



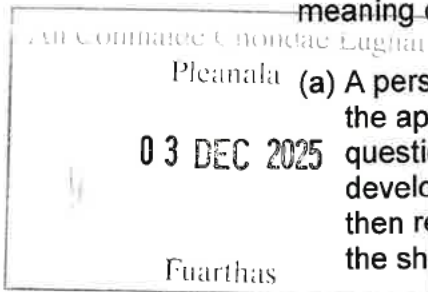
Section 5 Declaration - Application Form

Declaration as to whether development constitutes Exempted Development

Please read "Guidance Notes" before completing this form

Guidance Notes

1. The purpose of Section 5 of the Planning and Development Act 2000, as amended, is to establish if a particular development is or is not development and if it is or is not exempted development within the meaning of the Planning Act.



- (a) A person seeking a determination must ensure under Question 7 (of the application form below) that a question is posed and that the question is clear, for example, is the construction of a shed development and is it or is it not exempted development. Details are then required of the shed so the planning authority can determine if the shed is exempt.
 - (b) The question to be determined should be clear as to whether it relates to an existing development or a proposed development. Details of the nature, size and location of the proposed development should be submitted and appropriate plans and elevations.
 - (c) If the question is not clear to the Planning Authority, the Section 5 application will be returned as invalid.
2. Any person may, on payment of the prescribed fee, currently €80.00 request in writing from the Planning Authority a declaration on a question as whether a particular type of development is exempt.
 3. The Planning Authority is required to make a decision within 4 weeks of receipt of a valid Declaration Request however the Planning Authority can also request Additional Information if it is considered that insufficient information has been submitted.
 4. Any person issued with a declaration may, on payment to the Board of such fee as may be prescribed, currently €220.00 refer a declaration for review by the Board within 4 weeks of the date of the issuing of the declaration.
 5. A planning authority is required to consider whether the development or proposed development identified in the request would be likely to have significant effects on the environment by virtue, at the least, of the nature, size or location of such development.

Section 5 Declaration - Application Form

1. Name and address of person seeking the declaration:

Jadex Limited, [REDACTED]

Phone Number: _____ E-Mail: _____

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

Hughes Planning and Development Consultants, 85 Merrion Square, Dublin 2

Phone Number: [REDACTED] E-Mail: [REDACTED]

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

Hughes Planning and Development Consultants, 85 Merrion Square, Dublin 2

4. Interest in site of the person seeking declaration:

Owner

(If applicant is not freehold owner of the property in question, please provide name and address of owner if known)

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

10 Shop Street, Drogheda, Co. Louth

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

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:

"Whether the continued use of residential apartments at No. 10 Shop Street, Drogheda, Co. Louth, where care is not provided, to house homeless persons, is or is not development?"

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

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:  Date 01/12/2025

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)

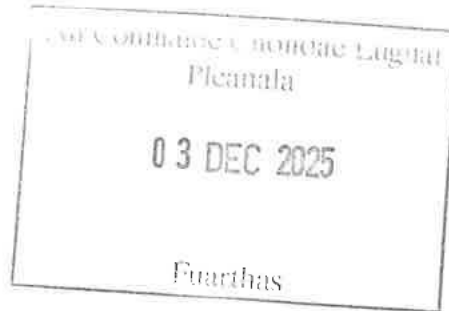
Completed Application Form & Fee of €80.00 may be sent to:

**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.

PLANNING REPORT



SECTION 5 APPLICATION – DECLARATION OF EXEMPTED DEVELOPMENT

No.10 Shop Street, Drogheda, Co. Louth.
(A Protected Structure RPS No. DB-271)

November 2025

SUBMITTED ON BEHALF OF:
Jadex Ltd.,



85 Merrion Square, Dublin 2, D02 FX60
+353 (0)1 539 0710 info@hpdc.ie www.hpdc.ie



1.0 Introduction

Hughes Planning and Development 9. Consultants, 85 Merrion Square, Dublin 2, have prepared this report to accompany an application for a Declaration of Exempted Development, on behalf of Jadex Limited, No. 10 Shop Street, Drogheda, Co. Louth, concerning the use of No. 10 Shop Street, Drogheda, Co. Louth.

The property management and staff provision will solely be the responsibility of our client, the property owner. Staff will visit the site to carry out maintenance and cleaning works only. No element of care be it social, physical or emotional will be provided to residents at this property, nor will any non-governmental organisation or approved housing body be involved.

Therefore, the question before the planning authority is:

“Whether the continued use of residential apartments at No. 10 Shop Street, Drogheda, Co. Louth, where care is not provided, to house homeless persons, is or is not development?”

2.0 Site Description

The subject site comprises a four-storey period building located in the centre of Drogheda on Shop Street. The ground floor comprises a retail unit, with the remaining floors comprising residential units. The subject site is located a short distance from St Peter’s Bus Stop, which is served by bus routes 173 and 168, which provide access to the town centre, the bus station, employment areas, and nearby towns including Dundalk, Dublin and Belfast. The subject site is listed on the Record of Protected Structures.

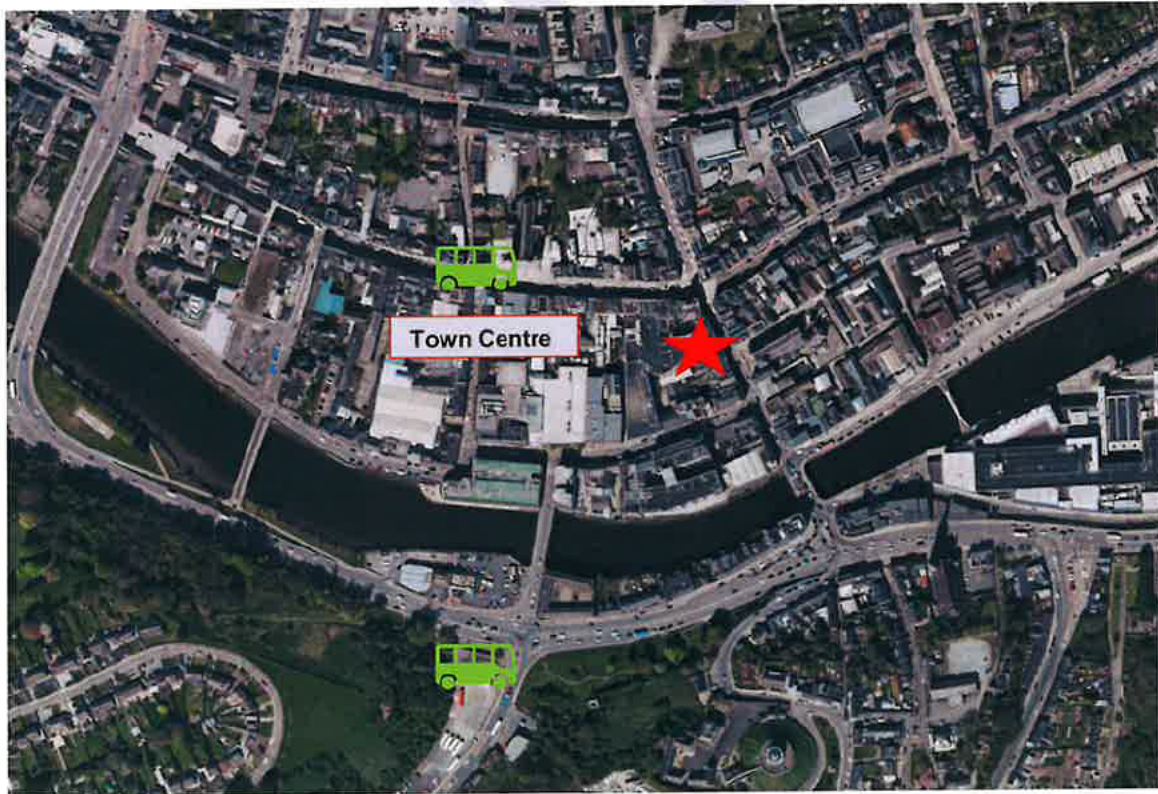


Figure 1.0 Aerial image of the subject site (red star).

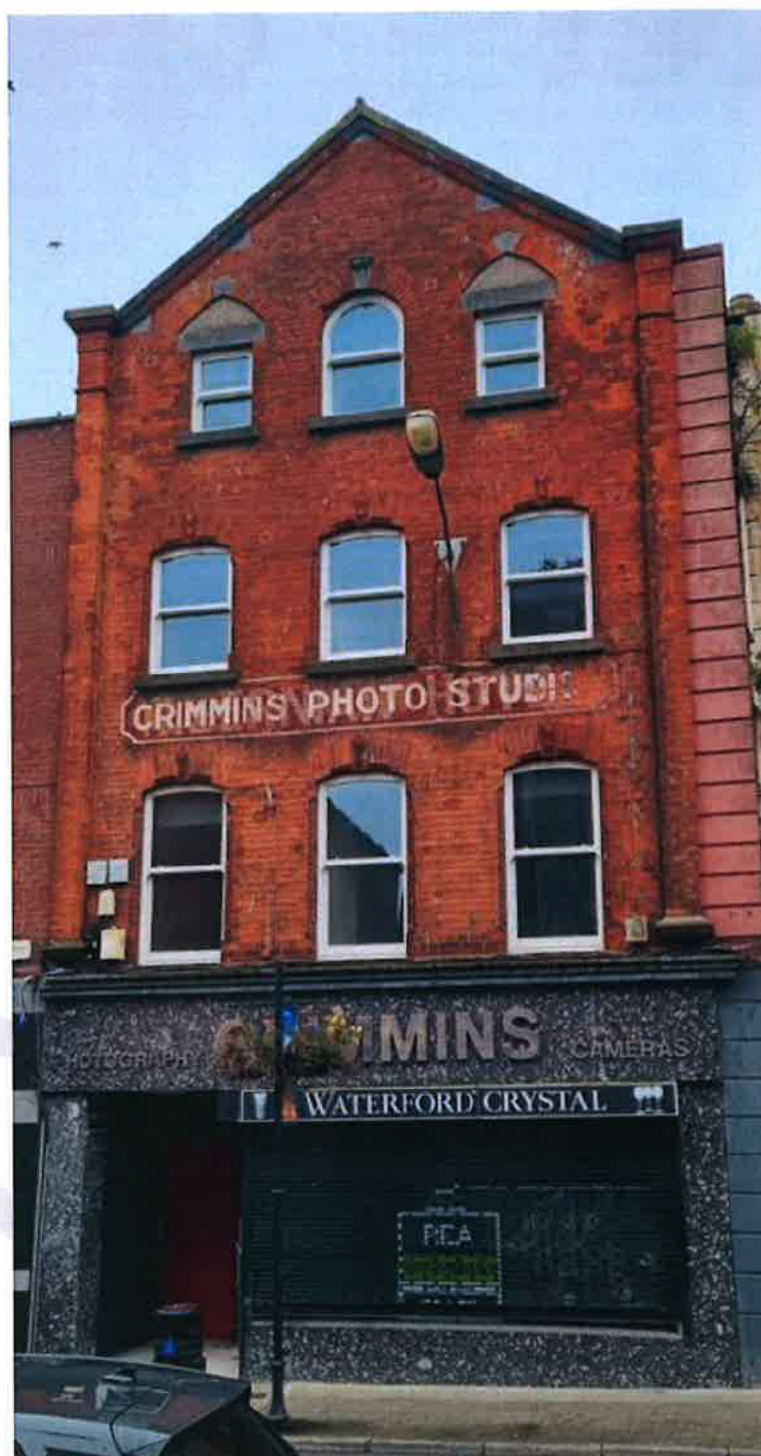


Figure 2.0 Streetview image of the subject site

3.0 Planning History

A review of Louth County Council's online planning registry did not reveal any planning applications associated with the site. The property served as a hotel in the early 20th century, before converting a retail unit at ground floor and bed sits at upper floors.

It is submitted that this subdivision occurred prior to 1963 (i.e. prior to the commencement of the Local Government (Planning and Development) Act, 1963 on 1st October 1964). This is confirmed in the accompanying photographs which show the presence of 9 no. electric meters and door bells.



Figure 3.0 Image showing the doorbells for each apartment



Figure 4.0 Image showing the electric meters for each apartment

It is therefore submitted that the subdivision of the properties into 9 no. units is exempted development and does not require planning permission given its pre-1963 status. In accordance with the Planning and Development Act 2000 (as amended), development which took place before 1st October 1964, is exempted development, whereby an applicant is exempt from the obligation to obtain planning permission. Section 39(4) of the Planning and Development Act, 2000 as amended, outlines the following in relation to pre-1963 development:

'(4) Notwithstanding anything in this Part, permission shall not be required under this Part, in the case of land which, on 1 October 1964, was normally used for one purpose and was also used on occasions, whether at regular intervals or not, for any other purpose, for the use of the land for that other purpose on similar occasions after 1 October 1964.'

4.0 Planning Context

The Louth County Development Plan 2021-2027 is the relevant statutory development plan for the subject site. The following section is a brief zoning review and land use objective for the site.

