



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

St. David's Holy Faith Secondary School  
Maine Road  
Greystones  
Co. Wicklow  
A63 AW90


17<sup>th</sup> May 2024

RE: Declaration in accordance with Section 5 of the Planning & Development Act 2000 (As Amended) – EX33/2024

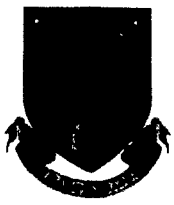
I enclose herewith Declaration in accordance with Article 5 (2) (A) of the Planning & Development Act 2000 (as amended).

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

Is mise, le meas,

  
ADMINISTRATIVE OFFICER  
PLANNING ECONOMIC & RURAL DEVELOPMENT





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Holy Faith Sisters  
Aylward House  
Holy Faith Convent Grounds  
Glasnevin  
Dublin 11

17<sup>th</sup> May 2024

RE: Declaration in accordance with Section 5 of the Planning & Development Act 2000 (As Amended) – EX33/2024

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

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

Applicant: St. David's Holy Faith Secondary School

Location: Marine Road, Greystones, co. Wicklow A63 AW90

CHIEF EXECUTIVE ORDER NO. CE/PERD/705/2024

A question has arisen as to whether "upgrade of four external lights bolted to the eastern elevation of the school wall and replacement with more energy efficient lighting" is or is not exempted development.


### Having regard to:

- 1) The details submitted with this Section 5 Application on the 24/04/2024.
- 2) Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended).
- 3) Class 40 of Part 1 Schedule 2 of the Planning and Development Regulations, 2001 (as amended).
- 4) Articles 6 of the Planning and Development Regulations 2001, as amended.

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

1. The works are considered to be works which comprises of "Works incidental to the use or maintenance of any burial ground, churchyard, monument, fairgreen, market, schoolgrounds or showground" and would therefore come with the provisions of Class 40 of Part 1 Schedule 2 of the Planning and Development Regulations, 2001 (as amended).

The Planning Authority considers that "upgrade of four external lights bolted to the eastern elevation of the school wall and replacement with more energy efficient lighting" at St. David's Holy Faith Secondary School Marine Road, Greystones, Co. Wicklow A63 AW90 is development and is exempted development

Signed:   
ADMINISTRATIVE OFFICER  
PLANNING ECONOMIC & RURAL DEVELOPMENT

Dated  May 2024



WICKLOW COUNTY COUNCIL

PLANNING & DEVELOPMENT ACTS 2000 (As Amended)  
SECTION 5

CHIEF EXECUTIVE ORDER NO. CE/PERD/705/2024

Reference Number: EX33/2024

Name of Applicant: St. David's Holy Faith Secondary School

Nature of Application: Section 5 Referral as to whether or not "upgrade of four external lights bolted to the eastern elevation of the school wall and replacement with more energy efficient lighting" is or is not development and is or is not exempted development.

Location of Subject Site: Marine Road, Greystones, co. Wicklow A63 AW90

Report from Keara Kennedy, EP & Suzanne White SEP

With respect to the query under section 5 of the Planning & Development Act 2000 as to whether "upgrade of four external lights bolted to the eastern elevation of the school wall and replacement with more energy efficient lighting" at St. David's Holy Faith Secondary School Marine Road, Greystones, Co. Wicklow A63 AW90 is or is not exempted development within the meaning of the Planning & Development Acts 2000 (as amended).

Having regard to:

1. The details submitted with this Section 5 Application on the 24/04/2024.
2. Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended).
3. Class 40 of Part 1 Schedule 2 of the Planning and Development Regulations, 2001 (as amended).
4. Articles 6 of the Planning and Development Regulations 2001, as amended.

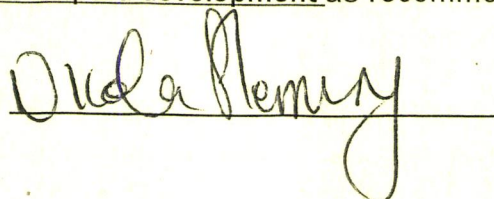
Main Reason with respect to Section 5 Declaration:

1. The works are considered to be works which comprises of "Works incidental to the use or maintenance of any burial ground, churchyard, monument, fairgreen, market, schoolgrounds or showground" and would therefore come with the provisions of Class 40 of Part 1 Schedule 2 of the Planning and Development Regulations, 2001 (as amended).

