

Comhairle Chontae na Mí

Roinn Pleanáil,
Teach Bivinda, 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
Bivinda 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 Sylver
- 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**
Bernard Voortman, Cummins & Voortman Ltd
- Contact details: to be supplied at the end of this form (Question 14)**
3. **Location of Development and/or Subject Site:** Piercetown Dunboyne, County Meath A86CX93
4. **Description of Development:** _____
Installation of a single storey 167.7 sq.m. barn to include stables
in existing grass field in agricultural holding
5. **Will the development take place within the curtilage of a dwelling house?**
Please tick as appropriate: YES ___ NO X
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 X
- 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:** 5.5m
8. **State in square metres the floor area of the proposed development:**
167.70 sq.m.



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9. List of plans / drawings etc. submitted:

A.02.8.2.1 - Ordnance Survey Map, A.02.8.2.2 - Site Layout Plan, A.02.8.3 - Drawings Barn

10. Please state applicants interest in this site

Owner _____

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

N/A _____

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:

SIGNED:

DATE: 07 11 2024

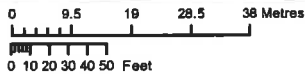
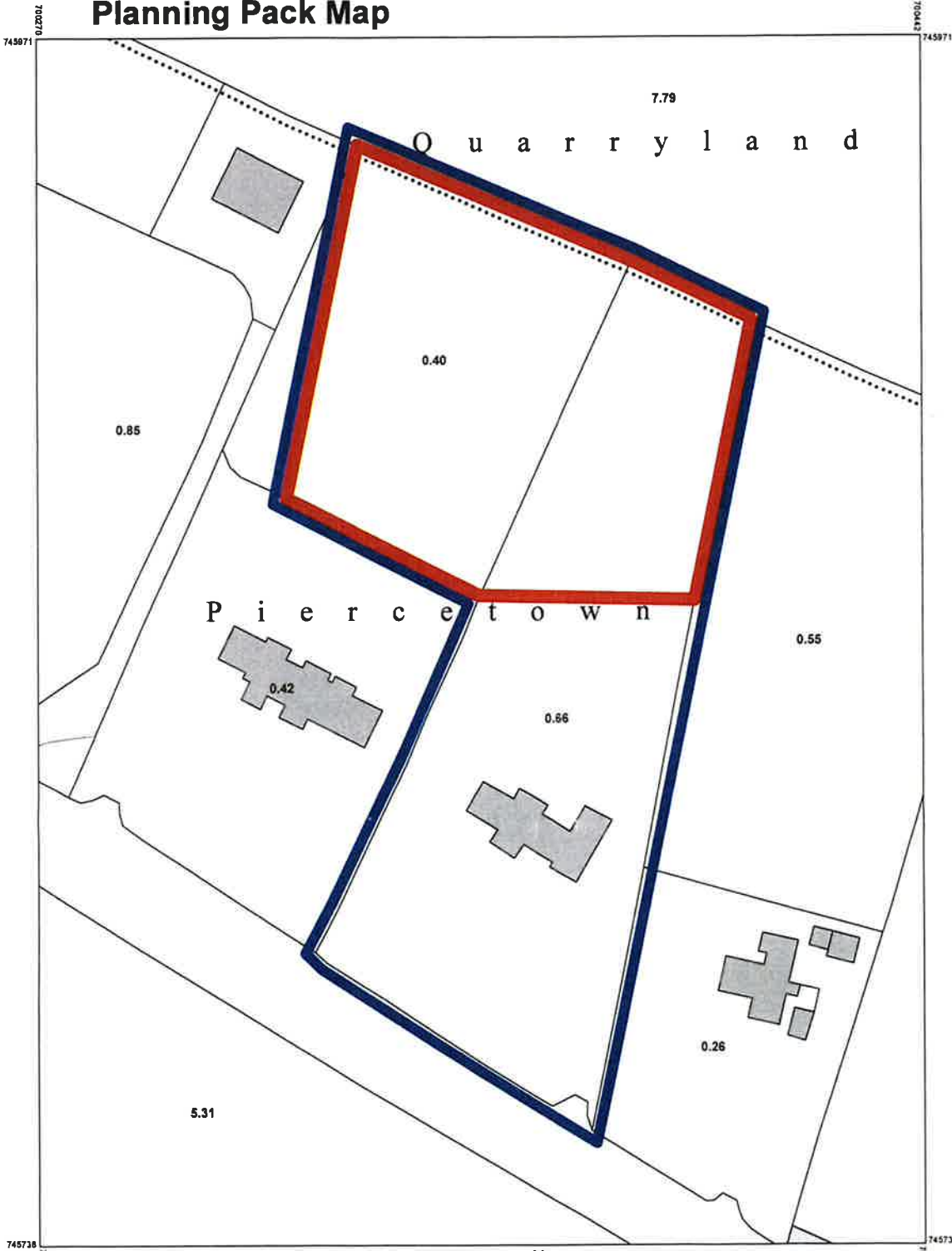
NOTES

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.**

Planning Pack Map



OUTPUT SCALE: 1:1,000



CENTRE COORDINATES:
ITM 700356,745855

PUBLISHED: 27/09/2024
ORDER NO.: 50425182_1

CAPTURE RESOLUTION:
The map objects are only accurate to the resolution at which they were captured. Output scale is not indicative of data capture scale. Further information is available at: www.talite.ie, search 'Capture Resolution'

