

**COMHAIRLE CONTAE CHILL Mhantáin**  
**Wicklow County Council**

**Pleanáil, Forbairt Eacnamaíochta agus Tuaithe**  
**Planning, Economic and Rural Development**

Áras An Chontae / County Buildings  
Cill Mhantáin / Wicklow  
Guthán / Tel. (0404) 20148  
Faics / Fax: (0404) 69462  
Rphost / Email [plandev@wicklowcoco.ie](mailto:plandev@wicklowcoco.ie)  
Suíomh / Website: [www.wicklow.ie](http://www.wicklow.ie)

27<sup>th</sup> March 2025

John Campbell  
73 Rathdown Park  
Greystones  
Co. Wicklow  
A63 R288

**RE: Declaration in accordance with Section 5 of the Planning & Development Acts  
2000 (As Amended) – EX29/2025**

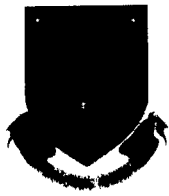
I enclose herewith Declaration in accordance with Article 5 (2) (A) of the Planning & Development Act 2000.

Where a Declaration is used under this Section any person issued with a Declaration under subsection (2) (a) may, on payment to An Bord Pleanála of such fee as may be prescribed, refer a declaration for review by the Board within four weeks of the date of the issuing of the declaration by the Local Authority.

Is mise, le meas,

  
ADMINISTRATIVE OFFICER  
PLANNING ECONOMIC & RURAL DEVELOPMENT





# Comhairle Contae Chill Mhantáin Wicklow County Council

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## DECLARATION IN ACCORDANCE WITH ARTICLE 5 (2) (A) OF THE PLANNING & DEVELOPMENT ACT 2000 AS AMENDED

**Applicant:** John Campbell

**Location:** 73 Rathdown Park, Greystones, Co. Wicklow

**Reference Number:** EX29/2025

**CHIEF EXECUTIVE ORDER NO. CE/PERD/2025/300**

Section 5 Declaration as to whether “the installation of external insulation and render finish to a depth of 100mm to the external elevations of dwelling” at 73 Rathdown Park, Greystones, Co. Wicklow constitutes exempted development within the meaning of the Planning and Development Act, 2000(as amended).

### Having regard to:

- The details submitted with the Section 5 Declaration application
- Sections 2, 3 and 4 of the Planning & Development Act 2000 (as amended).
- Article 6 and 9 of the Planning and Development Regulations 2001 (as amended).

### Main Reasons with respect to Section 5 Declaration:

- The installation of external insulation would be operations of construction and alteration, and therefore such operations would come within the definition of works as set out in Section 2 of the Planning and Development Act 2000(as amended). The works are therefore development given the provisions of Section 3(1) (a) of the Planning and Development Act 2000 (as amended).
- The external insulation is considered to come within the provisions of Section 4(1)(h) of the Planning and Development Act 2000(as amended) as it 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.

The Planning Authority considers that “the installation of external insulation and render finish to a depth of 100mm to the external elevations of dwelling” at 73 Rathdown Park, Greystones, Co. Wicklow is development and is exempted development within the meaning of the Planning & Development Act 2000 (as amended).

Signed: 

ADMINISTRATIVE OFFICER  
PLANNING ECONOMIC & RURAL DEVELOPMENT

Dated  March 2025



**WICKLOW COUNTY COUNCIL**  
**PLANNING & DEVELOPMENT ACTS 2000 (As Amended)**  
**SECTION 5**  
**CHIEF EXECUTIVE ORDER NO. CE/PERD/2025/300**

Reference Number: EX29/2025

Name of Applicant: John Campbell

Nature of Application: Section 5 Declaration request as to whether or not: -  
"the installation of external insulation and render finish to a depth of 100mm to the external elevations of dwelling" is or is not development and is or is not exempted development.

Location of Subject Site: 73 Rathdown Park, Greystones, Co. Wicklow

Report from Keara Kennedy, EP & Suzanne White, SEP

With respect to the query under section 5 of the Planning & Development Act 2000 as to whether "the installation of external insulation and render finish to a depth of 100mm to the external elevations of dwelling" at 73 Rathdown Park, Greystones, Co. Wicklow is or is not exempted development within the meaning of the Planning & Development Act 2000 (as amended).

**Having regard to:**

- a) The details submitted with the Section 5 Declaration application
- b) Sections 2, 3 and 4 of the Planning & Development Act 2000 (as amended).
- c) Article 6 and 9 of the Planning and Development Regulations 2001 (as amended).

