

**MEATH COUNTY COUNCIL**

**Planning Department**

**Buvinda House**

**Dublin Road**

**Navan Co Meath**

**046 - 9097500**

**Planning & Development Act 2000- 2022**

**DECLARATION**

**To: Michael Sylver  
C/O Bernard Voortman  
Cummins & Voortman Ltd  
Suite 8, First Floor  
Stokes Court  
Rear of No.8 Dundrum Main Street  
Dublin 14**

**PLANNING REFERENCE NUMBER: RA/S52472**

**APPLICATION RECEIPT DATE: 02/10/2024**

**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 30/10/2024 decided to Declare the proposed development is EXEMPT, in accordance with the documents submitted namely:**

**Installation of 72 sq.m of solar panels in existing grass field in agricultural holding at Piercetown, Dunboyne, Co Meath is development and is EXEMPTED DEVELOPMENT.**

Date: 30/10/2024

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:** 1514/24  
**Reference Number:** RA/S52472  
**Subject:** Declaration under Part 1, Section 5, Planning and Development Act 2000-2022  
**Name of Applicant:** Michael Sylver  
**Address:** C/O Bernard Voortman  
Cummins & Voortman Ltd  
Suite 8, First Floor  
Stokes Court  
Rear of No.8 Dundrum Main Street  
Dublin 14


**Nature of Application:** Installation of 72 sq.m of solar panels in existing grass field in agricultural holding.

**Location of Development:** Piercetown, Dunboyne, 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:** 30/10/2024

## Meath County Council

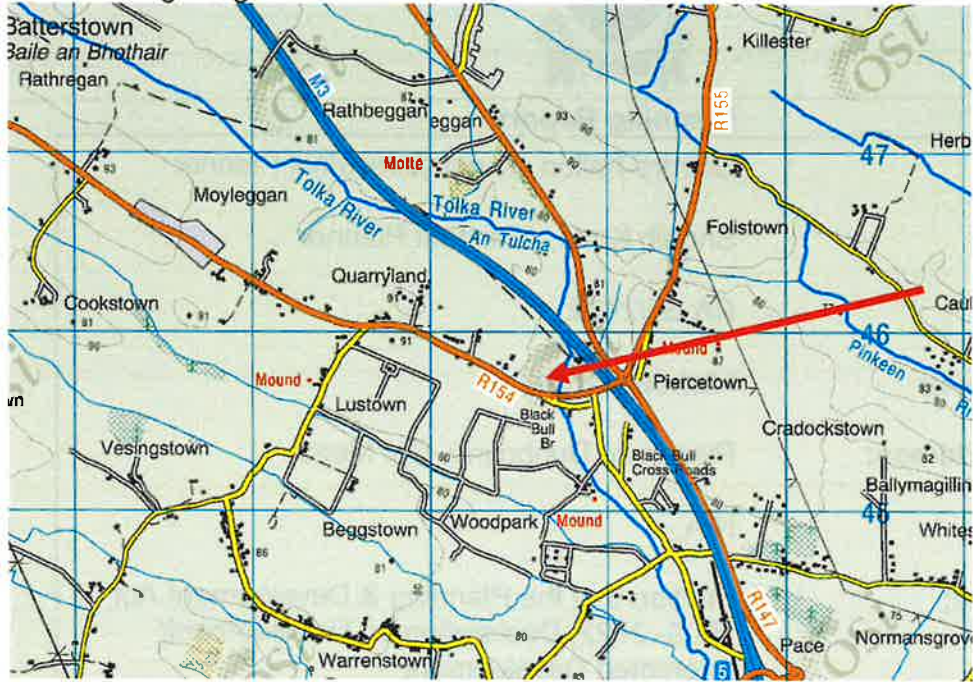


### Planning Report

<b>To:</b>	Deirdre Fallon, Senior Executive Planner
<b>From:</b>	Shoaib Khan, Assistant Planner
<b>File Number:</b>	RA S5/2472
<b>Applicant Name(s):</b>	Michael Sylver
<b>Development Address:</b>	Pierstown, Dunboyne, 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>	Installation of 72sq.m. of solar panels in existing grass field in agricultural holding
<b>Report Date:</b>	30/10/2024
<b>Decision Due Date:</b>	30/10/2024

## 1.0 SITE LOCATION & DESCRIPTION

The subject site is located in an area zoned RA (rural area) and within an area under strong urban influence as per Meath County Development Plan 2021-27. The site is located behind a row of houses along a regional road.



