

Comhairle Contae Chill Dara
Kildare County Council



Date: 28th June 2024.
Our Ref: ED/1122.

Enda McDermott,
c/o Diarmuid Phelan,
Hollymount,
Ballaghmore,
Borris in Ossory,
Portlaoise,
Co Laois.

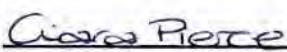
RE: Application for a Declaration of Exempted Development under Section 5 of the Planning and Development Act 2000 (as amended) at Travers House, Dublin Road, Maynooth, Co. Kildare.

Dear Sir,

I refer to your correspondence received on 7th May 2024 and 6th June 2024 in connection with the above. Please find enclosed Receipt no. FIN1/0/499679 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,

PP. 
**Senior Executive Officer,
Planning Department.**



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

ED/1122.

WHEREAS a question has arisen as to whether a development comprising of a change of use from a commercial unit to a residential unit at Travers House, Dublin Road, Maynooth, Co. Kildare is or is not development and is or is not exempted development

AS INDICATED on the plans and particulars received by the Planning Authority on 7th May 2024 and 6th June 2024

AND WHEREAS Enda McDermott 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);
- (b) Planning and Development Regulations 2001 (as amended) and;
- (c) Documentation received with the application;

AND WHEREAS Kildare County Council has concluded that the proposed works comprise 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) Article 10(6)(a) - (e) of the Planning and Development Regulations, 2001 (as amended); and

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 from a commercial unit to a residential unit at Travers House, Dublin Road, Maynooth, Co. Kildare

is development and is exempted development.

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.

28th June 2024.

Ciarán Póire
PP. 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/1122.

Name Of Applicant(s):	Enda McDermott.
Address Of Development:	Travers House, Dublin Road, Maynooth, Co. Kildare.
Development Description:	Change of use commercial unit to residential unit.

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 change of use from commercial to residential.

Site Location

The subject site which comprises a 2-storey structure with a single storey element to the rear is situated at Travers House, Dublin Road, Maynooth. There appears to be a pedestrian and vehicular entrance to the rear of the building, off Doctors Lane.

Description of Proposed Development

The proposed development is described as follows:

"The proposed development consists of a change of use from a commercial unit to a residential unit. The commercial unit has been vacant for in excess of two years. There are no changes proposed to the external elevations. There is minimal changes proposed internally which are shaded yellow on the attached drawings."

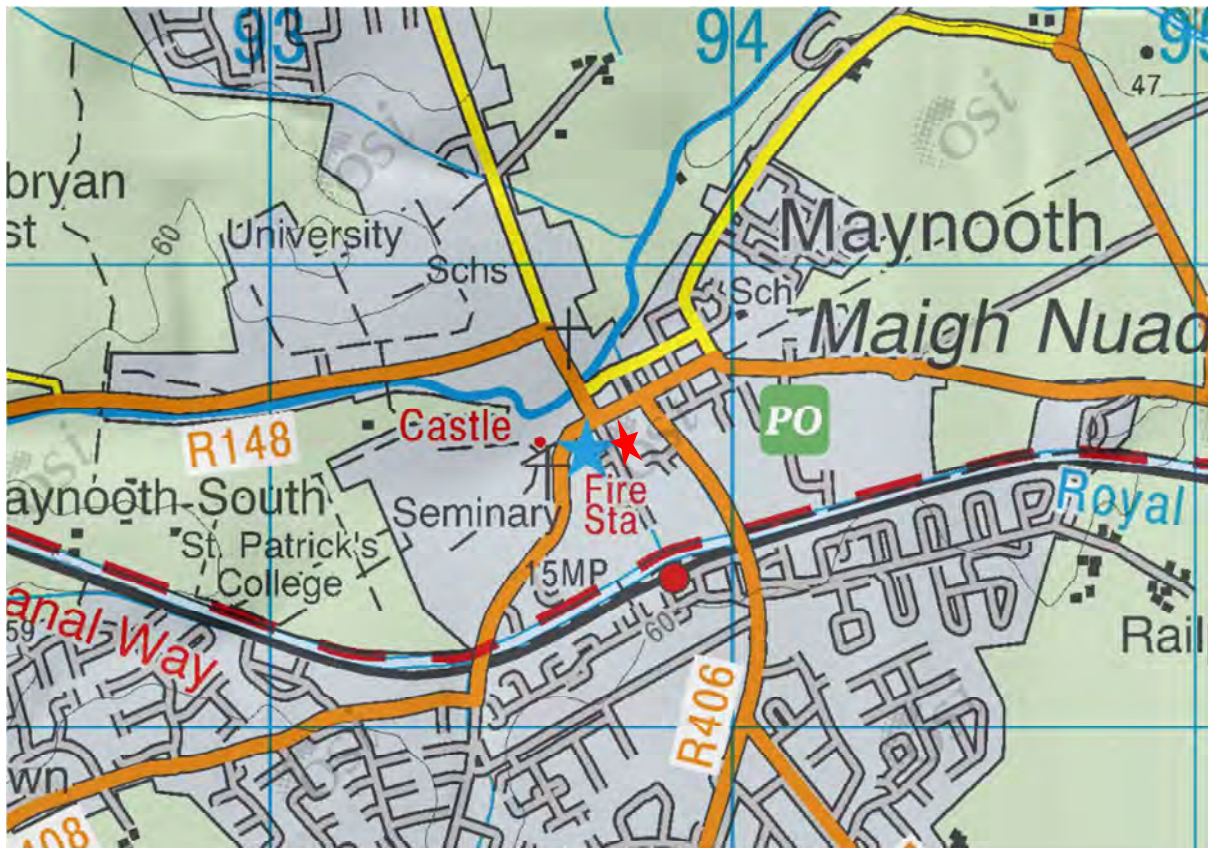


Fig 1: Site Location and context (Approximate location denoted by red star)

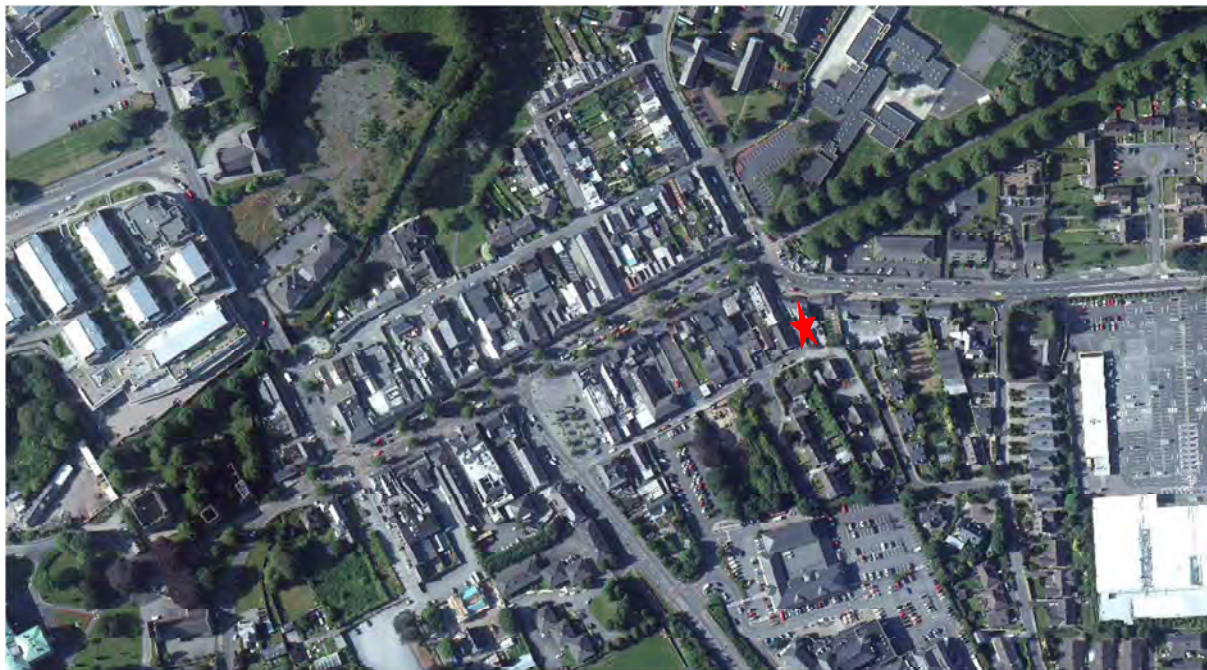


Fig 2: Aerial view of subject site (GIS – Approximate location denoted by red star)

Planning History

01/757 - Permission was granted subject to conditions for the construction of a new roof over existing single storey to the rear and also for vehicle access to the rear of the existing shop/office at Travers House, Dublin Road, Maynooth.

