Comhairle Contae Chill Dara
Kildare County Council

Date: 1st October 2026
Our Ref: ED/1401

Rafal Wolk,
c/o Kavanagh and Associates,
Main Street,
Newbridge,
Co. Kildare,
W12VP02

RE: Application for a Declaration of Exempted Development under Section 5 of Planning and Development Act 2000 (as amended) for development at 6 College Park, Station Road, Newbridge, Co. Kildare.

Dear Sir/Madam,

I refer to your correspondence received on 27th August 2026 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/1401

WHEREAS a question has arisen as to whether subdivision of the existing house and conversion of the attached garage, stores and associated accommodation to provide one additional self-contained residential unit constitutes exempted development.

AS INDICATED on the plans and particulars received by the Planning Authority on 27th August 2026

AND WHEREAS Rafal Wolk requested a declaration on the said question from Kildare County Council,

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

a. Sections 2, 3, 4 and 5 of the Planning and Development Act 2000 (as amended);
b. Articles 6, 91(a)(i) and Class 1A of the Planning and Development Regulations, 2001, as amended,
c. The planning history pertaining to the subject site, in particular Condition No. 3 of planning permission pl. ref. 2561457
d. The nature, extent and purpose of the works/development,

AND WHEREAS Kildare County Council has concluded that

a. The construction of the subdivision of the existing house and conversion of the attached garage, stores and associated accommodation to provide one additional self-contained residential unit involves the carrying out of works, which constitutes development under Section 3 of the Planning and Development Act 2000 (as amended);
b. The development does not comply with the scope and thresholds of exempted development provided by Article 6(1) and Article 91(a)(i) of Schedule 2 of the Planning and Development Regulations 2001 (as amended).

NOW THEREFORE Kildare County Council, in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act 2000 (as amended), hereby decides that - Subdivision of the existing house and conversion of the attached garage, stores and associated accommodation to provide one additional self-contained residential unit **IS development and IS NOT EXEMPTED development pursuant to the provisions of the Planning and Development Act, 2000 (as amended) and the Planning and Development Regulations, 2001 (as amended).**

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

1st October 2026

pp
Senior Executive Officer,
Planning Department.

KILDARE COUNTY COUNCIL

PLANNING, ENTERPRISE & ECONOMIC DEVELOPMENT DEPARTMENT

Section 5 referral & declaration on development and exempted development
Planning & Development Act 2000 (as amended)

Reference No. ED/1401

Name Of Applicant(s):	Rafal Wolk
Address Of Development:	6 College Park, Station Road, Newbridge, Co. Kildare W12 HX62
Question to which this Declaration is sought:	Subdivision of the existing house and conversion of the attached garage, stores and associated accommodation to provide one additional self-contained residential unit
Due date	24/09/2026

Declaration Question

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:

1. Subdivision of the existing house and conversion of the attached garage, stores and associated accommodation to provide one additional self-contained residential unit.

is or **is not** development and **is** or **is not** exempted development.

Site Location

The subject site is located at 6 College Park, Station Road, Newbridge Co Kildare The subject site is located on north side of Station Road on the northern side of Newbridge 550 metres north of town centre. It contains a pitched roof bungalow set well back from the streetscape. Neighbouring dwellings are similar.



Site Location and context



Apple Maps

Planning History

2561457 Retention permission granted for single storey side and rear extension to existing single storey detached house as constructed, retention of attic storage space as constructed and all associated site works. Condition 2 of that permission reads as follows…

3. The house and the hereby retained extensions and garage shall be jointly used as a single dwelling unit for residential purposes and shall not be sub-divided or separated from the main house. In particular, it shall not be sold, leased or let (including short-term letting) independently of the main house.

Reason: To prevent unauthorised development.

75/569 Retention Of House Constructed in Accordance with Revised Plans Approved subject to conditions

64/4494 Bungalow Approved subject to conditions

Relevant Legislative Background

Primary Legislation: Planning and Development Act 2000 (as amended)

Section 2(1)

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

Section 3(1)

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

Section 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;

Secondary Legislation: Planning and Development Regulations 2001 (as amended)

Article 6(1) [Exempted Development – General]

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.

Restrictions on exemption.

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

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

(ii) consist of or comprise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width,

(iii) endanger public safety by reason of traffic hazard or obstruction of road users

(iii) endanger public safety by reason of traffic hazard or obstruction of road users,

(iiia) endanger public safety by reason of hazardous glint and/or glare for the operation of airports, aerodromes or aircraft,

(iv) except in the case of a porch to which class 7 specified in column 1 of Part 1 of Schedule 2 applies and which 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, comprise the construction, erection, extension or renewal of a building on any street so as to bring forward the building, or any part of the building, beyond the front wall of the building on either side thereof or beyond a line determined as the building line in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,

(v) consist of or comprise the carrying out under a public road of works other than a connection to a wired broadcast relay service, sewer, water main, gas main or electricity supply line or cable, or any works to which class 25, 26 or 31 (a) specified in column 1 of Part 1 of Schedule 2 applies,

(vi) interfere with the character of a landscape, or a view or prospect of special amenity value or special interest, the preservation of which is an objective of a development plan for the area in which the development is proposed or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,

(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,

(viiA) consist of or comprise the excavation, alteration or demolition of any archaeological monument included in the Record of Monuments and Places, pursuant to section 12 (1) of the National Monuments (Amendment) Act 1994, save that this provision shall not apply to any excavation or any works, pursuant to and in accordance with a consent granted under section 14 or a licence granted under section 26 of the National Monuments Act 1930 (No. 2 of 1930) as amended,

(viiB) comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site,

(viiC) consist of or comprise development which would be likely to have an adverse impact on an area designated as a natural heritage area by order made under section 18 of the Wildlife (Amendment) Act 2000.

(viii) consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use,

(ix) consist of the demolition or such alteration of a building or other structure as would preclude or restrict the continuance of an existing use of a building or other structure where it is an objective of the planning authority to ensure that the building or other structure would remain available for such use and such objective has been specified in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,

(x) consist of the fencing or enclosure of any land habitually open to or used by the public during the 10 years preceding such fencing or enclosure for recreational purposes or as a means of access to any seashore, mountain, lakeshore, riverbank or other place of natural beauty or recreational utility,

(xi) obstruct any public right of way,

(xii) further to the provisions of section 82 of the Act, consist of or comprise the carrying out of works to the exterior of a structure, where the structure concerned is located within an architectural conservation area or an area specified as an architectural conservation area in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the

draft variation of the development plan or the draft development plan and the development would materially affect the character of the area,

CLASS 1A

Column 1 - Description of Development

The subdivision of a house and the restoration of a house to its original form if subdivided under this Class.

Column 2 - Conditions and Limitations

1. *For the purposes of this exemption, the relevant period begins on the date that this Regulation is signed and ends on 31 December 2030.**
2. *This exemption shall apply only to development that is commenced and completed during the relevant period.*
3. *For the avoidance of doubt, the relevant building control legislation shall apply, such as Building Regulations (including Fire Safety) and Building Control Regulations.*
4. *Subdivision of a house shall not create more than two units in total.*
5. *Each unit shall be no less than 32 square metres in floorspace.*
6. *Each unit shall be self-contained and not reliant on the use of shared internal space, other than for access.*
7. *This exemption shall not be used in cases where there has been a construction, erection or placing of a detached house in the rear garden of a principal house.*
8. *Subject to paragraph 9, a notification shall be submitted to the relevant planning authority not less than 14 days prior to the commencement of the works informing them of the intention to use this Class of exemption, confirming that the site meets the requirements under these Regulations and stating the reason for the intended use.*
9. *A notification under paragraph 8 shall include the location of the proposed use of this class of exemption and the Eircode of the relevant property.*
10. *The planning authority shall maintain a record of all notifications under this exemption and report annually to the Minister on the number of notifications received under this Class.*

**Note: Class 1A of Part 1 of Schedule 2 is inserted by article 3 of S.I. No. 339/2026 Planning and Development (Exempted Development (Act of 2000)) (No.2) Regulations 2026.*

EIA and AA Screening

Section 5(7) EIA Screening
The proposed development is not specified in Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended. In any event, it is considered, having regard to nature, size and location, the proposed development would not be likely to have significant effects on the environment. Therefore, EIA is not required.

