

**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](mailto:planning@meathcoco.ie)  
Web: [www.meath.ie](http://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](mailto:planning@meathcoco.ie)  
Web: [www.meath.ie](http://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: Alan Smyth

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

Colin Donnelly Elevated Surveys

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

3. Location of Development and/or Subject Site:

Clondavan Trim

4. Description of Development:

Land reclamation works consisting of re-contouring of land, including infilling of greenfield soil and stone (but not waste material within a farm holding. The greenfield soil and stone will comply with the National By-Product Criteria (BP-N002/2024) being regarded as a by product and not a waste under regulation 27 of the European Union (Waste Directive) regulations 2011-2020

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

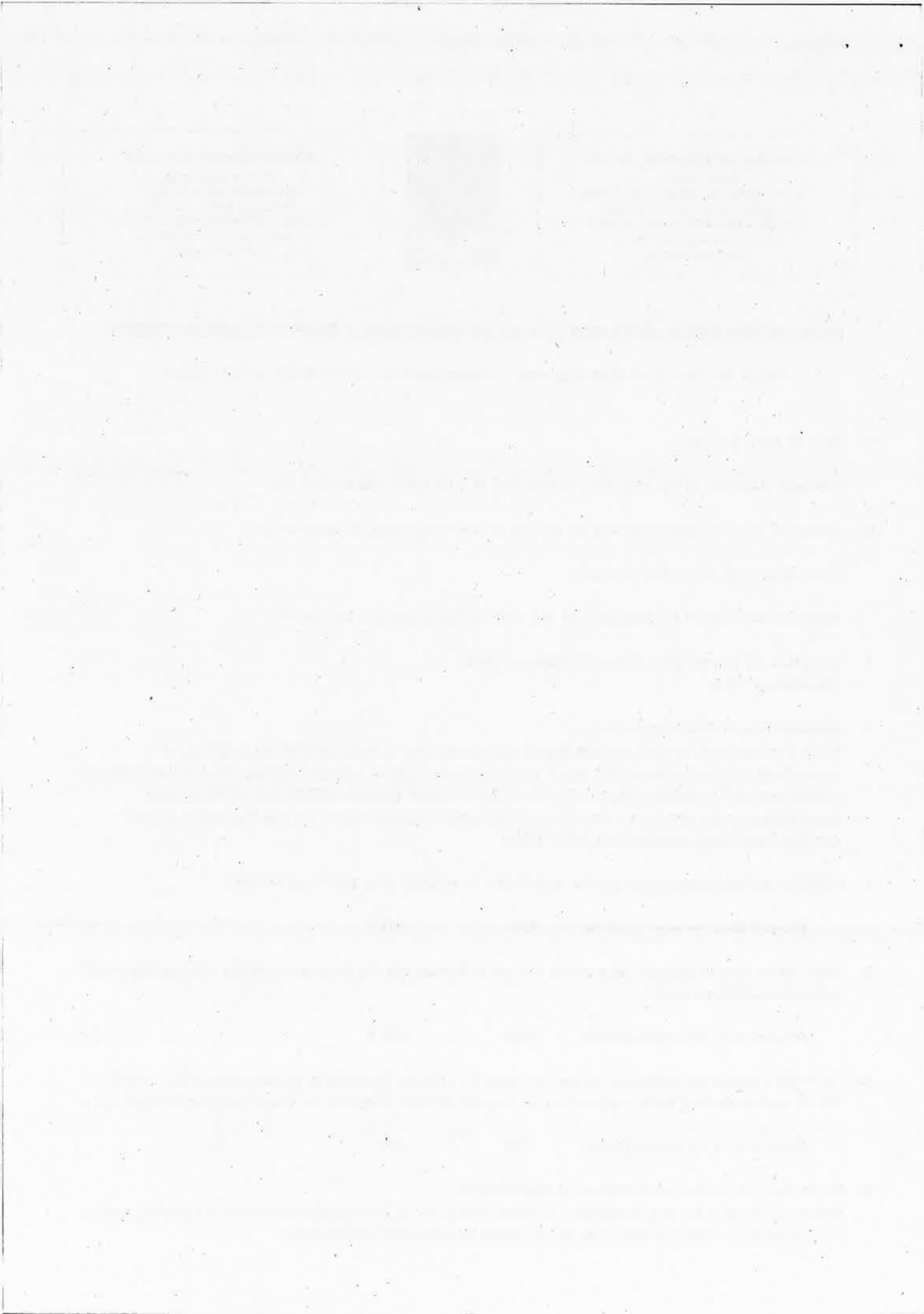
6(b) If "YES", has a Declaration under Section 57 of the Planning & Development Act 2000 – 2014, as amended, been requested or issued for the property by the Planning Authority?

