

MEATH COUNTY COUNCIL

CHIEF EXECUTIVE ORDER

Chief Executive Order Number: 1543/24

Reference Number: KA/S52477

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

Name of Applicant: Headfort Golf Club

Address: Kells
Co Meath

Nature of Application: Construction of grass tee and concrete base for all weather teeing area

Location of Development: Headfort Golf Club, Kells, 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: W. Bonnell
On Behalf of Meath County Council
DATE: 05/11/2024

4

MEATH COUNTY COUNCIL

Planning Department

Buvinda House

Dublin Road

Navan Co Meath

046 - 9097500

Planning & Development Act 2000- 2022

DECLARATION

To: David Reilly, General Manager
Headfort Golf Club
Kells
Co Meath

PLANNING REFERENCE NUMBER: KA/S52477

APPLICATION RECEIPT DATE: 15/10/2024

FURTHER INFORMATION DATE: N/A

In pursuance of the powers conferred upon them by the Planning and Development Act 2000-2022, Meath County Council has by order dated 05/11/2024 decided to Declare the proposed development is **EXEMPT**, in accordance with the documents submitted namely: **construction of grass tee and concrete base for all weather teeing area at Headfort Golf Club, Kells, Co Meath** is development and is exempted development.

Date: 05/11/2024

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 Web: www.pleanala.ie

Meath County Council



1543/24

Planning Report

To:	Deirdre Fallon, Senior Executive Planner
From:	Nathan Cooney, Executive Planner
Date:	01/11/2024
MCC File Number:	KAS52477
Applicants:	Headfort Golf Club
Development Address:	Headfort Golf Club, Kells, Co. Meath
Application Type:	Section 5 of the Planning & Development Acts 2000-2024 Declaration on Development/Exempted Development.
Development Description:	Construction of grass tee and concrete base for all weather tee area.
Date Decision Due:	12/11/2024

1.0 Site Location & Description

The subject is located at Headfort Golf Club, which is situated between the R163 and the R147, within Kells Co. Meath. The application area is located within the south east corner of the Headfort Golf Club.



Fig. 1.0: Aerial image of the subject lands to which the application relates (outlined in red).

2.0 Proposed Declaration

The applicant describes the development in the completed application form as “Construction of grass tee and concrete base for all weather tee area”.

The Planning Authority is considering this question as:

Whether the construction of grass tee and concrete base for all weather tee area is or is not development and is or is not exempted development.

The completed application form and submitted documents indicate that the extent of works proposed. However, it would appear that the submitted drawings illustrating the extend of the proposed works is not to scale.

3.0 Planning History

221535 (ABP Ref. ABP-317166-23) Permission GRANTED for the upgrading of an existing driving range facility, to include the construction of a new 22-bay covered driving range building, 4 open-air bays, accessible toilets and golf ball processing area. The plans also include the extension of an existing car parking area, installation of a new on-site wastewater treatment system with percolation area, signage , external lighting (including range lighting), landscaping and ancillary site works.

Subsequently, a Third Party Appeal was lodged and An Bord Pleanala modified the decision.

4.0 Internal, External and Prescribed Bodies

None.

5.0 Relevant National Legislation

In order to assess whether or not the works described in Section 2.0 of this report is or is not development or is or is not exempted development regard must be had to the following national legislation set out below.

5.1 Section 2 of the Planning & Development Acts 2000-2024

Section 2 of the Planning & Development Acts 2000-2024~~1~~ provides the following interpretations which are relevant:

“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; 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 Acts 2000-2024~~1~~

Section 3(1) of the Planning & Development Acts 2000-2024 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 & Development Act 2000-2024~~2~~

Section 4(2)(a) includes provision for the Minister to provide by regulations provide for any of development to be exempted development for the purposes of this Act.

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.*”

5.4 Section 5 of the Planning & Development Acts 2000-2024~~2~~

Section 5 of the Planning & Development Acts 2000-2022 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.

5.5 Section 32 of the Planning & Development Acts 2000-2024

Section 32 of the Planning & Development Acts 2000-2024 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.

5.6 Article 6 of the Planning & Development Regulations 2001-2024

Article 6 of the Planning & Development Regulations 2001-2024 provides (subject to the restrictions in article 9 of the Planning & Development Regulations 2001-2024) 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.

From a review of the submitted application, it is considered that following class of works is potentially applicable - Class 34 of Part 1 (Exempted Development — General).

CLASS 34	Conditions and Limitations
Works incidental to the maintenance and management of any golf course or pitch and putt course, including alterations to the layout thereof, excluding any extension to the area of a golf course or pitch and putt course.	None.

5.7 Article 9 of the Planning & Development Regulations 2001-2024³

Article 9 of the Planning & Development Regulations 2001-2024³ 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.

