MEATH COUNTY COUNCIL CHIEF EXECUTIVE ORDER

Chief Executive Order

302/25

Number:

Reference Number:

KS525004

Subject:

Declaration under Part 1, Section 5, Planning and Development Act

2000-2023

Name of Applicant:

Javabell Ltd

Address:

c/o John Madden & Associates

Blackhall Street Mullingar Co Westmeath N91 V32W

Nature of Application:

Property upgrades to include conversion of existing industrial storage building into Accommodation for use under SI 605 for

International Protection Applicants

Location of Development:

Unit 7, Kells Business Park, Cavan Road, Kells, Co Meath, A82

T3V5

DECLARATION:

This development is not exempted development and therefore 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 development is not exempted development and therefore is DEVELOPMENT REQUIRING PLANNING PERMISSION.

SIGNED:

On Behalf of Meath County Council

DATE:

MEATH COUNTY COUNCIL

Planning Department Buvinda House **Dublin Road** Navan Co Meath 046 - 9097500

Planning & Development Act 2000-2022

DECLARATION

Javabell Limited To:

c/o John Madden & Associates

Blackhall Street Mullingar Co Westmeath N91 V32W

PLANNING REFERENCE

NUMBER:

KS525004

APPLICATION RECEIPT DATE: 15/01/2025

FURTHER INFORMATION

N/A

DATE:

In pursuance of the powers conferred upon them by the Planning and Development Act 2000-2023, Meath County Council has by order dated 11/02/2025 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: Upgrades to include conversion of existing industrial storage building into Accommodation for use under SI 605 for International Protection Applicants at Unit 7, Kells Business Park, Cavan Road, Kells, Co Meath, A82 T3V5.

NOTE:

Any appeal against a Declaration of a Planning Authority under Section 5, sub-section 3(a) 1. 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.

Appeals should be addressed to An Bord Pleanala, 64 Marlborough Street, Dublin 1. An 2. 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: Sandra McCormack, Executive Planner

Date: 10/02/2025

Site inspection: 10/02/2025

File Number: KS525004

Declaration Applicant: Javabell Limited

Location: Unit 7, Kells Business Park, Cavan Road, Kells, Co.

Meath

Application Type: Section 5

Declaration: Whether or not property upgrades to include

conversion of existing industrial storage building into accommodation for use under SI605 for International

Protection Applicants is Exempted Development.

Date Decision Due: 12/02/2025

1.0 Site Location & Description:

The applicant has applied for a Declaration of Exemption as to whether or not conversion of an existing industrial storage building into accommodation for use under SI605 for International Protection Applicants is Exempted Development.

The site is located within the development boundary of Kells in Kells Business Park and is zoned E2-General Enterprise and Employment which has a zoning objective to 'provide for the creation of enterprise and facilitate opportunities for employment through industrial, manufacturing, distribution, warehousing and other general employment/enterprise uses in a goof quality physical environment'.

There are a number of large industrial buildings located within the site. The site is located in the northern portion of Kells Business Park, south of the River Boyne and River Blackwater SAC 002299 & SPA 004232. There are 2 no. Recorded Monuments located within close proximity of the site within Kells Business Park and a number of other Recorded Monuments located within the general area of Commons to the south of Kells Business Park. The site is accessed from Regional Road R147, the Kells to Carnaross Road.



Aerial Map



Site photos



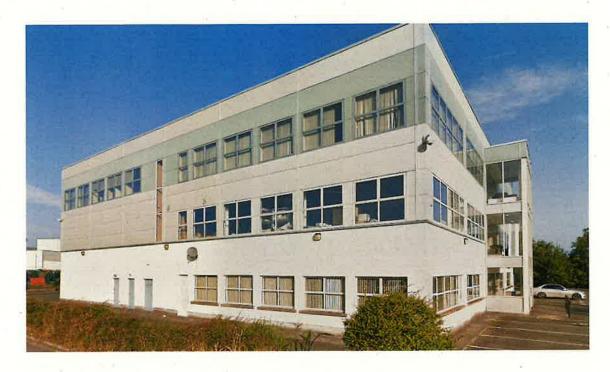
Google Streetview August 2024



Google Streetview August 2024



Google Streetview August 2024



Google Streetview August 2024

2.0 Planning History

211865: Retention permission and planning permission refused to KBPIP Limited for (1) placement of hardcore over lands adjacent to existing commercial unit (2) full planning permission as to complete area with topsoil and grass seed (3) and all ancillary site works.