An Appropriate Assessment Screening accompanies this report.

Assessment

Question 1 - Is it development?

The first question to address is whether or not:

> *Subdivision of the existing house and conversion of the attached garage, stores and associated accommodation to provide one additional self-contained residential unit.*

would constitute development in accordance with the provisions of the Planning and Development Act, 2000 (as amended).

The Act defines "development" as the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land (Section 3(1)) and defines "*'works' to include any act or operation of* construction*, excavation, demolition, extension, alteration, repair or renewal".*

Having regard to the question asked, which involves an ***act or operation of* construction /** excavation / demolition / extension / alteration / repair or renewal, it is therefore considered that this constitutes works as defined by Section 3 and would therefore constitute **development.**

Question 2 - Is it or is it not exempted development?

Is the development of

> *Subdivision of the existing house and conversion of the attached garage, stores and associated accommodation to provide one additional self-contained residential unit*

exempted development?

The applicant has stated that they are applying under Class 1A of the Planning and Development Regulations 2001 (as amended), which consists of 10 no. limitations and conditions therein and relates to *The subdivision of a house and the restoration of a house to its original form if subdivided under this Class.*

Notwithstanding this, Article 9 Restrictions on Exemption must first be considered. Having regard to Article 9 1(a)(i); condition no. 2 of Pl. Ref. 2561457 specifically precluded the sub-division of the permitted house. This condition 2 is relevant. As such, for this reason the proposal is not exempted development.
Regardless, for completeness the conditions and limitations pertaining to Class 1A are listed and compliance checked below.

1. *For the purposes of this exemption, the relevant period begins on the date that this Regulation is signed and ends on 31 December 2030.** **OK**
2. *This exemption shall apply only to development that is commenced and completed during the relevant period.* **OK**
3. *For the avoidance of doubt, the relevant building control legislation shall apply, such as Building Regulations (including Fire Safety) and Building Control Regulations.* **OK**
4. *Subdivision of a house shall not create more than two units in total.* **OK**
5. *Each unit shall be no less than 32 square metres in floorspace.* **OK**
6. *Each unit shall be self-contained and not reliant on the use of shared internal space, other than for access.* **OK**
7. *This exemption shall not be used in cases where there has been a construction, erection or placing of a detached house in the rear garden of a principal house.* **N/A**
8. *Subject to paragraph 9, a notification shall be submitted to the relevant planning authority not less than 14 days prior to the commencement of the works informing them of the intention to use this Class of exemption, confirming that the site meets the requirements under these Regulations and stating the reason for the intended use.* **OK**
9. *A notification under paragraph 8 shall include the location of the proposed use of this class of exemption and the Eircode of the relevant property.* **OK**
10. *The planning authority shall maintain a record of all notifications under this exemption and report annually to the Minister on the number of notifications received under this Class.* **OK**

Conclusion and Recommendation

Having regard to:

a. Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended),
b. Articles 6 and 9 of the Planning and Development Regulations, 2001(as amended),
c. The planning history pertaining to the subject site, in particular Condition No. 3 under planning ref. **2561457**
d. The plans and particular submitted with the Declaration application and the nature, extent and purpose of the works

It is considered that:

a. *Subdivision of the existing house and conversion of the attached garage, stores and associated accommodation to provide one additional self-contained residential unit* involves the carrying out of works, which constitutes development under Section 3 of the Planning and Development Act 2000
b. Where condition no. 3 under planning ref. **2561457** is relevant and restrictive and the proposed development would contravene the above-mentioned condition. The development does not comply with the scope and thresholds of exempted development provided by Article 6(1) and Article 9(1)(a)(i)and contained in Class 1A of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended).

And therefore, it is concluded that:

The subdivision of the existing house and conversion of the attached garage, stores and associated accommodation to provide one additional self-contained residential unit at 6 COLLEGE PARK STATION ROAD, NEWBRIDGE W12 HX62 and 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).

Date: 29/09/2026

Martin Ryan
Senior Executive Planner
01/10/2026

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 Subdivision of the existing house and conversion of the attached garage, stores and associated accommodation to provide one additional self-contained residential unit constitutes exempted development.

AS INDICATED on the plans and particulars received by the Planning Authority on date 27/08/2026

AND WHEREAS Rafal Wolk requested a declaration on the said question from Kildare County Council,

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

a. Sections *2, 3, 4 and 5* of the Planning and Development Act 2000 (as amended);
b. Articles 6, 91)(a)(i) and Class 1A of the Planning and Development Regulations, 2001, as amended,
c. The planning history pertaining to the subject site, in particular Condition No. 3 of planning permission pl. ref. 2561457
d. The nature, extent and purpose of the works/development,

AND WHEREAS Kildare County Council has concluded that:

a. The construction of the Subdivision of the existing house and conversion of the attached garage, stores and associated accommodation to provide one additional self-contained residential unit involves the carrying out of works, which constitutes development under Section 3 of the Planning and Development Act 2000 (as amended)
b. The development does not comply with the scope and thresholds of exempted development provided by Article 6(1) and Article 91)(a)(i) of Schedule 2 of the Planning and Development Regulations 2001 (as amended).

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

Subdivision of the existing house and conversion of the attached garage, stores and associated accommodation to provide one additional self-contained residential unit

IS development and IS NOT EXEMPTED development pursuant to the provisions of the Planning and Development Act, 2000 (as amended) and the Planning and Development Regulations, 2001 (as amended).

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

Signed:



Assistant Planner
29/09/

Appendix 1

APPROPRIATE ASSESSMENT SCREENING REPORT
AND
DETERMINATION

(A) Project Details	
Planning File Ref	ED1401
Applicant name	Rafal Wolk
Development Location	6 College Park, Station Road, Newbridge, Co. Kildare W12 HX62
Site size	
Application accompanied by an EIAR (Yes/NO)	No
Distance from Natura 2000 site in km	3km from Pollardstown Fen SAC
Description of the project/proposed development – Subdivision of the existing house and conversion of the attached garage, stores and associated accommodation to provide one additional self-contained residential unit	

(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 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.**

(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 scale and nature of the proposed works, it is not considered that there will be any impact on the nearest SAC.		
Name:	D McGrath	
Position:	Asst Planner	
Date:	29/09/2026	

COMHAIRLE CONTAE CHILL DARA

KILDARE COUNTY COUNCIL

Director of Services Order

I, Alan Dunney, Director of Services of Planning, Enterprise & Economic Development, by the powers conferred on the Chief Executive of Kildare County Council under Section 151 of the Local Government Act 2001, as amended by the Local Government Reform Act 2014, and which powers are delegated to me pursuant to Section 154 of the Local Government Act 2001 (as amended) by Chief Executive's Order number: CE63325 , do hereby make the following Order:

ORDER NO: DO68173 **Section:** Planning

SUBJECT: ED/1401
Rafal Wolk, co/ Kavanagh and Associates, Main Street, Newbridge, Co. Kildare, W12VP02. Exempt Development Application for Subdivision of the existing house and conversion of the attached garage, stores and associated accommodation to provide one additional self-contained residential unit at 6 College Park, Station Road, Newbridge, Co. Kildare

SUBMITTED: File Ref. ED1405 with recommendation from the Senior Executive Planner and reports from the Council's Technical Officers.

