

Date: 19th August 2024 Our Ref: ED/1142.

Simon Dick. C/o Anthony Johns, The Clay, Ballinclea, Donard, Co. Wicklow

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

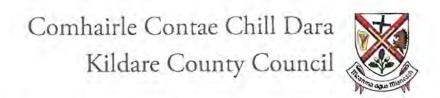
Dear Sir/Madam,

I refer to your correspondence received on 23rd July 2024 in connection with the above. Please find enclosed Receipt no. FIN1/0/502216 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/1142.

WHEREAS a question has arisen as to whether an agricultural dry storage shed at Shango, Red Bog, Rathmore, Co. Kildare, is exempted development,

AS INDICATED on the plans and particulars received by the Planning Authority on 23rd July 2024

AND WHEREAS Simon Dick 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, 5, of the Planning and Development Act 2000 (as amended);
- (b) Article 6 and Article 9 of the Planning and Development Regulations 2001 (as amended);
- (c) Class 6 of Part 3, Schedule 2 of the Planning and Development Regulations 2001 (As amended);
- (d) 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 agricultural dry storage shed at Shango, Red Bog, Rathmore, Co. Kildare

is development and is exempted development pursuant to Section 4(1)(h) of the Planning and Development Act 2000 (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.

19th August 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/1142			
Name Of Applicant(s):	Simon Dick		
Address Of Development:	Shango, Red Bog, Rathmore, Co. Kildare		
Development Description:	Dry storage shed of standard agricultural design		
Due date	20/08/2024		

Introduction

This is a request for a **DECLARATION** under Section 5(1) of the Planning and Development Act 2000 (as amended) to establish whether under Section 5 of the Act the agricultural storage shed is or is not exempted development.

Site Location

This declaration relates to a site located within the townland of Red Bog, which is located c. 3.3km southeast of Rathmore.

Description of Proposed Development

The proposed development is described by the applicant as an agricultural storage shed with a floor area of 107m² for the purposes of storing hay and timber which it is stated are produced on the holding.

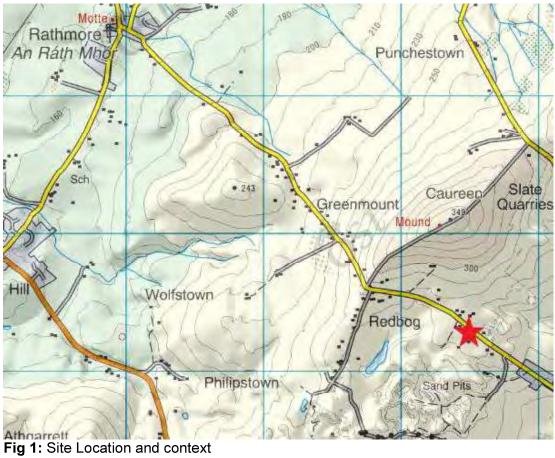




Fig 2: Aerial view of subject site (Google Images)

Planning History

18/1519 Permission granted to the same applicant for the construction of new vehicular entrance off the L6038, associated driveway to private residence, the closure of existing entrance, all associated site works, services and realignment of hedgerow

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, in areas other than a city, a town or an area specified in section 19(1)(b) of the Act or the excluded areas as defined in section 9 of the Local Government (Reorganisation) Act, 1985 (No. 7 of 1985), development of a class specified in column 1 of Part 3 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 3 opposite the mention of that class in the said column 1.

Part 3, Schedule 2 - Rural Development

Agricultural Structures

Class 9 – Works consisting of the provision of any store, barn, shed, glass-house or other structure, not being of a type specified in class 6, 7 or 8 of this Part of this Schedule, and having a gross floor space not exceeding 300 square metres.

Conditions and Limitations

1. No such structure shall be used for any purpose other than the purpose of agriculture or forestry, but excluding the housing of animals or the storing of effluent.

- The gross floor space of such structures together with any other such structures situated within the same farmyard complex or complex of such structures or within 100 metres of that complex shall not exceed 900 square metres gross floor space in aggregate.
- 3. No such structure shall be situated within 10 metres of any public road.
- 4. No such structure within 100 metres of any public road shall exceed 8 metres in height.
- 5. No such structure shall be situated within 100 metres of any house (other than the house of the person providing the structure) or other residential building or school, hospital, church or building used for public assembly, save with the consent in writing of the owner and, as may be appropriate, the occupier or person in charge thereof.
- 6. No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.

