

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: Javabell IOM 6 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

The Planning Partnership

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

4. Description of Development:

Section 5 Declaration for Exempted Development, Class 20F, Part 1, Schedule 2 inserted by article 2 of S.I. No. 605 Planning and Development (Amendment)(No. 4) Regulations 2022 as amended by S.I. No. 376 of 2023

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?

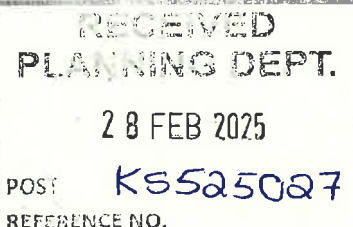
Please tick as appropriate: ☒ YES NO X

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 YES NO N/A

7. State overall height of structure if applicable: N/A

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



9. List of plans / drawings etc. submitted:

OS Site Location Map (urban & rural), Site Layout Plan (existing), Existing Elevations & Cross Section, Existing Ground Floor Plan, Existing First Floor Plan & Existing Second Floor Plan _____

10. Please state applicants interest in this site

Leaseholder / Tenant _____

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

KBPIP Limited, Unit 7, Kells Business Park, Kells, County Meath _____

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:

As detailed in supporting correspondence by The Planning Partnership _____

SIGNED:



DATE: **27th February 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 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

Planning Pack Map



Tailte
Éireann

672440

777505

Mountainpole

Mountainpole Or
Rochfort Island
6.26

14.21

4.78

CENTRE
COORDINATES:
ITM 672732 777290

PUBLISHED: 26/02/2025
ORDER NO.: 50451445_1

MAP SERIES: 1:2,500
MAP SHEETS: 2246-C

RECEIVED
PLANNING DEPT.

28 FEB 2025

KSS25027

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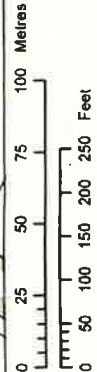
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LEGEND:
To view the legend visit
www.tailte.ie and search for
'Large Scale Legend'

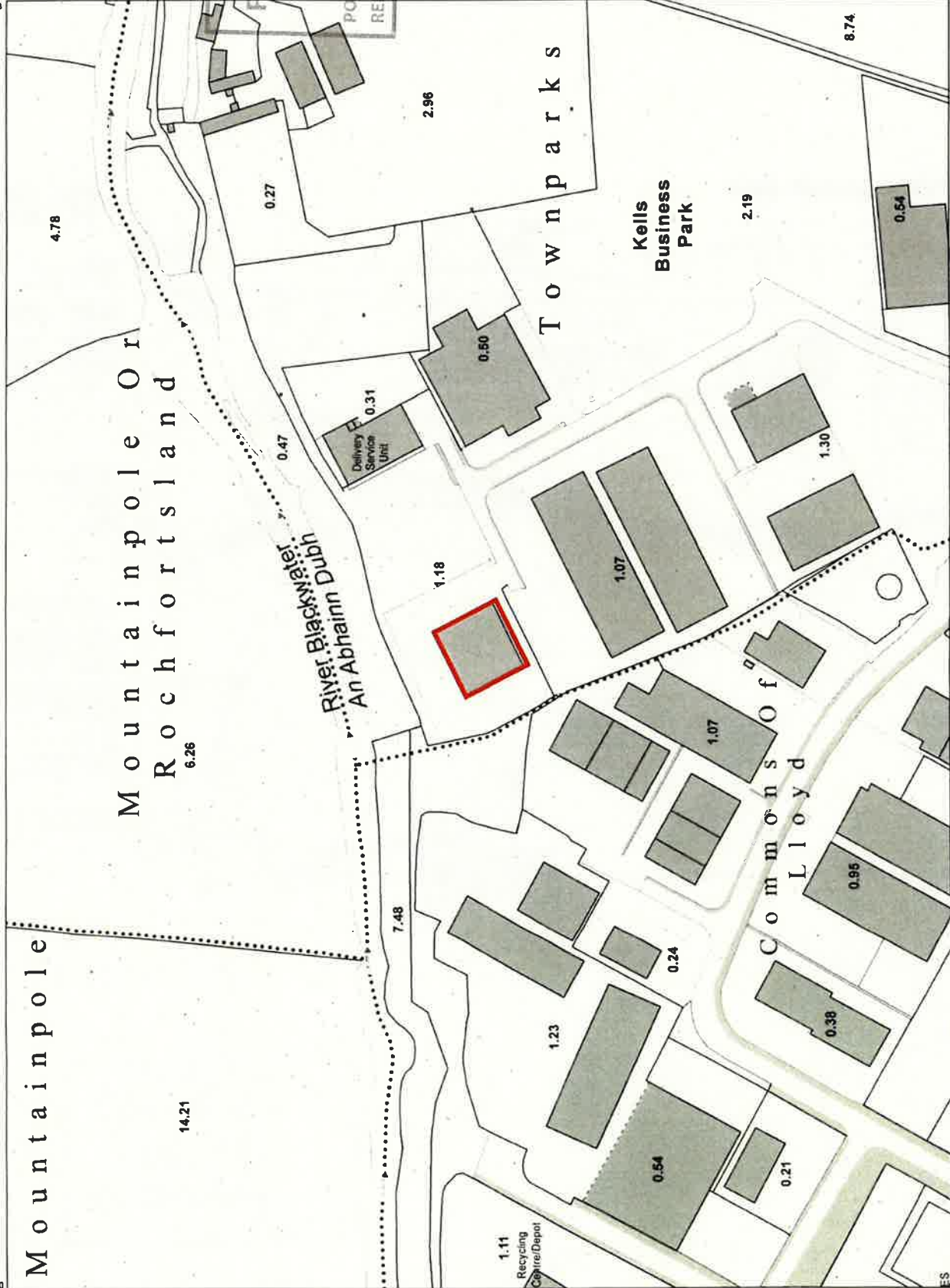
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OUTPUT SCALE: 1:2,500



