

Section 5 Declaration - Application Form

1. Name and address of person seeking the declaration:

NICOLA MALONE - MALONE WINDOWS LTD.  
SHAMROCK HILL BUSINESS PK DUNLEER A92  
Phone Number: [REDACTED] E-Mail: [REDACTED] PF84

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

~~\_\_\_\_\_~~  
~~\_\_\_\_\_~~  
Phone Number: \_\_\_\_\_ E-Mail: \_\_\_\_\_

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

AS ABOVE.  
\_\_\_\_\_  
\_\_\_\_\_

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

AS ABOVE - A92 PF84  
\_\_\_\_\_

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

A92 PF84. / O 05141 87908.

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:

Do the following proposed works to existing commercial building require planning permission - removal of existing asbestos roof and replace with new Kingspan insulated roof with no changes to existing surface area or elevations?

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: D. Malone Date 31/03/2026.

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](mailto:planninggroup@louthcoco.ie) with contact details to arrange payment of fee.

# Planning Pack Map

SCALE: 1/1000

R á b h á i l  
R a v e l

2.32

0.95

1.34

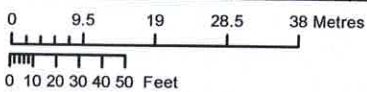
0.21

2.19

Car Park

C n o c n a S e a m a r  
S h a m r o c k h i l l

Clubhouse



OUTPUT SCALE: 1:1,000



CENTRE  
COORDINATES:  
ITM 705068,787936

<b>PUBLISHED:</b> 12/03/2026	<b>ORDER NO.:</b> 50523746_1
<b>MAP SERIES:</b> 1:5,000 1:2,500	<b>MAP SHEETS:</b> 2071 2071-A

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J08F6E4

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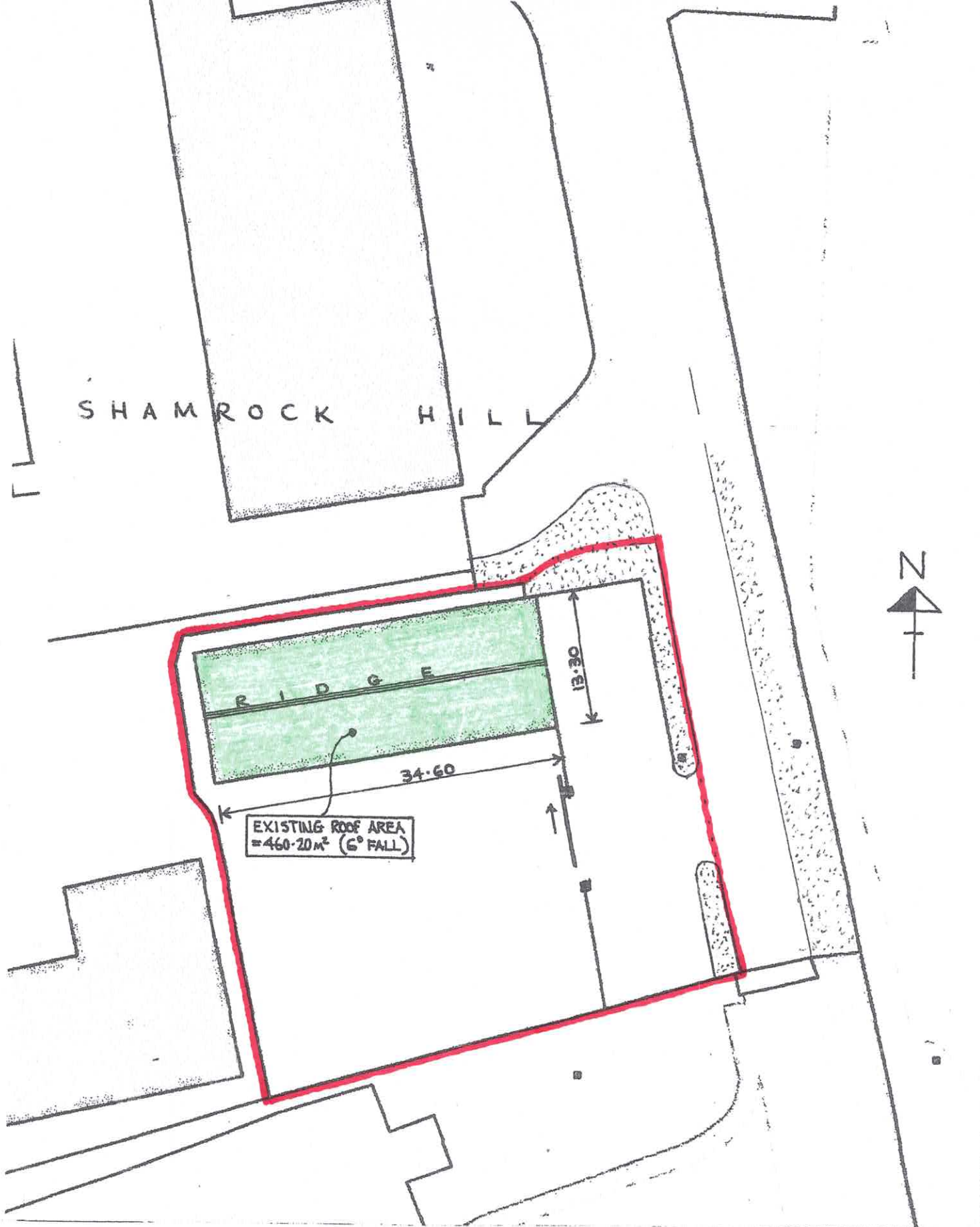
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**Tailte  
Éireann**



