

**APPLICATION FORM – DECLARATION ON DEVELOPMENT & EXEMPTED
DEVELOPMENT**

Part 1 Section 5 of Planning and Development Act 2000-2020, as amended.

1. Name: ROBERT JUDGE
Address: 15 AMBERWOOD, BALLIVOR, CO. DUBLIN, C15K4X7
Phone No: 0876593967 E-mail: robbiejudge@yahoo.com
2. Address for correspondence:
Address: 15 AMBERWOOD, BALLIVOR, CO DUBLIN, C15K4X7
Phone No: 0876593967 E-Mail: ballivora16@yahoo.com
3. Location of Development and/or Subject Site: BALLIVOR
4. Description of Development: INSTALLATION OF
~~SOCCER PITCH AND TRAINING AREA~~
SOIL TO LEVEL OUT THE GROUND FOR SOCCER PITCH
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 – 2018, 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:
8. State in square metres the floor area of the proposed development:
9. List of plans / drawings etc. submitted:



10. Please state applicants interest in this site

owner

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

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:

SIGNED: 

DATE: 10/06/2025

NOTES

1. Application Fee of €80

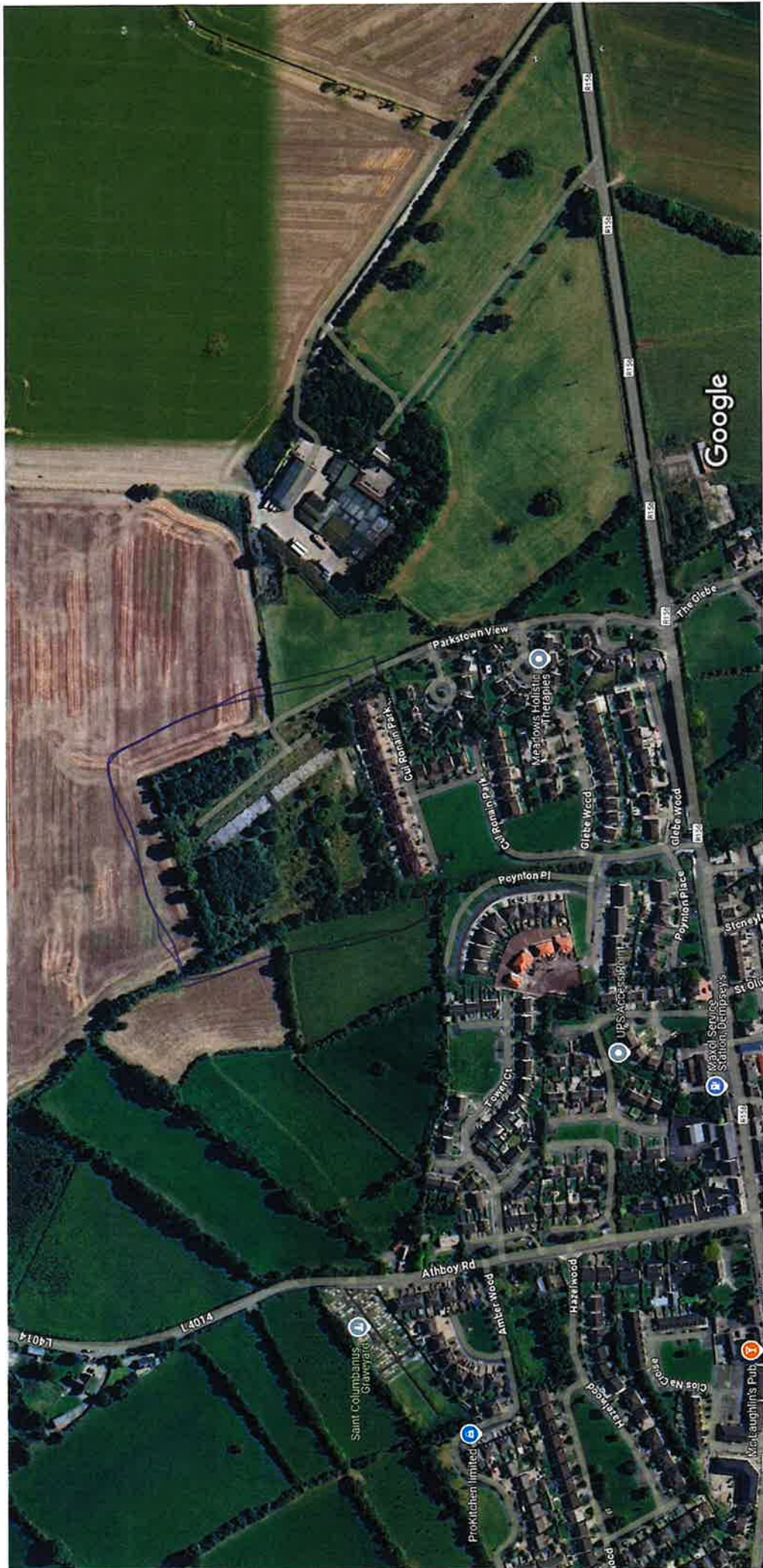
2. Application shall be accompanied by:

- 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



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T59 25069



Ballivor

Baile Íomhair
Kilballivor
Co. Meath



Mostly cloudy · 12°C
9:32 AM



Directions



Save



Nearby



Send to
phone



Share

Hotels



€122

Knightsbrook Hot...

4.2 ★ (3,461) ⓘ

4-star hotel



€95

Castle Arch Hotel

4.2 ★ (1,245) ⓘ

3-star hotel



Darnle

4.4 ★

3-star

TSS 25069



Ballivor

Baile Íomhair
Kilballivor
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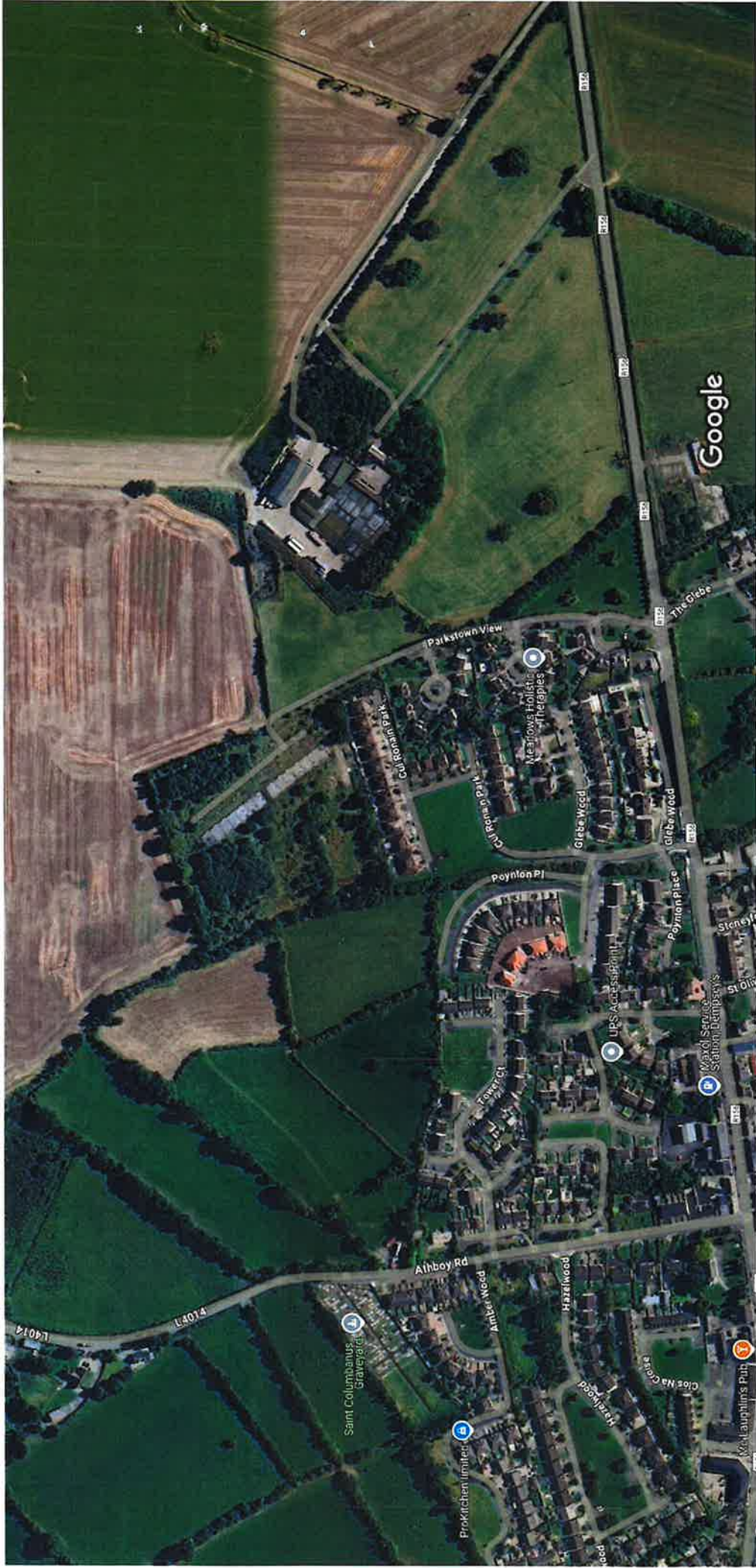
€95

