



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
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Rphost / Email plandev@wicklowcoco.ie
Suíomh / Website www.wicklow.ie

21st October 2024

Stephen Kavanagh
Ballymorris Lower
Aughrim
Co. Wicklow

RE: Declaration in accordance with Section 5 of the Planning & Development Acts 2000 (As Amended) – EX84/2024

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

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- Planning, Economic and Rural Development**

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

Applicant: Stephen Kavanagh

Location: Ballymorris Lower, Aughrim, Co. Wicklow

Reference Number: EX84/2024

CHIEF EXECUTIVE ORDER NO. CE/PERD/2024/1284

Section 5 Declaration as to whether “1) the provision of a hard surface within the curtilage of the industrial building, 2) the installation of plant and machinery to the rear of the industrial building in connection with the industrial process in the building” at Ballymorris Lower, Aughrim, 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.
- Sections 2 , 3 and 4 of the Planning and Development Act 2000 (as amended)
- Article 6(1) & 9(1)(a)(viii) of the Planning and Development Regulations 2001 (as amended).
- Class 21 Schedule 2: Part 1 of the Planning & Development Regulations 2001 (as amended).
- The planning history of the site particularly PRR 24/16

Main Reasons with respect to Section 5 Declaration:

- The provision of a hard surface within the curtilage of the industrial building and in connection with the industrial process in the building, the installation of plant and machinery to the rear of the building constitutes development having regard to the provisions of Section 3 of the Planning and Development Act 2000 (as amended).
- Having regard to Article 9 (1) (a) (viii) of the planning and development regulations 2001 (as amended), and to the use of the existing structures on site for industrial use which does not have the benefit of planning permission, the provision of a hard surface within the curtilage of the industrial building and in connection with the industrial process in the building, the installation of plant and machinery to the rear of the building, would not constitute exempted development because they would consist of the extension and alternation of a structure the use of which is an unauthorised use.
- Having regard to the type and construction of the structures to the rear, it is considered that the “plant and machinery” are not “plant and machinery” that would come within the scope of Class 21 (a), as they are not structures of the nature of plant and machinery. Furthermore, these structures are in effect an extension to a building. There are no exemptions contained in the planning legislation that apply to extensions to industrial buildings.
- Having regard to the unauthorised status of the industrial building, it is considered that the provision of hard surface with the curtilage of the industrial building would not come within the scope of Class 21(b) as Class 21(b) can only relate to development within the curtilage of an authorised industrial building.

Ta an doicimead seo ar fáil i bhformáid eile ar scríobtas
This document is available in alternative formats on request.

Ba chóir gach comhfhreagras a sheoladh chuig an Sturthoir Seirbhísi, Pleanáil, Forbairt Eacnamaíochta agus Tuaithe
All correspondence should be addressed to the Director of Services, Planning, Economic and Rural Development



The Planning Authority considers that “

“1) the provision of a hard surface within the curtilage of the industrial building, at Ballymorris Lower, Aughrim, Co. Wicklow is development and is NOT exempted development within the meaning of the Planning & Development Act 2000 (as amended).

And

2) the installation of plant and machinery to the rear of the industrial building in connection with the industrial process in the building” at Ballymorris Lower, Aughrim, Co. Wicklow is development and is NOT exempted development within the meaning of the Planning & Development Act 2000 (as amended).

Signed:



ADMINISTRATIVE OFFICER
PLANNING ECONOMIC & RURAL DEVELOPMENT

Dated 21st October 2024

WICKLOW COUNTY COUNCIL

PLANNING & DEVELOPMENT ACTS 2000 (As Amended)

SECTION 5

CHIEF EXECUTIVE ORDER NO. CE/PERD/2024/1284

Reference Number: EX84/2024

Name of Applicant: Stephen Kavanagh

Nature of Application: Section 5 Declaration request as to whether or not: -
"1) the provision of a hard surface within the curtilage of the industrial building, 2) the installation of plant and machinery to the rear of the industrial building in connection with the industrial process in the building" is or is not development and is or is not exempted development.

Location of Subject Site: Ballymorris Lower, Aughrim, Co. Wicklow

Report from Andrew Spencer, EP & Suzanne White, SEP

With respect to the query under section 5 of the Planning & Development Act 2000 as to whether "1) the provision of a hard surface within the curtilage of the industrial building, 2) the installation of plant and machinery to the rear of the industrial building in connection with the industrial process in the building at Ballymorris Lower, Aughrim, 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.
- b) Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended)
- c) Article 6(1) & 9(1)(a)(viii) of the Planning and Development Regulations 2001 (as amended).
- d) Class 21 Schedule 2: Part 1 of the Planning & Development Regulations 2001 (as amended).
- e) The planning history of the site particularly PRR 24/16

Main Reason with respect to Section 5 Declaration:

- I. The provision of a hard surface within the curtilage of the industrial building and in connection with the industrial process in the building, the installation of plant and machinery to the rear of the building constitutes development having regard to the provisions of Section 3 of the Planning and Development Act 2000 (as amended).
- II. Having regard to Article 9 (1) (a) (viii) of the planning and development regulations 2001 (as amended), and to the use of the existing structures on site for industrial use which does not have the benefit of planning permission, the provision of a hard surface within the curtilage of the industrial building and in connection with the industrial process in the building, the installation of plant and machinery to the rear of the building, would not constitute exempted development because they would consist of the extension and alternation of a structure the use of which is an unauthorised use.
- III. Having regard to the type and construction of the structures to the rear, it is considered that the "plant and machinery" are not "plant and machinery" that would come within the scope of Class 21 (a), as they are not structures of the nature of plant and machinery.

