



Section 5 Declaration - Application Form

Declaration as to whether development constitutes Exempted Development

Please read “Guidance Notes” before completing this form

Guidance Notes

1. The purpose of Section 5 of the Planning and Development Act 2000, as amended, is to establish if a particular development is or is not development and if it is or is not exempted development within the meaning of the Planning Act.
 - (a) A person seeking a determination must ensure under Question 7 (of the application form below) that a question is posed and that the question is clear, for example, is the construction of a shed development and is it or is it not exempted development. Details are then required of the shed so the planning authority can determine if the shed is exempt.
 - (b) The question to be determined should be clear as to whether it relates to an existing development or a proposed development. Details of the nature, size and location of the proposed development should be submitted and appropriate plans and elevations.
 - (c) If the question is not clear to the Planning Authority, the Section 5 application will be returned as invalid.
2. Any person may, on payment of the prescribed fee, currently €80.00 request in writing from the Planning Authority a declaration on a question as whether a particular type of development is exempt.
3. The Planning Authority is required to make a decision within 4 weeks of receipt of a valid Declaration Request however the Planning Authority can also request Additional Information if it is considered that insufficient information has been submitted.
4. Any person issued with a declaration may, on payment to the Board of such fee as may be prescribed, currently €220.00 refer a declaration for review by the Board within 4 weeks of the date of the issuing of the declaration.
5. A planning authority is required to consider whether the development or proposed development identified in the request would be likely to have significant effects on the environment by virtue, at the least, of the nature, size or location of such development.

Section 5 Declaration - Application Form

1. Name and address of person seeking the declaration:

Patrick McDermott Starstone Property Investments Limited

9, Bridge Street, Ashbourne, Co.Meath.

Phone Number:

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

Paul Williams

Phone Number:

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

Paul Williams

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

Abbey Centre West Street 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 XN60

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 proposed development at the Abbey Centre, West St, change of use from retail/commercial to residential in accordance with Article 10.(6) of the Planning & Development Regulations 2001 (as amended) exempt 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: Paul Williams **Date** 15 May 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.



TTW Architectural Design,
Knightsbrook,
Trim,
Co.Meath

Email:

15/05/2026

Planning Office, Louth County Council,
Town Hall, Crowe Street,
Dundalk, County Louth, A91W20C
15/05/2026

Dear Sir/Madam,

Please find enclosed a: Schedule of documents contained in Section 5 Declaration request on behalf of Starstone Property Investments Limited.

Location: Abbey Centre, West Street, Drogheda, County Louth.

Question 7:

Is the proposed development at the Abbey Centre, West St, change of use from retail/commercial to residential in accordance with Article 10.(6) of the Planning & Development Regulations 2001 (as amended) exempt development?

1. One copies each of the following drawings:

Drawing No.	Description	Scale	Paper Size
001	Existing Plan	1:100	A1
002	Proposed Plan	1:100	A1
003	Site Layout	1:500	A3
004	Site Location	1:1000	A4
005	Application Form		A4

Previous History:

Planning Application: 92510009 Decision Date: 09/04/1992

Planning application: 69510103 Decision Date: 01/03/2000

Planning application: 89510193 Decision Date: 26/01/1990

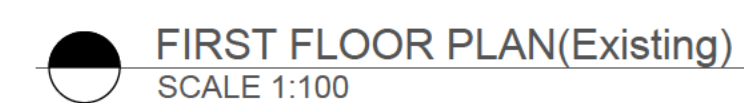
Sincerely, Paul Williams:

A handwritten signature in blue ink that reads 'Paul Williams' in a cursive script.



Gross Internal Area

Ground Floor 359.5m²
First Floor 248.5m²
Second Floor 236.9m²



General Notes		
Draft Plan		22-Feb-2026
No.	Revision/Issue	Date



STARSTONE
Property Group



2nd Floor Office, Unit 4,
Broadmeadow House,
Ashbourne, Co. Meath
A84K409.