MALONE WINDOWS & CONSTRUCTION

EXISTING PREMISES AT: SHAMROCK HILL BUSINESS PARK,  
SHAMROCK HILL, DUNLEER, CO. LOUTH. A92 PF84

SCALE:  
1/500

DATE:  
MARCH 2026






**QuadCore KS1000RW LEC Roof Panel**

Profile(s)  
**Trapezoidal**

Fix  
**Through fix**

U-Value (W/m<sup>2</sup>k) range  
**0.47-0.012**

Weight (kg/m<sup>2</sup>) range  
**9.0-13.2**



**QuadCore Topdek Panel**

Profile(s)  
**Flat**

Fix  
**Secret Fix**

U-Value (W/m<sup>2</sup>k) range  
**0.43-0.12**

Weight (kg/m<sup>2</sup>) range  
**8.9-12.9**



**QuadCore Roofline**

Profile(s)  
**Flat**

Fix  
**Through fix**

U-Value (W/m<sup>2</sup>k) range  
**0.38-0.08**

Weight (kg/m<sup>2</sup>) range  
**12.3-17.6**

**Louth County Council  
Section 5 Declaration**

<b>Planning Ref:</b>	2026/18
<b>Applicant's Name:</b>	Nicola Malone – Malone Windows Ltd.
<b>Type of Application:</b>	Section 5 Declaration
<b>Development:</b>	<i>Whether the removal of an existing asbestos roof and replacement with new Kingspan insulated roof with no changes to existing surface area or elevations is development and whether it is exempted development</i>
<b>Site Location:</b>	Malone Windows, Shamrock Hill Business Park, Dunleer, Co. Louth, A92 PF84
<b>Due Date:</b>	28 <sup>th</sup> April 2026
<b>Report Date:</b>	23 <sup>rd</sup> April 2026

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**1. Site Location and Description**

The existing industrial/business unit building is located within the Shamrock Hill Business Park, off the R170 and within the settlement of Dunleer Village. It is a rectangular building, approximately 410sqm in area constructed with block and brown brick. It has a low-profile corrugated asbestos roof attached over a steel frame and RSJ's. The structure is in use by Malone Windows Ltd. A company which supplies and fits PVC windows and PVC/Composite doors.

**2. Planning History**

83/185 IDA – 3,000sqft factory GRANTED.

**3. Declaration Sought**

The applicant states within Question 7 of the application form that the question for determination is as follows;

*“Whether the removal of an existing asbestos roof and replacement with new Kingspan insulated roof with no changes to existing surface area or elevations is development and whether it is exempted development”.*

**4. 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.

## **5. Appropriate Assessment**

Having regard to the nature and scale of the proposed development and the nature of the receiving environment, within an urban settlement, 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. Legislative Context**

### **Article 6 of the Planning & Development Regulations (PDR) 2001 (as amended) states:**

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

*Article 9(1) provides detailing on restrictions on exemption 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 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, save any excavation, pursuant to and in accordance with a licence granted under section 26 of the National Monuments Act, 1930 (No. 2 of 1930),*

*(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.*

**Section 2 of the Planning and Development Act 2024, states that:**

*“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,

(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.

**Section 5 of the Planning and Development Act 2000, as amended, 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.

## 7.0 ASSESSMENT

It is proposed to replace the circa 445sqm corrugated asbestos roof with new Kingspan Insulated roof panels (Quadcore Topdek Panels).

