

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: Tots Creche & Nursery Ltd

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

Jordan Gillespie of Daniel Keane Architectural Technologist

Contact details: to be supplied at the end of this form (Question 14)

3. Location of Development and/or Subject Site: Ruxton Oaks, Navan, Co Meath

4. Description of Development: The existing Window on the West Elevation is to be replaced with an exterior door to match the existing joinery. The new door will serve a fire escape stairs and is required to comply with the granted fire safety certificate Ref FSC2408734MH7D

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

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?

Please tick as appropriate:

☐ YES

☒ NO

7. State overall height of structure if applicable: _____

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

0.51m2



9. List of plans / drawings etc. submitted:

24.100-S5-01-Site Location

24.100-S5-02- Site Layout

24.100-S5-03-Existing Ground Floor Plan

24.100-S5-04-Proposed Ground Floor Plan

24.100-S5-05- Existing and Proposed Elevations

10. Please state applicants interest in this site

Owner

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

11. Are you aware of any enforcement proceedings connected to this site?

Please tick as appropriate: YES ☐ NO ☒

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 ☐

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

NA191175

SIGNED:



DATE:

24/02/25

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.

Comhairle Chontae na Mí

*Roimh Pleanáil,
Teach Buvinda, Bóthar Átha Cliath,
An Uaimh, Contae na Mí, C15 Y291
Fón: 046 – 9097500/Fax: 046 – 9097001
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Web: www.meath.ie*

