




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

Kilgallen & Partners Consulting Engineers Ltd
Well Road
Portlaoise
Co. Laois
R32 P668

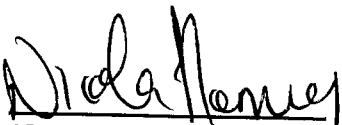
 March 2024

RE: Declaration in accordance with Section 5 of the Planning & Development Acts 2000 (As Amended) – EX19/2024 – Merck – Sigma Aldrich Ireland Ltd

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

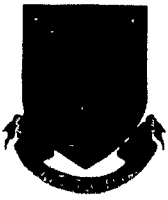
Where a Declaration is used under this Section any person issued with a Declaration under subsection (2) (a) may, on payment to An Bord Pleanála of such fee as may be prescribed, refer a declaration for review by the Board within four weeks of the date of the issuing of the declaration by the Local Authority.

Is mise, le meas,



ADMINISTRATIVE OFFICER
PLANNING ECONOMIC & RURAL DEVELOPMENT





COMHAIRLE CONTAE CHILL MhANTÁIN
Wicklow County Council

Pleanáil, Forbairt Eacnamaíochta agus Tuaithe
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

Arklow Geraldines Ballymoney
Pearse Park
Vale Road
Arklow
Co. Wicklow

27th March 2024

RE: Declaration in accordance with Section 5 of the Planning & Development Acts 2000 (As Amended) – EX19/2024 – Merck – Sigma Aldrich Ireland Ltd

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





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

Applicant: Merck – Sigma Aldrich Ireland Ltd

Location: Vale Road, Arklow, Co. Wicklow

CHIEF EXECUTIVE ORDER NO. CE/PERD/390/2024

A question has arisen as to whether “a 150mm diameter pipe to discharge process waste through private lands to connect to an existing Irish Water sewer” at Vale Road, Arklow, Co. Wicklow is or is not exempted development.

Having regard to:

- The details submitted with this application on the 4th March 2024
- The Planning History of the site Sections 2 and 3 of the Planning and Development Act 2000(as amended).
- Sections 4 (4), 172(1) and 177U(9) of the Planning and Development Act 2000(as amended).
- Article 5(1) and 6 of the Planning and Development Regulations 2001 (as amended)
- Classes 21, 48 and 58, Part 1 Schedule 2 of the Planning and Development Regulations 2001 (as amended)
- An Bord Pleanála decision reference ABP-306259-19
- The lack of information provided in relation to the route of the pipe.

Main Reasons with respect to Section 5 Declaration:

- a) The installation of a 150mm diameter pipe to discharge process waste through private lands to connect to an existing Irish Water sewer, at Vale Road, Arklow, Co. Wicklow, constitutes works that come within the scope of Section 2(1) of the Planning and Development Act, 2000
- b) The said works constitute development that comes within the scope of Section 3(1) of the said Act,
- c) The pipeline relates to lands that are not occupied and/or used by the industrial undertaker for any of their industrial undertakings and as a consequence they do not come within the scope of the exemption provided under Article 6(1) and Class 21 : Part 1 : of Schedule 2 of the Planning and Development Regulations 2001 (as amended)
- d) The exemption under Class 58 :Part 1: Schedule 2 of the Regulations would not apply as that exemption only applies to works by Irish Water (Uisce Eireann).
- e) Having regard to the location of the connection point to the public sewer and the length/scale of the proposed connection it is considered that proposed connection does not



come within the scope of Class 48, Schedule 2, Part 1 of the Planning & Development Regulations 2001 (as amended).

The Planning Authority considers that “a 150mm diameter pipe to discharge process waste through private lands to connect to an existing Irish Water sewer” at Vale Road, Arklow, Co. Wicklow “ **is development and is not exempted development**”

Signed  _____
ADMINISTRATIVE OFFICER
PLANNING ECONOMIC & RURAL DEVELOPMENT

Dated  March 2024

**WICKLOW COUNTY COUNCIL
PLANNING & DEVELOPMENT ACTS 2000 (As Amended)
SECTION 5**

CHIEF EXECUTIVE ORDER NO. CE/PERD/390/2024

Reference Number: EX19/2024

Name of Applicant: Merck – Sigma Aldrich Ireland Ltd

Nature of Application: Section 5 Referral as to whether or not “a 150mm diameter pipe to discharge process waste through private lands to connect to an existing Irish Water sewer” is or is not development and is or is not exempted development.

