

Comhairle Contae Chill Dara
Kildare County Council



Date: 6th November 2024
Our Ref: ED/1161.

Patrick Salley,
Ballina,
Cadamstown,
Broadford,
Co. Kildare.

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

Dear Sir/Madam,

I refer to your correspondence received on 11th October 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/1161.

WHEREAS a question has arisen as to whether raising and re-contouring of lands, infilling with soils, levelling and raising site by approximately 1 metre at Ballina, Cadamstown, Broadford, Moyvalley, Co. Kildare is exempted development,

AS INDICATED on the plans and particulars received by the Planning Authority on 11th October 2024

AND WHEREAS Patrick Salley 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

AND WHEREAS Kildare County Council has concluded that the development comprises works to which the provision 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 raising and re-contouring of lands, infilling with soils, levelling and raising site by approximately 1 metre at Ballina, Cadamstown, Broadford, Moyvalley, Co. Kildare

IS development 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).

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.


w/ **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/ 1161

Name Of Applicant(s):	Patrick Salley
Address Of Development:	Ballina, Cadamstown, Broadford, Moyvalley Co. Kildare
Development Description:	Raising and re-contouring of land, infilling soil within a farm holding
Due date	08/11/2024

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 works

The development consists of the raising and re-contouring of lands at Ballina, Cadamstown, Broadford, Moyvalley, County Kildare (See Site Location Map), infilling them with soils, leveling and raising the site by approximately 1.0 m.

The proposed objective of soil placing, is to allow for improved soil quality and extended grazing season beef cattle operations on these lands. The lands in this area are low lying and soft in nature for much of the agricultural season. Recontouring, through the infilling of soils will improve grazing at the site.

The soils are to be sourced from sites where the Economic Operator will prepare and submit an Article 27 notification to the Environmental Protection Agency.

A maximum of 15 truck movements per day site from the local road from either direction (refer to the Site Location map provided).

Site Location

The site is located within the rural townland of Ballina, Cadamstown, south of Cadamstown Golf Course. The site is surrounded by agricultural land.

Description of Proposed Development



Fig 1: Site Location and context



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

Planning History

None traced on site

Flooding

It appears that the site is prone to pluvial flooding as per OPW mapping.



Fig. 3: Extract from KCC GIS

Relevant Referrals to An Bord Pleanála

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.

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.

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.

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.

Assessment

The development of raising and re-contouring of lands, infilling them with soils, levelling and raising the site by c.1m.

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 layer/s and the alteration of the existing land form with the importation of soil 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 being sourced from sites where the Economic Operator will prepare and submit an Article 27 notification of the EPA.

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 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 of raising and re-contouring of lands, infilling them with soils, levelling and raising the site by c.1m **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).

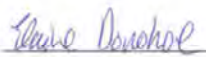
Recommendation

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: 29/10/2024.

Signed:


A/Senior Executive Planner

04/11/2024

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 raising and re-contouring of lands, infilling them with soils, levelling and raising the site by c.1m

AS INDICATED on the plans and particulars received by the Planning Authority on 11/10/2024

AND WHEREAS Patrick Salley 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 -

The raising and re-contouring of lands, infilling them with soils, levelling and raising the site by c.1m

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	ED 1161
Applicant name	Patrick Slattery
Development Location	Ballina, Cadamstown, Broadford, Co. Kildare
Site size	3.87ha
Application accompanied by an EIS (Yes/NO)	No
Distance from Natura 2000 site in km	The nearest European site is River Boyne and River Blackwater SAC site code 002299 is located c.6.1km to the northwest of the site
Description of the project/proposed development – raising and re-contouring of lands, infilling them with soils, levelling and raising the site by c.1m.	

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

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

Conclusion:

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

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

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

(G) SCREENING CONCLUSION STATEMENT		
<i>Selected relevant category for project assessed by ticking box.</i>		
1	AA is not required because the project is directly connected with/necessary to the conservation management of the site	
2	No potential significant affects/AA is not required	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)		
It is considered having regard to the distances the proposed development would not significantly affect the qualifying interest of any European sites.		
Name:	Louise 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: DO55595 **Section:** Planning

SUBJECT: ED1161.
Application for a Declaration of Exempted Development under Section 5 of Planning and Development Act 2000 (as amended) for development at Ballina, Cadamstown, Broadford, Moyvalley, Co. Kildare.

