

Comhairle Chontae na Mí

Roinn 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: Michael McGibbon c/o Ashdale Care Ireland Ltd

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

As Above

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

3. Location of Development and/or Subject Site: Teltown, Oristown, Co. Meath, C15 HN84

4. Description of Development: **Change of use of dwelling to use exclusively as a residence for persons with an intellectual or physical disability or mental illness and persons providing care for such persons at Teltown, Oristown, Co. Meath, C15 HN84. The number of persons in our care shall not exceed 6 and the resident carers shall not exceed 2, in accordance with Class 14, Part 1(f) of the Planning and Development Regulations 2001.**

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 N/A

7. State overall height of structure if applicable: Approx 6.2m

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

Approx 220 sqm

9. List of plans / drawings etc. submitted: Site Location Plan - 1:2500, Site Layout - 1:500, Elevations - 1:100, Floorplans - 1:50

10. Please state applicants interest in this site

Prospective Owner _____

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

Mr Philip O'Brien, Teltown, County Meath, C15 N5T8 _____

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:

N/A _____

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:

94/944 & 01/231 _____

SIGNED: Michael McGibbon c/o Ashdale Care Ireland Ltd.

DATE: 07/01/2024

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

MEATH COUNTY COUNCIL

CHIEF EXECUTIVE ORDER

Chief Executive Order Number: 158/25

Reference Number: KS5/25001

Subject: Declaration under Part 1, Section 5, Planning and Development Act 2000-2023

Name of Applicant: Michael McGibbon, c/o Ashdale Care Ireland Ltd

Address: c/o Ashdale Care Ireland Ltd
The Ridge
McGrath Road
Castleblayney
Co Monaghan


Nature of Application: Change of use of dwelling to use exclusively as a residence for persons with an intellectual or physical disability or mental illness and persons providing care for such persons at Teltown, Oristown, Co Meath C15 HN84. The number of persons in our care shall not exceed 6 and the resident carers shall not exceed 2, in accordance with Class 14, Part 1(f) of the Planning & Development Regulations 2001.

Location of Development: Teltown, Oristown, Co Meath C15 HN84

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: 29/01/2025

MEATH COUNTY COUNCIL

Planning Department

Buvinda House

Dublin Road

Navan

Co Meath

046 - 9097500

Planning & Development Act 2000- 2023

DECLARATION

To: Michael McGibbon, c/o Ashdale Care Ireland Ltd
c/o Ashdale Care Ireland Ltd
The Ridge
McGrath Road
Castleblayney
Co Monaghan

**PLANNING REFERENCE
NUMBER:**

KS525001

APPLICATION RECEIPT DATE: 07/01/2025

FURTHER INFORMATION DATE: N/A

In pursuance of the powers conferred upon them by the Planning and Development Act 2000-2023, Meath County Council has by order dated 29/01/2025 decided to Declare the proposed development is **EXEMPT**, in accordance with the documents submitted namely: **Change of use of dwelling to use exclusively as a residence for persons with an intellectual or physical disability or mental illness and persons providing care for such persons at Teltown, Oristown, Co Meath C15 HN84. The number of persons in our care shall not exceed 6 and the resident carers shall not exceed 2, in accordance with Class 14, Part 1(f) of the Planning & Development Regulations 2001 at Teltown, Oristown, Co Meath C15 HN84**

Date: 29/01/2025

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 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:	Peadar McQuaid, A/Senior Executive Planner
From:	Ryan Keleghan, Assistant Planner
File Number:	KS525001
Applicant:	Michael McGibbon
Development Address:	Teltown, Oristown, Co. Meath, C15 HN84.
Application Type:	Section 5 of the Planning & Development Act 2000-2022: Declaration on Development/Exempted Development.
Date of Report:	27/01/2025
Date Decision Due:	03/02/2025
Development Description:	Change of use of dwelling to use exclusively as a residence for persons with an intellectual or physical disability or mental illness and persons providing care for such persons at Teltown, Oristown, Co. Meath, C15 HN84. The number of persons in our care shall not exceed 6 and the resident careers shall not exceed 2, in accordance with Class 14, Part 1 (f) of the Planning and Development Regulations 2001.



