

Comhairle Chontae na Mí

*Roimh 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:** College Proteins

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**

Stephen Barrett, Tom Philips + Associates

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

3. **Location of Development and/or Subject Site:** Cregg, Nobber, Co. Meath

4. **Description of Development:** The provision of a drip irrigation system for the
purpose of land spreading on agricultural fields at Cregg, Nobber, 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 ☒

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

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

N/A

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Counter K5525022
Reference No

9. List of plans / drawings etc. submitted:

Site location map, site plan map, Section 5 Declaration Planning Report, Irrigation route map

10. Please state applicants interest in this site

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:

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:

24/60186, 23/60349, 23/60068, 22/1214 (at College Proteins Site, not within fields)

SIGNED:

Stephen Barnett

DATE: 20/02/2025

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

20/02/2025

Site Location Map

SITE LOCATION MAP

Scale 1:10,560

- RED LINED BOUNDARY
- EXISTING PIPEWORK
- PROPOSED PIPEWORK
- PROPOSED PED SYSTEM

I.T.M. Co-Ordinates:
681875, 789136

Project: Red Line Boundary & Pipework at: College Proforma Site, College Road, Nobber, Co. Meath. For: College Proforma Ltd	
Drawing Title: Site Location Map	Rev:
Scale: 1:10,560	Date: November 2024
Prepared By: Karl Smith	

Smith Associates
Architects - Surveyors
14-16 Main Street, Rathfriland, Co. Wick
Tel: 046 907 1234
Email: info@smith.ie



OUTPUT SCALE: 1:10,560

CAPTURE RESOLUTION:
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LEGEND:

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search 'Large Scale Legend'

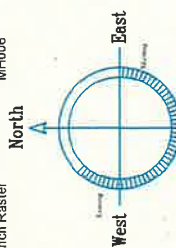
CENTRE COORDINATES:
ITM 681884.789109

PUBLISHED:
15/06/2021

ORDER NO.:
50169974_1

MAP SERIES:
6 Inch Raster
MH005
MH006

MAP SHEETS:
MH005
MH006



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21 FEB 2025

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Site Location Map

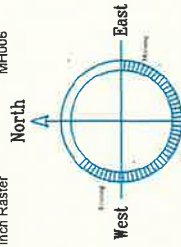
CENTRE
COORDINATES:
ITM 681875, 789136

PUBLISHED:
15/06/2021

ORDER NO.:
5019974_1

MAP SERIES:
6 Inch Raster

MAP SHEETS:
MH005
MH006



I.T.M. Co-Ordinates:
681875, 789136

SITE LOCATION MAP

Scale 1:10,560

RED LINED BOUNDARY
PIPEWORK

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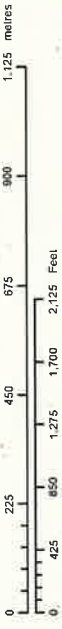
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OUTPUT SCALE: 1:10,560



Project: Red Line Boundary & Pipework For College Planning Ltd		Smith Associates Architects-Surveyors	
Drawing Title: Site Location Map		Drawing No.: 39-23-21EL	Rev.:
Scale: 1:10,560		Prepared By: Karl Smith	Date: November 2024



RECEIVED
PLANNING DEPT.
21 FEB 2025
POST *ks52502a*
REFERENCE NO.



PLANNING COVER LETTER

In respect of

SECTION 5 DECLARATION REQUEST IN THE TOWNLAND OF CREGG, NOBBER, CO. MEATH

Prepared on behalf of

COLLEGE PROTEINS
College Road
Nobber
County Meath

By



TOM PHILLIPS + ASSOCIATES
Town Planning Consultants
80 Harcourt Street
Dublin 2
D02 F449

FEBRUARY 2025

TOWN PLANNING CONSULTANTS

Directors: Tom Phillips BA MRUP MA (Urb Des) MRTPI FIPI (Managing); Gavin Lawlor BSoc Sc MRUP MIPI; Jerry Lucey BA MBS (MIMAS) ACMA; John Gannon BSc (Surv) MRUP MIPI; and Stephen Barrett BSc (Spatial Planning) Dip. ERM MIPI. **Associates:** Bernard Dwyer BSc MPlan MIPI; Brian Minogue BSc (Spatial Planning) MIPI; Julie Costello BA MRUP MIPI; Lizzie Donnelly BA MA (Planning) MRTPI MIPI; Órla Casey BA MPlan MIPI; Orla O'Callaghan BA MPlan MIPI; and Sine Kelly BAgrSc (Land Hort) MRUP Adv.Dip.PM MIPI AMILI. **Registered:** Tom Phillips + Associates Limited. **Registered in Ireland No.** 353333. **Registered Office:** 80 Harcourt Street, Dublin 2, D02 F449, Ireland.



Meath County Council
Buvinda House, Dublin Road
Navan, County Meath
C15 Y291

20th February 2025

Dear Sir/Madam

RE: SECTION 5 DECLARATION REQUEST FOR THE PROVISION OF A DRIP IRRIGATION SYSTEM FOR THE PURPOSE OF LANDSPREADING ON 4 NO. AGRICULTURAL FIELDS IN THE TOWNLANDS OF AT CREGG, NOBBER, CO. MEATH

1.0 INTRODUCTION

The Declaration is sought in writing, supported by the provision of the considered requisite information (2 no. copies Site Location Map and Site Layout Map) and the appropriate fee of €80 as described under schedule 10 of the Planning and Development Regulations, 2001 (as amended) (PDR').

