

MEATH COUNTY COUNCIL

CHIEF EXECUTIVE ORDER

Chief Executive Order Number: 1208/25

Reference Number: AS525075

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

Name of Applicant: Maria Elisa Navarro Morales & Roland Hudson

Address: Kay Mon Nay
Stalleen Road,
Donore,
A92 T4A4

Nature of Application: Replace rear kitchen window (north facing) with a glazed sliding door. Modify width and height of kitchen window(west facing).

Location of Development: Donore, A92 T4A4

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:



Meath County Council



Planning Report

To:	Wendy Bagnall, Senior Executive Planner
From:	Nathan Cooney, Executive Planner
Date:	09/07/2025
MCC File Number:	AS525075
Applicants:	Maria Elisa Navarro Morales and Roland Hudson
Development Address:	Kay Mon Nay Stalleen Road, Donore, A92 T4A4
Application Type:	Section 5 of the Planning & Development Acts 2000 (as amended): Declaration on Development/Exempted Development.
Development Description:	Replace rear kitchen window (north facing) with a glazed sliding door. Modify width and height of kitchen window (west facing).
Date Decision Due:	21/07/2025

1.0 Site Location & Description

The subject is located approximately 600m west of Donore Village centre. The site is along Stalleen Road. There are no protected structures, national monuments on the site. The applicant is the land owner.



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 *'Replace rear kitchen window (north facing) with a glazed sliding door. Modify width and height of kitchen window (west facing)'*. The Planning Authority is considering this question as:

Whether the replacement of a rear kitchen window (north facing) with a glazed sliding door and modifications to width and height of kitchen window (west facing) is or is not development and is or is not exempted development.

The completed application form and submitted documents indicate that the extent of works proposed.

3.0 Planning History

None.

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 the replacement of a rear kitchen window (north facing) with a glazed sliding door and modifications to width and height of kitchen window (west facing) 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 addition of a glazed sliding door and modifications to window 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 applicants proposes to replace rear kitchen window (north facing) with a glazed sliding door and modify width and height of kitchen window (west facing).

From a review of Article 6 of the Planning & Development Regulations 2001-2025 the Planning Officer considers that the proposed works would not be categorised within any of classes for exempted development listed. Therefore, the proposed works would not be considered to be exempted development and planning permission would be required.

However, the Planning Officer in this particular case considers that the proposed works would fall under Section 4(1)(h) of the Planning and Development Act 2000 (as amended):

"(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".

On the basis of the details submitted with the application, the Planning Officer considers that the proposed replacement of a rear kitchen window (north facing) with a glazed sliding door and modifications to width and height of kitchen window (west facing) can be considered exempted development under Section 4(1)(h) of the Planning and Development Act 2000 (as amended), due to these works taking place to the rear of the dwelling.

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)
- Boyne Estuary SPA (Site Code 004080)
- Boyne Coast and Estuary SAC (Site Code 001957)
- North-west Irish Sea SPA (Site Code 004236)
- River Nanny Estuary and Shore SPA (Site Code 004158)

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 issued for the replacement of a rear kitchen window (north facing) with a glazed sliding door and modifications to width and height of kitchen window (west facing) as indicated on the submitted plans and particulars.

WHEREAS the question has arisen as to whether

- *"Whether the replacement of a rear kitchen window (north facing) with a glazed sliding door and modifications to width and height of kitchen window (west facing) 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) The replacement of a rear kitchen window (north facing) with a glazed sliding door and modifications to width and height of kitchen window (west facing) is exempted 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 proposed development as detailed on plans and particulars submitted on 23rd June 2025 **is development and is exempted development.**

Nathan Cooney

Nathan Cooney
Executive Planner
Date: 09/07/2025



MEATH COUNTY COUNCIL

Planning Department

Buvinda House

Dublin Road

Navan Co Meath

046 - 9097500

Planning & Development Act 2000- 2023

DECLARATION

**To: Maria Elisa Navarro Morales & Roland Hudson
Kay Mon Nay
Stalleen Road,
Donore,
A92 T4A4**

**PLANNING REFERENCE
NUMBER:**

AS525075


APPLICATION RECEIPT DATE:

23/06/2025

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 17-07-25 decided to Declare the proposed development is **EXEMPT**, in accordance with the documents submitted namely:
Replace rear kitchen window (north facing) with a glazed sliding door. Modify width and height of kitchen window(west facing) at Donore, A92 T4A4.

