



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.

21 APR 2026

Section 5 Declaration - Application Form

1. Name and address of person seeking the declaration:

KEHINDE RAJI

13 MCARDLE GREEN, MONEYMORE, DROGHEDA, Co. LOUTH

Phone Number

E-Mail:

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

Phone Number:

E-Mail:

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

KEHINDE RAJI

13 MCARDLE GREEN, MONEYMORE
DROGHEDA, Co. LOUTH

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

NO 1 PALACE STREET, (CAR PARK)
DROGHEDA 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>

A92 DH22

development under class 14 (Temporary structures) of the Planning & Development (Miscellaneous Provisions) Act 2002

7. Question for determination under Section 5 (See Note 1 above).

The question must be framed in the following format, i.e. Is the construction of a shed development and is it or is it not exempted development:

The development comprises an open temporary structure, measuring less than 20m² in floor area and 3m in height, to be used for food preparation in support of a mobile food vending operation within the curtilage of the owner's compound. An assessment is required to determine whether the proposal falls within the scope of 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: Ken Duff Date 18/04/2026

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

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

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

Planning Office, Louth County Council, Town Hall, Crowe Street,
Dundalk, County Louth, A91W20C

OR

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



XY 7090066, 775309
 Scale 1 : 1000
 Townland Moneymore
 Barony Drogheda
 County Louth

> Back

Folio Number	LH7724L
Title Level	Leasehold
Plan Number	DC44N
Property Number	1
Area of selected plans	Not available.
Number of Plans on this folio:	1
Address	1 Palace Street, Drogheda, Co. Louth, A92 DH22
Add to Basket	Create Alert

The following Applications are Pending on this folio:

Folio	D2025LR23578Q	Mapping
	D2026LR003541E	Mapping

*Take Eireann Registration Boundaries and Areas are not conclusive. See Section 62(2) Registration of Title Act 2006 and Rule 6 of the Land Registration Rules 2012.

- View Basket
- Print Current View
- Help



Comhairle Contae Lú
Louth County Council

Kehinde Raji
13 McArdle Green,
Moneymore,
Drogheda,
Co Louth

8th May 2026

Re: Ref. S5 2026/24

Application for Declaration of “Exempted Development” Part 1, Section 5 Planning & Development Act, 2000 (as amended) as to ‘Whether the placing of an open temporary structure, measuring less than 20sqm in floor area and 3m in height, to be used for the preparation of food in support of a mobile fixed vending operation, within the curtilage of the owners compound is development and whether it is exempted development.’

Dear Sir/Madam,

I wish to acknowledge receipt of your application received on 17th 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 as to whether *the placing of an open temporary structure, measuring less than 20sqm in floor area and 3m in height, to be used for the preparation of food in support of a mobile fixed vending operation, within the curtilage of the owners compound is development and whether it is exempted development.*

AND WHEREAS the said question was referred to Louth County Council by Kehinde Raji.

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

- a) The definition of “works” and “development”, in Section 2 of the Planning and Development Act 2024,
- b) Plans and particulars received by the Planning Authority on 17th April 2026,
- d) The planning history of the site.

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

Cuirfeair fáilte roimh chomhfhreagras Gaeilge - Correspondence in Irish is welcome
Féach foláirimh faoi Lú ón gComhairle ag www.mapalserter.ie/Louth
View Council alerts for Louth at www.mapalserter.ie/Louth

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

- (i) The placement of a circa 20sqm open temporary structure would constitute “works” and therefore would constitute “*development*” within the meaning provided in Section 2 of the Planning and Development Act, 2024 (as amended).
- (ii) The operation of a mobile fixed food vending operation would constitute a material change in the use of the land and would constitute “*development*” within the meaning provided in

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 that (a) the placement of a circa 20sqm open temporary structure for a mobile fixed food vending operation and (b) the operation of a mobile fixed food vending operation at 1 Palace Street Drogheda, Co. Louth, A92 DH22 is development and is **not** exempted development..

