



# 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)

Bridwatch Ireland  
Unit 20, Block D  
Bullford Business Campus  
Kilcoole  
Greystones  
Co. Wicklow

16<sup>th</sup> July 2024

**RE: Declaration in accordance with Section 5 of the Planning & Development Acts 2000 (As Amended) – EX54/2024**

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

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

Is mise, le meas,

**ADMINISTRATIVE OFFICER  
PLANNING ECONOMIC & RURAL DEVELOPMENT**





Comhairle Contae Chill Mhantáin  
Wicklow County Council

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

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

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

Applicant: BirdWatch Ireland

CHIEF EXECUTIVE ORDER NO. CE/PERD/936/2024

Section 5 Declaration as to whether “the erection of a shipping container for storage in a nature reserve” at East Coast Nature Reserve, Newcastle, Co. Wicklow constitutes exempted development within the meaning of the Planning and Development Act, 2000(as amended).

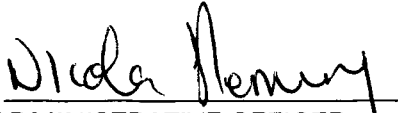
Having regard to:

- The details received with this section 5 application on the 20<sup>th</sup> June 2024.
- Section 2(1) of the Planning and Development Act 2000, as amended
- Section 3(1) of the Planning and Development Act 2000, as amended
- Section 4(1) of the Planning and Development Act 2000, as amended
- Class 16 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended
- Articles 6(1) & 9(1) of the Planning and Development Regulations 2001 as amended.

Main Reasons with respect to Section 5 Declaration:

- The placement of a shipping container on site would come within the definition of development as set out in Section 3 of the Planning & Development Act 2000 (as amended).
- The proposal for the erection of a sea container at East Coast Nature Reserve, Newcastle, Co Wicklow would not come within the provisions of Class 16 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 as the structure is not associated with a permission and will not be required temporarily.

The Planning Authority considers that “the erection of a shipping container for storage in a nature reserve” at East Coast Nature Reserve, Newcastle, Co. Wicklow is development and is Not exempted development

Signed:   
ADMINISTRATIVE OFFICER  
PLANNING ECONOMIC & RURAL DEVELOPMENT

Dated 16<sup>th</sup> July 2024



WICKLOW COUNTY COUNCIL

PLANNING & DEVELOPMENT ACTS 2000 (As Amended)  
SECTION 5

CHIEF EXECUTIVE ORDER NO. CE/PERD/936/2024

Reference Number: EX54/2024

Name of Applicant: BirdWatch Ireland

Nature of Application: Section 5 Declaration request as to whether or not: -  
"the erection of a shipping container for storage in a nature reserve" is or is not development and is or is not exempted development.

Location of Subject Site: East Coast Nature Reserve, Newcastle, Co. Wicklow

Report from Keara Kennedy, EP & Edel Bermingham, SEP

With respect to the query under section 5 of the Planning & Development Act 2000 as to whether "the erection of a shipping container for storage in a nature reserve" at East Coast Nature Reserve, Newcastle, Co. Wicklow is or is not exempted development within the meaning of the Planning & Development Act 2000 (as amended).

Having regard to:

- a) The details received with this section 5 application on the 20<sup>th</sup> June 2024.
- b) Section 2(1) of the Planning and Development Act 2000, as amended
- c) Section 3(1) of the Planning and Development Act 2000, as amended
- d) Section 4(1) of the Planning and Development Act 2000, as amended
- e) Class 16 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended
- f) Articles 6(1) & 9(1) of the Planning and Development Regulations 2001 as amended.

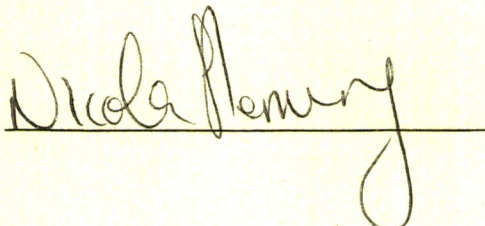
Main Reason with respect to Section 5 Declaration:

1. The placement of a shipping container on site would come within the definition of development as set out in Section 3 of the Planning & Development Act 2000 (as amended).
2. The proposal for the erection of a sea container at East Coast Nature Reserve, Newcastle, Co Wicklow would not come within the provisions of Class 16 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 as the structure is not associated with a permission and will not be required temporarily.

Recommendation:

The Planning Authority considers that "the erection of a shipping container for storage in a nature reserve" at East Coast Nature Reserve, Newcastle, Co. Wicklow is development and is Not exempted development as recommended in the report by the SEP.