☎ 01 9198300

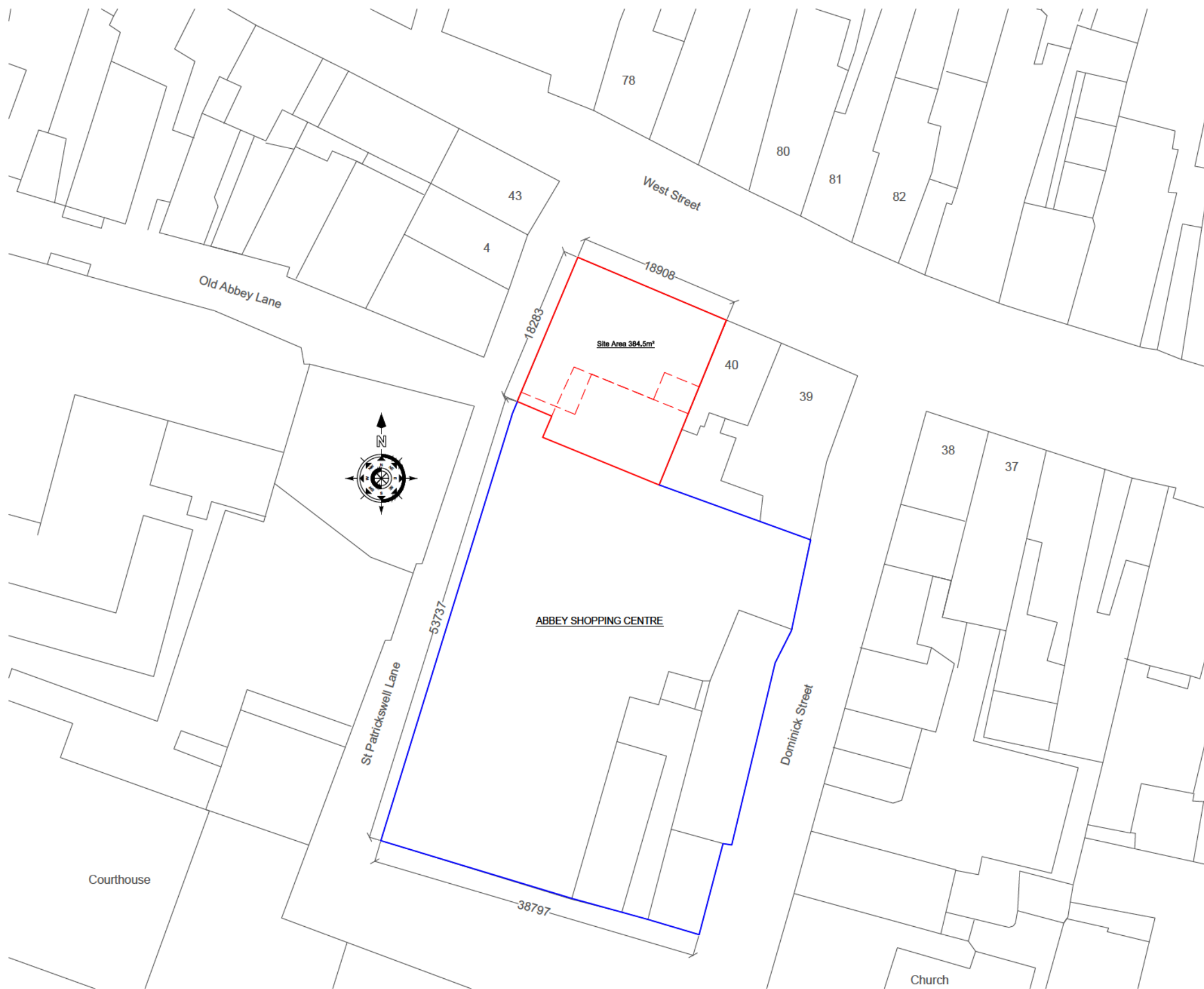
✉ enquiries@starstone.ie

Project Title: Abbey Centre, West Street.
Retail to Residential
Article 10

Drawn: P.W.

Checked:

Projection: 	Project No: 48-2026
Date: 27-FEB-2026	Dwg No: 001
Scale: 1:100@A1	



 SITE LAYOUT
SCALE 1:500

General Notes		
	Draft Plan	22-Feb-2026
No.	Revision/Issue	Date



STARSTONE
Property Group



2nd Floor Office, Unit 4,
Broadmeadow House,
Ashbourne, Co. Meath
A84K409.

☎ 01 9198300

✉ enquiries@starstone.ie

Project Title: Abbey Centre, West Street.
Retail to Residential
Article 10

Drawn: P.W.

