

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

February 2025

John O'Brien

RE: Declaration in accordance with Section 5 of the Planning & Development Acts 2000 (As Amended) – EX12/2025 for Ken Grace

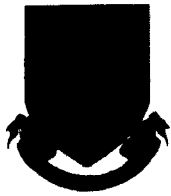
I enclose herewith Declaration in accordance with Article 5 (2) (A) of the Planning & Development Act 2000.

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

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

Applicant: Ken Grace

Location: Merginstown Glen, Dunlavin, Co. Wicklow

Reference Number: EX12/2025

CHIEF EXECUTIVE ORDER NO. CE/PERD/2025/197

Section 5 Declaration as to whether "the construction of 292sqm agricultural shed" at Merginstown Glen, Dunlavin, Co. Wicklow constitutes exempted development within the meaning of the Planning and Development Act, 2000(as amended).

Having regard to:

- a) The details submitted with the Section 5 Declaration, and site visit.
- b) An Bord Pleanála Referrals ABP-314397-22 and ABP -309911-21
- c) Prospect 48 as set out in the Wicklow County Development Plan 2022-2028
- d) Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended).
- e) Article 6, 9 Schedule 2, Part 3, Class 9, of the Planning and Development Regulations 2001 (as amended).

Main Reasons with respect to Section 5 Declaration:

- i. The construction of an Agricultural Shed which involves works of excavation and construction would come within the definition of development as set out in Section 3 of the Planning and Development Act 2000(as amended).
- ii. The Agricultural Shed would not come within the description set out under Class 10 : Part 3 of Schedule 2 of the Planning and Development Regulations 2001(as amended), as it involves works of significant excavation to allow for the shed which this description would not encompass.
- iii. Having regard to the location of the entrance to the lands off the N81, opposite a continuous white line , where forward visibility is restricted due to bend in road, change in levels and vegetation, the proposed turning movements which would be generated by this Agricultural Shed would give rise to a traffic hazard, and therefore, the restriction on exempted development pursuant to Article 9(1)(a)(iii) of the Planning and Development Regulations 2001, as amended, is applicable in this instance.
- iv. The agricultural shed would interfere with views along the N81 at this location, which the County Development Plan 2022-2028 has as an objective to protect, listed prospect 48, i.e. Prospect of Carrigower river valley, and therefore, the restriction on exempted development pursuant to Article 9(1)(a)(vi) of the Planning and Development Regulations 2001(as amended), is applicable in this instance.

The Planning Authority considers that "the construction of 292sqm agricultural shed" at Merginstown Glen, Dunlavin, 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  February 2025



WICKLOW COUNTY COUNCIL

PLANNING & DEVELOPMENT ACTS 2000 (As Amended)

SECTION 5

CHIEF EXECUTIVE ORDER NO. CE/PERD/2025/197

Reference Number: EX12/2025

Name of Applicant: Ken Grace

Nature of Application: Section 5 Declaration request as to whether or not: -
"the construction of 292sqm agricultural shed" is or is not
development and is or is not exempted development.

Location of Subject Site: Merginstown Glen, Dunlavin, Co. Wicklow

Report from Edel Bermingham, SEP

With respect to the query under section 5 of the Planning & Development Act 2000 as to whether "the construction of 292sqm agricultural shed" at Merginstown Glen, Dunlavin, Co. Wicklow is or is not exempted development within the meaning of the Planning & Development Act 2000 (as amended).

Having regard to:

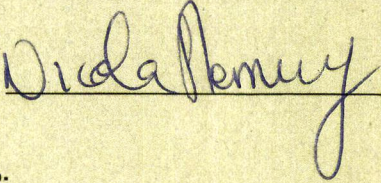
- a) The details submitted with the Section 5 Declaration, and site visit.
- b) An Bord Pleanala Referrals ABP-314397-22 and ABP -309911-21
- c) Prospect 48 as set out in the Wicklow County Development Plan 2022-2028
- d) Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended).
- e) Article 6, 9 Schedule 2, Part 3, Class 9, of the Planning and Development Regulations 2001 (as amended).

Main Reason with respect to Section 5 Declaration:

- i. The construction of an Agricultural Shed which involves works of excavation and construction would come within the definition of development as set out in Section 3 of the Planning and Development Act 2000(as amended).
- ii. The Agricultural Shed would not come within the description set out under Class 10 : Part 3 of Schedule 2 of the Planning and Development Regulations 2001(as amended), as it involves works of significant excavation to allow for the shed which this description would not encompass.
- iii. Having regard to the location of the entrance to the lands off the N81, opposite a continuous white line , where forward visibility is restricted due to bend in road, change in levels and vegetation, the proposed turning movements which would be generated by this Agricultural Shed would give rise to a traffic hazard, and therefore, the restriction on exempted development pursuant to Article 9(1)(a)(iii) of the Planning and Development Regulations 2001, as amended, is applicable in this instance.
- iv. The agricultural shed would interfere with views along the N81 at this location, which the County Development Plan 2022-2028 has as an objective to protect, listed prospect 48, i.e. Prospect of Carrigower river valley, and therefore, the restriction on exempted development pursuant to Article 9(1)(a)(vi) of the Planning and Development Regulations 2001(as amended), is applicable in this instance.

Recommendation:

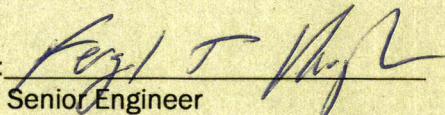
The Planning Authority considers that "the construction of 292sqm agricultural shed" at Merginstown Glen, Dunlavin, Co. Wicklow is development and is NOT exempted development as recommended in the report by the SEP.

Signed: 

Dated 27th day of February 2025

ORDER:

I HEREBY DECLARE THAT "the construction of 292sqm agricultural shed" at Merginstown Glen, Dunlavin, 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 February 2025

Section 5 Application : EX 12/2025

Date : 27th February 2025

Site Visit : 24th & 27th February 2025.

Applicant : Mr Ken Grace

Address : Merginstown Glen, Dunlavin, Co. Wicklow

Exemption Whether or not :

Erection of an 292sqm Agricultural Shed

constitutes exempted development within the meaning of the Planning and Development Acts, 2000(as amended).

Planning History - None

An Bord Pleanala Referrals

ABP-314397-22

An Bord Pleanala, in exercise of the powers conferred on it by section 5 (3) (a) of the 2000 Act, hereby decides that the placement of a 23.4 square metres shed for agricultural use at Springhill, Ballymonduff Road, Sandyford, Dublin is development and is not exempted development as -

- (a) having regard to the nature and design of the shed, and its prominent position making it clearly visible from the Ballymonduff Road;
- (b) the shed would interfere with views which the development plan has an objective to preserve, said views being from the Ballymonduff Road in a westerly direction as indicated graphically on development plan number 9, and therefore
- (c) the restriction on exempted development pursuant to article 9(1)(a)(vi) of the Planning and Development Regulations 2001, as amended, is applicable in this instance.

ABP -309911-21

An Bord Pleanala, in exercise of the powers conferred on it by section 5 (3) (a) of the 2000 Act, hereby decides that the construction of a farm storage shed at Ardmore, Sneem, County Kerry at Ardmore, Sneem, County Kerry is development and is not exempted development.

- (a) The works of construction of a farm storage shed come within the scope of 'development' as set out in Section 3 of the Planning and Development Act 2000, as amended.
- (b) The proposed agricultural storage shed would come within the scope of exemption provided at Class 9 of Part 3 of Schedule 2 to the Planning and Development Regulations 2001, as amended.

(c) The proposed development would endanger public safety by reason of traffic hazard or obstruction of road users and would therefore be restricted by the terms of Article 9(1)(a)(iii) of those Regulations.

County Development Plan

Prospect 48 –N81 at Merginstown Glen -Prospect of Carrigower River Valley

Designation

Natura 2000 site – Slaney River Valley SAC – Located 1.7km downstream.

Relevant Legislation

Planning and Development Act 2000 (as amended)

Section 2 of the Planning and Development Act 2000:

“agriculture” – includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins, or fur, or for the purpose of its use in the farming of land), the training of horses and the rearing of bloodstock, the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds and “agricultural” shall be construed accordingly.

“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 :

3.—(1) In this Act, except where the context otherwise requires, “development” means—

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

Section 4(2) provides that the Minister may by regulations provide any class of development to be exempted development. The Regulations which are applicable in this case are the Planning and Development Regulations 2001 (as amended).

)

(2) (a) The Minister may by regulations provide for any class of development to be exempted development for the purposes of this Act

(4) Notwithstanding paragraphs (a), (i), (ia) and (l) of subsection (1) and 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.

Planning and Development Regulations 2001(as amended).

