



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

November 2024

Brock McClure
Planning & Development Consultants
63 York Road
Dun Laoghaire
Co. Dublin

RE: Declaration in accordance with Section 5 of the Planning & Development Acts 2000
(As Amended) – EX87/2024 – Greystones Golf Club

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

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

Is mise, le meas,

ADMINISTRATIVE OFFICER
PLANNING ECONOMIC & RURAL DEVELOPMENT



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

Applicant: Greystones Golf Club

Location: Greystones Golf Club, Burnaby Estate, Whitshed Road, Greystones, Co. Wicklow

Reference Number: EX87/2024

CHIEF EXECUTIVE ORDER NO. CE/PERD/2024/1325

Section 5 Declaration as to whether “enhancement works to the existing practice area located within the golf course” at Greystones Golf Club, Burnaby Estate, Whitshed Road, Greystones, Co. Wicklow constitutes exempted development within the meaning of the Planning and Development Act, 2000(as amended).

Having regard to:

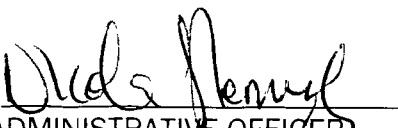
- (a) The details submitted with this Section 5 Application,
- (b) Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended)
- (c) Article 6 and 9 of the Planning and Development Regulations 2001 (as amended)
- (d) Schedule 2, Part 1, Class 34 of the Planning and Development Regulations 2001 (as amended)
- (e) The planning history of the site.

Main Reasons with respect to Section 5 Declaration:

- (i) The “enhancement works to the existing practice area located within the golf course at Greystones Golf Club”, as described in the documents submitted, is works and is therefore development, having regard to Section 3 of the Planning and Development Act 2000 (as amended).
- (ii) The “enhancement works to the existing practice area located within the golf course at Greystones Golf Club”, as described in the documents submitted, comprise works incidental to the maintenance and management of a golf course and therefore comes within the scope of Class 34, Part 1 of Schedule 2 of the Planning and Development Regulations (as amended).

The Planning Authority considers that “enhancement works to the existing practice area located within the golf course” at Greystones Golf Club, Burnaby Estate, Whitshed Road, Greystones, Co. Wicklow is development and is exempted development within the meaning of the Planning & Development Act 2000 (as amended).

Signed:


ADMINISTRATIVE OFFICER
PLANNING ECONOMIC & RURAL DEVELOPMENT

Dated  November 2024

WICKLOW COUNTY COUNCIL
PLANNING & DEVELOPMENT ACTS 2000 (As Amended)
SECTION 5
CHIEF EXECUTIVE ORDER NO. CE/PERD/2024/1325

Reference Number: EX87/2024

Name of Applicant: Greystones Golf Club

Nature of Application: Section 5 Declaration request as to whether or not: -
"enhancement works to the existing practice area located within the golf course" is or is not development and is or is not exempted development.

Location of Subject Site: Greystones Golf Club, Burnaby Estate, Whitshed Road, Greystones, Co. Wicklow

Report from Suzanne White, SEP

With respect to the query under section 5 of the Planning & Development Act 2000 as to whether "enhancement works to the existing practice area located within the golf course" at Greystones Golf Club, Burnaby Estate, Whitshed Road, Greystones, Co. Wicklow is or is not exempted development within the meaning of the Planning & Development Act 2000 (as amended).

Having regard to:

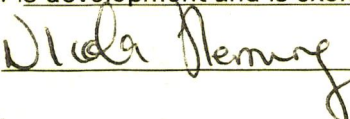
- a) The details submitted with this Section 5 Application,
- b) Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended)
- c) Article 6 and 9 of the Planning and Development Regulations 2001 (as amended)
- d) Schedule 2, Part 1, Class 34 of the Planning and Development Regulations 2001 (as amended)
- e) The planning history of the site.

Main Reason with respect to Section 5 Declaration:

- (i) The "enhancement works to the existing practice area located within the golf course at Greystones Golf Club", as described in the documents submitted, is works and is therefore development, having regard to Section 3 of the Planning and Development Act 2000 (as amended).
- (ii) The "enhancement works to the existing practice area located within the golf course at Greystones Golf Club", as described in the documents submitted, comprise works incidental to the maintenance and management of a golf course and therefore comes within the scope of Class 34, Part 1 of Schedule 2 of the Planning and Development Regulations (as amended).

Recommendation:

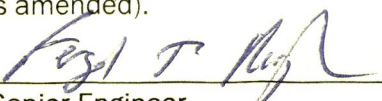
The Planning Authority considers that "enhancement works to the existing practice area located within the golf course" at Greystones Golf Club, Burnaby Estate, Whitshed Road, Greystones, Co. Wicklow is development and is exempted development as recommended in the report by the SEP.

Signed 

Dated 6th day of November 2024

ORDER:

I HEREBY DECLARE THAT "enhancement works to the existing practice area located within the golf course" at Greystones Golf Club, Burnaby Estate, Whitshed Road, Greystones, Co. Wicklow is development and is exempted development within the meaning of the Planning & Development Act 2000 (as amended).

