



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:

SAINT VINCENT DE PAUL

MAGDALENE STREET, DROGHEDA, CO. LOUTH.

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

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

DECLAN WALSH

MAIN ROAD, TULLYALLEN, DROGHEDA, CO. LOUTH, A92 HX72

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

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

DECLAN WALSH

MAIN ROAD, TULLYALLEN, DROGHEDA, CO. LOUTH, A92 HX72

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

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

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 REMOVAL OF A REDUNDANT, DEFECTIVE AND LEAKING
CHIMNEY DEVELOPMENT, AND IS IT OR IS IT 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: Declan Walsh **Date** 06 / 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) N/A
Register Charity Number CHY 6892

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.

BM
25.07

+ 22.9

Hall

9A

LOCATION OF
CHIMNEY TO BE
TAKEN DOWN

SVP
BUILDINGS

Peter's
Hill

CHIMNEY TO BE
TAKEN DOWN

Convent

Library

59

60

64

65

66

FAIR STREET

Presbytery

SVP BUILDINGS
LANDHOLDING
OUTLINE IN BLUE

Convent

9

8

3

2

19

18

NOTES:
Figured dimensions only to be taken from
drawings.
All dimensions to be checked on site before
work commences and Surveyor to be informed
of any discrepancies.
All work is to comply with the current Building
Regulations.
This drawing is copyright.
Note: Where electronic drawings are issued
no permission is given to alter drawing except
by the office of Declan P. Walsh & Co.

NOTES:
THIS DRAWING IS FOR SECTION 57 DECLARATION USE
ONLY. THIS IS NOT A CONSTRUCTION STAGE
DRAWING.

REV.: DATE: COMMENTS:

Declan P. Walsh & Co.

CLIENT:
ST. VINCENT DE PAUL

PROJECT:
REMOVE REDUNDANT, DEFECTIVE AND LEAKING
CHIMNEY - SVP BUILDINGS AT MAGDALENE STREET,
DROGHEDA, CO. LOUTH.

TITLE:
SITE LAYOUT PLAN

SCALE: , @A3 DESIGN BY: D.W.

DATE: DRAWN BY:

PROJECT NO.: DRAWING NO.:

SECTION 5 DECLARATION
USE ONLY



NOTES:
Figured dimensions only to be taken from drawings.
All dimensions to be checked on site before work commences and Surveyor to be informed of any discrepancies.
All work is to comply with the current Building Regulations.
This drawing is copyright.
Note: Where electronic drawings are issued no permission is given to alter drawing except by the office of Declan P. Walsh & Co.

NOTES:
THIS DRAWING IS FOR SECTION 5 DECLARATION USE ONLY. THIS IS NOT A CONSTRUCTION STAGE DRAWING.

REV.:	DATE:	COMMENTS:

Declan P. Walsh & Co.

B.Sc.(Hons) MScSI MRICS (SCSI S3 Accredited Conservation Surveyor)

ARCHITECTURE & PLANNING, BUILDING SURVEYING, CONSERVATION
Main Road, Tullyallen Village, Drogheda, Co. Louth A92HX72

Tel: [REDACTED] Mob: [REDACTED]

CLIENT:
ST. VINCENT DE PAUL

PROJECT:
REMOVE REDUNDANT, DEFECTIVE AND LEAKING
CHIMNEY - SVP BUILDINGS AT MAGDALENE STREET,
DROGHEDA, CO. LOUTH.

TITLE:
SITE LOCATION MAP

SCALE: 1:1000 @A3 DESIGN BY: D.W.

DATE: DRAWN BY: A.P.

PROJECT NO.: DRAWING NO.: 01-

Louth County Council

Section 5 Declaration

Planning Ref: 2026/30

Applicant's Name: Saint Vincent de Paul

Type of Application: Section 5 Declaration

Question for Determination: *Is the removal of a redundant, defective and leaking chimney development and is it or is it not exempted development.*

Site Location: 2 Magdalene Street, Drogheda

Due Date: 03/06/2026

Report Date: 19/05/2026

1.0 SITE LOCATION & DESCRIPTION:

The subject site is located along Magdalene Street, Drogheda and within an Architectural Conservation Area. The property directly abuts Magdalene Street and extends to the rear/west of Magdalene Street. The subject chimney to be removed is located at the rear of the property.



Above: Chimney subject of this section declaration.

2.0 Planning History

P.A ref. No. 9010174 – erection of store to rear of premises at 2 Magdalene Street, Drogheda. GRANTED (and constructed)

P.A ref. No. 92510046 – retention of change of use from dwelling to meeting rooms at 2 Magdalene Street, Drogheda – GRANTED

P.A ref. No. 09510099 – 1. retention of use as existing offices and retail area
2. Interior alterations and renovation to existing offices
3. New signage to front of building at Magdalene Street – GRANTED - included condition that proposed aluminium windows shall be omitted – reason being in the interests of conservation and visual amenity.