Checked:

Projection: 

Date: 27-FEB-2026

Scale: 1:500@A3

Project No: 48-2026

Dwg No: 003

Land Registry Compliant Map



Tailte
Éireann

**CENTRE
COORDINATES:**
ITM 708559,775217

PUBLISHED: 09/04/2025
ORDER NO.: 50459875_1

MAP SERIES: 1:5,000
1:1,000
1:1,000
MAP SHEETS: 2319
2319-11
2319-16

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

www.tailte.ie

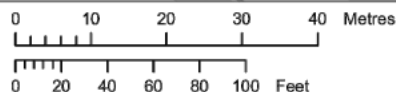
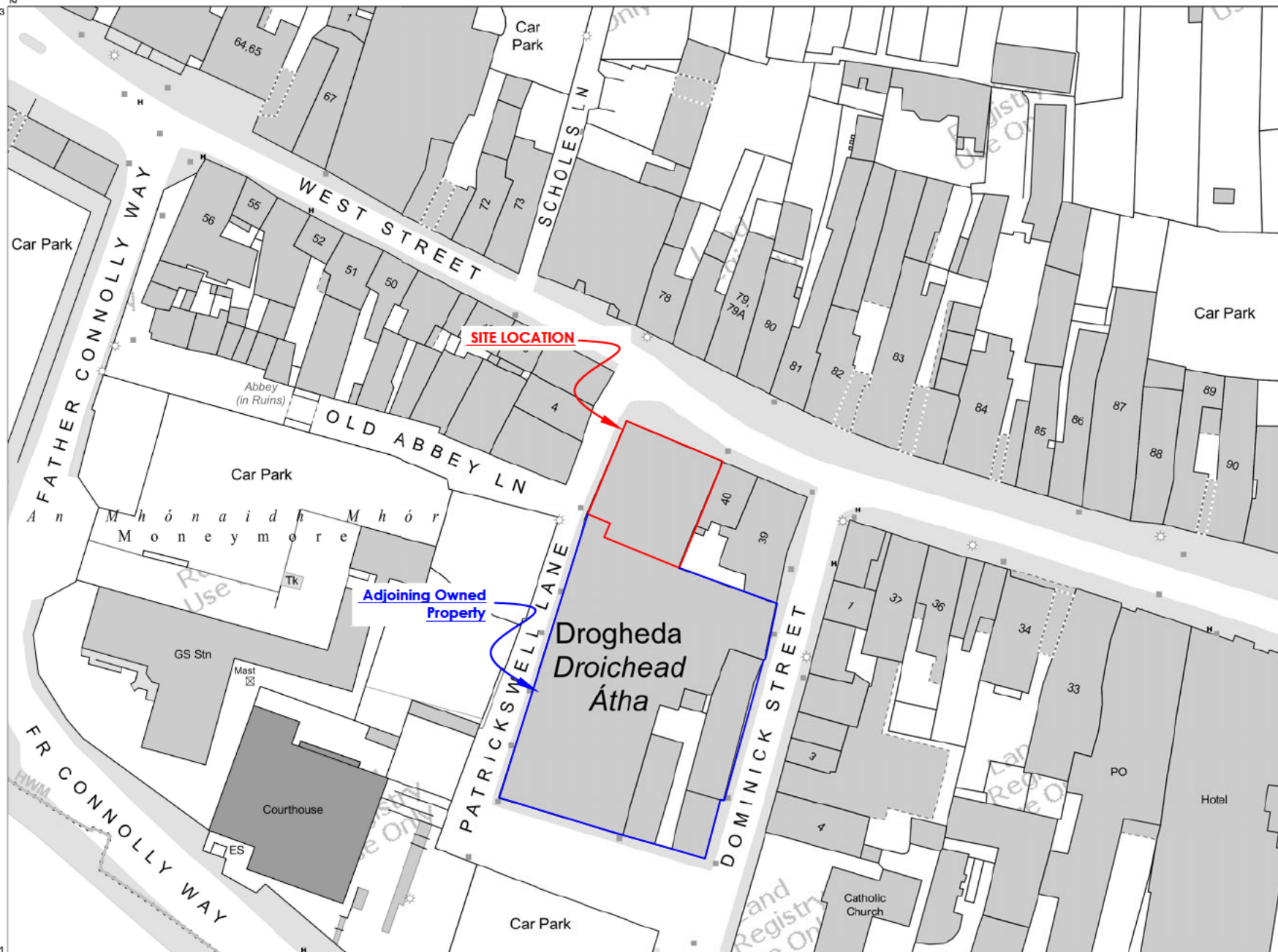
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LEGEND:
To view the legend visit
www.tailte.ie and search for
'Large Scale Legend'



Louth County Council
Section 5 Declaration

Planning Ref: S5 2026/33

Applicant's Name: Patrick Mc Dermott C/o Starstone Property Investments Ltd

Type of Application: Section 5 Declaration

Development: Whether or not the change of use from retail/ commercial to residential in accordance with article 10. (6) of the Planning & Development Regulations 2001 (as amended) is exempt development.