### **Do the works constitute “development”?**

The definition of “development” in Section 2(a)(i) of the Planning and Development Act, 2024 (as amended) includes the carrying out of works on, in, over or under land. Works as defined in Section of the 2024 Act includes an act or operation of “alteration, repair or renewal”. I consider that the replacement of the existing asbestos roof with a Kingspan insulation roof would be an act of renewal and would constitute “works” and therefore would constitute “development” within the meaning provided in Section 2 of the Planning and Development Act, 2024 (as amended).

### **Do the works constitute exempted development?**

Section 4(1)(h) of the 2000 Act states that the following shall be exempted development for the purposes of the Act

*“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”.*

In this situation I would consider that replacement of the existing asbestos roof with a Kingspan insulation roof would 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 and as such, the proposal would constitute exempted development having regard to Section 4(1)(h).

## 8.0 CONCLUSION:

It can be concluded, given the foregoing, and having regard to the relevant provisions of the Planning and Development Act, 2000, (as amended), Sections 1-5 inclusive of the Planning and Development Act, 2024, and the Planning and Development Regulations, 2001 (as amended), the proposal to remove an existing asbestos roof and to replace it with new Kingspan insulated roof with no changes to existing surface area or elevations constitutes “development”, within the meaning given under Section 2 and is exempted development having regard to Section 4(1)(h) of the 2000 Act.

WHEREAS a question to whether “Whether the removal of an existing asbestos roof and replacement with new Kingspan insulated roof with no changes to

existing surface area or elevations at Malone Windows, Shamrock Hill Business Park, Dunleer, Co. Louth, A92 PF84” is development and whether it is exempted development

AND WHEREAS the said question was referred to Louth County Council by Nicola Malone, Malone Windows Limited,

AND WHEREAS Louth County Council in considering this reference, had regard reference particularly to –

- a) The definition of “works” and “development”, in Section 2 of the Planning and Development Act 2024,
- b) Section 4(1)(h) of the Planning and Development Act 2000 (as amended) which relates to Exempted Development,
- c) Plans and particulars received by the Planning Authority on 1<sup>st</sup> April 2026,
- d) The planning history of the site.

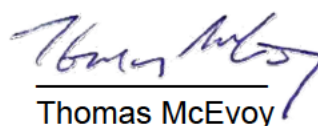
AND WHEREAS Louth County Council has concluded on the basis of the information submitted that:

- (i) The replacement of the existing corrugated asbestos roof with a Kingspan insulated roof is an act of renewal of the subject building’s roof,
- (ii) The act of renewal constitutes “works” and therefore constitutes “development”.
- (iii) It is considered that the replacement of the existing asbestos roof with a Kingspan insulation roof would not materially affect the external appearance of the Malone Windows Ltd building so as to render its appearance inconsistent with the character of the structure or of neighbouring structures within Shamrock Hill Business Park and as such, the proposal would constitute exempted development having regard to Section 4(1)(h).

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 removal of an existing asbestos roof and replacement with a new Kingspan insulated roof with no changes to existing surface area or elevations at Malone Windows Limited, Shamrock Business Park, A92 PF84 is development and is exempted development.



David Hall  
Acting Senior Executive Planner  
Date: 23<sup>rd</sup> April 2026



Thomas McEvoy  
Director of Services  
Date: 24/04/2026

**LOUTH COUNTY COUNCIL**

**CHIEF EXECUTIVE'S ORDER**

**PLANNING & DEVELOPMENT ACT 2000 (as amended)**

**Section 5 Exempted Development**

<b>Chief Executive's Order No:</b>	295/2026
<b>Reference No:</b>	S5 2026/18
<b>Date Application Received:</b>	01/04/2026
<b>Description of Development:</b>	Whether the removal of an existing asbestos roof and replacement with new Kingspan insulated roof with no changes to existing surface area or elevations is or is not development and is or is not exempted development.
<b>Name of Applicant:</b>	Nicola Malone – Malone Windows Ltd
<b>Location of Development</b>	Malone Windows, Shamrock Hill Business Park, Dunleer, Co. Louth, A92 PF84

WHEREAS a question to whether “Whether the removal of an existing asbestos roof and replacement with new Kingspan insulated roof with no changes to existing surface area or elevations at Malone Windows, Shamrock Hill Business Park, Dunleer, Co. Louth, A92 PF84” is development and whether it is exempted development

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AND WHEREAS Louth County Council in considering this reference, had regard reference particularly to –

- (a) The definition of “works” and “development”, in Section 2 of the Planning and Development Act 2024,
- (b) Section 4(1)(h) of the Planning and Development Act 2000 (as amended) which relates to Exempted Development,
- (c) Plans and particulars received by the Planning Authority on 01<sup>st</sup> April 2026,
- (d) The planning history of the site.

