

# Farry Town Planning Ltd.

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2 February 2023

Director of Planning  
Kildare County Council  
Aras Chill Dara  
Naas  
Co. Kildare

## **DEVELOPMENT ON LAND AT PAINESTOWN KILL CO. KILDARE KILDARE COUNTY COUNCIL REFERENCE NUMBER ED/0989**

Dear Sir

We refer to the above and we confirm that we act for the joint referrer, Tom Kelliher, Pat O'Reilly, John Kerin and David Donnellan. We confirm that a copy of the Council's letter of 3 November 2022 has been passed to this office and we respond to the Planning Authority's queries, as follows:

### **1. Operative Planning Permissions**

We confirm that a dwelling is currently in the course of construction on land which is near the site of the referral site, although we cannot confirm whether it complies with the plans and particulars of permission reg. 20790 (as this would require a detailed inspection and survey of the development). Moreover, as the decision on whether to implement permission reg. 21818 is not within the purview of our clients (and indeed, does not have to be taken for several years to come), we cannot answer the query posed. We can, however, provide an image of the building to which the Local Authority refers.



**Photograph 1: The partly-built structure on land which is near the referral site**



Attn: Kildare County Council

Re: Application for a Declaration of Exempted Development under Section 5 of Planning and Development Act 2000 (as amended) at Painestown, Kill, Co. Kildare.

08<sup>th</sup> November 2022

Dear Stephen,

It is noted that the Declaration of Exempted Development under Section 5 was lodged to the Local Authority on the 7<sup>th</sup> October 2022 by a third party. It came as a shock to our client to receive a request for additional information on their own lands without any prior notification. It is fully understood that the Local Authority are not obliged under Section 5 to notify the landowner. However, the unusual circumstances of this application, a letter acknowledging receipt would have been welcomed. While our client is not obliged to reply to the request, it is felt that the following will aid the Local Authority to decide from the registered landowners perspective. Your request for additional information will follow the format as setout in your letter:

1. The following permissions were granted for the subject site:
  - a. 13/141 - Agricultural entrance submitted by John & Carmel Kerin, granted on the 01st July 2013.
  - b. 14/415- construction of hay shed and access driveway submitted by Vincent Talbot, granted on the 01st September 2014.
  - c. 20/790- construction of a single storey detached house, single storey domestic garage, secondary effluent treatment system, utilisation of existing recessed entrance and all associated site works submitted by Rose Talbot, granted on the 21<sup>st</sup> January 2022. (Please see commencement notice attached and currently under construction)
  - d. 21/1221- construct hay shed and access drive and all associated works and services submitted by Vincent Talbot, granted on the 30<sup>th</sup> November 2021. (Please see commencement notice attached and currently under construction)
  - e. 21/818- amend site boundaries and location of secondary effluent treatment system on previously approved permission (File Ref. 20/790) and all associated site, submitted by Rose Talbot, granted on the 10th September 2021.
2. Barrel vaulted structure

The barrel-vaulted structure was permitted under permission 14/415. On checking the submitted documents, the floor plan on the drawings were 36.5m \* 15.86m given a floor area of 564sq.m. The as-constructed building is in substantial compliance with its planning permission. The nature of the permission was agriculture.
3. As stated above, there are 2 nr. permissions active on-site and benefitting from commencement notices. These being permissions Nr. 20/790 & 21/1221. Any use of machinery is associated with the above including the organisation of the lands to include much needed maintenance of culverts/ fields. Any soil excavated is currently stores in piles and fenced off.
4. The timber fence is in excess of the 2m in height (exempt development) and does not benefit from a valid permission. As your Department are aware, there is an exemption for a 2m high fence. Our client has 2 options available namely:
  - a. 1 reduce the existing timber fence by 1m