

Comhairle Chontae na Mí

Rann 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: Henry Mc Tuor

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

n/a

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

3. Location of Development and/or Subject Site: 800 m East of K32 PP82

4. Description of Development: Construction of 80 x 40 ft lean to shed for storage of straw and dry livestock bedding material. See additional note below contact details * 15

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

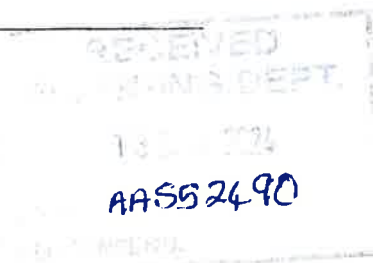
6(b) If "YES", has a Declaration under Section 57 of the Planning & Development Act 2000 - 2014, as amended, been requested or issued for the property by the Planning Authority?

Please tick as appropriate: YES NO

7. State overall height of structure if applicable: less 8 meters.

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

259 m²



9. List of plans / drawings etc. submitted:

site plan, shed drawings, satellite

10. Please state applicants interest in this site

long term lease

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

Mother of Margaret Mc Ivor, Heathtown, Skamullen, 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:

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. AA. 55 / 2448

SIGNED:



DATE:

12/11/2024.

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.

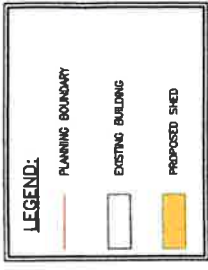
Application shall be forwarded to: Meath County Council, Planning Department, Buvinda House, Dublin Road, Navan, Co. Meath.

Contact Details: Phone: 046 9097500 Fax: 046 9097001

Email: planning@meathcoco.ie



- NOTES:**
1. ALL DIMENSIONS & LEVELS TO BE CHECKED ON SITE BEFORE WORK PROCEEDS.
 2. ALL LEVELS ARE IN METRES.
 3. ALL DIMENSIONS ARE IN MM.
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COMPLIANCE WITH BUILDING REGULATIONS
ALL DIMENSIONS, HEIGHTS, AREAS AND LEVELS TO BE CHECKED ON SITE BEFORE WORK PROCEEDS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING A CONTRACTOR ON DIRECT LEGAL CONTRACTOR PRIOR TO COMMENCEMENT OF ANY WORK OR AGREEMENTS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY CONSTRUCTION APPROVALS AND MATERIALS USED STRICTLY IN ACCORDANCE WITH THE CONDITIONS Laid DOWN BY THE LOCAL AUTHORITY AND THE CURRENT BUILDING REGULATIONS.