Please tick as appropriate: YES  NO

6. State overall height of structure if applicable:

Not applicable. Land reclamation, raising levels by c. 0.4m using greenfield soil and stone that complies with the national By-Product Criteria (BP-N002/2024)





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

**c. 1.6Ha / 4 acres**

**9. List of plans / drawings etc. submitted:**

- **Plan view of proposed reclamation**
- **Sections through the proposed reclamation**
- **Site Layout**
- **Site Location map**

**10. Please state applicants interest in this site**  
**Permission from land owner to apply on his behalf.**

**If applicant is not the owner of site, please provide name & address of owner:**  
**Ciaran Healy Oakstown Trim Co Meath.**

**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:**

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**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:**

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**SIGNED:** *Folke Donnelly* **DATE:** 14/01/2025

**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**

1. The first part of the document is a letter from the author to the editor.

2. The second part is a list of references.

3. The third part is a detailed description of the experimental setup and results.

4. The fourth part is a discussion of the implications of the findings.

5. The fifth part is a conclusion and a list of acknowledgments.

6. The sixth part is a list of appendices and a list of figures.

7. The seventh part is a list of tables and a list of equations.

8. The eighth part is a list of footnotes and a list of references.

9. The ninth part is a list of appendices and a list of figures.

10. The tenth part is a list of tables and a list of equations.

11. The eleventh part is a list of footnotes and a list of references.

**Comhairle Chontae na Mí**

Roinn Pleanáil,  
Teach Buvinda, Bóthar Átha Cliath,  
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Fón: 046 – 9097500/Fax: 046 – 9097001  
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**Meath County Council**

