

Comhairle Contae Chill Dara
Kildare County Council



Date: 15th October 2024
Our Ref: ED/1147.

Royal Curragh Golf Club
c/o David Mulcahy,
67 Old Mill Race,
Athgarvan,
Newbridge,
Co. Kildare

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

Dear Sir/Madam,

I refer to your correspondence received on 14th August 2024 in connection with the above.
Please find enclosed Receipt no. FIN1/0/502949 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/1147.

WHEREAS a question has arisen as to whether the like for like replacement of a sprinkler water tank at Royal Curragh Golf Club, is exempted development,

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

AND WHEREAS Royal Curragh Golf Club 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, 4 and 5 of the Planning and Development Act 2000 (as amended).
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended).
- (c) Schedule 2, Part 1, Class 34 of the Planning and Development Regulations, 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 a like for like replacement of a sprinkler water tank **IS development and IS EXEMPTED development pursuant to Section (Relevant sections) 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 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.

15th October 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/1147	
Name Of Applicant(s):	Royal Curragh Golf Club
Address Of Development:	Curragh, Co. Kildare
Development Description:	Installation of replacement sprinkler tank

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 works consisting of a *like for like replacement of an existing sprinkler tank located in an established compound near club house.*

Site Location

The site is located on the Royal Curragh Golf Club, to the eastern edge of the Curragh Camp and c. 2.4km west of Athgarvan.

Description of Proposed Development

The development consists of a like for like replacement of a sprinkler water tank.

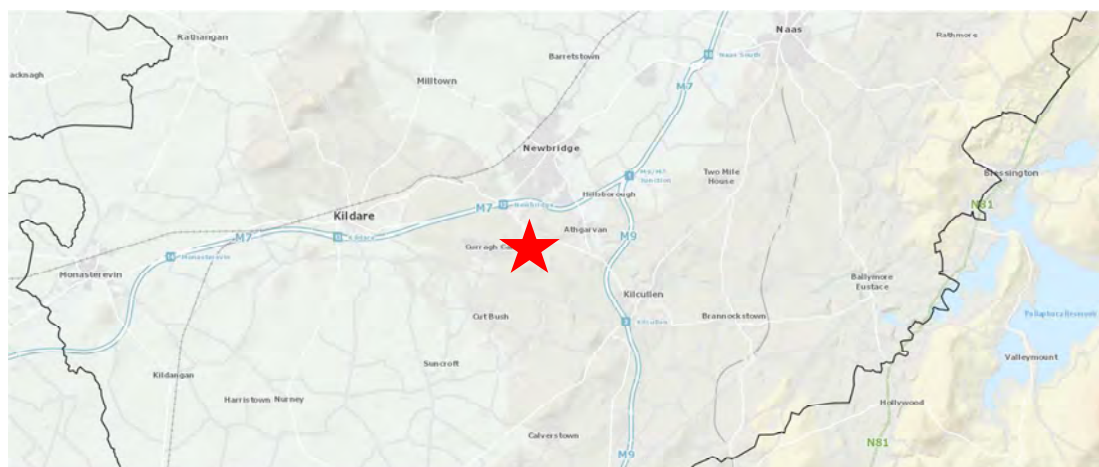


Fig 1: Site Location and context



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

Planning History

- Reg. Ref. 04/1813: Incomplete application. Alterations to the layout of the existing golf course. The proposed alterations involve: removal of the existing 8th hole on both sides of the L-7043, removal of the 9th tee box south of the L-7043, relocation of the 11th hole on both sides of the etc.
- Reg. Ref. 04/1982: Granted. Removal of the existing 8th hole on both sides of the L-7043, removal of the 9th tee box south of the L-7043, relocation of the 11th hole on both sides of the L-7043, relocation of the 14th hole east of the L-7043 and repositioning of the 15th tee etc.
- Reg. Ref. 08/1217: Incomplete application. 12th green and associated infrastructure.
- Reg. Ref.08/1352: Granted. Retention of the 12th green and associated infrastructure.
- Reg. Ref. 12/954: Granted. Ladies and gents toilets in a single building next to the 10th tee box, complete with localised septic tank and percolation area to current EPA guidelines and all associated siteworks

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)

Assessment

The proposed development consists of the following:

- 1) Construction of a 10m radius concrete pad on a base of a 100mm thick compacted hardcore base, on top of which will be a 200mm concrete pad with layer of A353 mesh.
- 2) Remove existing tank and install replacement tank (7.68m diameter, 2.9m height with storage capacity of 128m³)
- 3) Install new above ground fill pipework from well pump and installation of new float switches for well control and booster pump protection.

