

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)

Joseph Doyle

--

24<sup>th</sup> June 2024

RE: Declaration in accordance with Section 5 of the Planning & Development Act 2000 (As Amended) – EX48/2024 for Lakers Sports & Recreation

A Chara,

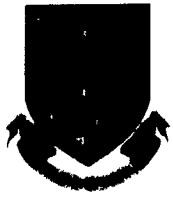
I enclose herewith Declaration in accordance with Article 5 (2) (A) of the Planning & Development Act 2000.

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 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)

Bray Methodist Church  
Eglinton Road  
Bray  
Co. Wicklow

*26/6* June 2024

RE: Declaration in accordance with Section 5 of the Planning & Development Act 2000 (As Amended) – EX48/2024 for Lakers Sports & Recreation

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,

*Diada Berny*  
ADMINISTRATIVE 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)

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

Applicant: Lakers Sports & Recreation Club

Location: Lands to rear of Epworth Hall, Florence Road, Bray, Co. Wicklow

### CHIEF EXECUTIVE ORDER NO. CE/PERD/836/2024

A question has arisen as to whether “creation of a recreation area, enclosed with lightweight see through fencing which includes an access gate, with an artificial grass surface” at Lands to rear of Epworth Hall, Florence Road, Bray, Co. Wicklow

#### Having regard to:

- a. The details submitted with this Section 5 Application on the 31/05/2024.
- b. Sections 2, 3 and 4 (1)(h) of the Planning and Development Act 2000 (as amended).
- c. S57 of the Planning and Development Act 2000 (as amended).
- d. Class 33 of Article 6, Schedule 2, Part 1 of the Planning and Development Regulations 2001 (as amended)
- e. Articles 9 (1) (a) (vii) of the Planning and Development Regulations 2001, as amended.
- f. The Record of Protected Structures of the County Development Plan 2022, which includes B15 Methodist Church, Florence Road, Bray.
- g. Objective CPO 8.3 of the County Development Plan 2022, which seeks to ensure the protection of all structures, items and features contained in the Record of Protected Structures.


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


- i. The proposed development in itself is a structure and therefore, the provisions of S4(1) (h) do not apply, as such provisions only relate to the maintenance, improvement or other alteration of any structure, not the construction/making of a structure. Notwithstanding this, were the principle of S4 (1) (h) to apply, the proposed development would materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of neighbouring structures and hence S4 (1) (h) would again not apply.
- ii. The proposed development would be located within the curtilage of a Protected Structure and would materially affect the character of the protected structure and therefore any exemptions under the Act or Regulations would not apply.
- iii. The proposed development would not come within the scope of Class 33 © of the Planning & Development regulations 2001, as amended, having regard to its design, in particular the 2m high Paladin fence.



- iv. The proposed development would undermine Objective CPO 8.3 of the CDP 2022 and therefore the provisions of Article 9 (1) (a) (vii) apply.

The Planning Authority considers that ".creation of a recreation area, enclosed with lightweight see through fencing, which includes an access gate, with an artificial grass surface at Lands to rear of Epworth Hall, Florence Road, Bray, Co. Wicklow is development and is NOT exempted development.

Signed:   
ADMINISTRATIVE OFFICER  
PLANNING, ECONOMIC & RURAL DEVELOPMENT

Dated  June 2024



WICKLOW COUNTY COUNCIL

PLANNING & DEVELOPMENT ACTS 2000 (As Amended)  
SECTION 5

CHIEF EXECUTIVE ORDER NO. CE/PERD/836/2024

**Reference Number:** EX49/2024

**Name of Applicant:** Lakers Sports & Recreation Club

**Nature of Application:** Section 5 Referral as to whether "creation of a recreation area, enclosed with lightweight see through fencing, which includes an access gate, with an artificial grass surface" is or is not development and is or is not exempted development.

**Location of Subject Site:** Lands to rear of Epworth Hall, Florence Road, Bray, Co. Wicklow

**Report from Patrice Ryan, EP & Suzanne White, SEP**

With respect to the query under Section 5 of the Planning & Development Act 2000 as to whether "creation of a recreation area, enclosed with lightweight see through fencing, with an artificial grass surface" at Lands to rear of Epworth Hall, Florence Road, Bray, Co. Wicklow is or is not exempted development within the meaning of the Planning & Development Act 2000 (as amended)

**Having regard to:**

- a) The details submitted with this Section 5 Application on the 31/05/2024.
- b) Sections 2, 3 and 4 (1)(h) of the Planning and Development Act 2000 (as amended).
- c) S57 of the Planning and Development Act 2000 (as amended).
- d) Class 33 of Article 6, Schedule 2, Part 1 of the Planning and Development Regulations 2001 (as amended)
- e) Articles 9 (1) (a) (vii) of the Planning and Development Regulations 2001, as amended.
- f) The Record of Protected Structures of the County Development Plan 2022, which includes B15 Methodist Church, Florence Road, Bray.
- g) Objective CPO 8.3 of the County Development Plan 2022, which seeks to ensure the protection of all structures, items and features contained in the Record of Protected Structures.

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

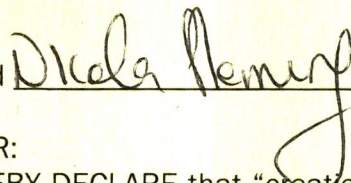
- i. The proposed development in itself is a structure and therefore, the provisions of S4(1) (h) do not apply, as such provisions only relate to the maintenance, improvement or other alteration of any structure, not the construction/making of a structure. Notwithstanding this, were the principle of S4 (1) (h) to apply, the proposed development would materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of neighbouring structures and hence S4 (1) (h) would again not apply.



- ii. The proposed development would be located within the curtilage of a Protected Structure and would materially affect the character of the protected structure and therefore any exemptions under the Act or Regulations would not apply.
- iii. The proposed development would not come within the scope of Class 33 © of the Planning & Development regulations 2001, as amended, having regard to its design, in particular the 2m high Paladin fence.
- iv. The proposed development would undermine Objective CPO 8.3 of the CDP 2022 and therefore the provisions of Article 9 (1) (a) (vii) apply.