Signed: 
Senior Engineer
Planning, Economic & Rural Development

Dated 06th day of November 2024

Section 5 Application EX 876/2024

Date : 1st November 2024

Applicant : Greystones Golf Club

Address : Burnaby Estate, Whitshed Road, Greystones, Co. Wicklow

Exemption Whether or not:

“Enhancement works to the existing practice area located within the golf course at Greystones Golf Club is or is not exempted development”

Site Location

The subject site is located within the town of Greystones. Access is taken from Whitshed Road to the east. The applicant states that the subject area within the golfcourse grounds is presently used as an informal practice area.

The subject site is zoned AOS – To provide for active recreational open space in the Greystones Delgany Kilcoole LAP 2013.

The site is located c. 1.44km west of The Murrough SPA and c. 1.96km east of the Glen of the Downs SAC. The Three Trouts River is located c. 0.74km to the south and flows in to The Murrough SPA.

Planning History :

87/3445 – p/p granted for Machine shed

90/5477 – p/p granted for extension and development of Killincarrig Farmhouse as Golf Clubhouse including bowling and putting greens and new entrances at Burnaby Heights and Whiteshed Road

91/7459 – p/p granted for machinery shed on club grounds

94/577 – p/p granted for new granite wall with decorative railings at existing clubhouse entrance

96/4445 – p/p granted for remodelling of front 9 holes (2-9 inclusive)

04/139 – p/p granted to erect a new 12.05m telegraph style pole with 3 no. antennae and 2 no. radio link dishes attached with associated equipment at Greystones Golf Club

06/5005 – retention permission granted for new boundary fencing

09/632 – permission refused for ball-stop protective netting attached to 7 no. 20.6m high supporting posts, adjacent to the 12th green in the south-eastern corner of Greystones Golf Club

09/975 – p/p granted for extension to machinery store and wall on eastern boundary

Relevant cases

ABP-315713-23 – ‘Whether the berms erected adjacent to the N67 at Spanish Point Golf Club is or is not development or is or is not exempted development’. Exempted development.

ABP-RL05E.306362 – ‘Whether ground excavation, alteration and demolition on private and public property at Narin and Portnoo Links and Castlegoland Beach, Narin, Portnoo, County Donegal is or is not development or is or is not exempted development.’ Split decision- removal of soil to form natural bunker considered exempt.

ABP-RL05E.315560 – ‘Whether the reconfiguration of golf course (location of new tee) and associated orientation plan is or is not development or is or is not exempted development.’ Exempted development.

LEGISLATIVE CONTEXT

Planning and Development Act 2000 (as amended)

Section 3(1) of the Act states the following in respect of ‘development’:

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

Section 2(1) of the Act states the following in respect of ‘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.

(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 34 Works incidental to the maintenance and	

management of any golf course or pitch and putt course, including alterations to the layout thereof, excluding any extension to the area of a golf course or pitch and putt course.	
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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,

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 the development plan.

(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.

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:

“Enhancement works to the existing practice area located within the golf course at Greystones Golf Club is or is not exempted development”

Schedule 2 Part 1 Class 34 sets out exempt development as “Works incidental to the maintenance and management of any golf course or pitch and putt course, including alterations to the layout thereof, excluding any extension to the area of a golf course or pitch and putt course.”

The applicant submits that the proposed works comprise minor landscape treatments including practice tees and chipping areas that will clearly define, improve and maintain the golf club's offering. No structures, signage or lighting are proposed. It is stated that alterations to levels arising from the works would be nominal, relating only to the maintenance and improvement of the existing greens. It is noted that the area of the works is wholly contained within the wider golfclub lands and would not involve an extension of same. Based on the description of the works submitted, I consider that these are works which are incidental to the maintenance and management of the golf course. Therefore, I consider that the development constitutes exempt development with regard to Class 34 of Part 1 of Schedule 2 of the Regulations.

With respect to the restrictions on exempted development set down in the Act and in Article 9, it is considered that the following can be reasonably concluded:

- having reviewed the planning history for the site, the proposal would not contravene a condition attached to any previous planning permission pertaining to the site
- the proposed works would not interfere with the character of a landscape, or a view or prospect of special amenity value or special interest; and
- having regard to the limited extent of the works, the lack of a pathway between the development and any European site and the separation distance to any European site, it is considered that the works which are the subject of this application, individually, or in combination with other plans and or projects would not be likely to have had a significant effect on any designated European sites.

RECOMMENDATION:

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

“Enhancement works to the existing practice area located within the golf course at Greystones Golf Club is or is not exempted development” within the meaning of the Planning and Development Acts, 2000 (as amended).

The Planning Authority considers that:

“Enhancement works to the existing practice area located within the golf course at Greystones Golf Club”, as described in the documents submitted, is development and is 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) Article 6 and 9 of the Planning and Development Regulations 2001 (as amended)
- (d) Schedule 2, Part 1, Class 34 of the Planning and Development Regulations 2001 (as amended)
- (e) The planning history of the site.

Main Reasons with respect to Section 5 Declaration:

(i)The “enhancement works to the existing practice area located within the golf course at Greystones Golf Club”, as described in the documents submitted, is works and is therefore development, having regard to Section 3 of the Planning and Development Act 2000 (as amended).

