



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:

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

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

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

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

O Connell Planning & Design Services, Hazelfield, Askeaton, Co. Limerick, V94 P2N5

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

No2 Anne St., Dundalk Co. Louth A91 YY45

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

A91 YY45

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:

Is the conversion of a derelict ground floor comercial unit and first floor apartment to a single dwelling unit development and is it or is it not exempt 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: Brian Kennedy **Date** 4/12/2025

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

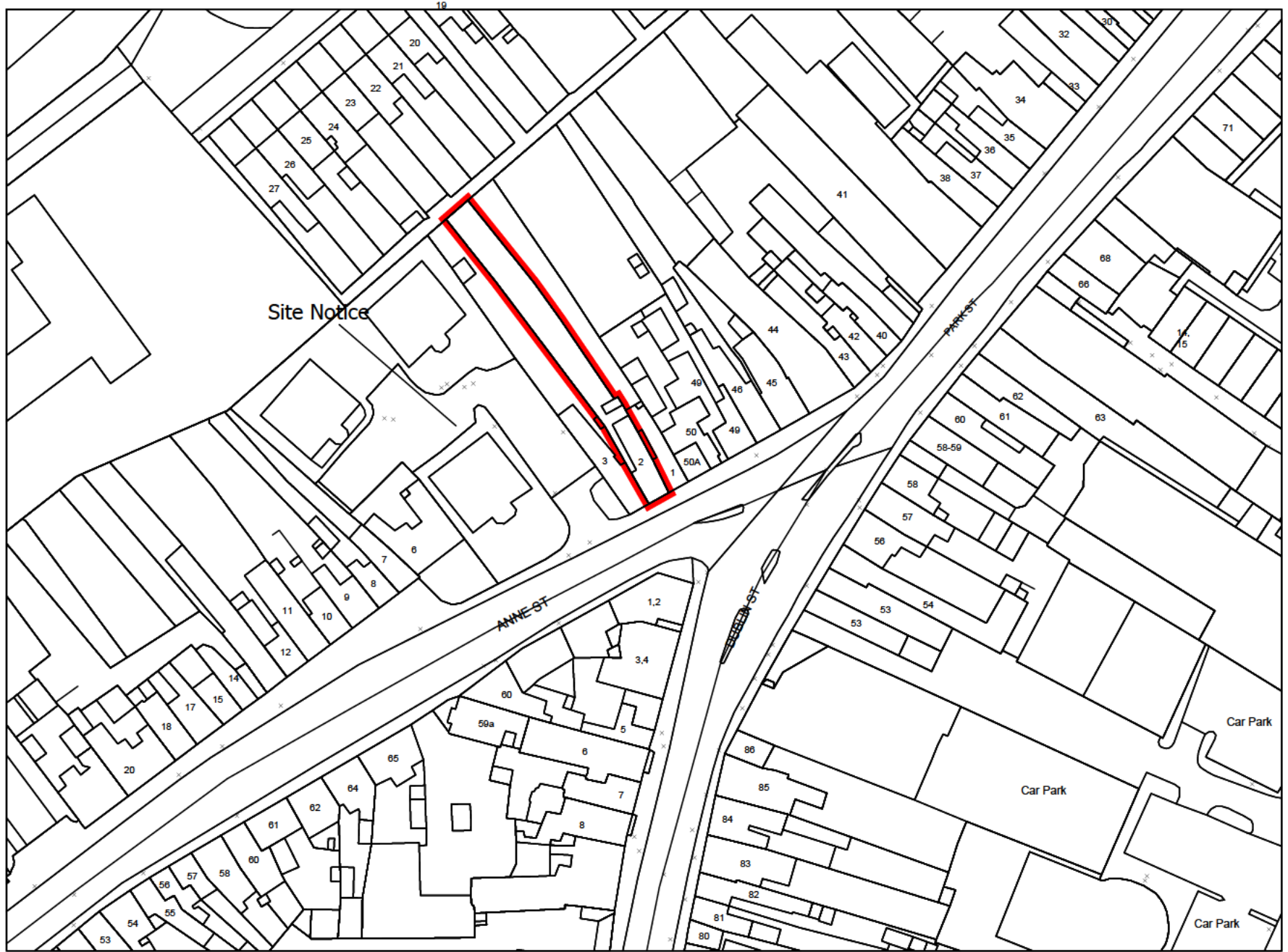
- **Site Location Map:** (Scale 1:1000)
- **Site Layout Map:** (Scale 1:200 or 1:500)
- **Floor Plans & Elevations:** (Scale 1:50, 1:100 or 1:200)
Existing & Proposed, where applicable
- **Application fee:** (€80)

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.

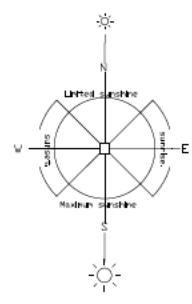


Description:
 Digital Landscape Model (DLM)
 Publisher / Source:
 Tailte Éireann
 Data Source / Reference:
 PRIME2
 File Format:
 Autodesk AutoCAD (DWG_R2013)
 File Name:
 v_50504546_1.dwg

NOTES.:

— Site Boundary

Clip Extent / Area of Interest (AOI):
 LLX,LLY= 704414.8045,806888.529
 LRX,LRX= 704647.8045,806888.529
 ULX,ULY= 704414.8045,807060.529
 URX,URY= 704647.8045,807060.529
 Projection / Spatial Reference:
 Projection= IREN95_Irish_Transverse_Mercator
 Centre Point Coordinates:
 X,Y= 704531.3045,806974.529



Reference Index:
 Map Series | Map Sheets
 1:1,000 | 1632-21
 1:1,000 | 1702-01

Data Extraction Date:
 Date= 25-Nov-2025

Source Data Release:
 DCMLS Release V1.193.121

Product Version:
 Version= 1.4

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

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 All rights reserved.
 Gach cead ar cosnamh.

Ní ceadmhach aon chuid
 den fhóilseachán seo
 a chóipeáil, a atháirgeadh nó a tharchur
 in aon fhoirm ná ar aon
 bhealach gan cead i scríbhinn roimh
 ré ó úinéirí an chóipchirt

Ní hionann bóthar,
 bealach nó cosán a bheith
 ar an léarscáil seo agus
 fianaise ar chead slí.

Ní thaispeánann an léarscáil
 topagrafach seo teorainneacha
 réadmhaoine dlíthiúla,
 agus ní léiríonn sé úinéireacht
 ar ghnéithe fisiceacha.



AREA:		
A	For Planning Only	22/10/25

REV	ISSUE / DESCRIPTION	DATE
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CLIENT	Brian Kennedy
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SITE ADDRESS	2 Anne St, Dundalk, Co. Louth
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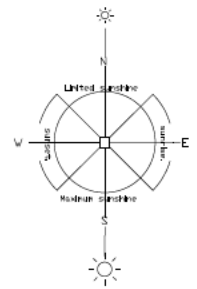
DRAWING TITLE	Site Location Map
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DRAWING No:	PL-25527-1
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SHEET:	O'Connell Planning & Design Services
1	Hazelfield, Askeaton, Co.Limerick.

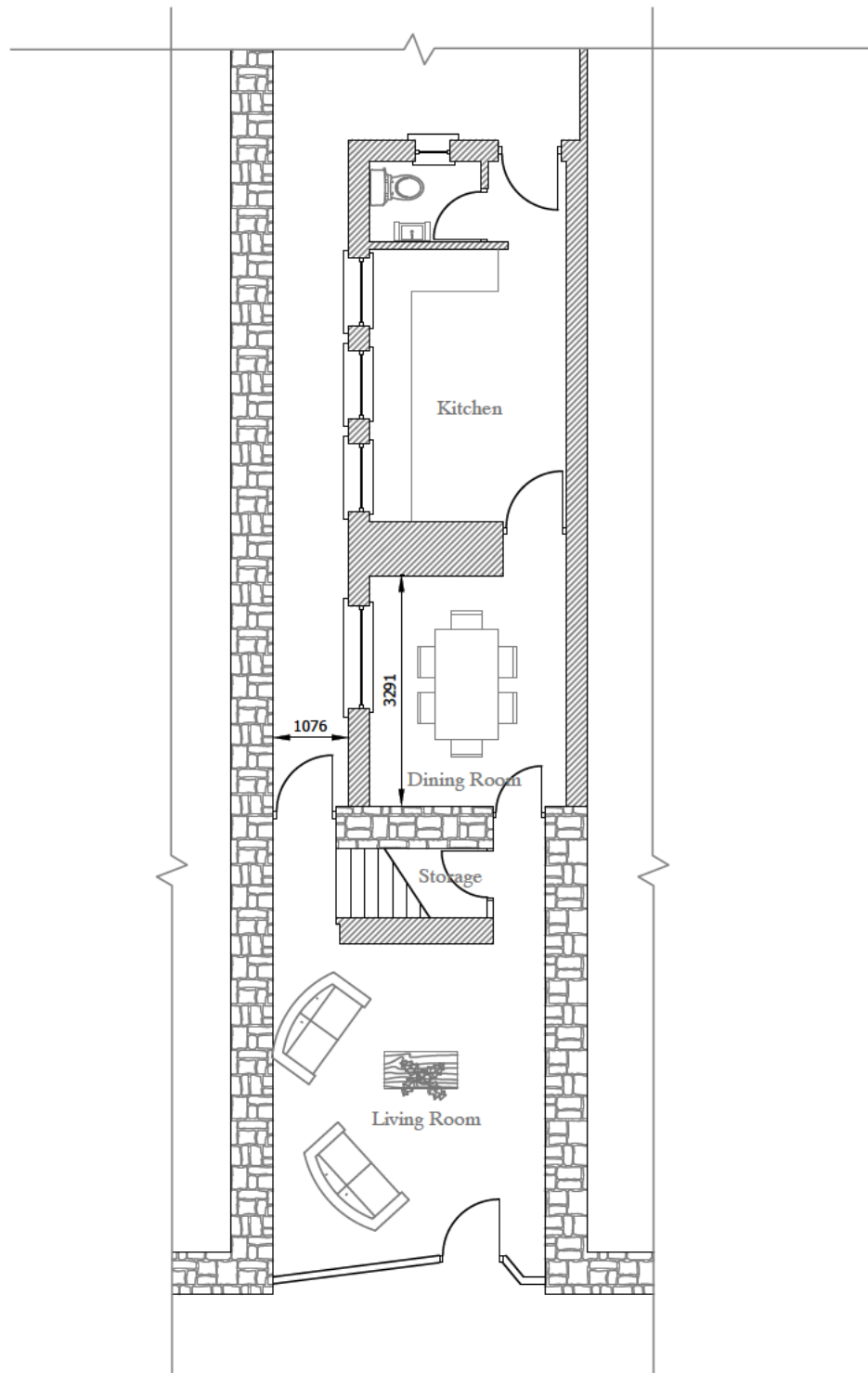
NOTES:

— Site Boundary

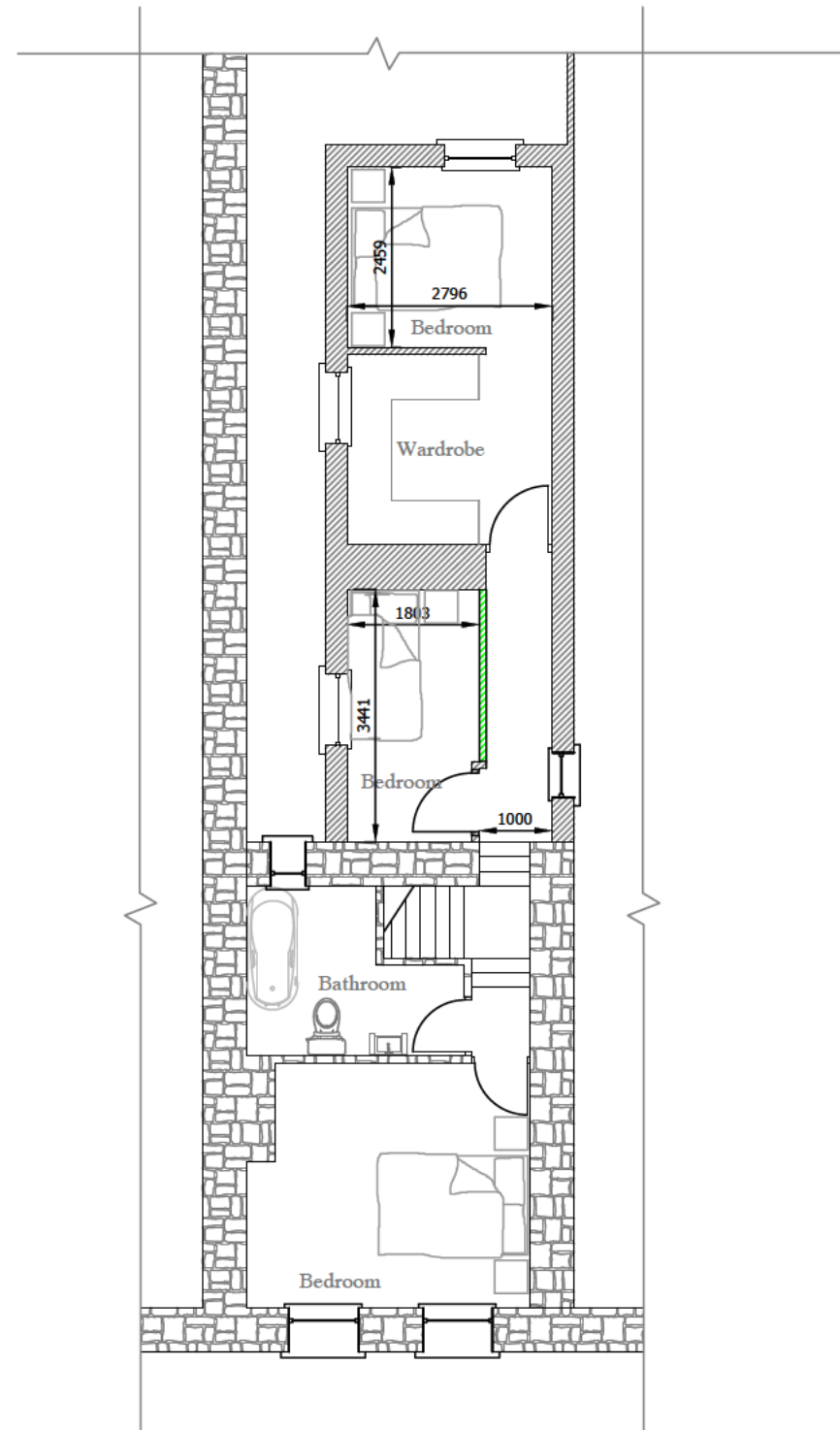


AREA:		
A	For Planning Only	22/10/25
REV	ISSUE / DESCRIPTION	DATE
CLIENT		
Brian Kennedy		
SITE ADDRESS		
2 Anne St, Dundalk, Co. Louth		
DRAWING TITLE		
Site Layout Plan Proposed		
DRAWING No:	PL-25527-2	
SCALE:	DRAWN BY:	
1:250	Pat O'Connell	
SHEET:	O'Connell Planning & Design Services	
2	Hazelfield, Askeaton, Co.Limerick.	

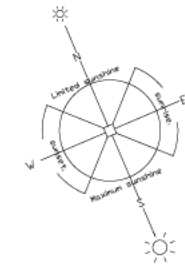
Proposed Modifications



Ground floor plan Proposed 50.14 sq.mtrs
Scale 1:100



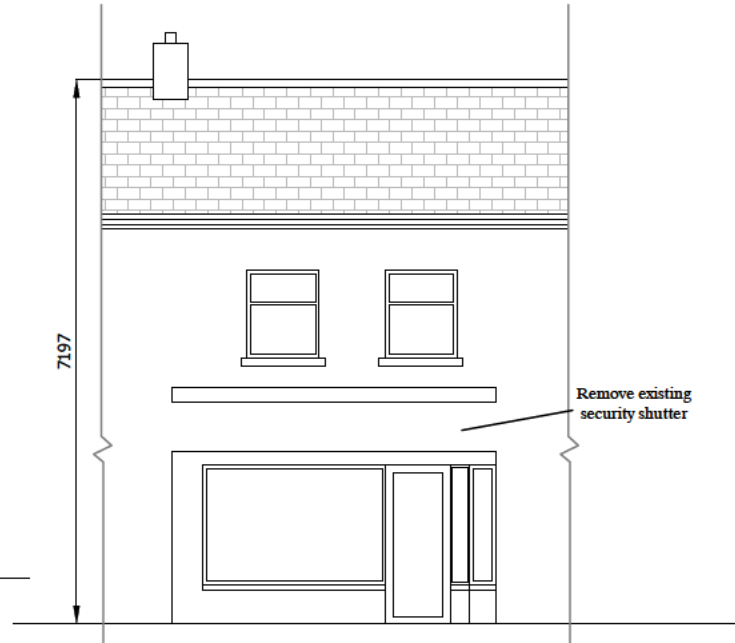
First floor plan Proposed 49.48 sq.mtrs
Scale 1:100



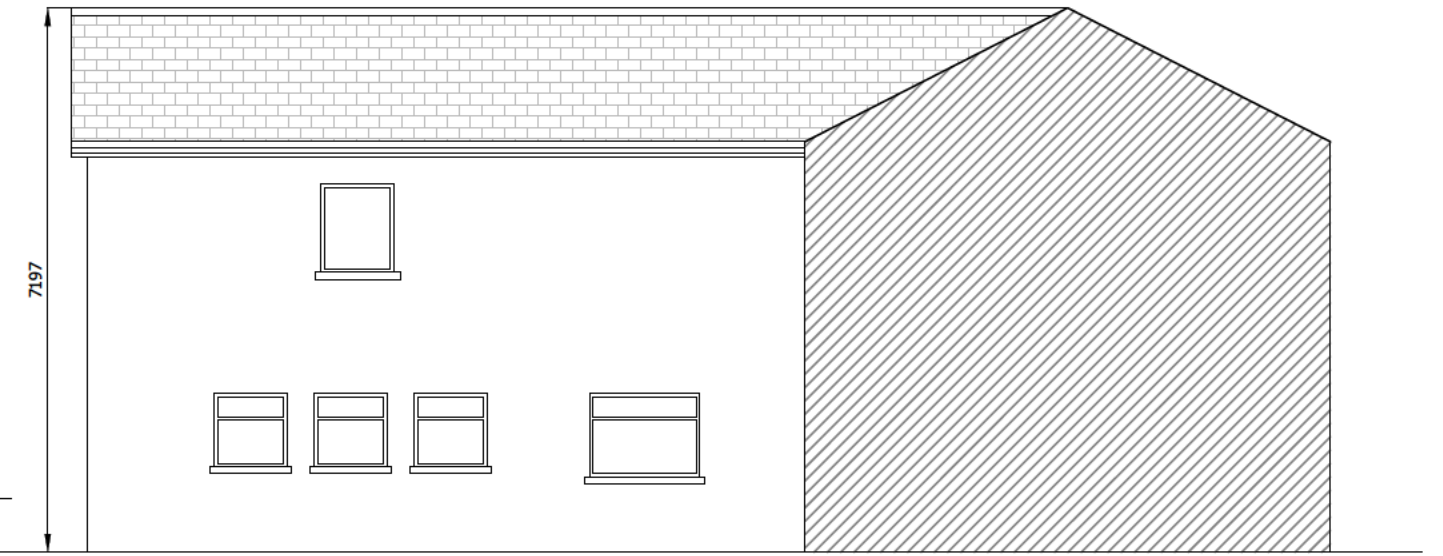
AREA:		
A	For Planning Only	22/10/25
REV	ISSUE / DESCRIPTION	DATE
CLIENT		
Brian Kennedy		
SITE ADDRESS		
2 Anne St, Dundalk, Co. Louth		
DRAWING TITLE		
Proposed Floor Plans		
DRAWING No: PL-25527-3		
SCALE:	DRAWN BY:	
1:100	Pat O'Connell	
SHEET:	O'Connell Planning & Design Services	
3	Hazelfield, Askeaton, Co.Limerick.	



