



**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](mailto:plandev@wicklowcoco.ie)  
Suíomh / Website: [www.wicklow.ie](http://www.wicklow.ie)

Alan Farrelly

19<sup>th</sup> April 2024

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

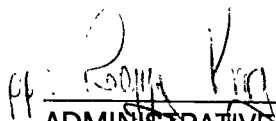
Ref: EX26/2024  
Applicant: Alan Farrelly  
Location: Lands at Glendalough, Co Wicklow

A Chara,

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 DEVELOPMENT & ENVIRONMENT.





# Comhairle Contae Chill Mhantáin Wicklow County Council

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

### CHIEF EXECUTIVE ORDER NO. CE/PERD/500/2024

**Applicant:** Alan Farrelly  
**Reference No:** EX26/2024  
**Location:** Lands at Glendalough, Co Wicklow

A question has arisen as to whether *"The rewilding of existing land with semi mature trees of native species, keeping existing native species, the improvement of boundaries with stone and sod mount with holly shrubs, allow a walk thru the land as a place of reflection and memorial"* is or is not exempted development.

Having regard to:

- (a) The details submitted with this Section 5 Application,
- (b) Sections 2 , 3 , and 4 of the Planning and Development Act 2000 (as amended);
- (c) Articles 6 & 9 of the Planning and Development Regulations 2001 (as amended);
- (d) Schedule 2, Pt.1 Class 11, 13 & 33 of the Planning and Development Regulations 2001 (as amended);
- (e) The location of the lands within an area of archaeological potential;
- (f) The Objectives of the County Development Plan 2022-2028 and Laragh-Glendalough Land-use and Tourism Plan 2022 which relate to archaeology;

Main Reasons with respect to Section 5 Declaration:

The creation of paths would constitute alteration within this area of archaeological potential, the preservation, conservation and protection of which is an objective of the Laragh-Glendalough Settlement and Tourism Plan and also of the County Development Plan 2022-2028. The proposed works would therefore be precluded having regard to Article 9(1)(iii) of the Planning and Development Regulations 2001 (as amended).



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

Ba chóir gach comhfheagras a sheoladh chuig an Stiúrthóir Seirbhísí, 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 "The rewilding of existing land with semi mature trees of native species, keeping existing native species, the improvement of boundaries with stone and sod mout with holly shrubs, allow a walk thru the land as a place of reflection and memorial" is development and is not exempted development.

Signed:   
ADMINISTRATIVE OFFICER  
PLANNING DEVELOPMENT & ENVIRONMENT

Dated 19<sup>th</sup> day of April 2024

OWICKLOW COUNTY COUNCIL

PLANNING & DEVELOPMENT ACTS 2000 (As Amended)  
SECTION 5

CHIEF EXECUTIVE ORDER NO. CE/PERD/500/2024

Reference Number: EX26/2024

Name of Applicant: Alan Farrelly

Nature of Application: Section 5 Referral as to whether *"The rewilding of existing land with semi mature trees of native species, keeping existing native species, the improvement of boundaries with stone and sod mount with holly shrubs, allow a walk thru the land as a place of reflection and memorial"* is or is not development and is or is not exempted development.

Location of Subject Site: Lands at Glendalough, 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 rewilding of existing land with semi mature trees of native species, keeping existing native species, the improvement of boundaries with stone and sod mount with holly shrubs, allow a walk thru the land as a place of reflection and memorial"* is or is not exempted development within the meaning of the Planning & Development Act 2000 (as amended)

**Having regard to:**

- (a) The details submitted with this Section 5 Application,
- (b) Sections 2 , 3 , and 4 of the Planning and Development Act 2000 (as amended);
- (c) Articles 6 & 9 of the Planning and Development Regulations 2001 (as amended);
- (d) Schedule 2, Pt.1 Class 11, 13 & 33 of the Planning and Development Regulations 2001 (as amended);
- (e) The location of the lands within an area of archaeological potential;
- (f) The Objectives of the County Development Plan 2022-2028 and Laragh-Glendalough Land-use and Tourism Plan 2022 which relate to archaeology;


**Main Reasons with respect to Section 5 Declaration:**

1. The creation of paths would constitute alteration within this area of archaeological potential, the preservation, conservation and protection of which is an objective of the Laragh-Glendalough Settlement and Tourism Plan and also of the County Development Plan 2022-2028. The proposed works would therefore be precluded having regard to Article 9(1)(iii) of the Planning and Development Regulations 2001 (as amended).



**Recommendation**

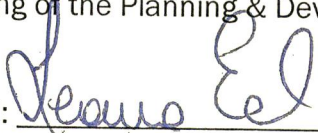
The Planning Authority considers that *"The rewilding of existing land with semi mature trees of native species, keeping existing native species, the improvement of boundaries with stone and sod mout with holly shrubs, allow a walk thru the land as a place of reflection and memorial"* is development and is not exempted development as recommended in the planning reports.

Signed:  Dated 19<sup>th</sup> day of April 2024

ORDER:

I HEREBY DECLARE:

That *"The rewilding of existing land with semi mature trees of native species, keeping existing native species, the improvement of boundaries with stone and sod mout with holly shrubs, allow a walk thru the land as a place of reflection and memorial"* is development and is not exempted development within the meaning of the Planning & Development Acts 2000 (as amended).

