



Comhairle Contae Chill Mhantáin Wicklow County Council

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

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

30h
April 2025

Kilcoole Residents & Community
Development Ltd
Kilcoole Community Centre
Kilcoole
Co. Wicklow
A63 X862

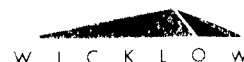
**RE: Declaration in accordance with Section 5 of the Planning & Development Acts
2000 (As Amended) – EX44/2025**

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,

Nuala Henry
**ADMINISTRATIVE OFFICER
PLANNING ECONOMIC & RURAL DEVELOPMENT**





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

Applicant: Kilcoole Residents & Community Development Ltd

Location: Kilcoole Community Centre, Kilcoole, Co. Wicklow

Reference Number: EX44/2025

CHIEF EXECUTIVE ORDER NO. CE/PERD/2025/424

Section 5 Declaration as to whether "fitting out the existing attic space and provision of a passenger lift for accessibility" at Kilcoole Community Centre, Kilcoole, Co. Wicklow constitutes exempted development within the meaning of the Planning and Development Act, 2000(as amended).

Having regard to:

- The details received with the Section 5 Declaration Application on 09/04/2025.
- An Bord Pleanála Referrals ABP-303783-19, and 06D.RL.3544
- Sections 2, 3 and 4 of the Planning & Development Act 2000 (as amended)
- Article 6 and 9 of the Planning and Development Regulations 2001 (as amended).

Main Reasons with respect to Section 5 Declaration:

- The conversion of the attic space involves operations of construction and extension and would therefore come within the definition of works as set out in Section 2 of the Planning and Development Act 2000(as amended).
- These works would be development having regard to the provisions of Section 3 of the Planning and Development Act 2000(as amended).
- The conversion of attic space is not considered to be works of maintenance, improvement or other alteration of the existing structure, but involves the extension of the community use floorspace of the existing structure, and would therefore not come within the provisions of Section 4(1)(h) of the Planning and Development Act 2000(as amended).

The Planning Authority considers that "fitting out the existing attic space and provision of a passenger lift for accessibility" at Kilcoole Community Centre, Kilcoole, Co. Wicklow is development and is NOT exempted development within the meaning of the Planning & Development Act 2000 (as amended).

Signed:

ADMINISTRATIVE OFFICER
PLANNING ECONOMIC & RURAL DEVELOPMENT

Dated 3rd April 2025



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

CHIEF EXECUTIVE ORDER NO. CE/PERD/2025/424

Reference Number: EX44/2025

Name of Applicant: Kilcoole Residents & Community Development Ltd

Nature of Application: Section 5 Declaration request as to whether or not: -
"fitting out the existing attic space and provision of a
passenger lift for accessibility" is or is not development
and is or is not exempted development.

Location of Subject Site: Kilcoole Community Centre, Kilcoole , Co. Wicklow

Report from Billy Slater, AP & Edel Bermingham, SEP

With respect to the query under section 5 of the Planning & Development Act 2000 as to whether "fitting out the existing attic space and provision of a passenger lift for accessibility" at Kilcoole Community Centre, Kilcoole , Co. Wicklow is or is not exempted development within the meaning of the Planning & Development Act 2000 (as amended).

Having regard to:

- a) The details received with the Section 5 Declaration Application on 09/04/2025.
- b) An Bord Pleanála Referrals ABP-303783-19, and 06D.RL.3544
- b) Sections 2, 3 and 4 of the Planning & Development Act 2000 (as amended)
- c) Article 6 and 9 of the Planning and Development Regulations 2001 (as amended).


Main Reason with respect to Section 5 Declaration:

- i. The conversion of the attic space involves operations of construction and extension and would therefore come within the definition of works as set out in Section 2 of the Planning and Development Act 2000(as amended).
- ii. These works would be development having regard to the provisions of Section 3 of the Planning and Development Act 2000(as amended).
- iii. The conversion of attic space is not considered to be works of maintenance, improvement or other alteration of the existing structure, but involves the extension of the community use floorspace of the existing structure, and would therefore not come within the provisions of Section 4(1)(h) of the Planning and Development Act 2000(as amended).

Recommendation:


The Planning Authority considers that "the constructed c. 4 sqm extension" at 4 Rivendell Grove, Greystones, Co. Wicklow is development and is NOT exempted development as recommended in the report by the SEP.


