

MEATH COUNTY COUNCIL

Planning Department

Buvinda House

Dublin Road

Navan

Co Meath

046 - 9097500

Planning & Development Act 2000- 2022

DECLARATION

To: Michael Farrelly
c/o Oisin Carroll
GF Farrelly Haulage Ltd
Knock Castletown
Co Meath

PLANNING REFERENCE NUMBER: KA/S52474

APPLICATION RECEIPT DATE: 07/10/2024

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 31/10/2024 decided to Declare the proposed development is **development requiring planning permission**, in accordance with the documents submitted namely: **Whether or not** recontouring of agricultural land using geo-chemically appropriate greenfield soil byproduct by way of Article 27 **is development and if so is or is not exempted development at Mahonstown/Carlanstown.**

Date: 31/10/24 Chris Rowke
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 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
CHIEF EXECUTIVE ORDER

Chief Executive Order Number: 1524/24
Reference Number: KA/S52474
Subject: Declaration under Part 1, Section 5, Planning and Development Act 2000-2022
Name of Applicant: Michael Farrelly
Address: c/o Oisín Carroll
GF Farrelly Haulage Ltd
Knock
Castletown
Co Meath

Nature of Application: Section 5 Declaration on Development / Exempted Development of recontouring of agricultural land using geo-chemically appropriate greenfield soil byproduct by way of Article 27

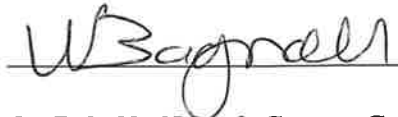
Location of Development: Mahonstown/Carlanstown

DECLARATION: This development is development requiring 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 **DEVELOPMENT REQUIRING PLANNING PERMISSION**.

SIGNED:



On Behalf of Meath County Council

DATE: 31st October, 2024

Meath County Council



Planning Report

To:	Wendy Bagnall, Senior Executive Planner
From:	Peadar McQuaid, Executive Planner
Date:	30 th October 2024
File Number:	KAS52474
Applicant:	Michael Farrelly
Development Address:	Mahonstown, Carlanstown, Co. Meath
Application Type:	Section 5 Exemption Certificate
Development Description:	recontouring of agricultural land using geo-chemically appropriate greenfield soil byproduct by way of Article 27
Date Decision Due:	4 th November 2024

1.0 Introduction:

The applicant is seeking a declaration as to whether the recontouring of agricultural land using geo-chemically appropriate greenfield soil byproduct by way of Article 27 is exempted development, in accordance with Section 5 of the Planning and Development Act 2000-2022.

2.0 Site location:

The application site consists of agricultural fields that are divided into "Area 1 and 2", within the townlands of Mahonstown and Baltrasna, to the northwest of Carlanstown village. The site is accessed via an existing entrance off local road L2810. Area 1 & 2 adjoin the Moynalty River.

Section 4 (1) regulations may be provided for any class of development which may be considered as exempted development.

Section 4 (1) (h) exempted development is development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures;

Section 4(1)(l) development consisting of the carrying out of any of the works referred to in the Land Reclamation Act, 1949, not being works comprised in the fencing or enclosure of land which has been open to or used by the public within the ten years preceding the date on which the works are commenced or works consisting of land reclamation or reclamation of estuarine marsh land and of callows, referred to in section 2 of that 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."

2023 

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 8 (b) Works consisting of field drainage for agriculture, other than drainage and/or reclamation of wetlands, shall be exempted development.

Article 8 (c) Land reclamation works (other than reclamation of wetlands) consisting of re-contouring of land, including infilling of soil (but not waste material) within a farm holding, shall be exempted development.

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 11 (Land Reclamation) of the Planning and Development Regulations 2001-~~2024~~ relate to:

2023 

"Development consisting of the carrying out of drainage and/or reclamation of wetlands"

Conditions and Limitations (Column 2)

1. The area to be affected shall not exceed 0.1 hectares.
2. Where development has been carried out within a farm holding under this class, the total area of any such development taken together with the area of any previous such development within the farm holding shall not exceed the limits set out in 1. above.

5.0 Assessment

The question has arisen as to whether the recontouring of agricultural land using geo-chemically appropriate greenfield soil byproduct by way of Article 27 is exempted development and is not exempted development.

I. Does the proposal constitute development:

It is considered that the recontouring of agricultural land using geo-chemically appropriate greenfield soil byproduct by way of Article 27 involves the importation and deposition on land and therefore would fall within the statutory interpretation of "works" and definition of "development" within Sections 2 (1) & 3(1) Planning & Development Acts 2000 as amended.

II. Does the proposal constitute exempt development:

The applicant has stated in the application form that the area relating to land recontouring/reclamation works is 1.14ha which exceeds the 0.1 hectares limitation no 1 of Schedule 2, Part 3, Class 11 (Land Reclamation).

