Section 5 Declaration - Application Form

Declaration as to whether development constitutes Exempted Development

Comhairle Contae Lú
Louth County Council

Please read "Guidance Notes" before completing this form

Guidance Notes

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

   (a) A person seeking a determination must ensure under Question 7 (of the application form below) that a question is posed and that the question is clear, for example, is the construction of a shed development and is it or is it not exempted development. Details are then required of the shed so the planning authority can determine if the shed is exempt.

   (b) The question to be determined should be clear as to whether it relates to an existing development or a proposed development. Details of the nature, size and location of the proposed development should be submitted and appropriate plans and elevations.

   (c) If the question is not clear to the Planning Authority, the Section 5 application will be returned as invalid.

2. Any person may, on payment of the prescribed fee, currently €80.00 request in writing from the Planning Authority a declaration on a question as whether a particular type of development is exempt.

3. The Planning Authority is required to make a decision within 4 weeks of receipt of a valid Declaration Request however the Planning Authority can also request Additional Information if it is considered that insufficient information has been submitted.

4. Any person issued with a declaration may, on payment to the Board of such fee as may be prescribed, currently €220.00 refer a declaration for review by the Board within 4 weeks of the date of the issuing of the declaration.

5. A planning authority is required to consider whether the development or proposed development identified in the request would be likely to have significant effects on the environment by virtue, at the least, of the nature, size or location of such development.

Section 5 Declaration - Application Form

1. **Name and address of person seeking the declaration:**
   Patrick McDermott   Starstone Property Investments Limited
   9, Bridge Street, Ashbourne, Co.Meath.
   Phone Number: [redacted]____ E-Mail:[redacted]_____

2. **Name and address of agent (if any):**
   Paul Williams Knightsbrook, Trim, Co.Meath

   Phone Number: __[redacted]___ E-Mail: TTWArcDesign@gmail.com

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

   Paul Williams, Knightsbrook, Trim, Co.Meath
   TTWArchDesign@gmail.com

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

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

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

   Abbey Centre, West Street, Drogheda, Co.Louth

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

   A92 XN60

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 proposed development at the Abbey Centre, *West St, change of use* from retail/commercial to residential comprising of 9 studio apartments in accordance with Article 10.(6) of the Planning & Development Regulations 2001 (as amended) exempt development?

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

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: Paul Williams **Date** 23 June 2026

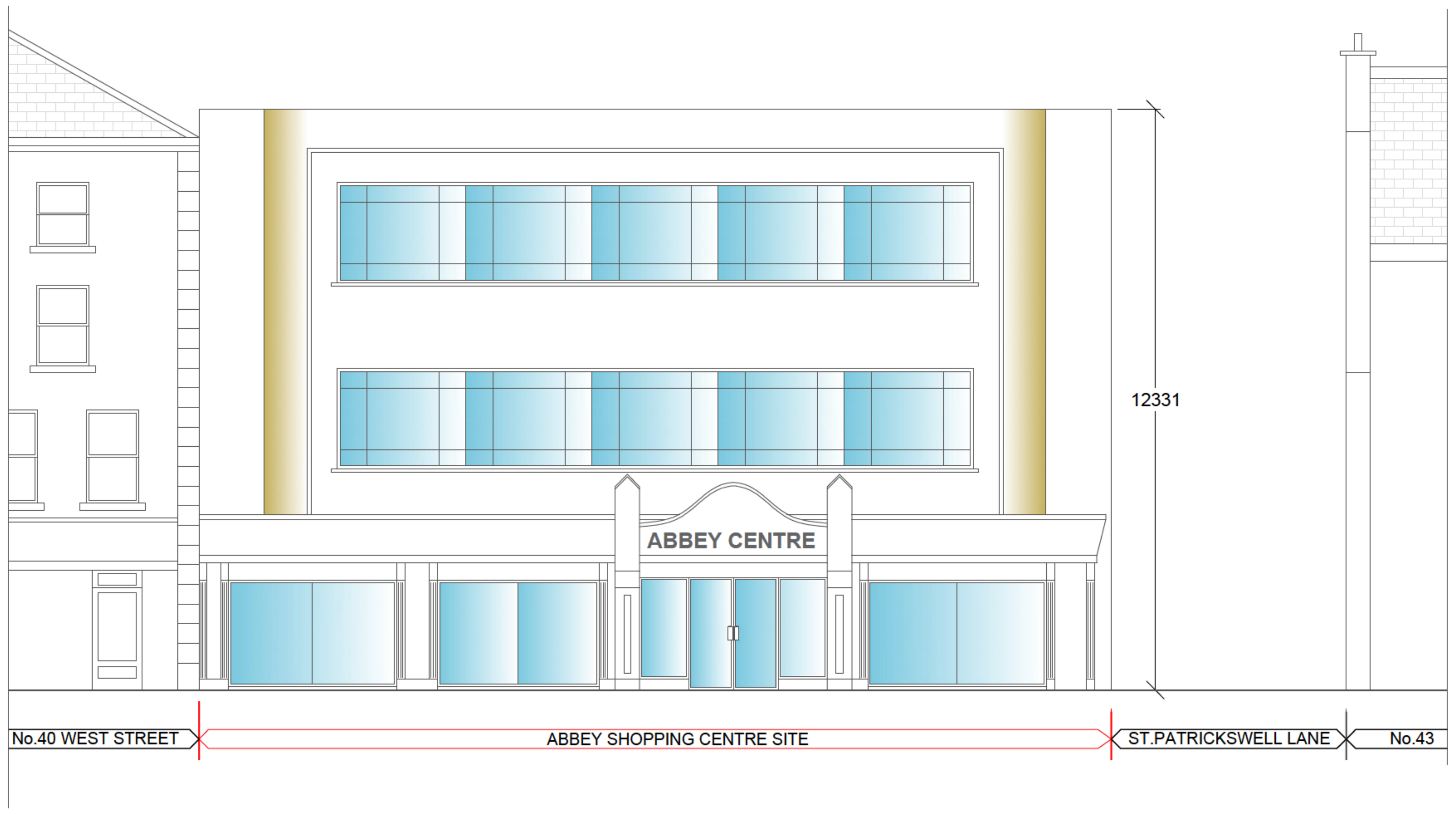
Please include one copy of the following documents with this application form:

- **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)

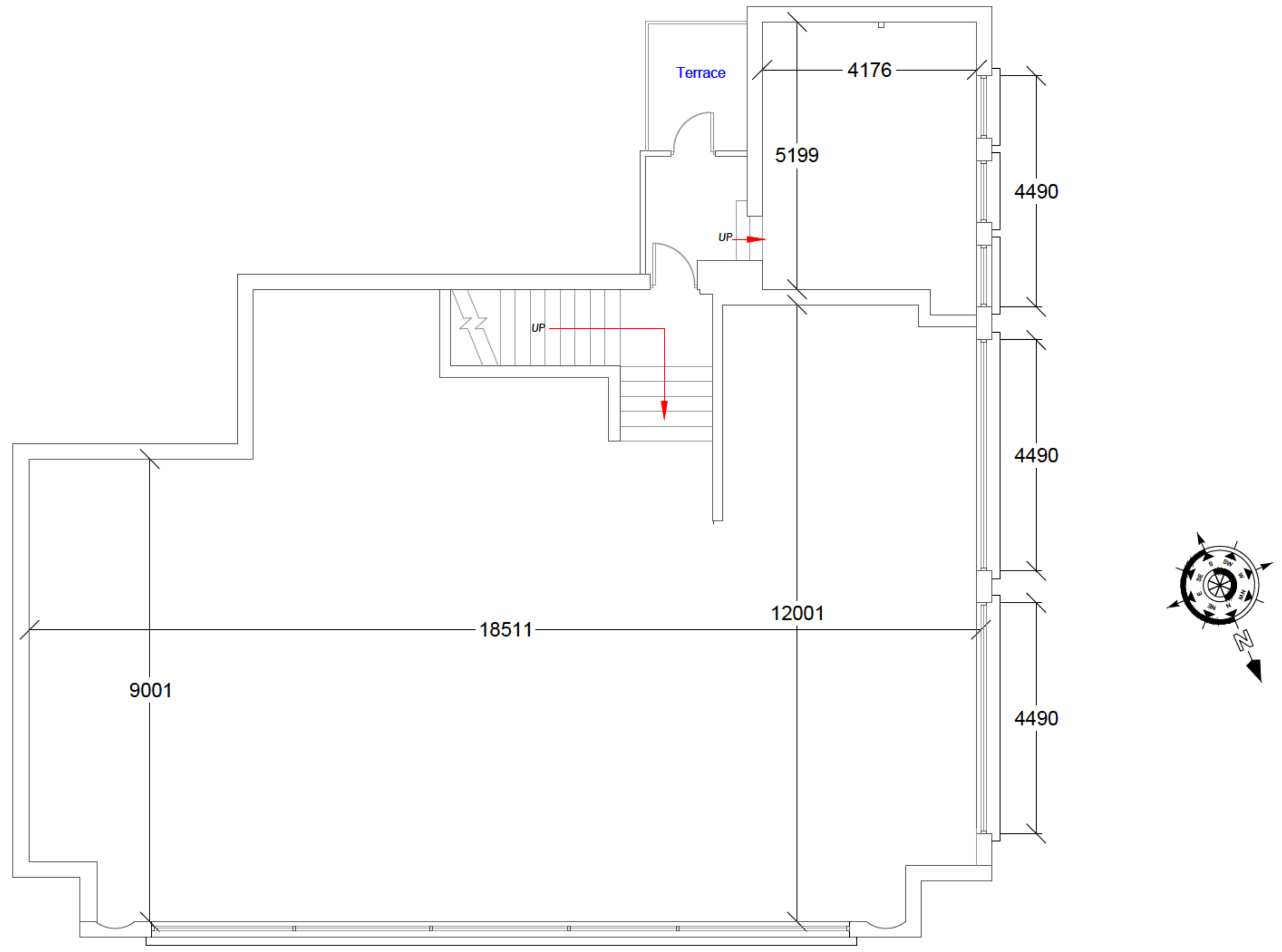
Completed Application Form & Fee of €80.00 may be sent to:

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.

