



## **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.
2. Any person may, on payment of the prescribed fee, request in writing from the Planning Authority a declaration on a question as whether a particular type of development is exempt.
3. The question to be determined should be clear as to whether it relates to an existing development or a proposed development. If the development is proposed, details of the nature, size and location of the proposed development should be submitted. Floor plans and elevations should be submitted.
4. 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.
5. Any person issued with a declaration may, on payment to the Board of such fee as may be prescribed, refer a declaration for review by the Board within 4 weeks of the date of the issuing of the declaration.
6. 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:**

Hadleywood Holding Ltd., [REDACTED]

Phone Number [REDACTED]

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

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

Phone Number: [REDACTED]

E-Mail [REDACTED]

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

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

**4. Interest in site of the person seeking declaration:**

Owner

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

**5. Location of development referred to in Question 6 (specify house no. and street name, where applicable)\*\***

Former Ferdia Arms, Castle Street, Ardee, Co. Louth (A92 APK4)

**6. Question for determination under Section 5 (be as specific as possible) :**

(a) Whether the use of the former hotel/guesthouse and public house to provide temporary emergency accommodation for international protection applicants and associated works is or is not development and; (b) whether this use and works is or is not exempted development

7. 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?

A Section 57 Declaration has been requested by the Planning Authority

I certify that the aforementioned is correct.

Signature of Applicant:  Date 10th June 2024

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)
- Application fee: (€80)

**\*\*NOTE: If the property outlined in Question 5 is a Protected Structure please submit two copies of all documentation listed above.**

**Completed Application Form & Fee of €80.00 must be submitted to:**

**Planning Office  
Louth County Council  
Town Hall  
Crowe Street, Dundalk  
County Louth  
A91W20C**



Development Management Section  
Planning & Strategic  
Infrastructure Department  
Louth County Council,  
County Hall,  
Millennium Centre,  
Dundalk,  
Co. Louth

11<sup>th</sup> June 2024

**Re: Request for Section 5 Declaration of Exempted Development at Former Ferdia Arms, Castle Street, Ardee, Co. Louth**

Dear Sir/Madam,

Hughes Planning and Development Consultants, 85 Merrion Square, Dublin 2, have been instructed by our client, Hadleywood Holding Ltd., to submit this request in relation to a Declaration of Exempted Development for a site at Former Ferdia Arms, Castle Street, Ardee, Co. Louth.

The question before the planning authority is:

*'(a) Whether the use of the former hotel/guesthouse and public house to provide temporary emergency accommodation for international protection applicants and associated works is or is not development and; (b) whether this use and works is or is not exempted development'.*

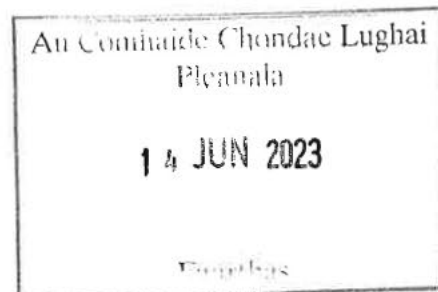
To support this request, please find enclosed:

- 1 no. copy of Declaration of Exemption Planning Form;
- 1 no. copy of EFT for €80;
- 2 no. copies of Site Location Map;
- 2 no. copies of Planning Report, as prepared by Hughes Planning & Development Consultants; and
- 2 no. copies of Floor Plan and Elevation drawings, as prepared by Doherty Design Services§.

We trust that the enclosed plans and particulars pertaining to this request are in order and look forward to a favourable decision from Louth County Council in due course. Should you have any questions, please do not hesitate to contact the undersigned.

Yours Sincerely,

Kevin Hughes MIPI MRTPI  
Director For HPDC

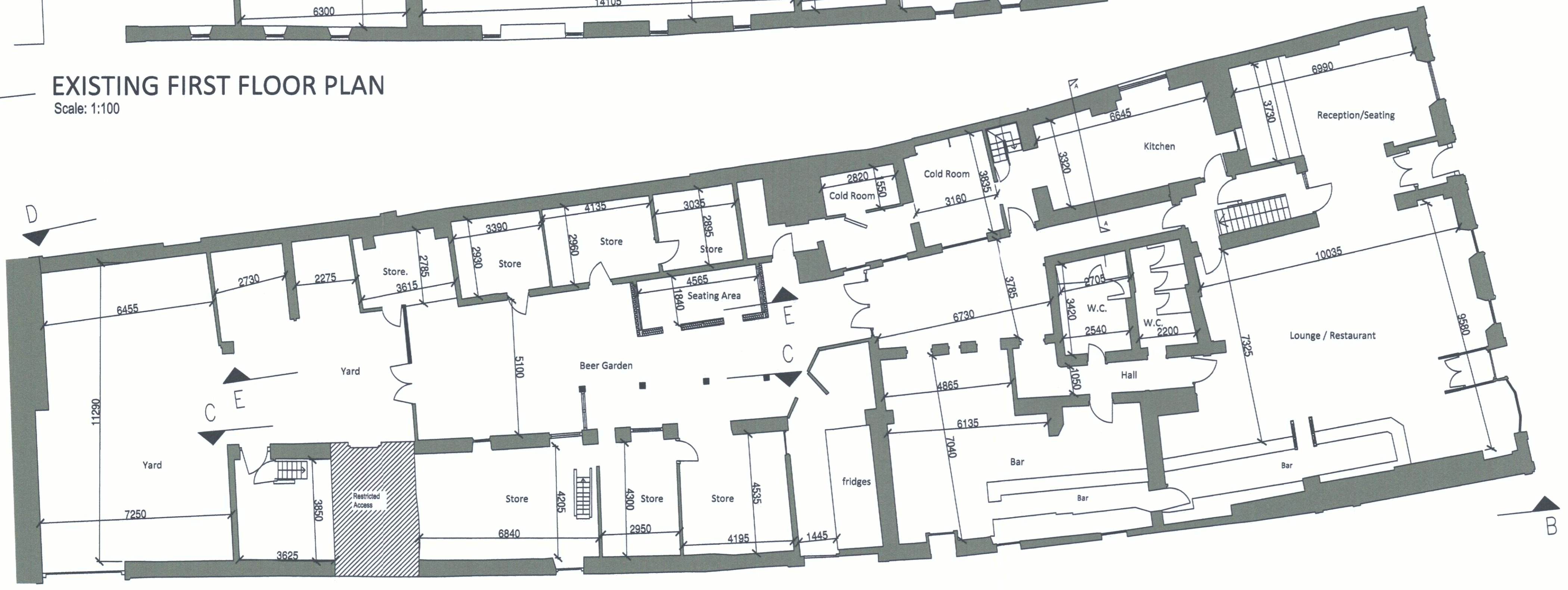


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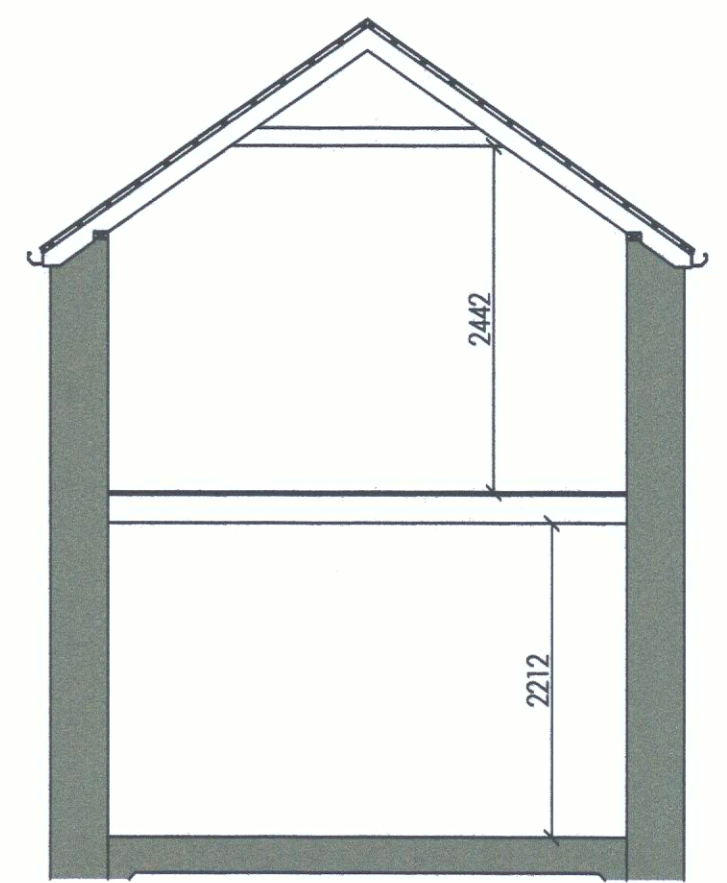
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				Project:	Property at Castle St./Barretts Lane, Ardee, Co. Louth, A92 APK4.	Sheet Size:	A1		
				Client:	Hadleywood Holdings Limited, Castle St. Ardee, Co. Louth.	Drawing Scale:	1:50, 1:100		
				Drawing No:	<b>HHL-24-101</b>	Revision:	06/06/2024		Drawn By:
								Existing Plans & Section	



**EXISTING FIRST FLOOR PLAN**  
Scale: 1:100



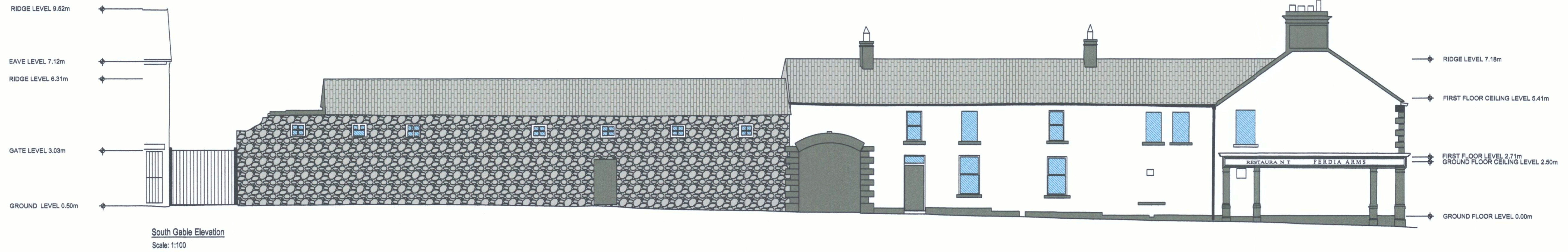
**EXISTING GROUND FLOOR PLAN**  
Scale: 1:100



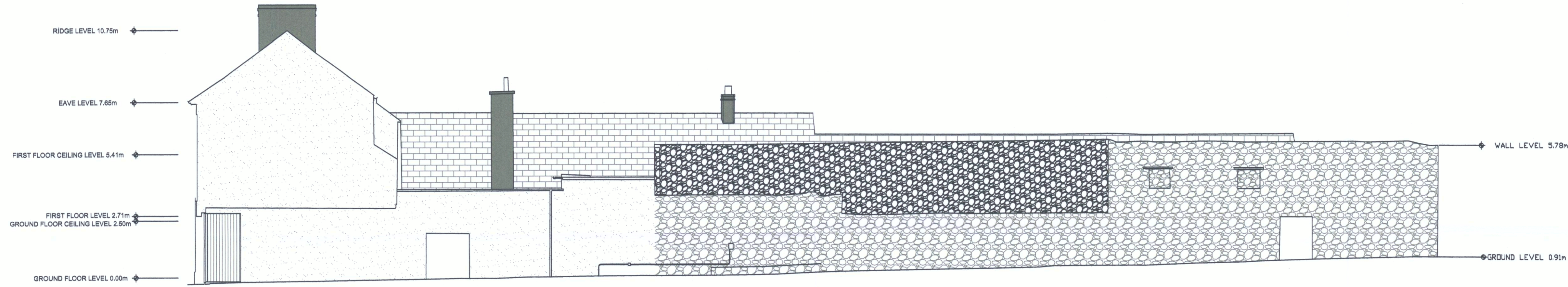
**Section AA**  
Scale: 1-50

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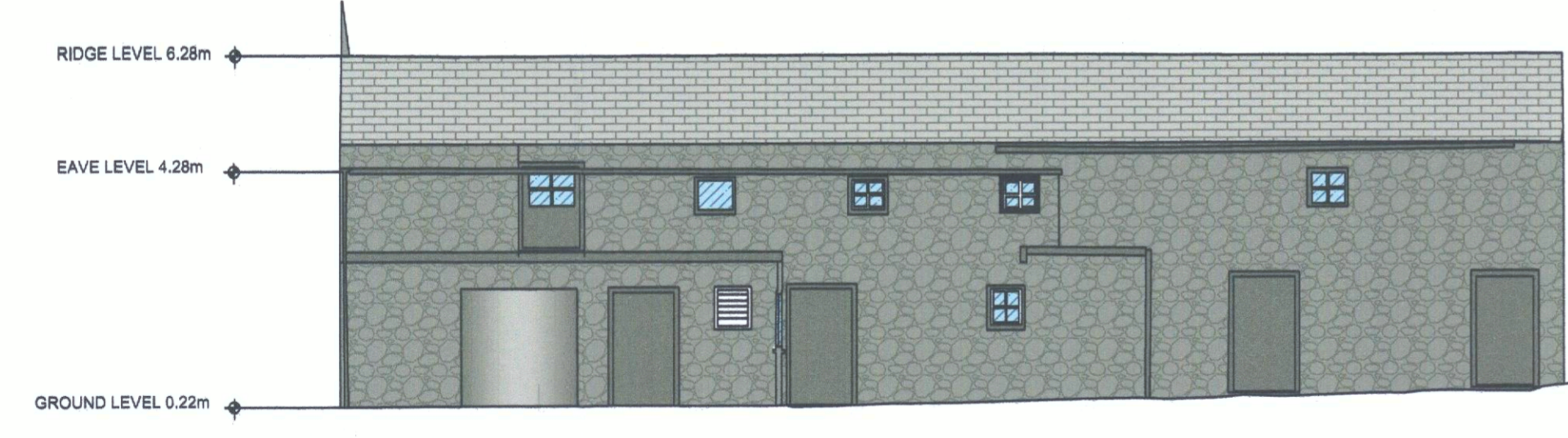
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					Project: Property at Castle St./Barretts Lane, Ardee, Co. Louth, A92 APK4.		1 of 1	Consulting Engineers & Project Managers Aclare, Drumconrath, Navan, Co. Meath. Tel. 041 6854262 Mob. 087 2251879	
					Client: Hadleywood Holdings Limited, Castle St. Ardee, Co. Louth.		A1	E-mail: niall@dohertydesignservices.com Web: www.dohertydesignservices.com	
					Drawing No: HHL-24-102		1:100	Title: Existing Elevations.	
					Revision:	Date: 06/06/2024	N.D.		



