APPLICATION FORM – DECLARATION ON DEVELOPMENT & EXEMPTED DEVELOPMENT

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

1. **Name:** Aydin Uyanik

   Address: Church Street, Kells, County Meath A82 YK26

[redacted]

2. **Address for correspondence:**

   Address: c/o Michael Allen Architect Bective Square, Kells, County Meath A82 F9X3

   Phone No: 087-2988525 info@allenarchitect.ie

3. **Location of Development and/or Subject Site:** Church Street, Kells, County Meath A82 YK26

4. **Description of Development:** removal, repair, replacement of defective shopfront

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**___

7. **State overall height of structure if applicable:** 3.442.83M

8. **State in square metres the floor area of the proposed development:** 17.54 Sq. M. surface area

9. **List of plans / drawings etc. submitted:** visualization drawing of the shopfront, photo of the existing shopfront, site location map1:1000, elevation measurements of the replacement shopfront, application fee and applicant's letter.

10. **Please state applicant's interest in this site** applicant is the owner of the property Folio MH50719F

RECEIVED PLANNING DEPT.
24 SEP 2026
POST REFERENCE NO.

RECEIVED
KS526143
24 SEP 2026
PLANNING AUTHORITY
REC'D IN POST

If applicant is not the owner of site, please provide name & address of owner:
applicant is the 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: _____ **DATE: 23/09/2026**