THIS DRAWING IS ISSUED FOR PLANNING PERMISSION ONLY



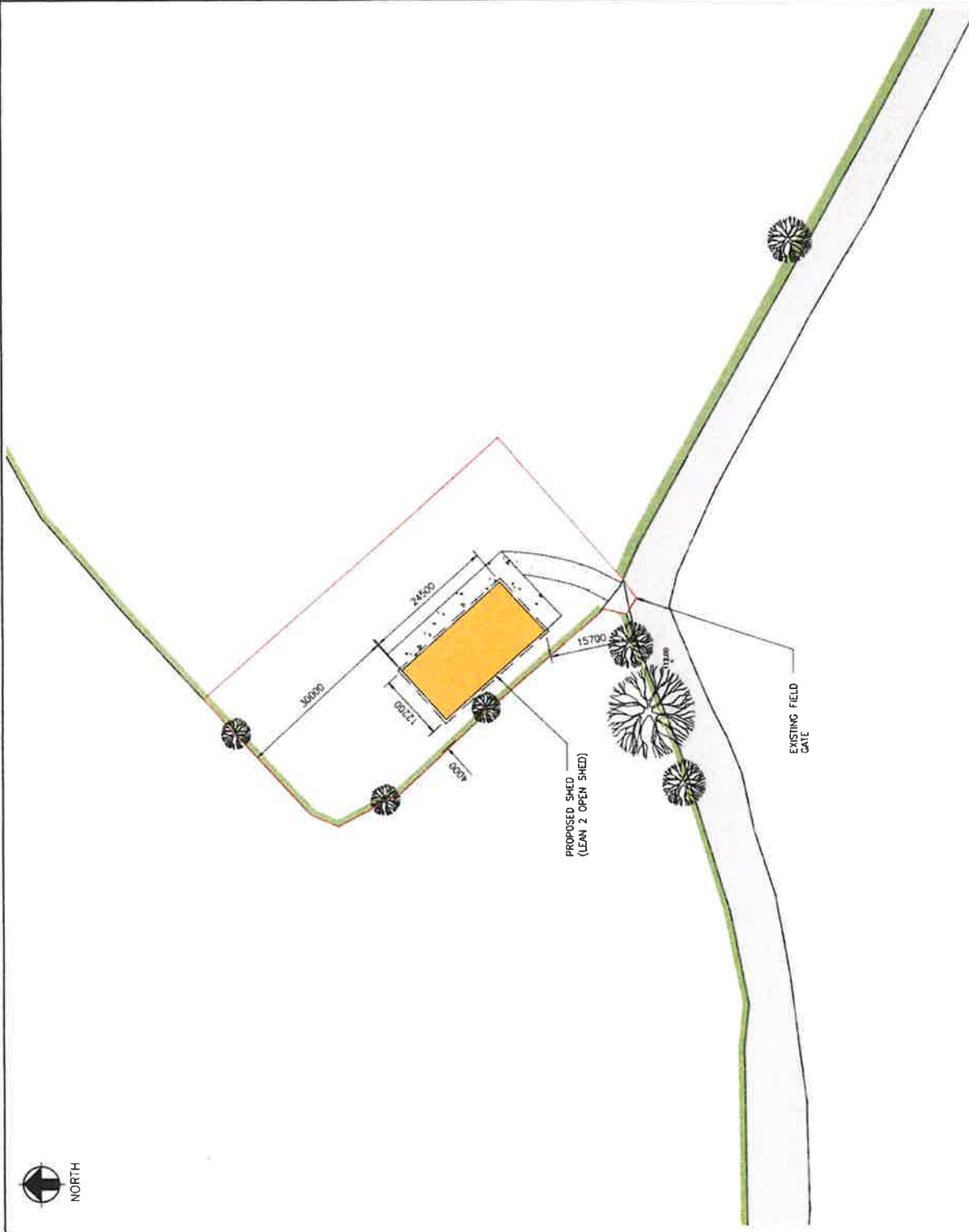
PROPOSED AGRICULTURAL SHED:
BLACKHILLS,
HEATHTOWN,
STAMULLEN,
CO. MEATH,
FOR HENRY McIVOR.

SITE LOCATION PLAN:

DATE	NO.	REV.	BY
AUGUST 2024	0003	12/2020	GR
U.S. SHEET 2581-C70, K.Y. 708833, 102422			

AA5524 90

DO NOT SCALE - THIS DRAWING WAS GENERATED USING CAD AND MUST NOT BE ALTERED MANUALLY



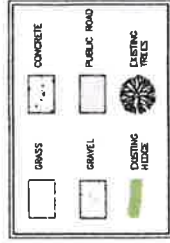
NOTES:

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LEGEND:



LANDSCAPING LEGEND:



COMPLIANCE WITH BUILDING REGULATIONS
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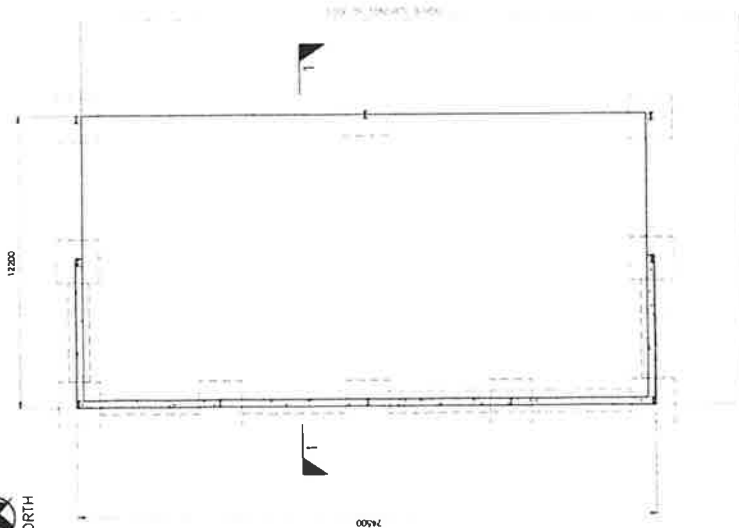
NO.	DATE	DESCRIPTION	BY	CHKD.
1	15/08/2024	ISSUED FOR PLANNING PERMISSION	GR	GR

PROPOSED AGRICULTURAL SHED:
 BLACKHILLS,
 HEATHTOWN,
 STAMULLEN,
 Co. MEATH,
 FOR HENRY McIVOR.