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

MADE THIS 1ST DAY OF OCTOBER YEAR 2026.

SIGNED: Alan Dunney

DIRECTOR OF SERVICES

Comhairle Contae Chill Dara
Kildare County Council

Date: 27th August 2026.
Our Ref: ED/1401

Rafal Wolk,
c/o Kavanagh and Associates,
Main Street,
Newbridge,
Co. Kildare W12 VP02.

RE: Application for a Declaration of Exempted Development under Section 5 of Planning and Development Act 2000 (as amended) for development at 6 College Park, Station Road, Newbridge, Co. Kildare W12 HX62.

Dear Sir/Madam,

I acknowledge receipt of your application for a Declaration of Exempted Development under Section 5 of Planning and Development Act 2000 (as amended) received on 27th August 2026 in connection with the above.

Please find enclosed Receipt no. FIN1/0/527804 for €80 application fee.

Yours sincerely,

pp Norma O'Connor

Senior Executive Officer,
Planning Department.

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) Surname: **WOLK** Forenames: **RAFAL**

Phone No: [redacted] Fax No.....

2. Address: **6 COLLEGE PARK, STATION ROAD, NEWBRIDGE, CO. KILDARE. EIRCODE W12 HX62**

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

1. Name of Person/Agent: **KAVANAGH AND ASSOCIATES**

Phone No: [redacted] Fax No.....

2. Address: **MAIN STREET, NEWBRIDGE, CO. KILDARE, W12VP02**

Section 3	Company Details (if applicable)

1. Name of Company:

Phone No: ..... Fax No.....

2. Company Reg. No:

3. Address:

Kildare County Council
Planning Department
27 AUG 2026
RECEIVED

Section 4	Details of Site

1. Planning History of Site: **25/61457**

2. Location of Proposed Development: **6 COLLEGE PARK, STATION ROAD, NEWBRIDGE, CO. KILDARE**

3. Ordnance Survey Sheet No: **3606-11, 3605-15**

4. Please state the Applicants interest in the site: **OWNER**

Kildare County Council
Planning Department
27 AUG 2026
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5. Please state the extent of the proposed development:

SUBDIVISION OF THE EXISTING HOUSE AND CONVERSION OF THE ATTACHED GARAGE, STORES AND ASSOCIATED ACCOMMODATION TO PROVIDE ONE ADDITIONAL SELF-CONTAINED RESIDENTIAL UNIT

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)*

EXEMPTION IS SOUGHT PURSUANT TO SECTION 4(2) OF THE PLANNING AND DEVELOPMENT ACT 2000, AS AMENDED, ARTICLE 6 OF THE PLANNING AND DEVELOPMENT REGULATIONS 2001, AS AMENDED, AND CLASS 1A OF PART 1 OF SCHEDULE 2, AS INSERTED BY S.I. NO. 339 OF 2026, SUBJECT TO THE APPLICABLE CONDITIONS, LIMITATIONS AND ARTICLE 9 OF THE REGULATIONS

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

THE PROPOSED DEVELOPMENT COMPRISES THE SUBDIVISION OF THE EXISTING HOUSE AND INTERNAL CONVERSION OF THE ATTACHED GARAGE, STORES AND ASSOCIATED ACCOMMODATION TO PROVIDE ONE ADDITIONAL SELF-CONTAINED RESIDENTIAL UNIT OF NOT LESS THAN 32 SQ/M, RESULTING IN TWO SELF-CONTAINED RESIDENTIAL UNITS IN TOTAL.

THE EXISTING PRINCIPAL DWELLING WILL BE RETAINED AS UNIT 1 AND THE PROPOSED ADDITIONAL ACCOMMODATION WILL FORM UNIT 2.

ACCESS WILL BE PROVIDED THROUGH THE EXISTING SIDE/REAR ENTRANCE AND A SHARED ACCESS LOBBY ONLY.

NO EXTENSION BEYOND THE EXISTING AUTHORISED BUILDING ENVELOPE, SEPARATE SUBDIVISION OF THE SITE OR NEW VEHICULAR ENTRANCE IS PROPOSED.

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

(Please Tick)

1.	Site Location Map (1:2500 Rural Areas) (1:1000 Urban Areas)	✓
2.	A Site Layout Plan (Scale 1:500) in full compliance with Article 23 of Planning and Development Regulations 2001 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, RAFAL WOLK certify that all of the above information is correct and I have submitted all the required documents as outlined at Section 6 above.

Signature: Rafal Wolk Date: 24/08/2026

Kildare County Council
Planning Department
27 AUG 2026
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KA-STD-009

SECTION 5 DECLARATION

Property at
6 College Park,
Station Road,
Newbridge, Co. Kildare



Kildare Office | Main Street, Newbridge, Co. Kildare W12 VP02 | P: 045 436 053
Dublin Office | 29 Fitzwilliam Street Upper, Dublin 2, D02 NN27 | P: 01 564 1359
Web: www.kav.ie | E: info@kav.ie

1. PROJECT OVERVIEW

1.1 Project Snapshot

Project	Property at 6 College Park, Station Road, Newbridge, Co. Kildare
Client	Rafal Wolk
Report	Section 5 Declaration
Site Area	824 Sq/M
Folios	KE73154F
Planning Authority	Kildare County Council
Report Reference	26-06041 KA-STD-009
Date	August 25, 2026
Prepared By	Patrick Kavanagh BSc, MSc, MCIAT
Revision	A

1.2 Opinion

The proposal comes squarely within the development now expressly contemplated by Class 1A. On a purposive reading of the 2026 Regulations and Condition 3 of permission 25/61457, the proposal should be regarded as exempted development, subject to full compliance with every Class 1A safeguard.



2. PURPOSE OF THE REPORT

This report accompanies a request to Kildare County Council for a declaration under Section 5 of the Planning and Development Act 2000, as amended. It considers whether the proposed subdivision and internal conversion works constitute development and, if so, whether they are exempted development under Class 1A of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 to 2026.

The report is confined to planning status. Compliance with the Building Regulations, Building Control Regulations, fire safety requirements, housing standards and other statutory codes is a separate matter.



3. SECTION 5 QUESTION

Question Referred:

Whether the subdivision of the existing house at 6 College Park, Station Road, Newbridge, Co. Kildare, and the conversion of the attached domestic garage, stores and associated accommodation to provide one additional self-contained residential unit of not less than 32 Sq/M, resulting in no more than two residential units in total, is development and, if so, whether it is exempted development under Class 1A of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 to 2026.

4. SITE AND EXISTING DEVELOPMENT

The subject property is an established detached dwelling along Station Road, Newbridge. The site is stated on Drawing PL001 as approximately 824 Sq/M.

The subject dwelling house is primarily a bungalow with a single-storey garage and stores along the side and rear.

The main dwelling has a floor area of approximately 167 Sq/M, comprising 155 Sq/M at ground-floor level and 12 Sq/M of non-habitable attic accommodation, together with an attached garage of approximately 23 Sq/M.