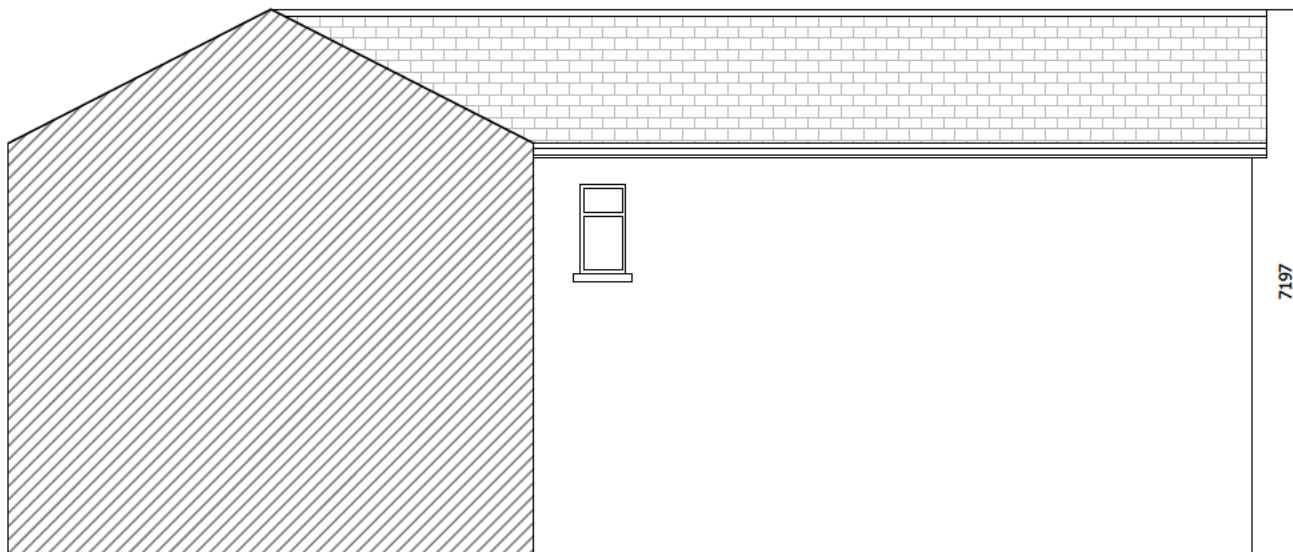
North Elevation
Scale 1:100



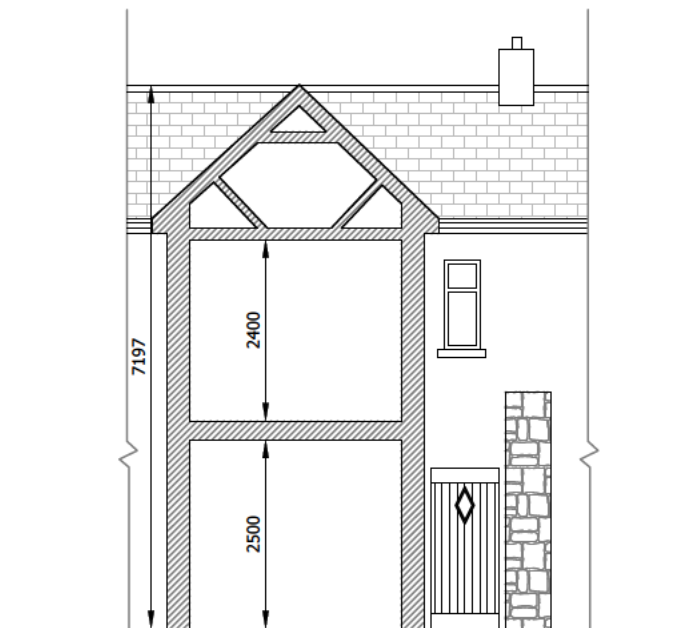
South Elevation
Scale 1:100



West Elevation
Scale 1:100



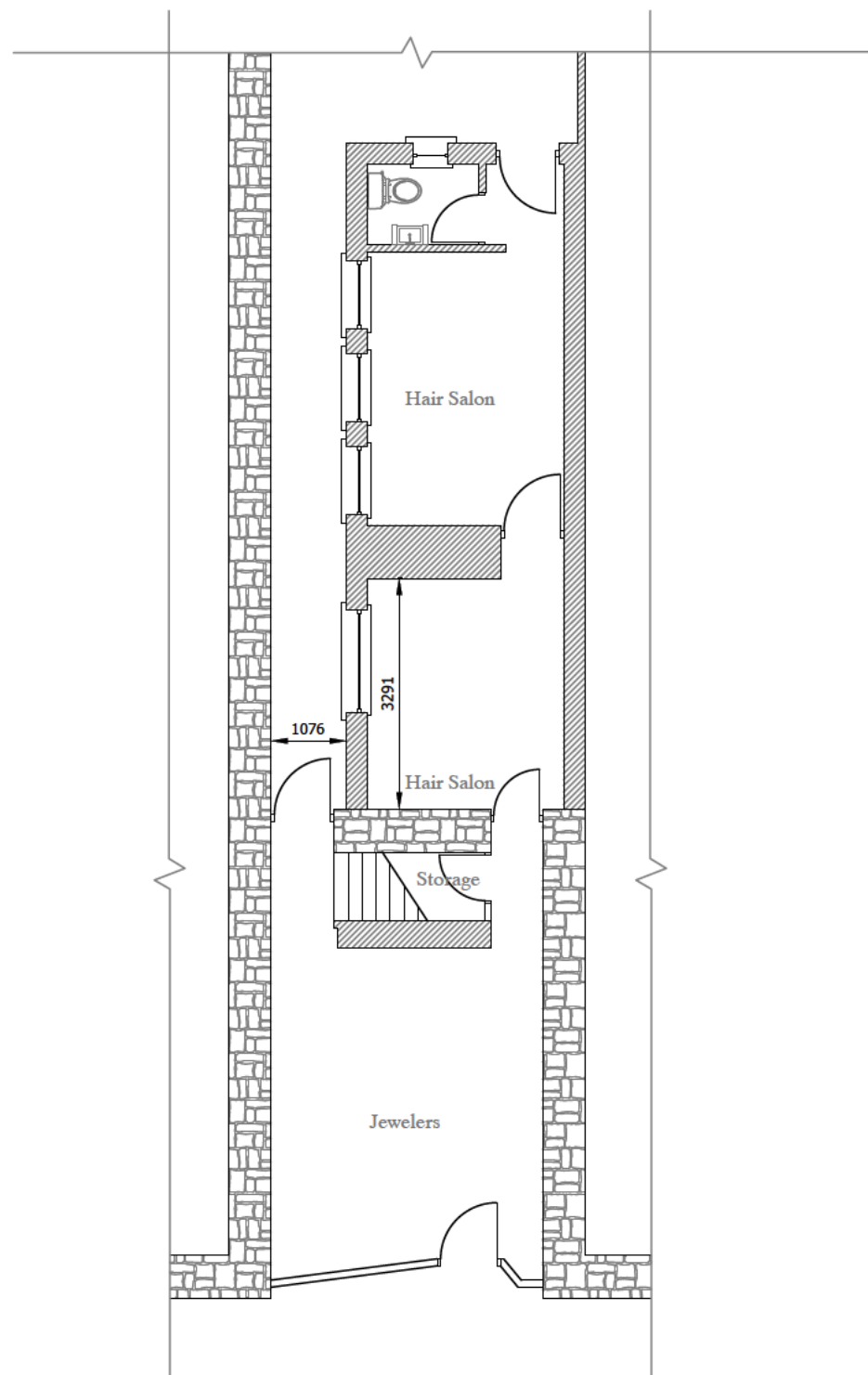
East Elevation
Scale 1:100



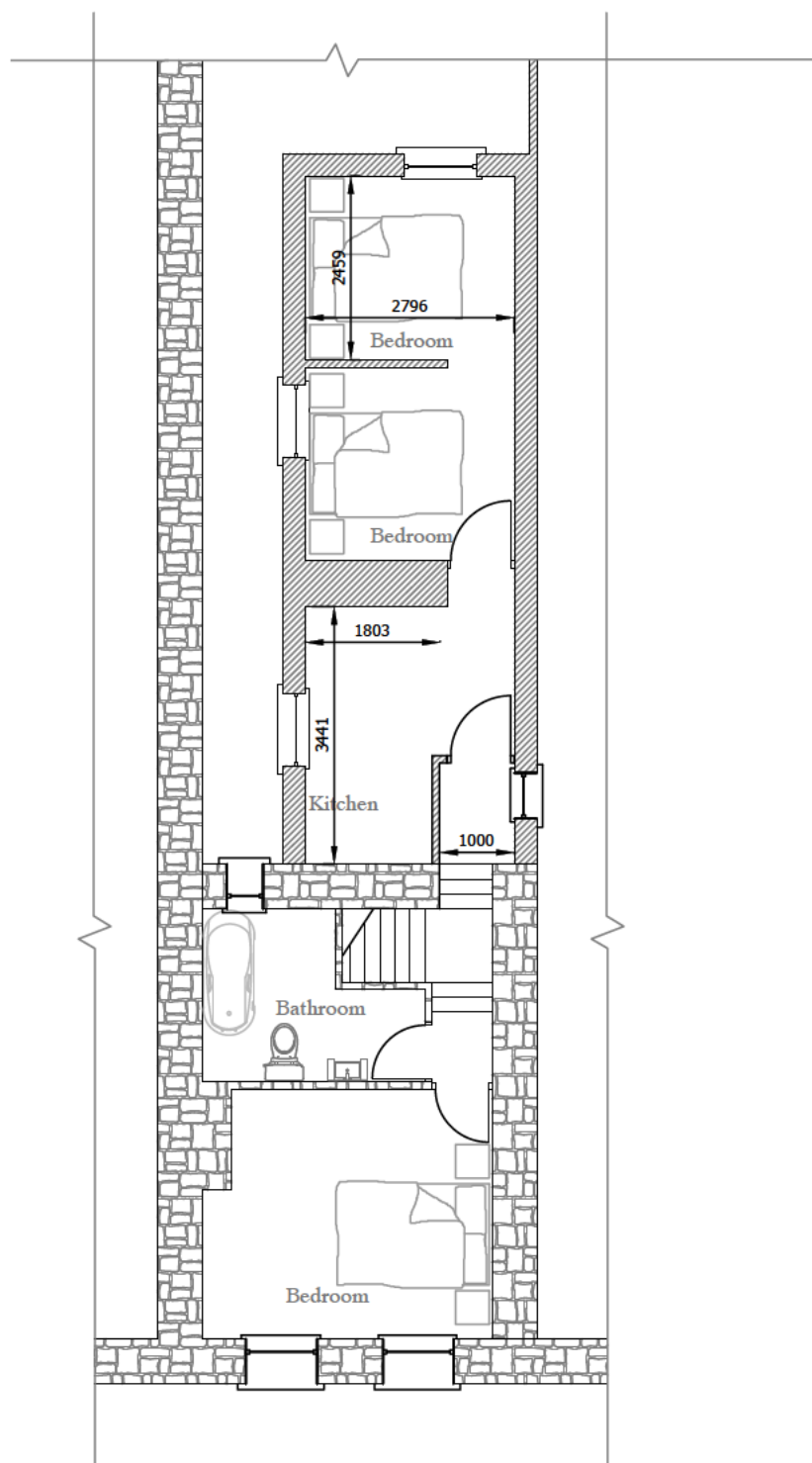
Building Section
Scale 1:100



AREA:		
A	For Planning Only	22/10/25
REV	ISSUE / DESCRIPTION	DATE
CLIENT		
Brian Kennedy		
SITE ADDRESS		
2 Anne St, Dundalk, Co. Louth		
DRAWING TITLE		
Proposed Elevations & Section		
DRAWING No: PL-25527-4		
SCALE:	DRAWN BY:	
1:100	Pat O'Connell	
SHEET:	O'Connell Planning & Design Services	
4	Hazelfield, Askeaton, Co.Limerick.	