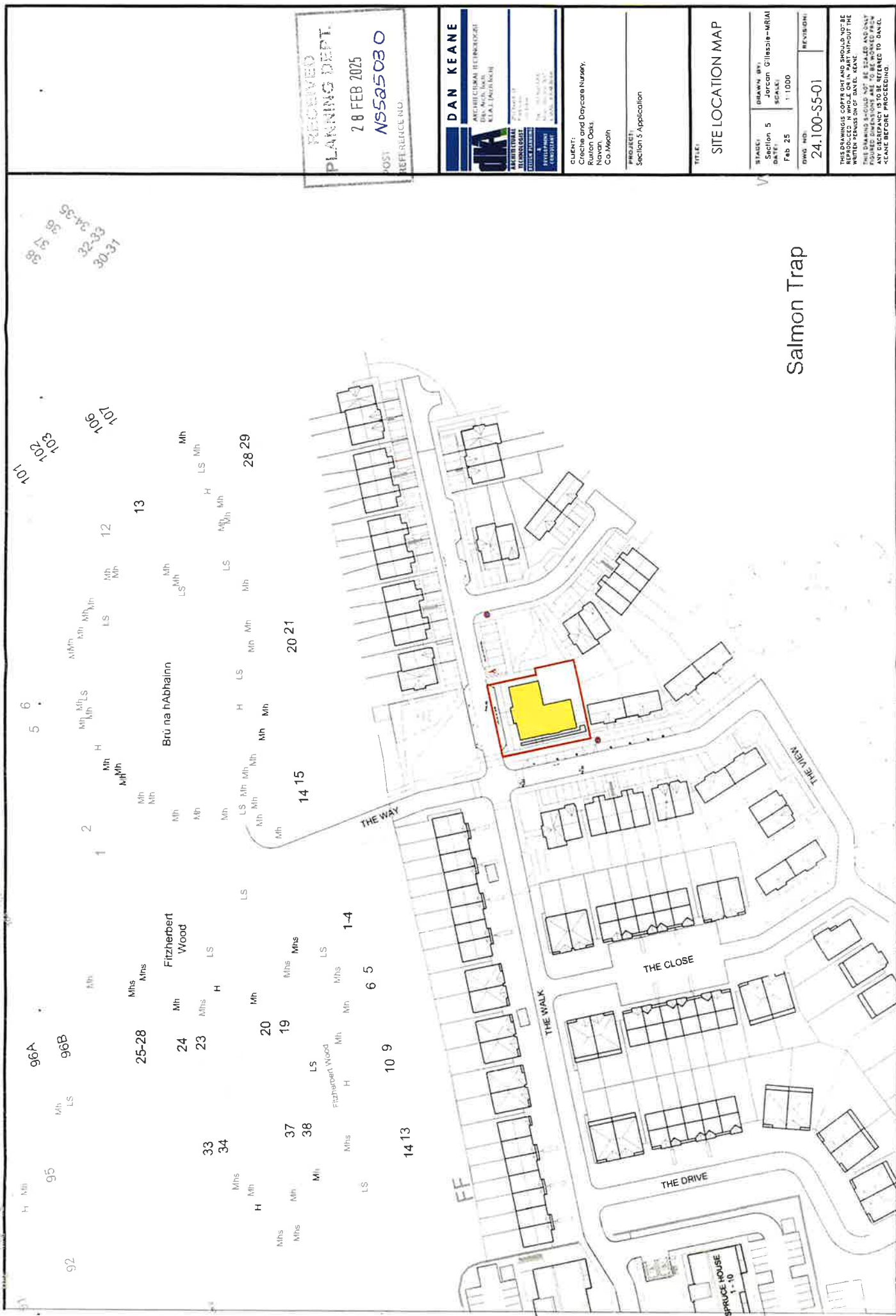


Meath County Council

*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*

Contact Details: Phone: 046 9097500 Fax: 046 9097001

Email: planning@meathcoco.ie



Salmon Trap

RECEIVED
PLANNING DEPT.
28 FEB 2025
NS525030
POST
REFERENCE NO.

DAN KEANE
ARCHITECTURAL TECHNOLOGIST
K.E.A. (ARCHITECTS)
100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200

CLIENT:
Creche and Daycare Nursery,
Ranton Oaks
Navan,
Co. Meath

PROJECT:
Section 5 Application

TITLE: SITE LOCATION MAP	
STAGE: Section 5	DRAWN BY: Jocelyn Gillespie-MRIAM
DATE: Feb 25	SCALE: 1:1000
DWG NO: 24.100-S5-01	REVISION:

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SPACE

Cois Gaisin Rise

28 FEB 2025

NS525030

REFERENCE NO.

DAN KEANE

ARCHITECTURAL TECHNOLOGY
Dip Arch Tech
RAT (Arch Tech)

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2011

Creche and Daycare Nursery
Ruxton Oaks,
Navan,
Co Meath

00001507.

SITE LAYOUT MAP

TITEL:

Section 5 Application

STAGE: Section 5
DATE: DRAWN BY: Jordan Gillespie-MRIAL

Feb 25 1:500

DWG NO:	REVISION:
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24.100-S5-02

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CHARTERED PRACTICE



Architectural
Technologist

2024

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28 FEB 2025

POS: NS585030

REFERENCE NO

DAN KEANE

ARCHITECTURAL TECHNOLOGIST
DAN KEANE ARCHITECTS
RIAI (Arch Reg)



CLIENT:

Griffin and Daycare Navy,
Mossburn, NSW
C/o Meath

PROJECT:

Section 3 Application

TITLE:

Existing
Ground Floor Plan

STAGE:

Stage 3

DATE:

Feb 2025

SCALE:

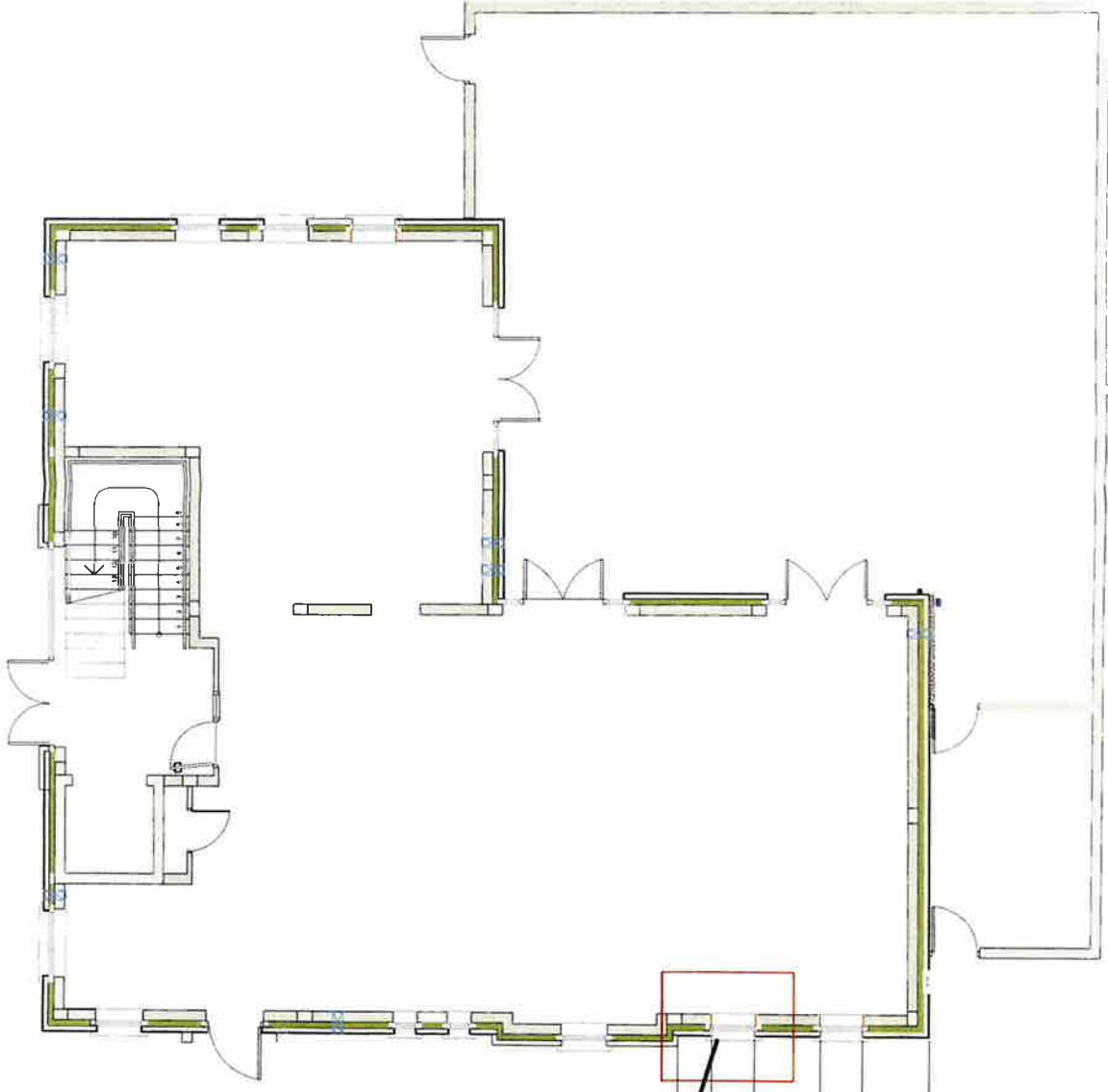
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DWG NO:

24.100-S5-03

REVISION:

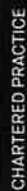
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Window Subject to Application

GROUND FLOOR PLAN-EXISTING

Area: 206.2m²



RIAI
Architectural
Technologist
2024

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PLANNING DEPT.

28 FEB 2025

POSI

REFERENCE NO.

DAN KEANE

ARCHITECTURAL TECHNOLOGIST

Dlp. Arch. Tech.
R.I.A.L. (Arch Tech)

Abstract

10/10/2019

DOI: 10.1002/for

1000

From: 07/08/2006
To: 09/08/2006

CLIENT:

Crochu and Daycare Nursery
Ruxton Oaks
Navajo
Co. Mexalli

PROJECT:

PROJECT:
Section 5 Application

13711

Proposed Ground Floor Plan

STAGE 1

Section 5
Jorden Gilheap, MD-MRIA
UNDAWN, BVI

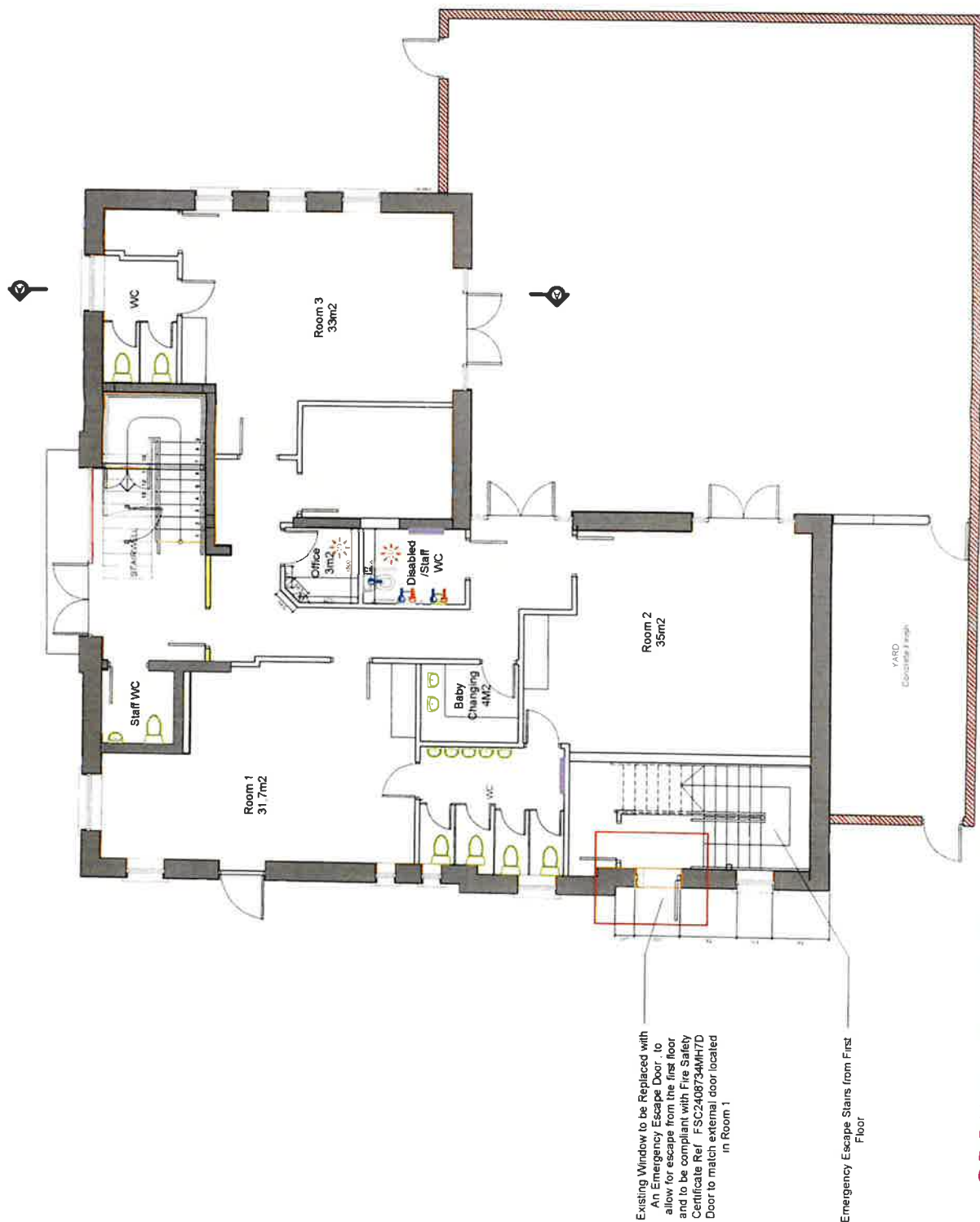
DATE: Feb 2021

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24.100-5.5-04

REVISION NO. _____

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GROUND FLOOR PLAN-PROPOSED

Area: 206.2m²



CHARTERED PRACTICE

Architectural
Technologist

RIAI

2024

RECEIVED
PLANNING DEPT.
28 FEB 2025
PCN: N5523030
REFERENCE NO.

DAN KEANE

ARCHITECTURAL TECHNOLOGIST
Dip. Arch. Tech.
RIAI (Arch. Tech.)
2014
2015
2016
2017
2018
2019
2020
2021
2022
2023
2024

CLIENT:
Coastguard and Defence Agency
Western Dock
Plymouth
Cornwall

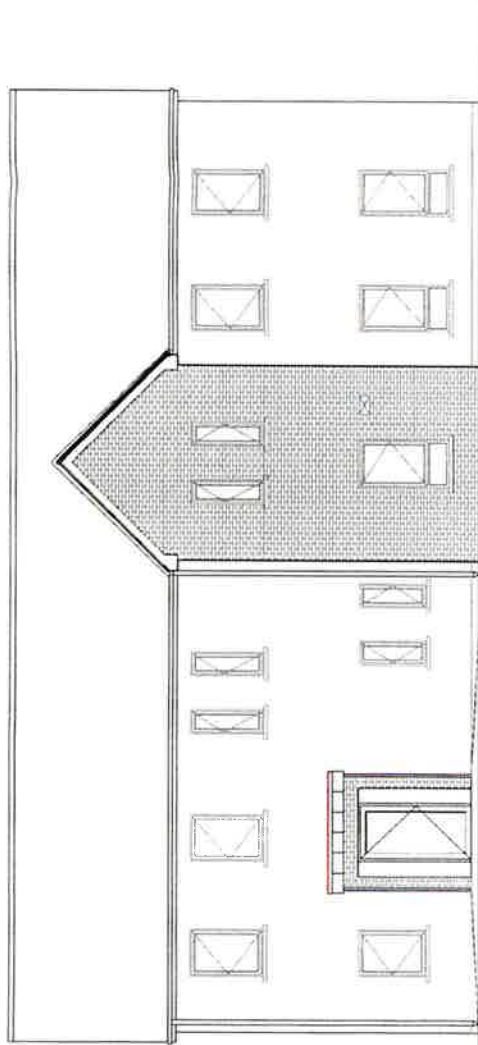
PROJECT:
Coastguard and Defence Agency
Western Dock
Plymouth
Cornwall