1. Site Location & Description

The site measures approximately 0.24ha and is located within the townlands of Oristown, approximately 7.2 km east of Kells, Co. Meath. The site is located along the local road L-3409-0. There is a residential dwelling located on the site. The site is adjacent to a residential dwelling and agricultural lands. There is no active planning applications associated with the site.

The area is zoned RA as Rural Area and is not located within a settlement boundary. The site is not located within an Architectural Conservation Area (ACA). The site is designated a Strong Rural Area, according to the Meath County Development Plan 2021-2027. There are no Protected Structures, National Monuments or Protected Views within the application site. The site is located within a 'River Corridor and Estuary' area, namely the 'Blackwater Valley', which has a very high landscape character value and a high landscape character sensitivity.

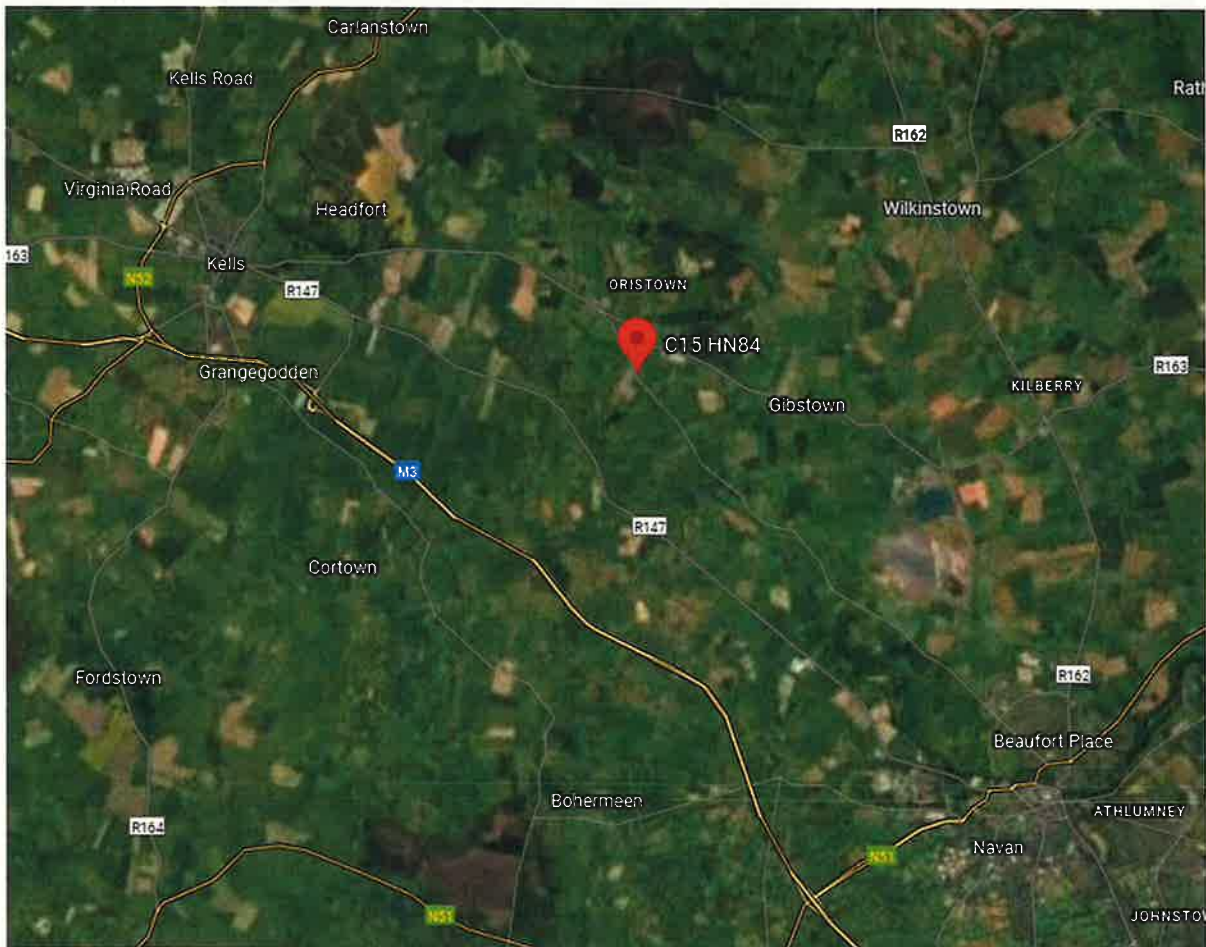


Figure 1: Site Location (Red Pin) (Source: Google Maps, 2025)

