




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
Suíomh / Website www.wicklow.ie

Terra Glen Residential Care Services
Bracetown Business Park
Clonee
Dublin 15
D15 F8PH


 August 2024

RE: Declaration in accordance with Section 5 of the Planning & Development Acts 2000 (As Amended) – EX70/2024

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

Pleanáil, Forbairt Eacnamaíochta agus Tuaithe
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DECLARATION IN ACCORDANCE WITH ARTICLE 5 (2) (A) OF THE PLANNING & DEVELOPMENT
ACT 2000 AS AMENDED

Applicant: Terra Glen Residential Care Services Ltd

CHIEF EXECUTIVE ORDER NO. CE/PERD/2024/1092

Section 5 Declaration as to whether “The change of use of the existing house from a single residence to a residence for up to 6 persons with an intellectual or physical disability with the appropriate level of care staff to meet the clients’ needs (no. of resident carers will not exceed 2 no)” at 23 Bracken Demesne, Roundwood, Co. Wicklow constitutes exempted development within the meaning of the Planning and Development Act, 2000(as amended).

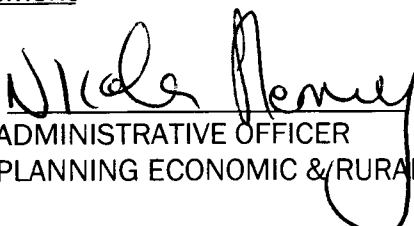
Having regard to:

- The details submitted with this Section 5 Application.
- Sections 2 and 3 of the Planning and Development Act 2000 (as amended),
- Schedule 2, Part 1, Class 14 (f) of the Planning and Development Regulations 2001 (as amended).

Main Reasons with respect to Section 5 Declaration:

- The permitted use of the existing dwelling onsite is for residential use granted as part of a residential development under PRR21/1143 & 21/1399.
- The proposed use as a residence for up to 6 persons with an intellectual or physical disability where the no. of resident carers will not exceed 2 no., comes within the scope of, and complies with the Conditions & Limitations of, Class 14 (f) of Schedule 2, Part 1, of the Planning and Development Regulations 2001, as amended.

The Planning Authority considers that “The change of use of the existing house from a single residence to a residence for up to 6 persons with an intellectual or physical disability with the appropriate level of care staff to meet the clients’ needs (no. of resident carers will not exceed 2 no)” at 26 Bracken Demesne, Roundwood, Co. Wicklow is development and is exempted development

Signed: 
ADMINISTRATIVE OFFICER
PLANNING ECONOMIC & RURAL DEVELOPMENT

Dated  28th August 2024



WICKLOW COUNTY COUNCIL

PLANNING & DEVELOPMENT ACTS 2000 (As Amended)
SECTION 5

CHIEF EXECUTIVE ORDER NO. CE/PERD/2024/1092

Reference Number: EX70/2024

Name of Applicant: Terra Glen Residential Care Services Ltd

Nature of Application: Section 5 Declaration request as to whether or not: -
"The change of use of the existing house from a single residence to a residence for up to 6 persons with an intellectual or physical disability with the appropriate level of care staff to meet the clients' needs (no. of resident carers will not exceed 2 no)" is or is not development and is or is not exempted development.

Location of Subject Site: 26 Bracken Demesne, Roundwood, Co. Wicklow

Report from Fergal Keogh, SE

With respect to the query under section 5 of the Planning & Development Act 2000 as to whether "The change of use of the existing house from a single residence to a residence for up to 6 persons with an intellectual or physical disability with the appropriate level of care staff to meet the clients' needs (no. of resident carers will not exceed 2 no)" at 26 Bracken Demesne, Roundwood, 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 this Section 5 Application.
- (b) Sections 2 and 3 of the Planning and Development Act 2000 (as amended),
- (c) Schedule 2, Part 1, Class 14 (f) of the Planning and Development Regulations 2001 (as amended).