The proposed development as summarised above outlines the replacement of existing water tank with a new one for a golf course. Upon review of the materials submitted and both the *Planning and Development Act 2000 (as amended)* and *Planning and Development Regulations 2001 (as amended)* and particularly Class 34 (see extract below) and Article 9(a)(i) the following assessment has been completed.

Whilst the site is located within the Sites and Monuments Record (SMR) zone and a Proposed Natural Heritage Area (pNHA) area, both of which are associated with the Curragh, given the nature and scale of the proposed development and the present

use on the receiving site, the Planning Authority is of the view that the proposed development would not negatively impact upon either and as such assess the development to be exempted.

Column 1 <i>Description of Development</i>	Column 2 <i>Conditions and Limitations</i>
CLASS 34 Works incidental to the maintenance and management of any golf course or pitch and putt course, including alterations to the layout thereof, excluding any extension to the area of a golf course or pitch and putt course.	

Extract from Planning and Development Regulations 2001 (as amended)

Conclusion

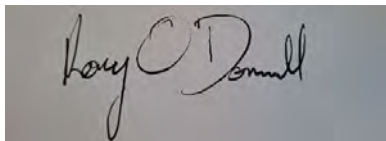
Having regard to:

- Sections 2, 3, 4 and 5 of the Planning and Development Act 2000 (as amended);
- Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended);
- Schedule 2, Part 1, Class 34 of the Planning and Development Regulations, 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*.

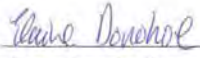


Signed:

Planner: Rory O'Donnell (Assistant Planner)

Date: 03/10/2024

Signed:

A handwritten signature in blue ink, appearing to read "Elaine Donohoe", written over a horizontal line.

A/Senior Executive Planner

14/10/2024

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 like for like replacement of a sprinkler water tank.*”

AS INDICATED on the plans and particulars received by the Planning Authority on 14/08/2024

AND WHEREAS *Royal Curragh Golf Club* requested a declaration on the said question from Kildare County Council,

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

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

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

- (a) Sections 2, 3, 4, *etc (relevant sections)* of the Planning and Development Act 2000 (as amended);
- (b) Schedule 2, Part 1, Class 34 of the Planning and Development Regulations, 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 -

“A like for like replacement of a sprinkler water tank.”

IS development and IS EXEMPTED development pursuant to Section (Relevant sections) 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	ED1147
Applicant name	Royal Curragh Golf Club
Development Location	Curragh, Co. Kildare
Site size	
Application accompanied by an EIS (Yes/NO)	No
Distance from Natura 2000 site in km	The site is located c. 3.5km south of Pollardstown Fen SAC (000396).
Description of the project/proposed development – Installation of replacement sprinkler tank	

(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,	<i>Is the development within a Special Area of Conservation whose qualifying interests include wetland habitats (bog, marsh, fen or</i>	No

	Pollardstown Fen, Mouds Bog, Ballynafagh Bog, Red Bog, Ballynafagh Lake	<i>heath), or within 1 km of same?</i>	
3	Impacts on designated terrestrial habitats. <u>Sites to consider:</u> River Barrow and Nore, Rye Water/Carton Valley, Pollardstown Fen, Ballynafagh Lake	<i>Is the development within a Special Area of Conservation whose qualifying interests include woodlands, dunes or grasslands, or within 100m of same?</i>	No
4	Impacts on birds in SPAs <u>Sites to consider:</u> Poulaphouca Reservoir	<i>Is the development within a Special Protection Area, or within 5 km of same?</i>	No

Conclusion:

If the answer to all of the above is **No**, significant impacts can be ruled out for habitats and bird species.

No further assessment in relation to habitats or birds is required.

If the answer is **Yes** refer to the relevant sections of **C**.