Date: 17-07-25



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

APPLICATION FORM – DECLARATION ON DEVELOPMENT & EXEMPTED DEVELOPMENT

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

1. **Name:** Maria Elisa Navarro Morales and Roland Hudson

Address: [REDACTED]

Phone No:

2. **Address for correspondence:**

Address: [REDACTED]

Phone No: [REDACTED]

3. **Location of Development and/or Subject Site:** Donore, A92 T4A4

4. **Description of Development:** Replace rear kitchen window (north facing) with a glazed sliding door. Modify width and height of kitchen window (west facing).

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 – 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:** N/A

8. **State in square metres the floor area of the proposed development:** N/A

9. **List of plans / drawings etc. submitted:**

Site map 1:2500

Site layout plan: ~~1:200~~ 1:500

Plans and elevation of proposed changes 1:200

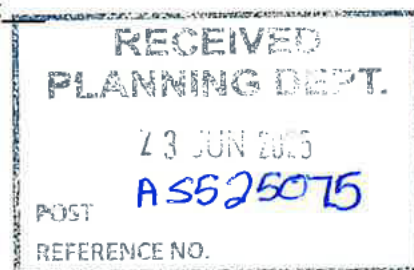
10. **Please state applicants interest in this site**
owners

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 ☒

- 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 x

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

SIGNED: EWANAVOMLOM DATE: JUNE 19TH, 2025

NOTES

1. Application Fee of €80 *please call ELISA @ for payment on the phone.*
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