The proposed declaration relates to the provision and use of a drip irrigation system within agricultural fields on lands at Cregg, Nobber, Co. Meath (in the ownership of College Proteins). Currently the treated effluent from College Proteins is pumped to a lagoon adjoining this landbank and is then landspread via a surface irrigation system (as per Environmental Protection Agency (EPA) approval). It is now proposed to provide a sub-surface irrigation system from the lagoon which will provide for pipes within the agricultural fields.

We request that MCC make a declaration that the proposal constitutes exempted development as it relates to the use of land for agricultural purposes under the provisions of the Acts and the associated Planning and Development Regulations 2001, as amended (the 'Regulations'). In summary, in our professional planning opinion, the works satisfies the exemption criteria as set out in the PDA and PDR. This is further elaborated on below.

1.1 Summary of Application

College Proteins is an industrial bio-fuel management and animal rendering company that utilises animal and poultry by-products to manufacture fat and protein products. The site also uses the fallen stock material to produce both liquid and solid biofuels as well as renewable energy power and biodiesel. The site has a long-established history with this use, as the company has been in practice since 1989.

The College Proteins facility currently operates under an Industrial Emissions Licence from the Environmental Protection Agency number P0037 – 04.

College Proteins are seeking a declaration that the use of a drip irrigation system within the fields, to continue the permitted landspreading activity which is related to the sustainable

operation of their facility, is exempted development. The development does not result in an increase in input / output of raw materials at the College Proteins site.

1.2 Enclosed Application Documentation

The following documents are enclosed with this Section 5 Declaration Request submission:

Documents

- *Section 5 Declaration Application Form*, completed by Tom Phillips + Associates, dated 20th February 2025.
- *Section 5 Declaration Request Planning Report*, prepared by Tom Phillips + Associates, dated 20th February 2025.
- *OSI Site Location Map including connecting pipe work.*
- *OSI Site Location Map/Site Plan Map including existing/proposed pipework, and proposed PED system.*
- *Irrigation Route Map*
- Application Fee: EFT made payable to *Meath County Council* for €80.

2.0 BACKGROUND AND INFORMATION

2.1 Site Location and Context

The subject site is located in the townland of College, Nobber, Co. Meath. It is approximately 3km north of Nobber, a town situated on the R162 in north County Meath. Kingscourt, Co. Cavan is a larger settlement lying approximately 6.7km northwest of the site while Drumconrath lies 6.0km to the east on the R165.

The site is located in a rural, agricultural setting where the predominant land use is pastoral farmland and tillage contained in medium to larger-scale agricultural fields. A mix of grassed ditches, low-clipped hedgerows, and mature tree lined hedgerows define the broad field pattern in this area. There is a dispersed rural population within the area consisting of clusters of detached residential dwellings, and farmsteads. A significant portion of the surrounding rural land is owned by the applicant.

The surrounding landscape is rural, comprised of grazing and arable lands, divided by mature hedgerows, and scattered with small farms and residential dwellings. The overall relief of the surrounding area is dominated by drumlins that pose elevations of 100m O.D and are approximately 200 meters across with a moderate gradient to the southeast. While lakes are frequently associated with drumlin landscapes, the local site landscape does not have any.

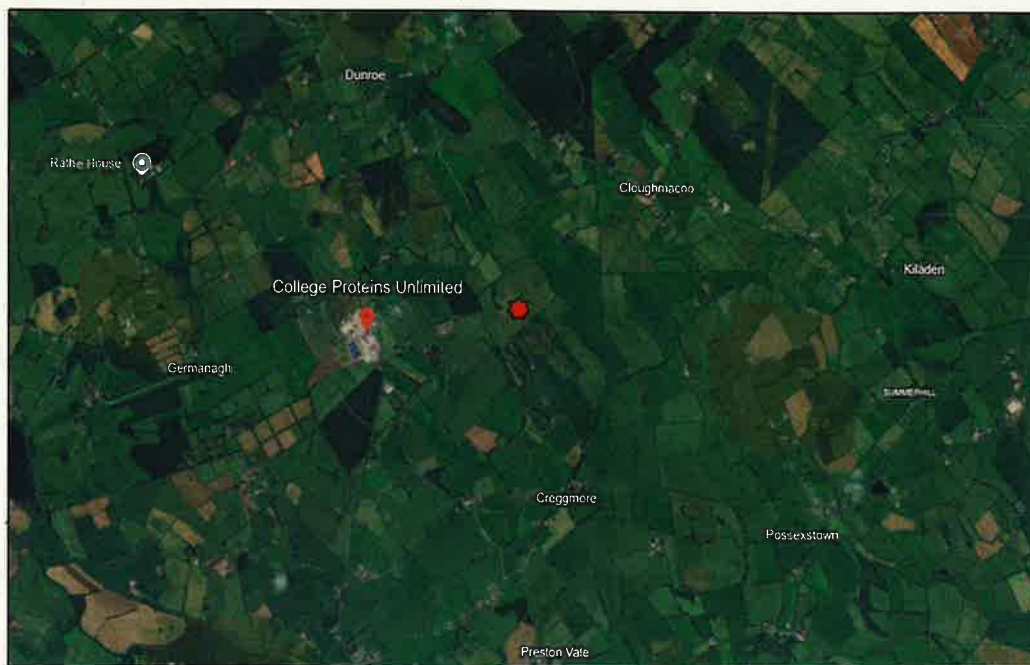


Figure 1: Aerial View of the College Proteins site and associated agricultural fields marked in red. (Source: Google Earth, Annotated by TPA, 2025).