6.0 Assessment

The question has arisen as to “*Whether the construction of grass tee and concrete base for all weather tee area 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”

The submitted application form states that the square meters of the floor area of the proposed development is <2,000sq.m, and that the over height is <1m. It is considered that the construction of grass tee and concrete base for all weather tee area falls within the statutory interpretation of works and therefore within the section 3(1) PDA 2000 definition of development.

6.2 “Exempted Development”

In terms of whether the development is exempted development, the applicants proposes the construction of a grass tee and concrete base for all weather tee area within an existing golf club. The submitted application form states that the square meters of the floor area of the proposed development is <2,000sq.m, and that the over height is <1m. It is stated that the area in question is a current practice area.

From a review of Article 6 of the Planning & Development Regulations 2001-2024, the Planning Officer considers that the proposed development could be categorised under Class 34. Under this Class there is no conditions/limitations. Class 34 states “*Works incidental to the maintenance and management of any golf course or pitch and putt course, including alterations to the layout thereof, excluding any extension to the area of a golf course or pitch and putt course.*”

The Planning Officer has reviewed the submitted plans and particulars with his declaration, and considers that the proposed works would constitute works incidental to the maintenance and management of this existing golf course, but does not alter the site area of the golf course. Therefore, it is considered that the proposed works would comply with Class 34.

7.0 Appropriate Assessment

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 application site is not within any designated Natura 2000 site. The nearest sites located within 15km of the subject site are as follows:

- River Boyne And River Blackwater SAC (Site Code 002299) – c.0.46km north
- River Boyne and River Blackwater SPA (Site Code 004232) – c.0.53km north
- Killyconny Bog (Cloghbally) SAC (Site Code 000006) – c. 10.6km northwest
- Girley (Drewstown) Bog SAC (Site Code 002203) – c. 7.78km southwest

The Planning Authority considered the nature, scale and location of the proposed development and other plans and projects (where there could be potential for cumulative or in-combination effects), the conservation objectives/ qualifying interests of European Sites within the vicinity of the site and the distance to European Sites, any protected habitats or species, the WFD catchment location, the underlying aquifer type and vulnerability and the excavation works, emissions, transportation requirements and duration of construction and operation and cumulative impacts associated with the proposal.

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. The Planning Authority 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

This development is not of a class of project detailed in Schedule 5 to the Planning and Development Regulations 2001~~3~~ as amended. No EIA is therefore required.

9.0 Conclusion and Recommendation

It is therefore recommended that a declaration of Exemption be issued for the construction of grass tee and concrete base for all weather tee area as indicated on the submitted plans and particulars.

WHEREAS the question has arisen as to whether

- *“Whether the construction of grass tee and concrete base for all weather tee area is or is not development and is or is not exempted development.”*

AND WHEREAS Meath County Council in consideration of this question has had regard particularly to:

- (a) Sections 2, 3(1), & 4, of the Planning and Development Act 2000 – 2022,
- (b) Article 6 & 9 of the Planning and Development Regulations, 2001-202~~4~~**3**
- (c) Class 34 of Part 1 of Schedule 2 (General Development) of the Planning and Development Regulations 2001 -202~~4~~**3**
- (d) Information provided.

AND WHEREAS Meath County Council has concluded: -

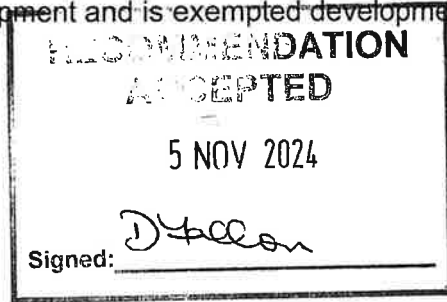
- (a) The construction of grass tee and concrete base for all weather tee area would comprise 'works' and 'development' within the mean of the Section 2(1) and 3(1) of the Planning and Development Act 2000-2022.

(b) The construction of grass tee and concrete base for all weather tee area would come within Class 34 of Part 1 of Schedule 2 (General Development) of the Planning and Development Regulations 2001-2024³

NOW THEREFORE Meath County Council, in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act 2000-2022, hereby decides that the said construction of grass tee and concrete base for all weather tee area as detailed on plans and particulars submitted on 15th October 2024 is development and is exempted development.



Nathan Cooney
Executive Planner
Date: 01/11/2024



Deirdre Fallon
Senior Executive Planner
Date: 1st November 2024

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
Web: www.meath.ie



Meath County Council

Planning Department
Buvinda House, Dublin Road,
Navan, Co. Meath, C15 Y291
Tel: 046 - 9097500/Fax: 046 - 9097001
E-mail: planning@meathcoco.ie
Web: www.meath.ie

APPLICATION FORM - DECLARATION ON DEVELOPMENT & EXEMPTED DEVELOPMENT

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

1. Name: Headfort Golf Club

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

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

3. Location of Development and/or Subject Site: Kells Co Meath

4. Description of Development: Construction of grass tee
and concrete base for all weather
teeing area.

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: <1m.

