## Section 5 Declaration - Application Form

1. **Name and address of person seeking the declaration:**

   Vaibhav Chauhan, [redacted]

   Phone Number: [redacted] E-Mail: [redacted]

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

   N/A

   Phone Number: _____ E-Mail: _____

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

   Vaibhav Chauhan, [redacted]

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

   I want to establish toddler play area (1-5 Yr old - under parent supervision) which is a parent supervised. We will provide soft toys, various activities like book reading sessions etc to parents and toddlers. We have identified the following retail location (Unit 15B, Williamsons Mall, Dundalk) and before entering rental contract, I want to determine if the permissible use of premises will need to change (currently as per owner it is Class 1 Retail) from Class 1 retail to any other Class and if subsequent planning permission change is applicable.

   Owner Representative – Darren, Williamson Mall Management Office.

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

   Unit 15B, Williamson Mall, Dundalk Co Louth (exact location and pictures have been shared as part of this letter)

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

   Link:

   https://irish.gridreferencefinder.com?gr=J0487807143|Point_s_B|1&t=Point%20B&v=r

   Details:

| Grid Reference - J 04878 07143 | | | |
|---|---|---|---|
| X (Easting) : 304878 | Y (Northing) : 307143 | Latitude 54.003034 | Long -6.4010747 |
| X (ITM): 704820 | Y (ITM): 807161 | X (UTM): 670327 | Y (UTM): 5986985 |

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 use of Unit 15B, Williamson Mall, Dundalk, County Louth, which is understood to have an existing authorised Class 1 shop/retail use, as a paid, parent/guardian-supervised indoor toddler open-play facility, with incidental parent seating, self-service tea and coffee and occasional parent-accompanied birthday gatherings, development by reason of a material change of use and, if so, is it or is it not exempted development?

8. **Does the development consist of works to be carried out to an existing or proposed protected structure?**

Yes ☐ No ☑

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

_____

_____

**I certify that the aforementioned is correct.**

**Signature of Applicant:** [redacted] **Date** 12 Oct 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)
- **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.**




12 October 2026

Planning Department
Louth County Council
Town Hall, Crowe Street
Dundalk, County Louth

**Re: Section 5 request - proposed parent-supervised toddler play area, Unit 15B, Williamson Mall, Dundalk**

Dear Planning Officer,

Following my recent conversation with the Council, I was advised to submit a Section 5 request about a small business we are considering. We have identified **Unit 15B, Williamson Mall, Dundalk**, as a possible location for an indoor toddler play area. It was previously used as a shop, and we understand it has Class 1 retail use. We have not entered into a lease at present. Before committing to the premises or starting a fit-out, we would like to establish whether the proposed activity can operate under the existing planning use or whether planning permission for a change of use would be required.

1. **Question for determination (Question 7)**

Is the proposed use of Unit 15B, Williamson Mall, Dundalk (business to be run as a paid parent/guardian-supervised indoor toddler open-play facility, with incidental parent seating, self-service tea and coffee and occasional parent-accompanied birthday gatherings) development and, if so, is it or is it not exempted development?

2. **Description of the proposed activity**

We would offer indoor open-play sessions for children aged approximately 1 to 5 years. The main area would contain age-appropriate toys, books, blocks, pretend-play equipment and movable play mats rather than fixed amusement rides or large play structures.

Every child would attend with a parent or guardian who remains present and supervises their child throughout the visit. Parents would remain responsible for feeding, toileting and day-to-day care. There would be no child drop-off, crèche, preschool or day-care service.

The layout would include the existing toilet, a small parent seating area and reception, with the remaining space used mainly for open play. We would charge for admission, may host occasional parent-accompanied birthday gatherings and propose a small self-service tea/coffee point in an

adults-only area. Staff would handle reception, cleaning and general premises safety; they would not take children into their care. We do not propose to extend or alter the outside of the unit.

### 3. Why we are seeking a Section 5 declaration

The applicant respectfully submits that the modest, parent-accompanied format, predominant use of loose toys rather than fixed amusement equipment, retention of the existing footprint, absence of overnight accommodation or childcare custody, and limited ancillary refreshment offering are relevant to the assessment of materiality. The Authority is asked to reach a formal determination on the proposal as specifically described. The applicant seeks a favourable finding that no material change of use arises, or, if development arises, that it qualifies as exempted development under any applicable provision identified by the Authority.

### 4. Relevance of Tusla guidance

Tusla provides guidance for parent, baby and toddler groups, including toys and play materials, parent participation and separate safe areas for tea and coffee. It says that parents and carers must look after their own children and that such a group is not a day-care service. This is the same parent-supervision principle we would follow. We refer to the guidance only to explain the type of activity we are proposing. We understand that it is not a planning exemption or confirmation that a commercial facility is outside Tusla registration requirements; any separate regulatory obligations would be checked before opening. Tusla weblink is mentioned below.

We have attached Schedule A and the draft plans to help explain the proposal. We would be grateful for the Council's formal determination so that we can decide whether to proceed with the lease. Please let us know if any further information would be helpful.

As the premises has previously operated as a retail shop, we are particularly seeking clarification on whether our proposed parent-supervised toddler play area can operate within the existing authorised Class 1 use, without requiring a separate change-of-use planning permission. We would appreciate the Council's determination before we enter into a lease or commit to fitting out the premises.

Kind regards,

[redacted]

Vaibhav Chauhan

[redacted]

Tusla Link : https://www.tusla.ie/parenting-24-seven/0-5years/parents-need-good-social-networks/starting-a-parent-baby-and-toddler-group/

## Schedule A - Operational particulars supporting Question 7

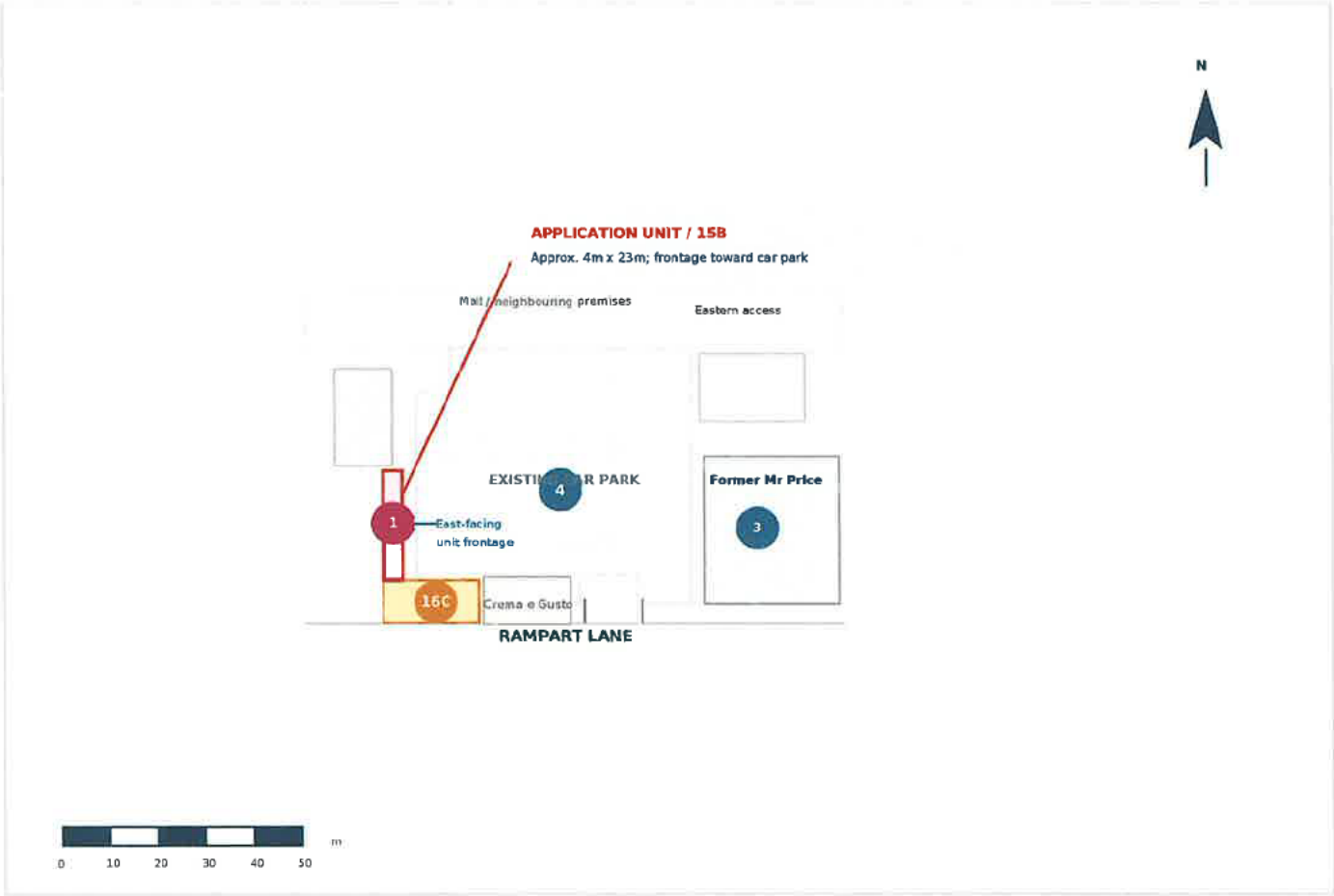
This schedule describes the proposed business and should be read with the Section 5 question and floor plans.