NOTES

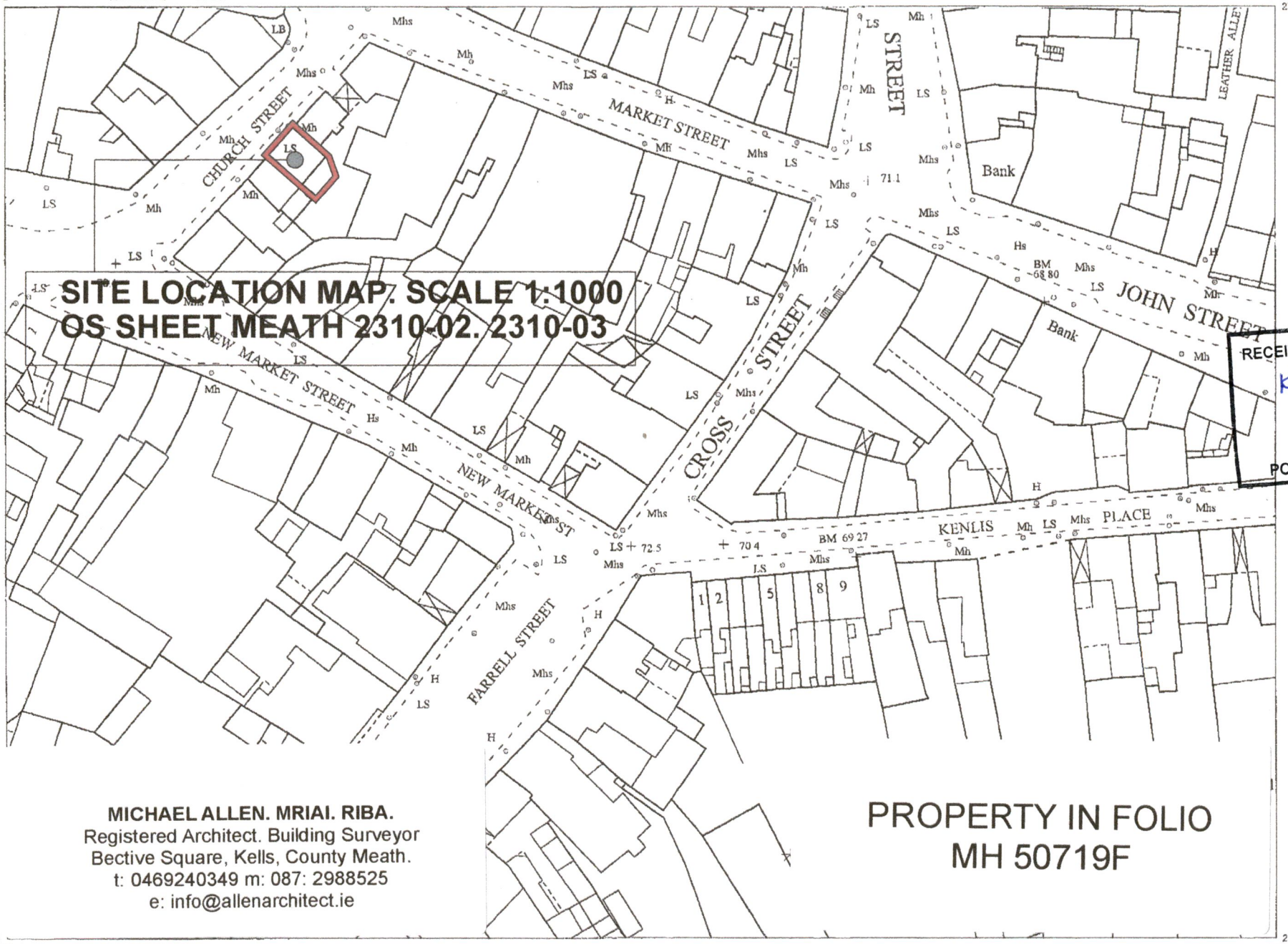
1. **Application Fee of €80**

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

Surveyed 1988-1991
Revised 2007
Levelled 1988

Urban PLACE Map



ITM CENTRE PT. COORDS.
674070,775812

DESCRIPTION

MAP SHEETS
1:1000
2310-02 2310-03

RECEIVED PLANNING DEPT.
KS526143
24 SEP 2026
POST REFERENCE NO.

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

PROPERTY IN FOLIO
MH 50719F

Produced by AMAP Plot
Unit 3, 1st Floor, Glebe View House, River Mall,
Swords, Co. Dublin
On behalf of Ordnance Survey Ireland,
Phoenix Park, Dublin 8.

Sáraíonn atáirgeadh neamhúdaraithe cóipcheart Shuirbhéireacht Ordanáis Éireann agus Rialtas na hÉireann.
Unauthorised reproduction infringes Ordnance Survey Ireland and Government of Ireland copyright.