Signed:  Dated 19<sup>th</sup> day of April 2024  
Director of Services  
Planning, Economic & Rural Development

## Section 5 Application EX 26/2024

Date : 18<sup>th</sup> April 2024  
Site visit: 16<sup>th</sup> April 2024  
Applicant : Alan Farrelly  
Address : Lands at Glendalough, Co. Wicklow  
Exemption Whether or not:

*"The rewilding of existing land with semi mature trees of native species, keeping existing native species, the improvement of boundaries with stone and sod mount with holly shrubs, allow a walk thru the land as a place of reflection and memorial"*

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

### Site Location

The subject site is located within the townland of Brockagh, Glendalough, Co. Wicklow.

It is adjoined by the R757 road to its north and is in close proximity to the junction of the R757 with the R756 road. The Glendalough visitor centre and carpark are adjacent to the west. There is a relatively level area near the existing access, in the northeast corner of the site. The wider site slopes to the west and south, towards the car park used for the visitors centre. Trinity Church, a national monument, is east of the site. The site is largely overgrown, with some existing trees, gorse and groundcover present.

### **Planning History :**

22/77 – planning permission refused for rewilding / planting of native trees with cleared areas within for the location of 10 no. bell tents for extended use beyond the 30 days permitted under exempt development to allow for seasonal use from May to October and for temporary structures to accommodate sanitary facilities and associated tourist facilities.

1. *Having regard to:*

- (a) *The vision and objectives of the 'Laragh-Glendalough Settlement and Tourism Plan', Wicklow County Development Plan 2016-2022, which aims to develop Laragh as a gateway and hub to provide for the service needs of visitors;*
- (b) *The location of the proposed development at a distance from Laragh;*
- (c) *The location of the proposed development within the 'tourist attractions area' where it is an objective of the plan to generally not permit new tourist related developments, except in limited circumstances;*

*It is considered that the proposed development would materially contravene the vision and objective for the lands set out in the Wicklow County Development Plan 2016-2022. This would be contrary to proper planning and sustainable development.*

2. *Having regard to:*

- (a) *The prominent and exposed location of the proposed development within a landscape that is designated Area of Outstanding Natural Beauty, which is to be preserved as per the objective of the Wicklow CDP2016-2022,*
- (b) *The nature of the proposed development, the cramped layout and the lack of information to show that the development would be absorbed into this sensitive landscape,*

*it is considered that the proposed development would be an intrusive feature in this highly sensitive landscape which includes protected national monuments, and would seriously injure the landscape and visual amenities of the area and detract from the setting of the protected national monuments in this area. This would be contrary to proper planning and sustainable development.*

3. *It is considered that the traffic turning movements generated by the proposed development onto the regional road in close proximity of the junction of the R757 and R756 and at a point where the applicant has failed to prove that adequate sightlines can be achieved, would endanger public safety by reason of traffic hazard.*

4. *Having regard to the location, nature and extent of the proposed development and its associated ground works within a sensitive archaeological area, and the lack of information provided to assess the potential impact of the proposed development on the archaeological resources of the area, it is considered that that any development of the site in advance of archaeological investigations carried out to the requirements of the appropriate authorities would be premature pending such investigation and would therefore be contrary to the proper planning and sustainable development of the area.*

5. *The proposal to supply water through tanked water (including rainwater harvesting and filtering) is not acceptable and may result in substandard development because it would require a complex arrangement for treatment and maintenance, could result in malfunction and would be vulnerable to contamination. This would be prejudicial to public health and would be contrary to proper planning and sustainable development.*

6. *The proposal to treat and manage wastewater with composting toilets is not acceptable and may result in substandard development because the arrangements for the safe storage, treatment and disposal of sludge cannot be guaranteed, the development is likely to result in an unacceptable odour and the development could result in contamination of groundwater from liquid waste. This would be prejudicial to public health and would be contrary to proper planning and sustainable development.*

7. *Having regard to the location of the site within close proximity of the Wicklow Mountains Special Area of Conservation/Special Protection Area, it is considered that the applicant has failed to demonstrate that the proposed development either individually or in combination with other plans or projects would not adversely affect the integrity of this European Natura 2000 site, in view of the sites conservation objectives. The proposed development would therefore be prejudicial to public health and would be contrary to the proper planning and sustainable development of the area.*

17/228

Alan Farrelly Architecture – refused – outline permission for 12 no individual architect and artist designed temporary glamping pods, upgraded entrance, car parking area and all associated works planning and sustainable development of the area.

09/244

Alan & Romana Farrelly & Paul & Tommy Hayden - Refused – permission for landscaping development at site at Glendalough adjacent to existing car park to create a picnic area with natural stepping of landscape with a public performance space and a landscaped area to be used as a play area and maze

00/3707 (PL27.131488)

East Coast and Midlands Tourism – refused – permission for construction of 168msq Tourist Information Office, provision of car parking spaces, connection to existing treatment plant and temporary construction entrance off the R756 together with all ancillary site works

#### **Planning and Environmental Designations**

- Laragh - Glendalough Settlement & Tourism Plan 2022
- Areas of Outstanding Natural Beauty (AONB) – The Mountain Uplands
- Area of Archaeological Potential
- Within 50m monument buffer of WI01077 (metalworking site), WI01078 (cross-wayside cross), WI02455 (children’s burial ground), WI01081 (cross-slab)
- Wicklow Mountains SAC c. 130m to south and c. 400m to north
- Wicklow Mountains SPA c. 400m to north and c. 700m to south

- Glendasan River c. 130m to south
- Flood Zone C (extent of flood zones A&B noted in proximity to south)

**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 ‘works’:

‘Works’ includes *“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.

