

MEATH COUNTY COUNCIL
CHIEF EXECUTIVE ORDER

Chief Executive Order Number: 1521/24
Reference Number: TA/S52483
Subject: Declaration under Part 1, Section 5, Planning and Development Act 2000-2022
Name of Applicant: BCDA Ltd T/A Jordan Community Playschool
Address: c/o Paula Brennan
Ballinabrackey
Kinnegad
Co Meath

Nature of Application: Section 5 Declaration on Development / Exempted Development of The Old School Jordan Community Playschool.

Location of Development: The Old School Community Centre
Castlejordan
Co Meath

DECLARATION: This development 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 is **DEVELOPMENT REQUIRING PLANNING PERMISSION.**

SIGNED:



On Behalf of Meath County Council

DATE: 31st October, 2024

MEATH COUNTY COUNCIL

Planning Department

Buvinda House

Dublin Road

Navan

Co Meath

046 - 9097500

Planning & Development Act 2000- 2022

DECLARATION

To: BCDA Ltd T/A Jordan Community Playschool
c/o Paula Brennan
Ballinabrackey
Kinnegad
Co Meath

PLANNING REFERENCE NUMBER: TA/S52483

APPLICATION RECEIPT DATE: 08/10/2024

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 31/10/2024 decided to Declare the proposed development is **development requiring planning permission**, in accordance with the documents submitted namely: **Whether or not the Old School Jordan Community Playschool is development and if so is or is not exempted development at Castlejordan, Co Meath.**

Date: 31/10/24



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



Planning Report

To:	Wendy Bagnall, Senior Executive Planner
From:	Peadar McQuaid, Executive Planner
Date:	30 th October 2024
File Number:	TAS52483
Applicant:	BCDA Ltd t/a Jordan Community Playschool
Development Address:	Lewellensland Td, Castlejordan, Co. Meath.
Application Type:	Section 5 Exemption Certificate
Development Description:	The old school Jordan community playschool
Date Decision Due:	5 th November 2024

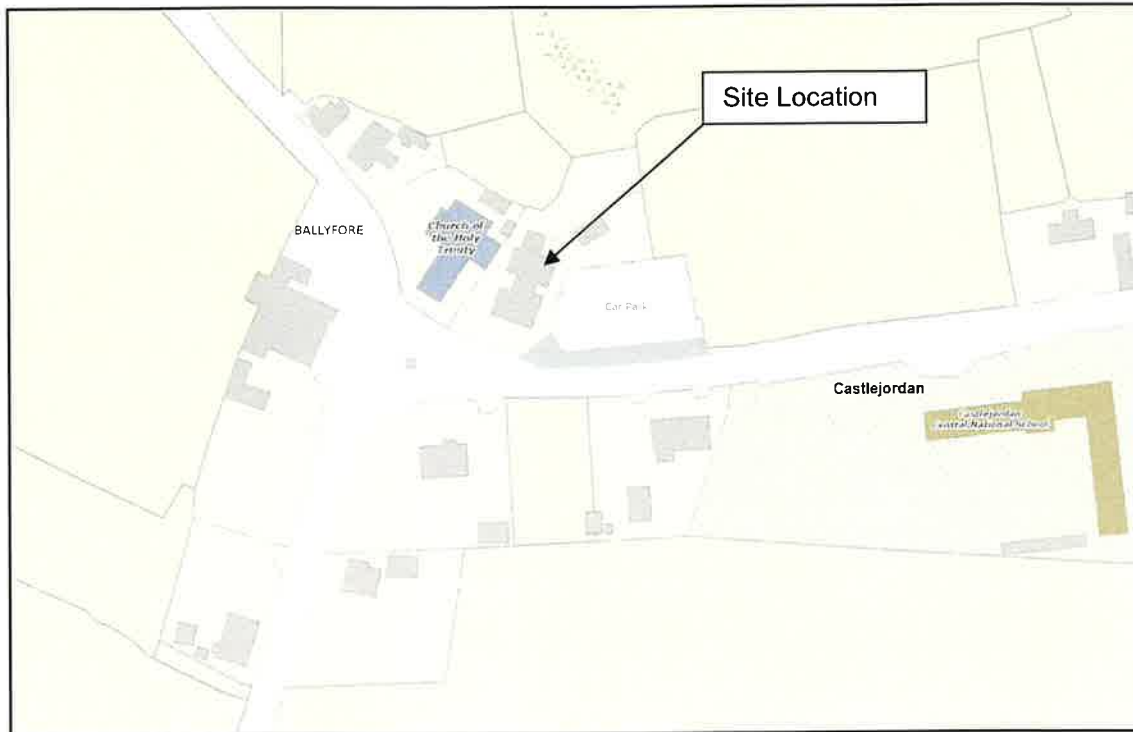
1.0 Introduction:

The applicant is seeking a declaration as to whether the change of use of an old national school building to a community preschool is exempted development, in accordance with Section 5 of the Planning and Development Act 2000-2022.

2.0 Site location:

The application site consists of an existing building within rural node of Castlejordan. The building was formerly used as a national school until the new national school was constructed to the east (St Ciaran's N.S). The Church of the Holy Trinity (Protected Structure) adjoins the site to the west, the church car park is to the east. The old national school building is currently being used as playschool by the applicant.

Site location:



3.0 Site history

TA/140122: GRANTED - development will consist of 1) demolition of existing buildings/sheds on parish grounds. 2) Provide car parking facilities to same grounds. 3) Construction of a new front boundary wall. 4) Alterations to existing side and back boundary wall and all other associated site works. All proposed works occur within the curtilage of a Protected Structure. Significant further information/revised plan submitted on this application.- Applicant Fr. Martin Halpin P.P. Ballinbrackey/Castlejordan.

4.0 Relevant Legislation

Planning and Development Act 2000-2022

Section 2 (1) "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.

Section 3(1) '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 of use of any structures or other land.

Section 4 (1) regulations may be provided for any class of development which may be considered as exempted development.

Section 4 (1) (h) exempted development is 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 177U(9) "In deciding upon a declaration for the purposes of Section 5 of this Act a planning authority or the Board, as the case maybe, shall where appropriate, conduct a screening for appropriate assessment in accordance with the provisions of this Section."

Planning and Development Regulations 2001 as amended:

Article 5 'school' has the meaning assigned to it by the Education Act 1998.

Article 6(3) "Subject to article 9, in areas other than a city, a town or an area specified in section 19(1)(b) of the Act or the excluded areas as defined in section 9 of the Local Government (Reorganisation) Act, 1985 (No. 7 of 1985), development of a class specified in column 1 of Part 3 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 3 opposite the mention of that class in the said column 1".

Article 9(1) Development to which Article 6 relates shall not be exempted development for the purposes of the Act – 9(1)(a) – if the carrying out of such development would conflict with the restriction on exemptions as outlined between (i) – (xii) of the regulations.

Article 10(1) Development which consists of a change of use within any one of the classes of use specified in Part 4 of Schedule 2, shall be exempted development for the purposes of the Act, provided that the development, if carried out would not—

- a) involve the carrying out of any works other than works which are exempted development,
- b) contravene a condition attached to a permission under the Act,
- c) be inconsistent with any use specified or included in such a permission, or
- d) be a development where the existing use is an unauthorised use, save where such change of use consists of the resumption of a use which is not unauthorised, and which has not been abandoned.

Article 10 (2) (a) A use which is ordinarily incidental to any use specified in Part 4 of Schedule 2 is not excluded from that use as an incident thereto merely by reason of its being specified in the said Part of the said Schedule as a separate use.

Schedule 2, Part 4 Exempted Development – Classes of Use

Class 8

Use –

- (a) as a health centre or clinic or for the provision of any medical or health services (but not the use of the house of a consultant or practitioner, or any building attached to the house or within the curtilage thereof, for that purpose),
- (b) as a crèche,
- (c) as a day nursery,
- (d) as a day centre.

