



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:

Bar-One Racing Ltd. c/o Brian O'Hare

Phone Number: _____ E-Mail: _____

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

John Madden and Associates

Blackhall St., Mullingar, Co. Westmeath, N91 V32W

Phone Number: _____ E-Mail: info@johnmadden.ie

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

John Madden and Associates

Blackhall St., Mullingar, Co. Westmeath, N91 V32W

4. Interest in site of the person seeking declaration:

Owner

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

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

Unit 10 Greenacres Shopping Centre, Avenue Rd, Dundalk, Co. Louth, A91 X5KV

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

<https://irish.gridreferencefinder.com>

X = 705192 Y= 806369

A91 X5KV

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:

The use of premises for the purpose in connection with the carry out of a bookmakers/betting shop/turf accounting trading as Bar-One Racing Ltd.

The premises has been trading as a betting shop from this location for more than seven years. Having regard to Section 157(4)(a)(i) of the Planning and Development Act 2000, as amended, no warning letter or enforcement notice may be served and no proceedings for an offence under the Act may be commenced in respect of a development where no permission has been granted after the expiration of seven years from the date of commencement of the development.

The use of the premises as a betting shop commenced in 2006 and has continued at this location since that date.

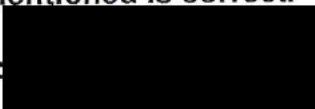
Accordingly, we request a declaration under Section 5 of the Planning and Development Act 2000, as amended, confirming that the continued use of the premises as a bookmaker's/betting shop/turf accountant is exempted development.

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

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

I certify that the aforementioned is correct.

Signature of Applicant:



Date

14.09.2026

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

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

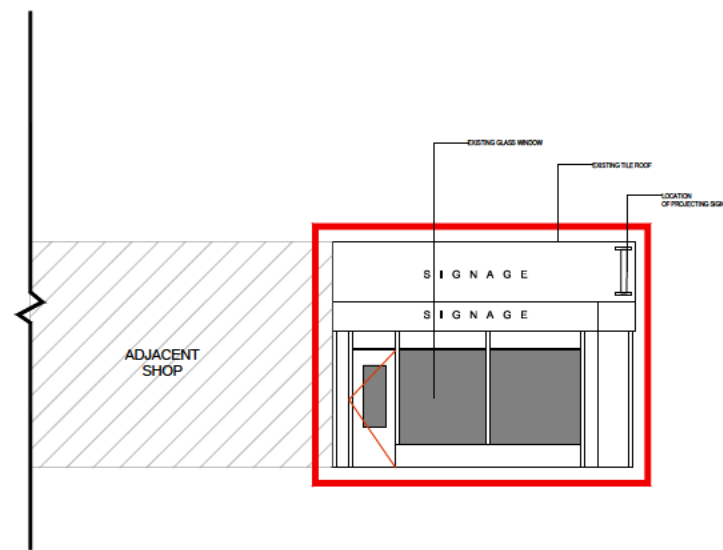
Completed Application Form & Fee of €80.00 may be sent to:

Planning Office, Louth County Council, Town Hall, Crowe Street,

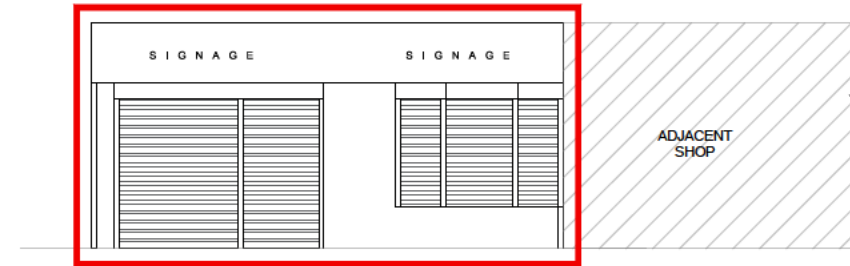
Dundalk, County Louth, A91W20C

OR

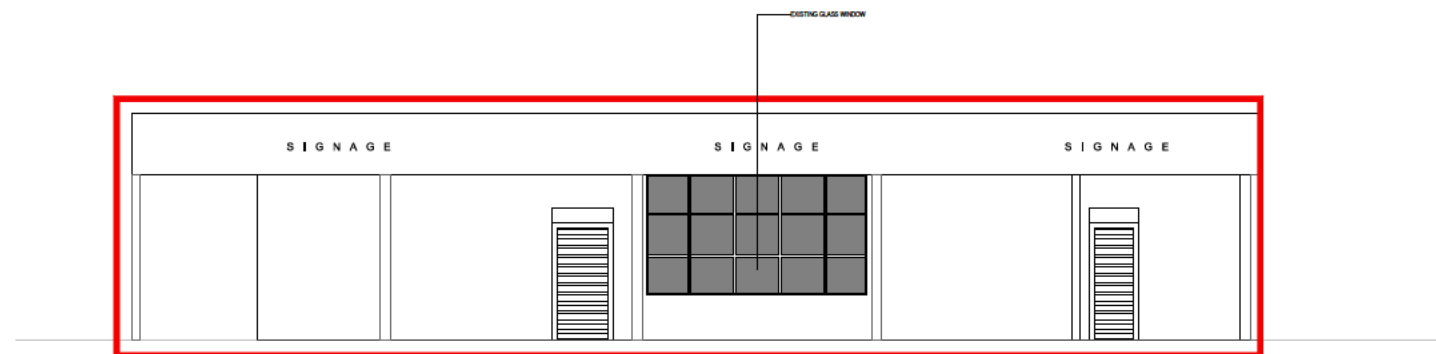
by email to planninggroup@louthcoco.ie with contact details to arrange payment of fee.



