

MEATH COUNTY COUNCIL

Planning Department

Buvinda House

Dublin Road

Navan Co Meath

046 - 9097500

Planning & Development Act 2000- 2022

DECLARATION

To: Michael McGibbon
C/o Ashdale Care Ireland Ltd
The Ridge
McGrath Road
Castleblayney
Co Monaghan A75 WY97

PLANNING REFERENCE NUMBER: RA/S52481

APPLICATION RECEIPT DATE: 18/10/2024

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: **change of use of dwelling to use exclusively as a residence for persons with an intellectual or physical disability or mental illness and persons providing care for such persons. The number of persons in care shall not exceed 6 and the resident carers shall not exceed 2, in accordance with Class 14, Part (f) of the Planning and Development Regulations 2001 at Piercetown, Dunboyne, Co. Meath A86 XN80** 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

CHIEF EXECUTIVE ORDER

Chief Executive Order Number: 1542/24

Reference Number: RA/S52481

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

Name of Applicant: Michael McGibbon, C/o Ashdale Care Ireland Ltd

Address: The Ridge
McGrath Road
Castleblayney
Co Monaghan A75 WY97

Nature of Application: Change of use of dwelling to use exclusively as a residence for persons with an intellectual or physical disability or mental illness and persons providing care for such persons. The number of persons in care shall not exceed 6 and the resident carers shall not exceed 2, in accordance with Class 14, Part (f) of the Planning and Development Regulations 2001 at Piercetown, Dunboyne, Co. Meath A86XN80.

Location of Development: Piercetown, Dunboyne, Co. Meath A86 XN80

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. Reginald
On Behalf of Meath County Council

DATE: 05/11/2024

1542/24.

Meath County Council



Planning Report

To:	Dierdre Fallon, Senior Executive Planner
From:	Michael McKenna
Report Date:	01/11/2024
File Number:	RA/S52481
Applicant Name(s):	Ashdale Care Ireland Ltd
Development Address:	Piercetown, Dunboyne, Co. Meath A86XN80
Inspection Date(s):	N/a
Application Type:	Section 5 Exemption Certificate
Development Description:	Change of use of dwelling to use exclusively as a residence for persons with an intellectual or physical disability or mental illness and persons providing care for such persons at Piercetown, Dunboyne, Co. Meath A86XN80. The number of persons in our care shall not exceed 6 and the resident carers shall not exceed 2, in accordance with Class 14, Part (f) of the Planning and Development Regulations 2001.

1.0 Site Location and Description



The site is located in the townland of Piercetown c. 1.9 km north of Dunboyne. It is accessed via the L-22161-8. The structure is a detached with two-storey dwelling. The site is located on lands zoned as Rural Area.



2.0 Proposed Declaration

The application seeks a declaration as to whether an *“Change of use of dwelling to use exclusively as a residence for persons with an intellectual or physical disability or mental illness and persons providing care for such persons at Piercetown, Dunboyne, Co. Meath A86XN80. The number of persons in our care shall not exceed 6 and the resident carers shall not exceed 2, in accordance with Class 14, Part (f) of the Planning and Development Regulations 2001”* is or is not development and is or is not exempted development.

3.0 Planning History

- 89/855 | Erection of new dwelling |Piercetown, Dunboyne, Co. Meath
- 99/504 | Extensions, renovations & insulation of biocycle sewage treatment unit

4.0 Legislative Context

Planning and Development Act 2000 (as amended):

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...

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(1)

The following shall be exempted developments for the purposes of this Act (4)(1)(a)-(l).

Sub-section 4(1)(h) states that – “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(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 4(4)

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.

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 (as amended):**Article 6(1)**

“Subject to article 9, development of a class specified in column 1 of Part 1 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 1 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 1 Exempted Development – General

Schedule 2, Part 1, Class 14 (f) of the Planning and Development Regulations 2001 (as amended) relates to:

“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”

Conditions and Limitations (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”.

5.0 Assessment

(i) Does the proposal constitute development:

Having regard to the definition of ‘development’ within the Planning and Development Act 2000 (as amended) it is considered the works detailed would constitute development i.e. *“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”*.

(ii) Does the proposal constitute exempt development:

The applicant has indicated that the total number of residents shall be 6 and the maximum number of carers shall be 2. I am satisfied that the development is in accordance with Schedule 2, Part 1, Class 14 (f) Planning and Development Regulations 2001 (as amended).

(iii) 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.

Article 6(3) of Council Directive 92/43/EEC (the Habitats Directive) compels competent authorities to undertake an appropriate assessment of any plan or project not directly connected with or necessary to the management of a Natura 2000 site but likely to have a significant effect thereon, either individually or in combination with other plans or projects.

‘Appropriate Assessment of Plans and Projects, Guidance for Planning Authorities’ (2009) provide advice to planning authorities on their obligations under the Habitats Directive. The document, “Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities”, states that where, from the nature, size and location of the development it is unclear if the proposal will have a significant effect on a Natura 2000 site(s), a Natura Impact Statement will be required.

The site is not within or directly adjoining any Natura 2000 site. A number of sites are within a 15-kilometre (approximate) distance of the site:

- River Boyne and River Blackwater SAC (Site Code: IE0002299)
- River Boyne and River Blackwater SPA (Site Code: IE0004232)

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.

(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

In conclusion, based on the information provided, *"Change of use of dwelling to use exclusively as a residence for persons with an intellectual or physical disability or mental illness and persons providing care for such persons at Piercetown, Dunboyne, Co. Meath A86XN80. The number of persons in our care shall not exceed 6 and the resident carers shall not exceed 2, in accordance with Class 14, Part (f) of the Planning and Development Regulations 2001"* is development and is exempted development as stated under Schedule 2, Part 1, Class 14 (f) Exempted Development of the Planning and Development Regulations 2001-2022.