Abbey Centre, West Street, Drogheda, Co.Louth



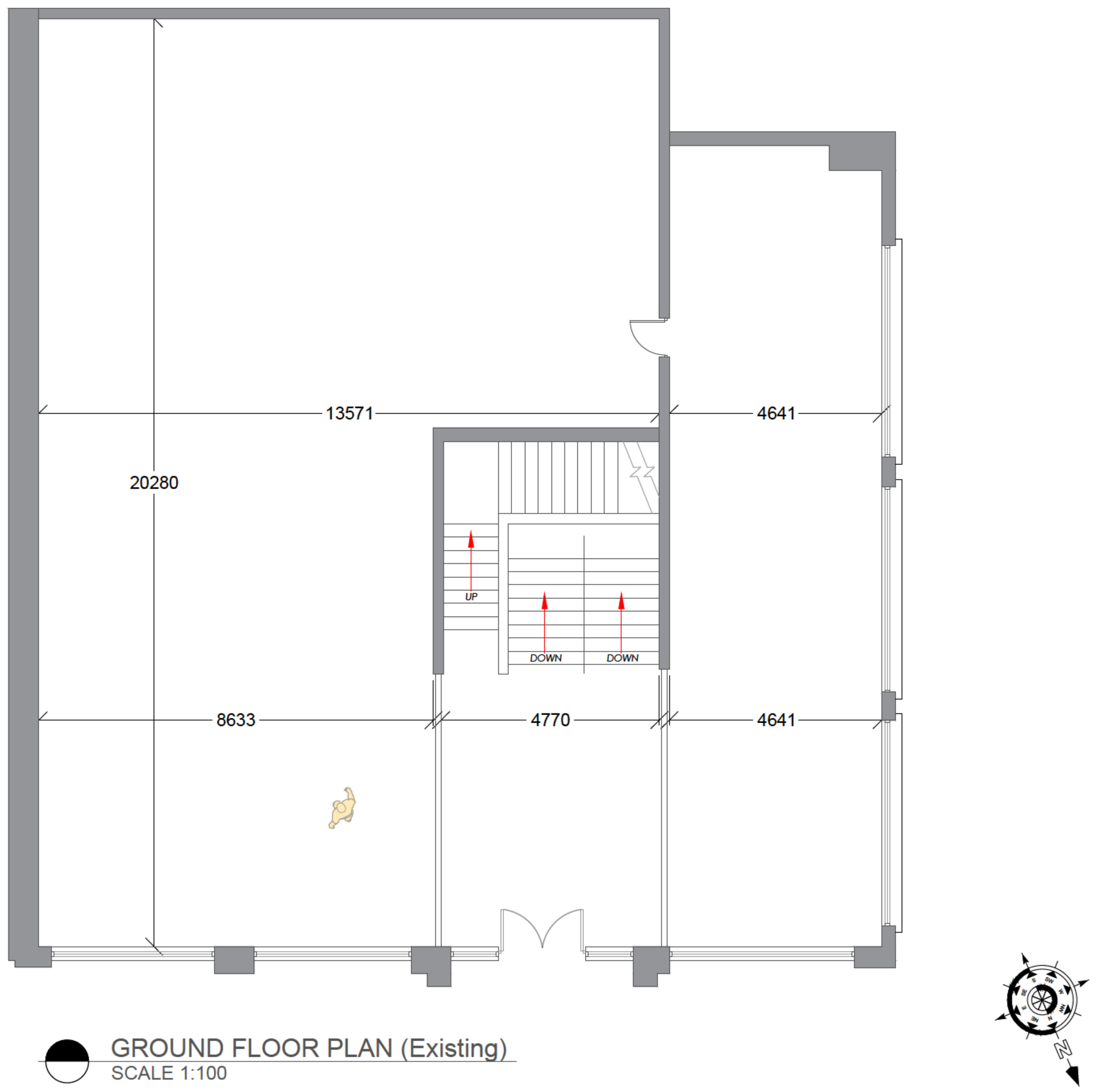
FRONT NORTH ELEVATION (Existing)
SCALE 1:100



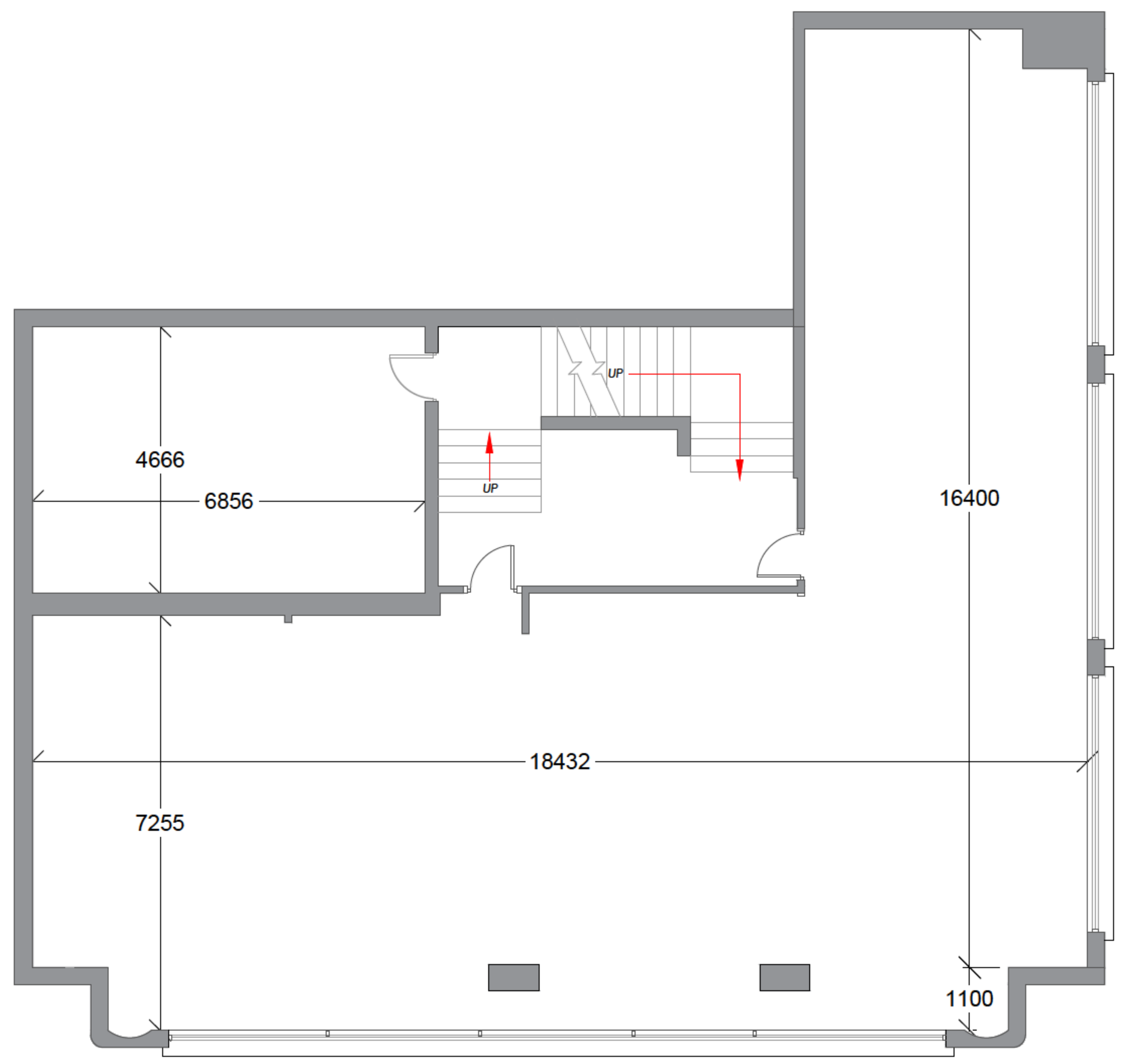
SECOND FLOOR PLAN (Existing)
SCALE 1:100

Gross Internal Area

Ground Floor 359.5m²
First Floor 248.5m²
Second Floor 236.9m²



GROUND FLOOR PLAN (Existing)
SCALE 1:100



FIRST FLOOR PLAN(Existing)
SCALE 1:100

General Notes

No.	Revision/Issue	Date
	Draft Plan	22-Feb-2026

STARSTONE Property Group

2nd Floor Office, Unit 4,
Broadmeadow House,
Ashbourne, Co. Meath
A84K409.
01 9198300
enquiries@starstone.ie

Project Title: Abbey Centre, West Street. Retail to Residential Article 10

Drawn: P.W.

