

**Comhairle Chontae na Mí**

*Roimn 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: Patrick Lawless

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

David Duignan, Architectural & Planning Consultants

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

3. Location of Development and/or Subject Site: Rathmolyon, Co. Meath

4. Description of Development: The principal of residential use has been established under previous granted exemption ref. no. TA/S52480, conversion of vacant shop unit to dwelling. We now wish to extend the property to include proposed two storey rear extension, to two storey end terrace building at Rathmolyon td., Rathmolyon, Co. Meath.

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 Not applicable

7. State overall height of structure if applicable: 6.298 meters

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



Existing building 72.8 m2 & proposed two storey extension to rear 24.9m2, (total extensions new & existing 39.95 m2).

9. List of plans / drawings etc. submitted: 2no. copies of location map, proposed site layout map, & plans elevations sections of existing & proposed

10. Please state applicants Interest In this site owner

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

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:

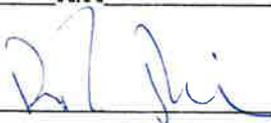
N/A

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:

N/A

SIGNED: 

DATE: 10th FEB. 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](mailto:planning@meathcoco.ie)

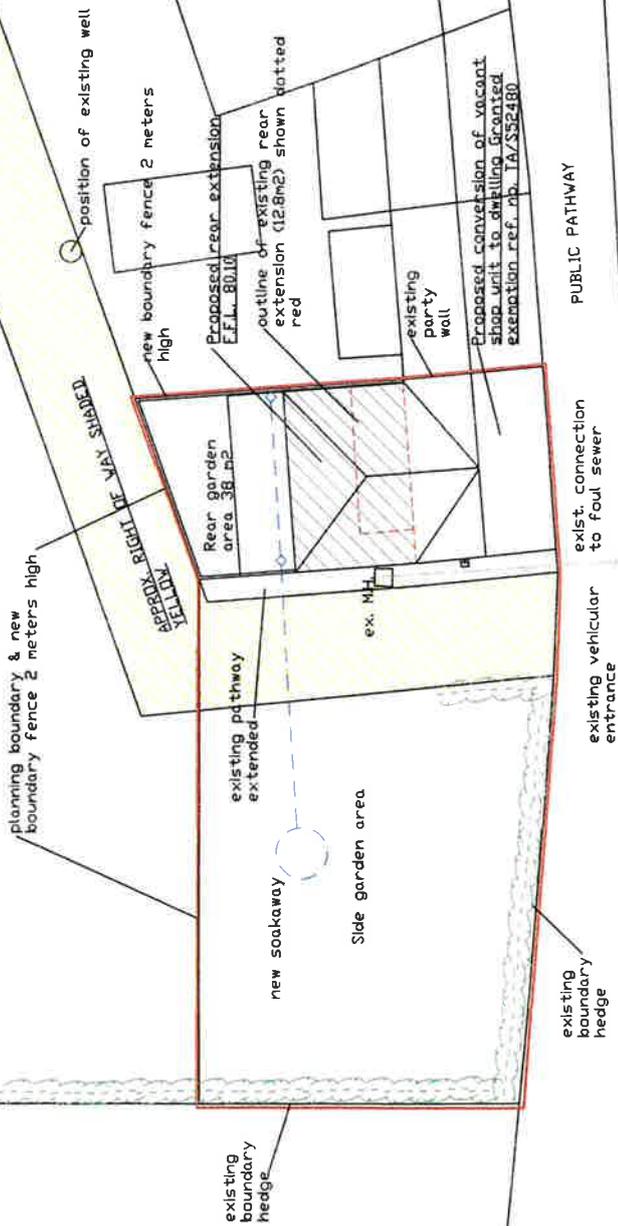




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NO DIMENSIONS ARE TO BE SCALED FROM THIS DRAWING. ALL DIMENSIONS TO BE CHECKED ON SITE BY THE CONTRACTOR AND IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO ENSURE THAT ALL WORKS ARE CARRIED OUT IN ACCORDANCE WITH CURRENT BUILDING REGULATIONS AND GOOD BUILDING PRACTICE. ANY ERRORS OR DISCREPANCIES MUST BE REPORTED TO DAVID DUIGNAN IMMEDIATELY.

RATHMOLYON TD.



