

# Comhairle Contae Chill Mhantáin Wicklow County Council

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

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

BPS Planning & Development Consultants  
PO Box 13658  
Dublin 14  
D14 RW01

1st August 2024

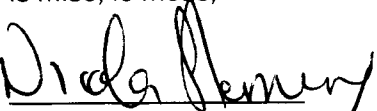
**RE: Declaration in accordance with Section 5 of the Planning & Development Act  
2000 (As Amended) – EX62/2024 – Sinead & Ciaran Donnegan**

A Chara,

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

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

Is mise, le meas,

  
ADMINISTRATIVE OFFICER  
PLANNING ECONOMIC & RURAL DEVELOPMENT





# Comhairle Contae Chill Mhantáin Wicklow County Council

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Vincent Doyle  
Rosanna Construction  
Merrymeeting  
Rathnew  
Co. Wicklow

15<sup>th</sup> August 2024

RE: Declaration in accordance with Section 5 of the Planning & Development Act 2000 (As Amended) - EX62/2024 - Ballinahinch Park (Townland of Ballinahinch), Ashford, Co. Wicklow

A Chara,

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

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

Is mise, le meas,

ADMINISTRATIVE OFFICER  
PLANNING ECONOMIC & RURAL DEVELOPMENT

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

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





# COMHAIRLE CONTAE CHILL Mhantáin Wicklow County Council

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Planning, Economic and Rural Development**

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

**Applicant:** Sinead & Ciaran Donnegan

**Location:** Ballinahinch, Ashford, Co. Wicklow

### CHIEF EXECUTIVE ORDER NO. CE/PERD/2024/1013

Section 5 Declaration as to whether “creation of a new vehicular entrance and associated hardcore surfaced new road into Ballinahinch Park from backlands to the rear of Ballinahinch Cottage” at Ballinahinch Ashford, Co. Wicklow constitutes exempted development within the meaning of the Planning and Development Acts, 2000(as amended).

#### Having regard to:

- a) The details submitted with the Section 5 Declaration.
- b) Planning Permission PRR 02/6269.
- c) An Bord Pleanála Referrals ABP-304134-19, RL 3586
- d) Sections 2 , 3 and 4 of the Planning and Development Act 2000 (as amended)
- e) Article 6, Article 9 and Schedule 2 : Part 1 : Class 9 and Class 13 of the Planning and Development Regulations 2001 (as amended)

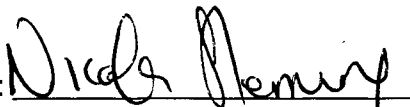
#### Main Reasons with respect to Section 5 Declaration:

- i. The creation of an entrance and hardcore access road would be development having regard to the provisions of Section 3 of the Planning and Development Act 2001(as amended).
- ii. The entrance works would come within the description set out under Class 9 of Part 1: Schedule 2 of the Planning and Development Regulations 2001 (as amended). These exemptions however are subject to the restriction set out under Article 9 of the Regulations which provides that development shall not be exempted development if the carrying out of such development would consist or comprise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width. Given the public road serving Ballinahinch Park exceeds 4m at this point, the proposal would not be exempted.
- iii. The provisions of the hardcore surfaced road would not come within the description set out under Class 13 : Part 1 : Schedule 2 of the Planning and Development Regulations 2001 (as amended) as these are works



provide for the creation of a new road/ way, not being works for the repair or improvement of an existing private street or way.

**The Planning Authority considers that “creation of a new vehicular entrance and associated hardcore surfaced new road into Ballinahinch Park from backlands to the rear of Ballinahinch Cottage” at Ballinahinch Ashford, Co. Wicklow is development and is Not exempted development**

Signed: 

ADMINISTRATIVE OFFICER  
PLANNING, ECONOMIC & RURAL DEVELOPMENT

Dated 1<sup>st</sup> August 2024



**WICKLOW COUNTY COUNCIL  
PLANNING & DEVELOPMENT ACT 2000 (As Amended)  
SECTION 5**

**CHIEF EXECUTIVE ORDER NO. CE/PERD/2024/1013**

**Reference Number:** EX62/2024

**Name of Applicant:** Sinead & Ciaran Donnegan

**Location of Subject Site:** Ballinahinch, Ashford, Co. Wicklow

**Nature of Application:** Section 5 Declaration request as to whether or not “creation of a new vehicular entrance and associated hardcore surfaced new road into Ballinahinch Park from backlands to the rear of Ballinahinch Cottage” constitutes exempted development within the meaning of the Planning and Development Act, 2000(as amended).

**Report from Edel Bermingham, SEP**

With respect to the query under section 5 of the Planning & Development Act 2000 as to whether “creation of a new vehicular entrance and associated hardcore surfaced new road into Ballinahinch Park from backlands to the rear of Ballinahinch Cottage” at Ballinahinch Ashford, Co. Wicklow is or is not exempted development within the meaning of the Planning & Development Act 2000 (as amended).

**Having regard to:**

- a) The details submitted with the Section 5 Declaration.
- b) Planning Permission PRR 02/6269.
- c) An Bord Pleanala Referrals ABP-304134-19, RL 3586
- d) Sections 2 , 3 and 4 of the Planning and Development Act 2000 (as amended)
- e) Article 6, Article 9 and Schedule 2 : Part 1 : Class 9 and Class 13 of the Planning and Development Regulations 2001 (as amended)

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

- (i) The creation of an entrance and hardcore access road would be development having regard to the provisions of Section 3 of the Planning and Development Act 2001(as amended).
- (ii) The entrance works would come within the description set out under Class 9 of Part 1: Schedule 2 of the Planning and Development Regulations 2001 (as amended). These exemptions however are subject to the restriction set out under Article 9 of the Regulations which provides that development shall not be exempted development if the carrying out of such development would consist or comprise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width. Given the public road

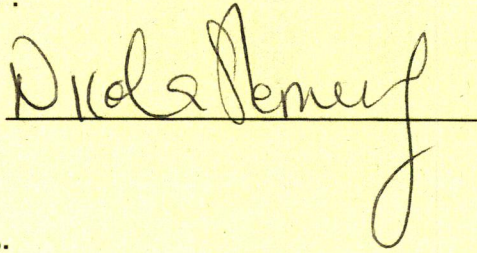
serving Ballinahinch Park exceeds 4m at this point, the proposal would not be exempted.

- (iii) The provisions of the hardcore surfaced road would not come within the description set out under Class 13 : Part 1 : Schedule 2 of the Planning and Development Regulations 2001 (as amended) as these are works provide for the creation of a new road/ way, not being works for the repair or improvement of an existing private street or way.