3.0 QUESTION FOR DETERMINATION:

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

Is the removal of a redundant, defective and leaking chimney development, and is it or is it not exempted development.

The applicant has submitted a completed section application form, a site location map and a site layout map.

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 minor 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.

5.0 Appropriate Assessment

Having regard to nature and scale of the proposal, it is not considered that the development would not 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 LEGASLATIVE 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;*

“architectural Conservation Area” means –

- (a) a place, area, group of structures or townscape to which an objective referred to in [section 331](#) applies, or*

- (b) an architectural conservation area (within the meaning of the [Act of 2000](#))
to which an objective in a development plan under the [Act of 2000](#)—
- (i) that continues in force by virtue of [section 68](#), or
- (ii) prepared, or varied, in accordance with [section 69](#), applies:]

“area of special planning control” means—

- (a) an architectural conservation area, or
- (b) a part of an architectural conservation area,
to which a special planning control scheme applies;

“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;

“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.

“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 structure” means a structure 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;*

The Planning and Development Act, 2000 (as amended)

Section 4:

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

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

Exempted Development

4(1) The following shall be exempted developments for the purposes of this Act-

(h) - 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 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 9

Section 9 (4) states that Development (other than development that is exempted development by virtue of *subsection (1)* or (2) of *section 152*) shall not be exempted development for the purposes of this Act if—

(a) in the case of a protected structure or a proposed protected structure, it materially affects or would materially affect the character of—

(i) the structure, or

(ii) any element of the structure that contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest

(b) it is situated, or proposed to be situated, in an area of special planning control and it contravenes or would, if carried out, contravene a special planning control scheme applying to that area, or

(c) in the case of development carried out or proposed to be carried out to the exterior of a structure situated in an architectural conservation area, it materially affects or would, if carried out, materially affect the character of that area.

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.

Development in architectural conservation areas.

Section 82:

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

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

Planning and Development Regulations 2001, (as amended)

Article 6 (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.

Restrictions on Exemption: Article 9

Article 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 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) 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) 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,

(viiC) 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) 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.

7.0 ASSESSMENT

Do the works constitute “development”?

Having regard to the definition of “development” as set out in section 2 of the Planning and Development Act 2024, it is considered that the removal of a chimney is a form of “works” as per section 2 and therefore constitutes “development” as defined in the Act.

Do the works constitute exempted development?

Section 4(1)(h) of the Planning and Development Act 2000, as amended, 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*”.

Furthermore, Section 82 of the Planning and Development Act 2000 (as amended) states (*notwithstanding paragraph (a), (h), (i), (ia), (j), (k) or (l) of section 4(1), or any regulations made under section 4(2),*) the carrying out of works to the exterior of a structure located in an architectural conservation area shall be exempted development only if those works would not materially affect the character of the area.

The subject chimney at the rear of the property and part of the extension that was constructed under permission 90510174. The removal of this chimney would 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 and would not materially affect the character of the architectural conservation area within which the subject building is located.

The proposed removal of the chimney would also not conflict with any of the restrictions set out in Article 9 of the Planning and Development Regulations 2001 (as amended).

8.0 Recommendation

Having regard to the foregoing and having regard to the relevant provisions of the Planning & Development Act, 2000 (as amended) and the Planning and Development Act 2024, it is considered that the proposed works to remove the chimney from the rear section of the building constitutes development within the meaning of Section 2 of the Planning & Development Act 2024 and is exempt development having regard to section 4(1)(h) of the Planning & Development Act 2000 (as amended).

WHEREAS a question as to *whether the removal of a redundant, defective and leaking chimney* is development, and whether it is exempted development.

AND WHEREAS the said question was referred to Louth County Council by Saint Vincent de Paul

AND WHEREAS Louth County Council in considering this reference, had regard reference particularly to –

- a) The definition of “development” in Section 2 of the Planning and Development Act 2024
- b) Section 4 of the Planning and Development Act 2000, (as amended) and section 4 (1) (h)
- c) Section 82 of the Planning and Development Act 2000 (as amended)
- d) Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended)
- e) Plans and particulars forwarded to the Planning Authority;

- f) The provisions of the Architectural Heritage Guidelines for Planning Authorities, 2011 in particular section 9.4.11;
- g) The planning history of the site.