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)

<u>Assessment</u>

The principal class of exempted development in relation to the proposed development is provided under Class 6 of Schedule 2, Part 3 of the Planning and Development Regulations 2001, as amended. The gross floor space of the proposed shed is 107 m² which is below the 200sqm threshold for this class of development.'

The conditions and limitations in relation to this class are assessed below:

1. No such structure shall be used for any purpose other than the purpose of agriculture or forestry, but excluding the housing of animals or the storing of effluent.

The applicant has stated that the proposed shed is for storage of hay and timber

2. The gross floor space of such structures together with any other such structures situated within the same farmyard complex or complex of such structures or within 100 metres of that complex shall not exceed 900 square metres gross floor space in aggregate.

The information supplied indicates the that proposed agricultural structure in the farmyard for storing hay, timber and housing machinery which have a gross floor space of $107m^2$. The gross floor space of such structures together with any other such structures situated within the same farmyard complex or complex of such structures or within 100 metres of that complex shall does exceed 900 square metres gross floor space in aggregate.

3. No such structure shall be situated within 10 metres of any public road.

The structure is more than 10 metres from any public road.

4. No such structure within 100 metres of any public road shall exceed 8 metres in height. The proposed portal frame shed is c. 4.5m in height which is acceptable.

5. No such structure shall be situated within 100 metres of any house (other than the house of the person providing the structure) or other residential building or school, hospital, church or building used for public assembly, save with the consent in writing of the owner and, as may be appropriate, the occupier or person in charge thereof.`

There are no other houses other than the house of the person providing the structure within 100m of the proposed development.

6. No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.

The external finishes of the shed will be concrete with a grey metal roof cladding which is considered acceptable.

Conclusion

Having regard to:

- Sections 2, 3, 5 of the Planning and Development Act 2000 (as amended);
- Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended); and
- Class 6 of Part 3, Schedule 2 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 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.*

Signed:

Planner: James Kelly (Graduate Planner) Date: 16/08/2024 Auston

Kehinde Oluwatosin Senior Executive Planner 20/08/2024

A. Svanger

Aoife Brangan A/SP 05/09/24

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 proposed agricultural storage shed

AS INDICATED on the plans and particulars received by the Planning Authority on 23/07/2024

AND WHEREAS Simon Dick 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, 5, of the Planning and Development Act 2000 (as amended);
- (b) Article 6 and Article 9 of the Planning and Development Regulations 2001 (as amended); and
- (c) Class 6 of Part 3, Schedule 2 of the Planning and Development Regulations 2001 (As amended); and
- (d) 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 agricultural storage shed

IS development and IS EXEMPTED development pursuant to Section (2, 3, 5) of the Planning and Development Act as amended and Article 6, Article 9 of the Planning and Development Regulations as amended.

Please note that any person issued with a declaration under Section 5 of the Planning and Development Act 2000 (as amended) may on payment to the Board of the prescribed fee, refer a declaration to An Bord Pleanála within 4 weeks of the issuing of the decision.

Appendix 1: Appropriate Assessment Screening



APPROPRIATE ASSESSMENT SCREENING REPORT AND DETERMINATION

(A) Project Details			
Planning File Ref	ED1142		
Applicant name	Simon Dick		
Development Location	Red Bog, Rathmore, Naas Co Kildare		
Site size	n/a		
Application	No		
accompanied by an EIS			
(Yes/NO)			
Distance from Natura	0.107 KM EAST OF RED BOG SAC, 2.5KM WEST OF		
2000 site in km	POULAPHUCA RESERVOIR SPA		
Description of the project/proposed development –			
Agricultural storage shed			

