Comhairle Contae Chill Dara
Kildare County Council

Date: 29th April 2026
Our Ref: ED/1338

Michelle Futter,
Maybrook,
Dunboyne Road,
Maynooth,
Co. Kildare W23 H7X2.

RE: Application for a Declaration of Exempted Development under Section 5 of Planning and Development Act 2000 (as amended) for development at Newtown Community Centre/Hall, Newtown, Enfield, Co. Kildare A83 YY63.

Dear Sir/Madam,

I refer to your correspondence received on 31st March 2026 in connection with the above.

Please find attached declaration made under Section 5 of Planning and Development Act 2000 (as amended) in this regard.

Yours sincerely,

PP _____
Senior Executive Officer,
Planning Department.

Comhairle Contae Chill Dara
Kildare County Council

Declaration of Development & Exempted Development under Section 5 of the Planning and Development Act 2000 (as amended).

ED/1338

WHEREAS a question has arisen as to whether the change of use from a Community Hall for use as a childcare facility at Newtown Community Centre/Hall, Newtown, Enfield, Co. Kildare A83 YY63, is exempted development

AS INDICATED on the plans and particulars received by the Planning Authority on 31st March 2026

AND WHEREAS Michelle Futter requested a declaration on the said question from Kildare County Council,

AND WHEREAS Kildare County Council as the Planning Authority, in considering this application for a declaration under Section 5 of the Planning and Development Act 2000 (as amended), had regard to;

(a) Planning and Development Act 2000 (as amended) and
(b) Planning and Development Regulations 2001 (as amended); and
(c) Documentation received with the application

AND WHEREAS Kildare County Council has concluded that the proposal **does not comprise development** to which the provisions of the following applies:

(a) Sections 2, 3, and 4 of the Planning and Development Act 2000 (as amended);
(b) Article 6 and Article 9 of Planning and Development Regulations 2001 (as amended)
(c) Part 4, Article 10, Class 10 (f) of Planning and Development Regulations 2001 (as amended)
(d) The nature, extent and purpose of the works,

NOW THEREFORE Kildare County Council, in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act 2000 (as amended), hereby decides that the change of use from a Community Hall for use a childcare facility at Newtown Community Centre/Hall, Newtown, Enfield, Co. Kildare A83 YY63 ***is not development*** *pursuant to Section 2, 3 and 4 of the Planning and Development Act, 2000, (as amended) and Article 6, Article 9 and Part 4, Article 10, Class 10(f) of the Planning and Development Regulations, 2001 (as amended).*

Please note that any person issued with a declaration under subsection 2(a) of the Planning and Development Act 2000 (as amended) may on payment to the Coimisiún of the prescribed fee, refer a declaration to An Coimisiún Pleanála within 4 weeks of the issuing of the decision.

29th April 2026

PP
Senior Executive Officer,
Planning Department.

KILDARE COUNTY COUNCIL

PLANNING & STRATEGIC DEVELOPMENT DEPARTMENT

Section 5 referral & declaration on development & exempted development Planning & Development Act 2000 (as amended)

Reference No. ED/1338

Name Of Applicant(s):	Michelle Futter
Address Of Development:	Newtown Community Centre/Hall, Newtown, Enfield, Co Kildare A83YY63
Development Description:	Change of use to Child care Facility
Due date	28/04/2026

Introduction

This is a request for a **DECLARATION** under Section 5(1) of the Planning and Development Act 2000 (as amended) to establish whether under Section 5 of the Act the works Change of use from a primary school / Community facility to a childcare facility.

Site Location

The site is located in the rural area of Newtown in the north of the county. It consists of 2 storey type structure which is a protected structure B04-27- Newtown School.

Description of Proposed Development

The Applicant is requesting a change of use from a community hall to a childcare facility. No material changes are proposed either internally or externally.