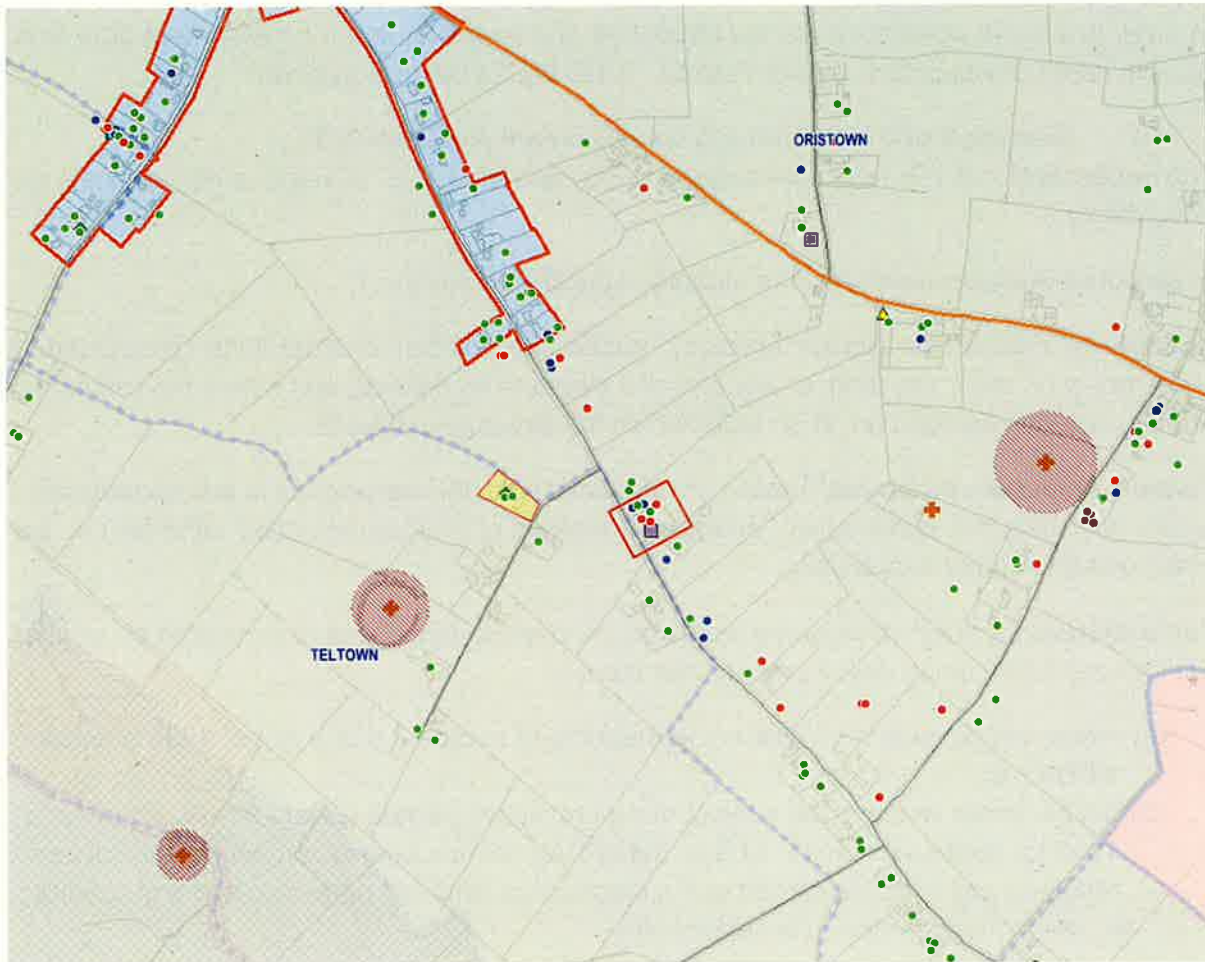


Figure 2: Site Zoning as per Meath County Council Development Plan 2021-2027.

2. Proposed Development

The applicant describes the development in the completed application form as a “*Change of use of dwelling to use exclusively as a residence for persons with an intellectual or physical disability or mental illness and persons providing care for such persons at Teltown, Oristown, Co. Meath, C15 HN84. The number of persons in our care shall not exceed 6 and the resident careers shall not exceed 2, in accordance with Class 14, Part 1 (f) of the Planning and Development Regulations 2001*” is or is not development and is or is not exempted development.

3. Planning History

A review of the Meath County Council Planning Register indicates that there is a recent and relevant planning history at the subject site.

Plan Ref: 01231: Planning permission was granted for the development of a side extension/conservatory and attic conversion including the installation of dormer windows”. The application was granted permission subject to conditions. Based on a review of satellite imagery the conservatory has not been constructed and the life of the permission will have passed now. The attic conservation appears to have taken place based on the presence of the rooflights seen on the satellite imagery for the site.



4. Relevant Legislation

In order to assess whether or not the structures and land is or is not development or is or is not exempted development regard must be had to the following legislation:

4.1. Section 2 of the Planning & Development Act 2000-2022

“**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

“**use**”, in relation to land, does not include the use of the land by the carrying out of any works thereon;

“**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.

4.2. Section 3 of the Planning & Development Act 2000-2022

Section 3(1) PDA 2000-2022 defines “development” as follows:

“.In this Act, except where the context otherwise requires, “development” means—

- (a) the carrying out of any works in, on, over or under land, or the making of any material change in the use of any land or structures situated on land”.

4.3. Section 4 of the Planning & Development Act 2000-2022

Section 4(1) – “The following shall be exempted developments for the purposes of this Act—

