

Section 5 Declaration - Application Form

7 SEP 2026

Customer Services
Dundalk

1. Name and address of person seeking the declaration:

Joe Farrelly, Arthurstown Little, Tallanstown,
Co. Louth, A91 KC80

Phone Number: _____ E-Mail: _____

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

Desin Carroll, Drogenstown, Co. Meath

Phone Number: _____ E-Mail: _____

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

Desin Carroll, _____

4. Interest in site of the person seeking declaration:

Site 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

Arthurstown Little, Tallanstown, Co. Louth
A91 KC80

6. Eircode OR Grid Co-ordinates must be submitted. Grid references may be found on Google Maps or at

<https://irish.gridreferencefinder.com>

A91 KC80 (E-294094, N-295741)

An Comhairle Chondae
Fleabala
- 7 SEP 2026
Fuarthas

7. Question for determination under Section 5 (See Note 1 above).
The question must be framed in the following format, i.e. Is the construction of a shed development and is it or is it not exempted development:

Is the raising of garden ground levels by 0.6 meters within the curtilage of a house a development and is it or is it not exempted development

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

If Yes, has a Declaration under Section 57 of the Planning and Development Act 2000 been requested or issued for the property by the Planning Authority?

I certify that the aforementioned is correct.

Signature of Applicant

Date

18/08/2026

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 with contact details to arrange payment of fee.



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Planning Pack Map

CENTRE
COORDINATES:
ITM 694028,795775

PUBLISHED:
05/08/2026
ORDER NO.:
50551538_2

MAP SERIES:
1:5,000
1:2,500
1:2,500
MAP SHEETS:
1890
1890-C
1890-D

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

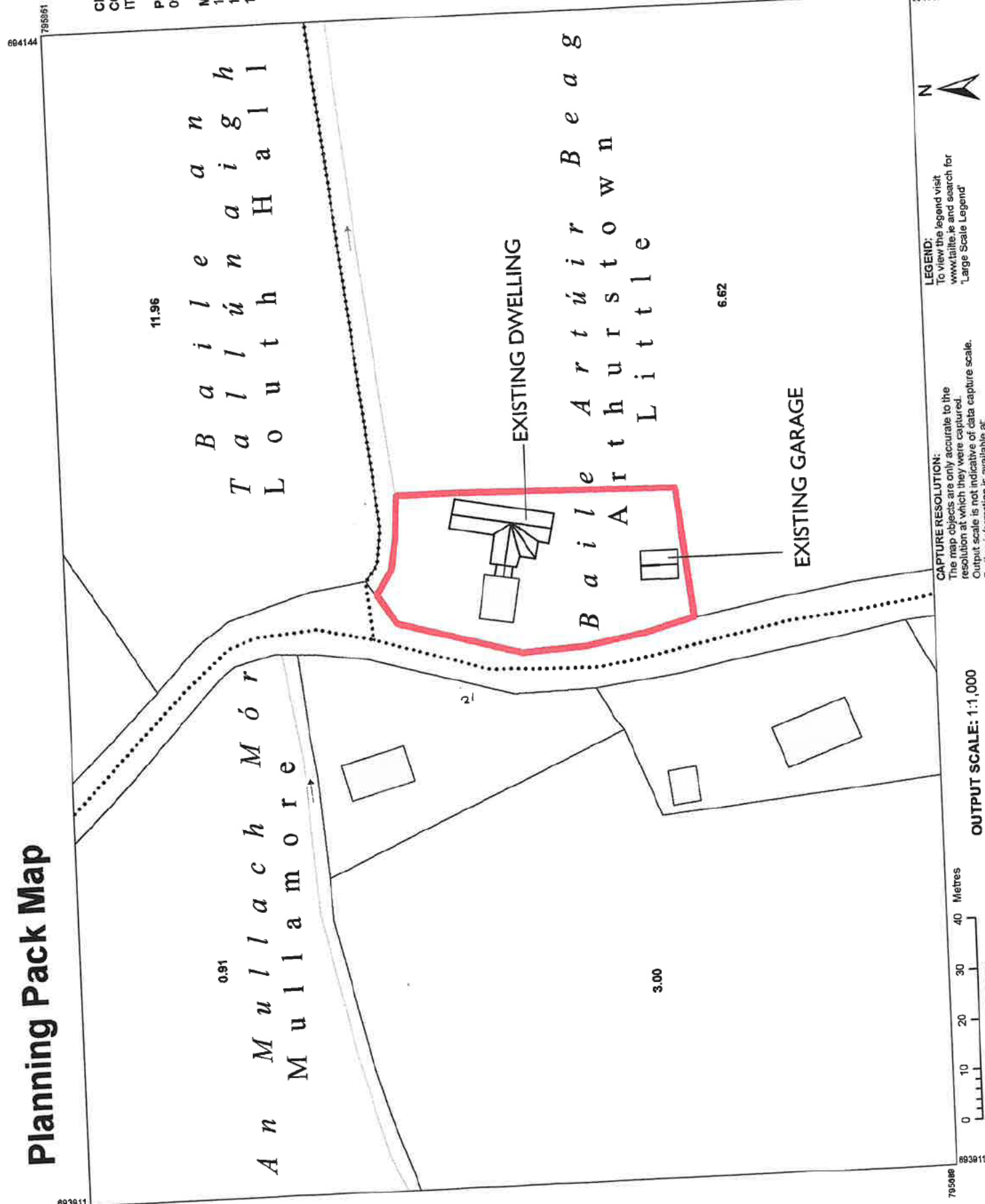
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of a road, track or footpath
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of a right of way.

