

Date: 12th May 2025 Our Ref: ED/1224

Sarah Weld, c/o Martin Kelly, 104 Greenpark Meadows, Mullingar, Co. Westmeath

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

Dear Sir/Madam,

I refer to your correspondence received on 15th 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/1224.

WHEREAS a question has arisen as to whether an agricultural storage shed for agricultural supplies and equipment at Ballinagappa, Clane, Co. Kildare, is exempted development,

AS INDICATED on the plans and particulars received by the Planning Authority on 15th April 2025

AND WHEREAS Sarah Weld 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, and 5 of the Planning and Development Act 2000 (as amended);
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended);
- (c) Schedule 2, Part 3, Class 9 of the Planning and Development Regulations 2001 (as amended);
- (d) The nature, extent and purpose of the works.

NOW THEREFORE Kildare County Council, in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act 2000 (as amended), hereby decides that an agricultural storage shed for agricultural supplies and equipment at Ballinagappa, Clane, Co. Kildare IS development and IS EXEMPTED development pursuant to Section (2, 3 and 5) 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.

12th May 2025

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/1224		
Name Of Applicant(s):	Sarah Weld	
Address Of Development:	Ballinagappa, Clane, Co. Kildare	
Development Description:	Agricultural storage shed for agricultural supplies	
	and equipment	
Due date	13 th 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 consisting of an Agricultural storage shed for agricultural supplies and equipment is exempted development.

Description of Proposed Development

As per question 7 of the application form:

The proposed development consists of an agricultural storage shed for the purpose of storage of agricultural supplies (feed, bedding, etc.) and agricultural equipment storage (tractors, trailers, planter etc.) The proposed development shall be used for the sole purpose of agriculture activity but excluding the housing of animals or storing of effluent. The gross floor space of the proposed development is 284 sq meters (Limit: must be less than 300 sq meters). There are no other class 9 agricultural buildings within 100 meters of the proposed development thus this application is compliant with the gross floor space limit of less than gross 900 sq meters within 100 meters. The proposed development if located 43 meters approx from nearest local road and over 100 metres from the nearest public road (Limit: must be greater than 10 meters) and the height of the development is 5.73 meters (Limit: must be less than 8 meters).

Site Location

The subject site is located within the townland of Ballynagapppagh which is on the outskirts of Clane. The site is located along a local road, which is set back from the Ballinagappagh Road. Clane GAA Club is approx. 2km to the south of the subject site.

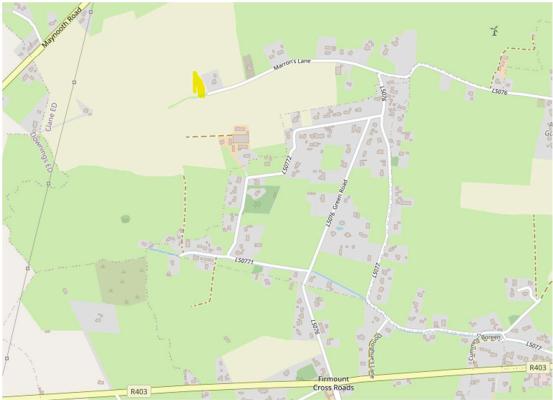


Fig 1: Aerial view of subject site (GIS)

Planning History

None on subject site.

Adjoining to east:

071049 - Permission granted to Sarah Weld for the construction of a two storey house detached garage shed for agricultural use effluent treatment system and all ancillary site works. It is noted on review of the KCC GIS system the agricultural shed to the rear of the site was not constructed.

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.

Class 9 of Part 3 of Schedule 2 of the Planning and Development Regulations, 2001, as amended.

