

Comhairle Contae Chill Dara
Kildare County Council



Date: 22nd November 2024.
Our Ref: ED/1131.

John Gerard Naughton,
Jonestown,
Edenderry,
Co. Offaly
R45 AH02

C

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

Dear Sir/Madam,

I refer to your correspondence received on 10th June 2024 in connection with the above. Please find enclosed Receipt no. FIN1/0/500586 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/1131.

WHEREAS a question has arisen as to whether filling of 0.75-hectare area to return to productive agricultural land at Kilmorebrannagh, Co. Kildare, is exempted development,

AS INDICATED on the plans and particulars received by the Planning Authority on 10th June 2024

AND WHEREAS John Gerard Naughton 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
- (c) Documentation received with the application

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

- (a) Sections 2, 3, of the Planning and Development Act 2000 (as amended);
- (b) Article 8C of the Planning and Development Regulations 2001(as amended);
- (c) 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 filling of 0.75-hectare area to return to productive agricultural land at Kilmorebrannagh, Co. Kildare

IS development and IS NOT EXEMPTED development pursuant to 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.

22nd November 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/1131

Name Of Applicant(s):	John Gerard Naughton
Address Of Development:	Kilmorebrannagh, Co. Kildare
Development Description:	Filling of 0.75 hectare area to return to productive agricultural land

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 filling of 0.75 hectare area to return to productive agricultural land is exempted development.

Site Location

The 0.75 Ha site is situated in the northwest of County Kildare c.400m southwest of the M4 service station and 1.3km northwest of the settlement of Johnstown Bridge. The site forms part of a wider site in the ownership of the Applicant whereby it was previously decided that the infilling of an existing depression in the landscape which was stated to comprise a former gravel pit of c.1ha together with a proposed ancillary temporary haul road to facilitate the importation of the fill material was considered to be exempted development.

Description of Proposed Development

The proposed development is described as follows:

“This is an addition area connected to the approved fill in ED001066. The additional 0.75 Ha area is part of the same old disused gravel extraction and was omitted from the original application mistakenly. It contains heaps of topsoil, underneath which requires to be filled. The heaps of topsoil will be used to cover the whole area once the fill is complete. The average fill depth will be 1.3m. The fill of ED/001066 is already underway with entrance road complete. The site will be returned to its former level and reseeded and returned to productive grassland.”

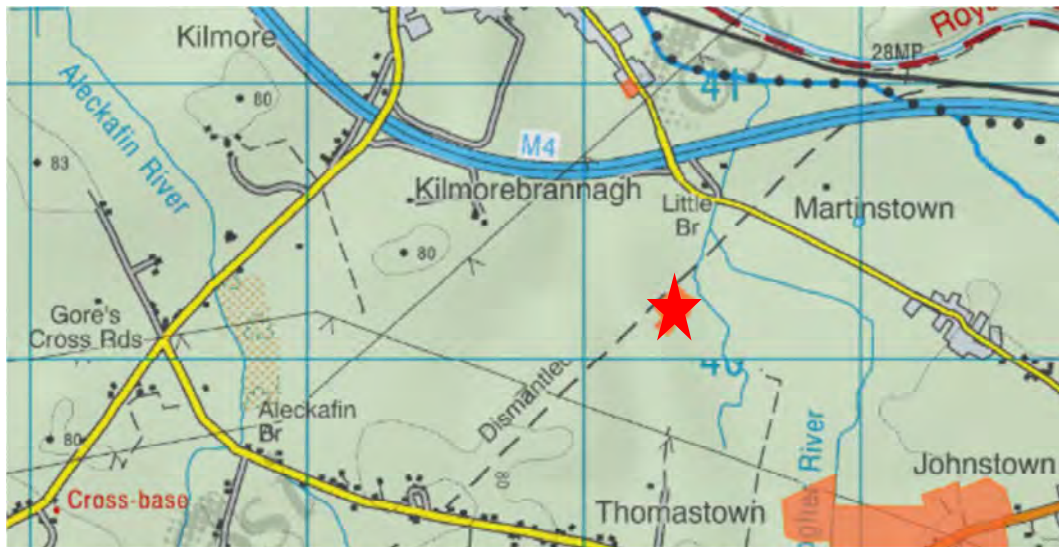


Fig 1: Site Location and context (Approximate location denoted by red star)