777015

672440



Site Location Map



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Éireann

CENTRE
COORDINATES:
ITM 672732,777290

PUBLISHED: 26/02/2025 ORDER NO.: 50451445_1

MAP SERIES: 6 inch Raster
6 inch Raster
6 inch Raster
6 inch Raster

MAP SHEETS: MH010
MH011
MH016
MH017

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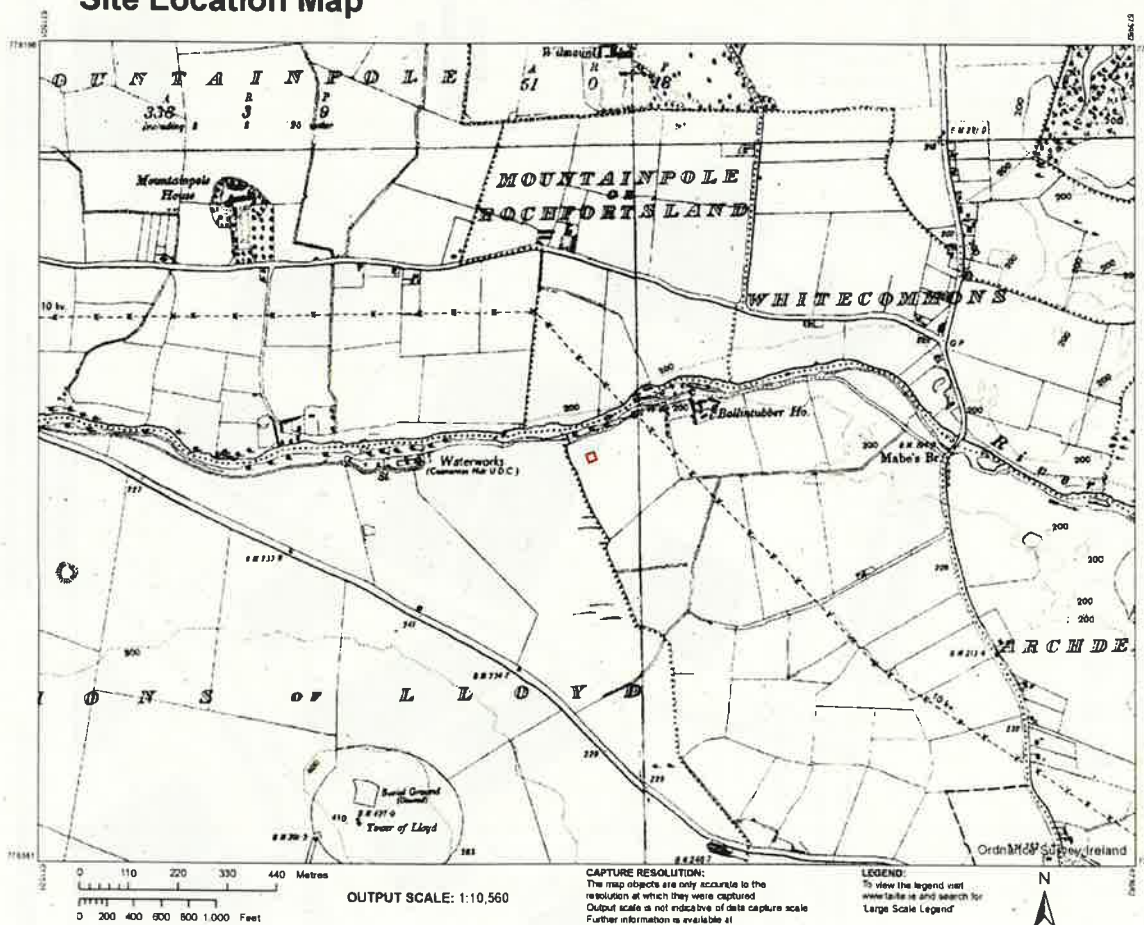
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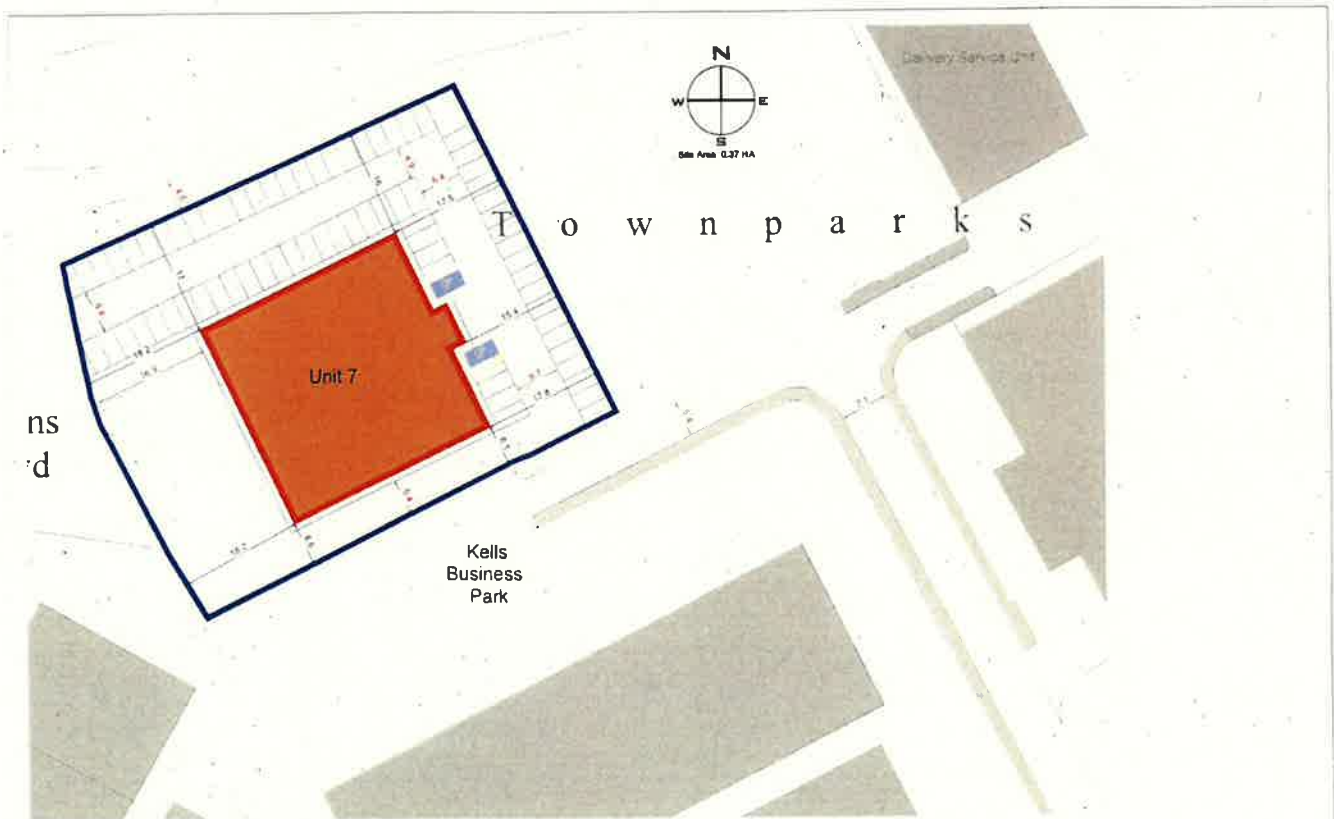
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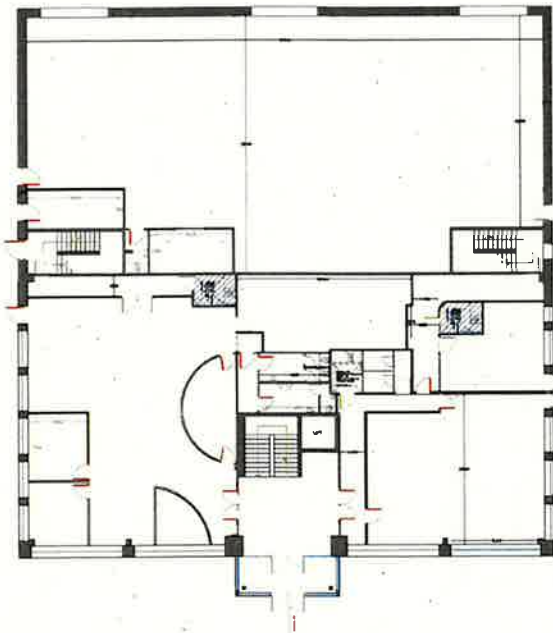
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REFERENCE NO.

