

4th June 2026

Our reference: CMcN/4487-001

Your reference:

Planning section

Louth Co.Council

Town Hall

Crowe Street

Dundalk

Co Louth

mcnamee

chartered building surveyors ltd

Bantry House

Jocelyn Place

Dundalk

Co. Louth

Tel: +353 (0) 42 9386478

Fax: +353 (0) 42 9386479

Mob : +353 (0) 868347623

e-mail : info@mcnameecbs.ie

web : mcnameecbs.ie

Dear Sir/Madam,

Proposed new Agricultural Machinery Store at Templetown, Carlingford, Co.Louth

SCHEDULE OF DOCUMENTS ENCLOSED

Drawing no - PP-001 Site Plan Site location map.

Drawing no - PP-002 Floor plan elevation & section

Section 5 Declaration - application form

Letter from Keith White adjoining landowner

Fee €80.00

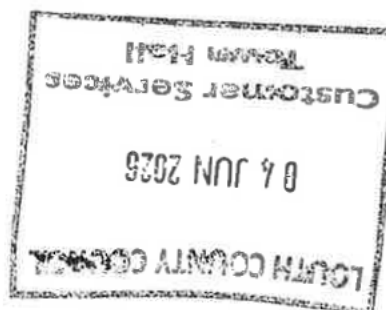
If you have any queries please do not hesitate to give me a call.

YOURS SINCERELY,



Cathal Mc Namee RIAI (Tech)

FOR AND ON BEHALF OF MCNAMEE CHARTERED BUILDING SURVEYORS LTD.



Registered Company
McNamee Chartered Building Surveyors Ltd
Registered in Ireland
Registration No. 410253
VAT No. 6430253H

Registered Office at
Bantry House, Dundalk, Co. Louth

Directors
Vivian J McNamee
Cathal P McNamee

Company Secretary
Vivian J McNamee



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:

Pat White, Templetown, Carlingford, Co.Louth

Phone Number: [REDACTED] E-Mail: info@mcnameecbs.ie

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

Mc Namee Chartered Building Surveyors Ltd, Bantry House, Jocelyn Place, Dundalk,
Co.Louth

Phone Number: [REDACTED] E-Mail: info@mcnameecbs.ie

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

McNamee Chartered Building Surveyors Ltd, Bantry House, Jocelyn Place,
Dundalk, 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

Templetown, Carlingford, 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>

A91W297

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 AGRICULTURAL MACHINERY STORE EXEMPTED DEVELOPMENT
under-Exempted Development Rural Article 6
_____ 'Class 9-Works consisting of the provision of any store, barn, glasshouse or other structure,
_____ not being of a type specified in class 6,7 or 8 of this Part of this schedule and having a gross
_____ floor space not exceeding 300m2'

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: Pat White Date 3 June 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.

3rd June 2026

Our reference: CMcN/4487-001

Your reference:
Planning section
Louth Co.Council
Town Hall
Crowe Street
Dundalk
Co Louth

