

MEATH COUNTY COUNCIL

CHIEF EXECUTIVE ORDER

Chief Executive Order Number: 35/25

Reference Number: AAS52497

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

Name of Applicant: Ivan Reynolds
c/o Paraic Fay B.Agr.SC.,
CLW Environmental Planners Ltd,
The Mews,
23 Farnham St.,
Co. Cavan

Address: Gerrardstown, Garlow Cross, Navan, Co. Meath


Nature of Application: Construct 1 No. egg/general agricultural purpose storage shed (excl. housing of animals or storage of effluent)

Location of Development: Gerrardstown, Garlow Cross, Navan, co. Meath

DECLARATION: This development is **NOT 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 **NOT EXEMPTED DEVELOPMENT**.

SIGNED: 

On Behalf of Meath County Council

DATE: 09/01/2025

MEATH COUNTY COUNCIL

Planning Department

Buvinda House

Dublin Road

Navan Co Meath

046 - 9097500

Planning & Development Act 2000- 2022

DECLARATION

To: Ivan Reynolds
c/o Paraic Fay B.Agr.Sc.,
CLW Environmental Planners Ltd.,
The Mews,
23 Farnham St.,
Co. Cavan

PLANNING REFERENCE NUMBER: AAS52497

APPLICATION RECEIPT DATE: 04/12/2024

FURTHER INFORMATION DATE:

In pursuance of the powers conferred upon them by the Planning and Development Act 2000-2022, Meath County Council has by order dated 09/01/2025 decided to Declare the proposed development is **NOT EXEMPT**, in accordance with the documents submitted namely: Construct 1 No. egg/general agricultural purpose storage shed (excl. Housing of animals or storage of effluent at Gerrardstown, Garlow Cross, Navan, Co. Meath, **is not exempted** development.

Date: 09/01/2025

Triona Keating
On Behalf of Meath County Council

NOTE:

1. Any appeal against a Declaration of a Planning Authority under Section 5, sub-section 3(a) of the Planning and Development Act 2000-2022 may be made to An Bord Pleanala by the applicant **WITHIN FOUR WEEKS** beginning on the date of issue of the Declaration.
2. Appeals should be addressed to An Bord Pleanala, 64 Marlborough Street, Dublin 1. An appeal by the applicant should be accompanied by this form. The fee for an appeal against a Declaration of the Planning Authority is € 220.

For more information on Appeals you can contact An Bord Pleanala at:

Tel: 01 - 8588100 or LoCall: 1890 275 175

Fax: 01 - 8722684

E-mail: bord@pleanala.ie Web: www.pleanala.ie

Meath County Council



Planning Report

To:	Deirdre Fallon, Senior Executive Planner
From:	Michael McKenna, Assistant Planner
File Number:	AA/S52497
Applicant Name(s):	Ivan Reynolds
Development Address:	Gerrardstown, Garlow Cross, Navan, Co. Meath
Inspection Date:	N/A
Application Type:	Section 5 of the Planning & Development Act 2000 2022): Declaration on Development/Exempted Development
Development Description:	Construct 1no. egg/general agricultural purpose storage shed (excl. housing of animals or storage of affluent)
Report Date:	09/01/2025
Decision Due Date:	10/01/2025

1.0 SITE LOCATION & DESCRIPTION



The site is located in the townland of Gerrardstown, the site is accessed of a single lane private cul de sac that also serves two dwellings. There are existing poultry houses on the northern end of the site with the western section of the site in pasture use. The site slopes away from the road.