## **1.2 Planning Policy**

- Meath County Development Plan 2021-27

### **11.14.6 Land Use Zoning Categories**

*RA Rural Areas.*

*Objective: To protect and promote in a balanced way, the development of agriculture, forestry and sustainable rural-related enterprise, community facilities, biodiversity, the rural landscape, and the built and cultural heritage.*

## **2.0 PROPOSED DECLARATION**

The referrer seeks a declaration as to whether to *installation of solar panels in a grass field is or is not development and is or is not exempted development.*

## **3.0 PLANNING HISTORY**

None.

## **4.0 LEGISLATIVE CONTEXT**

### **Planning and Development Act 2000- 2022**

In this Act, except where the context otherwise requires –

#### **Section 2(1)**

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

*"agriculture" 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, and "agricultural" shall be construed accordingly;*

#### **Section 3(1)**

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

#### **Section 4(2)(a)**

*"The Minister may by regulations provide for any class of development to be exempted development for the purposes of this Act where he or she is of the opinion that –*

- (i) *by reason of the size, nature or limited effect on its surroundings, of development belonging to that class, the carrying out of such development would not offend against principles of proper planning and sustainable development, or*
- (i) *“the development is authorised, or is required to be authorised, by or under any enactment...”*

**Section 4(2)(b)**

*“Regulations under paragraph (a) may be subject to conditions and be of general application or apply to such area or place as may be specified in the regulations.”*

**Section 4(2)(c)**

*“Regulations under this subsection may, in particular and without prejudice to the generality of paragraph (a) provide, in the case of structures or other land used for a purpose of any specified class, for the use thereof for any other purposes being exempted development for the purposes of this Act”.*

**Section 177U(9)**

*“In deciding upon a declaration for the purposes of Section 5 of this Act a planning authority or the Board, as the case maybe, shall where appropriate, conduct a screening for appropriate assessment in accordance with the provisions of this Section.”*

**Planning and Development Regulations 2001-2024**

**Article 6(3)**

*“Subject to article 9, 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), 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”.*

**Article 9(1)**

*“Development to which Article 6 relates shall not be exempted development for the purposes of the Act – 9(1)(a) – if the carrying out of such development would” conflict with the restriction on exemptions as outlined between (i) – (xii) of the regulations.*

**Schedule 2, Part 3 Exempted Development – Rural**

**Schedule 2, Part 3, Class 18(C) (Agricultural Structures) of the Planning and Development Regulations 2001 -2024 relate to:**

*“The placing or erection on a roof or wall of an agricultural structure, or within the curtilage of an agricultural holding, or on a roof or wall of any ancillary buildings within the curtilage of an agricultural holding of a solar photo-voltaic and/or solar thermal collector installation.*

**Conditions and Limitations (Column 2)**

*1. Where such development is located within a solar safeguarding zone, the total aperture area of any solar photovoltaic and/or solar thermal collector panels, taken together with any other such panels previously placed on a roof, shall not exceed 300 square metres.*