4.1 Zoning

As per Map 1.1 in the development plan, the subject site is zoned objective 'B1 – Town Centre'. The zoning matrix included in the Louth County Development Plan 2021-2027 indicates permissible and open-for-consideration uses for each zoning objective. 'Permitted in Principle' uses are generally acceptable subject to the normal planning process and compliance with the relevant policies and objectives, standards and requirements set out in the Plan.

Residential uses are permitted in the zoning objective for the subject site.

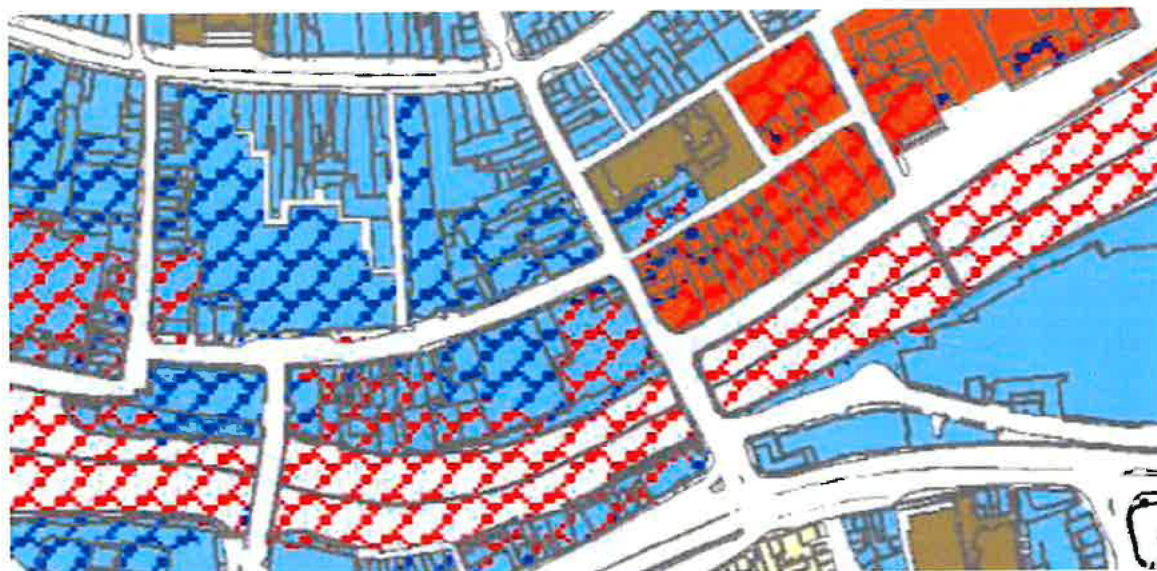


Figure 5.0 Extract from Map 1.1 in the Louth County Development Plan 2021-2027 showing the site (red star) zoned objective 'B1 – Town Centre'

We note that residential use is a permissible use on subject lands. As such, the proposed use of the property is in accordance with 'B1' zoning object of the Louth County Development Plan 2021-2027.

5.0 Development

Under Section 2(1) of the Planning and Development Act 2000 (as amended), 'development' is assigned the meaning set out under Section 3 (1) as follows: -

"In this Act, 'development' means, except where the context otherwise requires, the carrying out of works on, in, over or under land or the making of any material change in the use of any structures or other land."

This declaration seeks clarification on the continued use of the 9 no. residential apartments at No. 10 Shop Street as dwellings that provide accommodation to homeless persons but do not provide care. From the outset, it is contended that this does not constitute development as no change of use has occurred.

It is noted that legislation does not define the phrase 'material change of use' as used in Section 2(1) of the Act. To determine the materiality of the change, the practical impacts and effects of the proposed change of use and whether it would have led to materially different planning considerations by the Planning Authority are considered in this determination.

It is submitted that there will be no discernible change to the use of the building other than the socio-economic class associated with the inhabitants occupying the building which should not be taken into consideration when having regard to whether a material change of use has occurred as evidenced by the Supreme Court *Dublin Corporation v Moore* [1984] ILRM 339 in which the judge stated:

"I can well understand the objection voiced by Mr Heneghan in his affidavit, to which I have referred - the residents of a quiet suburb naturally resent the presence of what may well be out of keeping with what they conceive to be the standards appropriate to the neighbourhood. There cannot, however, be one law for Cabra and another for Clondalkin - yet others for Finglas and Foxrock. Considerations of this kind are not appropriate to planning law - if they were, they might well offend against rights of equality."

It is considered that if this were a planning application for 9 no. studio apartments, the planning authority would not include conditions prohibiting accommodation to people of particular socioeconomic backgrounds.

The subject site is a residential building which has 9 no. apartments. Residents will be free to enter and exit the house throughout the day like any tenant renting from a private landlord. Staff employed by our client will be present in the property, with their duties comprising the cleaning and maintenance of the property. This is akin to any apartments building.

This building will provide long-term accommodation with residents living there for a minimum of 12 months or more. It is submitted that the continued use of the property to provide residential accommodation is not development as no material change of use has occurred.

This application is supported by a recent decision by Dublin City Council regarding a similar declaration issued under Reg. Ref. 0267/24. In that case, the Planning Authority declared that *the continued use of a residential building which was subdivided into 12no. bedsit rooms prior to the coming into force of the Planning & Development Act 1963 to house homeless persons in 11no. net bedrooms, does not constitute a material change of use and, therefore, does not constitute development for the purpose of the Act.*

In considering the above, it is submitted that the use of No. 10 Shop Street as a long-term residential building to house homeless persons, which does not provide care, does not constitute a change of use and therefore, does not constitute development in accordance with the Planning and Development Act 2000 (as amended). This application does not pertain to the retail unit at ground floor.

6.0 Conclusion

It is proposed to use the subject site at No. 11 Shop Street, as apartments to provide accommodation to homeless persons. This facility will not provide care to residents. The building has been in use as a residential building since the early 20th century and the continued use of the building to provide residential accommodation does not constitute development as no change of use has occurred, nor have any works been carried out to the property.

Therefore, the question before the planning authority is:

"Whether the continued use of residential apartments at No. 10 Shop Street, Drogheda, Co. Louth, where care is not provided, to house homeless persons, is or is not development?"

Accordingly, we request a declaration to this effect from Louth County Council under Section 5 of the Planning and Development Act 2000 (as amended). Should you have any queries or require any further information including access to the building, please do not hesitate to contact the undersigned.



Kevin Hughes MIPI MRTPI
Director for HPDC

Land Registry Compliant Map



CENTRE COORDINATES:
ITM 708910,775106

PUBLISHED:
01/12/2025

ORDER NO.:
50505630_1

MAP SERIES:
1:5,000
1:1,000

MAP SHEETS:
2319
2319-17

COMPILED AND PUBLISHED BY:
Tailte Éireann,
Phoenix Park,
Dublin 8,
Ireland.
D08F6E4

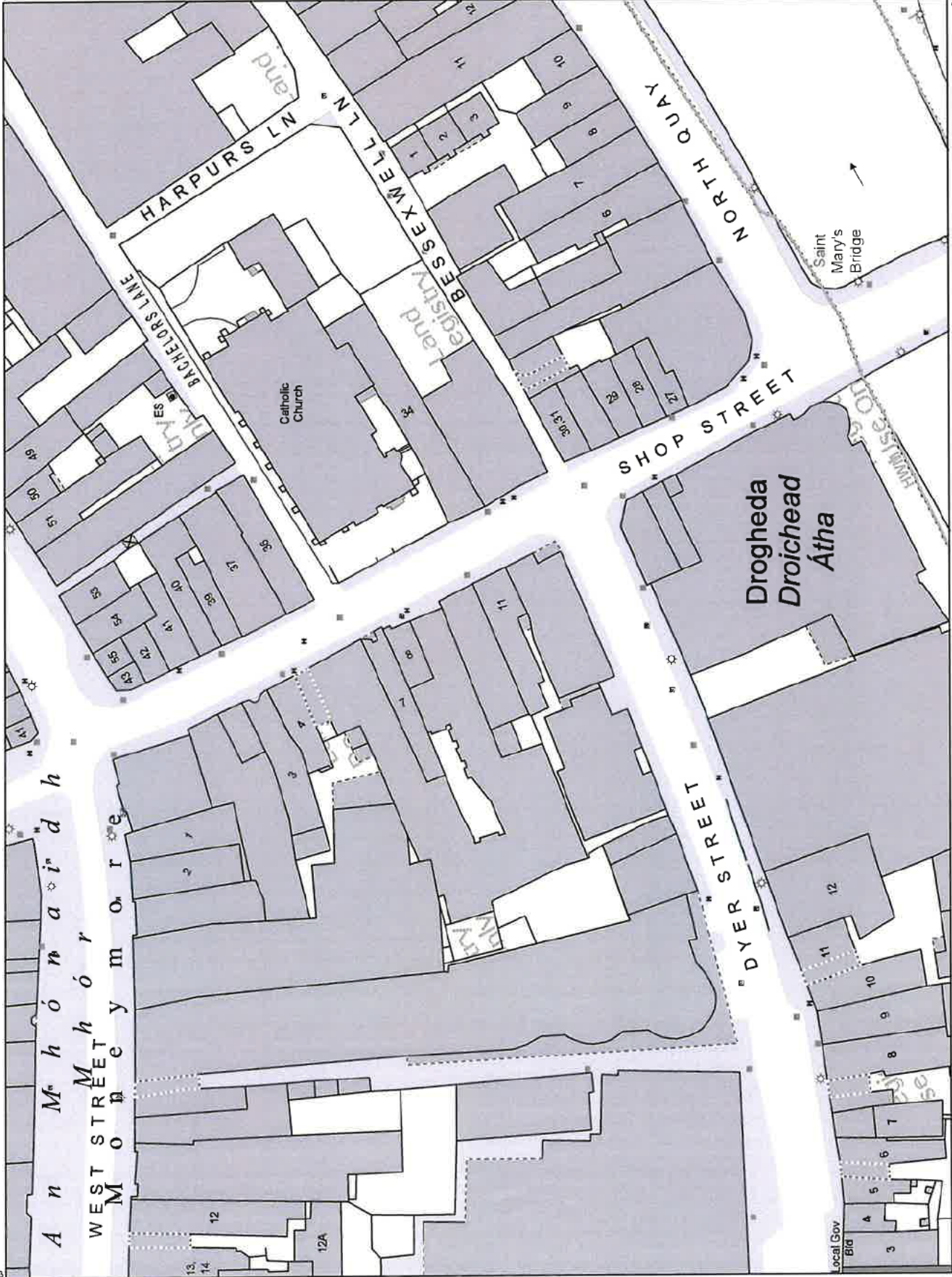
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The representation on this map of a road, track or footpath is not evidence of the existence of a right of way.

This topographic map does not show legal property boundaries, nor does it show ownership of physical features.

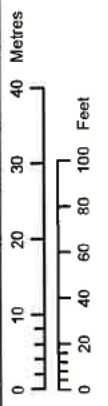
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LEGEND:
To view the legend visit www.tailte.ie and search for 'Large Scale Legend'

CAPTURE RESOLUTION:
The map objects are only accurate to the resolution at which they were captured. Output scale is not indicative of data capture scale. Further information is available at: www.tailte.ie, search 'Capture Resolution'

OUTPUT SCALE: 1:1,000



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Louth County Council
Section 5 Declaration

Planning Ref: 2025/90

Applicant's Name: Jadex Limited.

Type of Application: Section 5 Declaration

Development: Whether the continued use of residential apartments at No. 10 Shop Street, Drogheda, Co. Louth, where care is not provided to homeless people, is or is not development.

Site Location: 10 Shop Street, Drogheda, CO. Louth.

