

**MEATH COUNTY COUNCIL**

**Planning Department**

**Buvinda House**

**Dublin Road**

**Navan Co Meath**

**046 - 9097500**

**Planning & Development Act 2000- 2023**

**DECLARATION**

**To: Harmony Vale Produce (Clarkes Fresh Fruit)**  
**c/o Alan Tobin**  
**9 Westview Avenue**  
**Ashbourne**  
**Co Meath**  
**A84 RF89**

**PLANNING REFERENCE** AS525039  
**NUMBER:**

**APPLICATION RECEIPT DATE:** 24/03/2025

**FURTHER INFORMATION DATE:**

In pursuance of the powers conferred upon them by the Planning and Development Act 2000-2023, Meath County Council has by order dated 17.04.25 decided to Declare the proposed development is **EXEMPT**, in accordance with the documents submitted namely: To upgrade existing polythene tunnels (17-22) from existing height of 3.15m to a height after upgrade of 3.75m at **Clintstown, Stamullen, Co Meath**

Date: 17.04.25

  
**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.

**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**

**CHIEF EXECUTIVE ORDER**

**Chief Executive Order Number:** 679/25

**Reference Number:** AS525039

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

**Name of Applicant:** Harmony Vale Produce (Clarkes Fresh Fruit)

**Address:** c/o Alan Tobin  
9 Westview Avenue  
Ashbourne  
Co Meath  
A84 RF89

**Nature of Application:** To upgrade existing polythene tunnels (17-22) from existing height of 3.15m to a height after upgrade of 3.75m

**Location of Development:** Clintstown, Stamullen, 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:** Alan Russell  
On Behalf of Meath County Council

**DATE:** 17.04.25

# Meath County Council



## Planning Report

<b>To:</b>	Alan Russell, A/Senior Planner
<b>From:</b>	Teresa O'Reilly, Senior Executive Planner
<b>Date:</b>	16/04/2025
<b>MCC File Number:</b>	AS525039
<b>Applicants:</b>	Harmony Value Produce (Clarks Fresh Fruits)
<b>Development Address:</b>	Clinstown, Stamullen, Co. Meath
<b>Application Type:</b>	Section 5 of the Planning & Development Acts 2000-2023 Declaration on Development/ Exempted Development.
<b>Development Description:</b>	Whether the upgrade of existing polythene tunnels (17-22) from existing height of 3.15m to a height after upgrade of 3.75m is exempted development.
<b>Date Decision Due:</b>	21/04/2025

### 1.0 Site Location & Description

The application area is stated as 3.25ha and is located in Clinstown (Td.) c. 1.6km from the centre of Stamullen, Co Meath. It is located in the Coastal Plains LCA which has a moderate value and high sensitivity. The subject site comprises 7 plots with 55 no. existing polytunnels for the growing of strawberries in the rural area on Clarke's Fruit Farm, accessed off a local road (L-1618-19). There are no national monuments/ RPS structures within the identified area of the site.