2. *Where such development is located within a solar safeguarding zone, the planning authority for the area shall be notified in writing no later than 4 weeks after the commencement of such development and such notification shall include details regarding the location and scale of the development.*
3. *The distance between the plane of the roof and the solar photo-voltaic or solar thermal collector panels shall not exceed 1.2 metres in the case of a flat roof or 15cm in any other case.*
4. *The solar photo-voltaic or solar thermal collector panels shall be a minimum of 2 metres in the case of a flat roof or 50cm in any other case from the edge of the roof on which it is mounted.*
5. *Development shall not be exempted development where the highest part of the solar photo-voltaic or solar thermal collector installation exceeds the highest part of any roof that is not a flat roof (excluding any chimney).*
6. *Any ancillary equipment associated with solar photo-voltaic or solar thermal collector panels shall not be placed or erected on a wall or any roof that is not a flat roof.*
7. *The height of any ancillary equipment associated with solar photo-voltaic or solar thermal collector panels on a flat roof shall not exceed 1.6 metres above roof level.*
8. *Any ancillary equipment associated with solar photo-voltaic or solar thermal collector panels on a flat roof shall be a minimum of 2 metres from the edge of the roof on which it is mounted.*
9. *The total aperture area of any wall mounted solar photo-voltaic and solar thermal collector panels taken together with any other such existing wall mounted panels shall not exceed 75 square metres.*
10. *The distance between the plane of the wall and the solar photo-voltaic or solar thermal collector panels shall not exceed 15cm.*
11. *The solar photo-voltaic or solar thermal collector panels shall be a minimum of 50cm from the edge of the wall on which it is mounted.*
12. *Any free-standing solar photo-voltaic or solar thermal collector installation shall not be placed or erected forward of the front wall of the nearest agricultural structure, within the curtilage of the agricultural holding, to a public road.*
13. *The total aperture area of any freestanding solar photo-voltaic and solar thermal collector panels taken together with any other such existing freestanding panels shall not exceed 75 square metres.*
14. *The height of any free-standing solar photo-voltaic or solar thermal collector installation shall not exceed 2.5 metres at its highest point above ground level.*
15. *The placing or erection of any freestanding solar photo-voltaic or solar*

*thermal collector installation within an Architectural Conservation Area shall only be exempted development if those works would not materially affect the character of the area.*

*16. No sign, advertisement or object not required for the functioning or safety of the solar photo-voltaic or solar thermal collector installation shall be attached to or exhibited on such installation.*

*17. Development under this Class shall only be exempted development where the solar photo-voltaic or solar thermal collector installation is primarily used for the provision of electricity or heating for use within the curtilage of the agricultural holding, and shall not be considered a change of use for the purposes of the Act.*

*18. Development under this Class which causes hazardous glint and/or glare shall not be exempted development and any solar photo-voltaic or solar thermal collector panels which are causing hazardous glint and/or glare shall either be removed or be covered until such time as a mitigation plan to address the hazardous glint and/or glare is agreed and implemented to the satisfaction of the Planning Authority.*

## **5.0 ASSESSMENT**

### **(i) Does the proposal constitute development:**

Having regard to the definition(s) of 'works' and 'development' within the Planning and Development Act 2000-2022 "the carrying out of works on, in, over or under lands or the making of any material change in the use of any structures or other land";

It is considered the works detailed would constitute development for planning purposes. Therefore, the focus is on whether or not the proposed development constitutes exempted development.

#### **1. Installation of free-standing solar panels**

The applicant has submitted a request for a declaration regarding the installation of solar panels on an agricultural landholding. The property in question spans an area of 0.40 hectares, which the applicant has designated as agricultural in the provided application form and accompanying details. The proposed development involves the installation of solar panels that will occupy a total area of 72 square meters, with any associated structures reaching a height of 2.3 meters. This project falls under the aforementioned classification for exemption and adheres to the specified limitations and conditions.

### **(ii) Restrictions on Exemptions:**

The works are not restricted by virtue of Article 9(1)(a)(i) – (xii) (inclusive).

### **(iv) Appropriate assessment:**



Article 9(1)(a)(viiB) sets out that where a planning authority, as the competent authority in relation to appropriate assessment, considers that a development would be likely to have significant effect on the integrity of a European site then there is a restriction on exemption.