Kildare County Council granted retention permission under planning reference 25/61457 for the single-storey side and rear extension to the detached house as constructed, the attic storage space as constructed and associated site works. The Council Order is dated 17 February 2026 and Kildare County Council's Notification of Decision is dated 30 March 2026. Approved Drawing GC/PLN-003 identifies the attached garage, stores, WC, utility accommodation and attic store.

5. PROPOSED DEVELOPMENT

The proposal is to subdivide the existing house and convert the attached garage, stores and associated accommodation into a second self-contained residential unit. The proposed unit is shown as approximately 32 Sq/M and contains an open-plan living, sleeping and cooking area, a bathroom and storage.

Access is proposed through the existing side/rear entrance and lobby. The drawings do not indicate any extension beyond the existing building envelope. The existing roof form and principal external openings are generally retained. The main dwelling remains as the principal and larger residential unit on the site.

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6. LEGISLATIVE CONTEXT

6.1 Development and exempted development

Section 3 of the Planning and Development Act 2000, as amended, defines development as the carrying out of works on, in, over or under land or the making of a material change in the use of structures or other land. Section 4 and the Planning and Development Regulations identify classes of development that may be exempted, subject to the stated conditions, limitations and the restrictions in Article 9.

Section 5 provides a formal procedure through which a planning authority may determine whether a particular proposal is or is not development and whether it is or is not exempted development.

6.2 New Class 1A Exemption

S.I. No. 339 of 2026 inserted Class 1A into Part 1 of Schedule 2 of the Planning and Development Regulations.

The Regulations came into operation on 27 July 2026. Class 1A applies to the subdivision of a house and, subject to its conditions, permits the creation of one additional self-contained residential unit within the existing house.

- The development must be commenced and completed within the relevant period ending on 31 December 2030.
- The subdivision must not create more than two units in total.
- Each unit must contain at least 32 Sq/M of floorspace.
- Each unit must be self-contained and must not rely on shared internal space, other than for access.
- The exemption is unavailable where a detached house has been constructed, erected or placed in the rear garden of the principal house under the relevant exemption.
- The planning authority must receive the prescribed notification not less than 14 days before the works commence.
- Relevant building control legislation, including Building Regulations and fire safety requirements, continues to apply.

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7. ASSESSMENT AGAINST CLASS 1A

Class 1A Matter	Assessment	Status
Relevant Period	Works are proposed after 27 July 2026 and can be completed before 31 December 2030.	Complies in principle
Maximum two units	The drawings propose retention of the principal dwelling and creation of one additional unit only.	Complies
Minimum 32 Sq/M	Proposed unit is 32 Sq/M. Main Dwelling is to remain substantially greater than 32 Sq/M.	Complies
Self-contained units	Proposed unit contains living / sleeping, cooking and bathroom facilities. Main dwelling retains its own domestic facilities.	Complies
Shared internal space	The side / rear lobby will function as access only.	Complies
No detached rear unit	The applicant confirms that no detached house has been constructed, erected or placed in the rear garden under Class 3A.	Complies
Existing envelope	The garage and stores are contained within the existing authorised envelope under planning reference 25/61457.	Complies
Advance notification	A Class 1A notification must be submitted to Kildare County Council at least 14 days before commencement.	Required pre-start
Building control	The works will require a separate building control strategy and statutory submissions.	Separate compliance

8. ARTICLE 9 AND PLANNING HISTORY

Article 9(1)(a)(i) of the Planning and Development Regulations provides that development is not exempted development where carrying it out would contravene a condition attached to a permission under the Act. Condition 3 of permission 25/61457 states that the house, retained extensions and garage shall be jointly used as a single dwelling unit for residential purposes and shall not be subdivided or separated from the main house. It also prohibits independent sale, lease or letting, including short-term letting.

8.1 Regulatory Chronology

Permission 25/61457 was determined before Class 1A came into operation on 27 July 2026. At the time Condition 3 was imposed, no equivalent general exemption existed for the subdivision of a principal house into two self-contained units. The condition must therefore be understood in the legal and policy context in which it was drafted: subdivision without a specific permission or exemption would then have constituted unauthorised development.

S.I. No. 339 of 2026 subsequently introduced a specific national exemption for the subdivision of a house. The amendment represents a deliberate change in the regulatory treatment of precisely this form of development. It expressly permits one additional self-contained unit within the existing house, subject to detailed safeguards concerning unit numbers, minimum floor area, independence of facilities, timing, notification and building control compliance.

8.2 Purpose and Reasoning for Condition 3

The stated reason for Condition 3 is simply "to prevent unauthorised development." The condition is not supported by any identified site-specific concern relating to traffic, parking, drainage, density, overlooking, private open space or residential amenity. It appears to have been imposed as a general control under the regulatory regime then applicable, rather than as a bespoke finding that this particular property is intrinsically unsuitable for two residential units.

The proposal now before the planning authority would not be an informal or uncontrolled subdivision. It is being advanced through the later statutory framework specifically created for house subdivision. Treating the historic condition as permanently excluding Class 1A, without regard to the later and more specific legislative provision, would frustrate the evident purpose of the 2026 amendment for this property even though the proposal satisfies the safeguards selected by the legislature.

8.3 Nature of Proposed Subdivision

No severance or subdivision of the landholding is proposed. The complete property remains within one site boundary, and the additional unit remains within the authorised attached building envelope. No separate vehicular entrance, separate planning unit or separately saleable plot is created. The proposal is limited to the internal reorganisation of the existing house into two self-contained residential units of compliant size, with shared space limited to access.

The planning authority is therefore invited to distinguish between the unauthorised physical or legal separation that Condition 3 sought to prevent, and the controlled form of internal house subdivision subsequently and expressly authorised by Class 1A. Read in light of its stated reason, Condition 3 should not be interpreted as removing a later statutory exemption that did not exist when the condition was imposed.

8.4 Article 9 Balance

The applicant acknowledges that Article 9 requires careful consideration. However, the Regulations should be read as a coherent whole and in a manner that gives practical effect to the later, specific Class 1A provision. The operative question is not simply whether the word "subdivided" appears in the historic condition, but whether the controlled Class 1A proposal, introduced by later national legislation and compliant with all of its safeguards, is the unauthorised development against which the condition was directed. For the reasons above, it is submitted that it is not.

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Condition 4 separately requires the utility-room window on the eastern elevation shown on Drawing GC/PLN-003 to be blocked up and reinstated as a block wall, with photographic evidence submitted within 12 months. Compliance with that requirement should be confirmed and reflected accurately in the final drawings. It does not alter the Class 1A assessment but must be respected.

9. ENVIRONMENTAL CONSIDERATIONS

The proposal is confined to the existing built envelope of an established urban dwelling and is served by existing public water and foul drainage infrastructure. No removal of habitat, new wastewater treatment system or extension of the developed footprint is proposed. On the information available, the proposal is not of a nature or scale likely to give rise to significant environmental effects. The statutory screening and declaration remain matters for Kildare County Council.

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10. PLANNING OPINION AND CONCLUSION

The proposed internal works and subdivision constitute development. They also correspond directly with the form of development expressly provided for by Class 1A of Part 1 of Schedule 2, as inserted by S.I. No. 339 of 2026. The proposal produces no more than two units; each unit will exceed the statutory minimum floor area; each is self-contained; shared internal space is limited to access; and no detached Class 3A dwelling has been provided.

Condition 3 of permission 25/61457 predates Class 1A and was imposed for the general stated purpose of preventing unauthorised development. It was not founded on a recorded site-specific planning objection to a second unit. The later Regulations now provide a specific, controlled and nationally applicable mechanism by which a principal house may be subdivided. The proposed development remains within the authorised envelope and does not divide the site, create a separately saleable plot or establish an uncontrolled use.

