

Comhairle Contae Chill Dara  
Kildare County Council



Date: 12<sup>th</sup> May 2025  
Our Ref: ED/1223.

Cranberry Lane Ltd,  
t/a Killashee Hotel  
c/o Brock McClure  
Planning & Development Consultants,  
63 York Road,  
Dun Laoghaire,  
Co. Dublin

**RE: Application for a Declaration of Exempted Development under Section 5 of Planning and Development Act 2000 (as amended) for development at "The Bower", Killashee & Rathasker, Naas, Co. Kildare.**

Dear Sir/Madam,

I refer to your correspondence received on 9<sup>th</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,

  
\_\_\_\_\_  
**Senior Executive Officer,  
Planning Department.**



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

ED/1223.

**WHEREAS** a question has arisen as to whether the installation of 3 no. double sided advertising boards at 3 no. locations at "The Bower", Killashee & Rathasker, Naas, Co. Kildare, is exempted development,

**AS INDICATED** on the plans and particulars received by the Planning Authority on 9<sup>th</sup> April 2025

**AND WHEREAS** Cranberry Lane Ltd, t/a Killashee Hotel 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) Sections 2 and 3, of the Planning and Development Act 2000 (as amended).
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended).
- (c) Class 1 of Part 2 Schedule 2 of the Planning and Development Regulations 2001 (as amended)
- (d) The nature, extent and purpose of the works.
- (e) 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 and 3 of the Planning and Development Act 2000 (as amended);
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended);
- (c) Class 1 of Part 2 Schedule 2 of the Planning and Development Regulations 2001 (as amended)

**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 installation of 3 no. double sided advertising boards at 3 no. locations at "The Bower", Killashee & Rathasker, Naas, Co. Kildare ***IS development and IS NOT EXEMPTED development pursuant to Section (2 and 3) of the Planning and Development Act as amended and Article 6, Article 9 of the Planning and Development Regulations as amended.***

**Note:** The combined total area of the signs is in excess of 3 sq m and contrary to Condition and Limitation 3 of Class 1 Schedule 2 Part 2.

Comhairle Contae Chill Dara  
Kildare County Council



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.

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

  
Senior Executive Officer,  
Planning Department.



/KildareCountyCouncil

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**KILDARE COUNTY COUNCIL**



**PLANNING & STRATEGIC DEVELOPMENT DEPARTMENT**

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

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

**Reference No. ED/1223**

<b>Name Of Applicant(s):</b>	Cranberry Lane Ltd
<b>Address Of Development:</b>	"The Bower" Killashee and Rathasker, Naas, Co, Kildare
<b>Development Description:</b>	Installation of 3 no. double sided advertising boards at 3 no. locations
<b>Due date</b>	7 <sup>th</sup> May 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 for the installation of 3 no. double sided advertising boards at 3 no. locations at The Bower, Killashee & Rathasker, Naas, Co. Kildare is or is not development and, is or is not exempted development.

**Site Location**

The site is located on the northern side of the Kilcullen Road R448 approximately 1.4km south of the Naas ring road. The lands comprise an existing building for which permission was previously granted to the applicant for a change of use to full guest house use. The site is set back from the Regional Road and there is a planted area/verge between the road and the site. The site is accessed via the Rathasker Road to the north east.





**Fig 1:** Site Location and context



**Fig 2:** Aerial view of subject site

### **Description of Proposed Development**

The proposed development comprises the installation of 3 no. double sided advertising boards at 3 no. locations within the lands.

### **Planning History**

23/60359 Permission granted to Cranberry Ltd. t/a Killashee Hotel for change of use of the existing building from part residential, part guest house use to full guest house use. The proposed development includes minor internal reconfiguration of layouts to provide a total of 9 no. ensuite bedrooms including 1 no. accessible ensuite bedroom. Changes to the façade include minor modifications to the fenestration on the north, west and east elevations, addition of roof lights and new door openings. The proposal also consists of the provision of a wellness garden facility to include a gym (c. 40.3

sqm), a wellness pod (c. 50.5 sqm) incorporating a treatment pod, hot tub deck area, sauna, WC and plant room. 11 no. car parking spaces including 1 no. accessible space and 1 no. EV charging point and, 10 no. bicycle parking spaces are proposed at surface level. The existing domestic wastewater treatment system is proposed to be decommissioned and replaced with an upgraded wastewater treatment plant and associated percolation area. Access will be maintained via the existing vehicular entrance. The proposal includes all site services, boundary treatments, photovoltaic panels, plant areas, bin storage areas, hard and soft landscaping, drainage works and ancillary site development works on a site of 0.925 ha.

### **Relevant Legislative Background**

#### **Planning and Development Act 2000 (as amended)**

##### **Section 2(1)**

*'works' includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.*

##### **Section 3(1)**

*In this Act, 'development' means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land.*

##### **Section 3(2)**

For the purposes of *subsection (1)* and without prejudice to the generality of that subsection—

- (a) where any structure or other land or any tree or other object on land becomes used for the exhibition of advertisements,

#### **Planning and Development Regulations 2001 (as amended)**

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

Subject to article 9, development of a class specified in column 1 of Part 2 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 *inter alia*,

- (i) contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act,
- (iii) endanger public safety by reason of traffic hazard or obstruction of road users
- (vi) interfere with the character of a landscape, or a view or prospect of special amenity value or special interest, the preservation of which is an objective of a development plan for the area in which the development is proposed or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,
- (viiB) comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site,
- (viiC) consist of or comprise development which would be likely to have an adverse impact on an area designated as a natural heritage area by order made under section 18 of the Wildlife (Amendment) Act 2000.
- (xi) obstruct any public right of way,
- (xii) further to the provisions of section 82 of the Act, consist of or comprise the carrying out of works to the exterior of a structure, where the structure concerned is located within an architectural conservation area or an area specified as an architectural conservation area in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan and the development would materially affect the character of the area,

### **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.

### **Assessment**

The installation of 3 no. double sided advertising boards within the site constitutes development under Section 3(1) and 3(2) of the Act.

Part 2 of Schedule 2 of the Planning and Development Regulations 2001 (as amended) provides for an exemption for Advertisements.

### **Class 1**

*Advertisements (other than those specified in classes 2, 3 or 5 of this Part of this Schedule) exhibited on business premises, wholly with reference to the business or other activity carried on or the goods or services provided on those premises.*

### **Conditions and Limitations**

*1. The total area of such advertisements exhibited on or attached or affixed to the front of any building on the premises shall not exceed an area equal to 0.3 square metres for every metre length of such front, less the total area of any such advertisements exhibited on the premises but not exhibited on or attached or affixed to a building, and in any event shall not exceed 5 square metres.*

**Comment:** The proposed signs are located as stand alone signs within the site and are not affixed to the building.

*2. The total area of such advertisements exhibited on or attached or affixed to any face of a building on the premises other than the front thereof shall not exceed 1.2 square metres and the total area of any such advertisements on such face which are illuminated shall not exceed 0.3 square metres.*

**Comment:** The proposed signs are located as stand alone signs within the site and are not affixed to any face of the building.

