An Coimisiún Pleanála

Commission Order
ACP-323936-25

Planning and Development Act 2000, as amended

Planning Authority: Kildare County Council

Planning Authority Reference Number: ED/1275

WHEREAS a question has arisen as to whether the change of use (no material alterations) of the lower floor ground area of Bert International Hotel to Bedrooms to accommodation for people seeking international protection (IPS):

AND WHEREAS Damien Malone requested a declaration on the question from Kildare County Council and the Council issued a declaration on the 12th day of November, 2025 stating that the matter is development and is not exempted development:

AND WHEREAS Damien Malone referred this question for review to An Coimisiún Pleanála on the 10th day of December, 2025:

AND WHEREAS having regard the totality of information on file and the amended question set out in the question as referred to An Coimisiún Pleanála, the Commission reframed the question to read as follows: 'Whether the change of use of part of the lower ground floor of Bert House, a protected structure, to bedrooms for the accommodation of persons seeking international protection, in accordance with Class 20F of Part 1 of Schedule 2

of the Planning and Development Regulations 2001, as amended, at Bert House, Athy, County Kildare is or is not development and is or is not exempted development':

AND WHEREAS An Coimisiún Pleanála, in considering this referral, reframed the question and had regard particularly to -

(a) Section 2(1) of the Planning and Development Act, 2000, as amended,
(b) Section 3(1) of the Planning and Development Act, 2000,
(c) Section 4(2) of the Planning and Development Act, 2000, as amended,
(d) Section 57(1) of the Planning and Development Act, 2000, as amended,
(e) Articles 5, 6(1) and 9(1) of the Planning and Development Regulations, 2001, as amended,
(f) Class 20F of Part 1 Exempted Development - General of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
(g) Class 14 of Part 1 Exempted Development - General of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
(h) The European Union (Planning and Development) (Displaced Persons from Ukraine Temporary Protection) Regulations 2022 (S.I. number 306/2022),
(i) the planning history of the site,
(j) the established and current use of the site,
(k) the works evidently carried out and proposed to be carried out to facilitate the proposed change of use,
(l) the documentation submitted in connection with the referral; and
(m) the report and recommendation of the Inspector following a site visit:

P. C.

AND WHEREAS An Coimisiún Pleanála has concluded that:

(a) the permitted use of the lower ground floor area concerned is as a leisure centre, which use was partly implemented, together with use for storage rooms and a wine cellar ancillary to the permitted and previous hotel use;

(b) the proposed use of part of the lower ground floor area for the accommodation of persons seeking international protection require works to a protected structure to facilitate the change of use which the Commission decided is a material change of use. The works include the insertion of bathrooms and a kitchen, the addition of fire doors to the corridor, the blocking of two window openings, and (in a recent extension) plastering and painting of walls, subdivision with partition walls, and insertion of a new window;

(c) these works required to facilitate the proposed change of use and the change of use is a material change of use and hence development with the meaning of Section 3(1) of the Act; and the works would materially affect the character of the protected structure and, accordingly, the proposed development is not exempted development, having regard to section 57(1) of the Planning and Development Act 2000, as amended:

P.C

NOW THEREFORE An Coimisiún Pleanála, in exercise of the powers conferred on it by section 5(3)(a) of the 2000 Act, hereby decides that the change of use of part of the lower ground floor of Bert House, a protected structure, to bedrooms for the accommodation of persons seeking international protection, in accordance with Class 20F of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended, at Bert House, Athy, County Kildare is development and is not exempted development.

Patricia Calleary

Patricia Calleary
Planning Commissioner of An Coimisiún Pleanála duly authorised to authenticate the seal of the Commission.

Dated this 04 **day of** Novembe **2026**

An Coimisiún Pleanála

Direction ACP-323936-25

The submissions on this file and the Inspector's report were considered at a meeting held on 29/10/2026.

The Commission decided, as set out in the following Order, that

Commission Order as follows:-

WHEREAS a question has arisen as to whether the change of use (no material alterations) of the lower floor ground area of Bert International Hotel to Bedrooms to accommodation for people seeking international protection (IPS).

AND WHEREAS having regard the totality of information on file and the amended question set out in the question as referred to An Coimisiún Pleanála, the Commission reframed the question to read as follows:

'Whether the change of use of part of the lower ground floor of Bert House, a protected structure, to bedrooms for the accommodation of persons seeking international protection, in accordance with Class 20F of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended, at Bert House, Athy, County Kildare is or is not development and / or is or is not exempted development'.

AND WHEREAS Damien Malone requested a declaration on the initial question from Kildare County Council and the Council issued a declaration on the 12th day of November, 2025 stating that the matter is development and is not exempted development,

AND WHEREAS Damien Malone referred this question for review to An Coimisiún Pleanála on the 10th day of December, 2025,

AND WHEREAS An Coimisiún Pleanála, in considering this referral, reframed the question and had regard particularly to:

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

(b) Section 3(1) of the Planning and Development Act, 2000,

(c) Section 4(2) of the Planning and Development Act, 2000, as amended,

(d) Section 57(1) of the Planning and Development Act, 2000, as amended,

(e) Articles 5, 6(1) and article 9(1) of the Planning and Development Regulations, 2001, as amended,

(f) Class 20F of Part 1 Exempted Development - General of Schedule 2 to the Planning and Development Regulations, 2001, as amended,

(g) Class 14 of Part 1 Exempted Development - General of Schedule 2 to the Planning and Development Regulations, 2001, as amended,

(h) The European Union (Planning and Development) (Displaced Persons from Ukraine Temporary Protection) Regulations 2022 (S.I. No. 306/2022)

(i) the planning history of the site,

(j) the established and current use of the site,

(k) the works evidently carried out and proposed to be carried out to facilitate the proposed change of use,

(l) the documentation submitted in connection with the referral; and

(m)the report and recommendation of the Inspector following a site visit.

AND WHEREAS An Coimisiún Pleanála has concluded that:

(a) The permitted use of the basement area concerned is as a leisure centre, which use was partly implemented, together with use for storage rooms and a wine cellar ancillary to the permitted and previous hotel use;

(b) The proposed use of part of the basement for the accommodation of persons seeking international protection require works to a protected structure to facilitate the change of use which the Commission decided is a material change of use. The works include the insertion of bathrooms and a kitchen, the addition of fire doors to the corridor, the blocking of two window openings, and (in a recent extension) plastering and painting of walls, subdivision with partition walls, and insertion of a new window.

(c) These works required to facilitate the proposed change of use and the change of use is a material change of use and hence development with the meaning of Section 3(1) of the Act.

(d) The works would materially affect the character of the protected structure and, accordingly, the proposed development is not exempted development, having regard to section 57(1) of the Planning and Development Act 2000, as amended.

NOW THEREFORE An Coimisiún Pleanála, in exercise of the powers conferred on it by section 5 of the 2000 Act, hereby decides that the change of use of part of the lower ground floor of Bert House, a protected structure, to bedrooms for the accommodation of persons seeking international protection, in accordance with Class 20F of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended, at Bert House, Athy, County Kildare is development and is not exempted development.

Note:

~~Notwithstanding the decision arrived at, the Commission noted the provisions of~~ Class 20F of Part 1 of Schedule 2 of the Planning and Development Regulations

2001, as amended, being the class of development specifically referenced by the referrer in the question before the Commission. The Commission noted that the description of the proposed use as set out in question does not refer to a 'temporary' use. Furthermore, notwithstanding the statement submitted by the referrer that a contract exists between Bert House Hotel and the Government of Ireland to accommodate people seeking international protection, no evidence, for example a copy of a contract, has been submitted to establish that the area concerned would be used by, or on behalf of, the Minister for Children, Equality, Disability, Integration and Youth. Accordingly, the exemption afforded under Class 20F cannot be availed of for these two reasons. Therefore, notwithstanding the finding that the proposed change of is development and not exempted development having regard to section 57(1) of the Planning and Development Act 2000, as amended, the development would not benefit from an exemption under Class 20F of the Planning and Development Regulations 2001, as amended, having regard to the specific wording contained therein and which provisions have not been met by the question referred or the documentation received by the Commission.

Planning Commissioner: Patricia Calleary

Date: 29/10/2026

Patricia Calleary.

Our Case Number: ACP-323936-25

Planning Authority Reference Number: ED/1275

An Coimisiún Pleanála

Kildare County Council
Áras Chill Dara
Devoy Park
Naas
Co. Kildare
W91 X77F

Kildare County Council
Planning Department
06 NOV 2026
RECEIVED

Date: 05 NOV 2026

Re: Whether the change of use (no material alterations) of the lower ground floor of Bert House (a Protected Structure) to bedrooms to accommodate people seeking international protection, is or is not development and is or is not exempted development.
Bert House, Athy, Co. Kildare

Dear Sir / Madam,

Direction Attached

An order has been made by An Coimisiún Pleanála determining the above-mentioned matter under the Planning and Development Act 2000, as amended. A copy of the order is enclosed.

In accordance with section 146(5) of the Planning and Development Act 2000, as amended, the Commission will make available for inspection and purchase at its offices the documents relating to any matter falling to be determined by it, within 3 days following the making of its decision. The documents referred to shall be made available for a period of 5 years, beginning on the day that they are required to be made available. In addition, the Commission will also make available the Inspector's Report, the Direction and Commission Order in respect of the matter on the Commission's website (www.pleanala.ie). This information is normally made available on the list of decided cases on the website on the Wednesday following the week in which the decision is made.

The Public Access Service for the purpose of inspection/purchase of file documentation is available on weekdays from 9.15am to 5.30pm (including lunchtime) except on public holidays and other days on which the office of the Commission is closed.

Yours faithfully,

Yvonne McCormack
Executive Officer

BP100PAN

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Glao Áitiúil LoCall 1800 275 175
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64 Sráid Maoilbhríde
Baile Átha Cliath 1
D01 V902

64 Marlborough Street
Dublin 1
D01 V902

Comhairle Contae Chill Dara
Kildare County Council

Date: 12th November 2025
Our Ref: ED/1275

Mr Damien Malone
Spindara Limited
Landscape House
Baldonnell Business Park
Dublin 22

RE: Application for a Declaration of Exempted Development under Section 5 of Planning and Development Act 2000 (as amended) for development at Bert House Hotel, Athy, Co Kildare R14 WD68

Dear Sir/Madam,

I refer to your correspondence received on 27th August 2025 in connection with the above.

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

Yours sincerely,

PP _____
Senior Executive Officer,
Planning Department.

Comhairle Contae Chill Dara
Kildare County Council

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

ED/1275.