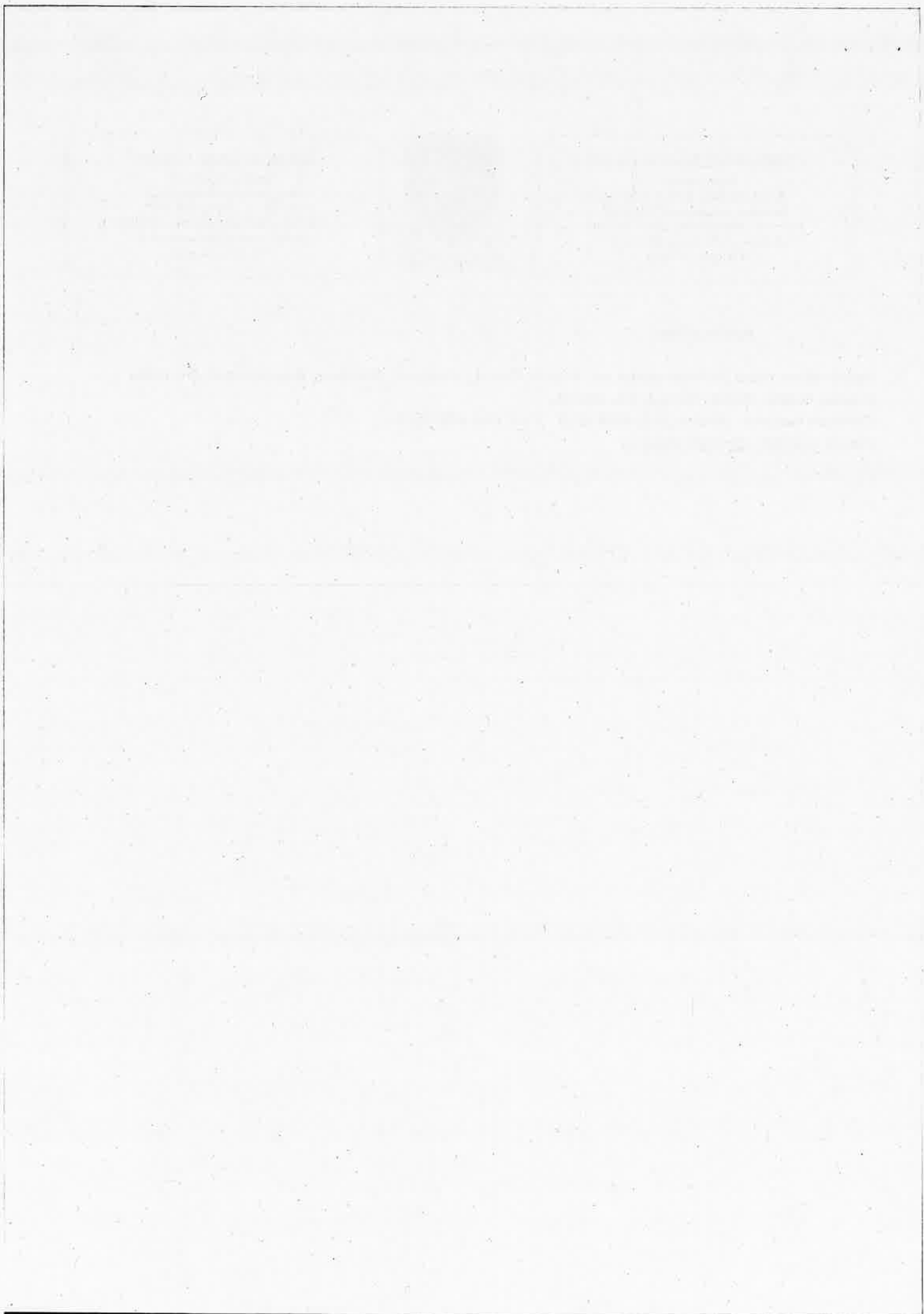
Planning Department  
Buvinda House, Dublin Road,  
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E-mail: [planning@meathcoco.ie](mailto:planning@meathcoco.ie)  
Web: [www.meath.ie](http://www.meath.ie)

