

APPLICATION FORM – DECLARATION ON DEVELOPMENT & EXEMPTED  
DEVELOPMENT

**Part 1 Section 5 of Planning and Development Act 2000-  
2018, as amended.**

1. Name:

Timothy and Patricia RYAN

Address:

38 CHESTNUT GROVE, DUNBOYNE, CO. MEATH  
A86 H563.

Phone No: \_\_\_\_\_ E-mail: \_\_\_\_\_

2. Address for correspondence:

Address:

AS ABOVE

Phone No: AS ABOVE E-Mail: AS ABOVE

3. Location of Development and/or Subject Site:

38 CHESTNUT GROVE, DUNBOYNE, CO. MEATH A86 H563.

4. Description of Development:

FOOTPATH EXTENSION EXEMPTION



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:

N/A

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

125cms x 188cms measurement (1.25m x 1.88m)

9. List of plans / drawings etc. submitted:

Photographs submitted with Application

10. Please state applicants interest in this site

OWNERS' DWELLING

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:

*P. J. Ryan*  
*Patricia Ryan*

DATE:

*21/5/2025*

**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)







↓ This is our boundary ↓

SCANNED

↑ EXEMPTION REQUEST ↑

RECEIVED  
PLANNING DEPT  
29 JUL 2025  
F.I.  
POST  
REFERENCE NO  
RS525062





①



Exemption request

This is our Boundary

SCANNED

RECEIVED  
PLANNING DEPT.  
F.I. 29 JUL 2025  
POST R5525 062  
REFERENCE NO.





**MEATH COUNTY COUNCIL**

**CHIEF EXECUTIVE ORDER**

**Chief Executive Order Number:** 1408/25

**Reference Number:** RS525062

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

**Name of Applicant:** Timothy & Patricia Ryan

**Address:** 38 Chestnut Grove  
Dunboyne  
Co Meath  
A86 H563

**Nature of Application:** Footpath extension

**Location of Development:** 38 Chestnut Grove, Dunboyne, Co Meath A86 H563

**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:** 18.08.25



**MEATH COUNTY COUNCIL**

**Planning Department**

**Buvinda House**

**Dublin Road**

**Navan, Co Meath**

**046 - 9097500**

**Planning & Development Act 2000- 2023**

**DECLARATION**

**To: Timothy & Patricia Ryan  
38 Chestnut Grove  
Dunboyne  
Co Meath A86 H563**

**PLANNING REFERENCE  
NUMBER:**

R/S525062


**APPLICATION RECEIPT DATE:**

23/05/2025

**FURTHER INFORMATION DATE:** 29/07/2025

In pursuance of the powers conferred upon them by the Planning and Development Act 2000-2023 Meath County Council has by order dated 18.08.25 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: **Footpath extension at 38 Chestnut Grove, Dunboyne, Co Meath A86 H563**

