

Comhairle Contae Chill Dara
Kildare County Council



Date: 8th January 2024.
Our Ref: ED/1082.

Talbot Group,
c/o Hanley Taite Design Partnership,
Virginia Shopping Centre,
Virginia,
Co. Cavan.

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

Dear Sir/Madam,

I refer to your correspondence received on 28th 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. FIN1/0/493870 in relation to fee paid.

Yours sincerely,


**Senior Executive Officer,
Planning Department.**



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

ED/001082.

WHEREAS a question has arisen as to whether the change use of the existing house from a single-family residence to a residence for up to 6 persons with an intellectual or physical disability with the appropriate level of care staff to meet the client's needs. (no. of carers will not exceed 2 no.) at Graigues, Robertstown, Co. Kildare, is exempted development,

AS INDICATED on the plans and particulars received by the Planning Authority on 28th November 2023

AND WHEREAS Talbot Group 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 works to which the provisions of the following applies:

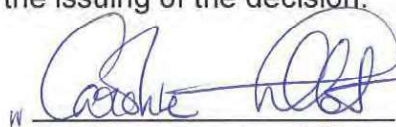
- (a) Sections 2 & 3 of the Planning and Development Act 2000 (as amended);
- (b) The nature, extent and purpose of the works,
- (c) Class 14 (f) of Schedule 2 Article 6, Part 1 of the Planning and Development Regulations 2001 (as amended)

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 change use of the existing house from a single-family residence to a residence for up to 6 persons with an intellectual or physical disability with the appropriate level of care staff to meet the client's needs. (no. of carers will not exceed 2 no.).

***IS development and IS EXEMPTED development** pursuant to Sections, 2 & 3, of the Planning and Development Act as amended and Class 14 (f) of Schedule 2 Article 6, Part 1 of the Planning and Development Regulations 2001 (as amended) of the Planning and Development Regulations 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.


w/ **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/1082

Name Of Applicant(s):	Talbot Group
Address Of Development:	Graigues Robertstown
Development Description:	Change use of the existing house from a single-family residence to a residence for up to 6 persons with an intellectual or physical disability with the appropriate level of care staff to meet the client's needs. (no. of carers will not exceed 2 no.)
Due date	26/12/2023

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 will comprise of the change use of the existing house from a single-family residence to a residence for up to 6 persons with an intellectual or physical disability with the appropriate level of care staff to meet the client's needs. (no. of carers will not exceed 2 no.).

Site Location

The site is a rural location in the townland of Graigues, located off a private road off the R403 between Prosperous and Allenwood. The site accommodates a detached dormer dwelling.

Description of Proposed Development

change use of the existing house from a single-family residence to a residence for up to 6 persons with an intellectual or physical disability with the appropriate level of care staff to meet the client's needs. (no. of carers will not exceed 2 no.).