Signed 

Dated  day of April 2025

ORDER:

I HEREBY DECLARE THAT the "the constructed c. 4 sqm extension" at 4 Rivendell Grove, Greystones, 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  day of April 2025



**WICKLOW COUNTY COUNCIL
PLANNING DEPARTMENT**

To: Fergal Keogh S.E / Suzanne White S.E.P. / Edel Bermingham S.E.P.
From: Billy Slater A.P.
Type: Section 5 Application
REF: EX 44/2025
Applicant: Kilcoole Residents and Community Development Ltd.
Date of Application: 09/04/2025
Decision Due Date: 06/05/2025
Address: Kilcoole Community Centre, Kilcoole, Co. Wicklow
Exemption Query: Fitting out the existing attic space and provision of a passenger lift for accessibility.

Application Site: The subject site is located within the level 4 urban settlement of Kilcoole and is occupied by the grounds of the Kilcoole Community Centre, inclusive of a community hall, scouts den, men's shed, and parking facilities. The site is accessed via a vehicular entrance off of the L-5044-0 local public road as well as a pedestrian entrance off of the R-761-119 regional road.

Google Maps Image and Site Image



Relevant Planning History:

Ref	22/230
Applicant	Kilcoole Community Development Association Ltd.
Development	single storey timber framed & timber clad structure, c 39sqm., for use as a Men's Shed, to be located in the south-east corner of the Community Centre Site, along with all associated site works
Decision	Grant
Ref	13/8452
Applicant	Kilcoole Community Development Association Ltd.
Development	alterations and extension to existing Parish Centre to be carried out in two phases. Phase 1 comprising demolition of existing toilet block 25.91 sqm, blocking up of existing entrance door and relocation of entrance to adjacent wall
Decision	Grant

Question:

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

- Fitting out the existing attic space and provision of a passenger lift for accessibility,

at Kilcoole Community Centre, Kilcoole, Co. Wicklow is or is not exempted development.

Bord Referrals

ABP-303783-19

AND WHEREAS An Bord Pleanála has concluded that -

(a) the refurbishment of the existing dwelling, the construction of an extension and the conversion of the attic to provide accommodation would all involve the carrying out of works and would, therefore, constitute development,

(b) the internal refurbishment of the dwelling, and the provision of the Velux type rooflights would come within the scope of Section 4 (1)(h) of the Planning and Development Act, 2000, as amended and would, therefore, be exempted development, the conversion of the attic to provide accommodation would not come within the scope of Section 4 (1)(h) of the Planning and Development Act, 2000, as amended, as it would not consist of the carrying out of works for the maintenance, improvement or other alteration of the structure, but would rather involve the extension of the residential floorspace of the existing dwelling,

(d) the construction of the proposed extension would generally come within the scope of the exemption provided for under Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, as amended, but would not be exempted development because it would not comply with Condition and Limitation number 2 (a) to which this Class is subject, in that the combined areas of the attic conversion and of the proposed extension would exceed the limit of 40 square metres, and

(e) accordingly, as all of the works are inter-related, the development that is the subject of the question would not be exempted development:

In not accepting the recommendation of the Inspector that the development would be exempted development, the Board had regard to case law as to the correct meaning of Section 4 (1)(h) of the Planning and Development Act, 2000, as amended, and did not accept that the attic conversion came within the scope of the exemption afforded by this legislative provision. Furthermore, the Board had regard to previous referral decisions made by it, which determined that the limit of 40 square metres in Condition and Limitation 2 (a) of Class 1 applied to any floorspace that was not part of the original floor area of the house, including the floor area of an attic that had been converted after the construction of the original house (for example, referral register reference number 06D.RL.2477).

06D.RL.3544

An Bord Pleanála, hereby decides that the construction of an extension to the rear of the existing house, and the conversion of part of the attic of the existing house and of the attic area of the extension for residential accommodation, is development and is not exempted development.