Templetown
Carlingford
Co.Louth

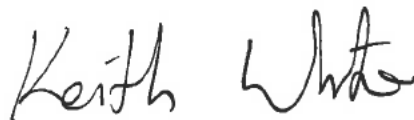
To Whom it May Concern,

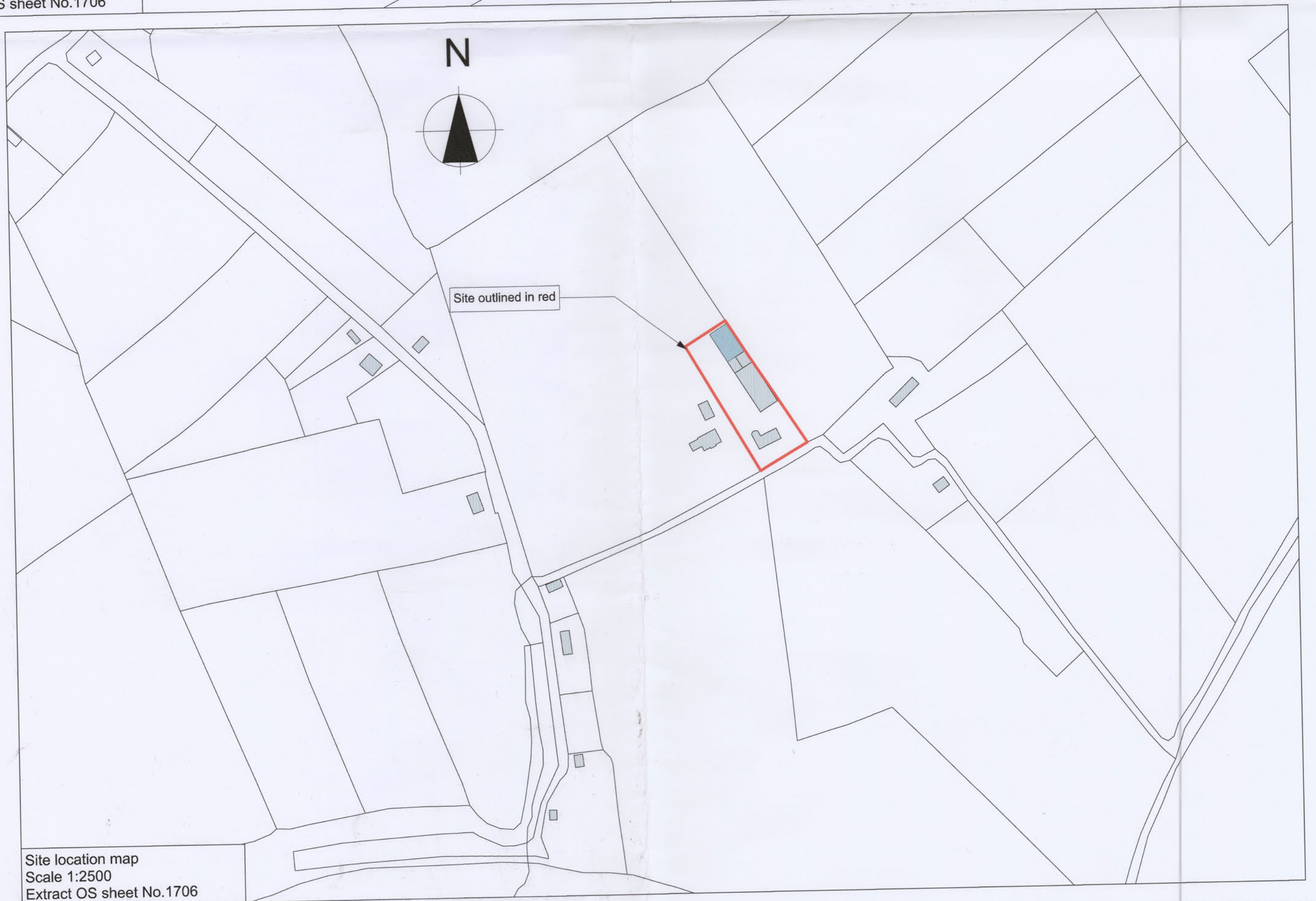
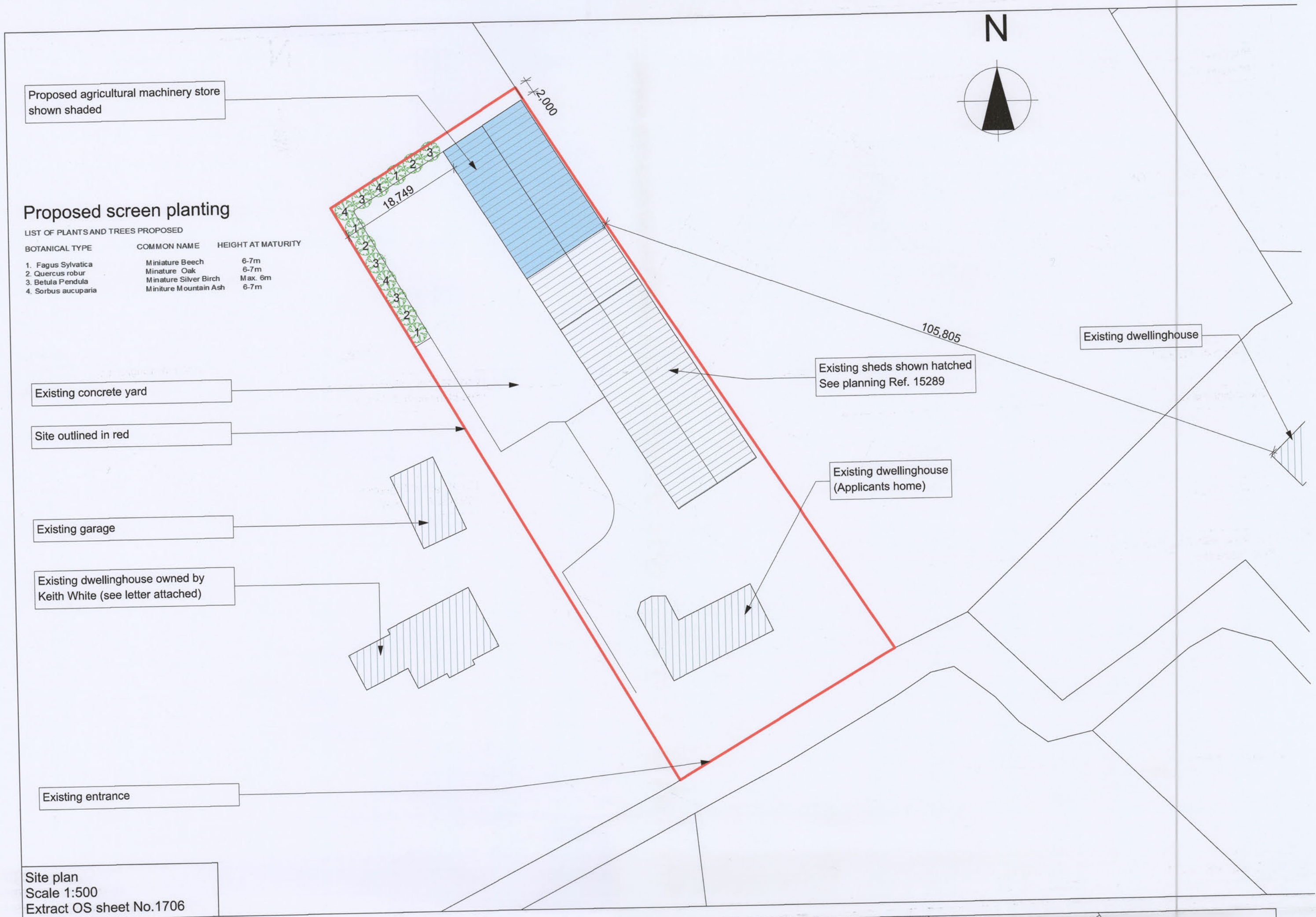
Proposed new Agricultural machinery store at Templetown, Carlingford, Co. Louth for Pat White