Recommendation:

The Planning Authority considers that "upgrade of four external lights bolted to the eastern elevation of the school wall and replacement with more energy efficient lighting" at St. David's Holy Faith Secondary School Marine Road, Greystones, Co. Wicklow A63 AW90 is development and is exempted development as recommended in the report by the SEP.

Signed



Dated

17<sup>th</sup> day of May 2024



**WICKLOW COUNTY COUNCIL**  
**Planning Department**

**Section 5 – Application for declaration of Exemption Certificate**

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<b>Ref:</b>	EX 33/2024
<b>Name:</b>	St David's Holy Faith Secondary School
<b>Development:</b>	Upgrade four external lights bolted to wall of school and replacement with similar.
<b>Location:</b>	St David's Holy Faith Secondary School, Marine Road, Greystones, Co. Wicklow. A63 AW90.

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**Application Site**

The site comprises St David's Secondary School, which fronts onto Marine Road in Greystones.

**Planning History**

**19/699:** Planning permission GRANTED to Le Cheile Schools Trust for amendments to the original permission (Reg. Ref. 15/1318).

**15/1318 (ABP 24/7362):** Planning permission GRANTED to Le Cheile Schools Trust for the demolition of a single storey link building between the main blocks of the school, four storey extension, two storey extension, 34 parking spaces and four temporary single storey classroom units.

**Enforcement:** None found in relation to the application site.

**Question**

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

- Upgrade four external lights bolted to the eastern elevation of the school wall and replacement with similar.

**Legislative Context:**

**Planning and Development Act 2000 (as amended)**

**Section 3(1)** of the Act states the following in respect of 'development':

*"In this Act, 'development' means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land."*

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

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

**Section 4(1) (h):** *“Development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures.”*

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

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

**Article 9(1) (a) and (b)** 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.

**Assessment:**

The Section 5 declaration application seeks an answer with respect to the following question i.e. whether or not:

- Upgrade four external lights bolted to the eastern elevation of the school wall and replace with similar.

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 proposal involves works to the existing land and therefore constitutes development.**

The works would come within the description of Class 40 of Article 6, Schedule 2, Part 1 of the Planning and Development Regulations 2001 (as amended) which refers to:

**CLASS 40**

Works incidental to the use or maintenance of any burial ground, churchyard, monument, fairgreen, market, schoolgrounds or showground except—

- (a) the erection or construction of any wall, fence or gate bounding or abutting on a public road,
- (b) the erection or construction of any building, other than a stall or store which is wholly enclosed within a

market building, or

- (c) the reconstruction or alteration of any building, other than a stall or store which is wholly enclosed within a market building.

**Conditions and Limitations - None**

These exemptions however are subject to the restriction set out under Article 9 of the Planning and Development Regulations 2001 (as amended) which provides that development to which article 6 relates shall not be exempted development for the purposes of the Act;

*“(b) in an area to which a special amenity area order relates, if such development would be development:— (i) of class 1, 3, 11, 16, 21, 22, 27, 28, 29, 31, (other than paragraph (a) thereof ), 33 (c) (including the laying out and use of land for golf or pitch and putt or sports involving the use of motor vehicles, aircraft or firearms), 39, 44 or 50(a) specified in column 1 of Part 1 of Schedule 2”,*

The application site is located within the Greystones-Delgany and Kilcoole LAP Boundary and is Zoned TS –Town Centre.

The proposal is for the upgrade of four external lights that are bolted to the eastern elevation of the school wall and to replace them with energy efficient lighting that is similar in size and in the same location. It is therefore considered that the proposed works fall within the exempted development provisions as set out in Class 40.

**RECOMMENDATION**

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

- a) The details submitted with this Section 5 Application on the 24/04/2024.
- b) Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended).
- c) Class 40 of Part 1 Schedule 2 of the Planning and Development Regulations, 2001 (as amended).
- d) Articles 6 of the Planning and Development Regulations 2001, as amended.

