

Comhairle Contae Chill Dara
Kildare County Council



Date: 6th November 2024.
Our Ref: ED/1146.

Gary Mangan,
Rathmore,
Carbury,
Co. Kildare.

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

Dear Sir/Madam,

I refer to your correspondence received on 14th August 2024 in connection with the above.

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/1146.

WHEREAS a question has arisen as to whether the importation of 5,000 cubic metres of Category A soil from greenfield development land at Green Road, Rathmore, Carbury, Co. Kildare is exempted development,

AS INDICATED on the plans and particulars received by the Planning Authority on 14th August 2024

AND WHEREAS Gary Mangan 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 development comprises works to which the provisions of the following applies:

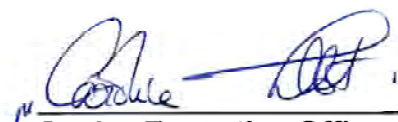
- (a) Sections 2, 3, 4 and 5 of the Planning and Development Act 2000 (as amended);
- (b) Articles 8C of the Planning and Development Regulations 2001 (as amended) and;
- (c) The details contained in the application form

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 importation of 5,000 cubic metres of Category A soil from greenfield development land at Green Road, Rathmore, Carbury, Co. Kildare

is development and is not 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.

6th 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/1146

Name Of Applicant(s):	Gary Mangan
Address Of Development:	Green Road, Rathmore, Carbury, Co. Kildare
Development Description:	Import 5000 cubic metres of cat A soil from green field development land
Due date	11 th September 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 Importation of 5000 cubic metres of cat A soil from green field development land is exempted development.

Site Location

The subject site is located along Green Road, and within the townland of Rathmore. Derrinturn settlement boundary is approx. 1.8km to the northeast of the subject site. The site is currently used for agricultural purposes. The Ballyshannon River runs to the east of the site.

