APPLICATION FORM – DECLARATION ON DEVELOPMENT & EXEMPTED DEVELOPMENT

Part 1 Section 5 of Planning and Development Act 2000-2023, as amended.

1. **Name:** Joe Davis

Address: Main St., Kildalkey Co. Meath

[redacted]

KS526141
22 SEP 2026
Counter Reference No

2. **Address for correspondence:**

Address: Blackhall Street, Mullingar, Co. Westmeath, Ireland, N91V32W

Phone No: (044)9344347 **E-Mail:** info@johnmadden.ie

3. **Location of Development and/or Subject Site:** 12 Meadowlands, Athboy, Co Meath

4. **Description of Development**

We wish to confirm that the two existing entrances located at 12 Meadowlands, Athboy, Co. Meath, were both built when the dwelling was built in 1998. This has been in place for 28 years. Planning and development act 2000-2010 Section 157 (4) (a) (i) outlining that no warning letter or enforcement notice and no proceedings for an offence under this fast. In respect of a development where no permission has been granted, after 7 years for the duty of commencement of the development.
Can you please confirm that this is the case?

5. **Will the development take place within the curtilage of a dwelling house?**

Please tick as appropriate: YES __X___ 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 __X__

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 __X__

7. **State overall height of structure if applicable**: Entrance piers= 1.2m max.

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

9. **List of plans / drawings etc. submitted:**
Site layout map + Site location map

RECEIVED PLANNING DEPT.
22 SEP 2026
POST REFERENCE NO.

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 __x__

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 ___x__ NO ____

12 (b), If "YES" please supply details:

SIGNED: _____ **DATE:** 21 Sept '26

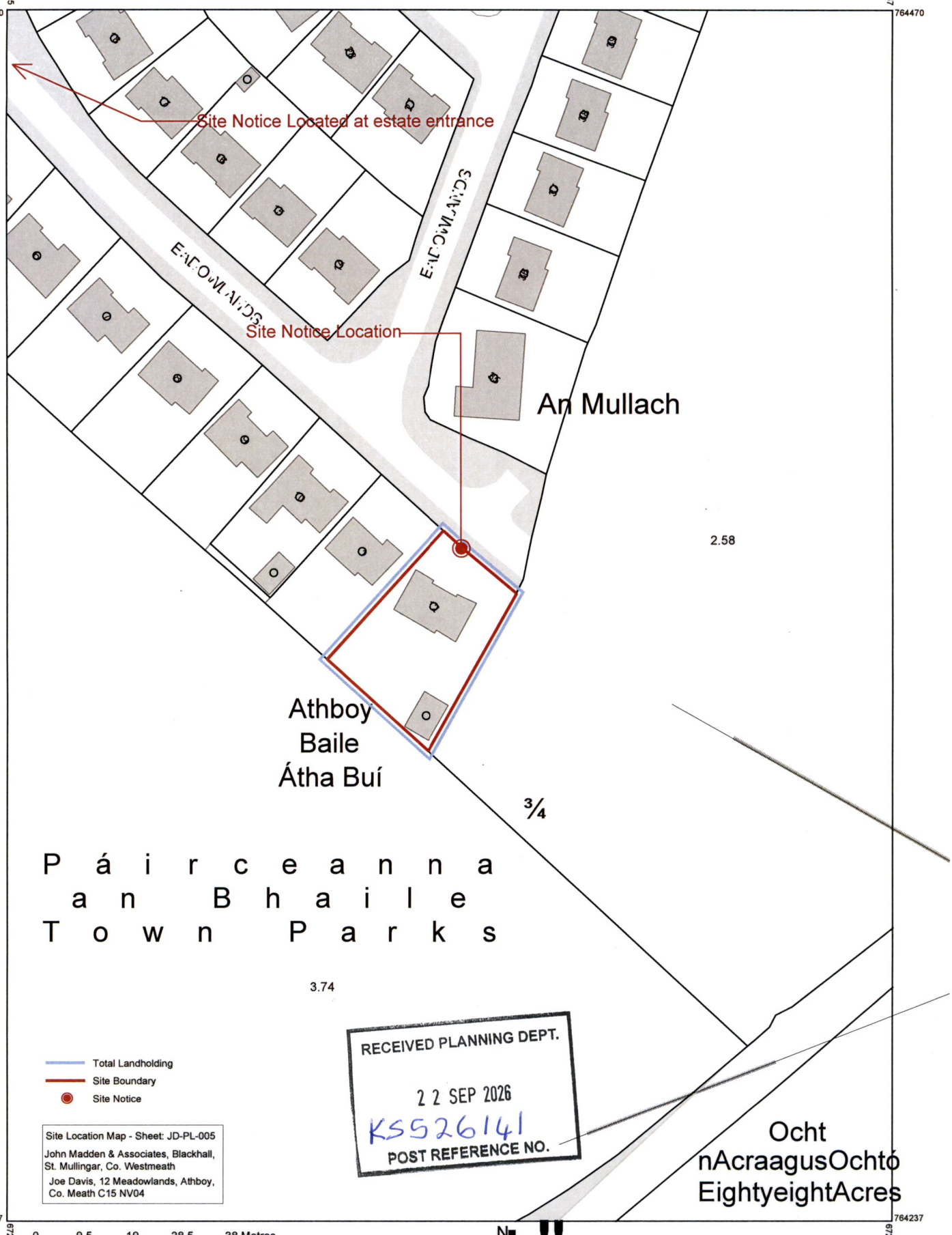
NOTES

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

Planning Pack Map



OUTPUT SCALE: 1:1,000

CENTRE COORDINATES:
ITM 672281,764354

PUBLISHED: 30/03/2026
ORDER NO.: 50526870_1
MAP SERIES: 1:2,500
MAP SHEETS: 2572-A

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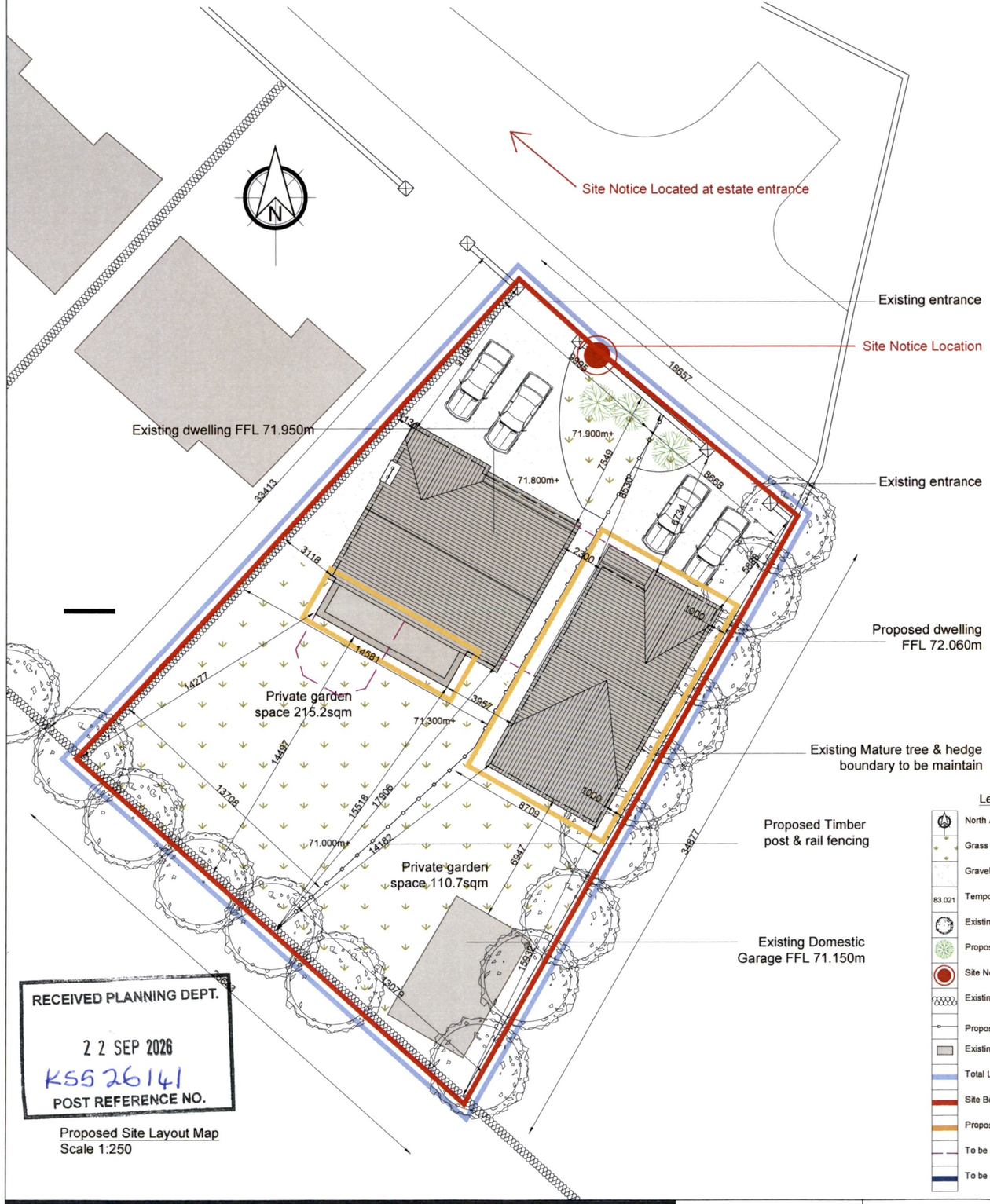

