Planning Department
Louth County Council
Town Hall
Crowe Street
Dundalk
Co. Louth

22nd September 20126

RE: Application for Section 5 Declaration in relation to proposed agricultural shed at Droomgoolestown, Stabannan, Castlebellingham, Co. Louth.

Dear Sir/Madam,

Please find attached an application for a section 5 declaration of exempted development on behalf of Patrick Byrne, as detailed above. The following schedule details the Documents and Drawings attached:

1. Completed Application Form
2. Application Fee – €80
3. Drawing No. 384-02-001 – Site Location Map
4. Drawing No. 384-02-002 – Proposed Site Layout Plan
5. Drawing No. 384-02-003 – Proposed Agricultural Shed – Floor Plan, Section & Elevations

Background of the application.

Our client, Patrick Byrne is the owner and occupier of lands at Droomgoolestown, Stabannan, Castlebellingham, Co. Louth. Where he resides with his family and operates an agricultural holding. The subject lands comprise the applicant's residential property and associated agricultural fields. The proposed development consists of the construction of a 299.77 Sqm agricultural shed together with associated works. The purpose of the proposed shed is to provide additional and appropriate storage to support the agricultural activities.

Under Schedule 2, Part 3, Class 9 of Planning and Development Regulations 2001, as amended. The following shall be exempted development for the purpose of this act.

CLASS 9

Works consisting of the provision of any store, barn, shed, glass-house or other structure, not being of a type specified in class 6, 7 or 8 of this Part of this Schedule, and having a gross floor space not exceeding 300 square metres.

We believe that the proposed works are exempted from the need for planning permission as they are entirely covered by Class 9 of the 2nd Schedule, Part 3 Exempted Development – Rural. of the Planning and Development Regulations 2001, as amended.

Yours Faithfully,



Jhonathan Rodrigues

Architectural Technologist

Brady Hughes Consulting

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:**
   Patrick Byrne

   Dromgoolestown, Stabannan, Castlebellingham, Co. Louth

   Phone Number: [redacted]

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

   Brady Hughes Consulting
   26A Magdalene Street, Drogheda, Co. Louth A92 W720

   Phone Number: 041 9839379 E-Mail: info@bradyhughes.com

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

   26A Magdalene Street, Drogheda, Co. Louth A92 W720

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**
   Dromgoolestown, Stabannan, Castlebellingham, Co. Louth

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

   703106.9172 / 792080.7151

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 construction of a 299.77 Sqm agricultural shed together with associated works at Dromgoolestown, Stabannan, Castlebellingham, Co. Louth development and is it or is it not exempted development.

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

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

   N/A

I certify that the aforementioned is correct.

Signature of Applicant: [redacted] **Date** [redacted]

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.

ITM COORDINATES:
703237.5988
792534.7071

FF

CF

CF

N

MAP SHEETS
1:2500
1952
ORDNANCE SURVEY IRELAND
LICENCE NO. CYAL50542001
ORDNANCE SURVEY IRELAND /
GOVERNMENT OF IRELAND

SITE BOUNDARY
0.10 Hec. / 1044.4 Sqm

LAND OWNERSHIP

SECTION 5 DECLARATION

NOTES:

1. FIGURED DIMENSIONS ONLY TO BE TAKEN FROM THIS DRAWING

2. ALL DRAWINGS TO BE CHECKED BY THE CONTRACTOR ON SITE

3. ENGINEER TO BE INFORMED BY THE CONTRACTOR OF ANY DISCREPANCIES BEFORE ANY WORK COMMENCES

Suffix	Revision	Date	Inl

Brady Hughes
CONSULTING
26 Magdalene Street, Drogheda, Co. Louth
Tel. +353 (0) 41-9839379 (91), Fax. +353 (0) 41-9839422
e-mail: info@bradyhughes.com www.bradyhughes.com

PROJECT:
PROPOSED AGRICULTURAL SHED AT DROMGOOLESTOWN, STABANNAN, CASTLEBELLINGHAM, CO. LOUTH.

TITLE:
SITE LOCATION MAP

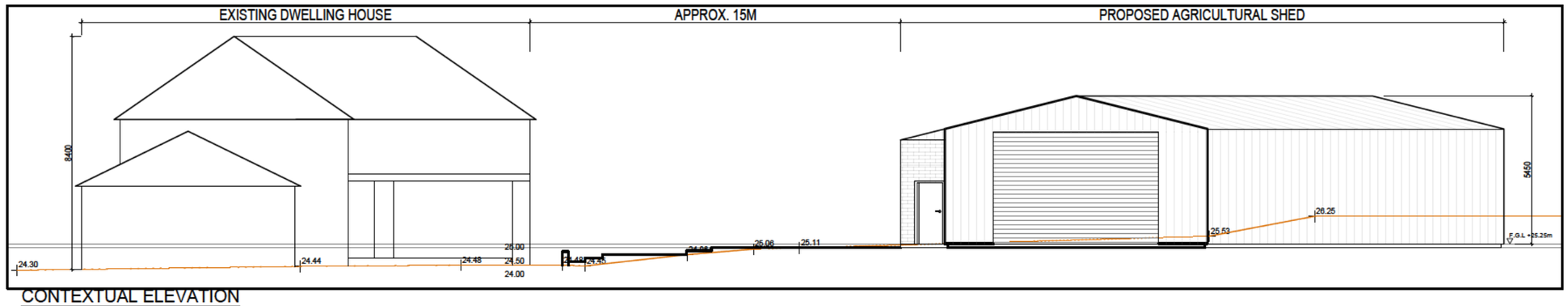
CLIENT:
PATRICK BYRNE

Drawn by:	Scales:	Date:
JR	**AS SHOWN@A2**	**22/09/2026**

Drawing No.	Rev. No.
384-02-001	

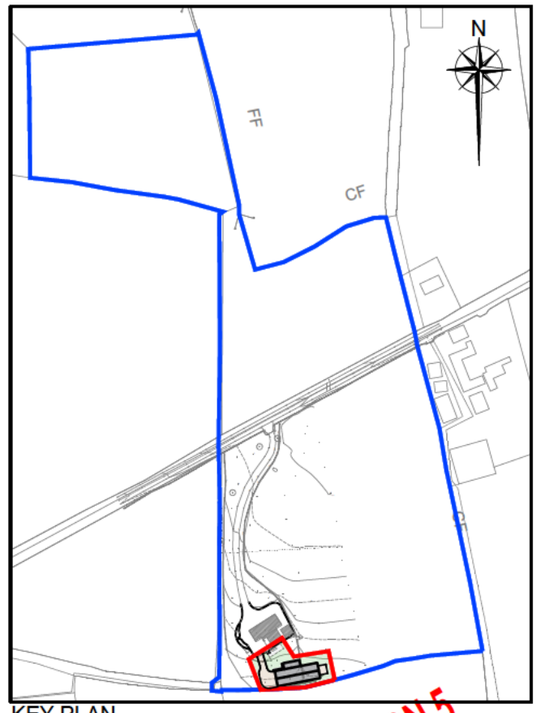
ITM COORDINATES:
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792016.4080

SITE LOCATION MAP
SCALE 1:1000



CONTEXTUAL ELEVATION

SCALE NTS



KEY PLAN

SCALE NTS

SECTION 5 DECLARATION

EXISTING HARDSTAND AREA

EXISTING DWELLING APPROVED UNDER PLANNING REF: 95480

EXISTING SHED

EXISTING EXTENSION APPROVED UNDER PLANNING REF: 08628

EXISTING LAWN

EXISTING AGRICULTURAL FIELD

EXISTING STEPS TO BE MAINTAINED

PROPOSED VEHICLE ENTRANCE

PROPOSED HEDGEROW

PROPOSED MACHINERY ENTRANCE

PROPOSED FIELD GATE

PROPOSED AGRICULTURAL SHED F.F.L 25.25

OIC SEPTIC TANK

STAIRS

SUMP

ON TANK

BUILDING

SHED

PROPOSED SITE LAYOUT

SCALE 1:250

NOTES:

