Comhairle Chontae na Mí

Roinn Pleanáil, Teach Buvinda, Bóthar Átha Cliath, An Uaimh, Contae na Mí, C15 Y291 Fón: 046 – 9097500/Fax: 046 – 9097001 R-phost: planning@meathcoco.ie Web: www.meath.ie



Meath County Council

Planning Department
Buvinda House, Dublin Road,
Navan, Co. Meath, C15 Y291
Tel: 046 – 9097500/Fax: 046 – 9097001
E-mail: planning@meathcoco.ie
Web: www.meath.ie

APPLICATION FORM - DECLARATION ON DEVELOPMENT & EXEMPTED DEVELOPMENT

Part 1 Section 5 of Planning and Development Act 2000-2021, as amended

1.	Name: Silver Stream Healthcare Group Contact details: to be supplied at the end of this form (Question 13)				
2.	Name of person/ agent acting on behalf of the applicant, if applicable Martin McKenna Contact details: to be supplied at the end of this form (Question 14)				
3.	Location of Development and/or Subject Site: Downstown, Duleek, Co. Meath				
4.	Planning permission was granted for a 120-bedroom nursing home at Duleek PI Ref LB-191719 showing 121.No bedrooms in total, on 2 floors (refer to attached Gr floor and 1st floor plans as granted permission). Can Meath Co Co confirm that the nursing home can be used as a 121-bedroom nursing home as has been provided in the drawings granted planning permission attached Ref. LB-191719, without a further planning permission. This would not involve any changes to the floor plans, area, size or number of bedrooms, as it would stay exactly the same as has already been granted.				
5.	Will the development take place within the curtilage of a dwelling house?				
	Please tick as appropriate: YES NO _X				
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(E	6(b) If "YES", has a Declaration under Section 57 of the Planning & Development Act 2000 – 2014, as amended, been requested or issued for the property by the Planning Authority?				

YES _

NO ____

7. State overall height of structure if applicable:

Please tick as appropriate:

There are no proposed changes to the development.



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

There are no internal changes proposed, and therefore no changes to the floor area.

- 9. List of plans / drawings etc. submitted:
 - P19-198C-RAU0-XX-XX-DR-A-31006 Rural Place Map
 - P19-198C-RAU-XX-XX-DR-A-31001A _ SITE LAYOUT PLANS Sheet 1of2
 - P19-198C-RAU-XX-XX-DR-A-31001B SITE LAYOUT PLANS Sheet 2of2
 - P19-198C-RAU-00-XX- 00-DR-A-31101b-Ground Floor Plan, as proposed
 - P19-198C-RAU-00-XX- 01-DR-A-31102b-First Floor Plan, as Proposed
 - LB191719 Decision to Grant

TU. PI	ease	state	applicants.	Interest	Ш	tnis	Site
0	wner						

If applicant is not the owner of site, please provide name & address of owner:

11. Are	you aware of any enforcemen	t proceedings	connected to this si	te?
	Please tick as appropriate:	YES	NO _X	
11 (b), I	f "YES" please supply details:			
12. Are	you aware of any previous pla	nning applicat	ion/s on this site?	
	Please tick as appropriate:	YES _X_	NO	

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

Reference No.LB191719 Date: 18/12/2019

Permission was granted by Meath County Council on 03/04/2020 for a 2 storey nursing home with 120 no. single ensuite bedrooms and associated support facilities and services.

Reference No.LB181036 Date: 07/09/2018

Permission was granted by Meath County Council on 13/03/2019 for amendments to the development permitted under SA/901916 (and extended under LB150550) comprising amendments to the internal layout, changes to the external elevations, a two-storey addition to the north of the previously permitted nursing home resulting in an overall Nursing Home development of 120 no. single bedrooms

Reference No.: LB150550 Date: 29/05/2015

Permission was granted by Meath County Council on 23/07/2015 for an extension of duration of planning permission Ref. No. SA/901916.

Reference No.: SA/901916 Date: 18/12/2009

Permission was granted by Meath County Council on 15/07/2010 for the construction of a medical/retirement complex, comprising a Nursing Home with 47 no. bedrooms, Primary Care & Day Care Centre and 44 no. Assisted Living Housing units.

