

24 June 2021

**AN BORD PLEANÁLA**  
 LDG-041112-21  
 ABP-  
 25 JUN 2021  
 Fee: € 220 Type: create  
 Time: By: post

Roscommon County Council.

P.A. ref : DED 460

An Bord Pleanála,  
64 Marlborough Street,  
DUBLIN 1.

PLANNING CONSULTANT

ENVIRONMENTAL SCIENTIST

U.K. REGISTERED ARCHITECT REG. NO. 0461701

EU REGISTERED ARCHITECT NETHERLANDS REG. NO. 1.180615.001

LIAM MADDEN

this is a referral made under Section 5 of the 2000 Act, as amended.  
The referer is Cormac Dolan, Cloontree Stokestown, Co. Roscommon.

Attached are :

- (i) An Bord's referral fee €220-00
- (ii) Declaration by Roscommon County Council dated 4<sup>th</sup> June 2021
- (iii) the request made to the Council together with drawings and supporting arguments.

Set out below are the full grounds of this referral.

### 1. HISTORY

The site comprises c. 22 acres.  
 On the site are existing farm buildings which pre-date the purchase of the lands by the referer.  
 The front farm buildings date from at least 1995.  
 Attached are Geohive Map aerial views from 2000 and 1995 as confirmation.  
 There is one more recent farm building commenced between 2005 and 2012, also on Geohive.  
 The lands are used for the purposes of agriculture and, by way of background comment, the use of any lands for the purposes of agriculture are exempted development under Section 4-(1)(a) of the 2000 Act, as amended, with condition or limitation.

### 2. COUNCIL DECLARATION DED 460

The sole reason for the declaration by the Council that the erection of the proposed lean-to extension to the existing shed is not exempted development was that, in the Council's view, the development could give rise to a "possible" intensification of use leading to a traffic hazard as the access to the lands is via the NS which has a continuous centre white line and this notional intensification of use would/could endanger or obstruct road users all under Article 9.(1)(3) of the 2001 Regulations.  
 In other words, what would ordinarily be exempted development under Schedule 2 Part 3 Class 6 becomes de-exempted under Article 9.(1)(3).

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 2 THE GATE LODGE, WINDSOR CLOSE, 81 LOWER WINDSOR AVENUE, BELFAST BT9 7DX  
 POSTBUS 41882, 1009 DB AMSTERDAM, NEDERLAND  
 RESIDENCE : VITRUVIUS HIBERNICUS, CONVENT ROAD, LONGFORD N39 EE72 Tel./Fax 043-33 41151



3. FARMLAND USE

My client contests the Council's rationale and interpretation of farming practices.

Attached is a letter from my client's farm advisor stressing the need and requirement for slurry storage. The cattle on the lands already exist on the land and are housed in the outdoors during the clement weather and indoors during the winter.  
The only difference the proposed development makes is that the cattle in inclement weather can be housed indoors rather than in the rain.

It is not the case that by simply providing a roof over the same cattle, the herd numbers will increase and multiply. The access predates the 1963 Act. The use of the access will continue whether or not the cattle have a roof over their heads.

Attached are instructions from my client to me setting out the use of the vehicular access to his lands.

- (a) My client attends on the site once a day in his Jeep.
- (b) In June his tractors are used perhaps twice a week for silage.
- (c) In March and/or Sept. the same tractors are there twice a week to remove slurry.
- (d) The tractors are normally housed on the lands.

The use of my client's tractors occurs regardless of the cattle numbers.

The tractors are in use for silage whether my client has cattle at all.  
My client calls once a day in his Jeep to inspect the cattle regardless of the cattle numbers.  
The lean-to shed is merely the second half of the development commenced at least as long ago as 2012 and perhaps as far back as 2005 cf. Geohive 2005-2012.

Because the trafficking to/from the lands will remain as it now is there is no intensification of use. It is noteworthy that the Council refers only to "possible" intensification of use. And if there no "possible" intensification of use, then Article 9.-(1)(3) does not apply.

In all other regards the proposed development complies entirely with all the Conditions and Limitations attaching to Class 6

4. My client asks that An Bord set aside the Council guesswork and declare the proposed development exempted under Class 6.

