

MEATH COUNTY COUNCIL

CHIEF EXECUTIVE ORDER

**Chief Executive
Order Number:** 1788/24

Reference Number: KA/S52493

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

Name of Applicant: John McDermott

Address: Balsitric
Drumconrath
Navan
Co Meath

**Nature of
Application:** 2 Buildings. Building A floor area 114m² (Type 1). Building B floor area 247m² (Type 4)

**Location of
Development:** Balsitric, Drumconrath, Navan, 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: 13/12/2024

MEATH COUNTY COUNCIL

Planning Department

Buvinda House

Dublin Road

Navan

Co Meath

046 - 9097500

Planning & Development Act 2000- 2022

DECLARATION

To: John McDermott

Balsitric
Drumconrath
Navan
Co Meath

PLANNING REFERENCE NUMBER: KA/S52493

APPLICATION RECEIPT DATE: 19/11/2024

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 13/12/2024 decided to Declare the proposed development is **DEVELOPMENT** and is **EXEMPTED DEVELOPMENT**, in accordance with the documents submitted namely: **2 Buildings. Building A floor area 114m2 (Type 1). Building B floor area 247m2 (Type 4) at Balsitric, Drumconrath, Navan, Co Meath.**

Date: 13/12/2024

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:	Teresa O' Reilly, Senior Executive Planner
From:	Donal Farrelly, Executive Planner
Report Date:	29/11/24
File Number:	KAS52493
Applicant Name(s):	John Mc Dermott
Development Address:	Balsitric, Co. Meath
Inspection Date:	N/a
Application Type:	Section 5 of the Planning & Development Act 2000-2022 Declaration on Development/ Exempted Development
Development Description:	2 buildings. Building A floor area 114m ² (Type 1). Building B floor area 247m ² (Type 4)
Decision Due Date:	17/12/24

1.0 Site Location & Description

The application site is accessed off a rural road (L-7410-19) and is currently in agricultural use, with surrounding land uses predominantly agricultural with some residential dwellings. The site is currently zoned Rural Area.



2.0 Proposed Declaration

2.1 The applicant describes the development in the completed application form as '2 buildings. Building A floor area 114m² (Type 1). Building B floor area 247m² (Type 4)'. The Planning Authority is considering this question as:

Whether the '2 buildings. Building A floor area 114m² (Type 1). Building B floor area 247m² (Type 4)' is or is not development and is or is not exempted development.

2.2 The completed application form and plans provides details on the design and location of the sheds.

3.0 Planning History

KA160618. The development will consist of a single storey extension to existing dwelling together with modification to elevations, proprietary waste water treatment system and polishing filter and all associated site works. Granted

KA150603. The development will consist of a single storey extension to existing dwelling together with modification to elevations, proprietary waste water treatment system and polishing filter and all associated site works. Refused

KA40413. The renovation of existing structure and installation of septic tank. Granted

4.0 Internal/Referrals

N/a

5.0 Relevant Legislation

In order to assess whether or not the structure described in para. 2.2 is or is not development or is or is not exempted development regard must be had to the following legislation:

5.1 Section 2 of the Planning & Development Act (PDA) 2000 (as amended)

“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;

“unauthorised development” means, in relation to land, the carrying out of any unauthorised works (including the construction, erection or making of any unauthorised structure) or the making of any unauthorised use;

“unauthorised works” means any works on, in, over or under land commenced on or after 1st October 1964, being development other than—

- (a) exempted development (within the meaning of section 4 of the Act of 1963 or section 4 PDA), or
- (b) development which is the subject of a permission granted under Part IV of the Act of 1963 [or under section 34, 37G or 37N PDA], being a permission which has not been revoked, and which is carried out in compliance with that permission or any condition to which that permission is subject; 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 Act (PDA) 2000 (as amended)

Section 3(1) PDA 2000 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 4 of the Planning & Development Act (PDA) 2000-2022

Section 4(1) provides a list of statutory exempted development including development consisting of the use of any land for the purpose of agriculture and development consisting of the use for that purpose of any building occupied together with land so used under section 4(1)(a).

Section 4(2) provides for the making of regulations relating to exempted development. The Planning & Development Regulations (PDR) 2001 (as amended) give effect to section 4(2).

5.4 Section 5 of the Planning & Development Act (PDA) 2000-2022

Section 5 PDA 2000 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.

5.5 Section 32 of the Planning & Development Act (PDA) 2000-2022

Section 32 PDA 2000 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.

