

**Comhairle Chontae na Mí**

*Roimn Pleanáil,  
Teach Bivinda, Bóthar Átha Cliath,  
An Uaimh, Contae na Mí, C15 Y29J  
Fón: 046 – 9097500/Fax: 046 – 9097001  
R-phost: [planning@meathcoco.ie](mailto:planning@meathcoco.ie)  
Web: [www.meath.ie](http://www.meath.ie)*



**Meath County Council**

*Planning Department  
Bivinda House, Dublin Road,  
Navan, Co. Meath, C15 Y29J  
Tel: 046 – 9097500/Fax: 046 – 9097001  
E-mail: [planning@meathcoco.ie](mailto:planning@meathcoco.ie)  
Web: [www.meath.ie](http://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:** Joe Mahon

**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**

Oisín Carroll

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

3. **Location of Development and/or Subject Site:** Kilmainham, Kells (A82 X0FX)

4. **Description of Development:** Importation of soil byproduct into a residential garden within the curtilage of a house.

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

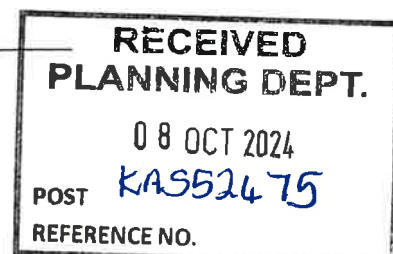
6(b) **If "YES", has a Declaration under Section 57 of the Planning & Development Act 2000 – 2014, as amended, been requested or issued for the property by the Planning Authority?**

Please tick as appropriate: YES  NO

7. **State overall height of structure if applicable:** 200-400mm, varying

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

2400



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

**Folio Map, Site Map, Site Map 2**

Development Map, Site 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:**

KA170657

**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](mailto:planning@meathcoco.ie)**

## Michelle Keating

**From:** Planning Enquiries  
**Sent:** 02 December 2024 10:56  
**To:** Amanda Murtagh  
**Cc:** Michelle Keating  
**Subject:** FW: FAO Chris Rourke KAS52475 Exemption importation of soil  
**Attachments:** Sean Joe Mahon house.pdf; Sean Joe Mallon CUT FILL.jpg; Sean Joe Mallon.jpg

Good Morning

FI response attached.

Regards

*Avril Young / Assistant Staff Officer / Planning Validation*  
046 9097564 / [ayoung@meathcoco.ie](mailto:ayoung@meathcoco.ie)



**From:** gavin  
**Sent:** Friday 29 November 2024 18:34  
**To:** Planning Enquiries <[PEenquiries@meathcoco.ie](mailto:PEenquiries@meathcoco.ie)>  
**Subject:** FAO Chris Rourke KAS52475 Exemption importation of soil

**CAUTION:** This email originated from outside Meath County Council. Do not click links or open attachments unless you recognise the sender and know the content is safe

Dear Chris,

See attached survey in respect to Sean Mahon Kilmainham, Kells, Co Meath A82 X0FX.

Approx 741m3 of Soil & Stone is required at the rear of this property and it will be graded into the existing land at the rear within the planning boundary.



Kind Regards,

Gavin Farrelly  
Director

**Farrelly Haulage Ltd**



Cut: 825.25m<sup>3</sup> ↻

Fill: 741.46m<sup>3</sup> ↻

Net: -83.79m<sup>3</sup> ↻

Level: -0.275m ✎





Field  
PLANNING  
02 DEC 2024  
Counter  
Reference No. **KASSOU 15**

3D 2D 3D 3D 2D

Joe Mahon house - Joe Mahon house

**JOE MAHON KILMAINHAM KELLS : JOE MAHON HOUSE : PLAN VIEW : EDGES**

90.89m (282.38m<sup>2</sup>)

Created on 25 Nov 2024

**Joe Mahon house**

- 1** (0.00m), 5.27m, (+0.00m)
- 2** (+0.00m), 3.66m, (-0.08m)
- 3** (-0.08m), 8.95m, (-0.10m)
- 4** (-0.10m), 8.31m, (-0.02m)
- 5** (-0.02m), 5.22m, (+0.01m)
- 6** (+0.01m), 9.38m, (+0.02m)
- 7** (+0.02m), 9.46m, (+0.20m)
- 8** (+0.20m), 0.00m, (+0.20m)
- 9** (+0.20m), 5.83m, (+0.17m)
- 10** (+0.17m), 1.13m, (+0.11m)
- 11** (+0.11m), 8.19m, (-0.37m)
- 12** (-0.37m), 1.16m, (-0.36m)
- 13** (-0.36m), 5.91m, (-0.38m)
- 14** (-0.38m), 0.00m, (-0.38m)
- 15** (-0.38m), 4.53m, (-0.28m)
- 16** (-0.28m), 2.38m, (-0.12m)