SUBMITTED: File Ref. ED1161 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: 
DIRECTOR OF SERVICES

Kildare County Council

Declaration of Exempt Development under Section 5, of the Planning and Development Act 2000 as amended



Incomplete application forms will
be deemed invalid and returned

All responses must be in block
letters

Section 1 Details of Applicants

1. Name of Applicant(s) A. Surname: SALLEY
Phone No : [REDACTED]

Forenames: PATRICK

2. Address
Ballina
Cadamstown
Broadford
County Kildare

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

1. Name of Person/Agent: Surname KASSIE - SHEERAN Forenames RAB
Phone No 087 434 5749..... Fax

2. Address... WSP IRELAND CONSULTING LTD, TOWN CENTRE HOUSE, NAAS, CO.
KILDARE.....

Section 3 Company Details (if applicable)

1. Name of Company... JOHN SALLEY & SONS LIMITED.....
Phone No...+353 87 812 7247..... Fax No...N/A.....

2. Company Reg. No... ..675502.....

3. Address..... CADAMSTOWN, BROADFORD, CO KILDARE.....

Section 4 Details of Site

1. Planning History of Site
Agricultural land, - not developed.....

2. Location of Proposed Development...
Ballina, Cadamstown, Broadford, Moyvalley, County Kildare



3. Ordnance Survey Sheet No. 3121-A, 3121-C , 3120 (refer Site Location & Layout Plans).....

4. Please state the Applicants interest in the site - OWNER.....

5. Please state the extent of the proposed development... The project area is c. 3.87 ha.

6. Under what Section of the Planning and Development 2000 as amended and/or what provision of the Planning and Development Regulations 2001 as amended is exemption sought (*specific details required*)...

The Planning and Development Regulations 2001 (as amended) outline in Article 8C that 'Land reclamation works (other than reclamation of wetlands) consisting of recontouring 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 consists of the raising and re-contouring of lands at Ballina, Cadamstown, Broadford, Moyvalley, County Kildare (See Site Location Map), infilling them with soils, leveling and raising the site by approximately 1.0 m.

The proposed objective of soil placing, is to allow for improved soil quality and extended grazing season beef cattle operations on these lands. The lands in this area are low lying and soft in nature for much of the agricultural season. Recontouring, through the infilling of soils will improve grazing at the site.

The soils are to be sourced from sites where the Economic Operator will prepare and submit an Article 27 notification to the Environmental Protection Agency.

A maximum of 15 truck movements per day site from the local road from either direction (refer to the Site Location map provided).

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 as amended	√
3.	Drawings of the development (Scale 1:50) in full compliance with Article 23 of Planning and Development Regulations 2001 as amended	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, Rab Kassie-Sheeran 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: 10/10/2024





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

Our Ref: IE0037014.9250

10 September 2024

SECTION 5 EXEMPT DEVELOPMENT DECLARATION

Dear Sir/Madam,

John Salley & Sons Limited is a landowner operating from their lands at Ballina, Cadamstown, Broadford, Co Kildare and are seeking a Declaration of Exempt Development in accordance with Article 8C, Part 2 of Schedule 1 of the Planning and Development Regulations 2001 as amended for the development of raising and re-contouring an agriculture field on their lands at Ballina. Article 8C is described as follows:

'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'.

This Pack contains:

- Kildare County Council Declaration of Exempt Development under Section 5 form;
- Drawing 101 – Site Location Plan;
- Drawing 102 – Site Layout Plan - Existing Conditions;
- Drawing 103 – Site Layout Plan – Proposed Conditions;
- Drawing 104 – Cross Sections;
- Fee of €80.





Please do not hesitate to contact the undersigned if you require any further information.

Yours Sincerely

A handwritten signature in black ink, appearing to be 'RKS' followed by a large, sweeping flourish.

Rab Kassie-Sheeran
Environmental Scientist

RKS



OSI Licence No.
CYAL50192220

11 OCT 2024

RECEIVED



GRID REFERENCES ARE IN METRES
& TO ITM COORDINATES.
LEVELS ARE IN METRES
& TO O.S. DATUM.
DIMENSIONS ARE IN METRES.