5.6 Article 6 of the Planning & Development Regulations (PDR) 2001-2024

Article 6 PDR 2001 provides (subject to the restrictions in article 9 PDR 2001) 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.

5.7 Article 9 of the Planning & Development Regulations (PDR) 2001 (as amended)

Article 9 PDR 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.

5.8 Class 6 (Agricultural Structures) of Part 3 of Schedule 2 PDR 2001 provides an exemption for:

Works consisting of the provision of a roofed structure for the housing of cattle, sheep, goats, donkeys, horses, deer or rabbits, having a gross floor space not

exceeding 200 square metres (whether or not by extension of an existing structure), and any ancillary provision for effluent storage.

Subject to the following conditions and limitations (column 2):

1. *No such structure shall be used for any purpose other than the purpose of agriculture. **The applicant states that Building A will be used for 4 horses.***
2. *The gross floor space of such structure together with any other such structures situated within the same farmyard complex or within 100 metres of that complex shall not exceed 300 square metres gross floor space in aggregate. **The applicant states that the floor area is 114m². Floor plan was submitted.***
3. *Effluent storage facilities adequate to serve the structure having regard to its size, use and location shall be constructed in line with Department of Agriculture, Food and Rural Development and Department of the Environment and Local Government requirements and shall have regard to the need to avoid water pollution. **The applicant has stated that no septic tank is required. The applicant has outlined land for manure spreading.***
4. *No such structure shall be situated, and no effluent from such structure shall be stored, within 10 metres of any public road. **The shed is located further than 10m from the public road.***
5. *No such structure within 100 metres of any public road shall exceed 8 metres in height. **The highest point of both buildings is stated as being 5.8m. Elevational drawings provided.***
6. *No such structure shall be situated, and no effluent from such structure shall be stored, 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. **Although the buildings are located within 100m of an adjacent residential house, a letter of consent is provided from the adjacent landowner.***
7. *No unpainted metal sheeting shall be used for roofing or on the external finish of the structure. **Details provided regarding external materials.***

5.9 Class 9 (Agricultural Structures) of Part 3 of Schedule 2 PDR 2001 provides an exemption for:

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.

Subject to the following conditions and limitations (column 2):

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. **The applicant has stated that the building will be used for storing feed, machinery and a workshop area.***
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. **The area of the building is stated as being 247m².**

3. *No such structure shall be situated within 10 metres of any public road. **The building is located in excess of 10m from the public road.***
4. *No such structure within 100 metres of any public road shall exceed 8 metres in height. **The building is outlined as being 5.8m in height.***
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. **Although the buildings are located within 100m of an adjacent residential house, a letter of consent is provided from the adjacent landowner.***
6. *No unpainted metal sheeting shall be used for roofing or on the external finish of the structure. **Details have been provided regarding external materials.***

6.0 Assessment

The question has arisen as to whether the construction of '**2 buildings. Building A floor area 114m² (type 1). Building B floor area 247m² (type 4)**' is or is not development and is or is not exempted development. In this regard it is necessary to consider the question of "development" and "exempted development" as provided for in statute and summarised above. I consider the said development to satisfy the requirements under Classes 6 and 9 of the PDR.

6.1 "Development"

I consider that the '**2 buildings. Building A floor area 114m² (type 1). Building B floor area 247m² (type 4)**' outlined in para. 2.2 falls within the statutory interpretation of works and therefore within the section 3(1) PDA 2000 definition of development.

6.2 "Exempted Development"

Classes 6 and 9 of Part 3 of Schedule 2 PDR provides an exemption for *inter alia* the '**2 buildings. Building A floor area 114m² (type 1). Building B floor area 247m² (type 4)**'. I consider that the said structures meet the conditions and limitations under column 2 regarding the PDR and is exempted development under article 6(1) PDR for the purposes of the PDA and is not restricted by virtue of article 9.

7.0 Appropriate Assessment

- 7.1 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 site is not located adjacent to or in close proximity of any Natura 2000 sites.

The applicant has not submitted an AA Screening Report in respect of the possible impacts ecological impacts of the proposal on the nearest Natura site(s).

7.2 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. There is no obvious hydrological/S-P-R linkage between the development site and the Natura Network. The Planning Authority therefore 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 Conclusion & Recommendation

8.1 I conclude that the '**2 buildings. Building A floor area 114m² (type 1). Building B floor area 247m² (type 4)**' at Balsitric, Co. Meath is development and is exempted development.