Site Location: Abbey Centre West Street Drogheda, Co. Louth, A92 XN60

Site Inspection 27th May 2026

Report Date 28th May 2026

Due Date: 11th June 2026

1.0 Site Location and description

The site is located off West Street and at the junction of Patrickswell Lane within the area zoned B1 Town or Village Centre within Drogheda Town Centre. The lands zoned **B1** have an objective to “*support the development, improvement and expansion of town or village centre activities*” (as per the Louth County Development Plan 2021-2027, as varied).

The site boundary relates to the Old Abbey Shopping centre which is a three-storey building over basement. The building is entirely vacant at present.



Fig 1: Google image of the subject building.

The building is of no real architectural merit with expansive glazing, security grills to ground floor elevation to West Street and large rectangular windows at first and second floor levels to front and side elevations. The building is however located with

the ACA No 14 West Street and surrounding shopping streets forming Drogheda's shopping core.



Fig 2 above – Existing Floor and front elevation plans of Abbey Centre Building West Street Drogheda which is subject to the Section 5 declaration.

The building has a total floor area of 844.9 sqm in area and I undertook an internal site inspection and noted two former retail units fronting onto West Street. The building is entirely derelict but internal stairwells and internal partitions are still in place between various floor levels.

The subject section 5 affects only part of the Old Abbey Shopping centre (see Fig. 3 below) and relates to the first and second floors of the front part of the building.



Fig. 3 Site location and red line depicts section 5 location while blue line depicts ownership.

2.0 Planning History

69/510103 – Shopping development granted. Sales unit at ground floor and restaurant at first floor.

89/510193 – satellite dish granted. Drawings inspected.

92/510009 - Alterations to west street & West elevations. No drawings scanned.

No enforcements were noted on subject buildings.

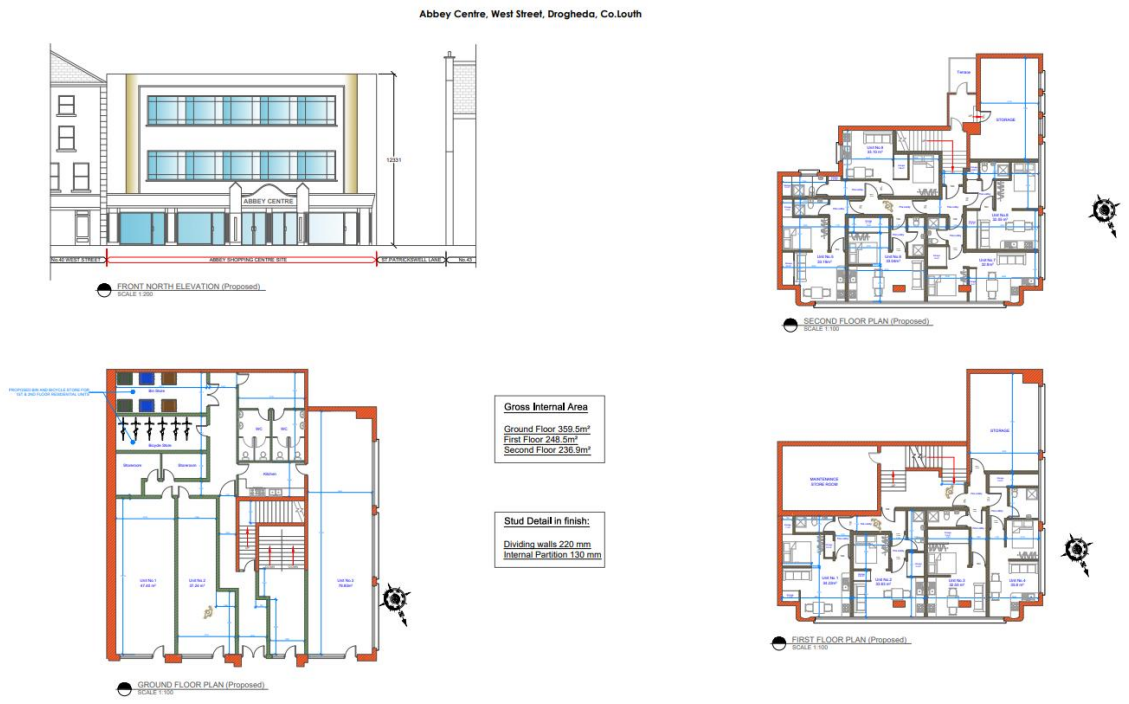


Fig. 4: Proposed change of use from commercial to residential.