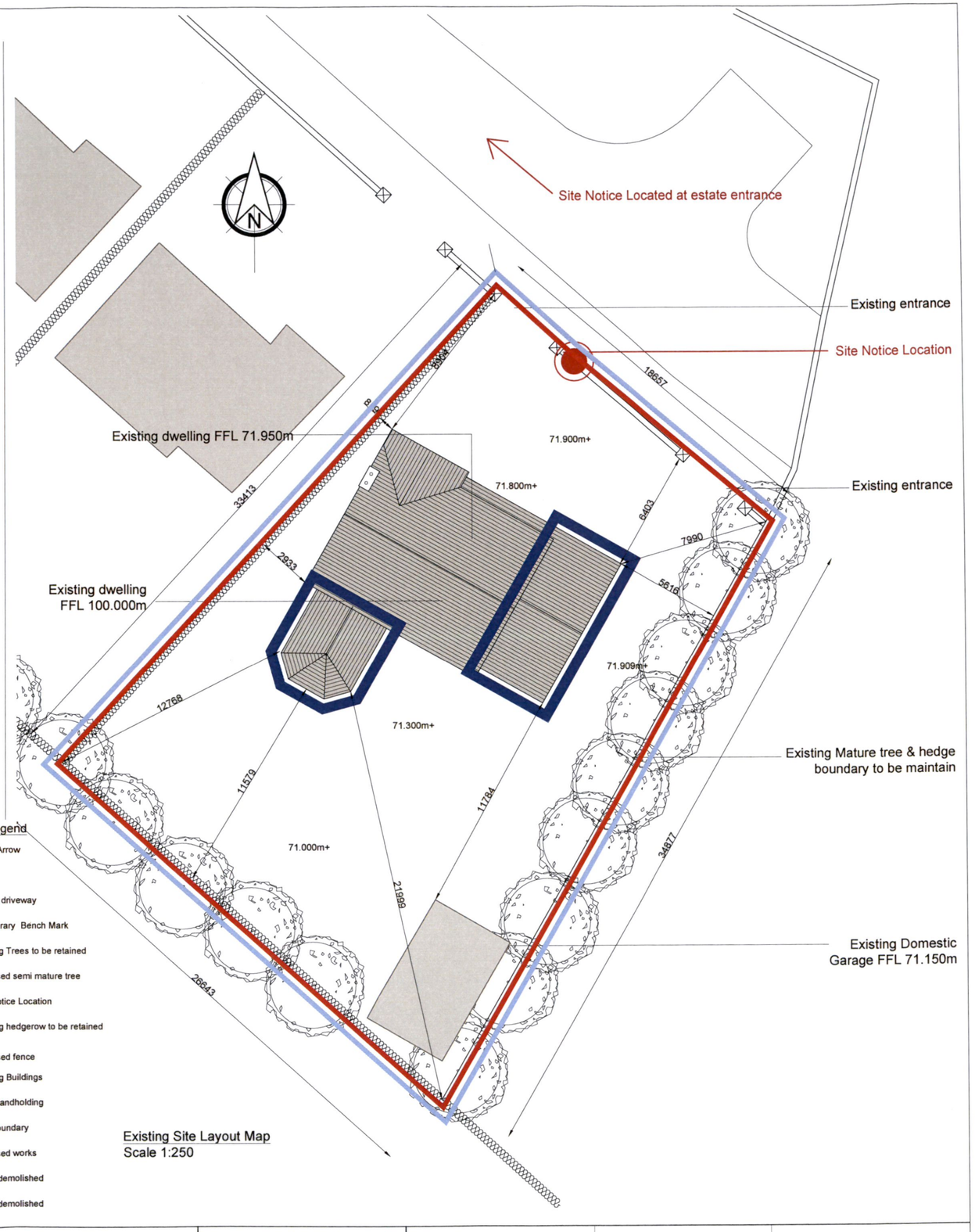

Legend

- North Arrow
- Grass
- Gravel driveway
- 83.021 Temporary Bench Mark
- Existing Trees to be retained
- Proposed semi mature tree
- Site Notice Location
- Existing hedgerow to be retained
- Proposed fence
- Existing Buildings
- Total Landholding
- Site Boundary
- Proposed works
- To be demolished
- To be demolished

John Madden & Associates
Blackhall Street, Mullingar, Co. Westmeath
Tel : 04493 44347
Fax : 04493 47868
Email: johnmadden@engineer.com
Website: johnmadden.ie

Chartered Members ENGINEERS IRELAND
SOCIETY OF CHARTERED SURVEYORS IRELAND

Client	Joe Davis, 12 Meadowlands, Athboy, Co. Meath C15 NV04	Scale	1:250
		Date	21 May 2026
Project	Extension & new build dwelling	Drawn by	Nicole Barrett BSc Arch. Tech.
		Checked by	D.M. J.M. P.M.

Job number: 260061

Sheet number: JD-PL-001

Drawing title: Existing & proposed site layout

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DIMENSIONS
Figured dimensions only to be taken from this drawing. All dimensions to be checked on site. Engineers , Architects to be informed immediately of any discrepancies before work proceeds.

MEATH COUNTY COUNCIL

CHIEF EXECUTIVE ORDER

Chief Executive Order Number:	1752/26
Reference Number:	KS5/26141
Subject:	Declaration under Part 1, Section 5, Planning and Development Act 2000-2023
Name of Applicant:	Joe Davis
Address:	c/o John Madden & Associates Blackhall Street Mullingar Co Westmeath N91V32W
Nature of Application:	To confirm that the two existing entrances located at 12 Meadowlands, Athboy, Co. Meath, were both built when the dwelling was built in 1998. This has been in place for 28 years. Planning and development act 2000-2010 Section 157 (4)(a)(i) outlining that no warning letter or enforcement notice and no proceedings for an offence under this fast. In respect of a development where no permission has been granted, after 7 years for the duty of commencement of the development.
Location of Development:	12 Meadowlands, Athboy, 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: Gerard Vallett