2.2 Planning History

The applicant has an extensive and positive planning history on College Proteins site dating back to 1989. There is no relevant recent planning history associated with the agricultural landbank. All cases are shown below:

Table 1: Application History of Subject Site			
MCC Ref.	Applicant	Development Description	Status
89/870	College Proteins Ltd.	Retention of plant rooms and ancillary services	Grant by MCC on 31/10/1989
97/269	College Proteins Ltd.	The retention of 5 tallow tanks, a condenser, covered unloading area, chimney stack, bunding of storage tanks, aeration tank, effluent tank, DAF unit, retention & completion of foundations, road slab and drainage work, new works comprising a factory extension	Grant by MCC
97/1848	College Proteins Ltd.	An extension to their factory consisting of a single storey store and boiler house with a total floor of 158 sq. metres and a chimney 21 metres in height.	Grant by MCC on 10/06/1998
97/1871	College Proteins Ltd.	To construct a storage lagoon for treated effluent with protective structure and hydraulic connections at the existing production plan.	Grant by MCC on 10/06/1998



98/56	College Proteins Ltd.	A two-storey office block of 468 square metres and a car park of 14 spaces at their factory.	Grant by MCC on 16/04/1998
FS/98083	College Proteins Ltd.	Portal frame extension to building	Grant by MCC on 06/11/1998
99/2252	College Proteins Ltd.	The retention of the existing BBK Bio-filter and planning permission of a new BBK Bio-filter. This application	Grant by MCC on 03/04/2000
00/1878	College Proteins Ltd.	Construction of a security hut, this application relates to a development, which comprises or is for the purpose of an activity, which requires a license under Part IV of the Environmental Protection Agency Act 1992	Grant by MCC 01/01/2001
01/1363	College Proteins Ltd.	An increase in capacity of their meat rendering plant from a permitted 75000 tonnes per annum (reg ref 97/269) to 125,000 tonnes per annum & the construction of 4 No. tallow storage silos each with a capacity of 200 cubic metres to facilitate this increase in capacity. Permission is also sought for the retention of a bunded area for the proposed tallow tanks, a cooker room extension & store to the north western side of the main process building, a laboratory building, an extension to the administration building to provide a canteen for employees, a DERV tank, a final effluent storage tank, a weighbridge & internal access road parallel to College Road, the relocation of the approved BBK Biofilter No 2 by 14m approximately to the north east, BBK Biofilters No 3	Grant by MCC
Ka20256	College Proteins Ltd.	Construction of an extension to the existing main processing building for the provision of a second processing line which will process Class 1 and Class 2 animal by-products not intended for human consumption.	Grant by MCC
KA/60283	College Proteins Ltd.	A temporary wind monitoring mast and monitoring system with a height of 50m.	Grant by MCC on 14/08/2006
KA/70425	College Proteins Ltd.	The retention of 4 no. existing structures on site including: a workshop building for the manufacture of plant and machinery, located to the west of the main process building, a building for the maintenance of haulage vehicles, located to the east of the main process building, a bio-filter structure to facilitate the control of odour, located to the east of the main process building, and an ancillary storage building, located to the rear of the main office building. These	Grant by MCC on 06/09/2007



		structures are all single-storey and are used in connection with an on-going meat rendering operation.	
13/13	College Proteins Ltd.	Application made directly to An Bord Pleanála under Section 37E of the Planning and Development Act 2000, as amended, including and EIS by College Proteins, for Development at College Road, Nobber, Co Meath	Application under ref. no. 17.PA0013 and was granted by ABP 28/02/2013
KA/160786	College Proteins Ltd.	The application site comprises an area of c.1.47 hectares. Permission is sought for the construction of a biodiesel manufacturing facility producing up to 25,000 tonnes of biodiesel per annum. The facility comprises: a process building and associated tank farm (consisting of 12 No. external storage tanks, cooling unit, fertiliser silo, loading/uploading station); weigh bridge; security building, 22 No. car parking spaces; 5 No. HGV parking spaces; overground pipe racks linking to the existing rendering plant and wastewater treatment plant; a pipe bridge linking the process building and tank farm; and all ancillary site development, landscaping and boundary treatment works above and below ground.	Grant MCC 27/10/2016
KA/180183	College Proteins Ltd.	Construction of a biomass combined heat and power (CHP) plant and associated ash landfill facility adjacent to the existing meat rendering plant on the College Proteins site, located in the townlands of College and Rathgillen.	Grant by MCC
KA/180354	College Proteins Ltd.	To amend a permitted Biodiesel Manufacturing Facility (Meath County Council Reg. Ref. KA/160786)	Grant by MCC on 10/07/2018
KA/200727	College Proteins Ltd.	Planning permission is sought for the following: A. Construct new 6 bay workshop extension to existing engineering workshop. B. Retain existing electrical panel room, together with carparking and site development works	Grant by MCC on 24/09/2020
21/1221	College Proteins	Planning permission to amend a permitted Biodiesel Manufacturing Facility (Meath County Council Reg. Ref. KA/160786; as amended by Reg. Ref. KA/180354), on a site of c. 0.62 hectares at College Road, College, Nobber, Co. Meath. The development will consist of the extension to the existing Biodiesel Manufacturing Facility across all 3 no. floor levels resulting in an increased floor area of c. 354sqm; the provision of an external stairs; the provision of an off-loading bund area and all ancillary site development works above and below ground.	Grant by MCC on 27/09/2021



