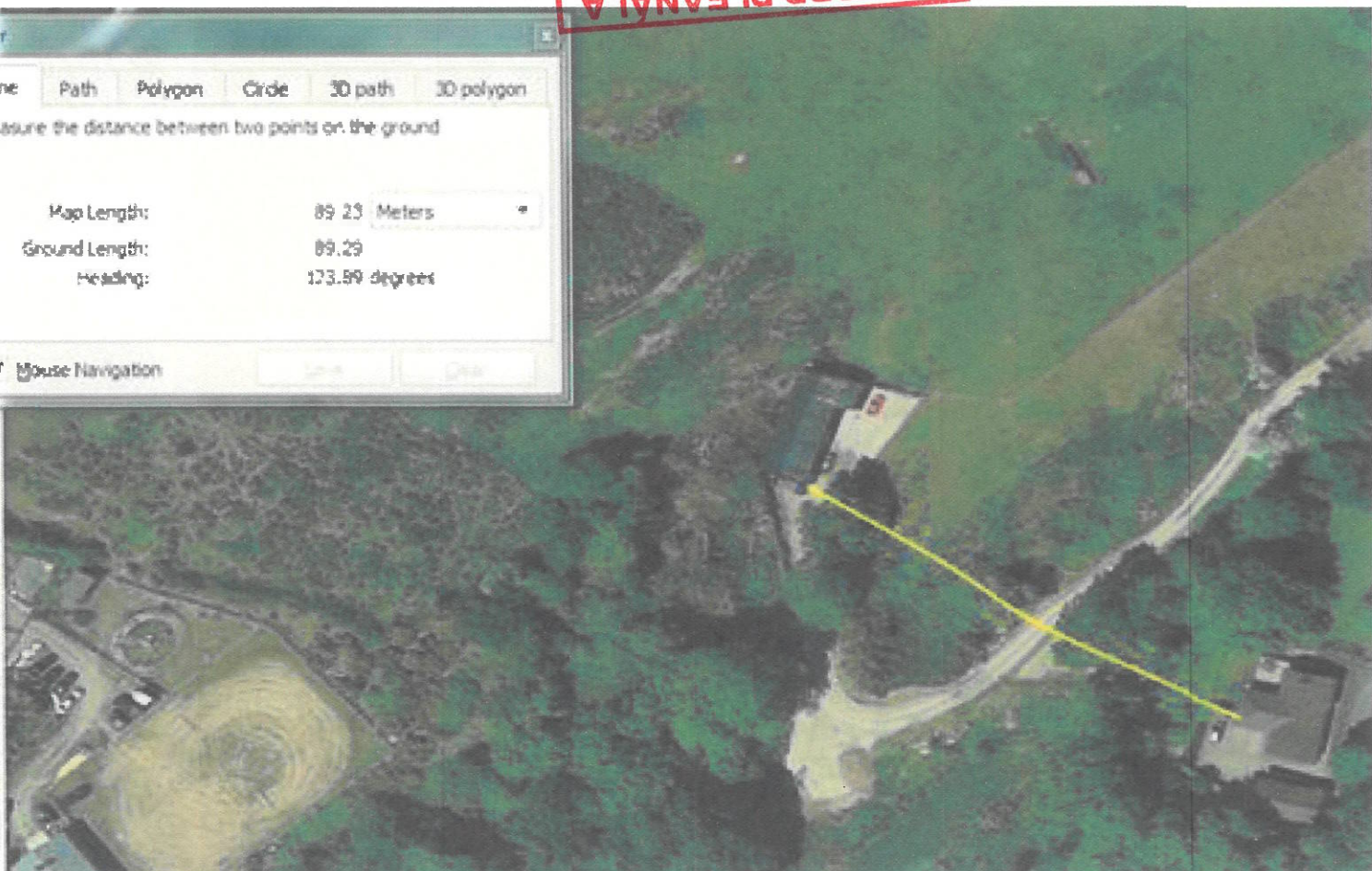
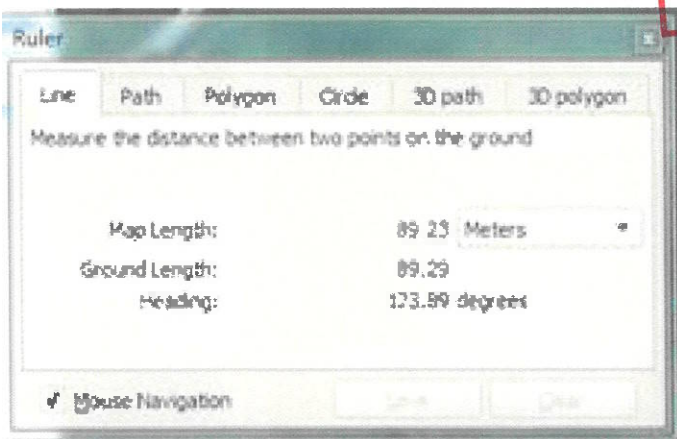
Issue Date: **01/06/2018**