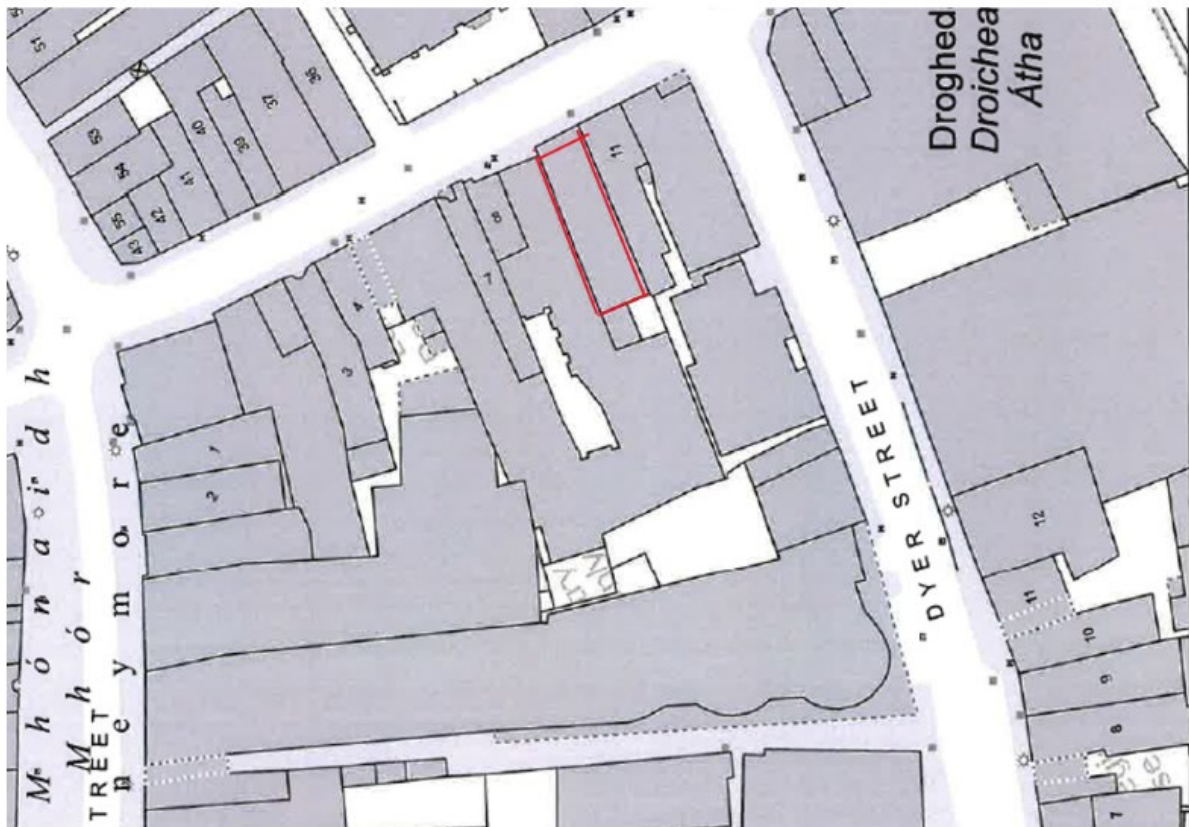
Report Date 17th December 2025

Due Date: 19th December 2025

1.0 SITE LOCATION AND DESCRIPTION

The subject site is located at 10 Shop Street, within the town centre of Drogheda on lands zoned as 'B1 – Town or Village Centre' which has an objective to 'To support the development, improvement and expansion of town or village centre activities.'. The site comprises of a four-storey period building which is listed on the Record of Protected Structures (reg No: 13622020). The ground floor comprises a retail unit, with remaining floors comprising of 9 no. apartments. The subject site is located within an ACA area (West Street and surrounding shopping streets forming Drogheda's shopping core). It is also located within an Archaeological zone of notification. The site adjoins commercial/residential buildings to the north and south. St Augustine's Church is directly opposite the site.

Image 1: location of subject site (10 Shop Street, Drogheda):



2.0 PLANNING HISTORY

None attached to the subject site.

**NB - The information submitted indicates that the building was formerly in use as a hotel in the early 20th century and subsequently converted to a retail unit at ground floor level with bed sits on the upper floors. It is stated that this subdivision occurred prior to the introduction of the Planning Acts in 1963. Photographs submitted show individual electric meters and doorbells associated with the apartments.*

3.0 DECLARATION SOUGHT

The applicant's submitted question for determination relates to whether:

"...the continued use of residential apartments at No. 10 Shop Street, Drogheda, Co. Louth, where care is not provided, to home homeless persons, is or is not development?"

The applicant has submitted the following supporting details:

- An application form
- Planning Report, prepared by Hughes Planning Consultants.

- A Site location map.

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 granted. 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, the planning officer is satisfied that there is no real likelihood of significant effects on the environment and as such, an EIAR is not required.

5.0 APPROPRIATE ASSESSMENT

No screening report has been provided with this application. 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.

6.0 LEGISLATIVE CONTEXT

S.I. No. 662/2024 - The Planning and Development Act 2024 (Commencement) Order 2024

The Planning and Development Act 2024 (Commencement) Order 2024 states:
"The 2nd day of December 2024 is appointed as the day on which the following provisions of the Planning and Development Act 2024 (No. 34 of 2024) shall come into operation:

- (a) Sections 1 to 5;
- (b) Part 26

The Planning and Development Act 2024

Section 2 states:

"development" means—

- (a) *the carrying out of works—*
 - (i) *on, in, over or under land, or*

(ii) on, in, over or under the maritime area,

or

(b) the making of a material change in the use of—

(i) land or any structure on land, or

(ii) the sea, seabed or any structure, in the maritime area,

and includes the reclamation of land in the nearshore 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) 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;

“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.

The Planning and Development Act, 2000 (as amended)

Section 4:

Section 4(1) provides a list of statutory exempted development.

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

Section 5 states:

- (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:

Section 32 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 57:

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

- a. The structure, or
- b. any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest.

The Planning and Development Regulations, 2001 (as amended)

Part 2 – Exempted Development

Article 5(1) ‘interpretation for this part’.

“care” means personal care, including help with physical, intellectual or social needs.

Article 6:

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.

Article 9:

Article 9(1) provides detailing on restrictions on exemption.

Article 10;

Changes of use.

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.

Part 4, schedule 2 Exempted Development – Classes of Use (Art 10 (1) refers)

Class 9

Use-

- (a) for the provision of residential accommodation and care to people in need of care (but not the use of a house for that purpose),

7.0 ASSESSMENT

The applicant states that the building contains a retail unit at ground floor level with 9 no. apartments located on the first, second and third floors. The applicant states that there will be no discernible change to the use of the building. It is further stated that

no element of care will be provided, whether social, physical or emotional, to the residents at the property. In addition, it is stated that residents will be free to enter and exit the property throughout the day like any tenant renting from a private landlord.

It is stated that staff employed by the owner will be present in the property, with their duties comprising cleaning and maintenance of the property only. The Planning Officer acknowledges that the presence of staff for cleaning and maintenance purposes does not constitute “care” as defined under Part 2, Article 5 (1) of the Planning and Development Regulations 2001 (as amended). The submission states that the building will provide long-term accommodation to residents, with occupation for a minimum period of 12 months or more.

No site inspection was undertaken in this instance. The assessment has been carried out on the basis of the information submitted with the request together with publicly available records. Given that no works are proposed and the question relates solely to the nature of the use, it is considered that a site inspection was not required.

The question raised by the applicant relates to the “continued use” of the property. No external works to the existing structure or internal reconfiguration are proposed as part of this declaration. Having regard to the statutory definition of development under section 2 of the Planning and Development Act 2024, the Planning Authority must assess whether the continued use of the property would constitute development by reason of a material change of use.

Where residential accommodation is occupied and no care is being provided, the use does not fall within Class 9 of Part 4, Schedule 2 of the Planning and Development Regulations 2001 (as amended). The main issue for consideration is whether the continued use of the property would give rise to a material change in the character of the use.

It is noted that the Planning and Development Act 2000 (as amended) does not provide a statutory definition of what constitutes a “material change” of use. Accordingly, the question of materiality must be assessed having regard to the nature of the use itself, together with the likely planning impacts arising from that use, and whether such use would give rise to materially different planning considerations.

In this particular case, the initial matter for consideration is the nature of the existing use of the property. The planning report submitted indicates that the subject building formerly operated as a hotel in the early 20th century and subsequently converted to a retail unit at ground floor level with bed-sits at upper floor levels. It is submitted that this subdivision occurred prior to the introduction of the Planning Act in 1963.

Photographic evidence has been submitted showing 9 no. electric meters and doorbells associated with the upper floor units. However, it is noted that the applicant has not submitted any existing or proposed floor plans of the building, nor has any information been provided regarding the number of persons to be accommodated within the apartments. In the absence of this information, the Planning Authority is unable to fully assess the nature and intensity of the use of the property.

It is considered that the number of occupants and the internal layout of the accommodation are material considerations in assessing whether a use constitutes a material change of use. Accordingly, in the absence of this information, it is considered that the Planning Authority is unable to make a determination in relation to the question raised within the Section 5 Declaration form. The applicant is required to provide this information by way of Further Information.

8.0 Recommendation

Having regard to the foregoing, it is considered that insufficient information has been submitted with the application to determine whether the continued use of residential apartments at No. 10 Shop Street, Drogheda, where no care is provided, to house homeless people constitutes development within the meaning of Section 2 of the Planning and Development Act 2024. In the absence of existing and proposed floor plans and details on the number of people to be accommodated within the building, a full assessment cannot be carried out to establish whether the use would give rise to a material change of use. It is therefore recommended that Further Information be sought requiring the applicant to submit the above details.

Further Information:

1. The applicant is required to provide the following information:
 - a. Submission of existing and proposed internal floor plans together with internal photographs of the building.
 - b. Details on the maximum number of people to be accommodated within the existing apartments.



Helen Conlon

Executive Planner

Date: 17/12/2025



Turlough King

Acting Senior Planner

Date:

Thomas McEvoy

Director of Services

Date:



LOUTH COUNTY COUNCIL

REGISTERED POST

Jadex Limited
c/o Hughes Planning & Development Consultants
85 Merrion Square
Dublin 2

Planning Section
Town Hall
Crowe Street
Dundalk
Co. Louth
Tel: 042-9335457

Date: 22nd December 2025

SECTION 5 FURTHER INFORMATION REQUEST

Re: Application for Declaration of “Exempted Development” Part 1 Section 5, Planning & Development Act 2000 (as amended):- as to whether the continued use of residential apartments at No. 10 Shop Street, Drogheda, Co. Louth, where care is not provided to house homeless people is or is not development.

APPLICANT – Jadex Limited

REF. NO. S5 2025/90

Dear Sir/Madam,

Further to your application received on 03rd December 2025 the Planning Authority will not be in a position to determine whether the works constitute Exempted Development until such time as the following further information is submitted: -

1. The applicant is required to provide the following information:
 - a. Submission of existing and proposed internal floor plans together with internal photographs of the building.
 - b. Details on the maximum number of people to be accommodated within the existing apartments.

This matter is being dealt with by **Helen Conlon, Executive Planner, Louth County Council** who can be contacted on 042-9335457.

Yours faithfully,

Niamh Lynch
Planning Section

85 Merrion Square, Dublin 2, D02 FX60

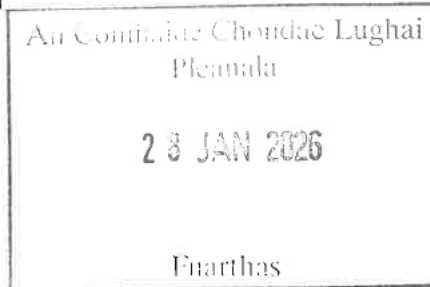
T +353 (0)1 539 0710

E info@hpdc.ie

www.hpdc.ie



Planning Department,
Louth County Council,
Town Hall,
Crowe Street,
Dundalk,
Co. Louth.



20th January 2026

Re: Response to Request for Additional Information for the Section 5 Application Pertaining to No. 10 Shop Street, Drogheda, Co. Louth

Dear Sir/Madam,

Hughes Planning and Development Consultants, 85 Merrion Square, Dublin 2, have prepared this response on behalf of Jadex Limited, in response to the Council's request for Additional Information pertaining to the Section 5 application submitted under Reg. Ref. S5 2025/90. This request for Additional Information was received from Louth County Council dated 22nd December 2025. The Section 5 application seeks a declaration for the following proposal, the description being as per the statutory notices:

"Whether the continued use of residential apartments at No. 10 Shop Street, Drogheda, Co. Louth, where care is not provided, to house homeless persons, is or is not development?"

This letter sets out the following items to take into account, our responses are reflected below:

Item No. 1 – Occupancy and Floor Plans

The applicant is required to provide the following information:

- a. Submission of existing and proposed floor plans together with internal photographs of the building.*
- b. Details on the maximum number of people to be accommodated within the existing apartments.*

Applicant's Response

In response to Item No. 1, the following table has been prepared showing the number of occupants proposed for the residential dwelling on the subject site. It is intended that the property will be used to provide accommodation to families currently listed on County Council Homeless Registers on the east coast.

It is considered a normal level of occupancy for each apartment, given the makeup of the building and the facilities provided. It is noted that planning legislation does not prohibit a certain number of persons from inhabiting a dwelling. It is not considered a material change of use. It is noted that a similar query was posed by Monaghan County Council when deciding in a similar case in Clones under Reg. Ref. EX25-101. The council determined that the occupancy was acceptable given the fact that families were living in each apartment. The council ultimately decided that use of residential apartments, where care is not provided, to house persons seeking international protection did not constitute development.

In another case, Dublin City Council determined that the use of a house to provide accommodation to homeless persons where care was not provided did not constitute development under Reg. Ref. 0267/24. Both cases provide a strong precedent for the use of residential dwellings to provide long-term accommodation to homeless persons.

Unit Number	Unit Type	Number of Persons
Unit 1	Studio	3-4
Unit 2	Studio	3-4
Unit 3	Studio	3-4
Unit 4	Three Bed	5-6
Unit 5	One Bed	4-5
Unit 6	Three Bed	5-6
Unit 7	One Bed	4-5
Unit 8	Studio	3-4
Unit 9	One Bed	4-5

Table 1.0 Table showing the number of people accommodated in each room.