| Aspect | Proposed arrangement |
|---|---|
| **Premises and existing use** | Unit 15B, Williamson Mall, Dundalk. Previously occupied as a shop; Class 1 retail use is understood but should be confirmed against planning records. |
| **Size and general layout** | Approximately 4 m x 23 m (about 92 $m^2$, subject to measurement). One existing WC; a seating area and reception at one end, and open toddler play through most of the unit. |
| **Main activity** | Paid open-play sessions for toddlers/young children, approximately ages 1-5, using loose toys, pretend-play items, books and play mats. |
| **Parental supervision** | Each child must be accompanied by a parent or guardian who stays and supervises throughout. No drop-off childcare, crèche, preschool or day-care service. |
| **Staff responsibilities** | Admissions, customer assistance, cleaning, equipment checks and general site safety; not childminding or taking responsibility for the care of children. |
| **Parties and bookings** | Occasional birthday / family gatherings using the same open-play space; accompanying adults remain responsible for their own children. |
| **Refreshments** | Incidental self-service tea and coffee for adults in the parent seating area, safely separated from access by children. No independent café or commercial kitchen proposed. |
| **Play equipment and fit-out** | Mainly movable toys, mats, furniture and reception fittings, with any internal safety barriers or partitions to be reviewed as necessary. No extension or proposed changes to the external shopfront. |
| **Commercial operation** | Paid entry for play sessions, with the possibility of multi-visit passes. Birthday bookings and refreshments are secondary to the main open-play activity. |
| **Hours and numbers** | Opening hours and maximum attendance have not yet been finalised; they will be set having regard to the premises, safety and any applicable permissions or limits. |
| **Stage of proposal** | Prospective business only: the applicant has not yet signed a lease and is seeking to establish the planning requirements before committing to the premises. |

*Note: the existing planning permission, exact room dimensions, WC position, entrance, occupancy and fire/building requirements should be verified separately. This request seeks a planning determination, not approval of a final fit-out.*

# S5-01 SITE LOCATION AND RELATIONSHIP TO RAMPART LANE

Orientated context: Unit 15B fronts the car park, not Rampart Lane




## SITE IDENTIFICATION

**01** 1 = Unit 15B, the subject of this Section 5 request. The red outline is intended to identify this unit only, not the car park or adjoining premises.

**02** 16C = adjoining unit near Rampart Lane. The 16C permission is a different site and is not permission for Unit 15B.

**03** 3 = former Mr Price building on the opposite/eastern side of the car park; 4 = central shared car park.

**04** Rampart Lane runs across the southern side of the car-park frontage. The long axis of Unit 15B is approximately at right angles to Rampart Lane.

**05** The supplied grid reference is ITM 704820 / 807161; it is a general location reference and does not establish the lease/site boundary.

**06** This is an interpreted site diagram. A mapped 1:1000 location plan with the precise Unit 15B outline must be obtained for formal lodgement.

**UNIT 15B / WILLIAMSON MALL / DUNDALK / SECTION 5**

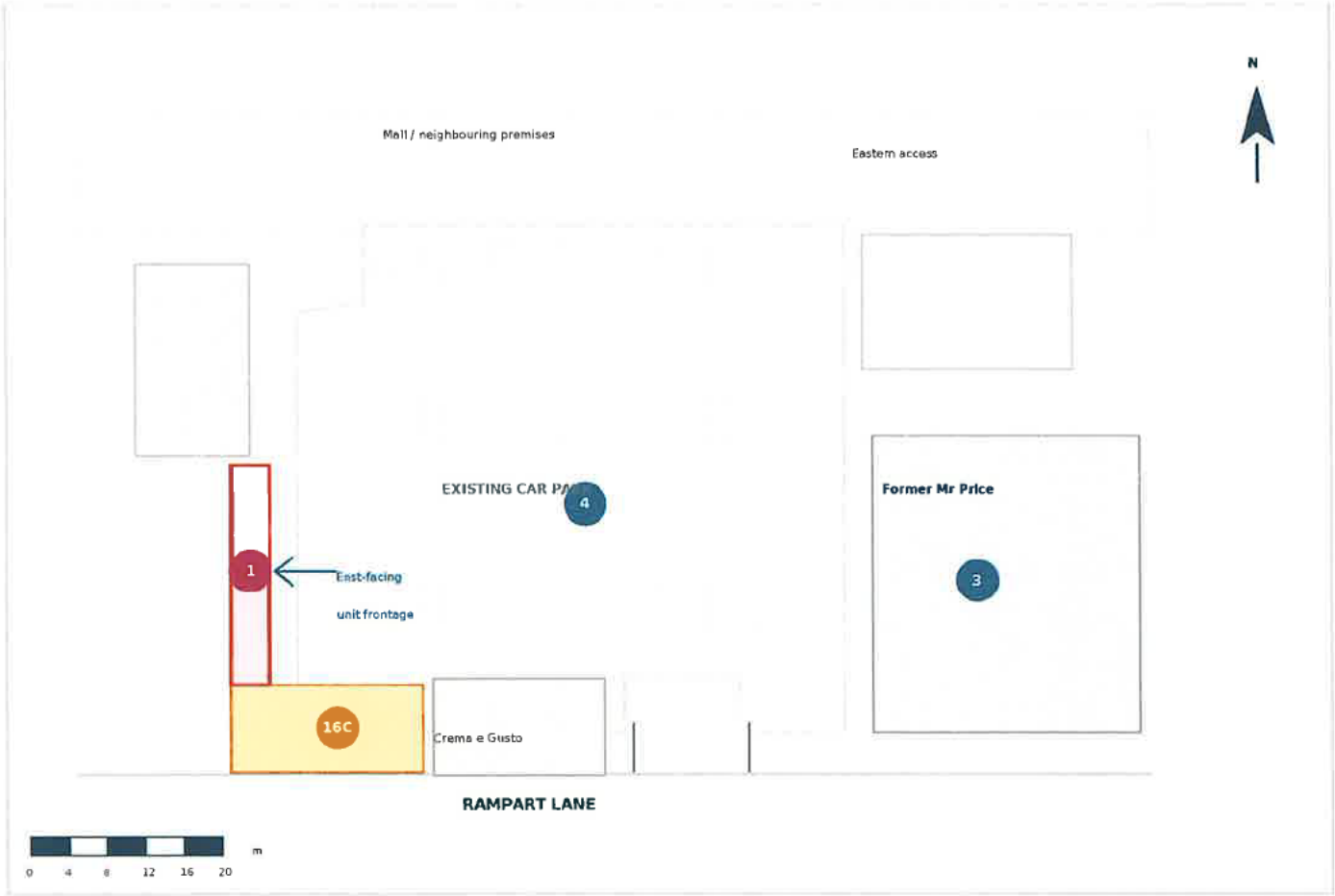
Issue: 12 OCT 2026 | Revision B - updated internal layout

**1:1000 (schematic)**

A3 print: actual size (100%). See drawing notes for limitations.

