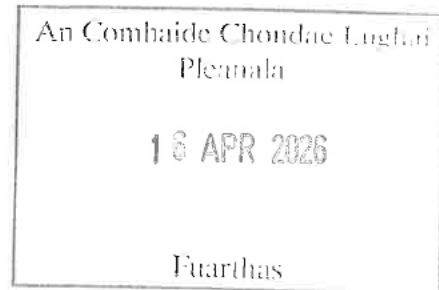




**Louth County Council  
Planning Department  
County Hall  
Millenium Centre  
Dundalk  
Co. Louth  
A91 KFW6**



**30<sup>th</sup> March 2026**

**Re: Section 5 Declaration on Exempted Development**

Dear Sir/Madame

We, Nua Healthcare Services, of The Atrium, John's Lane, Naas, Co. Kildare are applying for a Section 5 declaration in respect of an existing dwelling at, Cookspark, Dunleer, Co. Louth, A92 N2Y4.

In support of our application please find enclosed the following:

2 copies of the following:

Completed Application Form

Ordnance survey: Map Sheet No: 2129 Scale: 1:5000

Scaled drawings of development:

- 142-NUA-ZZ-00-P-A-01 Existing Site Plan
- 142-NUA-ZZ-00-P-A-02 Existing Elevations & Section
- 142-NUA-ZZ-00-P-A-03 Existing Floor Plans

Application Fee of €80: we contact you to arrange payment of the application fee by credit card.

*The application is to seek a declaration as to whether: -*

*the change of use from a dwelling to a community residence for persons with intellectual or physical disabilities or mental illness and persons providing care to such persons is development which is exempted development.*

## **SITE LOCATION AND DESCRIPTION**

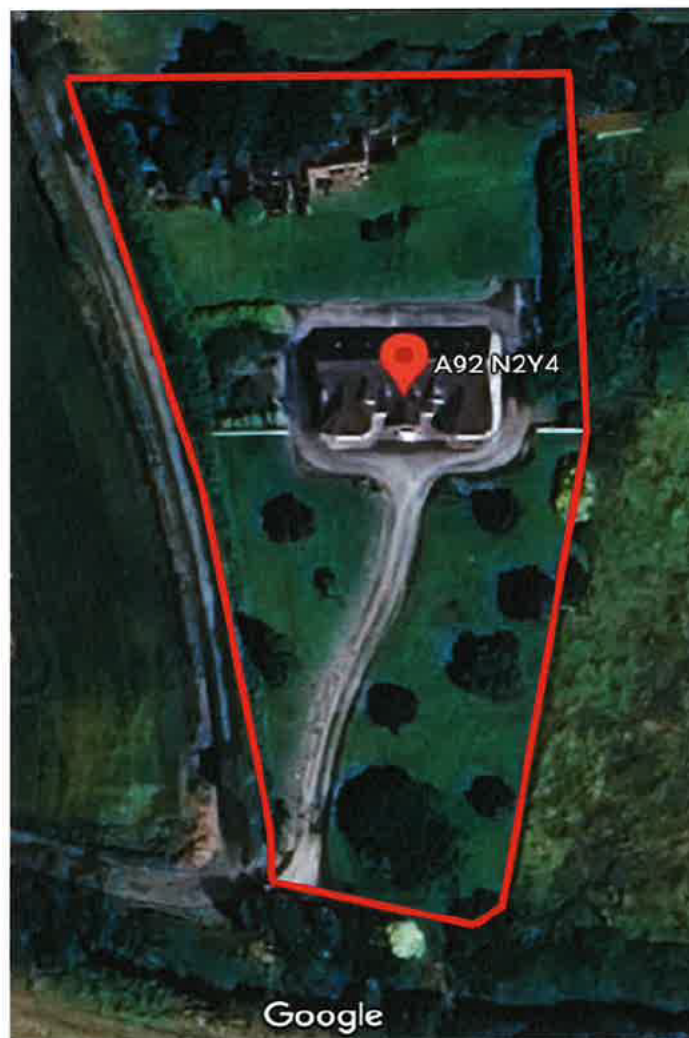
The subject site is located in **Cookspark, Dunleer, Co. Louth, A92 N2Y4**. The Property is located in a rural setting in the Louth countryside, approx. 5km from the village of Dunleer and includes a spacious six bedroom, detached dormer bungalow. The grounds are landscaped with local and indigenous trees to boundaries, except where an entrance was formed to access the site. Access to the property is from a shared lane off Castlelumney Road. The building is a timber frame construction with masonry brick outer leaf. The double-fronted façade includes a protruding front entrance porch with A-framed roof and polygonal roofed bay windows either side. PVC framed double glazed windows set on concrete sills complete the exterior.

The existing dwelling is to provide residential care services for people, both male and female, with intellectual disabilities, mental health issues and other disabilities. The house will function as close as possible to a traditional family home.

The building will accommodate up to a maximum of 4 resident service users in the 4no. bedrooms a large kitchen/ dining area, and communal living area.

Typically, a care home of this size will be staffed by approximately two to four full-time-day-care staff who typically work 12-14 hour shifts in addition to a team leader who manages the house Monday to Friday 9-5. Note that only a maximum of 2 staff members will stay in the house overnight. The carers are not permanent residents but will work on a shift basis during the day and at night.

Aerial view of site



## NUA HEALTHCARE SERVICES

Nua Healthcare Services was founded in 2004 to support clients with a range of Intellectual Disabilities and Mental Health presentations including challenging behaviours. Since then, the company provides community outreach, day services and residential care for persons with Intellectual Disabilities, Autism, Brain Acquired Injuries and Mental Health difficulties. The social model of care is delivered in normal community settings

and not in hospital or high-density units and is in line with national Standards for Residential Services for Children and Adults with Disabilities 2013.

As with all competent organisations, Nua Healthcare Services operates a care model through a strong frontline staff team, robust management and supervision system. From humble beginnings, the company now operates services nationally in partnership with the HSE and employ in excess of 2500 locally based staff caring for circa 400 clients.