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

- Upgrade of four external lights bolted to the eastern elevation of the school wall and replacement with more energy efficient lighting is or is not exempted development;

The works are considered to be works which comprises of "Works incidental to the use or maintenance of any burial ground, churchyard, monument, fairgreen, market, schoolgrounds or showground" and would therefore come with the provisions of **Class 40 of Part 1 Schedule 2 of the Planning and Development Regulations, 2001** (as amended).

The Planning Authority therefore considers that the proposal as described in the documents and details submitted as part of this Section 5 **would constitute development** and is **exempted development under of Class 40 of Part 1 Schedule 2 of the Planning and Development Regulations, 2001** (as amended).

*Keara Kennedy*

Keara Kennedy  
Executive Planner  
15/04/2024

*Agreed  
Shirley SEP  
15/5/24*

*Issue declaration as recommended  
Fogal + Myles  
16/05/24*



# MEMORANDUM

## WICKLOW COUNTY COUNCIL

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**TO: Keara Kennedy  
Executive Planner**

**FROM: Peggy King  
A/Assistant Staff Officer**

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**RE:- Application for Certificate of Exemption under Section 5 of the  
Planning and Development Acts 2000 (as amended).  
EX33/2024**

I enclose herewith application for Section 5 Declaration received 24th April 2024.

The due date on this declaration is 21<sup>st</sup> May 2024

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**A/Assistant Staff Officer  
Planning Development & Environment**



**Comhairle Contae Chill Mhantáin**  
**Wicklow County Council**

**Pleanáil, Forbairt Eacnamaíochta agus Tuaithe**  
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24<sup>th</sup> April 2024

St David's Holy Faith Secondary School  
Marine Road,  
Greystones,  
Co Wicklow A63 AW90

**RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended). – EX33/2024**

A Chara

I wish to acknowledge receipt on 24/04/2024 details supplied by you in respect of the above Section 5 application. A decision is due in respect of this application by 21/05/2024.

Mise, le meas

PEGGY KING

A Assistant Staff Officer

PLANNING ECONOMIC & RURAL DEVELOPMENT



Wicklow County Council  
County Buildings  
Wicklow  
0404-20100

24/04/2024 12:20:57

Receipt No L11/0/328368

ST DAVIDS HOLY FAITH SCHOOL  
GREYSTONES  
CO WICKLOW

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

Total 80 00 EUR

Tendered  
Cheque 80 00  
HOLY FAITH GREYSTONES

Change 0 00

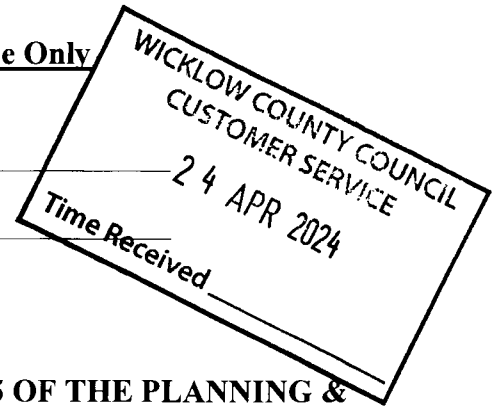
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County Buildings  
Wicklow  
Co Wicklow  
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Fax 0404 69462

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Date Received \_\_\_\_\_

Fee Received \_\_\_\_\_

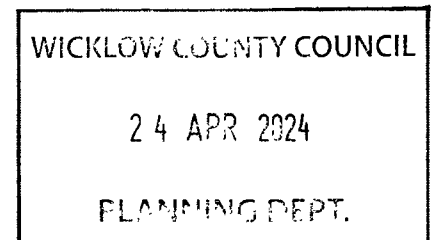
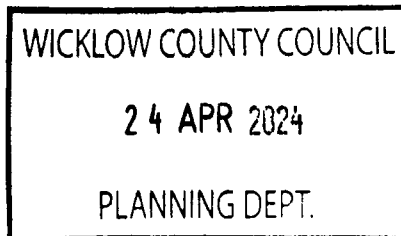


**APPLICATION FORM FOR A  
DECLARATION IN ACCORDANCE WITH SECTION 5 OF THE PLANNING &  
DEVELOPMENT ACTS 2000 (AS AMENDED) AS TO WHAT IS OR IS NOT  
DEVELOPMENT OR IS OR IS NOT EXEMPTED DEVELOPMENT**