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(1)

The following shall be exempted development for the purposes of the Act-

(h) 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 neighboring structures;

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.

Article 9 (1)(a)(i)

Restrictions on exemption.

9. (1) Development to which article 6 relates shall not be exempted development for the purposes of the Act—

(a) if the carrying out of such development would—.....(15 items)

Article 10(6)(a) - (e)

...(b) This sub-article relates to a proposed development, during the relevant period, that consists of a change of use to residential use from Class 1, 2, 3, 6 or 12 of Part 4 to Schedule 2.

Assessment

The Applicant proposes a change of use of the existing ground floor conference room and first floor office and associated space to a 1 no. Bedroom unit with a living/dining room and kitchenette. The existing WC/shower at ground floor level will remain. Minor internal changes including a new door and partition are proposed and an existing internal wall at ground floor level is proposed to be removed. The unit has an overall stated area of 58.7 sqm.

Under Article 10(6)(a) - (e) of the Planning and Development Regulations, 2001, as amended, an exemption in relation to change of use from Class 1, 2, 3, 6 or 12 of Part 4 to Schedule 2 to residential use. Class 2 (b) professional services (other than health or medical services) or (c) any other services (including use as a betting office), where the services are provided principally to visiting members of the public or Class 3 Use as an office, other than a use to which class 2 of this Part of this Schedule applies.

It is stated that the subject unit has been vacant in excess of 2 years. Article 10(6)(c)(iii) requires that the structure concerned has been vacant for a period of 2 years or more immediately prior to the commencement of the proposed development.

Article	Requirement	Compliance
Article 10(6)(d)(i)	The development is commenced and is/will be completed during the relevant period (18/02/2018 – 31/12/2025)	The proposed timeframe for proposed development works has not been indicated. The applicant will be requested to respond by way of a request for further information
Article 10(6)(d)(ii)	Subject to sub-paragraph (iii), any related works, including works as may be required to comply with sub-paragraph (vii), shall affect only the interior of the structure and shall not materially affect the external appearance of the structure <u>so as</u> to render its appearance inconsistent with the character of the structure or of neighbouring structures	Noted that no external works will take place
Article 10(6)(d)(iii)	Any related works for the alteration of existing ground floor shop fronts shall be consistent with the fenestration details and architectural and streetscape	N/A

	character of the remainder of the structure or of neighbouring structures.	
Article 10(6)(d)(iv)	No development shall consist of or comprise the carrying out of works to the ground floor area of any structure which conflicts with any objective of the relevant local authority development plan or local area plan, pursuant to the Part 1 of the First Schedule to the Act, for such to remain in retail use, with the exception of any works the purpose of which is to solely provide on street access to the upper floors of the structure concerned.	Minor internal alterations are proposed.
Article 10(6)(d)(v)	No development shall consist of or comprise the carrying out of works which exceeds the provision of more than 9 residential units in any structure.	1 no. 1 bedroom apartment
Article 10(6)(d)(vi)	Dwelling floor areas and storage spaces shall comply with the minimum floor area requirements and minimum storage space requirements of the “Sustainable Urban Housing: Design Standards for New Apartments — Guidelines for Planning Authorities” issued under section 28 of the Act or any subsequent updated or replacement guidelines.	Noted
Article 10(6)(d)(vii)	Rooms for use, or intended for use, as habitable rooms shall have adequate natural lighting.	Noted
Article 10(6)(d)(viii)	No development shall consist of or comprise the carrying out of works to a protected structure, as defined in section 2 of the Act, save where the relevant planning authority has issued a declaration under section 57 of the Act to the effect that the proposed works would not materially affect the character of the structure or any element, referred	N/A

	to in section 57(1)(b) of the Act, of the structure.	
Article 10(6)(d)(ix)	No development shall contravene a condition attached to a permission under the Act or be inconsistent with any use specified or included in such a permission.	No restrictive conditions
Article 10(6)(d)(x)	No development shall relate to any structure in any of the following areas: (I) an area to which a special amenity area order relates; (II) an area of special planning control; (III) within the relevant perimeter distance area, as set out in Table 2 of Schedule 8, of any type of establishment to which the Major Accident Regulations apply.	N/A
Article 10(6)(d)(xi)	No development shall relate to matters in respect of which any of the restrictions set out in subparagraph (iv), (vii), (viiA), (viiB), (viiC), (viii) or (ix) of article 9(1)(a), or paragraph (c) or (d) of article (9)(1), would apply	N/A
Article 10(6)(d)(xii)	No development shall consist of or comprise the carrying out of works for the provision of an onsite wastewater treatment and disposal system to which the code of practice made by the Environmental Protection Agency pursuant to section 76 of the Environmental Protection Agency Act 1992 relates and entitled Code of Practice — Wastewater Treatment and Disposal Systems Serving Single Houses together with any amendment to that Code or any replacement for it.	N/A

Conclusion

The Planning Authority cannot fully assess the subject application in the absence of specific information indicated in the above assessment.

Recommendation

It is recommended that the Further Information is requested in relation to the following:

1. In order for the subject declaration to be fully assessed in accordance with Article 10(6)(a) - (e) of the Planning and Development Regulations, 2001, as amended, the Applicant is requested to provide the following details:

- (a) The proposed timeframe for proposed development works (please note such works should be completed by 31/12/25 in order to comply with the above exemption).

Response and Analysis

The response states that *"the proposed works will commence immediately upon receipt of the Declaration of Exempted Development. It is envisaged that the works will take 1 month to complete and shall be completed well in advance of the 31/12/2025."*

The response is considered to be acceptable.

Conclusion

Having regard to:

- Sections 2, 3, 4 and 5 of the Planning and Development Act 2000 (as amended);
- Article 10(6)(a) - (e) of the Planning and Development Regulations, 2001 (as amended); and
- The details contained in the application form and the Further Information submission

It is considered that the change of use from commercial use to residential is development and is exempted development.

Recommendation

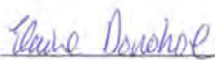
It is recommended that the applicant be advised that the development as described in the application is development and is exempted development.

Signed: 

Assistant Planner

Date: 27/06/2024

Signed:



A/Senior Executive Planner

27/06/2024

A. Brangan

Aoife Brangan

A/SP

28/06/24

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 a development comprising a change of use from a commercial unit to a residential unit at Travers House, Dublin Road, Maynooth, Co. Kildare is or is not development and is or is not exempted development.

AS INDICATED on the plans and particulars received by the Planning Authority on 7th May 2024 and as revised by Further Information on 6th June 2024,

AND WHEREAS Enda McDermott has 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;

- Planning and Development Act 2000 (as amended);
- Planning and Development Regulations 2001 (as amended) and;
- Documentation received with the application;

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

- Sections 2, 3, 4 and 5 of the Planning and Development Act 2000 (as amended);
- Article 10(6)(a) - (e) of the Planning and Development Regulations, 2001 (as amended); and

NOW THEREFORE conferred on it by section 5(4) of the 2000 Act, hereby decides that the

change of use from a commercial unit to a residential unit. The commercial unit has been vacant for in excess of two years. There are no changes proposed to the external elevations. There is minimal changes proposed internally which are shaded yellow on the attached drawings

is exempted development.

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

Signed: _____

Date: _____

Appendix 1: Appropriate Assessment Screening



APPROPRIATE ASSESSMENT SCREENING REPORT AND DETERMINATION

(A) Project Details

Planning File Ref	ED1122
Applicant name	Enda McDermott
Development Location	Travers House, Dublin Road, Maynooth, Co. Kildare
Site size	c.0.026 Ha
Application accompanied by an EIS (Yes/NO)	No
Distance from Natura 2000 site in km	c.1.2km to the southwest of the Rye Water Valley/Carton SAC
Description of the project/proposed development – Change of use from a commercial unit to a residential unit	

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

			Yes/No If answer is yes, identify list name of Natura 2000 site likely to be impacted.
1	Impacts on sites designated for freshwater habitats or species. <u>Sites to consider:</u> River Barrow and Nore, Rye Water/Carton Valley, Pollardstown Fen, Ballynafagh lake	<i>Is the development within a Special Area of Conservation whose qualifying interests include freshwater habitats and/or species, or in the catchment (upstream or downstream) of same?</i>	NO
2	Impacts on sites designated for wetland habitats - bogs, fens, marshes and heath.	<i>Is the development within a Special Area of Conservation whose qualifying interests</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>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	
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 SACs and given the location, nature and extent of the proposed development it is not considered there would be potential for significant effects on the European sites network.		
Name:	C. Dockery	
Position:	Assistant Planner	
Date:	22/05/2024	

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: DO53483 **Section:** Planning

SUBJECT: ED1122.
Application for a Declaration of Exempted Development under Section 5 of the Planning and Development Act 2000 (as amended) at Travers House, Dublin Road, Maynooth, Co. Kildare.