Date: 18.08.25

  
**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



Meath County Council

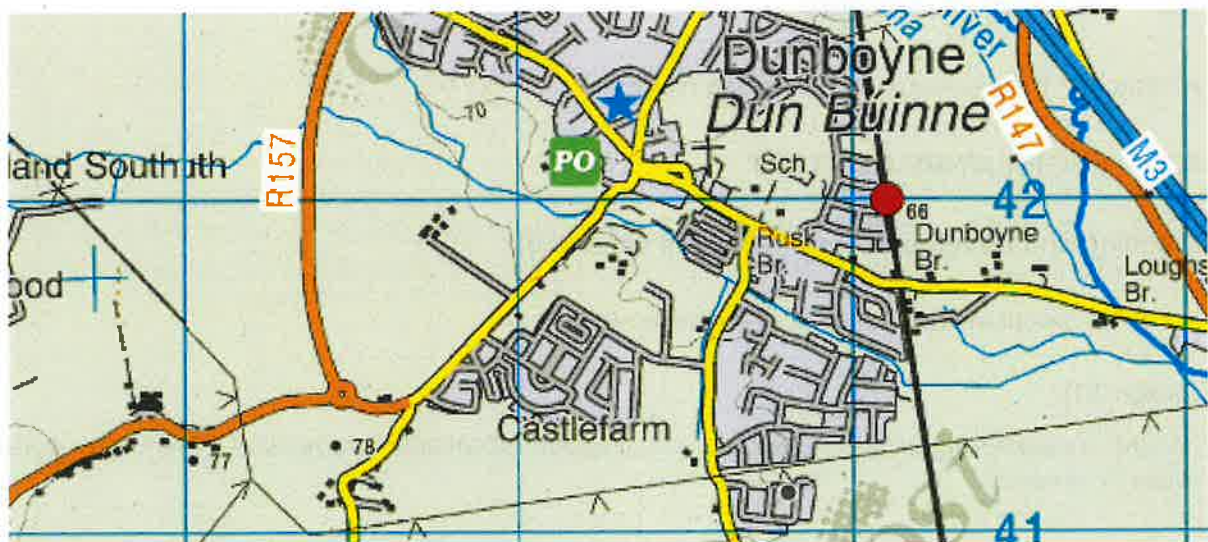
1408



Planning Report

<b>To:</b>	Wendy Bagnall, Senior Executive Planner
<b>From:</b>	Michael McKenna, Executive Planner
<b>File Number:</b>	RS525062
<b>Applicant Name(s):</b>	Timothy and Patricia Ryan
<b>Development Address:</b>	38 Chestnut Grove Dunboyne Co. Meath A86H563
<b>Inspection Date:</b>	N/A
<b>Application Type:</b>	Section 5 of the Planning & Development Act 2000 2023): Declaration on Development/Exempted Development
<b>Development Description:</b>	Footpath extension exemption
<b>Report Date:</b>	18/08/2025
<b>Decision Due Date:</b>	18/08/2025

1.0 SITE LOCATION & DESCRIPTION





The application site is located in the townland of Castlefarm, c. 1.13 km south of Dunboyne centre. It is located A1 Existing Residential zoned lands which has the zoning objective; "to protect and enhance the amenity and character of existing residential communities". The site is 0.036 hectares and contains an existing 182 sq. m two-storey, detached dwelling located within the Chestnut Grove estate and is immediately neighboured to the north and south and west. It is accessed via the L-2221-0.



## 2.0 PROPOSED DECLARATION

The referrer seeks a declaration as to whether a "footpath extension exemption" is or is not development and is or is not exempted development.

## 3.0 PLANNING HISTORY

A search of the site returns no planning history.

## 4.0 LEGISLATIVE CONTEXT

**Planning and Development Act 2000 (as amended):**

In this Act, except where the context otherwise requires –

Section 2(1)

*"Works" includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal...*

#### Section 3(1)

*"Development" in this Act 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.*

#### Section 4(2)(a)

*"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*
- (i) "the development is authorised, or is required to be authorised, by or under any enactment..."*

#### Section 4(2)(c)

*"Regulations under this subsection may, in particular and without prejudice to the generality of paragraph (a) provide, in the case of structures or other land used for a purpose of any specified class, for the use thereof for any other purposes being exempted development for the purposes of this Act".*

#### 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.*

#### Section 177U(9)

*"In deciding upon a declaration for the purposes of Section 5 of this Act a planning authority or the Board, as the case maybe, shall where appropriate, conduct a screening for appropriate assessment in accordance with the provisions of this Section."*

### **Planning and Development Regulations 2001-2025**

#### **Article 6(3)**

*"Subject to article 9, in areas other than a city, a town or an area specified in section 19(1)(b) of the Act or the excluded areas as defined in section 9 of the Local Government (Reorganisation) Act, 1985 (No. 7 of 1985), development of a class specified in column 1 of Part 3 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 3 opposite the mention of that class in the said column 1".*

#### Article 9(1)

*"Development to which Article 6 relates shall not be exempted development for the purposes of the Act – 9(1)(a) – if the carrying out of such development would" conflict with the restriction on exemptions as outlined between (i) – (xii) of the regulations.*

### **Schedule 2, Part 1 Exempted Development – General**

**Schedule 2, Part 3, Class 6 of the Planning and Development Regulations 2001-2025  
relate to:**

*(a) The construction of any path, drain or pond or the carrying out of any landscaping works within the curtilage of a house.*

*(b) Any works within the curtilage of a house for—*

*(i) the provision to the rear of the house of a hard surface for use for any purpose incidental to the enjoyment of the house as such, or,*

*(ii) the provision of a hard surface in the area of the garden forward of the front building line of the house, or in the area of the garden to the side of the side building line of the house, for purposes incidental to the enjoyment of the house as such.*

**Conditions and Limitations (Column 2)**

*The level of the ground shall not be altered by more than 1 metre above or below the level of the adjoining ground.*

*Provided that the area of the hard surface is less than 25 square metres or less than 50% of the area of the garden forward of the front building line of the house, or 50% of the area of the garden to the side of the side building line of the house, as the case may be, whichever is the smaller,  
or*

*if the area of the hard surface is 25 square metres or greater or comprises more than 50% of the area of the garden forward of the front building line of the house, or 50% of the area of the garden to the side of the side building line of the house, as the case may be, it shall be constructed using permeable materials or otherwise allow for rainwater to soak into the ground.*

**5.0 ASSESSMENT**

***(i) Does the proposal constitute development:***

Having regard to the definition of 'development' within the Planning and Development Act 2000 (as amended), "*the carrying out of works on, in, over or under lands or the making of any material change in the use of any structures or other land*"; It is considered the proposal detailed would constitute development in accordance with Section 3(1) of the Planning and Development Act 2000-2023. Therefore, the focus, is on whether or not the proposed development constitutes exempted development.