# S5-02 OVERALL SITE LAYOUT - FOUR IDENTIFIED AREAS

Unit 15B occupies the WESTERN edge of the central car park




## KEY TO UPDATED SITE PLAN

**01** 1 / UNIT 15B: approx. 92 sq.m gross geometric footprint (23m x 4m). The 4m short side lies across the strip; 23m runs along its western car-park edge.

**02** 16C: separate adjoining premises closer to Rampart Lane; shown in beige, not part of the application site.

**03** 3: former Mr Price premises on the eastern side of the car park, shown only for orientation.

**04** 4: existing shared parking and vehicle circulation. No change to parking is proposed for Unit 15B in this request.

**05** Customer arrival is from the car-park side. The exact door opening must be checked on site; the arrow shows functional approach, not a surveyed entrance.

**06** The surrounding buildings, landscaping, car-park spaces and road alignments are indicative; Unit 15B outline is drawn proportionally using the stated dimensions.

**UNIT 15B / WILLIAMSON MALL / DUNDALK / SECTION 5**

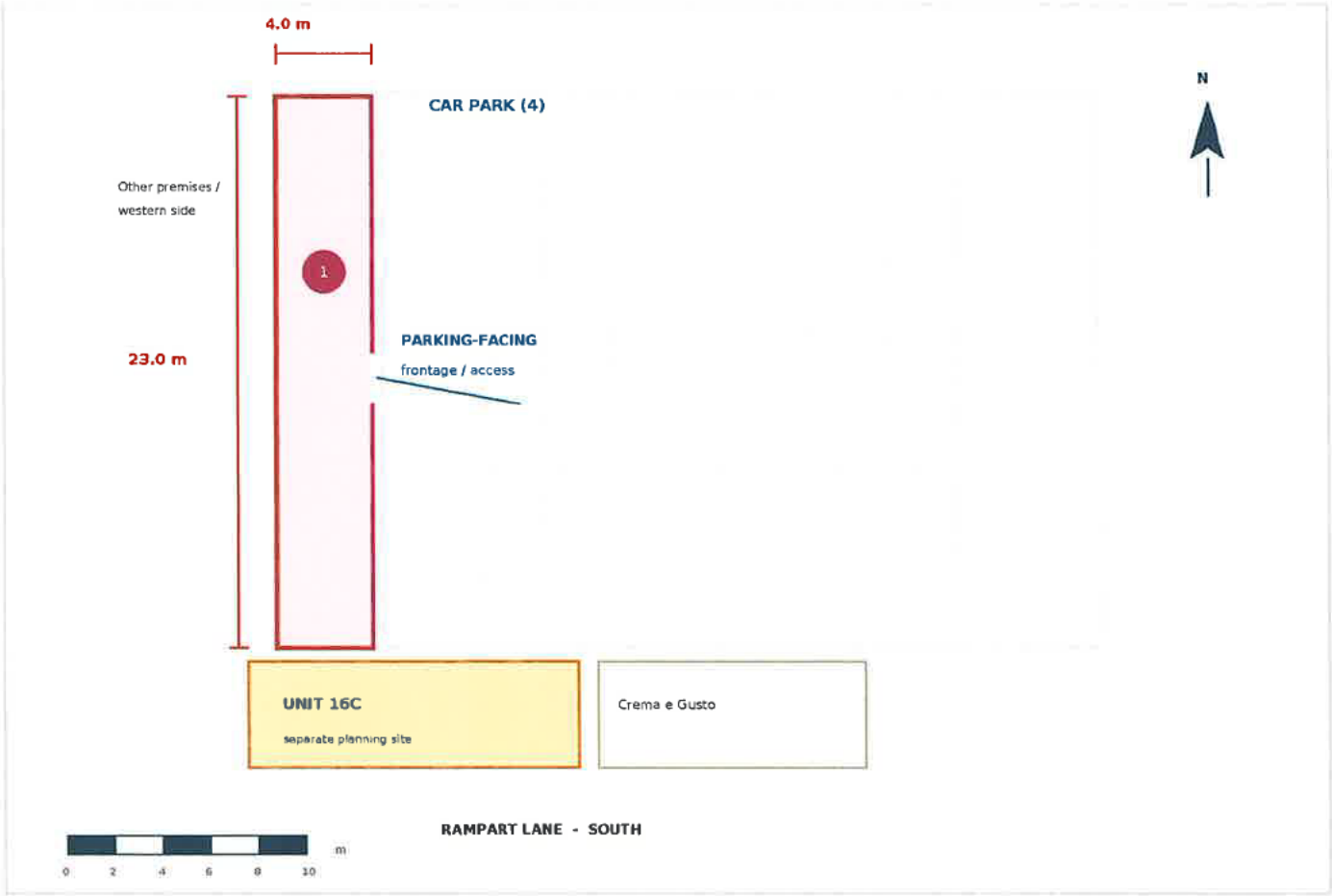
Issue: 12 OCT 2026 | Revision B - updated internal layout

**1:500 (schematic)**

A3 print: actual size (100%). See drawing notes for limitations.

# S5-03 UNIT 15B AND ADJACENT PARKING - SITE DETAIL

Plan orientated with the long unit axis north-south, perpendicular to Rampart Lane




## UNIT / ACCESS DETAIL

**01** The unit is drawn with a 4m width from the western wall to the parking-facing eastern side, and a 23m north-south length. Its approximate gross rectangle is 92 sq.m.

**02** This is a working layout based on the dimension and marked-up aerial supplied. Precise boundaries, party walls, door location and site levels are not yet surveyed.

**03** The existing car park lies immediately east of Unit 15B and is not coloured as part of the proposed unit.

**04** Unit 16C is a different commercial unit to the south, toward Rampart Lane. It is linked to planning refs 22/836 and 24/60653, neither of which confirms permitted use of 15B.

**05** No external alterations or changes to parking layout are proposed for this Section 5 request.

**UNIT 15B / WILLIAMSON MALL / DUNDALK / SECTION 5**

Issue: 12 OCT 2026 | Revision B - updated internal layout

**1:200 (schematic)**

A3 print: actual size (100%). See drawing notes for limitations.

# S5-04 EXISTING AND PROPOSED FLOOR PLANS

Revision B aligns the proposed fit-out to the user-supplied internal arrangement sketch

## EXISTING: ONE WC, REMAINDER OPEN (REPORTED)




## PROPOSED: MAXIMISED PLAY AREA WITH SEATING / RECEPTION TO ONE SIDE







N

Plan rotated north at LEFT

## FLOOR-PLAN NOTES - REVISION B

**01** The proposed fit-out has been revised to follow the applicant sketch: WC and service strip at one end, seating next, reception / entry zone beside that, and the largest possible uninterrupted play area occupying the balance of the unit.

**02** Self-service tea / coffee is now absorbed into the seating / reception side rather than occupying a separate dedicated bay, in order to maximise play space.

**03** The main entrance door is shown on the frontage close to the reception / play-area junction, consistent with the red-arrow sketch supplied by the applicant.