Location of Subject Site: Vale Road, Arklow, Co. Wicklow

Report from Keara Kennedy, EP & Edel Bermingham, SEP

With respect to the query under section 5 of the Planning & Development Act 2000 as to whether “a 150mm diameter pipe to discharge process waste through private lands to connect to an existing Irish Water sewer” at Vale Road, Arklow, Co. Wicklow is or is not exempted development within the meaning of the Planning & Development Acts 2000 (as amended).

Having regard to:

- The details submitted with this application on the 4th March 2024
- The Planning History of the site Sections 2 and 3 of the Planning and Development Act 2000(as amended).
- Sections 4 (4), 172(1) and 177U(9) of the Planning and Development Act 2000(as amended).
- Article 5(1) and 6 of the Planning and Development Regulations 2001 (as amended)
- Classes 21, 48 and 58, Part 1 Schedule 2 of the Planning and Development Regulations 2001 (as amended)
- An Bord Pleanala decision reference ABP-306259-19
- The lack of information provided in relation to the route of the pipe.

Main Reason with respect to Section 5 Declaration:

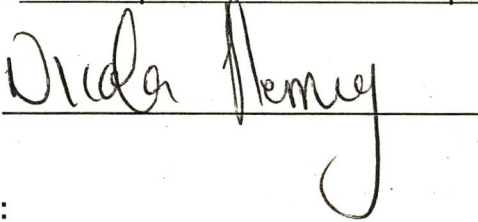
- (a) The installation of a 150mm diameter pipe to discharge process waste through private lands to connect to an existing Irish Water sewer, at Vale Road, Arklow, Co. Wicklow, constitutes works that come within the scope of Section 2(1) of the Planning and Development Act, 2000
- (b) The said works constitute development that comes within the scope of Section 3(1) of the said Act,
- (c) The pipeline relates to lands that are not occupied and/or used by the industrial undertaker for any of their industrial undertakings and as a consequence they do not come within the scope of the exemption provided under Article 6(1) and Class 21 : Part 1 : of Schedule 2 of the Planning and Development Regulations 2001 (as amended)

- (d) The exemption under Class 58 :Part 1: Schedule 2 of the Regulations would not apply as that exemption only applies to works by Irish Water (Uisce Eireann).
- (e) Having regard to the location of the connection point to the public sewer and the length/scale of the proposed connection it is considered that proposed connection does not come within the scope of Class 48, Schedule 2, Part 1 of the Planning & Development Regulations 2001 (as amended).

Recommendation:

The Planning Authority considers that "a 150mm diameter pipe to discharge process waste through private lands to connect to an existing Irish Water sewer" at Vale Road, Arklow, Co. Wicklow is development and is not exempted development as recommended in the report by the SEP.

Signed



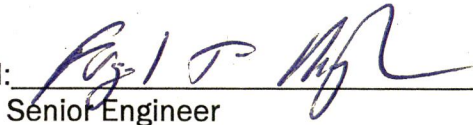
Dated ^{27th} day of March 2024

ORDER:

I HEREBY DECLARE:

That "a 150mm diameter pipe to discharge process waste through private lands to connect to an existing Irish Water sewer" at Vale Road, Arklow, Co. Wicklow is development and is not exempted development within the meaning of the Planning & Development Act 2000 (as amended).

Signed:



Senior Engineer
Planning, Economic & Rural Development

Dated ^{27th} day of March 2024



**WICKLOW COUNTY COUNCIL
SECTION 5 DECLARATION REPORT**

Ref: EX19/2024
Name: Merck – Sigma Aldrich Ireland Ltd.
Development: Construction of a new underground 150mm diameter sewer through private lands to connect to an existing public sewer, to discharge processed waste that is currently discharged into the Avoca River, which has an EPA licence.
Location: Vale Road, Arklow, Co. Wicklow

Question:

The question being asked is; *Whether or not a 150mm diameter pipe to discharge process waste through private lands to connect to an existing Irish Water sewer, at Vale Road, Arklow, Co. Wicklow is development and is exempted development.*

Relevant Planning History:

20/662 - Erection of 1) A portal frame structure 20 metres long by 14 metres wide by 7.5 metres high (floor area 280m²). The building will be used as a store to house spare parts and maintenance equipment. 2) A single storey office 5.0m by 3.5m within the proposed store to keep records and specification details of the spare parts and equipment stored. 3) Associated site works

18/1404 - Sigma-Aldrich Ireland Ltd - Erection of a portal frame structure 69m long by 15.4 m wide by 6.5m high (floor area 1063 sqm) to enclose existing drum storage bund in pharmaceutical complex – **Granted**

