

**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)

23<sup>rd</sup> December 2024

Richard Murphy  
16 Griffith Street  
Arklow  
Co. Wicklow

**RE: Declaration in accordance with Section 5 of the Planning & Development Acts  
2000 (As Amended) - EX109/2024**

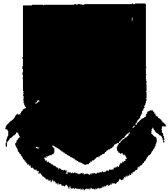
I enclose herewith Declaration in accordance with Article 5 (2) (A) of the Planning & Development Act 2000.

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

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

Applicant: Richard Murphy

Location: 16 Griffith Street, Arklow, Co. Wicklow

Reference Number: EX109/2024

CHIEF EXECUTIVE ORDER NO. CE/PERD/2024/1508

Section 5 Declaration as to whether "Replacement of windows & doors, movement of partition, movement of hot-water tank, internal room rearrangement, and rewiring of house" at 16 Griffith Street, Arklow, Co. Wicklow constitutes exempted development within the meaning of the Planning and Development Act, 2000(as amended).

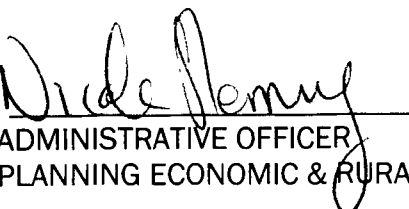
### Having regard to:

- The details submitted with the Section 5 Declaration application.
- Sections 2 , 3 and 4 of the Planning and Development Act 2000 (as amended)

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

- The replacement of windows & doors, movement of partition, movement of hot-water tank, internal room rearrangement, and rewiring of house come within the meaning of works as set out in Section 2 of the Planning and Development Act 2000(as amended)
- The works are development having regard to the provisions of Section 3 of the Planning and Development Act 2000(as amended)
- The replacement of windows & doors, movement of partition, movement of hot-water tank, internal room rearrangement, and rewiring of house, are works for the maintenance/ improvement of the dwelling which primarily affect the interior of the structure, and the exterior works i.e. window and door replacement would not render this structure inconsistent with the character of the structure or of neighbouring structures, and therefore the works come within the provisions of Section 4(1)(h) of the Planning and Development Act 2000(as amended)

The Planning Authority considers that "Replacement of windows & doors, movement of partition, movement of hot-water tank, internal room rearrangement, and rewiring of house" at 16 Griffith Street, Arklow, Co. Wicklow is development and is exempted development within the meaning of the Planning & Development Act 2000 (as amended).

Signed:   
ADMINISTRATIVE OFFICER  
PLANNING ECONOMIC & RURAL DEVELOPMENT

Dated  December 2024



WICKLOW COUNTY COUNCIL  
PLANNING & DEVELOPMENT ACTS 2000 (As Amended)  
SECTION 5  
CHIEF EXECUTIVE ORDER NO. CE/PERD/2024/1508

Reference Number: EX109/2024

Name of Applicant: Richard Murphy

Nature of Application: Section 5 Declaration request as to whether or not: -  
"Replacement of windows & doors, movement of partition, movement of hot-water tank, internal room rearrangement, and rewiring of house" is or is not development and is or is not exempted development.

Location of Subject Site: 16 Griffith Street, Arklow, Co. Wicklow

Report from Edel Bermingham, SEP

With respect to the query under section 5 of the Planning & Development Act 2000 as to whether "Replacement of windows & doors, movement of partition, movement of hot-water tank, internal room rearrangement, and rewiring of house" at 16 Griffith Street, Arklow, 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 application.
- b) Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended)

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

- (i) The replacement of windows & doors, movement of partition, movement of hot-water tank, internal room rearrangement, and rewiring of house come within the meaning of works as set out in Section 2 of the Planning and Development Act 2000(as amended)
- (ii) The works are development having regard to the provisions of Section 3 of the Planning and Development Act 2000(as amended)
- (iii) The replacement of windows & doors, movement of partition, movement of hot-water tank, internal room rearrangement, and rewiring of house, are works for the maintenance/ improvement of the dwelling which primarily affect the interior of the structure, and the exterior works i.e. window and door replacement would not render this structure inconsistent with the character of the structure or of neighbouring structures, and therefore the works come within the provisions of Section 4(1)(h) of the Planning and Development Act 2000(as amended)

**Recommendation:**

The Planning Authority considers that "Replacement of windows & doors, movement of partition, movement of hot-water tank, internal room rearrangement, and rewiring of house" at 16 Griffith Street, Arklow, Co. Wicklow is development and is exempted development as recommended in the report by the SEP.

Signed Wicklow Planning Authority

Dated 23rd day of December 2024

**ORDER:**

I HEREBY DECLARE THAT "Replacement of windows & doors, movement of partition, movement of hot-water tank, internal room rearrangement, and rewiring of house" at 16 Griffith Street, Arklow, Co. Wicklow is development and is exempted development within the meaning of the Planning & Development Act 2000 (as amended).

Signed: Paul T. O'Connell  
Senior Engineer  
Planning, Economic & Rural Development

Dated 23rd day of December 2024

## Section 5 Application EX 109 /2024

Date : 20/12//2024.