WHEREAS a question has arisen as to whether the change of use (no material alterations) of the lower ground floor area of Bert House Hotel (a protected structure - RPS No. B34-03) to bedrooms to accommodate people seeking international protection (IPS) is exempted development,

AS INDICATED on the plans and particulars received by the Planning Authority on 27th August 2025.

AND WHEREAS Damien Malone 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) Section 2, 3, 4, 5 and 57 of the Planning and Development Act 2000 (as amended) and
(b) The nature and 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 change of use (no material alterations) of the lower ground floor area of Bert House Hotel (a protected structure - RPS No. B34-03) to bedrooms to accommodate people seeking international protection (IPS) **IS development and IS NOT EXEMPTED development pursuant to Sections 2, 3, 4, 5 and 57 of the Planning and Development Act 2000 (as amended) and Article 6, Article 9 of the Planning and Development Regulations 2001 (as amended).**

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

12th November 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/1275	
Name Of Applicant(s):	Damien Malone Spindara Ltd
Address Of Development:	Bert House Hotel, Athy, R14 WD68
Development Description:	Change of use (no material alterations) of lower ground area of Bert House Hotel to bedrooms to accommodation people seeking international protection (IPS).
Due date	24th September 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 the change of use of lower ground floor area of Bert House Hotel to bedrooms to accommodation people seeking international protection.

Site Location

The site is located in the rural townland of Bert Demesne, approximately 4.1km north of Athy town centre on lands associated with the historic Bert House, a protected structure (RPS No. B34-03). The surrounding lands are predominantly flat, with the dominant land use being agricultural consisting of arable and equine enterprises.

Question

Is the change of use of lower ground floor area of Bert House Hotel to bedrooms to accommodation [for] people seeking international protection development and is it exempted development?

NB – A declaration has already been made on this question under ED1193. Nothing in the question being asked leads the Planning Authority to support a different conclusion in the declaration being made as the fact remains that the site is a protected structure and the applicant has not demonstrated that proposed works will not affect the integral character and fabric of that protected structure.

Planning History

ED1193 - The change of use to existing at lower ground floor (basement) level to accommodations (7 bedrooms, kitchen, living room and shower room) at Bert, House, Athy, Co. Kildare, a protected structure (RPS No. B34-03). **IS development and IS NOT EXEMPTED** development pursuant to Section (2, 3, 4, 5 and 57 of the Planning and Development Act as amended and Article 6, Article 9 of the Planning and Development Regulations as amended.

Reg. Ref. 05/2226: Retention permission granted for the change of use from private residence known as Bert House to commercial use hotel comprising of 17 bedrooms, restaurant and leisure facility installation of new ensuite bathrooms to first and second floor bedrooms, construction of new gymnasium etc.

Reg. Ref. 04/1998: Invalid application. Permission sought for the change of use from private residence known as Bert House to commercial use hotel comprising of 17 bedrooms, restaurant and leisure facility installation of new ensuite bathrooms to first and second floor bedrooms, construction of new gymnasium etc.

Relevant Legislative Background

Planning and Development Act 2000 (as amended)

Section 2(1)

"structure" *means any building, structure, excavation, or other thing constructed or made on, in or under land, or any part of a structure so defined, and –*
(a) where the context so admits, includes the land on, in or under which the structure is situate, and
(b) in relation to a protected structure or proposed protected structure, includes –
(i) the interior of the structure
(ii) the land lying within the curtilage of the structure
(iii) any other structures lying within that curtilage and their interiors, and
(iv) all fixtures and features which form part of the interior or exterior of any structure or structures referred to in subparagraph (i) or (iii)

"protected structure" *means – (a) a structure, or (b) a specified part of a structure which is included in a record of protected structures, and, where that record so indicates, includes any specified feature which is within the attendant grounds of the structure and which would not otherwise be included in this definition*

"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 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 57 (1)

Works affecting character of protected structures or proposed protected structures.
Notwithstanding section 4 (1) (a), (h), (i), (j), (k), or (l) and any regulations made under Section 4(2), the carrying out of works to a protected structure, or a proposed protected structure, shall be exempted development only if those works would not materially affect the character of—
(a) the structure, or
(b) any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest.

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 -xii)

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 listed) …(vii) is the most relevant item criterion here as it relates to protected structures) …

"(*vii) consist of or comprise the excavation, alteration or demolition (other than peat extraction) of places, caves, sites, features or other objects of archaeological, geological, historical, scientific or ecological interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan for the area in which the development is proposed or, pending the variation of a development plan or local area plan, or the making of a new development plan or local area plan, in the draft variation of the development plan or the local area plan or the draft development plan or draft local area plan..."*

CLASS 20 (f) (Exemption)

"Temporary use by or on behalf of the Minister for Children, Equality, Disability, Integration and Youth to accommodate or support persons seeking international protection of any structure or part of a structure used as a school, college, university, training centre, social centre, community centre, non-residential club, art gallery, museum, library, reading room, sports club or stadium, gymnasium, ***hotel,*** *convention centre, conference centre, shop, office, Defence Forces barracks, light industrial building, airport operational building, wholesale warehouse or repository, local authority administrative office, play centre, medical and other health and social care accommodation, event and exhibition space or any structure or part of structure normally used for public worship or religious instruction."*

Conditions

1. The temporary use shall only be for the purposes of accommodating displaced persons or for the purposes of accommodating persons seeking international protection.

2. Subject to paragraph 4 of this class, the use for the purposes of accommodating displaced persons shall be discontinued when the temporary protection introduced by the Council Implementing Decision (EU) 2022/382 of 4 March 2022[1] comes to an end in accordance with Article 6 of the Council Directive 2001/55/EC of 20 July 2001[2].

3. The use for the purposes of accommodating persons seeking international protection shall be discontinued not later than 31 December 2028.

4. 'international protection', for the purpose of this class, has the meaning given to it in section 2(1) of the International Protection Act 2015 (No. 66 of 2015).

5. The relevant local authority must be notified of locations where change of use is taking place prior the commencement of development.

6. 'displaced persons', for the purpose of this class, means persons to whom temporary protection applies in accordance with Article 2 of Council Implementing Decision (EU) 2022/382 of 4 March 2022.

7. 'international protection', for the purpose of this class, has the meaning given to it in section 2(1) of the International Protection Act 2015 (No. 66 of 2015).

8. 'temporary protection', for the purpose of this class, has the meaning given to it in Article 2 of Council Directive 2001/55/EC of 20 July 2001.

Assessment

Despite the applicant citing a different exemption Class of the Regulations, in this instance Class 20F whereas in the preceding application Class 14H had been referred to, it remains that essentially the same questions is being asked, and that nothing has changed as it is a protected structure. It is also noted that the applicant has not exhausted their appeal options with the An Comisiun Pleanala.

The 'change of use to existing at lower ground floor level to accommodation' at Bert House is deemed to be development under Sections 2 and 3 of the Planning and Development Act, 2000, as amended.

Where Section 2 defines a protected structure as follows –

"Protected structure" means—
(a) a structure, or
(b) a specified part of a structure,
which is included in a record of protected structures, and, where that record so indicates, includes any specified feature which is within the attendant grounds of the structure and which would not otherwise be included in this definition;

and outlines that "'works' which is defined as –

"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.

Furthermore, Section 3 states that "'development' means,

"…(a) the carrying out of any works in, on, over or under land, or the making of any material change in the use of any land or structures situated on land..."

As such, the question raised in this Section 5 declaration where the change of use of a lower ground floor to accommodation in a protected structure is deemed to be development.

As to whether the proposal is exempted development…

In this instance the proposal seeks to make changes (internal alterations) to a Protected Structure Bert House - B34-03 under Class 20 (F) which reads as follows…

*"**Class 20F** - Temporary use by or on behalf of the Minister for Children, Equality, Disability, Integration and Youth to accommodate or support displaced persons or persons seeking international protection of any structure or part of a structure used as a school, college, university, training centre, social centre, community centre, non-residential club, art gallery, museum, library, reading room, sports club or stadium, gymnasium, hotel, convention centre, conference centre, shop, office, Defence Forces barracks, light industrial building, airport operational building, wholesale warehouse or repository, local authority administrative office, play centre, medical and other health and social care accommodation, event and exhibition space or any structure or part of structure normally used for public worship or religious instruction."*

Whilst the proposed works are internal, there is no architectural conservation information which would outline that the proposed works would not undermine the character and thus the cultural heritage associated with the protected structure. Having regard to Section 57 (1) of Planning and Development Act 2000 (as amended)

which states *"Notwithstanding section 4 (1)(h), the carrying out of works to a protected structure, or a proposed protected structure, shall be exempted development only if those works would not materially affect the character of (b) "any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest.".*

Furthermore, Article 9 (1)(a) of the Planning and Development Regulations 2001 (as amended) outlines restrictions on exemptions. Article 9 (1)(a)(vii) states *'(vii) consist of or comprise the excavation, alteration or demolition (other than peat extraction) of places, caves, sites, features or other objects of archaeological, geological, historical, scientific or ecological interest, the preservation,* ***conservation or protection of which is an objective of a development plan*** *or local area plan for the area in which the development is proposed or, pending the variation of a development plan or local area plan, or the making of a new development plan or local area plan, in the draft variation of the development plan or the local area plan or the draft development plan or draft local area plan...'.*

As the proposal seeks to make internal changes to a protected structure and it has not been outlined that that the changes would not materially change or affect the character of the of the structure, the development is deemed not exempt in accordance with the aforementioned.

Conclusion

Having regard to:

Sections 2, 3, 4, 5 and 57 of the Planning and Development Act 2000 (as amended);
Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended);
Class 20F of the Planning and Development Regulations 2001 (as amended) and,
the information submitted with this declaration, 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

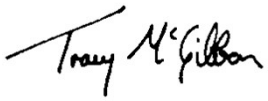
amended) and the Planning and Development Regulations 2001 (as amended). Recommendation It is recommended that the applicant be advised that the development as described in the application is development and is not exempted development.

Recommendation

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



Signed: A/Planner
22/10/2025



Tracy McGibbon
Senior Executive Planner
11/11/2025

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 or not the change of use of the lower ground floor area of Bert House Hotel to bedrooms to accommodation [for] people seeking international protection development and is it ED **AS INDICATED** on the plans and particulars received by the Planning Authority on *27/08/2025*

AND WHEREAS Damien Malone 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, etc (relevant sections)* 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 change of use (no material alterations) of lower ground area of Bert House Hotel (a protected structure - RPS No. B34-03) to bedrooms to accommodation people seeking international protection (IPS) ***IS development and IS NOT EXEMPTED development pursuant to Sections 2, 3, 4, 5 and 57 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:
22/10/2025

Appendix 1: Appropriate Assessment Screening

APPROPRIATE ASSESSMENT SCREENING REPORT AND DETERMINATION

(A) Project Details	
Planning File Ref	ED1193
Applicant name	Damien Malone
Development Location	Bert House, Athy, Co. Kildare
Site size	1.878ha
Application accompanied by an EIS (Yes/NO)	No
Distance from Natura 2000 site in km	The site is located bounds to River Barrow and River Nore SAC (site code 002162) to the southwest.
Description of the project/proposed development – Change of use (no material alterations) of lower ground area of Bert House Hotel to bedrooms to accommodation [for] people seeking international protection (IPS).	