- (h) development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures;

Section 5 Exemption Certificate



(j) development consisting of the use of any structure or other land within the curtilage of a house for any purpose incidental to the enjoyment of the house as such;”

Section 4(2) provides for the making of regulations relating to exempted development. The Planning & Development Regulations (PDR) 2001-2024 give effect to section 4(2).

4.4. Section 5 of the Planning & Development Act 2000-2022

Section 5 PDA 2000-2022 provides inter alia:

- 1) If any question arises as to what, in any particular case, is or is not development or is or is not exempted development within the meaning of this Act, any person may, on payment of the prescribed fee, request in writing from the relevant planning authority a declaration on that question, and that person shall provide to the planning authority any information necessary to enable the authority to make its decision on the matter.
- 2) (a) Subject to paragraph (b), a planning authority shall issue the declaration on the question that has arisen and the main reasons and considerations on which its decision is based to the person who made the request under subsection (1), and, where appropriate, the owner and occupier of the land in question, within 4 weeks of the receipt of the request.
(b) A planning authority may require any person who made a request under subsection (1) to submit further information with regard to the request in order to enable the authority to issue the declaration on the question and, where further information is received under this paragraph, the planning authority shall issue the declaration within 3 weeks of the date of the receipt of the further information.
(c) A planning authority may also request persons in addition to those referred to in paragraph (b) to submit information in order to enable the authority to issue the declaration on the question.

4.5. Section 32 of the Planning & Development Act 2000-2022

Section 32 PDA 2000-2022 sets out a general obligation to obtain planning permission in respect of any development of land, not being exempted development, and in the case of development, which is unauthorised, for the retention of that unauthorised development.