Furthermore, these structures are in effect an extension to a building. There are no exemptions contained in the planning legislation that apply to extensions to industrial buildings.

- IV. Having regard to the unauthorised status of the industrial building, it is considered that the provision of hard surface with the curtilage of the industrial building would not come within the scope of Class 21(b) as Class 21(b) can only relate to development within the curtilage of an authorised industrial building.

Recommendation:

The Planning Authority considers that: -

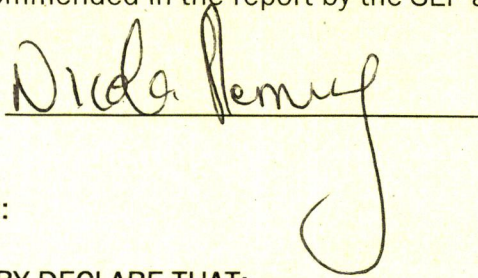
"1) the provision of a hard surface within the curtilage of the industrial building, at Ballymorris Lower, Aughrim, Co. Wicklow is development and is NOT exempted development

And

2) the installation of plant and machinery to the rear of the industrial building in connection with the industrial process in the building" at Ballymorris Lower, Aughrim, Co. Wicklow is development and is NOT exempted development

as recommended in the report by the SEP and SE.

Signed



Dated 21st day of October 2024

ORDER:

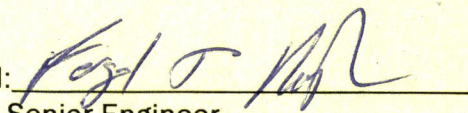
I HEREBY DECLARE THAT:

"1) the provision of a hard surface within the curtilage of the industrial building, at Ballymorris Lower, Aughrim, Co. Wicklow is development and is NOT exempted development within the meaning of the Planning & Development Act 2000 (as amended).

And

2) the installation of plant and machinery to the rear of the industrial building in connection with the industrial process in the building" at Ballymorris Lower, Aughrim, 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 21st day of October 2024

21/10/24

EX 84/2024
SS Dec 2024
Development in Ballymore v. Agkion

The submitted query contains 2 questions -> should be split. Also the query contains a reference in the 2nd

part to "the installation of plant and machinery". However the structure to the rear of the existing structure is not of a plant and machinery type but repairs & structural building, which forms an extension of the existing structure. Therefore, the Dec 2024 should be re-formed as detailed below.

In addition there are no exemptions in the Building Act relate to the extension of an industrial building (which would be of relevance of the industrial buildings (which was allowed).

Furthermore, Class 21 (b) of Schedule 2 Part 2 of the PD Regs 2001, would not apply, as an unclassified industrial use does not change a building description. It would not come within the scope of the Class 21 (b) description.

Dec 2024 - as follows

As regards to the ~~proposed~~ SS of the PD Act 2003, as amended, as to whether

(1) the provision of a hard ~~standing~~ surface within the curtilage of the industrial building

(2) the installation of plant and machinery to the rear of the industrial building in connection with the industrial process in the building

at Ballymore Lower, Agkion, Co. Wick, is or is not exempted development under the meaning of the PD Act 2003, as amended

Fig 6

The Planning Authority considers that

- 1) as per overleaf...
- 2) is development and is not exempted development
- 2) as per overleaf ...
- is development and is not exempted development

Main considerations with respect to SS Declaration

- a) → e) as per original recommendation with
- d) amended as follows:

Class 21 ~~21~~ Schedule 2: Part 2 of the Planning and Development Regulations 2001, as amended

Main Reasons with respect to SS Declaration

- (i) as per original ~~text~~
- (ii) as per original
- (iii) Having regard to the type and construction of the structures to be rear, it is considered that the ~~text~~ "plant and machinery" are not "plant and machinery" that would come within the scope of Class 21(a), as they are not structures of the nature of plant and machinery. Furthermore, these structures are in effect and extension to a building. There are ~~not~~ exemptions contained in the planning legislation that apply to extensions to industrial buildings.
- (iv) Having regard to the unauthorised ~~status~~ status of the industrial building, it is considered that the ~~text~~ provision of land surface within the curtilage of the industrial building would not come within the scope of Class 21(b), as Class 21(b) can only relate to development within the curtilage of an authorised ~~building~~ industrial building.

Fogel T May L 53 21/10/24



**WICKLOW COUNTY COUNCIL
PLANNING DEPARTMENT**

Section 5 – Application for declaration of Exemption Certificate

REF: EX 84/2024
NAME: STEPHEN KAVANAGH
DEVELOPMENT: HARD SURFACE AND INSTALLATION OF PLANT AND MACHINERY TO REAR OF INDUSTRIAL BUILDING.
LOCATION: BALLYMORRIS LOWER AUGHRIM.

The Site:

The subject site is located within along the R747 linking Arklow to Aughrim. The subject site is of an elongated/rectangular shape. On site is a pitched roof single volume old cottage which has overtime been converted to use as a processing unit to facilitate the manufacture of marine health supplements. There is an open yard area to the front which is used as for parking associated with the enterprise. There is an existing cottage adjacent to the west of the subject site. To the north rear of the subject site is a forested area which rises in ground levels to the north. A retaining wall has been constructed to the rear of the processing unit and a storage container installed to the rear of the processing unit.