(B)	3) Identification of Natura 2000 sites which may be impacted by the					
pro	proposed development					
			Yes/No			
			If answer is yes,			
		identify list name				
		of Natura 2000 site				
			likely to be			
			impacted.			
1	Impacts on sites	Is the development				
	designated for freshwater	within a Special Area of				
	habitats or species.	Conservation whose				
		qualifying interests				
	Sites to consider: River	include freshwater	NO			
	Barrow and Nore, Rye	habitats and/or species,				
	Water/Carton Valley,	or in the catchment				
	Pollardstown Fen,	(upstream or				
	Ballynafagh lake	downstream) of same?				
2	Impacts on sites	Is the development	YES			
	designated for wetland	within a Special Area of	Red Bog and no			
	habitats - bogs, fens,	Conservation whose	significant			
	marshes and heath.	qualifying interests	adverse impact by			

	Sites to consider: River	include wetland habitats	nature of
	Barrow and Nore, Rye	(bog, marsh, fen or	development
	Water/Carton Valley,	heath), or within 1 km of	
	Pollardstown Fen, Mouds	same?	
	Bog, Ballynafagh Bog, Red		
	Bog, Ballynafagh Lake		
3	Impacts on designated	Is the development	
	terrestrial habitats.	within a Special Area of	
	Sites to consider: River	Conservation whose	
	Barrow and Nore, Rye	qualifying interests	NO
	Water/Carton Valley,	include woodlands,	
	Pollardstown Fen,	dunes or grasslands, or	
	Ballynafagh Lake	within 100m of same?	
4	Impacts on birds in SPAs	Is the development	YES
	Sites to consider:	within a Special	Poulaphuca
	Poulaphouca Resevoir	Protection Area, or within	Reservoir and no
		5 km of same?	significant
			adverse impact by
			nature of
			development

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.

If the answer is res refer to the relevant sections of C.					
(G) SCREENING CONCLUSION STATEMENT					
Sele	cted relevant c	ategory for project assessed by ticking box.			
1	AA is not re	quired 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 abo	ove tables)				
Nam	ne:	James Kelly			
Posi	ition:	Graduate Planner			
Date):	16/08/2024			

COMHAIRLE CONTAE CHILL DARA





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: DO54351 Section: Planning

SUBJECT: ED1142 Simon Dick, Shango, Redbog, Rathmore, Co. Kildare.

Exempt Development Application for Agricultural dry storage shed at

Shango, Redbog, Rathmore, Co. Kildare.

SUBMITTED: File Ref. ED1142 with recommendation form the 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 exempted

development.

MADE THIS 19th DAY

YEAR 2024

DIRECTOR OF SERVICES

SIGNED: Aland

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 <u>block</u> <u>letters</u>

Section 1	Details of Applicants	
1. Name of Ap 2. Address	Phone No Forer Fax N SHANGE (NEDBOG , KATH MCC	names SIMON No. ZE, CO KILDARE
Section 2	Person/Agent acting on behalf of applicant (if a	applicable)
1. Name of Pe 2. AddressT	Phone No. 087. 2.869 180 Fax N	names ANTHONY No
Section 3	Company Details (if applicable) 1/1	
Section 4	Details of Site	
1. Planning His	story of Site	
	urvey Sheet No. 3561 — 1 , 3616	
	the Applicants interest in the site OWN =0	A Commence of the Commence of
	the Applicants interest in the site OWNE	Kintare Catalog Castonell
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RECEIVED

/ . P	lease give a	detailed description of the Proposed Developm	nent (Use separate page if necessary)	
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Sec	tion 5	The following must be submitted for	or a valid application	
1.	Site Loca	tion Map (1:2500 Rural Areas) (1:1000 Urban	Areas)	Please T
2.	A Site La Developn	yout Plan (Scale 1:500) in full compliance with nent Regulations 2001	Article 23 of Planning and	-
3.	Цеvelopn	of the development (Scale 1:50) in full complinent Regulations 2001	ance with Article 23 of Planning	and v
4.	All drawing developm	ngs to differentiate between the original buildir	ng, all extensions and proposed	M
5.	Fee of 80	Euro	Plate and and	ı
	tion 6	Declaration	7 = 0 = 24	
Sect	Tobal L/	certify that all of the above informts as outlined at Section 6 above.	rmation is correct and I have so	ubmitted
A	red docume			

Applicants Application Cover Letter of explanation

To: Kildare Co. Co. Planning Department

From: Simon and Kate Dick of Shango, Redbog, Blessington, County Wicklow W91 WR94

Date: 17th July 2024

Dear Sir/Madam,

We wish to build a 107m2 dry storage shed of standard agricultural design on our property, as outlined in the drawings attached.

