APPLICATION FORM – DECLARATION ON DEVELOPMENT & EXEMPTED DEVELOPMENT

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

1. **Name:** _____Mark Delany

Address: ___Ashbawn, Corballis, Julianstown, Co Meath A92HP8A

Phone No: 0868224706 **E-mail :** markjamesd@hotmail.com

2. **Address for correspondence:**

Address: _ Ashbawn, Corballis, Julianstown, Co Meath A92HP8A

Phone No: 0868224706 **E-Mail:** _ markjamesd@hotmail.com

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Counter
Reference No

3. **Location of Development and/or Subject Site:** Beabeg, Drogheda, Co Meath, L1611 road

4. **Description of Development:** Recess current gateway back into field. To allow for safer entry/ exit of the field for farm machinery which will also make road safer for other road users when field is being used for farming activities.

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** ✓

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MEATH (LOWER DULEEK) SHEET 20–16
(Revision of 1978)

AREAS TO PLAN EDGE ONLY

20–12

20–15

21–13

27–4

BRYA

BEY MO

COLP WEST Td

COLP EAST Td

From Drogheda

ROGERSTOWN Td

SMITHSTOWN Td

TOWN

N S T O W N

B E Y B E G

R E

P A I N E S

(ED St Mary's)

K I L T R O U G H

Woodlawn

Mile House

Rossnaree House

Gardenville Lodge

Kiltrough House

Motte

Laurel Lodge

Beabeg S.D.

T. Ballingarr

Surveyed in 1909 Revised in 1976 Levelled in 1939

CHARACTERISTICS AND SYMBOLS FOR BOUNDARIES &c.

County	County Borough, Borough, Urban	Boundary described	Area of parcels given in Statute Acres, thus 4·970
Barony	District & Town		Braces indicating that the spaces so
Parish (in Co. Boro., Boro. & U.D. only)	When not coincident with other Boundaries		connected are included in the same area
Townland	Change of Boundary indicating the point at		Antiquities (See sf) Fort
Ward (when not coincident with other boundaries)	which the character of a Boundary changes		Electric Power Transmission Standard

The Representation on this Map of a Road, Track, or Footpath, is not evidence of the existence of a right of way.

For other information see Characteristic Sheet

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Compiled and Printed by the Ordnance Survey and Published by the Director at the Ordnance Survey Office, Phœnix Park, Dublin.

Altitudes are given in Metres and are referred to Ordnance Survey Datum.

Altitudes indicated thus (BM 54·76) refer to Bench Marks; those marked thus (+34·2) to Surface Levels.

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Scale :– 1:2,500 being 1 mm = 2·5 Metres or 1 Inch = 208·33 Feet