**application.**

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

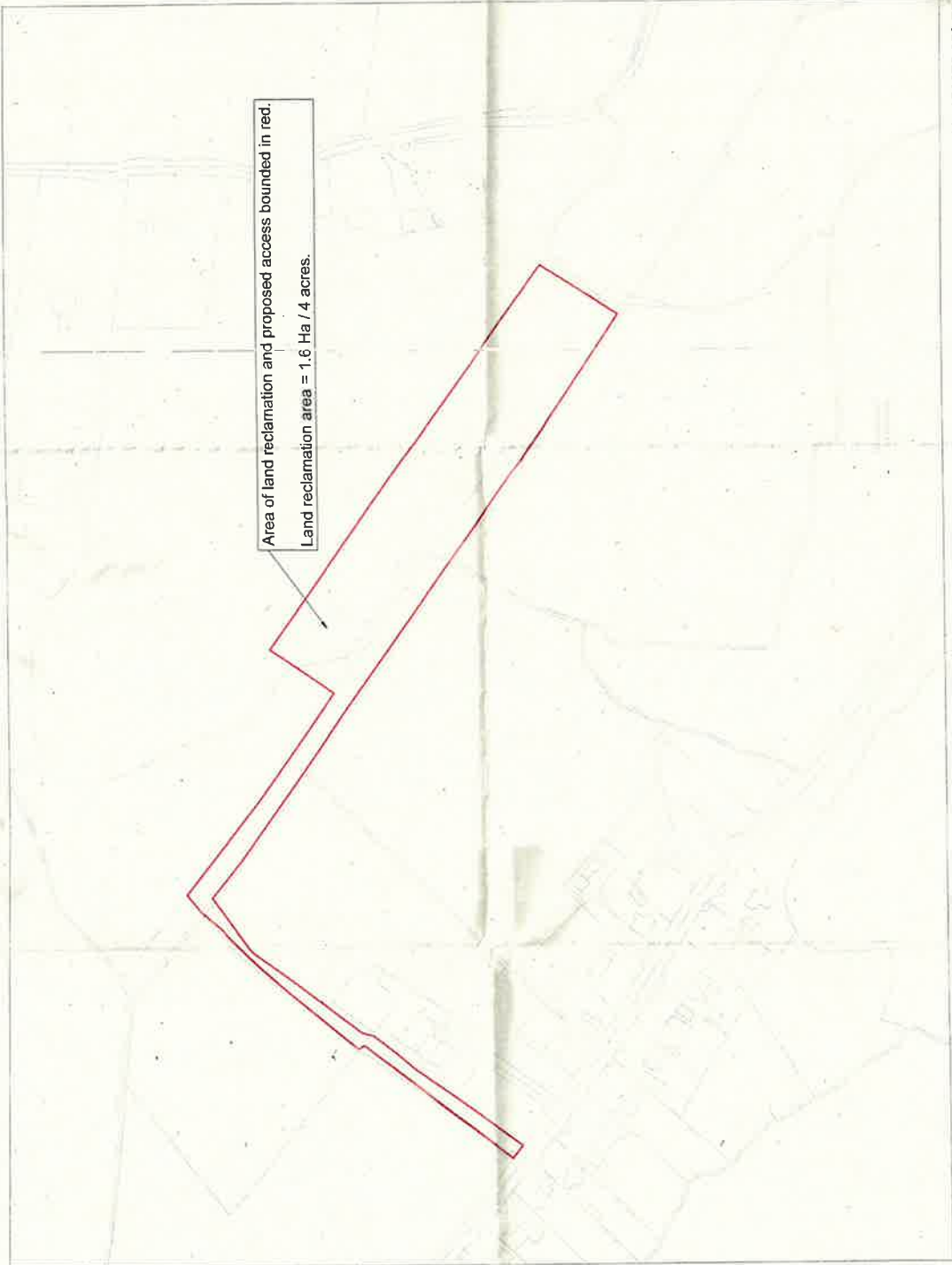
**Contact Details: Phone: 046 9097500 Fax: 046 9097001**

**Email: [planning@meathcoco.ie](mailto:planning@meathcoco.ie)**



URX\_URY= 678875.652,758689.5311

ULX\_ULY= 678045.652,758689.5311



LRX\_LRY= 678875.652,758074.5311

LLX\_LLY= 678045.652,758074.5311

General Notes



Projections: IREMET05 Irish Transverse Mercator

Centre Point Coordinates = X,Y= 678460.652,75832.0311

Map Scale: Map Sheets 1:2500 / 27105

No.	Revisory Details	Date



Project Name and Address  
 Land reclamation works  
 Clondavan  
 Trim  
 Co.Meath  
**Site Layout**