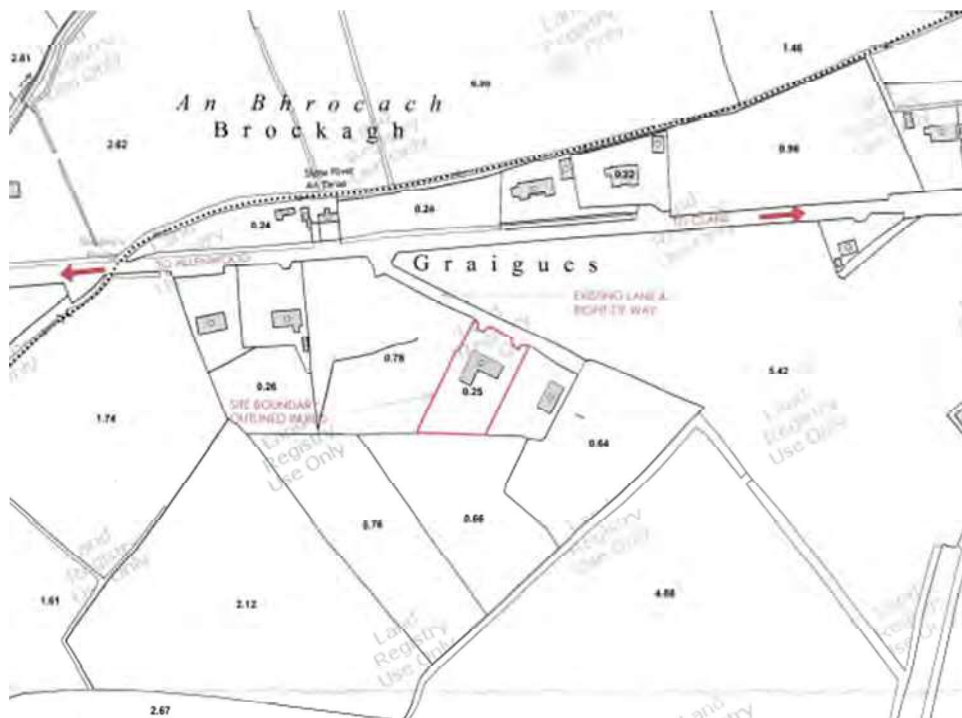


Fig 1: Site Location and context



Fig 2: Aerial view of subject site (Google Images)

Planning History

00/1733: Micheal and Breege Brennan granted permission for a dormer extension to the existing dwelling.

22/1024: Micheal & Breege Brennan were granted retention permission for alterations to house and site boundaries to that previously granted under planning ref 00/1733. The alterations consist of (A) Retention permission for increased building footprint resulting in an increase in the total floor area from 389m² to 412m². (B) Retention permission for minor changes in fenestration to each elevation and 4no. rooflights in the rear conservatory. (C) Retention permission for changes to the roof

profile to the front (north-east) and side (north-west) elevations. No increase in ridge height from that originally granted permission under file ref 00/1733. (D) Retention permission for revised site boundaries to that previously granted under file ref 00/1733 (E) Retention permission for revised location of effluent treatment system and percolation area.

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 5(7) 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.

Planning and Development Regulations 2001 (as amended)

Schedule 2 Article 6, Part 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.

Class 14. Change of use

(f) from use as a house, to use as a residence for persons with an intellectual or physical disability or mental illness and persons providing care for such persons

Conditions and limitations:

The number of persons with an intellectual or physical disability or a mental illness living in any such residence shall not exceed 6 and the number of resident carers shall not exceed 2.

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

(i) contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act,

The proposed change of use would not contravene a condition on a permission on site.

Assessment

Based on the information provided within this section 5 application, it is considered the proposed change of use accords with Class 14 (f) of Schedule 2 Article 6, Part 1 of the Planning and Development Regulations 2001 (as amended)

The proposed change of use will not contravene a condition on any permission associated with the site.

Conclusion

Having regard to:

- Sections 2, 3, 5 of the Planning and Development Act 2000 (as amended);
- Class 14 (f) of Schedule 2 Article 6, Part 1 of the Planning and Development Regulations 2001 (as amended) and Article 9 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 by Class 14 (f) of Schedule 2 Article 6, Part 1 of 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: 
L. Murphy
Executive Planner


Bébhinn O'Shea
Senior Executive Planner

8/12/20203

Date: 04/12/2023

A. S. Vanger

A/SP

20/12/24

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 the change use of the existing house from a single-family residence to a residence for up to 6 persons with an intellectual or physical disability with the appropriate level of care staff to meet the client's needs. (no. of carers will not exceed 2 no.).

AS INDICATED on the plans and particulars received by the Planning Authority on 28/11/2023.

AND WHEREAS Talbot Group 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 of the Planning and Development Act 2000 (as amended);
- (b) The nature, extent and purpose of the works,
- (c) Class 14 (f) of Schedule 2 Article 6, Part 1 of the Planning and Development Regulations 2001 (as amended)

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 change use of the existing house from a single-family residence to a residence for up to 6 persons with an intellectual or physical disability with the appropriate level of care staff to meet the client's needs. (no. of carers will not exceed 2 no.).