Article 6

(3) Subject to article 9, in areas other than a city, a town or an area specified in section 19(1)(b) of the Act or the excluded areas as defined in section 9 of the Local Government (Reorganisation) Act, 1985 (No. 7 of 1985), development of a class specified in column 1 of Part 3 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 3 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—

(ii) consist of or comprise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width,

(iii) endanger public safety by reason of traffic hazard or obstruction of road users

(vi) interfere with the character of a landscape, or a view or prospect of special amenity value or special interest,

(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,

(viiB) comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site,

Schedule 2 : Part 1

CLASS 13

The repair or improvement of any private street, road or way, being works carried out on land within the boundary of the street, road or way, and the construction of any private footpath or paving.

The width of any such private footpath or paving shall not exceed 3 metres.

Schedule 2 : Part 3

Class 4

The construction, erection or maintenance of any wall or fence, other than a fence of sheet metal, or a wall or fence within or bounding the curtilage of a house.

1. The height of the wall or fence, other than a fence referred to in paragraph 2, shall not exceed 2 metres.
2. The height of any fence for the purposes of deer farming or conservation shall not exceed 3 metres.

CLASS 9

Works consisting of the provision of any store, barn, shed, glass-house or other structure, not being of a type specified in class 6, 7 or 8 of this Part of this Schedule, and having a gross floor space not exceeding 300 square metres.

1. No such structure shall be used for any purpose other than the purpose of agriculture or forestry, but excluding the housing of animals or the storing of effluent.
2. The gross floor space of such structures together with any other such structures situated within the same farmyard complex or complex of such structures or within 100 metres of that complex shall not exceed 900 square metres gross floor space in aggregate.
3. No such structure shall be situated within 10 metres of any public road.
4. No such structure within 100 metres of any public road shall exceed 8 metres in height.
5. No such structure shall be situated within 100 metres of any house (other than the house of the person providing the structure) or other residential building or school, hospital, church or building used for public assembly, save with the consent in writing of the owner and, as may be appropriate, the occupier or person in charge thereof.
6. No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.

Submission

Seeks confirmation that the erection of a 292sqm farm building on lands at Merginstown Glen, Dunlavin come within the Conditions and Limitations of Class 9 Exempt Development, under Schedule 2 , Part 3 of the Planning and Development Regulations 2001. Landholding indicated as 6.9ha. Structure drawings identify a floor area of 292sqm, overall height 7.575m, concrete walls and metal roofing.

Assessment :

General

The applicant has queried under Section 5 of the Planning and Development Act 2000 (as amended) whether the construction of 292sqm Agricultural Shed at Merginstown Glen, Dunlavin, Co. Wicklow is or is not exempted development.

Site Description

From site inspection it is noted, that the lands are located just off the N81 at Merginstown. The lands where the shed is to be located form part of the slope of the Carrigower River valley at this location. The existing houses identified on the OS 1:2500 map would be perched above these lands. The site is accessed off the N81 National Primary Road at a location where there is a continuous white line, and forward visibility is limited due to bend in road and level changes.

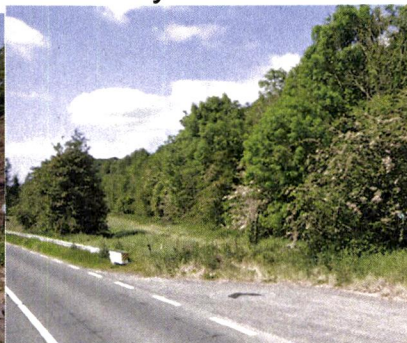
It is evident that the entrance has been replaced in the last year, and an access way has been constructed from this newly erected gate access. This access would appear to exceed 3m, given the gate opening was measured at 4.6m, and therefore is beyond the exempt provisions. There was no evident of agricultural operations on the lands where the shed is to be located at time of inspection.



September 2024



May 2023



The proposed shed is located a distance of c. 260m from the entrance area. The boundary of the lands has been defined by a post and wire fence, which in part is over 2m in height. There is no screening in place at present, some trees have been planted along the new boundary but offer no screening at this time. The area where the shed is to be located has already been excavated, and the adjoining bank has been dug out by over 1m, from visual review. There are some existing trees at this point but view to and from N81 are still apparent.

The drawings identify a floor area of 292sqm, overall height 7.575m, concrete walls and metal roofing.

Section 5 Query Assessment

Having regard to the definition of "works" as set out under Section 2(1) of the Planning and Development Act 2000 (as amended) it is considered that the construction of a farm shed would come within the scope of "development" given the definition of development set out in Section 3 of the Planning and Development Act 2000(as amended).

The relevant exemption is set out under Class 9 : Part 3 ; Schedule 2 i.e.

"Works consisting of the provision of any store, barn, shed, glass house or other structure, not being of a type specified in Class 6, 7 or 8 of this Part of this Schedule, and having a gross floor space not exceeding 300 square meters" subject to:

The shed would come within the description, however in order to construct the shed the lands have been excavated by a significant amount as is evident from photographs, and as such this excavation of the lands and reconfiguration would not form part of this exemption.

This exemption is restricted by a number of limitations, and the proposal is assessed having regard to same i.e.

1. *No such structure shall be used for any purpose other than the purpose of agriculture or forestry, but excluding the housing of animals or the storing of effluent;*

There is no evidence of any agricultural operations are being carried out on site, and no confirmation of the exact usage of the structure.

2. *The gross floor space of such structures together with any other such structures situated within the same farmyard complex or complex of such structures or within 100 metres of that complex shall not exceed 900 square metres gross floor area in aggregate;*

Complies c. 292sqm.

3. *No such structure shall be situated within 10 metres of any public road;*

Structure over 10m from public road.

4. *No such structure within 100 metres of any public road shall exceed 8 metres in height;*

Structure

5. *No such structure shall be situated within 100 metres of any house (other than the house of the person providing the structure) or other residential building or school, hospital, church or building used for public assembly, save with the consent in writing of the owner and, as may be appropriate, the occupier or person in charge thereof;*

The structures are within 100m of existing houses, letters have been submitted from the owners confirming that they have no objection to this structure.

6. *No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.*
Finish to be coloured Juniper or Olive Green

Article 9 examination

(a) if the carrying out of such development would—

(ii) consist of or comprise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width,

It is clear that a new gate has been erected, however there may have been an access historically at this point. The re-erected gate, and the new gate would seem to be similar in dimension.

(iii) endanger public safety by reason of traffic hazard or obstruction of road users

Access to the lands is via the N81 at a point opposite a white line, and where forward visibility is compromised by the bend in the road, the vertical/ horizontal alignment, and existing vegetation. The establishment of a shed at this point would clearly result in increased vehicular movements on the N81, a National Primary Road. It is considered that turning movements would give rise to a traffic hazard on the N81.

(vi) interfere with the character of a landscape, or a view or prospect of special amenity value or special interest,

Listed prospect No. 48 is located along the N81 at this location, the prospect is off the Carrigower River Valley. The agriculture shed will sit within this prospect and would be visually significant in views at this point. Notwithstanding the agricultural structure is to be located adjoining existing trees/ vegetation the development given limited cover, excavation and scale, would still be significant at this point, and would detract from the setting / landscape form of the Carrigower River Valley.



Views towards the lands going north.
Visible in views travelling south as

(viiB) comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site,

The shed is not located within or adjoining any Natura 2000 site. The Carrigower River is located adjoining the lands, and this river flows into the SAC c. 1.7km downstream. However, given the distance, and given the type of structure identified, it is considered that the construction of the shed structure would not give rise to any negative impacts on any Natura 2000 site and therefore the need for a Stage 2 Appropriate Assessment can be ruled out.

In light of the above assessment the Agricultural Shed is development and 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 construction of 292sqm Agricultural Shed at Merginstown Glen, Dunlavin, Co. Wicklow constitutes exempted development within the meaning of the Planning and Development Acts, 2000(as amended).

The Planning Authority consider that the construction of 292sqm Agricultural Shed **is Development and is Not Exempted Development.**

Main Considerations with respect to Section 5 Declaration :

- a) The details submitted with the Section 5 Declaration, and site visit.
- c) An Bord Pleanála Referrals ABP-314397-22 and ABP -309911-21
- d) Prospect 48 as set out in the Wicklow County Development Plan 2022-2028
- e) Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended).
- f) Article 6, 9 Schedule 2, Part 3, Class 9, of the Planning and Development Regulations 2001 (as amended).

Main Reasons with respect to Section 5 Declaration :

- i. The construction of an Agricultural Shed which involves works of excavation and construction would come within the definition of development as set out in Section 3 of the Planning and Development Act 2000(as amended).
- ii. The Agricultural Shed would not come within the description set out under Class 10: Part 3 of Schedule 2 of the Planning and Development Regulations 2001(as amended), as it involves works of significant excavation to allow for the shed which this description would not encompass.
- iii. Having regard to the location of the entrance to the lands off the N81, opposite a continuous white line, where forward visibility is restricted due to bend in road, change in levels and vegetation, the proposed turning movements which would be generated by this Agricultural Shed would give rise to a traffic hazard, and therefore, the restriction on exempted development

pursuant to Article 9(1)(a)(iii) of the Planning and Development Regulations 2001, as amended, is applicable in this instance.