Comhairle Chontae na Mí

Roinn Pleanáil, Teuch Buvindu, Bóthar Átha Cliath, An Uaimh, Contae na Mí, C15 Y291 Fón: 046 – 9097500/Fax: 046 – 9097001 R-phost: planning@meathcoco.le Web: www.meath.ie



Meath County Council

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E-mail: planning@meathcoco.ie
Web: www.meath.ie

SIGNED:

DATE: 15.2.25

NOTES

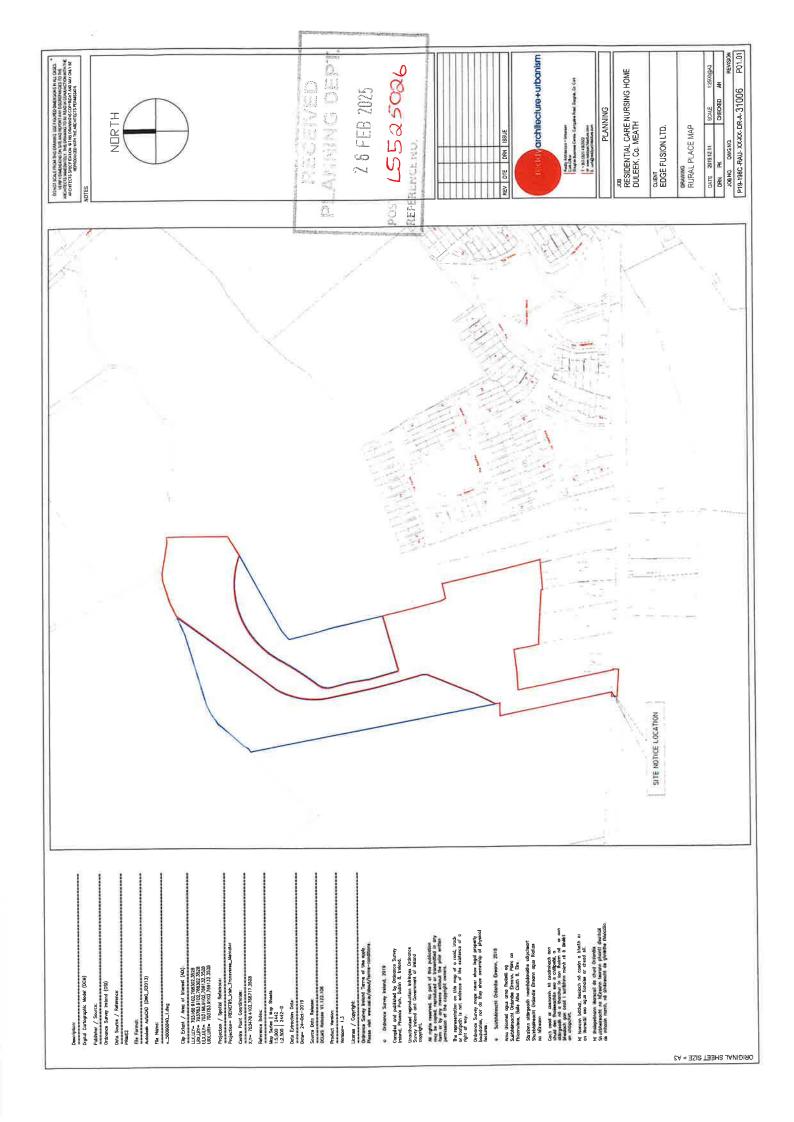
- Application Fee of €80
- 2. Application shall be accompanied by:
 - 2 copies of site location map to scale 1:2500 clearly showing the site outlined in red and the extent of the site boundaries, the position of existing structures, etc., and the proposed work.
 - 2 drawings to scale (1:200) of the proposed 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.