1.0 RECOMMENDATION

It is therefore recommended that a declaration of Exemption be **GRANTED** for the development set out hereunder.

WHEREAS the question has arisen as to whether the works is or is not exempt development.

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

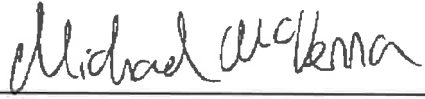
- (a) Sections 2(1), 3(1) & 177U of the Planning and Development Act 2000-2022,
- (b) Article 6 & 9 of the Planning and Development Regulations, 2001-2024~~3~~
- (c) Schedule 2, Part 1, Class 14 (f) (Exempted Development – General) of the Planning and Development Regulations, 2001-2023.
- (d) Plans and particulars of the Section 5 application submitted.

AND WHEREAS Meath County Council has concluded: -

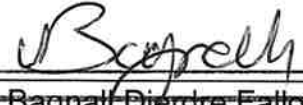
- (a) The, *"Change of use of dwelling to use exclusively as a residence for persons with an intellectual or physical disability or mental illness and persons providing care for such persons at Piercetown, Dunboyne, Co. Meath A86XN80. The number of persons in our care shall not exceed 6 and the resident carers shall not exceed 2, in accordance with Class 14, Part (f) of the Planning and Development Regulations 2001"*, to a residential care home under the provision of Class 14 (f) at Piercetown, Dunboyne,

Co. Meath A86XN80 is exempted from the requirement to obtain planning permission under the Planning and Development Act 2000-2022 and the Planning and Development Regulations 2001-2022-2024~~3~~ as it comes within the scope of the conditions & limitations of Schedule 2, Part 1, Class 14 (f) (Exempted Development – General) of the Planning and Development Regulations, 2001-2024~~3~~

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 18th October 2024 is development and is exempted development.



Michael McKenna
Assistant Planner

**RECOMMENDATION
ACCEPTED**
5 NOV 2024
Signed: 

Wendy Bagnall Dierdre Fallon
Senior Executive Planner

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: Michael McGibbon c/o Ashdale Care Ireland Ltd

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

As above _____

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

3. Location of Development and/or Subject Site: Piercetown, Dunboyne, Co. Meath, A86 XN80

4. Description of Development: **Change of use of dwelling to use exclusively as a residence for persons with an intellectual or physical disability or mental illness and persons providing care for such persons at Piercetown, Dunboyne, Co. Meath, A86 XN80. The number of persons in our care shall not exceed 6 and the resident carers shall not exceed 2, in accordance with Class 14, Part 1(f) of the Planning and Development Regulations 2001.**

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 N/A

7. State overall height of structure if applicable: 8.5m

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

Approx 403 sqm

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18 OCT 2024

Counter
Reference No

RASS2481

9. List of plans / drawings etc. submitted: Site Location Plan – 1:2500, Elevations – 1:100, Floorplans – 1:100 and Site Layout – 1:500 (x2 copies of each)

10. Please state applicants interest in this site Tenant

If applicant is not the owner of site, please provide name & address of owner: Mr Dermot McDonnell, Drakestown, Castletown, Navan, Co. Meath

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:

Ref: 89/855, Ref: 99/504

SIGNED: Michael McGibbon c/o Ashdale Care Ireland Ltd.

DATE: 18/10/2024

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



Our file Ref: A0141
Your file ref:

Dated: 1st October 2024

**Ashdale Care(Ireland) Limited,
The Ridge, McGrath rd.,
Drumillard Little,
Castleblaney
Co. Monaghan
A75 WY97**

RE: Opinion on 'Section 5' for Piercetown House

To whom it may concern.

I refer to the property Piercetown House, Dunboyne, County Meath, A86 XN80, for which a formal application for Exempted Development was sought in 2008 by the applicant, under ref: DA/S58041 for:

'Change of use as a house to use as a residence for 5 children with intellectual disability and 2 resident carers at Piercetown, Dunboyne, Co. Meath.'

At time of application, it was determined that the above request was 'exempted development' under Schedule 2 Part 1 Class 14(f) of the Planning and Development Regulations 2001 and a formal Section 5 Declaration was issued, see attached.

It is the intention of Ashdale Care Ltd to utilise Piercetown House as a community dwelling, to accommodate children / persons with intellectual or physical disability or mental, not exceeding 6, and persons providing care for such persons, not exceeding 2.

It is important to note that the condition and limitation set out for Class 14(f) referenced above, is that 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.'*

Having regard to the above mentioned legislation, I am satisfied that Ashdale Care's intended use of Piercetown House, as a community dwelling for children and persons providing care for such persons, falls within the ambit of Class 14(f) and therefore constitutes 'exempted development'.

Yours faithfully,

**Cathal Boylan,
Chartered Engineer,
Director,
Boylan Engineering & Environmental Ltd.**

Boylan
consulting
Main Street, Mullagh
Kells, Co. Meath A82 TR04
Phone: 046-9286000

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'Boylan Consulting' is a trading name of 'Boylan Engineering & Environmental Ltd.'
Registered address: Leitrim, Mullagh, Co. Cavan. Company Reg. No. 572749, VAT No. 3396849JH.
Company Director: Cathal Boylan