COMPILED AND PUBLISHED BY:
Talite Fireann

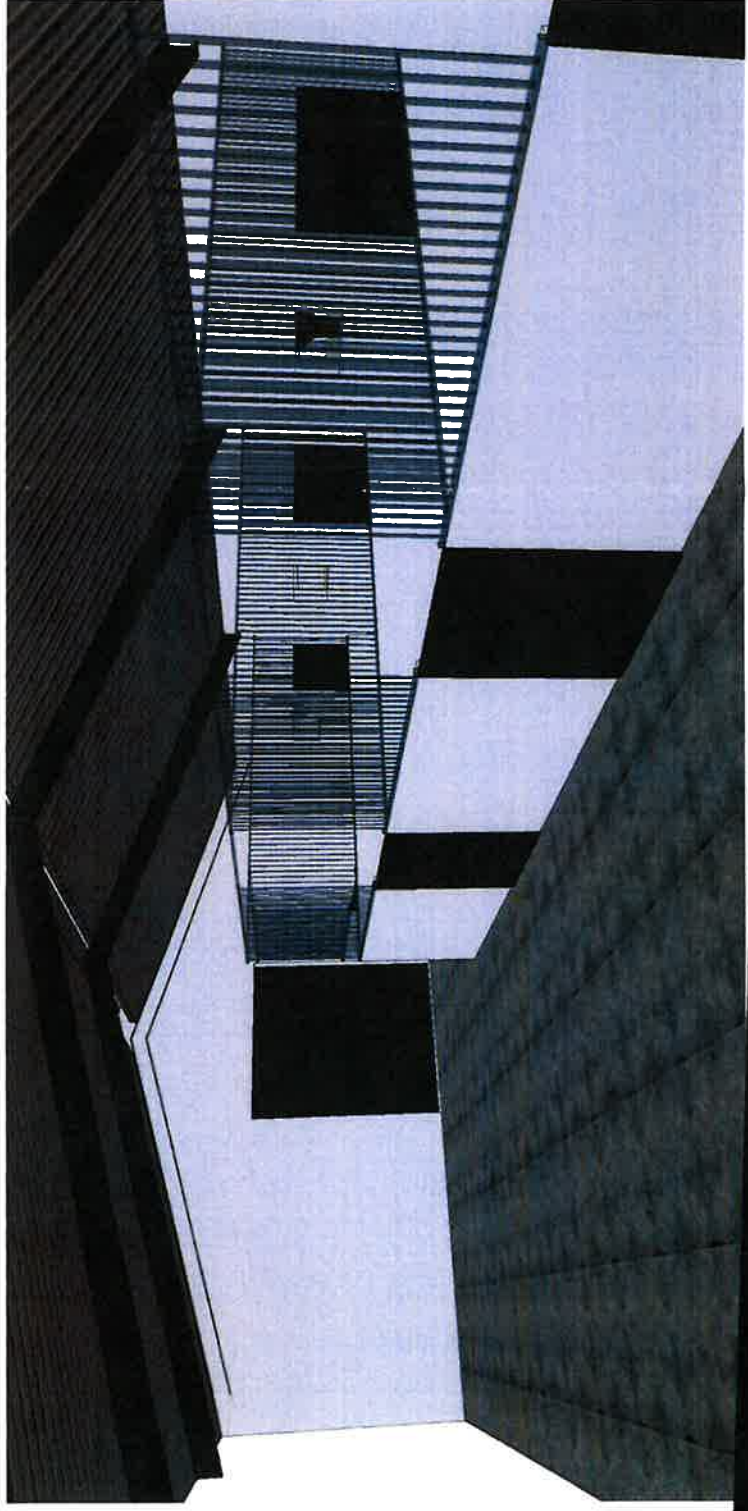
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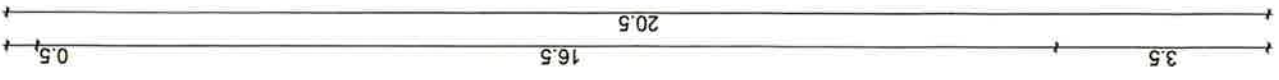
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