



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:

Richie McDermott, Fairkeep Limited, [REDACTED]

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

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

Barry Reynolds, Drumbaragh, Kells, Co. Meath, A82 E3Y1

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

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

Barry Reynolds, Drumbaragh, Kells, Co. Meath, A82 E3Y1

[REDACTED]

4. Interest in site of the person seeking declaration:

Fairkeep limited is the occupier and leaseholder of the premises. The owner is [REDACTED]

[REDACTED] with address at [REDACTED]

(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

The D Hotel, Scotch Hall Shopping Centre, Marsh Road, Drogheda, Co. Louth, A92 HF5F.

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

<https://irish.gridreferencefinder.com>

A92 HF5F

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 temporary change of use of the existing hotel premises to accommodate displaced persons or persons seeking international protection exempt from the requirement for planning permission under Class 20F of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended), as inserted by the Planning and Development (Exempted Development) Regulations 2022 (S.I. No. 605 of 2022), as amended by S.I. No. 376 of 2023 and S.I. No. 648 of 2025?

Additionally, please confirm whether the same exemption applies under Class 14(h) of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended).

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?

Not applicable

I certify that the aforementioned is correct.

Signature of Applicant:  **Date** 4th March 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.

Louth County Council,
 Planning Department,
 Crowe Street,
 Dundalk,
 Co. Louth.

4th March 2026

REF: Request for Section 5 Declaration under Class 20F and Class 14 (h) Exempted Development Temporary Change of Use of The D Hotel, Scotch Hall Shopping Centre, Marsh Road, Drogheda, Co. Louth, A92 HF5F.

To whom it may concern,

We write on behalf of Fairkeep Limited to request a Section 5 Declaration for exemption from the application for planning permission for the above noted hotel premises. In support of this request, see attached

1. Completed application form with the question for determination noted therein.
2. Copy of ownership confirmation letter. Details are noted also in the application form.
3. Copy of the following drawings

Drawing Reference	Drawing Title	Revision	Date of Revision
PRB-BR-XX-PL-DR-2110	Ground Floor Plan	00	03.03.2026
PRB-BR-XX-PL-DR-2111	First Floor Plan	00	03.03.2026
PRB-BR-XX-PL-DR-2112	Second Floor Plan	00	03.03.2026
PRB-BR-XX-PL-DR-2113	Third Flood Plan	00	03.03.2026
PRB-BR-XX-PL-DR-2114	Fourth Floor Plan	00	03.03.2026
PRB-BR-XX-PL-DR-2115	Fifth Floor Plan	00	03.03.2026
PRB-BR-XX-PL-DR-2116	Sixth Floor Plan	00	03.03.2026
PRB-BR-XX-PL-DR-2117	Roof Plan	00	03.03.2026
PRB-BR-XX-PL-DR-2118	Section A-A	00	03.03.2026
Drawing Reference	Drawing Title	Revision	Date of Revision
PRB-BR-XX-PL-DR-2119	Site Plan	00	03.03.2026
PRB-BR-XX-PL-DR-2120	Site Location Map	00	03.03.2026

Barry Reynolds, Drumbaragh, Kells, Co. Meath, A82 E3Y1.

Mobile: [REDACTED]

Email: [REDACTED]

4. The premises has a valid fire safety cert under reference FA24/0057 issued by Louth County Council. Note that the premises operates under the limits established by that fire safety cert.
5. In terms of development there are no physical changes to the hotel. The temporary change of use is the only question to be determined. As a result, there are no proposed changes to the facades, and façade drawings are not included in this submission. We have included floor plan layouts, as well the as the relevant site plan, site location map.
6. We will contact your office to make payment of the €80.00 fee.

Should you require any further information, please do not hesitate to contact the undersigned.

Regards



Barry Reynolds

Dip. Arch. Tech. (TU Dublin)
RIAI (Arch.Tech.)
Chartered Architectural Technologist (MCIAT)
CIAT Chartered Practice, 2024
Chartered Building Engineer (C.Build E MCABE)
Cert in Archaeology (UCD) 2005

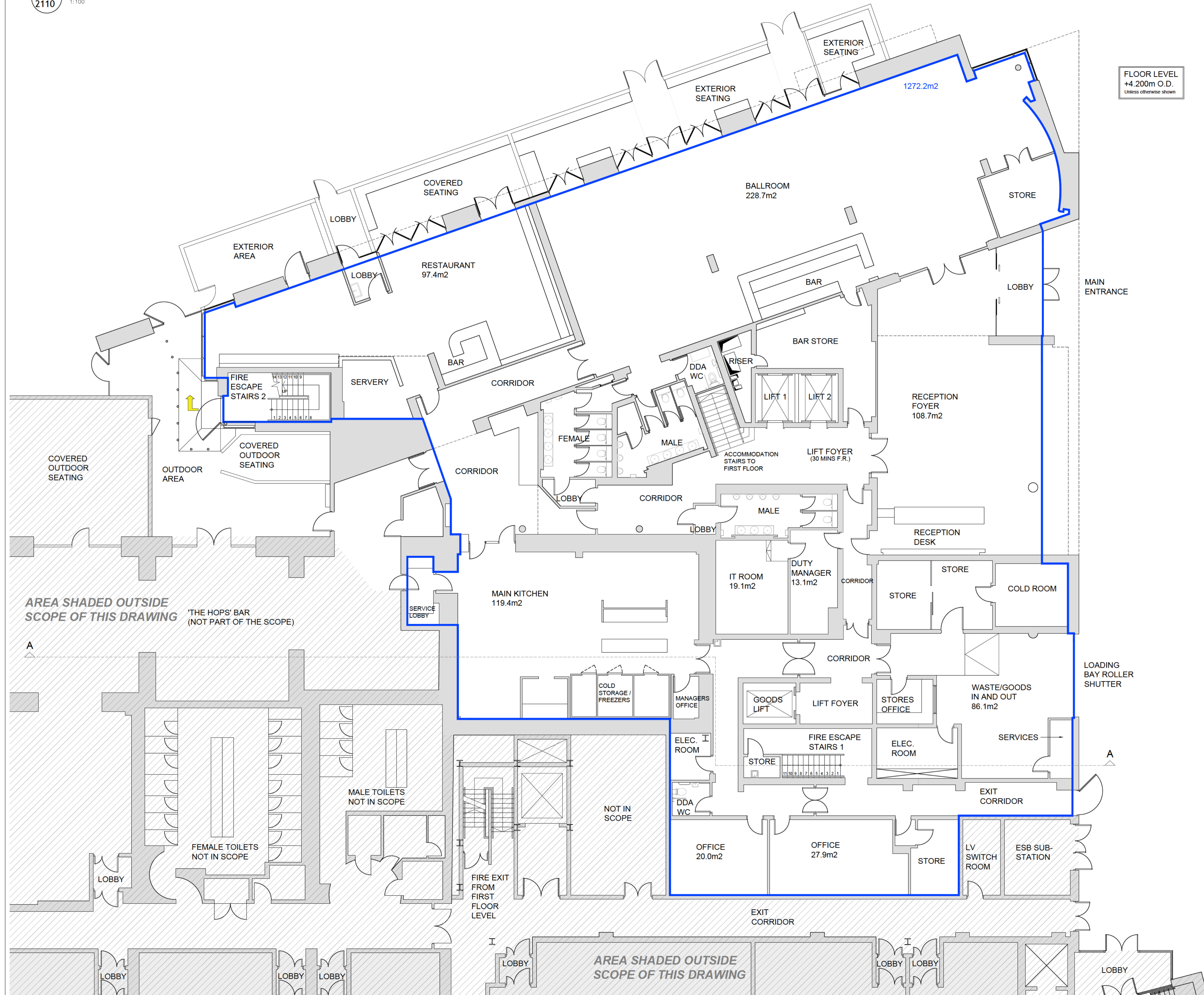
Barry Reynolds, Drumbaragh, Kells, Co. Meath, A82 E3Y1.