**Recommendation:**

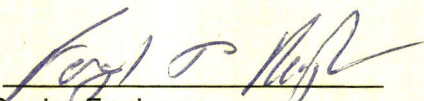
The Planning Authority considers that "creation of a recreation area, enclosed with lightweight see through fencing, which includes an access gate, with an artificial grass surface at Lands to rear of Epworth Hall, Florence Road, Bray, Co. Wicklow is development and is NOT exempted development as recommended in the planning reports.

Signed 

Dated 21<sup>st</sup> day of June 2024

**ORDER:**

I HEREBY DECLARE that "creation of a recreation area, enclosed with lightweight see through fencing, which includes an access gate, with an artificial grass surface" at Lands to rear of Epworth Hall, Florence Road, Bray, Co. Wicklow is development and is NOT exempted development within the meaning of the Planning & Development Acts 2000 (as amended).

Signed: 

Senior Engineer  
Planning, Economic & Rural Development

Dated 24<sup>th</sup> day of June 2024





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

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

---

|                     |  |
|---------------------|--|
| <b>Ref:</b>         | <b>EX 49/2024</b>  |
| <b>Name:</b>        | <b>Lakers Sport and Recreation Club</b>  |
| <b>Development:</b> | <b>Creation of a recreation area, enclosed with lightweight see through fencing, with an artificial grass surface.</b> |
| <b>Location:</b>    | <b>Lands to the rear of Epworth Hall. Florence Road, Bray, Co. Wicklow.</b>  |

---

**Application Site**

The site comprises of part of the grassed garden area associated with Epworth Hall located to the west of Bray Methodist Church. The Bray Lakers Sports and Recreation Club are located on the site directly to the south.



**Planning History**

**23/687:** Planning permission GRANTED to Lakers Sports and Recreation Club for the demolition of an existing single storey building (74sqm.) and its replacement with a two storey multipurpose sports and recreation building (295sqm.) together with all necessary site works.

**06/630121:** Planning permission GRANTED to County Wicklow Vocational Education Committee for erection of one no. prefabricated unit containing a classroom to the rear of the existing school and associated site works.

**Enforcement:** No active enforcement file on the site.

## Question

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

*Creation of a recreation area, enclosed with lightweight see through fencing, with an artificial grass surface.*

## Legislative Context:

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

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

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

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

'Works' includes,

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

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

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

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

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

Article 9(1) (a) and (b) details a number of circumstances under which the development to which Article 6 relates shall not be exempted development for the purposes of the Act.

**Assessment:**

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

***Creation of a recreation area, enclosed with lightweight see through fencing, with an artificial grass surface.***

The first assessment must be whether or not the proposal outlined above constitutes development within the remit of Section 3 of the Planning and Development Act 2001. In this regard, Section 3 of the Planning and Development Act provides that:

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

It should be noted that Section 2 of the Act defines works as:

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

**I am satisfied that the proposal involves works to the existing land and therefore constitutes development.**

The proposal comprises of the *“creation of a recreation area, enclosed with lightweight see through fencing, with an artificial grass surface”*. The proposal is associated with the Bray Lakers Educational Facility on site and will comprise of a space of c.180sq.m formed by subdividing the existing garden area associated with Bray Methodist Church and Epworth Hall. Bray Methodist Church is a protected structure however Epworth Hall which is beside the garden area to be subdivided, is not a protected structure.

Noting the size and intended use of this space it is not considered that the proposal comes within the description of Class 33 (c) of Article 6, Schedule 2, Part 1 of the Planning and Development Regulations 2001 (as amended) which refers to:

**Class 33(c)**

*Development consisting of the laying out and use of land—*

- c) for athletics or sports (other than golf or pitch and putt or sports involving the use of motor vehicles, aircraft or firearms), where no charge is made for admission of the public to the land.*

It is considered that the laying of artificial grass in the space as indicated on the drawings submitted would fall under Section 4(1)(h) of the Planning and Development Act 2000( as amended) which refers to:

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

It is considered that the laying of artificial grass in this space as indicated on the drawings submitted “*would 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 erection of a 2.2m high fence around the recreational area would come within the description of **Class 11 of Article 6, Schedule 2, Part 1** of the Planning and Development Regulations 2001 (as amended) which refers to:

The construction, erection, lowering, repair or replacement, other than within or bounding the curtilage of a house, of –

- a) any fence (not being a hoarding or sheet metal fence), or

**Conditions and Limitations –**

1. The height of any new structure shall not exceed 1.2 metres or the height of the structure being replaced, whichever is the greater, and in any event shall not exceed 2 metres.

As the proposed fence is a new fence of 2.2 metres in height, it **cannot be considered to be exempt development** under Class 11 of Article 6, Schedule 2, Article 6, Part 1, Class of the Planning and Development Regulations 2001 (as amended).

## RECOMMENDATION

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

- a) The details submitted with this Section 5 Application on the 31/05/2024.
- b) Sections 2, 3 and 4 (1)(h) of the Planning and Development Act 2000 (as amended).
- c) Class 11 of Article 6, Schedule 2, Part 1 of the Planning and Development Regulations 2001 (as amended)
- d) Articles 6 of the Planning and Development Regulations 2001, as amended.

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

**Creation of a recreation area, enclosed with lightweight see through fencing, with an artificial grass surface, is or is not exempted development,**

The Planning Authority considers that:

- **The creation of the recreation space with an artificial grass surface** as described in the documents and details submitted as part of this Section 5 are considered to be works and **would constitute development** and **is exempted development under** Section 4 (1) (h) of the Planning and development act 2000( as amended) as this element comprises of *“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 erection of a 2.2m high fence around this recreational space** as described in the documents and details submitted as part of this Section 5 are considered to be works which comprises of *“The construction, erection, lowering, repair or replacement, other than within or bounding the curtilage of a house, of – (a) any fence (not being a hoarding or sheet metal fence), and **would constitute development** and **is not exempted development** as it does not fulfil the conditions and limitations of Schedule 2, Article 6, Part 1, Class 11 noting that the proposed fence exceeds 1.2 metres, is not replacing an existing structure and in any event exceeds 2 metres.*

The following is also noted:

- The drawings submitted indicate the formation of the new access gate within the southern boundary of the garden but no reference is made to this element of development on the application form submitted as part of the Section 5 Declaration Details. In addition no elevation drawing has been submitted of this proposed access gate. **This element therefore cannot be considered as part of this Section 5 Declaration,** however for information purposes the applicant is referred to **Schedule 2, Part 1 Class 9 of the Planning and Development Regulations 2001 (as amended)** which refers to:

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

And to which the following conditions and limitations apply:

*“The height of any such structure shall not exceed 2 metres”.*

I recommend that the applicant be informed accordingly.