- 17** (-0.12m), 5.53m, (-0.06m)
- 18** (-0.06m), 2.01m, (-0.03m)
- 19** (-0.03m), 3.97m, (0.00m)

**Topo**

- 1** (-0.75m), 5.67m, (-0.93m)
- 2** (-0.93m), 5.67m, (-0.88m)
- 3** (-0.88m), 6.11m, (-0.77m)
- 4** (-0.77m), 4.58m, (-0.63m)
- 5** (-0.63m), 4.84m, (-0.51m)
- 6** (-0.51m), 4.66m, (-0.43m)
- 7** (-0.43m), 5.33m, (-0.31m)
- 8** (-0.31m), 5.23m, (-0.31m)
- 9** (-0.31m), 1.43m, (-0.30m)
- 10** (-0.30m), 5.35m, (-0.39m)
- 11** (-0.39m), 4.93m, (-0.44m)
- 12** (-0.44m), 5.46m, (-0.50m)
- 13** (-0.50m), 5.69m, (-0.50m)


02 DEC 2024

KASSIAN

**DEFINITIONS:** (-0.02m), 4.57m, (-0.03m)

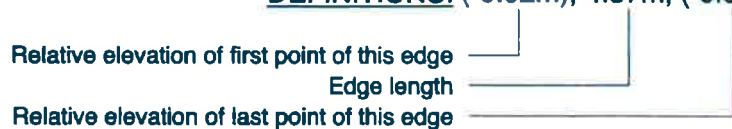
Relative elevation of first point of this edge  
 Edge length  
 Relative elevation of last point of this edge



measured with  
  
 moasure

<b>14</b> (-0.50m), 5.27m, (-0.27m)	<b>31</b> (+0.77m), 5.72m, (+0.88m)
<b>15</b> (-0.27m), 6.15m, (-0.17m)	<b>32</b> (+0.88m), 4.02m, (+0.92m)
<b>16</b> (-0.17m), 4.46m, (-0.13m)	<b>33</b> (+0.92m), 5.57m, (+0.59m)
<b>17</b> (-0.13m), 5.52m, (-0.04m)	<b>34</b> (+0.59m), 5.18m, (+0.36m)
<b>18</b> (-0.04m), 6.14m, (+0.09m)	<b>35</b> (+0.36m), 5.41m, (+0.09m)
<b>19</b> (+0.09m), 4.53m, (+0.22m)	<b>36</b> (+0.09m), 4.03m, (+0.05m)
<b>20</b> (+0.22m), 5.25m, (+0.16m)	<b>37</b> (+0.05m), 5.16m, (-0.33m)
<b>21</b> (+0.16m), 6.58m, (+0.15m)	<b>38</b> (-0.33m), 4.19m, (-0.40m)
<b>22</b> (+0.15m), 3.95m, (+1.05m)	<b>39</b> (-0.40m), 4.67m, (-0.44m)
<b>23</b> (+1.05m), 0.97m, (+1.06m)	<b>40</b> (-0.44m), 4.17m, (-0.61m)
<b>24</b> (+1.06m), 7.25m, (+1.13m)	<b>41</b> (-0.61m), 3.52m, (-0.64m)
<b>25</b> (+1.13m), 4.55m, (+1.15m)	<b>42</b> (-0.64m), 4.80m, (-0.55m)
<b>26</b> (+1.15m), 6.49m, (+1.04m)	<b>43</b> (-0.55m), 6.30m, (-0.80m)
<b>27</b> (+1.04m), 6.66m, (+0.73m)	<b>44</b> (-0.80m), 6.72m, (-1.00m)
<b>28</b> (+0.73m), 7.71m, (+0.74m)	<b>45</b> (-1.00m), 5.31m, (-0.89m)
<b>29</b> (+0.74m), 5.12m, (+0.71m)	<b>46</b> (-0.89m), 3.20m, (-0.75m)
<b>30</b> (+0.71m), 1.45m, (+0.77m)	Garage

