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

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

1. **Name:** Patricia and George Plunkett

   **Address:** _Farrell Street, Kells, County Meath.

[redacted]

2. **Address for correspondence:**

   **Address:** c/o Michael Allen Architect, Bective Square, Kells, Co. Meath A82 F9X3

   **Phone No:** _087-2988525 **E-Mail:** info@allenarchitect.ie

3. **Location of Development and/or Subject Site:** _15 Farrell Street, Kells A82Y020

4. **Description of Development:** essential repairs and replacement, shop front, no structural alteration to building, replacement like for like

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

   **Please tick as appropriate:** **YES** ____ **NO** _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** _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** no___

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**7. State overall height of structure if applicable:** _not applicable_____

**8. State in square metres the floor area of the proposed development:** shopfront surface area 31.85 Sq.M. 9.80x3.250M_____

**9. List of plans / drawings etc. submitted:** site location map 1:1000 property in Folio MH 5218F_+ photograph of the existing shopfront_____

**10. Please state applicant's interest in this site** owners_____

**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** _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** no____

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

_____

**SIGNED:** DAGMARA PLUNKETT. GEORGE PLUNKETT. **DATE:** _22/09/2026_____

**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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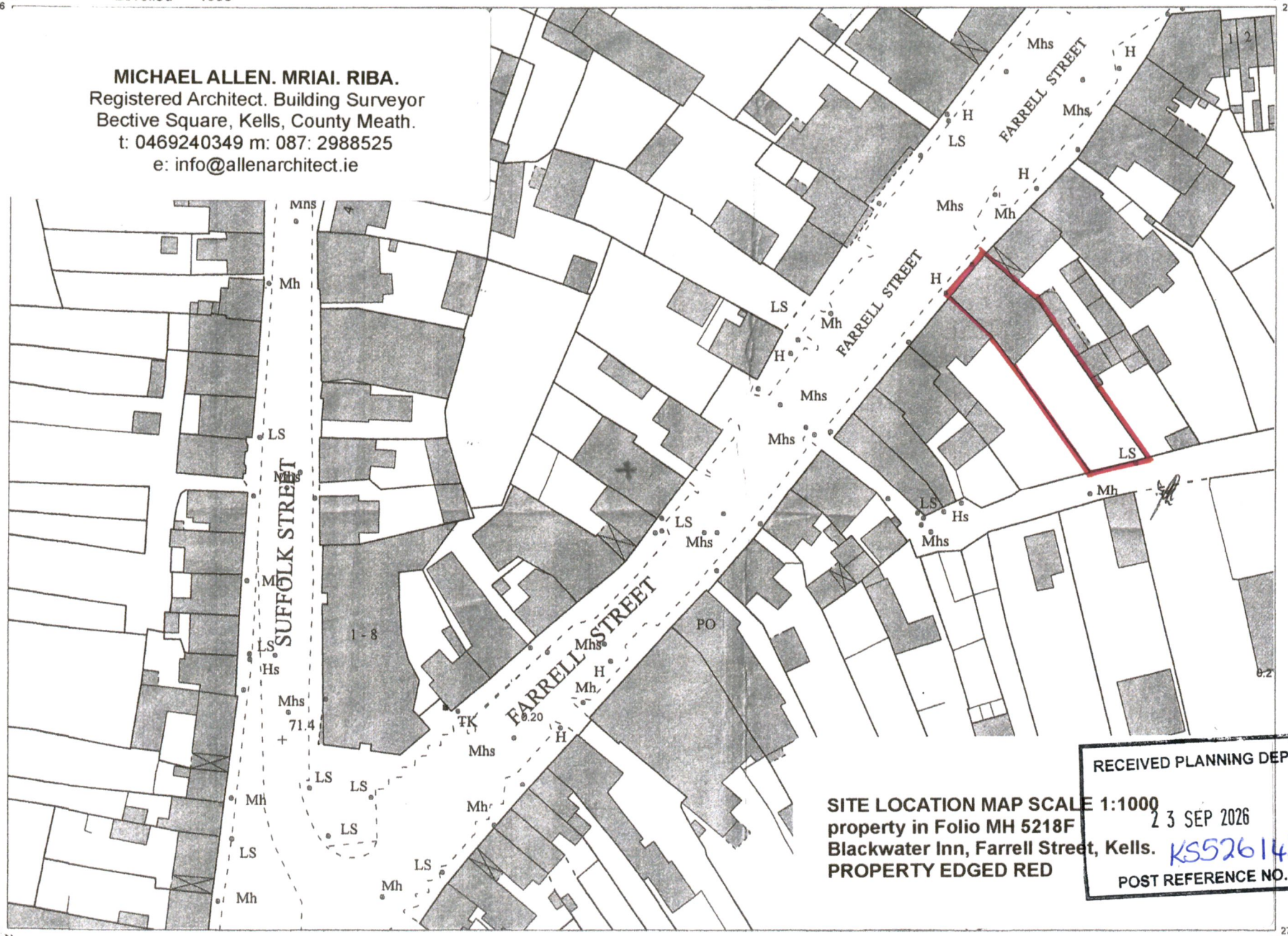
Surveyed 1988-1991
Revised 2008
Levelled 1988

