

Section 5 Declaration - Application Form

1. Name and address of person seeking the declaration:

Motilal Nursing, 22 Dundoogan, Dundalk, County Louth

Phone Number: [REDACTED]

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

Phone Number: _____ E-Mail: _____

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

4. Interest in site of the person seeking declaration:

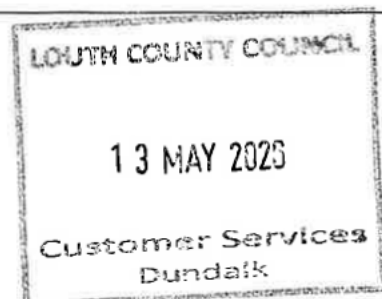
(If applicant is not freehold owner of the property in question, please provide name and address of owner if known)

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

22 Dundoogan, Dundalk, County Louth

6. Eircode OR Grid Co-ordinates must be submitted. Grid references may be found on Google Maps or at <https://irish.gridreferencefinder.com>

A91Y26C



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 construction of a pergola
in my back garden exempt
of planning permission?

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:

M. W. S. J.

Date

11/05/2026

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.



**Tailte
Éireann**

Clárúchán, Luacháil,
Suirbhéireacht
Registration, Valuation,
Surveying

Tailte Éireann Sealed and Certified Copy Folio (& Title Plan)

DIRECT LAW SOLICITORS
DX 151002
SKERRIES

RECEIVED

16 MAY 2024

DIRECT LAW
SOLICITORS

This page forms part of the official document. Do not detach.

Folio Number: LH43763F
Application Number: P2024LR059122V
Your Reference: MS/CC/NUR002-001

This document comprises a sealed and certified copy of the Tailte Éireann record for the above mentioned folio/title plan as of the date appearing.

Details of **dealings pending** (if any) are listed in the **Schedule** below.

An officer duly authorised by Tailte Éireann

Schedule



Notes:

1. Title plans should be read in conjunction with the folio. The description of the land on the folio or on the title plan is not conclusive as to the boundaries or extent of the land (see Section 85 of the Registration of Title Act 1964, as substituted by Section 62 of the Registration of Deeds and Title Act, 2006).
2. Title plans greater than A3 in size may be provided as separate A3 tiles with an overlap and print gutter. When aligning the tiled sheets, customers are advised to use the underlying topographical detail.
3. On receipt of this record, please check to verify that all the details contained therein are correct. If this is not the case, please return the document to Tailte Éireann immediately.

Folio Number: LH43763F
Date Printed: 14/05/2024

Application Number: P2024LR059122V
Page 1 of 6

Land Registry

County Louth

Folio 43763F

Register of Ownership of Freehold Land

Part 1(A) - The Property

Note: Unless a note to the contrary appears, neither the description of land in the register nor its identification by reference to the Registry Map is conclusive as to boundaries or extent.

For parts transferred see Part 1(B)

No.	Description	Official Notes
1	The property shown coloured Red as plan(s) D2A0Y on the Registry Map, situate in the Townland of HAYNESTOWN, known as 22 DUNDOOGAN, DUNDALK, CO. LOUTH, A91 YC6C, in the Barony of DUNDALK UPPER, in the Electoral Division of HAGGARDSTOWN. The Registration does not extend to the mines and minerals	From Folio LH3155N

Land Registry

County Louth

Folio 43763F

Part 1(B) - Property
Parts Transferred

No.	Prop No.	Instrument	Date	Area(Hectares)	Plan	Folio No.

Land Registry

County Louth

Folio 43763F

Part 2 - Ownership

Title ABSOLUTE

No.	The devolution of the property is subject to the provisions of Part II of the Succession Act, 1965	
1	21-DEC-2021 D2021LR177784R	MOTILAL NURSING of 22 Dundoogan, Dundalk, County Louth and RAGEENEE NURSING of 22 Dundoogan, Dundalk, County Louth are full owners.

Land Registry

County Louth**Folio 43763F****Part 3 - Burdens and Notices of Burdens**

No.	Particulars
1	21-DEC-2021 D2021LR177784R The covenants and conditions relating to the use and enjoyment of the property and other rights referred to in Instrument No.D2021LR177784R.