The subject site is a residential building and has been in continuous use as a residential property since the 1950s. Each family will have their own apartment, and there are no communal facilities. Residents are free to enter and exit the building throughout the day like any tenant renting from a private landlord. A management company maintains the building, as is common with most apartment complexes. This building provides long-term accommodation with residents living there for a minimum of 12 months. It is submitted that the continued use of the property to provide residential accommodation is not development as no material change of use has occurred.

The internal layout of the property is shown in the floor plans included below and attached at full scale to this Request for Further Information response. Photographs of the internal layout of the property are included in the Appendix.

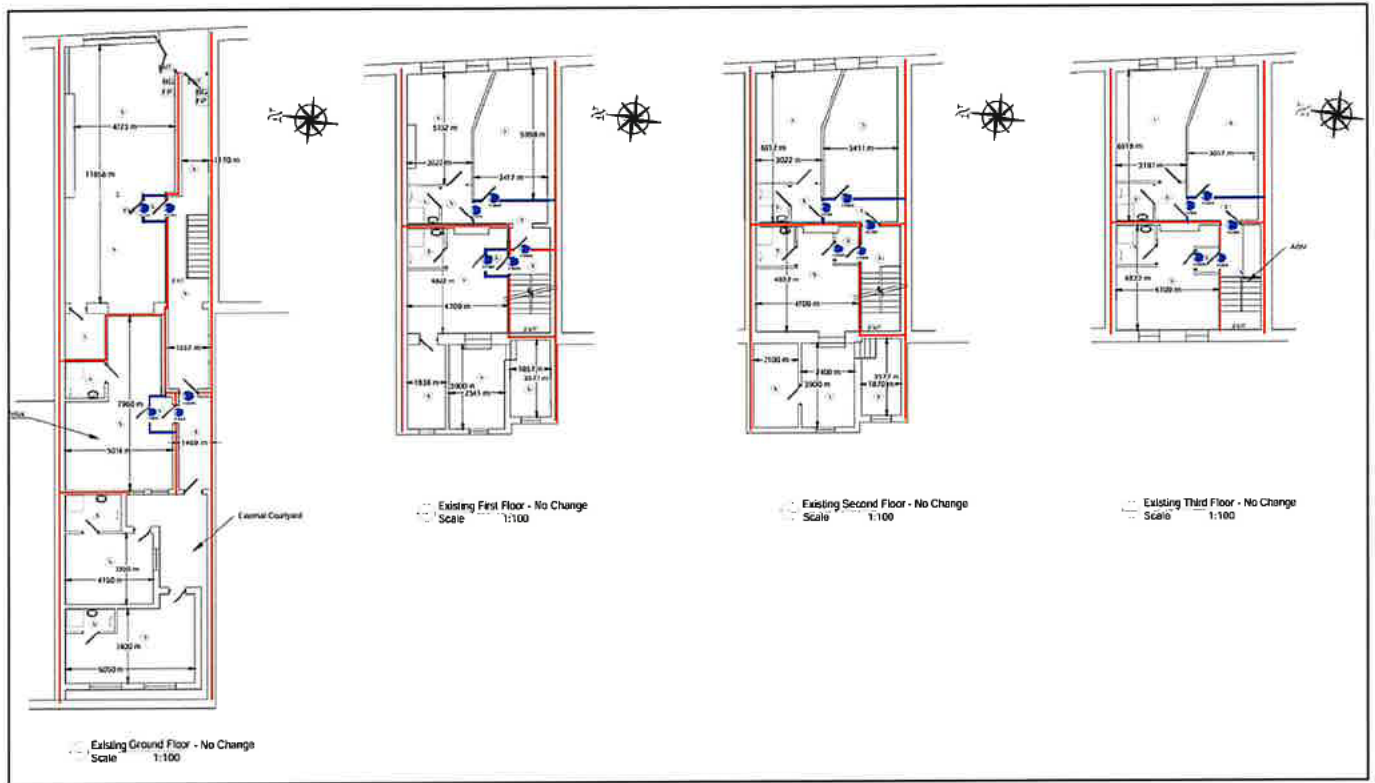


Figure 1.0 Floor plans of the subject site, showing the existing internal layout of the property.

In summary, the building will function as a residential dwelling, and the proposed use is consistent with its established residential function. The additional services provided are administrative in nature, ensuring the maintenance and security of the building without constituting personal care services.

We trust that the enclosed responses are in order and look forward to a decision from Louth County Council in due course.

Should you have any questions, please do not hesitate to contact the undersigned.

Yours sincerely,

Kevin Hughes MIPI MRTPI
Director of HPDC



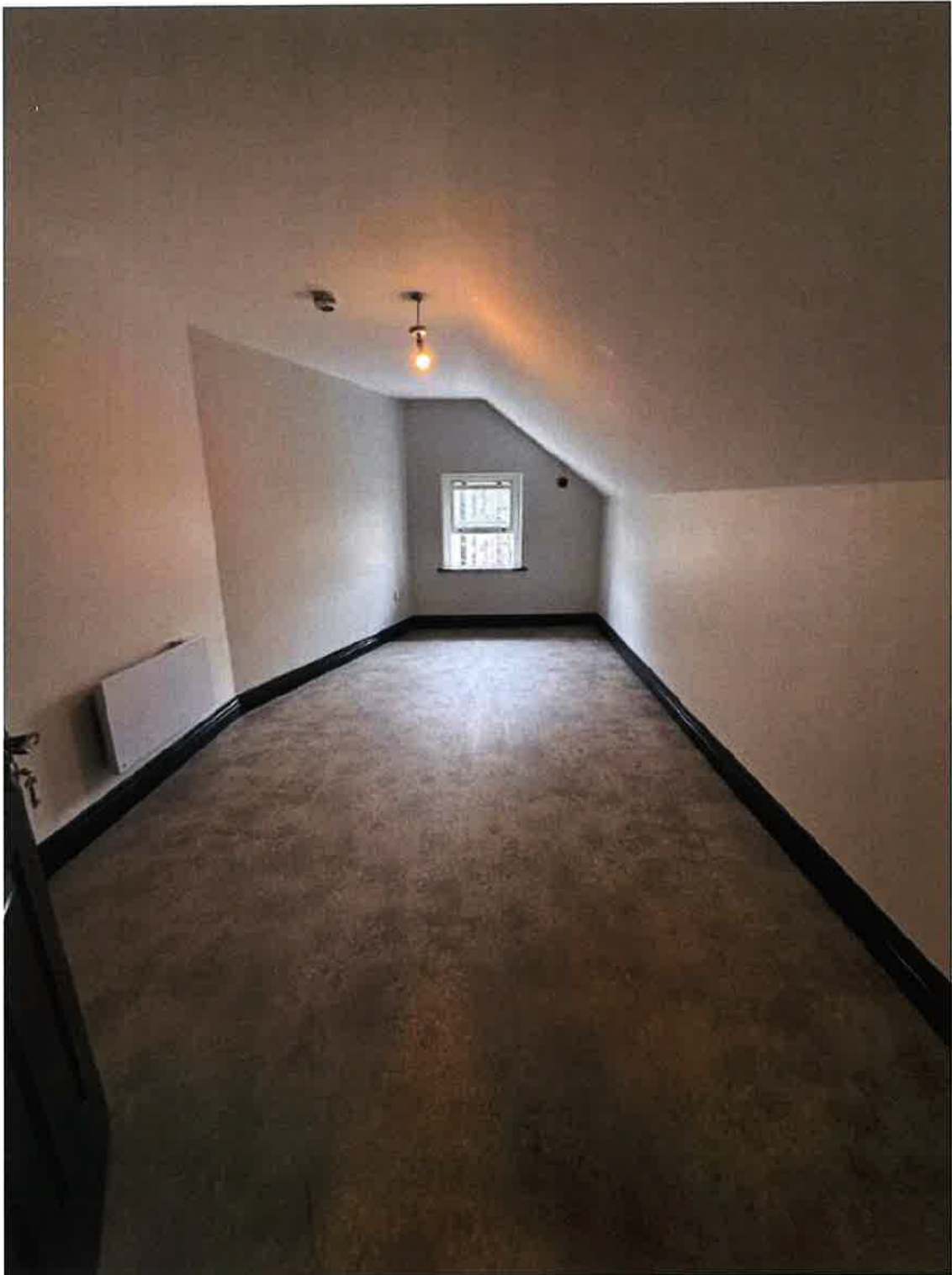
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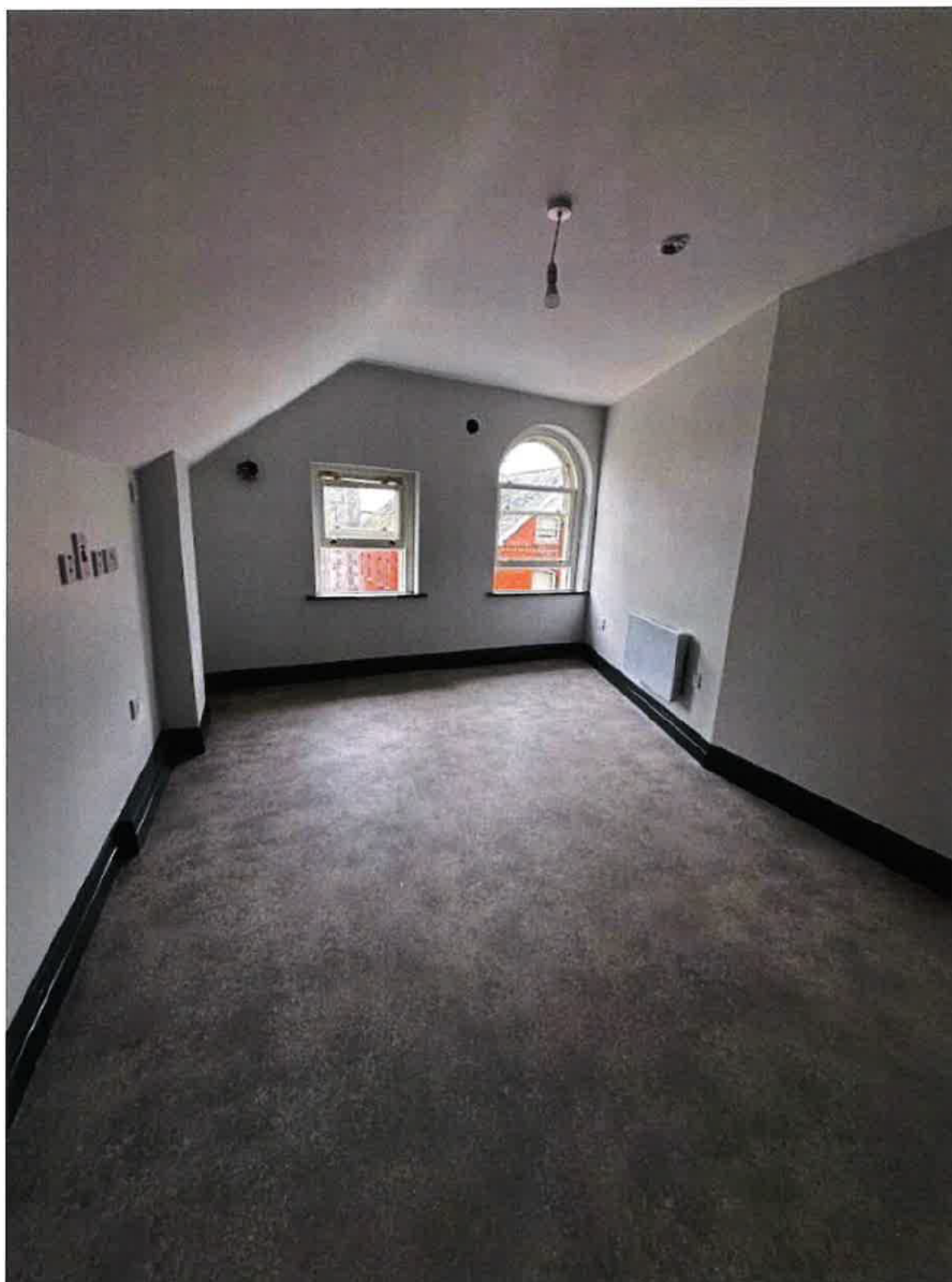
T +353 (0)1 539 0710

