



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:

136 Sliabh Breagh, Ardee, Co Louth

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

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

[REDACTED]

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

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

C/O Robert Kenny, Townley Hall, Drogheda, Co Louth

4. Interest in site of the person seeking declaration:

Owner

(If applicant is not freehold owner of the property in question, please provide name and address of owner if known)

5. Location and full address of development referred to in Question 7

136 Sliabh Breagh, Ardee, 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 K583

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 demolition of an existing single storey extension and the construction
of a new two storey extension

is or is not development or is or is not exempted development?

8. Does the development consist of works to be carried out to an existing or proposed protected structure? Yes ☐ No ☒

If Yes, has a Declaration under Section 57 of the Planning and Development Act 2000 been requested or issued for the property by the Planning Authority?

I certify that the aforementioned is correct.

Signature of Applicant: Donal McKenny **Date** 13/04/2026

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

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

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

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

OR

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

Planning Pack Map



**Tailte
Éireann**

**CENTRE
COORDINATES:**
ITM 696026,789424

PUBLISHED: 13/04/2026
ORDER NO.: 50529521_1

MAP SERIES: 1:2,500
1:1,000
MAP SHEETS: 2009-D
2010-21

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

www.tailte.ie

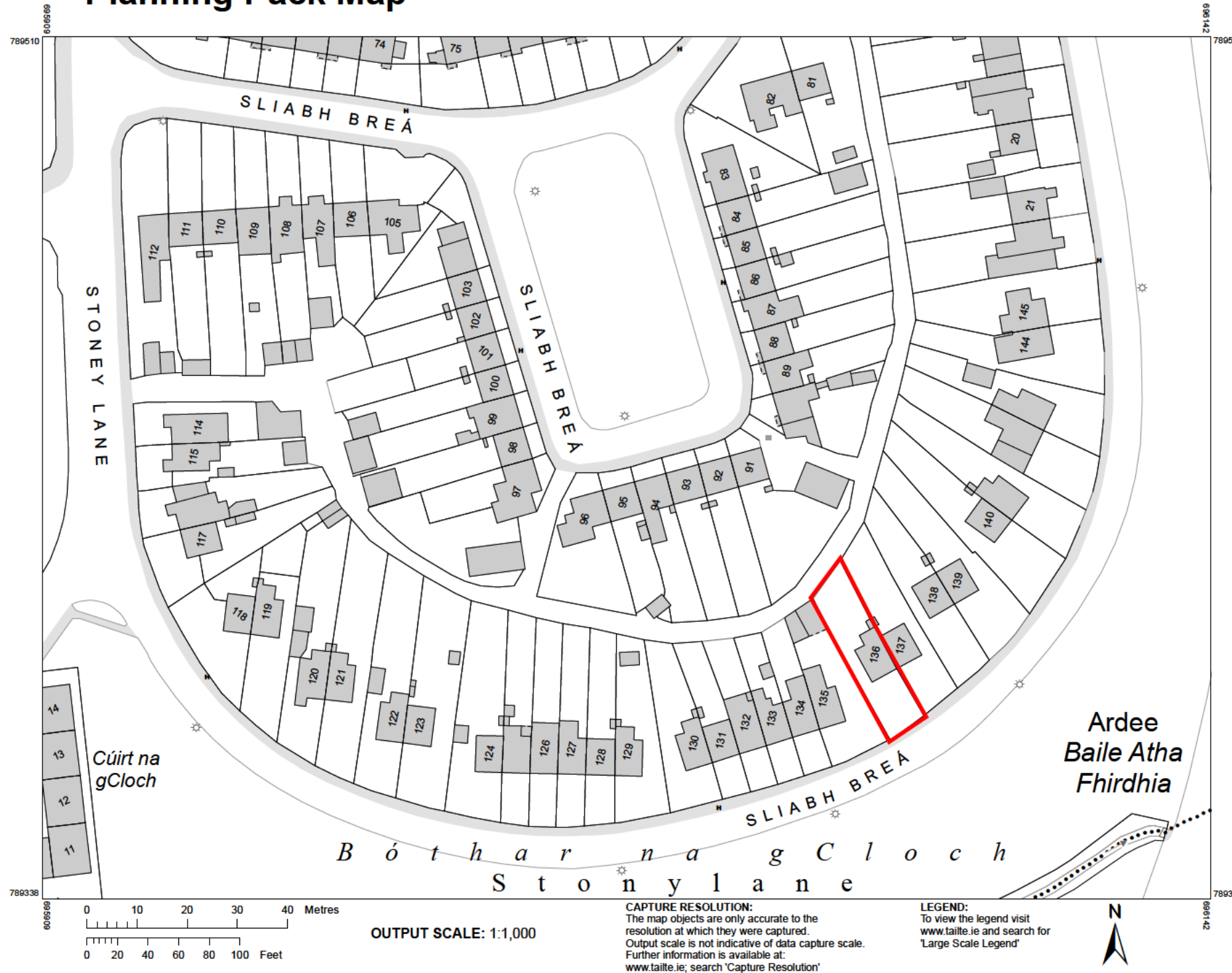
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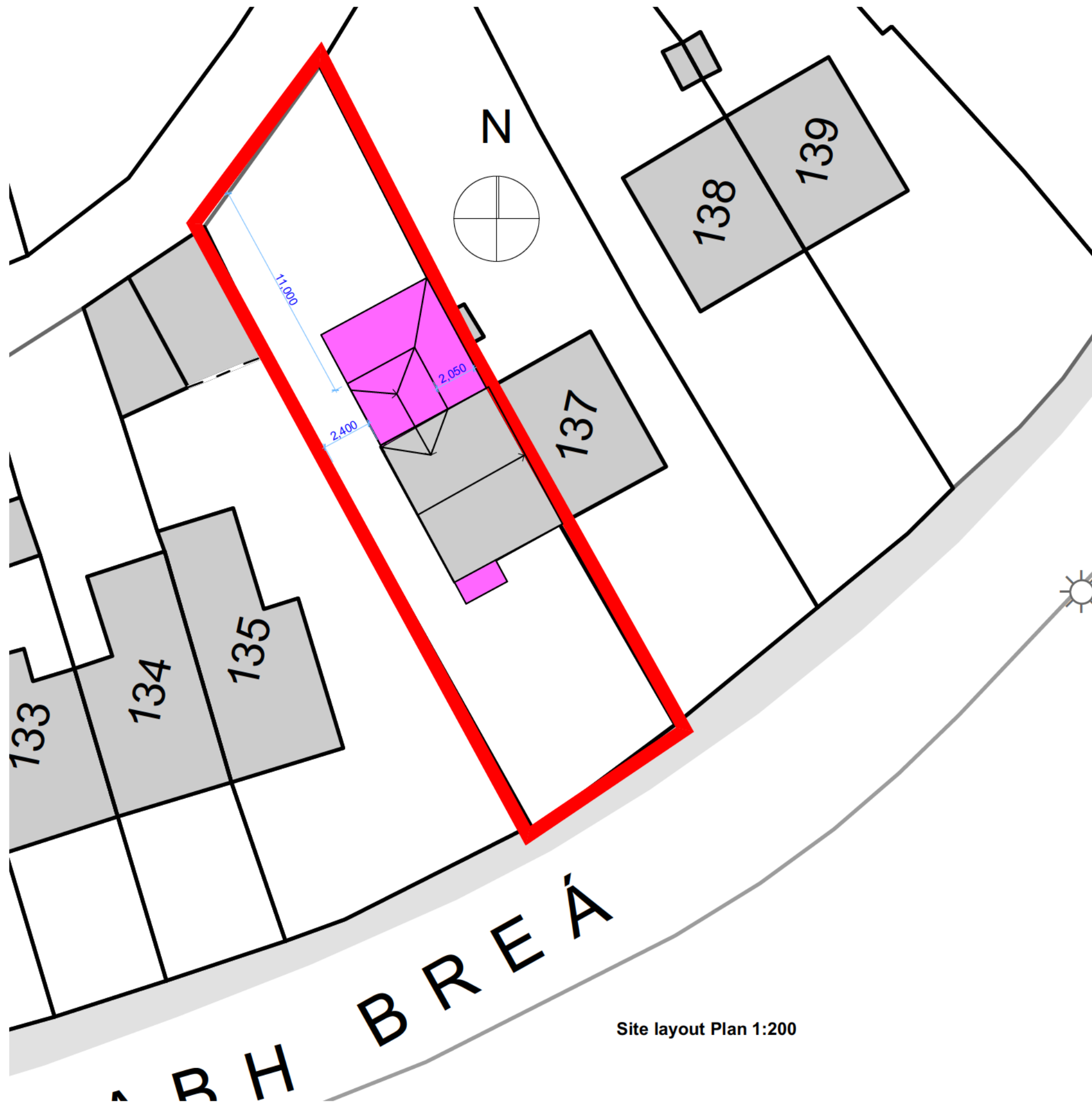
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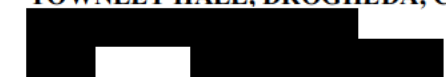