Fig 2: Aerial view of subject site (Previous application ED/01066 and area of current application highlighted in orange)

Planning History

ED01066: John Gerard Naughton sought a Section 5 declaration for development including infilling a pit with 1m depth of an unspecified Article 27 material to return the site to agricultural use and the construction of a temporary haul road from the site entrance at the north, through two large fields to the site where a temporary turning area will be provided. The applicant was advised that the proposed works **constitutes development** as defined in Section 3(1) of the Planning and Development Act 2000 (as amended) and **is exempted development** as defined by the Planning and

Development Act 2000 (as amended) and the Planning and Development Regulations 2001 (as amended)

12/248: Incomplete application by John Naughton for Development which consists of filling a disused gravel pit, using insert topsoil & subsoil to existing ground levels having an average depth of 1.5 metres over an area of 0.8 hectares approx. to reinstate lands for agricultural use.

11/114: Planning permission sought by John Naughton for a development which consists of filling a disused gravel pit, using inert topsoil and subsoil, to existing ground levels having an average depth of 1.5 Metres over an area of 0.8 hectares approx. to reinstate lands for agricultural use. The application was deemed withdrawn prior to reaching a decision.

10/428: Planning permission sought by John Naughton for filling a disused gravel pit, using inert topsoil and subsoil, to existing ground levels having an average dept of 1.5 metres over and area of 0.8 hectares approx. to reinstate lands for agricultural use. The application was deemed withdrawn prior to reaching a decision.

Relevant Referrals to An Bord Pleanala

ABP Ref. 316012-23- in April 2024 the Bord decided that, in the question as to whether:

- (a) the importation and deposit of soil and/or subsoil from off-site into a number of heaps on the land,
 - (b) the parking of an industrial vehicle bearing a large arm (or a type which can be used to distribute/move soil and/or subsoil) on this land and parking of commercial trucks on site,
 - (c) the use of this property for non-agricultural external storage,
 - (d) the erection of a circa 3.0-metre-tall timber fence on the land,
 - (e) the sorting of soil and subsoil, the placing the sorted matter into bags and the transportation of these bags off the site, and
 - (f) the use of a large barrel-vaulted structure which has been erected on the site for the sorting, bagging and dispatch of soil and subsoil,
- all at Painestown, Kill, County Kildare is or is not development or is or is not exempted development,

The Bord decided that the importation of and deposit of soil and/or subsoil, the use of the shed and activities on site for sorting bagging of soil and/or subsoil and transportation off site, the parking of commercial vehicles, and the erection of a three metre high timber fences development and is not exempted development.

ABP Ref. RL2987 – in April 2013 the Board decided that, in the question of whether the importation of soils and overburden materials for spreading on agricultural land at Barn tick, Clarecastle, Co. Clare is or is not development or is or is not exempted development:

- o The importation of soils and spreading on agricultural land constituted development (Section 3, P&D Act, 2000, as amended),
- o The soils and overburden materials to be imported to the farm holding constituted 'waste', and The activity, therefore, did not come within the scope of Article 8(c) of the Planning and Development Regulations, 2001, as amended.

ABP Ref. RL3034 – In May 2013 the Board decided that, in the question of whether land reclamation for agricultural purposes involving the re-contouring of land using soil as infill material at Bunnahowen, Belmullet, Co. Mayo is or is not development or is or is not exempted development:

- o The importation of soil for infilling of land constitutes 'works' (Section 2(1) P&D Act 2000, as amended) and 'development' (section 3(1) P&D Act, 2000, as amended),
- o Article 8C of the Planning and Development Regulations, 2001, as amended does not provide an exemption for the importation of soil from external sources to a farm holding for the purpose of re-contouring of land,
- o It is not possible to state beyond reasonable doubt that the infilling of soil on this particular site would not have a significant negative impact on European sites.

The act of works referred to therefore was determined to be development and not exempted development (Section 4(4) P&D Act 2000, as amended).