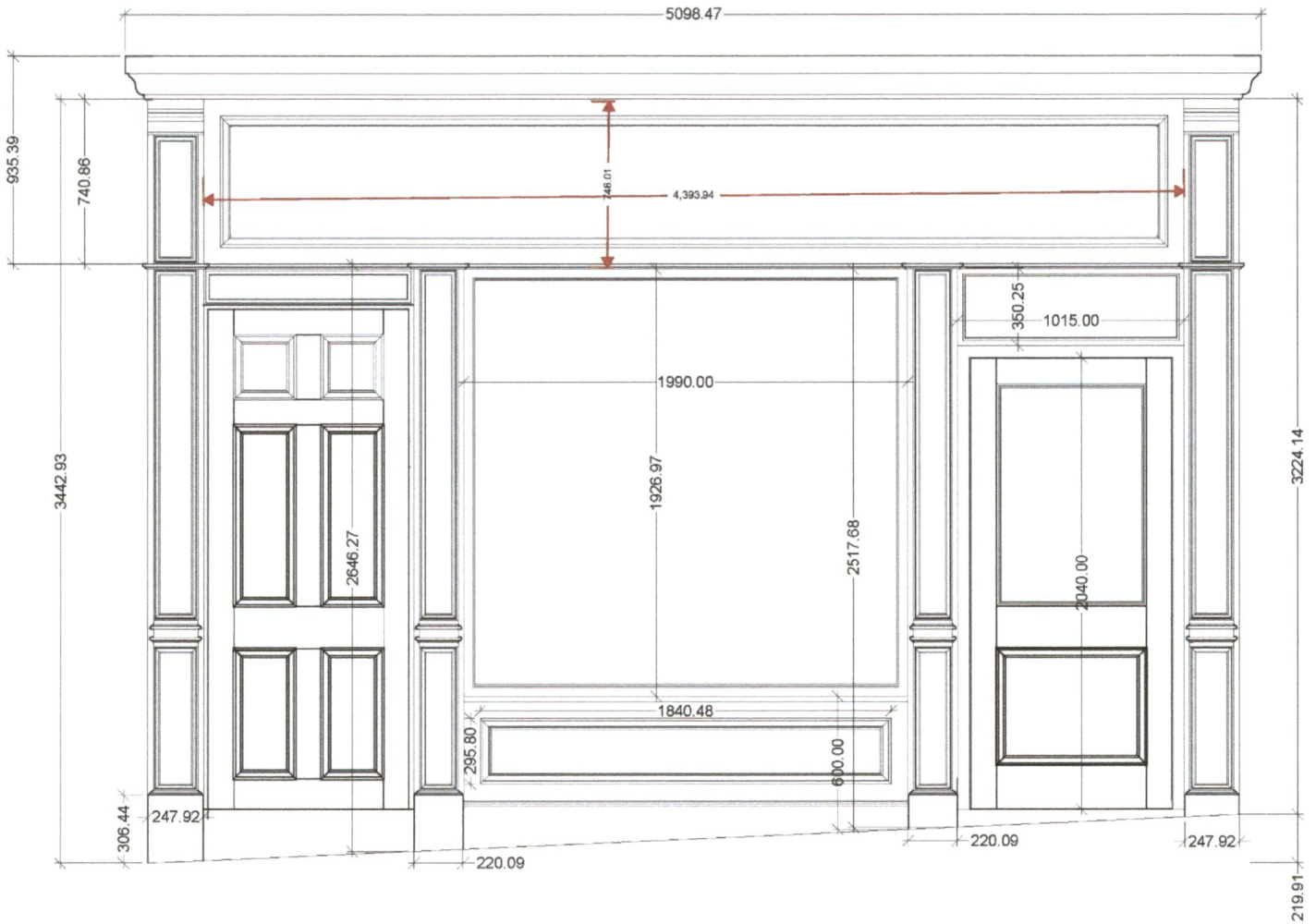
Gach cead cosnamh. Ni ceadmhach aon chuid den fhoilseachán seo a chóipeáil, a atáirgeadh nó a tharchur in aon fhoirm ná ar aon bhealach gan cead i scríbhinn roimh ré ó úinéiri an chóipchirt.
All rights reserved. No part of this publication may be copied, reproduced or transmitted n any form or by any means without the prior written permission of the copyright owners.

© Suirbhéireacht Ordanáis Éireann, 2008
© Ordnance Survey Ireland, 2008

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. 1304693_1_1
Plot Date 07-MAY-2008