SUBMITTED: File Ref. ED1122 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 28th DAY
OF June YEAR 2024

SIGNED: 
DIRECTOR OF SERVICES 

Comhairle Contae Chill Dara
Kildare County Council



Date: 24th May 2024.
Our Ref: ED/1122.

Enda McDermott,
c/o Diarmuid Phelan,
Hollymount,
Ballaghmore,
Borris in Ossory,
Portlaoise,
Co Laois.

RE: Application for a Declaration of Exempted Development under Section 5 of the Planning and Development Act 2000 (as amended) at Travers House, Dublin Road, Maynooth, Co. Kildare.

Dear Sir/Madam,

I refer to your application for a Section 5 Declaration received on 7th May 2024. The following further information is required to properly assess your application.

1. In order for the subject declaration to be fully assessed in accordance with Article 10(6)(a) - (e) of the Planning and Development Regulations, 2001, as amended, the Applicant is requested to provide the following details:

The proposed timeframe for proposed development works (please note such works should be completed by 31/12/25 in order to comply with the above exemption).

The time period for the Council's determination shall commence upon receipt of the above information.

Yours sincerely,


Senior Executive Officer
Planning Department



DIARMUID PHELAN ARCHITECTS

HOLLYMOUNT, BALLAGHMORE, BORRIS-IN-OSSORY, PORTLAOISE, CO. LAOIS
PHONE (085) 7238029, EMAIL diarmuidjphelan@gmail.com

04 June 2024

Kildare County Council,
Planning Department,
Áras Chill Dara,
Devoy Park,
Naas,
Co.Kildare
W91 X77F

**RE: ED/1122
DECLARATION OF EXEMPTED DEVELOPMENT UNDER SECTION 5**

Dear Sirs,

I refer to your letter of the 24th of May 2024.

I confirm on behalf of my client Mr. Enda Mc Dermott that the proposed works will commence immediately upon receipt of the Declaration of Exempted Development. It is envisaged that the works will take 1 month to complete and shall be completed well in advance of the 31/12/2025.

We look forward to receiving a favourable decision from the Council in due course.

Yours sincerely,

DIARMUID PHELAN
DIARMUID PHELAN ARCHITECTS

KILDARE COUNTY COUNCIL



PLANNING & STRATEGIC DEVELOPMENT DEPARTMENT

Section 5 referral & declaration on development & exempted development

Planning & Development Act 2000 (as amended)

Reference No. ED/1122.

Name Of Applicant(s):	Enda McDermott.
Address Of Development:	Travers House, Dublin Road, Maynooth, Co. Kildare.
Development Description:	Change of use commercial unit to residential unit.

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 change of use from commercial to residential.

Site Location

The subject site which comprises a 2-storey structure with a single storey element to the rear is situated at Travers House, Dublin Road, Maynooth. There appears to be a pedestrian and vehicular entrance to the rear of the building, off Doctors Lane.

Description of Proposed Development

The proposed development is described as follows:

"The proposed development consists of a change of use from a commercial unit to a residential unit. The commercial unit has been vacant for in excess of two years. There are no changes proposed to the external elevations. There is minimal changes proposed internally which are shaded yellow on the attached drawings."

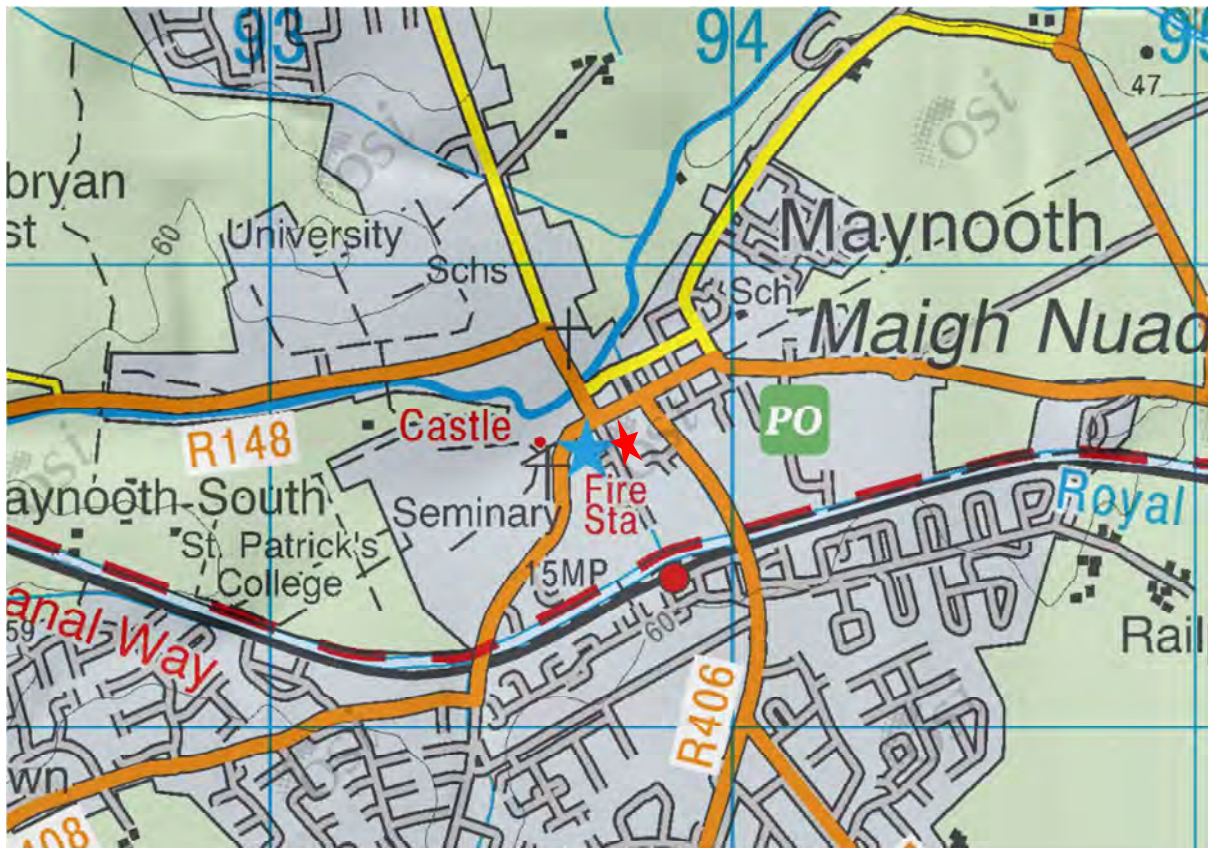


Fig 1: Site Location and context (Approximate location denoted by red star)

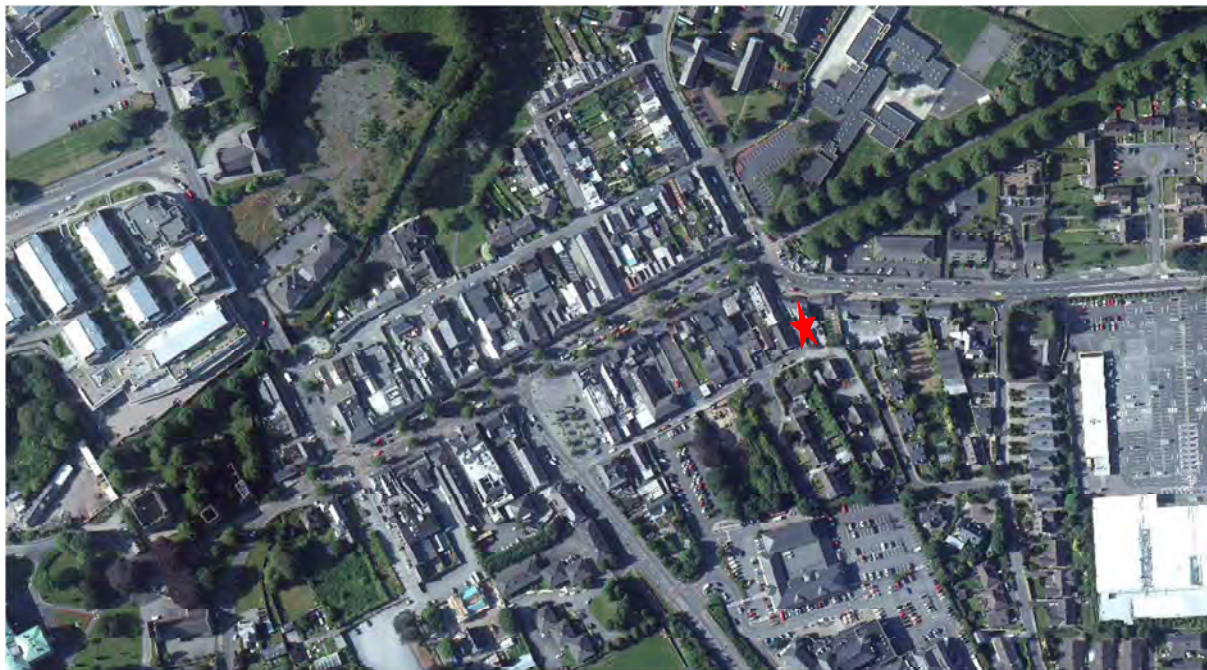


Fig 2: Aerial view of subject site (GIS – Approximate location denoted by red star)

Planning History

01/757 - Permission was granted subject to conditions for the construction of a new roof over existing single storey to the rear and also for vehicle access to the rear of the existing shop/office at Travers House, Dublin Road, Maynooth.

