Section 5 Declaration - Application Form

Declaration as to whether development constitutes Exempted Development

Please read "Guidance Notes" before completing this form

Guidance Notes

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

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

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

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

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

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

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

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

Section 5 Declaration - Application Form

1. **Name and address of person seeking the declaration:**
   OLUWATOYIN KADIRI
   100 MOYLARAGH CRESCENT BALBRIGGAN Co. DUBLIN
   Phone Number: [redacted] E-Mail: [redacted]

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

   _____
   _____

   Phone Number: _____ E-Mail: _____

3. **Name and address for all correspondence (if not completed, correspondence will be sent to person seeking declaration)**
   ZENITH HEALTH LTD
   100 MOYLARAGH CRESCENT BALBRIGGAN
   Co. DUBLIN

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

   ZENITH HEALTH LTD
   100 MOYLARAGH CRESCENT BALBRIGGAN Co. DUBLIN
   (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**
   26 BRIDGEGATE PARK ARDEE CO. LOUTH
   A92 R6PH

6. **Eircode OR Grid Co-ordinates must be submitted. Grid references may be found on Google Maps or at** https://irish.gridreferencefinder.com
   A92 R6PH

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 CHANGE OF USE OF AN EXISTING RESIDENTIAL DWELLING IN ARDEE, COUNTY LOUTH, TO A RESIDENTIAL CARE HOME ACCOMMODATING ONE PERSON WITH INTELLECTUAL DISABILTY, WITH CARE AND SUPPORT PROVIDED BY TWO STAFF CONSIDERED 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 aforeme[redacted]ct.

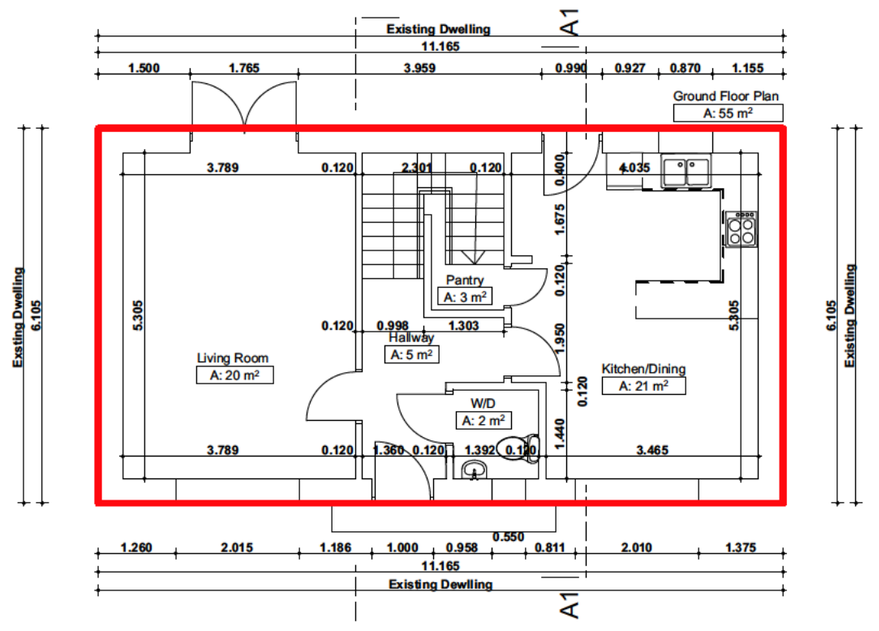
Signature of Applicant: [redacted] **Date** 19/10/26

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

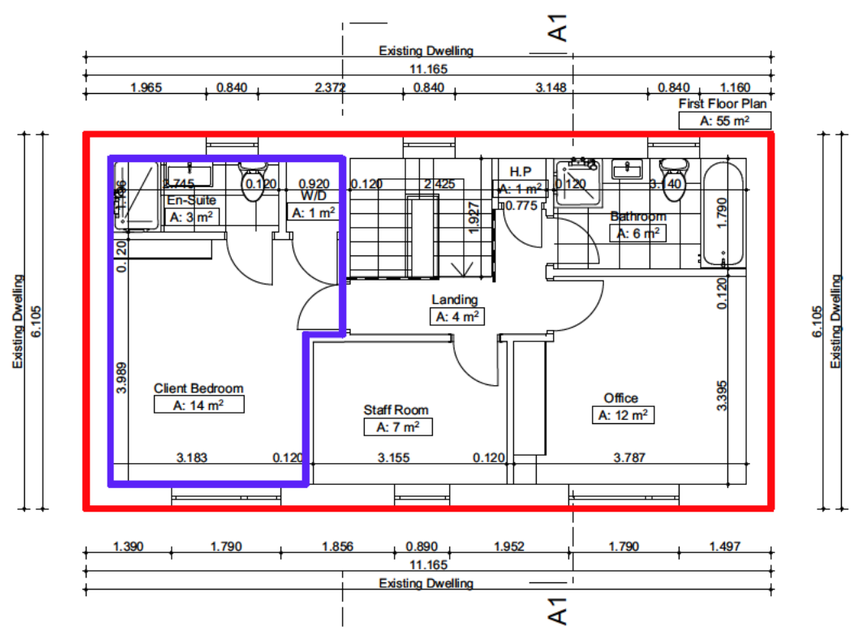
- **Site Location Map**: (Scale 1:1000)
- **Site Layout Map:** (Scale 1:200 or 1:500)
- **Floor Plans & Elevations**: (Scale 1:50, 1:100 or 1:200) **Existing & Proposed, where applicable**
- **Application fee:** (€80)

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

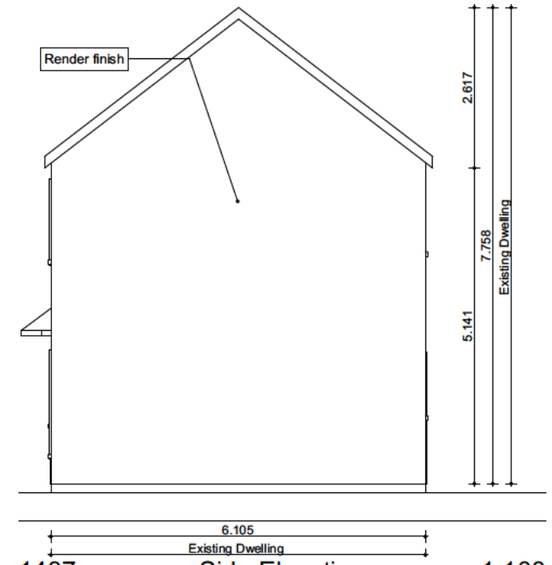
Planning Office, Louth County Council, Town Hall, Crowe Street, Dundalk, County Louth, A91W20C
OR
by email to planninggroup@louthcoco.ie with contact details to arrange payment of fee.