AND WHEREAS Louth County Council has concluded that on the basis of the information submitted that

- a) The works are considered to constitute a form of “works” which are considered to be a form of “development” under Section 2 of the Planning and Development Act, 2024
- b) The chimney is not considered to be an important element of this extension granted permission under 90510174 and its removal would not materially affect the character of the structure or the character of this Architectural Conservation Area;
- c) The proposed works are therefore exempt development under section 4 (1) (h).

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 removal of a redundant, defective and leaking chimney* is **development** and is **exempted development**.



Lisa Grant
Assistant Planner
Date: 19/05/2026



Turlough King
A/Senior Planner
Date: 19/05/2026



Thomas McEvoy
Director of Services
Date: 22/05/2026

LOUTH COUNTY COUNCIL

CHIEF EXECUTIVE'S ORDER

PLANNING & DEVELOPMENT ACT 2000 (as amended)

Section 5 Exempted Development

Chief Executive's Order No:	369/2026
Reference No:	S5 2026/30
Date Application Received:	07/05/2026
Description of Development:	Whether the removal of a redundant, defective and leaking chimney is development, and whether it is exempted development.
Name of Applicant:	St Vincent De Paul
Location of Development	2 Magdalene Street, Drogheda, Co Louth

WHEREAS a question to whether “the removal of a redundant, defective and leaking chimney at 2 Magdalene Street, Drogheda, Co Louth is development, and whether it is exempted development.”

AND WHEREAS the said question was referred to Louth County Council by St Vincent De Paul.

AND WHEREAS Louth County Council in considering this reference, had regard reference particularly to –

- a) The definition of “development” in Section 2 of the Planning and Development Act 2024
- b) Section 4 of the Planning and Development Act 2000, (as amended) and section 4 (1) (h)
- c) Section 82 of the Planning and Development Act 2000 (as amended)
- d) Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended)
- e) Plans and particulars forwarded to the Planning Authority;
- f) The provisions of the Architectural Heritage Guidelines for Planning Authorities, 2011 in particular section 9.4.11;
- g) The planning history of the site.

AND WHEREAS Louth County Council has concluded on the basis of the information submitted that:

- a) The works are considered to constitute a form of “works” which are considered to be a form of “development” under Section 2 of the Planning and Development Act, 2004
- b) The chimney is not considered to be an important element of this extension granted permission under 90510174 and its removal would not materially affect the character of the structure or the character of this Architectural Conservation Area;
- c) The proposed works are therefore exempt development under section 4 (1) (h).

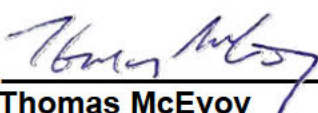
NOW THEREFORE Louth County Council in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act 2000 (as amended), hereby decides that *the removal of a redundant, defective and leaking chimney* is **development** and is **exempted development**.

SIGNED: 

Lisa Grant
Assistant Planner

Date: 20/05/2026

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: 22/05/2026

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

Saint Vincent de Paul
c/o Declan Walsh
Main Road
Tullyallen
Drogheda
Co Louth
A92HX72

Via Email Only : [REDACTED]

22nd May 2026

Re: Ref. S5 2026/30

Application for Declaration of “Exempted Development” Part 1, Section 5 Planning & Development Act, 2000 (as amended) as to ‘Whether the removal of a redundant, defective and leaking chimney is development, and whether it is exempted development’.

Dear Sir/Madam,

I wish to acknowledge receipt of your application received on 7th 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 to whether “the removal of a redundant, defective and leaking chimney at 2 Magdalene Street, Drogheda, Co Louth is development, and whether it is exempted development.”

AND WHEREAS the said question was referred to Louth County Council by St Vincent De Paul.

AND WHEREAS Louth County Council in considering this reference, had regard reference particularly to –

- a) The definition of “development” in Section 2 of the Planning and Development Act 2024
- b) Section 4 of the Planning and Development Act 2000, (as amended) and section 4 (1) (h)
- c) Section 82 of the Planning and Development Act 2000 (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

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
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- d) Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended)
- e) Plans and particulars forwarded to the Planning Authority;
- f) The provisions of the Architectural Heritage Guidelines for Planning Authorities, 2011 in particular section 9.4.11;
- g) The planning history of the site.

AND WHEREAS Louth County Council has concluded on the basis of the information submitted that:

- a) The works are considered to constitute a form of "works" which are considered to be a form of "development" under Section 2 of the Planning and Development Act, 2024
- b) The chimney is not considered to be an important element of this extension granted permission under 90510174 and its removal would not materially affect the character of the structure or the character of this Architectural Conservation Area;
- c) The proposed works are therefore exempt development under section 4 (1) (h).

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 removal of a redundant, defective and leaking chimney* 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 7th 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