Applicant : Richard Murphy

Address : 16 Griffith Street, Arklow Y14 N254 .

Exemption Whether or not :

Replacement of windows & doors, movement of partition, movement of hot-water tank, internal room rearrangement, and rewiring of House

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

### Planning History :

PRR 23/60420 Permission granted for the retention of the existing single-storey extension to the rear & side of the existing dwelling and single - storey front entrance porch all at ground floor level, and two existing single storey garden sheds to the rear.

### 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, 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)*;

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

Section 4 :

- 4.— (1) The following shall be exempted developments for the purposes of this Act—  
(h) development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures;

### **Assessment**

The Section 5 application seeks a declaration as to whether the installation of replacement of windows & doors, movement of partition, movement of hot-water tank, internal room rearrangement, and rewiring of house at 16 Griffith Street, Arklow Y14 N254, is or is not development or is or is not exempted development.

The proposal consists of operations of alteration, repair and renewal and therefore are works having regard to Section 2 of the Planning and Development Act 2000(as amended). These works would come within the definition of development having regard to Section 3 of the Planning and Development Act 2000(as amended).

Section 4 of the Planning and Development Act 2000 (as amended) provides that

- 4.— (1) The following shall be exempted developments for the purposes of this Act—  
(h) development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures;

The works which are for maintenance/ improvement of the dwelling primarily affect the interior of the structure, and the exterior works ie. window and door replacement would not render this structure inconsistent with the character of the structure or of neighbouring structures, and therefore works come within the provisions of Section 4(1)(h) and are therefore exempted development.

### **Recommendation :**

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

Replacement of windows & doors, movement of partition, movement of hot-water tank, internal room rearrangement, and rewiring of House at 16 Griffith Street, Arklow, Co. Wicklow.

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

The Planning Authority consider that the Replacement of windows & doors, movement of partition, movement of hot-water tank, internal room rearrangement, and rewiring of House at 16 Griffith Street, Arklow, Co. Wicklow Replacement of windows & doors, movement of partition, movement of hot-water tank, internal room rearrangement, and rewiring of House at 16 Griffith Street, Arklow, Co. Wicklow **is development and is exempted development.**

Main Considerations with respect to Section 5 Declaration :

- a) The details submitted with the Section 5 Declaration application.
- b) Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended)

Main Reasons with respect to Section 5 Declaration :

- (i) The replacement of windows & doors, movement of partition, movement of hot-water tank, internal room rearrangement, and rewiring of house come within the meaning of works as set out in Section 2 of the Planning and Development Act 2000(as amended)
- (ii) The works are development having regard to the provisions of Section 3 of the Planning and Development Act 2000(as amended)
- (iii) The replacement of windows & doors, movement of partition, movement of hot-water tank, internal room rearrangement, and rewiring of house, are works for the maintenance/ improvement of the dwelling which primarily affect the interior of the structure, and the exterior works i.e. window and door replacement would not render this structure inconsistent with the character of the structure or of neighbouring structures, and therefore the works come within the provisions of Section 4(1)(h) of the Planning and Development Act 2000(as amended)

*20/12/2024*

20/12/2024

*Issue declaration as recommended*  
*Fergal J. Kelly SE*  
*23/12/24*



COMHAIRLE CONTAE CHILL Mhantáin  
Wicklow County Council

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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).  
EX109/2024**

I enclose herewith application for Section 5 Declaration received completed on 13/12/2024.

The due date on this declaration is 19<sup>th</sup> January 2025.



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



*Tá 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 Sturthóir 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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17<sup>th</sup> December 2024

Richard Murphy  
16 Griffith Street  
Arklow  
Co. Wicklow  
Y14 N254

**RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended). – EX109/2024**

A Chara

I wish to acknowledge receipt on 13/12/2024 details supplied by you in respect of the above Section 5 application. A decision is due in respect of this application by 19/01/2025.

Mise, le meas

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Nicola Fleming  
Staff Officer  
Planning, Economic & Rural Development



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

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





Wicklow County Council  
County Buildings  
Wicklow  
0404-20100

13/12/2024 13 19 27

Receipt No L1/0/338555

RICHARD MURPHY  
16 GRIFFITH ST  
ARKLOW  
CO WICKLOW  
Y14N254

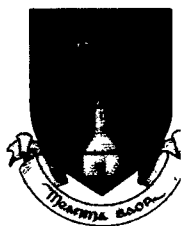
EXEMPTION CERTIFICATES	80 00
GOODS	80 00
VAT Exempt/Non-vatable	

Total 80 00 EUR

Tendered  
Credit Card 80 00

Change 0 00

Issued By Cashier5MW  
From Customer Service Hub  
Vat reg No 0015233H



Wicklow County Council  
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Wicklow  
Co Wicklow  
Telephone 0404 20148  
Fax 0404 69462

Office Use Only

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

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

RECEIVED 13 DEC 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: RICHARD MURPHY
- Address of applicant: 16 GRIFFITH STREET,  
ARKLOW, COUNTY WICKLOW, Y14 N 254

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 16 GRIFFITH STREET, ARKLOW, COUNTY WICKLOW, Y14 N254

ii. Are you the owner and/or occupier of these lands at the location under i. above?  
 Yes  No. WAITING TO MOVE INTO IT.