Mobile: [REDACTED]

Email: [REDACTED]

General Notes:

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FLOOR LEVEL
+4.200m O.D.
Unless otherwise shown

AREA SHADED OUTSIDE
SCOPE OF THIS DRAWING
THE HOPS' BAR
(NOT PART OF THE SCOPE)

AREA SHADED OUTSIDE
SCOPE OF THIS DRAWING

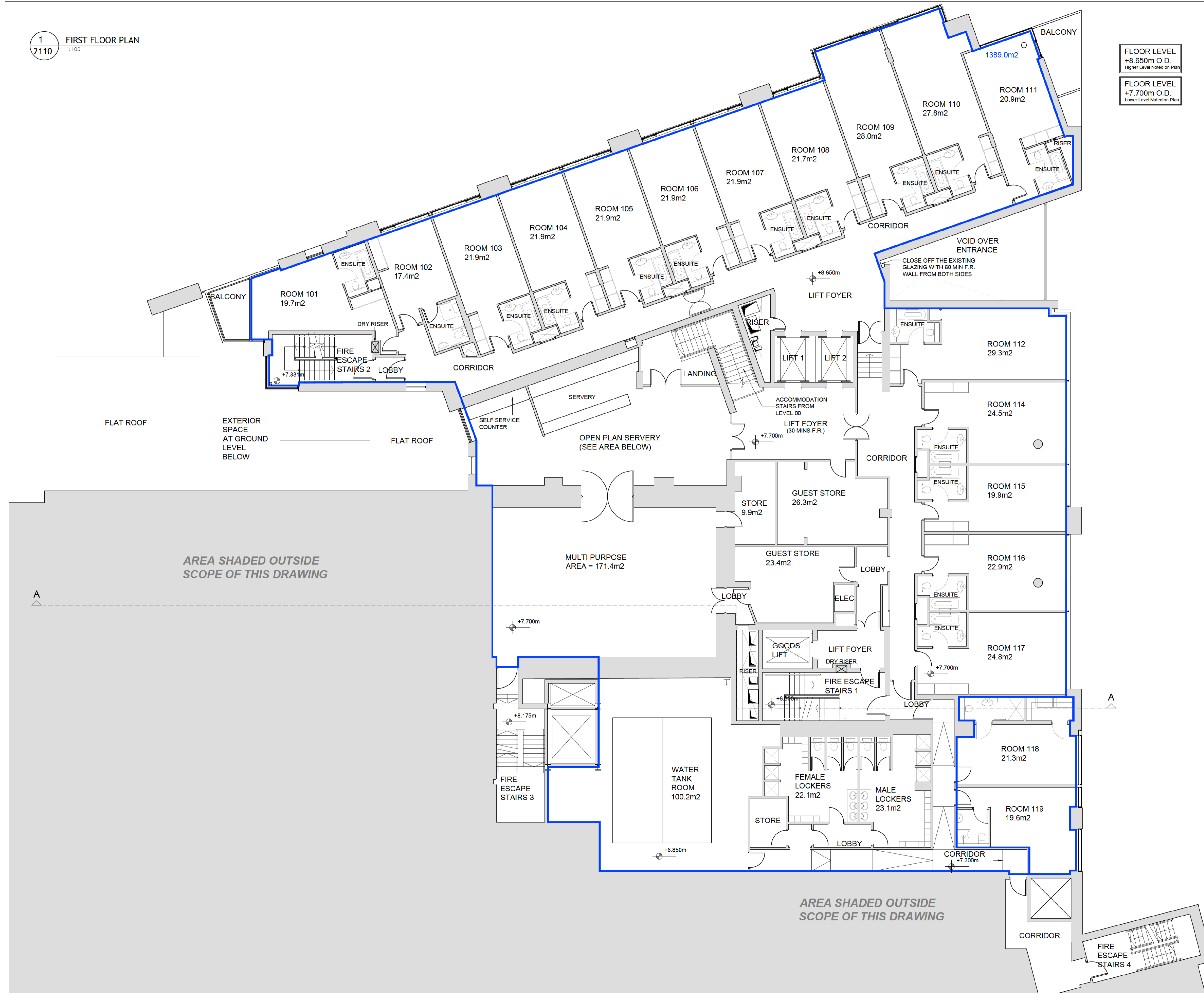
00	03.03.2026	SECTION 5 DECLARATION REQUEST APP.
Rev	Date	Description
Project Status: SECTION 5 DECLARATION REQUEST		
Architectural and Planning Services: BARRY REYNOLDS DIP. ARCH TECH DRUMBARAGH, KILLS, CO. MEATH, IRELAND, A82 E3Y1 EMAIL: barryreynoldstech@gmail.com TEL: 00 353 85 250 8386		
Client, Project Name & Address: THE D HOTEL, SCOTCH HALL SHOPPING CENTRE, MARSH ROAD, DROGHEDA, CO. LOUTH, A82 HFSF		
Drawing Title: GROUND FLOOR PLAN		
Drawn By	B.R.	Date 03.03.2026
Drawing Number PRB-BR-XX-PL-DR-2110		
Scale	Orig. Sheet Size	Rev.
1:100	@ A1	00

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FLOOR LEVEL
+8.650m O.D.
Higher Level Noted on Plan

FLOOR LEVEL
+7.700m O.D.
Lower Level Noted on Plan



AREA SHADED OUTSIDE SCOPE OF THIS DRAWING

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00	03.03.2026	SECTION 5 DECLARATION REQUEST APP.
Rev	Date	Description
Project Status: SECTION 5 DECLARATION REQUEST		
Architectural and Planning Services: BARRY REYNOLDS DIP. ARCH TECH DRUMBARAGH, KILLS, CO. MEATH, IRELAND, A82 E3Y1 EMAIL: barryreynoldstech@gmail.com TEL: 00 353 85 250 8386		
Client, Project Name & Address: THE D HOTEL, SCOTCH HALL SHOPPING CENTRE, MARSH ROAD, DROGHEDA, CO. LOUTH, A82 HFSF		
Drawing Title: FIRST FLOOR PLAN		
Drawn By	B.R.	Date 03.03.2026
Drawing Number PRB-BR-XX-PL-DR-2111		
Scale	Orig. Sheet Size	Rev.
1:100	@ A1	00

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FLOOR LEVEL
+11.650m O.D.
Unless otherwise shown

AREA SHADED OUTSIDE SCOPE OF THIS DRAWING

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Client, Project Name & Address: THE D HOTEL, SCOTCH HALL SHOPPING CENTRE, MARSH ROAD, DROGHEDA, CO. LOUTH, A82 HFSF		
Drawing Title: SECOND FLOOR PLAN		
Drawn By	B.R.	Date 03.03.2026
Drawing Number PRB-BR-XX-PL-DR-2112		
Scale	Orig. Sheet Size	Rev.
1:100	@ A1	00

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FLOOR LEVEL
+14.650m O.D.
Unless otherwise shown

AREA SHADED OUTSIDE
SCOPE OF THIS DRAWING

AREA SHADED OUTSIDE
SCOPE OF THIS DRAWING

Rev	Date	Description
00	03.03.2026	SECTION 5 DECLARATION REQUEST APP.