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

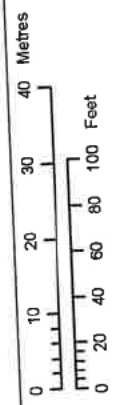
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LEGEND:
To view the legend visit
www.tailte.ie and search for
'Large Scale Legend'

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

OUTPUT SCALE: 1:1,000



Site Location Map

Tailte
Éireann



CENTRE
COORDINATES:

ITM 694028,795775

PUBLISHED:
05/08/2026

MAP SERIES:
6 Inch Raster

MAP SHEETS:
LH014

COMPILED AND PUBLISHED BY:

Tailte Éireann,
Phoenix Park,
Dublin 8,
Ireland.
D08F6E4

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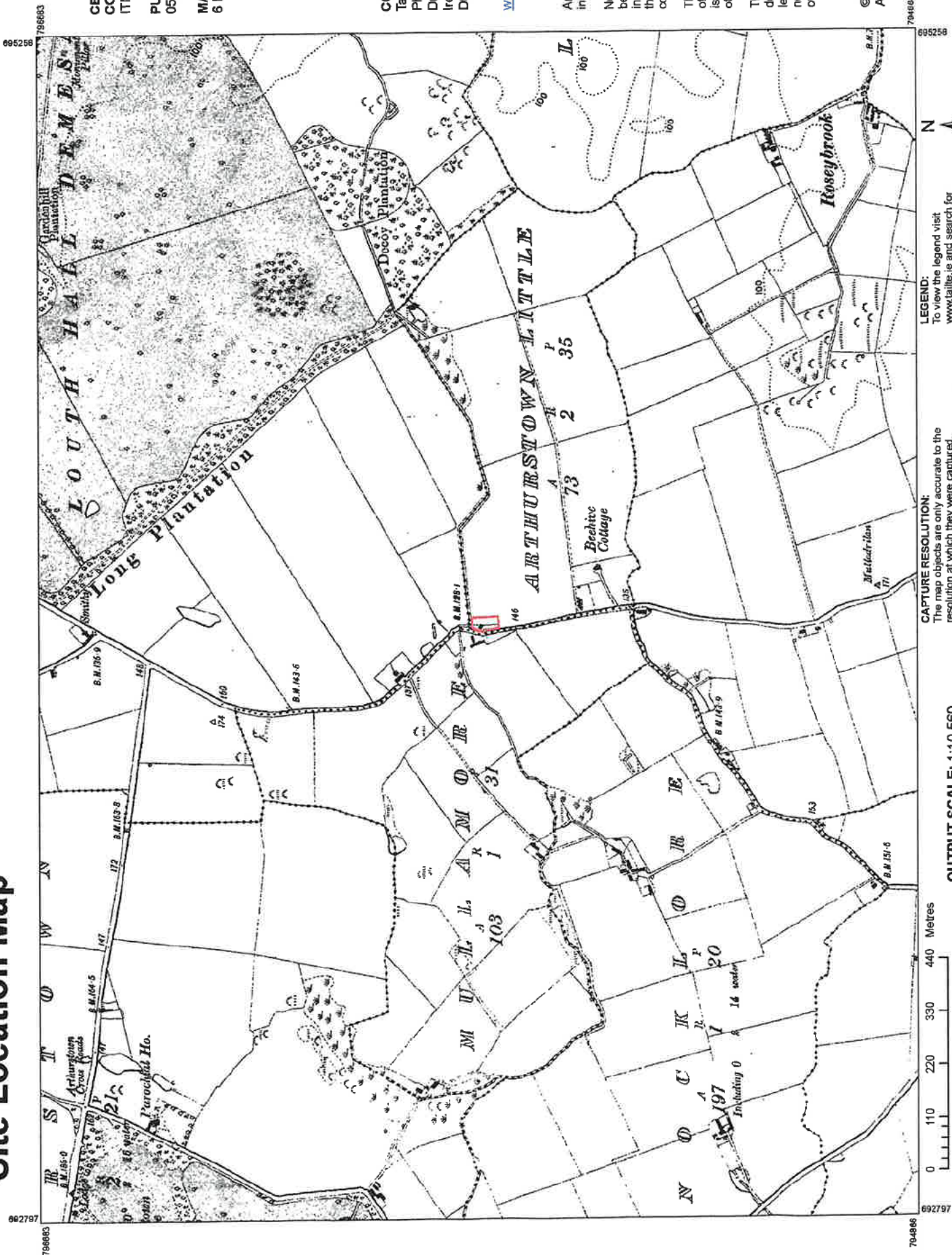
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Louth County Council

