

Comhairle Contae Chill Dara
Kildare County Council



Date: 8th January 2024.
Our Ref: ED/1080.

C

Amanda Mooney,
c/o Matthew Fagan,
229 Clonliffe Road,
Drumcondra,
Dublin 3.

RE: Application for a Declaration of Exempted Development under Section 5 of Planning and Development Act 2000 (as amended) for development at Pluckstown, Straffan, Co. Kildare.

Dear Sir/Madam,

I refer to your correspondence received on 13th November 2023 in connection with the above.

Please find attached declaration made under Section 5 of Planning and Development Acts 2000 (as amended) in this regard. Please also find enclosed Receipt no. FIN1/0/493364 in relation to fee paid.

Yours sincerely,


**Senior Executive Officer,
Planning Department.**



/KildareCountyCouncil

@KildareCoCo

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Comhairle Contae Chill Dara, Áras Chill Dara, Páirc Uí Dhubhuí, An Nás, Co. Chill Dara, W91 X77F
Kildare County Council, Áras Chill Dara, Devoy Park, Naas, Co. Kildare, W91 X77F
T 045 980200 • E customercare@kildarecoco.ie • www.kildarecountycouncil.ie



Declaration of Development & Exempted Development under Section 5 of the Planning and Development Act 2000 (as amended).

ED/001080.

WHEREAS a question has arisen as to whether the construction of a sand arena for equestrian use at Pluckstown, Straffan, Co. Kildare, is exempted development,

AS INDICATED on the plans and particulars received by the Planning Authority on 13th November 2023

AND WHEREAS Amanda Mooney requested a declaration on the said question from Kildare County Council,

AND WHEREAS Kildare County Council as the Planning Authority, in considering this application for a declaration under Section 5 of the Planning and Development Act 2000 (as amended), had regard to;

- (a) Planning and Development Act 2000 (as amended) and
- (b) Planning and Development Regulations 2001 (as amended); and

AND WHEREAS Kildare County Council has concluded that the development comprises development to which the provisions of the following applies:

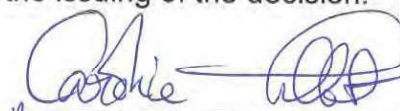
- (a) Sections 2, 3, 4 and 5 of the Planning and Development Act 2000 (as amended);
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended);
- (c) Class 10, Schedule 2, Part 3 of the Planning and Development Regulations 2001 (as amended) and
- (d) The nature, extent and purpose of the works,

NOW THEREFORE Kildare County Council, in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act 2000 (as amended), hereby decides that the the construction of a sand arena for equestrian use at Pluckstown, Straffan, Co. Kildare

IS development and IS EXEMPTED development pursuant to Sections 2, 3, 4 and 5 of the Planning and Development Act as amended, Article 6 and Article 9 of the Planning and Development Regulations as amended and Class 10, Schedule 2, Part 3 of the Planning and Development Regulations 2001 (as amended).

Please note that any person issued with a declaration under subsection 2(a) of the Planning and Development Act 2000 (as amended) may on payment to the Board of the prescribed fee, refer a declaration to An Bord Pleanála within 4 weeks of the issuing of the decision.

8th January 2024.


Senior Executive Officer,
Planning Department.

KILDARE COUNTY COUNCIL



PLANNING & STRATEGIC DEVELOPMENT DEPARTMENT

Section 5 referral & declaration on development & exempted development

Planning & Development Act 2000 (as amended)

Reference No. ED/1080

Name Of Applicant(s):	Amanda Mooney
Address Of Development:	Pluckstown, Straffan, Co. Kildare
Development Description:	Sand Arena
Due date	11/12/2023

Introduction

This is a request for a **DECLARATION** under Section 5(1) of the Planning and Development Act 2000 (as amended) to establish whether under Section 5 of the Act the works described as a sand arena are development and are exempt or not.

Site Location

The site is situated in northeast Co. Kildare, c.4km northeast of Kill and immediately adjacent the Kildare/Dublin border. The site comprises a single storey hipped roof dwelling and an additional c.9.5ha of agricultural land. There is a high-voltage overhead power cable traversing the centre of the site roughly from southwest to northeast. Access is provided from a local road to the north of the site and the landform slopes down from the road to the southeast.