Uniquely, more than 80% of Nua Healthcare Services frontline staff are degree qualified and the remaining 20% are working towards same. The clinical team comprises of respected Neuro and Forensic Psychiatrists, Psychologists, Psychotherapists, Behavioural Specialists, Occupational Therapists and are further complimented by nursing staff and a varied panel of other clinical professionals. The senior management team comprises of experienced management professionals who are responsible for the overall quality and governance of our services.

Nua Healthcare Services is widely acknowledged within the healthcare sector as the expert / leading provider of residential care programs for individuals with autism, intellectual disabilities and behavioural difficulties in the Island of Ireland. Residential care for persons with intellectual disabilities, Autism and Brain Injuries is a highly regulated space in Ireland. Every residential care home is required to be registered with HIQA and is inspected regularly against the National Standards for Residential Services for Children and Adults with Disabilities 2013. These standards cover a vast array of areas including, risk management, good governance and suitability of facilities / environment. The state has shut a significant number of facilities that are considered institutional and moved all individuals into settings similar to those provided by Nua Healthcare Services. Nua Healthcare Services is registered for Intellectual Disability services with HIQA.

Nua Healthcare is a private entity and service provider to the Health Service Executive, TUSLA, Individuals and their families. The model of services provided by Nua Healthcare is not determined by buildings or locations. While day services are provided at a variety of locations, Nua Healthcare subscribes to the concept of 'services without walls. This concept does not restrict service provision to any one location but rather, it allows for the provision of supports in settings which best meet the identified needs of the service user in the most natural environment possible.

The referral process for Residential Care clients is as follows:

1. Initial contact is made by an individual, a family member, HSE Representative or Clinician
2. A formal referral is then made by the HSE / Clinician
3. Nua Healthcare Services conducts a provisional assessment to assess suitability for residential assessment
4. If suitable, a proposal is submitted to stakeholders for provision of 12-week Residential Assessment
5. If the above proposal is accepted, the appropriate documentation is signed with the individual, their family member and the HSE and a discharge date is set 12 weeks from the point of admission

There is c.10,000 individuals in Ireland with intellectual disabilities that are in need of a normal community residential care placement. Individuals with intellectual disabilities and autism are typically more vulnerable and therefore, open to manipulation by unsavoury individuals in the general population. A common reason for referral to our residential services is that of an existing family arrangement that has broken down. This can be due to behavioural difficulties in the home or changing health needs of the individual or parents.

In this context, Nua Healthcare Services seek out normal environments in excess of 2000 sq. ft. and within reasonable distance of local amenities, from a town or village. The following criterion is considered in determining suitable locations:

- Homely
- Secure / Private
- 4 to 6 Bedrooms
- Multiple living / common areas / social spaces
- 1 – 2 Acre sites
- Low arousal environment

Individuals with learning disabilities and / or autism cannot always live completely independently and so, where they cannot, suitable environments are required to be provided by trusted organisations such as Nua Healthcare Services.

## PLANNING HISTORY

The following planning permission applies to the property:

Planning Ref. No.: 01/596

Planning Ref. No.: 01/597

## LEGISLATIVE PROVISION

### Planning and Development Act 2000, as amended

#### Section 3 - Development

*In the Act, "development" means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land*

#### Section 4(1) (Exempted Development)

*The following shall be exempted developments for the purposes of this Act –*

- (h) *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 the neighbouring structures.*

The works to the house, including changes to the internal layout and changes to the rear elevation are, in our opinion, within the definition of the above provisions and therefore exempted development.

### Planning and Development Regulations 2000, as amended

#### Article 6 - Exempted Development

Subject to Article 9, development of a class specified in Column 1, 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.

In relation to the restrictions on exemption as set out in Article 9 of the Planning and Development Regulations 2001, as amended, it can be concluded that:

- The proposed change of use does not contravene a condition attached to any previous permission pertaining to the property;
- No works to the access to the public road are proposed;
- The change of use will not endanger public safety by reason of traffic hazard;
- The front of the building will not be brought forward;
- There are no works proposed under the public road;
- The proposed change of use would not interfere with a landscape of view of special character, as the dwelling is existing and is not located in an area which attracts a High Value Landscape designation;
- The proposed change of use would not involve any works to a feature of archaeological, geological, or historical, scientific or ecological interest;
- The dwelling the subject of this referral is not unauthorised;
- The dwelling is not restricted by an objective for the continuance of an existing use; The proposed change of use does not involve the fencing or enclosure on the boundaries of any land habitually open or used by the public;
- The proposed change of use does not obstruct any public right of way;
- The dwelling is not located in an ACA and no works to the exterior are proposed; and
- No special amenity orders apply to the existing site.
- The dwelling is compliant with the planning permission granted in terms of layout, siting and overall heights
- The dwelling is compliant with the planning permission granted in terms of layout, siting and overall heights

Section b of this Article refers to areas where a special amenity order applies.

Article 10 relates to changes of use. 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, providing that the development if carried out would not

- a) Involve the carrying out of any works other than the 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 permission,
- d) Be a development where the existing use is an unauthorised use save where such a change of use consists of the resumption of a use which is not unauthorised and which has not been abandoned.

**Schedule 2, Part 1 of Article 6** contains the following specific class of development under Class 14(f): -

*Development consisting of changes of use from a house to use as a residence for persons with an intellectual or physical disability or mental illness and persons providing care for such persons.*

*The conditions and limitations in respect of this exemption include the following:*

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

The change of use of the house is, in our opinion, within the definition of the above provisions and therefore exempted development

## PLANNING PRECEDENCE

Wexford County council has determined that the use of a house as a residence for persons with intellectual or physical disability or mental illness and persons providing care for such persons at Monmore, Artramon, Co. Wexford (Ref: EXD00720) - is development and is exempted development.