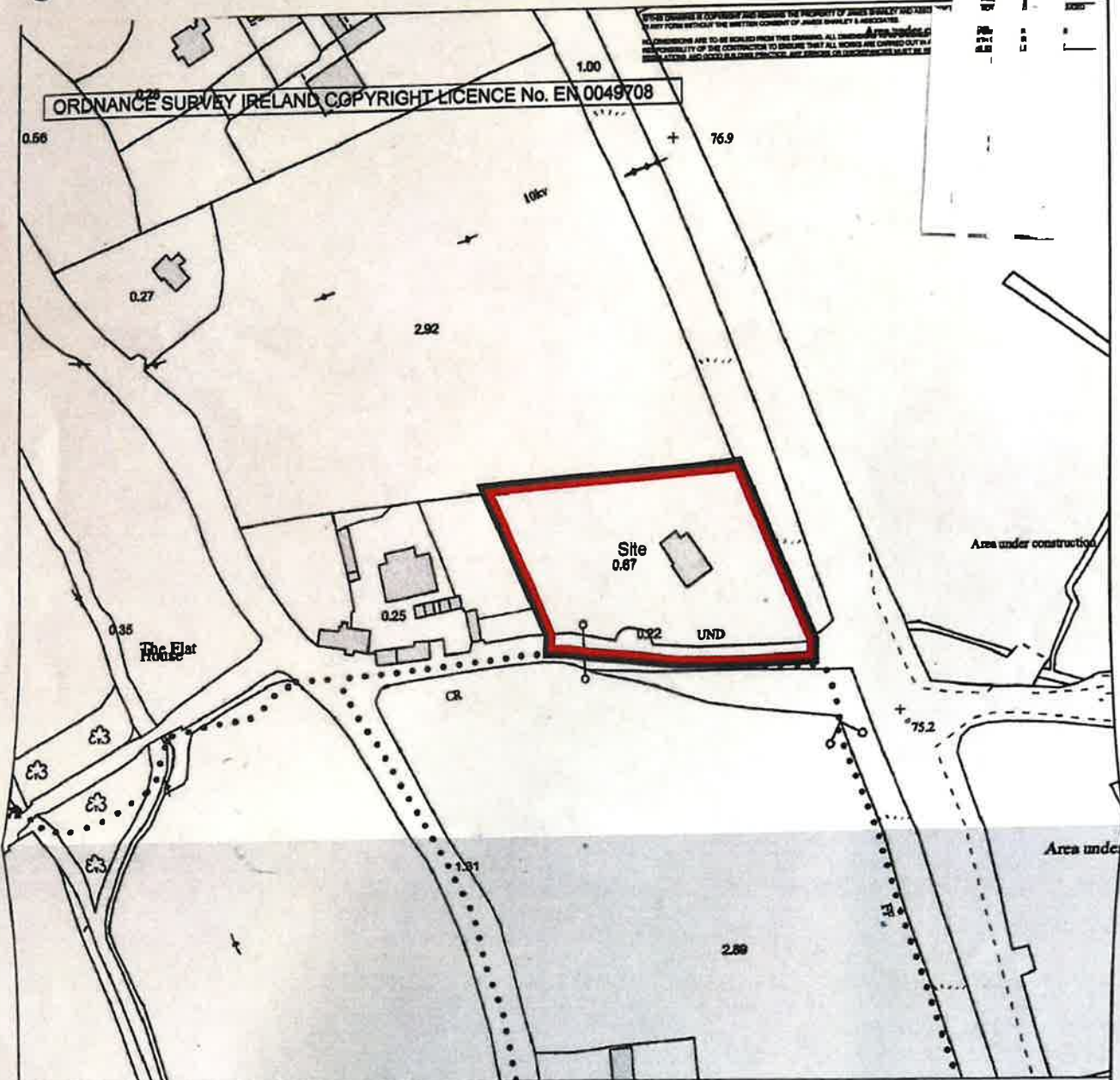
Engineering & Environmental Consultancy



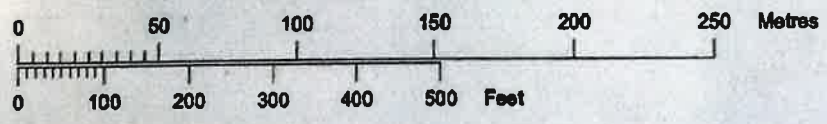
ORDNANCE SURVEY IRELAND COPYRIGHT LICENCE No. EN 0049708

THESE DRAWINGS ARE COPYRIGHT AND REMAIN THE PROPERTY OF JAMES SHANLEY & ASSOCIATES. ANY FORMS BEYOND THE WRITTEN COMMENT OF JAMES SHANLEY & ASSOCIATES ARE TO BE EXCLUDED FROM THIS DRAWING. ALL DIMENSIONS ARE GIVEN OUT TO THE PERMANENTLY OF THE CONTRACTOR TO ENSURE THAT ALL WORKS ARE CARRIED OUT IN ACCORDANCE WITH THE CONTRACT DOCUMENTS. ANY ERRORS OR OMISSIONS MUST BE REPORTED TO THE ARCHITECT IMMEDIATELY UPON DISCOVERY.

NO.	DATE	BY	REVISION
1			
2			
3			



Scale:- 12,500
Scale:- 12,500



Plot Ref. No
Plot Date 07

These Drawings Are DRAFT Stage Drawings Only. All Works Shall Be Carried Out in Accordance With Current Building Regulations

JAMES SHANLEY & ASSOCIATES
 Planning Consultants | Architectural Services | Surveying

60 Academy St., Navan, Co. Meath. 046 90 31 737

SITE AREA = 6798.3 sqm
SITE LAYOUT MAP 1 :2500
SITE EDGED RED
O.S. MEATH SHEET NO. 2990-C



project title Piercetown House

client name Dermal Mo Donnell

drawing title DRAFT STAGE DRAWING (SITE LOCATION MAP 1:2500)

scale 1:2500 date 08 08 08 drawn by P.W. checked by [blank] rev. no [blank]