Yours faithfully,



Liam Madden,  
Convent Road,  
LONGFORD  
N39 EE72

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130 BELLS  
GOSPORT  
Council Board  
Glan Madden

Donna (initially)

development exempted under Class e.  
My client asks that you hold set aside the Council's budget and decide the proposed

Limitations attaching to Class e  
In all other respects the proposed development complies entirely with all the conditions and

and if there is no "possible" intensification of use then Article 2-(1)(3) does not apply.  
It is noteworthy that the Council refers only to "possible" intensification of use.  
Because the planning system the lands will remain as it now is there is no intensification of

as 5015 and perhaps as far back as 5002 or perhaps 5002-5015.  
The issue to be decided is whether the second part of the development commenced at least as long ago  
My client says once a day in his yard to inspect the cattle regardless of the cattle numbers.  
The factors are in use for storage whether my client has cattle or not.  
The use of my client's factors occurs regardless of the cattle numbers.

- (a) The factors are normally housed on the lands.
- (c) In March and/or 28th the same factors are there twice a week to remove slurry.
- (d) In June his factors are used perhaps twice a week for storage.
- (e) My client attends on the site once a day in his yard.

lands.  
Attached are instructions from my client to me setting out the use of the vehicles access to his

whether or not the cattle have a roof over their heads.  
increase and perhaps. The access precludes the 1983 Act. The use of the access will continue  
It is not the case that by simply providing a roof over the same cattle, the herd numbers will

can be housed indoors rather than in the rain.  
The only difference the proposed development makes is that the cattle in inclement weather  
the element weather and indoors during the winter.  
storage. The cattle on the lands already exist on the land and are housed in the outdoors during  
Attached is a letter from my client's farm advisor expressing the need and requirement for slurry

My client commends the Council's rationale and interpretation of farming practices.

Subject: Section 5  
 From: Cormac Dolan <cormacdolan@yahoo.ie>  
 Date: 24/06/21 10:24  
 To: Liam Madden <vitruvius.hibernicus@hotmail.com>  
 Liam,  
 I refer to your telephone queries.

1. I have c. 22 acres of land on which the proposed slatted shed is to be built.

2. I have 10 cows, 16 weanlings, 10 heifers and 1 stock bull.  
 All animals are housed during the winter in the slatted shed except for 10 in a dry area i.e. a shed with a solid floor with no slurry storage below.  
 The total number of animals can vary between 35 to 40 during any given year.

3. I use my jeep to visit the lands once a day, more or less as a security check, to make sure livestock are ok.  
 Even if I had 100 animals on the land I would still visit for a security check only once a day in the jeep.  
 Usually twice a week, normally on a Sunday and Wednesday, I might go to the lands twice, I have two or three tractors on the land for slurry removal in March/Sept. or in June for silage.  
 The tractor use for silage would occur whether or not I kept any animals on the land. The tractors are normally stored on the land itself.  
 Tractor use would occur at the same rate even if I had 100 cattle on the land.

4. The only difference the proposed additional slatted shed makes is that the cattle can be housed indoors during winter and the slurry can be stored below ground during the winter. I am required to provide slurry storage as confirmed by my agricultural advisor.  
 Cormac Dolan

[Sent from Yahoo Mail on Android](#)





**AGRICULTURAL CONSULTANT**

**IAN TIGHE**

B. Agr. Sc.

Cloonree, Strokestown, Co. Roscommon

Tel: (087) 2757590 (071)9633298 E-mail: iantighe@eircom.net

Cormac Dolan

Cloonshanor,

Strokestown,

Co. Roscommon.

Re: Nitrates Query (Herd No. T1481286)

Dear Cormac,

I refer to your recent query in relation to the current slurry storage capacity of the farm buildings at your farmyard at Cloonree townland.

The 2 bay covered slated slurry store has a capacity of 90m<sup>3</sup>. In relation to the cattle numbers overwintered you have

10 cows producing 0.29m<sup>3</sup>/slurry/week

10 weanlings producing 0.26m<sup>3</sup>/slurry/week

15 store cattle producing 0.26m<sup>3</sup>/slurry/week

The Nitrates regulations for Co. Roscommon state that you must have capacity for an 18 week Winter storage period allowing for a 200mm freeboard in underground tanks which leaves you with 82m<sup>3</sup> slurry storage capacity and a production of 169.2m<sup>3</sup> of cattle slurry. You are currently in breach of the regulations and I stress to you that this must be corrected before next Winter by providing additional housing with appropriate slurry storage capacity for your cattle overwintered.

Should you have any further queries do not hesitate to contact me.

Yours Sincerely,  
*Ian Tighe*





**ROSCOMMON COUNTY COUNCIL**  
**PLANNING AND DEVELOPMENT ACT, 2000 (as amended)**  
**SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT**  
**NOTIFICATION OF DECISION**

**REGISTERED POST**  
**Mr. Cormac Dolan,**  
**Cloontree,**  
**Strokesstown,**  
**Co. Roscommon**

Reference Number:

DED 460

Application Received:

10<sup>th</sup> May, 2021

WHEREAS a question has arisen as to whether the following works: the construction of a slated shed for housing cattle at Cloontree Townland, Strokesstown, County Roscommon is or is not development and is or is not exempted development.