ABP Ref. RL3116 – In January 2014 the Board decided that, in the question of whether a waste recovery site involving the deposition, over a period of less than two years of less than 100,000 tonnes of fill consisting of clays and topsoil, at Woodford, Listowel, Co. Kerry, is or is not development or is or is not exempted development:

- o The reclamation and re-contouring of land through deposition of fill constitutes an act of works and development (Sections 2 and 3 of the P&D Act 2000, as amended).
- o Land reclamation coming within the scope of works referred to in the Land Reclamation Act, 1949, would normally constitute exempted development (Section 4(1)(l) P&D Act 2000, as amended),
- o The deposition of a significant quantity of clays and topsoil alongside a stream that is directly connected to and in close proximity to an SAC would be likely to cause environmental pollution by way of siltation and it could not be excluded that the development would be likely to have a significant effect on a European site,
- o The works also come within the scope of section 4(4)(a) of the Planning and Development Act, 2000 (as amended) and therefore do not constitute exempted development, and (e) for the avoidance of doubt, the fill material of clays and topsoil that are imported from outside the landholding constitutes waste, and the development, therefore does not come within the scope of article 8C of the Planning and Development Regulations, 2001, as amended.

The act of works referred to therefore was determined, therefore, to be development and not exempted development.

ABP Ref.RL3540 – in January 2018 the Board decided in the question of the recovery of surplus excavated inert soil and the importing of that soil for infilling low lying area at Dunancory, Virginia, Co. Cavan:

- o The importation of soil for the purpose of infilling a low lying area of land constitutes 'works' and alteration of that land, and therefore 'development' as defined in Section 2 and Section 3, respectively, of the Planning and Development Act, 2000, as amended;
- o The development does not come within the scope of the exemption set out under section 4(1)(l) of the Planning and Development Act 2000, as amended by the Environment (Miscellaneous Provisions) Act 2011;
- o The development does not come within the scope of the exemption set out in Article 8C of the Planning and Development Regulations, 2001, in respect of Land Reclamation, because it is proposed to import material from outside the landholding in order to carry out the development, and furthermore the material proposed to be imported is a waste material (noting that the recovery of excavated inert soil, for the purpose of the improvement or development of land, is identified as a waste activity in the Waste Management (Facility Permit and Registration) Regulations 2007 (as amended));
- o The development does not come within the scope of Class 11 of Part 3 of Schedule 2 to the of the Planning and Development Regulations, 2001, as amended, (Land Reclamation - infilling of wetlands) because of non-compliance with the conditions and limitations no. 1 of that Class, as the area in question exceeds the 0.1 hectares.

The Board therefore decided that the recovery of surplus excavated inert soil and the importing of that soil for infilling low lying area is development and is not exempted development.

ABP Ref. RL3479 – in May 2018 the Board decided that the importation of inert soil for the purposes of site restoration, and restoration works using imported inert soil, in respect of a quarry at Powerstown, County Carlow, is development and is not exempted development.

- o The works the subject of this referral are development within the meaning of Sections 2 and 3 of the Planning and Development Act 2000, as amended,
- o the subject works involves the importation and deposition on land of inert soil (whether or not it is deemed to comprise a waste or a byproduct) and therefore, pursuant to section 3(2)(b)(iii), the use of the land has materially changed and this constitutes development,
- o the permission granted under An Bord Pleanála appeal reference number PL 01.129838 has expired and the conditions of that permission were not complied with to the satisfaction of the planning authority, and

o the works are not directly connected with or necessary to the management of a European Site in accordance with article 6(3) of the Habitats Directive. It has not been established, to the satisfaction of the Board, that there is not a hydrological relationship between the site and the River Barrow and River Nore Special Area of Conservation (Site Code: 002162) and, therefore, it cannot be established, beyond reasonable scientific doubt, that the subject works would not have significant effects on this European Site and, in the absence of a Natura impact statement, that the subject works would not have adverse effects on the integrity of the European Site.

Therefore, the works are not exempted development in accordance with Section 4(4) of the Planning and Development Act 2000, as amended.