**DEFINITIONS:** (-0.02m), 4.57m, (-0.03m)



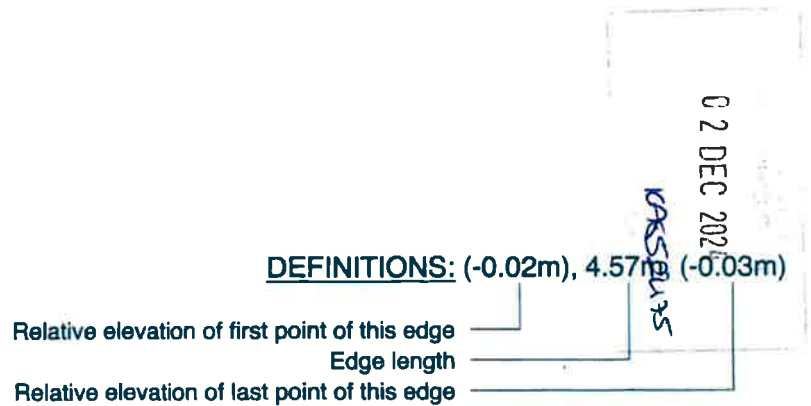


**JOE MAHON KILMAINHAM KELLS : JOE MAHON HOUSE : PLAN VIEW : EDGES**

90.89m (282.38m<sup>2</sup>)

Created on 25 Nov 2024

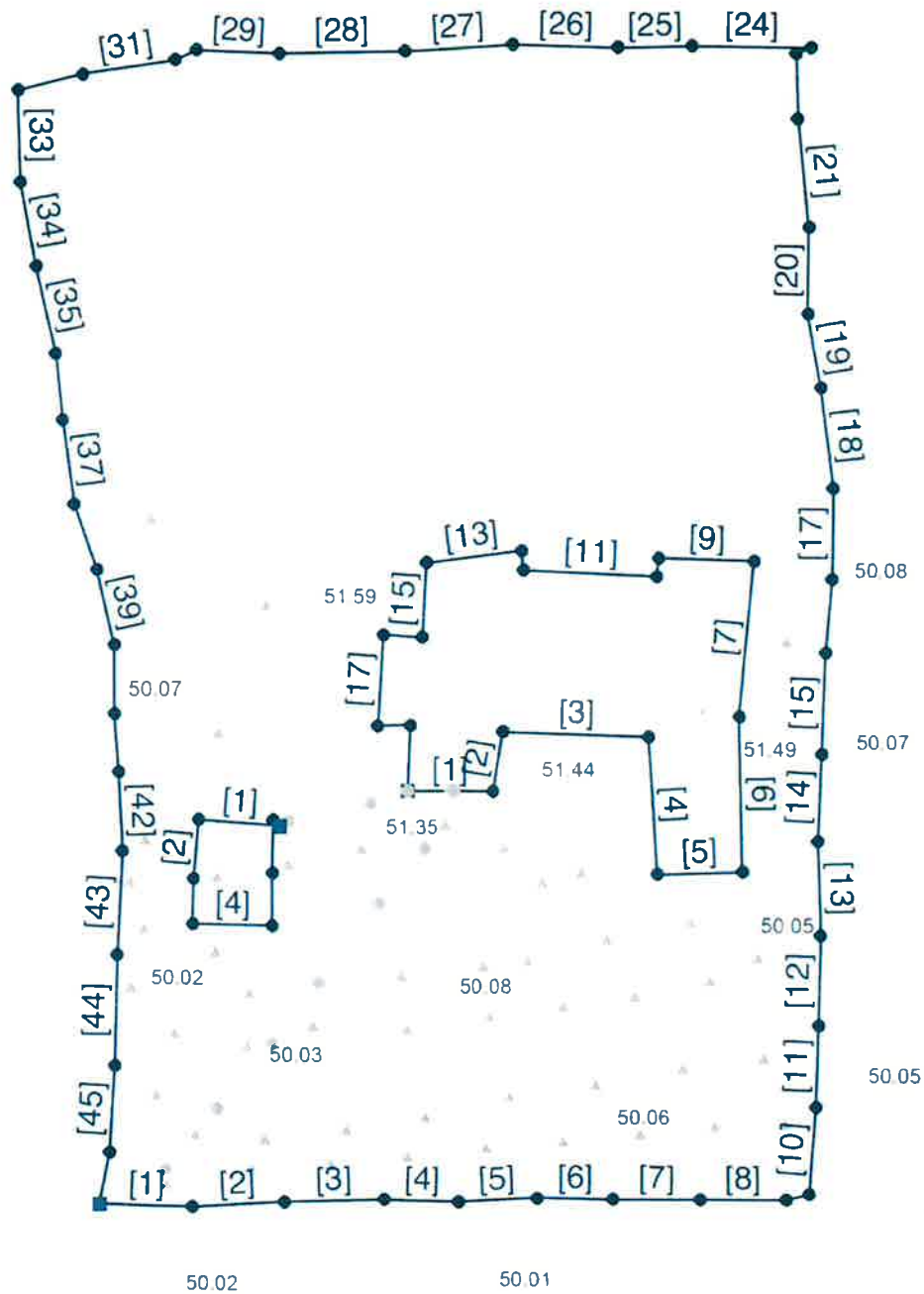
- 1** (+0.18m), 4.97m, (+0.52m)
- 2** (+0.52m), 3.61m, (+0.92m)
- 3** (+0.92m), 2.74m, (+0.82m)
- 4** (+0.82m), 4.90m, (+0.99m)
- 5** (+0.99m), 3.19m, (+1.25m)
- 6** (+1.25m), 3.21m, (+1.31m)
- 7** (+1.31m), 0.49m, (+0.18m)



measured with  
moasure

# JOE MAHON KILMAINHAM KELLS : JOE MAHON HOUSE : PLAN VIEW

90.89m (282.38m<sup>2</sup>) **CUT/FILL**  
Created on 25 Nov 2024 **741.46m<sup>3</sup>**