(G) SCREENING CONCLUSION STATEMENT		
<i>Selected relevant category for project assessed by ticking box.</i>		
1	AA is not required because the project is directly connected with/necessary to the conservation management of the site	
2	No potential significant affects/AA is not required	X
3	Significant effects are certain, likely or uncertain. Seek a Natura Impact Statement Reject proposal. (Reject if potentially damaging/inappropriate)	
Justify why it falls into relevant category above (based on information in above tables)		
Having regard to the proximity of the nearest SAC 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:	Rory O'Donnell	
Position:	Assistant Planner	
Date:	03/10/2024	

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: DO55212 **Section:** Planning

SUBJECT: ED/1147
Royal Curragh Golf Club, Royal Curragh Golf Club, Curragh, Co. Kildare Exempt Development Application for the installation of replacement sprinkler tank at Royal Curragh Golf Club, Curragh, Co. Kildare.

SUBMITTED: File Ref. ED1147 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 exempted development.

MADE THIS 15th DAY
OF October YEAR 2024

SIGNED: Alan Dunney
DIRECTOR OF SERVICES [Signature]

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 Royal Curragh Forenames Golf Club
Phone No. Fax No.
2. Address Curragh, County Kildare

Section 2	Person/Agent acting on behalf of applicant (if applicable)
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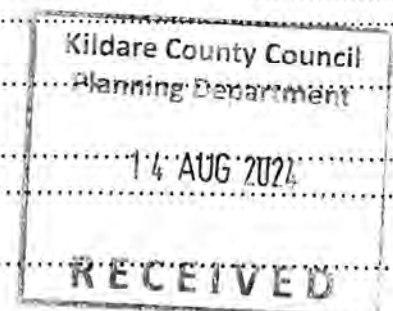
1. Name of Person/Agent: Surname Mulcahy Forenames David
Phone No. 086 350 4471 Fax No.
2. Address 67 Old Mill Race, Athgarvan, Newbridge, Co. Kildare

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 None
2. Location of Proposed Development Royal Curragh Golf Club
3. Ordnance Survey Sheet No. 3720 A
4. Please state the Applicants interest in the site Leasehold
5. Please state the extent of the proposed development Sprinkler Tank



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*).....
 See planning report attached.....

7. Please give a detailed description of the Proposed Development (*Use separate page if necessary*).....
 Refer to planning report attached.....



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) MAPS INCLUDED WITH COVER LETTER.	<input checked="" type="checkbox"/>
2.	A Site Layout Plan (Scale 1:500) in full compliance with Article 23 of Planning and Development Regulations 2001	<input type="checkbox"/>
3.	Drawings of the development (Scale 1:50) in full compliance with Article 23 of Planning and Development Regulations 2001	<input type="checkbox"/>
4.	All drawings to differentiate between the original building, all extensions and proposed development	<input type="checkbox"/>
5.	Fee of 80 Euro	<input checked="" type="checkbox"/>

Refer to planning report for all maps and photos - no drawings required as involves like for like replacement

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

Signature: [Signature]

Date: 14.8.24

REFER TO COVER LETTER, LIKE FOR LIKE REPLACEMENT OF EXISTING STRUCTURE.



**DAVID MULCAHY
PLANNING CONSULTANTS LTD**

67 The Old Mill Race, Athgarvan, Co. Kildare

PH: 045 405030/086 350 44 71

E-mail: david@planningconsultant.ie

www.planningconsultant.ie

Company No: 493 133 Directors: D. Mulcahy & M. Mulcahy

Planning Department
Kildare County Council
Aras An Dara
Naas,
Co. Kildare

Kildare County Council
Planning Department

14 AUG 2024

RECEIVED

12th August 2024

Dear Sir/Madam

We David Mulcahy Planning Consultants act on behalf of the **Royal Curragh Golf Club** who seek a Section 5 determination in respect of a like for like replacement of an existing sprinkler tank located in an established compound near the club house.

A letter of consent has been obtained from the landowner – Department of Defence – to make this application.

Please refer to a map of the location of the sprinkler enclosed along with a satellite photograph and photographs of the structure.

We have **not included any drawings given the structure is in situ and involves a like for like replacement**. The photographs provide an accurate account of what is involved and can be verified upon inspection. Dimensions are provided.

We seek a declaration that the replacement sprinkler tank is development and is exempted development on the basis of the following:

Planning and Development Act, 2000 (as amended)

- In section 2(1) define 'works' as any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal.
- In section 3(1) define 'development' as the carrying out of works in, on, over or under land, or the making of a material change of use of any land or structures situated on land.
- In section 4(1) sets out certain development which is exempted for the purposes of the Act.
- In section 4(2) enables the Minister to make regulations to provide classes of development to be exempted development and in section 4(4) precludes such exemptions if an EIA or AA of a development is required.