Folio: LH43763F

This map should be read in conjunction with the folio.

Tailte Éireann (TÉ) Registration mapping is based on TÉ Surveying mapping. Where TÉ Registration maps are printed at a scale that is larger than the TÉ Surveying scale, accuracy is limited to that of the TÉ Surveying map scale.

For details of the terms of use and limitations of scale, accuracy and other conditions relating to TÉ Registration maps, see www.tailte.ie.

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(centre-line of parcel(s) edged)

Freehold

Leasehold

SubLeasehold



Burdens (may not all be represented on map)

Right of Way / Wayleave

Turbary

Pipeline

Well

Pump

Septic Tank

Soak Pit

A full list of burdens and their symbology can be found at:

www.landdirect.ie

Tailte Éireann Registration operates a non-conclusive boundary system.

The TÉ Registration map identifies properties not boundaries meaning neither the description of land in a folio nor its identification by reference to a TÉ Registration map is conclusive as to the boundaries or extent. (see Section 85 of the Registration of Title Act, 1964). As inserted by Section 62 of the Registration of Deed and Title Act 2006.

PERGOLA

ROOF OF PERGOLA

280 cm

408 cm

244 cm

22 DUNDUGAN, DUNDALK
A91YC6C

286 cm

415 cm

FENCE

LAWN OF THE
REMAINING REAR
GARDEN

FENCE

696 cm

REAR
GATE

Land Registry

County Louth

Folio 43763F

Register of Ownership of Freehold Land

Part 1(A) - The Property

Note: Unless a note to the contrary appears, neither the description of land in the register nor its identification by reference to the Registry Map is conclusive as to boundaries or extent.

For parts transferred see Part 1(B)

No.	Description	Official Notes
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Land Registry

County Louth

Folio 43763F

Part 1(B) - Property
Parts Transferred

No.	Prop No.	Instrument	Date	Area(Hectares)	Plan	Folio No.



Land Registry

County Louth**Folio 43763F****Part 2 - Ownership**

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No.	The devolution of the property is subject to the provisions of Part II of the Succession Act, 1965	
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Land Registry

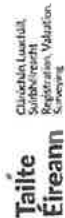
County Louth

Folio 43763F

Part 3 - Burdens and Notices of Burdens

No.	Particulars
1	21-DEC-2021 D2021LR177784R The covenants and conditions relating to the use and enjoyment of the property and other rights referred to in Instrument No.D2021LR177784R.

705660 mE, 802450 mN



Folio: LH43763F

This map should be read in conjunction with the folio.

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(centre-line of parcel(s) edged)

Freehold

Leasehold

SubLeasehold



Burdens (may not all be represented on map)