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.

Article 9 (1)(a)(i)

Restrictions on exemption.

9. (1) Development to which article 6 relates shall not be exempted development for the purposes of the Act—

(a) if the carrying out of such development would—.....(15 items)

Article 10(6)(a) - (e)

...(b) This sub-article relates to a proposed development, during the relevant period, that consists of a change of use to residential use from Class 1, 2, 3, 6 or 12 of Part 4 to Schedule 2.

Assessment

The Applicant proposes a change of use of the existing ground floor conference room and first floor office and associated space to a 1 no. Bedroom unit with a living/dining room and kitchenette. The existing WC/shower at ground floor level will remain. Minor internal changes including a new door and partition are proposed and an existing

internal wall at ground floor level is proposed to be removed. The unit has an overall stated area of 58.7 sqm.

Under Article 10(6)(a) - (e) of the Planning and Development Regulations, 2001, as amended, an exemption in relation to change of use from Class 1, 2, 3, 6 or 12 of Part 4 to Schedule 2 to residential use. Class 2 (b) professional services (other than health or medical services) or (c) any other services (including use as a betting office), where the services are provided principally to visiting members of the public or Class 3 Use as an office, other than a use to which class 2 of this Part of this Schedule applies.

It is stated that the subject unit has been vacant in excess of 2 years. Article 10(6)(c)(iii) requires that the structure concerned has been vacant for a period of 2 years or more immediately prior to the commencement of the proposed development.

Article	Requirement	Compliance
Article 10(6)(d)(i)	The development is commenced and is/will be completed during the relevant period (18/02/2018 – 31/12/2025)	The proposed timeframe for proposed development works has not been indicated. The applicant will be requested to respond by way of a request for further information
Article 10(6)(d)(ii)	Subject to sub-paragraph (iii), any related works, including works as may be required to comply with sub-paragraph (vii), shall affect only the interior of the structure and shall not materially affect the external appearance of the structure <u>so as</u> to render its appearance inconsistent with the character of the structure or of neighbouring structures	Noted that no external works will take place
Article 10(6)(d)(iii)	Any related works for the alteration of existing ground floor shop fronts shall be consistent with the fenestration details and architectural and streetscape character of the remainder of the structure or of neighbouring structures.	N/A

Article 10(6)(d)(iv)	No development shall consist of or comprise the carrying out of works to the ground floor area of any structure which conflicts with any objective of the relevant local authority development plan or local area plan, pursuant to the Part 1 of the First Schedule to the Act, for such to remain in retail use, with the exception of any works the purpose of which is to solely provide on street access to the upper floors of the structure concerned.	Minor internal alterations are proposed.
Article 10(6)(d)(v)	No development shall consist of or comprise the carrying out of works which exceeds the provision of more than 9 residential units in any structure.	1 no. 1 bedroom apartment
Article 10(6)(d)(vi)	Dwelling floor areas and storage spaces shall comply with the minimum floor area requirements and minimum storage space requirements of the “Sustainable Urban Housing: Design Standards for New Apartments — Guidelines for Planning Authorities” issued under section 28 of the Act or any subsequent updated or replacement guidelines.	Noted
Article 10(6)(d)(vii)	Rooms for use, or intended for use, as habitable rooms shall have adequate natural lighting.	Noted
Article 10(6)(d)(viii)	No development shall consist of or comprise the carrying out of works to a protected structure, as defined in section 2 of the Act, save where the relevant planning authority has issued a declaration under section 57 of the Act to the effect that the proposed works would not materially affect the character of the structure or any element, referred to in section 57(1)(b) of the Act, of the structure.	N/A
Article 10(6)(d)(ix)	No development shall contravene a condition attached to a permission under the Act or be inconsistent with any use	No restrictive conditions

	specified or included in such a permission.	
Article 10(6)(d)(x)	No development shall relate to any structure in any of the following areas: (I) an area to which a special amenity area order relates; (II) an area of special planning control; (III) within the relevant perimeter distance area, as set out in Table 2 of Schedule 8, of any type of establishment to which the Major Accident Regulations apply.	N/A
Article 10(6)(d)(xi)	No development shall relate to matters in respect of which any of the restrictions set out in subparagraph (iv), (vii), (viiA), (viiB), (viiC), (viii) or (ix) of article 9(1)(a), or paragraph (c) or (d) of article (9)(1), would apply	N/A
Article 10(6)(d)(xii)	No development shall consist of or comprise the carrying out of works for the provision of an onsite wastewater treatment and disposal system to which the code of practice made by the Environmental Protection Agency pursuant to section 76 of the Environmental Protection Agency Act 1992 relates and entitled Code of Practice — Wastewater Treatment and Disposal Systems Serving Single Houses together with any amendment to that Code or any replacement for it.	N/A

Conclusion

The Planning Authority cannot fully assess the subject application in the absence of specific information indicated in the above assessment.

Recommendation

It is recommended that the Further Information is requested in relation to the following:

1. In order for the subject declaration to be fully assessed in accordance with Article 10(6)(a) - (e) of the Planning and Development Regulations, 2001, as amended, the Applicant is requested to provide the following details:

- (a) The proposed timeframe for proposed development works (please note such works should be completed by 31/12/25 in order to comply with the above exemption).

Signed: 
Assistant Planner
Date: 22/05/2024

Signed:


A/Senior Executive Planner

22/05/2024

Appendix 1: Appropriate Assessment Screening



APPROPRIATE ASSESSMENT SCREENING REPORT AND DETERMINATION

(A) Project Details

Planning File Ref	ED1122
Applicant name	Enda McDermott
Development Location	Travers House, Dublin Road, Maynooth, Co. Kildare
Site size	c.0.026 Ha
Application accompanied by an EIS (Yes/NO)	No
Distance from Natura 2000 site in km	c.1.2km to the southwest of the Rye Water Valley/Carton SAC
Description of the project/proposed development – Change of use from a commercial unit to a residential unit	

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

	Water/Carton Valley, Pollardstown Fen, Ballynafagh lake	<i>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>	NO
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)		
Having regard to the proximity of the nearest SACs and given the location, nature and extent of the proposed development it is not considered there would be potential for significant effects on the European sites network.		

Name:	C. Dockery
Position:	Assistant Planner
Date:	22/05/2024

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 McDermott Forenames Enda
Phone No. [REDACTED] Fax No.
2. Address Travers House, Dublin Road, Maynooth, Co. Kildare

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

1. Name of Person/Agent: Surname Phelan Forenames Diarmuid
Phone No. 085-7238029 Fax No.
2. Address Hollymount, Ballaghmore, Borris-in-Ossory, Portlaoise, Co. Laois

Section 3 Company Details (if applicable)

1. Name of Company N/A
Phone No. Fax No.
2. Company Reg. No.
3. Address

Section 4 Details of Site

1. Planning History of Site N/A
2. Location of Proposed Development Travers House, Dublin Road, Maynooth, Co. Kildare
3. Ordnance Survey Sheet No. 3192-03
4. Please state the Applicants interest in the site Owner
5. Please state the extent of the proposed development Change of use from commercial use to a residential use

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)* The Planning and Development (Amendment) (No.2) Regulations 2018 (SI 30/2018)

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

The proposed development consists of a change of use from a commercial unit to a residential unit. The commercial unit has been vacant for in excess of two years. There are no changes proposed to the external elevations. There is minimal changes proposed internally which are shaded yellow on the attached drawings.