In Summary

A Declaration of Exemption is hereby REFUSED for the works as detailed on the plans and particulars submitted on 17th 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: 341/2026

Reference No: S5 2026/24

Date Application Received: 17/04/2026

Description of Development: Whether the placing of an open temporary structure, measuring less than 20sqm in floor area and 3m in height, to be used for the preparation of food in support of a mobile fixed vending operation, within the curtilage of the owners compound is development and whether it is exempted development

Name of Applicant: Kehinde Raji

Location of Development Palace Street, Drogheda, Co. Louth, A92 DH22

WHEREAS a question as to whether *the placing of an open temporary structure, measuring less than 20sqm in floor area and 3m in height, to be used for the preparation of food in support of a mobile fixed vending operation, within the curtilage of the owners compound is development and whether it is exempted development.*

AND WHEREAS the said question was referred to Louth County Council by Kehinde Raji.

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

- a) The definition of "works" and "development", in Section 2 of the Planning and Development Act 2024,
- b) Plans and particulars received by the Planning Authority on 17th April 2026,
- d) The planning history of the site.

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

(i) The placement of a circa 20sqm open temporary structure would constitute "works" and therefore would constitute "development" within the meaning provided in Section 2 of the Planning and Development Act, 2024 (as amended).

(ii) The operation of a mobile fixed food vending operation would constitute a material change in the use of the land and would constitute "development" within the meaning provided in Section 2 of the Planning and Development Act, 2024 (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 decides that (a) the placement of a circa 20sqm open temporary structure for a mobile fixed food vending operation and (b) the operation of a mobile fixed food vending operation at 1 Palace Street Drogheda, Co. Louth, A92 DH22 is development and is **not** exempted development.

SIGNED: David Hall (P.D.)
David Hall
Senior Executive Planner

Date: 07/05/2026

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

SIGNED: Olivia McCormack
Olivia McCormack
Acting Director of Service

Date: 8th May 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. 222/26 dated 6th day of May 2026.

**Louth County Council
Section 5 Declaration**

Planning Ref: 2026/24

Applicant's Name: Kehinde Raji

Type of Application: Section 5 Declaration

Development: *Whether the placing of an open temporary structure, measuring less than 20sqm in floor area and 3m in height, to be used for the preparation of food in support of a mobile fixed vending operation, within the curtilage of the owners compound is development and whether it is exempted development.*

Site Location: No.1 Palace Street (carpark), Drogheda, Co. Louth.

Due Date: 14th May 2026

Report Date: 6th May 2026

1. Site Location and Description

The site as identified in Question 6 of the application and the accompanying map is a small car park. There is a large gate from the space opening up onto Palace Street. The space is surrounded on three side by (a) the rear elevations of 23 and 24 Laurence Street, (b) the eastern side of 22 Laurence Street and (c) the southern elevation of 1 Palace Street Drogheda.

2. Planning History

2660219 Retention for the change of use from residential dwelling to 2no. bedsits and first floor and second floor level and permission for associated alterations to protected Structure RPS No.13619055.

3. Declaration Sought

The applicant states within Question 7 of the application form that the question for determination is as follows;

"The development comprises an open temporary structure, measuring less than 20sqm in floor area and 3m in height. To be used for the food preparation in support of a mobile fixed vending operation, within the curtilage of the

owner's compound. An assessment is require to determine whether the proposal falls within the scope of exempted"

It has been determined that the following re-phrased question is clearer for the purposes of this assessment;

"Whether the placing of an open temporary structure, measuring less than 20sqm in floor area and 3m in height, to be used for the preparation of food in support of a mobile fixed vending operation, within the curtilage of the owners compound is development and whether it is exempted development".

4. EIA Screening and Determination

Council Directive 85/337/EEC (as amended) on the assessment of the effects of certain public and private projects on the environment ('the EIA Directive') is designed to ensure that projects likely to have significant effects on the environment are subject to a comprehensive assessment of their environmental effects prior to development consent being 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 nature, size and location of the development, there is no real likelihood of significant effects on the environment and as such as EIAR is not required.