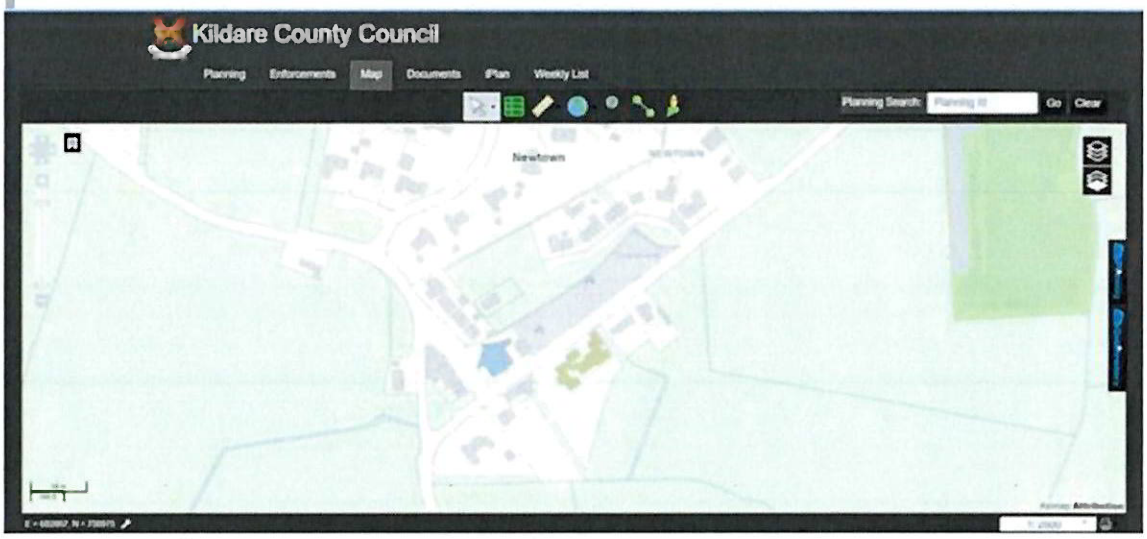


Fig 1: Site Location and context

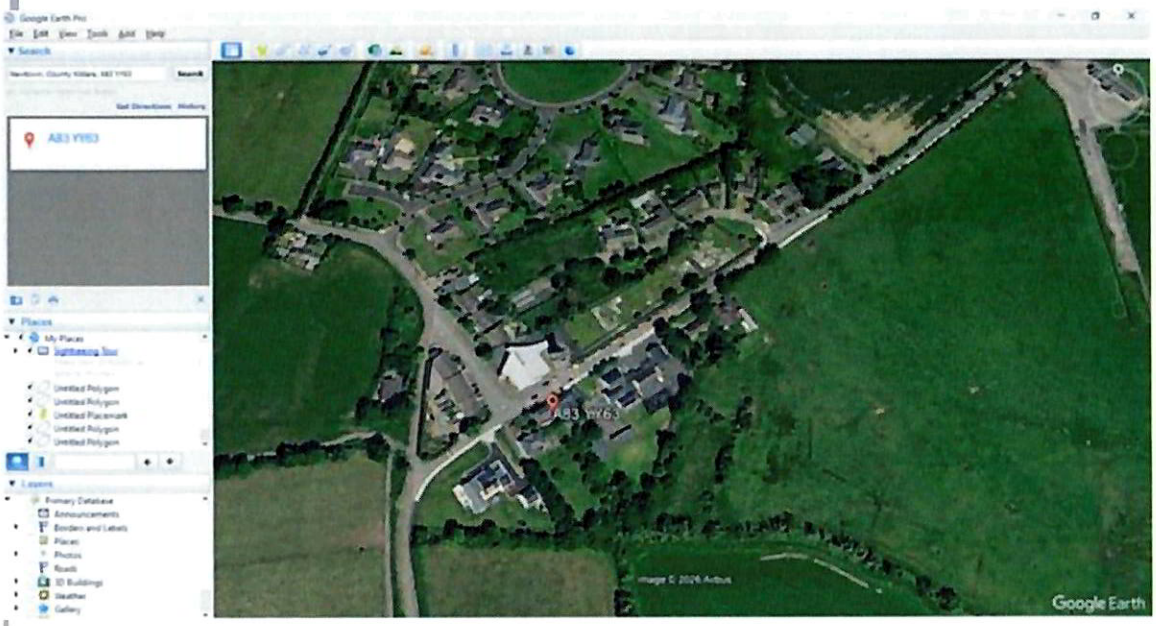


Fig 2: Aerial view of subject site (Google Images)

Planning History

There are no recent planning applications on the subject site.

Relevant Legislative Background

Planning and Development Act 2000 (as amended)

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)

In this Act, '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.

Section 5(7) EIA Screening

The proposed development is not specified in Part 2 of Schedule 5 of the Planning and Development Regulations 2001(as amended). In any event, it is considered, having regard to nature, size and location, the proposed development would not be likely to have significant effects on the environment. Therefore, EIA is not required.

Planning and Development Regulations 2001 (as amended)

Article 6(1)

Subject to article 9, development of a class specified in column 1 of Part 1 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 1 opposite the mention of that class in the said column 1.

Article 9 (1)(a)(i)

Restrictions on exemption.

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—…..(15 items)

PART 4 Article 10 Exempted development – Classes of Use

Class 10

Use as—

(a) an art gallery (but not for the sale or hire of works of art),

(b) a museum,

(c) a public library or public reading room,

(d) a public hall,

(e) an exhibition hall,

(f) a social centre, community centre or ***non-residential club****,*

but not as a dance hall or concert hall.

Assessment

The Applicant is seeking the change of use from a community hall to that of a childminding facility within a protected structure. There are no proposals to materially change the interior or exterior of the building. It is noted that the lands are not zoned.

While it is noted that the proposal is for a change of use to a protected structure, it is considered that no material changes or works, as defined under Section 2(1) of the Act, are proposed and that no development as defined under Section 3(1) of the Act will take place either. The use of the structure as a school in the past, as a community hall in the present and a childcare facility, whereby no material changes to the structure will occur, can be considered to all be uses of a comparable nature, whereby they each provide a community facility to members of the public.

In addition, uses which are exempt are those such as a *non-residential club*, (under Part 4, Article 10 Class 10 (f) *of the Regs),* ***non-residential club***, for which the subject use could be comparable to as it can be assumed to be a facility will be open to the public, assumingly for a fee and a non-residential activity will take place on site.

Having regard to the above it is considered that no change of use would take place and that therefore the proposal is not development.

Conclusion

Having regard to:

- Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended);
- Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended); and
- Part 4, Article 10, Class 10 (f) use of a facility comparable to that of a non-residential club.
- No material changes proposed

it is considered that the proposed change of use, **does not constitute development** as defined in Section 3(1) of the Planning and Development Act 2000 (as amended).

Recommendation

It is recommended that the applicant be advised that the development as described in the application **does not constitute development.**

Signed:
Planner: Lisa Rothwell
Date: 28/04/2026

Carroll Melia

Senior Executive Planner

28th April 2026

Declaration of Development & Exempted Development under

Section 5 of the Planning and Development Act 2000 (as amended)

WHEREAS a question has arisen as to whether *Change of use from Community Hall for use as a childcare facility.*

AS INDICATED on the plans and particulars received by the Planning Authority on *01/04/2026*

AND WHEREAS *Michelle Futter* requested a declaration on the said question from Kildare County Council,

AND WHEREAS Kildare County Council as the Planning Authority, in considering this application for a declaration under Section 5 of the Planning and Development Act 2000 (as amended), had regard to;

(a) Planning and Development Act 2000 (as amended); and
(b) Planning and Development Regulations 2001 (as amended);

AND WHEREAS Kildare County Council has concluded that the proposal **does not comprise development** to which the provisions of the following applies:

(a) Sections *2, 3, and 4* of the Planning and Development Act 2000 (as amended);
(b) Article 6 and Article 9 of Planning and Development Regulations 2001 (as amended)
(c) Part 4, Article 10, Class 10 (f) of Planning and Development Regulations 2001 (as amended)
(d) The nature, extent and purpose of the works,

NOW THEREFORE Kildare County Council, in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act 2000 (as amended), hereby decides that -

The Change of use from Community Hall for use as a childcare facility

IS NOT development pursuant to Section 2, 3, and 4 of the Planning and Development Act, 2000, as amended and Article 6, Article 9 and Article 10, Class 10 (f) Class 10 of the Planning and Development Regulations, 2001 as amended.