ABP Ref. RL06S.RL3609 – in July 2018 the Board decided that the spreading of clean topsoil and subsoil, on the lands for agricultural use and the importing of that soil for recontouring of land at Oldcourt Lane, Oldcourt Ballycullen, Dublin 24 is development and is exempted development.

o The works the subject of this referral are development within the meaning of Sections 2 and 3 of the Planning and Development Act 2000, as amended, o the importation and spreading of soil for the purpose of recontouring land constitutes works, and is, therefore, development as defined in Section 2 and Section 3, respectively, of the Planning and Development Act, 2000, as amended,

o the proposed works would not comply with Condition and Limitation number 1 of Class 11 of Part 3 of Schedule 2 (Land Reclamation) and with the provisions set out within Article 6(3) of the Planning and Development Regulations, 2001, as amended. The proposed works would not, therefore, comprise exempted development under Article 6(3).

o Having regard to the nature of the proposed development, which entails the importation of material to the site which the Board is not satisfied is not waste material, the development does not come within the scope of the provisions of Article 8C of the Planning and Development Regulations, 2001, as amended, in respect of Land Reclamation, and does not, therefore, comprise exempted development under Article 8C, and

o Noted that land reclamation comes within the scope of works referred to in the Land Reclamation Act, 1949, and would normally constitute exempted development as set out in section 4(1)(l) of the Planning and Development Act, 2000, as amended. However, the works in question, comprising infilling of land, by imported material which the Board is not satisfied is not waste material, do not come within the meaning ascribed to land reclamation, as set out in article 8C of the Planning and Development Regulations, 2001, as amended, and therefore, do not constitute exempted development under section 4(1)(l) of the Act.

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-

(a) development consisting of the use of any land for the purpose of agriculture and development consisting of the use for that purpose of any building occupied together with land so used;

(l) development consisting of the carrying out of works referred to in the Land Reclamation Act, 1949, not being works comprised in the fencing or enclosure of land which has been open to or used by the public within the ten years preceding the date on which the works are commenced.

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.

Land Reclamation Act 1949

"Works" in the Land Reclamation Act 1949 refers to the following: -

- (a) field drainage;*
- (b) land reclamation;*
- (c) the construction and improvement of watercourses;*
- (d) the removal of unnecessary fences;*
- (e) the construction of new fences and the improvement of existing ones;*
- (f) improvement of hill grazing;*
- (g) reclamation of estuarine marsh land and of callows;*
- (h) any operations ancillary to the foregoing.*

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 8(C)

Land reclamation works (other than reclamation of wetlands) consisting of re-contouring of land, including infilling of soil (but not waste material) within a farm holding, shall be exempted development.

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)

Assessment

The proposed development comprises infilling of a 0.75 hectare area to return to productive agricultural land. The application site forms part of a wider site, infilling considered to be exempted development under ED1066.

Having regard to the statutory definitions of both 'works' and 'development's set out in Section 2 of the Planning and Development Act 2000 (As amended), as well as the definition of 'works' set out in the Land Reclamation Act 1949 it is considered that the proposal constitutes works and development as it comprises an alteration to the surface of the land.

Article 8C of the Planning and Development Regulations 2001 (as amended) provides that Land reclamation works consisting of re-contouring of land, including infilling of soil (but not waste material) within a farm holding shall be exempted development.

Article 8C of the Regulations provides an exemption for land reclamation works, other than (a) the reclamation of wetlands and (b) infilling with waste material. An Bord Pleanála has traditionally held that the exemption provided by article 8C is confined to land reclamation works where soil is sourced from within the landholding (RL3034, RL3116 & ABP316012-23).

The fill material is not being sourced within land holding, the proposed development would be inconsistent with article 8C of the Regulations. Further, the Waste Management (Facility Permit and Registration) Regulations, 2007, as amended, define the recovery of natural materials (clay, silt, sand, gravel or stone) as a waste activity. I would infer from this, therefore, that recovered soil is a waste material, and that the proposed development, would not, therefore, comply with this requirement either of article 8C of the Regulations.

Conclusion

Having regard to:

- Sections 2 & 3 of the Planning and Development Act 2000 (as amended);

- Articles 8C of the Planning and Development Regulations 2001 (as amended); and
- The nature, extent and purpose of the works;

it is considered that the proposed works **constitutes development** as defined in Section 3(1) of the Planning and Development Act 2000 (as amended) and **is NOT exempted development** as defined by the Planning and Development Act 2000 (as amended) and the Planning and Development Regulations 2001 (as amended) as it does not fit within the interpretation of Article 8C of the Planning and Development Regulations 2001 (as amended).