3.0 Declaration Sought

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

"Is the proposed development at the Abbey Centre, West St, change of use from retail/ commercial to residential in accordance with Article 10.6 of the Planning & Development Regulations 2001 (as amended) exempt development?"

The applicant has submitted the following supporting details:

- Existing Plans
- Proposed Plans
- Site Layout
- Site Location
- Application form

4.0 EIA Screening and Determination

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

Based on information provided and having considered the nature, size and location of the 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 screening report has been provided with this application. Having regard to the nature and scale of the proposed 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 2000 (Revised)

“Development” means –

- a) the carrying out of any works in, on, over or under land, or the making of any material change in the use of any land or structures situated on land, or
- (b) development within the meaning of Part XXI (inserted by section 171 of the Maritime Area Planning Act 2021).

Development in architectural conservation areas.

82.—(1) F451[Notwithstanding *paragraph(a), (h), (i), (ia), (j), (k) or (l) of section 4(1), or any regulations made under section 4(2),*] the carrying out of works to the exterior of a structure located in an architectural conservation area shall be exempted development only if those works would not materially affect the character of the area.

(2) In considering an application for permission for development in relation to land situated in an architectural conservation area, a planning authority, or the Board on appeal, shall take into account the material effect (if any) that the proposed development would be likely to have on the character of the architectural conservation area.

The Planning and Development Regulations 2001 (as amended)

Part 2

Article 6 Exempted Development

Part 2, Article 9, Restrictions on Exemption

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,

(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

(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,

(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.

(6) (a) In this sub-article—

‘relevant period’ means the period from 8 February 2018 until 31 December 2028.

(b) This sub-article relates to a proposed development, during the relevant period, that consists of a change of use to residential use from Class 1, 2, 3, 6, or 12 of Part 4 to Schedule 2

(c) Notwithstanding sub-article (1), where in respect of a proposed development referred to in paragraph (b)—

(i) the structure concerned was completed prior to the making of the Planning and Development (Amendment) (No. 2) Regulations 2018,

(ii) the structure concerned has at some time been used for the purpose of its current use class, being Class 1, 2, 3, 6 or 12, and

(iii) the structure concerned, or so much of it that is the subject of the proposed development, has been vacant for a period of 2 years or more immediately prior to the commencement of the proposed development, then the proposed development for residential use, and any related works, shall be exempted development for the purposes of the Act, subject to the conditions and limitations set out in paragraph (d).

(d)(i) The development is commenced and completed during the relevant period.

(ii) Subject to sub-paragraph (iii), any related works, including works as may be required to comply with sub-paragraph (vii), shall –

(I) primarily affect the interior of the structure,

(II) retain 50 per cent or more of the existing external fabric of the building, and

- (III) not materially affect the external appearance of the structure so as to render its appearance inconsistent with the character of the structure or of neighbouring structures.
- (IV) Any related works for the alteration of existing ground floor shop fronts shall be consistent with the fenestration details and architectural and streetscape character of the remainder of the structure or of neighbouring structures.

(iv) No development shall consist of or comprise the carrying out of works to the ground floor area of any structure which conflicts with any objective of the relevant local authority development plan or local area plan, pursuant to the Part 1 of the First Schedule to the Act, for such to remain in retail use, with the exception of any works the purpose of which is to solely provide on street access to the upper floors of the structure concerned.

(v) No development shall consist of or comprise the carrying out of works which exceeds the provision of more than 9 residential units in any structure.

(vi) Dwelling floor areas and storage spaces shall comply with the minimum floor area requirements and minimum storage space requirements of the “Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities” issued under section 28 of the Act or any subsequent updated or replacement guidelines.

(vii) Rooms for use, or intended for use, as habitable rooms shall have adequate natural lighting.