**1. Applicant Details**

- (a) Name of applicant: **St. David's Holy Faith Secondary School**  
Address of applicant: **Marine Road, Greystones, County Wicklow,  
A63 AW90**

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



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

- (b) Name of Agent (where applicable) \_\_\_\_\_

Address of Agent : \_\_\_\_\_

\_\_\_\_\_

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

**3. Declaration Details**

- i. Location of Development subject of Declaration: **St. David's Holy Faith Secondary  
School, Greystones, County Wicklow A63 AW90**

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ii. Are you the owner and/or occupier of these lands at the location under i. above? **No.**  
**Owners are The Holy Faith Sisters who are part of the trustee group Le Chéile Schools Trust Ltd.**

iii. If 'No' to ii above, please supply the Name and Address of the Owner, and or occupier  
HOLY FAITH SISTERS, AYLWARD HOUSE, HOLY FAITH  
CONVENT GARDENS, GLASNEVIN, DUBLIN 11  
D11 YEF1

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:  
**The school is planning to upgrade four external lights that are bolted to the wall of the school and replacing them with newer more energy efficient lamps, the new lamps are similar in size to the existing lamps and will be mounted in exactly the same location as the existing lights, no cabling works are required.**

*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:

a. **Section 2 and 3 of the Planning and Development as amended and articles 6 and 9 and Class 33c of Schedule 2 of Part 1 of Exempted Development.** Section 5 of the Act, and Articles 6 and 9 and Class 33c of Schedule 2, Part 1 of the Planning and Development Regulations 2001, as amended.

*Additional details may be submitted by way of separate submission.*

**General Regulations set out under article 6 in the Planning and Development Regulations 2001 (amended).**

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

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

Drawing number 3767-C-103-2 attached (location of lights highlighted)

	School	Location
<u>Attached.</u>		

viii. Fee of € 80 Attached ? cheque attached

Signed : Simone Coy Dated : 22/04/2024

**Additional Notes :**

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

- A. Extension to dwelling - Class 1 Part 1 of Schedule 2
- Site Location Map
  - Floor area of structure in question - whether proposed or existing.
  - Floor area of all relevant structures e.g. previous extensions.
  - Floor plans and elevations of relevant structures.
  - Site Layout Plan showing distance to boundaries, rear garden area, adjoining dwellings/structures etc.