# Urban PLACE Map


**MICHAEL ALLEN. MRIAI. RIBA.**
Registered Architect. Building Surveyor
Bective Square, Kells, County Meath.
t: 0469240349 m: 087: 2988525
e: info@allenarchitect.ie


**SITE LOCATION MAP SCALE 1:1000**
**property in Folio MH 5218F**
**Blackwater Inn, Farrell Street, Kells.**
**PROPERTY EDGED RED**

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ITM CENTRE PT. COORDS
673973,775708

DESCRIPTION

MAP SHEETS
1:1000
2310-13 2310-02
2310-03

Ordnance Survey Ireland


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The representation on this map of a road, track or footpath is not evidence of the existence of a right of way.

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Scale:- 1:1,000
Scála:- 1:1,000

0 20 40 60 80 100 Metres
0 50 100 150 200 250 Feet

Plot Ref. No. 25033981_1_1
Plot Date 14-AUG-2009

**MEATH COUNTY COUNCIL**

**CHIEF EXECUTIVE ORDER**

| | |
|---|---|
| **Chief Executive Order Number:** | 1765/26 |
| **Reference Number:** | KS5/26142 |
| **Subject:** | Declaration under Part 1, Section 5, Planning and Development Act 2000-2023 |
| **Name of Applicant:** | Patricia & George Plunkett |
| **Address:** | Michael Allen Architect<br>Bective Square,<br>Kells<br>Co Meath<br>A82 F9X3 |
| **Nature of Application:** | **essential repairs and replacement, shop front, no structural alteration to building, replacement like for like** |
| **Location of Development:** | 15 Farrel Street,<br>Kells<br>Co Meath<br>A82Y020 |
| **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:** Gerard Kellett

**On Behalf of Meath County Council**

**DATE:** 19/10/26

**MEATH COUNTY COUNCIL**

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

**Planning & Development Act 2000- 2023**

# DECLARATION

**To:** Patricia & George Plunkett
c/o Michael Allen Architect
Bective Square,
Kells
Co Meath
A82 F9X3

**PLANNING REFERENCE NUMBER:** KS5/26142

**APPLICATION RECEIPT DATE:** 23/09/2026

**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 19/10/2026 decided to Declare the proposed development is EXEMPT, in accordance with the documents: essential repairs and replacement, shop front, no structural alteration to building, replacement like for like at 15 Farrel Street, Kells, Co Meath , A82Y020**

Date: 19/10/26

**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 2000-2023 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

comhairle chontae na mí
meath county council

# Meath County Council
# Planning Report

| | |
|---|---|
| **To:** | Gerard Kellett, Senior Executive Planner |
| **From:** | Ryan Cowan, Assistant Planner |
| **File Number:** | KS526142 |
| **Applicant:** | Patricia & George Plunkett |
| **Development Address:** | 15 Farrell Street, Kells, Co. Meath, A82 Y020. |
| **Application Type:** | Section 5 of the Planning & Development Act 2000-2025: Declaration on Development/Exempted Development. |
| **Date of Report:** | 28/09/2026 |
| **Date Decision Due:** | 20/10/2026 |
| **Development Description:** | Essential repairs and replacement, shop front, no structural alteration to building, replacement like for like. |

**1.0 Site Location & Description**

The site measures 0.05 hectares and is located within Kells town centre, at number 15 Farrell Street. The site comprises a two-storey terraced building in use as a public house, The Blackwater Inn, with a ground floor shopfront fronting directly onto the public footpath on Farrell Street. The site lies within the Kells Architectural Conservation Area (ACA) and is located within an Area of Archaeological Interest. The building is not a Protected Structure.