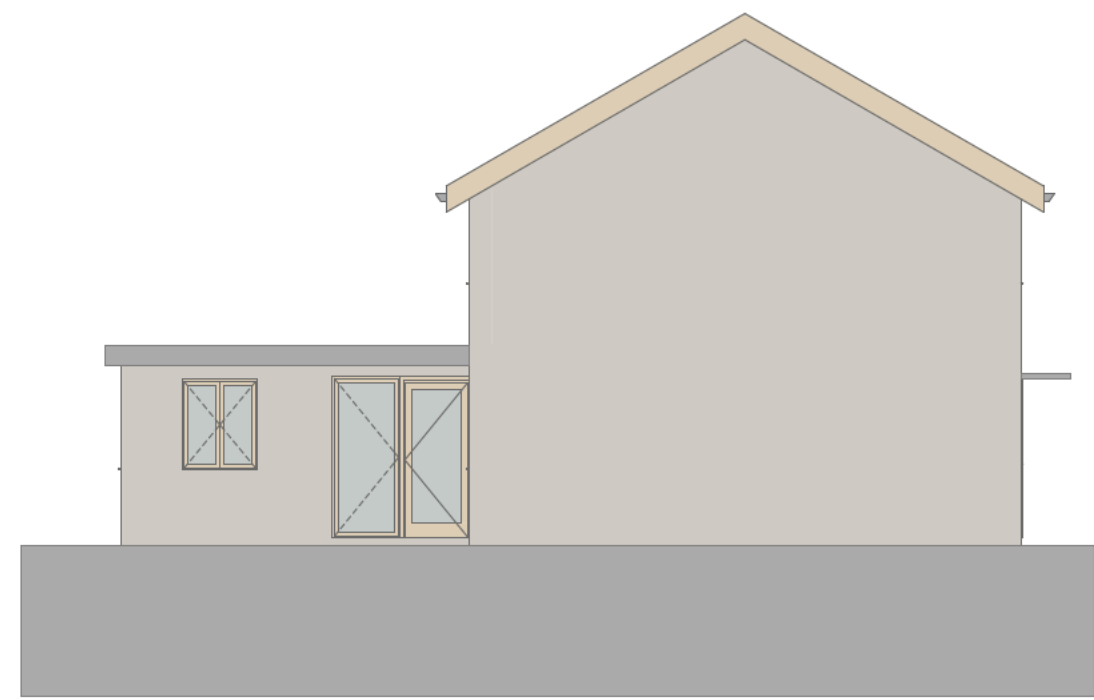


Site layout Plan 1:200

ROBERT KENNY
ARCHITECTURAL & ENGINEERING SERVICES

TOWNLEY HALL, DROGHEDA, CO LOUTH

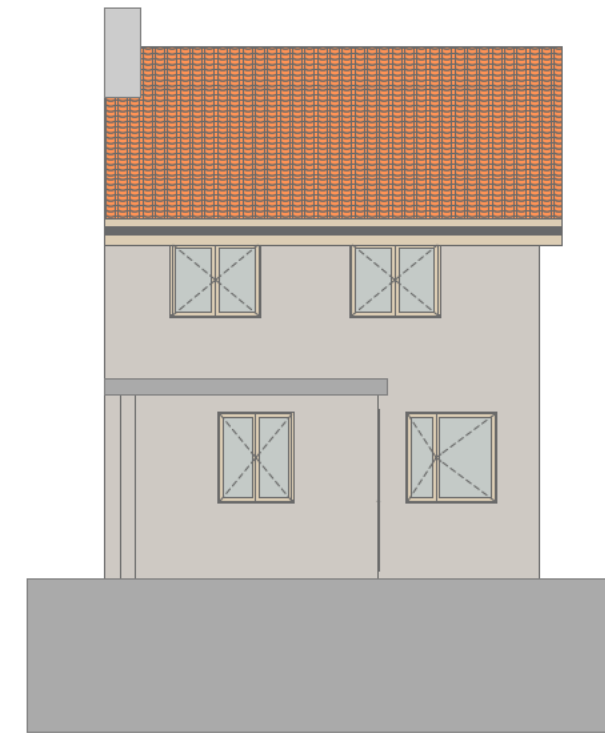




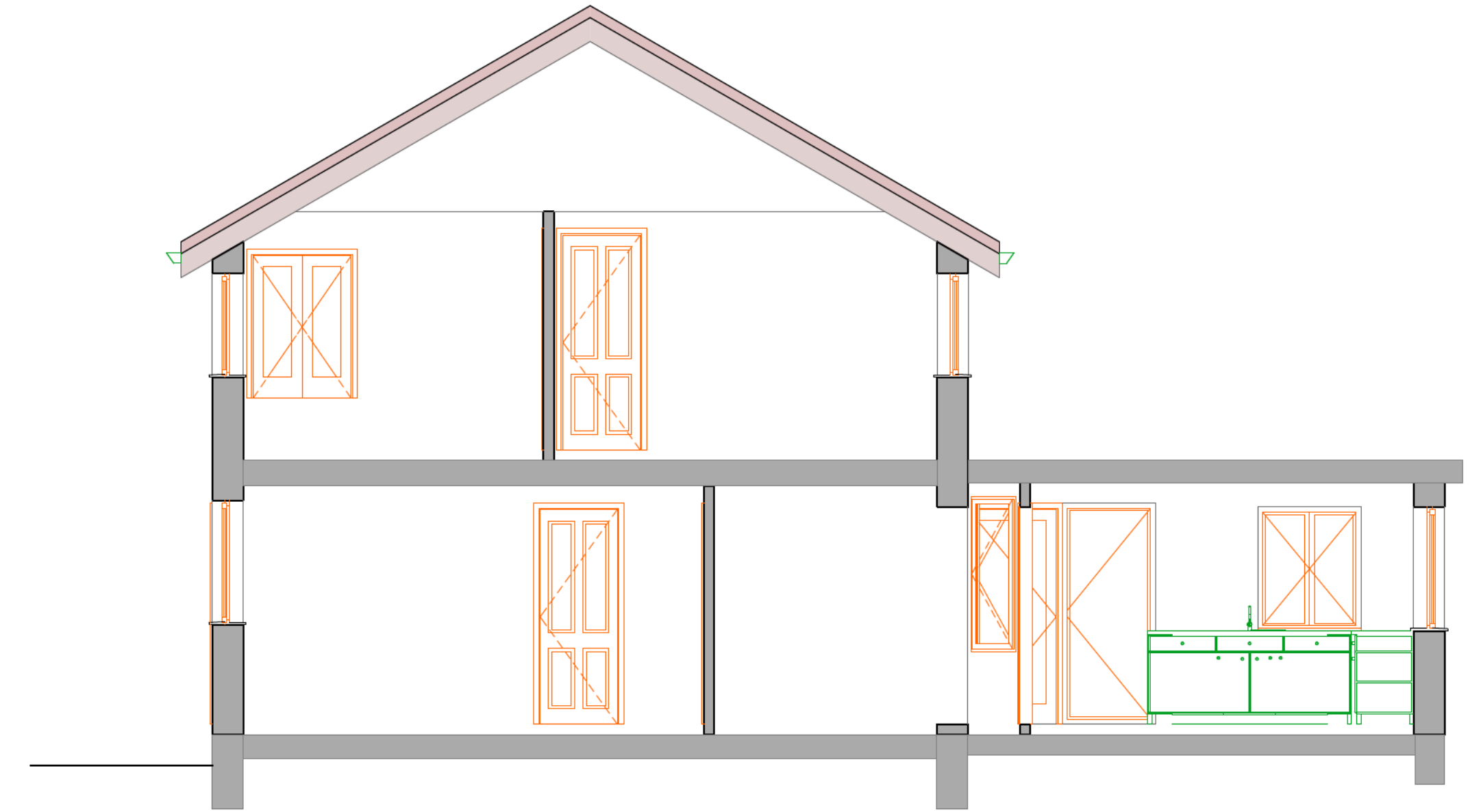
West Elevation 1:100