18/31 - Sigma-Aldrich Ireland Ltd - The erection of three signs to reflect a rebranding of the company as a subsidiary of MERCK KGaA – **Granted**

16/1384 - Sigma-Aldrich Ireland Ltd - steel framed weatherproof structure to enclose existing air handling units, a cold water storage tank and ancillary equipment including utilities pipework, electrical cabling and ducting located on the roof of the existing laboratory building in pharmaceutical complex - **Granted**

14/1115 - Sigma-Aldrich Ireland Ltd - Erect a security hut – **Grant**

09/926 - Sigma Aldrich Ireland- upgrade of existing on site wastewater treatment system and percolation area serving welfare area and all associated site works – **Grant**

08/1181 - SAFC Arklow Ltd - demolition of existing modular office building and construction of a 185 sqm single storey office building and associated site works – **Grant**

08/1422 – SAFC Arklow Ltd - construction of a 525 sq.m single storey warehouse with vehicle loading bays and associated site works including car parking for 60 no. cars at their existing facility – **Grant**

87/2984 – new office and staff facilities – **Grant**

94/522- new entrance & road on site – **Grant**

Legislative Context

Planning and Development Act 2000 (as amended):

Section 2(1) states the following in respect of:

'works" includes Any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal..."

Section 3(1) states the following in respect of:

'development': "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."

Section 4 Sets out the types of works that while considered 'development', can be considered 'exempted development' for the purposes of the Act.

Section 4(2) Makes provision for ministerial regulations to set out further exemptions. The 2001 Planning Regulations as amended derive from this section and designate further works as being exempted development for the purposes of the act.

Section 4(4) Notwithstanding..... any regulations under subsection (2), development shall not be exempted development if an environmental impact assessment or an appropriate assessment of the development is required"

Section 172(1) "An environmental impact assessment shall be carried out by a planning authority or the Board, as the case may be in respect of an application for consent for –

(a) Proposed development of a class specified in Schedule 5 to the Planning and Development Regulations 2001 which exceeds a quantity area, or other limit specified in that Schedule, and

(b) Proposed development of a class specified in Schedule 5 to the Planning and Development Regulations 2001 which does not exceed a quantity, area or other limit specified in that Schedule but which the planning authority or the Board determines would be likely to have significant effects on the environment."

Section 177U(9) "In deciding upon a declaration or a referral under section 5 of this Act a Planning Authority or the Board, as the case may be shall where appropriate, conduct a screening for appropriate assessment in accordance with the provisions of this section

Planning and Development Regulations 2001(as amended)

Article 5 (1) An "industrial undertaker" means a person by whom an industrial process is carried on and "industrial undertaking" shall be construed accordingly;

Article 6:- "(1) Subject to Article 9, development of a class specified in column 1 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.

Schedule 2, Part 1 Development

The applicant has cited Class 21:

- (a) Development of the following descriptions, carried out by an industrial undertaker on land occupied and used by such undertaker for the carrying on, and for the purposes of, any industrial process, or on land used as a dock, harbor or quay for the purposes of any industrial undertaking –
- (ii) the provision, rearrangement, replacement or maintenance of sewers, mains, pipes, cables or other apparatus,

Conditions:

1. Any such development shall not materially alter the external appearance of the premises of the undertaking.
2. The height of any plant or machinery, or any structure in the nature of plant or machinery shall not exceed 15 metres above ground level or the height of the plant, machinery or structure replaced, whichever is the greater.

And Class 58:

Development by Irish Water, for the purpose of the provision of water services, consisting of one or more of the following:

- (f) The carrying out of remedial works in respect of existing water services infrastructure in order to comply with conditions of licences and certificates issued under the Waste Water Discharge (Authorisation) Regulations 2007 (S.I No. 684 of 2007);

Relevant An Bord Pleanála Referrals:

Ref: ABP-306259-19

Question: Whether the treatment of effluent underground pipeline from Liffey Meats to the Mountnuggent River is or is not development and is or is not exempted development. The said pipeline distance has a given distance of c2500m with 1000m indicated as already in situ as part of the current waste management arrangement.