Please note that any person issued with a declaration under Section 5 of the Planning and Development Act 2000 (as amended) may on payment to An Coimisiún Pleanála of the prescribed fee, refer a declaration to An Coimisiún Pleanála within 4 weeks of the issuing of the decision.

Lisa Rothwell

Signed: _____
Planner: Lisa Rothwell
Date: 28/04/2026

Appendix 1: Appropriate Assessment Screening

APPROPRIATE ASSESSMENT SCREENING REPORT AND DETERMINATION

(A) Project Details	
Planning File Ref	ED/1338
Applicant name	Michelle Fuller
Development Location	Newtown
Site size	
Application accompanied by an EIAR (Yes/NO)	no
Distance from Natura 2000 site in km	Ballynafagh Lake SAC is located c 8km from the subject site.
Description of the project/proposed development – Change of use from a Community Hall to that of a childcare facility	

(B) Identification of Natura 2000 sites which may be impacted by the proposed development			
			Yes/No If answer is yes, identify list name of Natura 2000 site likely to be impacted.
1	**Impacts on sites designated for freshwater habitats or species.** Sites to consider: River Barrow and Nore, Rye Water/Carton Valley, Pollardstown Fen, Ballynafagh lake	*Is the development within a Special Area of Conservation whose qualifying interests include freshwater habitats and/or species, or in the catchment (upstream or downstream) of same?*	**no**

2	**Impacts on sites designated for wetland habitats - bogs, fens, marshes and heath.** Sites to consider: River Barrow and Nore, Rye Water/Carton Valley, Pollardstown Fen, Mouds Bog, Ballynafagh Bog, Red Bog, Ballynafagh Lake	*Is the development within a Special Area of Conservation whose qualifying interests include wetland habitats (bog, marsh, fen or heath), or within 1 km of same?*	**no**
3	**Impacts on designated terrestrial habitats.** Sites to consider: River Barrow and Nore, Rye Water/Carton Valley, Pollardstown Fen, Ballynafagh Lake	*Is the development within a Special Area of Conservation whose qualifying interests include woodlands, dunes or grasslands, or within 100m of same?*	**no**
4	**Impacts on birds in SPAs** Sites to consider: Poulaphouca Resevoir	*Is the development within a Special Protection Area, or within 5 km of same?*	**no**

Conclusion:
If the answer to all of the above is **No**, significant impacts can be ruled out for habitats and bird species.
No further assessment in relation to habitats or birds is required.
If the answer is **Yes** refer to the relevant sections of **C**.

(G) SCREENING CONCLUSION STATEMENT *Selected relevant category for project assessed by ticking box.*		
1	AA is not required because the project is directly connected with/necessary to the conservation management of the site	
2	No potential significant affects/AA is not required	**X**
3	Significant effects are certain, likely or uncertain. Seek a Natura Impact Statement Reject proposal. (Reject if potentially damaging/inappropriate)	
Justify why it falls into relevant category above (based on information in above tables)		

Name:	Lisa Rothwell
Position:	Executive Planner
Date:	28/04/2026

COMHAIRLE CONTAE CHILL DARA

KILDARE COUNTY COUNCIL

Director of Services Order

I, Alan Dunney, Director of Services of Planning, Enterprise & Economic Development, by the powers conferred on the Chief Executive of Kildare County Council under Section 151 of the Local Government Act 2001, as amended by the Local Government Reform Act 2014, and which powers are delegated to me pursuant to Section 154 of the Local Government Act 2001 (as amended) by Chief Executive's Order number: CE63325, do hereby make the following Order:

ORDER NO: DO65311 **Section:** Planning

SUBJECT: ED/1338
Michelle Futter, Maybrook, Dunboyne Road, Maynooth, Co. Kildare W23 H7X2 Exempt Development application whether the change of use from a Community Hall for use as a childcare facility at Newtown Community Centre/Hall, Newtown, Enfield, Co. Kildare A83 YY63 is exempted development

SUBMITTED: File Ref. ED1338 with recommendation from the Senior Executive Planner and reports from the Council's Technical Officers.

ORDER: **I hereby order the following** Kildare County Council, in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act 2000 (as amended) hereby decides that the proposed development is Not Development.

MADE THIS 29th DAY SIGNED: Alan Dunney

OF April YEAR 2026 **DIRECTOR OF SERVICES**

Comhairle Contae Chill Dara
Kildare County Council

Date: 01st April 2026
Our Ref: ED/1338.

Michelle Futter
Maybrook.
Dunboyne Road,
Maynooth,
Co Kildare
W23 H7X2

RE: Application for a Declaration of Exempted Development under Section 5 of Planning and Development Act 2000 (as amended) for development at Newtown Community Centre/Hall, Newtown, Enfield, Co Kildare A83YY63, Co. Kildare.

Dear Sir/Madam,

I acknowledge receipt of your application for a Declaration of Exempted Development under Section 5 of Planning and Development Act 2000 (as amended) received on 31st March 2026 in connection with the above.

Yours sincerely,

Senior Executive Officer,
Planning Department.

