



**Comhairle Contae Chill Dara**  
**Kildare County Council**

Date: 2<sup>nd</sup> May 2025  
Our Ref: ED/1220.

Gerry Grimes,  
Caden Grimes Estates,  
21 Weston Crescent,  
Lucan,  
Co. Dublin

**RE: Application for a Declaration of Exempted Development under Section 5 of Planning and Development Act 2000 (as amended) for development at Cluain Dara, Leixlip, Co. Kildare.**

Dear Sir/Madam,

I refer to your correspondence received on 1<sup>st</sup> April 2025 in connection with the above. Please find enclosed Receipt no. FIN1/0/510533 in relation to fee paid.

Please find attached declaration made under Section 5 of Planning and Development Acts 2000 (as amended) in this regard.

Yours sincerely,

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/1220.

**WHEREAS** a question has arisen as to whether the removal of existing hardwood windows and replacement with uPVC windows at Cluain Dara, Leixlip, Co. Kildare, is exempted development,

**AS INDICATED** on the plans and particulars received by the Planning Authority on 1<sup>st</sup> April 2025

**AND WHEREAS** Gerry Grimes – Caden Grimes Estates 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) 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 removal of existing hardwood windows and replacement with uPVC windows at Cluain Dara, Leixlip, Co. Kildare **IS development and IS NOT EXEMPTED development pursuant to Section (2, 3 and 4) of the Planning and Development Act as amended and Article 6, Article 9 of the Planning and Development Regulations as amended.**

Please note that any person issued with a declaration under subsection 2(a) of the Planning and Development Act 2000 (as amended) may on payment to the Board of the prescribed fee, refer a declaration to An Bord Pleanála within 4 weeks of the issuing of the decision.

2<sup>nd</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/1220**

<b>Name Of Applicant(s):</b>	Gerry Grimes – Caden Grimes Estates
<b>Address Of Development:</b>	Cluain Dara Estate, Leixlip, Co. Kildare
<b>Development Description:</b>	Change of windows from timber windows to uPVC for heat retention and upkeep
<b>Due date</b>	29 <sup>th</sup> April 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 works consisting of the removal of existing hardwood windows and replacement with uPVC windows.

**Site Location**

Cluain Dara Estate, Leixlip, Co. Kildare

**Description of Proposed Development**

The Applicant has proposed to remove the existing windows and replace with uPVC window frame units.





**Fig 1:** Site Location and context . Site outlined in yellow



**Fig 2:** Aerial view of subject site (Google Images) Site outlined in yellow

### **Planning History**

**04157** Permission **granted** for 36 apartments - 9 being 1 beds, 27 x 2 beds accommodated in 3x3 storey buildings: 26 houses - 17 being terraced 3 bed 2 storey, + attic houses; 2 x terraced 3 bed 2 storey houses; etc **APPEALED**

**PL09.209299** Housing development of 36 apartments and 26 houses and associated works. Demolition of house. **GRANTED**

### **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.*

*Include other relevant sections of the act. E.g. (below)*

#### **Section 4(1)**

*The following shall be exempted development for the purposes of the Act-*

*(h) development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures;*

#### **Section 5(7) EIA Screening**

The proposed development is not specified in Part 2 of Schedule 5 of the Planning and Development Regulations 2001(as amended). In any event, it is considered, having regard to nature, size and location, the proposed development would not be likely to have significant effects on the environment. Therefore, EIA is not required.

Planning and Development Regulations 2001 (as amended)

#### **Article 6(1)**

Subject to article 9, development of a class specified in column 1 of Part 1 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1.

#### **Article 9 (1)(a)(i)**

Restrictions on exemption.

9. (1) Development to which article 6 relates shall not be exempted development for the purposes of the Act—

(a) if the carrying out of such development would—

(i) contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act,

### **Assessment**

Planning permission was granted by Kildare County Council for 36 apartments under planning reference 04/157. The decision was appealed to An Bórd Pleanála and a directive was issued to grant permission under reference PL09.209299. Condition no. 3 stipulated that the window frames be hardwood.

*3. Prior to commencement of development, details of the materials, colours and textures of all the external finishes to the proposed dwelling units and hard surfaces for the development and details of all boundaries of and within the site, including around the boundaries of and between the apartment blocks, shall be submitted to and agreed in writing with the planning authority. Brick or reconstituted stone detailing shall be permitted, as shall the use of close board fencing for plot partitions. Windows shall be of hardwood construction only.*

*Reason: In the interest of orderly development and the visual amenities of the area, and in the interest of clarity.*

It has been proposed that that the windows be replaced with uPVC frames however this would contravene condition no. 3 of PL09.209299. The proposed development is therefore not exempt.