Additionally, this exemption relates to reclamation works for wetlands and the applicant has not specified that the area is wetlands in this case. Details regarding any previous land reclamation works have not been provided.

The proposed development therefore does not meet the conditions and limitations of Schedule 2, Part 3, Class 11 of the Planning & Development Regulations 2001 (as amended).

I am also not entirely satisfied the proposed geo-chemically appropriate greenfield soil byproduct by way of Article 27 is not considered waste material. The applicant has not provided any details in relation to this material i.e. the exact source of the material or volume to be imported, etc.

Therefore, due to insufficient detail, I consider the proposed development would not come within the scope of the provisions of Article 8C of the Planning and Development Regulations, 2001, as amended, in respect of Land Reclamation, and does not, therefore, comprise exempted development under Article 8C.

III. Restrictions on Exemptions:

The proposal is 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 application site is not located within or in the vicinity of a Natura 2000 site. The site (Area 1 and 2) does adjoin the Moynalty River which flows into the River Blackwater and therefore has hydrological connectivity to the Natura 2000 sites of River Boyne and River Blackwater SAC (Site code: 002299) and River Boyne and River Blackwater SPA, (Site code: 004232).

Given the proximity of the development to an adjoining watercourse, I am not satisfied that the proposal would not pose an unacceptable risk of contamination to the adjoining river and

subsequently a deterioration of water quality and conservation status in the Special Area of Conservation.

Therefore, based on the limited information available the Planning Authority is not satisfied that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on the said European site, in view of the site's conservation objectives.

V. Environmental Impact Assessment:

The proposal is not a development type listed under Part 1 or 2 of Schedule 5 of the Planning & Development Regulations (PDR) 2001 (as amended) nor is it considered a sub-threshold development for the purposes of Schedule 7 PDR and would not on its own or cumulatively with other projects result in significant effects on the environment. As such there is no real likelihood of significant effects on the environment arising from the relevant development and therefore an EIAR (Environmental Impact Assessment Report) is not required.

6.0 Conclusion

It is considered that and that a declaration of Exemption be REFUSED for the development set out hereunder.

7.0 Recommendation

Having regard to:

WHEREAS a question has arisen as to whether

- *the recontouring of agricultural land using geo-chemically appropriate greenfield soil byproduct by way of Article 27.*

at Mahonstown and Baltrasna Td, Carlanstown, Co. Meath, is or is not development or 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), 4, 5 & 177U (9) of the Planning and Development Act 2000 (as amended),
- (b) Articles 6, 8 (c) and 9 of the Planning and Development Regulations, 2001 as amended,
- (c) Schedule 2, Part 3, Class 11 Planning and Development Regulations 2001 as amended,
- (d) Information provided

AND WHEREAS Meath County Council has concluded: -

- (a) *The proposal constitutes works which is development as defined in Section 3 of the Planning and Development Act 2000 as amended.*
- (b) *That "the recontouring of agricultural land using geo-chemically appropriate greenfield soil byproduct by way of Article 27" does not comply with the conditions and limitations associated with Class 11 of Part 3 of Schedule 2 (Exempted Development – Rural) of the Planning and Development Regulations, 2001 as amended.*

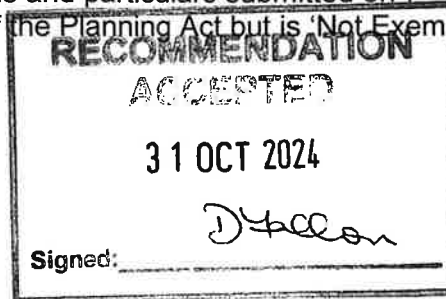
(c) *The development would be likely to have a significant effect on the River Boyne and River Blackwater SAC (Site code: 002299) and River Boyne and River Blackwater SPA, (Site code: 004232).*

(d) *The Planning Authority is unable to determine whether the proposal would fall under Article 8C of the Planning and Development Regulations as amended due to the insufficient details and drawings submitted.*

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 the said development as detailed on plans and particulars submitted on 7th October 2024 is 'Development' under the meanings of the Planning Act but is 'Not Exempted Development'.



Peadar McQuaid
Executive Planner
Date: 30th October 2024



Deirdre Fallon
Senior Executive Planner
Date: 31st 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
Web: www.meath.ie



Meath County Council

Planning Department
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Navan, Co. Meath, C15 Y291
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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:** Michael Farrelly

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**

Oisin Carroll

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

3. **Location of Development and/or Subject Site:** Mahonstown/Carlanstown

4. **Description of Development:** Recontouring of agricultural land using geo

-chemically appropriate greenfield soil byproduct by way of

Article 27

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

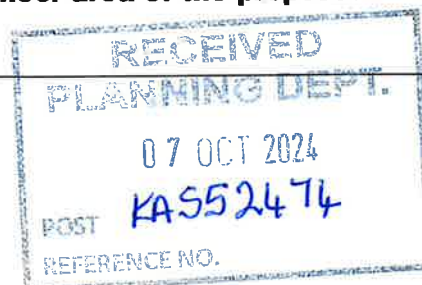
6(b) If "YES", has a Declaration under Section 57 of the Planning & Development Act 2000 – 2014, as amended, been requested or issued for the property by the Planning Authority?