Conclusion: An Bord Pleanála concluded that:

- (a) The installation and construction of wastewater treatment effluent underground pipeline from Liffey Meats along the bank of the Pound Stream to the Mount Nugent River constitutes works that come within the scope of Section 2(1) of the Planning and Development Act, 2000,
- (b) The said works constitute development that comes within the scope of Section 3(1) of the said Act,
- (c) A significant portion of the pipeline relates to lands that are not occupied and/or used by the industrial undertaker for any of their industrial undertakings and as a consequence they do not come within the scope of the exemption provided under Article 6(1) and Part 1 and Part 3 of Schedule 2 of the said Regulations,
- (d) It has not been demonstrated clearly and unambiguously that the works do not require appropriate assessment. Therefore, based on the precautionary approach and with regard to Part 3 of Schedule 2 of the Planning and Development Regulations, 2001, as amended, the works are subject to the requirements of Section 4(4) of the Planning and Development Act, 2000 (as amended).

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5(4) of the 2000 Act, hereby decides that the installation of an underground effluent pipeline for a distance of c2,500m (with c1000m already in place) and, all of its associated works is development and is not exempted development

Development Description Information / documentation submitted in support of this application:

- A layout plan has been provided with 3 possible routes for the pipe, to connect to an Irish water foul sewer point, located circa 500m from the Merck – Sigma Aldrich lands.
- They state that the adjoining landowner (Wicklow GAA) is agreeable in principle to divert waste that is currently discharged to the Avoca River, through a 150mm diameter pipe, through their lands to connect to the Irish Water foul sewer.

Assessment

The first assessment must be whether or not the proposal outlined above constitutes development within the remit of Section 3 of the Planning and Development Act 2001. In this regard, Section 3 of the Planning and Development Act provides that:

“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.

It should be noted that Section 2 of the Act defines works as:

“works” includes 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.

With regard to the above, it is considered that the installation of a pipe of 150mm of an unknown length across privately owned property (Wicklow GAA) at Vale Road, Arklow, Co. would constitute ‘development’ under the meaning of the Act.

The second stage of the assessment is to determine whether or not the proposed development would be exempted development under the Planning and Development Act 2000 (as amended) or its associated Regulations.

As regards Section 4(2)(a)(i) of the Act, and the Regulations made there under, the relevant class of development is Class 21, Part 1 Schedule 2 of the Planning and Development Regulations, as amended (see above).

I am not satisfied that the proposed development would fall within the scope of class 21 as the development will not be carried out on lands occupied and used by the undertaker and will instead be carried out on third party owned lands and therefore I do not consider the development to come within the scope of the exemption under Article 6(1) and Part 1 of Schedule 2 of the Regulations.

The applicant has also cited Class 58, which relates to development by Irish Water. The works will not be undertaken by Irish Water, therefore this exemption is not considered to apply.

The applicant has also provided a layout plan with 3 possible routes for the pipe and therefore is not clear of the development that is proposed.

I am therefore satisfied that the proposed development as set out in the documents lodged is not exempted development.

Conclusion:

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

A 150mm diameter pipe to discharge process waste through private lands to connect to an existing Irish Water sewer, at Vale Road, Arklow, Co. Wicklow is development and is exempted development.

The Planning Authority considers that:

A 150mm diameter pipe to discharge process waste through private lands to connect to an existing Irish Water sewer, at Vale Road, Arklow, Co. Wicklow is development and is not exempted development.

Main Considerations with respect to Section 5 Declaration:

- The details submitted with this application on the 4th March 2024
- The Planning History of the site Sections 2 and 3 of the Planning and Development Act 2000(as amended).
- Sections 4 (4), 172(1) and 177U(9) of the Planning and Development Act 2000(as amended).
- Article 5(1) and 6 of the Planning and Development Regulations 2001 (as amended)
- Classes 21 and 58, Part 1 Schedule 2 of the Planning and Development Regulations 2001 (as amended)
- An Bord Pleanála decision reference ABP-306259-19
- The lack of information provided in relation to the route of the pipe.

Main Reasons with respect to Section 5 Declaration:

- (a) The installation of a 150mm diameter pipe to discharge process waste through private lands to connect to an existing Irish Water sewer, at Vale Road, Arklow, Co. Wicklow, constitutes works that come within the scope of Section 2(1) of the Planning and Development Act, 2000
- (b) The said works constitute development that comes within the scope of Section 3(1) of the said Act,
- (c) The pipeline relates to lands that are not occupied and/or used by the industrial undertaker for any of their industrial undertakings and as a consequence they do not come within the scope of the exemption provided under Article 6(1) and Class 21 : Part 1 : ~~and Part 3~~ of Schedule 2 of the said Planning and Development Regulations 2001 (as amended)
- (d) The exemption under Class 58 :Part 1: Schedule 2 of the Regulations would not apply as that exemption only applies to works by Irish Water (Uisce Eireann).