1 FRONT ELEVATION
FSC-002 SCALE 1:150



2 REAR ELEVATION
FSC-002 SCALE 1:150



3 RIGHT SIDE ELEVATION
FSC-002 SCALE 1:150

LEGEND:

FIRE SAFETY NOTES:

ALL COMPARTMENT WALLS TO BE CARRIED TO U/S OF ROOF STRUCTURE OR FLOORSLAB, AS APPROPRIATE AND BE FIRE STOPPED TO ACHIEVE 60 MINS FIRE PROTECTION

WHERE IT IS NOT PRACTICAL TO CARRY COMPARTMENT WALLS, AS STATED ABOVE-60MIN FIRE RATING TO BE PROVIDED TO CEILING IN APPROPRIATE COMPARTMENT-DETAILS OF THE ABOVE TO BE CONFIRMED BY SUPERVISING ENGINEER

WHERE GLAZED ELEMENTS OCCUR ON COMPARTMENT LINES-30MIN FIRE RATED FRAMING AND GLASS SHALL BE USED

WHERE GLAZED ELEMENTS OCCUR ON FIREWALL LINES-30MIN FIRE RATED FRAMING AND GLASS TO BE USED

WHERE IT IS PROPOSED TO USE STUDWORK ON FIREWALL / COMPARTMENT WALL LINES-IT MUST BE METAL FRAMED WITH APPROPRIATE AMOUNT OF FIRE RATED PLASTER ON EACH SIDE

Smoke Alarm Main operated smoke alarm interlinked 3218: 2024	(S)	3hr Maintained LED exit signs	
Alarm Sounder Grade B	(AS)	Fire Blanket	
Break glass Unit (Type M System)	BCU	CTU	
Fire Alarm Sounder (Strobe Unit)		ALARM PANEL	
Surface mounted 3HR non-maintenance LED emergency Lighting: anti-panic areas		Surface mounted 3HR non-maintenance LED emergency Lighting: bulk head	
Heat Detectors	(H)	IP65 Wall mounted 3hr sustained emergency light fitting	
Exit signage to be installed in compliance with S.I. No. 132 of 1995 and BS 5499: Part 5 2002			

Key

Fire fighters access point into the building

Floor Area Schedule (Existing Shop)

Total Floor Area: 175.10 sqm

Existing Ground Floor 175.10 sqm



John Madden & Associates

Blackhall Street, Mullingar, Co. Westmeath
Tel: 04493 44347
Fax: 04493 47869
Email: johnmadden@engineer.com
Website: johnmadden.ie



REGISTERED
ARCHITECT

2016
RIA



Client
Bar-One Racing Ltd c/o Brian O'Hare - Unit 10 Greenacres
Shopping Centre, Avenue Rd., Co. Louth, A91 X5KV

Project
Existing Betting Shop

Revision

Scale

1:150

Date

11.08.2026

Dwg By

Prince Gabriel Ullegue

Checked by

J.M. P.M. D.M.

Drawing Title

Existing Elevations

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DIMENSIONS
Figured dimensions only to be taken from this drawing.
All dimensions to be checked on site. Engineers, Architects to be informed immediately of any discrepancies before work proceeds.

Sheet Number

FSC - 002

Project No:

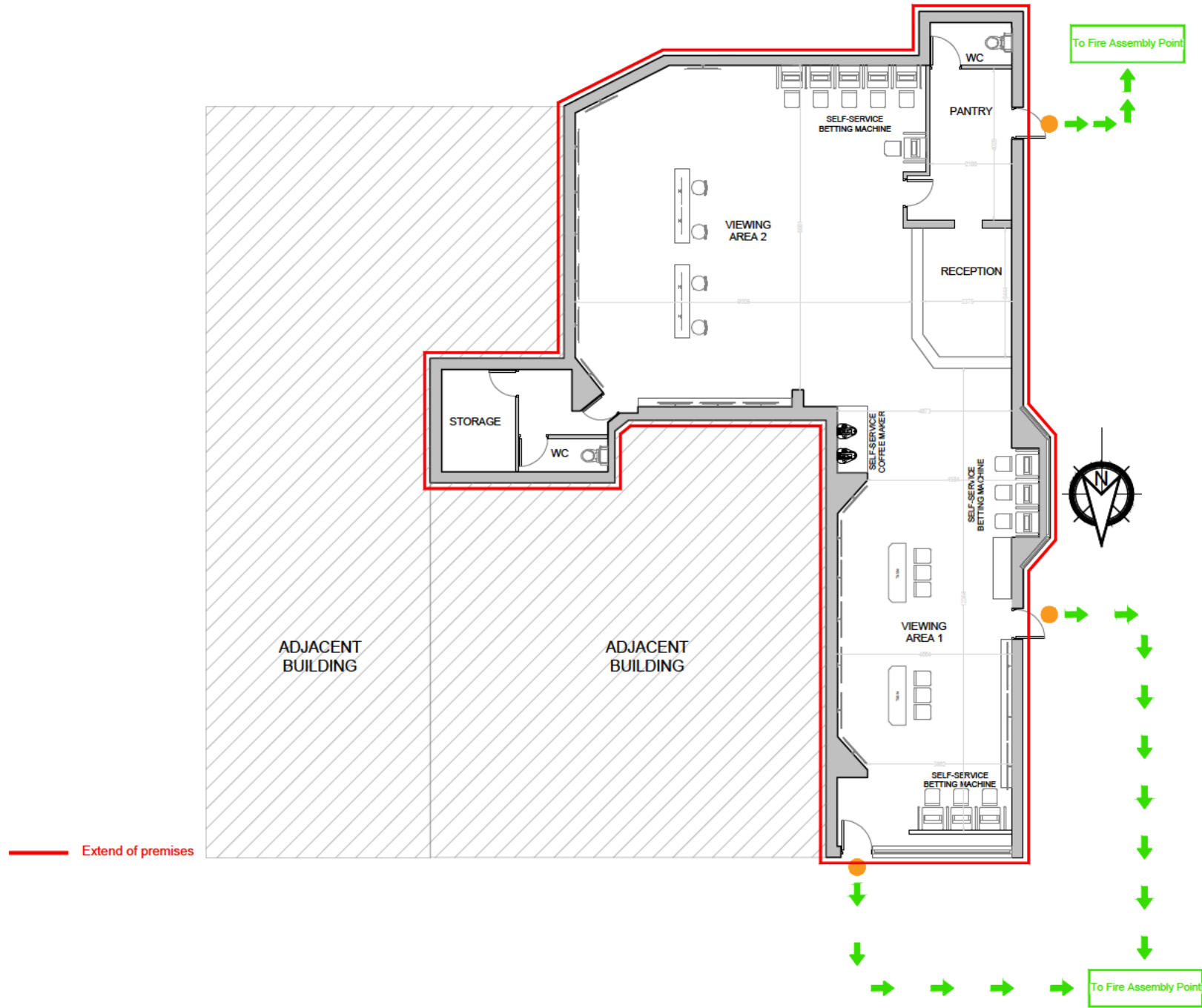
A91 X5KV

LEGEND:

FIRE SAFETY NOTES:	
ALL COMPARTMENT WALLS TO BE CARRIED TO U/S OF ROOF STRUCTURE OR FLOORSLAB, AS APPROPRIATE AND BE FIRE STOPPED TO ACHIEVE 60 MINS FIRE PROTECTION	
WHERE IT IS NOT PRACTICAL TO CARRY COMPARTMENT WALLS, AS STATED ABOVE-60MIN FIRE RATING TO BE PROVIDED TO CEILING IN APPROPRIATE COMPARTMENT-DETAILS OF THE ABOVE TO BE CONFIRMED BY SUPERVISING ENGINEER	
WHERE GLAZED ELEMENTS OCCUR ON COMPARTMENT LINES-30MIN FIRE RATED FRAMING AND GLASS SHALL BE USED	
WHERE GLAZED ELEMENTS OCCUR ON FIREWALL LINES-30MIN FIRE RATED FRAMING AND GLASS TO BE USED	
WHERE IT IS PROPOSED TO USE STUDWORK ON FIREWALL / COMPARTMENT WALL LINES-IT MUST BE METAL FRAMED WITH APPROPRIATE AMOUNT OF FIRE RATED PLASTER ON EACH SIDE	
Smoke Alarm Main operated smoke alarm interlinked 3218: 2024	(S) 3hr Maintained LED exit signs
Alarm Sounder Grade B	(AS) Fire Blanket
Break glass Unit (Type M System)	CTU ALARM PANEL ELECTRICAL PANEL BOARD
Fire Alarm Sounder (Strobe Unit)	A
Surface mounted 3HR non-maintenance LED emergency Lighting: anti-panic areas	C
Heat Detectors	(H) IP65 Wall mounted 3hr sustained emergency light fitting
Exit signage to be installed in compliance with S.I. No. 132 of 1995 and BS 5499: Part 5 2002	

Key

Fire fighters access point into the building

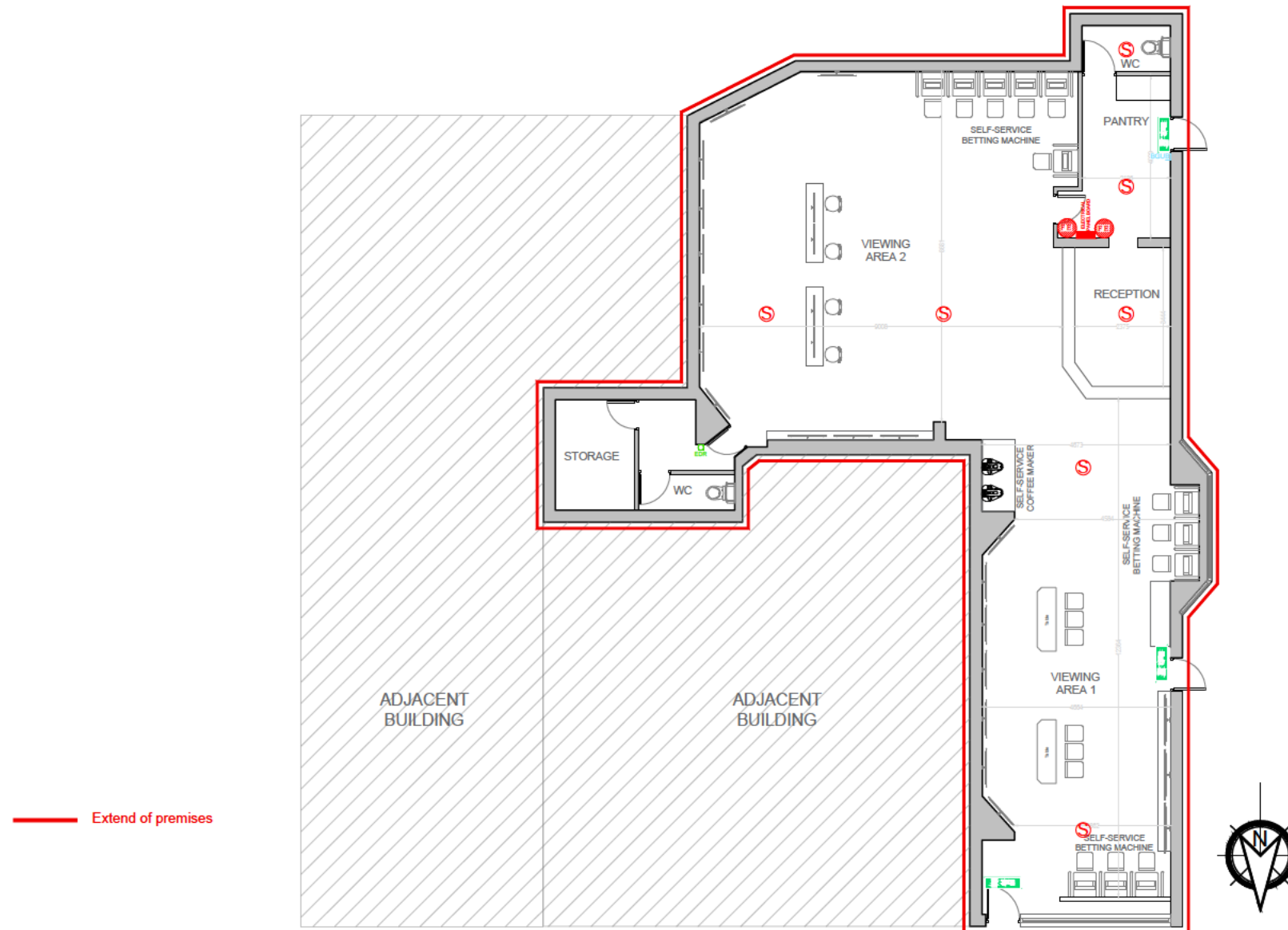


EGRESS
GROUND FLOOR PLAN
SCALE 1:150

Floor Area Schedule (Existing Shop)	
Total Floor Area:	175.10 sqm
Existing Ground Floor	175.10 sqm