E info@hpdc.ie

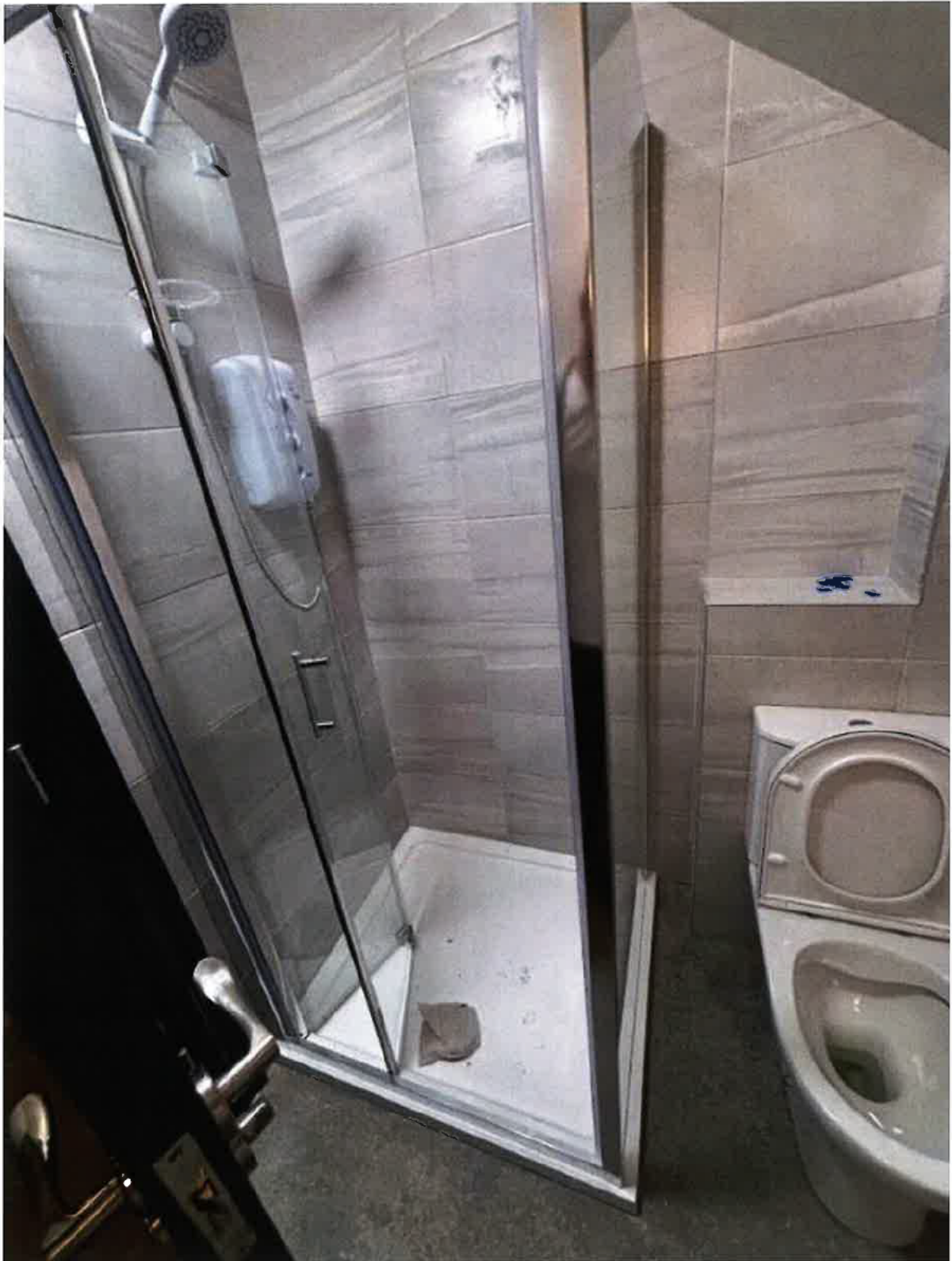
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Appendix 1 – Photographs of the Internal