Meath County council has determined that the use of a house as a residence for persons with intellectual or physical disability or mental illness and persons providing care for such persons at Termann House, Gormanston, Co. Meath (Ref: 21/554) - is development and is exempted development.

An Bord Pleanála Reference Number; PL25.RL3406 in respect of whether the use of a house as a residence for persons with an intellectual or physical disability is or is not development or is or not exempted development at Gainevale House, Multyfarnham, Co. Westmeath, determined that:

- a) The use of a house as a residence for persons with intellectual or physical disability or mental illness and persons providing care for such persons comes within the scope of the change of use provided for under Class 14(f) of Part 1 of Schedule 2 to those Regulations, being a material change of use, which, therefore constitutes development, and
- b) Having regard to the number of persons with an intellectual or physical disability or a mental illness that would be living in this residence, and in particular to the number of resident carers, this development complies with the Conditions and Limitations set out for that class of development, in the circumstances of this case.

*And therefore, that the said use of a house as a residence for persons with intellectual or physical disability or mental illness and persons providing care for such persons at Gainevale House, Multyfarnham, Co. Westmeath is development and is exempted development.*

## CONCLUSION

In conclusion and having regard to the above, we submit that the use of this house as a residence for persons with intellectual or physical disability or mental illness and persons providing care for such persons comes within the scope of the change of use provided for under Class 14(f) of Part 1 of Schedule 2 of those Regulations, being a material change of use. This therefore constitutes development and, having regard to the number of persons with an intellectual or physical disability or a mental illness that would be living in this residence and to the number of resident carers, this development complies with the Conditions and Limitations set out for that class of development.

We therefore would ask that you consider our application carefully and, if you agree with our conclusions, confirm that the development is exempted development.

Yours faithfully



Magda Mickiewicz  
On Behalf Of  
Nua Healthcare Services



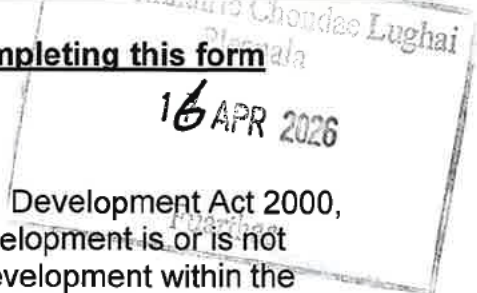


## Section 5 Declaration - Application Form

### 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:**

Nua Healthcare Services Limited

\_\_\_\_\_

Phone Number: \_\_\_\_\_ E-Mail: N/A

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

Magda Mickiewicz

\_\_\_\_\_

Phone Number: \_\_\_\_\_ E-Mail: \_\_\_\_\_

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

Magda Mickiewicz

\_\_\_\_\_

**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**

Cookspark, Dunleer, Co. Louth, A92 N2Y4.

\_\_\_\_\_

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

A92 N2Y4

\_\_\_\_\_

**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:**

Conversion of existing dwelling to a residence for persons with intellectual or

physical disabilities or mental illness and persons providing care to such person is

development and if so is it 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:** *Miriam Chmielec*      **Date** 30.03.26

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

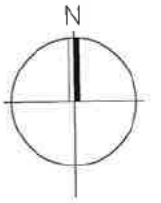
- **Site Location Map:** (Scale 1:1000)
- **Site Layout Map:** (Scale 1:200 or 1:500)
- **Floor Plans & Elevations:** (Scale 1:50, 1:100 or 1:200)  
**Existing & Proposed, where applicable**
- **Application fee:** (€80) *Please call for credit card payment.*

**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](mailto:planninggroup@louthcoco.ie) with contact details to arrange payment of fee.**



An Comhaide Chondae Lughai  
Pleanala  
16 APR 2026  
Fuarthas

EXISTING SITE PLAN  
1:500@A3

**LEGEND**

- SITE BOUNDARY
- 2M HIGH TIMBER FENCE
- 1.2M HIGH TIMBER FENCE
- COMPACT GRAVEL DRIVEWAY
- CONCRETE AREAS
- LANDSCAPED GRASS AREA
- MAIN HOUSE & BOILER ROOM
- LANDSCAPED PLANTING AREA
- EXISTING TREES & SHRUBS
- ▼ ENTRANCE

Check all dimensions on site.  
Do not rely on scaled dimensions.  
This drawing must be read in  
conjunction with all relevant  
contract documents.

This drawing is the property of  
Nua Healthcare Services. The  
drawing shall not be copied,  
reproduced or otherwise used  
without the consent of Nua  
Healthcare Services.

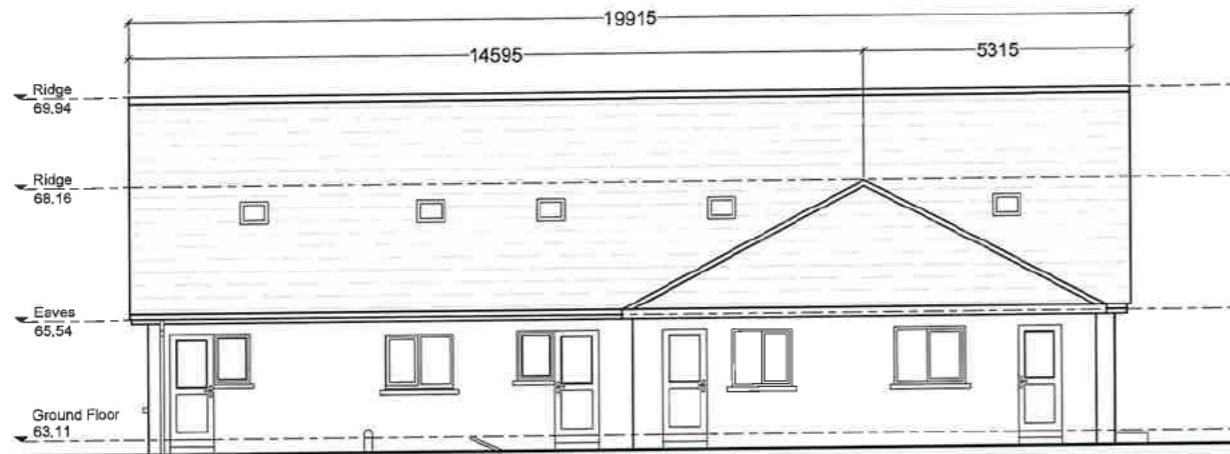
Rev	Date	Description	Drwn	Chkd	Rev	Date	Description	Drwn	Chkd
P01	30.03.26	EXISTING SITE PLAN	GH	SL					