Signed



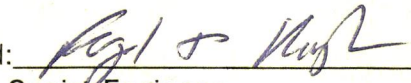
Dated 16<sup>th</sup> day of July 2024

ORDER:

I HEREBY DECLARE:

That "the erection of a shipping container for storage in a nature reserve" at East Coast Nature Reserve, Newcastle, Co. Wicklow is development and is Not exempted development within the meaning of the Planning & Development Act 2000 (as amended).

Signed: \_\_\_\_\_



Senior Engineer  
Planning, Economic & Rural Development

Dated 16<sup>th</sup> day of July 2024


**WICKLOW COUNTY COUNCIL**

Planning Department

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


---

<b>Ref:</b>	<b>EX 54/2024</b>
<b>Name:</b>	<b>Birdwatch Ireland</b>
<b>Development:</b>	<b>Shipping container</b>
<b>Location:</b>	<b>East Coast Nature Reserve, Newcastle, Co Wicklow</b>

---

The Site: The site comprises the East Coast Nature Reserve in Newcastle, located off the Sea Road in Newcastle. The site is popular for walkers and bird watching.

The subject lands are within the Murrough SPA. The Murrough Wetlands SAC and pNHA is located circa 160m from the subject lands.

**Planning History:**

**11/4358:** Permission granted to The Irish Wildlife Conservancy for the erection of stock fencing and gates, installation of 225m of low level boardwalk and the raising and upgrading of the existing grass paths

**09/917:** Permission refused to Irish Wildbird Conservancy, t/a Birdwatch Ireland for a detached single storey 292 sqm visitor centre to include cafe, outdoor seating area, toilets, classrooms, plantroom and staff areas, detached single storey 30 sqm maintenance shed with storage yard, coach and car parking and waste water treatment system for the following reasons:

1. The proposed Visitors Centre is located in a pristine and sensitive landscape defined in the County Development Plan as a Special Protection Area, proposed Natural Heritage Area and an Area of Outstanding Natural Beauty. It is considered that the location of a Visitors Centre in this location would form a strident and obtrusive feature in this landscape, would seriously injure the visual amenities of this fragile landscape by reason of its siting and inappropriate design and would contravene policy HL1 of the County Development Plan which states that *"The Council will ensure that the development of Wicklow takes full account of the Designated Landscape categories and the protection of their amenities and assets."* The proposed development would therefore set an undesirable precedent for similar types of development and would be contrary to the proper planning and sustainable development of the area.
2. The application site is located within the Murrough Special Protection Area and proposed Murrough Natural Heritage Area. An Appropriate Assessment to meet the requirements of Article 6 of the Habitats Directive has not been submitted to ascertain the likely effects of the development on the Special Protection Area. Having regard to policy HL3 of the County Development Plan which states *"The Council will have regard to the designated areas for wildlife that are located in the county including any additional or alterations that occur to these designations throughout the lifetime of this plan. The Council will facilitate the protection of these from any development that would adversely affect their conservation value"* and in the absence of an Appropriate Assessment, it is considered that the proposal would be contrary to the said policy, would be contrary to the conservation objectives of the Special Protection Area and the proper planning and sustainable development of the area.

3. Having regard to the additional traffic movements along Sea Road as a result of the proposed development, which will include large coaches, it is considered that the proposed development would endanger public safety by reason of serious traffic hazard due to the substandard nature of the road network and lack of footpaths in the vicinity of the site; in particular the narrow nature of Sea Road where one vehicle can travel in either direction at any one time. The proposed development would therefore set an undesirable precedent for similar types of development and would be contrary to the proper planning and sustainable development of the area.
4. The proposed development would be prejudicial to public health because the details submitted have not demonstrated that the proposed effluent treatment system and soil conditions on site are suited to cater for effluent generated by the proposed development.
5. Having regard to the location of the proposed Visitors Centre on poorly drained low lying lands in close proximity to the coast, it is considered that the lands may be prone to flooding and the fact that no justification has been submitted demonstrating the development is necessary on grounds of wider sustainability through the Justification Test outlined in section 3.9 of the guidelines "*The Planning System and Flood Risk Management, Draft Guidelines for Local Authorities*", it is considered that the proposed development is contrary to these guidelines, would set an undesirable future precedent for similar types of development on low lying lands in coastal areas and would be contrary to the proper planning and sustainable development of the area.