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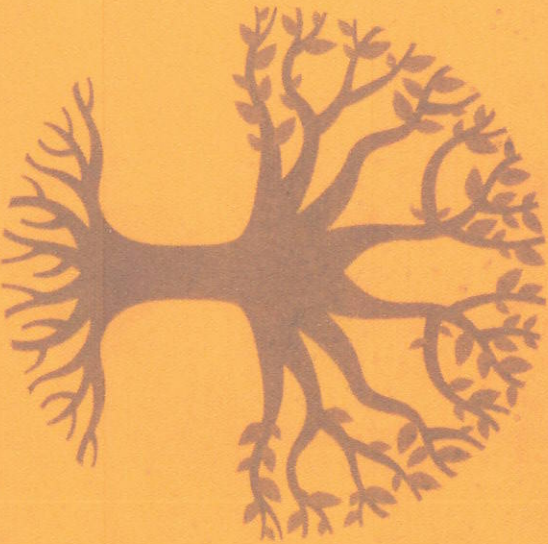








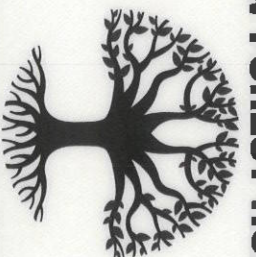
**RAW FOREST HONEY**



**NEWCASTLE FARM, CO. WICKLOW**

Produce of Ireland - Best Before Sept 2025

**RAW FOREST HONEY**



**NEWCASTLE FARM, CO. WICKLOW**

003 230G

<b>AN BORD PLEANÁLA</b>	