Reasons for refusal

- 1. Based on the lack of information submitted with the application and having regard to the location of the application site adjacent to the River Boyne and River Blackwater SAC (site code: 002299) and the River Boyne and River Blackwater SPA (site code: 004232), it is considered that the applicant has not demonstrated that the proposed development would not have a significant adverse effect on the Natura 2000 sites. The proposed development would, therefore, be contrary to policies HER POL 31 & HER POL 32 of the Meath County Development Plan 2021-2027, the Section 28 Ministerial Guidelines 'Appropriate Assessment of Plans and Projects in Ireland, Guidance for Planning Authorities, 2009' and the proper planning and sustainable development of the area.
- 2. Having regard to the nature and scale of the proposed development, it is considered that there is not adequate information before the Planning Authority to determine whether there is a real likelihood of significant effects on the environment or whether an EIA is required. In this regard, the proposed development, if permitted, would be contrary to the Environmental Impact Assessment guidelines issued to planning authorities by the Minister under Section 28 of the Planning & Development Acts 2000-2021 and HER POL 31 of the Meath County Development Plan, 2021 to 2027 and would therefore be contrary to the proper planning and sustainable development of the area.

21724: Retention permission and planning permission refused to KBPIP Limited for (1) Retention permission of placement of hardcore over lands adjacent to existing commercial unit (2) Full planning permission as to complete area and construct carparking spaces and complete with bitumen surfacing (3) all ancillary site works.

Reasons for refusal

1. Based on the lack of information submitted with the application and having regard to the location of the application site adjacent to the River Boyne and River Blackwater SAC (site code: 002299) and the River Boyne and River Blackwater SPA (site code: 004232), it is considered that the applicant has not demonstrated that the proposed development would not have a significant adverse effect on the Natura 2000 sites. The proposed development would, therefore, be contrary to NH POL 5 of the Meath County Development Plan 2013-2019, the Section 28 Ministerial Guidelines 'Appropriate Assessment of Plans and Projects in Ireland, Guidance for Planning Authorities, 2009' and the proper planning and sustainable development of the area.

KA191242: Planning permission granted to Shared Access Limited for a 24, multi-user free standing support structure carrying telecommunications equipment, together with associated exchange cabinets, fencing and all associated site development works at Unit 7 Kells Business Park, Cavan Rd, Kells, Co Meath A82 E2K5. Significant Further Information/Revised plans submitted on this application.

KA100027: Planning permission granted to Midland Construction and Engineering Ltd for (a) change the use & subdivide the existing ground floor office & part of the existing ground floor industrial storage unit, for use by a company independent to the existing use by Midland Construction & Engineering Ltd as granted previously under ref. no. KA60123, (b) retain extended office floor area on second floor, (c) retain alterations to elevations & (d) extend & alter existing car parking area.

KA60123: Planning permission granted to Midland Construction and Engineering Ltd for the construction of an industrial storage building for storage of construction plant and materials, with three storey office and toilet facilities, connect to public services and connect with the existing service road leading to the public road, also to provide on site vehicle parking and all ancillary site works. The location of the proposed building and development works are within phase two of the development known as Kells Business Park on site number 7 with revised plans from that previously submitted under current planning application number KA/60123 to include the construction of an access roadway to serve the proposed site, also revised site boundaries to include the proposed access roadway.

Neighbouring site to north-east

24265: Planning permission granted to Moycraft Roofing Ltd for (1) the construction of a new light industrial/warehouse unit with internal office accommodation, reception, toilet and staff canteen, (floor area 1016m2). (2) on-site staff car parking, disabled parking and bicycle parking, (3) installation of EV charging points (4) 2.0m high security fencing

to side and rear boundaries, (5) 1.0m high security fencing to front roadside boundaries, (6) signage on the building, (7) landscaping works, (8) connection to all services and (9) all necessary ancillary site development works to facilitate this development. The development requires and is accompanied by a Natura Impact Statement (NIS).

3.0 Relevant Legislation:

3.1 Planning and Development Act, 2000 - 2023

Section 2(1)

""works" includes any act or operation of construction, excavation, demolition, extension, alterations, repair or renewal and"

Section 3(1)

'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 of use of any structures or other land.'

Section 4 (2) (a) (i)

'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.'

3.2 Planning and Development Regulations 2024

Article 6(1)

'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.'