4.—(1) The following shall be exempted developments for the purposes of this Act—;

i) development consisting of the thinning, felling or replanting of trees, forests or woodlands or works ancillary to that development, but not including the replacement of broadleaf high forest by conifer species;

(3) A reference in this Act to exempted development shall be construed as a reference to development which is—

- a) any of the developments specified in subsection (1), or
- b) development which, having regard to any regulations under subsection (2), is exempted development for the purposes of this Act.

(4A) Notwithstanding subsection (4), the Minister may make regulations prescribing development or any class of development that is—

- a) authorised, or required to be authorised by or under any statute (other than this Act) whether by means of a licence, consent, approval or otherwise, and
- b) as respects which an environmental impact assessment or an appropriate assessment is required, to be exempted development.

**Planning and Development Regulations 2001(as amended)**

**Article 6 states:-**

“(1) Subject to Article 9, development of a class specified in column 1 part 1 of schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said part 1 opposite the mention of that class in the said column 1.

Column 1 Description of Development	Column 2 Conditions and Limitations
CLASS 11 The construction, erection, lowering, repair or replacement, other than within or bounding the curtilage of a house, of – (a) any fence (not being a hoarding or sheet metal fence), or (b) any wall of brick, stone, blocks with decorative finish, other concrete blocks or mass concrete.	1. The height of any new structure shall not exceed 1.2 metres or the height of the structure being replaced, whichever is the greater, and in any event shall not exceed 2 metres. 2. Every wall, other than a dry or natural stone wall, constructed or erected bounding a road shall be capped and the face of any wall of concrete or concrete blocks (other than blocks of a decorative finish) which will be visible from any road, path or public area, including a



	public open space, shall be rendered or plastered.
<p><b>CLASS 13</b> 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.</p>	The width of any such private footpath or paving shall not exceed 3 metres.
<p><b>CLASS 33</b> Development consisting of the laying out and use of land— (a) as a park, private open space or ornamental garden, (b) as a roadside shrine, or (c) for athletics or sports (other than golf or pitch and putt or sports involving the use of motor vehicles, aircraft or firearms), where no charge is made for admission of the public to the land.</p>	The area of any such shrine shall not exceed 2 square metres, the height shall not exceed 2 metres above the centre of the road opposite the structure and it shall not be illuminated.

**Article 8A states:** Initial afforestation shall be exempted development.

**Article 8F states:** Development (other than the replacement of broadleaf high forest by conifer species) that is licensed or approved under section 6 of the Forestry Act 2014 (No. 31 of 2014) and that consists of –

- (a) the thinning, felling or replanting of trees, forests or woodlands, or
  - (b) works ancillary thereto,
- shall be exempted development.

**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, including:

*9. (1) 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—*

- (i) contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act,*
- (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, the preservation of which is an objective of a development plan for the area in which the development is proposed or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,*
- (vii) consist of or comprise the excavation, alteration or demolition (other than peat extraction) of places, caves, sites, features or other objects of archaeological, geological, historical, scientific or ecological interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan for the area in which the development is proposed or, pending the variation of a development plan or local area plan, or the making of a new development plan or local area plan, in the draft variation of the development plan or the local area plan or the draft development plan or draft local area plan,*
- (viiA) consist of or comprise the excavation, alteration or demolition of any archaeological monument included in the Record of Monuments and Places, pursuant to section 12 (1) of the National Monuments (Amendment) Act 1994, save that this provision shall not apply to any excavation or any works, pursuant to and in accordance with a consent granted under section 14 or a licence granted under section 26 of the National Monuments Act 1930 (No. 2 of 1930) as amended,*

#### **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 proposals would involve works and therefore the proposals do constitute development.

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

**Question:**

*Whether or not :*

*“The rewilding of existing land with semi mature trees of native species, keeping existing native species, the improvement of boundaries with stone and sod mount with holly shrubs, allow a walk thru the land as a place of reflection and memorial” constitutes exempted development within the meaning of the Planning and Development Acts, 2000(as amended).”*

I note the exemption under Class 13 for the construction of footpaths. However, the provision of a gravel path would normally necessitate the removal of topsoil. Under Article 9 any exemption under Article 6 is removed where it would involve *“the excavation, alteration .... of places, caves, sites, features or other objects of archaeological, geological, historical, scientific or ecological interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan for the area”*

Objective LG22 of The Laragh-Glendalough Settlement and Tourism Plan is relevant:

**LG22** *Any development that may, due to its size, location or nature, have implications for the ‘Glendalough-Monastic Settlement’ area of archaeological potential and significance and the ‘Glendalough’ major site of archaeological importance shall be subject to an archaeological assessment. No development in the vicinity of a feature included in the Record of Monuments and Places (RMP) will be permitted where it seriously detracts from the setting of the feature or which is seriously injurious to its cultural or educational value.*

Objectives CPO 8.1, CPO 8.2, CPO 8.3, CPO8.7 of the County Development Plan, which generally seek to preserve archaeological monuments and sites of archaeological interest, are also relevant.