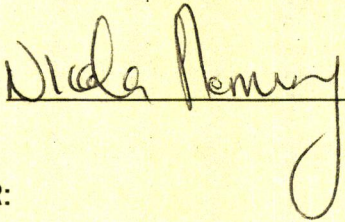
Main Reason with respect to Section 5 Declaration:

1. The permitted use of the existing dwelling onsite is for residential use granted as part of a residential development under PRR21/1143 & 21/1399.
2. The proposed use as a residence for up to 6 persons with an intellectual or physical disability where the no. of resident carers will not exceed 2 no., comes within the scope of, and complies with the Conditions & Limitations of, Class 14 (f) of Schedule 2, Part 1, of the Planning and Development Regulations 2001, as amended.

Recommendation:

The Planning Authority considers that "The change of use of the existing house from a single residence to a residence for up to 6 persons with an intellectual or physical disability with the appropriate level of care staff to meet the clients' needs (no. of resident carers will not exceed 2

no)" is development and is exempted development at 26 Bracken Demesne, Roundwood, Co. Wicklow as recommended in the report by the SE.

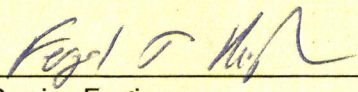
Signed 

Dated 28th day of August 2024

ORDER:

I HEREBY DECLARE:

That "The change of use of the existing house from a single residence to a residence for up to 6 persons with an intellectual or physical disability with the appropriate level of care staff to meet the clients' needs (no. of resident carers will not exceed 2 no)" at 26 Bracken Demesne, Roundwood, 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 28th day of August 2024

**WICKLOW COUNTY COUNCIL
PLANNING DEPARTMENT**

PLANNING REPORT SECTION 5 APPLICATION

SUBJECT REF:	EX 70/2024
DECISION DATE:	06/09/2024
APPLICANT:	TERRA GLEN RESIDENTIAL CARE SERVICES LTD.
ADDRESS:	NO. 26 BRACKEN DEMESNE, ROUNDWOOD, CO. WICKLOW
EXEMPTION:	CHANGE OF USE OF A HOUSE TO A HOUSE FOR PERSONS WITH AN INTELLECTUAL OR PHYSICAL DISABILITY OR MENTAL ILLNESS AND PERSONS PROVIDING CARE FOR SUCH PERSONS

Site Location:

The site is located within the Roundwood Village. The proposed is a detached dwelling within the housing estate currently being constructed pursuant to a planning permission, which is accessed from the Regional Road R765.

Relevant Planning History:

Plan ref. 21/1143: permission granted for 26 dwellings

Plan ref. 22/1399: permission granted for amendments to 21/1143

Plan ref. 24/324: permission sought for amendments to 21/1143 & 22/1399

Relevant legislation:

Planning and Development Act 2000 (as amended)

“structure” means any building, structure, excavation, or other thing constructed or made on, in or under any land, or any part of a structure so defined, and—

(a) where the context so admits, includes the land on, in or under which the structure is situate, and

“use”, in relation to land, does not include the use of the land by the carrying out of any works thereon

Section 3:

(1) In this Act, “development” means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land.

“house” means a building or part of a building which is being or has been occupied as a dwelling or was provided for use as a dwelling but has not been occupied, and where appropriate, includes a building which was designed for use as 2 or more dwellings or a flat, an apartment or other dwelling within such a building;

Planning and Development Regulations 2001(as amended)

“care” means personal care, including help with physical, intellectual or social needs;

“house” does not, as regards development of classes 1, 2, 3, 4, 6(b)(ii), 7 or 8 specified in column 1 of Part 1 of Schedule 2, or development to which articles 10(4) or 10(5) refer, include a building

designed for use or used as 2 or more dwellings or a flat, an apartment or other dwelling within such a building;

Section 10: Change of Use;

(1) Development which consists of a change of use within any one of the classes of use specified in Part 4 of Schedule 2, shall be exempted development for the purposes of the Act, provided that the development, if carried out would not—

- (a) involve the carrying out of any works other than works which are exempted development,
- (b) contravene a condition attached to a permission under the Act,
- (c) be inconsistent with any use specified or included in such a permission, or
- (d) be a development where the existing use is an unauthorised use, save where such change of use consists of the resumption of a use which is not unauthorised and which has not been abandoned.