**Question:**

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

*'The erection of a shipping container for storage in a nature reserve at Newcastle, Co. Wicklow.'*

**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."*

**'Structure'** means any building, structure, excavation, or other thing constructed or made on, in or under any land, or any part of a structure so defined, and— (a) where the context so admits, includes the land on, in or under which the structure is situate,

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

The proposed development does not fall under any of the types of development that listed to be exempted development in the Planning and Development Act.

#### **The Planning and Development Regulation 2001 as amended**

Part 1, Schedule 2 of the Planning and Development Regulations 2001 listed the classes of development that are considered to be exempted development.

The applicant has cited Class 16, which states:

*'The erection, construction or placing on land on, in, over or under which, or on land adjoining which, development consisting of works (other than mining) is being or is about to be, carried out pursuant to a permission under the Act or as exempted development, of structures, works, plant or machinery needed temporarily in connection with that development during the period in which it is being carried out.'*

The condition of such development states:

*'Such structures, works, plant or machinery shall be removed at the expiration of the period and the land shall be reinstated save to such extent as may be authorised or required by a permission under the Act.'*

#### **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 proposal constitutes development.

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

The works involve 'the erection of a shipping container at, the East Coast Nature Reserve, Newcastle, Co Wicklow'.

The applicant states that storage is required on site to allow staff and volunteers of Birdwatch Ireland to access equipment easily at the start of the day to carry out maintenance of the wider site. The applicant has referred to Class 16 of the Planning and Development Regulations 2001 as amended, which states:

*'The erection, construction or placing on land on, in, over or under which, or on land adjoining which, development consisting of works (other than mining) is being or is about to be, carried out pursuant to a permission under the Act or as exempted development, of structures, works, plant or machinery needed temporarily in connection with that development during the period in which it is being carried out.'*

I do not consider the proposed erection of a ~~sea~~<sup>shipping</sup> container at the subject lands to fall under the description of Class 16 as it is not stated that this structure will be required temporarily and it is unlikely that this will be the case as it is required for the ongoing management of the lands. Further, the storage container is not associated with a permission, rather the ongoing maintenance of the lands. As such the proposed development of erecting a shipping container at the subject lands does fall under the description of Class 16 and is therefore not exempted development.

**Recommendation:**

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

'The erection of a shipping container for storage in a nature reserve at Newcastle, Co. Wicklow'.

**The Planning Authority considers that:**

The proposal for the erection of a shipping container at the East Coast Nature Reserve, Newcastle, Co Wicklow is development, but is not exempted development.

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

- a) • The details received with this section 5 application on the 20<sup>th</sup> June 2024.
- b) • Section 2(1) of the Planning and Development Act 2000, as amended
- c) • Section 3(1) of the Planning and Development Act 2000, as amended
- d) • Section 4(1) of the Planning and Development Act 2000, as amended
- e) • Class 16 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended
- f) • Articles 6(1) & 9(1) of the Planning and Development Regulations 2001 as amended.

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

- 1) The placement of a shipping container on site would come within the definition of development as set out in Section 3 of the Planning and Development Act 2000 (as amended)
- 2) The proposal for the erection of a sea container at East Coast Nature Reserve, Newcastle, Co Wicklow would not come within the provisions of Class 16 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 as the structure is not associated with a permission and will not be required temporarily.

Keara Kennedy EP  
12/07/2024

Agnel Sallibaugh EP  
16/7/2024

Noted. The site is located within the ~~proposed~~ ~~development~~ Murrumbidgee SPA. Hence the provisions of S4(4) may apply, as the proposed development could have an impact on the ~~the~~ conservation objectives of the SPA. While no detailed information has been provided re AA, eg in AA Screening Statement, I am satisfied that the provision of the container would have a very minimal impact. ~~a~~ ~~given it~~ ~~is~~ ~~to~~ ~~facilitate~~ ~~the~~ ~~management~~ ~~of~~ ~~the~~ ~~SPA~~ ~~it~~ ~~most~~ ~~likely~~ ~~would~~ ~~have~~ a beneficial impact. Hence, no requirement to add a reason re S4(4).  
Issue declaration as detailed above  
16/07/24





**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)

**MEMORANDUM**

**WICKLOW COUNTY COUNCIL**

---

**TO: Keara Kennedy**  
**Executive Planner**

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

---

**RE:- Application for Certificate of Exemption under Section 5 of the**  
**Planning and Development Acts 2000 (as amended).**  
**EX54/2024**

I enclose herewith application for Section 5 Declaration received 20<sup>th</sup> June 2024.

The due date on this declaration is 17<sup>th</sup> July 2024.