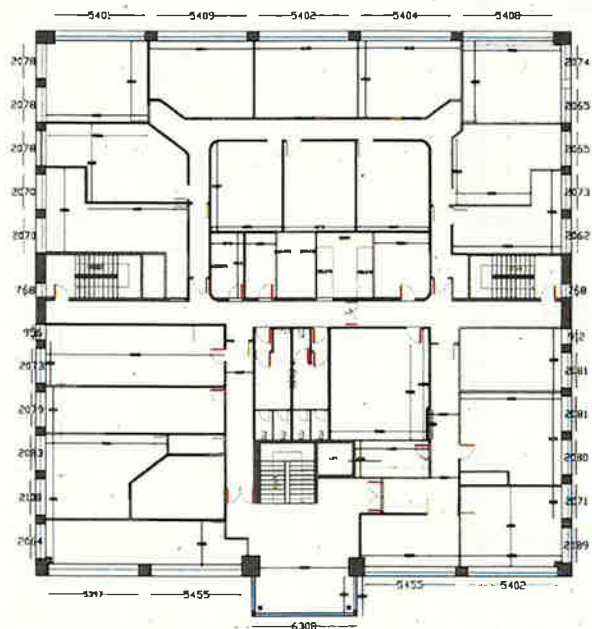


John Madden & Associates Planning & Development 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 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Checked By: John Madden
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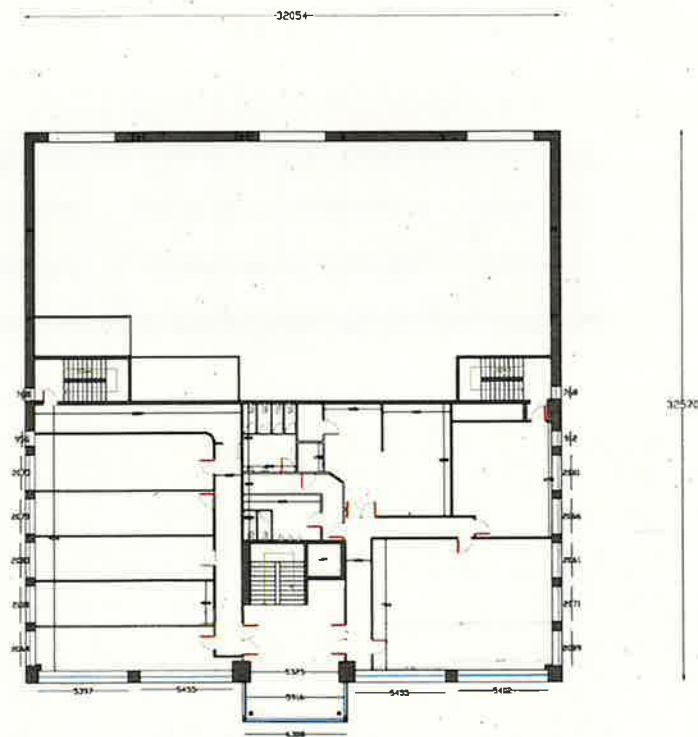
C-004
1
EXISTING GROUND FLOOR PLAN
SCALE 1:200

 John Madden & Associates Chartered Surveyors 100-110, 111-112, 113-114, 115-116, 117-118, 119-120, 121-122, 123-124, 125-126, 127-128, 129-130, 131-132, 133-134, 135-136, 137-138, 139-140, 141-142, 143-144, 145-146, 147-148, 149-150, 151-152, 153-154, 155-156, 157-158, 159-160, 161-162, 163-164, 165-166, 167-168, 169-170, 171-172, 173-174, 175-176, 177-178, 179-180, 181-182, 183-184, 185-186, 187-188, 189-190, 191-192, 193-194, 195-196, 197-198, 199-200, 201-202, 203-204, 205-206, 207-208, 209-210, 211-212, 213-214, 215-216, 217-218, 219-220, 221-222, 223-224, 225-226, 227-228, 229-230, 231-232, 233-234, 235-236, 237-238, 239-240, 241-242, 243-244, 245-246, 247-248, 249-250, 251-252, 253-254, 255-256, 257-258, 259-260, 261-262, 263-264, 265-266, 267-268, 269-270, 271-272, 273-274, 275-276, 277-278, 279-280, 281-282, 283-284, 285-286, 287-288, 289-290, 291-292, 293-294, 295-296, 297-298, 299-300, 301-302, 303-304, 305-306, 307-308, 309-310, 311-312, 313-314, 315-316, 317-318, 319-320, 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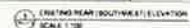
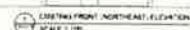
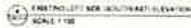
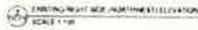
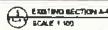
EXISTING SECOND FLOOR PLAN
SCALE 1:200

 John Madden & Associates Structural Steel, Building, Civil, Mechanical, Electrical, Fire, Energy, Surveying, Road, Landscaping, Drainage and Planning Consultants			Client: Jerraball LOM 6 Limited - Unit 1, Kells Business Park, Carron Road, Kells, Co. Meath, A82 T9V5 Project: Section 5	Scale: 1:200 Date: 22.02.2025 Drawn By: J.A. Checked By: D.M., J.M., P.M.	Drawing Title: Existing Second Floor Plan Notes: 1. This drawing is for the existing second floor plan. 2. It is intended for use in the planning application. 3. It is not intended for construction purposes.	Sheet Number: C-006 Stage: Planning
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EXISTING FIRST FLOOR PLAN
SCALE 1:200

 John Madden & Associates Structural Steel, masonry, civil, electrical Fire, safety, general Road, construction, landscape, water Planning, urban design	  	Client: Javaco IOM Limited - Unit 7, Kells Business Park, Carrig Road, Kells, Co. Meath, A66 12V5 Project: Section 5 Scale: 1:200 Date: 19.02.2025 Drawn By: I.A. Checked by: D.M. J.M. P.M.	Drawing Title: Existing First Floor Plan Notes: 1. Existing floor levels are shown in red. 2. Proposed floor levels are shown in blue. 3. All dimensions are in millimetres unless otherwise stated. 4. In the event of any discrepancy, the dimensions shall prevail.	Sheet Number: C-002 Stage: Planning
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MEATH COUNTY COUNCIL
CHIEF EXECUTIVE ORDER

Chief Executive Order Number: 555/25

Reference Number: KS525027

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

Name of Applicant: Javabell IOM 6 Limited

Address: c/o The Planning Partnership
The Bank Building
52 Oliver Plunkett Street
Mullingar
Co Westmeath

Nature of Application: Section 5 declaration for exempted development, Class 20F, Part 1, Schedule 2 inserted by article 2 of S.I. No. 605 Planning and Development (Amendment) No. 4) Regulations 2022 as amended by S.I. No. 376 of 2023 (whether or not the conversion of an existing industrial storage/office building into accommodation for use for displaced persons constitutes exempted development)