22/1214	College Proteins	Development will consist of the demolition of an existing garage and the provision of an Anaerobic Digestion Facility with an intake of up to 50,000 tonnes of organic feedstock material per annum. The maximum height of the proposed development is the chimney stack associated with the biofilter at c. 18m above ground level.	Grant by MCC on 13/04/2023
23/60068	College Proteins	Installation of solar panels grouped into 5 stands comprising up to 40 panels each, measuring up to 22W x 4.3D x 3.5H metres per stand and providing a combined output of 90kW, including all cabling and associated site works to power an existing pumping station	Grant by MCC on 24/08/2023
23/60349	College Proteins	The development will consist of the provision of a Biogas Upgrading Plant to connect to a permitted Anaerobic Digestion (AD) Facility (Meath County Council (MCC) Reg. Ref. 22/1214). The biogas upgrading unit, which will connect to the AD Facility, will also connect to the National Grid via a biomethane injection point, which will be housed in a Biomethane Network Entry Facility (BNEF). The development also provides for the relocation and reorientation of the permitted engineering amenity block / office extension (MCC Reg. Ref. 22/696) which will now be located to the north-west of the existing engineering workshop. The proposed development will also include all associated site development, drainage and infrastructure works above and below ground.	Grant by MCC 30/01/2024
24/60186	College Proteins	The development will consist of an extension to the existing maintenance workshop building.	Grant by MCC on 18/06/2024
24/60812	College Proteins	The development consists of the retention of an Ammonia Scrubber, Wastewater Treatment Tank, and extension to the Bio-Diesel Building and all associated development works.	Grant by MCC on 14/02/2025

Table 1: Planning History for College Proteins Site

3.0 PROPOSED WORKS

The works subject to this Section 5 declaration comprise a sub- surface irrigation system, a Precision Effluent Dispersal (PED) System, that connects to neighbouring (within applicant's ownership) fields to conduct landspreading of remaining effluent utilised by the College Proteins Site. The entire PED/sub surface irrigation system has over 120km of drip lines across the agricultural lands. The purpose of this is to provide natural fertilisation of the lands (as is currently happening via a surface irrigation system) using environmentally sustainable methods. The use of a sub-surface irrigation system will allow for a direct sustainable landspreading method rather than the dependence on a tractor to landspread via an umbilical system from the lagoon to the fields that produces emissions via vehicle operation.

