



# Comhairle Contae Chill Dara

## Kildare County Council

Date: 6<sup>th</sup> May 2025.  
Our Ref: ED/1186.

Louise Browne,  
Kilberry National School,  
c/o Building Design Partnership (BDP)  
Blackhall Green,  
Dublin 7  
D07 V0RF

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

Dear Sir/Madam,

I refer to your correspondence received on 27<sup>th</sup> January 2025 and 22<sup>nd</sup> April 2025 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,

PP   
Senior Executive Officer,  
Planning Department.





# Comhairle Contae Chill Dara

## Kildare County Council

### Declaration of Development & Exempted Development under Section 5 of the Planning and Development Act 2000 (as amended).

ED/1186.

**WHEREAS** a question has arisen as to whether the replacement of existing external windows, doors and glazed screens with similar; repainting of existing façade, installation of cavity fill pumped insulation to selected walls, installation of ventilation hoods onto the external façade to serve internal classroom MVHR units, installation of an LPG tank located on existing soft landscaping with a 1.2m wide gravel access path and 1.8m high perimeter screen, installation of vandal resistant EVC car charging local electrical enclosure, distribution board and dual car charging outlet, replacement of a section of the existing pedestrian gate to provide a new 3.4m wide double leaf metal gate for vehicular access with an appearance which will match the existing at Kilberry National School, Kilberry, Athy, Co. Kildare, is exempted development,

**AS INDICATED** on the plans and particulars received by the Planning Authority on 27<sup>th</sup> January 2025 and 22<sup>nd</sup> April 2025

**AND WHEREAS** Louise Browne, Kilberry National School 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 of the Planning and Development Act 2000 (as amended);
- (b) Article 6 and 9 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 replacement of existing external windows, doors and glazed screens with similar, repainting of existing façade, installation of cavity fill pumped insulation to selected walls and installation of ventilation hoods onto the external façade to serve internal classroom MVHR units at Kilberry National School, Kilberry Athy, Co. Kildare **IS development and IS EXEMPTED development pursuant to Section 4 1(h) of the Planning and Development Act as amended and of Article 6, Article 9 of the Planning and Development Regulations as amended.**

**AND**







## Comhairle Contae Chill Dara Kildare County Council

Installation of an LPG tank located on existing soft landscaping with a 1.2m wide gravel access path and 1.8m high perimeter screen, installation of an Air Source Heat Pump and associated works, installation of vandal resistant EVC car charging local electrical enclosure, distribution board and dual car charging outlet and replacement of a section of the existing pedestrian gate to provide a new 3.4m wide double leaf metal gate for vehicular access with an appearance which will match the existing at Kilberry National School, Kilberry, Athy Co. Kildare ***IS development and IS NOT EXEMPTED development pursuant to Article 6 and 9 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.

6<sup>th</sup> May 2025.

PP   
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/1186**

<b>Name Of Applicant(s):</b>	Kilberry National School
<b>Address Of Development:</b>	Kilberry National School, Kilberry, Athy, Co. Kildare R14 EY05
<b>Development Description:</b>	Repair and maintenance works to existing school building associated with energy reduction programme
<b>Due date</b>	24 <sup>th</sup> February 2025

**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:

*repair and maintenance to existing school building associated with energy reduction programme*



is Exempted Development.

The items, the subject of repair and maintenance, comprise:

- replacement of the existing external windows, doors and glazed screens with similar,
- repainting of existing façade,
- installation of ventilation hoods onto the external façade to serve internal classroom MVHR units.
- installation of an LPG tank, air source heat pump,
- amendment of existing gate for vehicular access.

### **Site Location**

The site is located to the west of the R417 Regional Road north of Athy.



**Fig 1: Site Location and context**

*Site location*



**Fig 2:** Aerial view of subject site (KCC GIS)

## **Planning History**

**20/138** – Permission granted for prefabricated modular building containing a single classroom with toilet facilities and adjacent office, located to the rear of the existing school building, together with external access door to rear of school and associated site works, also permission for alterations to exiting pedestrian gates (at Northern site of corner of R417) to accommodate fire engine emergency access.

**13/72** – Permission granted for vehicular parking area within school grounds to include 2 no. new vehicular accesses as entrance and exit onto R417 Regional Road, provision of new bus parking bay along R417, alterations to existing boundary wall and to existing footpath and all ancillary site development works.

**11/997** - Permission granted for prefabricated modular building containing a single classroom with toilet facilities and adjacent office, located to the rear of the existing

school building, together with new external access door to rear of school and associated site works.

**11/375** – Permission granted for proposed vehicular parking area within school grounds to include use of existing unused gateway as vehicular entrance and creation of new gateway as vehicular exit onto R417 regional road, reinstatement of front boundary wall to close off existing lay-by parking area together with associated traffic management proposals as required by Kildare County Council and all associated site works.

**02/2332** – Permission granted for prefabricated classroom and associated site works

### **Relevant Primary and Secondary Legislation**

Section 2(1) of the Planning and Development Act 2000 (as amended) states

“alteration” includes—

(a) plastering or painting or the removal of plaster or stucco, or

(b) the replacement of a door, window or roof,

that materially alters the external appearance of a structure so as to render the appearance inconsistent with the character of the structure or neighbouring structures;

### **Assessment**

#### **Is the Proposal Development?**

Section 2(1) of the Planning and Development Act 2000 (as amended) states:

***‘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) of the Planning and Development Act 2000 (as amended) states:

*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.*



1. The replacement of the existing external windows, doors and glazed screens **with similar**, are not deemed to be works under the definition of 'alteration' as stated in Section 2(1) of the Planning and Development Act 2000 (as amended) because the replacement of existing external windows, doors and glazed screens **with similar** would not '*materially alter[s] the external appearance of a structure so as to render the appearance inconsistent with the character of the structure or neighbouring structures*'. These items are not deemed to be 'Works' under the definition of 'Works' as stated in Section 2(1) of the Planning and Development Act 2000 (as amended) and are therefore not deemed to be development.
2. Very little detail has been submitted to support the determination for the '*repainting of existing façade*'. It is noted that the façade of the existing school comprises an eclectic mix of materials including pebbledash, rough-render, panelling and grey/brown brick. It is unclear if the entire school building is the subject of the 'repainting of existing façade'. The repainting (alteration) may or may not be works – this depends on whether or not the painting would materially alter the external appearance. It cannot be determined if this item is 'Works' or 'Development'. Clarification is required. **Further information to be sought.**
3. Very little detail has been submitted to support the determination for the '*installation of ventilation hoods onto the external façade to serve internal classroom MVHR units*'. It is noted that no information has been submitted to show either the size of the units or their location on the building. It cannot be determined if this item is 'Works' or 'Development'. **Further information is required.**
4. Very little detail has been submitted to support the determination for the '*installation of an LPG tank, air source heat pump*'. It is noted that no information has been submitted to show either the size, height or length of these items (elevational drawings). It cannot be determined if this item is 'Works' or 'Development'. **Further information is required.**
5. With regard to the item relating to 'amendment of existing gate for vehicular access', it is noted that it is stated on the 'Site Layout Plan' '*new 3.4m wide double leaf metal gate to match existing*'. It is noted that the existing access is pedestrian only. The description, which is the subject of this determination, refers to a 'vehicular access', which does not tally with the description on the drawing which refers to 'the gate to match existing', which is pedestrian. Changes to an entrance are deemed to be works and are deemed to be development. However, a determination whether or not this development is exempted development cannot be made without clarification. **Further information is required.**

Note:

The Site Layout Plan appears to indicate more items than that described in the description which is the subject of this declaration request. For example, it is unclear if a Section 5 Declaration is being sought for:

1. Proposed vandal resistant EVC car charging local electrical enclosure, distribution board and dual car charging outlet

2. 1.8m high metal mesh fence
3. Gravel access path
4. 2.8m high acoustic screening

### **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.

### **Recommendation**

It is recommended that further information be requested as follows:

1. The applicant is requested to fully clarify the full extent of the proposed works as there are discrepancies between the details noted in the application form and the site layout plan:
  - a. Very little detail has been submitted to support the determination for the *'repainting of existing façade'*. It is noted that the façade of the existing school comprises an eclectic mix of materials including pebbledash, rough-render, panelling and grey/brown brick. It is unclear if the entire school building is the subject of the *'repainting of existing façade'*. The applicant is requested to detail the extent of the repainting of the existing façade.
  - b. Very little detail has been submitted to support the determination for the *'installation of ventilation hoods onto the external façade to serve internal classroom MVHR units'*. It is noted that no information has been submitted to show either the size of the units or their location on the building. For a determination to be made the applicant is requested to submit elevational drawings of these items, with dimensions.
  - c. Very little detail has been submitted to support the determination for the *'installation of an LPG tank, air source heat pump'*. It is noted that no information has been submitted to show either the size, height or length of these items (elevational drawings). For a determination to be made the applicant is requested to submit elevational drawings of these items, with dimensions.
  - d. With regard to the item relating to *'amendment of existing gate for vehicular access'*, it is noted that it is stated on the *'Site Layout Plan'* *'new 3.4m wide double leaf metal gate to match existing'*. It is also noted that the existing access is pedestrian only. The description,


which is the subject of this determination, refers to a 'vehicular access', which does not tally with the description on the drawing which refers to 'the gate to match existing', which is pedestrian. Changes to an entrance are deemed to be works and are deemed to be development. However, a determination whether or not this development is exempted development cannot be made without clarification. The applicant is requested to clarify the works they are seeking a Section 5 declaration for.

2. The Site Layout Plan, submitted with this Section 5 Declaration request, appears to indicate more items than that described in the description. For example, it is unclear if a Section 5 Declaration is being sought for:
  - a. Proposed vandal resistant EVC car charging local electrical enclosure, distribution board and dual car charging outlet
  - b. 1.8m high metal mesh fence
  - c. Gravel access path
  - d. 2.8m high acoustic screening

The Applicant is requested to submit revised drawings and documentation that show only the items that a Section 5 Declaration is being sought for.