**Recommendation:**

The Planning Authority considers that "creation of a new vehicular entrance and associated hardcore surfaced new road into Ballinahinch Park from backlands to the rear of Ballinahinch Cottage" at Ballinahinch Ashford, Co. Wicklow is development and is Not exempted development as recommended in the report by the SEP.

Signed



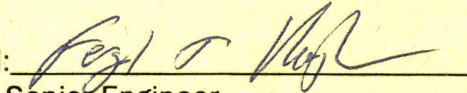
Dated 1<sup>st</sup> day of August 2024

**ORDER:**

**I HEREBY DECLARE:**

That "creation of a new vehicular entrance and associated hardcore surfaced new road into Ballinahinch Park from backlands to the rear of Ballinahinch Cottage" at Ballinahinch Ashford, 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 01<sup>st</sup> day of August 2024

## Section 5 Application EX 62/2024

Date : 1<sup>st</sup> August 2024  
Site Visit: 26/7/2024  
Applicant : Sinead & Ciaran Donegan  
Address : Ballinahinch, Ashford, Co.Wicklow  
Exemption Whether or not :

the creation of a new vehicular entrance and associated hardcore surfaced new road into Ballinahinch Park from backlands to the rear of Ballinahinch Cottage, Co. Wicklow, constitutes exempted development within the meaning of the Planning and Development Acts, 2000(as amended).

### Planning History :

PRR 02/6269 Permission granted for the demolition of existing single storey dwelling, and construction of a single storey dwelling to front, and 2 storey garage and store to rear.

PRR 24/245 Current Part VIII proposal to construct 19 No. Social Housing Units and all associated works. The accommodation shall consist of the following: 2 No. three bedroom two storey housing units, 15 No. two bedroom two storey housing units and 2 No. one bedroom single storey houses.

### An Bord Pleanála Referrals

Referral ABP-304134-19

An Bord Pleanála, in exercise of the powers conferred on it by section 5 (3)(b) of the Planning and Development Act, 2000, as amended, hereby decides that the creation of an access road and associated entrances at Rathmoylan, Dunmore East, County Waterford is development and is not exempted development as -

- (a) The construction of the subject access road and associated entrances involved the carrying out of works and is, therefore, development under section 3 of the Planning and Development Act, 2000, as amended;
- (b) This development does not come within the scope of the exemption provided in Class 6 of Part 1 of the Second Schedule to the Planning and Development Regulations, 2001, as amended, not being development within the curtilage of the dwelling house permitted under planning register reference number 16/21, or any other dwelling house;
- (c) This development does not come within the scope of the exemption provided in Class 13 of Part 1 of the Second Schedule to the Planning and Development Regulations, 2001, as amended, as it does not come within the boundary of any private street, road or way, and does not comprise a footpath by reason of its configuration and construction;

- (d) There are no other provisions, in section 4 of the Planning and Development Act, 2000, as amended, and in the Planning and Development Regulations, 2001, as amended, whereby the development in question would be classified as exempted development.

RL3586

An Bord Pleanála, hereby decides that the opening of an ope in the side wall of a rear garden to provide a pedestrian entrance from the public road/green area, and to provide a 1.98 metre high pedestrian timber gate opening onto the rear garden at number 36 Vartry Avenue, Raheen, Limerick is development and is not exempted development as

- (a) the opening of the ope in the existing wall, and the construction of the pedestrian gate in this wall involves the carrying out of works, which comes within the meaning of development in Section 3(1) of the Planning and Development Act 2000, as amended, and is, therefore, development,
- (b) this development would come within the scope of Class 5 of Part 1 of the Second Schedule to the Planning and Development Regulations 2001, but
- (c) the development comes within the scope of Article 9(1)(a)(ii) of the Planning and Development Regulations 2001, as amended, because Vartry Avenue is a public road within the meaning of the Roads Act 1993, and its surfaced carriageway exceeds four metres in width, and the development constitutes a means of access to this public road, and therefore is not exempted development:

**Relevant legislation :**

Planning and Development Act 2000 ( as amended)

"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, ...

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

Section 3 :

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

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

Section 4 :



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

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

(a) any of the developments specified in *subsection (1)*, or

(b) development which, having regard to any regulations under *subsection (2)*, is exempted development for the purposes of this Act.

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

(a) authorised, or required to be authorised by or under any statute (other than this Act) whether by means of a licence, consent, approval or otherwise, and

(b) as respects which an environmental impact assessment or an appropriate assessment is required, to be exempted development.

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

#### Article 6

(1) 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) Note see Regulations for full Article

Development to which article 6 relates shall not be exempted development for the purposes of the Act—

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

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

#### Schedule 2 : Part 1

<p>CLASS 5 The construction, erection or alteration, within or bounding the curtilage of a house, of a gate, gateway, railing or wooden fence or a wall of brick, stone, blocks with decorative finish, other concrete blocks or mass concrete.</p>	<p>1. The height of any such structure shall not exceed 2 metres or, in the case of a wall or fence within or bounding any garden or other space in front of a house, 1.2 metres.</p> <p>2. Every wall other than a dry or natural stone wall bounding any garden or other space shall be capped and the face of any wall of concrete or concrete block (other than blocks with decorative finish) which will be visible from any road, path or</p>
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	<p>public area, including public open space, shall be rendered or plastered.</p> <p>3. No such structure shall be a metal palisade or other security fence.</p>
<p>Class 6 (a) The construction of any path, drain or pond or the carrying out of any landscaping works within the curtilage of a house.</p>	<p>The level of the ground shall not be altered by more than 1 metre above or below the level of the adjoining ground.</p>
<p>CLASS 9 The construction, erection, renewal or replacement, other than within or bounding the curtilage of a house, of any gate or gateway.</p>	<p>The height of any such structure shall not exceed 2 metres.</p>
<p>CLASS 13 The repair or improvement of any private street, road or way, being works carried out on land within the boundary of the street, road or way, and the construction of any private footpath or paving.</p>	<p>The width of any such private footpath or paving shall not exceed 3 metres.</p>

**Assessment :**

The Section 5 declaration queries whether the creation of a new vehicular entrance and associated hardcore surfaced new road into Ballinahinch Park from backlands to the rear of Ballinahinch Cottage, Ashford, Co. Wicklow is or is not development and is or is not exempted development.

On inspection it was noted that a hardcore drive has been constructed and vehicles are accessing the rear lands from this access. From review of the planning permission granted for the dwelling on the lands PRR 02/6269 no permission was permitted for rear access/ entrance to these lands. As seen from the historic imagery no access existed till the more recent hardcore provision and opening of entrance.

2006



2020



2023



A review of Landdirect information indicates that the dwelling permitted by reference to PRR 02/6269 and its related structures is now in separate ownership to the rear lands.