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(3)

Subject to article 9, in areas other than a city, a town or an area specified in section 19(1)(b) of the Act or the excluded areas as defined in section 9 of the Local Government (Reorganisation) Act, 1985 (No. 7 of 1985), development of a class specified in column 1 of Part 3 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 3 opposite the mention of that class in the said column 1.33

Class 9 of Part 3 of Schedule 2 of the Planning and Development Regulations, 2001, as amended, is relevant:

CLASS 9	Assessment
Column 1 Description of Development Works consisting of the provision of any store, barn, shed, glass-house or other structure, not being of a type specified in class 6, 7 or 8 of this Part of this Schedule, and having a gross floor space not exceeding 300 square metres.	The works comprise an agricultural shed with a gross floor area of 284sqm. Complies.
Column 2 Conditions and Limitations 1. No such structure shall be used for any purpose other than the purpose of agriculture or forestry but excluding the housing of animals or the storing of effluent.	The shed will be used for the storage of agricultural supplies (feed, bedding, etc.) and agricultural equipment storage (tractors, trailers, planter etc.). Complies .

2. The gross floor space of such structures together with any other such structures situated within the same farmyard complex or complex of such structures or within 100 metres of that complex shall not exceed 900 square metres gross floor space in aggregate.

There are no other class 9 agricultural buildings within 100 meters of the proposed development thus this application is compliant with the gross floor space limit of less than gross 900 sq meters within 100 meters. **Complies**

3. No such structure shall be situated within 10 metres of any public road.

The proposed structure is located circa 43m from the local road and over 100m from the public road. **Complies**.

4. No such structure within 100 metres of any public road shall exceed 8 metres in height.

The height of the structure would be 5.73m at its highest point. **Complies.**

5. No such structure shall be situated within 100 metres of any house (other than the house of the person providing the structure) or other residential building or school, hospital, church or building used for public assembly, save with the consent in writing of the owner and, as may be appropriate, the occupier or person in charge thereof.

The structures would be located approx. 179m from the nearest dwelling. **Complies**

6. No unpainted metal sheeting shall be used for roofing or on the external finish of the structure

Painted metal sheeting for the roofing and external finishes. **Complies**

Article 9 (1)(a)(i)

Restrictions on exemption.

- 9. (1) Development to which article 6 relates shall not be exempted development for the purposes of the Act—
- (a) if the carrying out of such development would—.....(15 items)

Assessment

The development has been assessed against Articles 6 and 9 and Class 9 of Part 3 of Schedule 2 of the Planning and Development Regulations, 2001, as amended.

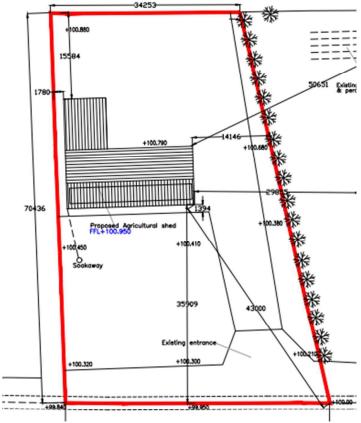


Fig 2 Site Layout

The development shall not exceed 300sqm and shall not be used for housing of animals or storing effluent.

The Applicant is proposing to use an existing entrance to the site.

Conclusion

Having regard to:

- Sections 2, 3, 5 of the Planning and Development Act 2000 (as amended);
- Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended);
- Schedule 2, Part 3, Class 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 exempted development as defined by the Planning and Development Act 2000 (as amended) and the Planning and Development Regulations 2001 (as amended)

Recommendation

It is recommended that the applicant be advised that the development as described in the application is development and is exempted development.

Signed

Daniel Waldron Assistant Planner 07/05/2025

Coed Malia

Signed:

Carroll Melia Senior Executive Planner 08/05/2025

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 Agricultural storage shed for agricultural supplies and equipment is exempted development.

AS INDICATED on the plans and particulars received by the Planning Authority on 15/04/2025

AND WHEREAS Sarah Weld 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, and 5 of the Planning and Development Act 2000 (as amended):
- b) Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended);
- c) Schedule 2, Part 3, Class 9 of the Planning and Development Regulations 2001 (as amended):
- d) The nature, extent and purpose of the works.

NOW THEREFORE Kildare County Council, in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act 2000 (as amended), hereby decides that -

'Agricultural storage shed for agricultural supplies and equipment'

IS development and IS EXEMPTED development pursuant to Section (2, 3 and 5) 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.