---

Patrice Ryan  
Executive Planner - 14/06/2024

The above recommendation and report is noted. In this regard I would highlight the following:

- S4 (1) (h) relates to the carrying out of works for the maintenance, improvement or other alteration of any structure. In this case I consider that the proposed development/works are in themselves the construction/making of a structure, as opposed to the alteration of an existing structure. Hence, I do not consider S4 (1) (h) applies.
- Furthermore, S4 (1) (h) relates to works, 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. I would not consider an artificial grass surface surrounded by a 2m high fence to be consistent with the character of neighbouring structures in this particular location. Therefore, notwithstanding the above bullet point, this would also mean S4 (1) (h) does not apply.
- In relation to the gate shown on the fencing on the proposed site layout plan, I consider that such a gate would be typically part of this type of development and can therefore be considered as part of the S5 Declaration request. If necessary the query can be modified to include the gate.
- The proposed works could potentially come within the scope of Class 33 © of the P&D Regs. 2001, as amended. It is not stated that there will be no charge for the admission of the public, which is a requirement of Class 33 ©. However, a declaration could issue with this as a caveat or FI could be sought to address this. However, I consider the proposed works does not come within the scope of Class 33 because of the inclusion of a 2m high paladin fence.
- I note the location of the works to the west side of Epworth Hall, which, on a first glance, is not designated as a Protected Structure. However, S2 of the P&D Act 2000, as amended, defines for the purposes of a protected structure:

(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)*;

On the basis of that definition, a review of the historical maps and an examination of the Plan GIS Street Viewer, I consider that the proposed works would be located within the curtilage of the Protected Structure (Methodist Church, Florence Road).

I note Objective CPO 8.13 of the CDP 2022 states:

CPO 8.13 To ensure the protection of all structures, items and features contained in the Record of Protected Structures.

In this regard, I note Article 9 (1) (vii) of the P&D Regs. 2001, as amended states:



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—

(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 .....

I also not S57 of the P&D Act 2000, as amended states:

**57.—(1)** Notwithstanding *section 4(1)(a), (h), (i), (ia), (j), (k), or (l)* and any regulations made under *section 4(2)*, the carrying out of works to a protected structure, or a proposed protected structure, shall be exempted development only if those works would not materially affect the character of—

(a) the structure, or

(b) any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest.

I consider that the proposed works would materially affect the character of the Protected Structure and therefore any exemptions under Article 6 do not apply.

On the basis of the above I consider the following Declaration should issue:

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

***The creation of a recreation area, enclosed with lightweight see through fencing, which includes an access gate, with an artificial grass surface, is or is not exempted development,***

**The Planning Authority considers that:**

***The creation of a recreation area, enclosed with lightweight see through fencing, which includes an access gate, with an artificial grass surface, is not exempted development.***

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

- a) The details submitted with this Section 5 Application on the 31/05/2024.
- b) Sections 2, 3 and 4 (1)(h) of the Planning and Development Act 2000 (as amended).
- c) S57 of the Planning and Development Act 2000 (as amended).
- d) Class 33 © of Article 6, Schedule 2, Part 1 of the Planning and Development Regulations 2001 (as amended)

- e) Articles 9 (1) (a) (vii) of the Planning and Development Regulations 2001, as amended.
- f) The Record of Protected Structures of the County Development Plan 2022, which includes B15 Methodist Church, Florence Road, Bray.
- g) Objective CPO 8.3 of the County Development Plan 2022, which seeks to ensure the protection of all structures, items and features contained in the Record of Protected Structures.

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

- i. The proposed development in itself is a structure and therefore, the provisions of S4(1) (h) do not apply, as such provisions only relate to the maintenance, improvement or other alteration of any structure, not the construction/making of a structure. Notwithstanding this, were the principle of S4 (1) (h) to apply, the proposed development would materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of neighbouring structures and hence S4 (1) (h) would again not apply.
- ii. The proposed development would be located within the curtilage of a Protected Structure and would materially affect the character of the protected structure and therefore any exemptions under the Act or Regulations would not apply.
- iii. The proposed development would not come within the scope of Class 33 © of the Planning & Development regulations 2001, as amended, having regard to its design, in particular the 2m high Paladin fence.
- iv. The proposed development would undermine Objective CPO 8.3 of the CDP 2022 and therefore the provisions of Article 9 (1) (a) (vii) apply.

*Fogel J. V. L. ES*  
20/06/24



**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: Patrice Ryan**  
**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).**  
**EX49/2024**

I enclose herewith application for Section 5 Declaration received 31<sup>st</sup> May 2024.

The due date on this declaration is 27<sup>th</sup> June 2024.

---

**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.*

Ba chóir gach comhfhreagras a sheoladh chuig an Stiúrthóir Seirbhísí, 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**

**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)

Joseph Doyle

31<sup>st</sup> May 2024

**RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended). – EX49/2024 for Lakers Sports & Recreation Club**

A Chara

I wish to acknowledge receipt on 31/05/2024 details supplied by you in respect of the above Section 5 application. A decision is due in respect of this application by 27/06/2024.

Mise, le meas

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



31 MAY 2024

Tin

ved

Wicklow County Council,  
County Buildings,  
Station Road,  
Whitegates,  
Wicklow,  
A96 FW96

WICKLOW COUNTY COUNCIL

31 MAY 2024

PLANNING DEPT.