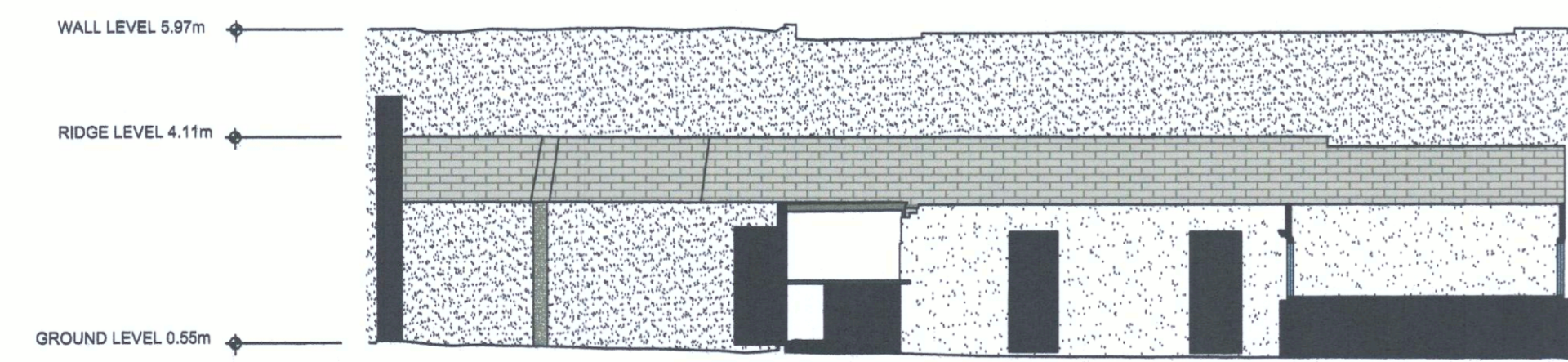
South Gable Elevation  
 Scale: 1:100



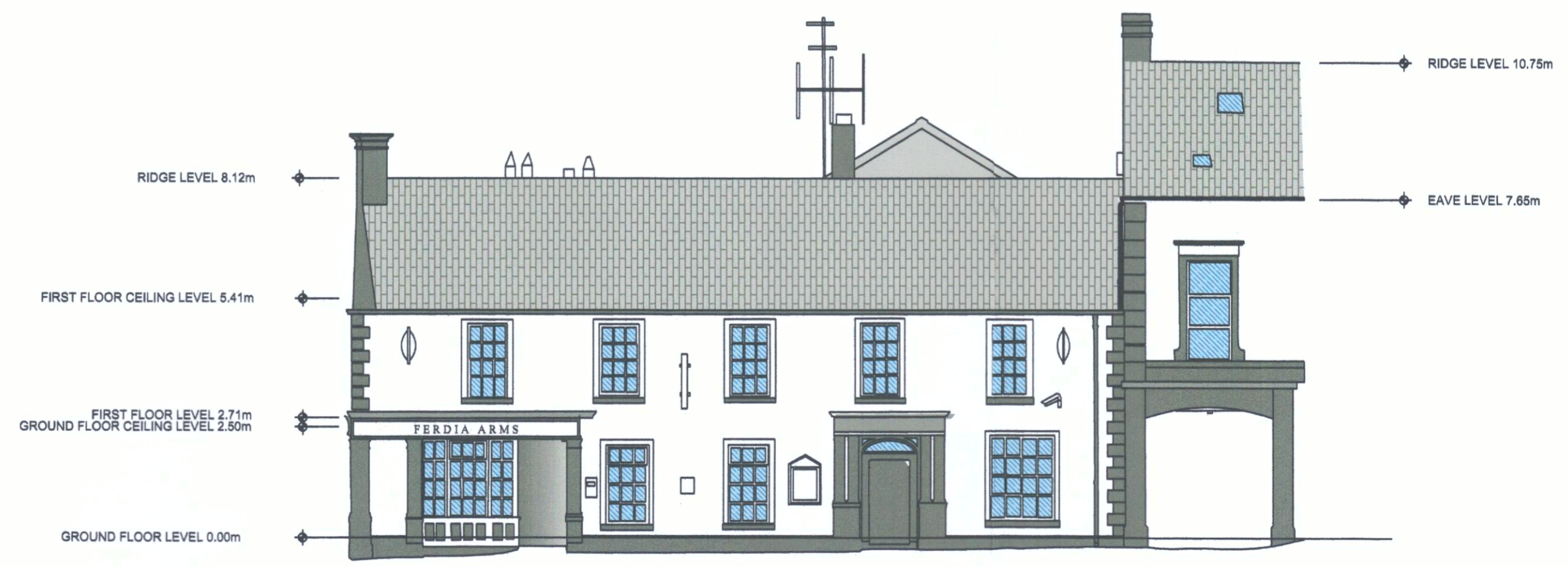
Elevation D - D  
 Scale: 1:100



Elevation C - C  
 Scale: 1:100



Elevation E - E  
 Scale: 1:100



Front Elevation  
 Scale: 1:100

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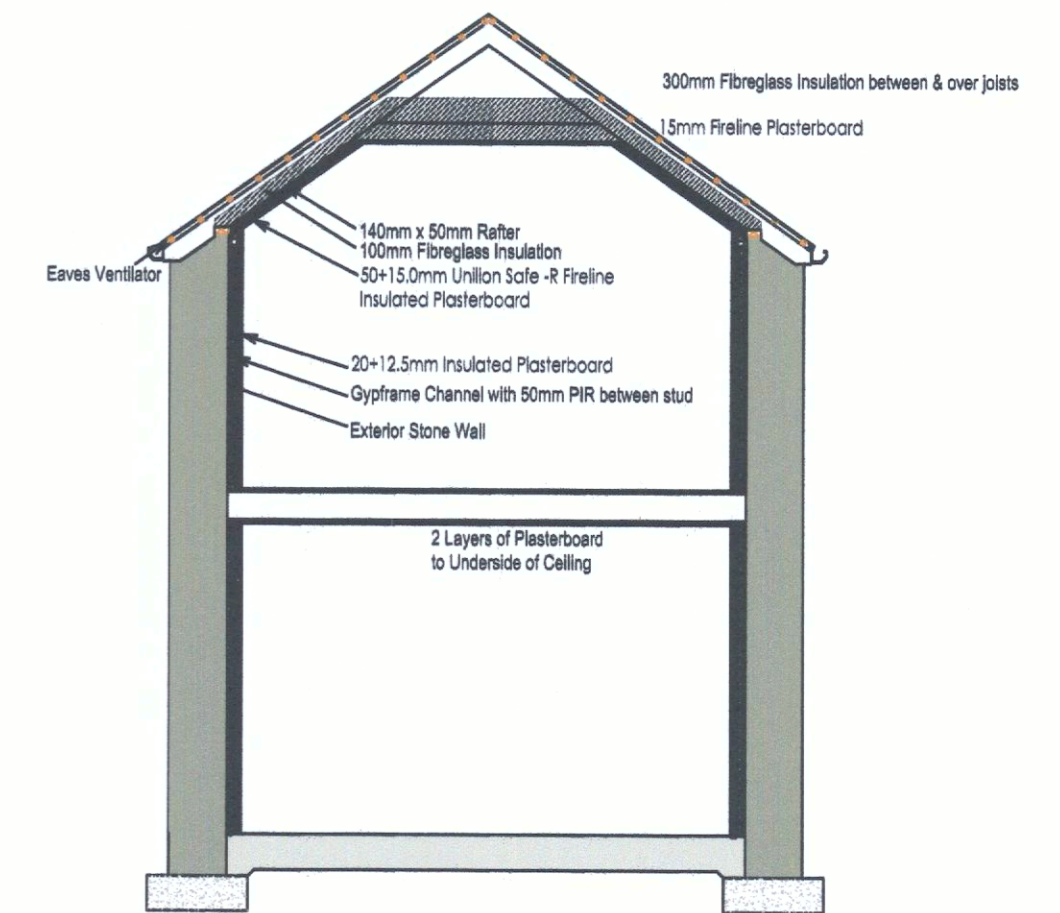
Revision:	Description:	Drawn By:	Date:	Status:	<b>s.5 Declaration Submission.</b>	Sheet No:	1 of 1	<b>Doherty Design Services</b> Consulting Engineers & Project Managers Aclare, Drumconrath, Navan, Co. Meath. Tel: 041 5854252 Mob: 087 2251879 E-mail: niall@dohertydesignservices.com Web: www.dohertydesignservices.com	
				Project:	Property at Castle St./Barretts Lane, Ardee, Co. Louth, A92 APK4.	Sheet Size:	A1		
				Client:	Hadleywood Holdings Limited, Castle St. Ardee, Co. Louth.	Drawing Scale:	1:50, 1:100		
				Drawing No:	<b>HHL-24-103</b>	Date:	06/06/2024		
				Revision:		Date:		Drawn By:	N.D.
								Title: <b>Plans &amp; Section showing          Proposed Works.</b>	

3. FLOOR				
No. of Rooms	No. of Bed Spaces	No. of Showers	No. of WHB	No. of WC's
5	18	3	4	4
1ST FLOOR				
No. of Rooms	No. of Bed Spaces	No. of Showers	No. of WHB	No. of WC's
11	33	3	6	5

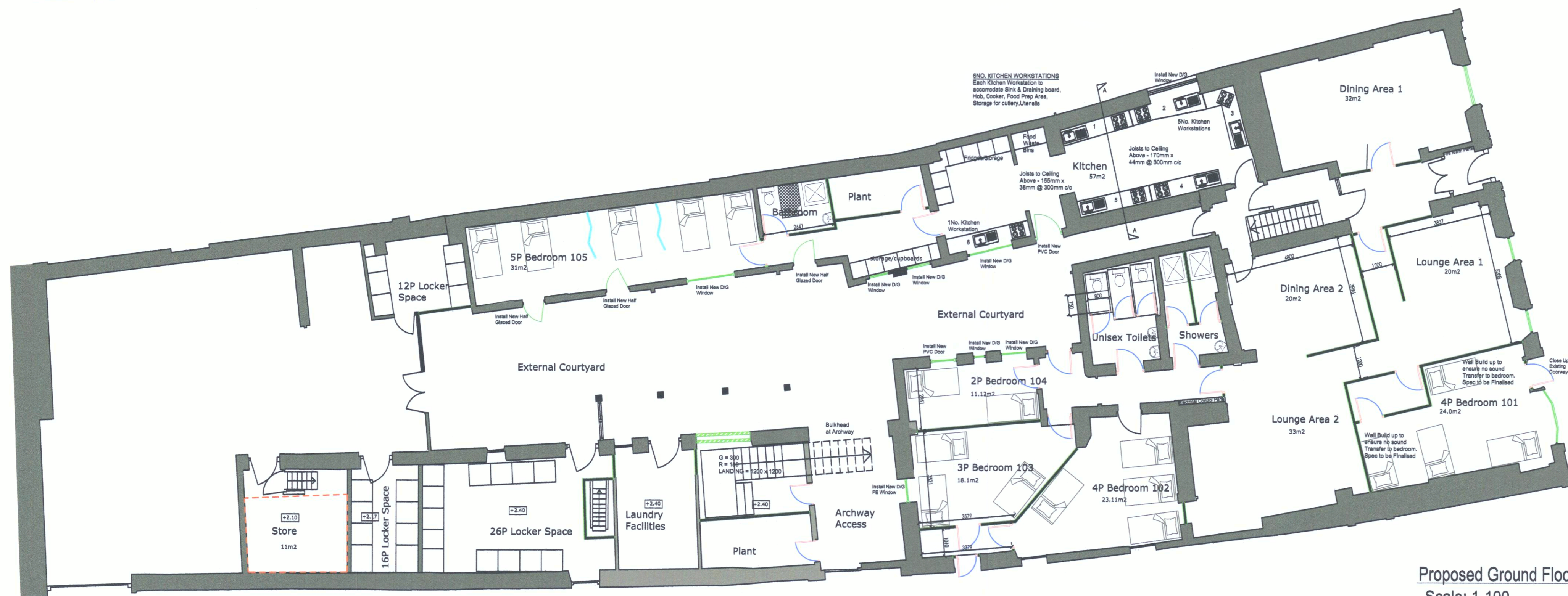
Provision to be made for 0.5m<sup>2</sup> of Wardrobe Space/Person in bedrooms  
 0.7m<sup>3</sup> of Locker Storage/Person Provided on Ground floor



