



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



April 2025

Margaret Briggs
40 Seamount Drive
Newcastle
Co. Wicklow
A63 DD26

**RE: Declaration in accordance with Section 5 of the Planning & Development Acts
2000 (As Amended) – EX30/2025**

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

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

Is mise, le meas,

ADMINISTRATIVE OFFICER
PLANNING ECONOMIC & RURAL DEVELOPMENT





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3rd April 2025

O'Kane Plumbing & Electrics Ltd
50A Dunamore Rd
Cookstown
Co. Tyrone
BT80 9NT

RE: Declaration in accordance with Section 5 of the Planning & Development Acts
2000 (As Amended) – EX30/2025

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

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

Is mise, le meas,


ADMINISTRATIVE OFFICER
PLANNING ECONOMIC & RURAL DEVELOPMENT





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

Applicant: O’Kane Plumbing & Electrics Ltd

Location: 40 Seamount Drive, Newcastle, Co. Wicklow

Reference Number: EX30/2025

CHIEF EXECUTIVE ORDER NO. CE/PERD/2025/323

Section 5 Declaration as to whether “the installation of external insulation to a depth of 100mm to the external elevations” at 40 Seamount Drive, Newcastle, Co. Wicklow constitutes exempted development within the meaning of the Planning and Development Act, 2000(as amended).

Having regard to:


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

Main Reasons with respect to Section 5 Declaration:

- The installation of external insulation to the existing dwelling would come within the definition of works as set out in Section 2 of the Planning and Development Act 2000(as amended).
- The works are therefore development having regard to the provisions of Section 3(1) (a) of the Planning and Development Act 2000 (as amended).
- The external insulation is considered to come within the provisions of Section 4(1)(h) of the Planning and Development Act 2000(as amended) as it would not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures.

The Planning Authority considers that “the installation of external insulation to a depth of 100mm to the external elevations” at 40 Seamount Drive, Newcastle, Co. Wicklow is development and is exempted development within the meaning of the Planning & Development Act 2000 (as amended).

Signed:


ADMINISTRATIVE OFFICER
PLANNING ECONOMIC & RURAL DEVELOPMENT

Dated ^{3rd} April 2025



WICKLOW COUNTY COUNCIL
PLANNING & DEVELOPMENT ACTS 2000 (As Amended)
SECTION 5
CHIEF EXECUTIVE ORDER NO. CE/PERD/2025/323

Reference Number: EX30/2025

Name of Applicant: O'Kane Plumbing & Electrics Ltd

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

Location of Subject Site: 40 Seamount Drive, Newcastle, Co. Wicklow

Report from Suzanne White, SEP

With respect to the query under section 5 of the Planning & Development Act 2000 as to whether "the installation of external insulation to a depth of 100mm to the external elevations" at 40 Seamount Drive, Newcastle, Co. Wicklow is or is not exempted development within the meaning of the Planning & Development Act 2000 (as amended).

Having regard to:

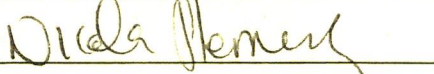
- a) The details submitted with the Section 5 Declaration application
- b) Sections 2, 3 and 4 of the Planning & Development Act 2000 (as amended)
- c) Article 6 and 9 of the Planning and Development Regulations 2001 (as amended).
- d) Site observations.

Main Reason with respect to Section 5 Declaration:

- (a) The installation of external insulation to the existing dwelling would come within the definition of works as set out in Section 2 of the Planning and Development Act 2000(as amended).
- (b) The works are therefore development having regard to the provisions of Section 3(1) (a) of the Planning and Development Act 2000 (as amended).
- (c) The external insulation is considered to come within the provisions of Section 4(1)(h) of the Planning and Development Act 2000(as amended) as it would not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures.

Recommendation:

The Planning Authority considers that "the installation of external insulation to a depth of 100mm to the external elevations" at 40 Seamount Drive, Newcastle, Co. Wicklow is development and is exempted development as recommended in the report by the SEP.