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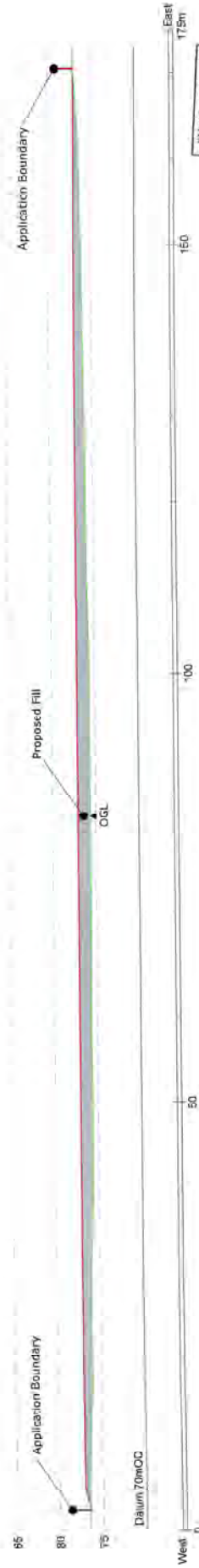
DATE	2024-Oct-02
TITLE	PQR
DRAWN BY	POB
CHECKED BY	RKS
APPROVED BY	RT

01 1:2.500 A

Section A-A' - North South - Scale: 1/400 A1



Section B-B' - West East - Scale: 1/250 A1



NOTES:
LEVELS ARE IN METRES
& TO O.S. DATUM.
DIMENSIONS ARE IN METRES.

LEGEND:
— EXISTING GROUND LEVEL (MOD)
— PROPOSED FINISHED LEVEL (MOD)



Kevin Meaney Plant Sales Ltd



Evercort Development Application - Land Reclamation
Site at Ballinacorney, Moyvalley, Co. Kildare

CROSS SECTION DETAILS

PROJECT NAME	2024-00-02
PREPARED BY	POB
DESIGNED BY	POB
REVIEWED BY	RWS
APPROVED BY	RT

PROJECT No.	04	Scale	A	Sheet No.	14 of 14
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Projection / Spatial Reference:
Projection: IRI-NI-194_11M
Centre Point Coordinates:
X,Y= 671929.15,739789.68m
Reference Index:
Map Series / Map Sheets:
1:2,500 | 0121-A
1:2,500 | 0121-C
1:2,500 | 0122
Data Extraction Date:
Date: 25-Sep-2024

Baile
Mhic Adaim
Cadamstown

N 739,950

OSI Licence No.
CYAL50192220

N 739,850

N 739,750

N 739,650

E 671,900

E 672,000

Kildare County Council
Planning Department
11 OCT 2024
RECEIVED

0 20 40 60m
1:500

LEGEND

APPLICATION SITE BOUNDARY
EXISTING GROUND (CONTOUR 1000)
CROSS SECTION LOCATION

NOTES

GRID REFERENCES ARE IN METRES
& TO ITR COORDINATES.
LEVELS ARE IN METRES
& TO O.S. DATUM.
DIMENSIONS ARE IN METRES

CLIENT

Kevin Meaney Plant Sales Ltd

CONSULTANT

wsp

DATE	2024-09-02
DESIGNED BY	PGB
DRAWN BY	PGB
CHECKED BY	RKS
APPROVED BY	W

PROJECT

Exempt Development Application - Land Reclamation
Site at Baile, Cadamstown, Moyvalley, Co. Kildare

EXISTING CONDITIONS

PROJECT NO.	160037014.9259	DATE	2024-09-02	SCALE	1:500 AT
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PROJECT NO.	DRAWING NO.	REV.	SCALE
10007014.0250	00	A	1/8" = 1'-0"



FINANCE CASH OFFICE

Kildare County Council

Aras Chill Dara

Devoy Park

Naas

Co. Kildare

11/10/2024 16.01:30

Receipt No. : FIN1/0/505027

***** REPRINT *****

Patrick Salley

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

Total : 80.00 EUR

Tendered :
Credit Card 80.00
VD
**9014
0000

Change : 0.00

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