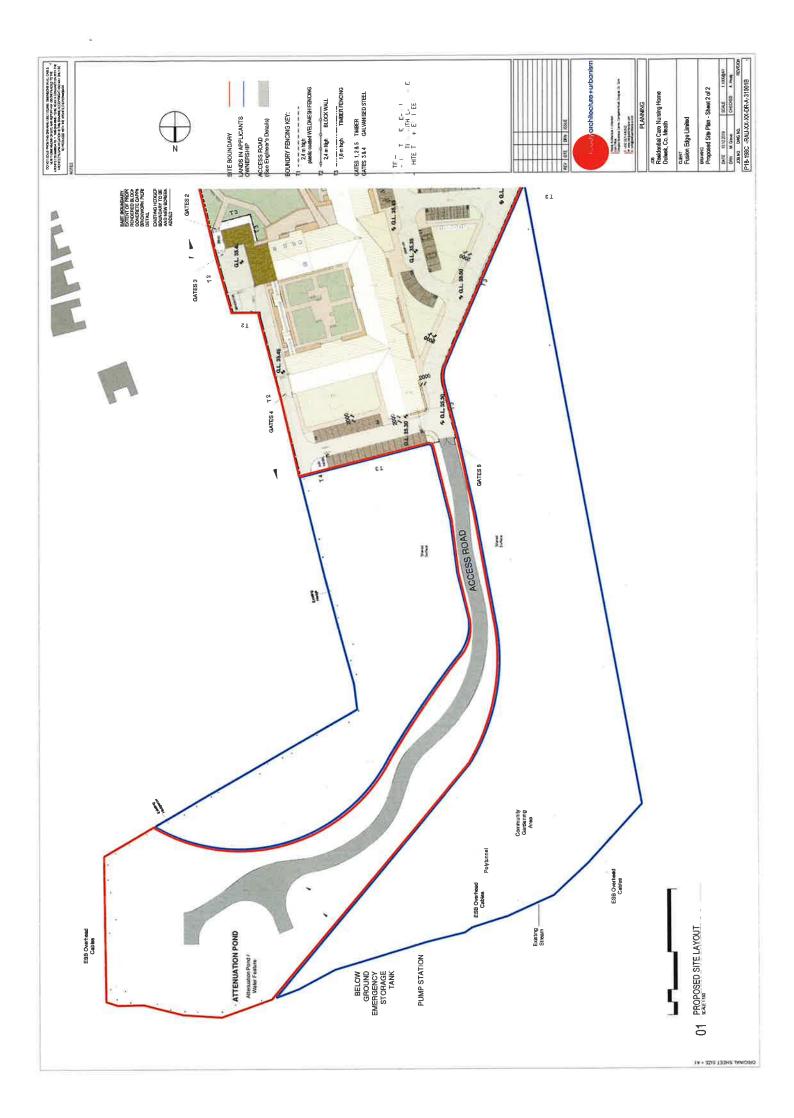
Contact Details: Phone: 046 9097500 Fax: 046 9097001