Article 6(1) states that certain classes of development which are specified in Part 3 of Schedule 2 shall be exempted development for the purposes of the Act, subject to compliance with any associated conditions and limitations;

Schedule 2 Part 1- Exempt Development Classes of Use

CLASS 14

Development consisting of a change of use—

- (f) From use as a house, to use as a residence for persons with an intellectual or physical disability or mental illness and persons providing care for such persons.

Conditions and limitations

The number of persons with an intellectual or physical disability or a mental illness living in any such residence shall not exceed 6 and the number of resident carers shall not exceed 2.

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, specifically (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.

Submission:

The applicants are applying for a Section 5 Declaration in relation to the following;

'The change of use of the existing house from a single residence to a residence for up to 6 persons with an intellectual or physical disability with the appropriate level of care staff to meet the clients' needs.

Assessment:

The dwelling which is located within an existing built up residential estate within the village. It is stated that that the dwelling will accommodate up to 6 no. resident service users with a maximum of 2 care staff to meet the clients' needs (*no. of resident carers will not exceed 6 no. but expected to be 1 and number of carers will not exceed 2*). CLASS 14 (f) allows for a change of use from use as a

house, to use as a residence for persons with an intellectual or physical disability or mental illness and persons providing care for such persons with the no. of residences limited to 6 and resident carers limited to 2, the proposal is in line with the limitations. The proposed change of use comes with the scope and conditions & limitations of Class 14 (f) and there are no provisions of Article 9 that apply in this case.

Recommendation:

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

The change of use of the existing house from a single residence to a residence for up to 6 persons with an intellectual or physical disability with the appropriate level of care staff to meet the clients' needs (no. of resident carers will not exceed 2 no) at No. 26 Bracken Demesne, Roundwood, Co. Wicklow, constitutes exempted development within the meaning of the Planning and Development Acts, 2000 (as amended).

The Planning Authority considers that:

The change of use of the existing house from a single residence to a residence for up to 6 persons with an intellectual or physical disability with the appropriate level of care staff to meet the clients' needs (no. of resident carers will not exceed 2 no) at No. 26 Bracken Demesne, Roundwood, Co. Wicklow, is development and is exempted development.

Main Considerations with respect to Section 5 Declaration:

- (a) The details submitted with this Section 5 Application.
- (b) Sections 2 and 3 of the Planning and Development Act 2000 (as amended),
- (c) Schedule 2, Part 1, Class 14 (f) of the Planning and Development Regulations 2001 (as amended).

Main Reasons with respect to Section 5 Declaration:

1. The permitted use of the existing dwelling onsite is for residential use granted as part of a residential development under PRR21/1143 & 21/1399.
2. The proposed use as a residence for up to 6 persons with an intellectual or physical disability where the no. of resident carers will not exceed 2 no., comes within the scope of, and complies with the Conditions & Limitations of, Class 14 (f) of Schedule 2, Part 1, of the Planning and Development Regulations 2001, as amended.

Fergal J. Keogh L^{SE}

Fergal Keogh

Date: 26/08/2024

*Issue declaration as detailed
Fergal J. Keogh L^{SE}
23/08/24*

MEMORANDUM

WICKLOW COUNTY COUNCIL

**TO: Chris Garde
EP**

**FROM: Peggy King
Assistant Staff Officer**

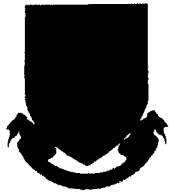
**RE:- Application for Certificate of Exemption under Section 5 of the
Planning and Development Acts 2000 (as amended).
EX70/2024**

I enclose herewith application for Section 5 Declaration received completed on 09/08/2024.

The due date on this declaration is 06th September 2024.