- (a) IS development and **IS EXEMPTED** development pursuant to Sections, 2 & 3, of the Planning and Development Act as amended and Class 14 (f) of Schedule 2 Article 6, Part 1 of the Planning and Development Regulations 2001 (as amended) of the Planning and Development Regulations 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

(A) Project Details

Planning File Ref	ED1082
Applicant name	Talbot Group
Development Location	Graigues, Robertstown Co. Kildare
Site size	unknown
Application accompanied by an EIS (Yes/NO)	No
Distance from Natura 2000 site in km	The site is located c.290m west of Ballynafagh Lake SAC (site code 001387)
Description of the project/proposed development – Change use of the existing house from a single-family residence to a residence for up to 6 persons with an intellectual or physical disability with the appropriate level of care staff to meet the client's needs. (no. of carers will not exceed 2 no.).	

(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,	<i>Is the development within a Special Area of Conservation whose qualifying interests include freshwater habitats and/or species, or in the catchment</i>	No

	Pollardstown Fen, Ballynafagh lake	<i>(upstream or downstream) of same?</i>	
2	Impacts on sites designated for wetland habitats - bogs, fens, marshes and heath. <u>Sites to consider:</u> River Barrow and Nore, Rye Water/Carton Valley, Pollardstown Fen, Mouds Bog, Ballynafagh Bog, Red Bog, Ballynafagh Lake	<i>Is the development within a Special Area of Conservation whose qualifying interests include wetland habitats (bog, marsh, fen or heath), or within 1 km of same?</i>	Yes
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	
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)		
Given the nature of the proposed Section 5 Declaration of exempt development for change of use only of the structure it is considered there would be no significant impact on the nearby European site.		
Name:	L. Murphy	

Position:	Executive Planner
Date:	04/12/2023

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: DO50596 **Section:** Planning

SUBJECT: ED/1082.
Application for a Declaration of Exempted Development under Section 5 of Planning and Development Act 2000 (as amended) for development at Graigues, Robertstown, Co. Kildare.

SUBMITTED: File Ref. ED/1082 with recommendation from the A/Senior Planner and reports from the Council's Technical Officers.

ORDER:

A handwritten signature in blue ink, appearing to be 'Alan Dunney'.

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 9th DAY

OF January YEAR 2024

SIGNED: Alan Dunney

DIRECTOR OF SERVICES

Kildare County Council

Declaration of Exempt Development under Section 5, of the Planning and Development Act 2000 as amended



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...Talbot Group..... Forenames...N/A.....
Phone No...01 841 2660..... Fax No....N/A.....
2. Address ...Redwood Extended Care Facility, Stamullen, Co. Meath.....
.....

Section 2	Person/Agent acting on behalf of applicant (if applicable)
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1. Name of Person/Agent: Surname...Taite..... Forenames...Hanley.....
Phone No...049 854 8436..... Fax No...N/A.....
2. Address...Hanley Taite Design Partnership, Virginia Shopping Centre, Virginia, Co. Cavan.....
.....

Section 3	Company Details (if applicable)
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1. Name of Company ...Talbot Group
Phone No...01 841 8436..... Fax No...N/A.....
2. Company Reg. No...64662.....
3. Address...Redwood Extended Care Facility, Stamullen, Co. Meath
.....

Section 4	Details of Site
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1. Planning History of Site...221024.....
2. Location of Proposed Development...Graigues, Robertstown, Co. Kildare, W91 A97T.....
.....
3. Ordnance Survey Sheet No...50356910_2.....
4. Please state the Applicants interest in the site ...Owner.....
.....
5. Please state the extent of the proposed development...411.20m².....



6. Under what Section of the Planning and Development 2000 as amended and/or what provision of the Planning and Development Regulations 2001 as amended is exemption sought (*specific details required*) Planning and Development Regulations, Schedule 2, Part 1, Class 14 (F)

7. Please give a detailed description of the Proposed Development (*Use separate page if necessary*).....

It is proposed to change the use of the existing house from a single-family residence to a residence for up to 6 persons with an intellectual or physical disability with the appropriate level of care staff to meet the clients needs. (no. of carers will not exceed 2 n0.)