Planning History (subject site):

2416 - Stephen Kavanagh - (1) excavation works to rear of existing commercial property and construction of concrete wall and (2) placement of a container on lands along with all associated site development works - Refused:

1. Having regard to:
 - (a) The industrial nature of the existing use of the subject site
 - (b) The inappropriate location of the subject site within a rural area adjoining a residential site.
 - (c) The constricted nature of the site
 - (d) The rapid expansion and intensification of the existing useIt is considered that the proposed development is at variance with the objectives of the Wicklow County Development Plan pertaining to economic development in rural areas as the proposed development is not considered to be appropriate to and compatible with the character of the rural environment and would be detrimental to the character, amenity, scenic value, heritage value and environmental quality of a rural area and therefore contrary to the proper planning and sustainable development
2. The proposed development would represent consolidation of un-authorized development on this site having regard to the existing development on site for which no permission exists. The provision of such a form of development unduly impacts on the amenities of the area, public health, the amenities of adjoining properties, undermines the planning regulations and would be contrary to the proper planning and sustainable development of the area.
3. The proposed development would endanger public safety by reason of serious traffic hazard because the applicant has provided no details demonstrating:
 - (a) Safe road access being generated by the development.
 - (b) Adequate parking and circulation areas within the site.

Enforcement:

UD5733 – Alleged unauthorised development at Coates Bridge consisting of excavation works and placement of a container without the benefit of planning permission. Warning Letter Issued.

Question:

The applicant has applied to see whether or not the following is or is not development; and is or is not exempted development:

Is provision of a hard surface within the curtilage of the industrial building and in connection with the industrial process in the building, exempted development and is the installation of plant and machinery to the rear of the building, exempted development.

Legislative Context:

Planning and Development Act, 2000 (as amended):

Section 3(1) of the Act 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 2(1) of the Act states the following in respect of the following:

'Works' include "Any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal "

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

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.

Article 9(1) Note: see Regulations for full Article

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—

(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,

Schedule 2 : Part 1 Exempted Development - General:

Part 1 (Classes 21-22) of Schedule 2 describes classes of development, with respect to industrial developments provided that such development complies with the associated conditions and limitations. It is considered that the relevant class in this instance is Class 21

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, harbour or quay for the purposes of any industrial undertaking—

(i) the provision, rearrangement, replacement or maintenance of private ways or private railways, sidings or conveyors,

(ii) the provision, rearrangement, replacement or maintenance of sewers, mains, pipes, cables or other apparatus,

(iii) the installation or erection by way of addition or replacement of plant or machinery, or structures of the nature of plant or machinery.

(b) Any works for the provision within the curtilage of an industrial building of a hard surface to be used for the purposes of or in connection with the industrial process carried on in the building.

Associated conditions and limitations:

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.

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.

I am satisfied that the provision of a hard surface within the curtilage of the industrial building and in connection with the industrial process in the building and the installation of plant and machinery to the rear of the building involves works and therefore constitutes development.

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

The Planning and Development Act provides under Section 4 that the Minister may by regulations provide any class of development to be exempted development. To this end Part 1 Schedule 2 of the Planning and Development Regulations 2001 (as amended), provides for Exempted Development Classes with respect to General development. Class 21 (a) and (b) is the relevant class in this instance.

Article 6 of the Planning and Development Regulations 2001 (as amended) states that:

- (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.

Article 9(1) of the Planning and Development Regulations 2001 (as amended) states that: 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—

(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,

Having regard to Article 9 (a) (viii) above it is my opinion that the ^{use of the} existing structures on site, ^{for industrial use} ~~the use of which does not~~ have the benefit of planning permission. The provision of a hard surface within the curtilage of the industrial building and in connection with the industrial process in the building and the installation of plant and machinery to the rear of the building, falls outside the scope of Schedule 2 Part 1 Planning and Development Regulations 2001 (as amended).

*is unauthorised.
is therefore not exempted development having regard to Article 9(i)(a)(viii)*

It is therefore my opinion that the provision of a hard surface within the curtilage of the industrial building and in connection with the industrial process in the building and the installation of plant and machinery to the rear of the building is **not** exempted development.

Recommendation:

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

the provision of a hard surface within the curtilage of the industrial building and in connection with the industrial process in the building and the installation of plant and machinery to the rear of the building is exempted development within the meaning of the Planning and Development Act, 2000(as amended)

The Planning Authority considers that:

the provision of a hard surface within the curtilage of the industrial building and in connection with the industrial process in the building and the installation of plant and machinery to the rear of the building **IS** development and is **NOT** exempted development.

Main Considerations with respect to Section 5 Declaration:

- a) The details submitted with the Section 5 Declaration.
- b) Sections 2 , 3 and 4 of the Planning and Development Act 2000 (as amended)
- c) Article 6(1) & 9(1)(a)(viii) of the Planning and Development Regulations 2001 (as amended).
- d) Schedule 2: Part 1 Exempted Development - General.

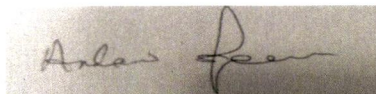
of The planning history of the site, particularly PRR 24/16

Main Reasons with respect to Section 5 Declaration:

- I. The provision of a hard surface within the curtilage of the industrial building and in connection with the industrial process in the building, ~~and~~ the installation of plant and machinery to the rear of the building constitutes development having regard to the provisions of Section 3 of the Planning and Development Act 2000 (as amended).