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

Conclusion:
If the answer to all of the above is **No**, significant impacts can be ruled out for habitats and bird species.
No further assessment in relation to habitats or birds is required.
If the answer is **Yes** refer to the relevant sections of **C**.

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

(C) Identification of Potential Impacts on Habitats and Birds.		
1	**Impacts on designated rivers, streams, lakes and fresh water dependant habitats and species.** ***Answer the following if the answer to question 1 in table B was YES*** *Does the development involve any of the following:*	
1.1	Works within the boundary of a Special Area of Conservation excluding small extensions/alterations to existing buildings.	**Yes**

1.2	Discharge to surface water or groundwater within 5km of SAC.	**No**
1.3	Abstraction from surface water or groundwater within 5km of SAC.	**No**
1.4	Removal of topsoil within 500m of watercourses	**No**
1.5	Infilling or raising of ground levels within 100m of watercourses	**No**
1.6	Construction of drainage ditches within 1km of SAC.	**No**
1.7	Installation of waste water treatment systems; percolation areas; septic tanks within 500 m of watercourses	**No**
1.8	Construction within a floodplain or within an area liable to flood	**No**
1.9	Crossing or culverting of rivers or streams within 5km of SAC	**No**
1.10	Storage of chemicals, hydrocarbons or organic wastes within 1km of a watercourse	**No**
1.11	Development of a large scale which involves the production of an EIS	**No**
1.12	Development of quarries/mines	**No**
1.13	Development of windfarms	**No**
1.14	Development of pumped hydro electric stations	**No**
1.15	Construction of roads or other infrastructure on peat habitats within 1km rivers, streams, lakes and fresh water dependant habitats	**No**

(D) SUMMARY OF IMPACTS	
Natura 2000 sites within impact zone (from above)	The site is located bounds to River Barrow and River Nore SAC (site code 002162) to the southwest.

Qualifying features of Natura 2000 site within impact zone (Attach site synopsis)	Estuaries [1130] Mudflats and sandflats not covered by seawater at low tide [1140] Reefs [1170] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330] Mediterranean salt meadows (Juncetalia maritimi) [1410] Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation [3260] European dry heaths [4030] Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels [6430] Petrifying springs with tufa formation (Cratoneurion) [7220] Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0] Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0] Vertigo moulinsiana (Desmoulin's Whorl Snail) [1016] Margaritifera margaritifera (Freshwater Pearl Mussel) [1029] Austropotamobius pallipes (White-clawed Crayfish) [1092] Petromyzon marinus (Sea Lamprey) [1095] Lampetra planeri (Brook Lamprey) [1096]

	Lampetra fluviatilis (River Lamprey) [1099] Alosa fallax fallax (Twaite Shad) [1103] Salmo salar (Salmon) [1106] Lutra lutra (Otter) [1355] Trichomanes speciosum (Killarney Fern) [1421]
(E) ASSESSMENT OF LIKELY SIGNIFICANT EFFECTS (from tables above)	
Describe how the project or plan (alone or in combination) could affect the Natura 2000 site(s).	
Unlikely to effect the SAC as all works are internal.	
If there are potential impacts, explain whether you consider if these are likely to be significant.	
No foreseen potential impacts	

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

Having regard to the nature and extent of the proposed development it is not considered there would be potential to negatively affect the ecological integrity or conservation objectives of European Sites.	
Name:	Damien McGrath
Position:	A/Planner
Date:	22/10/2025.

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: DO62642 **Section:** Planning

SUBJECT: ED/1275
Damien Malone, Spindara Limited, Landscape House, Baldonnell Business Park, Dublin 22. Exempt Development Application for the change of use (no material alterations) of the lower ground floor area of Bert House Hotel (a protected structure - RPS No. B34-03) to bedrooms to accommodate people seeking international protection (IPS) at Bert House Hotel, Athy, Co Kildare, R14 WD68.

SUBMITTED: File Ref. ED1275 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 not exempted development.

MADE THIS 12th DAY

OF NOVEMBER 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 as amended

Incomplete application forms will be deemed invalid and returned

All responses must be in block letters

Section 1	Details of Applicants

1. Name of Applicant(s) A. Surname **MALONE.** Forenames **DAMIEN**
Phone No [redacted] Fax No.....
2. Address **LANDSCAPE HOUSE, BALDONNELL BUSINESS PARK, DUBLIN 22**
.....
.....

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

1. Name of Person/Agent: Surname **N/A** Forenames .....
Phone No Fax No.....

2. Address ... ...

Section 3	Company Details (if applicable)

1. Name of Company .....**SPINDARA LIMITED** .....
Phone No..... Fax No.....
2. Company Reg. No.....**364539**.....
3. Address.....**LANDSCAPE HOUSE, BALDONNELL BUSINESS PARK, CO. DUBLIN** .....

Section 4	Details of Site

1. Planning History of Site
2. Location of Proposed Development...**BERT HOUSE HOTEL, ATHY, CO. KILDARE R14 WD68...**
3. Ordnance Survey Sheet No **3947-A & 3947-C**
4. Please state the Applicants interest in the site **OWNER**
.....

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5. Please state the extent of the proposed development

CHANGE OF USE (NO MATERIAL ALTERATIONS) OF LOWER GROUND AREA OF BERT HOUSE HOTEL TO BEDROOMS TO ACCOMODATION PEOPLE SEEKING INTERNATIONAL PROTECTION (IPS).

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)*.....

CLASS 20F OF THE PLANNING AND DEVELOPMENT (EXEMPTED DEVELOPMENT) (NO.4) REGULATIONS 2023.

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

CHANGE OF USE (NO MATERIAL ALTERATIONS) OF LOWER GROUND AREA OF BERT HOUSE HOTEL TO BEDROOMS TO ACCOMODATION PEOPLE SEEKING INTERNATIONAL PROTECTION (IPS).

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

(Please Tick)

1.	Site Location Map (1:2500 Rural Areas)	✓
2.	A Site Layout Plan (Scale 1:250) in full compliance with Article 23 of Planning and Development Regulations 2001 as amended	✓
3.	Drawings of the development (Scale 1:100) 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 **MR. DAMIEN MALONE** certify that all of the above information is correct, and I have submitted all the required documents as outlined at Section 6 above.

Signature: Damien Malone Date: **17/07/2025**

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SPINDARA LTD.

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Date: 27th August 2025

Dear Sir/ Madam,

Re: Section 5 application Spindara Limited

I refer to the current application which seeks a declaration as to whether the change of use of the existing basement area associated with Bert House Hotel to accommodation and associated services to meet the housing needs on behalf of the Minister for Justice constitutes development which is exempted development.

Bert House Hotel has a contract with the Government of Ireland to accommodate people seeking 'international protection', commonly referred to a Refugees and as defined under Section 2(1) of the International Protection Act 2015 (No. 66 of 2015).

The Hotel has been in use as refugee accommodation for the last two years.

The current application is submitted under Class 20F of the Planning And Development (Exempted Development) (No.4) Regulations 2023 (https://www.irishstatutebook.ie/eli/2023/si/376/made/en/print) which allows for the 'Temporary use by or on behalf of the Minister for Children, Equality, Disability, Integration and Youth to accommodate or support displaced persons or persons seeking international protection of any structure or part of a structure used as a .... Hotel... '

Please note that a previous application of this site was rightly determined to be development which is not exempted development, as we asked the wrong question and the application for which was poorly formatted.

Bert House is a protected structure as defined in the current Kildare County Plan refence No. B34-03. No works are proposed in the building. Where needed in one area rooms as shown will be partitioned with free standing movable 'walls'. Such walls are similar to those found in most open plan offices (including Kildare County Council) as dividers between desks.

We also enclose a report from a Conservation Consultant who has made submission to your Department previously.

Please give this your consideration and we look forward to hearing from you in due course.

Yours Sincerely,

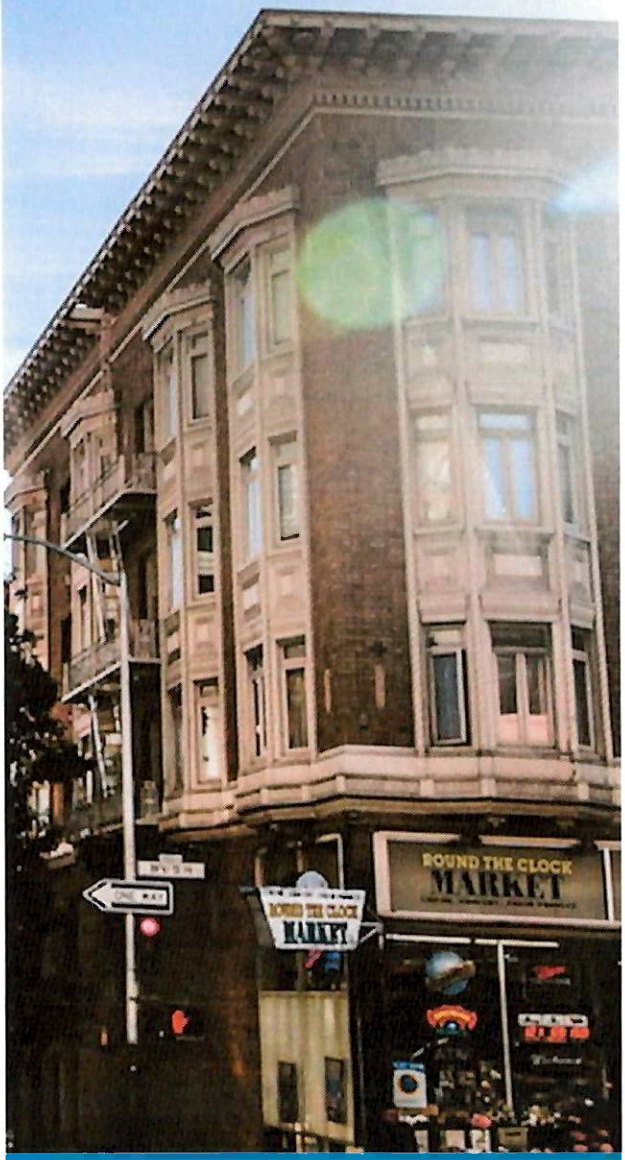
DIRECTOR

SPINDARA LIMITED

Architectural Heritage Impact Assessment

Bert House, Bert Demesne, Athy, Co. Kildare





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AUGUST 27

Authored by: James Powell CEng MIEI
Conservation Consultant

Powell
CONSULTING

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Architectural Heritage Impact Assessment

Property:	Bert House, Bert Demesne, Athy, Kildare
Status:	Protected Structure No. 34-03
NIAH	No. 11903403 of Regional significance
Project:	Conversion of basement to bedrooms
Location:	Townland: Bert Demesne
Coordinates:	665631, 697626
Owner:	Damian Malone

Date: Friday 8 August 2025



1.0 Introduction

Bert House is a large Palladian mansion dating from the 18th century which is now used as housing for people seeking international protection (refugees) in the Republic of Ireland. It is proposed to convert the basement into further residential accommodation and this report accompanies an application for a Section 5 Declaration.

