

Section 5 Declaration - Application Form

1. Name and address of person seeking the declaration:

JENNY KERLEY,

Phone Number

E-Mail

2. Name and address of agent (if any):

Phone Number:

E-Mail:

3. Name and address for all correspondence (if not completed, correspondence will be sent to person seeking declaration)

FR. GERRY CAMPBELL,

4. Interest in site of the person seeking declaration:

I have the agreement of the diocese of Armagh,
represented by Fr. Gerry Campbell, to lease Stonetown
(If applicant is not freehold owner of the property in question, please
provide name and address of owner if known)
National school for the purpose of operating a creche
subject to necessary approvals from TUSLA.

5. Location and full address of development referred to in Question 7

STONETOWN NATIONAL SCHOOL, LUBHADH,
DUNDALK, CO. DUBLIN.

6. Eircode OR Grid Co-ordinates must be submitted. Grid references may be found on Google Maps or at <https://irish.gridreferencefinder.com>

A91 X923

7. Question for determination under Section 5 (See Note 1 above).

The question must be framed in the following format, i.e. Is the

construction of a shed development and is it or is it not exempted

development: STONETOWN SCHOOL WAS BUILT IN 1924, PRC

planning regulations. Is the change from an existing TUSLA registered

part time pre-school operating within the existing

Stonetown National School building to a TUSLA

registered full day care service, using existing classrooms

and without any physical alterations to the building

development and if so is it or is it not exempted

8. Does the development consist of works to be carried out to an existing or proposed protected structure? Yes ☐ No ☒ development?

If Yes, has a Declaration under Section 57 of the Planning and Development Act 2000 been requested or issued for the property by the Planning Authority?

I certify that the aforementioned is correct.

Signature of Applicant: [Redacted] Date 22/7/26

Please include one copy of the following documents with this application form:

- Site Location Map: (Scale 1:1000)
- Site Layout Map: (Scale 1:200 or 1:500)
- Floor Plans & Elevations: (Scale 1:50, 1:100 or 1:200)
Existing & Proposed, where applicable
- Application fee: (€80)

Completed Application Form & Fee of €80.00 may be sent to:

Planning Office, Louth County Council, Town Hall, Crowe Street,
Dundalk, County Louth, A91W20C

OR

by email to planninggroup@louthcoco.ie with contact details to arrange payment of fee.

LOUTH COUNTY COUNCIL

Planning Section, County Hall, Millennium Centre, St Alphonsus Road, Dundalk
Tel:042/9335457 Fax:042/9320080

PLANNING AND DEVELOPMENT ACT, 2000

NOTIFICATION OF GRANT OF PERMISSION

TO: Board of Management
c/o Brendan G Cashell

01/11/2005

Register Reference Number: 051119

Date Application Received: 08/08/2005

Description of Development: (P) Single storey extensions and alterations to existing National School to provide new entrance hall, new classroom, new general purpose area, new staff room, new office, new cloak room and improved/extended toilet facilities, relocation of existing prefabricated classroom, extended play area, demolition of part of outdoor shelter and new entrance gates

Application Type: PERMISSION

Name and Address of Applicant:
Board of Management
Stonetown National School
Newtown
Dundalk
Co Louth

Location Address:
Stonetown National School
Newtown
Dundalk

**LOUTH CO. COUNCIL
SCANNED**

02 NOV 2005

Permission is hereby granted for the development described above, subject to the 6 conditions set out in the Schedule attached.

Jim Duffy
Administrative Officer

NOTES

1. Unless otherwise specified in this decision and subject to certain exceptions, a permission will, on the expiration of a period of five years beginning on the date of grant, cease to have effect as regards:
(a) in case the development is not commenced during that period, the entire development, and
(b) in case the development is commenced during that period, so much of the development as is not completed within that period.
2. A grant of Outline Permission will cease to have effect on the expiration of a period of three years beginning on the date of grant, unless a subsequent application for permission has been made within that period.
3. A grant of Outline Permission does not authorise the carrying out of any development. A subsequent grant of Permission must be obtained before development commences.