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)	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 Please call on 085-7238029 for payment	X

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

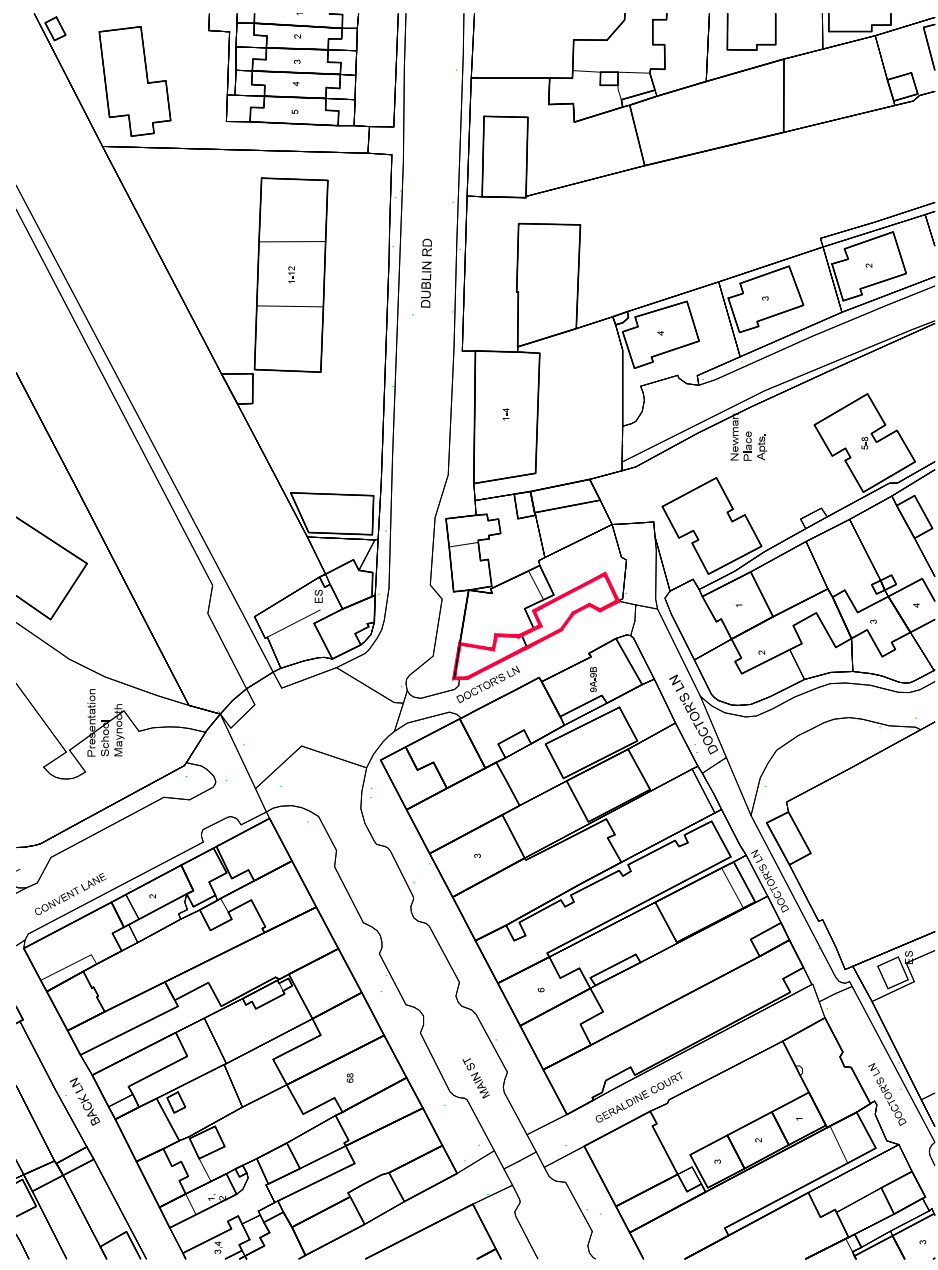
I, Diarmuid Phelan certify that all of the above information is correct and I have submitted all the required documents as outlined at Section 6 above.

Signature: Diarmuid Phelan

Date: 30/04/2024



Description:	Digital Landscape Model (DLM)
Publisher / Source:	Ordinance Survey Link (CS)
Download Source / Reference:	PRIME2
File Format:	AutoCAD AutoCAD (DWG/2D/3)
File Name:	"_50397854_1.dwg"
File Extent / Area of Interest (AOI):	LLX:LLY: 693797.562:737707.383 LRX:LYR: 694032.662:737707.383 URX:URY: 694032.662:737978.383
Projection / Spatial Reference:	Proj4string: REPROJCS, Transverse_Mercator
Centre Point Coordinates:	X,Y: 693914.462:737934.383
Reference Index:	Map Series Map Sheets 1:1,000 1319203
Data Extraction Date:	Date: 25-Apr-2024
Source Data Release:	DOI:CS Release V1.175.116
Product Version:	Version: 1.4
License / Copyright:	Ordinance Survey Link Terms of Use apply. Please visit www.ordnancesurvey.co.uk/about/termsandconditions .



1
Site Location Map
Scale: 1:1000 @ A3

PLANNING

REVISIONS:	A	01/05/24	DP	Issued for Planning
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CO. LAOIS
T: (085) 7238029
dianmuidghedan@gmail.com

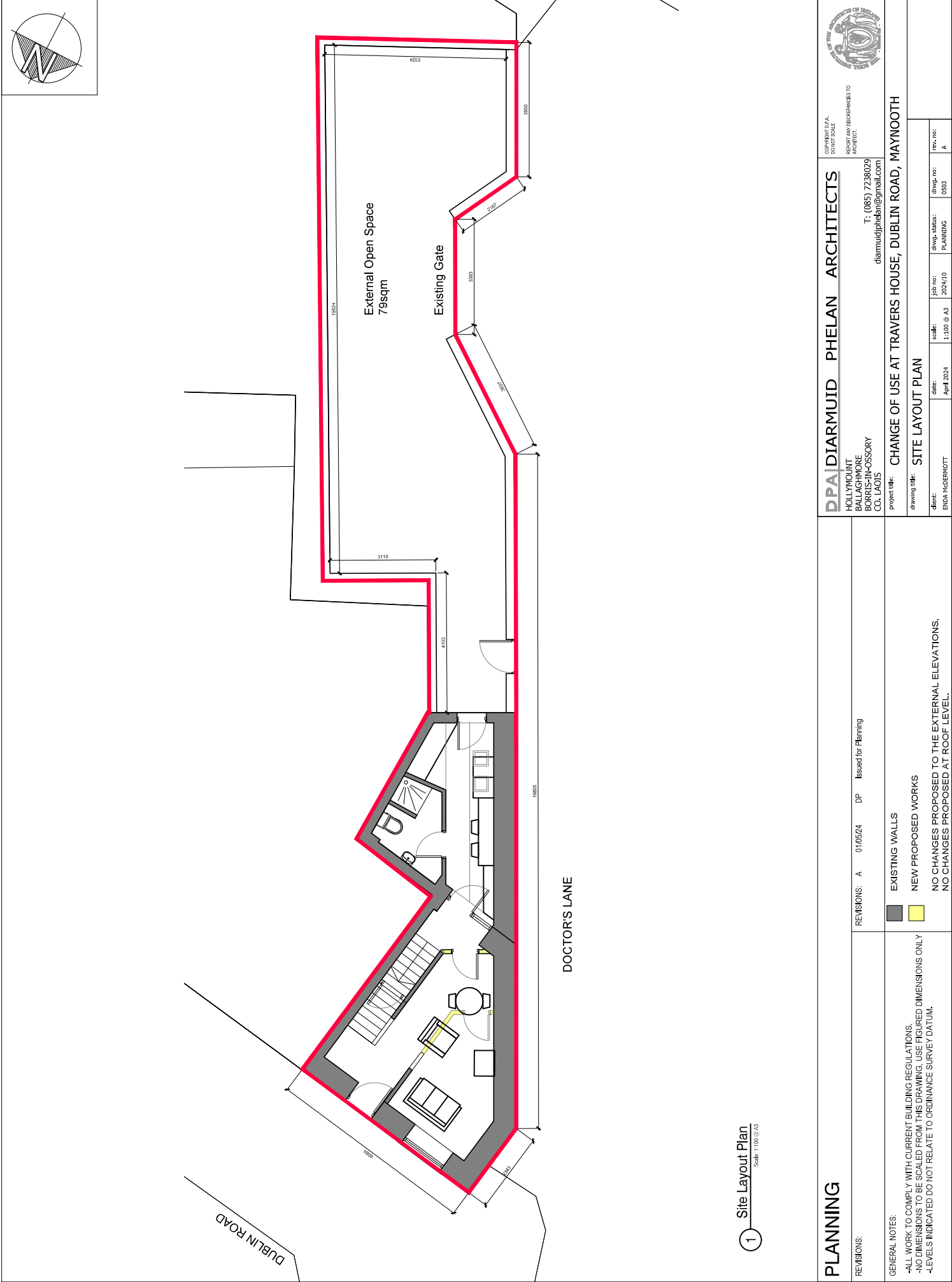
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drawing title: **SITE LOCATION MAP**

client:	date:	scale:	job no:	dwg. status:	dwg. no:	rev. no:
ENDA McDERMOTT	April 2024	1:1000 @ A3	2024/10	PLANNING	0502	A



1 Site Layout Plan
Scale: 1:100 @ A3

PLANNING

REVISIONS: A 01/05/24 DP Issued for Planning

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EXISTING WALLS
NEW PROPOSED WORKS
NO CHANGES PROPOSED TO THE EXTERNAL ELEVATIONS.
NO CHANGES PROPOSED AT ROOF LEVEL.