2.0 Short Description of the Structure

The building is thirteen bay three storey house, with a central block of seven bays, flanked by three bay projecting wings, which were later additions in the 19th century. The building was converted into a hotel which was granted retention permission in 26/1/2007 (05/2226). The basement rooms were converted to a bar, sauna, snooker room, dance studio and storage rooms for use of hotel guests.

3.0 History of the Structure

The house, consisting of the central seven bays was built between 1720 and 1730 for Captain William Burgh b.1667 who was the Comptroller and Accountant General for Ireland. The house was designed by his brother Thomas Burgh (1670-1730) who also designed Trinity College Old Library and numerous other significant buildings around Ireland. They were the sons of Ulysses Burgh, Bishop of Ardragh. The Burgh family lived in the house until 1863 when another Ulysses Burgh, who by then had become Lord Downes, died and the house passed to his daughter Charlotte Colborne. She lived there until 1909 when the house was sold to the 'Misses Geoghegan', one of whom finally sold it to a Major Quirke, her cousin, after the death of her sister. Lady Geoghegan herself moved to Bert Lodge, a new smaller house that she had built close by.
From c.1968 Bert House was owned by Joe Kelly who was a relatively successful racing driver. He lived there with his family for ten years and 'restored the property to a high standard' according to his son Kieron Kelly (https://athyeyeonthepast.blogspot.com/2008/02/bert-house.html)
After passing through a number of other owners including Spindara Ltd who converted it into a hotel, the building was purchased by the present owners having been empty for ten years, and has since been converted into accommodation for people seeking international protection.
This is a building of considerable significance which should be conserved and protected.

4.0 Maps

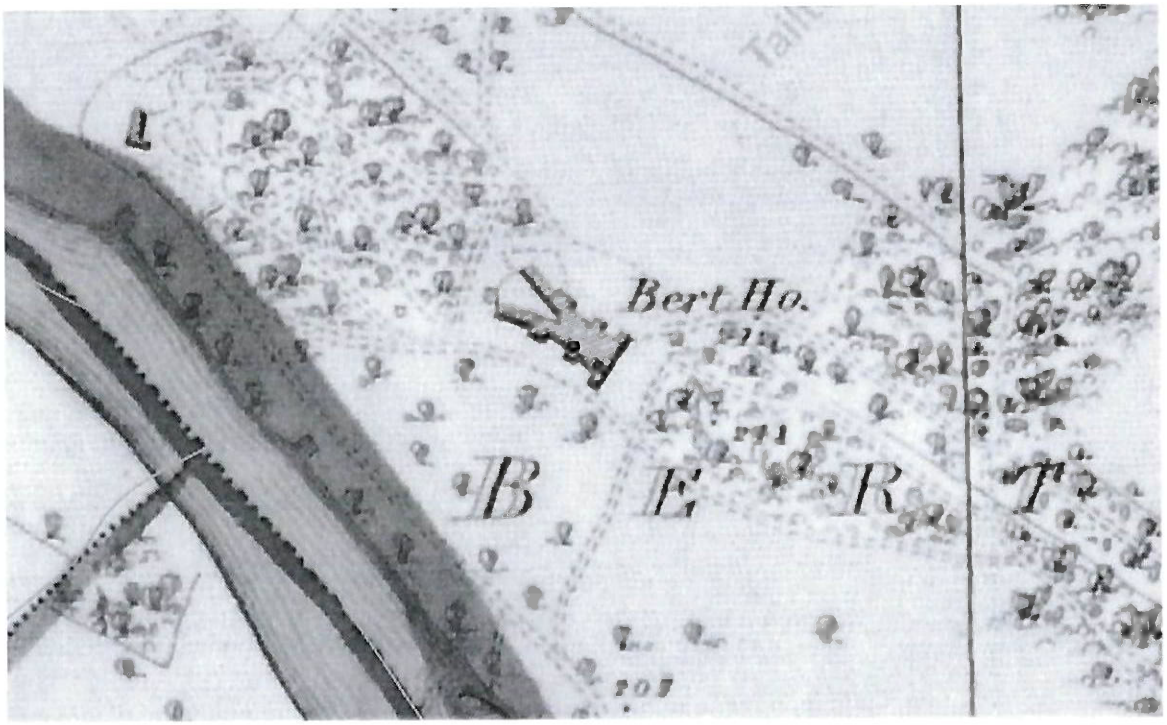


Fig 2 Detail from the first OS map c.1837-8.
CYAL50481036 © Tailte Éireann – Surveying.

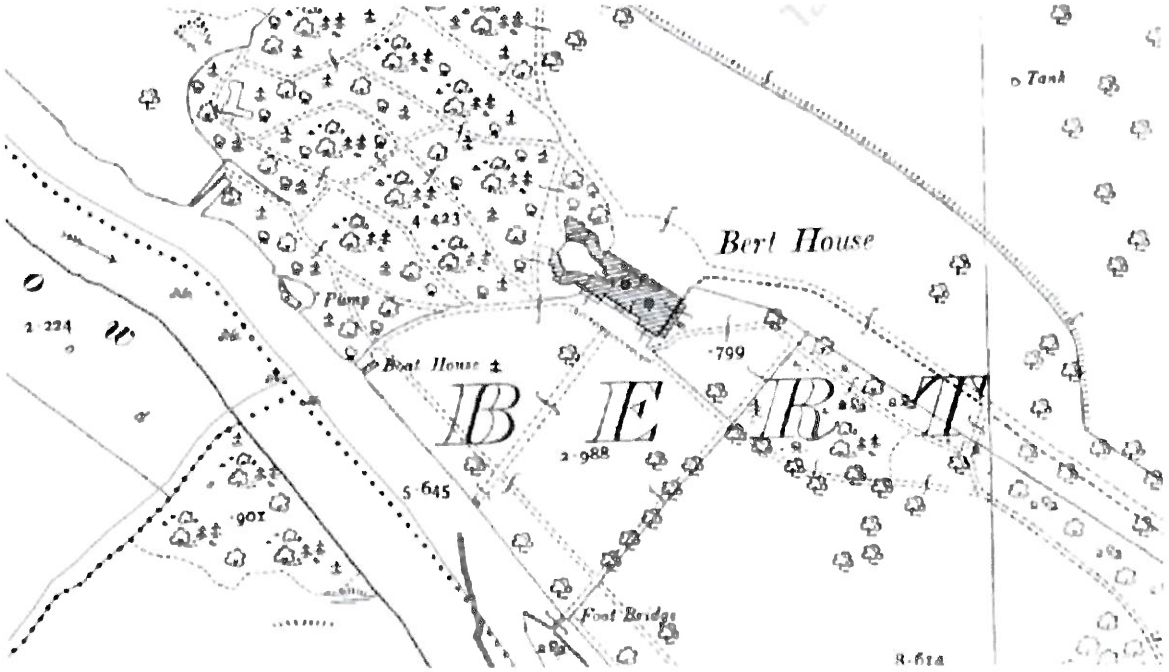


Fig 3 Detail from the second OS map c.1870-2.
CYAL50481036 © Tailte Éireann – Surveying.

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5.0 Impact Assessment

Receiving Environment

The application site is in rural County Kildare, near Athy.
The Kildare County Development Plan 2023-2029 states:

The placing of a structure on the RPS seeks to ensure that the character of the structure is maintained and any changes or alterations to it are carried out in such a way as to retain and enhance this character. The usual provisions for exempted development do not apply to protected structures and proposed protected structures. Works to a protected structure, that would materially affect the character of the structure, will always require planning permission.

and…

Promote best practice and the use of skilled specialist practitioners in the conservation of, and any works to, protected structures. Architectural Heritage Impact Assessment reports should make reference to the DHLGH Advice Series on how best to repair and maintain historic buildings. The AHIA report should summarise the principal impacts on the character and special interest of the structure or site and describe how it is proposed to minimise these impacts. It may also describe how the works have been designed or specified to have regard to the character of the architectural heritage.

"Under Section 58 of the Planning and Development Act, 2000, as amended, each owner and occupier must ensure that a Protected Structure or any element of a Protected Structure is not endangered through harm, decay or damage, whether over a short or long period, through neglect or through direct or indirect means."
The Architectural Heritage Protection - Guidelines for Planning Authorities [2004] as a source of information for owners of Protected Structures. At paragraph 11.1.3, the Guidelines pose the following questions for development :

a) Does the structure retain its original plan-form?

b) If not, are there any alterations or additions of interest?

c) Have the proportions of the rooms or spaces been altered? Have they been damaged by alteration, improved or merely changed?

d) Are there any interesting, planned relationships between rooms or spaces, such as enfilades, processional routes, industrial processes and the like? Have these been altered or interrupted by changes or created out of previously existing spaces?

e) Is there a hierarchy to the various spaces? How do the principal spaces relate to the subsidiary ones; for example, dining rooms to kitchens or banking halls to offices?

f) Is the relationship of the spaces or the layout of rooms of interest because of the insight it gives into the workings of a bygone time; for example, the relationship of cells to a courtroom or a milling room to a store?

g) Are there elements of interest in the interior such as early iron and concrete floors, timber stud partitions, lath-and-plaster ceilings, exposed roof trusses?

h) Is there any joinery of quality such as internal doors, window shutters, skirting boards, dado rails, architraves, wall panelling?

i) Are there finishes of interest to flooring, walls or ceilings?

j) Are there any surviving original or good quality decorative schemes? These might include lime wash, paint, wallpaper, wall-paintings, painted ceilings, tiling, gilding, and other finishes.

k) Are there any fixtures or features which are original to the building or of architectural or historical interest; for example fireplaces, counters or benching?

l) Is there surviving machinery connected with a building's present or former use, such as milling machinery, early lifts or dumb waiters?