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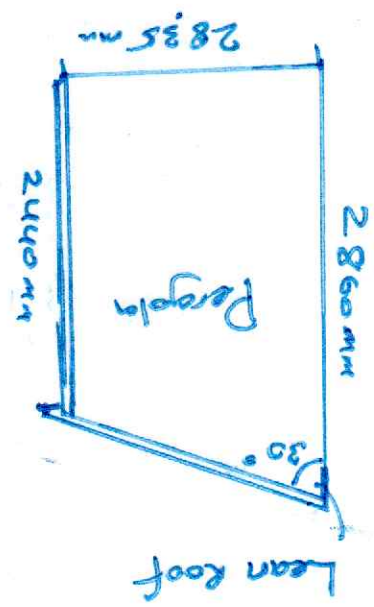
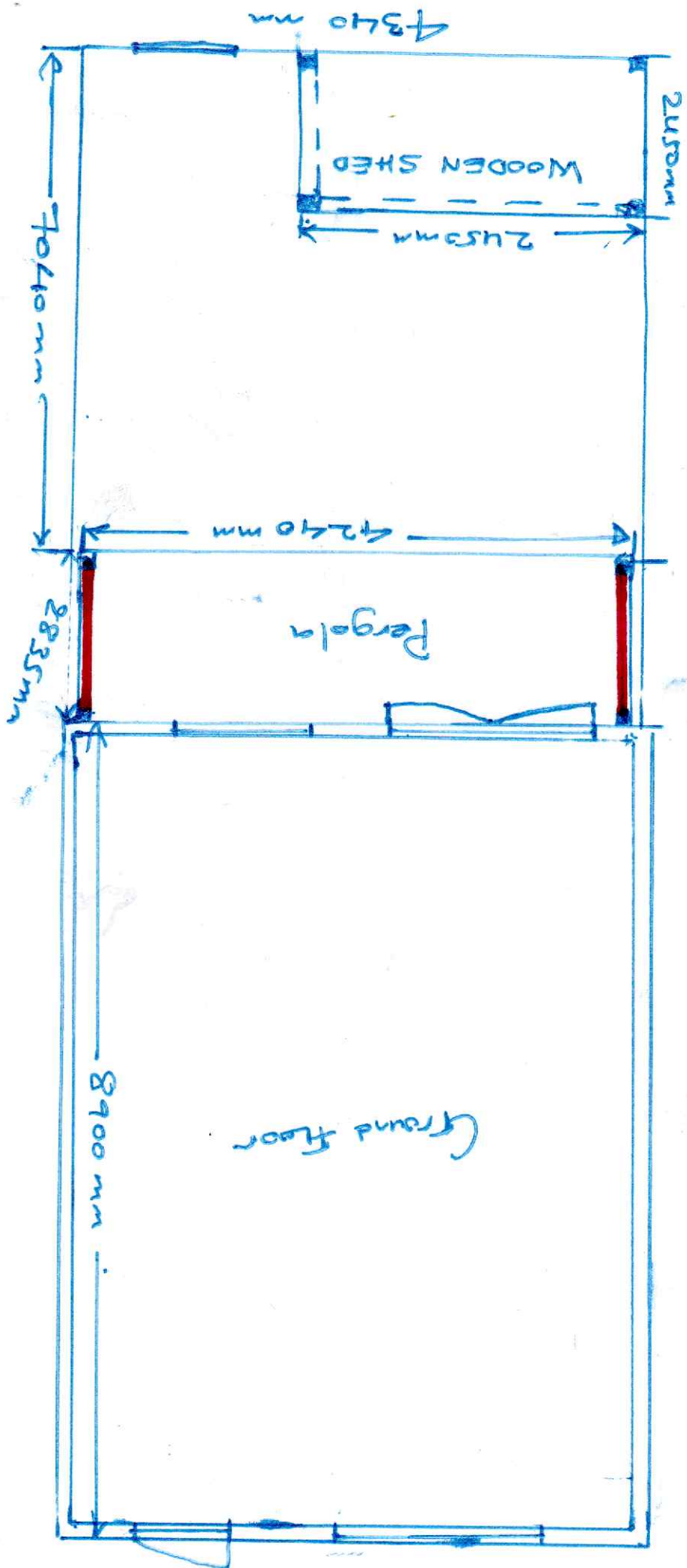
Soak Pit

A full list of burdens and their symbology can be found at: www.landdirect.ie

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The TE Registration map identifies properties not boundaries meaning neither the description of land in a folio nor its identification by reference to a TE Registration map is conclusive as to the boundaries or extent. (see Section 85 of the Registration of Title Act, 1964). As inserted by Section 62 of the Registration of Deed and Title Act 2006.





Louth County Council
Section 5 Declaration

Planning Ref: S5 2026/32

Applicant's Name: Motilal Nursing

Type of Application: Section 5 Declaration

Development: The construction of a pergola in the back garden.

Site Location: 22 Dundoogan, Dundalk, County Louth, A91 YC6C

Site Inspection 27th May 2026

Report Date 2nd June 2026

Due Date: 18th June 2026

1.0 SITE LOCATION AND DESCRIPTION



Fig.1: Site Location Plan as submitted

The site is located within the urban settlement limits of Dundalk (a Regional Growth Centre) and on lands zoned '*A1:Existing Residential*' whereby the objective is "*to protect and enhance the amenity and character of existing residential communities,*" as per the Louth County Development Plan 2021-2027, as varied.