Article 9(1) Restrictions on Exemption

"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. The most relevant restriction is considered includes:

"(viiB) comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site,"

Schedule 2, Part 1, Class 20F:

Temporary use by or on behalf of the Minister for Children, Equality, Disability, Integration and Youth to accommodate or support displaced persons or persons seeking international protection of any structure or part of a structure used as a school, college, university, training centre, social centre, community centre, non-residential club, art gallery, museum, library, reading room, sports club or stadium, gymnasium, hotel, convention centre, conference centre, shop, office, Defence Forces barracks, light industrial building, airport operational building, wholesale warehouse or repository, local authority administrative office, play centre, medical and other health and social care accommodation, event and exhibition space or any structure or part of structure normally used for public worship or religious instruction.

Subject to the following conditions and limitations:

Conditions and Limitations (Column 2)

- 1. The temporary use shall only be for the purposes of accommodating displaced persons or for the purposes of accommodating persons seeking international protection.
- 2. Subject to paragraph 4 of this class, the use for the purposes of accommodating displaced persons shall be discontinued when the temporary protection introduced by the Council Implementing Decision (EU) 2022/382 of 4 March 2022¹ comes to an end in accordance with Article 6 of the Council Directive 2001/55/EC of 20 July 2001.
- 3. The use for the purposes of accommodating persons seeking international protection shall be discontinued not later than 31 December 2028.
- 4. Where the obligation to provide temporary protection is discontinued in accordance with paragraph 2 of this class, on a date that is earlier than 31 December 2028, the temporary use of any structure which has been used for the accommodation of displaced persons shall continue for the purposes of accommodating persons seeking international protection in accordance with paragraph 3 of this class.
- 5. The relevant local authority must be notified of locations where change of use is taking place prior the commencement of development.

6. 'displaced persons', for the purpose of this class, means persons to whom temporary protection applies in accordance with Article 2 of Council Implementing Decision (EU) 2022/382 of 4 March 2022.

4.0 Planning Assessment

The details provided in the application indicate that the applicant proposes to provide 11 no. rooms at GFL, 18 no. rooms at first floor level and 19 no. rooms at second floor level. Indoor recreation, dining/ kitchen rooms are proposed at first and second floor level. At ground level, it is proposed to have a meeting rooms/ offices and a reception area. There is also a kitchen and dining room proposed. Ancillary rooms such as toilets/ showers are proposed, together with circulatory space.

The zoning objective for the application site is E2 – General Enterprise and Employment with an objective to "provide for the creation of enterprise and facilitate opportunities for employment through industrial, manufacturing, distribution, warehousing and other general employment/enterprise uses in a good quality physical environment." Residential or accommodation such as that proposed is not a 'permitted use' or 'open for consideration' on E2 zoning objective or consistent with adjoining uses as per the Meath County Development Plan 2021-2027. In addition, other relevant planning considerations would include changes/alterations to building structure, change or intensification of landuse, including servicing of same, and increased risk to pedestrian and road users.

The Planning Authority must however consider whether the proposal accords with Class 20F (Schedule 2, Part 1) (and other relevant aspects) of the Planning & Development Regulations 2021-2024.

There are two matters for determination in this assessment, whether the proposed works are development, and if so, if the development constitutes exempted development.

4 (i) Is or is not development

The proposed works involve the conversion of existing industrial storage building into accommodation for use under SI605 for International Protection Applicants.

The definition of development includes the carrying out of any works on, in over or under land. The proposal will require the demolition and reconstruction of part of the building (as illustrated on Drawing 'Proposed First Floor Plan' and 'First Floor Plan') and inclusion of windows to the rear and side elevations. Although it is proposed to reuse some of the existing internal room arrangements, the applicant will need to demolish existing internal walls/ partitions to make changes to the internal layout of the structure to provide for the proposed layout. It is evident, by reference to the broad definition of works set out in Section 2(1) and 3(1) of the Act, that the proposal constitutes development for planning purposes.

4 (ii) Is or is not exempted development

Class 20F of the 2001-2024 Planning Regulations permits the temporary use of any structure or part of the structure including 'light industrial buildings', 'office' or 'wholesale warehouse or repository' to accommodate or support displaced persons or persons seeking international protection. This is subject to the limitations listed above.

However, the nature of the proposal would involve works adjacent to a Natura 2000 site and therefore a Screening for Appropriate Assessment and a Stage 2 Appropriate Assessment (Natura Impact Statement) is required by the Planning Authority to inform its Appropriate Assessment.