Keara Kennedy

Keara Kennedy
Executive Planner
22/03/2024

(e) Having regard to the location of the connection point to the public sewer and the length /scope of the proposed connection it is considered the proposed connection does not come within the scope of Class 48, Schedule 2, Part 1 of the P&D Regs. 2001, as amended.

Agreed as amended

Seán Donningham SEP.

22/3/2024

Issue declaration as modified Class 48 allows for the connection of a premises to a sewer etc. However, the scope of this Class would not include a connection that is route from the premises.

*Agd J. Murphy SEP
27/03/24*



COMHAIRLE CONTAE CHILL Mhantáin
Wicklow County Council

Pleanáil, Eacnamaíochta agus Forbairt 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

MEMORANDUM

WICKLOW COUNTY COUNCIL

TO: Keara Kennedy
Assistant Planner

FROM: Nicola Fleming
Staff Officer

RE:- Application for Certificate of Exemption under Section 5 of the
Planning and Development Acts 2000 (as amended).
EX19/2024

I enclose herewith application for Section 5 Declaration received 1st March 2024.

The due date on this declaration is 3rd April



Staff Officer
Planning Development & Environment





COMHAIRLE CONTAE CHILL Mhantáin
Wicklow County Council

Pleanáil, Eacnamaíochta agus Forbairt 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

7th March 2024

Kilgallen & Partners Consulting Engineers Ltd
Well Road
Portlaoise
Co. Laois
R32 P668

RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended). – EX19/2024 – Merck – Sigma Aldrich Ireland Ltd

A Chara

I wish to acknowledge receipt on 07/03/2024 details supplied by you in respect of the above Section 5 application. A decision is due in respect of this application by 03/04/2024.

Mise, le meas

NICOLA FLEMING
STAFF OFFICER
PLANNING ECONOMIC & RURAL DEVELOPMENT

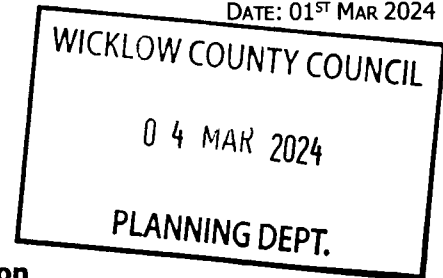


YOUR REFERENCE

OUR REFERENCE: 23033-019

DATE: 01ST MAR 2024

**Planning Section
Wicklow County Council
County Buildings
Wicklow,
Co. Wicklow**



Re: Section 5 Declaration

Dear Sir / Madam,

Please find attached documentation in support of a Section 5 Declaration Application, on behalf of our Client, Merck (Sigma-Aldrich), Vale Road, Arklow, Co. Wicklow.

Merck currently hold an EPA License to discharge Process Waste into the Avoca River. They are currently engaging with Úisce Éireann in seeking a connection to the nearest foul sewer under the control of Úisce Éireann. If granted, this will allow all process and foul sewer waste to be diverted into the public sewer.

In order to access the nearest foul sewer manhole, the existing sewer discharging to the Avoca River will need to be diverted via a new sewer through third party lands. The Landowner is agreeable in principle.

The purpose of this application is to seek a declaration as to whether planning permission is required to construct a new underground 150mm diameter sewer through private lands, in order to connect to an existing public sewer.

With respect to the fee associated with this application, would it be acceptable for your office to contact Kilgallen and Partners directly, and payment will be made immediately?

Yours Sincerely,



Eugene Keyes
For and on behalf of Kilgallen & Partners



Directors: Morgan Kilgallen BE, Eur Ing, CEng, FIEI, FCI Arb, FConsEI, Dip. Highway & Geotechnical Eng., Dip. Arbitration Law
Paul Bergin BE, CEng, MIEI, Dip. Highway & Geotechnical Eng., Dip. Public Admin

Regional Director: Niall O'Callaghan BSc (Eng), Dip Eng, CEng, Dip. Proj Man, FConsEI, MIEI

Wicklow County Council
County Buildings
Wicklow
0404-20100

07/03/2024 11:37:27

Receipt No L1/0/326333

KILGALLEN & PARTNERS CONS ENGINEER
WELL ROAD
PORTLAOISE
CO LAOIS

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

Total 80 00 EUR

Tendered
Credit Card 80 00
MERCK IRELAND LTD, ARKLOW

Change 0 00

Issued By Cindy Driver
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: **Merck – Sigma Aldrich Ireland Ltd**