The first question therefore to be asked is has development taken place. Works are defined as including *any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal*. The removal topsoil, laying out of hardcore, and opening an entrance by removal of boundary represent acts of construction/ excavation and alteration. The works are therefore development given the provisions of Section 3 of the Planning and Development Act 2000 (as amended), which provides that the carrying out of any works in, on, over or under land, or the making of any material change in the use of any land or structures situated on land is development.

The construction of an entrance, would appear to be for the service of the lands to the rear of the Ballinahinch Cottage, and therefore this entrance would not be in the curtilage of that dwelling, which is further supported by the landownership details. Therefore, the works to provide the entrance opening would come within the description set out under Class 9 :Part 1 : Schedule 2 of the Planning and Development Regulations 2001(as amended) i.e.

*The construction, erection, renewal or replacement, other than within or bounding the curtilage of a house, of any gate or gateway.*

Article 9 of the Regulations provides that development to which article 6 relates shall not be exempted development for the purposes of the Act—

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

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

The adjoining Ballinahinch Park Estate roads exceed 4m in width, and therefore the works would not be exempted development having regard to this restriction.

The hardcore surfaced road/ access would not come within the description set out under Class 13 : Part 1 : Schedule 2 of the Planning and Development Regulations 2001 (as amended) as these are works to provide a new road/ way not being works for the repair or improvement of an existing private street or way.

There are no other exemptions under the Regulations which would allow for the works identified in the query.

**Recommendation :**

Please send a copy of this decision to Vincent Doyle Landowner

With respect to the query under Section 5 of the Planning and Development Act 2000(as amended), as to whether the creation of a new vehicular entrance and associated hardcore surfaced new road into Ballinahinch Park from backlands to the rear of Ballinahinch Cottage, Co. Wicklow constitutes exempted development within the meaning of the Planning and Development Acts, 2000(as amended).

The Planning Authority consider that the creation of a new vehicular entrance and associated hardcore surfaced new road into Ballinahinch Park from backlands to the rear of Ballinahinch Cottage is development and **is not exempted development.**

Main Considerations with respect to Section 5 Declaration :

- a) The details submitted with the Section 5 Declaration.
- b) Planning Permission PRR 02/6269.
- c) An Bord Pleanala Referrals ABP-304134-19, RL 3586
- d) Sections 2 , 3 and 4 of the Planning and Development Act 2000 (as amended)
- e) Article 6, Article 9 and Schedule 2 : Part 1 : Class 9 and Class 13 of the Planning and Development Regulations 2001 (as amended)

Main Reasons with respect to Section 5 Declaration :

- (i) The creation of an entrance and hardcore access road would be development having regard to the provisions of Section 3 of the Planning and Development Act 2001(as amended).
- (ii) The entrance works would come within the description set out under Class 9 of Part 1 : Schedule 2 of the Planning and Development Regulations 2001 (as amended). These exemptions however are subject to the restriction set out under Article 9 of the Regulations which provides that development shall not be exempted development if the carrying out of such development would consist or comprise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width. Given the public road serving Ballinahinch Park exceeds 4m at this point, the proposal would not be exempted.
- (iii) The provisions of the hardcore surfaced road would not come within the description set out under Class 13 : Part 1 : Schedule 2 of the Planning and Development Regulations 2001 (as amended) as these are works provide for the creation of a new road/ way, not being works for the repair or improvement of an existing private street or way.

*[Handwritten signature]*

1/8/2024

*Issue declaration as recommended.  
1/8/24*



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

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

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**MEMORANDUM**

**WICKLOW COUNTY COUNCIL**

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**TO: Edel Bermingham**  
**Senior Executive Planner**

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

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**RE:- Application for Certificate of Exemption under Section 5 of the**  
**Planning and Development Acts 2000 (as amended).**  
**EX62/2024**

I enclose herewith application for Section 5 Declaration received completed on 11/07/2024.

The due date on this declaration is 7<sup>th</sup> August 2024.

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

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

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All correspondence should be addressed to the Director of Services, Planning, Economic and Rural Development





**COMHAIRLE CONTAE CHILL Mhantáin**  
**Wicklow County Council**

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

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12<sup>th</sup> July 2024

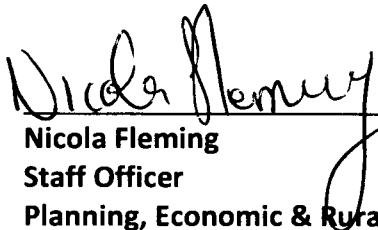
**BPS Planning & Development Consultants Ltd**  
**PO Box 13658**  
**Dublin 14**  
**D14 RW01**

**RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended). – EX62/2024 – Sinéad & Ciaran Donnegan – Ballinahinch Park (Townland of Ballinahinch), Ashford, Co. Wicklow**

A Chara

I wish to acknowledge receipt on 11/07/2024 details supplied by you in respect of the above Section 5 application. A decision is due in respect of this application by 07/08/2024.

Mise, le meas



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





**Planning & Development  
Consultants**

M 087 261 5871  
T 01 539 4900  
E info@bpsplanning.ie PO Box 13658  
W www.bpsplanning.ie Dublin 14

**BY HAND**

The Secretary,  
Planning Department,  
Wicklow County Council,  
County Buildings,  
Station Road,  
Wicklow Town,  
County Wicklow

RECEIVED 11 JUL 2024

11 July 2024

Dear Sir/Madam,

***Section 5 referral / exemption declaration. A question arises as to whether development consisting of the creation of a new vehicular entrance into Ballinahinch Park to facilitate a hard core surfaced new road from this new entrance into the backlands of an adjoining property (Ballinahinch Cottage, Ballinahinch, Ashford, Wicklow, A67 C998 and/or to the rear of a dwelling permitted under planning reg. ref. 026269) all to the rear (south) of Lucca, Ballinahinch, Ashford, Co. Wicklow, A67 A275 is or is not development and is or is not exempted development. Does a requirement for planning permission arise?***

BPS Planning and Development Consultants LTD, a firm of Irish Planning Institute accredited town planning consultants, has been retained by Sinead and Ciaran Donnegan, c/o BPS Planning & Development Consultants LTD, PO Box 13658, Dublin 14, D14 RW01<sup>1</sup> [hereafter "client"] to prepare and to lodge a Section 5 referral / exemption declaration application to Wicklow County Council [hereafter "WCC"] pertaining to the issue of whether development consisting of the creation of a new vehicular entrance into Ballinahinch Park to facilitate a hard core surfaced new road from this new entrance into the backlands of an adjoining property (Ballinahinch Cottage, Ballinahinch, Ashford, Wicklow, A67 C998 and/or to the rear of a dwelling permitted under planning reg. ref. 026269) all to the rear (south) of Lucca, Ballinahinch, Ashford, Co. Wicklow, A67 A275 is or is not development and is or is not exempted development. Does a requirement for planning permission arise?