<u>FIRE SAFETY NOTES:</u> ALL COMPARTMENT WALLS TO BE CARRIED TO U/S OF ROOF STRUCTURE OR FLOORSLAB, AS APPROPRIATE AND BE FIRE STOPPED TO ACHIEVE 60 MINS FIRE PROTECTION WHERE IT IS NOT PRACTICAL TO CARRY COMPARTMENT WALLS, AS STATED ABOVE-60MIN FIRE RATING TO BE PROVIDED TO CEILING IN APPROPRIATE COMPARTMENT-DETAILS OF THE ABOVE TO BE CONFIRMED BY SUPERVISING ENGINEER WHERE GLAZED ELEMENTS OCCUR ON COMPARTMENT LINES-30MIN FIRE RATED FRAMING AND GLASS SHALL BE USED WHERE GLAZED ELEMENTS OCCUR ON FIREWALL LINES-30MIN FIRE RATED FRAMING AND GLASS TO BE USED WHERE IT IS PROPOSED TO USE STUDWORK ON FIREWALL / COMPARTMENT WALL LINES-IT MUST BE METAL FRAMED WITH APPROPRIATE AMOUNT OF FIRE RATED PLASTER ON EACH SIDE	
Smoke Alarm Main operated smoke alarm interlinked 3218: 2024	3hr Maintained LED exit signs
Alarm Sounder Grade B	Fire Blanket
Break glass Unit (Type M System)	CTU ALARM PANEL ELECTRICAL PANEL BOARD
Fire Alarm Sounder (Strobe Unit)	
Surface mounted 3HR non-maintenance LED emergency Lighting: anti-panic areas	Surface mounted 3HR non-maintenance LED emergency Lighting: bulk head
Heat Detectors	IP65 Wall mounted 3hr sustained emergency light fitting
Exit signage to be installed in compliance with S.I. No. 132 of 1995 and BS 5499: Part 5 2002.	

 Fire fighters access point into the building



FIRE DETECTION AND ALARM SYSTEM
GROUND FLOOR PLAN

SCALE 1:150

Total Floor Area: 175.10 sqm

Existing Ground Floor 175.10 sqm

LEGEND:

- Building Boundary Line
- Fire Tenders Access Route
- Public house / Bar
- Nearby Public house / Bar
- Escape Route



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Website: johnmadden.ie



REGISTERED
ARCHITECT

2016

RIA



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IRELAND



SOCIETY OF
CHARTERED
SURVEYORS
IRELAND

Client
Bar-One Racing Ltd c/o Brian O'Hare - Unit 10 Greenacres
Shopping Centre, Avenue Rd., Co. Louth, A91 X5KV

Project
Existing Betting Shop

Revision

Scale

1:500

Date

11.08.2026

Dwg By

Prince Gabriel Ullegue

Checked by

J.M. P.M. D.M.

Drawing Title

Site Layout Map

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DIMENSIONS
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discrepancies before work proceeds.