Section 5	The following must be submitted for a valid application
------------------	--

(Please Tick)

1.	Site Location Map (1:2500 Rural Areas) (1:1000 Urban Areas)	✓
2.	A Site Layout Plan (Scale 1:500) in full compliance with Article 23 of Planning and Development Regulations 2001 as amended	✓
3.	Drawings of the development (Scale 1:50) in full compliance with Article 23 of Planning and Development Regulations 2001 as amended	✓
4.	All drawings to differentiate between the original building, all extensions and proposed development	✓
5.	Fee of 80 Euro	✓

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

Signature: Paul Taite

Date: 24/11/2023



HANLEY TAITE DESIGN PARTNERSHIP

Architects & Design Consultants

Head Office Áras Chill Dara

Devoy Park, Naas

Co. Kildare, W91 X77F

Rep. of Ireland office:
Virginia Shopping Centre,
Virginia, Co. Cavan.
A82 W5W5

w: www.hanleytaite.com

f: [facebook/hanleytaite](https://www.facebook.com/hanleytaite)

e: mail@hanleytaite.com

UK office:
Charlotte's Court,
Prudence Pl, Proctor Way,
Luton, LU2 9PE

ph: 00353 49 85 43540

ph: 00353 49 85 48436

fax: 00353 49 85 43 918

24th November 2023.

Re: Application for Section 5 Declaration for existing building at Graigues, Robertstown, Co. Kildare, W91 A97T on behalf of Talbot Group.

Dear sir/madam,

Enclosed please find the following in respect of existing Graigues, Robertstown, Co. Kildare, W91 A97T on behalf of Talbot Group:

- Section 5 Declaration application form.
- Site Location Map.
- Site Layout Plan.
- Floor Plans and Elevations.
- Application fee €80.

I confirm that the applicants, Talbot Group, are an organisation who care for individuals with varying levels of intellectual disabilities. Talbot Group have a number of similar type properties in the general Louth and Meath area and they are a very reputable organisation providing a much needed and valued service to some of the most vulnerable members of society. They wish to seek a Section 5 Declaration to change the use of the existing house from a single family residence to a residence for up to 6 persons with an intellectual or physical disability with the appropriate level of care staff to meet the clients needs (no. of resident carers will not exceed 2 no.).

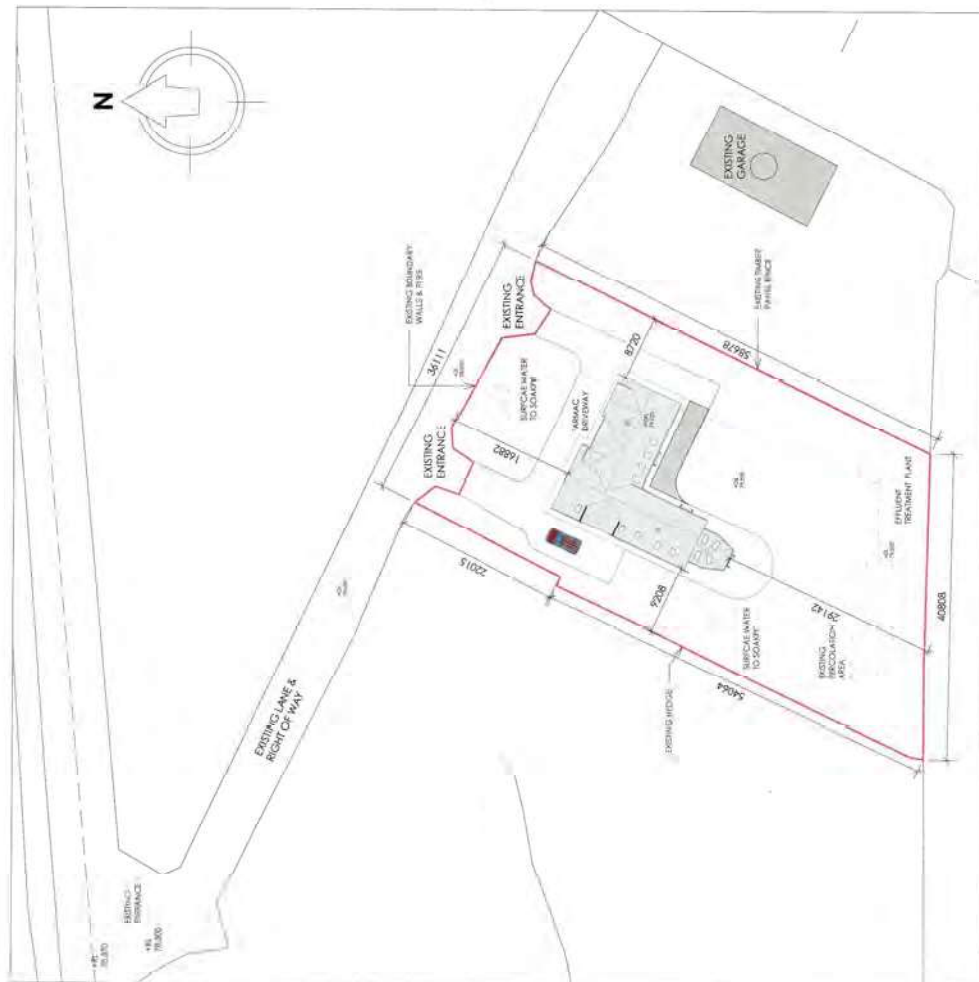
I hope this application is to your satisfaction, should you have any queries please do not hesitate to contact the undersigned.