Description of Proposed Development

The proposed development comprises the construction of a 30x60m (1800m²) sand arena for equestrian use. An elevation drawing illustrates 1m high post and rail fencing will also be provided. It is noted that question 5 of the application form describes the development as

“the demolition of the existing house, remains of an existing derelict house and agricultural buildings, the construction of a part single-storey, part two-storey house with septic tank, percolation area and soakway, provision of a vehicular entrance setback from the road, the construction of a stable, haybarn, dedicated haybarn/machinery store, dedicated area for manure and bedding waste, associated access route and all associated site works.”

Question 7 however states:

“This form is seeking a declaration of exemption for the proposed arena as indicated on the attached Site Plans.”

The cover letter received with the Section 5 application clarifies that the proposal subject of this application is simply a sand arena and the drawings received also clearly state this.

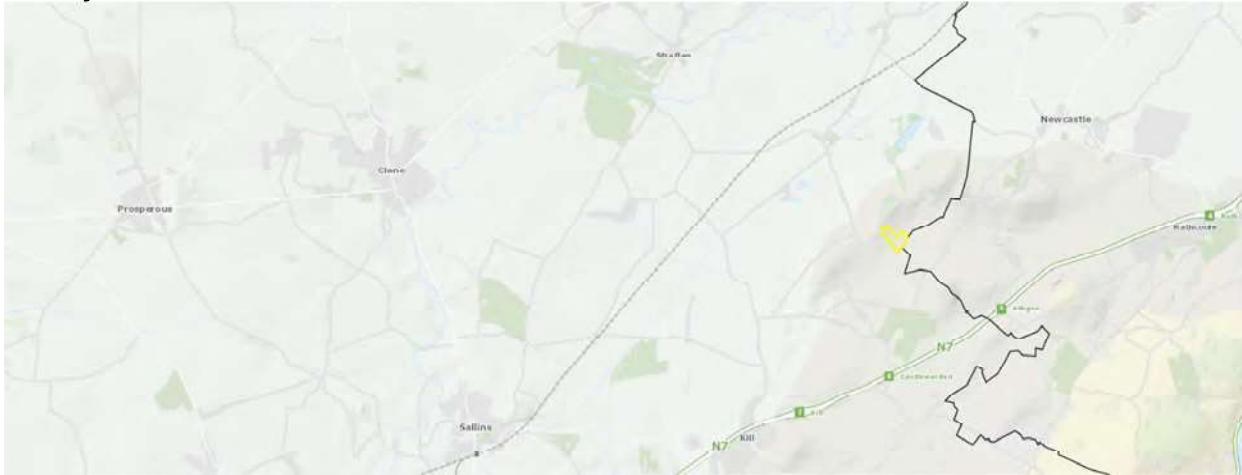


Fig 1: Site Location and context



Fig 2: Aerial view of subject site

Planning History

23/686: Planning permission sought by Amanda Mooney for development consisting of demolition of the existing house, remains of an existing derelict house and agricultural buildings, the construction of a part single storey part two storey house with septic tank, percolation area and soakaway, provision of a vehicular entrance setback from the road, construction of a stable haybarn/machinery store, dedicated area for manure and bedding waste, associated access route and all associated site works. A clarification of further information was sought on 05th December 2023 and no response was received at the time of writing this report.

Relevant Legislative Background

Planning and Development Act 2000 (as amended)

Section 2(1)

'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)

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(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(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. The following class of development is considered relevant to the proposed development and are extracted from Schedule 2, Part 3, of the Regulations.

Class 10 The erection of an unroofed fenced area for the exercising or training of horses or ponies, together with a drainage bed or soft surface material to provide an all-weather surface.	<ol style="list-style-type: none">1. No such structure shall be used for any purpose other than the exercising or training of horses or ponies.2. No such area shall be used for the staging of public events.3. No such structure shall be situated within 10 metres of any public road, and no entrance to such area shall be directly off any public road.4. The height of any such structure shall not exceed 2 metres.
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Article 9 (1)(a)(i)

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—.....(15 items)

The provisions of Article 9 were reviewed however none are considered relevant to this case.

EIA Screening

The proposed development is not specified in Part 2 of Schedule 5 of the Planning and Development Regulations 2001(as amended). In any event, it is considered, having regard to nature, size and location, the proposed development would not be likely to have significant effects on the environment. Therefore, EIA is not required.

Appropriate Assessment

A screening for Appropriate Assessment accompanies this report. The site is situated c.9km north of Red Bog Special Area of Conservation.