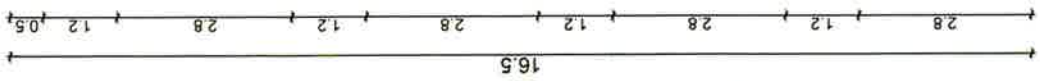
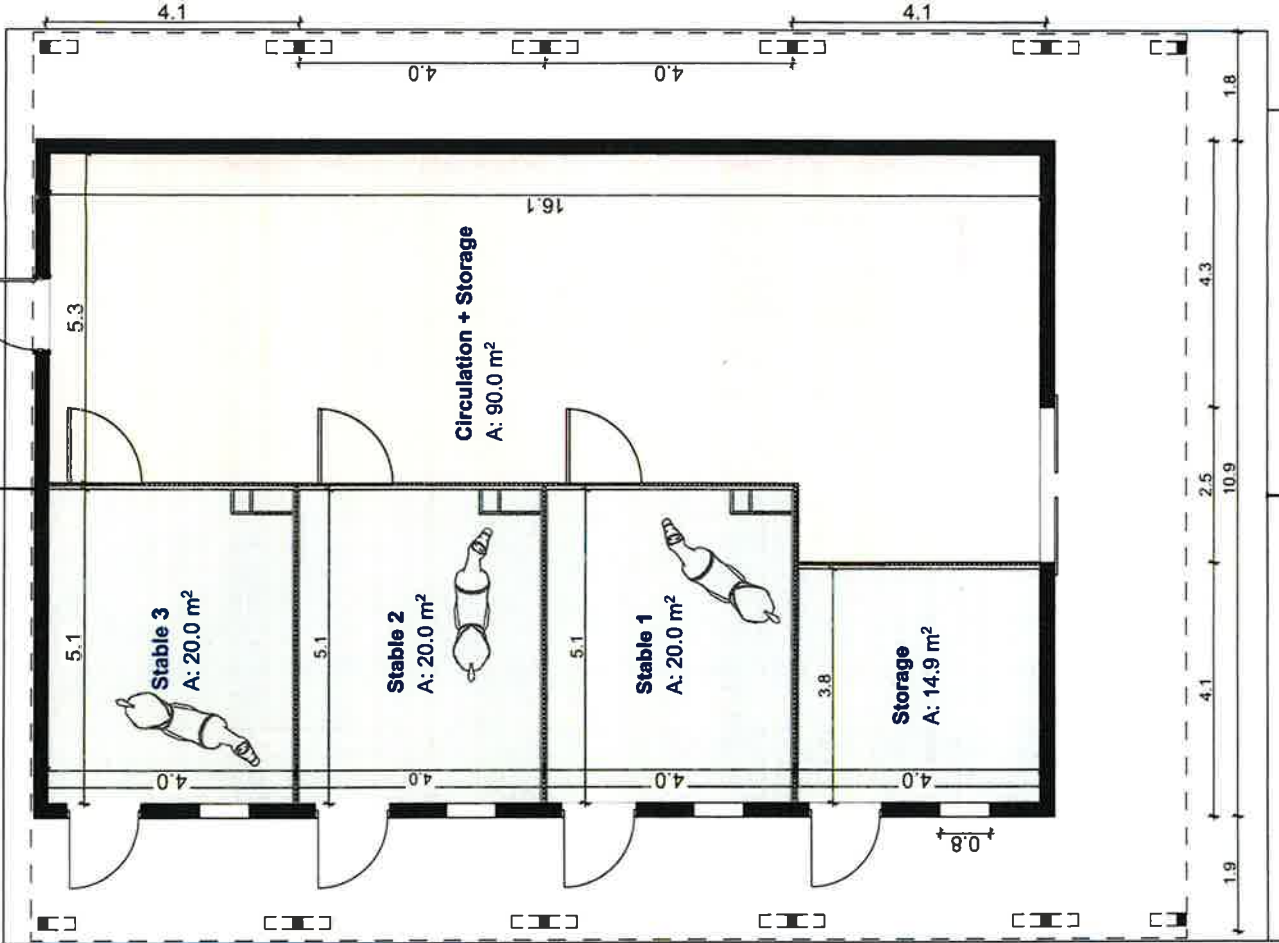
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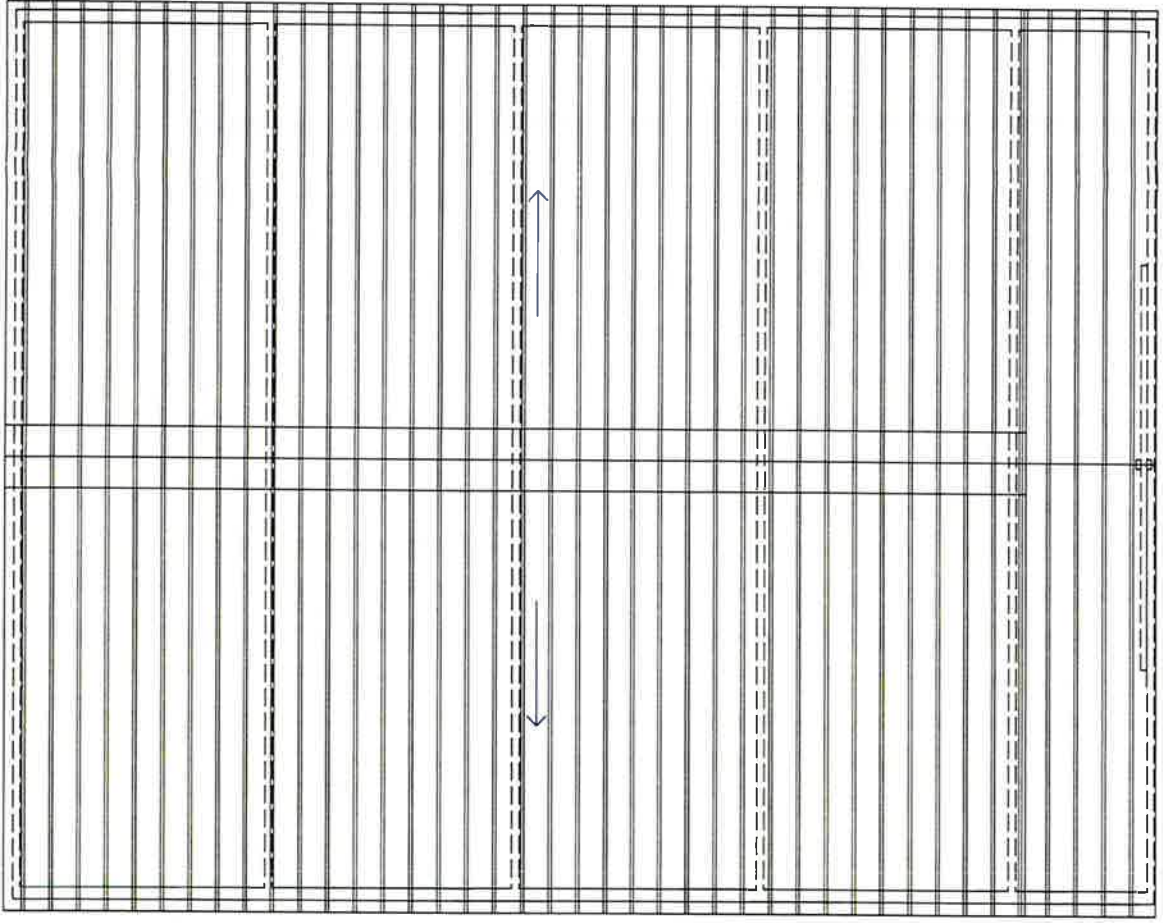
3D View 01