The submitted location plan encompasses the curtilage of no. 22 Dundoogan, a mid-terraced two storey dwelling, set within a linear plot within a relatively recent residential development.



Fig.2: Existing dwelling (Google Streetview, May 2023)

2.0 PLANNING HISTORY

Relevant planning records:

File ref. 08/1309 (Groveview Builders Ltd): Permission for the construction of a residential development consisting of 257 no. dwellings (In lieu of 285 no. previously approved dwellings in sector 1 of approved development 03/1754) – Permission Granted by ABP on 12/01/2010.

Enforcement Records:

None.

3.0 DECLARATION SOUGHT

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

"Is the construction of a pergola in my back garden exempt of planning permission?"

The Planning Authority shall consider the submitted question in the following rephased format:

'Is the construction of a pergola in the rear garden of No. 22 Dondoogan, Dundalk, County Louth, A91 YC6C exempt development?'

The applicant has submitted the following details and particulars:

- Section 5 Declaration Application Form.
- Land Registry Folio Map (LH43763F) and Legal records.
- Hand drawn Site Plan
- Hand drawn Floor Plan and Elevation

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 subject 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 subject (small scale domestic) development and the nature of the receiving environment, no appropriate assessment issues arise and it is not considered that the existing 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

S.I. No. 662/2024 - The Planning and Development Act 2024 (Commencement) Order 2024

The Planning and Development Act 2024 (Commencement) Order 2024 states:

“The 2nd day of December 2024 is appointed as the day on which the following provisions of the Planning and Development Act 2024 (No. 34 of 2024) shall come into operation:

- (a) Sections 1 to 5;*
- (b) Part 26*

The Planning and Development Act 2024

Section 2 states:

“development” means—

- (a) the carrying out of works—*
 - (i) on, in, over or under land, or*
 - (ii) on, in, over or under the maritime area,*

or

- (b) the making of a material change in the use of—*
 - (i) land or any structure on land, or*
 - (ii) the sea, seabed or any structure, in the maritime area,**and includes the reclamation of land in the nearshore area;*

“exempted development” means—

- (a) development of a class prescribed under section 9 , or*
- (b) development that is exempted development by virtue of section 152;*

“alteration” includes, in relation to a structure—

- (a) plastering or painting,*
 - (b) the removal of plaster or stucco, and*
 - (c) the replacement of a door, window or roof,*
- that materially alters the external appearance of a structure so as to render the appearance inconsistent with the character of the structure or neighbouring structures;*

“Structure” means—

- (a) a building, edifice, construction, excavation, or other thing constructed or made on, in or under any land, or a maritime site, or any part thereof, or*
- (b) the land or maritime site on, in or under which such building, edifice, construction, excavation, other thing or part is situated;*

“Unauthorised development” means, in relation to land or a maritime site—

- (a) unauthorised works (including the construction, erection or assembly of an unauthorised structure), or*
- (b) an unauthorised use;*

“Unauthorised works” means any works on, in, over or under land or a maritime site, other than—

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

or

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

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

- (a) exempted development, or*
- (b) development carried out in accordance with—*

- (i) a permission granted under Part IV of the Act of 1963 or deemed to be so granted under section 92 of that Act,
- (ii) a permission granted under section 34, 37G, 37N or 293 of the Act of 2000,
- (iii) a permission granted under section 9 of the Planning and Development (Housing) and Residential Tenancies Act 2016, or
- (iv) a permission granted under Part 4,
- (c) Chapter 6 State authority development within the meaning of Part 4,
- (d) development required by—
 - (i) a notice under section 339,
 - (ii) an order under section 341,
 - (iii) an enforcement notice under section 350, or
 - (iv) a planning injunction under section 351,
- or
- (e) development carried out in accordance with—
 - (i) a licence under section 13, or
 - (ii) a licence under section 254 of the Act of 2000;

“unauthorised works” means any works on, in, over or under land or a maritime site, other than—