8.2 I recommend that the application for an exempted development certificate is **GRANTED** for the following reason:

WHEREAS the question has arisen as to whether the '**2 buildings. Building A floor area 114m² (type 1). Building B floor area 247m² (type 4)**' at Balsitric, Co. Meath is or is not development and is or is not exempted development.

AND WHEREAS the said question was referred to Meath County Council by the applicant, John Mc Dermott.

AND WHEREAS Meath County Council, in considering this reference, had particular regard to:

- (a) Sections 2, 3, 4, 5 and 32 of the Planning & Development Act 2000- 2022 and articles 6 and 9 of the Planning & Development Regulations 2001-2024;
- (b) The definition of "development" in Section 3 of the Planning & Development Act 2000-2022 and
- (c) The provisions under Classes 6 and 9 of Part 3 of Schedule 2 of the Planning & Development Regulations 2001-2024.

AND WHEREAS Meath County Council has concluded that:

- (a) '**2 buildings. Building A floor area 114m² (type 1). Building B floor area 247m² (type 4)**' at Balsitric, Co. Meath comprises works and is development under section 3(1) of the Planning & Development Act 2000-2022 and
- (b) '**2 buildings. Building A floor area 114m² (type 1). Building B floor area 247m² (type 4)**' at Balsitric, Co. Meath is exempted development under the provisions of Classes 6 and 9 of Part 3 of Schedule 2 of the Planning & 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 **2 buildings. Building A floor area 114m2 (type 1). Building B floor area 247m2 (type 4)** at **Balsitric, Co. Meath** is development and is exempted development.

Donal Farrelly

Donal Farrelly
Executive Planner
Date: 29/11/24



Teresa O'Reilly
Senior Executive Planner
Date: 13/12/24

Comhairle Chontae na Mí

Roimh 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: John Mc Dermott

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

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

3. Location of Development and/or Subject Site: Balsitric

4. Description of Development: 2 Buildings, Building A
FLOOR AREA 114 m² (Type 1) . Building B FLOOR AREA
247 m² (Type 4)

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

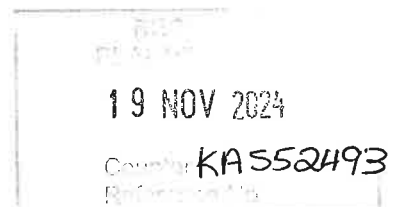
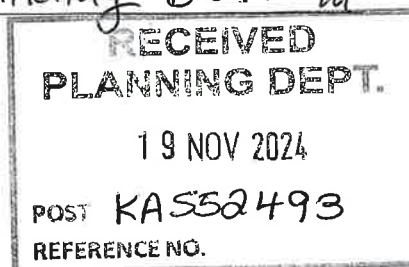
6(b) If "YES", has a Declaration under Section 57 of the Planning & Development Act 2000 – 2014, as amended, been requested or issued for the property by the Planning Authority?

Please tick as appropriate: YES NO

7. State overall height of structure if applicable: 5.8 METRES

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

Building A 114 m² + Building B 247 m²



9. List of plans / drawings etc. submitted:

PLEASE SEE ATTACHED SCHEDULE

10. Please state applicants interest in this site

FARMER 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:

SIGNED: 

DATE: 14/11/2011

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

ADDITIONAL INFORMATION

The proposed building will be over 200 metres from the road.

The distance from other buildings is Less than 100 metres (Approval letter attached)

The highest point of the building is 5.8 metres.

No boundaries will be adjusted as part of this construction.

There are no other farm buildings on the property.

The proposed building will be used to house animals, store machinery and feed and a workshop area.

Building A floor area will be 114 metres squared (type 1). This will house approximately 4 horses.

Building B floor area will be 247 metres squared (type 4). This will be used to store feed, Machinery and a workshop area.

Lands coloured orange are available for manure spreading.

There is no septic tank required for this building.