Email: planning@meathcoco.le

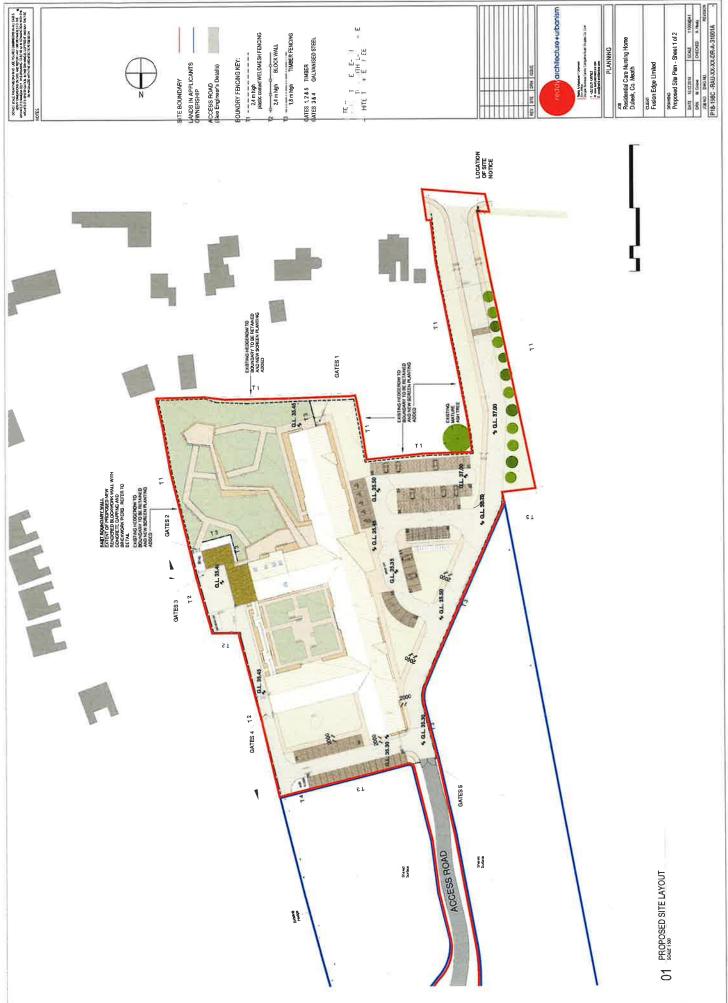




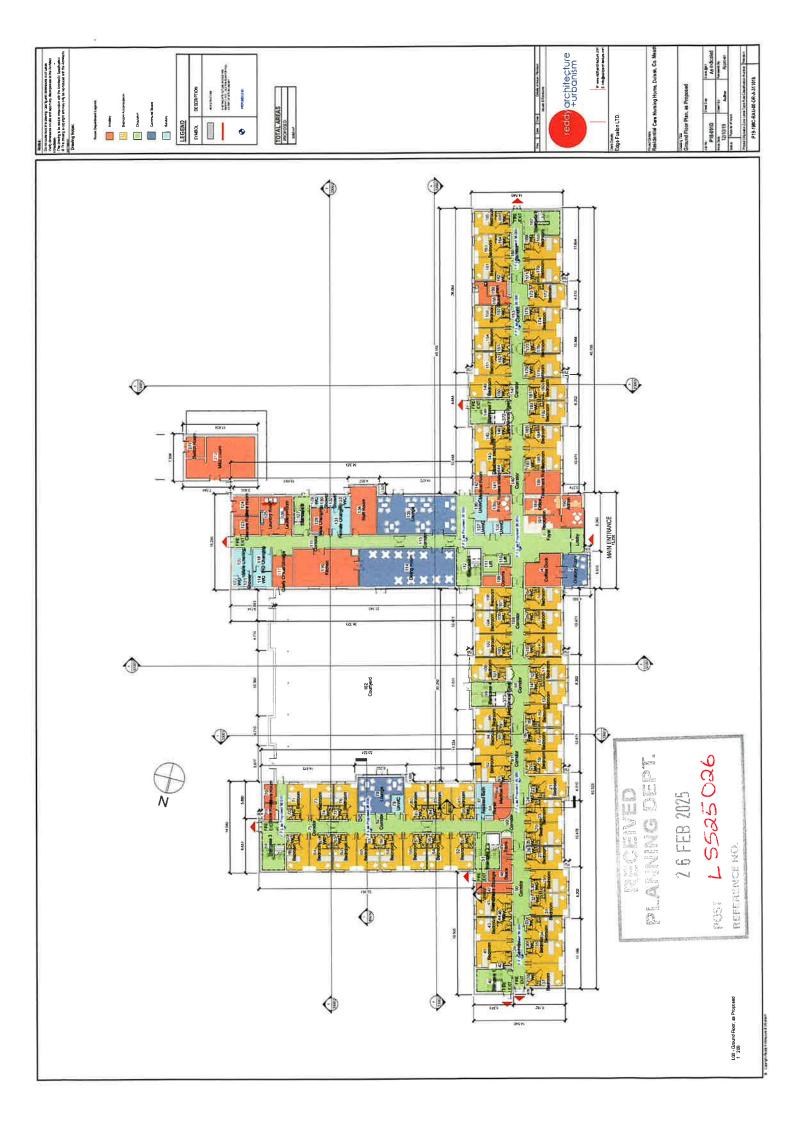




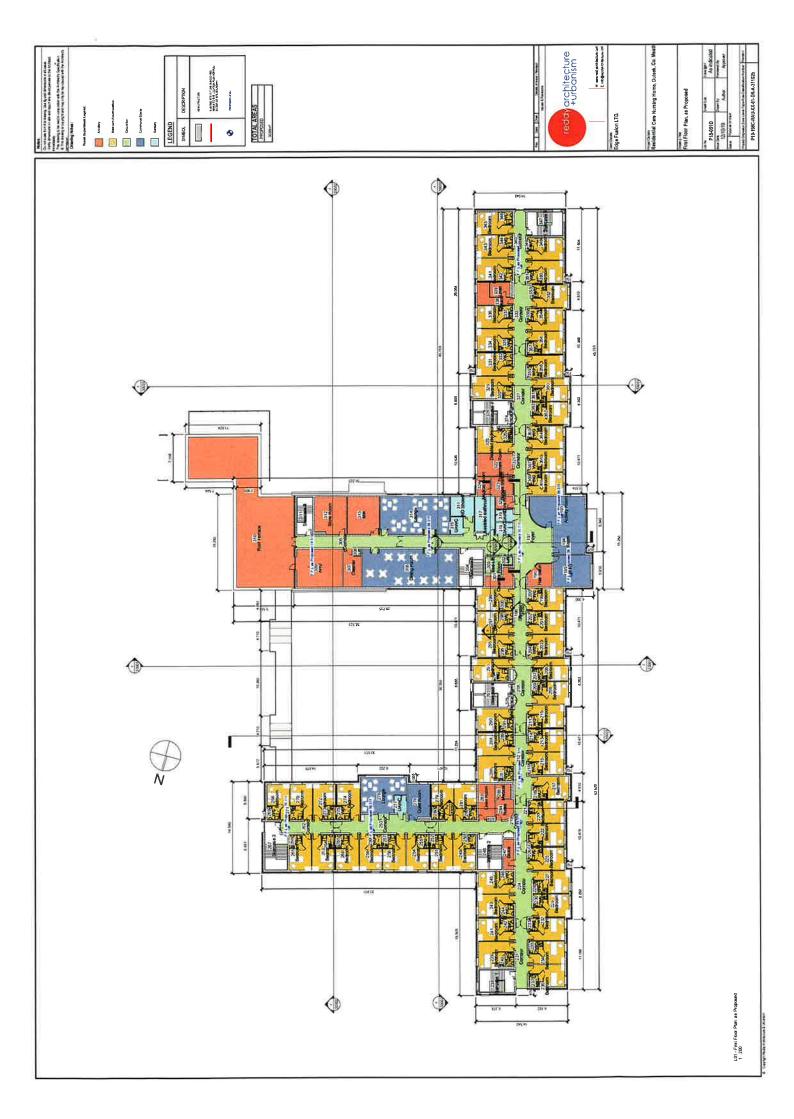




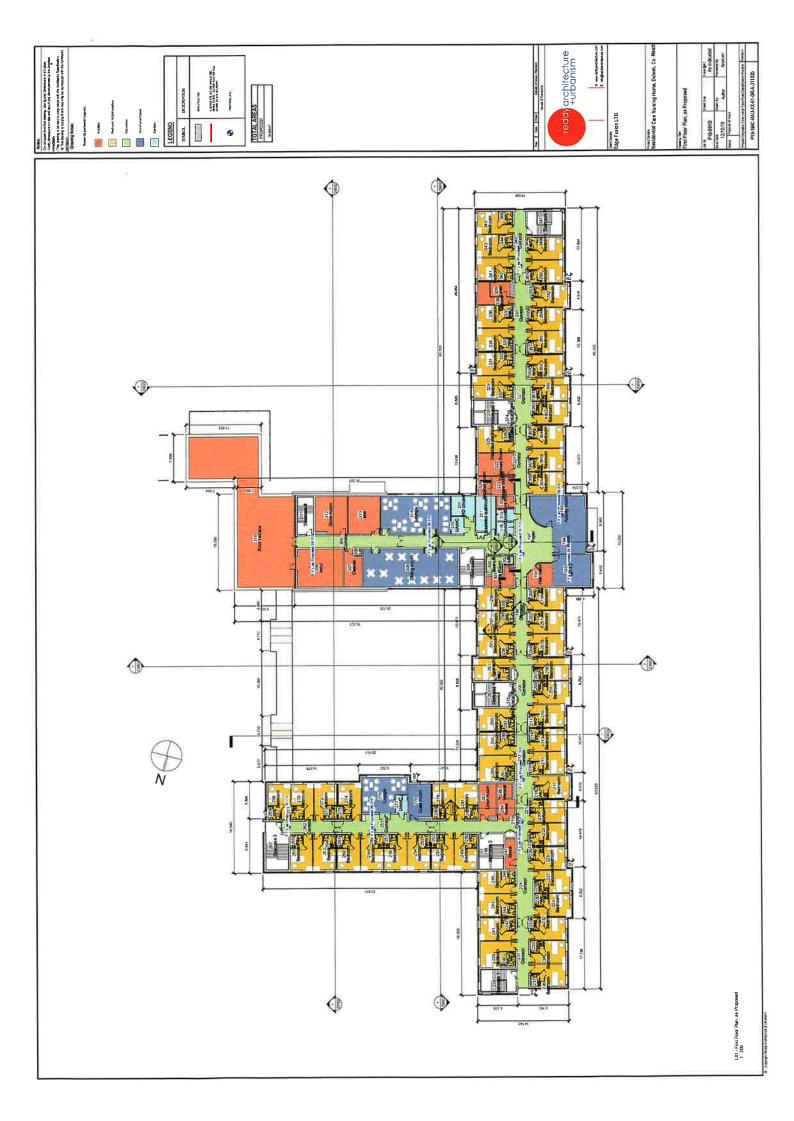














MEATH COUNTY COUNCIL

CHIEF EXECUTIVE ORDER

Chief Executive	Order
Number:	

521/25

Reference Number:

L/S525026

Subject:

Declaration under Part 1, Section 5, Planning and Development Act

2000-2023

Co Dublin

Name of Applicant:

Silver Stream Healthcare Group

Address:

C/o Martin McKenna 9 Clarinda Park North Dun Laoghaire

Nature of Application:

Planning Permission was granted for a 120 bedroom nursing home at Duleek Pl Ref. LB191719 showing 121 no. bedrooms in total, on 2 floors(refer to attached Gr floor and 1st floor plans as granted permission).

Can Meath CoCo confirm that the nursing home can be used as a 121 bedroom nursing home as has been provided in the drawings granted planning permission attached Ref LB191719, without a further

planning permission.

This would not involve any changes to the floor plans, area, size or number of bedrooms, as it would stay exactly the same as has already

been granted.

Location of Development:

Downstown, Duleek, 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:

On Behalf of Meath County Council

DATE: 19/03/2025

MEATH COUNTY COUNCIL

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

Planning & Development Act 2000- 2023

DECLARATION

To: Silver Stream Healthcare Group C/o Martin McKenna 9 Clarinda Park North Dun Laoghaire Co Dublin