Project Status:
SECTION 5 DECLARATION REQUEST

Architectural and Planning Services:
BARRY REYNOLDS DIP. ARCH TECH
DRUMBARAGH, KILLS, CO. MEATH, IRELAND, A82 E3Y1
EMAIL: barryreynoldstech@gmail.com
TEL: 00 353 85 250 8386

Client, Project Name & Address:
THE D HOTEL, SCOTCH HALL SHOPPING CENTRE,
MARSH ROAD, DROGHEDA, CO. LOUTH, A82 HFSF

Drawing Title:
THIRD FLOOR PLAN

Drawn By: B.R. Date: 03.03.2026

Drawing Number:
PRB-BR-XX-PL-DR-2113

Scale	Orig. Sheet Size	Rev.
1:100	@ A1	00

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FLOOR LEVEL
+17.650m O.D.
Unless otherwise shown

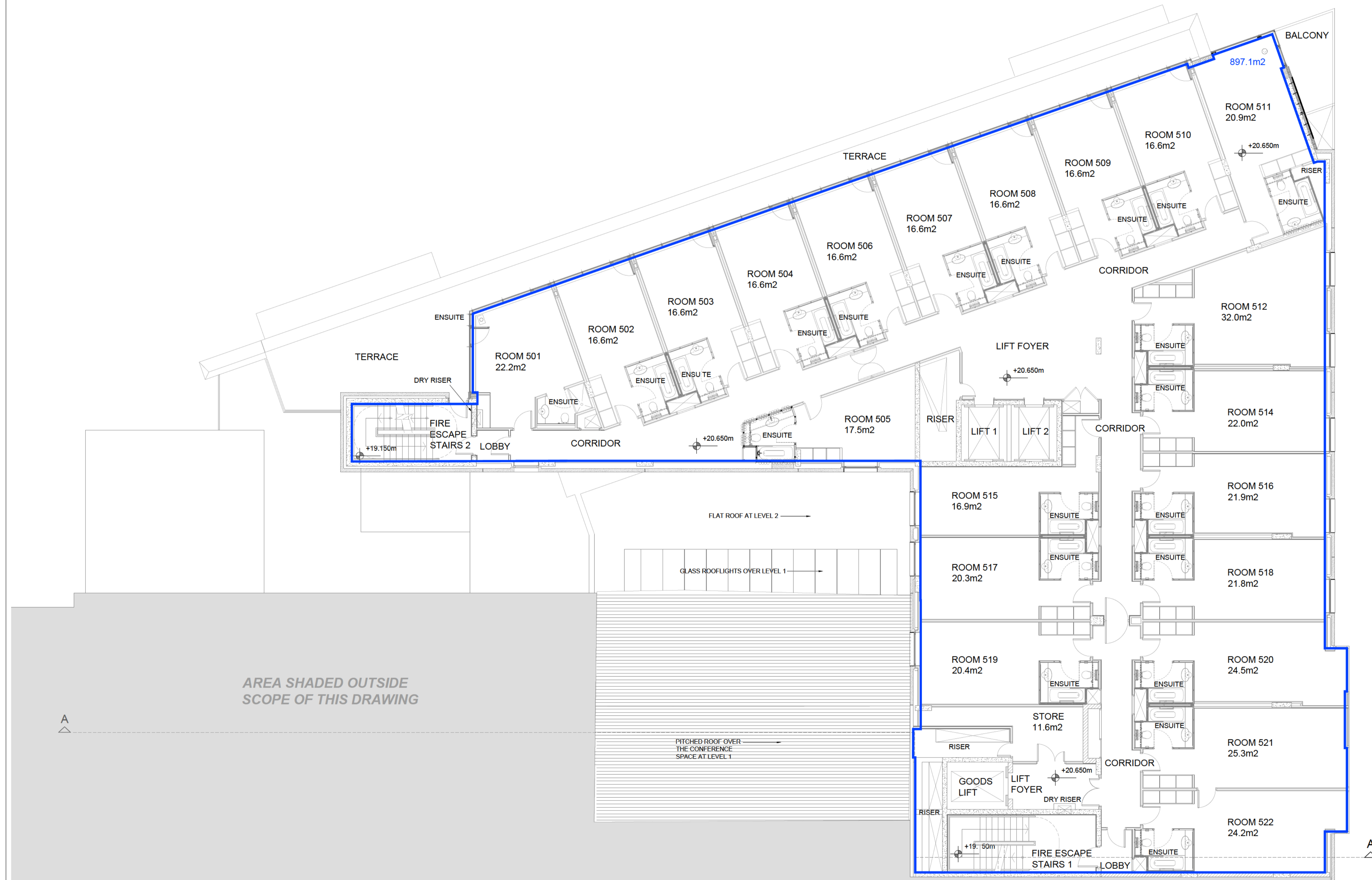
AREA SHADED OUTSIDE SCOPE OF THIS DRAWING

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Client, Project Name & Address: THE D HOTEL, SCOTCH HALL SHOPPING CENTRE, MARSH ROAD, DROGHEDA, CO. LOUTH, A82 HFSF		
Drawing Title: FOURTH FLOOR PLAN		
Drawn By	B.R.	Date 03.03.2026
Drawing Number PRB-BR-XX-PL-DR-2114		
Scale	Orig. Sheet Size	Rev.
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FLOOR LEVEL
+23.650m O.D.
Unless otherwise shown

AREA SHADED OUTSIDE SCOPE OF THIS DRAWING

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TEL: 00 353 85 250 8386

Client, Project Name & Address:
THE D HOTEL, SCOTCH HALL SHOPPING CENTRE,
MARSH ROAD, DROGHEDA, CO. LOUTH, A82 HFSF

Drawing Title:
FIFTH FLOOR PLAN

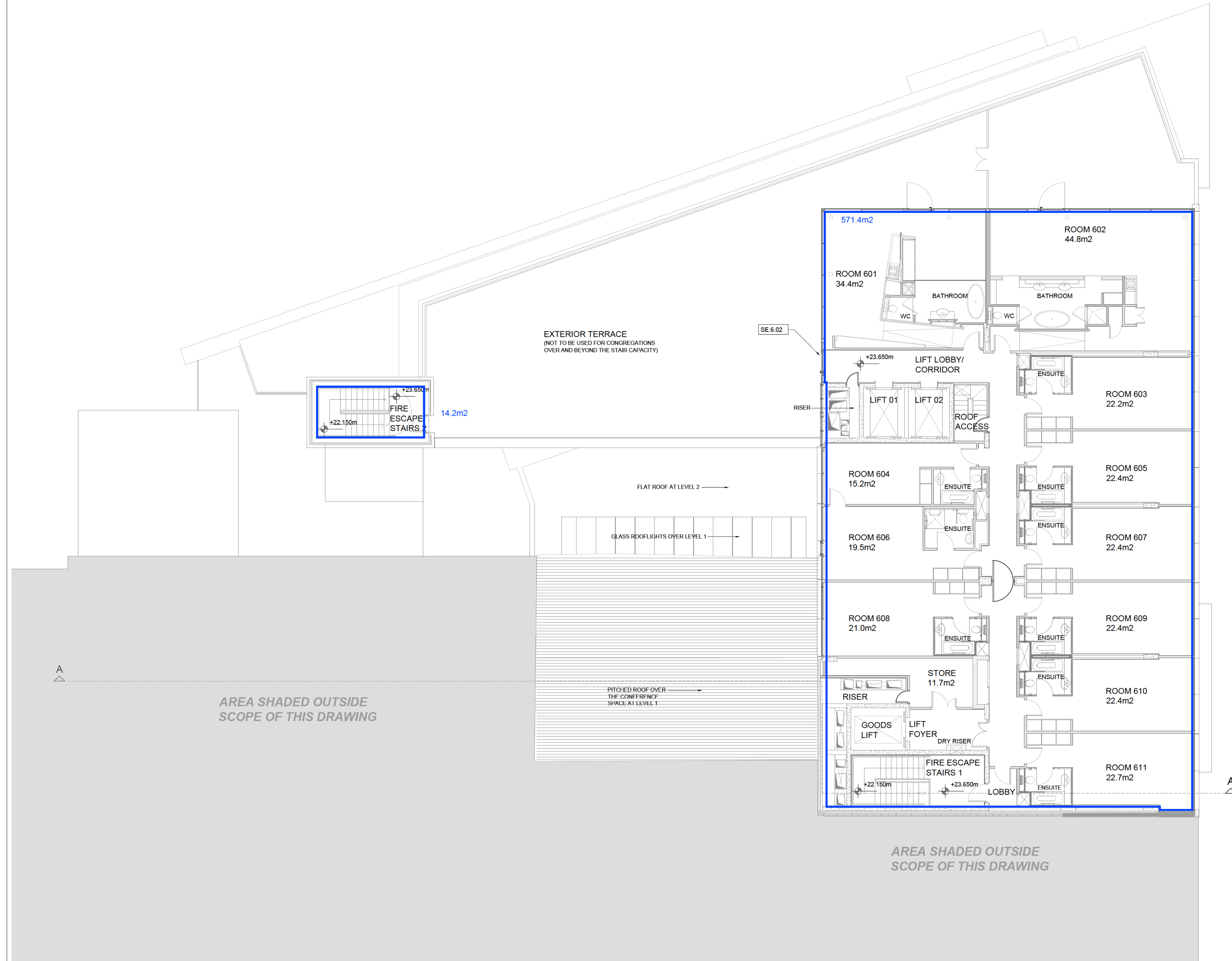
Drawn By	B.R.	Date	03.03.2026
Drawing Number	PRB-BR-XX-PL-DR-2115		
Scale	Orig. Sheet Size	Rev.	
1:100	@ A1	00	