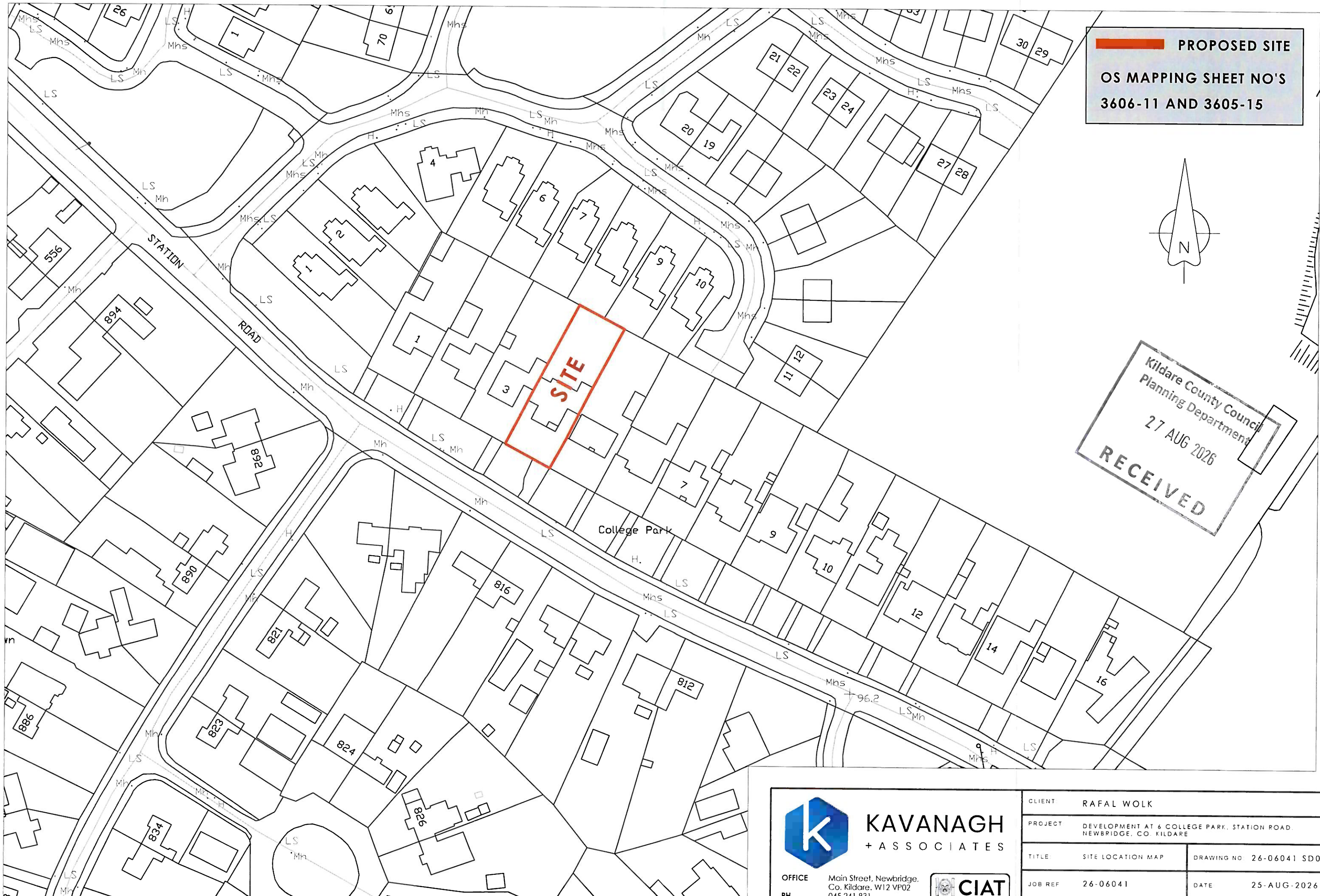
On a purposive interpretation that gives effect to both the stated reason for Condition 3 and the later, specific Class 1A exemption, the proposal should not be regarded as the unauthorised subdivision contemplated by that condition. Subject to verification of the final floor areas, access arrangement, planning history and compliance with the remaining conditions of permission 25/61457, it is respectfully submitted that the proposal is development and is exempted development under Class 1A.

It is acknowledged that the planning authority may adopt a strict interpretation of Article 9(1)(a)(i). The applicant nevertheless requests that the declaration be determined having regard to the chronology, purpose and specific legislative intent of S.I. No. 339 of 2026, rather than by treating a standard condition imposed under the former regulatory context as an automatic and permanent exclusion from the later exemption.

SOURCES

1. Planning and Development Act 2000 - Section 5
2. Planning and Development Regulations 2001, S.I. No. 600/2001
3. Planning and Development (Exempted Development) (No. 2) Regulations 2026, S.I. No. 339/2026
4. Kildare County Council - Planning Enforcement and Exempt Development





KAVANAGH + ASSOCIATES

OFFICE Main Street, Newbridge, Co. Kildare. W12 VP02
PH 045 241 831
WEB www. kav.ie
EMAIL info@kav.ie

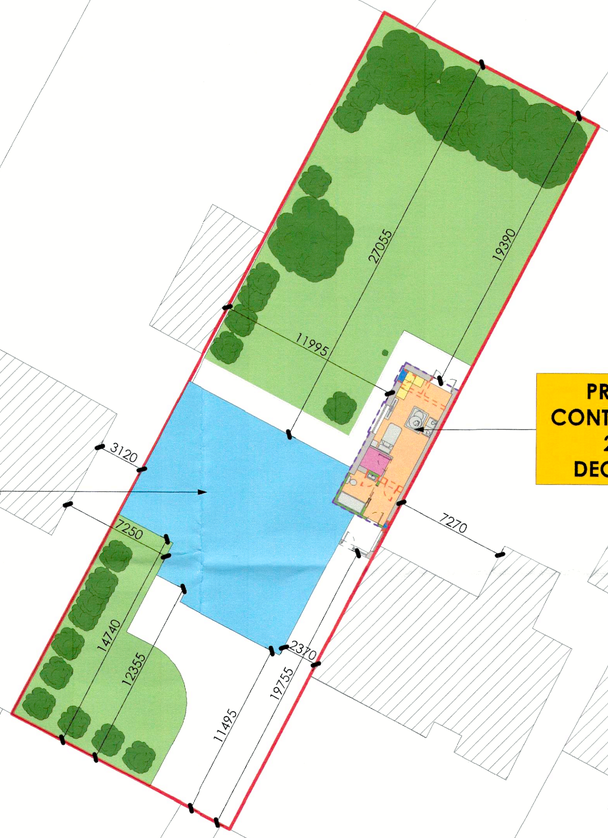
CIAT CHARTERED PRACTICE

CLIENT	RAFAL WOLK		
PROJECT	DEVELOPMENT AT 6 COLLEGE PARK, STATION ROAD, NEWBRIDGE, CO. KILDARE		
TITLE	SITE LOCATION MAP	DRAWING NO	26-06041 SD001
JOB REF	26-06041	DATE	25-AUG-2026
SCALE	1:1000 (A3)	DRAWN BY	PKAV

A1

NEWBRIDGE
DROICHEAD NUA

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EXISTING PRINCIPAL DWELLING RETAINED - UNIT 1 - EXCLUDED FROM SECTION 5 DECLARATION

PROPOSED ADDITIONAL SELF-CONTAINED RESIDENTIAL UNIT - UNIT 2 - SUBJECT OF SECTION 5 DECLARATION UNDER CLASS 1A

R416

Station Road

R416

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GENERAL NOTES:

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NOTE ON EXISTING GENERAL LANDSCAPING / BOUNDARIES

All boundary walls and fences around site are existing.