**Main Reason with respect to Section 5 Declaration:**

1. The installation of external insulation would be operations of construction and alteration, and therefore such operations would come within the definition of works as set out in Section 2 of the Planning and Development Act 2000(as amended). The works are therefore development given the provisions of Section 3(1) (a) of the Planning and Development Act 2000 (as amended).
2. The external insulation is considered to come within the provisions of Section 4(1)(h) of the Planning and Development Act 2000(as amended) as it 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.

**Recommendation:**

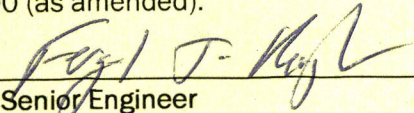
The Planning Authority considers that "the installation of external insulation and render finish to a depth of 100mm to the external elevations of dwelling" at 73 Rathdown Park, Greystones, Co. Wicklow is development and is exempted development as recommended in the report by the SEP.

Signed 

Dated 21<sup>st</sup> day of March 2025

**ORDER:**

I HEREBY DECLARE THAT "the installation of external insulation and render finish to a depth of 100mm to the external elevations of dwelling" at 73 Rathdown Park, Greystones, Co. Wicklow is development and is exempted development within the meaning of the Planning & Development Act 2000 (as amended).

Signed: 

Senior Engineer  
Planning, Economic & Rural Development

Dated 27<sup>th</sup> day of March 2025

**Section 5 Application: EX 29/2025**

Date: 24<sup>th</sup> March 2025

Applicant: **John Campbell**

Address: 73 Rathdown Park, Greystones, Co. Wicklow.

Whether or not:

The installation of external insulation to the dwelling is development and is exempted development. The thickness will be 100mm.

*and render finish*

**Planning History:**

None available

**Wicklow County Development Plan 2022-2028**

Zoning Objective: RE: Existing Residential under Bray LAP 2018-2024

To protect, provide and improve residential amenities of existing residential areas

Appendix 1 – Section 1.2 outlines measures to address climate action.

Section 1.2.2 states:

*‘Energy efficiency’ in building design relates to:*

- a. reducing the amount of energy used in the building and*
- b. Increasing the use of renewable sources of energy.*

*There are a number of ways in which both can be achieved:*

- *High quality insulation, which will minimise heat loss and therefore reduce demand for heat generation;*

**Relevant Legislation:**

**Planning and Development Act, 2000 (as amended):**

**Section 3 (1)(a)** defines development as: “The carrying out of works on, in, over or under land or the making of any material change in the use of any land or structures on land”;

**Section 2 (1)** defines works as any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.

**Section 4 (1)(a) to (l)** specifies various categories of development, which shall be exempted for the purposes of the Act;

In particular, section 4 (1) (h) is:

*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 4 (2)** provides for certain classes of development to be designated as exempted development by way of legislation.

**Planning and Development Regulations, 2001 (as amended):**

**Article 6(1)** states that certain classes of development which are specified in Schedule 2 shall be exempted development for the purposes of the Act, subject to compliance with any associated conditions and limitations;

**Article 9(1)(a)** details a number of circumstances under which the development to which Article 6 relates shall not be exempted development for the purposes of the Act;

**Details of Current Proposal:**

In accordance with the details submitted with Section 5 application:

It is proposed to install external insulation on the external walls of the semi-detached dwelling, to a depth of 100mm. It is stated that this depth will also include a render finish and that this will enhance energy efficiency. It is stated that similar works have been carried out on other properties on the street, establishing a precedent and that the dwelling is not a Protected Structure.

**Assessment**

The application seeks a declaration as to whether the:

Installation of external insulation to a depth of 100mm to the external elevations of the dwelling at 73 Rathdown Park, Greystones is development and is or is not exempted development:

The proposal identified that works of construction and alteration are to take place and therefore such operations would come within the definition of works as set out in Section 2 of the Planning and Development Act 2000(as amended).

The works are therefore development given the provisions of Section 3(1) (a) i.e.

the carrying out of any works in, on, over or under land, or the making of any material change in the use of any land or structures situated on land

The external insulation would it is considered come within the provisions of Section 4(1)(h) of the Planning and Development Act 2000(as amended) as they would affect the external appearance however the impact 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. The existing finish of the dwelling and other dwellings in the estate is a render finish, which is to remain following the addition of external insulation, albeit that the dwelling will have an increased depth of 100mm. As such, it is considered that the proposed works would not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of neighbouring structures.