Proposed 1st. Floor Plan  
 Scale: 1-100



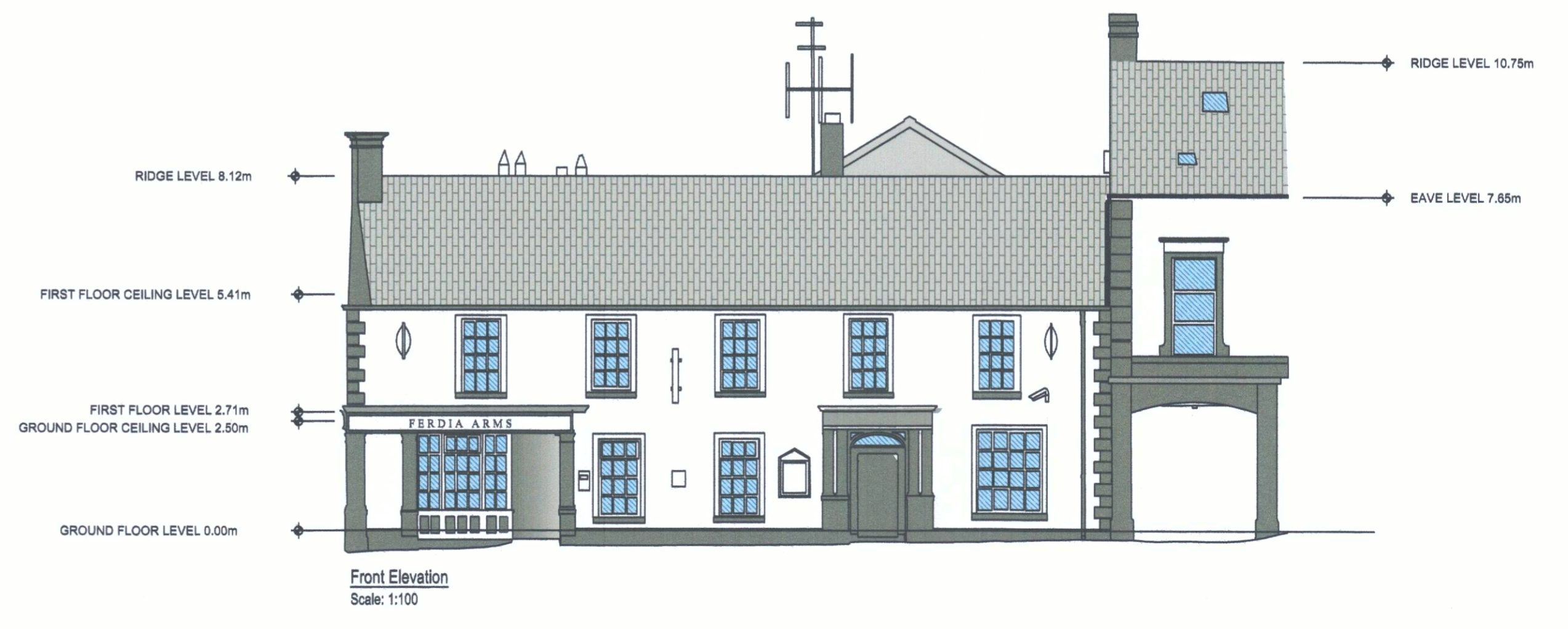
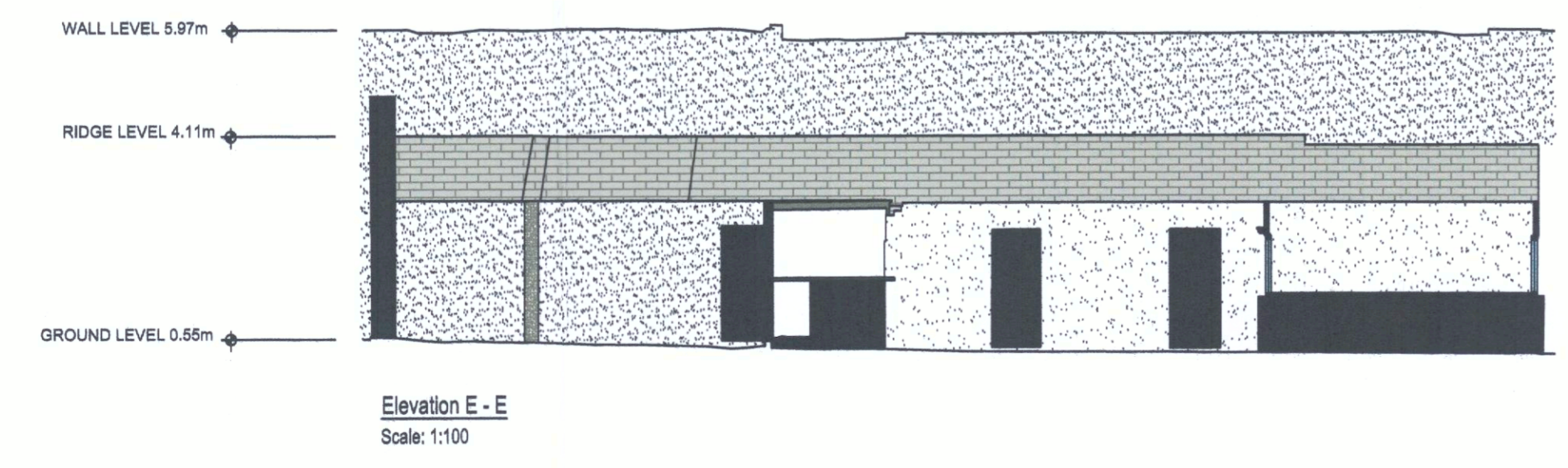
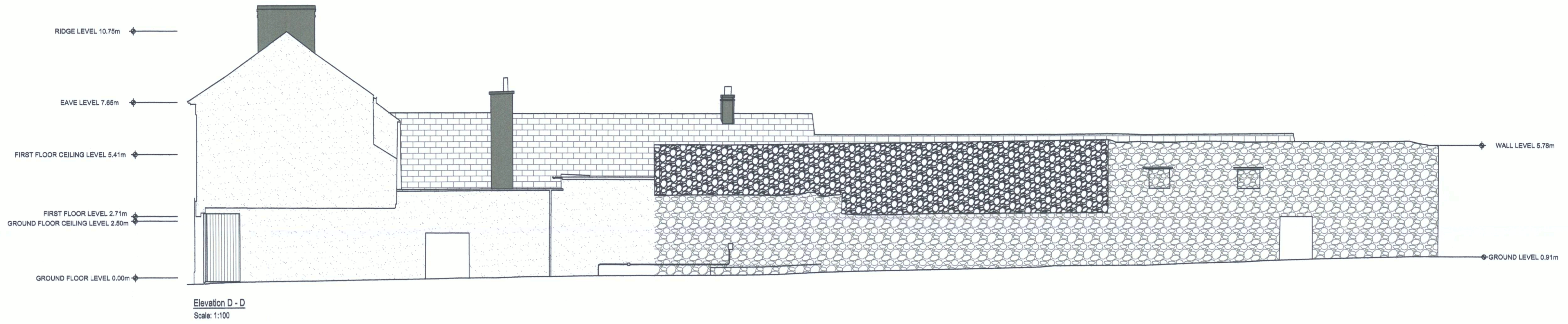
Section AA  
 Scale: 1-50



Proposed Ground Floor Plan  
 Scale: 1-100

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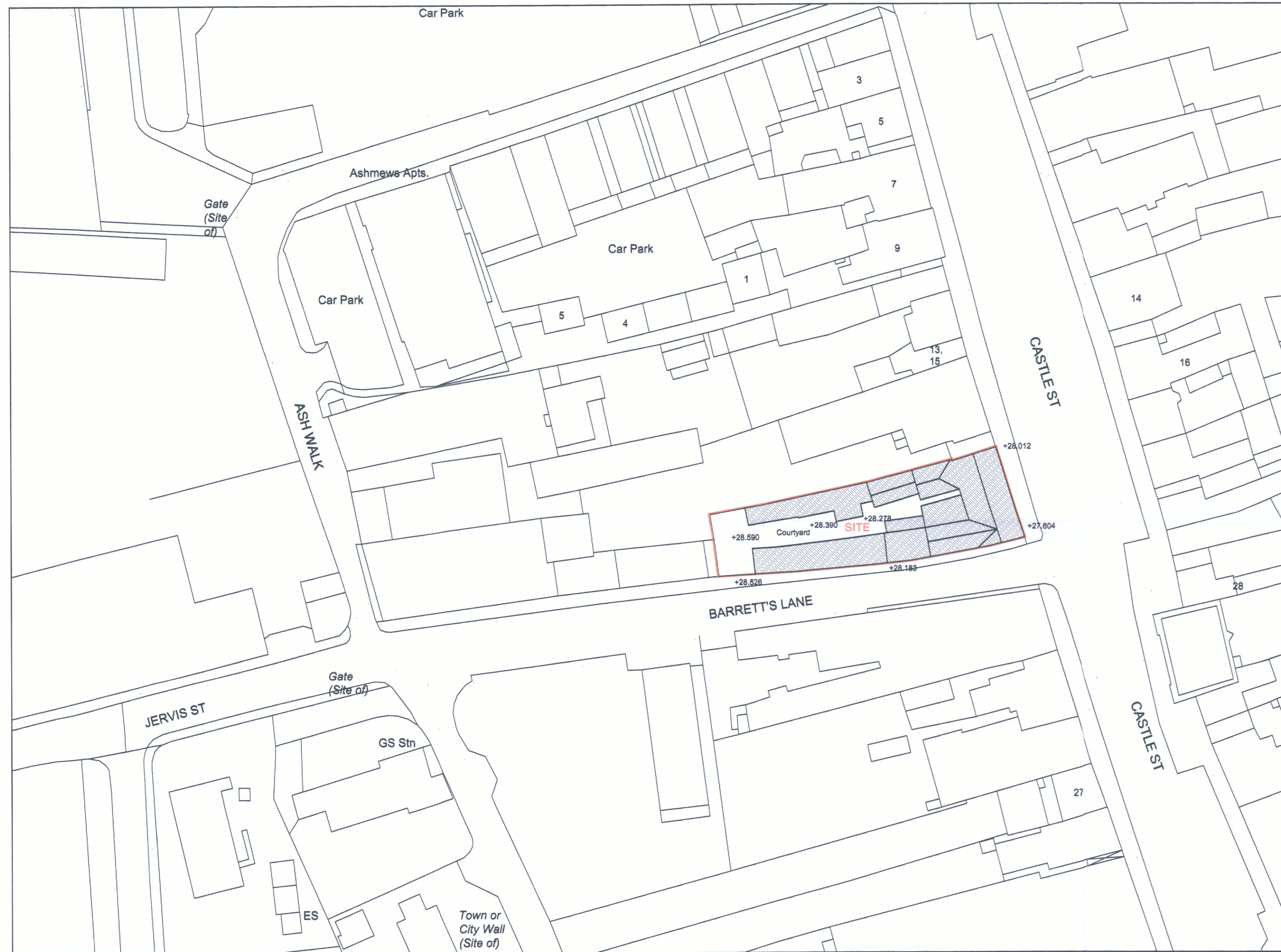
Revision:	Description:	Drawn By:	Date:	Status:	<b>s.5 Declaration Submission.</b>	Sheet No:	1 of 1	<b>Doherty Design Services</b> Consulting Engineers & Project Managers Aclare, Drumconrath, Navan, Co. Meath. Tel. 041 6854262 Mob. 087 2251879 E-mail: niall@dohertydesignservices.com Web: www.dohertydesignservices.com		
				Project:	Property at Castle St./Barretts Lane, Ardee, Co. Louth, A92 APK4.	Sheet Size:	A1			
				Client:	Hadleywood Holdings Limited, Castle St. Ardee, Co. Louth.	Drawing Scale:	1:100			
				Drawing No:	<b>HHL-24-104</b>	Revision:	06/06/2024		Drawn By:	N.D.
								Title:		Proposed Elevations.



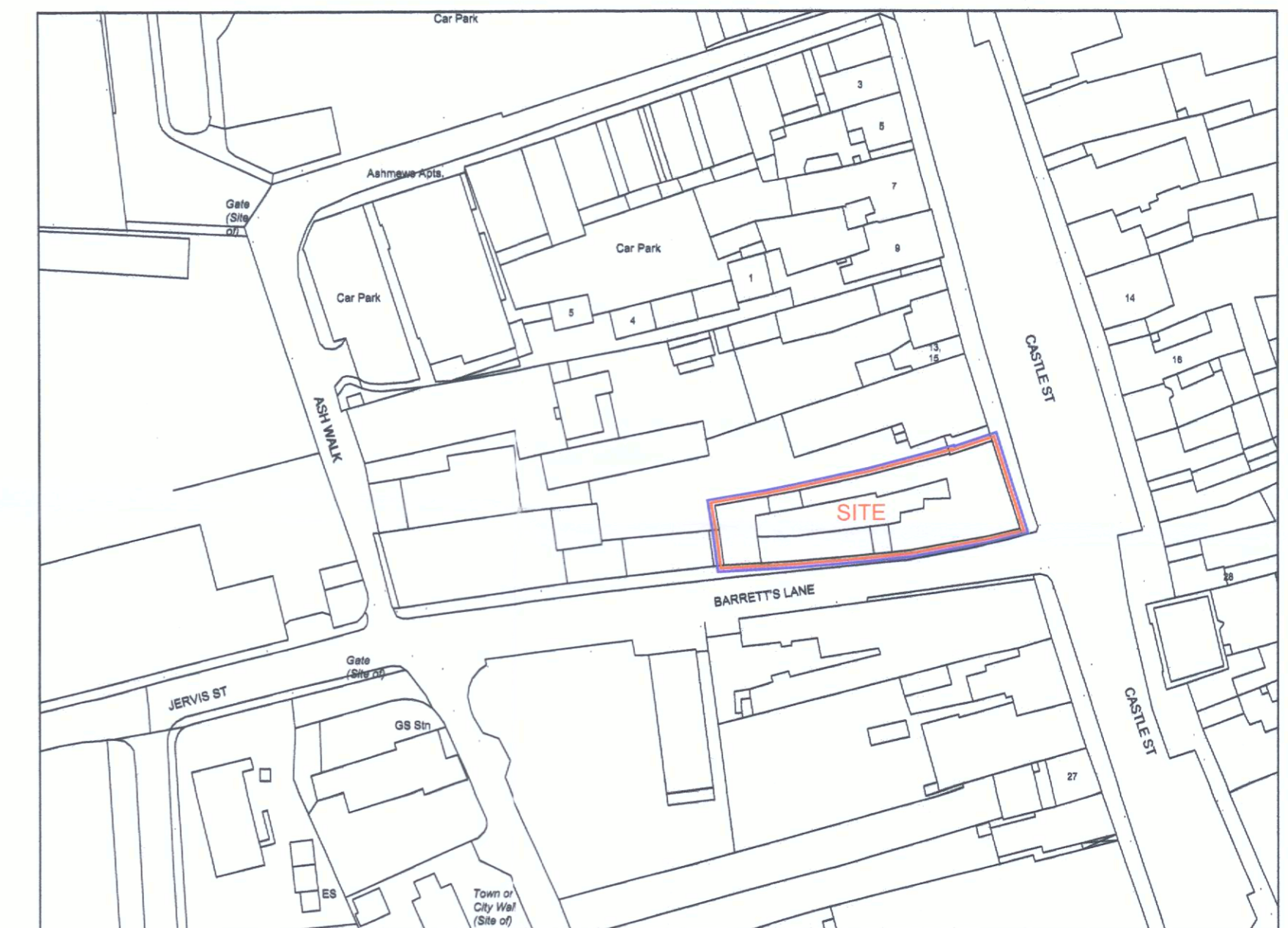
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				Project:	Property at Castle St./Barretts Lane, Ardee, Co. Louth, A92 APK4.	Sheet Size:	A1		
				Client:	Hadleywood Holdings Limited, Castle St. Ardee, Co. Louth.	Drawing Scale:	1:500, 1:1000		
				Drawing No:	<b>HHL-24-100</b>	Revision:	Date:		06/06/2024
						Drawn By:	N.D.	Title:	Site Plan & Site Location Plan.



Site Plan.  
 Scale: 1:500



Site Location Plan.  
 O.S. Sheet No: 2010-11  
 Scale: 1:1000

Total Site Area = 809m<sup>2</sup>  
 ( Area Outlined in Red )  
 Area of lands in applicants  
 interest Outlined in Blue.