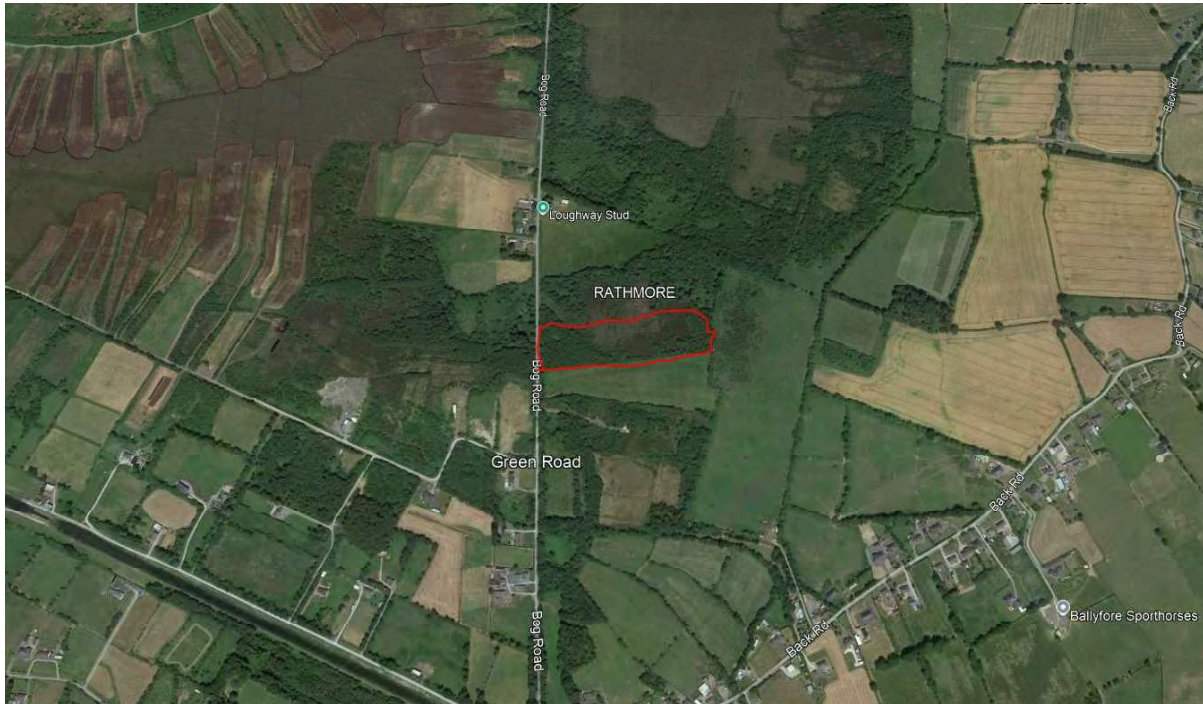


Fig 1: Aerial view of subject site outline in Red (Google Images)

Description of Proposed Development

The development is described in the application form as:

‘Import 5000 cubic metres of Cat A soil from Green Field Development Land’

In Section 4 (7) of the application form the applicant states that:

THE DEVELOPMENT INTENDS TO IMPORT 5000 CUBIC METERS OF UNCONTAMINATED IE VIRGIN SOIL OR SOIL THAT IS EQUIVALENT TO VIRGIN SOIL FOR THE PURPOSES OF RE-CONTOURING LANDS AT GREEN ROAD RATHMORE CARBURY CO. KILDARE (SEE SITE LOCATION MAP), INFILLING THEM WITH SOILS, LEVELING AND RAISING 5 ACRES OF THE SITE BY A MAXIMUM OF 400MM. THE PROPOSED OBJECTIVE OF SOIL PLACING IS TO ALLOW FOR FARMING ACTIVITIES AT THIS FOLIO TO BE IMPROVED. THE LANDS IN THIS AREA ARE UNDULATING WITH HOLLOWES AND DIPS. RECONTOURING, THROUGH THE INFILLING OF SOILS WILL ENABLE LAND IMPROVEMENT WITH ARGICULTARAL/ARBOREAL END AND OTHER ANCILLARY WORKS TO SUPPORT THE DEVELOPMENT. THE SOILS ARE TO BE SOURCED FROM SITES WHERE THE ECONOMIC OPERATOR WILL PROCESS AN ARTICLE 27 APPLICATION PROCESS WITHH THE ENVIRONMENTAL PROTECTIO AGENCY, WHERE THEIR BY-PRODUCT STATUS WOULD BE CONFIRMED PRIOR TO THE MATERIAL BEING TRANSPORTED. SOIL ANALYSIS WILL ALSO BE CONDUCTED BY THE ECONOMIC OPERATOR TO PROVE THE SOIL CAN BE CONSIDERED CLEAN FILL. A MAXIMUM OF 40 TRUCK MOVEMENTS PER DAY SITE FROM LOCAL ROAD FROM EITHER DIRECTION (REFER TO THE SITE LOCATION MAP PROVIDED). THE SITE WILL BE ONLY USED BETWEEN 8AM TO 6PM. A SECURITY GATE HAS BEEN INSTALLED AT THE ENTRANCE. NOTE IT IS EXPECTED THAT THE SOIL WILL BE SOURCED INITALLY FROM A GREEN FIELD SITE IN ENFIELD CO MEATH WHICH IS UNDER 15KM FROM THE PRPOSED DEVELOPMENT SITE.

Planning History

None.

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 Barntick, 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) of the 2000 Act states that certain developments shall be "exempted development" for the purposes of the Act including (a) development consisting of the use of any land for the purposes 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.

I note that the "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.*

In this regard, the proposed development comprises works and also therefore is considered 'development'.

Planning and Development Regulations 2001 (as amended)

Article 8(C) states

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.

EIA Screening

Parts 1 and 2 of Schedule 5 of the Planning and Development Regulations 2001 (as amended) set out classes of development for which an Environmental Impact Assessment is required. Having regard to the nature, size and location of the development, together with the documentation received with this application, it is considered that no significant environmental impacts are likely to be predicted.