It is considered that the creation of paths would constitute alteration within this area of archaeological potential, the preservation, conservation and protection of which is an objective of the Laragh-Glendalough Settlement and Tourism Plan and also of the County Development Plan.

It is noted that the planting of semi-mature trees would also involve excavation. Although the number of trees is not stated, the application indicates widespread tree planting of the site, which could be significant, cumulatively. Notwithstanding the potential impact on archaeology, tree planting is exempt under Article 8A.

With regard to the improvement of boundaries with stone and sod mount with holly shrubs, this is considered to fall within the exemption available under Class 11.

With regard to the use of the lands, it is not clear whether it is intended that the lands would be open to the public. Nonetheless, it would appear to benefit from the exemption under CLASS 33 for the laying out and use of land as a park or private open space. It is noted that there is an existing vehicular access from the R757 and a level area within the site adjacent to the access, which could be used for parking. It has not been stated that the site will be pedestrian access only, however the planting plan indicates that the walk through would route through this level area and, based on the description and



information set out in the documents, it is understood that vehicular access is not intended. If it were, I would have concerns that the proposed development would “*endanger public safety by reason of traffic hazard or obstruction of road users*”, and consequently would not be exempt under Article 9(1)(iii).

**Recommendation**

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

“The rewilding of existing land with semi mature trees of native species, keeping existing native species, the improvement of boundaries with stone and sod mount with holly shrubs, allow a walk thru the land as a place of reflection and memorial” constitutes exempted development within the meaning of the Planning and Development Acts, 2000 (as amended).

**The Planning Authority considers that:**

*“The rewilding of existing land with semi mature trees of native species, keeping existing native species, the improvement of boundaries with stone and sod mount with holly shrubs, allow a walk thru the land as a place of reflection and memorial” is development and is not exempted development.*

**Main Considerations with respect to Section 5 Declaration:**

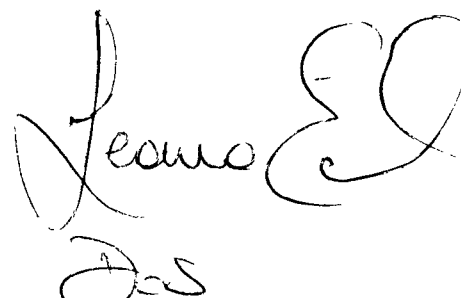
- (a) The details submitted with this Section 5 Application,
- (b) Sections 2 , 3 , and 4 of the Planning and Development Act 2000 (as amended);
- (c) Articles 6 & 9 of the Planning and Development Regulations 2001 (as amended);
- (d) Schedule 2, Pt.1 Class 11, 13 & 33 of the Planning and Development Regulations 2001 (as amended);
- (e) The location of the lands within an area of archaeological potential;
- (f) The Objectives of the County Development Plan 2022-2028 and Laragh-Glendalough Land-use and Tourism Plan 2022 which relate to archaeology;

**Main Reasons with respect to Section 5 Declaration:**

The creation of paths would constitute alteration within this area of archaeological potential, the preservation, conservation and protection of which is an objective of the Laragh-Glendalough Settlement and Tourism Plan and also of the County Development Plan 2022-2028. The proposed works would therefore be precluded having regard to Article 9(1)(iii) of the Planning and Development Regulations 2001 (as amended).



Suzanne White  
Senior Executive Planner  
18/04/2024



Das  
19/4/24



## MEMORANDUM

### WICKLOW COUNTY COUNCIL

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**TO: Suzanne White**  
**Senior Executive Planner**

**FROM: Nicola Fleming**  
**Staff Officer**

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**RE:- Application for Certificate of Exemption under Section 5 of the  
Planning and Development Acts 2000 (as amended).  
EX26/2024**

I enclose herewith application for Section 5 Declaration received 26<sup>th</sup> March 2024.

The due date on this declaration is 22<sup>nd</sup> April 2024.

  
\_\_\_\_\_  
**Staff Officer**  
**Planning Development & Environment**

## Nicola Fleming

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**From:** Nicola Fleming  
**Sent:** Tuesday 26 March 2024 16:23  
**To:** 'Alan f'  
**Subject:** RE: Exemption Glendalough

Thank you Alan,

I acknowledge receipt of your application for a Section 5 and to advise that a decision is due on 22/04/2024.

Regards,

*Nicola Fleming*

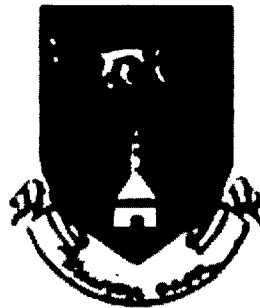
Staff Officer

Planning Department

WICKLOW COUNTY COUNCIL, COUNTY BUILDINGS, WICKLOW TOWN, A67 FW96

Ph ☎: +353 (0404) 20148 | ✉: [nfleming@wicklowcoco.ie](mailto:nfleming@wicklowcoco.ie)

Website: <http://www.wicklow.ie>



**From:** Alan f [\_\_\_\_]  
**Sent:** Tuesday 26 March 2024 15:28  
**To:** Nicola Fleming  
**Subject:** Exemption Glendalough

Hi Nicola

Please see attached images and drawing to illustrate the nature of the path. There are no structures proposed. The nature of the memorial is more about in remembrance and reflection in a peaceful landscape.