Methodology

A desktop study was carried out of the Kildare County Development Plan 2023-2029 and of the Record of Protected Structures, as set out there, also, the National Inventory of Architectural Heritage to identify structures and places of architectural heritage value in the vicinity of the proposed development and policies relating to the protection of Kidare historic environment.

Research was undertaken of relevant literature, historic documents and historic mapping as part of this assessment.

In addition, a site visit was carried out on 30th July 2025 to determine the likely impact of the proposed development on architectural heritage.

This assessment of effects on Architectural Heritage had regard to the Guidelines on the Information to be Contained in Environmental Impact Assessment Reports prepared by the Environmental Protection Agency (2022), and to Directive 2011/92/EU (as amended by Directive 2014/52/EU) on the assessment of the likely effects of certain public and private projects on the environment which can be used as a way of quantifying impacts on Built Heritage.

The list of definitions given below is taken from Table 3.4: Descriptions of Effects contained in the Guidelines on the Information to be Contained in Environmental Impact Assessment Reports prepared by the Environmental Protection Agency. Some comment is also given below on what these definitions might imply in the case of architectural heritage.The definitions from the EPA document are in italics.

- *Imperceptible:An effect capable of measurement but without significant consequences.*
- *Not Significant: An effect which causes noticeable changes in the character of the environment but without significant consequences.* Changes that would not be significant in terms of Planning Consent
- *Slight:An effect which causes noticeable changes in the character of the environment without affecting its sensitivities.* This suggests the overall Heritage Significance of the property would not be impacted by the proposed changes even though they would be noticeable
- *Moderate:An effect that alters the character of the environment in a manner that is consistent with existing and emerging baseline trends.* Some impact on the Heritage Significance, but within acceptable limits.
- *Significant: An effect which, by its character, magnitude, duration or intensity alters a sensitive aspect of the environment.* Some impact on Heritage Significance, moving outside of acceptable limits.
- *Very Significant:An effect which, by its character, magnitude, duration or intensity significantly alters most of a sensitive aspect of the environment.* Where the Heritage Significance is severely impacted or lost altogether even though some of the structure may remain.
- *Profound:An effect which obliterates sensitive characteristics.* Loss of the entire structure or all of its Heritage Significance.

The Proposed Development

Change of use of basement rooms to accommodation

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Impacts

The basement of Bert House has already been converted for use as a leisure centre for the former hotel, meaning all the rooms have been plastered or dry lined and had replacement fire doors fitted. Most rooms have had concrete floors installed. The only exception being the proposed living room which still has stone flags. All the interior finishes appear to date from the conversion to a hotel.

For the proposed development, there are no alterations to room sizes or new opes proposed. There do not appear to be any remaining visible historic features that could be impacted by the proposed change of use.

Considering the questions in the Guidelines for Planning Authorities:

- Does the structure retain its original plan-form? *No changes to the building building plan form are proposed. No openings or closing of is proposed.*
  Some painting of existing plastered walls has and will continue to take place. No works associated with electrical conduits or plumbing is proposed.
- If not, are there any alterations or additions of interest? *No works proposed. Just a change from gym, etc as set out above and in the attached drawings.*
- Are there any interesting, planned relationships between rooms or spaces, such as enfilades, processional routes, industrial processes and the like? Have these been adhered or interrupted by changes or created out of previously existing spaces? *No works proposed. Just change from gym, etc as set out above and in the attached drawings.*
- Is there a hierarchy to the various spaces? How do the principal spaces relate to the subsidiary ones; for example, dining rooms to kitchens or banking halls to offices? *No. All such changes were granted previously by Kildare County Council when permission was granted for a change of use from a stately home/ dwelling to a Hotel.*
- Is the relationship of the spaces or the layout of rooms of interest because of the insight it gives into the workings of a bygone time; for example, the relationship of cells to a courtroom or a milling room to a store? *No.*
- Are there elements of interest in the interior such as early iron and concrete floors, timber stud partitions, lath-and-plaster ceilings, exposed roof trusses? *No. All such changes were granted previously by Kildare County Council when permission was granted for a change of use from a stately home/dwelling to a Hotel.*
- Is there any joinery of quality such as internal doors, window shutters, skirting boards, dado rails, architraves, wall paneling? *No.*
- Are there finishes of interest to flooring, walls or ceilings? *No. All features including the vault type ceilings observed in room are to be maintained and not altered or amended.*
- Are there any surviving original or good quality decorative schemes? These might include lime wash, paint, wallpaper, wall-paintings, painted ceilings, tiling, gilding, and other finishes. *No. This was always a basement. All changes to the interior fabric of the building was changed after a grant of permission by Kildare County Council.*
- Are there any fixtures or features which are original to the building or of architectural or historical interest, for example fireplaces, counters or benching? *No. This was always a basement area and no such features existed. Any changes to the interior fabric of the building were carried out under a grant of permission by Kildare County Council.*
- Is there surviving machinery connected with a building's present or former use, such as milling machinery, early lifts or dumb waiters? *No.*

6.0 Discussion

Although Bert House is a significant building, reputedly designed originally by a famous architect, the proposed development in the basement does not appear to impact any further on its significance beyond any existing impacts due to the alterations carried previously out to make it into a leisure centre for the hotel.

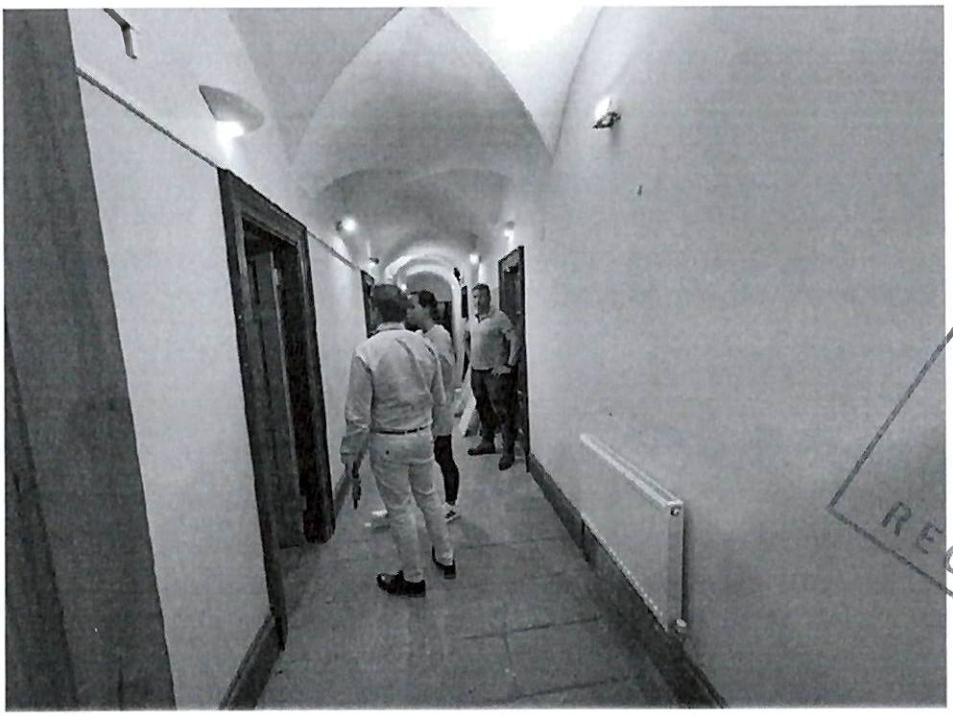
Thomas Burgh, famous Military Engineer and Architect is not attributed with having designed Bert House in the Dictionary of Irish Architects. It seems likely however that he would have had some input to the new house being built by his brother, but it is not clear where this information originally comes from.

The use of the house to accommodate many needy families ensures it is maintained and appreciated for the future. The existing occupants appear very contented and it is nice to see happy children playing in the garden.

James Powell CEng MIEI
Conservation Consultant
087 6686090



Fig 4 Central corridor of the basement looking north west



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Fig 5 Central corridor of the basement looking south east

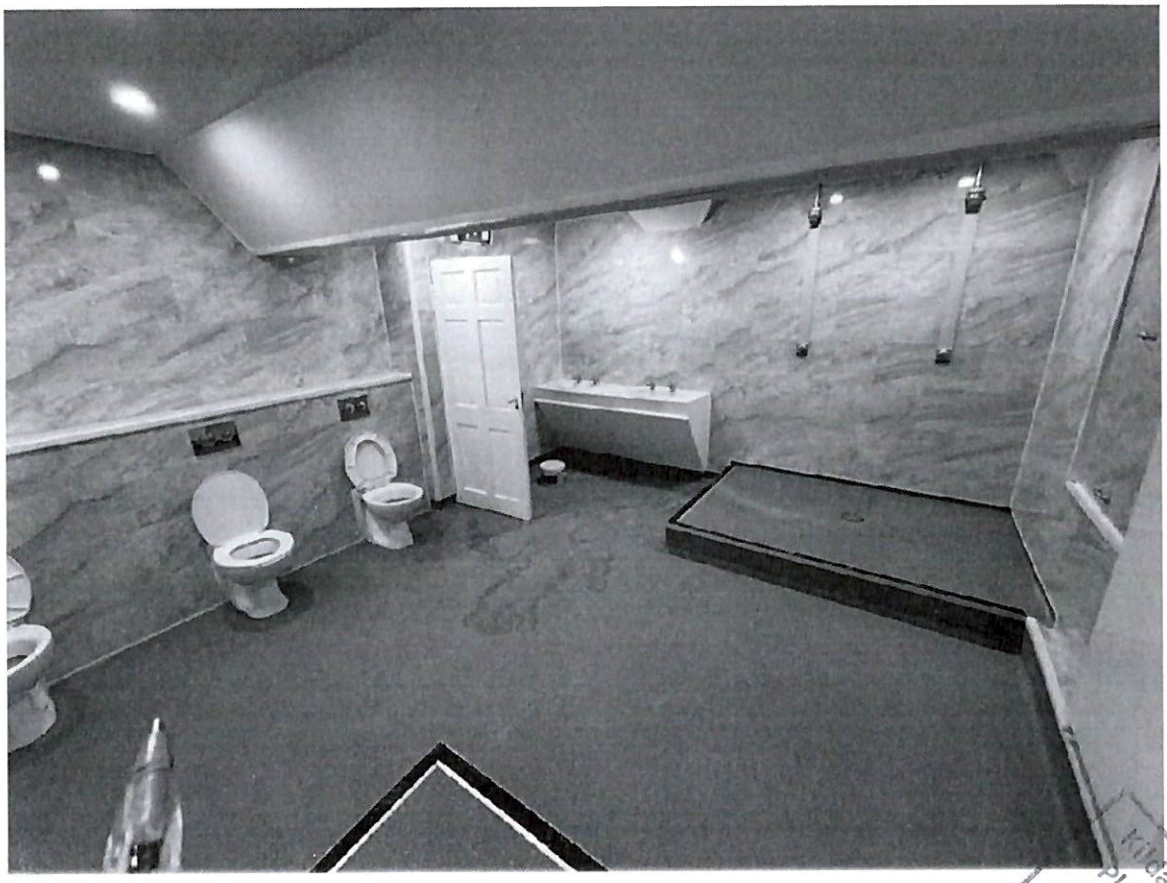


Fig 6 Proposed shower room



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Fig 7 Proposed Bedroom 8, previously sauna or jacussi