15025016 80.82 80.79  
 NOTE: proposed extension shaded green

**SURVEYORS**  
 DAVID DUIGNAN  
 Architectural & Planning Consultants  
 Chartered Building Surveyors  
 Dunmore, Navan, Co. Meath.  
 Phone No. 086-8881179  
 E mail: david@duignan.ie

Job  
 PROPOSED EXTENSION TO CONVERSION OF VACANT SHOP UNIT TO DWELLING (EXEMPTION REF. NO. TA852480) TO TWO STOREY END TERRACE BUILDING AT RATHMOLYON TD., RATHMOLYON, CO. MEATH

Client  
 PATRICK LAWLESS LP  
 Scale 1:200  
 Drawing No. 85.381.12

PROPOSED SITE LAYOUT PLAN scale 1/200  
 D.S. MEATH 2915-B  
 SITE OUTLINED IN RED

BALLIVOR ROAD





**MEATH COUNTY COUNCIL**

**CHIEF EXECUTIVE ORDER**

**Chief Executive  
Order Number:** 449/25

**Reference Number:** TS5/25016

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

**Name of Applicant:** Patrick Lawless

**Address:** c/o David Duignan  
Architectural & Planning Consultants  
Chartered Building Surveyors  
Dunmoe  
Navan  
Co Meath

**Nature of  
Application:** The principal of residential use has been established under previous granted exemption ref. no. TA/S52480, conversion of vacant shop unit to dwelling. We now wish to extend the property to include proposed two storey rear extension, to two storey end terrace building at Rathmolyon, Co Meath

**Location of  
Development:** Rathmolyon, Co Meath

**DECLARATION:** This development is **EXEMPT** from Planning Permission.

**ORDER:**

Being satisfied that all requirements relating to the Application have been complied with and to consider the proper Planning and Development of the County Meath Health District, IT IS HEREBY DECIDED, in pursuance of the above Act to declare that this is **EXEMPTED DEVELOPMENT**.

**SIGNED:**   
On Behalf of Meath County Council

**DATE:** 28.02.25



**MEATH COUNTY COUNCIL**

**Planning Department**

**Buvinda House**

**Dublin Road**

**Navan**

**Co Meath**

**046 - 9097500**

**Planning & Development Act 2000- 2023**

**DECLARATION**

**To:** Patrick Lawless  
c/o David Duignan  
Architectural & Planning Consultants  
Chartered Building Surveyors  
Dunmoe  
Navan  
Co Meath

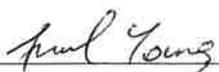
**PLANNING REFERENCE NUMBER:** TS525016

**APPLICATION RECEIPT DATE:** 11/02/2025

**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 28.02.25 decided to Declare the proposed development is **EXEMPT**, in accordance with the documents submitted namely: **The principal of residential use has been established under previous granted exemption ref. no. TA/S52480, conversion of vacant shop unit to dwelling. We now wish to extend the property to include proposed two storey rear extension, to two storey end terrace building at Rathmolyon, Co Meath**

Date: 28.02.25

  
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 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)



# Meath County Council



449/25

## Planning Report

<b>To:</b>	Teresa O'Reilly, Senior Executive Planner
<b>From:</b>	Matthew Tully, Executive Planner
<b>Date:</b>	26 February 2025
<b>MCC File Number:</b>	T/S525016
<b>Applicant:</b>	Patrick Lawless
<b>Development Address:</b>	Rathmolyon, County Meath.
<b>Application Type:</b>	Section 5 of the Planning & Development Acts 2000-2023: Declaration on Development/ Exempted Development.
<b>Development Description:</b>	Demolition of existing extension and construction of a new two-storey rear extension to two-storey end of terrace building.
<b>Date Decision Due:</b>	11 March 2025

### 1.0 Site Location & Description

The application site is located in the townland of Rathmolyon, centrally in Rathmolyon village. The area surrounding the subject site is characterised predominantly by residential and commercial properties. There are no National Monuments within or adjoining the application site. The site is not within Flood Zone A or B. The Applicant owns the subject lands as verified by the land registry.

The site is located in an area with a 'B1 – Commercial Town or Village Centre' land use zoning objective which states the following:

*'To protect, provide for and/or improve town and village centre facilities and uses.'*

'Residential' is listed as a permitted use in the Meath County Development Plan, 2021-2027. The use of the lands as residential has already been established by way of previous Section 5 exemption cert, Pl. Ref. TA/S52480, and, *ipso facto*, remains acceptable.