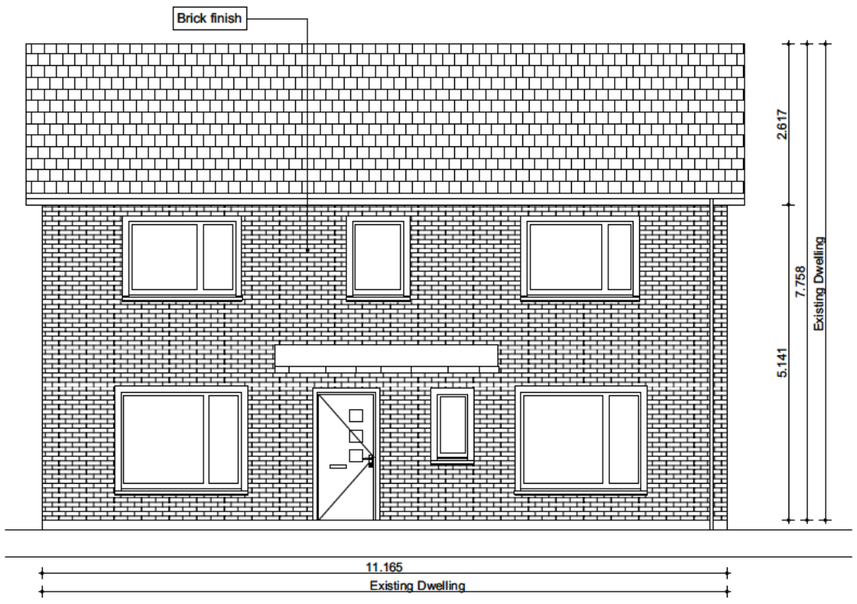
1437 Ground Floor Plan 1:100



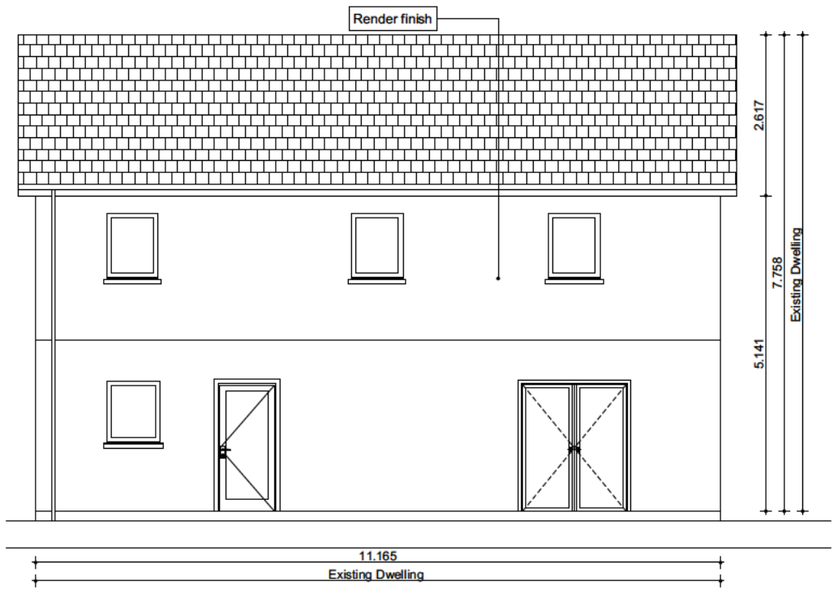
1137 First Floor Plan 1:100



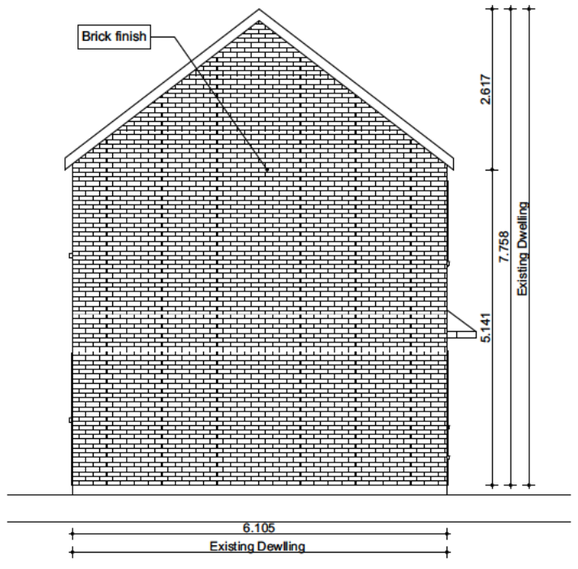
1437 Side Elevation 1:100



1437 Front Elevation 1:100



1437 Rear Elevation 1:100

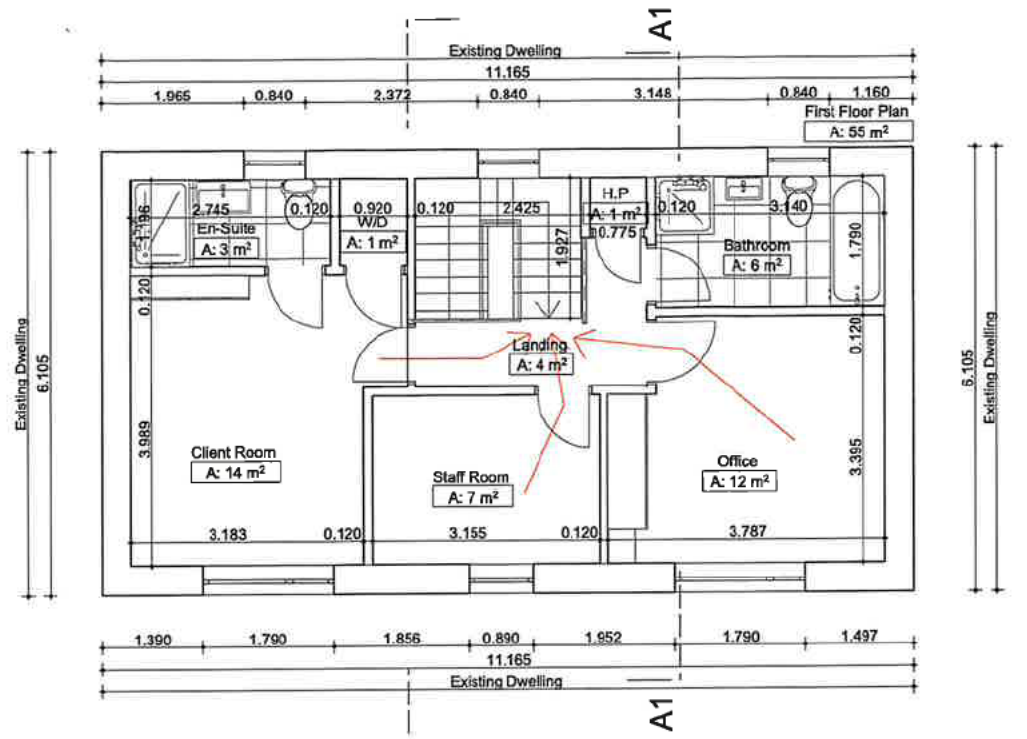


1437 Side Elevation 1:100

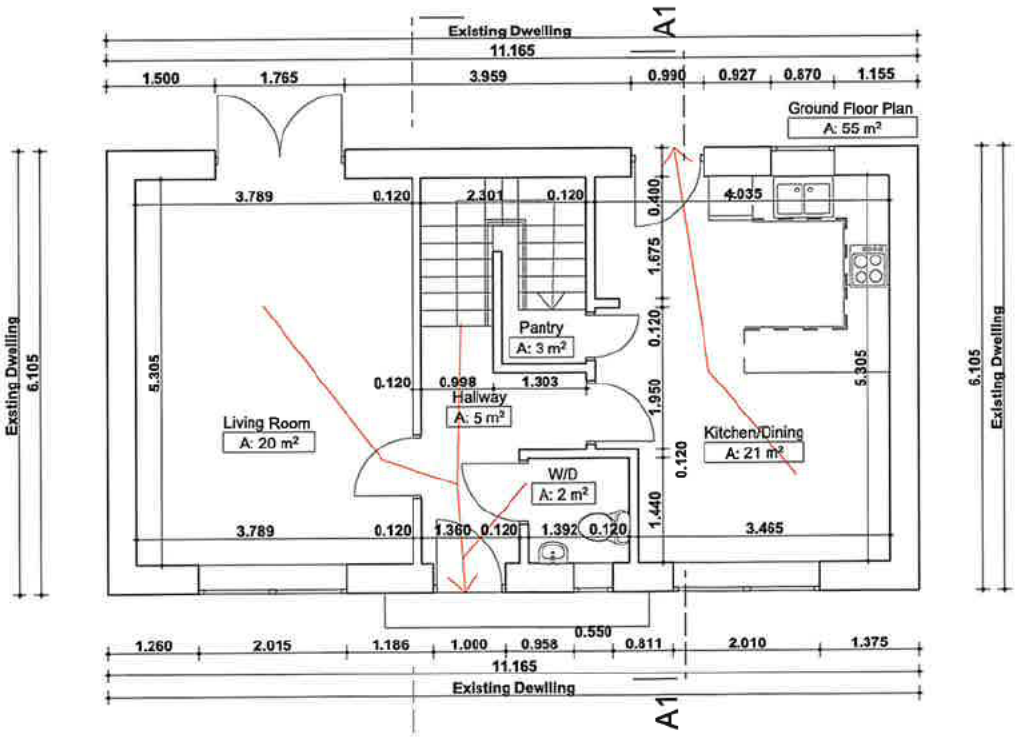
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info@mcga.ie
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Dundalk Co. Louth
A91HPX2
RIAI Practice Member 2026 PSDP Accreditation P

Application for Registration of an Adult Residential Center (Zenith Lodge) at 26 Bridgegate Park, Ardee.			Client: **Olu Kadiri**