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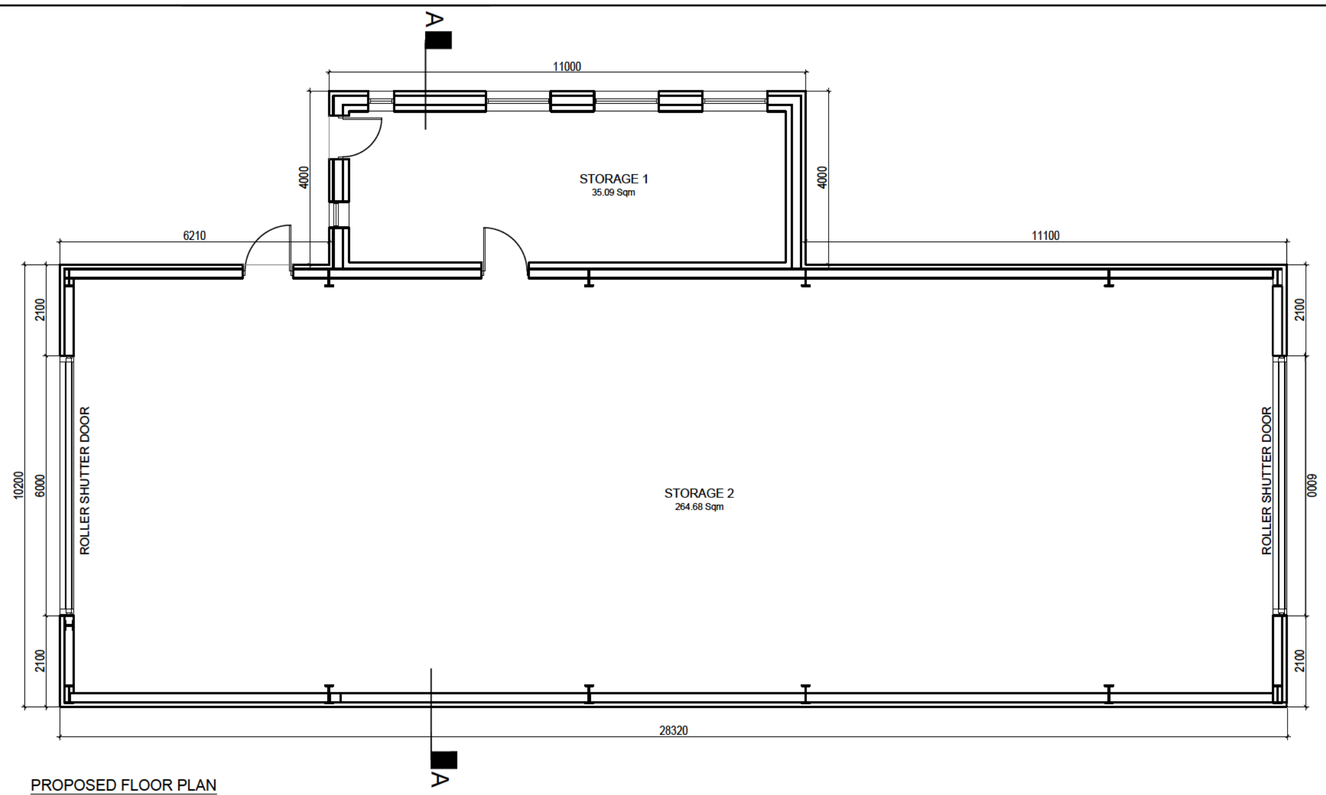
PROJECT:
PROPOSED AGRICULTURAL SHED AT DROMGOOLESTOWN, STABANNAN, CASTLEBELLINGHAM, CO. LOUTH.

TITLE:
PROPOSED SITE LAYOUT PLAN

CLIENT:
PATRICK BYRNE

Drawn by:	Scales:	Date:
JR	AS SHOWN@A3	22/09/2026

Drawing No.	Rev. No.
384-02-002	



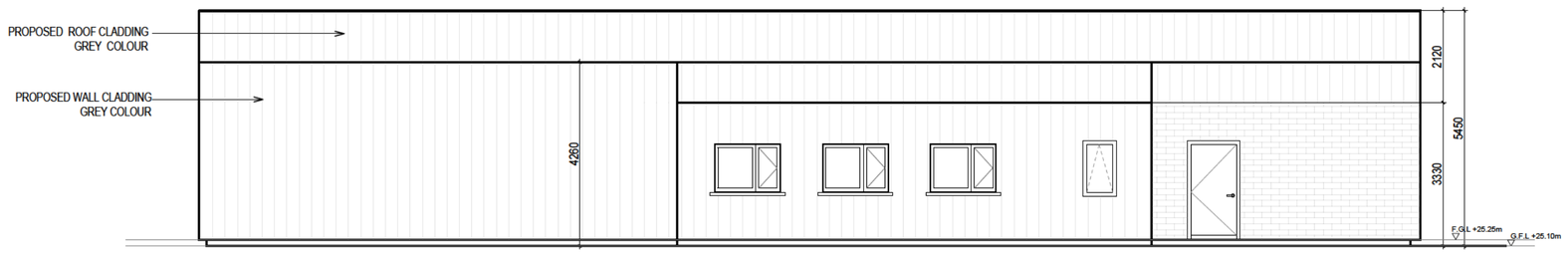
PROPOSED FLOOR PLAN

TOTAL AREA: 299.77 Sqm
SCALE 1:100



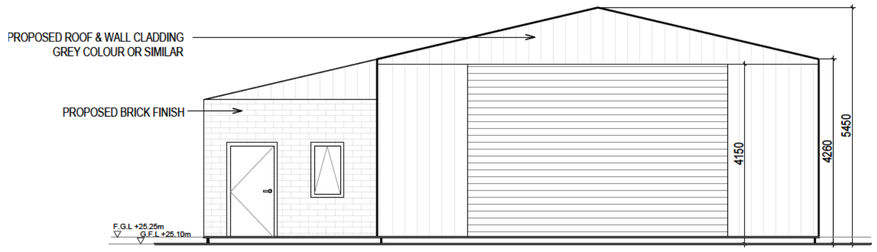
SOUTH-EAST ELEVATION

SCALE 1:100



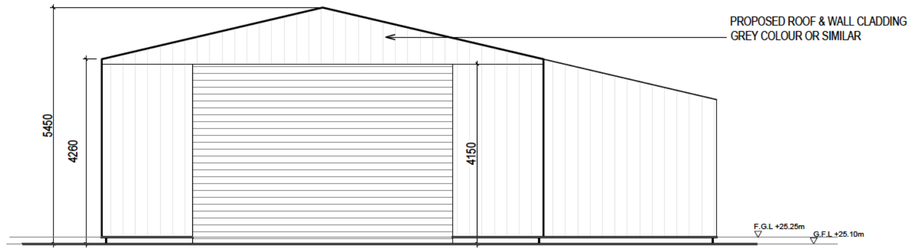
NORTH-WEST ELEVATION

SCALE 1:100



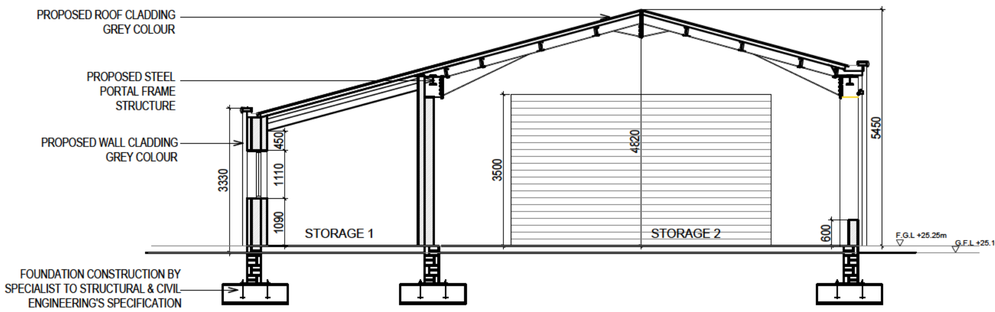
SOUTH-WEST ELEVATION

SCALE 1:100



NORTH-EAST ELEVATION

SCALE 1:100



SECTION AA

SCALE 1:100



KEY PLAN

SCALE: NTS

SECTION 5 DECLARATION

NOTES:

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e-mail: info@bradyhughes.com www.bradyhughes.com

PROJECT:
PROPOSED AGRICULTURAL SHED AT DROMGOOLESTOWN, STABANNAN, CASTLEBELLINGHAM, CO. LOUTH.

TITLE:
PROPOSED AGRICULTURAL SHED FLOOR PLAN, SECTION & ELEVATIONS

CLIENT:
PATRICK BYRNE

Drawn by:	Scales:	Date:
JR	AS SHOWN@A2	22/09/2026
Drawing No.		Rev. No.
384-02-003		

Louth County Council

Section 5 Declaration

Planning Ref:	S5 2026/67
Applicant's Name:	Patrick Byrne
Type of Application:	Section 5 Declaration
Development:	Proposed Agricultural storage shed.
Site Location:	Dromgoolestown, Stabannan, Castlebellingham, Co. Louth
Due Date:	22nd October 2026
Report Date:	15th October 2026

1.0 SITE LOCATION & DESCRIPTION:

The subject site is located approximately 280m north-east of Stabannon, in the rural locality of Dromgoolestown, with this area falling within Rural Policy Zone 2.

The application site is partially located to the of an existing dwelling house and partially with any agricultural field.

2.0 Relevant Planning History

None

3.0 QUESTION FOR DETERMINATION:

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

Is the construction of a 299.77 Sqm agricultural shed together with associated works at Dromgoolestown, Stabannan, Castlebellingham, Co. Louth development and is it or is it not exempted development?

The covering letter outlines that the purpose of the proposed shed is to *provide additional and appropriate storage to support the agricultural activities*.

While the accompanying Declaration Form states the proposed shed will be 299.77sq.m the gross floor area measures 302.18m2.

4.0 EIA Screening and Determination

Council Directive 85/337/EEC (as amended) on the assessment of the effects of certain public and private projects on the environment ('the EIA Directive') is designed to ensure that projects likely to have significant effects on the

environmental are subject to a comprehensive assessment of their environmental effects prior to development consent being given. The latest amendments to the EIA Directive are provided under Directive 2014/52/EU and Circular letter PL 1/2017.

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

5.0 Appropriate Assessment

Article 6(3) of Council Directive 92/43/EEC (as amended) on the conservation of natural habitats and of wild fauna and flora ('the Habitats Directive') requires that any plan or project that is not directly connected with or necessary to the management of the Natura 2000 site concerned but is likely to have a significant effect on it, on its own or in combination with other plans and projects, is to be authorised only if it will not adversely affect the integrity of that site.

The applicant has not submitted an AA Screening Report in respect of the possible impacts ecological impacts of the proposal on the nearest Natura site(s).

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

The nearest designated European Sites are Stabannan-Braganstown SPA c. 1.5km away and Dundalk Bay SAC and Dundalk Bay SPA which are c.7km away. There are no known streams or rivers close by and the proposed development is not considered to be hydrologically connected to any of the designated Natura 2000 sites.

On the basis that the building is of standard construction and given the nature and scale of the proposed development, I am satisfied that it would not have an impact on any European site by reason of noise, emissions, lighting and human activity/disturbance and / or groundwater contamination.

Therefore, it is reasonable to conclude that on the basis of the information on the file, which I consider adequate in the order to issue a screening determination, that the proposed development, either individually or in combination with other plans or projects would not be likely to have a significant effect on any European Sites, in view of the site's conservation objectives and as such, a stage 2 AA is not required.

6.0 LEGISLATIVE CONTEXT:

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;

“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 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:

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.

The Planning and Development Regulations 2001, (as amended)

Part 1 Article 3 (3) states

"gross floor space" means the area ascertained by the internal measurement of the floor space on each floor of a building (including internal walls and partitions), disregarding any floor space provided for the parking of vehicles by persons occupying or using the building or buildings where such floor space is incidental to the primary purpose of the building

Part 2, Article 6 (1) states:

(1) Subject to article 9, development of a class specified in column 1 of Part 1 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations

specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1

Article 9:
Article 9(1) sets out the restrictions on exemption and the instances whereby development to which article 6 relates shall not be exempted development for the purposes of the Act

Class 8 of Part 3, Schedule 2 provides an exemption for:
"Works consisting of the provision of roofless cubicles, open loose yards, self-feed silo or silage areas, feeding aprons, assembly yards, milking parlours or structures for the making or storage of silage or any other structures of a similar character or description, having an aggregate gross floor space not exceeding 200 square metres, and any ancillary provision for effluent storage."

Class 9 of Part 3, Schedule 2 provides an exemption for:
Agricultural Structures
"Works consisting of the provision of any store, barn, shed, glass-house or other structure, not being of a type specified in class 6, 7 or 8 of this Part of this Schedule, and having a gross floor space not exceeding 300 square metres".
This exemption is subject to 6 no. conditions and limitations, as set out in column2.

Class 11 of Part 3, Schedule 2 provides an exemption for:
Land Reclamation
Development consisting of the carrying out, on land which is used only for the purpose of agriculture or forestry, of any of the following works—

(a) field drainage,
(b) land reclamation,
(c) the removal of fences,
(d) the improvement of existing fences,
(e) the improvement of hill grazing, or
(f) the reclamation of estuarine marsh land or of callows, where the preservation of such land or callows is not an objective of a development plan for the area.

7.0 ASSESSMENT

Do the works constitute *'development?'*
It is proposed to construct a 302m² agricultural shed comprising concrete block walls with sloping roof (approximately 5 metres at its highest) of corrugated sheeting, at lands at Dromgoolestown, Stabannan, Castlebellingham, Co. Louth.

I consider that the above proposal fall within the statutory interpretation of '***works'*** and therefore within the definition of 'development' within Section 2 of the Planning and Development Act, 2024.

Do the works constitute 'exempted development?'

The proposal comprises a 302m² agricultural shed for the purpose of the proposed shed is to provide additional and appropriate storage to support the agricultural activities. As there is ambiguity regard the gross floor space further information will be sought in this regard.

Proposed Agricultural Dry Storage Building:

Class 9: Agricultural Structures
"Works consisting of the provision of any store, barn, shed, glass-house or other structure, not being of a type specified in class 6, 7 or 8 of this Part of this Schedule, and having a gross floor space not exceeding 300 square metres".

This class is subject to the following conditions and limitations:

1. No such structure shall be used for any purpose other than the purpose of agriculture or forestry but excluding the housing of animals or the storing of effluent.

It is unclear whether the proposed building would not contravene this condition or not. Therefor further information will be sought in this regard

2. The gross floor space of such structure together with any other such structures situated within the same farmyard complex or within 100 metres of that complex shall not exceed 900 square metres gross floor space in aggregate.