**HUGHES**  
**PLANNING**  
& DEVELOPMENT CONSULTANTS

# PLANNING REPORT

## REQUEST FOR SECTION 5 DECLARATION OF EXEMPTED DEVELOPMENT

**Ferdia Arms, Castle Street, Ardee, Co. Louth**

JUNE 2024

SUBMITTED ON BEHALF OF;  
Hadleywood Holding Ltd.

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

## 1.0 Introduction

Hughes Planning and Development Consultants, 85 Merrion Square, Dublin 2, have prepared this Report to accompany a request application for a Declaration pursuant to Section 5 of the Planning and Development Act, 2000, as amended, on behalf of our client, Hadleywood Holding Ltd., concerning the proposed use of the former Ferdia Arms, Castle Street, Ardee, Co. Louth, to provide temporary emergency accommodation for international protection applicants.

### *The question before the Planning Authority is:*

***“(a) Whether the use of the former hotel/guesthouse and public house to provide temporary emergency accommodation for international protection applicants and associated works is or is not development and; (b) whether this use and works is or is not exempted development.”***

## 2.0 Site Description

The subject site comprising 0.081 ha is situated at the north-eastern corner of the N52 from the west and Castle Street from the north. The site comprises a two-storey structure, the former public house and hotel/guesthouse known as 'The Ferdia Arms', a protected structure (Louth County Council Reference No. LHS017-044). The site is situated in the centre of Ardee and thus, is in close proximity to a variety of services and amenities inclusive of retail, cafés, supermarkets and restaurants. The town is served by Bus Eireann Route No. 167 and the InterCity Bus Route No. 182/A providing connections to Carrickmacross, Drogheda, Dundalk, Monaghan and Mullingar. In addition to this, Collins Coaches runs a daily service between Ardee and Dublin (see attached timetable included with Appendix B of this report).



Figure 1.0 Streetview image of the subject site as viewed from Castle Street.



Figure 2.0 Streetview image of the subject site as viewed from the southeast.



Figure 3.0 Aerial image illustrating the immediate locational context of the site (red outline).



Figure 4.0 Aerial image illustrating the wider locational context of the site (red star).

### 3.0 Planning History

A review of Louth County Council’s online planning registry revealed the following planning application pertaining to the subject site:

**Reg. Ref. 2460072** Retention and planning permission granted by Louth County Council on 4<sup>th</sup> April 2024 for the retention of alterations to the façade of the structure and planning permission for the change of use of the structure to provide accommodation for persons seeking international protection works include the provision of guest bedrooms, reception area, lounge, area, communal area and dining area.

The decision of the council was subject to a third-party appeal under ABP Ref. 319605. A decision is expected on 29<sup>th</sup> August 2024.

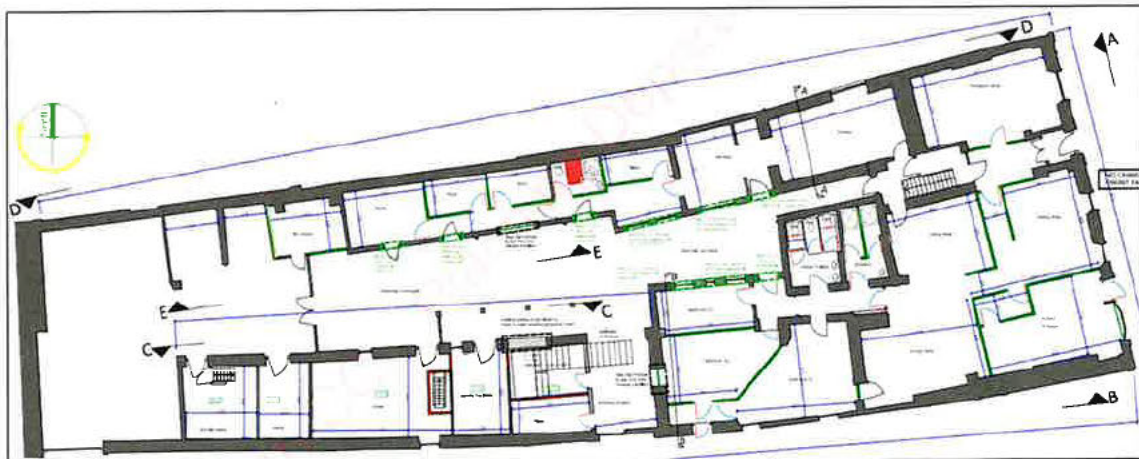


Figure 5.0 Ground floor plan of the development granted under Reg. Ref. 2460072.

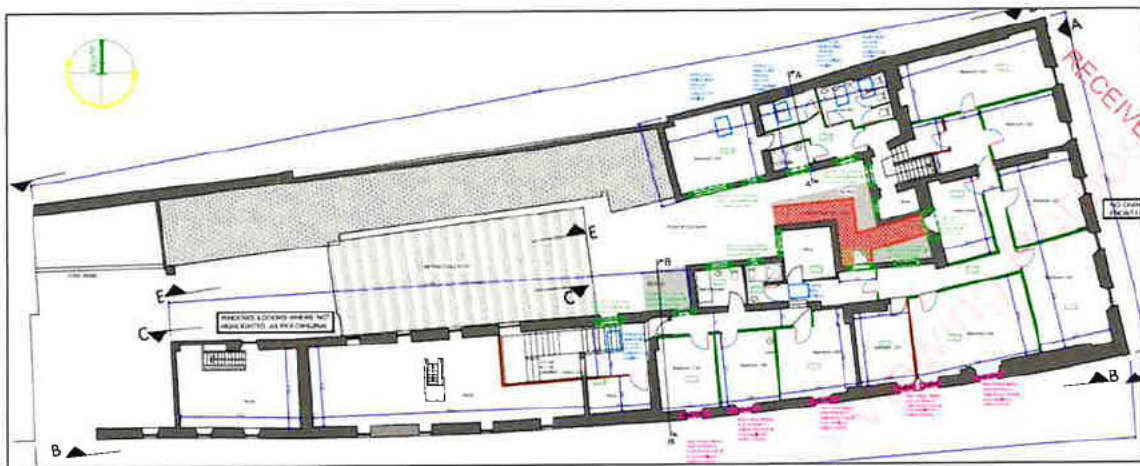


Figure 6.0 First floor plan of the development granted under Reg. Ref. 2460072.



Figure 7.0 Southern elevation of the development granted under Reg. Ref. 2460072.

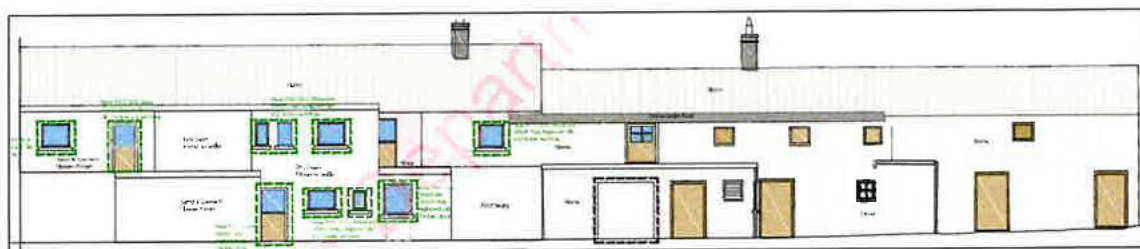


Figure 8.0 Northern elevation of the development granted under Reg. Ref. 2460072.

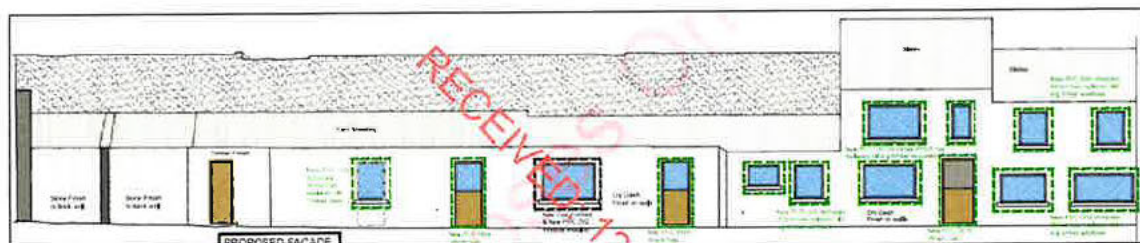


Figure 9.0 Southern gable elevation of the development granted under Reg. Ref. 2460072.

With regard to the extent of the works proposed, we would note the following commentary included in the Planner's Report:

*'Overall, the design, scale and form of the proposed development is considered to be acceptable and the alterations proposed to the existing property are not considered to adversely impact on the character or appearance of the protected structure or surrounding area. Accordingly, I consider that the retention of alterations to the facades and internal works are acceptable, as to is the proposed change of use, associated works to provide for the change of use, the provision*



#### 4.0 Proposed Works

The proposed works to which this Section 5 application pertains comprise internal works to facilitate a temporary exempted change of use of the structure to provide temporary emergency accommodation for international protection applicants. The proposed works involve the reuse of the structure which has been vacant since 2019. The structure which had previously been used as a hotel/guesthouse and public house will be converted to provide accommodation which supports a high level of amenity. Overall, it is proposed to provide a total of 16 no. bedrooms within the structure with associated showers and bathrooms.

At ground floor level, communal amenities for future occupants are proposed which include the provision of a dining area to the front of the structure where the existing reception/seating area is located. Additionally, the lounge/restaurant area will be converted to provide 2 no. lounge areas, a dining area and a four-person bedroom. The existing bar and adjoining W/Cs will be converted to 3 no. bedrooms and a W/C and showers. To the rear of the main structure, the seating area will be removed and the existing stores will be converted to a bedroom and bathroom. The store area to the rear will be converted to locker spaces and laundry facilities. An external courtyard space will be provided within the existing beer garden.

At first floor level it is proposed to provide 11 no. bedrooms with associated W/C and shower facilities in place of the existing bedrooms and living room.

Additionally, minor works are proposed to the southern elevation of the structure inclusive of the replacement of 6 no. windows with painted timber sash windows. The works to the exterior of the structure are minimal, thus protecting the character and heritage of the structure.



Figure 11.0 Existing (top) and proposed (bottom) ground floor plans. We note minor changes to the fenestration details and external openings at this floor level.



Figure 12.0 Existing (top) and proposed (bottom) first floor plans. We note minor changes to the fenestration details and external openings at this floor level.

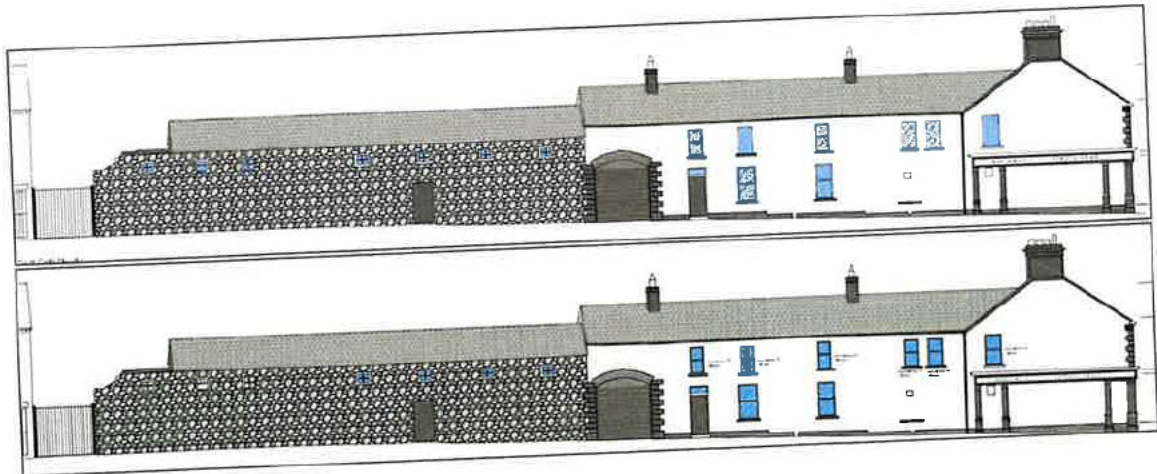


Figure 13.0 Existing (top) and proposed (bottom) southern elevations.

**5.0 Louth County Development Plan 2021-2027**

**5.1 Zoning**

The subject site is situated on lands zoned B1 – Town or Village Centre with the objective to ‘support the development, improvement and expansion of town or village centre activities’.

The Development Plan lists the following uses which are 'Generally Permitted':

*Advertisements and Advertising Structures, Bank/Financial Institution, B&B/ Guest House, Bring Banks, Business Enterprise Centre, Coffee Shop/Tea Room, Car Park , Casual Trading, Childcare Facility, Children Play/ Adventure Centre, Cinema, Conference/Event Centre, Craft Centre/Shop, Crematorium, Cultural Facility, Digital Innovation Hub/Co-working Space, Education Facility (Primary or Second Level), Education Facility (Third Level or Training Centre), E- Charging Facility, Funeral Home/Mortuary, Health Care Centre, Healthcare Practitioner, **Hotel/Hostel/Aparthotel**, Nightclub, Offices, Place of Worship, **Public House**, Public Services, Public Transport Infrastructure (Rail/Bus), Recreational/Amenity Open Space, Residential, Restaurant, Sheltered Accommodation, Shop, Taxi Office, Telecommunications Structures, Utilities.*

While we would note that the subject structure has an established public house and hotel/guesthouse use, we would also note that hotel use is generally permitted on sites with a B1 zoning objective. As such, the proposed use of the structure, availing of the exemptions as set out under Class 14 and Class 20F of the Regulations is acceptable.