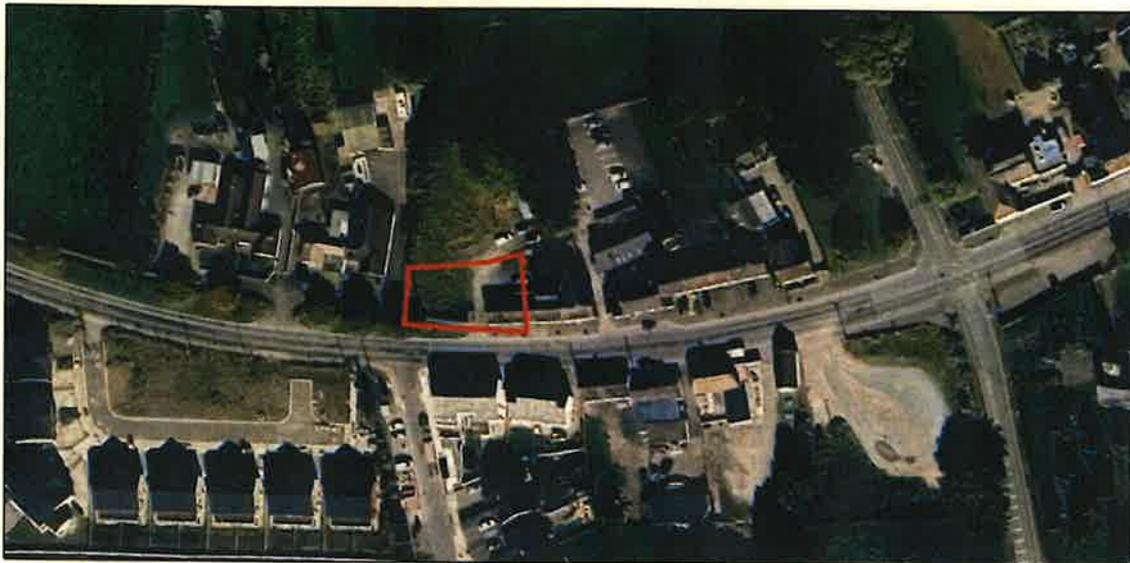


Figure 1: Extract from Google Imagery showing subject lands with approximate application site outlined in red.



Figure 1: Extract from Google Imagery showing subject site.

## 2.0 Proposed Declaration

The applicant describes the development in the completed application form as ‘...*Proposed two-storey rear extension, to two-storey end of terrace building ...*’. The Planning Authority notes an element of the existing structure is to be demolished. The Planning Authority is considering this question as:

***Whether the demolition of existing extension and construction of a new two-storey extension to the rear of a two-storey terraced building is or is not development and is or is not exempted development.***

The completed application form and submitted documents indicate that the extent of works proposed shall comprise 39.95sq.m. received on 11/02/2025.

## 3.0 Planning History

A review of Meath County Council’s historical planning data and mapping systems indicates the following planning history for the subject site:

**TA/S52480                      Patrick Lawless                      Section 5 Exemption Cert Granted**  
 - Conversion of a vacant shop unit to dwelling.

#### **4.0 Internal, External and Prescribed Body referrals**

No referred.

#### **5.0 Relevant National Legislation**

In order to assess whether or not the structure 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.

##### **5.1 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;

"house" means a building or part of a building which is being or has been occupied as a dwelling or was provided for use as a dwelling but has not been occupied, and where appropriate, includes a building which was design for use as 2 or more dwellings or a flat, an apartment or other dwelling within such a building;

"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.

##### **5.2 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."*

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

Section 4(1) of the Planning & Development Acts 2000-2023 provides a list of statutory exempted development including:

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

Section 4(2) of the Planning and Development Acts 2000-2023 provides for the making of regulations relating to exempted development. The Planning & Development Regulations 2001-2023 give effect to section 4(2).

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.'*

#### **5.4 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.

#### **5.5 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.

#### **5.6 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 2001-2023) 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.

