

# Farry Town Planning Ltd.

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## **BY HAND ON**

22 August 2022

The Secretary  
An Bord Pleanála  
64 Marlborough Street  
Dublin 1

AN BORD PLEANALA	
LDG-	056389-22
ABP-	
22 AUG 2022	
Fee: €	220
Type:	cheque
Time:	10.28
By:	hanel

## **DEVELOPMENT AT COUGHLANSTOWN BALLYMORE EUSTACE CO. KILDARE KILDARE COUNTY COUNCIL REGISTER REFERENCE NUMBER ED00931**

Dear Sir

We refer to the above, as more fully described in the attached report and we act for Matthew Buckley of Rose Cottage, Oliver Plunket Road, Ballymore Eustace Co. Kildare W91 W1K6 in this matter.

We hereby lodge a request with the Board pursuant to s.5(3)(b) of the Planning and Development Act, 2000 in respect of the failure of Kildare County Council to determine a referral which was lodged under section 5(1) of the Principal Act, within the timeframe which is stipulated in s.5(2)(b) thereof.

By letter dated 16 March 2022, Mr Buckley sought a formal determination from Kildare County Council in relation to a development at Coughlanstown Ballymore Eustace Co. Kildare in relation to:

*'whether the reduction in the floor space of an existing structure from circa 244 sq. metres to 190 square meters, the removal of the roof ridge line turret and the use of the resulting building for agricultural purposes, specifically as a stable block, is or is not development or is or is not exempted development under the Planning and Development Regulations 2001 (as amended), Schedule 2, Part 3, Class 6'.*

Although the Planning Authority sought further information on 29 March 2022 and although the Referror, through Colin Gamble and Associates (Consulting Engineers), responded to this request by lodging an opinion from this practice (dated 12 April 2022), which was acknowledged by the Council on 29 July 2022, no final determination has yet been received. We take this opportunity to ask An Bord Pleanála to decide this issue, in the absence of any decision by the Council in the statutory period for doing so, as laid down in s.5 of the Planning and Development Act, 2000 (as amended). This is especially important given that the Planning Authority has proceeded to instigate legal action in respect of this development, as observed in section 3(i) below (entitled 'Planning Enforcement').

The Planning Authority's sole concern in its request for further information related to road safety and the Referror responded by explaining that this is not a legitimate consideration, in the manner presented by the Council. We fear that this proposal would, if determined, have been deemed non-compliant with the exempted development provisions in the Planning and Development Regulations, 2001 (as amended), on the basis that article 9 does not allow proposals which prejudice safety to be immune from the need to secure consent. Such an approach would be unlawful and we highlight, at p. 20 herein, the ruling in *Cunningham-v-An Bord Pleanála* in which a previous decision was quashed.



This referral request is being lodged simultaneously with an appeal against the decision of Kildare County Council to refuse permission for the retention, alteration and completion of this same stable building. Given that both submissions to the Board will run in parallel, we have provided a strikingly similar submission to cover both cases; this is appropriate given that the appeal and the referral both involve the same landowner, the same local authority and the same set of surrounding circumstances.

Yours faithfully



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## **REFERRAL ON A DEVELOPMENT AT COUGHLANSTOWN BALLYMORE EUSTACE COUNTY KILDARE**

## **REPORT PREPARED ON BEHALF OF THE REFERROR MR. MATTHEW BUCKLEY**



## **Index to Report**

- 1. Introduction**
- 2. The Site and its Surroundings**
- 3. Select Planning History**
  - (i) Planning Enforcement
  - (ii) Planning Application
  - (iii) Planning Referral
- 4. Local Planning Policy**
  - (ii) Land Use
  - (ii) Rural Amenity
- 5. Planning Law**
  - (i) Statutory Provisions
  - (ii) Regulatory Provisions
- 6. Planning Submission**
  - (i) Introduction
  - (ii) The Use of Land for Agricultural Purposes
  - (iii) The Rural Location of the Land
  - (iv) The Area of the Existing Structure
  - (v) Traffic Safety
- 7. Concluding Comment**

## **Appendices**

- |   |   |
|---|---|
| A | Warning Letter  |
| B | Correspondence from the Council of 15 January 2021      |
| C | Enforcement Notice                                      |
| D | Legal Summons   |
| E | Referral Submission to the Council                      |
| F | Council Acknowledgement of Referral                     |
| G | Letter from Farry Town Planning Ltd dated 12 April 2022 |
| H | Council acknowledgement of Further Information Reply.   |





## 1. Introduction

This planning submission has been drafted on behalf of the owner of a tract of land at Coughlanstown Ballymore Eustace Co. Kildare and has been prepared for lodgement with An Bord Pleanála in relation to the non-determination, by Kildare County Council, of a referral request under s. 5(1) of the Planning and Development Act, 2000 (as amended). As discussed in section 3 below, Mr. Buckley has asked the Council to formally determine whether a stable block which is in a partly-constructed condition in the open countryside requires consent and the Planning Authority has failed to answer this question.

In view of the fact that this development is now the subject of litigation, which has been instigated by the Council, our client seeks clarity on this issue and requests a determination from the Board under s. 5(4) of the Planning and Development Act, 2000 (as amended), on whether the building which has been erected on his property comprises exempted development, for which permission is not needed.

We have perused the file papers, inspected the subject site, examined the planning history of this land and identified the key provisions governing this issue and we have reached the conclusion that this development, in its amended form, does not actually require the consent of Kildare County Council.

## 2. The Site and its Environs

The referral site is located in the open countryside of central Co. Kildare and is positioned approximately 1.39 km (or 0.86 miles), to the west of the low-profile village of Ballymore Eustace.

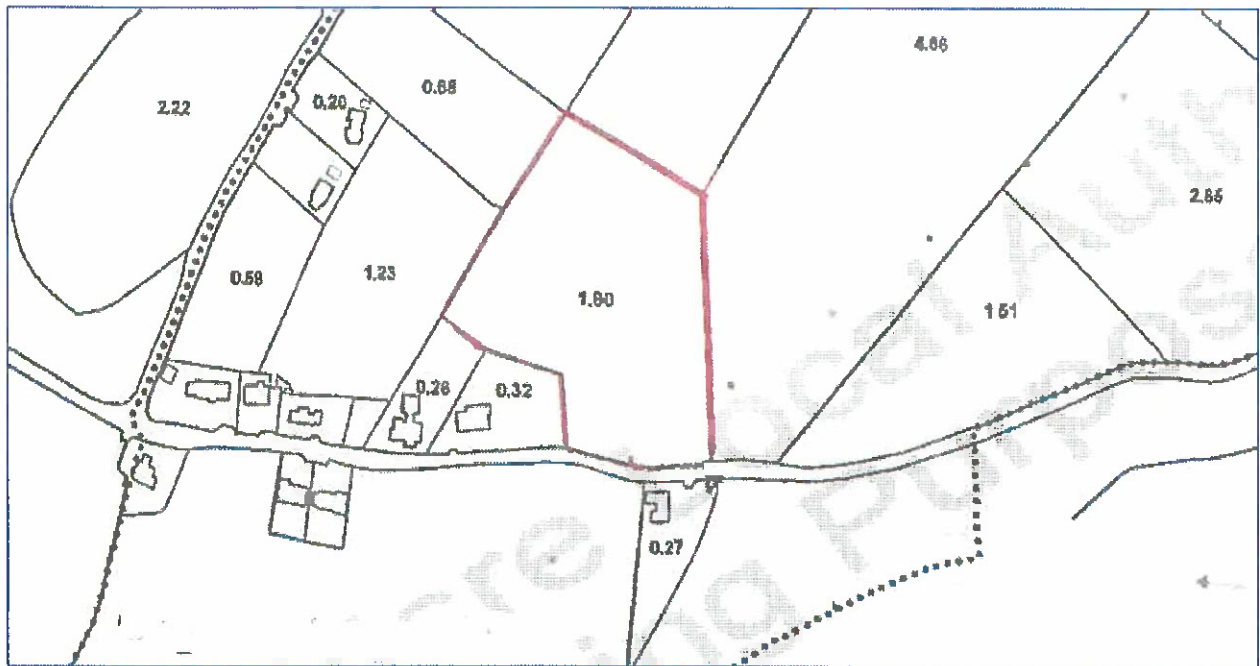


**Aerial Image 1:** The site is located in a rural area outside the village of Ballymore Eustace.

The referral site, which is illustrated overleaf, is regularly-shaped and covers an area of 1.887 hectares (4.66 acres). This land, which is laid out in grassland, contains a partly-constructed stable block, a timber paddock railing and a front boundary fence which is setback from the carriageway, as well as a vehicular access. This arrangement is illustrated in photographs 1 and 2 on page 7 of this report.

The subject land rises from the edge of the carriageway to a point inside the site itself, from whence it exhibits a gradual fall. As a result, the stable building is partly screened from vantage points outside the property and particular attention is drawn in this regard to photographs 5 and 6 on page 19 below.

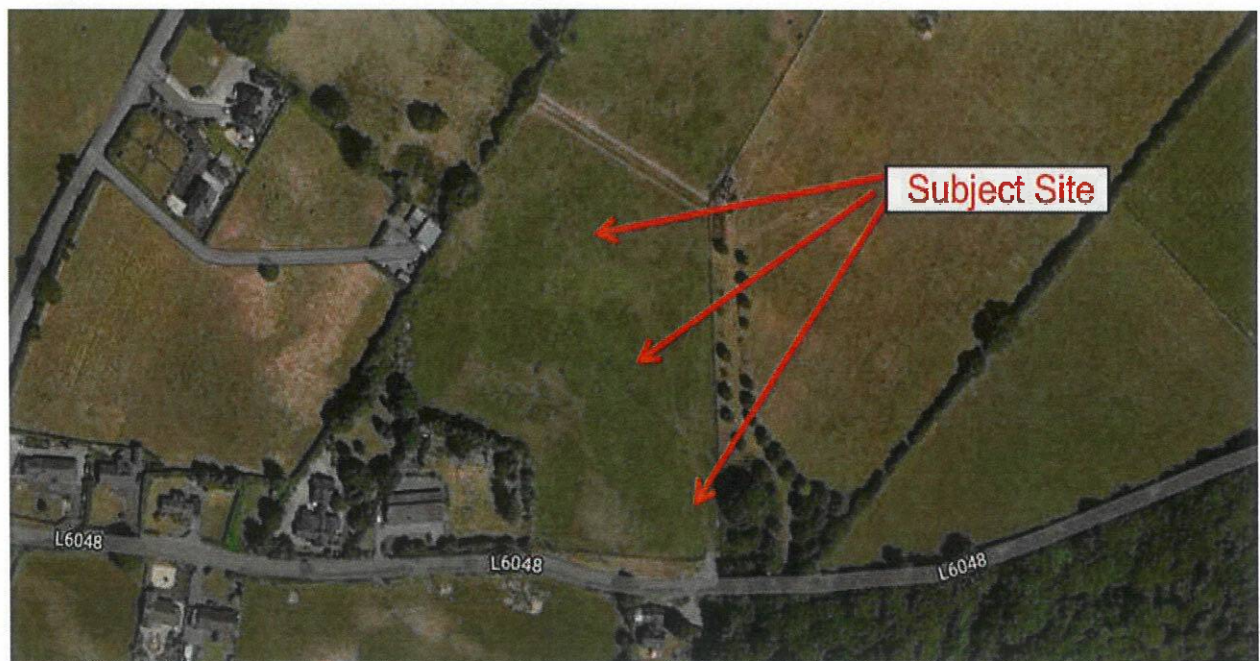




**Map 1:** The site to which this present referral relates (refer large version in Appendix A).

The referral land fronts directly onto Local Road L-6048, a somewhat sinuous rural route which is not line-marked and which carries minimal traffic volumes, in reflection of the fact that it does not link two towns or villages and is not otherwise used by commuters travelling from Dublin City and County.

In this regard, the restricted width and alignment of this carriageway limits driver speed, with the effect that the rather few motorists who choose to travel along this road drive at a relatively slow pace.



**Aerial Image 2:** The subject site comprises an agricultural landholding which fronts onto Local Road L-6048







**Photographs 1 & 2:** The subject site comprises a tract of grassland which initially rises from the edge of the carriageway of Local Road L-6086.



### **3. Select Planning History**

#### **(i) Planning Enforcement**

The County Council, on 13 November 2020, served a Warning Letter on Mr. Buckley regarding the:

*'Erection of an agricultural structure believed to be an 'American Barn' for the housing of horses with a floor area of c. 260 sqm'.*

A comment on this development which was appended to this initial correspondence stated as follows:



*'The structure exceeds the maximum permissible development floor area which can be developed without the benefit of planning permission of 200 sqm'.*

A copy of the County Council's Warning Letter under s. 152(4) of the Planning and Development Act, 2000 (as amended) is attached as Appendix A to this referral submission, for ease of reference.

On 15 January 2021, which comprises Appendix B, the Planning Authority advised Mr. Buckley that:

*'...it would appear to the Planning Authority that you have three options. These are:*

- 1. Remove the structure in full.*
- 2. Remove a substantial portion of the structure such that it meets the 'Exempted Development Requirement', or,*
- 3. Apply to retain the structure'.*

The applicant elected to pursue the second and third option, given that the ruling in *Keeling-v-Fingal County Council* removed the prior obstacle under *Dublin County Council-v-Tallaght Block Company*.