Checked:

Projection:

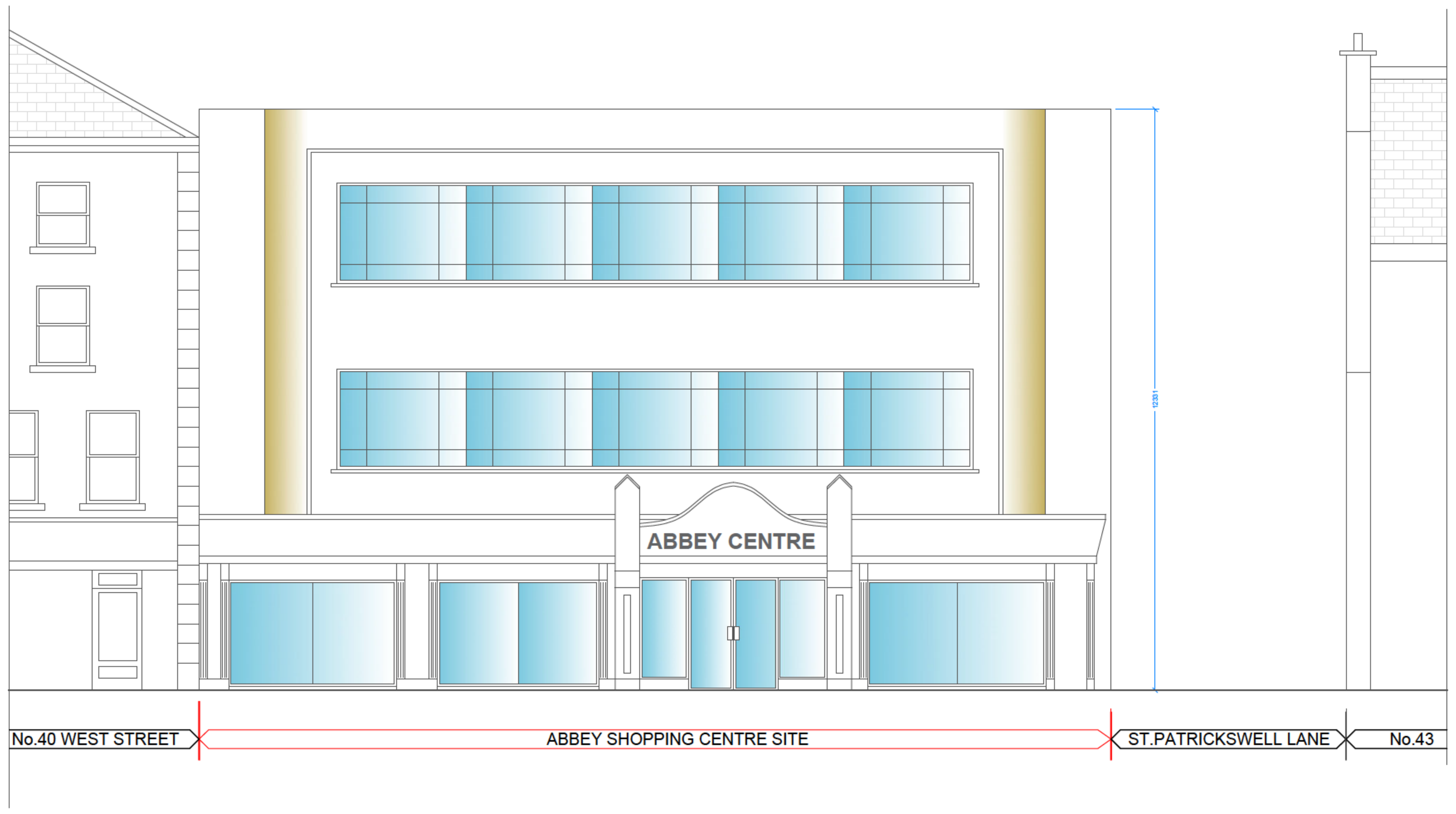
Project No: 48-2026

Date: 27-FEB-2026

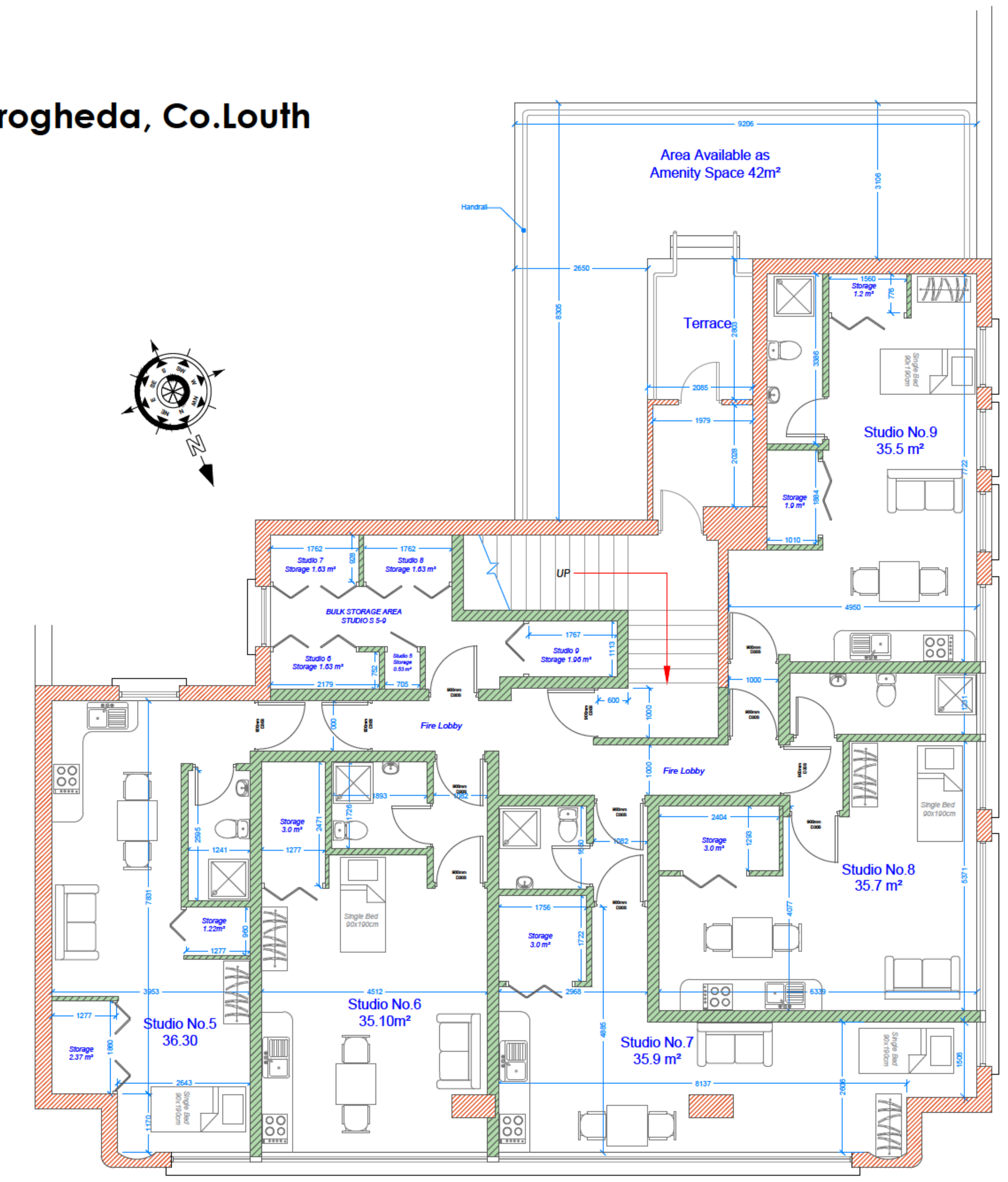
Dwg No: 001

Scale: 1:100@A1

Abbey Centre, West Street, Drogheda, Co.Louth



FRONT NORTH ELEVATION (Unchanged)
SCALE 1:200



SECOND FLOOR PLAN (Proposed)
SCALE 1:100

Unit No.	Floor Area	Storage Area	Bulk Storage
Studio 1	36.22m²	3.4m²	1.6m²
Studio 2	36.97m²	3.1m²	1.6m²
Studio 3	37.10m²	3.6m²	1.6m²
Studio 4	36.30m²	3.2m²	1.6m²
Studio 5	36.30m²	3.59m²	0.5m²
Studio 6	36.10m²	3.0m²	1.6m²
Studio 7	35.90m²	3.0m²	1.6m²
Studio 8	35.70m²	3.0m²	1.6m²
Studio 9	35.50m²	3.0m²	1.9m²