### **Conclusion**

Having regard to:

- Sections 2, 3, 5 , etc.. of the Planning and Development Act 2000 (as amended);
- Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended); and
- The nature, extent and purpose of the works;

it is considered that the proposed works **constitutes development** as defined in Section 3(1) of the Planning and Development Act 2000 (as amended) and **is not exempted development** as defined by the Planning and Development Act 2000 (as amended) and the Planning and Development Regulations 2001 (as amended).

### **Recommendation**

It is recommended that the applicant be advised that the development as described in the application *is development and is not exempted development*.

A handwritten signature in black ink, appearing to read 'James Kelly', with a long horizontal stroke extending from the end.

Signed:

Planner: James Kelly – Assistant Planner

Date: 01/05/2025

A handwritten signature in black ink, appearing to read 'Martin Ryan', with a long horizontal stroke extending from the end.

Martin Ryan

Senior Executive Planner

02/05/2025

## **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 the removal of existing hardwood windows and replacement with uPVC windows.

**AS INDICATED** on the plans and particulars received by the Planning Authority on 01/04/2025

**AND WHEREAS** Gerry Grimes – Caden Grimes Estates requested a declaration on the said question from Kildare County Council,

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

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

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

- (a) Sections 2, 3, 4, of the Planning and Development Act 2000 (as amended);
- (b) 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 removal of existing hardwood windows and replacement with uPVC windows.

***IS development and IS NOT EXEMPTED development pursuant to Section (2, 3 and 4) of the Planning and Development Act as amended and Article 6, Article 9 of the Planning and Development Regulations as amended.***

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

Signed: \_\_\_\_\_



## **Appendix 1: Appropriate Assessment Screening**



## APPROPRIATE ASSESSMENT SCREENING REPORT AND DETERMINATION

(A) Project Details	
<b>Planning File Ref</b>	ED1220
<b>Applicant name</b>	Gerry Grimes – Caden Grimes Estates
<b>Development Location</b>	Cluain Dara Estate, Leixlip, Co. Kildare
<b>Site size</b>	1.276
<b>Application accompanied by an EIS (Yes/NO)</b>	NO
<b>Distance from Natura 2000 site in km</b>	Rye Water Valley / Carton SAC is located 0.63 km north of the Application site
<b>Description of the project/proposed development –</b> the removal of existing hardwood windows and replacement with uPVC windows.	

(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.
<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>	<i>Is the development within a Special Area of Conservation whose qualifying interests include wetland habitats</i>	<b>YES BUT NO LIKELY SIGNIFICANT NEGATIVE IMPACT BY</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>(bog, marsh, fen or heath), or within 1 km of same?</i>	<b>NATURE OF DEVELOPMENT</b>
<b>3</b>	<b>Impacts on designated terrestrial habitats.</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 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>		
NO LIKELY SIGNIFICANT NEGATIVE EFFECT		
<b>Name:</b>	James Kelly	
<b>Position:</b>	Assistant Planner	
<b>Date:</b>	01/05/2025	

# 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:** DO58309 **Section:** Planning

**SUBJECT:** ED1220 Gerry Grimes, Caden Grimes Estates, 21 Weston Crescent, Lucan, Co.Dublin. Exempt Development Application for the removal of existing hardwood windows and replacement with uPVC windows at Cluain Dara, Leixlip, Co. Kildare.

**SUBMITTED:** ED1220 with recommendation from the Senior Executive Planner and reports from the Council's Technical Officers.

**ORDER:** I hereby order the following Kildare County Council, in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act 2000 (as amended) hereby decides that the proposed development is development and is not exempted development.

MADE THIS 2<sup>nd</sup> DAY  
OF MAY YEAR 2015

SIGNED:   
**DIRECTOR OF SERVICES**

## Kildare County Council

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

Incomplete application forms will  
be deemed invalid and returned



All responses must be in block  
letters

Section 1	Details of Applicants
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1. Name of Applicant(s) A. Surname... GRIMES Forenames... GEARY  
Phone No... [REDACTED] Fax No...  
2. Address... 21 Neston Crescent, Lucan, Co Dublin, Ireland.