The site is not located within a Natura 2000 site. I am not aware of any source/pathway/receptor routes between the site and these sites and so I consider that the current proposal would not have a significant effect upon any Natura sites.

Therefore, it is concluded that having regard to the nature and scale of the proposed development and the nature of the receiving environment (fully serviced urban area) no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

**(v) Environmental Impact Assessment:**

The works are not a development type listed under Part 1 or 2 of Schedule 5 of the Planning & Development Regulations (PDR) 2001 (as amended). As such EIA is not required.

**(v) Conclusion**

On the basis of the information provided, it is considered the Planning Authority is satisfied that the proposed development would constitute the carrying out of 'works' as indicated above and would therefore constitute development within the meaning given in the Planning and Development Act, 2000 (as amended) and would be exempted development under Class 18(C) Schedule 2 (Exempted Development – Rural), Part 3, of the Planning and Development Regulations, 2001-2024.

## **6.0 RECOMMENDATION**

It is recommended that a declaration be issued stating that the proposal constitutes development which is exempted development as set out hereunder:

**WHEREAS** the question has arisen as to whether *the "installation of 72sq.m. of solar panels in existing grass field in agricultural holding"* 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(1), 3(1) and 4 of the Planning and Development Act 2000 – 2022,
- (b) Articles 6 & 9 of the Planning and Development Regulations, 2001-2024
- (c) Class 18(c), of Part 3 (Exempted Development – Rural), Schedule 2 of the Planning and Development Regulations, 2001-2024
- (d) Information provided.

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

(a) The "installation of 72sq.m. of solar panels in existing grass field in agricultural holding" at Piercetown, Dunboyne, Co. Meath is development which is exempted development as it would come within the scope of Class 18(c) of Part 2, (Exempted Development – Rural) of Schedule 2 of the Planning and Development Regulations, 2001-2024.

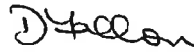
**NOW THEREFORE** Meath County Council, in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act 2000-2022, hereby decides that the said development as detailed on plans and particulars submitted on 2<sup>nd</sup> October 2024 is development and is exempted development.



Shoaib Khan  
Assistant Planner  
Date: 30/10/24

**RECOMMENDATION  
ACCEPTED**

30 OCT 2024



Signed: \_\_\_\_\_

Deirdre Fallon  
Senior Executive Planner  
Date: 30<sup>th</sup> October 2024



**Comhairle Chontae na Mí**

Roimn 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)



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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: Michael Sylver

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

Bernard Voortman, Cummins & Voortman Ltd

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

3. Location of Development and/or Subject Site: Piercetown Dunboyne, County Meath A86CX93

4. Description of Development: \_\_\_\_\_

Installation of 72 sq.m. of solar panels in existing grass field in agricultural holding

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

Please tick as appropriate: YES \_\_\_ NO X

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 X

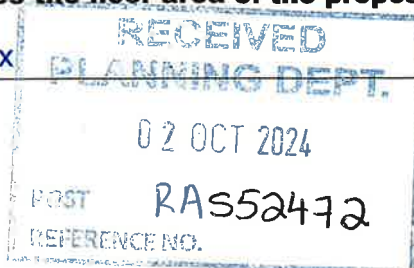
6(b) If "YES", has a Declaration under Section 57 of the Planning & Development Act 2000 – 2014, as amended, been requested or issued for the property by the Planning Authority?

Please tick as appropriate: YES \_\_\_ NO N/A

7. State overall height of structure if applicable: 2.3m

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

Footprint is 72 sq.m. max



**Comhairle Chontae na Mí**

Roim Pleanáil,  
Teach Buvinda, Bóthar Átha Cliath,  
An Uaimh, Contae na Mí, C15 Y291  
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**9. List of plans / drawings etc. submitted:**

A.02.4 - Ordnance Survey Map, A.02.5 - Site Layout Plan, A.02.6 - Drawings

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

Owner

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

N/A

**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:**

N/A

**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:**

SIGNED: \_\_\_\_\_

DATE: 27 09 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.**