**5.7 Class 1 of Article 6, Part 1 of Schedule 2 of the Planning & Development Regulations 2001-2024**

**Class 1** *The extension of a house, by the construction or erection of an extension (including a conservatory) to the rear of the house or by the conversion for use as part of the house of any garage, store, shed or other similar structure attached to the rear or to the side of the house.*

*Conditions and Limitations attached thereto:*

1. (a) Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres.

(b) Subject to paragraph (a), where the house is terraced or semi-detached, the floor area of any extension above ground level shall not exceed 12 square metres.

(c) Subject to paragraph (a), where the house is detached, the floor area of any extension above ground level shall not exceed 20 square metres.

2. (a) Where the house has been extended previously, the floor area of any such extension, taken together with the floor area of any previous extension or extensions constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 40 square metres.

(b) Subject to paragraph (a), where the house is terraced or semi-detached and has been extended previously, the floor area of any extension above ground level taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 12 square metres.

(c) Subject to paragraph (a), where the house is detached and has been extended previously, the floor area of any extension above ground level, taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 20 square metres.

3. Any above ground floor extension shall be a distance of not less than 2 metres from any party boundary.

4. (a) Where the rear wall of the house does not include a gable, the height of the walls of any such extension shall not exceed the height of the rear wall of the house.

(b) Where the rear wall of the house includes a gable, the height of the walls of any such extension shall not exceed the height of the side walls of the house.

(c) The height of the highest part of the roof of any such extension shall not exceed, in the case of a flat roofed extension, the height of the eaves or parapet, as may be appropriate, or, in any other case, shall not exceed the height of the highest part of the roof of the dwelling.

5. The construction or erection of any such extension to the rear of the house shall not reduce the area of private open space, reserved exclusively for the use of the occupants of the house, to the rear of the house to less than 25 square metres.

6. (a) Any window proposed at ground level in any such extension shall not be less than 1 metre from the boundary it faces.

(b) Any window proposed above ground level in any such extension shall not be less than 11 metres from the boundary it faces.

(c) Where the house is detached and the floor area of the extension above ground level exceeds 12 square metres, any window proposed at above ground level shall not be less than 11 metres from the boundary it faces.

7. The roof of any extension shall not be used as a balcony or roof garden.

**Class 50**

(a) The demolition of a building, or buildings, within the curtilage of—

- (i) a house,
- (ii) an industrial building,
- (iii) a business premises, or
- (iv) a farmyard complex.

(b) The demolition of part of a habitable house in connection with the provision of an extension or porch in accordance with Class 1 or 7, respectively, of this Part of this Schedule or in accordance with a permission for an extension or porch under the Act.

*Conditions and Limitations attached thereto:*

1. No such building or buildings shall abut on another building in separate ownership.
2. The cumulative floor area of any such building, or buildings, shall not exceed:
  - (a) in the case of a building, or buildings within the curtilage of a house, 40 square metres, and
  - (b) in all other cases, 100 square metres.
3. No such demolition shall be carried out to facilitate development of any class prescribed for the purposes of section 176 of the Act.

### **5.8 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.

### **6.0 Assessment**

In essence, the question has arisen as to whether the demolition of an existing extension and construction of a new extension to a dwelling of some 39.95sq.m. 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.

#### **6.1 "Development"**

It is considered that the subject proposal, as outlined above, falls within the statutory interpretation of "works" within the section 3(1) Planning & Development Acts 2000-2023 definition of development. Whether the works are development and exempted development or development and not exempted development requires an assessment of each of the component elements against the provisions of Classes 1 and 50 of Part 1 of Schedule 2 of the Planning & Development Regulations 2001-2024 respectively.

#### **6.2 "Exempted Development"**

The Applicant proposes to demolish an existing rear extension of the structure comprising 12.8sq.m. and replace same with a two-storey extension of 39.95sq.m. in floor area.

Class 50(b) of Article 6, Part 1 of Schedule 2 of the Planning and Development Regulations 2001-2024, which provides for the 'the demolition of part of a habitable house in connection with the provision of an extension or porch in accordance with Class 1 or 7, respectively, of this Part of this Schedule or in accordance with a permission for an extension or porch under the Act' shall be exempted development subject to compliance with the conditions attached thereto. I consider the proposed demolition works to be compliant with the conditions attached to Class 50 of Article 6, Part 1 of Schedule 2 of the Planning and Development Regulations 2001-2024.