- iv. The agricultural shed would interfere with views along the N81 at this location, which the County Development Plan 2022-2028 has as an objective to protect, listed prospect 48, i.e. Prospect of Carrigower river valley, and therefore, the restriction on exempted development pursuant to Article 9(1)(a)(vi) of the Planning and Development Regulations 2001(as amended), is applicable in this instance.

Seán Donoghue SEP

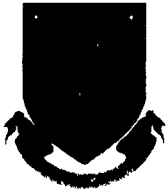
27/2/2025

*Issue described is recommended.
Ref: T. Murphy
27/2/25*









**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

MEMORANDUM

WICKLOW COUNTY COUNCIL

**TO: Edel Bermingham
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).
EX12/2025**

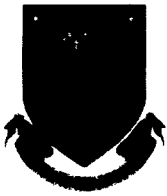
I enclose herewith application for Section 5 Declaration received completed on 05/02/2025.

The due date on this declaration is 4th March 2025.



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





COMHAIRLE CONTAE CHILL Mhantáin
Wicklow County Council

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

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

John O'Brien

7th February 2025

RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended). – EX12/2025 – Ken Grace

A Chara

I wish to acknowledge receipt on 05/02/2025 details supplied by you in respect of the above Section 5 application. A decision is due in respect of this application by 04/03/2025.

Mise, le meas



Nicola Fleming
Staff Officer
Planning, Economic & Rural Development



Tá an doiciméad seo ar fáil i bhformáid eile ar iarratas
This document is available in alternative formats on request

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



JOB/ST/202302

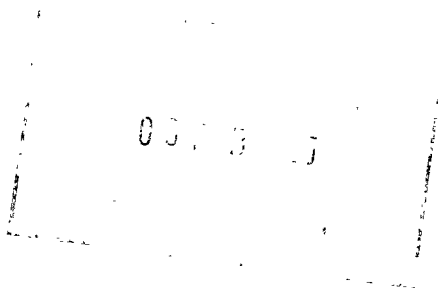
23rd. January 2025

Senior Executive Planner – Wicklow County Council
Department of Planning
County Buildings
Whitegates
Wicklow Town
A67 FW96

John M. O'Brien Dip Arch B Arch Sc
Architecture, Planning & Design

Design Workshop
Knockanarrigan
Dunlavin
Co Wicklow

Tel 045 404526
Mobile 087 2517 180
Email: merlinfly1@gmail.com



Dear Sir/Madam

**Re: Section 5 Declaration application for Exempt Development at
Merginstown Glen, Dunlavin, Co. Wicklow.
Applicant: Mr. Ken Grace.**

We refer to the above proposed Exempted Development consisting of the erection of a 292mt.sq. farm building, on lands owned by Mr. Ken Grace located at Merginstown Glen, Dunlavin, Co. Wicklow. The development is to be carried out in compliance with Conditions and Limitations (Column 2) of the requirements of a Class 9 Exempt Development, under Schedule 2, Part 3, Exempted Development – Rural, of the Planning & Development Regulations 2001.

Please find attached a duly completed application form, letters of consent from adjacent landowners, site location maps, outline site plan, floor plan and elevations drawing, along with the prescribed fee payment of €80. We confirm that the building will be solely used for the purposes of agriculture or forestry, and trust that our understanding of the Class 9 Exempt Development requirements is correct and look forward to confirmation of same.

Should you have any queries in relation to the above, please do not hesitate to contact the undersigned.

Yours faithfully,

John M. O'Brien Dip.Arch.B.Arch.Sc.

JOB/ST/202302

Design Workshop
Knockanarrigan
Dunlavin
Co Wicklow

12th. January 2025

Tel 045 404526
Mobile: 087 2517 180
Email: merlinfly1@gmail.com

Senior Executive Planner – Wicklow County Council
Department of Planning
County Buildings
Whitegates
Wicklow Town
A67 FW96

Dear Sir/Madam

Re: Section 5 Declaration application for Exempt Development at
Merginstown Glen, Dunlavin, Co. Wicklow.
Applicant: Mr. Ken Grace.
ADJACENT OWNERS CONSENT No.1 (W91 PH02)

We refer to the above proposed Exempted Development consisting of the erection of a 292mt.sq. farm building, on lands owned by Mr. Ken Grace located at Merginstown Glen, Dunlavin, Co. Wicklow. In compliance with Conditions and Limitations (Column 2) of the requirements of a Class 9 Exempt development, under Schedule 2, Part 3, Exempted Development – Rural, of the Planning & Development Regulations 2001, please find below the consent from the adjoining property owner.

Neighbouring Property Consents:

As owner of an adjacent property (Merginstown Glen, Dunlavin, Co. Wicklow. W91 PH02), situated approximately 62 mts. to the west of the proposed development, I understand that Mr. Ken Grace requires a statement from me giving my consent to the proposed development to comply with the requirements of a Class 9 Exempt development, under Schedule 2, Part 3, Exempted Development – Rural, of the Planning & Development Regulations 2001.

Please note confirmation that I have been shown copies of drawings indicating the location, scope and design of the proposed building, vis-à-vis its position relative to my property, and any possible impact it may have on my property. I wish to confirm that I am the owner of the property identified as "A" on the attached map, and that I have no objection to the development taking place.

Signed. Mary Dunne

Print Name. Mary Dunne

Address. MERRINSTOWN GLEN,
DUNLAUGH,
Co Wicklow

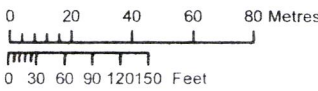
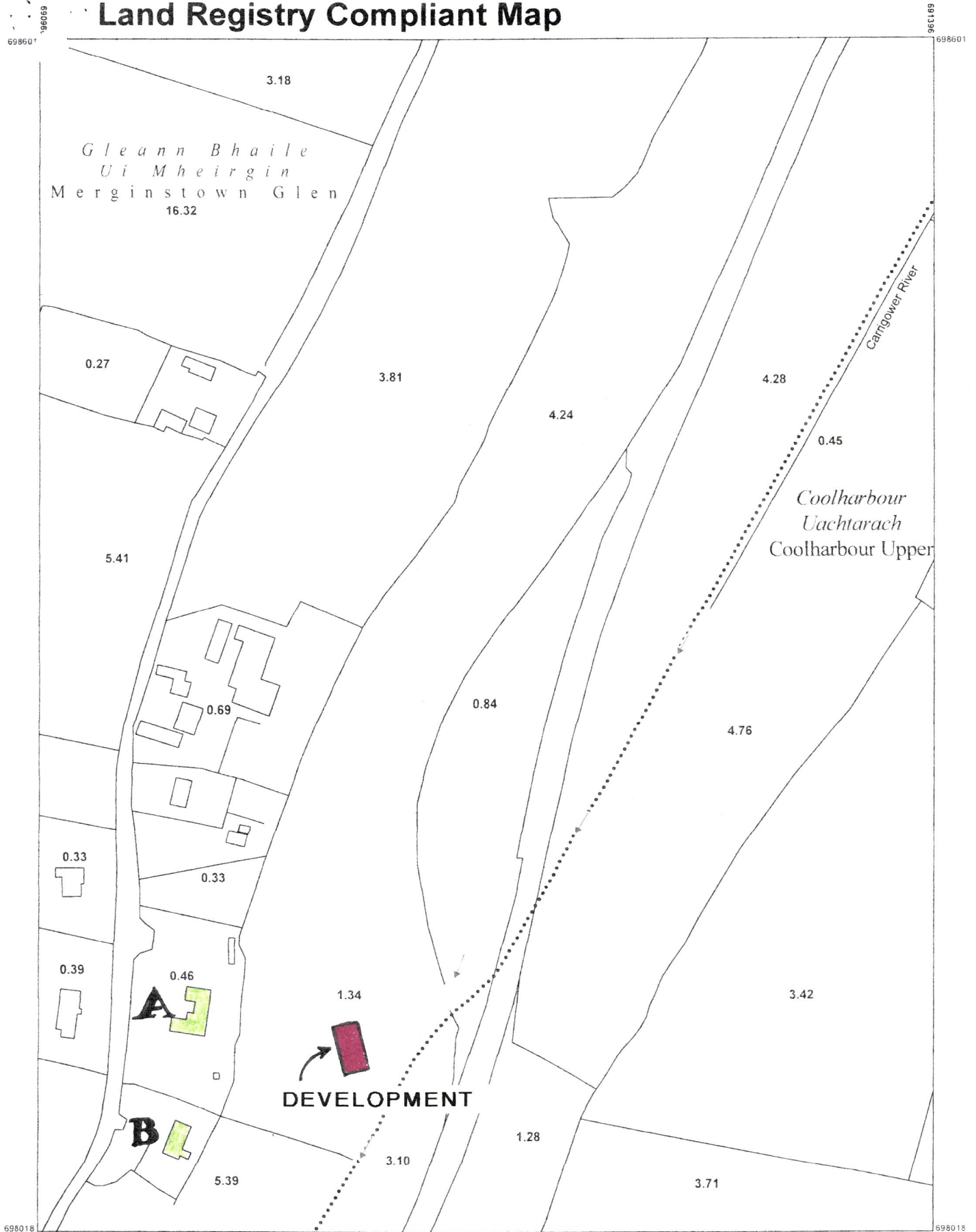
Should you have any queries in relation to the above, please do not hesitate to contact the undersigned.