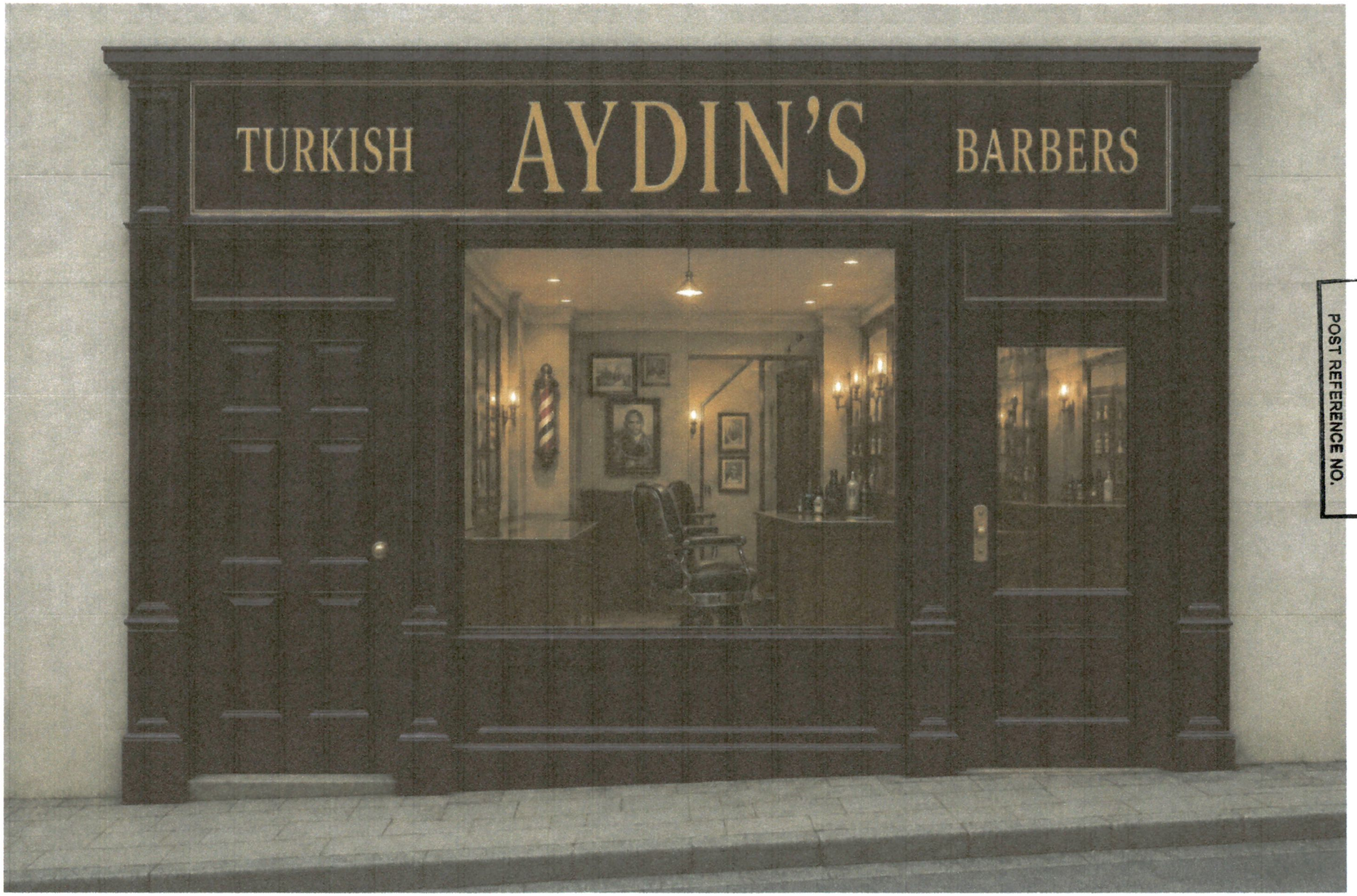
POST REFERENCE NO.
24 SEP 2026
KS526143
RECEIVED PLANNING DEPT.

Proposed front elevation - dimensions shown in millimetres on supplied drawing



Aydin's Turkish Barbers - existing ground-floor shopfront

RECEIVED PLANNING DEPT.
24 SEP 2026
KSS26143
POST REFERENCE NO.



Proposed traditional-style shopfront visualisation

RECEIVED PLANNING DEPT.
KSD26143
24 SEP 2026
POST REFERENCE NO.

MEATH COUNTY COUNCIL

CHIEF EXECUTIVE ORDER

Chief Executive Order Number:	1775/26
Reference Number:	KS5/26143
Subject:	Declaration under Part 1, Section 5, Planning and Development Act 2000-2023
Name of Applicant:	Aydin Uyanik
Address:	c/o Michael Allen Architect Bective Square Kells Co. Meath A82 F9X3
Nature of Application:	**Removal, repair, replacement of defective shopfront.**
Location of Development:	Church Street,, Kells, Co. Meath, A82 YK26
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: J. Carroll

On Behalf of Meath County Council

DATE: 20/10/2026

MEATH COUNTY COUNCIL

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

Planning & Development Act 2000- 2023

DECLARATION

To: Aydin Uyanik
c/o Michael Allen Architect
Bective Square
Kells
Co. Meath
A82 F9X3

PLANNING REFERENCE NUMBER: KS5/26143
APPLICATION RECEIPT DATE: 24/09/2026
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 20/10/2026 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: removal, repair, replacement of defective shopfront at Church Street, Kells, Co. Meath, A82 YK26

Date: 20/10/2026

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:	Lisa Carroll, A/Senior Executive Planner
From:	Nathan Cooney, Executive Planner
Date:	12/10/2026
MCC File Number:	KS526143
Applicants:	Aydin Uyanik
Development Address:	Church Street, Kells, Co. Meath
Application Type:	Section 5 of the Planning & Development Acts 2000 (as amended): Declaration on Development/Exempted Development.
Development Description:	Removal, repair, replacement of defective shopfront
Date Decision Due:	21/10/2026

1.0 Site Location & Description

The subject site is located at Aydin's Turkish Barbers, Church Street, Kells, County Meath. The subject site is located within the Kells ACA. The subject site is zoned B1 - Commercial Town or Village Centre. The subject site is not located within a flood zone. The subject site is not a protected structure. The applicant states that they are the owner of the subject property.