SITE LAYOUT PLAN.

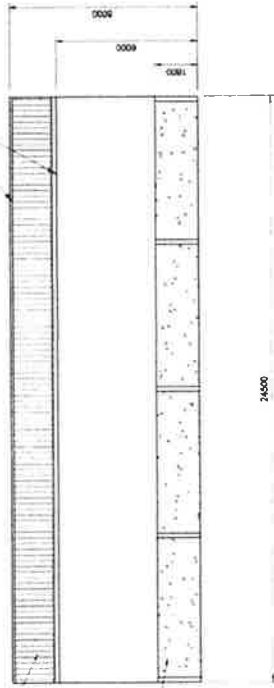
DATE	SCALE	PROJECT	NO.
AUGUST 2024	1:500	PROJ2	06

AASS2490



PROPOSED SHED PLAN
SCALE 1:100

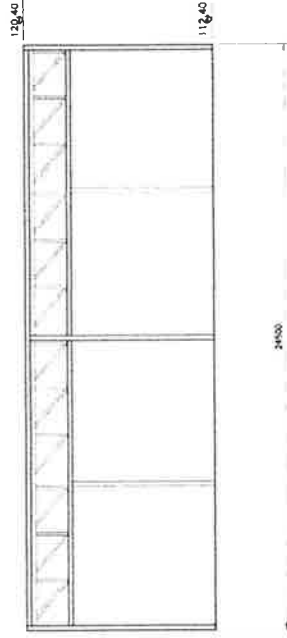
POINTS TO DEPARTMENT OF AGRICULTURE SPECIFICATIONS OF SIMILAR APPROVED (DPP)



PROPOSED WEST ELEVATION
SCALE 1:100

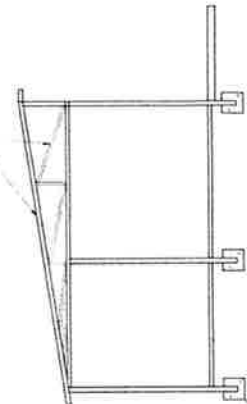
MASSIVE METAL DECKING OR SIMILAR APPROVED

1500mm HIGH 1.8LC WALL TO ENGINEER'S DETAIL



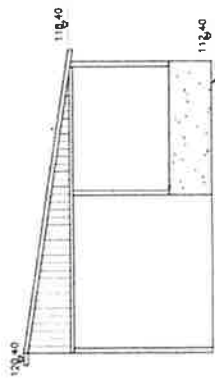
PROPOSED EAST ELEVATION
SCALE 1:100

ALL STEEL SIZES TO ENGINEER'S DETAILS / DEPARTMENT OF AGRICULTURE SPECIFICATIONS

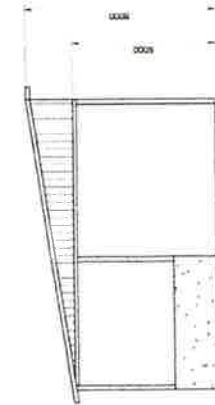


SECTION 1-1
SCALE 1:100

ALL CONCRETE DETAILS TO ENGINEER'S DETAILS / DEPARTMENT OF AGRICULTURE SPECIFICATIONS



PROPOSED NORTH ELEVATION
SCALE 1:100



PROPOSED SOUTH ELEVATION
SCALE 1:100

NOTES:

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3. ALL DIMENSIONS ARE IN mm.
4. BUILDING TO BE CONSTRUCTED TO ALL CURRENT RELEVANT DEPARTMENT OF AGRICULTURE SPECIFICATIONS.
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COMPLIANCE WITH BUILDING REGULATIONS

ALL DIMENSIONS, HEIGHTS, AREAS AND LEVELS TO BE CHECKED AND VERIFIED BY THE BUILDING CONTRACTOR, SUPERVISOR OR ARCHITECT PRIOR TO COMMENCEMENT OF ANY WORKS OR AGREEMENTS. THE EXISTING BUILDING SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CONDITIONS Laid Down IN THE LOCAL AUTHORITY AND THE CURRENT BUILDING REGULATIONS.