AA Screening

No Appropriate Assessment screening was submitted as part of the application. The nearest SAC is 2.8km to the west of the site (The Long Derries, Edenderry SAC). Ballynafagh SAC is 11km to the east of the site. Having regard to the nature of the development and the sites proximity to SAC's, the Planning Authority are satisfied that the proposed development would not negatively impact the proposed development.

Flooding

There are no flooding concerns at the site

Assessment

The development as set out within the grounds of the application comprises the importation of 5000 cubic metres of cat A soil from green field development land. Having regard to the statutory definition of the terms 'works' and 'development', referred to above, which define works as, amongst other things, any act or 'operation of construction' or 'alteration' and development as the 'carrying out of works on land', I would consider that the creation of new surface layers and the alteration of the existing land form with the importation of soil and stone would comprise both 'works'

and 'development', as defined in the Planning and Development Act, 2000 (as amended).

Article 8C, of the Planning and Development Regulations, 2001 (as amended) states "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).

I note the Applicant has stated *"the soils are to be sourced from sites where the Economic Operator will process an Article 27 application process with the Environmental Protection Agency, where their by-product status would be confirmed prior to the material being transported. Soil analysis will also be conducted by the Economic Operator to prove the soil can be considered greenfield, clean fill"*,

Consequently, as material would not be 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, 4 and 5 of the Planning and Development Act 2000 (as amended);
- Articles 8C of the Planning and Development Regulations 2001 (as amended) and;
- The details contained in the application form

It is considered that the importation of 5000 cubic metres of cat A soil from green field development land **is development and is NOT exempted development.**

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:

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 importation of 5000 cubic metres of cat A soil from green field development land 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 14/08/2024

AND WHEREAS Gary Mangan 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:

- Sections 2, 3, 4 and 5 of the Planning and Development Act 2000 (as amended);
- Articles 8C of the Planning and Development Regulations 2001 (as amended) and;
- The details contained in the application form

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 importation of 5000 cubic metres of cat A soil from green field development land

IS development and IS NOT EXEMPTED development.

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: _

Signed: 
L. Murphy
Executive Planner

Louise Murphy. Executive Planner 29/10/2024

Signed:


A/Senior Executive Planner

04/11/2024

Appendix 1: Appropriate Assessment Screening



APPROPRIATE ASSESSMENT SCREENING REPORT AND DETERMINATION

(A) Project Details

Planning File Ref	1146
Applicant name	Gary Mangan
Development Location	Rathmore, Carbury
Site size	N/A
Application accompanied by an EIS (Yes/NO)	No
Distance from Natura 2000 site in km	The nearest SAC is 2.8km to the west of the site (The Long Derries, Edenderry SAC)
Description of the project/proposed development – Importation of 5000 cubic meters of Cat A soil from green field development 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	<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

Selected relevant category for project assessed by ticking box.

1	AA is not required because the project is directly connected with/necessary to the conservation management of the site	
2	No potential significant affects/AA is not required	
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 affect the ecological integrity and conservation objectives of the site.

Name:	L. Murphy
Position:	Executive Planner
Date:	29/10/2024

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: DO55584 **Section:** Planning

SUBJECT: ED1146.
Application for a Declaration of Exempted Development under Section 5 of Planning and Development Act 2000 (as amended) for development at Green Road, Rathmore, Carbury, Co. Kildare.

SUBMITTED: File Ref. ED1146 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 6th 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
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1. Name of Applicant(s) A. Surname MANGAN Forenames GARY
Phone No [REDACTED] Fax No.
2. Address RATHMORE...CARBURY...CO KILDARE

Section 2	Person/Agent acting on behalf of applicant (if applicable)
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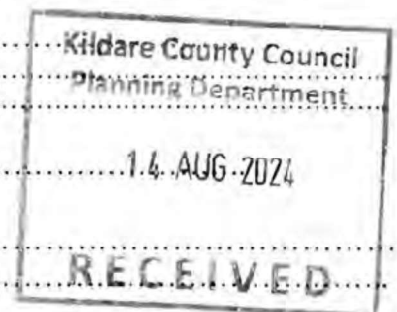
1. Name of Person/Agent: n / a Surname .. Forenames ...
2. Phone No. Fax No.
3. Address