*3. The total area of such advertisements which are not exhibited on or attached or affixed to a building on the premises **shall not exceed 3 square metres**, of which not more than 1.5 square metres shall consist of advertisements which are illuminated.*

**Comment:** There are 3 individual stand alone signs proposed and each proposed sign measures 2.4m x 1.2m (2.88 sq m). No illumination is proposed. The combined area of the 3 no. signs is 8.64 sq m on the front side and 8.64 sq m on the rear side and these measurements are in excess of the 3 sq m allowable as the total area of such advertisements. This interpretation applies the same principles that apply under Conditions 1 and 2 with respect buildings.

*4.(a) No part of any such advertisement which is not exhibited on or attached or affixed to a building on the premises, or of an advertisement structure on which it is exhibited, shall be more than 2.5 metres in height.*

**Comment:** The height of each advertisement structure is proposed at 2.5m.

*(b) No part of any such advertisement which is exhibited on or attached or affixed to a building on the premises shall be more than 4 metres in height above ground level.*

**Comment:** The proposed signs are located as stand alone signs within the site and are not affixed to the building.

*5. Where any such advertisement projects more than 5 centimetres over any public road, the sign or other advertisement structure on which it is exhibited shall not be less than 2 metres above the level of such road and shall not project more than 1 metre over such road.*

**Comment:** The proposed signs are contained within the private landholding and do not project over the public road.

*6. Where any such advertisement consists of a circular sign and projects more than 5 centimetres over any public road, the diameter of such sign shall not exceed 1 metre and no other such advertisement shall be exhibited on a sign or other advertisement structure projecting more than 5 centimetres over such road.*

**Comment:** The proposed signs are not circular.



7. *Where any one or more such advertisements are exhibited on a swinging or fixed sign or other advertisement structure (other than a circular sign) projecting more than 5 centimetres from any external face of a building, the total area of such advertisements shall not exceed 1.2 square metres and the area of any face of any such advertisement shall not exceed 0.4 square metres.*

**Comment:** There are 3 signs proposed and none are affixed to the façade of the building.

8. *No such advertisement shall contain or consist of any symbol, emblem, model, logo or device exceeding 0.6 metres in height or any letter exceeding 0.3 metres in height.*

**Comment:** The signs comprise text and symbols. All lettering is less than 0.3m in height and symbols less than 0.6m.

9. *No such advertisement shall cover any part of any window or door of any building on which the advertisement is exhibited or to which it is attached or affixed.*

**Comment:** The proposed signs are located as stand alone signs within the site and are not affixed to or within the building.

With regard to the restrictions on exemption as set out at Article 9 of the PD Regulations 2001 (as amended), there are no matters of relevance to the subject development. There are no limiting conditions arising from the grant of permission for development under reg ref 23/60359.

### **Conclusion**

Having regard to:

- Sections 2, 3, of the Planning and Development Act 2000 (as amended);
- Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended); and
- Class 1 of Part 2 Schedule 2 of the Planning and Development Regulations 2001 (as amended)
- The nature, extent and purpose of the works;

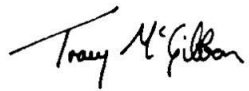
it is considered that the proposed works **constitutes development** as defined in Section 3(1) and Section 3(2) of the Planning and Development Act 2000 (as amended) and **is NOT exempted development** as defined by the Planning and Development Act 2000 (as amended) and the Planning and Development 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*.

  
Fiona Breen  
Executive Planner

08/05/2025

A handwritten signature in black ink, reading "Tracy McGibbon". The signature is written in a cursive style with a large, sweeping initial 'T'.

Tracy McGibbon  
Senior Executive Planner  
12<sup>th</sup> May 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 installation of 3 no. double sided advertising boards at 3 no. locations

**AS INDICATED** on the plans and particulars received by the Planning Authority on 09/04/2025

**AND WHEREAS** *Cranberry Lane Ltd. t/a Killashee Hotel* 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;

- Sections 2 and 3, of the Planning and Development Act 2000 (as amended);
- Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended); and
- Class 1 of Part 2 Schedule 2 of the Planning and Development Regulations 2001 (as amended)
- The nature, extent and purpose of the works;

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

- (a) Sections 2 and 3 of the Planning and Development Act 2000 (as amended);
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended); and
- (c) Class 1 of Part 2 Schedule 2 of the Planning and Development Regulations 2001 (as amended)

**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 installation of 3 no. double sided advertising boards at 3 no. locations*


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

*Note: The combined total area of the signs is in excess of 3 sq m and contrary to Condition and Limitation 3 of Class 1 Schedule 2 Part 2.*

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

	<b>APPROPRIATE ASSESSMENT SCREENING REPORT AND DETERMINATION</b>
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### (A) Project Details

<b>Planning File Ref</b>	ED1223
<b>Applicant name</b>	Cranberry Lane Ltd t/a Killashee Hotel
<b>Development Location</b>	The Bower, Killashee and Rathasker, Naas
<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>	8km east of Mouds Bog SAC
<b>Description of the project/proposed development –</b> 3 no. double sided advertising signs	

### (B) Identification of Natura 2000 sites which may be impacted by the proposed development

			<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>	<i>Is the development within a Special Area of Conservation whose qualifying interests include wetland habitats</i>	<b>NO</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>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>		
Scale, location and distance from site, no impact on integrity of Natura 2000 network.		
<b>Name:</b>	Fiona Breen	
<b>Position:</b>	Executive Planner	
<b>Date:</b>	08/05/2025	

# 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:** DO58452      **Section:** Planning

**SUBJECT:** ED1223 Cranberry Lane Ltd, t/a Killashee Hotel, c/o Brock McClure Planning and Development Consultants, 63 York Road, Dun Laoghaire, Co. Dublin. Exempt Development Application for the installation of 3 no. double sided advertising coards at 3 no. locations at "The Bower", Killashee & Rathasker, Naas, Co. Kildare.

**SUBMITTED:** ED1223 with recommendation from the Senior Executive Planner and reports from the Council's Technical Officers.

**ORDER:** *AD* **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 12th DAY

OF May YEAR 2025

SIGNED: *Alan Dunney*

**DIRECTOR OF SERVICES**

**Kildare County Council**  
**Declaration of Exempt Development under Section 5,**  
**of the Planning and Development Act 2000**

**Incomplete application forms will  
be deemed invalid and returned**



**All responses must be in block  
letters**

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

1. Name of Applicant(s) A. Surname..... Forenames.. Cranberry Lane Ltd., t/a Killashee Hotel  
 Phone No..... Fax No.....
2. Address ..c/o PLL P&L, 3013 Lake Drive, Citywest Business Centre, Citywest, Dublin 24.....  
 .....

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

1. Name of Person/Agent: Surname... Brock..... Forenames.. Laura.....  
 Phone No. 01.559.3859..... Fax No.....
2. Address.. Brock McClure Planning & Development Consultants, 63 York Road, Dun Laoghaire, Co. Dublin.....  
 .....

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

1. Name of Company .. Cranberry Lane Ltd., t/a Killashee Hotel  
 Phone No..... Fax No.....
2. Company Reg. No. 662332.....
3. Address.. c/o PLL P&L 3013 Lake Drive, Citywest Business Centre, Citywest, Dublin 24.....  
 .....