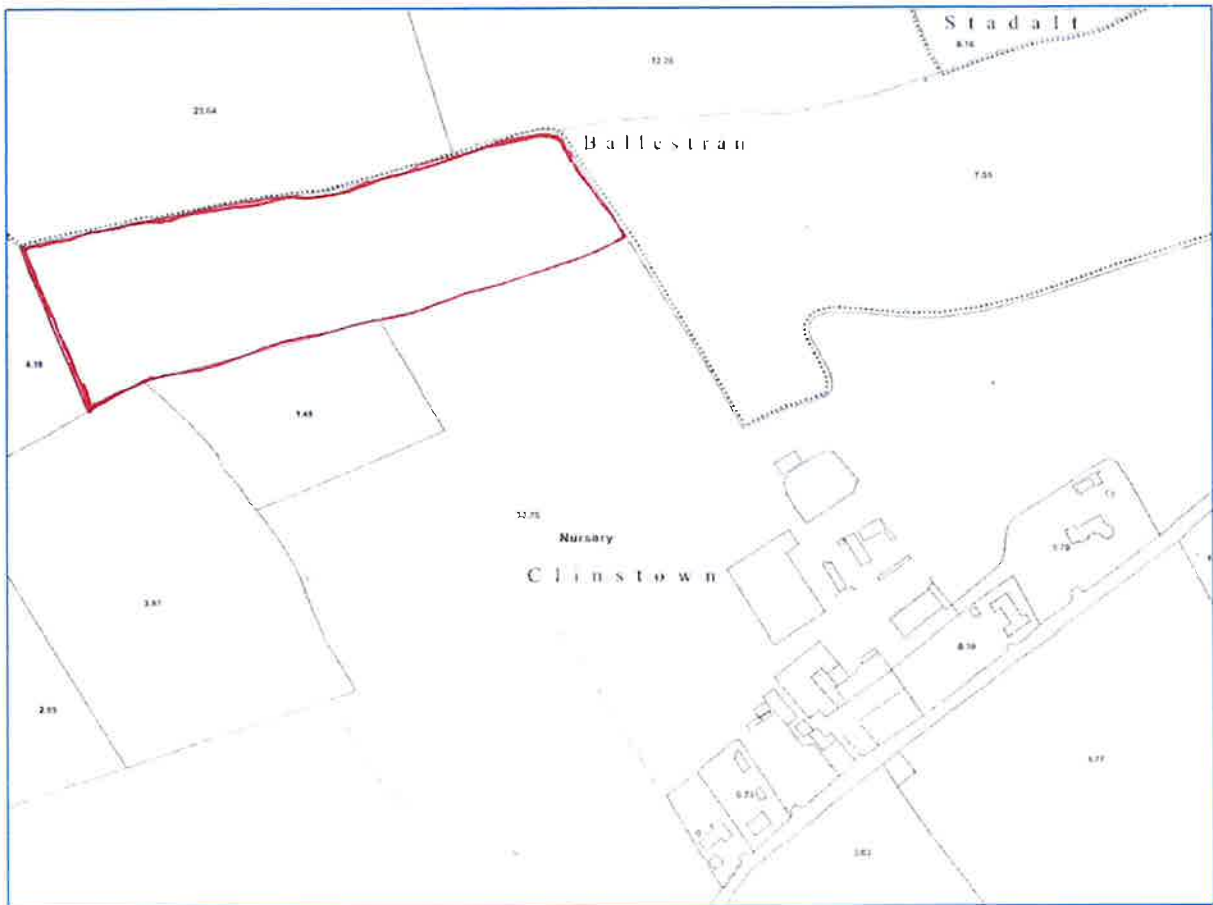


Fig. 1.0: Site Location (outlined in red).