B. Land Reclamation -

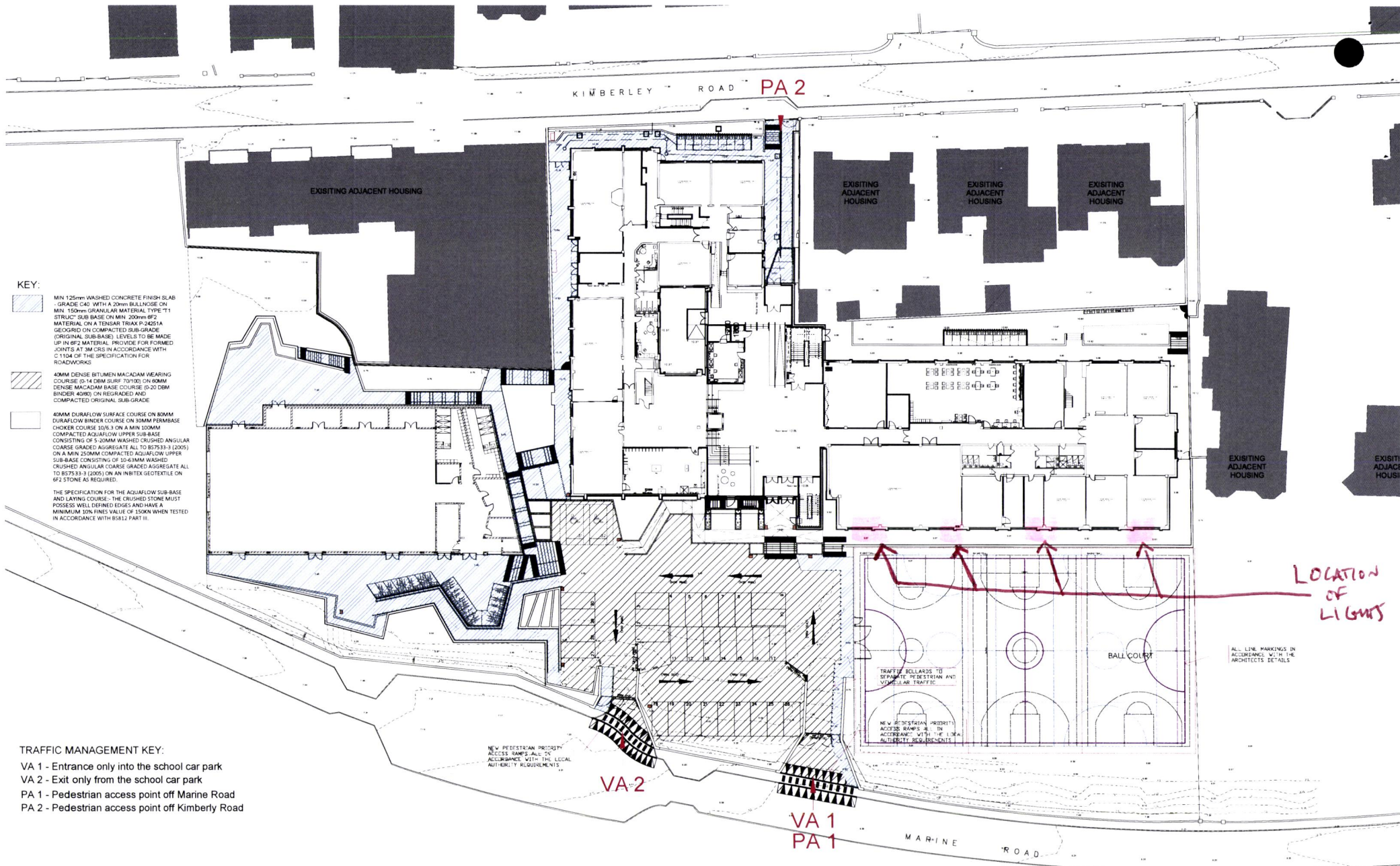
The provisions of Article 8 of the Planning and Development Regulations 2001 (as amended) now applies to land reclamation, other than works to wetlands which are still governed by Schedule 2, Part 3, Class 11. Note in addition to confirmation of exemption status under the Planning and Development Act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

of 2011. You should therefore seek advice from the Department of Agriculture, Fisheries and Food.

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

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

- Site layout plan showing location of structure and any adjoining farm structures and any dwellings within 100m of the farm structure.
- Gross floor area of the farm structure
- Floor plan and elevational details of Farm Structure and Full details of the gross floor area of the proposed structure.
- Details of gross floor area of structures of similar type within the same farmyard complex or within 100metres of that complex.



**KEY:**

- MIN 125mm WASHED CONCRETE FINISH SLAB - GRADE C40 WITH A 20mm BALLNOSE ON MIN. 150mm GRANULAR MATERIAL TYPE T1 STRUCT' SUB-BASE ON MIN. 200mm #2 MATERIAL ON A TENSAR TRIAX P-04251A GEOGRID ON COMPACTED SUB-GRADE (ORIGINAL SUB-BASE) LEVELS TO BE MADE UP IN #2 MATERIAL. PROVIDE FOR FORMED JOINTS AT 3M CRS IN ACCORDANCE WITH C 1104 OF THE SPECIFICATION FOR ROADWORKS.
- 40MM DENSE BITUMEN MACADAM WEARING COURSE (D-14 DBM SURF 70100) ON 80MM DENSE MACADAM BASE COURSE (D-20 DBM BINDER 40W) ON REGRADED AND COMPACTED ORIGINAL SUB-GRADE.
- 40MM DURAFLOW SURFACE COURSE ON 80MM DURAFLOW BINDER COURSE ON 30MM FERMBASE CHECKER COURSE (S06.3) ON A MIN. 100MM COMPACTED AQUAFLOW UPPER SUB-BASE CONSISTING OF 5-20MM WASHED CRUSHED ANGULAR COARSE GRADED AGGREGATE ALL TO BS7533-3 (2005) ON A MIN. 250MM COMPACTED AQUAFLOW UPPER SUB-BASE CONSISTING OF 5-20MM WASHED CRUSHED ANGULAR COARSE GRADED AGGREGATE ALL TO BS7533-3 (2005) ON AN INWET GEOTEXTILE ON #2 STONE AS REQUIRED.

