

Comhairle Contae Chill Dara
Kildare County Council



Date: 2nd April 2024.
Our Ref: ED/1108.

Irish Peatland Conservation Council,
Bog of Allen Nature Centre,
Lullymore,
Rathangan,
Co. Kildare.
R51 V293.

RE: Application for a Declaration of Exempted Development under Section 5 of Planning and Development Act 2000 (as amended) for development at Bog of Allen Nature Centre, Lullymore, Rathangan, Co. Kildare.

Dear Sir/Madam,

I refer to your correspondence received on 1st March 2024 in connection with the above. Please find enclosed receipt no. FIN1/0/497134 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/1108.

WHEREAS a question has arisen as to whether scrape and resurface carpark with gravel to a depth of 50mm at Bog of Allen Nature Centre, Lullymore, Rathangan, Co. Kildare is exempted development,

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

AND WHEREAS Irish Peatland Conservation Council 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, 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) The carrying out of works results in development as defined by Section 3 (i) of the Planning and Development Act 2000 (as amended).
- (d) Having regard to the existing car park and to the definition of structure under Section 2 (1) of the Planning and Development Act 2000 (as amended).
- (e) Section 4(1)(h) of the Planning and Development Act 2000 (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 scraping of an existing car park to remove existing weeds and moss and cover car park measuring c.107ha (measurement excludes the area of the centre paved roundabout) with 10mm gravel to a depth of 50mm at Bog of Allen Nature Centre, Lullymore, Rathangan, Co. Kildare

is development and is exempted development pursuant to Section 4(1)(h) of the Planning and Development Act 2000 (as amended) for the following reason:

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.

2nd April 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/1108.

Name Of Applicant(s):	Irish Peatland Conservation Council, c/o Nuala Madigan of the Bog of Allen Nature Centre
Address Of Development:	Bog of Allen Nature Centre, Lullymore, Rathangan, Co. Kildare.
Development Description:	“Scraping of an existing car park to remove existing weeds and moss and cover car park measuring c.0.107ha (measurement excludes the area of the centre paved roundabout) with 10mm gravel to a depth of 50mm”
Due date	29/3/2024.

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 is the proposed temporary car park exempted development.

Site Location

The site is located in the townland of Lullymore West, c5km west of Allenwood. The site contains the Bog of Allen Nature Centre and car park, with large central roundabout. The site is bound to the site by the R414 and west by a local road. The area to the north and east is characterised by rural dwellings.

Site location-outlined in yellow



Description of Proposed Development

The applicant has stated the proposed development is the “scraping of an existing car park to remove existing weeds and moss and cover car park measuring c.0.107ha (measurement excludes the area of the centre paved roundabout) with 10mm gravel to a depth of 50mm”.

Relevant Planning History

04/1385: Permission granted to the Irish Peatland Conservation Council for the the installation of a Ecotank (model ECO10) waste water treatment system with percolation area, including all associated site works and removal of existing septic tank treatment works.

93/212: Permission granted to TEAGASC Peatland World for craft workshops

87/251: Permission granted to An Foras Taluntais for the development Of Peat Interpretative Centre On Site.

ED707: Whether the upgrade of:

- (i) the existing gravel paths measuring 170m to a concrete surface – 1m wide and 0.762m deep throughout (see the site layout plan).
- (ii) To replace an existing post and two rail wooden fence (rotten) with posts and rails made from recycled plastic lumber. The full length of the fence to be replaced is 180m and will be installed in three separate areas of the garden - surrounding an existing pond, wetland habitats and a timber decked area (see the site layout plan).

Is development and whether it is exempted development.

Decision: Is development and is exempted development.

ED855: Whether the “(i)The removal of a curved wooden decking area that measures 21 metre in length (of which 8m x 10m and 11m x 15 min dimension) and removal of 60 metres of 2 rail wooden fencing surrounding the decking area.