Section 5 Declaration

Planning Ref: S5/2026/63

Applicant's Name: Joe Farrelly

Type of Application: Section 5 Declaration

Question for Determination: Whether the raising of garden ground levels by 0.6m within the curtilage of a house is development and is it exempted development

Site Location: Arthurstown Little, Tallanstown, Co. Louth, A91 KC80

Due Date: 7th October 2026

Report Date: 30th September 2026

1.0 SITE LOCATION & DESCRIPTION:

The subject site is located within the townland of Arthurstown Little. The subject site comprises a dwelling house and detached garage with amenity space located to the front and side. The surrounding area is rural in character.

2.0 Planning History:

File.ref:05/555: Permission GRANTED for single-storey dwelling house incorporating an existing cottage including a domestic garage and a wastewater treatment unit and percolation area.

3.0 Question for Determination:

The applicant has confirmed within Question 7 of the application form that the question for determination relates to the following:

"Is the raising of garden ground levels by 0.6 meters within the curtilage of a house development and is it or is it not exempted development"

The applicant has submitted a site location map. No further information has been provided.

4.0 EIA Screening and Determination:

Based on information provided and having considered the minor nature of the proposal, there is no real likelihood of significant effects on the environment and as such as EIAR is not required.

5.0 Appropriate Assessment:

Having regard to the nature of the development, no appropriate assessment issues arise and 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.

6.0 Legislative Context:

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

The Planning and Development Act 2024 (Commencement) Order 2024 states:

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

(a) Sections 1 to 5;

(b) Part 26

The Planning and Development Act 2024

Section 2 states:

“development” means—

(a) the carrying out of works—

(i) on, in, over or under land, or

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

Or

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

(i) land or any structure on land, or

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

and includes the reclamation of land in the nearshore area;

“exempted development” means—

(a) development of a class prescribed under section 9 , or

(b) development that is exempted development by virtue of section 152 ;

“structure” means—

(a) a building, edifice, construction, excavation, or other thing constructed or made on,
in or under any land, or a maritime site, or any part thereof, or

(b) the land or maritime site on, in or under which such building, edifice, construction,
excavation, other thing or part is situated;

“Works” includes an act or operation—

(a) of construction, excavation, demolition, extension, alteration, repair or renewal
(including in relation to a protected structure, a proposed protected structure or a
structure situated in an architectural conservation area), on, in, over or under land or
a maritime site,

(b) consisting of the application of plaster, paint, wallpaper, tiles or other material to
the surface of a protected structure or proposed protected structure or the removal of
plaster, paint, wallpaper, tiles or other material from such surface, and

- (c) consisting of the application of plaster, paint, wallpaper, tiles or other material to the exterior of a structure situated in an architectural conservation area or the removal of plaster, paint, wallpaper, tiles or other material from such exterior.