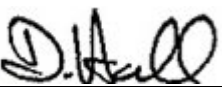
**LCP Order No. 295/2026**

**Reference No: S5 2026/18**

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


- (i) The replacement of the existing corrugated asbestos roof with a Kingspan insulated roof is an act of renewal of the subject building's roof,
- (ii) The act of renewal constitutes "works" and therefore constitutes "development".
- (iii) It is considered that the replacement of the existing asbestos roof with a Kingspan insulation roof would not materially affect the external appearance of the Malone Windows Ltd building so as to render its appearance inconsistent with the character of the structure or of neighbouring structures within Shamrock Hill Business Park and as such, the proposal would constitute exempted development having regard to Section 4(1)(h).

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 removal of an existing asbestos roof and replacement with a new Kingspan insulated roof with no changes to existing surface area or elevations at Malone Windows Limited, Shamrock Business Park, A92 PF84 is development and is exempted development.

**SIGNED:**   
**David Hall**  
**A/Senior Executive Planner**

**Date: 23/04/2026**

**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:**   
**Thomas McEvoy**  
**Director of Service**

**Date: 24/04/2026**

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 14<sup>th</sup> day of May 2025.



Comhairle Contae Lú  
Louth County Council

Ms. Nicola Malone  
Malone Windows Ltd  
Shamrock Hill Business Park  
Dunleer  
Co. Louth  
A92 PF84

By email only to: [REDACTED]

24<sup>th</sup> April 2026

Re: **Ref. S5 2026/18**

**Application for Declaration of “Exempted Development” Part 1, Section 5 Planning & Development Act, 2000 (as amended) as to ‘Whether the removal of an existing asbestos roof and replacement with new Kingspan insulated roof with no changes to existing surface area or elevations at Malone Windows, Shamrock Hill Business Park, Dunleer, Co. Louth, A92 PF84’ 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 01<sup>st</sup> April 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 to whether “Whether the removal of an existing asbestos roof and replacement with new Kingspan insulated roof with no changes to existing surface area or elevations at Malone Windows, Shamrock Hill Business Park, Dunleer, Co. Louth, A92 PF84” is development and whether it is exempted development

AND WHEREAS the said question was referred to Louth County Council by Nicola Malone, Malone Windows Limited,

AND WHEREAS Louth County Council in considering this reference, had regard reference particularly to –

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

Comhairle Contae Lú	Louth County Council	
Halla an Bhaile	Town Hall	
Sráid Crowe	Crowe Street	T + 353 42 9335457
Dún Dealgan	Dundalk	E info@louthcoco.ie
Contae Lú	County Louth	W www.louthcoco.ie
A91 W20C	A91 W20C	

*Cuirfear fáilte roimh chomhfhreagras Gaelige - Correspondence in Irish is welcome*  
Féach foláirimh faoi Lú ón gComhairle ag [www.mapalerter.ie/Louth](http://www.mapalerter.ie/Louth)  
View Council alerts for Louth at [www.mapalerter.ie/Louth](http://www.mapalerter.ie/Louth)

- (b) Section 4(1)(h) of the Planning and Development Act 2000 (as amended) which relates to Exempted Development,
- (c) Plans and particulars received by the Planning Authority on 01<sup>st</sup> April 2026,
- (d) The planning history of the site.

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

- (i) The replacement of the existing corrugated asbestos roof with a Kingspan insulated roof is an act of renewal of the subject building's roof,
- (ii) The act of renewal constitutes "works" and therefore constitutes "development".
- (iii) It is considered that the replacement of the existing asbestos roof with a Kingspan insulation roof would not materially affect the external appearance of the Malone Windows Ltd building so as to render its appearance inconsistent with the character of the structure or of neighbouring structures within Shamrock Hill Business Park and as such, the proposal would constitute exempted development having regard to Section 4(1)(h).

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 removal of an existing asbestos roof and replacement with a new Kingspan insulated roof with no changes to existing surface area or elevations at Malone Windows Limited, Shamrock Business Park, A92 PF84 is development and is exempted development.

#### **In Summary**

**A Declaration of Exemption is hereby GRANTED for the development as detailed on the plans and particulars submitted on 01<sup>st</sup> April 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