(ii). The replacement of the wooden decking area with an environmentally friendly, slip resistance and durab' recycled plastic decking area measuring 21 metre in length (of which 8m x 10m and 11m x 15m in dimension). The decking will rest on 50mmx50mm recycled plastic supports. Each decking board will measure 30mm x 150mm and be black in colour. Once complete the decking will sit 80mm from the ground surface and be secured using a connect system and screws (see attached decking installation instruction). A post and rail fence consisting of square edge posts 100mmx100mm inserted 500mm below ground and round edge boards 30mmx82mm black in colour make from recycled plastic at a height of 600mm will surround the decked area. Each post will be spaced 1200mm apart to provide adequate support for the plastic lumbar rail.

Is or is not development and is or is not exempted development.

Decision: Is development and is exempted development.

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 outlines exempted development.

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.

Article 9

Development to which article 6 relates shall not be exempted development for the purposes of the Act save in a number of circumstances detailed in the Planning and Development Regulations and which have been considered as part of the assessment of this application.

Assessment

The applicant has sought a determination as to whether the stated proposed development of the "scraping of an existing car park to remove existing weeds and moss and cover car park measuring c.0.107ha (measurement excludes the area of

the centre paved roundabout) with 10mm gravel to a depth of 50mm” is development or is not and whether it is exempted development or not.

Having regard to the proposal, it is considered the proposed development is “works” as defined in Section 2(1) of the Planning and Development Act 2000 (as amended) and is considered “development” as defined in Section 3(1) of the Planning and Development Act 2000 (as amended).

Having regard to the existing car park and to the definition of structure under Section 2 (1) of the Planning and Development Act 2000 (as amended) which states “structure” means any building, structure, excavation, **or other thing** constructed or made on, in or under any land, or any part of a structure so defined, and— (a) where the context so admits, includes the land on, in or under which the structure is situate,”

And having regard to Section 4(1)(h) which states: “development consisting of the carrying out of works for the **maintenance, improvement** or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures;”

It is considered the proposed development is development and is exempt development.

Conclusion

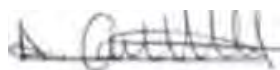
Having regard to:

- Sections 2, 3, 4 and 5 of the Planning and Development Act 2000 (as amended).
- Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended).

It is considered the proposal stated as the “scraping of an existing car park to remove existing weeds and moss and cover car park measuring c.107ha (measurement excludes the area of the centre paved roundabout) with 10mm gravel to a depth of 50mm” does **constitute 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.



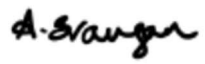
28/03/2024

D. Cantwell
Executive Planner

Date



Kehinde Oluwatosin
Senior Executive Planner
28/03/2024



Aoife Brangan
A/SP
02/04/24

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 “scraping of an existing car park to remove existing weeds and moss and cover car park measuring c.107ha (measurement excludes the area of the centre paved roundabout) with 10mm gravel to a depth of 50mm” is development and whether it is exempted development.

AS INDICATED on the plans and particulars received by the Planning Authority on 01/03/2024.

AND WHEREAS Nuala Madigan of Irish Peatland Conservation Council at the Bog of Allen Nature Centre, Lullymore, Rathangan, 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
- (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);

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 stated proposal of the “scraping of an existing car park to remove existing weeds and moss and cover car park measuring c.107ha (measurement excludes the area of the centre paved roundabout) with 10mm gravel to a depth of 50mm”.

IS development and is exempted development

- (a) the carrying out of works results in development as defined by Section 3 (i) of the Planning and Development Act 2000 (as amended) Act
- (b) Having regard to the existing car park and to the definition of structure under Section 2 (1) of the Planning and Development Act 2000 (as amended)
- (c) Section 4(1)(h) of the Planning and Development Act 2000 (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: _____



**APPROPRIATE ASSESSMENT SCREENING REPORT
AND
CONCLUSION STATEMENT**

(A) Project Details

Planning File Ref	ED1108
Applicant name	Irish Peatland Conservation Council
Development Location	Bog of Allen Nature Centyre, Lullymore, Rathangan, Co. Kildare
Site size	Unknown
Application accompanied by an EIS (Yes/NO)	No
Distance from Natura 2000 site in km	C4.85 from the Long Derries SAC
Description of the project/proposed development – Scrape existing car park to remove existing weeds and moss and cover car park measuring .107ha (measurement excludes the area of the centre paved roundabout) with 10mm gravel to a depth of 50mm.	