Ground floor plan Existing 50.14 sq.mtrs
Scale 1:100



First floor plan Existing 49.48 sq.mtrs
Scale 1:100



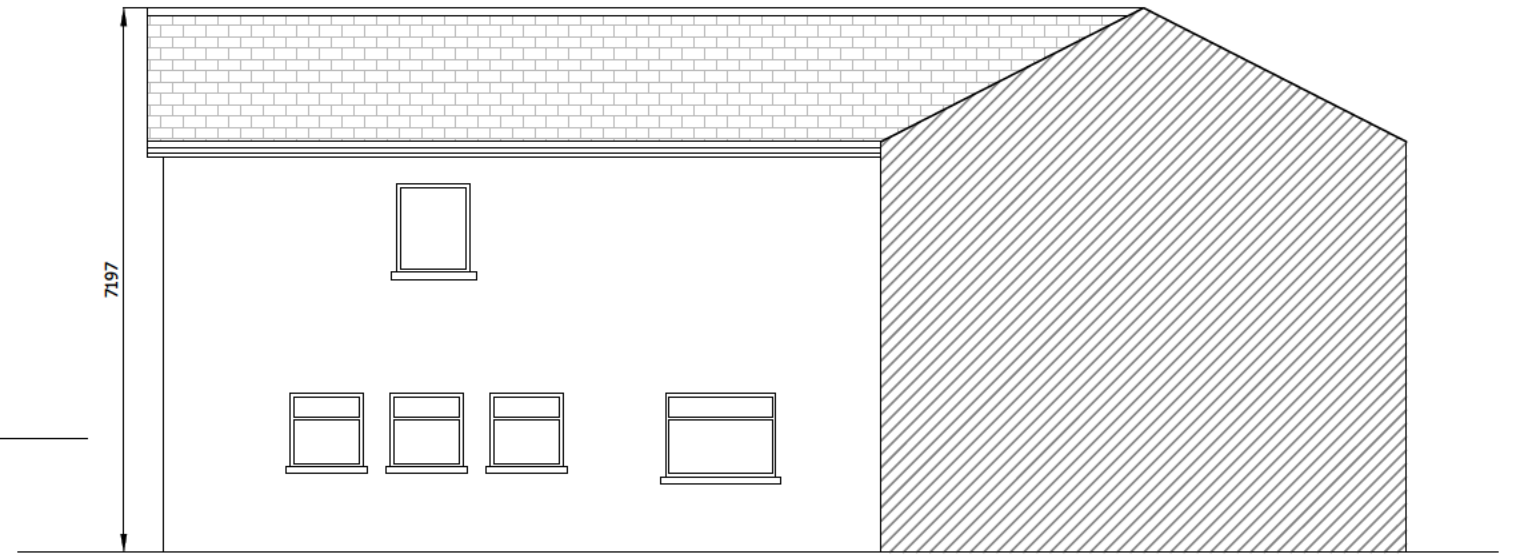
AREA:		
A	For Planning Only	22/10/25
REV	ISSUE / DESCRIPTION	DATE
CLIENT		
Brian Kennedy		
SITE ADDRESS		
2 Anne St, Dundalk, Co. Louth		
DRAWING TITLE		
Existing Floor Plans		
DRAWING No: PL-25527-5		
SCALE:	DRAWN BY:	
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SHEET:	O'Connell Planning & Design Services	
5	Hazelfield, Askeaton, Co.Limerick.	



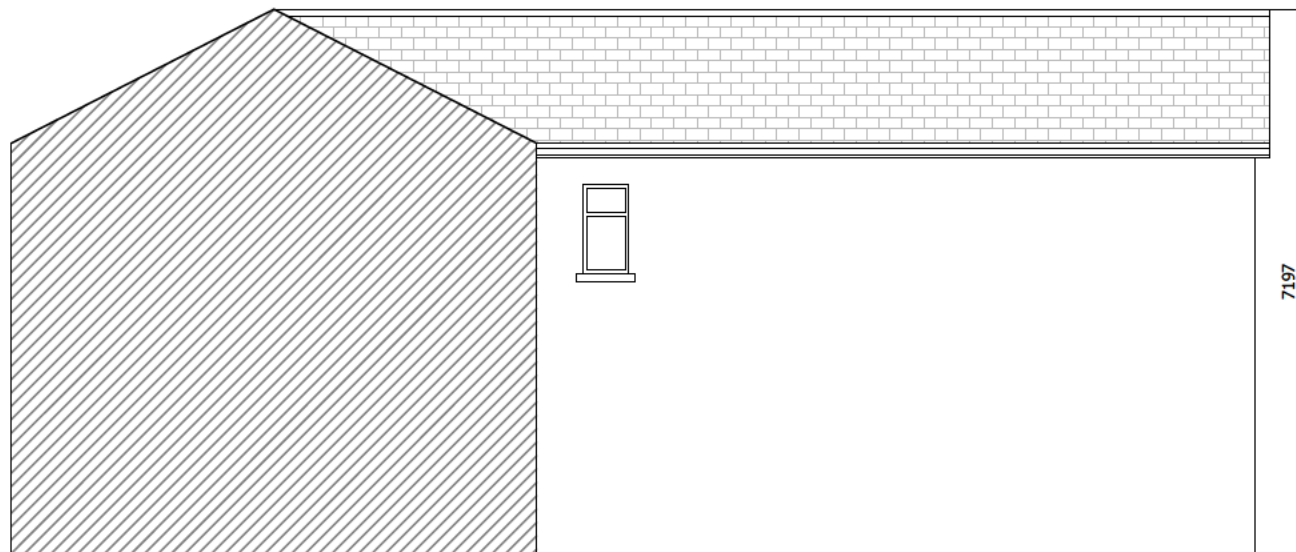
North Elevation
Scale 1:100



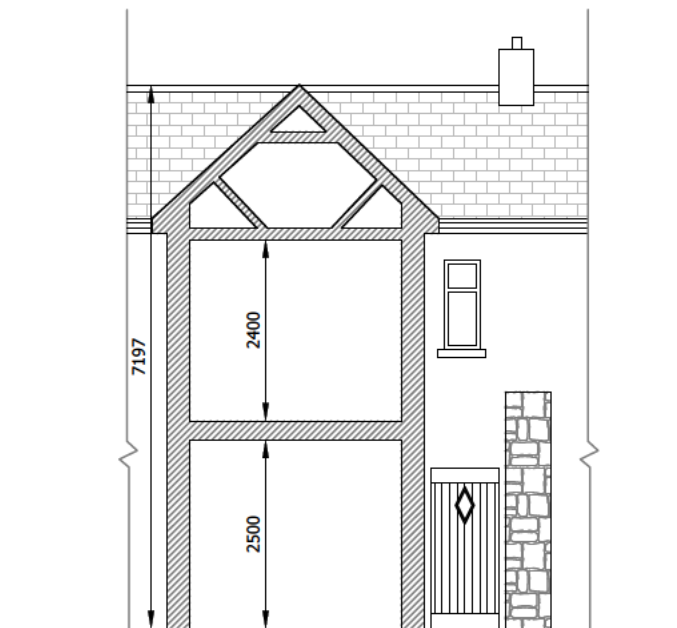
South Elevation
Scale 1:100



West Elevation
Scale 1:100



East Elevation
Scale 1:100



Building Section
Scale 1:100



AREA:		
A	For Planning Only	22/10/25
REV	ISSUE / DESCRIPTION	DATE
CLIENT		
Brian Kennedy		
SITE ADDRESS		
2 Anne St, Dundalk, Co. Louth		
DRAWING TITLE		
Existing Elevations & Section		
DRAWING No: PL-25527-4		
SCALE:	DRAWN BY:	
1:100	Pat O'Connell	
SHEET:	O'Connell Planning & Design Services	
4	Hazelfield, Askeaton, Co.Limerick.	