On Behalf of Meath County Council

DATE: 16·10·26

MEATH COUNTY COUNCIL

Planning Department
Buvinda House
Dublin Road
Navan, Co Meath
046 - 9097500

Planning & Development Act 2000- 2023

DECLARATION

To: Joe Davis
c/o John Madden & Associates
Blackhall Street
Mullingar
Co Westmeath
N91V32W

PLANNING REFERENCE NUMBER: KS5/26141
APPLICATION RECEIPT DATE: 22/09/2026
FURTHER INFORMATION DATE: N/A

In pursuance of the powers conferred upon them by the Planning and Development Act 2000-2023 Meath County Council has by order dated 16/10/2026 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: To confirm that the two existing entrances located at 12 Meadowlands, Athboy, Co. Meath, were both built when the dwelling was built in 1998. This has been in place for 28 years. Planning and development act 2000-2010 Section 157 (4)(a)(i) outlining that no warning letter or enforcement notice and no proceedings for an offence under this fast. In respect of a development where no permission has been granted, after 7 years for the duty of commencement of the development. **at 12 Meadowlands, Athboy, Co Meath**

Date: 16.10.26

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

comhairle chontae na mí
meath county council

Planning Report

To:	Gerard Kellett, Senior Executive Planner
From:	Stephen O' Brien, Executive Planner
Date:	13th October 2026
MCC File Number:	**KS526141**
Applicant:	**Joe Davis**
Development Address:	12 Meadowlands, Athboy, Co. Meath
Application Type:	Section 5 of the Planning & Development Acts 2000-2025: Declaration on Development/Exempted Development.
Development Description:	To confirm that the two existing entrances located at 12, Meadowlands, Athboy were both built in 1998. This has been in place for 28 years. Planning & Development Act 2000-2010 Section 157 (4) (a) (i) outlining that no warning letter or enforcement notice and no proceedings for an offence.
Date Decision Due:	**19th October 2026.**

1. Site Location & Description

The application site is located in the townland of Mullaghstones within the settlement of Athboy. The subject site is zoned 'A1' Existing Residential and is located within the Meadowlands Housing Estate. The subject site is brownfield at present and is used for residential purposes. Vehicular access to the site is formed within the Meadowlands Estate and is located approximately 230m southeast of the National Secondary Route (N-51). The subject site is at a cul-de-sac at the end of the estate. The estate generally comprises of detached dwelling houses, and the existing dwelling straddles the boundary with the rural area.

The site located within the settlement of Athboy and zoned 'A1' Existing Residential within the Meath County Development Plan 2021-2027. The site is not located within an Architectural Conservation Area (ACA). There are no Protected Structures, National Monuments or Protected Views within the application site. The site is located in a Lowland Landscape (namely the West Navan Lowlands) which has a moderate value and moderate sensitivity.



Figure 1: Extract from Google Imagery showing subject site.

2. Proposed Declaration:

The applicant describes the development in the completed application form as *"To confirm that the two existing entrances located at 12, Meadowlands, Athboy were both built in 1998. This has been in place for 28 years. Planning & Development Act 2000-2010 Section 157 (4) (a) (i) outlining that no warning letter or enforcement notice and no proceedings for an offence."*. The Planning Authority is considering this question as:

Whether the** new entrance into a field **is or is not development and is or is not exempted development.

3. Planning History:

26/60665: Joe Davis **live application** to demolish the existing single storey southeast (side) extension (25.2sqm) and conservatory (16.5sqm) to the southwest (rear) of the existing dwelling. Permission is sought to construct a single storey southwest (rear) extension (15.2sqm) consisting of a kitchen and dining space and all associated site works. to construct a two-storey dwelling (133.4sqm) to the southeast (side) garden of dwelling no. 12 and to amend the site boundaries from that previously granted under ref. no. 971701, to include the subdivision of the site into 2 plots and all associated site works at the above address (2026).