Sheet Number

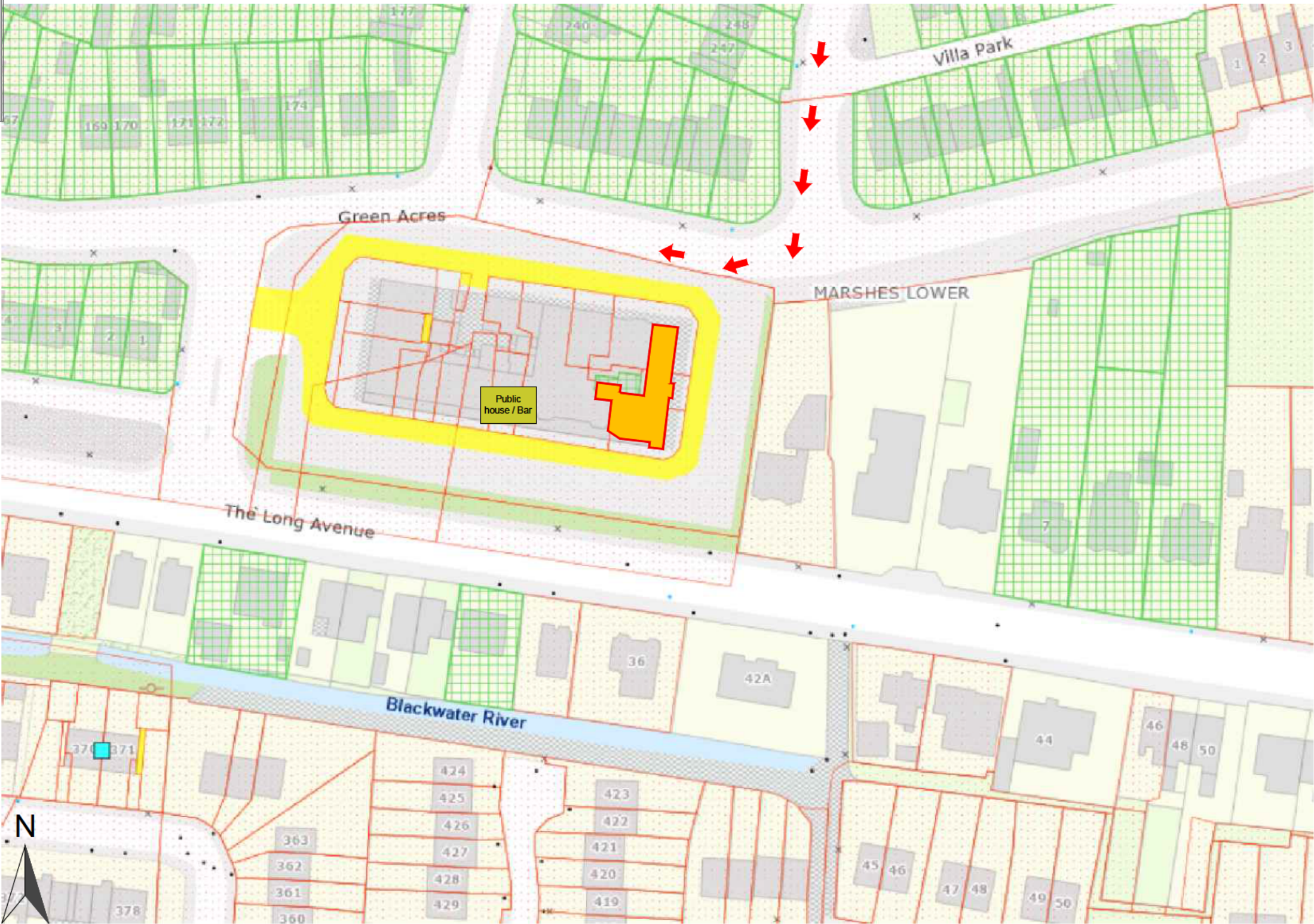
FSC - 003

Project No:

A91 X5KV

LEGEND:

- Building Boundary Line
- Fire Tenders Access Route
- Public house / Bar
- Nearby Public house / Bar



0 10 20 30 40 Metres
0 20 40 60 80 100 Feet
OUTPUT SCALE: 1:1,000



John Madden & Associates

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Website: johnmadden.ie



REGISTERED ARCHITECT

2016

RIA



Client
Bar-One Racing Ltd c/o Brian O'Hare - Unit 10 Greenacres
Shopping Centre, Avenue Rd., Co. Louth, A91 X5KV

Project
Existing Betting Shop

Revision

Scale

1:1000

Date

11.08.2026

Dwg By

Prince Gabriel Ullegue

Checked by

J.M. P.M. D.M.

Drawing Title

Site Location Map

Comment

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DIMENSIONS

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Sheet Number

FSC - 004

Project No:

A91 X5KV

Unit 10, Greenacres Shopping Centre, Avenue Rd., Dundalk, Co. Louth, A91 X5KV

Onsite photographic evidence:



Unit 10, Greenacres Shopping Centre, Avenue Rd., Dundalk, Co. Louth, A91 X5KV



Unit 10, Greenacres Shopping Centre, Avenue Rd., Dundalk, Co. Louth, A91 X5KV



Unit 10, Greenacres Shopping Centre, Avenue Rd., Dundalk, Co. Louth, A91 X5KV



Unit 10, Greenacres Shopping Centre, Avenue Rd., Dundalk, Co. Louth, A91 X5KV



Unit 10, Greenacres Shopping Centre, Avenue Rd., Dundalk, Co. Louth, A91 X5KV



Unit 10, Greenacres Shopping Centre, Avenue Rd., Dundalk, Co. Louth, A91 X5KV



Louth County Council
Section 5 Declaration

Planning Ref:	S5 2026/64
Applicant's Name:	Bar-One Racing Ltd, c/o Brian O'Hare
Type of Application:	Section 5 Declaration
Development:	The use of the premises for the purpose in connection with a bookmakers / betting shop / turf accounting, trading as Bar-One Racing Ltd.
Site Location:	Unit 10 Greenacres Shopping Centre, Avenue Road, Dundalk, Co. Louth, A91 X5KV
Site Inspection:	25 th September 2026
Report Date:	6 th October 2026
Decision Due Date:	18 th October 2026

1.0 SITE LOCATION AND DESCRIPTION



Fig. 1: Site Location (Google Maps)

The site is located within the urban settlement limits of Dundalk, approximately 400m south-east from the town centre. The site boundary relates to an established unit within a larger retail centre, set within a primarily residential area. This area is zoned as '*B2 Neighbourhood Centre*' within the Louth County Development Plan 2021-2027 (as varied.)

The subject building is located in an end / corner position within the wider retail unit and adjoins a pharmacy to the west and the associated car park to the east, south (front) and north (rear.)



Fig.2: Existing building (taken 25/09/2026.)

2.0 PLANNING HISTORY

a) Relevant planning records:

File ref. 02/520271: Alterations and extension to bar-one racing bookmakers office which will include the change of use of video shop and part change of use of taxi/hackney office to the rear of the existing premises – PERMISSION GRANTED 14/11/2002.

File ref. 98/520135: Retention of Chang of Use from hairdresser to cab office – PERMISSION REFUSED 31/07/1998.

File ref. 96/520129: Retention of change of shop to hackney cab office – PERMISSION GRANTED 09/08/1996.

File ref. 55/523632: Retention of betting office and construction of side entrance – PERMISSION GRANTED 18/12/1981

File ref. 55/52437: Change of market leaders existing shop into 4 separate shop units – PERMISSION GRANTED 10/04/1981.

b) Enforcement Records:

None.

3.0 DECLARATION SOUGHT

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

"The use of premises for the purpose in connection with the carry out of a bookmakers / betting shop / turf accounting trading as Bar-One Racing Ltd.

The premises has been trading as a betting shop from this location for more than seven years. Having regard to Section 157(4)(a) of the Planning and Development Act 2000, as amended, no warning letter or enforcement notice may be served and no proceedings for an offence under the Act may be commenced in respect of a development where no permission has been granted after the expiration of seven years from the date of commencement of the development.

The use of the premises as a betting shop commenced in 2006 and has continued at this location since that date.

Accordingly, we request a declaration under Section 5 of the Planning and Development Act 2000, as amended, confirming that the continued use of the premises as a bookmaker's / betting shop / turf accountant is exempted development."

The Planning Authority will, in having regard to the above, rephrase the question for determination as follows:

"Whether the continued use of the premises at Unit 10 Greenacres Shopping Centre, Avenue Road, Dundalk, Co. Louth, A91 X5KV as a bookmaker's / betting shop / turf accountant trading as Bar-One Racing Ltd, is or is not, exempted development."

The applicant has submitted the following details and particulars:

- Section 5 Declaration Application Form.
- Site Location Map (Drawing No. FSC-004.)
- Site Layout Map (Drawing No FSC-003.)
- Existing Floor Plans – Egress (Drawing No. FSC-001a.)
- Existing Floor Plans (Drawing No. FSC-001b)
- Existing Elevations (Drawing No. FSC-002.)
- Internal & external site photographs

4.0 EIA SCREENING AND DETERMINATION

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

Based on information provided and having considered the nature, size and location of the 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.