(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</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>qualifying interests include wetland habitats (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 site, and the scale, nature and extent of the proposal, it is not considered a potential exists for significant effects on the Natura 2000 network.		
Name:	Danielle Cantwell	
Position:	Executive Planner	
Date:	28/03/2024	



**APPROPRIATE ASSESSMENT SCREENING REPORT
AND
DETERMINATION**

(A) Project Details

Planning File Ref	
Applicant name	
Development Location	
Site size	
Application accompanied by an EIS (Yes/NO)	
Distance from Natura 2000 site in km	
Description of the project/proposed development –	

(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>	
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>	
3	Impacts on designated terrestrial habitats. <u>Sites to consider:</u> River Barrow and Nore, Rye	<i>Is the development within a Special Area of Conservation whose qualifying interests</i>	

	Water/Carton Valley, Pollardstown Fen, Ballynafagh Lake	<i>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>	

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)		
Name:		
Position:		
Date:		

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: DO51946 **Section:** Planning

SUBJECT: ED1108.
Application for a Declaration of Exempted Development under Section 5 of Planning and Development Act 2000 (as amended) for development at Bog of Allen Nature Centre, Lullymore, Rathangan, Co. Kildare.

SUBMITTED: File Ref. ED1108 with recommendation from the A/Senior Planner and reports from the Council's Technical Officers.

Att

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.

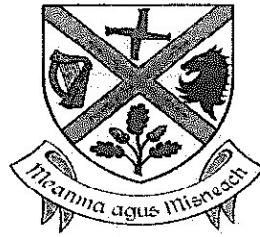
MADE THIS 2nd DAY
OF April YEAR 2024

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 Irish Peatland Conservation Council
Phone No 045-860133 Fax No n/a
- 2. Address** Bog of Allen Nature Centre, Lullymore, Rathangan, Co. Kildare, R51V293

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

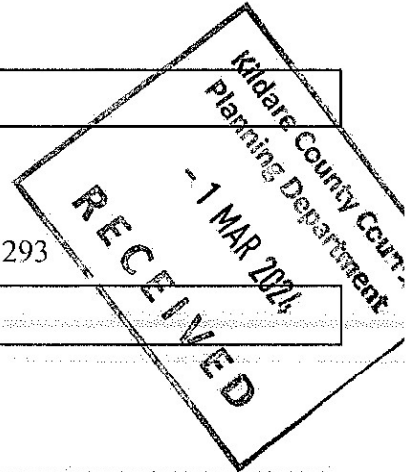
- 1. Name of Person/Agent:** Surname...N/A.....
Forenames.....
Phone No..... Fax No.....
- 2. Address**.....

Section 3 Company Details (if applicable)

- 1. Name of Company** Irish Peatland Conservation Council
Phone No 045-860133 Fax No n/a E-mail bogs@ipcc.ie
- 2. Company Reg. No** 116156
- 3. Address** Bog of Allen Nature Centre, Lullymore, Rathangan, Co. Kildare, R51 V293

Section 4 Details of Site

- 1. Planning History of Site** Ref: 1385/04 Installation of Ecotank waste water treatment system
Ref: ED/00707 Planning Exemption gravel paths (170m) and post and two rail
fencing (180m)
Ref: ED/00855 Installation recycled lumbar decking in wildlife gardens
- 2. Location of Proposed Development**
The development is located at the Bog of Allen Nature Centre N70530 25867, Eircode R51 V293, off the R414 road
- 3. Ordnance Survey Sheet No** Discovery series 1:50,000 No. 49
- 4. Please state the Applicants interest in the site** Owners
- 5. Please state the extent of the proposed development**
The Bog of Allen Nature Centre site measures 0.81ha in extent. To the front of the centre there is a car



park measuring 0.141ha in extent of which 0.034 ha is a central paved roundabout and the remaining being gravel parking area - see attached map.