An Bord Pleanála has concluded that:

(a) the extension to the existing house and the attic conversion both involve the carrying out of 'works' which come within the meaning of section 2(1) of the Planning and Development Act, 2000, as amended, and therefore constitute development,

(b) the extension is to the rear of the dwelling and therefore comes within the scope of the exemption provided for under Class 1 of Part 1 of Schedule 2 to the Planning and Development Regulations 2001, but by reason of its scale and extent, comprising a ground floor area of 50 square metres and a

first floor area of circa 28 square metres, exceeds the relevant thresholds set out in conditions and limitations 1(a) and 1(c) respectively of Class 1, and is therefore not exempted development,

(c) the existing extensions to the rear of the house, whether or not they were constructed or erected prior to 1st October 1964, cannot be taken into account in respect of the floor area of the extension that is the subject matter of this referral, as these extensions were demolished and removed prior to the construction of the subject extension, and

(d) the attic conversion does not come within the scope of section 4(1)(h) of the Planning and Development Act 2000, not being the carrying out of works for the maintenance, improvement or other alteration of an existing structure, but rather for the provision of additional floor space and a first floor extension to the existing house, and is therefore not exempted development:

Legislative Context:

Planning and Development Act 2000 (as amended)

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

“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

“works” includes Any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal...”

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 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) is relevant for the purposes of this declaration:

“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.”

Section 4(2) makes provision for ministerial regulations to set out further exemptions. The 2001 Planning Regulations as amended derive from this section and designate further works as being exempted development for the purposes of the act.

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):

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 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,*

And so on,

Schedule 2: Part 1 outlines classes of exempt development as well as associated conditions and limitations.

Details submitted in support of the application:

- Cover letter.
- Proposed / existing site layout plans and site location map.
- Proposed elevation plans.
- Proposed floor plans.

Assessment

The applicant seeks confirmation that:

- Fitting out the existing attic space and provision of a passenger lift for accessibility,

at Kilcoole Community Centre, Kilcoole, Co. Wicklow constitutes exempted development within the meaning of the Planning and Development Acts, 2000(as amended).

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...

The fitting out of the attic space with passenger lift as proposed shall involve operations of construction and extension and would therefore come within the definition of works as set out in 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).

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

It is stated within the application form that the applicant believes that the development proposal would fall under the remit of Section 4 (1) (h) 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 fitting out (conversion) of attic space and provision of passenger lift for accessibility is not considered to be works of maintenance, improvement, or other alteration of the existing structure, and instead involves the extension of the community use floorspace of the existing structure, and would therefore not come within the provisions of Section 4(1)(h).

Recommendation :

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

- Fitting out the existing attic space and provision of a passenger lift for accessibility,

At Kilcoole Community Centre, Kilcoole, Co. Wicklow constitutes exempted development within the meaning of the Planning and Development Acts, 2000 (as amended).

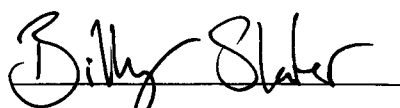
The Planning Authority considers that the fitting out the existing attic space and provision of a passenger lift for accessibility **is development** and **is not exempted development**.

Main Considerations with respect to Section 5 Declaration :

- a) The details received with the Section 5 Declaration Application on 09/04/2025.
- b) An Bord Pleanála Referrals ABP-303783-19, and 06D.RL.3544
- b) Sections 2, 3 and 4 of the Planning & Development Act 2000 (as amended)
- c) Article 6 and 9 of the Planning and Development Regulations 2001 (as amended).

Main Reasons with respect to Section 5 Declaration :

- i. The conversion of the attic space involves operations of construction and extension and would therefore come within the definition of works as set out in Section 2 of the Planning and Development Act 2000(as amended).
- ii. These works would be development having regard to the provisions of Section 3 of the Planning and Development Act 2000(as amended).
- iii. The conversion of attic space is not considered to be works of maintenance, improvement or other alteration of the existing structure, but involves the extension of the community use floorspace of the existing structure, and would therefore not come within the provisions of Section 4(1)(h) of the Planning and Development Act 2000(as amended).


Billy Slater A.P.
28/04/2025


28/4/2025

*Issue declared as exempted
Pg 15 My L 12
30/4/25*



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MEMORANDUM

WICKLOW COUNTY COUNCIL

TO: Billy Slater
Assistant Planner

FROM: Nicola Fleming
Staff Officer

**RE:- Application for Certificate of Exemption under Section 5 of the
Planning and Development Acts 2000 (as amended).
EX44/2025**

I enclose herewith application for Section 5 Declaration received completed on 09/04/2025.