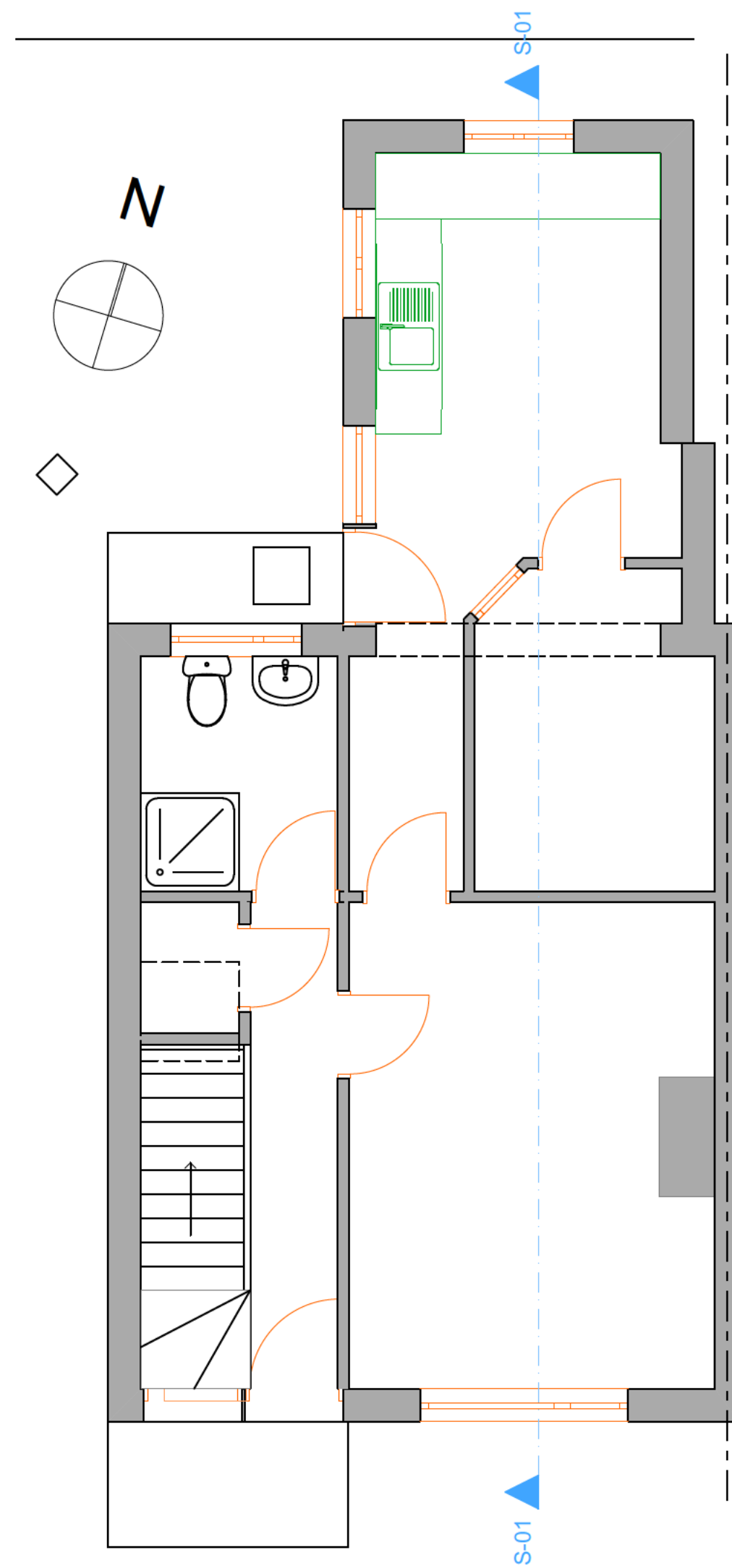
South Elevation 1:100



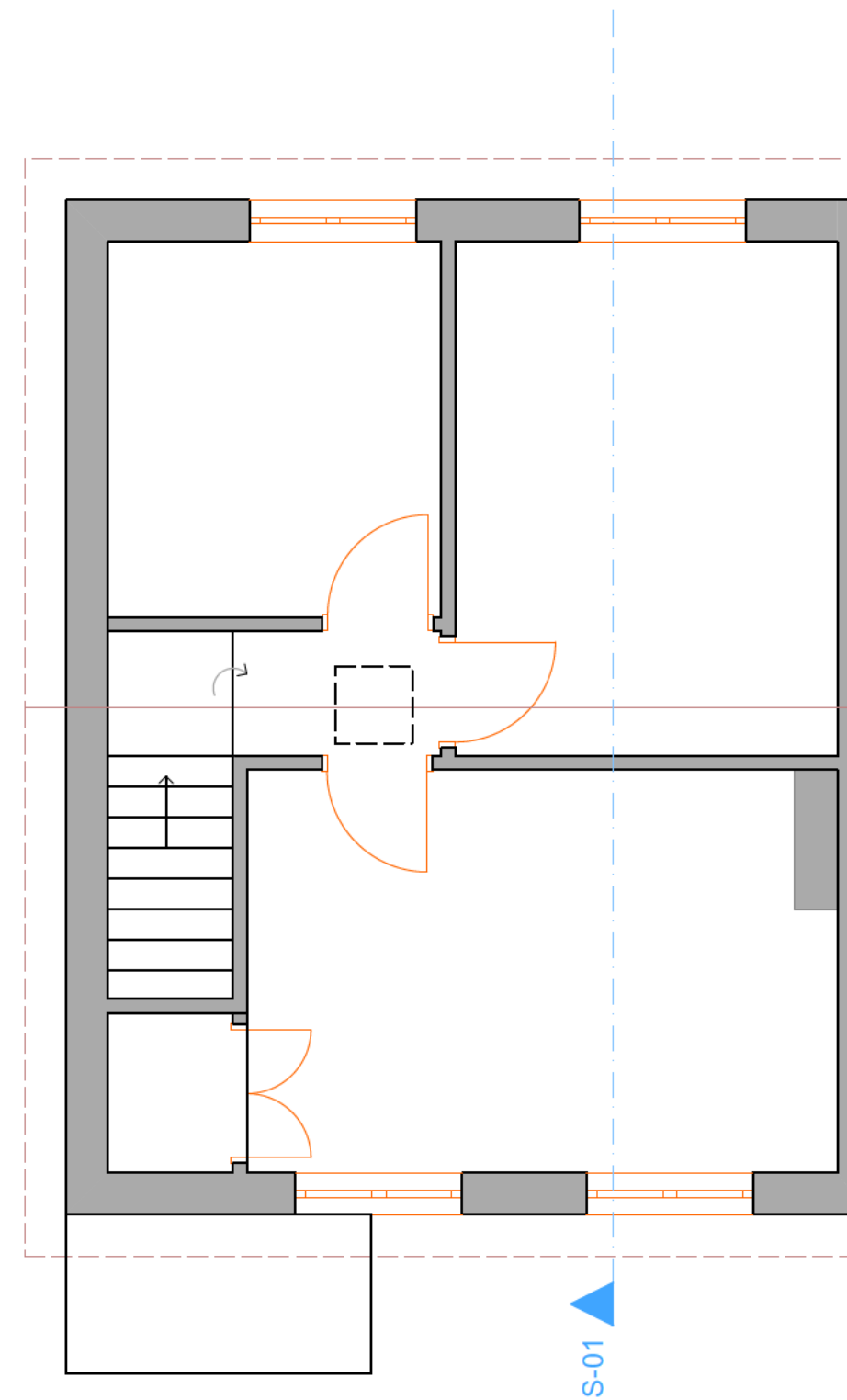
North Elevation 1:100



S-01 Building Section 1:50

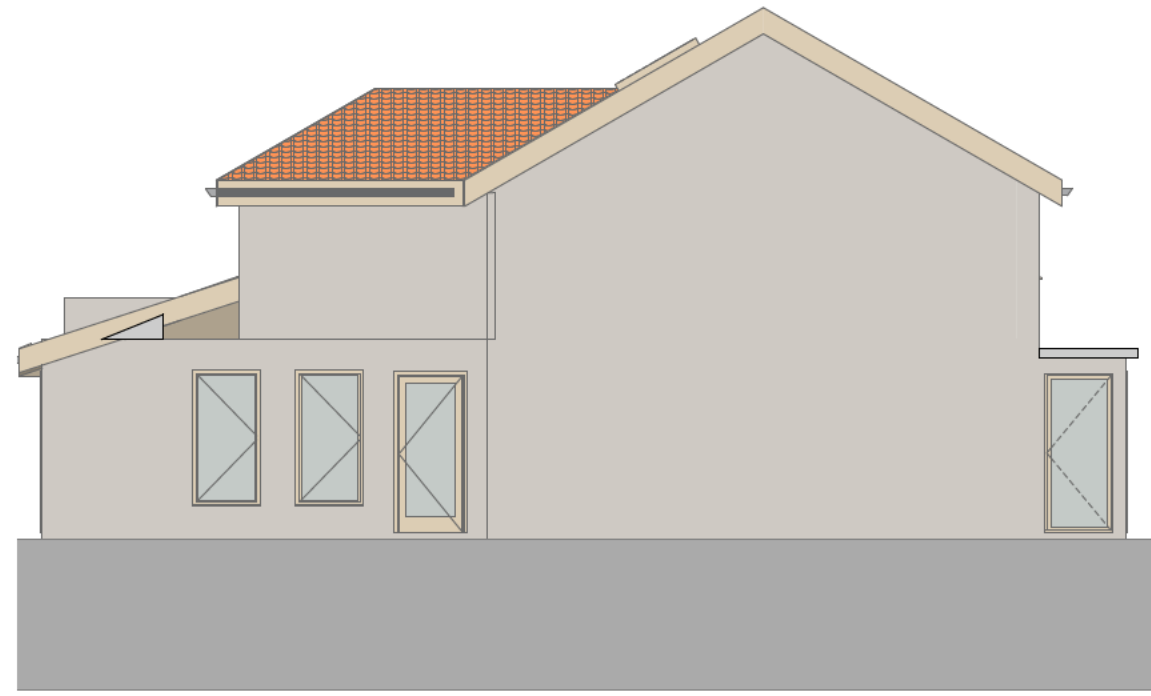


0. Ground Floor 1:50

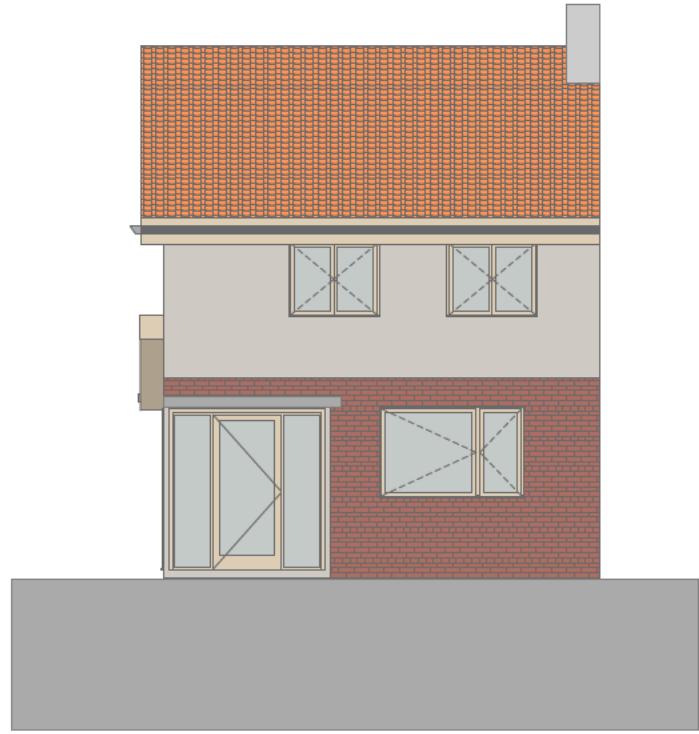