We plan to use this shed primarily to process and dry hardwood logs grown on site for our own use as sustainable heating fuel. Our house is entirely heated with wood biomass for both space heating and hot water.

We planted approximately 5 acres of mixed deciduous forestry on site in 2015/2016, grant aided by the Forest Service (Contract No: CN70124). This plantation is soon coming due for thinning, and we need dry storage for the natural air drying, processing, and storing of logs. We also have several mature deciduous trees across our 10 acre landholding which require attention and periodic delimbing.

A secondary use for the shed will be to store our own hay. We have a natural grass meadow in front of our house that we cut annually for hay. The field produces approximately 20 large round bales per annum, and we would like the option to store bales on site.

If you have any queries I can be contacted on 086 8226991 or on email at simon.dick@live.com

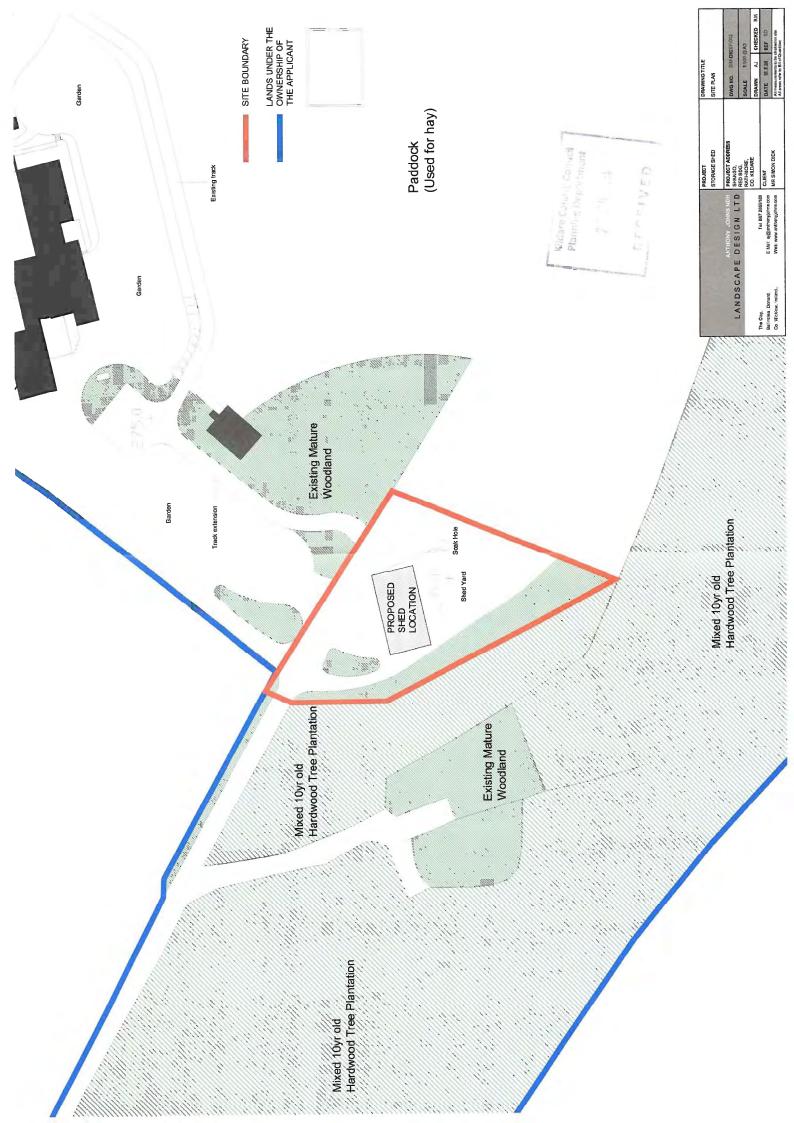
Kind regards,