5.0 APPROPRIATE ASSESSMENT

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

6.0 LEGISLATIVE CONTEXT

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

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

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

- (a) Sections 1 to 5;*
- (b) Part 26*

The Planning and Development Act 2024

Section 2 states:

“development” means—

- (a) the carrying out of works—*
 - (i) on, in, over or under land, or*
 - (ii) on, in, over or under the maritime area,*

or

- (b) the making of a material change in the use of—*
 - (i) land or any structure on land, or*
 - (ii) the sea, seabed or any structure, in the maritime area,**and includes the reclamation of land in the nearshore area;*

“exempted development” means—

- (a) development of a class prescribed under section 9 , or*
- (b) development that is exempted development by virtue of section 152;*

“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) 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 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.*

The Planning and Development Act, 2000 (as amended)

Section 4(1): Provides a list of statutory exempted development, including:

Section 4(1)(h) which states: *“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 5 states:

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

Section 32:

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

Section 177U(9) states:

“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.”

The Planning and Development Regulations 2001, (as amended)

Part 2, Article 9 (1): Restrictions on Exempted Development:

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.”

Part 2, 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.”*

Part 4:

Sets out *Exempted Development – Classes of Use.*

7.0 ASSESSMENT

Does the subject works constitute development?

In having regard to the definition of ‘development’ within Section 2 of the Planning and Development Act 2024, as outlined above, and to the planning permission details granted by virtue of permission reference 02/520271, the use of the existing premises for the purpose in connection with a bookmakers / betting shop / turf accounting, trading as Bar-One Racing Ltd has resulted in a partial change of use from a taxi / hackney business (sui generis use) to the provision of other services (Class 2c) and as such, constitutes a material change of use of a structure on land, which constitutes ‘**development**,’ as defined in Section 2 of the Planning and Development Act, 2024.

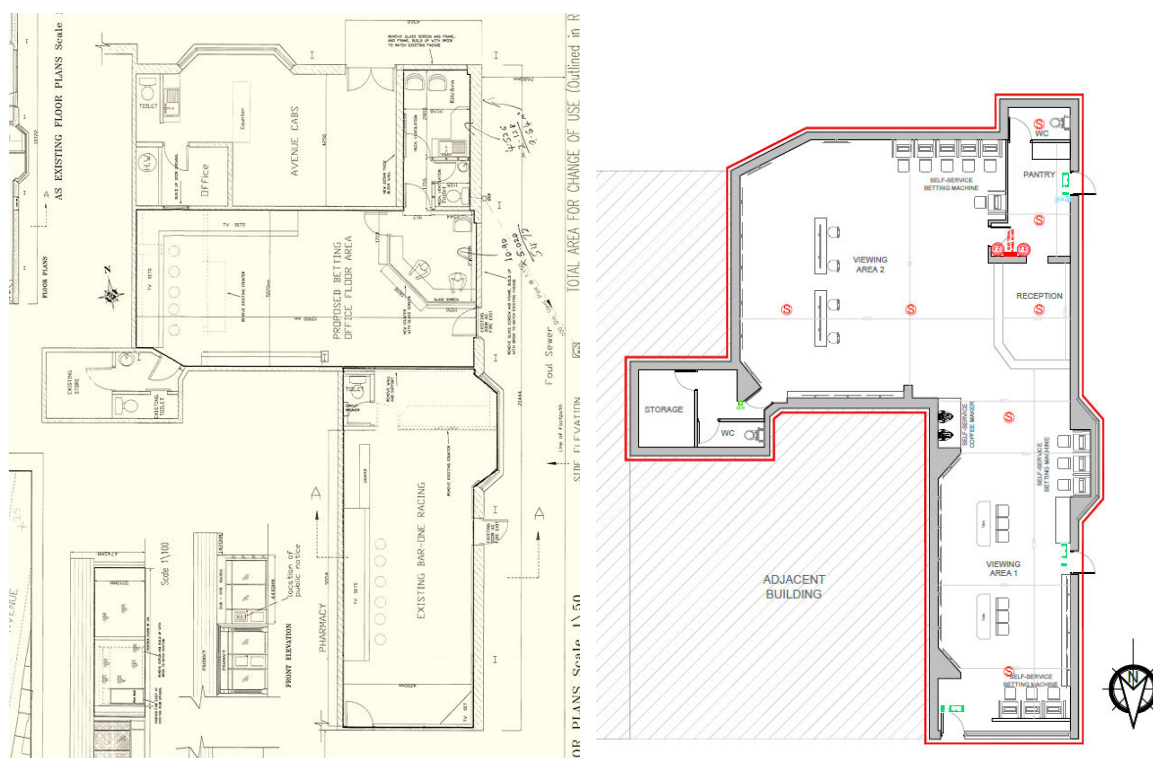


Fig3 (L): Extract from 'Plans and Sections Elevations' Drawing of permission ref. 02/520271
Fig.4 (R) Extract from Drawing No. FSC-001b (Existing Floor Plans)