AND WHEREAS Roscommon County Council, in considering this application, had regard particularly to:

- (a) Sections 2, 3, 4 and 5 of the Planning and Development Act, 2000, as amended
- (b) Articles 6 and 9 of the Planning and Development Regulations, 2001, as amended
- (c) Class 6 of Part 3 Article 6 Schedule 2 of the Planning and Development Regulations, 2001, as amended
- (d) The record forwarded to Roscommon County Council in accordance with subsection (6)(c) of Section 5 of the Planning and Development Acts 2000 – 2011
- (e) The planning history of the site, and of adjoining lands

AND WHEREAS Roscommon County Council has concluded that:

- a) The proposed development constitutes development as defined in the Planning & Development Act 2000, (as amended) and associated Regulations.
- b) The proposed development is not exempted development as defined in the Planning & Development Act 2000 (as amended) and associated Regulations.
- c) The proposed development individually and in combination with other plans or projects would not be likely to have a significant effect on any European site and that the requirement for AA or EIA does not apply with respect to the current case.

NOW THEREFORE:

By virtue of the powers vested in me by the Local Government Acts 1925 – 2019 and Section 5(2)(a) of the Planning and Development Act 2000 (as amended) and, having considered the various submissions and reports in connection with the application described above, it is hereby declared that the said construction of a slated shed for housing cattle at Cloontree Townland, Strokesstown, County Roscommon constitutes development that is not exempted development as defined within the Planning and Development Act 2000 (as amended) and associated Regulations.

Any person issued with a Declaration under Section 5 of the Planning and Development Act, 2000 (as amended) may, on payment to An Bord Pleanála of the prescribed fee, refer a Declaration for review within 4 weeks of the date of the issuing of the Declaration.

Signed on behalf of the Council:

*Mary Dolan*  
 Administrative Officer, Planning.

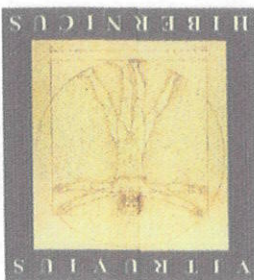
Date: 4<sup>th</sup> June, 2021.



c.c. Liam Madden,  
Convent Road,  
Longford,  
N39 EE72



LIAM MADDEN  
EU REGISTERED ARCHITECT NETHERLANDS REG. NO. 1.180615.001  
U.K. REGISTERED ARCHITECT REG. NO. 0461701  
ENVIRONMENTAL SCIENTIST  
PLANNING CONSULTANT



6 May 2021

Planning Office,  
Roscommon County Council,  
ROSCOMMON.

RE : Request for Declaration of Exemption under Section 5 of the 2000 Act, as amended.

Dear Sir/Madam,

attached are :

- (i) completed Section 5 Request Form together with €80 fee.
- (ii) copy Land Registry Folio Map RN 32967.
- (iii) Part of the Folio is identified as the site of the proposed development, edged in a broad RED line.
- (iii) Map showing the general location of the lands, c. 3 km to the west of Stokestown.
- (iv) Plan, Section and Elevations of the proposed development.

WHEREAS a question has arisen as to whether the erection of an agricultural shed 184 sq.m. in area is or is not exempted development, Cormac Dolan requests Roscommon County Council issues a declaration that the proposed development is Exempted Development under Schedule 2, Part 3, Class 6 of the Planning and Development Regulations 2001, as amended.

The supporting arguments are below.

- (a) Cormac Dolan is the registered owner of Folio RN 32967.
- (b) Part of the Folio is identified with a RED line as the site of this proposed development.
- (c) The site includes an existing agricultural building comprising two adjoining agricultural sheds, the first a Class 9 store 98 sq.m. and a second shed a Class 6 slated shed 102 sq.m.
- (d) The proposed development measures 184 sq.m. and will be a roofed structure, a slated shed, for the housing of cattle. It is submitted that the proposed development constitutes Exempted Development, a Class 6 agricultural structure.
- (e) There are 7 Conditions and Limitations governing Class 6 agricultural structures.
- (f) It is acknowledged that the proposal constitutes development, as defined.

