

Comhairle Contae Chill Dara
Kildare County Council



Date: 13th March 2024.
Our Ref: ED/1099.

Niamh Uí Chadla,
Gaelscoil Chill Dara,
Green Road,
Newbridge,
Co. Kildare.

RE: Application for a Declaration of Exempted Development under Section 5 of Planning and Development Act 2000 (as amended) for development at Gaelscoil Chill Dara, Green Road, Newbridge, Co. Kildare.

Dear Sir/Madam,

I refer to your correspondence received on 1st February 2024 in connection with the above.
Enclosed is Receipt no. FIN1/0/496071 in relation to fee paid.

Please find attached declaration made under Section 5 of Planning and Development Acts 2000 (as amended) in this regard.

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/1099.

WHEREAS a question has arisen as to whether the change of use of existing changing rooms, bathrooms and storage room to two educational rooms, a bathroom, and a storage room at Gaelscoil Chill Dara, Green Road, Newbridge, Co. Kildare is exempted development

AS INDICATED on the plans and particulars received by the Planning Authority on 1st February 2024

AND WHEREAS Niamh Uí Chadla 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 WHEREAS Kildare County Council has concluded that the proposal is such that the provisions of the following apply:

- (a) Sections 3(1) of the Planning and Development Act 2000 (as amended);
- (b) 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 change of use of existing changing rooms, bathrooms and storage room to two educational rooms, a bathroom, and a storage room

IS NOT development pursuant to Section 3(1) of the Planning and Development Act 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.

13th March 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/1099.

Name Of Applicant(s):	Niamh UI Chadhla
Address Of Development:	Gaelscoil, Chill Dara
Development Description:	For educational purposes during school hours. Two educational rooms, a bathroom, and a storage room.
Due date	29/02/2024

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 of change of use of an existing changing rooms, bathroom and storage room to 2no. educational room, bathroom and storage constitutes Development and/or Exempted Development.

Site Location

The proposed development site is located on the outskirts of Newbridge, approximately 2.5km south of Newbridge town centre and south of the M7. There is an existing school on site with a number of extensions, including the subject structure to the southwest of the site. The site is access off the Green Rd. Development in the vicinity of the school consists of primarily residential, agricultural land and the Curragh Plains located further south.

Description of Proposed Development

The proposed development consists of a change of use of an existing changing rooms, bathroom and storage room to 2no. educational room, bathroom and storage. No external or internal works are proposed.



Fig 1: Site Location and context



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

Planning History

04/2613: Permission granted to Gaelscoil Cill Dara for extension to existing building to include changing rooms, bathrooms and storage.

Relevant Legislative Background

Planning and Development Act 2000 (as amended)

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. AA Screening accompanies this report.

Assessment

The proposed development consists of a change of use of an existing changing rooms, bathroom and storage room to 2no. educational room, bathroom and storage during school hours. It is not stated what the educational rooms will be used for other than educational purposes. No external or internal works are proposed.

Having regard to the above, the subject development is not considered 'development' within the meaning of the Act (Section 3); there is no material change of use and essentially the existing development forms part of the overall school development and is not considered a separate use from same. Furthermore, the proposed use does not propose any alterations internally or externally to the structure.

Conclusion


Having regard to:

- Sections 3(1), of the Planning and Development Act 2000 (as amended);
- The nature, extent and purpose of the works;

it is considered that the proposed works **does not constitute development** as defined in Section 3(1) of the Planning and Development Act 2000 (as amended).

Recommendation

It is recommended that the applicant be advised that the development as described in the application ***is not development***.