The requirement for a Section 5 Declaration arises because on the 30<sup>th</sup> of May 2024 WCC lodged a Part 8 planning application, reg. ref. 24245<sup>2</sup>, for – in summary – a "PART VIII to construct 19 No Social Housing Units and all associated works. The accommodation shall consist of the following 2 No three bedroom two storey housing units, 15 No two bedroom two storey housing units and 2 No one bedroom single storey housing units (See site notice for submission details)" at Ballinahinch Park, (Townland of Ballinahinch), Ashford, Co. Wicklow

This Part 8 planning application pertains to lands to the rear (south) of our client's property. They are making a separate objection to WCC regarding this

The house adjacent to our client's property shares the same south facing boundary to the road. The occupant is our client's mother, and she shares the same concerns as they do

The particular issue at hand is that Dwg BHA/P8/106 'Site Plan, Location Map and Elevations' pertaining to Wicklow County Council Part 8 planning application, reg. ref. 24245 includes a piece of land to the rear (south) of our client's property which is outside of that Part 8's planning application boundary. The drawing states: "Granted Right of Way to Adjoining Land Owner for Future Private Road & Ped Access by Others" and the area is shown in yellow hatched lines

In 2023 and 2024, works have taken place, including excavation of the area and the importation of gravel fill, to create a new entrance into Ballinahinch Park and a hard core surfaced new road from this new entrance into the backlands of an adjoining property (Ballinahinch Cottage, Ballinahinch, Ashford, Wicklow, A67 C998 and/or to the rear of a dwelling permitted under planning reg. ref. 026269) all to the rear (south) of Lucca, Ballinahinch, Ashford, Co. Wicklow, A67 A275

No planning permission has been granted for this development including the change of use of this area of land from *de facto* agricultural land or open space serving Ballinahinch Park to road and road entrance and for the works which have been carried out to create the entrance and the road

<sup>1</sup> Our client's address is Lucca, Ballinahinch, Ashford, Co. Wicklow, A67 A275  
<sup>2</sup> <https://www.eplanning.ie/WicklowCC/AppFileRefDetails/24245/0>



BPS has advised our client to lodge a Section 5 to confirm that the proposed works contribute development and if so whether they constitute exempted development or development which requires planning permission

BPS notes how all maps, drawings and details pertaining to the aforementioned Part 8 application (of which this development does not form part) are set out in WCC planning file, reg ref 24245. An OS Planning Pack maps and photographs are submitted with this Section 5 both to address validation requirements arising under the PDR but also to inform the WCC assessment of this matter. This level of detail is considered reasonable to allow the matters arising in this Section 5 to be assessed. We trust this is in order.

Section 1 of this Section 5 covering letter sets out how all relevant validation requirements have been addressed, while Sections 2.0 to 6.0 provide all relevant information required to assess this matter. Section 7.0 offers a conclusion and Section 8.0 a recommendation. If WCC requires any further details, these can be provided on request.

## i Validation of this Section 5

In terms of validation of this Section 5, we refer to Section 5 —(1) of the Planning and Development Act 2000 (as amended) which states:

*If any question arises as to what, in any particular case, is or is not development or 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, and that person shall provide to the planning authority any information necessary to enable the authority to make its decision on the matter.*

Please find a cheque for **€80** attached which is the statutory fee payable for a Section 5.

To further support this Section 5 application, BPS has:

1. Provided a completed WCC Section 5 Form
2. Set out in this letter the question which has arisen in this case as to whether:
 

"Development consisting of the creation of a new vehicular entrance into Ballinahinch Park to facilitate a hard core surfaced new road from this new entrance into the backlands of an adjoining property (Ballinahinch Cottage, Ballinahinch, Ashford, Wicklow, A67 C998 and/or to the rear of a dwelling permitted under planning reg ref 026269) all to the rear (south) of Lucca, Ballinahinch, Ashford, Co. Wicklow, A67 A275 is or is not development and is or is not exempted development. Does a requirement for planning permission arise?"
3. Set out in this letter details of matters relevant to the assessment of this Section 5.
4. Attached OS Site Location Maps provided by our client and site layout plan and details pertaining to the Part 8 attached to this letter clearly outline the location and appearance of the development the subject of this Section 5.
5. Photographs of the development and the site of the development are included in this letter.

We accept that WCC may need more detail and we note how under Section 5 (2) (b) "A planning authority may require any person who made a request under subsection (1) to submit further information with regard to the request in order to enable the authority to issue the declaration on the question."

## Contents

1.0	Site location & description
2.0	Section 5 question arising
3.0	Background to Referral
3.1	Planning History
4.0	Policy context
4.1	Statutory Plan
5.0	Statutory Provisions
5.1	PDA - Planning and Development Act 2000 (as amended)
5.2	PDR - Planning and Development Regulations, 2001 (as amended)
6.0	Assessment
6.1	Assessment under the PDA
6.1.1	Is or is not development - a change of use & the works to create a structure
6.1.2	The question of "exempted Development"
6.1.3	"Exempted Development" - conclusion
7.0	Conclusion
8.0	Recommendation

## 1.0 Site location & description

The site the subject of this Section 5 is shown in Figs. 1 and 2 and in the accompanying OS Map (scale 1:2,500). The site is located within Ballinahinch Park where the area of land is either open space serving the estate 'or' agricultural land with no planning permission applying.

The site is located to the rear (south) of our client's property and adjoins the rear of Ballinahinch Cottage, Ballinahinch, Ashford, Wicklow, A67 C998 and/or the rear of a dwelling permitted under planning reg. ref. 026269.

Ballinahinch Park is presently designed as a single cul-de-sac and until the subject works were carried out – as shown in Fig. 1 – this remained the case. The subject works convert the cul-de-sac into a through road to serve lands that do not form part of the existing estate.