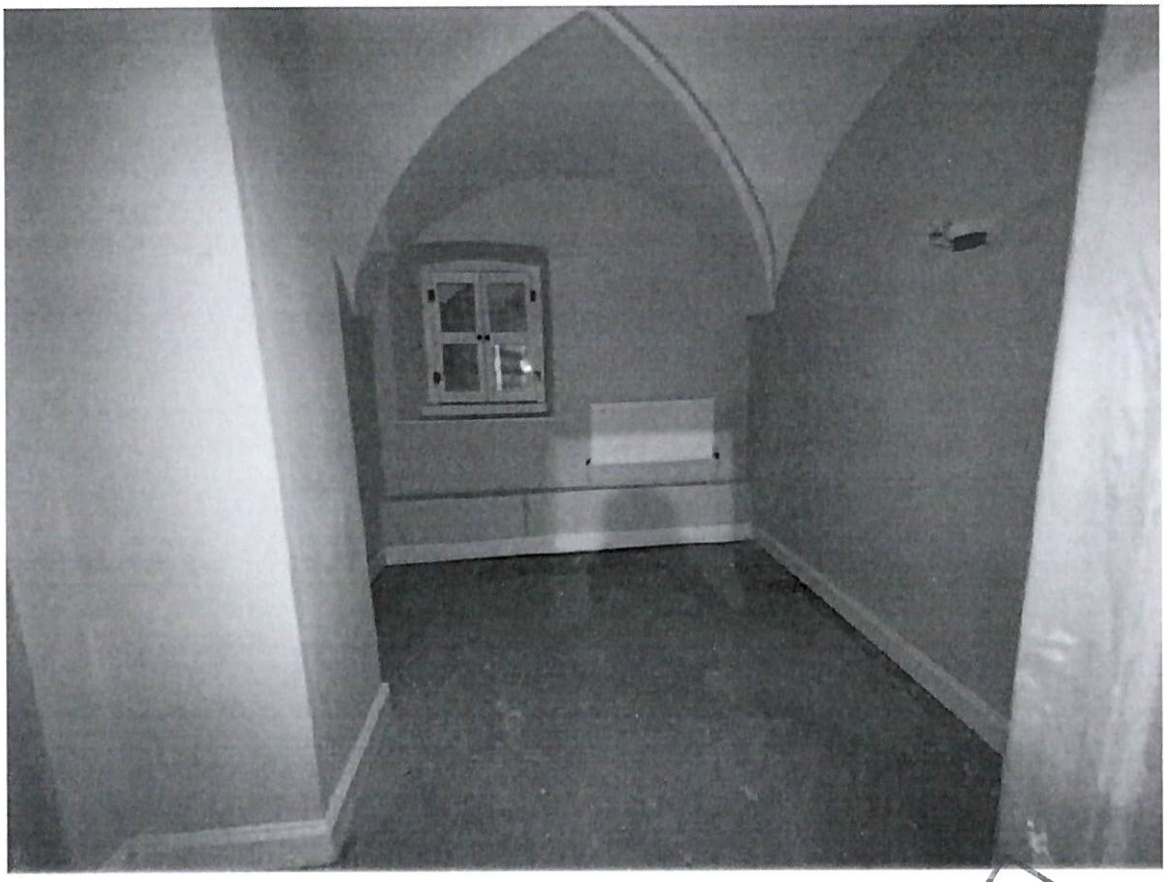
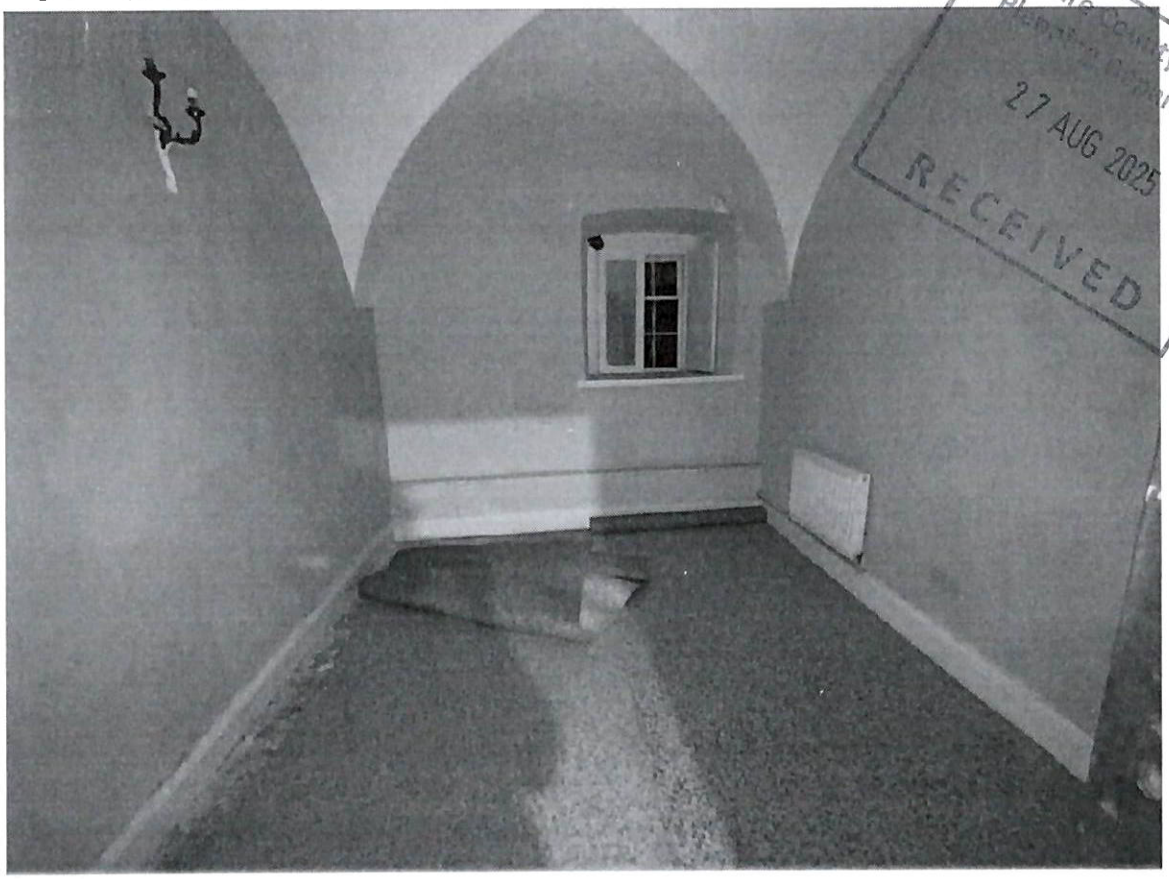


Fig 8 Proposed Bedroom 7



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Fig 9 Proposed Bedroom 6



Fig 10 Proposed Living room, note vaulted roof

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Fig 11 Proposed Bedroom 1 with shower ensuite beyond



Fig 12 Proposed Bedroom 2 with ensuite through door at rear.



Fig 13 Proposed kitchen

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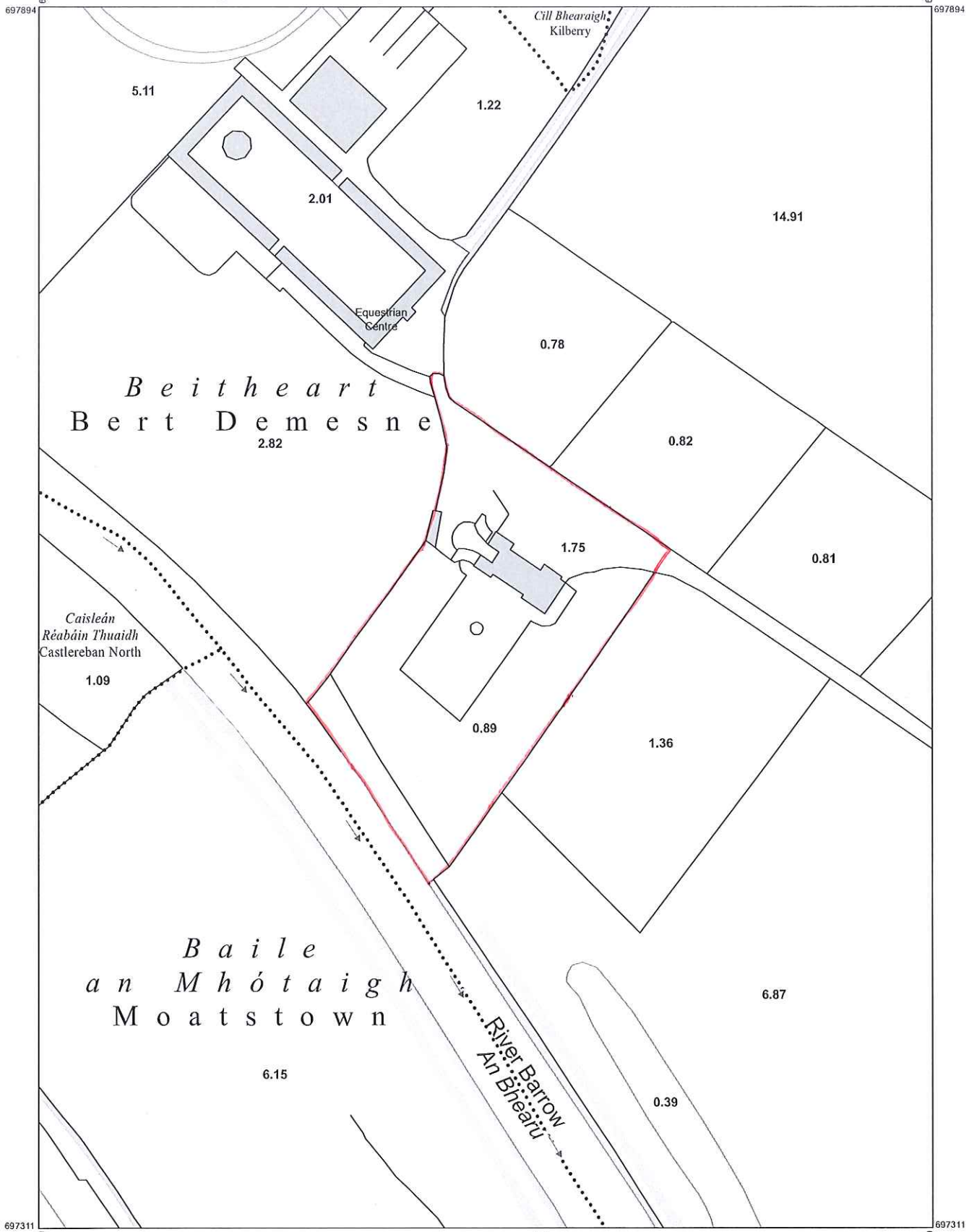
Fig 14 Proposed bedrooms 3 and 4, to be subdivided (and insulated etc) Modern construction under patio.