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FLOOR LEVEL
+23.650m O.D.
Unless otherwise shown

Top Floor
19.450m
Above
Ground Level



AREA SHADED OUTSIDE
SCOPE OF THIS DRAWING

AREA SHADED OUTSIDE
SCOPE OF THIS DRAWING

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00	03.03.2026	SECTION 5 DECLARATION REQUEST APP.

Project Status:
SECTION 5 DECLARATION REQUEST

Architectural and Planning Services:
BARRY REYNOLDS DIP. ARCH TECH
DRUMBARAGH, KELLS, CO. MEATH, IRELAND, A82 E3Y1
EMAIL: barryreynoldstech@gmail.com
TEL: 00 353 85 250 8386

Client, Project Name & Address:
THE D HOTEL, SCOTCH HALL SHOPPING CENTRE,
MARSH ROAD, DROGHEDA, CO. LOUTH, A82 HFSF

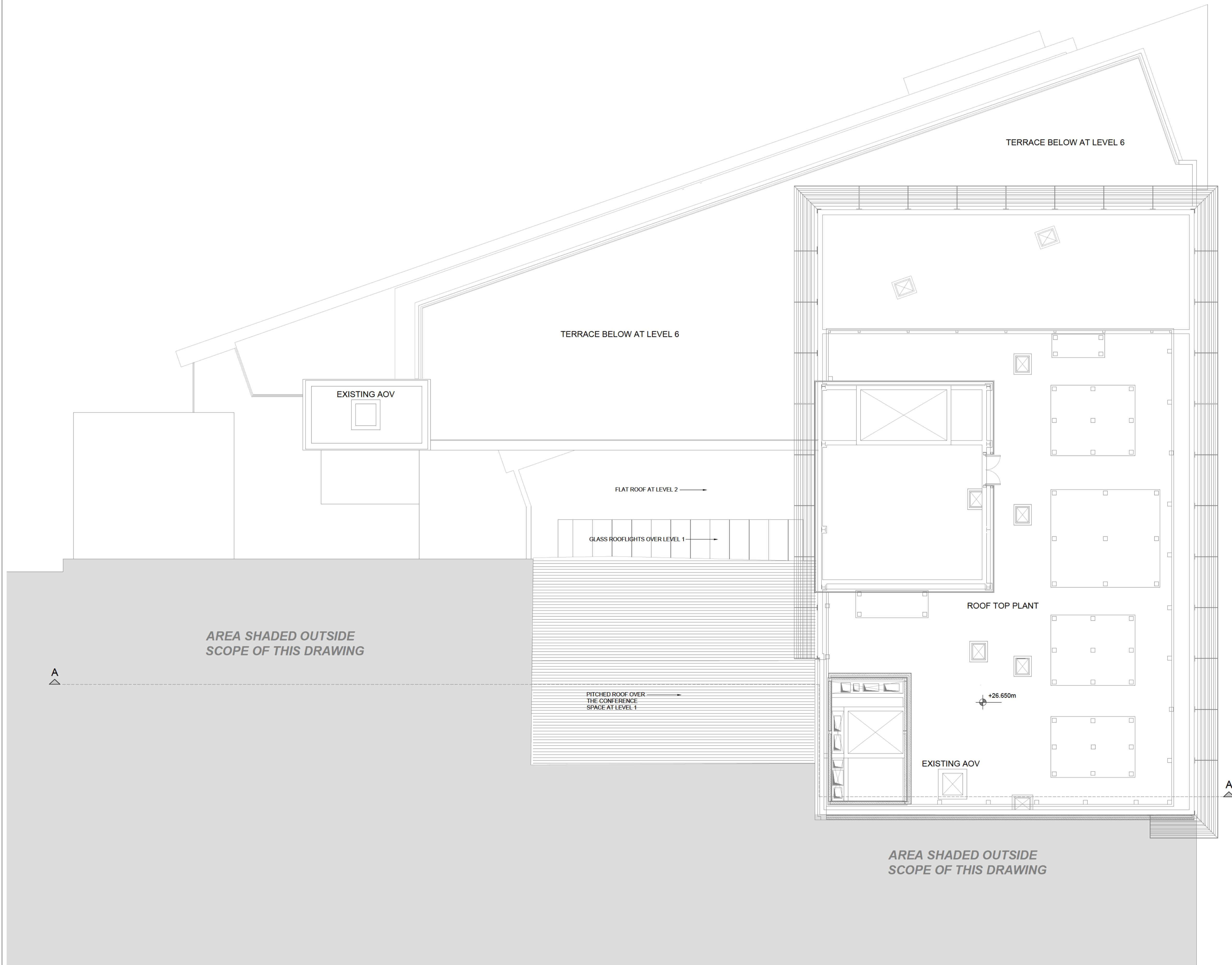
Drawing Title:
SIXTH FLOOR PLAN

Drawn By	B.R.	Date	03.03.2026
Drawing Number PRB-BR-XX-PL-DR-2116			
Scale	Orig. Sheet Size	Rev.	
1:100	@ A1	00	