Planning and Development Regulations, 2001

- In article 6(1) states that, subject to article 9, development of a class specified in column 1 of Part 1 (General Development) of Schedule 2 shall be exempted development subject to the conditions and limitations set out in column 2.
- Class 34 of Part 1 refers to '**Works incidental to the maintenance and management of any golf course** or pitch and putt course, including alterations to the layout thereof, excluding any extension to the area of a golf course or pitch and putt course'. We consider sprinkler tank is incidental to the maintenance and management of golf course.

There are **no conditions or limitations** set out for the Class in column 2. This is important in terms of height/size of the sprinkler tank.

However

There are restrictions on exemptions under art. 9

Article 9

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—

*(vii) consist of or comprise the excavation, alteration or demolition (other than peat extraction) of places, caves, sites, features or other objects of **archaeological**, geological, historical, scientific or ecological interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan for the area in which the development is proposed or, pending the variation of a development plan or local area plan, or the making of a new development plan or local area plan, in the draft variation of the development plan or the local area plan or the draft development plan or draft local area plan ...*

*(viiC) consist of or comprise development which would be likely to have an adverse impact on an area designated as a **natural heritage area** by order made under section 18 of the Wildlife (Amendment) Act 2000*

The Golf Course is within a zone of archaeological significance and is within pNHA.

However, given the sprinkler is located in a long-established compound and the replacement is to be situated at same location or immediate vicinity and within the compound – there will be no impact on archaeology or natural habitats. A review of the Departments Historic Environment Eiewer reveals no known archaeology in this location. The sprinkler will be erected on a concrete pad and will not involve any subsurface works.

No exemption can be granted if Appropriate Assessment is required (impact on European site under Habitats Directive). The site of the replacement sprinkler is located c.6.3km from the nearest Natura 2000 site (Pollardstown Fen SAC) and there is no ecological connection to same.

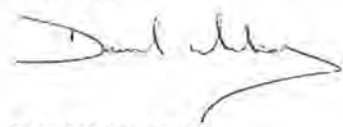
In view of the above we consider that the replacement sprinkler is development and is exempt development.



Please ring this office if the planning officer wishes to gain entry to the compound but we highlight that it can be easily viewed from outside the compound without any assistance if that is deemed sufficient.

Please acknowledge receipt of this application in writing and direct all future correspondence to this office.

Signed:



David Mulcahy

BA (Mod. Natural Sciences), MRUP, MSc. Urban Design, MIPI, MRTPI

David Mulcahy Planning Consultants Ltd

CHARTERED PLANNING CONSULTANTS

Enclosed

1. Maps including site location map
2. Satellite photograph
3. Details about sprinkler including dimensions and photographs.