LOUTH COUNTY COUNCIL

REFERENCE NO. 05/1119

CONDITIONS

1. The facing used in the carrying out of this permission shall be of coloured render and natural stone on external walls. The roofing materials used shall match those of the existing building in type, colour and dimensions.

Reason: In order to safeguard the visual amenities of the area and building in particular.

2. No dust, mud or debris from the site shall be carried onto or deposited on the public roads. Public roads and footpaths in the vicinity of the site shall be maintained in a tidy condition by the developer during the construction phase.

Reason: In the interest of the amenities of the area and in the interests of orderly development.

3. During the course of construction work the developer shall provide on site a covered skip or other suitable receptacle for the deposit therein of all rubbish, litter, paper, packaging, rubble and other such materials arising from the works and shall ensure that the site and its environs are maintained at all times in a clean and tidy condition.

Reason: In the interests of the visual amenity of the area

4. Surface/ storm water shall be disposed of within the boundaries of the site and shall not be permitted to flow onto the public road or adjoining property.

Reason: In the interests of orderly development.

5. The following requirements of the Environment Section shall be complied with:

1. Save in so far as the below stated might require otherwise, the development shall be carried out strictly in accordance with plans and specifications submitted.
2. The developer shall within 1 month of date of grant of permission make application to the Environment Section, Louth County Council, for licence to discharge sewerage effluent to waters in accordance with The Provision of Local Government (Water Pollution) Act 1977 & 1990

3. The developer shall, within three months of the date of permission, submit to the Waste Authority (Louth County Council) for its approval, a Waste Management Plan detailing facilities for the storage / collection / segregation of recyclable materials arising on the development.
4. Prior to development works commencing on site, the developer shall submit a Waste Management Plan for removal, disposal and management of all waste arising from the demolition/construction of the development for the written approval of the Planning Authority. Such plan shall include, inter alia;
 - List of wastes and quantities likely to arise as a result of the construction of development, into the following categories.
 - a) Non-hazardous, non reusable wastes.
 - b) Hazardous wastes, including asbestos.
 - c) Non-hazardous, recyclable/reusable waste.
 - Details (name, address) of all proposed waste removal contractors including a copy of each contractors waste collection permit.
 - Details (address) of disposal/recovery locations, authorised in accordance with Waste Management Act, 1996.
 - A Method Statement for the removal and disposal of asbestos containing materials, if any.
5. Demolition of the existing structure(s) shall be carried out in accordance with B.S. 6187. All reasonable measures shall be undertaken to minimise the impact of demolition.
6. Demolition works shall be confined to 08.00 hours to 20.00 hours, Monday to Friday and 08.00 hours to 16.00 hours on Saturday.
7. (a) The equivalent continuous sound level (Leq) attributable to all on-site operations associated with the development, outside of any inhabited house or building used for public assembly, in the vicinity of the site, shall not exceed 55dB(A) Leq (30 minutes) over the period 08:00 hours to 20:00 hours, Monday to Friday and 08:00 hours to 16:00 hours on Saturday; and shall not exceed 40dB(A) Leq (30 minutes) at all other times.

- (b) No pure tones or impulsive characteristics shall be audible outside of any inhabited house in the vicinity of the development.
8. The transmitted ground vibration arising from any piling carried out on the site, when measured on the foundations of the house nearest the location of the piling and not owned by the developer or on a part of the house in close contact with the foundations, shall not exceed a peak particle velocity of 12 millimetres per second in any one of three mutually orthogonal planes.
 9. The development shall be operated such that there will be no emissions of malodours, fumes, gases, dust or other deleterious materials such as would give reasonable cause for annoyance to any person in any residence in the vicinity of the development.
 10. Exhaust gases from any fuel oil and/or solid fuel burning appliance shall be discharged to the atmosphere via a stock extending at least 3m above the building apex.
 11. Uncontaminated surface waters from roof of development shall be piped separately in a sealed system to soakaway(s) or waters.
 12. The developers and/or any person given control or custody of the developments shall ensure that surface and ground waters are adequately protected from contamination by stored materials and/or waste temporarily stored on Development prior to disposal.
 13. Packaging waste shall be managed in accordance with the Waste Management (Packaging) Regulations, 2003.
 14. Waste shall not be disposed-of by open burning.
 15. Non hazardous, non re-usable wastes shall be disposed of to a landfill site managed licensed in accordance with the Waste Management Act, 1996, as amended. Waste shall only be conveyed by a permitted waste contractor in accordance with the appropriate National and European Legislation and Protocols.