Signed 

Dated 2nd day of April 2025

ORDER:

I HEREBY DECLARE THAT "the installation of external insulation to a depth of 100mm to the external elevations" at 40 Seamount Drive, Newcastle, 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 2nd day of April 2025

Section 5 Application: EX 30/2025

Date: 1st April 2025
Applicant: O’Kane Plumbing and Electrics Ltd
Address: 40 Seamount Drive, Newcastle, Co. Wicklow A63DD26

Whether or not:

The installation of external insulation to the dwelling and garage is development and is exempted development within the meaning of the Planning and Development Acts, 2000(as amended).

Planning History:

None recorded.

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

(b) in relation to a protected structure or proposed protected structure, includes—

- (i) the interior of the structure,
- (ii) the land lying within the curtilage of the structure,
- (iii) any other structures lying within that curtilage and their interiors, and
- (iv) all fixtures and features which form part of the interior or exterior of any structure or structures referred to in *subparagraph (i) or (iii)*;

“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.

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

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

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

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

development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures;

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

Planning and Development Regulations, 2001 (as amended):

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

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

Details of Current Proposal:

In accordance with the details submitted with Section 5 application:

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

Assessment

The application seeks a declaration as to whether the:

"Installation of external insulation to the dwelling and garage at 40 Seamount Drive, Newcastle, Co. Wicklow is development and is exempted development."

The wrapping of the front of the dwelling would it is considered be works as it would involve the placement of external insulation to the dwelling and then applying a final render finish. This operation would consist of acts of alteration/ repair and is therefore works, having regard to the definition set out in Section 2 of the Planning and Development Act 2000(as amended). These works would come within the definition of development having regard to Section 3 of the Planning and Development Act 2000(as amended).

The works are for the maintenance/ improvement of the dwelling structure. Approximately half of the front façade of the existing dwelling has a brick finish, while the remainder is rendered. The side gable facing the R761 and the front boundary wall are rendered. Based on site observations, it is noted that of the 16no. dwellings in the street, only two retain the partial brick cladding on the front façade, the remainder have been fully rendered over time. Consequently, it is considered that the external insulation would come within the provisions of Section 4(1)(h) of the Planning and Development Act 2000(as amended) as, although it would affect the external appearance of the dwelling, it would not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures.

Recommendation

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

~~the installation of external insulation to a depth of 100mm to the external elevations of the dwelling at 20 Dargan Street, Bray~~ is development and is or is not exempted development:

40 Seamount Drive,
Newcastle,
Co. Wicklow
W

The Planning Authority consider that:

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

Main Considerations with respect to Section 5 Declaration :

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

Main Reasons with respect to Section 5 Declaration :

- (a) The installation of external insulation to the existing dwelling would come within the definition of works as set out in Section 2 of the Planning and Development Act 2000(as amended).
- (b) The works are therefore development having regard to the provisions of Section 3(1) (a) of the Planning and Development Act 2000 (as amended).
- (c) The external insulation is considered to come within the provisions of Section 4(1)(h) of the Planning and Development Act 2000(as amended) as it would not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures.



Suzanne White
Senior Executive Planner
01/04/2025

Issue declaration as recommended
03/04/25



**Comhairle Contae Chill Mhantáin
Wicklow County Council**

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MEMORANDUM

WICKLOW COUNTY COUNCIL

**TO: Suzanne White
Senior 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).
EX30/2025**

I enclose herewith application for Section 5 Declaration received completed on 10/03/2025.

The due date on this declaration is 6th April 2025.



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





Comhairle Contae Chill Mhantáin
Wicklow County Council

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O'Kane Plumbing & Electrics Ltd
50A Dunamore Rd
Cookstown
Co. Tyrone
BT80 9NT

11th March 2025

RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended). – EX30/2025 for 40 Seamount Drive, Newcastle, Co. Wicklow

A Chara

I wish to acknowledge receipt on 10/03/2025 details supplied by you in respect of the above Section 5 application. A decision is due in respect of this application by 06/04/2025.