Ground Floor Plan , First Floor Plan , Front Elevation, Rear Elevation, Side Elevation			
Dwg No. **1437-03**	Scale: **1:100**	Issue date: **14/10/2026**	Status:
Rev. date	Rev.Det.		

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1137 **First Floor Plan** 1:100



1437 **Ground Floor Plan** 1:100

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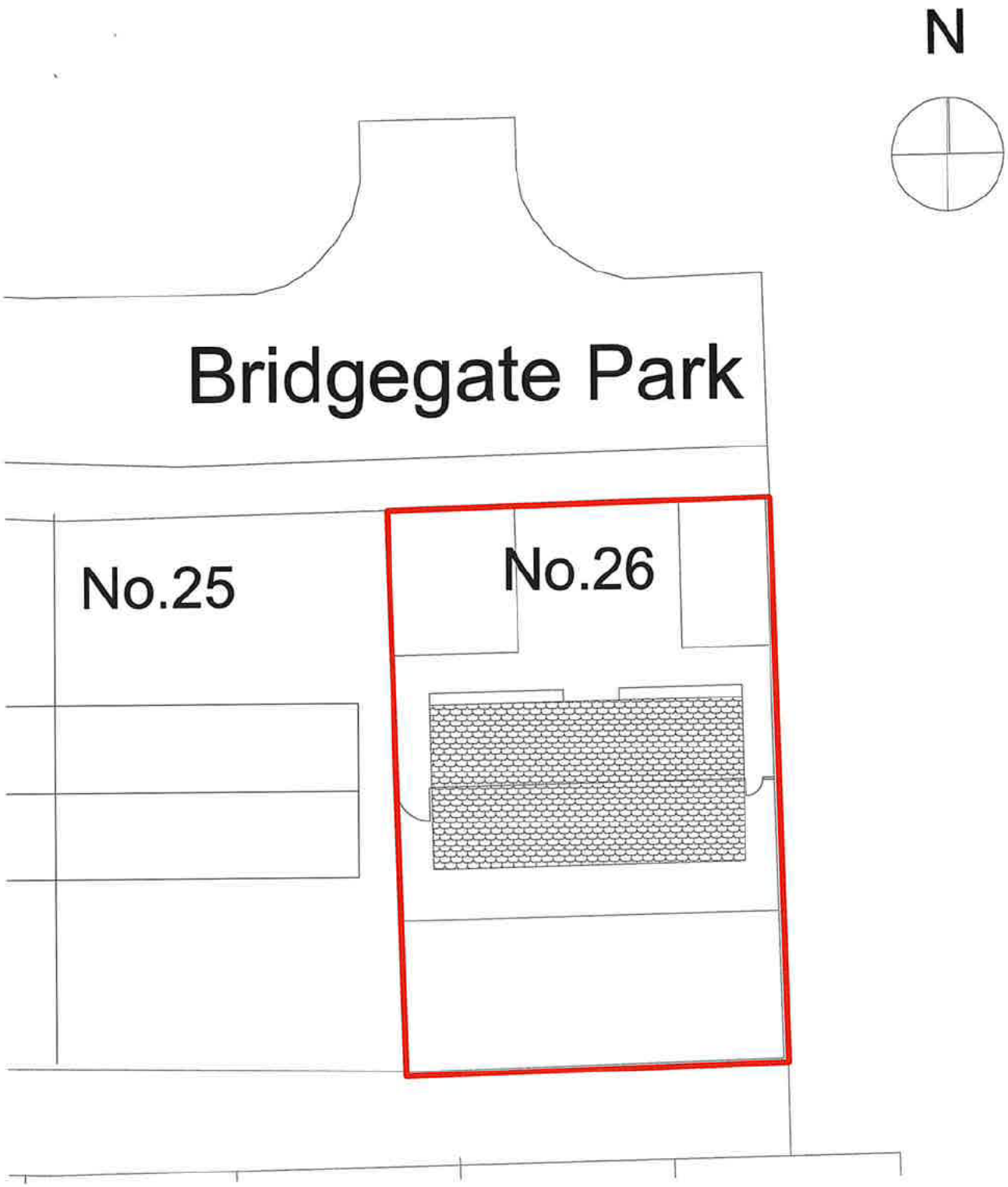
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RIAI Practice Member 2026 PSDP Accreditation P

Application for Registration of an Adult Residential Center (Zenith Lodge) at 26 Bridgegate Park, Ardee.			Client: **Olu Kadiri**
Ground Floor Plan , First Floor Plan			
Dwg No. **1437 -04**	Scale: **1:100**	Issue date: **13/10/2026**	Status:
Rev. date	Rev.Det.		