Assessment

The proposed development comprises the construction of an 1800m² sand arena for equestrian purposes. This comprises works which fall within the definition of works as well as development as defined in Sections 2 and 3 of the Planning and Development Act 2000 (as amended).

Class 10 of Schedule 2, Part 3 of the Planning and Development Regulations 2001 (as amended) provides for *The erection of an unroofed fenced area for the exercising or training of horses or ponies, together with a drainage bed or soft surface material to provide an all-weather surface* with the following limitations:

1. *No such structure shall be used for any purpose other than the exercising or training of horses or ponies.*

The application documents refer to training horses only. It is also noted that additional development proposed under ref. 23/686 seeks permission for stables and a haybarn again indicating equestrian use.

2. *No such area shall be used for the staging of public events.*

The application documents do not allude to any proposal for staging public events. No car parking, lighting or welfare facilities are proposed.

3. *No such structure shall be situated within 10 metres of any public road, and no entrance to such area shall be directly off any public road.*

The arena will be situated c.270m south of the public road. There is an existing double gated agricultural entrance serving the landholding.

4. *The height of any such structure shall not exceed 2 metres.*

1m high post and rail fencing is proposed to enclose the arena which will otherwise be an entirely flat structure relatively level with the surrounding ground level.

It is therefore concluded that the proposed development meets the requirements of each limitation and falls within the provisions of Class 10.

Conclusion

Having regard to:

- Sections 2, 3, 4 and 5 of the Planning and Development Act 2000 (as amended);
- Articles 6 and 9 and of the Planning and Development Regulations 2001 (as amended);
- Class 10 of Schedule 2, Part 3 of the Planning and Development Regulations 2001 (as amended) and
- The nature, extent and purpose of the works;

it is considered that the proposed works **constitutes development** as defined in Section 3(1) of the Planning and Development Act 2000 (as amended) and **is exempted development** as defined by the Planning and Development Act 2000 (as amended) and the Planning and Development Regulations 2001 (as amended).

Recommendation

It is recommended that the applicant be advised that the development as described in the application *is development and is exempted development*.



Signed:

Planner: Sarah O'Mahony
Date: 06th December 2023



Kehinde Oluwatosin
Senior Executive Planner
06/12/2023



A/SP
06/12/23

Declaration of Development & Exempted Development under

Section 5 of the Planning and Development Act 2000 (as amended)

WHEREAS a question has arisen as to whether construction of a sand arena for equestrian uses

AS INDICATED on the plans and particulars received by the Planning Authority on 13th November 2023

AND WHEREAS Amanda Mooney requested a declaration on the said question from Kildare County Council,

AND WHEREAS Kildare County Council as the Planning Authority, in considering this application for a declaration under Section 5 of the Planning and Development Act 2000 (as amended), had regard to;

- (a) Planning and Development Act 2000 (as amended); and
- (b) Planning and Development Regulations 2001 (as amended);

AND WHEREAS Kildare County Council has concluded that the proposal comprises of development to which the provisions of the following applies:

- (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 10, Schedule 2, Part 3 of the Planning and Development Regulations 2001 (as amended) and
- (d) The nature, extent and purpose of the works,


NOW THEREFORE Kildare County Council, in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act 2000 (as amended), hereby decides that construction of a sand arena for equestrian uses

IS development and IS EXEMPTED development pursuant to Sections 2, 3, 4 and 5 of the Planning and Development Act as amended, Article 6 and Article 9 of the Planning and Development Regulations as amended and Class 10, Schedule 2, Part 3 of the Planning and Development Regulations 2001 (as amended).

Please note that any person issued with a declaration under Section 5 of the Planning and Development Act 2000 (as amended) may on payment to the Board of the prescribed fee, refer a declaration to An Bord Pleanála within 4 weeks of the issuing of the decision.

Signed: _____

Appendix 1: Appropriate Assessment Screening

	APPROPRIATE ASSESSMENT SCREENING REPORT AND DETERMINATION
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(A) Project Details	
ED File Ref	ED1080
Applicant name	Amanda Mooney
Development Location	Pluckstown, Straffan, Co. Kildare
Site size	c.10ha. Development area c.1800m ² .
Application accompanied by an EIS (Yes/NO)	No
Distance from Natura 2000 site in km	The site is situated c.9km north of Red Bog Special Area of Conservation.
Description of the project/proposed development – Sand arena for equestrian use.	