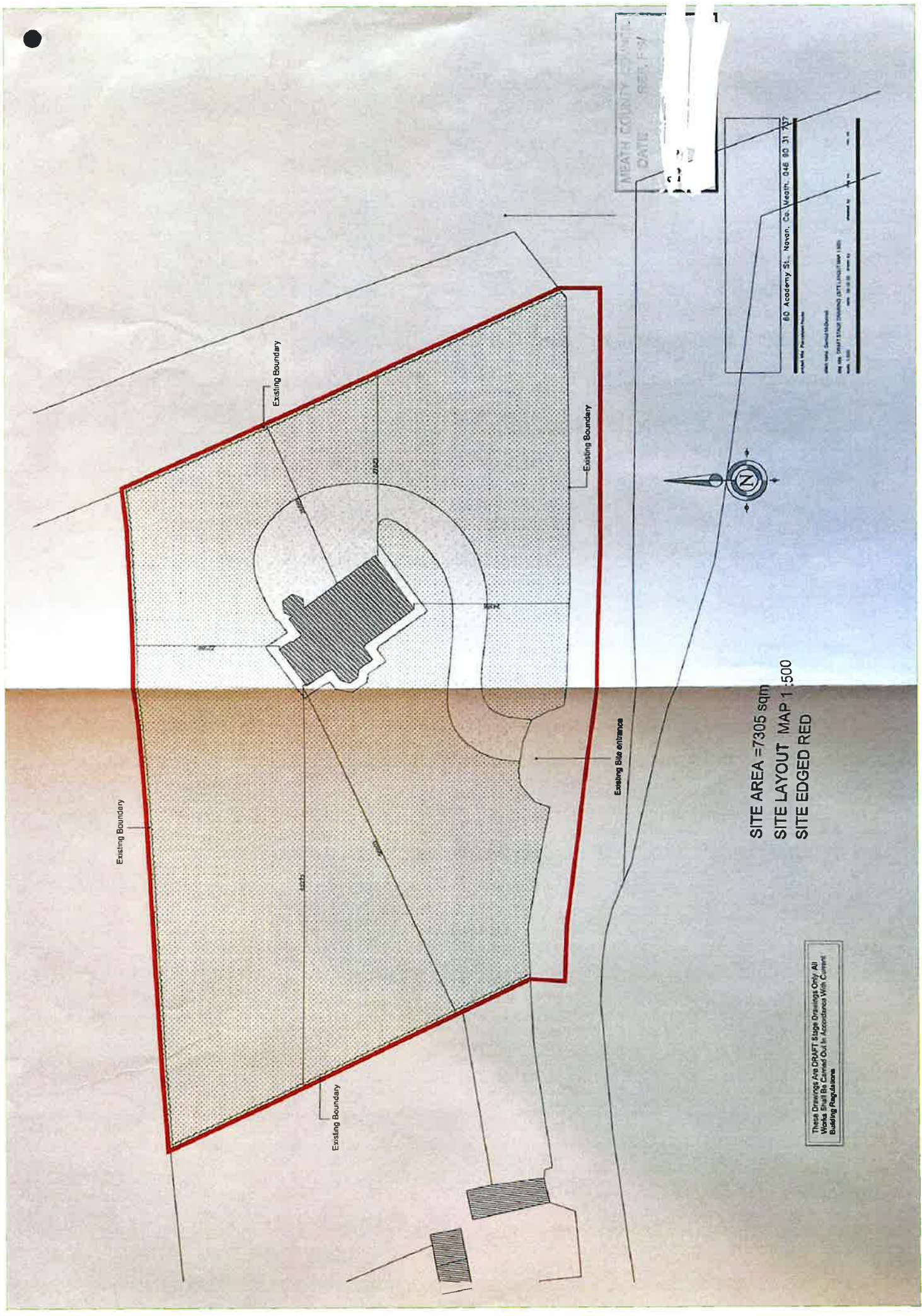
MEATH COUNTY COUNCIL
 DATE: 08.03.17

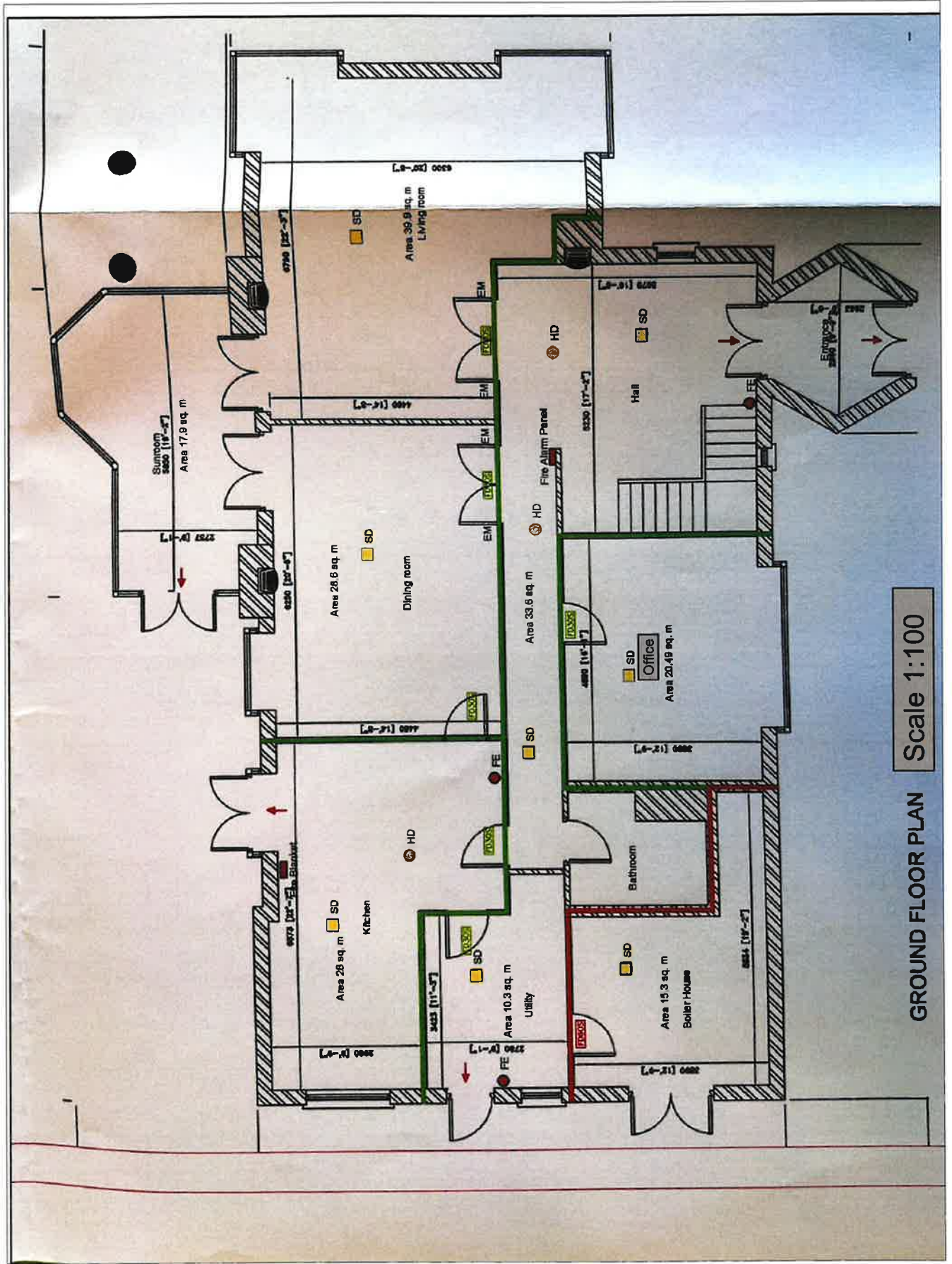
10 Academy St., Navan, Co. Meath, 046 90 31 337
 www.nmrc.ie
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SITE AREA = 7305 sqm