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1153 Site Layout Map 1:200

O.S. Sheet No. 200g-16, 200g-20, 200g-D
O.S. Licence No. CYAL 50333089

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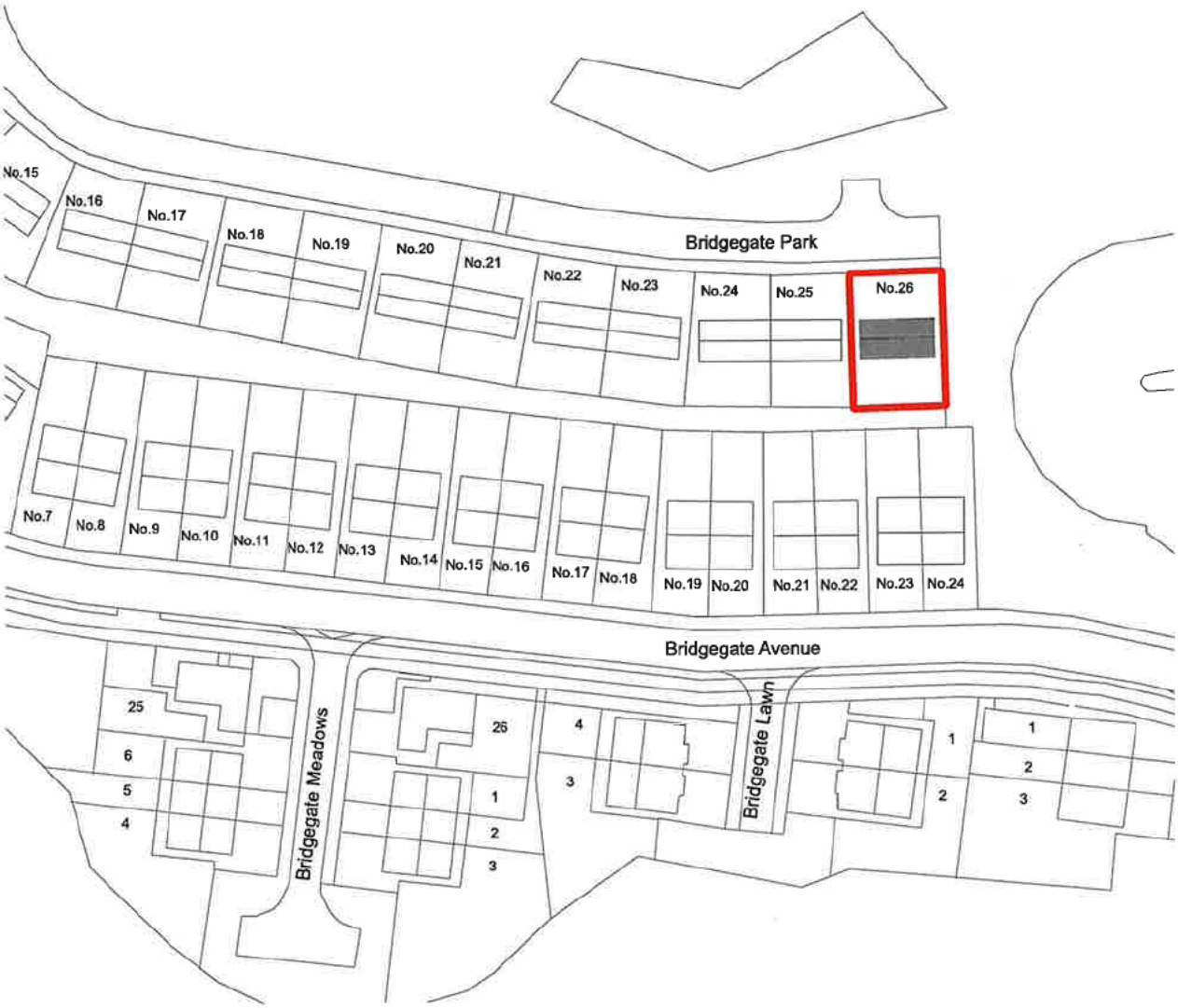
19 Jocelyn Street
Dundalk Co. Louth
A91HPX2

RIAI Practice Member 2026 | PSDP Accreditation P

Application for Registration of an Adult Residential Center (Zenith Lodge) at 26 Bridgegate Park, Ardee.			Client: **Olu Kadiri**
Site Layout Map			
Dwg No. **1437-02**	Scale: **1:200**	Issue date: **13/10/2026**	Status:
Rev. date	Rev.Det.		

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N



1437 Site Location Map 1:1000

O.S. Sheet No. 200g-16, 200g-20, 200g-D
O.S. Licence No. CYAL 50333089

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RIAI Practice Member 2026 | PSDP Accreditation P

Application for Registration of an Adult Residential Center (Zenith Lodge) at 26 Bridgegate Park, Ardee.			Client: **Olu Kadiri**
Site Location Map			
Dwg No. **1437-01**	Scale: **1:1000**	Issue date: **13/10/2026**	Status:
Rev. date	Rev.Det.		

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Louth County Council

Section 5 Declaration

Planning Ref:	S5 2026/72
Applicant's Name:	Oluwatoyin Kadiri on behalf of Zenith Health Limited
Type of Application:	Section 5 Declaration
Development:	Proposed change of use of an existing residential dwelling in Ardee County Louth to a residential care home accommodating one person with intellectual disability, with care and support provided by two staff.
Site Location:	26 Bridgegate Park, Ardee, Co. Louth, A92 R6PH
Report Date:	30th November 2026
Due Date:	12th November 2026

1.0 SITE LOCATION & DESCRIPTION:

The subject site is located within the settlement limits of Ardee within a new phased residential development, which is still under construction. The submitted site boundary relates to No. 26 Bridgegate Park, a recently constructed two storey detached dwelling in an end plot which at the time of inspection did not appear to be occupied.



Fig.1: Existing Dwelling (photo taken 19/10/2026.)

2.0 PLANNING HISTORY

a) Relevant planning records:

The site forms part of a wider residential development, with the following records pertaining to the overall scheme:

File ref 22/22: Extension of Duration of 19/336 Permission for a residential development on a site area of c.3.70 hectares across 2 no. parcels of land and is located in the townland of Rathgory and Mulladrillen. The proposed development amends and will supersede elements of the development permitted under Reg. Ref. 10/174 (ABP Ref. PL15.238053), which is presently under construction. The proposed development will consist of the construction of a total of 65 no. residential houses (replacing the previously permitted dwellings at the location), comprising of the following: 18 no. 2 bed terrace two storey dwellings (Type 1); 23 no. 3 bed detached and semi-detached two storey dwellings (Type2); 12 no. 3 bed detached and semi-detached two storey dwellings (Type 3); 4 no. 4 bed semi-detached two storey (Type 4); 2 no. 4 bed detached two storey dwellings (Type 5); 6 no. 3 bed semi-detached two storey dwellings (Type 6). The proposed development also provides for a community facility extending to 176sqm gross floor area and a crèche building with a gross floor area of 378sqm, which will replace previously granted crèche and commercial units at the location. Vehicular access for the residential units will be provided via the adjoining permitted residential development (Louth County Council Reg. Ref. 10/174, currently under construction). The total gross floor area of the proposed development equals c. 7,348sqm. The proposal includes all associated site works, internal roads, cycleways and footpaths, the provision of public open space, car parking, landscaping, boundary treatments and foul and surface water drainage – EoD Granted 03/03/2022.

File ref 21/1475: Permission for development to consist of a residential development. The application site has an area of c. 03 hectares. The proposed development amends and will supersede elements of the development permitted under Reg. Ref. 10/174 (as amended by Reg. Ref. 19/336 which is under construction. The development will consist of the replacement of 6 no. permitted dwellings at Bridgegate Grove with 3 no. dwellings (resulting in a reduction in the total number of permitted dwellings at Bridgegate to 155 no. units) reconfigured access, car parking, landscaping and all associated site and infrastructure works – PERMISSION GRANTED 07/03/2022