It is also noted that the proposed works are supported by appendix 1 of the Wicklow CDP 2022-2028, which supports energy efficiency in building design, which includes high quality insulation to minimise heat loss. It is

noted that the structure has been in situ for a number of years and is likely to have a low energy rating and works to improve its energy efficiency are supported. *Not relevant*

**Recommendation**

With respect to the query under Section 5 of the Planning and Development Act 2000, as to whether:

the installation of external insulation *← end render finish* to a depth of 100mm to the external elevations of the dwelling at 73 Rathdown Park, Greystones is development and is or is not exempted development:

The Planning Authority consider that:

The installation of external insulation is **development and is exempted development.**

Main Considerations with respect to Section 5 Declaration :

- a) The details submitted with the Section 5 Declaration application
- b) Sections 2, 3 and 4 of the Planning & Development Act 2000 (as amended)
- c) Article 6 and 9 of the Planning and Development Regulations 2001 (as amended).

Main Reasons with respect to Section 5 Declaration :

- (a) The installation of external insulation would be operations of construction and alteration, and therefore such operations would come within the definition of works as set out in Section 2 of the Planning and Development Act 2000(as amended).
- ~~(b)~~ The works are therefore development given the provisions of Section 3(1) (a) of the Planning and Development Act 2000 (as amended).
- ~~(b)~~ (c) The external insulation is considered to come within the provisions of Section 4(1)(h) of the Planning and Development Act 2000(as amended) as it 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.

*Keara Kennedy*

Keara Kennedy  
Executive Planner  
24/03/2025

*Agreed  
26/3/25*

*Issue decision as modified  
27/03/25*



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Wicklow County Council**

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**MEMORANDUM**

**WICKLOW COUNTY COUNCIL**

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**TO: Keara Kennedy  
Executive Planner**

**FROM: Nicola Fleming  
Staff Officer**

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**RE:- Application for Certificate of Exemption under Section 5 of the  
Planning and Development Acts 2000 (as amended).  
EX29/2025**

I enclose herewith application for Section 5 Declaration received completed on 07/03/2025.

The due date on this declaration is 4<sup>th</sup> April 2025.

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**Staff Officer  
Planning, Economic & Rural Development**





**COMHAIRLE CONTAE CHILL Mhantáin**  
**Wicklow County Council**

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**John Campbell**  
**73 Rathdown Park**  
**Greystones**  
**Co. Wicklow**  
**A63 R288**

11<sup>th</sup> March 2025

**RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended). – EX29/2025**

A Chara


I wish to acknowledge receipt on 07/03/2025 details supplied by you in respect of the above Section 5 application. A decision is due in respect of this application by 04/04/2025.

Mise, le meas

**Nicola Fleming**  
**Staff Officer**  
**Planning, Economic & Rural Development**







Wicklow County Council  
County Buildings  
Wicklow  
0404-20100

06/03/2025 15:20:48

Receipt No L1/0/341938

JOHN CAMPBELL  
73 RATHDOWN PARK  
GREYSTONES  
CO WICKLOW

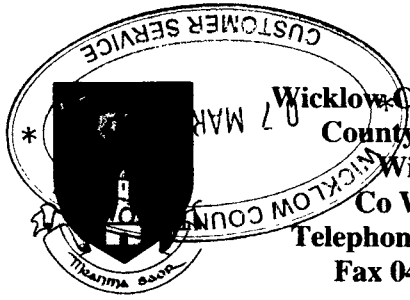
EXEMPTION CERTIFICATES	80 00
GOODS	80 00
VAT Exempt/Non-vatable	

Total 80 00 EUR

Tendered  
Credit Card 80 00

Change 0 00

Issued By Ruth Graham  
From Customer Service Hub  
Vat reg No 0015233H



Wicklow County Council  
County Buildings  
Wicklow  
Co Wicklow  
Telephone 0404 20148  
Fax 0404 69462

**Office Use Only**

Date Received \_\_\_\_\_

Fee Received \_\_\_\_\_

**APPLICATION FORM FOR A  
DECLARATION IN ACCORDANCE WITH SECTION 5 OF THE PLANNING &  
DEVELOPMENT ACTS 2000 (AS AMENDED) AS TO WHAT IS OR IS NOT  
DEVELOPMENT OR IS OR IS NOT EXEMPTED DEVELOPMENT**

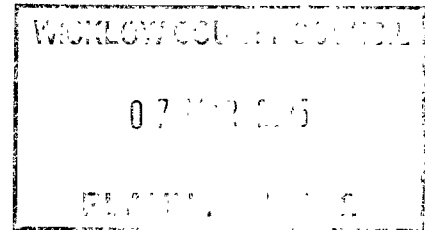
**1. Applicant Details**

- (a) Name of applicant: John Campbell  
Address of applicant: 73 Rathdown Park, Greystones, Co Wicklow, A63 R288

Note Phone number and email to be filled in on separate page.

**2. Agents Details (Where Applicable)**

- (b) Name of Agent (where applicable) N/A  
Address of Agent : N/A



Note Phone number and email to be filled in on separate page.

