

Comhairle Contae Chill Dara  
Kildare County Council



Date: 8<sup>th</sup> January 2024.  
Our Ref: ED/1087.

C

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 1 The Willows, Ballynadrumny, Broadford, Co. Kildare.**

Dear Sir/Madam,

I refer to your correspondence received on 1<sup>st</sup> December 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. FIN1/0/494035 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/001087.**

**WHEREAS** a question has arisen as to whether the change of 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 2no) at 1 The Willows, Ballynadrumny, Broadford, Co. Kildare, is exempted development,

**AS INDICATED** on the plans and particulars received by the Planning Authority on 1<sup>st</sup> December 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 3, 5, of the Planning and Development Act 2000 (as amended);
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended);  
and
- (c) Schedule 2, Part 1, Class 14 (f) (exempted Development - Change of use, of the Planning and Development Regulations 2001 (as amended);

Comhairle Contae Chill Dara  
Kildare County Council



**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 of 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 2no) at 1 The Willows, Ballynadrumny, Broadford, Co. Kildare

***IS development and IS EXEMPTED development pursuant to Section 3(1) of the Planning and Development Act as amended and Article 6, Article 9 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.

8<sup>th</sup> 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/1087

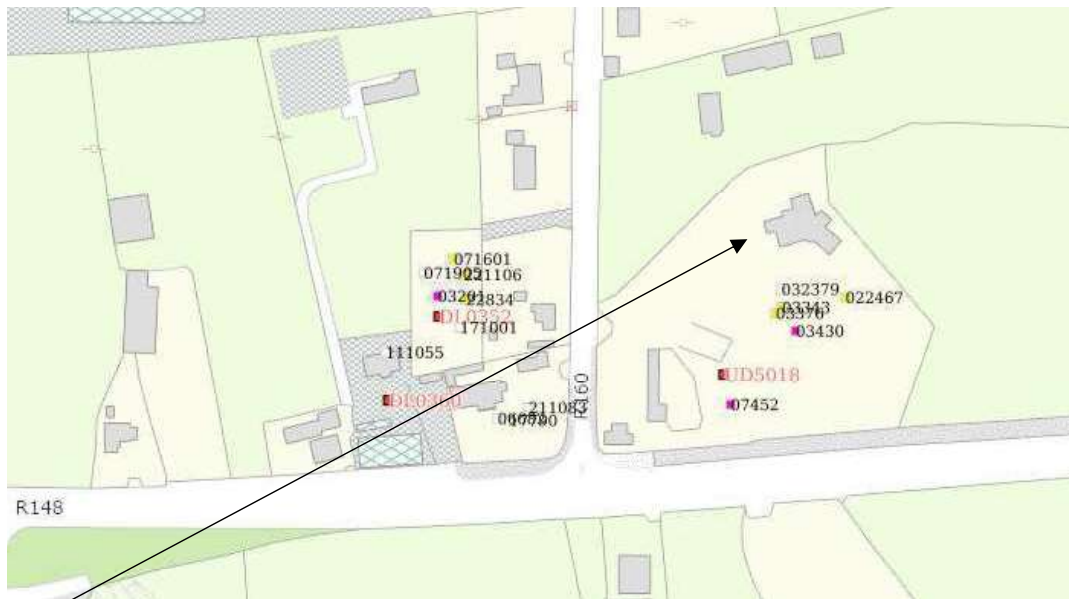
<b>Name Of Applicant(s):</b>	Talbot Group
<b>Address Of Development:</b>	1 The Willows, Ballynadrumny, Broadford, Co. Kildare, W91 YV83
<b>Development Description:</b>	It is proposed to change the use of the existing house from a single-family residence to a residence for up to 6 persons with an intellectual or physical disability with the appropriate level of care staff to meet the client's needs. (no. of carers will not exceed 2 no.)
<b>Due date</b>	29/12/23

#### 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 the works 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 client's needs. (no. of carers will not exceed 2no) at 1. The Willows, Ballynadrumny, Broadford are exempt.