16. Hazardous Waste arising on the development including waste oils arising on the development shall not be disposed of to waters or drainage system or to soil, but shall be disposed of in accordance with the Waste Management (Hazardous Waste) Regulations 1998 and to a facility licensed under Waste Management Act, 1996, as amended.
17. All oil storage tanks located above ground level shall be provided with an adequately designed bund system complete with impervious base. Filling and off-take points shall be located within the bund. Storage capacity within bund system shall be a minimum of 110% of storage tank(s) capacity.
18. The total dust emission arising from on-site operations associated with the proposed development shall, when measured at the site boundaries, not exceed 350 milligrams per square metre per day, averaged over 30 days.
19. The sound levels attributable to all on site operations associated with the development outside of the nearest noise sensitive location(s) to the development shall not exceed the following levels:-
 - (i) Leq (30 mins.) of 55 dB(A) between the hours of 08.00 and 20.00, Monday to Friday
 - (ii) Leq (30 mins.) of 55 dB(A) between the hours of 08.00 and 16.00, Saturday
 - (iii) Leq (30 mins.) of 40 dB(A) at all other times.

No pure tones or impulsive characteristics shall be audible outside of any noise sensitive location(s) in the vicinity of the development.

20.
 - (a) The developers shall, if directed by the Planning Authority, monitor and record noise levels – Leq's and any other levels which may be requested by the Planning Authority (L max etc).
 - (b) The developer shall if directed by the Planning Authority, monitor and record the total dust emissions arising from all on site operations associated with the proposed development.
 - (c) The number and locations of the monitoring and recording stations for sound and dust deposition necessary to comply with the requirements of Part (a) and (b) of this condition shall be in accordance with the requirements of the Planning Authority for such monitoring of sound and dust deposition.

BUILDING CONTROL ACT, 1990

FIRE SAFETY CERTIFICATE

Reference No. **FSC0760**

Name of Building Control Authority **LOUTH COUNTY COUNCIL**

To **STONETOWN NATIONAL SCHOOL**

Address **NEWTOWN**
DUNDALK
CO. LOUTH

Application for a Fire Safety Certificate (**Ref. No. FSC0760**) for extensions & alterations to existing school to provide new entrance, classroom, general purpose room, staff room, office, cloakroom & improved toilet facilities at **NEWTOWN, DUNDALK, CO. LOUTH**. **LOUTH COUNTY COUNCIL** hereby certify that the works or building to which the application relates, will, if constructed in accordance with the plans, calculations, specifications and particulars submitted, comply with the requirements of Part B of the Second Schedule to the Building Regulations, 1997. In considering the application, no assessment has been made as to whether the works or building will comply with the other requirements of the Second Schedule to the Building Regulations, 1997.

Dated: 27th January 2006

Signed


Rose Kenny
Director of Service

Jenny Kerley
Ready Steady Grow
Stonetown
[Date]

To: TUSLA Early Years Inspectorate

Re: Fire Safety Certificate

Dear Sir/Madam,

Please find enclosed a copy of the Fire Safety Certificate issued for the proposed premises at Ready Steady Grow, Stonetown, in 2006.

I wish to confirm that, upon review of the Fire Safety Certificate issued at that time, there were no conditions attached to the certificate.

Yours faithfully,

A large black rectangular box redacting the signature of Jenny Kerley.