The applicant indicates that they own only the subject field, and has not indicated that there is any other existing buildings

3. No such structure shall be situated within 10 metres of any public road.

The proposed building is not located within 10m of any public road.

4. No such structure within 100 metres of any public road shall exceed 8 metres in height.

The proposed building is not within 100m of a public road, nevertheless the building has a maximum height of 5.45m and so, does not contravene the above condition.

5. No such structure shall be situated within 100 metres of any house (other than the house of the person providing the structure) or other residential building or school, hospital, church or building used for public assembly, save with the consent in writing of the owner and as may be appropriate, the occupier or person in charge thereof.

The proposed building has been positioned to ensure there is in excess of 100m separation distance to the existing dwelling to the north-west.

6. No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.

The proposed roof comprises corrugated sheeting to the roof.

As outlined above, it is unclear whether the size of the building and the use contravene conditions and limitations within column 2 of Class 9 of Part 2, Schedule 2 of the Planning and Development Regulations 2001 (as amended). Therefore further information will be sought.

Restrictions on Exempted Development

In having regard to the restrictions on exempted development within Article 9(1) of the Regulations, the following comments are noted:

Article 9(1)(a):
(i) The proposed development would not contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act.

(ii) The proposed development would not 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) The existing development would not endanger public safety by reason of traffic hazard or obstruction of road users. Following the receipt of further information I can be determine whether the use of the existing access is a significant intensification.

(iiia) The proposed development would not endanger public safety by reason of hazardous glint and/or glare for the operation of airports, aerodromes or aircraft,

(iv) The proposed development would not, 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) The proposed development would not 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) The proposed development would not 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) The proposed development would not consist of or comprise the excavation, alteration or demolition (other than peat extraction) of places, caves, sites, features or other objects of archaeological, geological, historical, scientific or ecological interest, the preservation, conservation or protection 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 local area plan, or the making of a new development plan or local area plan, in the draft variation of the development plan or the local area plan or the draft development plan or draft local area plan,

(viiA) The proposed development would not consist of or comprise the excavation, alteration or demolition of any archaeological monument included in the Record of Monuments and Places, 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) The proposed development would not comprise development in relation to which a planning authority or An Bord (now Coimisiún) Pleanála is the competent authority in relation to appropriate assessment, and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site,

(viii) The proposed development would not 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,

(viiC) The proposed development would not 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) the proposed development would not 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) The proposed development would not 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) The proposed development would not obstruct any public right of way,

(xii) further to the provisions of section 82 of the Act, the proposed development would not 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.

9.0 CONCLUSION:

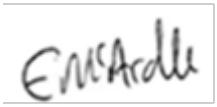
Having regard to the information submitted, the Planning Authority is not satisfied that the applicant has demonstrated that the proposed agricultural storage building complies with the conditions and limitations of Class 9 of Part 3, Schedule 2 of the Planning and Development Regulations 2001 (as amended). In particular, clarification is required regarding the gross floor area of the structure and its intended use. Further information is therefore required to enable a full assessment of the proposal and to determine whether planning permission is required.

10.0 RECOMMENDATION:

It is recommended that the following further information is sought:

1. The submitted plans indicate that the proposed agricultural storage building has a floor area of approximately 302m². As Class 9 exempted development is limited to structures not exceeding 300m² gross floor space, the applicant is requested to confirm the gross floor area of the proposed building, provide details of its calculation, and demonstrate compliance with the relevant floor area limitations of Class 9.

2. The applicant is requested to provide a detailed description of the intended use of the building, including the nature of the materials, machinery, produce or equipment to be stored therein, and to confirm that the structure will be used solely for agricultural purposes and will not be used for the housing of animals or the storage of effluent. This information is required to assess compliance with Conditions and Limitations of Class 9.





Eamonn McArdle	**David Hall**
Executive Planner	**A/Senior Executive Planner**
Date: 15/10/2026	**Date: 16/10/2026**

LOUTH COUNTY COUNCIL

Patrick Byrne
c/o Brady Hughes Consulting
26A Magdalene Street
Drogheda
Co. Louth
A92 W720

Planning Section
Town Hall
Crowe Street
Dundalk
Co. Louth
Tel: 042-9335457

Date: 16th October 2026

SECTION 5 FURTHER INFORMATION REQUEST

Re: Application for Declaration of "Exempted Development" Part 1 Section 5, Planning & Development Act 2000 (as amended):- "Is the construction of a 299.77 Sqm agricultural shed together with associated works at Dromgoolestown, Stabannan, Castlebellingham, Co. Louth development and is it or is it not exempted development?"

APPLICANT – Patrick Byrne

REF. NO. S5 2026/67

Dear Sir/Madam,

Further to your application received on 25th September 2026 the Planning Authority will not be in a position to determine whether the works constitute Exempted Development until such time as the following further information is submitted: -

1. The submitted plans indicate that the proposed agricultural storage building has a floor area of approximately 302m². As Class 9 exempted development is limited to structures not exceeding 300m² gross floor space, the applicant is requested to confirm the gross floor area of the proposed building, provide details of its calculation, and demonstrate compliance with the relevant floor area limitations of Class 9.

2. The applicant is requested to provide a detailed description of the intended use of the building, including the nature of the materials, machinery, produce or equipment to be stored therein, and to confirm that the structure will be used

solely for agricultural purposes and will not be used for the housing of animals or the storage of effluent. This information is required to assess compliance with Conditions and Limitations of Class 9.

This matter is being dealt with by **Eamonn McArdle, Executive Planner, Louth County Council** who can be contacted on 042-9335457.

Yours faithfully,

Maedbh O'Connor

Maedbh O'Connor
Planning Section

Planning Department
Louth County Council
Town Hall
Crowe Street
Dundalk
Co. Louth

20th October 2026

Re: Section 5 – Further Information Submission

Application for Declaration of "Exempted Development" Part 1 Section 5, Planning & Development Act 2000 (as amended):- "Is the construction of a 299.77 Sqm agricultural shed together with associated works at Dromgoolestown, Stabannan, Castlebellingham, Co. Louth development and is it or is it not exempted development?".

Applicant: Patrick Byrne

Dear Sir/Madam,

With reference to the above, and further to your request for further information dated the 16th October 2026, please note our responses to the items requested set out below.

Items & Responses

Item 1 – Building Gross Floor Area

> 1. The submitted plans indicate that the proposed agricultural storage building has a floor area of approximately 302m². As Class 9 exempted development is limited to structures not exceeding 300m² gross floor space, the applicant is requested to confirm the gross floor area of the proposed building, provide details of its calculation, and demonstrate compliance with the relevant floor area limitations of Class 9.

Response

1. We have reviewed the drawings and we can confirm that the total gross floor area for the proposed storage building is 299.77m² calculated as follows:
    - **Storage 1:** 35.09 m²
    - **Storage 2:** 260.94 m²

- **Total gross floor area:** 299.77 m²

Please refer to Drawing No. FI 384-02-003 – Proposed Agricultural Shed – Floor Plan, Section & Elevations and Drawing No. FI 384-02-002 Proposed Site Layout Plan for further details.

Item 2 – Intended Use of the Building

2. The applicant is requested to provide a detailed description of the intended use of the building, including the nature of the materials, machinery, produce or equipment to be stored therein, and to confirm that the structure will be used

Cuirfear fáilte roimh chomhfhreagras Gaeilge – Correspondence in Irish is welcome

solely for agricultural purposes and will not be used for the housing of animals or the storage of effluent. This information is required to assess compliance with Conditions and Limitations of Class 9.