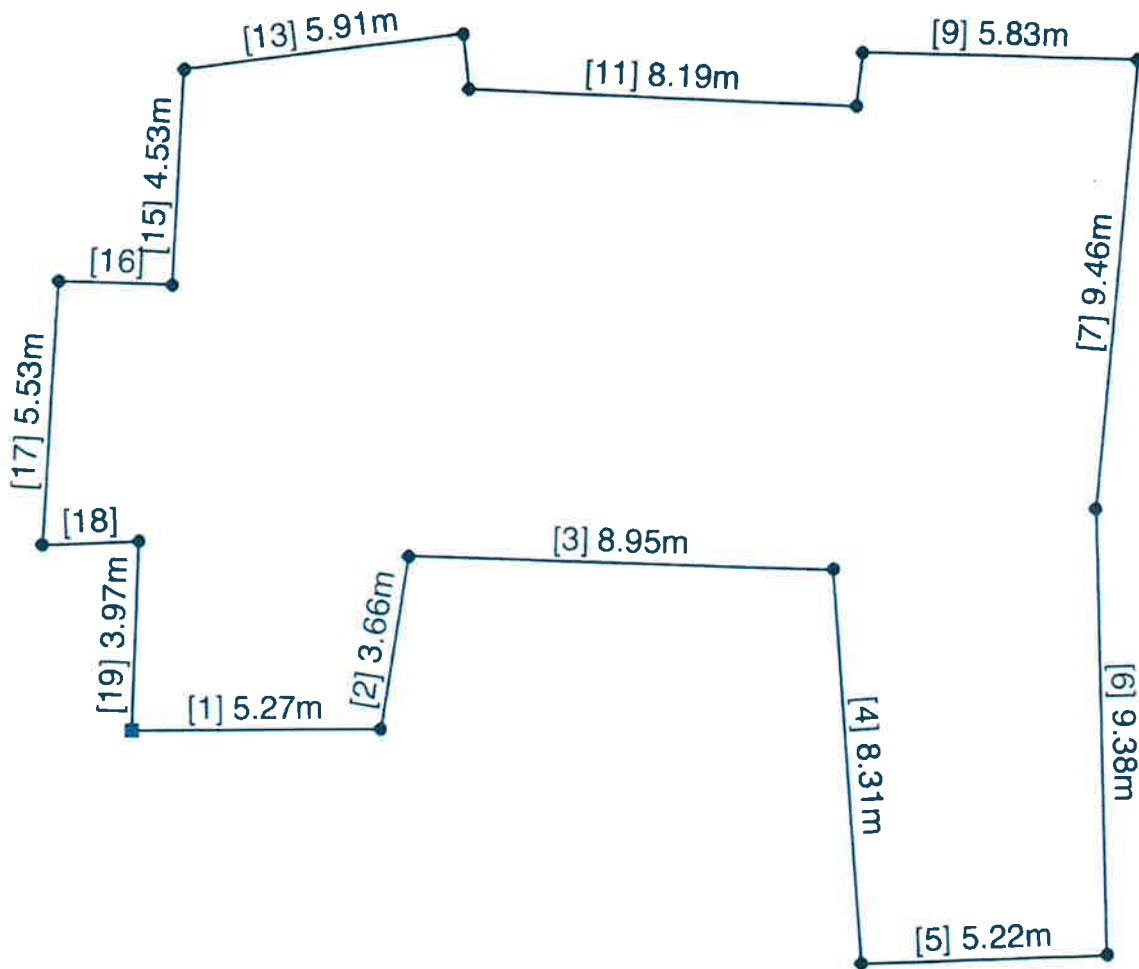


02 DEC 2024  
LASERONS

JOE MAHON KILMAINHAM KELLS : JOE MAHON HOUSE : JOE MAHON HOU...