Stonetown

Louth County Council
Section 5 Declaration

Planning Ref: S5 2026/53

Applicant's Name: Jenny Kerley

Type of Application: Section 5 Declaration

Question: Whether the proposed use of a school to a full day childcare service is or is not development and whether it is or is not exempted development:

Site Location: Stonetown National School, Newtown, Dundalk, Co. Louth

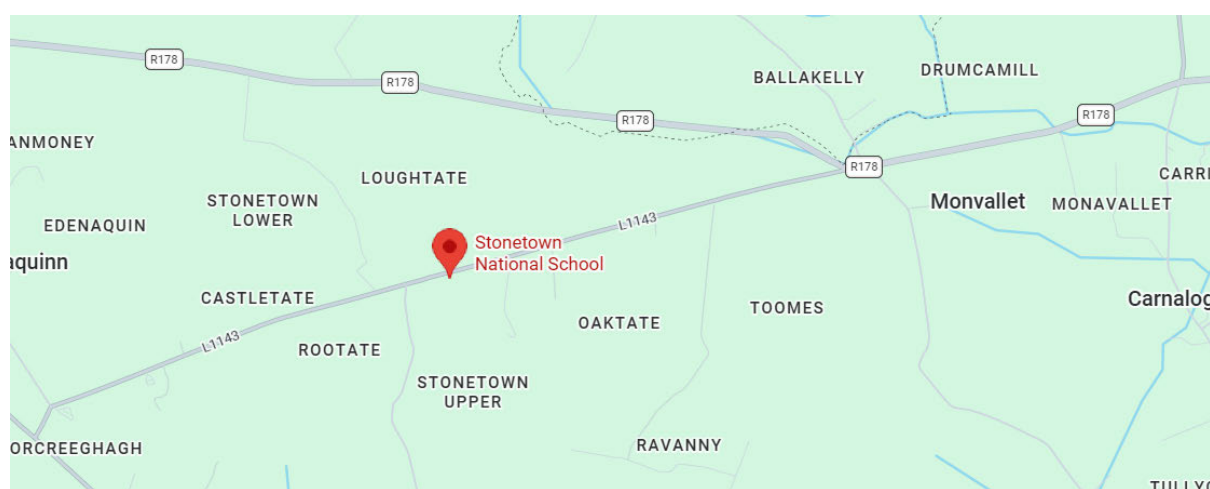
Due Date: 18/08/2026

1. Site Location and Description

The existing childcare facility is located within a building which was formerly Stonetown National School at Stonetown, Newtown, Dundalk.



Figure 1: Front elevation facing the public rd.



The following documents were submitted along with the application:

- Existing plans of the school
- Cover letter from applicant.

2. Planning History

Year	Number	Status	Decision	Received Date	Name	Development Address	Description
01	644	Application Finalised	Conditional	06/06/2001	Stonetown National School	Stonetown Newtown	single storey prefabricated classroom unit
06	733	Application Finalised	Conditional	09/06/2006	The Board of Management	Stonetown National School Newtown Dundalk Co Louth	(R) For retention and completion of single storey extension and alterations to existing school to provide new entrance hall, new general purpose area, new staff room, new office and improved/extended toilet facilities, relocation of existing prefabricated classroom, extended play area, demolition of part of outdoor shelter and new entrance gates

File No.	Status	Control Officer	Decision	Received Date	Decision Due Date	Name	Address	Description	Actions
051119	Application Finalised		Conditional	08/08/2005 Monday	02/10/2005 Sunday	Board of Management	Stonetown National School Newtown Dundalk Co Louth	(P) Single storey extensions and alterations to existing National School to provide new entrance hall, new classroom, new general purpose area, new staff room, new office, new cloak room and improved/extended toilet facilities, relocation of existing prefabricated classroom, extended play area, demolition of part of outdoor shelter and new entrance gates	View

3. Declaration Sought

-Whether the proposed use of a school to a full day childcare service is or is not development and whether it is or is not exempted development:

4. Legislative Context

Planning and Development Act, 2024

Sections 1-5 of the Planning Act of 2024 commenced in December 2024.