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



Comhairle Contae Chill Mhantáin
Wicklow County Council

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

Áras An Chontae / County Buildings
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Guthán / Tel: (0404) 20148
Faics / Fax: (0404) 69462
Rphost / Email: plandev@wicklowcoco.ie
Suíomh / Website: www.wicklow.ie

12th August 2024

Terra Glen Residential Care Services Ltd
Bracetwon Business Park
Clonee
Dublin 15
D15 F8 PH

RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended). – EX70/2024 – Terra Glen Residential Care Services Ltd

A Chara

I wish to acknowledge receipt on 09/08/2024 details supplied by you in respect of the above Section 5 application. A decision is due in respect of this application by 06/09/2024

Mise, le meas

Peggy King

Assistant Staff Officer

Planning, Economic & Rural Development



Wicklow County Council
County Buildings
Wicklow
0404-20100

09/08/2024 09:38:19

Receipt No L1/0/333011
***** REPRINT *****

TERRA GLEN RESIDENTIAL CARE SERVICE
BRACETOWN BUSINESS PARK
CLONEE
DUBLIN 15
D15 F8 PH

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

Total 80 00 EUR

Tendered
Postal Order 80 00
TERRA GLEN RESIDENTIAL SERVICE

Change 0 00

Issued By Cashier5MW
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: Terra Glen Residential Care Services Ltd.

Address of applicant: Bracetown Business Park, Clonee, Dublin 15, D15 F8 PH

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

WICKLOW COUNTY COUNCIL
 CUSTOMER SERVICE
 09 AUG 2024

2. Agents Details (Where Applicable)

(b) Name of Agent (where applicable) _____

Address of Agent : _____

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

WICKLOW COUNTY COUNCIL
 09 AUG 2024
 PLANNING DEPT.

3. Declaration Details

i. Location of Development subject of Declaration No 26 Bracken Demesne,
Roundwood, Co. Wicklow

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, on 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 _____

We wish to apply for a declaration of exemption from requirement for planning permission in relation to a change of use as a house to use as a residence for persons with an intellectual or physical or mental illness and persons providing care for such persons as provided for under class 14(f) column 1 of Schedule 2 Part 1 of the planning and development regulations 2001-2024.

In relation to such persons with an intellectual or physical or mental illness, we can confirm that the number of persons in residence at any time shall not exceed six. It is expected that the number of such persons shall be one.

In relation to the number of resident carers providing care to such persons with an intellectual or physical or mental illness, we can confirm that the number of resident carers at any time shall not exceed 2.

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

Change of-use provided for in class 14(f) column 1 of Schedule 2 Part 1 of the planning and development regulations 2001 – 2024.

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 _____

Letter of agreement from Fontex Developments Ltd for Section 5 Declaration.

Site Location Map

Site Layout Plan

Land Registry Compliant Map

Floor Area/Plan

viii. Fee of € 80 Attached ? YES

Signed : X Barbara McKenan Dated : 06-08-2024

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.

Planning Authority

Wicklow County Council

County Buildings Whitegates

Wicklow Town

A67FW96

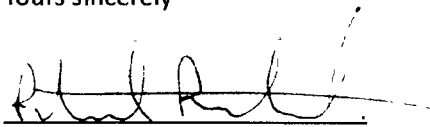
Subject: No 26 Bracken Demesne

Section 5 Declaration of Exempted Development – planning and development act 2000(as amended)

Dear Sir,

We authorise Terra Glen Residential Services Limited to apply for a Section 5 Declaration of Exemption in relation to No.26 Bracken Demesne.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Patrick Redmond', written over a horizontal line.

Patrick Redmond

Fontex Developments Ltd.