I Keith White am the owner and occupier of the dwellinghouse located to the west of the proposed agricultural machinery shed and located within 100m of the proposed development.

I confirm that I have no objection to the proposal and give my consent to the proposed building.

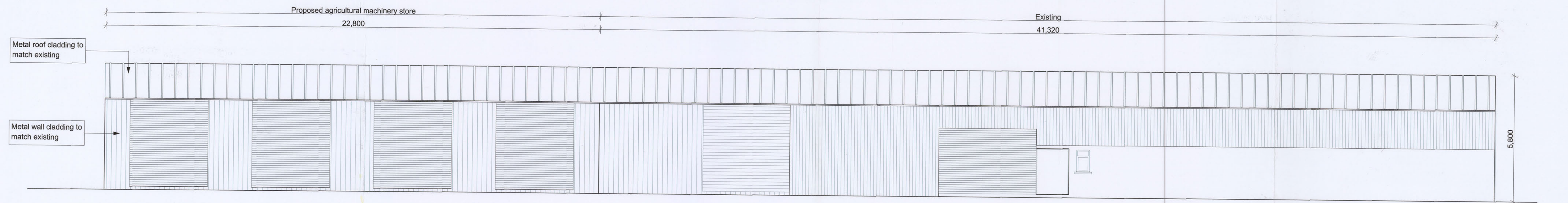
YOURS SINCERELY,

A handwritten signature in black ink that reads "Keith White". The signature is written in a cursive, flowing style.

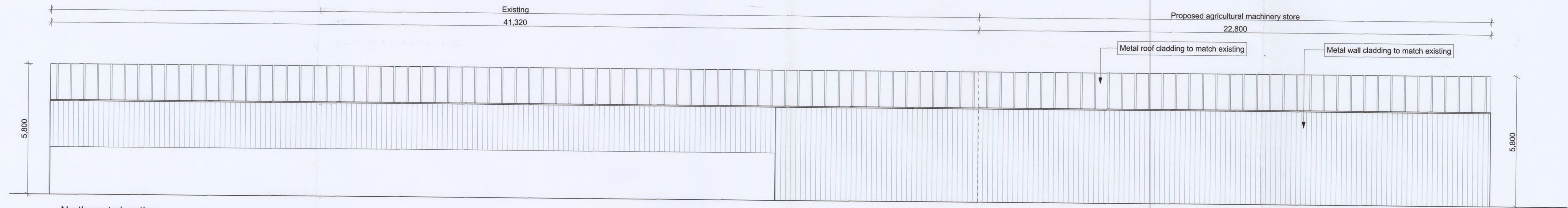


 mcnamee chartered building surveyors Ltd BANTRY HOUSE JOCELYN PLACE DUNDALK Co. LOUTH Tel. 086 8347623 Vivian McNamee ASCS MRICS Cathal McNamee RIAI(Tech)	DRAWING Site plan & site location map		
	CLIENT	Pat White	DATE 02/06/2026
	JOB	Proposed agricultural machinery store	REV
	SITE	Templetown, Carlingford, Co.Louth	DRWN