Response

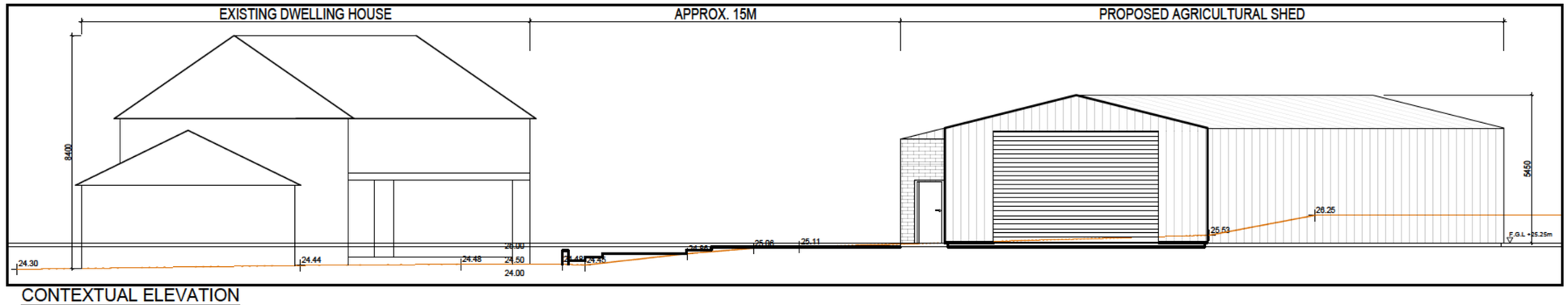
2. We can confirm that the proposed building will be used solely for agricultural purposes and will not be used for the housing of animals or storage of effluents.
   The proposed building will be a dry store for agricultural machinery and tools associated with the farming of the applicants' land holding.

I trust that the foregoing is to your satisfaction and look forward to hearing from you in due course.

Yours Faithfully,

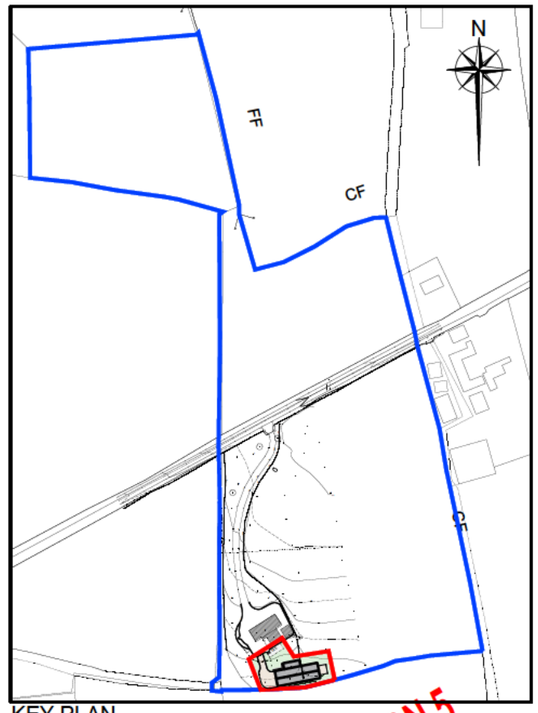
[redacted]

Jhonathan Rodrigues
Architectural Technologist
Brady Hughes Consulting



CONTEXTUAL ELEVATION

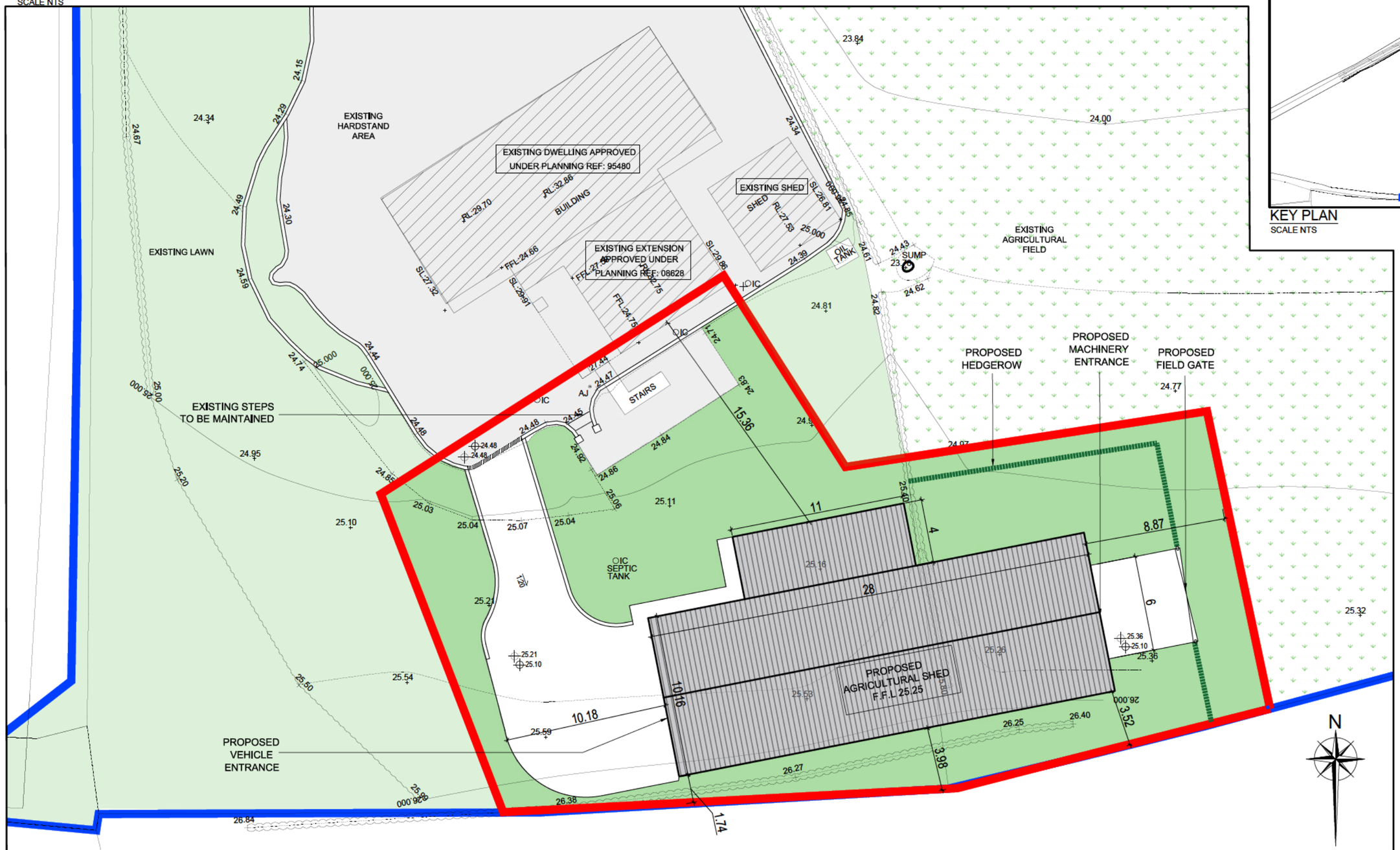
SCALE NTS



KEY PLAN

SCALE NTS

SECTION 5 DECLARATION



PROPOSED SITE LAYOUT

SCALE 1:250

NOTES:

1. FIGURED DIMENSIONS ONLY TO BE TAKEN FROM THIS DRAWING
2. ALL DRAWINGS TO BE CHECKED BY THE CONTRACTOR ON SITE
3. ENGINEER TO BE INFORMED BY THE CONTRACTOR OF ANY DISCREPANCIES BEFORE ANY WORK COMMENCES