2.0 PROPOSED DECLARATION

The referrer seeks a declaration as to whether "Construct 1no. egg/general agricultural purpose storage shed (excl. housing of animals or storage of affluent)" **is or is not development and is or is not exempted development.**

3.0 PLANNING HISTORY

24282 EOD to construct 2 no. poultry houses (1 no. free range and 1 no. barn type house) together with all ancillary structures (to include 6 no. meal bins and 1 no. soiled water tank) and associated site works - see ref AA181504. Granted

AA181504. to construct 2 No. Poultry houses (1 No. Free Range and 1 No. Barn Type House), together with all ancillary structures (to include 6 No. Meal Bins and 1 No. Soiled water tank) and associated site works arising from the above development at Gerrardstown, Garlow Cross, Navan, Co. Meath. The above proposed development is in lieu of that previously approved under planning REF: NA901936 and AA150004) This application relates to a development, which is for the purposes of an activity requiring a Licence under part IV of the Environmental Protection Agency (Licensing) Regulations 1994 to 2013. An Environmental Impact Assessment Report (E.I.A.R.) will be submitted with this planning application. Granted

AA/150004: Permission for EXTENSION OF DURATION OF PLANNING PERMISSION REF. NO. NA/901936 - the construction of a new poultry unit, with integrated egg storage area together with ancillary structures to include meal storage bins, concrete apron & loading bay & all associated site works. The proposed new unit will be connected to an existing poultry unit that was previously granted permission under NA/70523 (Statement for Screening for Appropriate Assessment submitted). Ivan Reynolds

NA/901936: Permission for the construction of a new poultry unit, with integrated egg storage area together with ancillary structures to include meal storage bins, concrete apron & loading bay & all associated site works. The proposed new unit will be connected to an existing poultry unit that was previously granted permission under NA/70523 (Statement for Screening for Appropriate Assessment submitted). Ivan Reynolds

NA/70523: Permission for the construction of a new poultry unit, associated dung shed, concrete apron, feed silo, extension of existing access lane and associated works. Further Information has been submitted and the changes made include changes of site and site layout with a view to increasing the separation distance between the proposed building and the nearby stream. Ivan Reynolds.

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*
- (i) "the development is authorised, or is required to be authorised, by or under any enactment...."*

Section 4(2)(c)

"Regulations under this subsection may, in particular and without prejudice to the generality of paragraph (a) provide, in the case of structures or other land used for a purpose of any specified class, for the use thereof for any other purposes being exempted development for the purposes of this Act".

Section 4(4)

Notwithstanding paragraphs (a), (i), (ia) and (l) of subsection (1) and any regulations under subsection (2), development shall not be exempted development if an environmental impact assessment or an appropriate assessment of the development is required.

Section 177U(9)

"In deciding upon a declaration for the purposes of Section 5 of this Act a planning authority or the Board, as the case maybe, shall where appropriate, conduct a screening for appropriate assessment in accordance with the provisions of this Section."

Planning and Development Regulations 2001-2024**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.

Schedule 2, Part 3 Exempted Development – Rural

Schedule 2, Part 3, Class 9 (Agricultural Structures) of the Planning and Development Regulations 2001 (as amended) relate to:

“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”.

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.

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.

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.

6. 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 proposal detailed would constitute development in accordance with Section 3(1) of the Planning and Development Act 2000-2022. Therefore, the focus, is on whether or not the proposed development constitutes exempted development.

(ii) Does the proposal constitute exempt development:

Based on the drawings submitted the proposal would be assessed against the conditions and limitations of Schedule 2, Part 3, Class 9 of the Planning & Development Regulations 2001 (as amended) as outlined below:

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 shed shall be for the storage of eggs and for the purposes outlined under class 9. I am satisfied that the applicant complies with this limitation.

2. The gross floor space of such structures 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 area of the proposed unit would have a stated floor area of 246.66sq. m. Taken in conjunction with the other agricultural structures I am not satisfied that the total floor area of the total number of buildings is 900sq. m or less. Therefore, it is considered that the proposed development does not comply with this condition/limitation and is therefore not considered exempt development.

3. No such structure shall be situated within 10 metres of any public road.

The structure is situated in excess of 500m from the public road.

4. No such structure within 100 metres of any public road shall exceed 8 metres in height.

The height of the structure is stated to be 6.1m above ground level and is in excess of 100m from the public road (c.500m).

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.

The shed shall be c100m from the nearest dwelling.

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

It is proposed to finish the structure in a green or dark coloured cladding.

Based on the submitted documentation I am not satisfied that the development would comply with the conditions and limitations of Class 9 to Part 3 of Schedule 2, of the Planning and Development Regulations, 2001-2024.