Class 1 of Article 6, Part 1 of Schedule 2 of the Planning and Development Regulations 2001-2024, which provides for 'the extension of a house, by the construction or erection of an extension (including a conservatory) to the rear of the house or by the conversion for use as part of the house of any garage, store, shed or other similar structure attached to the rear or to the side of the house' shall be exempted development subject to compliance with the conditions attached thereto. The proposed floor area of the new two-storey extension is 39.95sq.m. The floor area of the second-floor extension measures 8.45sq.m. and is some 2metres from the nearest boundary wall. Significant private amenity space will remain usable upon completion of the proposed works. I consider the development to be compliant with the conditions attached to Class 1 of Article 6, Part 1 of Schedule 2 of the Planning and Development Regulations 2001-2024.

Based on the foregoing, I believe that the demolition of an existing extension and construction of a new extension to a dwelling of some 39.95sq.m. at Rathmolyon, is development and is

exempted development pursuant to Class 50(b) and Class 1 of Article 6, Part 1 of Schedule 2 Planning and Development Regulations 2001-2024.

### **7.0 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 SPA (Site Code: 004232) ~ 3Km,
- River Boyne and River Blackwater SAC (Site Code: 002299) ~ 3Km.

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

### **8.0 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.

The Planning Authority is required to determine if the proposed development requires an Environmental Impact Assessment (EIA). The proposed development does not equal or exceed a threshold or represent a category of project listed in Schedule 5 of the Planning and Development Regulations 2001 to 2024. Having regard to the small scale and nature of the development and the site location, the proposal would not require sub-threshold EIA under Schedule 7.

### **9.0 Conclusion and Recommendation**

Having regard to the development proposed, I conclude that the demolition of an existing extension and construction of a new extension to a dwelling of some 39.95sq.m. at Rathmolyon, County Meath proposed by Patrick Lawless is development and is exempted development.

**I recommend** that the application for an exempted development certificate is **GRANTED** for the following reason:

**WHEREAS** the question has arisen as to whether '*the demolition of an existing extension and construction of a new extension to a dwelling of some 39.95sq.m.*' at Rathmolyon, County Meath, is or is not development and is or is not exempted development.

**AND WHEREAS** the said question was referred to Meath County Council by the Applicant, Patrick Lawless,

**AND WHEREAS** Meath County Council, in considering this reference, had particular regard to:

- (a) Sections 2, 3, 4, 5 and 32 of the Planning & Development Act 2000-2023 and articles 6 and 9 of the Planning & Development Regulations 2001-2024.
- (b) The definition of "development" in section 3 of the Planning & Development Act 2000-2023 and
- (c) The provisions under Class 50(b) and Class 1 of Article 6, Part 1 of Schedule 2 of the Planning & Development Regulations 2001-2024

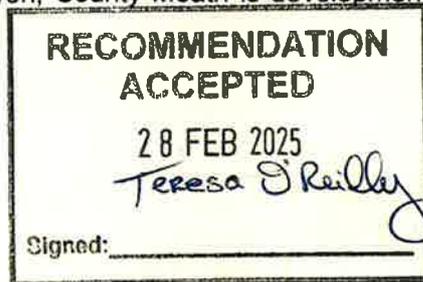
**AND WHEREAS** Meath County Council has concluded that:

- (a) *'The demolition of an existing extension and construction of a new extension to a dwelling of some 39.95sq.m.'* at Rathmolyon, County Meath comprises works and is development under section 3(1) of the Planning & Development Act 2000-2023 and
- (b) *'The demolition of an existing extension and construction of a new extension to a dwelling of some 39.95sq.m.'* at Rathmolyon, County Meath is exempted development under the provisions of Class 50(b) and Class 1 of Article 6, Part 1 of Schedule 2 of the Planning & Development Regulations 2001-2024.

**NOW THEREFORE** Meath County Council in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act 2000-2023 hereby decides that *'the demolition of an existing extension and construction of a new extension to a dwelling of some 39.95sq.m.'* at Rathmolyon, County Meath is development and **IS EXEMPTED DEVELOPMENT.**



Matthew Tully  
Executive Planner



Teresa O'Reilly  
Senior Executive Planner  
27/02/2025

Note: Declaration is made strictly on the information submitted with this application and the Case Officer's interpretation of the thresholds for exempted development as set out in the Planning & Development Regulations 2001-2024.