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:

27.03.25

MEATH COUNTY COUNCIL

Planning Department

Buvinda House

Dublin Road

Navan

Co Meath

046 - 9097500

Planning & Development Act 2000-2023

DECLARATION

To: Javabell IOM 6 Limited
c/o The Planning Partnership
The Bank Building
52 Oliver Plunkett Street
Mullingar
Co Westmeath

**PLANNING REFERENCE
NUMBER:**

KS525027

APPLICATION RECEIPT DATE: 28/02/2025

**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 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: **Section 5 declaration for exempted development, Class 20F, Part 1, Schedule 2 inserted by article 2 of S.I. No. 605 Planning and Development (Amendment) No. 4) Regulations 2022 as amended by S.I. No. 376 of 2023 (whether or not the conversion of an existing industrial storage/office building into accommodation for use for displaced persons constitutes exempted development) at Unit 7, Kells Business Park, Cavan Road, Kells, Co Meath, A82 T3V5.**

Date: 27.03.25



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 2000-2023 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.

or 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:	25/03/2025
Site inspection:	25/03/2025
File Number:	KS525027
Declaration Applicant:	Javabell IOM 6 Limited
Location:	Unit 7, Kells Business Park, Cavan Road, Kells, Co. Meath
Application Type:	Section 5 Planning & Development Act 2000-2023
Declaration:	Section 5 Declaration for Exempted Development, Class 20F, Part 1, Schedule 2 inserted by Article 2 of S.I. No. 605 Planning and Development (Amendment)(No. 4) Regulations 2022 as amended by S.I. No. 376 of 2023 (<i>whether or not the conversion of an existing industrial storage/office building into accommodation for use for displaced persons constitutes exempted development</i>)
Date Decision Due:	28/03/2025

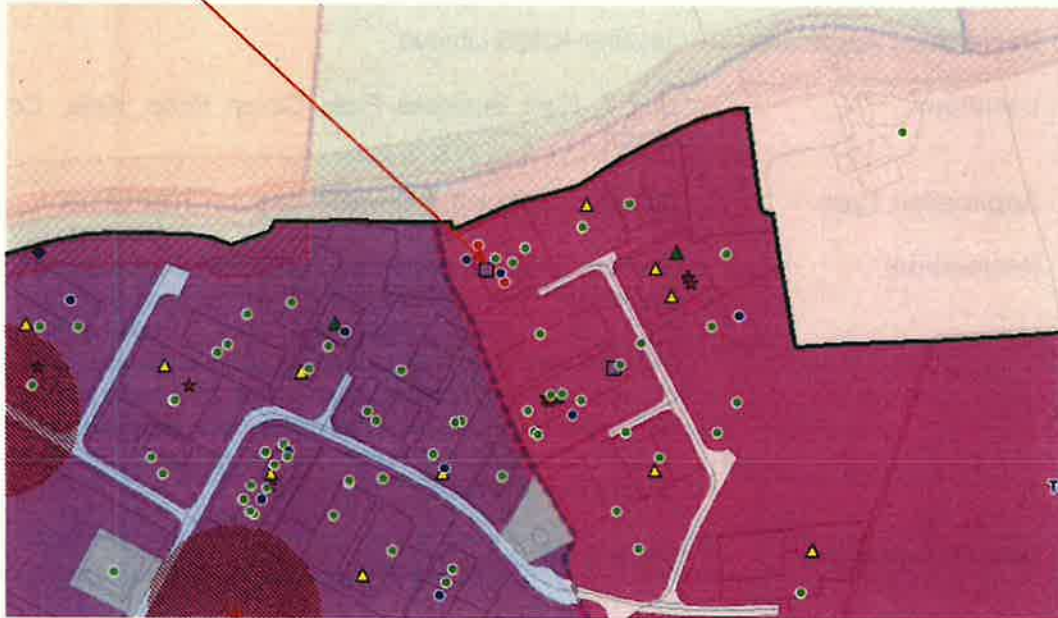
1.0 Site Location & Description:

The applicant has applied for a Declaration of Exemption as to whether or not the conversion of an existing industrial storage/office building into accommodation for use under 20F of the Planning and Development Regulations 2001-2025 is Exempted Development as per S.I. No. 605 (2022) as amended by S.I. No. 376 (2023).

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 good 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.

Proposed site



Aerial Map



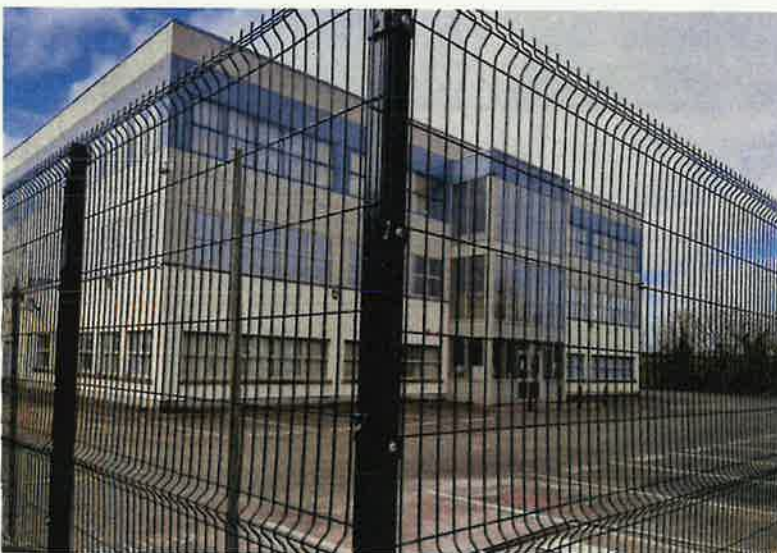
Site photos



Southern elevation – 25/03/2025



West side elevation – 25/03/2025



East side elevation– 25/03/2025



Google Streetview August 2024



Google Streetview August 2024



Google Streetview August 2024



Google Streetview August 2024

2.0 Planning History

UD25021: Warning Letter issued regarding alleged unauthorised development on site.