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

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

Kildare County Council  
Planning Department

1 APR 2025

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Section 4	Details of Site
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1. Planning History of Site... 04-157 Boro Plana/a P209.209298  
2. Location of Proposed Development... Clavin Dara, Leixlip  
Co Kildare  
3. Ordnance Survey Sheet No... 7185  
4. Please state the Applicants interest in the site... Member of Owners Management  
Company  
5. Please state the extent of the proposed development... change windows TIMBER to UPVC



6. Under what Section of the Planning and Development 2000 and/or what provision of the Planning and Development Regulations 2001 is exemption sought (specific details required).....  
Section 5 Exemption

7. Please give a detailed description of the Proposed Development (Use separate page if necessary).....  
 As the development approaches 20 years, some residents want to change from timber windows to uPVC for heat retention & upkeep. At the OMC tgm I was asked to apply to Kildare Co Co for an exemption from Bord Pleanála PC09 209299 decision it is proposed that any new windows in the house would be in 'Rosewood' colour & maintain the same layout as the originals. The exemption would be on a group basis so that each resident does not have to apply separately.  
 Replies via email pls geery at CG Estates. IE

Section 5	The following must be submitted for a valid application
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		(Please Tick)
1.	Site Location Map (1:2500 Rural Areas) (1:1000 Urban Areas)	
2.	A Site Layout Plan (Scale 1:500) in full compliance with Article 23 of Planning and Development Regulations 2001	
3.	Drawings of the development (Scale 1:50) in full compliance with Article 23 of Planning and Development Regulations 2001	
4.	All drawings to differentiate between the original building, all extensions and proposed development	
5.	Fee of 80 Euro	

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

Signature: grimej

Date: 28/2/25

ED1220



**CADEN GRIMES**  
E S T A T E S  
*Property for People*

**SERVICES WE OFFER**

-  Property Sales
-  Letting & Management
-  Accommodation Outsourcing
-  Corporate Relocation

Kildare Co Council  
Planning Exemptions  
Aras Chill Dara, Devoy Park  
Naas, Co Kildare W91X77F

28 March 2025

**Cluain Dara, Easton Road, Leixlip, Co Kildare 04/157**

Dear Sir/Madam

Please find enclosed application for Exemption.


The above apartment development was granted permission in 2004 with a Bord Pleanala stipulation (PL09209299) for timber windows. As the development approach 20 years old, the windows are deteriorating and residents wish to replace them with uPVC type for heat retention, in 'rosewood' colour and maintaining the current window layout.

At the previous AGM I was asked to contact Kildare Co Co to request a group exemption for uPVC so that each owner would not have to apply separately.

I have included drawings and a cheque for €80.

I would ask that communication would be via email where possible.

[Gerry@CGestates.ie](mailto:Gerry@CGestates.ie)

  
Gerry Grimes

21 Weston Crescent, Lucan, Co Dublin K78 XA09

[Gerry@CGEstates.ie](mailto:Gerry@CGEstates.ie)