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

1. Planning History of Site.....
2. Location of Proposed Development.. 'The Bower' Killashee and Rathasker, Naas, Co. Kildare, W91 F290 ..  
 .....
3. Ordnance Survey Sheet No.. 3608-A.....
4. Please state the Applicants interest in the site .. Owner.....  
 .....
5. Please state the extent of the proposed development.....  
 Installation of 3 no. double sided advertising boards at 3 no. locations at The Bower, Killashee & Rathasker, Naas,  
 Co. Kildare

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*).....  
 Part 2 of Schedule 2 of the Planning & Development Regulations, 2001 (as amended), under Class 1

7. Please give a detailed description of the Proposed Development (*Use separate page if necessary*).....  
 The proposed signage consists of double-sided advertising boards, which will be dark green with gold lettering, measuring 2400mm by 1200mm. These boards will not be illuminated.  
 We refer to the accompanying S5 Declaration Report prepared by Brock McClure Planning & Development Consultants for further details in this regard.....  
 .....  
 .....  
 .....  
 .....  
 .....  
 .....

<b>Section 5</b>	<b>The following must be submitted for a valid application</b>
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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	✓

<b>Section 6</b>	<b>Declaration</b>
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I, Laura Brock 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: 09.04.2025



## Section 5 Declaration

For lands at

**The Bower,  
Killashee and Rathasker,  
Naas, Co. Kildare  
W91 F290**

On behalf of

**Cranberry Lane Ltd.,  
t/a Killashee Hotel**

**FBD** Hotels & Resorts

April 2025



**Brock  
McClure**

PLANNING & DEVELOPMENT CONSULTANTS

63 York Road,  
Dun Laoghaire  
Co. Dublin

[www.brockmcclure.ie](http://www.brockmcclure.ie)



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## **1 Introduction**

We, Brock McClure Planning and Development Consultants, 63 York Road, Dún Laoghaire, Co. Dublin have been instructed by our client, **Cranberrylane Ltd., t/a Killashee Hotel, c/o PLL P&L, 3013 Lake Drive, Citywest Business Centre, Citywest, Dublin 24**, to submit this request for a Declaration as per the provision of Section 5 (2) (a) of the *Planning & Development Act, 2000 (as amended)*.

Our clients are well established at this general location having acquired the Killashee Hotel & Spa in the last few years which includes a destination spa, expansive leisure centre with extensive conference facilities and 141 no. bedrooms. More recently, our clients have been granted permission (Reg. Ref. 23/60359, refers) for the refurbishment and minor extension of the existing family dwelling / part guesthouse and change of use to full guesthouse use. The permitted development provides for wellness garden facilities to include a small gym, treatment pod, hot tub deck area and sauna at 'The Bower'.

### **1.1 Summary of Outcome Sought in this Declaration Request**

We request Kildare County Council to issue a Declaration on whether the following is or is not 'development' and is or is not 'exempted development':

***"Whether the installation of 3 no. double sided advertising boards at 3 no. locations at The Bower, Killashee & Rathasker, Naas, Co. Kildare is or is not development and, is or is not exempted development?"***

It is our professional planning opinion that the proposal outlined above for any internal works that the applicant would intend to carry out would represent 'development' and be 'exempted development' in accordance with Part 2 of Schedule 2 under Class 1 of the *Planning and Development Regulations, 2001 (as amended)*.

The rationale for this Opinion and extent of proposed works is set out in detail in Section 5 and 6 below.

### **1.2 Enclosures**

This request for a Declaration comprises this Planning Report, along with the following inputs:

- Completed Section 5 Declaration Form;
- Site Location Map, Layout Plan and Elevational drawings prepared by Cantrell & Crowley Architects and Interior Designers;
- Presentation Booklet prepared by iQ Branding Solutions.





## 2 Site Location & Context

The subject site is located at The Bower, Killashee, Naas, Co. Kildare. The subject site is located just outside of the southern boundary of Naas Town, c. 2km from the town centre. The R448 runs along the eastern boundary of the site. The site is bound by agricultural lands to the west. The site is located directly opposite the entrance to the Killashee House Hotel & Spa (also within our client's ownership). St. David's National School, Piper's Hill College and Gaelscoil Nás Na Ríogh are located to the north east and Killashee School is located to the south east of the subject site.

The approximate subject site outline is identified below for the purposes of this report.



**Figure 1 - Aerial View with subject site outlined in Red**

The immediate area beyond The Bower is predominantly agricultural and institutional in nature with emerging residential neighbourhoods evident as Naas Town continues to expand.

Naas Town is located within 2 km of the subject site and is easily accessible by car or by foot. There is a bus stop located opposite the Killashee Hotel entrance, conveniently outside of the subject site boundary. This bus stop is served by bus routes 130 (Athy – Dublin City), 130A (Athy – Dublin City), 817 (Kilkenny – Dublin City) and 880 (Carlow – Naas). The site has also excellent road transport network connections with Junction 10 of the M7 Motorway located c. 3km to the north west providing accessibility to the M50, the wider road network, Dublin Airport and Dublin City.





### 3 Relevant Planning History

A brief synopsis of the applicable planning history pertaining to the subject site is now set out below for the convenience of the Planning Authority.

**Reg. Ref. 23/60359** Permission was **GRANTED** to Cranberry Lane Ltd., t/a Killashee Hotel on 25<sup>th</sup> April 2024 for the change of use of the existing building from part residential, part guest house use to full guest house use. The proposed development includes minor internal reconfiguration of layouts to provide a total of 9 no. ensuite bedrooms including 1 no. accessible ensuite bedroom. Changes to the façade include minor modifications to the fenestration on the north, west and east elevations, addition of roof lights and new door openings. The proposal also consists of the provision of a wellness garden facility to include a gym (c. 40.3 sqm), a wellness pod (c. 50.5 sqm) incorporating a treatment pod, hot tub deck area, sauna, WC and plant room. 11 no. car parking spaces including 1 no. accessible space and 1 no. EV charging point and, 10 no. bicycle parking spaces are proposed at surface level. The existing domestic wastewater treatment system is proposed to be decommissioned and replaced with an upgraded wastewater treatment plant and associated percolation area. Access will be maintained via the existing vehicular entrance. The proposal includes all site services, boundary treatments, photovoltaic panels, plant areas, bin storage areas, hard and soft landscaping, drainage works and ancillary site development works.

The permitted development is subject to 22 no. conditions. We highlight to the Planning Authority that none of the conditions relate to or restrict the provision of advertising signage on the subject site.



**Figure 2 - 3D Models of Permitted Development**

**Reg. Ref. 22213** Permission was **REFUSED** to Hannah, Luke and Adam Denvir on 20<sup>th</sup> April 2022 for the construction of 3 no. detached two-storey dwellings each with their own septic tank, percolation area, and entrance including all associated site works.