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

< 2000 m²

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



10. Please state applicants interest in this site

owner

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

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:

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: 221535

Construction of 22 bay drawing range building.

SIGNED:  DATE: 9/10/2024

NOTES

1. Application Fee of €80

2. Application shall be accompanied by:

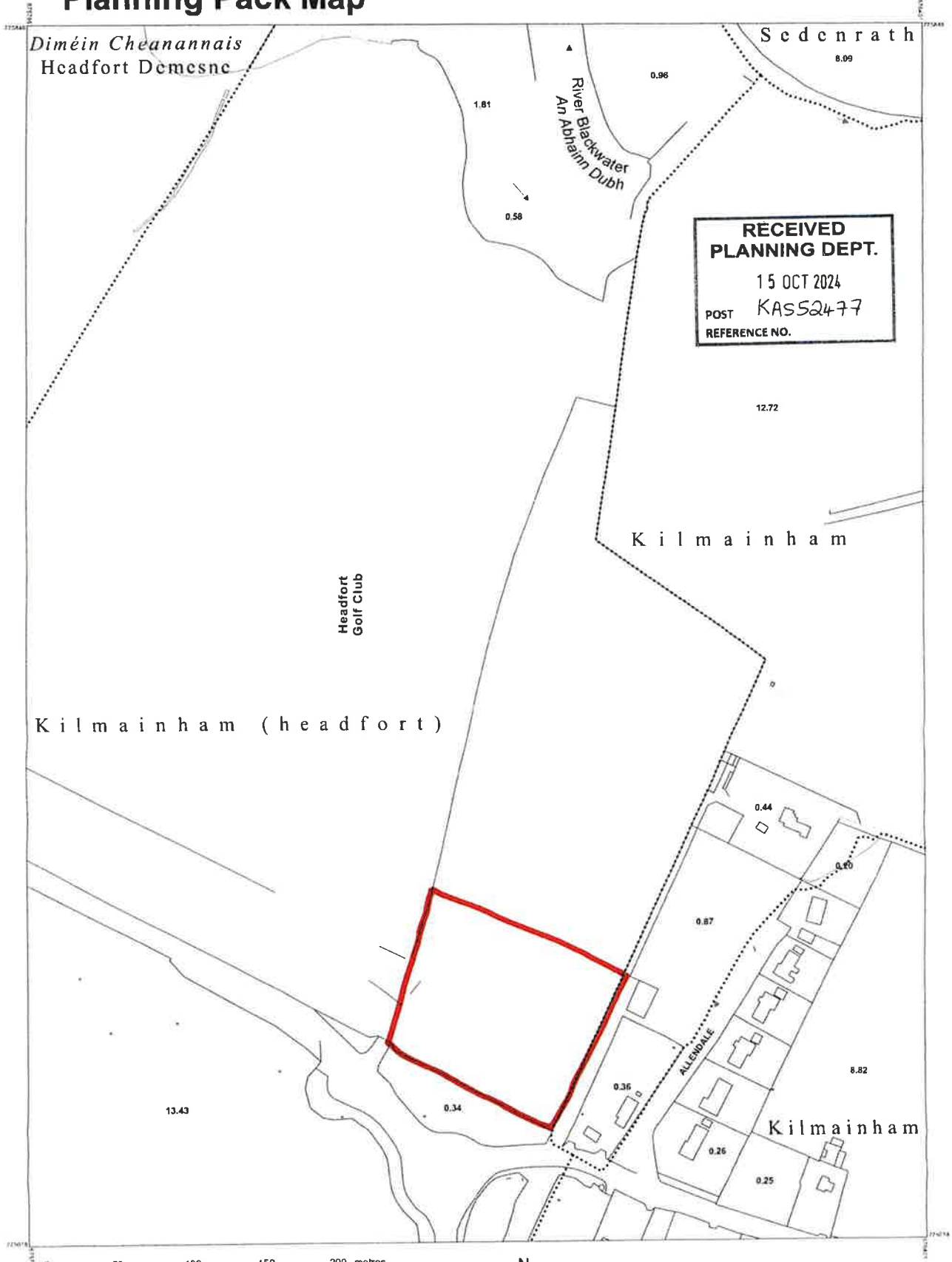
- 2 copies of site location map to scale 1:2500 clearly showing the site outlined in red and the extent of the site boundaries, the position of existing structures, etc., and the proposed work.
- 2 drawings to scale (1:200) of the proposed development (including floor plan and elevations), if appropriate.
- 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.