Project:	RIVERSIDE DRIVE, COOKSPARK, DUNLEER, CO. LOUTH, A92 N2Y4.	Sheet:	A3
Drawing:	EXISTING SITE PLAN	Scale:	1:500
Stage:	SECTION 5	Version:	P01
Drawing No:	142-NUA-ZZ-00-P-A-01	Date:	30.03.26



EXISTING MAIN HOUSE SOUTH ELEVATION  
SCALE 1:150@A3



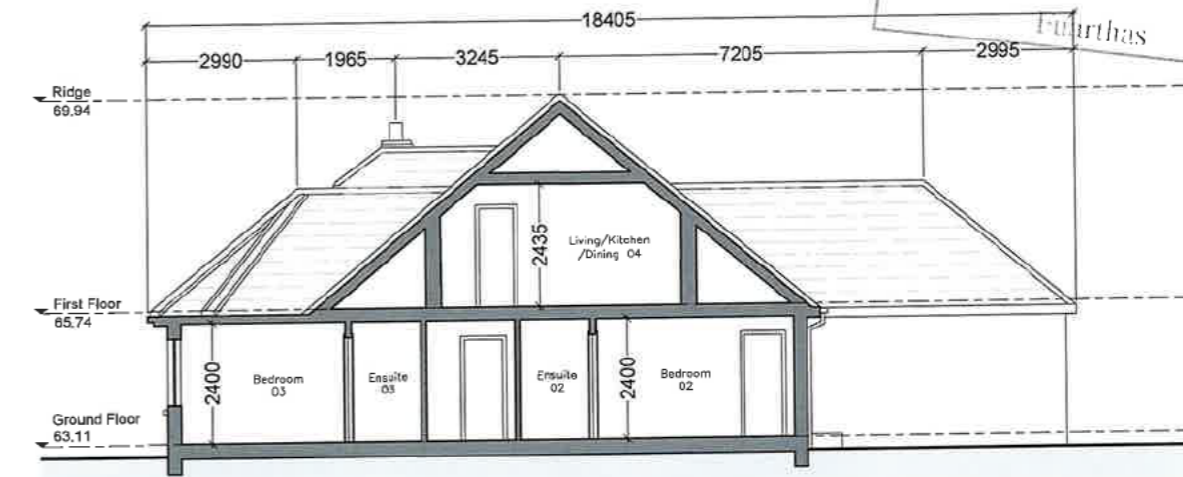
EXISTING MAIN HOUSE NORTH ELEVATION  
SCALE 1:150@A3



EXISTING MAIN HOUSE WEST ELEVATION  
SCALE 1:150@A3



EXISTING MAIN HOUSE EAST ELEVATION  
SCALE 1:150@A3



EXISTING MAIN HOUSE SECTION A-A  
SCALE 1:150@A3

An Comhaide Chondae Lughai  
16 APR 2026  
Fuarthas

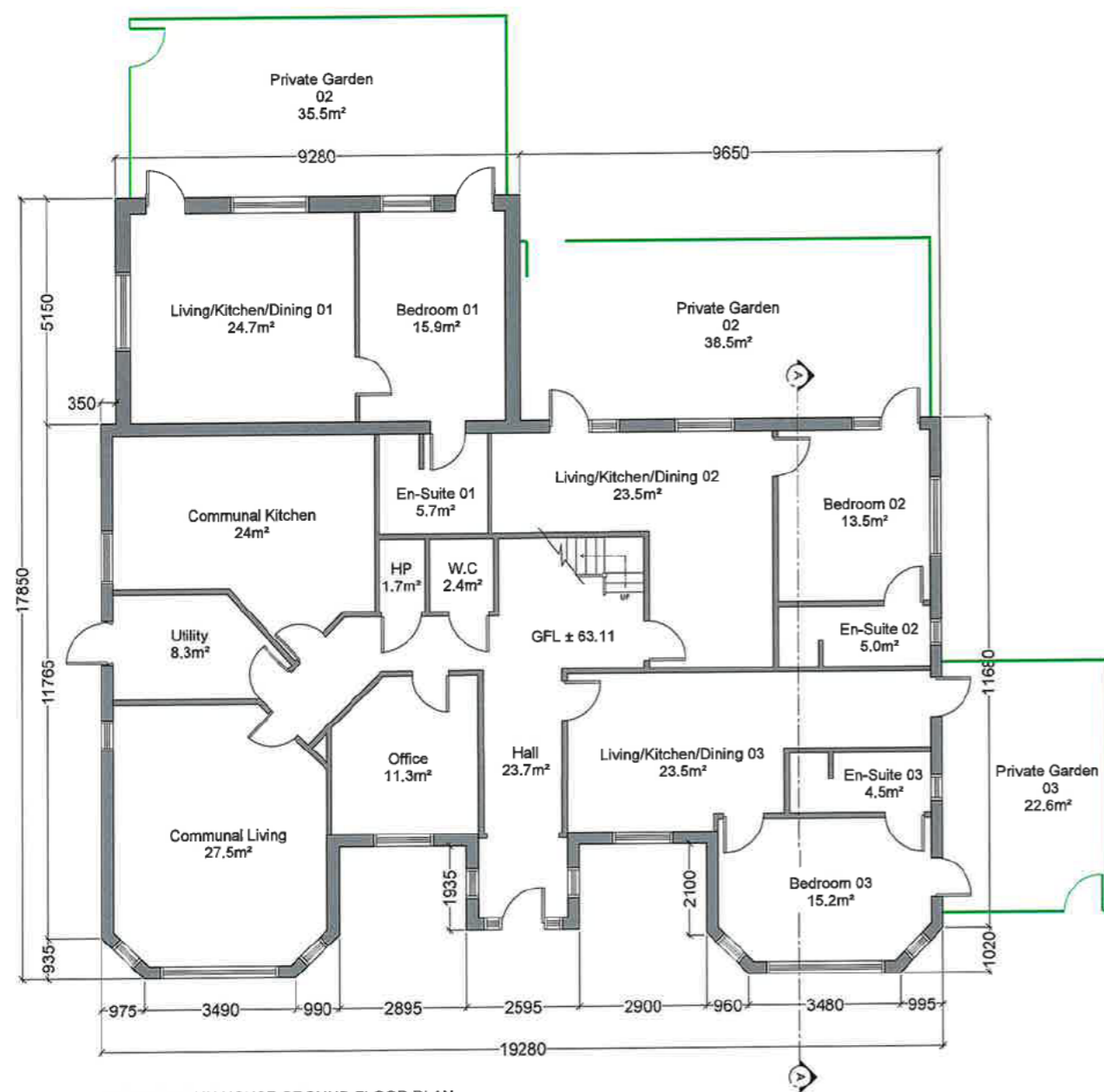
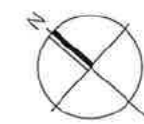
Check all dimensions on site. Do not rely on scaled dimensions. This drawing must be read in conjunction with all relevant contract documents.