92/540 | To erect 33 dwellings | Mary Davis | Kells Road, Mullaghstones, Athboy, Co. Meath | Granted

95/223 | To retain dwelling home on site no. 2 previous ref. no. P92/540 | Mary Davis | Kells Road, Mullaghstones, Athboy, Co. Meath | Granted

96/808 | To revise site layout for house nos.9-33 & adjacent roads, paths, sewers & open space & provide add.13 houses, also change phasing from 4 to 3 phases; phase 1 to consist of house nos.1-13; phase 2 houses 14-27 & phase 3 houses 28-46 on prev approved site | Mary Davis | Kells Road, Mullaghstones, Athboy, Co. Meath | Granted

97/475 | To change house type from approved type B to type A on sites nos.9, -21,23,25 planning reference numbers 92/540 & 96/808 | Mary Davis | Kells Road, Mullaghstones, Athboy, Co. Meath | Granted

97/1701 | To change from house type b, with domestic garage to type a, with domestic garage on sites 28,29,30,31,39 & 40 and for revised layout for dormer bungalows with domestic garages on sites 32,33,41 & 42 on previously approved sites planning ref.no.92/540 | Mary Davis | Kells Road, Mullaghstones, Athboy, Co. Meath | Granted

99/1743 | To build bungalow type house & associated site works, previously applied for as no. 46 under planning application number 96/808 | Mary Davis | Kells Road, Mullaghstones, Athboy, Co. Meath | Granted

00/189 | To retain bungalow type dwelling on site no. 45 on approved housing development (previous planning reference nos. 92/540 & 96/808) | Mary Davis | Kells Road, Mullaghstones, Athboy, Co. Meath | Granted

00/1221 | Retention of 2 two storey dwellings on sites nos 41 & 42 previously granted under planning ref. nos. 92/540 & 96/808 | Mary Davis | | Kells Road, Mullaghstones, Athboy, Co. Meath | Granted

00/1680 | To build additional two storey dwelling on previously approved development planning register nos. 92/540 & 96/808 | Kells Road, Mullaghstones, Athboy, Co. Meath | Refused

4. Internal, External and Prescribed Body Referrals:

No referred.

5. Relevant National Legislation

In order to assess whether or not the works described in Section 2 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 2000-2025

Section 2 of the Planning & Development Acts 2000-2025 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 2000-2025

Section 3(1) of the Planning & Development Acts 2000-2025 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 2000-2025

Section 4(1) of the Planning & Development Acts 2000-2025 provides a list of statutory exempted development including:

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

Section 4(2) of the Planning and Development Acts 2000-2025 provides for the making of regulations relating to exempted development. The Planning & Development Regulations 2001-2025 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 2000-2025

Section 5 of the Planning & Development Acts 2000-2025 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 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 2000-2025

Section 32 of the Planning & Development Acts 2000-2024 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 2001-2026

Article 6 of the Planning & Development Regulations 2001-2026 provides (subject to the restrictions in article 9 of the Planning & Development Regulations 2001-2026) 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 Article 9 of the Planning & Development Regulations 2001-2026

Article 9 of the Planning & Development Regulations 2001-2026 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.