Yours faithfully



John M. O'Brien Dip.Arch.B.Arch.Sc.

Land Registry Compliant Map



OUTPUT SCALE: 1:2,500



CENTRE COORDINATES:
ITM 691181.698310

PUBLISHED: 11/07/2024
ORDER NO.: 50410337_1
MAP SERIES: 1:5,000
MAP SHEETS: 3953

CAPTURE RESOLUTION:
The map objects are only accurate to the resolution at which they were captured. Output scale is not indicative of data capture scale. Further information is available at www.tailte.ie; search 'Capture Resolution'
LEGEND: To view the legend visit www.tailte.ie and search for 'Large Scale Legend'

COMPILED AND PUBLISHED BY:

Tailte Éireann,
Phoenix Park,
Dublin 8,
Ireland
D08F6E4

No part of this publication may be copied, reproduced or transmitted in any form or by any means without the prior written permission of the copyright owner.

This topographic map does not show legal property boundaries, nor does it show ownership of physical features

www.tailte.ie

Any unauthorised reproduction

The representation on this map of a road, track or footpath is not evidence of the existence of a right of way.

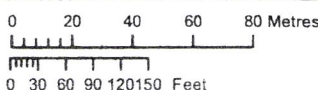
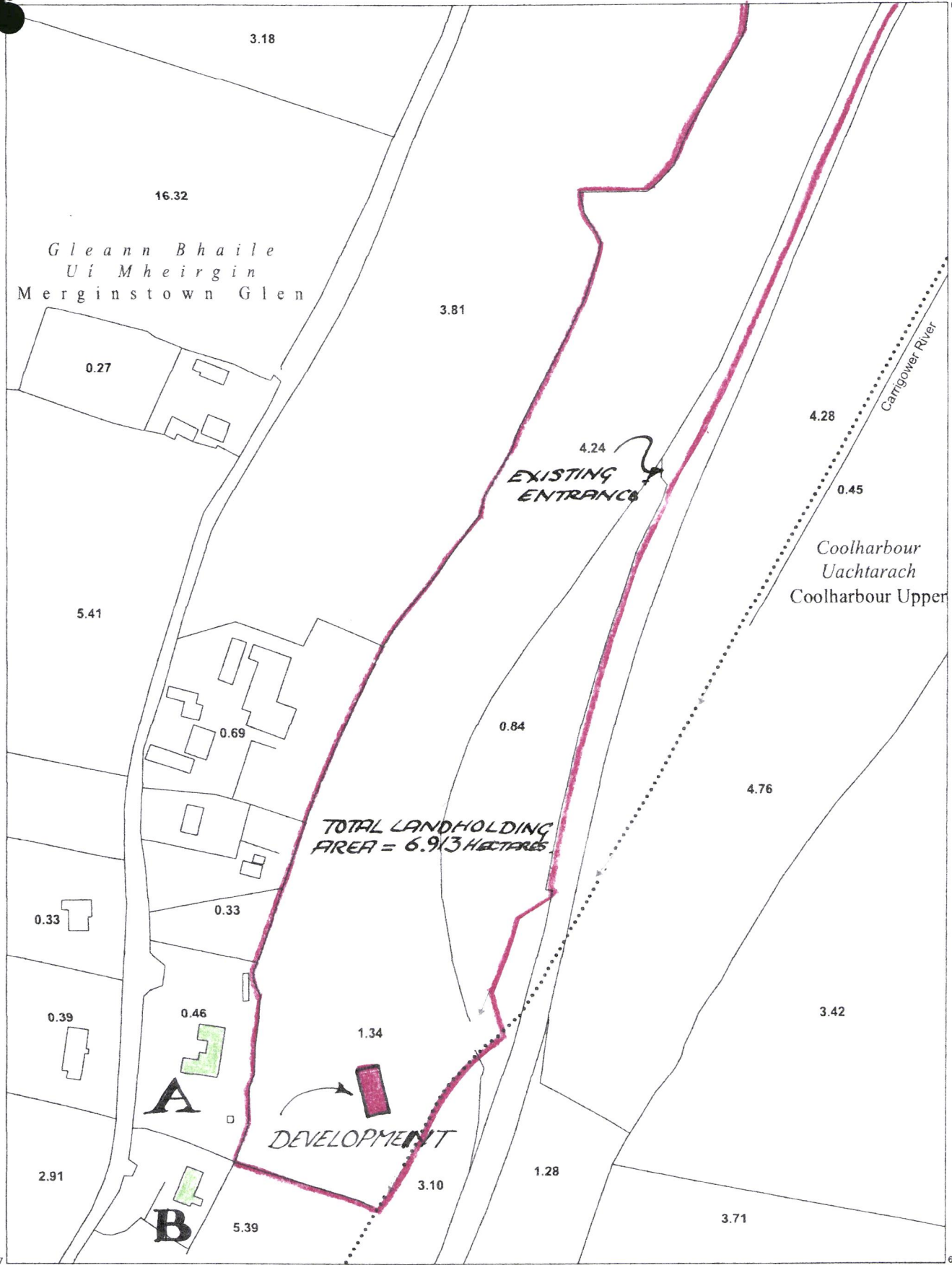
© Tailte Éireann, 2024
All rights reserved



Tailte Éireann

Land Registry Compliant Map

691379
698610
698027
691379



OUTPUT SCALE: 1:2,500



CENTRE COORDINATES:
ITM 691164,698319

PUBLISHED: 15/01/2025
MAP SERIES: 1:5,000
ORDER NO.: 50443170_1
MAP SHEETS: 3953

CAPTURE RESOLUTION:
The map objects are only accurate to the resolution at which they were captured. Output scale is not indicative of data capture scale. Further information is available at: www.tailte.ie; search 'Capture Resolution'
LEGEND: To view the legend visit www.tailte.ie and search for 'Large Scale Legend'

COMPILED AND PUBLISHED BY:
Tailte Éireann,
Phoenix Park,
Dublin 8,
Ireland.
D08F6E4

No part of this publication may be copied, reproduced or transmitted in any form or by any means without the prior written permission of the copyright owner.

This topographic map does not show legal property boundaries, nor does it show ownership of physical features.

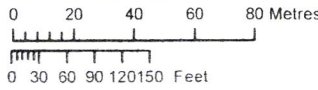
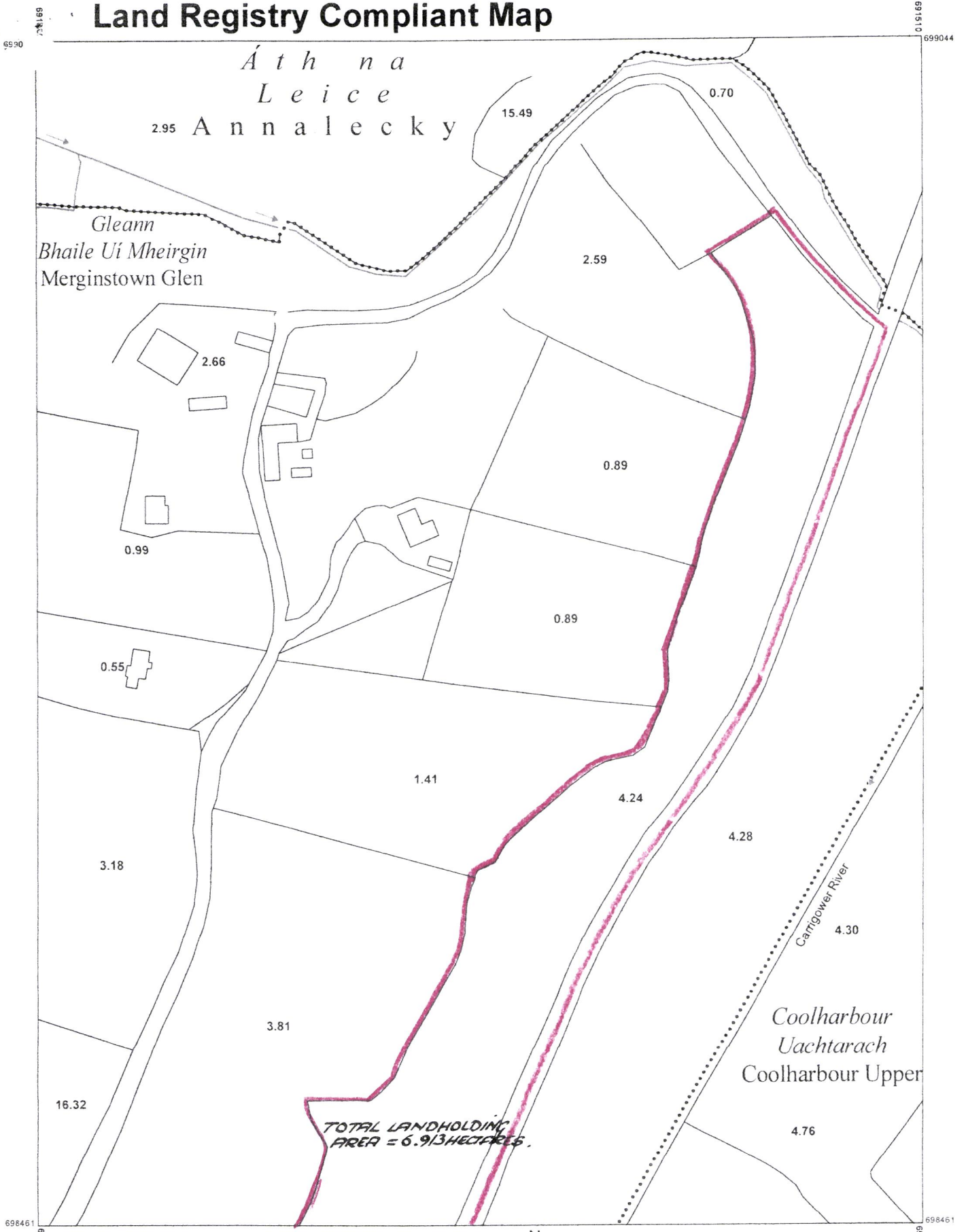
www.tailte.ie
Any unauthorised reproduction