(ii) The "enhancement works to the existing practice area located within the golf course at Greystones Golf Club", as described in the documents submitted, comprise works incidental to the maintenance and management of a golf course and therefore comes within the scope of Class 34, Part 1 of Schedule 2 of the Planning and Development Regulations (as amended).

I recommend that the applicant be informed accordingly.



Suzanne White
Senior Executive Planner
01/11/2024

*Issue declaration as recommended
Aug 15 11:11
06/11/24*



Comhairle Contae Chill Mhantáin Wicklow County Council

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

Áras An Chontae / County Buildings
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Guthán / Tel: (0404) 20148
Faics / Fax (0404) 69462
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15th October 2024

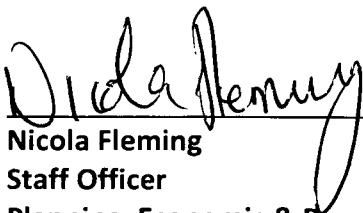
**Brock McClure
Planning & Development Consultants
63 York Road
Dun Laoghaire
Co. Dublin**

RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended). – EX87/2024 – Greystones Golf Club

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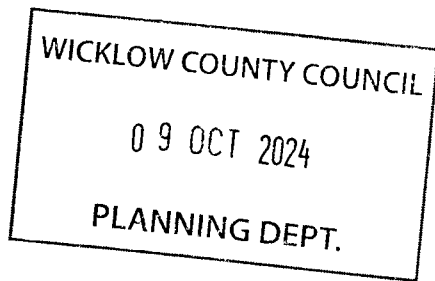
I wish to acknowledge receipt on 10/10/2024 details supplied by you in respect of the above Section 5 application. A decision is due in respect of this application by 06/11/2025.

Mise, le meas



Nicola Fleming
Staff Officer
Planning, Economic & Rural Development





www.brockmcclure.ie

Senior Administrative Officer,
Planning Department,
Wicklow County Council,
County Buildings,
Whitegates,
Wicklow Town,
A67 FW96.

9 October 2024

**Re: Section 5 Declaration Application
For Lands at Greystones Golf Club, Burnaby Estate, Whitshed Road, Greystones, Co. Wicklow**

Dear Sir/Madam,

We, **Brock McClure, Planning & Development Consultants, 63 York Road, Dun Laoghaire, Co. Dublin**, have been instructed by our client, **Greystones Golf Club, Burnaby Estate, Whitshed Road, Greystones, Co. Wicklow** to lodge this Section 5 Declaration application to Wicklow County Council.

A declaration is sought as to “whether enhancement works to the existing practice area located within the golf course at Greystones Golf Club is or is not exempted development.”

We have enclosed the following details in assist in the Planning Authority forming their decision:-

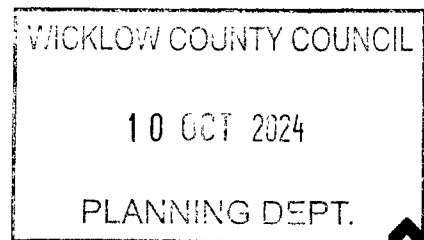
- Completed Section 5 Application Form
- The prescribed fee of €80.00
- 1 no. Site Location Map
- 1 no. Existing Site Layout Plan prepared by Kearney Golf Design
- 1 no. Proposed Site Layout Plan prepared by Kearney Golf Design
- 1 no. Site Layout Plan (Existing and Proposed) prepared by Kearney Golf Design
- 1 no. Examples of proposed Tee Areas During Construction / ‘Grow-in’ Stage prepared by Kearney Golf Design

We confirm that we act for Greystones Golf Club, and request that all future correspondence in relation to this matter be directed to this office. We trust that you will find everything in order.

If you have any queries, please contact this office at the address or number below.

Yours sincerely,

Majella Quinn
MRUP MRTPI
majella@brockmcclure.ie



Lands at Greystones Golf Club, Burnaby Estate, Whitshed Road, Greystones, Co. Wicklow

Ph: +353 1 559 3859

Section 5 Declaration

For enhancement works to the
existing practice area

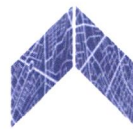
at

Greystones Golf Club,
Burnaby Estate,
Whitshed Road,
Greystones,
Co. Wicklow

On behalf of

Greystones Golf Club

October 2024



**Brock
McClure**

Planning & Development Consultants

63 York Road,

Dun Laoghaire

Co. Dublin

www.brockmcclure.ie



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1 Introduction

We, Brock McClure Planning and Development Consultants, 63 York Road, Dún Laoghaire, Co. Dublin have been instructed by our client Greystones Golf Club to submit this request for a Declaration as per the provision of Section 5 (2) (a) of the *Planning & Development Act, 2000 (as amended)*.

This request is accompanied by the following documents:

- Completed Application Form
- Site Location Map
- Existing Site Map prepared by Kearney Golf Design
- Proposed Site Map prepared by Kearney Golf Design
- Site Layout Plan (Existing and Proposed) prepared by Kearney Golf Design
- Examples of Proposed Tee Areas During Construction/ 'Grow-in' Stage prepared by Kearney Golf Design
- Application fee of €80

1.1 Summary of Outcome Sought in this Declaration Request

The following request is made to Wicklow County Council:

“whether enhancement works to the existing practice area located within the golf course at Greystones Golf Club is or is not exempted development.”