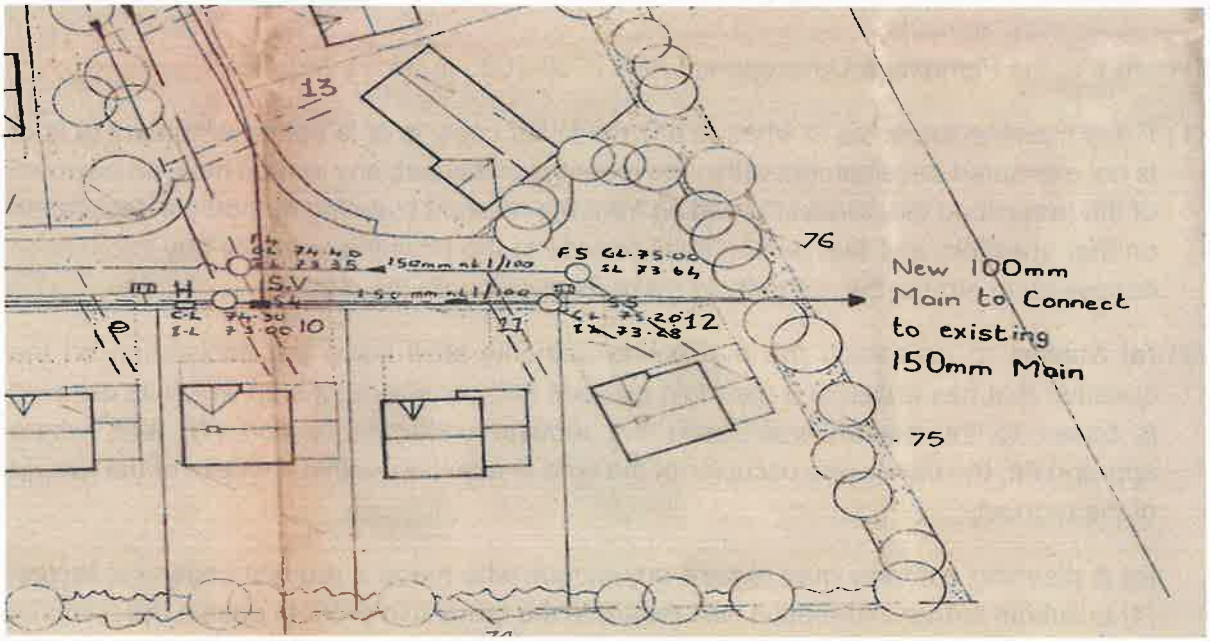

Figure 2: Extract from Pl. Ref. 96/808.

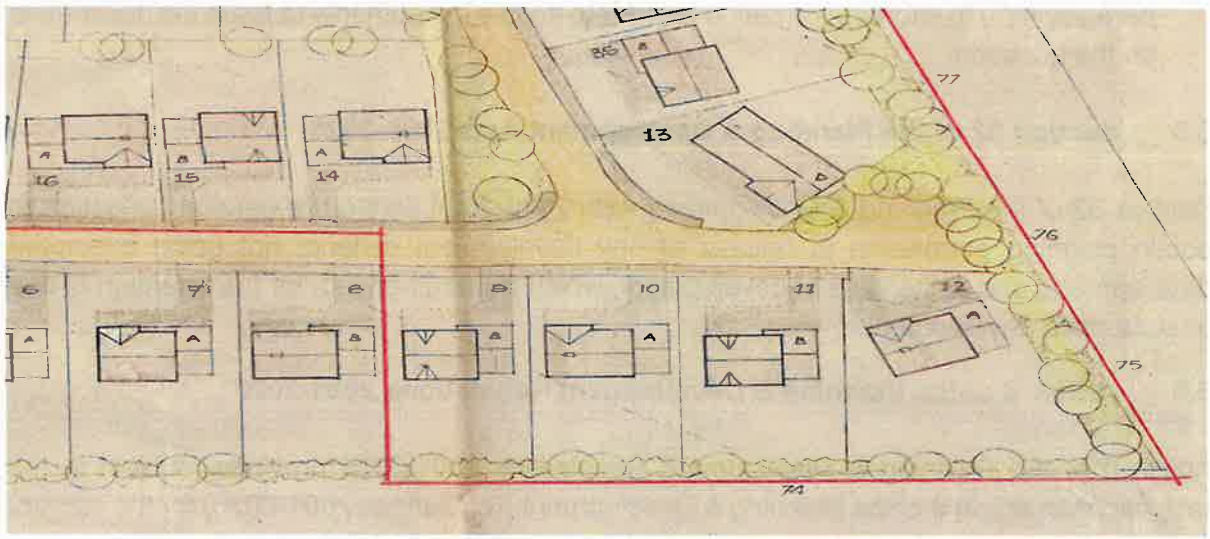

Figure 2: Extract from Pl. Ref. 96/808.