(iii) Restrictions on Exemptions:

The works are not restricted by virtue of Article 9(1)(a)(i) – (xii) (inclusive).

(iv) Appropriate assessment:

Article 9(1)(a) (viiB) sets out that where a planning authority, as the competent authority in relation to appropriate assessment, considers that a development would be likely to have significant effect on the integrity of a European site then there is a restriction on exemption. The site is not within or directly adjoining any Natura 2000 site. The nearest being 7.5km away to the north.

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

The Planning Authority considered the nature, scale and location of the proposed development and other plans and projects (where there could be potential for cumulative or in-combination effects), the conservation objectives/ qualifying interests of European Sites within the vicinity of the site and the distance to European Sites, any protected habitats or species, the WFD catchment location, the underlying aquifer type and vulnerability and the excavation works, emissions, transportation requirements and duration of construction and operation and cumulative impacts associated with the proposal.

The Planning Authority's Screening for Appropriate Assessment has considered the potential effects including direct, indirect and in-combination effects of the proposed development, individually or in combination with the permitted developments and cumulatively with other plans or projects on European Sites. The Planning Authority concludes that the proposed development (entire project), by itself or in combination with other plans and developments in the vicinity, would not be likely to have a significant effect on European Site(s). In light of this, it is considered that a Stage 2 Appropriate Assessment (Natura Impact Statement) is not required in this instance.

(v) Environmental Impact Assessment:

The works are not a development type listed under Part 1 or 2 of Schedule 5 of the Planning & Development Regulations (PDR) 2001-2024. Therefore EIA, preliminary examination or screening for EIA is not required.

6.0 CONCLUSION

On the basis of the information provided, Planning Authority is satisfied that the proposed development would constitute the carrying out of 'works' as indicated above and would therefore constitute development within the meaning given in the Planning and Development Act 2000-2022; and would not be exempted development as it does not comply with the conditions and limitations associated with Class 9 of Part 3, Schedule 2 of the Planning and Development Regulations, 2001-2024.

7.0 RECOMMENDATION

It is therefore recommended that a declaration of Exemption be issued which states that the proposal represent development which is not exempted development as set out hereunder:

WHEREAS the question has arisen as to whether the proposal to "*Construct 1no. egg/general agricultural purpose storage shed (excl. housing of animals or storage of affluent)*" 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, & 177U (9) of the Planning and Development Act 2000-2022,
- (b) Articles 6 & 9 of the Planning and Development Regulations, 2001-2024,
- (c) Class 9 of Part 3 of Schedule 2 of the Planning and Development Regulations 2001-2024;
- (d) Information provided.

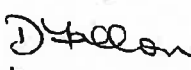
AND WHEREAS Meath County Council has concluded: -

- (a) The proposal represents works which constitutes development in accordance with Section 3(1) of the Planning and Development Act 2000-2022.
- (b) The proposal would not constitute exempted development as it does not comply with the conditions and limitations which apply to Class 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 2000-2021, hereby decides that the said development as detailed on plans and particulars submitted on 04th December 2024 is development and is not exempt development.



Michael McKenna
Executive Planner

**RECOMMENDATION
ACCEPTED**
- 9 JAN 2025

Signed: _____

Deirdre Fallon
Senior Executive Planner

APPLICATION FORM - DECLARATION ON DEVELOPMENT & EXEMPTED DEVELOPMENT

Part 1 Section 5 of Planning and Development Act 2000-2014, as amended.