It is our professional planning opinion that the proposal outlined above is ‘exempted development’ in accordance with Schedule 2, Part 1, Class 34 of the Planning and Development Regulations 2001 (*as amended*).

From the outset, it is noted to the Planning Authority that the enhanced practice area is located on the existing golf course. No extension will occur to the existing course. The landscape treatment works are minimal but are required to clearly define the area and for maintenance and improvement purposes.

The rationale for this Opinion and extent of proposed works is set out in detail in Section 5 below.





2 Site Location & Context

The subject area is located within the grounds of Greystones Golf Club, Burnaby Estate, Whitshed Road, Greystones, Co. Wicklow, c. 1.3km from the centre of Greystones.

The site is accessed form Whitshed Road to the east which connects to the R762. The town is accessible to vehicles from the N11 and is also served by the Dart, Irish Rail services and the Rosslare Europort Services as well as Bus Éireann routes 184, 84 and 84X.

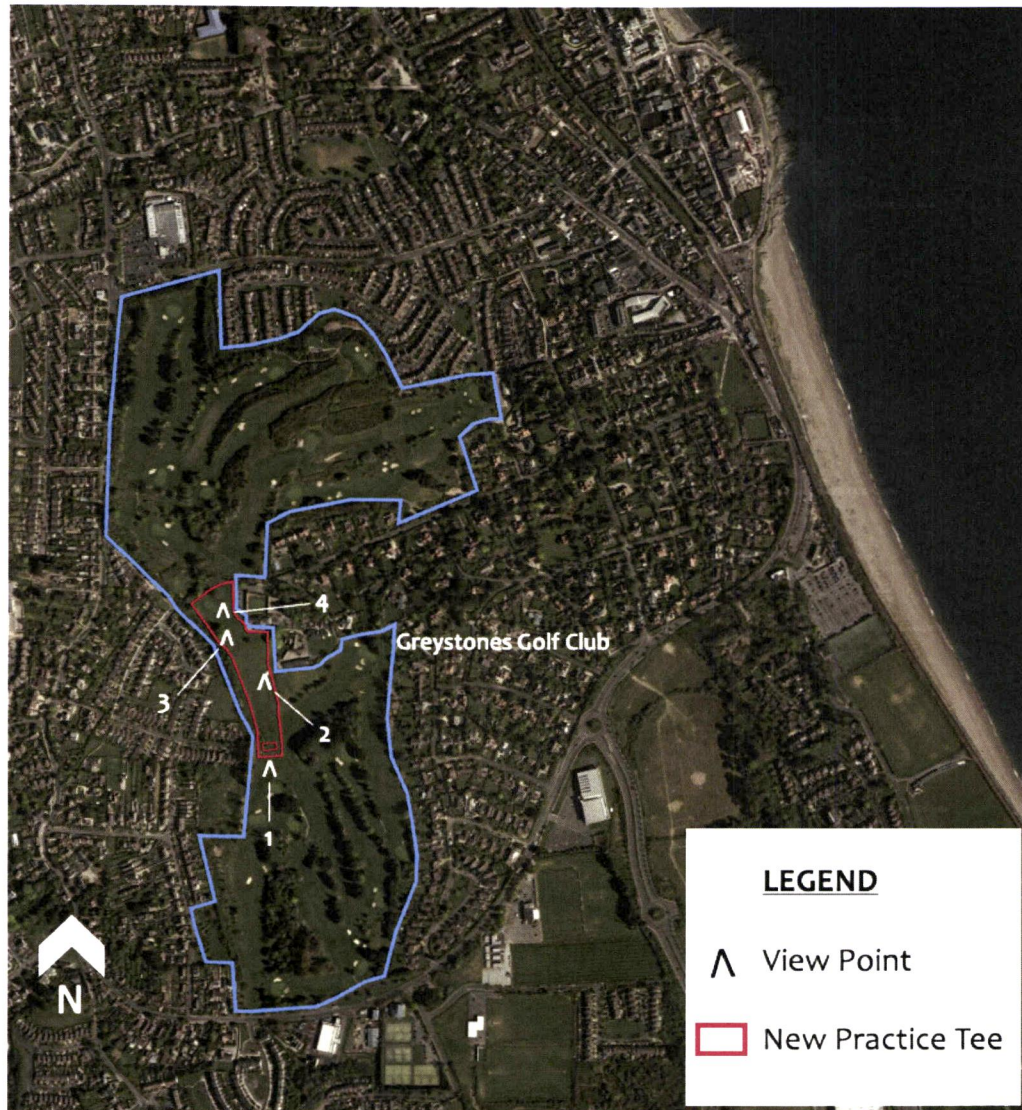


Figure 1: Site Location (Proposed Works Annotated in Red)



Figure 2: View from Point No.1



Figure 3: View from Point No. 2





Figure 4: View from Point No.3



Figure 5: View from Point No. 4





3 RELEVANT PLANNING HISTORY

A brief synopsis of the planning history for the golf club is now set out below for the convenience of the Planning Authority.

Reg. Ref. 09/632 Retention planning permission was sought for development comprising of ball-stop protective netting attached to 7 no. 20.6m high supporting posts, adjacent to the 12th green in the south-eastern corner of Greystones Golf Club.