6. Assessment:

In essence, the question has arisen as to whether the 'the two existing entrances located at 12, Meadowlands, Athboy were both built in 1998. This has been in place for 28 years.' At 12, Meadowlands, Athboy, Co. Meath 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"

Having regard to the definition of 'development' within the Planning and Development Act (PDA) 2000-2025, "*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 PDA 2000-2024.

6.2 "Exempted Development"

In terms of whether the development is exempted development, the Applicant states that there is two entrances into an existing dwelling at 12 Meadowlands, Athboy and It is noted Article 9 of the Planning & Development Regulations 2001-2026 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.

Article 9 Restrictions of Development 9. (1) 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— — (consist of or comprise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width, (iii) endanger public safety by reason of traffic hazard or obstruction of road users.

The applicant has attached a Site Location Map and a Site Layout Map. Having observed planning history on site including Pl. Ref. 92/540 and Pl. Ref. 96/808, there appears to have been only 1 entrance approved for the corner site at No. 12. Having observed *Google Maps Street View,* the two entrances to the site have been existing since at least May 2009. The applicant has stated that the two entrances are long-standing and that there has been no warning letter or enforcement on site. It is also noted that the existing road in front of the site is more than 4m in width and is approximately 8m in width. Therefore, the two existing entrances are not exempt from planning permission.

From a review of Article 6 & Article 9 of the Planning & Development Regulations 2001-2025 the Planning Officer considers that the proposed works would not be categorised within any of classes for exempted development listed. Therefore, the proposed works would not be considered to be exempted development

7. 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 & River Blackwater SAC (002299) – 530m to the west of site
- River Boyne & River Blackwater SPA (004232) – 530m to the west of site
- Girley (Drewstown) Bog SAC (002203) – c. 5.3km to the north of site

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.

8. Environmental Impact Assessment:

The proposed development is not a development type listed under Part 1 or 2 of Schedule 5 of the Planning & Development Regulations (PDR) 2001 - 2026 nor is it considered a sub-threshold development for the purposes of Schedule 7 PDR. Based on information provided and having considered the nature, size and location of the development, there is no real likelihood of significant effects on the environment and as such as EIS/EIAR is not required.

9. Conclusion & Recommendation:

It is therefore recommended that a declaration of Exemption be **REFUSED**

WHEREAS the question has arisen as to whether *"To confirm that the two existing entrances"* located at 12, Meadowlands, Athboy 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(1), 4, & 177U(9) of the Planning and Development Act 2000 – 2025,
(b) Article 6 & 9 of the Planning and Development Regulations, 2001-2026
(c) Planning History
(d) Information provided.

AND WHEREAS Meath County Council has concluded: -

a) The formation of an additional entrance at 12 Meadowlands, Athboy constitutes development within the meaning of the Planning and Development Act 2000–2025.

b) The development is not exempted development, having regard to Article 9(1)(a)(ii) of the Planning and Development Regulations 2001–2026, as the additional entrance *"consists of or comprises the formation, laying out or material widening of a means of access to a public road, the surfaced carriageway of which exceeds 4 metres in width"*.

c) The additional entrance does not accord with the entrance arrangements shown on the plans and particulars approved under the parent planning permission for the site. Accordingly, the additional entrance cannot be regarded as having been authorised by that permission and is 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 2000-2025 hereby decides that the said relocation of the existing field entrance on plans and particulars submitted on 22nd September 2026 **is development and is NOT exempted development.**

RECOMMENDATION ACCEPTED
16 OCT 2026
Signed: Gerard Kellett

Stephen O' Brien

Stephen O' Brien
Executive Planner
Date: 13/10/2026

Gerard Kellett
Senior Executive Planner
Date: 16/10/2026


RECOMMENDATION
ACCEPTED
16 OCT 2026