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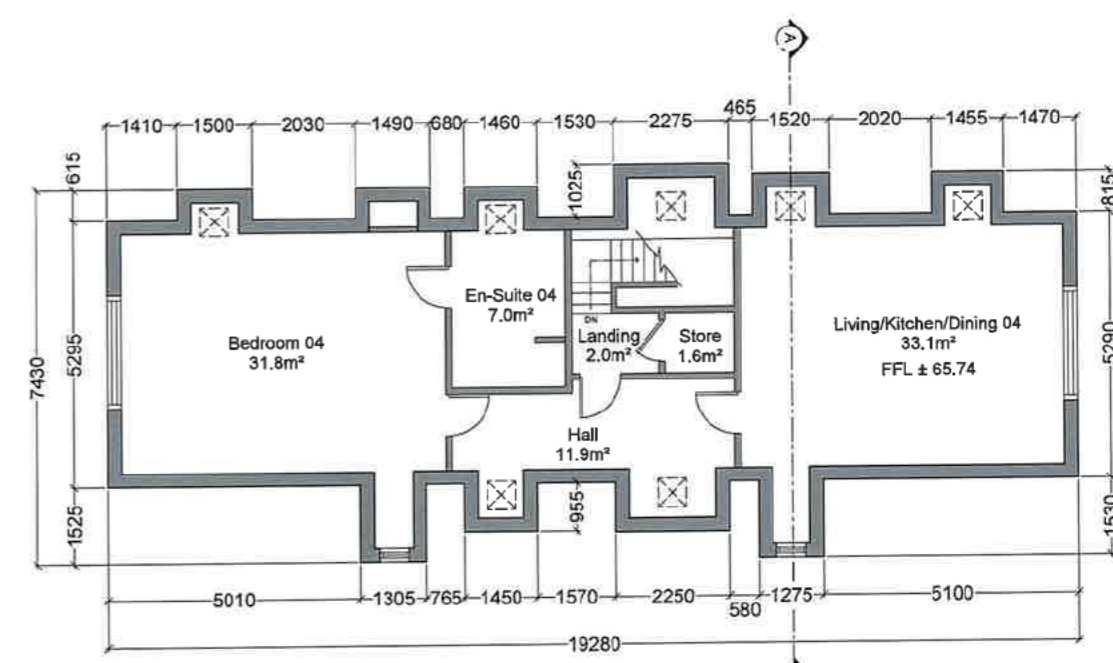
Rev	Date	Description	Drwn	Chkd	Rev	Date	Description	Drwn	Chkd
P01	30.03.26	EXISTING ELEVATIONS & SECTIONS	GH	SL					



Project:	RIVERSIDE DRIVE, COOKSPARK, DUNLEER, CO. LOUTH, A92 NZY4.	Sheet:	A3
Drawing:	EXISTING ELEVATIONS & SECTIONS	Scale:	1:150
Stage:	SECTION 5	Revision:	P01
Drawing No:	142-NUA-ZZ-00-P-A-02	Date:	30.03.26



EXISTING MAIN HOUSE GROUND FLOOR PLAN  
 AREA: 247m<sup>2</sup>  
 SCALE 1:150@A3



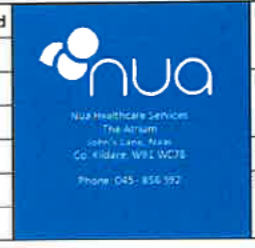
EXISTING MAIN HOUSE FIRST FLOOR PLAN  
 AREA: 99.3m<sup>2</sup>  
 SCALE 1:150@A3

An Comhairle Chontae Lúghair  
 Pleanála  
 16 APR 2023  
 Fuarthas

Check all dimensions on site.  
 Do not rely on scaled dimensions.  
 This drawing must be read in  
 conjunction with all relevant  
 contract documents.

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 Healthcare Services.