- II. Having regard to Article 9⁽¹⁾(a) (viii) of the planning and development regulations 2001 ^{for industrial} (as amended), the existing structures on site, the use of which does not have the benefit of planning permission, the provision of a hard surface within the curtilage of the industrial building and in connection with the industrial process in the building and the installation of plant and machinery to the rear of the building, ~~fall outside the scope of Schedule 2 Part 1 Planning and Development Regulations 2001 (as amended)~~ *would not constitute exempted development, because they would consist of the extension and alteration of a structure the use of which is an unauthorised use.*

and to the use of the



Andrew Spencer
Executive Planner
18/10/2024

Agreed as amended
White SEP
18/10/24

Noted. cf. attached
Report / Direction re this
declaration
Prof T May L⁸²
21/10/24

MEMORANDUM

WICKLOW COUNTY COUNCIL

**TO: Andrew Spencer
Executive Planner**

**FROM: Nicola Fleming
Staff Officer**

**RE:- Application for Certificate of Exemption under Section 5 of the
Planning and Development Acts 2000 (as amended).
EX84/2024**

I enclose herewith application for Section 5 Declaration received 25th September 2024.

The due date on this declaration is 22nd October 2024.



**Staff Officer
Planning Development & Environment**



Comhairle Contae Chill Mhantáin
Wicklow County Council

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

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1st October 2024

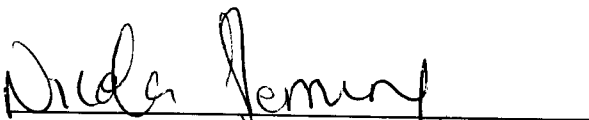
Stephen Kavanagh
Ballymorris Lower
Aughrim
Co. Wicklow

RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended). – EX84/2024

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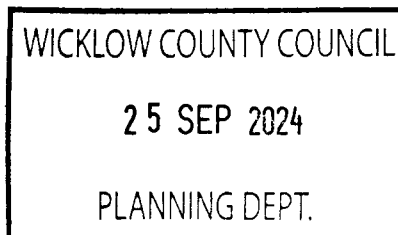
I wish to acknowledge receipt on 25/09/2024 details supplied by you in respect of the above Section 5 application. A decision is due in respect of this application by 22/10/2024.

Mise, le meas


Nicola Fleming
Staff Officer
Planning, Economic & Rural Development



Stephen Kavanagh
Coatsbridge
Ballymorris Lower
Aughrim
Co. Wicklow



Wicklow County Council
Planning Development and Environment
County Buildings
Wicklow Town
Co. Wicklow

25th September 2024

Your ref: UD 5733

RE: Section 5 Declaration on whether the provision of a hard surface in connection with the industrial process carried on in the building and the installation of plant and machinery to the rear of the building on lands at Ballymorris Lower, Aughrim, Co. Wicklow is or is not exempted development.

A Chairde,

Please find enclosed a section 5 declaration for the above matter.

Having studied the Planning and Development Acts 1963 and 2000 and now also S.I. No. 600/2001 - Planning and Development Regulations, 2001 in relation to exempted development, the following is stated in CLASS 21 (a) (iii) in relation to Development for industrial purposes.

(iii) the installation or erection by way of addition or replacement of plant or machinery, or structures of the nature of plant or machinery.

We believe the machinery and plant, collectively described on our site plan as a powder process plant for the purpose of compliance Regulation EC 852/2004 on the hygiene of foodstuffs, chapter 1 on GENERAL REQUIREMENTS FOR FOOD PREMISES, point 2 states The layout, design, construction, siting and size of food premises are to: (a) permit adequate maintenance, cleaning and/or disinfection, avoid or minimise air-borne contamination, and provide adequate working space to allow for the hygienic performance of all operations;"

The plant is located to the rear of the building as per the enclosed site map.

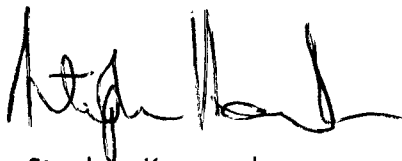
It goes on further to state in CLASS 21 (b)

(b) Any works for the provision within the curtilage of an industrial building of a hard surface to be used for the purposes of or in connection with the industrial process carried on in the building.

We believe that provision of the hard surface to the rear of the premises and the removal of mud and debris and other issues associated with it such as water ingress, which were compromising our ability to comply with health regulations, fit this description of exempted development. We feel the works and subsequent provision of a hard surface in connection with our industrial process carried on in the building fall within this meaning, and especially the meaning of 'any works'.

We thank you for your time on this matter and await your response.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Stephen Kavanagh', written in a cursive style.

Stephen Kavanagh.

Wicklow County Council
County Buildings
Wicklow
0404-20100

25/09/2024 12:26:11

Receipt No L1/0/334973
***** REPRINT *****

STEPHEN KAVANAGH
COARSBRIDGE
BALLYMORIS LOWER
Aughrin

PLANNING APPLICATION FEES	80 00
GOODS	80 00
VAT Exempt/Non-vatable	

Total 80 00 EUR

Tendered
Credit Card 80 00

Change 0 00

Issued By VANESSA PORTER
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: Stephen Kavanagh
Address of applicant: Ballymorris Lower, Aughrim, Co. Wicklow, IE

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

2. Agents Details (Where Applicable)

- (b) Name of Agent (where applicable) Not Applicable
Address of Agent : _____

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

3. Declaration Details

i. Location of Development subject of Declaration _____
Ballymorris Lower, Coatsbridge, Aughrim, Co. Wicklow, IE

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
Is provision of a hard surface within the curtilage of the industrial building and in connection with the industrial process in the building exempted development and is the installation of plant and machinery to the rear of the building exempted development.

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
Planning and Development Acts 1963 and 2000 and S.I. No. 600/2001 - Planning and Development Regulations, 2001 in relation to exempted development, the following is stated in CLASS 21 (a) (iii) in relation to Development for industrial purposes.
(iii) the installation or erection by way of addition or replacement of plant or machinery, or structures of the nature of plant or machinery.