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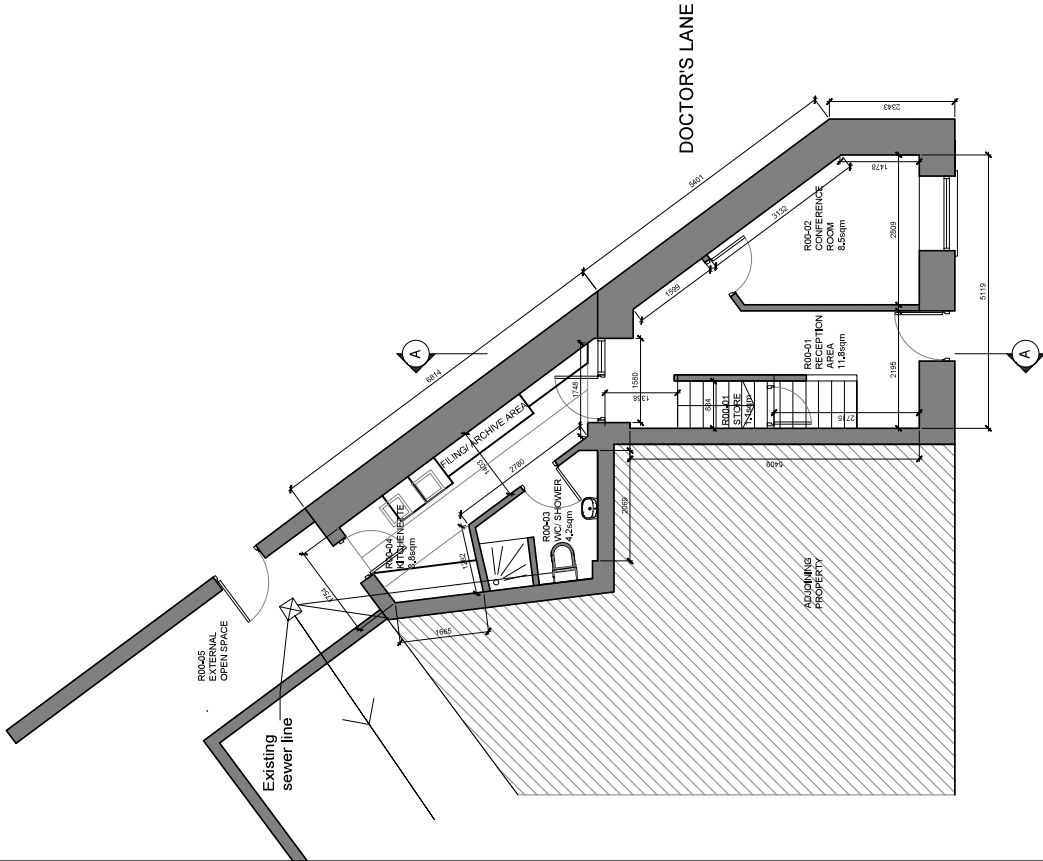
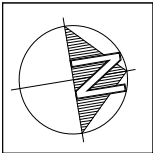
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diarmuidphelan@gmail.com

project title: CHANGE OF USE AT TRAVERS HOUSE, DUBLIN ROAD, MAYNOOTH

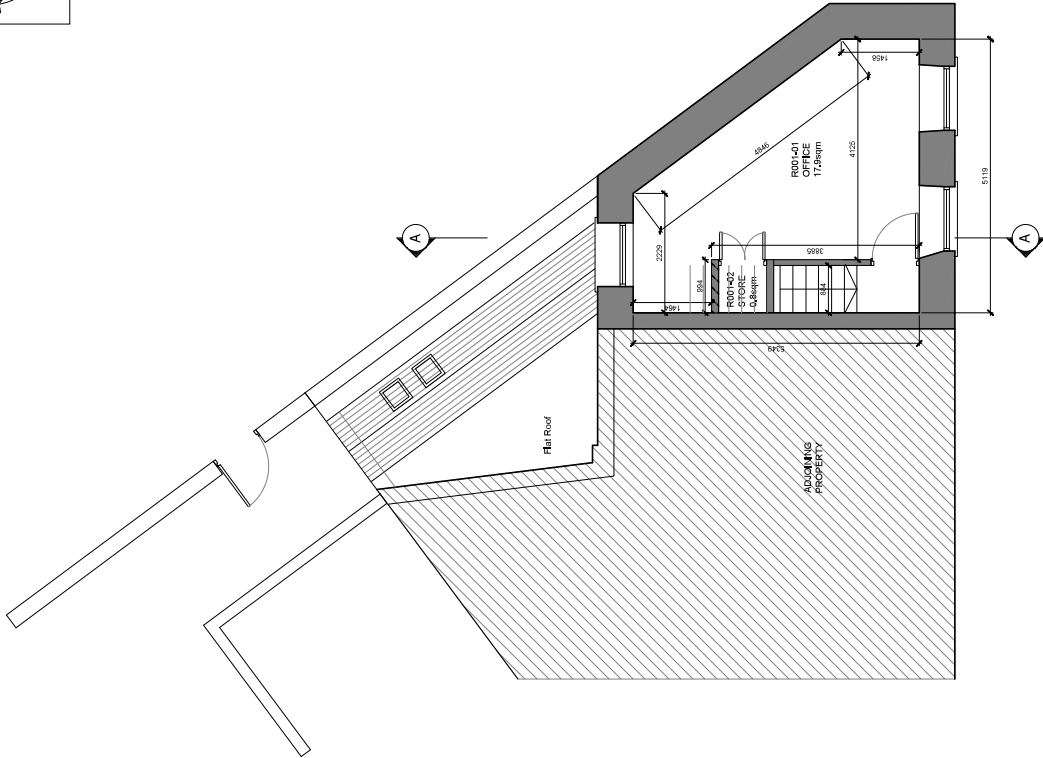
drawing title: SITE LAYOUT PLAN

client: EIRICA MCBERNOTT
date: April 2024
scale: 1:100 @ A3
job no: 2024/10
dwg. status: PLANNING
dwg. no: 0503
rev. no: A



1 Existing Ground Floor Plan
Scale: 1:100 @ A3

GROUND FLOOR GROSS FLOOR AREA - 34.0sqm
TOTAL GROSS FLOOR AREA - 58.2sqm
TOTAL GFA - 58.2sqm



2 Existing First Floor Plan
Scale: 1:100 @ A3

PLANNING

REVISIONS: A 01/05/24 DP Issued for Planning

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EXISTING WALLS
NEW PROPOSED WORKS
NO CHANGES PROPOSED TO THE EXTERNAL ELEVATIONS.
NO CHANGES PROPOSED AT ROOF LEVEL.