As outlined in section 4(4) of the Planning and Development Act 2000-2023, "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".

Based on the proposed works, it is considered there are no exemptions that would apply as per the Planning and Development Act 2000-2023 and the Planning and Development Regulations 2001-2024. There are also no exemptions for the proposed alterations to the elevations of the existing structure to provide for the proposed windows.

Therefore, it is considered the proposed development would not constitute exempt development.

4.(iii) Restrictions on Exemptions

In addition, the works are restricted by virtue of Article 9(1)(a)(viiB) of the Planning and Development Regulations 2001 - 2024 which state:

"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 –

(viiB) comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site.

4. (iv) 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.

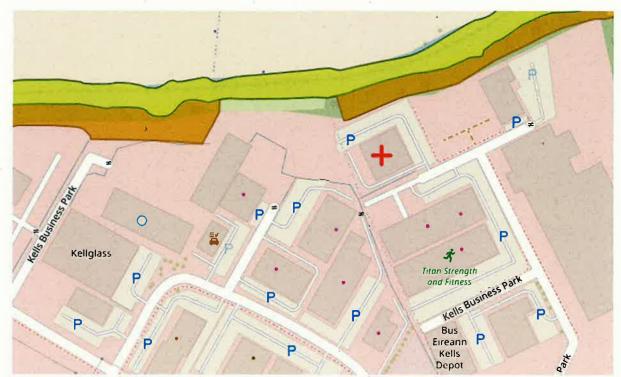
'Appropriate Assessment of Plans and Projects, Guidance for Planning Authorities' (2009) provide advice to planning authorities on their obligations under the Habitats Directive. The document, "Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities", states that where, 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 following Natura 2000 sites are of relevance to the subject site:

- River Boyne and River Blackwater SAC (002299)
- River Boyne and River Blackwater SPA (004232)

The River Boyne and River Blackwater SAC (002299) and the River Boyne and River Blackwater SPA (004232) run along the northern boundary of the 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 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 required for this proposed development.



https://gis.epa.ie/EPAMaps/

4. (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 2001 - 2024 nor is it considered a sub-threshold development for the purposes of Schedule 7 PDR and would not on its own or cumulatively with other projects result in significant effects on the environment. As such there is no real likelihood of significant effects on the environment arising from the relevant development and therefore an EIAR (Environmental Impact Assessment Report) is not required.

5.0 Conclusion

Based on the information submitted, it is considered that the proposal is 'development' under Section 2(1), 3(1) of the Planning and Development Act 2000 - 2023 and that same is not exempted development as described in Class 20F, Part 1, Schedule 2 of the Planning and Development Regulations 2001 - 2024, as a result of the Restrictions to Exemptions outlined in Article 9(1)(a)(viiB) of the Planning and Development Regulations 2001 – 2024 and Section 4(4) of the Planning and Development Act 2000-2023.

6.0 Recommendation

It is therefore recommended that a declaration of Exemption be **REFUSED** for the development set out hereunder.

WHEREAS the question has arisen as to whether "property upgrades including the conversion of existing industrial storage building into accommodation for use under SI605 for International Protection Applicants" is development and whether these works are or are 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(4) & 177U(9) of the Planning and Development Act 2023,
- (b) Article 6 & 9 of the Planning and Development Regulations 2024,

AND WHEREAS Meath County Council has concluded: -

(a) The property upgrades including the conversion of existing industrial storage building into accommodation for use under SI605 for International Protection Applicants is not exempted from the requirement to obtain planning permission by virtue of Section 4(4) of Planning and Development Act 2023 and by Article (viiB) of the Planning and Development Regulations 2001-2024 as an Appropriate Assessment of the development is required.

NOW THEREFORE Meath County Council, in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act 2 p23 hereby decides that the said development as detailed on plans and particulars submitted on 15th January 2025 s

development and is **NOT EXEMPTED DEVELOPMENT**.

1-1 FEB 2025

eresa 9 Reille

Sandra M' Cormach

Sandra McCormack Executive Planner

Date: 10/02/2024

Teresa O' Reilly

Senior Executive Planner

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

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

15 JAN 2025

POST KS525004

REFERENCE NO.