**04** This remains a diagrammatic internal planning-support layout only. Actual measured partition lines, toilet size, fire escape requirements, accessible layout and service points must be checked on site.

**05** The Section 5 planning question concerns use of the premises. This internal layout is illustrative of the operational concept and is not a building-control or fire-certification drawing.

**UNIT 15B / WILLIAMSON MALL / DUNDALK / SECTION 5**

Issue: 12 OCT 2026 | Revision B - updated internal layout

**1:100 (room proportions)**

A3 print: actual size (100%). See drawing notes for limitations.

# S5-05 PARKING-FACING ELEVATION / EXTERNAL WORKS

East elevation faces the shared car park; Rampart Lane lies to the south

## EXISTING EAST-FACING FRONTAGE - OUTLINE ONLY




## PROPOSED EAST-FACING FRONTAGE - UNCHANGED




Profile depth / height and shopfront details above are graphic placeholders, not surveyed building elevations.




## ELEVATION NOTES

01 The eastern long elevation of Unit 15B addresses the shared car park. The unit does not have a 23m frontage parallel to Rampart Lane.

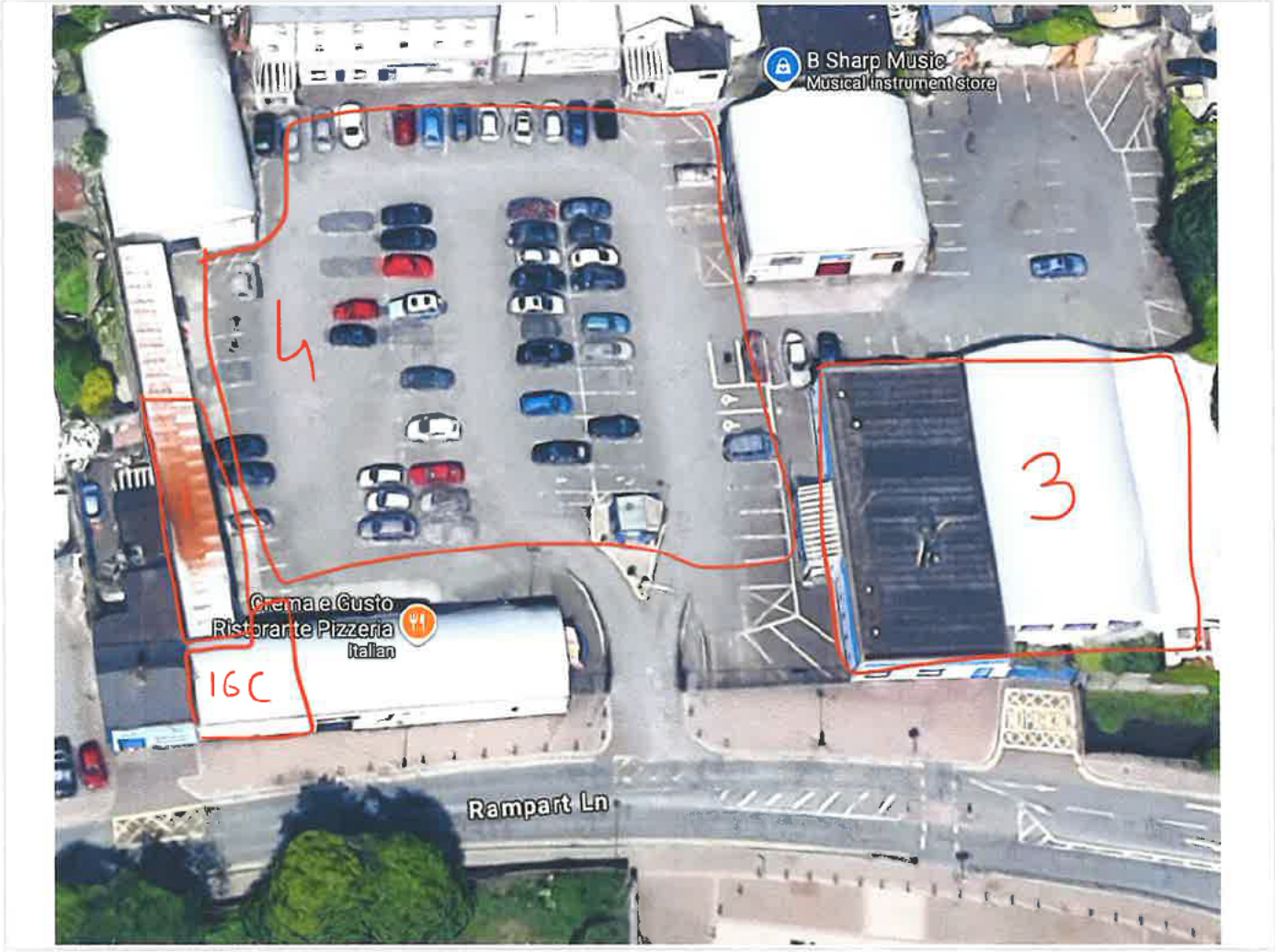
02 The planning proposal is limited to internal loose play fit-out, accompanied children and ancillary tea/coffee. No alterations to the shopfront, roof, external doors or signage are included.

03 The diagram shows the approximately 23m long facade. Height, glazing, doors and other architectural details have not been measured and are NOT presented as existing verified conditions.

04 If existing/proposed elevations are required for lodgement, substitute actual dimensioned elevations or appropriate existing shopfront photographs checked against the property.

# S5-06 ANNOTATED AERIAL - APPLICANT IDENTIFICATION

Reference image explaining the numbering used on S5-01 to S5-03




## SOURCE IMAGE LEGEND

**01** 1 = Unit 15B: the long narrow strip on the WEST side of the car park, approximately 23m long and 4m wide.

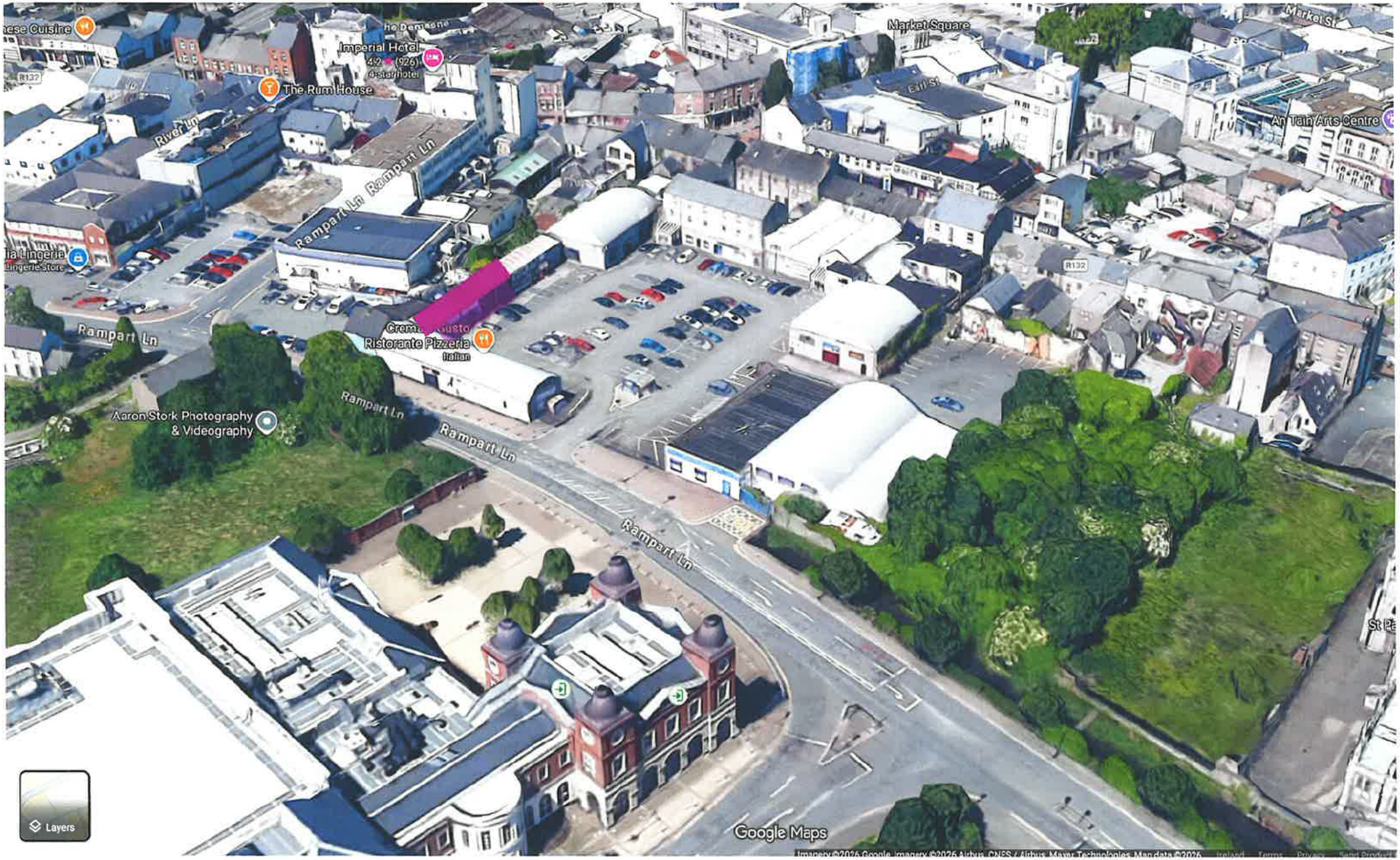
**02** 16C = neighbouring building near Rampart Lane at the southern end of Unit 15B. Existing separate planning references: 22/836 and 24/60653.