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 \_\_\_\_\_

- ① REPLACING OLD DOUBLE GLAZING DOORS+WINDOWS
- ② REWIRING THE HOUSE
- ③ MOVING KITCHEN TO SITTING ROOM AREA AND USING OLD KITCHEN AREA AS A STUDY.
- ④ MOVING THE HOT WATER TANK FROM UPSTAIRS TO DOWNSTAIRS AND MOVING PARTITION WALL OF BATHROOM TO ACCOMODATE THE HOT WATER TANK SO THE HOTPRESS IS IN THE BATHROOM.

*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 \_\_\_\_\_  
SECTION 4.(1).(H) OF THE PLANNING AND DEVELOPMENT ACT  
\_\_\_\_\_  
\_\_\_\_\_

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

→ PLEASE ATTACHED SHEET.

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

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

① CURRENT FLOOR PLANS

② NEW FLOOR PLANS - PROPOSED

③ GOOGLE MAPS

④ WICKLOW COUNTY COUNCIL PLANNING APPLICATIONS MAP

viii. Fee of € 80 Attached ? PAID AND ATTACHED

Signed : Richard Murphy Dated : 13/12/2024

**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.

## Queries:

### 1) Double Glazing Windows and Doors

I propose to upgrade the windows and doors by replacing all the old double glazing windows and doors.

They are currently white in colour and they would be replaced with the same colour.

They are just very old and drafty and need to be replaced.

Is this ok?

### 2) Replacing the electrical wiring in the Property

The wiring in the house is very old. I propose to upgrade it by replacing all of the wiring and getting some additional sockets.

I want to move the kitchen from its current position to be in the sitting room as it is bigger and propose to have the wiring done to accommodate this change.

The existing kitchen would then be used as a study.

Is this ok?

### 3) Plumbing and Bathroom and Hot-Press

I propose to move the hot-hot tank from the hot press upstairs to the attic.

I propose to move the partition wall of the bathroom as shown on the attached drawings and have a more accessible larger shower in the bathroom for when my father visits me.

### OR

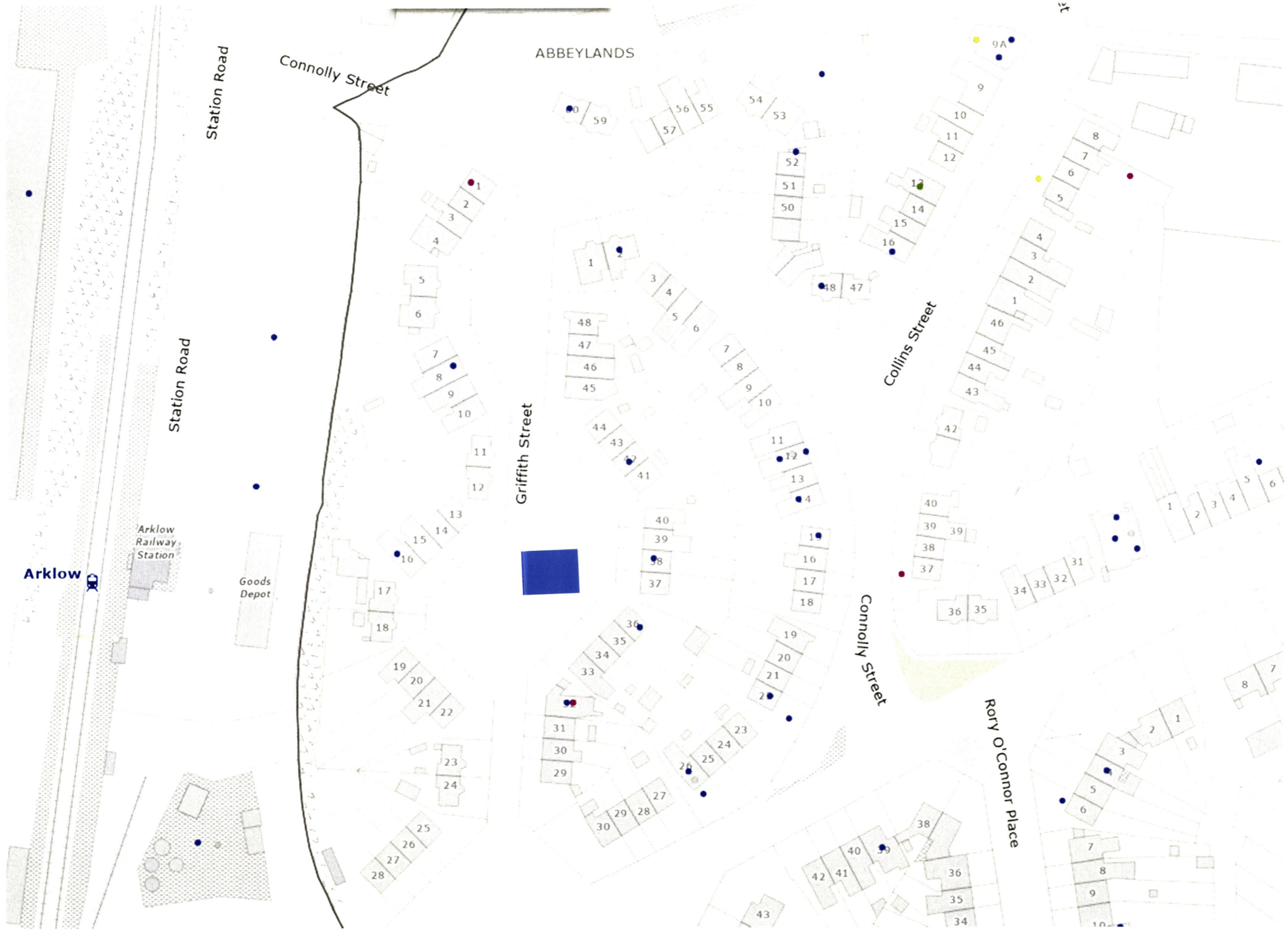
I propose to move the hot-press from upstairs to downstairs to be near the washing machine.