On 24 March 2021 the Local Authority served an Enforcement Notice on Mr. Buckley which requires:

*'Cease the unauthorised development of the stable type structure.  
Demolish the stables and remove the construction and demolition materials to an authorised waste facility.  
Submit copies of receipts that the construction and demolition materials have been disposed of to an authorised waste facility'.*

A copy of the Council's Enforcement Notice under s. 154 of the Planning and Development Act, 2000 (as amended), is attached herewith as Appendix C to this referral submission, for ease of reference.

On 18 May 2022, Kildare County Council, through its Law Agent, served a summons on Mr. Buckley, which is returnable on 3 October 2022 and which seeks to enforce planning control by means of a prosecution under s.154(8) of the Planning and Development Act, 2000 (as amended) which states:

*'Any person on whom an enforcement notice is served under subsection (1) who fails to comply with the requirements of the notice (other than a notice which has been withdrawn under subsection (11)(a) or which has ceased to have effect) within the specified period or within such extended period as the planning authority may allow, not exceeding 6 months, shall be guilty of an offence... '.*

A copy of the Kildare County Council summons to Matthew Buckley under section 1 of the Courts (no. 3) Act 1986 is attached herewith as Appendix D to this referral submission, for ease of reference.

## **(ii) Planning Application**

By application dated 5 August 2021 Mr. Buckley sought consent for the following, under reg. 21133<sup>1</sup>:

*'The retention planning application aspect of the development consists of the following:*

*Partially completed stables with external fencing and ancillary works.*

*The planning permission aspect of the development consists of the following:*

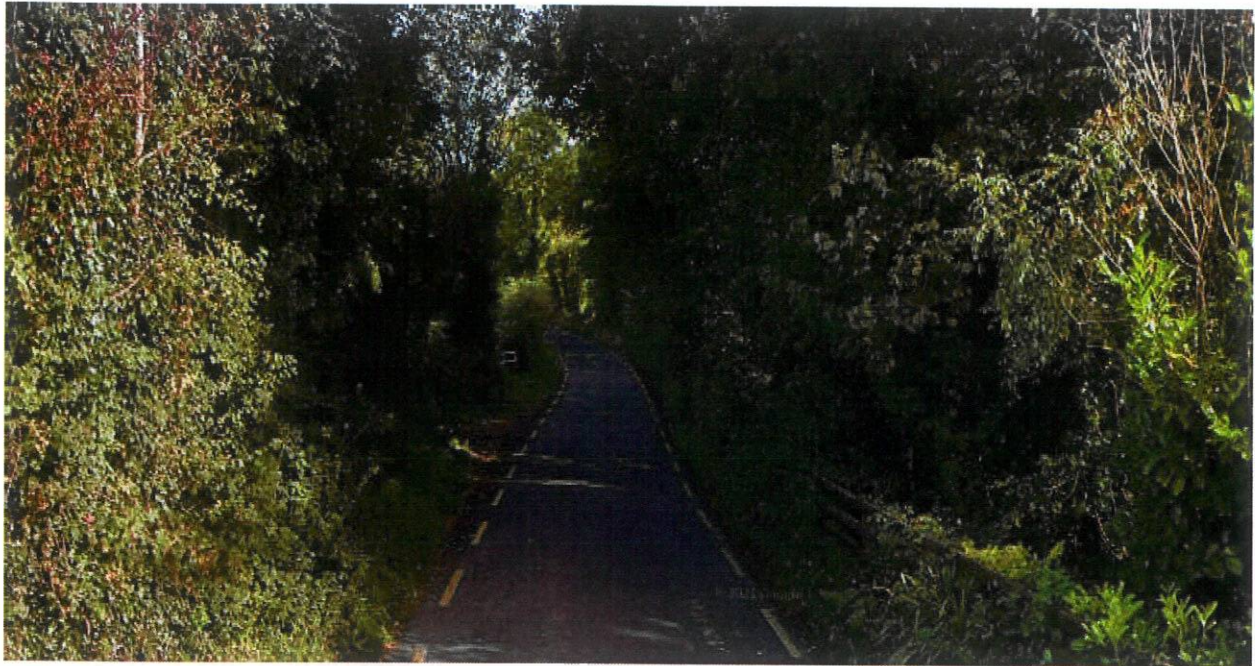
*Completing the stables with external fencing and ancillary works'.*

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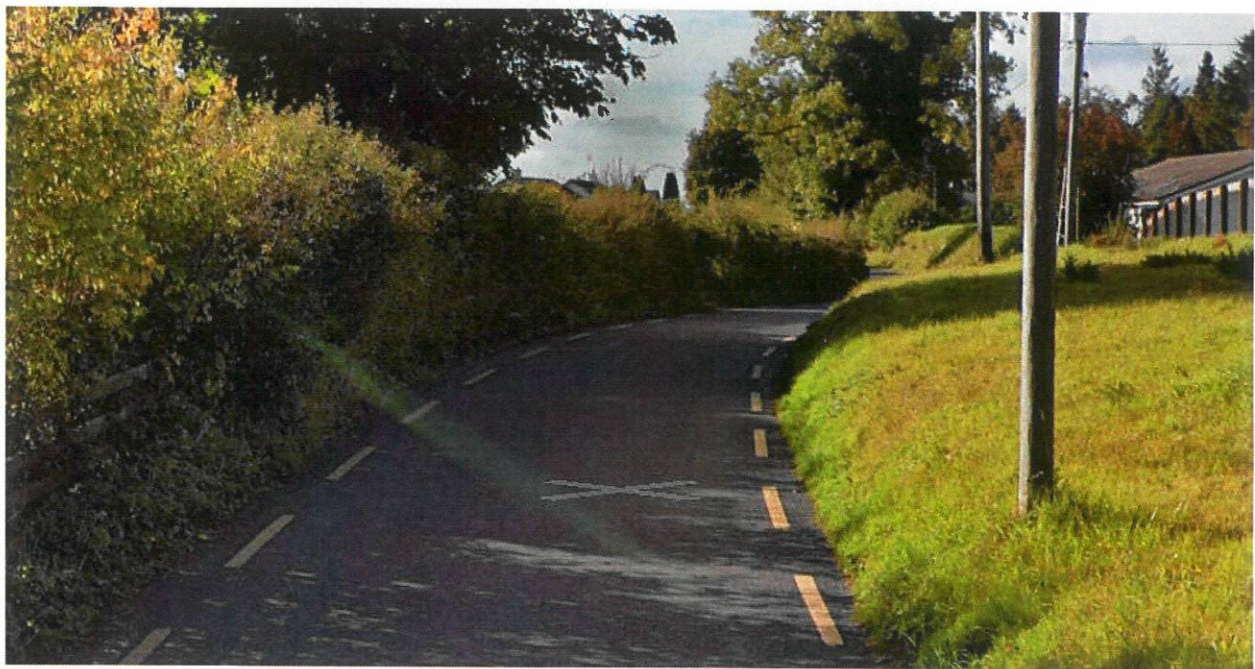
<sup>1</sup> This text comprises the wording used in response to question no. 9 of the application form viz. *'Brief description of nature and extent of development'.*







**Photographs 3 & 4: Local Road L6086 comprises a lightly-trafficked narrow and sinuous route, whose alignment restricts driver speed.**



Mid-way through the processing of this application, Kildare County Council sought further information on a total of four points, the first and second parts of which are reproduced as follows:

*'1(a) Having regard to the overall size and scale of the structure to be retained, the Applicant is required to provide further information for the scale (floor area and height) of the subject stable building relative to the use proposed. This additional information shall indicate how the floor area and height of the stables will be utilised, in relation to the overall site.*

*(b) the applicant is also requested to re-examine the scale and design of the subject stables to create a more rationalised stable building that is more in keeping with its rural surroundings and complies with section 17.9.8 of the Kildare County Development Plan 2017 – 2023.*



2. The Applicant is requested to indicate how it is proposed to achieve the required line of sight at the proposed entrance in accordance with Transport Infrastructure Ireland Document (DN-GEO-0360). If proposals to achieve required lines of sight require boundaries on adjoining lands to be setback, Applicant is to submit letter of agreement from adjoining landowner, (including Family confirming that said boundary will be relocated in order to facilitate achievement of the required sight lines'.

The applicant's response to the first of these queries is discussed in a cover submission dated 16 June 2022 from Coliin Gamble & Associates Consulting Engineers which stated, *inter alia*, as follows<sup>2</sup>:

*'The proposed building has been reduced in scale and size. The proposed building is now in line with the limitations of the buildings described in Planning and Development Regulations, 2001, Schedule 2, Part 3, Class 6. The total floor area is less than 200 sq. metres. The building has a new revised height of 8310 millimetres and is located in excess of 100 metres from neighbouring dwelling and public road. The ridge line turret on the existing building is to be removed'.*

This same letter of 16 June 2022 also treated the applicant's reply to the issue of visibility as follows:

*'TPS Traffic consultants have been engaged to review the options for providing sightlines in accordance with Transport Infrastructure Ireland DN-GEO-0360. Please see enclosed 6 copies of drawing number 122-A39-LP01 detailing proposed entrance to be installed to comply with DN-GEO-0360. Please also see enclosed engineers report from TPS Traffic Consultants regarding same'.*

Drawing no. 122-A39-LP01, which is appended to the applicant's engineering report by TPS Traffic and Transportation Planning Consultants, shows how, in lieu of using the existing entrance which has historically served this landholding, the application has been amended to show revised access arrangements, which entail the creation of a wholly new gateway to serve this landholding and stable block. Section 3.7 of this specialist TPS submission is reproduced as follows, for ease of reference<sup>3</sup>:

*'Based on the 85%ile speed of less than 80kph along this section of the L6086, a 2.0 sightline within the relocated site access off the L6086 as a relaxation can be provided into the leading and non-leading traffic directions on the L6086 which is sufficient to enable traffic to exit the proposed access'.*

We have already observed, in photographs 1 & 2 above, how the area between the front boundary fence on this land and the edge of the carriageway contains an embankment and we now draw particular attention to the fact that drg. 122-A39-LP01 contains a text box with large letters stating<sup>4</sup>:

*'Embankment Removed to Facilitate Sightlines'*

On 26 July 2022, under Chief Executive Order 41447, the Council refused permission for two reasons:

*'The proposed entrance would be located at a wide high-banked grass verge and in close proximity to a bend. By taking access from the public road at a point where the 80 kph speed limit applies, lines of sight at the proposed entrance would not be in accordance with the Design Manual for Roads and Bridges and therefore the proposed development would endanger public safety by reason of traffic hazard and the obstruction of road users and would be contrary to the proper planning and sustainable development of the area.*

<sup>2</sup> The elevation of the building, as originally proposed and as amended at further information stage, is shown overleaf.

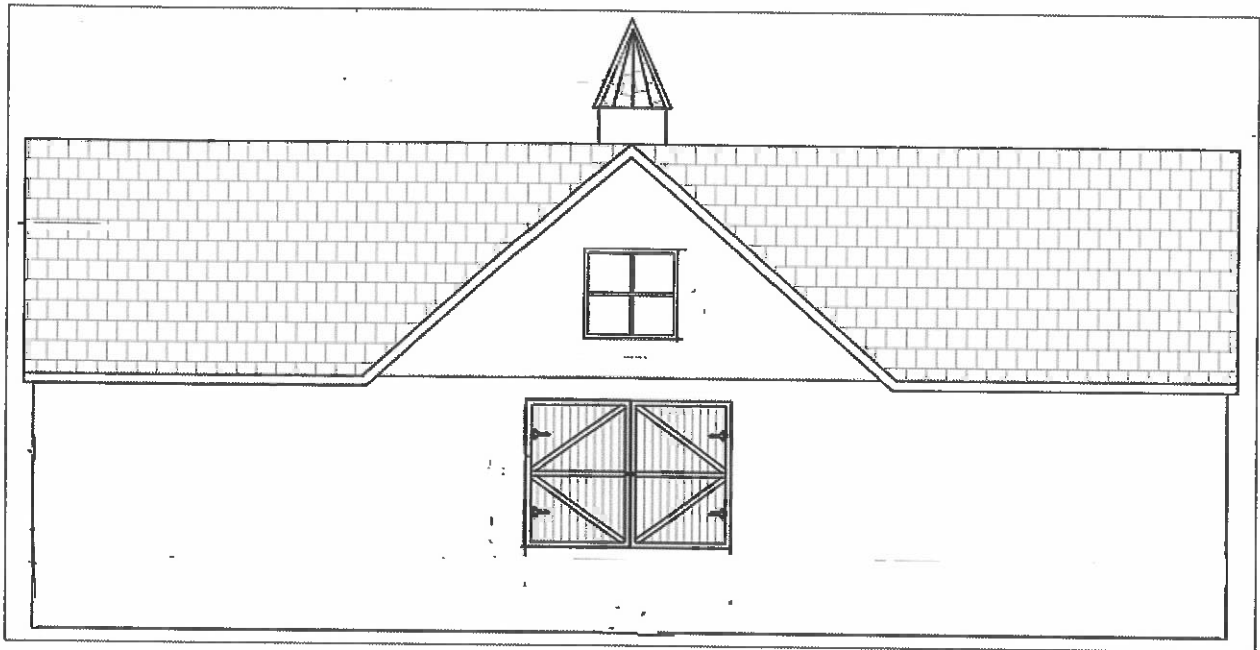
<sup>3</sup> This submission is dated June 2022 and was lodged by Colin Gamble and Associates, Consulting Engineers, as part of the Applicant's overall response to the Council's request for further information.