90.89m (282.38m<sup>2</sup>)

Created on 25 Nov 2024

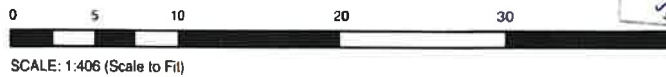
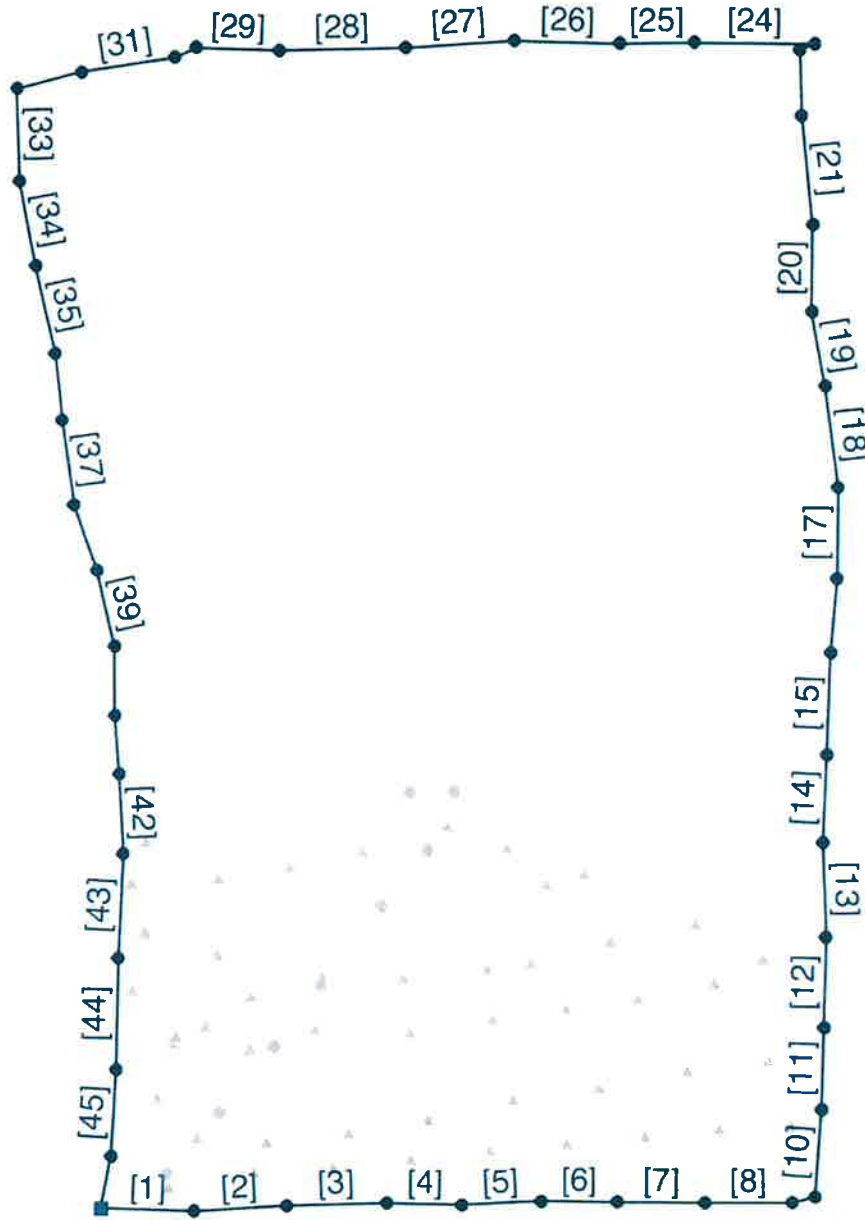


SCALE: 1:141 (Scale to Fit)

JOE MAHON KILMAINHAM KELLS : JOE MAHON HOUSE : TOPO : PLAN VIEW

230.97m (3126.23m<sup>2</sup>)

Created on 25 Nov 2024

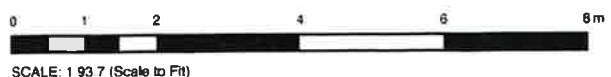
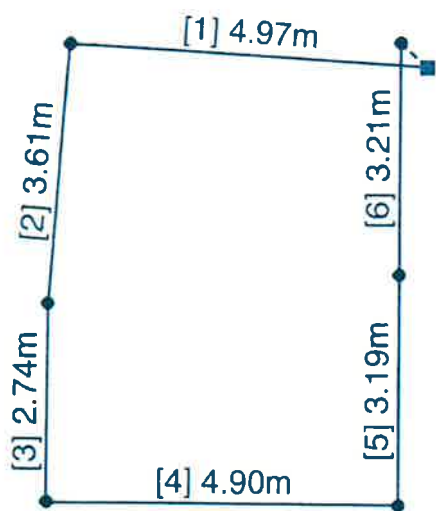