(viii) No development shall consist of or comprise the carrying out of works to a protected structure, as defined in section 2 of the Act, save where the relevant planning authority has issued a declaration under section 57 of the Act to the effect that the proposed works would not materially affect the character of the structure or any element, referred to in section 57(1)(b) of the Act, of the structure.

(ix) No development shall contravene a condition attached to a permission under the Act or be inconsistent with any use specified or included in such a permission.

(x) No development shall relate to any structure in any of the following areas:

- (I) an area to which a special amenity area order relates;
- (II) an area of special planning control;
- (III) within the relevant perimeter distance area, as set out in Table 2 of Schedule 8, of any type of establishment to which the Major Accident Regulations apply.

(xi) No development shall relate to matters in respect of which any of the restrictions set out in sub-paragraph (iv), (vii), (viiA), (viiB), (viiC), (viii) or (ix) of article 9(1)(a), or paragraph (c) or (d) of article (9)(1), would apply.

7.0 ASSESSMENT

Does the proposal constitute “development”?

Having regard to the definition of development in The Planning and Development Act as *“the carrying out of works on, in, over or under lands or the making of any material change in the use of any structures or other land.”*

It is considered that the proposed subdivision of retail unit to two or more retail units constitutes development together with the proposed change of use of the building at first and second floor levels to 9 no. 1 bed apartments from former retail unit / restaurant; which would constitute a material change of use and as such, would fall within the definition of ‘development’ as per the Planning and Development Act (Revised).

Do the works constitute exempted development?

The supporting information submitted with the Section 5 application indicates that the proposed change of use is from commercial to residential apartments. The building has been vacant for a considerable period (more than 2 years). The drawings indicate that the change of use of the first and second floor levels are to 1 bed apartments.

The restrictions and limitation to exempt development have been assessed, including Article 10 (6) (iv) which require apartments to comply with the minimum floor area requirements and minimum storage space requirements of the “Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities” 2025 issued under section 28 of the Act or any subsequent updated or replacement guidelines.

The drawings indicate that the proposed development is for 9 no. one bedroom apartments which are below the standards for 1 bedroom apartments ranging in size from the smallest unit (32.05 sqm) in area to the largest unit (35.6 sqm) in area. The 2025 guidelines indicate that 1 bedroom apartments should be 45 sqm in size. These apartments are more appropriately considered to be studio apartments given their proposed sizes. The Specific Planning Policy Requirement (SPPR) for a studio apartment is 32 sqm.

SPPR 3i relates to dual aspect and it is noted 3 out of the 9 proposed apartments are designed with dual aspect. SPPR 3i requires that the minimum number of dual aspect apartments that may be provided in any single apartment scheme should be 25% of the number of units. Those apartments with dual aspect either face north or west and thus provide limited residential amenity. The majority (7 out of 9) of the 1 bedroom apartment bedrooms have no natural light and thus their residential amenity is substandard. The definition of a ‘habitable room’ in Article 6 (a) of the Planning & Development Regulations 2001 (as amended) indicates that bedrooms require natural light i.e. (6) (a) In this sub-article— ‘habitable room’ means a room used for living or sleeping purposes.

SSPR3ii does however allow for a relaxation of this standard for urban infill sites but subject to the overall high quality in other design aspects.

None of the apartments have the required 5 sqm of minimum private amenity space for 1 bedroom apartments. The guidelines do allow for reductions subject to overall design quality and layout of the apartments. It is noted that there is a terrace to the second floor which has views out over the roofs of the Abbey Shopping centre building however the layout has not been designed having regard to private amenity space. While there are internal storage areas shown within the apartment layout and generally these meet the standards of 3 sqm of storage space for one bedroom apartments, these storage areas would not appear to be in addition to the aggregate living/ dining/ kitchen or bedroom floor areas and are therefore considered deficient in design and location which will result in a substandard layout and residential amenity. It is noted that bulk storage areas are however provided at first and second floor areas.

While the subdivision of the existing retail units at ground floor level are not the subject of this subject declaration, drawings have been submitted showing their subdivision which constitutes development and would therefore require planning permission.

In reviewing the proposal, I have had regard to Article 10 (6) Changes of Use of the Planning & Development Regulations, 2001 (as amended) and I have concluded that the proposal is at odds with the conditions and limitations as set out in this Article.

Article 10 (6) (vi) clearly requires that change of use applications shall comply with the minimum floor area requirements and minimum storage space requirements of the “Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities” issued under section 28 of the Act or any subsequent updated or replacement guidelines. In this instance the proposed apartments do not comply with minimum floor area requirements, have poor or limited natural light to habitable rooms, inadequate storage provision and no private amenity provision.