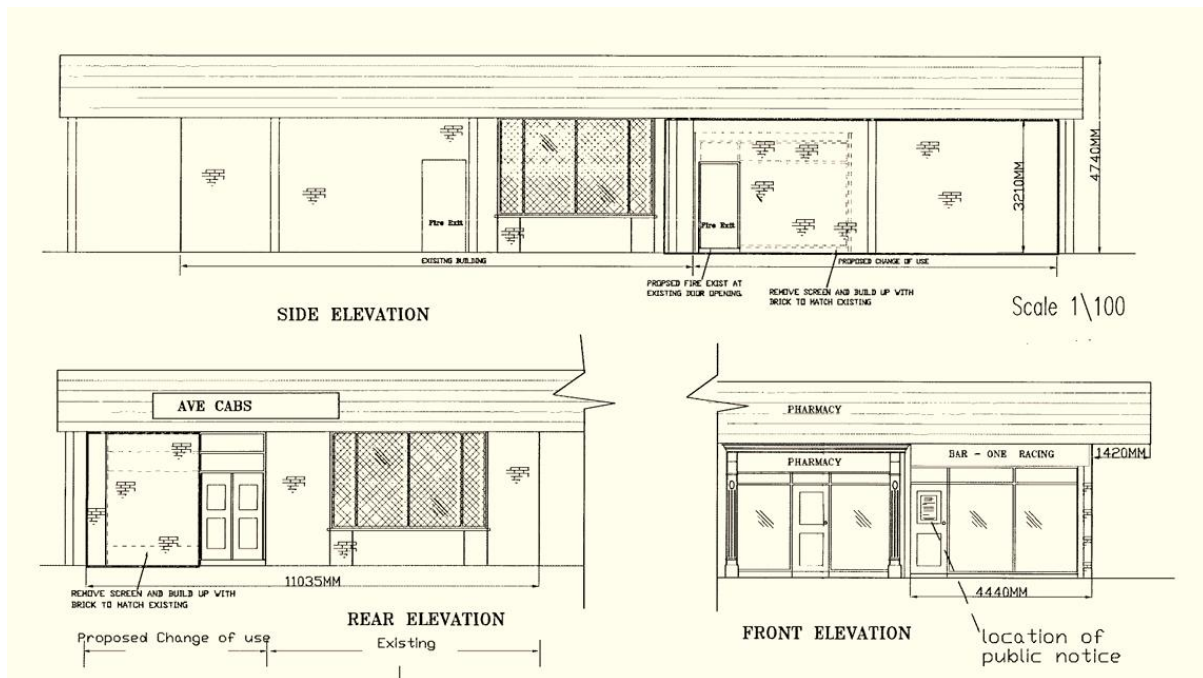


Fig.5: Extract from 'Plans and Sections Elevations' Drawing of permission ref. 02/520271

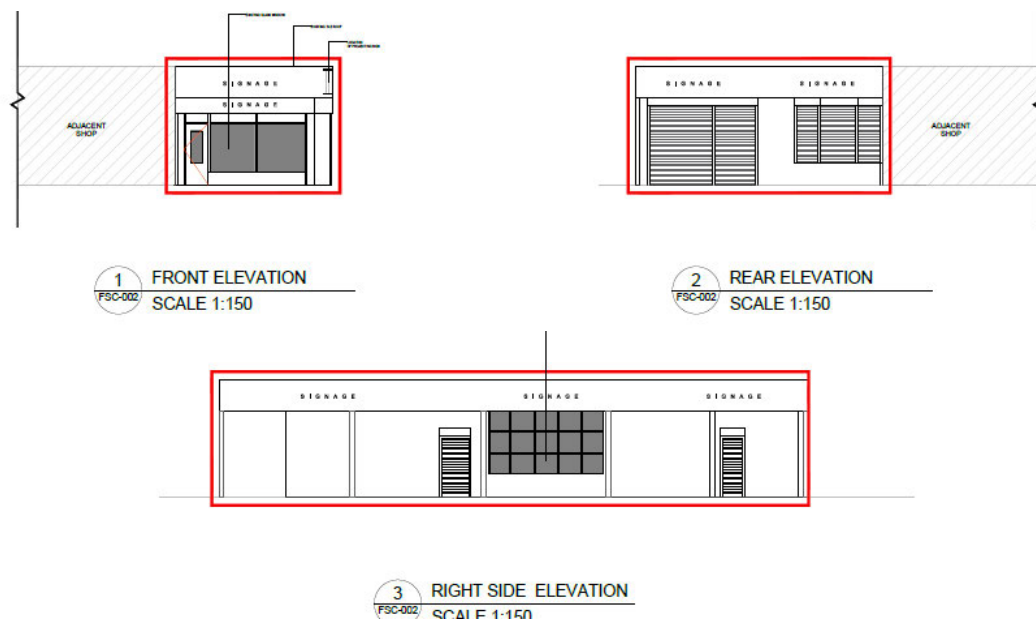


Fig.6: Extract from Drawing No. FSC-002 (Existing Elevations)

Do the works constitute exempt development?

The subject development does not fall within the exemptions pertaining to changes of use, as listed under Article 10 of the Planning and Development Regulations, 2001 (as amended) and as such, does not benefit from Articles 9, 10 or Class 14 of Schedule 2. Accordingly, it is considered that the existing development **does not therefore, constitute exempted development.**

Furthermore, in reviewing the particulars provided in relation to the previous permission records (permission ref.02/520271,) and having inspected the site, the submitted particulars (including existing floor plan in respect of the rear / northern

elevation) do not appear to accurately reflect the existing detailing of the property in situ. In addition, the existing development appears to have involved internal reconfigurations to facilitate the change of use within the former 'Avenue Cabs' area to the rear, with these associated works not referenced within this declaration. Additional signage has also been added to the building beyond the former permission, including along the entire length of the eastern (side elevation.)

These would be matters for regularisation (if applicable) in any future application for retention permission.

8.0 CONCLUSION

In having regard to the foregoing and to the relevant provisions of the Planning and Development Act, 2024, The Planning and Development Act, 2000, (as amended), and The Planning and Development Regulations, 2001 (as amended,)

the continued use of the premises at Unit 10 Greenacres Shopping Centre, Avenue Road, Dundalk, Co. Louth, A91 X5KV as a bookmaker's / betting shop / turf accountant trading as Bar-One Racing Ltd,

is **development that is not exempted development.**

9.0 RECOMMENDATION:

Accordingly, I recommend 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 whether the continued use of the premises at Unit 10 Greenacres Shopping Centre, Avenue Road, Dundalk, Co. Louth, A91 X5KV as a bookmaker's / betting shop / turf accountant trading as Bar-One Racing Ltd, is or is not, exempted development

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 (as amended).
- (b) Section 4 of the Planning and Development Act 2000 (as amended.)
- (c) Articles 9 and 10 of the Planning and Development Regulations 2001 (as amended.)
- (d) The plans and particulars submitted to the Planning Authority on 21st September 2026,
- (e) The Planning history pertaining to the site,
- (f) The existing development observed on site.