**03** 3 = former Mr Price building on the EAST side of the car park.

**04** 4 = central existing CAR PARK, not included in the proposed Unit 15B use or any requested change to parking.

**05** Rampart Lane is at the BOTTOM of the aerial image and runs across the southern boundary of the car-park setting, rather than alongside the long axis of Unit 15B.

**06** User-supplied Google Maps aerial screenshot with handwritten annotations. This sheet is an orientation reference only, not a substitute for an appropriate mapped 1:1000 site-location plan.


Imperial Hotel
4.2 (926)
4-star hotel
The Rum House
Market Square
Market St
Earl St
An Tain Arts Centre
River Ln
Rampart Ln
R132
Ristorante Pizzeria
Italian
Aaron Stork Photography
& Videography
Layers
Google Maps


Google Maps
Share
Dundalk, County Louth
Google Street View
Jul 2023
CREMA & GUSTO COFFEE SHOP
BARBER SHOP
HOMECARE
Imperial Hotel
Penneys
Google Maps

# Louth County Council
# Section 5 Declaration

| | |
|---|---|
| **Planning Ref:** | S5 2026/71 |
| **Applicant's Name:** | Vaibhav Chauhan |
| **Type of Application:** | **Section 5 Declaration** |
| **Question:** | *Whether the change of use only (no extension or external alterations) of a former retail unit/shop to a paid parent/guardian supervised indoor toddler play facility with movable age appropriate soft play equipment including mats, toys, books, blocks etc that are not fixed items, incidental parent seating, self-service tea/coffee making facility and the use for occasional parent-accompanied birthday gatherings is development and is it or is it not exempted development.* |
| **Site Location:** | Unit 15b Williamson Mall, Dundalk, Co. Louth |
| **Report Date:** | 22nd October 2026 |
| **Due Date:** | 9th November 2026 |

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## 1. Site Location and Description

A declaration has been sought in relation to the change of use of an existing single storey building within Williamson Mall in Dundalk. The site lies within land zoned B1 Town or Village Centre as per the Louth County Development Plan 2021-2027 (as varied) and the Dundalk Local Area Plan 2025-2031 (as varied).

Google Street View image of 2023 shows unit 15b last in use as a sewing/alteration/repair shop. This current advertisement area of the building also

shows an old worn sign that indicates the unit was also in use as a rug shop and another sign as a tatoo unit. The unit is currently vacant.




Above: Google Street View image of July 2023.

## 2. Planning History

The original planning permission for the current structures/units in Williamsons Mall around the car parking area is Planning Authority Reference number 55525146.

| File No. | Decision | Decision Due Date | Name | Address | Description |
|---|---|---|---|---|---|
| 55525146 | Conditional | 27/04/1989 | Wilton House Ltd | Francis Street, Dundalk | Redevelopment of Thomas Williamson's, Francis Street, Dundalk |

Other Planning Permissions

Planning permission was refused by An Bord Pleanala (ABP) now An Coimisúin Pleanála (ACP) and the amended scheme then granted for the redevelopment of Williamsons Mall following appeal (Planning Authority Reference numbers 06520340, 09520026, 14520045 (Extension of Duration of 09520026). The ABP reference PL55.234226.

| File No. | Decision | Decision Due Date | Name | Address | Description |
|---|---|---|---|---|---|
| 06520340 | REFUSAL | | Ampezzano Ltd | Williamsons Mall, Francis Street, Dundalk | Redevelopment |

Proposal Description

THE DEVELOPMENT WILL CONSIST A MIXED-USE DEVELOPMENT INCORPORATING RESIDENTIAL RETAIL CAFE/RESTAURANT CRECHE AND OFFICE USES THE DEVELOPMENT INCLUDES THE DEMOLITION OF WILLIAMSONS MALL AND ALL BUILDINGS TO THE REAR OF WILLIAMSONS MALL AND THE CONSTRUCTION OF THREE BUILDINGS SEPERATED BY A NEW OPEN PEDESTRIAN STREET AND SQUARE THE NEW PEDESTRIAN STREET WILL LINK RAMPARTS ROAD WITH FRANCIS STREET EACH BUILDING COMPRISES 4 TO 7 STORIES IN HEIGHT GROUND LEVEL INCLUDES A RESTAURANT 10 NO. RETAIL UNITS (43.6M2 TO 967.3M2) CRECHE (214.3M2 ON TWO LEVELS) MEZZANINE LEVELS FOR PLANT (1258.2M2) OFFICE USES ARE PROVIDED AT FIRST SECOND AND THIRD FLOORS (620.7M2) THE DEVELOPMENT INCLUDES THE CONSTRUCTION OF 151 APARTMENTS (39 NO. 1 BED; 100 NO. 2 BED; 8 NO. 3 BED; 2 NO. 2 BED DUPLEX AND 2 NO. 3 BED DUPLEX) THE PROVISION OF OPEN SPACE AREAS INCLUDING ROOF GARDENS TERRACES AND BALCONIES AND THE CONSTRUCTION OF A BASEMENT CAR PARK (203 NO. SPACES) WITH VEHICULAR ACCESS TO BASEMENT CAR PARK OFF THE RAMPART ROAD THE DEVELOPMENT ALSO INCLUDES THE REFURBISHMENT AND CHANGE OF USE OF 7 & 8 FRANCIS STREET TO ALLOW FOR ENTRANCE AND STAIRS TO FIRST AND SECOND FLOOR OFFICE USES (257.4M2) INCLUDING THE ADDITION OF FIRST AND SECOND FLOOR RETURN THE DEVELOPMENT ALSO INCLUDES WORKS TO THE RAMPART RIVER (OPENING UP LINING PROVISION OF RAILINGS AND TIMBER DECKING AND VEHICULAR ACCESS OFF RAMPART ROAD TO PRIVATE PARKING AREA (14 NO. SPACES) AND ALL ANCILLARY SITE DEVELOPMENT WORKS LANDSCAPING AND BOUNDARY TREATMENTS.