Kildare County Council

Declaration of Exempt Development under Section 5, of the Planning and Development Act 2000 as amended

Incomplete application forms will be deemed invalid and returned

All responses must be in block letters

Section 1	Details of Applicants

1. Name of Applicant(s) A. Surname: Futter Forenames: Michelle Desiré
Phone No [redacted] Fax No.....
2. Address Maybrook, Dunboyne Road, Maynooth, County Kildare, W23H7X2

Section 2	Person/Agent acting on behalf of applicant (if applicable)

1. Name of Person/Agent: Surname..... Forenames.....
Phone No..... Fax No.....
2. Address.....
.....

Section 3	Company Details (if applicable)

1. Name of Company: Child Centred Services Ltd – Little Oaks Early Learning Centre
Phone No [redacted] Fax No.....
2. Company Reg. No: 775543

3. Address: At Present: Maybrook, Dunboyne Road, Maynooth, County Kildare, W23H7X2

Section 4	Details of Site

1. Planning History of Site: Original Newtown Primary School and presently Newtown Community Centre/Hall

2. Location of Proposed Development: Newtown, Community Centre/Hall, Newtown, Enfield, County Kildare, A83YY63

3. Ordnance Survey Sheet No.....

4. Please state the Applicants interest in the site: To run an Early Years Service and School Aftercare Service from the premises.

5. Please state the extent of the proposed development: No changes to existing premises are being suggested.

6. Under what Section of the Planning and Development 2000 as amended and/or what provision of the Planning and Development Regulations 2001 as amended is exemption sought *(specific details required)*

Exemption is sought under Article 10 of the Planning and Development Regulations 2001 (as amended), relating to changes of use where no material change to the external appearance of the structure occurs and where the use is compatible with the existing zoning and does not impact on amenity, traffic, or public health.

7. Please give a detailed description of the Proposed Development *(Use separate page if necessary)*

The development is an existing premises which was the original Newtown Primary School and is presently operating as the Newtown Community Centre/Hall. There are no changes to the premises needed to facilitate an Early Years Service and Afterschool Care Service. The main hall will be used as the classroom, Kitchen as the staff room, there are both male and female bathrooms, along with a disabled toilet. This will also be used as the staff toilet. The outdoor space, which is fully fenced, will be set up for the children's outdoor play area. These are all already in place to be facilities.

Section 5	**The following must be submitted for a valid application**

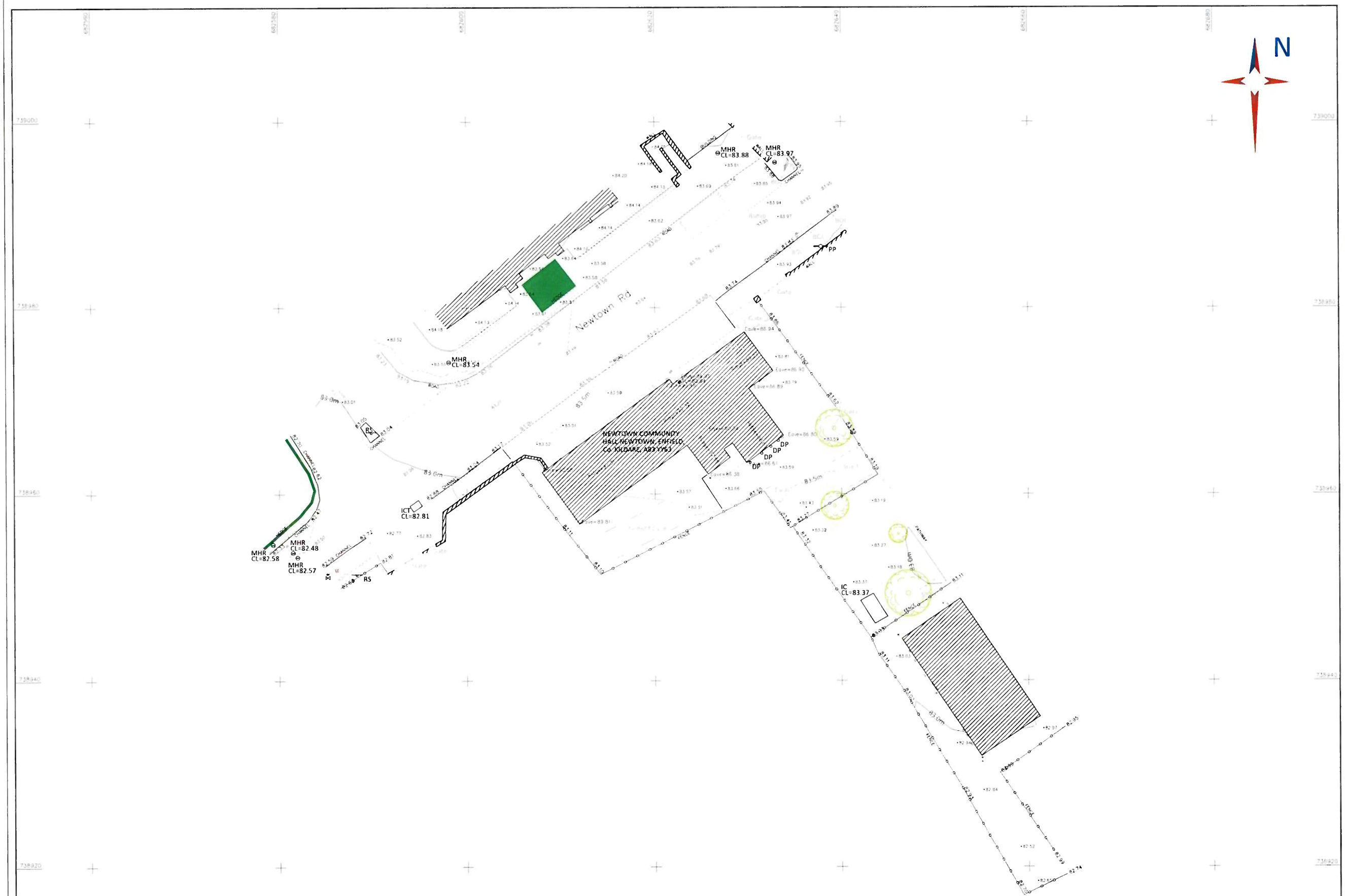
		(Please Tick)
1.	Site Location Map (1:2500 Rural Areas) (1:1000 Urban Areas)	X
2.	A Site Layout Plan (Scale 1:500) in full compliance with Article 23 of Planning and Development Regulations 2001 as amended	X
3.	Drawings of the development (Scale 1:50) in full compliance with Article 23 of Planning and Development Regulations 2001 as amended	X
4.	All drawings to differentiate between the original building, all extensions and proposed development	X
5.	Fee of 80 Euro	X

Section 6	**Declaration**

I, Michelle Futter certify that all the above information is correct, and I have submitted all the required documents as outlined at Section 6 above.