File ref.21/535: EXTENSION OF DURATION for Residential Development permitted under Reference 10/174 (ABP PL15.238053) consisting of Permission for a 10 year permission for a development consisting of (i) a public park (4.91ha) including play areas & a MUGA (Multi Use Games Area), (ii) a total of 281 residential dwellings (14 no. apartments, 34 no. duplex type dwellings, 83 no. terrace dwellings, 72 no. semi-detached dwellings, 78 no. detached dwellings) ranging in height from 1-4 storeys (including split-level / semi-basement units) with solar panels & with balconies to serve apartment / duplex units (iii) A single storey community building (167m²), (iv) a three storey neighbourhood centre incorporating 2 no. retail units & 1 no. unit for sale of hot

food for consumption off the premises at ground floor level (ground floor has gross floor area of 290m²), with associated signage & with duplex dwellings at first & second floor level; (v) construction of a section of new Local Collector Road (c.600m in length), (vi) 503 no. car parking spaces & 54 no. cycle parking spaces, (vii) Bring bank re-cycling facility, (viii) landscaping works to include the provision of local & neighbourhood open space areas, planting & augmentation of existing boundary hedgerows, (ix) new road junction access off Drogheda road (N2) including provision of nearside passing option, pedestrian refuge islands & road signage, (x) 5 no. ESB sub stations (xi) All associated site development works including construction of roads, cycle routes & pedestrian walkways, partial re-alignment & culverting of existing watercourse which bisects the application site, re-routing of existing water pipelines to/from the town reservoir located at the summit of Mulladrillen Hill & which traverse the application site, & provision of new water supply system, foul water drainage systems including connection in to the existing system on the N2 & on the access road in De La Salle Crescent Housing Estate, surface water drainage system including discharge (after attenuation) to the existing watercourses through & around the perimeter of the site, boundary treatments, public lighting, alterations to site levels & construction of retaining walls on a site extending to 19 hectares. A Master Plan pertaining to an area extending to 27.8 hectares & incorporating the application site accompanies the application. An Environmental Impact Statement (EIS) will be submitted to the Planning Authority with this application – EoD Granted 24/06/2021

File ref. 20/794: Permission for a residential development - the proposed development amends and will supersede elements of the development permitted under Reg. ref. 10/174 (as amended by Reg. Ref. 19336, Reg. Ref. 19353, Reg. Ref. 19549, Reg. Ref. 19875), which is under construction. The development will consist of the omission of 6 no. dwellings at Bridgegate Grove (resulting in a reduction in the total number of permitted dwellings at Bridgegate to 152 no. units), the omission of an 80 metre section of Bridgegate Drive and its replacement with landscape open space, access to the water tower and all associated site and infrastructure works – Permission Refused 26/11/2020.

File ref. 19/875: Permission for a residential development on a site with an area of c.0.38 hectares and is located in the townland of Stoneylane, Rathgory and Mulladrillen. The proposed development amends and will supersede elements of the development permitted under Reg. Ref. 10/174 (An Bord Pleanála Ref. PL15.238053) and amended under Reg. Ref. 19549, which is presently under construction. The proposed development will consist of the replacement of 1 no. 3 bedroom detached dwelling at 4 Bridgegate Park with private and public open space, landscaping and 4 no. surface car parking spaces, assigned to no's 3 & 5 Bridgegate Park. The proposals include the realignment of the access road and pedestrian footpath at Bridgegate Park to facilitate the implementation of water and drainage infrastructure. This will result in an increased area of the public park to the south – Permission Granted 29/11/2019.

File ref. 19/549: Permission to amend and supersede elements of the development permitted under Reg. Ref: 10/174 (An Bord Pleanála Ref.

PL15.238053), which is presently under construction. The proposed development will consist of the replacement of 6 no. dwellings within Phase 1 of the permitted development. Proposed dwellings comprise of 6 no. semi-detached, 3-bedroom, two-storey units, landscaping, car parking and associated infrastructure and will replace 6 no. semi-detached units and landscaping, car parking and associated infrastructure at the same location. The total gross area of the proposed development equals c. 642sqm. No other changes are proposed – Permission Granted 28/08/2019

File ref 19/353: This permission superseded elements of the development permitted under Reg. Ref. 10/174 (ABP Ref. PL15.238053) as follows: The proposed development will consist of the construction of a total of 52 no. residential houses (replacing previously permitted dwellings at the location) comprising of the following - 11 no. 2 bed terrace two storey dwellings (Type 1); 26 no. 3 bed semi-detached two storey dwellings (Type 2); 7 no. 3 bed detached and semi-detached two storey dwellings (Type 3); 8 no. 4 bed semi-detached two storey dwellings (Type 4). Vehicular access for the residential units will be provided via the adjoining permitted residential development (Louth County Council Reg. Ref. 10/174, currently under construction). The total gross floor area of the proposed development equals c.5,553sqm. The proposal includes all associated site works, internal roads, cycle ways and footpaths, the provision of public park area, car parking spaces, landscaping, boundary treatments, and foul and surface water drainage – PERMISSION GRANTED 31/07/2019

File Ref. No. 19/336: This permission superseded elements of the development permitted under Reg. Ref. 10/174 (ABP Ref. PL15.238053) and is the permission for which it is sought to extend the appropriate period on through this application. The proposed development consisted of the construction of a total of 65 no. residential houses (replacing the previously permitted dwellings at the location), comprising of the following: 18 no. 2 bed terrace two storey dwellings (Type 1); 23 no. 3 bed detached and semi-detached two storey dwellings (Type2); 12 no. 3 bed detached and semi-detached two storey dwellings (Type 3); 4 no. 4 bed semi-detached two storey (Type 4); 2 no. 4 bed detached two storey dwellings (Type 5); 6 no. 3 bed semi-detached two storey dwellings (Type 6). The development also provided for a community facility extending to 176sqm gross floor area and a crèche building with a gross floor area of 378sqm, which replaces previously granted crèche and commercial units at the location. Vehicular access for the residential units is via the adjoining permitted residential development (Louth County Council Reg. Ref. 10/174, currently under construction). The total gross floor area of the proposed development equals c. 7,348sqm. The proposal included all associated site works, internal roads, cycleways and footpaths, the provision of public open space, car parking, landscaping, boundary treatments and foul and surface water drainage.

Of note on this application is Condition 1b which sets out that the permission will expire on the 14th January 2022. This period does not include the Covid provisions. Condition 2a sets out that the houses granted under the subject permission i.e. 65 no. houses shall not be occupied until the Community Building or Creche has been constructed or as otherwise agreed in writing with

the planning authority. Condition 4a set out that the public park shall be completed prior to the occupation of the houses within the subject development or as otherwise agreed in writing with the planning authority.

File Ref. No. 10/174 (ABP PL.238053): Permission granted by the planning authority for a residential development comprising of 270 residential units, a public park and neighbourhood centre. An Bord Pleanála granted the development but reduced the number of permitted units to 144. An EIS was submitted with this application.

b) Enforcements
There are no live cases affecting the subject site.

3.0 QUESTION FOR DETERMINATION:

The applicant has confirmed within Section 7 of the application form (as updated at validation stage) that the question for determination is:

"*Is the proposed change of use of an existing residential dwelling in Ardee, County Louth to a residential care home accommodating one person with intellectual disability, with care and support provided by two staff considered exempted development?"*

In addition to the application form, the following supporting details have been provided (as revised at validation stage):

- Drawing No. 1437-01 (Site Location Map.)
- Drawing No. 1437-02 (Site Layout Map.)
- Drawing No. 1437-03 (Proposed Ground Floor Plan, First Floor Plan, Front Elevation, Rear Elevation, Side Elevation.)
- Drawing No. 1437-04 (Existing Ground Floor Plan, First Floor Plan)

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

5.0 APPROPRIATE ASSESSMENT (AA)

Article 6(3) of Council Directive 92/43/EEC (as amended) on the conservation of natural habitats and of wild fauna and flora ('the Habitats Directive') requires that any plan or project that is not directly connected with or necessary to the

management of the Natura 2000 site concerned but is likely to have a significant effect on it, on its own or in combination with other plans and projects, is to be authorised only if it will not adversely affect the integrity of that site.

The applicant has not submitted an AA Screening Report in respect of the possible impacts ecological impacts of the proposal on the nearest Natura sites. The site is located c.78m north of Dawson's Demesne watercourse, which flows into the coastline at Annagassan, over a hydrological distance of c.18.5km, with intervening urban serviced and rural lands.