<sup>4</sup> This wording was also replicated on Colin Gamble and Associates drawing no. 002 Rev A which is dated 16 June 2022 and which is entitled 'Proposed Site Layout'.

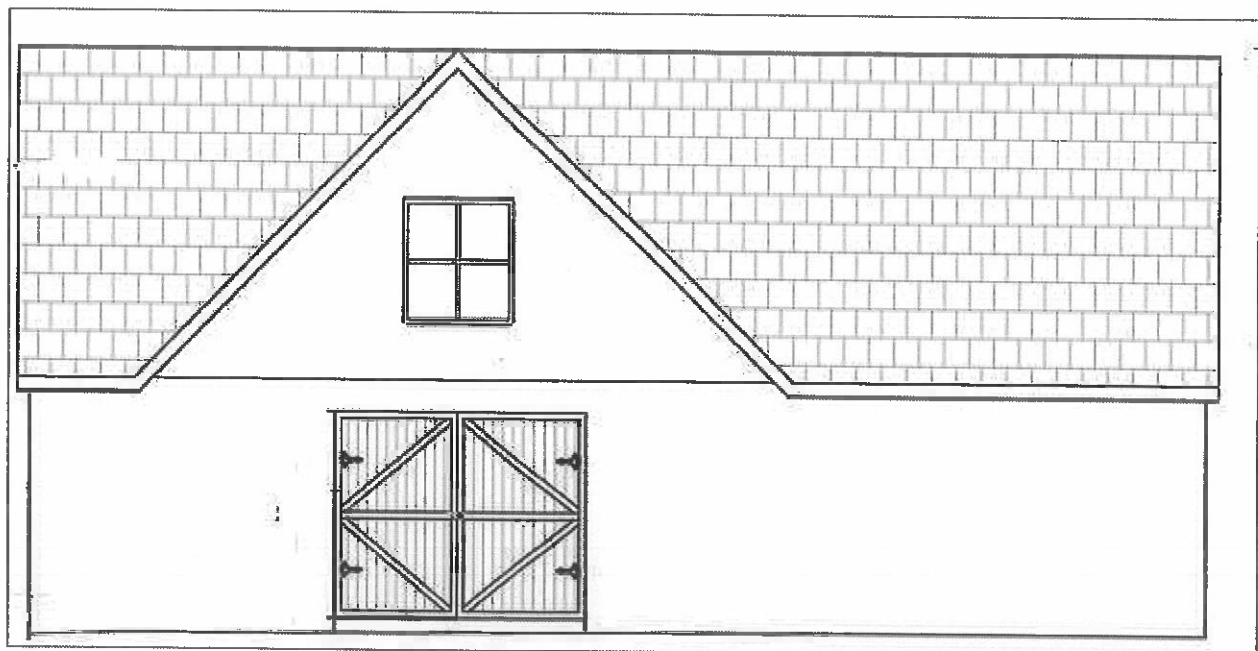




*The proposed development is located in the Eastern Uplands Landscape Character Area; such areas are deemed to be of high sensitivity and have a reduced capacity to accommodate uses without significant adverse effects on the appearance or character of the landscape having regard to prevalent sensitivity factors. Having regard to this and the scale, height and design of the proposed development, it is considered the proposed development would contravene section 17.9.8 of the Kildare County Development Plan 2017 – 2023 which relates to agricultural development and would have a negative impact on the character of the Landscape Character Area (Eastern Uplands, contravening policies LU1 and LU4 of the Kildare County Development Plan 2017 – 2023. The proposed development would therefore seriously injure the amenities of the area and would be contrary to the proper planning and sustainable development of the area'.*



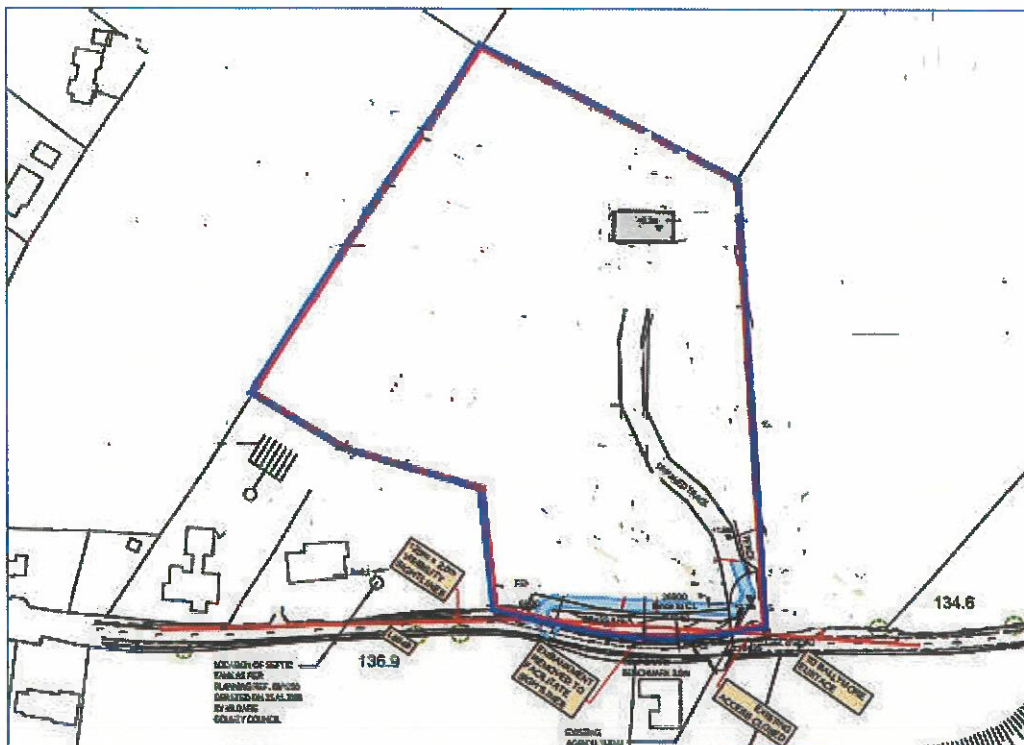
**Drawings 1(a) and (b):** Elevation of the stable block, as originally proposed (above) and as amended at further information stage (planning application).







**Drawings 2(a) and (b):** The original site layout, which proposed the use of the existing access in connection with this proposal (above) and the revised entrance, at further information stage (planning application).







### (iii) Planning Referral

By letter dated 16 March 2022, Mr Buckley sought a determination from Kildare County Council on:

*'whether the reduction in the floor space of an existing structure from circa 244 sq. metres to 190 square meters, the removal of the roof ridge line turret and the use of the resulting building for agricultural purposes, specifically as a stable block is or is not development or is or is not exempted development under the Planning and Development Regulations 2001 (as amended), Schedule 2, Part 3, Class 6'.*

We attach herewith a copy of this referral for the Board's attention as Appendix E, along with correspondence from the Council, as Appendix F, which acknowledges receipt of this initial request.

On 29 March 2022, the Planning Authority sought further information on one item, reproduced below:

*'Article 9(1) of the Planning and Development Regulations 2001 (as amended) states that development to which article 6 relates shall not be exempted development for the purposes of the Act if the carrying out of such development would – (iii) endanger public safety by reason of traffic hazard or obstruction of road users. Further the applicant was requested to demonstrate that safe and appropriate lines of sight are achievable from the entrance to the site under item no. 2 of a further information request issued under planning ref. 21/1133 on 29<sup>th</sup> September 2021. In this regard the Applicant is requested to demonstrate that the required line of sight at the proposed entrance is in accordance with Transport Infrastructure Ireland Document (DN-GEO-0360)'.*

The Applicant, through Colin Gamble and Associates, Consulting Engineers, responded to this request by lodging an opinion from this practice which, dated 12 April 2022, is attached as Appendix G to this present submission<sup>5</sup>. By e-mail dated 29 July 2022, which comprises Appendix H hereto, the Customer Services of Kildare County Council section acknowledged receipt of this correspondence.

## 4. Local Planning Policy

### (i) Land Use

The *Development Plan* (at s. 10.5.2 'Policies: Agriculture') aims to 'Support agricultural development and encourage the continuation of agriculture' (AG1), to 'Encourage the development of environmentally sustainable agricultural practices' (AG2) and to 'Support local employment and training opportunities, particularly where existing farm income is in decline and requires alternative skills and enterprises' (AG5). Moreover, Kildare County Council also encourages 'on-farm based diversification' particularly in relation to 'Specialist farming practices e.g...equine facilities' (AG6).

In this regard, the Council notes (at s. 10.4.2 of the *Development Plan 2017 - 2023* which is headed 'Equine') the importance of the equestrian sector to the economy of the entire county, generating significant foreign direct investment and attracting large numbers of tourists to the county each year. The Irish Field Directory records 104 stud farms in the county and it is estimated that Co. Kildare has the highest concentration of licensed trainers, at 13.5 per cent and also has the highest concentration of registered breeders, at 13.7 per cent of the island. The industry directly employs approximately 5,000 people in the county, with a further circa 10,000 inhabitants working in associated industries.

Aside from accommodating racecourses at The Curragh, Punchestown and Naas as well as training and educational facilities for the equine industry, the county also boasts sport horse developments. At present, it contains 14 Association of Irish Riding Establishments (AIRE) approved equestrian centres, some of which are known internationally. In this regard, an increasing number of equine establishments in County Kildare are concentrating on breeding, training and competing sport horses.

<sup>5</sup> Note: this correspondence was not actually submitted to the Planning Authority until 29 July 2022.



In recognising the importance of the bloodstock industry, both in land-use and in terms of direct and indirect employment generated by it, the Council seeks to support and encourage the development of a vibrant bloodstock industry in County Kildare. Its policies to this effect, as set out in section 10.5.4 of the *Plan* (which is headed '*Policies: Equine Industry*') states that it is the policy of the Council to encourage the expansion of the bloodstock industry (EQ1) and to support related activities (EQ2)<sup>6</sup>.

## (ii) Rural Amenity

The site is located within the Eastern Uplands, as identified in Table 14.2 ('*Landscape Sensitivity Classification to Landscape Character Areas*') of the *Development Plan 2017*. This narrative notes:

*'Areas with reduced capacity to accommodate uses without significant adverse effects on the appearance or character of the landscape having regard to prevalent sensitivity factors'.*

Under Table 14.3 of this statutory instrument, agricultural development in this location is ranked as having a '*Most*' compatibility with the physical traits and other characteristics of the Eastern Uplands<sup>7</sup>.

Section 14.5.5 (which is entitled '*East Kildare Uplands*') of the *County Development Plan* states:

*'The Eastern Uplands are located in the east of the county and are part of the Wicklow Mountain complex. The topography rises from the lowland plains, through undulating terrain to the highest point of 379m above sea level (O. D.) at Cupidstownhill, east of Killeel. The elevated nature of this area provides a defined skyline with scenic views over the central plains of Kildare and the neighbouring Wicklow Mountain which further define the skyline and the extent of visibility. The East Kildare Uplands are rural in character with a number of scenic views from elevated vantage points. The general land use on the uplands is pasture, with some tillage, quarrying and forestry.*

*Along a number of roads, which cross the upper and lower slopes of the uplands, there are long-distance views towards the Kildare lowlands and the Chair of Kildare. The sloping land provides this area with its distinctive character and intensifies the visual prominence and potential adverse impact of any feature over greater distances. Slope also provides an increased potential for development to penetrate primary and secondary ridgelines when viewed from lower areas. In the Eastern Kildare Uplands, nearly all ridgelines are secondary when viewed from the lowland areas, as the Wicklow Mountains to the east define the skyline (i.e. form primary ridgelines). Gently undulating topography and shelter vegetation provided by conifer and woodland plantation can provide a shielding of built form. Views of the River Liffey Valley as well as of the Poulaphuca Reservoir are available from the hilltops and high points on some of the local roads'.*

It is the policy of the County Council, in LA1 of the *Plan* (which is entitled '*General Landscape*') to:

*'Ensure that consideration of landscape sensitivity is an important factor in determining development uses. In areas of high landscape sensitivity, the design, type and the choice of location of proposed development in the landscape will also be critical considerations'*

Building in upland areas is dealt with in policy LU1 and LU4 at s. 14.8.3 ('*Upland Character Areas*'):

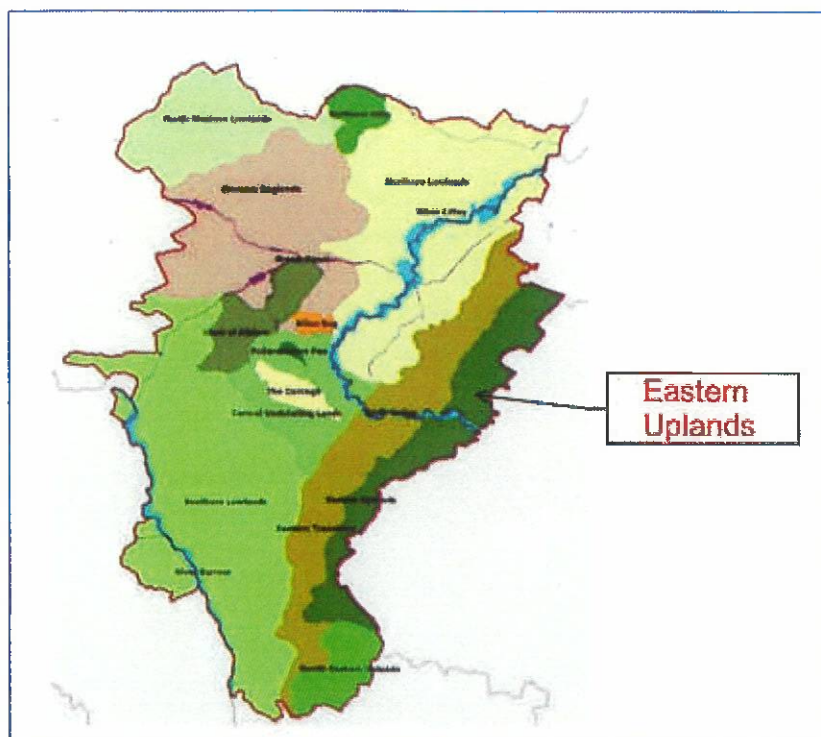
*'Ensure that development will not have a disproportionate visual impact (due to excessive bulk, scale or inappropriate siting) and will not significantly interfere with or detract from scenic upland vistas, when viewed from areas nearby, scenic routes, viewpoints and settlements'*

*Maintain the visual integrity of areas which have retained a largely undisturbed upland character'.*

<sup>6</sup> No part of the *County Development Plan* stipulates that equine developments must occupy lands of a certain size.