#### Site Location





**Fig 1: Site Location and context**



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

### **Description of Proposed Development**

The application is described as a 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 client's needs. (no. of carers will not exceed 2no).

## **Planning History**

**03/2379** – Permission granted on appeal for one and a half storey house with treatment system and new entrance onto public road.

## **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)**

#### **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.

#### **Class 14 – Development consisting of a 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.*

All classes of development as provided for under Article 6 are subject to potential restrictions under Article 9 of the Regulations including contravening a condition attached to a permission, endangering public safety by means of traffic hazard, obstruct a public right of way, works to a structure in an ACA etc. Article 9 restrictions have been reviewed for the purposes of this assessment and do not apply in this instance.

### **Assessment**

The change of use from residential dwelling to accommodation for persons with an intellectual or physical disability or mental illness and persons providing care for such persons, constitutes 'development' as defined by Section 3 of the Act. The legislation provides for exempted development for change of use under Article 6 and Schedule 2, Part 1, Class 14 (f) of the Regulations.

The proposed change of use falls within Class 14 (f) of Schedule 2, Part 1 of the Regulations: *Development consisting of a change of use 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.*

There is only one limitation applicable to that class which stipulates that the number of persons living in any such residence shall not exceed 6 persons and the number of resident carers shall not exceed 2.

The application states that the subject dwelling will be used as a residence for up to 6 persons with intellectual or physical disability and associated care staff. It is submitted that resident carers will not exceed 2 staff members. No proposed construction works are indicated.

The proposed development complies with the provisions of Schedule 2, Part 1, Class 14 (f) and is considered to constitute exempted development in accordance with Article 6 of the Regulations.

### **Conclusion**

Having regard to:

- Sections 3, and 5 of the Planning and Development Act 2000 (as amended);
- Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended); and
- Schedule 2, Part 1, Class 14 (f) (exempted Development - Change of use, of the Planning and Development Regulations 2001 (as amended);

it is considered that the proposed change of use from use as a house to use as a residence for persons with an intellectual or physical disability **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).

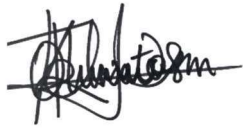
### **Recommendation**

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



Fiona Breen  
Executive Planner

11/12/2023



**Kehinde Oluwatosin**  
Senior Executive Planner  
12/12/2023



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Aoife Brangan  
A/sp  
12/12/23



## **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 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 client's needs. (no. of carers will not exceed 2no).

**AS INDICATED** on the plans and particulars received by the Planning Authority on 01/12/2023

**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 3, 5, of the Planning and Development Act 2000 (as amended);
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended); and
- (c) Schedule 2, Part 1, Class 14 (f) (exempted Development - Change of use, 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 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 client's needs. (no. of carers will not exceed 2 no).

***IS development and IS EXEMPTED development pursuant to Section 3(1) of the Planning and Development Act as amended and Article 6, Article 9 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

<b>Planning File Ref</b>	ED 1087
<b>Applicant name</b>	TALBOT GROUP
<b>Development Location</b>	1. The Willows, Ballynadrumny, Broadford, Co. Kildare
<b>Site size</b>	n/a
<b>Application accompanied by an EIS (Yes/NO)</b>	No
<b>Distance from Natura 2000 site in km</b>	2km south of River Boyne and Blackwater SAC
<b>Description of the project/proposed development – Change of use from residence to residence for persons with intellectual or physical disabilities</b>	

### (B) Identification of Natura 2000 sites which may be impacted by the proposed development

			<b>Yes/No</b> <b>If answer is yes, identify list name of Natura 2000 site likely to be impacted.</b>
<b>1</b>	<b>Impacts on sites designated for freshwater habitats or species.</b>  <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>	<b>NO</b>
<b>2</b>	<b>Impacts on sites designated for wetland habitats - bogs, fens, marshes and heath.</b>	<i>Is the development within a Special Area of Conservation whose qualifying interests include wetland habitats</i>	<b>NO</b>