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) for maintenance of the front courtyard car park at the Bog of Allen Nature Centre **is exempt from planning** as this project will not result in any material change to the use of the existing car park which has been a car park since the 1970's when the centre was formerly the Peatland Experimental Centre operated by Teagasc. Works will also not affect the external appearance of the Bog of Allen Nature Centre.

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

The proposed development consists of:

Works to be undertaken by local contractors Harrison Fencing.

1. Scrap the surface of the car park in the front courtyard at the Bog of Allen Nature Centre to remove accumulated mosses and weeds from the surface.
2. Cover the carpark measuring 0.107 ha (measurement excludes the area of the centre paved roundabout) with 10mm gravel to a depth of 50mm.

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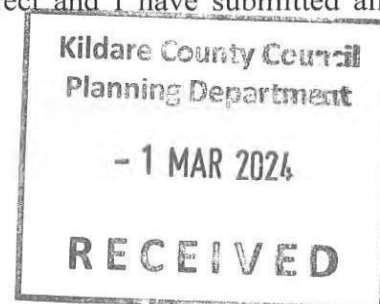
		(Please Tick)
1.	Site Location Map (1:2500 Rural Areas) (1:1000 Urban Areas)	x
2.	A Site Layout Plan (Scale 1:500) in full compliance with Article 23 of Planning and Development Regulations 2001 as amended	x
3.	Drawings of the development (Scale 1:50) in full compliance with Article 23 of Planning and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

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

Signature: Nuala Madigan

Date: 29.2.24





IRISH PEATLAND CONSERVATION COUNCIL

COMHAIRLE CHAOMHNATHE PHORTAIGH NA HÉIREANN

Lullymore, Rathangan, Co. Kildare, Ireland, R51 V293
Liolach Mór, Rath Iongáin, Co. Chill Dara, Éire, R51 V293

Tel/Teil: +353-(0)45-860133
e-mail/ríomhphost: bogs@ipcc.ie web/idiríon: www.ipcc.ie

Planning Department,
Áras Chill Dara,
Devoy Park,
Naas,
Co Kildare

29 February 2024

Re. Planning exemption application for maintenance of the car park at the Bog of Allen Nature Centre

To Whom It May Concern,

Please find enclosed a completed planning exemption application for proposed maintenance works to re surface the gravel car park at the Bog of Allen Nature Centre.

Enclosed you will find images of the proposed works area, location map, site map and scale drawing of proposed works.