Total Ground Floor Area
A: 167.7 m²





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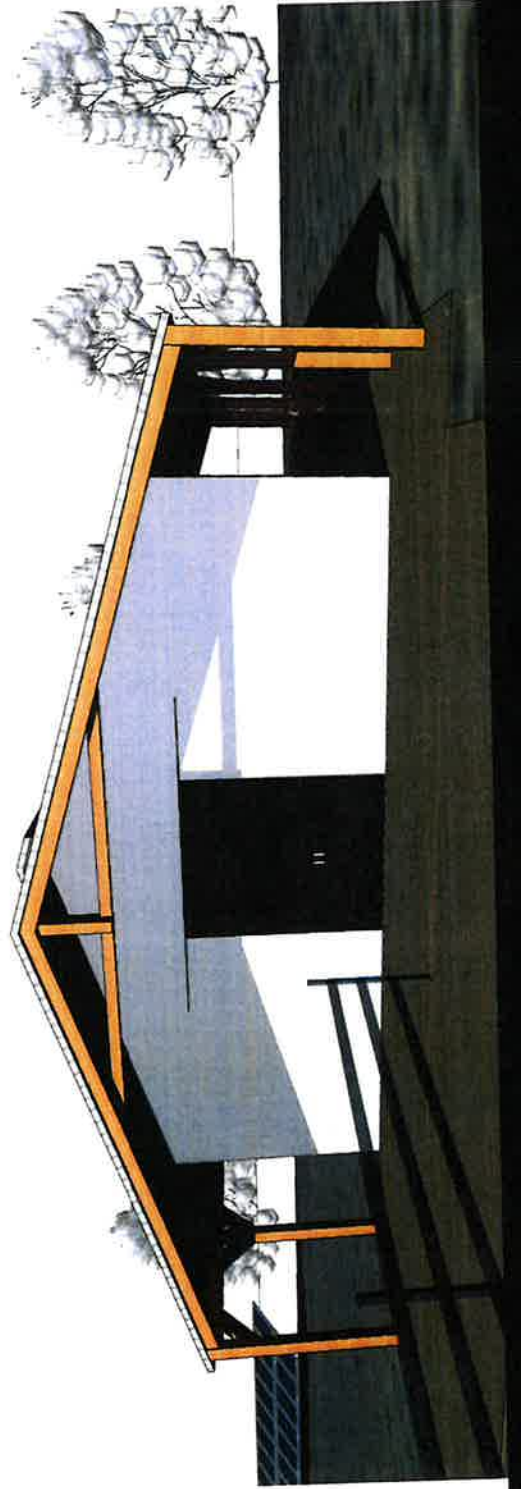
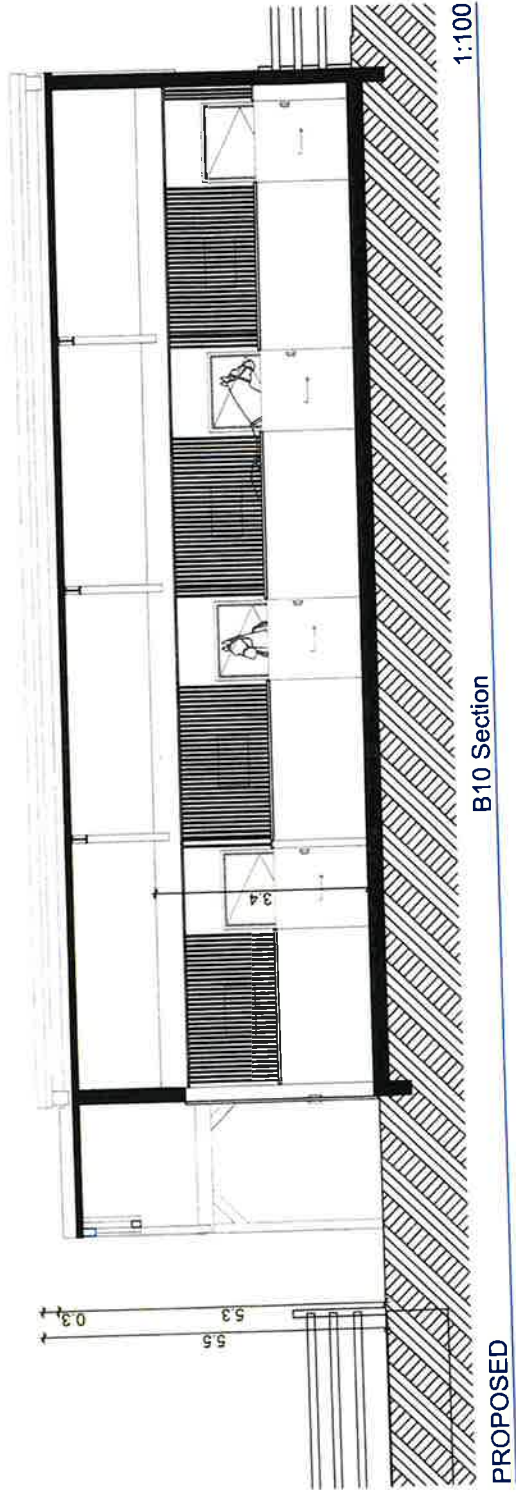
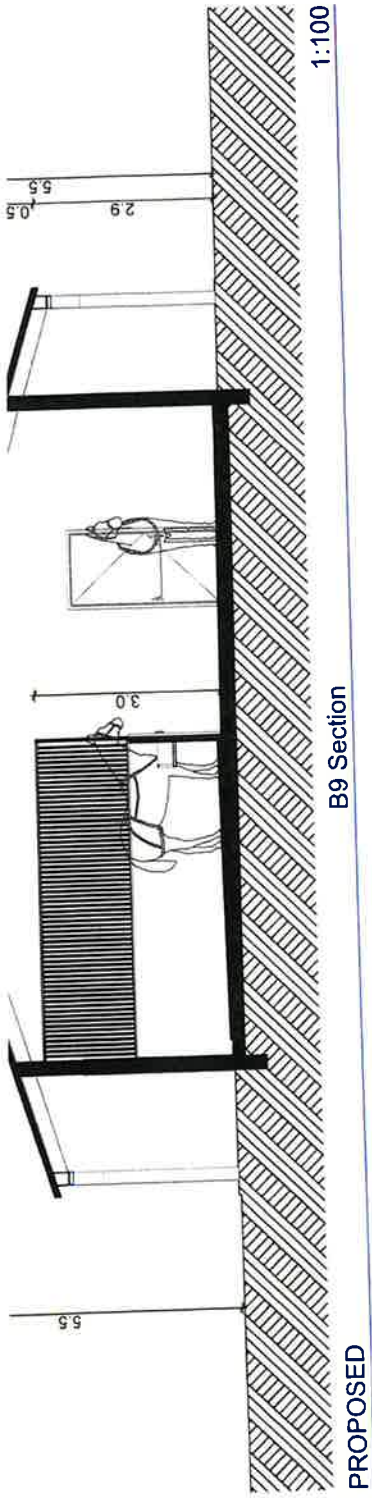