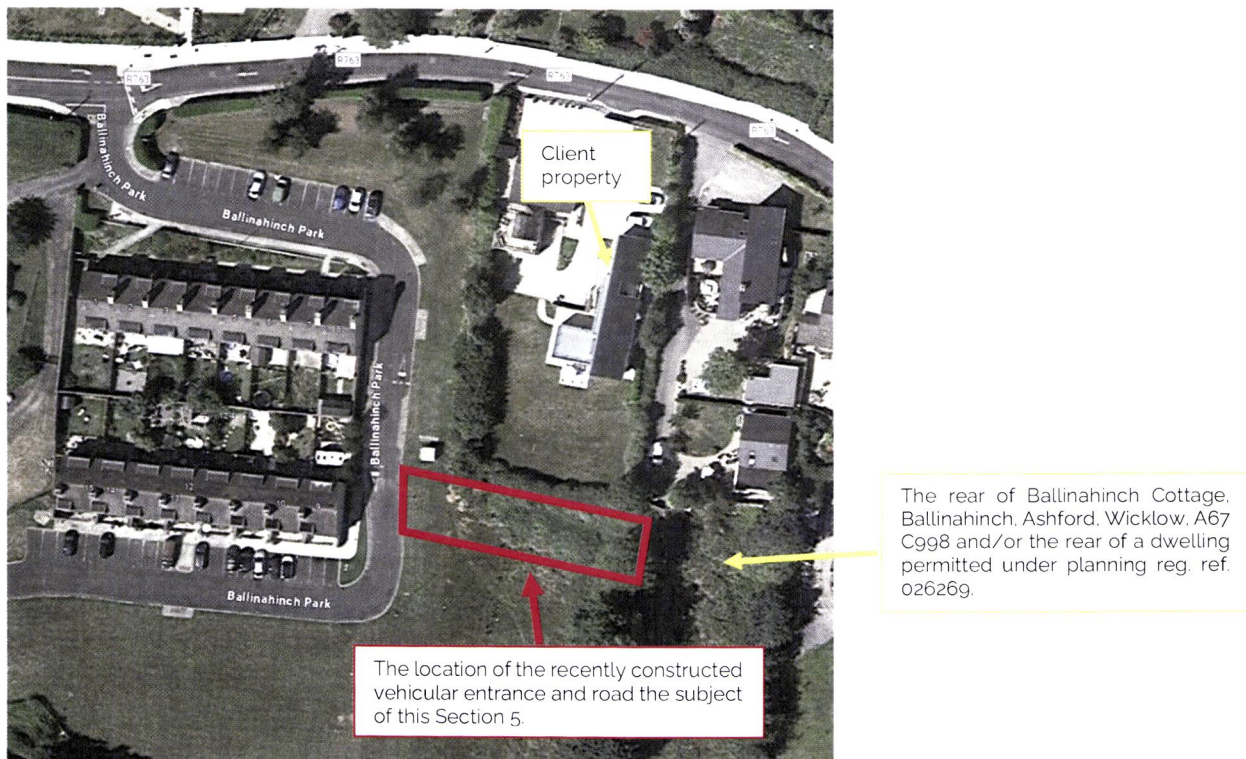
The subject area of land was until recently covered in significant vegetation which has been removed to facilitate the subject development.

A current Part 8 planning application lodged by WCC indicates possible future development at the subject site, but no planning permission exists at this location. See Fig. 3 which is an Dwg. BHA/P8/106 'Site Plan, Location Map and Elevations' pertaining to Wicklow County Council Part 8 planning application, reg. ref. 24245. The subject site is outside of the red 'and' blue line boundaries of the WCC Part 8 planning application.

No record exists of any planning permission for a vehicular entrance and road to the rear (south) of client property. See Fig. 4 which shows the results of a search of the WCC planning applications database.

Our client notes how, Vincent Doyle, the developer of this alleged unauthorised development, and owner of Rosanna Construction (a public fact searchable on Google), who has built the road approached them in 2021 advising that he needed a 1.0m strip of their land to build a road to access his land. They did not agree to this and it in 2023 he merely carried out the alleged unauthorised development in any case immediately adjoining their property.

If further details are required, these can be provided on request.



**Fig. 1:** The location of the development the subject of this Section 5 – the aerial photograph provided by Google Maps shows no new entrance and road into the Ballinahinch Park (Source: Google Maps)



The location of the recently constructed vehicular entrance and road the subject of this Section 5.

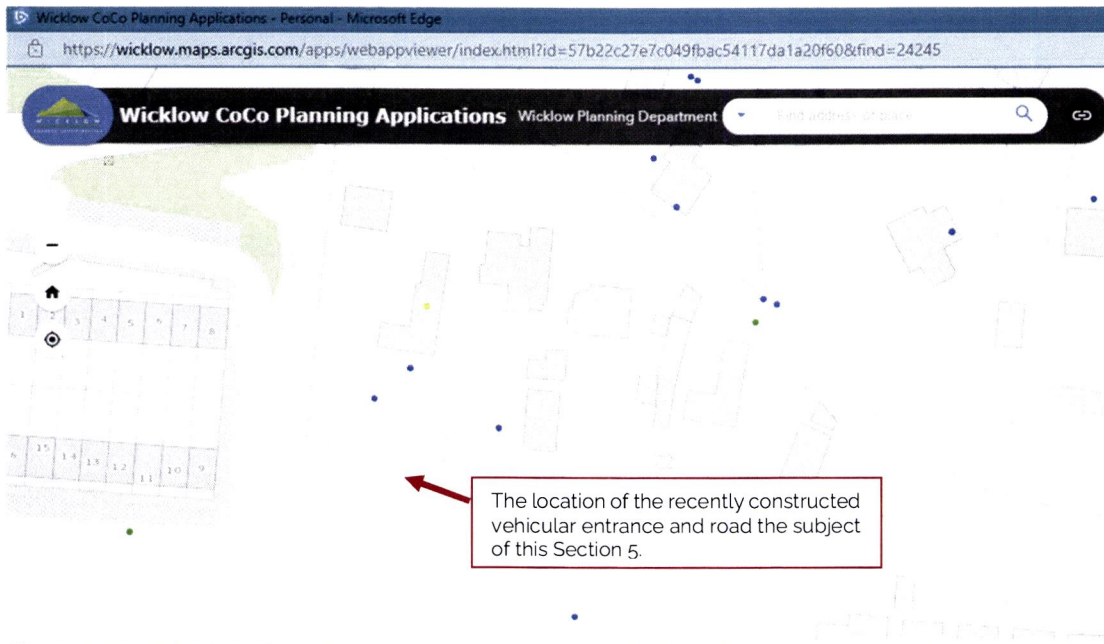
Fig. 2: The location of the development the subject of this Section 5 – the photograph is provided by Google Streetview and it shows the new entrance and road into the Ballinahinch Park (Source: Google Maps)



Excerpt from Dwg. BHA/P8/106 'Site Plan, Location Map and Elevations' pertaining to Wicklow County Council Part 8 planning application, reg. ref. 24245.

Excerpt shows the area of land outside of the red and blue line boundaries of the Part 8 application. No planning application has been lodged to WCC for a "Private Road & Ped. Access by Others".