I hope this clarifies matters.

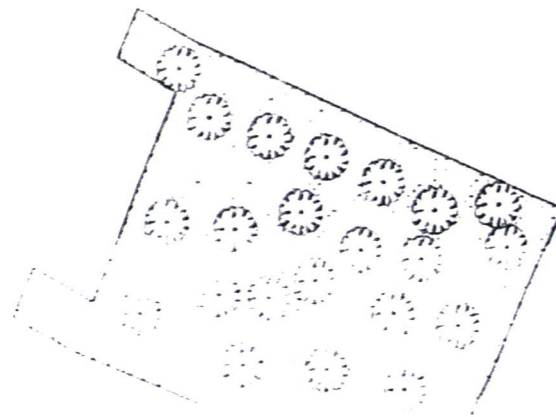
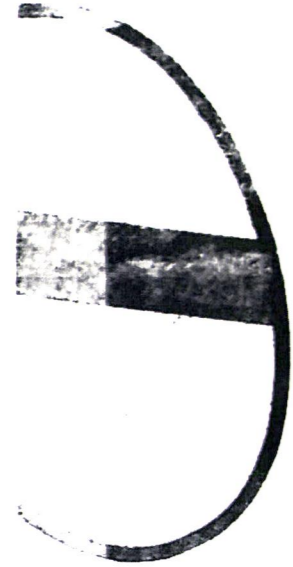
Kind regards

Alan Farrelly MRIAI

Bus Park

ENTIRE SITE TO BE  
PLANTED WITH TREES

Car Park













## **cola Fleming**

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**From:** Nicola Fleming  
**Sent:** Friday 22 March 2024 15:00  
**To:**  
**Subject:** FW:

Also in relation to the application please clarify what kind of walk thru is it and where is it in relation to the site. Please send a drawing to show the walk thru and advise what material will the walk thru consist of.

We also need clarity if any structures are proposed

Regards,

*Nicola Fleming*

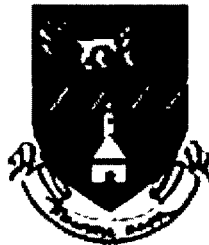
Staff Officer

Planning Department

WICKLOW COUNTY COUNCIL, COUNTY BUILDINGS, WICKLOW TOWN, A67 FW96

Ph☎: +353 (0404) 20148 | ✉: [nfleming@wicklowcoco.ie](mailto:nfleming@wicklowcoco.ie)

Website: <http://www.wicklow.ie>



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**From:** Nicola Fleming  
**Sent:** Friday 22 March 2024 14:17  
**To:**  
**Subject:**

In relation to recent application for exemption under Section 5 for Lands at Glendalough can you please call our customer care team on 0404-20100 to arrange payment of the fee.

Regards,

*Nicola Fleming*

Staff Officer

Planning Department

WICKLOW COUNTY COUNCIL, COUNTY BUILDINGS, WICKLOW TOWN, A67 FW96

Ph☎: +353 (0404) 20148 | ✉: [nfleming@wicklowcoco.ie](mailto:nfleming@wicklowcoco.ie)

Website: <http://www.wicklow.ie>



W I C K L O W

ENDLESS OPPORTUNITIES





# ALAN FARRELLY ARCHITECTURE

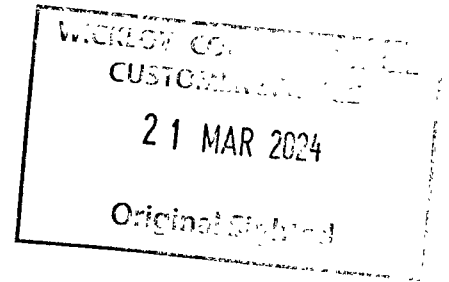
Birch House, Blacklion, Greystones, Co. Wicklow. T: 085 7696808 E: [fararch@gmail.com](mailto:fararch@gmail.com)

Planning Department  
Wicklow County Council  
County Buildings  
Wicklow

WICKLOW COUNTY COUNCIL

21 MAR 2024

PLANNING DEPT.



20th March 2024

**Re; Application for Declaration in Accordance With Section 5 For Rewilding Of Lands, Reinforcement Of Existing Sod And Stone Boundary And Continuation Around Whole Site And To Allow The Walk Through The Lands As A Place Of Reflection And Memorial At Lands At Glendalough, Co. Wicklow.**

Dear Sir/Madam,

Please find enclosed application for the above.

Normally, we believe, this proposal would be exempt in any other location but in this case it may be affected by Article 9 of the planning and development Acts and we seek clarification of same herein.

We must remind the planning authority of a number of factors to be considered.

Firstly, works to the landscape have been carried out in the area by a number of parties including OPW, Wicklow County Council, Royal Hotel Glendalough and other private parties under exempt development and no planning applications or other public notifications have been made in respect of this.

The proposal will not involve any excavation that will cause any concern in relation to archaeology in the area.