4.6. Section 177U(9) of the Planning & Development Act 2000-2022

“In deciding upon a declaration or a referral under section 5 of this Act a planning authority or the Board, as the case may be, shall where appropriate, conduct a screening for appropriate assessment in accordance with the provisions of this section.”

4.7. Article 6(1) of the Planning & Development Regulations 2001-2024

‘Subject to article 9, development of a class specified in column 1 of Part 1 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 1 opposite the mention of that class in the said column 1.’

4.8. Article 22(4) of the Planning & Development Regulations 2001-2024

“(4) Subject to articles 24 and 25 –

(b) a planning application for any development consisting of or mainly consisting of the making of any material change in the use of any structure or other land, or for the retention of any such material change of use, shall be accompanied by-



Section 5 Exemption Certificate

- (i) a statement of the existing use and of the use proposed together with particulars of the nature and extent of any such proposed use,
- (ii) where the development to which the application relates comprises the carrying out of works on, in, over or under the structure or other land, 6 copies of such plans (including a site or layout plan and drawings of floor plans, elevations and sections which comply with the requirements of article 23), and such other particulars, as are necessary to describe the works proposed, and
- (iii) such plans and such other particulars as are necessary to identify the area to which the application relates.”

4.9. Schedule 2, Part 1 of the Planning & Development Regulations 2001-2024

The following sections have been considered:

CLASS 14 F Change of Use

“Development consisting of a change of use—

- (f) from use as a house, to use as a residence for persons with an intellectual or physical disability or mental illness and persons providing care for such persons.”

Conditions and Limitations:

- 1) The number of persons with an intellectual or physical disability or a mental illness living in any such residence shall not exceed 6 and the number of resident carers shall not exceed 2.

4.10. Article 9(1) of the Planning & Development Regulations 2001-2024

Restrictions on exemptions ‘Development to which Article 6 relates shall not be exempted development for the purposes of the Act —

(a) if the carrying out of such development would— ...

- (i) contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act,
- (ii) consist of or comprise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width,
- (iii) endanger public safety by reason of traffic hazard or obstruction of road users,
- (iiia) endanger public safety by reason of hazardous glint and/or glare for the operation of airports, aerodromes or aircraft,
- (iv) except in the case of a porch to which class 7 specified in column 1 of Part 1 of Schedule 2 applies and which complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1, comprise the construction, erection, extension or renewal of a building on any street so as to bring forward the building, or any part of the building, beyond the front wall of the building on either side thereof or beyond a line determined as the building line in a development plan for the area or, pending the variation of a development plan or the



Section 5 Exemption Certificate

making of a new development plan, in the draft variation of the development plan or the draft development plan,

(v) consist of or comprise the carrying out under a public road of works other than a connection to a wired broadcast relay service, sewer, water main, gas main or electricity supply line or cable, or any works to which class 25, 26 or 31 (a) specified in column 1 of Part 1 of Schedule 2 applies,

(vi) interfere with the character of a landscape, or a view or prospect of special amenity value or special interest, the preservation of which is an objective of a development plan for the area in which the development is proposed or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,

...

(xii) further to the provisions of section 82 of the Act, consist of or comprise the carrying out of works to the exterior of a structure, where the structure concerned is located within an architectural conservation area or an area specified as an architectural conservation area in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan and the development would materially affect the character of the area,

(c) if it is development to which Part 10 applies, unless the development is required by or under any statutory provision (other than the Act or these regulations) to comply with the procedures for the purposes of giving effect to the Council Directive.”

5. Assessment

The question has arisen as to whether or not the construction of a *“Change of use of dwelling to use exclusively as a residence for persons with an intellectual or physical disability or mental illness and persons providing care for such persons”* at Teltown, Oristown, Co. Meath, C15 HN84 comprises development or is 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.

Development:

Having regard to the definition of ‘development’ within the Planning and Development Act (PDA) 2000-2022, *“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 PDA 2000-2022.