Permission was refused for the following reason:



*“Policy RH10 of the Kildare County Development Plan 2017-2023 seeks to control the level of piecemeal and haphazard development of rural areas close to urban centres and settlements. It is considered the proposed development, by reason of its proximity to the town and zoned lands of Naas, would further exacerbate the level of development in proximity to this urban centre where lands are designated for settlement expansion purposes. To further promoted development in the area of 3 no. one-off dwellings, and the precedent that the proposed development in this area, would contribute to the further unsustainable development of this rural area. The proposed development would materially contravene Policy RH10 of the Kildare County Development Plan 2017-2023 and would therefore be contrary to the proper planning and sustainable development of the area.”*

**Applicant’s Response to Refusal:**

**It is submitted that the subject proposal before the Planning Authority has been led by Kildare County Council’s objectives for consolidating tourism activities in the County. We are conscious that there is a need to control signage within Kildare County Council to generally protect visual amenity and avoid proliferation of signage. It is not considered that the proposal is piecemeal or haphazard development as currently presented to the Planning Authority.**

- Reg. Ref. 99141**      Permission was **GRANTED** to Tony and Aileen Denvir on 14<sup>th</sup> July 1999 for alterations to already approved house consisting of changing garage to granny flat.
- Reg. Ref. 98396**      Permission was **GRANTED** to Tony and Aileen Denvir on 19<sup>th</sup> August 1998 for the construction of a two-storey house, garage, septic tank, stable block and ancillary works.







#### 4 Killashee House Hotel & Spa – A High Volume Destination



FBD Hotels and Resorts acquired the Killashee Hotel & Spa and The Bower B&B in 2022 and since then, to the end of 2024 have invested over €5 million with further short- and long-term investments planned.

Killashee Hotel & Spa is located just outside of the southern boundary of Naas Town approx. 2km from the town centre. The hotel itself is situated on 55 acres of gardens and parklands, and is surrounded by featured gardens in Wicklow, Kildare and Dublin making it the ideal base from which to tour the Historic Houses, Castles and Gardens of Ireland. Killashee Hotel & Spa provides a sanctuary for the business, event, couple, family travellers alike when staying in Kildare, boasting 141 Luxurious Bedrooms, 15 meeting rooms, 3 conference and event ballrooms, 2 weddings venues, fully equipped state of the art gym, Leisure Club with 25 metre swimming pool & an Award- Winning Spa.

Directly across the road is 'The Reserve at Killashee' that brings new meaning to exclusive country retreat, nestled in approx. 4.5 acres of mature, landscape gardens featuring 9 no. luxurious double bedrooms with ensembles, a dining room with private bar facilities, living room, meeting room, a large patio with BBQ area and outdoor furniture, a wellness area with gym, yoga deck, treatment pods, hot tub and sauna.





Due to its central location, the hotel and The Reserve is an ideal tourist destination for those wishing to visit Dublin and Ireland's Ancient East. The hotel is ideally located approx.. 30 km from Dublin City Centre and a 40-minute drive from Dublin Airport. The Hotel welcomes a large number of visitors a year for many different occasions.

The recently refurbished and upgraded 'Reserve at Killashee' is expected to operate as both an extension of the Killashee Hotel & Spa and as a standalone hotel, providing guests with an enhanced and exclusive experience.



## 5 Planning Context

The relevant planning context for the site is the Naas Local Area Plan 2021-2027 and the Kildare County Development Plan 2023-2029 and the Kildare Signage Policy 2013.

### 5.1 Naas Local Area Plan 2021-2027

Under this Plan, the subject site is located on white lands directly adjacent to the development boundary of Naas Town.



Figure 3 - Extract of the Naas LAP Zoning Map with subject site outlined in black

We note that the subject site does not contain a protected structure nor is it located within an ACA, nor does it adjoin an ACA or protected structure. There are no protected trees or shrubs on the subject site either.

### 5.2 Kildare County Development Plan 2023-2029

Section 15.15 of the Kildare County Development Plan 2023-2029 sets out the development management standards for signage and advertising and the proposal under the Planning Authority's consideration has had full regard to the requirements set out.

The Kildare County Council Signage Policy adopted in 2013 sets out the Council's approach to effectively manage signage. All applications for signage shall be considered having regard to this policy document and we have set out below the text and our response follows directly after:

- **Demonstrable need;**

The proposed signage is driven by a clear and demonstrable need, stemming from the client's significant investment in tourism within the area. This investment includes the rebranding of the recently permitted application at The Bower providing an accommodation 'plus' product which aims to enhance the overall visitor experience. The location is a high-volume destination given that the Killashee Hotel & Spa is directly across the road, attracting a large number of tourists annually, and the introduction of this signage is part of a broader effort to improve the visibility and

accessibility of the facilities. The signage is essential for communicating this investment, reinforcing the brand identity, and making sure that visitors can easily locate and identify the facilities, thereby enhancing the overall appeal and reputation of the area as a tourism hub.

– **Scale of signage;**

The proposed signage consists of double-sided advertising boards, which will be dark green with gold lettering, measuring 2400mm by 1200mm. No illumination aspect is proposed for these signs. In addition to the front-facing design, the rear of Sign No. 1 and Sign No. 3 will feature a white background with green lettering, clearly displaying the Killashee Hotel branding. This scale and design are carefully considered to be both highly visible and aesthetically pleasing, ensuring the signage attracts attention while blending harmoniously with the surrounding environment.



**Figure 4 - Typical Signboard Design**

– **Type of advertising, if applicable;**

The signage is primarily intended to advertise the rebranding of The Bower to 'The Reserve', which has undergone significant renovations and upgrades as part of the ongoing investment in tourism in the area by our client. The goal of the signage is to raise awareness of this new brand identity, drawing attention to the improved facilities and enhanced offerings, thereby attracting both existing and new visitors to the location. The rebranding effort will be effectively communicated through this signage, ensuring that it stands out and complements the overall tourism strategy.

– **Proximity to other signage in terms of proliferation and visual clutter;**

The proposed signage is strategically located within the subject site boundary, an area where no other signage currently exists. Given this context, the introduction of these signs will not contribute to sign proliferation or create visual clutter. The signage has been carefully positioned to avoid interfering with essential road traffic signs, directional markers, or other authorized signage. There is a particular focus on ensuring that the signage does not distract or confuse road users or hinder visibility at critical points such as junctions, interchanges, and bends. To support this assessment, we refer the Planning Authority to the accompanying presentation prepared by iQ Branding Solutions, which includes mock-up street views providing additional detail on the proposed signage's integration into the existing environment.

– **Pedestrian / cyclist movement;**

The proposed signage has been designed and placed in such a way that it will not obstruct pedestrian or cyclist movement. The signs will be positioned within the subject site boundary in areas that are inaccessible to both pedestrians and cyclists, ensuring that there are no safety concerns or disruptions to non-motorised traffic. This careful consideration ensures that the signage will not impede the flow of pedestrian or cyclist traffic, thereby maintaining safety and accessibility for all road users.





– ***Impact on visual amenity;***

It is our professional planning opinion that the subject proposal for signage throughout the selected 3 no. locations will result in a positive contribution to the existing urban landscape and can be successfully absorbed into the character of the setting. The signs will not appear visually out of character or overly dominant or prominent when viewed by motorists nor does it interfere with any existing directional signage. It is noted to the Planning Authority that there are also positive values of signages both from an informational perspective and indeed by adding vibrancy and colour.