29/05/2024

**RE: Section 5. Application on behalf of Lakers Sports and Recreational Club, Eglington Road Bray, co Wicklow. Landowner: Bray Methodist Church (Letter of Consent Submitted). Modification works to the existing site layout. Proposed works involve the creation of a secure recreation zone with the provision perimeter lightweight mesh fencing and new access gate, in an existing walled garden area to the west of Epworth Hall building.**

*A chara,*

On behalf of our client, Lakers Sports and Recreational Club, please find enclosed four copies of our Section 5 Application documents for the above-mentioned project.

The following items are included with this application:

1. 4 no. copies of Architectural drawings to include Site Location Map, Permitted Site Layout Plan, Proposed Site Layout Plan, Proposed Fencing;
2. Bank Cheque for 80€ made payable to Wicklow County Council as the statutory fee for the determination of the Section 5. Exempted Development request;
3. Completed Section 5. Application Form;
4. Letter of Consent from the Landowner.

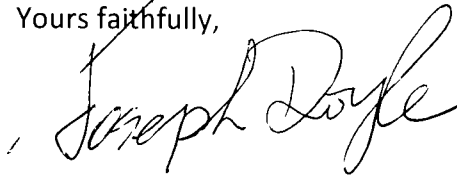
It is our opinion, based on the Exempted Development provisions of Section 4-(1)(h) of the Planning and Development Act, that the proposed site works as proposed for the Lakers' Recreation Zone would meet the exempted development criteria as outlined as follows:

*“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 enclosed architectural site studies confirm, in our opinion, that the proposed site modification works will not materially affect the external appearance and character of the receiving environment.

We look forward to receipt of your determination in due course.

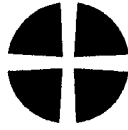
Yours faithfully,



Joseph Doyle  
For Joseph Doyle Architects

---

**THE METHODIST CHURCH IN IRELAND**



**SOUTH EAST LEINSTER CIRCUIT**

Rev. Mark Forsyth  
137 Wheatfield  
Bray  
Co. Wicklow  
Ireland  
A98 XA43  
+353 1 5520043  
[mark.forsyth@irishmethodist.org](mailto:mark.forsyth@irishmethodist.org)

To whom it may concern

21<sup>st</sup> May 2024

I can confirm that the Methodist Church in Bray gives permission for Lakers Sports and Recreation Club to submit a Section 5 Application in relation to proposed works in the garden to the rear of Epworth Hall.

A handwritten signature in black ink that reads "Mark Forsyth". The signature is fluid and cursive, with a long horizontal stroke extending from the end of the name.

---

Rev Mark Forsyth

Wicklow County Council  
County Buildings  
Wicklow  
0404-20100

31/05/2024 10 06 44

Receipt No L1/0/329973

JOSEPH DOYLE ARCHITECTS  
5 ADELAIDE ST  
DUN LAOGHAIRE  
CO DUBLIN

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

Total 80 00 EUR

Tendered  
Cheque 80 00  
LAKERS SPORTS CLUB

Change 0 00

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





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: Lakers Sports and Recreation Club

Address of applicant: Lakers Social and Recreation Club Limited, Eglington

Road, Bray, Co. Wicklow

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

Wicklow County Council

31 MAY 2024

PLANNING DEPT.

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

(b) Name of Agent (where applicable): Joseph Doyle

Address of Agent : 5 Adelaide St. Dun Laoghaire, Co. Dublin

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

WICKLOW COUNTY COUNCIL  
CUSTOMER SERVICE

31 MAY 2024

Time Received \_\_\_\_\_

**3. Declaration Details**

i. Location of Development subject of Declaration Lands to the rear of Epworth Hall, Florence Road, Bray, Co. Wicklow.

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

*No.*

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

Bray Methodist Church, Eglington Road, Bray, Co. 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 That the proposed works, the creation of a recreation area, enclosed with lightweight see through fencing, with an artificial grass surface will not materially alter the external appearance of Epworth Hall and is consistent with the character of the existing garden, and in accordance with section 4.-(1)(h) of the Planning Act may be considered to be exempted development?

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

v. Indication of the Sections of the Planning and Development Act or Planning Regulations you consider relevant to the Declaration section 4.-(1)(h).

*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) ? Epworth Hall is not a protected structure. The Methodist Church, located on Eglington Road, is a protected structure. The proposed works will not impact on the protected structure as they are located to the rear of Epworth Hall on Florence Road.

vii. List of Plans, Drawings submitted with this Declaration Application \_\_\_\_\_  
Site Location Map, Permitted Site Layout Plan, Proposed Site Layout Plan,  
Proposed Fencing

viii. Fee of € 80 Attached ?

cheque to W.C. Co. ✓

Signed :