1. Story 1:50

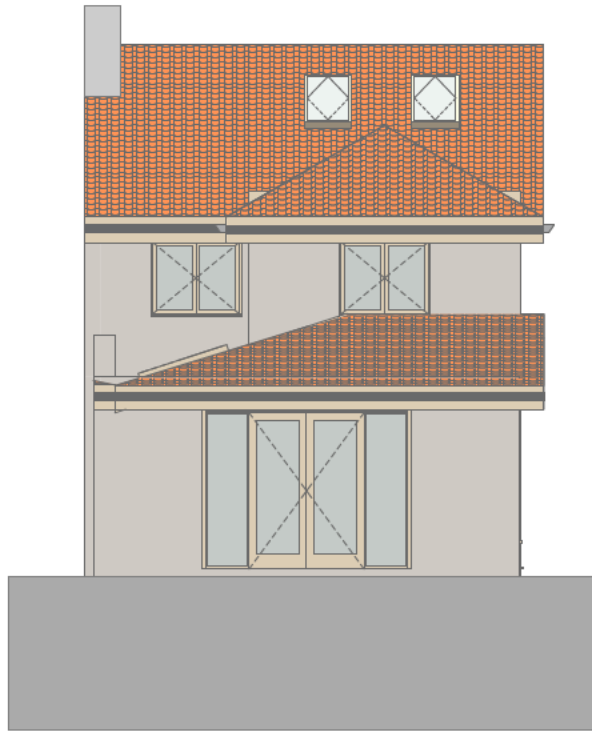
ROBERT KENNY ARCHITECTURAL & ENGINEERING SERVICES TOWNLEY HALL, DROGHEDA, CO LOUTH
136 Sliabh Breagh Ardee, Co Louth
Existing Plans, Elevations and Section
Scale: 1:50 & 1:100
Date: April 2026
Drg No : 1276/01/01