APPLICATION FORM - DECLARATION ON DEVELOPMENT & EXEMPTED DEVELOPMENT

Part 1 Section 5 of Planning and Development Act 2000-2021, as amended

1.	Name: JAVABELL LIMITED				
	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				
	John Madden & Associates				
	Contact details: to be supplied at the end of this form (Question 14)				
3.	Location of Development and/or Subject Site: UNIT 7, KELLS BUSINESS PARK, CAVAN ROAD, KELLS, CO. MEATH, A82 T3V5				
4.	4. Description of Development: Property upgrades to include conversion of existing				
	industrial storage building into Accommodation for use under SI 605 for				
	International Protection Applicants.				
5.	Will the development take place within the curtilage of a dwelling house?				
	Please tick as appropriate: YES NO <u>√</u>				
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:				
8.	State in square metres the floor area of the proposed development:				
.	RECEIVED PLANNING DEPT.				

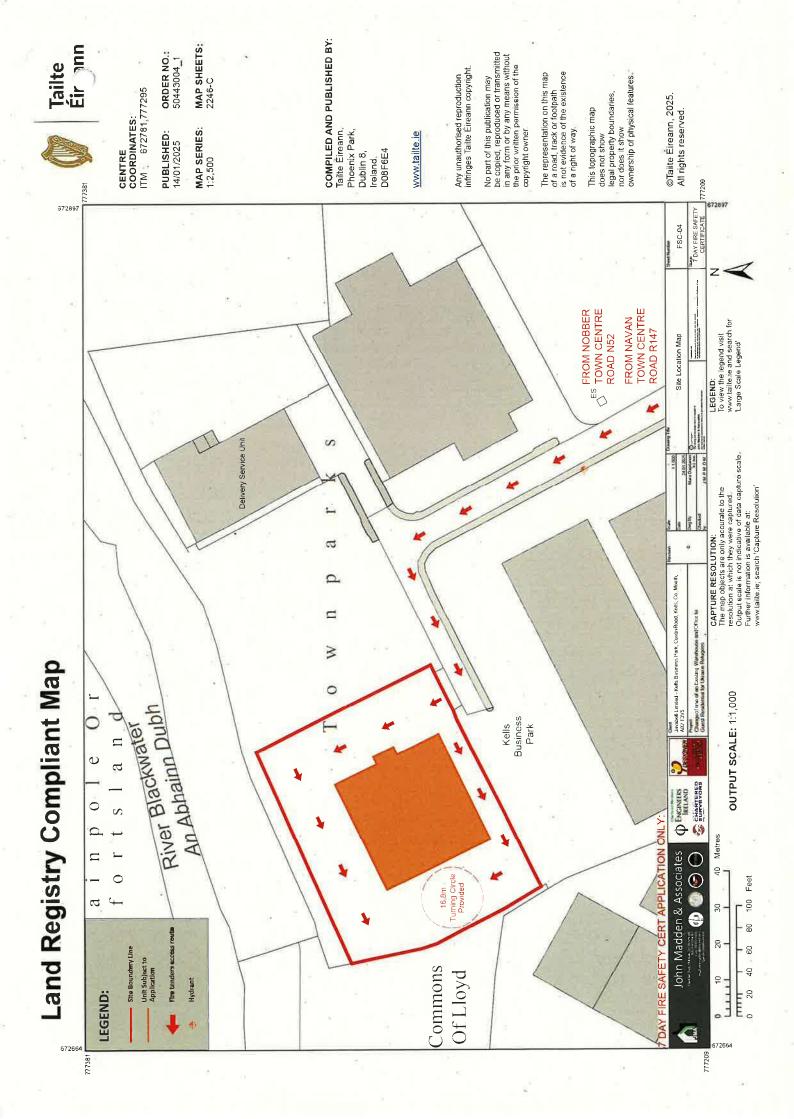
9. List of plans / drawings etc. submi	tted:									
Existing floor Plans Proposed floor plans 10. Please state applicants interest in this site										
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	ease provide name & address of owner:									
Midland Construction & Engineering Ltd.										
11. Are you aware of any enforcement	proceedings connected to this site?									
Please tick as appropriate:	YES NO <u> </u>									
11 (b), If "YES" please supply details:										
12. Are you aware of any previous plan	nning application/s on this site?									
Please tick as appropriate:	YES V NO									
12 (b), If "YES" please supply details:										
KA60123										
SIGNED: Hamiladay	DATE: 10/01/2025									