| File No. | Decision | Decision Due Date | Name | Address | Description |
|---|---|---|---|---|---|
| 09520026 | Conditional | | Ampezzano Ltd | Williamsons Mall, Francis Street, Dundalk | Redevelopment |

Proposal Description

THE PROPOSED DEVELOPMENT CONSISTS OF TWO BUILDINGS RANGING IN HEIGHT FROM TWO TO SIX STOREYS (MAX HEIGHT 20M) WITH A NEW PEDESTRIAN LINK (TO BE KNOW AS CATHEDRAL WALK) AND CIVIC PLAZA CONNECTING FROM THE RAMPARTS

ROAD VIA THE PEDESTRIAN LINK TO FRANCIS STREET. THE PROPOSAL INCLUDES THE RE-OPENING OF THE RAMPARTS RIVER OVER THE LENGTH OF THE RAMPARTS ROAD FRONTAGE TO THE SITE. A NEW DEDICATED PEDESTRIAN BRIDGE OVER THE RE-OPENED RIVER WILL LINK THE DEVELOPMENT WITH RAMPARTS ROAD AND TWO VEHICULAR BRIDGE CROSSINGS WILL PROVIDE ACCESS TO A MULTI-STOREY CAR PARK (CONTAINING 250NO. SPACES, BICYCLE STORAGE AND ATTENDANTS' OFFICE AND VALETING/ANCILLARY AREA AT FIRST FLOOR LEVEL (95SQM)) AND TO A SERVICE YARD. THE DEVELOPMENT WILL INCLUDE RETAIL/ RETAIL SERVICES FLOOR SPACE IN 12NO. UNITS (1,940SQM), 3NO. CAFE/ BARS, A HOT FOOD TAKE AWAY, AN OFF LICENCE, AN AMUSEMENT ARCADE AND A TAXI/ HACKNEY CAB OFFICE AND BOOKMAKERS AT GROUND FLOOR LEVEL, OFFICES (1,753SQM GFA) AND 3NO. RESTAURANTS WITH ANCILLARY HOT FOOD TAKE AWAY FACILITIES AT FIRST FLOOR LEVEL (706SQM GFA), INCLUDING ALL ASSOCIATED SIGNAGE, 46 NO. APARTMENTS (7 NO. 1 BED, 28 NO. 2 BED, 10NO. 3 BED & 1NO. 4 BED) WITH BALCONIES, ROOF TERRACES AND PODIUM GARDENS INCLUDING A CHILDREN'S PLAY AREA. THIS APPLICATION INCLUDES ALL OTHER ASSOCIATED SITE DEVELOPMENT WORKS INCLUDING 2NO. ESB SUBSTATIONS, SWITCH ROOM AND PLANT ROOM (52SQM) AT GROUND FLOOR LEVEL, LANDSCAPING AND BOUNDARY TREATMENTS. THIS PLANNING APPLICATION ALSO INCLUDES THE CHANGE OF USE OF THE FIRST AND SECOND FLOORS OF NOS. 7 & 8 FRANCIS STREET (212SQM) FROM RESIDENTIAL TO OFFICES AND THE EXTENSION OF NOS. 7 & 8 OVER THREE STOREYS TO THE REAR TO CONTAIN FINANCIAL/ PROFESSIONAL SERVICES FLOOR SPACE AT GROUND FLOOR LEVEL (206SQM) AND OFFICES AT FIRST AND SECOND FLOOR LEVELS (404 SQM). NOS. 7 & 8 FRANCIS STREET ARE LOCATED WITHIN AN ARCHITECTURAL CONSERVATION AREA.

**Planning Authority Reference No. 14/20045** – Extension of Duration of 09/26 (ABP reference number) – granted 18th June 2014.

The development 09/26 extended permission 1420045 was not enacted.

Planning Authority Ref. No. 22/836 - *Permission for the change of use of an existing retail outlet to a restaurant with takeaway facility ancillary to the main use. Internal alterations to the property to include the provision of a kitchen, wheelchair accessible toilet, staff toilet and stores. Alterations to the Rampart Road façade which will include the provision of a new glazed window inclusive of shop front and a new shop front to an existing entrance including all associated site development works* – at 16C Williamson's Mall – granted

## 3. Declaration Sought

The applicant has stated at question 7 of the submitted application the following: -

Is the proposed use of Unit 15B, Williamson Mall, Dundalk, County Louth, which is understood to have an existing authorised Class 1 shop/retail use, as a paid, parent/guardian-supervised indoor toddler open-play facility, with incidental parent seating, self-service tea and coffee and occasional parent-accompanied birthday gatherings, development by reason of a material change of use and, if so, is it or is it not exempted development?

The applicant has submitted the following particulars for consideration: -

- Section 5 Declaration Application Form
- Site location map identifying subject unit
- Covering letter

The application relates Unit 15b of Williamsons Mall.

Having regard to the description and proposed details of the change of use including that referred to in the covering letter, the Planning Authority will therefore assess the following rephrased question: -

*"Whether the change of use only (no extension or external alterations) of a former retail unit/shop to a paid parent/guardian supervised indoor toddler play facility with movable age appropriate soft play equipment including mats, toys, books, blocks etc that are not fixed items, incidental parent seating, self-service tea/coffee making facility and the use for occasional parent-accompanied birthday gatherings is development and is it or is it not exempted development".*

**4. EIA Screening and Determination**

Council Directive 85/337/EEC (as amended) on the assessment of the effects of certain public and private projects on the environment ('the EIA Directive') is designed to ensure that projects likely to have significant effects on the environment are subject to a comprehensive assessment of their environmental effects prior to development consent being 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 subject 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. Appropriate Assessment**

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

**6. Legislative Context**

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

**Planning and Development Act, 2024**

Sections 1-5 of the Planning Act of 2024 commenced in December 2024.

**Section 2** states that**:**

In accordance with Section 2 of the Planning & Development Act, 2024 "*Development"* means the carrying out of any works on, in, over or under land or on ,in ,over or under the maritime area, or the making of any material change in the use of any structures or other land, or the sea, seabed or any structure in the maritime area.

*"Exempted development"* means (a) development of a class prescribed under *section 9*, or

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

*"alteration" includes, in relation to a structure—*
*(a) plastering or painting,*
*(b) the removal of plaster or stucco, and*

*(c) the replacement of a door, window or roof,*
*that materially alters the external appearance of a structure so as to render the appearance inconsistent with the character of the structure or neighbouring structures;*

*"structure"* means a building, edifice, construction, excavation, or other thing constructed or made on, in or under any land, or a maritime site, or any part thereof, or(b) the land or maritime site on, in or under which such building, edifice, construction, excavation, other thing or part is situated

*"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;

*"Unauthorised structure"* means *a structure 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*,
(c) *Chapter 6* State authority development within the meaning of *Part 4*,
(d) development required by—
(i) a notice under *section 339*,
(ii) an order under *section 341*,
(iii) an enforcement notice under *section 350*, or
(iv) a planning injunction under *section 351*,
or
(e) development carried out in accordance with—
(i) a licence under *section 13*, or
(ii) a licence under section 254 of the Act of 2000;

"unauthorised use" means, in relation to land or a maritime site, a use that is a material change in use of the land or maritime site, other than-

(a) exempted development, or

(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* ,
(c) *Chapter 6* State authority development within the meaning of *Part 4* ,
(d) development required by—
(i) a notice under *section 339* ,
(ii) an order under *section 341* ,
(iii) an enforcement notice under *section 350* , or
(iv) a planning injunction under *section 351* ,
or
(e) development carried out in accordance with—
, or
(ii) a licence under section 254 of the Act of 2000;

"*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*,
(c) *Chapter 6* State authority development within the meaning of *Part 4*,
(d) development required by—
(i) a notice under *section 339*,
(ii) an order under *section 341*,
(iii) an enforcement notice under *section 350*, or

(iv) a planning injunction under *section 351*,
or
(e) development carried out in accordance with—
(i) a licence under *section 13*, or
(ii) a licence under section 254 of the Act of 2000;
*"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.

