

**MEATH COUNTY COUNCIL**

**Planning Department**

**Buvinda House**

**Dublin Road**

**Navan Co Meath**

**046 - 9097500**

**Planning & Development Act 2000- 2022**

**DECLARATION**

**To: Anne Marie Kidd & Wesley Flood  
C/O Roger Wheeler  
Newhaggard Road  
Trim  
Co Meath**

**PLANNING REFERENCE NUMBER: KA/S52476**

**APPLICATION RECEIPT DATE: 11/10/2024**

**FURTHER INFORMATION DATE: 06/11/2024**

In pursuance of the powers conferred upon them by the Planning and Development Act 2000-2022, Meath County Council has by order dated 13/11/2024 decided to Declare the proposed development is **EXEMPT**, in accordance with the documents submitted namely: **Change of use from Residential to Residential Care at 10 Bridge Street Lower, Athboy, Co Meath** is development and is **EXEMPTED DEVELOPMENT**.

Date: 13/11/2024

Triona Keating  
**On Behalf of Meath County Council**

**NOTE:**

1. Any appeal against a Declaration of a Planning Authority under Section 5, sub-section 3(a) of the Planning and Development Act 2000-2022 may be made to An Bord Pleanala by the applicant **WITHIN FOUR WEEKS** beginning on the date of issue of the Declaration.
2. Appeals should be addressed to An Bord Pleanala, 64 Marlborough Street, Dublin 1. An appeal by the applicant should be accompanied by this form. The fee for an appeal against a Declaration of the Planning Authority is € 220.

**For more information on Appeals you can contact An Bord Pleanala at:**

Tel: 01 - 8588100 or LoCall: 1890 275 175

Fax: 01 - 8722684

E-mail: [bord@pleanala.ie](mailto:bord@pleanala.ie) Web: [www.pleanala.ie](http://www.pleanala.ie)

**MEATH COUNTY COUNCIL**

**CHIEF EXECUTIVE ORDER**

**Chief Executive Order Number:** 1591/24

**Reference Number:** KA/S52476

**Subject:** Declaration under Part 1, Section 5, Planning and Development Act 2000-2022

**Name of Applicant:** Anne Marie Kidd & Wesley Flood

**Address:** C/O Roger Wheeler  
Newhaggard Road  
Trim  
Co Meath

**Nature of Application:** Change of use from Residential to Residential Care

**Location of Development:** No. 10 Bridge Street Lower, Athboy, Co Meath

**DECLARATION:** This development is **EXEMPT** from Planning Permission.

**ORDER:**

Being satisfied that all requirements relating to the Application have been complied with and to consider the proper Planning and Development of the County Meath Health District, IT IS HEREBY DECIDED, in pursuance of the above Act to declare that this is **EXEMPTED DEVELOPMENT**.

**SIGNED:**   
**On Behalf of Meath County Council**

**DATE:** 13/11/2024

## Meath County Council



### Planning Report

<b>To:</b>	Deirdre Fallon, Senior Executive Planner
<b>From:</b>	Donal Farrelly, Executive Planner
<b>Report Date:</b>	08/11/24
<b>File Number:</b>	<b>KAS52476</b>
<b>Applicant Name(s):</b>	Anne Marie Kidd and Wesley Flood
<b>Development Address:</b>	10 Bridge Street Lower, Athboy, Co. Meath
<b>Inspection Date:</b>	N/a
<b>Application Type:</b>	Section 5 of the Planning & Development Act 2000-2022 Declaration on Development /Exempted Development
<b>Development Description:</b>	Change of use of from Residential to Residential Care
<b>Decision Due Date:</b>	<b>03/12/24</b>

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## 1.0 Site Location & Description

- 1.1 The application site is located at 10 Bridge Street Lower, Athboy, Co. Meath. The site is zoned 'B1 Commercial/Town or Village Centre.' in the Meath County Development Plan 2021-2027. The surrounding area is characterised by mixed use buildings.



## 2.0 Proposed Declaration

- 2.1 The applicant describes the development in the completed application form as "Change of use of from Residential to Residential Care". The Planning Authority is considering this question as:

***Whether the 'Change of use of from Residential to Residential Care' is or is not development and is or is not exempted development.***

- 2.2 The completed application form includes floor and elevation plans with various details regarding the internal layout. The applicant has submitted a cover letter to confirm the use of the building.