THIS DRAWING IS ISSUED FOR PLANNING PERMISSION ONLY

DATE	DESCRIPTION	BY	CHKD BY
11/11/2024	ISSUED FOR PLANNING PERMISSION	AS SHANN	AS SHANN

PROPOSED AGRICULTURAL OPEN SHED FOR STORAGE OF STRAW OR ORGANIC MANURE. BLACKHILLS, HEATHTOWN, STANULLEN, Co. MEATH. FOR HENRY McIVOR.

PROJECT NO.	DATE	SCALE	BY	CHKD BY
AA55 24 90	11/11/2024	1:100	AS SHANN	AS SHANN

AA55 24 90

MEATH COUNTY COUNCIL

CHIEF EXECUTIVE ORDER

Chief Executive Order Number: 1733/24

Reference Number: AA/S52490

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

Name of Applicant: Henry McIvor

Address: Blackhills
Heathtown
Stamullen
Co Meath


Nature of Application: construction of 80x40ft lean 2 shed for storage of straw and dry livestock bedding material

Location of Development: 800m east of K32PP82

DECLARATION: This development is not exempted development and therefore 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 development is not exempted development and therefore is DEVELOPMENT REQUIRING PLANNING PERMISSION.**

SIGNED: 
On Behalf of Meath County Council

DATE: 05/12/2024

MEATH COUNTY COUNCIL

Planning Department

Buvinda House

Dublin Road

Navan, Co Meath

046 - 9097500

Planning & Development Act 2000- 2022

DECLARATION

To: Henry McIvor
Blackhills
Heathtown
Stamullen
Co Meath

**PLANNING REFERENCE
NUMBER:** AA/S52490

APPLICATION RECEIPT DATE: 13/11/2024

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 05/12/2024 decided to Declare the proposed development is **development and is not exempted development** therefore is **development requiring planning permission**, in accordance with the documents submitted namely: **construction of 80x40ft lean 2 shed for storage of straw and dry livestock bedding material at 800m east of K32PP82**

Date: 05/12/2024

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 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



Planning Report

To:	Deirdre Fallon, Senior Executive Planner
From:	Nathan Cooney, Executive Planner
Date:	02/12/2024
MCC File Number:	AAS52490
Applicants:	Henry Mclvor
Development Address:	800m east of Blackhills, Heathtown, Stamullen, Co. Meath
Application Type:	Section 5 of the Planning & Development Acts 2000-2024 Declaration on Development/Exempted Development.
Development Description:	Construction of 80 x 40 lean to shed for storage of straw and dry livestock bedding material.
Date Decision Due:	11/12/2024

1.0 Site Location & Description

The subject is located approximately 5.5km (as the crow flies) southwest of the centre of Stamullen, Co. Meath. The site is along local road L-10042-0. The subject site is currently in use as a greenfield agricultural site. There are no protected structures or zones of archaeological interest on the subject site.



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

2.0 Proposed Declaration

The applicants describe the development in the completed application form as "*Construction of 80 x 40 lean to shed for storage of straw and dry livestock bedding material*".

However, the applicant has provided additional information which states that the shed will be used to store farm yard manure by soiled straw and stored under cover, and that the shed will be also used to store clean straw.

Under the application form the applicant states that the floor area is 259sq.m. However, the development description provided would result in a floor area of c.3,200sq.m. Further, conflicting measurements occur as the submitted drawings illustrate a shed which is 24.5m x 12.2m, which would have a floor area of c.298.9sq.m.

Due to the conflicting description and uncertain scale of the proposed shed, the Planning Authority are unable to form a question at this stage.

3.0 Planning History

None.

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 2000-2022

Section 2 of the Planning & Development Acts 2000-2022 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 2000-2022

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 5 of the Planning & Development Acts 2000-2022

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.

5.4 Section 32 of the Planning & Development Acts 2000-2022

Section 32 of the Planning & Development Acts 2000-2022 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 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.

As stated above, due to the uncertainty of the nature and scale of the proposed development, the Planning Authority are unable to form a question at this stage. However, with the information provided the Planning Authority could assess the proposed development under Class 9 of PART 3 to Schedule 2 of the Regulations (Exempted Development — Rural).