## Planning and Development Act 2000 (As amended)

**Section 4** states that**:**

Section 4(1) provides a list of statutory exempted development including development consisting of the use of any land for the purpose of agriculture and development consisting of the use for that purpose of any building occupied together with land so used under section 4(1)(a).

Section 4(1)(h) provides for *"Development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures".*

Section 4(2) provides for the making of regulations relating to exempted development. The Planning & Development Regulations (PDR) 2001 (as amended) give effect to section 4(2).

**Section 5** 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** states that**:**
Section 32 PDA 2000 sets out a general obligation to obtain planning permission in respect of any development of land, not being exempted development, and in the case of development, which is unauthorised, for the retention of that unauthorised development.

**Section 177U(9) states that**

"In deciding upon a declaration for the purposes of Section 5 of this Act a planning authority or the Board, as the case maybe, shall where appropriate, conduct a screening for appropriate assessment in accordance with the provisions of this Section."

**Planning and Development Regulations (2001) (as amended)**

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

*Article 6 of the Planning & Development Regulations, 2001 (as amended) provides (subject to the restrictions in article 9 PDR 2001) for the classes of exempted development under column 1 of Parts 1, 2 and 3 of Schedule 2, subject, where applicable, to the conditions and limitations imposed upon such classes as set out in column 2.*

**Article 9 of the Planning & Development Regulations (PDR) 2001 (as amended)**

*Article 9(1) of the Planning & Development Regulations, 2001 (as amended) provides restrictions on exemptions as follows:*

*9. (1) Development to which article 6 relates shall not be exempted development for the purposes of the Act—*

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

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

*(iii) endanger public safety by reason of traffic hazard or obstruction of road users,*
*(iiia) endanger public safety by reason of hazardous glint and/or glare for the operation of airports, aerodromes, or aircraft,*

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

*development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,*

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

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

*(vii) consist of or comprise the excavation, alteration or demolition (other than peat extraction) of places, caves, sites, features or 13 other objects of archaeological, geological, historical, scientific or ecological interest, the preservation of which is an objective of a development plan or local area 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 local area plan or the draft development plan or draft local area plan.*

*(viiA) consist of or comprise the excavation, alteration or demolition of any archaeological monument included in the Record of Monuments, pursuant to section 12(1) of the National Monuments (Amendment) Act 1994, save that this provision shall not apply to any excavation or any works, pursuant to and in accordance with a consent granted under Section 14 or a licence granted under section 26 of the National Monuments Act, 1930 (No. 2 of 1930), as amended,*

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

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

*(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.*

**Article 10 of the Planning & Development Regulations (PDR) 2001 (as amended) – Changes of Use:**

**Article 10 states:**

*"(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, or*

*(d) be a development where the existing use is an unauthorised use, save where such change of use consists of the resumption of a use which is not unauthorised and which has not been abandoned.*

*(2) (a) A use which is ordinarily incidental to any use specified in Part 4 of Schedule 2 is not excluded from that use as an incident thereto merely by reason of its being specified in the said Part of the said Schedule as a separate use.*

*(b) Nothing in any class in Part 4 of the Schedule 2 shall include any use—*

*(i) as an amusement arcade,*

*(ii) as a motor service station,*

*(iii) for the sale or leasing, or display for sale or leasing, of motor vehicles,*

*(iv) for a taxi or hackney business or for the hire of motor vehicles,*

*(v) as a scrap yard, or a yard for the breaking of motor vehicles,*

*(vi) for the storage or distribution of minerals,*

*(vii) as a supermarket, the total net retail sales space of which exceeds 3,500 square metres in the greater Dublin Area and 3,000 square metres in the remainder of the State,*

*(vii) as a retail warehouse, the total gross retail sales space of which exceeds 6,000 square metres (including any ancillary garden centre), or*

*(viii) as a shop, associated with a petrol station, the total net retail sales space of which exceeds 100 square metres.*

*(3) Development consisting of the provision within a building occupied by, or under the control of, a State authority of a shop or restaurant for visiting members of the public shall be exempted development for the purposes of the Act.*

*(4) Development consisting of the use of not more than 4 bedrooms in a house, where each bedroom is used for the accommodation of not more than 4 persons as overnight guest accommodation, shall be exempted development for the purposes of the Act, provided that such development would not contravene a condition attached to a permission under the Act or be inconsistent with any use specified or included in such a permission.*

*(5) Development consisting of the use of a house for child minding shall be exempted development for the purposes of the Act."*

**Classes of Use as per the Planning and Development Regulations 2001 (as amended)**

**Class 1 – Shop**

As per Part 2, section 5 (1) (Exempted Development) *'shop' means a structure used for any or all of the following purposes, where the sale, display or service is principally to visiting members of the public –*

*(a) for the retail sale of goods,*
*(b) as a post office,*
*(c) for the sale of tickets or as a travel agency*
*(d) for the sale of sandwiches or other food or of wine for consumption off the premises, where the sale of such food or wine is subsidiary to the main retail use, and "wine" is defined as any intoxicating liquor which may be sold under a wine retailer's off-licence (with the meaning of the Finance (1909-1910) Act, 1910). 10 Edw.7. & 1 Geo 5., c8,*
*(e) for hairdressing,*
*(f) for the display of goods for sale,*
*(g) for the hiring out of domestic or personal goods or articles,*
*(h) as a launderette or dry cleaners*
*(i) for the reception of goods to be washed, cleaned or repaired,*

*But does not include any use associated with the provision of funeral service or as a funeral home, or as a hotel, as restaurant or a public house, or for the sale of hot*

*food or intoxicating liquor for consumption off the premises except under paragraph (d), or any use which class 2 or 3 of Part 4 of Schedule applies.*

## 7. Assessment

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

Regard has been given to the definition of development in the Planning and Development Act 2024 as being "*the carrying out of works on, in, over or under lands or the making of any* **material change in the use** *of any structures or other land."*

The proposed change of use only of the subject building unit 15b as described in section 3 of this report is considered to **constitute** a form of **development** as per section 5 of the Planning and Development Act 2024.

***Does the proposal constitute exempted development?***

The proposed development does not fall within the parameters of a 'shop' as per section 5 (1) Part 2 of the Planning and Development Regulations 2001 (as amended) (P&D Regs) and therefore does not fall within the same use class (use class 1 retail) as per the Part 4, Article 10 of the P&D Regs and as such the proposed development which it is considered would fall within Class 2c - *any other services (including use as a betting office), where the services are provided principally to visiting members of the public* - would involve a material change of use that is not exempted development.

In addition, the proposed change of use from retail (class 1) to the proposed use within Class 2c does not benefit from any prescribed exemption within Class 14 of schedule 2 or Article 6 in general, and an assessment on the restrictions on exemption under Article 9 is not applicable.

Accordingly, it is considered that the proposed development **does not constitute exempted development.**

Internal Alterations

The submitted covering letter states that no external changes or alterations are to be made. It also states that no fixed playing equipment will be proposed but that the items would be movable soft play mats/items, books, blocks etc and age-appropriate items for 1–5-year-olds. The tea/coffee station is to be self-service and seating incidental. Having regard to the proposed internal arrangements, these are considered minor in nature and would fall within the definition of section 4 (1) (h) of the Planning and Development Act 2000 (as amended) which is "*development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures".*

However; having regard to the proposed use of the unit 15b Williamsons Mall, it is considered to be a change of use that is development, and development that is not exempted development.