Kind regards,

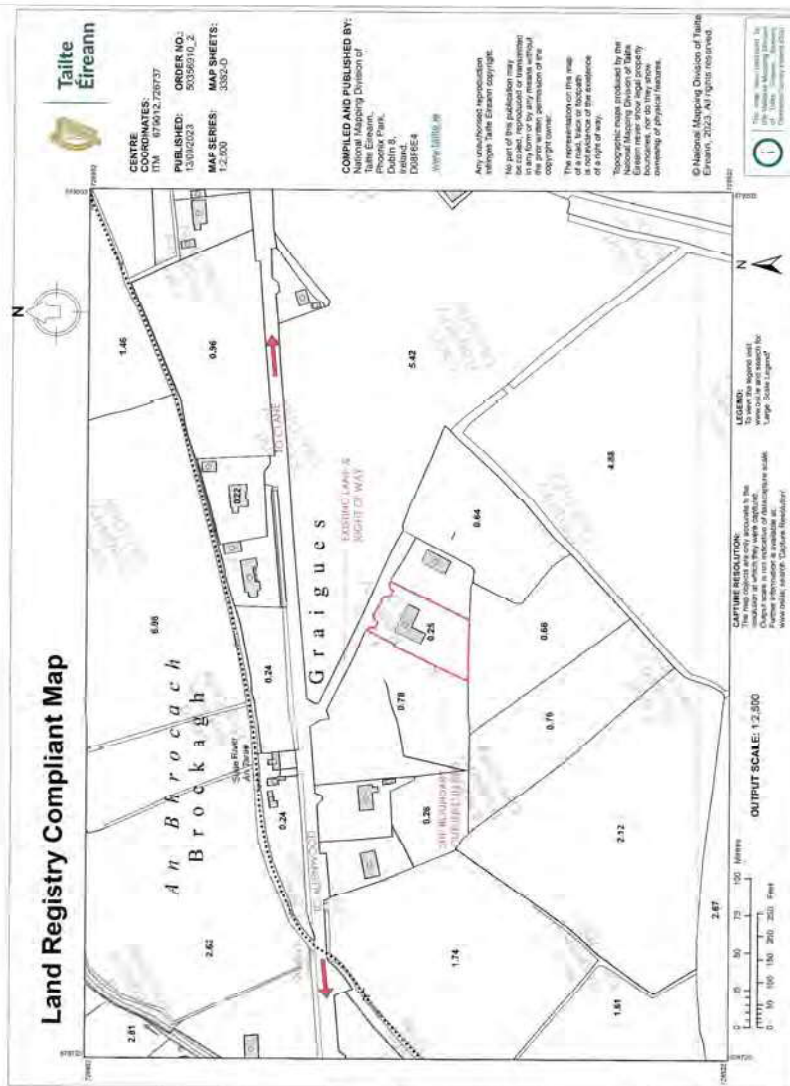
Paul Taite.

Hanley Taite Design Partnership.