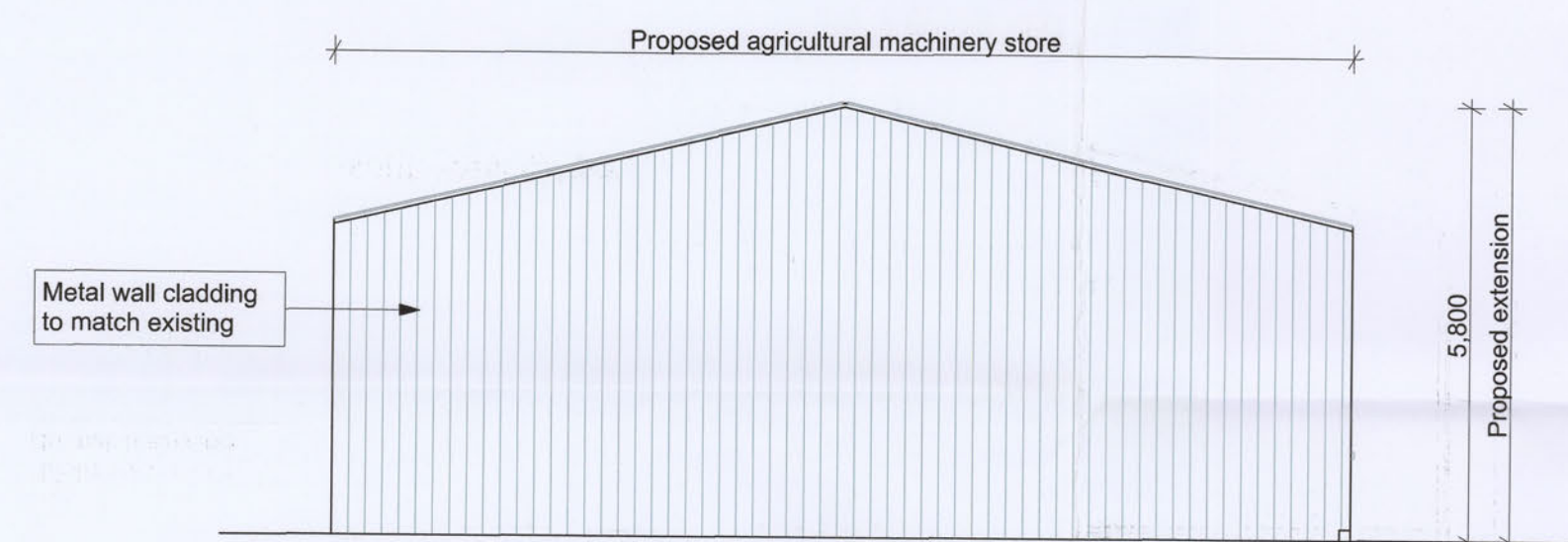
This drawing and copyright therein is the property of mcnamee chartered building surveyors and cannot be used copied or exhibited without permission.