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

Section 4	Details of Site
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1. Planning History of Site AGRICULTURAL LAND NO HISTORIC PLANNING APPLICATIONS ATTACHING
2. Location of Proposed
Development GREEN...ROAD.RATHMORE...CARBURY...CO...KILDARE
3. Ordnance Survey Sheet No 3317-B
4. Please state the Applicants interest in the site OWNER
5. Please state the extent of the proposed development IMPORT 5000 CUBIC METERS OF CAT A SOIL FROM GREEN FIELD DEVELOPMENT LAND



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 2, 3 AND 4 OF THE PLANNING AND DEVELOPMENT ACT, 2000 (AS AMENDED),
ARTICLE 8C: OF THE PLANNING AND DEVELOPMENT REGULATIONS 2001 (AS AMENDED) Article 8C in the Planning and DEVELOPMENT REGULATIONS, 2001 (AS AMENDED) STATES THAT "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",.....

7. Please give a detailed description of the Proposed Development (Use separate page if necessary).....
THE DEVELOPMENT INTENDS TO IMPORT 5000 CUBIC METERS OF UNCONTAMINATED IE VIRGIN SOIL OR SOIL THAT IS EQUIVALENT TO VIRGIN SOIL FOR THE PURPOSES OF RE-CONTOURING LANDS AT GREEN ROAD RATHMORE CARBURY CO. KILDARE (SEE SITE LOCATION MAP), INFILLING THEM WITH SOILS, LEVELING AND RAISING 5 ACRES OF THE SITE BY A MAXIMUM OF 400MM. THE PROPOSED OBJECTIVE OF SOIL PLACING IS TO ALLOW FOR FARMING ACTIVITIES AT THIS FOLIO TO BE IMPROVED. THE LANDS IN THIS AREA ARE UNDULATING WITH HOLLOWES AND DIPS. RECONTOURING, THROUGH THE INFILLING OF SOILS WILL ENABLE LAND IMPROVEMENT WITH ARGICULTURAL/ARBOREAL END AND OTHER ANCILLARY WORKS TO SUPPORT THE DEVELOPMENT. THE SOILS ARE TO BE SOURCED FROM SITES WHERE THE ECONOMIC OPERATOR WILL PROCESS AN ARTICLE 27 APPLICATION PROCESS WITHH THE ENVIRONMENTAL PROTECTIO AGENCY, WHERE THEIR BY-PRODUCT STATUS WOULD BE CONFIRMED PRIOR TO THE MATERIAL BEING TRANSPORTED. SOIL ANALYSIS WILL ALSO BE CONDUCTED BY THE ECONOMIC OPERATOR TO PROVE THE SOIL CAN BE CONSIDERED CLEAN FILL.
A MAXIMUM OF 40 TRUCK MOVEMENTS PER DAY SITE FROM LOCAL ROAD FROM EITHER DIRECTION (REFER TO THE SITE LOCATION MAP PROVIDED). THE SITE WILL BE ONLY USED BETWEEN 8AM TO 6PM. A SECURITY GATE HAS BEEN INSTALLED AT THE ENTRANCE. NOTE IT IS EXPECTED THAT THE SOIL WILL BE SOURCED INITALLY FROM A GREEN FIELD SITE IN ENFIELD CO MEATH WHICH IS UNDER 15KM FROM THE PRPOSED DEVELOPMENT SITE.