25 0 100 200 300 400 500 Meires

100 0 500 1000 1500 1600 Feet

To convert Acres to Hectares multiply by ·405

Example :– 5·42 Acres × ·405 = 2·195 Hectares

1:2,500 MEATH SHEET 20–16

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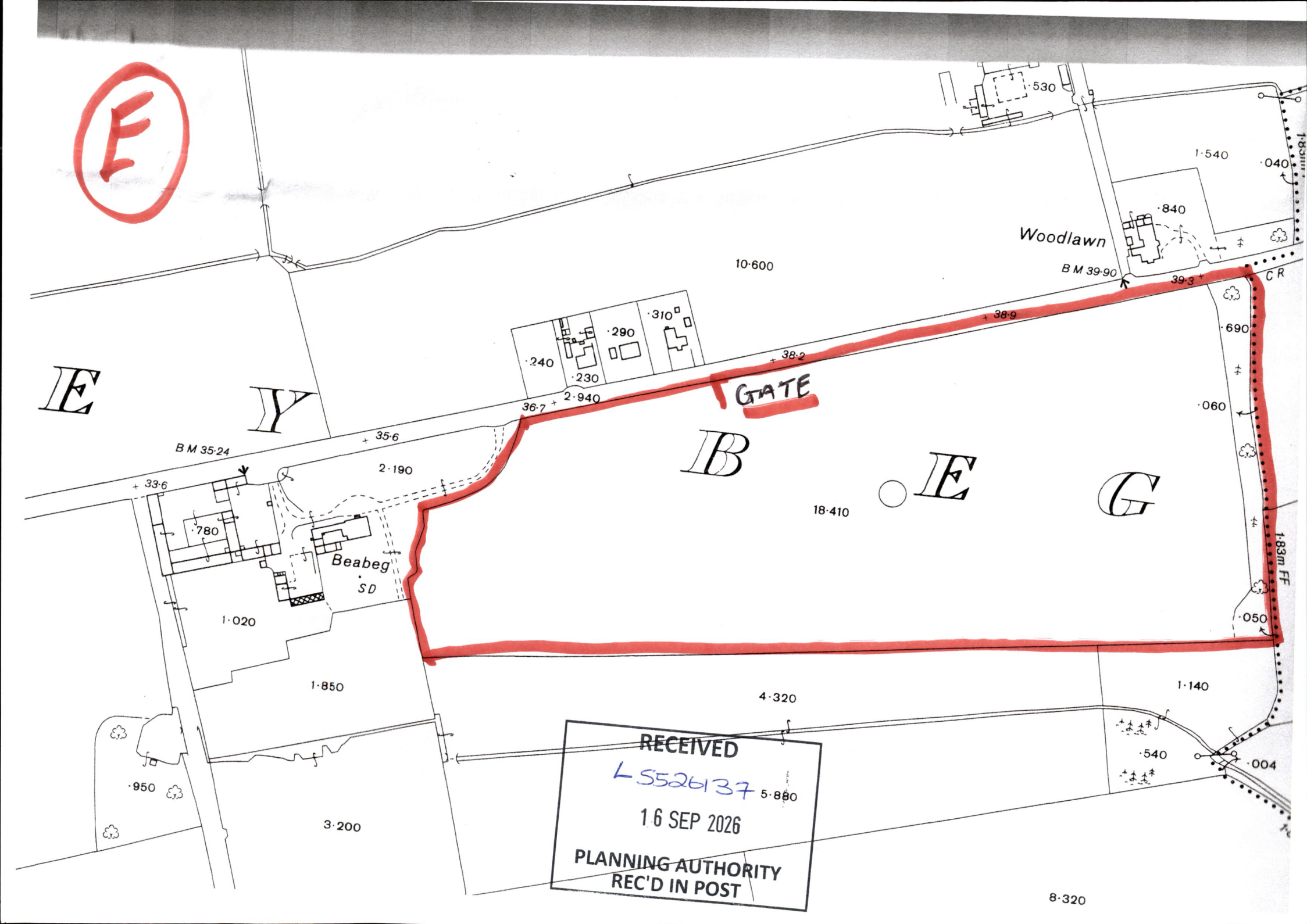
E
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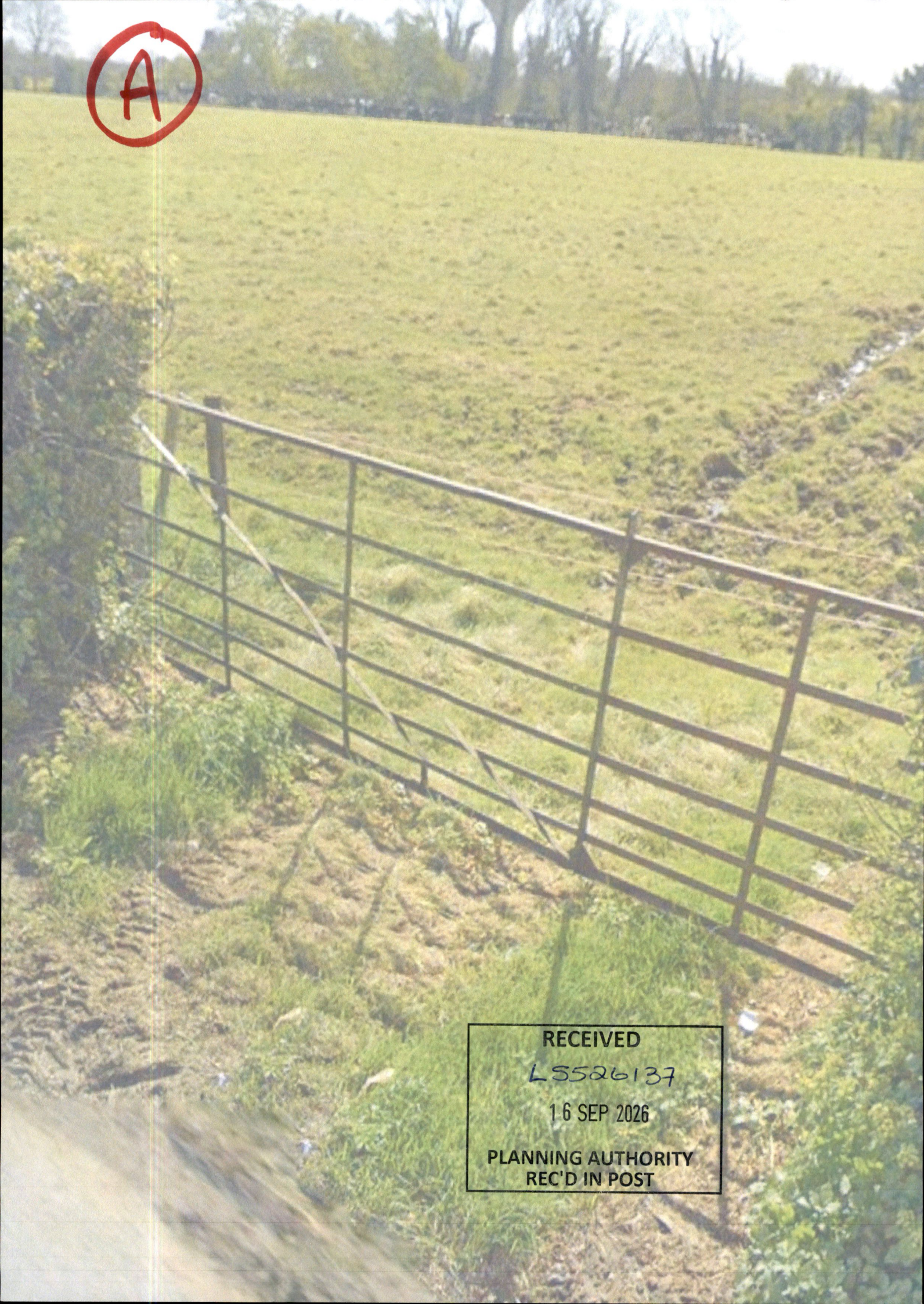