Land Registry Compliant Map

Site Location map



CENTRE COORDINATES:
ITM 687215,786764

PUBLISHED: 04/11/2024

MAP SERIES: 1:5,000

ORDEF: 504311

MAP S: 2066

COMPILED AND PUBLIS
Tailte Éireann,
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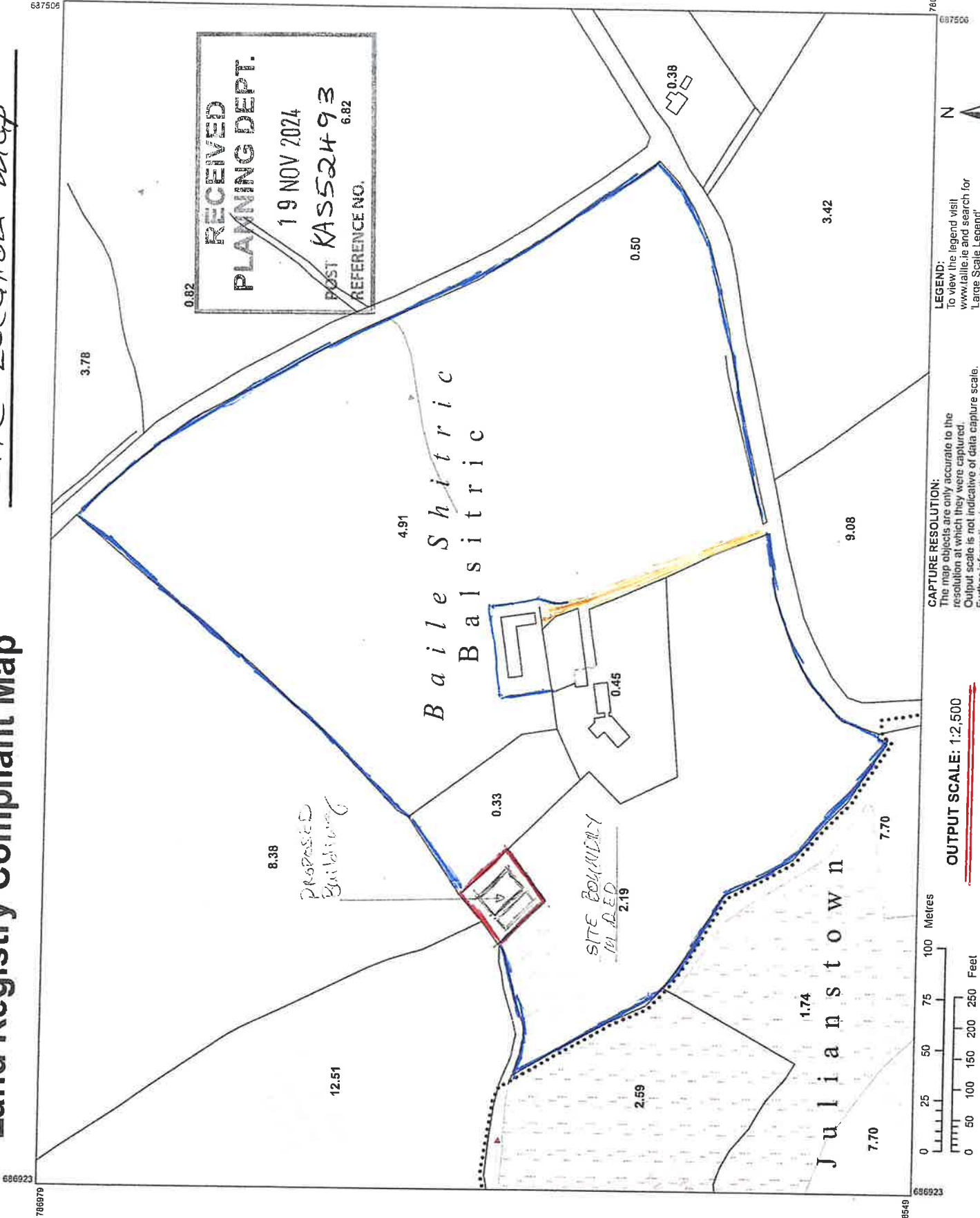
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OUTPUT SCALE: 1:2,500

0 25 50 75 100 Metres
0 50 100 150 200 250 Feet



Land Registry Compliant Map

Tailte Éireann



CENTRE COORDINATES:
ITM 657215,786754

PUBLISHED: 04/11/2024
ORDER NO.: 50431920_1

MAP SHEETS: 2066

RECEIVED
MAP SERIES: 45,000
PLANNING DEPT.

19 NOV 2024

POST 4.62 **KASS2493**
REFERENCE NO.