The due date on this declaration is 6th May 2025

Staff Officer
Planning, Economic & Rural Development





Comhairle Contae Chill Mhantáin Wicklow County Council

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**Kilcoole Residents & Community
Development Association Ltd
Kilcoole Community Centre
Kilcoole
Co. Wicklow
A63 X862**

16th April 2025

**RE: Application for Certificate of Exemption under Section 5 of the Planning and
Development Acts 2000 (as amended). – EX44/2025**

A Chara

I wish to acknowledge receipt on 09/04/2025 details supplied by you in respect of the above
Section 5 application. A decision is due in respect of this application by 06/05/2025.

Mise, le meas

**Nicola Fleming
Staff 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 Seirbhísí, 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

09/04/2025 13:01:47

Receipt No L1/0/343637

KILCOOLE RESIDENTS & COMMUNITY DEV
KILCOOLE COMMUNITY CENTRE
KILCOOLE
CO WICKLOW

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

Total	80 00 EUR
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Tendered	
Cheque	80 00

Change	0 00
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Issued By Ruth Graham
From Customer Service Hub
Vat reg No 0015233H

**APPLICATION FOR DECLARATION OF EXEMPTED DEVELOPMENT
SECTION 5 – PLANNING & DEVELOPMENT ACT 2000 (as amended)**

Name and address of applicant(s) Kilcoole Residents & Community Development Association Ltd.

Kilcoole Community Centre, Kilcoole, County Wicklow

Eircode A63 X862

If applicant is a company –

Names of Company Directors Tom Fortune, Mary Keddy, Declan Greene, Ailish Byrne, Dick Bates, Kathy Hctor, Koen Verbruggen, Maire Ni Shiodhail, John Kinsella, Paul Kelly, Eugene Condron, James Scott.

Registered address of company Kilcoole Community Development Association Ltd.
Kilcoole Community Centre, Kilcoole, County Wicklow

Company Registration Number 304849

Name and address of person acting on behalf of applicant

Kilcoole Community Development Association Ltd.

Kilcoole Community Centre, Kilcoole, County Wicklow

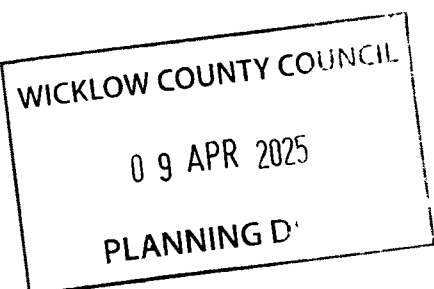
Eircode A63 X862

Location townland and postal address of land or structure concerned Kilcoole Community Centre, located at the junction of Kilcoole / Greystones Road, R761 & Lott Lane, Kilcoole, Co. Wicklow.

see attached/enclosed
***Attach site location map**

Nature and extent of development Fitting out of the existing attic space & provision of a passenger lift for accessibility, within the existing Kilcoole Community Centre, located at the junction of Kilcoole / Greystones Road, R761 & Lott Lane, Kilcoole, Co. Wicklow.

***Attach detailed drawings to support application**



**Section of Exempted Development
Regulations under which exemption
is claimed**

Section 2

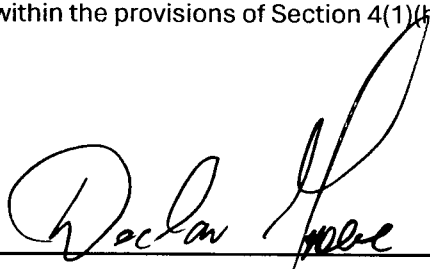
The proposed items within the existing Community Centre, would be the fitting-out of the existing structure within the Community Centre. The existing structure has been constructed to accommodate an upper level. The provision of an internal access stairs, passenger lift/platform to provide access for people with disability/mobility issues, would be required to be installed along with the provision of 2no. rooflights to provide natural light into the area.

While the works are for the improvement of the parish centre structure, they would not adversely affect nor impact on the external appearance.