  
Fiona Breen  
Executive Planner

26/03/2025



Tracy McGibbon

Senior Executive Planner

01/04/2025



**KILDARE COUNTY COUNCIL**



**PLANNING & STRATEGIC DEVELOPMENT DEPARTMENT**

**Section 5 referral & declaration on development & exempted development**

**Planning & Development Act 2000 (as amended)**

**Reference No. ED/1186 (Report2)**

<b>Name Of Applicant(s):</b>	Kilberry National School
<b>Address Of Development:</b>	Kilberry National School, Kilberry, Athy, Co. Kildare R14 EY05
<b>Development Description:</b>	Repair and maintenance works to existing school building associated with energy reduction programme
<b>Due date</b>	19/05/2025

Further Information was requested as follows:

1. The Applicant is requested to fully clarify the full extent of the proposed works as there are discrepancies between the details noted in the application form and the site layout plan:
- (a) Very little detail has been submitted to support the determination for the '*repainting of existing façade*'. It is noted that the façade of the existing school comprises an eclectic mix of materials including pebbledash, rough-render, panelling and grey/brown brick. It is unclear if the entire school building is the subject of the 'repainting of existing façade'. The Applicant is requested to detail the extent of the repainting of the existing façade.
- (b) Very little detail has been submitted to support the determination for the '*installation of ventilation hoods onto the external façade to serve internal classroom MVHR units*'. It is noted that no information has been submitted to show either the size of the units or their location on the building. For a determination to be made the applicant is requested to submit elevational drawings of these items, with dimensions.
- (c) Very little detail has been submitted to support the determination for the '*installation of an LPG tank, air source heat pump*'. It is noted that no information has been submitted to show either the size, height or length of these items (elevational drawings). For a determination to be made the Applicant is requested to submit elevational drawings of these items, with dimensions.
- (d) With regard to the item relating to '*amendment of existing gate for vehicular access*', it is noted that it is stated on the 'Site Layout Plan' '*new 3.4m wide double leaf metal gate to match existing*'. It is also noted that the existing access is pedestrian only. The description, which is the subject of this determination, refers to a 'vehicular access', which does not tally with the description on the drawing which refers to 'the gate to match existing', which is pedestrian. Changes to an entrance are deemed to be works and are deemed to be development. However, a determination whether or not this development is exempted development cannot be made without clarification. The Applicant is requested to clarify the works they are seeking a Section 5 declaration for.

### ***Applicant's Response***

The applicant's response indicates that the works comprise the following elements:

- Replacement of existing external windows, doors and glazed screens with similar;
- Repainting of existing façade;
- Installation of cavity fill pumped insulation to selected walls;
- Installation of ventilation hoods onto the external façade to serve internal classroom MVHR units;
- Installation of an LPG tank located on existing soft landscaping with a 1.2m wide gravel access path and 1.8m high perimeter screen;
- Installation of vandal resistant EVC car charging local electrical enclosure, distribution board and dual car charging outlet;

- Replacement of a section of the existing pedestrian gate to provide a new 3.4m wide double leaf metal gate for vehicular access with an appearance which will match the existing.
2. The Site Layout Plan, submitted with this Section 5 Declaration request, appears to indicate more items than that described in the description. For example, it is unclear if a Section 5 Declaration is being sought for:
- (a) Proposed vandal resistant EVC car charging local electrical enclosure, distribution board and dual car charging outlet
  - (b) 1.8m high metal mesh fence
  - (c) Gravel access path
  - (d) 2.8m high acoustic screening

The Applicant is requested to submit revised drawings and documentation that show only the items that a Section 5 Declaration is being sought for.

### ***Applicant's Response***

Revised drawings and specifications are submitted.

### **Assessment**

The applicant poses a series of questions for the Planning Authority's consideration as referred to below. Each question is followed by the Planning Authority's comment.

#### **Question 1**

Is the replacement of existing external windows, doors and glazed screens with similar development and is it or is it not exempted development ?

#### **Planning Authority comment**

The replacement of external windows, doors and glazed screens with similar is considered to be works of alteration of the structure. Section 4(1)(h) of the PD Act 2000 as amended, provides for exemptions in cases where development would not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure.



It is considered that the replacement of the windows, doors and glazed screens with similar is development and is exempted development.

## **Question 2**

Is the repainting of existing façade development and is it or is it not exempted development?

### Planning Authority comment

Class 12 of Schedule 2 Part 1 of the PD Regulations 2001 as amended provides an exemption for *the painting of any external part of any building or other structure*.

*Such painting may not, except in the case of a hoarding or other temporary structure bounding land on which development consisting of works is being or will be carried out in pursuance of a permission granted under Part III of the Act or as exempted development, be for the purposes of creating a mural.*

It is considered that the repainting of the façade to make good the exterior of the building is development and is exempted development.

## **Question 3**

Is the installation of cavity fill pumped insulation to selected walls development and is it or is it not exempted development ?

### Planning Authority comment

It is considered that the installation of cavity fill pumped insulation is an act of works for the purposes of the repair and renewal of the existing structure. Such works constitute development for the purposes of the act.

In this regard, it is considered that the provision of cavity wall insulation falls within the provisions of Section 4(1)(h) of the PD Act 2000, as amended as such works would not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure.

It is considered therefore that the installation of cavity fill pumped insulation to selected walls is development and is exempted development.

#### **Question 4**

Is the installation of ventilation hoods onto the external façade to serve internal classroom MVHR units development and is it or is it not exempted development?

#### *Planning Authority comment*

It is considered that the installation of vent cowls to cover the existing vents on the façade of the structure to the front (east) and side (south) elevations constitute development and are considered to be works of construction, extension, alteration, repair of the structure and, having regard to the location and scale of the structure is considered to fall within the provisions of Section 4(1)(h) of the PD Act 2000 as amended as such works would not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure.

It is considered therefore that the installation of ventilation hoods onto the external façade is development and is exempted development.

#### **Question 5**

Is the installation of an LPG tank located on existing soft landscaping with a 1.2m wide gravel access path and 1.8m high perimeter screen development and is it or is it not exempted development?

#### *Planning Authority comment*

The proposed 1m wide x 2m long LPG tank is located to the north of the school and within the front of the site. There would not appear to be any exemptions in the PD Regulations 2001, as amended, for fuel storage tanks within the curtilage of a school.

It is considered that the provision of an LPG tank and associated works is development and is NOT exempted development.

Note - The site layout plan indicates the location of a proposed Heat Pump and associated works located on existing soft landscaping. There is no provision in the PD Regulations 2001 as amended for the provision of a heat pump within the curtilage of a school. To this end, it is considered that the provision of the heat pump and associated landscaping/screening is development and is NOT exempted development.

### **Question 6**

Is the installation of vandal resistant EVC car charging local electrical enclosure, distribution board and dual car charging outlet development and is it or is it not exempted development?

#### *Planning Authority comment*

Class 29A of Schedule 2 Part 1 of the PD Regulations 2001 as amended provides for exemptions for the construction of a charging point for electric vehicles that does not exceed 3.6 cubic metres by volume above ground. The Class also provides for the construction of bollards not exceeding 1.2m in height and 0.2 cubic metres by volume above ground for the purposes of protecting such charging point.

Class 29 B of the same Schedule provides for an exemption for development consisting of – (a) the construction of a charging hub for electric vehicles that contain – (i) not more than one substation or mini pillar to which Class 29 applies, and (ii) not more than 4 charging points to which Class 29A applies, or (b) the construction of bollards not exceeding – (i) 1.2 metres in height, and (ii) 0.2 cubic metres by volume above ground, for the purpose of protecting each such charging point.

Insufficient detail has been submitted with regard to the EVC car charging local electrical enclosure distribution board and dual car charging outlet to enable an assessment of same with regard to Class 29A and 29B of the Regulations.

The installation of EVC car charging local electrical enclosure, distribution board and dual car charging outlet is development and at this stage, given the lack of detail submitted with the application, is NOT exempted development.



## Question 7

Is the replacement of a section of the existing pedestrian gate to provide a new 3.4m wide double leaf metal gate for vehicular access with an appearance which will match the existing.

### Planning Authority comment

The site of the school is located with frontage onto the R417 Regional Road. The width of Regional Road is over 4m. The school is served by an existing vehicular access to the south of the school building, with dedicated in/out lane and parking spaces.

The applicant indicates that the entrance to be widened is predominantly utilised for pedestrian access and is infrequently used to provide vehicular access for maintenance purposes. It is submitted that the widened access is required for the installation of the LPG tank and the Air Source Heat Pump.

Note – the LPG tank and Air Source Heat Pump are considered to be NOT exempted development. Furthermore, as per Article 9 (1) of the PD Regulations 2001, development is not exempted in certain circumstances including if the carrying out of such development would:

- (ii) consist of or comprise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width.
- (iii) endanger public safety by reason of traffic hazard or obstruction of road users.

The width of the public road is in excess of 4m wide. Notwithstanding the existence of a dropped kerb in this location it is considered, having regard to the use of the site for the purposes of a school, with significant pedestrian footfall in this location and, having regard to the current use of the entrance predominantly for pedestrian use (with infrequent vehicular use for maintenance only), it is considered that the provision of a widened access to the Regional Road would be a material widening and could, in the absence of appropriate transportation analysis and assessments, endanger public safety by reason of traffic hazard or obstruction of road users.

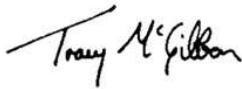
To this end, it is considered that the proposed widening of the entrance is development and is NOT exempted development.

## **Recommendation**

See draft Declaration attached.