Sheet	3
Project	2501 AS
Date	14.01.2023
Scale	1:1250







Projection =  
IRENETS5\_Irish\_Transverse\_Mercator

Centre Point Coordinates =  
X-Y = 678480 652,758352 0311

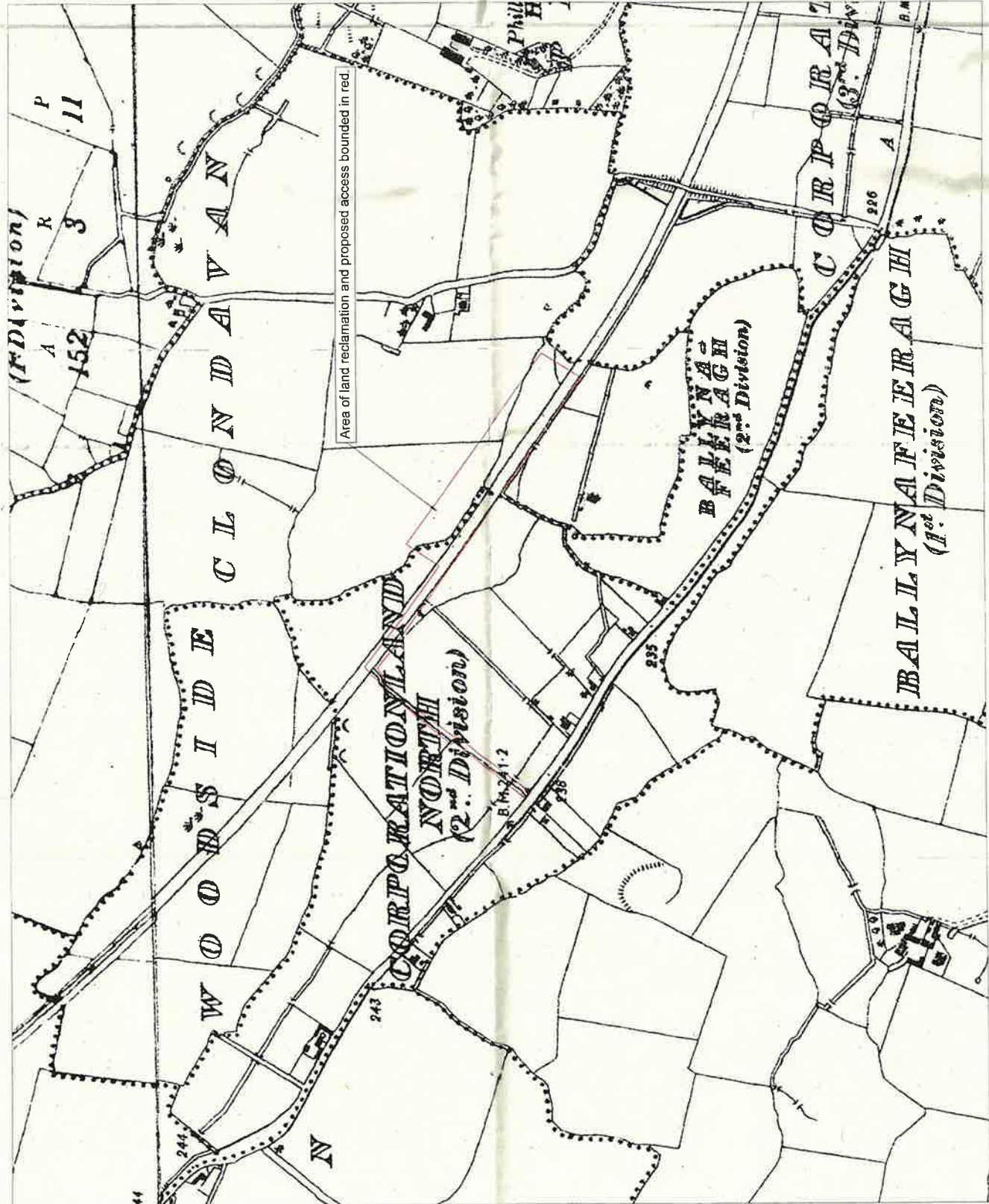
Map M1030

No.	Revisory/Issue	Date



Project Name and Address  
Land reclamation works  
Clondovan  
Trim  
Co. Meath  
Site Location Map

Sheet	4
Drawn	2501 AS
Date	14.01.2025
Scale	1:2500





**MEATH COUNTY COUNCIL**

**CHIEF EXECUTIVE ORDER**

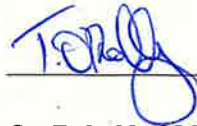
**Chief Executive Order Number:** 342/25  
**Reference Number:** TS525008  
**Subject:** Declaration under Part 1, Section 5, Planning and Development Act 2000-2022  
**Name of Applicant:** Alan Smyth  
**Address:** Boyne Meadows, Boynehill Navan, Co. Meath, C15 V1W0  
**Nature of Application:** Land reclamation works consisting of re-contouring of land, including infilling of greenfield soil and stone (but not waste material within a farm holding. The greenfield soil and stone will comply with the National By- Product Criteria (BP-N002/2024) being regarded as a by product and not a waste under regulation 27 of the European Union (Waste Directive) regulations 2011-2020  
**Location of Development:** Clondavan, Tri, 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:**