Suffix	Revision	Date	Inl

Brady Hughes
CONSULTING
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Tel. +353 (0) 41-9839379 (91), Fax. +353 (0) 41-9839422
e-mail: info@bradyhughes.com www.bradyhughes.com

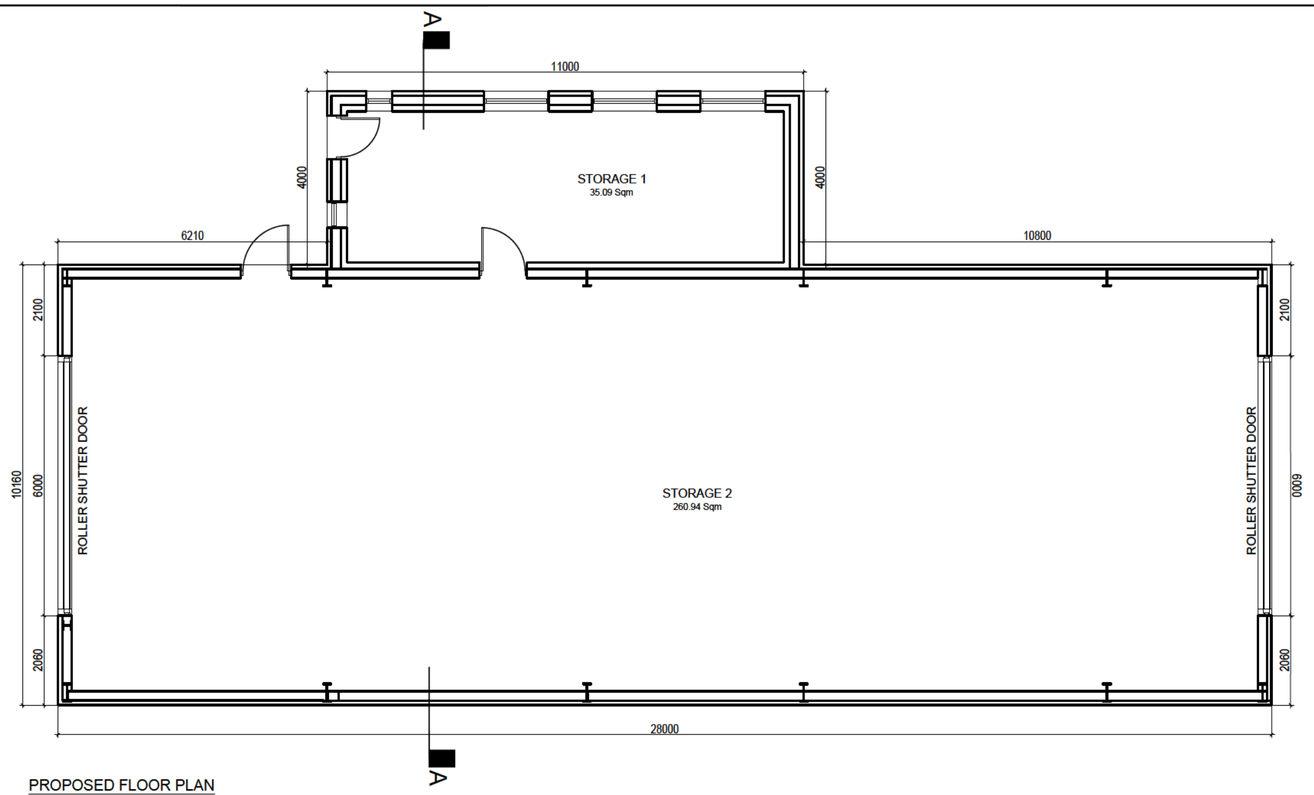
PROJECT:
PROPOSED AGRICULTURAL SHED AT DROMGOOLESTOWN, STABANNAN, CASTLEBELLINGHAM, CO. LOUTH.

TITLE:
PROPOSED SITE LAYOUT PLAN

CLIENT:
PATRICK BYRNE

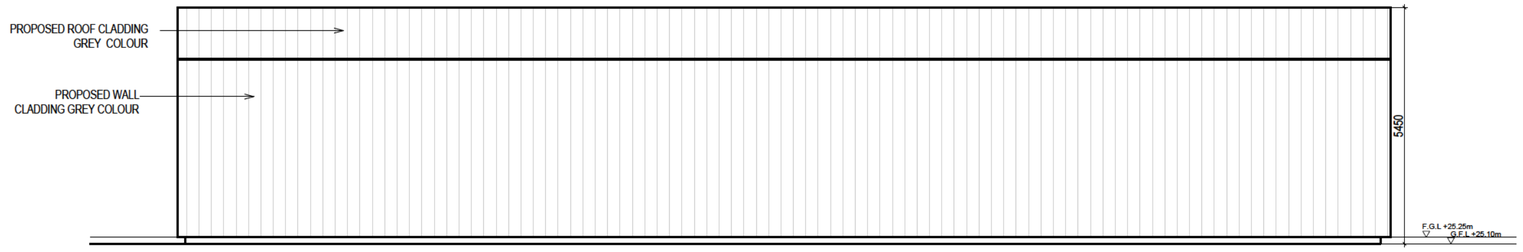
Drawn by:	Scales:	Date:
JR	AS SHOWN@A3	20/10/2026