Joseph Dole

Dated : 20/05/2024

**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

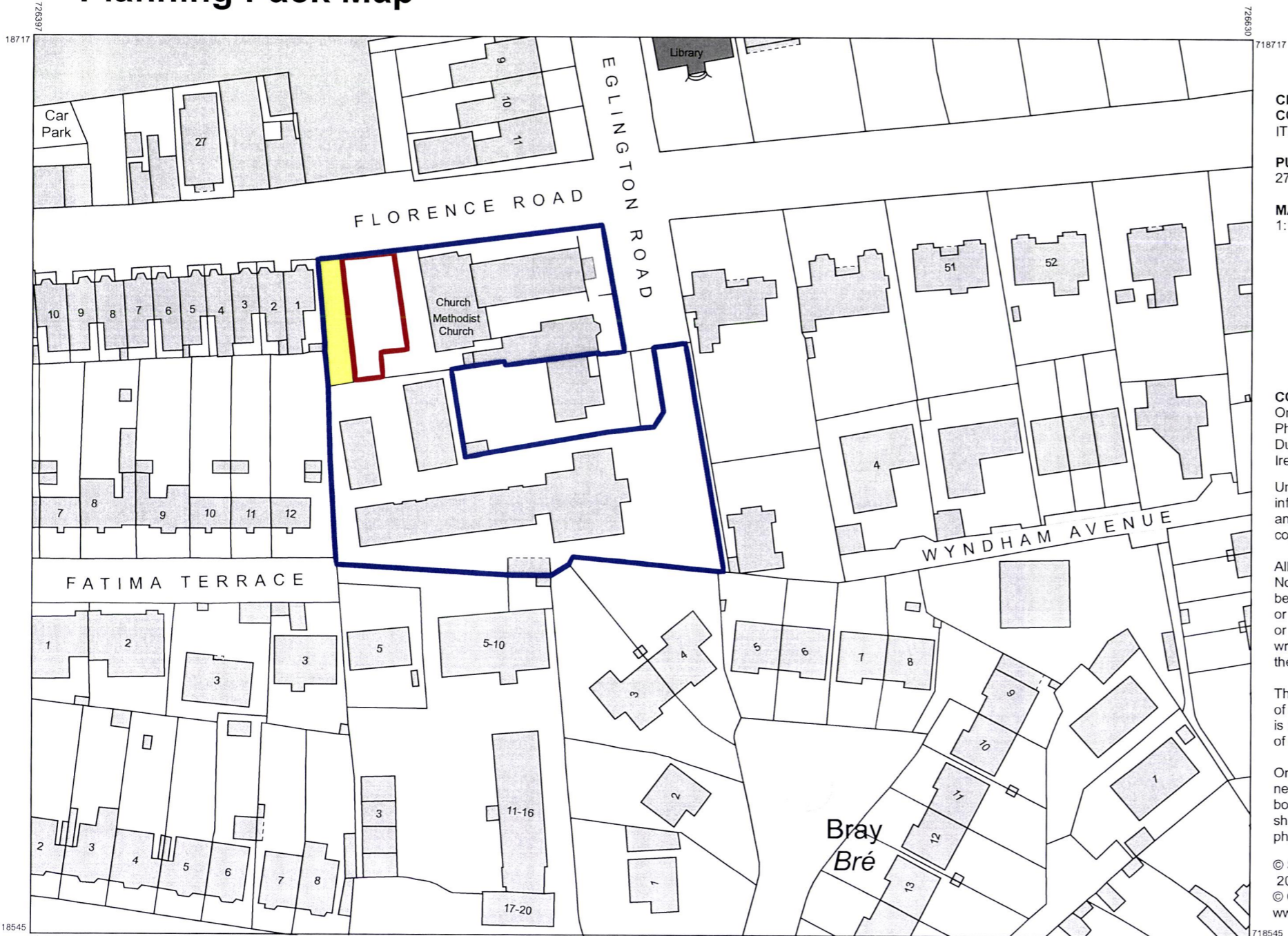
European Communities ( Environmental Impact Assessment) (Agriculture) Regulations 2011 S.I. 456 of 2011. You should therefore seek advice from the Department of Agriculture, Fisheries and Food.

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.

# Planning Pack Map



**CENTRE COORDINATES:**  
ITM 726514,718631

**PUBLISHED:** 27/01/2023  
**ORDER NO.:** 50314243\_1

**MAP SERIES:** 1:1,000  
**MAP SHEETS:** 3568-14

**COMPILED AND PUBLISHED BY:**  
Ordnance Survey Ireland,  
Phoenix Park,  
Dublin 8,  
Ireland.

Unauthorised reproduction  
infringes Ordnance Survey Ireland  
and Government of Ireland  
copyright.

All rights reserved.  
No part of this publication may  
be copied, reproduced  
or transmitted in any form  
or by any means without the prior  
written permission of  
the copyright owners.

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

Ordnance Survey maps  
never show legal property  
boundaries, nor do they  
show ownership of  
physical features.

© Suirbhéireacht Ordnáis Éireann,  
2023  
© Ordnance Survey Ireland, 2023  
[www.osi.ie/copyright](http://www.osi.ie/copyright)

**LEGEND:**  
<http://www.osi.ie>;  
search 'Large Scale Legend'

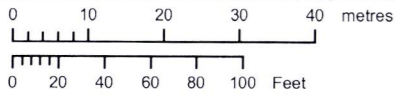
ORDNANCE SURVEY MAPPING REPRODUCED  
UNDER LICENCE FROM ORDNANCE SURVEY  
IRELAND; LICENCE No. **CYAL50375758**

@ GOVERNMENT OF IRELAND

RIGHT OF WAY

LANDHOLDING IN CONTROL OF THE APPLICANT AND/OR  
CONSENTING LANDOWNER

AREA SUBJECT TO APPLICATION



OUTPUT SCALE: 1:1,000

**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:  
<http://www.osi.ie>; search 'Capture Resolution'



## FOR INFORMATION

**JDA** Joseph Doyle Architects MRIAI  
5 ADELAIDE STREET DUN LAOGHAIRE CO. DUBLIN  
TEL: +353 (0)1 271 1300 INFO@JDARCHITECTURE.COM