Accordingly, having regard to the limitations as set out in **Article 10 (6)** (iv) Changes of use, it is considered the change of use of the first and second floor areas to residential use is **development which is not exempted development** as the proposed residential units are deficient in size, natural light, amenity, design and layout having regard to the Planning Design Standards for apartments – Guidelines for Planning Authorities 2025 and thus are contrary to Article 10 (6) d(vi).

8.0 CONCLUSION:

As outlined above, the proposed development and associated internal / external works to change from commercial to residential are therefore considered to be **development which is not considered exempted development** having regard to Article 10 (6) d (iv) as set out above.

9.0 RECOMMENDATION:

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

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

“Can the proposed development at the Abbey Centre, West St, i.e. Change of use from retail/ commercial to residential in accordance with Article 10.6 of the Planning & Development Regulations 2001 (as amended) be deemed exempt development?”

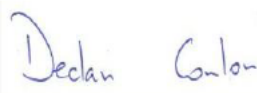
AND WHEREAS Louth County Council, in consideration of this question has had regard particularly to:

- a) The plans and particulars forwarded to the Planning Authority
- b) The planning history of the site
- c) The Planning and Development Act (Revised)
- d) The definition of “*development*” in Section 3(1) of the Planning & Development Act 2000 (as amended).
- e) The definition of ‘*habitable room*’ in Article 6 (a) of the Planning & Development Regulations 2001 (as amended).
- f) Specifically, the provisions under Article 10 (1) & 10 (6) (d) (iv) of Part 1, **and** article 10(d)(6)(vii) of the Planning and Development Regulations, 200 (as amended),
- g) Articles 6 and 9 of the Planning & Development Regulations 2001 (as amended).

AND WHEREAS *Louth County Council has concluded: -*

- (i) The proposed change of use of the first and second floors of the building from shopping unit / restaurant / commercial unit to house nine (9) no 1-bedroom apartments would constitute a material change of use and would therefore, constitute ‘development’.
- (iii) The change of use of the first and second floors of the subject building from shopping unit / restaurant / commercial unit to house nine (9) no 1-bedroom apartments would not meet with the requirements of Article 10(6)(d)(iv) or Article 10(d)(6)(vii) of the Planning and Development Regulations 2001 (as amended) as the apartment sizes and design do not comply with the minimum floor area requirements, the habitable rooms and in particular the bedrooms have insufficient natural light and the apartments do not meet the minimum storage space requirements of the “Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities” issued under section 28 of the Act or any subsequent updated or replacement guidelines.

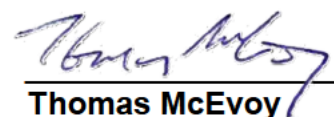
NOW THEREFORE Louth County Council in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act (Revised), hereby decides that the proposed change of use and associated works at Abbey Centre West Street Drogheda, Co. Louth is **development** and is not deemed **exempted development**.



Declan Conlon
Executive Planner
Date: 2nd June 2026



Turlough King
A/Senior Planner
Date: 2nd June 2026



Thomas McEvoy
Director of Services
Date: 05/06/2026

LOUTH COUNTY COUNCIL

CHIEF EXECUTIVE'S ORDER

PLANNING & DEVELOPMENT ACT 2000 (as amended)

Section 5 Exempted Development

Chief Executive's Order No:	416/2026
Reference No:	S5 2026/33
Date Application Received:	15/05/2026
Description of Development:	Whether the proposed development at the Abbey Centre, West St, i.e. Change of use from retail/ commercial to residential in accordance with Article 10.6 of the Planning & Development Regulations 2001 (as amended) be deemed exempt development?
Name of Applicant:	Patrick McDermott
Location of Development	Abbey Centre West Street Drogheda, Co. Louth

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

“Can the proposed development at the Abbey Centre, West St, i.e. Change of use from retail/ commercial to residential in accordance with Article 10.6 of the Planning & Development Regulations 2001 (as amended) be deemed exempt development?”

AND WHEREAS the said question was referred to Louth County Council by Patrick McDermott.