17/02/2025



# Meath County Council



## Planning Report

<b>To:</b>	Teresa O'Reilly, Senior Executive Planner
<b>From:</b>	Nathan Cooney, Executive Planner
<b>Date:</b>	10/02/2025
<b>MCC File Number:</b>	TS525008
<b>Applicant:</b>	Alan Smyth
<b>Development Address:</b>	Clondavan, Trim, Co. Meath
<b>Application Type:</b>	Section 5 of the Planning & Development Acts 2000-2023 Declaration on Development/Exempted Development.
<b>Development Description:</b>	Land reclamation works consisting of re-contouring of land, including infilling of greenfield soil and stone (but not waste material within a farm holding). The greenfield soil and stone will comply with the National By-Product Criteria (BP-N002/2024) being regarded as a by product and not a waste under regulation 27 of the European Union (Waste Directive) regulations 2011 – 2020.
<b>Date Decision Due:</b>	19/02/2025

### **1.0 Site Location & Description**

The application site is currently in agricultural use. The subject site is located c.2.5km north-west of Trim town centre, Co. Meath, and is accessed via the R-154-233 regional road along the southern boundary. The application site forms part of a large farm holding. The land reclamation site has a stated site area of 1.6ha.





Fig. 1.0: Aerial image of the subject lands to which the application relates (outlined in red).

## **2.0 Proposed Declaration**

The applicant describes the development in the completed application form as “*Land reclamation works consisting of re-contouring of land, including infilling of greenfield soil and stone (but not waste material within a farm holding). The greenfield soil and stone will comply with the National By-Product Criteria (BP-N002/2024) being regarded as a by product and not a waste under regulation 27 of the European Union (Waste Directive) regulations 2011 – 2020*”.

The Planning Authority is considering this question as:

***Whether the land reclamation works consisting of re-contouring of land, including infilling of greenfield soil and stone (but not waste material within a farm holding)..... is or is not development and is or is not exempted development.***

The completed application form and submitted documents indicate the extent of the proposal.

## **3.0 Planning History**

### **Subject Site**

None.

#### **4.0 Relevant National Legislation**

In order to assess whether or not the works described in Section 2.0 of this report is or is not development or is or is not exempted development, regard must be had to the following national legislation set out below:

##### **4.1 Section 2 of the Planning & Development Acts 2000-2023**

Section 2 of the Planning & Development Acts 2000-2023 provides the following interpretations which are relevant:

“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; and

“works” includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.

“agriculture” includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature for the kept for the production of food , wool, skins of fur, of for the purpose of its use in the farming of land), the training of horses and the rearing of bloodstock, the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and “agricultural” shall be construed accordingly.

##### **4.2 Section 3 of the Planning & Development Acts 2000-2023**

Section 3(1) of the Planning & Development Acts 2000-2023 defines “development” as follows:

*“Development means except where the context otherwise requires, the carrying out of any works on, in over or under land or the making of any material change in the use of any structures or other land.”*

##### **4.3 Section 4 of the Planning & Development Acts 2000-2023**

Section 4(1) of the 2000-2023 Act states that certain developments shall be “exempted development” for the purposes of the Act including:

(a) development consisting of the use of any land for the purposes of agriculture and development consisting of the use for that purpose of any building occupied together with land so used;

(i) development consisting of the carrying out of works referred to in the Land Reclamation Act, 1949, not being works comprised in the fencing or enclosure of land which has been open to or used by the public within the ten years preceding the date on which the works are commenced.