PLACE Map

ASS 25075



**Tailte
Éireann**

**CENTRE
COORDINATES:**
ITM 704012,772617

PUBLISHED: 14/06/2025
ORDER NO.: 50472806_1

MAP SERIES: 1:2,500
1:2,500
1:2,500
1:2,500
MAP SHEETS: 2380-B
2380-D
2381-A
2381-C

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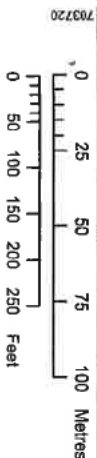
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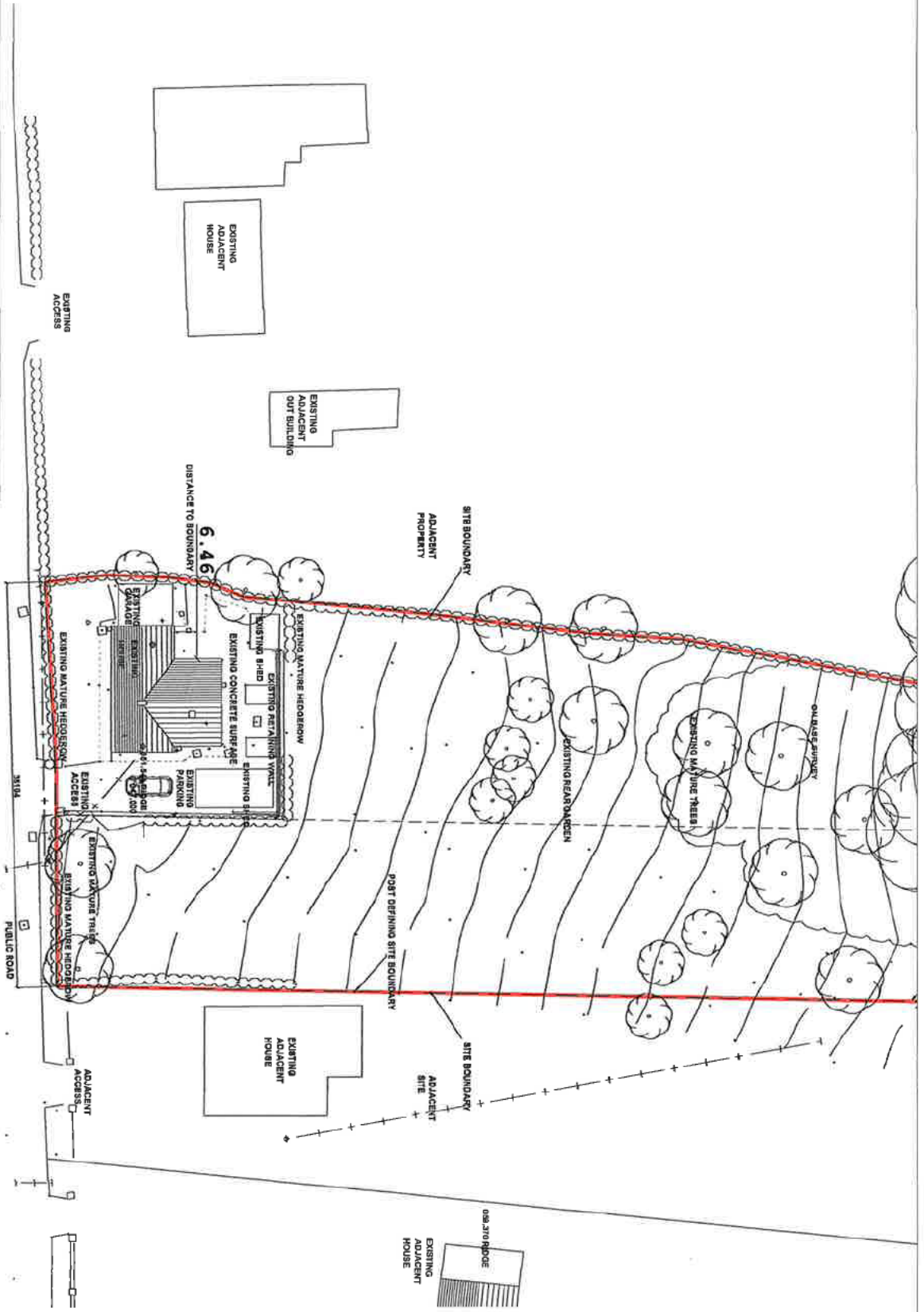
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CAPTURE RESOLUTION:
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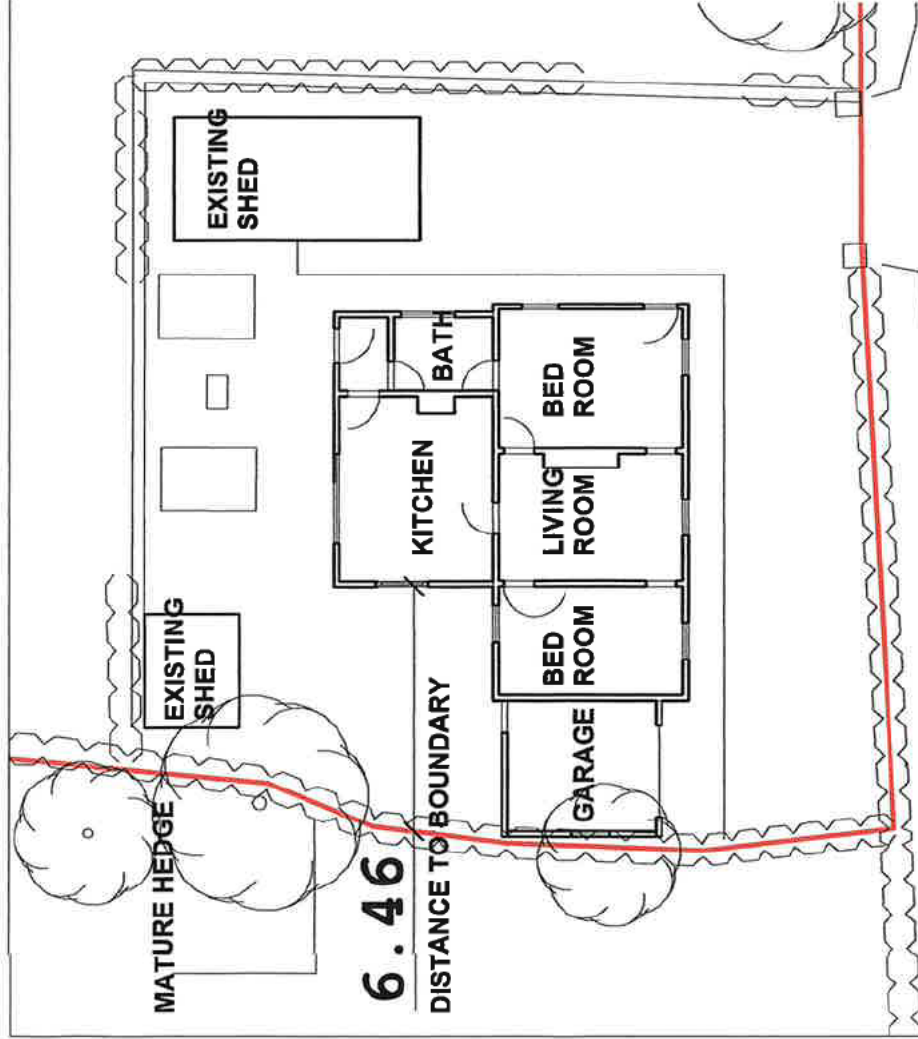
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SITE LAYOUT PLAN 1:500 @A4