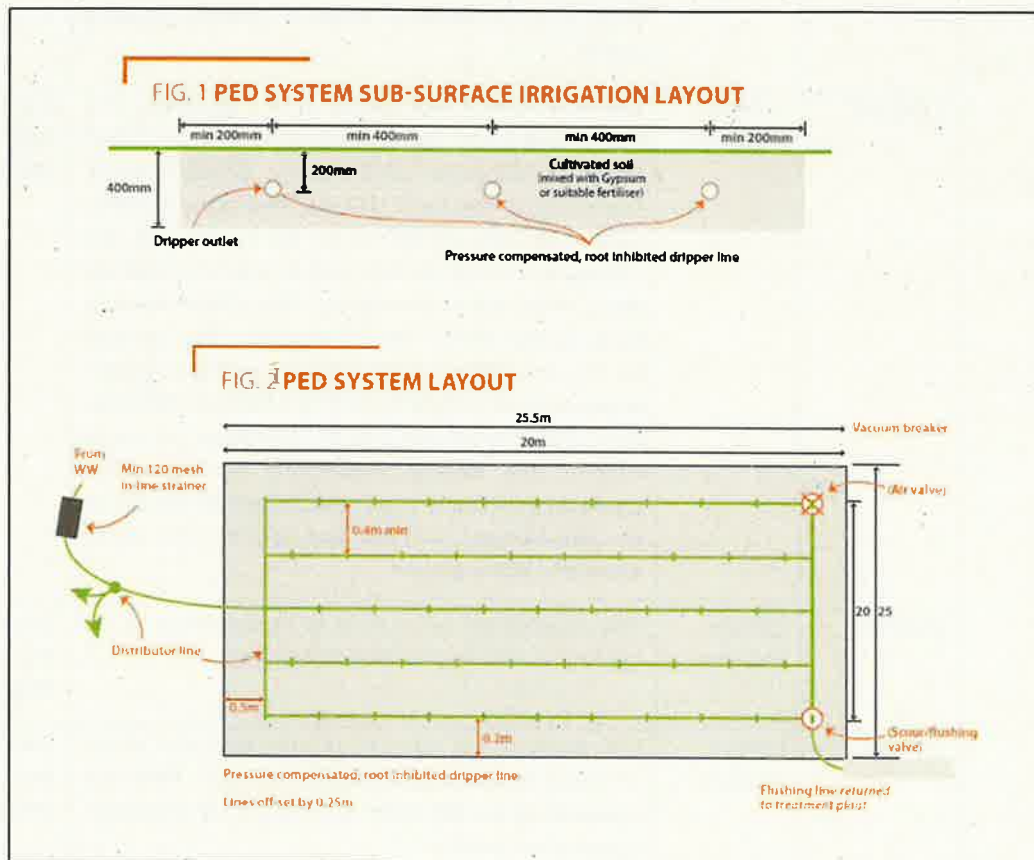


Figure 2: PED System Layouts as shown in the report by College Proteins in submitted Section 5 pack. (Source: Google Earth, Annotated by TPA, 2025).

The irrigation system process will be conducted by utilising effluent from the Wastewater Treatment Plant. The treated effluent will be stored in the existing lagoon before using the material on the neighbouring fields.

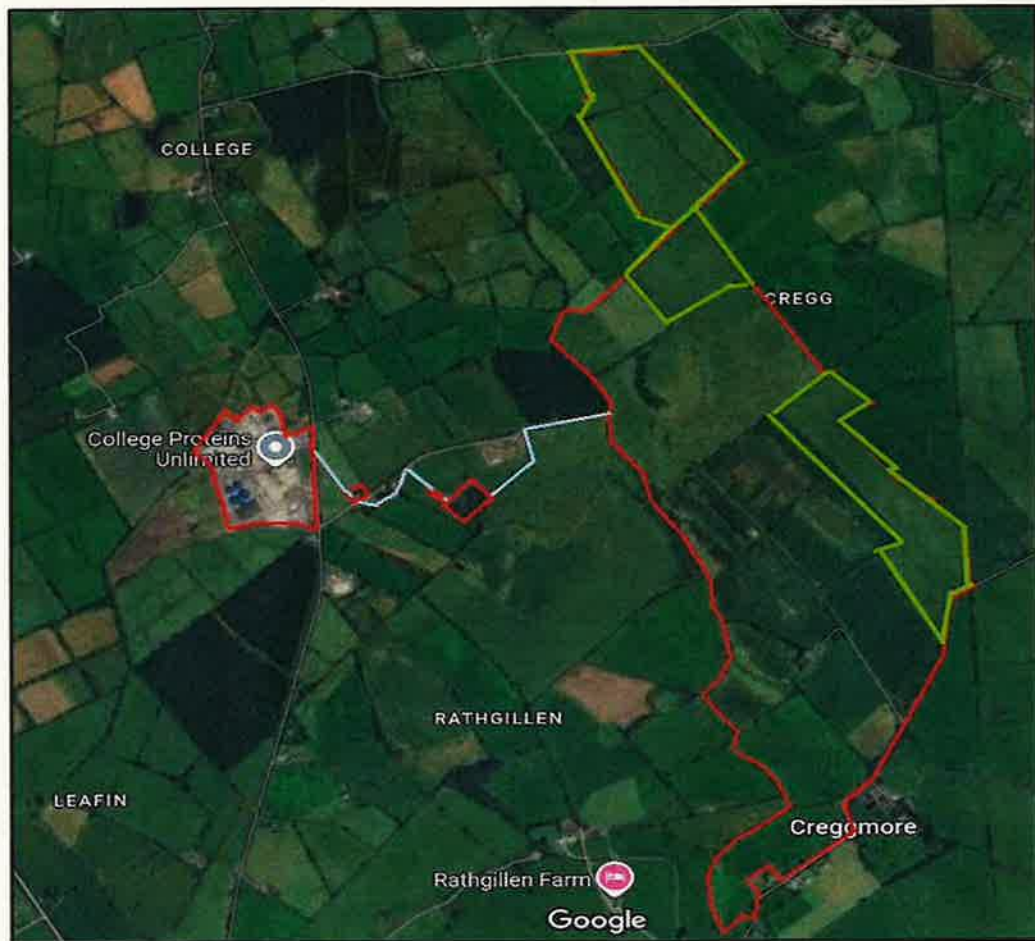


Figure 3: Aerial View of the proposed sub surface effluent irrigation system marked in green. (Source: Google Earth, Annotated by TPA, 2025).

The sub-surface irrigation system is placed in the ground between 2 metres and 3 metres apart onto the agricultural fields. There will be no direct discharge into an open stream or river as part of the drain process. The drip lines will be installed in the ground via a mole plough, similar to that shown below.



Figure 4: Image of Mole Plough process



4.0 THE QUESTION FOR THE PURPOSE OF ASSESSMENT

4.1 Legislative Context: Relevant Definitions

"Development"

Section 3 (1) of the Act sets out that:

"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."