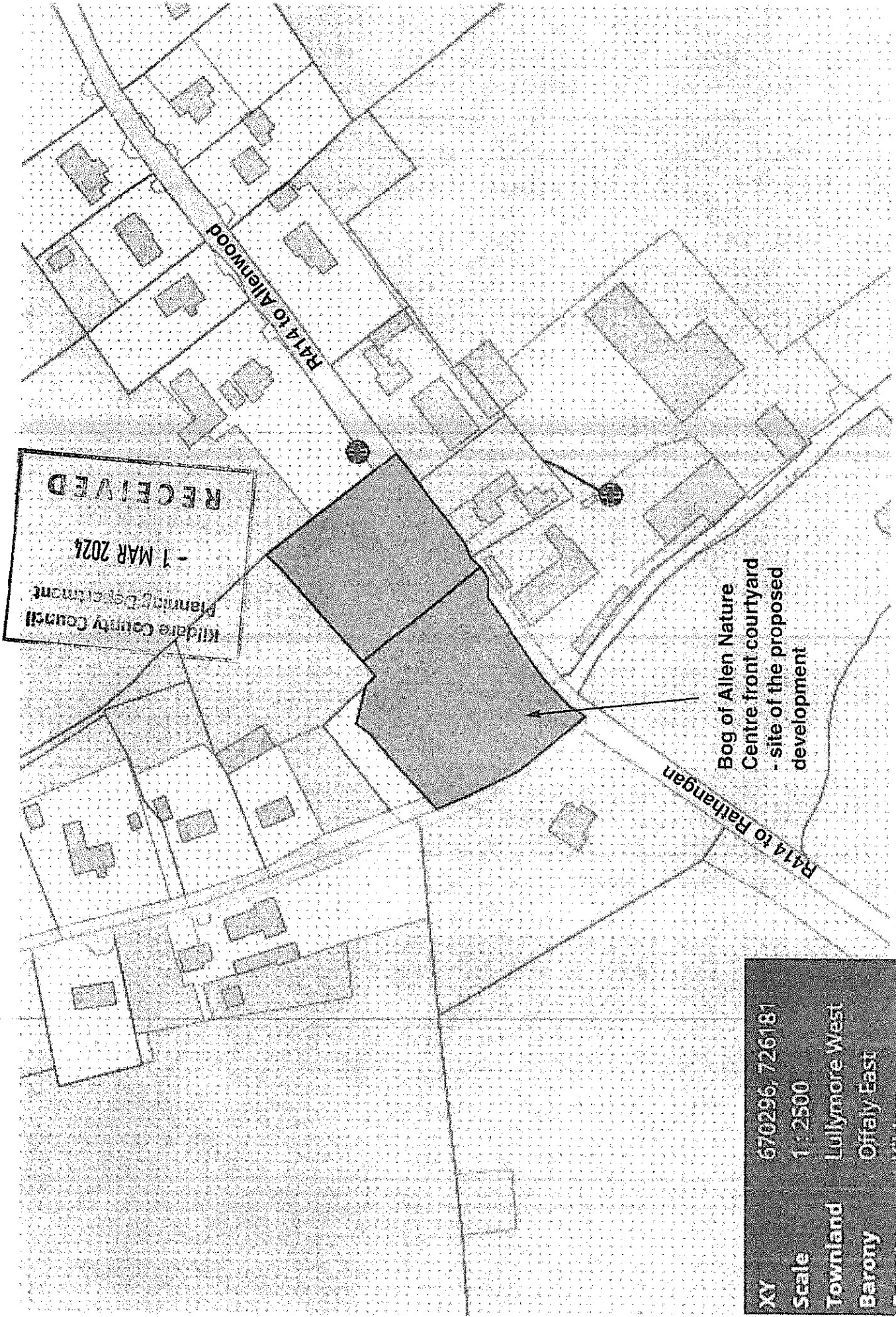
Also enclosed is the €80 fee paid by cheque required for the application process.

The Irish Peatland Conservation Council are making this planning exemption application as the proposed works will not result in any material change to the use of the existing car park which has been a car park since the 1970's when the centre was formerly the Peatland Experimental Centre operated by Teagasc. Works will also not affect the external appearance of the Bog of Allen Nature Centre.