Site Layout Plan



2 Site Location Map
1 : 2500

SECTION 5 DRAWINGS ONLY
Architects & Design Consultants
Attention: The Registration of the Architect in Nigeria

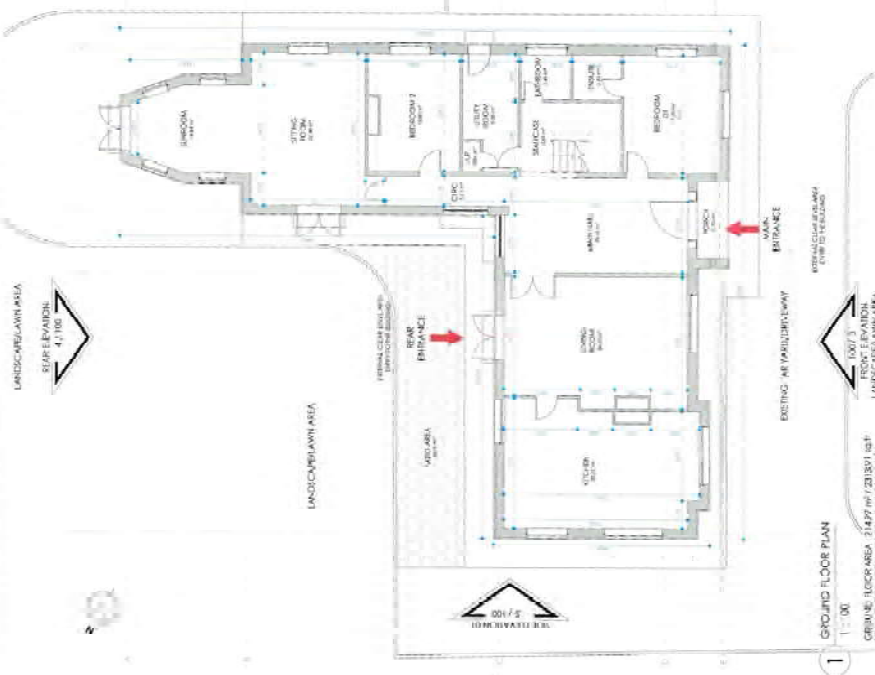
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28 NOV 2023
Kildare County Council
Planning & Development
Planning & Development

HANLEY TAITE
DESIGN PARTNERSHIP
Virginia Hospital Center
Virginia Life Sciences Center
www.hanleytaite.com
Specialty Construction
in Health Care

[illegible]

A1

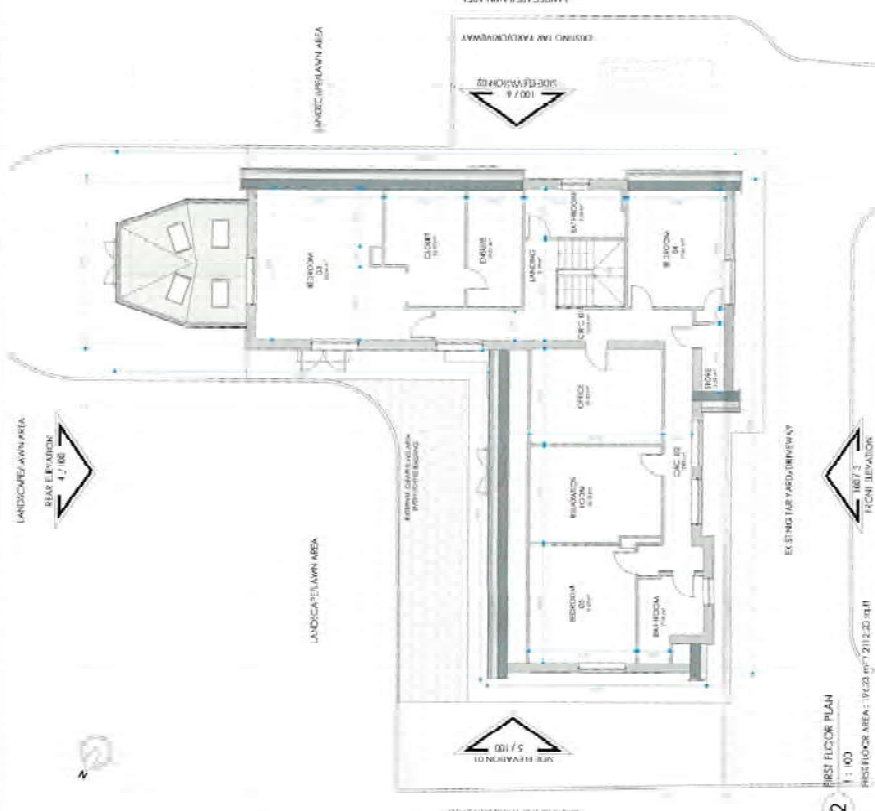
LANDSCAPE/LAWN AREA
SEAR ELEVATION
1:100