## 3.0 Planning History

- 3.1 History on site:

22308. the demolition of two existing sheds along the Trim Road and their replacement with five terraced two storey houses, car parking to the rear of the development, a new entrance off the Trim Road, as well as alterations, additions and demolitions to the two houses along Lower Bridge Street, the connection to all public services and all associated site works. Significant further information/revised plans submitted on this application. Granted

## 4.0 Internal/Referrals

- 4.1 N/a

## 5.0 Relevant Legislation

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In order to assess whether or not the structure described in para. 2.2 is or is not development or is or is not exempted development regard must be had to the following legislation:

#### 5.1 **Section 2 of the Planning & Development Act (PDA) 2000-2022**

“development” has the meaning assigned to it by section 3, and “develop” shall be construed accordingly;

“exempted development” has the meaning specified in section 4;

“structure” means inter alia any building, structure, excavation, or other thing constructed or made on, in or under any land, or any part of a structure so defined, and where the context so admits, includes the land on, in or under which the structure is situate;

“unauthorised development” means, in relation to land, the carrying out of any unauthorised works (including the construction, erection or making of any unauthorised structure) or the making of any unauthorised use;

“unauthorised works” means any works on, in, over or under land commenced on or after 1st October 1964, being development other than—

- (a) exempted development (within the meaning of section 4 of the Act of 1963 or section 4 PDA), or
- (b) development which is the subject of a permission granted under Part IV of the Act of 1963 [or under section 34, 37G or 37N PDA], being a permission which has not been revoked, and which is carried out in compliance with that permission or any condition to which that permission is subject; and

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

#### 5.2 **Section 3 of the Planning & Development Act (PDA) 2000-2022**

Section 3(1) PDA 2000 defines “development” as follows:

“Development means except where the context otherwise requires, the carrying out of any works on, in over or under land or the making of any material change in the use of any structures or other land”.

#### 5.3 **Section 4 of the Planning and Development Act (PDA) 2000-2022**

Section 4(2) of the PDA provides for the making of regulations relating to exempted development. The Planning & Development Regulations (PDR) 2001 (as amended) give effect to section 4(2).

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Section 4(4) states that “Notwithstanding *paragraphs (a), (i), (ia) and (l) of subsection (1)* and any regulations under *subsection (2)*, development shall not be exempted development if an environmental impact assessment or an appropriate assessment of the development is required”.

### 5.3 **Section 5 of the Planning & Development Act (PDA) 2000-2022**

Section 5 PDA 2000 provides *inter alia*:

- (1) If any question arises as to what, in any particular case, is or is not development or is or is not exempted development within the meaning of this Act, any person may, on payment of the prescribed fee, request in writing from the relevant planning authority a declaration on that question, and that person shall provide to the planning authority any information necessary to enable the authority to make its decision on the matter.
- (2) (a) Subject to *paragraph (b)*, a planning authority shall issue the declaration on the question that has arisen and the main reasons and considerations on which its decision is based to the person who made the request under *subsection (1)*, and, where appropriate, the owner and occupier of the land in question, within 4 weeks of the receipt of the request.  
(b) A planning authority may require any person who made a request under *subsection (1)* to submit further information with regard to the request in order to enable the authority to issue the declaration on the question and, where further information is received under this paragraph, the planning authority shall issue the declaration within 3 weeks of the date of the receipt of the further information.  
(c) A planning authority may also request persons in addition to those referred to in *paragraph (b)* to submit information in order to enable the authority to issue the declaration on the question.

### 5.4 **Section 32 of the Planning & Development Act (PDA) 2000-2022**

Section 32 PDA 2000 sets out a general obligation to obtain planning permission in respect of any development of land, not being exempted development, and in the case of development which is unauthorised, for the retention of that unauthorised development.

### 5.5 **Article 6 of the Planning & Development Regulations (PDR) 2001-2023**

Article 6 PDR 2001 provides (subject to the restrictions in article 9 PDR 2001) for the classes of exempted development under column 1 of Parts 1, 2 and 3 of Schedule 2, subject, where applicable, to the conditions and limitations imposed upon such classes as set out in column 2.