Any walk area through the land will be a natural and simple path using loose gravel or just worn ground.

In previous planning applications the Department of Housing, Local Government and Heritage have stated that "*native tree planting is to be encouraged*" copy of report with this statement is enclosed.

The rewilding of this land has been proposed by the area masterplan prepared on behalf of Wicklow County Council and other parties by Consarc.

I look forward to hearing your response.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Alan Farrelly', written in a cursive style.

Alan Farrelly MRIAI  
Architect

Wicklow County Council  
County Buildings  
Wicklow  
0404-20100

25/03/2024 12:56:46

Receipt No L1/0/327107

ALAN FARRELLY  
2 BURNABY VIEW  
HILL SIDE ROAD  
GREYSTONES  
CO WICKLOW  
A63 YP97

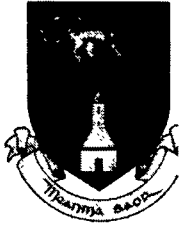
EXEMPTION CERTIFICATES	80 00
GOODS	80 00
VAT Exempt/Non-vatable	

Total	80 00 EUR
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Tendered	
Credit Card	80 00

Change	0 00
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Issued By Ruth Graham  
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: Alan Farrelly

Address of applicant: \_\_\_\_\_

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

**2. Agents Details (Where Applicable)**

(b) Name of Agent (where applicable) AS ABOVE

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 LANDS AT  
GLENDALOUGH, 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 \_\_\_\_\_  
\_\_\_\_\_  
WA

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  
THE REWILDING OF EXISTING LAND WITH SEMI MATURE TREES OF NATIVE SPECIES, KEEPING EXISTING NATIVE SPECIES, THE IMPROVEMENT OF BOUNDARIES WITH STONE + SOD MOUND WITH HOLLY SHRUBS FOLLOW A WALK THRU THE LAND AS A PLACE OF REFLECTION  
*Additional details may be submitted by way of separate submission. + MEMORIAL*

v. Indication of the Sections of the Planning and Development Act or Planning Regulations you consider relevant to the Declaration NOT A DEVELOPMENT + LANDSCAPING IS NORMALLY NOT REQUIRED (ALTHOUGH THIS IS REWILDING) TO RECEIVE PLANNING PERMISSION, THE ISSUE HERE RELATES TO THE EXTENT TO WHICH ARTICLE 9 APPLIES OR IF IT DOESN'T  
*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, THERE IS RUINS OF STRUCTURE ON SITE WHICH IS TO BE RETAINED.

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

• 6" MAP  
• SITE LOCATION MAP  
• SITE PLAN  
• BOUNDARY DETAIL

viii. Fee of € 80 Attached ? YES.

Signed :  Dated : 20/3/24

**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.



REPORT EXTRACT FROM DEPT. OF HOUSING, LOCAL  
GOVERNMENT + HERITAGE - PLAN REF 22/77



**Accordingly, the Department recommends that the planning authority refuses to grant permission for the proposed development.**

Due to the location and nature of the proposed development, the Department also has nature conservation concerns. If the Department were not recommending refusal of planning permission as above it would have been recommending the following nature conservation conditions:

**Nature Conservation**



Whilst the proposed native tree planting is to be encouraged, the application states there will be the removal of scrub to facilitate this. The predominant scrub species here is Common Gorse, (*Ulex europaeus*) an important species for invertebrates and bird species and in terms of rewilding, a species of value. If "rewilding" is the objective here, then consideration should be given to retaining this mosaic structure and not to remove existing scrub vegetation in favour of planting with tree saplings which take many years to achieve a similar ecological value. The development site has on its margins many semi mature Holly (*Ilex aquifolium*), Elder (*Sambucus nigra*), Birch (*Betula pendula*) and Ash (*Fraxinus excelsior*) trees which should be retained. Non-natives like Sycamore (*Platanus occidentalis*) and exotic species like cotoneaster (*Cotoneaster horizontalis*) which are common on the sloping middle ground should be removed in preference for native species

You are requested to send further communications to the Development Applications Unit (DAU) at [manager.dau@housing.gov.ie](mailto:manager.dau@housing.gov.ie), or to the address below.

The Manager  
Development Applications Unit (DAU)  
Government Offices  
Newtown Road  
Wexford  
Y35 AP90