<sup>7</sup> Note: this is the highest ranking of suitability in Table 14.3.





**Map 2:** The Eastern Uplands Character Area is shown as a dark green colour on Map V1.14.1 of the Kildare County Development Plan 2017 – 2023.

## 5. Planning Law

**(i) Statutory Provisions**

The definition of ‘*agriculture*’ in the Planning and Development Act, 2000 (as amended) includes:

*‘horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the training of horses and the rearing of bloodstock, the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds’*

Section 4(1) of the Planning and Development Act, 2000 (as amended) is reproduced as follows:

*(a) development consisting of the use of any land for the purpose of agriculture and development consisting of the use for that purpose of any building occupied together with land so used'.*

**(ii) Regulatory Provisions**

Class 6 in Part 3 of the Second Schedule to the Planning and Development Regulations 2001 covers:

*'Works consisting of the provision of a roofed structure for the housing of cattle, sheep, goats, donkeys, horses, deer or rabbits, having a gross floor space not exceeding 200 square metres (whether or not be extension of an existing structure) or any ancillary provision for effluent storage'.*

Class 8 in Part 3 of the Second Schedule to the Planning and Development Regulations 2001 concerns:



*'Works consisting of the provision of roofless cubicles, open loose yards, self-feed silo or silage areas, feeding aprons, assembly yards, milking parlours or structures for the making or storage of silage or any other structures of a similar character or description, having an aggregate gross floor space not exceeding 200 square metres, and any ancillary provision for effluent storage'*

Class 9 in Part 3 of the Second Schedule to the Planning and Development Regulations, 2001 states:

*'Works consisting of the provision of any store, barn, shed, glass-house or other structure, not being of a type specified in class 6, 7 or 8 of this Part of this Schedule, and having a gross floor space not exceeding 300 square metres'.*

Class 10 in Part 3 of the Second Schedule to the Planning and Development Regulations 2001 covers:

*'The erection of an unroofed fenced area for the exercising or training of horses or ponies, together with a drainage bed or soft surface material to provide an all-weather surface'.*

Article 6(3) of the Planning and Development Regulations, 2001 (as amended) states that the provisions in the Second Schedule can comprise exempted development, in the following locations:

*'...in areas other than a city, a town or an area specified in section 19(1)(b) of the Act or the excluded areas as defined in section 9 of the Local Government (Reorganisation) Act, 1985 (No. 7 of 1985).'*

Section 19(1) of the Planning and Development Act, 2000 (as amended) is reproduced as follows:

*'(a) A local area plan may be prepared in respect of any area, including a Gaeltacht area, or an existing suburb of an urban area, which the planning authority considers suitable and, in particular, for those areas which require economic, physical and social renewal and for areas likely to be subject to large scale development within the lifetime of the plan.*

*(b) A local area plan shall be made in respect of an area which—*

- (i) is designated as a town in the most recent census of population, other than a town designated as a suburb or environs in that census,*
- (ii) has a population in excess of 5000, and*
- (iii) is situated within the functional area of a planning authority which is a county council.*

The 'excluded areas' which are defined in section 9 of the Local Government (Reorganisation) Act, 1985 are located in Dublin City and County and none of these locations are within County Kildare.

Article 6(3) of the Planning and Development Regulations, 2001 (as amended) also states as follows:

*'development of a class specified in column 1 of Part 3 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 3 opposite the mention of that class in the said column 1'.*

## **6. Submission**

### **(i) Introduction**

It is immediately apparent from the foregoing that many agricultural buildings in the countryside do not need planning permission, because they often satisfy the criteria for exempted development status.





In this regard, the sole issue in the current case comprises whether or not the subject site can accommodate a stable block without planning permission and, based on the Council's request for further information of 29 March 2022, as discussed above, it would appear that the Planning Authority is satisfied that this proposal complies with most of the criteria for treatment as exempted development, such as the location of the land in a rural area, the size of the existing structure (when reduced in area) and the distance from this stable block to both the public road and to nearby housing.

It would seem that the sole basis on which Kildare County Council might have deemed that this structure requires planning permission relates to the access arrangements and we take this opportunity to explain why we consider that this building, in amended form, comprises exempted development.

## **(ii) The Use of Land for Agricultural Purposes**

The land is currently used for agricultural purposes and we draw attention to s. 4 of the Planning and Development Act, 2000 which categorises the '*use of land for the purpose of agriculture*' as '*exempted development*'. As '*the breeding and keeping of livestock...the training of horses and the rearing of bloodstock*' forms part of '*agriculture*', this site can be used for equine and general animal husbandry activities regardless of whether permission is granted for this proposal. In this regard, we invite An Bord Pleanála to expressly acknowledge that this overall use of the landholding on which the stable is located for farming purposes does not require planning permission as a matter of principle.

In addition, Classes 6, 9 and 10 of Part Three of the Planning and Development Regulations (read with art. 6 thereof) prescribe that '*the provision of a roofed structure for the housing of...horses*' and the '*erection of an unroofed fenced area for the exercising or training of horses or ponies, together with a drainage bed or soft surface material to provide an all-weather surface*' are also exempted development, subject to size and location conditions, along with '*the provision of any store, barn, shed...other structure*'. As a result, a number of buildings and structures which are required to accommodate agricultural activities on this holding do not require permission as a matter of generality.

As statutory provisions cannot be changed by inferior instruments, we note how the restrictions which are contained within article 9 of the Planning and Development Regulations, 2001 (as amended) do not affect the entitlements under section 4(1)(h) of the Planning and Development Act, 2000 (as amended), so as to disentitle the referrer from the right to use this land for farming purposes without consent. In this regard, it is a principle of statutory interpretation that an act of the Oireachtas cannot be amended by secondary legislation such as a regulatory instrument and if it had been the intention of the legislature to restrict the privileges in s.4(1)(h) to locations which were entirely lawful, having been undertaken in accordance with a permission, this would have been expressly stated in the Act.

In ref. 06F.RL.2162, the Board concluded that rooflights at 37 Rathbeale Road Swords fell under s.4 of the Act of 2000 and did not need permission by reason of the fact that the proposal breached art. 9:

*'the rooflights would appear to be exempted development therefore, by virtue of 4(1)(h) of the 2000 Act...The Planning Authority states however that the development is not exempted development by virtue of Article 9...In response, the referrer states however that an act of the Oireachtas cannot be amended by secondary legislation and therefore any benefits conferred under Section 4 of the 2000 Act cannot be withdrawn...While the primary legislation therefore provides for an expansion of classes of exempted development over and above those described at Section 4(1)(a)-(l)...it does not...provide for any amendment to the exempted development provisions of the Act by way of subsequent regulation...it is quite clear from the text of Article 9(1)...that the de-exemption referred to therein relates only to development specified at Article 6 namely "development of a class specified in Column 1 of Part 1 of Schedule 2" and does not apply to exempted development set out at Section 4(1) of the Act. I therefore consider that, as in the current case, where development is considered to be exempted development under Section 4(1) of the 2000 Act, that de-exemption cannot be effected by way of regulation and I consider therefore that the referrer's submission in this case is correct'.*



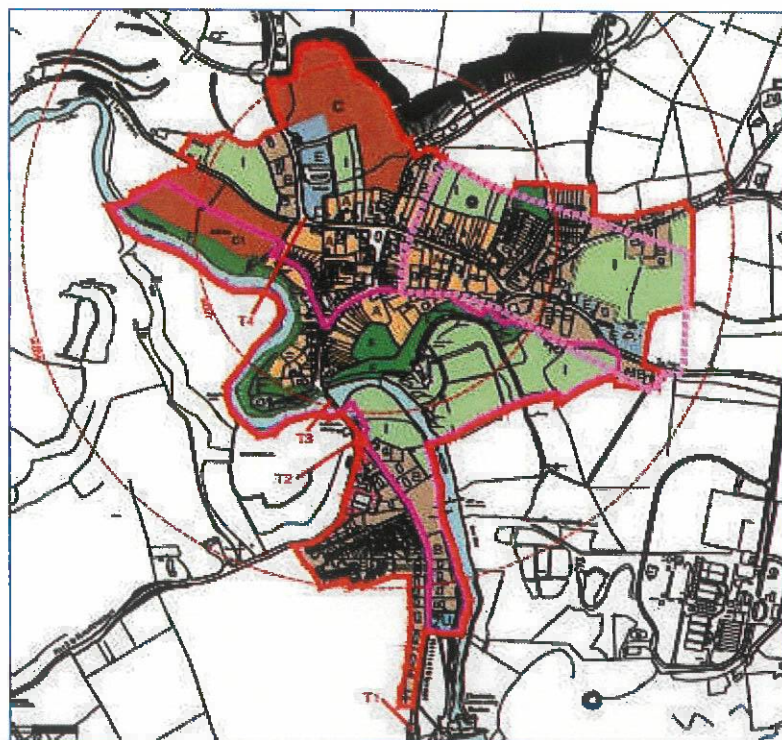
In ref. RL17.RL2748, the Board considered whether works to an unlawful building could comprise exempted development. The Report of the Inspector stated that the Council concluded otherwise on the basis that, as the house did not have consent, *'the proposed works did not constitute exempted development'* as such operations are not within *'either (i) within the scope of section 4(1)(h) of the Planning and Development Act 2000 or (ii) within the exempted development provisions of ...the Planning and Development Regulations 2001'*. However, this Board analysis concluded differently:

*'I would concur with...the referrer and consider that the planning authority misinterpreted the legislation in this instance. While the secondary legislation provides for an expansion of classes of exempted development over and above those described in Section 4(1) (a)-(l) of the Act, it does not provide, as the referrer correctly points out, for any amendment to the exempted development provisions of the Act by way of subsequent regulation. I acknowledge that this point was also made in the Inspectors report of RL2162 in relation to a development in Swords, Co. Dublin. In addition, I concur with the referrer's assertion that it is clear from the text of Article 9(1) of the Regulations that the de-exemption referred to therein relates to development to which Article 6 relates, namely development of a class specified in Column 1 of Part 1 of Schedule 2 and does not apply to exempted development as set out in Section 4(1) of the Act, as amended'.*

We respectfully invite An Bord Pleanála to candidly accept that the referrer's landholding at Coughlanstown, Ballymore Eustace Co. Kildare for agricultural activities are wholly lawful and that the use of this tract for farming purposes can continue, regardless of the determination of this referral.

### (iii) The Rural Location of the Land

Although the subject site is near Ballymore Eustace, we note that it is located outside the formal boundary, as identified in the *Kildare County Development Plan 2017*, which currently applies within this area. We hereby reproduce an extract from Map Ref. V2-2.4A which shows the village boundary.



**Map 3:** The subject site is outside the village boundary of Ballymore Eustace, Co. Kildare.







**Photographs 5 & 6:**                      **The building is not a conspicuous addition within this rural area.**



Moreover, no part of planning law specifically stipulates that farm structures, to be exempt, must be located on an agricultural holding. In this regard, we invite the Board to follow its approach in referral ref. PL23.RL3147 (*‘Whether the construction of a Class 9 agricultural shed 256 sq.m is or is not development or is or is not exempted development’*), in which the Report of the Inspector stated:

*‘The Planners Report concludes that the work constitutes development within the meaning of the Act. And while the shed would appear to satisfy the conditions and limitations set out in Class 9 of Article 6(3), it is noted that the details show no landholding/farm holding associated with the shed. Furthermore, the site in which the shed is proposed does not appear to be in agricultural use....’*



*The structure in question according to the information contained on file, will be used for the purposes of agriculture, and is below the 300 sq. m. threshold for exemption...It is worth highlighting the fact that the applicant can only avail of the exempted development regulations on the basis that the structure in question will be used for the purposes of agriculture or forestry...If the building is used for the purposes other than agriculture it is de facto unauthorised...’.*

#### **(iv) The Area of the Existing Structure**

We draw specific attention to drg. no. 003 (*‘Existing Plan and Section A-A’*) and drg. 006 (*‘Proposed Plan and Section A-A’*), both of which form part of the referral which was lodged with the Council.