  
Fiona Breen  
Executive Planner

30/04/2025



Tracy McGibbon  
Senior Executive Planner  
30/04/2025

## **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

- Replacement of existing external windows, doors and glazed screens with similar;
- Repainting of existing façade;
- Installation of cavity fill pumped insulation to selected walls;
- Installation of ventilation hoods onto the external façade to serve internal classroom MVHR units;
- Installation of an LPG tank located on existing soft landscaping with a 1.2m wide gravel access path and 1.8m high perimeter screen;
- Installation of vandal resistant EVC car charging local electrical enclosure, distribution board and dual car charging outlet;

- Replacement of a section of the existing pedestrian gate to provide a new 3.4m wide double leaf metal gate for vehicular access with an appearance which will match the existing.

Is development and whether such development is or is not exempted development.

**AS INDICATED** on the plans and particulars received by the Planning Authority on 22/04/2025

**AND WHEREAS** the Applicant Louise Browne, Kilberry National School has 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:

- (b) Sections 2, 3, 4 of the Planning and Development Act 2000 (as amended);
- (b) Article 6 and 9 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 -

- Replacement of existing external windows, doors and glazed screens with similar;
- Repainting of existing façade;
- Installation of cavity fill pumped insulation to selected walls;

- Installation of ventilation hoods onto the external façade to serve internal classroom MVHR units;

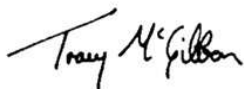
***IS development and IS EXEMPTED development pursuant to Section 4 1(h) of the Planning and Development Act as amended and of Article 6, Article 9 of the Planning and Development Regulations as amended.***

And

- Installation of an LPG tank located on existing soft landscaping with a 1.2m wide gravel access path and 1.8m high perimeter screen;
- Installation of an Air Source Heat Pump and associated works;
- Installation of vandal resistant EVC car charging local electrical enclosure, distribution board and dual car charging outlet;
- Replacement of a section of the existing pedestrian gate to provide a new 3.4m wide double leaf metal gate for vehicular access with an appearance which will match the existing.

***IS development and IS NOT EXEMPTED development pursuant to Article 6 and 9 of the Planning and Development Regulations 2001 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.



Tracy McGibbon  
Senior Executive Planner

30/04/2025

**Appendix 1: Appropriate Assessment Screening**

<p><b>APPROPRIATE ASSESSMENT SCREENING REPORT</b></p> <p><b>AND</b></p> <p><b>DETERMINATION</b></p>
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(A) Project Details	
Planning File Ref	ED1186
Applicant name	Kilberry National School
Development Location	Kilberry, Co. Kildare
Site size	n/a
Application accompanied by an EIS (Yes/NO)	No

<b>Distance from Natura 2000 site in km</b>	600m east of River Barrow/Nore SAC
<b>Description of the project/proposed development –</b>  Renewal works to existing school	

<b>(B) Identification of Natura 2000 sites which may be impacted by the proposed development</b>			
			<b>Yes/No</b>  <b>If answer is yes, identify list name of Natura 2000 site likely to be impacted.</b>
<b>1</b>	<b>Impacts on sites designated for freshwater habitats or species.</b>  <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>	<b>NO</b>
<b>2</b>	<b>Impacts on sites designated for wetland habitats - bogs, fens, marshes and heath.</b>  <u>Sites to consider:</u> River Barrow and Nore, Rye	<i>Is the development within a Special Area of Conservation whose qualifying interests include wetland habitats (bog, marsh, fen or</i>	<b>NO</b>



	Water/Cartron Valley, Pollardstown Fen, Mouds Bog, Ballynafagh Bog, Red Bog, Ballynafagh Lake	<i>heath), or within 1 km of same?</i>	
<b>3</b>	<b>Impacts on designated terrestrial habitats.</b>  <u>Sites to consider:</u> River Barrow and Nore, Rye Water/Cartron 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>	<b>NO</b>
<b>4</b>	<b>Impacts on birds in SPAs</b>  <u>Sites to consider:</u>  Poulaphouca Reservoir	<i>Is the development within a Special Protection Area, or within 5 km of same?</i>	<b>NO</b>

#### **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**.

<b>(G) SCREENING CONCLUSION STATEMENT</b>		
<i>Selected relevant category for project assessed by ticking box.</i>		
<b>1</b>	AA is not required because the project is directly connected with/necessary to the conservation management of the site	
<b>2</b>	No potential significant affects/AA is not required	<b>X</b>
<b>3</b>	Significant effects are certain, likely or uncertain.	

	Seek a Natura Impact Statement  Reject proposal. (Reject if potentially damaging/inappropriate)	
<b>Justify why it falls into relevant category above (based on information in above tables)</b>		
Scale, nature of proposed works, no impact on integrity of Natura 2000 network		
<b>Name:</b>	Fiona Breen	
<b>Position:</b>	Executive Planner	
<b>Date:</b>	26/03/2025	

# 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:** DO58341 **Section:** Planning

**SUBJECT:** ED1186 Louise Browne, Kilberry National School, c/o Building Design Partnership, Blackhall Green, Dublin 7. Exempt Development Application for the replacement of existing external windows, doors and glazed screens with similar; repainting of existing façade, installation of cavity fill pumped insulation to selected walls, installation of ventilation hoods onto the external façade to serve internal classroom MVHR units, installation of an LPG tank located on existing soft landscaping with a 1.2m wide gravel access path and 1.8m high perimeter screen, installation of vandal resistant EVC car charging local electrical enclosure, distribution board and dual car charging outlet, replacement of a section of the existing pedestrian gate to provide a new 3.4m wide double leaf metal gate for vehicular access with an appearance which will match the existing at Kilberry National school, Kilbery, Athy, Co. Kildare

**SUBMITTED:** Ed1186 with recommendation from 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 works consisting of the replacement of existing external windows, doors and glazed screens with similar, repainting of existing façade, installation of cavity fill pumped insulation to selected walls and installation of ventilation hoods onto the external façade to serve internal classroom MVHR units only is development and is exempted development.

MADE THIS 6<sup>TH</sup> DAY  
OF MAY YEAR 2025

SIGNED:   
DIRECTOR OF SERVICES

Ref: ED/1186

**BDP.**

22 April 2025

Kildare CoCo Planning Department

Devoy Park, Naas,

Co. Kildare

W91 X77F

BDP, Blackhall Green, Dublin 7

Ireland, D07 V0RF

T +353 [0]1 474 0600

**bdp.com**

**RE: Further Information Response pertaining to our Application for a Declaration for Exempted Development under Section 5 of the Planning and Development Act 2000 (as amended) at Kilberry National School, Kilberry, Athy, Co. Kildare (ED/1186)**

Dear Sir/Madam

We acknowledge receipt of your letter (ref: ED/1186) received on the 1<sup>st</sup> April 2025 outlining that further information is required in order for Kildare CoCo to properly assess our Section 5 Declaration Application for Kilberry National School (application dated 27<sup>th</sup> January 2025).

We must note that this request has been received nine weeks following our submission, significantly outside the statutory four-week response period, and given the absence of any timely response, we proceeded to tender and now have a valid tender in place, ready to proceed to contract.

Nonetheless, we hereby provide said further information, and outline below our detailed responses to the items raised within the letter received:

I refer to your application for a Section 5 Declaration received on 27<sup>th</sup> January 2025. The following further information is required to properly assess your application.

1. The Applicant is requested to fully clarify the full extent of the proposed works as there are discrepancies between the details noted in the application form and the site layout plan:

**BDP Comment:** To address any discrepancies between the details noted in the application form and that shown on the site layout plan and associated drawings, the full extent of the proposed works can be noted as follows:

- replacement of existing external windows, doors and glazed screens with similar,
- repainting of existing facade,
- installation of cavity fill pumped insulation to selected walls,

- installation of ventilation hoods onto the external facade to serve internal classroomMVHR units,
- Installation of an LPG tank located on existing soft landscaping with a 1.2m wide gravel access path and a 1.8m high perimeter screen,
- Installation of a Heat Pump located on existing soft landscaping with a 1.2m wide gravel access path and a 2.8m high perimeter screen,
- Installation of a vandal resistant EVC car charging local electrical enclosure, distribution board and dual car charging outlet.
- Replacement of a section of the existing pedestrian gate to provide a new 3.4m wide double leaf metal gate for vehicular access with an appearance which will match the existing.

With this in mind, please be in receipt of a series of questions:

- Is the **replacement of existing external windows, doors and glazed screens** development and is it or is it not exempted development?
- Is the **repainting of the existing facade** development and is it or is it not exempted development?
- Is the **installation of cavity fill pumped insulation to selected walls** development and is it or is it not exempted development?
- Is the **installation of ventilation hoods onto the external facade to serve internal classroomMVHR units** development and is it or is it not exempted development?
- Is the **installation of an LPG tank located on existing soft landscaping with a 1.2m wide gravel access path and a 1.8m high perimeter screen** development and is it or is it not exempted development?
- Is the **installation of a Heat Pump located on existing soft landscaping with a 1.2m wide gravel access path and a 2.8m high perimeter screen** development and is it or is it not exempted development?
- Is the **installation of a vandal resistant EVC car charging local electrical enclosure, distribution board and dual car charging outlet** development and is it or is it not exempted development?
- Is the **replacement of a section of the existing pedestrian gate to provide a new 3.4m wide double leaf metal gate for vehicular access with an appearance which will match the existing** development and is it or is it not exempted development?

(a) Very little detail has been submitted to support the determination for the '*repainting of existing façade*'. It is noted that the façade of the existing school comprises an eclectic mix of materials including pebbledash, rough-render, panelling and grey/brown brick. It is unclear if the entire school building is the subject of the '*repainting of existing façade*'. The Applicant is requested to detail the extent of the repainting of the existing façade.