Signature: Futter

Date:31st August2026



Legend - Water - Drainage

Legend - Ground Features

Legend - Roads + Rail

Legend - Roads Markings

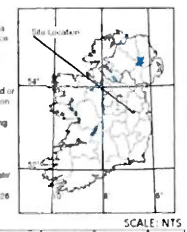
Legend - Buildings - Structures

Legend - Vegetation

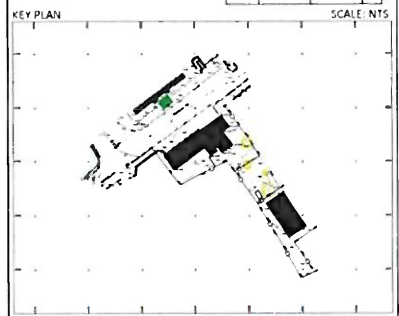
Legend - Services

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KEY PLAN SCALE: NTS



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Tel: +353 (0)45 579 148 **Email:** info@tir3d.ie

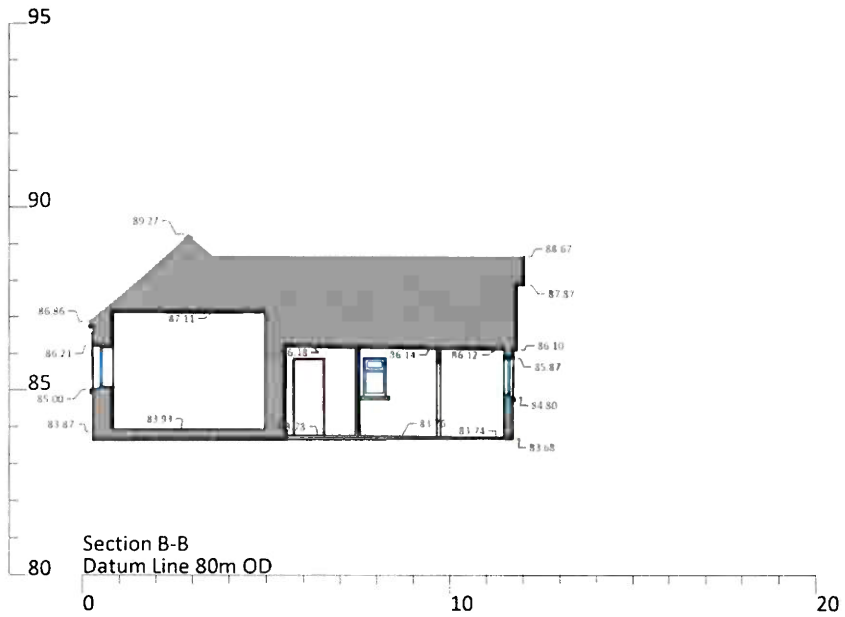
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Location: NEWTOWN COMMUNITY HALL NEWTOWN, ENFIELD, Co. KILDARE, A83 YY63	
Job: Topographical Survey	
Drawing Number: 26036-001	Scale: 1:200 / A1
Coordinate System: ITM	Reference Datum: GPS Derived Malin Hd (OSGM2015)
Surveyed By: LMC, MT	Drawn By: LMC
Date: Surveyed 13/03/2026 Issue 27/03/2026	Checked By: LM