---

**Staff Officer**  
**Planning Development & Environment**





**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)

**Birdwatch Ireland**  
**Unit 20, Block D**  
**Bullford Business Campus**  
**Kilcoole**  
**Greystones**  
**Co. Wicklow**

25<sup>th</sup> June 2024

**RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended). – EX54/2024**

A Chara

I wish to acknowledge receipt of your application and details supplied by you in respect of the above Section 5 application. A decision is due in respect of this application by 17<sup>th</sup> July 2024.

Mise, le meas

---

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



Wicklow County Council  
County Buildings  
Wicklow  
0404-20100

20/06/2024 12 04 32

Receipt No 11/0/330801

FERGUS CONWAY  
BIRDWATCH IRL

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

Total 80 00 EUR

Tendered .  
Credit Card 80 00  
PART V EX54/2024

Change 0 00

Issued By Cindy Driver  
From Customer Service Hub  
Vat reg No 0015233H



# 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)

BirdWatch Ireland  
Unit 20 Block D  
Bullford Business Campus  
Kilcoole  
Greystones  
Co. Wicklow

18<sup>th</sup> June 2024

RE: Declaration in accordance with Section 5 of the Planning & Development Act  
2000 (As Amended) – EX54/2024

A Chara,

I acknowledge receipt on 13<sup>th</sup> June 2024 of your application for a Declaration in accordance with Section 5 of the Planning & Development Act 2000 (As Amended) and to advise that a fee of €80 is required. There is no provision for exemption from fees for Section 5 applications. You may call our customer care team on 0404-20100 to arrange payment of the fee.

Is mise, le meas,

ADMINISTRATIVE OFFICER  
PLANNING DEVELOPMENT & ENVIRONMENT.



## Nicola Fleming

---

**From:** Nicola Fleming  
**Sent:** Thursday 13 June 2024 15:09  
**To:** 'Dave Suddaby'  
**Subject:** RE: Section 5 application - BirdWatch Ireland

Hi Dave there is no provision for exemption from fees for a Section 5 exemption certificate therefore a fee of €80 is required to process the application.

You can call our customer care team on 0404-20100 to arrange payment of the fee.

Regards,

*Nicola Fleming*

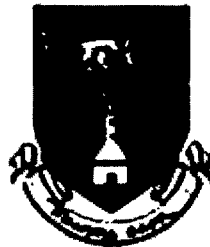
Staff Officer

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>



---

**From:** Dave Suddaby [<mailto:dsuddaby@birdwatchireland.ie>]

**Sent:** Thursday 13 June 2024 15:02

**To:** Planning - Admin

**Subject:** Section 5 application - BirdWatch Ireland

**Importance:** High

Dear Sir / Madam

The attached documents relate to a Section 5 application on behalf of BirdWatch Ireland, seeking clarification on whether placing a standard ISO shipping container on their lands at the East Coast Nature Reserve, off Sea Road, Newcastle would be classed as exempted development

To assist with this please find attached:

- Completed Section 5 application form
- Letter from BirdWatch Ireland
- Site Location maps 1, 2 & 3

As described in the attached letter, BirdWatch Ireland requires the installation of this container to house the equipment and hand tools required to maintain the reserve in good conservation condition, further increase its biodiversity value and manage the 4km of public access paths and infrastructure.

It is our understanding that we are exempt from the payment fee associated with this application because BirdWatch Ireland is a Registered Charity: CHY 5703 / CRA 20008963

If you require any further information then we would be pleased to provide that

We look forward to hearing from you in due course

Kind Regards  
Dave Suddaby

**Dave Suddaby**  
Reserves Manager  
BirdWatch Ireland  
Mayo Office, Eachléim, Clogher, Ballina, Co Mayo. F26W3W5  
Tel: +353 (0)97 85842

***BirdWatch Ireland - protecting birds and biodiversity***  
***Cairde Éanlaith Éireann - ag caomhnú éin agus bithéagsúlacht***

BirdWatch Ireland is the trading name of the Irish Wildbird Conservancy. Cairde Éanlaith Éireann. Registered in Ireland, Company Number 116468. Registered Charity Number 5703.

'This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the system manager. Please note that any views or opinions presented in this email are solely those of the author and do not necessarily represent those of the company. Finally, the recipient should check this email and any attachments for the presence of viruses. The company accepts no liability for any damage caused by any virus transmitted by this email.'