- (a) exempted development,
- (b) development carried out in accordance with—
 - (i) a permission granted under Part IV of the Act of 1963 or deemed to be so granted under section 92 of that Act,
 - (ii) a permission granted under section 34, 37G, 37N or 293 of the Act of 2000,
 - (iii) a permission granted under section 9 of the Planning and Development (Housing) and Residential Tenancies Act 2016, or
 - (iv) a permission granted under Part 4,
 - (c) Chapter 6 State authority development within the meaning of Part 4,
 - (d) development required by—
 - (i) a notice under section 339,
 - (ii) an order under section 341,
 - (iii) an enforcement notice under section 350, or
 - (iv) a planning injunction under section 351,
 - or
 - (e) development carried out in accordance with—
 - (i) a licence under section 13, or
 - (ii) a licence under section 254 of the Act of 2000;

“Works” includes an act or operation—

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

The Planning and Development Act, 2000 (as amended)

Section 5 states:

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

Section 32:

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

The Planning and Development Regulations 2001, (as amended)

Part 2, Article 6 (1) states:

- (1) *Subject to article 9, development of a class specified in column 1 of Part 1 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1.*

Part 2, Article 9: Restrictions on Exempted Development:

Article 9(1) sets out the restrictions on exemption and the instances whereby development to which article 6 relates shall not be exempted development for the purposes of the Act.

7.0 ASSESSMENT

Does the subject works constitute development?

In having regard to the definition of 'development' within Section 2 of the Planning and Development Act 2024 as being "*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,*" and whereby 'works' "*includes an act or operation—*

(a) of construction, excavation, demolition, extension, alteration, repair or renewal (including in relation to a protected structure, a proposed protected structure or a structure situated in an architectural conservation area), on, in, over or under land or a maritime site," the construction of a pergola within the existing residential curtilage, constitutes construction on the existing land and therefore constitutes 'development.' as defined in Section 2 above.

Do the works constitute exempt development?

The submitted particulars include hand drawn details of the proposed structure, which measures L.4.24m x W.2.835m x maximum height 2.86m and incorporating a mono pitched roof. In terms of siting, the proposed structure appears to be located directly adjoining the rear building line of the dwelling, whilst an existing shed is shown to be located along the rear property boundary with the remaining garden area intervening.

The proposed development would fall within Part 1, Class 3 of Schedule 2 of the Regulations which states:

CLASS 3

Description of Development

The construction, erection or placing within the curtilage of a house of any tent, awning, shade or other object, greenhouse, garage, store, shed or other similar structure.

Conditions and Limitations

- 1. No such structure shall be constructed, erected or placed forward of the front wall of a house.*
- 2. The total area of such structures constructed, erected or placed within the curtilage of a house shall not, taken together with any other such structures previously constructed, erected or placed within the said curtilage, exceed 25 square metres.*
- 3. The construction, erection or placing within the curtilage of a house of any such structure shall not reduce the amount of private open space reserved exclusively for the use of the occupants of the house to the rear or to the side of the house to less than 25 square metres.*
- 4. The external finishes of any garage or other structure constructed, erected or placed to the side of a house, and the roof covering where any such structure has a tiled or slated roof, shall conform with those of the house.*
- 5. The height of any such structure shall not exceed, in the case of a building with a tiled or slated pitched roof, 4 metres or, in any other case, 3 metres.*
- 6. The structure shall not be used for human habitation or for the keeping of pigs, poultry, pigeons, ponies or horses, or for any other purpose other than a purpose incidental to the enjoyment of the house as such.*

In having regard to the submitted details and to the conditions and limitations as set out above, the following comments are noted:

1. The proposed structure is to be located within the rear garden of the property.
2. The proposed structure has a surface area of 12.02m² which does not exceed this limitation.
3. The submitted drawings indicate a remaining garden area of 28.89m² which does not contravene this condition.
4. The proposed pergola appears to have slate roof covering which would confirm with the finishes of the existing dwelling.
5. The height of the proposed pergola is 2.86m to the maximum, which is within the above limitations.
6. This requirement would not apply to the nature of the subject structure.

Accordingly, the proposed development would not (on the basis of the submitted details,) contravene any of the conditions and limitations within Class 3.