Planning permission **REFUSED** 16th July 2009 on the grounds of:

- The structure would interfere with amenity of neighbouring residents by way of appearing overbearing and appearing visually dominant when viewed from the rear of these properties and set an undesirable precedent for similar types of development in the area.
- The removal of trees to allow for the construction of the protective netting would have an adverse impact on the privacy of residents of no. 31-33 Burnaby Park as there would be direct opportunities for overlooking from the golf course into the private amenity space of these residents.

Reg. Ref. 09/975 Planning permission sought for 03.52 sqm two storey extension to the northern end of the existing 290.29 sqm machinery store consisting of an extended machinery store on the ground floor and a canteen, a drying room, an office, a w.c. and shower room and a store room on the first floor, including an external staircase on the eastern side and a new 3m high capped and rendered concrete block wall on the eastern boundary plus associated site development works.

Planning permission **GRANTED** 22nd December 2009.

Reg. Ref. 06/5005 Retention planning permission was sought for development at Greystones Golf Club consisting of 705 linear metres of 2.4 metre high powder coated galvanized steel palisade fencing & supports on the boundaries of Greystones Golf Course at New Road, Carrig Villas, Castlefield Terrace, Burnaby Heights & Whitshed Road, together with 495 linear metres of 2.4 metre high chainlink fencing with the curtilage of the Golf Club.

Planning permission **GRANTED** 3rd January 2007

Reg. Ref. 96/4445 Planning permission sought for the remodelling of front 9 holes (2-9 inclusive).

Planning permission **GRANTED** 28th August 1996

Reg. Ref. 94/577 Planning permission sought for a new granite wall with decorative railings at existing clubhouse entrance.

Planning permission **GRANTED** 8th September 1994

Reg. Ref. 91/7459 Planning permission sought for a machinery shed on club grounds.

Planning permission **GRANTED** 14th November 1991

Reg. Ref. 90/5477 Planning permission sought for extension & development of Killincarrig Farmhouse as Golf Clubhouse incl. bowling & putting greens & new entrances at Burnaby Hgts. & Whitshed Road.

A decision was made on 19th April 1990 subject to 17 no. conditions.

Reg. Ref. 87/3445 Planning permission sought for a machine sled.

Planning permission **GRANTED** 14th January 1987





4 Planning Context

The Wicklow County Development Plan 2022-2028 represents the statutory planning document governing the subject site. A new Local Area Plan is currently in Draft Stage for Greystones-Delgany and Kilcoole, however as this has not been adopted the Greystones-Delgany and Kilcoole Local Area Plan 2013-2019 is still in effect. Under this plan, the site is located within an area zoned 'AOS: Active Open Space'

Section 11 of the Local Area Plan sets out the land use zoning objectives for the area. For lands zoned as Active Open Space the objective is to:

To provide for active recreational open space.

The proposed development is in support of the following objectives that have been set out by the Local Area Plan:

SOC8: *Protect and improve public and private open space and recreation provision.*

HER1: *Protect and enhance the character, setting and environmental quality of natural, architectural and archaeological heritage, and in particular those features of the natural landscape and built structures that contribute to its special interest. The natural, architectural and archaeological heritage of the area shall be protected in accordance with the objectives set out in the Wicklow County Development Plan.*

HER3: *To protect, wherever possible, wildlife habitats that are located outside protected and designated areas, including the coast, cliffs, dunes, trees, hedgerows, drainage ditches, scrub, woodland, rock outcrops, watercourses, stone walls and other features of the natural landscape that provide wildlife corridors and which contribute to the biodiversity of the area. In the assessment of planning applications, the Council may require that such features are retained and incorporated into future development.*

HER4: *To protect and retain trees which contribute to the biodiversity value and the character and amenity of the area.*

The works proposed to the existing practice space will stand to benefit the provision of open space in Greystones by increasing the capacity and improving the quality of the existing stock.

No works are proposed to the existing golf course that could potentially impact the amenity of the natural environment, hedgerows or trees which make up the western border of the golf course. The proposed works set out to improve and enhance the open space already in recreational use without having an impact on the biodiversity value and character of the area.

In addition to this the proposed works supports the following policies and objectives set out by Wicklow County Development Plan 2022-2028.

SCO6 Natural Heritage & Biodiversity

Natural heritage and biodiversity is the cornerstone of Wicklow's identity – 'The Garden of Ireland'. It is essential that we conserve and enhance the County's rich natural heritage and biodiversity for the benefit of current and future generations.

The Development Plan makes specific reference to the protection of nature and biodiversity in development by stating that *all development proposals should seek to enhance biodiversity and avoid or minimise loss of existing local habitats and wildlife corridors.* The proposed works will not have impact upon the trees and hedgerows which border the site and the integrity of such will be maintained.

The subject proposal complies with the AOS zoning objective, Local Area Plan provisions and Development Plan provisions and seeks to enhance the existing offering provided by the golf club.





5 Declaration Question

The following request is made to Wicklow County Council:

“whether enhancement works to the existing practice area located within the golf course at Greystones Golf Club is or is not exempted development.”

5.1 Proposed Works

The subject area located within the grounds of the existing golf course is currently in use as an informal practice space.