Daniel Waldron Assistant Planner 07/05/2025

Appendix 1: Appropriate Assessment Screening



APPROPRIATE ASSESSMENT SCREENING REPORT AND DETERMINATION

(A) Project Details			
(A) Floject Details			
Planning File Ref	ED1224		
Applicant name	Sarah Weld		
Development Location	BALLINAGAPPA, CLANE,		
Site size	N/A		
Application	No		
accompanied by an			
EIAR (Yes/NO)			
Distance from Natura	Approx 3km from Ballynafagh Bog SAC		
2000 site in km			
Description of the project/proposed development –			
Agricultural shed			
gs			

(B) Identification of Natura 2000 sites which may be impacted by the proposed development				
			Yes/No If answer is yes, identify list name of Natura 2000 site likely to be impacted.	
1	Impacts on sites designated for freshwater habitats or species. Sites to consider: River Barrow and Nore, Rye Water/Carton Valley, Pollardstown Fen, Ballynafagh lake	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?	No	
2	Impacts on sites designated for wetland	Is the development within a Special Area of Conservation whose	No	

	habitats - bogs, fens,	qualifying interests	
	marshes and heath.	include wetland habitats	
	Sites to consider: River	(bog, marsh, fen or	
	Barrow and Nore, Rye	heath), or within 1 km of	
	Water/Carton Valley,	same?	
	Pollardstown Fen, Mouds		
	Bog, Ballynafagh Bog, Red		
	Bog, Ballynafagh Lake		
3	Impacts on designated	Is the development	
	terrestrial habitats.	within a Special Area of	
	Sites to consider: River	Conservation whose	
	Barrow and Nore, Rye	qualifying interests	No
	Water/Carton Valley,	include woodlands,	
	Pollardstown Fen,	dunes or grasslands, or	
	Ballynafagh Lake	within 100m of same?	
4	Impacts on birds in SPAs	Is the development	
	Sites to consider:	within a Special	No
	Poulaphouca Resevoir	Protection Area, or within	140
		5 km of same?	

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**.

If the answer is Yes refer to the relevant sections of C.			
(G) SCREENING CONCLUSION STATEMENT			
Selected relevant category for project assessed by ticking box.			
1	AA is not re	quired because the project is directly connected	
	with/necess	ary to the conservation management of the site	
2	No potential	significant affects/AA is not required	Х
3	Significant e	effects are certain, likely or uncertain.	
	Seek a Natura Impact Statement		
	Reject proposal. (Reject if potentially damaging/inappropriate)		
Justify why it falls into relevant category above (based on information			
in above tables)			
Having regard to the proximity of the nearest SAC and given the location, nature			
and ex	and extent of the proposed development it is not considered there would be		
potent	potential to affect the ecological integrity and conservation objectives of the site.		
Nam	e:	Daniel Waldron	
Posi	tion:	Assistant Planner	
Date	Date: 07/05/2025		

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:	DO58445	Section:	Planning
SUBJECT:	Mullingar, Co. Westn	neath. Exempt Develo shed for agricultural su	Greenpark Meadows, pment Application for an pplies and equipment at
SUBMITTED:		nendation from the Se Council's Technical O	nior Executive Planner fficers
ORDER:	I hereby order the following Kildare County Council, in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act 2000 (as amended) hereby decides that the proposed development is development and is exempted development.		
MADE THIS 12m	DAY YEAR_ <u>2025</u>	SIGNED: Man	L

Kildare County Council

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

Incomplete application forms will



All responses must be in \underline{block}

Section 1		Details of Applicants
	2. A	Ame of Applicant(s) A. Surname WELD
Section 2		Person/Agent acting on behalf of applicant (if applicable)
	No 2. A	ame of Person/Agent: SurnameKELLY ForenamesMARTIN
Section 3		Company Details (if applicable)
	No 2. Co trad	ame of CompanyT/A "KEHOE'S FAMILY FARM" (note: not a ltd Co.) Phone No083-0991576 Fax ompany Reg. No759655 (sole ler)
Section 4		Details of Site
	1. Pl	lanning History of Site