Darnle

4.4 ★

3-star

TS5 25069



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T55 25069

MEATH COUNTY COUNCIL

CHIEF EXECUTIVE ORDER

**Chief Executive Order
Number:** 1140/25

Reference Number: TS525069

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

Name of Applicant: Robert Judge

Address: 15 Amberwood
Ballivor
Co Meath
C15K 4X7

Nature of Application: Soil to Level out the Ground for Soccer Pitch

Location of Development: Parkstown, Ballivor, 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:

07.07.2025

Meath County Council



Planning Report

To:	Wendy Bagnall, Senior Executive Planner
From:	Matthew Tully, Executive Planner
Date:	04 July 2025
MCC File Number:	T/S525069
Applicant:	Robert Judge
Development Address:	Parkstown, Ballivor, County Meath.
Application Type:	Section 5 of the Planning & Development Acts 2000-2023: Declaration on Development/ Exempted Development.
Development Description:	Levelling of ground for the provision of a soccer pitch.
Date Decision Due:	08 July 2025

1.0 Site Location & Description

The application site is located in the townland of Parkstown, immediately northeast of Ballivor village. The subject site is bounded generally by agricultural lands to the north, east and west and by a residential development known as Parkstown View to the south. 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 'G1 – Community Infrastructure' land use zoning objective which states the following:

'To provide for necessary community, social, and educational facilities.'

'Sports Facilities' and 'Playing Pitches' are listed as permitted uses in the Meath County Development Plan, 2021-2027. The use of the lands as a soccer pitch is therefore considered to be acceptable given the applicable zoning objective and associated permitted uses.



Figure 1: Extract from Google Imagery showing subject site.

2.0 Proposed Declaration

The applicant describes the development in the completed application form as '*...To level out the ground for soccer pitch*'. The site in question appears to have had foundations poured for a housing development some years ago which have been left untouched. The Planning Authority is considering this question as:

Whether the levelling of ground to facilitate the creation of a soccer pitch is or is not development and is or is not exempted development.

The subject site comprises approximately 2.75Ha immediately north of an existing housing development.

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/70336

Ashwood Homes Ltd

Refused

- 77 bed nursing home, 20 sheltered houses, community building, gym and creche, 19 houses.

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.

“(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 2001-2025

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.