The subject proposal includes minor landscape treatments including practice tees and chipping areas that will clearly define, improve and maintain the golf club’s offering for its members. No structures, signage or lighting are proposed.



Figure 7: Existing and Proposed Site Layouts

Alterations to levels arising from minor landscape alterations are considered to be nominal and only in respect of the maintenance and improvement of the existing greens. In our professional opinion, these works do not constitute a material change to or extension of the golf course.





Figure 8: Example of Proposed Tee Areas During Construction



Figure 9: Example of Proposed Tees during the 'Grow-In' Stage with Artificial Grass Surface





In addition to this, the location of the improved practice area will benefit from existing natural screening provided by planting along the western site boundary with the residential estate of Burnaby Heights. The screening will mitigate against any potential visual impact thus protecting the visual and residential amenity of surrounding properties.

It is our professional opinion the works proposed constitute development as set out by Section 3 (1) of the *Planning and Development Act, 2000 (as amended)*. However, due to the nature of the proposed works and the provision made under Schedule 2, Part 1, Class 34 of the *Planning and Development Regulations 2001 (as amended)* the works would constitute exempted development.

Having detailed the limited nature of the proposal, we submit that the above constitutes Exempted Development and invite the Planning Authority to concur with this view based on the following rationale:

5.2 Relevant Planning Legislation

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

Section 2 (1) of the Planning and Development Act 2000 (as amended) states:

In this Act, except where the context otherwise requires –

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

Section 3 (1) of the Planning and Development Act 2000 (as amended) states:

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 4 (4) of the Planning and Development Act 2000 (as amended) states:

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.

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

Article 6 (1) of the Planning and Development Regulations 2001 (as amended) states:

Subject to article 9, development of a class specified in column 1 of Part 1 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1.

Article 9 (1) – Development to which article 6 relates shall not be exempted for the purposes if the Act

- a) If the carrying out of such development would –
 - i. Contravene a condition attached to a planning permission under the Act or be inconsistent with any use specified in a permission under the Act.
 - ii. Endanger public safety by reason of traffic hazard or obstruction of road users,
 - iii. Consist of or compromise the extension, alteration, repair or renewal of an unauthorised structure of a structure the use of which is an unauthorised use.

In response to Article 9 above and



Having reviewed the subject proposal against the criteria outlined above, we conclude that the proposal does not contravene a condition attached to any previous planning applications pertaining to the subject site.

The improved practice tees and chipping greens are located on the existing golf course. The zone of influence originating at the practice area opening onto the green in a northward direction is confined to the golf course only. No impact to traffic safety or public safety is likely to occur as a result.

No structures or extensions are proposed as part of this application. As noted above, minor landscape treatments are required to improve and define the space.

Schedule 2, Part 1, Class 34, states that the following constitutes exempted development:

Development for amenity and recreational purposes –

Works incidental to the maintenance and management of any golf course or pitch and putt course, including alterations to the layout thereof, excluding any extension to the area of a golf course or pitch and putt course.

It is considered that the proposal comes within the meaning of ‘development’ in accordance with Section 3 of the Planning and Development Act 2000 (as amended). The question at issue, therefore, is whether the development is or is not exempted development.

Class 34, Part 1, Schedule 2 of the Planning and Development Regulations 2001 (as amended) allows for works to be carried out on a golf course relating to maintenance and management inclusive of alterations to the layout but exclusive of extensions to the area of the golf course or the pitch and putt course respectively.

As noted above, it is proposed to undertake minor improvements in the form of maintenance and improvement of the existing course and practice facilities, but no actual extension of the golf course will take place.

An Appropriate Assessment would not be required for this development.

Having regard to the foregoing, we respectfully consider that the proposed development would undertake works in, on and over the land used as a practice space. However, the works proposed are exempt as per Class 34 of Schedule 2 Part 1 of the Planning & Development Regulations, 2001 (as amended) and we do not consider there are any restrictions on this exemption. Therefore, we consider the proposal constitutes as exempted development.





6 CONCLUSION

The content of this report is offered in assistance to providing the Declaration within the 4-week period of receipt of this request.

In summary, we ask the Planning Authority to concur with the following points:

- No extension will occur to the golf course. No structures, signage or lighting is proposed. The proposed works do not constitute significant development and are confined to minor landscape improvements that clearly define and enhance the existing practice area.
- This scope of works to be carried out comes within Class 34 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended, and would therefore, constitute exempted development, and
- None of the restrictions on exemption set out in Article 9(1) of these Regulations apply in this instance.

We enclose the following:

1. Completed Application Form
2. Site Location Map
3. Existing Site Map prepared by Kearney Golf Design
4. Proposed Site Map prepared by Kearney Golf Design
5. Site Layout Plan (Existing and Proposed) prepared by Kearney Golf Design
6. Examples of Proposed Tee Areas During Construction/ 'Grow-in' Stage prepared by Kearney Golf Design
7. Application fee of €80

If further information is required to assist in the Declaration, Brock McClure will respond accordingly. We look forward to an early and favourable response in this regard.