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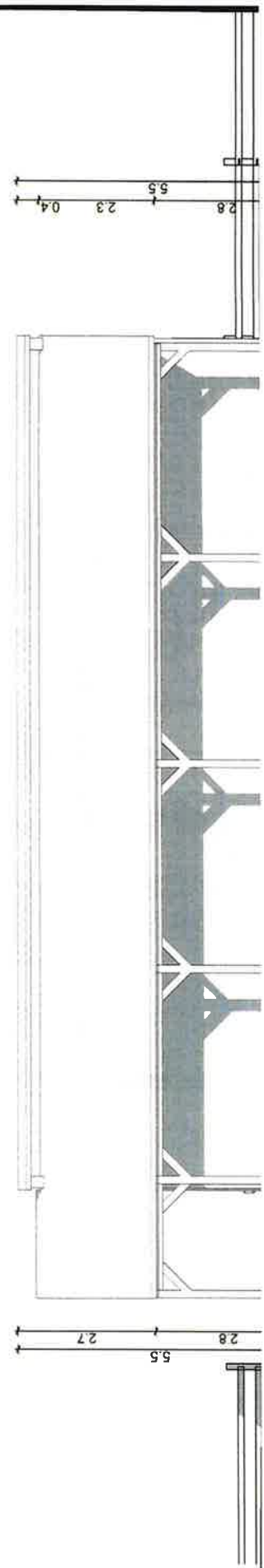
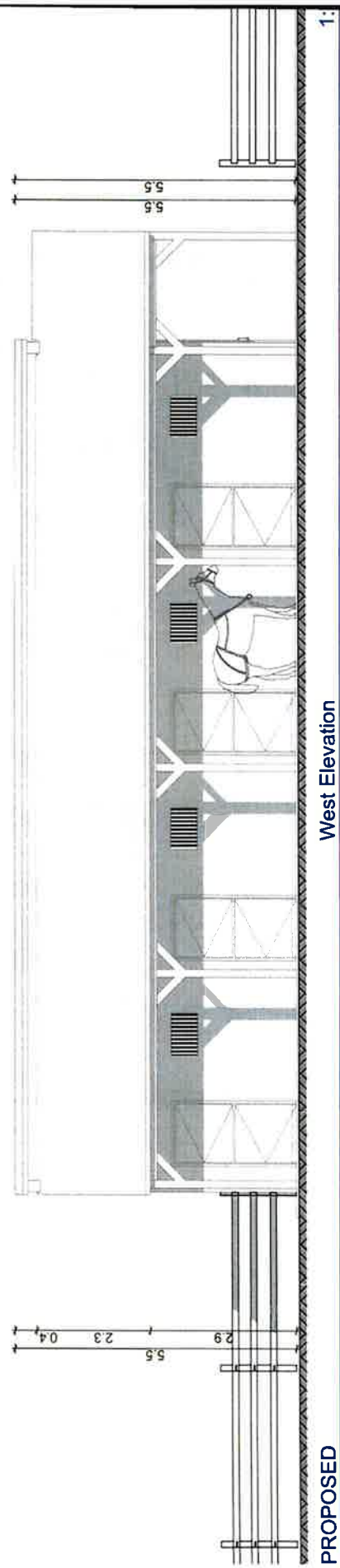
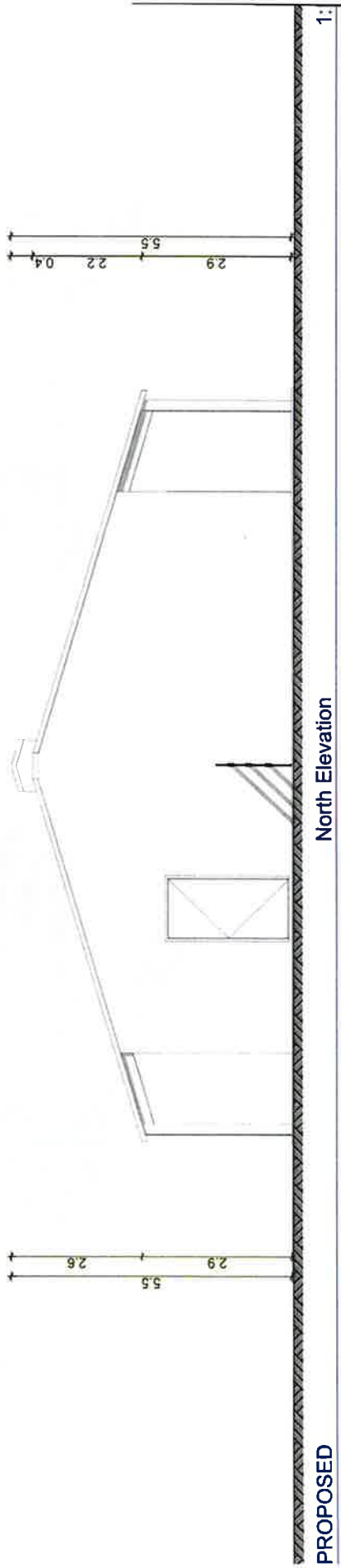
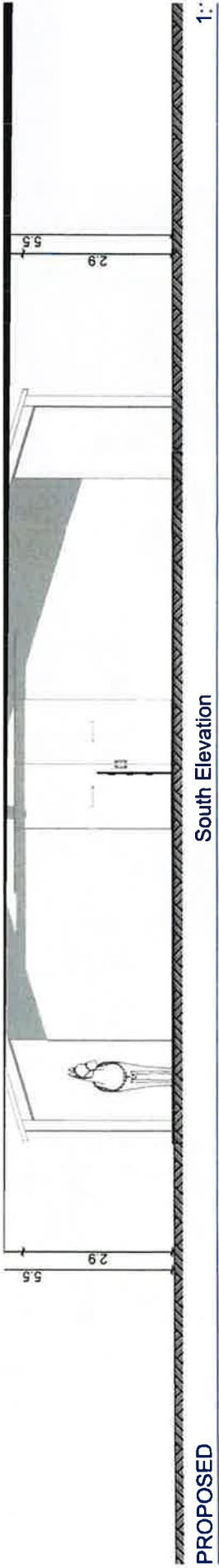