Section 2 states that:

“*Works*” includes an act or operation—

- (a) of construction, excavation, demolition, extension, alteration, repair or renewal (including in relation to a protected structure, a proposed protected structure or a structure situated in an architectural conservation area), on, in, over or under land or a maritime site,
- (b) consisting of the application of plaster, paint, wallpaper, tiles or other material to the surface of a protected structure or proposed protected structure or the removal of plaster, paint, wallpaper, tiles or other material from such surface, and
- (c) consisting of the application of plaster, paint, wallpaper, tiles or other material to the exterior of a structure situated in an architectural conservation area or the removal of plaster, paint, wallpaper, tiles or other material from such exterior.

In accordance with Section 2 of the Planning & Development Act, 2024 “*Development*” means the carrying out of any works on, in, over or under land or on ,in ,over or under the maritime area, or the making of any material change in the use of any structures or other land, or the sea, seabed or any structure in the maritime area.

“*Exempted development*” means (a) development of a class prescribed under *section 9*, or

(b) development that is exempted development by virtue of *section 152*;

“*structure*” means a building, edifice, construction, excavation, or other thing constructed or made on, in or under any land, or a maritime site, or any part thereof, or (b) the land or maritime site on, in or under which such building, edifice, construction, excavation, other thing or part is situated

“*Unauthorised development*” means, in relation to land or a maritime site—

(a) unauthorised works (including the construction, erection or assembly of an unauthorised structure), or

(b) an unauthorised use;

“*Unauthorised use*” means, in relation to land or a maritime site, a use that is a material change in use of the land or maritime site, other than—

(a) exempted development, or

(b) development carried out in accordance with—

(i) a permission granted under Part IV of the Act of 1963 or deemed to be so granted under section 92 of that Act,

(ii) a permission granted under section 34, 37G, 37N or 293 of the Act of 2000,

(iii) a permission granted under section 9 of the Planning and Development (Housing) and Residential Tenancies Act 2016, or

(iv) a permission granted under *Part 4*,

(c) *Chapter 6* State authority development within the meaning of *Part 4*,

(d) development required by—

(i) a notice under *section 339*,

(ii) an order under *section 341*,

(iii) an enforcement notice under *section 350*, or

(iv) a planning injunction under *section 351*,

or

(e) development carried out in accordance with—

(i) a licence under *section 13*, or

(ii) a licence under section 254 of the Act of 2000;

“*unauthorised works*” means any works on, in, over or under land or a maritime site, other than—

- (a) exempted development,
 - (b) development carried out in accordance with—
 - (i) a permission granted under Part IV of the Act of 1963 or deemed to be so granted under section 92 of that Act,
 - (ii) a permission granted under section 34, 37G, 37N or 293 of the Act of 2000,
 - (iii) a permission granted under section 9 of the Planning and Development (Housing) and Residential Tenancies Act 2016, or
 - (iv) a permission granted under *Part 4*,
 - (c) *Chapter 6* State authority development within the meaning of *Part 4*,
 - (d) development required by—
 - (i) a notice under *section 339*,
 - (ii) an order under *section 341*,
 - (iii) an enforcement notice under *section 350*, or
 - (iv) a planning injunction under *section 351*,
- or
- (e) development carried out in accordance with—
 - (i) a licence under *section 13*, or
 - (ii) a licence under section 254 of the Act of 2000;

5.Planning and Development Act 2000 (As amended)

Section 4 states that:

Section 4(1) provides a list of statutory exempted development including development consisting of the use of any land for the purpose of agriculture and development consisting of the use for that purpose of any building occupied together with land so used under section 4(1)(a).

Section 4(2) provides for the making of regulations relating to exempted development. The Planning & Development Regulations (PDR) 2001 (as amended) give effect to section 4(2).

Section 5 states that:

- (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.

Section 32 states that:

Section 32 PDA 2000 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.

Section 177U(9) states that

“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 6 of the Planning & Development Regulations (PDR) 2001 (as amended)

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

Article 6 of the Planning & Development Regulations, 2001 (as amended) provides (subject to the restrictions in article 9 PDR 2001) 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.