KAS525004: Declaration of Exemption refused to Javabell Limited for *"property upgrades including the conversion of existing industrial storage building into accommodation for use under SI605 for International Protection Applicants"*.

Reasons for Refusal - The property upgrades including the conversion of existing industrial storage building into accommodation for use under S.I. 605 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 9(1)(viiB) of the Planning and Development Regulations 2001-2024 as an Appropriate Assessment of the development is required; and the alterations to the elevations of the existing structure do not constitute exempted development.

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:

4.1 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 (1) (h)

The following shall be exempted development for the purposes of this Act – 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 neighbouring structures.

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.'

4.2 Planning and Development Regulations 2001 - 2025

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 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."* It is noted that 'residential' or accommodation such as that proposed is not a 'permitted use' or 'open for consideration' within the E2 zoning objective or consistent with adjoining uses as per the Meath County Development Plan 2021-2027 as varied.

The applicant has provided drawings of the existing building on site including site location maps, ground floor plan, first floor plan, second floor plan, site section and site layout plan. No drawings of the proposed internal modifications have been submitted under this application.

Under previous Section 5 Application KAS52004, the applicant provided drawings of the proposed internal modifications which showed the provision of 11 no. rooms at GFL, 18 no. rooms at first floor level and 19 no. rooms at second floor level, with a total proposed occupancy of 265 persons.

The drawings submitted under the previous Section 5 Application KS525004 also showed the proposed internal arrangements of the structure with the provision of an indoor recreation area and dining/ kitchen rooms at first and second floor level and at ground level, meeting rooms/ offices, a reception area, kitchen and dining room were also proposed. Ancillary rooms such as toilets/ showers were also proposed throughout the structure, together with circulatory space.

In addition, other relevant planning considerations would include changes/alterations to building structure, change or intensification of land use, 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 2021-2025.

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 S.I. 605 for International Protection Applicants and internal modifications. The definition of development includes 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.

Drawings of the proposed internal works have not been submitted in this case. Section 4.2 of the Planning Report submitted outlines that the referred works *(i) affect only the interior of the structure and (ii) no external works have taken place or are proposed to take place as would 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*". This would suggest that the applicant intends to carry out both internal works and external works and considers those external works would be exempt under Section 4(1) (h) of the Planning and Development Act 2023.

The previous drawings submitted under KS525004 indicated that the applicant proposed to carry out external works which included the demolition and reconstruction of part of the building, and inclusion of windows to the rear and side elevations. These drawings also indicated that the applicant intended to reuse some of the existing internal rooms but would also require some existing internal walls/ partitions to be demolished 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 for development constitutes development for planning purposes.

4 (ii) Is or is not exempted development

Class 20F of the 2001-2025 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. The applicant has outlined in Section 4.3 of the applicant's Planning Report how the development complies with these conditions and limitations.

Although not specifically stated in the description of the proposed development, the applicant's Planning Report submitted with the application refers to proposed development works relating only to internal modifications and a proposed change of use of the structure. Reference is also made to the omission of drawings on this application which propose the construction of windows to facilitate the development which the applicant now contends under this application (page 7) would be considered to be exempted development under Section 4 (1) (h) of the Planning and Development Act 2023.

The applicant has not submitted any existing or proposed drawings or plans to show the proposed internal layout of the structure or any information relating to the proposed external works they consider to be exempt under Section 4 (1) (h) of the Planning and Development Act 2023.

Under the previous Section 5 application, the Planning Authority were not satisfied that the proposed alterations to the elevations of the existing structure were exempted development. It is unclear what areas of the building are proposed for the new use and details of proposed services to be provided at the application site.

The subject site is located adjacent to a Natura 2000 site and as per 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".*

This will be examined in Section 4 of the report below.

4.(iii) Restrictions on Exemptions

In addition, proposed works are restricted by virtue of Article 9(1)(a)(viiB) of the Planning and Development Regulations 2001 - 2025 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 applicant has submitted an Appropriate Assessment Screening Report carried out by Noreen McLoughlin MSc, Environmental Consultant of Whitehill Environmental and dated February 2025. The Appropriate Assessment Screening Report has been carried out having regard to the development description outlined on Section 3.1, page 11 of the report which is as follows;

'Javabell IOM 6 Ltd are applying to Meath County Council for a Section 5 declaration in relation to works and the temporary change of use of an existing building (Unit 7), at Kells Business Park, Townsparks, Kells, Co .Meath.

The change of use for the structure in the context of this request for a declaration under Section 5 is for its temporary use by or on behalf of the Minister for Children, Equality, Disability, Integration and Youth to accommodate persons seeking 'international Protection', as defined by Section 2 (1) of the International Protection Act 2015 (no. 66 of 2015).