The Planning Authority's Screening for Appropriate Assessment has considered the potential effects including direct, indirect and in-combination effects of the proposed development, individually or in combination with the permitted developments and cumulatively with other plans or projects on European Sites using the source-pathway-receptor model.

On the basis of the nature of the application and the significant distance to any European sites, it can reasonably be concluded that the proposal (change of use) would not have a significant impact on any European site by reason of noise, emissions, lighting and human activity/disturbance. Therefore, it is reasonable to conclude that on the basis of the information on the file, which I consider adequate, to issue a screening determination, that the proposed development, either individually or in combination with other plans or projects would not be likely to have a significant effect on any European Sites, in view of the site's conservation objectives and as such, a stage 2 AA is not required.

6.0 LEGISLATIVE CONTEXT:

<u>The Planning and Development Act 2000, as amended</u>

Section 5 of the Planning and Development Act 2000, as amended, states that:

(1) If any question arises as to what, in any particular case, is or is not development or is or is not exempted development within the meaning of this Act, any person may, on payment of the prescribed fee, request in writing from the relevant planning authority a declaration on that question, and that person shall provide to the planning authority any information necessary to enable the authority to make its decision on the matter.

(2)
(a) Subject to *paragraph (b)*, a planning authority shall issue the declaration on the question that has arisen and the main reasons and considerations on which its decision is based to the person who made the request under *subsection (1)*, and, where appropriate, the owner and occupier of the land in question, within 4 weeks of the receipt of the request.

(b) A planning authority may require any person who made a request under *subsection (1)* to submit further information with regard to the request in order to enable the authority to issue the declaration on the question and, where

further information is received under this paragraph, the planning authority shall issue the declaration within 3 weeks of the date of the receipt of the further information.

(c) A planning authority may also request persons in addition to those referred to in *paragraph (b)* to submit information in order to enable the authority to issue the declaration on the question.

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

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.

The Planning and Development Act 2024

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

"care" means personal care, including help with physical, intellectual or social needs;

"development" has the meaning assigned to it by Section 2, and "develop" shall be construed accordingly.

"exempted development" has the meaning specified in Section 2.
"habitable house" means a house which—
(a) is used as a dwelling,
(b) is, or forms part of, a derelict site within the meaning of the Derelict Sites Act 1990 that is not in use but was most recently used (disregarding any unauthorised use) as a dwelling, or
(c) a house that was provided for use as a dwelling but has not been occupied as a dwelling.

"house" means a building or part of a building that—
(a) is, or was most recently, occupied as a dwelling,
(b) was most recently provided for use as a dwelling but has not been occupied as a dwelling, or
(c) in the case of a building or part of a building containing more than one apartment, flat or other dwelling, each such apartment, flat or dwelling.

"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

"unauthorised development" means, in relation to land or a maritime site –

(a) unauthorised works (including the construction, erection or assembly of an unauthorised structure), or
(b) an unauthorised use.

"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.

"Unauthorised works" means any works on, in, over or under land or a maritime site, other than –
(a) exempted development,
(b) development carried out in accordance with –
  (i) a permission granted under Part IV of the Act of 1963 or deemed to be so granted under section 92 of that Act,
  (ii) a permission granted under section 34, 37G, 37N or 293 of the Act of 2000,
  (iii) a permission granted under section 9 of the Planning and Development (Housing) and Residential Tenancies Act 2016 , or
  (iv) a permission granted under Part 4,

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

"Development" means –
(a) the carrying out of works –
  (i) on, in, over or under land, or
  (ii) 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.

<u>The Planning and Development Regulations (PRD) 2001, as amended.</u>

Class 14(f) of Part 1, Schedule 2 of the Planning & Development Regulations (PDR) 2001 (as amended) provides an exemption for:

Changes of Use

"From use as a house, to use as a residence for persons with an intellectual or physical disability or mental illness and persons providing care for such persons".

This exemption is subject to certain conditions and limitations as outlined below:

Conditions and Limitations:

The number of persons with an intellectual or physical disability or a mental illness living in any such residence shall not exceed 6 and the number of resident carers shall not exceed 2.

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) provides detailing on restrictions on exemption as follows:
9. (1) Development to which article 6 relates shall not be exempted development for the purposes of the Act—

(a) if the carrying out of such development would—
(i) contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act,

(ii) consist of or comprise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width,

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

(iiia) endanger public safety by reason of hazardous glint and/or glare for the operation of airports, aerodromes or aircraft,

(iv) except in the case of a porch to which class 7 specified in column 1 of Part 1 of Schedule 2 applies and which complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1, comprise the construction, erection, extension or renewal of a building on any street so as to bring forward the building, or any part of the building, beyond the front wall of the building on either side thereof or beyond a line determined as the building line in a development plan for the area or, pending the variation of a development plan or the making of a new

development plan, in the draft variation of the development plan or the draft development plan,

(v) consist of or comprise the carrying out under a public road of works other than a connection to a wired broadcast relay service, sewer, water main, gas main or electricity supply line or cable, or any works to which class 25, 26 or 31 (a) specified in column 1 of Part 1 of Schedule 2 applies,

(vi) interfere with the character of a landscape, or a view or prospect of special amenity value or special interest, the preservation of which is an objective of a development plan for the area in which the development is proposed or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,

(vii) consist of or comprise the excavation, alteration or demolition (other than peat extraction) of places, caves, sites, features or 13 other objects of archaeological, geological, historical, scientific or ecological interest, the preservation of which is an objective of a development plan for the area in which the development is proposed or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan, save any excavation, pursuant to and in accordance with a licence granted under section 26 of the National Monuments Act, 1930 (No. 2 of 1930),

(viii) consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use,

(ix) consist of the demolition or such alteration of a building or other structure as would preclude or restrict the continuance of an existing use of a building or other structure where it is an objective of the planning authority to ensure that the building or other structure would remain available for such use and such objective has been specified in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,

(x) consist of the fencing or enclosure of any land habitually open to or used by the public during the 10 years preceding such fencing or enclosure for recreational purposes or as a means of access to any seashore, mountain, lakeshore, riverbank or other place of natural beauty or recreational utility,
(xi) obstruct any public right of way,

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

development plan and the development would materially affect the character of the area.

7.0 ASSESSMENT

Does the proposal constitute *"development"?*

It is considered that the proposed change of use of the existing dwelling to a residential care home accommodating one person with intellectual disability, with care and support provided by two staff, would constitute a 'material change' in the established use of the building in planning terms and as such, would fall within the definition of 'development' as per Section 2 of the Planning and Development Act, 2024.

Do the works constitute exempted development?

Having visited the site, it was evident that the subject building falls within the definition of a 'habitable house' as defined within Section 2 of the Planning and Development Act, 2024.

Class 14(f) of Part 1 of Schedule 2 of the PDR 2001, as amended is relevant in the assessment of whether the proposed development is or is not exempted development.

The submitted documentation including application form specifically states that the maximum number of persons with an intellectual or physical disability or mental illness within the property at any given time will be 1 and the maximum number of care staff staying overnight at any one time is 2. This would not contravene the conditions and limitations of Class 14(f) which permits up to 6 persons and 2 staff members maximum. As such, I am satisfied that the subject change of use falls within the provisions of Class 14 (f) of Part 1 of Schedule 2 of the PDR 2001, as amended.

As set out in Section 6.0 above, Article 9 (1)(a) of the PDR 2001, as amended sets out the general restrictions on exempted development.