We refer to the following Development Plan policy objectives which are considered applicable to the proposal included in this Section 5 Declaration:

**BHC6** *To ensure that any development, either above or below ground, adjacent to or in the immediate vicinity of a recorded monument or a Zone of Archaeological Potential (including formerly walled towns) shall not be detrimental to or detract from the character of the archaeological site or its setting and be sited and designed to protect the monument and its setting. Where upstanding remains exist, a visual impact assessment may be required.*

**BHC20** *To ensure that any development, modification, alteration or extension affecting a protected structure and/or its setting is sensitively sited and designed, is compatible with the special character and is appropriate in terms of the proposed scale, mass, density, layout and materials of the protected structure.*

**BHC21** *The form and structure integrity of the protected structure and its setting shall be retained and the relationship between the protected structure, its curtilage and any complex or adjoining buildings, designed landscape features, designated views or vistas from or to the structure shall be protected.*

**BHC24** *To require the retention of original features such as windows, doors, renders, roof coverings, and other significant features which contribute to the character of protected structures and encourage the reinstatement of appropriately detailed features which have been lost, to restore the character of protected structures as part of development proposals.*

**BHC26** *To encourage the retention, sympathetic reuse and rehabilitation of protected structures and their settings where appropriate and where the proposal is compatible with their character and significance. In certain cases, development management guidelines may be relaxed in order to secure the conservation of the protected structure and architectural features of special interest.*

**BHC32** *To retain any building within an Architectural Conservation Area which makes a positive contribution to the character or appearance of the area.*

It is proposed to repurpose the structure on site to provide temporary emergency accommodation for international protection applicants. In this instance, it is proposed to perform minor alterations to the southern façade of the structure which involves the replacement of 6 no. windows with painted timber sash windows. It is considered that the works proposed are in keeping with the structure's heritage, enhancing the character and contributions made to the surrounding area. As the works proposed to the exterior of the structure are minor and will enhance the visual amenity provided, it is considered that the works are in keeping with the aforementioned Development Plan policy objectives.

Furthermore, the proposed use of the structure to provide temporary emergency accommodation for international protection applicants utilises a vacant structure which was once a public house and hotel.

As such, the proposal will ensure the protected structure's integrity is maintained improving its longevity. The interior alterations to facilitate the development are considered to be minor in scale thus representing works which would be exempt from the requirement to seek planning permission.

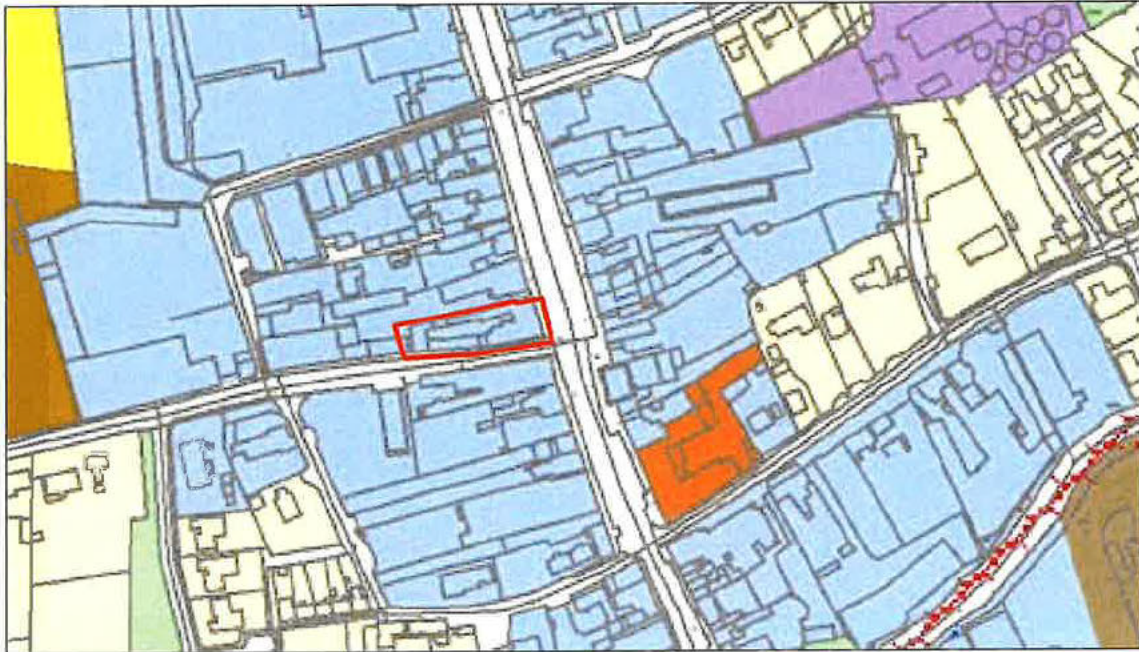


Figure 14.0 Zoning map of the subject site (red outline) zoned B1 – Town or Village Centre.

## 6.0 Basis of Exemption

Under Part 1 - Section 5 of the Planning and Development Act, 2000 (as amended), a person can seek a formal declaration from the planning authority to establish if there is a requirement for planning permission for a specific proposal. An application must be made in writing to the planning authority, to determine whether a proposal requires permission or is considered an exempted development.

As mentioned above Section 5(1) of the Planning and Development Act, 2000 (as amended), states the following in regard to exempted developments in which the Section 5 application can be obtained:

*'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.'*

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

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

This Section 5 application seeks to determine the status of the proposed works and whether or not these works represent development. It is considered that the proposed works are development, as per the definition provided above., and, in noting this, we must now establish whether these works are considered exempted development.

Article 10 of the Planning and Development Regulations 2001 (as amended) relates to change of use and sets out the works which are exempted development by reference to Part 4 of Schedule 2 of Planning and Development Regulations 2001 (as amended). Article 10 (1) states:

*'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'.*

Under Part 4 of Schedule 2, Class 12 is:

*'Use as a Public House, meaning a premises which has been licensed for the sale and consumption of intoxicating liquor on the premises under the Licensing Acts 1833 to 2018'.*

We would refer to the enclosed statement prepared by Frank Lynch who was the previous owner of the premises confirming the previous use of the structure as hotel/guesthouse and public house, included in Appendix A of this report. Furthermore, we would refer to a planning application granted under Reg. Ref. 80625 for the change of use to lounge/bar use confirming the authorised previous use of the structure which falls under Class 12 – Exempted Development uses.

With regard to the previous hotel/guesthouse use of the structure, we refer to Class 14 – Change of Use of Part 1 Schedule 2 – Exempted Development of the Planning and Development Regulations which states the following with regard to exemptions for hotel use:

- (h) from use as a hotel, motel, hostel, guesthouse, holiday accommodation, convent, monastery, Defence Forces barracks or other premises or residential institution providing overnight accommodation, or part thereof, or from the change of use specified in paragraph (i) of the said premises or institution, or part thereof, to use as accommodation for protected persons,*
- (i) from use as a hotel, motel, hostel, guesthouse, holiday accommodation, convent, monastery, Defence Forces barracks or other premises or residential institution providing overnight accommodation, or part thereof, or from the change of use specified in paragraph (h) of the said premises or institution, or part thereof, to use as an emergency reception and orientation centre for protected persons, and*
- (j) from the change of use specified in paragraph (h) or (i) or both, to the permitted use of the premises immediately prior to the change of use specified in the said paragraph (h) or (i) or both.*

In addition to this, we refer to the provisions of exempted development Class 20F pursuant to S.I. No. 605 of 2022 Planning and Development (Exempted Development) (No. 4) Regulations 2022 which states:

*'Temporary use by or on behalf of the Minister for Children, Equality, Disability, Integration and Youth to accommodate or support persons seeking international protection of any structure or part of a structure used as a school, college, university, training centre, social centre, community centre, non-residential club, art gallery, museum, library, reading room, sports club or stadium, gymnasium, hotel, convention centre, conference centre, shop, office, Defence Forces barracks, light industrial building, airport operational building, wholesale warehouse or repository, local authority administrative office, play centre, medical and other health and social care accommodation, event and exhibition space or any structure or part of structure normally used for public worship or religious instruction'.*

In this regard, it is considered that the established hotel use of the structure is within the parameters as set out in Class 20F of the temporary exemption afforded under Statutory Instrument No. 605. In addition to this, we refer to the following conditions and limitations which proposals availing of this change of use exemption must comply with:

1. *The temporary use shall only be for the purposes of accommodating displaced persons or for the purposes of accommodating persons seeking international protection.*
2. *Subject to paragraph 4 of this class, the use for the purposes of accommodating displaced persons shall be discontinued when the temporary protection introduced by the Council*

*Implementing Decision (EU) 2022/382 of 4 March 2022 comes to an end in accordance with Article 6 of the Council Directive 2001/55/EC of 20 July 2001.*

3. *The use for the purposes of accommodating persons seeking international protection shall be discontinued not later than 31 December 2028.*
4. *Where the obligation to provide temporary protection is discontinued in accordance with paragraph 2 of this class, on a date that is earlier than 31 December 2028, the temporary use of any structure which has been used for the accommodation of displaced persons shall continue for the purposes of accommodating persons seeking international protection in accordance with paragraph 3 of this class.*
5. *The relevant local authority must be notified of locations where change of use is taking place prior the commencement of development.*
6. *'displaced persons', for the purpose of this class, means persons to whom temporary protection applies in accordance with Article 2 of Council Implementing Decision (EU) 2022/382 of 4 March 2022.*
7. *'international protection', for the purpose of this class, has the meaning given to it in section 2(1) of the International Protection Act 2015 (No. 66 of 2015).  
'temporary protection', for the purpose of this class, has the meaning given to it in Article 2 of Council Directive 2001/55/EC of 20 July 2001.*

In this regard, it is considered that the structure which had previously been used as a public house and hotel/guesthouse as The Ferdia Arms, may avail of this temporary change of use under Class 20F of the Planning and Development Regulations to provide temporary emergency accommodation for international protection applicants under Article 2 of Council Implementing Decision (EU) 2022/382 inclusive of:

- a) *Ukrainian nationals residing in Ukraine before 24 February 2022;*
- b) *stateless persons, and nationals of third countries other than Ukraine, who benefited from international protection or equivalent national protection in Ukraine before 24 February 2022;  
and,*
- c) *family members of the persons referred to in points (a) and (b).*

The proposal constitutes exempted development as the proposed works are in keeping with the exemptions set out under Class 14 and Class 20F of the Regulations and it is considered that the works would not require a planning application. We would therefore, respectfully, request a Section 5 Declaration from Louth County Council confirming this.

In addition to the provision of temporary emergency accommodation for international protection applicants, we note that minor changes to the façade of the structure are proposed to facilitate the proposed use including the replacement of 6 no. windows with painted timber sash windows along the southern elevation of the structure. Works are also proposed to the interior of the structure to facilitate the provision of 16 no. rooms for persons seeking international protection. With regard to the works proposed, we would note Part 1, Section 4 (1) of the Planning and Development Act 2000 (as amended) which states:

*The following shall be exempted developments for the purposes of this Act –*

*(h) 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 such appearance inconsistent with the character of the structure or of neighbouring structures.*

As the works involve minor alterations to the fenestration along the southern elevation of the structure, these works would not materially affect the external appearance of the structure so as to render such appearance inconsistent with the character of the structure or neighbouring structures and would therefore constitute exempted development as set out in Part 1, Section 4 (1) (h) of the Act.

## 7.0 Planning Precedent

### Abbey Manor Hotel, Main Street, Dromahair, Co. Leitrim (Protected Structure)

**Reg. Ref. 22138** Retention permission and planning permission granted on 12<sup>th</sup> January 2023 for alterations to the hotel to provide additional accommodation.

As part of this decision, we would note the following condition:

Condition No. 5: *The 22 no. bedroom suites units shall be used for short term letting only. No unit in the development shall be used for long term accommodation without a separate grant of planning permission, notwithstanding that any such use might be considered exempted development but for the provisions of this condition.*

Reason: *In the interests of proper planning and sustainable development.*

Following a notification to Leitrim County Council from the Community Engagement Team of the Department of Children, Equality, Disability, Integration and Youth on 7th November 2023 outlining the intended use of the Abbey Manor Hotel, Dromahair, Co. Leitrim for people seeking refuge in Ireland who are International Protection Applicants, Leitrim County Council had considered that the use of the hotel to provide temporary emergency accommodation for international protection applicants was in breach of the approved use and subject planning application.

This correspondence led to a High Court case of the applicants, Dromaprop Limited and Leitrim County Council as the Council had considered that the use of the structure to provide temporary emergency accommodation for international protection applicants would be in contravention of the conditions associated with the grant of permission and so evoked Article 9 of the Planning and Development Regulations which is referenced below. For clarity, we have also included a reference to Article 6 of the Regulations:

#### *Article 6*

*(1) Subject to article 9, development of a class specified in column 1 of Part 1 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1.*

#### *Article 9*

*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.*

The High Court ruled in favour of the applicants and considered that the use of a hotel to provide temporary emergency accommodation for international protection applicants would constitute exempted development which would not contravene Condition No. 5 of the grant of permission under Reg. Ref. 22138 due to the exempted development provisions. In this instance, we would note the following from the Delivery of Reserved Judgement:

*(vii) the type of condition embodied in condition 5, namely use for short-term commercial tourism, is not the type of condition that prevents the application of the exemption for protection seekers, because contravention of that is inherently involved in the change of use;*  
*(viii) thus art. 9 does not remove an exemption related to a change in use from accommodation of one type of person to accommodation of another type of person merely because of the existence of conditions that limit the type or duration of accommodation or type of persons accommodated that may be facilitated in the premises;*  
*(ix) the exemptions being availed of for change of use are not disapplied under s. 9(1)(a)(viii) because that provision only applies to an exemption for works;*

*(x)having regard to the foregoing, the proposed change of use is exempted development and can proceed, and the proceedings are dismissed insofar as they seek to restrain the proposed use'.*

In this regard, it is considered that while the subject premises has an established use as a public house and hotel, the proposed works to facilitate temporary emergency accommodation for international protection applicants under Class 14 and Class 20F of the Planning and Development Regulations would be in keeping with proper planning. The exemption of the development is discussed further in Section 6.0 of this report.

## 8.0 Section 57 Declaration

As The Ferdia Arms is a protected structure (Louth County Council Reference No. LHS017-044) a Section 57 Declaration has been requested from Louth County Council. In this regard, we would refer to Section 57 of the Planning and Development Act which states:

*(1) Notwithstanding section 4 (1)(h), the carrying out of works to a protected structure, or a proposed protected structure, shall be exempted development only if those works would not materially affect the character of—*

*(a) the structure, or*

*(b) any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest.*

*(2) An owner or occupier of a protected structure may make a written request to the planning authority, within whose functional area that structure is situated, to issue a declaration as to the type of works which it considers would or would not materially affect the character of the structure or of any element, referred to in subsection (1)(b), of that structure.*

It is considered that the proposed works which include internal alterations to facilitate the exempted temporary change of use of the structure to provide temporary emergency accommodation for international protection applicants and the replacement of 6 no. windows with painted timber sash windows along the southern elevation do not materially affect the character of the structure or any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest. As such, we would consider the proposed works exempted development under both Section 5 and Section 57 Declaration guidance.