**(ii) Does the proposal constitute exempt development:**

The applicant has stated that a section of the ground added to the foot path outside their house 12 years ago.

The applicant has submitted a letter and photographs which detail the exact location of the footpath. The photographs detail the applicant's ownership boundary. The area of footpath is outside the applicant's ownership and I do not consider that the location can be described as within the curtilage of the dwelling.

Based on the provision of Class 6 of the Planning and Development Regulations I am not satisfied the proposed development is in accordance with the exemption given that works are not within the curtilage or ownership of the applicant. I do not consider that the works are exempt.

The applicant has not provided the written consent of the owner which in this case is Meath County Council. The applicant should make contact with the Council in order to seek the necessary consent.

The declaration therefore shall be that the works are development and are not exempted development.

**(iii) Restrictions on Exemptions:**

The works are not restricted by virtue of Article 9(1)(a)(i) – (xii) (inclusive).

**(iv) Appropriate assessment:**

Article 9(1)(a) (viiB) sets out that where a planning authority, as the competent authority in relation to appropriate assessment, considers that a development would be likely to have significant effect on the integrity of a European site then there is a restriction on exemption. The site is not within or directly adjoining any Natura 2000 site. The nearest being 7.5km away to the north.

- River Boyne and River Blackwater SAC (Site Code: IE0002299)
- River Boyne and River Blackwater SPA (Site Code: IE0004232)
- Rye Water Valley/Carton SAC (Site Code: IE0001398)

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.

**(v) Environmental Impact Assessment:**

The works are not a development type listed under Part 1 or 2 of Schedule 5 of the Planning & Development Regulations (PDR) 2001-2025. Therefore EIA, preliminary examination or screening for EIA is not required.

## **6.0 CONCLUSION**

On the basis of the information provided, Planning Authority is not satisfied that the works as described fall into Class 6 of the Planning and Development Regulations 2001-2025 as they fall outside of the curtilage of the dwelling. The applicant has not provided the consent of the relevant landowner which in this case is Meath County Council. The works therefore are development and are not exempted development.

## **7.0 RECOMMENDATION**

It is therefore recommended that a declaration be issued for a *Footpath extension exemption* as indicated on the submitted plans and particulars stating that the proposal represents development which is **not exempted development** as follows:

**WHEREAS** a question has arisen as to whether, "Footpath extension exemption" on lands at 38 Chestnut Grove Dunboyne Co. Meath A86H563 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(1), 4 & 177U(9) of the Planning and Development Act 2000 (as amended),
- (b) Articles 6, 8 and 9 of the Planning and Development Regulations, 2001-2025,
- (c) Schedule 2, Part 3, Class 6 of the Planning and Development Regulations 2001-2025,
- (d) Information provided.

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

- (a) The proposal represents works and constitutes development having regard to Sections 2 and 3 of the Planning and Development Act 2000-2023.



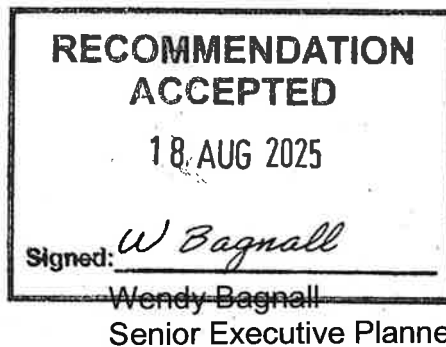
- (a) There is no provision for exemption within any of the classes as set out in Part 3 or Schedule 2 of the Planning and Development Regulations 2001 as amended for the proposed development.

**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 particulars submitted 23<sup>rd</sup> May 2025 and further information received on 29<sup>th</sup> July 2025 is development and is not exempted development.



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Michael McKenna  
Executive Planner



**Advice Notes**

1. The applicant is advised to make contact the Meath County Council Transportation Department and Assets Department to seek consent for the works and to seek written approval for any works carried out or proposed to the roadway.

Let there be no confusion in the mind of the reader as to the fact that the  
in the case of the present case, the Commission has not yet decided  
the case of the present case.

THE COMMISSIONER OF THE LAND OFFICE, in the case of the present case, has  
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RECOMMENDATION  
ACCEPTED  
18 AUG 1952  
Signed: \_\_\_\_\_

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