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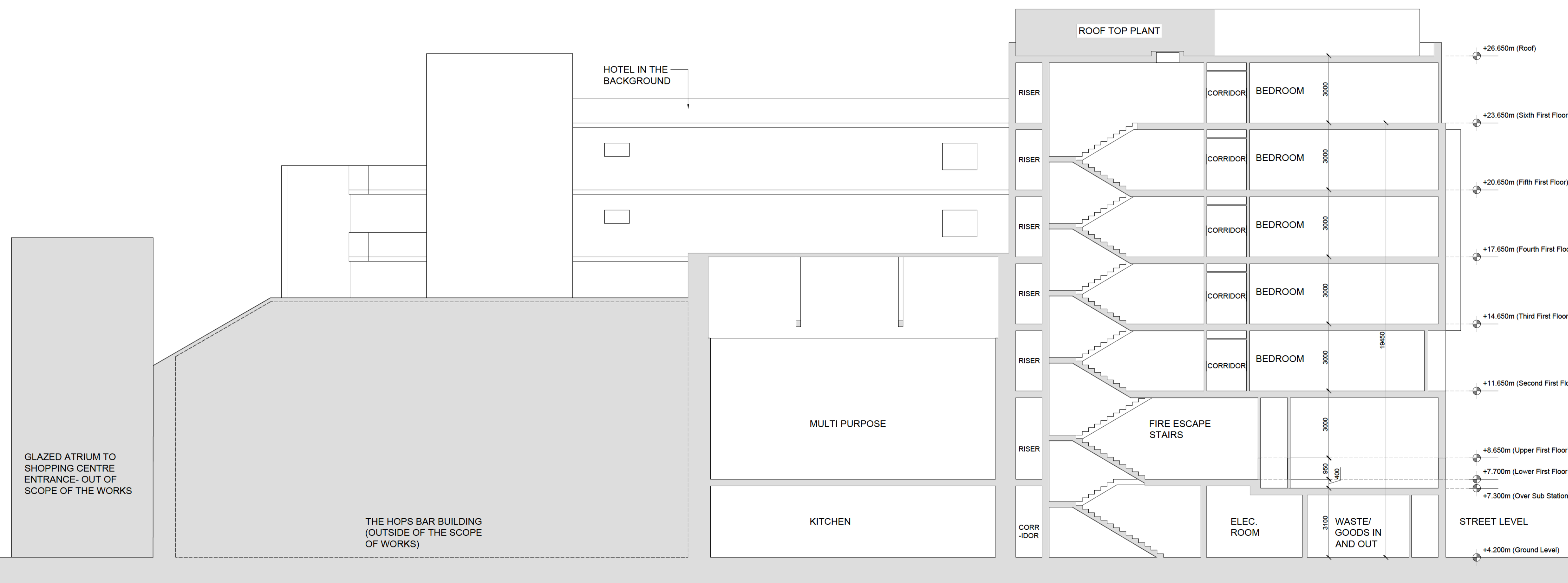
ROOF LEVEL
+26.650m O.D.
Unless otherwise shown



00	03.03.2026	SECTION 5 DECLARATION REQUEST APP.
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Project Status:		
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Client, Project Name & Address:		
THE D HOTEL, SCOTCH HALL SHOPPING CENTRE, MARSH ROAD, DROGHEDA, CO. LOUTH, A82 HFSF		
Drawing Title:		
ROOF PLAN		
Drawn By	B.R.	Date 03.03.2026
Drawing Number		
PRB-BR-XX-PL-DR-2117		
Scale	Orig. Sheet Size	Rev.
1:100	@ A1	00

General Notes:

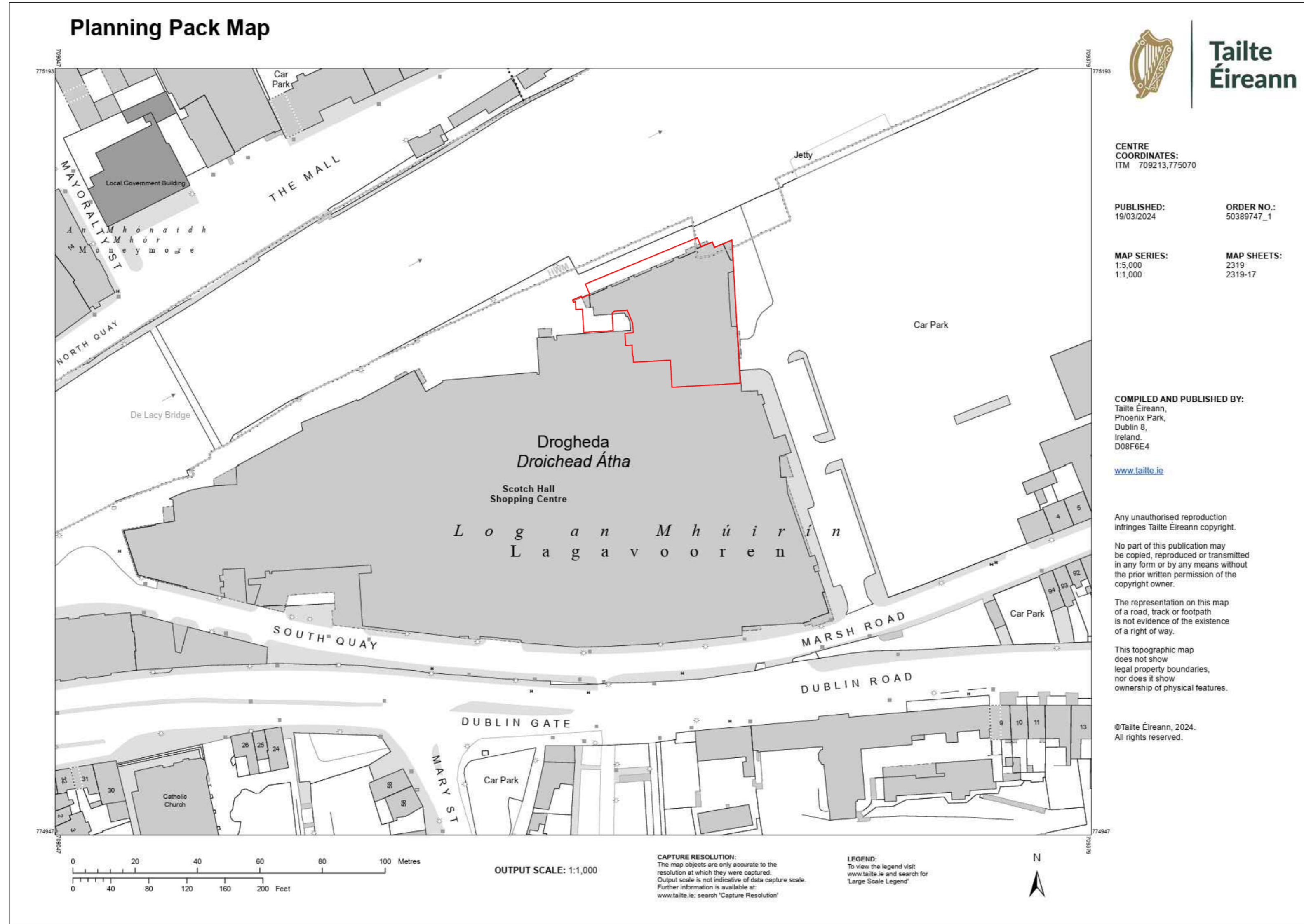
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1 SECTION A-A
2118 1:100

00	03.03.2026	SECTION 5 DECLARATION REQUEST APP.
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BARRY REYNOLDS DIP. ARCH TECH DRUMBARAGH, KILLS, CO. MEATH, IRELAND, A82 E3Y1 EMAIL: barryreynoldstech@gmail.com TEL: 00 353 85 250 8386		
Client, Project Name & Address:		
THE D HOTEL, SCOTCH HALL SHOPPING CENTRE, MARSH ROAD, DROGHEDA, CO. LOUTH, A82 HFSF		
Drawing Title:		
SECTION A-A		
Drawn By	B.R.	Date 03.03.2026
Drawing Number		
PRB-BR-XX-PL-DR-2118		
Scale	Orig. Sheet Size	Rev.
1:100	@ A1	00

1 SITE LOCATION MAP
2120 1:1000



CENTRE COORDINATES:
ITM 709213,775070

PUBLISHED: 19/03/2024
ORDER NO.: 50389747_1

MAP SERIES: 1:5,000
1:1,000
MAP SHEETS: 2319
2319-17

COMPILED AND PUBLISHED BY:
Tailte Éireann,
Phoenix Park,
Dublin 8,
Ireland.
D08F6E4

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This topographic map does not show legal property boundaries, nor does it show ownership of physical features.

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THE SITE TO WHICH THIS APPLICATION RELATES OUTLINED IN RED

Rev	Date	Description
00	03.03.2026	SECTION 5 DECLARATION REQUEST APP.