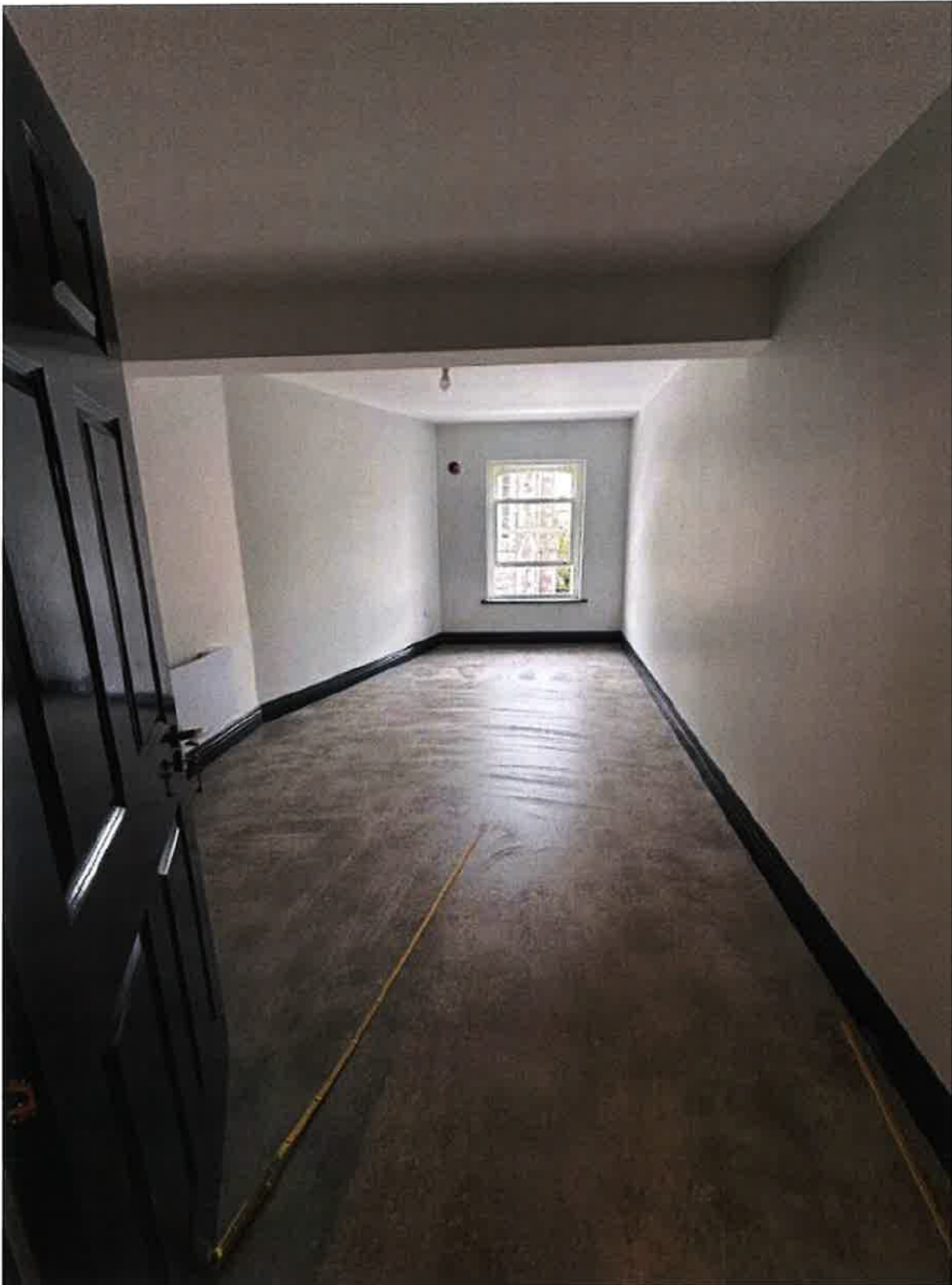


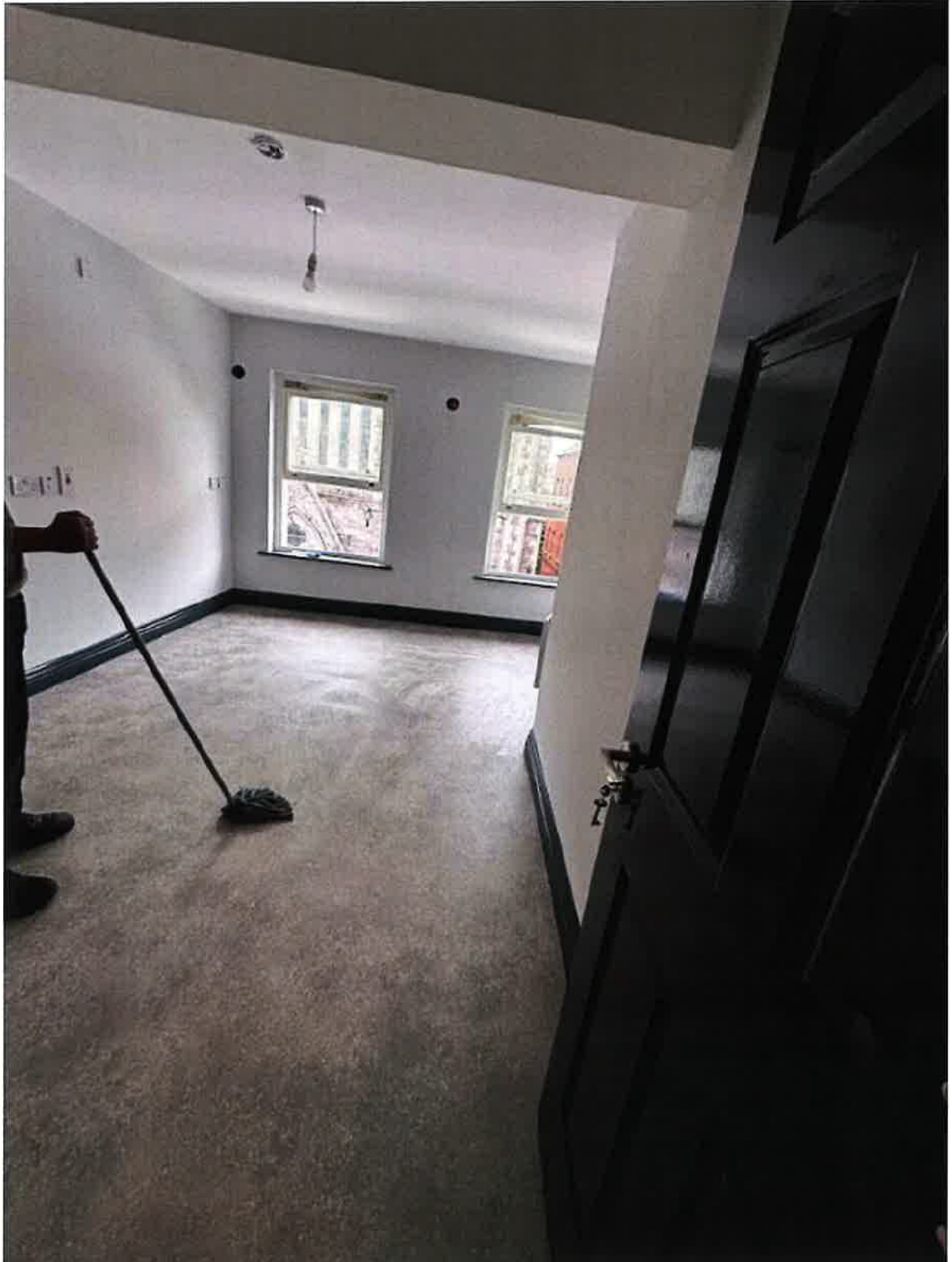




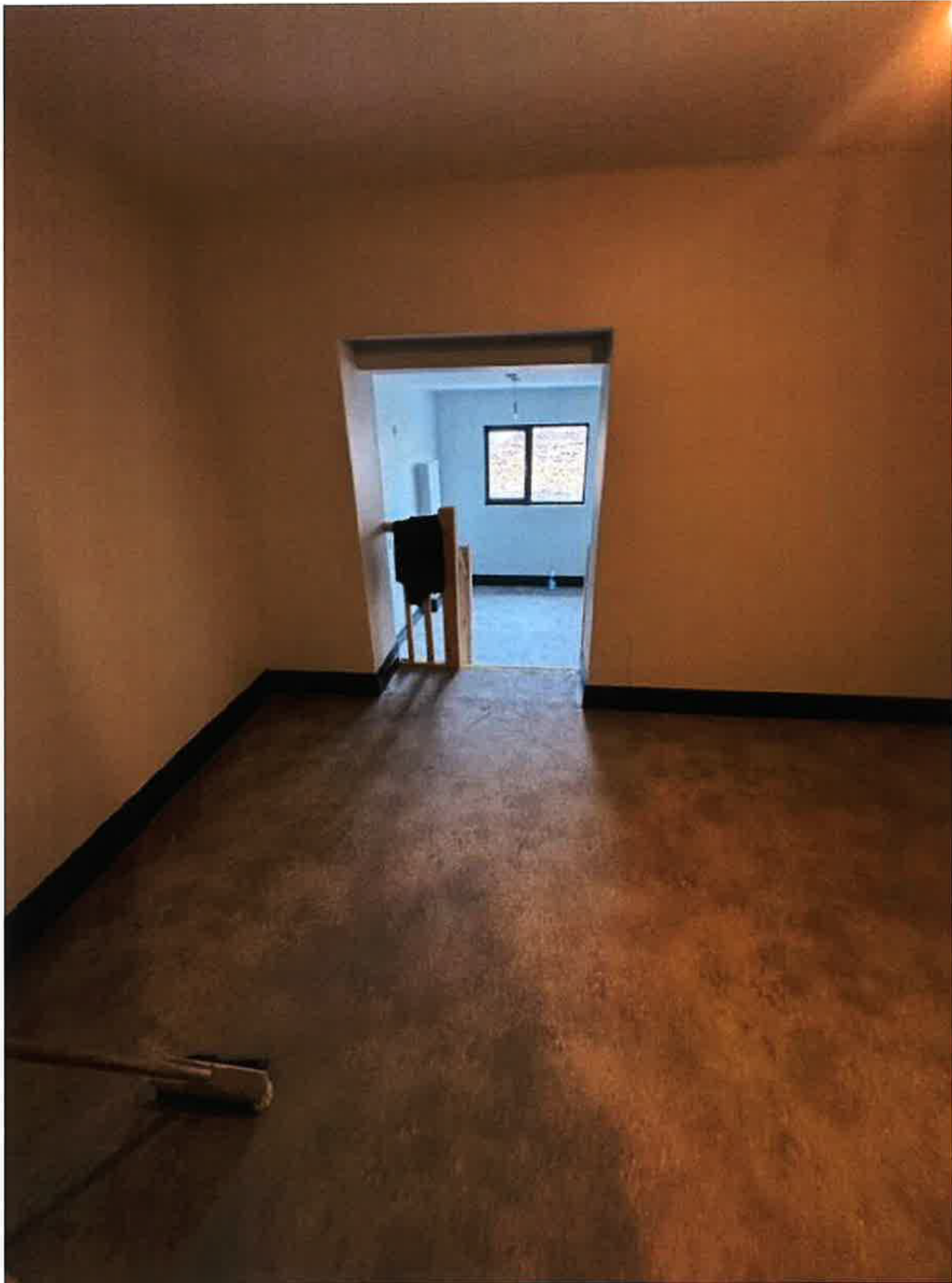


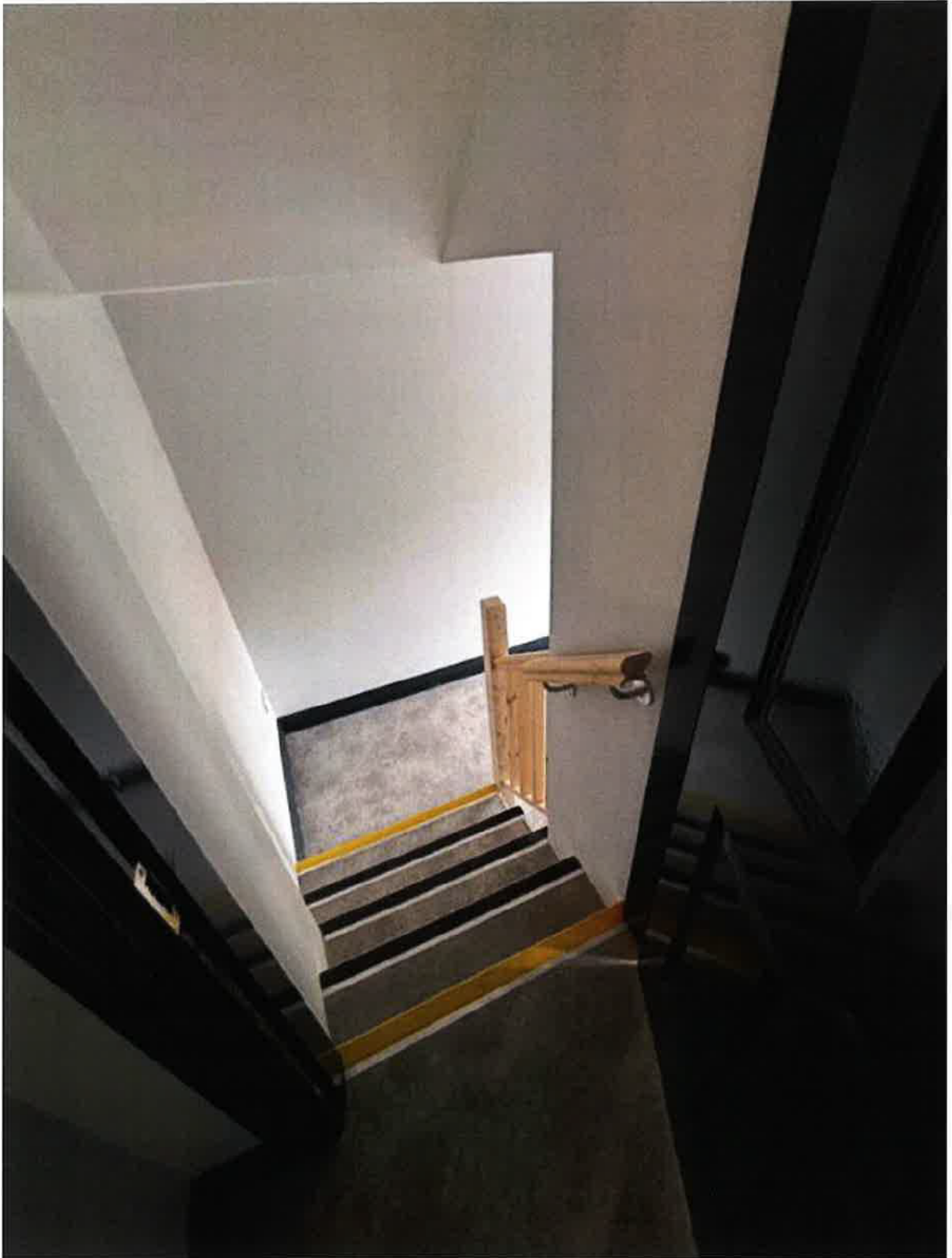


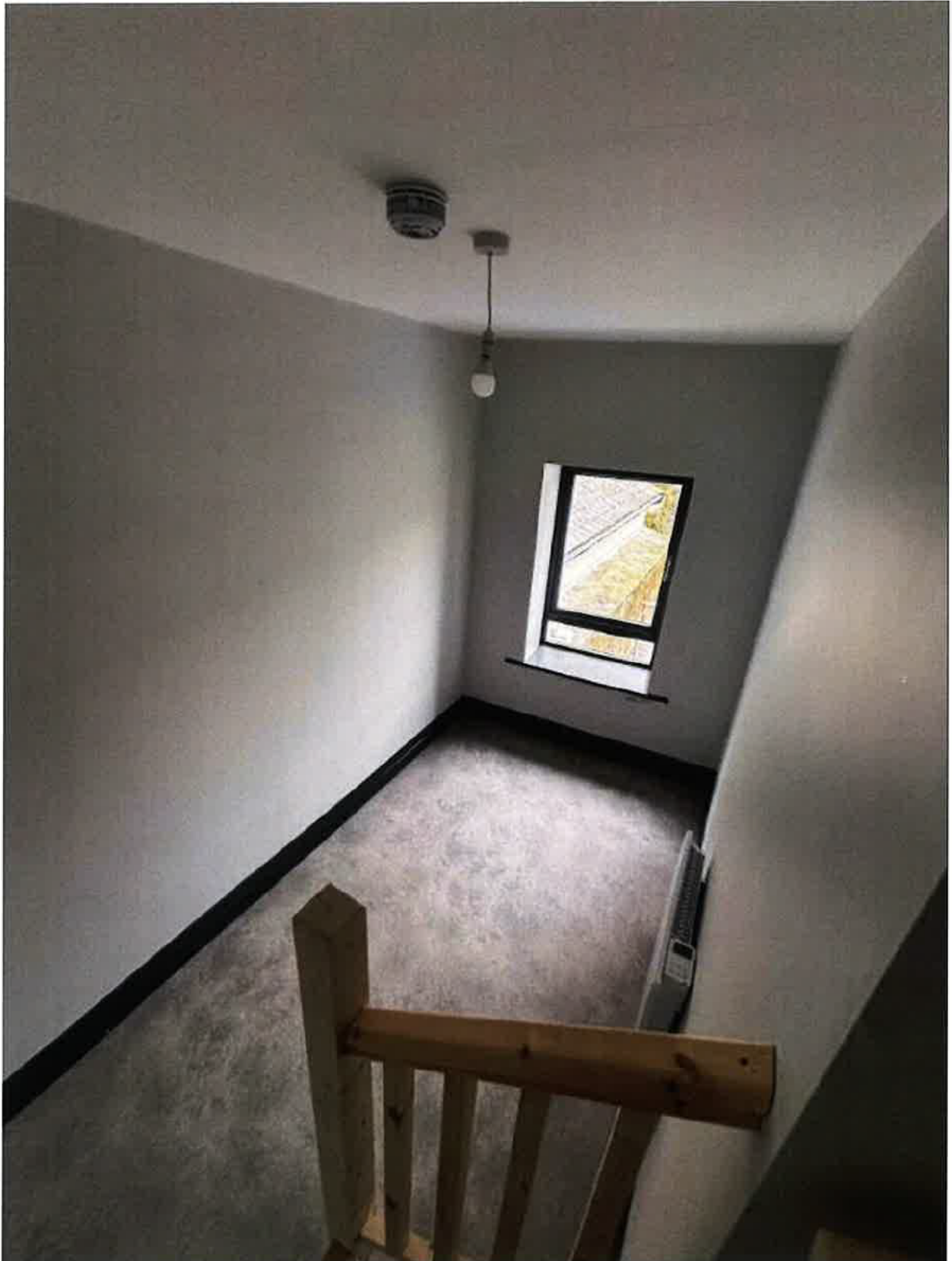




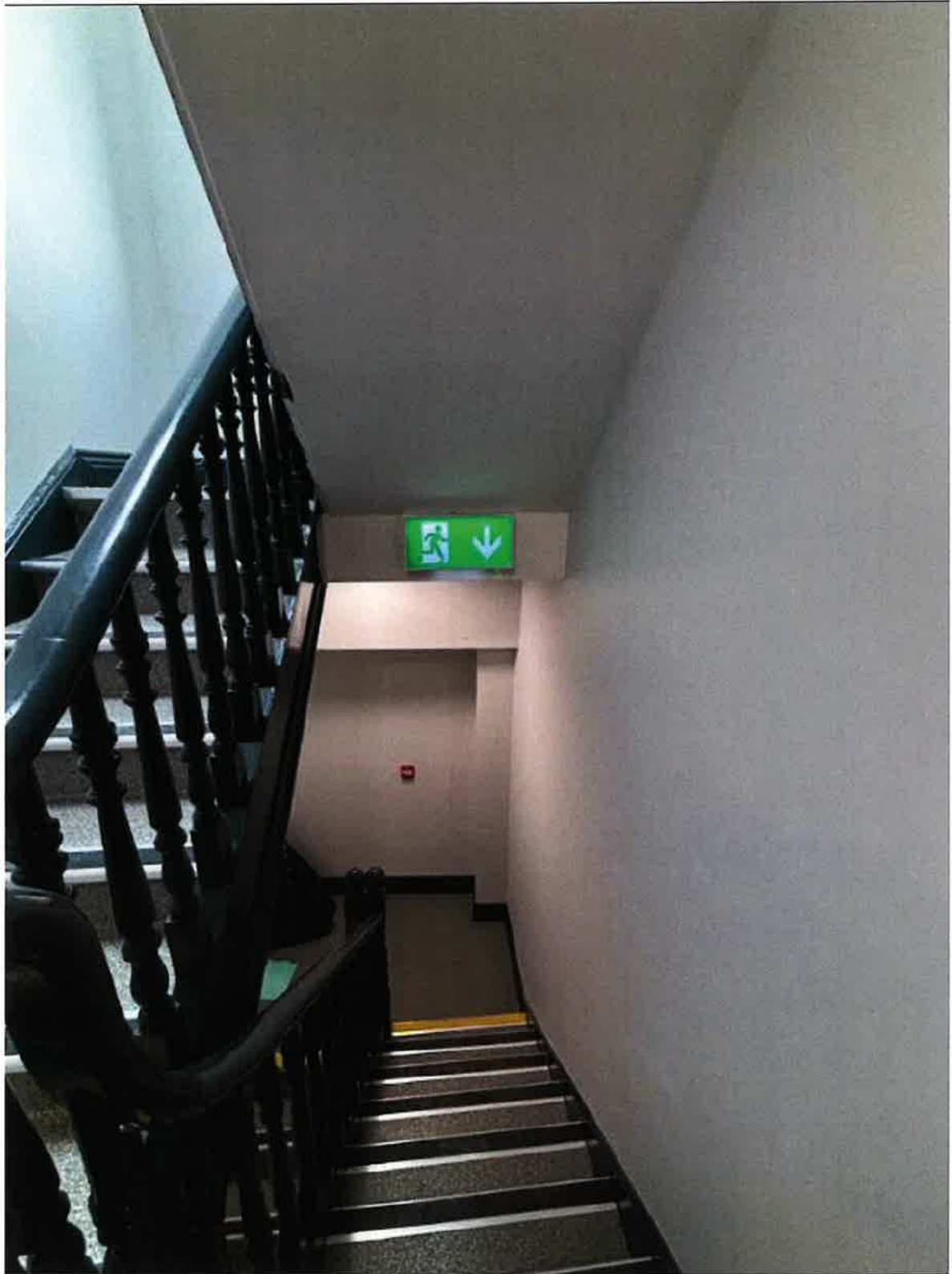


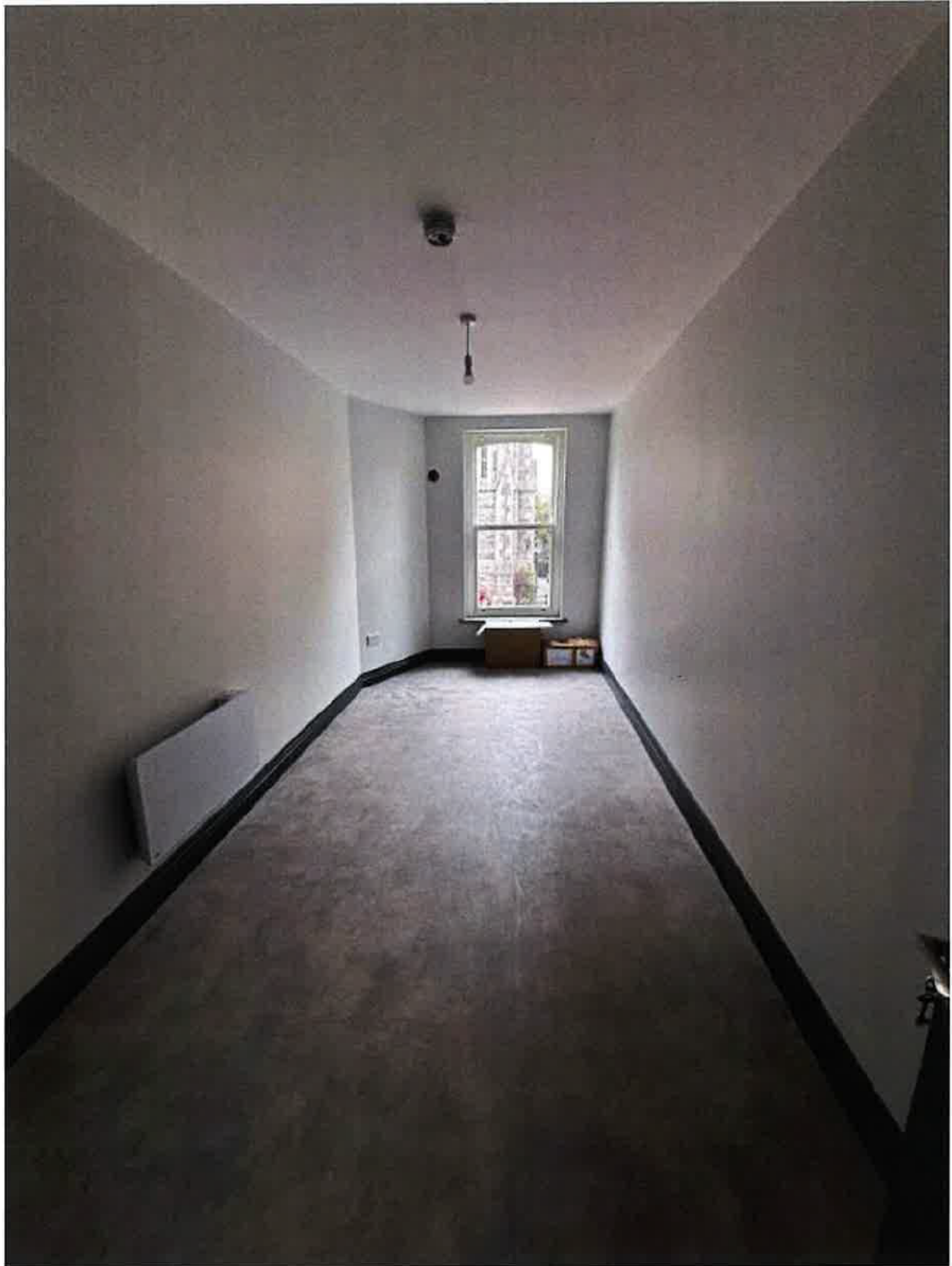








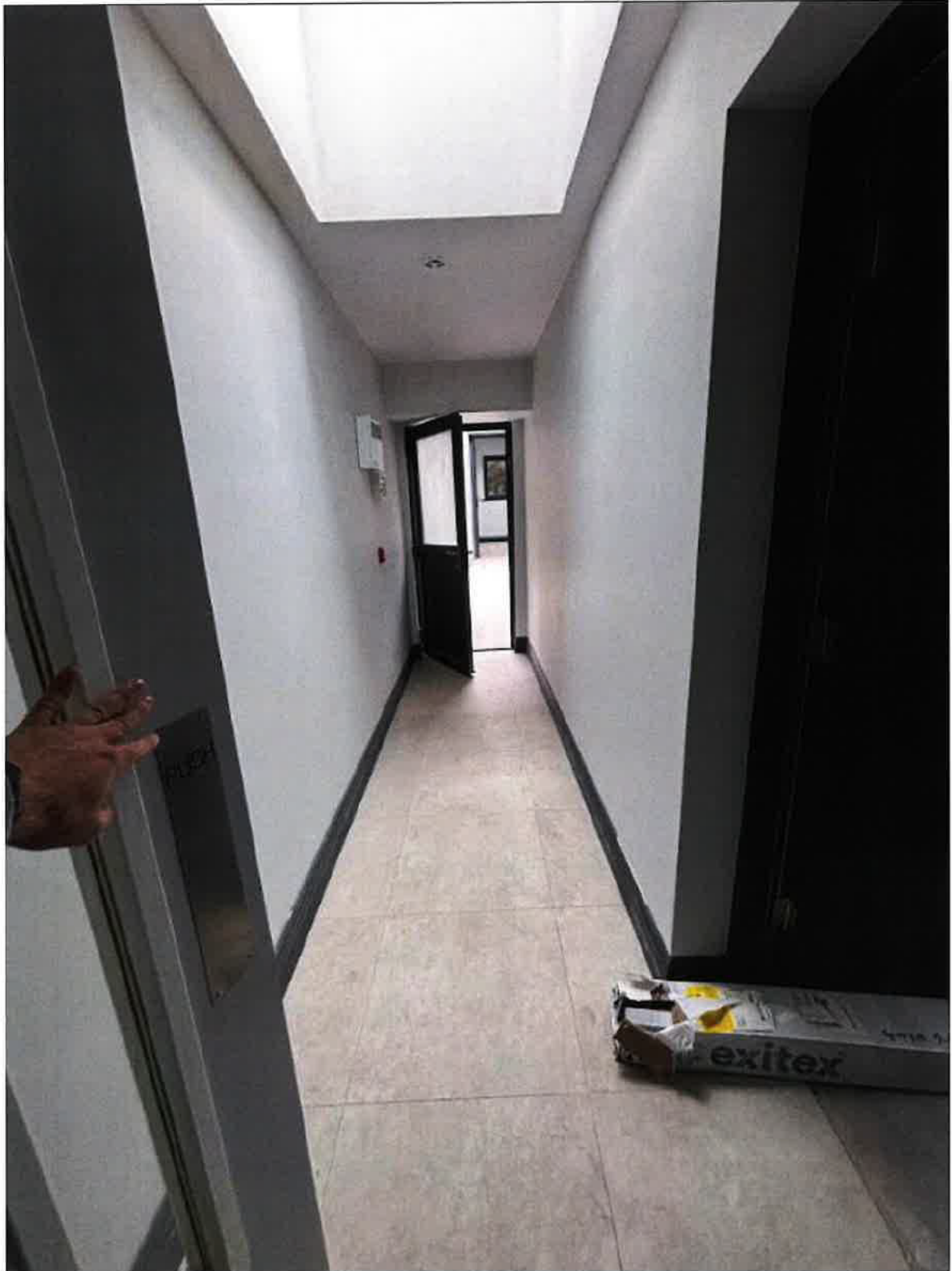






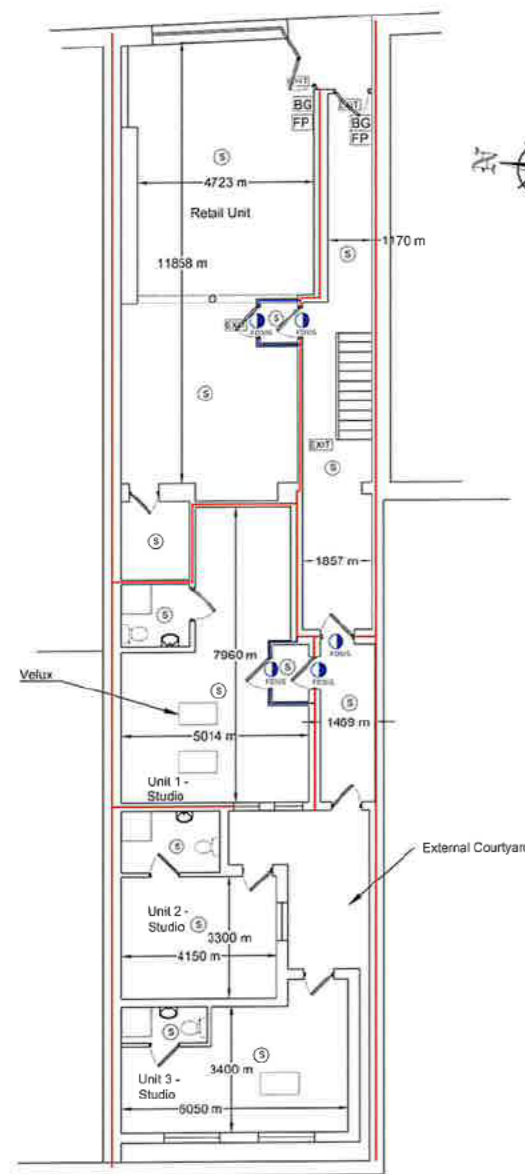