SITE LAYOUT MAP 1:500
SITE EDGED RED

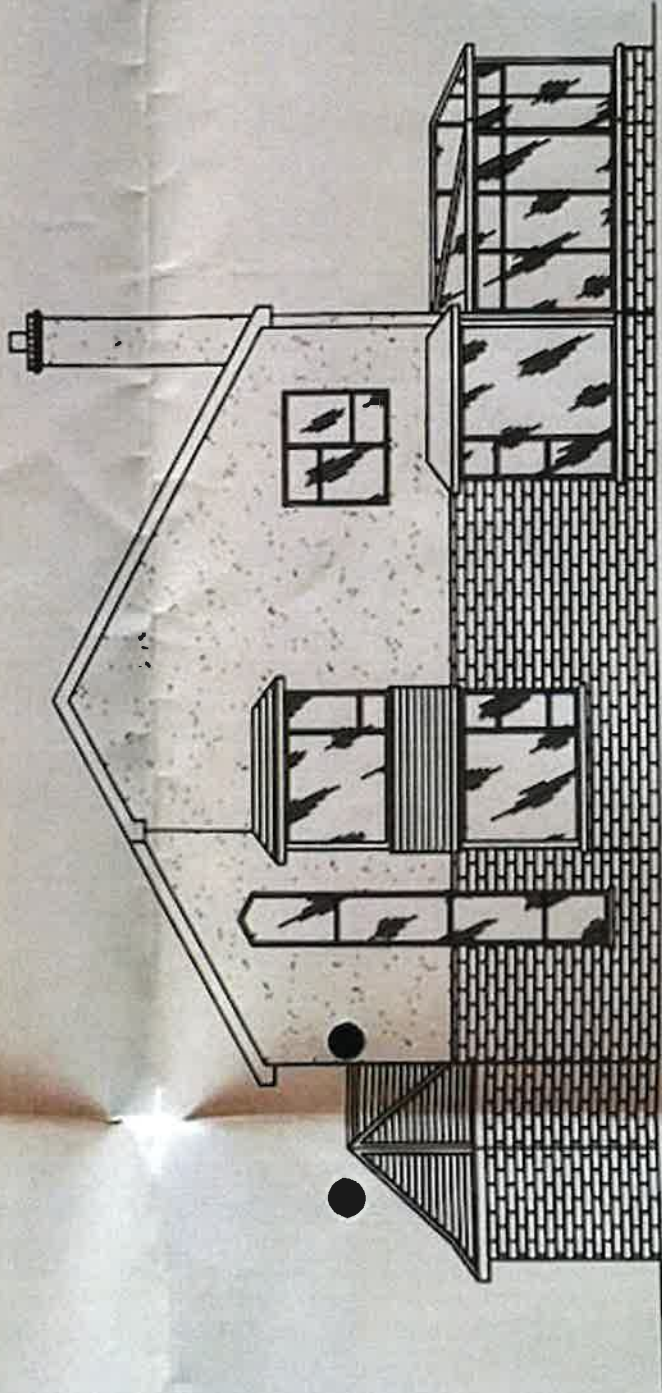
These Drawings Are DRAFT Stage Drawings Only All Works Shall Be Carried Out In Accordance With Current Building Regulations