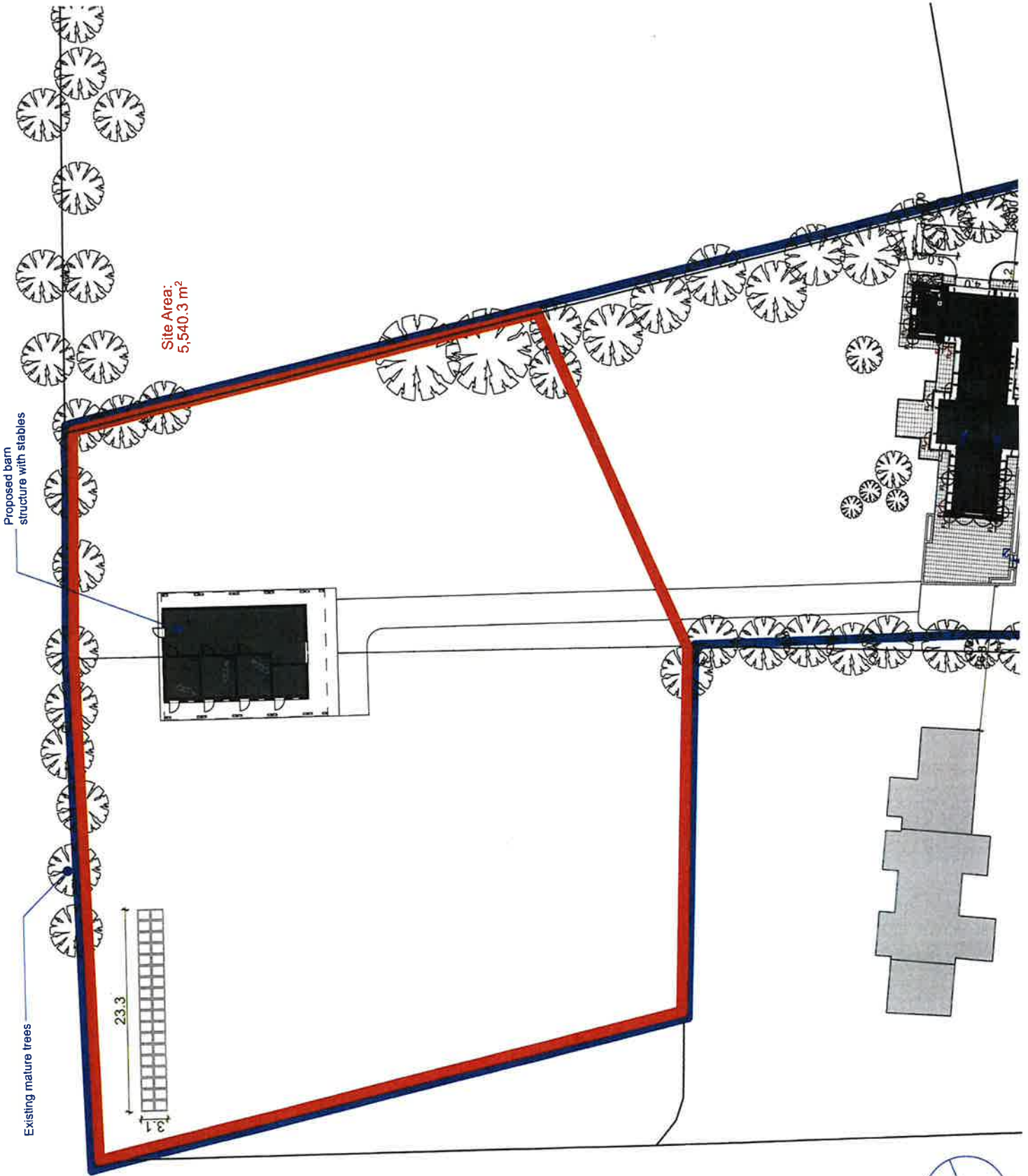
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MEATH COUNTY COUNCIL
CHIEF EXECUTIVE ORDER