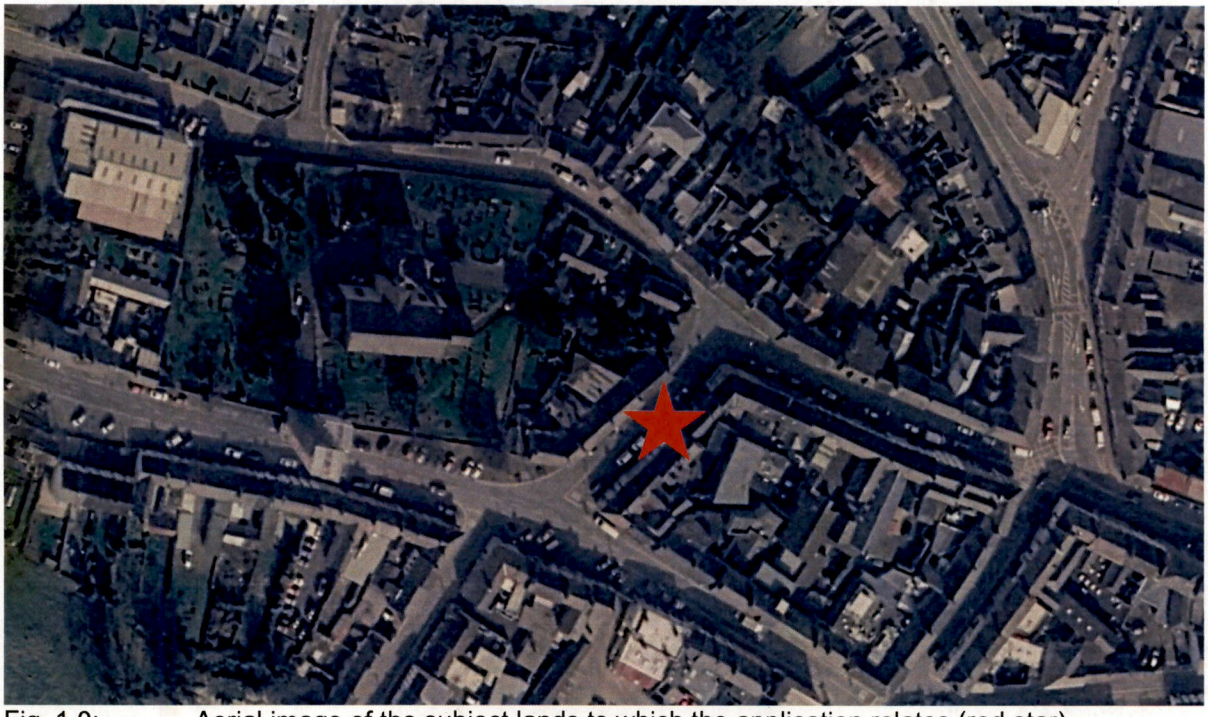


Fig. 1.0: Aerial image of the subject lands to which the application relates (red star).

2.0 Proposed Declaration

The applicants describe the development in the completed application form as *'removal, repair, replacement of defective shopfront'.*

The Planning Authority is considering this question as:

Whether the removal, repair, replacement of defective shopfront within an ACA is or is not development and is or is not exempted development.

3.0 Planning History

None.

4.0 Internal, External and Prescribed Bodies

Conservation Officer - No objection.

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.

5.1 Section 2 of the Planning & Development Acts 2000-2026

Section 2 of the Planning & Development Acts 2000-2026 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 2000-2026

Section 3(1) of the Planning & Development Acts 2000-2026 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 2000-2026

Section 4(1) of the Planning & Development Acts 2000-2026 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 2001-2025 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(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.'