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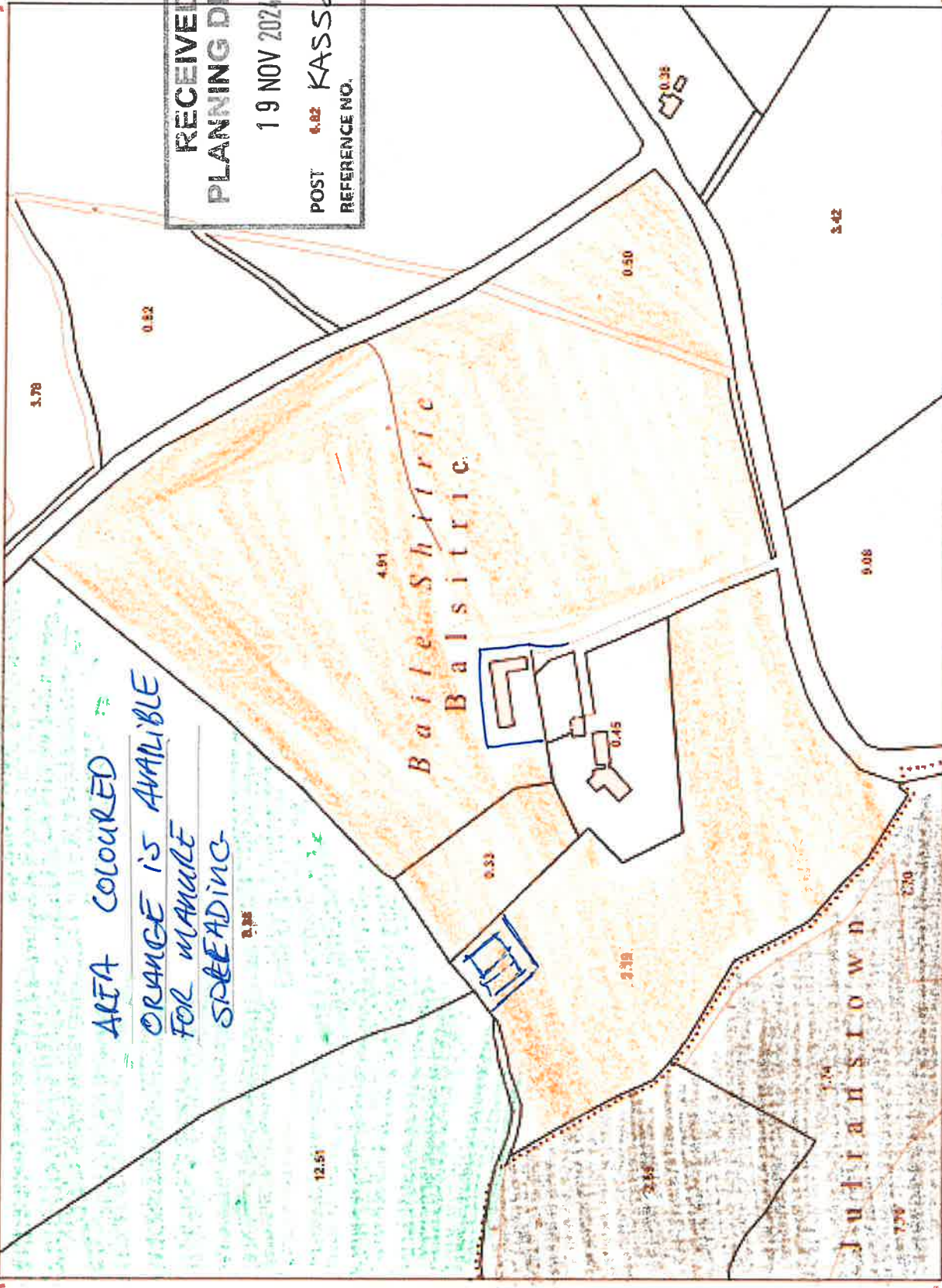
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AREA COLOURED
ORANGE IS AVAILABLE
FOR MANURE
SPREADING