Project Status:
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EMAIL: barryreynoldstech@gmail.com
TEL: 00 353 85 250 8386

Client, Project Name & Address:
THE D HOTEL, SCOTCH HALL SHOPPING CENTRE,
MARSH ROAD, DROGHEDA, CO. LOUTH, A92 HF5F

Drawing Title:
SITE LOCATION MAP

Drawn By B.R. **Date** 03.03.2026

Drawing Number
PRB-BR-XX-PL-DR-2120

Scale	Orig. Sheet Size	Rev.
1:1000	@ A2	00

Louth County Council
Section 5 Declaration

Planning Ref: 2026/10

Applicant's Name: Richie McDermott of Fairkeep Ltd

Type of Application: Section 5 Declaration

Development: Whether the temporary change of use of the existing hotel premises to accommodate displaced persons or persons seeking international protection is or is not development and is or is not exempted development.

Site Location: The D Hotel, Scotch Hall Shopping Centre, Marsh Road, Drogheda, Co. Louth, A92 HF5F

Report Date 19th March 2026

Due Date: 31st March 2026

1.0 SITE LOCATION AND DESCRIPTION

The site is located within the settlement limits of Drogheda, attached to the Scotch Hall Shopping Centre and adjacent to the River Boyne. The site is on lands zoned '**B1 Town/Village Centre**' which has the objective "*to support the development, improvement and expansion of town or village centre activities.*"

The submitted red line site boundary relates to the grounds of a former hotel (6 storey building). The site is accessed off the Marsh Road with a large car park area to the east.



Fig. 1: Subject Building (extracted from Google Street View across River Boyne from The Mall)

2.0 PLANNING HISTORY

File ref. 03510132: - Amendments to permitted 80 room hotel (Ref 02/183) in order to insert one extra floor with 21 rooms and a resultant increase to 6 floors above the ground floor on lands forming part of the McDonnells Factory between the Marsh Road and River Boyne in Drogheda. Granted 15th January 2004

File ref. 02510183: -

1. 80 Bed Hotel and Conference Centre
2. Block of 29 Apartments with proposed Public House at Ground floor
3. Restoration of part of South Quay from Bullring to the Oil & Cake incl. Extension to Existing Quay and Provision of a Floating Pontoon for use by Leisure Craft
4. Restoration and alteration of Protected Structures as Listed in Schedule P1 of Drogheda Corporations Development Plan 1999
5. Development also includes surface parking (150 spaces) and all Associated Site Works. Granted 30th May 2003

3.0 DECLARATION SOUGHT

The applicant's submitted question for determination (as per question 7 of the application form) states:

"Is the temporary change of use of the existing hotel premises to accommodate displaced persons or persons seeking international protection exempt from the requirement for planning permission under Class 20F of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended), as inserted by the Planning and Development (Exempted Development) Regulations 2022 (S.I. No. 605 of 2022) as amended by S.I. No. 376 of 2023 and S.I. No. 648 of 2025?"

The applicant has also asked the following question: -

"Additionally, please confirm whether the same exemption applies under Class 14(h) of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended)?"

Therefore, the Planning Authority is considering the question for determination as: -
"Whether the temporary change of use of the existing hotel premises to accommodate displaced persons or persons seeking international protection is or is not development and is or is not exempted development."

The applicant has submitted the following supporting details with their application form:

- Completed Section 5 application form
- Floor plans
- Section drawing
- Letter re ownership
- Site Location Plan
- Site Layout Plan

4.0 EIA SCREENING AND DETERMINATION

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

On the basis of the information provided and having considered the nature, size and location of the development, I am satisfied that there is no real likelihood of significant effects on the environment and as such, an EIAR is not required.

5.0 APPROPRIATE ASSESSMENT

No Appropriate Assessment screening report has been provided with this application. In having regard to the nature and scale of the subject development and the nature of the receiving environment, 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.

6.0 LEGISLATIVE CONTEXT

The Planning and Development Act 2024

Sections 1-5 of the Planning and Development Act 2024 commenced in December 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;

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

- (a) exempted development, or*
- (b) development carried out in accordance with—*
 - (i) a permission granted under Part IV of the Act of 1963 or deemed to be so granted under section 92 of that Act,*
 - (ii) a permission granted under section 34, 37G, 37N or 293 of the Act of 2000,*
 - (iii) a permission granted under section 9 of the Planning and Development (Housing) and Residential Tenancies Act 2016 , or*
 - (iv) a permission granted under Part 4 ,*
- (c) Chapter 6 State authority development within the meaning of Part 4 ,*
- (d) development required by—*
 - (i) a notice under section 339 ,*
 - (ii) an order under section 341 ,*
 - (iii) an enforcement notice under section 350 , or*
 - (iv) a planning injunction under section 351 ,*

or

- (e) development carried out in accordance with—*
 - (i) a licence under section 13 , or*
 - (ii) a licence under section 254 of the Act of 2000;*

“Works” includes an act or operation—

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

The Planning and Development Act, 2000 (as amended)

Section 4:

Section 4(1) provides a list of statutory exempted development.

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

Section 5 states:

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

Section 32:

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

The Planning and Development Regulations, 2001 (as amended)

Article 6:

Article 6 (1) states that 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) provides restrictions on exemptions and states that “*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.”

Article 10;

Changes of use.

10(1) Development which consists of a change of use within any one of the classes of use specified in Part 4 of Schedule 2, shall be exempted development for the purposes of the Act, provided that the development, if carried out would not—

- (a) involve the carrying out of any works other than works which are exempted development,
- (b) contravene a condition attached to a permission under the Act,
- (c) be inconsistent with any use specified or included in such a permission, or
- (d) be a development where the existing use is an unauthorised use, save where such change of use consists of the resumption of a use which is not unauthorised, and which has not been abandoned.

The Planning and Development (Amendment) (No. 4) Regulations 2015 (S.I. No. 582 of 2015)

Provides an exemption under Class 14(h) of Part 1, Schedule 2 of the P & D Regs, 2001, as amended, as a measure for the change of use, and related works, for the purpose of providing the necessary accommodation facilities for protected persons. In order to avail of this exemption, the subject premises must be in “*use as a hotel, motel, hostel, guesthouse, holiday accommodation, convent, monastery, Defence Forces barracks or other premises or residential institution providing overnight accommodation, or part thereof, or from the change of use specified in paragraph (i) of the said premises or institution, or part thereof, to use as accommodation for protected persons*”.

i) “From use as a hotel, motel, hostel, guesthouse, holiday accommodation, convent, monastery, Defence Forces barracks or other premises or residential institution providing overnight accommodation, or part thereof, or from the change of use specified in paragraph (h) of the said premises or institution, or part thereof, to use as an emergency reception and orientation centre for protected persons.”

j) “from the change of use specified in paragraph (h) or (i) or both, to the permitted use of the premises immediately prior to the change of use specified in the said paragraph (h) or (i) or both.”

Condition and limitation

Class 14(j) shall not apply after a period of 3 years from the date of the commencement of the change of use specified in Class 14(h) or (i) or both, whichever date is the earliest.

Class 20(f) of Part 1, Schedule 2 of the Planning and Development Regulations 2001 (as amended)

Provides an exemption for the following:

Temporary use by or on behalf of the Minister for Children, Equality, Disability, Integration and Youth to accommodate or support displaced persons or persons seeking international protection of any structure or part of a structure used as a school, college, university, training centre, social centre, community centre, non-residential club, art gallery, museum, library, reading room, sports club or stadium, gymnasium, hotel, convention centre, conference centre, shop, office, Defence Forces barracks, light industrial building, airport operational building, wholesale warehouse or repository, local authority administrative office, play centre, medical and other health and social care accommodation, event and exhibition space or any structure or part of structure normally used for public worship or religious instruction.

Conditions and Limitations

1. The temporary use shall only be for the purposes of accommodating displaced persons or for the purposes of accommodating persons seeking international protection.