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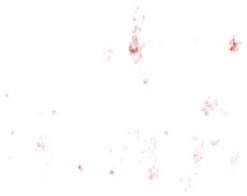

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MEATH COUNTY COUNCIL

CHIEF EXECUTIVE ORDER

Chief Executive Order Number:	1733/26
Reference Number:	LS5/26137
Subject:	Declaration under Part 1, Section 5, Planning and Development Act 2000-2023
Name of Applicant:	Mark Delaney
Address:	Ashbawn Corballis Julianstown Co Meath A92 HP8A
Nature of Application:	Recess current gateway back into field. To allow for safer entry/exit of the field for farm machinery which will also make road safer for other road users when field is being used for farming activities
Location of Development:	Beabeg, Drogheda, 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 Willetts

On Behalf of Meath County Council

DATE: 12/10/2026

MEATH COUNTY COUNCIL

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

Planning & Development Act 2000- 2023

DECLARATION

To: Mark Delaney
Ashbawn
Corballis
Julianstown
Co Meath
A92 HP8A

PLANNING REFERENCE NUMBER: LS5/26137
APPLICATION RECEIPT DATE: 16/09/2026
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 12/10/2026 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: Recess current gateway back into field. To allow for safer entry/exit of the field for farm machinery which will also make road safer for other road users when field is being used for farming activities **at Beabeg, Drogheda, Co Meath**

Date: 12/10/2026

Chris Rourke

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

comhairle chontae na mí
meath county council

Meath County Council

Planning Report

To:	Gerard Kellett, Senior Executive Planner
From:	Oisín Kerr, Assistant Planner
Date:	12/10/2026
MCC File Number:	LS526137
Applicants:	Mark Delaney
Development Address:	Corballis, Julianstown, Co. Meath A92HP8A
Application Type:	Section 5 of the Planning & Development Acts 2000 (as amended): Declaration on Development/Exempted Development.
Development Description:	*Recess current gateway back into field. To allow for safer entry/ exit of the filed for farm machinery which will also make road safer for other road users when field is being used for farming activities.*
Date Decision Due:	13/10/2026

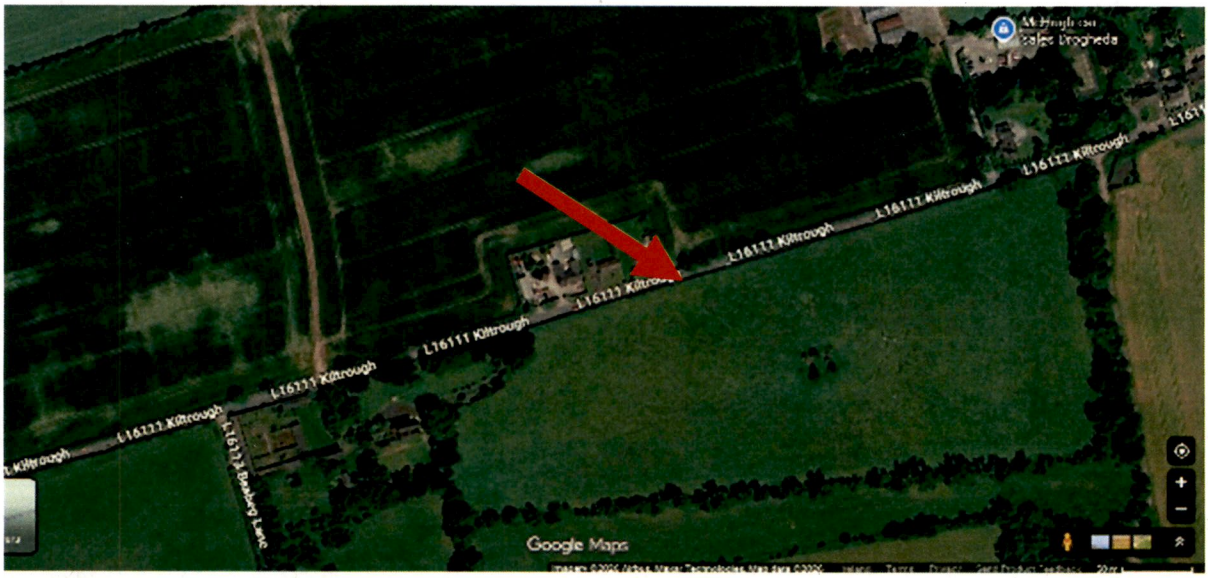
1.0 Site Location & Description

1.1 Site Description:

The site is located in the townlands of Corballis, approximately 2 km east of Julianstown village. The site is located on a county road of *L-16161*, 2 km east of the R-132. The area is zoned RA rural area and is designated a *rural area under strong urban influence*. The Landscape Character Type is No. 8, Nanny Valley, *Landscape Value*: *moderate*, with the Landscape Sensitivity considered *high* in the LCA.

There are no Protected Structures or National Monument within the application site.