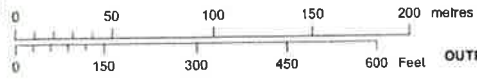
Contact Details: Phone: 046 9097500 Fax: 046 9097001

Email: planning@meathcoco.ie

Planning Pack Map



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CENTRE COORDINATES:
ITM 676094.775433

ORDER NO.:
50273020_1

MAP SERIES:
1:2,500
1:2,500
1:2,500
1:2,500

PUBLISHED:
08/06/2022

MAP SHEETS:
2310-B
2310-D
2311-A
2311-C

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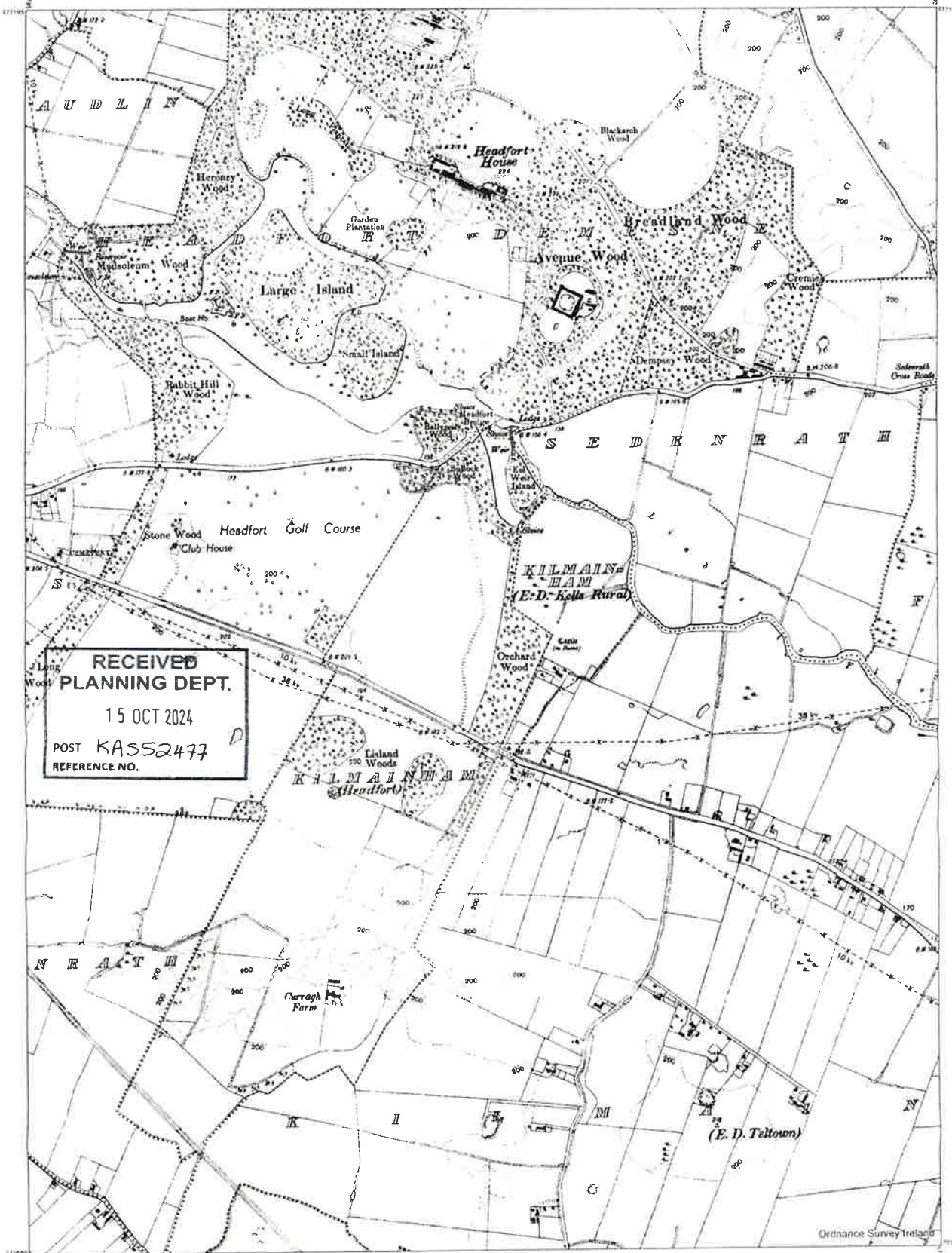
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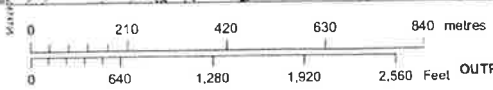
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Site Location Map



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OUTPUT SCALE: 1:10,560



CENTRE COORDINATES:
 ITM 676094.775433

ORDER NO.: 50273020_1
PUBLISHED: 08/06/2022

MAP SERIES: 6 Inch Raster
MAP SHEETS: MH017

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