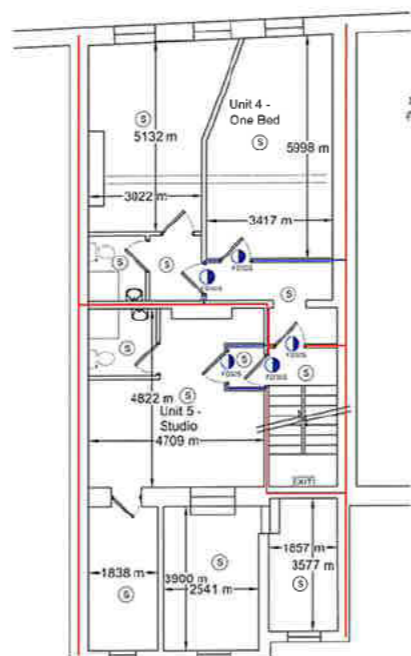


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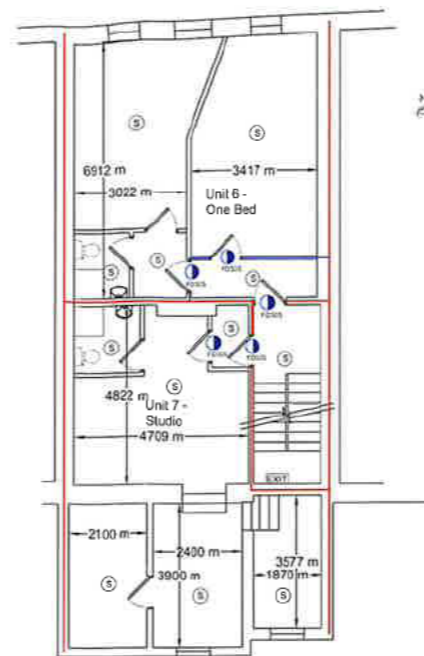
VCL Consultants Copyright Duplication Licence
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 No dimensions to be scaled from this drawing.
 All dimensions to be checked on site and any errors or discrepancies to be reported to VCL Consultants.