(B) Identification of Natura 2000 sites which may be impacted by the proposed development			
			Yes/No If answer is yes, identify list name of Natura 2000 site likely to be impacted.
1	Impacts on sites designated for freshwater habitats or species. <u>Sites to consider:</u> River Barrow and Nore, Rye Water/Carton Valley, Pollardstown Fen, Ballynafagh lake	<i>Is the development within a Special Area of Conservation whose qualifying interests include freshwater habitats and/or species, or in the catchment (upstream or downstream) of same?</i>	No
2	Impacts on sites designated for wetland habitats - bogs, fens, marshes and heath.	<i>Is the development within a Special Area of Conservation whose qualifying interests include wetland habitats</i>	No

	<u>Sites to consider:</u> River Barrow and Nore, Rye Water/Carton Valley, Pollardstown Fen, Mouds Bog, Ballynafagh Bog, Red Bog, Ballynafagh Lake	<i>(bog, marsh, fen or heath), or within 1 km of same?</i>	
3	Impacts on designated terrestrial habitats. <u>Sites to consider:</u> River Barrow and Nore, Rye Water/Carton Valley, Pollardstown Fen, Ballynafagh Lake	<i>Is the development within a Special Area of Conservation whose qualifying interests include woodlands, dunes or grasslands, or within 100m of same?</i>	No
4	Impacts on birds in SPAs <u>Sites to consider:</u> Poulaphouca Reservoir	<i>Is the development within a Special Protection Area, or within 5 km of same?</i>	No

Conclusion:

If the answer to all of the above is **No**, significant impacts can be ruled out for habitats and bird species.

No further assessment in relation to habitats or birds is required.

If the answer is **Yes** refer to the relevant sections of **C**.

(G) SCREENING CONCLUSION STATEMENT		
<i>Selected relevant category for project assessed by ticking box.</i>		
1	AA is not required because the project is directly connected with/necessary to the conservation management of the site	
2	No potential significant affects/AA is not required	X
3	Significant effects are certain, likely or uncertain. Seek a Natura Impact Statement Reject proposal. (Reject if potentially damaging/inappropriate)	
Justify why it falls into relevant category above (based on information in above tables)		
Having regard to the proximity of the nearest SAC and given the location, nature and extent of the proposed development it is not considered there would be potential to negatively affect the ecological integrity or conservation objectives of European Sites.		
Name:	Sarah O'Mahony	
Position:	Executive Planner	
Date:	06 th December 2023	

Appendix 2: Environmental Impact Assessment Screening

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ENVIRONMENTAL IMPACT ASSESSMENT SCREENING REPORT

STAGE 1: PRE-SCREENING

For use when establishing if the proposal is a 'sub-threshold development' requiring Preliminary Examination

ED Register Reference:	ED 1080
Development Description Summary:	Sand arena for equestrian use.
Was a Screening Determination carried out under Section 176A-C:	<input type="checkbox"/> Yes, no further action required <input checked="" type="checkbox"/> No, proceed to Part A

Part A. Is the development a project listed in Schedule 5, Part 1, of the Planning & Development Regs 2001 (as amended)?

<input type="checkbox"/> Yes, specify class: <i>[insert class here]</i>	
<input checked="" type="checkbox"/> No	Proceed to Part B

Part B. Does the development comprise a project listed in Schedule 5, Part 2, of the Planning & Development Regulations 2001 (as amended) and does it meet/exceed the thresholds?

<input type="checkbox"/> Yes the project is listed in Schedule 5, Part 2 and meets/exceeds the threshold, specify class (including threshold): <i>[Insert class & threshold here]</i>	
<input checked="" type="checkbox"/> No, the development is not a project of a type listed in Schedule 5, Part 2	No Screening required CS2
<input type="checkbox"/> Yes the project is of a type listed but is <i>sub-threshold</i> : <i>[Insert class & threshold here]</i>	

PART C. Has Schedule 7A information/screening report been submitted?

<input type="checkbox"/> Yes, Schedule 7A information/screening report has been submitted by the applicant	N/A
<input type="checkbox"/> No, Schedule 7A information/screening report has not been submitted by the applicant	N/A

Name:	Sarah O'Mahony
Position:	Executive Planner
Date:	06 th December 2023

COMHAIRLE CONTAE CHILL DARA

KILDARE COUNTY COUNCIL

Director of Services Order



I, Alan Dunney, Director of Services, am duly authorised and delegated by Chief Executive's Order number: CE48043 to make the following Order in accordance with Section 154 of the Local Government Act, 2001, as amended.