The Planning and Development Act, 2000 (as amended)

Section 4:

Section 4 of the Planning and Development Act 2000 (as amended) provides for certain classes of exempted development.

Section 5 states:

- (1) If any question arises as to what, in any particular case, is or is not development or is or is not exempted development within the meaning of this Act, any person may, on payment of the prescribed fee, request in writing from the relevant planning authority a declaration on that question, and that person shall provide to the planning authority any information necessary to enable the authority to make its decision on the matter.
- (2) (a) Subject to *paragraph (b)*, a planning authority shall issue the declaration on the question that has arisen and the main reasons and considerations on which its decision is based to the person who made the request under *subsection (1)*, and, where appropriate, the owner and occupier of the land in question, within 4 weeks of the receipt of the request.
- (b) A planning authority may require any person who made a request under *subsection (1)* to submit further information with regard to the request in order to enable the authority to issue the declaration on the question and, where further information is received under this paragraph, the planning authority shall issue the declaration within 3 weeks of the date of the receipt of the further information.
- (c) A planning authority may also request persons in addition to those referred to in *paragraph (b)* to submit information in order to enable the authority to issue the declaration on the question.

Section 32:

Section 32 sets out a general obligation to obtain planning permission in respect of any development of land, not being exempted development, and in the case of development, which is unauthorised, for the retention of that unauthorised development.

Planning and Development Regulations 2001, (as amended)

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.

Restrictions on Exemption: Article 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,

(iii) endanger public safety by reason of traffic hazard or obstruction of road users

(vii) comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment, and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site,

(vii) consist of or comprise development which would be likely to have an adverse impact on an area designated as a natural heritage area by order made under section 18 of the Wildlife (Amendment) Act 2000.

Planning and Development Regulations 2001 (as amended), Schedule 2, Part 1, Class 6(a): The construction of any path, drain or pond or the carrying out of any landscaping works within the curtilage of a house.

Conditions and Limitations:

The level of the ground shall not be altered by more than 1 metre above or below the level of the adjoining ground

7.0 Assessment:

Does the proposal constitute development?

The submission relates to the raising of garden ground levels by 0.6m within the curtilage of a house. It is considered that the raising of garden ground levels within the curtilage of a house would constitute landscaping works and therefore development, within the definition of development under the Planning and Development Act 2024.

Does the proposal constitute exempted development?

Schedule 2, Part 1, Class 6a of the Planning and Development Regulations 2001 (as amended) provides for the construction of any path, drain or pond or the carrying out of any landscaping works within the curtilage of a house subject to the condition/limitation that the level of the ground shall not be altered by more than 1 metre above or below the level of the adjoining ground:

CLASS 6

(a) The construction of any path, drain or pond or the carrying out of any landscaping works within the curtilage of a house. The level of the ground shall not be altered by more than 1 metre above or below the level of the adjoining ground.

In this instance, the raising of the garden ground level within the curtilage of the house is stated as 0.6 metres. As this is below the 1 metre threshold specified under Class 6a, it is considered that the landscaping works constitute exempted development.

Accordingly, while the proposal constitutes development, it is considered to be exempted development under Schedule 2, Part 1, Class 6 of the Planning and Development Regulations 2001 (as amended).

8.0 Recommendation:

Having regard to the foregoing, and to the provisions of the Planning and Development Acts (as amended) and the Planning and Development Regulations 2001 (as amended), it is considered that the raising of garden ground levels by 0.6 metres within

the curtilage of a house constitutes development within the meaning of Section 2 of the Planning and Development Act 2024.

It is further considered that the works fall within the scope of Schedule 2, Part 1, Class 6 of the Planning and Development Regulations 2001 (as amended) and comply with the relevant conditions and limitations.

Accordingly, while the proposal constitutes development, it is considered to constitute exempted development under Schedule 2, Part 1, Class 6 of the Planning and Development Regulations 2001 (as amended).

WHEREAS a question as to whether raising garden ground levels by 0.6m within the curtilage of a house constitutes development and, if so, whether such development is exempted development.

AND WHEREAS the said question was referred to Louth County Council by Joe Farrelly.