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

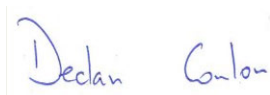
- a) The plans and particulars forwarded to the Planning Authority
- b) The planning history of the site
- c) The Planning and Development Act (Revised)
- d) The definition of “*development*” in Section 3(1) of the Planning & Development Act 2000 (as amended).
- e) The definition of ‘*habitable room*’ in Article 6 (a) of the Planning & Development Regulations 2001 (as amended).
- f) Specifically, the provisions under Article 10 (1) & 10 (6) (d) (iv) of Part 1, **and** article 10(d)(6)(vii) of the Planning and Development Regulations, 200 (as amended),

- g) Articles 6 and 9 of the Planning & Development Regulations 2001 (as amended).

AND WHEREAS *Louth County Council has concluded: -*

- (i) The proposed change of use of the first and second floors of the building from shopping unit / restaurant / commercial unit to house nine (9) no 1-bedroom apartments would constitute a material change of use and would therefore, constitute 'development'.
- (iii) The change of use of the first and second floors of the subject building from shopping unit / restaurant / commercial unit to house nine (9) no 1-bedroom apartments would not meet with the requirements of Article 10(6)(d)(iv) or Article 10(d)(6)(vii) of the Planning and Development Regulations 2001 (as amended) as the apartment sizes and design do not comply with the minimum floor area requirements, the habitable rooms and in particular the bedrooms have insufficient natural light and the apartments do not meet the minimum storage space requirements of the "Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities" issued under section 28 of the Act or any subsequent updated or replacement guidelines.

NOW THEREFORE Louth County Council in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act (Revised), hereby decides that the proposed change of use and associated works at Abbey Centre West Street Drogheda, Co. Louth is **development** and is **not deemed exempted development**.



SIGNED: _____
Declan Conlon
Executive Planner

Date: 4/06/2026

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: _____
Thomas McEvoy
Director of Service

Date: 05/06/2026

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

Patrick McDermott
c/o Paul Williams



Via Email Only : 

5th June 2026

Re: Ref. S5 2026/33

Application for Declaration of "Exempted Development" Part 1, Section 5 Planning & Development Act, 2000 (as amended) as to 'Whether the proposed development at the Abbey Centre, West St, i.e. Change of use from retail/ commercial to residential in accordance with Article 10.6 of the Planning & Development Regulations 2001 (as amended) be deemed exempt development?'

Dear Sir/Madam,

I wish to acknowledge receipt of your application received on 15th May 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 (Revised) as to:

"Can the proposed development at the Abbey Centre, West St, i.e. Change of use from retail/ commercial to residential in accordance with Article 10.6 of the Planning & Development Regulations 2001 (as amended) be deemed exempt development?"

AND WHEREAS the said question was referred to Louth County Council by Patrick McDermott.

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

- (a) The plans and particulars forwarded to the Planning Authority
- (b) The planning history of the site

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- (c) The Planning and Development Act (Revised)
- (d) The definition of "development" in Section 3(1) of the Planning & Development Act 2000 (as amended).
- (e) The definition of 'habitable room' in Article 6 (a) of the Planning & Development Regulations 2001 (as amended).
- (f) Specifically, the provisions under Article 10 (1) & 10 (6) (d) (iv) of Part 1, **and** article 10(d)(6)(vii) of the Planning and Development Regulations, 200 (as amended),
- (g) Articles 6 and 9 of the Planning & Development Regulations 2001 (as amended).

AND WHEREAS *Louth County Council has concluded: -*

- a) The proposed change of use of the first and second floors of the building from shopping unit / restaurant / commercial unit to house nine (9) no 1-bedroom apartments would constitute a material change of use and would therefore, constitute 'development'.
- (iii) The change of use of the first and second floors of the subject building from shopping unit / restaurant / commercial unit to house nine (9) no 1-bedroom apartments would not meet with the requirements of Article 10(6)(d)(iv) or Article 10(d)(6)(vii) of the Planning and Development Regulations 2001 (as amended) as the apartment sizes and design do not comply with the minimum floor area requirements, the habitable rooms and in particular the bedrooms have insufficient natural light and the apartments do not meet the minimum storage space requirements of the "Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities" issued under section 28 of the Act or any subsequent updated or replacement guidelines.

NOW THEREFORE Louth County Council in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act (Revised), hereby decides that the proposed change of use and associated works at Abbey Centre West Street Drogheda, Co. Louth is **development** and is **not deemed exempted development**.

In Summary

A Declaration of Exemption is hereby REFUSED for the works as detailed on the plans and particulars submitted on 15th May 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