**BirdWatchIreland**  
birdwatchireland.ie  
protecting birds and biodiversity

Unit 20, Block D  
Bullford Business Campus  
Kilcoole  
Co. Wicklow  
A63 RW83  
Ireland

t: +353 1 281 9878  
e: info@birdwatchireland.ie  
w: birdwatchireland.ie

Patron  
Michael D. Higgins  
President of Ireland

Éarlaimh  
Micheál D. Ó hUiginn  
Uachtarán na hÉireann

Planning Department  
Wicklow County Council  
Station Road  
Wicklow

13 June 2024

**Re: placing a standard ISO shipping container within a nature reserve area for storage**

Dear Sir / Madam

With reference to this application from BirdWatch Ireland to place a standard ISO shipping container at the East Coast Nature Reserve, Newcastle, Co. Wicklow; this land is of high nature conservation and biodiversity value and has been developed over the years to allow public access to enjoy the reserve through dedicated pathways. The reserve is part of the Murrough Wetlands Special Protection Area (SPA site code 004186) and Special Area of Conservation complex (SAC site code 002249).

In order to maintain this land in good conservation condition, further increase its biodiversity value and manage the 4km of public access paths and infrastructure, then the reserve is managed through using a combination of low-impact walk-behind machinery (mowers, mulchers and trimmers) and hand tools, along with a low intensity summer grazing programme. To accomplish the physical management, in the most efficient way, then storage is required on site to house the equipment and hand tools.

The proposed location for the standard ISO shipping container (floor area = 14.7m<sup>2</sup> and volume area 37m<sup>3</sup>) is within the field adjacent to the entrance, it will be dark in colour (most likely green) and will be obscured from the public road by the tall boundary hedgerow. The entrance and field gates are locked as will be the container. This location will allow BirdWatch Ireland staff and volunteers ease of access to equipment and tools prior to the start of each management day.

Please note that the proposed location is not within the SAC but is within the SPA boundaries. To this end, the National Parks & Wildlife Service have indicated that the installation of the container is not an Action Requiring Consent, and that it is 'necessary for the management of the SPA'.

Yours sincerely

Dave Suddaby  
Reserves Manager

**BirdLife**  
INTERNATIONAL

Directors: JE Fitzharris (Chairman), D Fagan, C McGuire, A Mulligan, C O'Brien, E O'Brien, J Taylor, F Threadgold.

BirdWatch Ireland is the trading name of the Irish Wildbird Conservancy (Cairde Éanlaith Éireann) a company limited by guarantee. Registered in Ireland, no. 116468.  
CHY (Revenue) no. 5703. Registered charity no 20008963.

Registered office: Unit 20, Block D, Bullford Business Campus, Kilcoole, Co Wicklow, A63 RW83, Ireland.



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: BirdWatch Ireland \_\_\_\_\_

Address of applicant: Unit 20 Block D, Bullford Business Campus, Kilcoole,  
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) \_\_\_\_\_

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: BirdWatch Ireland East Coast Nature Reserve, Sea Road, Newcastle, Co. Wicklow  
<https://goo.gl/maps/eNeJDwuVvf7KGYB88>

ii. Are you the owner and/or occupier of these lands at the location under i. above ?  
Yes.  
Land Registry Folio number WW27602F

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, 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 \_\_\_\_\_

Does the placing of a standard ISO shipping container (14.7m<sup>2</sup> floor area) within a nature reserve area require planning permission? See accompanying letter for further details

\_\_\_\_\_  
*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

Planning Regulations 2001, Schedule 2 Part 1, Exempted Development under *Temporary structures and uses* CLASS 16

\_\_\_\_\_  
*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 \_\_\_\_\_

Site Location maps 1, 2 & 3

viii. Fee of € 80 Attached ? Irish Wildbird Conservancy, trading as BirdWatch Ireland is a Registered Charity: CHY 5703 / CRA 20008963, as such our understanding is that we are exempt from the payment fee

Signed :\_



\_Dated : 13 June 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



Newcastle

Leam

L55306

Sea Road L5550

L55501

Castle Manor

Seacourt

L50504

Racefield

L99615

Oaklawn View

R761

East Coast  
Nature  
Reserve

Blackditch

L5065

Tract of Greystones

R761



Newtownmountkenny

L1048

L1051

N11

Newtownmountkenny (South)

Gallowshill

13

Newcastle

Newcastle Airfield

R761

R772

R772

R772

Newtownmountkenny (South)

13

Gallowshill

265 m

Dunranhill

343 m

Coynes Cross

14

Ashford Road

L1063

Ballycurry

Coynes Cross

14

Ashford Road

Ashford

15

Leinster County Wicklow

Leinster



Restaurants

Hotels

Things to do

Museums

Transit



Duffy, Art Abstract Landscape Paintings

Approximate location for container

BirdWatch Ireland's East Coast Nature Reserve