PLANNING REFERENCE

NUMBER:

L/S525026

APPLICATION RECEIPT DATE:

26/02/2025

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 19/03/2025 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:

Planning Permission was granted for a 120 bedroom nursing home at Duleek Pl Ref. LB191719 showing 121 no. bedrooms in total, on 2 floors(refer to attached Gr floor and 1st floor plans as granted permission).

Can Meath CoCo confirm that the nursing home can be used as a 121 bedroom nursing home as has been provided in the drawings granted planning permission attached Ref LB191719, without a further planning permission.

This would not involve any changes to the floor plans, area, size or number of bedrooms, as it would stay exactly the same as has already been granted at Downstown, Duleek, Co Meath

Date: 19/03/2025 Triona Kealing
On Behalf of Meath County Council

NOTE:

2

 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.

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:



Meath County Council



Planning Report

521/25

To: Teresa O'Reilly, Senior Executive Planner

From: Nathan Cooney, Executive Planner

Date: 18/03/2025

MCC File Number: LS525026

Applicants: Silver Stream Healthcare Group

Development Address: Downstown, Duleek, Co. Meath

Application Type: Section 5 of the Planning & Development Acts 2000

- 2023: Declaration on Development/ Exempted

Development.

Development Description: Planning Permission was granted for a 120 bedroom

nursing home at Duleek PI Ref. LB191719 showing 121 no. bedrooms in total, on 2 floors. Can Meath CoCo confirm that the nursing home can be used as a 121 bedroom nursing home as has been provided in the drawings granted planning permission without a further planning permission. This would not involve any changes to the floor plans, area, size or number of bedrooms, as it would stay exactly the same as

has already been granted.

Date Decision Due: 26/03/2025

1.0 Site Location & Description

The subject is located within the town of Duleek. There a number of dwellings located to the south of the site along the public road. The site is accessed off a local road, L-5609.



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 'Planning Permission was granted for a 120 bedroom nursing home at Duleek Pl Ref. LB191719 showing 121 no. bedrooms in total, on 2 floors. Can Meath CoCo confirm that the nursing home can be used as a 121 bedroom nursing home as has been provided in the drawings granted planning permission without a further planning permission. This would not involve any changes to the floor plans, area, size or number of bedrooms, as it would stay exactly the same as has already been granted.' The Planning Authority is considering this question as:

Whether an additional bedroom which was illustrated on the submitted drawings but was not described in the statutory public notices under Reg. Ref. LB191719, is or is not development and is or is not exempted development.