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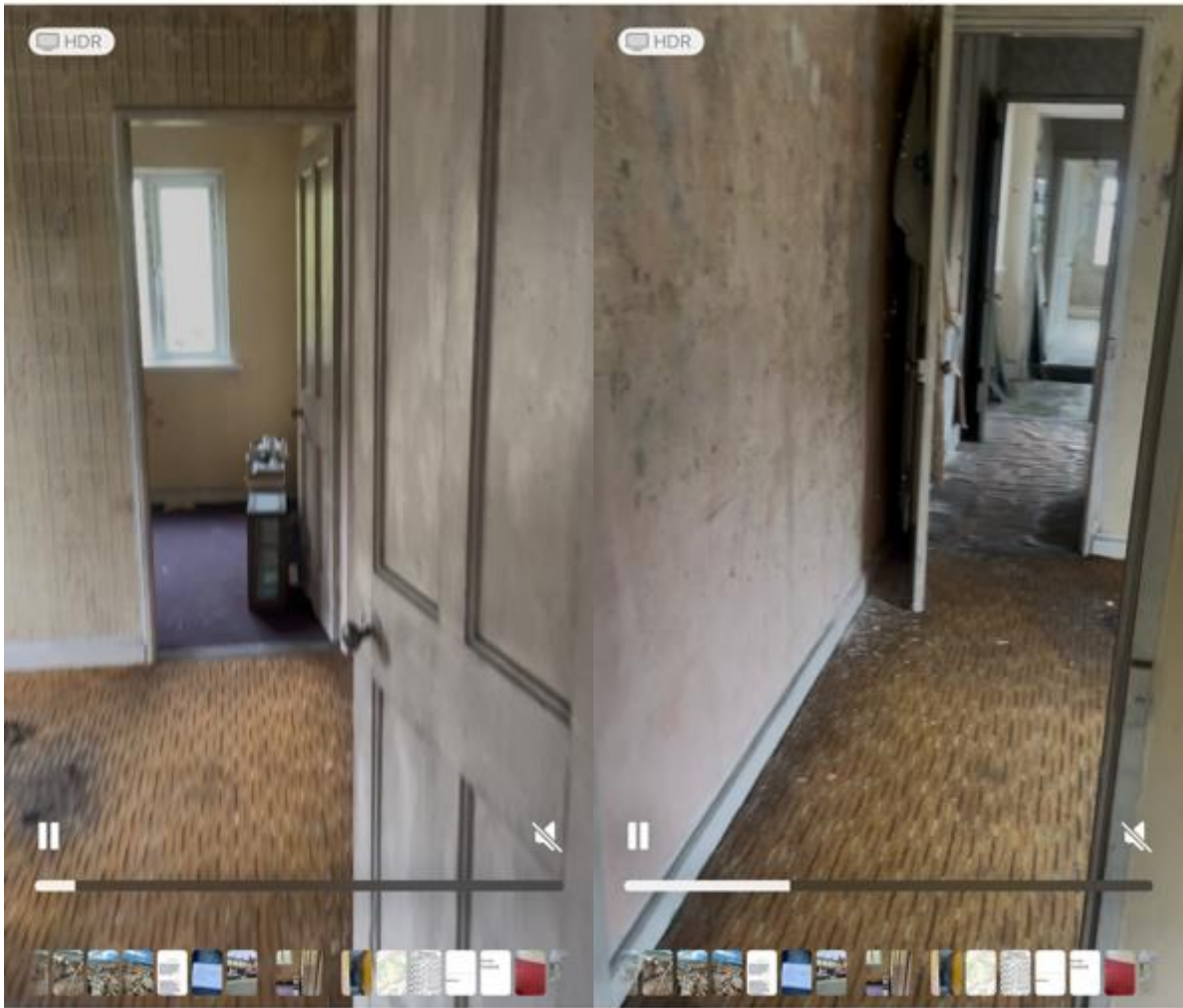
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22 October
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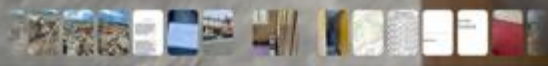
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22 October
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Louth County Council

Section 5 Declaration

Planning Ref: 2025/91

Applicant's Name: Brian Kennedy

Type of Application: Section 5 Declaration

Development: Is the conversion of a derelict ground floor commercial unit and first floor apartment to a single dwelling unit development and is it or is it not exempt development.

Site Location: 2 Anne Street Dundalk, A91 YY45

Due Date: 9th January 2026.

1. Site Location and Description

A declaration has been sought in relation to alterations to a building located in Anne Street, Dundalk on lands zoned as B1 Town Centre whereby it is a zoning objective to *'support the development, improvement and expansion of town or village centre activities.'*

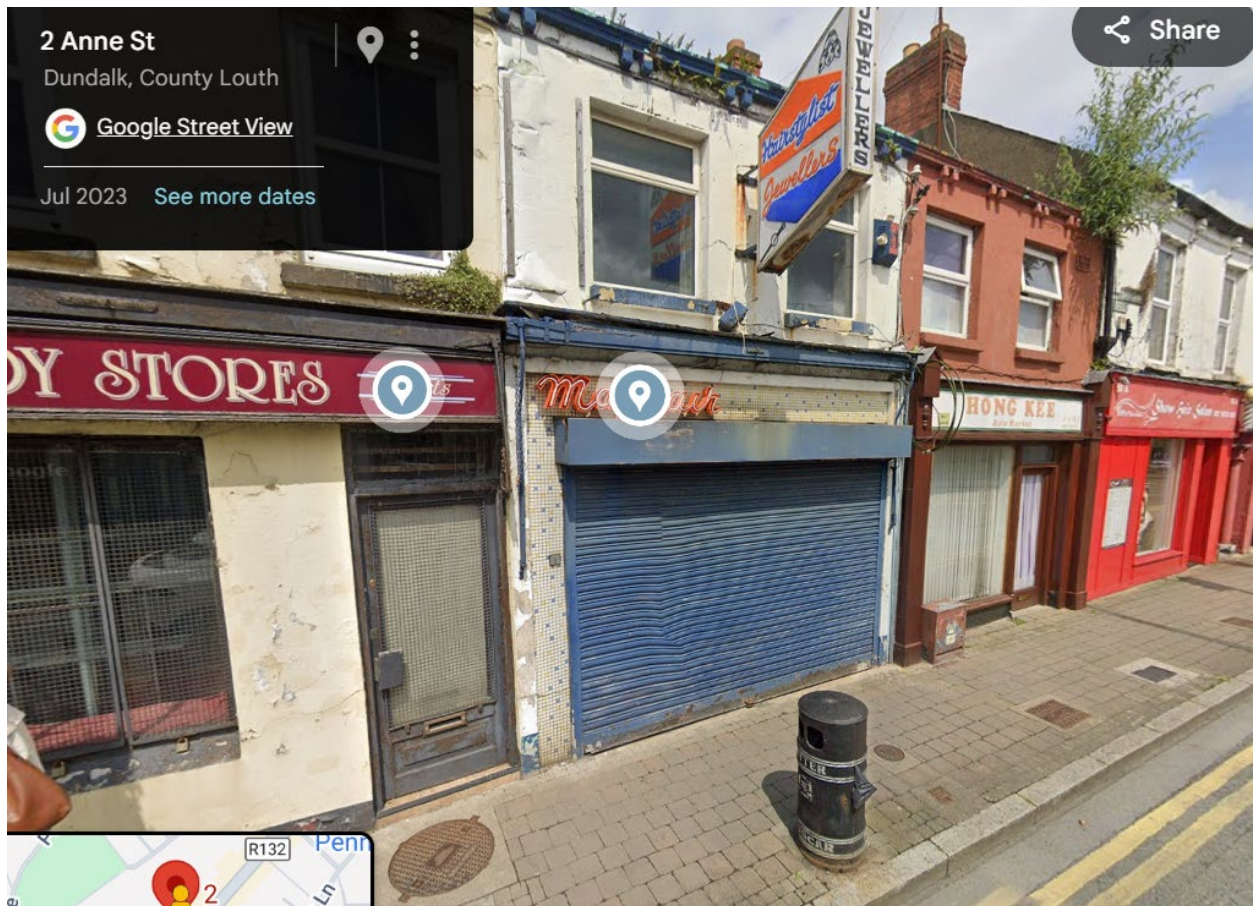


Figure 1: Google streetview image from July 2023.

2. Planning History

55520691-Planning permission was **granted** for an extension to premises.

3. Declaration Sought

Whether the following is or is not development and whether it is or is not exempted development:

- Conversion of a derelict ground floor commercial unit and first floor apartment to a single dwelling unit 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:

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 works*” means

“*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;

“*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.

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(1)(h) provides for “*Development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures*”.

Section 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 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, in 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 of the Planning & Development Regulations (PDR) 2001 (as amended)

(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.

(6)(a) In this sub-article—

‘habitable room’ means a room used for living or sleeping purposes but does not include a kitchen that has a floor area of less than 6.5 square metres;

‘relevant period’ means the period from 8 February 2018 until 31 December 2025.

(b) This sub-article relates to a proposed development, during the relevant period, that consists of a change of use to residential use from Class 1, 2, 3, 6 or 12 of Part 4 to Schedule 2

(c) Notwithstanding sub-article (1), where in respect of a proposed development referred to in paragraph (b)—

(i) the structure concerned was completed prior to the making of the Planning and Development (Amendment) (No. 2) Regulations 2018,

(ii) the structure concerned has at some time been used for the purpose of its current use class, being Class 1, 2, 3, 6 or 12, and

(iii) the structure concerned, or so much of it that is the subject of the proposed development, has been vacant for a period of 2 years or more immediately prior to the commencement of the proposed development,

then the proposed development for residential use, and any related works, shall be exempted development for the purposes of the Act, subject to the conditions and limitations set out in paragraph (d).

(d)(i) The development is commenced and completed during the relevant period.

(ii) Subject to sub-paragraph (iii), any related works, including works as may be required to comply with sub-paragraph (vii), shall –

(I) primarily affect the interior of the structure,

(II) retain 50 per cent or more of the existing external fabric of the building, and

(III) not materially affect the external appearance of the structure so as to render its appearance inconsistent with the character of the structure or of neighbouring structures.

(iii) Any related works for the alteration of existing ground floor shop fronts shall be consistent with the fenestration details and architectural and streetscape character of the remainder of the structure or of neighbouring structures.

(iv) No development shall consist of or comprise the carrying out of works to the ground floor area of any structure which conflicts with any objective of the relevant local authority development plan or local area plan, pursuant to the Part 1 of the First Schedule to the Act, for such to remain in retail use, with the exception of any works the purpose of which is to solely provide on street access to the upper floors of the structure concerned.

(v) No development shall consist of or comprise the carrying out of works which exceeds the provision of more than 9 residential units in any structure.

(vi) Dwelling floor areas and storage spaces shall comply with the minimum floor area requirements and minimum storage space requirements of the “Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities” issued under section 28 of the Act or any subsequent updated or replacement guidelines.

(vii) Rooms for use, or intended for use, as habitable rooms shall have adequate natural lighting.

(viii) No development shall consist of or comprise the carrying out of works to a protected structure, as defined in section 2 of the Act, save where the relevant planning authority has issued a declaration under section 57 of the Act to the effect that the proposed works would not materially affect the character of the structure or any element, referred to in section 57(1)(b) of the Act, of the structure.

(ix) No development shall contravene a condition attached to a permission under the Act or be inconsistent with any use specified or included in such a permission.

(x) No development shall relate to any structure in any of the following areas:

- (I) an area to which a special amenity area order relates;
- (II) an area of special planning control;

(III) within the relevant perimeter distance area, as set out in Table 2 of Schedule 8, of any type of establishment to which the Major Accident Regulations apply.

(xi) No development shall relate to matters in respect of which any of the restrictions set out in sub-paragraph (iv), (vii), (viiA), (viiB), (viiC), (viii) or (ix) of article 9(1)(a), or paragraph (c) or (d) of article (9)(1), would apply.