Restrictions on exempted development

In having regard to the restrictions on exempted development within Article 9(1) of the Regulations, the following comments are noted:

Article 9(1)(a):

- (i) The proposed development would not contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act including the 24 no. planning conditions attached to permission ref. 08/1309,
- (ii) The proposed development would not 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) The proposed development would not endanger public safety by reason of traffic hazard or obstruction of road users,
- (iiia) The proposed development would not endanger public safety by reason of hazardous glint and/or glare for the operation of airports, aerodromes or aircraft,
- (iv) The proposed development would not , 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) The proposed development would not 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) The proposed development would not 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) The proposed development would not consist of or comprise the excavation, alteration or demolition (other than peat extraction) of places, caves, sites, features or other objects of archaeological, geological, historical, scientific or ecological interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan for the area in which the development is proposed or, pending the variation of a development plan or local area plan, or the making of a new development plan or local area plan, in the draft variation of the development plan or the local area plan or the draft development plan or draft local area plan,
- (viiA) The proposed development would not consist of or comprise the excavation, alteration or demolition of any archaeological monument included in the Record of Monuments and Places, pursuant to section 12 (1) of the National Monuments (Amendment) Act 1994, save that this provision shall not apply to any excavation or any works, pursuant to and in accordance with a consent granted under section 14 or a licence granted under section 26 of the National Monuments Act 1930 (No. 2 of 1930) as amended,
- (viiB) The proposed development would not comprise development in relation to which a planning authority or An Bord (now Coimisiún) Pleanála is the competent authority in relation to appropriate assessment, and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site,
- (viii) The proposed development would not 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,
- (viiC) The proposed development would not consist of or comprise development which would be likely to have an adverse impact on an area designated as a natural heritage area by order made under section 18 of the Wildlife (Amendment) Act 2000. (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) the proposed development would not 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) The proposed development would not 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) The proposed development would not obstruct any public right of way,
- (xii) further to the provisions of section 82 of the Act, the proposed development would not 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.

Accordingly, I am satisfied that the proposed development would not contravene the limitations within Article 9(1)(a) whilst the provisions of Article 9(1)(b) are not applicable.

Therefore in accordance with Part 2, Article 6 (1,) the proposed development shall be exempted development for the purposes of the Act, as it complies with the conditions and limitations specified in column 2 of the said Part 1 and would not contravene the restrictions within article 9.

8.0 CONCLUSION

In having regard to the foregoing, the proposed works is **development that is exempted development.**

9.0 RECOMMENDATION:

Accordingly, I recommend 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 whether *the 'construction of a pergola in the rear garden of No. 22 Dondoogan, Dundalk, County Louth, A91 YC6C'* is or is not development and is or is not exempt development,

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

- (a) The definition of "*development*" in Section 2 of the Planning & Development Act 2024 (as amended).
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended.)
- (c) Class 3 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended.)

- (d) The plans and particulars submitted to the Planning Authority.
- (e) The Planning history pertaining to the site.

AND WHEREAS Louth County Council has concluded: -

- (a) The '*construction of a pergola in the rear garden of No. 22 Dondoogan, Dundalk, County Louth, A91 YC6C* **constitutes development** under Section 2 of the Planning & Development Act, 2024 and;
- (b) The '*construction of a pergola in the rear garden*' is considered to constitute '*the construction, erection or placing within the curtilage of a house of any tent, awning, shade or other object, greenhouse, garage, store, shed or other similar structure*' as per Class 3 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended) and would comply with the conditions and limitations specified in column 2 of this class and;
- (c) The proposed development would not, contravene any of the restrictions on exemption as outlined in Article 9(1) of the Planning and Development Regulations, 2001 (as amended)

NOW THEREFORE Louth County Council in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act 2000 (as amended), hereby decides that:

the construction of a pergola in the rear garden of No. 22 Dondoogan, Dundalk, County Louth, A91 YC6C

is development and **is exempted development.**



Orla Rooney
Assistant Planner
Date: 02/06/2026



Turlough King
A/Senior Planner
Date: 02/06/2026

Thomas McEvoy
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:	417/2026
Reference No:	S5 2026/32
Date Application Received:	22/05/2026
Description of Development:	Whether the construction of a pergola in the rear garden of No. 22 Dondoogan, Dundalk, County Louth, A91 YC6C is or is not development and is or is not exempt development.
Name of Applicant:	Motilal Nursing
Location of Development	22 Dondoogan, Dundalk, County Louth, A91 YC6C

WHEREAS a question has arisen pursuant to Section 5 of the Planning and Development Act 2000 whether *the 'construction of a pergola in the rear garden of No. 22 Dondoogan, Dundalk, County Louth, A91 YC6C'* is or is not development and is or is not exempt development,

AND WHEREAS the said question was referred to Louth County Council by Motilal Nursing.