Wicklow County Council
County Buildings
Wick /
0404-20100

10/10/2024 16 07 59

Receipt No L1/0/335669

BROCK MCCLURE PLANNING & DEVELOPMI
63 YORK RD
DUN LAOGHAIRE
CO DUBLIN

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

Total	80 00 EUR
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Tendered Cheque	80 00
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Change	0 00
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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: _____ Greystones Golf Club _____

Address of applicant: Greystones Golf Club, Burnaby Estate, Whitshed Road,
Greystones, Co. Wicklow _____

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

2. Agents Details (Where Applicable)

(b) Name of Agent (where applicable) Majella Quinn

Address of Agent : Brock McClure Planning and Development Consultants, 63
York Road, Dún Laoghaire, Co. Dublin

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

3. Declaration Details

- i. Location of Development subject of Declaration

Greystones Golf Club, Burnaby Estate, Whitshed Road, Greystones, Co. Wicklow

- ii. Are you the owner and/or occupier of these lands at the location under i. above ?

Yes

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

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

"whether enhancement works to the existing practice area located within the golf course at Greystones Golf Club is or is not exempted development."

Additional details may be submitted by way of separate submission.

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

Schedule 2, Part 1, Class 34

- vi.

Additional details may be submitted by way of separate submission.

vi. Does the Declaration relate to a Protected Structure or is it within the curtilage of a Protected Structure (or proposed protected structure) ?

No

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

1 no. Site Location Map

1 no. Existing Site Layout Plan prepared by Kearney Golf Design


1 no. Proposed Site Layout Plan prepared by Kearney Golf Design

1 no. Site Layout Plan (Existing and Proposed) prepared by Kearney Golf Design

1 no. Examples of proposed Tee Areas During Construction / 'Grow-in' Stage prepared by Kearney Golf Design

viii. Fee of € 80 Attached ?

Yes

Signed : 

Majella Quinn (Agent), Brock McClure Planning and development Consultants, 63 York Road, Dun Laoghaire, Co. Dublin.

Dated : 9 October 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.

*Example of proposed tee areas during construction.
Tees to be built at +/- 150mm above native grade*



Example of proposed tees during 'Grow-In' stage with artificial grass surface.