The works and change of use will not give rise to any works to the exterior façade of the building nor will there be any construction works to the car park area that surrounds the site. All works will be confined to internal modifications only.'

The Appropriate Assessment Screening Report concludes as follows:

"In accordance with Article 6 (3) of the Habitats Directive, the relevant case law, established best practise and precautionary principle, this AA Screening Report has examined the details of the project in relation to the relevant Natura 2000 sites within 15km of the application site.

At this stage of the AA process, it is for the competent authority , i.e. Meath County Council, to carry out the screening for AA and to reach one of the following determinations;

- a) AA of the development is required if it cannot be excluded, on the basis of objective information, that the development, individually or in combination with other plans and projects, will not have a significant effect on any European sites;*
- b) AA of the development is not required if it can be excluded, on the basis of objective information, that the development, individually or in combination with other plans or projects, will not have a significant effect on any European sites.*

It is the opinion of the author that an AA of the development is not required as it can be excluded, on the basis of objective information provided in this report, that the development, individually or in combination with other plans or projects, will not have a significant effect on any European sites."

The Appropriate Assessment Screening Report submitted with the application has been reviewed by Tetra Tech Europe (ecological consultants, on behalf of Meath County Council) and a report of their findings dated 19th March 2025, has been prepared by Principal Ecologist Dave Byett MSc BSc (Hons) MCIEEM.

Under Section 7 of the report 'Assessment of the Likely Significant Effects (LSE)', Tetra Tech has provided commentary to the findings of the Appropriate Assessment Screening Report submitted on the application and indicated in instances where they agreed or disagreed with the findings of the Appropriate Assessment Screening Report. The instances that Tetra Tech disagreed with the findings of the Appropriate Assessment Screening Report are outlined as follows;

1. Identified pathways to Likely Significant Effects are outlined under Table 1 (Page 6) of the Tetra Tech report. Having regard to the operational phase of the development and foul water Whitehill Environmental concluded that *"Foul water from the accommodation will be directed to the local foul sewer that runs along the road to the front of the site. There will be no change to the foul water services of the subject site as approved under planning permissions KA60123 and KA100027,"*

Tetra Tech therein issued the following response;

"Whitehill Environmental have not addressed the change in foul water output, they note there will be no change to the foul water services, which is too broad of a statement as they fail to state how much the output will change. As currently the site is used for office use, which is limited to washrooms. As the proposed Development will be used for housing (maximum occupancy and operational timings not provided), further toilets, washing and catering facilities will be required in addition.

Whitehill Environmental state in the consultation section (2.2) that they have accessed Environmental Protection Agency (EPA) information pertaining to water quality, geology and licensed facilities within the area; though this doesn't give clear enough information to say if the current foul water sewage treatment plant is at maximum capacity or is able to take this possible increase for the duration and capacity of the proposed Development's operation. - which could cause a LSE (Likely Significant Effect) on The River Boyne and River Blackwater SAC and SPA if greater than the sewage treatment plant's capacity."

2. In regard to recreational pressures associated with the proposed development, Tetra Tech has stated that *"Though the proposed development is a place for people seeking international protection and consideration hasn't been given to whether they would have freedom of movement, and thus accessibility to the Nature 2000 Sites for recreation. No consideration has currently been given to recreational pressures by Whitehill Environmental"*.
3. In regard to noise in the construction phase Tetra Tech concludes *"Though the works are internal, construction phase noise and vibration hasn't been formally addressed, noting if noise impacts would impact upon the Natura 2000 sites due to the type of works, distance and duration intended"*.
4. Finally, in regard to light related impacts to Otters the following findings are described in the Appropriate Assessment Screening Report carried out by Whitehill Environmental;

"Effects upon the otter arising from human disturbance during the operation of the site have been considered. There is an existing 8ft secure fence at the back of the site and the river is completely visually screened off from the building. There is no access from the site to the river, or the vegetation along the river. No additional lighting will be required and no lighting will be directed towards the river or the vegetation along the river."

Tetra Tech have issued the following response:

"Tetra Tech agrees that a likely significant effect can be excluded from impacts caused by additional lighting to otter. This due to the retention of scrub and lack of lighting. Lighting could lead to LSE due to increased disturbance caused by lighting during construction and operation. Otter are sensitive to increased lighting. Therefore, to be entirely satisfied that the effect of lighting cannot impact on otter then additional measures to prevent lighting should be incorporated into the design – this would be in the form of prohibition of lighting through planning condition or other suitable mechanism."

Under Section 7.2 'In-Combination Assessment' Tetra Tech has carried out a review in response to the findings of the Appropriate Assessment Screening Report and note the following:

"The in-combination assessment will need to be re-assessed based upon the foul water output during operation and also recreational pressure, should there be deemed LSE to occur."