## 9.0 Conclusion

The subject site comprises a vacant former hotel/guesthouse and public house known as The Ferdia Arms. The change of use of the structure is considered exempted development due to the class of the previous use within the structure as 'public house' under Class 12 of Part 4, Schedule 2 of the Regulations and as 'hotel' use under Class 14 – Change of Use of Part 1 Schedule 2 – Exempted Development and Class 20F pursuant to S.I. No. 605 of 2022 Planning and Development (Exempted Development) (No. 4) Regulations 2022. In this regard, as the proposal to provide temporary emergency accommodation for international protection applicants will not result in a change of use which requires planning permission, the proposal is considered to constitute exempted development.

In respect of the above, we request a declaration to this effect from Louth County Council under Section 5 of the Planning and Development Act 2000 (as amended).

Should you have any queries or require any further information including access to the building, please do not hesitate to contact the undersigned.



Kevin Hughes MIPI MRTPI  
Director for HPDC Ltd.

**Appendix A** – Statement prepared by Frank Lynch confirming previous hotel/guesthouse and public house use of The Ferdia Arms.

## Statement of Frank Lynch

**Re: Ferdia Arms, Castle Street, Ardee, Co. Louth**

My name is Frank Lynch and I [REDACTED]  
[REDACTED]

In the month of March 1999 I purchased the hotel/guesthouse, pub and restaurant then known as "The Ferdia Arms" from the late Tony Morris. Then and even now the building is still often referred to as "*Brophy's Hotel*" by local people, particularly of a certain age. The late Garrett Brophy operated the hotel until he retired in or about the year 1980 when he sold the premises to Dermot O'Brien and his family. Dermot O'Brien was a famous Ardonian with a world-wide reputation as a fine accordionist. I know from my own knowledge that the O'Brien family continued to operate *Brophy's Hotel* as a pub, restaurant and providing accommodation to paying guests and Bed & Breakfast facilities. In or about 1983 the O'Brien family sold up and Tony Morris bought the property from them. I knew Tony Morris and indeed I know his son Michael Morris who now lives in Navan. Sadly, Tony died in 2022. However, I bought the property from Tony Morris in 1999. He was very helpful to me in the run-up to that purchase and indeed for some years afterwards. I continued to run the property pretty much as my predecessors did, namely as a pub, restaurant and guesthouse/hotel until I decided to retire from that business in 2019 and eventually sold the property to Simon McKeever and Michael Durnin trading as Hadleywood Holdings Limited in May 2023.

I have lived near Ardee all my life. I am now 62 years old. I and indeed anybody of my age and indeed younger know this property as a bar, guest house and restaurant. Many will have been entertained there, stayed there either passing through or overnight and everyone knows that it has been a pub, restaurant and guest house for as long as anyone still alive can remember.

Signed:



Frank Lynch

Date: 23-5-2024

**Appendix B** – Collins Coaches timetable.

**COLLINS COACHES LIMITED**

**SERVICES TO DUBLIN VIA N2 (ROUTE 980)**

Stop Location	Stop Description	Stop ID	Monday to Friday			Saturday			Sunday						
			980A	980B	980B SEPT-MAY ONLY	980A	980B	980B SEPT-MAY ONLY	980A	980B	980B SEPT-MAY ONLY				
Carrickmacross	Main Street, Adjacent O'Neill Street	109091	06:00	07:45	09:00	11:00	13:00	14:45	16:30	19:30	10:00	13:00	15:00	19:00	
Carrickmacross	Dundalk Road Roundabout at Bypass	601221	06:02	06:47	09:02	11:02	13:02	14:47	16:32	19:32	10:02	13:02	15:02	19:02	
Ardee	Irish Street	152311	06:15	07:00	08:00	09:15	11:15	13:15	15:00	16:45	19:45	10:15	13:15	15:15	19:15
Ardee	Church	108771	06:16	07:01	08:01	09:16	11:16	13:16	15:01	16:46	19:46	10:16	13:16	15:16	19:16
Ardee	Sliabh Breagh	109461	06:17	07:02	08:02	09:17	11:17	13:17	15:02	16:47	19:47	10:17	13:17	15:17	19:17
Collon	Donegans Pub	152341	06:25	07:10	08:10	09:25	11:25	13:25	15:10	16:55	19:55	10:25	13:25	15:25	19:25
Slane	Chapel Street (just before traffic lights)		06:35	07:20	08:20	09:35	11:35	13:35	15:20	17:05	20:05	10:35	13:35	15:35	19:35
Slane	McGruders Cross		06:40	07:25	08:25	09:40	11:40	13:40	15:25	17:10	20:10	10:40	13:40	15:40	19:40
Slane	The Brink Service Station		06:42	07:27	08:27	09:42	11:42	13:42	15:27	17:12	20:12	10:42	13:42	15:42	19:42
Meath	Curtis Cross		06:45	07:30	08:30	09:45	11:45	13:45	15:30	17:15	20:15	10:45	13:45	15:45	19:45
Meath	Bairath Cross	137941	06:47	07:32	08:32	09:47	11:47	13:47	15:32	17:17	20:17	10:47	13:47	15:47	19:47
Meath	Rathfeigh Cross		06:50	07:35	08:35	09:50	11:50	13:50	15:35	17:20	20:20	10:50	13:50	15:50	19:50
Finglas	North Road (Bus Eireann stop-Noyeks Numans)	101131	07:21	08:06	09:06	10:21	12:16	14:16	16:02	17:46	20:41	11:16	14:16	16:16	20:16
Finglas	Finglas Road, Bottom of the Hill Pub	4542	07:23	08:08	09:08	10:23	12:18	14:18	16:03	17:48	20:43	11:18	14:18	16:18	20:18
Glasnevin	Glasnevin Cemetery Entrance	1536	07:25	08:10	09:10	10:25	12:20	14:20	16:05	17:50	20:45	11:20	14:20	16:20	20:20
Hart's Corner	Prospect Way (just before Botanic Road)	200	07:27	08:12	09:12	10:27	12:22	14:22	16:07	17:52	20:47	11:22	14:22	16:22	20:22
Phibsborough	Phibsborough Road (just before McDonalds)	187	07:29	08:14	09:14	10:29	12:24	14:24	16:09	17:54	20:49	11:24	14:24	16:24	20:24
Mater Hospital	Berkeley Road (just before Eccles St)	817	07:31	08:16	09:16	10:31	12:26	14:26	16:11	17:56	20:51	11:26	14:26	16:26	20:26
Parnell Square	Parnell Square East	260	07:33	08:18	09:18	10:33	12:28	14:28	16:13	17:58	20:53	11:28	14:28	16:28	20:28
Lr Abbey Street	Opposite Wynns Hotel		07:35	08:20	09:20	10:35	12:30	14:30	16:15	18:00	20:55	11:30	14:30	16:30	20:30
Nassau Street	Collins Bus Stop Opposite Frederick Street		07:40	08:25	09:25	10:40	12:35	14:35	16:20	18:05	21:00	11:35	14:35	16:35	20:35

**SERVICES TO DUBLIN VIA M1 MOTORWAY (ROUTES 980A VIA PORT TUNNEL & 980B VIA DRUMCONDRA)**

Stop Location	Stop Description	Stop ID	Monday to Friday			Saturday			Sunday					
			980A	980B	980B SEPT-MAY ONLY	980A	980B	980B SEPT-MAY ONLY	980A	980B	980B SEPT-MAY ONLY			
Carrickmacross	Main Street, Adjacent O'Neill Street	109091	06:15	06:45	07:15	07:45	06:45	09:00	06:45	17:00	21:00			
Carrickmacross	Dundalk Road Roundabout at Bypass	601221	06:17	06:47	07:17	07:47	06:47	09:02	06:47	17:02	21:02			
Ardee	Irish Street	152311	06:30	07:00	07:30	08:00	07:00	09:15	07:00	17:15	21:15			
Whitehall	Swords Road (Whitehall Church)	001642			08:30			10:15		18:15	22:15			
Drumcondra	St Patrick's College (just past college entrance)	000045			08:35			10:20		18:20	22:20			
Drumcondra	Dart Station (just before Clonliffe Road)	000047			08:38			10:23		18:23	22:23			
Mater Hospital	Drumcondra Rd Lr (just before Mater Private)	000051			08:40			10:25		18:25	22:25			
Point Village	East Wall Road (opposite Eddie Rockets)	007399	07:45	08:00	08:00	09:00	08:00	08:00	08:00	18:00	22:00			
North Wall Quay	Opposite Salesforce Building	007611	07:48	08:03	08:03	09:03	08:03	08:03	08:03	18:03	22:03			
Customs Hse Quay	North Wall Quay (Hilton Garden Hotel)	006252	07:50	08:05	08:05	09:05	08:05	08:05	08:05	18:05	22:05			
George's Quay	George's Quay (just before Luke Street)	135141	07:55	08:10	08:10	09:10	08:10	08:10	08:10	18:10	22:10			
Dublin City	D'Olier Street	003333	07:58	08:13	08:13	09:13	08:13	08:13	08:13	18:13	22:13			
Lr Abbey Street	Opposite Wynn's Hotel		08:00	08:15	08:15	09:15	08:15	08:15	08:15	18:15	22:15			
Nassau Street	Collins Bus Stop Opposite Frederick Street		08:00	08:15	08:15	09:15	08:15	08:15	08:15	18:15	22:15			

The shaded times operate between 1st September & 31st May only / On bank holiday Mondays, the Sunday timetable applies / Special arrangements apply on St Patrick's Day & between Christmas & New Year's Day  
 Free Travel passes are only valid on N2 services. They are not valid on the M1 Motorway services  
 If you would like to make a complaint about your trip, contact Collins Coaches at 042 9661631 or info@collinscoaches.ie. If you are unhappy with the response from us, contact the National Transport Authority  
 Timetable updated 1st May 2024

**COLLINS COACHES LIMITED**

**SERVICES FROM DUBLIN VIA N2 (ROUTE 980)**

Stop Location	Stop Description	Stop ID	Monday to Friday							Saturday							Sunday							
			980B	980A	980B	980A	980B	980A	980B	980A	980B	980A	980B	980A	980B	980A	980B	980A	980B					
Lr Abbey Street	Opposite Wynn's Hotel		11:00	13:00	14:45	16:20	16:50	17:25	18:15	19:15	21:00	11:00	13:00	14:45	16:50	17:25	18:15	19:15	21:00	12:00	14:45	17:00	19:15	20:30
Mountjoy Square	Mountjoy Square West	1174	11:03	13:03	14:48	16:23	16:53	17:28	18:18	19:18	21:03	11:03	13:03	14:48	16:53	17:28	18:18	19:18	21:03	12:03	14:48	17:03	19:18	20:33
Drumcondra	Bottom of Whitworth Road, Collins Bus Stop	834	11:06	13:06	14:51	16:26	16:56	17:31	18:21	19:21	21:06	11:06	13:06	14:51	16:56	17:31	18:21	19:21	21:06	12:06	14:51	17:06	19:21	20:36
Phibsborough	Prospect Road (1st bus stop after Brian Boro)	1506	11:09	13:09	14:54	16:29	16:59	17:34	18:24	19:24	21:09	11:09	13:09	14:54	16:59	17:34	18:24	19:24	21:09	12:09	14:54	17:09	19:24	20:39
Finglas	The Ardmore CareChoice	1512	11:12	13:12	14:57	16:32	17:02	17:37	18:37	19:37	21:12	11:12	13:12	14:57	17:02	17:37	18:37	19:37	21:12	12:12	14:57	17:12	19:27	20:42
Finglas	Bottom of the Hill Pub	4543	11:14	13:14	14:59	16:34	17:04	17:39	18:29	19:29	21:14	11:14	13:14	14:59	17:04	17:39	18:29	19:29	21:14	12:14	14:59	17:14	19:29	20:44
Finglas	Bus Eireann bus stop opp Noyeks Newman	100901	11:20	13:20	15:05	16:40	17:10	17:45	18:35	19:35	21:20	11:20	13:20	15:05	17:10	17:45	18:35	19:35	21:20	12:20	15:05	17:20	19:35	20:50
Meath	Rathleigh Cross		11:40	13:40	15:25	17:00	17:50	18:15	18:55	19:55	21:40	11:40	13:40	15:25	17:30	18:05	18:55	19:55	21:40	12:40	15:25	17:40	19:55	21:10
Meath	Bairath Cross	132921	11:45	13:45	15:30	17:05	17:55	18:20	19:00	20:00	21:45	11:45	13:45	15:30	17:35	18:10	19:00	20:00	21:45	12:45	15:30	17:45	20:00	21:15
Meath	Curtis Cross		11:48	13:48	15:33	17:08	17:58	18:23	19:03	20:03	21:48	11:48	13:48	15:33	17:38	18:13	19:03	20:03	21:48	12:48	15:33	17:48	20:03	21:18
Slane	The Brink Service Station		11:50	13:50	15:35	17:10	18:00	18:25	19:05	20:05	21:50	11:50	13:50	15:35	17:40	18:15	19:05	20:05	21:50	12:50	15:35	17:50	20:05	21:20
Slane	McGruders Cross		11:53	13:53	15:38	17:13	18:03	18:28	19:08	20:08	21:53	11:53	13:53	15:38	17:43	18:18	19:08	20:08	21:53	12:53	15:38	17:53	20:08	21:23
Slane	Chapel Street (just after traffic lights)		11:55	13:55	15:40	17:15	18:05	18:30	19:10	20:10	21:55	11:55	13:55	15:40	17:45	18:20	19:10	20:10	21:55	12:55	15:40	17:55	20:10	21:25
Collon	Donegans Pub	109121	12:05	14:05	15:50	17:25	18:15	18:40	19:20	20:20	22:05	12:05	14:05	15:50	17:55	18:30	19:20	20:20	22:05	13:05	15:50	18:05	20:20	21:35
Ardee	Slabh Breagh	109591	12:13	14:13	15:58	17:33	18:23	18:48	19:28	20:28	22:13	12:13	14:13	15:58	18:03	18:38	19:28	20:28	22:13	13:13	15:58	18:13	20:28	21:43
Ardee	Church	108761	12:14	14:14	15:59	17:34	18:24	18:49	19:29	20:29	22:14	12:14	14:14	15:59	18:04	18:39	19:29	20:29	22:14	13:14	15:59	18:14	20:29	21:44
Ardee	Irish Street	152441	12:15	14:15	16:00	17:35	18:25	18:50	19:30	20:30	22:15	12:15	14:15	16:00	18:05	18:40	19:30	20:30	22:15	13:15	16:00	18:15	20:30	21:45
Carrickmacross	Dundalk Road Roundabout at Bypass	601221	12:28	14:28	16:13	17:48	18:38	19:08	19:43	20:43	22:28	12:28	14:28	16:13	18:18	18:53	19:43	20:43	22:28	13:28	16:13	18:28	20:43	21:58
Carrickmacross	Main Street, AIB Bank	155941	12:30	14:30	16:15	17:50	18:40	19:10	19:45	20:45	22:30	12:30	14:30	16:15	18:20	18:55	19:45	20:45	22:30	13:30	16:15	18:30	20:45	22:00