1 GROUND FLOOR PLAN
1:100

CEILING: 10'0" AREA: 31'0" x 31'0" (961 sq ft)
TOTAL FLOOR AREA: 41'0" x 31'0" (1271 sq ft)

LANDSCAPE/LAWN AREA
SEAR ELEVATION
1:100



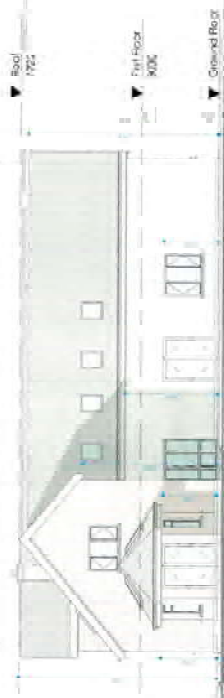
2 FIRST FLOOR PLAN
1:100

CEILING: 10'0" AREA: 31'0" x 31'0" (961 sq ft)
TOTAL FLOOR AREA: 41'0" x 31'0" (1271 sq ft)

3 FRONT ELEVATION
1:100



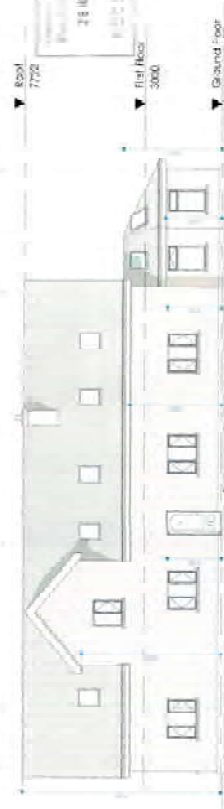
4 REAR ELEVATION
1:100



5 SIDE ELEVATION 01
1:100



6 SIDE ELEVATION 02
1:100



SECTION 5 DRAWINGS ONLY



**HANLEY TAITE
DESIGN PARTNERSHIP**
Architects & Design Consultants
1111 1st Avenue North
Suite 100
Birmingham, AL 35203
Phone: (205) 988-1111
Fax: (205) 988-1112
www.hanleytaite.com

28 MAY 2023
REVISED

Project Name	1111 1st Avenue North
Project Address	1111 1st Avenue North
Project City	Birmingham, AL
Project State	AL
Project Zip	35203
Project Date	28 MAY 2023
Project Status	REVISED
Project Owner	HANLEY TAITE DESIGN PARTNERSHIP
Project Architect	HANLEY TAITE DESIGN PARTNERSHIP
Project Engineer	HANLEY TAITE DESIGN PARTNERSHIP
Project Designer	HANLEY TAITE DESIGN PARTNERSHIP
Project Draftsman	HANLEY TAITE DESIGN PARTNERSHIP
Project Checker	HANLEY TAITE DESIGN PARTNERSHIP
Project Approver	HANLEY TAITE DESIGN PARTNERSHIP



FINANCE CASH OFFICE

Kildare County Council

Áras Chill Dara

Devoy Park

Naas

Co. Kildare

28/11/2023 12:03:54

Receipt No. : FIN1/0/493870

ED1082 Talbot Group

C/o Hanley Taite

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

Total : 80.00 EUR

Tendered :
Cheque 80.00

Change : 0.00

Issued By : Sally Pallister Finance Section
From : Financial Lodgement Area
Vat reg No.0440571C