Rev	Date	Description	Drwn	Chkd	Rev	Date	Description	Drwn	Chkd
P01	30.03.26	EXISTING FLOOR PLANS	GH	SL					



Project:	RIVERSIDE DRIVE, COOKSPARK, DUNLEER, CO. LOUTH, A92 N2Y4.	Sheet:	A3
Drawing:	EXISTING FLOOR PLANS	Scale:	1:150
Stage:	SECTION 5	Revision:	P01
Drawing No:	142-NUA-ZZ-00-P-A-03	Date:	30.03.26





Comhairle Contae Lú  
Louth County Council

Nua Healthcare Limited  
c/o Magda Mickiewicz  
Building & Planning Department  
The Atrium, Johns Lane,  
Naas, Co Kildare  
W91 WC78

1<sup>st</sup> May 2026

**Re: Ref. S5 2026/23**

**Application for Declaration of “Exempted Development” Part 1, Section 5 Planning & Development Act, 2000 (as amended) as to ‘Whether the conversion of the existing dwelling to a residence for persons with intellectual or physical disabilities or mental illness and persons providing care to such persons at “Cookspark, Dunleer, Co. Louth, A92 N2Y4” 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 16<sup>th</sup> April 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 to whether “Whether the conversion of the existing dwelling to a residence for persons with intellectual or physical disabilities or mental illness and persons providing care to such persons at “Cookspark, Dunleer, Co. Louth, A92 N2Y4” is or is not development and is or is not exempted development”.

AND WHEREAS the said question was referred to Louth County Council by Nua Healthcare Limited

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

- a) The definition of “development,” in Section 2 of the Planning and Development Act, 2024,
- b) The plans and particulars forwarded to the Planning Authority on 16th April 2026,

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

Louth County Council  
Town Hall  
Crowe Street  
Dundaik  
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.mapalserter.ie/Louth](http://www.mapalserter.ie/Louth)  
View Council alerts for Louth at [www.mapalserter.ie/Louth](http://www.mapalserter.ie/Louth)

- c) Class 14(f) of Part 1, Schedule 2 of the Planning and Development Regulations, 2001, as amended,
- d) Article 9 of Part 2 of the Planning and Development Regulations, 2001 as amended,
- e) The planning history of the site and,
- f) The current condition of the subject building as a habitable house,

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

- a) The existing building has an established use as a habitable house.
- b) This Section 5 declaration relates to the intended use of the subject property and there are no indicated physical works proposed.
- c) The proposed "*conversion of the existing dwelling to a residence for persons with intellectual or physical disabilities or mental illness and persons providing care to such persons*" would constitute a material change in the use of the building and would therefore, **constitute 'development'** as defined by Section 2 of the Planning and Development Act, 2024 and;
- d) The proposed use would not in itself, contravene the restrictions on exemptions, as outlined within Article 9(1)(a)(i) of Part 2 of the Planning and Development Regulations, 2001, as amended.
- e) The proposed use would therefore fall within the definition of **'exempted development'** as per Class 14(f) of Part 1, Schedule 2 of the Planning and Development Regulations, 2001, as amended and;

NOW THEREFORE Louth County Council in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act 2000 (as amended), hereby decides that the conversion of the existing dwelling to a residence for persons with intellectual or physical disabilities or mental illness and persons providing care to such persons at Cookspark, Dunleer, Co. Louth, A92 N2Y4, 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 16<sup>th</sup> April 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  
Planning Section



**LOUTH COUNTY COUNCIL**

**CHIEF EXECUTIVE'S ORDER**

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

**Section 5 Exempted Development**

**Chief Executive's Order No:** 309/2026

**Reference No:** S5 2026/23

**Date Application Received:** 16/04/2026

**Description of Development:** Whether the conversion of the existing dwelling to a residence for persons with intellectual or physical disabilities or mental illness and persons providing care to such persons is or is not development and is or is not exempted development.

**Name of Applicant:** Nua Healthcare Limited  
c/o Magda Mickiewicz

**Location of Development** Cookspark, Dunleer, Co. Louth, A92 N2Y4

WHEREAS a question to whether "Whether the conversion of the existing dwelling to a residence for persons with intellectual or physical disabilities or mental illness and persons providing care to such persons at "Cookspark, Dunleer, Co. Louth, A92 N2Y4" is or is not development and is or is not exempted development"

AND WHEREAS the said question was referred to Louth County Council by Nua Healthcare Limited

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

- a) The definition of "development," in Section 2 of the Planning and Development Act, 2024,
- b) The plans and particulars forwarded to the Planning Authority on 16th April 2026,
- c) Class 14(f) of Part 1, Schedule 2 of the Planning and Development Regulations, 2001, as amended,
- d) Article 9 of Part 2 of the Planning and Development Regulations, 2001 as amended,

**LCP Order No. 309/2026**

**Reference No: S5 2026/23**

- e) The planning history of the site and,
- f) The current condition of the subject building as a habitable house,

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

- a) The existing building has an established use as a habitable house.
- b) This Section 5 declaration relates to the intended use of the subject property and there are no indicated physical works proposed.
- c) The proposed "*conversion of the existing dwelling to a residence for persons with intellectual or physical disabilities or mental illness and persons providing care to such persons*" would constitute a material change in the use of the building and would therefore, **constitute 'development'** as defined by Section 2 of the Planning and Development Act, 2024 and;
- d) The proposed use would not in itself, contravene the restrictions on exemptions, as outlined within Article 9(1)(a)(i) of Part 2 of the Planning and Development Regulations, 2001, as amended.
- e) The proposed use would therefore fall within the definition of '**exempted development**' as per Class 14(f) of Part 1, Schedule 2 of the Planning and Development Regulations, 2001, as amended and;

NOW THEREFORE Louth County Council in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act 2000 (as amended), hereby decides that the conversion of the existing dwelling to a residence for persons with intellectual or physical disabilities or mental illness and persons providing care to such persons at Cookspark, Dunleer, Co. Louth, A92 N2Y4, is **development** and is **exempted development**.

SIGNED:   
Orla Rooney  
Assistant Planner

Date: 29/04/2026

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

Signed:   
Thomas McEvoy  
Director of Service

Date: 01/05/2026

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. 201/25 dated the 14<sup>th</sup> day of May 2025.