5. Appropriate Assessment

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

6. Legislative Context

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

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.

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) 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 ;

“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

“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.

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.

7.0 ASSESSMENT

An open temporary structure, measuring less than 20sqm in floor area and 3m in height is to be placed within the existing car park area, to be used for the preparation of food in support of a mobile fixed vending operation.

Do the works constitute “development”?

The definition of “development” in Section 2(a)(i) of the Planning and Development Act, 2024 (as amended) includes the carrying out of works on, in, over or under land. Works as defined in Section of the 2024 Act includes an act or operation of “construction”. I consider that the placement of a circa 20sqm open temporary structure would constitute “works” and therefore would constitute “development” within the meaning provided in Section 2 of the Planning and Development Act, 2024 (as amended).

Does the use constitute “development”?

The definition of “development” in Section 2(a)(i) of the Planning and Development Act, 2024 (as amended) includes the making of a material change in the use of land or any structure on land. I consider that the placement of a circa 20sqm open temporary structure for a mobile fixed food vending operation would constitute a material change in the use of the land and would constitute “development” within the meaning provided in Section 2 of the Planning and Development Act, 2024 (as amended).

Do the works constitute exempted development?

There are no exemptions available in the Planning and development regulation 2001 (as amended) that would allow for (a) a material change in the use of land for use as a fixed mobile food vending operation or (b) the placement of the

proposed open structure (temporary or otherwise) on the land for purposes linked to that use of the land.

8.0 CONCLUSION:

It can be concluded, given the foregoing, and having regard to the relevant provisions of the Planning and Development Act, 2000, (as amended), Sections 1-5 inclusive of the Planning and Development Act, 2024, and the Planning and Development Regulations, 2001 (as amended), the placing of an open temporary structure, measuring less than 20sqm in floor area and 3m in height, to be used for the preparation of food in support of a mobile fixed vending operation, within the curtilage of the owners' compound constitutes "development", within the meaning given under Section 2 and is not exempted development.

WHEREAS a question to whether "*Whether the placing of an open temporary structure, measuring less than 20sqm in floor area and 3m in height, to be used for the preparation of food in support of a mobile fixed vending operation, within the curtilage of the owners' compound is development and whether it is exempted development*" at 1 Palace Street, Drogheda, Co. Louth, A92 DH22 is development and whether it is exempted development

AND WHEREAS the said question was referred to Louth County Council by Kehinde Raji, 13 McArdle Green, Moneymore, Drogheda, Co. Louth,

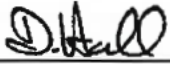
AND WHEREAS Louth County Council in considering this reference, had regard reference particularly to –

- a) The definition of "works" and "development", in Section 2 of the Planning and Development Act 2024,
- b) Plans and particulars received by the Planning Authority on 17th April 2026,
- d) The planning history of the site.

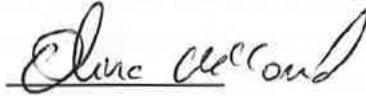
AND WHEREAS Louth County Council has concluded on the basis of the information submitted that:

- (i) The placement of a circa 20sqm open temporary structure would constitute "works" and therefore would constitute "*development*" within the meaning provided in Section 2 of the Planning and Development Act, 2024 (as amended).
- (ii) The operation of a mobile fixed food vending operation would constitute a material change in the use of the land and would constitute "*development*" within the meaning provided in Section 2 of the Planning and Development Act, 2024 (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 decides that (a) the placement of a circa 20sqm open temporary structure for a mobile fixed food vending operation and (b) the operation of a mobile fixed food vending operation at 1 Palace Street Drogheda, Co. Louth, A92 DH22 is development and is not exempted development.



David Hall
Acting Senior Executive Planner
Date: 6th May 2026



Olivia McCormack
A/Director of Services
Date: 08/05/2026