"Works"

'Works' is defined in the Act as follows:

"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."

The next consideration, therefore, is whether the proposed development constitutes exempted development within the meaning of the Act. In our opinion the relevant part of the Act that relates to the proposed development in Article 6 of the Planning and Development Regulations 2001, as amended, which provides that:

"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".

Having regard to the above definitions it is evident that the proposals described in this submission comprise 'works' and 'development'.

Further, the interventions that are in relation to this Section 5 Declaration proposal are in alignment with Section 4(1) (a) of the Planning and Development Act 2000, which states:

4. (1) *The following shall be exempted developments for the purposes of this Act –*

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

The use of the sub-surface irrigation system to landspread on the 4 no. fields is applicable to Section 4(1)(a) of the Act, as the operation is intended to be used for agriculture and sustainable/natural land fertilisation. As shown in the documents accompanied with this Section 5 declaration application, it is clear that all components of the irrigation system are used within the current operation of the College Proteins site and do not alter the external appearance or existing operation of the business.



Having regard to Section 4(1) (a) of the Planning and Development Act, 2000, the proposed development is clearly exempted development, as per the above definitions.

4.2 Exempted Development Restrictions

Article 9 (1) of the Planning and Development Regulations, 2001, as amended, states that the exemptions from the requirement to obtain planning permission (to which Article 6 relates) do not apply under certain circumstances.

We have reviewed the restrictions on exemptions as identified in Part 1, Article 9 of the Planning and Development Regulations 2001, as amended, and we are satisfied that none of these apply to the proposed development. We specifically note in relation to parts of Article 9 below that the proposed would:

- Not contravene any condition in the parent permission and would not be inconsistent with the permitted use;
- Not interfere with the character of a landscape, view or prospect;
- Not relate to an unauthorised structure or unauthorised use;
- Not consist of the fencing or enclosure of any land open to the public;
- Not obstruct any public right of way.

From the above analysis, it is evident that none of the 'restrictions on exemption' set out in Article 9, as summarised above, apply. Therefore, the proposed development avails of the Section 4 (1)(a) of the Planning and Development Act 2000, as amended.

4.3 Appropriate Assessment/Environmental Impact Assessment are Not Required

Section 4(4) of the Acts stipulates a further de-exemption in circumstances where an Appropriate Assessment (AA) or an EIA is required in respect of the proposed development.

"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."

The elements in which a Section 5 declaration are not of a nature, scale or location to have a likelihood of significant effects on the environment arising from the development to require an EIA and therefore an EIA is not required for this development.

4.4 Appropriate Assessment: No Impacts on Natura 2000 Sites

A recent application was made to Meath County Council for the construction of an Anaerobic Digestion Facility on the College Proteins site under ref. no. 22/1214 that conducted an AA Screening for the site. The Planner's report notes, and confirms that:

"The Planning Authority concludes that the proposed development (entire project), by itself or in combination with other plans and development in the vicinity, would be not



likely to have a significant effect on European Sites(s). In light of this, it is considered that a Stage 2 Appropriate Assessment (Natura Impact Statement) is not required in this instance."

In consideration of the above and recent ecological assessments that the site is not in close proximity to European sites, the works do not require further consideration under AA.

4.5 Environmental Impact Assessment and Appropriate Assessment: Not Required

Having regard to the nature of the site and previous ecological assessments, it is our professional planning opinion that the restrictions on exemption relating to AA or EIA as set out under the Act are not applicable in respect of the development which is the subject of this Section 5 referral.

5.0 CONCLUSION

We trust we have supplied all necessary information to allow you to consider this application. If, during your consideration of the application, you should require any further assistance or information please let us know.

Having regard to the above, in our opinion, the subject proposal is exempted development under Article 6 of the *Planning and Development Regulations* (as amended), and we would ask Meath County Council to consider issuing a Declaration to this effect.

Yours faithfully,

Stephen Barrett
Director
Tom Phillips + Associates

MEATH COUNTY COUNCIL
CHIEF EXECUTIVE ORDER

Chief Executive Order Number: 997/25

Reference Number: KS525022

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

Name of Applicant: College Proteins

Address: c/o Stephen Barrett
Tom Philips & Associates
80 Harcourt Street
Dublin 2
D02 F449

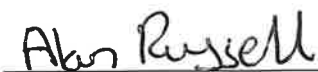
Nature of Application: The provision of a drip irrigation system for the purpose of land spreading on agricultural fields

Location of Development: Cregg, Nobber, Co Meath

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: 10/06/2025

Meath County Council



Planning Report

To:	Alan Russell, A/Senior Planner
From:	Peadar McQuaid, A/Senior Executive Planner
Date:	09/06/2025
File Number:	KS525022
Applicant:	College Proteins
Development Address:	Cregg, Nobber, Co. Meath.
Application Type:	Section 5 of the Planning & Development Act 2000-2023: Declaration on Development.
Development Description:	The provision of a drip irrigation system for the purpose of land spreading on agricultural fields
Date Decision Due:	11/06/2025

1.0 Further Information

Further information was requested by the Planning Authority in respect of this section 5 declaration on 19/03/2025. A response was received on 22nd May 2025. This report should be read in conjunction with the previous planner's report of 18th March 2025.