I note that the "works" in the Land Reclamation Act 1949 refers to the following: —

- (a) field drainage;
- (b) land reclamation;
- (c) the construction and improvement of watercourses;
- (d) the removal of unnecessary fences;
- (e) the construction of new fences and the improvement of existing ones;
- (f) improvement of hill grazing;
- (g) reclamation of estuarine marsh land and of callows;
- (h) any operations ancillary to the foregoing.

#### **4.4 Section 5 of the Planning & Development Acts 2000-2023**

Section 5 of the Planning & Development Acts 2000-2023 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 Acts 2000-2023**

Section 32 of the Planning & Development Acts 2000-2023 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 Article 8 of the Planning & Development Regulations 2001-2024

Article 8 of the Planning & Development Regulations 2001-2024 relates to exemptions for field drainage.

- **Article 8B** relates to field drainage for agriculture, other than reclamation of wetlands.
- **Article 8C** relates to land reclamation works, other than reclamation of wetlands, consisting of recontouring of land, including infilling of soil (but not waste material), within a farm holding shall be exempted development.

*Notably Article 8C of the Regulations relates to infilling of soil within a farm holding. In determining similar referrals, An Bord Pleanála has held that the exemption provided by article 8C is confined to land reclamation works where soil is sourced from within the landholding (RL3034, RL3504, RL.3604 and RL3116).*

#### 4.7 Article 6 of the Planning & Development Regulations 2001-2024

Article 6 of the Planning & Development Regulations 2001-2024 provides (subject to the restrictions in article 9 of the Planning & Development Regulations 2001-2024) for the classes of exempted development under column 1 of Parts 1, 2 and 3 of Schedule 2, subject, where applicable, to the conditions and limitations imposed upon such classes as set out in column 2.

CLASS 11	Conditions and Limitations
Development consisting of the carrying out of drainage and/or reclamation of wetlands	<ol style="list-style-type: none"><li>1. The area to be affected shall not exceed 0.1 hectares.</li><li>2. Where development has been carried out within a farm holding under this class, the total area of any such development taken together with the area of any previous such development within the farm holding shall not exceed the limits set out in above.</li></ol>

#### 4.8 Article 9 of the Planning & Development Regulations 2001-2024

Article 9 of the Planning & Development Regulations 2001-2024 imposes specific restrictions on development of classes specified in Parts 1, 2 and 3 of Schedule 2 and in effect de-exempts certain classes of development that would be exempt under normal circumstances.

#### 5.0 Assessment

The question has arisen as to “*Whether the land reclamation works consisting of re-contouring of land, including infilling of greenfield soil and stone (but not waste material within a farm holding, is or is not development and is or is not exempted development*”. In this regard it is necessary to consider the question of “development” and “exempted development” as provided for in statute and summarised above.

## **5.1 “Development”**

The submitted application form states that the applicant is proposing *land reclamation works consisting of re-contouring of land, including infilling of greenfield soil and stone (but not waste material within a farm holding). The greenfield soil and stone will comply with the National By-Product Criteria (BP-N002/2024) being regarded as a by product and not a waste under regulation 27 of the European Union (Waste Directive) regulations 2011 – 2020*, it is considered that this falls within the statutory interpretation of works and therefore within the section 3(1) PDA 2000 definition of development.

## **5.2 “Exempted Development”**

In terms of whether the development is exempted development, the applicant proposes land reclamation works consisting of re-contouring of land, including infilling of greenfield soil and stone but not waste material within a farm holding on a site with a stated area of 1.6 ha.

The source of the proposed material is not clear so it is not possible to determine whether the proposed development would be consistent with Article 8C of the Regulations (as set out at Section 4.6 above).

From a review of the submitted plans and particulars, it is evident that the proposal does not comply with Class 11 of the Planning & Development Regulations 2001-2024. Class 11 sets out that these works are only exempted development on areas that do not exceed 0.1 ha. The proposal exceeds this threshold, and therefore is considered to be ‘development’ and not ‘exempted development’.