1. Site location map

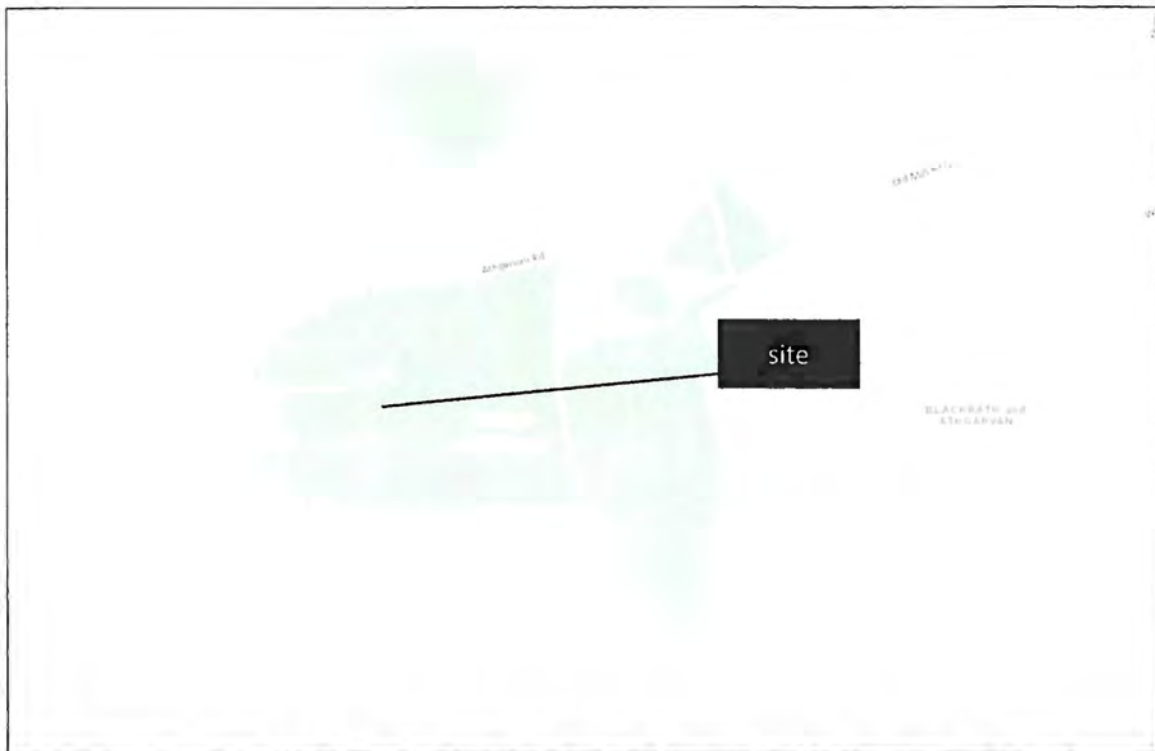


Please acknowledge receipt of this application in writing and direct all future correspondence to this office.

David Allen

Kildare County Council
Planning Department
14 AUG 2024
RECEIVED

1. Maps including site location map
2. Satellite photograph
3. Details about sprinkler including dimensions and photographs.

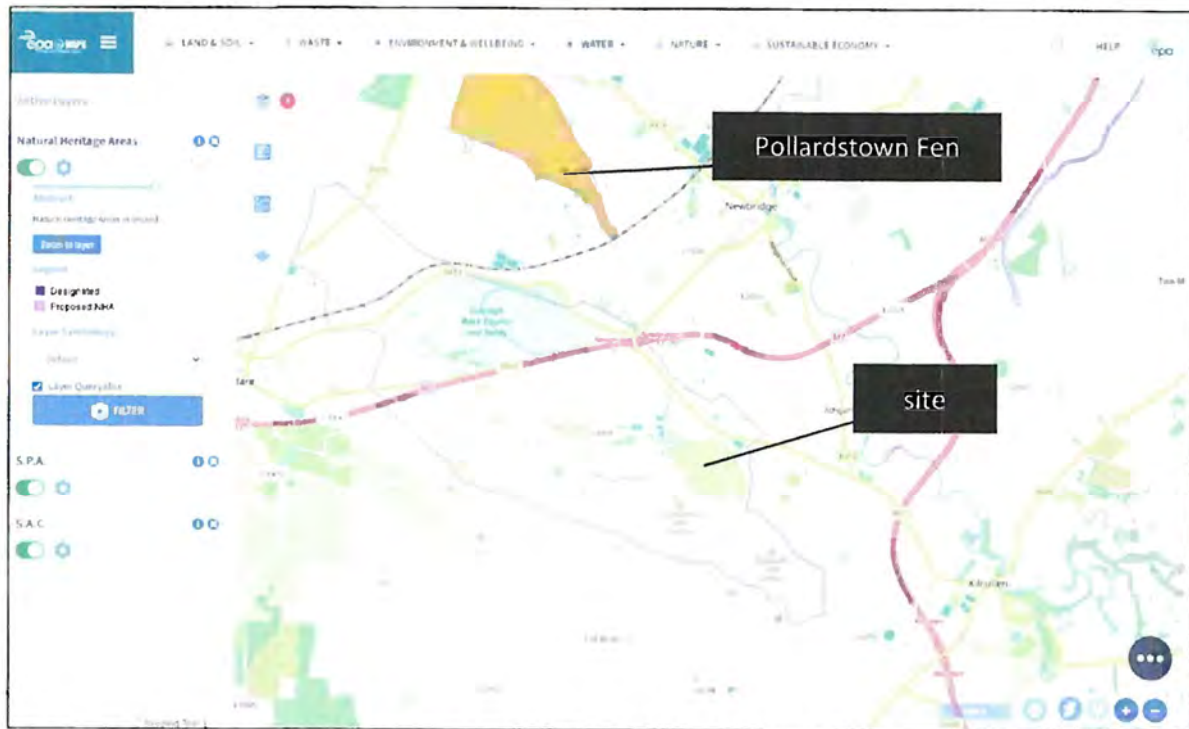


More detailed map – source: MyPlan.ie (note that a high level of scale is not available in this area for military reasons).