Recommendation

It is recommended that the applicant be advised that the development as described in the application **is development and is NOT exempted development.**

Signed: 
L. Murphy
Executive Planner

Date: 08/11/2024.

Signed:

A/Senior Executive Planner

08/11/2024

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 filling of 0.75 hectare area to return to productive agricultural land is exempted development

AS INDICATED on the plans and particulars received by the Planning Authority on 10/06/2024

AND WHEREAS John Gerard Naughton requested a declaration on the said question from Kildare County Council,

AND WHEREAS Kildare County Council as the Planning Authority, in considering this application for a declaration under Section 5 of the Planning and Development Act 2000 (as amended), had regard to;

- (a) Planning and Development Act 2000 (as amended); and
- (b) Planning and Development Regulations 2001 (as amended);

AND WHEREAS Kildare County Council has concluded that the proposal comprises of development to which the provisions of the following applies:

- (a) Sections 2, 3, of the Planning and Development Act 2000 (as amended);
- (b) Article 8C of the Planning and Development Regulations 2001(as amended);
- (c) 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 -

“This is an addition area connected to the approved fill in ED001066. The additional 0.75 Ha area is part of the same old disused gravel extraction and was omitted from the original application mistakenly. It contains heaps of topsoil, underneath which requires to be filled. The heaps of topsoil will be used to cover the whole area once the fill is complete. The average fill depth will be 1.3m. The fill of ED/001066 is already underway with entrance road complete. The site will be returned to its former level and reseeded and returned to productive grassland.”

IS development and IS NOT EXEMPTED development pursuant to 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

Planning File Ref		ED1131	
Applicant name		John Gerard Naughton	
Development Location		Kilmorebrannagh, Co. Kildare	
Site size		0.75 ha	
Application accompanied by an EIS (Yes/NO)		No	
Distance from Natura 2000 site in km		The site is situated approx. 6.5km southeast of the River Boyne and River Blackwater SAC.	
Description of the project/proposed development – Filling of 0.75 hectare area to return to productive agricultural land			
(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. <u>Sites to consider:</u> River Barrow and Nore, Rye	<i>Is the development within a Special Area of Conservation whose qualifying interests</i>	No

	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>	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 and given the location, nature and extent of the proposed development it is not considered there would be potential to negatively affect the ecological integrity or conservation objectives of European Sites.		
Name:	C. Dockery	
Position:	Assistant Planner	
Date:	08/07/2024	

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: DO55910

Section: Planning

SUBJECT: ED1131 John Gerard Naughton, Jonestown, Edenderry, Co. Offaly
Exempt Development Application for filling of 0.75 hectare area to
return to productive agricultural land at Kilmorebrannagh, Co.
Kildare

SUBMITTED: ED1131 with recommendation from the A/Senior Executive 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 not exempted
development.

MADE THIS 21st DAY

OF November 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

**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 Naughton Forenames John Gerard
 Phone No. [REDACTED] Fax No.
 2. Address Jonestown, Edenderry, Co Offaly R45AH02

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

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

Section 3	Company Details (if applicable)
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1. Name of Company
 Phone No..... Fax No.....
 2. Company Reg. No.....
 3. Address.....

Section 4	Details of Site
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1. Planning History of Site N/A
 2. Location of Proposed Development Kilmorebrannagh, Co Kildare (off Martinstown road, near Johnstownbridge)

 3. Ordnance Survey Sheet No.....
 4. Please state the Applicants interest in the site Landowner

 5. Please state the extent of the proposed development Filling of 0.75 hectare area to return to productive agricultural land,
average fill of 1m

6. Under what Section of the Planning and Development 2000 and/or what provision of the Planning and Development Regulations 2001 is exemption sought (specific details required) Section 5, and related to article 27 of the European communities (waste directive) regulations 2011.

7. Please give a detailed description of the Proposed Development (Use separate page if necessary).....
This is an addition area connected to the approved fill in ED001066. The additional 0.75 Ha area is part of the same old disused gravel extraction and was omitted from the original application mistakenly. It contains heaps of topsoil, underneath which requires to be filled. The heaps of topsoil will be used to cover the whole area once the fill is complete. The average fill depth will be 1.3m.
The fill of ED/001066 is already underway with entrance road complete.
The site will be returned to its former level and reseeded and returned to productive grassland.