**BDP Comment:** The detailed extent of the repainting of the existing façade can be noted as being limited to areas of making good where holes have been drilled to install the cavity fill pumped wall insulation. The paint finish is to match existing colour of pebbledash and rough render. Where holes are made within non-painted masonry, the making good will be coloured to match the adjacent mortar joints.

The extent of these areas are denoted in a blue diagonal hatch on the Proposed Building Fabric Upgrade Elevations.

Please refer to Drawing: "07KNS-BDP-XX-XX-EL-A-PP0002 (REV\_P02)"

(b) Very little detail has been submitted to support the determination for the '*installation of ventilation hoods onto the external façade to serve internal classroom MVHR units*'. It is noted that no information has been submitted to show either the size of the units or their location on the building. For a determination to be made the applicant is requested to submit elevational drawings of these items, with dimensions.

**BDP Comment:** A revised version of the "Proposed Building Fabric Upgrade Elevations" Drawing is appended to this correspondence which provides greater detail regarding the size and location of the MVHR units on the existing buildings. It can be noted that there are 4no. ventilation hoods located on the East Elevation, and 1no. ventilation hood location on the South Elevation. These ventilation hoods are 300mm (H) x 500mm (W) x 100mm (D) in size, and are to be grey powder coated aluminium in appearance.

Please refer to Drawing: "07KNS-BDP-XX-XX-EL-A-PP0002 (REV\_P02)"

(c) Very little detail has been submitted to support the determination for the '*installation of an LPG tank, air source heat pump*'. It is noted that no information has been submitted to show either the size, height or length of these items (elevational drawings). For a determination to be made the Applicant is requested to submit elevational drawings of these items, with dimensions.

**BDP Comment:** A revised version of the "Site Layout Plan" Drawing is appended to this correspondence which provides greater detail regarding the size, height and length of the proposed LPG Tank and Air Source Heat Pump. In addition, dimensions have also been provided for their associated enclosures. It can be noted that the dimensions for the LPG tank and enclosure are in accordance with the FloGas 1x0.5 Tonne Installation Guidance document also enclosed within this response.

As requested, a new "Proposed North & East Elevations indicating LPG Tanks and ASHP Enclosures" Drawing is appended to this correspondence which provides elevational drawings of these items within the context of the existing school. These elevational drawings capture the 1.8m high metal mesh fence to the LPG Tank and 2.8m high acoustic screen to the Air Source Heat Pump as previously noted on the Site Layout Plan (REV\_P02).

Please refer to Drawing(s): "07KNS-BDP-XX-XX-PL-A-PP0002 (REV\_P03)" and "07KNS-BDP-XX-XX-EL-A-PP0003 (REV\_P01)"



(d) With regard to the item relating to 'amendment of existing gate for vehicular access', it is noted that it is stated on the 'Site Layout Plan' 'new 3.4m wide double leaf metal gate to match existing'. It is also noted that the existing access is pedestrian only. The description, which is the subject of this determination, refers to a 'vehicular access', which does not tally with the description on the drawing which refers to 'the gate to match existing', which is pedestrian. Changes to an entrance are deemed to be works and are deemed to be development. However, a determination whether or not this development is exempted development cannot be made without clarification. The Applicant is requested to clarify the works they are seeking a Section 5 declaration for.

**BDP Comment:** A new "Plan & Elevations of Entrance Gate as Existing & Proposed" Drawings is appended to this correspondence which provides greater detail regarding the existing access gate and the proposed 3.4m wide double leaf metal access gate.

For clarity, the existing access gate is predominantly utilised for pedestrian access however it is also infrequently utilised to provide vehicular access to this part of the school for maintenance purposes. It can be noted that a dropped kerb already exists on the road in this location to facilitate same, and as such this avoids the need for any required modifications to the existing kerb / path arrangement.

It should be noted that the new 3.4m wide double leaf metal gate is proposed to maintain both pedestrian and infrequent vehicular access to this part of the school, but critically provides a wider entrance in order to facilitate the vehicular access required for the installation and future maintenance of the new LPG Tank and Air Source Heat Pump which will sit to the north and west of the school buildings respectively.

The new double leaf metal gate will match the black metal appearance of the existing gate (which is being replaced), and will in turn therefore match the black metal appearance of the adjacent fence design which will be retained.

Please refer to Drawing(s): "07KNS-BDP-XX-XX-XX-A-PP0002 (REV\_P01)"

2. The Site Layout Plan, submitted with this Section 5 Declaration request, appears to indicate more items than that described in the description. For example, it is unclear if a Section 5 Declaration is being sought for:

- (a) Proposed vandal resistant EVC car charging local electrical enclosure, distribution board and dual car charging outlet
- (b) 1.8m high metal mesh fence
- (c) Gravel access path
- (d) 2.8m high acoustic screening

The Applicant is requested to submit revised drawings and documentation that show only the items that a Section 5 Declaration is being sought for.

**BDP Comment:** The items outlined within the Site Layout Plan(REV\_P02) are included within the items of which a Section 5 Declaration are being sought for. For clarity and as outlined already in this correspondence, this includes:

- a. Proposed vandal resistant EVC car charging local electrical enclosure, distribution board and dual car charging outlet
- b. 1.8m high metal mesh fence
- c. Gravel access path
- d. 2.8m high acoustic screening



We trust that the commentary contained within this letter and the appended revised drawings (listed below) provides the sufficient further information required in order for our Section 5 Declaration to be assessed.

- 07KNS-BDP-XX-XX-PL-A-PP0002 Site Layout Plan (REV\_P03)
- 07KNS-BDP-XX-XX-EL-A-PP0002 Proposed Building Fabric Upgrades Scoping Elevations & Sections (REV\_P02)
- 07KNS-BDP-XX-XX-EL-A-PP0003 Proposed North & East Elevations indicating LPG Tanks and ASHP Enclosures (REV\_P01)
- 07KNS-BDP-XX-XX-XX-A-PP0002 Plan & Elevations of Entrance Gate as Existing & Proposed (REV\_P01)

Please be advised that this project is part of a RePowerEU Programme with a one-off funding opportunity that must be delivered this summer 2025 in order to meet the programme requirements. Any further delays to the commencement of works will result in the project not being available to proceed in the timeframe required thus losing a significant deep retrofit and investment opportunity for Kilberry National School.

Given the requirement for these works to be carried out during this upcoming summer and the delays already experienced in this Section 5 process, we kindly request that a response is provided in a timely manner. Please note that ourselves and the Department of Education (cc'd) are available to meet to discuss and expedite this process.

Should you have any queries please do not hesitate to contact me otherwise we welcome timely receipt of the Council's determination.

Yours sincerely



Elliott Ballam

Associate Architect

**BDP**

Direct Line: +353 [0]1 474 0644

E-Mail: [elliott.ballam@bdp.com](mailto:elliott.ballam@bdp.com)

Cc Scott Geoghan (BDP)

Cc Shane Fleming (KSN)

Cc Diarmuid Waters (RRPM)

Cc Maeve Harney (DoE)

Cc David Beagon (DoE)

## Building Design Partnership

Blackhall Green, Dublin 7 Ireland

Tel: +353 (0)1 474 0600

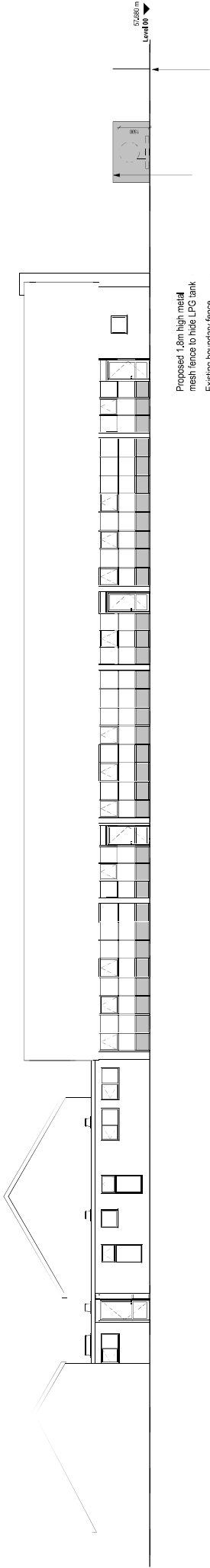
# BDP.

### Drawing/Document Register – Section 5 Planning Application

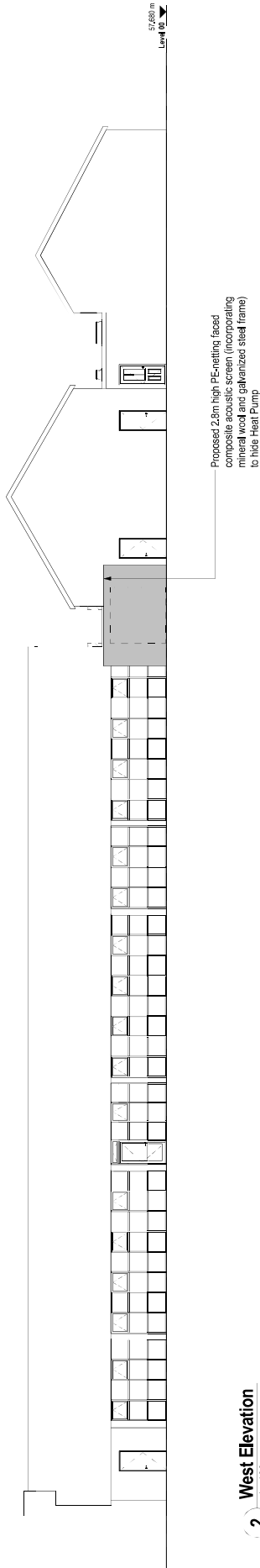
**Project: RePowerEU Pathfinders Programme – Lot 7.1**  
**Kilberry National School**  
**Sender: Elliott Ballam**