Gross Internal Area

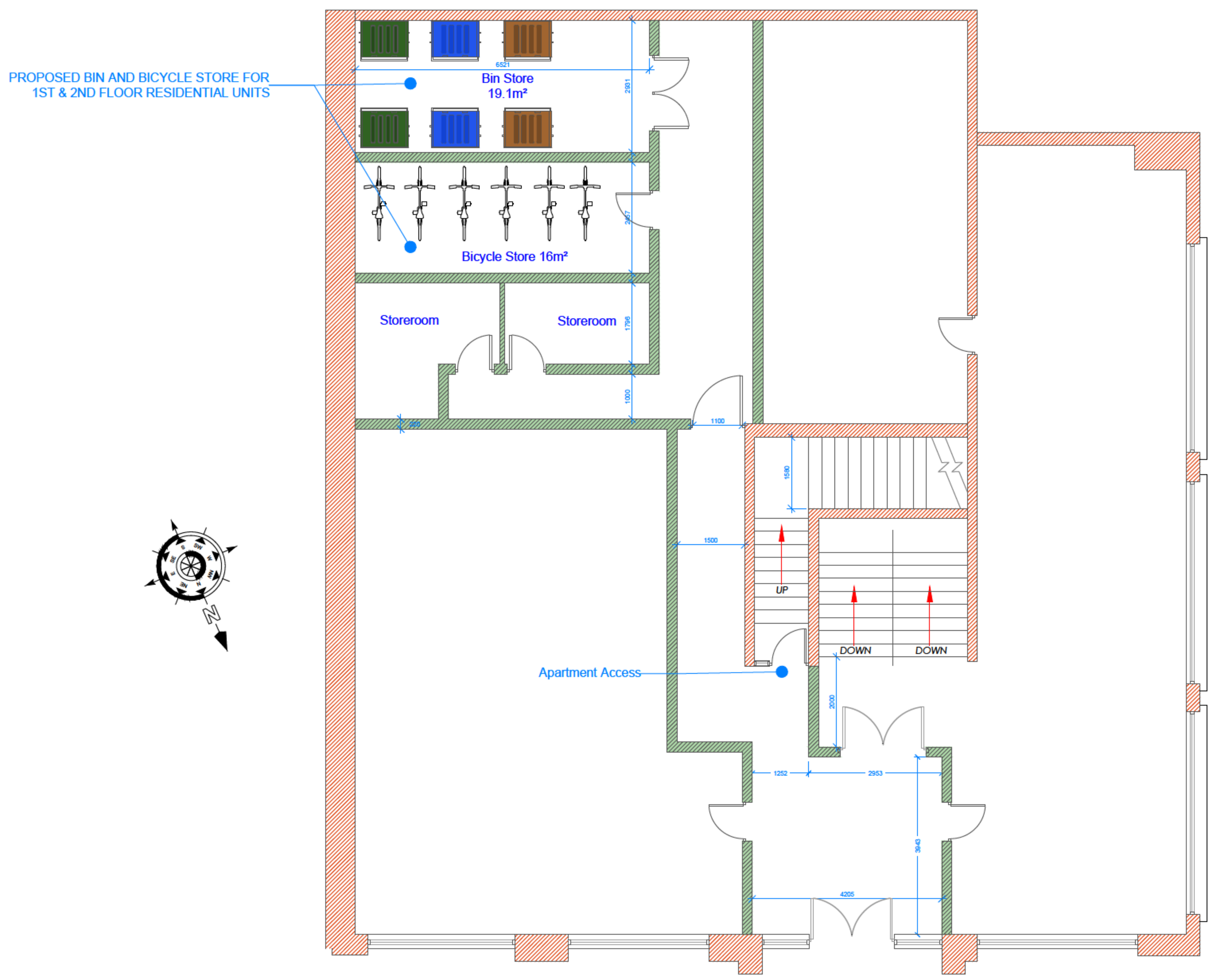
Ground Floor 359.5m²
First Floor 248.5m²
Second Floor 236.9m²

Stud Detail in finish:

Dividing walls 220 mm
Internal Partition 130 mm

Ground Floor Storage

Bin Store 19.10m²
Bicycle Store 16.0m²



GROUND FLOOR PLAN (Proposed)
SCALE 1:100

FIRST FLOOR PLAN (Proposed)
SCALE 1:100

General Notes

	Revision	21-June-2026
	Revision	18-June-2026
	Draft Plan	22-Feb-2026
No.	Revision/Issue	Date

STARSTONE Property Group
2nd Floor Office, Unit 4, Broadmeadow House, Ashbourne, Co. Meath A84K409.
01 9198300
enquiries@starstone.ie

Project Title: Abbey Centre, West Street. Retail to Residential Article 10

Drawn: P.W.

Checked:

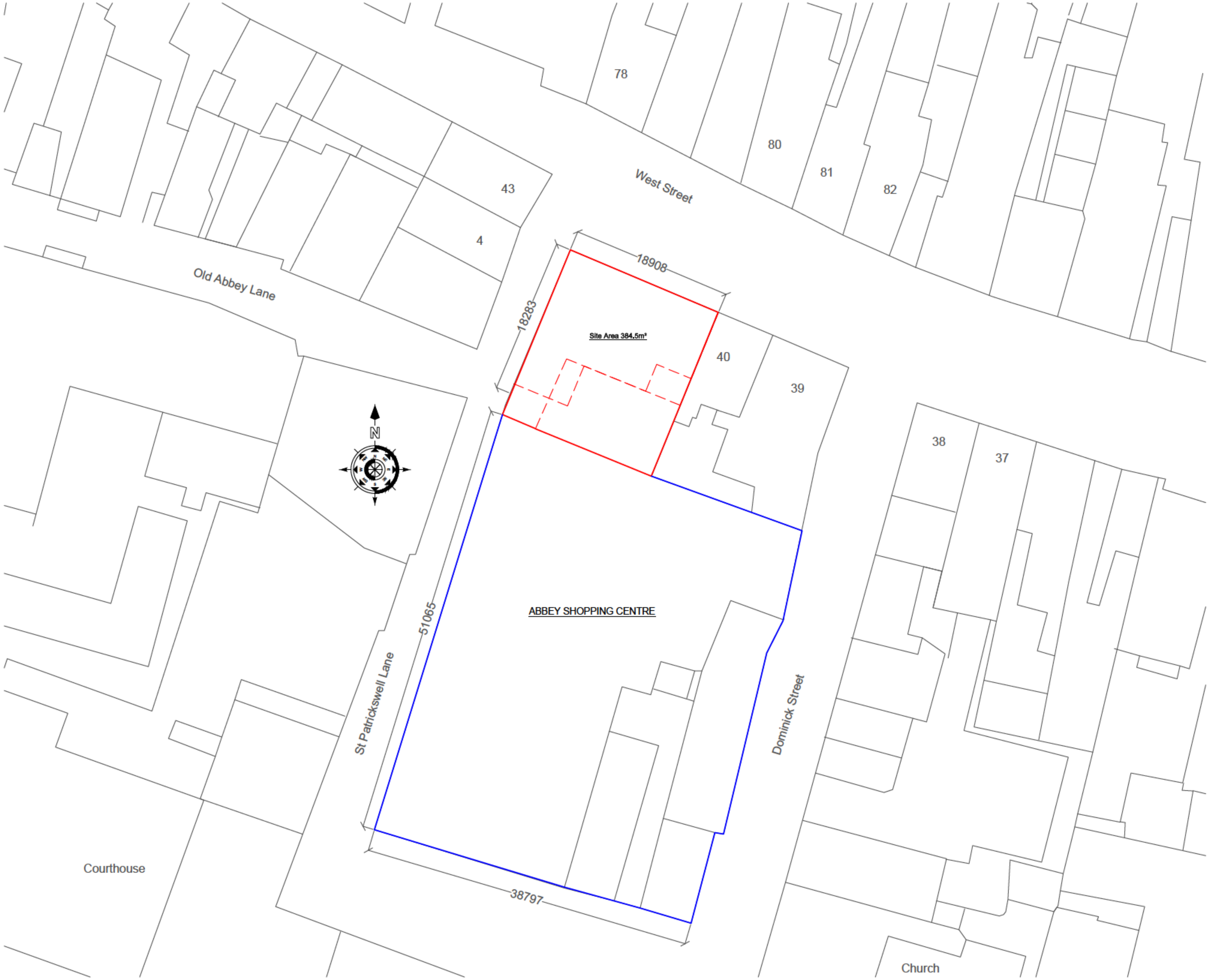
Projection:

Project No: 48-2026

Date: 27-FEB-2026

Dwg No: 002

Scale: 1:100@A1



SITE LAYOUT
SCALE 1:500

General Notes

No.	Revision/Issue	Date
	Draft Plan	22-Feb-2026

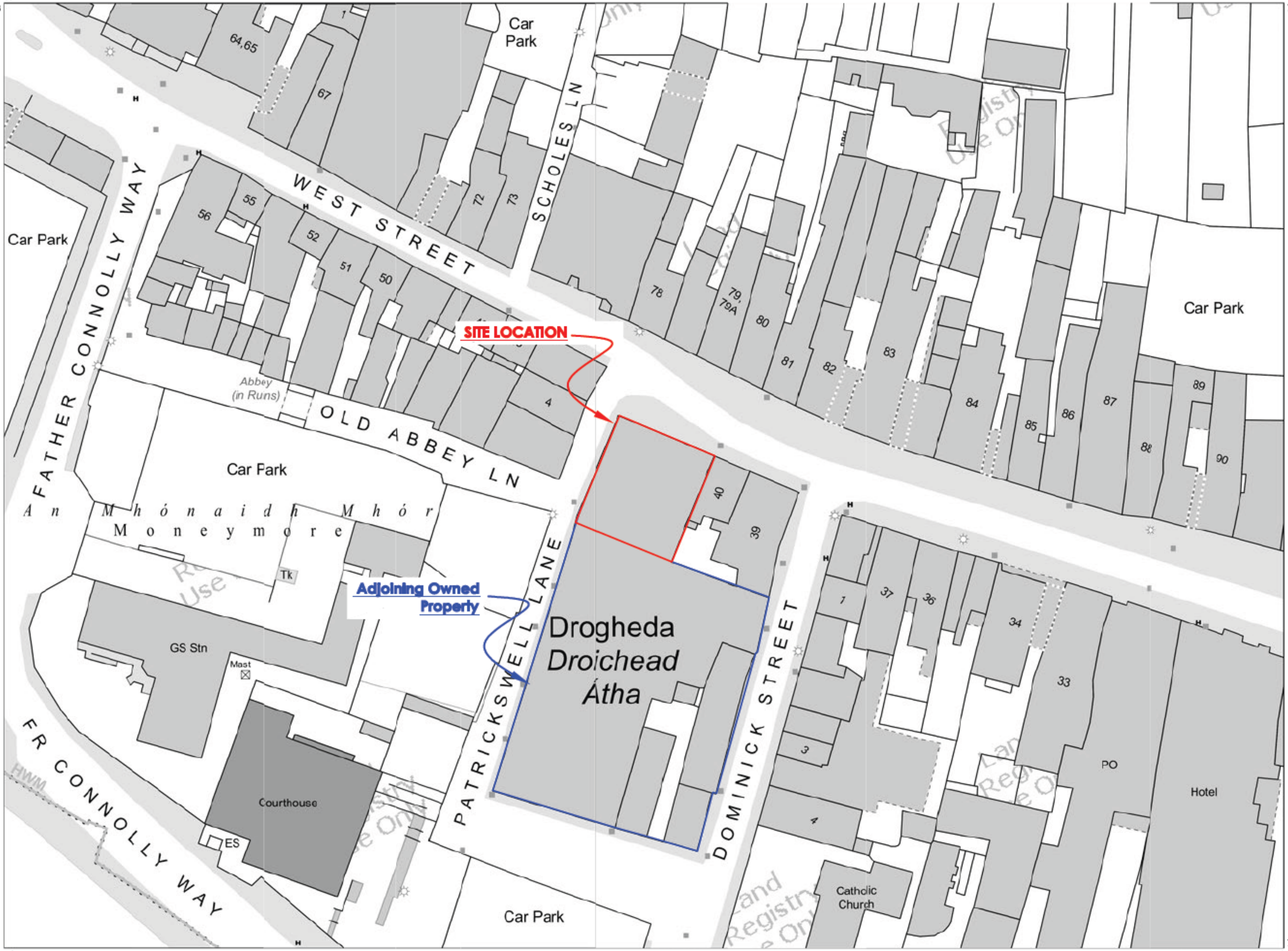
STARSTONE Property Group
2nd Floor Office, Unit 4,
Broadmeadow House,
Ashbourne, Co. Meath
A84K409.
01 9198300
enquiries@starstone.ie

Project Title: Abbey Centre, West Street.
Retail to Residential
Article 10

Drawn: P.W.
Checked:

Projection:
Project No: 48-2026
Date: 27-FEB-2026
Dwg No: 003
Scale: 1:500@A3

Land Registry Compliant Map



CENTRE COORDINATES:
ITM 708559,775217

PUBLISHED: 09/04/2025

ORDER NO.: 50459875_1

MAP SERIES:	MAP SHEETS:
1:5,000	2319
1:1,000	2319-11
1:1,000	2319-16

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

www.tailte.ie

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

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

OUTPUT SCALE: 1:1,000

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'

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

TTW Architectural Design,
Knightsbrook,
Trim,
Co.Meath
Mobile: 087-2813574
Email: ttwarchdesign@gmail.com
23/06/2026

Planning Office, Louth County Council,
Town Hall, Crowe Street,
Dundalk, County Louth, A91W20C
23/06/2026

Dear Sir/Madam,

Please find enclosed a: Schedule of documents contained in revised Section 5 Declaration request on behalf of Starstone Property Investments Limited.
Location: Abbey Centre, West Street, Drogheda, County Louth.
Question 7: Is the proposed development at the Abbey Centre, West St, change of use from retail/commercial to residential comprising of 9 studio apartments in accordance with Article 10.(6) of the Planning & Development Regulations 2001 (as amended) exempt development?

Unit No.	Floor area	Storage Area	Bulk Storage
Studio 1	36.22m²	3.4m²	1.6m²
Studio 2	36.97m²	3.1m²	1.6m²
Studio 3	37.10m²	3.6m²	1.6m²
Studio 4	36.30m²	3.2m²	1.6m²
Studio 5	36.30m²	3.59m²	0.5m²
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Studio 7	35.90m²	3.0m²	1.6m²
Studio 8	35.70m²	3.0m²	1.6m²
Studio 9	35.50m	3.0m²	1.9m²

1. One copies each of the following drawings including revised layout:

Drawing No.	Description	Scale	Paper Size
001	Existing Plan	1:100	A1
002	Proposed Plan (Revised)	1:100	A1
003	Site Layout	1:500	A3
004	Site Location	1:1000	A4
005	Application Form		A4

Previous History:
Planning Application: 92510009 Decision Date: 09/04/1992
Planning application: 69510103 Decision Date: 01/03/2000
Planning application: 89510193 Decision Date: 26/01/1990

Sincerely, Paul Williams:

Paul Williams

Louth County Council

Section 5 Declaration

Planning Ref:	S5 2026/47
Applicant's Name:	Patrick Mc Dermott C/o Starstone Property Investments Ltd
Type of Application:	Section 5 Declaration
Development:	Whether or not the change of use from retail/ commercial to residential comprising of 9 no. studio apartments in accordance with article 10(6) of the Planning & Development Regulations 2001 (as amended) is exempt development.
Site Location:	Abbey Centre West Street Drogheda, Co. Louth, A92 XN60
Site Inspection	27th May 2026
Report Date	14th July 2026
Due Date:	21st July 2026

1.0 Site Location and description

The site is located off West Street and at the junction of Patrickswell Lane within the area zoned B1 Town or Village Centre within Drogheda Town Centre. The lands zoned **B1** have an objective to *"support the development, improvement and expansion of town or village centre activities"* (as per the Louth County Development Plan 2021-2027, as varied).

The site boundary relates to the Old Abbey Shopping centre which is a three-storey building over basement. The building is entirely vacant at present.

Fig 1: *Google image of the subject building.*

The building is of no real architectural merit with expansive glazing, security grills to ground floor elevation to West Street and large rectangular windows at first and second floor levels to front and side elevations. The building is however located with the ACA No 14 West Street and surrounding shopping streets forming Drogheda's shopping core.