Education Act 1998

'School' means an establishment which—

(a) provides primary education to its students and which may also provide early childhood education, or

(b) provides post-primary education to its students and which may also provide courses in adult, continuing or vocational education or vocational training, but does not include a school or institution established in accordance with the Children Acts, 1908 to 1989, or a school or institution established or maintained by a health board in accordance with the Health Acts, 1947 to 1996, or the Child Care Act, 1991

Children Acts, 1908 to 1989 – these refer to young persons in care.

Childcare Facilities Guidelines for Planning Authorities 2001

The following definitions are set out in the guidelines.

Childcare: *In these Guidelines, "childcare" is taken to mean full day-care and sessional facilities and services for pre-school children and school-going children out of school hours. It includes services involving care, education and socialisation opportunities for children. Thus services such as pre-schools, naíonraí (Irish language playgroups), day-care services, crèches, playgroups, and after-school groups are encompassed by these Guidelines. Conversely childminding, schools, (primary, secondary and special) and residential centres for children are not covered by these Guidelines.*

Sessional service: *The provision of a service which offers a planned programme to pre-school children of up to 3.5 hours per session by trained personnel. Sessional services include playgroups and Montessori groups and similar services.*

Full day-care: *The provision of a structured day-care service for children for more than 3.5 hours per day, supervised by competent personnel. Full day-care includes crèches and nurseries.*

5.0 Assessment

The question has arisen as to whether the change of use of the old school to a community preschool is development and whether is or is not exempted development.

I. Does the proposal constitute development:

The applicant has stated that no changes to the building have been made unless under Health and Safety and Fire safety requirements. The referral is solely confined to the "use".

The question is only being asked as the applicant is looking to increase capacity due to local demand and the Tusla requirement for an exemption letter.

While the applicant has not provided any details of the existing operation or drawings of building, I am satisfied the playschool can be deemed to cater for children that are of pre-school age and provide early childhood care and education services prior to entering the primary school environment and as such falls under the definition of childcare facility.

The definition of a school in the Education Act 1998 is an establishment which provides primary education to its students, and which may also provide early childhood education. The subject community play school is under private ownership (BCDA Ltd) and not associated with St Ciaran's National School. Having regard to the footprint of the building it appears to the original footprint has remained the same with no additional extensions added therefore it is not considered that an intensification of use has occurred to date.

I do not consider the community playschool can be defined as a school and that a change of use has occurred being that of old national school building to the playschool (childcare facility), while still educational a different age cohort is being catered for within the classroom/building under different curriculum.

I note the adjoining car park is not under the control of the applicant from a review of land registry and the use of the playschool has an impact on the traffic, car parking and residential amenity of the surrounding area. I deem the change of use to be material and is therefore development.

II. Does the proposal constitute exempt development:

Having regard to Part 4 of Schedule 2 to the Planning and Development Regulations 2001 as amended, there is no provision for exemption for a change of use from a previous old national school building to a playschool (childcare facility). Therefore, I consider the change of use as not being exempted development and planning permission would be required to retain the change of use.

III. Restrictions on Exemptions:

The proposal is not restricted by virtue of Article 9(1)(a)(i) – (xii) (inclusive).

IV. 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) – c.12km northeast
- River Boyne and River Blackwater SPA (Site Code 004232) – c. 12km northeast

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.

V. Environmental Impact Assessment:

The proposal is not a development type listed under Part 1 or 2 of Schedule 5 of the Planning & Development Regulations (PDR) 2001 (as amended) nor is it considered a sub-threshold development for the purposes of Schedule 7 PDR and would not on its own or cumulatively with other projects result in significant effects on the environment. As such there is no real likelihood of significant effects on the environment arising from the relevant development and therefore an EIAR (Environmental Impact Assessment Report) is not required.

6.0 Conclusion

It is considered that and that a declaration of Exemption be REFUSED for the development set out hereunder.