Signed: 
C Scanlon

Executive Planner

Date: 29/02/23


Bébhinn O'Shea
Senior Executive Planner

01/03/2024

A. Brangan

Aoife Brangan

A/SP

04/03/24

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 change of use of an existing changing rooms, bathrooms and storage room to two educational rooms, a bathroom, and a storage room is or is not Development and Exempted Development

AS INDICATED on the plans and particulars received by the Planning Authority on 01/02/24

AND WHEREAS *Niamh UI Chadhla of Gaelscoil Cill Dara, Green Rd, Newbridge Co. Kildare* 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

AND WHEREAS Kildare County Council has concluded that the proposal is such that the provisions of the following apply:

- (a) Sections 3(1) of the Planning and Development Act 2000 (as amended);
- (b) 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 -

Change of use of an existing changing rooms, bathrooms and storage room to two educational rooms, a bathroom, and a storage room

IS NOT development pursuant to Section 3(1) of the Planning and Development Act 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	ED1099
Applicant name	Niamh UI Chadhla
Development Location	Gaelscoil Cill Dara, Green Rd, Newbridge
Application accompanied by an EIS (Yes/NO)	NO
Distance from Natura 2000 site in km	2.2km south east of Pollardstown Fen SAC
Description of the project/proposed development – Change of use of an existing changing rooms, bathrooms and storage room to two educational rooms, a bathroom, and a storage room	

(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. <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>	no
3	Impacts on designated terrestrial habitats.	<i>Is the development within a Special Area of Conservation whose</i>	no

	<u>Sites to consider:</u> River Barrow and Nore, Rye Water/Carton Valley, Pollardstown Fen, Ballynafagh Lake	<i>qualifying interests include woodlands, dunes or grasslands, or within 100m of same?</i>	
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

Selected relevant category for project assessed by ticking box.

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 nature and scale of development proposed, combined with the distance to the nearest SAC it is not considered that the development has the potential to significantly impact the SAC network

Name:	C Scanlon
Position:	Executive Planner
Date:	29/02/24

COMHAIRLE CONTAE CHILL DARA

KILDARE COUNTY COUNCIL

Director of Services Order



I, Gabriel Conlon, Director of Services, am duly authorised and delegated by Chief Executive's Order number: CE51474 to make the following Order in accordance with Section 154 of the Local Government Act, 2001, as amended.

ORDER NO: DO51687 **Section:** Planning

SUBJECT: ED1099.
Application for a Declaration of Exempted Development under Section 5 of Planning and Development Act 2000 (as amended) for development at Gaelscoil Chill Dara, Green Road, Newbridge, Co. Kildare.

SUBMITTED: File Ref. ED1099 with recommendation from the A/Senior Planner and reports from the Council's Technical Officers.

DB

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 not development.

MADE THIS 13th DAY

SIGNED: *Gabriel Conlon*

OF March YEAR 2024

A/ 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 U. CHADHA Forenames NIAMH
Phone No. 045 442300 Fax No.
2. Address GAELSCOIL CHILL DARA, GREEN ROAD,
NEWBRIDGE, THE CURRACH, CO. KILDARE

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

1. Name of Person/Agent: Surname Forenames
Phone No. Fax No.
2. Address

Kildare County Council
Planning Department

1 FEB 2024

RECEIVED

Section 3	Company Details (if applicable)
-----------	---------------------------------

1. Name of Company GAELSCOIL CHILL DARA
Phone No. 045 442300 Fax No.
2. Company Reg. No.
3. Address GAELSCOIL CHILL DARA, AN BATHAR GLAS,
DRYLHEAD NUA, AN CURRACH, CO. KILDARE

Section 4	Details of Site
-----------	-----------------

1. Planning History of Site 2004/2005
2. Location of Proposed Development GAELSCOIL CHILL DARA
3. Ordnance Survey Sheet No. 04/2613 Ref No. Planning SCHOOL GROUNDS
4. Please state the Applicants interest in the site SCHOOL GROUNDS
5. Please state the extent of the proposed development Two rooms
storage 2 bathrooms shower room.

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).....

currently used as changing rooms - we would like to designate for educational purposes during school hours.

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

Planning ref 04/2613 - Changing Rooms, Bathrooms & Storage Room.

We are now applying for level 5 exemption to designate for educational purposes during school hours - two educational rooms, bathroom and storage room.