(1) The following shall be exempted developments for the purposes of the 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 are for the improvement of the parish centre structure , they would not affect the external appearance, however even with the lift shaft over-run which may project through the existing roof, given the existing community centre on site, and finishes it is considered that the works 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)

SIGNED

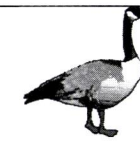


DATE

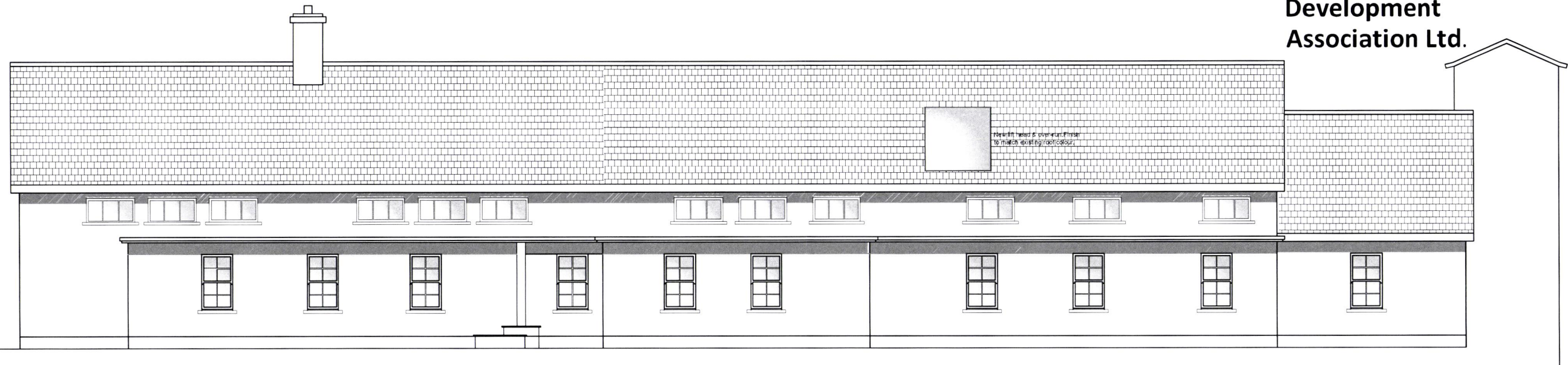
9/9/25

Fee of €80.00 to accompany application

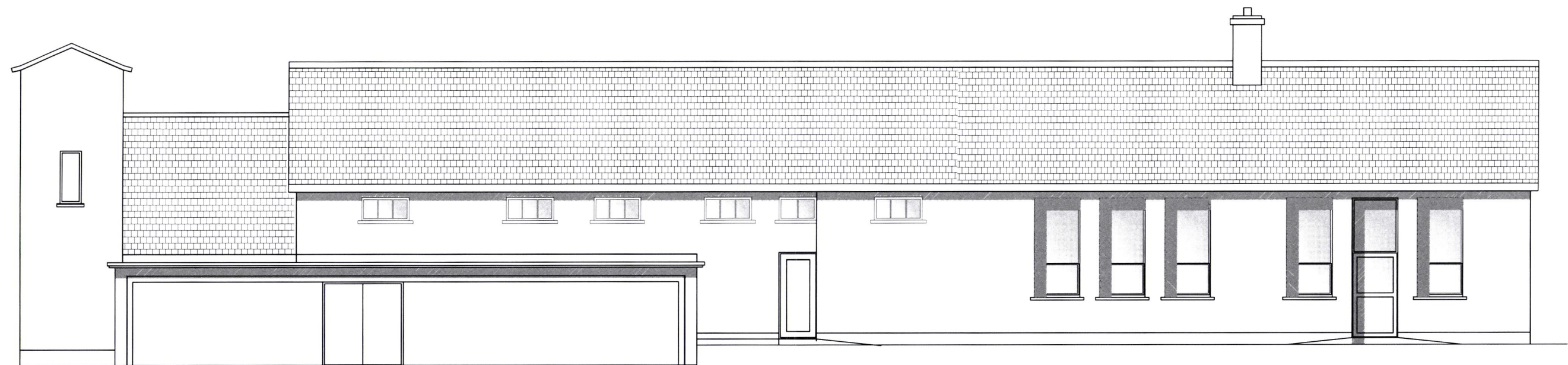
As a registered charity KCDA are seeking an exemption from application fee