(xii) No development shall consist of or comprise the carrying out of works for the provision of an onsite wastewater treatment and disposal system to which the code of practice made by the Environmental Protection Agency pursuant to section 76 of the Environmental Protection Agency Act 1992 relates and entitled Code of Practice – Wastewater Treatment and Disposal Systems Serving Single Houses together with any amendment to that Code or any replacement for it.

(e)(i) Where a person proposes to undertake development to which paragraph (b) relates, then he or she shall in the case of development relating to Class 1, 2, 3, 6 or 12 of Part 4 to Schedule 2, notify in writing the planning authority in whose functional area that the change of use will occur not less than 14 days prior to the commencement of the works related to the proposed change of use and any related works;

(ii) Details of each notification under subparagraph (i), which shall include information on—

(I) the location of the structure,

(II) the number of residential units involved, including the unit sizes and number of bedrooms in each unit, and

(III) the Eircode for the relevant property,
shall be entered in a record by the planning authority maintained for this purpose and the record shall be available for inspection at the offices of the planning authority during office hours and on the planning authority's website

6. Assessment

Does the proposal constitute development?

Regard has been given to the definition of development in the Planning and Development Act 2024 as being “*the carrying out of works on, in, over or under lands or the making of any material change in the use of any structures or other land.*” Regard has also been given to the definition of works as being “*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.*”

The proposed change of use of the derelict ground floor commercial unit to a dwelling house together with renovations to the building is considered to constitute works and is therefore a form of **development**.

However, it is considered that the change of use of the apartment at first floor level to form part of a dwelling does **not** constitute a *material* change of use as the existing use of the upper floor as a 3 bed single tenure apartment is not materially different from the proposed 3 bedroom dwelling in terms of its use. Therefore, the change of use of the apartment to a dwelling is **not** considered to constitute development.

Does the proposal constitute exempted development?

Minor alterations to the front façade and internal alterations

The submitted plans detail alterations to the building which falls within the scope of Section 4(1)(h) of the Planning and Development Act 2000 (as amended) as they constitute development which does not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of neighbouring structures. These works are therefore **exempted** development.

Change of use of derelict ground floor commercial unit to a dwelling house

The building at the subject site was in place prior to the making of both the Planning and Development (Amendment) (No. 2) Regulations 2018 and the Planning and Development Act (Exempted Development) Regulations 2022.

The last known use of the building was a shop at ground floor (Class 1)

The proposal will be assessed against Article 10(6) of the Planning and Development Regulations 2001 (as amended).

(i) the structure concerned was completed prior to the making of the Planning and Development (Amendment) (No. 2) Regulations 2018,

Response: The Planning Authority are satisfied that the structure concerned was completed prior to the making of the Planning and Development (Amendment) (No. 2) Regulations 2018.

(ii) the structure concerned has at some time been used for the purpose of its current use class, being Class 1, 2, 3, 6 or 12, and

Response: The Planning Authority are satisfied that the structure has at some time been in use as Class 1 (shop).

(iii) the structure concerned, or so much of it that is the subject of the proposed development, has been vacant for a period of 2 years or more immediately prior to the commencement of the proposed development,

Response: The applicant has submitted confirmation from ESB that there has been low usage of electricity in the structure. Furthermore, the unit appears to have been vacant for some time on google street imagery exceeding 2 years.

(d)(i) The development is commenced and completed during the relevant period.

Response: The applicant has not confirmed that the development will commence and be completed during the relevant period. **Further Information** will be requested accordingly.

(ii) Subject to sub-paragraph (iii), any related works, including works as may be required to comply with sub-paragraph (vii), shall –

(I) primarily affect the interior of the structure,

(II) retain 50 per cent or more of the existing external fabric of the building, and

(III) not materially affect the external appearance of the structure so as to render its appearance inconsistent with the character of the structure or of neighbouring structures.

Response: The proposed works involve internal alterations and minor external alterations which do not materially affect the external appearance of the structure to

render its appearance inconsistent with the character of the structure or of neighbouring structures.

(iii) Any related works for the alteration of existing ground floor shop fronts shall be consistent with the fenestration details and architectural and streetscape character of the remainder of the structure or of neighbouring structures.

Response: No alterations have been proposed or undertaken to the shopfront to render it inconsistent with the character of the existing property or surrounding area.

(iv) No development shall consist of or comprise the carrying out of works to the ground floor area of any structure which conflicts with any objective of the relevant local authority development plan or local area plan, pursuant to the Part 1 of the First Schedule to the Act, for such to remain in retail use, with the exception of any works the purpose of which is to solely provide on street access to the upper floors of the structure concerned.

Response: The proposed change of use does not conflict with the zoning of the site or any particular objective in the County Development Plan. The property is outside the Core Retail Area and would appear to be vacant for some time. The exterior works proposed given their minor nature are considered acceptable and not in conflict with development plan policy.

(v) No development shall consist of or comprise the carrying out of works which exceeds the provision of more than 9 residential units in any structure.

Response: The proposal relates to one residential unit.

(vi) Dwelling floor areas and storage spaces shall comply with the minimum floor area requirements and minimum storage space requirements of the “Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities” issued under section 28 of the Act or any subsequent updated or replacement guidelines.

Response: Although the proposal relates to a dwelling house, Article 10 (6) relates to the change of use of a range of classes to residential use and which the Apartment Guidelines are the appropriate standards to apply. The submitted plans indicate compliance with the minimum floor area requirements of the “Sustainable Urban Housing: Design Standards for New Apartments — Guidelines for Planning Authorities 2025 in terms of the overall floor areas.

However, the submitted plans fail to detail adequate storage for this 3 bedroom residential unit (9 sqm) and appears to rely on minimal storage under the stairs and a wardrobe at first floor level. As further information is being sought, the applicant can be afforded the opportunity to address this matter through **FI**.

(vii) Rooms for use, or intended for use, as habitable rooms shall have adequate natural lighting.

Response: The submitted plans detail adequate natural lighting.

(viii) No development shall consist of or comprise the carrying out of works to a protected structure, as defined in section 2 of the Act, save where the relevant planning authority has issued a declaration under section 57 of the Act to the effect that the proposed works would not materially affect the character of the structure or any element, referred to in section 57(1)(b) of the Act, of the structure.

Response: The structure in question is not a protected structure.

(ix) No development shall contravene a condition attached to a permission under the Act or be inconsistent with any use specified or included in such a permission.

Response: No contravention of any condition apparent.

(x) No development shall relate to any structure in any of the following areas:

- (I) an area to which a special amenity area order relates;
- (II) an area of special planning control;
- (III) within the relevant perimeter distance area, as set out in Table 2 of Schedule 8, of any type of establishment to which the Major Accident Regulations apply.

Response: The proposal is not located in any of the areas referred to in this limitation.

(xi) No development shall relate to matters in respect of which any of the restrictions set out in sub-paragraph (iv), (vii), (viiA), (viiB), (viiC), (viii) or (ix) of article 9(1)(a), or paragraph (c) or (d) of article (9)(1), would apply.

Response: The proposal does not conflict with this limitation. It is noted that the proposal does not conflict with any other sub articles within Article 9.

(xii) No development shall consist of or comprise the carrying out of works for the provision of an onsite wastewater treatment and disposal system to which the code of practice made by the Environmental Protection Agency pursuant to section 76 of the Environmental Protection Agency Act 1992 relates and entitled Code of Practice – Wastewater Treatment and Disposal Systems Serving Single Houses together with any amendment to that Code or any replacement for it.

Response: The site is serviced by public infrastructure.

Consideration has also be given to Article 10(6) (e)(i) of the P&D Regulations 2001 (as amended) as it states that '*Where a person proposes to undertake development to which paragraph (b) relates, then he or she shall in the case of development relating to Class 1, 2, 3, 6 or 12 of Part 4 to Schedule 2, notify in writing the planning authority in whose functional area that the change of use will occur not less than 14 days prior to the commencement of the works related to the proposed change of use and any related works.*' The applicant shall therefore be advised of this provision through the further information request.

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

Having regard to the foregoing, It is recommended that Further Information is sought to complete a full assessment of the question for determination.

Further Information

1. Article 10 (6) of the Planning and Development Regulations 2001 (As amended) provides for conditions and limitations for the change of use to residential use from Class 1, 2, 3, 6 or 12 of Part 4 to Schedule 2,

The applicant is therefore requested to address the following:

- a) Confirm that the development will be commenced and completed during the relevant period (completed by 31st December 2025 or any subsequent extension to said date which may come into force) as per Condition/Limitation Article 10(6)(d)(i) of the Planning and Development Regulations 2001 (as amended).
- b) Provide plans clearly detailing storage spaces of 9 sqm within the residential unit in accordance with Article 10(6)(vi) of the Planning and Development Regulations 2001 (as amended). The storage must be additional to kitchen presses or cupboards and loose bedroom furniture.

Advice Note: The applicant is advised that Article 10(6) (e)(i) of the Planning and Development Regulations 2001 (as amended) states that *'Where a person proposes to undertake development to which paragraph (b) relates, then he or she shall in the case of development relating to Class 1, 2, 3, 6 or 12 of Part 4 to Schedule 2, notify in writing the planning authority in whose functional area that the change of use will occur not less than 14 days prior to the commencement of the works related to the proposed change of use and any related works.'*



Ciarán Kelly
Assistant Planner
Date: 16/12/2025



Turlough King
A/Senior Planner
Date: 18/12/2025

Thomas McEvoy
Director of Services
Date:



LOUTH COUNTY COUNCIL

Brian Kennedy
c/o O'Connell Planning & Design Services
Hazelfield
Askeaton
Co. Limerick
V94 P2N5

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

By email only to: p [REDACTED]

Date: 19th 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 is the conversion of a derelict ground floor commercial unit and first floor apartment to a single dwelling unit at No. 2 Anne Street, Dundalk, Co. Louth, is or is not development and is or is not exempted development.

APPLICANT – Brian Kennedy

REF. NO. S5 2025/91

Dear Sir/Madam,

Further to your application received on 04th 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. Article 10 (6) of the Planning and Development Regulations 2001 (As amended) provides for conditions and limitations for the change of use to residential use from Class 1, 2, 3, 6 or 12 of Part 4 to Schedule 2,

The applicant is therefore requested to address the following:

- a) Confirm that the development will be commenced and completed during the relevant period (completed by 31st December 2025 or any subsequent extension to said date which may come into force) as per Condition/Limitation Article 10(6)(d)(i) of the Planning and Development Regulations 2001 (as amended).