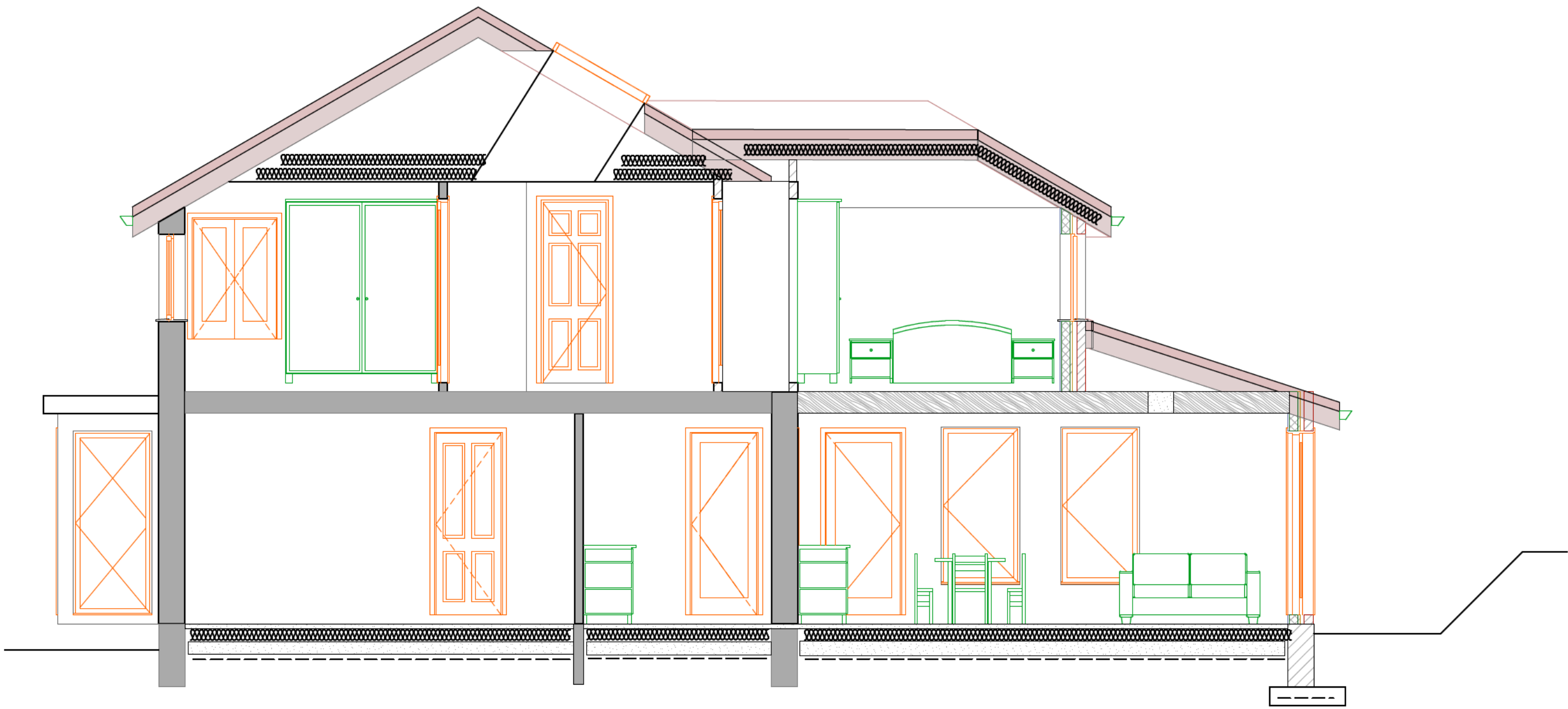
West Elevation 1:100



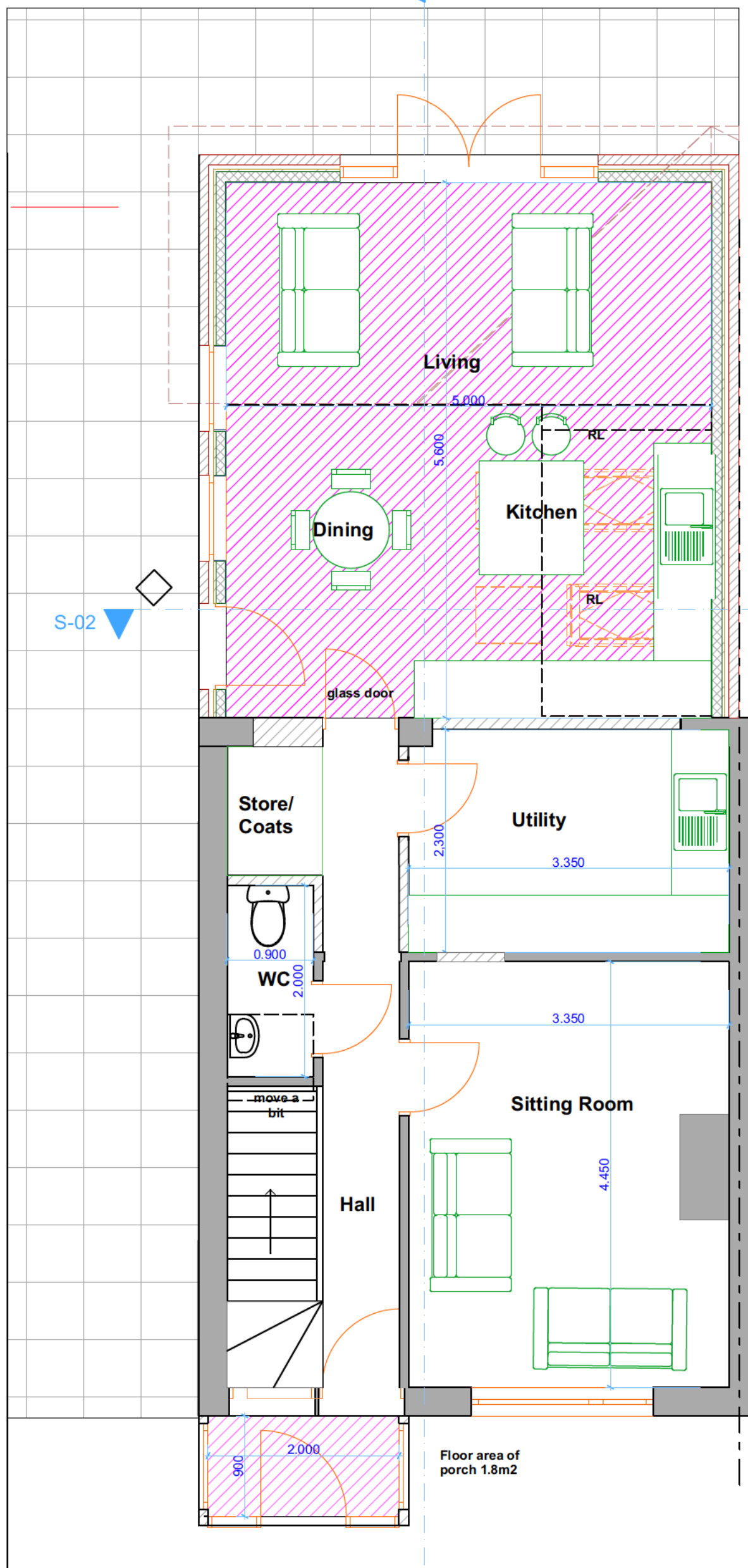
South Elevation 1:100



North Elevation 1:100

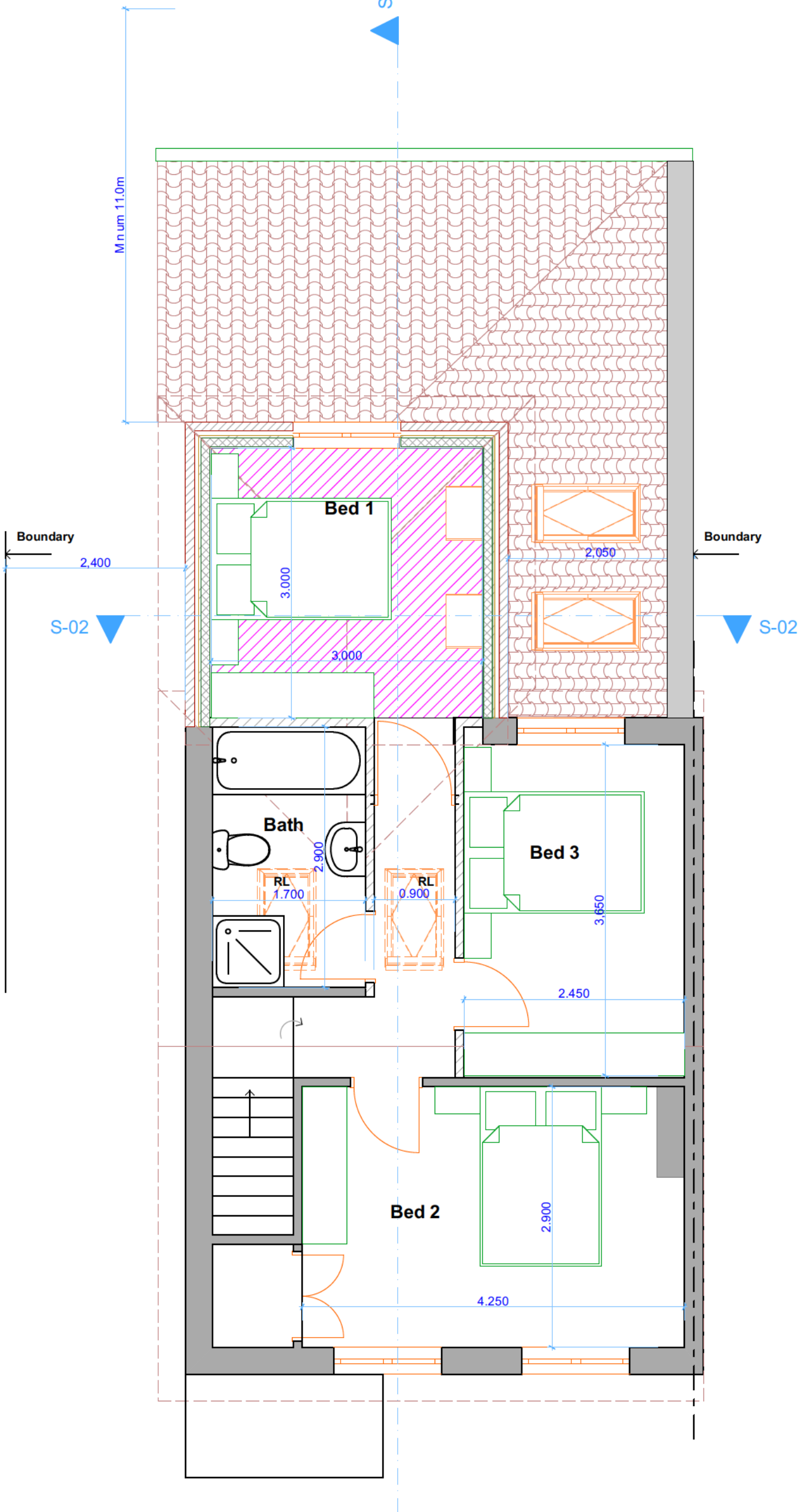


S-01 Building Section 1:50

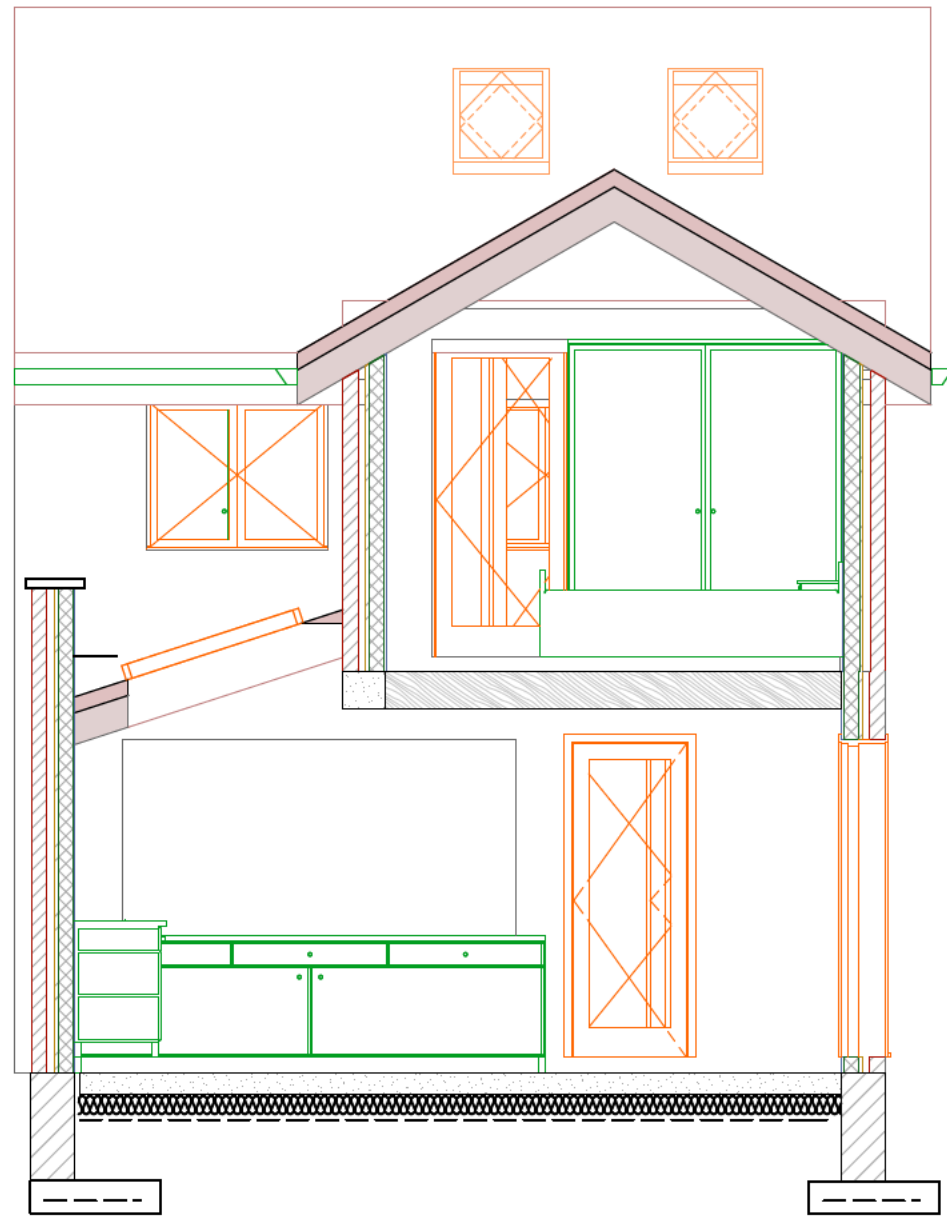


Extension
Cross Hatched in pink
Ground floor Area = 28m²
First Floor Area = 9m²
Total Floor Area = 37m²

Ground Floor



Story



S-02 Building Section 1:50



LOUTH COUNTY COUNCIL

Donal McKenny & Naoise McConnon
Via Email Only

Planning Section
Town Hall
Crowe Street
Dundalk
Co. Louth
Tel: 042-9335457

Date: 7th May 2026

SECTION 5 FURTHER INFORMATION REQUEST

Re: Application for Declaration of “Exempted Development” Part 1 Section 5, Planning & Development Act 2000 (as amended):- Whether the demolition of an existing single storey extension and the construction of a new two storey extension development and is it or is it not exempted development?

APPLICANT – Donal McKenny & Naoise McConnon

REF. NO. S5 2026/22

Dear Sir/Madam,

Further to your application received on 13th April 2026 the Planning Authority will not be in a position to determine whether the works constitute Exempted Development until such time as the following further information is submitted: -

1. The applicant is requested to provide scaled drawings and / or additional details to address the following items for assessment:
 - a. The applicant/developer is requested to clearly indicate the existing development within the curtilage of the neighbouring semi-detached dwelling to the northeast (No.137 Sliabh Breagh) within a revised site layout plan. The existing site layout plan should indicate the distance of the neighbouring structures and extensions to No. 137 Sliabh Breagh, if any, from the existing single storey extension and existing dwelling.
 - b. The applicant is requested to provide contiguous rear elevations which show the relationship between the existing dwelling and existing rear