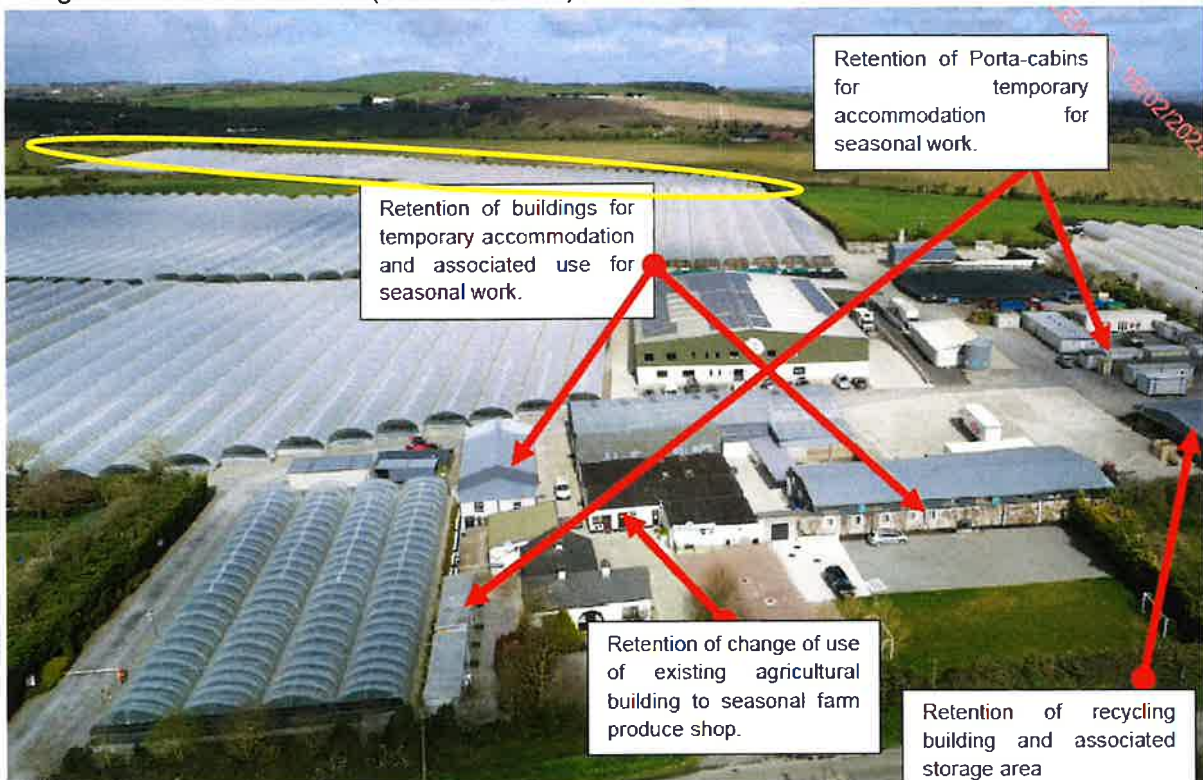


Fig. 2.0: Site Location (outlined in yellow) – Source: Pl. Ref. 2460111

## 2.0 Proposed Declaration

The applicant describes the development in the completed application form as:

*“Whether the upgrading of existing polythene tunnels (17-22) from existing height of 3.15m to a height after upgrade of 3.75m is exempted development at Clinstown, Stamullen, Co. Meath, constitutes exempt development or does not constitute exempt development?”*

The alterations would result in a 0.6m increase in height from 3.15m to 3.75 metres. SA130586 is relevant to this application, as per Site Layout under PI. Ref. SA130586. Typical tunnel height was indicated as 3m with a ground level width of 6.5metres. A previous Exemption Cert was issued for the upgrading of 20 no. tunnels from 3.9 m to 4.02 metres and 8 metres wide.



## 3.0 Planning History

Reg. Ref. 2460111 Permission GRANTED for retention for reuse of existing agricultural buildings to temporary accommodation for seasonal work. Change of use of existing agricultural building to seasonal farm produce shop. Retention of porta-cabins for temporary accommodation for seasonal work...

Reg. Ref. AAS52016 Exempted Development Cert GRANTED (2020) To upgrade our existing polythene tunnels from 3.9 metres high x 8 metres wide to 4.02 metres high x 8 metres wide at Clinstown, Stamullen, Co. Meath.

*Details submitted with the application referred to the minimal changes in design, but which would allow a change of fruit production from strawberry to raspberry production which requires a different style of tunnel.*



- Reg. Ref. AA180876 Permission GRANTED for relocation and redesign of previously granted AA171065; an agricultural building to replace existing pack house facility, with ancillary ground/ first floor office space and all associated site works.
- Reg. Ref. AA171065 Permission GRANTED for an agricultural building to replace existing pack house facility with ancillary ground/ first floor office and all associated site works.
- Reg. Ref. SA130586 Permission GRANTED (2013) for the upgrade of existing polythene tunnels (plot 17 – 22) and recurrent seasonal rotation/ upgrade of remaining plots within the landholding shown (Folio 18583 an 38618F).
- Reg. Ref. SA110483 Permission GRANTED for replacement and upgrade of existing polythene tunnels.
- Reg. Ref. SA70224 Permission GRANTED for placing of 19 mobile polythene tunnels from April to September annually.
- Reg. Ref. SA60023 Permission GRANTED for placing of polythene houses (13600 sqm per house) for the purpose of horticultural activity on lands.