Existing & Proposed
Elevations

SHEET: 5
DATE: Feb 25
SCALE: 1:100

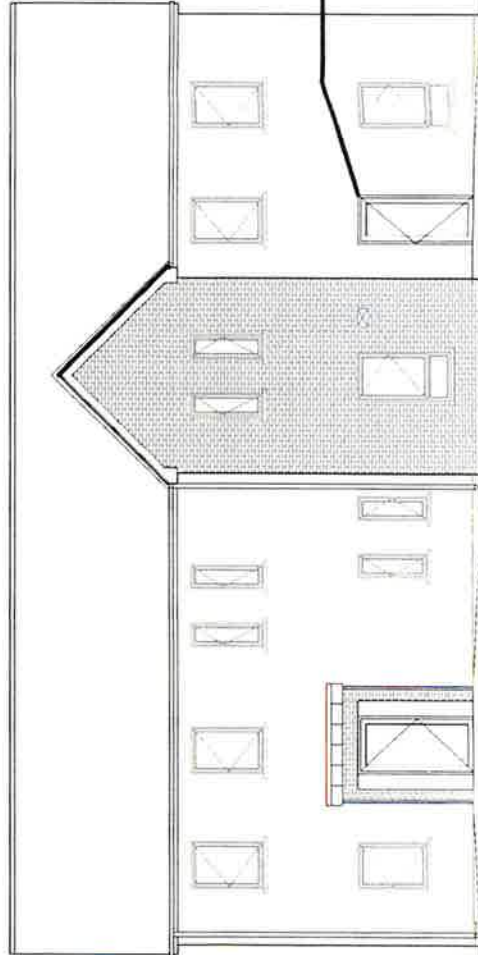
DWG NO: 24.100-S5-05

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ELEVATION WEST EXISTING

SCALE 1:100



ELEVATION WEST PROPOSED

SCALE 1:100

Existing Window to be Replaced with
An Emergency Escape Door to
allow for escape from the first floor
and to be compliant with Fire Safety
Certificate Ref FSC2408734NH7D
Door to match existing external
joinery

MEATH COUNTY COUNCIL

CHIEF EXECUTIVE ORDER

Chief Executive Order Number: 558/25

Reference Number: NS525030

Subject: Declaration under Part 1, Section 5, Planning and Development Act 2000-2023

Name of Applicant: Tots Creche and Nursery Ltd

Address: Ruxton Oaks, Navan, Co. Meath


Nature of Application: The existing window on the west elevation is to be replaced with an exterior door to match the existing joinery. The new door will serve a fire escape stairs and is required to comply with the

Location of Development: Tots Creche and Nursery Ltd, Ruxton Oaks, Navan, Co. Meath

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: 
On Behalf of Meath County Council

DATE: 27/03/2025

MEATH COUNTY COUNCIL

Planning Department

Buvinda House

Dublin Road

Navan Co Meath

046 - 9097500

Planning & Development Act 2000- 2023

DECLARATION

To:

Tots Creche & Nursery Ltd
c/o Jordan Gillespie
DKA
20 Church Street
Porlaoise
Co Laois

PLANNING REFERENCE NUMBER: NS525030
APPLICATION RECEIPT DATE: 28/02/2025
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 27/03/2025 decided to Declare the proposed development is **EXEMPT**, in accordance with the documents submitted namely: The existing window on the west elevation is to be replaced with an exterior door to match the existing joinery. The new door will serve a fire escape stairs and is required to comply with the granted fire safety certificate ref FSC2408734MH7D at Tots Creche and Nursery Ltd, Ruxton Oaks, Navan, Co. Meath

Date: 27/03/2025

Triona Keating
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

Meath County Council



Planning Report

To:	Teresa O'Reilly, Senior Executive Planner
From:	Oisín Kerr, Graduate Planner
Date:	26/3/2025
MCC File Number:	NS525030
Applicants:	Tots Creche and Nursery Ltd
Development Address:	Ruxton Oaks, Navan, Co. Meath
Application Type:	Section 5 of the Planning & Development Acts 2000 - 2023: Declaration on Development/ Exempted Development.
Development Description:	The existing window on the west elevation is to be replaced with an exterior door to match the existing joinery. The new door will serve a fire escape stairs and is required to comply with the granted fire certificate ref <i>FSC2408734MH7D</i> .
Date Decision Due:	28/3/2025