Drawing No.	Rev. No.
FI 384-02-002	



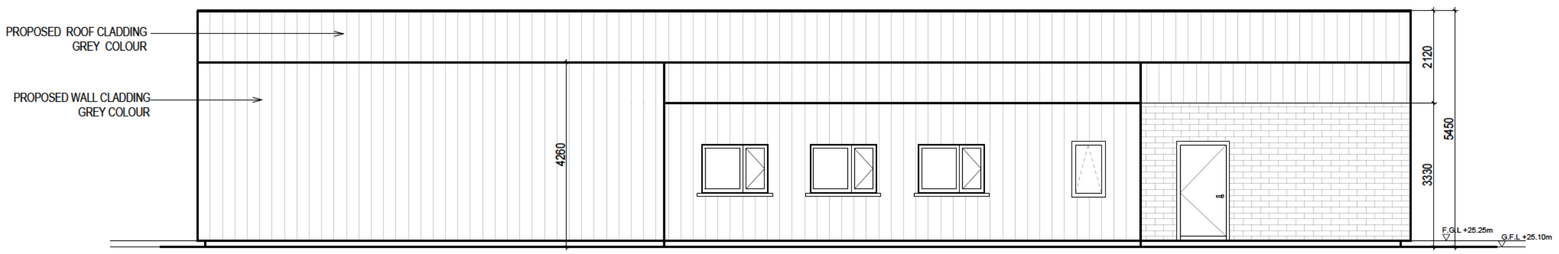
PROPOSED FLOOR PLAN

TOTAL AREA: 299.77 Sqm
SCALE 1:100



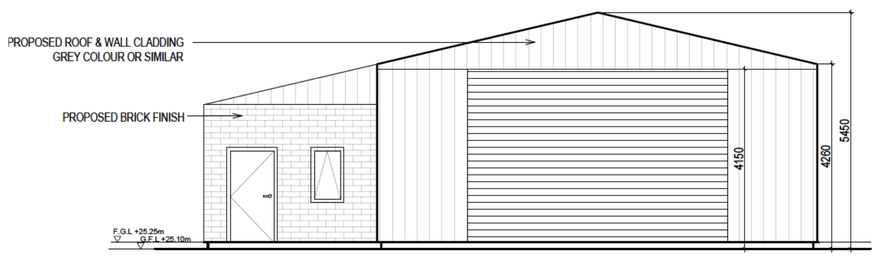
SOUTH-EAST ELEVATION

SCALE 1:100



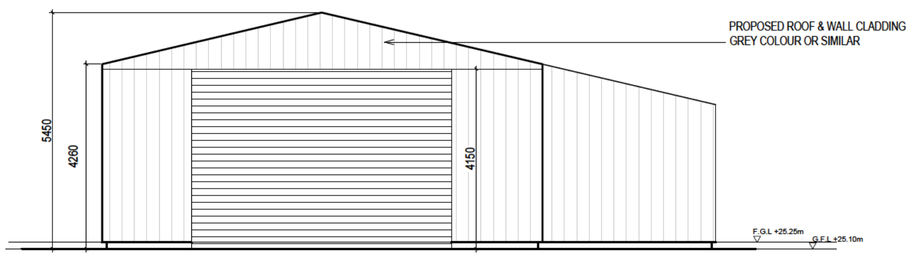
NORTH-WEST ELEVATION

SCALE 1:100



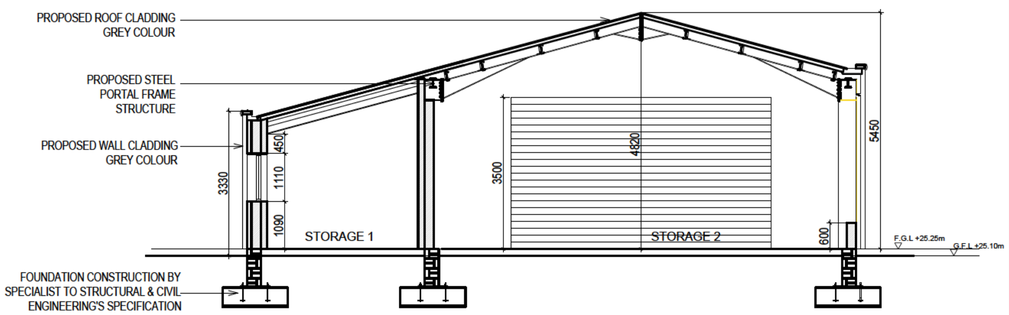
SOUTH-WEST ELEVATION

SCALE 1:100



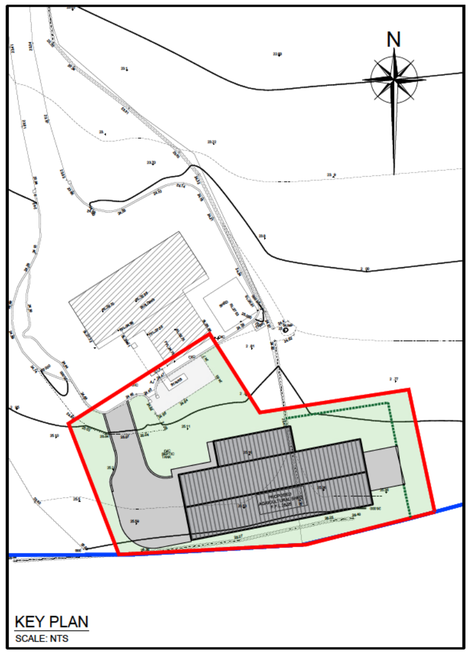
NORTH-EAST ELEVATION

SCALE 1:100



SECTION AA

SCALE 1:100



KEY PLAN

SCALE: NTS

SECTION 5 DECLARATION

NOTES:

1. FIGURED DIMENSIONS ONLY TO BE TAKEN FROM THIS DRAWING

2. ALL DRAWINGS TO BE CHECKED BY THE CONTRACTOR ON SITE

3. ENGINEER TO BE INFORMED BY THE CONTRACTOR OF ANY DISCREPANCIES BEFORE ANY WORK COMMENCES

Suffix	Revision	Date	Inl

Brady Hughes
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Tel. +353 (0) 41-9839379 (91), Fax. +353 (0) 41-9839422
e-mail: info@bradyhughes.com www.bradyhughes.com

PROJECT:
PROPOSED AGRICULTURAL SHED AT DROMGOOLESTOWN, STABANNAN, CASTLEBELLINGHAM, CO. LOUTH.

TITLE:
PROPOSED AGRICULTURAL SHED FLOOR PLAN, SECTION & ELEVATIONS

CLIENT:
PATRICK BYRNE

Drawn by:	Scales:	Date:
JR	AS SHOWN@A2	20/10/2026

Drawing No.	Rev. No.
FI 384-02-003	

Louth County Council

Section 5 Declaration

Planning Ref:	S5 2026/67
Applicant's Name:	Patrick Byrne
Type of Application:	Section 5 Declaration
Development:	Proposed Agricultural storage shed.
Site Location:	Dromgoolestown, Stabannan, Castlebellingham, Co. Louth
Due Date:	9th November 2026
Report Date:	4th November 2026

1.0 Summary of Further Information and Response

A Section 5 Further Information (FI) response was received from the applicant on the 20th October 2026. The following should be read in conjunction with the original Planner Report dated 15th October 2026.

A request for further information was issued as below:

1. The submitted plans indicate that the proposed agricultural storage building has a floor area of approximately 302m². As Class 9 exempted development is limited to structures not exceeding 300m² gross floor space, the applicant is requested to confirm the gross floor area of the proposed building, provide details of its calculation, and demonstrate compliance with the relevant floor area limitations of Class 9.

2. The applicant is requested to provide a detailed description of the intended use of the building, including the nature of the materials, machinery, produce or equipment to be stored therein, and to confirm that the structure will be used solely for agricultural purposes and will not be used for the housing of animals or the storage of effluent. This information is required to assess compliance with Conditions and Limitations of Class 9.

Agent Response

1. *We have reviewed the drawings and we can confirm that the total gross floor area for the proposed storage building is 299.77m² calculated as follows:*
    - *Storage 1: 35.09 m²*
    - *Storage 2: 260.94 m²*
    - *Total gross floor area: 299.77 m²*

Please refer to Drawing No. FI 384-02-003 – Proposed Agricultural Shed – Floor Plan, Section & Elevations and Drawing No. FI 384-02-002 Proposed Site Layout Plan for further details.

2. *We can confirm that the proposed building will be used solely for agricultural purposes and will not be used for the housing of animals or storage of effluents.*
   The proposed building will be a dry store for agricultural machinery and tools associated with the farming of the applicants' land holding.

2.0 EIA Screening and Determination

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

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

3.0 Appropriate Assessment

Article 6(3) of Council Directive 92/43/EEC (as amended) on the conservation of natural habitats and of wild fauna and flora ('the Habitats Directive') requires that any plan or project that is not directly connected with or necessary to the management of the Natura 2000 site concerned but is likely to have a significant effect on it, on its own or in combination with other plans and projects, is to be authorised only if it will not adversely affect the integrity of that site.

The applicant has not submitted an AA Screening Report in respect of the possible impacts ecological impacts of the proposal on the nearest Natura site(s).

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

The nearest designated European Sites are Stabannan-Braganstown SPA c. 1.5km away and Dundalk Bay SAC and Dundalk Bay SPA which are c.7km away. There are no known streams or rivers close by and the proposed development is not considered to be hydrologically connected to any of the designated Natura 2000 sites.

On the basis that the building is of standard construction and given the nature and scale of the proposed development, I am satisfied that it would not have an impact on any European site by reason of noise, emissions, lighting and human activity/disturbance and / or groundwater contamination.

Therefore, it is reasonable to conclude that on the basis of the information on the file, which I consider adequate in the order to issue a screening determination, that the proposed development, either individually or in combination with other plans or projects would not be likely to have a significant effect on any European Sites, in view of the site's conservation objectives and as such, a stage 2 AA is not required.