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**Class 6 : Conditions and Limitations.**

1. The proposed structure will be used for the purposes of agriculture and for no other purpose.
2. The gross floor area of the proposed structure 184 sq.m, plus an existing Class 6 cattle shed 102 sq.m, total 286 sq.m, and this does not exceed 300 sq.m.
3. Effluent storage is shown on the submitted drawings and this complies with Dept. of Agriculture and D.O.E. requirements.
4. The proposed structure and effluent storage is not within 10 metres of any public road.
5. The overall height of the proposed structure is 6.353m and does not exceed 8 metres.
6. The structure is located 128.32m from the near edge of the public road. The written consent of the owner/occupier of a nearby dwellinghouse c. 60 metres from the proposed structure is attached. This is the only dwelling, residential building, school, hospital, church, public assembly building within 100 metres of the proposed structure.
7. The proposed building will not be built with unpainted metal sheeting.

I submit that the proposed development therefore complies with all 7 Conditions and Limitations.

**Article 9 : Planning and Development Regulations 2001, as amended.**

I submit the proposed development does not fall foul of any of the Restrictions on Exemptions in Article 9. (1)(a)(i) to (xii) inclusive, 9.(1)(b)(i) to (iv) inclusive, 9.(1)(c), 9.(2) and 9.(3). I submit that the proposed development does not warrant the preparation of an NIS under the EU Habitats Directive and it is below the threshold for the preparation of an EIA/R.

I draw the planning authority's attention to a recent Decision 5 Request DED 447, a copy of which is attached for ease of reference.

I am advised that the written consent of the owner/occupier of the nearby dwelling was not attached to DED 447 in order to demonstrate compliance with Condition/Limitation 6 of Class 6 Agricultural Structure. That oversight is corrected herein.

I look forward to a Declaration of Exemption in due course.

Yours faithfully,

Liam Madden,  
Convent Road,  
LONGFORD  
N39 EE72

L. MADDEN B. ARCH. NUJ, M.APPL.ENVR. Sc., CERT. ARCH. PROF., DIP. MICRO-PROC TECH.  
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Name:	CORMAC DOLAN	
Address:	HOME ADDRESS: CLONSILVER, STRIKESTOWN	
Name & Address of Agent:	Liam Madden, Convent Road, Wentford N39 EE72	
Nature of Proposed Works	CLASS 6 KERB CURB STRUCTURE 184 M <sup>2</sup>	
Location (Townland & O.S No.)	CLONSILVER, STRIKESTOWN	
Floor Area	184 M <sup>2</sup>	
Height above ground level	6.353 M	
Total area of private open space remaining after completion of this development	1.5 HA	
Roofing Material (Slates, Tiles, other) (Specify)	PREPARED METAL SHEETING	
Proposed external walling (plaster, stonework, brick or other finish, giving colour)	CONCRETE	
Is proposed works located at front/rear/side of existing house.	N/A	

Application for a Declaration under Section 5 of the Planning & Development Act 2000, regarding Exempted Development

### Roscommon County Council

Aras an Chontae,  
Roscommon,  
Co. Roscommon  
Phone: (090) 66 37100  
Email: [planning@roscommoncoco.ie](mailto:planning@roscommoncoco.ie)

Cornharie Contae  
Roscommon  
County Council





# Roscommon County Council

Application for a Declaration under Section 5 of the Planning & Development Act 2000, regarding Exempted Development

Has an application been made previously for this site	YES
If yes give ref. number (include full details of existing extension, if any)	DED 447 (ST. MARGARET 21)
Existing use of land or structure	AGRICULTURE
Proposed use of land or structure	AGRICULTURE
Distance of proposed building line from edge of roadway	128.32 M
Does the proposed development involve the provision of a piped water supply	NO
Does the proposed development involve the provision of sanitary facilities	NO

Signature: *Kiam Nauman P.P. C. Down*

Date: *6 May 2021*

Note: This application must be accompanied by:-

- ✓ (a) €80 fee
- ✓ (b) Site Location map to a scale of 1:2500 clearly identifying the location
- ✓ (c) Site Layout plan to the scale of 1:500 indicating exact location of proposed development
- ✓ (d) Details specification of development proposed



CLOONSREANE

591440 ME, 781000 MN  
BUNNAMUCRA

The Property  
Registration Authority  
An Údarás  
Clárúcháin Maoinne

Folio: RN32967

This map should be read in conjunction with the folio.

Registry maps are based on OSI topographic mapping, where registry maps are printed at a scale that is larger than the OSI published scale, accuracy is limited to that of the original OSI map scale.

For details of the terms of use and limitations as to scale, accuracy and other conditions relating to Land Registry maps, see [www.pral.ie](http://www.pral.ie).

This map incorporates Ordnance Survey Ireland (OSI) mapping data under a licence from OSI. Copyright © OSI and Government of Ireland.