1.0 Site Location & Description

The subject site is located at the newly built Ruxton Oaks housing scheme, approx., 3.2 km northeast of Navan Town Centre. The site is accessed from internal estate roads and the adjoining N51 Blackcastle area. The subject site is within *A2 New Residential* zoned lands, OBJ: "*to provide for new residential communities with ancillary community facilities, neighbourhood facilities as considered appropriate*". There are no known recorded monuments or protected structures on site. The site is located c. 73m from a High Amenity zoning and a European Site 002299 River Boyne and River Blackwater SAC and 162m from the River Boyne and River Blackwater SPA 004232.



Fig. 1.0: Aerial image of the subject site (Google Earth, 23-7-2024).



Fig. 2.0: Google Streetview, 08 2024.

2.0 Proposed Declaration

The applicants describe the development in the completed application form as *"the existing window on the west elevation is to be replaced with an exterior door to match the existing joinery. The new door will serve a fire escape stairs and is required to comply with the granted fire certificate ref FSC2408734MH7D.* The Planning Authority is considering this question as:

Whether the replacement of an existing window with an exterior door to serve as a fire escape, as is required to comply with the Fire Certificate Ref: FSC2408734MH7D, is or is not development and is or is not exempted development.

- **FSC2408734MH7D**

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 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.

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 2001-2023 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 the replacement of an existing window with an exterior door to serve as a fire escape, as is required to comply with the Fire Certificate Ref: FSC2408734MH7D 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 replacement of an existing window with an exterior door to serve as a fire escape 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, i.e., the replacement of an existing window with an exterior door to serve as a fire escape.



From a review of Article 6 of the Planning & Development Regulations 2001-2025 and the Classes in Schedule 2, the Planning Officer considers that the proposed works are not categorised within any of the classes for exempted development listed. However, Section 4(1)(h) of the Planning & Development Act 2000-2023 refers to “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”.

The proposed works include internal changes to ensure compliance with a fire safety cert and the proposed change from an existing window to a fire escape door does 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. Therefore, the proposed works are 'exempted development'.

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), 73 metres southeast of the site.*
- *River Boyne and River Blackwater SPA (Site Code 004232), 162 metres southeast of the site.*

The Planning Authority considered the nature, scale and location of the proposed development and other plans and projects (where there could be potential for cumulative or in-combination effects), the conservation objectives/ qualifying interests of European Sites within the vicinity of the site and the distance to European Sites, any protected habitats or species, the WFD catchment location, the underlying aquifer type and vulnerability and the excavation works, emissions, transportation requirements and duration of construction and operation and cumulative impacts associated with the proposal.

The Planning Authority's Screening for Appropriate Assessment has considered the potential effects including direct, indirect and in-combination effects of the proposed development, individually or in combination with the permitted developments and cumulatively with other plans or projects on European Sites. The Planning Authority concludes that the proposed development (entire project), by itself or in combination with other plans and developments in the vicinity, would not be likely to have a significant effect on European Site(s). In light of this, it is considered that a Stage 2 Appropriate Assessment (Natura Impact Statement) is not required in this instance.

8.0 Conclusion and Recommendation

WHEREAS the question has arisen as to whether "the replacement of an existing window with an exterior door to serve as a fire escape" 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.

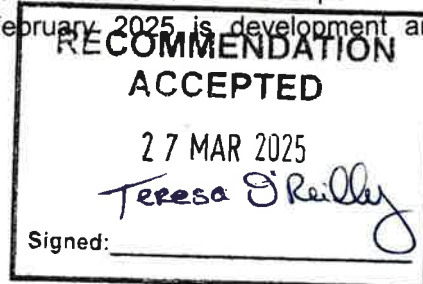
AND WHEREAS Meath County Council has concluded: -

The replacement of an existing window with an exterior door to serve as a fire escape is exempted from the requirement to obtain planning permission under Section 4(1)(h) 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 replacement of an existing window with an exterior door to serve as a fire escape as detailed on plans and particulars submitted on 28th of February 2025 is development and is **EXEMPTED DEVELOPMENT**.



Oisín Kerr
Graduate Planner
Date: 26/03/2025



Teresa O'Reilly
Senior Executive Planner
Date: 26/03/2025