Mise, le meas

Nicola Fleming
Staff Officer
Planning, Economic & Rural Development



Wicklow County Council
County Buildings
Wicklow
0404 20100

10/03/2025 15:57:20

Receipt No L1/0/342112
***** REPRINT *****

Ms Margaret Briggs
40 Seamount Drive
Newcastle
Co Wicklow

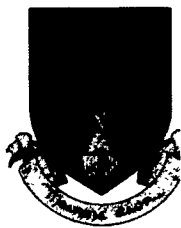
PLANNING APPLICATION FEES	80 00
GOODS	80 00
VAT Exempt/Non-vatable	

Total	80 00 EUR
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Tendered	
Credit Card	80 00

Change	0 00
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Issued By Annmarie Ryan
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 _____

RECEIVED
10 MAR 2015

**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: ___ O'Kane Plumbing & Electrics Ltd _____

Address of applicant: ___ 50a Dunamore Rd, Cookstown, Co Tyrone, BT80 9NT_

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

2. Agents Details (Where Applicable)

(b) Name of Agent (where applicable) _____ N/A _____

Address of Agent : _____ N/A _____

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

3. Declaration Details

i. Location of Development subject of Declaration 40 Seamount Drive,
Newcastle, Co Wicklow, A63 DD26

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

iii. If 'No' to ii above, please supply the Name and Address of the Owner, and or
occupier Margaret Briggs
40 Seamount Drive
Newcastle
Co Wicklow, A63 DD26

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

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

The proposed work are being carried out under the SEAI's Warmer
Homes Scheme and involve the addition of external insulation to the property
which is 100mm thick approximately including the render finish. The primary
purpose is to improve the energy efficiency of the homes, contributing to
sustainability goals and reducing energy consumption. SEAI proposal was to all
the walls marked in green on the attached sketches in external wall insulation and
extract the existing loose fibre insulation to the ground floor on the front
elevation and repump it with cavity bead. However, this is not suitable as it
would not be possible to guarantee that some of the existing loose fibre insulation
would not be extracted from the first floor as well which would leave air gaps
which would make this area unsuitable for eexternal wall insulation. Our

proposal is to add external wall insulation to all the areas marked in green and blue on the floor plan sketches attached.

Other neighbouring property's have already had, or are in the process of having, external wall insulation installed under Wicklow County Councils energy efficiency schemes. The property is not a protected structure or of cultural significance. On the councils planning website exemptions have been granted on similar projects.

Additional details may be submitted by way of separate submission.

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

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

Additional details may be submitted by way of separate submission.

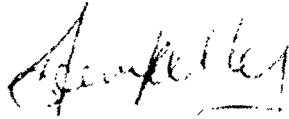
- vi. Does the Declaration relate to a Protected Structure or is it within the curtilage of a Protected Structure (or proposed protected structure) ? No

- vii. List of Plans, Drawings submitted with this Declaration Application _____

Floor plans and elevations of proposed works
Site layout
Photo of works at neighbouring property's under Wicklow County Council scheme.

- viii. Fee of € 80 Attached ? Yes paid by phone. Receipt #342112

Signed : _____



Dated : 10/03/2025

Additional Notes :

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

A. Extension to dwelling - Class 1 Part 1 of Schedule 2

- Site Location Map
- Floor area of structure in question - whether proposed or existing.
- Floor area of all relevant structures e.g. previous extensions.
- Floor plans and elevations of relevant structures.
- Site Layout Plan showing distance to boundaries, rear garden area, adjoining dwellings/structures etc.

B. Land Reclamation -

The provisions of Article 8 of the Planning and Development Regulations 2001 (as amended) now applies to land reclamation, other than works to wetlands which are still governed by Schedule 2, Part 3, Class 11. Note in addition to confirmation of exemption status under the Planning and Development Act 2000(as amended) there is a certification process with respect to land reclamation works as set out under the European Communities (Environmental Impact Assessment) (Agriculture) Regulations 2011 S.I. 456 of 2011. You should therefore seek advice from the Department of Agriculture, Fisheries and Food.

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

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

- Site layout plan showing location of structure and any adjoining farm structures

and any dwellings within 100m of the farm structure.