Landscaping about the site is illustrated for indication purposes only

NOTES ON SERVICES

Surface water connected to existing mains on site

Foul water connected to mains serving development

All private drain fittings such as downpipes, gullies, manholes, etc. are located within the final site boundary.

Dwelling to be connected to mains water.

LEGEND

Existing Walls

Proposed Additional Self-Contained Residential Unit - Unit 2

Proposed New Internal Walls

Demolition

Proposed Storage

Existing Principle Dwelling Retained - Unit 1

Site Boundary Line

N

NOTES ON LEVELS:

Levels are relative to OS datum taken from site survey.

SITE AREAS — SITE OUTLINE IN RED

TOTAL SITE AREA	**824 Sq / M / 0.0824 Hectares**

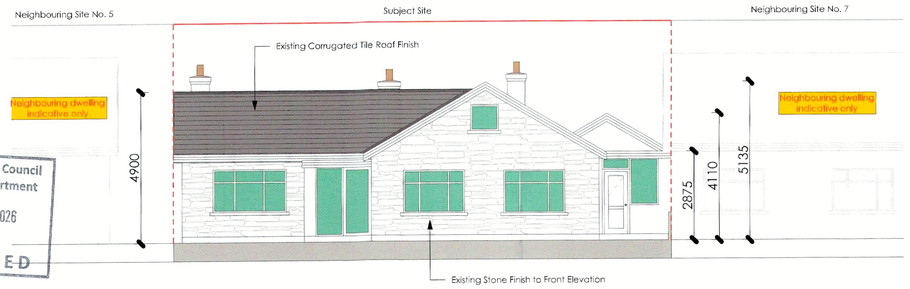
KAVANAGH + ASSOCIATES

Office Main Street, Newbridge, Co. Kildare - W12 VP02
Phone 045 241 831
Website www.kav.ie
Email info@kav.ie

CIAT CHARTERED PRACTICE

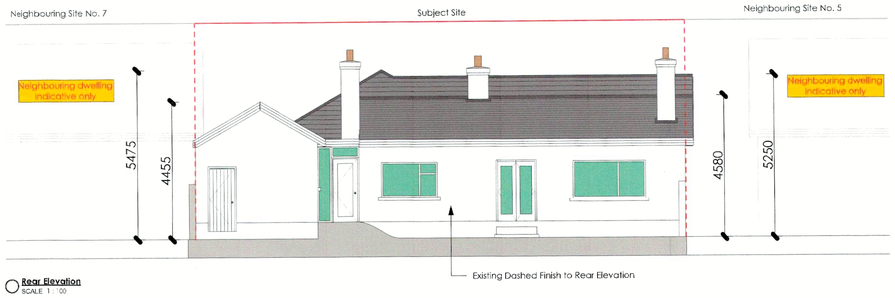
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Project	Development at 6 College Park, Newbridge, Co. Kildare, W12 HX62
Title	Proposed Site Layout Plan
Drawing Number	SD002
Scale	1:200
Revision	C
Status	Section 5 Declaration
Drawn	RS
Date	25/08/2026