3.0 Planning History

LB191719

Permission GRANTED for a new 2-storey Nursing Home with an overall floor area of c5,497 sq.m. and an ESB Kiosk and an access road to an attenuation pond with related pumping station. The nursing home to comprise 120. No bedrooms all with associated en-suite bathrooms, at ground and first floor levels. It will also include the following ancillary elements;-treatment room; multipurpose activity room; sitting/day and dining/recreation rooms; reception; storage; seating/rest areas; toilets; sluice rooms; coffee shop; staff/management facilities; including kitchen and catering areas; staff room; and lobby; staff changing rooms; boiler/plant and comms room all at ground

floor level and lounge; oratory/library; meeting rooms; sluice/toilets; nurse station/office/storage; seating/ rest areas; and laundry areas all at first floor level; along with car parking for 90. No cars and 26.No cycle spaces, including landscaping and all other associated development works.

LB181036

Permission GRANTED for amendments to a portion of the previously approved medical/retirement complex, comprising Nursing Home, Primary Care and Day Care Centre and associated Assisted Living housing units under Reg. Ref. SA901916 (extended under Reg. Ref. LB/150550). The Proposed Development will consist of the following; (A) Amendments to the internal layout of the approved Nursing Home including new entrance layout, revisions to kitchen, dining areas/ancillary services, bedroom layout and staff facilities. (B) External elevational changes including the introduction of a new pitched roof. (C) Two storey addition to the north of the previously approved 47-bedroom Nursing Home resulting in an overall Nursing Home development of 120 single bedrooms (all with associated ensuite bathrooms) plus lounges, family rooms, assisted bathrooms and an enclosed landscaped courtyard, (D) Associated changes to car parking layouts serving the Nursing Home to provide 90 car parking spaces in total. (E) Associated revisions to the approved overall site development works and landscaping layout to suit the reconfigured approved Nursing Home and its proposed extension to the north. (F) The resultant relocation of the approved Primary Care Centre and Day Centre, ESB substation, revisions to layout of assisted living units in "Cluster 11" and omission of "Cluster 1 & part of Cluster 2" will be the subject of a separate future Planning Application. The total GFA of the proposed development including ancillary plant/services building is 5,334 Sq/m

LB150550

Extension of Duration GRANTED for retention of a medical/retirement complex, comprising Nursing Home, Primary Care and Day Care Centre and associated Assisted Living Housing Units (Screening for Appropriate Assessment submitted)

SA901916

Permission GRANTED for the construction of a medical / retirement complex, comprising Nursing Home, Primary Care & Day Care Centre & associated Assisted Living Housing units. The works to comprise the construction of :- 1 no. 2 storey building (comprising a double height corner element), & with an overall maximum building height of c.10.6 metres, to comprise a Nursing Home with 47 no. bedrooms (41 no. single bedrooms & 6 no. double bedrooms, all with associated en-suite bathrooms) at first & second floor levels. The building will also comprise the following ancillary elements: treatment / visiting clinician, multipurpose meeting, sitting / day & dining / recreation rooms; reception, storage; seating / rest areas; toilets, sluice rooms, coffee shop (65.45 m2); staff / management facilities including kitchen & catering areas, staff room & lobby, staff changing rooms, plant & comms room at ground floor level; & lounge, oratory / library, meeting rooms, sluice / toilets, nurse station / office / storage, seating / rest areas, & laundry areas at first floor level. The total GFA of the proposed Nursing Homes building is c. 2840 m2. 1 no. single storey building of