ORDER NO: DO50587

Section: Planning

SUBJECT: ED/1080.
Application for a Declaration of Exempted Development under Section 5 of Planning and Development Act 2000 (as amended) for development at Pluckstown, Straffan, Co. Kildare.

SUBMITTED: File Ref. ED/1080 with recommendation from the A/Senior Planner and reports from the Council's Technical Officers.

ORDER:  I hereby order the following Kildare County Council, in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act 2000 (as amended) hereby decides that the proposed development is development and is exempted development.

MADE THIS 21st DAY

SIGNED: 

OF January YEAR 2024

DIRECTOR OF SERVICES

Kildare County Council
Declaration of Exempt Development under Section 5,
of the Planning and Development Act 2000

Incomplete application forms will
be deemed invalid and returned



All responses must be in block
letters

Section 1	Details of Applicants
------------------	------------------------------

1. Name of Applicant(s) A. Surname Mooney Forenames Amanda
 Phone No. [REDACTED] Fax No.
 2. Address Pluckstown, Straffan, Co. Kildare, W23 H953

Section 2	Person/Agent acting on behalf of applicant (if applicable)
------------------	---

1. Name of Person/Agent: Surname Fagan Forenames Matthew
 Phone No. 0861980120 Fax No.
 2. Address 229 Clonliffe Road, Drumcondra, Dublin 3.

Section 3	Company Details (if applicable)
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1. Name of Company Phone No. Fax No.
 2. Company Reg. No.
 3. Address



Section 4	Details of Site
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1. Planning History of Site There is a current planning application to demolish the existing house and construct a new house with paddocks
 2. Location of Proposed Development and arena
Pluckstown, Straffan, Co. Kildare
 3. Ordnance Survey Sheet No. 696735, 726608
 4. Please state the Applicants interest in the site Owner
 5. Please state the extent of the proposed development.
The development will consist of the demolition of the existing house, remains of an existing derelict house and agricultural buildings, the construction of a part single-storey, part two-storey house with septic tank, percolation area and soakaway, provision of a vehicular entrance setback from the road, the construction of a stable, haybarn, dedica

haybarn/machinery store, dedicated area for manure and bedding waste, associated access route and all associated site works.

6. Under what Section of the Planning and Development 2000 and/or what provision of the Planning and Development Regulations 2001 is exemption sought (*specific details required*).....

7. Please give a detailed description of the Proposed Development (*Use separate page if necessary*).....
This form is seeking a declaration of exemption for the proposed
arena as indicated on the attached Site Plans.



Section 5	The following must be submitted for a valid application
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		(Please Tick)
1.	Site Location Map (1:2500 Rural Areas) (1:1000 Urban Areas)	<input checked="" type="checkbox"/>
2.	A Site Layout Plan (Scale 1:500) in full compliance with Article 23 of Planning and Development Regulations 2001	<input checked="" type="checkbox"/>
3.	Drawings of the development (Scale 1:50) in full compliance with Article 23 of Planning and Development Regulations 2001	<input checked="" type="checkbox"/>
4.	All drawings to differentiate between the original building, all extensions and proposed development	<input checked="" type="checkbox"/>
5.	Fee of 80 Euro	<input checked="" type="checkbox"/>

Section 6	Declaration
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I, MATTHEW FAGAN certify that all of the above information is correct and I have submitted all the required documents as outlined at Section 6 above.

Signature: 

Date: 10/11/23



229 Clonliffe Road,
Drumcondra,
Dublin 3.

Planning Department
Kildare County Council,
Devoy Park,
Naas,
Co. Kildare.

November 7th, 2023

Address: Pluckstown, Straffan, Co. Kildare, W23 H953.

Re: This form is seeking a declaration of exemption for the proposed arena as indicated on the attached Site Plans.

Planning Descpt: The development will consist of the demolition of the existing house, remains of an existing derelict house and agricultural buildings, the construction of a part single-storey, part two-storey house with septic tank, percolation area and soakaway, provision of a vehicular entrance setback from the road, the construction of a stable, haybarn/machinery store, dedicated area for manure and bedding waste, associated access route and all associated site works.