Kind Regards

Nuala Madigan
Chief Executive Officer



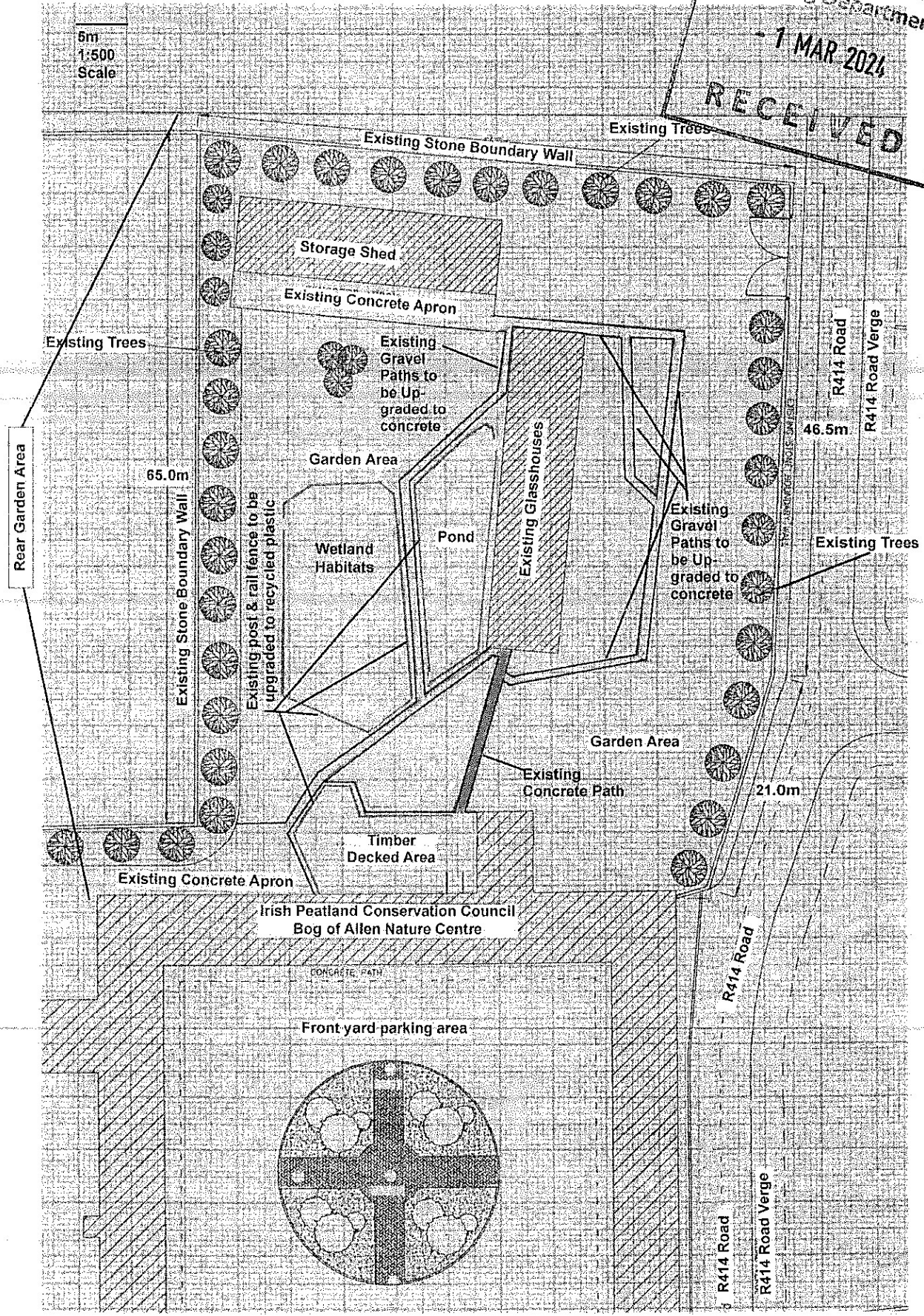


XY 670296, 726181
 Scale 1:2500
 Townland Lullymore West
 Barony Offaly East
 County Kildare

Irish Peatland Conservation Council - Bog of Allen Nature Centre Site Location Map Scale 1:2500

Irish Peatland Conservation Council - Bog of Allen Nature Centre Site Layout Plan Scale 1:500