Fig 15 Exterior of the building, patio mentioned in Fig 14 is on right.

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Planning Pack Map



OUTPUT SCALE: 1:2,500

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MAP SHEETS: 3947-A, 3947-C

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Rural PLACE Map

Surveyed 1999 – 1999
Revised 2002 – 2003
Levelled 0

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Prepared By:
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Ph/Fax 0507 / 35957
Mob. 087 / 8454056

NORTH

DESCRIPTION

PAPER SIZE

1:2500

3947–A 3947–B
3947–D 3947–C

BERT DEMESNE

Grave Yard
Church
Bert House
Ruin
Grand Canal
River Barrow

Scale:– 1:2500
Scála:– 1:2500

200 150 100 50 0 200 Metres
500 250 0 500 Feet

Plot Ref. No. 15653_1_5
Plot Date 18–NOV–2003

Printed by The Map Shop 79 John's Street Kilkenny City.

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Record PLACE Map

Surveyed 1837 – 1839
Revised 1907 – 1939
Levelled 1942

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19 AUG 2005
Planning Department
Kildare County Council

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PLANNING DEPARTMENT
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Prepared By:
Pat Knowles & Assoc.
Crissard Lodge
Woolhill, Athy
Co. Kildare.
Ph/Fax 0507 / 35957
Mob: 087 / 8454056

NORTH

6inch
KE030 KE034
KE031 KE035
LS019 LS014

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Scale:– 1:10560
Scála:– 1:10560

1000900 800 700 600 500 400 300 200 100 0
1000 Metres
2000 1000 0 2000 Feet

Plot Ref. No. 15653_1_12
Plot Date 18–NOV–2003

Kildare County Council
For Inspection Purposes Only

SURFACE WATER DRAINAGE

FOUL WATER DRAINAGE

ADJOINING STUD FARM TO NORTH OF SITE NOT OWNED BY APPLICANTS

SITE BOUNDARY OUTLINED IN RED
COMPLETE SITE BOUNDARY VISIBLE ON MAP SCALE 1:1250

N

Store.

Water storage tank.

Gas storage tanks.

Pump House.

Fountain.

Envirocare Treatment Unit. (P150) 10m x 3m

Existing Septic Tank to become obsolete.

Trail Holes.

Right of way retained by stud farm to adjoining lands.

BARROW RIVER

Grass

F.F.L 250

0.00

Driveway

Bored Well.

Foul Water Drainage.

Surface Water Drainage.

Surface Water Drainage.

Post & Rail Fence.

PERCOLATION AREA

PERCOLATION AREA

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= NEW BUILD

1:500

Percolation Specification
20 x 25m linear pipe runs.
Total of 1000 sqm perc area.
400 sqm trenched area.

AREA OF SITE = 6.43 ACRES.

Site Layout (2)	Date: April 2004	
Project: Spindara Ltd. Bert House, Athy.		Drawn By: Pat Knowles Scale: 1: 500

Kildare County Council - Inspection Purposes Only

ADJOINING STUD FARM TO NORTH OF SITE NOT OWNED BY APPLICANTS

SITE BOUNDARY OUTLINED IN RED
COMPLETE SITE BOUNDARY VISIBLE ON MAP SCALE 1:1250

Store
Water storage tank
Gas storage tanks
Pump House
Fountain
Eurocycle Treatment Unit (P1SE) 12m x 3m
Existing Septic Tank to become redundant
Test Holes
Surface Water Drainage
Post & Rail Fence
Proposed Dwelling
F.F.L 250
Foul Water Drainage
Bored Well
Gravel Entrance
Surface Water Drainage
Post & Rail Fence
BARROW RIVER

Percolation Specification
20 x 25m linear pipe runs.
Total of 1000 sqm perc area.
400 sqm trenched area.

KILDARE COUNTY COUNCIL
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1 SEP 2005
PLANNING DEPARTMENT

SURFACE WATER DRAINAGE
FOUL WATER DRAINAGE
NEW BUILD

N

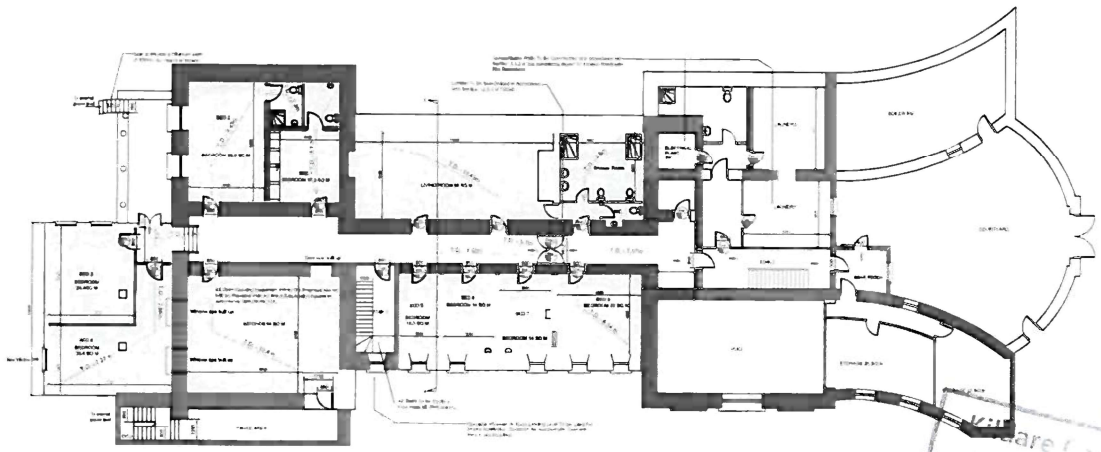
Sight line in excess of 90m in this direction
Position of Site Notice
Entrance
Sight line in excess of 90m in this direction

1:1250

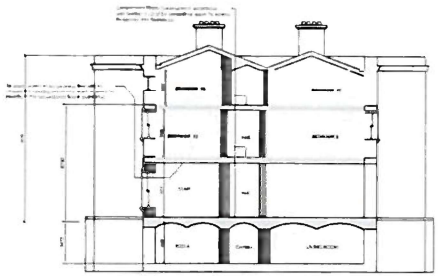
Site Layout (1)	Date: April 2004	
Project: Spindara Ltd. Bert House, Athy.		Drawn By: Pat Knowles Scale: 1: 1250

AREA OF SITE = 6.43 ACRES.

Kildare Coounty Council - Inspection Purposes Only



BASEMENT PLAN AREA = 678sqm



SECTION A_A (1:100)

LEGEND

	60 MINUTE FIRE RESISTANT CONSTRUCTION I.E. COMPARTMENT WALLS AND PROTECTED SHAFTS ENCLOSURES CONTINUED UP TO THE UNDERSIDE OF CONCRETE SLAB / ROOF AND FIRESTOPPED AT JUNCTIONS CONSTRUCTION - GENERALLY 215MM & 100MM CONCRETE WALLS WHERE 60 MINUTE PARTITIONS MAY BE USED THESE ARE TO BE 100 x 50MM STUDS WITH 15mm GYPROC FIRELIN BOARD EITHER SIDE
	30 MINUTE FIRE RESISTANT CONSTRUCTION I.E. PROTECTED CORRIDOR ENCLOSURES, LOBBIES ETC. CONTINUED UP TO CONC. SLAB OVER CONSTRUCTION - CONCRETE WALLS AND STANDARD STUD PARTITIONS WHICH WILL GIVE 30 MINUTES FIRE RESISTANCE
	60 MINUTE FIRE RESISTANT COMPARTMENT FLOORS CONSTRUCTION - T & G FLOOR BOARDING ON TIMBER JOISTS AND DOUBLE SLABBED FROM UNDERNEATH TO GIVE 60 MINUTES FIRE RESISTANCE FLOORS TO BE COMPARTMENT FLOORS
	MAINTAINED EXIT SIGN TO S.I 132 SHMW REGULATIONS 1995 (SIGNS)
	60 MINUTE FIRE RESISTANCE SELF-CLOSING DOORSET WITH INTUMESCENT STRIP AND SMOKE SEALS
	30 MINUTE FIRE RESISTANCE SELF-CLOSING DOORSET WITH INTUMESCENT STRIP AND SMOKE SEALS
	TRAVEL DISTANCE

NOTES

FIRE ALARM SYSTEM
THE BUILDING IS TO BE COVERED WITH A FIRE DETECTION AND ALARM SYSTEM TO I.S. 3218: 1989 AS DETAILED IN SECTION 1.4.14 OF TGD-B & THE COMPLIANCE REPORT

EMERGENCY LIGHTING SYSTEM
THE BUILDING SHALL BE COVERED WITH AN EMERGENCY LIGHTING SYSTEM TO IS. 3217: 1989 AS DETAILED IN SECTION 1.4.8 OF THE COMPLIANCE REPORT