To do this, I propose to move the partition wall of the bathroom as shown on the attached drawings and have the hot-press in the bathroom.

I also propose to upgrade the plumbing by replacing some radiators.

I propose to replace the bathroom suite and change the tiles aswell.

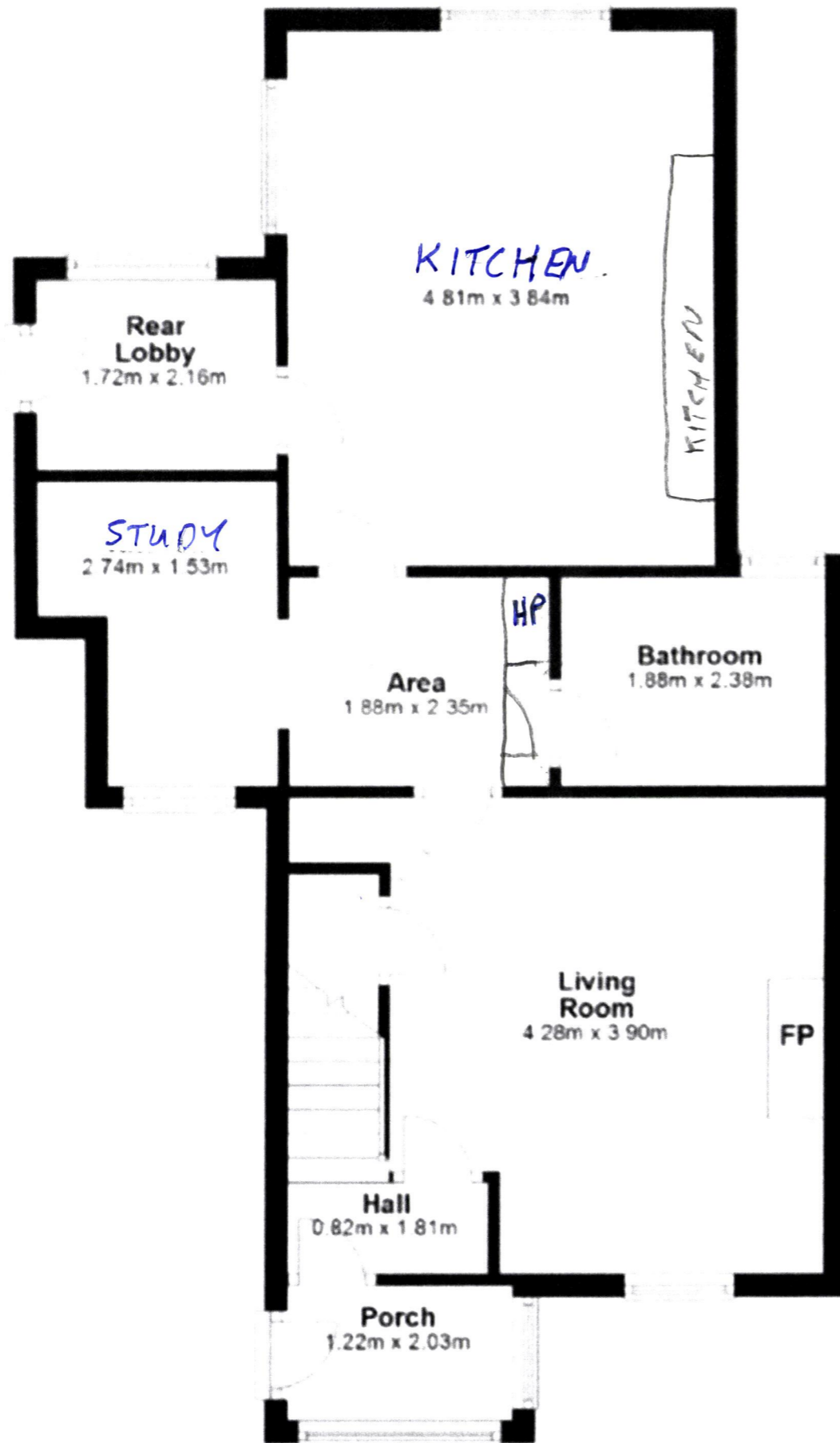
Is this ok?