Address of applicant: **Vale Road, Arklow, Co. Wicklow Y14 EK18**

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

2. Agents Details (Where Applicable)

(b) Name of Agent (where applicable) **Kilgallen and Partners Consulting Engineers**

Address of Agent : **Kylekiproe, Well Road, Portlaoise, Co. Laois**

3. Declaration Details

i. Location of Development subject of Declaration **Vale Road, Arklow, Co. Wicklow**

ii. Are you the owner and/or occupier of these lands at the location under i. above ?
Yes/ No. **No.**

iii. If 'No' to ii above, please supply the Name and Address of the Owner, and or occupier: **Arklow Geraldines Ballymoney, (Wicklow GAA) Pearse's Park, Vale Road, Arklow, Co. Wicklow**

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;

Merck currently discharge process waste to the Avoca River, and are currently engaging with Uisce Eireann to make a connection to the public sewer, thereby ceasing discharge to the Avoca River. Is the construction of a new foul sewer rising main through private lands, exempted development? (Routes identified on accompanying Drawing)

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

Class 21 (ii) (a) *Development of the following descriptions, carried out by an industrial undertaker on land occupied and used by such undertaker for the carrying on, and for the purposes of, any industrial process, or on land used as a dock, harbour or quay for the purposes of any industrial undertaking— (ii) the provision, rearrangement, replacement or maintenance of sewers, mains, pipes, cables or other apparatus*

Class 58 (f) *Development by Irish Water, for the purpose of the provision of water services, consisting of one or more of the following: underground pipes, cables, water mains, sewers, including associated accessories, service connections, boundary boxes and meters,*

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

Site Location Map (Scale 1:2500)

23033-C-DR-202 Proposed Sewer Routes Layout (Plan) and Sewer Long Sections

viii. Fee of € 80 Attached ?

Signed : Sebastian Keyes Dated : 29/2/2024
(AGENT)

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 -

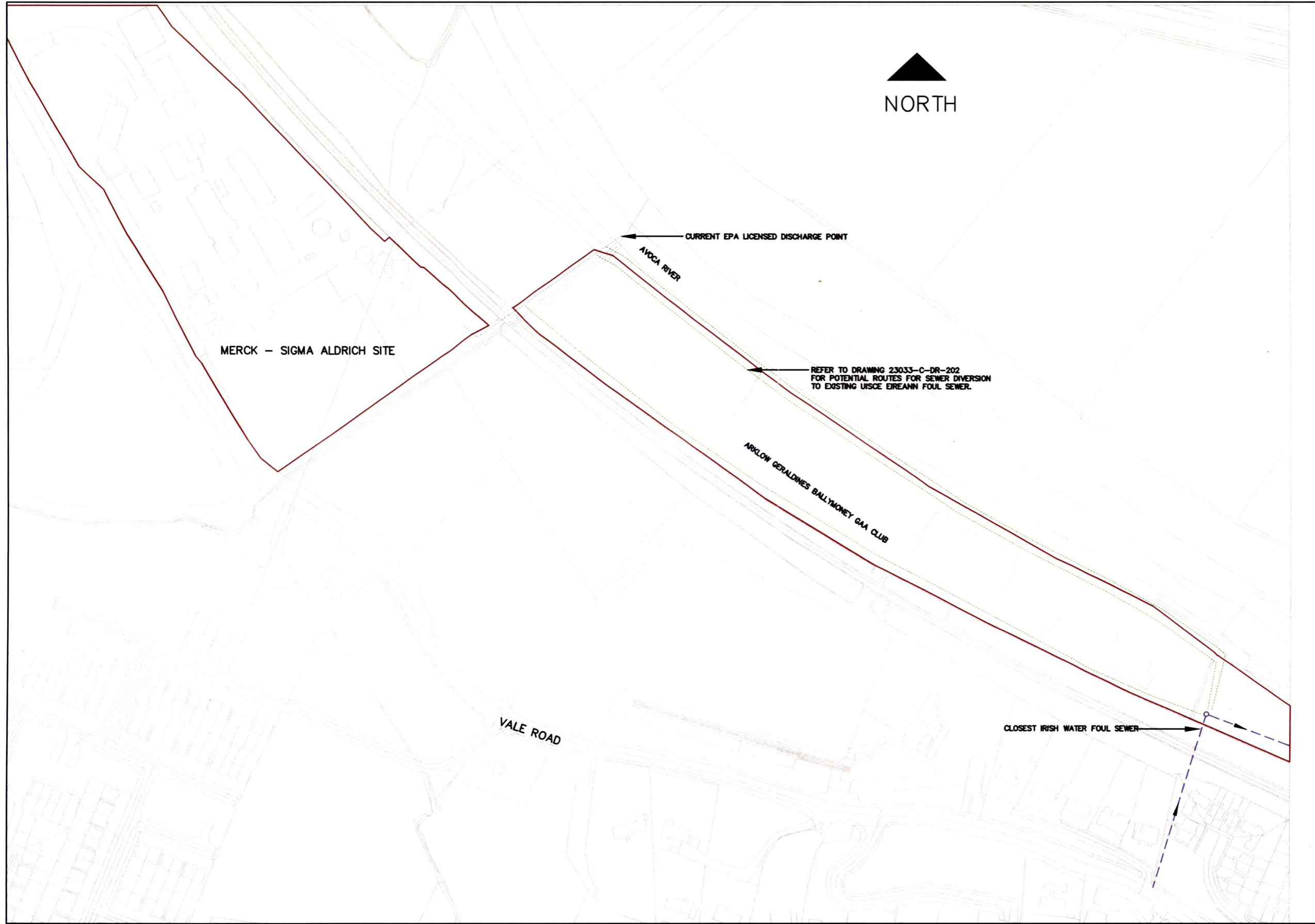
The provisions of Article 8 of the Planning and Development Regulations 2001 (as amended) now applies to land reclamation, other than works to wetlands which are still governed by Schedule 2, Part 3, Class 11. Note in addition to confirmation of