- (centre-line of parcel(s) edged)
- Freehold
- Leasehold
- Subleasehold

Burdens (may not all be represented on map)

- Right of Way / Wayleave
- Turbary
- Pipeline
- Well
- Pump
- Septic Tank
- Soak Pit

A full list of burdens and their symbology can be found at: [www.landdirect.ie](http://www.landdirect.ie)

The registry operates a non-conclusive boundary system. The Registry Map identifies properties not boundaries meaning neither the description of land in a register nor its identification by reference to a registry map is conclusive as to the boundaries or extent. (see Section 85 of the Registration of Title Act, 1964). As inserted by Section 52 of the Registration of Deed and Title Act 2006.

1:2500 Scale

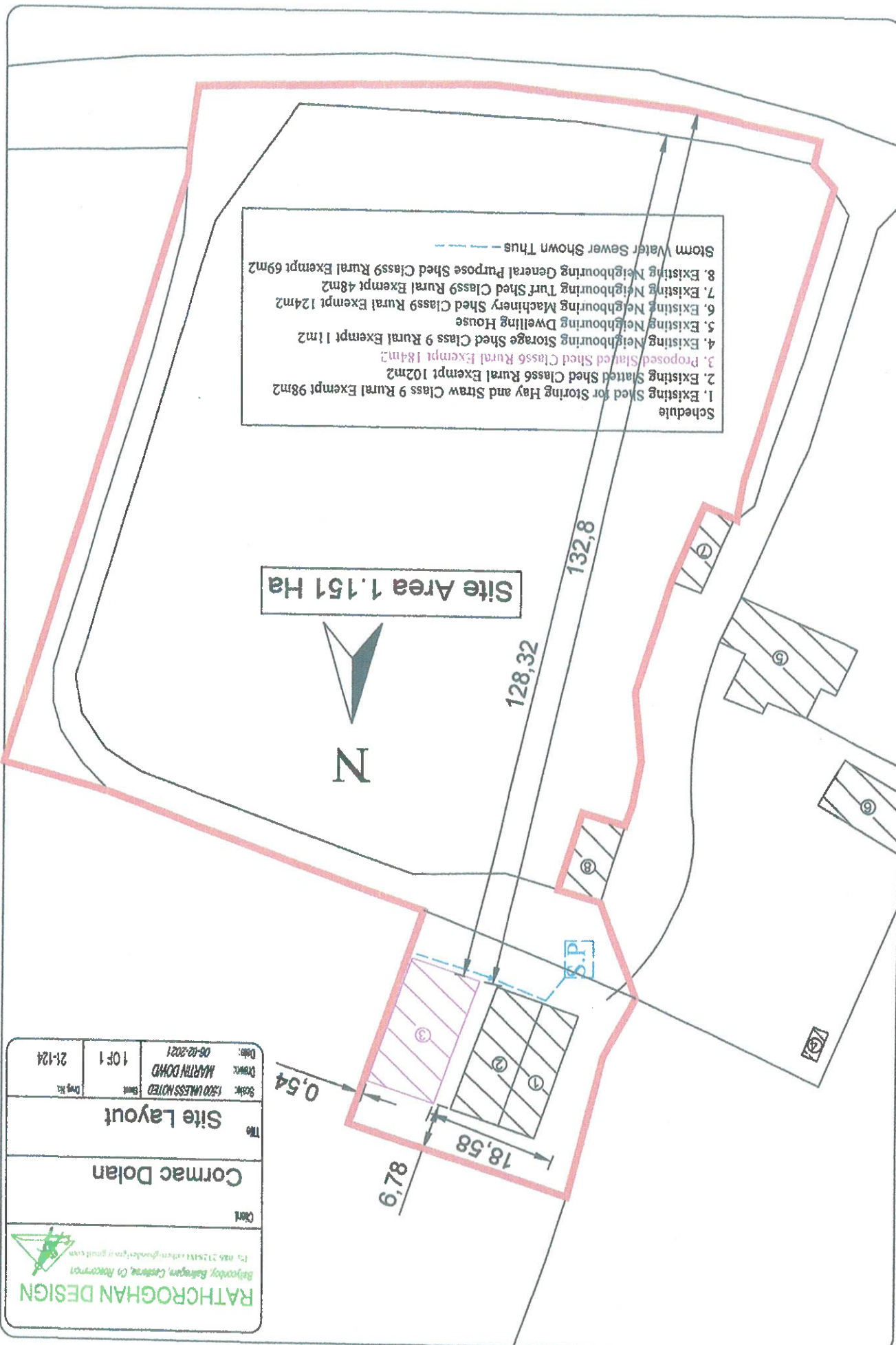
Area Plot 'A' OUTLINED RED & SHADED BLUE = 0.5965 HEC / 1.47 ACRES OR THEREABOUTS