Chief Executive Order Number: 1717/24
Reference Number: RAS52489
Subject: Declaration under Part 1, Section 5, Planning and Development Act 2000-2022
Name of Applicant: Michael Sylver
Address: c/o Bernard Voortman
Cummins & Voortman Ltd
Suite 8
First Floor
Stokes Court
Rear of No. 8 Dundrum Main Street
Dublin 14


Nature of Application: Section 5 Declaration on Development / Exempted Development of Installation of a single storey 167.7sq.m. barn to include stables in existing grass field in agricultural holding.

Location of Development: Piercetown, Dunboyne, Co Meath A86 CX93

DECLARATION: This development is development requiring Planning Permission.

ORDER:

Being satisfied that all requirements relating to the Application have been complied with and to consider the proper Planning and Development of the County Meath Health District, IT IS HEREBY DECIDED, in pursuance of the above Act to declare that this is **DEVELOPMENT REQUIRING PLANNING PERMISSION.**

SIGNED: 
On Behalf of Meath County Council

DATE: 02/12/2024

MEATH COUNTY COUNCIL

Planning Department

Buvinda House

Dublin Road

Navan

Co Meath

046 - 9097500

Planning & Development Act 2000- 2022

DECLARATION

To: Michael Sylver
c/o Bernard Voortman
Cummins & Voortman Ltd
Suite 8
First Floor
Stokes Court
Rear of No. 8 Dundrum Main Street
Dublin 14

PLANNING REFERENCE RAS52489
NUMBER:
APPLICATION RECEIPT DATE: 08/11/2024
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 02/12/2024 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: Installation of a single storey 167.7sq.m. barn to include stables in existing grass field in agricultural holding **at Piercetown, Dunboyne.**

Date: 02/12/2024

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

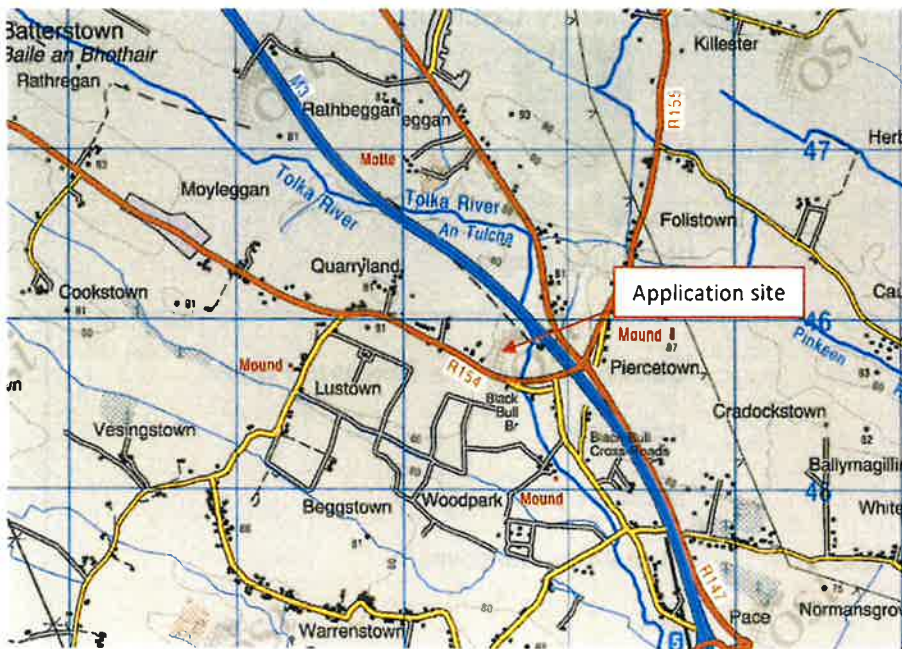


Planning Report

From:	Deirdre Fallon, Senior Executive Planner
File Number:	RAS52489
Applicant Name(s):	Michael Sylver
Development Address:	Piercetown, Dunboyne
Inspection Date:	N/A
Application Type:	Section 5 of the Planning & Development Act 2000 (as amended): Declaration on Development/ Exempted Development
Development Description:	Installation of a single storey 167.7sq.m. barn to include stables in existing grass field in agricultural holding.
Report Date:	2 nd December 2024
Decision Due Date:	6 th December 2024

1.0 SITE LOCATION & DESCRIPTION

The subject site is located in Piercetown, Dunboyne northeast of the R154 regional road. A number of dwellings are located to the south of the site.