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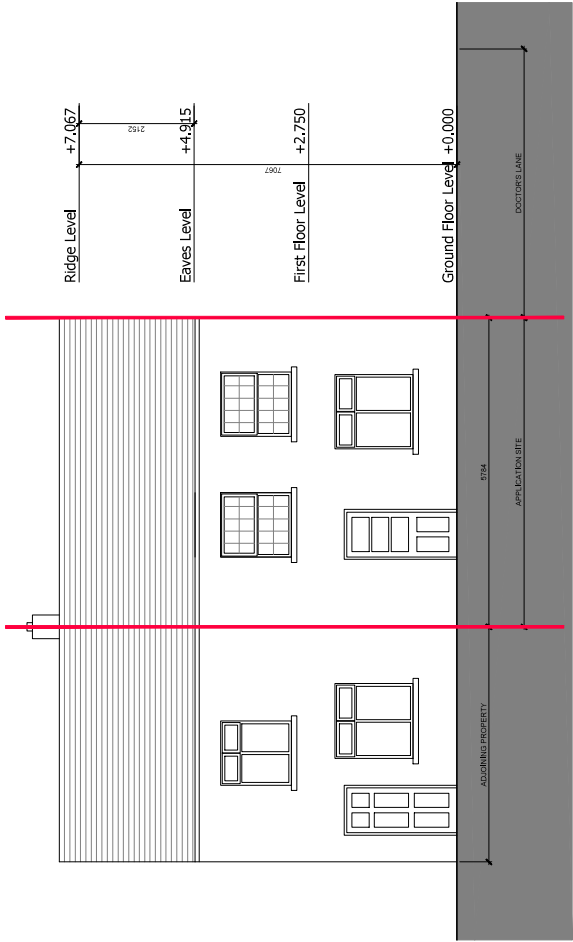
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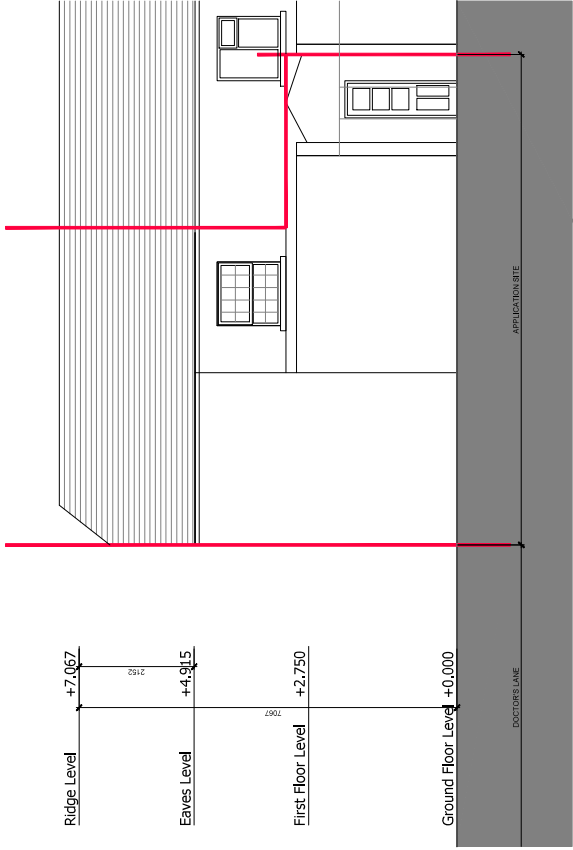
project title: CHANGE OF USE AT TRAVERS HOUSE, DUBLIN ROAD, MAYNOOTH

drawing title: EXISTING GROUND AND FIRST FLOOR PLANS

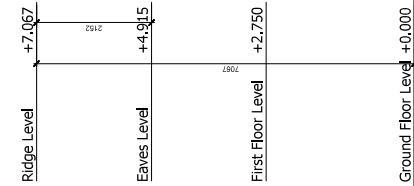
client:	date:	scale:	job no:	dwg. status:	dwg. no:	rev. no:
BRIDA McBERNOTT	April 2024	1:100 @ A3	2024/10	PLANNING	0504	A



1 Existing North Front Elevation
Scale: 1:100 @ A3



2 Existing South Rear Elevation
Scale: 1:100 @ A3



3 Existing West Gable Elevation
Scale: 1:100 @ A3

PLANNING

REVISIONS:

REVISIONS: A 01/05/24 DP Issued for Planning

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EXISTING WALLS

NEW PROPOSED WORKS

NO CHANGES PROPOSED TO THE EXTERNAL ELEVATIONS.
NO CHANGES PROPOSED AT ROOF LEVEL.

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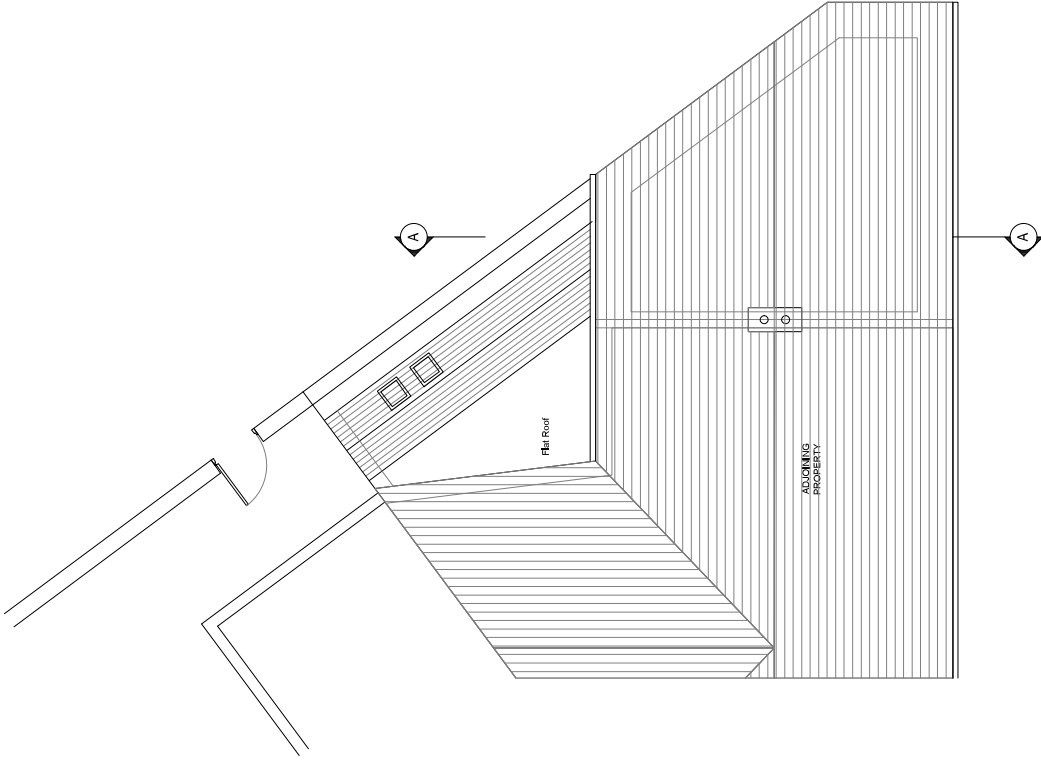
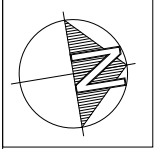
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project title: CHANGE OF USE AT TRAVERS HOUSE, DUBLIN ROAD, MAYNOOTH

drawing title: EXISTING/ PROPOSED ELEVATIONS

client:	date:	scale:	job no:	dwg. status:	dwg. no:	rev. no:
ENDA MCBERNOTT	April 2024	1:100 @ A3	2024/10	PLANNING	0508	A



1 Existing Roof Plan
Scale: 1:100 @ A3

PLANNING

REVISIONS:

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EXISTING WALLS

NEW PROPOSED WORKS

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NO CHANGES PROPOSED AT ROOF LEVEL.