In having regard to the scale and nature of the proposed change of use, it would not result in the significant intensification of the existing access whereby the sight lines at the are adequate and as such, the development would not create a traffic hazard in this regard. In addition, there is sufficient space within the curtilage of the property to facilitate the associated parking for the development to prevent any cars parking or obstructing the public road.

Criterion (a)(i) relates to whether the carrying out of such development would contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act.

In reviewing the relevant permission for the subject property (file ref. 19/336 and parent permission ref. 10/174 ABP Ref.PL.15.238053,) this dwelling was

approved as House Type 3 (3 Bed / 5P 2 Storey Detached dwelling) as per the drawing details below:

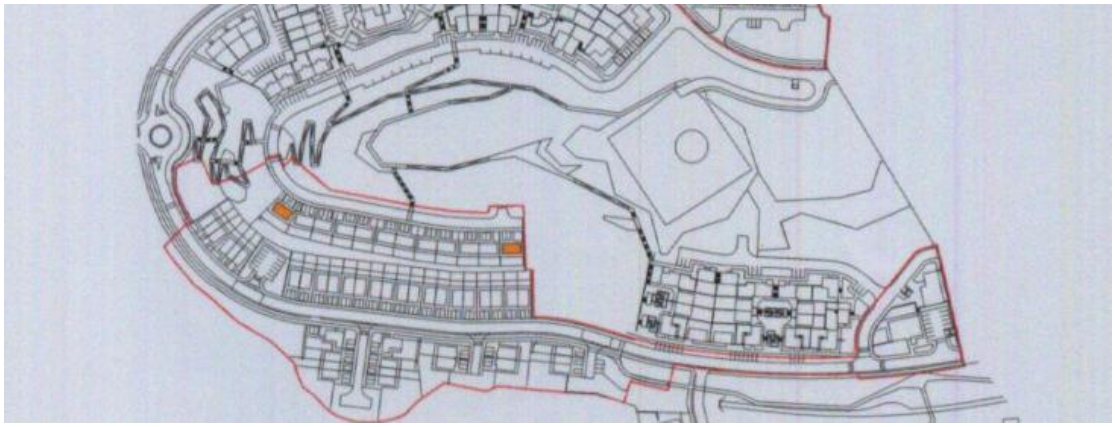
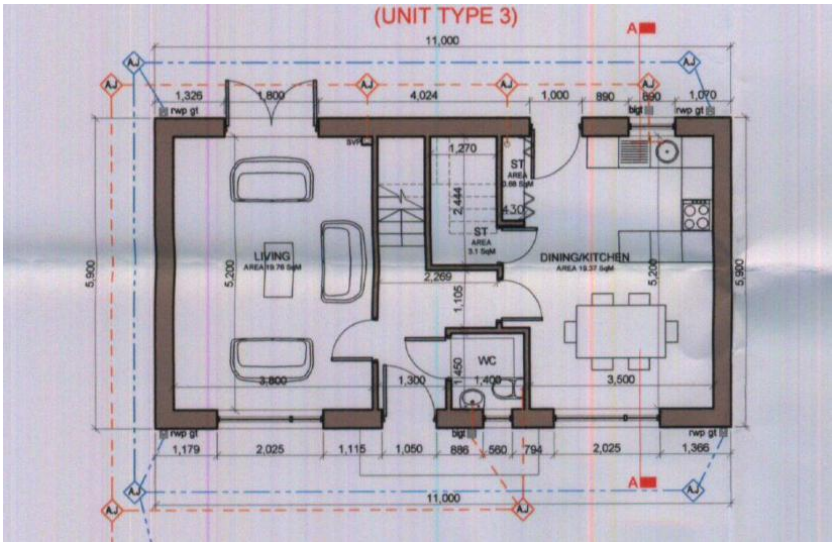


Fig.1: Extract from Drawing No. PL-11 (Proposed Unit Type 3 (Detached) Elevations, Plans & Section A-A)



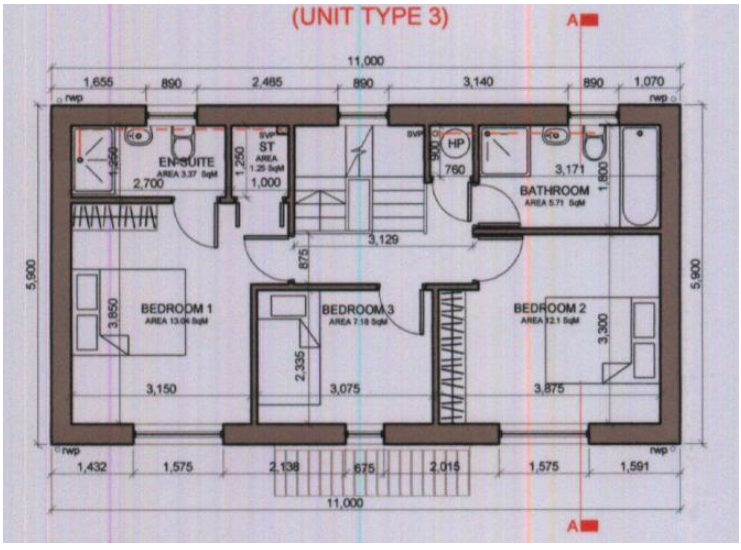


Fig.2-3 Ground and First Floor Plans as approved by permission ref 19/336 (Drawing No. PL-11)



Fig.4: Elevations as approved by permission ref 19/336 (Drawing No. PL-11)

The submitted details / particulars do not make any reference to proposed works being carried out to the building to facilitate the proposed change of use. In reviewing the previously approved and proposed floor plans, no internal structural alterations appear to be proposed, with 2 no. previously approved bedrooms to the first floor being proposed to be used as a 'staff room' and 'office' respectively. Nor is any reference made within this Section 5 declaration to any external alterations being carried out to the property to facilitate the proposed change of use.

Therefore it is considered that the proposed change of use in itself, would not contravene the planning conditions attached to the relevant planning permission reference 19/336, including condition no. 1 in relation to the approved plans and specifications. On a general note, the regularisation of any existing irregularities on the site would be a matter beyond the scope of this Section 5 declaration and the question presented for assessment and the proposed use would not, contravene restriction 9(1)(a)(iii) in this regard. Nor would any of the further restrictions under Article 9(1(a) be engaged as a result of the proposed change of use.

Accordingly, it is considered that the proposed change of use is **development and is exempted development.**

8.0 CONCLUSION:

Having considered the established / approved use of the building as a habitable dwelling and the proposed use of the building to provide a residence to care for persons with an intellectual or physical disability or mental illness (1 resident with a maximum of 2 residential care staff at any one time) and in having regard to the definition of 'development' within Section 2 of the Planning and Development Act, 2024, it is considered that a material change of use would

occur, and as such, the proposed change of use would constitute 'development' as defined within Section 2 of the Planning and Development Act, 2024.

In assessing whether the proposed development constitutes 'exempted development,' in accordance with Class 14(f) of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended, the proposed use would not contravene the restrictions within Article 9(1) of Part 2 of the Planning and Development Regulations, 2001, as amended and accordingly, would also constitute 'exempted development' within the meaning of Section 2 of the Planning and Development Act, 2024.