Exempted Development:

Based on the very limited information shared at the time of the application, and the review of the drawings information submitted it is considered that in the context of Section 4(1)(h) of the Planning and Development Act 2000-2023, the extent of the works relates to the material change of use from a dwelling to a residence for persons with an intellectual or physical disability. This change of use is granted an exemption based on a condition that the occupancy of the structure will not exceed 6 people residing in the structure and residents’ carers, shall



Section 5 Exemption Certificate

not exceed 2 people. Based on the information provided in the application form this will be adhered to and the exemption, under Class 14(F) of the PDR 2001-20224 can be applied to the change of use.

The building is not listed as a protected structure as outlined by the Council's planning constraints map. Therefore, it is considered the works would constitute exempted development in this instance.

The restriction on exemptions under Article 9(1)(a)(i) – (xii) (inclusive) are not applicable in this instance.

This exemption has not considered any alterations to the entranceway or site services as they are not proposed as part of the exemption certificate. The conservatory that was previously granted but not developed has not been considered as part of this assessment. The assessment was based on there is no proposed alterations or changes to the dwelling in its current state.

6. 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. There are several Natura 2000 sites situated within a 15-kilometre (approximate) distance of the application site as set out below. There are no apparent direct hydrological links from the subject site to a Natura 2000 site.

- River Boyne and River Blackwater SAC (002299)
- River Boyne and River Blackwater SPA (004232)
- Girley (Drewstown) Bog SAC (002203)
- Killyconny Bog (Cloughbally) SAC (000006)

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.

7. Environmental Impact Assessment

The Planning Authority is required to determine if the proposed development requires an Environmental Impact Assessment (EIA). This determination is based on the requirements set out in Schedule 5 of the Planning & Development Regulations, 2001-2024, Schedule 5 requirements.

The Planning Authority is required to determine if the proposed development requires an EIA. The proposed development which involves the permission for the development does not equal or exceed a threshold or represent a category of project listed in Schedule 5 of the PDR 2001-2024. Having regard to the small scale and nature of the development and the site location, the proposal would not require sub-threshold EIA.

8. Conclusion & Recommendations

It is therefore recommended that a declaration with respect as to whether or not the "*change of use of dwelling to use exclusively as a residence for persons with an intellectual or physical disability or mental illness and persons providing care for such persons*" at Teltown, Oristown, Co. Meath, C15 HN84 be issued to state that the proposal is development which is **Exempted Development**.

Having regard to-

WHEREAS a question has arisen as to;

whether or not the change of use of dwelling to use exclusively as a residence for persons with an intellectual or physical disability or mental illness and persons providing care for such persons", comprises development or is exempted development.

at Teltown, Oristown, Co. Meath, C15 HN84, is or is not development or is or is not exempted development:

AND WHEREAS the Planning Authority in consideration of this question has had regard particularly to:

- 1) Section 2, 3, 4, 5, 32 and 177U of the Planning and Development Act, 2000-2023.
- 2) Articles 6 and 9 of the Planning and Development Regulations 2001 -2023
- 3) Schedule 2, Part 1, Class 14F of the Planning and Development Regulations 2001-2023.
- 4) Plans and particulars of the Section 5 application submitted.

AND WHEREAS the Planning Authority has concluded: -

- 1) The "*Change of use of dwelling to use exclusively as a residence for persons with an intellectual or physical disability or mental illness and persons providing care for such*

Section 5 Exemption Certificate



persons at Teltown, Oristown, Co. Meath, C15 HN84. The number of persons in our care shall not exceed 6 and the resident careers shall not exceed 2", comprises works and is development under section 3 (1) of the Planning and Development Act 200-2023.

- 2) The *Change of use of dwelling* is exempted development under the provisions of Schedule 2, Part 1, Class 14F of the Planning and Development Regulations 2001-2023.

NOW THEREFORE Meath County Council, in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act 2000-2023, hereby decides that the said development as detailed on plans and particulars submitted on 07th January 2025 is development and is **exempted development**.

Ryan Keleghan
Assistant Planner
Date: 27/01/2025



Peadar McQuaid
A/Senior Executive Planner
Date: 29/01/2025