2.0 Proposed Declaration

The referrer seeks a declaration as to whether setting back an existing agricultural entrance is or is not development and is or is not exempted development.

Cover letter

The completed cover letter and submitted documents indicate that the extent of works proposed.

3.0 Planning History

No record.

4.0 Internal, External and Prescribed Bodies

None.

5.0 Relevant National Legislation

In order to assess whether or not the works described in Section 2.0 of this report is or is not development or is or is not exempted development, regard must be had to the following national legislation set out below.

Section 2 of the Planning & Development Acts 2000-2023

Section 2 of the Planning & Development Acts 2000-2023 provides the following interpretations, which are relevant:

"development" has the meaning assigned to it by section 3, and "develop" shall be construed accordingly;

"exempted development" has the meaning specified in section 4;

"structure" means *inter alia* any building, structure, excavation, or other thing constructed or made on, in or under any land, or any part of a structure so defined, and where the context so admits, includes the land on, in or under which the structure is situated; 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.

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."

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, including:

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

Section 4(2) of the Planning and Development Act 2000-2023 provides for the making of regulations relating to exempted development. The Planning & Development Regulations 2001-2026 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.'

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.

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.

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.

6.0 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:

In considering whether the proposed development constitutes exempted development, it is noted that the applicant proposes works to an existing agricultural field entrance, including setting the entrance gate back by 6 metres from the public road. The applicant contends that the proposed arrangement would improve road safety. Notwithstanding this, the proposed works have implications for road safety, sightline provision and access design standards and are matters which would ordinarily require assessment by the Transportation Section.

Having regard to Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended), the Planning Authority is not satisfied that the proposed works fall within any class of development prescribed as exempted development. The proposed alterations to the existing entrance would therefore not constitute exempted development and would require planning permission as the works would not come within the scope of Article 9(1)(a)(ii) of the Planning and Development Regulations, 2001 – 2026, whereas the 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",

Restrictions on Exemptions:

The works are not restricted by virtue of Article 9(1)(a)(i) – (xii) (inclusive). Article 9(3) reads as *Development shall not be exempted development for the purposes of this Act if an environmental impact assessment or an appropriate assessment of the development is required.*

The development consists of upgrading an existing agricultural entrance. It is not considered the proposal would require an environmental impact assessment.

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:

- North-West Irish Sea SPA (Site Code 4236), 3.5 km west of the site.
- Clogher Head SAC (Site Code 1459), 12 km north of the site.
- River Nanny Esturay (Site Code 4158), 3 km south of the site.
- Boyne Coast and Estuary SAC (Site Code 1957), 2.7 km north of the site.
- Boyne Estuary SPA (Site Code 4080), 2.7 km north of the site.
- River Boyne And River Blackwater SAC (Site Code 2299), 2.7 km north of the site.
- River Boyne And River Blackwater SPA (Site Code 4232), 2.7 km north of the site.

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 Recommendation:

It is therefore recommended that a **Declaration of Exemption be REFUSED** for the development set out hereunder.

WHEREAS the question has arisen as to whether:

Setting back an existing agricultural entrance 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 – 2023,

(b) Article 6 & 9 of the Planning and Development Regulations, 2001-2026

(c) Schedule 2, Part 1, Class 1 (Exempted Development) of the Planning and Development Regulations, 2001-2026

(d) Information provided.

AND WHEREAS Meath County Council has concluded: -

a) The Setting back an existing agricultural entrance along the L-1611, in the townland of Beabeg, Drogheda, Co Meath is not exempt from the requirement to obtain planning permission, as it would not come within the scope of Article 9(1)(a)(ii) of the Planning and Development Regulations, 2001 – 2026, as the 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",*

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 relocation of the existing field entrance on plans and particulars submitted on 16th September 2026 **is development and is NOT exempted development.**

RECOMMENDATION ACCEPTED

Oisín Kerr
Assistant Planner

Gerard Kellett
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 Act 2000-2026 and Regulations 2001-2026.