4. (a) Subject to paragraph (b), the carrying out of such works as are necessary to secure compliance with the Building Regulations, 1997 (S.1. No. 497 of 1997) shall, the case of development consisting of the construction of a dwelling or dwellings in respect of which permission under Part IV of the Act of 1963 was granted before 1st June 1992, be exempted development.

(b) Paragraph (a) shall not apply to in the case of development consisting of the construction of a building designed for use of 2 or more separate dwellings.

Article 9 of the Planning & Development Regulations (PDR) 2001 (as amended)

Article 9(1) of the Planning & Development Regulations, 2001 (as amended) provides restrictions on exemptions as follows:

9. (1) Development to which article 6 relates shall not be exempted development for the purposes of the Act—

(a) if the carrying out of such development would—

(i) contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act,

(ii) consist of or comprise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width,

*(iii) endanger public safety by reason of traffic hazard or obstruction of road users,
(iiia) endanger public safety by reason of hazardous glint and/or glare for the operation of airports, aerodromes, or aircraft,*

(iv) except in the case of a porch to which class 7 specified in column 1 of Part 1 of Schedule 2 applies and which complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1, comprise the construction, erection, extension or renewal of a building on any street so as to bring forward the building, or any part of the building, beyond the front wall of the building on either side thereof or beyond a line determined as the building line in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,

(v) consist of or comprise the carrying out under a public road of works other than a connection to a wired broadcast relay service, sewer, water main, gas main or electricity supply line or cable, or any works to which class 25, 26 or 31 (a) specified in column 1 of Part 1 of Schedule 2 applies,

(vi) interfere with the character of a landscape, or a view or prospect of special amenity value or special interest, the preservation of which is an objective of a development plan for the area in which the development is proposed or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,

(vii) consist of or comprise the excavation, alteration or demolition (other than peat extraction) of places, caves, sites, features or 13 other objects of archaeological, geological, historical, scientific or ecological interest, the preservation of which is an objective of a development plan or local area plan for the area in which the development is proposed or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan local area plan or the draft development plan or draft local area plan.

(viiA) consist of or comprise the excavation, alteration or demolition of any archaeological monument included in the Record of Monuments, pursuant to section 12(1) of the National Monuments (Amendment) Act 1994, save that this provision shall not apply to any excavation or any works, pursuant to and in accordance with a consent granted under Section 14 or a licence granted under section 26 of the National Monuments Act, 1930 (No. 2 of 1930), as amended,

(viiB) comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development which would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site;

(viiC) consist of or comprise development which would be likely to have an adverse impact on an area designated as a natural heritage area by order made under Section 18 of the Wildlife (Amendment) Act 2000.

(viii) consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use,

(ix) consist of the demolition or such alteration of a building or other structure as would preclude or restrict the continuance of an existing use of a building or other structure where it is an objective of the planning authority to ensure that the building or other structure would remain available for such use and such objective has been specified in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,

(x) consist of the fencing or enclosure of any land habitually open to or used by the public during the 10 years preceding such fencing or enclosure for recreational purposes or as a means of access to any seashore, mountain, lakeshore, riverbank or other place of natural beauty or recreational utility,

(xi) obstruct any public right of way,

(xii) further to the provisions of section 82 of the Act, consist of or comprise the carrying out of works to the exterior of a structure, where the structure concerned is located within an architectural conservation area or an area specified as an architectural conservation area in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of

the development plan or the draft development plan and the development would materially affect the character of the area.

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 creche,
- (c) as a day nursery,
- (d) as a day centre.

Under Schedule 2, Part 4: Classes of Use, a standard school does not have a specific designated use class. Unlike shops, offices, or hotels, schools are sui generis (a use of its own unique kind) and are not explicitly listed under the standard use Classes 1 through 11.

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, naionrai (Irish language playgroups), day-care services, creches, 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 creches and nurseries.

6. Assessment

(a) Does the proposal constitute development?

-The question has arisen as to whether the use of a school as a full day childcare

service constitutes development and whether is or is not exempted development.