1.1 Further Information Request Item No. 1

The applicant is requested to respond to the following:

The MCC mapping system identifies a 'Ringfort – rath' – ME00232/ ME006-006---- in one of the fields associated with the Section 5 application (smaller field in the centre of the lands identified in green outline) which is listed as a national monument and includes an associated buffer area. It is unclear whether the proposed development would interfere with the

archaeology present or comprise the excavation, alteration or demolition of any archaeological monument, with reference to Article 9(1)(a)(vii) and (viiA) of the Planning & Development Regulations 2001-2025. Please provide further information regarding the intended location of the proposed subsurface pipework and likely impact on the monument.

1.1.1 Response to Item No. 1

In response it is stated that the proposal has been reviewed by an archaeological consultancy. It is stated that the trench to accommodate the pipes is located at a distance of over 30m from the ringfort in question and that there will be no physical or visual impact on the ringfort of any monuments located in the surrounding area of the development.

1.2 Further Information Request Item No. 2

The Planning Authority is required to determine whether the proposed development requires an Environmental Impact Assessment (EIA). It is unclear if the proposed development equals or exceeds a threshold or represents a category of project listed in Schedule 5 of the Planning and Development Regulations 2001 to 2025 or whether a sub-threshold EIA is required under Schedule 7.

Please submit an EIA Screening, which addresses Part 1 (22), Part 2, Class 7, Class 11, Class 13 or other relevant classes of Section 172(1)(a) of the Planning and Development Act 2000-2023. This should be prepared in accordance with EPA Guidance to assist the Planning Authority in its Screening for EIA in accordance with Section 28 (2018) Guidelines. Author(s) of the report should be suitably qualified and experienced.

The report concludes that the "combination of the site location, the project characteristics, potential impacts means that the proposed development will not have any significant adverse environmental impacts. In this context it is considered that there is no requirement for an EIA".

1.2.1 Response to Item No. 2

An EIA screening report prepared by O'Callaghan Moran & Associates has been submitted in response. The report states that Parts 1 and 2 of Schedule 5 were reviewed to ascertain if the proposed development came within any of the listed classes of activities. The report specifically addresses Class 22 of Part 1 and Classes 7, 11 and 13(c). It is submitted that none of these are relevant to the proposed development.

Information is provided in respect of the project location, characteristics of the project and type and characteristics of potential impacts. It is concluded that EIA is not required.

1.3 Further Information Request Item No. 3

In your response to the above, the applicant is referred to a recent Bord Pleanála Case reference: RL17.318864/ MCC Planning Reference: LBS52376- <https://www.pleanala.ie/en-ie/case/318864> for the "installation of a 7 hectare sub surface irrigation to facilitate the dispersal of treated effluent from the on-site wastewater treatment plant. The system is installed with an irrigation pipework on the two fields which are separated by 400mm. The design of the system will be divided into seven zones which will be irrigated via an automated

system" is or is not development and is or is not exempted development" was determined to be development and not exempted development.

1.3.1 Response to Item No. 3

In response, the applicant submits that the works are considered to be exempted development in accordance with Section 4(1)(a) of the Planning and Development Act 2000-2023. It is stated that the use of the sub-surface irrigation system to land spread is applicable to Section 4(1)(a) as the operation is intended to be used for agriculture and sustainable/natural land fertilisation.

Consideration was given by the applicant to referral reference RL17.318864. It is submitted that the assessment by the Board considered whether the development was exempt having regard to Section 4(1)(h) of the Act while in this case, Section 4(1)(a) is relevant. Furthermore, in referral reference RL17.318864, the treated effluent was being sent to a municipal facility to be dealt with. It is stated that at College Proteins the treated effluent has been spread within the fields associated with the proposed works for a significant period of time, as approved by the EPA and the proposed works provide for an improved method of dispersing the treated effluent over the current mobile bowser arrangements.

1.4 Further Information Request Item No. 4

Please provide as much information as possible in relation to the existing operation, size of area involved (ha) in the proposed development and existing operation, nature of the effluent involved in the proposed land spreading, and any other information you consider relevant in the consideration of the current application.

1.4.1 Response to Item No. 4

Details have been submitted by the applicant in respect of the existing and proposed operations. It is stated that College Proteins currently operate a wastewater treatment plant. Effluent is pumped from this to a lagoon located beside the landbank. The effluent from the plant is then landspread via a surface irrigation system on a landbank approved by the EPA with an approved nutrient management plan in place. Details of the landbank have been submitted.

It is proposed to replace the existing operations with the proposal the subject of this section 5 application. The landspreading would be changed from a surface application to a subsurface application. It is stated that the lagoon currently in use would be kept empty and instead a smaller day lagoon will be used to pump effluent to the underground dispersal system. In the event of an emergency, the larger lagoon will be used.

Details have been given regarding the components of the system which include:

- Main lines: These start from the pump station running in a single direction.
- Sub lines: Taken from main lines.
- Driplines: The effluent is released from these. They are buried in a grid located approximately 200mm below the ground surface.
- Air release valves: Installed in sub lines.