7.0 ASSESSMENT

Item 1

While Article 3(3) of the Planning and Development Regulations states "*gross floor space"* means the area ascertained by the internal measurement of the floor space on each floor of a building (**including internal walls and partitions**)", for the purpose of removing any ambiguity surrounding the proposed floor space, *299.77m2,* will be the determining measurement as it is the stipulated area within the question seeking the declaration. Therefore, the concerns identify within Item 1 have been addressed.

Item 2
The applicant clarified that the proposed building will be used solely for agricultural purposes and will not be used for the housing of animals or storage of effluents and that the proposed building will be a dry store for agricultural machinery and tools associated with the farming of the applicants' land holding. Therefore, the concerns identify within Item 2 have been addressed.

10.0 RECOMMENDATION:

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 to "Whether the construction of a 299.77m² agricultural shed together with associated works" is or is not development and is or is not exempted development" on agricultural lands at Dromgoolestown, Stabannan, Castlebellingham, Co. Louth

AND WHEREAS the said question was referred to Louth County Council by Brady Hughes Consulting on behalf of Patrick Byrne.

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

a) The definition of 'development,' in Section 2 of the Planning and Development Act 2024,

b) The plans and particulars forwarded to the Planning Authority on 30th June 2026,
c) Class 9 of Part 3, Schedule 2 of the Planning and Development Regulations, 2001, as amended,
d) Articles 6 and 9 of the Planning and Development Regulations, 2001 as amended,

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

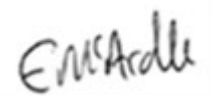
(i) The "construction of a 299.77m² agricultural shed together with associated works, on agricultural lands at Dromgoolestown, Stabannan, Castlebellingham, Co. Louth" constitutes development under Section 2 of the Planning & Development Act, 2024 and;

(ii) The aforementioned proposed development, being placed on agricultural lands and being used for agricultural purposes, satisfies all of the conditions and limitations for exempted development under Class 9 of Schedule 2, Part 3 of the Planning and Development Regulations 2001 (as amended) and;

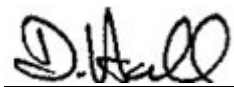
(iii) The aforementioned proposed development would not, contravene any of the restrictions on exemption as outlined in Article 9(1) of the Planning and Development Regulations, 2001 (as amended.)

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 determines that:

"the construction of a 299.77m² agricultural shed together with associated works," on agricultural lands at Dromgoolestown, Stabannan, Castlebellingham, Co. Louth is development and is exempted development.



Eamonn McArdle
Executive Planner
Date: 05/11/2026



David Hall
A/Senior Executive Planner
Date: 05/11/2026



Turlough King
A/Senior Planner
Date: 05/11/2026

LOUTH COUNTY COUNCIL

CHIEF EXECUTIVE'S ORDER

PLANNING & DEVELOPMENT ACT 2000 (as amended)

Section 5 Exempted Development

Chief Executive's Order No:	850/2026
Reference No:	S5 2026/67
Date Application Received:	25/09/2026
Description of Development:	Whether the construction of a 299.77m² agricultural shed together with associated works is or is not development and is or is not exempted development
Name of Applicant:	Patrick Byrne
Location of Development	Dromgoolestown, Stabannan, Castlebellingham, Co. Louth

WHEREAS a question has arisen pursuant to Section 5 of the Planning and Development Act (as amended) as to 'Whether the construction of a 299.77m² agricultural shed together with associated works is or is not development and is or is not exempted development' on agricultural lands at Dromgoolestown, Stabannan, Castlebellingham, Co. Louth

AND WHEREAS the said question was referred to Louth County Council by Brady Hughes Consulting on behalf of Patrick Byrne.

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

a) The definition of 'development,' in Section 2 of the Planning and Development Act 2024,
b) The plans and particulars forwarded to the Planning Authority on 30th June 2026,
c) Classe 9 of Part 3, Schedule 2 of the Planning and Development Regulations, 2001, as amended,
d) Articles 6 and 9 of the Planning and Development Regulations, 2001 as amended,

LCP Order No. 850/2026 **Reference No: S5 2026/67**

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

(i) The "construction of a 299.77m² agricultural shed together with associated works, on agricultural lands at Dromgoolestown, Stabannan, Castlebellingham, Co. Louth" constitutes development under Section 2 of the Planning & Development Act, 2024 and;

(ii) The aforementioned proposed development, being placed on agricultural lands and being used for agricultural purposes, satisfies all of the conditions and limitations for exempted development under Class 9 of Schedule 2, Part 3 of the Planning and Development Regulations 2001 (as amended) and;

(iii) The aforementioned proposed development would not, contravene any of the restrictions on exemption as outlined in Article 9(1) of the Planning and Development Regulations, 2001 (as amended.)

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 determines that: "the construction of a 299.77m² agricultural shed together with associated works," on agricultural lands at Dromgoolestown, Stabannan, Castlebellingham, Co. Louth is **development** and is **exempted development**.

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

Signed: _____ **Date: 05/11/2026**

Turlough King
Acting Senior Planner

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

Comhairle Contae **Lú**
Louth County Council

Patrick Byrne
c/o Brady Hughes Consulting
26A Magdalene Street,
Drogheda,
Co Louth,
A92 W720

Date : 05/11/2026

Re: Ref. S5 2026/67

Application for Declaration of "Exempted Development" Part 1, Section 5 Planning & Development Act, 2000 (as amended) as to 'Whether the construction of a 299.77m² agricultural shed together with associated works is or is not development and is or is not exempted development'

Dear Sir/Madam,

I wish to acknowledge receipt of your application received on 16th October 2026 in relation to the above. Having assessed all information and enclosures received with the application, the Planning Authority wishes to advise as follows: -

WHEREAS a question has arisen pursuant to Section 5 of the Planning and Development Act (as amended) as to 'Whether the construction of a 299.77m² agricultural shed together with associated works is or is not development and is or is not exempted development' on agricultural lands at Dromgoolestown, Stabannan, Castlebellingham, Co. Louth

AND WHEREAS the said question was referred to Louth County Council by Brady Hughes Consulting on behalf of Patrick Byrne.

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

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

T + 353 42 9335457
E info@louthcoco.ie
W www.louthcoco.ie

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 considering this question, has had regard particularly to:

a) The definition of 'development,' in Section 2 of the Planning and Development Act 2024,
b) The plans and particulars forwarded to the Planning Authority on 30th June 2026,
c) Classe 9 of Part 3, Schedule 2 of the Planning and Development Regulations, 2001, as amended,
d) Articles 6 and 9 of the Planning and Development Regulations, 2001 as amended,

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

(i) The "construction of a 299.77m² agricultural shed together with associated works, on agricultural lands at Dromgoolestown, Stabannan, Castlebellingham, Co. Louth" constitutes development under Section 2 of the Planning & Development Act, 2024 and;
(ii) The aforementioned proposed development, being placed on agricultural lands and being used for agricultural purposes, satisfies all of the conditions and limitations for exempted development under Class 9 of Schedule 2, Part 3 of the Planning and Development Regulations 2001 (as amended) and;
(iii) The aforementioned proposed development would not, contravene any of the restrictions on exemption as outlined in Article 9(1) of the Planning and Development Regulations, 2001 (as amended.)

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 determines that: "the construction of a 299.77m² agricultural shed together with associated works," on agricultural lands at Dromgoolestown, Stabannan, Castlebellingham, Co. Louth is **development** and is **exempted development**.

In Summary

A Declaration of Exemption is hereby GRANTED for the development as detailed on the plans and particulars submitted on 25th 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