The applicant has stated that Ready Steady Grow has operated a Tusla registered part time, preschool from Stonetown National School for the past ten years under Registration Number TU2015LH500. The preschool has operated successfully as a preschool service from 9.00 am to 2.00 pm within the existing school building.

The applicant goes on to state that following the closure of Stonetown National School, she wishes to continue using this valuable community facility by expanding the existing preschool into a Full Day Care childcare service. No extensions, structural alterations, additional floor area or changes to the building are proposed. The proposed service will continue to operate from the existing classrooms within the existing school building.

Given the information submitted by the applicant I am satisfied the full day care childcare service can be deemed to cater for children that are of pre-school age and provide early childhood care 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 and as such, these uses do not fall within one use class.

(b) 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 national school building to a childcare facility. Therefore, I consider the change of use as not being exempted development and planning permission would be required for the change of use.

(c) Restrictions on Exemptions:

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

EIA Screening and Determination

Council Directive 85/337/EEC (as amended) on the assessment of the effects of certain public and private projects on the environment ('the EIA Directive') is designed to ensure that projects likely to have significant effects on the environment are subject to a comprehensive assessment of their environmental effects prior to development consent being given. The latest amendments to the EIA Directive are provided under Directive 2014/52/EU and Circular letter PL 1/2017. 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 EIAR is **not** required.

Appropriate Assessment

Having regard to the nature and scale of the proposed development and the nature of the receiving environment, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site (Special Area of Conservation or Special Protected Area) and as such an Appropriate Assessment (Stage 2 AA) is **not** required.

7. Recommendation

Accordingly, it is recommended that an order along the following lines is issued: -

- The question has arisen as to whether the use of a school as a full day childcare service constitutes development and whether is or is not exempted development.

WHEREAS a question has arisen pursuant to Section 5 of the Planning and Development Act 2000 (as amended) as to whether the following is or is not development and is or is not exempted development.

AND WHEREAS Louth County Council, in consideration of this question has had regard particularly to:

- (a) The definition of “*development*” in 3(1) of the Planning & Development Act 2000 (as amended) and Section 2 of the Planning & Development Act 2024;
- (b) The meaning of school as assigned to it by the Education Act 1998.
- (c) Article 6, 9 and 10 of the Planning & Development Regulations 2001 (as amended);
- (d) Classes 8(b), 8 (c) and 10 (f) of Part 4 of Schedule 2 of the Planning and Development Regulations 2001 (as amended)
- (e) Relevant precedent referrals to Coimisiun Pleanala
- (f) The planning history of the school.

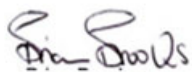
AND WHEREAS Louth County Council has concluded that: -

(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 (as amended) for a change of use from a previous national school building to a childcare facility under the exempted development provisions of those regulations.

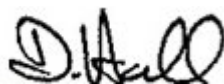
(b) The use of the building as childcare facility constitutes a change of use, and such a change of use is material and is development.

(c) The change of use, is material, is development and is not exempted development.

NOW THEREFORE Louth County Council in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act (as amended), hereby decides that the proposed change of use at Stonetown National School, Newtown, Dundalk, Co. Louth is **development** and is not **exempted development**.



Brian Brooks
Exe Planner
Date: 11/08/2026



David Hall
A/Senior Exe Planner
Date: 12/08/2026



Turlough King
A/Senior Planner
Date: 12/08/2026

LOUTH COUNTY COUNCIL

CHIEF EXECUTIVE'S ORDER

PLANNING & DEVELOPMENT ACT 2000 (as amended)

Section 5 Exempted Development

Chief Executive's Order No:	614B/2026
Reference No:	S5 2026/53
Date Application Received:	22/07/2026
Description of Development:	Whether the proposed use of a school to a full day childcare service is or is not development and whether it is or is not exempted development
Name of Applicant:	Jenny Kerley
Location of Development	Stonetown National School, Newtown, Dundalk, Co. Louth

WHEREAS a question has arisen pursuant to Section 5 of the Planning and Development Act 2000 as to *whether the proposed use of a school to a full day childcare service is or is not development and whether it is or is not exempted development*.