Is mise le meas,

**Diarmuid Buttimer  
Development Applications Unit  
Administration**

Surveyed 1838  
Revised 1909  
Levelled

# Record PLACE Map



ITM CENTRE PT. COORDS

712609,696878

DESCRIPTION

MAP SHEETS

6 inch  
WW023

OSi Authorised  
Internet Map

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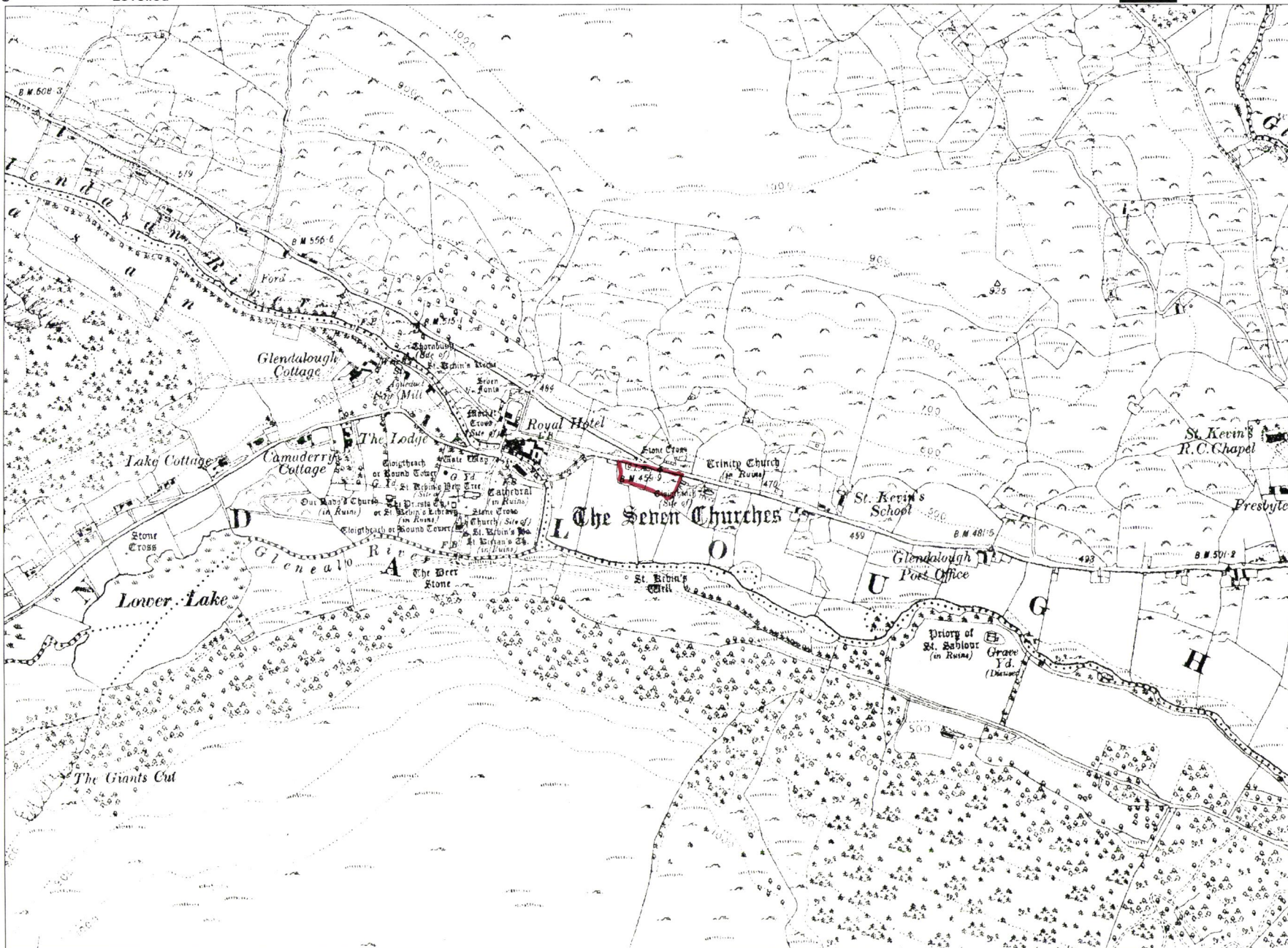
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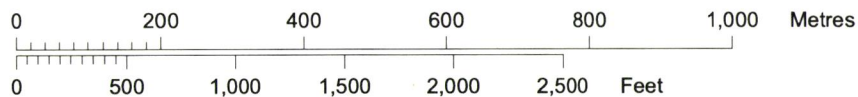
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Scale:- 1:10,560  
Scála:- 1:10,560