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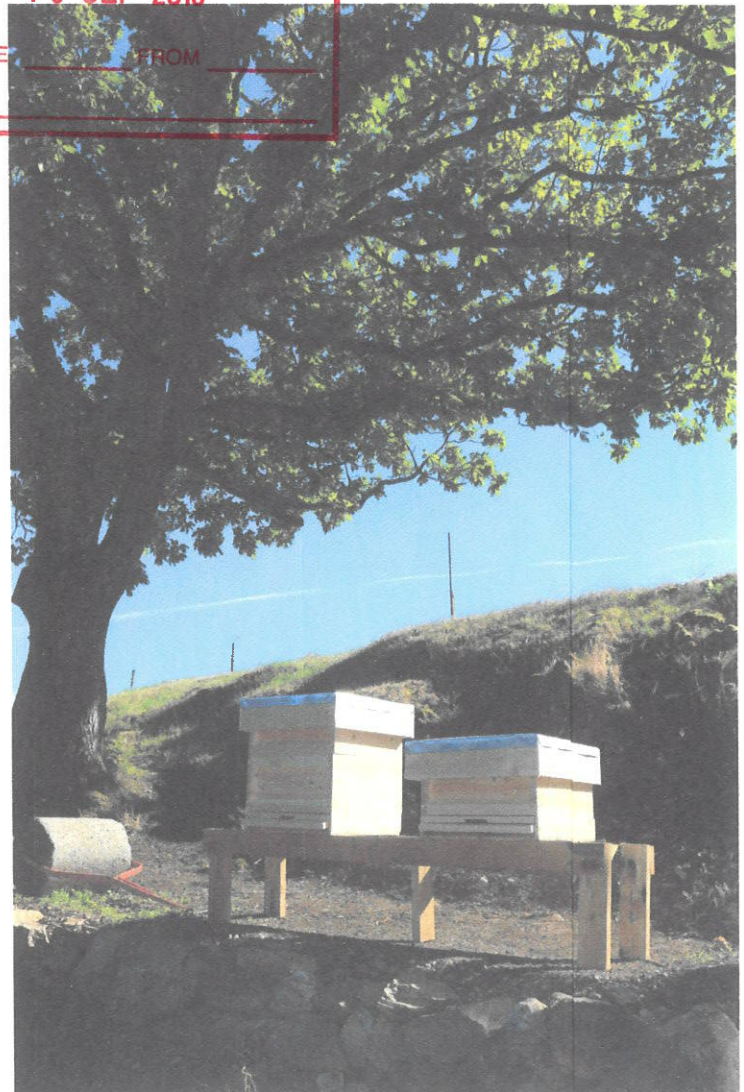
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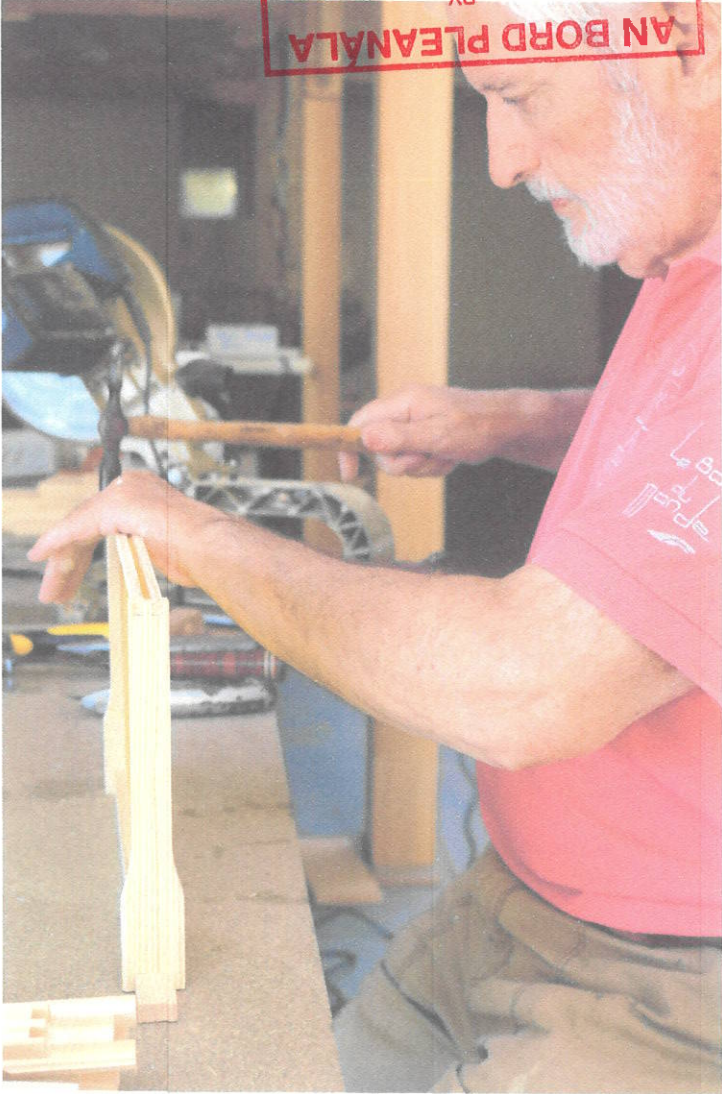
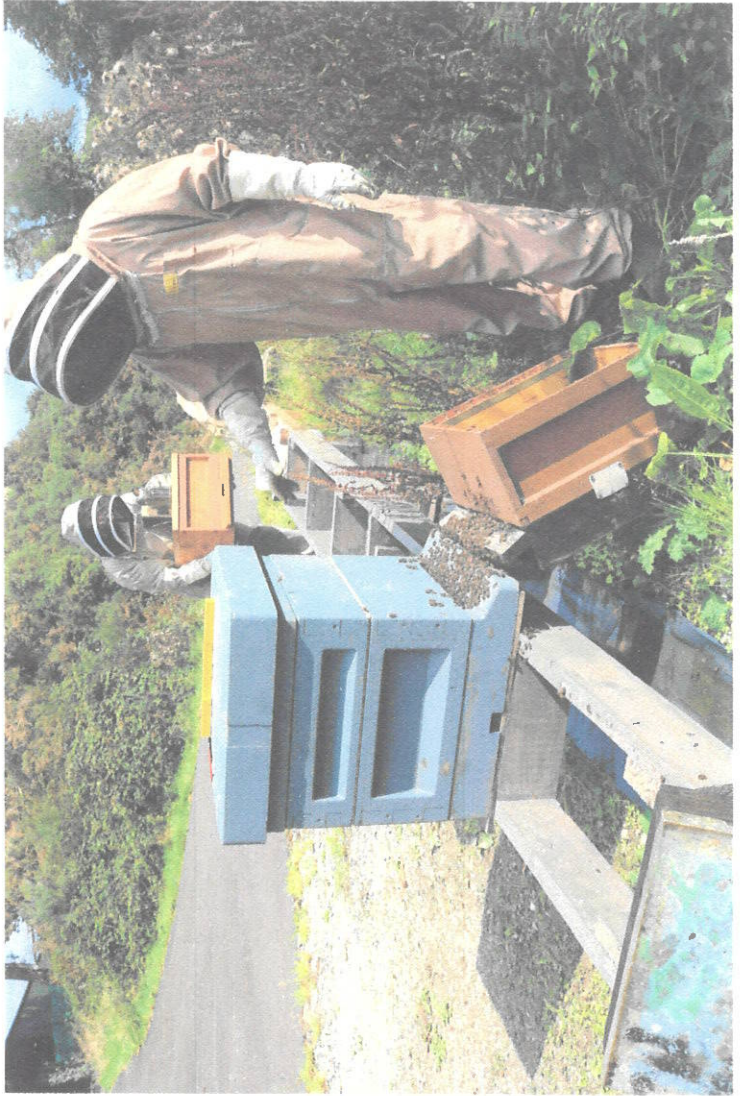
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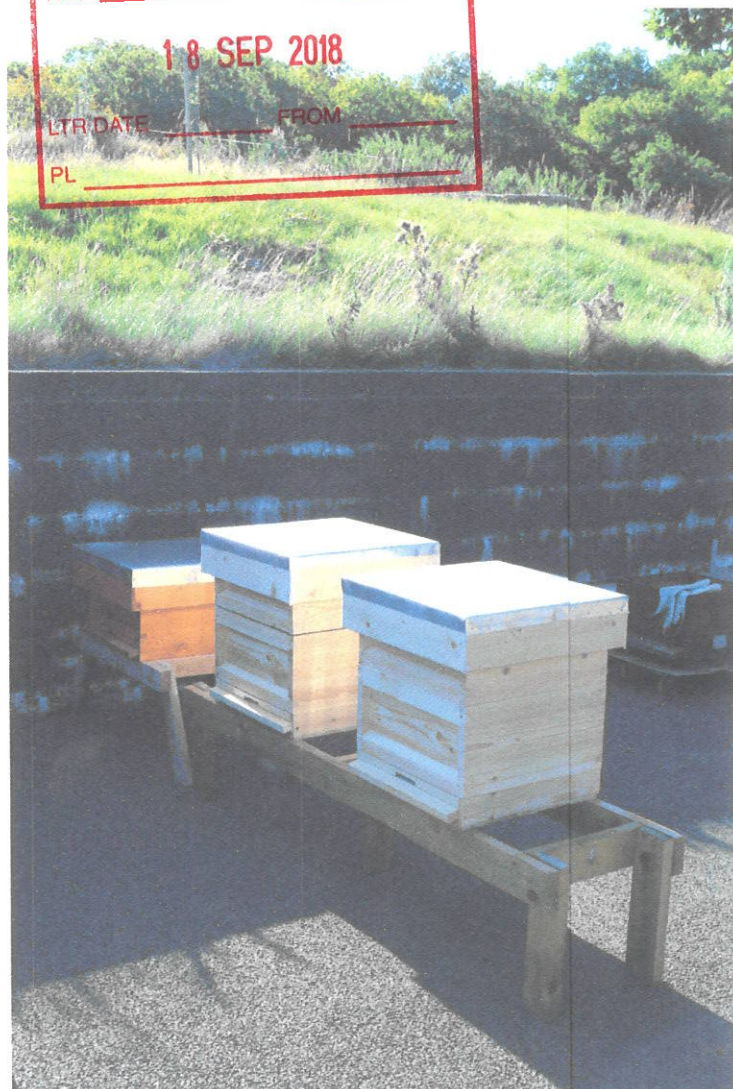