Whitshed Rd



GREYSTONES GOLF CLUB

Greystones
Golf Club

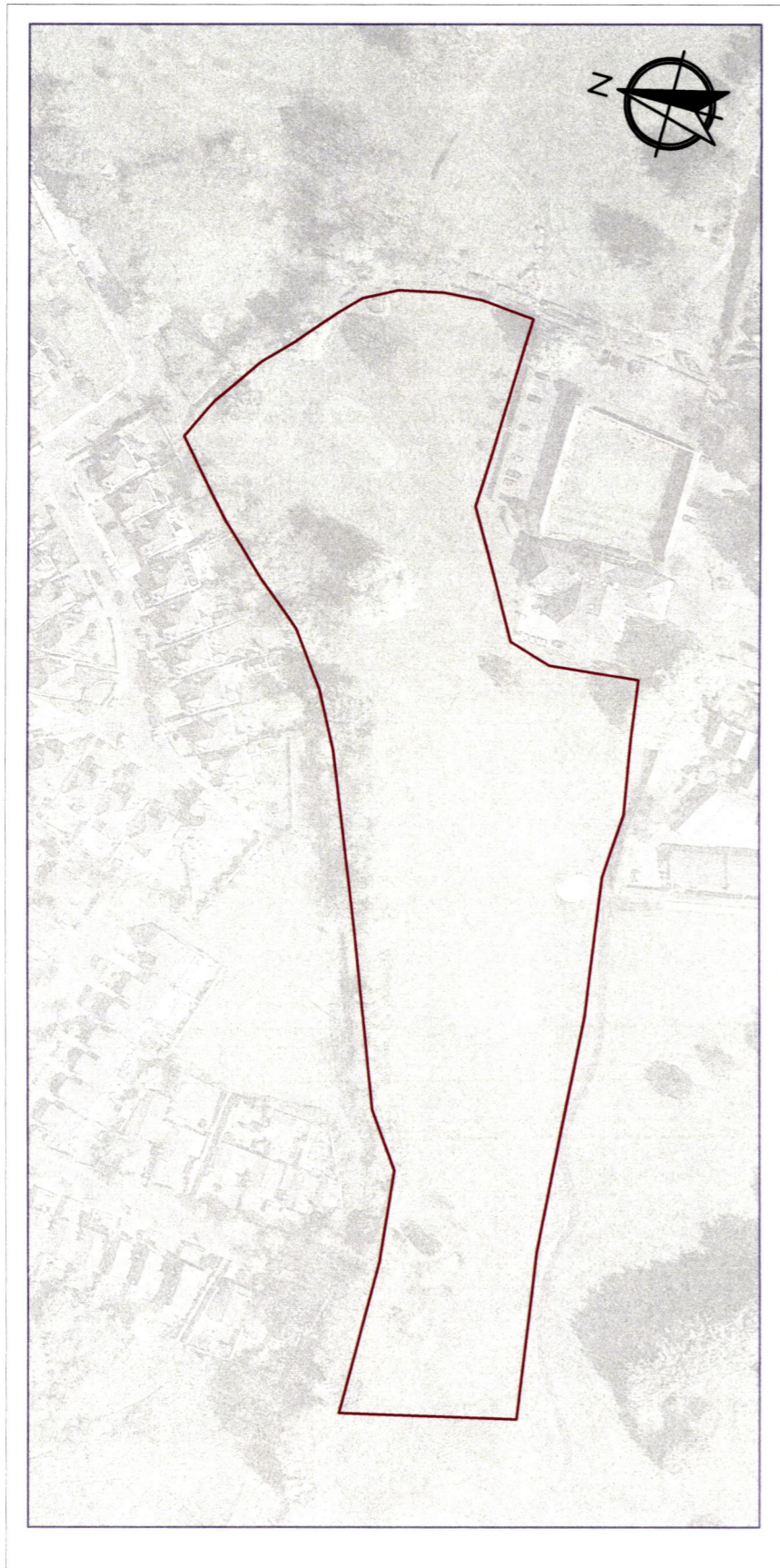
8-10

PRACTICE AREA

5

KILL

naby
ghts



Existing Site Layout . Scale 1:1000 @ A1



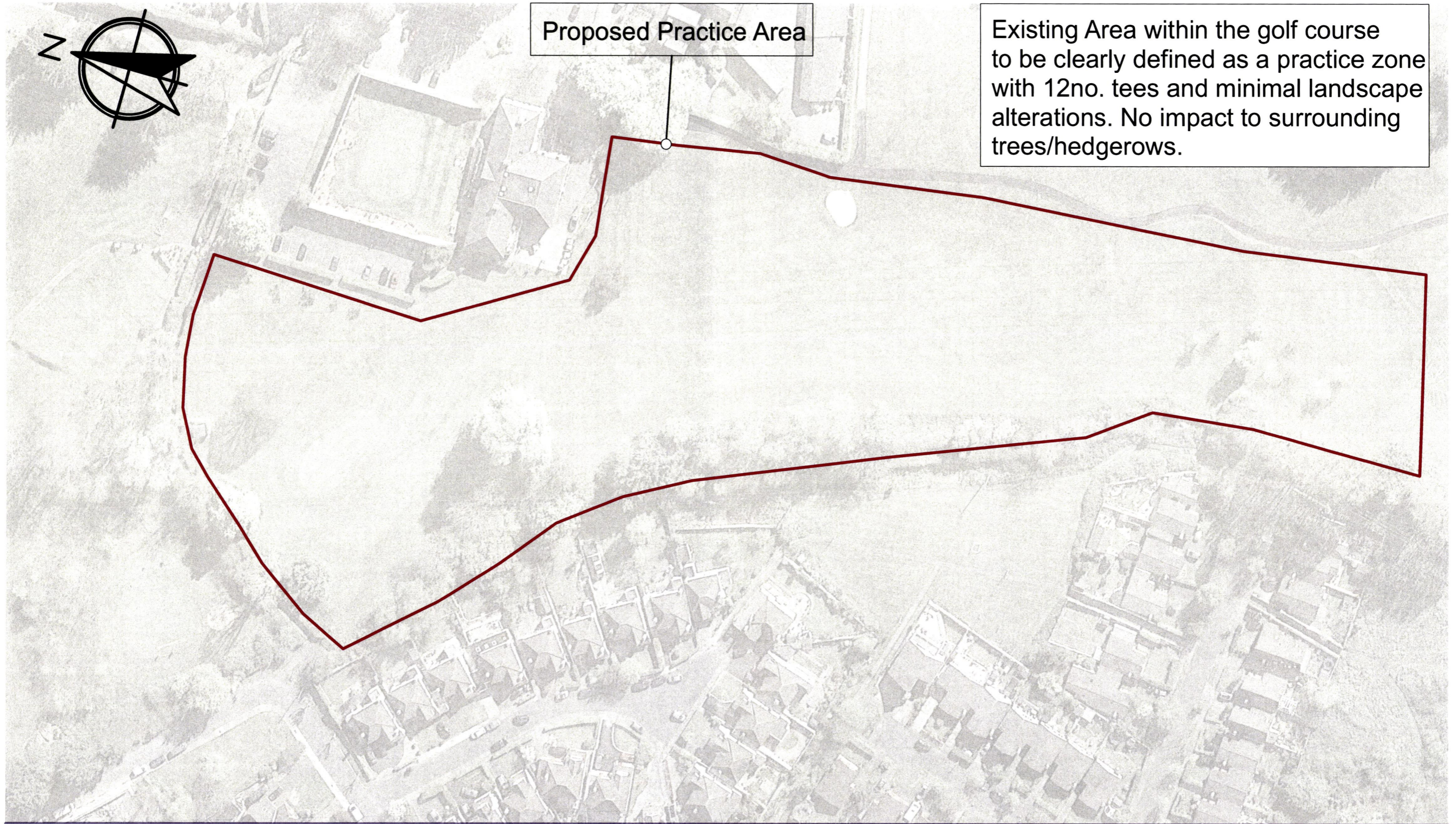
Proposed Site Layout . Scale 1:1000 @ A1



Scale 1:1000 @ A3

Proposed Practice Area

Existing Area within the golf course to be clearly defined as a practice zone with 12no. tees and minimal landscape alterations. No impact to surrounding trees/hedgerows.



Scale 1:1000 @ A3