02  
02 DEC 2024  
Kassam's

# JOE MAHON KILMAINHAM KELLS : JOE MAHON HOUSE : GARAGE : PLAN...

23.11m (29.85m<sup>2</sup>)

Created on 25 Nov 2024





# Works / Development Map

**APPLICATION SITE  
EDGED RED.**

ERECT NEW STOCKPROOF FENCE  
WITH THE FOLLOWING NAME PLANTING  
75% CRATAEGUS MONOCORNA (THORN)  
15% FAGUS SYLVATICA (BEECH)  
5% ILEX AQUIFOLIUM (HOLLY)  
5% ROSA CANINA (DOG ROSE)

**PROPOSED DWELLING  
HOUSE. (SHADED BLUE)**

PROPOSED DETACHED  
DOMESTIC GARAGE.

**INSTALL SEPTIC TANK UNIT &  
PRECIPITATION AREA IN  
ACCORDANCE WITH SITE  
SPECIFIC REPORT.**

ERECT NEW STOCKPROOF FENCE  
WITH THE FOLLOWING NAME PLANTING  
75% CRATAEGUS MONOCORNA (THORN)  
15% FAGUS SYLVATICA (BEECH)  
5% ILEX AQUIFOLIUM (HOLLY)  
5% ROSA CANINA (DOG ROSE)

**RAISED GARDEN AREA (Turquoise)**

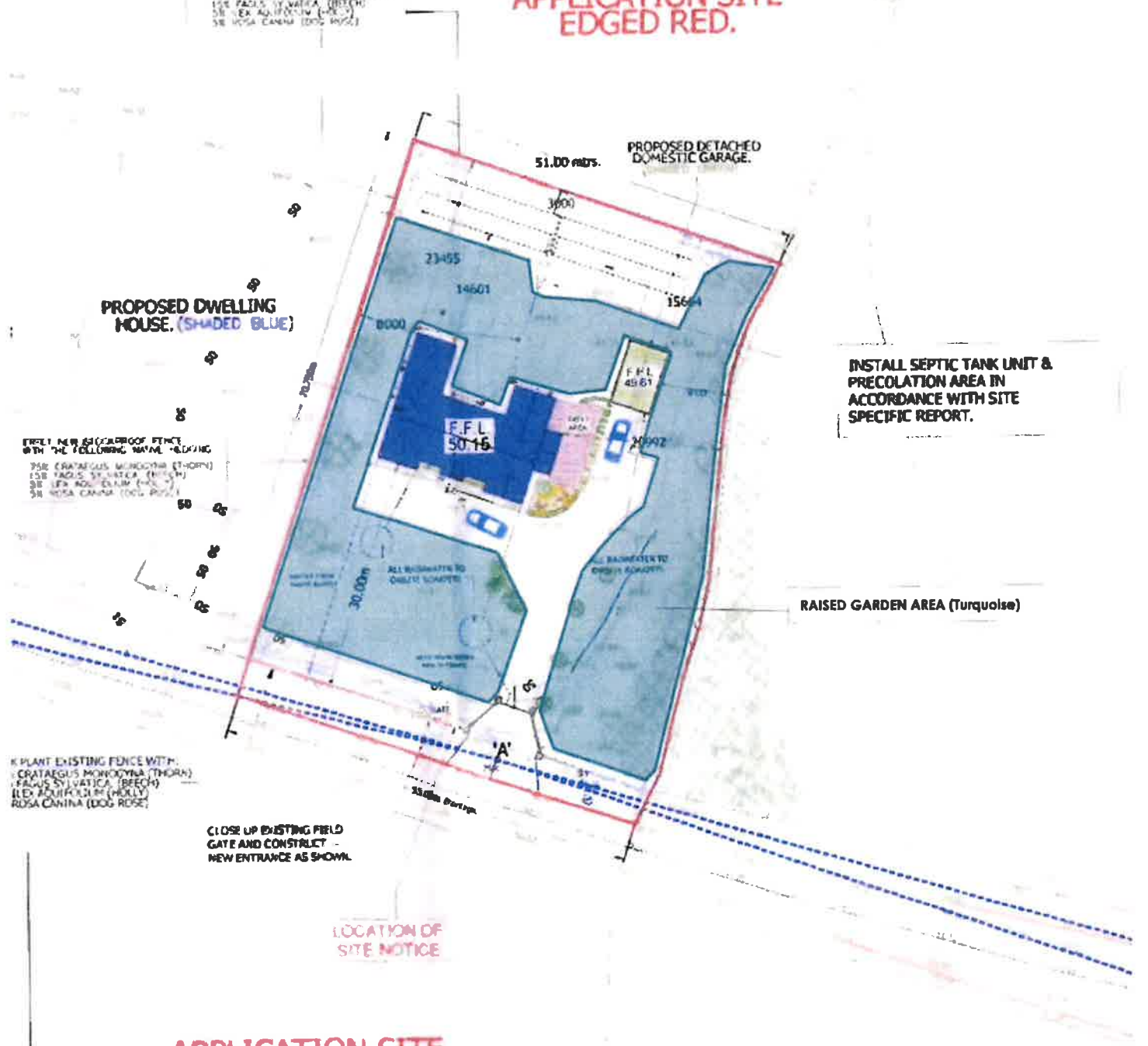
REPLANT EXISTING FENCE WITH:  
75% CRATAEGUS MONOCORNA (THORN)  
15% FAGUS SYLVATICA (BEECH)  
5% ILEX AQUIFOLIUM (HOLLY)  
5% ROSA CANINA (DOG ROSE)