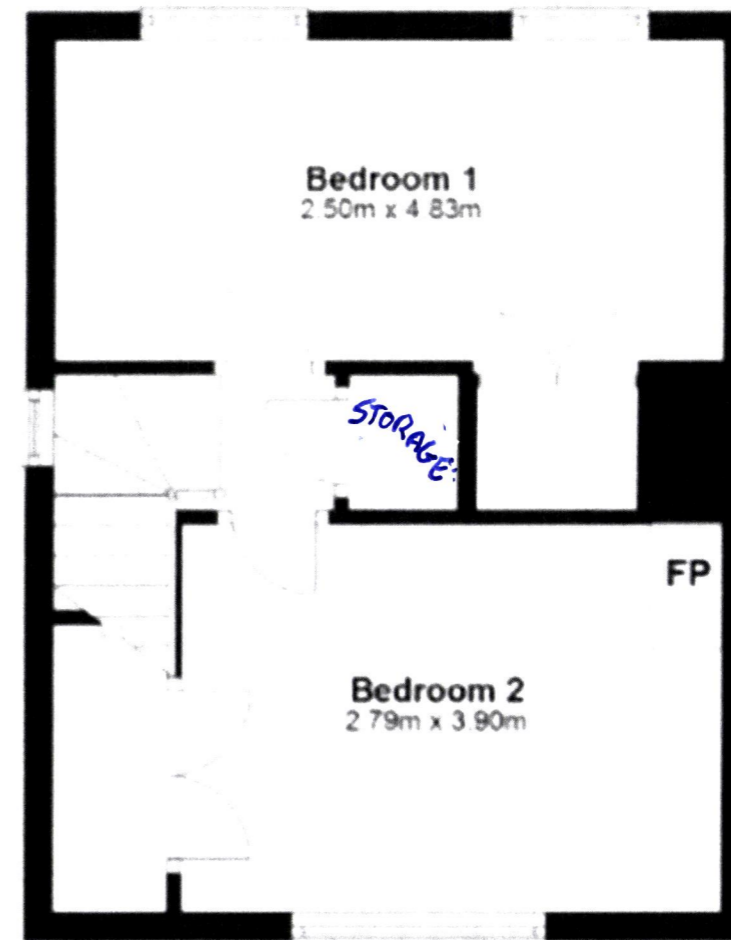


Ground Floor



NEW LAYOUT - PROPOSED

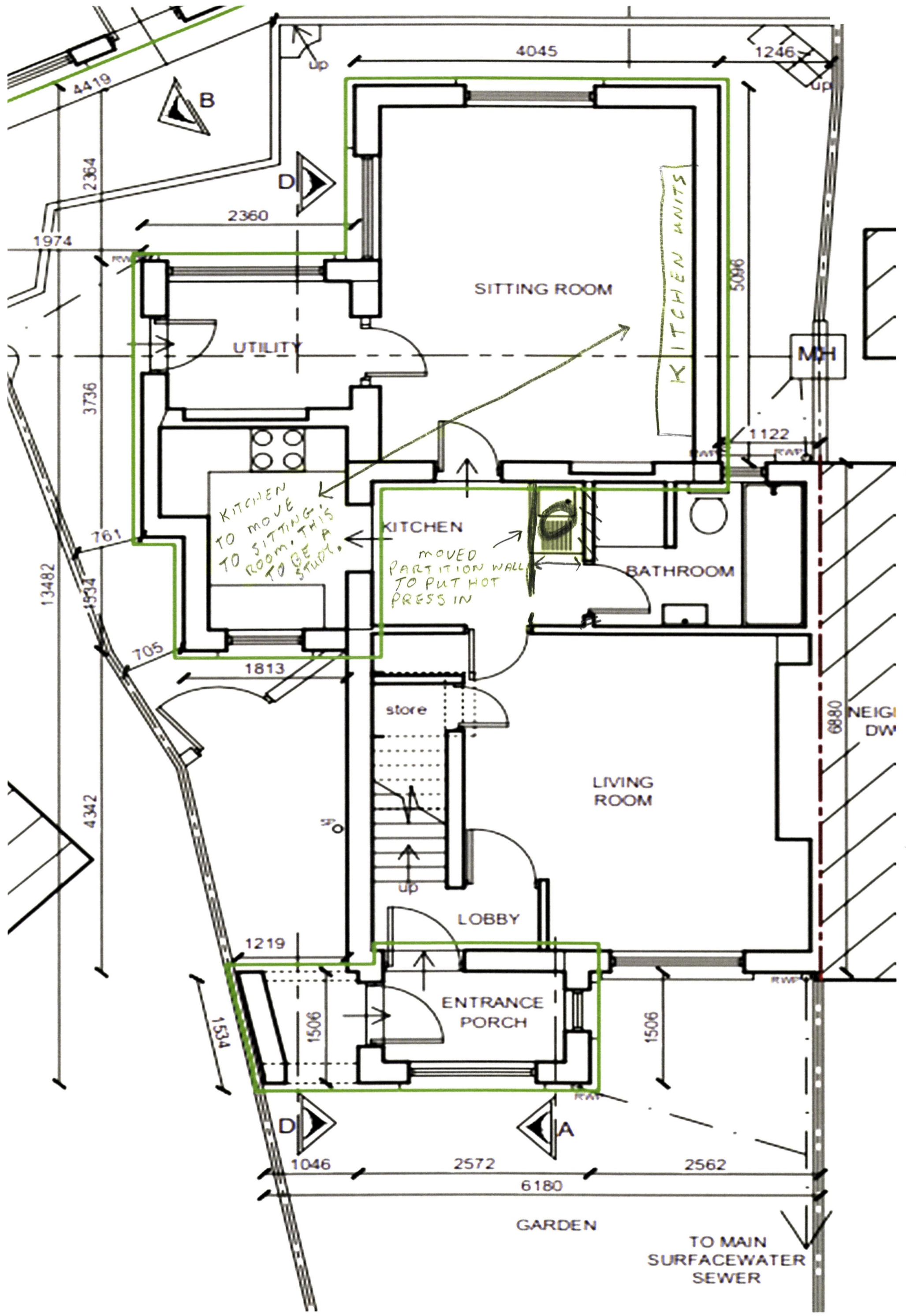