## 8. Recommendation

Accordingly, it is recommended that an order along the following lines is issued: -

**WHEREAS** a question has arisen pursuant to Section 5 of the Planning and Development Act 2000 (as amended) as to whether *the change of use only (no extension or external alterations) of a former retail unit/shop to a paid parent/guardian supervised indoor toddler play facility with movable age appropriate soft play equipment including mats, toys, books, blocks etc that are not fixed items, incidental parent seating, self-service tea/coffee making facility and the use for occasional parent-accompanied birthday gatherings is development and is it or is it not exempted development*

**AND WHEREAS** the said question was referred to Louth County Council by Vaibhan Chauhan (interested in leasing the property) who resides at Crainn Ard, The Rise, Mount Avenue, Dundalk, Co Louth,

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

(a) The definition of *"development"* in **Section 2** of the Planning & Development Act 2024
(b) Specifically, **Section 4** of the Planning & Development Act 2000 (as amended);
(c) **Article 6**, **9 and 10** of the Planning & Development Regulations 2001 (as amended);
(d) Exempted Development Part 4 Article 10 Schedule 2 – Classes of Use within particular reference to Class 1 and Class 2c of the Planning and Development Regulations 2001 (as amended)
(e) Louth County Development Plan 2021-2027 (As varied) and Dundalk Local Area Plan 2025-2031 (as amended)
(f) Google Streetview history of the site;
(g) Planning history associated with the site;
(h) Detail submitted with the application

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

(a) The proposed change from retail class 1 to that use described which has been considered to fall within class 2c constitutes **development** and the change of use between these two use classes is **not deemed exempted development**
(b) No external works to the building are proposed

**NOW THEREFORE** Louth County Council in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act 2000 (as amended), hereby decides that the proposed *change of use only (no extension or external alterations) of a former retail unit/shop to a paid parent/guardian supervised indoor toddler play facility with movable age appropriate soft play equipment including mats, toys, books, blocks etc that are not fixed items, incidental parent seating, self-service tea/coffee making facility and the use for occasional parent-accompanied birthday gatherings* at unit 15b Williamsons Mall, Dundalk, Co Louth is **development** and is **not exempted development.**

| | | |
|---|---|---|
| **Lisa Grant** | **David Hall** | **Turlough King** |
| **Assistant Planner** | **A/Senior Executive Planner** | **A/Senior Planner** |
| **Date: 22/10/2026** | **Date:23/10/2026** | **Date: 23/10/2026** |

**LOUTH COUNTY COUNCIL**

**CHIEF EXECUTIVE'S ORDER**

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

**Section 5 Exempted Development**

| | |
|---|---|
| **Chief Executive's Order No:** | 820/2026 |
| **Reference No:** | S5 2026/71 |
| **Date Application Received**: | 13/10/2026 |
| **Description of Development**: | Whether the change of use only (no extension or external alterations) of a former retail unit/shop to a paid parent/guardian supervised indoor toddler play facility with movable age appropriate soft play equipment including mats, toys, books, blocks etc that are not fixed items, incidental parent seating, self-service tea/coffee making facility and the use for occasional parent-accompanied birthday gatherings is development and is it or is it not exempted development. |
| **Name of Applicant**: | Vaibhav Chauhan |
| **Location of Development** | Unit 15B, Williamsons Mall, Dundalk, Co Louth |

**WHEREAS** a question has arisen pursuant to Section 5 of the Planning and Development Act 2000 (as amended) as to whether *the change of use only (no extension or external alterations) of a former retail unit/shop to a paid parent/guardian supervised indoor toddler play facility with movable age appropriate soft play equipment including mats, toys, books, blocks etc that are not fixed items, incidental parent seating, self-service tea/coffee making facility and the use for occasional parent-accompanied birthday gatherings is development and is it or is it not exempted development*

**AND WHEREAS** the said question was referred to Louth County Council by Vaibhan Chauhan (interested in leasing the property) who resides at Crainn Ard, The Rise, Mount Avenue, Dundalk, Co Louth,

**LCP Order No. 820/2026** **Reference No: S5 2026/71**

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

(a) The definition of *"development"* in **Section 2** of the Planning & Development Act 2024
(b) Specifically, **Section 4** of the Planning & Development Act 2000 (as amended);
(c) **Article 6**, **9 and 10** of the Planning & Development Regulations 2001 (as amended);
(d) Exempted Development Part 4 Article 10 Schedule 2 – Classes of Use within particular reference to Class 1 and Class 2c of the Planning and Development Regulations 2001 (as amended)
(e) Louth County Development Plan 2021-2027 (As varied) and Dundalk Local Area Plan 2025-2031 (as amended)
(f) Google Streetview history of the site;
(g) Planning history associated with the site;
(h) Detail submitted with the application

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

(a) The proposed change from retail class 1 to that use described which has been considered to fall within class 2c constitutes **development** and the change of use between these two use classes is **not deemed exempted development**
(b) No external works to the building are proposed

**NOW THEREFORE** Louth County Council in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act 2000 (as amended), hereby decides that the proposed *change of use only (no extension or external alterations) of a former retail unit/shop to a paid parent/guardian supervised indoor toddler play facility with movable age appropriate soft play equipment including mats, toys, books, blocks etc that are not fixed items, incidental parent seating, self-service tea/coffee making facility and the use for occasional parent-accompanied birthday gatherings* at unit 15b Williamsons Mall, Dundalk, Co Louth is **development** and is **not exempted development.**

**Signed: _____** **Date: 23/10/2026**
**Turlough King**
**A/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.

# LOUTH COUNTY COUNCIL

Vaibhav Chauhan
[redacted]

23rd October 2026

**Re: Ref. S5 2026/71**

**Application for Declaration of "Exempted Development" Part 1, Section 5 Planning & Development Act, 2000 (as amended) as to "Whether the change of use only (no extension or external alterations) of a former retail unit/shop to a paid parent/guardian supervised indoor toddler play facility with movable age appropriate soft play equipment including mats, toys, books, blocks etc that are not fixed items, incidental parent seating, self-service tea/coffee making facility and the use for occasional parent-accompanied birthday gatherings is development and is it or is it not exempted development. "**

Dear Sir/Madam,

I wish to acknowledge receipt of your application received on 13th 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 2000 (as amended) as to whether *the change of use only (no extension or external alterations) of a former retail unit/shop to a paid parent/guardian supervised indoor toddler play facility with movable age appropriate soft play equipment including mats, toys, books, blocks etc that are not fixed items, incidental parent seating, self-service tea/coffee making facility and the use for occasional parent-accompanied birthday gatherings is development and is it or is it not exempted development*

**AND WHEREAS** the said question was referred to Louth County Council by Vaibhan Chauhan (interested in leasing the property) who resides at Crainn Ard, The Rise, Mount Avenue, Dundalk, Co Louth,

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

(a) The definition of *"development"* in **Section 2** of the Planning & Development Act 2024
(b) Specifically, **Section 4** of the Planning & Development Act 2000 (as amended);
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(e) Louth County Development Plan 2021-2027 (As varied) and Dundalk Local Area Plan 2025-2031 (as amended)
(f) Google Streetview history of the site;
(g) Planning history associated with the site;
(h) Detail submitted with the application

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

(a) The proposed change from retail class 1 to that use described which has been considered to fall within class 2c constitutes **development** and the change of use between these two use classes is **not deemed exempted development**
(b) No external works to the building are proposed

**NOW THEREFORE** Louth County Council in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act 2000 (as amended), hereby decides that the proposed *change of use only (no extension or external alterations) of a former retail unit/shop to a paid parent/guardian supervised indoor toddler play facility with movable age appropriate soft play equipment including mats, toys, books, blocks etc that are not fixed items, incidental parent seating, self-service tea/coffee making facility and the use for occasional parent-accompanied birthday gatherings* at unit 15b Williamsons Mall, Dundalk, Co Louth is **development** and is **not exempted development.**

**In Summary**

**A Declaration of Exemption is hereby REFUSED for the works as detailed on the plans and particulars submitted on 13th October 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