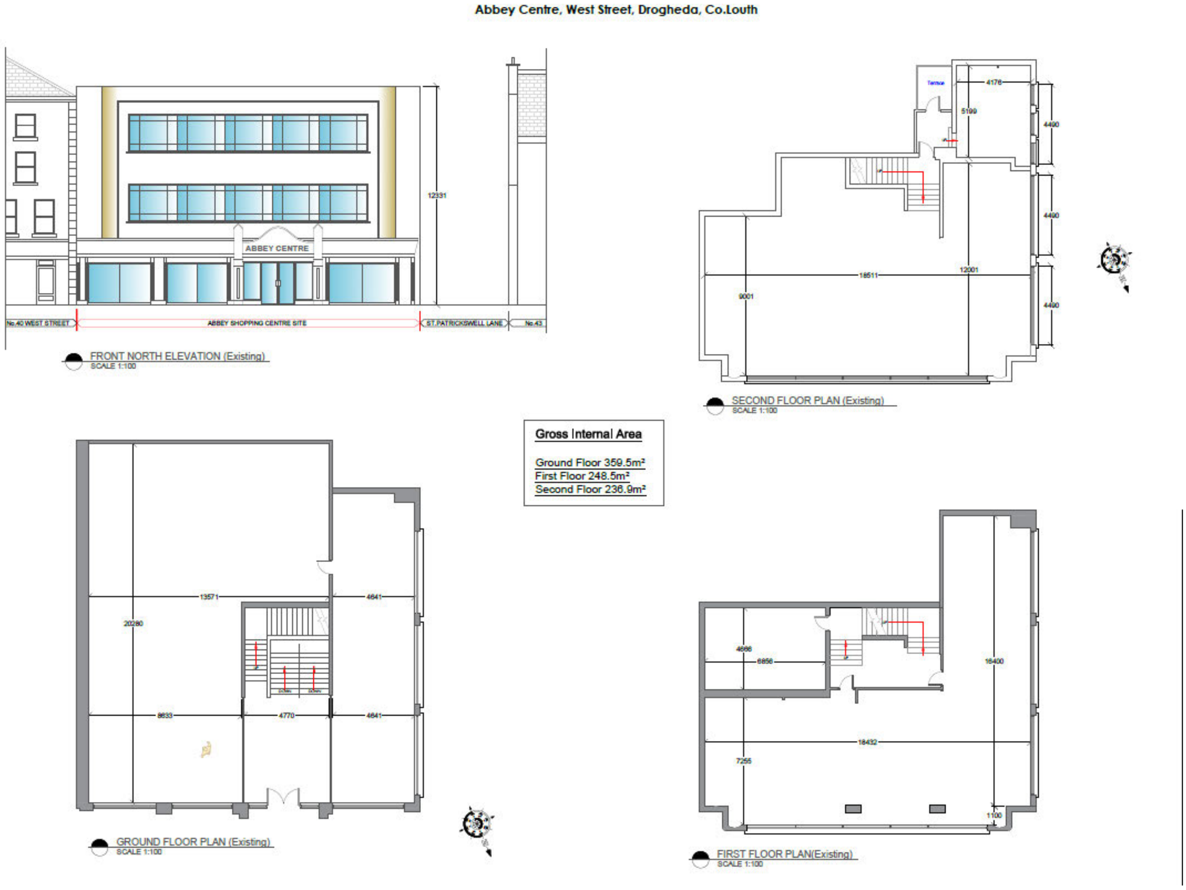

Fig 2 above *– Existing Floor and front elevation plans of Abbey Centre Building West Street Drogheda which is subject to the Section 5 declaration.*

The building has a total floor area of 844.9 sqm in area and I undertook an internal site inspection and noted two former retail units fronting onto West Street. The building is entirely derelict but internal stairwells and internal partitions are still in place between various floor levels.
The subject section 5 affects only part of the Old Abbey Shopping centre (see Fig. 3 below) and relates to the first and second floors of the front part of the building.

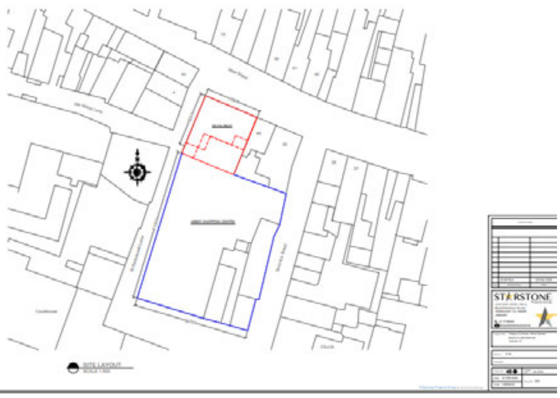

Fig. 3 *Site location and red line depicts section 5 location while blue line depicts ownership.*

2.0 Planning History

69/510103 – Shopping development granted. Sales unit at ground floor and restaurant at first floor.
89/510193 – satellite dish granted. Drawings inspected.
92/510009 - Alterations to west street & West elevations. No drawings scanned.
Section 5 Ref No. 2026/33 – Determined that it was not exempt development i.e. whether the change of use from retail/commercial to residential in accordance with Article 10.(6) of the planning & development regulations 2001 (as amended) is it or is it not exempted development.

No enforcements were noted on subject buildings.

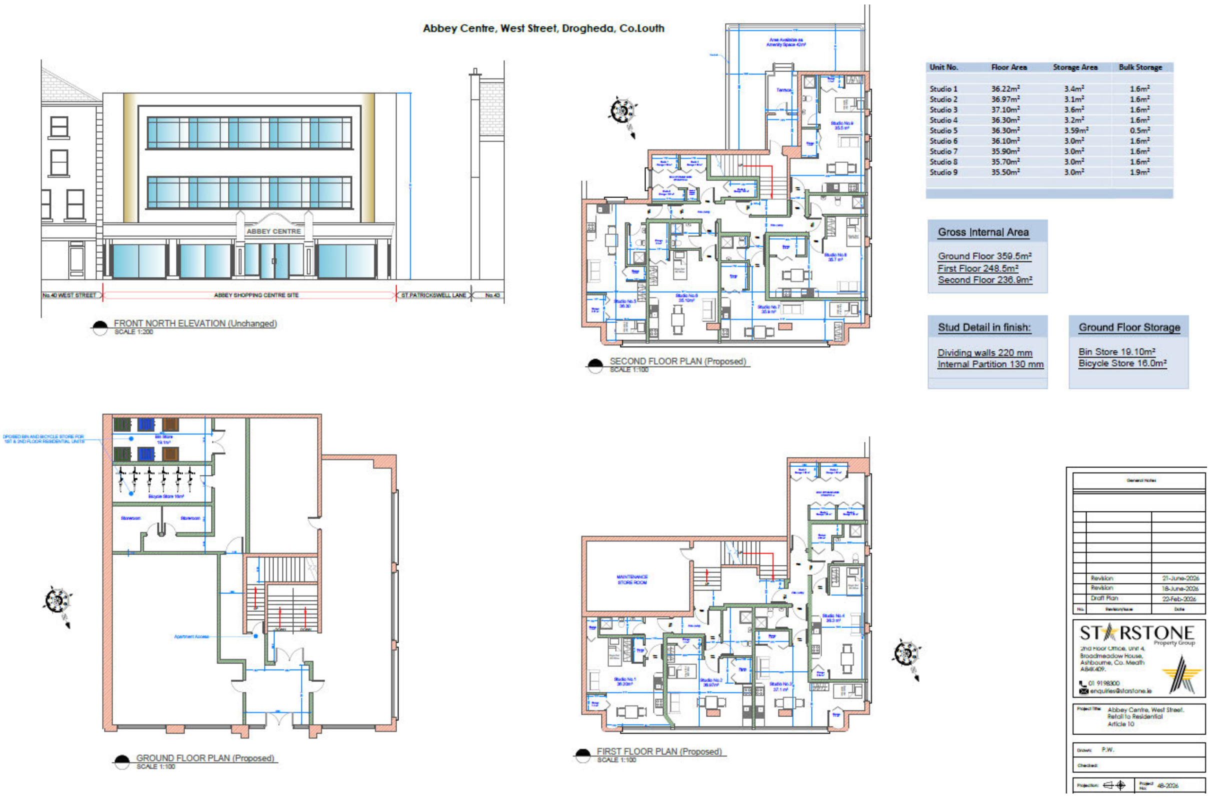

Fig. 4: Proposed change of use from commercial to residential.

3.0 Declaration Sought

The applicant's submitted question for determination within Section 7 of the submitted application form relates to the following:

"Is the proposed development at the Abbey Centre, West St, change of use from retail/ commercial to residential comprising of 9 no. studio apartments in accordance with Article 10.6 of the Planning & Development Regulations 2001 (as amended) exempt development?

The applicant has submitted the following supporting details:

- Existing Plans

- Proposed Plans
- Site Layout
- Site Location
- Application form
- Schedule of accommodation prepared by Architects

4.0 EIA Screening and Determination

Council Directive 85/337/EEC (as amended) on the assessment of the effects of certain public and private projects on the environment ('the EIA Directive') is designed to ensure that projects likely to have significant effects on the environment are subject to a comprehensive assessment of their environmental effects prior to development consent being granted. The latest amendments to the EIA Directive are provided under Directive 2014/52/EU and Circular letter PL 1/2017.

Based on information provided and having considered the nature, size and location of the development, I am satisfied that there is no real likelihood of significant effects on the environment and as such, an EIAR is not required.

5.0 Appropriate Assessment

No screening report has been provided with this application. Having regard to the nature and scale of the proposed development and the nature of the receiving environment, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site (Special Area of Conservation or Special Protected Area) and as such an Appropriate Assessment (Stage 2 AA) is not required.

6.0 Legislative Context:

<u>The Planning and Development Act 2000 (Revised)</u>

"Development" means –
a) the carrying out of any works in, on, over or under land, or the making of any material change in the use of any land or structures situated on land, or
(*b*) development within the meaning of Part XXI (inserted by section 171 of the Maritime Area Planning Act 2021).

Development in architectural conservation areas.
82.—(1) F451[Notwithstanding *paragraph(a)*, *(h)*, *(i)*, *(ia)*, *(j)*, *(k)* or *(l)* of *section 4(1)*, or any regulations made under *section 4(2)*,] the carrying out of works to the exterior of a structure located in an architectural conservation area shall be exempted development only if those works would not materially affect the character of the area.

(2) In considering an application for permission for development in relation to land situated in an architectural conservation area, a planning authority, or the Board on appeal, shall take into account the material effect (if any) that the proposed development would be likely to have on the character of the architectural conservation area.

The Planning and Development Act 2024

Sections 1-5 of the Planning and Development Act 2024 commenced in December 2024**.**
Section 2(1) provides the following interpretation:

"*Works*" include and 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.

"Development" means –

(a) the carrying out of works –

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

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

or

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

(i) land or any stricture on land, or

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

and includes the reclamation of land in the nearshore area.