**Project No: P3004467**  
**Date: 22<sup>nd</sup> April 2025**

Drawing Series	Drawing Title	Scale	Rev	Date of Issue
	<b>SITE LOCATION</b>			
07KNS-BDP-XX-00-PL-A-PP0001_P01	SITE LOCATION PLAN	1:2500@A3	P01	27.01.25
07KNS-BDP-XX-XX-PL-A-PP0002_P01	SITE LAYOUT PLAN	1:500@A3	<b>P03</b>	<b>22.04.25</b>
	<b>EXISTING BUILDING</b>			
07KNS-BDP-XX-00-PL-A-PP0001	EXISTING GA PLAN LEVEL 00	1:100@A1	P01	27.01.25
07KNS-BDP-XX-XX-EL-A-PP0001	EXISTING ELEVATIONS & SECTIONS	1:100@A1	P01	27.01.25
07KNS-BDP-XX-R1-PL-A-PP0001_P01	EXISTING ROOF PLAN	1:100@A1	P01	27.01.25
	<b>PROPOSED WORKS</b>			
07KNS-BDP-XX-00-PL-A-PP0002	PROPOSED BUILDING FABRIC UPGRADES PLAN LEVEL 00	1:100@A1	P01	27.01.25
07KNS-BDP-XX-XX-EL-A-PP0002	PROPOSED BUILDING FABRIC UPGRADES SCOPING ELEVATIONS & SECTIONS	1:100@A1	<b>P02</b>	<b>22.04.25</b>
<b>07KNS-BDP-XX-XX-EL-A-PP0003</b>	<b>PROPOSED EAST &amp; WEST ELEVATIONS INDICATING LPG TANKS AND ASHP ENCLOSURES</b>	<b>1:100@A1</b>	<b>P01</b>	<b>22.04.25</b>
<b>07KNS-BDP-XX-XX-XX-A-PP0002</b>	<b>PLAN &amp; ELEVATIONS OF ENTRANCE GATE AS EXSITING &amp; PROPOSED</b>	<b>1:100@A0</b>	<b>P01</b>	<b>22.04.25</b>
	<b>GUIDANCE DOCS</b>			
<b>-</b>	<b>FloGas 1 x 0.5 Tonne Installation</b>	<b>NTS</b>	<b>-</b>	<b>22.04.25</b>



1 East Elevation  
1 : 100

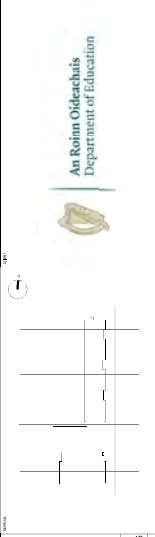


2 West Elevation  
1 : 100

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NOTES

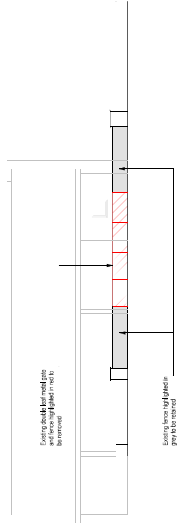
Section	Scale	Revision	Date
Section 1 - Exempt Development Planning	R01	SS	22/04/25
P01	Application		



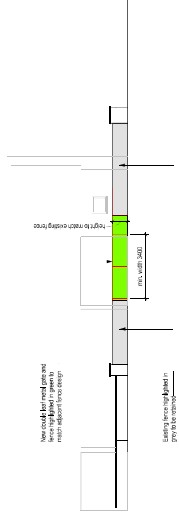
**BDP.**

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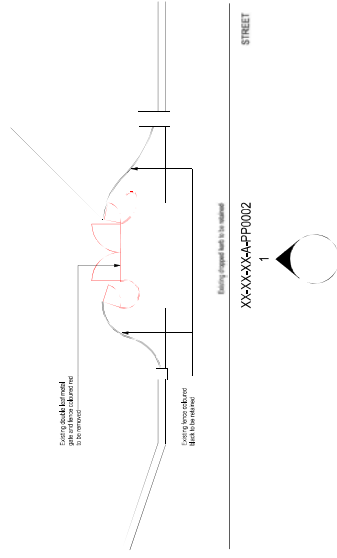
Kilberry National School  
P300467  
Proposed East & West Elevations  
indicating LPG tanks and ASHP  
enclosures  
07KNSBDP-XX-XX-EL-A-PF0003  
P01



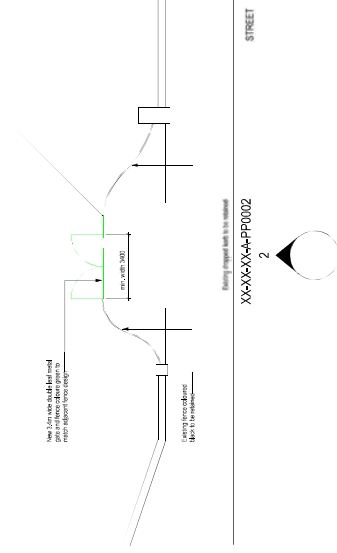
ELEVATION 1



ELEVATION 2



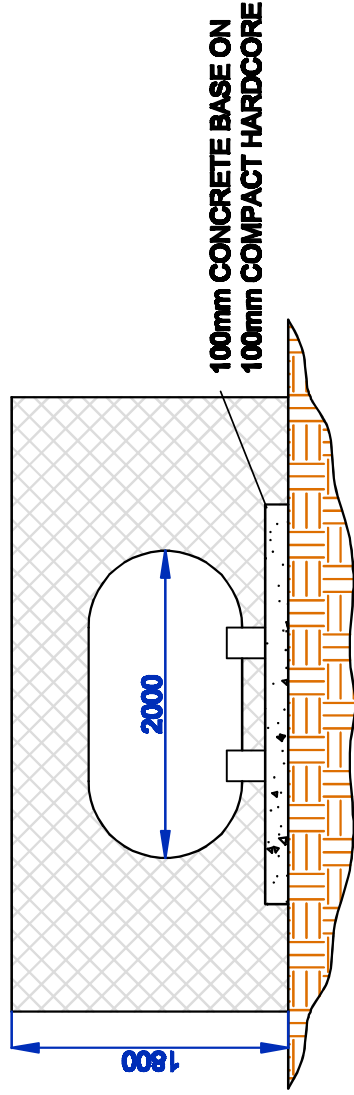
PART PLAN AS EXISTING



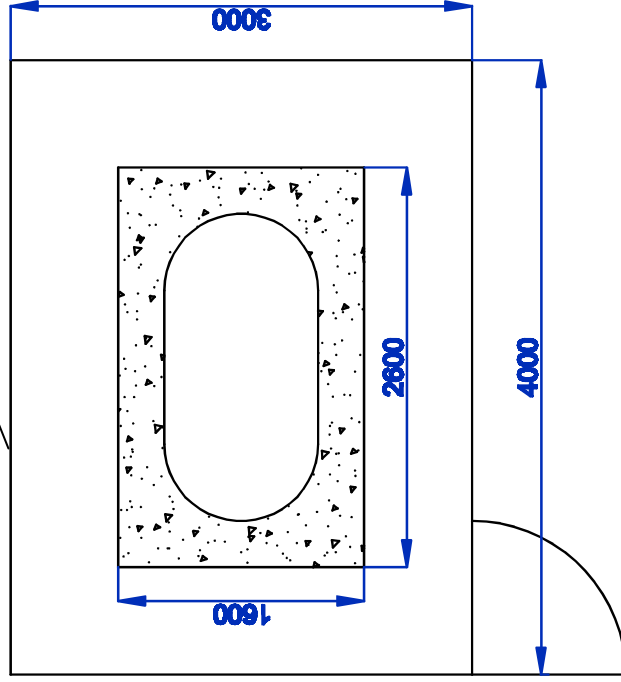
PART PLAN AS PROPOSED



# 1X 1½ Tonne Installation



FENCE



## Separation Distances

The tanks should be 3m from all buildings, boundaries property lines and fixed sources of ignition. This distance can be reduced to 1.5m on one side only using a suitable firewall. Tank must be 3m from bund walls around oil tanks and 6m from petrol bunds. Toxic or hazardous substances must be 15m from tanks

## Fencing

The tank compound must be surrounded by a fence, 1.8m in height and located 1m from the tanks. Minimum specification for the fence is 12 gauge 52mm x 52mm weld-mesh or chain link. If the maximum travel distance from any part of the compound is a greater than 6m, a second gate is required at the diagonally opposite corner. Gates to open outward and not self-locking.

## Base

Base to extend 300mm around the tank, minimum of 100mm depth on firm subsoil with well compacted hardcore on top. Finished surface of concrete must not be below surrounding ground level. For ease of maintenance, recommend concreting all area inside compound.

Title

1 x 1 1/2 Tonne Installation

Scale

Drawing not to scale

Flogas Ireland Ltd  
Knockbreck House  
Matthews Lane  
Donore Road  
Drogheda  
Co. Louth

Tel: 041 9831041  
Fax: 041 9834852  
Email: [info@flogas.ie](mailto:info@flogas.ie)  
Website: [www.flogas.ie](http://www.flogas.ie)



P3004467	Scale 1/4"	Proposed Building Fabric Upgrades Scoping Elevations & Sections.	Scale 1"=100' (1/8"=1'-0")	@ A1
07KNS-BDP-XX-XX-EL-A-P0002	Scale 1/4"		27.01.25	P02

## 6 South Corridor - Section Fabric Upgrade Scope



**KILDARE COUNTY COUNCIL**



**PLANNING & STRATEGIC DEVELOPMENT DEPARTMENT**

**Section 5 referral & declaration on development & exempted development**

**Planning & Development Act 2000 (as amended)**

**Reference No. ED/1186**

<b>Name Of Applicant(s):</b>	Kilberry National School
<b>Address Of Development:</b>	Kilberry National School, Kilberry, Athy, Co. Kildare R14 EY05
<b>Development Description:</b>	Repair and maintenance works to existing school building associated with energy reduction programme
<b>Due date</b>	24 <sup>th</sup> February 2025

**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:

*repair and maintenance to existing school building associated with energy reduction programme*

is Exempted Development.