The site is zoned B1 Commercial Town or Village Centre, with the objective *'To protect, provide for and/or improve town and village centre facilities and uses'.*




**Figure 1**: Site Location (Red Pin) (*Source: Google Maps, 2026*)



**Figure 2:** Aerial Photograph of the subject site. (*Source: Google Maps, 2026*)

**2.0 Proposed Development**
The applicant describes the development in the completed application form as *'essential repairs and replacement, shop front, no structural alteration to building, replacement like for like'.*

**3.0 Planning History**
**KT110009 –** Permission to change use from offices to 2 no. apartments, provision of disabled access external to the building & a minor extension to the side of the building; together with all works ancillary. The property is connected to the public services. The development site is included within the Kells ACA. - **Granted 09/11/2011.**

**4.0 Relevant Legislation**
In order to assess whether or not the structures and land is or is not development or is or is not exempted development regard must be had to the following legislation:

**5.0 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.

**5.1 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."*

**5.2 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:

*"(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 Acts 2000-2025 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.'*

**5.3 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 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.

**5.3 Section 32 of the Planning & Development Acts 2000-2025**
Section 32 of the Planning & Development Acts 2000-2025 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

**5.5 Section 82 of the Planning & Development Acts 2000-2025**

82 - (1) Notwithstanding section 4(1)(h), the carrying out of works to the exterior of a structure located in an architectural conservation area shall be exempted development only if those works would not materially affect the character of the area.

**5.7 Article 6 of the Planning & Development Regulations 2001-2026**

***Article 6(1)***

*"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."*

***Article 6(2)(b)(iv)***

Article 6(2)(b) provides that, subject to article 9, the erection of an advertisement structure for the exhibition of an advertisement of a class specified in Part 2 of Schedule 2 is exempted development, provided inter alia that, further to section 82 of the Act, the advertisement structure is not located on the exterior of a structure within an architectural conservation area so as to materially affect the character of the area.

**6.0 Assessment**

The Planning Authority will assess the proposed development using the submitted plans. There is no class of exempted development in Part 1 of Schedule 2 of the Regulations which provides for the replacement of a shopfront on a commercial premises. The question therefore falls to be considered under section 4(1)(h) of the Act, which exempts works for the maintenance, improvement or other alteration of a structure that do not materially affect its external appearance so as to render it inconsistent with the character of the structure or of neighbouring structures.

**6.1 "Development"**

It is considered that the proposed development falls within the statutory interpretation of works and therefore within the section 3 (1) PDA 2000 definition of development

**6.2 "Exempted Development"**

The applicant is proposing *'essential repairs and replacement, shop front, no structural alteration to building, replacement like for like'.* It is noted the applicant is proposing no amendments from the currently present shop front, the application is to maintain and repair the existing shop front.

The site is located within the Kells ACA. Section 82(1) of the Act provides that, notwithstanding section 4(1)(h), works to the exterior of a structure in an ACA are exempted development only if they would not materially affect the character of the area. The determinative question is therefore whether the replacement shopfront would materially affect the character of the Kells ACA.

A replacement which replicates the existing shopfront like-for-like in its materials, proportions, joinery profiles, opening sizes and detailing would not materially affect either the external appearance of the structure or the character of the ACA. On the basis of the information

submitted, the Planning Authority considers the proposed development to be exempted development as it would not materially affect or change the external appearance of the structure or the character of the ACA.

**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 SAC (002299)
- River Boyne and River Blackwater SPA (004232)

The Planning Authority considered the nature, scale and location of the 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 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 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 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.

**9.0 Recommendation**

It is therefore recommended that a declaration be issued that the proposed essential repairs and replacement, shop front, no structural alteration to building, replacement like for like, as indicated on the submitted plans and particulars stating that the proposal represents development which is **exempted development:**

**WHEREAS** a question has arisen as to whether to 'the proposed essential repairs and replacement, shop front, no structural alteration to building, replacement like for like' on lands at 15 Farrell Street, Kells A82 Y020, is exempted development:

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

(a) Sections 2, 3, 4, 5, 32, 82 & 177U (9) of the Planning and Development Act 2025,
(b) Articles 6 and 9 of the Planning and Development Regulations, 2001-2026
(c) Information provided.

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

1) The proposal to *'the proposed essential repairs and replacement, shop front, no structural alteration to building, replacement like for like'* on lands at 15 Farrell Street, Kells A82 Y020, ...is exempted development under section 4(1)(h) of the Planning and Development Acts 2000-2025, being works for the maintenance and repair of the structure which would not materially affect its external appearance so as to render it inconsistent with the character of the structure or of neighbouring structures and, having regard to section 82(1), would not materially affect the character of the Kells Architectural Conservation Area.

**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 development as detailed on particulars submitted 23rd September 2026 is **DEVELOPMENT** and is **EXEMPTED DEVELOPMENT.**

RECOMMENDATION ACCEPTED
19 OCT 2026
Signed: Gerard Kellett

Ryan Cowan

**Ryan Cowan**
**Assistant Planner**
**Date: 07/10/2026**

**Gerard Kellett**
**Senior Executive Planner**
**Date: 19/10/2026**