"Structure" means

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

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

<u>The Planning and Development Regulations 2001 (as amended)</u>
Part 2

Article 6 Exempted Development

Part 2, Article 9, Restrictions on Exemption
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,

(xii) further to the provisions of section 82 of the Act, consist of or comprise the carrying out of works to the exterior of a structure, where the structure concerned is located within an architectural conservation area or an area specified as an architectural conservation area in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan and the development would materially affect the character of the area.

Article 10 Changes of Use

(1) Development which consists of a change of use within any one of the classes of use specified in Part 4 of Schedule 2, shall be exempted development for the purposes of the Act, provided that the development, if carried out would not—

(a) involve the carrying out of any works other than works which are exempted development,
(b) contravene a condition attached to a permission under the Act,
(c) be inconsistent with any use specified or included in such a permission,
(d) be a development where the existing use is an unauthorised use, save where such change of use consists of the resumption of a use which is not unauthorised and which has not been abandoned.

(6) (a) In this sub-article—

'relevant period' means the period from 8 February 2018 until 31 December 2028.

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

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

(i) the structure concerned was completed prior to the making of the Planning and Development (Amendment) (No. 2) Regulations 2018,
(ii) the structure concerned has at some time been used for the purpose of its current use class, being Class 1, 2, 3, 6 or 12, and
(iii) the structure concerned, or so much of it that is the subject of the proposed development, has been vacant for a period of 2 years or more immediately prior to the commencement of the proposed development, then the proposed development for residential use, and any related works, shall be exempted development for the purposes of the Act, subject to the conditions and limitations set out in paragraph (d).

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

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

(I) primarily affect the interior of the structure,
(II) retain 50 per cent or more of the existing external fabric of the building, and

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

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

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

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

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

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

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

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

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

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

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

7.0 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.”*

It is considered that the proposed subdivision of retail unit to two or more retail units constitutes development together with the proposed change of use of the building at first and second floor levels to 9 no. studio apartments from former retail unit / restaurant; which would constitute a material change of use and as such, would fall within the definition of ‘development’ as per the Planning and Development Act (Revised).

Do the works constitute exempted development?

The supporting information submitted with the Section 5 application indicates that the proposed change of use is from commercial to residential apartments. The building has been vacant for a considerable period (more than 2 years). The drawings indicate that the change of use of the first and second floor levels are to 9 no studio apartments of varying sizes.

The restrictions and limitation to exempt development have been assessed, including Article 10 (6) (iv) requires apartments to comply with the minimum floor area requirements and minimum storage space requirements of the “Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities” 2025 issued under section 28 of the Act or any subsequent updated or replacement guidelines.

The drawings indicate that the proposed development is for 9 studio apartments which are below the standards for 1 bedroom apartments ranging in size from the smallest unit (32.05 sqm) in area to the largest unit (35.6 sqm) in area. The 2025 guidelines indicate that the minimum apartment floor areas for studios shall be 32 sq.m in size. The Specific Planning Policy Requirement (SPPR) 2 floor area for a studio apartment is 32 sqm.
The recommendation that 25% of all apartments in a proposed scheme shall exceed the minimum floor area standard for any combination of the relevant studio, 1, 2 or 3 bedroom unit types, by a minimum of 10%, does not apply to any proposal with: • less than ten residential units; • or to building refurbishment schemes on sites of any size; • or urban infill schemes on sites of up to 0.25ha.
As this proposal is for nine (9) number apartments the requirement for studio apartments floor sizes to be 10% greater does not apply.

SSPR 3i relates to dual aspect and it is noted 3 out of the 9 proposed apartments are designed with dual aspect. The single aspect studio apartments either face northwards onto West Street or face westwards onto Patrickswell Lane in the Drogheda Town Centre.

SPPR 3i requires that the minimum number of dual aspect apartments that may be provided in any single apartment scheme should be 25% of the number of units.

Those apartments with dual aspect face north or west and thus have limited sunlight to the interior of the studio apartments.

All of the 9 no studio apartments have natural light. The definition of a 'habitable room' in Article 6 (a) of the Planning & Development Regulations 2001 (as amended) indicates that bedrooms require natural light i.e. (6) (a) In this sub-article— 'habitable room' means a room used for living or sleeping purposes.

Bin / Bulky Storage Facilities:
SSPR3ii does however allow for a relaxation of this standard for urban infill sites but subject to the overall high quality in other design aspects. All the studio apartments have dedicated bin storage and bulk storage areas with bicycle store at ground floor level of 16 sqm along with bin store (19.1 sq.m) in size for 1st and 2nd floor studio apartments.
In addition at first floor level there is a dedicated bulk storage areas for studios 1 – 4 while at the second floor level there is a dedicated bulk storage area for studios 5 – 9. These storage areas are in addition to minimum storage areas of 3 sq.m in each studio apartment.

Private Amenity areas:
It is accepted that the bulk and internal storage facilities for these studio apartments are well in excess of the standards as set out in the Planning Design Standards for Apartments Guidelines for Planning Authorities, 2025.

Unit No.	Floor Area	Storage Area	Bulk Storage
Studio 1	36.22m²	3.4m²	1.6m²
Studio 2	36.97m²	3.1m²	1.6m²
Studio 3	37.10m²	3.6m²	1.6m²
Studio 4	36.30m²	3.2m²	1.6m²
Studio 5	36.30m²	3.59m²	0.5m²
Studio 6	36.10m²	3.0m²	1.6m²
Studio 7	35.90m²	3.0m²	1.6m²
Studio 8	35.70m²	3.0m²	1.6m²
Studio 9	35.50m²	3.0m²	1.9m²

Fig 1 Schedule of sizes for each studio Apt.

Access to amenity area in the form of a roof garden is possible at second floor level.

Access is available for all studio apartments at first and second floor levels to gain access to this south facing rear terrace / amenity space circa of c. 42 sqm, which looks over the roof tops of the Abbey Centre.

While none of the studio apartments have the required 4 sqm of minimum private amenity space for studio apartments. The guidelines do allow for reductions subject to overall design quality and layout of the apartments. It is noted that there is a terrace to the second floor which has views out over the roofs of the Abbey Shopping centre building and access for first floor and second floor studio apartments is via an internal stairwell to gain access to the private amenity space. The 2025 Apartment Guidelines allow for building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha, reductions in the amount of private amenity space provided subject to overall design quality.

Photo to indicate proposed external amenity area accessed from second floor of Abbey Shopping Centre.

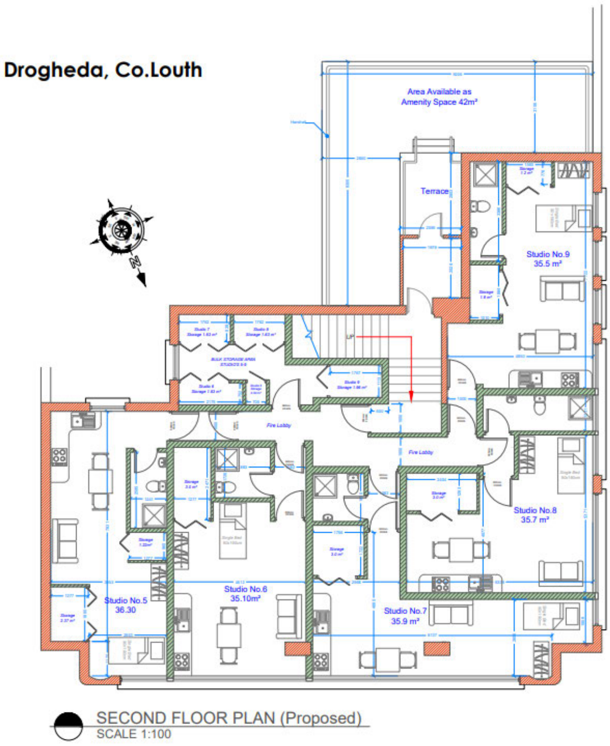

Fig 2: Proposed Second Floor showing Terrace & amenity area

The roof terrace is shown on the second floor level and the adjoining amenity space is noted behind the handrail where access from the internal stairwell between first and second floors.

While the subdivision of the existing retail units at ground floor level are not the subject of this subject declaration, drawings have been submitted showing their subdivision which constitutes development and would therefore require planning permission.

In reviewing the proposal, I have had regard to Article 10 (6) Changes of Use of the Planning & Development Regulations, 2001 (as amended) and I have concluded that the proposal can be accepted and is generally in accordance with the conditions and limitations as set out in this Article.

Article 10 (6) (vi) clearly requires that change of use applications shall comply with the minimum floor area requirements and minimum storage space requirements of the "Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities" issued under section 28 of the Act or any subsequent updated or replacement guidelines. In this instance the proposed studio apartments do substantially comply with minimum floor area requirements, bedrooms do have natural light to habitable rooms, provide adequate storage provision and all studios have access to an area at second floor level to a terrace or roof garden area which is south facing and views of Millmount Tower in the distance.

Accordingly, having regard to the limitations and conditions as set out in **Article 10 (6)** (iv) Changes of use, it is considered the proposed change of use of the first and second floor areas to residential use is **development which is exempted development** as the proposed studio units accord with the requirements for studio apartments in respect of floor areas, accessible to natural light provision together with appropriate bin storage and bulky storage provisions which have access to a communal private amenity space well in excess of the required standards. Therefore this proposal is in accordance with Article 10 (6) d(vi) 9changes of use).