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

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

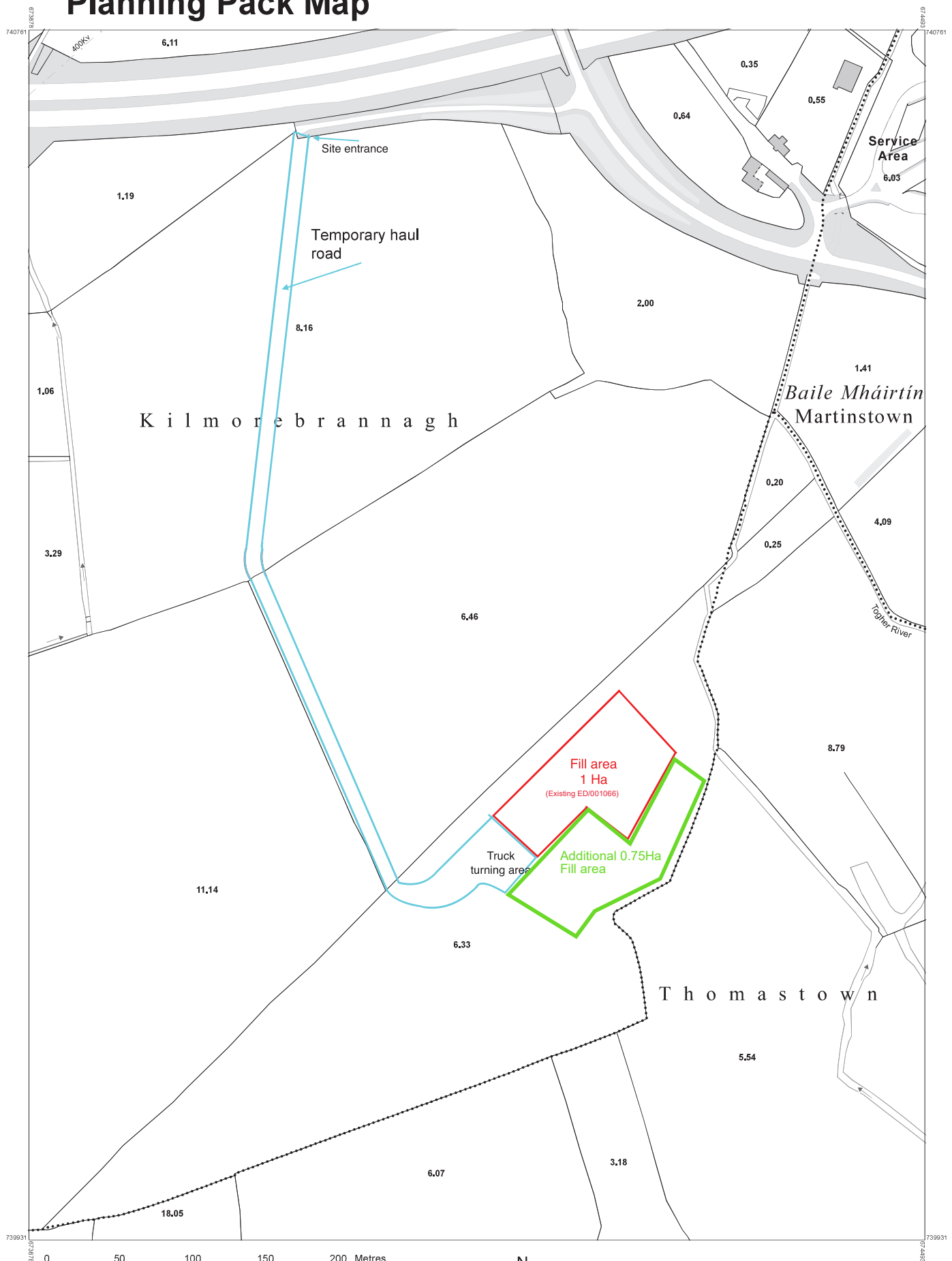
Section 6	Declaration
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I, John Naughton certify that all of the above information is correct and I have submitted all the required documents as outlined at Section 6 above.