BALLINAGAPPA, CLANE, CO. KILDARE
3. Ordnance Survey Sheet No 3384-A
4. Please state the Applicants interest in the site OWNER
5. Please state the extent of the proposed development PROPOSED AGRICULTURAL SHED
6. Under what Section of the Planning and Development 2000 as amended and/or what provision of the Planning and Development Regulations 2001 as amended is exemption sought (specific details required):
SECTION 97, PART 3, ARTICLE 6, EXEMPTED DEVELOPMENT – RURAL, CLASS 9. Works consisting for the provision of any store, barn, shed, glasshouse or other structure, no being of a type specified in Class 6, 7 or 8 of this part of the schedule and having a gross floor space not exceeding 300 square meters. To construct an agricultural storage shed for the sole purpose of agricultural use
7. Please give a detailed description of the Proposed Development (Use separate page necessary)
The proposed development consists of an agricultural storage shed for the purpose of storage or
agricultural supplies (feed, bedding, etc.) and agricultural equipment storage (tractors, trailers
planter etc.)
The proposed development shall be used for the sole purpose of agriculture activity but excluding
the housing of animals or storing of effluent.
The gross floor space of the proposed development is 284 sq meters (Limit: must be less than 300
sq meters). There are no other class 9 agricultural buildings within 100 meters of the proposed

The proposed development if located 43 meters approx from nearest local road and over 100 metres from the nearest public road (Limit: must be greater than 10 meters) and the height of the development is 5.73 meters (Limit: must be less than 8 meters).

development thus this application is compliant with the gross floor space limit of less than gross

900 sq meters within 100 meters.

	The j	proposed development if located 179 meters approx from the nearest house (other than the	he
	house	e of the person providing the structure) (Limit: Must be greater than 100 meters)	
	The	proposed development will consist of painted metal sheeting for the roofing and extern	ıal
	finish	nes.	
Section 5		The following must be submitted for a valid application	7
		(Plea	se
	Tick)		
	1.	Site Location Map (1:2500 Rural Areas) (1:1000 Urban Areas)	
	2.	A Site Layout Plan (Scale 1:500) in full compliance with Article 23 of Planning and Development Regulations 2001 as amended	
	3.	Drawings of the development (Scale 1:50) in full compliance with Article 23 of Planning and Development Regulations 2001 as amended	
	4.	All drawings to differentiate between the original building, all extensions and proposed development	
	5.	Fee of 80 Euro	

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

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

Signature: Salah Wold

Date: 14/04/2025



Lo Call Number 1890 252 231

E-mail info@dataprotection.ie

Data Protection Commissioner

Postal Address Canal House

Station Road

Portarlington, Co. Laois. R32 AP23.

Changes to Privacy Statement

We may make changes to this Statement. If we make any changes they will be posted on this page and we will change the "Last Updated" date below.

Last Updated 25 May 2018.

Martin Kelly Planning

Engineering & Planning Consultants

104 Greenpark Meadows Mullingar, Co .Westmeath Tel: 085 7255182 www.martinkellyplanning.ie

Kildare County Council Aras Chill Dara Devoy Park Naas Co Kildare 14 April 2025

Re: Section 5 Application for Sarah Weld, Ballynagappagh, Clane, Co. Kildare.

Dear Sir/Madam

Please find attached Section 5 Application for Sarah Weld, <u>Ballynagappagh</u>, Clane, Co. Kildare for a Proposed Agricultural storage shed. Can you let me know how I can pay the €80 for this and I will do that. Thanks.

If you require any further information, do not hesitate to contact us.