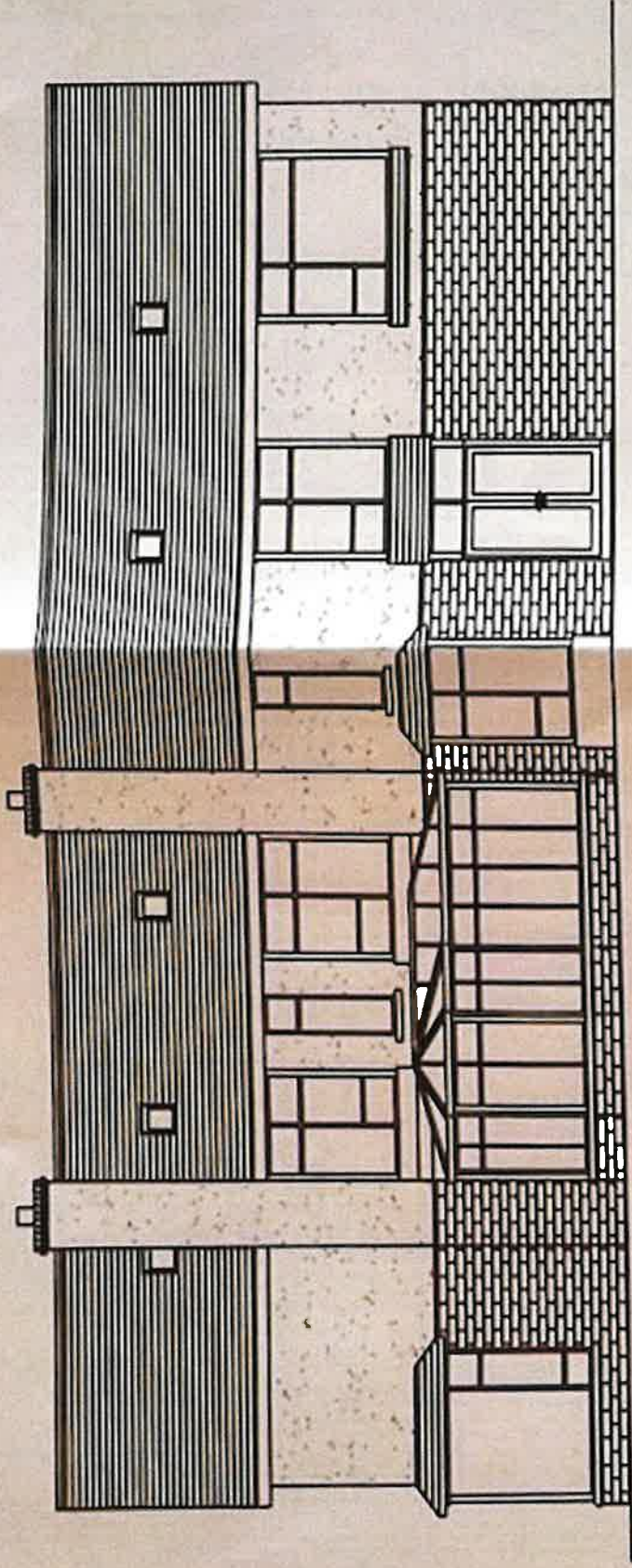
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GROUND FLOOR PLAN



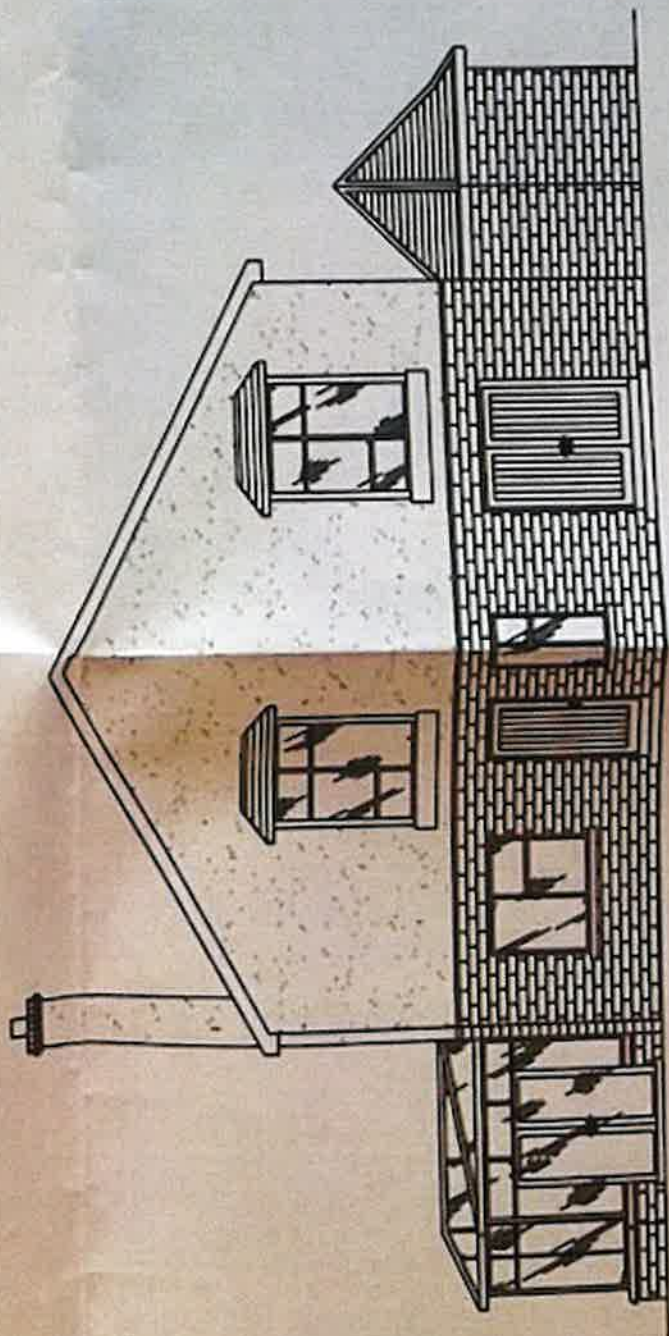
WEST ELEVATION (EXISTING-NO CHANGE PROPOSED)