It goes on further to state in CLASS 21 (b)

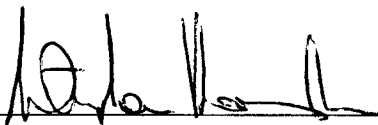
(b) Any works for the provision within the curtilage of an industrial building of a hard surface to be used for the purposes of or in connection with the industrial process carried on in the building.

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 _____
Plans, elevations and section for plant and hard surface _____
Site Layout Plans _____
Site Location Maps _____

viii. Fee of € 80 Attached ? _____

Signed :  Dated : 25/09/2024

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.

Site Location Map

CENTRE COORDINATES:
ITM 714867,679064

PUBLISHED: 12/12/2023
ORDER NO.: 50373375_1

MAP SERIES: 6 Inch Raster
MAP SHEETS: WW034
6 Inch Raster WW035
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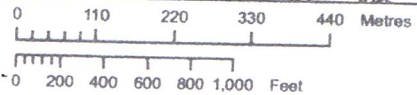
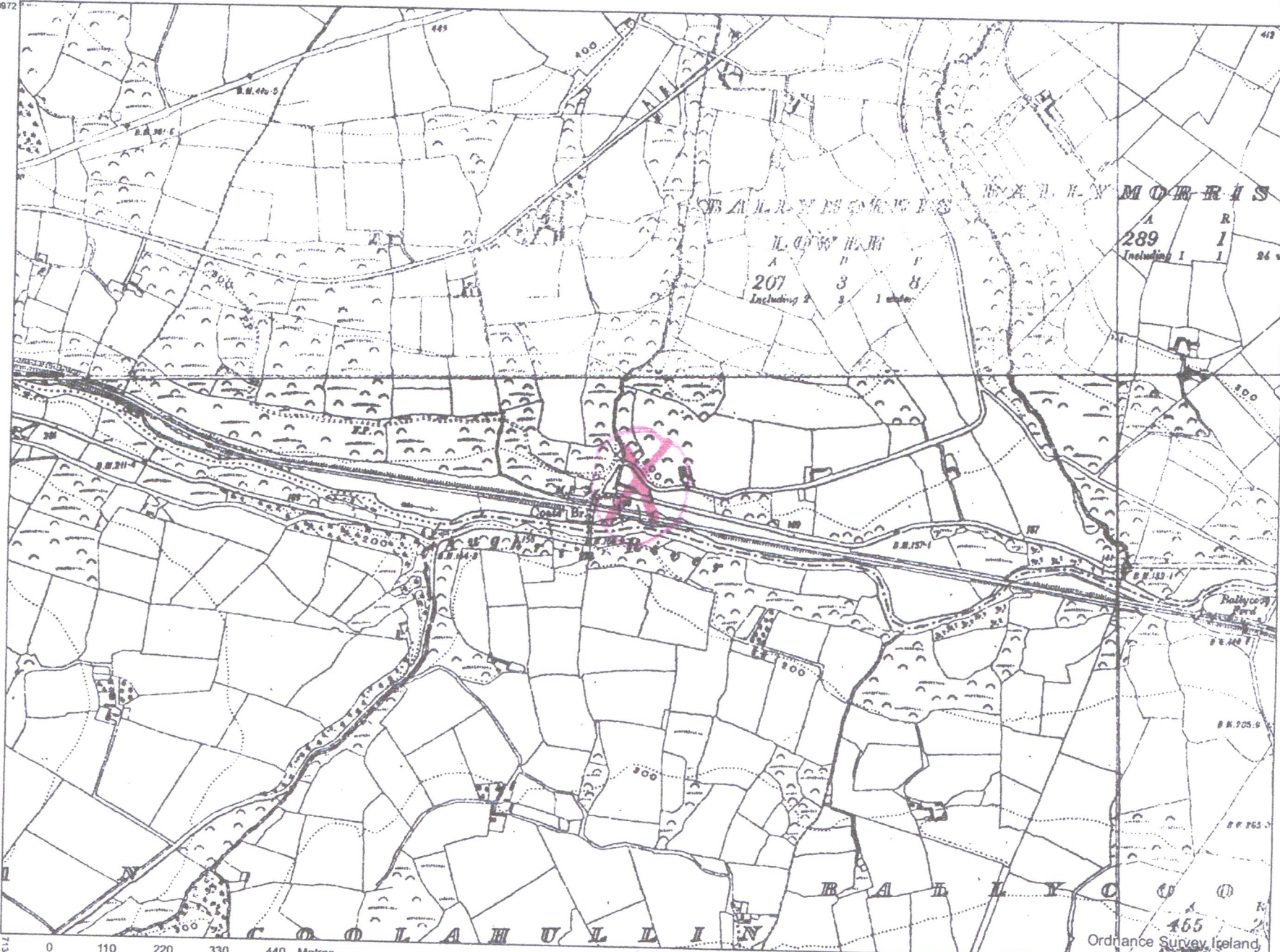
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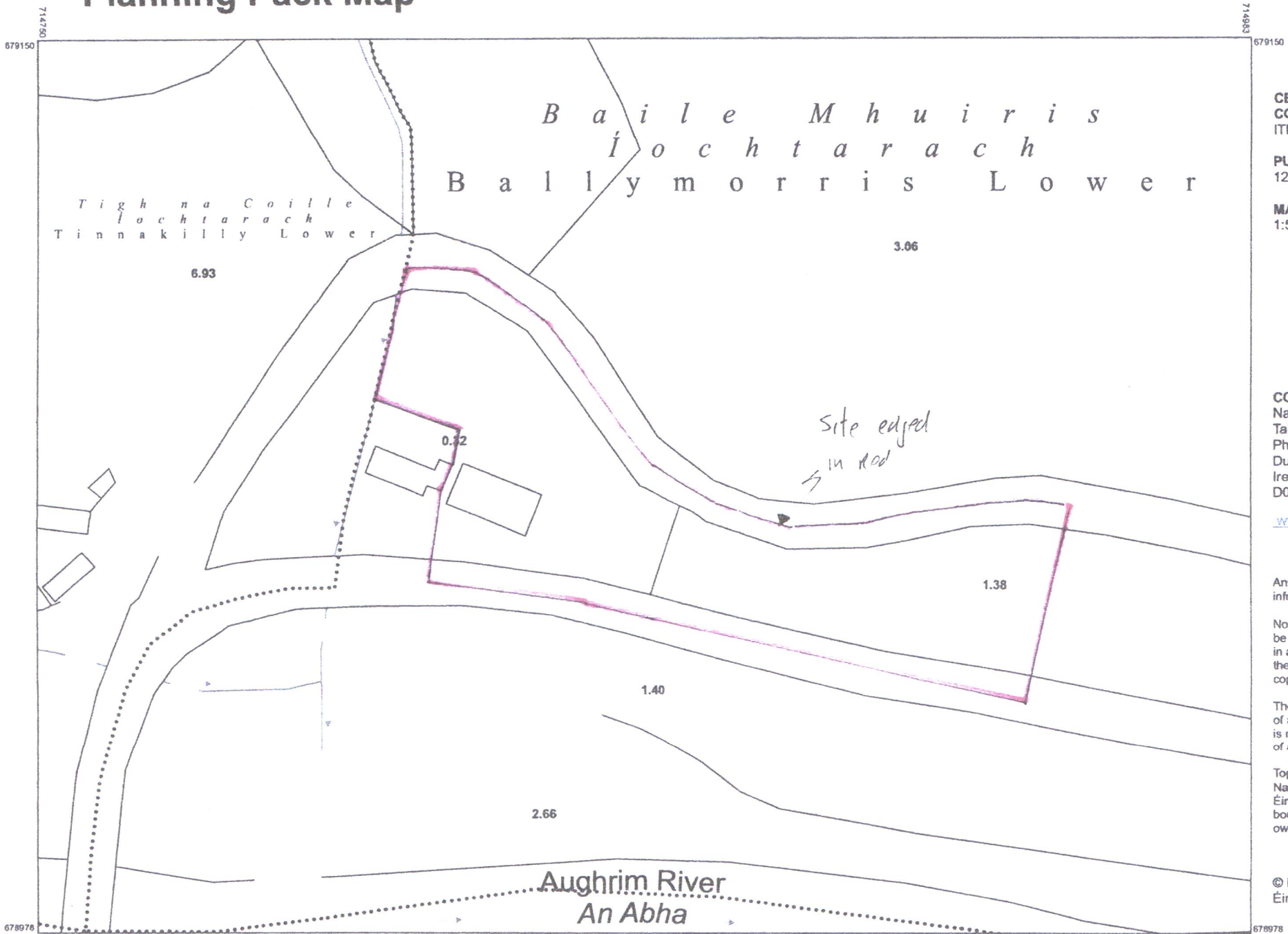
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Planning Pack Map