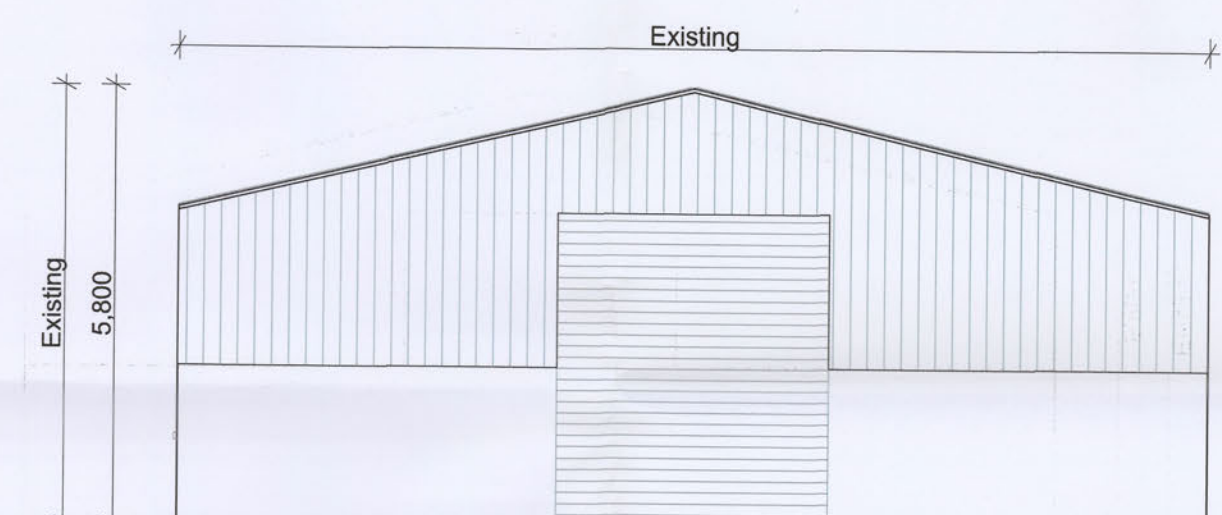
South-west elevation



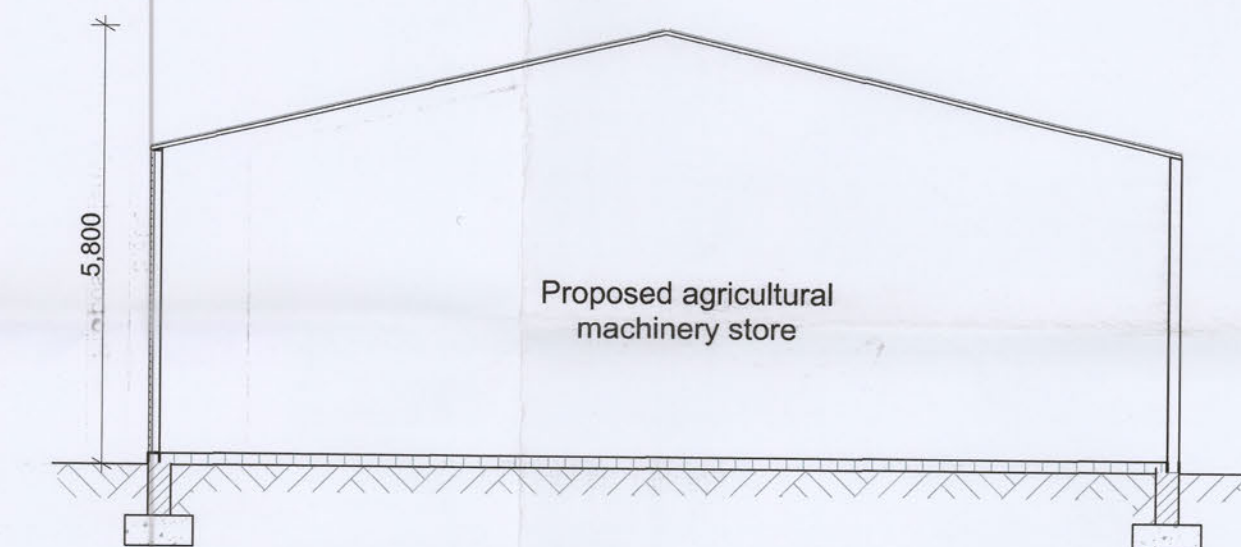
North-east elevation



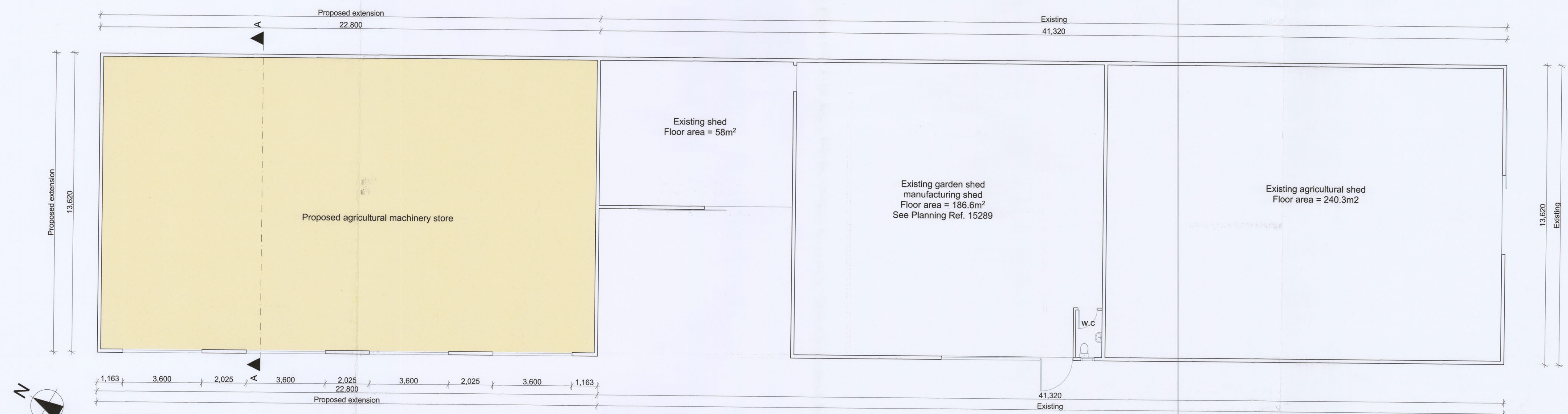
North-west elevation



South-east elevation (existing)



Section A-A



Ground floor plan
Existing Area= 484.9m²
Proposed agricultural machinery extension = 299.7m²

 mcnamee chartered building surveyors Ltd BANTRY HOUSE JOCELYN PLACE DUNDALK CO. LOUTH Tel. 086 8347623 Vivian McNamee ASCS MRICS Cathal McNamee RIAI(Tech)	DRAWING Floor plan, elevations & section		
	CLIENT	Pat White	JOB No. 4487
	JOB	Proposed agricultural machinery store	DATE 02/06/2026
	SITE	Templetown, Carlingford, Co.Louth	DRG No. PP-002
	SCALE	1:100	REV

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Louth County Council

Section 5 Declaration

Planning Ref:	S5 2026/40
Applicant's Name:	Pat White
Type of Application:	Section 5 Declaration
Development:	Whether a proposed agricultural machinery store is exempt development
Site Location:	Templetown, Carlingford, Co. Louth
Date:	19 th June 2026
Due Date:	1 st July 2026

1.0 SITE LOCATION & DESCRIPTION:

The subject site is located in the rural area of Co. Louth. The subject site is located in Rural Control Zone 2 close to Templetown beach. On site is a dwelling house (single storey bungalow) and a large tin roofed commercial shed to rear. There are circa 7 number residential properties on this private laneway. Agricultural land adjoins the site to the east, north and west, and a two storey dwelling is located southwest of subject site owned by the applicant's son Keith White.



Figure 1: Site location

Site Location (Google Maps)

2.0 Planning History

72/520 – House granted

13/201 – incomplete

13/336 Commercial shed extension withdrawn.





3.0 QUESTION FOR DETERMINATION:

The applicant states within Question 6 of the application form that the question for determination is

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

“Whether a proposed agricultural machinery store’ be exempt development having regard to Class 9 works consisting the provision of any store, barn, glasshouse or other structure not being a type specified in class 6, 7 or 8 of this schedule and having a gross floor space not exceeding 300 sqm in area”.