Area Plot 'B' OUTLINED RED & SHADED GREEN = 3.43 HEC / 8.51 ACRES OR THEREABOUTS  
Signed: James [Signature] 26/03/2020

CLOONFREE

26/03/2020

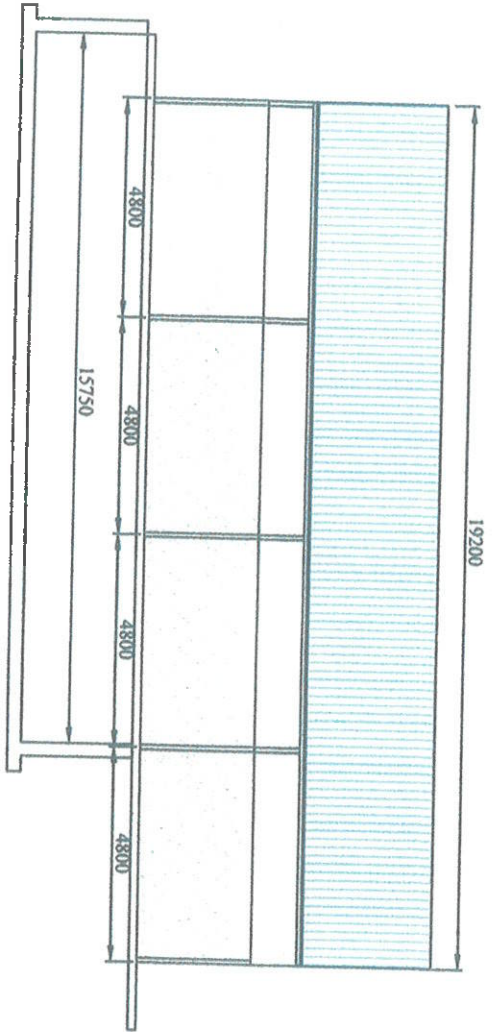




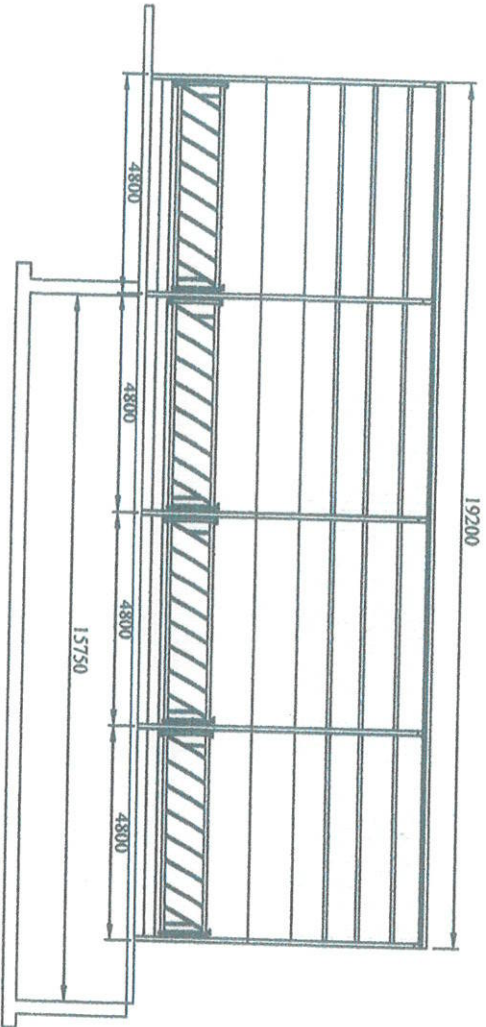
<p>RATHROGHAN DESIGN          Rathrogan, Ballymore, Castle, Co. Wick          Tel: 087 272844   Email: info@rathrogan.com</p>		<b>Site Layout</b> Scale: 1:500 UNLESS NOTED Drawn: MARTIN DOWD Date: 08-02-2021	
<b>Cormac Dolan</b>		10F 1 21-124	