Client:  
**Lakers Social & Recreation Club**

Project:  
**Lakers Sports & Recreation Club**

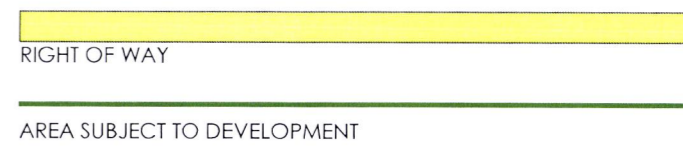
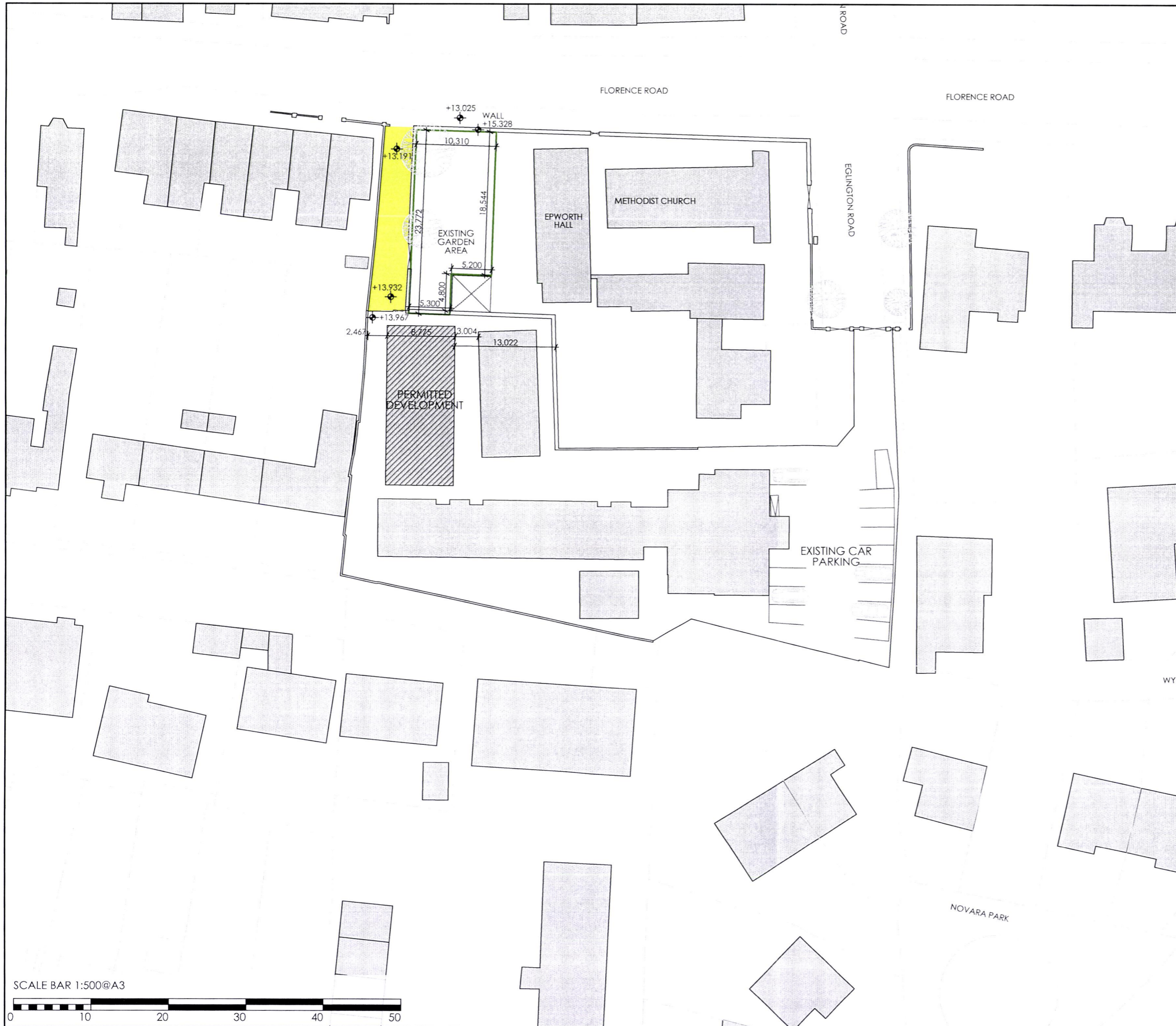
Drawing Title:  
**Site Location Map**

|                              |                   |                           |                  |                     |      |
|------------------------------|-------------------|---------------------------|------------------|---------------------|------|
| Drawn:<br>JDA                | Checked:          | Approved:                 | Scale:<br>1:1000 | Date:<br>20/05/2024 | Rev: |
| Project Number:<br>2023PL-01 | Work Stage:<br>DD | Drawing Number:<br>S5.001 |                  |                     |      |



© Joseph Doyle Architects  
This drawing and any design hereon is the copyright of the Consultants and must not be  
reproduced without their written consent. All drawings remain the property of the Consultants.  
Figured dimension only to be taken from this drawing. All dimensions to be checked on site.  
Consultants to be informed immediately of any discrepancies before work proceeds.





**FOR INFORMATION**

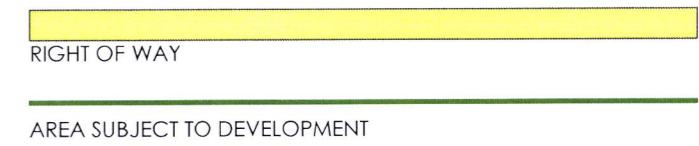
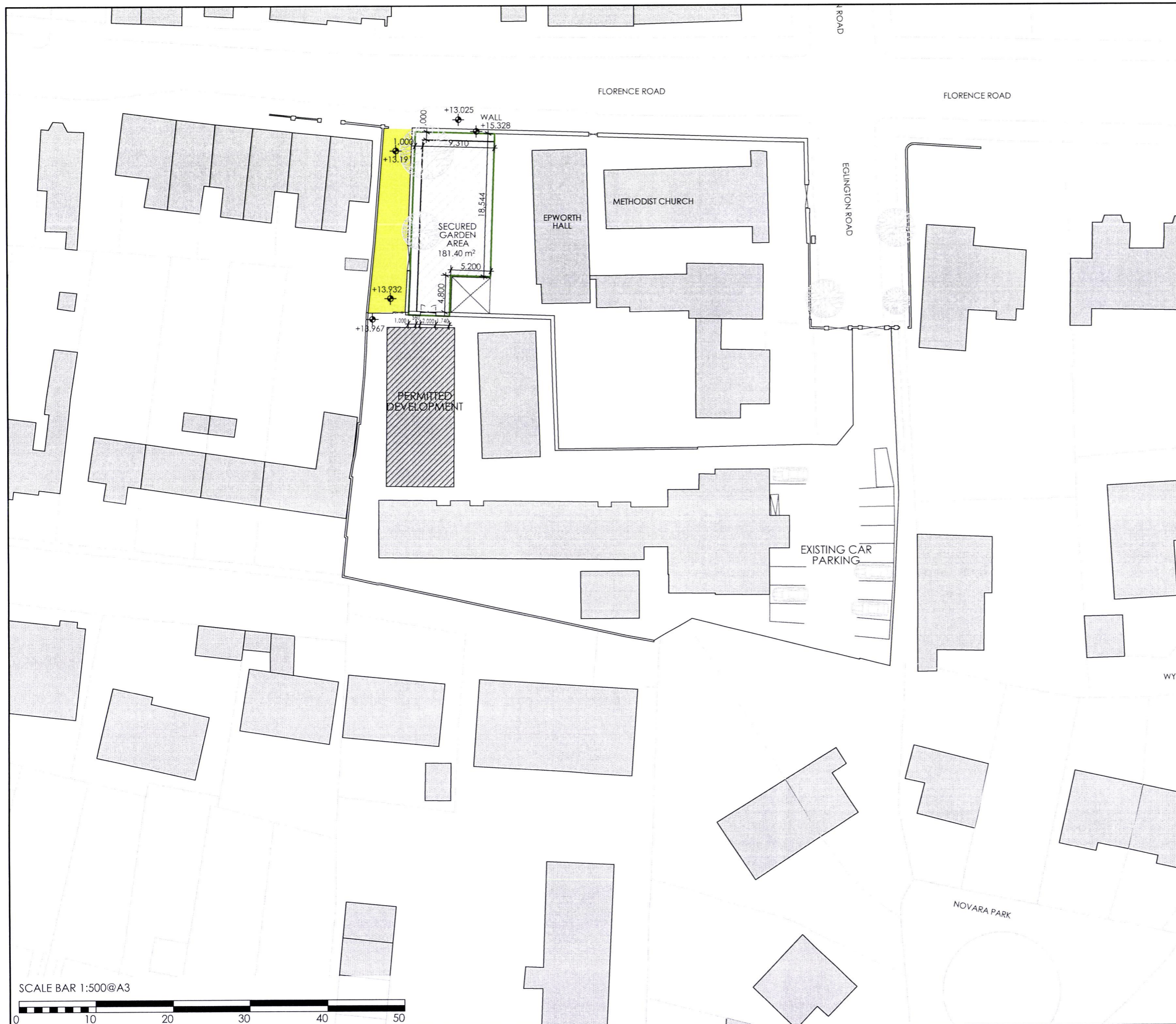
**JDA** Joseph Doyle Architects MRIAI  
 5 ADELAIDE STREET DUN LAOGHAIRE CO. DUBLIN  
 TEL: +353 (0)1 271 1300 INFO@JDARCHITECTURE.COM