CLASS 9	Conditions and Limitations
<p>Works consisting of the provision of any store, barn, shed, glass-house or other structure, not being of a type specified in class 6, 7 or 8 of this Part of this Schedule, and having a gross floor space not exceeding 300 square metres.</p>	<ol style="list-style-type: none"> 1. No such structure shall be used for any purpose other than the purpose of agriculture or forestry, but excluding the housing of animals or the storing of effluent. 2. The gross floor space of such structures together with any other such structures situated within the same farmyard complex or complex of such structures or within 100 metres of that complex shall not exceed 900 square metres gross floor space in aggregate. 3. No such structure shall be situated within 10 metres of any public road. 4. No such structure within 100 metres of any public road shall exceed 8 metres in height.

	<p>5. No such structure shall be situated within 100 metres of any house (other than the house of the person providing the structure) or other residential building or school, hospital, church or building used for public assembly, save with the consent in writing of the owner and, as may be appropriate, the occupier or person in charge thereof.</p> <p>6. No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.</p>
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5.6 Article 9 of the Planning & Development Regulations 2001-2024

Article 9 of the Planning & Development Regulations 2001-2024 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 Planning Authority are unable to form a question at this stage. However, the Planning Authority will assess the proposed development using the submitted plans, against Class 9 of Part 3 of Schedule 2 to the Planning & Development Regulations 2001-2024.

6.1 “Development”

It is considered that the proposed development (agricultural shed) 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 propose the construction of an agricultural shed. It is unclear to the Planning Authority the exact nature and scale of the proposed agricultural shed. From the submitted plans and particulars it would appear that the applicant putting forward the proposal as being exempt under Class 9 of Part 3 (Exempted Development — Rural) of Schedule 2 to the Planning & Development Regulations 2001-2024. Therefore, the proposed structure must accord with the listed conditions/limitations.

From a review of the submitted plans and particulars against the conditions/limitations of Class 9, it is considered that with the current information provided, the proposed development would not comply with Class 9, and therefore would not be exempted development.

When assessing the submitted documentation it is not clear if the proposed development would house animals or store effluent. Reference is made to "farm yard manure by soiled straw will be imported and stored under cover". It is noted that Condition and Limitation No. 1 to Class 9 specifically excludes the storing of effluent. There is no clear floor area provided as part of the submitted documentation, therefore the Planning Authority cannot ascertain that the proposed shed is not exceeding 300sq.m.

The drawings provided do not appear to be to scale therefore it is not clear that the separation distances to public roads and housing which are set out in the conditions and limitations to Class 9 have been met.

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 Nanny Estuary and Shore SPA (Site Code 004158) – c. 10.3km
- North-West Irish Sea SPA (Site Code 004236) – c. 10.8km
- Boyne Coast and Estuary SAC (Site Code 001957) – c.12.4km
- Boyne Estuary SPA (Site Code 004080) – c.12.7km
- River Boyne And River Blackwater SAC (Site Code 002299) – c.12.8km
- River Boyne and River Blackwater SPA (Site Code 004232) – c.13.3km

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

The proposed development does not come within a class of development stated in Schedule 5 to the Planning and Development Regulations 2001-2024. Therefore EIA is not required.

9.0 Conclusion and Recommendation

It is therefore recommended that a declaration with respect to the construction of an agricultural shed as indicated on the submitted plans and particulars be issued as follows:

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

- (a) Sections 2(1), & 3(1) of the Planning and Development Act 2000 – 2022,
- (b) Article 6 & 9 of the Planning and Development Regulations, 2001-2024,
- (c) Class 9 of Part 3 of Schedule 2 to the Planning & Development Regulations 2001-2024
- (c) Information provided.


AND WHEREAS Meath County Council has concluded: -

- (a) The construction of an agricultural shed as detailed in this application would not comply with the conditions and limitations associated with Class 9 of Part 3 to 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 (as amended), hereby decides that the said development as detailed on plans and particulars submitted on 13/11/2024 is development and is not exempted development.



Nathan Cooney
Executive Planner
Date: 02/12/2024

RECOMMENDATION ACCEPTED
- 5 DEC 2024

Signed: _____

Deirdre Fallon
Senior Executive Planner
Date: 03/12/2024