- Valve boxes: These have above ground elements.

Soil moisture monitoring probes will be installed to monitor the soil water content above and below the driplines.

Details of the 4 no. fields where the system would be used have been provided. Existing pipework, some of which would be used in the new system, has also been shown.

The diagram provided of the system illustrates wastewater passing through a mesh in-line strainer then to distributor lines and onto the dripper lines. It isn't clear whether the strainer is existing or would be constructed as part of the new system. Similarly, it isn't clear whether the pump which would move effluent out of the lagoon into the new system is in existence.

2.0 Assessment

This application seeks a declaration of exempted development with respect to "the provision of a drip irrigation system for the purpose of land spreading on agricultural fields". According to the information submitted, the EPA have requested that a Section 5 declaration is obtained in order to include the system on the EPA IEL licence for the facility.

It is noted that the Section 5 declaration process is not a merits-based assessment of a particular proposal but a decision as to whether a proposal is development or not and if so, whether it is exempted development.

The proposal would involve the laying of pipework across a network of fields, installation of ancillary components to the system including air release valves, valve boxes and soil moisture monitoring probes. As noted above, it is not clear whether some items referred to are already in place or would be included in the proposed system (mesh in-line strainer and pump).

Having regard to the nature of the proposal and the operations required to install it, it is considered that it represents works and constitutes development in the context of Sections 2 and 3(a) of the Planning and Development Act 2000-2023.

Having reviewed the details of the proposed system, it is considered that it would form an extension and material change to the existing wastewater treatment system on the site and on completion would form an integral part of the treatment system akin to a percolation area. While the operation of the system may serve to benefit the use of the lands for agricultural purposes, it is not considered that the system itself represents the use of the land for the purpose of agriculture as set out in Section 4(1)(a) of the Planning and Development Act 2000-2023; it is considered to represent the use of the land for the disposal of wastewater from the treatment system which is which is controlled by IE licence.

Furthermore, as a new element on different land to the established wastewater treatment system, it is not considered to represent the maintenance, improvement or other alteration of any structure as set out in Section 4(1)(h) of the Planning and Development Act 2000-2023. There are no specific exemptions for this type of development set out elsewhere in the Planning and Development Act 2000-2023 or the Planning and Development Regulations 2001-2025. Therefore, the proposal is considered to represent development which is not exempted development.

Conclusion

Having regard to the foregoing, it is considered that the proposal constitutes development which is not exempted development.

WHEREAS the question has arisen as to whether the provision of a drip irrigation system for the purpose of land spreading on agricultural fields is or is not development and is or is not exempted development."

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

- a) Sections 2(1), 3 and 4 of the Planning and Development Act 2000 – 2023,
- b) The Planning and Development Act 2000 – 2023 and the Planning and Development Regulations 2001-2025.
- c) The current activities that are undertaken on the site, which are subject to an Industrial Emissions Licence from the EPA (Ref. P0037-04).
- d) Information provided.
- e) Precedent referral cases including An Bord Pleanála reference ABP-318864-24.

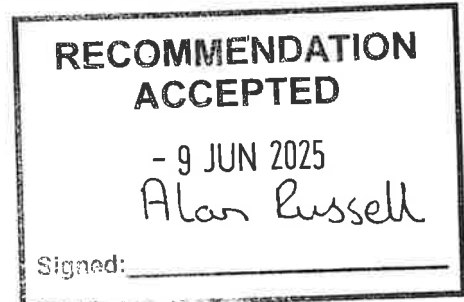
AND WHEREAS Meath County Council has concluded: -

- (a) The provision of a drip irrigation system for the purpose of land spreading on agricultural fields represents works and constitutes development as per Sections 2(1) and 3 of the Planning and Development Act 2000-2023.
- (b) There are no provisions in the Planning and Development Act 2000-2023 or Planning and Development Regulations 2001-2025 by which the subject development is exempted development, and this development is, therefore, not 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 21/02/2025 and 22/05/2025 is development and is not exempted development.



Peadar McQuaid
A/Senior Executive Planner
Date: 09/06/2025



Alan Russell
A/Senior Planner
Date: 10/06/2025

MEATH COUNTY COUNCIL

Planning Department

Buvinda House

Dublin Road

Navan

Co Meath

046 - 9097500

Planning & Development Act 2000-2023

DECLARATION

To: College Proteins
c/o Stephen Barrett
Tom Philips & Associates
80 Harcourt Street
Dublin 2
D02 F449

**PLANNING REFERENCE
NUMBER:** KS525022

APPLICATION RECEIPT DATE: 21/02/2025

**FURTHER INFORMATION
DATE:** 22/05/2025

In pursuance of the powers conferred upon them by the Planning and Development Act 2000-2023, Meath County Council has by order dated 10/06/2025 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: The provision of a drip irrigation system for the purpose of land spreading on agricultural fields at Cregg, Nobber, Co Meath

Date: 10/06/2025 Triona Keating
On Behalf of Meath County Council

NOTE:

1. Any appeal against a Declaration of a Planning Authority under Section 5, sub-section 3(a) of the Planning and Development Act 2000-2023 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