First Floor



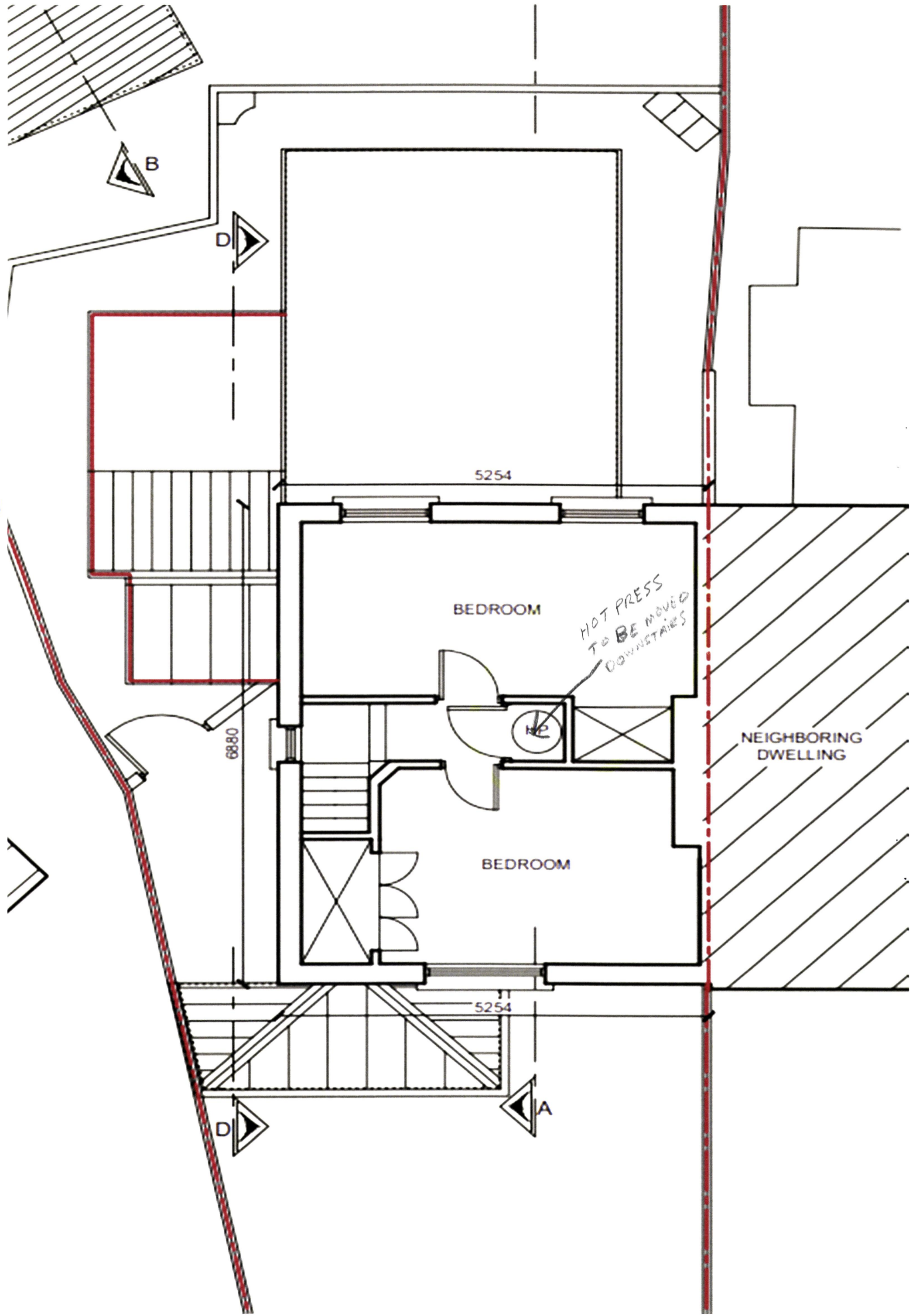
Total area: approx. 91.3 sq. metres