Site location



Aerial View (c. Google Maps)

2.0 PROPOSED DECLARATION

The referrer seeks a declaration as to whether the installation of a single storey 167.7sq.m. barn to include stables in existing grass field in agricultural holding is or is not development and is or is not exempted development. According to the details provided the overall height of the structure is 5.5m.

3.0 PLANNING HISTORY

On Site

RAS52472: The installation of 72sq.m. of solar panels in existing grass field in agricultural holding was deemed to be development which is exempted development.

On Landholding

DA/131022: Permission granted for demolition of existing dwelling and construction a new 2 storey replacement dwelling and garage, new vehicular entrance, O'Reilly Oakstown BAF 8 PE wastewater treatment system and associated site works.

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(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

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 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 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 2001-2024

Article 6(3)

“Subject to article 9, in areas other than a city, a town or an area specified in section 19(1)(b) of the Act or the excluded areas as defined in section 9 of the Local Government (Reorganisation) Act, 1985 (No. 7 of 1985), development of a class specified in column 1 of Part 3 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 3 opposite the mention of that class in the said column 1”.

Article 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 (see full text in regulations).

Schedule 2, Part 3 Exempted Development – Rural

Schedule 2, Part 3, Class 6 (Agricultural Structures) of the Planning and Development Regulations 2001 (as amended) relate to:

“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”.

This is subject to the following conditions and limitations:

1. No such structure shall be used for any purpose other than the purpose of agriculture.
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 300sq.m. gross floor space in aggregate.
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.
4. No such structure shall be situated, and no effluent from such structure shall be stored, within 10 metres of any public road.

5. No such structure within 100 metres of any public road shall exceed 8 metres in height.
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.
7. No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.

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), "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";

It is considered the works detailed would constitute development for planning purposes. Therefore, the focus, is on whether or not the proposed development constitutes exempted development.

(ii) Does the proposal constitute exempt development:

The proposal is described as a barn which includes stables. It appears that the most appropriate provision against which the proposal should be assessed is Class 6 to Part 3, Schedule 2 of the Planning & Development Regulations 2001-2024. Class 6 refers to "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".

The proposal is assessed against the conditions and limitations of Class 6 as follows:

1. No such structure shall be used for any purpose other than the purpose of agriculture.

It is noted that the building contains a large extent of storage/circulation floorspaces (104.9sq.m. out of 164.9sq.m. net floor area). The purpose of the storage area would need to be clarified.

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 300sq.m. gross floor space in aggregate.

There are no other agricultural buildings shown on the landholding.

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.

No details have been submitted in respect of effluent storage. This would need to be provided.

4. No such structure shall be situated, and no effluent from such structure shall be stored, within 10 metres of any public road.

The building and the red line boundary of the site is located further than 10m from the nearest public road.

5. No such structure within 100 metres of any public road shall exceed 8 metres in height. The height of the structure is a maximum 5.5 metres.
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.

The building is less than 100m metres from one of the dwellings to the south (outside of the landownership boundary which has been provided). A letter of consent has not been provided.

7. No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.

External finishes have not been stated and would need to be provided.

It is considered that the proposed development does not meet the conditions and limitations of Class 6, Part 3 of Schedule 2 of the Planning & Development Regulations 2001-2024 and therefore is not exempted development.

(iii) Appropriate Assessment:

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. The nearest site within 15km is the Carton Rye Water Valley SAC (001398) to the southwest. There does not appear to be any pathway between the application site and the SAC site.

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.

(iv) 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.

(v) Conclusion

It is considered that the proposal represents development which is not exempted development as set out hereunder.

6.0 RECOMMENDATION

It is therefore recommended that this declaration of exemption be determined as set out hereunder:

WHEREAS the question has arisen as to whether the installation of a single storey 167.7sq.m. barn to include stables 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:

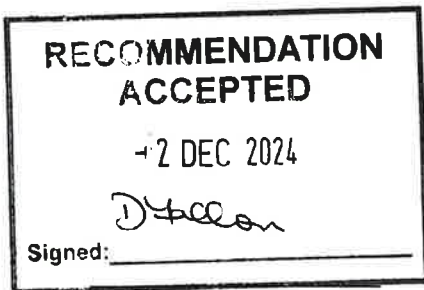
- (a) Sections 2, 3, 4 & 177U of the Planning and Development Act 2000 (as amended),
- (b) Article 6 of the Planning and Development Regulations, 2001 (as amended),
- (c) Class 6 of Part 3 of Schedule 2 of the Planning and Development Regulations 2001 – 2024,
- (d) The information provided.

AND WHEREAS Meath County Council has concluded: -

- (a) The proposal constitutes works which is development as defined in Section 3 of the Planning and Development Act 2000-2022.
- (b) The proposal would not comply with the conditions and limitations as set out under Class 6 of Part 3 to Schedule 2 of the Planning and Development Regulations 2001-2024 in particular Condition and Limitation Nos. 3 and 6 and, based on the information

submitted, it is unclear whether the proposal would comply with Condition and Limitation Nos. 1 and 7.

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 8th November 2024 is development and is not exempted development.



Deirdre Fallon
Senior Executive Planner
2nd December 2024