Scale 1:100



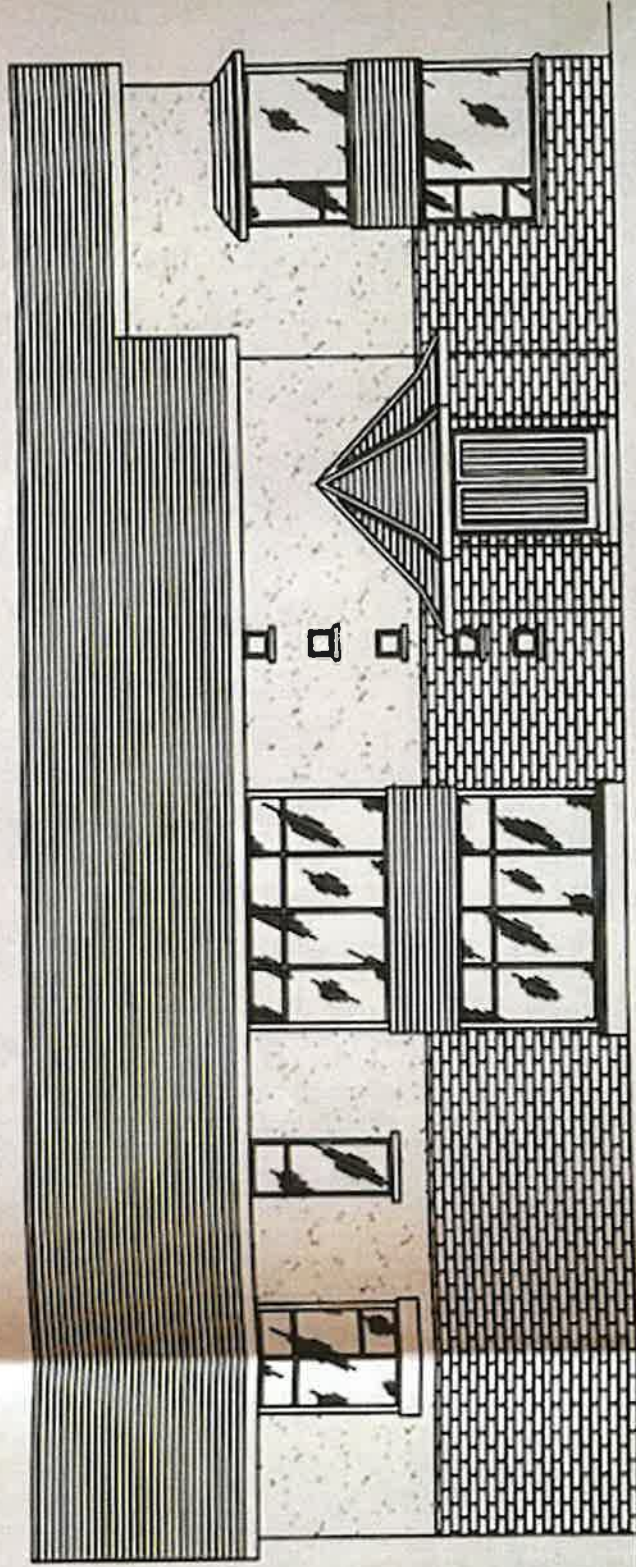
SOUTH ELEVATION (EXISTING-NO CHANGE PROPOSED)

Scale 1:100



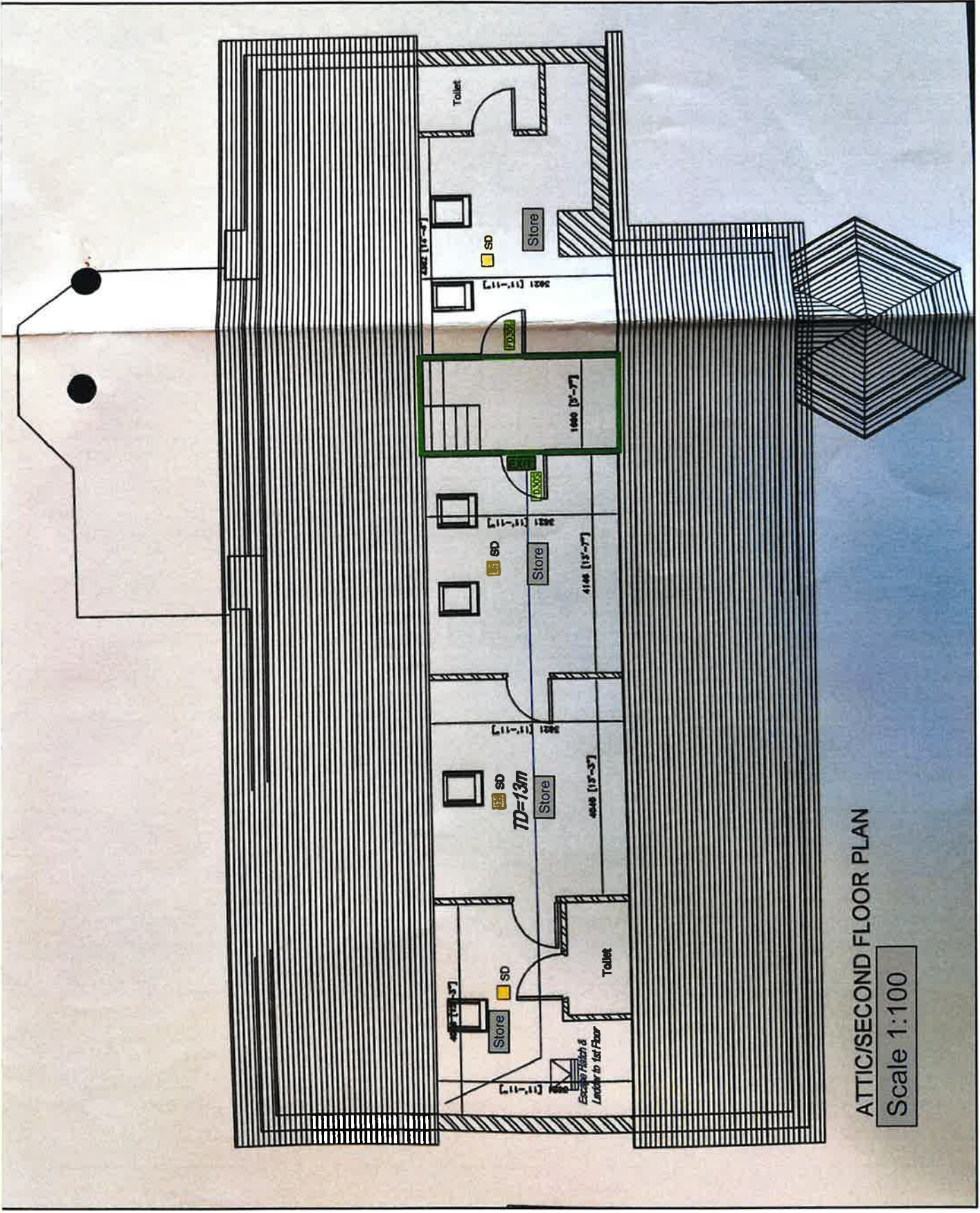
EAST ELEVATION
(EXISTING-NO CHANGE PROPOSED)