As there is some ambiguity in terms of the sheltering of livestock, it is considered more appropriate to rephrase the question to the following:

Therefore, the Planning Authority is considering the “question of determination” as:

“Whether a 299.7 sqm extension to existing sheds for use as a machinery store having regard to Class 9 Part 3 Exempted Development of the Planning & Development regulations 2002 (as amended) is or is not exempt development

4.0 EIA Screening and Determination

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

Based on 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.

4.0 Appropriate Assessment

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

The site is not within or directly adjoining any European site however is located 0.39 km away from Carlingford Shore SAC. The applicant has not submitted an AA Screening Report in respect of the possible impacts ecological impacts of the proposal on the nearest European site(s).

Having regard to the nature and scale of the Section 5 request and having regard to the existing operation on the subject site – manufacture of steel sheds/ pods and having regard to its location within 400 metres of the Carlingford Shore SAC, it is considered that the applicant has not adequately demonstrated that the development will not have a significant effect, individually or in combination with other plans or projects, on a designated EU site (Special Area of Conservation or Special Protected Area). Therefore, based on the information provided, the Planning Authority is unable to make a comprehensive assessment in relation to appropriate assessment and so is precluded from granting this development.

5.0 LEGASLATIVE CONTEXT:

Section 2 of the Planning and Development Act 2000, as amended, states that:

In accordance with Section 2 of the Planning & Development Act, 2000 "*Development*" means the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land.

"exempted development" has the meaning specified in section 4;

"structure" means inter alia any building, structure, excavation, or other thing constructed or made on, in or under any land, or any part of a structure so defined, and where the context so admits, includes the land on, in or under which the structure is situate;

“unauthorised development” means, in relation to land, the carrying out of any unauthorised works (including the construction, erection or making of any unauthorised structure) or the making of any unauthorised use;

“unauthorised works” means any works on, in, over or under land commenced on or after 1st October 1964, being development other than—

(a)exempted development (within the meaning of section 4 of the Act of 1963 or section 4 PDA), or

(b)development which is the subject of a permission granted under Part IV of the Act of 1963 [or under section 34, 37G or 37N PDA], being a permission which has not been revoked, and which is carried out in compliance with that permission or any condition to which that permission is subject; and

“works” includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.

Section 3 of the Planning and Development Act 2000, as amended, states that:

Section 3(1) PDA 2000 defines “development” as follows:

“Development means except where the context otherwise requires, the carrying out of any works on, in over or under land or the making of any material change in the use of any structures or other land”.

Section 4 of the Planning and Development Act 2000, as amended, states that:

Section 4(1) provides a list of statutory exempted development including development consisting of the use of any land for the purpose of agriculture and development consisting of the use for that purpose of any building occupied together with land so used under section 4(1)(a).

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

Section 4(1)(h) provides for *“Development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not*

materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures”.

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

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

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

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

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

Section 32 of the Planning and Development Act 2000, as amended, states that:

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

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

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

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

Article 9(1) of the Planning & Development Regulations, 2001 (as amended) provides restrictions on exemptions 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,

Schedule 2, Planning and Development Regulations (2001) (as amended)

Class 9 in Schedule 2, Part 3 (Exempted Development – Rural) of the Planning and Development Regulations 2001 (as amended) relates to:

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

This class is subject to the following conditions and limitations:

1. No such structure shall be used for any purpose other than the purpose of agriculture or forestry but excluding the housing of animals or the storing of effluent.
- 2 The gross floor space of such structure together with any other such structures situated within the same farmyard complex or within 100 metres of that complex shall not exceed 900 square metres gross floor space in aggregate.
3. No such structure shall be situated within 10 metres of any public road.
4. No such structure within 100 metres of any public road shall exceed 8 metres in height.
5. No such structure shall be situated within 100 metres of any house (other than the house of the person providing the structure) or other residential building or school, hospital, church or building used for public assembly, save with the consent in writing of the owner and as may be appropriate, the occupier or person in charge thereof.
6. No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.

6.0 ASSESSMENT

(i) Does the proposal constitute development?

In accordance with Section 2 of the Planning & Development Act, 2000 *Development* means the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land. The applicant seems to rely on the fact that under Class 9 (Part 3 Schedule 2) of the Planning & Development Regulations 2001 (as amended) that the applicant can build a new shed once the gross floor space does not exceed 300 sqm and the cumulative floor area within the farmyard complex does not exceed 900 sqm. The proposal constitutes development, as it is the carrying out of works on land.

(ii) Does the proposal constitute exempt development?

This development involves the construction of a 299.7 sqm store extension to facilitate the storage of agricultural machinery. The application has submitted no land holding maps or any indication of agricultural vehicles to be stored in

the shed. From my site visit this is not a farmyard complex but a commercial industrial operation for which no planning permission exists.

Whilst it is acknowledged that the section question related to an agricultural machinery store taking account of the existing operation on site it is clear that it is not related to agriculture therefore Class 9 in Part 3 of Schedule 2 of the P&D Regulations would not apply to this proposal.