**SERVICES FROM DUBLIN VIA M1 MOTORWAY (ROUTES 980A VIA PORT TUNNEL & 980B VIA DRUMCONDRA)**

Stop Location	Stop Description	Stop ID	Monday to Friday							Saturday							Sunday												
			980B	980A	980B	980A	980B	980A	980B	980A	980B	980A	980B	980A	980B	980A	980B	980A	980B										
Lr Abbey Street	Opposite Wynn's Hotel	---	09:00	14:00	16:30	17:15	17:45	18:10	16:30	18:30	22:30	09:00	14:00	16:30	17:15	17:45	18:10	16:30	18:30	22:30	09:00	14:00	16:30	17:15	17:45	18:10	16:30	18:30	22:30
Mountjoy Square	Mountjoy Square West	001174	09:03	14:03	---	17:18	---	---	---	---	---	09:03	14:03	---	17:18	---	---	---	---	---	09:03	14:03	---	17:18	---	---	---	---	---
Custom Hse Quay	North Wall Quay (Hilton Garden Hotel)	002499	---	---	16:35	---	17:50	18:15	16:35	---	---	---	---	16:35	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
3Arena	North Wall Quay (beside bus stop 7623)	---	---	---	16:40	---	17:55	18:20	16:40	---	---	---	---	16:40	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
Drumcondra	Under Bridge before Quinns Pub	000017	09:10	14:10	---	17:25	---	---	---	---	---	09:10	14:10	---	17:25	---	---	---	---	---	---	---	---	---	---	---	---	---	---
Drumcondra	St. Patrick's College, Drumcondra Road	000021	09:15	14:15	---	17:30	---	---	---	---	---	09:15	14:15	---	17:30	---	---	---	---	---	---	---	---	---	---	---	---	---	---
Whitehall	First bus stop just after Collins Avenue	001620	09:20	14:20	---	17:35	---	---	---	---	---	09:20	14:20	---	17:35	---	---	---	---	---	---	---	---	---	---	---	---	---	---
Ardee	Irish Street	152441	10:10	15:15	17:35	18:35	18:50	19:25	17:35	19:45	23:45	10:10	15:15	17:35	18:35	18:50	19:25	17:35	19:45	23:45	10:10	15:15	17:35	18:35	18:50	19:25	17:35	19:45	23:45
Carrickmacross	Dundalk Road Roundabout at Bypass	601221	10:23	15:28	17:48	18:48	19:03	19:38	17:48	19:58	23:58	10:23	15:28	17:48	18:48	19:03	19:38	17:48	19:58	23:58	10:23	15:28	17:48	18:48	19:03	19:38	17:48	19:58	23:58
Carrickmacross	Main Street, AIB Bank	155941	10:25	15:30	17:50	18:50	19:05	19:40	17:50	20:00	00:00	10:25	15:30	17:50	18:50	19:05	19:40	17:50	20:00	00:00	10:25	15:30	17:50	18:50	19:05	19:40	17:50	20:00	00:00

The shaded times operate between 1st September & 31st May only / On bank holiday Mondays, the Sunday timetable applies / Special arrangements apply on St. Patrick's Day & between Christmas & New Year's Day  
 Free Travel passes are only valid on N2 services. They are not valid on the M1 Motorway services  
 If you would like to make a complaint about your trip, contact Collins Coaches at 042 9661631 or info@collinscoaches.ie. If you are unhappy with the response from us, contact the National Transport Authority  
 Timetable updated 1st May 2024

**Louth County Council**  
**Section 5 Declaration**

<b>Planning Ref:</b>	2024/29
<b>Applicant's Name:</b>	Hadley Holdings Ltd
<b>Type of Application:</b>	Section 5 Declaration
<b>Development:</b>	a) Whether the use of a former hotel/guesthouse and public houses to provide temporary emergency accommodation for international protection applicants and associated works is or is not development and; b) whether the use and works is or is not exempted development.
<b>Site Location:</b>	Former Ferdia Arms, Castle Street, Ardee, Co. Louth.
<b>Report Date</b>	2 <sup>nd</sup> July 2024
<b>Due Date:</b>	10 <sup>th</sup> July 2024

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**1. Site Location and Description**

The site is situated on lands zoned **B1 Town/Village Centre** which has the objective *"To support the development, improvement and expansion of town or village centre activities"*. This property is a designated Protected Structure of Regional Importance (LCC Reference LHS017-044; NIAH Reference: 13823038) and is located within the Architectural Conservation Area (ACA) for Ardee and the Zone of Archaeological Potential.

The subject site is located at a prominent corner located at the junction of Castle Street and Barrett's Lane in the town centre of Ardee and comprises of a former public house known as 'Ferdia Arms'. The immediately surrounding area is characterised by a range of uses given the town centre location of the site.

A site inspection carried out under the assessment of the previous application at the site (Reg Ref 24/60072) confirmed that internal works have been undertaken and windows and external doors have been replaced, for which retention was being sought.



Figure 1: Site location (red line boundary not to scale)



Photograph 1: Illustrating front and side elevation of property.

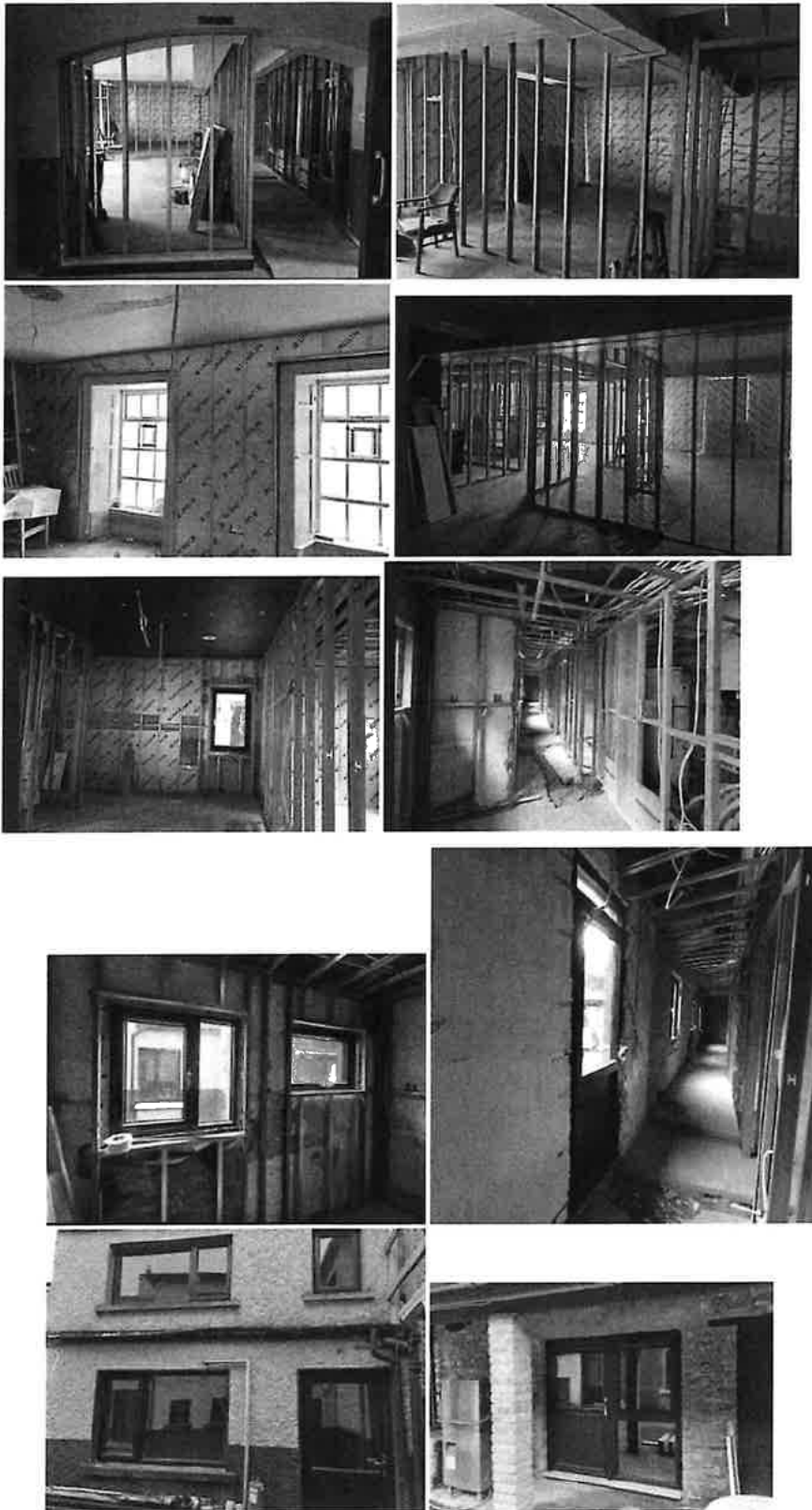


Figure 2: Extract from Planner report associated with Reg Ref 24/60072 illustrating works already undertaken for which retention was sought.

## 2. Planning History

### 24/60072: Hadleywood Holdings Limited

The development will consist of:

1. Retention permission comprises of external alterations to the facades and internal works to the protected structure which includes for internal partitions and general building refurbishment and adaption works.
2. Permission for
  - a) Change of use of the Ferdia Arms (protected structure reference 138253038) to provide for use of the building to a facility that will provide accommodation for Beneficiaries of Temporary Accommodation;
  - b) Associated works will include the provision of guest accommodation bedrooms, provision of a reception area, a lounge area, a communal room, dining area, toilet and sanitary facilities, plant room, laundry facilities and associated internal works to include for storage rooms.
  - c) Works to be carried out to the building consist of new window and door openings within the courtyard along with replastering works where required to external facades;
  - d) Provision of replacement windows on the external façade of the Ferdia Arms aligning Barrett's lane.

The proposed works related to the protected structures within the site: Ferdia Arms  
Protected Structure Reference: 13823038.

Recommended Grant of Permission by LCC 04/04/2024. **Currently at Appeal with decision due 29<sup>th</sup> August 2024.**

### Other associated planning and enforcement history:

Historic planning history at the site is outlined below.

File No.	Status	Decision	Received Date	Name	Development Address	Description
80625	APPLICATION FINALISED	C	01/01/1980 Tuesday	DERMOT O'BRIEN	BROPHY'S BAR, CASTLE STREET, ARDEE.	CHANGE OF USE TO LOUNGE BAR.
95255	APPLICATION FINALISED	C	13/04/1995 Thursday	TONY MORRIS	THE FERDIA ARMS CASTLE STREET ARDEE	ALTERATIONS TO FRONT ENTRANCE & SIGNAGE
02470	APPLICATION FINALISED	R	02/05/2002 Thursday	Frank Lynch	Barrett's Lane Ardee Co Louth	6 no. apartments
0378	INCOMPLETED APPLICATION		30/01/2003 Thursday	Frank Lynch	Barrett's Lane Ardee Co Louth	Demolish stone building, replace with 4no. retail units & 6no. apartments
03997	APPLICATION FINALISED	C	25/07/2003 Friday	Frank Lynch	Barrett's Lane Ardee Co Louth	(p) demolish store building, replace with 4no. retail units & 6no. apartments
03113	DECISION MADE	R	05/02/2003 Thursday	Frank Lynch	Barretts Lane Ardee Co Louth	Demolish stone building replace with 4no. retail units & 6no. apartments

### Enforcement:

UD/23/140: Alleged works to the exterior and interior of a protected structure LHS017-044.

### 3. Declaration Sought

The applicant has confirmed within the submitted application that the question for determination relates to:

*“a) Whether the use of the former hotel/guesthouse and public house to provide temporary emergency accommodation for international protection applicants and associated works is or is not development and; b) whether this use and works is or is not 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, I am satisfied that there is no real likelihood of significant effects on the environment and as such as EIAR is not required.

### 5. Appropriate Assessment

No screening report has been provided with this application. However, having regard to nature and scale of the proposal, it is not considered that the 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

**Planning and Development (Amendment) (No. 4) Regulations 2015 (S.I. No. 582 of 2015)** – Providing an exemption under Class 14(h) of the P & D Regs, 2001, as amended, as a measure for the change of use, and related works, for the purpose of providing the necessary accommodation facilities for protected persons.

In order to avail of this exemption the premises subject to the proposed change of use under Class 14(h) must be in *“use as a hotel, motel, hostel, guesthouse, holiday accommodation, convent, monastery, Defence Forces barracks or other premises or residential institution providing overnight accommodation, or part thereof, or from the change of use specified in paragraph (i) of the said premises or institution, or part thereof, to use as accommodation for protected persons”*.

**Planning and Development (Amendment) (No. 4) Regulations 2022 (S.I. No. 605 of 2022)** – Providing an exemption under new Class 20F of the P & D Regs, 2001, as amended, as a temporary measure expiring on 31<sup>st</sup> December 2024, for the temporary change of use, and related works, for the purpose of providing accommodation or support for displaced persons or persons seeking international protection.

In order to avail of this exemption, the application must be made by or on behalf of the Minister for Children, Equality, Disability, Integration and Youth, as required by Column 1 Description of Development, and the premises subject to the proposed change of use under Class 20F must currently be in use as a “school, college, university, training centre, social centre, community centre, non-residential club, art gallery, museum, library, reading room, sports club or stadium, gymnasium, hotel, convention centre, conference centre, shop, office, Defence Forces barracks, light industrial building, airport operational building, wholesale warehouse or repository, local authority administrative office, play centre, medical and other health and social care accommodation, event and exhibition space or any structure or part of structure normally used for public worship or religious instruction.”