	<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>	
<b>3</b>	<b>Impacts on designated terrestrial habitats.</b> <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>	<b>NO</b>
<b>4</b>	<b>Impacts on birds in SPAs</b> <u>Sites to consider:</u> Poulaphouca Reservoir	<i>Is the development within a Special Protection Area, or within 5 km of same?</i>	<b>NO</b>

#### **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**.

<b>(G) SCREENING CONCLUSION STATEMENT</b>		
<i>Selected relevant category for project assessed by ticking box.</i>		
<b>1</b>	AA is not required because the project is directly connected with/necessary to the conservation management of the site	
<b>2</b>	No potential significant affects/AA is not required	<b>X</b>
<b>3</b>	Significant effects are certain, likely or uncertain. Seek a Natura Impact Statement Reject proposal. (Reject if potentially damaging/inappropriate)	
<b>Justify why it falls into relevant category above (based on information in above tables)</b>		
Scale, nature, location and distance from Natura 2000 sites = no impact on integrity of Natura 2000 network.		
<b>Name:</b>	Fiona Breen	
<b>Position:</b>	Executive Planner	
<b>Date:</b>	11/12/2023	

# 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:** DO50609 **Section:** Planning

**SUBJECT:** ED/1087.  
Application for a Declaration of Exempted Development under Section 5 of Planning and Development Act 2000 (as amended) for development at 1 The Willows, Ballynadrumny, Broadford, Co. Kildare.

**SUBMITTED:** File Ref. ED/1087 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 9<sup>th</sup> DAY  
OF January YEAR 2024

SIGNED:   
DIRECTOR OF SERVICES



# Kildare County Council

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

ED 1087

rec'd 1/12/23  
8

Incomplete application forms will  
be deemed invalid and returned



All responses must be in block  
letters

<b>Section 1</b>	<b>Details of Applicants</b>
------------------	------------------------------

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 .....

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

<b>Section 3</b>	<b>Company Details (if applicable)</b>
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1. Name of Company ...Talbot Group .....  
Phone No...049 854 8436..... Fax No...N/A.....
2. Company Reg. No...64662.....
3. Address...Redwood Extended Care Facility, Stamullen, Co. Meath .....

<b>Section 4</b>	<b>Details of Site</b>
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1. Planning History of Site...201047.....
2. Location of Proposed Development...1 The Willows, Ballynadrumny, Broadford, Co. Kildare, W91 YV83 .....
3. Ordnance Survey Sheet No...50356910\_1.....
4. Please state the Applicants interest in the site ...Owner.....
5. Please state the extent of the proposed  
development...494.06m<sup>2</sup>...c.....

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
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(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: 

Date: 24/11/2023

201087



# 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](http://www.hanleytaite.com)  
f: [facebook/hanleytaite](https://www.facebook.com/hanleytaite)  
e: [mail@hanleytaite.com](mailto:mail@hanleytaite.com)

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

ph: 00353 49 85 43540  
ph: 00353 49 8548436  
fax: 00353 49 85 43 918

24<sup>th</sup> November 2023.

Re: Application for Section 5 Declaration for existing building at 1 The Willows, Ballynadrumny, Broadford, Co. Kildare, W91 YV83 on behalf of Talbot Group.

Dear sir/madam,

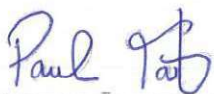
Enclosed please find the following in respect of existing 1 The Willows, Ballynadrumny, Broadford, Co. Kildare, W91 YV83 on behalf of Talbot Group:

- 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.



FINANCE CASH OFFICE  
Kildare County Council  
Aras Chill Dara  
Devoy Park  
Naas  
Co. Kildare  
01/12/2023 12:58:06

Receipt No.: FIN1/0/494035  
\*\*\*\*\* REPRINT \*\*\*\*\*

Talbot Group ED1087

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 : Aonghus Moloney  
From : Financial Lodgement Area  
Vat reg No.0440571C