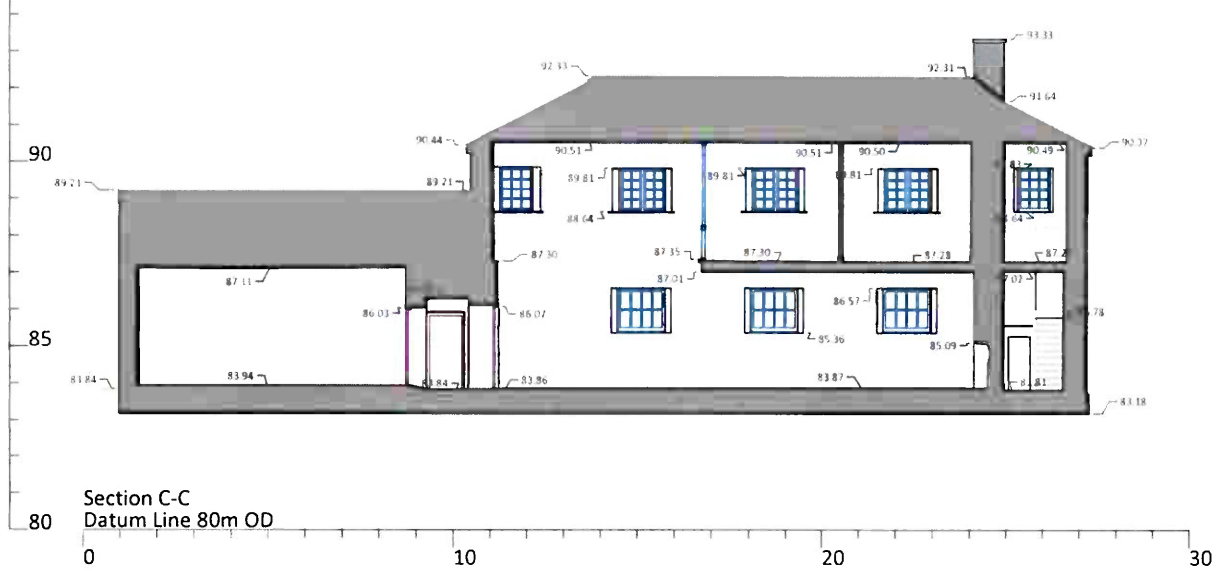
Section A-A
Datum Line 80m OD

0 10 20



Section B-B
Datum Line 80m OD

0 10 20



Section C-C
Datum Line 80m OD

0 10 20 30

Legend - Water Drainage

Legend - Ground Features

Legend - Roads - Rail

Legend - Roads Markings

Legend - Vegetation

Legend - Buildings Structures

Legend - Services

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Site Location

KEY PLAN

SCALE: NTS

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REVISION	DESCRIPTION	DATE

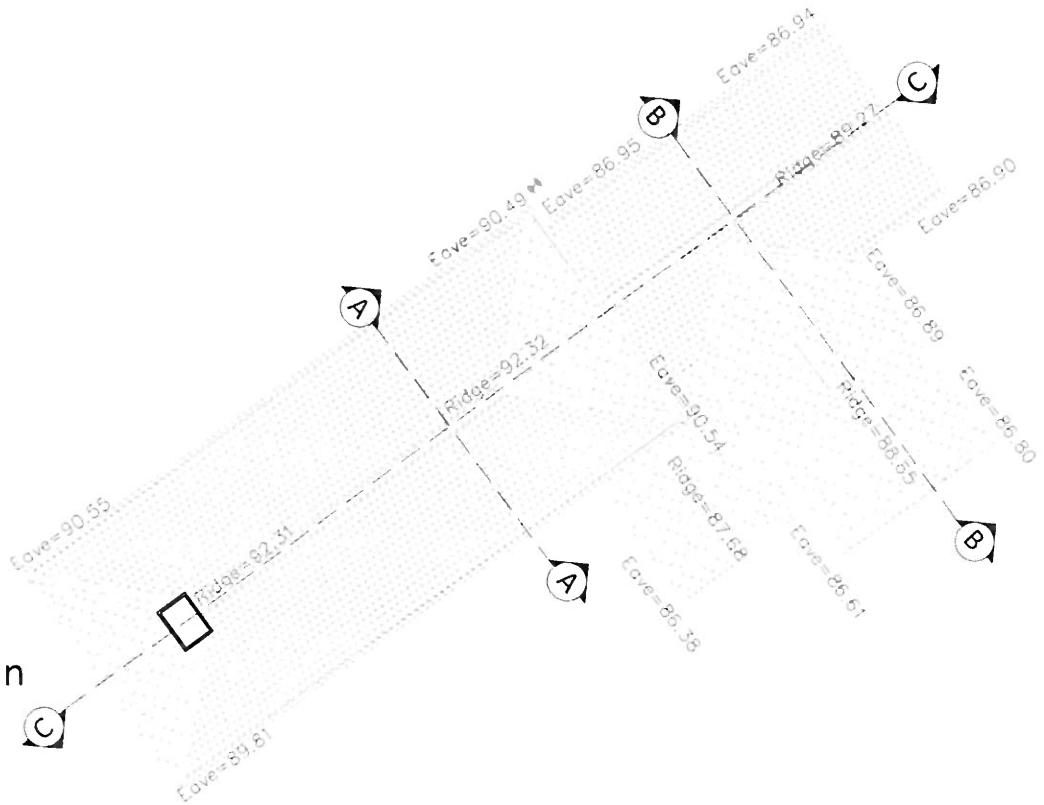
Client: Kilcock & Newtown Parish

Location: NEWTOWN COMMUNITY HALL NEWTOWN, ENFIELD, Co. KILDARE, A83 YY63

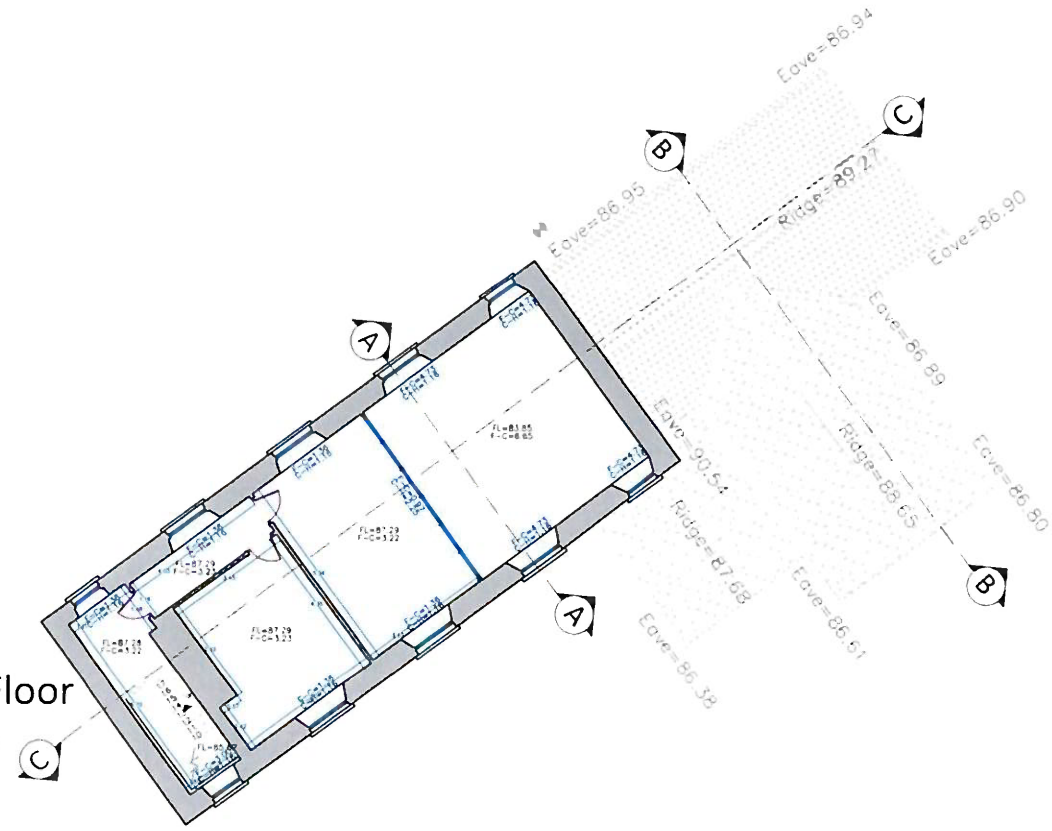
Job: Measured Building Survey - Sections