Section 5	The following must be submitted for a valid application
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		(Please Tick)
1.	Site Location Map (1:2500 Rural Areas) (1:1000 Urban Areas)	/
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	/
4.	All drawings to differentiate between the original building, all extensions and proposed development	/
5.	Fee of 80 Euro	/

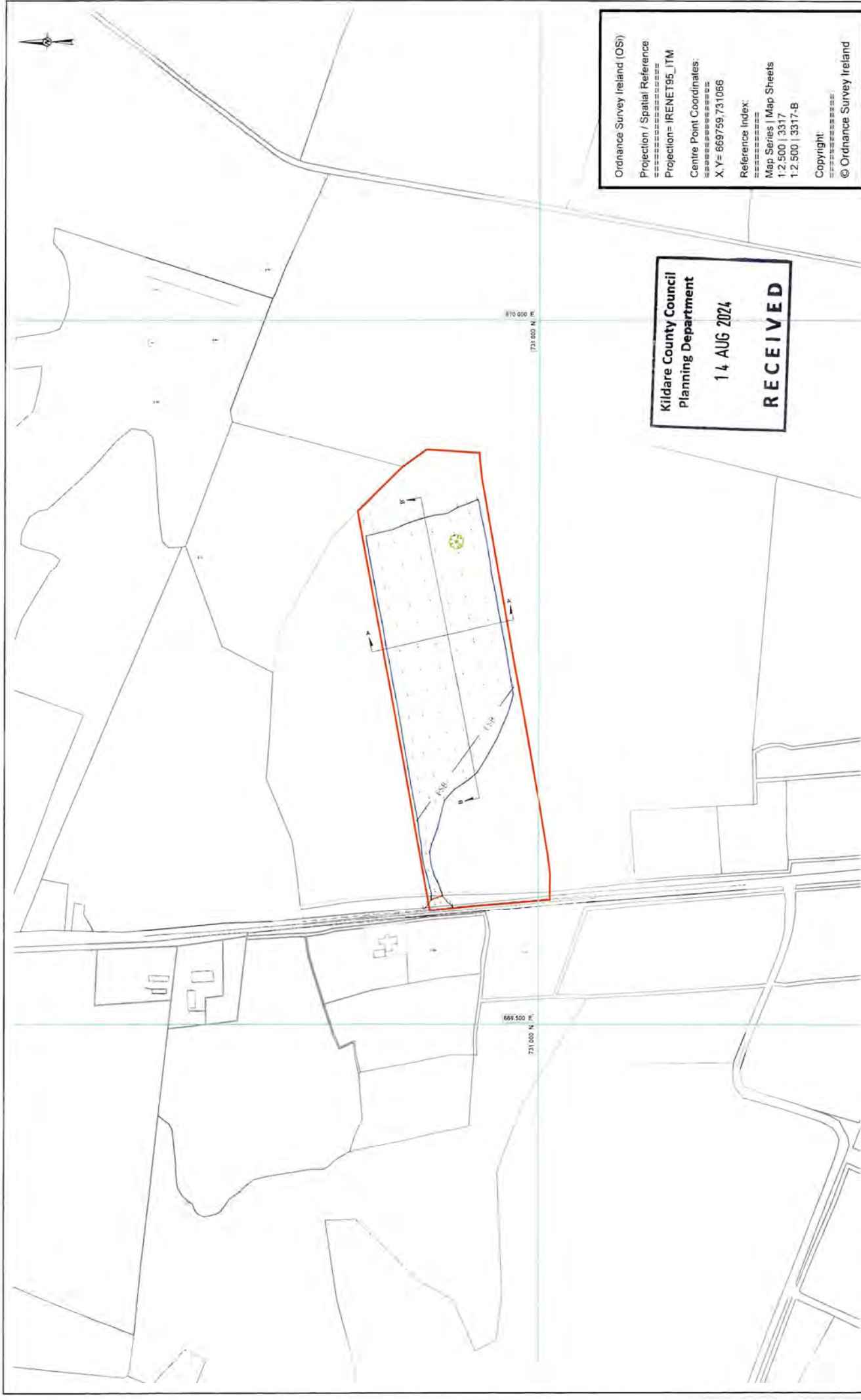
Section 6	Declaration
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I, GARY MANGAN certify that all of the above information is correct and I have submitted all the required documents as outlined at Section 6 above.