7.0 Recommendation

Having regard to:

WHEREAS a question has arisen as to whether

- *the change of use of the old national school building to a community preschool.*

at Lewellensland Td, Castlejordan, Co. Meath, is or is not development or 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, 5 & 177U (9) of the Planning and Development Act 2000 (as amended),
- (b) The meaning of "school" as assigned to it by the Education Act 1998.
- (c) Articles 9, 10 of the Planning and Development Regulations, 2001-2023
- (d) Part 4 of Schedule 2, Planning and Development Regulations 2001 2023,
- (e) Limited Information provided,

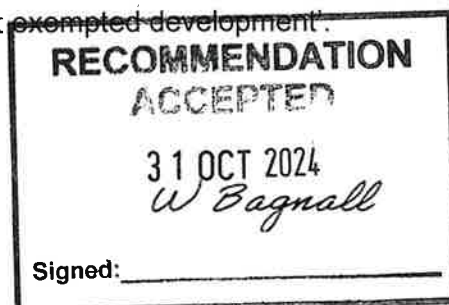
AND WHEREAS Meath County Council has concluded: -

- (a) *There is no provision for exemption within any of the classes as set out in Part 4 of Schedule 2 of the Planning and Development Regulations 2001-2023 for a change of use from a previous national school building to a playschool (childcare facility) under the exempted development provisions of those regulations.*
- (b) *The use of the building as a playschool (childcare facility) constitutes a change of use and such a change of use is material and is development.*
- (c) *The change of use, is material, is development and is not exempted development.*

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 development as detailed on particulars submitted on 8th October 2024 is 'Development' under the meanings of the Planning Act but is ~~'not exempted development'~~.



Peadar McQuaid
Executive Planner
Date: 30th October 2024



Wendy Bagnall
Senior Executive Planner
Date:

Comhairle Chontae na Mí

Roim 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: BCDA Ltd, E/as JORDAN Community Playschool,

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

Paula Brennan

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

3. Location of Development and/or Subject Site: Castlejordan, Co. Meath.

4. Description of Development: The Old School
Jordan Community Playschool

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: N/A

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

N/A

TAS 52483

9. List of plans / drawings etc. submitted: N/A

10. Please state applicants interest in this site

occupied as Playschool.

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

Ballinabreckey & Castlejordan Parish

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:

SIGNED: Pauca Brennan. DATE: 7/10/24.

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

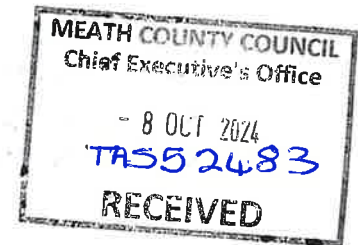
Email: planning@meathcoco.ie



BCDA Ltd.,
T/As Jordan Community
Playschool.

The Old School
Community Centre,
Castlejordan,
Co. Meath.

Mr. Des Foley,
Meath County Council.
Planning Section,
Dublin Road,
Navan
Meath



Dear Des,

I refer to our conversation on Friday last when we discussed obtaining a letter stating that we did not require planning permission for our community Playschool at Castlejordan Old School.

We started back in 2009 as there was no such facility of this type in the area and the demand was great.

Prior to opening we meet with both Meath County Childcare and Meath County Fire Officer, both parties led us to believe we did not need planning permission as the premises were still been occupied as a school. We adhered to all the guidelines and requirements requested by both. We have not and never will make changes to the building other than bringing it up to a high standard of Health and Safety and Fire Safety requirements. The building had been maintained to a high standard and has passed all relevant inspections over the years.

The planning permission issue has arisen due to the fact that we have requested that Tusla increase our number capacity, due to demand. They have requested an exemption letter from our local authorities stating that Planning Permission is not required.

We would appreciate if you could issue this letter to us.

Yours sincerely,

Paula Brennan

Paula Brennan, Chairperson,
BCDA Ltd t/as Jordan Community Playschool

Dated 5th October, 2024