Site Location Map



National Mapping Agency

CENTRE COORDINATES:
ITM 719004,703460

PUBLISHED: 04/12/2018
ORDER NO.: 50037065_1

MAP SERIES: 6 Inch Raster
MAP SHEETS: 9900-12
6 Inch Raster VVV018

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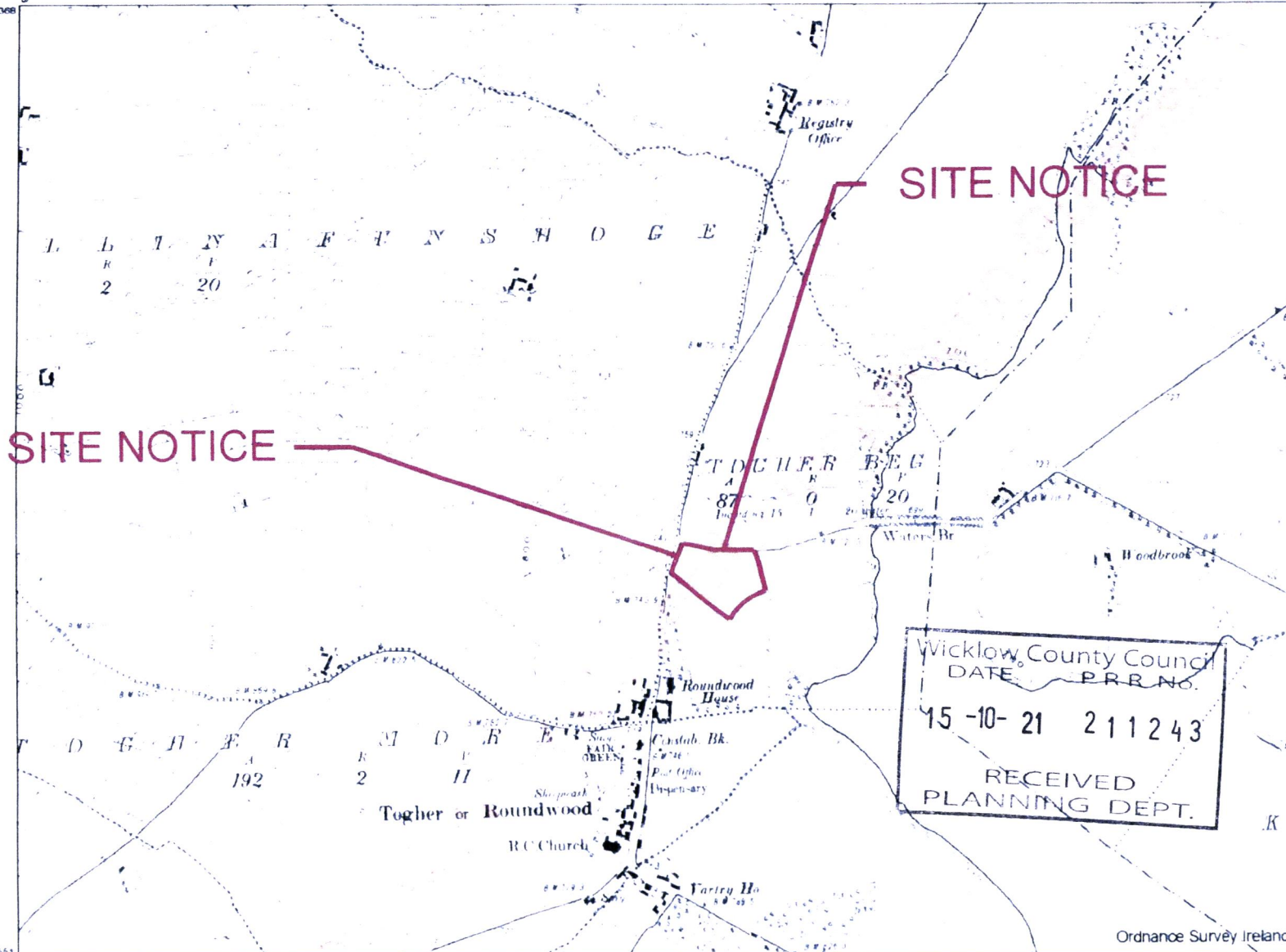
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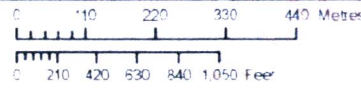
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Wicklow County Council
DATE: 15-10-21 PRR NO. 211243
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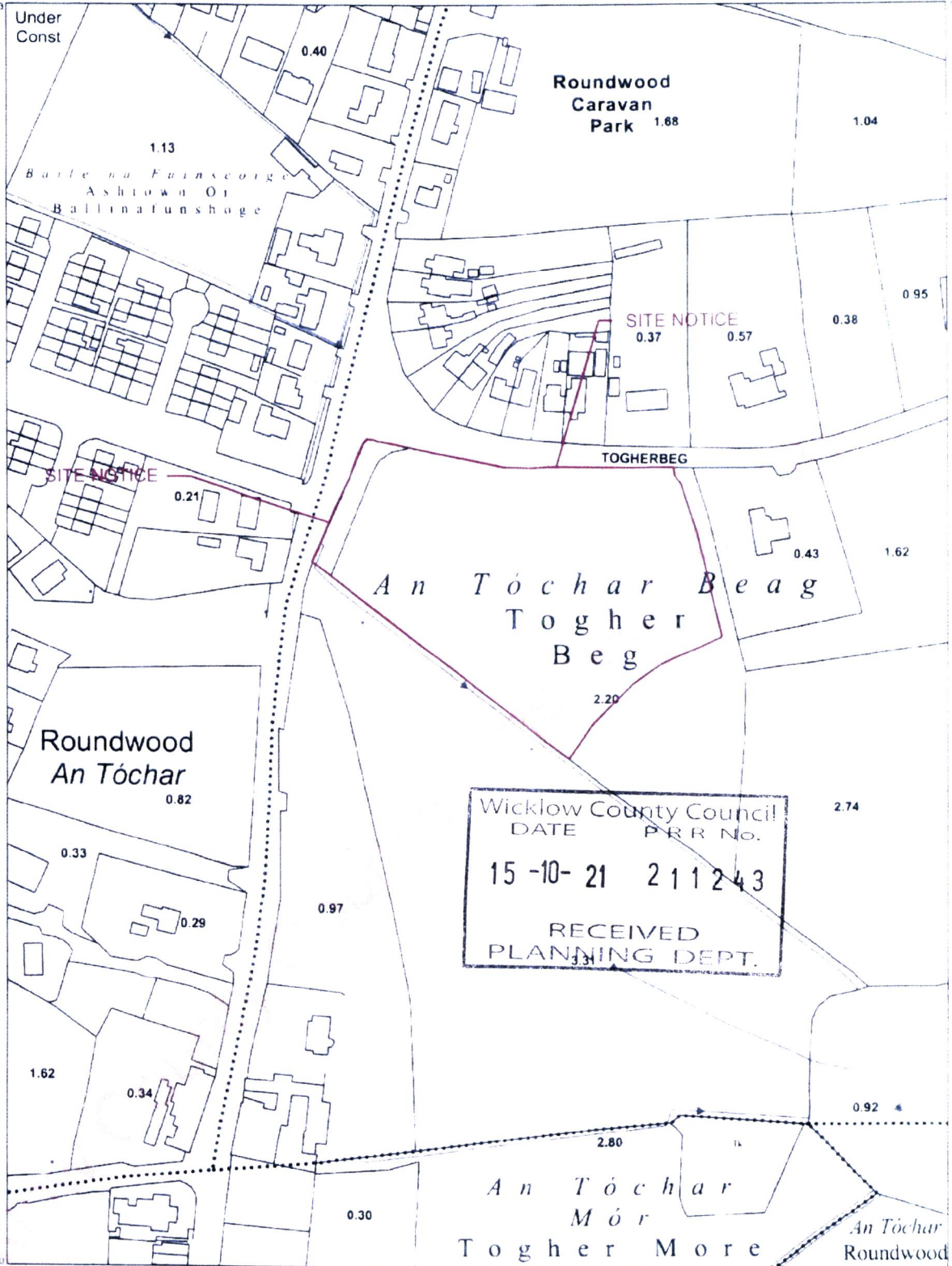


OUTPUT SCALE: 1 10,560

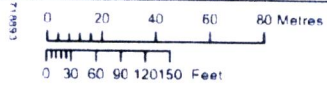
CAPTURE RESOLUTION
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resolution at which they were captured.
Output scale is not indicative of data capture scale.
Further information is available at
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Land Registry Compliant Map



Wicklow County Council
 DATE PRR No.
 15-10-21 211243
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 PLANNING DEPT.



OUTPUT SCALE: 1:2 500

CENTRE COORDINATES:
 ITM 719108.703252

PUBLISHED: 17/08/2021 ORDER NO.: 50213756.1

MAP SERIES: 1:5 000 MAP SHEETS: 3845
 1:2 500 3845-0

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LEGEND:
<http://www.osi.ie/search/LargeScaleEng.html>

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