5.4 Section 5 of the Planning & Development Acts 2000-2026

Section 5 of the Planning & Development Acts 2000-2026 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 2000-2026

Section 32 of the Planning & Development Acts 2000-2026 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.

"*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) (inclusive) of the regulations. In particular via is most relevant.*

(vii) consist of or comprise the excavation, alteration or demolition (other than peat extraction) of places, caves, sites, features or other objects of archaeological, geological, historical, scientific or ecological interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan for the area in which the development is proposed or, pending the variation of a development plan or local area plan, or the making of a new development plan or local area plan, in the draft variation of the development plan or the local area plan or the draft development plan or draft local area plan,"

6.0 Assessment

The question has arisen as to whether the removal, repair, replacement of a defective shopfront within an ACA 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 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"

In terms of whether the development is exempted development, the applicant has submitted a letter outlining the proposed works. The works comprise the removal of the existing fascia, signage and associated finishes and the installation of a new traditional type shopfront circa. 5.10M in overall width. The proposal will provide a new fascia and cornice treatment, pilasters and panels, a central window, entrance doors and a raised facia with appropriate signage.

The works are confined to the ground floor level commercial frontage. No change of use is proposed, no extensions or increase in floor area. The Declaration requested relates to the works as described on the enclosed visualisation and dimensioned elevation drawings.

The restriction on exemptions under Article 9 (inclusive) of the Planning and Development Regulations 2001 – 2026 are applicable. In particular Article 9(1)(a)(viii) which states, "*consist of or comprise the excavation, alteration or demolition (other than peat extraction) of places, caves, sites, features or other objects of archaeological, geological, historical, scientific or ecological interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan for the area in which the development is proposed or, pending the variation of a development plan or local area plan, or the making of a new development plan or local area plan, in the draft variation of the development plan or the local area plan or the draft development plan or draft local area plan*".

It is clear from the planning constraints map of the Local Authority that the subject site is within the Kells ACA. Therefore, the proposed works would not be deemed exempted development as per Article 9(1)(a)(viii) of the Planning and Development Regulations 2001 – 2026.

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 (Site Code 002299)
- River Boyne and River Blackwater SPA (Site Code 004232)
- Girley (Drewstown) Bog SAC (Site Code 002203)
- Killyconny Bog (Cloghbally) SAC (Site Code 000006)

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 Conclusion and Recommendation

It is therefore recommended that a declaration of Exemption be **REFUSED** for 'the removal, repair, replacement of defective shopfront within an ACA. It is considered that these works would constitute the carrying out of 'works' as indicated above and would therefore constitute development within the meaning given in the Planning and Development Act, 2000 (as amended); and would not be exempted development under Article 9(1)(a)(vii)(viii) of the Planning and Development Regulations, 2001 – 2026.

Therefore, having regard to the above it is considered the proposed development would not be deemed exempt in this instance.

WHEREAS the question has arisen as to whether the proposal is or is not exempt development.

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

(a) Sections 2(1), 3(1), 4 & 177U of the Planning and Development Act 2000-2025
(b) Article 6 & 9 (Article 9(1)(a)(viii)) of the Planning and Development Regulations, 2001-2026
(c) Information Provided.

AND WHEREAS Meath County Council has concluded: -

(a) The Planning Authority has determined that *'removal, repair, replacement of defective shopfront'* within an ACA is not exempted development as the development would materially change the front of a structure within an ACA. Therefore, the proposed works would not be deemed exempted development as per Article 9(1)(a)(viii) of the Planning and Development Regulations 2001 – 2026.

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 *'removal, repair, replacement of defective shopfront'* within an ACA as detailed on plans and particulars submitted on 24th September 2026 ~~is Development and is NOT~~ Exempted Development.

RECOMMENDATION ACCEPTED
20 OCT 2026
Signed: LCarroll

Nathan Cooney
Executive Planner
Date: 12/10/2026

Lisa Carroll
A/Senior Executive Planner
Date: 16/10/2026

RECOMMENDATION
ACCEPTED
signed