2. Subject to paragraph 4 of this class, the use for the purposes of accommodating displaced persons shall be discontinued when the temporary protection introduced by the Council Implementing Decision (EU) 2022/382 of 4 March 2022¹ comes to an end in accordance with Article 6 of the Council Directive 2001/55/EC of 20 July 2001².

3. The use for the purposes of accommodating persons seeking international protection shall be discontinued not later than 31 December 2028.

4. Where the obligation to provide temporary protection is discontinued in accordance with paragraph 2 of this class, on a date that is earlier than 31 December 2028, the temporary use of any structure which has been used for the accommodation of displaced persons shall continue for the purposes of accommodating persons seeking international protection in accordance with paragraph 3 of this class.

5. The relevant local authority must be notified of locations where change of use is taking place prior the commencement of development.

6. 'displaced persons', for the purpose of this class, means persons to whom temporary protection applies in accordance with Article 2 of Council Implementing Decision (EU) 2022/382 of 4 March 2022.

7. 'international protection', for the purpose of this class, has the meaning given to it in section 2(1) of the International Protection Act 2015 (No. 66 of 2015).

8. 'temporary protection', for the purpose of this class, has the meaning given to it in Article 2 of Council Directive 2001/55/EC of 20 July 2001.

International Protection Act 2015

“Protected Person”

Part 2 Exempted Development under the Planning and Development Regulations 2001, as amended interpretation: -

For the purposes of Schedule 2, means

- (a) A person who has made an application to the Minister for Justice and Equality under the Refugee Act of 1996 or the Subsidiary Protections Regulations 2013 (S.I. no. 426 of 2013)
- (b) A person who falls to be considered or has been considered under section 3 of the Immigration Act of 1999, or
- (c) A programme refugee within the meaning of section 24 of the Refugee Act of 1996

European Union (Planning and Development) (Displaced Persons from Ukraine Temporary Protection) Regulations 2022 (S.I. 306 of 2022)

Definition of “displaced person” means persons whom temporary protection applies in accordance with Article 2 of the Council Implementing Decision (EU 2022/382)

“Temporary Protection” has the same meaning as it has in the Council Directive.

“Council Directive” means Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences of thereof:

“Council Implementing Decision” means Council Implementing Decision (EU) 2022/382 of 4 March 2022 establishing the existence of a mass influx of displaced persons from Ukraine within the meaning of Article 5 of Directive 2001/55/EC and having the effect of introducing temporary protection.

S.I. 306/2022 as extended by Council Implementing Decision (EU) 2025/1460 operates until 4th March 2027. A development which has availed of the exemption under S.I. 306/2022 must, where practicable, be restored to its original condition following the expiration or discontinuance of use for accommodating displaced persons, unless otherwise permitted, exempted, or regularised.

S.I 306 of 2022 sets out that the provision of the Planning Act will not apply to certain classes of development by or on behalf of a State Authority, for the purposes of providing temporary protection to displaced persons as specified in the Regulations. The Schedule in Article 3 of S.I. 306/2022 lists the relevant classes of development for the purposes of providing temporary protection to displaced persons, as follows:

Schedule:

Article 3:

1. Reception and integration facilities.
2. Residential accommodation, including ancillary recreational and sporting facilities.
3. Medical and other health and social care accommodation.

4. Education and childcare facilities, including ancillary recreational and sporting facilities.
5. Emergency management coordination facilities.
6. Structures or facilities ancillary to development referred to in paragraphs 1 to 5, including administration and storage facilities.
7. Infrastructure and other works ancillary to development referred to in paragraphs 1 to 6.

7.0 ASSESSMENT

Does the proposal constitute development?

The building known as the d Hotel is currently in use as an accommodation centre for displaced persons or persons seeking international protection. The section 5 application was accompanied by a letter seeking the continuance of the temporary change of use under Class 20(f). The covering also letter states that there are no physical changes to the hotel and a determination is sought only in relation to the temporary change of use, in accordance with Class 20(f) of the Planning and Development Regulations, 2001, as amended and additionally if Class 14(h) of the same regulations is also applicable.

In reviewing the planning records listed above, it is noted that the building was granted permission as a hotel and operated as such up until recently prior to current use.

Class 14(h) and Class 20(f) both list 'hotel' and both provide an exemption as a measure for the change of use, for the purposes of providing the necessary accommodation facilities for "protected persons" under Class 14(h) and both "international protected persons" and "displaced persons" under Class 20(f). 'Hotel' is not listed in use class 6 in Part 4 of Schedule 2, and therefore under Article 10(1) of the Planning and Development Regulations 2001 (as amended) the change of use in this case would be development. On the basis of its approved use as a hotel and its current use in providing accommodation for displaced persons and persons seeking international protection, and having regard to the meaning of development as per Section 2 of the Planning and Development Act 2024 and Article 10, it is considered that the use of the hotel building to accommodate persons seeking international protection or displaced persons would constitute a material change of use of a structure and subsequently, **constitutes 'development'** as defined within the Planning and Development Act, 2024.

Does the proposal constitute exempt development?

The referrer has sought the declaration under both Class 14(h) and Class 20(f).

Class 14(h) of Part 1, Schedule 2 of the Planning and Development Regulations, 2001, as amended, provides an exemption as a measure for the change of use, and related works, for the purpose of providing the necessary accommodation facilities for "**protected persons**".

In order to avail of the exemption under Class 14(h) the premises subject to the intended change of use under must be in "*use as a **hotel, motel, hostel, guesthouse,***

holiday accommodation, convent, monastery, Defence Forces barracks or other premises or residential institution providing overnight accommodation, or part thereof, or from the change of use specified in paragraph (i) of the said premises or institution, or part thereof, to use as accommodation for protected persons". In light of the planning records outlined above, the subject building (former hotel) would fall within this exemption with the condition and limitation that Class 14(j) *(from the change of use specified in paragraph (h) or (i) or both, to the permitted use of the premises immediately prior to the change of use specified in the said paragraph (h) or (i) or both)* shall not apply after a period of 3 years from the date of the commencement of the change of use specified in Class 14(h) or (i) or both, whichever date is the earliest.

Class 20(f) of Part 1, Schedule 2 of the Planning and Development Regulations, 2001, as amended, provides a more updated provision and the provision for temporary accommodation of "**displaced persons**" or "**international protection**" applicants with 'hotel' being listed as a structure that can be converted for temporary use by or on behalf of the Minister for Children, Equality, Disability, Integration and Youth to accommodate or support displaced persons or persons seeking international protection subject to 9 conditions and limitations. The permitted use of the building prior to providing accommodation for displaced persons or persons seeking international protection, was as a hotel, and therefore, the exemption under Class 20(f) also applies to this building. As per condition and limitation no.3, the use for the purposes of accommodating persons seeking international protection shall be discontinued not later than 31 December 2028.

In having regard to the restrictions on exemptions within Article 9(1) of the Planning and Development Regulations, 2001, as amended, the subject use would not engage any of the restrictions outlined under Article 9(1) (a) – (d) and as such, would **constitute 'exempted development.'**

6.0 CONCLUSION

Having considered the previous use of the building as hotel and the continuing use of the building to provide accommodation for displaced persons or persons seeking international protection, and having regard to the definition of "development" under Section 2 of the Planning and Development Act, 2024 and having examined Class 14(h) and Class 20(f) of Part 1, Schedule 2 of the Planning and Development Regulations 2001 (as amended), it is considered that whilst a material change of use has occurred to the existing structure, that it falls within the definition of 'exempted development' in accordance with Class 14(h) (in so far as "protected persons") and Class 20(f) (in so far as "protected persons or displaced persons"); however, having regard to the particular wording of the referrers question which includes both "displaced persons" and "persons seeking international protection", that the temporary use of the d Hotel to accommodate displaced persons or persons seeking international protection is development that is exempted development under Class 20(f) of Part 1, Schedule 2, of the Planning and Development Regulations 2001, as amended.