The representation on this map of a road, track or footpath is not evidence of the existence of a right of way.

© Tailte Éireann. 2025
All rights reserved



Land Registry Compliant Map



OUTPUT SCALE: 1:2,500



COMPILED AND PUBLISHED BY:
 Tailte Éireann,
 Phoenix Park,
 Dublin 8,
 Ireland.
 J08F6E4

No part of this publication may be copied, reproduced or transmitted in any form or by any means without the prior written permission of the copyright owner.

This topographic map does not show legal property boundaries, nor does it show ownership of physical features.

CENTRE COORDINATES:
 ITM 691295,698753

PUBLISHED: 15/01/2025

MAP SERIES: 1:5,000
 1:5,000

ORDER NO.: 50443170_2

MAP SHEETS: 3896
 3953

CAPTURE RESOLUTION:
 The map objects are only accurate to the resolution at which they were captured. Output scale is not indicative of data capture scale. Further information is available at www.tailte.ie; search 'Capture Resolution'.

LEGEND: To view the legend visit www.tailte.ie and search for 'Large Scale Legend'.

www.tailte.ie

Any unauthorised reproduction

The representation on this map of a road, track or footpath is not evidence of the existence of a right of way.

© Tailte Éireann, 2025
 All rights reserved



Tailte Éireann

JOB/ST/202302

Design Workshop
Knockanarrigan
Dunlavin
Co Wicklow

12th. January 2025

Tel: 045 404526
Mobile: 087 2517 180
Email: merlinfly1@gmail.com

Senior Executive Planner – Wicklow County Council
Department of Planning
County Buildings
Whitegates
Wicklow Town
A67 FW96

Dear Sir/Madam


Re: Section 5 Declaration application for Exempt Development at
Merginstown Glen, Dunlavin, Co. Wicklow.
Applicant: Mr. Ken Grace.
ADJACENT OWNERS CONSENT No.2 (W91 R9Y5)

We refer to the above proposed Exempted Development consisting of the erection of a 292mt.sq. farm building, on lands owned by Mr. Ken Grace located at Merginstown Glen, Dunlavin, Co. Wicklow. In compliance with Conditions and Limitations (Column 2) of the requirements of a Class 9 Exempt development, under Schedule 2, Part 3, Exempted Development – Rural, of the Planning & Development Regulations 2001, please find below the consent from the adjoining property owner.

Neighbouring Property Consents:

As owner of an adjacent property (Merginstown Glen, Dunlavin, Co. Wicklow. W91 R9Y5), situated approximately 78 mts. to the west of the proposed development, I understand that Mr. Ken Grace requires a statement from me giving my consent to the proposed development to comply with the requirements of a Class 9 Exempt development, under Schedule 2, Part 3, Exempted Development – Rural, of the Planning & Development Regulations 2001.

Please note confirmation that I have been shown copies of drawings indicating the location, scope and design of the proposed building, vis-à-vis its position relative to my property, and any possible impact it may have on my property. I wish to confirm that I am the owner of the property identified as “B” on the attached map, and that I have no objection to the development taking place.

Signed. 

Print Name. John Osborne

Address. MERGUSTOWN GLEN
DUNLAVIN
CO Wicklow

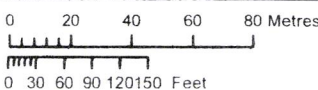
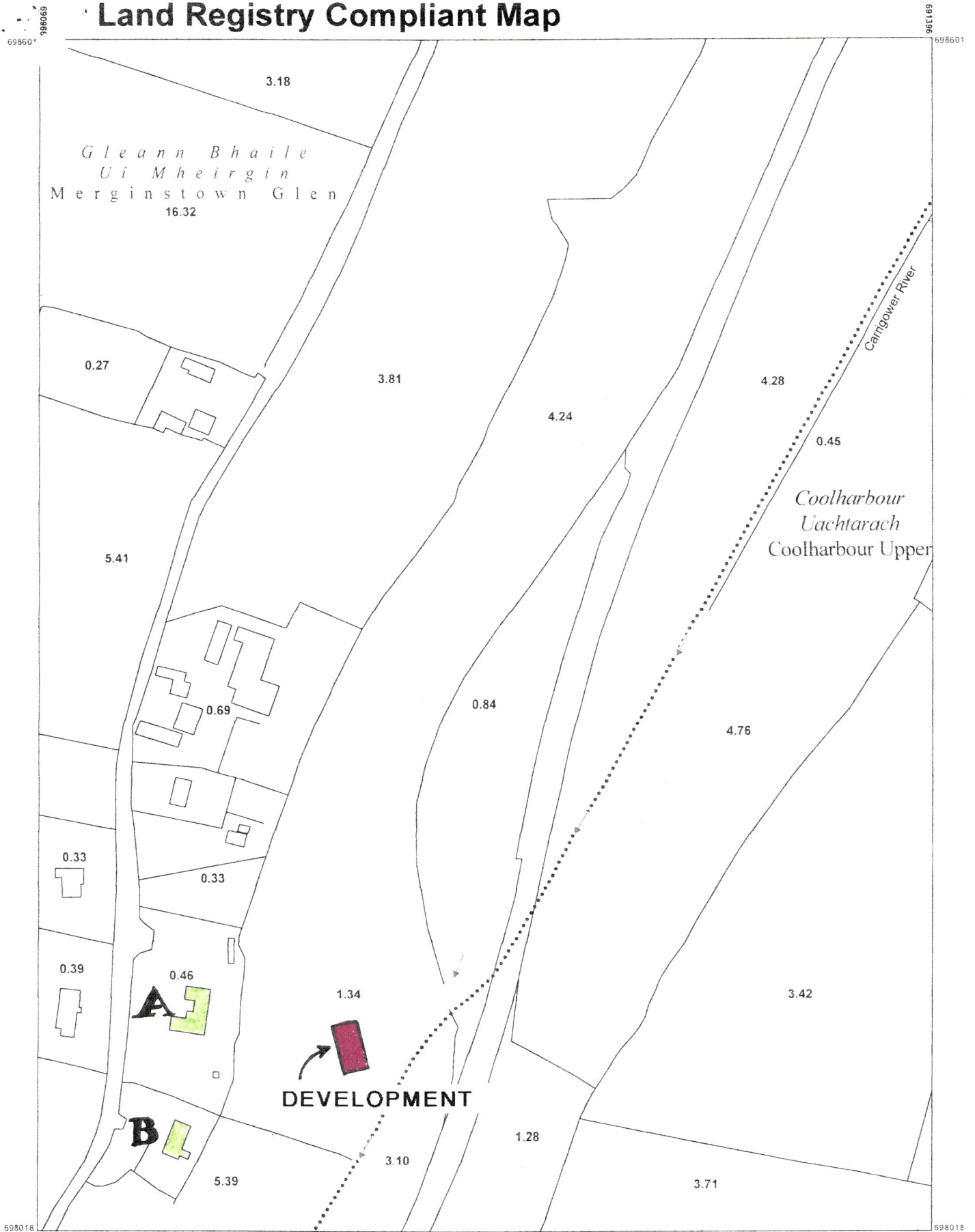
Should you have any queries in relation to the above, please do not hesitate to contact the undersigned.

Yours faithfully /



John M. O'Brien Dip.Arch.B.Arch.Sc.