### 5.6 **Article 9 of the Planning & Development Regulations (PDR) 2001-2023**

Article 9 PDR imposes specific restrictions on development of classes specified in Parts 1, 2 and 3 of Schedule 2 and in effect de-exempts certain classes of development that would be exempt under normal circumstances.

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## 5.7 **Schedule 2 Part 1 Class 14f of the Planning & Development Regulations (PDR) 2001-2023**

*'Change of use Class 14. Development consisting of (f) from use as a house, to use as a residence for persons with an intellectual or physical disability or mental illness and persons providing care for such persons.*

Subject 2 (column 2)

*'The number of persons with an intellectual or physical disability or a mental illness living in any such residence shall not exceed 6 and the number of resident carers shall not exceed 2.'*

## 6.0 **Assessment**

The question has arisen as to whether the *'Change of use of from Residential to Residential Care'* is or is not development and is or is not exempted development. In this regard it is necessary to consider the question of "development" and "exempted development" as provided for in statute and summarised above.

### 6.1 **"Development"**

I consider that the *'Change of use of from Residential to Residential Care'* outlined in para. 2.2 falls within the statutory interpretation of works and therefore within the section 3(1) PDA 2000 definition of development.

### 6.2 **"Exempted Development"**

Class 14 of Part 1 of Schedule 2 PDR provides an exemption for inter alia the change of use from use as a house, to use as a residence for persons with an intellectual or physical disability or mental illness and persons providing care for such persons. The applicant has now confirmed the following.

*'the centre will cater for children who require specialised care and support due to their additional educational, emotional, or intellectual needs. The centre will only cater for 4 children with 2 carers to support them'*

The facility therefore meets the conditions and limitations under column 2 and if it is exempted development under article 6(1) PDR for the purposes of the PDA, and it is not restricted by virtue of article 9.

## 7.0 **Appropriate Assessment**

7.1 Article 6(3) of Council Directive 92/43/EEC (as amended) on the conservation of natural habitats and of wild fauna and flora ('the Habitats Directive') requires that any plan or project that is not directly connected with or necessary to the management of the Natura 2000 site concerned but is likely to have a significant effect on it, on its own or in combination with other plans and projects, is to be authorised only if it will not adversely affect the integrity of that site. The nearest

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Natura 2000 site is the River Boyne And River Blackwater SAC (SiteCode: 002299) which is located c230m to the north east of the subject site. The applicant has not submitted an AA Screening Report in respect of the possible impacts ecological impacts of the proposal on the nearest Natura site(s).

- 7.2 The Planning Authority's Screening for Appropriate Assessment has considered the potential effects including direct, indirect and in-combination effects of the proposed development, individually or in combination with the permitted developments and cumulatively with other plans or projects on European Sites. There is no obvious hydrological/S-P-R linkage between the development site and the Natura Network. The Planning Authority therefore concludes that the proposed development (entire project), by itself or in combination with other plans and developments in the vicinity, would not be likely to have a significant effect on European Site(s). In light of this, it is considered that a Stage 2 Appropriate Assessment (Natura Impact Statement) is not required in this instance.

## 8.0 Environmental Impact Assessment

The proposed development consisting of a change of use from residential to residential care does not represent a category of project detailed in Schedule 5 of the Planning and Development Regulations 2001-2024 therefore Environmental Impact Assessment is not required.

## 9.0 Conclusion & Recommendation

- 9.1 I conclude that the '*Change of use of from Residential to Residential Care*' at 10 Bridge Street Lower, Athboy, Co. Meath is development and is exempt development.

- 7.3 I **recommend** that the application for an exempted development certificate is **Granted** for the following reason:

**WHEREAS** the question has arisen as to whether '*Change of use of from Residential to Residential Care*' at 10 Bridge Street Lower, Athboy, Co. Meath is or is not development and is or is not exempted development.

**AND WHEREAS** the said question was referred to Meath County Council by the applicants, Anne Marie Kidd and Wesley Flood.