THE SPECIFICATION FOR THE AQUAFLOW SUB-BASE AND LAYING COURSE - THE CRUSHED STONE MUST POSSESS WELL DEFINED EDGES AND HAVE A MINIMUM 10% FINES VALUE OF 150KN WHEN TESTED IN ACCORDANCE WITH BS812 PART III.

**TRAFFIC MANAGEMENT KEY:**

- VA 1 - Entrance only into the school car park
- VA 2 - Exit only from the school car park
- PA 1 - Pedestrian access point off Marine Road
- PA 2 - Pedestrian access point off Kimberley Road

NEW PEDESTRIAN PRIORITY ACCESS RAMP AS PER ACCORDANCE WITH THE LOCAL AUTHORITY REQUIREMENTS.

TRAFFIC BOLLARDS TO SEPARATE PEDESTRIAN AND VEHICULAR TRAFFIC.

NEW PEDESTRIAN PRIORITY ACCESS RAMP AS PER ACCORDANCE WITH THE LOCAL AUTHORITY REQUIREMENTS.

ALL LINE MARKINGS IN ACCORDANCE WITH THE ARCHITECT'S DETAILS.

LOCATION OF LIGMITS

Issued To	No. Of Copies
Architect	
Quantity Surveyor	
Main Contractor	

- Notes:**
- THIS DRAWING IS TO BE READ IN CONJUNCTION WITH ENGINEER'S SPECIFICATIONS AND ALL RELEVANT ARCHITECT'S ENGINEER'S AND SUB-CONTRACTOR'S DRAWINGS.
  - ALL CONCRETE CONSTRUCTION TO BE IN ACCORDANCE WITH BS 810.
  - BLOCKWORK TO BE IN ACCORDANCE WITH BS 520.
  - BLOCKWORK STRENGTH/TYPE TO BE . . . . . U.N.O.
  - BLOCKWORK TO BE IN ACCORDANCE WITH BS 591.
  - BLOCKWORK STRENGTH TO BE . . . . . U.N.O.
  - DO NOT SCALE THIS DRAWING.
  - FOR ALL SETTING OUT DIMENSIONS SEE ARCHITECT'S DRAWINGS.
  - FOR LOCATION AND SIZES OF ALL OPES AND CHASES REFER TO SERVICES ENGINEER'S AND ARCHITECT'S DRAWINGS. ALL OPES AND CHASES NOT SHOWN ON THIS DRAWING TO BE APPROVED BY STRUCTURAL ENGINEER.
  - COVER TO ALL REINFORCEMENT TO BE . . . . . mm U.N.O.
  - ALL WALL TIES TO BE STAINLESS STEEL TWIST TYPE.
  - CONCRETE TO BE GRADE . . . . . U.N.O.
  - MORTAR MIX - RISING WALL . . . . . U.N.O. SUPERSTRUCTURE . . . . . U.N.O.
  - 50mm CONCRETE BULKING 15 N / 20 UNDER ALL REINFORCED CONCRETE FOUNDATIONS U.N.O.
  - LOCATIONS AND DETAILS OF ALL D.P.C.'S AND D.P.A.'S TO ARCHITECT'S DETAIL ONLY.
  - ALL STRUCTURAL STEELWORK TO BE IN ACCORDANCE WITH BS 5950.
  - ALL TIMBER TO BE C24 TO BS 444 U.N.O.

Rev	Description	Date
1	General Revisions	22.05.23
2	New Balconies Permeable Pavement cases	03.07.23

**FOR CONSTRUCTION**

<b>FEARON O'NEILL ROONEY</b> CONSULTING ENGINEERS 12 Windsor Road, Dublin 2, Tel: (01) 676167/676574 Fax: (01) 6611073, Email: info@farr.ie		Project	St. David's Post Primary School, Greystones
		Title	Proposed External Works Layout
Drawn	Checked	Scale	Date
MG		A1-1:250 A3-1:500	08/07/14
Architect	VOLUME A.3.2		3767-C-103-2
McCULLOUGH MULVN			