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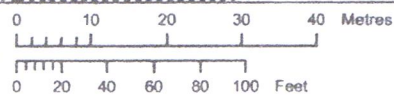
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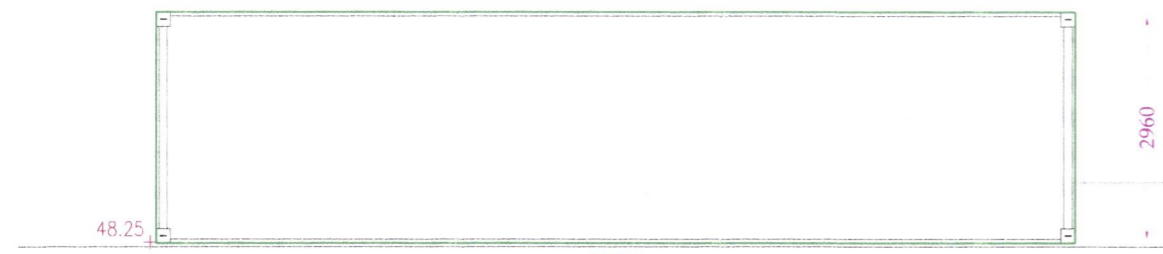
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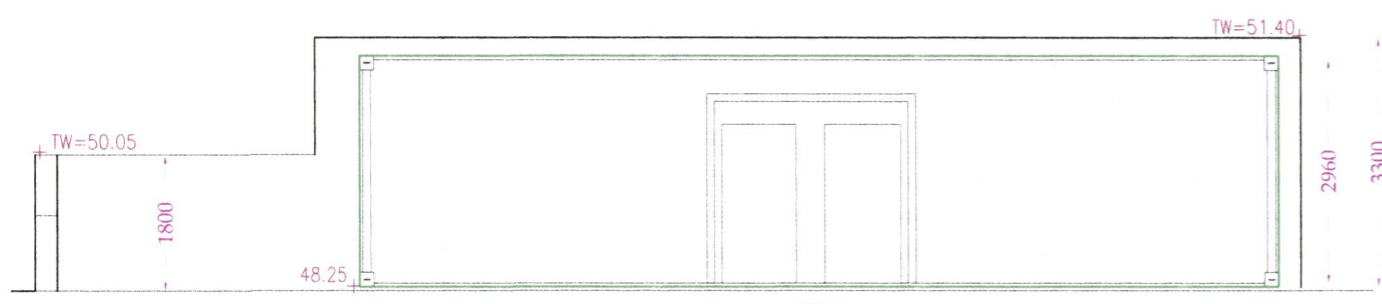
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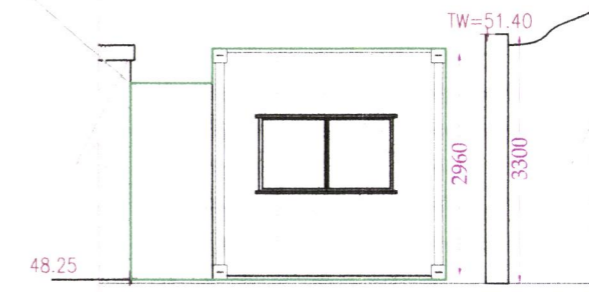