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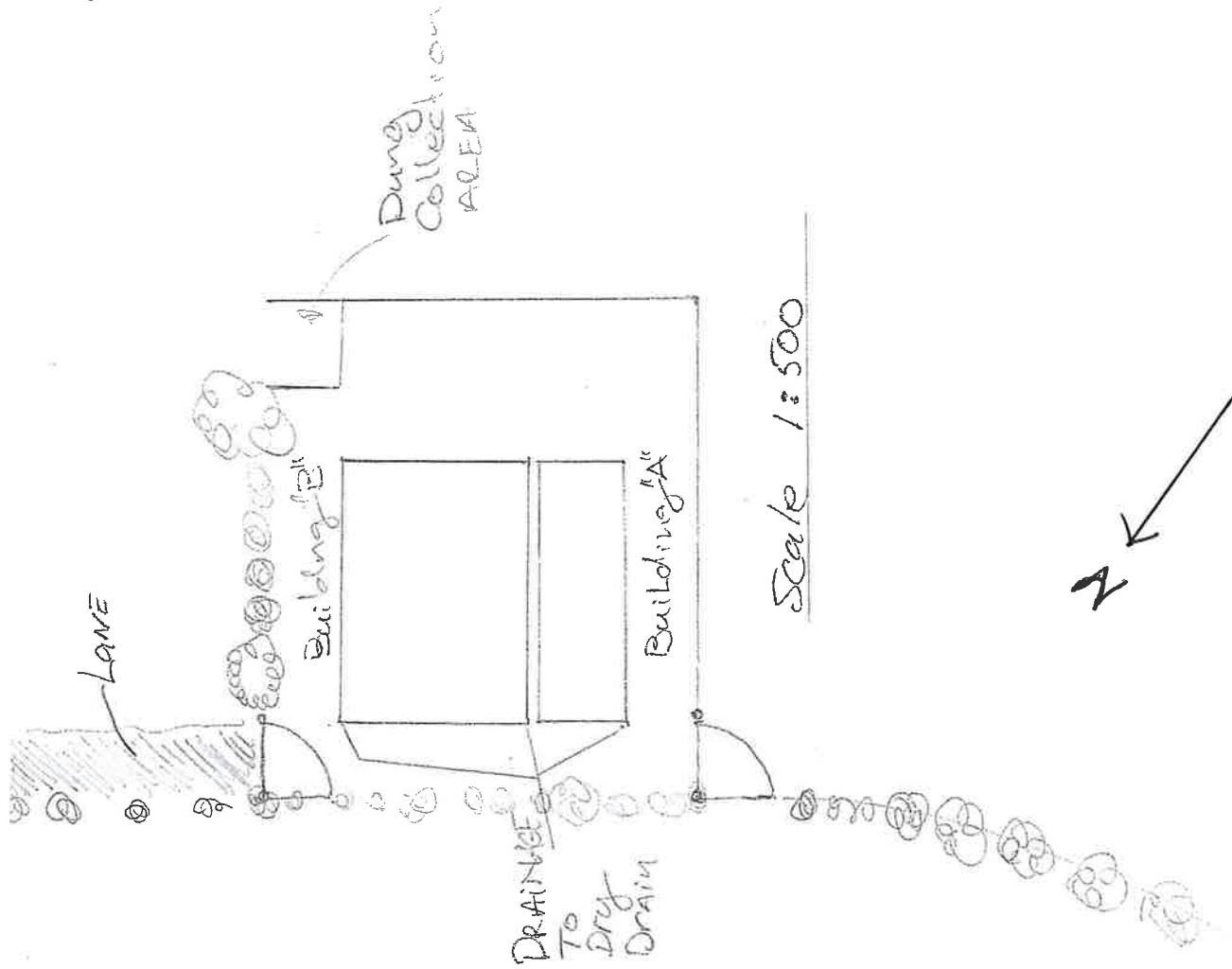
LEGEND:
To describe input your
workspace and search for
Layer Style Legend

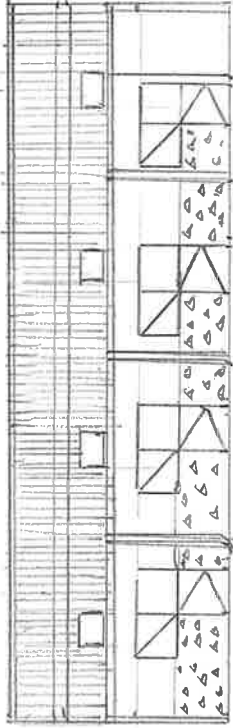
OUTPUT SCALE: 1:2,500

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0 50 100 150 200 250 Feet

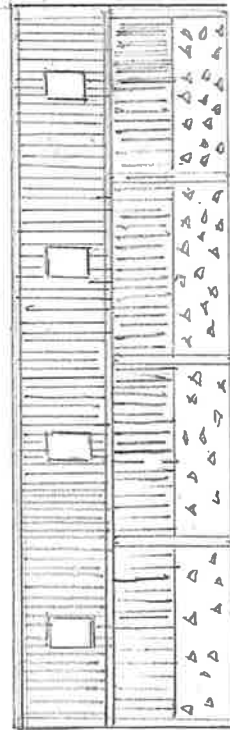
Site Layout Plan

RECEIVED
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19 NOV 2024
POST KAS52493
REFERENCE NO.