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.



BOUNDARY OF PROPOSED DEVELOPMENT

ROUTE OPTIONS FOR SEWER DIVERSION TO UISCE EIREANN FOUL SEWER NETWORK

SITE COORDINATES:
E723351 N673926 ITM

OS mapping reproduced under licence. CYAL5032316
National Mapping Division of Táiilté Éireann
This drawing is not to be reproduced without the written permission of Kilgallen and Partners. Copyright.

REV	DATE	BY	DETAILS

STATUS
FOR PLANNING APPLICATION PURPOSES ONLY. NOT TO BE USED FOR ANY OTHER PURPOSE.

CLIENT
MERCK - SIGMA ALDRICH

PROJECT
FOUL SEWER CONNECTION TO UISCE EIREANN

TITLE
SITE LOCATION MAP

KILGALLEN & PARTNERS
CONSULTING ENGINEERS
KYLEKIPROE, WELL ROAD, PORTLAOISE, CO. LAOIS
Tel: +353 56 77 0190, Fax: +353 56 770 5077
E-mail: info@kilgallen.ie, Web: www.kilgallen.ie

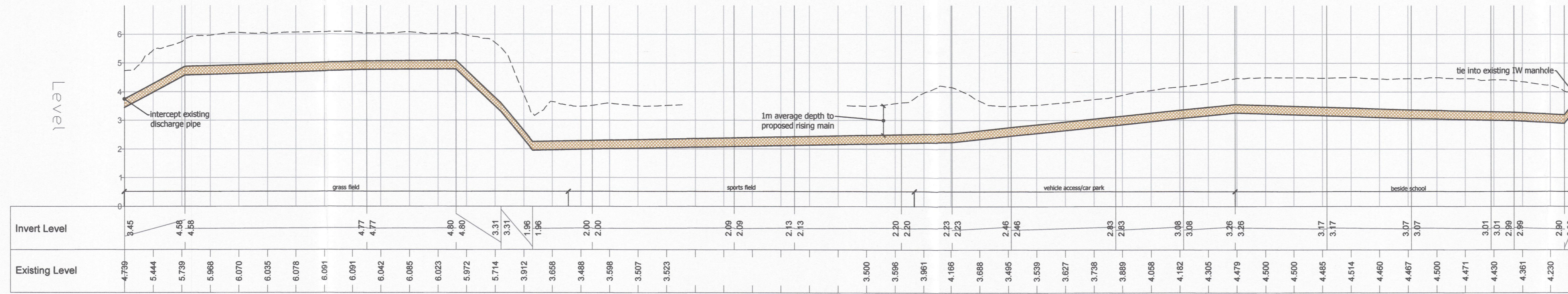
DRW:	DRIVING NO.:	REV.:
EK	23033-SL-001	
CHD:	SCALE:	DATE:
	1:2500	29.02.24