North (Rear) Elevation

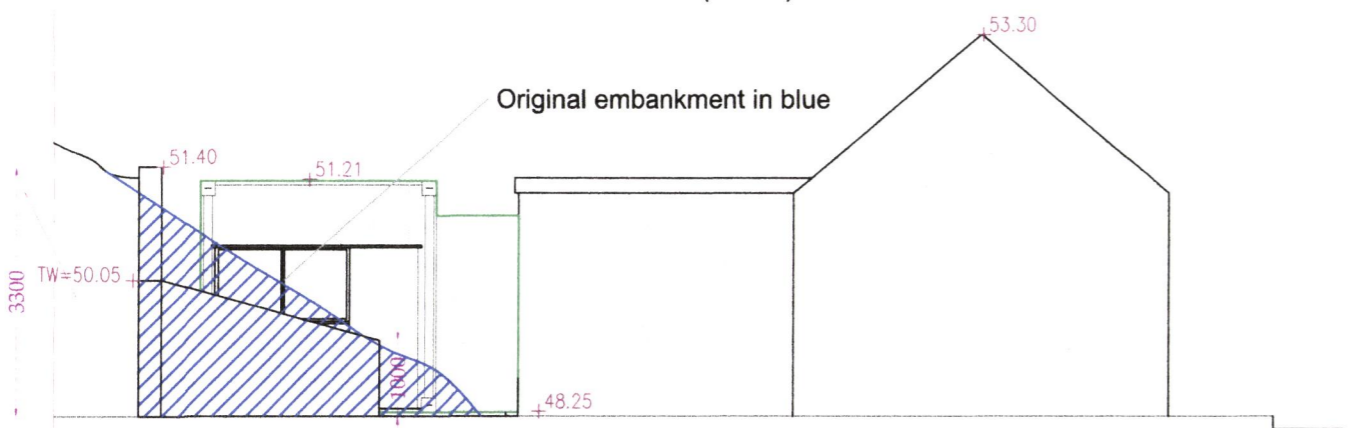
Industrial powder process plant in green