1. Name: _____ Ivan Reynolds

Address: _____ Gerrardstown, Garlow Cross, Navan, Co. Meath

Phone No: _____ **E-mail :** _____

2. Address for correspondence:

Address: __ C/o Paraic Fay B.Agr.Sc., CLW Environmental Planners Ltd., The Mews, 23 Farnham St., Cavan

Phone No: __ 049-4371447_ **E-Mail:** __ paraic@clw.ie

3. Location of Development and/or Subject Site: _ Gerrardstown, Garlow Cross, Navan, Co. Meath

4. Description of Development: Construct 1 No. egg/general agricultural purpose storage shed (excl. housing of animals or storage of effluent)

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

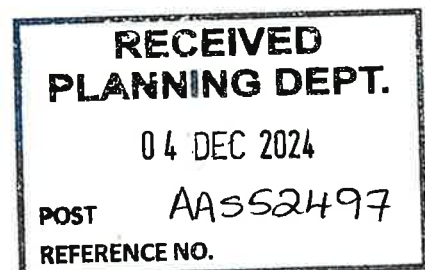
6(b) If "YES", has a Declaration under Section 57 of the Planning & Development Act 2000 - 2014, as amended, been requested or issued for the property by the Planning Authority?

Please tick as appropriate: YES ____ NO ____

7. State overall height of structure if applicable: _ c. 6.1 m >GL_____

8. State in square metres the floor area of the proposed development:
246.22 m2

9. List of plans / drawings etc. submitted:
A. Site Plan



B. Location Map

C. Plans and Drawings

10. Please state applicants interest in this 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 X_

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 _ X NO _ _

12 (b), If "YES" please supply details:

File Number	Application Status	Decision Due Date	Decision Date	Decision Code	Received Date	Applicant Name	Development Address	Development Description	Local Authority Name
24282	APPLICATION FINALISED	20/08/2024	14/08/2024	CONDITIONAL	26/06/2024	Ivan Reynolds	Gerrardstown Garlow Cross Navan Co Meath	EOD to construct 2 no. poultry houses (1 no. free range and 1 no. barn type house) together with all...	Meath Co. Co.
AA150004	APPLICATION FINALISED	02/03/2015	25/02/2015	UNCONDITIONAL	06/01/2015	Ivan Reynolds,	Gerardstown Garlow Cross Navan, Co. Meath	EXTENSION OF DURATION OF PLANNING PERMISSION REF. NO. NA/901936 - the construction of a new poultry...	Meath Co. Co.
AA181482	INCOMPLETED APPLICATION				11/12/2018	Ivan Reynolds	Gerrardstown Garlow Cross Navan, Co. Meath	to construct 2 No. Poultry houses (1 No. Free Range and 1 No. Barn Type House), together with all a...	Meath Co. Co.
AA181504	APPLICATION FINALISED	11/08/2019	08/08/2019	CONDITIONAL	14/12/2018	Ivan Reynolds	Gerrardstown Garlow Cross Navan, Co. Meath	to construct 2 No. Poultry houses (1 No. Free Range and 1 No. Barn Type House), together with all an ...	Meath Co. Co.
NA70523	APPLICATION FINALISED	16/01/2008	15/01/2008	CONDITIONAL	04/10/2007	Ivan Reynolds	Gerrardstown Garlow Cross Navan	the construction of a new poultry unit, associated dung shed, concrete apron, feed silo, extension o...	Meath Co. Co.
NA901252	INCOMPLETED APPLICATION				10/08/2009	Ivan Reynolds	Gerrardstown Garlow Cross Navan Co Meath	a dung shed and associated concrete apron together with an electricity sub station all required in c...	Meath Co. Co.
NA901387	INCOMPLETED APPLICATION				01/09/2009	Ivan Reynolds	Gerrardstown Garlow Cross Navan Co. Meath	the retention of a dung shed and associated concrete apron together with an electricity sub-station ...	Meath Co. Co.
Na901428	APPLICATION FINALISED	02/11/2009	22/10/2009	CONDITIONAL	08/09/2009	Ivan Reynolds	Gerrardstown Garlow Cross Navan Co. Meath	the retention of a dung shed and associated concrete apron together with an electricity sub-station ...	Meath Co. Co.
NA901936	APPLICATION FINALISED	27/04/2010	26/04/2010	CONDITIONAL	22/12/2009	Ivan Reynolds	Gerrardstown Garlow Cross Navan Co Meath	the construction of a new poultry unit, with integrated egg storage areatogether with ancillary stru...	Meath Co. Co.

SIGNED: _____

DATE: _____



3/12/2024

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**