Land Registry Compliant Map



OUTPUT SCALE: 1:2,500



CENTRE COORDINATES:
ITM 691181.698310

PUBLISHED: 11/07/2024
ORDER NO.: 50410337_1
MAP SERIES: 1:5,000
MAP SHEETS: 3953

CAPTURE RESOLUTION:
The map objects are only accurate to the resolution at which they were captured. Output scale is not indicative of data capture scale. Further information is available at: www.tailte.ie; search 'Capture Resolution'
LEGEND: To view the legend visit www.tailte.ie and search for 'Large Scale Legend'

COMPILED AND PUBLISHED BY:
Tailte Éireann,
Phoenix Park,
Dublin 8,
Ireland.
J08F6E4

No part of this publication may be copied, reproduced or transmitted in any form or by any means without the prior written permission of the copyright owner.

This topographic map does not show legal property boundaries, nor does it show ownership of physical features

www.tailte.ie

Any unauthorised reproduction

The representation on this map of a road, track or footpath is not evidence of the existence of such a feature.

© Tailte Éireann, 2024
All rights reserved



Tailte Éireann

Wicklow County Council
County Buildings
Wicklow
0404-20100

05/02/2025 09 34 43

Receipt No L1/0/340503

MR J O'BRIEN ARCHITECTURE
DESIGN WORKSHOP
KNOCKANARRIGAN
DUNLAVIN
CO WICKLOW

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

Total 80 00 EUR

Tendered
Cheque 80 00
MERGINSTOWN GEN DUNLAVIN

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: KEN GRACE

Address of applicant: MICHAEL GRACE TIMBER LTD,
WHITESTOWN, BALTINGLASS, CO. WICKLOW

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

WICKLOW COUNTY COUNCIL
05 FEB 2025
PLANNING DEPT.

2. Agents Details (Where Applicable)

(b) Name of Agent (where applicable) JOHN M. O'BRIEN Dip. Arch. B. Arch. Sc.

Address of Agent : DESIGN WORKSHOP, KNOCKANARRIGAN,
DONLAVIN, CO. WICKLOW.

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

3. Declaration Details

i. Location of Development subject of Declaration MERGINSTOWN GLEN,
DUNLAVIN, CO. WICKLOW.

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

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

N/A

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 DECLARATION REQUIRED TO CONFIRM OUR CONTENTION THAT PROPOSED AGRICULTURAL SHED IS EXEMPTED DEVELOPMENT UNDER REQUIREMENTS OF SECTION 5 - PLANNING & DEVELOPMENT REGULATIONS

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 _____

SCHEDULE 2, PART 3, CLASS 9 SI No. 600 of 2001 - WORKS CONSISTING OF THE PROVISION OF ANY STORE, BARN, SHED, GLASSHOUSE OR OTHER STRUCTURE, NOT BEING OF A TYPE SPECIFIED IN CLASS 6, 7 OR 8 OF THIS PART OF SCHEDULE, AND HAVING A GROSS FLOOR SPACE NOT EXCEEDING 300 SQUARE METRES.

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, N/A

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

- COPY OF ORDINANCE SURVEY LOCATION MAP 1:2,600 (2 SHEETS)
- COPY DRWG. No. 202302-02 A SITE PLAN OUTLINE 1:500 (A3)
- COPY DRWG. No. 202302-03 A FLOOR PLAN, ELEVATIONS, SECTION, 1:50 1:100 (A.1)

viii. Fee of € 80 Attached ? CHEQUE ATTACHED

Signed :  Dated : 23-1-25

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.

The copyright of the designs remain with John M. O'Brien Architects and may not be reproduced without express consent in writing. All dimensions are to be checked on site and John M. O'Brien Architects notified of any discrepancies. Do not scale from this drawing for construction purposes.



GRAZING

COMMERCIAL TREE PLANTATION
(mixed species)

Shed

ADJACENT HOUSE A - (W91 PHO2)
- Mary Dunne

Existing tree screening
to be supplemented.

Consolidated hardwire
MOT.804 standing

PROPOSED SHED
Exempt Development - Schedule 2, Part 3, Class 9
S.I. No.600 of 2001 Planning & Development
Regulations 2001

COMMERCIAL TREE PLANTATION
(mixed species)

GRAZING

Note: Boundary indicated outlined in red.
Refer to O.S. Map for full extent of land
holding boundaries.
Total land holding area = 6.913 Hectares

ADJACENT HOUSE B - (W91 R9Y5)
- John Osborne

Section 5 Declaration Application Issue.

JOHN O'BRIEN Dip.Arch.B.Arch.Sc.
Architecture Planning Design

Design Workshop /
Knockanarigan /
Dunlavin
Co. Wicklow.

CLIENT: Mr. Ken Grace

Tel: 045-404526 087-2517180
email: merlighty1@gmail.com

JOB TITLE: Agricultural Shed - Exempt Development at Mertinstown Glen, Dunlavin, Co. Wicklow.

DRAWING TITLE: Outline site plan.

DRG. No. REV.