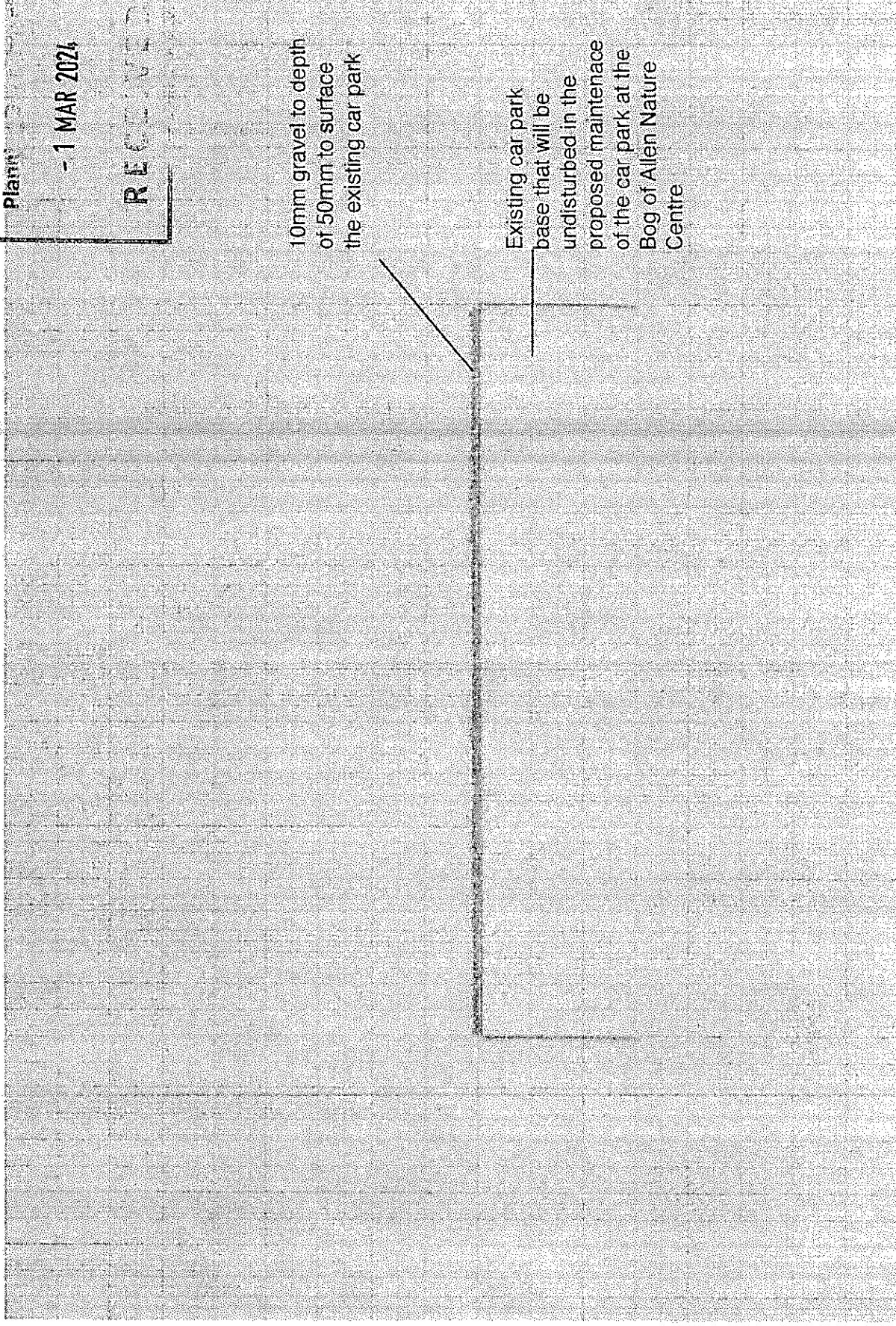
Kildare County Council
Planning Department
- 1 MAR 2024
RECEIVED



Section Scale 1 : 50 (1mm on drawing represents 50mm on the ground)

Proposed maintenance of existing car park at the Bog of Allen Nature Centre with 10mm gravel to a depth of 50mm

Kildare County Council
Planning
- 1 MAR 2024
RECEIVED



10mm gravel to depth of 50mm to surface the existing car park

Existing car park base that will be undisturbed in the proposed maintenance of the car park at the Bog of Allen Nature Centre



**Bog of Allen Nature Centre,
Lullymore, Rathangan, Co. Kildare, R51V293
- Front courtyard car park images**



Images of the Bog of Allen nature Centre front courtyard 2012

**Kildare County Council
Planning Department
- 1 MAR 2024
RECEIVED**



Images of the Bog of Allen Nature Centre front courtyard 2024 where the proposed development will be to remove the weeds and add new gravel to the surface of the car park. It is twelve years since the IPCC last undertook this work in 2012.



FINANCE CASH OFFICE
Kildare County Council
Áras Chill Dara
Devoy Park
Naas
Co. Kildare
01/03/2024 15:56:49

Receipt No. : FIN1/0/497134
**** REPRINT ****

Irish Peatland Conservation

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

Total : 80.00 EUR

T Tendered :	
C Cheque	80.00
Cl Change :	0.00

Iss Issued By : Aonghus Mooney
Frc From : Financial Lodgement Area
Vat Vat reg No.0440571C