9.0 RECOMMENDATION:

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

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

"*Whether the proposed change of use of an existing residential dwelling in Ardee, County Louth to a residential care home accommodating one person with intellectual disability, with care and support provided by two staff is considered exempted development?"*

At 26 Bridgegate Park, Ardee, Co. Louth, A92 R6PH

AND WHEREAS the said question was referred to Louth County Council by Oluwatoyin Kadiri for Zenith Health Limited

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

a) The definition of *"development,"* in Section 2 of the Planning and Development Act, 2024,
b) The plans and particulars forwarded to the Planning Authority on 16th October 2026 and 19th October 2026,
c) Class 14(f) of Part 1, Schedule 2 of the Planning and Development Regulations, 2001, as amended,
d) Article 9 (1) of Part 2 of the Planning and Development Regulations, 2001 as amended,
e) The planning history pertaining to the site and,
f) The current condition of the subject building as a habitable house,

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

(i) The existing building has an established use as a habitable house.
(ii) This Section 5 declaration relates to the intended use of the subject property and there are no indicated physical works proposed.

(iii) The proposed "*change of use of an existing residential dwelling in Ardee, County Louth to a residential care home accommodating one person with intellectual disability, with care and support provided by two staff considered exempted development"* would constitute a material change in the use of the building and would therefore, **constitute 'development'** as defined by Section 2 of the Planning and Development Act, 2024 and;

(iv) The proposed use would not in itself, contravene the restrictions on exemptions, as outlined within Article 9(1)(a)(i) of Part 2 of the Planning and Development Regulations, 2001, as amended.

(v) The proposed use would therefore fall within the definition of **'exempted development'** as per Class 14(f) of Part 1, Schedule 2 of the Planning and Development Regulations, 2001, as amended and;

NOW THEREFORE Louth County Council in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act 2000 (as amended), hereby decides that the

"*change of use of an existing residential dwelling in Ardee, County Louth to a residential care home accommodating one person with intellectual disability, with care and support provided by two staff"*

at 26 Bridgegate Park, Ardee, Co. Louth, A92 R6PH

is **development** and is **exempted development.**

Orla Rooney
Assistant Planner
Date: Date:30/10/2026

David Hall
A/Senior Executive Planner
Date: 02/11/2026

Turlough King
A/Senior Planner
Date: 02/11/2026

LOUTH COUNTY COUNCIL

CHIEF EXECUTIVE'S ORDER

PLANNING & DEVELOPMENT ACT 2000 (as amended)

Section 5 Exempted Development

Chief Executive's Order No:	839/2026
Reference No:	S5 2026/72
Date Application Received:	16/10/2026
Description of Development:	Whether the proposed change of use of an existing residential dwelling in Ardee, County Louth to a residential care home accommodating one person with intellectual disability, with care and support provided by two staff is considered exempted development?
Name of Applicant:	Oluwatoyin Kadiri
Location of Development	26 Bridgegate Park, Ardee, Co. Louth, A92 R6PH

WHEREAS a question has arisen pursuant to Section 5 of the Planning and Development Act (as amended) as to:
"*Whether the proposed change of use of an existing residential dwelling in Ardee, County Louth to a residential care home accommodating one person with intellectual disability, with care and support provided by two staff is considered exempted development?" a*t 26 Bridgegate Park, Ardee, Co. Louth, A92 R6PH

AND WHEREAS the said question was referred to Louth County Council by Oluwatoyin Kadiri for Zenith Health Limited

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

(a) The definition of *"development,"* in Section 2 of the Planning and Development Act, 2024,
(b) The plans and particulars forwarded to the Planning Authority on 16th October 2026 and 19th October 2026,
(c) Class 14(f) of Part 1, Schedule 2 of the Planning and Development Regulations, 2001, as amended,
(d) Article 9 (1) of Part 2 of the Planning and Development Regulations, 2001 as amended,
(e) The planning history pertaining to the site and,
(f) The current condition of the subject building as a habitable house,

LCP Order No. 839/2026 **Reference No: S5 2026/72**

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

a) The existing building has an established use as a habitable house.
b) This Section 5 declaration relates to the intended use of the subject property and there are no indicated physical works proposed.
c) The proposed "*change of use of an existing residential dwelling in Ardee, County Louth to a residential care home accommodating one person with intellectual disability, with care and support provided by two staff considered exempted development"* would constitute a material change in the use of the building and would therefore, **constitute 'development'** as defined by Section 2 of the Planning and Development Act, 2024 and;
d) The proposed use would not in itself, contravene the restrictions on exemptions, as outlined within Article 9(1)(a)(i) of Part 2 of the Planning and Development Regulations, 2001, as amended.
e) The proposed use would therefore fall within the definition of **'exempted development'** as per Class 14(f) of Part 1, Schedule 2 of the Planning and Development Regulations, 2001, as amended and;

NOW THEREFORE Louth County Council in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act 2000 (as amended), hereby decides that the "*change of use of an existing residential dwelling in Ardee, County Louth to a residential care home accommodating one person with intellectual disability, with care and support provided by two staff"* at 26 Bridgegate Park, Ardee, Co. Louth, A92 R6PH is **development** 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: _____ **Date: 02/11/2026**
Turlough King
Acting Senior Planner

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

Oluwatoyin Kadiri

Via Email Only : [redacted]

Date : 02/11/2026

Re: Ref. S5 2026/72

Application for Declaration of "Exempted Development" Part 1, Section 5 Planning & Development Act, 2000 (as amended) as to 'Whether the proposed change of use of an existing residential dwelling in Ardee, County Louth to a residential care home accommodating one person with intellectual disability, with care and support provided by two staff is considered exempted development?'

Dear Sir/Madam,

I wish to acknowledge receipt of your application received on 16th October 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 (as amended) as to:
"*Whether the proposed change of use of an existing residential dwelling in Ardee, County Louth to a residential care home accommodating one person with intellectual disability, with care and support provided by two staff is considered exempted development?*"
At 26 Bridgegate Park, Ardee, Co. Louth, A92 R6PH

AND WHEREAS the said question was referred to Louth County Council by Oluwatoyin Kadiri for Zenith Health Limited

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

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Féach foláirimh faoi Lú ón gComhairle ag www.mapalerter.ie/Louth
View Council alerts for Louth at www.mapalerter.ie/Louth

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

(a) The definition of *"development,"* in Section 2 of the Planning and Development Act, 2024,
(b) The plans and particulars forwarded to the Planning Authority on 16th October 2026 and 19th October 2026,
(c) Class 14(f) of Part 1, Schedule 2 of the Planning and Development Regulations, 2001, as amended,
(d) Article 9 (1) of Part 2 of the Planning and Development Regulations, 2001 as amended,
(e) The planning history pertaining to the site and,
(f) The current condition of the subject building as a habitable house,

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

a) The existing building has an established use as a habitable house.
b) This Section 5 declaration relates to the intended use of the subject property and there are no indicated physical works proposed.
c) The proposed "*change of use of an existing residential dwelling in Ardee, County Louth to a residential care home accommodating one person with intellectual disability, with care and support provided by two staff considered exempted development*" would constitute a material change in the use of the building and would therefore, **constitute 'development'** as defined by Section 2 of the Planning and Development Act, 2024 and;
d) The proposed use would not in itself, contravene the restrictions on exemptions, as outlined within Article 9(1)(a)(i) of Part 2 of the Planning and Development Regulations, 2001, as amended.
e) The proposed use would therefore fall within the definition of **'exempted development'** as per Class 14(f) of Part 1, Schedule 2 of the Planning and Development Regulations, 2001, as amended and;

NOW THEREFORE Louth County Council in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act 2000 (as amended), hereby decides that the "*change of use of an existing residential dwelling in Ardee, County Louth to a residential care home accommodating one person with intellectual disability, with care and support provided by two staff*" at 26 Bridgegate Park, Ardee, Co. Louth, A92 R6PH is **development** and is **exempted development.**

In Summary

A Declaration of Exemption is hereby GRANTED for the development as detailed on the plans and particulars submitted on 27th August 2026.

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

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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