*Column 2 – Conditions and Limitations of Class 20F*

1. The temporary use shall only be for the purposes of accommodating displaced persons or for the purposes of accommodating persons seeking international protection.
2. Subject to paragraph 4 of this class, the use for the purposes of accommodating displaced persons shall be discontinued when the temporary protection introduced by the Council Implementing Decision (EU) 2022/382 of 4 March 2022<sup>1</sup> comes to an end in accordance with Article 6 of the Council Directive 2001/55/EC of 20 July 2001<sup>2</sup>.
3. The use for the purposes of accommodating persons seeking international protection shall be discontinued not later than 31 December 2028.
4. Where the obligation to provide temporary protection is discontinued in accordance with paragraph 2 of this class, on a date that is earlier than 31 December 2028, the temporary use of any structure which has been used for the accommodation of displaced persons shall continue for the purposes of accommodating persons seeking international protection in accordance with paragraph 3 of this class.
5. The relevant local authority must be notified of locations where change of use is taking place prior the commencement of development.
6. ‘displaced persons’, for the purpose of this class, means persons to whom temporary protection applies in accordance with Article 2 of Council Implementing Decision (EU) 2022/382 of 4 March 2022.
7. ‘international protection’, for the purpose of this class, has the meaning given to it in section 2(1) of the International Protection Act 2015 (No. 66 of 2015).
8. ‘temporary protection’, for the purpose of this class, has the meaning given to it in Article 2 of Council Directive 2001/55/EC of 20 July 2001.

**Section 2 of the Planning and Development Act 2000, as amended, states that:**

“development” has the meaning assigned to it by section 3, and “develop” shall be construed accordingly;

“exempted development” has the meaning specified in section 4;

*“structure”* means inter alia any building, structure, excavation, or other thing constructed or made on, in or under any land, or any part of a structure so defined, and where the context so admits, includes the land on, in or under which the structure is situate;

*“unauthorised development”* means, in relation to land, the carrying out of any unauthorised works (including the construction, erection or making of any unauthorised structure) or the making of any unauthorised use;

*“unauthorised works”* means any works on, in, over or under land commenced on or after 1st October 1964, being development other than—

(a) exempted development (within the meaning of section 4 of the Act of 1963 or section 4 PDA), or

(b) development which is the subject of a permission granted under Part IV of the Act of 1963 [or under section 34, 37G or 37N PDA], being a permission which has not been revoked, and which is carried out in compliance with that permission or any condition to which that permission is subject; and

*“works”* includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.

**Section 3 of the Planning and Development Act 2000, as amended, states that:**

Section 3(1) PDA 2000 defines “development” as follows:

*“Development means except where the context otherwise requires, the carrying out of any works on, in over or under land or the making of any material change in the use of any structures or other land”.*

**Section 5 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*

(d) to submit information in order to enable the authority to issue the declaration on the question.

**Section 32 of the Planning and Development Act 2000, as amended, 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.

**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.

**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 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.

## 7. Assessment

### ***Does the proposal constitute development?***

Having regard to the definition of development in The Planning and Development Act as “*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.*”

The proposed change of use of the existing building to facilitate the temporary accommodation of protected persons” is considered to constitute a form of development.

### ***Does the proposal constitute exempt development?***

The subject structure was in place prior to the making of both the Planning and Development (Amendment) (No. 4) Regulations 2015 and the Planning and Development (Amendment) (No. 4) Regulations 2022.

Under Reg Ref 24/60072, the last known use of the building was as a public house (Class 12) and restaurant. The Planning Statement prepared by Hughes Planning & Development Consultants sets out that the premises is a former public house and hotel/guesthouse. While the Planning Authority notes that residential accommodation was provided at 1<sup>st</sup> floor level in this property, the previous planning history notes that the ground floor was in use as a public house. Furthermore, the plans and particulars relate to the entire property, not solely the area previously used as guesthouse accommodation. Accordingly, as a public house does not come under the requirements of Class 14(h) as it is not in “*use as a hotel, motel, hostel, guesthouse, holiday accommodation, convent, monastery, Defence Forces barracks or other premises or residential institution providing overnight accommodation, or part thereof, or from the change of use specified in paragraph (i) of the said premises or institution, or part thereof,.....*”, the proposed development is therefore not exempted development for the purposes of the Act.

In the interests of clarity, I have also considered this proposal under Class 20F of the P & D Regs, 2001, as amended, which was inserted by the Planning and Development (Amendment) (No. 4) Regulations 2022 (S.I. No. 605 of 2022), to provide an exemption as a temporary measure expiring on 31<sup>st</sup> December 2024, for the temporary change of use, and related works, for the purpose of providing accommodation or support for displaced persons or persons seeking international protection. However, this Section 5 application was not made by or on behalf of the Minister for Children, Equality, Disability, Integration and Youth, as required by the **Description of Development (Column 1)** under **Class 20F** and so is not considered to be exempted development for the purposes of the Act.

In addition, the use of the property as a public house does not come under the requirements of **Class 20F** as they are not in use as a “*school, college, university, training centre, social centre, community centre, non-residential club, art gallery, museum, library, reading room, sports club or stadium, gymnasium, hotel, convention centre, conference centre, shop, office, Defence Forces barracks, light industrial building, airport operational building, wholesale warehouse or repository, local authority administrative office, play centre, medical and other health and social care accommodation, event and exhibition space or any structure or part of structure normally used for public worship or religious instruction.*”

## 8. Recommendation

8.1 *Having regard to the foregoing it is considered that “use of a former hotel/guesthouse and public houses to provide temporary emergency accommodation for international protection applicants and associated works” at Former Ferdia Arms, Castle Street, Ardee, Co. Louth constitutes development within the meaning of section 3 of the Planning & Development Act 2000 (as amended).*

8.2 However, having regard to **Class 14(h)** and **Class 20F** of Part 1, Schedule 2 of the Planning and Development Regulations, 2001 (as amended), it is considered that the said development is not exempt development.

Accordingly, I would recommend an order along the following lines: -

**WHEREAS** a question has arisen pursuant to Section 5 of the Planning and Development Act 2000 (as amended) as to *“Whether the use of the former hotel/guesthouse and public house to provide temporary emergency accommodation for international protection applications and associated works”* at former Ferdia Arms, Castle Street, Ardee County Louth is or is not development and is or is not exempt development.

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


- (a) The definition of *“development”* in **Section 3(1)** of the Planning & Development Act 2000 (as amended);
- (b) Specifically, the provisions under **Class 14(h) of Part 1, Schedule 2** of the Planning and Development Regulations, 2001 (as amended),
- (c) Specifically, the provisions under **Class 20F of Part 1, Schedule 2** of the Planning and Development Regulations, 2001 (as amended),
- (d) Articles 6 and 9 of the Planning & Development Regulations 2001 (as amended);
- (e) Planning history and last authorised use of the property in question

**AND WHEREAS** *Louth County Council has concluded: -*

- (a) *The “use of the former hotel/guesthouse and public house to provide temporary emergency accommodation for international protection applications and associated works” constitutes development under Section 3(1) of the Planning & Development Act, 2000 (as amended) and;*
- (b) *This Section 5 application was not made by or on behalf of the Minister for Children, Equality, Disability, Integration and Youth as required by the **Description of Development (Column 1)** as set out in **Class 20F** of Part 1, Schedule 2 of the Planning and Development Regulations 2001 (as amended) and so cannot be considered exempted development; and*
- (c) *The type of premises (public house) located at the former Ferdia Arms, Castle Street, Ardee, Co. Louth is not included in the **Description of Development (Column 1)** as set out in either **Class 14(h)** or **Class 20F** of Part 1, Schedule 2 of the Planning and Development Regulations, 2001 (as amended) and consequently the proposed *“use of the former hotel/guesthouse and**

*public house to provide temporary emergency accommodation for international protection applications and associated works" is not 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 proposed "*use of the former hotel/guesthouse and public house to provide temporary emergency accommodation for international protection applications and associated works*" at the Former Ferdia Arms, Castle Street, Ardee, County Louth is **development** and is **not exempted development**.



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Ann McCormick  
Executive Planner  
Date: 02/07/2024



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Turlough King  
Senior Executive Planner  
Date: 02/07/2024



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Colette Moss  
A. Director of Services  
Date: 04/07/2024

**LOUTH COUNTY COUNCIL**

**CHIEF EXECUTIVE'S ORDER**

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

**Section 5 Exempted Development**

<b>Chief Executive's Order No:</b>	487/2024
<b>Reference No:</b>	S5 2024/29
<b>Date Application Received:</b>	13/06/2024
<b>Description of Development:</b>	Whether the use of a former hotel/guesthouse and public houses to provide temporary emergency accommodation for international protection applicants and associated works is or is not development and whether it is or is not exempt development
<b>Name of Applicant:</b>	Hadleywood Holding Ltd
<b>Location of Development</b>	Former Ferdia Arms, Castle Street, Ardee, Co Louth

**WHEREAS** a question has arisen pursuant to Section 5 of the Planning and Development Act 2000 (as amended) as to "*Whether the use of the former hotel/guesthouse and public house to provide temporary emergency accommodation for international protection applications and associated works*" at former Ferdia Arms, Castle Street, Ardee County Louth is or is not development and is or is not exempt development.

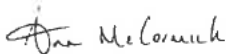
**AND WHEREAS** Louth County Council in consideration of this question has had regard particularly to:

- (a) The definition of "*development*" in **Section 3(1)** of the Planning & Development Act 2000 (as amended);
- (b) Specifically, the provisions under **Class 14(h) of Part 1, Schedule 2** of the Planning and Development Regulations, 2001 (as amended),
- (c) Specifically, the provisions under **Class 20F of Part 1, Schedule 2** of the Planning and Development Regulations, 2001 (as amended),
- (d) Articles 6 and 9 of the Planning & Development Regulations 2001 (as amended);
- (e) Planning history and last authorised use of the property in question

**AND WHEREAS** *Louth County Council has concluded: -*

- (a) The “*use of the former hotel/guesthouse and public house to provide temporary emergency accommodation for international protection applications and associated works*” constitutes development under Section 3(1) of the Planning & Development Act, 2000 (as amended) and;
- (b) This Section 5 application was not made by or on behalf of the Minister for Children, Equality, Disability, Integration and Youth as required by the **Description of Development (Column 1)** as set out in **Class 20F** of Part 1, Schedule 2 of the Planning and Development Regulations 2001 (as amended) and so cannot be considered exempted development; and
- (c) The type of premises (public house) located at the former Ferdia Arms, Castle Street, Ardee, Co. Louth is not included in the **Description of Development (Column 1)** as set out in either **Class 14(h)** or **Class 20F** of Part 1, Schedule 2 of the Planning and Development Regulations, 2001 (as amended) and consequently the proposed “*use of the former hotel/guesthouse and public house to provide temporary emergency accommodation for international protection applications and associated works*” is not 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 proposed “*use of the former hotel/guesthouse and public house to provide temporary emergency accommodation for international protection applications and associated works*” at the Former Ferdia Arms, Castle Street, Ardee, County Louth is **development** and is **not exempted development**.



**SIGNED:** \_\_\_\_\_  
Ann McCormick  
Executive Planner

**Dated: 4<sup>th</sup> July 2024**

**ORDER:** In pursuance of the powers conferred upon the Council by the above Act, I concur with the above recommendation and I hereby direct that a **Declaration of Exemption** be **REFUSED** for development as described above.

**SIGNED:** Colette Moss  
**Colette Moss**  
**A/Director of Services**

**Dated: 4<sup>th</sup> July 2024**

To whom this function has been delegated in accordance with the provision of sections 154 of the Local Government Act 2001 by Order no CE.S. 212/24 dated the 17<sup>th</sup> June 2024.



Comhairle Contae Lú  
Louth County Council

**REGISTERED POST**

Hadleywood Holding Ltd  
c/o Hughes Planning and Development Consultants  
85 Merrion Square  
Dublin 2

4<sup>th</sup> July 2024

**Re: Ref. S5 2024/29**

**Application for Declaration of “Exempted Development” Part 1, Section Planning & Development Act 2000 (as amended) as to Whether the use of a former hotel/guesthouse and public houses to provide temporary emergency accommodation for international protection applicants and associated works is or is not development and whether it is or is not exempt development within the meaning of the Planning and Development Act, 2000 (as amended)**

Dear Sir/Madam,

I wish to acknowledge receipt of your application received on 13<sup>th</sup> June 2024 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 use of the former hotel/guesthouse and public house to provide temporary emergency accommodation for international protection applications and associated works*” at former Ferdia Arms, Castle Street, Ardee County Louth is or is not development and is or is not exempt development.

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

- (a) The definition of “*development*” in **Section 3(1)** of the Planning & Development Act 2000 (as amended);
- (b) Specifically, the provisions under **Class 14(h) of Part 1, Schedule 2** of the Planning and Development Regulations, 2001 (as amended),
- (c) Specifically, the provisions under **Class 20F of Part 1, Schedule 2** of the Planning and Development Regulations, 2001 (as amended),
- (d) Articles 6 and 9 of the Planning & Development Regulations 2001 (as amended);
- (e) Planning history and last authorised use of the property in question

Comhairle Contae Lú  
Halla an Bhaile  
Sráid Crowe  
Dún Dealgan  
Contae Lú  
A91 W20C

Louth County Council  
Town Hall  
Crowe Street  
Dundalk  
County Louth  
A91 W20C

+ 353 42 9335457  
+ 353 42 9334549  
info@louthcoco.ie  
www.louthcoco.ie

*Cuirfear fáilte roimh chomhfhreagras Gaeilge - Correspondence in Irish is welcome*  
Féach foláirimh faoi Lú ón gComhairle ag [www.mapalserter.ie/Louth](http://www.mapalserter.ie/Louth)  
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**AND WHEREAS** *Louth County Council has concluded: -*

- (a) The “*use of the former hotel/guesthouse and public house to provide temporary emergency accommodation for international protection applications and associated works*” constitutes development under Section 3(1) of the Planning & Development Act, 2000 (as amended) and;
- (b) This Section 5 application was not made by or on behalf of the Minister for Children, Equality, Disability, Integration and Youth as required by the **Description of Development (Column 1)** as set out in **Class 20F** of Part 1, Schedule 2 of the Planning and Development Regulations 2001 (as amended) and so cannot be considered exempted development; and
- (c) The type of premises (public house) located at the former Ferdia Arms, Castle Street, Ardee, Co. Louth is not included in the **Description of Development (Column 1)** as set out in either **Class 14(h)** or **Class 20F** of Part 1, Schedule 2 of the Planning and Development Regulations, 2001 (as amended) and consequently the proposed “*use of the former hotel/guesthouse and public house to provide temporary emergency accommodation for international protection applications and associated works*” is not 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 proposed “*use of the former hotel/guesthouse and public house to provide temporary emergency accommodation for international protection applications and associated works*” at the Former Ferdia Arms, Castle Street, Ardee, County Louth is **development** and is not exempted development.

**In Summary**

**A Declaration of Exemption is hereby REFUSED for the proposed works as detailed on the plans and particulars submitted on 13<sup>th</sup> June 2024.**

**This decision may be referred by you to An Bord Pleanála for review within 4 weeks of the date of this letter subject to the payment of the appropriate fee.**

Yours faithfully,



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Amy Duffy  
Planning Section