It is also noted that there are no exemptions in the Regulations for the construction of industrial buildings.

Restrictions on Exemptions:

Article 9 (viii) Planning & development Regulations 2001 (as amended) states that with respect to restrictions to exempt development that any development shall not be exempt development for the purposes of the Act if it *“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”*,

Clearly the existing operation is a commercial operation for which no planning permission exists.

The existing sheds house the commercial operation and externally there are metal supplies and associated products stored externally that are not related to agriculture.

Any new shed on site will be an extension of the unauthorised activity on site which is not considered exempt development.

Given the above assessment it is clear that the intended store is not within a farmyard, is not for the storage of agriculture machinery but for the extension of the un-authorised commercial operation on site.

7.0 RECOMMENDATION

Having regard to the foregoing it is considered that the proposal to construct a 299.7 sqm extension onto existing sheds c. 488.8 sqm in area at Templetown, Carlingford, Co. Louth constitutes development within the meaning of section 3 of the Planning & Development Act 2000 (as amended).

However taking account of the existing business operating on site, which has no planning permission, the fact that the proposed shed would be located adjacent to the existing sheds utilised as part of this unauthorised activity, it is considered that the shed is likely to be used as part of this business rather than agricultural uses. The development would therefore be contrary to article 9(viii) of the Planning and Development Regulations 2001 (as amended). In addition

there are no exemptions in the Regulations for the construction of sheds for commercial/industrial use.

The said development is development which is not exempt development.

Accordingly, I would recommend an order along the following lines: -

WHEREAS a question has arisen pursuant to Section 5 of the Planning and Development Act 2000 (as amended) whether the “299.7 sqm shed for use as a machinery store having regard to Class 9 Part 3 Exempted Development of the Planning & Development regulations 2002 (as amended) is or is not exempt development”

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

- (a) An existing unauthorised steel framed shed construction activity operates from the existing sheds on site and associated lands.
- (b) The fact that there are no exemptions permitted for commercial/industrial operated uses as noted on site.
- (c) The subject site is not an agricultural farmyard and there was no presence of agricultural machinery on site
- (d) The absence of any exemptions in the Planning and Development Regulations 2001 (as amended) relating to the construction of sheds for commercial/industrial use
- (e) The definition of “development” in **Section 3 (1)** of the Planning & Development Act 2000 (as amended);
- (f) The provisions under **Class 9 of Part 3, Schedule 2** of the Planning and Development Regulations, 2001 (as amended),
- (g) Articles 6 and 9 of the Planning & Development Regulations 2001 (as amended);
- (h) An Appropriate assessment would be required to be submitted for the proposed use

AND WHEREAS Louth County Council has concluded: -

- (a) The proposal to construct a 299.7 sqm extension onto existing sheds c. 488.8 sqm in area at Templetown, Carlingford constitutes development under Section 3(1) of the Planning & Development Act, 2000 (as amended) and;
- (b) The 299.7 sqm extension onto existing sheds c. 488.8 sqm in area at Templetown, Carlingford would result in an extension to an unauthorised development and therefore would be contrary to article 9 (viii) of the Planning and Development Regulations 2001 (as amended);

- (c) That Class 9 of Part 3, Schedule 2 of the Planning and Development Regulations, 2001 (as amended) as, taking account of the existing operations on site
- (d) It is considered that the applicant has not adequately demonstrated that the development will not have a significant effect, individually or in combination with other plans or projects, on a designated EU site (Special Area of Conservation or Special Protected Area).

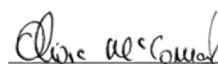
NOW THEREFORE Louth County Council in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act 2000 (as amended), hereby decides that the proposal to construct a 299.7 sqm extension onto existing sheds c. 488.8 sqm for the purposes to store agricultural machinery at Templetown, Carlingford Co. Louth is **development** and is **not exempted development**.



Declan Conlon
Executive Planner
Date: 22/06/26



Turlough King
A/ Senior Planner
Date: 23/06/2026



Olivia McCormack
A/ Director of Services
Date:

LOUTH COUNTY COUNCIL

CHIEF EXECUTIVE'S ORDER

PLANNING & DEVELOPMENT ACT 2000 (as amended)

Section 5 Exempted Development

Chief Executive's Order No:	479/2026
Reference No:	S5 2026/40
Date Application Received:	04/06/2026
Description of Development:	Whether the 299.7 sqm shed for use as a machinery store having regard to Class 9 Part 3 Exempted Development of the Planning & Development regulations 2002 (as amended) is or is not exempt development?
Name of Applicant:	Pat White
Location of Development	Templetown, Carlingford, Co. Louth

WHEREAS a question has arisen pursuant to Section 5 of the Planning and Development Act 2000 (as amended) whether the *"299.7 sqm shed for use as a machinery store having regard to Class 9 Part 3 Exempted Development of the Planning & Development regulations 2002 (as amended) is or is not exempt development"*