The items, the subject of repair and maintenance, comprise:

- replacement of the existing external windows, doors and glazed screens with similar,
- repainting of existing façade,
- installation of ventilation hoods onto the external façade to serve internal classroom MVHR units.
- installation of an LPG tank, air source heat pump,
- amendment of existing gate for vehicular access.

### **Site Location**

The site is located to the west of the R417 Regional Road north of Athy.



**Fig 1:** Site Location and context

*Site location*



**Fig 2:** Aerial view of subject site (KCC GIS)

## **Planning History**

**20/138** – Permission granted for prefabricated modular building containing a single classroom with toilet facilities and adjacent office, located to the rear of the existing school building, together with external access door to rear of school and associated site works, also permission for alterations to exiting pedestrian gates (at Northern site of corner of R417) to accommodate fire engine emergency access.

**13/72** – Permission granted for vehicular parking area within school grounds to include 2 no. new vehicular accesses as entrance and exit onto R417 Regional Road, provision of new bus parking bay along R417, alterations to existing boundary wall and to existing footpath and all ancillary site development works.

**11/997** - Permission granted for prefabricated modular building containing a single classroom with toilet facilities and adjacent office, located to the rear of the existing

school building, together with new external access door to rear of school and associated site works.

**11/375** – Permission granted for proposed vehicular parking area within school grounds to include use of existing unused gateway as vehicular entrance and creation of new gateway as vehicular exit onto R417 regional road, reinstatement of front boundary wall to close off existing lay-by parking area together with associated traffic management proposals as required by Kildare County Council and all associated site works.

**02/2332** – Permission granted for prefabricated classroom and associated site works

### **Relevant Primary and Secondary Legislation**

Section 2(1) of the Planning and Development Act 2000 (as amended) states

“alteration” includes—

(a) plastering or painting or the removal of plaster or stucco, or

(b) the replacement of a door, window or roof,

that materially alters the external appearance of a structure so as to render the appearance inconsistent with the character of the structure or neighbouring structures;

### **Assessment**

#### **Is the Proposal Development?**

Section 2(1) of the Planning and Development Act 2000 (as amended) states:

***‘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) of the Planning and Development Act 2000 (as amended) states:

*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.*

1. The replacement of the existing external windows, doors and glazed screens **with similar**, are not deemed to be works under the definition of ‘alteration’ as

stated in Section 2(1) of the Planning and Development Act 2000 (as amended) because the replacement of existing external windows, doors and glazed screens **with similar** would not '*materially alter[s] the external appearance of a structure so as to render the appearance inconsistent with the character of the structure or neighbouring structures*'. These items are not deemed to be 'Works' under the definition of 'Works' as stated in Section 2(1) of the Planning and Development Act 2000 (as amended) and are therefore not deemed to be development.

2. Very little detail has been submitted to support the determination for the '*repainting of existing façade*'. It is noted that the façade of the existing school comprises an eclectic mix of materials including pebbledash, rough-render, panelling and grey/brown brick. It is unclear if the entire school building is the subject of the '*repainting of existing façade*'. The repainting (alteration) may or may not be works – this depends on whether or not the painting would materially alter the external appearance. It cannot be determined if this item is 'Works' or 'Development'. Clarification is required. **Further information to be sought.**
3. Very little detail has been submitted to support the determination for the '*installation of ventilation hoods onto the external façade to serve internal classroom MVHR units*'. It is noted that no information has been submitted to show either the size of the units or their location on the building. It cannot be determined if this item is 'Works' or 'Development'. **Further information is required.**
4. Very little detail has been submitted to support the determination for the '*installation of an LPG tank, air source heat pump*'. It is noted that no information has been submitted to show either the size, height or length of these items (elevational drawings). It cannot be determined if this item is 'Works' or 'Development'. **Further information is required.**
5. With regard to the item relating to 'amendment of existing gate for vehicular access', it is noted that it is stated on the 'Site Layout Plan' '*new 3.4m wide double leaf metal gate to match existing*'. It is noted that the existing access is pedestrian only. The description, which is the subject of this determination, refers to a 'vehicular access', which does not tally with the description on the drawing which refers to 'the gate to match existing', which is pedestrian. Changes to an entrance are deemed to be works and are deemed to be development. However, a determination whether or not this development is exempted development cannot be made without clarification. **Further information is required.**

Note:

The Site Layout Plan appears to indicate more items than that described in the description which is the subject of this declaration request. For example, it is unclear if a Section 5 Declaration is being sought for:

1. Proposed vandal resistant EVC car charging local electrical enclosure, distribution board and dual car charging outlet
2. 1.8m high metal mesh fence
3. Gravel access path

4. 2.8m high acoustic screening

### **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.

### **Recommendation**

It is recommended that further information be requested as follows:

1. The applicant is requested to fully clarify the full extent of the proposed works as there are discrepancies between the details noted in the application form and the site layout plan:
  - a. Very little detail has been submitted to support the determination for the *'repainting of existing façade'*. It is noted that the façade of the existing school comprises an eclectic mix of materials including pebbledash, rough-render, panelling and grey/brown brick. It is unclear if the entire school building is the subject of the *'repainting of existing façade'*. The applicant is requested to detail the extent of the repainting of the existing façade.
  - b. Very little detail has been submitted to support the determination for the *'installation of ventilation hoods onto the external façade to serve internal classroom MVHR units'*. It is noted that no information has been submitted to show either the size of the units or their location on the building. For a determination to be made the applicant is requested to submit elevational drawings of these items, with dimensions.
  - c. Very little detail has been submitted to support the determination for the *'installation of an LPG tank, air source heat pump'*. It is noted that no information has been submitted to show either the size, height or length of these items (elevational drawings). For a determination to be made the applicant is requested to submit elevational drawings of these items, with dimensions.
  - d. With regard to the item relating to *'amendment of existing gate for vehicular access'*, it is noted that it is stated on the 'Site Layout Plan' *'new 3.4m wide double leaf metal gate to match existing'*. It is also noted that the existing access is pedestrian only. The description, which is the subject of this determination, refers to a *'vehicular access'*,

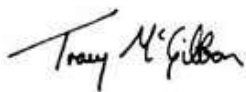
which does not tally with the description on the drawing which refers to 'the gate to match existing', which is pedestrian. Changes to an entrance are deemed to be works and are deemed to be development. However, a determination whether or not this development is exempted development cannot be made without clarification. The applicant is requested to clarify the works they are seeking a Section 5 declaration for.

2. The Site Layout Plan, submitted with this Section 5 Declaration request, appears to indicate more items than that described in the description. For example, it is unclear if a Section 5 Declaration is being sought for:
  - a. Proposed vandal resistant EVC car charging local electrical enclosure, distribution board and dual car charging outlet
  - b. 1.8m high metal mesh fence
  - c. Gravel access path
  - d. 2.8m high acoustic screening

The Applicant is requested to submit revised drawings and documentation that show only the items that a Section 5 Declaration is being sought for.

  
Fiona Breen  
Executive Planner

26/03/2025



Tracy McGibbon  
Senior Executive Planner  
01/04/2025



## Appendix 1: Appropriate Assessment Screening

<p style="text-align: center;"><b>APPROPRIATE ASSESSMENT SCREENING REPORT</b></p> <p style="text-align: center;"><b>AND</b></p> <p style="text-align: center;"><b>DETERMINATION</b></p>
---

<b>(A) Project Details</b>	
<b>Planning File Ref</b>	ED1186
<b>Applicant name</b>	Kilberry National School
<b>Development Location</b>	Kilberry, Co. Kildare
<b>Site size</b>	n/a
<b>Application accompanied by an EIS (Yes/NO)</b>	No
<b>Distance from Natura 2000 site in km</b>	600m east of River Barrow/Nore SAC
<b>Description of the project/proposed development –</b>  Renewal works to existing school	

<b>(B) Identification of Natura 2000 sites which may be impacted by the proposed development</b>			
			<b>Yes/No</b>  <b>If answer is yes, identify list name of Natura 2000 site likely to be impacted.</b>
<b>1</b>	<b>Impacts on sites designated for freshwater habitats or species.</b>  <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>	<b>NO</b>
<b>2</b>	<b>Impacts on sites designated for wetland habitats - bogs, fens, marshes and heath.</b>  <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>	<b>NO</b>
<b>3</b>	<b>Impacts on designated terrestrial habitats.</b>  <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 woodlands,</i>	<b>NO</b>

	Pollardstown Fen, Ballynafagh Lake	<i>dunes or grasslands, or within 100m of same?</i>	
<b>4</b>	<b>Impacts on birds in SPAs</b>  <u>Sites to consider:</u>  Poulaphouca Reservoir	<i>Is the development within a Special Protection Area, or within 5 km of same?</i>	<b>NO</b>

**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**.

<b>(G) SCREENING CONCLUSION STATEMENT</b>		
<i>Selected relevant category for project assessed by ticking box.</i>		
<b>1</b>	AA is not required because the project is directly connected with/necessary to the conservation management of the site	
<b>2</b>	No potential significant affects/AA is not required	<b>X</b>
<b>3</b>	Significant effects are certain, likely or uncertain.  Seek a Natura Impact Statement  Reject proposal. (Reject if potentially damaging/inappropriate)	
<b>Justify why it falls into relevant category above (based on information in above tables)</b>		
Scale, nature of proposed works, no impact on integrity of Natura 2000 network		

<b>Name:</b>	Fiona Breen
<b>Position:</b>	Executive Planner
<b>Date:</b>	26/03/2025



# Comhairle Contae Chill Dara

## Kildare County Council

Date: April 1<sup>st</sup> 2025  
Our Ref: ED/1186.