A1

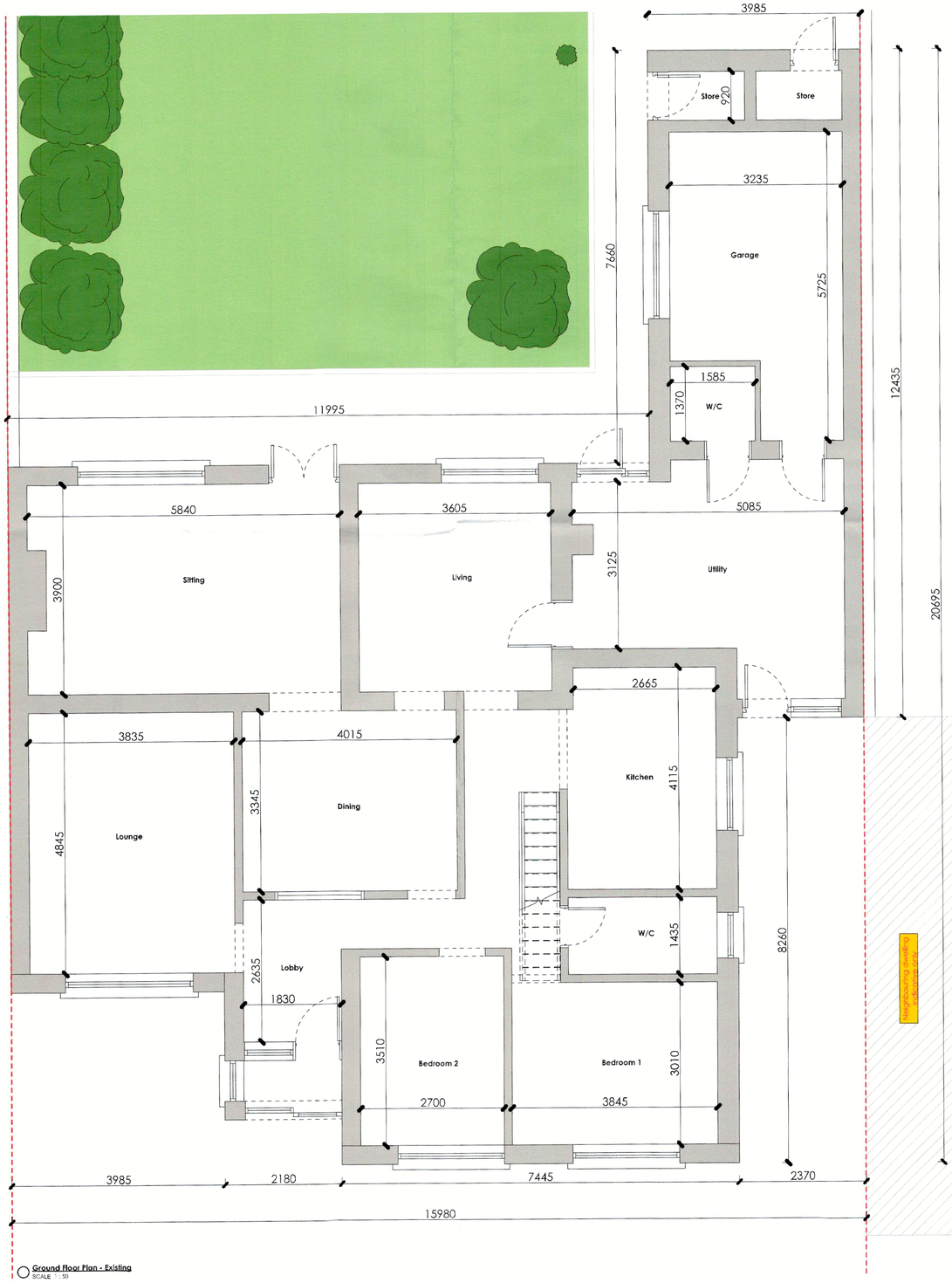


Front / Contiguous Elevation
SCALE 1 : 100

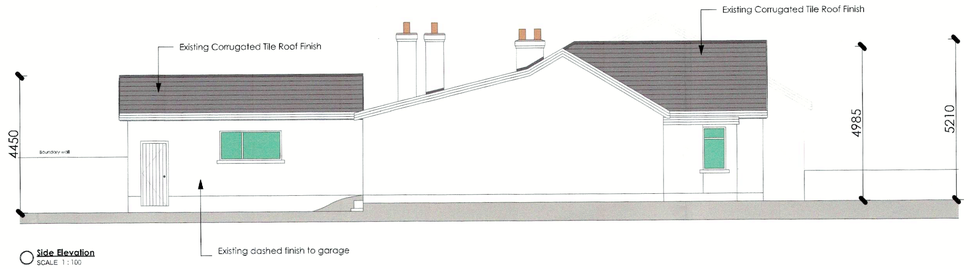
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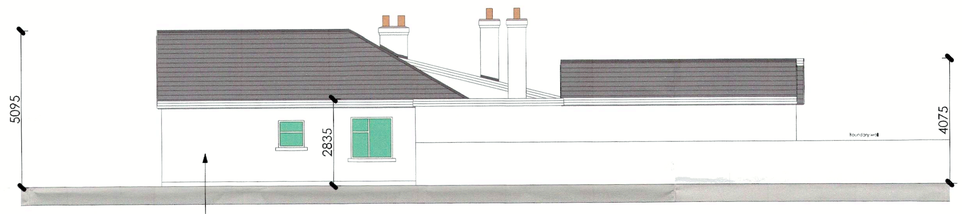
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SCALE 1 : 100



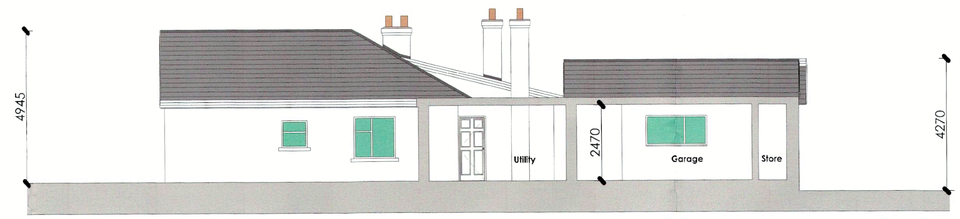
Ground Floor Plan - Existing
SCALE 1 : 50



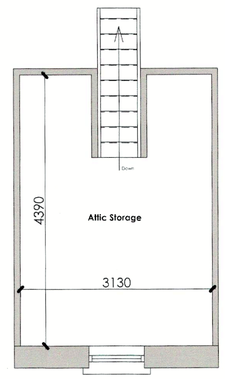
Side Elevation
SCALE 1 : 100



Side Elevation
SCALE 1 : 100



Indicative Section A-A
SCALE 1 : 100



Attic Floor Plan - Existing
SCALE 1 : 50

GENERAL NOTES:

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DWELLING GROUND FLOOR AREA

EXISTING

1.	Ground Floor Dwelling Area:	- 155 Sq/M
2.	Attic Floor Dwelling Area:	- 12 Sq/M
3.	Total Main Dwelling Area:	- 167 Sq/M
4.	Garage Floor Area:	- 23 Sq/M

* Floor areas are measured to finish wall faces

LEGEND

Existing Walls

Site Boundary Line

FINISHES

Existing stone finish to front elevation
Existing dashed finish where indicated
Existing timber / upvc fascia and soffit and gutters / downpipes
Existing corrugated concrete interlocking tiled roof

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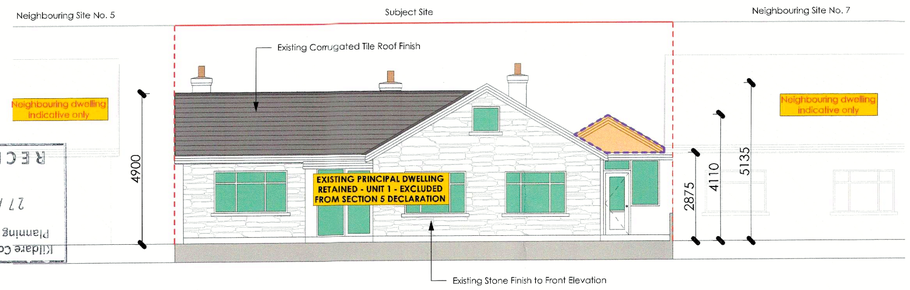
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Office Main Street, Newbridge, Co. Kildare - W12 VP02
Phone 045 241 831
Website www.kav.ie
Email info@kav.ie

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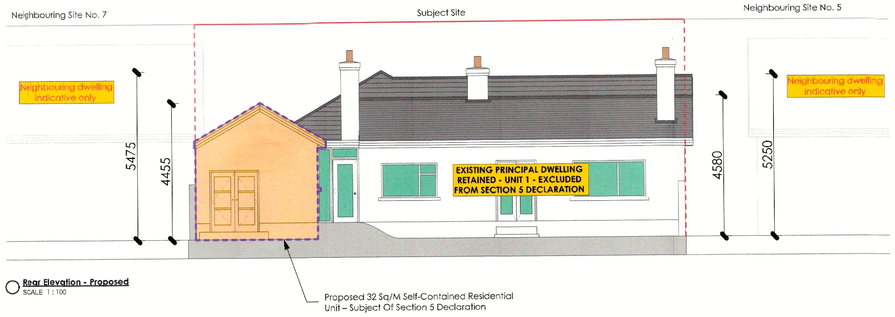
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Project	Development at 6 College Park, Newbridge, Co. Kildare, W12 HX62
Title	Existing Plans, Elevations and Section
Drawing Number	SD003
Scale	1:50 and 1:100
Revision	N/A
Status	Section 5 Declaration
Drawn	RS
Date	25/08/2026