Client: **Lakers Social & Recreation Club**  
 Project: **Lakers Sports & Recreation Club**

Drawing Title: **Permitted Site Layout Plan**

|                           |                |           |              |                        |      |
|---------------------------|----------------|-----------|--------------|------------------------|------|
| Drawn: JDA                | Checked:       | Approved: | Scale: 1:500 | Date: 20/05/2024       | Rev: |
| Project Number: 2023PL-01 | Work Stage: DD |           | 1:1000       | Drawing Number: S5.002 |      |





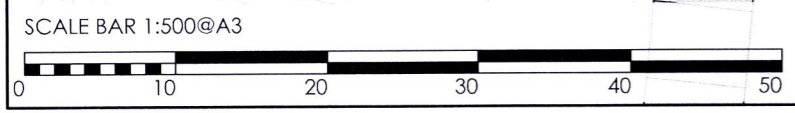
**FOR INFORMATION**

**JDA** Joseph Doyle Architects MRIAI  
 5 ADELAIDE STREET DUN LAOGHAIRE CO. DUBLIN  
 TEL: +353 (0)1 271 1300 INFO@JDARCHITECTURE.COM

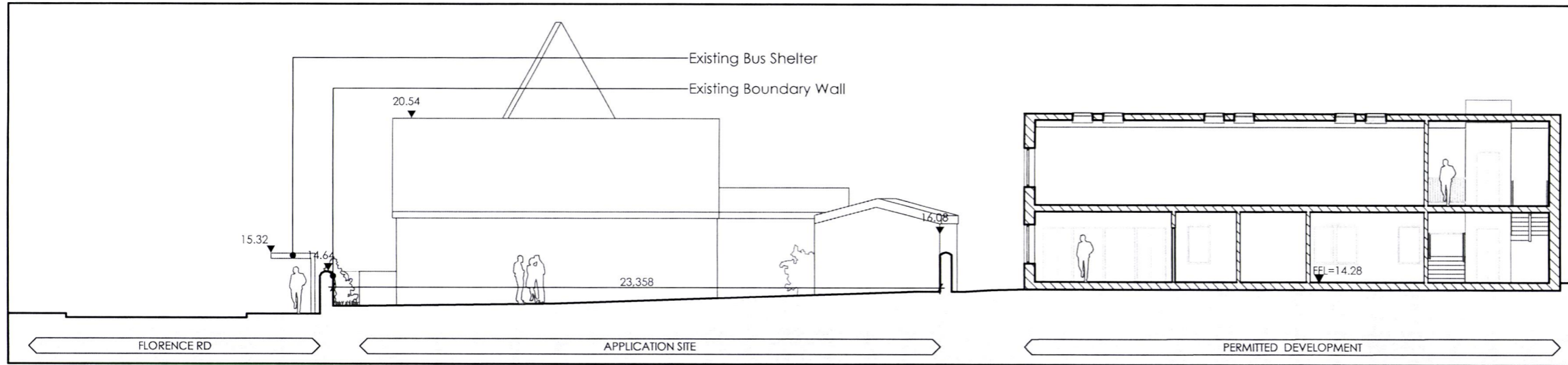
Client: **Lakers Social & Recreation Club**  
 Project: **Lakers Sports & Recreation Club**  
 Drawing Title: **Proposed Site Layout Plan**

|                              |                   |           |                  |                           |      |
|------------------------------|-------------------|-----------|------------------|---------------------------|------|
| Drawn:<br>JDA                | Checked:          | Approved: | Scale:<br>1:500, | Date:<br>20/05/2024       | Rev: |
| Project Number:<br>2023PL-01 | Work Stage:<br>DD |           | 1:1000           | Drawing Number:<br>S5.003 |      |