Drawing Number: 26036-004	Scale: 1:100 / A1
Coordinate System: ITM	Reference Datum: GPS Derived Malin Hd (OSGM2015)
Surveyed By: LMC, MT	Drawn By: LMC
Date: Surveyed 11/03/2026 Issue 27/03/2026	Checked By: LM

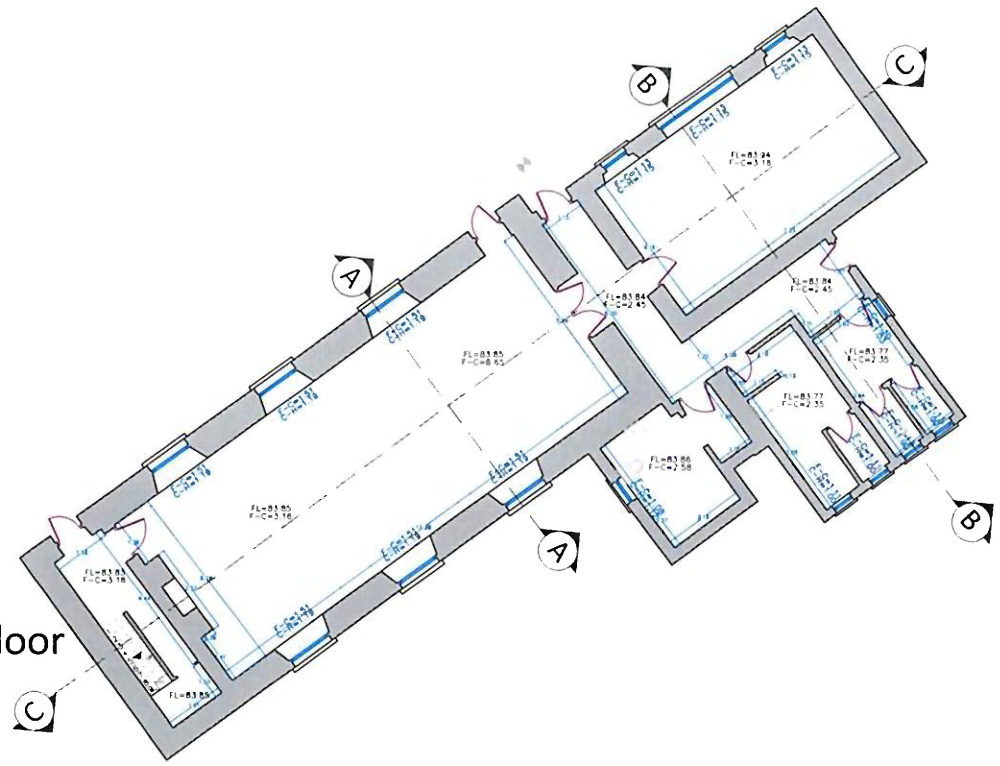
Roof Plan



1st Floor Plan



Ground Floor Plan



Legend - Water / Drainage

Legend - Ground Features

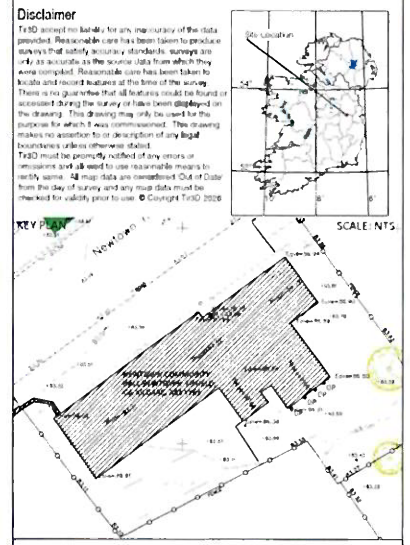
Legend - Roads / Rail

Legend - Roads Markings

Legend - Vegetation

Legend - Buildings / Structures

Legend - Services



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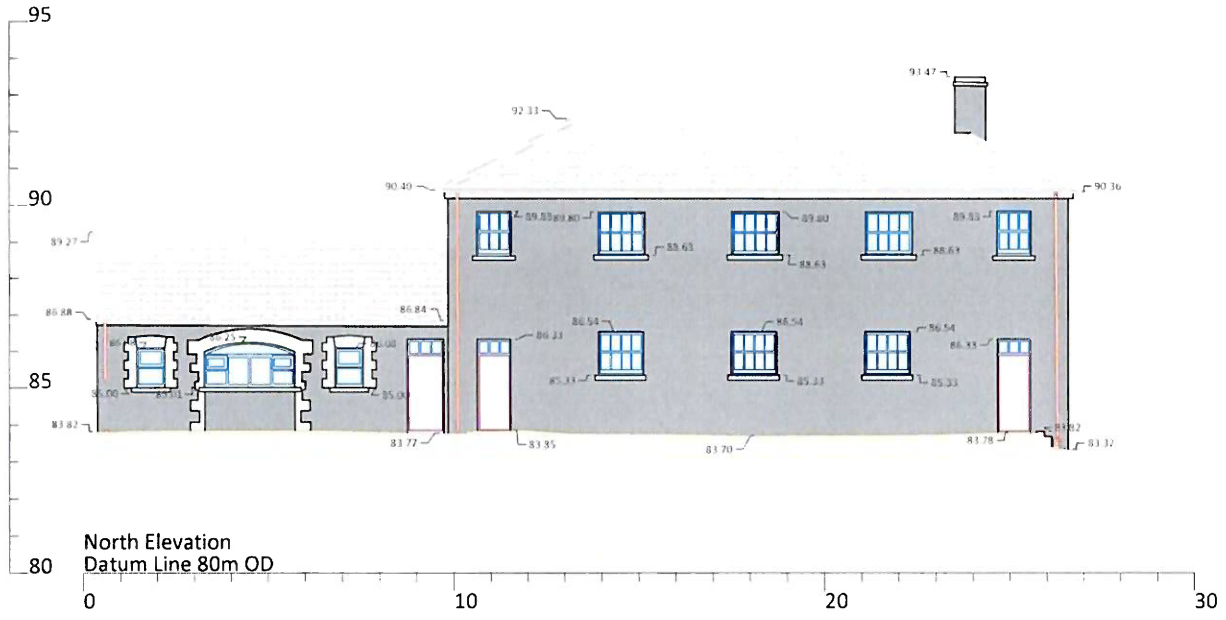
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The Survey Studio,
Ceaderwood Lodge, Moone, Co.Kildare.
R14 RF67

Tel: +353 (0)45 579 148 **Email:** info@tir3d.ie

REVISION	DESCRIPTION	DATE

Client:	Kilcock & Newtown Parish
Location:	NEWTOWN COMMUNITY HALL NEWTOWN, ENFIELD, Co. KILDARE, A83 YY63
Title:	Measured Building Survey - Floor Plans
Drawing Number: 26036-002	Scale: 1:100 / A1
Coordinate System: ITM	Reference Datum: GPS Derived Malin Hd (OSGM2015)
Surveyed By: LMC, MT	Drawn By: LMC
Date: Surveyed 11/03/2026 Issue 27/03/2026	Checked By: LM



North Elevation
Datum Line 80m OD



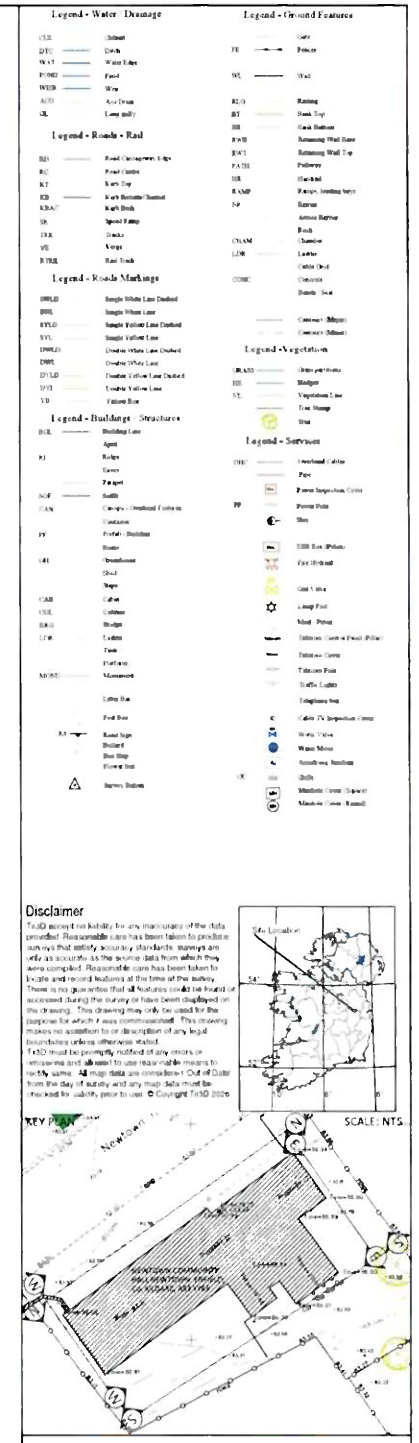
East Elevation