- b) Provide plans clearly detailing storage spaces of 9 sqm within the residential unit in accordance with Article 10(6)(vi) of the Planning and Development Regulations 2001 (as amended). The storage must be additional to kitchen presses or cupboards and loose bedroom furniture.

Advice Note: The applicant is advised that Article 10(6) (e)(i) of the Planning and Development Regulations 2001 (as amended) states that *'Where a person proposes to undertake development to which paragraph (b) relates, then he or she shall in the case of development relating to Class 1, 2, 3, 6 or 12 of Part 4 to Schedule 2, notify in writing the planning authority in whose functional area that the change of use will occur not less than 14 days prior to the commencement of the works related to the proposed change of use and any related works.'*

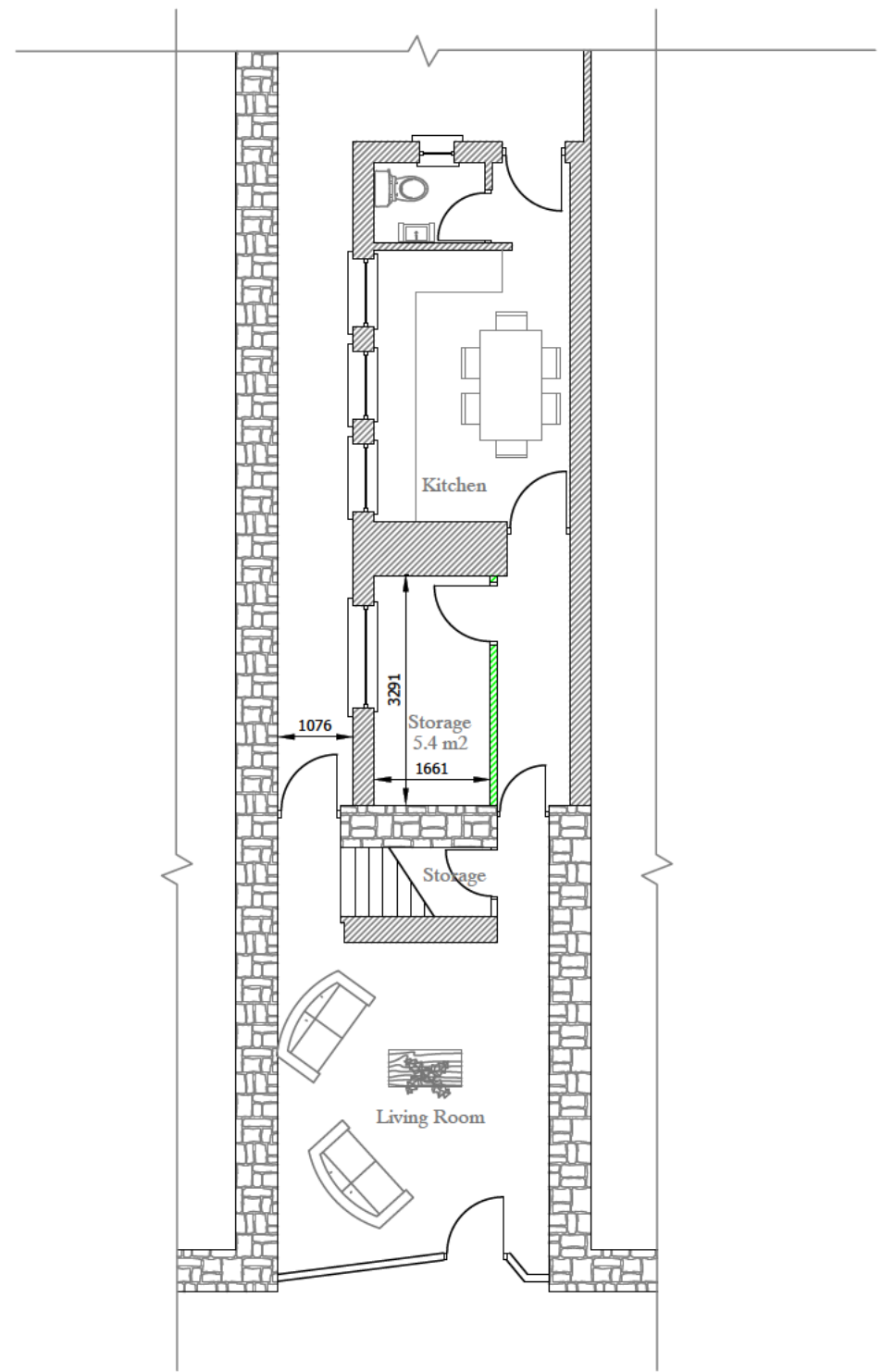
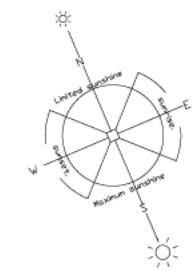
This matter is being dealt with by **Ciarán Kelly, Assistant Planner, Louth County Council** who can be contacted on 042-9335457.

Yours faithfully,

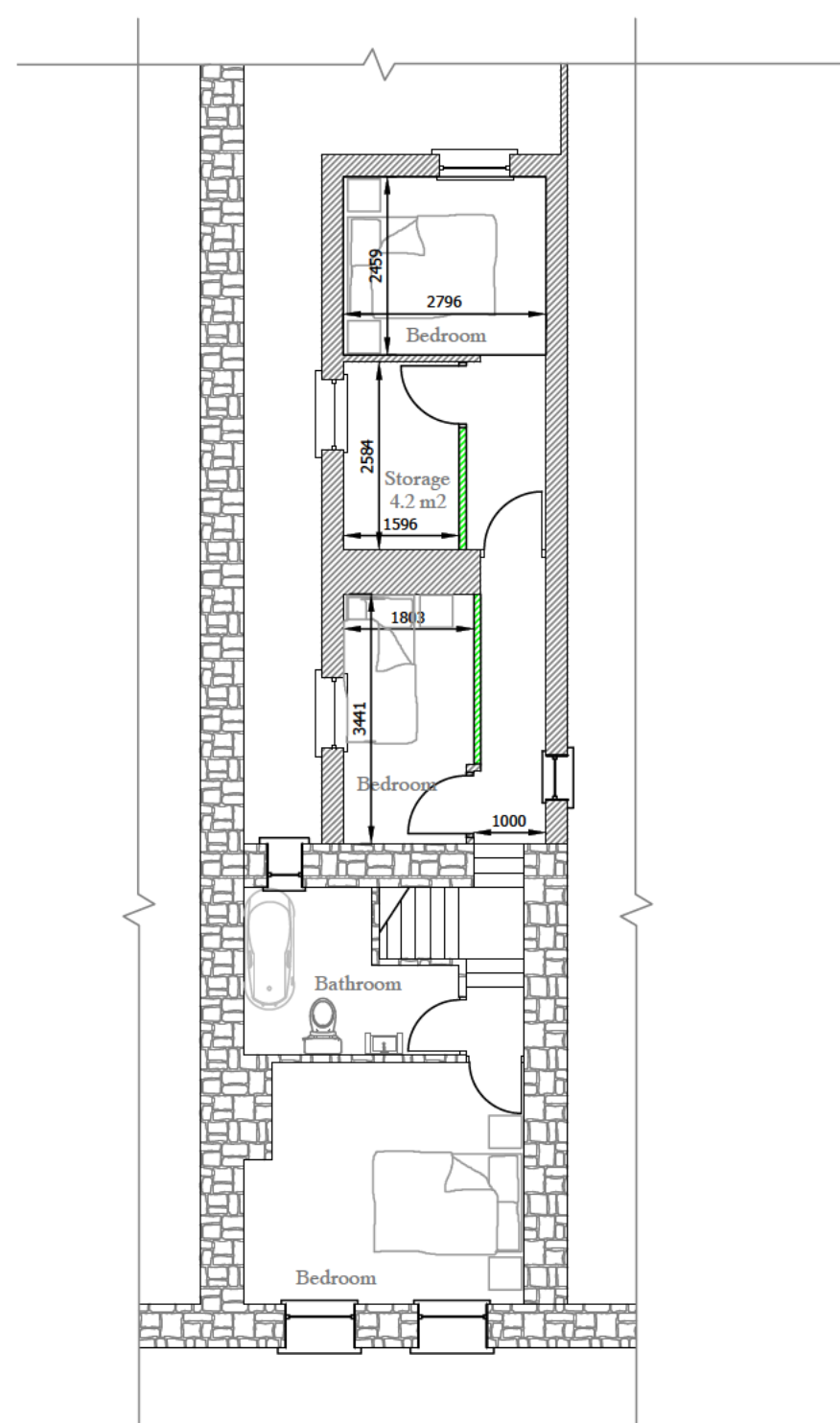


Niamh Lynch
Planning Section

Proposed Modifications



Ground floor plan Proposed 50.14 sq.mtrs
Scale 1:100



First floor plan Proposed 49.48 sq.mtrs
Scale 1:100

Rev B: Revised Storage



AREA:		
B	For Planning Only	22/10/25
REV	ISSUE / DESCRIPTION	DATE
CLIENT		
Brian Kennedy		
SITE ADDRESS		
2 Anne St, Dundalk, Co. Louth		
DRAWING TITLE		
Proposed Floor Plans		
DRAWING No: PL-25527-3		
SCALE:	DRAWN BY:	
1:100	Pat O'Connell	
SHEET:	O'Connell Planning & Design Services	
3	Hazelfield, Askeaton, Co.Limerick.	

Brian Kennedy



Ph. 087 4321400

Email: [Redacted]

25/11/2025

Planning Section
Louth County Council
County Hall
Millennium Centre
Dundalk
Co. Louth

Re: Property at No. 2 St. Anne's Street, Dundalk, Co. Louth.

Dear Sir/Madam,

In response to your request to further information please note the following.

- a) I refer to your recent query requesting confirmation that the development will be commenced and completed during the relevant period, namely by 31 December 2025 or any subsequent extension to that date, in accordance with Condition/Limitation Article 10(6)(d)(i) of the Planning and Development Regulations 2001 (as amended).
Since the submission of the original application, the Planning and Development Act (Exempted Development) Regulations 2025 (S.I. No. 648 of 2025) have come into effect. These Regulations extend the exemption originally provided under S.I. No. 30 of 2018 and now provide that the relevant exemption period applies until 31 December 2028.
Accordingly, it is confirmed that the proposed development will be commenced and completed within the revised timeframe permitted under the Planning and Development Act (Exempted Development) Regulations 2025, i.e. on or before 31 December 2028.
- b) Please see attached revised floor plan outlining 9 sq Mts of storage space.