West Elevation 3 Bay Tank



East Elevation 3 Bay Tank

No.	Revised	Date

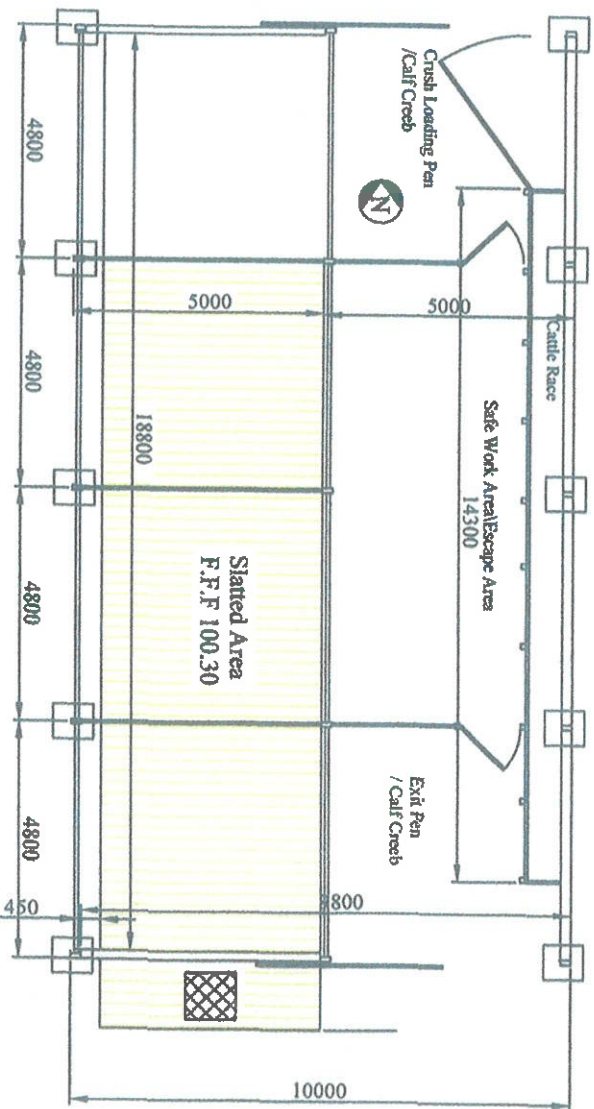
**RAITHROGHAN DESIGN**  
*Architectural Design, Drafting & Construction*  
 For All Clients From Residential to Commercial

**Cormac Dolan**

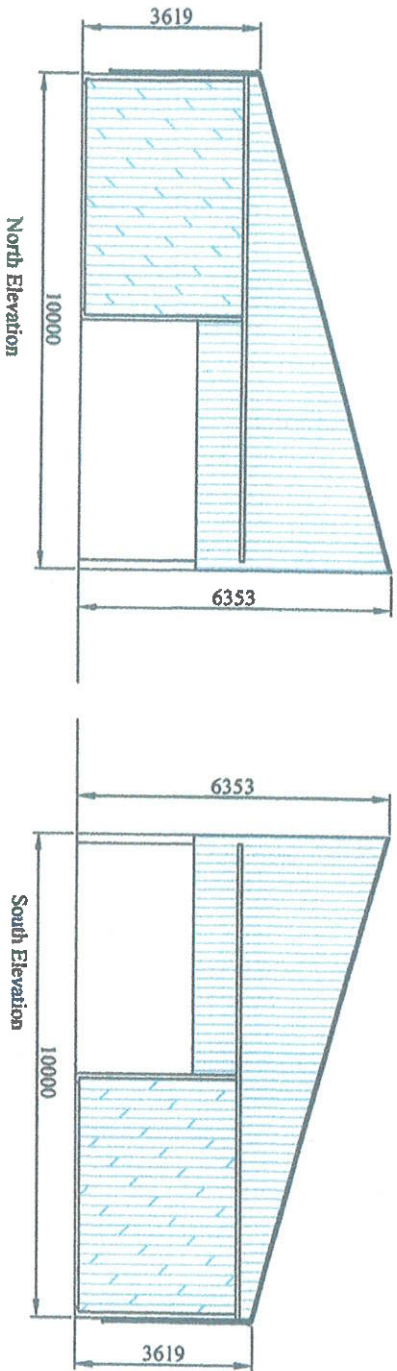
**SLATTED SHED**

Site: <b>LAMBRENDIS</b>	Date: <b>3/08/13</b>	Page No: <b>21-123</b>
Scale: <b>1/1000/000</b>		
Rev: <b>04/04/13</b>		