The overall conclusions of the Tetra Tech Review are as follows;

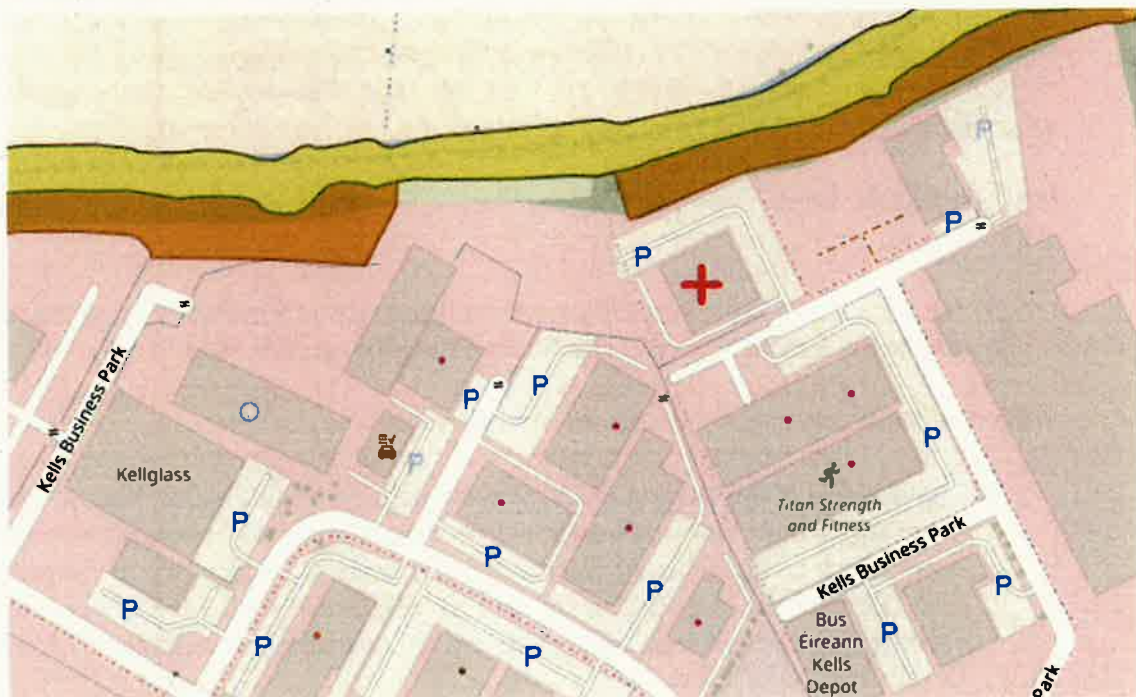
1. *Tetra Tech disagrees with the report authors conclusion that sufficient information has been provided to exclude LSE. Therefore, the authors conclusion that AA (assuming that is appropriate assessment) is not required, would need further evidence. The AA screening has sufficient lacunae to be uncertain that LSE will not occur. In order to reach a conclusion of no LSE further information has been requested in points 2-4:*
2. *Foul water –*
 - a. *The report does not note the quantity of foul water output with regards to the Proposed Development and whether the current foul water system / sewage treatment plant can have sufficient headroom.*
 - b. *Meath County Council will need to be sufficiently certain that there is available headroom at the receiving waste water treatment centre to provide treatment for the Proposed Development. Meath County Council must be satisfied that the use of combined sewers will meet with policy within the INF OBJ 18 To ensure that new developments provide for the separation of foul and surface water drainage networks within the application site boundaries and Greater Dublin Regional Code of Practice.*
3. *Recreational pressure – Though it is not likely to occur, the potential of LSE due to recreational pressures alone or in-combination and has not been formally addressed.*
4. *Construction noise – Though not to likely to cause an impact, insufficient information regarding construction practices have been provided to exclude LSE with reasonable certainty."*

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. Owing to insufficient

information submitted in an Appropriate Assessment Screening Report carried out by Whitehill Environmental, relating to the impact of the proposed development on the foul water system/ sewage treatment plant and receiving sewage treatment plant, the noise, lighting and recreational pressure of the proposed development on the Natura 2000 sites and the impact on a Qualifying Interest (Otter), the Likely Significant Effects of the proposed development cannot be screened out.

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 therefore, 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 - 2025 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 - 2025, as a result of the Restrictions to Exemptions outlined in Article 9(1)(a)(viiB) of the Planning and Development Regulations 2001 - 2025 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 the use of the existing office/industrial storage unit as accommodation for international protection applicants is development and whether these works are or are not exempted development described in the application form as "*Section 5 Declaration for Exempted Development, Class 20F, Part 1, Schedule 2 inserted by Article 2 of S.I. No. 605 Planning and Development (Amendment)(No. 4) Regulations 2022 as amended by S.I. No. 376 of 2023*".

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 2025,

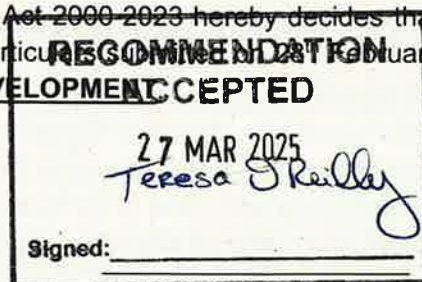
AND WHEREAS Meath County Council has concluded: -

- (a) That the use of the existing office/industrial storage unit as accommodation for international protection applicants is development and is not exempted from the requirement to obtain planning permission by virtue of Section 4(4) of Planning and Development Act 2000-2023 and by Article (viiB) of the Planning and Development Regulations 2001-2025 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 2000-2023 hereby decides that the said development as detailed on plans and particulars submitted on 28 February 2025 is development and is **NOT EXEMPTED DEVELOPMENT**.

Sandra M. McCormack

Sandra McCormack
Executive Planner



Teresa O'Reilly
Senior Executive Planner

Date: 25/03/2025

Date: 26/03/2025