Fig. 3: A current Part 8 planning application lodged by WCC indicates possible future development at the subject site, but no planning permission exists at this location (Source: Excerpt from Dwg. BHA/P8/106 'Site Plan, Location Map and Elevations' pertaining to Wicklow County Council Part 8 planning application, reg. ref. 24245)



**Fig. 4:** No record exists of any planning permission for a vehicular entrance and road to the rear (south) of client property (Source: Search of the WCC planning applications database)

## 2.0 Section 5 question arising

The question referred to the planning authority pursuant to Section 5(1) of the Planning and Development Act, 2000, as amended ("the Act") for review is, as follows: "A question arises as to whether development consisting of the creation of a new vehicular entrance into Ballinahinch Park to facilitate a hard core surfaced new road from this new entrance into the backlands of an adjoining property (Ballinahinch Cottage, Ballinahinch, Ashford, Wicklow, A67 C998 and/or to the rear of a dwelling permitted under planning reg. ref. 026269) all to the rear (south) of Lucca, Ballinahinch, Ashford, Co. Wicklow, A67 A275 is or is not development and is or is not exempted development. Does a requirement for planning permission arise?"

## 3.0 Background to Section 5

### 3.1 Planning History

There is no planning history pertaining to the subject site. The subject site is either open space serving the existing estate or it is undeveloped agricultural land. There is no existing planning permission for a vehicular entrance or road into Ballinahinch Estate.

The Ballinahinch Estate was granted permission under planning file, reg. ref. 065731. The planning permission provided for 'Construction of 57 housing units & assoc site works'. The details and drawings of this planning application are not available online at WCC. The complete housing estate does not appear to have been built (this matter is not the subject of the current Section 5).

## 4.0 Policy context

### 4.1 Statutory Plan

Under the Ashford Town Plan 2022-2028, the subject lands are zoned 'RN' – 'New Residential'.

Planning permission is required under the Town Plan to develop these lands.

## 5.0 Statutory Provisions

### 5.1 PDA - Planning and Development Act 2000 (as amended)<sup>3</sup>

#### Section 2(1)

In this Act, except where the context otherwise requires—

"Structure" means:

<sup>3</sup> References refer to: <https://revisedacts.lawreform.ie/eli/2000/act/30/revised/en/html#SEC4>

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 situated, and
- (b) in relation to a protected structure or proposed protected structure, includes—
  - (i) the interior of the structure,
  - (ii) the land lying within the curtilage of the structure,
  - (iii) any other structures lying within that curtilage and their interiors, and
  - (iv) all fixtures and features which form part of the interior or exterior of any structure or structures referred to in subparagraph (i) or (iii);

"use", in relation to land, does not include the use of the land by the carrying out of any works thereon,

"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

For clarity regarding what is and what is not an unauthorised development, structure, or use

"unauthorised development" means, in relation to land, the carrying out of any unauthorised works (including the construction, erection or making of any unauthorised structure) or the making of any unauthorised use,

"unauthorised structure" means a structure other than—

- (a) a structure which was in existence on 1 October 1964, or
- (b) a structure, the construction, erection or making of which was the subject of a permission for development granted under Part IV of the Act of 1963 or deemed to be such under section 92 of that Act F23[or under F24[section 34, 37G or 37N or 293] of this Act], being a permission which has not been revoked, or which exists as a result of the carrying out of exempted development (within the meaning of section 4 of the Act of 1963 or section 4 of this Act),

"unauthorised use" means, in relation to land, use commenced on or after 1 October 1964, being a use which is a material change in use of any structure or other land and being development other than—

- (a) exempted development (within the meaning of section 4 of the Act of 1963 or section 4 of this Act), or
- (b) development which is the subject of a permission granted under Part IV of the Act of 1963 F23[or under F24[section 34, 37G, 37N or 293] of this Act], being a permission which has not been revoked, and which is carried out in compliance with that permission or any condition to which that permission is subject.

"unauthorised works" means any works on, in, over or under land commenced on or after 1 October 1964, being development other than—

- (a) exempted development (within the meaning of section 4 of the Act of 1963 or section 4 of this Act), or
- (b) development which is the subject of a permission granted under Part IV of the Act of 1963 F23[or under F24[section 34, 37G, 37N or 293] of this Act], being a permission which has not been revoked, and which is carried out in compliance with that permission or any condition to which that permission is subject

### Section 3

3 —(1) 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

Section 4(1) of the Act sets out various forms and circumstances in which development is exempted development for the purposes of the Act, including,

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

*(aa) development by a local authority in its functional area (other than, in the case of a local authority that is a coastal planning authority, its nearshore area),*

*(e) development consisting of the carrying out by a local authority of any works required for the construction of a new road or the maintenance or improvement of a road,*

*(f) development carried out on behalf of, or jointly or in partnership with, a local authority, pursuant to a contract entered into by the local authority concerned, whether in its capacity as a planning authority or in any other capacity,*

## 5.2 PDR – Planning and Development Regulations, 2001 (as amended)

### Article 5

Article 5 is not relevant to this Section 5

### Article 6(1)

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)(a)

Development to which article 6 relates shall not be exempted development for the purposes of the Act – (a) if the carrying out of such development would –

- (i) contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act,
- (ii) consist of or comprise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width,
- (iii) endanger public safety by reason of traffic hazard or obstruction of road users .
- (vii) consist of or comprise the excavation, alteration or demolition (other than peat extraction) of places, caves, sites, features or other objects of archaeological, geological, historical, scientific or ecological interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan for the area in which the development is proposed or, pending the variation of a development plan or local area plan, or the making of a new development plan or local area plan, in the draft variation of the development plan or the local area plan or the draft development plan or draft local area plan,

### Article 10 (1)

The change of use from open space or agricultural land to road/road entrance is not covered by Article 10

### Schedule 2

Part 1 'Exempted Development', 'General', of Schedule 2 sets out exempted development class for exempted development general to which Art 6(1) refers These do not apply to the current case

## 6.0 Assessment

The purpose of this assessment is not to determine the acceptability or otherwise of the matters raised in respect of the proper planning and sustainable development of the area, but rather **whether or not** the matter in question constitutes development, and if so, falls within the scope of exempted development within the meaning of the relevant legislation

### 6.1 **Assessment under the PDA**

#### 6.1.1 **Is or is not development - a change of use & the works to create a structure**

The existing use of the land is as open space or agricultural land The new use of the land is as a vehicular entrance and road A change of use has taken place

The works carried out to create an entrance and a new road into the existing estate pertain to a new structure as excavation has taken place and a road and entrance has been constructed or made on, in or under the existing land.