LCP Order No. 309/2026

Reference No: S5 2026/23

## Louth County Council

### Section 5 Declaration

<b>Planning Ref:</b>	S5 2026/23
<b>Applicant's Name:</b>	Nua Healthcare Limited
<b>Type of Application:</b>	Section 5 Declaration
<b>Development:</b>	Conversion of existing dwelling to a residence for persons with intellectual or physical disabilities or mental illness and persons providing care to such persons.
<b>Site Location:</b>	Cookspark, Dunleer, Co. Louth, A92 N2Y4.
<b>Due Date:</b>	13 <sup>th</sup> May 2026

#### 1.0 SITE LOCATION & DESCRIPTION:



Fig.1: Site Location Plan

The subject site is located in the rural locality of Cookspark, approximately 3.5km south-west of Dunleer. The site is located at the terminus of a private residential laneway (Riverside Drive) serving several dwellings, off the Castleblaney Road (L-6270-17) and the site boundary relates to the curtilage of an established detached 6 bedroom chalet / dormer bungalow dwelling with red brick finish, set within mature gardens.

The White River flows along the extent of the residential laneway and adjacent to the southern boundary of the property, which is surrounded by agricultural lands.

This area falls within 'Rural Policy Zone 2' of the Louth County Development Plan 2021-2027, as varied.



Fig.2: View of the property from Riverside Drive (Source: Google Streetview.)

## 2.0 PLANNING HISTORY

**File ref. 01596:** Dormer dwelling and 2 no vehicular road entrances – Permission Granted 24/08/2001.

**File ref 01597:** retention of mobile home "temporary basis" installation Purafllu treatment – Permission Granted 25/08/2001.

### Enforcements

None.

## 3.0 QUESTION FOR DETERMINATION:

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

*"Conversion of existing dwelling to a residence for persons with intellectual or physical disabilities or mental illness and persons providing care to such person is development and if so is it exempted development?"*

In addition to the application form, the following supporting details have been provided:

- Cover letter (Nua Healthcare Services, dated 20/03/2026.)
- Drawing No. 142-NUA-ZZ-00-P-A-O1 (Existing Site Plan)
- Drawing No. 142-NUA-ZZ-00-P-A-O2 (Existing Elevations and Section)
- Drawing No. 142-NUA-ZZ-00-P-A-O3 (Existing Floor Plans)
- Ordnance Survey Map sheet 2129 (Site Location Plan)

The supporting cover letter explains that the dwelling would function as close as possible to a traditional family home and that the building will accommodate up to a maximum of 4 resident service users in the 4 no. bedrooms, large kitchen / dining area and communal living area.

It explains that a care home of this size would be staffed by approximately 2-4 full time day care staff (who work 12-14 hour shifts) in addition to a team leader who manages the property Monday -Friday 9am -5pm. And that a maximum of

2 staff members would stay in the house overnight. It clarifies that the carers are not permanent residents, but work on a shift basis throughout the day and night.

#### **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 given. The latest amendments to the EIA Directive are provided under Directive 2014/52/EU and Circular letter PL 1/2017.

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

#### **5.0 APPROPRIATE ASSESSMENT (AA)**

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

The applicant has not submitted an AA Screening Report in respect of the possible impacts ecological impacts of the proposal on the nearest Natura sites. The site is adjacent to Whiteriver to the south, which is hydrologically connected to Dundalk Bay SPA and Dundalk Bay SAC over a hydrological distance of c.17.5km.

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

On the basis of the nature of the application and the significant distance to any European sites, it can reasonably be concluded that the proposal would not have a significant impact on any European site by reason of noise, emissions, lighting and human activity/disturbance.

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

## 6.0 LEGISLATIVE CONTEXT:

### The Planning and Development Act 2000, as amended

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

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

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

(b) A planning authority may require any person who made a request under *subsection (1)* to submit further information with regard to the request in order to enable the authority to issue the declaration on the question and, where further information is received under this paragraph, the planning authority shall issue the declaration within 3 weeks of the date of the receipt of the further information.

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

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

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

### The Planning and Development Act 2024

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

*“care” means personal care, including help with physical, intellectual or social needs;*

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

*"exempted development"* has the meaning specified in Section 2.

*"habitable house"* means a house which—

- (a) is used as a dwelling,
- (b) is, or forms part of, a derelict site within the meaning of the [Derelict Sites Act 1990](#) that is not in use but was most recently used (disregarding any unauthorised use) as a dwelling, or
- (c) a house that was provided for use as a dwelling but has not been occupied as a dwelling.

*"house"* means a building or part of a building that—

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

*"structure"* means

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

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

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

*"works"* includes an act or operation –

- (a) of construction, excavation, demolition, extension, alteration, repair or renewal (including in relation to a protected structure, a proposed protected structure or a structure situated in an architectural conservation area), on, in, over or under land or a maritime site,
- (b) consisting of the application of plaster, paint, wallpaper, tiles or other material to the surface of a protected structure or proposed protected structure or the removal of plaster, paint, wallpaper, tiles or other material from such surface, and
- (c) consisting of the application of plaster, paint, wallpaper, tiles or other material to the exterior of a structure situated in an architectural conservation area or the removal of plaster, paint, wallpaper, tiles or other material from such exterior.

*"Unauthorised works"* means any works on, in, over or under land or a maritime site, other than –

- (a) exempted development,
- (b) development carried out in accordance with –
  - (i) a permission granted under Part IV of the Act of 1963 or deemed to be so granted under section 92 of that Act,

- (ii) a permission granted under section 34, 37G, 37N or 293 of the Act of 2000,
- (iii) a permission granted under section 9 of the Planning and Development (Housing) and Residential Tenancies Act 2016 , or
- (iv) a permission granted under Part 4,

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

“Development” means –

- (a) the carrying out of works –
  - (i) on, in, over or under land, or
  - (ii) the sea, seabed or any structure, in the maritime area,
- or
- (b) the making of a material change in the use of—
  - (i) land or any 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.