Louise Browne,  
Kilberry National School,  
C/o Building Design partnership (BDP)  
Blackhall Green,  
Dublin 7  
D07 V0RF

**RE: Application for a Declaration of Exempted Development under Section 5 of the Planning and Development Act 2000 (as amended) at Kilberry National School, Kilberry, Athy, Co. Kildare**

Dear Sir/Madam,

I refer to your application for a Section 5 Declaration received on 27<sup>th</sup> January 2025. The following further information is required to properly assess your application.

1. The Applicant is requested to fully clarify the full extent of the proposed works as there are discrepancies between the details noted in the application form and the site layout plan:
  - (a) Very little detail has been submitted to support the determination for the '*repainting of existing façade*'. It is noted that the façade of the existing school comprises an eclectic mix of materials including pebbledash, rough-render, panelling and grey/brown brick. It is unclear if the entire school building is the subject of the '*repainting of existing façade*'. The Applicant is requested to detail the extent of the repainting of the existing façade.
  - (b) Very little detail has been submitted to support the determination for the '*installation of ventilation hoods onto the external façade to serve internal classroom MVHR units*'. It is noted that no information has been submitted to show either the size of the units or their location on the building. For a determination to be made the applicant is requested to submit elevational drawings of these items, with dimensions.
  - (c) Very little detail has been submitted to support the determination for the '*installation of an LPG tank, air source heat pump*'. It is noted that no information has been submitted to show either the size, height or length of these items (elevational drawings). For a determination to be made the Applicant is requested to submit elevational drawings of these items, with dimensions.
  - (d) With regard to the item relating to '*amendment of existing gate for vehicular access*', it is noted that it is stated on the 'Site Layout Plan' '*new 3.4m wide double leaf metal gate to match existing*'. It is also noted that the existing access is pedestrian only. The description, which is the subject of this determination, refers to a 'vehicular access', which does not tally with the description on the drawing which refers to 'the gate to match existing', which is pedestrian. Changes to an entrance are deemed to be works and are deemed to be development. However, a determination whether or not this development is exempted development cannot be made without clarification. The Applicant is requested to clarify the works they are seeking a Section 5 declaration for.





## Comhairle Contae Chill Dara Kildare County Council

2. The Site Layout Plan, submitted with this Section 5 Declaration request, appears to indicate more items than that described in the description. For example, it is unclear if a Section 5 Declaration is being sought for:
- (a) Proposed vandal resistant EVC car charging local electrical enclosure, distribution board and dual car charging outlet
  - (b) 1.8m high metal mesh fence
  - (c) Gravel access path
  - (d) 2.8m high acoustic screening

The Applicant is requested to submit revised drawings and documentation that show only the items that a Section 5 Declaration is being sought for.

The time period for the Council's determination shall commence upon receipt of the above information.

Yours sincerely,

pp   
**Senior Executive Officer**  
**Planning Department**



## 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

<b>Section 1</b>	<b>Details of Applicants</b>
------------------	------------------------------

1. Name of Applicant(s) A. Surname. BROWNE ..... Forenames. LOUISE .....  
Phone No. .... Fax No. ....
2. Address .. KILBERRY NATIONAL SCHOOL, KILBERRY, ATHY, CO. KILDARE, R14 EY05 .....  
.....

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

1. Name of Person/Agent: Surname. BALLAM ..... Forenames. ELLIOTT .....  
Phone No. 01 474 0644 ..... Fax No. ....
2. Address. BUILDING DESIGN PARTNERSHIP (BDP), BLACKHALL GREEN, DUBLIN 7, D07 V0RF .....  
.....

<b>Section 3</b>	<b>Company Details (if applicable)</b>
------------------	--

1. Name of Company BUILDING DESIGN PARTNERSHIP (BDP) .....  
Phone No. 01 474 0600 ..... Fax No. ....
2. Company Reg. No. 197668 .....  
.....
3. Address. BLACKHALL GREEN, DUBLIN 7, D07 V0RF .....  
.....

<b>Section 4</b>	<b>Details of Site</b>
------------------	------------------------

1. Planning History of Site. UNKNOWN .....  
.....
2. Location of Proposed Development. KILBERRY NATIONAL SCHOOL, KILBERRY, ATHY, CO. KILDARE, R14 EY05 .....  
.....  
OS DETAILS ARE AVAILABLE ON THE ENCLOSED SITE LOCATION PLAN
3. Ordnance Survey Sheet No. (CENTRE POINT CO-ORDINATES: X,Y: 665549.9058, 700428.1358) .....  
.....
4. Please state the Applicants interest in the site APPLICANT IS THE OWNER OF THE SCHOOL .....  
.....
5. Please state the extent of the proposed development. ....  
REPAIR AND MAINTENANCE WORKS TO EXISTING SCHOOL BUILDING ASSOCIATED WITH ENERGY  
REDUCTION PROGRAMME



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*).....

CLASS 9 & 11 OF THE PLANNING & DEVELOPMENT REGS 2001 FOR THE ALTERATION OF THE EXISTING ACCESS GATE. CLASS 12 FOR THE REPAINTING OF THE EXTERNAL FACADE

7. Please give a detailed description of the Proposed Development (*Use separate page if necessary*).....

THE PROPOSED DEVELOPMENT CONSISTS OF THE REPLACEMENT OF EXISTING EXTERNAL WINDOWS, DOORS AND GLAZED SCREENS WITH SIMILAR, REPAINTING OF EXISTING FACADE AND INSTALLATION OF VENTILATION HOODS ONTO THE EXTERNAL FACADE TO SERVE INTERNAL CLASSROOM MVHR UNITS.

THE WORKS WILL ALSO INCLUDE INSTALLATION OF AN LPG TANK, AIR SOURCE HEAT PUMP AND AMENDMENT OF EXISTING GATE FOR VEHICULAR ACCESS.

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

(Please Tick)		
1.	Site Location Map (1:2500 Rural Areas) (1:1000 Urban Areas)	✓
2.	A Site Layout Plan (Scale 1:500) in full compliance with Article 23 of Planning and Development Regulations 2001	✓
3.	Drawings of the development (Scale 1:50) in full compliance with Article 23 of Planning and Development Regulations 2001 <small>*we have provided drawings at scale 1:100 following confirmation over the phone with Kildare CoCo Planning Dept on Fri 24.01.2025 that drawings submitted at 1:100 are acceptable and in compliance with the minimum submission requirements.</small>	✓*
4.	All drawings to differentiate between the original building, all extensions and proposed development	✓
5.	Fee of 80 Euro	✓

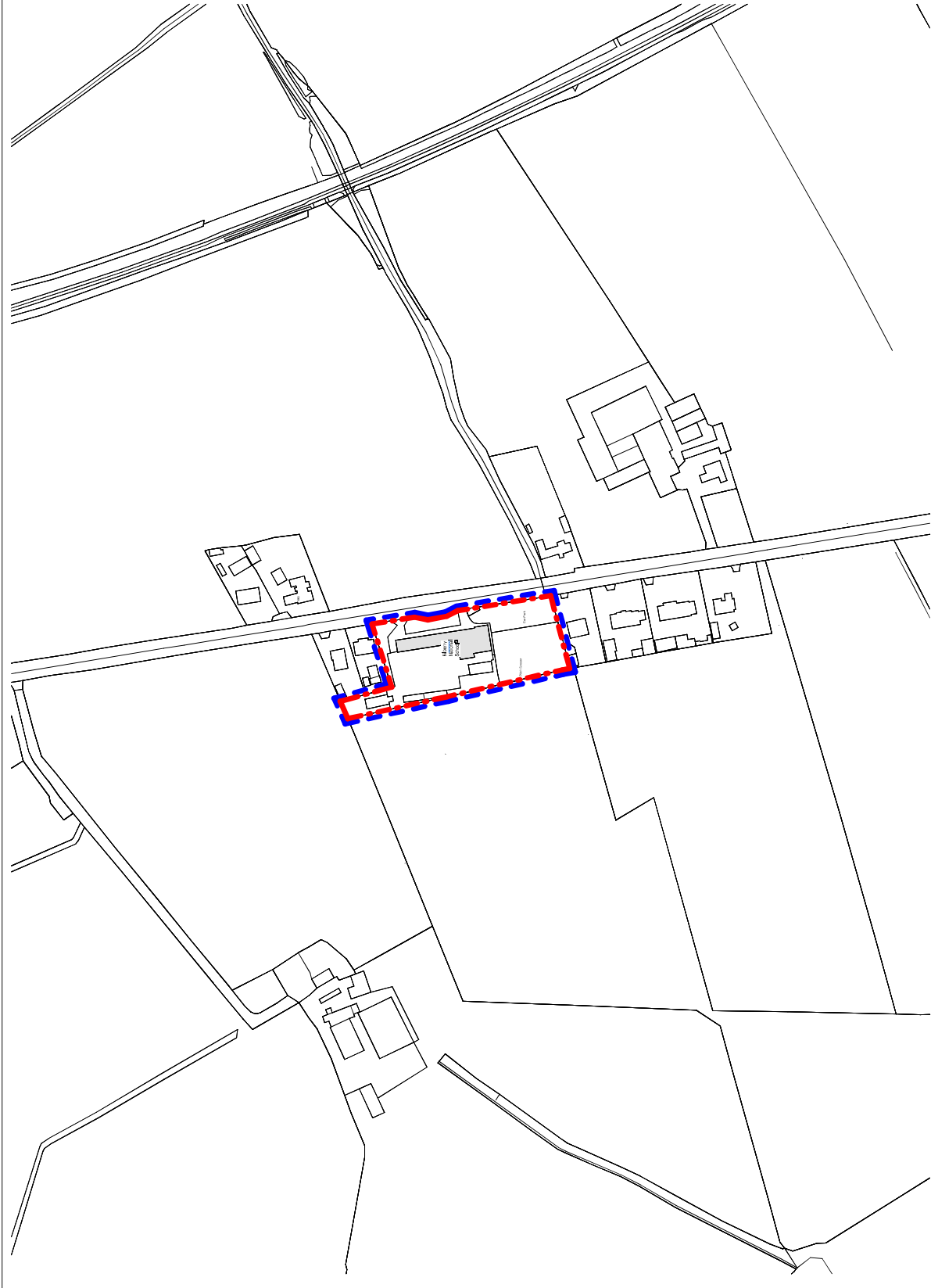
Section 6	Declaration
-----------	-------------