CLOSE UP EXISTING FIELD  
GATE AND CONSTRUCT  
NEW ENTRANCE AS SHOWN

**LOCATION OF  
SITE NOTICE**

**APPLICATION SITE**

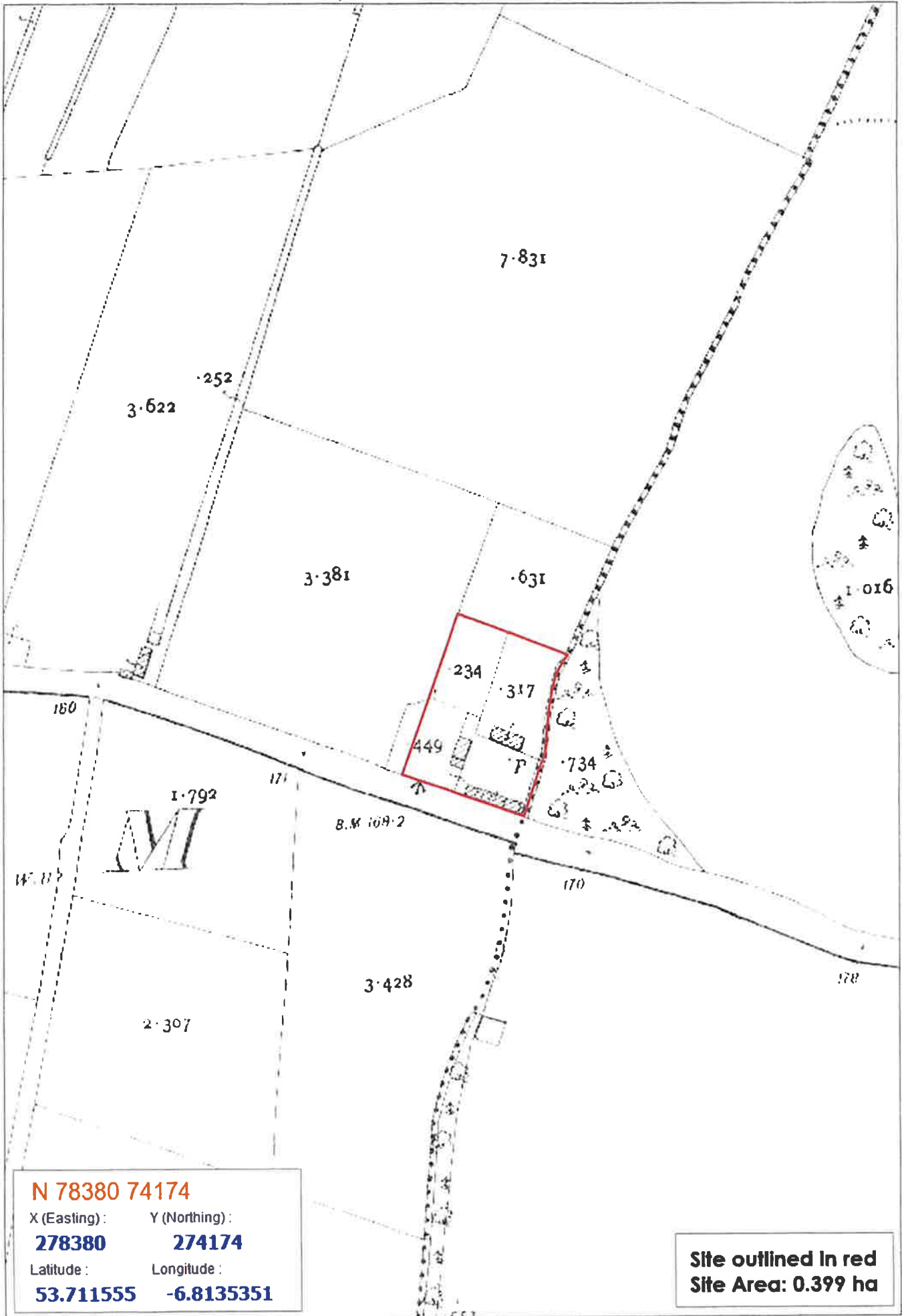
KAS52475







# Site Location Map 1:2000



**N 78380 74174**

X (Easting) :