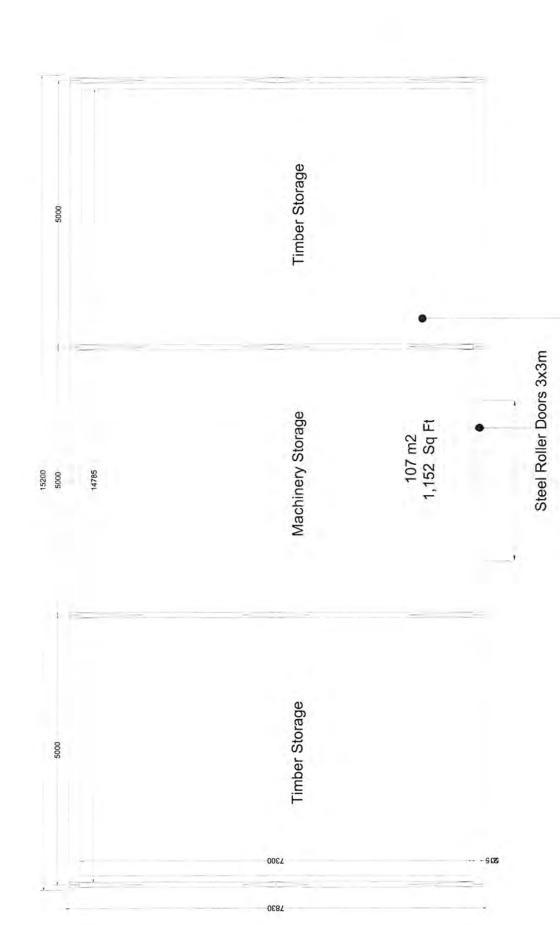
Simon Dick.











Poured Concrete Floors

Ground Floor Plans 1:100 @ A3

LANDSCAPE DESIGNATION STORAGES SHED SHED SHED FLOOR RAN FOLLOWS SHED SHOOM RANGE SHED SHOOM RANGE SHED SHOOM RANGE SHED SHOOM RANGE SHED SHOOM SHAND SHOOM S

1250 1250 3888 1250 F.F.L. 277.75 RL+4500 EL+3450 Tegral style roof sheeting Grey in colour Poured Concrete Flaors Tegral style wall sheeting Grey in colour Cast Concrete 1.8m high base walling Galvinised box gutter & downpipes

Section

7300

7830

G.L. 276.00



Important Note:

All building works carried out to be in full and total accordance with the requirements of the full list of the current Technical Guidance Documents, and be thus compliant with the regulations.

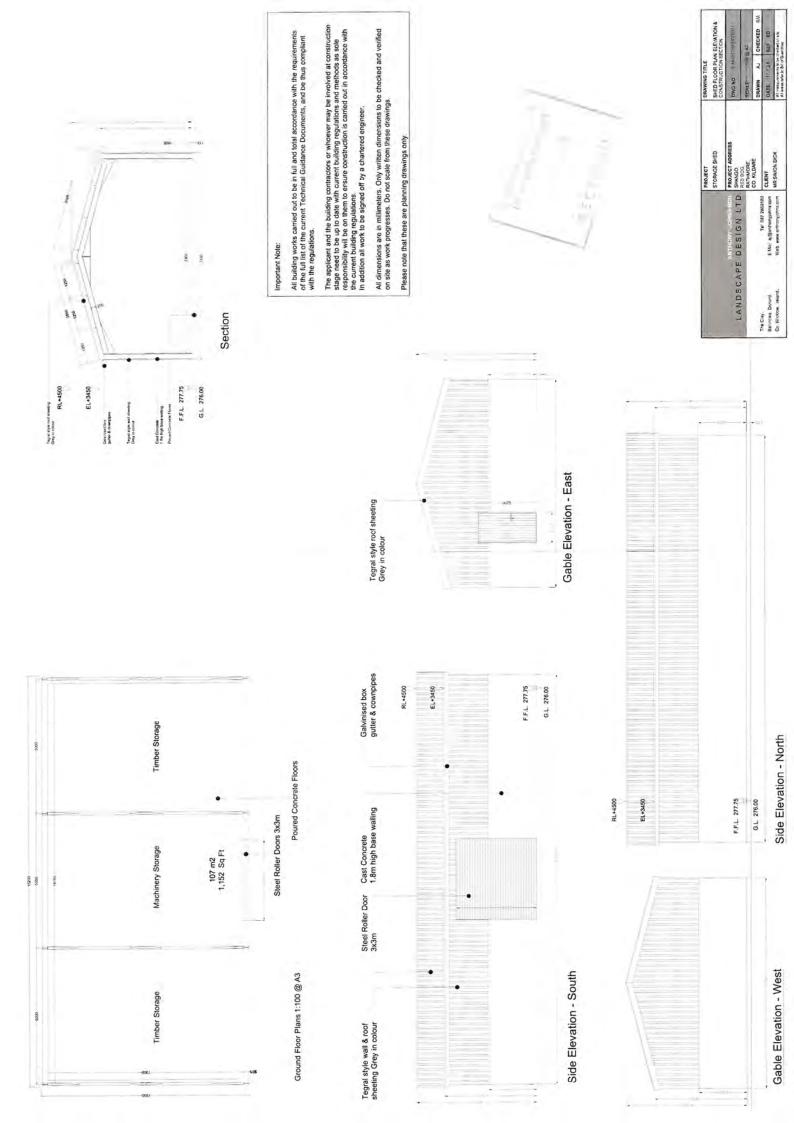
The applicant and the building contractors or whoever may be involved at construction stage need to be up to date with current building regulations and methods as sole responsibility will be on them to ensure construction is carried out in accordance with