DOOR WIDTHS
DOORS ARE TO BE MIN. 800mm CLEAR WIDTH UNLESS OTHERWISE STATED

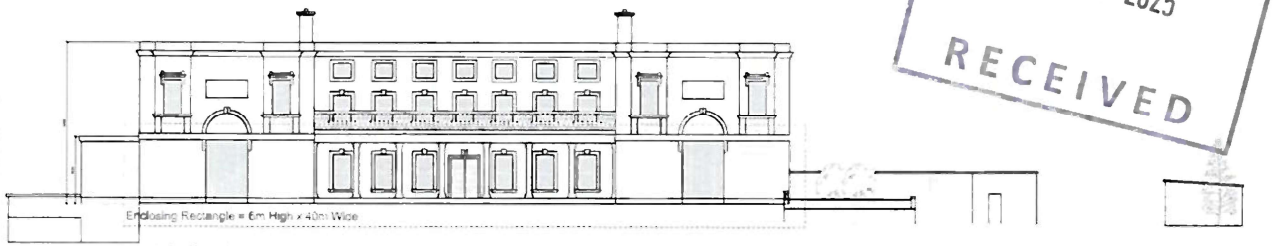
STAIRS
ALL STAIRS SHALL BE IN ACCORDANCE WITH TGD - K (DEMS PUBLIC AND TGD-M 2010)

LOAD BEARING WALLS
ALL LOADBEARING WALLS SHALL BE 215MM CONCRETE BLOCKWORK WHICH WILL GIVE 60 MINUTES FIRE RESISTANCE

ROOF COVERINGS
ALL ROOF COVERINGS TO BE MIN. AA AB OR AC
IT IS RECOMMENDED THAT ROOF INSULATION BE FM AND LPC APPROVED FOR INSURANCE PURPOSES

Area Relevant to the Application for Fire Safety certificate
Fire Calculation:
42.90 x 338.8 mm = 4976.72

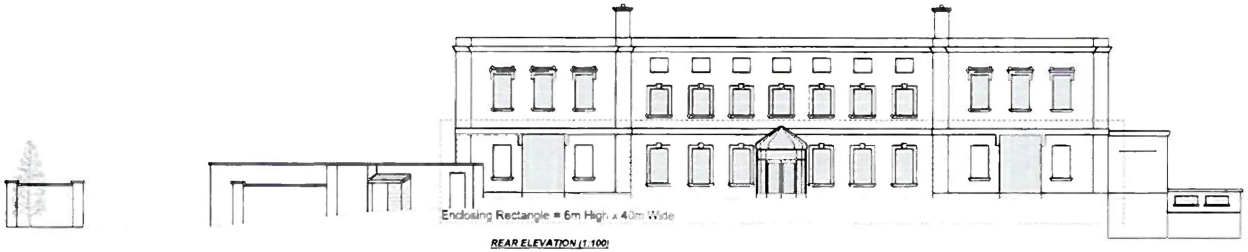
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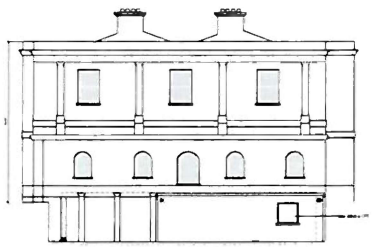
FRONT ELEVATION (1:100)



SIDE ELEVATION 1 (1:100)



REAR ELEVATION (1:100)



SIDE ELEVATION 2 (1:100)

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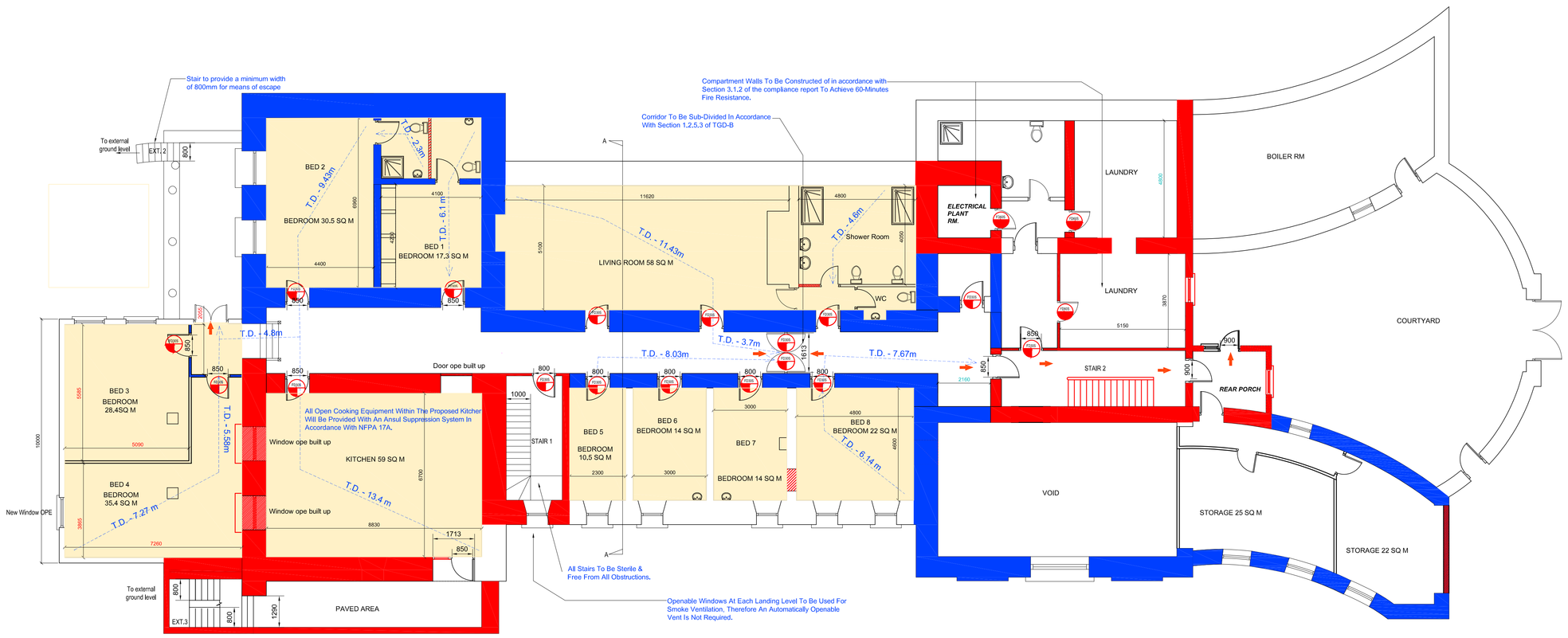
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PLOT DATE:

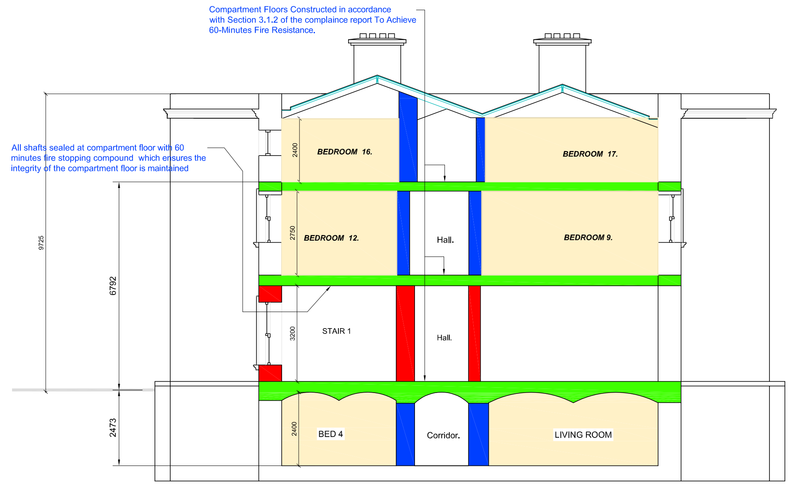
PROJECT: Fire safety cert for Bert House, Bert Demesne, Kilberry, Athy, Co. Kildare
STAGE: Fire Safety Cert
DRAWING: Basement Plan, Section, & Elevations
SCALE: 1:100 DRAWN: R. KISSANE

SITE: Bert House Athy, Co. Kildare
CLIENT: Damien Malone
PROJECT No.: 2409 DATE: Nov. '24
DRAWING No.: FSC 02

RKAD ARCHITECTS
FIRST FLOOR, UNIT 4
DUNBOYNE BUSINESS PARK,
DUNBOYNE, CO. MEATH, A86 XN04
TEL: 087 419 0 500 EMAIL: INFO@RKADARCH.IE
WEB: RKAD.IE



BASEMENT PLAN AREA = 678sqm



SECTION A,A (1:100)

LEGEND

	60 MINUTE FIRE RESISTANT CONSTRUCTION I.E. COMPARTMENT WALLS AND PROTECTED SHAFTS ENCLOSURES CONTINUED UP TO THE UNDERSIDE OF CONCRETE SLAB / ROOF AND FIRESTOPPED AT JUNCTIONS CONSTRUCTION - GENERALLY 215MM & 100MM CONCRETE WALLS. WHERE 60 MINUTE PARTITIONS MAY BE USED THESE ARE TO BE 100 X 50MM STUDS WITH 15mm GYPROC FIRELIN BOARD EITHER SIDE
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	MAINTAINED EXIT SIGN TO SI 132 SHWW REGULATIONS 1995 (SIGNS)
FD60S	60 MINUTE FIRE RESISTANCE SELF-CLOSING DOORSET WITH INTUMESCENT STRIP AND SMOKE SEALS
FD30S	30 MINUTE FIRE RESISTANCE SELF-CLOSING DOORSET WITH INTUMESCENT STRIP AND SMOKE SEALS
	TRAVEL DISTANCE

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FRONT ELEVATION (1:100)



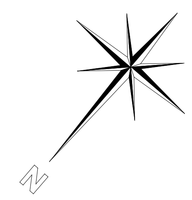
SIDE ELEVATION 1 (1:100)

Area Relevant to the Application For Fire Safety certificate

Fee Calculation:
€2.90 x 336.8 msq = €976.72

REAR ELEVATION (1:100)

SIDE ELEVATION 2 (1:100)



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ORIGINAL PAPER SIZE:
PLOT DATE:

PROJECT: Fire safety cert for Bert House, Bert Demesne, Kilberry, Athy, Co. Kildare
STAGE: Fire Safety Cert
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SITE: Bert House Athy, Co. Kildare
CLIENT: Damien Malone
PROJECT No.: 2409 DATE: Nov. '24
DRAWING No: FSC 02

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FIRST FLOOR, UNIT 4,
DUNBOYNE BUSINESS PARK,
DUNBOYNE, CO. MEATH. A86 XR04
TEL. : 087 419 0 500 E-MAIL : RORY@KISSANE.IE
WEB: RKAD.IE

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Devoy Park
Naas
Co. Kildare
27/08/2025 13:12:09

Receipt No. : FIN1/0/515648
***** REPRINT *****

Damien Malone
Section 5

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

Total : 80.00 EUR

Tendered :
Credit Card 80.00
VD
7006
****

Change . 0.00

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From : Financial Lodgement Area
Vat reg No.0440571C