7.0 RECOMMENDATION

Accordingly, I recommend an Order along the following lines is issued: -

WHEREAS a question has arisen pursuant to Section 5 of the Planning and Development Act (as amended) as to *“Whether the temporary change of use of the existing hotel premises to accommodate displaced persons or persons seeking international protection is or is not development and is or is not exempted development”*

AND WHEREAS the said question was referred to Louth County Council by Ritchie McDermott of Fairkeep Ltd

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) Section 4(1) of the Planning and Development Act 2000 (as amended),
- c) Article 6(1), Article 9(1) and Article 10(1) of the Planning and Development Regulations, 2001 as amended,
- d) Interpretation of “protected persons” under Part 2, section 5 of the Planning and Development Regulations, 2001, as amended for the purposes of Exempted Development
- e) “displaced persons” meaning in accordance with Article 2 of the Council Implementing Decision (EU 2022/382)
- f) Class 14(h) and Class 20(f) of Part 1, Schedule 2 of the Planning and Development Regulations, 2001, as amended,
- g) Class 6 of Part 4 of Schedule 2 of the Planning and Development Regulations 2001, as amended,
- h) Statutory Instruments 582/2015 and 306/2022,
- i) The plans and particulars forwarded to the Planning Authority on 4th March 2026,
- j) The planning history of the site,

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 hotel
- (ii) This Section 5 is for the intended use of the subject property and there is no physical building works proposed
- (iii) The subject use of the building as a residence for displaced persons or persons seeking international protection would constitute a material change in the use of the building and therefore **constitutes ‘development’** under Section 2 of the Planning and Development Act, 2024 and;
- (iv) The use would fall within the exemption under Class 20(f) of Part 1, Schedule 2 of the Planning and Development Regulations, 2001, as amended and;
- (v) The use would not engage any of the restrictions on exemptions within 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 decides that the question as to *“whether the temporary change of use of the existing*

hotel premises to accommodate displaced persons or persons seeking international protection is or is not development and is or is not exempted development” is development and is exempted development.



Lisa Grant
Assistant Planner
Date: 19/03/2026



Turlough King
A/Senior Planner
Date: 25/03/2026



Thomas McEvoy
Director of Services
Date: 27/03/2026

LOUTH COUNTY COUNCIL

CHIEF EXECUTIVE'S ORDER

PLANNING & DEVELOPMENT ACT 2000 (as amended)

Section 5 Exempted Development

Chief Executive's Order No:	226/2026
Reference No:	S5 2026/10
Date Application Received:	04/03/2026
Description of Development:	Whether the temporary change of use of the existing hotel premises to accommodate displaced persons or persons seeking international protection is or is not development and is or is not exempted development.
Name of Applicant:	Richie McDermott of Fairkeep Ltd
Location of Development	The D Hotel, Scotch Hall Shopping Centre, Marsh Road, Drogheda, Co. Louth, A92 HF5F

WHEREAS a question has arisen pursuant to Section 5 of the Planning and Development Act (as amended) as to *“Whether the temporary change of use of the existing hotel premises to accommodate displaced persons or persons seeking international protection is or is not development and is or is not exempted development”*

AND WHEREAS the said question was referred to Louth County Council by Ritchie McDermott of Fairkeep Ltd

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) Section 4(1) of the Planning and Development Act 2000 (as amended),
- (c) Article 6(1), Article 9(1) and Article 10(1) of the Planning and Development Regulations, 2001 as amended,
- (d) Interpretation of *“protected persons”* under Part 2, section 5 of the Planning and Development Regulations, 2001, as amended for the purposes of Exempted Development
- (e) *“displaced persons”* meaning in accordance with Article 2 of the Council Implementing Decision (EU 2022/382)
- (f) Class 14(h) and Class 20(f) of Part 1, Schedule 2 of the Planning and Development Regulations, 2001, as amended,

- (g) Class 6 of Part 4 of Schedule 2 of the Planning and Development Regulations 2001, as amended,
- (h) Statutory Instruments 582/2015 and 306/2022,
- (i) The plans and particulars forwarded to the Planning Authority on 4th March 2026,
- (j) The planning history of the site,

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 hotel
- (ii) This Section 5 is for the intended use of the subject property and there is no physical building works proposed
- (iii) The subject use of the building as a residence for displaced persons or persons seeking international protection would constitute a material change in the use of the building and therefore **constitutes 'development'** under Section 2 of the Planning and Development Act, 2024 and;
- (iv) The use would fall within the exemption under Class 20(f) of Part 1, Schedule 2 of the Planning and Development Regulations, 2001, as amended and;
- (v) The use would not engage any of the restrictions on exemptions within 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 decides that the question as to "*whether the temporary change of use of the existing hotel premises to accommodate displaced persons or persons seeking international protection is or is not development and is or is not exempted development*" is **development** and is **exempted development**.

SIGNED: 

Lisa Grant
Assistant Planner

Date: 25/03/2026

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: 27/03/2026

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 14th day of May 2025.



Comhairle Contae Lú
Louth County Council

Mr Richie McDermott, Fairkeep Limited
c/o Barry Reynolds
Drumbaragh
Kells
Co. Meath
A82 E3Y1

By email only to: [REDACTED]

27th March 2026

Re: Ref. S5 2026/10

Application for Declaration of “Exempted Development” Part 1, Section 5 Planning & Development Act, 2000 (as amended) as to ‘Whether the temporary change of use of the existing hotel premises to accommodate displaced persons or persons seeking international protection at The D Hotel, Scotch Hall Shopping Centre, Marsh Road, Drogheda, Co. Louth, A92 HF5F’ 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 04th March 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 temporary change of use of the existing hotel premises to accommodate displaced persons or persons seeking international protection is or is not development and is or is not exempted development”*

AND WHEREAS the said question was referred to Louth County Council by Ritchie McDermott of Fairkeep Ltd

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,

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

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Féach foláirimh faoi Lú ón gComhairle ag www.mapalserter.ie/Louth
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- (b) Section 4(1) of the Planning and Development Act 2000 (as amended),
- (c) Article 6(1), Article 9(1) and Article 10(1) of the Planning and Development Regulations, 2001 as amended,
- (d) Interpretation of “protected persons” under Part 2, section 5 of the Planning and Development Regulations, 2001, as amended for the purposes of Exempted Development
- (e) “displaced persons” meaning in accordance with Article 2 of the Council Implementing Decision (EU 2022/382)
- (f) Class 14(h) and Class 20(f) of Part 1, Schedule 2 of the Planning and Development Regulations, 2001, as amended,
- (g) Class 6 of Part 4 of Schedule 2 of the Planning and Development Regulations 2001, as amended,
- (h) Statutory Instruments 582/2015 and 306/2022,
- (i) The plans and particulars forwarded to the Planning Authority on 4th March 2026,
- (j) The planning history of the site,

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 hotel
- (ii) This Section 5 is for the intended use of the subject property and there is no physical building works proposed
- (iii) The subject use of the building as a residence for displaced persons or persons seeking international protection would constitute a material change in the use of the building and therefore **constitutes ‘development’** under Section 2 of the Planning and Development Act, 2024 and;
- (iv) The use would fall within the exemption under Class 20(f) of Part 1, Schedule 2 of the Planning and Development Regulations, 2001, as amended and;
- (v) The use would not engage any of the restrictions on exemptions within 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 decides that the question as to “*whether the temporary change of use of the existing hotel premises to accommodate displaced persons or persons seeking international protection is or is not development and is or is not exempted development*” 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 04th March 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,

Niamh Lynch.

Niamh Lynch
Planning Section