Signature: 

Date: 10/6/2024

Planning Pack Map



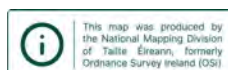
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CENTRE COORDINATES:
ITM 674186,740346

ORDER NO.:
50348115_1

MAP SERIES:
1:2,500
1:2,500

PUBLISHED:
26/07/2023

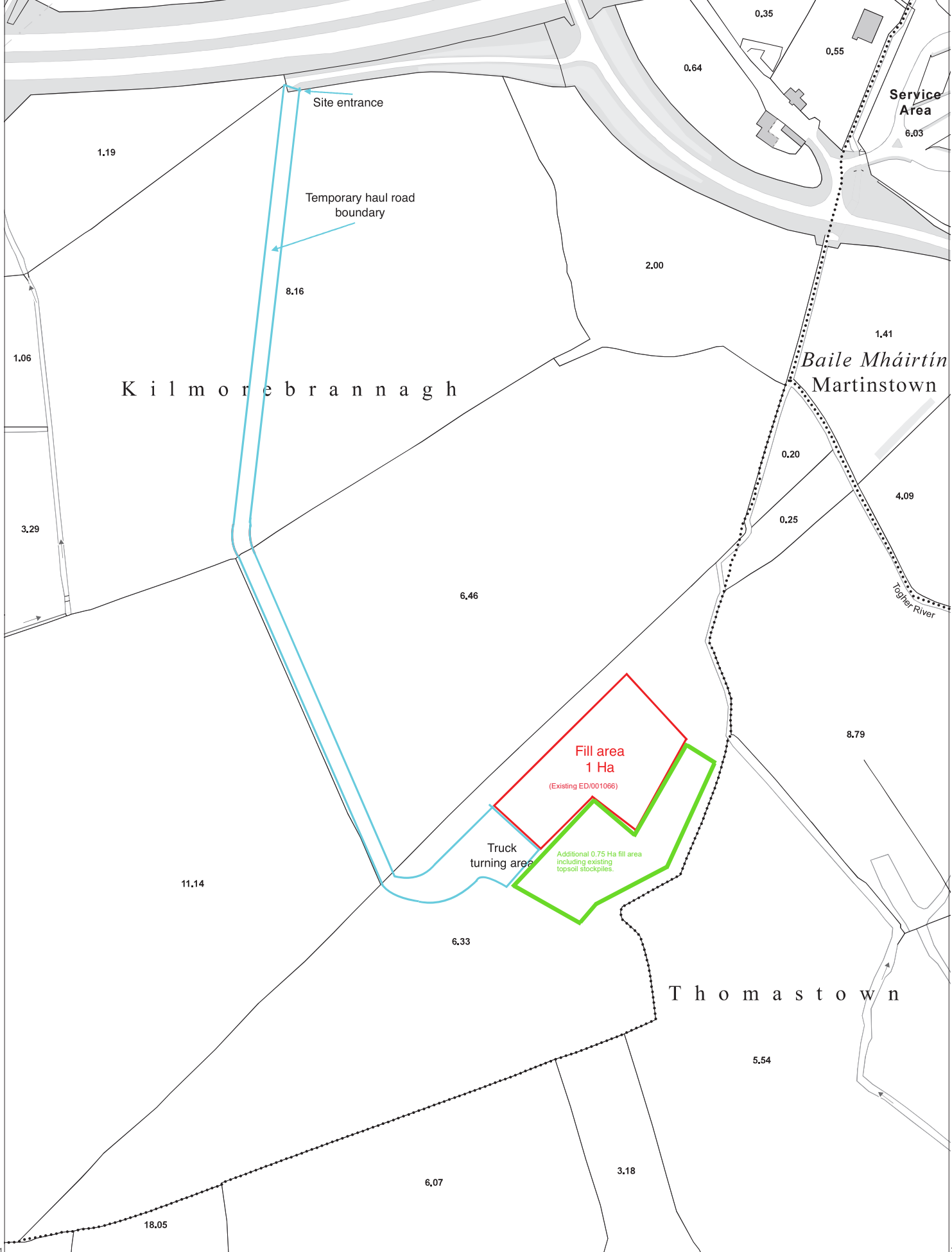
MAP SHEETS:
3121-A
3121-B

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Section 5 exempt development
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