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

- i. The definition of “*development*”, in Section 2 of the Planning and Development Act, 2024.
- ii. Plans and particulars forwarded to the Planning Authority
- iii. The Planning and Development Regulations 2001 (as amended).

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

- i. The works are considered to constitute a development under Section 2, Planning and Development Act 2024 (as amended).
- ii. The works fall within the scope of Schedule 2, Part 1, Class 6a of the Planning and Development Regulations 2001 (as amended) and comply with the relevant conditions and limitations.

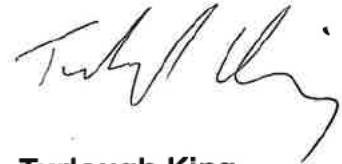
NOW THEREFORE Louth County Council, in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act 2000 (as amended), hereby decides that the raising of garden ground levels by 0.6 metres within the curtilage of a house constitutes development within the meaning of Section 2 of the Planning and Development Act 2024 and is exempted development.



Helen Conlon
Executive Planner
Date: 30/09/2026



Eugenia Thompson
Senior Executive Planner
Date: 30/09/2026



Turlough King
A/Senior Planner
Date : 05/10/2026

LOUTH COUNTY COUNCIL

CHIEF EXECUTIVE'S ORDER

PLANNING & DEVELOPMENT ACT 2000 (as amended)

Section 5 Exempted Development

Chief Executive's Order No:	771/2026
Reference No:	S5 2026/63
Date Application Received:	10/09/2026
Description of Development:	Whether the raising of garden ground levels by 0.6m within the curtilage of a house is development and is it exempted development.
Name of Applicant:	Joe Farrelly
Location of Development	Arthurstown Little, Tallanstown, Co Louth, A91KC80

WHEREAS a question as to whether raising garden ground levels by 0.6m within the curtilage of a house constitutes development and, if so, whether such development is exempted development.

AND WHEREAS the said question was referred to Louth County Council by Joe Farrelly.

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

- i. The definition of “development”, in Section 2 of the Planning and Development Act, 2024.
- ii. Plans and particulars forwarded to the Planning Authority
- iii. The Planning and Development Regulations 2001 (as amended).

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

- i. The works are considered to constitute a development under Section 2, Planning and Development Act 2024 (as amended).
- ii. The works fall within the scope of Schedule 2, Part 1, Class 6a of the Planning and Development Regulations 2001 (as amended) and comply with the relevant conditions and limitations.

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 raising of garden ground levels by 0.6 metres within the curtilage of a house **constitutes development** within the meaning of Section 2 of the Planning and Development Act 2024 and is **exempted development**.

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:


Turlough King
Acting Senior Planner

Date: 05/10/2026

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 380/26 dated 31st day of July 2026.



Comhairle Contae Lú
Louth County Council

Joe Farrelly
c/o Oisín Carroll

Date : 05/10/2026

Re: Ref. S5 2026/63

Application for Declaration of "Exempted Development" Part 1, Section 5 Planning & Development Act, 2000 (as amended) as to 'Whether the raising of garden ground levels by 0.6m within the curtilage of a house is development and is it exempted development.'

Dear Sir/Madam,

I wish to acknowledge receipt of your application received on 10th September 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 as to whether raising garden ground levels by 0.6m within the curtilage of a house constitutes development and, if so, whether such development is exempted development.

AND WHEREAS the said question was referred to Louth County Council by Joe Farrelly.

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

- i. The definition of "development", in Section 2 of the Planning and Development Act, 2024.
- ii. Plans and particulars forwarded to the Planning Authority
- iii. The Planning and Development Regulations 2001 (as amended).

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

T + 353 42 9335457
E info@louthcoco.ie
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Féach foláirimh faoi Lú ón gComhairle ag www.mapalserter.ie/Louth
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AND WHEREAS Louth County Council has concluded that on the basis of the information submitted that:

- i. The works are considered to constitute a development under Section 2, Planning and Development Act 2024 (as amended).
- ii. The works fall within the scope of Schedule 2, Part 1, Class 6a of the Planning and Development Regulations 2001 (as amended) and comply with the relevant conditions and limitations.

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 raising of garden ground levels by 0.6 metres within the curtilage of a house **constitutes development** within the meaning of Section 2 of the Planning and Development Act 2024 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 10th September 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,

Brian Duffy

Brian Duffy
Planning Section