AND WHEREAS Louth County Council has concluded: -

- (a) The continued use of the premises at Unit 10 Greenacres Shopping Centre, Avenue Road, Dundalk, Co. Louth, A91 X5KV as a bookmaker's / betting

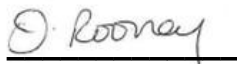
shop / turf accountant trading as Bar-One Racing Ltd, **constitutes development** and is **not exempted development**,

- (b) The existing material change of use appears to involve internal alterations and additional signage to the exterior of the subject structure which are not included in this declaration and which may also constitute development.

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

the continued use of the premises at Unit 10 Greenacres Shopping Centre, Avenue Road, Dundalk, Co. Louth, A91 X5KV as a bookmaker's / betting shop / turf accountant trading as Bar-One Racing Ltd,

is development and **is not exempted development**.



Orla Rooney
Assistant Planner
Date: 06/10/2026



Turlough King
A/Senior Planner
Date: 12/10/2026

LOUTH COUNTY COUNCIL

CHIEF EXECUTIVE'S ORDER

PLANNING & DEVELOPMENT ACT 2000 (as amended)

Section 5 Exempted Development

Chief Executive's Order No:	772E/2026
Reference No:	S5 2026/64
Date Application Received:	21/09/2026
Description of Development:	Whether the continued use of the premises at Unit 10 Greenacres Shopping Centre, Avenue Road, Dundalk, Co. Louth, A91 X5KV as a bookmaker's / betting shop / turf accountant trading as Bar-One Racing Ltd, is or is not, exempted development.
Name of Applicant:	Bar-One Racing Ltd
Location of Development	Unit 10 Greenacres Shopping Centre, Avenue Road, Dundalk, Co. Louth, A91 X5KV

WHEREAS a question has arisen pursuant to Section 5 of the Planning and Development Act 2000 whether the continued use of the premises at Unit 10 Greenacres Shopping Centre, Avenue Road, Dundalk, Co. Louth, A91 X5KV as a bookmaker's / betting shop / turf accountant trading as Bar-One Racing Ltd, is or is not, exempted development

AND WHEREAS the said question was referred to Louth County Council by Bar-One Racing

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 (as amended).
- (b) Section 4 of the Planning and Development Act 2000 (as amended.)
- (c) Articles 9 and 10 of the Planning and Development Regulations 2001 (as amended.)
- (d) The plans and particulars submitted to the Planning Authority on 21st September 2026,
- (e) The Planning history pertaining to the site,
- (f) The existing development observed on site.

AND WHEREAS Louth County Council has concluded: -

- (a) The continued use of the premises at Unit 10 Greenacres Shopping Centre, Avenue Road, Dundalk, Co. Louth, A91 X5KV as a bookmaker's / betting shop / turf accountant trading as Bar-One Racing Ltd, **constitutes development** and is **not exempted development**,
- (b) The existing material change of use appears to involve internal alterations and additional signage to the exterior of the subject structure which are not included in this declaration and which may also constitute development.

NOW THEREFORE Louth County Council in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act 2000 (as amended), hereby decides that the continued use of the premises at Unit 10 Greenacres Shopping Centre, Avenue Road, Dundalk, Co. Louth, A91 X5KV as a bookmaker's / betting shop / turf accountant trading as Bar-One Racing Ltd, **is development** and **is not exempted development**.



Signed: _____
Turlough King
A/Senior Planner

Date: 12/10/2026

To whom this function has been delegated in accordance with the provisions of Section 154 of the Local Government Act, 2001 by Order No. CE.S 380/26 dated 31st day of July 2026.



Comhairle Contae Lú
Louth County Council

Bar-One Racing Ltd
c/o John Madden & Associates
Blackhall Street
Mullingar
Co Westmeath
N91 V32W

7th October 2026

Re: Ref. S5 2026/64

Application for Declaration of "Exempted Development" Part 1, Section 5 Planning & Development Act, 2000 (as amended) as to "Whether the continued use of the premises at Unit 10 Greenacres Shopping Centre, Avenue Road, Dundalk, Co. Louth, A91 X5KV as a bookmaker's / betting shop / turf accountant trading as Bar-One Racing Ltd, is or is not, exempted development"

Dear Sir/Madam,

I wish to acknowledge receipt of your application received on 21st September 2026 in relation to the above. Having assessed all information and enclosures received with the application, the Planning Authority wishes to advise as follows: -

WHEREAS a question has arisen pursuant to Section 5 of the Planning and Development Act 2000 whether the continued use of the premises at Unit 10 Greenacres Shopping Centre, Avenue Road, Dundalk, Co. Louth, A91 X5KV as a bookmaker's / betting shop / turf accountant trading as Bar-One Racing Ltd, is or is not, exempted development

AND WHEREAS the said question was referred to Louth County Council by Bar-One Racing

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

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

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Cuirfear fáilte roimh chomhfhreagras Gaeilge - Correspondence in Irish is welcome
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 consideration of this question has had regard particularly to:

- (a) The definition of “development” in Section 2 of the Planning & Development Act 2024 (as amended).
- (b) Section 4 of the Planning and Development Act 2000 (as amended.)
- (c) Articles 9 and 10 of the Planning and Development Regulations 2001 (as amended.)
- (d) The plans and particulars submitted to the Planning Authority on 21st September 2026,
- (e) The Planning history pertaining to the site,
- (f) The existing development observed on site.

AND WHEREAS Louth County Council has concluded: -

- (a) The continued use of the premises at Unit 10 Greenacres Shopping Centre, Avenue Road, Dundalk, Co. Louth, A91 X5KV as a bookmaker’s / betting shop / turf accountant trading as Bar-One Racing Ltd, **constitutes development** and is **not exempted development**,
- (b) The existing material change of use appears to involve internal alterations and additional signage to the exterior of the subject structure which are not included in this declaration and which may also constitute development.

NOW THEREFORE Louth County Council in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act 2000 (as amended), hereby decides that the continued use of the premises at Unit 10 Greenacres Shopping Centre, Avenue Road, Dundalk, Co. Louth, A91 X5KV as a bookmaker’s / betting shop / turf accountant trading as Bar-One Racing Ltd, **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 21st September 2026.

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

Yours faithfully,

Brian Duffy

Brian Duffy
Planning Section