0861619045

PRSA # 001883-002256

Kildare County Council  
Planning Department

1 APR 2025

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NOs. 43-54

NOs. 31-42

NOB. 19-30

03 Blockwork Walls Setting Out Apts 43-54  
1253 Fitzmaurice Estate Road, Leeds  
1499 SCALE: 1:50

**Blockwork Walls Setting Out Apts 31-42**  
Plymouth, Eaton Road, Looe  
SCALE: 1/160

**Blockwork Walls Setting Out Apts 19:30**  
Paragade, Eason Frost, Lewis  
CASH, C. 41905





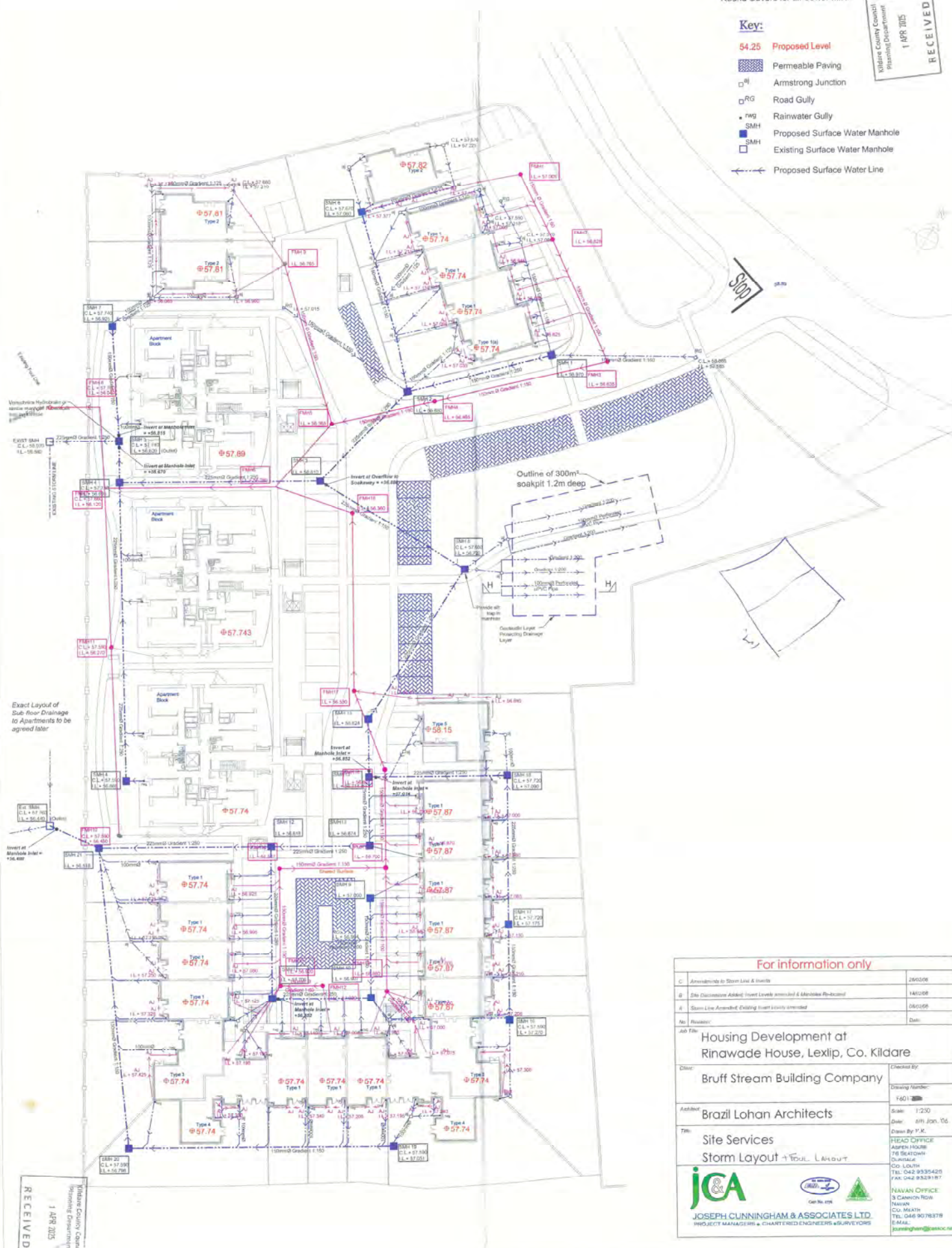
# Notes

- \* Do not scale off drawing
- \* All dimensions are in metres
- \* All dimensions to be checked on site
- \* All work to be carried out in accordance with bldg regs 1997
- \* MH covers to be Square for Storm M.H. & Round Covers for all Sewer M.H.

## Key:

- 54.25 Proposed Level
- Permeable Paving
- Armstrong Junction
- RG Road Gully
- rwg Rainwater Gully
- SMH Proposed Surface Water Manhole
- SMH Existing Surface Water Manhole
- Proposed Surface Water Line

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1 APR 2025  
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## For information only

C. Amendments to Storm Line & Levels	28/03/06
D. Site Discussion Added: Invert Levels amended & Manhole Re-located	18/03/08
E. Storm Line Amended: Existing Invert Levels amended	08/03/09
No. Revision:	Drawn
Job Title:	Housing Development at Rinawade House, Lexlip, Co. Kildare
Client:	Bruff Stream Building Company
Architect:	Brazil Lohan Architects
Site:	Site Services Storm Layout + Final Layout
Drawn By:	F.K.
Checkd By:	F.K.
Scale:	1:250
Date:	09/10/16
Project Office:	78 SEATON DUBLIN 4 TEL: 01 461 9334/25 FAX: 01 461 9334/18
Project Manager:	JOSEPH CUNNINGHAM & ASSOCIATES LTD PROJECT MANAGERS • CHARTERED ENGINEERS & SURVEYORS

RECEIVED  
Kildare County Council  
Planning Department  
1 APR 2025







FINANCE CASH OFFICE  
Kildare County Council  
Aras Chill Dara  
Devoy Park  
Naas  
Co. Kildare  
01/04/2025 11:40 46

Receipt No. FIN1/0/510533

04/157 Caden Grimes Estates

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

Total 80.00 EUR

Tendered  
Cheque 80.00

Change 0.00

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