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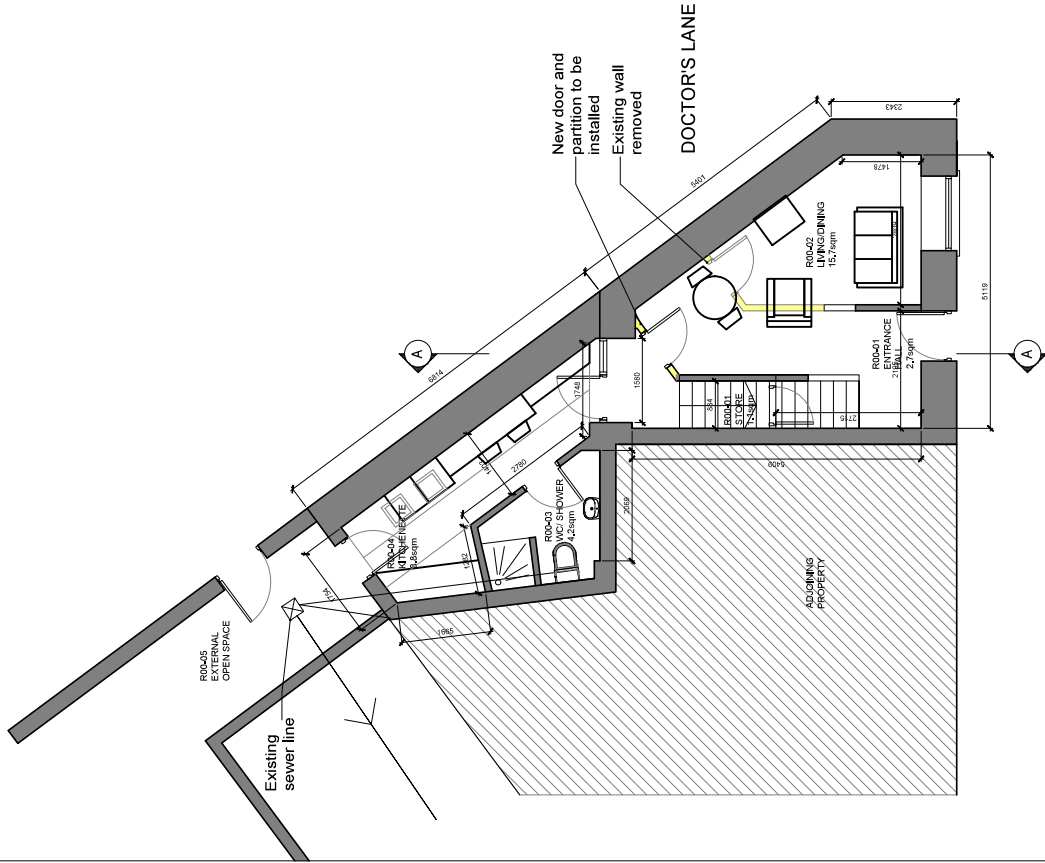
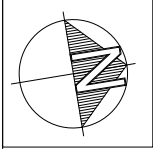
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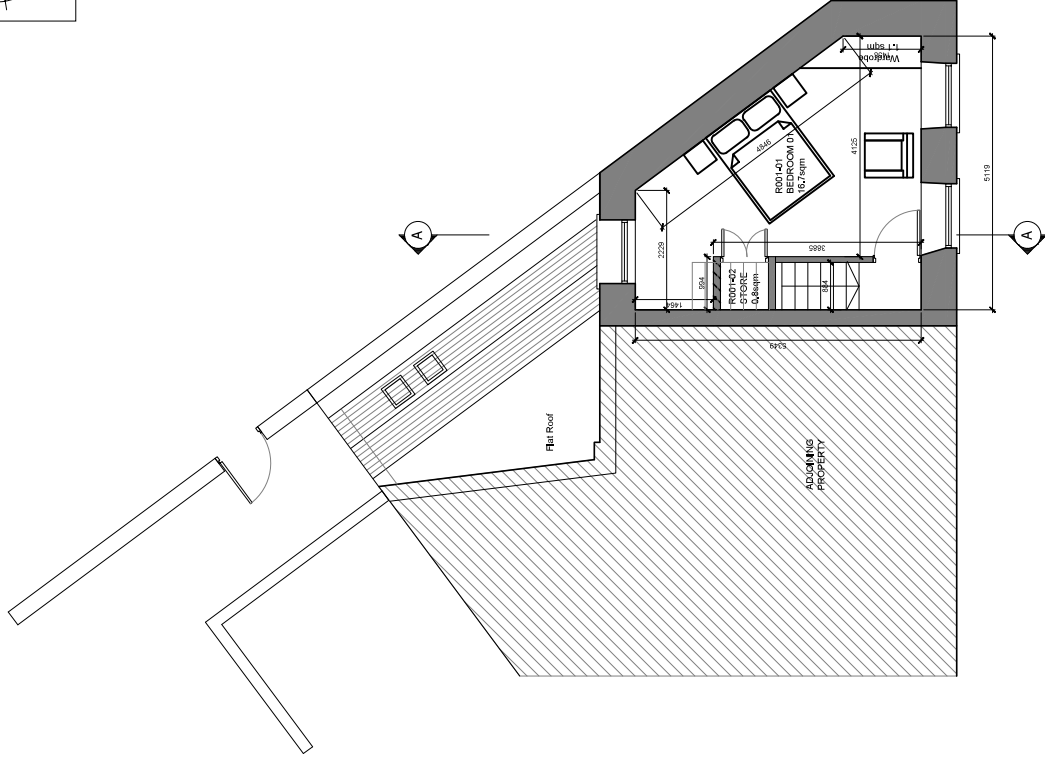
project title: CHANGE OF USE AT TRAVERS HOUSE, DUBLIN ROAD, MAYNOOTH

drawing title: EXISTING ROOF PLAN

client:	date:	scale:	job no:	dwg. status:	dwg. no:	rev. no:
BRIDA McDERMOTT	April 2024	1:100 @ A3	2024/10	PLANNING	0505	A



1 Proposed Ground Floor Plan
Scale: 1:100 @ A3



2 Proposed First Floor Plan
Scale: 1:100 @ A3

PLANNING

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EXISTING WALLS

NEW PROPOSED WORKS

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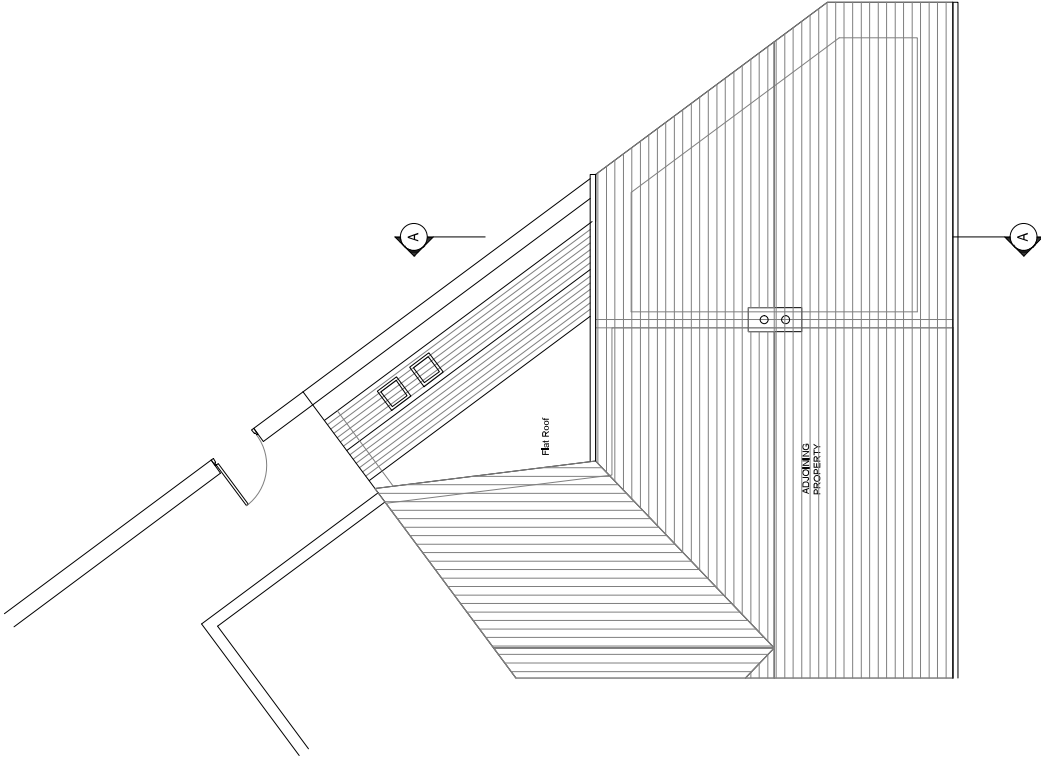
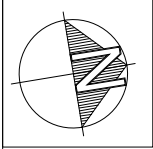
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project title: CHANGE OF USE AT TRAVERS HOUSE, DUBLIN ROAD, MAYNOOTH

drawing title: PROPOSED GROUND AND FIRST FLOOR PLANS

client:	date:	scale:	job no:	dwg. status:	dwg. no:	rev. no:
ENDA McBERNOTT	April 2024	1:100 @ A3	2024/10	PLANNING	0506	A



1 Proposed Roof Plan
Scale: 1:100 @ A3

PLANNING

REVISIONS:

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EXISTING WALLS

NEW PROPOSED WORKS

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project title: CHANGE OF USE AT TRAVERS HOUSE, DUBLIN ROAD, MAYNOOTH

drawing title: EXISTING ROOF PLAN

client: EIRICA MCBERNOTT

date: April 2024

scale: 1:100 @ A3

job no: 2024/10

dwg. status: PLANNING

dwg. no: 0507

rev. no: A