Applicant: Amanda Mooney

Pl. Ref: 23/686

Dear Sir/Madam,

I am writing to submit the attached declaration of exemption for the proposed horse arena as indicated on the attached Site Plans.

I have included all the relevant documents as requested on the form.

The relevant fee of €80 will be paid by credit card at 0861980120.

I trust that the above is in order.

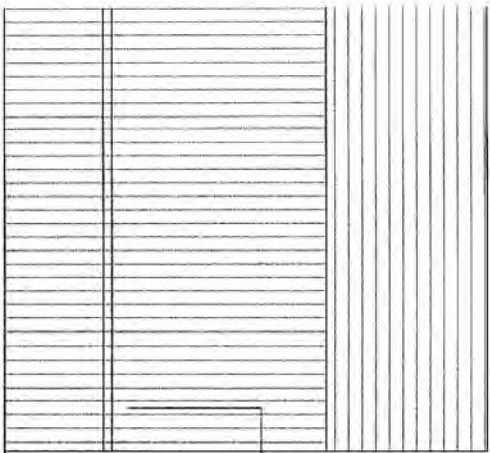
Yours sincerely,

Matthew Fagan, B Arch, MRIAI



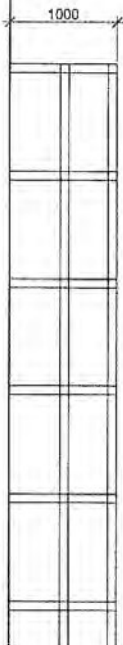
e: info@mfarch.ie

m: 086 1980120



Proposed aluminum clad
siding & aluminum siding
application 2006

Proposed aluminum clad
siding & aluminum siding
application 2006



Proposed Arena

Typical elevation of proposed Arena:
Scale 1:50

Proposed Arena



<p>NOTES:</p> <p>1. The applicant is to provide a site plan showing the proposed arena location and the proposed arena structure.</p> <p>2. The applicant is to provide a site plan showing the proposed arena location and the proposed arena structure.</p> <p>3. The applicant is to provide a site plan showing the proposed arena location and the proposed arena structure.</p>		<p>EXEMPTION DECLARATION</p> <p>PROPOSED STABLE & BARN</p> <p>PLACEMENT, STAFFING, RESIDUE</p> <p>2310 DE-2.01</p> <p>NOV 2023</p>	
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Proposed Haybarn / Machine
Refer to drawing 23010-PL-4
for details

Proposed Stable
Refer to drawing
23010-PL-5.01 for details

9.9ha

Refer to engineering
reports for stable waste
detail

Proposed divide for
paddocks

Proposed sand arena

9.69

Pluckstown

100352

110kV

1569

60000

30000





entrance to be widened to create new vehicular entrance, see drawing 23010-PL-5.01 for detail

1.95

Proposed low-level hedge perimeter hedge and entrance

90m sightlines (60km/hr speed road)

0.30

Existing house to be removed

Ruins

Proposed House

Proposed soakpit, refer to engineer's details

Proposed septic tank, refer to engineer's details

Proposed access route

LEVELS RELATIVE TO BULK HEAD DATUM USING GPS SURVEY RELATED TO ITN GRID USING GPS

Proposed Haybarn / Machinery
Refer to drawing 23010-PL-5.01 for details

Proposed stable
Refer to drawing 23010-PL-5.01 for details

110KV

9.9ha

Proposed divide for paddocks

Proposed sand arena

12.46

9.69

Site Boundary
Proposed Paddock

Declaration of Exempt Development

Proposed Site Plan
1:1000

DEVELOPER DECLARATION	
I, the undersigned, being the owner of the land, hereby declare that the information provided in this application is true and correct to the best of my knowledge and belief.	
Signature of Developer	23010-DE-1-02
Date	13 NOV 2023





FINANCE CASH OFFICE
Kildare County Council
Áras Chill Dara
Devoy Park
Naas
Co. Kildare
13/11/2023 14:39:33

Receipt No. : FIN1/0/493364
***** REPRINT *****

SECTION 5 EXEMPT DEVELOPMENT
AMANDA MOONEY

PLANNING EXEMPT DEVELOP FEES 80.00
GOODS 80.00
VAT Exempt/Non-vatable

Total : 80.00 EUR

Tendered :
Credit Card 80.00
VD
0378

Change : 0.00

Issued By : Maeve Timmons Finance
From : Financial Lodgement Area
Vat reg No.0440571C