**Kilcoole Community
Development
Association Ltd.**

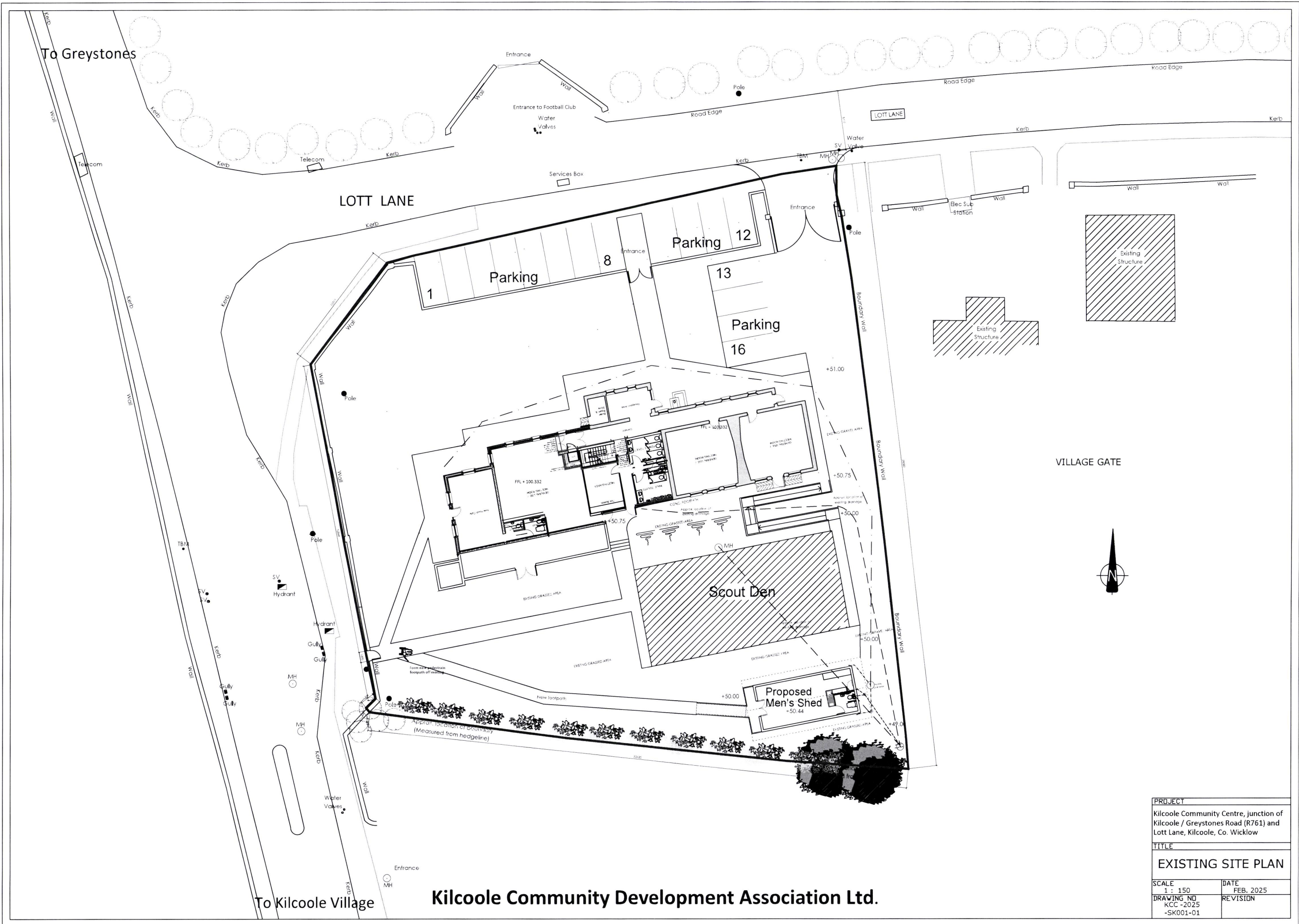


FRONT ELEVATION



REAR ELEVATION

PROJECT	
Parish Centre, junction of Kilcoole / Greystones Road (R761) and Lott Lane, Kilcoole, Co. Wicklow	
TITLE	
Proposed Elevations	
SCALE 1 : 100	DATE Jan. 2025
DRAWING NO KCC - 2025 -SK009	REVISION

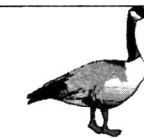


Kilcoole Community Development Association Ltd.