– ***Impact on traffic safety;***

The proposed signage will not compromise the visibility and clarity of directional or other road traffic signage and will not impact on traffic safety. As with all signage, the driver would be able to read and understand the proposed signs at normal approach speeds and will not be presented with an excess of information, such that the signage could present a safety hazard.

– ***Impact on built heritage and streetscape; and***

The proposed advertising signage will not have a direct impact on the built heritage or streetscape. The signs have been designed in accordance with Chapter 3 of the Spatial Planning and National Roads Guidelines for Planning Authorities (DoECLG, 2012) and TII Policy on the Provision of Tourist & Leisure Signage on National Roads (March 2011).

– ***Impact on natural heritage, areas of high amenity and landscape sensitivity factors.***

As above, the proposed signage will not have any direct impacts on natural heritage areas of high amenity or landscape sensitive areas. The signage will not disrupt or harm any natural landscapes or sensitive areas.



## 6 Declaration Question

We request Kildare County Council to issue a Declaration on the following question:

***“Whether the installation of 3 no. double sided advertising boards at 3 no. locations at The Bower, Killashee & Rathasker, Naas, Co. Kildare is or is not development and, is or is not exempted development?”***

### 6.1 Proposed Works

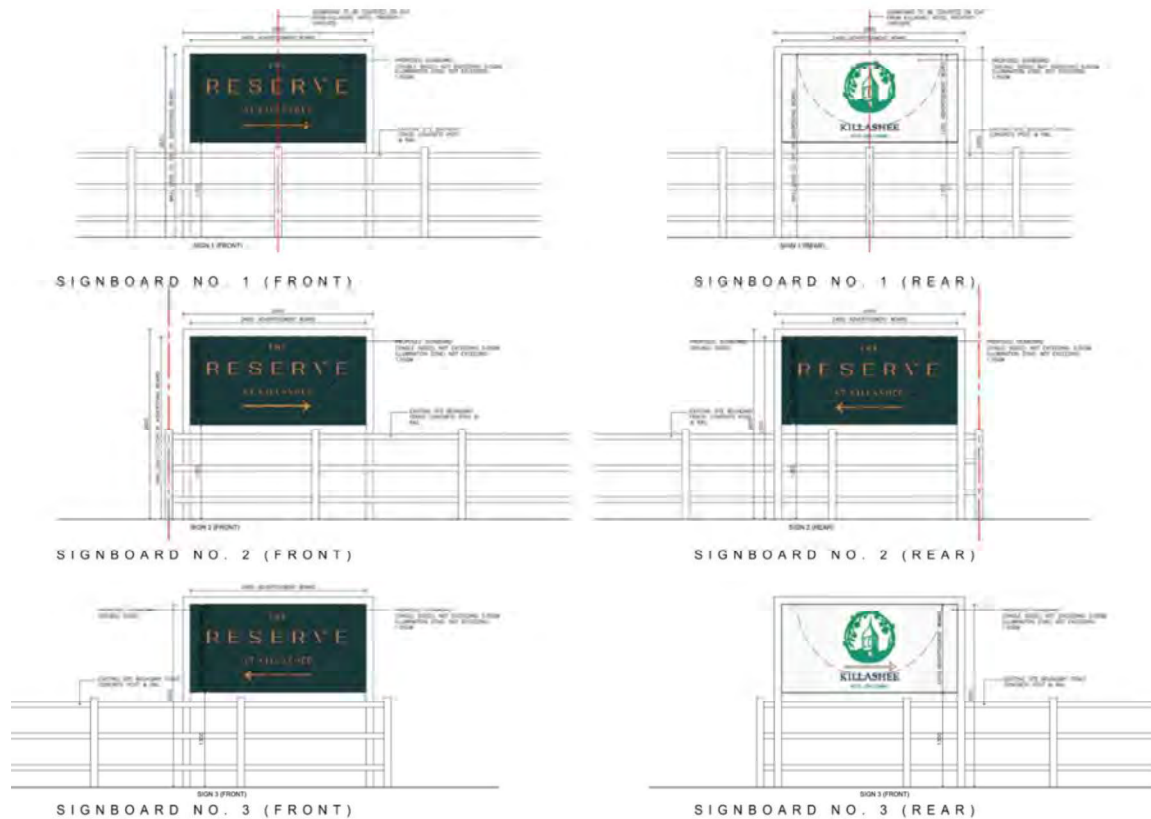
It is proposed to install 3 no. advertising signage boards at 3 no. locations on the subject site as per the figure below.



**Figure 5 - Site Layout Plan with proposed signage locations marked by 'X'**

As detailed above, the proposed signage consists of double-sided advertising boards, which will be dark green with gold lettering, measuring 2400mm by 1200mm. These boards will not be illuminated ensuring they are not overwhelming at night time. In addition to the front-facing design, the rear of Sign No. 1 and Sign No. 3 will feature a white background with green lettering, clearly displaying the Killashee Hotel branding. This scale and design are carefully considered to be both highly visible and aesthetically pleasing, ensuring the signage attracts attention while blending harmoniously with the surrounding environment.

The nature and extent of the signage proposed is reflective of standard operator / end user requirements.



**Figure 6 - Proposed Advertising Board Elevations**

The rebranding / renaming of the site is a move that is aligned with the overall Killashee Hotel & Spa brand and the recent permitted development on the subject site. There is a clear commitment here on the part of the applicant with the vision for the lands to become a place of ‘reserve’ within the Killashee estate.

## 6.2 Proposed Works Constitute Development

In accordance with Section 3 (1) of the *Planning and Development Act, 2000 (as amended)*, ‘development is defined as follows:

*“In this Act, ‘development’ means, except where the context otherwise requires, the carrying out of any works, on, in, over or under land of the making of any material change in the use of any structures or other land.”*

Section 2 of the *Planning and Development Act, 2000 (as amended)*, defines ‘works’ as follows:

*“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.”*

Based on the above definitions, we can conclude that the installation of advertising boards constitutes ‘works’ and therefore, constitutes ‘development’.

## 6.3 Proposed Works Constitute Exempted Development

Part 2 of Schedule 2 of the *Planning & Development Regulations, 2001 (as amended)*, under Class 1, states the following shall be exempted development for the purposes of the Act:

*“Advertisements (other than those specified in classes 2, 3 or 5 of this Part of this Schedule) exhibited on business premises, wholly with reference to the business or other activity carried on or the goods or services provided on those premises.”*



The proposed development represents advertisements solely exhibited on ‘business premises’ and wholly with reference to the business / activity carried out on the grounds of the premises.

The limitations on these works as per the Regulations, are as follows:

1. *The total area of such advertisements exhibited on or attached or affixed to the front of any building on the premises shall not exceed an area equal to 0.3 square metres for every metre length of such front, less the total area of any such advertisements exhibited on the premises but not exhibited on or attached or affixed to a building, and in any event shall not exceed 5 square metres.*

The proposed advertisements will not be affixed to the front of a building and as such, this limitation does not apply in this case.

2. *The total area of such advertisements exhibited on or attached or affixed to any face of a building on the premises other than the front thereof shall not exceed 1.2 square metres and the total area of any such advertisements on such face which are illuminated shall not exceed 0.3 square metres.*

As above, this limitation does not apply as the proposed advertising signage will not be affixed or attached to a building on the premises.