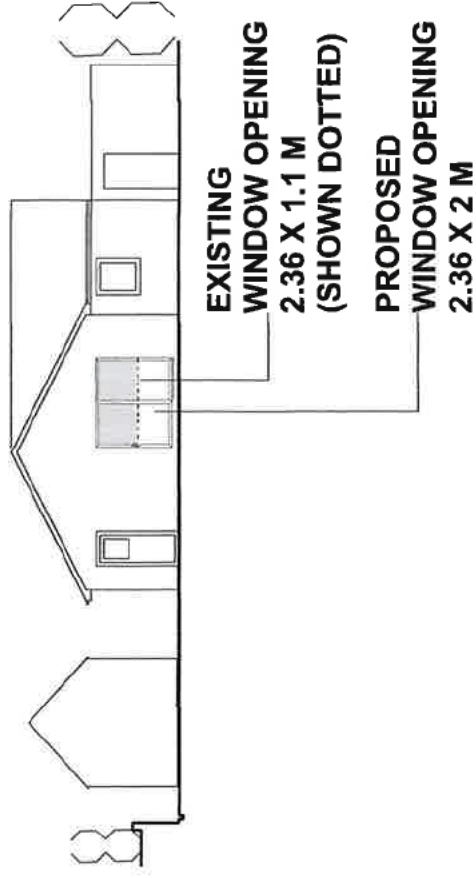


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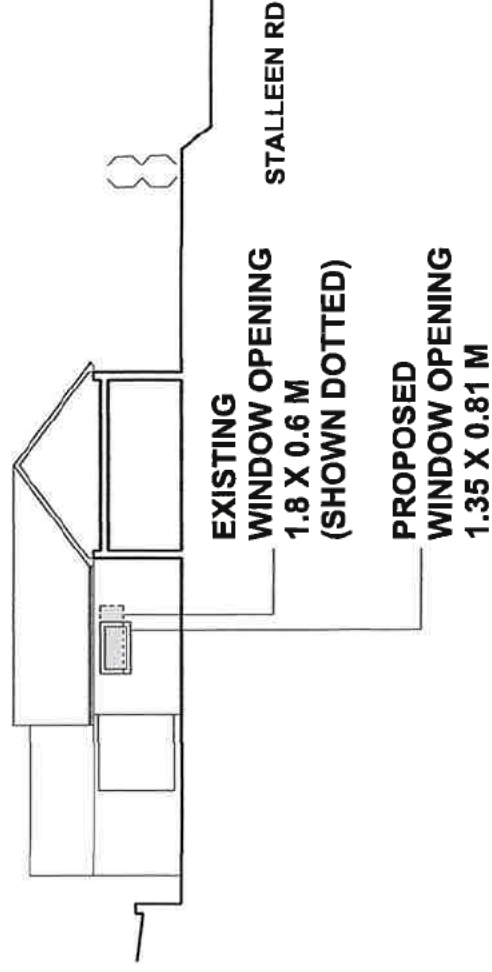


GROUND FLOOR LAYOUT 1:200 @A4

PLAN + ELEVATIONS 1:200 @A4



NORTH ELEVATION 1:200 @A4



WEST ELEVATION 1:200 @A4

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