## **6.0 Appropriate Assessment**

Article 6(3) of Council Directive 92/43/EEC (as amended) on the conservation of natural habitats and of wild fauna and flora (‘the Habitats Directive’) requires that any plan or project that is not directly connected with or necessary to the management of the Natura 2000 site concerned but is likely to have a significant effect on it, on its own or in combination with other plans and projects, is to be authorised only if it will not adversely affect the integrity of that site. The application site is not within any designated Natura 2000 site. The nearest sites located within 15km of the subject site are as follows:

- River Boyne And River Blackwater SAC (Site Code 002299)
- River Boyne and River Blackwater SPA (Site Code 004232)
- Girley (Drewstown) Bog SAC (Site Code 002203)

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. It is considered that due to the limited information submitted, and the close proximity to watercourses in the area, the Planning Authority **cannot rule out any impacts on European Site(s)**. In light of this it is considered that the applicant would be required to submit an **AA Screening**, and if required a Natura Impact Statement.

#### **7.0 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 to 2024, that does not exceed the stated threshold (as per Article 92). The development is not listed in Schedule 5 therefore a mandatory EIA is not required.

The Planning Authority must also determine if a sub-threshold EIS is required. The proposed development is significantly below the relevant threshold for such development and, will not by itself, or in combination with other developments, exceed the said threshold. Therefore, the Planning Authority is satisfied that a sub-threshold EIS is not required.

#### **8.0 Conclusion and Recommendation**

It is therefore recommended that a Declaration of Exemption is not issued for *land reclamation works consisting of re-contouring of land, including infilling of greenfield soil and stone (but not waste material within a farm holding). The greenfield soil and stone will comply with the National By-Product Criteria (BP-N002/2024) being regarded as a by product and not a waste under regulation 27 of the European Union (Waste Directive) regulations 2011 – 2020 as indicated on the submitted plans and particulars.*

**WHEREAS** the question has arisen as to:

- *“Whether the land reclamation works consisting of re-contouring of land, including infilling of greenfield soil and stone (but not waste material within a farm holding) 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 of the Planning and Development Act 2000–2023,
- (b) Article 6, 8C, 9 & Schedule 2 of the Planning and Development Regulations 2001-2024
- (c) Information provided.
- (d) Precedent referrals determined by An Bord Pleanála.

**AND WHEREAS** Meath County Council has concluded: -

- (a) The proposal represents works and constitutes development having regard to Sections 2 and 3 of the Planning and Development Act 2000-2023.
- (b) The development does not come within the scope of 8C or Class 11 of Part 3 of Schedule 2 of the Planning and Development Regulations 2001-2024, (Land Reclamation - infilling of wetlands) as it does not comply with the conditions and limitations no. 1 of that Class, as the area in question exceeds the 0.1 hectares

**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 22/01/2025 is development and is **NOT EXEMPTED DEVELOPMENT**.



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Nathan Cooney  
Executive Planner  
Date: 10/02/2025



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Teresa O'Reilly  
Senior Executive Planner  
Date: 14/02/2025

**MEATH COUNTY COUNCIL**

**Planning Department**

**Buvinda House**

**Dublin Road**

**Navan Co Meath**

**046 - 9097500**

**Planning & Development Act 2000- 2022**

**DECLARATION**

**To: Alan Smyth  
c/o Colin Donnelly Elevated Surveys  
Unit 14 Scurlockstown Business Park,  
Trim,  
Co. Meath,  
C15 H008**

**PLANNING REFERENCE NUMBER: TS525008**

**APPLICATION RECEIPT DATE: 22/01/2025**

**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 17/02/2025 decided to Declare the proposed development is **NOT EXEMPT**, in accordance with the documents submitted namely: Land reclamation works consisting of re-contouring of land, including infilling of greenfield soil and stone (but not waste material within a farm holding. The greenfield soil and stone will comply with the National By- Product Criteria (BP-N002/2024) being regarded as a by product and not a waste under regulation 27 of the European Union (Waste Directive) regulations 2011-2020 at Clondavan, Trim, Co. Meath

Date: 17/02/2025

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](mailto:bord@pleanala.ie) Web: [www.pleanala.ie](http://www.pleanala.ie)



Avril,  
Can you upload  
Section 5 to  
website please  
Travis