DATE: Dec 2024

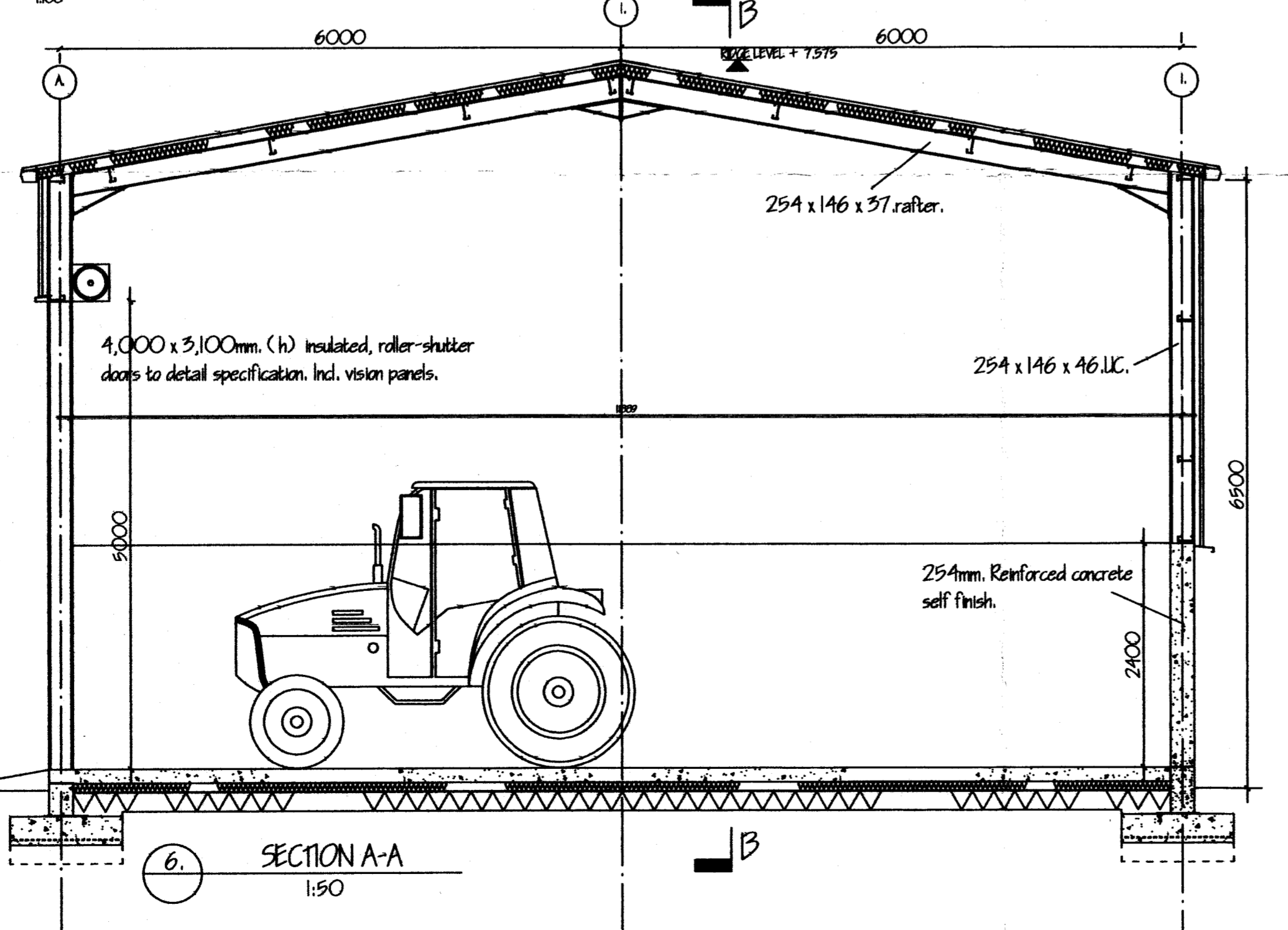
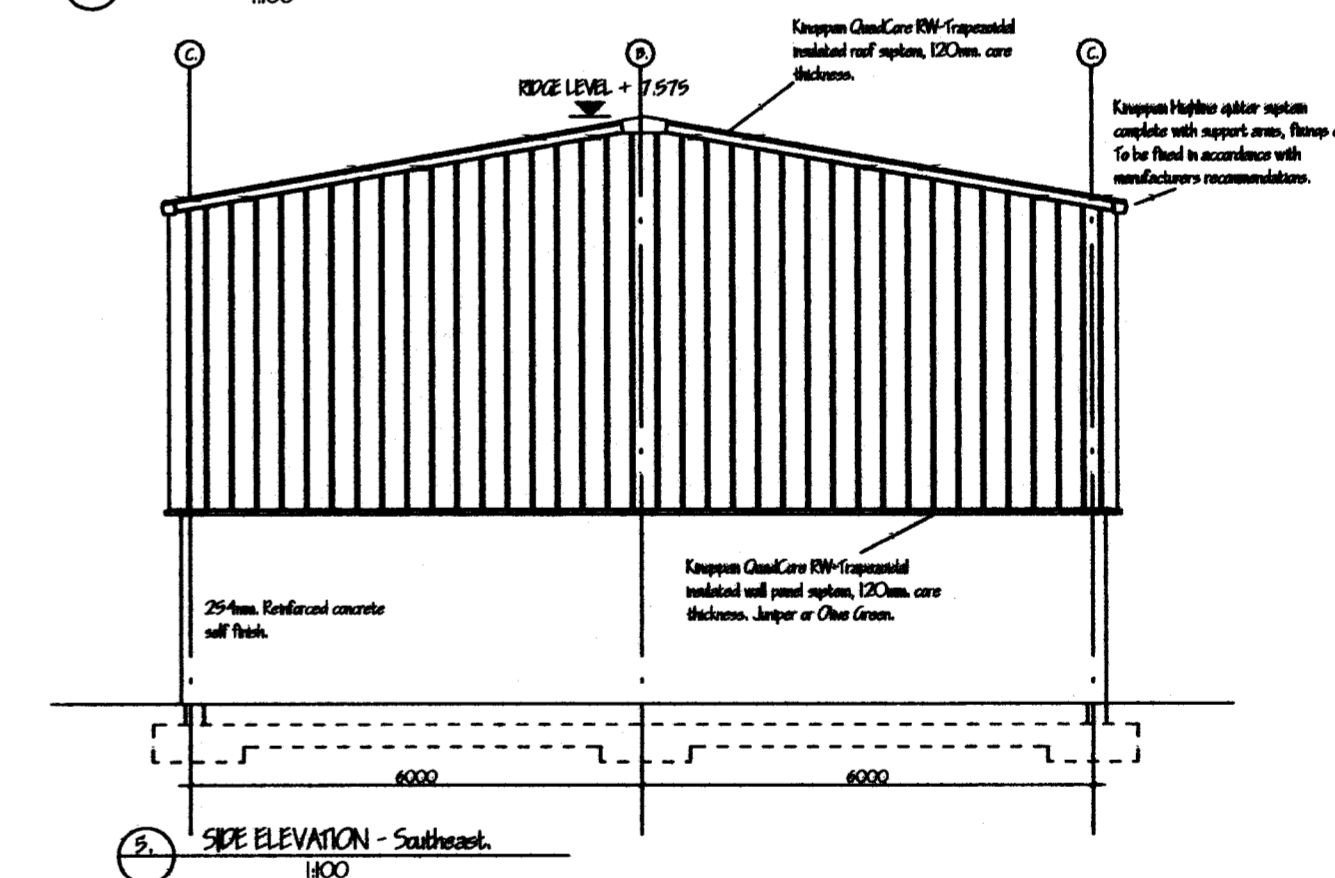
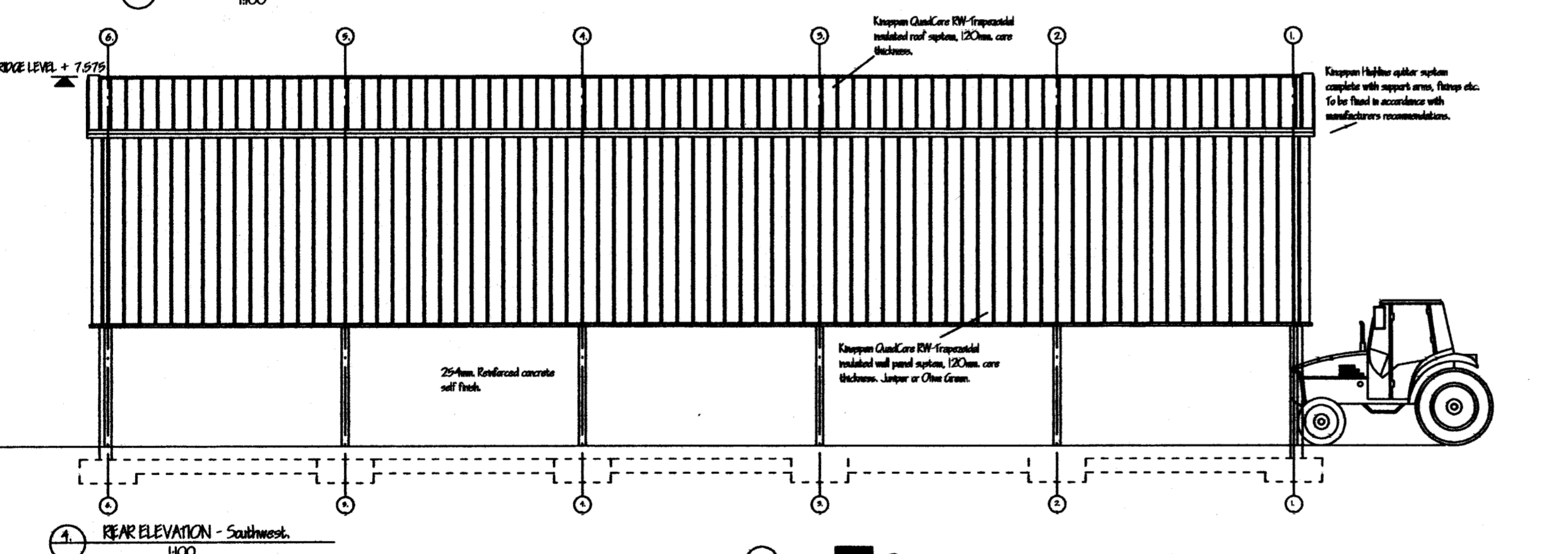
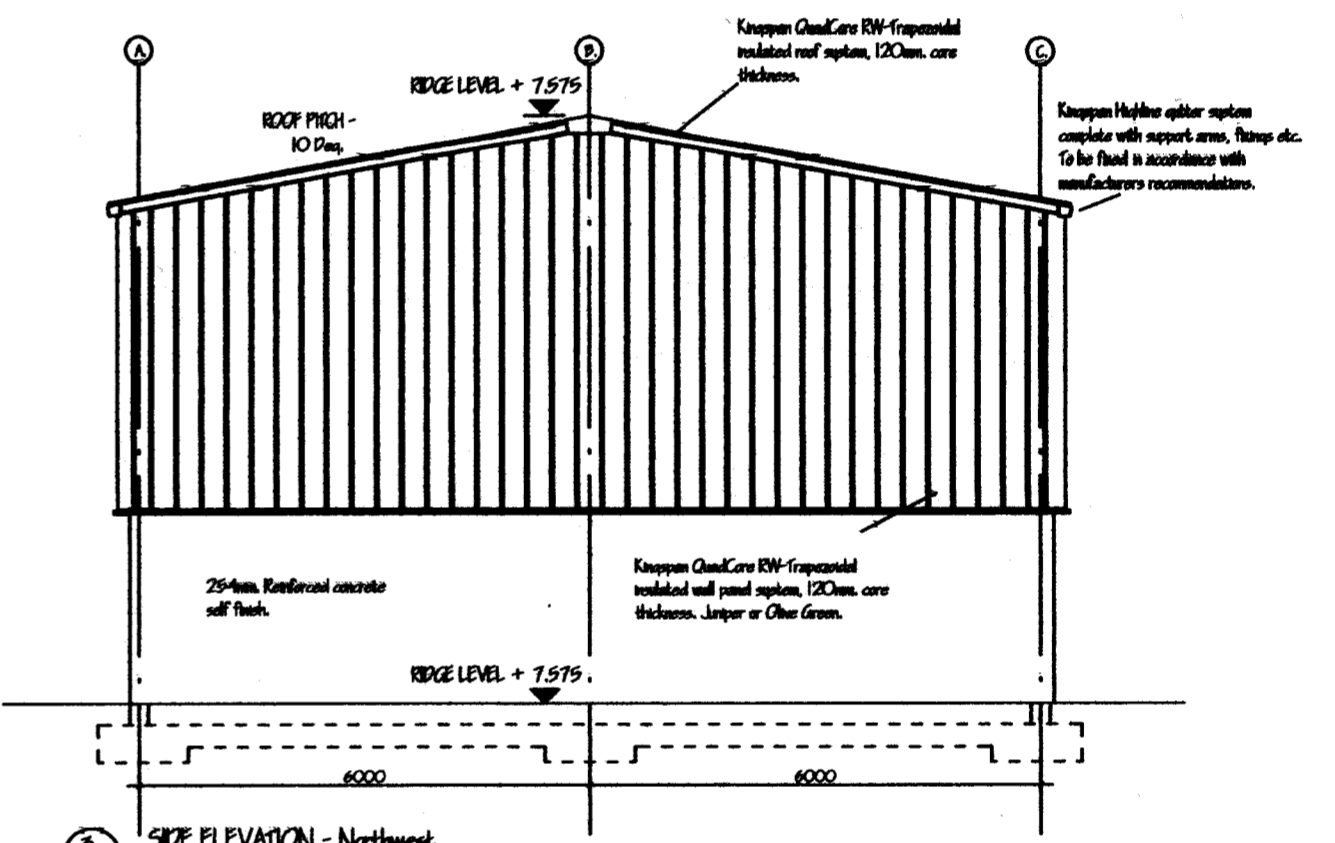
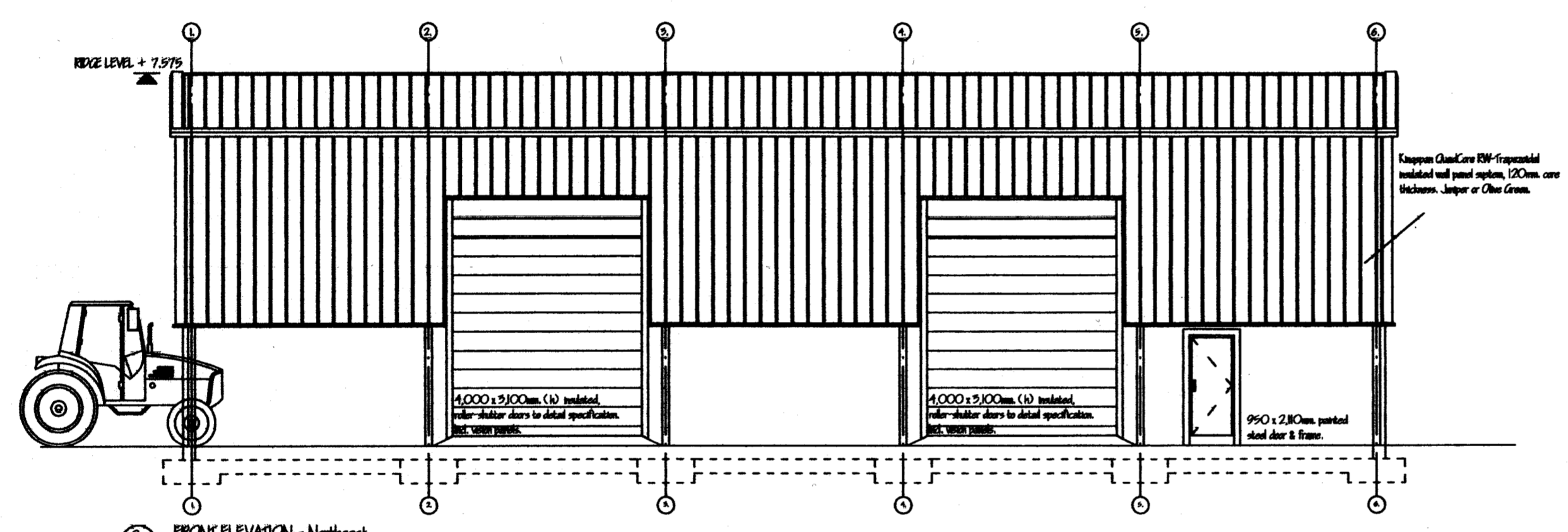
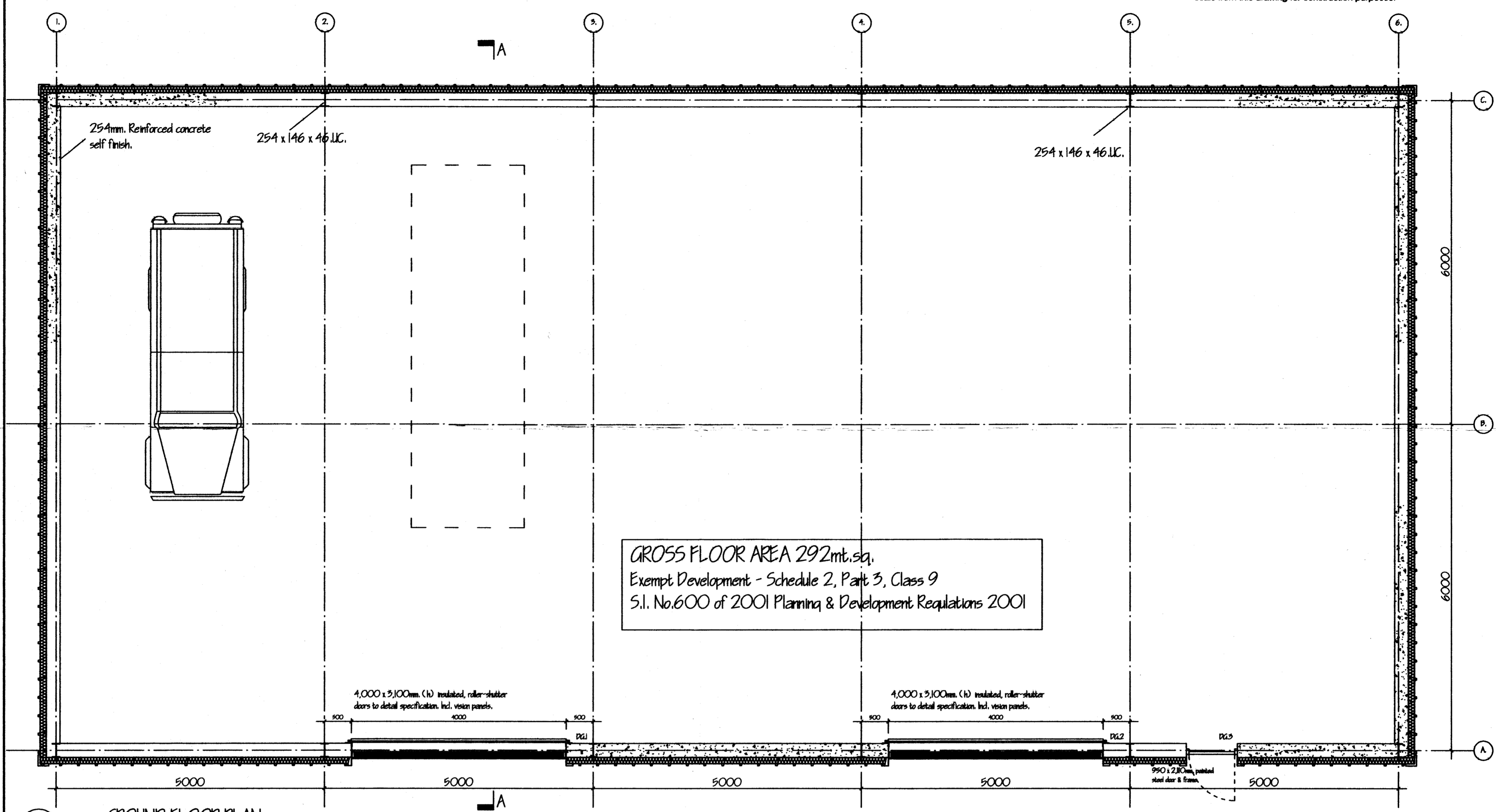
SCALE: 1:500

DRAWN BY: JMOB

202302-02 A

REV.	DATE:	REVISION.
A	Jan. 25	Section 5 Declaration Application Issue.

The copyright of the design remains with John M. O'Brien Architecture, Planning & Design and may not be reproduced without express consent in writing. All dimensions are to be checked on site and John M. O'Brien Architecture, Planning & Design notified of any discrepancies. Do not scale from this drawing for construction purposes.



REV.	DATE	REVISION
A	Jan. 25	Section 5 Declaration Application Issue.

Section 5 Declaration Application Issue.

JOHN M. O'BRIEN Dip. Arch. B. Arch. Sc. Architecture, Planning & Design.		Design Workshop Dunmore East County Wick, Ireland
CLIENT: Mr. Ken Grace		Tel. 051-464281 / 087-0517140 email: john@jmo.ie
JOB TITLE: Agricultural Shed - Exempt Development at Mertinstown Glen, Dunlavin, Co. Wicklow.		DRAWING No. 202302-03
DATE: Dec 2024	SCALE: 1:50 1:100	DESIGNED BY: JMOB