WEST VIEW
SHOWING 4 STABLE
DOORS AND OPENED
STORE AREA

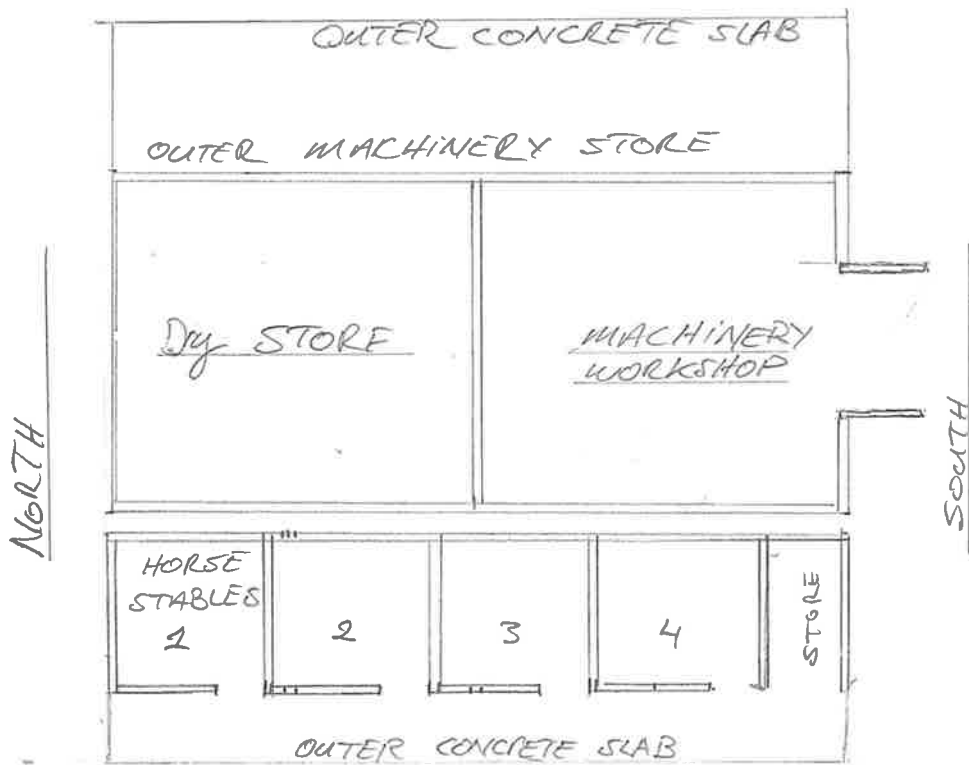


EAST VIEW

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19 NOV 2024
POST KAS52493
REFERENCE NO.