5.7 Class 33 of Article 6, Part 1 of Schedule 2 of the Planning & Development Regulations 2001-2025

Class 33 Development consisting of the laying out and use of land—
(c) *for athletics or sports (other than golf or pitch and putt or sports involving the use of motor vehicles, aircraft or firearms), where no charge is made for admission of the public to the land.*
Conditions and Limitations attached thereto:
Nil.

5.8 Article 9 of the Planning & Development Regulations 2001-2024

Article 9 of the Planning & Development Regulations 2001-2025 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 level of an area of ground for the provision of a soccer pitch 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 Class 33(c) of Part 1 of Schedule 2 of the Planning & Development Regulations 2001-2025 respectively.

6.2 “Exempted Development”

The Applicant proposed to level the proposed site with a view to providing a soccer pitch thereafter.

Class 33(c) of Article 6, Part 1 of Schedule 2 of the Planning and Development Regulations 2001-2025, which provides for 'Development consisting of the laying out and use of land— (c) for athletics or sports (other than golf or pitch and putt or sports involving the use of motor vehicles, aircraft or firearms), where no charge is made for admission of the public to the land' shall be exempted development. No conditions are attached to Class 33(c).

Based on the foregoing, I believe that the levelling of lands for the provision of a soccer pitch at Parkstown, Ballivor, is development and is exempted development pursuant to Class 33(c) of Article 6, Part 1 of Schedule 2 Planning and Development Regulations 2001-2025.

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) ~ 1.45Km,
- River Boyne and River Blackwater SAC (Site Code: 002299) ~ 1.45Km.

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, 2001-2025.

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 2001-2025. 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 levelling of lands for the provision of a soccer pitch at Parkstown, Ballivor, County Meath proposed by Robert Judge is development and is exempted development.

WHEREAS the question has arisen as to whether '*the levelling of lands for the provision of a soccer pitch*' at Parkstown, Ballivor, 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, Robert Judge,

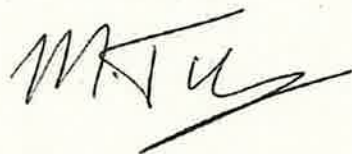
AND WHEREAS Meath County Council, in considering this reference, had particular regard to:

- (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 2001-2025.
- (b) The definition of "development" in section 3 of the Planning & Development Act 2000-2023 and
- (c) The provisions under Class 33(c) of Article 6, Part 1 of Schedule 2 of the Planning & Development Regulations 2001-2025
- (d) Plans and particulars submitted.

AND WHEREAS Meath County Council has concluded that:

- (a) '*The levelling of lands for the provision of a soccer pitch*' at Parkstown, Ballivor, County Meath comprises works and is development under section 3(1) of the Planning & Development Act 2000-2023 and,
- (b) '*The levelling of lands for the provision of a soccer pitch*' at Parkstown, Ballivor, County Meath is exempted development under the provisions of Class 33(c) of Article 6, Part 1 of Schedule 2 of the Planning & Development Regulations 2001-2025.

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 levelling of lands for the provision of a soccer pitch*' at Parkstown, Ballivor, County Meath is development and **IS EXEMPTED**



Matthew Tully
Executive Planner
04/07/2025



Wendy Bagnall
Senior Executive Planner

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.

MEATH COUNTY COUNCIL

Planning Department

Buvinda House

Dublin Road

Navan Co Meath

046 - 9097500

Planning & Development Act 2000- 2023

DECLARATION

**To: Robert Judge
15 Amberwood
Ballivor
Co Meath
C15K 4X7**

**PLANNING REFERENCE
NUMBER:**

TS525069

APPLICATION RECEIPT DATE:

10/06/2025

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 07.07.2025 decided to Declare the proposed development is **EXEMPT**, in accordance with the documents submitted namely: **Soil to Level out the Ground for Soccer Pitch at Parkstown, Ballivor, Co Meath.**

Date: 07-07-2025


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 Web: www.pleanala.ie