Please tick as appropriate: YES NO

7. **State overall height of structure if applicable:** 0 – 1.5 meter infill, varying

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

11448



**9. List of plans / drawings etc. submitted:
Folio Map, Site Map, Site Map 2**

Site Map, Folio Map

10. Please state applicants' interest in this site

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:

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.

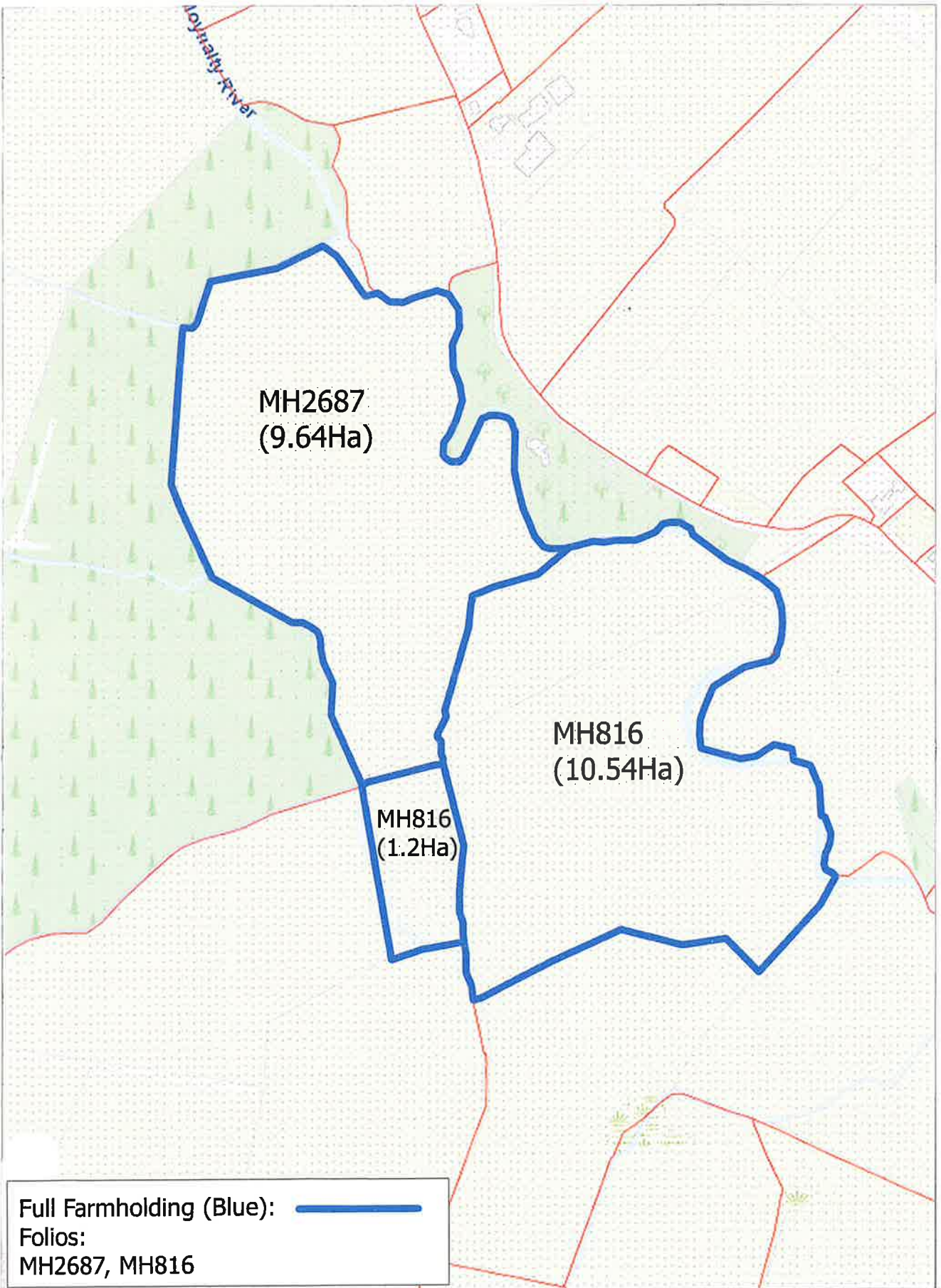
Contact Details: Phone: 046 9097500 Fax: 046 9097001

Email: planning@meathcoco.ie

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Folios/
Site Map & Recontouring Works



Scale 1:4376.5 @ A4

KAS52474

