

**Guidance information from Wicklow County Council Planning Department received by Wicklow County Childcare Committee on 30<sup>th</sup> September 2019.**

**Queries with respect to Planning Compliance Creche/ Montessori.**

In reference to queries with respect to the 'planning' status of existing crèches/ preschool/Montessori facilities the following is noted:

- Where planning permission has been granted for the use/ development of a crèche/ preschool/Montessori, the relevant permission sets out the details of the permitted development and in the issued Final Grant the conditions that apply to the grant of permission. A permission granted since c. 2007 can be viewed by accessing the online system which are available at <https://www.wicklow.ie/Living/Services/Planning/Planning-Applications/Online-Planning>. If you do not have the reference number of the permission a search can also be carried out online but only from c. 2000. Any searches prior to that date will need to be requested and there is a charge for such searches (€60) and for the retrieval of any files prior to 2011 (€35).
- Where you are aware that no specific planning permission was granted then you may wish to seek your own professional advice to establish that the 'use' is exempted development (i.e. does not require planning permission) having regard to the provisions of the Planning and Development Act 2000 (as amended), and associated Regulations. Your advisor could issue a declaration to confirm the planning status of the development.
- If alternatively you require the Planning Authority to issue a Declaration with respect to the status of the 'use', then you will be required to make a Section 5 Declaration application. The application forms for such declarations are available online at <https://www.wicklow.ie/Living/Services/Planning/Planning-Applications/Exempted-Development>. A fee of €80 applies to any such application. The processing of a declaration takes 4 weeks, subject to all relevant information being submitted with the declaration request.
- However, please note that it should not be automatically assumed that such Declarations will conclude that the use of a facility is exempted development (i.e. does not require planning permission). For example, in the following instances a preschool/Montessori/Creche would not be exempted development (i.e. it would require planning permission), where:
  - the use of a house was changed to use as a Creche/preschool/Montessori
  - The use of a shop was changed to use as a Creche/preschool/Montessori
  - The use of an industrial unit was changed to use as a Creche/preschool/Montessori
  - A Creche/preschool/Montessori was expanded beyond what was originally permitted

This list is not exhaustive and you should seek your own professional advice.

*Please note the use of a house for 'childminding' being an activity of minding no more than 6 children, including the children, if any, of the person minding, in the house of that person, **may be** exempted development having regard to the provisions of Article 10 of the Planning and Development Regulations 2001 (as amended).*