Y (Northing) :

**278380**

**274174**

Latitude :

Longitude :

**53.711555**

**-6.8135351**

**Site outlined in red  
Site Area: 0.399 ha**

**KAS52475**







**MEATH COUNTY COUNCIL**

**Planning Department**

**Buvinda House**

**Dublin Road**

**Navan**

**Co Meath**

**046 - 9097500**

**Planning & Development Act 2000- 2022**

**DECLARATION**

**To:** Joe Mahon  
c/o Oisín Carroll  
GF Farrelly Haulage Ltd  
Knock  
Castletown  
Co Meath

**PLANNING REFERENCE NUMBER:** KAS52475  
**APPLICATION RECEIPT DATE:** 08/10/2024  
**FURTHER INFORMATION DATE:** 29/11/2024

In pursuance of the powers conferred upon them by the Planning and Development Act 2000-2022, Meath County Council has by order dated 09/12/2024 decided to Declare the proposed development is **development requiring planning permission**, in accordance with the documents submitted namely: Importation of soil by-product into a residential garden within the curtilage of a house is **development and if so is or is not exempted development at Kilmainham, Kells, Co. Meath A82 X0FX**

Date: 09.12.2024

  
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 Pleanála by the applicant **WITHIN FOUR WEEKS** beginning on the date of issue of the Declaration.
2. Appeals should be addressed to An Bord Pleanála, 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 Pleanála 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



### Planning Report

<b>To:</b>	Deirdre Fallon, Senior Executive Planner
<b>From:</b>	Nathan Cooney, Executive Planner
<b>Date:</b>	04/12/2024
<b>File Number:</b>	KAS52475
<b>Applicant:</b>	Joe Mahon
<b>Development Address:</b>	Kilmainham, Kells, Co. Meath A82 X0FX
<b>Application Type:</b>	Section 5 of the Planning & Development Acts 2000 (as amended): Declaration on Development.
<b>Development Description:</b>	Importation of soil by-product into a residential garden within the curtilage of a house.
<b>Date Decision Due:</b>	22/12/2024

#### 1.0 Further Information Response & Assessment

The Further Information Request (R.F.I.) was issued on 01/11/2024. The Further Information Response was received on 02/12/2024. As such, the following should be read in conjunction with the initial Planning Report.

Based on the information submitted and having regard to the initial Planning Report, I consider that the applicant has formally responded to the Request for Further Information and that the proposed development must now be fully assessed. The following provides the items of the Request for Further Information; the applicant's response; and, the assessment of the Planning Authority.

## **1.1 Further Information Request Item No. 1**

1. The applicant is requested to submit a full set of drawings namely site layout and cross section drawings illustrating the existing and proposed ground levels of the subject site and adjoining lands.

### **1.1.1 Applicants Response to Item No. 1**

In response to the further information request the applicant has submitted a site survey. The response also stated that approximately 741m<sup>3</sup> of soil and stone is required at the rear of this property and it will be graded into the existing land at the rear within the planning boundary.

### **1.1.2 Further Assessment of Item No. 1**

The Planning Officer has reviewed the submitted response. This response is considered unacceptable. The applicant was requested to submit a full set of drawings namely a site layout and cross section drawing illustrating the existing and proposed ground levels of the subject site and adjoining lands. The applicant has failed to do this. Therefore, it is not clear whether the proposal would comply with the conditions and limitations of Class 6(a) of the Planning and Development Regulations 2001-2024 and as such, the proposal cannot be considered to be exempted development.

## **2.0 Recommendation**

It is therefore recommended that a declaration of exemption be issued as follows:

WHEREAS the question has arisen as to whether

- "Whether the importation of soil by-product into a residential garden within the curtilage of a house 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), 4(2), & 4(4) of the Planning and Development Act 2000 – 2022,
- (b) Article 6 and 9 of the Planning and Development Regulations, 2001-2024,
- (c) Class 6(a) of the Planning and Development Regulations 2001-2024,
- (c) Information provided.

AND WHEREAS Meath County Council has concluded: -

- (a) The proposal to import soil represents works which constitutes development.
- (b) Based on the information submitted, the Planning Authority is not satisfied that the proposal would comply with the conditions and limitations to Class 6(a) of Part 1 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 09/10/2024 and 02/11/2024 is development and is not exempted development.



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Nathan Cooney  
Executive Planner  
Date: 04/12/2024

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Deirdre Fallon  
Senior Executive Planner