Location of site: Source: EPA mapping





Map showing site located within a pNHA (source: EPA Mapping).



Location of site within Site and Monuments Record Zone and proximity to recorded archaeological monuments.



2. Satellite photograph.



3. Details about sprinkler including dimensions and photographs.

Royal Curragh Golf Club

Royal Curragh Golf Club has been provisionally allocated €50,000 under the 2020 round of the Sports Capital & Equipment programme, grant reference CAS 52603-B2W9Z7. This grant is for a water tank and for an irrigation system upgrade for holes 15-18.

The club needs to receive formal approval on this grant before any expenditure is to be made on the project. We have identified a suitable water tank to replace the current tank which is no longer fit for purpose. The intention is to remove the current tank and replace it with the new tank in the same location as follows:

1. The first element is to construct a 10m radius concrete pad in preparation for the new storage tank. We propose to clear a site and prepare a base for the pad with 100mm thick compacted hardcore. On top of the hardcore will be a pad of 200mm thick concrete reinforced with a layer of A353 mesh.



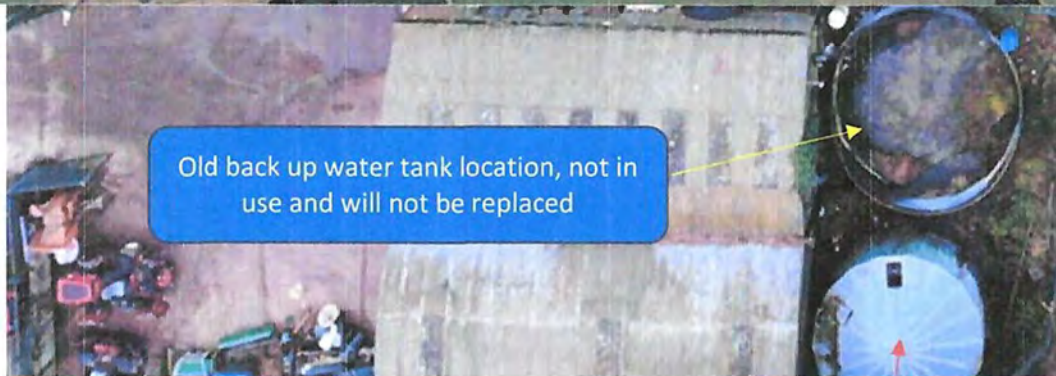
2. The second element is the installation of a new irrigation tank on the same location as the existing tank which will be removed prior to installation of the new tank. The tank will have the following specifications:
 - Diameter 7.68 metres
 - Height 2.9 metres
 - Storage capacity of 128m³ (74,430 Irish Gallons).
3. Installation of new above ground fill pipework from the well pump and installation of new float switches for well control and booster pump protection.



Existing Water Tank Location at Royal Curragh Golf Club

The current water tank is located in the enclosed and secure course machinery compound adjacent to the club car park and clubhouse.





Current Water tank





An Roinn Cosanta
Department of Defence

19 July 2024

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

Our Ref: 2/46627

A Chara

Please be advised that the Department of Defence, as landowners of the Royal Curragh Golf Club, give consent for the club to make a Section 5 Application to Kildare County Council for the purpose of replacing an existing golf course water irrigation tank.

Regards


Joanna Farrell
Property Management Branch





FINANCE CASH OFFICE
Kildare County Council
Áras Chill Dara
Devoy Park
Naas
Co. Kildare
14/08/2024 13:03:34

Receipt No. : FIN1/0/502949
***** REPRINT *****

ROYAL CURRAGH GOLF CLUB

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

Total : 80.00 EUR

Tendered :
Cheque 80.00
ROYAL CURRAGH GOLF CLUB

Change : 0.00

Issued By : Laura Hayden Bank Rec
From : Financial Lodgement Area
Vat reg No.0440571C