These drawings show how the building currently contains an internal area of 226 sq. metres (external footprint of 244 sq. metres) and that the size of this building is to be reduced as part of this proposal, so that it would contain an internal area of 178 sq. metres (and external footprint of 190 sq. metres).

It is our opinion that the alteration of the structure which has been erected on this land is capable of comprising exempted development under class 50 of Schedule (Part 1) of the Planning and Development Regulations, 2001 under which *‘The demolition of a building, or buildings, within the curtilage of...a farmyard’* does not need consent if the area involved is under *‘100 square metres’*. In this regard, the Board deemed that the partial demolition of an unauthorised 400 sq. metre stable building, so that it would not exceed 200 sq. metres, did not need consent in referral ref. 06S.RL.3043.

#### **(v) Traffic Safety**

The Council’s request for further information suggests that the sole reason as to why this stable block might need consent relates to visibility from the site access. Before addressing this issue, we note how the entrance arrangements which are set out in the applicant’s original submission were not altered during the course of this referral through the planning system. As a result, the Council’s objection on access grounds thus relate to the unacceptability of the access which has historically served this site and which can continue to facilitate the use of this landholding for farming purposes<sup>8</sup>.

This entrance can continue to be used for agricultural purposes and, in this content, it is impossible to appreciate the Council’s logic in this instance. Importantly our submission to the Council on the request for further information on this referral (in Appendix G hereto), explained why the Local Authority may have misinterpreted art. 9(1)(a) of the Planning and Development Regulations, 2001 (as amended) when intimating that the exemption provisions in article 6 of the Planning and Development Regulations, 2001 (as amended) could be withdrawn in circumstances identified therein.

In this regard, we draw attention to the ruling in *Cunningham-v-An Bord Pleanala*, and we observed how the case facts in that judgment are somewhat similar to those in this present referral, to the degree that this earlier proposal also involved a landowner who had erected an agricultural building on his holding. An Bord Pleanala (consistent with that Council’s previous refusal of permission on safety grounds), held that this feature fell outside the exempted development parameters on the basis that:

*‘While the development would generally come within the scope of Class 9 of Part III of the Regulations. Access to the development is via a gateway onto the N59, a national secondary road, in a location where the 100 km/h speed limit applies. Sightlines at the junction of the access and public road was severely restricted in both directions.*

<sup>8</sup> We invite the Board to peruse its decision in referral ref. ABP-303326 in which An Bord Pleanala *‘...in exercise of the powers conferred on it by section 5 (3) (b) of the 2000 Act, hereby decides that the relocation of an existing gate and gate posts to an existing agricultural entrance within the townland of Mylerstown, Two Mile House, Naas, County Kildare is development and is exempted development’.*





*Accordingly, the restriction on exempted works under Article 9(1)(iii) of the Planning and Development Regulations 2001 applies ...'*

However, the High Court subsequently overturned the Order which had been issued by An Bord Pleanala and we reproduce an extract from this judgement for consideration in this referral request:

*'Here, it is important to stress that the Board's decision was simply based on its conclusion that the access point to the development lies on a national secondary road and that this currently presented a traffic hazard...*

*In this respect, therefore, the Board's assessment and conclusions ... cannot be faulted. Yet the actual result arrived at by the Board regarding the disapplication of the exemption does not directly follow in law from this particular premise....*

*...the Board's decision really proceeds on the basis that the access point simply presented a traffic hazard. That, however, is in itself insufficient to justify the disapplication of the exemption, since Article 9(1)(iii) requires that not simply the Board identify the presence of a traffic hazard, but rather than the "carrying out of such development would...endanger public safety by reason of traffic hazard". This latter test represents an altogether different test from that actually posed by the Board.*

*It is clear therefore that the Board asked itself the wrong question and applied the wrong test so far as the application of Article 9(1)(iii) is concerned and this fact alone is fatal to the validity of the decision...'. (Emphasis added).*

We do not believe that it would be legally appropriate for the Board to conclude that planning permission is required for this stable block, on the basis that the sightlines which are available from this existing entrance fall short of the requirements of Transport Infrastructure Ireland DN-GEO-0360, especially as the existing entrance arrangements which serve this land do not form part of the referral.

## **7. Concluding Comment**

Planning law does not unduly restrict the type of development which can occur without consent and envisages flexibility in its provisions, so that in *Dublin Corporation v Moore* the Supreme Court rejected a claim that the parking of commercial ice cream vans in a domestic driveway constituted a material change of use. Indeed, the law prescribes few circumstances where permission is needed with s.3 of the Planning and Development Act 2000 only stipulating that advertisements, van and tent storage and the deposit of vehicles, metal, mining or building and industrial waste, requires consent.

The law otherwise allows a range of developments to be undertaken without permission, including the erection of agricultural structures in the countryside. It is our opinion that the proposed building does not require planning permission and we invite An Bord Pleanala to confirm that this is the case.

We thus request the Board to determine that the subject agricultural building comprises exempted development under the Planning and Development Regulations, 2001 (as amended) and that this feature is does not require permission under the Planning and Development Act 2000 (as amended).



**Farry Town Planning Ltd.**



## APPENDICES



## **Appendix A      Warning Letter**



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



Ref. No. UD7565

**REGISTERED POST**

Matthew Buckley,  
Rose Cottage,  
Oliver Plunket Road,  
Ballymore Eustace,  
Co. Kildare,  
W91 W1K6.

Dear Sir,

It has come to the attention of the Planning Authority that unauthorised development **may be/is being** carried out as follows:

**Erection of an agricultural structure believed to be an 'American Barn' for the housing of horses with a floor area of c.260sqm**

**Comment:** The structure exceeds the maximum permissible exempted development floor area which can be developed without the benefit of planning permission of 200sqm.

On land at the following address:

**Coughlinstown East, Ballymore Eustace, Co. Kildare (see attached map)**

The Planning Authority's investigation to date indicates that the development as detailed above would appear to be unauthorised.

Under Section 152(4)(b) of the Planning & Development Acts 2000 (as amended) you are entitled to make submissions or observations **in writing** to Kildare County Council (Planning Enforcement Section, Planning Department) in this regard **not later than four weeks from the date of service of this warning letter.** Please clearly state the reference number in any correspondence to the Council.

Where the Planning Authority considers that unauthorised development may have been, is being or may be carried out, an Enforcement Notice, pursuant to Section 154 of the Act, may be issued.

The Planning Authority's officials or its authorised agent(s), may at all reasonable times enter onto the land for the purposes of inspection.





Comhairle Contae Chill Dara  
Kildare County Council



Section 151 of the Planning and Development Acts 2000 (as amended) provides that any person who has carried out or is carrying out unauthorised development shall be guilty of an offence.

Section 154(8) of the Planning and Development Acts 2000 (as amended) provides that any person on whom an enforcement notice is served who fails to comply with the requirements of the notice within the specified period or within such extended time as the planning authority may allow, not exceeding 6 months, shall be guilty of an offence.

A person who is guilty of an offence under Section 151 and/or 154 shall be liable to a fine or term of imprisonment or both.

**The possible penalties involved where there is an offence are as follows:**

- **Fines of up to €12,697,380.00 on indictment, or 2 years imprisonment, or both,**  
**Or**
- **Up to €5,000.00 on summary conviction or 6 months imprisonment, or both.**

Under Section 154(7) of the Planning & Development Acts 2000 (as amended) any costs incurred by the Planning Authority in relation to enforcement proceedings may be recovered from a person on whom enforcement notice is served or where a court action is taken.

Your attention is drawn to the provisions of Section 156(6) of the Planning & Development Acts 2000 (as amended), which places the onus on a developer to prove that a development is exempt development and it is to be assumed that it constitutes development until the contrary is shown by the developer. Note also that the onus of proof as to the existence of any planning permission lies with the developer.

Your attention is further drawn to the provisions of Section 162(3) of the Planning and Development Acts 2000 (as amended), which states that enforcement action shall not be stayed or withdrawn (including for an application under Section 160) by reason of an application for permission for retention of a development under Section 34(12) or the grant of any such permission.

Signed: *Uilleann Ó Súilleabháin*  
**Senior Executive Officer**  
**Planning Department**  
**Kildare County Council**

Date: 13<sup>th</sup> November 2020



**Appendix B**

**Correspondence from the Council (15 January 2021)**



Comhairle Contae Chill Dara  
Kildare County Council



**Planning Department**  
**PLANNING CONTROL SECTION**  
**045-980839**

**Our Ref: UD7565 (Please quote this reference in future correspondence)**

15<sup>th</sup> January 2021

Mr. Matthew Buckley,  
Rose Cottage,  
Oliver Plunket Road,  
Ballymore Eustace,  
Co. Kildare,  
W91 W1K6

**RE: Development at Coughlinstown East, Ballymore Eustace, Co. Kildare**

---

Dear Mr. Buckley,

I refer to your letter of the 14<sup>th</sup> December 2020. Please be advised that it would appear to the Planning Authority that you have three options. These are:

1. Remove the structure in full.
2. Remove a substantial portion of the structure such that it meets the 'Exempted Development Requirement', or,
3. Apply to retain the structure.

The Planning Authority advise that you seek independent legal advice and/or the advice of a suitably qualified Engineer or Architect in relation to any actions you wish to take.

Please note that it is the intention of the Planning Department to issue an Enforcement Notice in relation to the development subject to a forthcoming site inspection.

Yours sincerely,

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



## **Appendix C      Enforcement Notice**





Comhairle Contae Chill Dara  
Kildare County Council  
**KILDARE COUNTY COUNCIL**  
**PLANNING DEPARTMENT**



**ENFORCEMENT NOTICE PURSUANT TO SECTION 153 AND SECTION 154 OF THE  
PLANNING AND DEVELOPMENT ACT 2000 (as amended)**

**Our Ref: UD 7565**

**BY REGISTERED POST**

Matthew Buckley,  
Rose Cottage,  
Oliver Plunket Road,  
Ballymore Eustace,  
Co. Kildare,  
W91 W1K6

Dear Mr. Buckley,

It appears to Kildare County Council (hereinafter called the Council), being the Planning Authority for the County of Kildare, that lands at **Coughlinstown East, Ballymore Eustace, Co. Kildare** as shown on the attached map have been developed in contravention of Section 32 of the Planning and Development Act 2000 (as amended) i.e. otherwise than in accordance with a permission required under those Acts.

The unauthorised development consists of:

**Erection of an agricultural structure believed to be an 'American Barn' for the housing of horses with a floor area of c.260sqm**

**Comment:** The structure exceeds the maximum permissible exempted development floor area which can be developed without the benefit of planning permission of 200sqm.

The Council, hereby serves Notice under Sections 153 and 154 of the Planning and Development Act, 2000 (as amended).

The Council hereby gives you notice that the Unauthorised Developments referred to above is required to cease.

The Council hereby gives you notice that you are hereby required to take the steps specified in the attached schedule within the time for performance specified in the attached schedule.

If within the period(s) specified by this notice or within such extended period (not being more than 6 months) as the Council may allow, the steps specified in the notice to be taken are not taken, the Council may enter on the land and take such steps, including the



Comhairle Contae Chill Dara  
Kildare County Council



removal, demolition or alteration of any structure, and may recover any expenses reasonably incurred by them in that behalf.

You may be required to refund to the Council the costs and expenses reasonably incurred by them in relation to the investigation, detection and issuing of this Enforcement Notice and of any preceding Warning Letter issued under Section 152 of the Planning and Development Act 2000 (as amended) including any costs incurred in respect of the remuneration and other expenses of employees, consultants and advisers, and the Council may recover these costs and expenses by it, in that behalf.

If within the period(s) specified by this notice or such extended period, not being more than 6 months, as the Council may allow, the steps specified in the notice are not taken, you may be guilty of an offence and are hereby warned that a prosecution under Section 154 of the Planning and Development Act 2000 (as amended) may be brought by the Council against you.

Any person who knowingly assists or permits the failure by another to comply with this enforcement notice shall also be guilty of an offence.

Dated this 24<sup>th</sup> day of march 2021

Signed *M. J. Carthy*  
Senior Executive Officer  
Planning Department  
Kildare County Council

**This Notice includes:-**

**A Schedule of Measures**

**A Summary of the applicable Criminal Sanctions**

**A Map identifying the property to which this Notice relates**



Comhairle Contae Chill Dara  
Kildare County Council



Schedule of Measures

	Measures	Date by which measures shall be carried out
1.	Cease the unauthorised development of the stable type structure.	1 <sup>st</sup> of April 2021
2.	Demolish the stables and remove the construction and demolition materials to an authorised waste facility.	16 <sup>th</sup> of September 2021
3.	Submit copies of receipts that the construction and demolition materials have been disposed of to an authorised waste facility.	16 <sup>th</sup> of September 2021







**Summary of the applicable Criminal Sanctions**

**A person who is guilty of an offence under Sections 151 or 154 of the Planning and Development Act 2000 (as amended), shall be liable**

On conviction on indictment of a fine not exceeding €12,697,381 or to imprisonment for a term not exceeding two years, or to both such fine and imprisonment, or

On summary conviction to a fine not exceeding €5,000 or to imprisonment for a term not exceeding six months or both.