8.0 CONCLUSION:

As outlined above, the proposed development and associated internal / external works to change from commercial to residential are therefore considered to be **development which is considered exempted development** having regard to Article 10 (6) d (iv) as set out above.

9.0 RECOMMENDATION:

Having regard to the foregoing, it is recommended that an Order be issued as follows:

WHEREAS a question has arisen pursuant to Section 5 of the Planning and Development Act (Revised) as to:

"Can the proposed development at the Abbey Centre, West St, i.e. Change of use from retail/ commercial to 9.no studio residential units in accordance with Article 10.6 of the Planning & Development Regulations 2001 (as amended) be deemed exempt development?

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

a) The plans and particulars forwarded to the Planning Authority
b) The planning history of the site
c) The Planning and Development Act (Revised)
d) The definition of *"development"* in Section 3(1**)** of the Planning & Development Act 2000 (as amended) and section 2(1) of the Planning and Development Act 2024 (as amended)
e) The definition of *'habitable room'* in Article 6 (a) of the Planning & Development Regulations 2001 (as amended).
f) Specifically, the provisions under Article 10 (1) & 10 (6) (d) (iv) of Part 1**, and** article 10(d)(6)(vii) of the Planning and Development Regulations, 2000 (as amended),
g) Articles 6 and 9 of the Planning & Development Regulations 2001 (as amended).

AND WHEREAS *Louth County Council has concluded*: -

(i) The proposed change of use of the first and second floors of the building from shopping unit / restaurant / commercial unit to house nine (9) no studio apartments would constitute a material change of use and would therefore, constitute 'development'.

(iii) The change of use of the first and second floors of the subject building from shopping unit / restaurant / commercial unit to house nine (9) no studio apartments meets with the requirements of Article 10(6)(d)(iv) or Article 10(d)(6)(vii) of the Planning and Development Regulations 2001 (as amended) given that the apartment sizes and design generally complies with the minimum floor area requirements, the habitable rooms and in particular that all the studio apartments have access to sufficient natural light and have dedicated internal storage facilities together with assigned bin and storage facilities at ground, first and second floors levels which are in excess of the minimum storage space requirements of the "Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities" issued under section 28 of the Act or any subsequent updated or replacement guidelines.

NOW THEREFORE Louth County Council in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act (Revised), hereby decides that the proposed change of use and associated works at Abbey Centre West Street Drogheda, Co. Louth is **development** and is deemed **exempted development.**

Declan Conlon

Declan Conlon
Executive Planner
Date: 14th July 2026

Turlough King
A/Senior Planner
Date: 15th July 2026

Thomas McEvoy
Director of Services
Date: 17/07/2026

LOUTH COUNTY COUNCIL

CHIEF EXECUTIVE'S ORDER

PLANNING & DEVELOPMENT ACT 2000 (as amended)

Section 5 Exempted Development

Chief Executive's Order No:	557/2026
Reference No:	S5 2026/47
Date Application Received:	24/06/2026
Description of Development:	Whether or not the change of use from retail/ commercial to residential comprising of 9 no. studio apartments in accordance with article 10(6) of the Planning & Development Regulations 2001 (as amended) is exempt development.
Name of Applicant:	Patrick Mc Dermott c/o Starstone Property Investments Ltd
Location of Development	Abbey Centre West Street Drogheda, Co. Louth

WHEREAS a question has arisen pursuant to Section 5 of the Planning and Development Act (Revised) as to:

"Can the proposed development at the Abbey Centre, West St, i.e. Change of use from retail/ commercial to 9.no studio residential units in accordance with Article 10.6 of the Planning & Development Regulations 2001 (as amended) be deemed exempt development?

AND WHEREAS the said question was referred to Louth County Council by Patrick Mc Dermott c/o Starstone Property Investments Ltd

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

a) The plans and particulars forwarded to the Planning Authority
b) The planning history of the site
c) The Planning and Development Act (Revised)
d) The definition of *"development"* in Section 3(1**)** of the Planning & Development Act 2000 (as amended) and section 2(1) of the Planning and Development Act 2024 (as amended)
e) The definition of *'habitable room'* in Article 6 (a) of the Planning & Development Regulations 2001 (as amended).

f) Specifically, the provisions under Article 10 (1) & 10 (6) (d) (iv) of Part 1**, and** article 10(d)(6)(vii) of the Planning and Development Regulations, 2000 (as amended),
g) Articles 6 and 9 of the Planning & Development Regulations 2001 (as amended).

AND WHEREAS *Louth County Council has concluded*: -

a) The proposed change of use of the first and second floors of the building from shopping unit / restaurant / commercial unit to house nine (9) no studio apartments would constitute a material change of use and would therefore, constitute 'development'.

b) The change of use of the first and second floors of the subject building from shopping unit / restaurant / commercial unit to house nine (9) no studio apartments meets with the requirements of Article 10(6)(d)(iv) or Article 10(d)(6)(vii) of the Planning and Development Regulations 2001 (as amended) given that the apartment sizes and design generally complies with the minimum floor area requirements, the habitable rooms and in particular that all the studio apartments have access to sufficient natural light and have dedicated internal storage facilities together with assigned bin and storage facilities at ground, first and second floors levels which are in excess of the minimum storage space requirements of the "Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities" issued under section 28 of the Act or any subsequent updated or replacement guidelines.

NOW THEREFORE Louth County Council in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act (Revised), hereby decides that the proposed change of use and associated works at Abbey Centre West Street Drogheda, Co. Louth is **development** and is deemed **exempted development.**

SIGNED: Declan Conlon **Date: 16/07/2026**

Declan Conlon
Executive Planner

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

Signed: Thomas McEvoy **Date: 17/07/2026**

Thomas McEvoy
Director of Service

To whom this function has been delegated in accordance with the provisions of Section 154 of the Local Government Act, 2001 by Order No. CE.S. 201/25 dated the 14th day of May 2025.

Comhairle Contae **Lú**
Louth County Council

Patrick Mc Dermott, Starstone Property Investments Ltd
c/o Paul Williams
Knightsbrook
Trim
Co Meath

By email only to: ttwarchdesign@gmail.com

17th July 2026

Re: Ref. S5 2026/47

Application for Declaration of "Exempted Development" Part 1, Section 5 Planning & Development Act, 2000 (as amended) as to 'Whether or not the change of use from retail/ commercial to residential comprising of 9 no. studio apartments in accordance with article 10(6) of the Planning & Development Regulations 2001 (as amended) is exempt development.'

Dear Sir/Madam,

I wish to acknowledge receipt of your application received on 24th June 2026 in relation to the above. Having assessed all information and enclosures received with the application, the Planning Authority wishes to advise as follows: -

WHEREAS a question has arisen pursuant to Section 5 of the Planning and Development Act (Revised) as to:

"Can the proposed development at the Abbey Centre, West St, i.e. Change of use from retail/ commercial to 9.no studio residential units in accordance with Article 10.6 of the Planning & Development Regulations 2001 (as amended) be deemed exempt development?

AND WHEREAS the said question was referred to Louth County Council by Patrick Mc Dermott c/o Starstone Property Investments Ltd

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

(a) The plans and particulars forwarded to the Planning Authority
(b) The planning history of the site
(c) The Planning and Development Act (Revised)
(d) The definition of *"development"* in Section 3(1) of the Planning & Development Act 2000 (as amended) and section 2(1) of the Planning and Development Act 2024 (as amended)
(e) The definition of *'habitable room'* in Article 6 (a) of the Planning & Development Regulations 2001 (as amended).
(f) Specifically, the provisions under Article 10 (1) & 10 (6) (d) (iv) of Part 1, **and** article 10(d)(6)(vii) of the Planning and Development Regulations, 2000 (as amended),
(g) Articles 6 and 9 of the Planning & Development Regulations 2001 (as amended).

AND WHEREAS *Louth County Council has concluded*: -

a) The proposed change of use of the first and second floors of the building from shopping unit / restaurant / commercial unit to house nine (9) no studio apartments would constitute a material change of use and would therefore, constitute 'development'.

b) The change of use of the first and second floors of the subject building from shopping unit / restaurant / commercial unit to house nine (9) no studio apartments meets with the requirements of Article 10(6)(d)(iv) or Article 10(d)(6)(vii) of the Planning and Development Regulations 2001 (as amended) given that the apartment sizes and design generally complies with the minimum floor area requirements, the habitable rooms and in particular that all the studio apartments have access to sufficient natural light and have dedicated internal storage facilities together with assigned bin and storage facilities at ground, first and second floors levels which are in excess of the minimum storage space requirements of the "Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities" issued under section 28 of the Act or any subsequent updated or replacement guidelines.

NOW THEREFORE Louth County Council in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act (Revised), hereby decides that the proposed change of use and associated works at Abbey Centre West Street Drogheda, Co. Louth is **development** and is deemed **exempted development.**

In Summary

A Declaration of Exemption is hereby GRANTED for the development as detailed on the plans and particulars submitted on 24th June 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