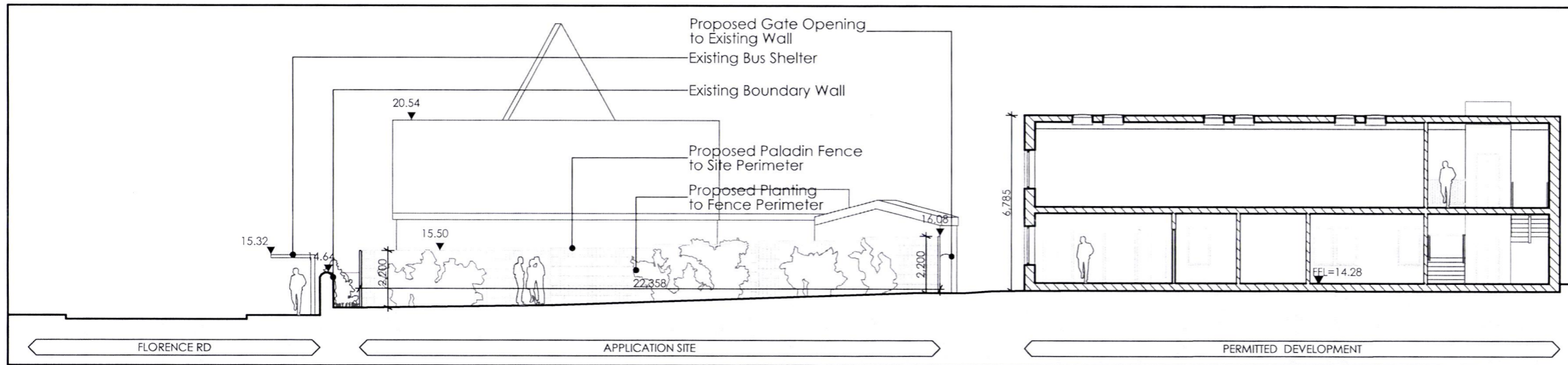
© Joseph Doyle Architects  
 This drawing and any design hereon is the copyright of the Consultants and must not be reproduced without their written consent. All drawings remain the property of the Consultants. Figured dimension only to be taken from this drawing. All dimensions to be checked on site. Consultants to be informed immediately of any discrepancies before work proceeds.



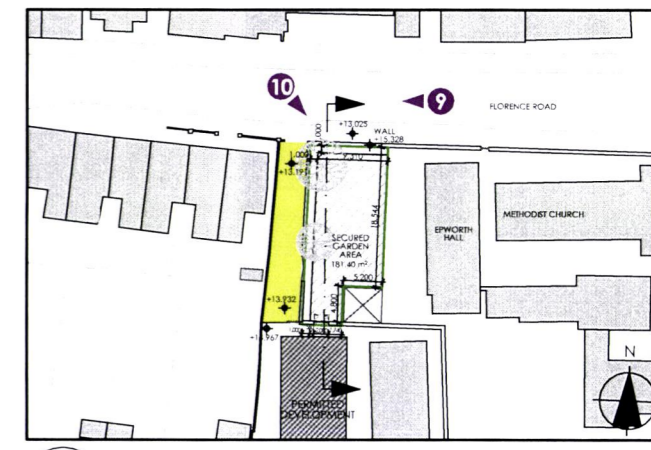




1 PERMITTED CONTEXT ELEVATION/ SECTION S1 1:200



2 PROPOSED CONTEXT ELEVATION/ SECTION S1 1:200



3 Key Plan - NTS



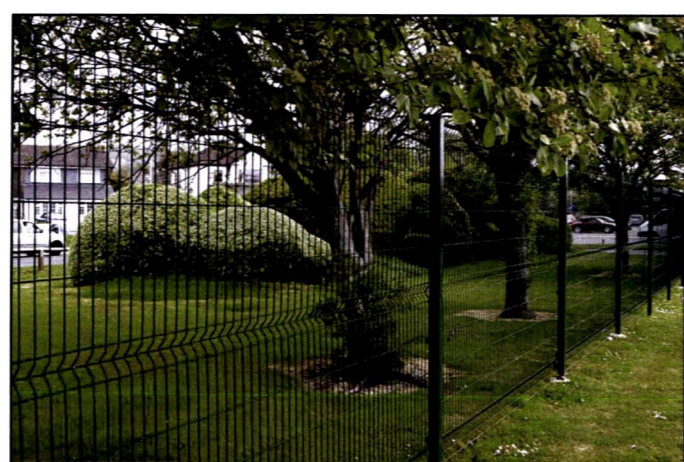
9 REF. IMAGE: Street View



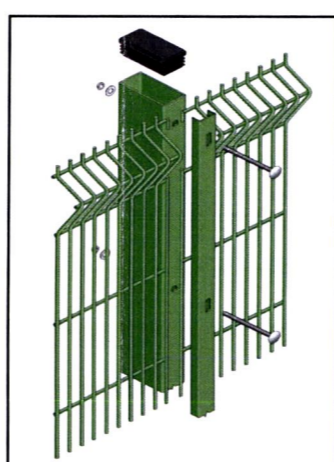
10 REF. IMAGE: Street View



7 REF. IMAGE: PALADIN FENCING



5 REF. IMAGE: PALADIN FENCING



8 REF. IMAGE



6 FACADE REFERENCE

**FOR INFORMATION**

**JDA** Joseph Doyle Architects MRAI  
 5 ADELAIDE STREET DUN LAOGHAIRE CO. DUBLIN  
 TEL: +353 (0)1 271 1300 INFO@JDARCHITECTURE.COM

Client: **Lakers Social & Recreation Club**  
 Project: **Lakers Sports & Recreation Club**

Drawing Title: **Proposed Fencing**

|                              |                   |                           |                 |                     |      |
|------------------------------|-------------------|---------------------------|-----------------|---------------------|------|
| Drawn:<br>JDA                | Checked:          | Approved:                 | Scale:<br>1:200 | Date:<br>20/05/2024 | Rev: |
| Project Number:<br>2023PL-01 | Work Stage:<br>DD | Drawing Number:<br>S5.004 |                 |                     |      |

© Joseph Doyle Architects  
 This drawing and any design hereon is the copyright of the Consultants and must not be reproduced without their written consent. All drawings remain the property of the Consultants. Figured dimension only to be taken from this drawing. All dimensions to be checked on site. Consultants to be informed immediately of any discrepancies before work proceeds.