If after conviction for an offence there is a continuation of that offence that person shall be guilty of a further offence on every day on which the contravention continues and for each such offence shall be liable

On conviction on indictment to a fine not exceeding €12,697 for each day on which the offence is continued, or to imprisonment for a term not exceeding two years, or to both, or

On summary conviction to a fine not exceeding €1,500 for each day that the offence is continued or to imprisonment for a term not exceeding six months or to both

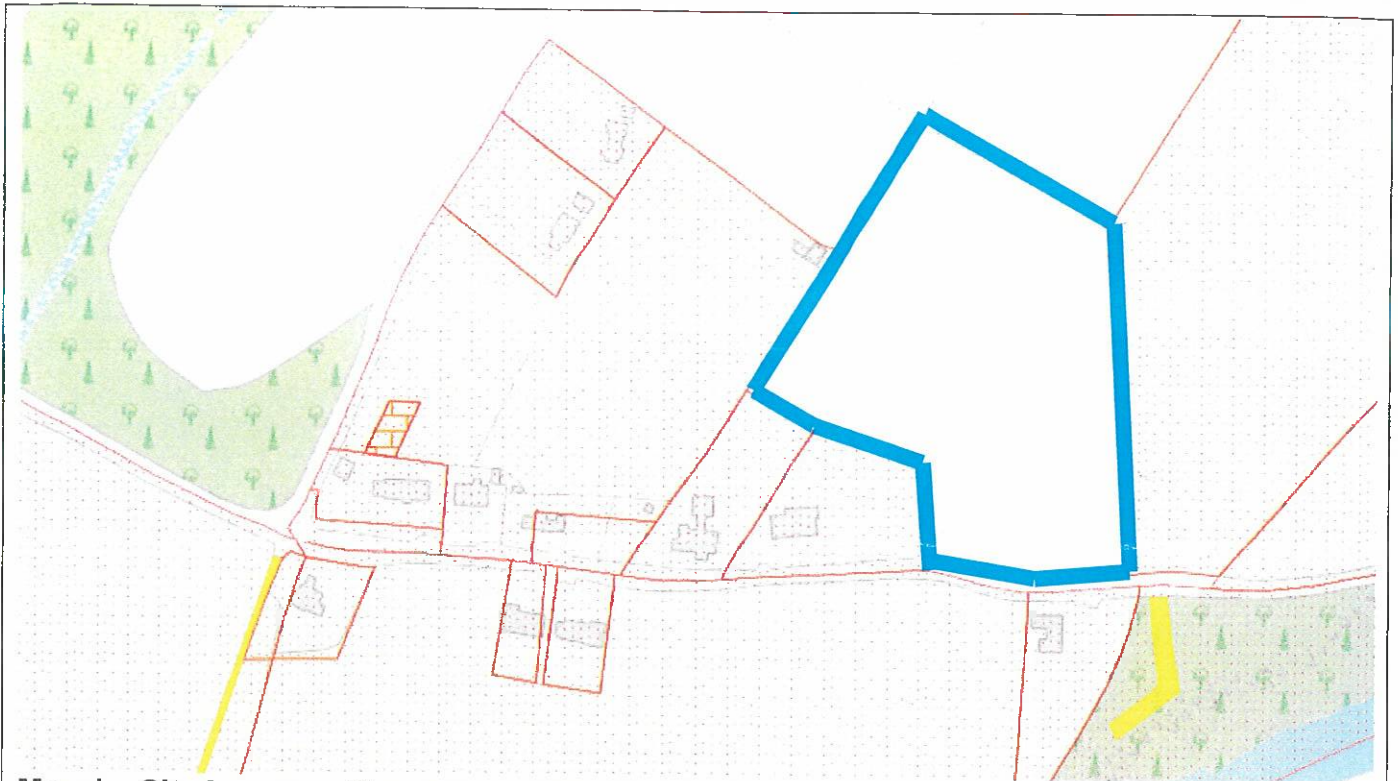
Where a person is convicted of an offence involving the construction of an unauthorised structure the minimum fine shall be

On conviction of indictment the estimated cost of the construction of the structure or €12,697 whichever is less, or

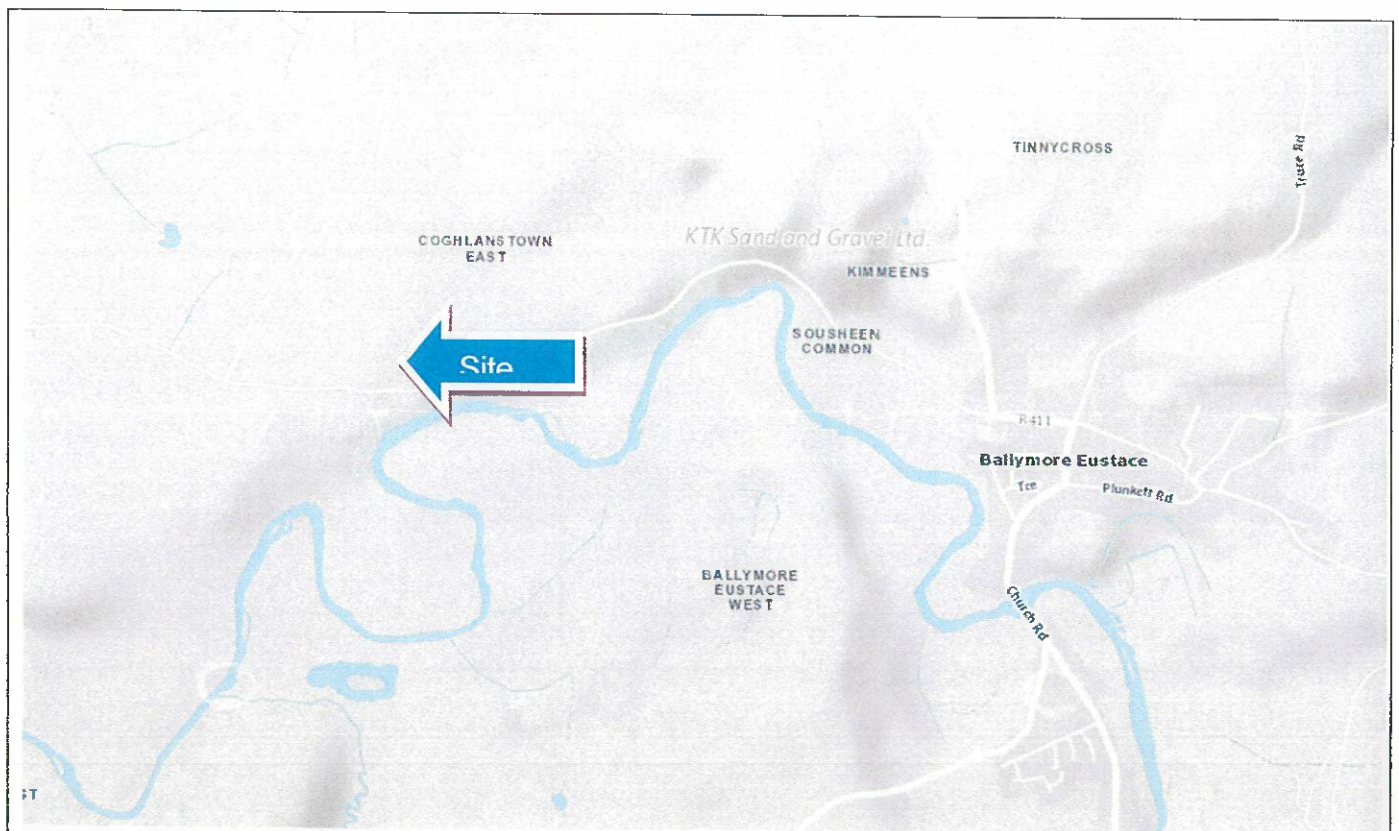
On summary conviction the estimated cost of the construction of the structure or €2,500 whichever is less.

On conviction of an offence under section 154 of the Planning and Development Act 2000 (as amended), the court may in addition to imposing the penalties specified above, order the person convicted to take the steps specified in the Enforcement Notice to be taken.





Map 1 – Site Location Map (site outlined in blue)



Map 2 – Site Location Map



## **Appendix D      Legal Summons**







**BY REGISTERED POST**

Matthew Buckley  
Rose Cottage  
Oliver Plunkett Road  
Ballymore Eustace  
Co. Kildare  
W91 W1K6

Please quote our reference on  
all correspondence

**Our Ref: KC52922/BC/ JL**  
**Your Ref:**

18 May 2022

**Re: Kildare County Council -v- Matthew Buckley**  
**Naas District Court, The Courthouse, Main Street, Naas, Co. Kildare on 3<sup>rd</sup> October**  
**2022 at 10.30am**

Dear Mr. Buckley,

We enclose herewith pursuant to Section 7(3) of the Courts Act 1964 by Registered Post a Summons returnable for the Sitting of the District Court at the Courthouse, Main Street, Naas, County Kildare on the 3<sup>rd</sup> day of October 2022 at 10:30am.

We respectfully suggest that you consult your solicitor immediately.

If you are pleading guilty, it will assist in saving you expense by confirming such plea to us without delay, and ideally, within the next fourteen days.

Please ensure that we hear from you in writing and quoting the file reference or your Solicitor at least five working days before the Court Date as shown on the Summons to advise whether you are contesting the matter or pleading guilty to avoid the need for possible last minute adjournments resulting in further costs and expense.

Yours faithfully,

\_\_\_\_\_  
Brian Callaghan  
Regan McEntee & Partners  
Direct Email: [bcallaghan@reganmcentee.ie](mailto:bcallaghan@reganmcentee.ie)

Enc.

**Partners:**

Rory C. McEntee  
Peter D. Higgins  
Anne B. Walsh  
Anthony J. Murphy  
Cora K. Higgins  
Miriam S. Regan  
Thomas D. Regan  
David McEntee

**Solicitors:**

Brian Callaghan

**Accountant:**

Paul C. Lacey

**Legal Executives:**

Shirley Ryan  
Mary R. McNamara

High Street, Trim, Co. Meath, (T91) - Kildare.

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REGAN MCENTEE PARTNERS

A & C Solicitors & Accountants

WALTON 01 7272668

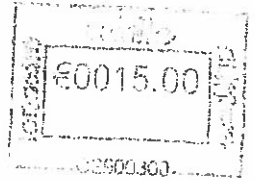
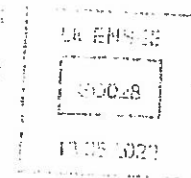








2022



COURTS No. 3 Act 1986  
Section 1  
S U M M O N S

District Court Area of Naas

District No. 25

KILDARE COUNTY COUNCIL

Prosecutor

AND

MATTHEW BUCKLEY

Accused

WHEREAS on the 16 day of MAY 2022 an application was made to this Office by David McEntee, Solicitor, High Street, Trim, County Meath on behalf of the above named Prosecutor for the issue of a Summons to you, the above named Accused, Matthew Buckley of Rose Cottage, Oliver Plunkett Road, Ballymore Eustace, County Kildare, W91 WIK6 alleging the following offence:-

That you the said Accused, on the 31<sup>st</sup> day of January 2022 at Coughlinstown East, Ballymore Eustace in the County of Kildare (in the Court Area and District aforesaid), did fail to comply with an Enforcement Notice dated the 24<sup>th</sup> day of March 2021 and which notice was served on you pursuant to Section 154 of the Planning and Development Acts 2000 to 2021 to wit by failing to comply with measures 1, 2, and 3 of the aforesaid notice contrary to Section 154(8) of the Planning & Development Acts 2000 to 2021.

THIS IS TO NOTIFY YOU that you will be accused of the said offence at a Sitting of the District Court for the Court Area and District aforesaid to be held at The Courthouse, Main Street, Naas, County Kildare on the 3<sup>rd</sup> day of October 2022 at 10.30 a.m. and to require you to appear at the sitting to answer the said accusation

The appropriate District Court Clerk specified in relation to this Summons is ..... Catherine O'Connell  
of the District Court Office at the Courthouse, Main Street, Naas, Co. Kildare

Dated this 16 day of MAY 2022

Issued out of.....NAAS.....

An office of the Courts Service designated for the purpose of receiving applications under Section 1(3) of the Courts (no. 3) Act 1986.



To: Matthew Buckley  
Rose Cottage  
Oliver Plunket Road  
Ballymore Eustace  
County Kildare  
W91 W1K6

the above named Accused

Our ref ; KC52922/BC/JL



## Letter Of Rights Now That You Have Been Summoned To Court

You have now been served with a Summons. A Summons is a legal document and it means you have to attend a court at the date, time and place stated on it, to answer a criminal accusation. As you are now involved in a court process, you have certain rights. It is important you know these rights, which are explained below.