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

- (a) An existing unauthorised steel framed shed construction activity operates from the existing sheds on site and associated lands.
- (b) The fact that there are no exemptions permitted for commercial/ industrial operated uses as noted on site.
- (c) The subject site is not an agricultural farmyard and there was no presence of agricultural machinery on site
- (d) The absence of any exemptions in the Planning and Development Regulations 2001 (as amended) relating to the construction of sheds for commercial/industrial use
- (e) The definition of *"development"* in **Section 3 (1)** of the Planning & Development Act 2000 (as amended);
- (f) The provisions under **Class 9 of Part 3, Schedule 2** of the Planning and Development Regulations, 2001 (as amended),
- (g) Articles 6 and 9 of the Planning & Development Regulations 2001 (as amended);

- (h) An Appropriate assessment would be required to be submitted for the proposed use

AND WHEREAS *Louth County Council has concluded: -*

- (a) The proposal to construct a 299.7 sqm extension onto existing sheds c. 488.8 sqm in area at Templetown, Carlingford constitutes development under Section 3(1) of the Planning & Development Act, 2000 (as amended) and;
- (b) The 299.7 sqm extension onto existing sheds c. 488.8 sqm in area at Templetown, Carlingford would result in an extension to an unauthorised development and therefore would be contrary to article 9 (viii) of the Planning and Development Regulations 2001 (as amended);
- (c) That Class 9 of Part 3, Schedule 2 of the Planning and Development Regulations, 2001 (as amended) as, taking account of the existing operations on site
- (d) It is considered that the applicant has not adequately demonstrated that the development will not have a significant effect, individually or in combination with other plans or projects, on a designated EU site (Special Area of Conservation or Special Protected Area).

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 proposal to construct a 299.7 sqm extension onto existing sheds c. 488.8 sqm for the purposes to store agricultural machinery at Templetown, Carlingford Co. Louth is **development** and is **not exempted development**.

SIGNED: *Declan Conlon* **Date: 25/06/2026**
Declan Conlon
Executive Planner

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* **Date: 26/06/2026**
Olivia McCormack
A/ Director of Service

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. 304/26 dated the 25th day of June 2026.



Comhairle Contae Lú
Louth County Council

Pat White
c/o McNamee Chartered Building Surveyors Ltd,
Bantry House,
Jocelyn Place,
Dundalk,
Co. Louth

26th June 2026

Re: Ref. S5 2026/40

Application for Declaration of "Exempted Development" Part 1, Section 5 Planning & Development Act, 2000 (as amended) as to 'Whether the 299.7 sqm shed for use as a machinery store having regard to Class 9 Part 3 Exempted Development of the Planning & Development regulations 2002 (as amended) is or is not exempt development?'

Dear Sir/Madam,

I wish to acknowledge receipt of your application received on 4th June 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 2000 (as amended) whether the *"299.7 sqm shed for use as a machinery store having regard to Class 9 Part 3 Exempted Development of the Planning & Development regulations 2002 (as amended) is or is not exempt development"*

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

- (a) An existing unauthorised steel framed shed construction activity operates from the existing sheds on site and associated lands.
- (b) The fact that there are no exemptions permitted for commercial/ industrial operated uses as noted on site.
- (c) The subject site is not an agricultural farmyard and there was no presence of agricultural machinery on site

Comhairle Contae Lú
Halla an Bhaile
Sráid Crowe
Dún Dealgan
Contae Lú
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Cuirfear fáilte roimh chomhfhreagras Gaeilge - Correspondence in Irish is welcome
Féach foláirimh faoi Lú ón gComhairle ag www.mapalarter.ie/Louth
View Council alerts for Louth at www.mapalarter.ie/Louth

- (d) The absence of any exemptions in the Planning and Development Regulations 2001 (as amended) relating to the construction of sheds for commercial/industrial use
- (e) The definition of “development” in **Section 3 (1)** of the Planning & Development Act 2000 (as amended);
- (f) The provisions under **Class 9 of Part 3, Schedule 2** of the Planning and Development Regulations, 2001 (as amended),
- (g) Articles 6 and 9 of the Planning & Development Regulations 2001 (as amended);
- (h) An Appropriate assessment would be required to be submitted for the proposed use

AND WHEREAS *Louth County Council has concluded: -*

- (a) The proposal to construct a 299.7 sqm extension onto existing sheds c. 488.8 sqm in area at Templetown, Carlingford constitutes development under Section 3(1) of the Planning & Development Act, 2000 (as amended) and;
- (b) The 299.7 sqm extension onto existing sheds c. 488.8 sqm in area at Templetown, Carlingford would result in an extension to an unauthorised development and therefore would be contrary to article 9 (viii) of the Planning and Development Regulations 2001 (as amended);
- (c) That Class 9 of Part 3, Schedule 2 of the Planning and Development Regulations, 2001 (as amended) as, taking account of the existing operations on site
- (d) It is considered that the applicant has not adequately demonstrated that the development will not have a significant effect, individually or in combination with other plans or projects, on a designated EU site (Special Area of Conservation or Special Protected Area).

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 proposal to construct a 299.7 sqm extension onto existing sheds c. 488.8 sqm for the purposes to store agricultural machinery at Templetown, Carlingford Co. Louth 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 4th June 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,

Maedbh O'Connor

Maedbh O'Connor
Planning Section