Datum Line 80m OD



South Elevation
Datum Line 80m OD



West Elevation
Datum Line 80m OD



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Tel: +353 (0)45 579 148 **Email:** info@tir3d.ie

REVISION	DESCRIPTION	DATE

Client: Kilcock & Newtown Parish

Location: NEWTOWN COMMUNITY HALL NEWTOWN, ENFIELD, Co. KILDARE, A83 YY63

Job: Measured Building Survey - Elevations

Drawing Number: 26036-003	Scale: 1:100 / A1
Coordinate System: ITM	Reference Datum: GPS Derived Malin Hd (OSGM2015)
Surveyed By: LMC, MT	Drawn By: LMC
Date: Surveyed 11/03/2026 Issue 27/03/2026	Checked By: LM

BOIHSR	365 SECTION 5 APP	80.00			BANK	1979677	1	0		31/03/2026

31/03/2026 — 365 Section 5 Applic + €80.00

Payee Name:	KILDARE COUNTY COUNCIL
Payee IBAN:	IE69 BOFI 9012 3911 0668 06
Originator Name:	MICHELLE FUTTER
Amount:	+ €80.00
Value Date:	31/03/2026
Payment Reference:	365 Section 5 Applic
Originator Reference Party:	Not provided by sender
ID code or Originating reference party:	Not provided by sender
Originator ID:	Not provided by sender
Purposes of the Credit Transfer:	Not provided by sender
Payee Reference Party Name:	Not provided by sender
ID code of Payee Reference Party:	Not provided by sender
Remittance Information:	Section 5 Application- Michelle Futter