Sectional Plan



North Elevation

South Elevation

No.	Revision	Date



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Architects, Engineers, Planners & Interiors  
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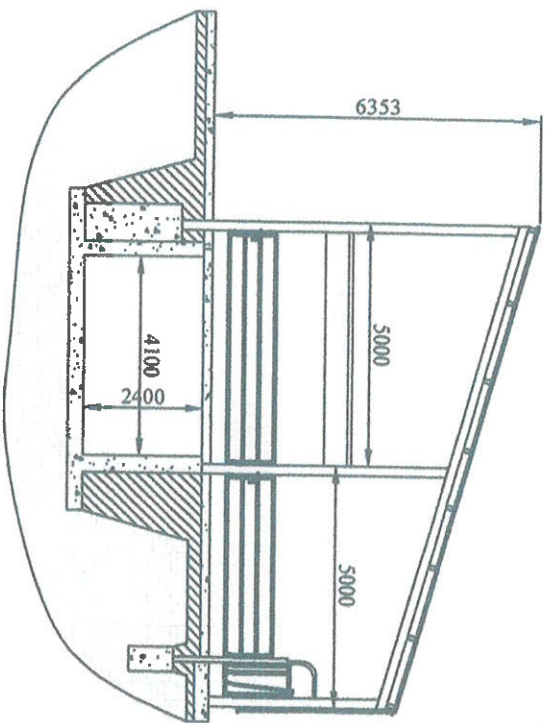
**Client**  
Cormac Dolan

**Title**  
SLATTED SHED

Scale: 1/4" = 1'-0"	Sheet: 1 OF 3	Drawn By: 21-123
Date: 14/02/2019		
By: [Signature]		



External Walls to be Mass Concrete using 35N concrete



Sectional Elevation

Roof Material to be Pre-painted Sheet on 150 x 75 Purlins secured to IPE 200 Rafters carried by IPE 200 Stansions

Super Structure to be carried on Walls of Reinforced Ungroutd Concrete tank Constructed to Dept of Agriculture Specifications

**RATHROGHAN DESIGN**  
 Agricultural Buildings, Offices, Etc. etc.  
 For all construction work, agricultural buildings

Client  
**Commac Dolan**

Title  
**SLATTED SHED**

Scale	Sheet	Dwg. No.
1:50 (EXTERNAL)	2 OF 3	21-123
Date	6/2/2017	

No.	Revisions	Date



**Data Catalogue**

Base Information and Mapping

- GeoHive Map
- Aerial Premium
- Aerial 2004-2012
- Aerial 2005
- Aerial 2006
- Aerial 1995
- Digital Ground 2014-2015

Selection

GeoHive Map

Transparency







1995

The screenshot displays the GeoHive web application interface. At the top, there is a navigation bar with the GeoHive logo and a search bar. Below the search bar, there are links for Home, About, Gallery, Catalogue, Help/FAQ, and Fullscreen. The main content area is dominated by an aerial satellite map of a rural landscape, showing a network of roads and agricultural fields. On the right side, there is a 'Data Catalogue' sidebar with a list of map layers:

- Aerial 2005
- Aerial 2000
- Aerial 1895
- Digital Globe 2011-2013
- Historic Map 25 inch (1868-1913)
- Historic Map 6 inch B&W (1837-1...)
- Historic Map 6 inch Color (1837-1...)
- 6 inch Cassini

Below the list, there is a 'Selection' section with a 'Transparency' slider and a 'Close Menu' button. The bottom of the page features a footer with copyright information: '© 2017 Ordnance Survey Limited' and '© Digital Globe'. The browser's address bar shows 'map.geohive.ie'.



2005

GeoHive - Chromium

map.geohive.ie

# GeoHive

Search: address, postcode, town, coordinate

Home About Gallery Catalogue Help/FAQ Fullscreen

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**Data Catalogue**

- Aerial 2005
- Aerial 2000
- Aerial 1995
- Digital Globe 2011-2013
- Historic Map 25 inch (1864-1913)
- Historic Map 6 inch BANW (1837-1...)
- Historic Map 6 inch Colour (1837-1...)
- 6 inch Cassini

**Selection**

Aerial 2000  
Transparency

Aerial 1995  
Transparency

Close Menu



2005-2012

The screenshot displays the GeoHive web application interface. At the top, the browser window title is "GeoHive - Chromium". The main header features the "GeoHive" logo and a search bar with the placeholder text "Search address, parcel, layer, coordinate...". Navigation links for "Home", "About", "Gallery", "Catalogue", "Help/FAQ", and "Fullscreen" are visible. The "Data Catalogue" panel on the right lists several map layers under "Base Information and Mapping":

- GeoHive Map
- Aerial Premium
- Aerial 2005-2012
- Aerial 2005
- Aerial 2000
- Aerial 1995
- Digital Globe 2011-2013

Below the list, there is a "Selection" section with a "Transparency" slider and a "Close Menu" button. The main map area shows an aerial view of a rural landscape with green fields, a road, and some buildings. The year "2005" is visible on the map. At the bottom of the map, there is a scale bar (0 to 20 meters) and coordinates "50.409 306, 20090.174". The footer contains copyright information: "© 2012 Ordnance Survey Ireland" and a "See Usage Policy" link.