3. *The total area of such advertisement which are not exhibited on or attached or affixed to a building on the premises shall not exceed 3 square metres, of which not more than 1.5 square metres shall consist of advertisements which are illuminated.*

The proposed advertising signage measures 2400 mm x 1200 mm equating to a total of 2.88 sqm. In addition, the proposed signage will not be illuminated and complies with this limitation.

4. (a) *No part of any such advertisement which is not exhibited on or attached or affixed to a building on the premises, or of an advertisement structure on which it is exhibited, shall be more than 2.5 metres in height.*

The proposed development complies with this limitation and the overall height of the advertising board structures will be 2.5 m in height.

(b) *No part of any such advertisement which is exhibited on or attached or affixed to a building on the premises shall be more than 4 metres in height above ground level.*

This limitation does not apply as the proposed advertising signage will not be affixed or attached to a building on the premises

5. *Where any such advertisement projects more than 5 centimetres over any public road, the sign or other advertisement structure on which it is exhibited shall not be less than 2 metres above the level of such road and shall not project more than 1 metre over such road.*

The proposed advertisements will not project over any public road and as such, this limitation does not apply in this case.

6. *Where any such advertisement consists of a circular sign and projects more than 5 centimetres over any public road, the diameter of such sign shall not exceed 1 metre and no other such advertisement shall be exhibited on a sign or other advertisement structure projecting more than 5 centimetres over such road.*

As above, this limitation does not apply, the proposed advertising boards are rectangular in shape and will not project over any public road.

7. *Where any one or more such advertisements are exhibited on a swinging or fixed sign or other advertisement structure (other than a circular sign) projecting more than 5 centimetres from any external face of a building, the total area of such advertisements shall not exceed 1.2 square metres and the area of any face of any such advertisement shall not exceed 0.4 square metres.*





The proposed advertisements will not be affixed to the façade of a building and as such, this limitation does not apply in this case.

8. *No such advertisement shall contain or consist of any symbol, emblem, model, logo or device exceeding 0.6 metres in height or any letter exceeding 0.3 metres in height.*

We refer the Planning Authority to the accompanying architectural drawings prepared by Cantrell Crowley Architects & Interior Designers which details that the proposed lettering will not exceed 0.2 m in height and no symbol / logo will exceed 0.6 m in height. The proposed advertising signage is in accordance with this limitation.

9. *No such advertisement shall cover any part of any window or door of any building on which the advertisement is exhibited or to which it is attached or affixed.*

The proposed advertisement boards are not proposed to be exhibited in front of any window or door of a building.

In addition, in order to invoke exempted development provisions, one must also refer to Article 9 of the Regulations, which sets out a number of restrictions on exemptions. We confirm that none of the restrictions in Article 9 apply to the subject site or proposed works.

Having regard to the above, it is our professional planning opinion that the proposed works constitute 'exempted development.'





## **7 Conclusion**

The contents of this report are offered in assistance to providing the Declaration within the 4-week period of receipt of this request. Having regard to the works proposed and the provisions of the Planning and Development Regulations, 2001 (as amended) in our professional planning opinion this should be considered ‘development’ and is considered ‘exempted development’.

In summary, we ask the Planning Authority to concur with the following points:

- There are no material works proposed. The proposed signage is driven by a clear and demonstrable need, stemming from the client’s significant investment in tourism within the area.
- The signage is primarily intended to advertise the rebranding of The Bower to ‘The Reserve’, which has undergone significant renovations and upgrades.
- The proposed signage will result in a positive contribution to the existing urban landscape and can be successfully absorbed into the character of the setting.
- All of the proposed works comply with Part 2 of Schedule 2 of the *Planning & Development Regulations, 2001 (as amended)*, under Class 1 and is in accordance with the limitations.

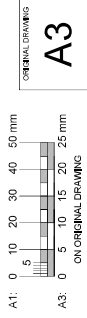
If further information is required to assist in the Declaration, Brock McClure Consultants will respond accordingly.

We look forward to an early and favourable response in this regard.





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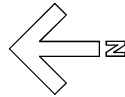
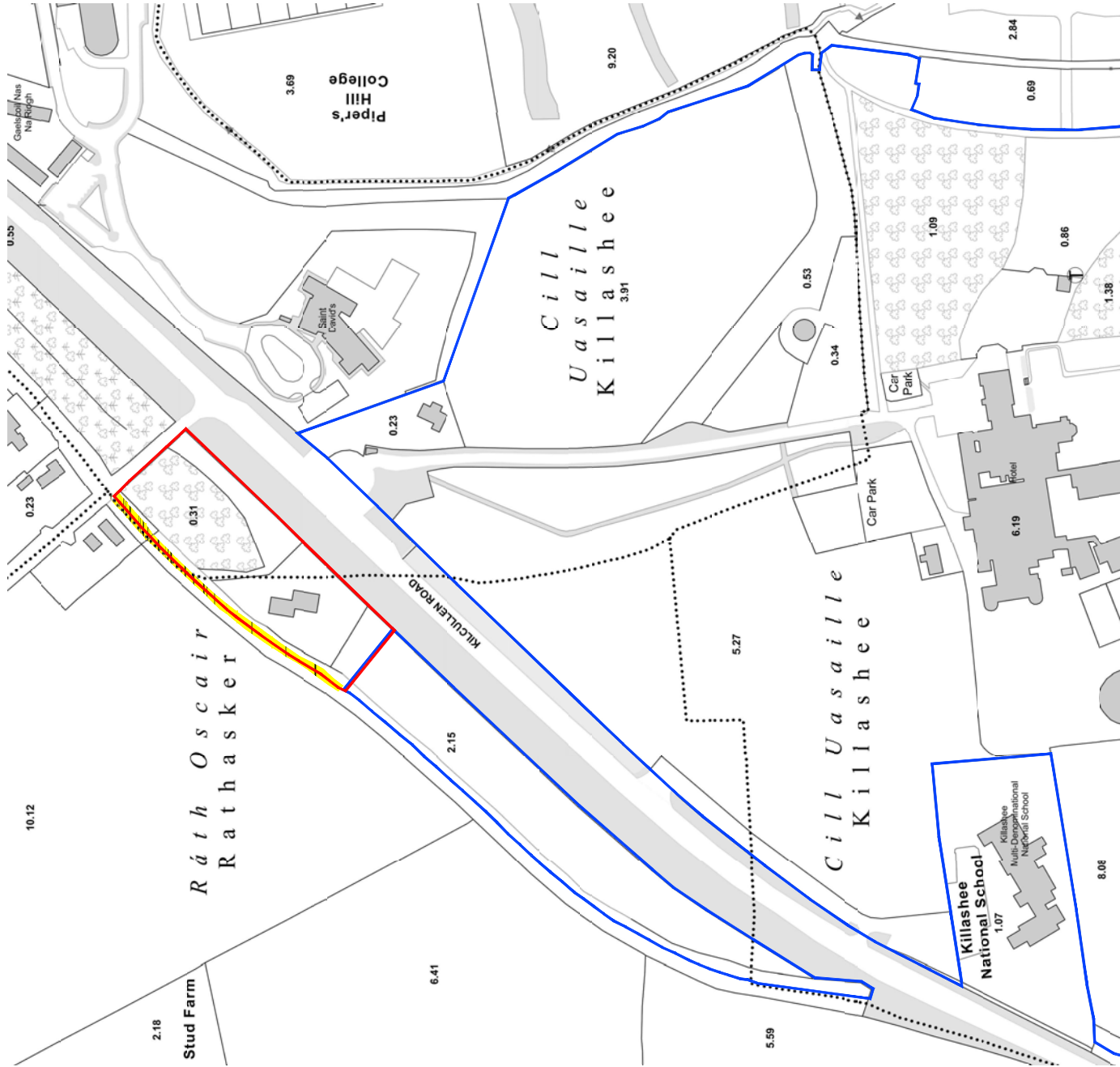
SITE BOUNDARY  
KILLASHEE HOUSE HOTEL SITE

