

MEATH COUNTY COUNCIL

Planning Department

Buvinda House

Dublin Road

Navan

Co Meath

046 - 9097500

Planning & Development Act 2000- 2022

DECLARATION

To: Fr Denis McNelis (Sacred Heart Church, Laytown)

C/O John Mitchell
DMOD Architects
Suite 508
The Capel Building
Mary's Abbey
Dublin D07 WD23

**PLANNING REFERENCE
NUMBER:** LB/S52485

APPLICATION RECEIPT DATE: 01/11/2024

FURTHER INFORMATION DATE: N/A

In pursuance of the powers conferred upon them by the Planning and Development Act 2000-2022, Meath County Council has by order dated 22/11/2024 decided to Declare the proposed development is **DEVELOPMENT** and is **EXEMPTED DEVELOPMENT**, in accordance with the documents submitted namely: **Replacement of glass to glazed curtain wall behind altar at Sacred Heart Church, Laytown, Co Meath.**

Date: 22/11/2024

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 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

CHIEF EXECUTIVE ORDER

Chief Executive Order Number: 1664/24

Reference Number: LB/S52485

Subject: Declaration under Part 1, Section 5, Planning and Development Act 2000-2022

Name of Applicant: Fr Denis McNelis, (Sacred Heart Church, Laytown)

Address: C/O John Mitchell
DMOD Architects
Suite 508 The Chapel Building
Mary's Abbey
Dublin D07 WD23

Nature of Application: Replacement of glass to glazed curtain wall behind altar.

Location of Development: Sacred Heart Church, Laytown, 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: 22/11/2024

Meath County Council



Planning Report

To:	Deirdre Fallon, Senior Executive Planner
From:	Nathan Cooney, Executive Planner
Date:	20/11/2024
MCC File Number:	LBS52485
Applicants:	Fr. Denis McNelis
Development Address:	Sacred Heart Church Laytown
Application Type:	Section 5 of the Planning & Development Acts 2000 (as amended): Declaration on Development/ Exempted Development.
Development Description:	Replacement of glass to glazed curtain wall behind alter.
Date Decision Due:	29/11/2024

1.0 Site Location & Description

The subject is located to the north of Laytown and approx. 1.3km south of Bettystown. The site is along regional road R150. The subject structure is a protected structure (NIAH Ref. 14319011). The site is adjacent to the River Nanny Estuary and Shore Special Protection Area (Site code 004158) and North West Irish Sea SPA (Site Code: 004236). The Church was built in 1979.



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

2.0 Proposed Declaration

The applicants describe the development in the completed application form as '*Replacement of glass to glazed curtain wall behind alter.*'. The Planning Authority is considering this question as:

Whether the replacement of glass to glazed curtain wall behind alter is or is not development and is or is not exempted development.

3.0 Planning History

SAS51644 Whether or not: works to the gable and works to the glazed link is exempt. –
Decision: Exempted Development.

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 2000-2022

Section 2 of the Planning & Development Acts 2000-2022 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 2000-2022

Section 3(1) of the Planning & Development Acts 2000-2022 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 2000-2022

Section 4(1) of the Planning & Development Acts 2000-2022 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 2000-2022 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 57 of the Planning & Development Acts 2000-2022

Section 57(1) of the Planning & Development Acts 2000-2022 relates to works affecting character of protected structures or proposed protected structures.

"57(1) [Notwithstanding section 4(1)(a), (h), (i), F481[(ia)] (j), (k), or (l) and any regulations made under section 4(2),] the carrying out of works to a protected structure, or a proposed protected structure, shall be exempted development only if those works would not materially affect the character of—

(a) the structure, or

(b) any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest."

5.5 Section 5 of the Planning & Development Acts 2000-2022

Section 5 of the Planning & Development Acts 2000-2022 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.

5.6 Section 32 of the Planning & Development Acts 2000-2022

Section 32 of the Planning & Development Acts 2000-2022 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.

6.0 Assessment

The question has arisen as to 'Whether the replacement of glass to glazed curtain wall behind alter 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 glass to glazed curtain wall behind alter 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 propose the replacement of glass to glazed curtain wall behind alter falls.

From a review of Article 6 of the Planning & Development Regulations 2001-2024 the Planning Officer considers that the proposed works would not be categorised within any of classes for exempted development listed.

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".

As the church is a Protected Structure, Section 57(1) of the Act is also applicable:

"57(1) [Notwithstanding section 4(1)(a), (h), (i), F481[(ia)] (j), (k), or (l) and any regulations made under section 4(2),] the carrying out of works to a protected structure, or a proposed protected structure, shall be exempted development only if those works would not materially affect the character of—

(a) the structure, or

(b) any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest."

On the basis of the details submitted with the application, the Planning Officer considers that the works would constitute works for the maintenance, improvement or other alteration of the Church which would not materially affect the external appearance of the structure so as to render its appearance inconsistent with the character of the structure. Furthermore the works are not considered to materially affect the character of the Protected Structure or any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest and therefore the proposed works can be considered exempted development under Section 4(1)(h) and Section 57(1) of the Planning and Development Act 2000 (as amended).