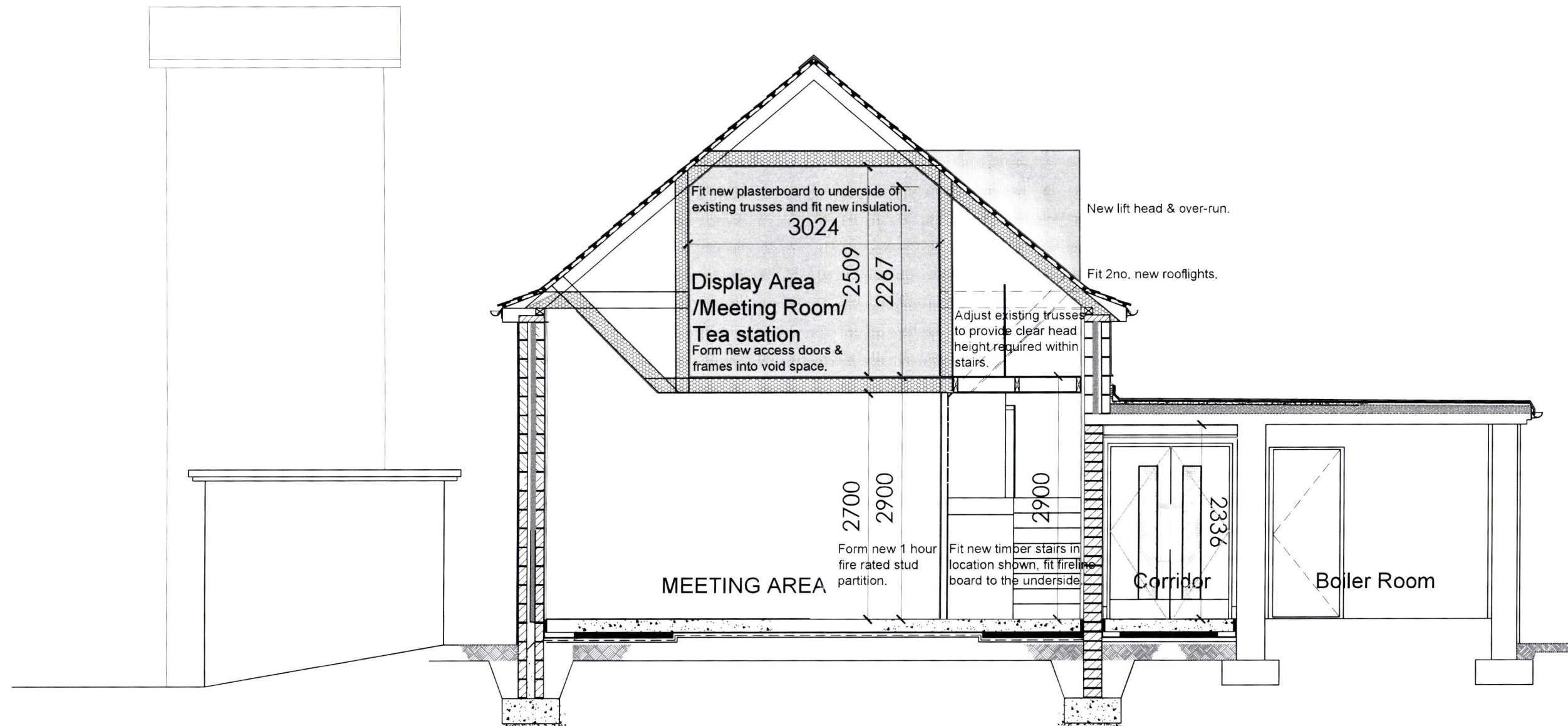
PROJECT	
Kilcoole Community Centre, junction of Kilcoole / Greystones Road (R761) and Lott Lane, Kilcoole, Co. Wicklow	
TITLE	
EXISTING SITE PLAN	
SCALE 1 : 150	DATE FEB. 2025
DRAWING NO KCC-2025 -SK001-01	REVISION



PROJECT	
Parish Centre, junction of Kilcoole / Greystones Road (R761) and Lott Lane, Kilcoole, Co. Wicklow	
TITLE	
Proposed Floor Plan - Attic Space Fit-out	
SCALE 1 : 100	DATE Jan. 2025
DRAWING NO KCC - 2025 -SK002	REVISION