SITE BOUNDARY  
THE BOWER GUEST HOUSE

WAYLEAVE OVER EXISTING AVENUE  
IN FAVOUR OF APPLICANT &  
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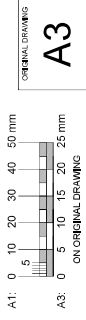
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RATHKERRY/KILLASHEE, NASS, CO. KILDARE

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SITE LOCATION MAP  
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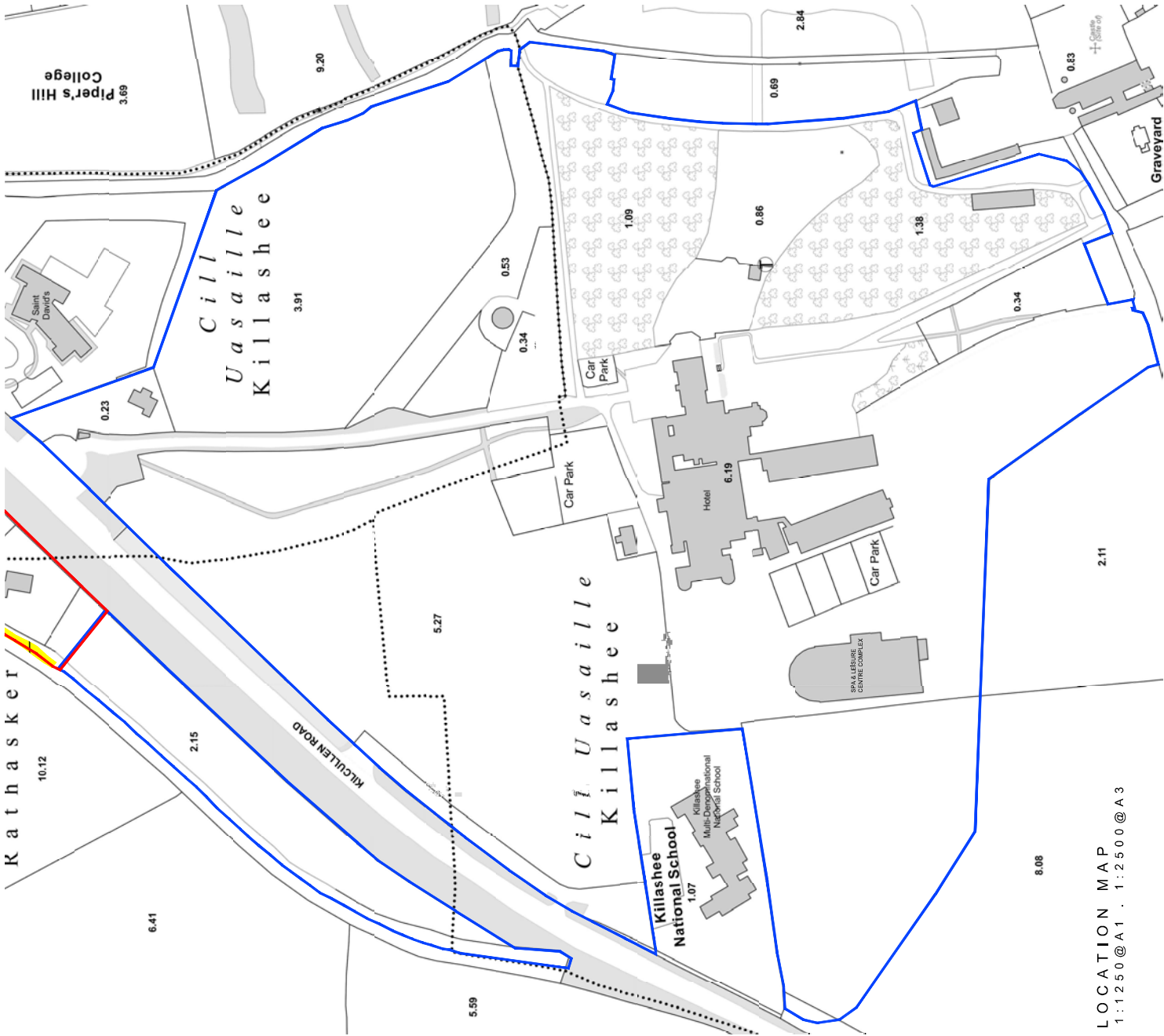
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KILLASHEE HOUSE HOTEL SITE  
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CANTRELL & CROWLEY  
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DATE: 15/05/2023  
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SHEET: 2284 P2-011