Yours faithfully,

Brian Kennedy

Brian Kennedy

Louth County Council

Section 5 Declaration

Planning Ref: S5 2025/91

Applicant's Name: Brian Kennedy

Type of Application: Section 5 Declaration

Development: Is the conversion of a derelict ground floor commercial unit and first floor apartment to a single dwelling unit development and is it or is it not exempt development

Site Location: 2 Anne Street Dundalk, A91 YY45

Due Date: 24th March 2026

1. Summary of Previous Report:

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

1. Article 10 (6) of the Planning and Development Regulations 2001 (As amended) provides for conditions and limitations for the change of use to residential use from Class 1, 2, 3, 6 or 12 of Part 4 to Schedule 2,

The applicant is therefore requested to address the following:

- a) Confirm that the development will be commenced and completed during the relevant period (completed by 31st December 2025 or any subsequent extension to said date which may come into force) as per Condition/Limitation Article 10(6)(d)(i) of the Planning and Development Regulations 2001 (as amended).
- b) Provide plans clearly detailing storage spaces of 9 sqm within the residential unit in accordance with Article 10(6)(vi) of the Planning and Development Regulations 2001 (as amended). The storage must be additional to kitchen presses or cupboards and loose bedroom furniture.

2. Response from Applicant:

Item 1a

The applicant has stated that since the submission of the original application, the Planning and Development Act (Exempted Development) Regulations 2025 (S.I. No. 648 of 2025) have come into effect. These Regulations extend the exemption originally provided under S.I. No. 30 of 2018 and now provide that the relevant exemption period applies until 31 December 2028.

They have also confirmed that the proposed development will be commenced and completed within the revised timeframe permitted under the Planning and Development Act (Exempted Development) Regulations 2025, i.e. on or before 31 December 2028.

Item 1b

The applicant has provided floor plans detailing the provision of 9.6 sqm storage space within the residential unit which is in excess of the requirements of Article 10(6)(vi) of the Planning and Development Regulations 2001 (as amended).

3. Assessment:

Does the proposal constitute development?

In the initial assessment, the Planning Authority concluded that the proposed change of use of the derelict ground floor commercial unit to a dwelling house together with renovations to the building was considered to constitute works and is therefore a form of **development** and that the change of use of the apartment at first floor level to form part of a dwelling did **not** constitute a *material* change of use as the existing use of the upper floor as a 3 bed single tenure apartment is not materially different from the proposed 3 bedroom dwelling in terms of its use and therefore did not constitute development.

The further information submitted does not result in any alterations to the conclusions reached.

Does the proposal constitute exempted development?

Since the issuing of the further information request, the relevant period outlined in Article 10(6) was amended by *Article 3 of S.I. No. 648/2025 Planning and Development Act (Exempted Development (Act of 2000)) Regulations 2025* until **31 December 2028**. The applicant has confirmed that the works will be commenced and completed by this date and therefore, they are in compliance with Article 10(6) (d)(i) of the Planning and Development Regulations 2001 (as amended).

Furthermore, the applicant has submitted plans detailing 9sqm storage space in accordance with the minimum storage space requirements of the “*Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities*” issued under section 28 of the Act. Therefore, the proposed works are deemed to be in compliance with Article 10(6) of the Planning and Development Regulations 2001 (as amended) and are therefore **exempted** development.

4. Recommendation:

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.

“Is the conversion of a derelict ground floor commercial unit and first floor apartment to a single dwelling unit development and is it or is it not exempt development”

AND WHEREAS the said question was referred to Louth County Council by Brian Kennedy on 4th 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 & Development Act 2024(as amended);
- (b) The plans and particulars submitted to the Planning Authority on the 5th December 2025, and the further plans and particulars submitted to the Planning Authority on the 4th March 2026.
- (c) Section 4 of the Planning and Development Act, 2000 (as amended.)
- (d) Articles 6, 9 and 10 of the Planning and Development Regulations, 2001, as amended.
- (e) Article 3 of S.I. No. 648/2025 Planning and Development Act (Exempted Development (Act of 2000)) Regulations 2025
- (f) The Planning history and the last authorised use of the property on the site.

AND WHEREAS Louth County Council has concluded that on the basis of the information available that:

- (a.) The change of use of the apartment at first floor level to form part of a dwelling is **not** a material change of use and therefore does **not** constitute development under Section 2 of the Planning and development Act 2024 (as amended) and;

- (b.) The “conversion of a derelict ground floor commercial unit to a single dwelling unit development” is considered to **constitute development** under Section 2 of the Planning and Development Act 2024 (as amended). The proposal is considered to come within the scope of **Article 10(6)** of the Planning and Development Regulations, 2001 (as amended) and as such is considered **exempted development**.

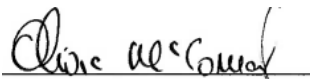
NOW THEREFORE Louth County Council in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act 2000 (as amended), hereby decides that the *change of use of the apartment at first floor level to form part of a dwelling* is **NOT** development and the *conversion of a derelict ground floor commercial unit to a single dwelling unit development* is **development** and is **exempted development**.



Ciarán Kelly
Assistant Planner
Date: 18/03/2026



Turlough King
A/Senior Planner
Date: 19/03/2026



Olivia McCormack
A/Director of Services
Date: 20/03/2026

LOUTH COUNTY COUNCIL

CHIEF EXECUTIVE'S ORDER

PLANNING & DEVELOPMENT ACT 2000 (as amended)

Section 5 Exempted Development

Chief Executive's Order No:	207/2026
Reference No:	S5 2025/91
Date Application Received:	04/12/2025 & Further Information on 04/03/2026
Description of Development:	Is the conversion of a derelict ground floor commercial unit and first floor apartment to a single dwelling unit development and is it or is it not exempted development
Name of Applicant:	Brian Kennedy
Location of Development	No. 2 Anne Street, Dundalk, Co. Louth, A91 YY45

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.

"Is the conversion of a derelict ground floor commercial unit and first floor apartment to a single dwelling unit development and is it or is it not exempt development"

AND WHEREAS the said question was referred to Louth County Council by Brian Kennedy on 4th 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 & Development Act 2024(as amended);
- (b) The plans and particulars submitted to the Planning Authority on the 4th December 2025, and the further plans and particulars submitted to the Planning Authority on the 4th March 2026.
- (c) Section 4 of the Planning and Development Act, 2000 (as amended.)
- (d) Articles 6, 9 and 10 of the Planning and Development Regulations, 2001, as amended.
- (e) Article 3 of S.I. No. 648/2025 Planning and Development Act (Exempted Development (Act of 2000)) Regulations 2025
- (f) The Planning history and the last authorised use of the property on the site.

LCP Order No. 207/2026

Reference No: S5 2025/91

AND WHEREAS Louth County Council has concluded that on the basis of the information available that:

- (a) The change of use of the apartment at first floor level to form part of a dwelling is **not** a material change of use and therefore does **not** constitute development under Section 2 of the Planning and development Act 2024 (as amended) and;
- (b) *The “conversion of a derelict ground floor commercial unit to a single dwelling unit development”* is considered to **constitute development** under Section 2 of the Planning and Development Act 2024 (as amended). The proposal is considered to come within the scope of **Article 10(6)** of the Planning and Development Regulations, 2001 (as amended) and as such is considered **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 2000 (as amended), hereby decides that the *change of use of the apartment at first floor level to form part of a dwelling* is **NOT** development and the *conversion of a derelict ground floor commercial unit to a single dwelling unit development”* is **development** and is **exempted development**.

SIGNED: 

Ciarán Kelly
Assistant Planner

Date: 18/03/2026

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 GRANTED** for the development as described above.

SIGNED: 

Olivia McCormack
A/Director of Service

Date: 20/03/2026

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. 101/26 dated the 6th day of March 2026.



Comhairle Contae Lú
Louth County Council

Brian Kennedy
c/o O'Connell Planning & Design Services
Hazelfield
Askeaton
Co. Limerick
V94 P2N5

By email only to: [REDACTED]

20th March 2026

Re: Ref. S5 2025/91

Application for Declaration of "Exempted Development" Part 1, Section 5 Planning & Development Act, 2000 (as amended) as to 'Whether the conversion of a derelict ground floor commercial unit and first floor apartment to a single dwelling unit at No. 2 Anne Street, Dundalk, Co. Louth, is development and is it or is it not exempted development.

Dear Sir/Madam,

I wish to acknowledge receipt of your application received on 04th December 2025 and further information received on 04th March 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.

"Is the conversion of a derelict ground floor commercial unit and first floor apartment to a single dwelling unit development and is it or is it not exempt development"

AND WHEREAS the said question was referred to Louth County Council by Brian Kennedy on 4th 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 & Development Act 2024(as amended);
- (b) The plans and particulars submitted to the Planning Authority on the 4th December 2025, and the further plans and particulars submitted to the Planning Authority on the 4th March 2026.
- (c) Section 4 of the Planning and Development Act, 2000 (as amended.)

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- (d) Articles 6, 9 and 10 of the Planning and Development Regulations, 2001, as amended.
- (e) Article 3 of S.I. No. 648/2025 Planning and Development Act (Exempted Development (Act of 2000)) Regulations 2025
- (f) The Planning history and the last authorised use of the property on the site.

AND WHEREAS Louth County Council has concluded that on the basis of the information available that:

- (a) The change of use of the apartment at first floor level to form part of a dwelling is **not** a material change of use and therefore does **not** constitute development under Section 2 of the Planning and Development Act 2024 (as amended) and;
- (b) *The "conversion of a derelict ground floor commercial unit to a single dwelling unit development"* is considered to **constitute development** under Section 2 of the Planning and Development Act 2024 (as amended). The proposal is considered to come within the scope of **Article 10(6)** of the Planning and Development Regulations, 2001 (as amended) and as such is considered **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 2000 (as amended), hereby decides that the *change of use of the apartment at first floor level to form part of a dwelling* is **NOT** development and the *conversion of a derelict ground floor commercial unit to a single dwelling unit development* is **development** and is **exempted development**.

In Summary

A Declaration of Exemption is hereby **GRANTED** for the works as detailed on the plans and particulars submitted on 04th December 2025 and further information on 04th March 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