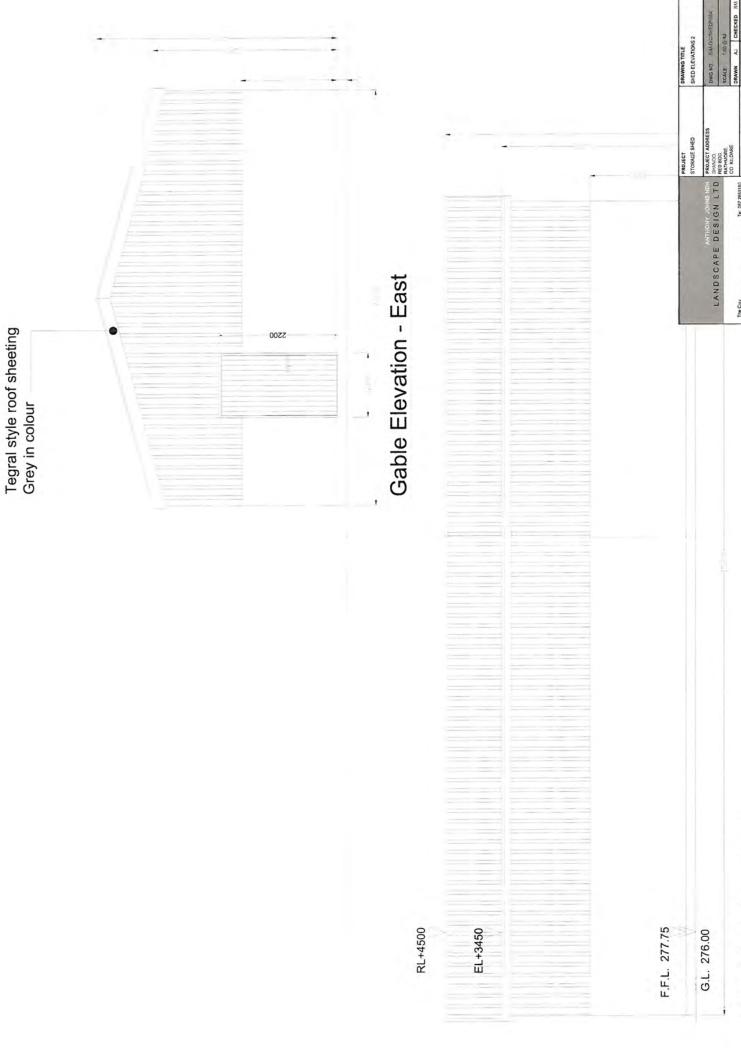
In addition all work to be signed off by a chartered engineer.