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:

- North-West Irish Sea SPA (Site Code 004236) – c. 0.8km east
- River Nanny Estuary and Shore SPA (Site Code 004158) – c.0.16km southeast
- Boyne Coast and Estuary SAC (Site Code 001957) – c. 1.35km north
- Boyne Coast and Estuary SAC (Site Code 001957) – c. 3.15km north
- River Boyne And River Blackwater SAC (Site Code 002299) – c.5.29km northwest
- River Boyne and River Blackwater SPA (Site Code 004232) – c.10.6km northwest
- Rockabill SPA (Site Code 004014) – c. 13.9km southeast
- Rockabill to Dalkey Island SAC (Site Code 003000) – c. 14.6km southwest

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 glass to glazed curtain wall behind altar as follows:

WHEREAS the question has arisen as to whether

- Whether the replacement of glass to glazed curtain wall behind altar 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, & 57 of the Planning and Development Act 2000 – 2022,
- (c) Information provided.

AND WHEREAS Meath County Council has concluded: -

- (a) The replacement of glass to glazed curtain wall behind altar represent works for the maintenance of the Church which would not materially affect the external appearance of the structure so as to render its appearance inconsistent with the character of the structure or would not materially affect the character of the Protected Structure;
- (b) The works would exempted from the requirement to obtain planning permission under Section 4(1)(h) of the Planning and Development Act 2000- 2022.

NOW THEREFORE Meath County Council, in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act 2000-2022, hereby decides that the said Replacement of glass to glazed curtain wall behind altar as submitted on 1st November 2024 is development and is exempted development.



Nathan Cooney
Executive Planner
Date: 20/11/2024



Deirdre Fallon
Senior Executive Planner
Date: 22/11/2024

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

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APPLICATION FORM – DECLARATION ON DEVELOPMENT & EXEMPTED DEVELOPMENT

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

1. Name: Fr. Denis McNelis, Sacred Heart Church, Laytown

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

John Mitchell, DMOD Architects

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

3. Location of Development and/or Subject Site: As 1 above

4. Description of Development:

Replacement of glass to glazed curtain wall behind altar.

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: 15m

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

N/

9. List of plans / drawings etc. submitted: Report, photos, OS map

10. Please state applicants interest in this site : Freehold

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01 NOV 2024

48552485
Counter

Reference No

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

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

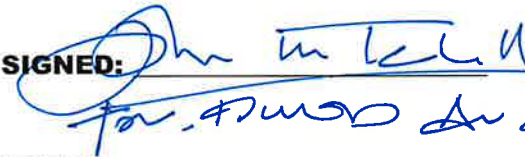
Please tick as appropriate: YES NO

11 (b), If "YES" please supply details: N/A

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:

SIGNED:  DATE: 29/10/2024
for Thomas Annet

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

**Notes on Section 5 Application
Church of the Sacred Heart, Coast Road, Laytown, Co Meath**

Introduction

The Sacred Heart Church in Laytown was designed by Liam McCormack and built in 1979. It is a free-form plan roughly elliptical in shape with ancillary uses caught within a double wall, a device used repeatedly by the architect. Laytown is unique within his work as it retains the brick gable of the Victorian church on the site as an entrance portal, connected to the nave by an aluminium and polycarbonate glazed link.

The author, John Mitchell, worked on the architectural team as a junior architect together with Liam McCormack and Derry O'Connell, project architect.

The Works

The proposed works are the:

a. replacement of glass to the façade behind the altar, an iconic feature of the design. There are several reasons for the replacement as follows:

1. Some of the panes have failed and there is condensate within the cavity
2. Some of the panes have cracked at low level.
3. At least one panel has previously been replaced with an unsympathetic tint in the glass – middle pane, left hand side, looking out (See fig. 1)
4. See (b) below, there is a requirement to strengthen the underlying structure of the window wall, best done from outside to be as discreet as possible

As all the panels are now well past their design life and are expected to fail in the next few years, it has been agreed the best strategy is to replace all the panes at the one time with a consistent tint consistent with the original glass unit. The original glass (thought to be Pilkington Suncool Grey) is no longer made and in association with Simon Kenny of DRL Facades we have selected a new glass with similar visual characteristics (see Appendix 2)

b. Following a detailed structural assessment by Simon Kelly of DRL Facades our specialist designer it was found from his analysis that the aluminium window frames do not have sufficient stiffness to provide 4 edge support to the glass units to resist wind loading. It is therefore proposed to add additional brackets to the horizontal RHS structural members, two per pane of glass. These new brackets will be put in place from the outside, while the existing panes are being replaced. See drawing LAY-DRLF-))ZZ-DR-Y-0011-C01 in the Structural Assessment Report at Appendix 1.

UBS52425