**AND WHEREAS** Meath County Council, in considering this reference, had particular regard to:

- (a) Sections 2, 3, 4, 5 and 32 of the Planning & Development Act 2000-2022 and articles 6 and 9 of the Planning & Development Regulations 2001 – 2023;
  - (b) The definition of "development" in section 3 of the Planning & Development Act 2000-2022 and
  - (c) The provisions under Schedule 2 Part 1 Class 14f of the Planning & Development Regulations (PDR) 2001-2023
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(d)

**AND WHEREAS** Meath County Council has concluded that:

- (a) **'Change of use of from Residential to Residential Care' at 10 Bridge Street Lower, Athboy, Co. Meath** comprises works and is development under section 3(1) of the Planning & Development Act 2000-2022 and
- (b) **'Change of use of from Residential to Residential Care' at 10 Bridge Street Lower, Athboy, Co. Meath** is exempted development under the provisions of Schedule 2 Part 1 Class 14f of the Planning & Development Regulations (PDR) 2001-2023.

**NOW THEREFORE** Meath County Council in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act 2000 (as amended), hereby decides that **'Change of use of from Residential to Residential Care' at 10 Bridge Street Lower, Athboy, Co. Meath** is development and is exempted development.

*Donal Farrelly*

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Donal Farrelly  
Executive Planner  
Date: 08/11/24

**RECOMMENDATION  
ACCEPTED**  
13 NOV 2024  
Signed: *Deirdre Fallon*

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Deirdre Fallon  
Senior Executive Planner  
Date: 13/11/2024

**GRANT**

**Comhairle Chontae na Mí**

Roinn Pleanáil,  
Teach Buvinda, Bóthar Átha Cliath,  
An Uaimh, Contae na Mí, C15 Y291  
Fón: 046 – 9097500/Fax: 046 – 9097001  
R-phost: [planning@meathcoco.ie](mailto:planning@meathcoco.ie)  
Web: [www.meath.ie](http://www.meath.ie)



**Meath County Council**

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**APPLICATION FORM – DECLARATION ON DEVELOPMENT & EXEMPTED DEVELOPMENT**

**Part 1 Section 5 of Planning and Development Act 2000-2021, as amended**

1. **Name:** Anne Marie Kidd & Wesley Flood

**Contact details: to be supplied at the end of this form (Question 13)**

2. **Name of person/ agent acting on behalf of the applicant, if applicable**

Roger Wheeler

**Contact details: to be supplied at the end of this form (Question 14)**

3. **Location of Development and/or Subject Site:** No. 10 Bridge Street Lower, Athboy, Co. Meath

4. **Description of Development:** Change of use from Residential to Residential Care

5. **Will the development take place within the curtilage of a dwelling house?**

Please tick as appropriate: YES  NO

6. **Will / does development take place in / on a Protected Structure or within the curtilage of a Protected Structure?**

Please tick as appropriate: YES  NO

6(b) **If "YES", has a Declaration under Section 57 of the Planning & Development Act 2000 – 2014, as amended, been requested or issued for the property by the Planning Authority?**

Please tick as appropriate: YES  NO

7. **State overall height of structure if applicable:** 7.035m

8. **State in square metres the floor area of the proposed development:**

175.7



**9. List of plans / drawings etc. submitted:**

24013-PE-100 - Existing Plans, Elevations, Section, Site Layout & Site Location Map

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**10. Please state applicants interest in this site**

Owner

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**If applicant is not the owner of site, please provide name & address of owner:**

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**11. Are you aware of any enforcement proceedings connected to this site?**

Please tick as appropriate: YES  NO

**11 (b), If "YES" please supply details:**

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**12. Are you aware of any previous planning application/s on this site?**

Please tick as appropriate: YES  NO

**12 (b), If "YES" please supply details:**

Planning Reference Number 22308

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**SIGNED:** R. Wheeler

**DATE:** 11/10/2024

**NOTES**

1. Application Fee of €80
2. Application shall be accompanied by:
  - 2 copies of site location map to scale 1:2500 clearly showing the site outlined in red and the extent of the site boundaries, the position of existing structures, etc., and the proposed work.
  - 2 drawings to scale (1:200) of the proposed development (including floor plan and elevations), if appropriate.
  - Two site layout plans to scale 1:500 if appropriate. Please submit 2 copies of any additional plans/reports etc. you may wish to include as part of the application.

**Application shall be forwarded to: Meath County Council, Planning Department, Buvinda House, Dublin Road, Navan, Co. Meath.**

**Contact Details: Phone: 046 9097500 Fax: 046 9097001**

**Email: [planning@meathcoco.ie](mailto:planning@meathcoco.ie)**