**The Planning and Development Regulations (PRD) 2001, as amended.**

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

***Changes of Use***

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

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

**Conditions and Limitations:**

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

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

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

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

*Article 9(1) provides detailing on restrictions on exemption as follows:*

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

- (a) if the carrying out of such development would—*
- (i) contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act,*
  - (ii) consist of or comprise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width,*
  - (iii) endanger public safety by reason of traffic hazard or obstruction of road users,*
  - (iiia) endanger public safety by reason of hazardous glint and/or glare for the operation of airports, aerodromes or aircraft,*
  - (iv) except in the case of a porch to which class 7 specified in column 1 of Part 1 of Schedule 2 applies and which complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1, comprise the construction, erection, extension or renewal of a building on any street so as to bring forward the building, or any part of the building, beyond the front wall of the building on either side thereof or beyond a line determined as the building line in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,*
  - (v) consist of or comprise the carrying out under a public road of works other than a connection to a wired broadcast relay service, sewer, water main, gas main or electricity supply line or cable, or any works to which class 25, 26 or 31 (a) specified in column 1 of Part 1 of Schedule 2 applies,*
  - (vi) interfere with the character of a landscape, or a view or prospect of special amenity value or special interest, the preservation of which is an objective of a development plan for the area in which the development is proposed or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,*
  - (vii) consist of or comprise the excavation, alteration or demolition (other than peat extraction) of places, caves, sites, features or 13 other objects of archaeological, geological, historical, scientific or ecological interest, the preservation of which is an objective of a development plan for the area in which the development is proposed or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan, save any excavation, pursuant to and in accordance with a licence granted under section 26 of the National Monuments Act, 1930 (No. 2 of 1930),*
  - (viii) consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use,*

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

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

*(xi) obstruct any public right of way,*

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

## **7.0 ASSESSMENT**

### **Does the proposal constitute “development”?**

It is considered that the proposed change of use of the existing dwelling for use as a residence to care for persons with an intellectual or physical disability or mental illness (4 resident service users maximum with maximum overnight 2 care staff at any one time) would constitute a ‘material change’ in the established use of the building and as such, would fall within the definition of ‘development’ as per Section 2 of the Planning and Development Act, 2024.

### **Do the works constitute exempted development?**

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

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

The submitted documentation including application form specifically states that the maximum number of persons with an intellectual or physical disability or mental illness within the property at any given time will be 4 and the maximum number of care staff staying overnight at any one time is 2. This would not contravene the conditions and limitations of Class 14(f) which permits up to 6

persons and 2 staff members maximum. As such, I am satisfied that the subject change of use falls within the provisions of Class 14 (f) of Part 1 of Schedule 2 of the PDR 2001, as amended.

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

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

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

The submitted details do not make any reference to proposed works to the building to facilitate the proposed change of use.

Notwithstanding this, the submitted 'existing floor plans' do not reflect the previously approved details by virtue of permission ref.01596, including in relation to a rear extension (of 47.8m<sup>2</sup>) which was not part of the permission and there are also discrepancies in the overall fenestration including chimney positioning and window / door openings to the dwelling. There also appear to be further discrepancies in relation to the layout including the orientation and alignment of the approved driveway.

Notwithstanding this, on the basis of the submitted details, the proposed change of use in itself, does not involve any works and would not therefore, contravene the planning conditions attached to permission reference 01596, including condition no. 5 in relation to the approved plans and specifications. The regularisation of any existing irregularities on the site would be a matter beyond the scope of this Section 5 declaration and the question presented for assessment and the proposed use would not, contravene restriction 9(1)(a)(iii) in this regard. Nor would any of the further restrictions under Article 9(1)(a) be engaged as a result of the proposed change of use.

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

## **8.0 CONCLUSION:**

Having considered the established use of the building as a habitable dwelling and the proposed use of the building to provide a residence to care for persons with an intellectual or physical disability or mental illness (4 residents maximum with maximum residential 2 care staff at any one time) and in having regard to the definition of "development" within Section 2 of the Planning and Development Act, 2024, it is considered that a material change of use would

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

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

#### **9.0 RECOMMENDATION:**

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

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

*"Whether the conversion of the existing dwelling to a residence for persons with intellectual or physical disabilities or mental illness and persons providing care to such persons is development and if so it exempted development"* at Cookspark, Dunleer, Co. Louth, A92 N2Y4,

**AND WHEREAS** the said question was referred to Louth County Council by Nua Healthcare Services Limited

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

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

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

- (i) The existing building has an established use as a habitable house.
- (ii) This Section 5 declaration relates to the intended use of the subject property and there are no indicated physical works proposed.
- (iii) The proposed "*conversion of the existing dwelling to a residence for persons with intellectual or physical disabilities or mental illness and persons providing care to such persons*" would constitute a material change in the use of the building and would therefore, **constitute**

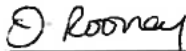
**'development'** as defined by Section 2 of the Planning and Development Act, 2024 and;

- (iv) The proposed use would not in itself, contravene the restrictions on exemptions, as outlined within Article 9(1)(a)(i) of Part 2 of the Planning and Development Regulations, 2001, as amended.
- (v) The proposed use would therefore fall within the definition of **'exempted development'** as per Class 14(f) of Part 1, Schedule 2 of the Planning and Development Regulations, 2001, as amended and;

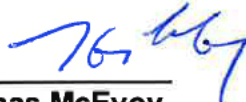
**NOW THEREFORE** Louth County Council in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act 2000 (as amended), hereby decides that the

*"conversion of the existing dwelling to a residence for persons with intellectual or physical disabilities or mental illness and persons providing care to such persons"* at Cookspark, Dunleer, Co. Louth, A92 N2Y4,

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

  
\_\_\_\_\_  
**Orla Rooney**  
**Assistant Planner**  
**Date: 27/04/2026**

  
\_\_\_\_\_  
**Turlough King**  
**A/Senior Planner**  
**Date: 27/04/2026**

  
\_\_\_\_\_  
**Thomas McEvoy**  
**Director of Services**  
**Date: 1/5/26**