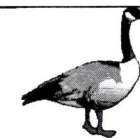


**Kilcoole Community
Development
Association Ltd.**

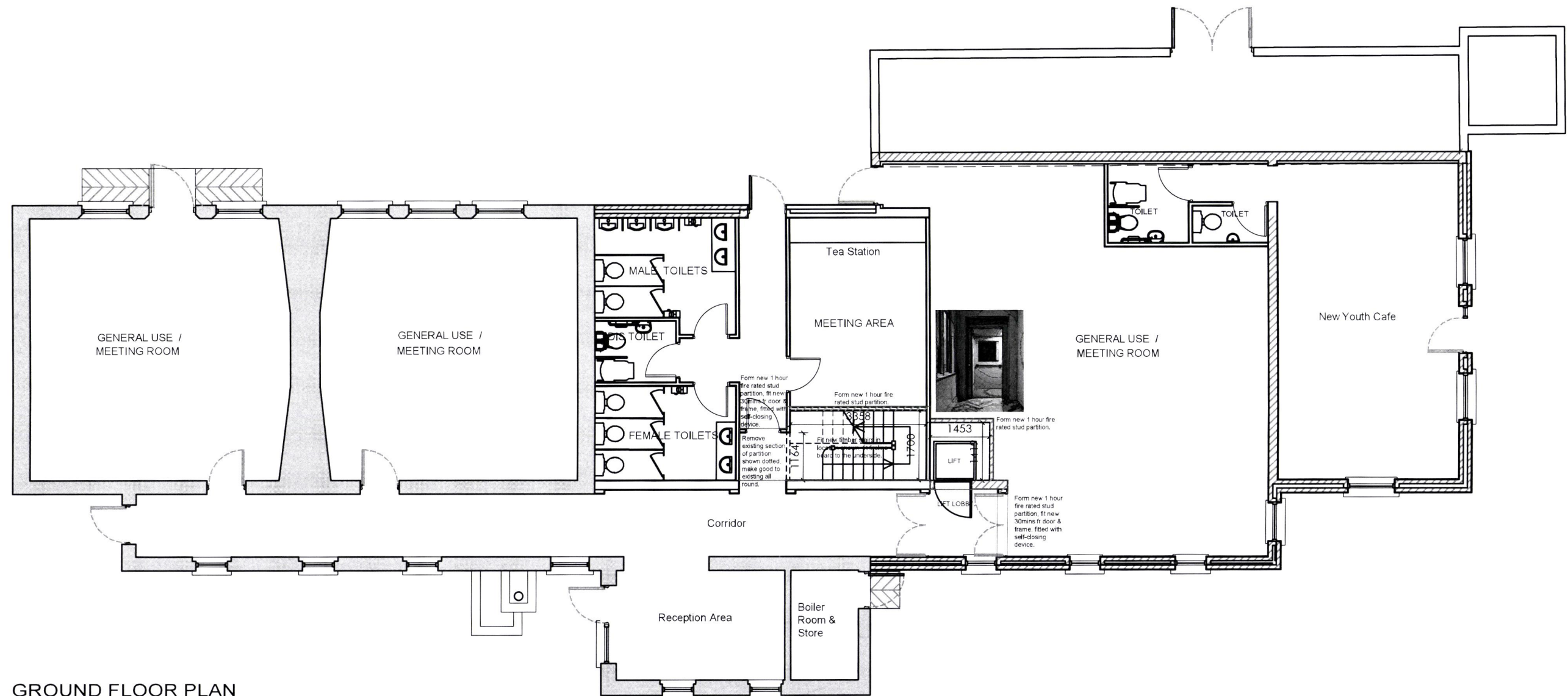


SECTION C - C

PROJECT	
Parish Centre, junction of Kilcoole / Greystones Road (R761) and Lott Lane, Kilcoole, Co. Wicklow	
TITLE	
Section C-C- PROPOSED ATTIC FIT-OUT	
SCALE	DATE
1 : 50	Jan. 2025
DRAWING NO	REVISION
KCC - 2025 -SK003	



**Kilcoole Community
Development
Association Ltd.**



GROUND FLOOR PLAN

PROJECT	
Parish Centre, junction of Kilcoole / Greystones Road (R761) and Lott Lane, Kilcoole, Co. Wicklow	
TITLE	
Proposed Ground Floor Plan Alterations	
SCALE	DATE
1 : 100	Jan. 2025
DRAWING NO	REVISION
KCC - 2025 -SK001	

OSi PLACE Map

CENTRE COORDINATES:
ITM 729513,708831

PUBLISHED: 26/02/2022
ORDER NO.: 50253067_1

MAP SERIES: 1:2,500
MAP SHEETS: 3732-C

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