All dimensions are in millimeters. Only written dimensions to be checked and verified on site as work progresses. Do not scale from these drawings.

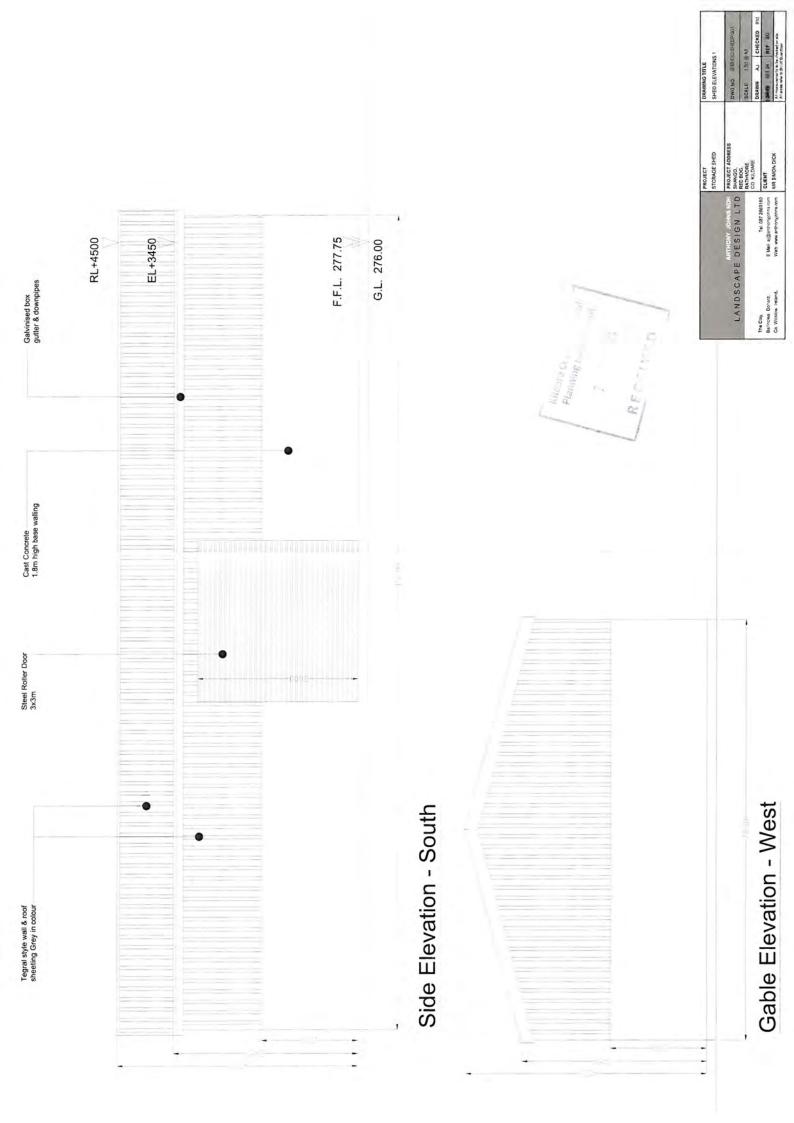
Please note that these are planning drawings only.

DRAWING TITLE SHED CONSTRUCTION SECTION	DWGNO, NINDERHEDRING	SCALE THURST	DRAWN AL CHECKED RM	DATE 1/ TAN MER ID	All treatments to be discipled by
PROJECT STORAGE SHED	PROJECT ADDRESS SHANGO.	RATHAIGHE	CO KILDARE	CLENT	WR SIMON DICK
	TON CHEST PRESIDENT TON TON A CHARLES		To has paness	E Mar a (Chartronyohns com	Web www.arthoryohns.com
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Side Elevation - North





FINANCE CASH OFFICE Kildare County Council Áras Chill Dara Devoy Park Naas Co. Kildare 23/07/2024 14:43:48

Receipt No.: FIN1/0/502216

Simon Dick

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

Total:

80.00 EUR

Tendered : Cheque

80.00

Change:

0.00

Issued By: Sally Pallister Finance Section From: Financial Lodgement Area Vat reg No.0440571C