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

- (a) The definition of "*development*" in Section 2 of the Planning & Development Act 2024 (as amended).
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended.)
- (c) Class 3 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended.)
- (d) The plans and particulars submitted to the Planning Authority.
- (e) The Planning history pertaining to the site.

AND WHEREAS Louth County Council has concluded: -

- (a) The '*construction of a pergola in the rear garden of No. 22 Dondoogan, Dundalk, County Louth, A91 YC6C* **constitutes development** under Section 2 of the Planning & Development Act, 2024 and;
- (b) The '*construction of a pergola in the rear garden*' is considered to constitute '*the construction, erection or placing within the curtilage of a house of any tent, awning, shade or other object, greenhouse, garage, store, shed or other similar structure*' as per Class 3 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended) and would comply with the conditions and limitations specified in column 2 of this class and;
- (c) The proposed development would not, contravene any of the restrictions on exemption as outlined in Article 9(1) of the Planning and Development Regulations, 2001 (as amended)

NOW THEREFORE Louth County Council in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act 2000 (as amended), hereby decides that: "*the construction of a pergola in the rear garden of No. 22 Dondoogan, Dundalk, County Louth, A91 YC6C*" **is development** and **is exempted development**.

SIGNED:  (P.P.)
Orla Rooney
Assistant Planner

Date: 04.06.2026.

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: 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

Motilal Nursing
22 Dundoogan
Dundalk
Co Louth
A91 YC6C

5th June 2026

Re: Ref. S5 2026/32

Application for Declaration of “Exempted Development” Part 1, Section 5 Planning & Development Act, 2000 (as amended) as to ‘Whether the construction of a pergola in the rear garden of No. 22 Dundoogan, Dundalk, County Louth, A91 YC6C’ is or is not development and is or is not exempt development’.

Dear Sir/Madam,

I wish to acknowledge receipt of your application received on 22nd 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 whether *the ‘construction of a pergola in the rear garden of No. 22 Dundoogan, Dundalk, County Louth, A91 YC6C’* is or is not development and is or is not exempt development,

AND WHEREAS the said question was referred to Louth County Council by Motilal Nursing.

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

- (a) The definition of “*development*” in Section 2 of the Planning & Development Act 2024 (as amended).
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended.)
- (c) Class 3 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended.)

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

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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

- (d) The plans and particulars submitted to the Planning Authority.
- (e) The Planning history pertaining to the site.

AND WHEREAS Louth County Council has concluded: -

- (a) The '*construction of a pergola in the rear garden of No. 22 Dondoogan, Dundalk, County Louth, A91 YC6C*' **constitutes development** under Section 2 of the Planning & Development Act, 2024 and;
- (b) The '*construction of a pergola in the rear garden*' is considered to constitute '*the construction, erection or placing within the curtilage of a house of any tent, awning, shade or other object, greenhouse, garage, store, shed or other similar structure*' as per Class 3 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended) and would comply with the conditions and limitations specified in column 2 of this class and;
- (c) The proposed development would not, contravene any of the restrictions on exemption as outlined in Article 9(1) of the Planning and Development Regulations, 2001 (as amended)

NOW THEREFORE Louth County Council in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act 2000 (as amended), hereby decides that: "*the construction of a pergola in the rear garden of No. 22 Dondoogan, Dundalk, County Louth, A91 YC6C*" **is development** and **is exempted development**.

In Summary

A Declaration of Exemption is hereby GRANTED for the development as detailed on the plans and particulars submitted on 22nd 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