#### **4.0 Internal, External and Prescribed Bodies**

None.

#### **5.0 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.

##### **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;

“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 Act 2000-2023**

Section 4(2)(a) includes provision for the Minister to provide by regulations for development to be exempted development for the purposes of this Act.

Section 4(4) states that “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.”

### **5.4.1 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 2001-2025**

Article 6 of the Planning & Development Regulations 2001-2025 provides (subject to the restrictions in article 9 of the Planning & Development Regulations 2001-2025) 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.

From a review of the submitted application, it is considered that there are no applicable classes and therefore the proposal must be assessed under 4(1)(h) of the Planning and Development Act 2000-2023.

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

## **5.7 Article 9 of the Planning & Development Regulations 2001-2025**

Article 9(1) of the Planning & Development Regulations 2001-2025 states:

*“Development to which Article 6 relates shall not be exempted development for the purposes of the Act -*

- (a) if the carrying out of such development would*
  - (i) contravene a condition attached to a permission under the Act or be inconsistent with any use specified or in a permission under the Act,*
  - (ii) ...*
  - (iii) endanger public safety by reason of traffic hazard or obstruction of road users,*
  - (iv) ....*
  - (v) ...*
  - (vi) Interfere with the character of a landscape...*
  - (vii) ....*
  - (viii) consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use,...*



## **6.0 Assessment**

The question has arisen as to *“Whether the upgrade of existing polythene tunnels (17-22) from existing height of 3.15m to a height after upgrade of 3.75m is exempted development?”*.

In this regard it is necessary to consider the question of “development” and “exempted development” as provided for in statute and summarised above.

### **6.1 “Development”**

The proposed upgrade constitutes ‘works’ and ‘development’ within the context of the Act.

### **6.2 “Exempted Development”**

In terms of whether the development is exempted development, it is considered that the applicant proposes development consisting of the carrying out of works which affect the interior of the structure and which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures. Therefore the development comes within the scope of 4(1)(h) of the Act and would therefore be exempted development.

## **7.0 Flood Risk**

The application site is located in a flood zone C, where the risk of flooding is low.

## **8.0 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:

- North-west Irish Sea SPA (Site Code 004236)
- River Nanny Estuary and Shore SPA (Site Code 004158)

A Screening for AA was lodged under Pl. Ref. 2460111, which has also been considered.

The Planning Authority considered the nature, scale and location of the proposed development and other plans and projects (where there could be potential for cumulative or in-combination effects), the conservation objectives/ qualifying interests of European Sites within the vicinity of the site and the distance to European Sites, any protected habitats or species, the WFD catchment location, the underlying aquifer type and vulnerability and the excavation works, emissions, transportation requirements and duration of construction and operation and cumulative impacts associated with the proposal.

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

## **9.0 Environmental Impact Assessment**

The Planning Authority is required to determine if the proposed development requires an Environmental Impact Assessment (EIA). The proposed development is significantly below the relevant threshold for agricultural/ horticultural-related development therefore mandatory EIA is not required. Having regard to the scale, nature and location of the development it is not considered likely to result in significant environmental effects. A sub-threshold EIA is not therefore required.

## **10.0 Conclusion and Recommendation**

It is therefore recommended that a declaration of Exemption/ Exemption Cert be issued for the upgrading of existing polythene tunnels at Clintstown, Stamullen.

WHEREAS the question has arisen as to whether

- *“Whether the upgrade of existing polythene tunnels (17-22) from existing height of 3.15m to a height after upgrade of 3.75m constitutes exempt development or does not constitute exempt development?”*

AND WHEREAS Meath County Council in consideration of this question has had regard particularly to:

- (a) Sections 2, 3 and 4, 4(1)(h) of the Planning and Development Act 2000-2023
- (b) Article 9(1) of the Planning and Development Regulations 2001-2025
- (c) the nature of the subject development as outlined, and details submitted
- (d) the planning history of the site

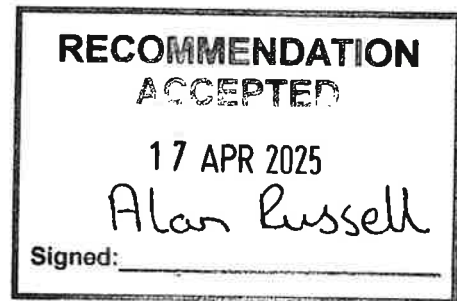
AND WHEREAS Meath County Council has concluded: -

- (a) The proposed “*upgrade of existing polythene tunnels (17-22) from existing height of 3.15m to a height after upgrade of 3.75m*” would come within the scope of 4(1)(h) of the Planning and Development Act 2001-2023 and would therefore be exempted development.