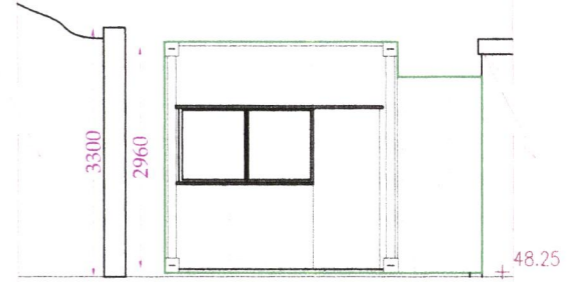
South (Front) Elevation



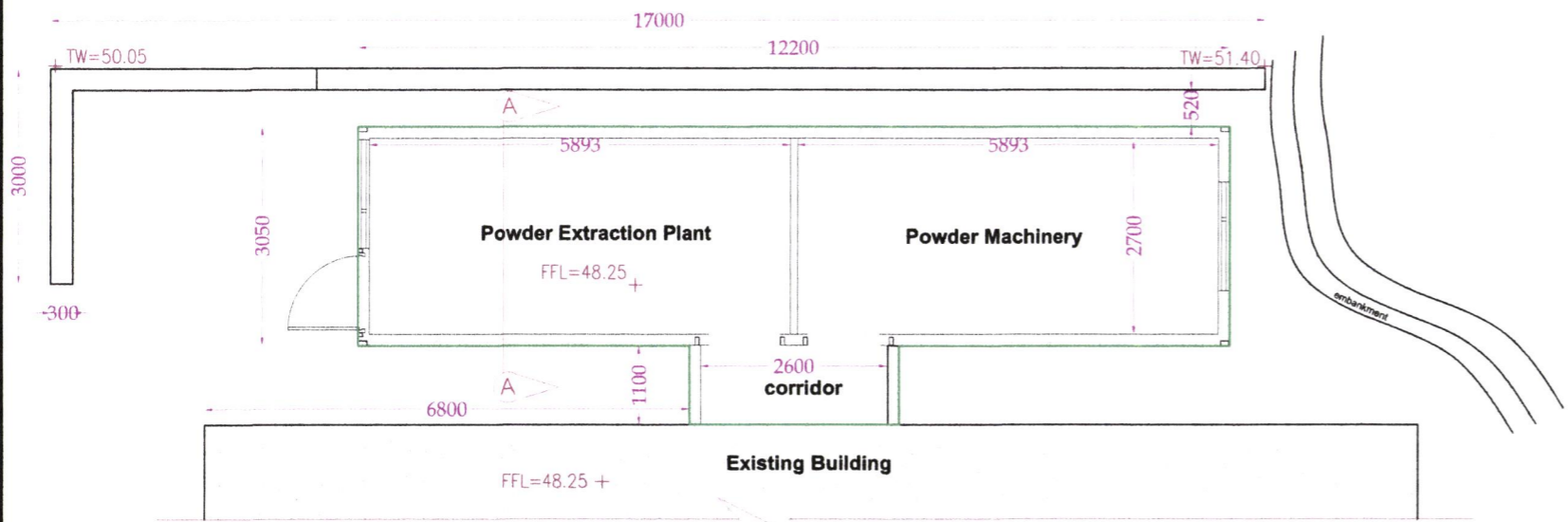
East (Side) Elevation



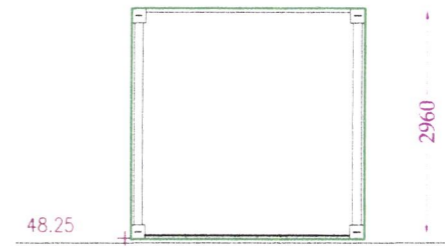
Longitudinal Section



West (Side) Elevation



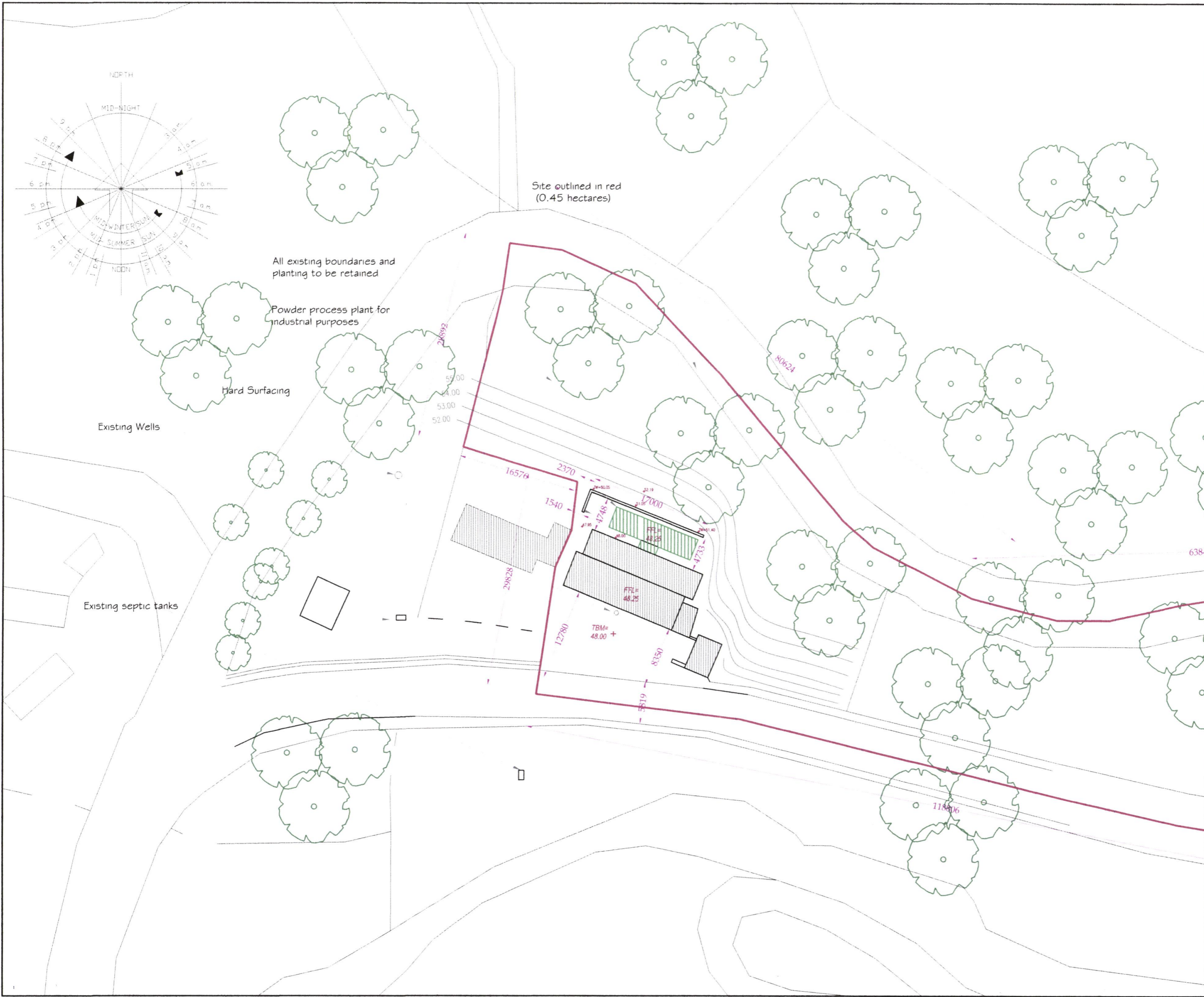
Floor Plan



Section A-A

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TITLE:	EXCAVATION WORKS TO REAR OF EXISTING COMMERCIAL PROPERTY AND PLACEMENT OF A CONTAINER ON LANDS AT BALLYMORRIS LOWER, AUGHRIM, CO WICKLOW
DRAWING:	EXISTING SITE LAYOUT PLAN
SCALE:	1:500 @ A3
SHEET No:	4 OF 4
DRAWN BY:	J O'TOOLE
DATE:	20.12.2023
DRAWING No:	2023 - BMSK - 004