Plot Ref. No. 19726915\_1  
Plot Date 30-SEP-2016



Surveyed 2003  
Revised 2015  
Levelled

# Rural PLACE Map



712900

697093

### ITM CENTRE PT. COORDS

712609,696878

### DESCRIPTION

### MAP SHEETS

1:2500  
3959-C



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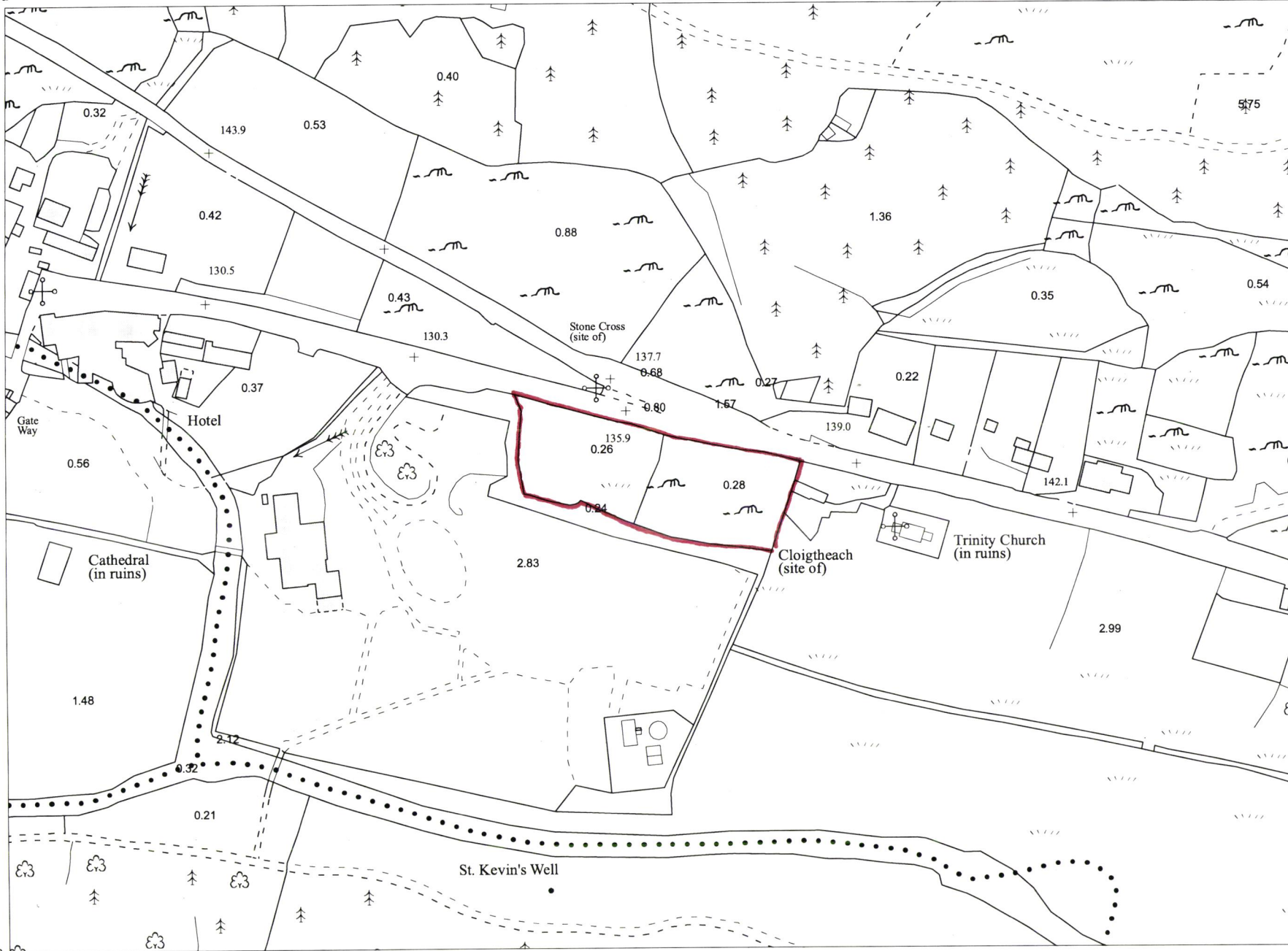


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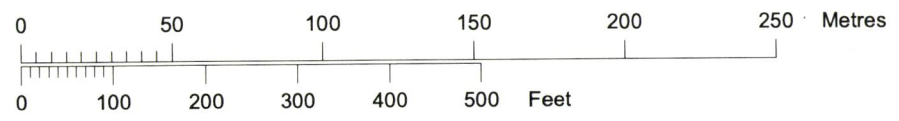
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Scála:- 1:2,500



Plot Ref. No. 19726915\_1\_1  
Plot Date 30-SEP-2016



24.200

25.587

26.630

31.864

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32.187

32.490

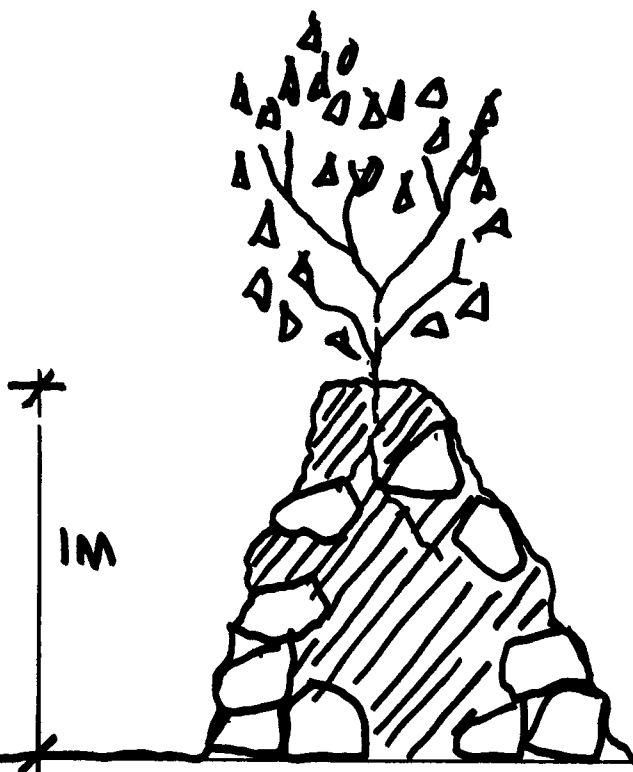
Bus Park

RUINS  
TO BE MAINTAINED

EXISTING SOD + STONE  
BOUNDARY

Car Park

SCALE 1:500



TRADITIONAL / EXISTING SOD + STONE  
MOUND TO REINFORCE BOUNDARY  
WITH HOLLY BUSH ON TOP