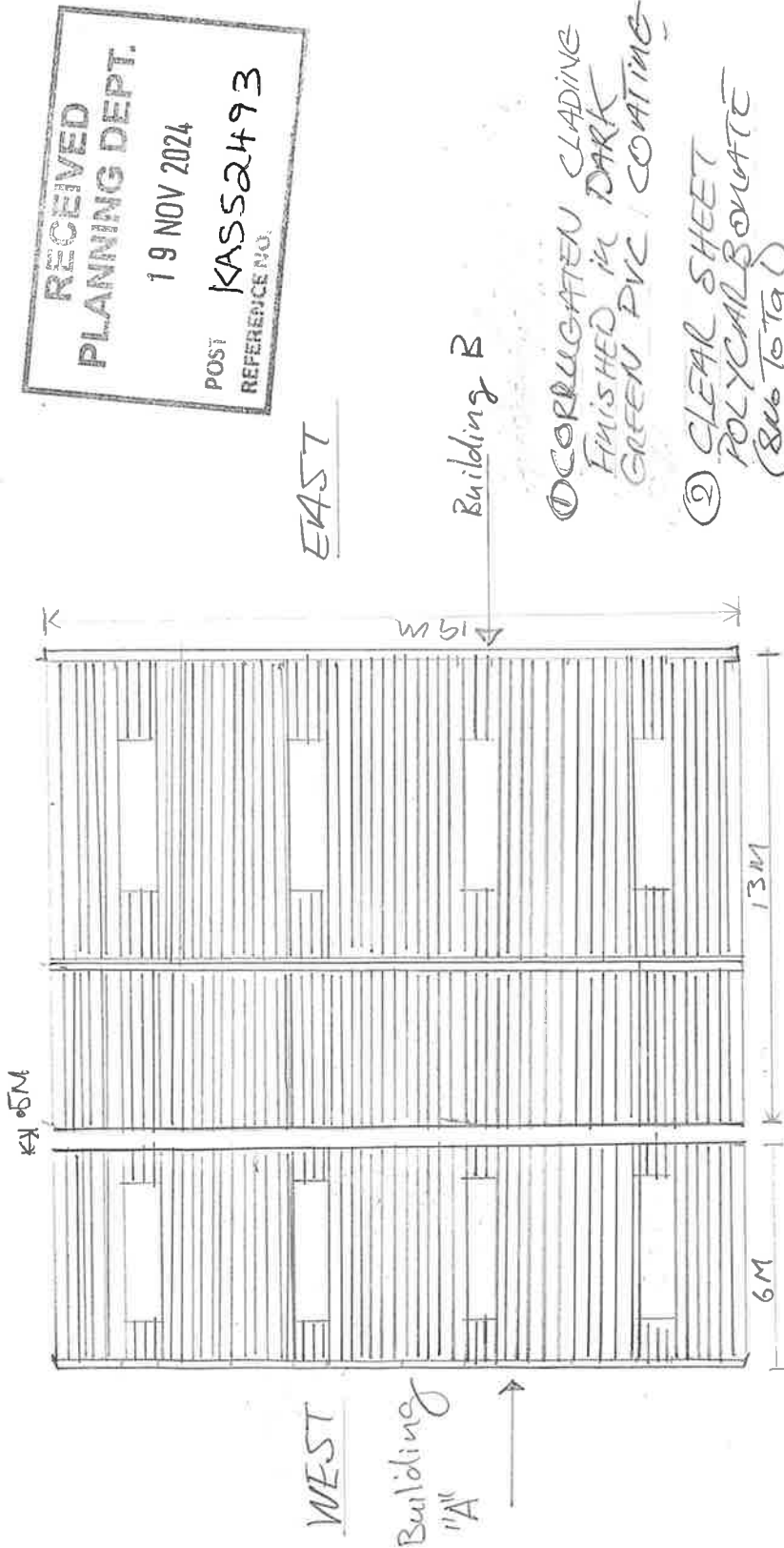
PLAN VIEW
SCALE 1:200

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19 NOV 2024
POST KASS2493
REFERENCE NO.



PLAN VIEW
SCALE 1:200

NORTH



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PLANNING DEPT.
19 NOV 2024
POST REFERENCE NO.
KASS2493

EAST

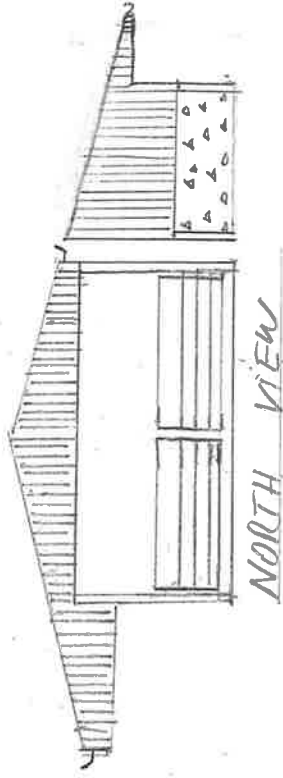
Building B

- ① CORRUGATED CLADDING FINISHED IN DARK GREEN PVC COATING
- ② CLEAR SHEET POLYCARBONATE (Sub Total)
- ③ Ridge cladding
- ④ GUTTERING AT EAST AND WEST ELEVATION
- ⑤ 500mm VOID BETWEEN BUILDINGS

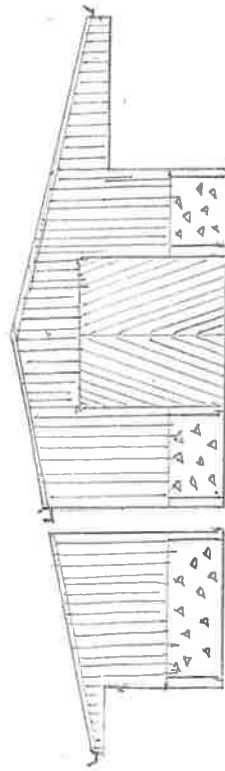
WEST

Building A

SOUTH



SCALE 1:200



- ▣ PRECAST CONCRETE WALLS
- ▣ DARK GREEN PVC COATING
- ▣ TIMBER CLADDING ON DOORS

RECEIVED
 PLANNING DEPT.
 19 NOV 2024
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