As stated above, "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

Works have been undertaken in, over and under the land and there has been a material change in the use of the subject land

It is the professional opinion of BPS that, for the purposes of the Act, that the change of use and the works undertaken including to create a structure constitute "development"

#### 6.1.2 **The question of "exempted Development"**

Section 4(1) of the Act sets out various forms and circumstances in which development is exempted development for the purposes of the Act, including:

- (aa) development by a local authority in its functional area (other than, in the case of a local authority that is a coastal planning authority, its nearshore area)

**Assessment:** The development has not been undertaken by WCC. The WCC blue and red line boundaries, as included on the submitted Site Location Map for the abovementioned Part 8 application, indicate that this area of land is outside of the ownership of WCC and that it does not form part of that development. These works have been undertaken by a private landowner located to the east of our client's property. This development does not form part of the Part 8 planning application recently submitted to WCC for assessment by WCC. This exemption does not apply. We further note that contact between our client and the WCC Enforcement Section resulted in a response that indicated the development's status is a "civil matter". In other words, WCC is not involved. If WCC is not involved, the exemption does not apply.

- (e) development consisting of the carrying out by a local authority of any works required for the construction of a new road or the maintenance or improvement of a road

**Assessment:** The development has not been undertaken by WCC. The WCC blue and red line boundaries, as included on the submitted Site Location Map for the abovementioned Part 8 application, indicate that this area of land is outside of the ownership of WCC and that it does not form part of that development. These works have been undertaken by a private landowner located to the east of our client's property. This development does not form part of the Part 8 planning application recently submitted to WCC for assessment by WCC. This exemption does not apply. We further note that contact between our client and the WCC Enforcement Section resulted in a response that indicated the development's status is a "civil matter". In other words, WCC is not involved. If WCC is not involved, the exemption does not apply.

- (f) development carried out on behalf of, or jointly or in partnership with, a local authority, pursuant to a contract entered into by the local authority concerned, whether in its capacity as a planning authority or in any other capacity

**Assessment:** The development has not been undertaken by WCC and does not appear to have been undertaken by way of a contract with WCC. The WCC blue and red line boundaries, as included on the submitted Site Location Map for the abovementioned Part 8 application, indicate that this area of land is outside of the ownership of WCC and that it does not form part of that development. These works have been undertaken by a private landowner located to the east of our client's property. This development does not form part of the Part 8 planning application recently submitted to WCC for assessment by WCC. This exemption does not apply unless WCC - which indicates it does not own this land - can produce a contract dated prior to the works taking place. This contract's rationale would need to explain how accessing a private property across public lands would be in alignment with the role of WCC as a planning authority or in any other capacity. We further note that contact between our client and the WCC Enforcement Section resulted in a response that indicated the development's status is a "civil matter". In other words, WCC is not involved. If WCC is not involved, the exemption does not apply.

BPS can find no other basis within the Planning Acts or Regulations for how these works could be found to constitute exempted development.

For the developer who carried out this development to rely on the exempted development provisions of the Act and the Regulations, the onus is on them to prove the works constitute exempted development (see *South Dublin County Council v Fallowvale Ltd.* [2005] IEHC 408; later approved in *Meath County Council v Murray* [2017] 2 IR 297; and accepted (obiter) in the statement of Simons J in *Waterford v Centz* [Judgement of Simons J, 27 November 2020] as being correct). See also *Doorly v Corrigan* [2022] IECA 6 at p. 121, and *Diamrem Limited v Cliffs of Moher Centre Limited* [2021] IECA 291 at p. 47.

Given the above, BPS concludes that the developer has acted without the involvement of WCC and without any reliance on any exempted development provision in the Act or Regulations.

### 6.13 "Exempted Development" - conclusion

The "development" is in the opinion of BPS not exempted development.

## 7.0 Conclusion

In conclusion, it is our professional opinion that the change of use and the works carried out to construct a road "structure" constitutes "development" and does not constitute "exempted development".

The works have not been, insofar as our client is aware, and arising from correspondence with the WCC Enforcement Section, been carried out by WCC or on behalf of or in partnership with WCC and the relevant provisions of Section 4(1) of the Act do not apply.

A requirement to obtain planning permission arises.

## 8.0 Recommendation

BPS recommends that Wicklow County Council should decide this Section 5 referral in accordance with the following:

WHEREAS a question has arisen as to whether the change of use of open space/agricultural lands to a road and the construction of a road structure is or is not development and is or is not exempted development

BPS, in considering this matter, has had regard particularly to –

- (a) Sections 2(1), 3(1) and 4(1) of the Planning and Development Act, 2000, as amended.
- (b) The Environmental (Miscellaneous Provisions) Act 2011.
- (b) Articles 5, 6, 9 and 10 of the Planning and Development Regulations 2001, as amended.
- (f) The nature of the development undertaken on the subject site

AND WHEREAS BPS has concluded that the change of use of open space/agricultural lands to a road and the construction of a road structure constitutes "development" within the meaning of Section 3(1) of the Planning and Development Act, 2000

However, the development does not benefit from any exempted development provision provided in the Act or Regulations

NOW THEREFORE BPS submits that the subject development is development and is not exempted development. A planning permission requirement arises.

## **9.0 Finally**

We trust that sufficient information has been provided to allow this Section 5 to be fully assessed

Please direct all correspondence to this office

If you have any questions, please call BPS on 01-5394960 or 087-2615871.

Best wishes,

*Brendan Buck*

**Brendan Buck MIPI**  
**Managing Director**  
**BPS Planning & Development Consultants LTD**  
**Corporate Member of the Irish Planning Institute**

### Encl

- Completed WCC Section 5 Form
- Maps and drawings as listed in Section 1 of this letter



Appendix: Photographs of the pre-construction and during construction appearance of the subject land



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*Fig. 1: The original (pre-development) appearance of the area of the alleged unauthorised development the subject of this Section 5 – the photograph is provided by Google Streetview and it shows the area of the new road into the Ballinahinch Park (Source: Google Maps)*



*Fig. 2: The construction phase (during-development) appearance of the area of the alleged unauthorised development the subject of this Section 5 – the photograph is provided by Google Streetview and it shows the new entrance and road into the Ballinahinch Park (Source: Google Maps)*

Wicklow County Council  
County Buildings  
Wicklow  
0404-20100

11/07/2024 12 48 37

Receipt No L1/0/331762  
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BPS PLANNING CONSULTANTS  
PO BOX 13658

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

Total 80 00 EUR

Tendered  
Cheque 80 00  
BALLINAHINCH COTTAGE

Change 0 00

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11 JUL 2024

**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: **Sinéad and Ciaran Donnegan.**

Address of applicant: **c/o BPS Planning & Development Consultants LTD, PO  
Box 13658, Dublin 14, D14 RW01.**

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

**2. Agent's Details (Where Applicable)**

(b) Name of Agent (where applicable): **Brendan Buck MIPL.**

Address of Agent: **BPS Planning & Development Consultants LTD, PO Box  
13658, Dublin 14, D14 RW01.**

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

**3. Declaration Details**

- i. Location of Development subject of Declaration: **Ballinahinch Park, (Townland of Ballinahinch), Ashford, Co. Wicklow.**
- ii. Are you the owner and/or occupier of these lands at the location under i. above?  
**No.**
- iii. If 'No' to ii above, please supply the Name and Address of the Owner, and or occupier: **Wicklow County Council is the owner (Wicklow County Council County Buildings, Wicklow, Co Wicklow. Vincent Doyle is the developer of this alleged unauthorised development and owner of Rosanna Construction, Ashford,**

County Wicklow.