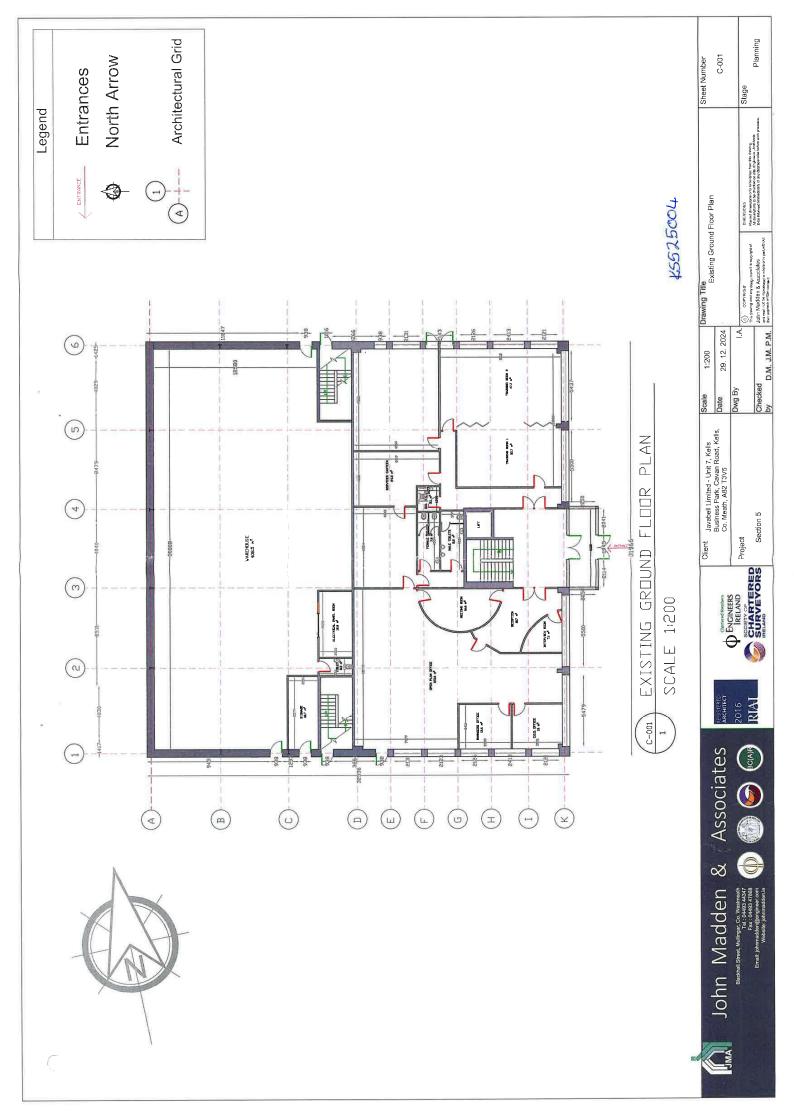
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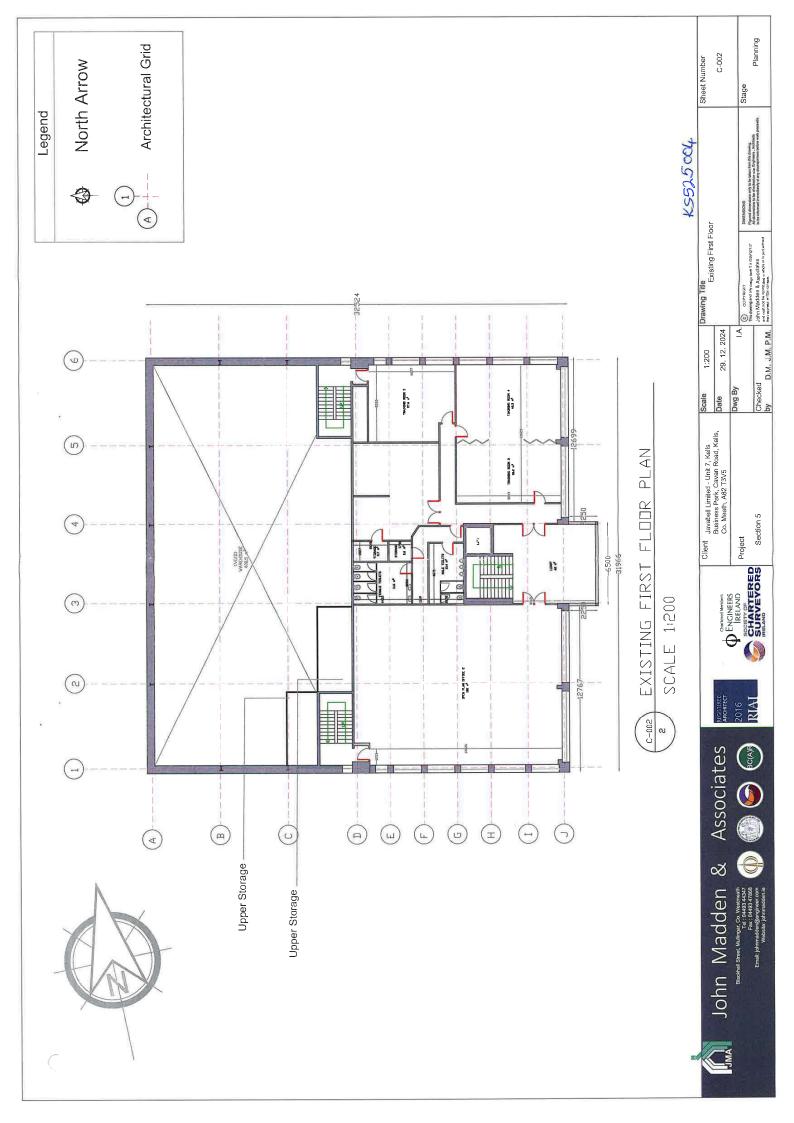
- 1. Application Fee of €80
- 2. Application shall be accompanied by:
 - 2 copies of site location map to scale 1:2500 clearly showing the site outlined in red and the extent of the site boundaries, the position of existing structures, etc., and the proposed work.
 - 2 drawings to scale (1:200) of the 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.