A1

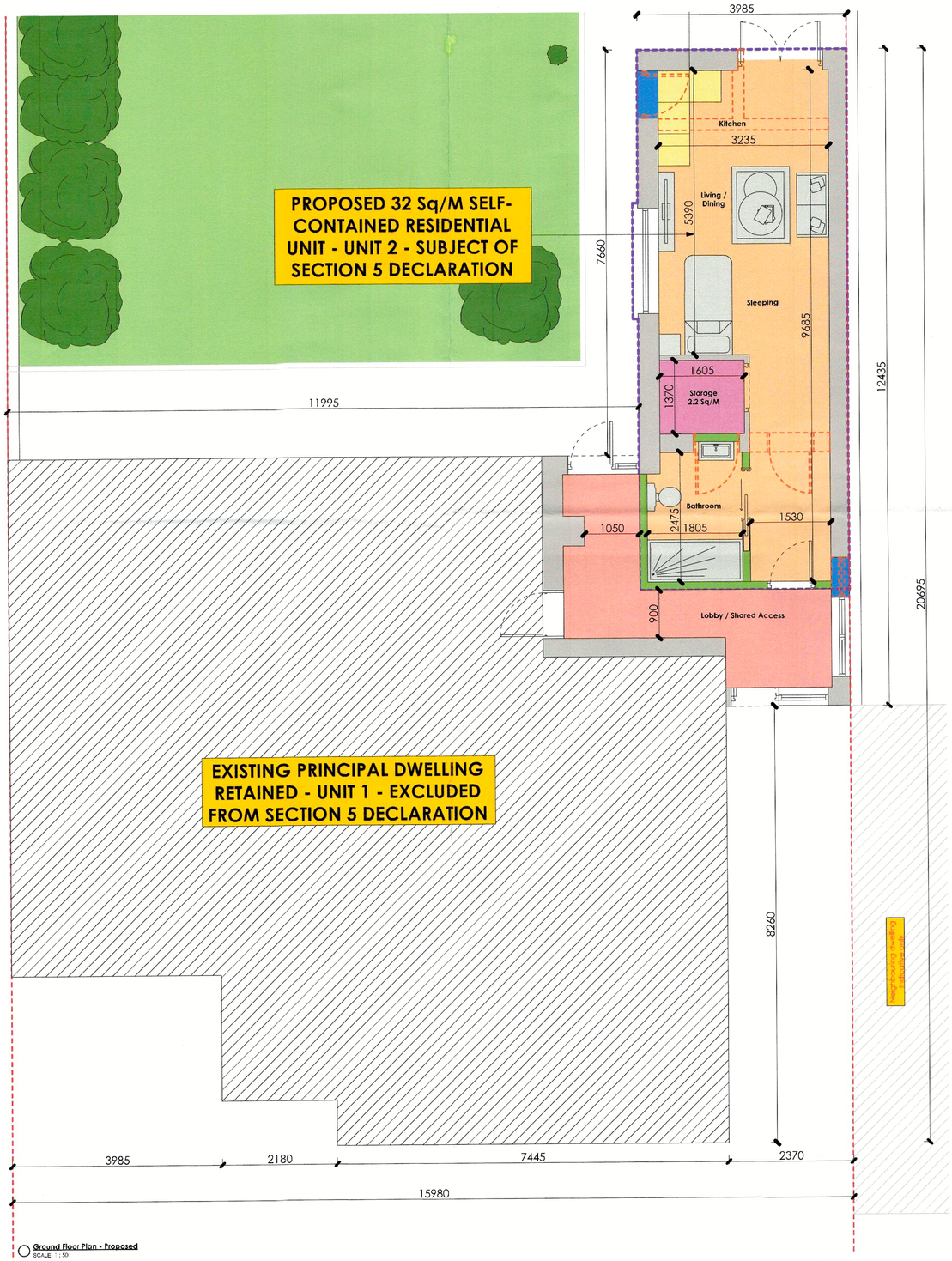


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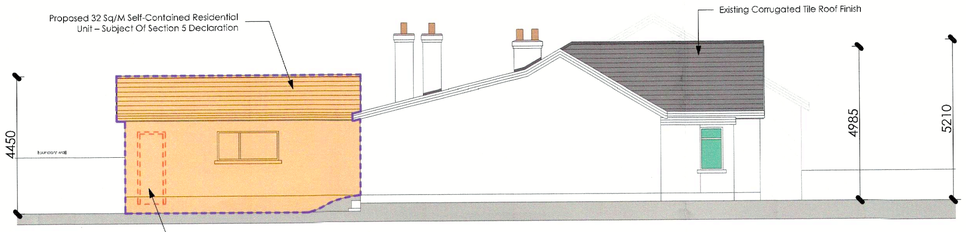
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SCALE 1 : 100



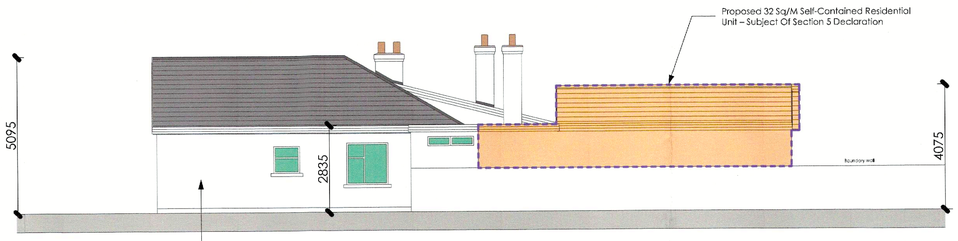
Rear Elevation - Proposed
SCALE 1 : 100



Ground Floor Plan - Proposed
SCALE 1 : 50

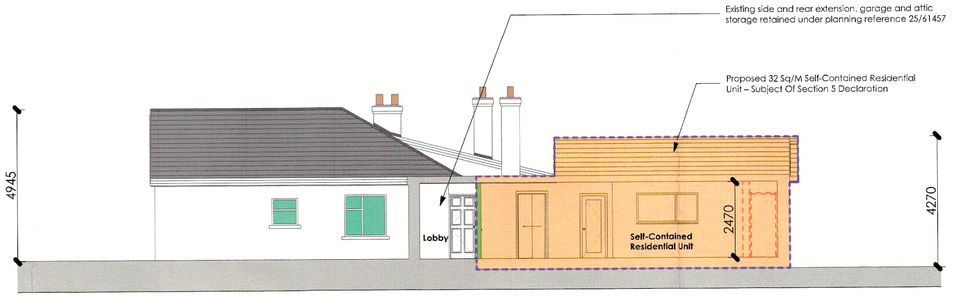


Side Elevation - Proposed
SCALE 1 : 100



Side Elevation - Proposed
SCALE 1 : 100

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Indicative Section A-A
SCALE 1 : 100

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DWELLING GROUND FLOOR AREA

EXISTING

1.	Ground Floor Dwelling Area:	- 155 Sq/M
2.	Attic Floor Dwelling Area:	- 12 Sq/M
3.	Total Main Dwelling Area:	- 167 Sq/M
4.	Garage Floor Area:	- 23 Sq/M

PROPOSED

1.	Ground Floor Dwelling Area:	- 155 Sq/M
2.	Attic Floor Dwelling Area:	- 12 Sq/M
3.	Existing Principal Dwelling Retained - Unit 1:	- 167 Sq/M
4.	Self Contained Residential Unit - Unit 2:	- 32 Sq/M

* Floor areas are measured to finish wall faces

LEGEND

Existing Walls

Proposed Additional Self-Contained Residential Unit - Unit 2

Proposed New Internal Walls

Demolition

Proposed Storage

Existing Principle Dwelling retained - Unit 1

Shared Access

Site Boundary Line

FINISHES

Existing stone finish to front elevation

Existing dashed finish where indicated

Existing timber / upvc fascia and soffit and gutters / downpipes

Existing corrugated concrete interlocking tiled roof

NOTES

No subdivision or severance of the site, no separate vehicular entrance and no separately saleable plot are proposed

No detached house has been constructed, erected or placed in the rear garden under Class 3A

No extension beyond the existing authorised building envelope is proposed

Following a favourable Section 5 declaration, the prescribed notification shall be submitted not less than 14 days before commencement

This drawing forms part of a request for a declaration under Section 5 of the Planning and Development Act 2000, as amended, and shall be read with report 26-06041 KA-STD-009-A

The subdivision will result in two self-contained residential units in total. Each unit will contain not less than 32 Sq/M of floorspace

The shared internal lobby is provided for access only. Neither unit relies on shared internal domestic, sanitary, cooking or habitable accommodation

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Office	Main Street, Newbridge, Co. Kildare - W12 VP02
Phone	045 241 831
Website	www.kav.ie
Email	info@kav.ie

CIAT CHARTERED PRACTICE

Client	Rafal Wolk
Project	Development at 6 College Park, Newbridge, Co. Kildare, W12 HX62
Title	Proposed Plans, Elevations and Section
Drawing Number	SD004
Scale	1:50 and 1:100
Revision	C
Status	Section 5 Declaration
Drawn	RS
Date	25/08/2026

FINANCE CASH OFFICE
Kildare County Council
Áras Chill Dara
Devoy Park
Naas
Co. Kildare
27/08/2026 12:04:24

Receipt No. : FIN1/0/527804

Rafal Walk

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

Total : 80.00 EUR

Tendered :
Cheque 80.00

Change : 0.00

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