- 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:

**Section 5 referral / exemption declaration.** A question arises as to whether development consisting of the creation of a new vehicular entrance into Ballinahinch Park to facilitate a hard core surfaced new road from this new entrance into the backlands of an adjoining property (Ballinahinch Cottage, Ballinahinch, Ashford, Wicklow, A67 C998 and/or to the rear of a dwelling permitted under planning reg. ref. 026269) all to the rear (south) of Lucca, Ballinahinch, Ashford, Co. Wicklow, A67 A275 is or is not development and is or is not exempted development. Does a requirement for planning permission arise?

Additional details may be submitted by way of separate submission.

**Please find a covering letter attached which has been prepared by BPS Planning & Development Consultants LTD**

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

**Please refer to the attached covering letter which has been prepared by BPS Planning & Development Consultants LTD**

- 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:

- OS based site location map prepared by BPS (see also OS receipt for purchase of the OS Planning Pack attached).
- Dwg. BHA/P8/106 'Site Plan, Location Map and Elevations' pertaining to Wicklow County Council Part 8 planning application, reg. ref. 24245.

- viii. Fee of € 80 Attached? **Cheque for e80 attached.**

Signed: *Brendan Buck*

Dated: *11/7/2024*

### **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.

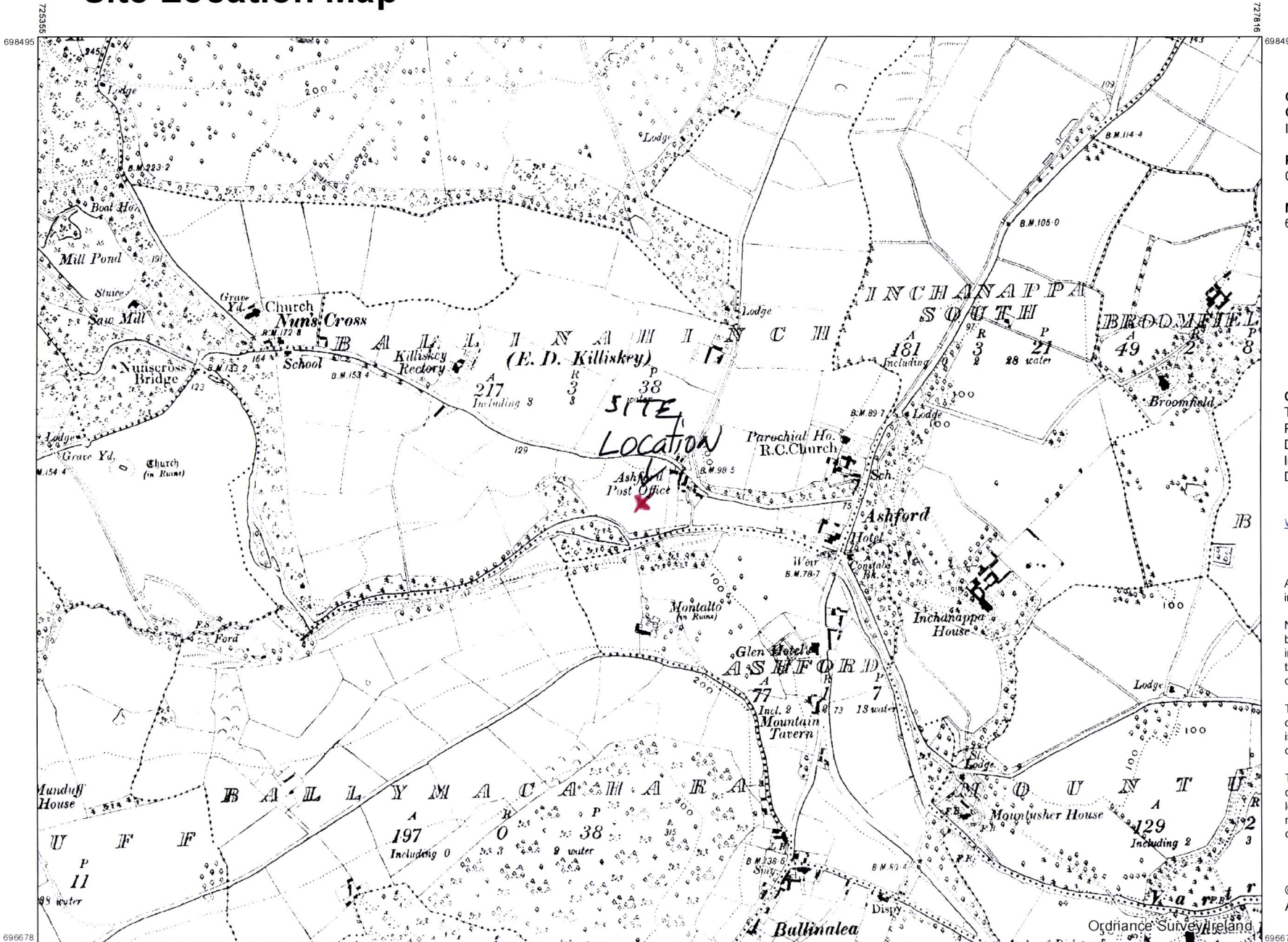
C. Farm Structures - Class 6 -Class 10 Part 3 of Schedule 2.

- 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.

# Site Location Map



**Tailte Éireann**



**CENTRE COORDINATES:**  
ITM 726586,697587

**PUBLISHED:** 09/07/2024  
**ORDER NO.:** 50409626\_1

**MAP SERIES:** 6 Inch Raster  
**MAP SHEETS:** WW025

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

[www.tailte.ie](http://www.tailte.ie)

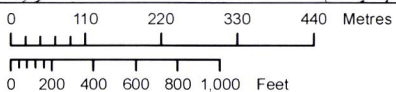
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The representation on this map of a road, track or footpath is not evidence of the existence of a right of way.

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**OUTPUT SCALE:** 1:10,560

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

**LEGEND:**  
To view the legend visit [www.tailte.ie](http://www.tailte.ie) and search for 'Large Scale Legend'