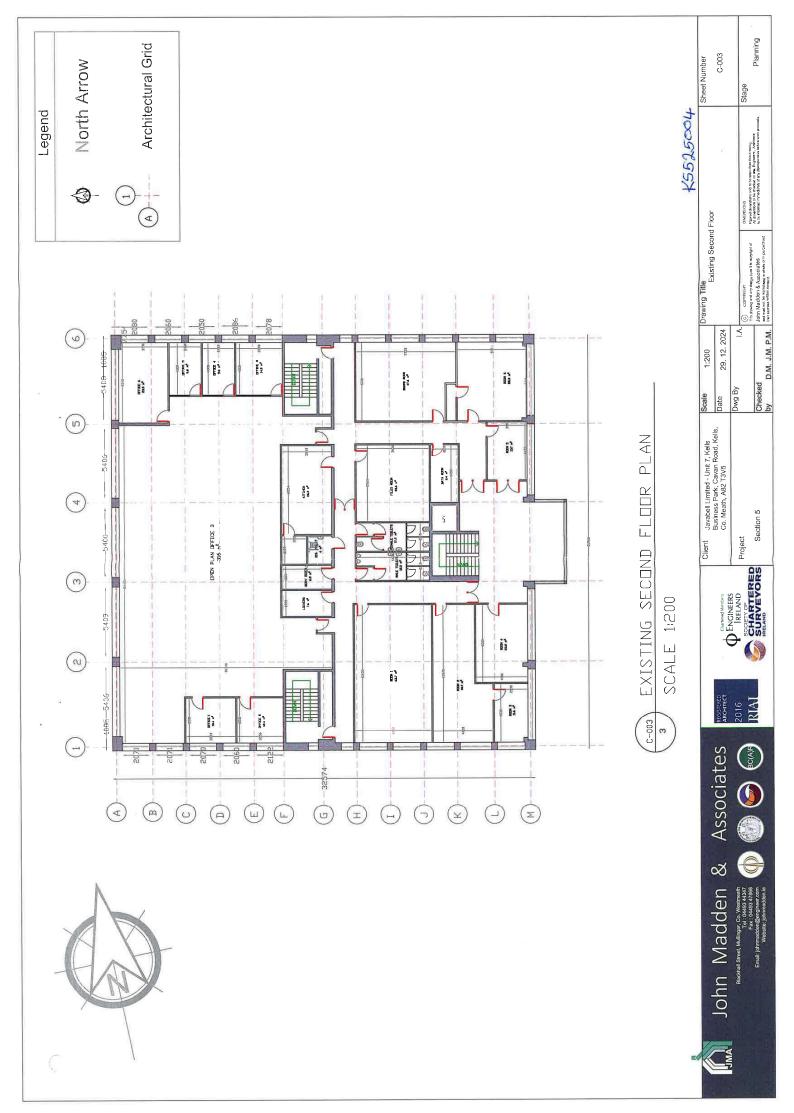
Application shall be forwarded to: Meath County Council, Planning Department, Buvinda House, Dublin Road, Navan, Co. Meath.