- Gross floor area of the farm structure
- Floor plan and elevational details of Farm Structure and Full details of the gross floor area of the proposed structure.
- Details of gross floor area of structures of similar type within the same farmyard complex or within 100metres of that complex.

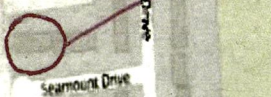
ADDITIONAL CONTACT INFORMATION
NOT TO BE MADE AVAILABLE WITH APPLICATION

Search

Where is that?



40 Seamount
 Drive
 A63 DD26



Bank Field

The Lawn Field

Mote Field

Long Meadow

Race Field

Chalwyn View LS1502

Community Centre

LS1504a Racefield

R761

Sea Road LS550

LS5501

LS9615

Castle Manor

Castle Manor

Seamount Drive

Seacourt

Seacourt

Seacourt

Seacourt

Seacourt

Seacourt

Chancel Way

Chancel Way

Chancel Way

Chancel Way

Humbers Loop

LS5501

Sea Road

LS550

Sea Road

Leamford Street

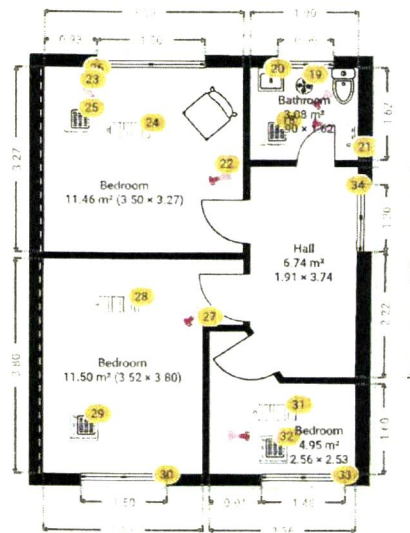
WH571057 Survey

40 Seamount Drive, A63 DD26 Newcastle, Co. Wicklow, Ireland
TOTAL AREA: 386.56 m² · LIVING AREA: 228.87 m² · FLOORS: 9 · ROOMS: 20



▼ 1st Floor

TOTAL AREA: 37.70 m² · LIVING AREA: 37.70 m² · ROOMS: 5



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0 1 2 3 4 5m

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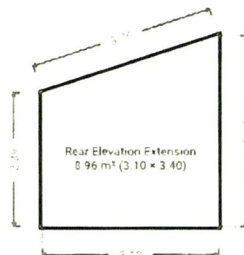
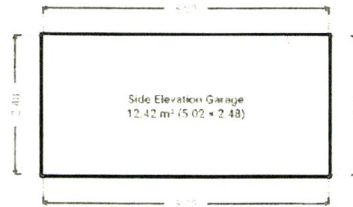
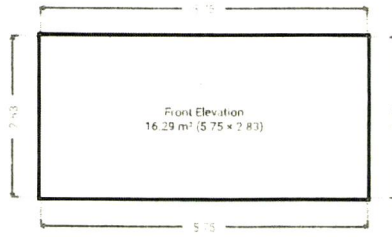
WH571057 Survey

40 Seamount Drive, A63 DD26 Newcastle, Co. Wicklow, Ireland
TOTAL AREA: 386.56 m² · LIVING AREA: 228.87 m² · FLOORS: 9 · ROOMS: 20



▼ External Wall Insulation

TOTAL AREA: 87.89 m² · LIVING AREA: 0.00 m² · ROOMS: 0



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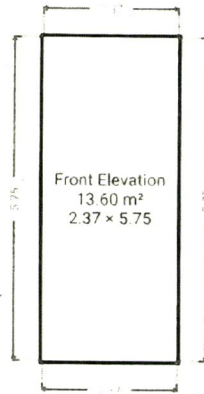
WH571057 Survey

40 Seamount Drive, A63 DD26 Newcastle, Co. Wicklow, Ireland
TOTAL AREA: 386.56 m² · LIVING AREA: 228.87 m² · FLOORS: 9 · ROOMS: 20



▼ Cavity Wall Insulation

TOTAL AREA: 13.59 m² · LIVING AREA: 0.00 m² · ROOMS: 0



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0 1 2 3 4 5m

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28/01/2025, 11:06