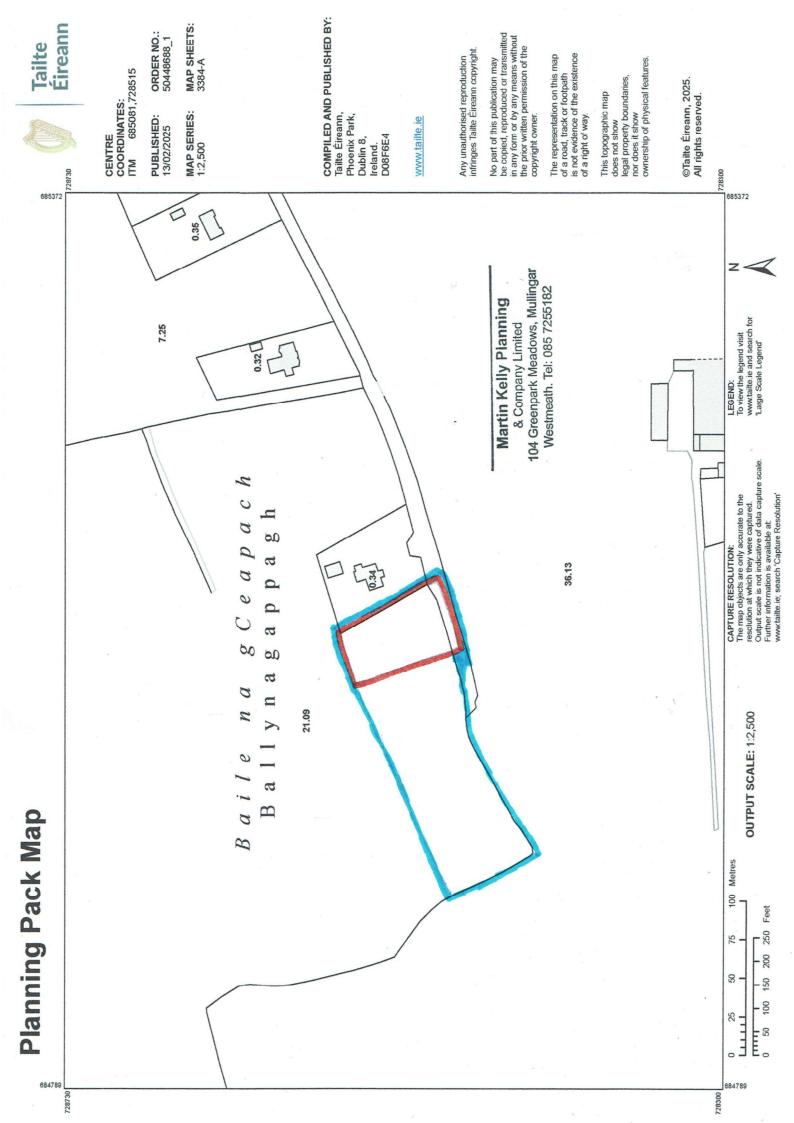
Yours sincerely

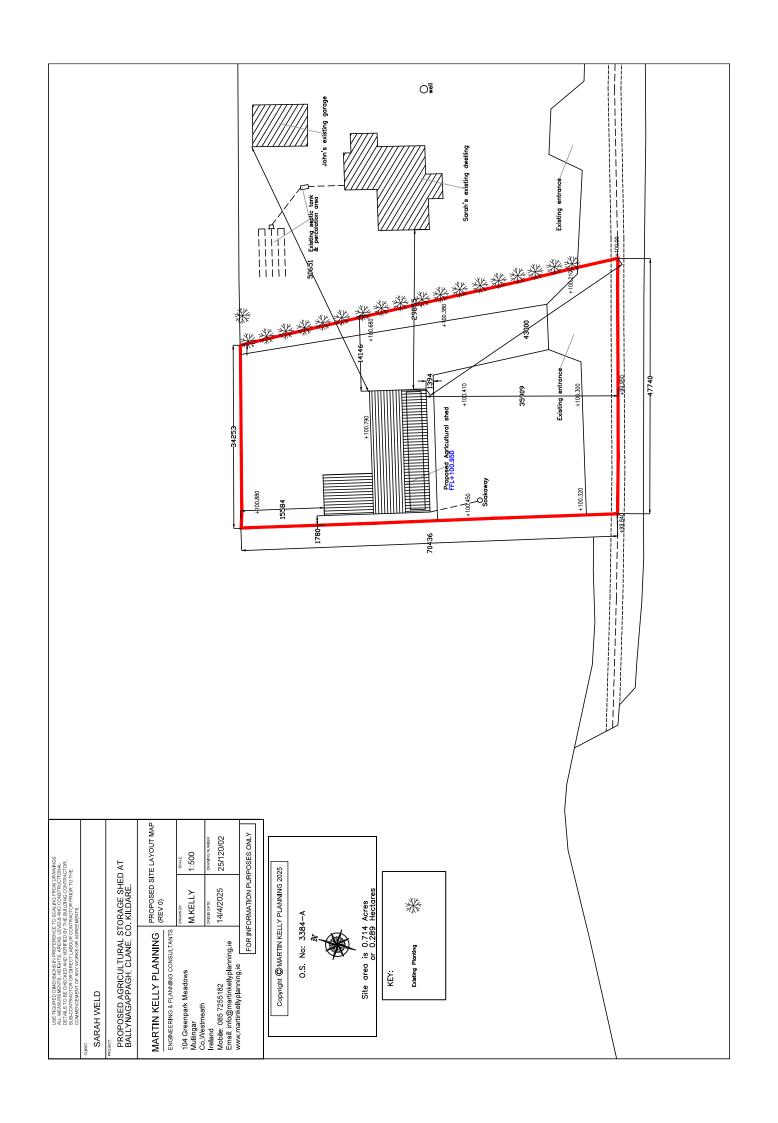
Marts Kell

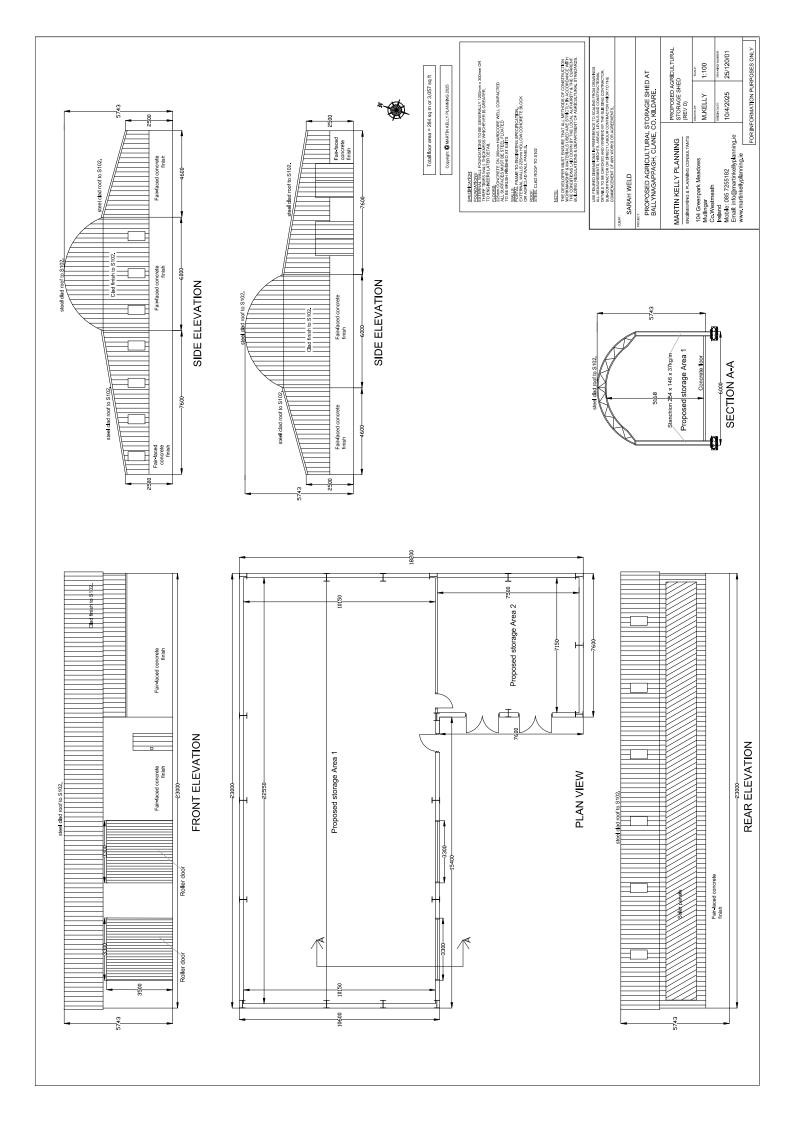
Martin Kelly Eng. Tech. MIEI

Martin Kelly Planning

We Provide: Planning Applications, Extension Plans, House Plans, Percolation tests, Slatted shed plans, Conservatory Plans, Map Certs.







15/04/2025	
0	
-	
BANK 1833237	
BANK	
80.00	
SARAHWELD SECTIONS	
BOIHSB	