Contact Details: Phone: 046 9097500 Fax: 046 9097001











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Section 5

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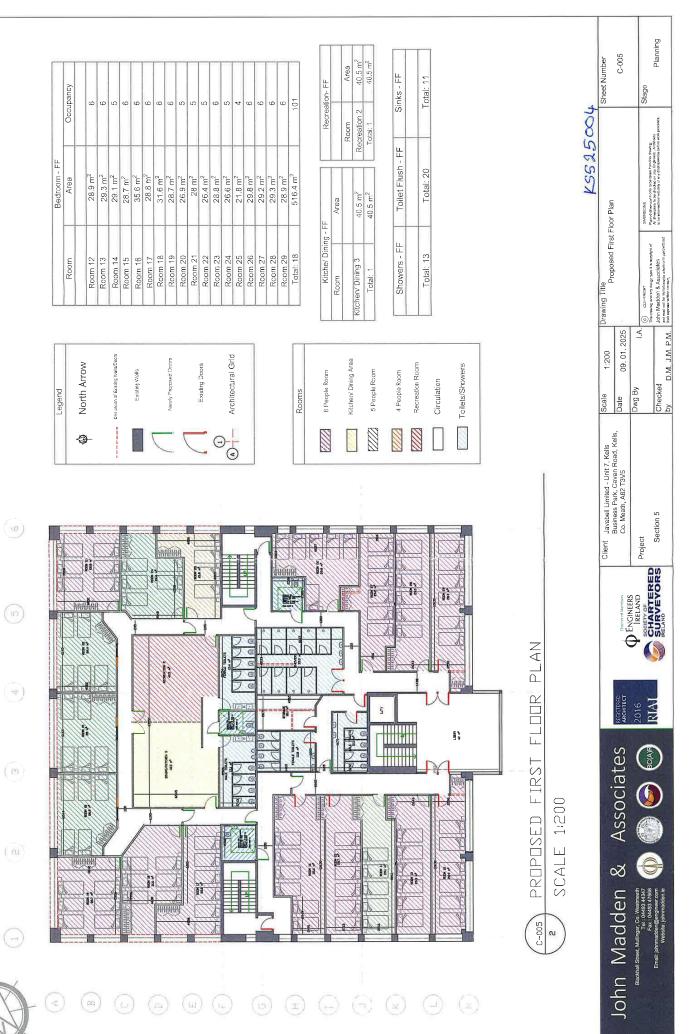


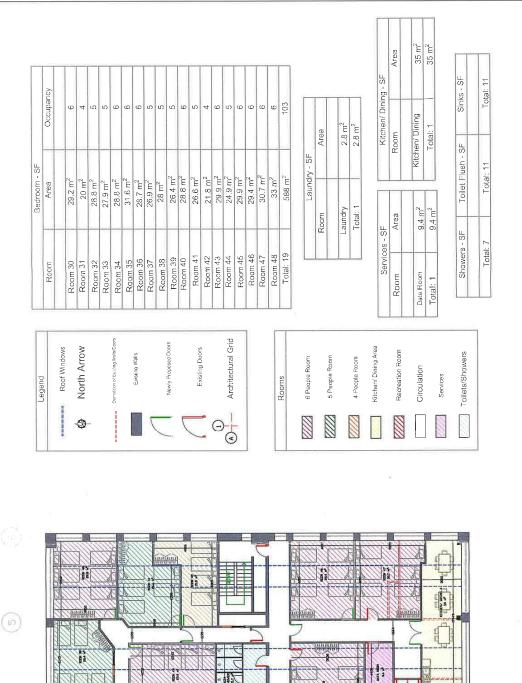












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PLAN PROPOSED SECOND FLOOR SCALE 1:200

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Associates

John Madden

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Section 5 Project

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29, 12, 2024 1:200

Javabell Limited - Unit 7, Kells Business Park, Cavan Road, Kells, Co. Meath, A82 T3V5

C-006

Sheet Number

KAS535004

Drawing Title Proposed Second Floor Plan

