Proposed Routes from Final Discharge Pipe to Irish Water Manhole
Scale: 1:1000

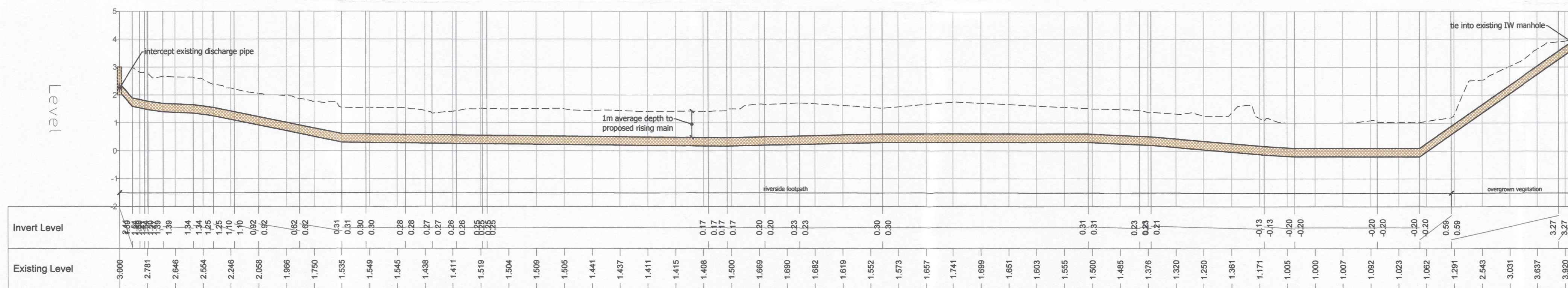


Existing Surface Conditions
Route 1
 A-B: grass field
 B-C: sports field
 C-D: access road/car park
 D-E: beside school building
 E-F: school path
Route 2
 Q-R: existing footway
 R-S: overgrown area
Route 3
 V-W: grass field
 W-X: sports field
 X-Y: car park
 Y-Z: overgrown area

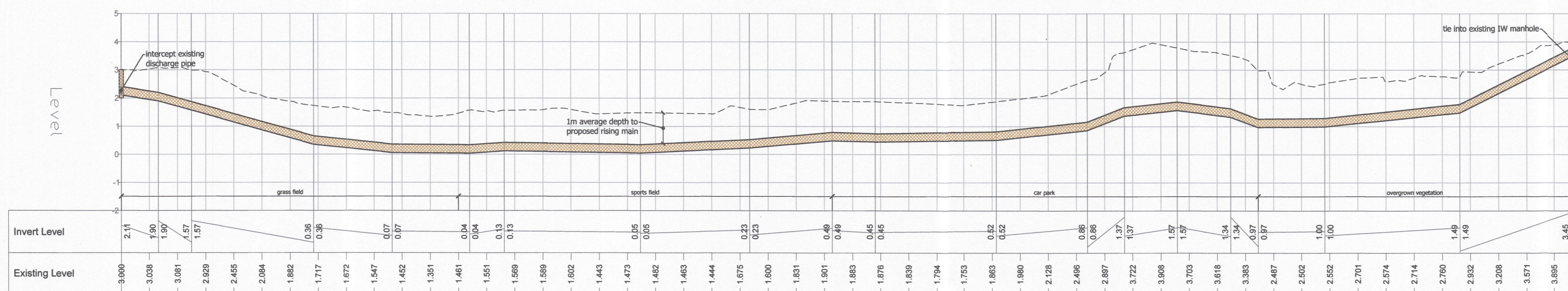
LEGEND
 Existing pumped line: ---
 Rising Main Route 1: ---
 Rising Main Route 2: ---
 Rising Main Route 3: ---



RISING MAIN ROUTE 1



RISING MAIN ROUTE 2



RISING MAIN ROUTE 3

OS mapping reproduced under licence.
 This drawing is not to be reproduced without the written permission of Kilgallen and Partners. Copyright.

REV	DATE	BY	DETAILS
PR1	26/01/24	AB	ISSUED FOR DISCUSSION

STATUS
 PRELIMINARY. NOT TO BE USED FOR ANY OTHER PURPOSE.

CLIENT
 MERCK GROUP

PROJECT
 IRISH WATER CONNECTION

TITLE
 RISING MAINS ROUTES - LAYOUT AND LONGITUDINAL SECTIONS



KYLEKIPROE
 WELL ROAD
 PORTLADAGE
 T +353 56 866 2860

UNIT 3
 DANVILLE BUSINESS PARK
 KILKENNY
 +353 56 777 01090

DRAWN	DRAWING NO.	REV.
AB	23033-C-DR-202	PR1
CHKD:	SCALE:	DATE:
PB	1:1000H, 1:100V @ A1	26/01/2024