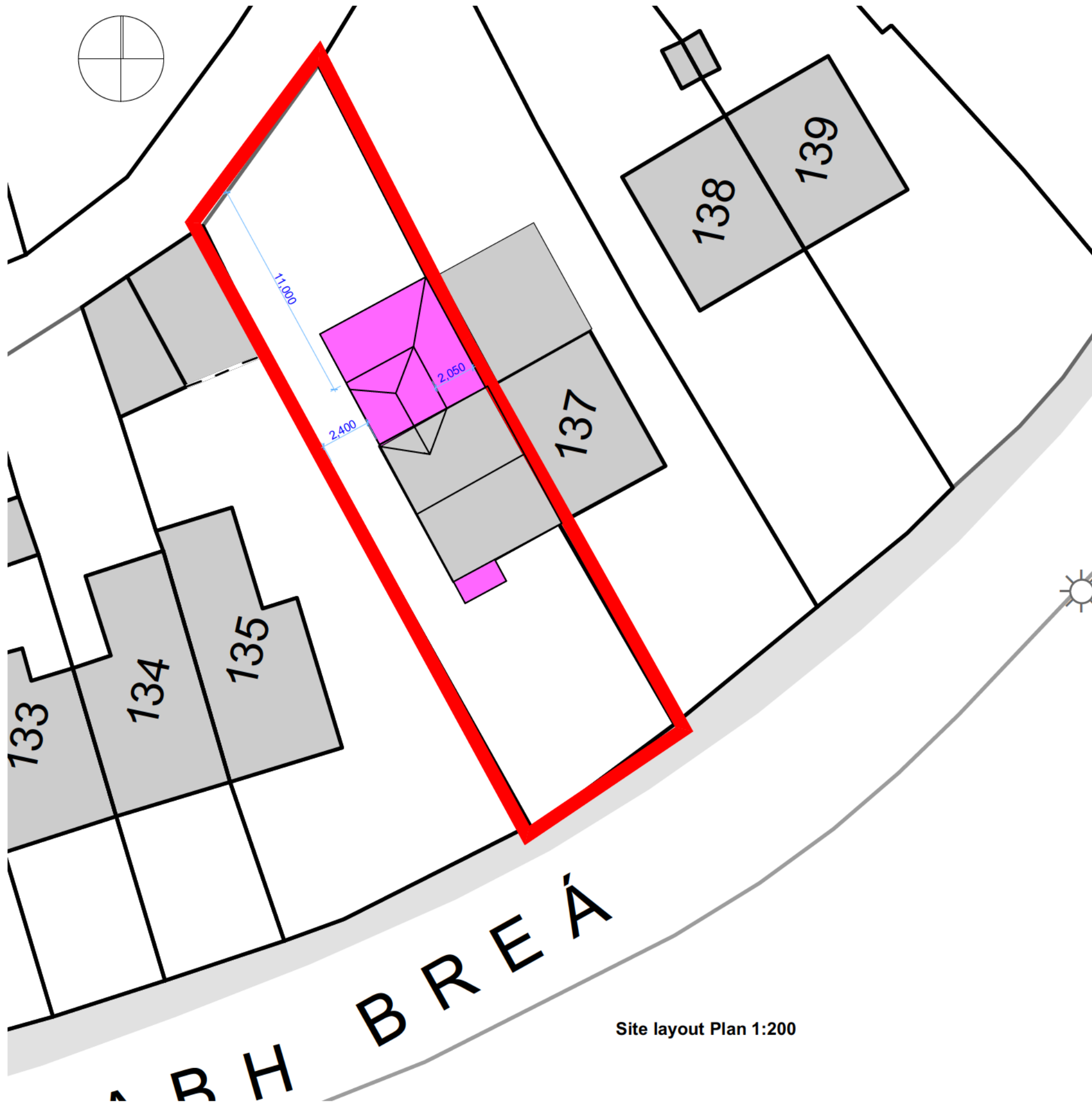
extension and the neighbouring semi-detached dwelling (No. 137 Sliabh Breagh) and its associated rear extensions.

This matter is being dealt with by **Niamh Boyle, Assistant Planner, Louth County Council** who can be contacted on 042-9335457.

Yours faithfully,



Brian Duffy
Planning Section



Site layout Plan 1:200

Rev A

ROBERT KENNY
ARCHITECTURAL & ENGINEERING SERVICES

TOWNLEY HALL, DROGHEDA, CO LOUTH



ROBERT KENNY

Architectural & Engineering Services
TOWNLEY HALL, DROGHEDA, CO LOUTH
A92 F990

[REDACTED]
[REDACTED] [REDACTED]

11th May 2026

Louth County Council
Planning Section
The Town Hall
Crowe Street
Dundalk
Co Louth

Section 5 Declaration

136 Sliabh Breagh, Ardee, Co Louth

Donal McKenny and Naoise McConnon

Ref: S5 2026/22

Dear Sirs

Further to your letter of 7th May we enclose :

1(a) A revised site layout plan showing the existing development within the curtilage of 137 Sliabh Breagh. The development consists of a perspex roof supported off the boundary wall. It does not appear to be permanent in nature and therefore was not included on the original drawing submitted.

1(b) A continuous rear elevation of the existing extension.

A photograph is also enclose of the rear of the houses.

Please let us know if you have any further queries or if you would like to meet us on site.

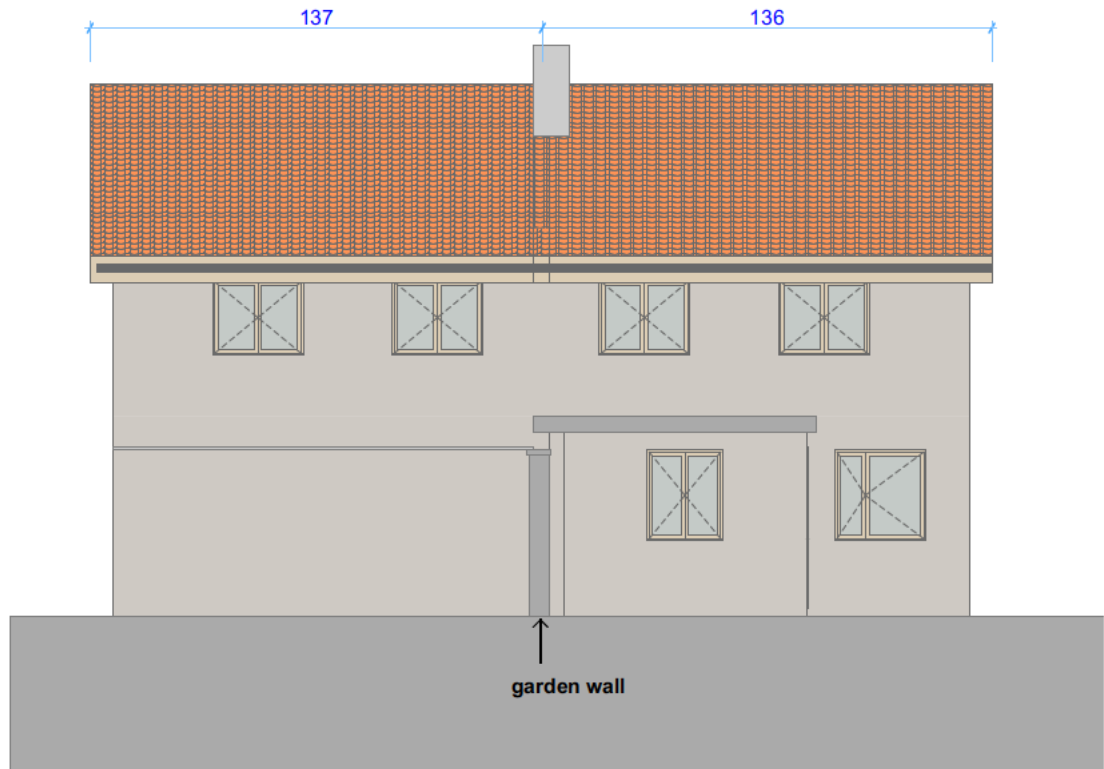
Yours faithfully

Robert Kenny

Robert Kenny MACEngMIEI MStructE



Existing rear elevation



North Elevation (1)

1:100

Louth County Council

Section 5 Declaration

Planning Ref:	S5 2026/22
Applicant's Name:	Donal McKenny & Naoise McConnon
Type of Application:	Section 5 Declaration
Question for Determination:	"Is the demolition of an existing single storey extension and the construction of a new two storey extension development and is it or is it not exempted development?"
Site Location:	136 Sliabh Breagh, Ardee, Co. Louth
Due Date:	31 st May 2026
Report Date:	22 nd May 2026

1. Summary of Previous Report:

Having considered the declaration, the following details were requested from the applicant:

- a. The applicant/developer is requested to clearly indicate the existing development within the curtilage of the neighbouring semi-detached dwelling to the northeast (No.137 Sliabh Breagh) within a revised site layout plan. The existing site layout plan should indicate the distance of the neighbouring structures and extensions to No. 137 Sliabh Breagh, if any, from the existing single storey extension and existing dwelling.
- b. The applicant is requested to provide contiguous rear elevations which show the relationship between the existing dwelling and existing rear extension and the neighbouring semi-detached dwelling (No. 137 Sliabh Breagh) and its associated rear extensions.

2. Response from Applicant:

The applicant has provided a response to the FI request on 12th May 2026 which includes photographs of the rear of the existing dwelling and the neighbouring dwelling at No. 137 Sliabh Breagh, as well as an amended site layout, cover letter dated 11th May 2026 prepared by Robert Kenny, and rear contiguous elevations. The further information submitted confirms that the existing single storey extension is separated from the neighbouring Perspex roof covering at No. 137 Sliabh Breagh by the shared boundary wall, and as such the information provided shows that the existing single storey extension proposed to be demolished does not abut another building in separate ownership.