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TIME \_\_\_\_\_ BY \_\_\_\_\_  
**18 SEP 2018**  
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**Ashford Property Services**

The Square Ashford, Co. Wicklow.  
Phone / Fax. 0404-49094.  
Mobile 087-2775923.  
Email: [pconnor.ashford@gmail.com](mailto:pconnor.ashford@gmail.com)

**CERTIFICATE OF EXEMPTION FROM PLANNING  
REGULATIONS.**

**GERARD EAGER.**  
**Church Lane, Newcastle, Co. Wicklow**  
**For Agricultural Building.**

1. Pat O'Connor CERTIFY as follows:-

1. I am an Architect having qualified as such at North London Polytechnic in the year 1974.
2. I have been in independent private practice on my own account since the year 1986 or there abouts.
3. I am the Architect retained by GERARD EAGER to give an opinion on exemption from planning regulations for an AGRICULTURAL BUILDING situated at the above address, such building or works being hereinafter referred to as 'the Relevant Works'.
4. I hereby certify that the agricultural building is a class 9 rural development in accordance with the Planning and Development Regulations 2001. Schedule 2- Part 3 Article 6 Exempted Development—Rural and is exempted from Planning Control Regulations.

Dated the 22<sup>nd</sup> Day of Jan. 2016.

Pat O'Connor.



Ashford Property Services t/a  
Pat O'Connor & Associates.  
Planning, Architectural and  
Property Consultants  
Pat O'Connor, Dip Arch

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