**3. Declaration Details**

- i. Location of Development subject of Declaration  
73 Rathdown Park, Greystones, Co Wicklow, A63 R288

ii. Are you the owner and/or occupier of these lands at the location under i. above ?  
Yes

iii. If 'No' to ii above, please supply the Name and Address of the Owner, and or occupier \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

iv. Section 5 of the Planning and Development Act provides that : If any question arises as to what, in any particular case, is or is not development and is or is not exempted development, within the meaning of this act, any person may, an payment of the prescribed fee, request in writing from the relevant planning authority a declaration on that question. You should therefore set out the query for which you seek the Section 5 Declaration

I seek a determination under Section 5 of the Planning and Development Act to 2000 (as amended) on whether the proposed installation of external insulation on the property is considered development and, if so, whether it is exempted development under the Planning and Development Regulations 2001 (as amended).

The proposed works involve the addition of external insulation to the external walls of the property. The thickness of the insulation and render finish will add approximately 100mm to the external walls. The primary purpose of the works is to enhance the energy efficiency of the property and reduce energy consumption.

The property is set back from the public path. Similar work has been completed on other properties on the same street, setting a precedent. The property is not a protected structure or of cultural significance.

*Additional details may be submitted by way of separate submission.*

v. Indication of the Sections of the Planning and Development Act or Planning Regulations you consider relevant to the Declaration

Article 6 and Schedule 2, Part 1, Class 1 of the Planning and Development Regulations 2001 (as amended), which relates to exempted development for works that do not materially affect the external appearance of the structure so as to render

it inconsistent with the character of the structure or of neighbouring structures.

*Additional details may be submitted by way of separate submission.*

- vi. Does the Declaration relate to a Protected Structure or is it within the curtilage of a Protected Structure ( or proposed protected structure)  
No
- vii. List of Plans, Drawings submitted with this Declaration Application  
N/A – addition of 100mm of external insulation and finished with render and paint similar to current
- viii. Fee of € 80 Attached ? Paid over phone @ 1520 on 06/03/25

Signed :  Dated : 06/03/2025

**Additional Notes :**

As a guide the minimum information requirements for the most common types of referrals under Section 5 are listed below :

- A. Extension to dwelling - Class 1 Part 1 of Schedule 2
- Site Location Map
  - Floor area of structure in question - whether proposed or existing.
  - Floor area of all relevant structures e.g. previous extensions.
  - Floor plans and elevations of relevant structures.
  - Site Layout Plan showing distance to boundaries, rear garden area, adjoining dwellings/structures etc.
- B. Land Reclamation -

The provisions of Article 8 of the Planning and Development Regulations 2001 (as amended) now applies to land reclamation, other than works to wetlands which are still

governed by Schedule 2, Part 3, Class 11. Note in addition to confirmation of exemption status under the Planning and Development Act 2000( as amended) there is a certification process with respect to land reclamation works as set out under the European Communities ( Environmental Impact Assessment) (Agriculture) Regulations 2011 S.I. 456 of 2011. You should therefore seek advice from the Department of Agriculture, Fisheries and Food.

Any Section 5 Declaration should include a location map delineating the location of and exact area of lands to be reclaimed, and an indication of the character of the land.

#### C. Farm Structures - Class 6 -Class 10 Part 3 of Schedule 2.

- Site layout plan showing location of structure and any adjoining farm structures and any dwellings within 100m of the farm structure.
- Gross floor area of the farm structure
- Floor plan and elevational details of Farm Structure and Full details of the gross floor area of the proposed structure.
- Details of gross floor area of structures of similar type within the same farmyard complex or within 100metres of that complex.

728730 mE, 713060 mN

**The Property  
Registration Authority**  
An tÚdarás  
Clárúcháin Maoine



Folio: WW704F

This map should be read in conjunction with the folio.

Registry maps are based on OSI topographic mapping. Where registry maps are printed at a scale that is larger than the OSI published scale, accuracy is limited to that of the original OSI map scale.

For details of the terms of use and limitations as to scale, accuracy and other conditions relating to Land Registry maps, see [www.pral.ie](http://www.pral.ie)

This map incorporates Ordnance Survey Ireland (OSi) mapping data under a licence from OSi. Copyright © OSi and Government of Ireland.

- (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](http://www.landdirect.ie)

The registry operates a non-conclusive boundary system. The Registry Map identifies properties not boundaries meaning neither the description of land in a register nor its identification by reference to a registry 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.





Reu

Rathdown Park

R761

Rathdown Park

Rathdown Park

Home

Rathdown Park

R761

Chapel Rd

Ratth