3. Assessment:

In the previous assessment, it was determined that further information was required to assess whether the proposed demolition of the existing single-story extension complied with the conditions and limitations of Class 50 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended), in particular Condition 1 of Column 2 which requires that *'No such building or buildings shall abut on another building in separate ownership'*. On the basis of the further information submitted, the existing single storey extension is separated from the neighbouring Perspex roof covering at No. 137 Sliabh Breagh by the shared boundary wall, and as such the information provided shows that the existing single storey extension proposed to be demolished does not abut another building in separate ownership.

No issues were raised in the previous assessment regarding the construction of the proposed extension, pending the above clarification on the nature of the existing extension which is required to be demolished to enable the proposed extension to be constructed.

Accordingly, it is considered that the proposed demolition of an existing single storey extension and the construction of a new two storey extension would fall within the provisions of Class 50 of Schedule 2, Part 1 of the Planning and Development Regulations 2001 (as amended) and the provisions Class 1 of Schedule 2, Part 1 of the Planning and Development Regulations 2001 (as amended).

4. Recommendation:

Accordingly, it is recommended that an order along the following lines is issued: -

WHEREAS a question has arisen pursuant to Section 5 of the Planning and Development Act 2000 (as amended) as to whether the following is or is not development and is or is not exempted development.

'Is the demolition of an existing single storey extension and the construction of a new two storey extension development and is it or is it not exempted development'

AND WHEREAS the said question was referred to Louth County Council by Shane Kelly on 13th April 2026.

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

- (a) The definition of “works” and “development”, in Section 2 of the Planning and Development Act 2024,
- (b) Schedule 2 Part 1 Class 50 the Planning and Development Regulations, 2001, as amended
- (c) Schedule 2 Part 1 Class 1 the Planning and Development Regulations, 2001, as amended
- (d) Article 6 and 9 of the Planning and Development Regulations, 2001, as amended.
- (e) Plans and particulars forwarded to the Planning Authority on the 13th April 2026 and Further Information received on the 11th May 2026.

AND WHEREAS *Louth County Council has concluded: -*

- a. The demolition of an existing single storey extension and the construction of a new two storey extension is considered to constitute development under Section 3(1) of the Planning & Development Act, 2000 (as amended) and Section 2 of the Planning and Development Act 2024.
- b. The demolition of an existing single storey extension comes within the scope of Class 50 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended, and would therefore, constitute exempted development, and,
- c. The construction of a new two storey extension comes within the scope of Class 2 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended, and would therefore, constitute exempted development, and,
- d. None of the restrictions on exemption set out in article 9(1) of these Regulations apply in this instance.

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 demolition of an existing single storey extension and the construction of a new two storey extension development and is it or is it not exempted development at 136 Sliabh Breagh, Ardee, Co. Louth is **development** and is **Exempted Development**.



Niamh Boyle

Assistant Planner

Date: 27/05/2026



Turlough King

Acting Senior Planner

Date: 27/05/2026



Thomas McEvoy

Director of Services

Date: 29/05/2026

LOUTH COUNTY COUNCIL

CHIEF EXECUTIVE'S ORDER

PLANNING & DEVELOPMENT ACT 2000 (as amended)

Section 5 Exempted Development

Chief Executive's Order No:	389/2026
Reference No:	S5 2026/22
Date Application Received:	13/04/2026 & Further Information on 11/05/2026
Description of Development:	Whether the demolition of an existing single storey extension and the construction of a new two storey extension development is or is it not exempted development'.
Name of Applicant:	Donal McKenny & Naoise McConnon
Location of Development	136 Sliabh Breagh, Ardee, Co. Louth

WHEREAS a question has arisen pursuant to Section 5 of the Planning and Development Act 2000 (as amended) as to whether the following is or is not development and is or is not exempted development.

'Is the demolition of an existing single storey extension and the construction of a new two storey extension development and is it or is it not exempted development'

AND WHEREAS the said question was referred to Louth County Council by Shane Kelly on 13th April 2026.

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

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- (b) Schedule 2 Part 1 Class 50 the Planning and Development Regulations, 2001, as amended
- (c) Schedule 2 Part 1 Class 1 the Planning and Development Regulations, 2001, as amended
- (d) Article 6 and 9 of the Planning and Development Regulations, 2001, as amended.
- (e) Plans and particulars forwarded to the Planning Authority on the 13th April 2026 and Further Information received on the 11th May 2026.

AND WHEREAS *Louth County Council has concluded: -*

- a. The demolition of an existing single storey extension and the construction of a new two storey extension is considered to constitute development under Section 3(1) of the Planning & Development Act, 2000 (as amended) and Section 2 of the Planning and Development Act 2024.
- b. The demolition of an existing single storey extension comes within the scope of Class 50 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended, and would therefore, constitute exempted development, and,
- c. The construction of a new two storey extension comes within the scope of Class 2 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended, and would therefore, constitute exempted development, and,
- d. None of the restrictions on exemption set out in article 9(1) of these Regulations apply in this instance.

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 demolition of an existing single storey extension and the construction of a new two storey extension development and is it or is it not exempted development at 136 Sliabh Breagh, Ardee, Co. Louth is **development** and is **Exempted Development**.



SIGNED: _____
Niamh Boyle
Assistant Planner

Date: 28/05/2026

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: 29/05/2026

To whom this function has been delegated in accordance with the provisions of Section 154 of the Local Government Act, 2001 by Order No. CE.S. 201/25 dated the 14th day of May 2025.



Comhairle Contae Lú
Louth County Council

Donal McKenny & Naoise McConnon
c/o Robert Kenny
Townley Hall
Drogheda
Co Louth

By email only to: [REDACTED]

29th May 2026

Re: Ref. S5 2026/22

Application for Declaration of "Exempted Development" Part 1, Section 5 Planning & Development Act, 2000 (as amended) as to 'Whether the demolition of an existing single storey extension and the construction of a new two storey extension development and is it or is it not exempted development'.

Dear Sir/Madam,

I wish to acknowledge receipt of your application received on 13th April 2026 and further information received on 11th 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 2000 (as amended) as to whether the following is or is not development and is or is not exempted development.

'Is the demolition of an existing single storey extension and the construction of a new two storey extension development and is it or is it not exempted development'

AND WHEREAS the said question was referred to Louth County Council by Shane Kelly on 13th April 2026.

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

- (a) The definition of "works" and "development", in Section 2 of the Planning and Development Act 2024,

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

Louth County Council
Town Hall
Crowe Street
Dundalk
County Louth
A91 W20C

T + 353 42 9335457
E info@louthcoco.ie
W www.louthcoco.ie

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

- (b) Schedule 2 Part 1 Class 50 the Planning and Development Regulations, 2001, as amended
- (c) Schedule 2 Part 1 Class 1 the Planning and Development Regulations, 2001, as amended
- (d) Article 6 and 9 of the Planning and Development Regulations, 2001, as amended.
- (e) Plans and particulars forwarded to the Planning Authority on the 13th April 2026 and Further Information received on the 11th May 2026.

AND WHEREAS *Louth County Council has concluded: -*

- a. The demolition of an existing single storey extension and the construction of a new two storey extension is considered to constitute development under Section 3(1) of the Planning & Development Act, 2000 (as amended) and Section 2 of the Planning and Development Act 2024.
- b. The demolition of an existing single storey extension comes within the scope of Class 50 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended, and would therefore, constitute exempted development, and,
- c. The construction of a new two storey extension comes within the scope of Class 2 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended, and would therefore, constitute exempted development, and,
- d. None of the restrictions on exemption set out in article 9(1) of these Regulations apply in this instance.

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 demolition of an existing single storey extension and the construction of a new two storey extension development and is it or is it not exempted development at 136 Sliabh Breagh, Ardee, Co. Louth is **development** and is **Exempted Development**.

In Summary

A Declaration of Exemption is hereby GRANTED for the works as detailed on the plans and particulars submitted on 13th November 2025 and further information on 05th December 2025.

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,

A handwritten signature in blue ink, appearing to read "Brian Duffy".

Brian Duffy
Planning Section