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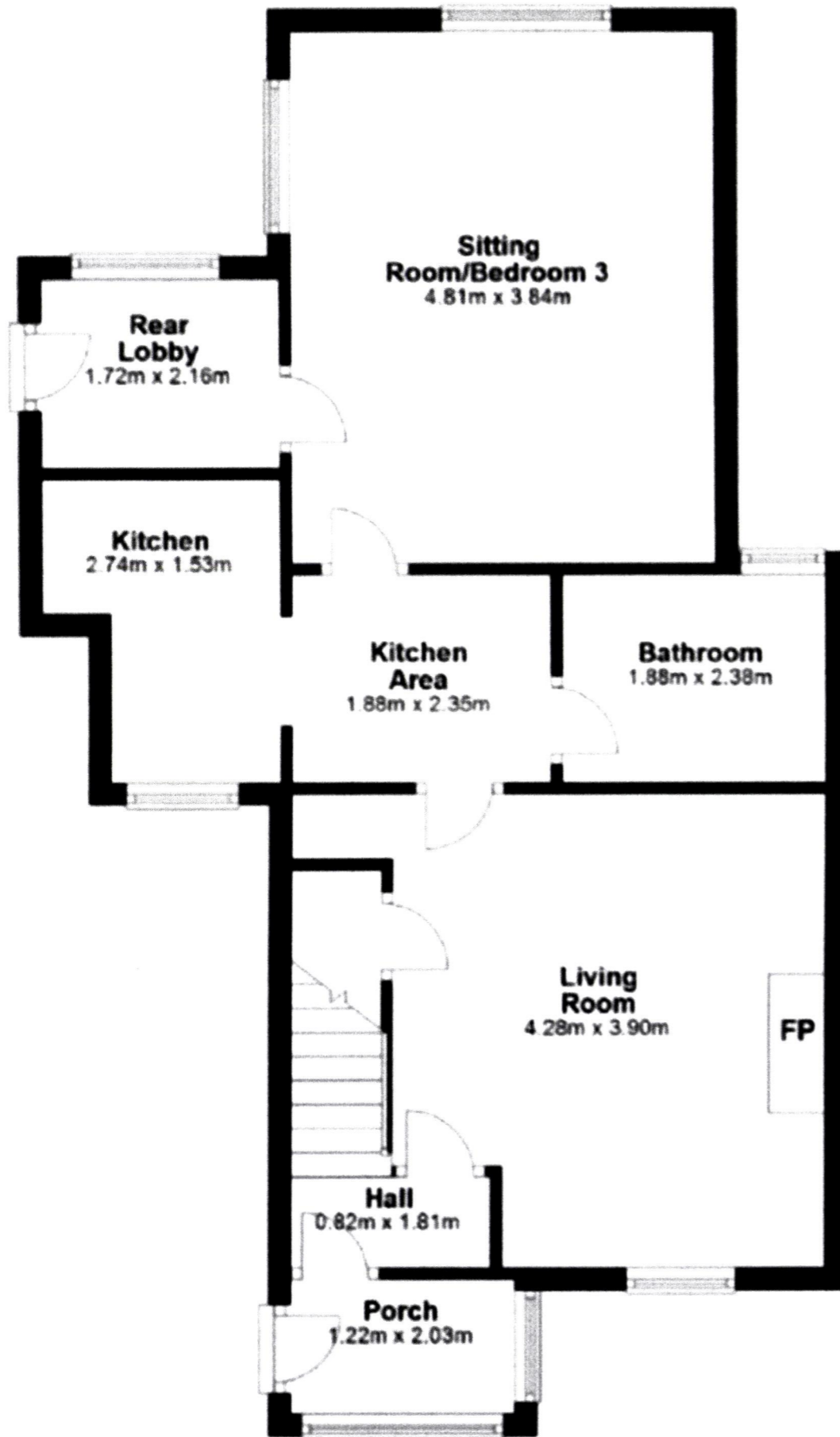
NEW LAYOUT - PROPOSED