Signature: 

Date: 13/08/2024





Ordnance Survey Ireland (OSi)
Projection / Spatial Reference
===== IRENET95_ITM
Projection= IRENET95_ITM
Centre Point Coordinates
===== X,Y= 669759,731065
Reference Index
===== Map Series | Map Sheets
1:2500 | 3317
1:2500 | 3317-B
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- LEGEND**
- OWNERSHIP BOUNDARY
 - PROPOSED FILL BOUNDARY
 - OVERHEAD POWER LINES
 - WOODLAND
 - EXISTING GROUND CONTOUR

NOTES
GRID REFERENCES ARE IN METRES
& TO IRISH TRANSVERSE MERCATOR.
LEVELS ARE IN METRES & TO O.S.
DATUM AND CORRESPOND TO JULY
2024 SURVEY

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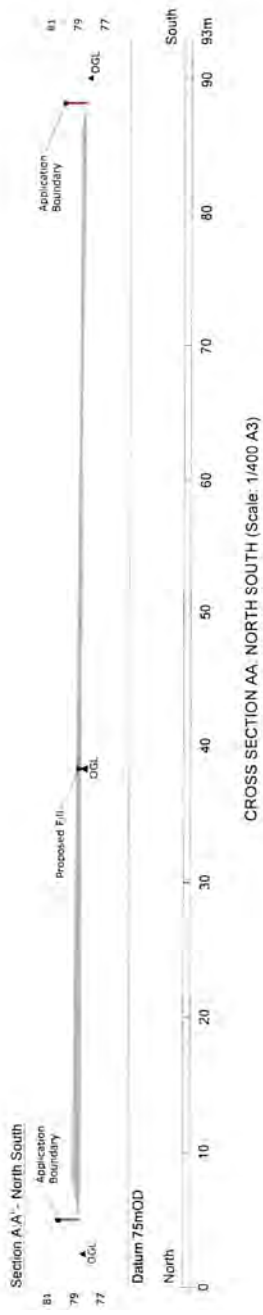
GARY MANGAN RATHMORE



SECTION 5 APPLICATION

SITE LOCATION MAP

DATE	2024-July-31
PREPARED BY	POB
CHECKED BY	DC
APPROVED BY	RT
DATE	DC



Section B B' West East

Application Boundary

Proposed Fill

OGd

Datum 75mOD

West

0 10 20 30 40 50 60 70 80 90 100m

East

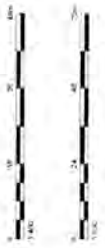
13 12 11 10 9 8 7 6 5 4 3 2 1

CROSS SECTION BB WEST EAST (Scale: 1/600 A3)

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SECTION 5 APPLICATION



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2024 SURVEY.

LEGEND
— ORIGINAL GROUND LEVEL
— PROPOSED FILL LEVEL

2024 August 01
POB
DC
RT
DC



EXISTING & PROPOSED CONTEXTUAL SITE ELEVATIONS



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LEGEND

— OWNERSHIP BOUNDARY

— PROPOSED FILL BOUNDARY

--- OVERHEAD POWER LINES

□ WOODLAND

— EXISTING GROUND CONTOUR

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1:1000

0 10 20 30 40 50 60 70 80 90 100 110 120m

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SECTION 5 APPLICATION

EXISTING GROUND CONTOURS

2024-July-31

POB

DC

RT

DC

4000000

02

A

1/1000 A3



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SECTION 5 APPLICATION

2024 August 01	POB
DC	DC
HT	HT
DC	DC

PROPOSED GROUND CONTOUR



FINANCE CASH OFFICE

Kildare County Council

Aras Chill Dara

Devoy Park

Naas

Co. Kildare

14/08/2024 15:43.11

Receipt No FIN1/0/502956

***** REPRINT *****

Gary Mangan

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

Total : 80.00 EUR

Tendered :
Credit Card 80.00
VD
**6125
0000

Change : 0.00

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