395.84 m2 with an overall maximum height of 6.531 metres, comprising a Primary Care Centre (c. 149.06 m2 GFA) comprising 3 no. Clinic Rooms, entrance, reception areas, waiting room, admin, staff room / kitchen room, toilets; & a Day Care Centre (c246.78 m2 GFA) comprising exercise / physiotherapy room, commons room, dining / activity room, nurse duty room, office, bathing / toilet rooms, laundry / workroom & kitchen station. 48 no. Assisted Living units, comprising 44 no. 2 bed units (85 m2) & 4 no. 1 bed units (64.3 m2), all single storey units (with maximum building height of the units ranging from 4.965 metres to 6.935 metres) clustered in groups of 3-6 units. The total GFA of Assisted Living Units is c. 3997.2 m2. The construction of 1 no.plant / substation building of c. 19.01m2. Provision of a single vehicular access to the site is proposed off Downestown Road; c. 134 no. car parking spaces; vehicular set down / delivery areas; 25 no. bicycle parking spaces; refuse / recycling areas; & all associated site development, road, landscaping & boundary treatment works. The total GFA of the proposed development is 7233.04 m2 plus 19.01 m2 ancillary plant / services buildings.

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.

5.1 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 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 2000-2023

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."

5.3 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 Acts 2000-2023 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 2000-2023

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.

5.5 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.

5.6 Article 6 of the Planning & Development Regulations 2001-2025

Article 6 of the Planning & Development Regulations 2001-2025 provides (subject to the restrictions in Article 9 of the Planning & Development Regulations 2001-2025) 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 2001-2025

Article 9 of the Planning & Development Regulations 2001-2025 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.

6.0 Assessment

The question has arisen as to whether an additional bedroom which was illustrated on the submitted drawings but was not described in the statutory public notices under Reg. Ref. LB191719, 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.

It is considered that the proposal constitutes 'development' and the development description advertised on the statutory public notices is relevant in this regard. The development

description stated: "the nursing home to comprise 120,No bedrooms all with associated ensuit*e bathrooms...." The drawings submitted with PI. Ref. LB191719 including numbering for all types of rooms and areas within the structure with 369 no. in total (e.g. bedrooms, W.C., corridors, foyer, activity rooms, staircases, etc.). Therefore, the additional room were not immediately obvious. A review of the drawings confirms there were 61 no. at first floor and 60 no. at ground floor level.

Despite this, permission was granted for 120 no. bedroom nursing home as per the development description in the public notices, not for a 121-no. bedroom nursing home. Condition no. 2 states 'this permission solely relates to a Nursing Home as described in the public notices. Any change of use shall obtain a prior grant of planning permission. Reason: in the interest of proper planning and sustainable development'.

Therefore, it is considered by the Planning Authority that there was inclusion of an additional bedroom, conflicts with the permission including Condition no. 2. For this reason, the Planning Authority consider that the inclusion of this additional bedroom would fall within the statutory interpretation of 'works' and therefore within the section 3(1) PDA 2000 definition of 'development'.

In terms of whether the development is exempted development. From a review of Article 6 of the Planning & Development Regulations 2001-2025 the Planning Officer considers that the proposed works could not be categorised within any of classes for exempted development listed. Therefore, the proposed works would (as per Art. 9 (1)(a)(i) 'contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act' and would not be exempted development and planning permission would be required.

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)

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 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 - 2025 nor is it considered a subthreshold 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 Conclusion and Recommendation

It is therefore recommended that a declaration of Exemption is not issued for inclusion of an additional bedroom which was illustrated on the submitted drawings, but not included in the development description on the statutory public notices under Reg. Ref. LB191719.

WHEREAS the question has arisen as to whether

 "Whether an additional bedroom which was illustrated on the submitted drawings but was not described in the statutory public notices under Reg. Ref. LB191719, 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, 2001-2025
- (c) Information provided.

AND WHEREAS Meath County Council has concluded: -

(a) Permission was sought for 120 no. room nursing home, as described in the development description in the statutory public notices. Therefore, it is considered that permission was granted only for 120 no. rooms. It is considered for this reason, that the addition of an extra bedroom, as illustrated in the drawings under LB191719, would be classified as development, and would not be exempt from the requirement to obtain planning permission under Section 4(1) of the Planning and Development Act 2000-2023.

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 provision of an additional bedroom as detailed on plans and particulars submitted with LB191719, and on plans and particulars submitted on 26th February 2025 is development and is **NOT EXEMPTED DEVELOPMENT**.

Nettree Coone

Nathan Cooney Executive Planner Date:18/03/2025

RECOMMENDATION ACCEPTED

19 MAR 2025 Teresa & Railly

Signed:

Teresa O'Reilly Senior Executive Planner

Date: 18/03/2025

MONACINGRAMOCERI PARTELLERA INLAMIN