### 1. The right to consult with a solicitor and to get legal advice

You have the right to talk to and to get legal and other advice from a **solicitor**.

A solicitor is a lawyer and is independent from An Garda Síochána (Irish police) or State authorities.

You **may** be able to get legal aid free of charge. On the court date, you can apply for free legal aid to the judge hearing your case. The Judge **may** need some information from you to decide if free legal aid can be granted and will consider the following matters before making a decision on legal aid:

- Whether you have enough money to pay for your own lawyer;
- Given the seriousness of the charge or offence, whether it is in the interest of justice that you should have legal aid in the preparation and conduct of your defence.

### 2. The right to remain silent

In general, you **do not** have to answer any questions about the accusation made in the Summons or provide information about the accusation made in the Summons.

But –

- You should answer when the Registrar calls your name and answer any procedural questions the Judge asks you in court.
- When you are asked, you should say whether you are pleading guilty or not guilty.
- You have a **right not to give evidence** – however, if you do decide to give evidence in court, you have to answer any questions that are asked of you about the accusation in the Summons.

Your solicitor (if you have one) can help you to decide on the best approach for you.

### 3. The right to ask for further information about what you are accused of

The Summons has information about what you are being accused of, **but** you can ask for more information and documents about the accusation.

When you get to court, you or your solicitor (if you have one) can ask the Judge for more information and documents. If the Judge grants you this, the Judge may postpone your case to give you time to consider all of the information (and any documents) before you decide if you want to plead guilty or not guilty to what you are being accused of.

Your solicitor (if you have one) can advise you on the best approach for you.

### 4. The right to ask the judge for an interpreter or translation of documents

You can ask the Judge for an interpreter or translation of documents. If the Judge orders this assistance in court, it will be free of charge. The Judge may postpone your case to make sure that an interpreter is available.

If you have a hearing or speech impediment, you can ask the Judge for an interpreter or other help. If the Judge orders this assistance in court, it **will** be free of charge.



## **Litir faoi Chearta, anois go bhfuil Toghairthe chun na Cúirte ort**

Tá Toghairm seirbheálte ort anois. Doiciméad dlíthiúil atá i dtoghairm, agus ciallaíonn sé go bhfuil ort freastal sa chúirt, ar an dáta agus san am agus san áit atá luaite ar an toghairm, chun cúiseamh coiriúil a fhreagairt. Ós rud é go bhfuil tú bainteach anois le próiseas cúirte, tá cearta áirithe agat. Tá sé tábhachtach go mbeadh na cearta sin, a mhínítear thíos, ar eolas agat.

### **1. An ceart chun dul i gcomhairle le haturnae agus comhairle dlí a fháil**

Tá de cheart agat labhairt le haturnae agus comhairle dlí agus eile a fháil ón aturnae.

Dlíodóir atá in aturnae, agus tá an t-aturnae neamhspleách ar an nGarda Síochána (póilíní Éireannacha) nó ar údaráis Stáit.

**Féadfaidh** sé go mbeidh tú ábalta cúnamh dlíthiúil a fháil saor in aisce. Ar dháta na héisteachta sa chúirt, is féidir leat iarratas ar chúnamh dlíthiúil in aisce a dhéanamh chuig an mBreitheamh ag a mbeidh do chás á éisteacht. **Féadfaidh** sé go dteastóidh ón mBreitheamh roinnt eolais a fháil uait chun a chinneadh an féidir cúnamh dlíthiúil in aisce a dheonú, agus déanfaidh an Breitheamh na nithe seo a leanas a bhreithniú roimh chinneadh a dhéanamh maidir le cúnamh dlíthiúil:

- Cibé acu atá nó nach bhfuil dóthain airgid agat chun díol as do dhlíodóir féin;
- Ag cur tromchúis an chúisimh nó an chiona san áireamh, cibé acu an ar mhaithe leis an gceartas é gur ceart cúnamh dlíthiúil a bheith agat le linn do chosaint a ullmhú agus a stiúradh.

### **2. An ceart chun fanacht i do thost**

I gcoitinne, ní gá duit aon cheisteanna a fhreagairt faoin gcúiseamh atá déanta sa Toghairm, nó eolas a chur ar fáil faoin gcúiseamh atá déanta sa Toghairm.

Ach –

- Is ceart duit freagra a thabhairt nuair a ghlaonn an Cláraitheoir d’ainm agus aon cheisteanna nóis imeachta a chuireann an Breitheamh ort sa chúirt a fhreagairt.
- Nuair a iarrtar ort, is ceart duit a rá cibé acu atá tú ag pléadáil ciontach nó ag pléadáil neamhchiontach.
- **Tá de cheart agat gan fianaise a thabhairt** – má chinneann tú fianaise a thabhairt sa chúirt, áfach, ní mór duit aon cheisteanna a chuirtear ort faoin gcúiseamh sa Toghairm a fhreagairt.

Is féidir le d’aturnae (má tá ceann agat) cuidiú leat cinneadh a dhéanamh maidir leis an gcur chuige is fearr duitse.

### **3. An ceart chun tuilleadh eolais a iarraidh faoina bhfuil tú cúisithe ann**

Tá eolas sa Toghairm faoina bhfuil tú á chúiseamh ann, ach is féidir leat níos mó eolais agus doiciméid faoin gcúiseamh a iarraidh.

Nuair a rachaidh tú chun na cúirte, is féidir leatsa nó le d’aturnae (má tá ceann agat) níos mó eolais agus doiciméid a iarraidh ar an mBreitheamh. Má dheonaíonn an Breitheamh é sin nó iad sin duit, féadfaidh sé go gcuirfidh an Breitheamh do chás siar d’fhonn tréimhse ama a thabhairt duit chun an t-eolas go léir (agus aon doiciméid) a bhreithniú sula gcinneann tú an dteastaíonn uait pléadáil ciontach nó neamhchiontach ina bhfuil tú á chúiseamh ann.

Is féidir le d’aturnae (má tá ceann agat) comhairle a chur ort faoin gcur chuige is fearr duitse.

### **4. An ceart chun ateangaire nó aistriúchán ar dhoiciméid a iarraidh ar an mBreitheamh**

Is féidir leat ateangaire nó aistriúchán ar dhoiciméid a iarraidh ar an mBreitheamh. Má ordaíonn an Breitheamh an cúnamh sin sa chúirt, beidh sé saor in aisce. Féadfaidh sé go gcuirfidh an Breitheamh do chás siar chun deimhin a dhéanamh de go bhfuil ateangaire ar fáil.

Má tá bac éisteachta ort, nó stad i do chuid cainte, is féidir leat ateangaire nó cúnamh eile a iarraidh ar an mBreitheamh. Má ordaíonn an Breitheamh an cúnamh sin sa chúirt, beidh sé saor in aisce.





**Appendix E      Referral Submission to the Council**



Kildare County Council  
Planning Department  
Devoy Park,  
Naas,  
Co.Kildare

16<sup>th</sup> March 2022.

**Re: Declaration of Exempt Development under Section 5 of the Planning and Development Act 2000.**

Dear Planning Department,

Please find application enclosed for Declaration of Exempt Development under Section 5 of the Planning and Development Act 2000 in relation to a referral question at a site at Coughlanstown, Ballymore Eustace, Co.Kildare on behalf of Matthew Buckley.

The site is subject to a current planning application with Kildare County council, planning ref 21/1133 which is currently at "Further Information" status. There is also an Unauthorised Development Number (UD 7565) assigned against the site.

The referral question is poised *"whether the reduction in the floor space of the an existing structure from circa 244 square meters to 190 square meters, the removal of the roof ridge line turret and the use of the resulting building for agricultural purposes, specifically as a stable block is or is not development or is or is not exempted development under the Planning and Development Regulations 2001 ( as amended) Schedule 2, Part 3, Class 6"*



**1.0 Basis for the resulting Building to be considered as an Exempt Development under the Planning and Development Regulations 2001 ( as amended) Schedule 2, Part 3, Class 6.**

**A. Use of the resulting building.**

- The use of the resulting building will be for agricultural purposes specifically as a stable block. This use is as per approved uses under Exempt Development under the Planning and Development Regulations 2001 ( as amended) Schedule 2, Part 3, Class 6.

**B. Scale, mass and finish of the resulting building.**

- The resulting building will be less than 200 square meters in area as required for an Exempt Development under the Planning and Development Regulations 2001 ( as amended) Schedule 2, Part 3, Class 6.
- The resulting building will have a maximum height of 8310 millimeters in height and is not located less than 100 meters from any adjacent dwelling or the public road, school, church or building used for public assembly as required for an Exempt Development under the Planning and Development Regulations 2001 ( as amended) Schedule 2, Part 3, Class 6.
- No unpainted metal sheeting is proposed for the resulting building as required for an Exempt Development under the Planning and Development Regulations 2001 ( as amended) Schedule 2, Part 3, Class 6.
- The ridge line turret on the existing building is to be removed.



**C. Waste system of the resulting building.**

- The resulting building will have a waste system in compliance with Department of Agriculture, Food & Rural Development and Department of Environment, Climate & Communications and Local Government as required for an Exempt Development under the Planning and Development Regulations 2001 (as amended) Schedule 2, Part 3, Class 6.
- I note that this was tacitly accepted by Kildare County Council in application Number 21/1133 as the Further Information query did not pose further waste queries.

**2.0 Review of a similar referral query poised to An Bord Pleanala.**

I direct the planning department to a similar referral query poised to An Bord Pleanala reference 06S. RL 3043. I have attached a copy of same for convenience.

The referral query was submitted to An Bord Pleanala on foot of an enforcement notice received by the applicant from South Dublin County Council. The Enforcement notice was served by South Dublin County Council on the applicant as South Dublin County Council deemed the partially constructed stables to be an unauthorised development





The applicant subsequently lodged a referral query to An Bord Pleanla. The referral query posed the following question to any Bord Pleanala; *“whether a stable block and associated storage building is or is not development or is or is not exempted development”*.

The aforementioned referral query posed was accompanied with relevant drawings and plans for the proposed completion of the stables structures. The relevant drawings and plans depicted sections of the partially completed structure to be demolished / altered.

The Board of An Bord Pleanla decided that the structures proposed in the relevant drawings accompanying the referral query were indeed exempted development under Classes 6 and 9 of Part 3 of Schedule 2 of the Planning and Development Regulations 2001, as amended.



### **3.0 Review of the works required on the current**

I would direct the planning department to note that the description of the Exempt Development under the Planning and Development Regulations 2001 (as amended) Schedule 2, Part 3, Class 6 is as follows; “Works consisting of the provision of a roofed structure for the housing of cattle, sheep, goats, donkeys, horses, deer or rabbits, having a gross floor space not exceeding 200 square meters (whether or not by extension of an existing structure), and any ancillary provision for effluent storage”

I would direct the planning department to note that under Planning Act 2000, Part 1, Section (2), the term “Works” include for demolition under the definition of The actual definition of “Works” is as follows “includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal”



#### 4.0 Conclusion:

I would advocate the planning department to consider the query poised “*whether the reduction in the floor space of the an existing structure from circa 244 square meters to 190 square meters, the removal of the roof ridge line turret and the use of the resulting building for agricultural purposes, specifically as a stable block is or is not development or is or is not exempted development under the Planning and Development Regulations 2001 ( as amended) Schedule 2, Part 3, Class 6*”

I would further advocate that the planning department would consider that the works as detailed in the attached drawings are indeed *exempted development under the Planning and Development Regulations 2001 ( as amended) Schedule 2, Part 3, Class 6* as the works are aligned with all 7 of the limitations and conditions under *exempted development under the Planning and Development Regulations 2001 ( as amended) Schedule 2, Part 3, Class 6*



**5.0 Documents enclosed to accompany this referral query**

Documents enclosed include the following,

- 1 original application form titled "Declaration of Exempt Development under Section 5, of the Planning and Development Act 2000"
- Copy of decision from An Bord Pleanala ref; 06S. RL 3043.
- Site Location Map (Scale) 1:2500
- A Site Layout Plan ( Scale 1:500) in full compliance with Article 23 of Planning and Development Regulations 2001.
- Drawings of the existing development (Scale 1:50) in full compliance with Article 23 of Planning and Development Regulations 2001.
- Drawings of the proposed development (Scale 1:50) in full compliance with Article 23 of Planning and Development Regulations 2001.
- Fee of €80.00

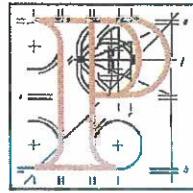
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Colin Gamble, B.Eng., Grad. Dip Fire., Eng., MIEI  
for and on behalf of CGA Consulting Engineers Ltd.





# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2011

**South Dublin County**

**Planning Authority Reference Number: ED12/0026**

An Bord Pleanála Reference Number: 06S.RL.3043

**WHEREAS** a question has arisen as to whether a stable block and associated storage building on land at Badger's Hill, Johnstown, Killeel Road, Rathcoole, County Dublin is or is not development or is or is not exempted development:

**AND WHEREAS** Anthony Branagan care of Vincent J P Farry and Company Limited of Suite 180, 28 South Frederick Street, Dublin requested a declaration on the said question from South Dublin County Council and the said Council issued a declaration on the 21<sup>st</sup> day of August, 2012 stating that the said matter is development and is not exempted development:

**AND WHEREAS** the said Anthony Branagan referred the declaration for review to An Bord Pleanála on the 7<sup>th</sup> day of September, 2012:

**AND WHEREAS** An Bord Pleanála, in considering this referral, had regard particularly to --

- (a) section 4 of the Planning and Development Act, 2000, as amended,
- (b) Article 9 and Classes 6 and 9 of Part 3 of Schedule 2 of the Planning and Development Regulations, 2001, as amended,
- (c) the planning history associated with the appeal site,
- (d) the structures that exists on site,



- (e) relevant case law including the Supreme Court decision in Fingal County Council v William P. Keeling and Sons Limited, and
- (f) the submissions on file.

**AND WHEREAS** An Bord Pleanála has concluded that -

- (a) the structures on site comprise a stable block and associated storage building,
- (b) the stated area of the stable block is 78 square metres and the stated area of the associated storage building is 244 square metres, and
- (c) the stable block comes within the scope of Class 6 of Part 3, Schedule 2 of the Planning and Development Regulations, 2001, as amended and the associated storage building comes within the scope of Class 9 of Part 3, Schedule 2 of the Planning and Development Regulations, 2001, as amended:

**NOW THEREFORE** An Bord Pleanála, in exercise of the powers conferred on it by section 5 (3) (a) of the 2000 Act, hereby decides that a stable block and associated storage building on land at Badger's Hill, Johnstown, Killeel Road, Rathcoole, County Dublin is development and is exempted development.

In deciding not to accept the Inspector's recommendation, the Board considered that the components of the development (stable block and associated storage building) could be considered separately for the purposes of Class 6 and Class 9 respectively of Part 3, Schedule 2 of the Planning and Development Regulations, 2001, as amended, and these buildings fell within the specified Conditions and Limitations on exemption specified in these classes. Furthermore, based on relevant case law including the Supreme Court decision in Fingal County Council v William P. Keeling and Sons Limited, the referrer was not precluded from availing of exempted development provisions by reason of the fact that planning permission had previously been obtained for a similar development at this location.



## **MATTERS CONSIDERED**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

---

**Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board.**

**Dated this       day of       2013.**



**Appendix F      Council Acknowledgement of Referral**





Comhairle Contae Chill Dara  
Kildare County Council



Date: 22/03/2022  
Our Ref: ED/00931

Mathew Buckley,  
c/o Colin Gamble,  
CGA Consulting Engineers,  
16 South Main Street,  
Naas,  
Co. Kildare

**RE: Application for a Declaration of Exempted Development under Section 5 at  
Coughlanstown, Ballymore Eustace, Co. Kildare**

Dear Sir/Madam,

I refer to your correspondence received 21<sup>st</sup> March 2022 in connection with the above.  
Your application is now being considered and we will revert in due course.

Please find attached receipt no.470704 in respect of the €80 fee, received with thanks.

Yours sincerely,

  
**Senior Executive Officer  
Planning Department**



**Appendix G      Letter from Farry Town Planning Ltd.  
(12 April 2022)**



# Farry Town Planning Ltd.

Suite 180  
28 South Frederick Street  
Dublin 2

Phone (01) 677 8180  
Mobile 087 288 7311  
vincentfarry@gmail.com

## **BY HAND ON**

12 April 2022

Senior Executive Officer  
Planning Department  
Kildare County Council  
Aras Chill Dara  
Naas

## **DEVELOPMENT AT COUGHLANSTOWN BALLYMORE EUSTACE CO KILDARE KILDARE COUNTY COUNCIL REGISTER REFERENCE NUMBER ED00931**

Dear Sir or Madam

We refer to the above to the County Council's request for further information dated 29 March 2022.

### **1. Background to Submission**

We have been instructed to provide an opinion for submission to the Council on whether the road safety queries which have been tabled in its request for further information have the effect of de-exempting a proposal which would otherwise not need planning permission (we infer, from the fact that this request for further information does not raise any other issues, that the Planning Authority is satisfied that the subject structure would constitute exempted development but for the possibility that the referral falls foul of art. 9(1)(a) of the Planning and Development Regulations, 2001 (as amended)).

### **2. Agricultural Activity**

We invite the Planning Authority to candidly accept that the land to which this referral relates can be used for any of the agricultural activities identified under section 4 of the Planning and Development Act, 2000 (as amended) which categorises the 'use of land for the purpose of agriculture' as 'exempted development'. Importantly, this entitlement is not subject to the provisions which are set down in article 9 of the Planning and Development Regulations, 2001 (as amended), on the basis that statutory provisions are not controlled or reduced or qualified by clause which are contained within a statutory instrument. We draw support for this approach from the opinions which are set out in the Report of the Inspector in referral ref. no. RL17.RL2748, which we reproduce as follows, for ease of reference:

*It is recognised that the change of use of a garage to the existing dwelling to which these works pertain is unauthorised... The Planning Authority in their assessment are essentially stating that by virtue of the unauthorised use of the structure as a dwelling house the proposed works are not exempted development... In response, the referrer... state... as statutory provisions cannot be amended by regulation, the provision of Article 9 does not affect Section 4(1)(h) of the Planning and Development Act 2000 so as to otherwise disentitle the referrer from these statutory benefits... I concur that it is a core principle of statutory interpretation that an Act cannot be amended by secondary legislation and if it had been the intention of the legislature to restrict privileges set out in Section 4(1)(h) to authorised structures only, this would have been explicitly and expressly stated in the Act.*



### 3. Legal Submission

It is our opinion that the Planning Authority may have misinterpreted the provision at art. 9(1)(a) of the Planning and Development Regulations, 2001 (as amended). Crucially, in a safety context, works which would ordinarily be exempted development only require permission where the structure itself prejudices safety (for example, if a particular building, by reason of its position, would impede visibility) and, in an agricultural scenario, a landowner does not lose an entitlement to erect a development without planning permission simply because the access arrangements are unsatisfactory.

We attach herewith a copy of the judgement in *Cunningham-v-An Bord Pleanala*, and we observe how the case facts in that ruling are somewhat similar to those in this present referral, to the degree that this earlier proposal also involved a landowner who had erected an agricultural building on his holding. An Bord Pleanala (consistent with the Council's previous refusal of permission on safety grounds) held that this feature fell outside the exempted development parameters on the basis that:

*While the development would generally come within the scope of Class 9 of Part III of the Regulations*

*Access to the development is via a gateway onto the N59, a national secondary road, in a location where the 100 km/h speed limit applies. Sightlines at the junction of the access and public road was severely restricted in both directions*

*Accordingly, the restriction on exempted works under Article 9(1)(iii) of the Planning and Development Regulations 2001 applies...'*

It is critical for the Planning Authority to acknowledge, not only the fact that the High Court overturned the Board's Order, but equally importantly, to note the grounds on which it did so. We hereby reproduce an extract from this judgement for the County Council's consideration, as follows:

*'Here, it is important to stress that the Board's decision was simply based on its conclusion that the access point to the development lies on a national secondary road and that this currently presented a traffic hazard...*

*In this respect, therefore, the Board's assessment and conclusions ...cannot be faulted. Yet the actual result arrived at by the Board regarding the disapplication of the exemption does not directly follow in law from this particular premise....*

*...the Board's decision really proceeds on the basis that the access point simply presented a traffic hazard. That, however, is in itself insufficient to justify the disapplication of the exemption, since Article 9(1)(iii) requires that not simply the Board identify the presence of a traffic hazard, but rather than the "carrying out of such development would...endanger public safety by reason of traffic hazard". This latter test represents an altogether different test from that actually posed by the Board.*

*It is clear therefore that the Board asked itself the wrong question and applied the wrong test so far as the application of Article 9(1)(iii) is concerned and this fact alone is fatal to the validity of the decision... '.*

We respectfully invite Kildare County Council to candidly acknowledge that the building to which the present referral relates would not affect visibility at the existing access to the site, by reason of its position on this landholding, to the degree that it would not interfere with the sightlines at the entrance.

Moreover, as the subject structure would accommodate animals which would otherwise be kept outdoors in the absence of a stable block, this development would not intensify the use of this land. Should the Council demur, we ask for a detailed explanation, in scientific terms, for such an approach.

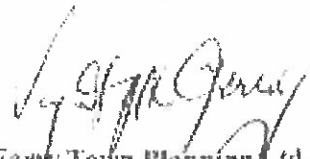




It is our opinion that, consistent with the judgement in Cunningham, that the subject structure would not prejudice road safety so as to trigger the de-exemption at article 9(1)(iii) of the Regulations.

Please contact the undersigned should you have any queries or concerns regarding this report.

Yours faithfully



Farry Town Planning Ltd.



**Appendix H      Council receipt of Further Information Reply.**



Customer Service  
Case Number KCC-121425 ED / 00931 CRM:00001000208278  
29 Jul 2022 at 16:40:05  
Colin Gamble

Kildare County Council Main Heading

Date: 29/07/2022 16:19

Dear Sir/Madam

Case No: KCC-121425

Subject: ED / 00931

Your case has been reviewed by the Customer Service Department and referred to the relevant Department.

The issue will now be examined by the Planning Applications Processing Team in Planning Department who will revert to you in due course.

**If you wish to update this case please use this email to reply in order that the relevant case number is updated.**

Regards

Customer Service Department

Tá athbhreithniú déanta ar do chás ag an Fhoireann Seirbhísí Custaiméirí agus tá sé curtha ar aghaidh chuig an Roinn ábhartha.

Déanfar an cheist a scrúdú anois agus tiocfaidh an Roinn ábhartha ar ais chugat in am trátha.



within the meaning of applicable law. If you are not the intended recipient, please contact the sender as soon as possible. The views expressed in this communication may not necessarily be the views held by Kildare County Council. Kildare County Council endeavours to protect e-mails and their attachments from viruses. However, you are advised to scan all messages, as the council does not accept any liability for contamination or damage to your systems, however caused. For information on your privacy rights and how we manage personal data, log on to <https://kildare.ie/CountyCouncil/YourCouncil/GovernanceandCompliance/DataProtection/>. To update your personal information, email us at [customercare@kildarecoco.ie](mailto:customercare@kildarecoco.ie). You must enable the Council to verify your identity by providing proof of identity and/or address, before we make any changes.

\*\*\*\*\*

\*\*\*\*\* Our Website

[kildarecountycouncil.ie](http://kildarecountycouncil.ie) 'Follow' us on Twitter - 'Like' us on Facebook





Customer Service

[Request Received] – ED / 00931 –

KCC-121425 Acknowledgement from Kildare County Council

Customer Services CRM:00001000208266

29 Jul 2022 at 16:19:31

Colin Gamble

Thank you for contacting Kildare County Council.

Your email has been received and your case number is above.

You will receive a further email in due course with details of the Team and Department your case has been assigned to.

In any communication with us please always include your case number as this helps us to more easily identify your case.

Should you wish to follow up on, or add further information relating to your query, please reply to this email, without altering the subject line as the case number automatically recognises your case in our system.

Submissions:

It is important to note that submissions to Consultations cannot be accepted through the customer services email address or the Customer Portal.

Submissions may be made via the online portal at <https://consult.kildarecoco.ie/en> or in writing to the contact advertised in the consultation. Please make your submission by one medium only i.e. in hard copy or online.

Late submissions will not be accepted.

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Go raibh maith agat as ucht teagmháil a dhéanamh le Comhairle Contae Chill Dara.

Fuarthas do ríomhphost agus is é an uimhir thuas d'uimhir cháis.

Gheobhaidh tú ríomhphost in am agus i dtráth le sonraí na Foirne agus na Roinne a mbeidh faoi chúram do chás

Iarrtar ort le do thoil d'uimhir cháis a chuir i ngach chomhfhreagras/ cumarsáid linn toisc go gcuidíonn sé seo linn do chás a aithint go héasca.

Más mian leat do saincheist a fhiosrú nó tuilleadh eolais maidir le do saincheist a chuir ar fáil, freagair ar an ríomhphost seo gan an líne ábhair a athrú toisc go n-aithríonn an uimhir cháis go huathoibríoch do chás in ár gcóras.

Aighneachtaí:

Tá sé tábhachtach go dtabharfar faoi ndeara nach féidir glacadh le comhchomhairlí tríd seoladh ríomhphost na seirbhísí custaiméara nó tríd an Tairsí Custaiméara.

Is féidir aighneachtaí a dhéanamh tríd na tairsí ar líne ar

<https://consult.kildarecoco.ie/ga> nó i scríbhinn chuig an teagmhálaí a bhfógraíodh sa chomhchomhairle. Iarrtar le do thoil go ndéantar an aighneacht trí aon mheán amháin, is é sin le cruachóip nó ar líne.

Ní ghlacfar le haighneachtaí déanacha.

Tá an ríomhphost seo príobháideach agus ní ceadmhach úsáid an ríomhphoist seo d'éinne ach don té ar seoladh chuige é. D'fhéadfadh go mbeadh eolas ann atá faoi phribhléid agus rúnda de réir an dlí. Munar duit an ríomhphost seo, déan teagmháil leis an seoltóir chomh luath agus is féidir. D'fhéadfadh nach iad tuairimí Chomhairle Contae Chill Dara na tuairimí atá