AND WHEREAS the said question was referred to Louth County Council by Jenny Kerley.

AND WHEREAS Louth County Council, in consideration of this question has had regard particularly to:

- (a) The definition of "*development*" in 3(1) of the Planning & Development Act 2000 (as amended) and Section 2 of the Planning & Development Act 2024;
- (b) The meaning of school as assigned to it by the Education Act 1998.
- (c) Article 6, 9 and 10 of the Planning & Development Regulations 2001 (as amended);
- (d) Classes 8(b), 8 (c) and 10 (f) of Part 4 of Schedule 2 of the Planning and Development Regulations 2001 (as amended)
- (e) Relevant precedent referrals to Coimisiun Pleanala
- (f) The planning history of the school.

AND WHEREAS Louth 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 (as amended) for a change of use from a previous national school building to a childcare facility under the exempted development provisions of those regulations.
- (b) The use of the building as 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 Louth County Council in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act (as amended), hereby decides that the proposed change of use at Stonetown National School, Newtown, Dundalk, Co. Louth is **development and is not exempted development.**

ORDER: In pursuance of the powers conferred upon the Council by the above Act, I concur with the above recommendation and I hereby direct that a **Declaration of Exemption be REFUSED** for the development as described above.

Signed:



Turlough King
Acting Senior Planner

Date: 12/08/2026

To whom this function has been delegated in accordance with the provisions of Section 154 of the Local Government Act, 2001 by Order No. CE.S 380/26 dated 31st day of July 2026.



Comhairle Contae Lú
Louth County Council

Jenny Kerley

Via email only

12th August 2026

Re: Ref. S5 2026/53

Application for Declaration of "Exempted Development" Part 1, Section 5 Planning & Development Act, 2000 (as amended) as to 'Whether the proposed use of a school to a full day childcare service is or is not development and whether it is or is not exempted development'

Dear Sir/Madam,

I wish to acknowledge receipt of your application received on 22nd July 2026 in relation to the above. Having assessed all information and enclosures received with the application, the Planning Authority wishes to advise as follows: -

WHEREAS a question has arisen pursuant to Section 5 of the Planning and Development Act 2000 (as amended) as to whether the proposed use of a school to a full day childcare service is or is not development and whether it is or is not exempted development'

AND WHEREAS the said question was referred to Louth County Council by Jenny Kerley,

AND WHEREAS Louth County Council, in consideration of this question has had regard particularly to:

- (a) The definition of "*development*" in 3(1) of the Planning & Development Act 2000 (as amended) and Section 2 of the Planning & Development Act 2024;

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Cuirfear fáilte roimh chomhfhreagras Gaeilge - Correspondence in Irish is welcome
Féach foláirimh faoi Lú ón gComhairle ag www.mapalserter.ie/Louth
View Council alerts for Louth at www.mapalserter.ie/Louth

- (b) The meaning of school as assigned to it by the Education Act 1998.
- (c) Article 6, 9 and 10 of the Planning & Development Regulations 2001 (as amended);
- (d) Classes 8(b), 8 (c) and 10 (f) of Part 4 of Schedule 2 of the Planning and Development Regulations 2001 (as amended)
- (e) Relevant precedent referrals to Coimisiun Pleanala
- (f) The planning history of the school.

AND WHEREAS Louth County Council has concluded that: -

(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 (as amended) for a change of use from a previous national school building to a childcare facility under the exempted development provisions of those regulations.

(b) The use of the building as 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 Louth County Council in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act (as amended), hereby decides that the proposed change of use at Stonetown National School, Newtown, Dundalk, Co. Louth is **development** and is not **exempted development**.

In Summary

A Declaration of Exemption is hereby REFUSED for the works as detailed on the plans and particulars submitted on 22nd July 2026.

This decision may be referred by you to An Coimisiún Pleanála for review within 4 weeks of the date of this letter subject to the payment of the appropriate fee.

Yours faithfully,

Brian Duffy

Brian Duffy
Planning Section