Scale 1:100



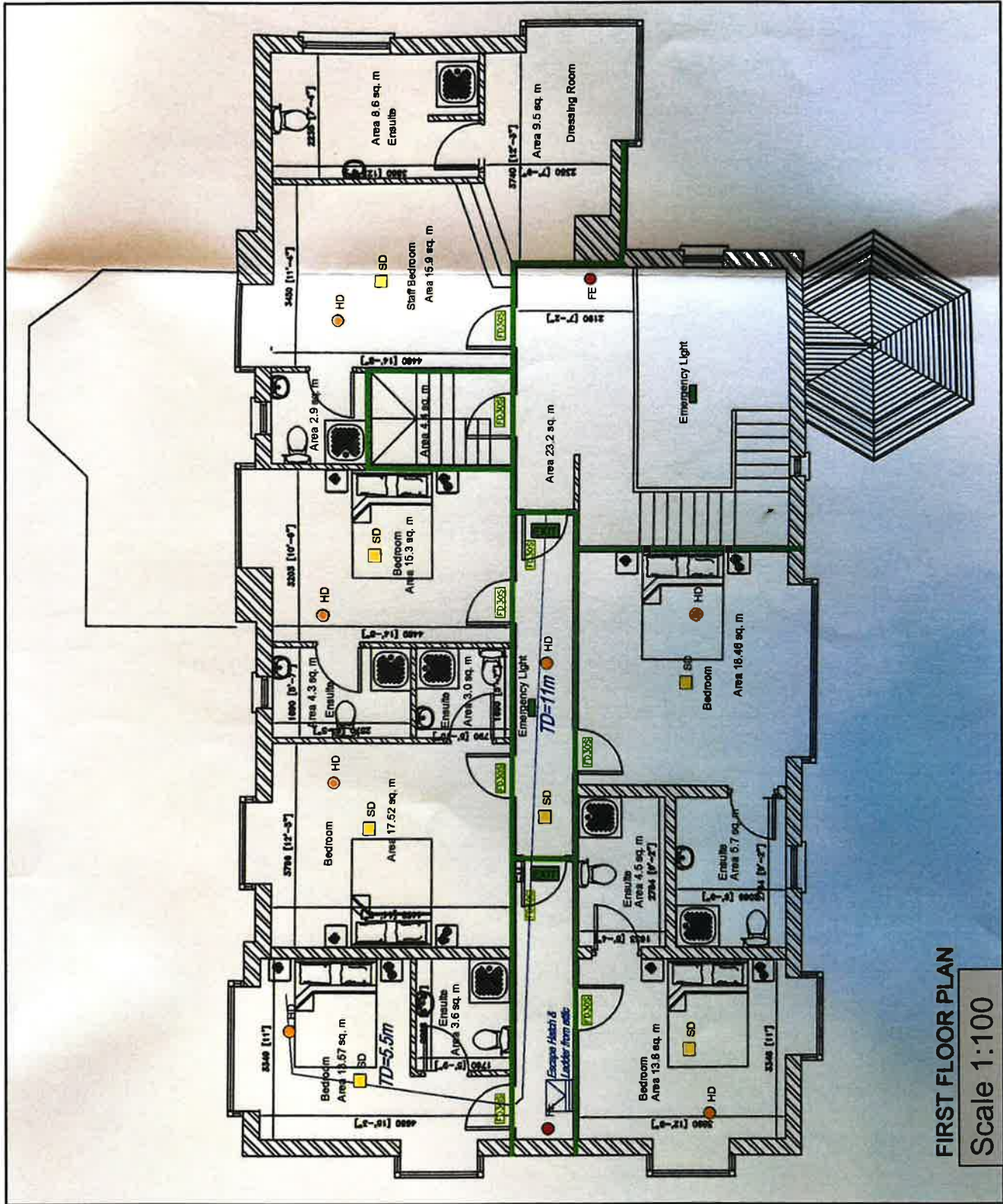
NORTH ELEVATION
(EXISTING-NO CHANGE PROPOSED)

Scale 1:100



ATTIC/SECOND FLOOR PLAN

Scale 1:100



FIRST FLOOR PLAN
Scale 1:100