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 24/03/2025 is development and is **EXEMPTED DEVELOPMENT**.



Teresa O'Reilly  
Senior Executive Planner  
Date: 15/04/2025



Alan Russell  
A/ Senior Planner  
Date: 17/04/2025

**Comhairle Chontae na Mí**

Roim 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**

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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: HARMONY VALE PRODUCE (CHARLES FREDERICK FRUITS)

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

ALAN FORBID

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

3. Location of Development and/or Subject Site: CLINSTOWN, STAMULLEN

4. Description of Development: TO UPGRADE EXISTING POLYETHYLENE TUNNELS (17-22) FROM EXISTING HEIGHT OF 3.075m TO A HEIGHT AFTER UPGRADE OF 3.75m

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?

N/A

Please tick as appropriate: YES ☐ NO ☐

7. State overall height of structure if applicable: 3.75m (HIGHEST POINT)

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

APPLICATION AREA 3.25 HA

RECEIVED  
PLANNING DEPT

24 MAR 2025

AS525039

Counter  
Reference No

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

10. Please state applicants interest in this site BUSINESS OWNER

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

N/A

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:

SA/130586

SIGNED:



DATE:

24/3/25

## 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)



# Planning Pack Map

ASS 25039

CENTRE  
COORDINATES:  
ITM 713217.784794

PUBLISHED:  
04/10/2022  
ORDER NO.:  
50284940\_3

MAP SERIES:  
1:2,500  
1:2,500  
MAP SHEETS:  
2513-C  
2582-A

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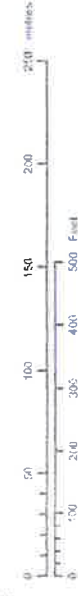
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CAPTURE RESOLUTION:  
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resolution at which they were captured.  
Output scale is not tied to the data capture scale.  
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OUTPUT SCALE: 1:2,500



A5525039

NOTES:

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2. ALL LEVELS ARE IN METRES.
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4. ALL BUILDINGS TO BE CONSTRUCTED TO CURRENT RELEVANT DEPARTMENT OF AGRICULTURE SPECIFICATIONS.
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— PLANNING BOUNDARY

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66700

PLOT 22  
STRAWBERRIES

PLOT 21  
STRAWBERRIES

PLOT 20  
STRAWBERRIES

PLOT 19  
STRAWBERRIES

PLOT 18  
STRAWBERRIES

PLOT 17  
STRAWBERRIES

114000

005454500

PLOT 11 RASPBERRIES

PLOT 12 BLACKBERRIES

PLOT 13 RASPBERRIES

DESIGNED BY: PLANNING		DATE: 15/05/2025	BY: G.R.
DRAWN BY: G.R.		DATE: 15/05/2025	BY: G.R.
CHECKED BY: G.R.		DATE: 15/05/2025	BY: G.R.
PROJECT: HARMONY VALE PRODUCE (CLARKE'S FRESH FRUIT), CLINSTOWN, STAMULLEN, Co. MEATH.		DATE: 15/05/2025	BY: G.R.
SHEET: 1 OF 1		DATE: 15/05/2025	BY: G.R.
SITE LAYOUT PLAN.		DATE: 15/05/2025	BY: G.R.

NOTES:

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CENTRE  
COORDINATES:  
ITM 713217,764794

PUBLISHED:  
04/10/2022

ORDER NO.:  
50294940\_3

MAP SERIES:  
12,500  
12,500

MAP SHEETS:  
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