NEW LAYOUT - PROPOSED

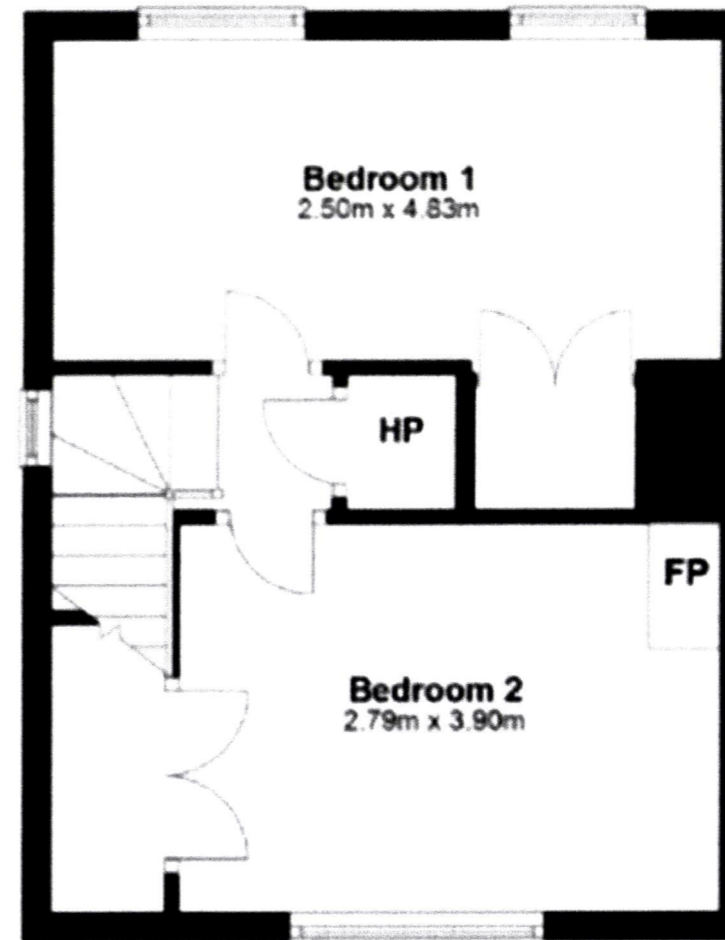


**Ground Floor**



CURRENT LAYOUT

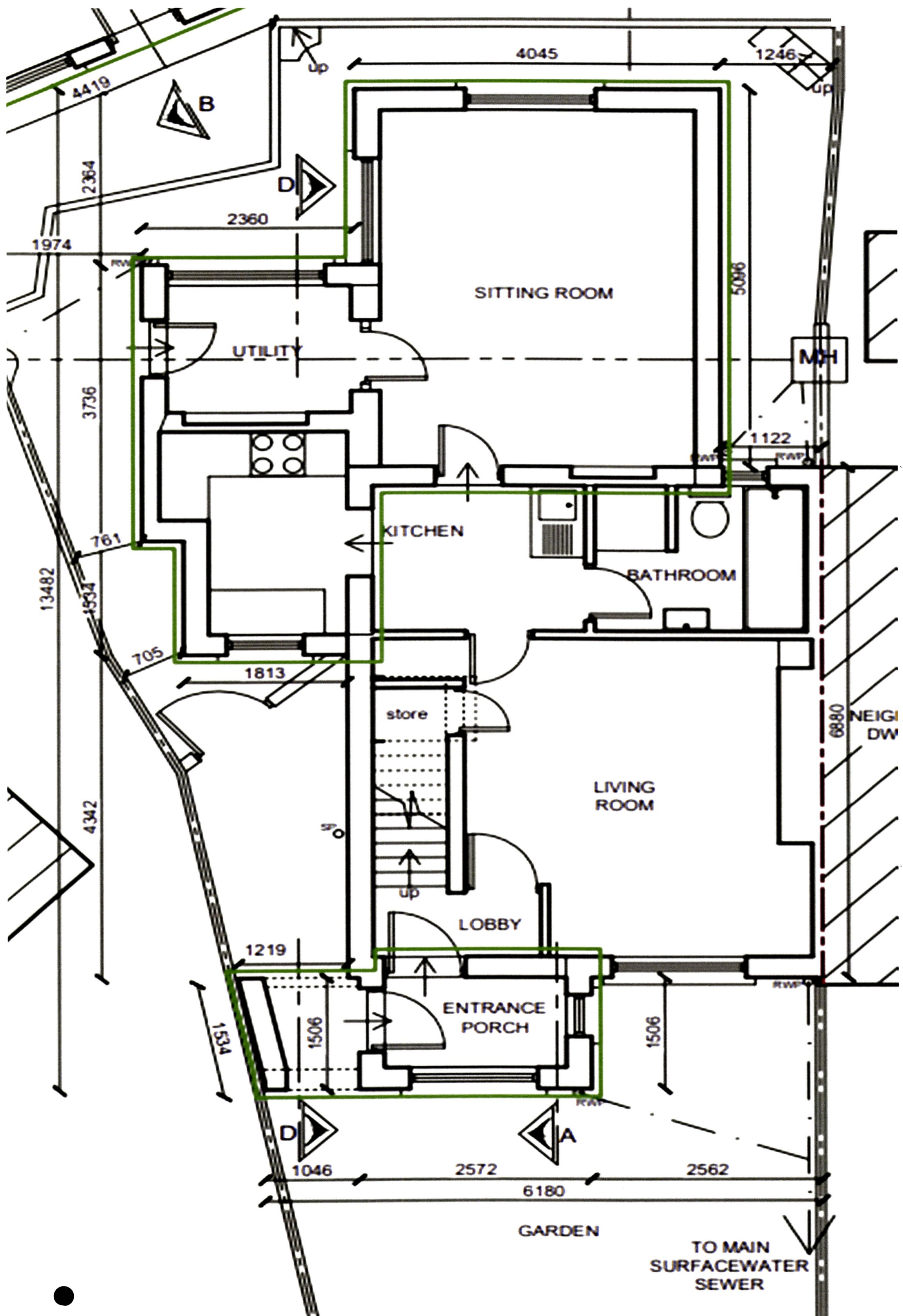
**First Floor**



Total area: approx. 91.3 sq. metres

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CURRENT LAYOUT OF DOWNSTAIRS



СВЯЗЬ С ПЛОЩАДЬЮ