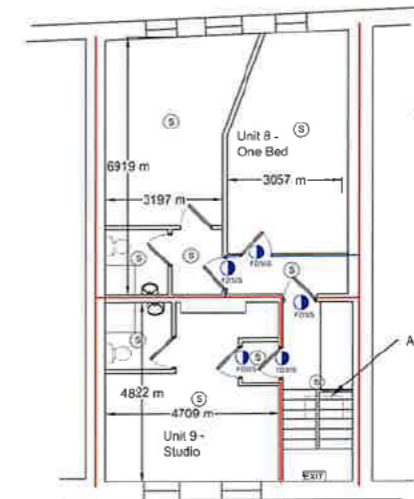
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 Scale 1:100



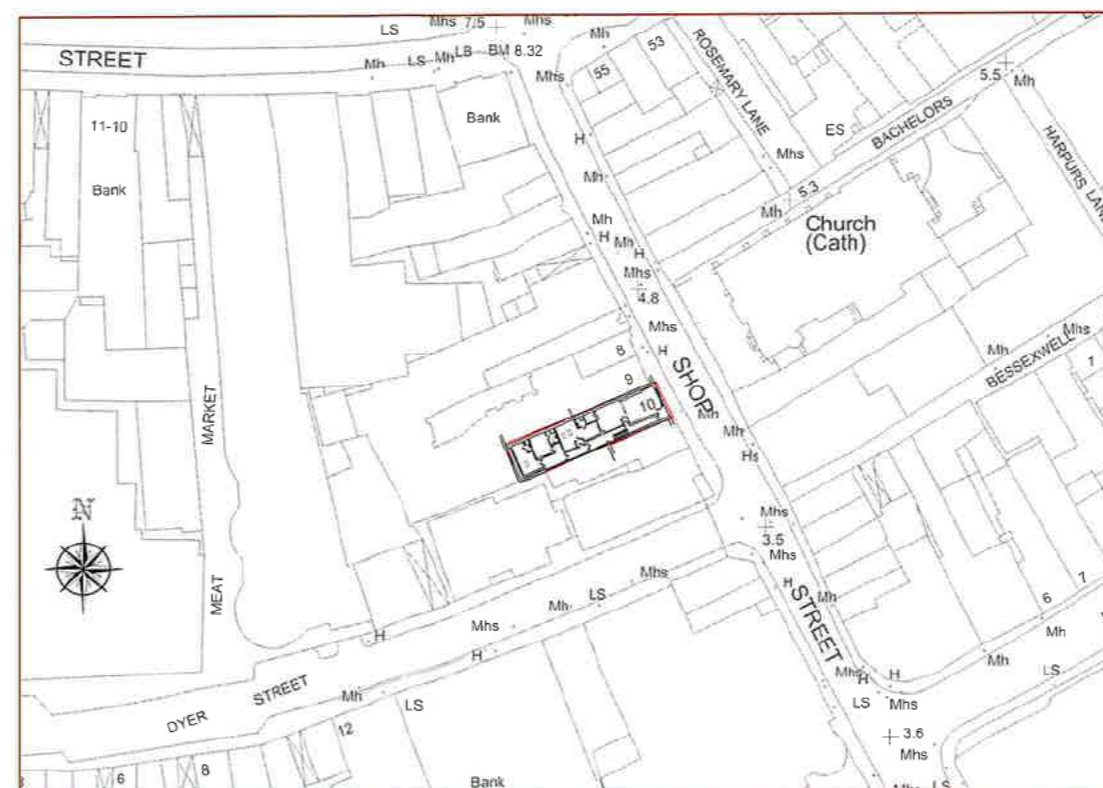
Existing First Floor - No Change
 Scale 1:100



Existing Second Floor - No Change
 Scale 1:100



Existing Third Floor - No Change
 Scale 1:100



Site Location - No Change
 Scale 1:1000

An Comhairle Chondae Lughai
 Pleanála
 23 JAN 2026
 Fuarthas

Legend

- 30 minute fire resistance
- 60 minute fire resistance
- 30 minute fire door
- TD 0.0 Travel Distance (m)
- Illuminated Running Man
- Break Glass unit
- Smoke Detector with base sounder
- Heat Detector with base sounder
- Fire Alarm Panel

Rev.	Date	Description	Drawn	Chkd.	Appd.

Survey

VCL CONSULTANTS
 EXCELLENCE & EFFICIENCY

13 Ashford
 Waterford Hill
 Drogheda
 Co. Louth

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 M: +353 88 811655
 E: info@vcl.ie
 W: www.vcl.ie

Client: Jason Lawlor

Project: 10 Shop Street

Drawing Title: Existing Layout

Scale: As Shown	A1	Drawn: EPP Date: 15/09/24	Checked: ANR Date: —	Approved: EPP Date: —
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Drawing No: 224091-001

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Louth County Council
Section 5 Declaration – Further Information Report

Planning Ref: 2025/90

Applicant's Name: Jadex Limited.

Type of Application: Section 5 Declaration

Development: Whether the continued use of residential apartments at No. 10 Shop Street, Drogheda, Co. Louth, where care is not provided to homeless people, is or is not development.

Site Location: 10 Shop Street, Drogheda, CO. Louth.

Report Date 11th February 2026

Due Date: 17th February 2026

1. Summary of Previous Report:

Having considered the declaration, the following details were requested from the applicant:

The applicant is required to provide the following information:

- a. Submission of existing internal floor plans
- b. Submission of proposed internal floor plans (even if no works are proposed)
- c. Details on the maximum number of people to be accommodated within the existing apartments.

2. Response from Applicant:

The applicant has provided internal floorplans of the building, along with a number of photographs of the building interior. A table has also been submitted outlining the unit number, unit type, and number of persons to be accommodated in each unit. The Planning Officer notes that the information contained in this table does not correspond with the floorplans. For example, unit 4 is listed as a 4-bed unit; however,

the floorplans show a 1-bed unit, with the bedroom accessed via an external doorway separate to the main living area. Unit 5 is listed as a 1-bed unit in the table, but the floorplans indicate a studio apartment with additional rooms off this unit; however, these rooms do not appear to have a separate doorway and instead seem to be accessed by an internal staircase with no doorway.

The applicant has indicated that the 9 no. apartment units would accommodate a maximum of 43 no. persons. The applicant states that this is a normal level of occupancy for each apartment, given the makeup of the building and the facilities provided, and makes reference to similar cases in Monaghan County Council and Dublin City Council.

The Planning Officer has noted this information. As outlined in the initial planning report, as no external works are proposed as part of this declaration, the question relates solely to the nature and use of the property and whether the "continued use of residential apartments" at this property would constitute development by reason of a material change of use.

For clarity, the sustainable and Compact Settlement Guidelines (appendix 1) defines an apartment as follows:

"A self-contained residential unit that forms part of a multi-unit building with horizontal divisions(s) between it and at least one other unit that is an apartment or other non-residential use. Access to individual apartments is generally via grouped access or communal areas. However, ground floor units may have direct 'own door' access from public or semi-public areas".

Having reviewed the submitted floorplans, the Planning Officer has serious concerns regarding both the overall size and internal configuration of the units and whether they can reasonably be described as 'self-contained' in line with the above definition. The Planning Officer is of the opinion that a 'self-contained' unit should include basic facilities necessary for day-to-day living including kitchen, bathroom and bedroom facilities. The units, as shown, do not include kitchen / cooking facilities and therefore, cannot reasonably function as a 'self-contained' unit. Furthermore, the description of some of these units as 1-bed / 3-beds is misleading, as the floor plan does not show any separation between rooms. Instead, the spaces appear to be divided by an open internal staircase. Based on the above, the planning Officer does not consider that the units can be reasonably be described as self-contained residential units.

Notwithstanding this, the applicant states that the property was subdivided into 9 no. residential units prior to the introduction of the Planning Acts in 1963. No documentary evidence has been submitted to verify the nature, internal layout, or occupancy levels associated with that pre 1963 use. The only information provided consists of photographs of individual electric meters and doorbells, which confirm the

presence of multiple units but do not enable the planning officer to determine the previous level of occupation.

In assessing whether the current use constitutes a material change of use, the Planning Officer notes the legal judgment of Barron J. in *The County of Galway v Lackagh Rock Ltd* [1984 21 MCA]. In this case, Barron, J considered that 'in determining whether or not a present use was materially different from a use being made on the appointed day one must look at matters which the planning authority would take into consideration if a planning application were made on both dates and if these matters were materially different than the present use must be equally materially different.

The further information response confirms that the building now contains 9 no. compact apartments accommodating for up to 43 no. people. Even accepting the presence of 9 no. residential units prior to 1963, the level of occupancy now proposed is considered to represent an intensification of use having regard to the overall size and layout of the building. The accommodation of up to 43 people within these units would give rise to planning considerations relating to residential amenity, potential substandard living conditions for intended occupants, servicing and utilities issues, overdevelopment, and the impact on surrounding amenities.

It is considered that the scale and intensity of the current residential use would alter the character of the building when compared with any reasonable interpretation of the pre-1963 residential subdivision. Having regard to the test set out by Barron J., the planning considerations arising from a building containing 9 no. apartments accommodating up to 43 no. people are materially different from those likely to have arisen from the historic use.

Accordingly, the Planning Authority concludes that the proposal for the "continued use of residential apartments" does not meet the definition of a self-contained apartment, as per the sustainable and compact settlement guidelines. In addition, the scale and nature of the use as proposed, which would accommodate up to 43 people within the stated units, would represent an intensification of use of the property. This level of occupancy would materially alter the character of the use and therefore would be a material change of use. On this basis, it is considered that the proposal comprises of development and does not fall within the scope of exempted development under the meaning of the Planning and Development Act.

3. Recommendation:

It can be concluded, based on the foregoing, and having regard to the relevant provisions of the Planning and Development Act, 2024, Planning and Development Act, 2000, (as amended), and the Planning and Development Regulations, 2001 (as amended) that the proposed works are considered to be development that is not exempted development.

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

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.

"...the continued use of residential apartments at No. 10 Shop Street, Drogheda, Co. Louth, where care is not provided, to home homeless persons, is or is not development?"

AND WHEREAS the said question was referred to Louth County Council by Jadex Ltd on 3rd December 2025.

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

- (a) The definition of "development", in Section 2 of the Planning and Development Act 2024 (as amended)
- (b) Section 4 of the Planning and Development Act 2000 (as amended)
- (c) Plans and particulars provided by the applicant on 3rd December 2025 and 28th January 2026 and in particular the potential number of occupants in the facility and the lack of basic facilities in some of the apartments;

AND WHEREAS Louth County Council has concluded that the continued use of residential apartments at No. 10 Shop Street, Drogheda, Co. Louth, where care is not provided to homeless people, is development and is not exempted development,



Helen Conlon

Executive Planner

Date: 09/02/2026



Turlough King

Acting Senior Planner

Date: 12/02/2026



Thomas McEvoy
Director of Services

Date: 13/02/2026

LOUTH COUNTY COUNCIL

CHIEF EXECUTIVE'S ORDER

PLANNING & DEVELOPMENT ACT 2000 (as amended)

Section 5 Exempted Development

Chief Executive's Order No:	129/2026
Reference No:	S5 2025/90
Date Application Received:	03/12/2025 & Further Information on 28/01/2026
Description of Development:	Whether the continued use of residential apartments at No. 10 Shop Street, Drogheda, Co. Louth, where care is not provided to home homeless people, is or is not development and is or is not exempted development.
Name of Applicant:	Jadex Limited
Location of Development	No. 10 Shop Street, Drogheda, Co. Louth

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.

"...the continued use of residential apartments at No. 10 Shop Street, Drogheda, Co. Louth, where care is not provided, to home homeless persons, is or is not development?"

AND WHEREAS the said question was referred to Louth County Council by Jadex Ltd on 3rd December 2025.

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

- (a) The definition of "development", in Section 2 of the Planning and Development Act 2004 (as amended)
- (b) Section 4 of the Planning and Development Act 2000 (as amended)
- (c) Plans and particulars provided by the applicant on 3rd December 2025 and 28th January 2026 and in particular the potential number of occupants in the facility and the lack of basic facilities in some of the apartments;

LCP Order No. 129/2026


Reference No: S5 2025/90

AND WHEREAS Louth County Council has concluded that the continued use of residential apartments at No. 10 Shop Street, Drogheda, Co. Louth, where care is not provided to homeless people, is development and is not exempted development,

pp.
SIGNED: 
Helen Conlon
Executive Planner

Date: 12/02/2026

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 development as described above.

Signed: 
Thomas McEvoy
Director of Service

Date: 13/02/2026

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. 201/25 dated the 14th day of May 2025.



Comhairle Contae **Lú**
Louth County Council

REGISTERED POST

Jadex Limited
c/o Hughes Planning & Development Consultants
85 Merrion Square
Dublin 2

13th February 2026

Re: Ref. S5 2025/90

Application for Declaration of “Exempted Development” Part 1, Section 5 Planning & Development Act, 2000 (as amended) as to ‘Whether the continued use of residential apartments at No. 10 Shop Street, Drogheda, Co. Louth, where care is not provided to house homeless people is or is not development and is or is not exempted development’.

Dear Sir/Madam,

I wish to acknowledge receipt of your application received on 03rd December 2025 and further information received on 28th January 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 following is or is not development and is or is not exempted development.

“...the continued use of residential apartments at No. 10 Shop Street, Drogheda, Co. Louth, where care is not provided, to home homeless persons, is or is not development?”.

AND WHEREAS the said question was referred to Louth County Council by Jadex Ltd on 3rd December 2025.

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

- (a) The definition of “development”, in Section 2 of the Planning and Development Act 2024 (as amended)

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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
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- (b) Section 4 of the Planning and Development Act 2000 (as amended)
- (c) Plans and particulars provided by the applicant on 3rd December 2025 and 28th January 2026 and in particular the potential number of occupants in the facility and the lack of basic facilities in some of the apartments;

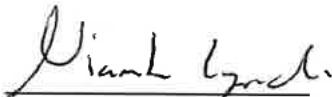
AND WHEREAS Louth County Council has concluded that the continued use of residential apartments at No. 10 Shop Street, Drogheda, Co. Louth, where care is not provided to homeless people, is development and is not exempted development.

In Summary

A Declaration of Exemption is hereby REFUSED for the works as detailed on the plans and particulars submitted on 03rd December 2025 and further information on 28th January 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,



Niamh Lynch
Planning Section