I, ELLIOTT BALLAM 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: 27.01.2025





Description: Digital Landscape Model (DLM)  
Publisher / Source: Talis Eireann  
Data Source / Reference: PQME2  
File Format: Autodesk AutoCAD DWG\_2013  
File Name: v\_5044337\_1.dwg  
Clip Extent / Area of Interest (AOI):  
LXLLY= 665134.9038 700720.6358  
LRXLR= 665964.9038 700720.6358  
LXULY= 665134.9038 700735.6358  
LRULR= 665964.9038 700735.6358  
Projection / Spatial Reference:  
Projection= IRTNET93 Irish Transverse\_Mercator  
Centre Point Coordinates X,Y= 665549.2658 700428.1398  
Reference Index Map Series | Map Sheets  
11,500 | 3890  
12,500 | 3890-C  
12,500 | 3890-D  
Data Extraction Date: Date= 15-Jan-2025  
Source Data Release: DCMLS Release V1.182.119  
Product Version: Version= 1.4  
License / Copyright:  
Compiled and published by:  
Talis Eireann,  
Phoenix Park,  
Dublin 16,  
Ireland  
DBF654  
www.talis.ie

Site Application Boundary  
Applicants Adjoining Site Ownership



0m 20m 40m 60m 80m 100m

## NOTES

- BUILDING DESIGN PARTNERSHIP SHALL HAVE NO RESPONSIBILITY FOR ANY USE MADE OF THE DOCUMENT OTHER THAN FOR THAT WHICH IT WAS PREPARED AND ISSUED.
- ALL DIMENSIONS SHOULD BE CHECKED ON SITE.
- DO NOT SCALE FROM THE DRAWING.
- ALL DIMENSIONS SHOWN ON THE DRAWING ARE FOR INFORMATION ONLY. THE DIMENSIONS OF THE BUILDING DESIGN PARTNERSHIP SHALL BE AS SHOWN ON THE DRAWING. THE DIMENSIONS OF THE BUILDING DESIGN PARTNERSHIP SHALL BE AS SHOWN ON THE DRAWING.
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DATE	27/01/25
REVISION	01
DESCRIPTION	P01   Section 5 - Exempt Development   FC   SG   27/01/25
PLANNING APPLICATION	



An Roinn Oideachais  
Department of Education

Blackhall Green  
Dublin 7  
Ireland  
T +353 (0)1 474 0600  
www.bdp.com

**BDP.**

Kilberry National School

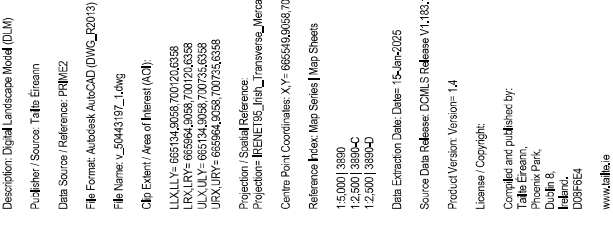
P3004467



Site Location Plan

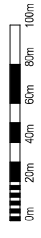
Scale  
1 : 2500

Date  
27/01/25

Project  
P01



 Site Application Boundary  
 Applicants Adjoining Site Ownership



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BDP.

PROJECT 11E  
**Kilberry National School**



An Roinn Oideachais  
Department of Education

P01	Section 5 - Exempt Development	FC	SG	27,01.25
Planning Application				

07KNS-BDP-XX-XX-PL-A-PP0002	P01
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Autodesk Docs://Climate Action RePower: Pathfinder Programme 2024/07/KNS-EDR-ZZ-ZZ-A3-A-000001.M

**Building Design Partnership**

Blackhall Green, Dublin 7 Ireland

Tel: +353 (0)1 474 0600

**BDP.**

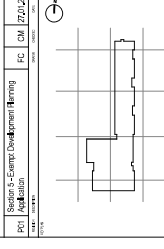
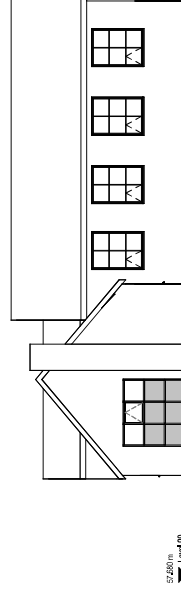
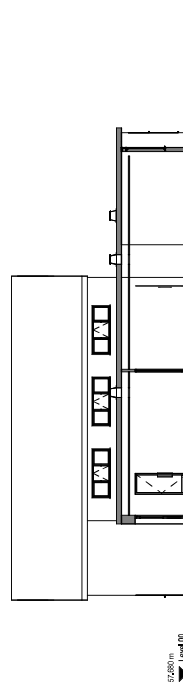
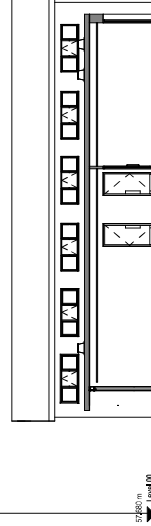
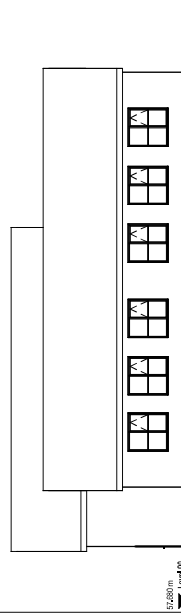
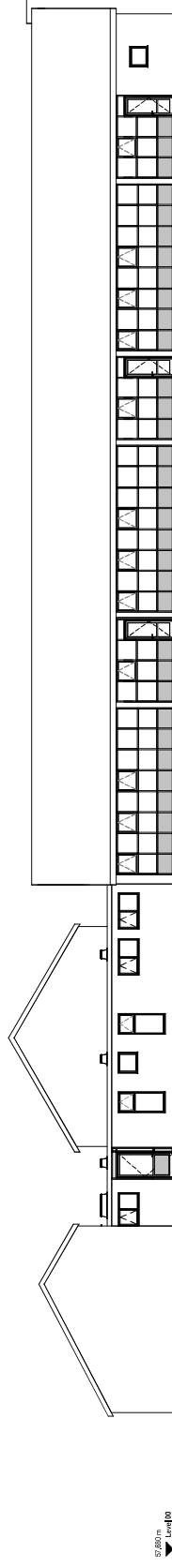
**Drawing/Document Register –  
Section 5 Planning Application**

**Project: RePowerEU Pathfinders Programme – Lot 7.1**  
**Kilberry National School**  
**Sender: Elliott Ballam**

**Project No: P3004467**  
**Date: 27<sup>th</sup> January 2025**

Drawing Series	Drawing Title	Scale	Rev	Date of Issue
	<b>SITE LOCATION</b>			
07KNS-BDP-XX-00-PL-A-PP0001_P01	SITE LOCATION PLAN	1:2500@A3	P01	27.01.25
07KNS-BDP-XX-00-PL-A-PP0002_P01	SITE LAYOUT PLAN	1:500@A3	P01	27.01.25
	<b>EXISTING BUILDING</b>			
07KNS-BDP-XX-00-PL-A-PP0001	EXISTING GA PLAN LEVEL 00	1:100@A1	P01	27.01.25
07KNS-BDP-XX-XX-EL-A-PP0001	EXISTING ELEVATIONS & SECTIONS	1:100@A1	P01	27.01.25
07KNS-BDP-XX-R1-PL-A-PP0001_P01	EXISTING ROOF PLAN	1:100@A1	P01	27.01.25
	<b>PROPOSED WORKS</b>			
07KNS-BDP-XX-00-PL-A-PP0002	PROPOSED BUILDING FABRIC UPGRADES PLAN LEVEL 00	1:100@A1	P01	27.01.25
07KNS-BDP-XX-XX-EL-A-PP0002	PROPOSED BUILDING FABRIC UPGRADES SCOPING ELEVATIONS & SECTIONS	1:100@A1	P01	27.01.25





**An Roinn Oideachais**  
Department of Education

BDP.

**Blackhall Green**  
**Dublin 7**  
**Ireland**  
T +353 (0)1 474 0900  
[www.bbf.com](http://www.bbf.com)

**Kilberv National School**  
 PRICES **£1.10**

P3004467

### Existing Elevations & Sections.

27 01 28

21.01.20	0000
01	001

FOI

Autoren: 2016, **Ulrich** *Active Math* in der Programmierung 2016-29068334-1, <http://dx.doi.org/10.1007/978-3-319-29068-3>



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BOIHSR **PAYMENT** 240.00 BANK 1799516 1 0 24/01/2025

24/01/2025 Payment SP + €240.00

Payee Name:	KILDARE COUNTY COUNCIL
Payee IBAN:	IE69 BOFI 9012 3911 0668 06
Originator Name:	BUILDING DESIGN PARTNERSHIP
Amount:	+ €240.00
Value Date:	24/01/2025
Payment Reference:	Payment
Originator Reference Party:	Not provided by sender
ID code or Originating reference party:	Not provided by sender
Originator ID:	Not provided by sender
Purposes of the Credit Transfer:	Not provided by sender
Payee Reference Party Name:	Not provided by sender
ID code of Payee Reference Party:	Not provided by sender
Remittance Information:	Not provided by sender