SITE LOCATION MAP  
SCALE 1:1250@A1 . 1:2500@A3







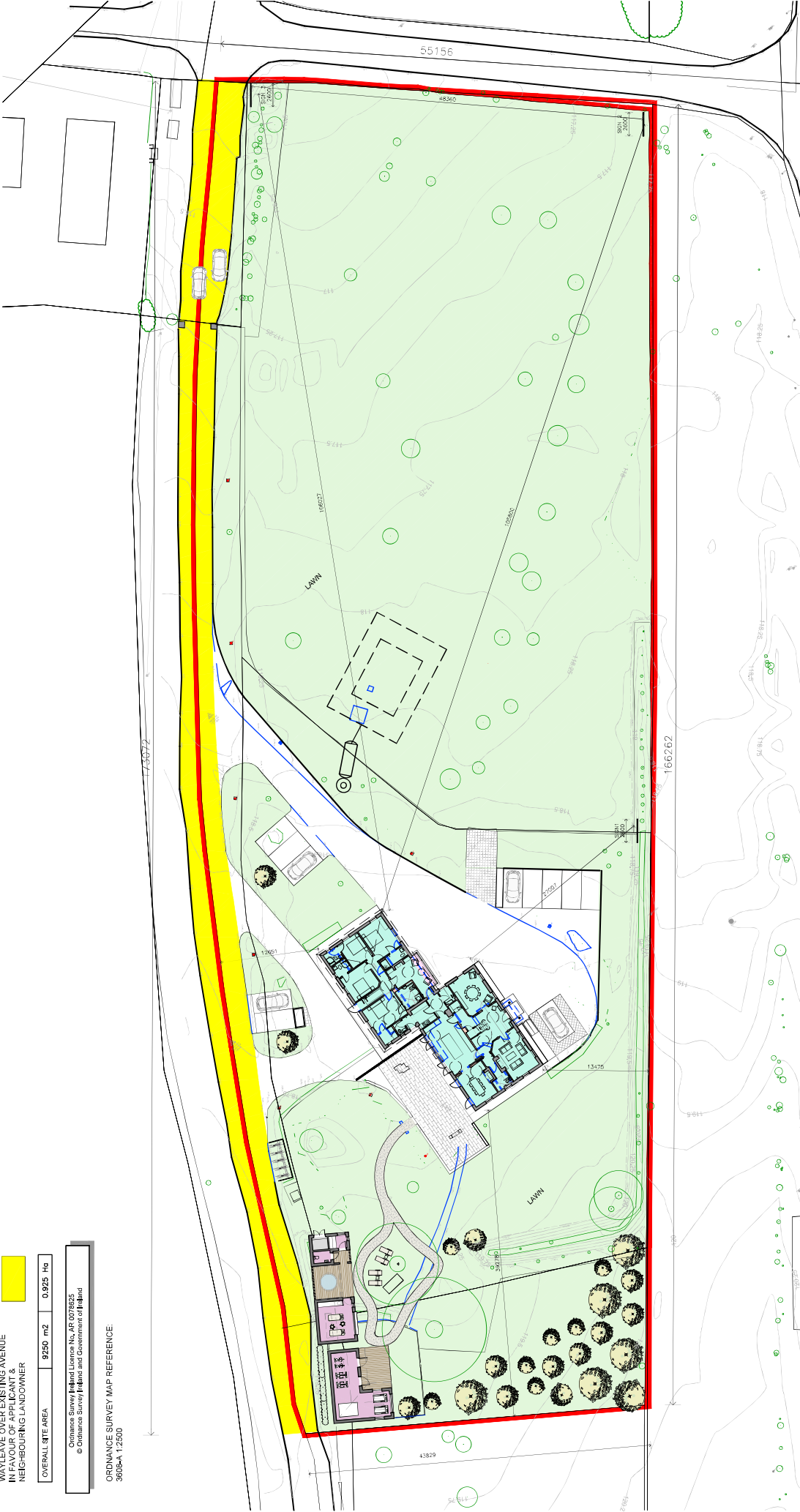


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OVERALL SITE AREA 9250 m<sup>2</sup> 0.925 Ha

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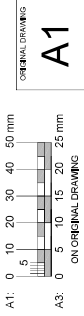
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DATE: 15/05/24  
DRAWN: MARCH 2023  
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2284 P2-013

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ON ORIGINAL DRAWING  
A1: 0 10 20 30 40 50 mm  
A3: 0 5 10 15 20 25 mm

PROPOSED SITE PLAN  
SCALE 1:250@A1 . 1:500@A3



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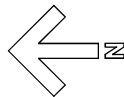
**SITE BOUNDARY**

**WAYLEAVE OVER EXISTING AVENUE  
IN FAVOUR OF APPLICANT &  
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OVERALL SITE AREA: 9250 m<sup>2</sup> 0.925 Ha

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Tel: 01 206 10101 Fax: 01 206 10102 Email: info@cranberrylane.com

THE BOWER GUEST HOUSE  
BATHURST ROAD, KILDAFE  
DUBLIN 14

PROPOSED SITE PLAN

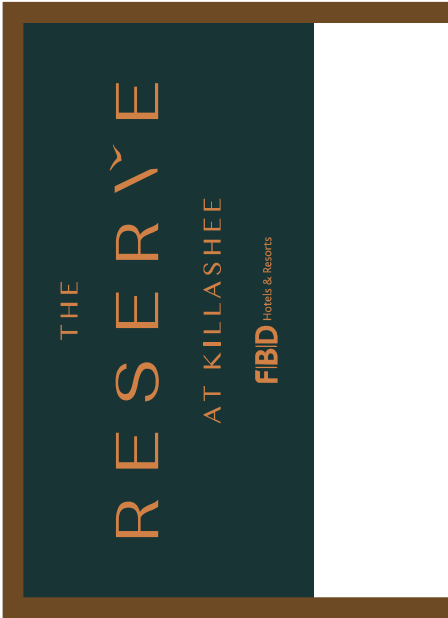
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PROPOSED SITE PLAN  
SCALE 1:500@A1 . 1:1000@A3

# THE RESERVE AT KILLASHEE HOTEL

## SIGN-02 WAYFINDING SIGN (FREE-STANDING) DIMENSIONS: 8FT X 4FT SIGN-PANEL SCALE: 1:15

- PRODUCTION-01: X2 STEEL-POSTS, EACH @ 3.6-METRES(H). THE POSTS WILL BE PAINTED RUST-COLOURED BROWN TO LOOK LIKE CORTSEN-STEEL
- PRODUCTION-02: BACKING SIGN-PANEL WILL BE MADE FROM 8X8 (2MM) ALLOY SIGN-PANEL, WRAPPED IN A MATT-BLACK VINYL, SITTING ON A SQUARE STEEL SUB-FRAME WELDED IN-PLACE
- PRODUCTION-03: "THE RESERVE AT KILLASHEE" LETTERS MADE FROM CNC-CUT 19MM ECOCELL, SPRAY-PAINTED A CORTEN-STEEL RUST-COLOUR (AND MADE SUITABLE FOR BONDING TO THE SURFACE OF THE SIGN-PANEL)
- PRODUCTION-04: "RIGHT", "LEFT" AND "LEFT-AGAIN" DIRECTIONAL-ARROWS AND ALL OTHER INFORMATION ON THE SIGN WILL BE REPRESENTED AS VINYL GRAPHICS
- PRODUCTION-05: SIGN WILL BE LIT USING SPOT-LIGHTS IMBEDDED IN THE UPPER WOODEN FRAME





# THE RESERVE AT KILLASHEE HOTEL

## SIGN-04\_WAYFINDING SIGN (FREE-STANDING) DIMENSIONS: 8FT X 4FT SIGN-PANEL SCALE: 1:15

PRODUCTION-01: EXTERNAL DEEP WOODEN FRAME MADE (22MM) 150MM DEEP PROTIM-TREATED WHITEWOOD, WITH X2 POSTS @ 2-METRES(H) + X2 HORIZONTALS @ 2440MM(W) + WITH AN18MM MARINE PLYWOOD BACKING PANEL. ALL STAINED AND VARNISHED WITH X3 COATS OF EXTERNAL VARNISH

PRODUCTION-02: BACKING SIGN-PANEL WILL BE MADE FROM X1 8X4 DIBOND ALLOY SIGN-PANEL, WRAPPED IN 'RESERVE GREEN' VINYL

PRODUCTION-03: "THE RESERVE AT KILLASHEE" LETTERS MADE FROM CNC-CUT 19MM ECOCELL, SPRAY-PAINTED A CORTEN-STEEL RUST-COLOUR (AND MADE SUITABLE FOR BONDING TO THE SURFACE OF THE SIGN-PANEL)

PRODUCTION-04: "LEFT" DIRECTIONAL-ARROWS AND ALL OTHER INFORMATION ON THE SIGN WILL BE REPRESENTED AS VINYL GRAPHICS

PRODUCTION-05: SIGN WILL BE LIT USING SPOT-LIGHTS IMBEDDED IN THE UPPER WOODEN FRAME



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