Kildare County Council
Planning Department

1.FEB.2024

RECEIVED

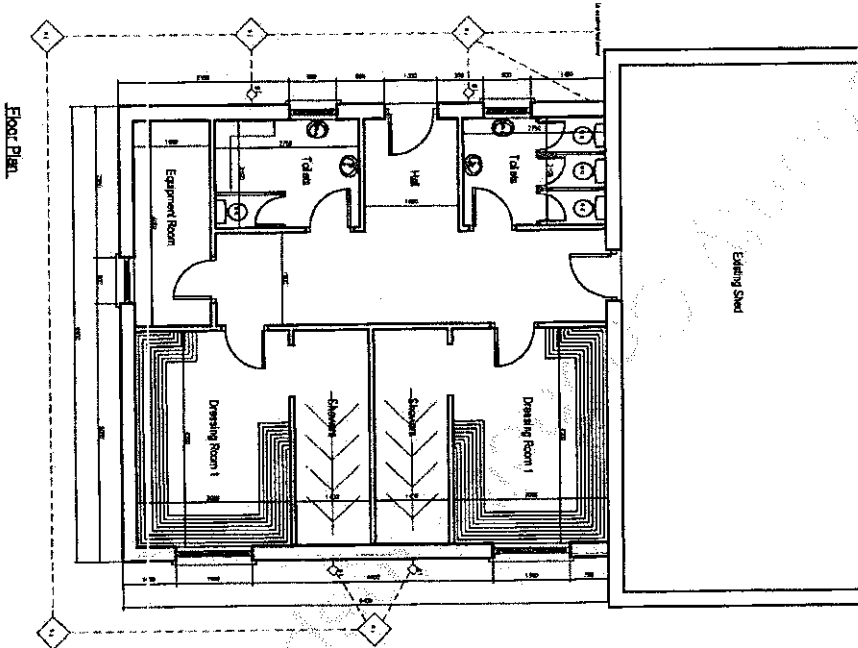
Section 5	The following must be submitted for a valid application
-----------	---

		(Please Tick)
1.	Site Location Map (1:2500 Rural Areas) (1:1000 Urban Areas)	<input checked="" type="checkbox"/>
2.	A Site Layout Plan (Scale 1:500) in full compliance with Article 23 of Planning and Development Regulations 2001 as amended	<input checked="" type="checkbox"/>
3.	Drawings of the development (Scale 1:50) in full compliance with Article 23 of Planning and Development Regulations 2001 as amended	<input checked="" type="checkbox"/>
4.	All drawings to differentiate between the original building, all extensions and proposed development No difference to current building at all.	<input checked="" type="checkbox"/>
5.	Fee of 80 Euro	<input checked="" type="checkbox"/>

Section 6	Declaration
-----------	-------------

I, Niamh Uí Chadaí NIAMH UÍ CHADAÍ certify that all of the above information is correct and I have submitted all the required documents as outlined at Section 6 above.

Signature: Niamh Uí Chadaí Date: 30/1/24



Kildare County Council
Planning Department
1 FEB 2024
RECEIVED

Kildare County Council
Planning Department
- 3 NOV 2024 -
RECEIVED

John Nash Consulting Engineer 162 Sunbury Way Tel: 0454 894437 Mob: 087 2725284	
File No:	1100
Client:	Seamus Gleeson, Orlinoback, Lalonde Agri Systems (Parks ag Ag Better Grass, Air Campy).
Scale:	1:100
Drawn:	11/10
Check:	11/10
Issue:	11/10
Rev:	11/10



FINANCE CASH OFFICE

Kildare County Council

Aras Chill Dara

Devoy Park

Naas

Co. Kildare

01/02/2024 14:47:29

Receipt No : FIN1/0/496071

Niamh UI Chadla

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

Total : 80.00 EUR



FINANCE CASH OFFICE
Kildare County Council
Aras Chill Dara
Devoy Park
Naas
Co. Kildare
01/02/2024 14:47:29

Receipt No : FIN1/0/496071

Niamh UI Chadla

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

Total : 80.00 EUR